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SAUSALITO PLANNING COMMISSION
Wednesday, March 10, 2010
Approved Minutes

Call to Order—Joint Meeting with Historic Landmarks Board

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

Planning Commission:

Present: Chair Bill Keller, Commissioner Joan Cox, Commissioner Stafford Keegin, Commissioner Bill Werner

Absent: Vice Chair Stan Bair

Historic Landmarks Board:

Present: Chair Thomas Theodores, Board Member Denina Frederickson, Board Member Vicki Nichols, Board Member Morgan Pierce, Board Member Brad Paul (arrived at 6:45)

Absent: None

Staff:

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

Approval of Agenda

Chair Keller moved and Commissioner Werner seconded a motion to approve the agenda. The motion passed 3-0.

Approval of Minutes

February 3, 2010

February 17, 2010

By consensus, consideration of the Minutes was postponed to the meeting of March 24, 2010.

Public Comments

None.

Public Hearings

1. DR 10-029, Design Review Permit, City of Sausalito, Plaza Vina Del Mar.

Design Review Permit to allow accessibility improvements at Vina Del Mar Park located at the intersection of Bridgeway with El Portal and Tracy Way (APN 065-074-01).

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

1 Commission questions to staff:

- 2
- 3 • Why was it suggested to run the 48-inch walkway directly across as opposed to
4 cutting through, which necessitates removing bushes in the planter area? *Staff*
5 *responded the consulting arborist determined the suggested path is needed to*
6 *avoid the taproots of the cedar tree and moving the path to the east would*
7 *affect the root system of the palm tree.*

8 Staff Engineer Andy Davidson made a presentation on the project.

9
10 Gary Waters of Architerra Macrae Architects, the City's design consultant, made a
11 presentation on the project.
12

13 Commission question to Mr. Waters:

- 14
- 15 • Would the decomposed granite be conducive to ADA access and could it be
16 messy? *Mr. Waters responded the path is ADA compliant. They propose to use*
17 *"Gravel Pave," which is specifically designed to hold decomposed granite in*
18 *place, accept heavy traffic loads, and provide an acceptable surface for*
19 *wheelchair and walker use by providing a stable and firm surface. The Gravel*
20 *Pave material is about 1 inch thick; a series of heavy-duty interconnected*
21 *plastic rings in a roll. It is rolled out onto a compacted base, secured to the*
22 *base, and filled with gravel. The gravel is held well by the ring system, but it is*
23 *still loose to allow water and air to penetrate, so it is possible some loose*
24 *gravel could come out.*
 - 25 • How are you avoiding the ADA or the California Building Code requirement for
26 the handrails on the stairs? *Mr. Waters responded the stairs are not ADA*
27 *compliant but are not being addressed at this point because they are not part*
28 *of the Settlement Agreement. From a Building Code point of view the California*
29 *Building Code (CBC) states when specific access improvement projects are*
30 *done, the scope of work can be limited to the actual proposed access*
31 *improvement without triggering other access work. From an ADA point of view*
32 *this is an existing facility separate from other major improvements that would*
33 *involve working on the stairs. The City is obligated to provide program access*
34 *to the park, so the agreement in the Settlement Agreement is that by providing*
35 *the ramp up to the platform and the walkway around the fountain the City has*
36 *met its obligations for program access to the park so upgrades to the stair*
37 *railings are not required at this point.*
 - 38 • Why does the walkway around the fountain narrow to less than 4 feet at the
39 westerly palm tree? *Mr. Waters responded it narrows to less than 4 feet, but*
40 *the overall walkway width is sufficient. There is close to 6-6.5 feet of walkway*
41 *width around the fountain. There is a provision in the Code that says when*
42 *encountering an impediment that restricts the pathway width it can be restricted*
43 *for a certain distance; they are close to complying with that even in the Gravel*
44 *Paved area. The path around the fountain comes to a dead end and they need*
45 *a sufficient space for wheelchairs and walkers to turn around. Instead of*
46 *creating a bump out they maintained the 48 inches all the way around.*
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1 Commission question to staff:

- 2
- 3 • Do the terms of the Settlement Agreement specifically say access to the
4 fountain has to be provided? *Staff responded yes, the City has agreed to
5 provide access to the fountain in the upper landing of the steps at the
6 Bridgeway Street entrance.*

