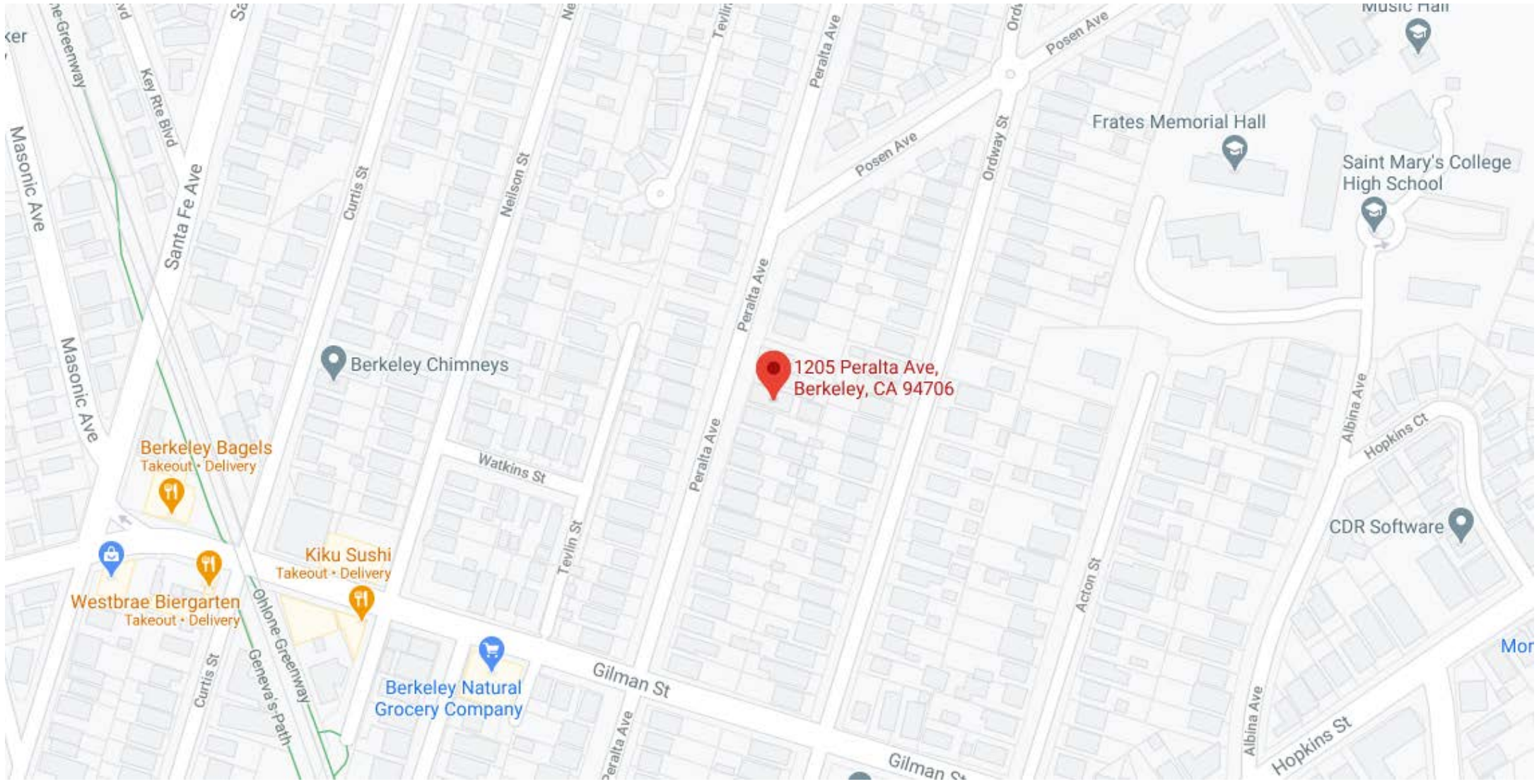


1205 Peralta Avenue

Use Permit / Variance #ZP2020-0060

APPEAL TO CITY COUNCIL

