



AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 17, 2008
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-31559 EXTENSION OF TIME VARIANCE -
APPLICANT/OWNER: WORK AT HOME LLC

**** CONDITIONS ****

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

Planning and Development

1. This Variance (VAR-14342) shall expire on 11/01/10 unless another Extension of Time is approved by the Planning and Development Department.
2. Conformance to all conditions of approval of Variance (VAR-14342) and all other site related actions 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-14342) to allow no step back beyond the building setback line where a 1:1 step back to height ratio is required along a street classified as collector or larger in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street.

It is noted that there are four (4) related Extensions of Time (EOT-31557, EOT-31559, EOT-31560, and EOT-31562) that will be heard concurrently with this application.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/03/72	The City Council approved a request for Rezoning (Z-0026-72) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) on property located on the east side of 9 th Street between Gass Avenue and Garces Avenue. The Planning Commission recommended approval on 04/13/72.
10/26/72	The Board of Zoning Adjustment approved a request for a Variance (V-0058-72) to allow an addition to a non-conforming building and to conduct a Group Care Home for ten (10) people on property located at 700 South 10 th Street.
04/26/79	The Board of Zoning Adjustment approved request for a Variance (V-0027-79) to allow a Group Care Home for 16 residents on the property at 700 South 10 th Street.
11/18/82	The Board of Zoning Adjustment approved a request for a Variance (V-0098-82) to allow a Senior Citizens Residential Facility for twenty-three (23) persons where a previous variance allowed sixteen (16) persons; to allow one parking space where eleven (11) parking spaces are required; to allow an addition constructed for this proposed facility that will connect two existing dwelling units to the rear property line where twenty (20) feet is required; and to allow a wood lattice cover to be constructed to the north side property line where six (6) feet, six (6) inches is required on property located at 700 South 10 th Street.
09/27/84	The Board of Zoning Adjustment approved a Variance (V-0103-84) to allow a Beauty Shop where such use is not allowed on the property located at 717 South 9 th Street.

02/06/91	The City Council approved a Rezoning (Z-0150-90) from R-1 (Single Family Residential), R-3 (Medium Density Residential), R-4 (High Density Residential), and P-R (Professional Office and Parking) to C-1 (Limited Commercial) for five of the parcels that comprise the subject development. The Planning Commission recommended approval on 01/10/91.
11/01/06	The City Council approved a Petition to Vacate (VAC-12884) public alleys generally located south of Garces Avenue, between 9 th Street and 10 th Street. The Planning Commission recommended approval on 09/07/06.
11/01/06	The City Council approved a request to Amend the Downtown Redevelopment Area Land Use Plan (GPA-14325) from MXU (Mixed-Use) to C (Commercial) on 1.33 acres at 700, 708, 712, 714, and 716 South 10 th Street and 715 and 717 South 9 th Street. The Planning Commission and staff recommended denial on 09/07/06.
11/01/06	The City Council approved a request for Rezoning (ZON-14338) from P-R (Professional Office and Parking) and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708, and 712 South 10 th Street. The Planning Commission recommended approval on 09/07/06.
11/01/06	The City Council approved a request for a Special Use Permit (SUP-14339) for a proposed mixed-use development at the northwest corner of Charleston Boulevard and 10 th Street. The Planning Commission recommended approval on 09/07/06.
11/01/06	The City Council approved a request for a Variance (VAR-14342) to allow no step back beyond the building setback line where a 1:1 step back to height ratio is required along a street classified as collector or larger in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning Commission and staff recommended denial on 09/07/06.
11/01/06	The City Council approved a request for a Variance (VAR-14345) to allow lot coverage of 56 percent where 50 percent is the maximum allowed in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning Commission and staff recommended denial on 09/07/06.
11/01/06	The City Council Struck a request for a Variance (VAR-14347) to allow 624 parking spaces where 635 is the minimum number of parking spaces required in conjunction with a proposed mixed-use development on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning Commission and staff recommended denial on 09/07/06.