7 Historic Landmarks Board (HLB) questions to Mr. Waters:

- 8
- 9 • The HLB desired to minimize the look of the railings on the ramps. Does the
10 term “nosings” refer to the loop at the end of the railings, and are they
11 required? *Mr. Waters responded the Code requires a 12-inch minimum
12 extension that runs parallel to the ground beyond the run of the ramp into the
13 landing before returning.*
 - 14 • Are the vertical bars of the railing for structural purposes and is that the
15 minimum distance allowed? *Mr. Waters responded the vertical bars are at the
16 minimum distance to provide structural support for the railing and match the
17 verticals on the existing rails at the platform.*

18 Ed Gurka, the City’s consulting arborist made a presentation.

19
20 Commission questions and comments to Mr. Gurka:

- 21
- 22 • If the pathway were to be put in on the east side of the cedar tree, at what
23 distance from that tree would you feel most comfortable? *Mr. Gurka
24 responded the further the better as the cedar’s roots go out 30 feet.*
 - 25 • Will the cedar’s root system go deeper the further out it goes from the tree, or
26 will it remain 5-6 inches below the surface? *Mr. Gurka responded the roots will
27 be within the top 12-18 inches of soil, but the tree roots are smaller at greater
28 distances from the trunk. Within 4 feet of the tree are the buttress roots, but at
29 30 feet out there are only secondary roots, if anything.*
 - 30 • The plan calls for building right up against the westerly palm tree. *Mr. Gurka
31 responded the root ball for palm trees goes out only 2 feet out from the trunk.
32 It is probable that 8-10 percent of the roots will be cut to install the pathway,
33 but the roots will regenerate.*

34
35 The public comment period was opened.

36
37 Peter Van Meter, 4 Cloudview Circle, indicated the following:

- 38
- 39 • The consensus at the January 2010 workshop was it may be feasible to lower
40 the platform, which has no historical significance because it was rebuilt in the
41 1980s, to provide access to the fountain directly from Bridgeway. Staff was to
42 have investigated that possibility and reported at tonight’s meeting. He would
43 like to hear staff’s additional study. *Staff responded the platform is considered
44 an historic element and to review the feasibility of lowering it they would need
45 to hire an architectural historian to prepare an evaluation. It would also be
46 subject to further CEQA review. In addition lowering the platform might be a
47 major design change and subject to the voter approval requirement of
48 Ordinance No. 1128. Staff is looking at the least amount of work needed to
49 comply with the terms of the Settlement Agreement.*

- 1 • Staff concludes the Settlement Agreement trumps Ordinance No. 1128, but
2 citizens may challenge that opinion.
3

4 Michael Rex indicated the following:

- 5 • He attended the January 2010 workshop and does not see a reason for dead
6 ends on the fountain pathway. People will not turn around but will squeeze
7 along the concrete or tread over the lawn. If the path goes along each side of
8 the westerly palm tree, it could do the same on the east end.
9 • Lowering the platform would make the fountain more a part of the streetscape,
10 negate the need for ramps, provide no impact on the trees, and would be more
11 ADA compliant. The intent of the ADA is to remove barriers seamlessly so
12 people in wheelchairs are not treated separately. The direction to do the
13 minimum needed to meet the Settlement Agreement is driven by fear of cost
14 over process.
15

16 Jacques Ullman, 423A Litho Street, indicated the following:

- 17 • He attended the January 2010 workshop and is disappointed at the lack of
18 response to the majority of opinions expressed there, mostly related to the
19 steps.
20 • When concentrating on design only it is obvious the platform should be
21 lowered. It would eliminate all the problems of tree impact, gravel, et cetera
22 and eliminate the ugly railings.
23 • There should be a better flow around the corner on the northern end, which is
24 an awkward corner. It will be congested and people will bump against each
25 other.
26 • In response to Mary Ann Sears' suggestion that people are damaging the
27 fountain by walking and sitting on it, a solution could be to remove the platform
28 and erect a stonewall similar to the others with a gate in the middle. People
29 could sit on the wall with the fountain in the background and the gate could be
30 opened for special events.
31
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33 The public comment period was closed.
34

