STAFF REPORT

SAUSALITO ZONING ADMINISTRATOR

Public Safety Facilities Lot Line Adjustment/ Project

29 Caledonia Street and 257 San Carlos Avenue

Lot Line Adjustment and Variance Amendment/ LLA/VA 10-008

Meeting Date February 4, 2010

Lilly Schinsing, Associate Planne Staff

REQUEST

Approval of a Lot Line Adjustment to adjust the lot line between the two properties at 29 Caledonia Street (APN 065-062-17) and 257 San Carlos Avenue (APN 065-062-01). Approximately 190 square feet is requested to be removed from parcel at 29 Caledonia Street and added to parcel at 257 San Carlos Avenue with the Lot Line Adjustment. The applicants are also requesting an Amendment to a previously-approved Variance for a reduced side yard setback at 29 Caledonia Street. The Variance previously approved by the Planning Commission allowed for a five foot southern side yard setback where twenty feet is required. The requested amendment is to further reduce the southern side vard setback due to the lot line adjustment.

PROJECT INFORMATION

Applicant City of Sausalito, Sam Hock and Philip Jones

Property Owners City of Sausalito, Sam Hock and Philip Jones

Location/Size 29 Caledonia Street (APN 065-062-17); 6,000 square feet

257 San Carlos Avenue (APN 065-062-01); 9,733 square feet

See Exhibit A for vicinity map)

General Plan Public Institutional and Multifamily Residential

Zoning Public Institutional (PI) and Multifamily Residential (R-3) Districts

Authority Lot Line Adjustment (Zoning Ordinance Section 10.64.020)

Zoning Ordinance Administration (Zoning Ordinance Section

10.80.040.B.3)

Variance (Zoning Ordinance Section 10.68.020)

Environmental

The subject application is categorically exempt from the California Environmental Quality Act (CEQA), in accordance with Section Review

15301 the CEQA Guidelines. The project involves the permitting

of existing facilities.

PROJECT DESCRIPTION

Structures and Land Use

The parcel at 29 Caledonia is owned by the City of Sausalito and contains the Police Facility which is currently under construction. The parcel at 257 San Carlos Avenue is owned by Sam Hock and

Philip Jones and contains two apartment buildings which were constructed approximately in 1957. The parcel at 257 San Carlos Avenue is situated at a much higher elevation than the parcel at 29 Caledonia and an existing retaining wall, which is located on the southeastern portion of the parcel at 29 Caledonia, serves to support the structures at 257 San Carlos Avenue.

The request is to adjust the lot line between 29 Caledonia Street and 257 San Carlos Avenue such that the majority of the existing retaining wall would be located on the parcel at 257 San Carlos Avenue. The portion of the retaining wall on the parcel at 257 San Carlos would be maintained by the property owners of 257 San Carlos. The remaining portion of the retaining wall would be located in the City's public right of way. Approximately 190 square feet would be removed from the parcel at 29 Caledonia Street and added to the parcel at 257 San Carlos Avenue.

The second request is to amend a previously-approved Variance. On July 18, 2007 the Planning Commission adopted Resolution No. 2007-25 which approved, in part, a Variance for a 15-foot reduction in the southern side yard setback requirements for the police facility on the parcel at 29 Caledonia. As the lot line adjustment would bring the parcel line between 29 Caledonia and 257 San Carlos approximately four feet closer to the Police Station structure at 29 Caledonia, the previously-approved Variance is requested to be amended such that the parcel at 29 Caledonia would provide a one-foot southern side yard setback, for a total side yard setback reduction of 19-feet.

