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SAUSALITO PLANNING COMMISSION
Wednesday, February 3, 2010
Approved Minutes

Call to Order

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

Present: Vice-Chair Stan Bair, Commissioner Joan Cox, Commissioner Stafford Keegin, Commissioner Bill Werner

Absent: Chair Bill Keller

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

Commissioner Bill Werner was welcomed to the Commission.

Commissioner Keegin indicated he would recuse himself from Item 5 (Binkley/55 Santa Rosa) and asked to be excused from Item 6 (Priority Project List), but would provide the Community Development Director with written suggestions regarding Item 6.

Approval of Agenda

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

Approval of Minutes

December 16, 2009

January 6, 2010

January 20, 2010

Commissioner Keegin moved and Commissioner Cox seconded a motion to approve the minutes as amended by the revisions distributed at the meeting. The motion passed 3-0-1 (Werner-Abstain).

Public Comments

None.

Public Hearings

- 1. AP 09-094, Appeal of an Administrative Decision, Clipper Yacht Harbor, 350 Harbor Drive.** Appeal of an Administrative Decision that 1) the seating for Fish restaurant must comply with Planning Commission Resolution No. 4732 which allows for 22 outdoor seats and 48 indoor seats, and 2) a single-seat bench should be no longer than 24 inches. This hearing was continued from the November 18, 2009 meeting.

1 Vice-Chair Bair indicated the applicant had requested the public hearing be
2 continued to the meeting of March 10, 2010.
3

4 Vice-Chair Bair moved and Commissioner Werner seconded a motion to continue
5 the public hearing for 350 Harbor Drive to the meeting of March 10, 2010. The
6 motion passed 4-0.
7

- 8 **2. DR 06-039, Design Review Permit Amendment, Leana Investments, 4**
9 **Bulkley Avenue.** Amendments of a previously approved Design Review Permit
10 for a carport and new single-family residence at 4 Bulkley Avenue (APN 065-171-
11 22). The amendments would allow the carport to be enclosed with fire-rated
12 glass walls on the north and south sides and remove the requirement for a no-
13 build easement on adjoining properties; relocate the entry access to the elevator
14 from the second level to the third level on the east (rear) façade of the carport;
15 and extend the carport roof over the elevator and enclose the carport staircase
16 on the highest (fourth) level with a solid wall with a stucco finish. This hearing
17 was continued from the January 20, 2010 meeting.
18

19 The continued public hearing was re-opened. Associate Planner Schinsing presented
20 the Staff Report.
21

22 Commission question to staff:

- 23
- 24 • Will the easement between 4 Bulkley Avenue and 6 Bulkley Avenue have the
25 City as a party to that easement? *Staff responded the condition is proposed to*
26 *remain as it was in the prior approval, which did have the City as a party to the*
27 *easement.*
28

29 Presentation was made by Ravi Anand, the applicant.
30

31 Commission questions for Mr. Anand and comments:

- 32
- 33 • Regarding replacing the open walls with glass, would you object to a condition
34 that nothing be placed in front of the glass that would obstruct the view? *Mr.*
35 *Anand responded no.*
 - 36 • The Building Code states when building on a property line there may not be
37 any unprotected openings. It would be preferable to provide protection by a fire
38 sprinkler system so that the glass would not be needed. Will the proposed
39 residence have a fire sprinkler system? *Mr. Anand responded yes.*
40

41 The public comment period was opened.

42 Laura Saunders, 71 Atwood Avenue, indicated the following:

- 43
- 44 • O'Connell's seat was built to be a peaceful place for the public to enjoy the
45 view. She asked the Planning Commission to honor that wish and keep the
46 view as open as possible.
47

48 The public comment period was closed.

49 Staff comment:
50

- 1 • The fire sprinkler option was not previously explored with Mr. Ravi. One option
2 could be for staff to explore that option and discuss it with the building
3 inspector and the plan check consultant.
4

5 Commission question to Mr. Ravi:

- 6 • Would you be opposed to having a sprinkler instead of fire-rated glass? *Mr.*
7 *Ravi responded no.*
8

