

Topography:	Flat
Street Improvements:	Existing
Utilities:	Existing

Project Plans: See Exhibits A and B

Background Information

On June 9, 1993, the City Council approved a Rezone from Standard Single Family (R-1) to Multi-Family (R-2A) in order to construct 24 townhome apartment units known as the Rio Lane Apartments (SHRA Public Housing). The approval of the apartment complex included a requirement to submit a formal application for the project to the Design Review Board Staff for review and approval. During the Design Review process, the project was required to provide a masonry wall along the south and east property lines adjacent to the single family residential area. The neighbors, applicant, Design Review Board all agreed to an eight foot wall to provide additional buffering. The eight foot wall condition requires a Zoning Administrator Variance.

Additional Information:

The applicant is requesting to construct an eight foot high masonry wall along the south and east property lines of the site. The adjacent neighbor to the south of the proposed apartments would like the fence to continue the full length of their affected property line (northern property line){See the Land Use and Zoning Exhibit}. The Zoning Ordinance permits a maximum fence/wall height of six feet for residential development. The additional wall height is a request of the neighboring property owners. Additionally, the applicant is requesting to have a four foot high masonry wall located in the front setback area. The Zoning Ordinance limits the fence height in the front setback area to three feet for solid fences or walls. The applicant is requesting the height to provide a more secure and defined entry to the project from the street.

NOTE: The approved project included a City Council added condition for the rezone which stated "Applicant shall add a six-foot security fence at landward side of levee (Cyclone fence, black color)." The proposed site plan indicates a six foot high masonry wall along the landward side of the levee instead of cyclone fencing. Staff talked with the Councilmember who added the condition about the proposed change. The Councilmember approved of the change of material and felt the intent of the condition was to provide security and the original choice of cyclone fencing was to require a less expensive fence of the applicant. The use of a solid wall rather than a cyclone fence meets the intent of the original condition.

Environmental Determination:

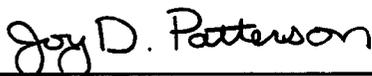
This project will not have a significant effect on the environment and is exempt from environmental review pursuant to State EIR Guidelines {California Environmental Quality Act, Section 15303(e)}.

Conditions of Approval

1. Size and location of the walls shall conform to the plans submitted.
2. The applicant shall obtain all necessary building permits prior to commencing construction.

Findings of Fact:

1. Granting the variance does not constitute a special privilege extended to an individual applicant in that a variance would be and has been granted to other property owners facing similar circumstances.
2. Granting the variance request does not constitute a use variance in that apartments are permitted in the Multi-Family (R-2A) zone with a Special Permit and single family residences are permitted in the Standard Single Family (R-1) zone.
3. Granting the request will not be injurious to public health, safety, or welfare nor result in a nuisance in that:
 - a. the proposed wall is compatible in size and style with the adjacent residential properties; and
 - b. the adjacent single family home owners have requested the higher wall for additional privacy and buffering from the apartment complex.
4. The project is consistent with the General Plan which designates the subject site as Low Density Residential (4-15 du/na).