PROJECT ANALYSIS

GENERAL PLAN CONSISTENCY

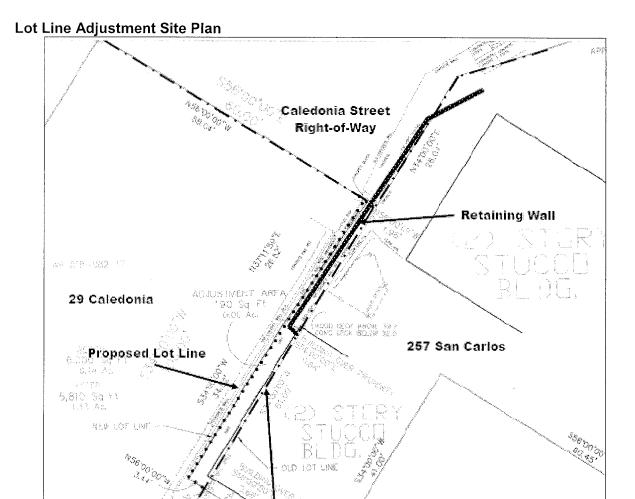
To approve the proposed project the Zoning Administrator must determine that the project is consistent with all applicable General Plan policies. Staff has concluded that the project is in compliance with the General Plan.

ZONING CONSISTENCY

The following outlines the applicable Zoning Ordinance regulations for the requested lot line adjustment and variance amendment.

Lot Line Adjustment

The requested lot line adjustment would adjust the lot line between 29 Caledonia Street and 257 San Carlos Avenue such that the majority of the retaining wall would be located on the parcel at 257 San Carlos Avenue. Approximately 190 square feet will be removed from the parcel at 29 Caledonia Street and added to the parcel at 257 San Carlos Avenue (see the figure, below).



The following table indicates the subject lot sizes before and after the lot line adjustment compared to the minimum lot size requirements in each applicable Zoning District.

Current Lot Line

Parcel Size Summary

Parcel	Zoning District	Minimum Lot Size	Lot Size Before Adjustment	Lot Size After Adjustment
29 Caledonia	Public Institutional (PI)	n/a	6,000 square feet	5,810 square feet
333 Johnson	Multifamily (R-3)	5,000	9,733 square feet	9,923 square feet

The lot line adjustment will slightly increase the lot size of 257 San Carlos, which will slightly reduce the existing floor area and building coverage conditions and increase the existing northern setback at that parcel. The subject parcel at 29 Caledonia Street is located in the Public Institutional (PI) Zoning District, where there are no maximum or minimum regulations on floor area ratio or building coverage percentage. Therefore, the lot line adjustment will not create non-conformities with respect to floor area and building coverage regulations. However, the lot line adjustment will move the southern parcel line at 29 Caledonia Street approximately four feet to the north, which will result in a one-foot side yard setback to the Police Station on the subject parcel. Therefore, approval of the lot line adjustment also requires approval of an amended variance from the side yard setback regulations in the PI Zoning District.

In order to approve or conditionally approve the Lot Line Adjustment, the Zoning Administrator must determine whether the proposed project is in conformance with the findings listed in Section 10.64 of the Zoning Ordinance. With the approval of a Variance for a reduced side yard setback, Staff concludes the requisite findings for the Lot Line Adjustment can be made to approve the permit, as summarized in the findings listed in the attached Resolution (see **Attachment 1** of **Exhibit B**).

Variance

Pursuant to Section 10.80.040.B.3 of the Zoning Ordinance the Zoning Administrator has the authority to review and act on amendments to existing Variance approvals which do not alter the general intent of the original approval granted by the Planning Commission. In 2007 the Planning Commission approved a variance for fifteen-foot reduction in the required side yard setback on the southern parcel line of 29 Caledonia Street. The current proposal is to reduce the southern side yard setback by an additional four feet as a result of the lot line adjustment. The following table indicates the setback requirements in the Public Institutional Zoning District and how the amendment proposal compares to the approval granted by the Planning Commission in 2007.

