

**MINUTES SPECIAL MEETING
DESIGN REVIEW BOARD
JANUARY 31, 2007**

ROLL

APPROVED

Board Members Present: Acting Chair Huntsberry, Crew, Dickens

Planning Commission Liaison: Paul

Board Members Absent: Chair Kent, Laird-Blanton, Alternate Machnowski

Community Development: Bob Brown, Community Development Director
Paul Jensen, Contract Planner

AGENDA

A. Staff Communications

- 1) Past City Council, Planning Commission and Design Review Board Action on Design Review Matters

B. Board Communications

C. Old Business

- 2) GPA05-0001 Request for a General Plan, Amendment, Rezoning, use Permit, Vesting
ZC04-002 Tentative Map and Environmental and Design Review Permit
ED04-063 Applications are being process for the Village at Loch Lomond Marina Development. The project proposes a two phased, mixed-use development, including: the retention of Marina uses; up to 84 new residential units; new commercial retail/office uses; and associated marina, park and open space improvements
The Village at Loch Lomond Marina – 110 Loch Lomond Dr. (Paul Jensen)

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B. Board Communications - None

C. Old Business

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Paul Jensen, Contract Planner, summarized the staff report and recommended that the Board accept public comment and provide feedback and direction on the Mitigated Plan; and continue the item to a future meeting for a continued review and recommendation.

Keith Bloom, Thompson/Dorfman Partners, stated that since the last DRB hearing they have spent time out in the community, with surrounding homeowners association groups, Loch Lomond and San Pedro Cove groups, including two meetings with those groups, The City Manager, Sustainable San Rafael and BCDC. Also, they met with the Planning Commission in December to review the conceptual commercial building architecture. The specific goals tonight are to respond to various site issues at the November hearing, then introduce in detail, the architecture of both the commercial and residential buildings, and respond to any questions or comments of the Commission and public. At the next hearing they hope to discuss the details of the landscaping, but tonight they're focusing on the building architecture.

David Israel, BAR Architect, indicated that they tried to take all comments and assimilate them into the plan and believed they have done what is necessary to create an exceptional plan that the neighbors and City desired. They tried to increase the permeability of this site plan to allow more visual access and received some very positive comments from the DRB, BCDC, Planning Commission and neighbors. They have relocated the grocery store and added the new mixed-use building, which is a combination of retail space on the ground floor and residential units above. They created greater separation between units as well as usable and livable outside space adjacent to the units. They increased and better distributed the guest parking after hearing concerns about the relationship between guest parking and units. They removed the half court basketball on the east levee and made a number of proposed modifications to the dry boat storage area and to the entry village plaza. Based on input from the Planning Commission in regard to dry boat storage, they replaced that with parking that has increased the number of vehicle/trailer parking spaces from 25 day- use spaces to 35 as well as increased the commercial parking from 86 to 95 parking spaces. There were comments from DRB about the original marina green on how it lacked softness, so the turnaround has been maintained, but they pulled the plaza into the area, strengthened the circle of palms and added vertical elements to that area to help define the space. Now, there is a stronger connection reinforced by the palms between the plaza and marina area, which will be shown in detail

at their next landscaping meeting. They also reviewed the two wetland areas that were intended to be filled, but due to comments and concerns they deleted two homes to dramatically increase the setback. The nature of this wetland and value as a wetland resource is being maintained, but the wetland setback is about 45 feet and the building was pushed back considerably. They relocated the path so it is now contiguous with the rest of the expanded wetland. He further added that seasonal wetlands are being expanded by 9,200 square feet.