OCTOBER 12, 2021

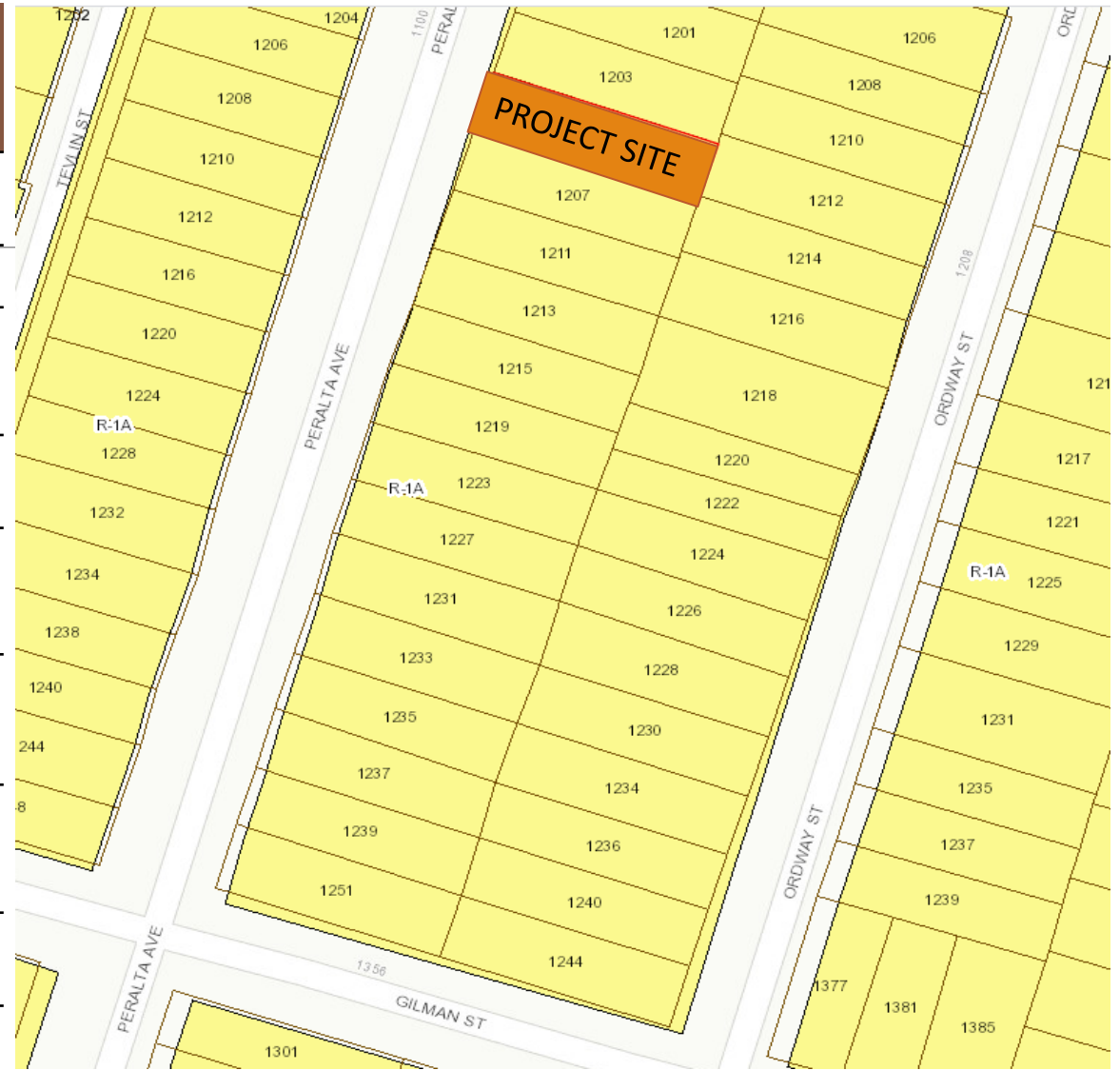


Existing Conditions

Site is Non-Conforming for:

- Density
- Lot Coverage
- Open Space
- Setbacks
- Parking

Development Standard		R-1A Requirement		Subject Lot	
Density		1 unit		4 units	
Setbacks	Front Building	Front	20'	Front	15'
		Side	3.5	Side	4' and 6.5'
	Rear Building	Rear	20	Rear	3'
		Side	5.5	Side	4.7' and 3'
Lot Coverage		40%		56%	
Usable Open Space		1600 sq. ft. for 4 units		458 sq. ft.	
Parking		4		0	
Number of Bedrooms		6+ = Use Permit		5 (existing) + 3 (proposed)= Total of 8	



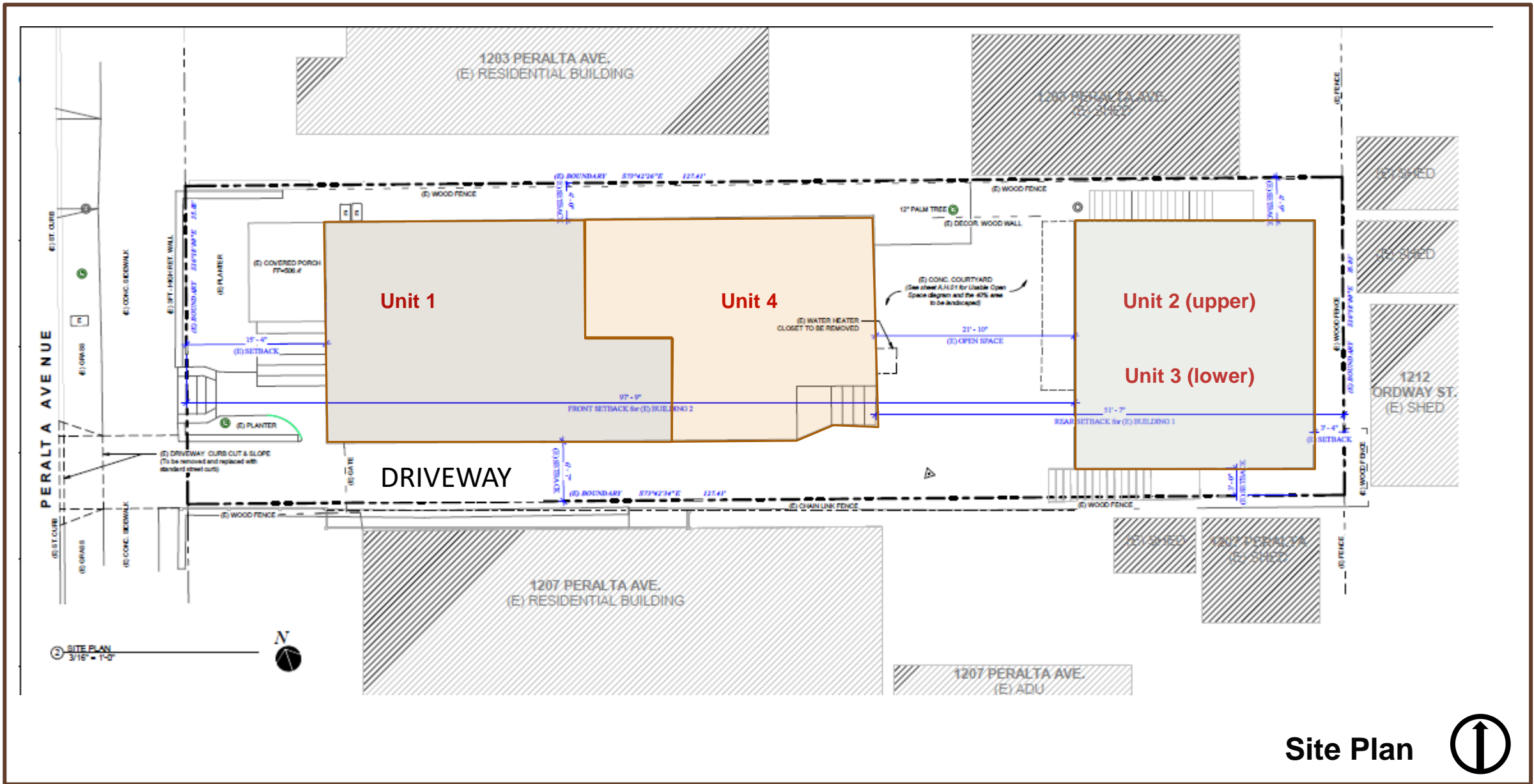
Application