Setback Summary

Setbacks:	Code	2007 Approval	Amendment	Compliance
Front Yard:	N/A	9 ft.	9 ft.	Yes
Rear Yard:	20 ft. ¹	O ft.	O ft.	Yes ²
North Side Yard:	N/A	O ft.	Oft.	Yes
South Side Yard:	20 ft. ³	5 ft.⁴	1 ft.	No

In order to approve or conditionally approve the amendment to the Variance, the Zoning Administrator must determine whether the proposed project is in conformance with the findings listed in Section 10.68 of the Zoning Ordinance. Staff concludes the requisite findings for the

¹ A rear yard setback is required when the yard abuts a property zoned for residential

² Variance approved by the Planning Commission on July 18, 2007

³ Pursuant to Table 10.20-2 of the Zoning Ordinance the required side yard setback is 10 feet when the side yard in a PI Zoning District abuts a property zoned for residential use. Pursuant to Section 10.40.070.D.1, required side yard setbacks must be increased when the length of an unbroken structure wall which is located parallel to the side property line exceeds 40 feet. The setback is required to be increased by one foot for every five feet the structure exceeds 40 feet. As the structure is 90 feet in length the required side yard setback increase is 10 feet. The total required side yard setback is therefore 20 feet.

Variance approved by the Planning Commission on July 18, 2007

amendment to the Variance can be made to approve the permit, as summarized in the following analysis and in the findings listed in the attached Resolution (see **Attachment 1** of **Exhibit B**).

PUBLIC NOTICE AND CORRESPONDENCE

- January 25, 2010 Notices were mailed to all residents and property owners and interested persons within 300 feet of the project site.
- January 25, 2010, a letter was received from Alexander and Yami Anolik, 911 Bridgeway
 in support of the lot line adjustment (see Exhibit C1)

RECOMMENDATION

Staff recommends the Zoning Administrator approve the attached draft resolution (**Exhibit B**) which takes the following action regarding the requested entitlements:

- Approval of a Lot Line Adjustment to adjust the lot line between the two properties at 29 Caledonia Street (APN 065-062-17) and 257 San Carlos Avenue (APN 065-062-01).
- Approval of an **Amendment to a previously-approved Variance** at 29 Caledonia for a one foot southern side yard setback where twenty feet is required.

Additionally, the Zoning Administrator may:

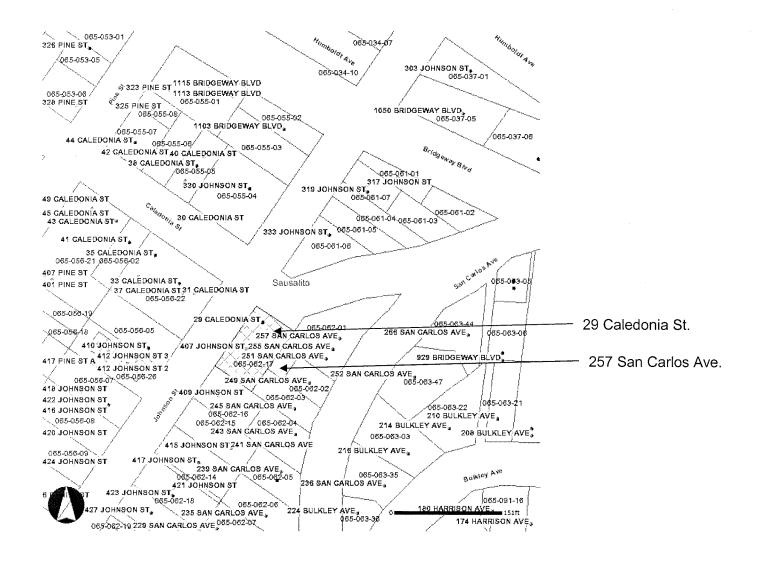
- Approve the Lot Line Adjustment/Variance Amendment with modifications;
- Continue the Lot Line Adjustment/Variance Amendment for additional information and/or project revisions; or
- Deny the Lot Line Adjustment/Variance Amendment and direct Staff to return with a Resolution of Denial.

