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**SAUSALITO PLANNING COMMISSION**  
**Wednesday, July 6, 2011**  
**Approved Minutes**

**Call to Order**

Chair Bair called the meeting to order at 6:35 p.m. in the Council Chambers of City Hall, 420 Litho Street, Sausalito.

Present: Chair Stan Bair, Commissioner Joan Cox, Commissioner Richard Graef, Commissioner Bill Werner

Absent: Vice Chair Stafford Keegin

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

**Approval of Agenda**

**Approved by consensus.**

**Public Comments**

None.

**Approval of Minutes**

May 25, 2011          June 15, 2011

June 1, 2011

**Commissioner Werner moved and Commissioner Cox seconded a motion to approve the Minutes of May 25, 2011. The motion passed 4-0.**

**Commissioner Werner moved and Commissioner Cox seconded a motion to approve the Minutes of June 1, 2011. The motion passed 4-0.**

**Commissioner Cox moved and Commissioner Graef seconded a motion to approve the Minutes of June 15, 2011, as amended. The motion passed 4-0.**

**Public Hearings**

- 1. CDD/ENV/ZOA 09-074, Historic Design Guidelines: Initial Environmental Study/Negative Declaration, Public Review Draft of Guidelines, Zoning Ordinance Amendment, City of Sausalito.** Review of Initial Environmental Study/Negative Declaration (IES/ND); review of Public Review Draft of Historic Design Guidelines; and amendment to Zoning Ordinance §10.54.050.D.1 to require the Planning Commission to make a finding that Design Review Permits proposed are consistent with applicable design guidelines. Continued from June 15, 2011 meeting.

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

1  
2 The public comment period was opened. Seeing none, the public comment period was  
3 closed.  
4

5 Commission comments:

- 6 • The guidelines are thorough and will be useful to both property owners and the  
7 Commission.
- 8 • It is time to send this matter to City Council.  
9

10 **Commissioner Werner moved and Commissioner Graef seconded a motion to**  
11 **recommend approval of the Initial Environmental Study/Negative Declaration,**  
12 **Historic Design Guidelines (as modified), and amendment of the Zoning**  
13 **Ordinance. The motion passed 4-0.**  
14

- 15 **2. DR 11-108, Design Review Permit, Foote, 27 Central Avenue.** Request for  
16 after-the-fact Design Review Permit for exterior renovations to an existing  
17 residence at 27 Central Avenue (APN 065-231-02) in the R-2-2.5 (Two-Family  
18 Residential) Zoning District.  
19

20  
21 The public meeting was opened. Associate Planner Schinsing presented the Staff  
22 Report.  
23

24 The public comment period was opened.

25  
26 Presentation was made by Scott Foote, the applicant/owner.  
27

28 Commission questions to Mr. Foote:

- 29 • You indicated that 31 Central's view obstruction could only be claimed after the  
30 trees were trimmed. The trees were trimmed before you increased the size of  
31 your deck from the permitted plans, correct? *Mr. Foote responded that is*  
32 *correct, by about a month-and-a-half.*
- 33 • Did you help pay for the trees to be trimmed, or how did you work with your  
34 neighbor? *Mr. Foote responded he did not help pay for the trimming, but his*  
35 *wife found the tree trimmers for the neighbor and helped organize the trimming.*
- 36 • Are the trees that were trimmed on your property? *Mr. Foote responded yes.*
- 37 • How did your project come to be a retroactive approval? *Mr. Foote responded*  
38 *the original deck was falling off the front of the house due to a broken support*  
39 *beam. The City approved a replacement deck. They began to have second*  
40 *thoughts about the design and did not want to wait until City Hall opened in*  
41 *January because of impending bad weather and decided to extend the deck*  
42 *and ask permission after the fact. They had no idea they would have a*  
43 *neighbor issue and only found out their neighbor had concerns when they*  
44 *started their construction. They tried to mitigate it later on by communication,*  
45 *but the neighbor refused to talk to them.*  
46

47  
48 Bill Ziegler, attorney, indicated the following:

- 49 • He represents Mrs. Rupert, the neighbor at 31 Central Avenue whose view is  
50 being obstructed.

