TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE: APRIL 19, 2004

CMR: 234:04

SUBJECT: 4010 PAGE MILL ROAD [03-D-10, 03-EIA-15, 03-V-15]: RECORD OF LAND USE ACTION OF THE CITY COUNCIL DENYING AN APPLICATION BY CARTMELL/TAM ARCHITECTS ON BEHALF OF DAVID DITZEL FOR A SITE AND DESIGN REVIEW TO ALLOW A 1,677 SQUARE-FOOT ADDITION TO AN EXISTING 3,433 SINGLE-FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SWIMMING POOL, INCLUDING A REQUEST FOR A VARIANCE TO EXCEED THE MAXIMUM IMPERVIOUS AREA ALLOWED, AND A VARIANCE FOR EXTENSIONS INTO THE SIDE YARD AND FRONT YARD SETBACKS. ZONE DISTRICT: OPEN SPACE (OS). ENVIRONMENTAL ASSESSMENT: A NEGATIVE DECLARATION HAS BEEN PREPARED FOR PUBLIC REVIEW AND COMMENT.

RECOMMENDATION
Staff recommends that the City Council adopt the Record of Land Use Action denying the application for Site and Design review and variances for the construction of a residential addition in the Open Space district (Attachment A).

BACKGROUND
On February 17, 2004, the City Council reviewed a recommendation by staff and the Planning and Transportation Commission (Commission) to approve an application for Site and Design review and variances for the construction of a residential addition in the Open Space district. Councilmember Mosser moved to approve the staff and Commission recommendation, which was seconded by Councilmember Morton. The motion failed (5-2-0-1, Councilmember Ojakian absent) and the Council directed staff to submit a revised Record of Land Use Action that would reflect a decision to deny the project.

A copy of the February 17, 2004 City Manager Report (156:04) is contained in Attachment B and the meeting sense minutes are contained in Attachment C.
DISCUSSION
The Record of Land Use Action (Attachment A) describes the conclusions made by the City Council and includes the recommended findings for denial based upon the Council’s analysis of the project. The Council’s review included the following summary points:

- Development within the Open Space district requires special consideration beyond what is typically required in other districts. The protection of open space as a public asset is a priority; the City should be concerned about maintaining the qualities of open space areas.

- The project has the potential to be visually intrusive to the users of Page Mill Road. The non-complying structure (greenhouse) is located close to Page Mill Road and is a visual intrusion into the scenic corridor.

- Variances should be used to grant relief from the zoning code for specific needs of the property owner that affect the livability of the structure. The additional requested floor area would essentially be for an expanded garage space, which was not considered to be essential living space. The small additions to the rear of the house would be acceptable additions.

Although the Council recognized the property rights of the applicant and the support of the immediate neighbors, the Council’s concerns focused on the protection of the Open Space district as a public asset, that the variance process should be used only to grant relief from the zoning ordinance for the construction of small amounts of livable area, and that the small size of lots should not receive special consideration.

ATTACHMENTS
Attachment A: Record of Land Use Action
Attachment B: City Manager’s Report (CMR 156:04), February 17, 2004
Attachment C: Excerpt of the City Council Minutes of February 17, 2004

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