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SAUSALITO PLANNING COMMISSION
Wednesday, January 14, 2009
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, Vice Chair Stan Bair, Commissioner Joan Cox,
Commissioner Stafford Keegin, Commissioner Eric Stout

Staff: Community Development Director Jeremy Graves
Associate Planner Heidi Burns, Assistant Planner Lilly Schinsing,
Contract Planner Lorraine Weiss,
City Attorney Mary Wagner

Historic Landmarks Board:

Present: Chair Thomas Theodores, Board Member Amy Chramosta,
Board Member Vicki Nichols, Board Member Brad Paul

Approval of Agenda

Chair Keller moved and Commissioner Cox seconded a motion to consider Item 5 prior to Item 4. The motion passed 5-0.

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

Approval of Minutes

None.

Public Comments

None.

Public Hearings

- 1. DR/MUP 08-023, Design Review Permit, Minor Use Permit, View Restaurants, 558 Bridgeway.** Planning Commission and Historic Landmarks Board approval of a Design Review Permit for the addition of an exterior second floor deck on the eastern portion of the building and Planning Commission approval for a Minor Use Permit for a 40-seat outdoor dining area on the proposed exterior deck, and a Minor Use Permit for indoor live music.

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

1 Commission questions of staff:

- 2
- 3 • Who will be responsible for monitoring the decibel levels of live music and will
- 4 the applicant submit a schedule of live music events to the City? *Staff*
- 5 *responded the Zoning Ordinance does not address either issue however the*
- 6 *Commission could condition the project to take them into account if it wished to*
- 7 *develop different criteria than those in the Municipal Code that govern noise.*
- 8 • The current non-compliant floating dock is on City property. Has a lease been
- 9 put into place for rent to be paid to the City? *Staff responded the City Council*
- 10 *approved a lease in December 2002 as an amendment to the lease with*
- 11 *Horizons restaurant that included the floating dock with payment of rent to the*
- 12 *City of \$750 per month.*

13 Presentation was made by Don Olsen, the architect and applicant.

14 Commission questions to Mr. Olsen:

- 15
- 16 • Is Ondine restaurant currently operating? *Mr. Olsen responded Ondine*
- 17 *operates as a restaurant for private parties and hopefully it will operate full*
- 18 *time in the future.*
- 19 • Could you describe the translucent panels at the edge of the deck? *Mr. Olsen*
- 20 *responded that the panels would face into the building and would comprised of*
- 21 *white plexi-glass with an enclosed 60-watt fluorescent bulb. The panels would*
- 22 *signal the edge of the deck.*
- 23 • Would the 60-watt fluorescent bulbs only be visible from the inside of the deck
- 24 and not from the water? *Mr. Olsen responded that is correct.*
- 25 • Does the applicant have exclusive rights to the additional 62 parking spaces in
- 26 the other parking lot across the street? *Mr. Olsen responded it is a first-come,*
- 27 *first-serve paid lot. When Ondine or Horizons has a special event they can*
- 28 *reserve spaces in that lot.*
- 29 • How much time do you need to remove the signs? *Mr. Olsen responded they*
- 30 *would like to leave the signs up after applying for a Sign Permit so the*
- 31 *Commission can see them while reviewing them, but if not, then 10-15 days.*
- 32 • Do you have any comments regarding staff's recommended additional
- 33 Conditions of Approval pertaining to the floating dock and public restroom?
- 34 *Mr. Olsen responded the public restroom is operative. They will need to do*
- 35 *research on the dock because it was inherited from a previous owner. They*
- 36 *would like to see the dock rebuilt and used.*
- 37
- 38

39 Historic Landmarks Board questions to Mr. Olsen and Mr. Bob Freeman, the owner:

- 40
- 41 • Are there any differences between the proposed railing and the original railing
- 42 it is modeled on? *Mr. Olsen responded the only difference is they are not sure*
- 43 *if the verticals were spaced with 4-inch openings on the original railing, but that*
- 44 *is what the current code requires. The original railing was approximately 2 feet,*
- 45 *3 inches in height and the current code requires it to be 3 feet, 6 inches, which*
- 46 *is why the fascia board travels around above the level of the deck so it allows*
- 47 *them to come close to duplicating the original rail and maintain the height.*
- 48 • Regarding the public restroom, do you have anything proposed as to how you
- 49 will let people know the restroom is there and available to the public? *Mr.*
- 50 *Freeman responded he does not have a proposal at this time.*