Architect Israel received a lot of comments about the architecture, so they reviewed the surrounding neighborhood, existing homes and variety of architecture and treatments. He indicated that there is a real diversity of architectural character in these neighborhoods. He then discussed the grocery store and they modified the plan of the building and did a preliminary layout for the grocery store. They added articulation to the façade of the building and added the loading dock that was discussed at a previous meeting. That has been tested by both the City's Traffic Engineer and their Civil Engineer to accommodate truck movements. With a waterfront style, they looked at a much more robust approach to detailing. They recomposed the tower element and reduced the height to 43 feet tall. The ridge line is now at 28 feet, whereas the original proposal was at 44 feet. Also, they felt there are a number of styles that could be compatible. They received comments from the Planning Commission and neighborhood being very resistant to contemporary architecture that it did not meet the compatibility requirement for the land use policy that covers this site. They felt it was important and appropriate to come back and look at a style that was more consistent with the homes in the neighborhood and a style for this site context. They added dormer windows to break up the scale of the roofs. They changed the nature of the "food pavilion" area where informal dining and display of food will occur. They also dramatically enhanced the storefront and used the painted white trim that is part of the shoreline architecture that will add a level of quality and detail that extends along the façade base of tower. The rest is a combination of shingle and board siding. The south façade facing the Yacht Club is very simple because there is no real view opportunity. Looking at the north facade, which is the loading dock area, the design of these buildings, while intended to incorporate a grocery store configuration, they wanted to make sure they provided flexibility in case the store needed to become smaller. The side of the loading dock has a ventilator element on the roof to help ventilate and again break up the roof form with a very simple wall of screening elements. The tower element will draw people into the main entry element and they provided parking along the front.

In regard to the mixed-use building, they modified the footprint to create a great deal more articulation. Retail runs along the street front with five residential units above. The mix of buildings in this area will help enliven the area. He explained that they have a 36-foot setback from the building to the curb. The building steps back approximately 19 feet and the ground floor is only 14 feet tall. The building closest to the street has a ridge of about 17 feet and there is about 20 feet between them with a screening fence and vegetation is provided in front of that fence. Again, they looked at projects they have done in the past and other projects in the Bay Area to review the quality of detail, which adds a lot of character. They dropped the north façade in elevation and pulled the corner

back to provide a much softer appearance that will give it a very nice neighborhood quality. The east façade facing the entry drive will have one story elements and small two story elements with similar terraces found on the north side and awnings. At this corner it provides a terrific view down to the water. He then provided a section through that building to help the DRB understand those pieces.

In regard to changes to the residential architecture, they changed the buildings along San Pedro frontage to one-story cottages to bring the scale down to the street. They provided view corridors in this location that is 75 feet across. They maintained the parking courts with two-car garages for each unit. Also, pedestrian access is provided to all units. For the cottages they provided rafters, dormer elements, and front porches to provide a pedestrian friendly street. They provided a variety of elevations, different cottage types and different architecture on the cottages. They added the dormer elements to break down roof forms as well as highly detailed porches along with trellises. They also tried to tweak the traditional architecture to maintain a fresh look. The two-story cottages are about 82 feet across. They do have the same parking court situation and a low 3-foot open picket fence on the public side to define a transitional zone between public and private areas, which provides a good sense of scale. The nature of the trees will be discussed in more detail at the landscaping presentation at the next meeting. It is necessary that the trees have a very fairly high canopy and a very transparent foliage. The porch forward design provides community interaction and softens the architecture. The use of highly detailed eave, window and door treatments are provided. They tried to break down the mass of the roofs with dormers to both allow light into the units and also soften the architecture.

In regard to the larger homes, they are about 2,000 square feet to about 3,300 square feet. They looked to a variety of products and projects for inspiration for these homes. He presented the DRB with a color palette for their review. The town houses were a major concern, so they provided more differentiation in the buildings and design and made modifications to the building massing. Some units had completely covered front porches, which have been removed to open up that view corridor. They removed the larger covered terrace and used a much more glassier projecting bay with a small terraces above that will be dispersed through the project. They added detail to break down the roofs and more texture to enhance the quality of the garage doors and feel they have true four-sided architecture on these buildings.

Dickens asked Mr. Bloom about his letter dated January 17th that talked about the original project versus the one proposed tonight and it was implied that the first one was as good and asked for an explanation. Mr. Bloom felt the February 2005 site plan is a very nice site plan, but also based on feedback over the last summer they addressed the many issues with this mitigated site plan, which they also feel is a very good plan. He believed they are both very good site plans.

