



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Planning Commission

SUBJECT: SEE BELOW

DATE: February 4, 2008

COUNCIL DISTRICT: 3
SNI AREA: N/A

SUBJECT: PDC07-003. PLANNED DEVELOPMENT ZONING FROM R-1-8 SINGLE FAMILY RESIDENCE TO A(PD) PLANNED DEVELOPMENT TO CONSTRUCT 2 SINGLE-FAMILY DETACHED RESIDENCES ON A 0.23 GROSS ACRE SITE LOCATED ON THE SOUTH SIDE OF EAST TAYLOR STREET APPROXIMATELY 90 FEET WESTERLY OF NORTH 20TH STREET.

RECOMMENDATION

The Planning Commission voted 4-2-1, Commissioners Jensen and Kinman opposed and Commissioner Platten absent, to recommend that the City Council approve the proposed Planned Development Rezoning from the R-1-8 Single Family Residence to A(PD) Planned Development to construct 2 single-family detached residences on a 0.23 gross acre site.

OUTCOME

Should the City Council approve the Planned Development Rezoning, the applicant could apply for a Planned Development Permit to construct two single-family detached residences on the subject site, consistent with the development standards for the subject Planned Development Rezoning.

BACKGROUND

On December 5, 2007, the Planning Commission opened a public hearing on the proposed Planned Development Rezoning from the R-1-8 Single Family Residence to A(PD) Planned Development to construct 2 single-family detached residences on a 0.23 gross acre site. Commissioner Jensen requested the item be removed from the consent calendar to discuss the community outreach.

Staff gave a brief description of the project and indicated that they were available for questions from the Commission. The applicant, David Do, was present and introduced the project and asked for the Commission's positive recommendation. Commissioner Kamkar asked for clarification on the size of the garages. Mr. Do responded that and that the garages would be constructed to accommodate two cars side-by-side in accordance with current codes.

Public Testimony

Don Gagliardi, president of the 13th Street Strong Neighborhoods Initiative Neighborhood Advisory Committee (13th Street NAC) spoke. He stated that the 13th Street NAC had not been informed of this project. The Planning Commission closed public hearing. Commissioner Jensen asked staff if the project had been presented to the 13th Street NAC. Staff responded that although some members of the NAC had received hearing notices for the project, the item had not been presented because it was not located in the 13th Street NAC area, and although on the list of pending development proposals in the area, the 13th Street NAC had not specifically requested to have it presented.

Commissioner Jensen moved that the Planning Commission continue the item until the project could be presented at regularly scheduled 13th Street NAC meeting. Commissioner Kinman seconded the motion. The Planning Commission voted 6-0-1, Commission Platten absent, to continue the item 7 weeks until January 30, 2008, after the next scheduled NAC meeting.

On January 30, 2008, the Planning Commission continued the public hearing. Staff gave an update to the staff report, the project was presented to the 13th Street NAC on January 17, 2008, and neighbors' concerns included demolition of the existing house and the proposed square footage of the units. Planning staff responded to the neighborhood that the house had been significantly altered without benefit of permits and had undergone historic review and was not found to be significant according to the City's historic evaluation criteria. Staff commented that the size of the units would be determined at the Planned Development Permit phase, and that the project could be brought back to the 13th Street NAC at that time.

The applicant, David Do, was present and indicated he would answer any questions from the Commission. Two neighbors spoke on this project. Nat Robinson, a representative of the 13th Street NAC, said that the neighborhood had concerns about the proposed size of the units, the size of the solar panels shown on the conceptual elevations, and the fact that the on-site noticing sign had been removed for a portion of the application processing timeline. Don Gagliardi, president of the 13th Street NAC, said that the neighbors were concerned with the existing condition of the house, but that he believed it was an early 20th Century California bungalow and should be rehabilitated, not demolished. He commented that he was unable to be present when the project was presented to the NAC. The Planning Commission closed public hearing.

Commission Discussion

Chair Kalra directed staff to respond to the neighbors' concerns. Staff responded that the Planning Commission had the option of adding a development standard to limit the size of the units through a maximum floor-area-ratio (FAR). Staff noted that for single-family residences in the conventional R-1-8 Single Family Residence Zoning District, the maximum FAR before a discretionary permit is required is 0.45. In response to Mr. Robinson's question about the size of the photovoltaic paneling, staff responded that the elevations are conceptual only and are not intended to indicate the actual size of the panels. In regards to the on-site noticing sign, staff noted that the sign had been removed because the project had been reduced in size and the original Planning project manager no longer works for the City. Staff said that a new sign had been erected with current information, and that the applicant had provided photographs. In response to Mr. Gagliardi's comment, staff responded that,

because of the extent of the unpermitted alterations to the house, it would be difficult to know whether the additions could be permitted without stripping the walls, and that rehabilitation would be extremely costly.