EXHIBITS

- A. Vicinity Map
- B. Resolution (Draft)
- C. Correspondence
 - 1. Anolik letter, date stamped received January 25, 2010

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Vicinity Map



SAUSALITO ZONING ADMINSTRATOR RESOLUTION NO. XX-XX

A RESOLUTION APPROVING A LOT LINE ADJUSTMENT BETWEEN 257 SAN CARLOS AVENUE AND 29 CALEDONIA STREET AND AN AMENDMENT TO A PREVIOUSLY-APPROVED VARIANCE FOR A REDUCED SOUTHERN SIDE YARD SETBACK AT 29 CALEDONIA STREET (LLA/VA 10-008)

WHEREAS, an application has been filed by applicants and property owners the City of Sausalito, Sam Hock and Philip Jones requesting Zoning Administrator approval of a Lot Line Adjustment to adjust the lot line between the two properties at 29 Caledonia Street (APN 065-062-17) and 257 San Carlos Avenue (APN 065-062-01) and an Amendment to a previously-approved Variance for a reduced side yard setback at 29 Caledonia Street (APN 065-062-17); and

WHEREAS, the Zoning Administrator conducted a duly noticed public meeting on February 4, 2010 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Zoning Administrator finds that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301; and

WHEREAS, the Zoning Administrator has reviewed and considered the project plans titled "Site Plan" and "Preliminary Record of Survey Lands of City of Sausalito" date-stamped received on November 24, 2009; and

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

WHEREAS, the Zoning Administrator has considered the information contained in the staff report dated February 4, 2010; and

WHEREAS, the Zoning Administrator finds that, as conditioned herein, the proposed project complies with the requirements of the General Plan and Zoning Ordinance as described in the staff report dated February 4, 2010.

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

Section 1: A Lot Line Adjustment LLA 10-008 to adjust the lot line between the two properties at 29 Caledonia Street (APN 065-062-17) and 257 San Carlos Avenue (APN 065-062-01) is approved based upon the findings in **Attachment 1** and subject to the conditions of approval in **Attachment 2**. The project plans are provided in **Attachment 3**.

An Amendment VA 10-008 to a previously-approved Variance at 29 Caledonia for a one foot southern side yard setback where twenty feet is required is approved based upon the findings in **Attachment 1** and subject to the conditions of approval in **Attachment 2**. The project plans are provided in **Attachment 3**.

Date	Jeremy Graves, AICP
	Zoning Administrator

ATTACHMENTS

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

(3 DAGES)

ZONING ADMINISTRATOR HEARING February 4, 2010 LLA/VA 10-008 29 Caledonia Street and 257 San Carlos Avenue

ATTACHMENT 1: FINDINGS

LOT LINE ADJUSTMENT FINDINGS

Pursuant to Sausalito Municipal Code Section 10.64 (Lot Line Adjustments), it has been found that the permit is approved based on the following findings:

A) No new lots will be created.

The lot line adjustment would reconfigure the lot line between 29 Caledonia Street and 257 San Carlos Avenue such that the majority of the retaining wall is located on the property at 257 San Carlos Avenue. No new lots will be created.

B) Lot Line Adjustment will not increase development potential of affected parcels.

The lot line adjustment would slightly increase the lot size of the parcel at 257 San Carlos by approximately 1.9%. As the parcel at 257 San Carlos currently exceeds the permitted building coverage, no additional building coverage would be allowed without the approval of a variance. With the 1.9% increase in parcel area, the floor area ratio at 257 San Carlos Avenue would be allowed to be increased by 152 square feet, which would not significantly increase the development potential of the parcel. The parcel at 29 Caledonia Street would be reduced in size by 190 square feet, which will not increase the development potential of the parcel.

- C) Resultant lots conform with all applicable requirements of this Title 10, including shape, orientation to public right-of-way, use, open space, setbacks and bulk requirements; or
- D) When existing lots do not conform with all applicable physical and use requirements of this Title 10, the resultant lots will not increase pre-existing non-conformities.

A Variance is approved in conjunction with this lot line adjustment; therefore the resultant lots would be in compliance with the applicable requirements of the Zoning Ordinance.

- E) Resultant lots will not create new non-conformities with this Title 10.
- A Variance is approved in conjunction with this lot line adjustment; therefore the resultant lots would be in compliance with the applicable requirements of the Zoning Ordinance and not create new non-conformities. As a portion of the existing apartment building on 257 San Carlos Avenue is located on the City's property at 29 Caledonia, the lot line adjustment will bring the subject parcels into greater conformance with the Zoning Ordinance.
- F) Resultant lots will be adequate in size and shape to accommodate the uses permitted in the applicable district and all yards, open spaces, walls and fences, vehicular access, parking, landscaping and other features required by this Title.

