



STAFF REPORT

SAUSALITO CITY COUNCIL

AGENDA TITLE

Appeal to the City Council of the Planning Commission's adoption of Resolution No. 2008-02 denying the Tentative Map and Subdivision Application No. TM 05-047 for the subdivision of the parcel located at 160 Currey Avenue (APN 064-232-11) into two lots.

RECOMMEND MOTION

Staff recommends that the City Council adopt the attached draft Resolution denying the appeal of Will Revilock and upholding the Planning Commission's Denial of Tentative Map and Subdivision Application No. TM 05-047 for 160 Currey Avenue.

SUMMARY

Appellant Will Revilock is appealing the Planning Commission's action of January 8, 2008, adopting Resolution of Denial No. 2008-02 (see Attachment 3). The Planning Commission's action denied the requested approval of a Tentative Map to subdivide the existing 17,836-square foot parcel at 160 Currey Avenue into two parcels as well as the demolition of portions of an existing house, a wood deck, and an existing garage.

BACKGROUND

At its November 7, 2007 meeting, the Planning Commission held a public hearing to consider a request to subdivide the existing 17,836-square foot parcel at 160 Currey Avenue into two parcels as well as the demolition of portions of an existing house, a wood deck, and an existing garage. The Commission expressed concern that the applicant had not demonstrated drainage rights to discharge additional runoff and sewage across adjacent properties, that the subdivision would create an irregular shape, and the subdivision would be inconsistent with neighborhood character. At the close of the public hearing, The Planning Commission directed staff to return with a resolution of denial. Staff returned with a draft resolution on November 28, 2007, which was subsequently continued to the next meeting.

At its January 9, 2008 meeting, four Planning Commissioners voted 2-2 to adopt the resolution of denial. A 2-2 vote has the same effect as a denial. Appellant Will Revilock is appealing this denial and believes all findings necessary to approve the application can be

Item #: 5A
Meeting Date: 2-26-08
Page No. 1

made. The applicant also believes that the application should be approved as it complies with all Zoning Ordinance regulations and is consistent with the existing neighborhood character.

The attached Planning Commission staff reports (see Attachment 4) provide a more detailed discussion of the project background. Please refer to the November 7, 2007 staff report for a detailed project description and timeline.

NEW INFORMATION – APPELLANT MEETING WITH COMMUNITY DEVELOPMENT DEPARTMENT STAFF TO RESOLVE SANITARY SEWER ISSUES

Subsequent to the January 9, 2008 denial by the Planning Commission, the appellant met with Todd Teachout, City Engineer and Patrick Guasco, Sewer Coordinator, to resolve issues related to sewer easements at 160 Currey Avenue. At the meeting, alternatives to obtaining sewer easements across 15 Toyon Lane and / or 19 Toyon Lane were discussed. Staff identified that wastewater for the new lot could be discharged through the use of a sewer ejection system, which would convey wastewater to a higher elevation and tie into the existing gravity flow sewer on Currey Avenue. The sewer ejection system would need to be designed in conformance with provisions of the California Plumbing Code and Marin County Code.

ANALYSIS

This staff report focuses on the issues raised in the appellant's appeal letter submitted January 18, 2008 (see Attachment 2). Staff has paraphrased the issues in *italics* and provides a response immediately following each issue.

Appeal Letter – Received January 18, 2008

1. *The proposed project complies with all zoning and planning requirements of the City of Sausalito including setback requirements, square footage requirements, subdivision requirements, easements, building envelope considerations, fire access, slope requirements, sanitary sewer system requirements, building ordinances, and utilities requirements.*

The proposed subdivision would result in lots that meet City of Sausalito requirements with respect to setbacks, minimum parcel size / lot dimensions, building envelope considerations, fire access, slope requirements, building ordinances, and utilities requirements. Subsequent to the Planning Commission's adoption of Resolution of Denial No. 2008-02 on January 9, 2008, the appellant has demonstrated that the new lot could be connected to the existing sanitary sewer on Currey Avenue (see above discussion under "New Information"), thus negating the need for a sewer easement across neighboring properties. However, the appellant has not demonstrated the possession of property rights to discharge additional surface runoff (i.e., increased peak flows resulting from future development) across neighboring private property before connection to a publicly maintained drainage system.