Acting Chair Huntsberry expressed concern with the linear entrance and the massing of the two town homes on the left as one enters and wondered how that massing element could be broken up. He asked if they considered switching the two southern town homes with the four, two-story cottages to break up of massing. Architect Israel responded that it

was considered, but the entry street facing the commercial has more of a commercial scale and character and the architecture of the town houses better reflects that scale. Also, the view corridors are enhanced by a strong edge. He believed what is proposed is a great solution. He is not sure if swapping is a direct fit, but personally he felt the stronger edge is appropriate.

Acting Chair Huntsberry asked the architect to discuss restrooms along the marina green. Architect Israel responded that there are two restrooms proposed in addition to public restrooms provided near the marina boat ramp area. There is one restroom that is located at the end of the eastern jetty and one proposed to be placed and tested for its function in that location in order not to be a nuisance. Also, the marina management would maintain all restrooms.

Acting Chair Huntsberry discussed the flat roof to the rear on the grocery store building and did not wish to see parapets containing the exposed equipment. Also, he believed sections on all these buildings would be helpful. Architect Israel responded that an equipment screen is located on the back of the roof, which will be explored more as they know the specific layout and equipment for the market.

Acting Chair Huntsberry commented on one entry and boat parking and asked if a second entrance was consider. Architect Israel responded that it is extremely problematic from BCDC's point of view. They did not want a vehicle drive to conflict with pedestrian access from the plaza area to the waters edge. They looked at an entry coming directly off San Pedro Road, which was rejected by the City's Traffic Engineer. Mr. Bloom noted that staff is concerned with the conflict that might occur with deliveries for the grocery store and day-use parking for boaters. It is the case that grocery deliveries would occur during the weekdays and early in the morning. During the week, there is on average three day-use parking spaces utilized, so in terms of conflicts between those two uses, he did not see one. In regard to any conflict between the delivery trucks and customers, delivery trucks will come early in the morning and retail customers would come later in the morning and throughout the day, so he did not see much of a conflict. In regard to another entrance off of San Pedro, they spent time studying that approach with the City's Traffic Engineer and from a safety perspective the City's Traffic Engineer did not want to see that occur because retail parking would be eliminated.

Acting Chair Huntsberry asked if the general public would be precluded from using parking along the entire marina green area in regard to the reserved parking. Architect Israel responded that BCDC wanted to make sure that there were spaces directly adjacent to the trailheads and the breakwater. The spaces reserved could not be used by the liveaboards in the marina, but would be available to the public and not used as parking for residents of the area. That would be monitored as most marina parking is monitored and if it becomes a problem then cars would have to be towed. Also, there will be an emergency access point at one of the three parking courts that runs up towards San Pedro Road.

Dickens asked the architect if these units would have high ceiling or attic spaces.

Architect Israel believes there will be a combination.

Acting Chair Huntsberry opened the public hearing on this item.

Alan Schaevitz, Bayview resident, asked why the design did not appear as individual housing would look while still maintaining a duplex or tri-plex type of design.

Jim Dickson, San Pedro Cover resident, greatly appreciated the attention given to the neighbors concerns and comments. He felt the proposed project is outstanding. He looked forward to a very pleasant relationship with their new neighbors.

Ted Many, Locksly Lane resident, expressed concern for the bulk of parking being behind the buildings, which should be considered. Also, he asked that DRB consider problems with Walgreen's, Trader Joes and Whole Foods parking. He agreed the project is improving, but his neighborhood is very disturbed by the density.

Al Barr, Dunfries Terrace resident was pleased to see the day-use parking. Also he was disappointed that the rose design in the pavement of the roundabout has been eliminated. He felt it would give that plaza a sense of place. Having greenery around the roundabout would destroy that view corridor one sees down Loch Lomond Drive. He believed the fence design along Point San Pedro Road in front of the cottages could be a disturbing element and recommended that the fence be no more than four feet and the latticework on top be one-foot or 18-inches. In regard to noise mitigation into Loch Lomond, he suggested alternating the fence slats in different directions to eliminate a wall effect down Point San Pedro Road.

