

1737 TENTH STREET
ZP#2016-0068
APPEAL

Background

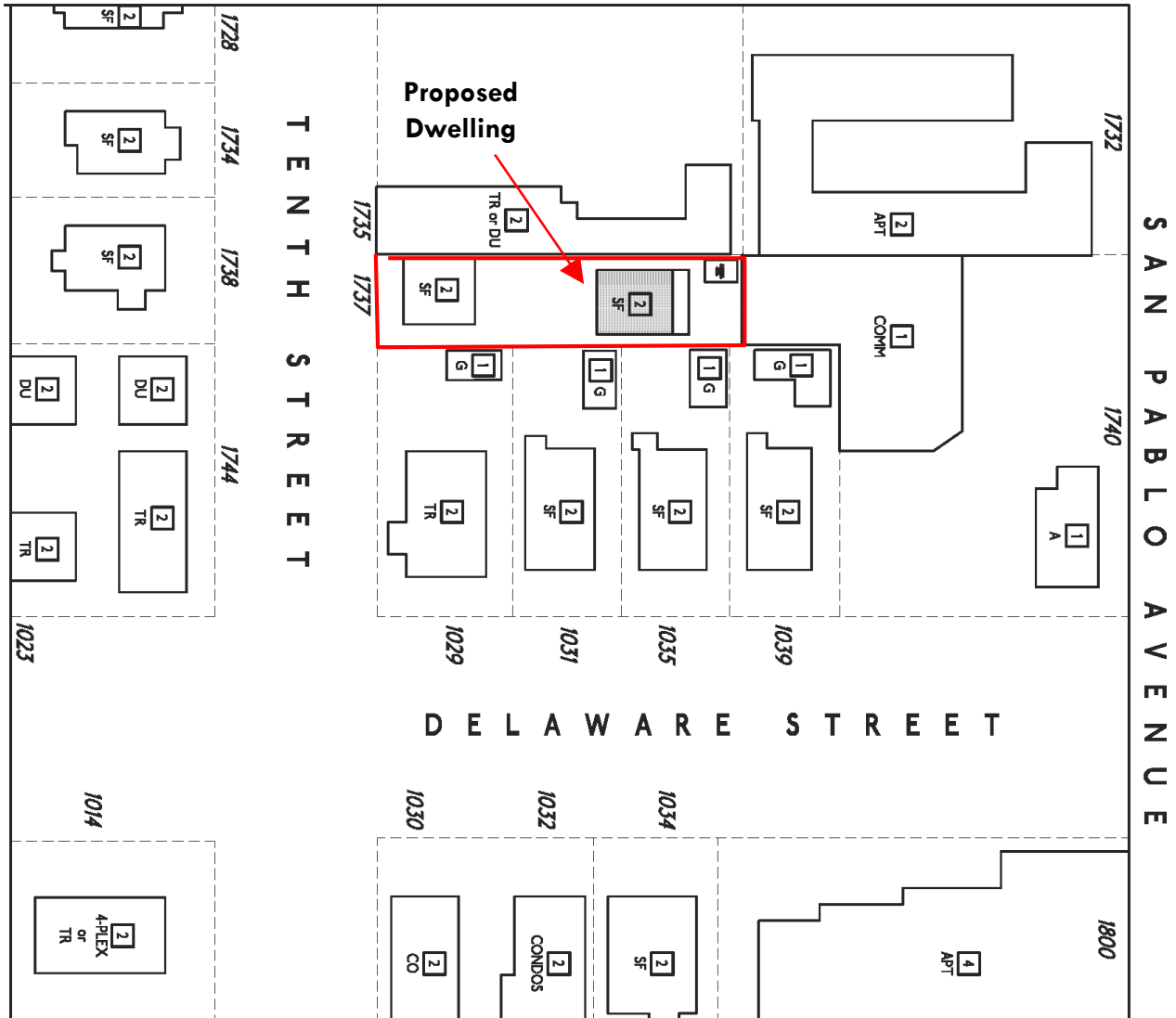
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On October 16, 2016, ZAB approved a Use Permit for a new Dwelling Unit in the R-1A Limited Two-Family Residential District.

Existing Conditions:

- 4,545-square-foot lot (33.7' x 135)
- Existing Two Story, 1,434-square-foot dwelling set towards front of lot (non-conforming 9.54' front yard setback)