Therefore, pursuant to the Subdivision Ordinance, the finding that *all lots must be adequately drained* cannot be made.

2. *The appellant received recommendation of approval for the Tentative Map from Community Development Department staff including Assistant Planner Debra Lutske, City Engineer Todd Teachout; Planning Commissioners Keller and Peterson, and neighbor James Irving owner of 155 Currey Avenue.*

City staff recommended approval of Tentative Map and Subdivision Application No. TM 05-047 in its November 7, 2007 Staff Report to the Planning Commission. However, City Engineer Todd Teachout offered only conditional approval provided that the Planning Commission could make Subdivision Ordinance Findings with respect to adequate drainage. The Planning Commission did not make the required finding that *all lots must be adequately drained*. As described above, while the appellant has demonstrated that sanitary sewer issues raised could be resolved without the need for easements across neighboring properties, the possession of property rights to discharge additional surface runoff still has not been secured.

At its January 9, 2008 meeting, Planning Commissioners Keller and Kellman voted in favor of Resolution of Denial No. 2008-02. Planning Commissioners Peterson and Bair voted against the resolution. Planning Commissioner Bossio was absent. The effect of a 2-2 vote is the same as a denial.

3. *The appellant has met with City staff to review proposed plans to connect the new lot into the existing sanitary sewer system on Currey Avenue. The proposed plan would meet City of Sausalito requirements without the need to obtain easements across neighboring properties.*

As described above under "New Information", City staff would support the proposed connection to the existing sanitary sewer on Currey Avenue through the use of a sewer ejection system, provided the system complied with design requirements specified in the California Plumbing Code and the Marin County Code.

4. *The two proposed lots would be in character with the existing neighborhood based on lot size and intentions of the appellant to develop two 2,500-square foot homes, maintain existing driveway access for both houses, maintain existing trees and vegetation, and to match existing wood shingles of the surrounding neighborhood houses.*

The proposed subdivision would create two lots greater than the minimum 8,000-square foot parcel size for the R-1-8 Zoning District that would be within the range (i.e., 6,500 to 24,000 square feet) of existing parcel sizes in the surrounding neighborhood. The applicant's intention to construct two 2,500 square foot homes would be in character with existing home sizes in the neighborhood, which range from 1,750 square feet to 3,000 square feet. In comparison, site development standards for the R-1-8 Zoning District would allow development of a single-family home of up to 7,134 square feet (40 percent FAR), which would be greater than average home sizes for the surrounding neighborhood. In addition, the appellant's intention to maintain existing driveway access for both houses, maintain existing

trees and vegetation, and to match existing wood shingles of the surrounding neighborhood houses would minimize adverse changes to the existing neighborhood character.

The Planning Commission, under their review authority, determined the proposed lot split was not in character with the neighborhood and denied the application.

PUBLIC NOTICE AND FEEDBACK

Twelve (12) days prior to the hearing date, notice of this appeal was published in the February 14, 2008 publication of Marin Scope and notices were mailed to residents and property owners within 300 feet of the subject parcel.

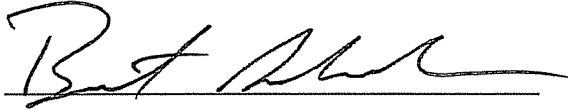
STAFF RECOMMENDATION

Staff recommends the City Council adopt the attached resolution denying the appeal of Will Revilock and uphold the Planning Commission's denial of Tentative Map and Subdivision Application No. TM 05-047 for 160 Currey Avenue.