9 Commission comments:

- 10 • The Commission would like to confirm that the fire-rated glass would not block
11 the view if it were determined that the sprinklers are not adequate. *Staff*
12 *responded Condition 4 indicates that the glass firewall must be constructed of*
13 *materials with a high transparency value and low reflective value. A sample of*
14 *the fire-rated glass shall be submitted for review and approval by the*
15 *Community Development Director prior to Building Permit issuance to ensure*
16 *they are getting the most transparent fire-rated glass available.*
17 • It is the consensus of the Commission to revise Condition 4 to stipulate that
18 sprinklers have to be installed and to leave the sides open unless it is
19 determined by the Community Development Director that it is not permissible
20 under the Building Code, in which case the fire-rated glass would be allowed
21 with the issue of its transparency left to the Community Development Director's
22 discretion, with an additional provision that boxes or any other view obstruction,
23 with the exception of an automobile, shall not be put against the glass wall.
24
25

26 **Vice-Chair Bair moved and Commissioner Keegin seconded a motion to approve**
27 **an amendment of the previously-approved Design Review Permit for 4 Bulkley**
28 **Avenue with the amended conditions as discussed. The motion passed 4-0.**
29

- 30 **3. DR 09-127, Design Review Permit, Bryant, 8 Channing Way.** Design Review
31 Permit for the construction of a 374 square foot single-car garage attached to the
32 west elevation of an existing single-family residence at 8 Channing Way (APN
33 065-191-50). This hearing was continued from the January 20, 2010 meeting.
34

35 The continued public hearing was re-opened. Assistant Planner Thornberry presented
36 the Staff Report.
37

38 Presentation was made by Leah Bryant, the applicant:
39

40 Commission questions to Mrs. Bryant:

- 41 • If the garage were 24 feet would this issue come up at all? *Mrs. Bryant*
42 *responded no, it would not.*
43 • And if the garage were 25 feet? *Mr. Bryant responded she did not think it would*
44 *come up, but she was not sure as they do not have a story pole at 25 feet, but*
45 *anything under 26 feet would not provide enough space to work at the inside*
46 *work bench.*
47
48
49
50

1 The public comment period was opened.

2
3 Jane Chow, 10 Channing Way, indicated the following:

- 4 • The photographs Mrs. Bryant provided were taken from the corner of the patio;
5 none were taken from the center of the patio.
- 6 • The garage length should be cut by 6 feet to make the garage line even with
7 the house line.

8
9 Raymond Chow indicated the following:

- 10 • His house would lose value if the view is impacted.

11
12 Shirley Chow indicated the following:

- 13 • They are not opposed to the garage, but they do not want it to have a
14 permanent impact on their property value. Their view is limited on one side by
15 the Bryant's home and they hope a garage will not further reduce it.
- 16 • She submitted photographs taken from the center of the patio that shows
17 where their view would be obstructed.
- 18 • The garage is proposed to be 11 feet wide, which should accommodate their
19 garbage cans.
- 20 • They support staff's recommendation that the garage be 24 feet long.

21
22 Lou Waddell, project architect, indicated the following:

- 23 • They would prefer a minimum garage length of 26 feet.
- 24 • A 24-foot garage would leave only four feet for a workshop area, which is not
25 enough.
- 26 • A 24-foot garage would make it impossible to put a window on the south
27 façade, which is the street facing elevation, to have the upper and lower
28 windows align, and to keep the same wood door and details that have been
29 praised by staff.
- 30 • Whatever garage length the Commission may decide upon the language for
31 approval should specify an alignment with a specific element of the existing
32 façade rather than specific number of feet for the length.

33
34
35 The public comment period was closed.

36
37 Commission comments:

- 38 • In order to approve a project subject to Heightened Review, as this project is,
39 the Commission is required to see that the site will be developed in a manner
40 that minimizes the obstruction of views from surrounding property and public
41 vantage points, particularly protected primary views, defined in the ordinance
42 as a view from a deck or patio, which could compel the Commission to approve
43 a 24-foot garage as recommended by staff.
- 44 • Regarding the architect's alignment versus length of garage, the Commission
45 is willing to listen if there is an architecturally compelling reason to make the
46 garage 25 feet, for example, rather than 24 feet.
- 47 • Photographs submitted by the applicants and the neighbors show how varied
48 the perception of alignment can be, which raises concern regarding having a
49 condition premised on alignment rather than dimension and leaving anything to
50

1 chance given the inability of the parties to reach a compromise. Staff's
2 suggestion that the 24-foot dimension avoids impacts to the neighbor's primary
3 view is correct.

