TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: MARCH 7, 2005

CMR:177:05

SUBJECT: 1012 FOREST AVENUE [04PLN-00021]: APPEAL BY TODD AND KATHY REECE OF THE DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT’S APPROVAL OF A SINGLE FAMILY INDIVIDUAL REVIEW APPLICATION FOR A NEW TWO-STORY RESIDENCE OWNED BY GREG LEE AND LINDA LIU. ZONE: R-1. ENVIRONMENTAL ASSESSMENT: EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15303.

RECOMMENDATION

Staff recommends that the City Council decline to hear the appeal by Todd and Kathy Reece and uphold the Director of Planning and Community Environment’s decision to approve Single Family Individual Review (IR) 04PLN-00021 based upon the findings and conditions in the draft Record of Land Use Action (Attachment A).

BACKGROUND

The City’s streamlined process, including the Individual Review procedures, provides for a City Council “call up” of appeals. Once the Director’s decision is made and an adjacent property owner appeals the decision, the project is sent to Council on the consent calendar. In the case of Individual Review applications, four council member votes are required to remove the project off the consent calendar and have it scheduled for a subsequent City Council meeting. Otherwise, the Director’s decision stands and no hearing is held. If the Council consents to hear an appeal, a hearing shall be scheduled as soon as practicable (PAMC 18.14.100).

The project is a new two-story residence with a detached one-car garage. On January 28, 2005, a Director’s decision was issued approving the project (Attachment B). On February 7, 2005, an appeal was formally filed by Todd and Kathy Reece. The letter of appeal is attached to this report, as Attachment C. The appeal letter makes reference to another email/letter submitted by the appellants after the Director’s hearing of the project and is included as Attachment D.

The project site is located on Forest Avenue, one parcel in from the east corner of Forest and Boyce Avenue. There are six adjacent properties, three of which are one-story and three are two-story residences. The appellants own and reside in two adjacent single-story houses on Boyce Avenue. The general pattern of the neighborhood is characterized by many old and new two-story residences along with single-story homes. A detailed project description and summary of project revisions to address neighbor concerns are included in Attachment E.
**DISCUSSION**
The issues raised in the appeal letter relate to Single Family Individual Review (IR) guidelines for privacy and scale.

**Privacy**
Privacy, per the IR guidelines, is defined as a reasonable expectation that personal activities conducted within and around one’s home will not be subject to casual or involuntary observation by others.

Policy Statements:
1. Provide a reasonable level of privacy on each single-family lot by reducing the opportunities for individuals to be casually observed by others when engaging in activities within or around one’s home (see Comprehensive Plan Goal L-3).
2. Acknowledge that complete or absolute privacy is not a realistic expectation.
3. Minimize intrusions on privacy for adjacent houses’ primary patio or outdoor living area(s).
4. New construction should recognize the pre-existing privacy situation.

The appellants have raised concerns regarding the privacy screening of the rear balcony and the glass feature located along the second floor hallway of the proposed house.

There is one balcony located at the rear southeast corner of the house. If the balcony requires screening to break up the view, the standard requirement is a screen at a minimum height of five feet with perforations no larger than 3-4” square (a typical lattice screen). This project proposes a six-foot tall screen with thick (1/2” thick x 2-1/2” wide) horizontal slats, closely spaced together (1-1/2” on center), to mitigate angled sightlines (see the last page of Attachment E for a photo example).

The project proposes glass panels along the second floor hallway for a length of nine feet that extend from floor to ceiling for a height of eight feet (approximately 72 square feet, including the wood framing). The glass panels will be frosted at a height of approximately four to six feet to block views when the hallway is traversed. The location of the hallway is 25 feet away from the property line and the house directly across from the hallway (956 Boyce) is more than 60 feet away. To address the privacy concern, the applicant has incorporated two specific treatments to meet the guidelines: obscured glass and increased setbacks.

**Mass and Scale**
Mass and scale, per the IR guidelines, is defined as the sense of bulk, size, and shape of a structure, usually perceived by reference to the surrounding space, nearby structures, and natural features such as trees.

Policy Statements:
1. Maintain the scale and character of the City. Avoid land uses that are overwhelming and unacceptable due to their size and scale (adaptation of Comprehensive Plan Policy L-5).
2. Provide a coherent sense of scale that addresses the relationship of various parts of the environment to each other, to people, and the limits of perception (see Comprehensive Plan - Policy L-5).
The appellants have raised the issue of the project’s compatibility with the existing one-story homes on Boyce Avenue that back up to the project site. They state that the proposed house is out of scale with the single-story bungalows.

The project site is zoned to allow two-story construction; there are no additional zoning restrictions that would prevent a two-story home from being built. The IR guidelines state that “the overall massing of new homes and second-story additions should be compatible with the adjacent houses and the predominant neighborhood scale.” The mass and scale of the proposed project has been designed to minimize the impact of the second floor and creates a responsive transition to the existing adjacent one-story homes. The second floor mass is placed closer to the existing two-story home and has been broken down into smaller components to further respond to the adjacent single story-story context. The second floor mass has been integrated into the roof design to a significant degree minimizing the overall mass of the home.

In summary, the proposed home meets all nine of the IR Guidelines (Attachment K). The applicant has met with the two adjacent neighbors (Reece’s) on several occasions to learn their concerns, and has made multiple revisions in an effort to mitigate the issues raised. Throughout the review process, no other neighbors have raised concerns with the homeowner or City staff.

RESOURCE IMPACT
As noted by staff in past reports regarding the IR program, the application fee does not cover the cost of staff time to review an IR project through an appeal to Council. If the City Council decides to hear this appeal, additional staff time (approximately 20 hours) will be expended without any cost recovery.

ENVIRONMENTAL REVIEW
The project is exempt from the provisions of the California Environmental Quality Act per Section 15303.

ATTACHMENTS
A. Record of Land Use Action
B. Director’s Approval letter dated January 28, 2005
C. Appeal letter submitted by Todd and Kathy Reece, dated February 7, 2005
D. Email sent by Todd and Kathy Reece, dated January 7, 2005
E. Project Description/Applicant Submittal Information
F. Director’s Hearing Meeting Minutes, January 6, 2005
G. Items submitted at the Director’s Hearing
H. Correspondence
I. Zoning Compliance
J. Comprehensive Plan Compliance
K. IR Guidelines
L. PAMC 18.14 R-1 Single Family Individual Review Chapter
M. Plans (Commissioner’s only)