Use Permit

- Reconfigure Units to Add Three Bedrooms where Six Exist

Variance

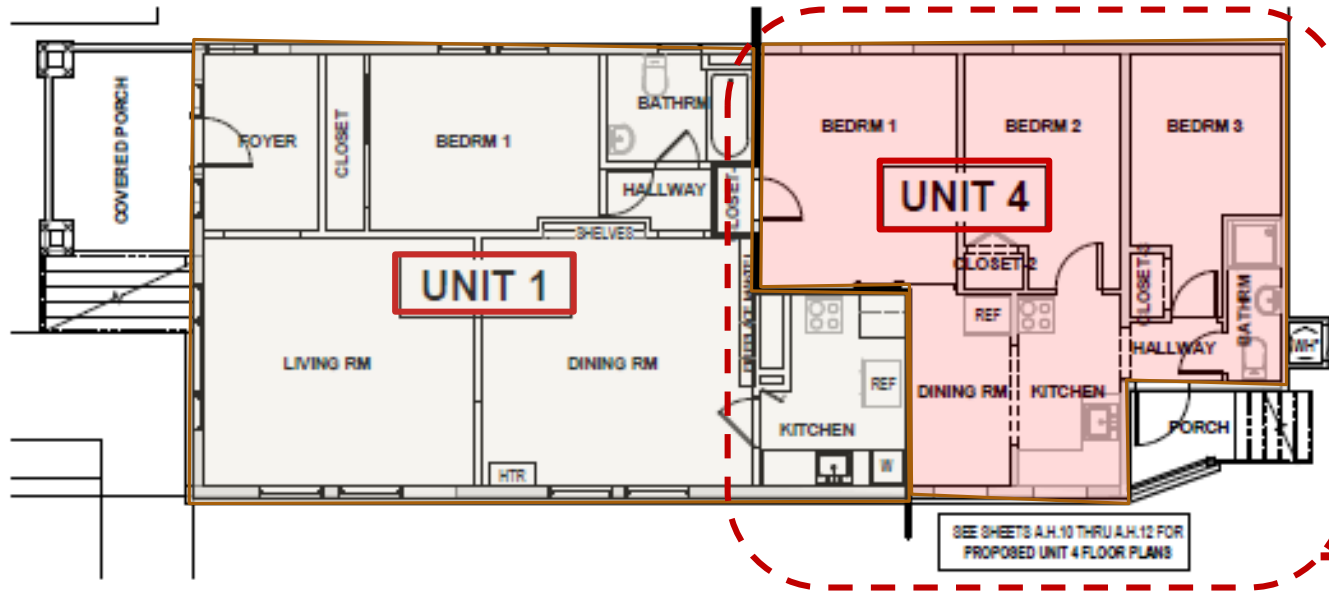
- Legalize Removal of Two Parking Spaces from Garage
- Results in No Legal Parking on the Site
- Could Be Replaced with Tandem Parking (with Use Permit)
- Would Not Meet Engineering or Planning Standards



Site Plan 

Front Building (Units 1 & 4)

- No changes proposed to **Unit 1**
- Interior reconfiguration proposed for **Unit 4**
 - (1 unpermitted bedroom to be removed)