ATTACHMENTS

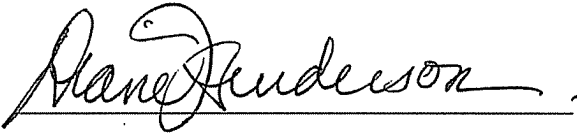
1. City Council Draft Resolution
2. Appeal letter submitted by Will Revilock dated January 16, 2008
3. Planning Commission Resolution No. 2008-02 for Application No. TM 05-047
4. Planning Commission Staff Report dated January 9, 2008 (includes previous Planning Commission Staff Reports dated November 7, 2007, April 11, 2007, and October 11, 2006).
5. Planning Commission Minutes dated January 9, 2008 (Note: Planning Commission Minutes dated November 7, 2007 are unavailable)
6. Public Comment

PREPARED BY:

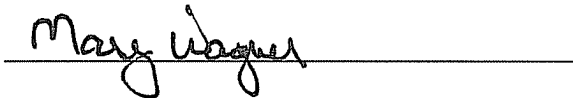


Brent Schroeder
Associate Planner

REVIEWED BY:

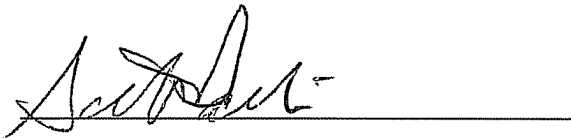


Diane Henderson
Interim Community Development Director



Mary Wagner
City Attorney

SUBMITTED BY:



Adam Politzer
City Manager

RESOLUTION NO. 2008-__

RESOLUTION OF THE SAUSALITO CITY COUNCIL DENYING THE APPEAL OF
WILL REVILOCK AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF
TENTATIVE MAP AND SUBDIVISION APPLICATION NO. TM 05-047 FOR THE
SUBDIVISION OF THE PARCEL LOCATED AT 160 CURREY AVENUE
(APN 064-232-11)

WHEREAS, an application has been filed pursuant to Municipal Code Title 10 (Zoning) by Will Revilock, property owner, requesting Planning Commission approval of Tentative Map and Subdivision Application No. TM 05-047 for the subdivision of the parcel located at 160 Currey Avenue (APN 064-232-11) into two lots; and

WHEREAS, the Planning Commission conducted duly noticed public meetings on October 11, 2006, June 6, 2007, November 7, 2007, November 28, 2007, and January 9, 2008 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 project plans and tentative map titled "Revilock 160 Currey Avenue", dated September 25, 2007 stamped received by the City of Sausalito on September 27, 2007; and

WHEREAS, the Planning Commission determined that the proposed subdivision is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15315; 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 October 11, 2006, June 6, 2007, November 7, 2007, November 28, 2007, and January 9, 2008 staff reports for the proposed project; and

WHEREAS the Planning Commission found that the proposed project does not comply with the requirements of the California Subdivision Map Act, Zoning Ordinance, and Subdivision Ordinance requirements as outlined in the staff report and the findings in this resolution; and

WHEREAS, the Planning Commission found that the proposed project does not comply with the General Plan, as outlined in the staff report; and

WHEREAS, the Planning Commission adopted Resolution 2008-02 denying Tentative Map and Subdivision Application No. TM 05-047 for the subdivision of the parcel located at 160 Currey Avenue based on the findings that the subdivision would be inconsistent with existing neighborhood character and the new lots would not have adequate drainage; and

WHEREAS, Mr. Will Revilock filed a timely appeal of the Planning Commission's decision to deny within the 10-day time period on January 18, 2008, and based on reasons outlined in his letter of appeal date stamped received January 18, 2008; and

WHEREAS, the City Council conducted a duly noticed public hearing on the appeal filed by Will Revilock on February 26, 2008; and

WHEREAS, the City Council on February 26, 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. 2008-02; 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, the City Council confirms that the project is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) pursuant to Sections 15315 of the State CEQA Guidelines (14 California Code of Regulations Sections 15000 et. seq.); 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 Tentative Map and Subdivision Application No. TM 05-047.

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. 2008-02 as provided herein as Attachment 1.