- 4 • This is not a major impact on a primary view. The fact that the Berkeley
5 fireworks are not visible on the 4th of July from one particular place on that deck
6 is not persuasive. The garage impacts only a slice of the view.
- 7 • This house has a substantial number of diverse parts and it is slavish to look at
8 the garage in a manner that says the windows have to align with the windows
9 up above. Whether the garage is 24 feet or 26 feet does not make a difference,
10 so a solution could be to compromise and approve a 25-foot garage.

11
12 **Vice-Chair Bair moved and Commissioner Keegin seconded a motion to approve**
13 **a Design Review Permit for 8 Channing Way as amended with a 24-foot garage.**
14 **The motion passed 4-0.**

- 15
16 **4. DR 10-015, Conditional Use Permit for a Visitor-Serving Use, Bridgeway**
17 **LLC, 771 Bridgeway.** A Conditional Use Permit for a Visitor-Serving Use
18 involving a foot reflexology and massage therapy business located at 771
19 Bridgeway (APN 065-071-01).
20

21 The public hearing was opened. Assistant Planner Thornberry presented the Staff
22 Report.
23

24
25 Commission question to staff:

- 26 • The grandfathered parking spaces for this particular space in this building was
27 six, but the application only needs three. What happens to the other three
28 parking spaces? Do they stay grandfathered in forever? *Staff responded they*
29 *did not have an immediate answer, but could research the question. The*
30 *answer would depend on how the parking spaces came into existence for that*
31 *particular property.*

32
33 Presentation was made by Kevin Chen, the applicant.

34
35 Commission question to Mr. Chen:

- 36 • Do you currently have another location where you work? *Mr. Chen responded*
37 *he practices from his home in San Francisco where he is licensed.*

38
39 The public comment period was opened.

40
41 Bill Munce (phonetic) indicated the following:

- 42 • He is the general manager of the Casa Madrona Hotel and Spa.
- 43 • The draft Resolution Item B incorrectly states there are no foot reflexology
44 and/or massage therapy businesses located in the general vicinity of 771
45 Bridgeway or the entirety of the zoning district. In fact the Casa Madrona's full
46 service spa offers massages, making it a direct competitor and an overuse of
47 that business.
- 48 • Putting the proposed business next to the Casa Madrona Hotel and Spa is
49 equal to putting a McDonald's next to Poggio restaurant.

1
2 Commission question to Mr. Munce:

- 3 • Does the Casa Madrona spa offer foot reflexology? *Mr. Munce responded no.*
4

5 Linda Blum indicated the following:

- 6 • She manages the building at 771 Bridgeway where the proposed business
7 would be housed and has been a customer of the Casa Madrona Spa over the
8 years.
9 • The Casa Madrona Spa does not offer foot reflexology or chair massage. The
10 two businesses actually complement each other, because they are similar
11 services and do not directly overlap.
12 • The business would be a nice addition to Bridgeway which otherwise does not
13 have any kind of massage service available to tourists here for a short time.
14

15 Larry Mendel indicated the following:

- 16 • He owns Poggio restaurant and is the next-door neighbor to the project site.
17 • There are between 6-12 facilities in Sausalito that offer massages, but he is not
18 sure if any offer foot reflexology. The proximity to the Casa Madrona Spa and
19 the other facilities that offer massage is a significant overuse of that discipline.
20 • Casa Madrona has struggled, both the hotel and spa, and putting another
21 facility next door to it would be a detriment.
22
23

24 Rebuttal comment by Mr. Chen:

- 25 • He does not want to take business from the Casa Madrona. His business
26 would not be a spa. His goal is to offer different services to a target group of
27 people walking by, both tourists and residents.
28

29 The public comment period was closed.
30

31 Commission question to staff:

- 32 • Does staff know about other massage services in Sausalito and where they are
33 located? *Staff responded they are not aware of facilities offering massage*
34 *other than Casa Madrona, but when they researched they did not think of foot*
35 *reflexology and massage as the same service.*
36
37