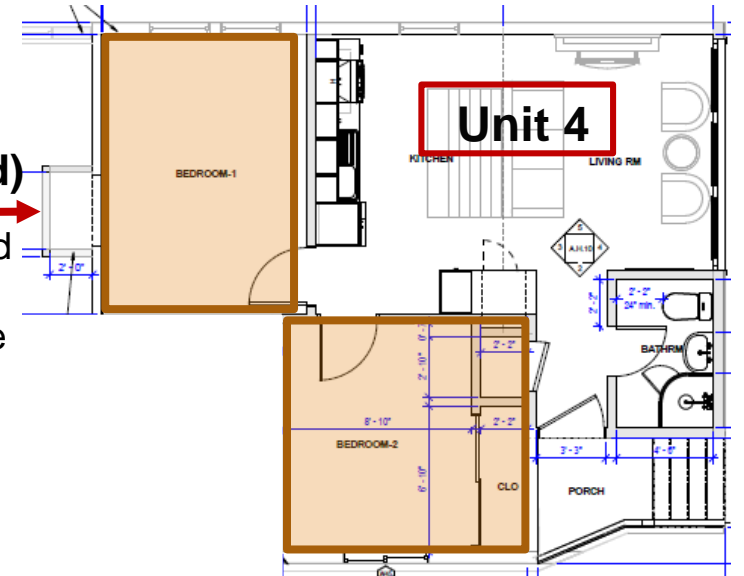
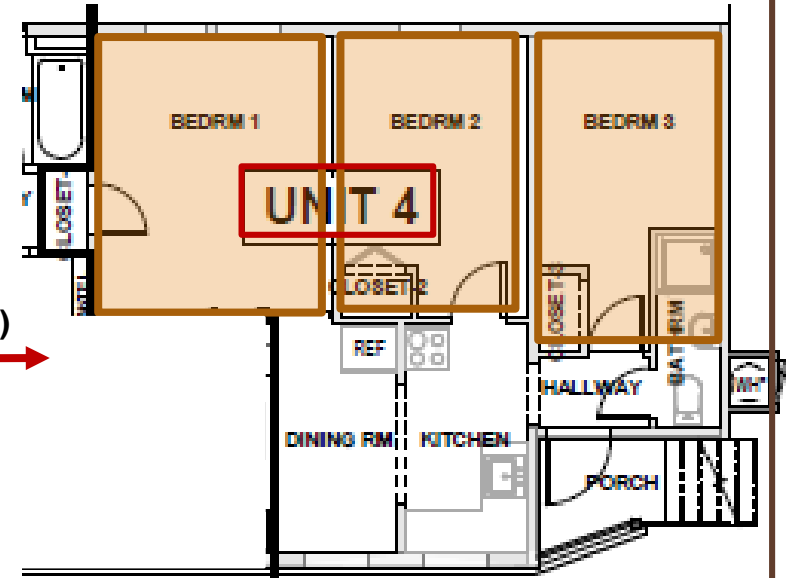


(Current Floor Plan)

(Includes an unpermitted bedroom)

(Proposed)

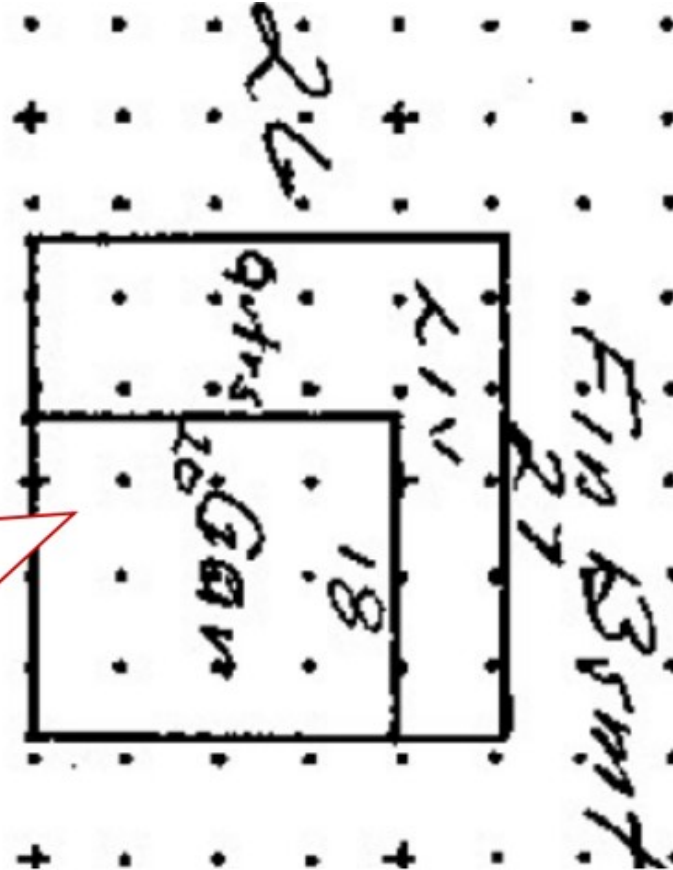
An unpermitted bedroom is proposed to be removed from this unit



