TO:  HONORABLE CITY COUNCIL

FROM:  CITY MANAGER  DEPARTMENT:  PLANNING AND
        COMMUNITY ENVIRONMENT

DATE:  FEBRUARY 22, 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 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).

This project is viewed as a significant, and much needed, upgrade for the immediate
neighborhood. Residents of this private street have worked over the years to improve the overall
appearance of the street and three neighbors spoke in support of the variance. The eight speakers
against 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
This project is the first one following the new Variance review procedure that has been called up for a public hearing. Instead of the project automatically being heard by Council, the recommendation of the PTC is now placed on the consent calendar of the City Council within thirty days of the PTC review. In accordance with PAMC section 18.77.040, the Council may: (1) adopt the recommendation of the planning and transportation commission; or (2) remove the appeal from the consent calendar, which shall require three votes, and take action to uphold, overturn, or modify the action or determination of the director.

As a request by the PTC, Council is asked to pay particular attention to the three rear-facing windows of this project with regard to privacy.

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. In 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 has been made supporting the original approval of the IR project.

PREPARED BY:

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DEPARTMENT HEAD:

STEVE EMSLIE
Director of Planning and Community Environment

CITY MANAGER APPROVAL:

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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. Correspondence
K. Project Plans (Council Only)

**COURTESY COPIES:**
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