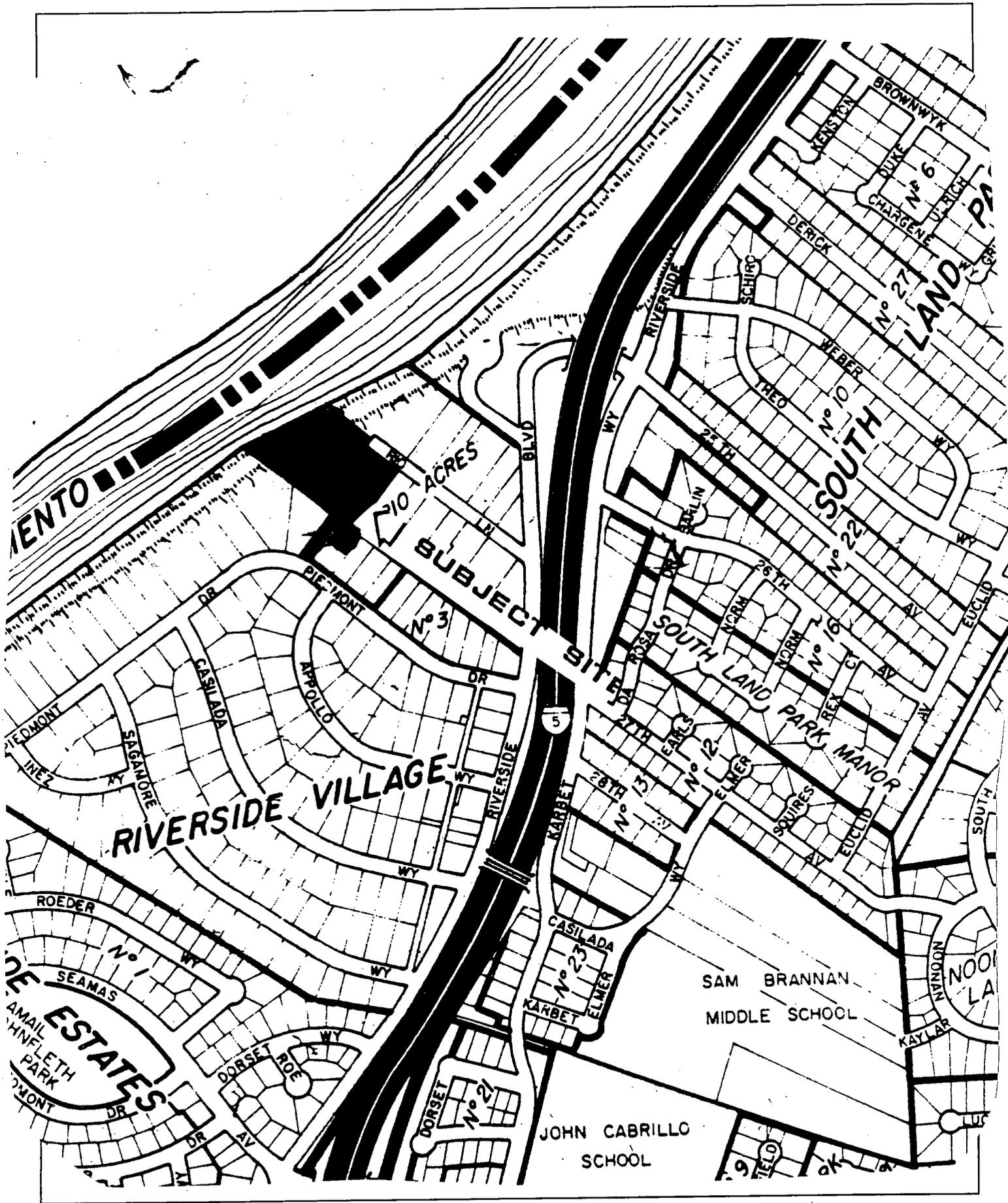
Joy D. Patterson
Zoning Administrator

A use for which a Variance is granted must be established within two years after such permit is approved. If such use is not so established the Variance shall be deemed to have expired and shall be null and void. A Variance use which requires a Building Permit shall be deemed established when such Building Permit is secured and construction thereunder physically commenced. If no

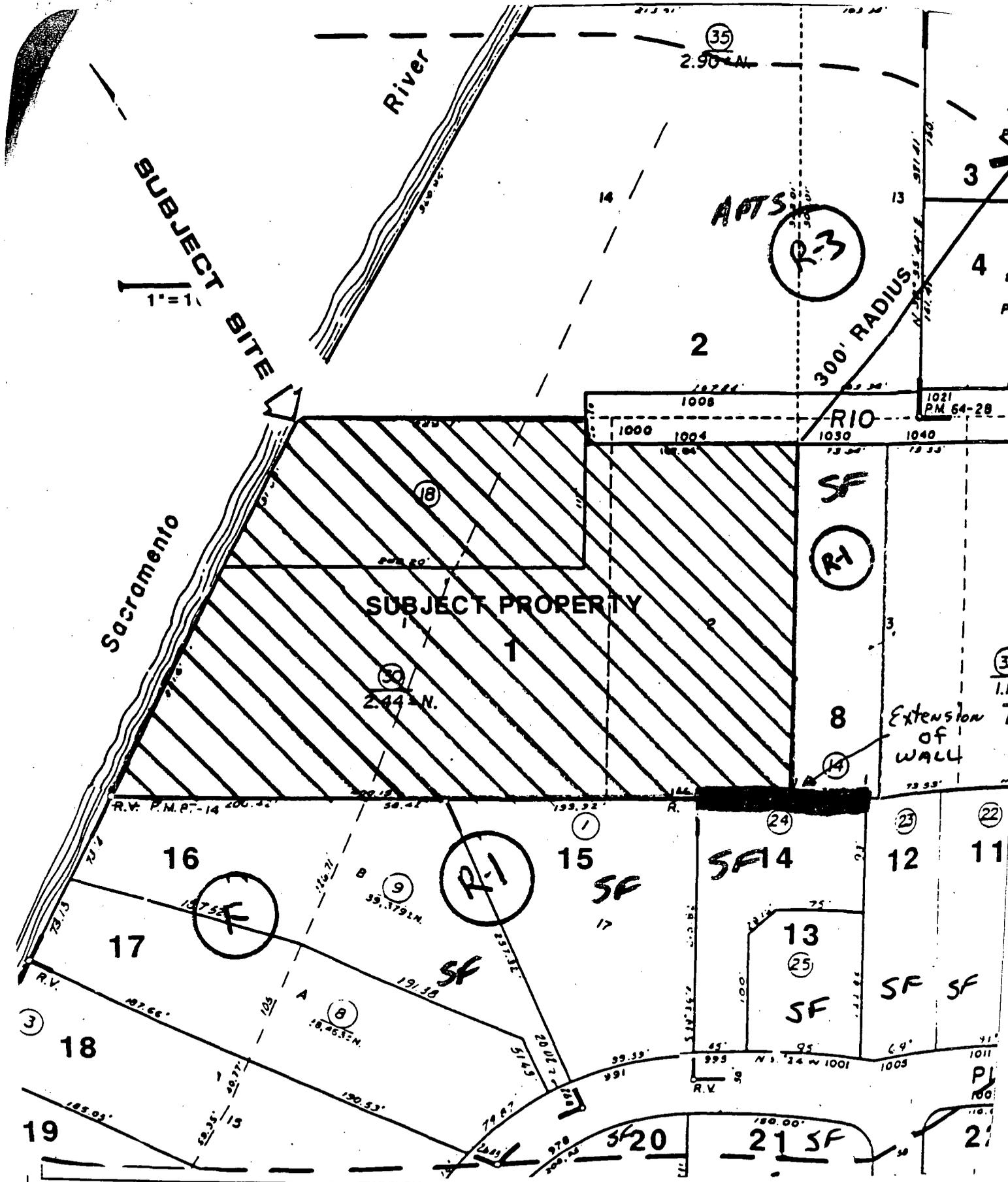
building permit is required, the use shall be deemed established when the activity permitted has been commenced.

The decision of the Zoning Administrator may be appealed to the Planning Commission. An appeal must be filed within 10 days of the Zoning Administrator's hearing. If an appeal is not filed, the action of the Zoning Administrator is final.

cc: File
Applicant
Property Owners - Daniel and Mary Louis
ZA Log Book



VICINITY MAP



LAND USE & ZONING MAP