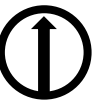
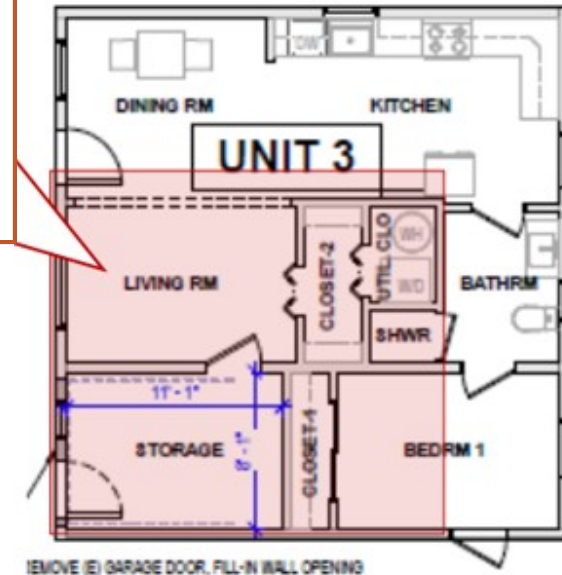
Existing and proposed floor plans for Unit 3 (Rear building, ground floor)

Variance: An existing 18' X 20' two-space garage was converted to living space for Unit 3 which resulted in elimination of the two required parking spaces on a lot that requires four spaces (one/unit).

Original 2-car garage



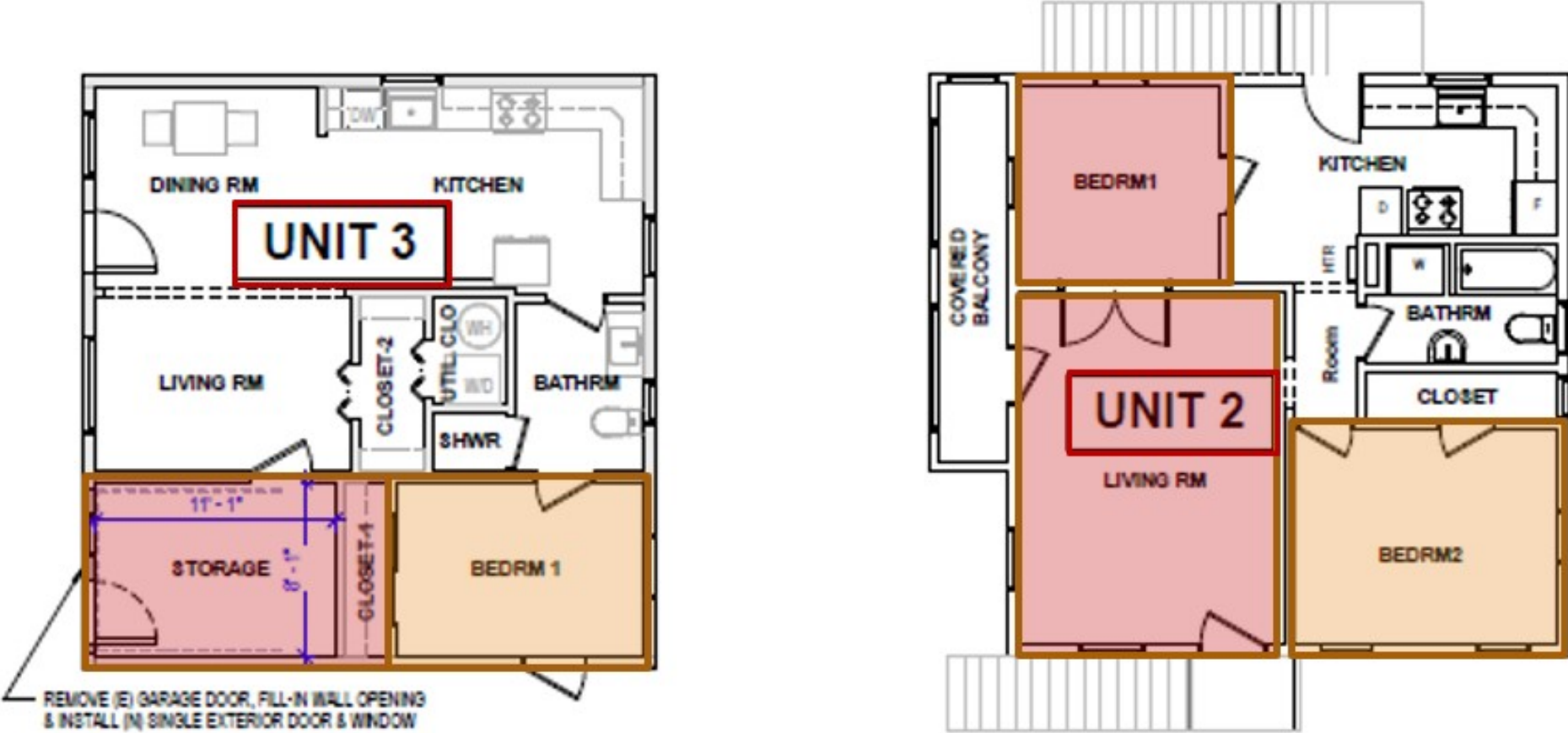
Converted to living room, storage, closet, etc.