1 Commission question to staff:

- 2 • Would the applicant be responsible for applying for a Sign Permit for a sign
3 notifying the public of the restroom, or would a City sign be used? *Staff*
4 *responded they would need to research the sign regulations, but it likely would*
5 *an ancillary sign readable from 10-20 feet and which would not require a*
6 *permit.*

7
8 Commission comment:

- 9 • If there is going to be a sign for the public restroom it needs to be where the
10 walking public can see it and be large enough to read. Being readable from 10-
11 20 feet does not extend across the parking lot and does not seem large
12 enough. *Staff responded they would research that issue and if a Sign Permit is*
13 *required they could speak with the applicant about new restroom signage on*
14 *the side the building when they return with the Sign Permit application for the*
15 *two existing signs.*

16
17 The public comment period was opened.

18
19 James Keagy, 16 Bulkley Avenue, indicated the following:

- 20 • He lives behind the project and up a block.
- 21 • He is concerned about potential noise, although he has never heard noise from
22 this property in the past.
- 23 • This project is good for the community and the City.

24
25 Commission question to Mr. Freeman:

- 26 • If you have live music do you intend to keep the doors between the interior of
27 the restaurant and the deck closed while the music is playing? *Mr. Freeman*
28 *responded if there were live music upstairs and there were noise complaints,*
29 *they would close the doors. They do not envision entertainment there full time.*

30
31 The public comment period was closed.

32
33 Commission questions to the Historic Landmarks Board:

- 34 • What are your thoughts on the current signage in light of the fact that the two
35 signs have been there for many years? *Chair Theodores responded the issue*
36 *of the two existing signs had not been raised to the HLB until this meeting, so*
37 *they would need to look at them and compare them to their guidelines before*
38 *discussing that issue.*
- 39 • If in fact the signs have been there since this space was the Trident restaurant
40 in the 1960s, how would you feel about those signs? Would you want them
41 brought up to current standards? How do you look at it from a historical
42 standpoint? *Chair Theodores responded the fact that they are 40 years old*
43 *may influence the HLB and they would not have an issue with them, but the*
44 *HLB would need to look at them before deciding, because they understand the*
45 *signs may have been changed and they would like to be included in the*
46 *approval process.*

1 Commission questions to staff:

- 2
- 3 • Would a condition to remove the signs or make application for retention within
- 4 15 days have implication with the Historic Landmarks Board or can the
- 5 Planning Commission simply approve everything? *Staff responded if the*
- 6 *applicant chooses to make an application for the signs, the signs would come*
- 7 *back to the HLB and the Planning Commission for approval.*
- 8 • Would the signs coming back for approval hold up any work the applicant might
- 9 do on building out the deck? *Staff responded not if the applicant applied for the*
- 10 *permit. The applicant either has to take the signs down or apply for a permit*
- 11 *within 15 days, but they have to have received permission.*

12 Design Review Permit Conditions of Approval Amendments:

- 13
- 14 • Condition 2 shall be amended to read that within 15 days of approval of the
- 15 permit the property owner shall remove the two unpermitted signs on the north
- 16 and south elevations of the building or submit a Sign Permit application and
- 17 fees to the Community Development Department.
- 18 • Condition 11 shall be amended to add at the end, “the floating dock.”
- 19 • Condition 12 shall be amended to add at the end, “the public restroom with
- 20 signage.”
- 21 • Condition 7 shall be amended to add, “subject to review and approval by the
- 22 City Engineer.”
- 23

24 Design Review Permit New Resolution Language:

- 25 • Design Review Permit shall add to the second-to-last whereas clause on Page
- 26 9 the following language after the phrase, “as conditioned herein”: “and with
- 27 Planning Commission authorization of the proposed outdoor seating with a 40
- 28 person capacity, granted this date.”
- 29

30 **HLB Board Member Nichols moved and Board Member Paul seconded a motion**

31 **to approve a Design Review Permit for 558 Bridgeway. The motion passed 4-0.**

