


# STAFF REPORT

## SAUSALITO ZONING ADMINISTRATOR

**Project** Patterson Temporary Storage / 2 Canto Gal Road and 77 Wolfback Ridge Road  
Minor Use Permit MUP 11-123

**Meeting Date** March 29, 2012

**Staff** Heidi Burns, Associate Planner 

*This staff report supplements the staff report dated March 15, 2012*

### **BACKGROUND**

On March 15, 2012, the public hearing for the project was opened, public testimony was received, and the hearing was continued to March 29, 2012 in order to address the applicant's concerns regarding noticing for the March 15, 2012 public hearing.

On March 16, 2012, courtesy notices were mailed to all residents and property owners within 300 feet of the project site. The courtesy notices were also emailed to the president of the Wolfback Ridge Homeowners Association, the National Park Service, and the applicant's attorney. Additionally, Nancy Horner, Planning Division Chief for Golden Gate National Recreation Area submitted an email stating that they concur with the findings relevant to the Golden Gate National Recreation Area (see **Exhibit K**).

Since the meeting, staff has revised the draft resolution as shown in **Exhibit A** in order to make the project description more succinct. The findings were also slightly modified to provide consistency regarding the description of the project and to incorporate a reference regarding the National Park Service's concerns relating to visual impacts on public lands.

### **RECOMMENDATION**

Staff recommends the Zoning Administrator approve the attached draft resolution (**Exhibit L**) which denies a Minor Use Permit to allow the temporary use of storage containers, a construction trailer, and the storage of miscellaneous outdoor building materials at 77 Wolfback Ridge Road (Lot 4) and 2 Canto Gal Road (Lot 5) of the Wolfback Estates Subdivision.

Alternatively, the Zoning Administrator may:

- Continue the hearing for additional information and/or project revisions;
- Approve the Minor Use Permit, and direct Staff to return with a Resolution of approval; or
- Refer the matter to the Planning Commission.

### **EXHIBITS** (The lettering of the exhibits follows the sequence of the March 15, 2012 staff report)

A. *Revised*- Draft Resolution

K. Public Comment Letters

12. Nancy Horner, National Park Service, date-stamped March 19, 2012
13. Velia Butz, date-stamped March 21, 2012
14. Vipul Patel, date-stamped March 23, 2012

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**ZONING ADMINISTRATOR  
RESOLUTION NO. 2012-XX**

**DENIAL OF A MINOR USE PERMIT TO ALLOW A TEMPORARY USE OF STORAGE  
CONTAINERS, A CONSTRUCTION TRAILER, AND OUTDOOR STORAGE OF  
MISCELLANEOUS BUILDING MATERIALS AT 77 WOLFBACK RIDGE ROAD AND 2  
CANTO GAL ROAD  
(MUP 11-123)**

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**WHEREAS**, Property owner and applicant Alan Patterson is requesting approval of a Minor Use Permit to allow the after-the-fact and continued temporary use of storage containers, a construction trailer, and the outdoor storage of miscellaneous building materials at 77 Wolfback Ridge Road (Lot 4- APN 200-310-12) and 2 Canto Gal Road (Lot 5- APN 200-310-13) of the Wolfback Estates Subdivision; and

**WHEREAS**, the Zoning Administrator conducted duly-noticed public hearings on March 15, 2011 and March 29, 2012 at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Zoning Administrator has reviewed and considered the project information prepared by Alan Patterson and date-stamped received on September 2, 2011; and

**WHEREAS**, the Zoning Administrator has received and considered all oral and written testimony on the subject application; and

**WHEREAS**, the Zoning Administrator has reviewed and considered the information contained in the staff report for the proposed project; and

**WHEREAS**, the Zoning Administrator finds that the proposed project is not consistent with the General Plan as described in the staff reports dated March 15, 2012 and March 29, 2012; and