- He submitted photographs to the Commission that illustrate how the obstruction of the primary view at 31 Central is major. The obstruction posed by the extended deck takes away half of Mrs. Rupert's view of San Francisco, which is key to the overall view.
- The applicants claim they wish to restore their house to its former 1900s look, but what they are putting back is not what was originally built. The applicants' photograph of the house in the 1900s shows a porch that was later enclosed and is now part of the living room. That is not what is being rebuilt. The applicants are building a deck that was not built originally, but in the 1950s.
- Mrs. Rupert has lived in her home for 40 years and was friends with the occupants of 27 Central when their porch was enclosed.
- The applicant called the view from 31 Central a "borrowed view," but the view was always there and is shown in a photograph presented to the Planning Commission.
- The applicants have built a deck that is not part of the original home, but is a larger and larger appropriation of Mrs. Rupert's view that she has been enjoyed for over 40 years.
- The applicant was not unaware they were blocking Mrs. Rupert's view of San Francisco as evidenced by the fact that they cooperated in the trimming of trees. Mrs. Rupert has paid to have those trees trimmed for over 30 years to preserve her view. Her home has been designed and modified to enjoy that view.
- The applicant's assertion that bad weather was coming and they had to make a quick decision regarding the deck is not believable because it could not happen overnight. In order to get ready to build the extended deck it took engineering by Mr. Greenwood, planning and drawing of the plans, coordination of the workmen, et cetera. On December 17<sup>th</sup>, when the City was shutting down, the beams were hoisted into place that immediately cut off half of Mrs. Rupert's San Francisco view, but the applicants assert it was a quickly made decision.
- If the applicants are asserting a property right, it has to be articulated. There is no health and safety issue, no necessity; this deck is not preventing something from happening. There are no property rights at stake and no "borrowed view." The views from 31 Central has been taken and obstructed.
- This is simply an expansion to the detriment of a neighbor with no justification, and done with full knowledge of the neighbor's view. It takes away the enjoyment of Mrs. Rupert's property. It clearly takes away major value from the home, as it has taken away the best part of the view. It should not be permitted.

Commission question to Mr. Ziegler:

- The Staff Report indicates that part of the framing for the deck shown in your photographs is going to be removed as a result of the notching. Do you agree with that? *Mr. Ziegler responded a notch will go in there, but the notch is a cut of a couple feet by a couple of feet. The front of the deck is still out there and the height of the railing on the deck is higher than it ever was, because of building code requirements. It is only because the deck was expanded that it became an issue.*

1 Commission question to staff:

- 2 • What is the distance between the viewing window at 31 Central and the subject  
3 deck at 27 Central, so the Commission can know if a photograph was taken  
4 with a zoom lens or feature? *Staff responded they estimate it to be*  
5 *approximately 94 feet. Photographs taken by staff were not zoomed in, with the*  
6 *exception of one photograph where it is noted a zoom feature was used.*  
7

8 David McLaird indicated the following:

- 9 • He is the Foote's contractor and has worked for Mr. Ziegler in the past.  
10 • Regarding the deck not existing originally, he took the house apart and on the  
11 front of the house there are four posts, which he still has, that went down to  
12 brick piers supporting the deck. He knows that the deck went all the way  
13 across and was outside the living room by ten feet and can prove it. It was not  
14 part of the present living room; it was ten feet beyond the present façade of the  
15 house.  
16

17 Peter Greenwood, project architect and engineer, indicated the following:

- 18 • He does not believe Mr. Ziegler's photographs depict the obstruction to Mrs.  
19 Rupert's San Francisco view accurately.  
20 • He does not believe there is any view impediment from the deck and living  
21 room of Mrs. Rupert's house.  
22

23 Mr. Ziegler's rebuttal comments:

- 24 • He does not dispute that Mr. McLaird has the posts to the original deck, but his  
25 point is the deck was built in the 1950s, not in the 1890s or early 1900s. It was  
26 added on after the porch was enclosed, so there has been that same small  
27 deck there for 60 years, which they have no issue with.  
28 • It boils down to is it okay to take half the view of San Francisco? What is the  
29 entitlement to take the view? The Code says there has to be a property right in  
30 order to do that.  
31

