



STAFF REPORT

SAUSALITO CITY COUNCIL

MEETING DATE: January 28, 2020

AGENDA TITLE: Consideration of Request for Waiver of Planning Appeal Fees for Approved Permits (Variance and Accessory Dwelling Unit) at 416 Napa Street

LEAD DEPARTMENT: Community Development

RECOMMENDATION

Deny the request for waiver of Planning Division Appeals Fees for Approved Permits (Variance and Accessory Dwelling Unit) at 416 Napa Street.

BACKGROUND / DISCUSSION

On April 10, 2019, the Community Development Department received a Permit application to allow an Accessory Dwelling Unit (ADU - Project ID 2019-00085) at 416 Napa Street from Michael Rex Architects. The ADU was proposed to be located at the upper level west side of the primary residence, entirely within the building envelope as approved by the Sausalito City Council on March 26, 2019 (**Attachment 1** - Resolution No. 5783).

On May 28, 2019, the Community Development Department approved the ADU Permit, pursuant to SMC Section 10.44.080.D.1, which states: "Any application for an accessory dwelling unit that meets the accessory dwelling unit permit standards contained in subsection E of this section shall be approved administratively without discretionary review or public hearing within 120 days of receiving the application."

On June 6, 2019, the Community Development Department received an appeal of the decision of the ADU Permit pursuant to SMC Section 10.84.020 (**Attachment 2**). In response, the Planning Commission conducted a duly-noticed public hearing to consider the appeal on June 26, 2019, at which time all interested persons were given an opportunity to be heard. The Planning Commission found that the Community Development Department's determination of the approval of the ADU Permit at 416 Napa Street complied with the Sausalito Municipal Code and denied the appeal (**Attachment 3** – Resolution 2019-08).

On July 8, 2019, an appeal of the Planning Commission decision to deny the appeal of the Community Development Department decision to approve the ADU was filed for City Council consideration.

On August 27, 2019, the City Council considered the appeal, denied the appeal and upheld the Planning Commission's denial of the appeal of the Community Development Department's determination of approval of the ADU Permit at 416 Napa Street based on the findings described in the attached Planning Commission Resolution No. 2019-08.

On November 13, 2019, a letter was received from the owner of property at 418 Napa Street requesting reimbursement of the appeal fees filed in regard to the ADU approved at 416 Napa Street (**Attachment 4**).

Fee Waiver Request

On June 18, 2019, the property owners of 416 Napa Street, Matt Smith and Kirstin Thomas, submitted a written request to the Sausalito City Council via the City Clerk, seeking a waiver of Planning Division application fees associated with 416 Napa Street, based on the rationale that both the Variance and the ADU would offer a public benefit; the Variance would enable two cars to park in the garage area, thus taking one car off the street and the ADU would make available an additional unit to the total housing stock in Sausalito. On July 16, 2019, the City Council granted the request for a fee waiver in the amount of \$3,530.

The written request for reimbursement submitted by the owner of 418 Napa Street indicates that the reason for the request is because, "I do not believe my concerns were heard, perhaps because the minutes approaching midnight."

Section 1.09.050 of the Sausalito Municipal Code (SMC) states:

The City Council may waive any fees required under this title for any non-profit organization, public body, district or agency of federal, state, county or municipal government or under other circumstances that the City Council in its discretion justifies such a waiver.

It is Staff's opinion that the request for reimbursement in this case is not warranted.

FISCAL IMPACT

Should the City Council decide not reimburse \$3,635.00 in Planning Division appeal fees no impact to the City will result.

STAFF RECOMMENDATION

Deny the request for waiver of Planning Division Fees for the Appeal of the Planning Commission decision pertaining to 416 Napa Street.

ATTACHMENTS

- 1- City Council Resolution No. 5783 dated March 26, 2019
- 2- Appeal of Community Development Department Determination dated June 6, 2019
- 3- Planning Commission Resolution 2019-08 dated June 26, 2019
- 4- Letter from the owner of property at 418 Napa Street Requesting Reimbursement of Appeal Fee dated November 13, 2019

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REVIEWED BY: Yulia Carter, Assistant City Manager/Administrative Services Director

SUBMITTED BY: Adam W. Politzer, City Manager

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