35 Commission questions to staff:

- 36 • Is there a time limit on the Settlement Agreement? *Staff responded the time*
37 *limit has expired. The improvements were to have been completed within two*
38 *years of the approval of the agreement in 2006, which is one of the reasons the*
39 *plans are limited to the accessibility issues.*
40 • Is staff convinced if the platform were to be removed that it would fall under
41 Ordinance No. 1128? *Staff responded they are not convinced, but they do*
42 *have historic photographs showing the platform. Removing the platform is a*
43 *larger design change than the current project.*
44 • Is there a design that is part of the Settlement Agreement and does the
45 agreement require compartment with the concept of those designs? *Staff*
46 *responded the plaintiff's expert submitted suggestions, but the City is free to*
47 *choose another manner of providing accessibility. If the City does something*
48 *different then the plaintiff's expert will review the proposed pathways for the*
49
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1 *limited purpose of approving the accessibility issue, but will otherwise have no*
2 *say over the design or aesthetic issues.*
3

4 Historic Landmarks Board comments:

- 5 • The HLB has looked at this project as a very limited ADA issue. Any other
6 design should be voted on by the citizens and has to be clearly vetted to
7 determine if the platform is historic.
- 8 • The platform is historic. There are literature and photographs showing it used
9 as a reviewing stand. It was remodeled in the 1980s, but HLB believes it can
10 be considered historic.
- 11 • The HLB agrees with the proposed project, but would like to review:
 - 12 ○ Structures that house the relocated utilities;
 - 13 ○ The final landscape plan; and
 - 14 ○ The handrails.

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17 Commission comments:

- 18 • The suggestion to remove the platform is good, but there should be a near-
19 term solution to satisfy the plaintiff and ADA concerns.
- 20 • The pathway solution could turn into a major thoroughfare with gravel scattered
21 everywhere. The pathway could be improved if it were moved further east
22 away from the cedar tree.
- 23 • This plan is a banal, expedient degradation of the quality of the park in order to
24 satisfy the terms of the Settlement Agreement. The proposed railings give no
25 thought to the elegance of a handrail. The solutions are partial and
26 compromised in terms of the access around the fountain that leave out both the
27 state and ADA accessibility requirements and leave the City open to more
28 lawsuits.
- 29 • A temporary bandstand/viewing platform could easily be erected when needed
30 if the platform were removed.
- 31 • The proposed plan is not in the interest of the City, the quality of the space, or
32 its historical significance.
- 33 • The current design is far more abusive to the site than removing the platform
34 would be, which is the obvious and best approach in terms of the overall
35 design of the site and platform/fountain area. The City would be remiss if it did
36 not explore and understand that option.
- 37 • There is a lack of design cohesion due to the overriding interest in fulfilling the
38 requirements of the Settlement Agreement.
- 39 • A path around the fountain should go all the way around and not dead end.
- 40 • We need to review a copy of the Settlement Agreement.

41
42
43 **Planning Commission Chair Keller moved and Commissioner Cox seconded a**
44 **motion to continue the public hearing for Plaza Vina Del Mar Accessibility**
45 **Improvements to a date uncertain. The motion passed 4-0.**

46
47 **Historic Landmarks Board Chair Theodores moved and Board Member Pierce**
48 **seconded a motion to continue the public hearing for Plaza Vina Del Mar**
49 **Accessibility Improvements to a date uncertain. The motion passed 5-0.**
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1 **Historic Landmarks Board Chair Theodores moved and Board Member**
2 **Frederickson seconded a motion to adjourn the meeting of the Historic**
3 **Landmarks Board. The motion passed 5-0.**

- 4
5 **2. AP 09-094, Appeal of an Administrative Decision, Clipper Yacht Harbor, 350**
6 **Harbor Drive.** Appeal of an Administrative Decision that 1) the seating for Fish
7 restaurant must comply with City Council Resolution No. 4732 which allows for
8 22 outdoor seats and 48 indoor seats, and 2) a single-seat bench should be no
9 longer than 24 inches. This hearing was continued from the February 3, 2010
10 meeting.

11
12 **Chair Keller indicated the applicant had requested the public hearing be**
13 **continued to the meeting of April 14, 2010.**

14
15 **Chair Keller moved and Commissioner Cox seconded a motion to continue the**
16 **public hearing for 350 Harbor Drive to the meeting of April 14, 2010. The motion**
17 **passed 4-0.**

- 18
19
20 **3. DR/EA 09-110, Design Review Permit, Encroachment Agreement, Revelle,**
21 **515 North Street.** Design Review Permit and a recommendation of City Council
22 approval for an Encroachment Agreement to construct a parking pad and
23 stairway in the public right-of-way fronting 515 North Street (APN 065-233-18).