**NOW, THEREFORE, THE ZONING ADMINISTRATOR HEREBY RESOLVES AS FOLLOWS:**

1. The Minor Use Permit is denied based upon the attached findings (Attachment 1).
2. The existing storage temporary use of storage containers, a construction trailer, and the outdoor storage of miscellaneous building materials shall be moved from 77 Wolfback Ridge Road and 2 Canto Gal Road within ten business days of the date of this resolution.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeremy Graves, AICP  
Zoning Administrator

**ATTACHMENTS**

- 1- Findings
- 2- Conditions of Approval
- 3-

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*Exhibit A  
(3 pages)*

**ZONING ADMINISTRATOR RESOLUTION**

**March 15, 2012**

**MUP 11-123**

**77 Wolfback Ridge Road**

**2 Canto Gal**

**ATTACHMENT 1:  
FINDINGS FOR DENIAL**

**1. MINOR USE PERMIT FINDINGS**

In accordance with Zoning Ordinance Section 10.58 (Minor Use Permit), the Minor Use Permit is denied since the following requisite findings cannot be made.

***Required Findings – Section 10.58.050***

- B. The proposed use is consistent with the General Plan, the purposes of the Zoning Ordinance, and the purposes of the applicable zoning district.

*As noted in the General Plan section of the staff report, the temporary storage of personal and/or building/construction related items as a primary use on vacant property is not consistent with the intent of the General Plan. Specifically, the storage use does not reflect the predominant single family land uses designation or the adjacent open space land uses associated with the Golden Gate National Recreation Area. Furthermore, the placement of industrial-type metal shipping containers and stand-alone construction trailers (not associated with an active construction project or building permit) in a residential neighborhood is neither in harmony with the neighboring residential structures, nor promotes a design which complements its setting or other buildings along Wolfback Ridge Road and Canto Gal Road.*

- C. The proposed use, together with the applicable conditions, will not be detrimental to the public health, safety, or general welfare of the City.

*The temporary storage use as a primary use on vacant residentially zoned parcels adjacent to and visible from the well utilized Golden Gate National Recreation District lands could lead to increased trespassing and vandalism, which in turn could impact the public health, safety, and/or general welfare of the residents of the Wolfback Ridge neighborhood. Furthermore, the City has received letters of concern relating to safety, trespassing, vandalism, rodents, and negative impacts on property values.*

- E. The proposed use or facility is properly located relative to the community as a whole and to land uses and transportation and service facilities in the vicinity.

*The temporary storage use as a primary use is not compatible with a single family residential neighborhood as supported by Findings B and C. Furthermore, the City has received 11 letters from property owners within the Wolfback Ridge neighborhood opposing the storage use in the neighborhood. Lastly, the property owners (Allman and Butz) which abut Lot 5 have written letters indicating they are most impacted by the use and aesthetics of the site and do not support the vacant parcels being utilized for outdoor storage purposes.*

F. The size and shape of the subject property is adequate to provide features needed to ensure reasonable compatibility with land uses normally permitted in the surrounding area. Features may include but not be limited to yards, open spaces, walls and fences, parking, loading, landscaping, and such features as may be required by this Title or the Commission.

*The temporary storage use is not a compatible land use in a residential neighborhood as indicated in the above Findings B, C, and E.*

H. The proposed use will not materially adversely affect nearby properties or their permitted uses.

*The temporary storage use will negatively impact the visual qualities and aesthetics of the residential neighborhood and nearby properties, including the lands of the Golden Gate National Recreation Area. Additionally, the City has received 11 letters stating concerns regarding the current "unsightly" conditions of the property, safety, inappropriate industrial land use in the residential neighborhood, and that the use of the vacant lots for storage purposes is aesthetically incompatible with the neighborhood.*

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RECEIVED

Heidi Burns

MAR 19 2012

**From:** Nancy\_Hornor@nps.gov  
**Sent:** Friday, March 16, 2012 3:51 PM  
**To:** Heidi Burns  
**Cc:** Jeremy Graves; Steve\_Ortega@nps.gov; Brian\_Aviles@nps.gov  
**Subject:** Re: Public Notice for a Project Adjacent to the Lands of the GGNRA

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Dear Ms. Burns,

Thank you for sending the staff report and related materials for the land use application for temporary structures at the Wolfback Estates Subdivision on land adjacent to the Golden Gate National Recreation Area.

