



705 Euclid Avenue ZAB Appeal

USE PERMIT APPLICATION (ZP#2022-0104)

LAND USE PLANNING DIVISION

SEPTEMBER 26, 2023

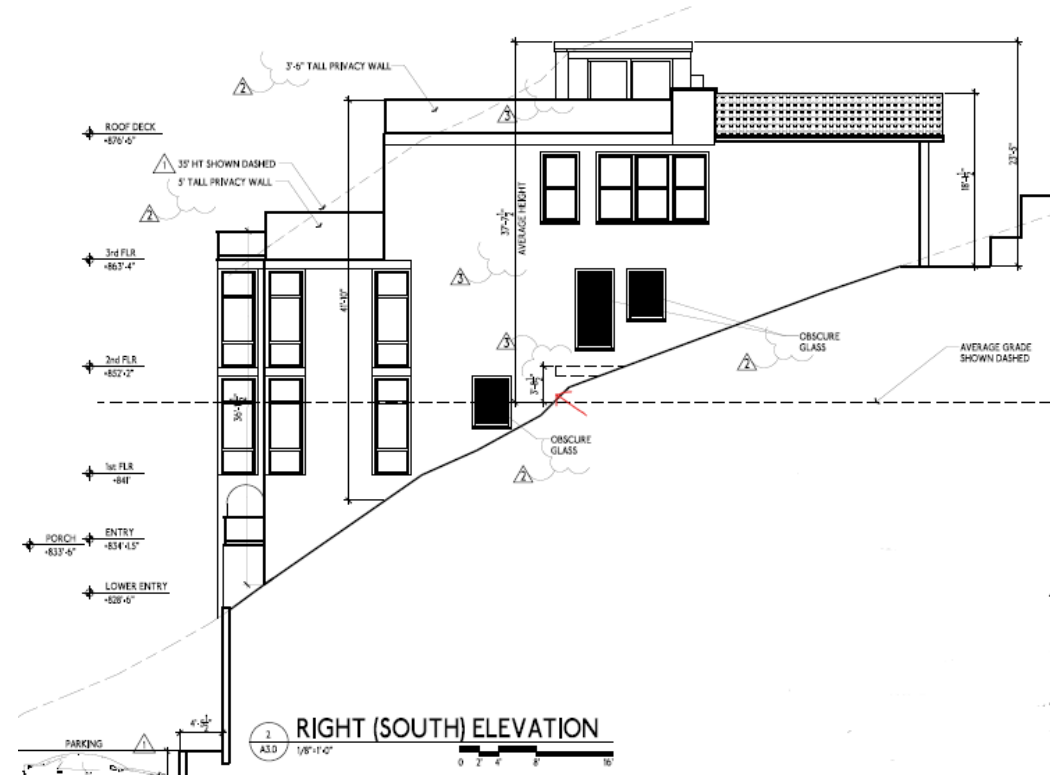
Outline

- Use Permit Application
- Project Timeline
- Recent Plan Modifications
- Council Appeal Points
- Staff Recommendation



Use Permit Application

- Construct a new 3-story house on a vacant residential lot
- AUP to construct a building with a maximum height over 35 feet in the Hillside Overlay Zone
- AUP to construct two off-street parking spaces in the front setback
- AUP construct a retaining wall in side setbacks



