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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, May 12, 2010**  
**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 Joan Cox,  
Commissioner Stafford Keegin, Commissioner Bill Werner

Staff: Community Development Director Jeremy Graves  
Associate Planner Lilly Schinsing,

**Approval of Agenda**

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

**Approval of Minutes**

April 28, 2010

**Chair Keller moved and Vice Chair Bair seconded a motion to approve the minutes of April 28, 2010 as amended. The motion passed 5-0.**

**Public Comments**

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

- Regarding the accessibility to Plaza Vina del Mar, he and others have requested the alternative of lowering the pedestal and requests that this alternative be explored to the same extent that the current proposal has been explored so they can be compared fairly.
- This alternative would not change the park other than lowering the pedestal and removing the steps. No plant material would be affected, including the hedge.
- The current proposal would remove part of the hedge, which would allow the ramp, railings, and other entrance to be seen. An image should be included in the current proposal that would show this effect on the view.

Phillip Snyder, 20 Girard Avenue, indicated the following:

- He supports Mr. Ullman's comments and hopes the momentum for the City's current proposal regarding access to Plaza Vina del Mar does not reach a point where alternatives are no longer considered.

Staff comments:

- The Department of Public Works and the Community Development Department are jointly preparing a Staff Report regarding access to Plaza Vina del Mar that

1 will be heard by the City Council at their first June meeting. The Staff Report  
2 will present three options:

- 3     o 1) The original "ramp" option proposed in the Leffingwell plan.  
4     o 2) A "no landing" option as described in Mr. Ullman's comments this  
5         evening.  
6     o 3) A "design review exemption" option whereby the City Council may  
7         determine that this project is exempt from Design Review.  
8     • This will be a full agenda item before the Council with opportunity for public  
9         comment.  
10    • If the Council selects the "ramp" option or "no landing" option, staff's  
11         recommendation is for the item to return back to a joint public hearing of the  
12         Planning Commission and Historic Landmarks Board for action on a Design  
13         Review Permit.  
14

15 Commission question to staff:

- 16     • If the Planning Commission does not like the option chosen by the City  
17         Council, can the Commission deny it? *Staff responded yes, although staff and*  
18         *the public have the ability to appeal any Planning Commission or Historic*  
19         *Landmarks Board action to the City Council.*  
20

## 21 **Public Hearings**

- 22     **1. DR/VA/EA 10-063, Design Review Permit, Variance, Encroachment**  
23     **Agreement, City of Sausalito and Turney Street Properties, 1300 Block of**  
24     **Bridgeway.** Design Review Permit, Variance, and Encroachment Agreement for  
25     the replacement of the existing Sausalito-Marin City Sanitary District pump  
26     station with a new submersible pump station, construction of a partially-enclosed  
27     utility area to house electrical switchgear and controls, relocation of an existing  
28     emergency standby generator, and installation of an 8 foot, 2 inch tall screening  
29     fence at the southeast corner of Bridgeway and Locust Street (APN 065-032-03).  
30     The public hearing was continued from the April 14, 2010 meeting.  
31  
32  
33

34 The continued public hearing was re-opened. Associate Planner Schinsing presented  
35 the Staff Report.  
36

37 Commission questions to staff:

- 38     • The rendering of the building shows glass blocks going the entire length of the  
39         building, but the plans dated May 6<sup>th</sup> show the blocks broken up into two areas  
40         with brick between them. Are the May 6<sup>th</sup> plans what the Commission is  
41         considering this evening? *Staff responded that is correct. The glass blocks had*  
42         *to be separated into two areas for structural reasons and that is what the*  
43         *Commission is being asked to consider.*  
44

45 Commission questions to Bob Simmons, Manager of the Sausalito-Marin City Sanitary  
46 District, the applicant:

- 47     • What will provide the structural support to the remaining horizontal wall without  
48         the eastern perpendicular half wall? *Mr. Simmons responded the glass blocks*  
49         *were broken into two areas in order to provide concrete columns at the center*  
50