Vicinity Map



Proposed Project

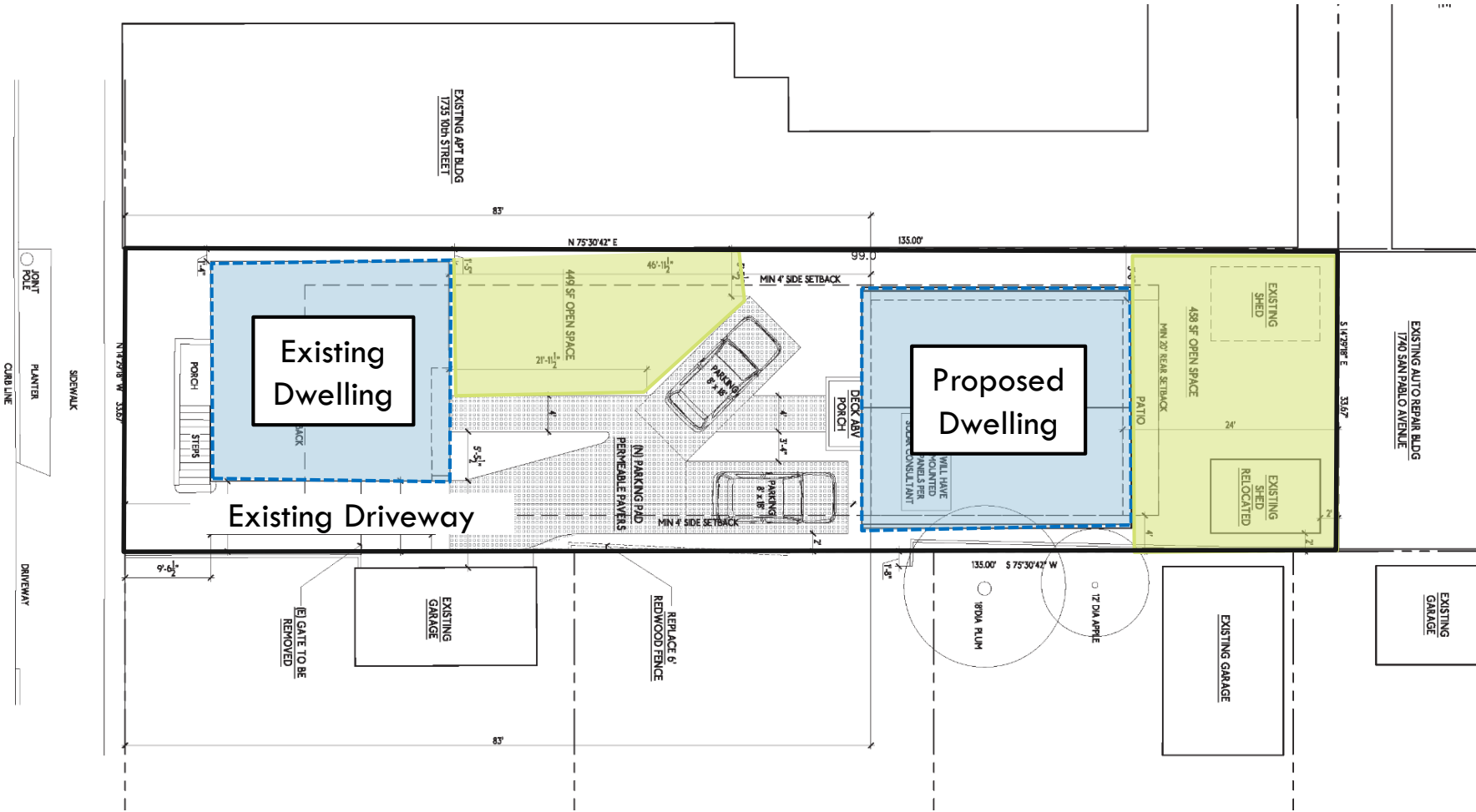
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- Sited towards rear of the lot
- 2 stories, 23.2 feet average height
- 1,344 square feet
- 4 Bedrooms
- 2 uncovered spaces located mid-lot



Proposed Site Plan

TENTH STREET



Appeal Points

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Insufficient Useable Open Space and Parking Layout

Response:

- Two Parking Spaces provide as required
- Parking Meets Zoning Ordinance and Traffic Engineering Standards
- 907 square feet Useable Open Space provide (minimum of 800 square feet required)
- Consistent with R-1 A District standards

Appeal Points - continued

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Detrimental Loss of Light, Air, and Privacy to Neighbors

Response:

- Shading impacts reasonable for urban environment; no window affected for more than a few hours during the day; impacts limited to certain months of the year
- Building to building separation, window placement and existing vegetation ensure non-detrimental impacts to air and privacy.

Appeal Points - continued

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Appellants Denied Due Process

Response:

- All non-applicant parties allotted two minutes time, including appellants
- Handouts received at the meeting are and were distributed to ZAB members, uploaded to website, and included in the Administrative Record

Appeal Points - continued

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Inadequate Driveway Width Requires Variance

Response:

- Driveway is 7'-10"
- Traffic Engineer reviewed and approved parking layout and driveway access consistent with 23D.12.040
- Perimeter fence located 1.3 feet north of property line on subject property does not affect parking and driveway layout

Appeal Points - continued

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No Story Poles

Response:

- Story poles uniformly required in the Hillside Overlay District, and in any instance when view impact issues are raised
- Story poles not required for this project as
 - (1) Not located in the Hillside Overlay District
and
 - (2) No significant view corridors are affected

Appeal Points - continued

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ZAB did not Understand R-1 A Provisions for Reduced Setbacks

Response: Project did not propose a reduced setback.

Appeal Points - continued

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No Findings Present for a Site with 6 Plus Bedrooms

Response:

- Section 23D.20.050 does not require any special finding beyond non-detriment
- Regardless, this section only applies when bedrooms are being added to existing buildings, not to the construction of new buildings, for which non-detriment findings are already required.
- Moreover, the ZAB made a non-detriment finding in this case.

Housing Accountability Act Analysis

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§65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

Housing Accountability Act Analysis

Continued

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- The project complies with all applicable, objective general plan and zoning standards; § 65589.5(j) applies
- As used in the Act, a “specific, adverse impact” means a “significant, quantifiable, direct and unavoidable impact, based on objective, identified written public health or safety standards, polices, or conditions as they existed on the date the application was complete.
- Staff has not identified any such standards or policies applicable to the project, or any specific, adverse impacts that will result from the project. The Council would need to identify such standards or policies, and such specific, adverse impacts in order to make the findings for denial.

Recommendation

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Uphold the ZAB's decision:

- Sufficient Useable Open Space, Parking Layout and Driveway Access
- Non-Detrimental Impacts to Light, Air, and Privacy
- Project consistent with R-1A Purposes and Development Standards

QUESTIONS?