Open spaces, vehicular access, parking and landscaping will not be affected by the lot line adjustment. The lot line adjustment will result in a lot which will accommodate the existing retaining wall on the northern property line of 257 San Carlos.

G) Proposed lots will be compatible with the uses and structures normally permitted in the surrounding area.

The resultant lots will support the continued multi-family residential use at 257 San Carlos Avenue which is permitted in the R-3 Zoning District, and the continued public facility use at 29 Caledonia which is permitted in the P-I Zoning District.

H) The proposed lot line configuration will not adversely affect the abutting property or its permitted use.

The abutting properties will not be adversely affected by the lot line configuration.

I) The proposed lot lines are properly located relative to the adjoining properties, other properties in the vicinity and the public street right-of-way.

The slight lot line shift does not affect other properties in the vicinity or the public right of way. The reconfigured lot line is property located.

VARIANCE FINDINGS

Pursuant to Sausalito Municipal Code Section 10.68 (Variances), it has been found that the Variance from Table 10.20-2 of the Zoning Ordinance is approved based on the following findings:

A) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use of the property, that do not apply generally to other property or uses in the same district:

The lot line adjustment to move the existing southern lot line at 29 Caledonia Street four feet to the north is required to appropriately locate an existing retaining wall which serves to support the property at 257 San Carlos Avenue. As the police station building at 29 Caledonia Street has already been constructed, it is impossible to relocate the structure four feet to the north to comply with the previously approved Variance. Coupled with the fact that the 29 Caledonia Street property is a relatively small corner parcel with configurations that make it difficult to build the site without triggering the need to depart from the City's setback criteria, there are exceptional circumstances applying to the properties involved that do not apply generally to other property in the same district.

B) Owing to such exceptional or extraordinary circumstances the literal enforcement of the provisions of the Title would result in practical difficulty or unnecessary hardship;

The literal enforcement of the previously approved Variance would require that the existing police station structure be relocated to provide for the five foot side yard setback. This is impractical solution and one which would result in significant unnecessary hardship.

C) Such Variance is necessary for the preservation of a substantial property right of the petitioner, possessed by other property in the same district;

Many other property owners in the neighborhood have installed improvements on their property for which they are responsible for the maintenance and liability of. The Variance associated with the lot line adjustment is necessary to establish the legal responsibility of the retaining wall.

D) The granting of such Variance will not be materially detrimental to the public welfare or injurious to the property or improvement in the vicinity or in the district in which the subject property is located;

As a portion of the existing apartment building on 257 San Carlos Avenue is located on the City's property at 29 Caledonia, the lot line adjustment will bring the subject parcels into greater conformance with the Zoning Ordinance, reduce the liability to the City in the event of an unforeseen event, and establish that the 257 San Carlos property owner is responsible for maintenance of the

retaining wall. Therefore, the granting of an amended variance which significantly decreases a non-conformity at 257 San Carlos and slightly increases a non-conformity at 29 Caledonia is in the best interest of the general public. Additionally, the project involves the reconstruction of a building that formerly accommodated a public service use that has historically existed on the subject property. This use is also intended to protect the public's health and safety given it provides police protection services. Therefore, the amended variance will not be materially detrimental to the public welfare or injurious to the property or neighboring properties.

E) The granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district; and

It has been established that there are exceptional and extraordinary circumstances applicable to the 29 Caledonia property that does not apply to other properties in the same Zoning District. Because these situations exist, granting of the Variances would not result in a grant of special privilege.

F) The granting of such Variance will be in harmony with the general purpose and intent of this Title and the General Plan.

The public record indicates that the Public Safety Facilities project has been designed to conform to the General Plan in many respects. Variance procedures exist within the City's Zoning Ordinance which implements the goals and policies of the General Plan. If the above findings can be made thereby achieving consistency with the Zoning Ordinance, granting of the Variances would equally achieve consistency with the General Plan.