11/01/06	The City Council approved a request for a Site Development Plan Review (SDR-14349) for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street. The Planning Commission and staff recommended denial on 09/07/06.
06/20/07	A Code Enforcement case (54620) was processed for storage on the porch, dry/dead grass, and trees in the rear yard and high grass in the front at 708 South 10 th Street. The case was closed on 11/19/07.
09/24/07	A Code Enforcement case (58178) was processed for some type of metal railing, tires, and junk in the front yard at 700 South 10 th Street. The case was closed on 10/01/07.
12/19/07	The City Council approved a request for an Extension of Time (EOT-25370) of an approved Site Development Plan Review (SDR-14349) for a proposed mixed-use development consisting of 350 residential condominium units and 18,000 square feet of commercial floor area within one 14-story and one 17-story building, and a waiver of the residential adjacency requirements on 2.05 acres at the northwest corner of Charleston Boulevard and 10 th Street.
12/19/07	The City Council approved a request for an Extension of Time (EOT-25372) of an approved Rezoning (ZON-14338) from P-R (Professional Office and Parking) and R-4 (High Density Residential) to C-1 (Limited Commercial) on 0.52 acres at 700, 708, and 712 South 10 th Street.
03/11/08	A Code Enforcement case (63189) was processed for temporary and window signs at 727 South 9 th Street. The case was closed on 03/21/08.
<i>Related Building Permits/Business Licenses</i>	
03/09/89	A building permit (89017016) was issue for a wood fence at 708 South 10 th Street. The permit was never finalized.
05/01/91	A building permit (91104815) was issued for the demolition of a building at 714 South 10 th Street. The permit was finalized on 05/10/91.
05/03/91	A building permit (91104981) was issued for a masonry wall at 714 South 10 th Street. The permit was finalized on 05/14/91.
06/07/91	A building permit (91109270) was issued for a burglary alarm at 717 South 9 th Street. The permit was finalized on 06/14/91.
05/14/04	A business license (Q13-00662) was issued for a Law Form/Office at 717 South 9 th Street. The license is still active.
11/28/06	A building permit (77015) was issued for the demolition of a single-family dwelling and garage at 712 South 10 th Street.
<i>Pre-Application Meeting</i>	
A pre-application meeting is not required for this type of application, nor was one held.	

Neighborhood Meeting	
A neighborhood meeting is not required for this type of application, nor was one held.	

Details of Application Request	
Site Area	
Gross Acres	2.05

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Single-Family Dwelling	C (Commercial)	R-4 (High Density Residential) with a Resolution of Intent to C-1 (Limited Commercial)
	Office Use	C (Commercial)	P-R (Professional Office and Parking) with a Resolution of Intent to C-1 (Limited Commercial)
	Retail/Financial Institution	C (Commercial)	C-1 (Limited Commercial)
North	Offices	MXU (Mixed Use)	R-1 (Single Family Residential)
	Offices	MXU (Mixed Use)	P-R (Professional Office and Parking)
South	Offices	C (Commercial)	C-1 (Limited Commercial)
	Retail Establishments	C (Commercial)	C-1 (Limited Commercial)
East	Offices	C (Commercial)	P-R (Professional Office and Parking)
	Retail Establishments	C (Commercial)	C-1 (Limited Commercial)
	Single-Family Dwelling	C (Commercial)	R-4 (High Density Residential)
West	Offices	MXU (Mixed Use)	R-1 (Single Family Residential)
	Offices	MXU (Mixed Use)	P-R (Professional Office and Parking)

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

ANALYSIS

This is the first extension of time request for the requested Variance. In the time since the approval of the Variance (VAR-14324), the applicant has made progress on the proposed development in the form of the issuance of a building permit for the demolition of an existing structure. Title 19.18.070 deems the entitlements of a Variance exercised when a business license is issued to conduct the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

The applicant is requesting an extension of time to meet Title 19.18.070 requirements. Though the applicant is preparing the land for the intended use, the appropriate actions necessary to exercise the variance have not yet been met. Staff recommends approval of the extension of time request with a two-year time limit. Conformance to the conditions of approval of Variance (VAR-14342) shall be required.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0