TO:       HONORABLE CITY COUNCIL

FROM:     CITY MANAGER  DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT

DATE:     APRIL 19, 2004  CMR:236:04

SUBJECT:  800 SYCAMORE DRIVE [04-AP-01]: RECOMMENDATION OF STAFF TO DENY REQUEST FOR HEARING OF APPEAL BY ANDREW CHIANG OF THE DIRECTOR OF PLANNING AND COMMUNITY ENVIRONMENT'S APPROVAL OF THE INDIVIDUAL REVIEW APPLICATION (03-IR-69) FOR A NEW TWO-STORY SINGLE FAMILY RESIDENCE OWNED BY FILIBERTO ALVAREZ. ZONE DISTRICT: R-1. FILE NO.: 03-IR-69.

RECOMMENDATION
Staff recommends the City Council decline to hear the appeal of Single Family Individual Review application 03-IR-69, thereby upholding the Director of Planning and Community Environment’s (Director) approval. Four or more affirmative votes by Council Members are needed to set the matter for hearing. If Council chooses to hear this appeal, it will be agendized for a date to be determined.

BACKGROUND
An appeal was filed by the adjacent property owner at 872 Sycamore Drive, in reference to the decision following the March 5, 2004 Director’s Hearing, which was to uphold the original approval of the Single Family Individual Review (IR) application. Attachment A is a copy of the letter that was submitted with the appeal.

Initially, the project application was approved by the Director on January 8, 2004 (Attachment B). Shortly after the letter was mailed to the adjacent property owners and residents, staff was contacted by email from the adjacent owners of 872 Sycamore Drive, who requested the project be discussed at a Director’s Hearing (Attachment C). Following review of the project at the hearing and after all public comments were received, the hearing officer rendered a decision (Attachment D).
The project would involve the complete demolition of the existing single-story building and the construction of a new two-story residence, slightly over 3,000 square feet in size. The lot size is 7,715 square feet. The new residence is proposed at a height of approximately 24.5 feet, under the imposed 30-foot height limit. The neighborhood consists of a cul-de-sac street, containing a variety of housing styles and a mix of single and two-story houses. The application was originally submitted on July 8, 2003 and underwent numerous revisions until the Director’s approval was achieved on January 8, 2004. Since that time, the plans have not been modified.

**DISCUSSION**
Staff believes that the project meets all applicable zoning regulations and IR guidelines. Following the Director’s hearing and given there was concern from the appellant, staff employed the City’s IR consultant to develop a solar study, in order to delineate the amount of shadow effect that would occur onto the adjacent property created by the proposed residence. A copy of the study has been provided as Attachment E and indicates that only a minor portion of the adjacent residence would experience shadows beyond what an allowed 7’0” fence would create. Staff believes the hours of the day and time of year used to develop this study are an appropriate average of shadow effects, as the summer or winter times of the year would merely produce exaggerated results to one extreme or other. IR guideline No. 6 is to “respect the solar orientation of the adjacent neighbor’s houses and yards,” not eliminate all shadows on site. Staff’s position is that the design of the house, as shown in the provided plan set (Attachment F) and resulting shadows delineated in the solar study, achieves the intent of this guideline.

Further justification of staff’s support for this project, in relation to the contested IR guidelines (Nos. 1, 5, and 6) by the appellant, is detailed in Director’s Hearing Decision Letter (Attachment D).

**RESOURCE IMPACT**
The project application and the appeal fees are not cost-recovery and do not cover the costs associated with the continued review of this application. Continued review of this application through appeal affects various staff resources, such as an increase in workload and the creation of new costs to prepare for and carry out public hearings.

**POLICY IMPLICATIONS**
This recommendation does not represent any change to existing City policies.

**ENVIRONMENTAL REVIEW**
The appeal of staff’s decision and the scope of this project are exempt from the provisions of the California Environmental Quality Act per Sections 15270 and 15301.

**ATTACHMENTS**
Attachment A: Letter of Appeal
Attachment B: Director’s Approval Letter
Attachment C: Director’s Hearing Request Letters
Attachment D: Director’s Hearing Decision Letter
Attachment E: Solar Study from City’s Consultant
Attachment F: Project Plan Set (Council Members only)

COURTESY COPIES
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Louis Bobrowsky, Project Architect
Andrew Chiang, Resident
Catherine Ballantyne, Resident
Lynn Chiapella, Resident

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