RESOLUTION PASSED AND ADOPTED at the regular meeting of the City of Sausalito City Council on the 26th day of February, 2008, by the following vote:

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

MAYOR OF THE CITY OF SAUSALITO

ATTEST:

DEPUTY CITY CLERK

Item #: SA
Meeting Date: 2/26/08
Page #: 8

W . S . R
A r c h i t e c t s

January 16, 2008

Brent Schroeder, Associate Planner
City of Sausalito, Planning Department
420 Litho Street
Sausalito CA 94965

RECEIVED

JAN 18 2008

PROJECT: PROPOSED TWO LOTS
160 Currey Avenue
TWDR05-047

CITY OF SAUSALITO

Dear Mr. Schroeder and Council Members:

I, Will Revilock, Architect, and my family, are asking for your approval for a Tentative Map at the above address (See exhibit A & B) for the following reasons:

ZONING REQUIREMENTS

We comply with **all zoning and planning requirements** for the City of Sausalito including all setbacks requirements, square footage requirements, subdivision requirements, easements, building envelope considerations, fire access, slope requirements, sanitary sewer system requirements, building ordinances, and utilities requirements.

RECOMMENDATION

We have the recommendation of approval for the Tentative Map from the Staff of the Planning Department, including Debra Lutske, assistant planner, the City Engineer, Todd Teachout, Planning Commissioner Vice Chair Mr. Keller, Planner Commissioner Mr. Peterson, and neighbor James Irving, owner at 155 Currey Avenue, Sausalito, California.

SANITARY SEWER SYSTEM

We plan for Lot 1 to tie into the existing sanitary sewer system on upper Currey Avenue. As for Lot 2, the existing sanitary sewer system will remain. We review are proposed layout plans with Partrick Guasco, Sewer System coordinator, City of Sausalito, and said our sanitary layout plans are in keeping with the sanitary requirements with the City of Sausalito and was glad we are not crossing our neighbors properties and would approve our proposed sanitary layout plans.

NEIGHBORHOOD CHARACTER

The major issue that the neighbors have with the Tentative Map is that these two proposed lots are not in character with the neighborhood. The facts are as follows:

The neighborhood is a mix of all size lots ranging from 6,500 square feet to 24,000 square feet and house structures from about 1,300 square feet to 6,000 square feet in size. See exhibit C. The five surrounding lot sizes range about 4,600 square feet to 16,400 square feet and the existing house structures range about 1,750 square feet to 3,000 square feet. See exhibit D.

For Lot 2 we propose to extensively remodel the existing 1,300 square foot house to about 2,500 square feet for our family home. In the future, for Lot 1 we plan to add a new house of about 2,500 square feet. (See exhibit E) We also propose to do the following:

- Maintain existing driveway access for both houses.
- Maintain existing trees and vegetation. No trees need to be removed for the two houses.
- Match existing wood shingles style of the surrounding neighborhood houses

We are asking for your approval for the Tentative Map at the above project. We believe our lot split would be **more in character with the neighborhood** than a proposed alternative single family house that could be as large as 7,134 square feet (40% of 17,835 square feet - See exhibit F).

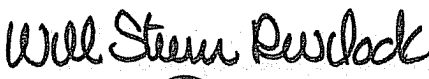

We believe that the proposed Tentative Map is in keeping with our goals as owners, in keeping with the character of the neighborhood, as well as adding an additional, and more affordable, home to the Sausalito community.

In conclusion, we would like to quote Vice Chair Keller, at the Planning Review meeting on June 6, 2007:

Vice Chair Keller said:

" the applicant has an opportunity here to do what's right for the neighborhood, what's right for the area and as they asked in the beginning, with a master plan, because let's be honest about it, there are going to be two houses there, the Commissioners and the neighbor can give their input and control where and what size, within reason, that the second house is going to be and access to and from in such a way that it's not going to impose on the neighborhood. It could be very nicely done"

Sincerely,



Will Steven Revilock AIA
Laura Revilock