Based on a review of the materials, we concur with the findings relevant to the Golden Gate National Recreation Area and support the City's recommendation. As noted in the 1993 Settlement Agreement, which was included in the project materials, all discretionary decisions with respect to the subdivision that impact the physical environment will be made after notice to the GGNRA and we appreciate receiving your notice. The Settlement Agreement also includes architectural standards and visual mitigation requirements for compatibility of new structures on the site to minimize their visual impact from the GGNRA. The temporary structures are visible from the Marin Headlands, and the visual impact is not mitigated by the siting and color of the structures. We encourage any structures, whether temporary or permanent, be consistent with the City's applicable plans and zoning ordinances, as well as all terms of the Settlement Agreement.

Nancy Hornor  
Planning Division Chief  
Golden Gate National Recreation Area  
(415)561-4937

Exhibit K  
( 4 pages )

Heidi Burns,  
Associate Planner  
Zoning Administration  
Sausalito, Ca.

RECEIVED

MAR 21 2012

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

3/19/12

Dear Heidi,

This letter pertains to last week's hearing regarding Alan Patterson's application for a minor use permit.

Naively, when I got up to speak, I made a statement that was against my better judgment and now know to be incorrect. And that was - "that all of his containers etc. could have been stored on lot 4 hidden from view". I was unaware of the actual facts and findings of the Zoning Administration, and what the law requires. No mention was made to me that a Staff Report of 90 pages existed. However, I have since received a copy and did my "due diligence" and read it all. Having done so, I fully understand the findings of the commissioner and realize that my statement was in error. Therefore, I wish to retract and have that sentence expunged (if recorded) from my comments and be duly noted. Thank you Heidi for bearing with us.

Sincerely,

Jelia Butz

1 Rose Bowl Dr.

Sausalito, Ca. 94965



Heidi Burns

RECEIVED

**From:** Vipul Patel [vyper33@gmail.com]  
**Sent:** Thursday, March 22, 2012 12:51 PM  
**To:** Heidi Burns  
**Subject:** Re: Patterson's Minor Use Permit  
**Attachments:** IMG\_0813.JPG

MAR 23 2012

CITY OF SAUSALITO  
COMMUNITY DEVELOPMENT

Dear Heidi,

In follow up to my verbal statement on the March 15th Patterson temporary use hearing I wanted to make one new point and elaborate on a second point.

1. As a member of the board of the Wolfback Ridge Association, we as a board discuss the on goings of the Wolfback Ridge Neighborhood including any hazards that may be present in our neighborhood. There is currently an empty lot at 3 Wolfback Ridge which has garbage and debris on it that we have been actively trying to get the owners to remove and have filed reports the the city and public services. It is important to note that the Wolfback Ridge Association is not singling out one individual when it comes to hazards and safety issues.

2. I am not aware of what Mr. Patterson's application for temporary use permit states as the purpose for the permit and storage containers, however I assumed it was for personal items. However, Mr Patterson stated at the hearing he was going use the storage containers for construction equipment storage needed for septic systems. I am unclear what the construction trailer is for.

New construction requires design review by the Planning Commission. Septic systems require a construction permit from the Marin County Environmental Health Services. In both cases you have to submit detailed set of plans. Have those been submitted? Mr. Patterson was explaining staging and storage of equipment. Wouldn't this be the staging plan that the city requires and approves during the plan check process for building permit approval? It seems like there are many milestones and approvals that both the City of Sausalito and Marin County need to approve before we even get to the staging plan phase.

I hope these items are considered for if an appeal is made.

I also have attached a picture I took from the Golden Gate Nation Recreational trail that I walk frequently. This is public land that anyone has access to.