32 Mr. Foote's rebuttal comments:

- 33 • Regarding the delay of construction, referred to by Mr. Ziegler, between the  
34 17<sup>th</sup> of November and the 20<sup>th</sup> of December, it takes a long time to dig to meet  
35 code, also to order the wood, et cetera. They worked very hard to get the job  
36 going, there was no delay on anyone's part.  
37 • The posts are old; they were there. They have the brick that they were sitting  
38 on.  
39

40 Comment by Mr. McLaird:

- 41 • In 1950 they did not put posts on a brick foundation. They did that in 1900, not  
42 in 1950. Those posts came down on brick piers.  
43

44 Commission question to Mr. Greenwood:

- 45 • When did you commence design of the expanded deck? *Mr. Greenwood*  
46 *responded approximately December 10<sup>th</sup>, a week or so before construction of*  
47 *the deck started. The City had closed and he could not get the drawings in, so*  
48 *they had to wait until after the holidays.*  
49  
50

1  
2 The public comment period was closed.

3  
4 Commission questions to staff:

- 5 • Was there a Building Permit issued for a new unexpanded deck to replace an  
6 existing deck that had deteriorated? *Staff responded yes.*
- 7 • Was that approval for an unexpanded deck an administrative approval or did  
8 that come to the Planning Commission? *Staff responded there was a Building*  
9 *Permit and a Zoning Permit. The Zoning Permit is always required when a*  
10 *Building Permit is required. Because it was a replacement in kind with no*  
11 *expansion the project did not trip any of the Design Review thresholds and it*  
12 *did not need to come to the Planning Commission. The Zoning Permit was*  
13 *issued on November 23, 2010 and the Building Permit was issued on*  
14 *November 24, 2010. City Hall was closed from December 17, 2010 through*  
15 *January 3, 2011.*

16  
17  
18 Commission comments:

- 19 • When weighing in on a view impact an obligation of the Planning Commission  
20 is to ascertain what is a primary view and what is not. Without doing a site visit  
21 to 31 Central it is difficult to understand whether the view from the card  
22 room/alcove is primary or not and to what extent the views are truly impacted.  
23 The photographs presented illustrate the great difference in perspective  
24 depending on where one stands when the picture is taken.
- 25 • A retroactive approval of expansion of a deck that got a Building Permit to be  
26 replaced in kind does not sit well. This deck expansion should not have  
27 happened.
- 28 • There does not seem to be much of a view impact. More disturbing is the fact  
29 that the permit was issued for one kind of construction and something else  
30 entirely was built. It is annoying and happens all too frequently.
- 31 • It is very troubling that 16 days after a Building Permit is issued, and while the  
32 City offices are still open, the architect commences revised plans without  
33 contacting City officials, who would have informed him of the necessity of  
34 gaining City approval before proceeding with the deck expansion. This project  
35 would have been subject to Design Review, at which point the potentially  
36 affected neighbors would have been able to see story poles and had an  
37 opportunity to comment on the proposed expansion. They were unable to do  
38 so because the applicant proceeded without going through the process set  
39 forth in the City Zoning Ordinance.
- 40

41 **Chair Bair moved and Commissioner Cox seconded a motion to continue the**  
42 **public hearing for 27 Central Avenue to the meeting of July 20, 2011. The motion**  
43 **passed 4-0.**

- 44  
45  
46 **3. DR/TRP 11-192, Downtown Restrooms, City of Sausalito, 700 Block of**  
47 **Bridgeway.** A Design Review Permit for demolition of the existing downtown  
48 restrooms and construction of new restrooms and site-related improvements, and  
49 a Tree Removal Permit to remove one protected tree in the 700 Block of  
50 Bridgeway (APN 065-073-02) in the Central Commercial (CC) Zoning District.

1  
2 The public hearing was opened. Associate Planner Schinsing presented the Staff  
3 Report.  
4

5 The public comment period was opened.  
6

7 Michael Rex, architect, indicated the following:

- 8 • Commercial projects in town require the applicant to prepare a good landscape  
9 plan as part of the application, and that should also be done here. The City  
10 should be held to the same standard as an applicant.
- 11 • Rebuilding the front of the restroom on Bridgeway is not a great use for the  
12 City's main street. The restrooms should be relocated on Humboldt Street,  
13 leaving a bus stop or perhaps turning the existing building on Bridgeway into a  
14 more pleasant use, such as a flower kiosk. He has submitted plans showing  
15 how that can be done.
- 16 • It is good the restrooms are being rebuilt, but the bus stop is being seriously  
17 compromised. The awning is tacked on and will not protect riders very well and  
18 will quickly weather and look tattered. The roof should be extended and the  
19 phony columns on the corners become real columns, like a front porch. A real  
20 cover should be required, as well as pulling the building back.
- 21 • He does not believe people really know what is coming. The story poles are up,  
22 but for such a prominent location there should be better visualization. He  
23 requests a CAD model be set into a photograph of the setting and published in  
24 the Marinscope.  
25  
26

