

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MARCH 21, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-19773 - APPLICANT/OWNERS: PROJECT ALTA LLC**

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**\*\* CONDITIONS \*\***

**STAFF RECOMMENDATION: APPROVAL, subject to:**

**Planning and Development**

1. This Variance (VAR-6283) shall expire on June 1<sup>st</sup>, 2008 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Variance (VAR-6283) and all other subsequent related cases and as required by the Planning and Development Department and Department of Public Works.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for an Extension of Time of an approved Variance (VAR-6283) to allow a 20.5 foot setback from the west property line where 336 feet is the minimum required; to allow a 20.1 foot setback from the north property line where 336 feet is the minimum required; and to allow a 71.2-foot setback from Martin L King Boulevard where 77 feet is the minimum required on 16.78 acres adjacent to the northwest corner of Alta Drive and Martin L King Boulevard.

The applicant has not made any significant progress on the proposed project in the form of an application of a Tentative Map or other applications. Therefore; a one year extension of time is deemed appropriate to give the applicant time to proceed with the proposed project. It is noted that companion Extensions of Time (EOT-19774 and EOT-19775) shall be heard concurrently with this item.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
12/15/04	The City Council denied a General Plan Amendment (GPA-5034) application to amend a portion of the Southeast Sector Plan of the General Plan from SC (Service Commercial) to H (High Density Residential), a Rezoning (ZON-4941) application for the proposed reclassification of property from C-1 (Limited Commercial) to R-PD50 (Residential Planned Development 50 units per acre), a Variance (VAR-5035) application to allow a 20-foot setback where 1,212 feet is required, a Variance (VAR-5479) application to allow 153,879 square feet of open space where 606,678 square feet is required for an 854-unit multi-family development, and a Site Development Plan Review (SDR-5155) application for a proposed 21-story, 840 unit condominium development in three buildings on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard. The Planning Commission recommended approval on 11/04/04; staff also recommended approval of the application.
06/01/05	The City Council approved a Site Development Plan Review (SDR-6282) application, a Special Use Permit (SUP-6284) application to allow Mixed-Use development on the site, and a Variance (VAR-6283) application to address height and Residential Adjacency issues related to the proposed development. The Planning Commission and staff had recommended approval of the requests.
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no permits or licenses related to this request.	
<b><i>Pre-Application Meeting</i></b>	
A pre-application meeting is not required, nor was one held.	

<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required, nor was one held.	

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	16.78

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	MXU (Mixed-Use)	C-1 (Limited Commercial)
North	Commercial Single-family Residential	M (Medium Density Residential) MXU (Mixed-Use)	R-PD11 (Residential Planned Development 11 Units per Acre) C-1 (Limited Commercial)
South	Commercial	UMC (Medical District)	PD (Planned Development)
East	Commercial	C (Commercial)	M (Industrial)
West	Multi-family Residential	M (Medium Density Residential)	R-PD19 (Residential Planned Development 19 Units per Acre)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Redevelopment Plan Area	X		Y
<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Purpose and Overlay Districts</b>			
A-O Airport Overlay District (175-Foot)	X		Y
<b>Trails</b>	X		Y
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

**DEVELOPMENT STANDARDS**

A1) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- a) Proximity slope. The north tower building (identified as Building 200 on the site plan) is located approximately 105 feet from the recently-approved R-PD11 development to the north, where a 336-foot setback would be required under the Residential Adjacency Standards based on the height of the proposed structure. The west tower building (identified as Building 300 on the site plan) is located 20.5 feet from the west property line and 20.1 feet from the north property line, but is approximately 550 feet away from the nearest single-family property to the west and is approximately 420 feet from the R-PD11 development that is to be located to the north. The easternmost buildings comply with the Residential Adjacency Standards.
- b) Building setback. The proposed structures will exceed the minimum required 15-foot setback.

### **ANALYSIS**

This is the first extension of time request for the proposed project. The applicant has not made any significant progress on the proposed project in the form of an application of a Tentative Map or other applications. The Variance would be exercised upon the issuance of a building permit. A one year extension of time is deemed appropriate to give the applicant time to proceed with the proposed project. It is noted that companion Extensions of Time (EOT-19774 and EOT-19775) shall be heard concurrently with this item.

### **Conditions of approval from VAR-6283:**

- 1. Approval of and conformance to the Conditions of Approval for Special Use Permit (SUP6284) and Site Development Plan Review (SDR-6282).
- 2. This Variance shall expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

### **FINDINGS**

Approval of the original Variance (VAR-6283) was granted on 06/01/05. This request for an extension of time is deemed appropriate with a one year time limit. Approval of this request is recommended.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** N/A

**ASSEMBLY DISTRICT** N/A

**SENATE DISTRICT** N/A

**NOTICES MAILED**            N/A

**APPROVALS**                    0

**PROTESTS**                      0