ZONING ADMINISTRATOR HEARING February 4, 2010 LLA/VA 10-008 29 Caledonia Street and 257 San Carlos Avenue

ATTACHMENT 2: CONDITIONS OF APPROVAL

These conditions apply to the project plans prepared by NCPD and Associates and Lawrence H. Gaynor and entitled "Site Plan" and "Preliminary Record of Survey Lands of City of Sausalito" and date-stamped November 24, 2009.

General Conditions

- 1. -No alternative or unrelated construction, site improvements, tree removal and/or alteration, exterior alterations and/or interior alterations and/or renovations not specified in the project plans, or alterations approved by the Planning Director, shall be performed on the project site. In such cases, this approval shall be rendered null and void unless approved by the Community Development Department as a modification to this approval.
 - 2. In the event that any condition imposing a fee, exaction, dedication or other mitigation measure is challenged by the project sponsors in an action filed in a court of law or threatened to be filed therein which action is brought within the time period provided by law, this approval shall be suspended pending dismissal or final resolution of such action. If any condition is invalidated by a court of law, the entire project shall be reviewed by the City and substitute conditions may be imposed.
 - 3. The applicant shall indemnify the City for any and all costs, including without limitation attorneys' fees, in defending this project or any portion of this project and shall reimburse the City for any costs incurred by the City's defense of the approval of the project.