27 Tiffany O'Connor indicated the following:

- 28 • She rides the bus and uses bus stops. On hot or rainy days it is so nice to have  
29 shade and shelter.
- 30 • The idea of the trees going away and leaving nothing there to create shade  
31 and oxygen or serenity is sad.
- 32 • The tree to be removed is a protected tree and should be preserved or  
33 relocated.
- 34 • As people get off and on the bus it is calming and soothing to have a lot of live  
35 greenery growing. The greenery looks skimpy on the plans and would not  
36 replace the existing trees.  
37

38 The public comment period was closed.  
39

40 Commission questions to staff:

- 41 • How tall are the replacement 24-inch box trees called for in the landscaping  
42 plan and how tall are the existing trees? *Staff responded the box trees would*  
43 *be eight feet tall. The existing trees are considerably larger at approximately 30*  
44 *feet.*
- 45 • Is it feasible with this pre-fabricated building to extend the roof? *Director of*  
46 *Public Works Jonathon Goldman responded yes, however the implications of*  
47 *extending the roof are that it will cost more than the City has already issued a*  
48 *purchase order for and would involve going back to City Council to request an*  
49 *additional appropriation.*  
50

- Would staff have to go back to the City Council to modify the columns as required by the Conditions of Approval and to include Alternates One, Two, and Three? *Staff responded no to both.*

Commission comments:

- Mr. Rex is correct that the project needs to be more extensive, perhaps by extending the roofline to provide a more sheltered bus area; providing a detailed landscape plan; and a model should be published in the Marinscope to ensure proper public notification.
- The bus stop is a nice area despite its age. The City should do anything it can to incorporate more shelter and provide a better area for people waiting for the bus.
- General Plan Consistency Policy CD-51 states, "Assure that community design considerations are carefully included in any decision involving public projects," yet the Staff Report says, "The downtown restrooms have been the topic of discussion for seven City Council hearings, subcommittee meetings, and a Planning Commission hearing where the community has had an opportunity to weigh in on the design of the structure." That is not true. At none of those meetings was this design ever addressed.
- There is no sign of any consideration being given to how a public restroom ought to work. The public restroom downtown is in fact the public front room to the visitors and tourists it serves and deserves far better than this cookie-cutter design. The fact that privacy screens need to be put outside of the door proves it is not a well-designed restroom.
- There was a comment made that this restroom can be taken down and put up somewhere else, but that is unlikely to happen.
- The notion of covering the restrooms in fiber cement boards that pretend to be wood lap siding, and Lamarite faux shakes, essentially colorized, mineral filled, polymer pretending to look like wood shakes, is an insult to the historic downtown district. The Historic Design Guidelines sent to the City Council earlier in this meeting are against using imitation materials even for infill buildings.
- The restrooms design is an unpleasant caricature of what somebody thinks Sausalito ought to be like.

Commission questions to staff:

- Were there budgetary constraints on this project, and how severe? Do your budgetary constraints permit you to do something that is not pre-engineered? *PW Director Goldman responded the City Council authorized up to \$330,000 for the project and selected the design. They have already issued a purchase order for this particular building.*
- What is the amount of the purchase order without alternates? *PW Director Goldman responded \$111,000 with the balance of money being used for demolition and site preparation. This does not include budget for landscaping. They probably will not have the resources to do all of the site work with that budget and they will have to go back to the City Council to accomplish the landscaping.*