1 *and ends for structural strength. The wall is self-supporting without the wing*  
2 *walls, but they request to keep it at half height, as there is a washbasin and*  
3 *temporary portable generator connection attached to it.*

- 4 • Has the City provided feedback regarding whether that would be acceptable?  
5 *Mr. Simmons responded the City has responded it may be acceptable, but*  
6 *would be subject to City Attorney review.*

7  
8 Commission question to staff:

- 9 • Can the Commission vote on the southern wing wall issue? *Staff responded*  
10 *they have drafted an amended condition which states that the wing wall on the*  
11 *south side could be added at a reduced height, if this would be consistent with*  
12 *the definition of floor area, as determined by the City Attorney.*

13  
14 The public comment period was opened.

15  
16 Chuck Donald, 254 Spencer Avenue, indicated the following:

- 17 • Is the electrical service to this pump station, which he assumes will be  
18 undergrounded, being discussed with PG&E? If not, he requests the City get  
19 PG&E involved.

20  
21 Commission question to Mr. Simmons:

- 22 • What was determined at the last meeting in terms of undergrounding the  
23 electrical? *Mr. Simmons responded they would be undergrounding from a pole*  
24 *on the north side of Locust Street to the pump station. Two hundred and fifty*  
25 *feet of overhead would be undergrounded from that pole. The existing pole at*  
26 *the station will be gone.*
- 27 • Has PG&E been consulted about this project? *Mr. Simmons responded yes.*  
28 *They have utility relocations for the gas line, water line, and the electrical, and*  
29 *have been in contact with all the providers.*

30  
31  
32 Chuck Donald, 254 Spencer Avenue, indicated the following:

- 33 • The pole on the north side of Locust Street is the primary pole that should be  
34 removed, and it sounds like that is where the underground circuits are going to  
35 come from. There is a pole on the east side of the 60-foot right-of-way that is  
36 almost as close to the project and could be used. It would be better for the  
37 future development of Locust Street going out to the marina.

38  
39 The public comment period was closed.

40  
41 Staff comments:

- 42 • One option would be for the Commission to add a Condition of Approval  
43 indicating that if it is possible to run an underground line in the public right-of-  
44 way without the need for any easements on private property, that option should  
45 be used. If that is not possible, then the District should continue with its current  
46 plan of going across the street. The issue is whether the pole at this general  
47 location is inside private property and would an additional easement be  
48 required to span the gap from the edge of the right-of-way over to the pole.

1 Comment from Mr. Simmons:

- 2
- 3 • The Condition of Approval should include the words, "if sufficient power is  
4 available at Pole B." Pole B will be changed from the current 240-volt service to  
5 480-volt service. It is unknown if that service is available from that pole.

6 Commission comments:

- 7
- 8 • The Commission could add a Condition of Approval that staff shall determine  
9 which is the best pole to use for undergrounding based on the easements and  
10 the power capability of the poles, rather than have it come back to the  
11 Commission.
  - 12 • Included in the Condition of Approval should be the City's long-term goal to  
13 eliminate overhead power lines. It should not be automatic that the applicant  
14 uses the pole on the north side of Locust instead of the pole on the south side  
15 of Locust if the south Locust pole requires an easement, because getting an  
16 easement may not be difficult.

17 Amendments to the Conditions of Approval:

- 18
- 19 • Condition 1 shall be modified to read, "The half wall on the eastern side of the  
20 utility enclosure shall be a half-height wall if allowed by the zoning ordinance  
21 relative to floor area ratio regulations." The second sentence shall be stricken.
  - 22 • Condition 4 shall be modified to read, "The generator shall be painted a dark  
23 color to match the color of the fence or other color subject to the review and  
24 approval of the Community Development Director to minimize its bulk."
  - 25 • Condition 34 shall be modified pursuant to the Commission's discussion  
26 regarding staff's ability to approve the final location of the appropriate terminus  
27 with the understanding of the preference of undergrounding utilities, and using  
28 the south Locust pole location if feasible.