David Law, Locksly Lane resident, believed there are obvious flaws in the design. It is much too dense for this unique site and surroundings and noted the following concerns of the neighborhoods:

- Bulk of the buildings
- Too many two-story residential buildings
- Residential housing on top of the retail building
- Potential traffic congestion by routing everything through a single access
- Encroachment of wetlands – in some areas today there are no setbacks, but this does not justify ignoring the new requirements
- Reduction in the view corridors of the marina and beyond

Mr. Law added that the Bay-front houses will average 3,000 sq. ft. Loch Lomond houses immediately opposite the site average 2,200 sq. ft. with only 4 of the 36 houses he included over 2,700 sq. ft. Also, what the architect calls a cottage in the mitigated plan is actually more like a single-family home in Loch Lomond.

As usual, Contract Planner Jensen has done an admirable objective description of the project. However, the comparison of guidelines for the General Plan 2020 and the City design puts a positive slant on this matter. Several characteristics are deemed consistent when they are not appropriate for the unique site, and there are too many partially consistent items on the checklist. Also, the dry boat storage has disappeared. It makes no

sense for such a large marina to have no dry boat storage. Besides it will mean more bulky traffic entering the site and maneuvering into and around the single entrance to the commercial area. Many permanently inactive boats populate the current dry boat storage, but there should be room for dry storage for active boaters as well as day use boaters. He reiterated that it is too dense and that the DRB must carefully reconsider this project.

Trip Allen, Bayside Acres resident, stated that the drawings presented tonight in his view did not depict a housing complex, but an apartment complex because the units are right next to each other. There are too many units on too small a space. The developer put in a tremendous amount of effort into designing around the issue of density and he complimented the developer on the quality of thinking, but it does not change the fundamental problem that there is too much going on with this space. With respect to the wetlands, it is unclear why the City is considering not maintaining a 50-foot setback from the wetlands. The developer is going to be building houses over an area that was illegally filled in 2001, which has not been challenged. Now in the two spaces they inadvertently forgot to illegal fill, the wetland remains. The community does not need to allow and should not be rewarding this type of illegal activity by enabling them to build homes on that illegal fill effectively eliminating what is now important adjacent uplands that was several years ago a contiguous wetland.

Alex Bennett, Lochinvar Rd. resident, echoed all comments related to density. Also, the architect referred to the height issue being justified because the trees along San Pedro Road reflect the same height. However, the trees along San Pedro Road are more bushes than trees and on City land not maintained properly.

Healey Hamilton, Bayside Acres resident, explained that she is a professional conservation biologist, so she can clarify about the illegally filled wetlands. She indicated that it was a wetland in 1999 and 2000 and then it magically raised three feet. She appreciates what the architects have done to working around the space and recognized the value of infill housing, but it must be well planned. She believed the definitions in the 2020 plan should be respected and the setbacks should be honored.

Mary TeSelle, Bayside Acres resident, discussed space and the comparisons used for scale and pointed out that the 42-foot tower is very tall. Two car garages per unit times 82 units is 164 cars, not counting visitors, so that is a tremendous amount of people driving up and down that corridor. The examples of the projects shown by the architect are quite lovely, but they all had large lawns, fields or water views, and none of the cottages will have any kind of space to provide that sort of perspective.

Louise Napoli, Loch Lomond resident, believed the plan has evolved over the last year and the increased parking is much better. One negative is the dry boat storage, which conflicts with marina uses that is very important with the 2020 plan. The 6-foot fence is a concern on San Pedro Road. Density is a concern as well.

Mike Nelson, San Pedro Cover resident, noted that major improvements have been made. In their view, the dry boat storage was always a bad use of the land and an eyesore for

residents. Elimination of the basketball court is a great idea. Reducing the size of the mix-use/commercial buildings is also appreciated. The full service market will be an asset to the neighborhood. They appreciated all the recreation provided in this plan. The modern architecture did not make sense in this neighborhood. They would love to see 45 units, but that probably will not happen. He further added that progress has been made, which is greatly appreciated by the San Pedro Cove residents.