24
25 **Chair Keller indicated he would recuse himself because he lives within 500 feet of**
26 **the subject property.**

27
28 **As a point of order Chair Keller indicated to the applicant that because he had**
29 **recused himself and one commissioner was absent a 3-0 vote would be needed**
30 **rather than a majority to approve the application.**

31
32 The public hearing was opened. Associate Planner Burns presented the Staff Report.

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34 Commission questions of staff:

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- The Staff Report indicated the applicant considered moving the parking pad to a different area but was concerned it would interfere with the root system of a protected Coast Live Oak. Does staff have an opinion as to which location is preferable given that one location requires an Encroachment Agreement and the other could possibly endanger a protected tree? *Staff responded because Coast Live Oaks are protected pursuant to the Trees and Views regulations, and because the parking pad in the proposed location would not create a privacy, view, or light and air impact on 507 North Street that currently-proposed location was the preferred alternative. An Encroachment Agreement would be required in either location.*
 - Does staff have any perspective on the comment from the owner of 507 North Street regarding potential impacts, particularly whether it would impact a primary view? *Staff responded the direct view from the residence at 507 North Street is to the applicant's house. The retaining wall can be seen from that*

1 *window, but it is far enough away to not create light and air or privacy issues.*
2 *There is no primary view impact as defined by the Zoning Ordinance.*

3
4 Presentation was made by Carolyn Revelle, the applicant, and Donna Warrington,
5 architect.

6
7 The public comment period was opened.

8
9 Margaret Badger, 625 Locust Street, indicated the following:

- 10 • Carolyn Revelle wants to construct a parking space on her property to help
11 relieve congestion in her neighborhood as well as improve access to her home.

12
13 Michael Rex indicated the following:

- 14 • The owner of 507 North Street asked him to review the plans. He met with the
15 applicant and she implemented all his suggestions.

16
17 Jacques Ullman, 423A Litho Street, indicated the following:

- 18 • The applicant is a very considerate person who has taken her neighbor's
19 comments seriously and responded to them. He cannot think of any reason
20 why there would be an objection.

21
22 The public comment period was closed.

23
24
25 **Commissioner Werner moved and Commissioner Keegin seconded a motion to**
26 **approve a Design Review Permit and Encroachment Agreement for 515 North**
27 **Street. The motion passed 3-0.**

28
29 **Chair Keller returned to the meeting.**

30
31 **Old Business**

- 32
33 **4. FY 2010-11 Prioritized Project List, City of Sausalito.** Suggestions for FY
34 2010-11 Prioritized Project List.

35
36 Community Development Director Jeremy Graves presented the Staff Report.

37
38 **The Commission approved by consensus a motion to continue consideration of**
39 **the FY 2010-11 Prioritized Project List to the meeting of March 24, 2010.**

40
41 **New Business**

- 42
43 **5. Site Visit Policy, City of Sausalito.** Review of draft policy regarding the conduct
44 of Planning Commission site visits.

45
46 Community Development Director Jeremy Graves presented the Staff Report.

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48 **Commissioner Keegin moved and Chair Keller seconded a motion to adopt the**
49 **draft resolution as proposed by staff. The motion passed 4-0.**

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Communications

- Staff:
 - Staff is still working on the dates for the Planning Commission/City Council joint meeting.
 - The Zoning Administrator approved a Lot Line Adjustment on the common property line between the police station and the uphill adjoining residential property owned by Hock and Jones. The adjusted area is approximately 190 square feet that was shifted from the police station to the Hock/Jones property per the agreement between the two parties.
 - The monthly report was emailed this afternoon to members of the Planning Commission and Historic Landmarks Board.
 - The City Council will take up the approval of the stairs in the South Street right-of-way for the Paula Bruce project on the Consent Calendar at the next meeting.
 - The City Council may hear or continue the appeal of the Akraboff property at 600 Locust Street at the Council's next meeting. The two parties were not able to reach a compromise, although the applicant made some project modifications.

Adjournment

The meeting was adjourned at 9:35 p.m.

 /s/ JEREMY GRAVES
Submitted by
Jeremy Graves, AICP
Community Development Director

 /s/ BILL KELLER
Approved by
Bill Keller
Chair

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