29  
30 **Commissioner Werner moved and Chair Keller seconded a motion to approve a**  
31 **Design Review Permit, Variance, and Encroachment Agreement for the 1300**  
32 **block of Bridgeway with the amended Conditions of Approval. The motion passed**  
33 **5-0.**

- 34  
35 **2. CUP/DR/MUP 10-062, Design Review Permit, Minor Use Permit, Conditional**  
36 **Use Permit, Restaurant Investors Fund V, 1250 Bridgeway.** Design Review  
37 Permit, Minor Use Permit, and Conditional Use Permit to allow construction of an  
38 outdoor pergola, outdoor dining area, and alcohol service at a restaurant at 1250  
39 Bridgeway (APNs 065-034-01 and 065-034-09).  
40

41 The public hearing was opened. Community Development Director Jeremy Graves  
42 presented the Staff Report.  
43

44 Commission questions and comments to staff:

- 45
- 46 • What is the basis for allowing the Planning Commission to approve a Minor  
47 Use Permit in excess of the guidelines so as to go from 20 to 22 seats? *Staff*  
48 *responded the Zoning Administrator is allowed to approve Minor Use Permits,*  
49 *but as this project had other components that brought it up to the Planning*  
50 *Commission level, staff has elevated this decision to the Planning Commission*

1 *level. Section 10.44.220.D of the Zoning Ordinance allows the decision-*  
2 *making body to approve extra seats.*

- 3 • Is it possible then to approve more than 22 seats? There appear to be more  
4 than 22 seats on the patio, specifically the two L-shaped benches to the left  
5 and right of the fire pit. The Commission does not want a future problem of  
6 there being a question as to how the seats were counted. *Staff responded*  
7 *there is no upper limit of seats. In order to avoid such a problem the length of*  
8 *the benches should be defined.*  
9

10 Presentation was made by Bill Higgins and Scott Gillespie, the applicants:  
11

12 Commission comment:

- 13 • There is enough parking to accommodate the 30 indoor seats, so it is up to the  
14 Commission to determine what type of overflow over and above the 22 outside  
15 seats that parking area could accommodate.  
16

17 Comment by Mr. Higgins:

- 18 • They have available to them a non-exclusive use of 11 additional parking  
19 spaces shared with Paradise Bay restaurant next door. They do not intend to  
20 have that additional parking to boost the outdoor seating. The total of 52 indoor  
21 and outdoor seats is based on their budget and finances.  
22

23 Commission question to Mr. Higgins:

- 24 • The plans you submitted show no tables or chairs on the front or rear decks. Is  
25 your intention not to use those at all? *Mr. Gillespie responded it was not their*  
26 *intention, but if the Commission allows them to use them, they would take*  
27 *advantage of that. If the Commission would grant them 30 outdoor seats they*  
28 *could accommodate that in a responsible manner and would welcome it.*  
29

30 Commission question to Mr. Gillespie:

- 31 • Can you clarify who the applicant is? *Mr. Gillespie responded Bridgeway Bight*  
32 *Inc. is the applicant and owner of this business venture and has three*  
33 *shareholders. Real Restaurants provides bookkeeping services to this*  
34 *company and does not own any restaurants, meaning Bridgeway Bight is not a*  
35 *chain as stated in the letter by Jeremy John.*  
36 • Who owns Bridgeway Bight, and do they own any other restaurants? *Mr.*  
37 *Gillespie responded Bill Higgins, Bill Upson, and Robert Price, and they do own*  
38 *other restaurants.*  
39 • Are those the restaurants listed in Mr. John's letter? *Mr. Gillespie responded*  
40 *Mr. Higgins and Mr. Upson have interests in other restaurants in northern*  
41 *California. Mr. Price has interests in two restaurants in northern California. Real*  
42 *Restaurant is not a large umbrella corporate; they have about 15-20*  
43 *employees and provide bookkeeping and paralegal services, including helping*  
44 *applicants apply for permits.*  
45 • Will this restaurant have the same menu as Picco Pizza? *Mr. Gillespie*  
46 *responded no, it will have its own unique menu.*  
47 • What is the relationship between Real Restaurants and Real American  
48 Restaurants? *Mr. Gillespie responded there is no relationship. They are not the*  
49 *same owners or partners.*  
50