32

33 **HLB Chair Theodores moved and Board Member Paul seconded a motion to**

34 **amend their previous motion to approve a Design Review Permit and add two**

35 **additional conditions regarding the public restroom and the floating dock and**

36 **modify Condition 2 for 558 Bridgeway. The motion passed 4-0.**

37

38 **Chair Keller moved and Commissioner Stout seconded a motion to approve a**

39 **Joint Resolution of the Planning Commission and HLB incorporating the revised**

40 **language for the Resolution together with the amended Conditions of Approval to**

41 **approve a Design Review Permit for 558 Bridgeway. The motion passed 5-0.**

42

43 **HLB Member Nichols moved and Chair Theodore seconded a motion to adopt the**

44 **motion as amended by the Planning Commission for the Design Review Permit**

45 **for 558 Bridgeway. The motion passed 4-0.**

46

47 Minor Use Permit Conditions of Approval Amendments:

- 48
- 49 • Finding G shall be changed from “40 additional tables” to, “40 additional seats.”
- 50

1 Minor Use Permit New Resolution Language:

- 2 • Minor Use Permit shall add “and with Planning Commission approval of the
3 proposed outdoor seating with a 40 person capacity, granted this date, the
4 proposed use complies with all of the applicable provisions of the Zoning
5 Ordinance.” to Clause D.
6

7 **Chair Keller moved and Vice Chair Bair seconded a motion to approve a Minor
8 Use Permit for 558 Bridgeway as amended. The motion passed 5-0.**
9

10 **HLB Member Nichols moved and Chair Theodores seconded a motion to adjourn
11 the joint meeting of the Planning Commission and the Historic Landmarks Board.
12 The motion passed 4-0.**
13

- 14 **2. DR/NC 08-017, Design Review Permit, Non-Conformity Permit, Gibbs, 42-44
15 Cazneau Avenue.** Design Review Permit and Non-Conformity Permit to
16 demolish the main house built in 1956, construct a new single-family house and
17 garage, and remodel an existing legal non-conforming cottage. The new main
18 house would be 2,501 square feet and the existing cottage would be reduced in
19 size from 816 square feet to 594 square feet. Recommendation of City Council
20 approval of an Encroachment Agreement to allow a new four-foot high wall along
21 the proposed entry stair and existing improvements to extend into the public
22 right-of-way of Cazneau Avenue. Continued from the December 10, 2008
23 meeting.
24

25
26 The continued public hearing was re-opened. Assistant Planner Schinsing presented
27 the Staff Report.
28

29 Presentation was made by Neil Gibbs, the applicant.
30

31 The public comment period was opened.
32

33 Jenny Gaetani, 76 Cazneau Avenue, indicated the following:

- 34 • She and her husband have no objections to the project.
35

36 The public comment period was closed.
37

38 **Chair Keller moved and Vice Chair Bair seconded a motion to approve a Design
39 Review Permit and Non-Conformity Permit for 42-44 Cazneau. The motion passed
40 5-0.**
41

- 42 **3. CUP/EA 07-008, Conditional Permit, Encroachment Agreement, Johnson,
43 1907 Bridgeway Boulevard.** Conditional Use Permit and Encroachment
44 Agreement to convert a portion of an existing commercial retail building into a
45 Subway restaurant, a formula retail establishment.
46

47 The public hearing was opened. Associate Planner Burns presented the Staff Report.
48
49
50

1 Commission questions to staff:

- 2 • Is the parking going to occur where the Encroachment Permit will be? *Staff*
3 *responded the diagonal parking spaces located to the east are in the City right-*
4 *of-way.*
- 5 • Do the other retail establishments in that building require an Encroachment
6 Agreement also? *Staff responded 11 parking spaces were provided originally*
7 *for the building and that has so far been sufficient.*

8
9
10 Presentation was made by property manager Gail Johnson, and architect Robert Van
11 Hall, and co-owners Jerry Needleman and Ken Niles, the applicants.