38 Commission comments:

- 39 • This will not create an overconcentration of a specific use. The types of
40 services offered by the Casa Madrona Spa are different than foot reflexology
41 and clothed massage. Also the applicant's business would be on a walk-in
42 basis whereas appointments are necessary at the Casa Madrona Spa.
43 • Equating the proposed Living Energy Massage to a McDonalds is insulting.
44 • There is a question of whether walk-in foot traffic will be enough to sustain the
45 proposed business, but that is not an appropriate basis on which to deny a
46 potential business a permit.
47 • The building at 771 Bridgeway is an unattractive structure. Adding this
48 particular tenant would do nothing to improve that.
49
50

1 Commission question to Mr. Chen:

- 2 • Would you have an objection to limiting the hours to 11:00am-8:00pm as you
3 have proposed? *Mr. Chen responded no.*

4
5 Conditions of Approval:

- 6 • The hours of operation shall be 11:00am-8:00pm.
- 7 • The name of the business shall not include the word “spa.”

8
9
10 **Vice-Chair Bair moved and Commissioner Cox seconded a motion to approve a**
11 **Conditional Use Permit as amended for 771 Bridgeway. The motion passed 3-1**
12 **(Keegin-No).**

- 13
14 **5. DR-09-208, Design Review Permit, Binkley, 55 Santa Rosa Avenue.** Design
15 Review Permit to permit modifications to a previously-approved Design Review
16 Permit at 55 Santa Rosa Avenue (APN 065-123-17) and removal of Condition 7
17 of Resolution 2003-56 pertaining to a replacement fire hydrant.

18
19 **Commissioner Keegin recused himself since he lives within 500 feet of the**
20 **project site.**

21
22 The public hearing was opened. Associate Planner Burns presented the Staff Report.

23
24 Commission questions to staff:

- 25 • Is there any change in the height of the building and the square footage from
26 what was previously approved? *Staff responded the height has not changed,*
27 *because that was a point of contention throughout the history of the project.*
28 *The square footage is slightly less.*
- 29 • Is the residence larger on the lower level? *Staff responded it is larger on the*
30 *lower level and reduced on the upper level which translates to 14 square feet*
31 *less floor area and 72 square feet less building coverage.*

32
33 Presentation was made by Michael Moyer, the applicant.

34
35 Commission question to Mr. Moyer:

- 36 • Regarding the setback on the long wall, is it an issue for you to move the
37 building over? *Mr. Moyer responded they would rather not do it, but they will if*
38 *they have to.*

39
40 The public comment period was opened. There being none, the public comment period
41 was closed.

42
43 Commission comments:

- 44 • This looks like an old-time Sausalito house that belongs here and is worth
45 approving without the Condition of Approval regarding enhancing the
46 articulation of the house.
- 47 • In the right side elevation the header of the door just barely peeks over the
48 retaining wall with the lower portion of the house not visible, so there is no
49 reason to change it.

1
2 Staff comment:

- 3
- 4 • Since the Commission will be eliminating Condition 6A (regarding the architectural articulation), Condition 6B will become 6A.
 - 5 • There will be a 7 foot 7.2 inch increased setback.
- 6

7 **Vice-Chair Bair moved and Commissioner Werner seconded a motion to approve**
8 **a Design Review Permit to permit modifications to the previously-approved**
9 **Design Review Permit as amended for 55 Santa Rosa Avenue. The motion passed**
10 **3-0.**

11

12 **6. FY 2010-11 Priority Calendar, City of Sausalito.** Suggestions for FY 2010-11
13 Priority Calendar.

14

15 Community Development Director Jeremy Graves presented the report.

16

17 **Old Business**

18 None.

19

20 **New Business**

21 None.

22

23 **Communications**

- 24
- 25 • Staff—Staff has been working with the Historic Landmarks Board (HLB) on
26 review of the Historic Design Guidelines. The consultant presented an
27 administrative draft of the Historic Design Guidelines to the HLB in early January
28 2010. Staff will give the HLB's comments to the consultant at the end of next
29 week. The consultant will then put together a public review draft of those
30 guidelines, and that will be the draft brought forward to the Planning Commission
31 for its review. Public hearings are tentatively scheduled for May 2010.
 - 32 • Staff—Staff is arranging a joint meeting of the Planning Commission and City
33 Council.
- 34

35 **Adjournment**

36 The meeting was adjourned at 8:41 p.m.

37

38

39 /s/ JEREMY GRAVES

40 Submitted by
41 Jeremy Graves, AICP
42 Community Development Director

39 /s/ BILL KELLER

40 Approved by
41 Bill Keller
42 Chair

43

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