1  
2 The public comment period was opened.  
3

4 Maurizio Rossetti indicated the following:

- 5 • In February 2010 he applied for a permit to open a Cinquecento Pizzeria at 45  
6 Caledonia Street and was approved.
- 7 • He was happy to see the Commission was concerned about how many other  
8 pizzerias there were in town that would be his competition and he felt  
9 protected.
- 10 • He was surprised to then find this pizzeria was applying to open in his vicinity,  
11 which could be devastating for his own business.  
12

13 Charlie Hamilton, 1250 Bridgeway, indicated the following:

- 14 • He is the landlord for the proposed pizzeria.
- 15 • Peet's Coffee was approved for this space with 30 seats inside and 22 outside.  
16 This project is only asking for what was approved for Peet's.
- 17 • Nearby businesses are worried about competition from this project, but  
18 whatever is in this building will compete with someone. He has a right to lease  
19 his space to a good operator, such as this applicant, who has a great plan and  
20 a good use for this space.  
21

22  
23 The public comment period was closed.  
24

25 Commission questions of the applicant:

- 26 • There are concerns regarding music outdoors after 9:00pm and you have  
27 asked to be open until 10:00pm. Would there be music outdoors? *Mr. Hamilton*  
28 *responded they are sensitive to the neighbors and are happy to keep the*  
29 *outside music down to an appropriate decibel level and turn it off at a time the*  
30 *Commission thinks is appropriate.*
- 31 • Would your hours of operation be from 11:30am to 10:00pm? *Mr. Hamilton*  
32 *responded they have requested to be open on the weekends at 10:00am on*  
33 *the off chance that they might serve brunch, although that is currently not*  
34 *planned.*
- 35 • How expansive would the menu be? *Mr. Hamilton responded it is a fairly*  
36 *limited menu, basically pizza, a few baked pasta dishes, one Panini option, and*  
37 *a small dessert menu.*  
38

39 Commission comments:

- 40 • The Commission is sympathetic to Mr. Rossetti's concerns, who also plans to  
41 open a pizzeria nearby, but this project falls within what is allowed by right in  
42 this zoning district and the applicant is a viable tenant. Unfortunately Mr.  
43 Rossetti's establishment falls in a different zoning district that required the  
44 Commission to look at neighboring uses as part of their decision process, but  
45 this zoning district does not. There are also significant differences between this  
46 restaurant and the one Mr. Rossetti intends to open.
- 47 • The way the ownership has been conveyed to the Commission and the fact  
48 that this is a separate entity shows this project does not fall within Formula  
49 Retail regulations. The definition of Formula Retail requires the business to  
50

1 maintain a standardized array of services, merchandise, logo, et cetera, key to  
2 franchise operations, which this clearly is not. Common ownership is not an  
3 element of the Formula Retail regulations.

- 4 • It is not the role of the Planning Commission in administering the Zoning  
5 Ordinance to resolve competitive issue amongst merchants, who should not  
6 look to the Planning Commission to protect them from competition.
- 7 • There are two separate parcels, both under the same ownership, with Paradise  
8 Bay and this building on one and the parking for both on another. There is  
9 nothing in the deed to prevent the owner from selling off part or all of the lot  
10 with the parking. There should be deed restrictions on the lot that contains the  
11 parking that says parking shall remain there for the benefit of those  
12 restaurants. Or, a cleaner way would be to merge the parcels.
- 13 • The plans for landscaping stop at the bocce ball court. Nothing in the  
14 landscaping plan talks about the restoration of the waterfront. If the applicants  
15 get the advantage of having the waterfront, they should be responsible for  
16 marsh and shoreline restoration from their property into the water.
- 17 • It appears the pergola has a solid roof; therefore it is not a pergola, which is  
18 defined as columns with an open lattice upon which grapes and so forth are  
19 grown.
- 20 • A 5-foot high solid fence on the north and south sides of the rear patio is  
21 proposed. That defeats the purpose of General Plan Policy LU4.5, which talks  
22 about public access to and views of the waterfront.
- 23 • The bocce court should not be used as a justification for General Plan Policy  
24 CD4.2 in saying it provides recreational activities. This court is much too small  
25 for bocce ball.
- 26 • It is illegal to require a merger of properties held by the same owners, but  
27 perhaps the landlord and applicant can devise an arrangement that protects  
28 the parking on that parcel for the applicant and the City.
- 29 • A landscaping plan should include the limits of the property line without  
30 imposing CEQA issues upon the applicant.
- 31 • There should be a Condition of Approval that no music is played outdoors after  
32 9:00pm.