Amy Allen, Bayside Acres resident, hoped the Loch Lomond Market remains at this location because it is functioning and working well.

Sara Jensen, Lochinvar Rd. resident, echoed the comments about density and if density were reduced several other concerns would be eliminated. The additional view corridors will improve the view straight down those corridors, but desired a better analysis of what they will do to the views from the public streets and sidewalks. The idea of the view corridor itself being lined with the biggest buildings works against maintaining the views from the public streets and sidewalks from Loch Lomond. She suggested that the improvement made along San Pedro Road with the single family cottages spaced out more is a vast improvement that must be extended all along Point San Pedro, down the view corridor and across the bay front in order to preserve views. In regard to the mixed-use building, diagonally across from that intersection there is a home that faces that direction and landscaping will not be able to screen from view.

Paul Claril, Inverness Dr. resident, commented on recent newspaper letters to the editor.

There being no further public testimony on this item, Acting Chair Huntsberry closed the public hearing and brought the matter back to the Board for discussion.

Acting Chair Huntsberry asked staff to address the wetlands. Planner Jensen responded that a detailed study was prepared by a biological consultant regarding the status of the illegal fill, and based on the documentation including review of previous aerial photos, there was no information in the record that demonstrated that it was actually illegally filled. Also, under State law when they prepare an EIR, the setting used is the date in which the notice of preparation is published. So whatever conditions on the site that existed at the time are the conditions used to assess the environmental impacts and the fill was present at that time.

Bob Brown, Community Development Director, added that the City, when they heard about the illegal fill, immediately contacted BCDC to see if they would investigate, which they did. There was no enforcement action regarding that issue, but BCDC took action regarding some improvements along the pedestrian frontage and a fine was imposed.

Dickens clarified with staff that the developer is adding 9,000 square feet of additional wetlands and the federal government allows encroachment into the wetlands when there is a tradeoff. Director Brown noted that the federal regulations relate to filling of wetlands, but there are no federal requirements for setbacks of wetlands, those are

imposed by the City. Staff added that the federal requirement is typically a 2:1 replacement for filled wetlands.

Huntsberry stated that residents over the years have seen the wetlands filled, but as far as illegal requirement of the EIR and people who render judgments can only go by what is present now. Director Brown indicated that when the Planning Commission and Council take this up and discuss the wetlands setback issue, a number of factors will be considered. For example, the existing paved edge violates the current setback, the jetties and waterfront areas are already highly impacted by human intrusion, so that would not change with the proposed project.

Mr. Bloom indicated that illegal fill issue was raised a few years ago and they responded by having their biologist conduct historical research by reviewing aerials prior to the date of the purported illegal fill in 2001. The evidence was that there was no change in the wetlands conditions between the 1990s and after 2001. That analysis was included in the Draft EIR published back in February 2006 and included in the Final EIR that was published last week.

Director Brown pointed out that this issue will be debated by the Planning Commission and Council and since it deals with environmental issues it is not for the Board's discussion or purview. Again, Mr. Allan and members of the public will review the Final EIR, and if there are concerns about the analysis those comments can be made in writing as well as in oral testimony to the Planning Commission.

Dickens stated that this is sort of a derelict property and this developer is trying to improve the property. The neighbors will have a palce to twalk their dogs and throw a frisbee. The neighborhood is not supporting the existing uses to an adequate state, some will never like the project, but improvements will be made to the property. The City has a rare opportunity. The architect and planner are world renown and the City is very lucky to have them in their community. Seldom does a City mandate a particular piece of property for extraordinary design. He personally supported the more edgy contemporary design and was disappointed with the negative reaction from the neighborhood and the Planning Commission. He wanted the architects to keep their enthusiasm and not get discouraged and strive for the more edgy design. He also has concerns about the density and the project could remove some units. The appearance of density will be amplified by the army barrack block nature of the architecture. The edginess will make it more interesting. He believed some units could be removed. Four DRB members supported the more edgy contemporary architect and the Planning Commission felt they were acting in the public's best interest by cutting the ears of the architecture back and he requested that the Commission take another look. DRB liked the softscape and more grass on the turnaround. He believed they are respecting the wetlands, but they could fill it, by replacing it 2:1 with the new wetlands, which they are doing anyway, so the public should stop beating them up about the illegal fill.

