

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: APRIL 18, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: EOT-20206 - APPLICANT/OWNERS: ASIAN DEVELOPMENT, LLC.**

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

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

**Planning and Development**

1. This Variance (VAR-1916) shall expire on May 7<sup>th</sup>, 2008 unless another Extension of Time is approved.
2. Conformance to the Conditions of Approval for Variance (VAR-1916) 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 the second request for an Extension of Time of an approved Variance (VAR-1916) to allow no stepbacks where stepbacks are required after the fourth story in the town center development standards on 3.08 acres adjacent to the north side of Deer Springs Way, approximately 330 feet west of Durango Drive.

Since the first extension of time request the applicant has had a Tentative Map (TMP-15639) approved and is in the process of completing a drainage study. A traffic impact analysis has been completed. Approval of this request with a one year time limit is recommended, unless another extension of time is approved.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
05/07/03 *	The City Council approved a Rezoning (ZON-1913) to TC (Town Center) on the remaining portion of this site, a Special Use Permit (SUP-1915) for a fifteen story office building where Town Center Development Standards allow a maximum of twelve stories in the UC-TC (Urban Center Mixed-Use - Town Center) District, a Variance (VAR-1916) to allow no step backs where step backs are required after the fourth story in the Town Center Development Standards and a Site Development Plan Review (SDR-1914) for a fifteen story office/retail building with parking garage. The Planning Commission and staff recommended approval on 04/07/03.
03/16/05	The City Council approved related requests for an Extension of Time (EOT-6008) for Special Use Permit (SUP-1915) which allowed a fifteen-story office building where Town Center Development Standards allow a maximum of twelve stories in the UC-TC (Urban Center Mixed-Use - Town Center) District and an Extension of Time (EOT-6009) for Variance (VAR-1916), which allowed no step backs where step backs are required after the fourth story in the Town Center Development Standards.
09/21/06	The Planning Commission approved a Tentative Map for a one-lot commercial subdivision on 3.08 acres on the north side of Deer Springs Way, approximately 330 feet west of Durango Drive. Staff recommended approval.
04/18/07	The City Council will hear two related Extensions of Time (EOT-20199) and EOT-20203) concurrently with this item.
<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>	
Net Acres	3.08

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
North	Multi-Family Residential	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
South	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	U (Undeveloped) [TC (Town Center) General Plan Designation]
East	Undeveloped	UC-TC (Urban Center Mixed Use - Town Center)	T-C (Town Center)
West	Single Family Residential	ML-TC (Medium-Low Density Residential - Town Center)	T-C (Town Center)

<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>			
T-C Town Center District	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>			
T-C Town Center District	X		Y
<b>Trails</b>		X	N/A
<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

Pursuant to the Town Center Development Standards Manual, the following Development Standards apply to the subject proposal:

<b>Standards</b>	<b>Required</b>	<b>Requested</b>	<b>Compliance</b>
Stepbacks	8-ft. stepback required after 3 stories, with 4-ft. stepback optional at 6 stories and another 8-ft. stepback at 9 stories.	Stepbacks proposed at 3 <sup>rd</sup> , 10 <sup>th</sup> and 13 <sup>th</sup> levels, on three sides of the building only. The north wall has a stepback only at the 13 <sup>th</sup> level.	N

The proposed office tower meets the required 3rd floor stepback standard on three of the four building elevations. The variance applies only to the north elevation of the structure. The subject deviation is 25%.

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

a) **Proximity slope:** Title 19.08.B.1 requires that a 3:1 slope be maintained from a non-residential project to an adjacent residential property line. Achieving a 15-story building on this site (or even the 12-story building that is allowed on the site without a Special Use Permit) would not be possible if this requirement were observed, as the proposed 204-foot building would require a 612-foot setback on a 334-foot wide lot. As designed, the office tower is set back 28.5 feet from the adjacent residential property. The subject deviation is therefore 95.3%.

b) **Building Setback:** Title 19.08.B.4 requires that a non-residential building be set back at least an equal distance to the setback required for an adjacent residentially zoned lot. In this case, the site immediately to the west was approved for single-family development through Site Development Plan Review Z-0063-01(1). The required rear setback (which is the adjacent dimension to this site) for these lots is 14 feet. The proposed office building will be set back a distance of 28.5 feet, while the parking garage is to be set back 21 feet. The proposal therefore complies with this requirement.

## ANALYSIS

This is the second extension of time request for the proposed project. At the time of the first request the applicant had not moved forward with the project since approval. Since the first extension of time request the applicant has had a Tentative Map (TMP-15639) approved and is in the process of completing a drainage study. A traffic impact analysis has been completed. Approval of this request with a one year time limit is recommended, unless another extension of time is approved.

**Conditions of approval from VAR-1916:**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-1913), Special Use Permit (SUP-1915) and Site Development Plan Review (SDR-1914).
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-1916) was granted on 05/07/03 with an Extension of Time request being approved on 03/16/05. This request for a second extension of time is deemed appropriate given the circumstances currently occurring on the subject property. 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