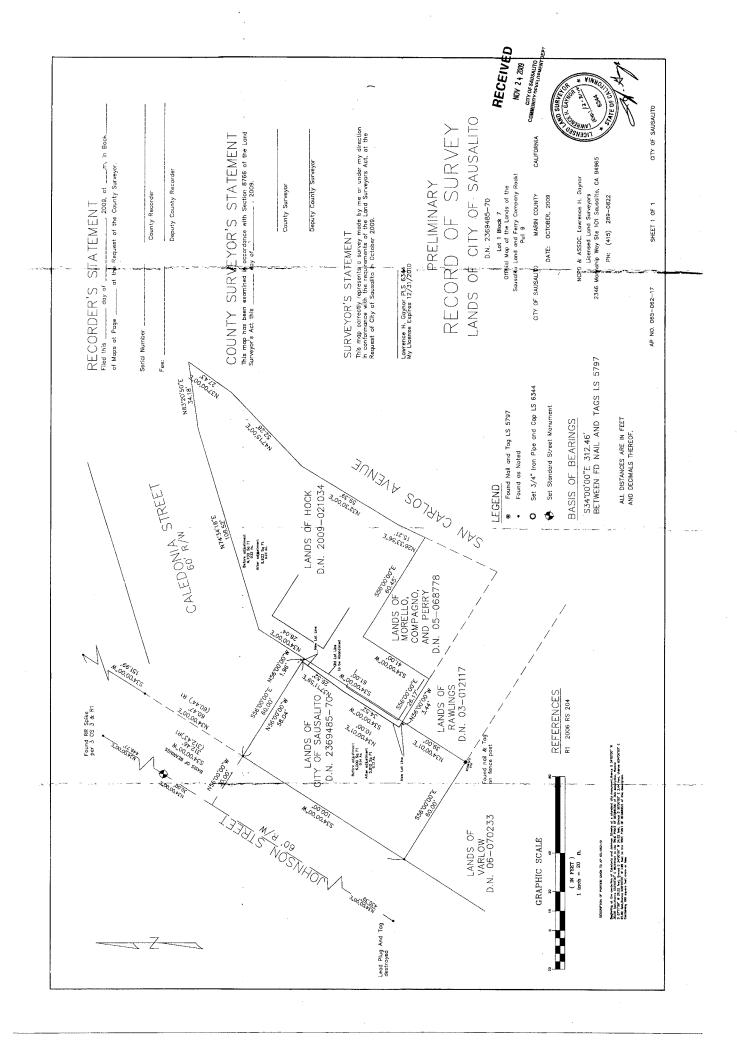
Advisory Notes

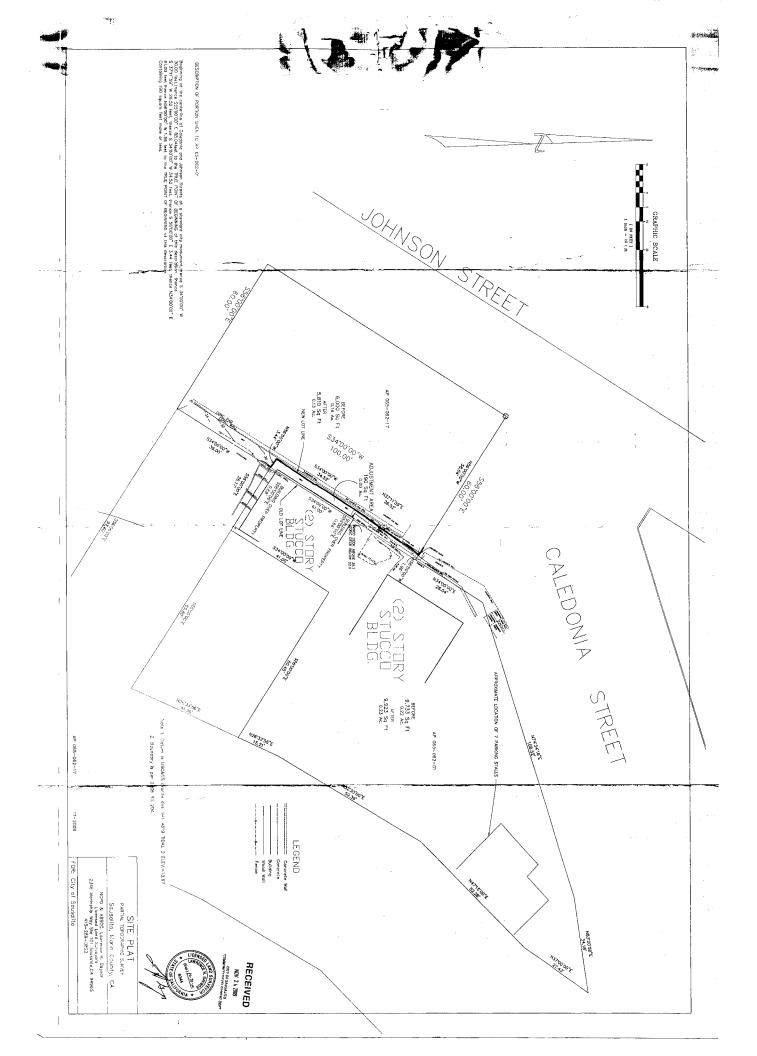
Advisory notes are provided to inform the applicant of Sausalito Municipal Code requirements, and requirements imposed by other agencies. These requirements include, but are not limited to, the items listed below.

- 5. This approval will expire in one (1) year from the date of adoption of this resolution if the property owner has not exercised the entitlements hereby granted.
- 6. All applicable City fees as established by City Council resolutions and ordinances shall be paid.

ZONING ADMINISTRATOR HEARING February 4, 2010 LLA/VA 10-008 29 Caledonia Street and 257 San Carlos Avenue

ATTACHMENT 3: PROJECT PLANS





Alexander and Yami Anolik

280 Round Hill Road Tiburon, CA 94920-0531 Tel. No. 415-435-0404 JAN 2 5 2010

CITY OF SAUSALITO COMMUNITY DEVELOPMENT

January 18, 2010

Via First Class Mail

Ms. Lilly Schinsing, Associate Planner City of Sausalito City Hall 420 Litho Street Sausalito, CA 94965

Re:

29 Caledonia Street and 257, 255 and 251 San Carlos Avenue

LLA 10-008 Lot Line Adjustment

Our File No.: 7450-42—911 Bridgeway

Dear Ms. Schinsing:

As an immediate neighbor, we have no objections to the application for a lot line adjustment.

Respectfully yours,

Alexander and Yanzi Anolik

AA:lf

Cc: Sam Hock & Philip Jones

257 San Carlos Avenue Sausalito, CA 94965

> EXHIBIT C (IPAGE)