Rear Building (Units 2 & 3)

Use Permit for the addition of 3 bedrooms on the lot:

Addition of one bedroom to Unit 3 and addition of two bedrooms to Unit 2.



 Existing Bedrooms

 Proposed Bedrooms



Zoning Considerations

Use Permit Findings

May not be detrimental to the *health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood* of such proposed use, and

May not be detrimental or injurious to *property and improvements of the adjacent properties, the surrounding area or neighborhood*, and

May not be detrimental to the *general welfare of the City*.

Zoning Considerations

Variance Findings

Exceptional or extraordinary circumstances or conditions applying to the land, building or use *which do not apply generally* in the same District, and

Is *necessary* for the *preservation and enjoyment of substantial property rights*, and

Will *not materially affect adversely* the health or safety of *persons* residing or working in the neighborhood of the *property* and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood, and

Will *promote the health, welfare and safety and benefit the City* as a whole.

ZAB Hearing

Staff Analysis

- Did not support Variance findings

Testimony

- Applicant
- Neighbors

ZAB Deliberations

- Illegal Work Needs to Be Corrected First
- Tenant Protections Are an Issue During/After Renovation
- New Work Should be Clearly Scoped Out – Come Back with Plans

Appeal

Asserts that ZAB:

- Acted Based on Inaccurate Information
- Did Not Base Findings on Facts
- Findings Should be Made
 - Unusual Circumstances Exist – Old Property
 - Impractical to Require Parking on Site
 - Parking is Not a Problem in Neighborhood
 - Housing is Needed – More Bedrooms Provide It

Staff Response

Findings For Approval are Difficult to Make

- ZAB Considered the Facts and Findings
- Project Site is Already Non-Conforming
- Variance for Parking Could Worsen Situation
- Additional Bedrooms Increase Population Density

Applicant Makes Fair Arguments

- Bedrooms Could be Redefined, Provide Housing
- Parking / Driveway Is Already Inaccessible

Recommendation

Uphold the ZAB Decision – Deny Use Permit and Variance

OR

Modify the Project / Permits

Approve the Project / Permits

Remand to ZAB for Further Analysis