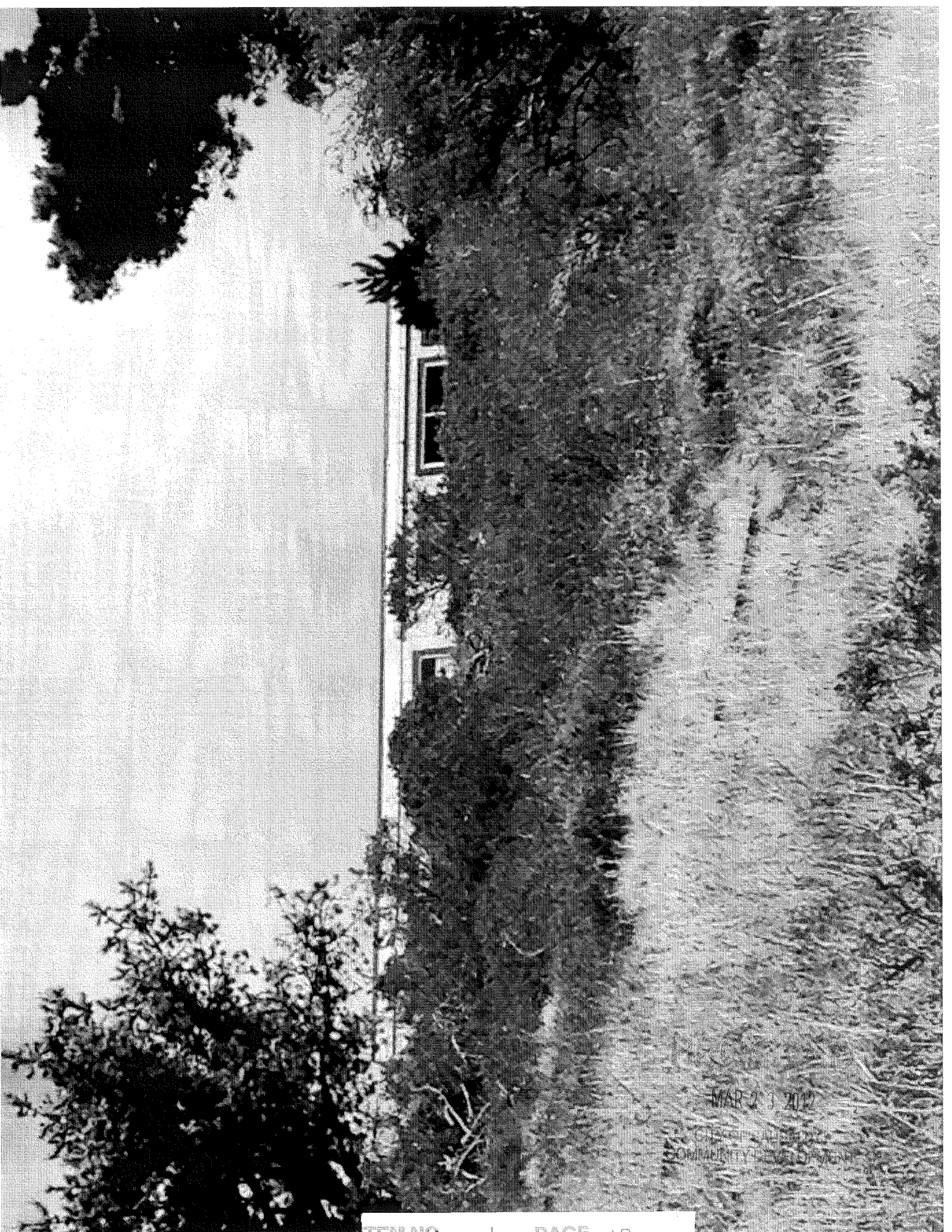
Thank you for all your work and help.

Vipul Patel

On Fri, Mar 16, 2012 at 1:18 PM, Heidi Burns <[HBurns@ci.sausalito.ca.us](mailto:HBurns@ci.sausalito.ca.us)> wrote:

Attached is the revised courtesy notice.

Again, please do not hesitate to call or email me if you have any questions.



MAR 23 2012

COMMUNITY DEVELOPMENT