12 Commission questions to Mr. Niles:

- 13 • How many of the people you spoke to in the office building across the street
14 that are in favor of the project were Sausalito residents? *Mr. Niles responded*
15 *he did not know how many were residents, but the letters he is presenting to*
16 *staff in favor of the project are all from residents.*
- 17 • How are you addressing the negativity regarding Subway from the 7-Eleven
18 franchisee, Mr. Uppal, who occupies half the building? *Mr. Niles responded*
19 *that is only one person and Mr. Uppal's employer, 7-Eleven, is not concerned*
20 *about Subway coming to the building because they have found that Subway*
21 *helps their business in other locations, which can be verified.*

22
23
24 Staff comments:

- 25 • A sign application was not submitted as part of this application, so staff has not
26 reviewed the proposed sign. The applicant will need to submit an application
27 for a Sign Permit and that would have to come back to the Planning
28 Commission for separate approval.
- 29 • Staff has not analyzed the interior modifications to the building; therefore staff's
30 recommendation does not reflect what is being proposed for the interior.

31
32 The public comment period was opened.

33
34 Chuck Ruby, 654 Sausalito Boulevard, indicated the following:

- 35 • Formula Retail has always been an issue in Sausalito where there is a feeling
36 of wanting to preserve the character and charm of the City and prevent garish
37 structures and advertising, undesirable merchandise, displacement of current
38 local businesses, et cetera.
- 39 • A Subway at this location is a good idea. He likes and uses the product, and
40 the owners are willing to make the sign and operation match Sausalito's
41 character.

42
43 Bert Damner, 2 San Carlos Avenue, indicated the following:

- 44 • He has been in commercial real estate for 40-plus years.
- 45 • He is surprised this small restaurant in a non-commercial, low-visibility area is
46 being challenged, perhaps because the City is concerned with setting a
47 precedent for other national chains, but cities need to think of their long-term
48 viability.
- 49 • He and his neighbors all agree this is a good use for this location.

1 Ted Goldbeck indicated the following:

- 2 • He is a customer of both Subway and 7-Eleven and does not believe Subway
3 will cut down on 7-Eleven's food business. Sausalito needs an affordable
4 sandwich shop.
- 5 • The location has been vacant for two years. Nine businesses downtown have
6 been lost. The applicants are doing all they can to accommodate the City. The
7 Commission needs to think about what they want to do for Sausalito.
8

9 Sonja Hanson, 533 Spring Street, indicated the following:

- 10 • This area of Sausalito also has unique character like downtown. Most people in
11 the first block of Spring Street have some objection to Subway, which would
12 lead to overconcentration of Formula Retail in a residential area.
- 13 • Subway will provide cheaper meals, but at the expense of local businesses that
14 do not have the opportunity of buying from a large supplier at a reduced price.
- 15 • There is another Subway 1.3 miles away in Marin City.
- 16 • The public parking in front is almost always filled with commuters, so it will not
17 be available for Subway patrons.
18

19 Andy Coster, 534 Spring Street, indicated the following:

- 20 • His primary concerns regard the unique character of the Spring and Easterby
21 Streets neighborhood.
- 22 • He is not convinced Subway will help the neighborhood and is concerned what
23 the parking lot look like at 10pm, what will the neighborhood smell like with
24 Subway baking break constantly, and potential litter.
25

26 The public comment period was closed.
27

28 Commission comments:

- 29 • Franchises have to get their food where the franchise tells them to, usually low
30 quality and brought in large trucks from Mexico, not local California farms.
31 Local food is delivered in smaller trucks and makes less traffic. Subway will not
32 support American businesses and farmers.
- 33 • Subway would need additional parking that is not available. Public parking
34 spaces available to the community should not be given up for a restaurant
35 used primarily by people who do not live in the community.
- 36 • At this location the property owner is sitting on a vacant space without a lot of
37 options. If there is to be a Subway in Sausalito, this is probably as good a
38 location as one could get for it in that it is an unobtrusive location. This
39 particular project does not run afoul of any of the findings. Given that and the
40 fact that Conditions of Approval can be constructed to minimize impact on the
41 neighborhood, this project could be supported.
- 42 • Parking is not problematic, because most patrons are buying sandwiches to
43 go. Subway is not as much of a sit-down location as Fred's or Saylor's that it is
44 going to impact the neighborhood.
- 45 • While the impact of having Formula Retail in that location would be less than
46 other locations, the Commission cannot make Finding 2 that the Formula Retail
47 establishment will not result in overconcentration of Formula Retail
48 establishments in its immediate vicinity, because 7-Eleven is next door.
49
50

