



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 16, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-28309 - EXTENSION OF TIME - VARIANCE -
APPLICANT/OWNER: PARAMOUNT FUND II, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Variance (VAR-12382) shall expire on 06/07/10 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Variance (VAR-12382) and all other related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is the first request for an Extension of Time of an approved Variance (VAR-12382) to allow a Residential Adjacency Setback of 30 feet where 51 feet is the minimum setback required for a related 21,750 square-foot Office development proposal to be located on 3.21 acres at 5500, 5510, and 5520 Leggett Road.

There are two related Extensions of Time requests (EOT-28307 and EOT-28309) for a Rezoning (ZON-12379) and a Variance (VAR-12382) that will be heard with this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/07/06	The City Council approved a General Plan Amendment (GPA-12378) from the L (Low Density Residential) land use designation to the O (Office) land use designation; a Rezoning (ZON-12379) from the R-E (Residence Estates) Zoning District to the R-PD3 (Residential Planned Development - 3 Units Per Acre); a Site Development Plan Review (SDR-12380) for a proposed 21,750 square-foot Office development with a Waiver to allow a 10-foot perimeter landscape buffer where 15 feet is the minimum landscape buffer required; and a Variance (VAR-12382) to allow a Residential Adjacency Setback of 30 feet where 51 feet is the minimum setback required on 3.21 acres at 5500, 5510, and 5520 Leggett Road. The Planning Commission and staff recommended denial of the General Plan Amendment (GPA-12378). The Planning Commission recommended approval of the remaining application requests with staff recommending denial.
12/21/06	The Planning Commission recommended approval of a Tentative Map (TMP-17493) for a one-lot commercial subdivision.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses related with this request.	
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application request, nor was one held.	
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required for this type of application request, nor was one held.	

<i>Details of Application Request</i>
<i>Site Area</i>

Gross Acres	3.21 acres
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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	O (Office)	R-E (Residence Estates) Zone Under a Resolution of Intent to P-R (Professional Office and Parking)
North	Single Family Residential	L (Low Density Residential)	R-E (Residence Estates)
South	Single Family Residential	ML (Medium Low Density Residential)	R-PD5 (Residential Planned Development 5 Units Per Acre)
East	Commercial Center	L (Low Density Residential)	C-2 (General Commercial)
West	Single Family Residential/ Undeveloped	L (Low Density Residential)	R-1 (Single Family Residential)/ R-E (Residence Estates)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	NA
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

ANALYSIS

This is the first request for an extension of time of an approved Variance (VAR-12382) which allowed a 30-foot Residential Adjacency Setback where a 51-foot setback is required by Title 19.08.060. Since the date of the initial approval the applicant has had a Tentative Map (TMP-17493) approved by the Planning Commission for a single-lot commercial subdivision. In order to fully exercise the approved Variance (VAR-12382), the accompanying Site Development Plan Review (SDR-12380) must be exercised through the issuance of building, which has not yet occurred.

FINDINGS

Staff finds that the applicant has made suitable progress in moving this development proposal forward. Staff recommends approval of this request with a two-year extension of time, which will expire on 06/21/10 unless another extension of time is approved by the City Council.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0