TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: APRIL 11, 2005

SUBJECT: 705 ELLSWORTH PLACE [04-VAR-11]: REQUEST BY STOECKER & NORTHWAY ARCHITECTS, INC. ON BEHALF OF GEORGE STERN FOR A VARIANCE IN CONJUNCTION WITH THE CONSTRUCTION OF A NEW TWO-STORY RESIDENCE TO ALLOW: (1) FRONT SETBACK ENCROACHMENT; (2) REAR SETBACK ENCROACHMENT; AND (3) REAR DAYLIGHT PLANE ENCROACHMENT. ZONE: R-1. ENVIRONMENTAL ASSESSMENT: EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PER SECTION 15301.

RECOMMENDATION
Staff and the Planning and Transportation Commission (PTC) recommend that the City Council uphold the Director of Planning and Community Environment’s decision to approve Variance 04-VAR-11 for 705 Ellsworth Place based upon the findings and conditions in the draft Record of Land Use Action (Attachment B).

COMMISSION REVIEW AND RECOMMENDATION
At the public hearing held on Wednesday, January 26, 2005, the PTC voted (5-2-0-0) to accept staff’s recommendation for approval of the variance; Commissioners Burt and Holman voted no. No modifications were made to the Recommended Conditions of Approval, contained within Record of Land Use Action document (Attachment B).

Three neighbors spoke in support of the variance stating that it would fit into the neighborhood and help improve the street. The eight speakers opposing the project live behind the project site and their comments focused on three main issues: privacy, shadows, and neighborhood context.

The PTC staff report and meeting minutes for this hearing have been provided as Attachments A and I.

DISCUSSION
The three rear windows of the house are located at the bathroom, staircase landing, and the sitting room. The bathroom and staircase landing windows are approximately 24 feet from
the apartment building and the sitting room window is approximately 35.5 feet away from that building. Attachment H, page 4 provides a section showing the rear building setbacks, and page 8 shows the side setbacks.

The issue of privacy is specifically addressed in the Single Family Individual Review (IR) process and it was determined that the proposed project meets this guideline due to the distance between the buildings and the fact that there is no direct line of sight into the neighboring windows. The applicant has offered to install landscaping to help mitigate any perceived privacy impacts. It should be noted that requiring additional tall landscaping would likely result in greater shadows on the apartment building. The associated IR application for this project received a tentative approval on December 20, 2004 and a Director’s Hearing was requested and held on February 3, 2005. The Director’s Hearing decision (Attachment J) was made on February 24, 2005 and no appeal was filed.

PREPARED BY:______________________________

CLARE CAMPBELL
Associate Planner

DEPARTMENT HEAD:________________________

STEVE EMSLIE
Director of Planning and Community Environment

CITY MANAGER APPROVAL:________________

EMILY HARRISON
Assistant City Manager

ATTACHMENTS:
A. Planning and Transportation Commission Staff Report, dated January 26, 2005
B. Record of Land Use Action
C. Location Map
D. Applicant Submittal
E. Comprehensive Plan Compliance
F. Zoning Table
G. Background/Variance Approval Letter, dated December 7, 2004
H. Shadow Study
I. Draft Excerpt of the Planning and Transportation Commission Meeting Minutes of January 26, 2005
J. Individual Review Approval Letter, dated February 24, 2005
K. Correspondence
L. Project Plans (Council Only)

COURTESY COPIES:
Alena Campagna, Stoecker & Northway Architects Inc