TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER
DEPARTMENT: PLANNING AND COMMUNITY ENVIRONMENT
DATE: OCTOBER 12, 2004
CMR: 442:04

SUBJECT: REQUEST BY ALEX KANELLAKOS ON BEHALF OF THE PROPERTY OWNERS ON ALLEN COURT, TRACT # 1137, FOR A ZONE CHANGE FROM R-1 SINGLE FAMILY RESIDENTIAL TO R-1(S) SINGLE FAMILY RESIDENTIAL WITH SINGLE STORY OVERLAY. ENVIRONMENTAL ASSESSMENT: EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

RECOMMENDATION
Although the Planning and Transportation Commission (P&TC) recommends Council deny the rezoning of Tract 1137, staff recommends the Council approve the rezoning by adopting the attached draft ordinance (Attachment A) to rezone Tract 1137 to R-1 (S) Single Family Residential with Single Story Overlay District. As an alternative, based upon the P&TC recommendation, Council can adopt the attached draft record of land use action (Attachment B) to deny the overlay request.

DISCUSSION
The property owners in Tract 1137 request application of the single story overlay zone to 22 single family parcels contained within that tract. Deed restrictions established in 1953 restrict development on these parcels to one story in height. The subject application meets three of the four of the evaluation criteria established by the Single Story Height Combining District (S) Overlay Zone Guidelines. The application does not meet the moderate lot size criterion. The table below summarizes the project’s compliance with the guidelines.
Summary of Guideline Criteria and Compliance

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Compliance of Application</th>
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<tr>
<td>Level of Support</td>
<td>Strong level of support with 14 of the 22 lots (64%) supporting the request.</td>
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<td>Appropriate Boundaries</td>
<td>The application indicates a rectangular neighborhood, as defined by the existing street pattern.</td>
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<td>Prevailing Single Story Character</td>
<td>Twenty-one properties are currently single story, built in the 1950s and are Eichler design homes.</td>
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<td>Moderate Lot Sizes (7,000 – 8,000 s.f.)</td>
<td>The breakdown of the lot sizes is as follows:</td>
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<td>Less than 7,000 s.f.: 6 lots (27.2%)</td>
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<td>Between 7,000-8,000 s.f.: 8 lots (36.4%)</td>
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<tr>
<td></td>
<td>Greater than 8,000 s.f.: 8 lots (36.4%)</td>
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COMMISSION REVIEW AND RECOMMENDATIONS

At the public hearing held on Wednesday, September 29, 2004, the P&TC voted 5-2 to deny staff’s recommendation of approval. Staff based its recommendation on two main factors:

1. The Council-adopted single story guidelines provide for a greater degree of flexibility in the evaluation of neighborhoods that contain and have been developed consistent with a single story deed restriction, such as this neighborhood.
2. The pending code changes to the Single Story Height Combining District include the deletion of the moderate lot size criterion.

The Commissioners expressed concern regarding the following issues:

1. The level of support (64%) is not “overwhelming” in this application. In the five previous overlay approvals the level of owner support has shifted from a high of 80% to a low of 69%.
2. The percentage of absentee property owners is 25%, which seems high compared to previous overlay requests.
3. The moderate lot size guideline is only met by 36% of the lots and the variation in lot sizes is significant enough that it should not be overlooked.
4. Due to the size and shape of the lots, many homeowners may have a difficult time developing their properties to take advantage of their available floor area. The previous overlay approvals were located in areas containing larger lots than those on Allen Court.
5. A significant portion of the area adjacent to Allen Court has higher density residential use, along with existing multiple-story structures.

6. The Single Family Individual Review (IR) program addresses privacy and neighborhood compatibility for new two story homes and second story additions. With the IR program in place, many of the concerns raised by supporters of this overlay would be addressed.

The P&TC also discussed the specific overlay guidelines and the thresholds that have been used to evaluate previous applications. Several Commissioners expressed concern about the proposed R-1(S) code changes going to Council on October 4, 2004, and suggested further Commission discussion was needed.

Of the seven speakers for this item, four spoke in support of the project, citing their desire to maintain the neighborhood character and the compliance with the existing deed restrictions. Instead of going through civil lawsuits, the residents request the City’s imposition of the overlay to avoid this legal process. The three speakers opposed to overlay were concerned about the potential negative impacts the overlay could have on their property values, as well as the added limitations that homeowners would have for future site development. They also voiced concern about the level of support from the neighborhood, suggesting that the support vote of the existing two-story residence should not be included, and that the property owner of three lots should have just one vote instead of three.

**ALTERNATIVES**
The Council may find the boundaries of the proposed overlay district should be expanded, which requires re-noticing of the public hearing, or contracted, which would not require re-noticing.

**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. Draft Ordinance for Approval with Attached Location Map
B. Draft Record of Land Use Action for Denial
C. Location Map with Levels of Support and Opposition Noted
D. Applicant Submittal
E. Comprehensive Plan Implications
F. Zoning Ordinance Compliance
G. Background/Project Description
H. Single Story Height Combining District (S) Zone Guidelines
I. Summary of Single Story Height Combining Rezoning
J. Pending Code Changes to the (S) Overlay
K. Deed Restrictions for Tract 1137
L. Planning and Transportation Commission Staff Report without Attachments dated September 29, 2004
M. Planning and Transportation Commission Meeting Minutes of September 29, 2004

COURTESY COPIES
Allen Court residents