Crew commented on architecture and liked contemporary architecture very much, but in this case, the architects are extremely skilled with a less contemporary style and making

it really work. The Planning Commission provided direction to go in a less contemporary design, but in general, the project is successful. The drawings presented have the idea of details, but really she found in many cases that details in the back of the building were not the same as in the front. When this comes back, she asked the architect to look at the architecture and provide a much more sense of the details themselves. She requested that the architect pay attention to some of the uniting elements such as garage doors, fences, trim, roof details, vents, and mechanical screens. She also desired more sections. In regard to the town house units, the end elevation is the least successful of that building and should be reviewed because she desired four-sided architecture. She wanted to see more detail on the railing designs as well as landscaping. She wanted to know the exact species of trees and they must make sure the elevations match the plans. More detail on the pilasters is needed as well. In regard to landscaping, samples of pavers must be provided. She wanted to know how the central element would appear. Lighting must be reviewed and she desired shade devices for the barbeques areas. The picket fences depicted are all different types, so more detail is needed. The bollards and street lamps are very modern and must be reviewed. There are several good design elements, but it has not come together yet, she trusts the architect can make it happen. She agreed with the Director that the wetlands are not an issue for the Board to discuss. The dry boat storage is an eyesore in her view. She further hoped to see as much outdoor seating as possible.

Acting Chair Huntsberry is not convinced about the hard edge along the entry drive being the best treatment as expressed. That must be broken up in smaller units. They do not need to see such a linear and row barracks type of look. In general, architecture of the project is quite good. There has been a real effort to provide 360-degree design around all buildings. It would be helpful to have building sections to understand the massing. He is concerned about flat roofs anywhere, so a roof element must carefully be considered to hide mechanical equipment. It would be nice to have a title sheet showing where the items are located to easily maneuver through the plans. He was a proponent for more guest parking and believed they did an admirable job in response. As far as contemporary architecture, he thought the architecture for the grocery store and mixed-use building is appropriate for the site, nicely designed and a good addition to the community. They must also seriously consider an additional in and out drive off of San Pedro Road.

Crew asked the architect to provide the details of the plumbing vents. In regard to materials, she wanted to know what material would be used for the vertical siding.

Acting Chair Huntsberry indicated that extraordinary building materials are needed.

Director Brown summarized Board comments indicating he heard general support for the architecture as shown, but Dickens preferred contemporary, but two of the three DRB members felt traditional would be fine if well detailed. Also, the architect must provide much more details, sections, and landscape features. Director Brown noted that the Board is comfortable with the site layout, building forms and space between the buildings, with the exception of the Lochinvar entrance and details regarding a possible second access point, other than that the design is good, but details are desired. Huntsberry and Crew

supported that summary, but Dickens did not. Also, staff noted that the Board conducted several public hearings and staff wanted the Board to discuss the details and at the next meeting the Board can chose to open the public hearing and receive more testimony or the Board can chose not to re-open the public hearing. Huntsberry did not feel additional public testimony is needed, but the Board always has the ability to open it up to the public, if so desired. Dickens recommended that the public appoint a small group of design oriented individuals within the neighborhood to address specifically the detailing that will be seen.

Acting Chair Huntsberry asked for a motion.

Dickens moved and Crew seconded, to continue this matter to the March 20th meeting for staff to bring back details provided by the applicant in order for the Board to discuss. Motion carried unanimously. The Board indicated that the public hearing would only be opened for input on new design changes or details, since the Board has conducted several previous public hearings on this project.

ADJOURNMENT

BY ORDER OF THE CHAIR, THE MEETING WAS ADJOURNED.

Respectfully submitted,
Jessica Woods, Recording Secretary