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36 Commission questions to Mr. Higgins:

- 37 • Is the pergola actually a pergola, or an enclosed space? *Mr. Higgins*  
38 *responded the plans make the pergola roof appear solid, but it is not.*
- 39 • What is the purpose of the solid fence? *Mr. Higgins responded on the north*  
40 *side it is to hide the storage containers and chain link fence.*
- 41 • How many parking spots are available to your restaurant? *Mr. Higgins*  
42 *responded they have in their lease nine dedicated parking spots for their*  
43 *exclusive use, and then non-exclusive access to and use of 11 additional spots*  
44 *in a parking lot of 64 spaces.*

45  
46 Commission questions to staff:

- 47 • Will access to parking still only be from the one entrance in front of Paradise  
48 Bay, or will the other section in front of the subject building be open for access  
49 into the parking area? *Staff responded there has been no discussion between*  
50 *staff and the applicant of opening up the southern access to the parking lot.*

- When North Point Coffee was in this space the issue that they had more seats than were approved came down to parking. They said they did not have adequate parking and the landlord was not giving them enough parking. If this business is approved and they are successful, there will be an issue of parking in the future. Should the Planning Commission address that now or wait until it occurs? *Staff responded if it is dealt with in the future it becomes a code enforcement issue, which are not handled very efficiently. Staff encouraged the Commission to set conditions now. The Commission could condition the issuance of the Minor Use Permit on provision of a certain number of additional parking spaces.*

Commission comments:

- The solid fence should be eliminated on both sides. A minimal amount of plant screening in front of the chain link fence would be acceptable, but the rest should remain open so as not to create an exclusive area.
- One Condition of Approval requires that there be a staff-approved parking plan. It should be added to that condition that the parking plan includes an enforceable provision running in favor of the City that precludes any modification or reduction in the amount of parking made available to the applicant.
- The City would not be in a position to enforce such a parking provision unless there is some material change to how that parcel is being utilized. An advisory note should be submitted to the file with this approval so that at that point the planner reviewing the file will see it.
- Rather than a parking provision or advisory note, a parking easement could be granted and recorded.
- It seems if the property owner wants this operator on his property he would not have a problem with writing a deed restriction that can be recorded regarding the parking.

Additional and amended Conditions of Approval:

- The hours of operation shall be the hours outlined in the applicant's letter.
- The landscaping shall be enhanced on the water side of the property using indigenous plants that would be compatible with the wildlife values in that area but will not trigger CEQA or BCDC issues.
- The solid fence shall be eliminated and the applicant shall work with the property owner to provide additional screening in the area of the chain link fence and screening of the existing storage containers.
- Condition 4 shall be amended to add a parking plan provision in favor of the City that precludes any modification or reduction of parking available to the applicant, to be subject to the review and approval of the Community Development Director and the City Attorney.

**Chair Keller moved and Commissioner Cox seconded a Design Review Permit, Minor Use Permit, and Conditional Use Permit for 1250 Bridgeway with the amended conditions. The motion passed 5-0.**



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**Old Business**

None.

**New Business**

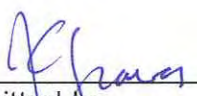
None.

**Staff Communications**

- The Planning Commission's joint meeting with the City Council is next Monday, May 17<sup>th</sup>, in the evening.

**Adjournment**

The meeting was adjourned at 9:15 p.m.

  
\_\_\_\_\_  
Submitted by  
Jeremy Graves, AICP  
Community Development Director

  
\_\_\_\_\_  
Approved by  
Bill Keller  
Chair

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