1 Commission comments:

- 2
- 3 • It is sad to see the pine trees go, which is one of the lovely things about that
- 4 corner. The pines add a lot to that space and the City will never get that back.
- 5 Can the level of the sidewalk be raised a bit and the roots be left alone?
- 6 • The absence of process in this matter is disappointing and distressing. The
- 7 Commission is being brought something and asked to perform a Design
- 8 Review, but are told if the Design Review is of any significance it will go back to
- 9 the City Council, and if the Commission does not approve this project it will be
- 10 appealed to the City Council, which approved it in the first place. This puts a
- 11 damper on the Design Review function the Commission is supposed to provide
- 12 for the City.
- 13 • If this is indeed a design the Commission has no choice about, then the
- 14 features that staff suggested are important: replacement bench for bus patrons,
- 15 west awning, privacy screens, and glass walls atop the proposed low walls.
- 16 • Mr. Rex is correct that there should be a landscape plan that comes to the
- 17 Planning Commission. This is the heart of the downtown and the landscaping
- 18 and appearance is important enough that the landscaping plan should be
- 19 before the Planning Commission as opposed to staff level.
- 20 • The loss of mature trees is distressing, but the sidewalk is badly in need of
- 21 repair and replacement and the roots of those trees caused the damage.
- 22 • If this is an important public facility and building, and this really is a Design
- 23 Review, the Commission should see the light fixtures, the signage in detail, and
- 24 the interior finishes.
- 25 • This project is not being presented the way it should, as an interim solution
- 26 while we get to the issues that are being talked about here. Not short-term
- 27 temporary like the mobile bathrooms there now, but an interim building for
- 28 some period of years not really defined, but probably not as long as these
- 29 buildings are designed for. Any recommendation sent to Council should state
- 30 that the Planning Commission perceives this to be a five to eight year interim
- 31 solution.
- 32 • At a minimum, the issues that Mr. Rex raised should be explored in terms of
- 33 extending the roofline and what that would cost; especially now knowing the
- 34 budget is \$330,000.
- 35 • Unfortunately the City is in a crisis situation in terms of the downtown restroom.
- 36 Because of the protracted process the necessity to replace it quickly has
- 37 become much greater.
- 38

39 The public comment period was re-opened.

40

41 Michael Rex indicated the following:

- 42
- 43 • He encourages the Commission to not shirk their duties as a design board.
- 44 • Regarding the idea the restrooms will be temporary; the temporary 17-year
- 45 police station shows what can happen.
- 46 • The interim solution right now is on Anchor Street and Tracy. If that is not big
- 47 enough, put a couple more out to allow the time needed to design the
- 48 downtown restrooms as a place the City can be proud of. If the design
- 49 presented is built, the City will be embarrassed.
- 50 • With a budget of \$330,000 the City should have something beautiful.



- He encourages the Commission to deny the project.

Tiffany O'Connor indicated the following:

- This design is really ugly. It reminds her of Southern California, which is why she moved away.
- A design resembling a Roman bathhouse with baths and showers would be more practical and pretty.

The public comment period was closed.

Commission question to staff:

- Is there a contract with the supplier already? Would there be a breach of contract if the City decides not to buy these restrooms. *PW Director Goldman responded the contract could be cancelled by the City Council, although the City would have to pay for the design costs to date.*

Commission comments:

- This project needs more work before the Commission can make an appropriate consideration of its merits. This direction is not going to end up with anything that will be a legacy of value to this city.
- The design presented is inappropriate and not salvageable under any circumstances as a building for the future of downtown Sausalito.
- There are plenty of pre-fabricated structures in this world that are great designs. Can we get a great design pre-fabricated, something on budget?

**Commissioner Werner moved and Commissioner Graef seconded a motion to deny a Design Review Permit and Tree Removal Permit for the downtown restrooms on the 700 block of Bridgeway. The vote was 2-2 (No – Bair and Cox), considered a denial.**

## **Old Business**

None.

## **New Business**

- 4. Single-Family Regulations Subcommittee Meeting.** Schedule for next subcommittee meeting to discuss the standards for single-family development in multi-family zoning districts.

New Business was opened. Associate Planner Schinsing presented the Staff Report.

**By consensus it was decided to hold the next subcommittee meeting on July 28, 2011 at 6:00pm.**

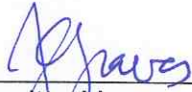
## **Communications**

### **Staff**

- A community workshop on the Housing Element update will be held on July 16<sup>th</sup> at 9:30 at the Bay Model.

1 **Adjournment**

2 The meeting was adjourned at 9:32 p.m.

3  
4 

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



Approved by  
Stan Bair  
Chair

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