- 1 • It is not possible to vote in favor of an Encroachment Agreement for public
- 2 parking spaces because they are always full and it is challenging to find a
- 3 parking space as it is. The Commission would need more information from the
- 4 applicant regarding how they would address the parking.
- 5 • The plans presented by the applicant tonight are not the same plans given to
- 6 the Commission and what the Commission is considering. The finishing and
- 7 signage is now different. The plans the Commission is considering would need
- 8 to be consistent with what is now being presented.
- 9 • Local establishments need to be encouraged. Subway's inexpensive products
- 10 will undercut other local food providers.
- 11

12 **Chair Keller moved and Commissioner Stout seconded a motion to deny a**

13 **Conditional Use Permit and Encroachment Agreement for a formula retail**

14 **establishment (Subway restaurant) at 1907 Bridgeway. The motion passed 4-1**

15 **(Bair – No).**

- 16
- 17
- 18 **4. CDD 09-002, Interpretation of the Zoning Ordinance, City of Sausalito.** An
- 19 interpretation of the Zoning Ordinance requirements for alternative site analyses
- 20 for wireless tele-communication facilities.

21

22 The public hearing was opened. Community Development Director Jeremy Graves

23 presented the Staff Report regarding an interpretation of Section 10.45.030.B.10.

24

25 Interpretation modification:

- 26 • The interpretation should be modified to read, "Because the Zoning Ordinance
- 27 emphasizes the use of existing wireless communication sites, modification of
- 28 an existing wireless communication facility by a cellular provider that otherwise
- 29 conforms with all applicable requirements of the Zoning Ordinance is not
- 30 subject to the requirement for an alternative site analysis listed in Zoning
- 31 Ordinance Section 10.54.030.B.10."
- 32

33 **Chair Keller moved and Commissioner Stout seconded a motion to approve the**

34 **draft interpretation as amended. The motion passed 5-0.**

- 35
- 36 **5. CUP/DR 08-007, Conditional Use Permit, Design Review Permit, Marin**
- 37 **Municipal Water District, 50 Crecentia Lane.** Conditional Use Permit and
- 38 Design Review Permit to modify an existing wireless communications facility
- 39 by removing and replacing one antenna and adding one new antenna to the
- 40 existing pole for a total of two antennae to be located at the same height as
- 41 the existing antenna, 20 feet high.

42

43 The public hearing was opened. Contract Planner Weiss presented the Staff Report.

44

45 The public comment period was opened.

46

47 Vicki Nichols, 117 Caledonia Street, asked is the application is complete? has all testing

48 been done? and is it all in the files? *Staff responded it is all in the files and the actual*

49 *report is attached to the previous Staff Report that the Commission received.*

1 The public comment period was closed.

2

3 Presentation was made by Sandra Steele, the applicant.

4

5 Staff noted that the Commission's interpretation of Section 10.45.030.B.10 can be
6 appealed to the City Council. As a result, staff suggested a Condition of Approval
7 should be added that the Commission's approval does not become effective until the
8 appeal period for the interpretation runs out. If no appeal is filed within ten days, the
9 Commission's approval shall become effective. If an appeal is filed within ten days the
10 approval would be put on hold until there is a final resolution of that issue by the City
11 Council.

12

13 **Chair Keller moved and Commissioner Keegin seconded a motion to approve a**
14 **Conditional Use Permit and Design Review Permit for 50 Crecentia Lane with the**
15 **proposed amendment suggested by staff. The motion passed 5-0.**

16

17 **Old Business**

18

None.

19

20 **New Business**

21

None.

22

23 **Communications**

24

None.

25

26 **Adjournment**

27

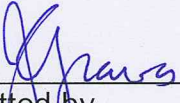
The meeting was adjourned at 10:17 p.m.

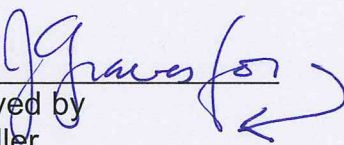
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32 Submitted by
33 
34 Jeremy Graves, AICP
35 Community Development Director

36 Approved by
37 
38 Bill Keller
39 Chair

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