

Agenda Report

TO: CITY COUNCIL

DATE: SEPTEMBER 26, 2005

FROM: CITY MANAGER

SUBJECT: CALL FOR REVIEW OF TENTATIVE PARCEL MAP #061676 AND HILLSIDE DEVELOPMENT PERMIT #4395, 720 SOUTH SAN RAFAEL AVENUE (725 HILLSIDE TERRACE).

RECOMMENDATION

It is recommended that the City Council:

1. Adopt the draft initial environmental study and Negative Declaration that the proposed project will not create any significant adverse effects on the environment;
2. Direct the City Clerk to file a Notice of Determination with the County Clerk; and
3. Affirm the decision of the Zoning Hearing Officer to approve Tentative Parcel Map #061676 to allow:
 - a. Tentative Parcel Map – Subdivide one land lot into two land lots;
 - b. Hillside Development Permit – Subdivision of land within the Hillside Overlay district;
 - c. Hillside Development Permit – Construction of single-family house; and
 - d. Private Tree Removal – Removal of one Toyon (*heteromeles arbutifolia*) tree.

BACKGROUND

The applicant, Dennis Smith, on behalf on the property owners Christopher and Lois Madison, submitted: 1) a Tentative Parcel Map application to allow a lot split of the existing 110,642 square foot (2.5 acres) lot into two lots of 86,172 square feet (Parcel A) and 24,514 square feet (Parcel B), respectively, 2) a Hillside Development Permit application to allow a subdivision in the Hillside Overlay district, 3) a Hillside Development Permit application to allow the construction of a new 5,328 square foot single-family house on Parcel B (725 Hillside Terrace); and 4) a private tree removal application for the removal of one Toyon (*Heteromeles Arbutifolia*) tree.

Staff reviewed the applications and found they comply with all applicable provisions of the Zoning Code. Therefore, staff recommended that the Zoning Hearing Officer approve the applications. The Zoning Hearing Officer approved the applications at the

August 3, 2005 public hearing and that decision was called for review by the City Council on August 22, 2005.

ANALYSIS

Tentative Parcel Map – Subdivide one land lot into two land lots (Parcels A and B).

The property is zoned for single-family residential development as regulated by the RS-2 development standards. The minimum lot size for new parcels in this zone is 20,000 square feet. Parcel A, on which the existing house would be located, is proposed to be 86,172 square feet, while Parcels B would be 24,514 square feet.

The minimum required lot width for new properties in the RS-2 zoning district is 100 feet. The portion of Parcel A that fronts onto South San Rafael Avenue is approximately 30-35 feet for the first 250 feet; whereupon the property widens significantly to over 300 feet. This configuration will not change. Parcel B would be 286 feet wide and would front onto Hillside Terrace.

For any subdivision where an existing house is remaining, staff must also find that the existing house will comply with all size and setbacks requirements applicable to the property. In this case the existing 5,761 square foot house is significantly less than the maximum allowable size of 17,575 square feet and all minimum setback requirements (25 feet from the front and rear property lines and 10 feet from the side property lines) will continue to be exceeded (350 feet from the front property line, 84 feet from the proposed rear property line, 40 feet from the north property line and 120 feet from the south property line). All other development standards such as lot coverage and covered parking will also be met by Parcel A.

Under the Hillside requirements, the slope density reduction table yields the number of developable lots based upon areas of similar slope within the lot to be subdivided. In this case, the maximum number of lots that can be created from the subject site, based on size alone, is 3.8 lots, which exceeds the two proposed lots.

Hillside Development Permit – Subdivision of land within the Hillside Overlay district.

The intent of requiring a Hillside Development Permit for subdivisions in the Hillside Overlay district is to ensure that a proposed subdivision has appropriately considered the hillside nature of the property it is subdividing. In this case, Parcel A would be located where the existing house is and would maintain its connection to South San Rafael Avenue. The house would continue to meet all applicable development standards such as floor area, lot coverage, setbacks, and height.

Parcel B would be located on the portion of the existing lot that slopes down to Hillside Terrace. The slope is generally consistent down to Hillside Terrace with a small 200 square foot area in the northern portion of the property that increases in slope to over 50%. The portion of the rear lot line of Parcel B that parallels Hillside Terrace also generally parallels the slope contours of the property.

Parcel B is large enough to provide adequate room for a new house (See Hillside Development Permit discussion below) that can meet or exceed the applicable development standards such as floor area, lot coverage, setbacks, and height.

At the public hearing the stability of the slope on Parcel B was questioned because of the number of landslides in the Hillside areas of the City last winter. The Geotechnical Report prepared for the project concluded that because the proposed house would lie below existing grade, all support for the structure will be on bedrock.

Hillside Development Permit – Construction of new single-family house.