Commissioner Zito asked how the project exhibited exceptional design under the General Plan Two Acre Rule. Staff responded that the development standards for the zoning require 1) a shared driveway between the two units, 2) that the driveway be paved with pervious material, and 3) that each unit include photovoltaic technology on the roof.

Commissioner Jensen stated she was concerned about the size of the lot as shown on the plans because she had seen other slightly different lot sizes listed in other public records, as well as the demolition of the existing house. She also stated that there should be a greater setback in the rear yard for the detached garages. Commissioner Kamkar noted that the house could be demolished and a single new house constructed without any hearing before Planning Commission. Commissioner Kinman stated that the units should be required to be as energy efficient as possible, including using on-demand water heaters. Commissioner Kinman also stated she wanted to be sure that installation of photovoltaic technology was possible on this site, and that there were no physical barriers that could make this development standard infeasible, such as surrounding trees. Staff responded that the intent of the specific development standards is to meet findings for exceptional design under the Two-Acre Rule, and that there did not appear to be any physical barriers to photovoltaic panel installation and functionality.

Commissioner Zito made a motion to recommend approval of the proposed Planned Development Rezoning from the R-1-8 Single Family Residence to A(PD) Planned Development to construct 2 single-family detached residences on a 0.23 gross acre site with five additional development standards: 1) limit the FAR of each unit to 0.45; 2) employ architecture and design consistent with the neighborhood; 3) require a 5-foot minimum rear setback for the detached garages; 4) require photovoltaic technology to generate 50% of power per unit; and 5) require on-demand water heaters in each unit. Commissioner Kamkar seconded the motion. Commissioner Jensen stated that she could not support the motion because she was uncomfortable not knowing the exact size of the lot. The Planning Commission voted (3-3-1) on Commissioner Zito's motion, with Commissioner Jensen, Commissioner Kinman and Chair Kalra against, and Commissioner Platten absent; the motion did not pass.

Commissioner Campos made a motion to defer the item an additional two weeks for the applicant to find the exact size of the lot and make minor corrections to the plans. Staff clarified that for the rezoning to be recorded, a legal description would be provided which would confirm the exact size of the lot. Commissioner Kinman seconded the motion. Deputy City Attorney Gurza noted that if the Commission was unable to come to a majority recommendation on the item after 60 days of opening the public hearing, City Council could take the item and hear it without a Planning Commission recommendation. She reminded the Commission the hearing was opened on December 5, 2007. Commissioner Zito stated his preference to recommend additional development standards to City Council while the commission had the opportunity. Commissioner Campos withdrew his motion to defer.

Commissioner Zito restated his original motion to recommend approval of the proposed Planned Development Rezoning from the R-1-8 Single Family Residence to A(PD) Planned Development to construct 2 single-family detached residences on a 0.23 gross acre site with five additional development standards: 1) limit the FAR of each unit to 0.45; 2) employ architecture and design consistent with the neighborhood; 3) require a 5-foot minimum rear setback for the detached garage; 4) require photovoltaic technology to generate 50% of power per unit; and 5) require on-demand water heaters in each unit. Commissioner Kamkar seconded the motion. The Planning Commission voted 4-2-1, Commissioner Jensen and Commissioner Kinman against, and Commissioner Platten absent, to recommend approval of the item as stated above.

ANALYSIS

The proposed project conforms to the applicable Residential Design Guidelines and Zoning Ordinance development standards, as discussed in the attached staff report.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criteria 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Although this item does not meet any of the above criteria, staff followed Council Policy 6-30; Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The rezoning was also published in a local newspaper, the Post Record. This staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Environmental Services Department and the City Attorney. Preparation of this memorandum was coordinated with the City Attorney's Office.

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FISCAL/POLICY ALIGNMENT

This project is consistent with applicable General Plan policies and City Council approved design guidelines as further discussed in attached staff report.

CEQA

CEQA: Exempt.


for JOSEPH HOR WEDEL, SECRETARY
Planning Commission

For questions please contact Licinia McMorrow at 408-535-7814.

