

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE SAUSALITO CITY COUNCIL DENYING THE APPEAL OF  
GARY T. RAGGHIANI ON BEHALF OF ROBERT W. SIMPSON AND VALERIE  
FOX, UPHOLDING THE PLANNING COMMISSION'S DENIAL OF DESIGN REVIEW  
PERMIT APPLICATION NO. TM/UP/EP 05-033 FOR A CONDOMINIUM  
CONVERSION, CONDITIONAL USE PERMIT AND ENCROACHMENT PERMIT TO  
ALLOW TANDEM PARKING CONFIGURATION TO EXTEND INTO THE PUBLIC  
RIGHT-OF-WAY LOCATED AT 108-110 EDWARDS AVENUE  
(APN 065-293-23)**

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**WHEREAS**, an application has been filed pursuant to Municipal Code Title 10 (Zoning) by Linda Carruthers on behalf of Robert W. Simpson and Valerie S. Fox, property owners, requesting Planning Commission approval of a Condominium Conversion, including a Tentative Map and Conditional Use Permit, to convert the existing duplex into two condominium units with surrounding common area, and a Conditional Use Permit and an Encroachment Permit to allow the existing tandem parking configuration on the site which extends into the public right-of-way located at 108-110 Edwards Avenue; and

**WHEREAS**, the Planning Commission conducted a duly noticed public meeting on April 26, 2007, in the manner prescribed by local ordinance, at which time all interested persons were given an opportunity to be heard; and

**WHEREAS**, the Planning Commission reviewed and considered the Tentative Map project plans titled "108-110 Edwards Avenue A Condominium Project Lands of Simpson & Fox", dated September 2005 and stamped received by the City of Sausalito on October 11, 2005; and

**WHEREAS**, the Planning Commission received and considered oral and written testimony on the subject application and obtained evidence from site visits; and

**WHEREAS**, the Planning Commission reviewed and considered the information contained in the April 26, 2006 staff report for the proposed project; and

**WHEREAS**, the Planning Commission reviewed the requirements of the General Plan and Zoning Code as outlined the staff report; and

**WHEREAS**, the Planning Commission was unable to make the findings for approval of the requested Conditional Use Permit and Encroachment Permit for the Condominium Conversion as outlined in the Planning Commission findings, Attachment 2; and

**WHEREAS**, Linda A. Carruthers filed a timely appeal of the Planning Commission's decision within the 10-day time period on May 4, 2006; and

**WHEREAS**, Gary T. Ragghianti, representing the property owners, submitted a letter dated September 19, 2006, outlining the reasons for the appeal as provided in Attachment 3;

**WHEREAS**, the City Council conducted a duly noticed public hearing on January 8, 2008; and

**WHEREAS**, the City Council on January 8, 2008 reviewed and considered oral and written testimony, evidence obtained from site visits, staff reports, project plans and materials, prior minutes of the Planning Commission and Planning Commission Resolution No. 2006-12; and

**WHEREAS**, the City Council considered all issues presented by the appeal subject to the provisions of the Sausalito General Plan and the Sausalito Municipal Code; and

**WHEREAS**, based on the record of this proceeding, including the testimony and materials received and described above, the City Council finds that the Planning Commission did not err in its decision to deny the Condominium Conversion, Conditional Use Permit, Tentative Map, and Encroachment Permit and recommend denial of Application No. TM/UP/EP 05-033.

**NOW, THEREFORE, THE CITY COUNCIL HEREBY FINDS AND RESOLVES AS FOLLOWS:**

The City Council hereby denies the appeal and upholds the decision of the Planning Commission. The City Council hereby affirms and incorporates the findings outlined in the Planning Commission Resolution No. 2006-12 as provided herein as Attachment 2.

**RESOLUTION PASSED AND ADOPTED** at the regular meeting of the City of Sausalito City Council on the 8<sup>th</sup> day of January, 2008, by the following vote:

**AYES:**           **Councilmember:**  
**NOES:**           **Councilmember:**  
**ABSENT:**       **Councilmember:**  
**ABSTAIN:**      **Councilmember:**

\_\_\_\_\_  
MAYOR OF THE CITY OF SAUSALITO

ATTEST:

\_\_\_\_\_  
DEPUTY CITY CLERK

Item #: \_\_\_\_\_  
Meeting Date: 1/8/08  
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