The applicant is proposing to construct a new house totaling 5,328 square feet. The new house would be located in the approximate center of the newly created Parcel B and would face Hillside Terrace. The maximum allowable gross floor area for Parcel B is 5,470 square feet. This takes in account a lot size of 24,514 square feet, 200 square feet of which exceed a 50% slope, and an average slope of 31.78%. The proposed floor area of 5,328 square feet is 142 less than the maximum allowable.

The Hillside Ordinance has two height limits, as measured from the existing grade of the site. First, the maximum height of a primary residence can be no more than 28 feet at any one point on the property and the maximum height as measured from the lowest point to the highest point cannot exceed 35 feet. As proposed, highest point of the house as measured from existing grade would be 24 feet and the overall height would be 32 feet.

The minimum setback requirements are 25 feet in the front and rear and 10 feet on the sides. As proposed, the house meets or exceeds these requirements as the setbacks would be 25 feet in the front, 35 feet in the rear, 56 feet on the south side, and 92 feet on the north side.

The Hillside Ordinance also has a requirement for Neighborhood Compatibility. This limits the gross floor area of a house, not including garages, to 35% over the median floor area of houses within 500 feet of the subject property. In this case, the median home size within 500 feet (58 homes) is 3,429 square feet. Thirty-five percent above this median is 4,629 square feet. The new house is proposed to be 4,448 square feet in size, not counting the attached garages. Thus, the home is 181 square feet below this maximum.

The new house does not occupy a ridge or prominent location. The proposed development would occupy approximately 9% of Parcel B. The proposed house will not impact any existing views as houses to the north and south will maintain their eastern views, houses to the east are below the proposed house and face east, and the existing house on Parcel A is located approximately 50 feet above the highest point of the proposed house on Parcel B. Further, prior to the issuance of any building permits the applicant shall submit a geotechnical report and detailed grading plan for the new house.

Private Tree Removal – Removal of one Toyon (*Heteromeles Arbutifolia*) tree.

The applicant is proposing to remove nine of the 52 trees on Parcel B. Of these nine trees, only one is protected per the City's Tree Protection Ordinance. This tree, a Toyon (*heteromeles arbutifolia*) is located between the front property line and the front of the proposed house, approximately 20 feet from the front property line. Four of the other trees proposed to be removed are located within the footprint of the proposed house and four are within close proximity of the house.

The applicant has proposed to compensate for not only the removal of the protected Toyon tree, but also the other eight trees. A preliminary landscape plan submitted with the application shows the planting of 34 new trees: 24-inch box Ginkos (3), 24-inch box Japanese Maples (2), 15-gallon Coast Live Oaks (9), 15-gallon California Rosebud trees (6), and 15-gallon Toyon trees (14). Most of these trees are proposed to be planted at the rear of the property, but the Ginkos and Japanese Maples will be planted at the front and sides of the new house. Three of the California Rosebud trees will be planted at the southern end of the front property line, while the remaining three will be planted at the northern end of the property.

Because the proposed landscape plan will result in a greater tree canopy than what currently exists, staff has made the necessary finding to permit the removal of the Toyon tree.

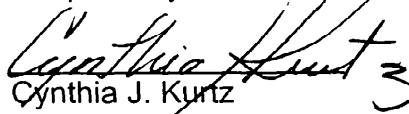
ENVIRONMENTAL DETERMINATION

An Initial Environmental Study was prepared for this project. The Study found no significant environmental impacts and therefore a Negative Declaration was prepared per the requirements of the California Environmental Quality Act. The public review period was from July 13, 2005 through August 3, 2005.


FISCAL IMPACT

The project will generate plan check permit fees and construction tax. Once constructed, the project will generate increased revenues from property taxes.

Respectfully submitted,

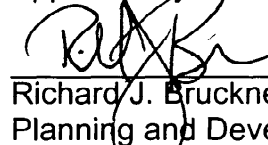

Cynthia J. Kurtz
City Manager

Prepared by:



David Sinclair
Associate Planner

Approved by:



Richard J. Bruckner, Director
Planning and Development Department

Attachments:

- A. Specific Findings for Tentative Parcel Map #061676
- B. Specific Findings For Hillside Development Permit #4395
- C. Conditions Of Approval For Tentative Parcel Map #061676
- D. Conditions Of Approval For Hillside Development Permit #4395

- E. Conditions Of Approval For Tentative Parcel Map #061676 (Public Works Department)
- F. Conditions Of Approval For Hillside Development Permit #4395 (Public Works Department)
- G. Conditions Of Approval For Tentative Parcel Map #061676 (Water And Power Department – Water Division)
- H. Conditions Of Approval For Tentative Parcel Map #061676 (Water And Power Department – Power Division)
- I. Draft Environmental Initial Study And Negative Declaration
- J. Site Plan for Proposed Subdivision and Proposed House
- K. Artist Renderings (three) of Proposed House