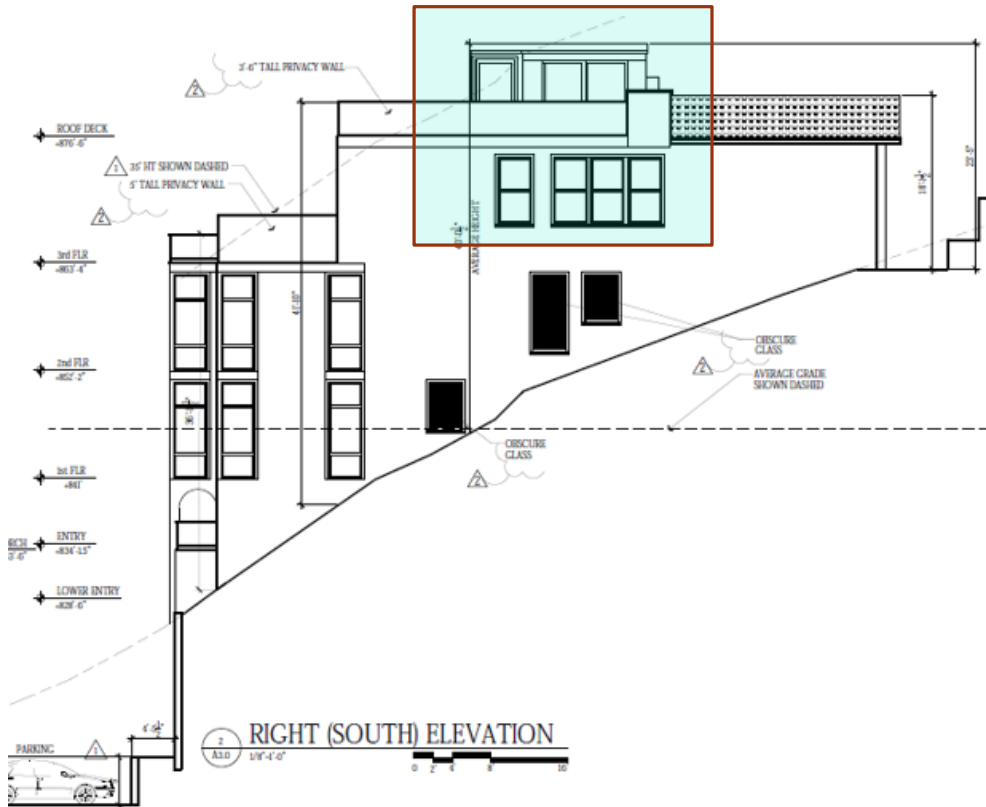


Project Timeline

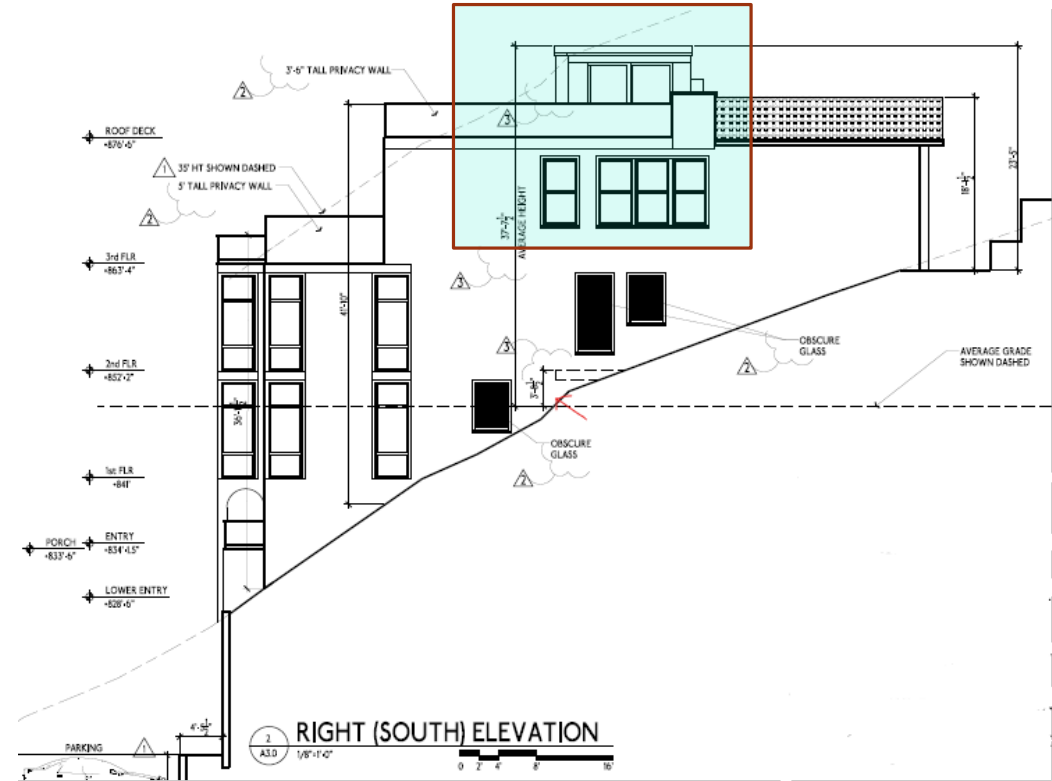
- August 9, 2022 – Use Permit Application Submitted
- January 19, 2023 – Application Deemed Complete
- April 27, 2023 – ZAB **Approved Use Permit 6-0-1-2 Vote** (Yes: Tregub, Duffy, Gaffney, Thompson, Yung, Sanderson; No: none; Abstain: Lunaparra; Absent: O’Keefe, Hauser)
- May 9, 2023 – Notice of Decision Issued
- May 23, 2023 – Receipt of Letter of Appeal
- August 15, 2023 – Receipt of Revised Plans
- September 26, 2023 – City Council Hearing

Modification of Plans

- Move penthouse back 4 feet
- Results in 3 stories beneath penthouse rather than 4
- Lowers structure height above grade by approximately 2 feet



ZAB-Approved Design



Revised Design



Council Appeal Points

Appeal Point 1	Staff Analysis
Proposed structure exceeds 3-story maximum	<ul style="list-style-type: none">• The modified version of the proposed plan, per the definitions in the BMC, does not exceed three stories.

Appeal Point 2	Staff Analysis
Project does not protect neighboring properties from unreasonable obstruction of views, light, and air	<ul style="list-style-type: none">• BMC does not guarantee no effects on views, light, and air• Need to allow some flexibility for legitimate residential lots to be developed; some effects are expected• Effects are consistent with neighboring development; neighboring properties still have wide views of San Francisco Bay.



Council Appeal Points

Appeal Point 3	Staff Analysis
Project conflicts with R-1 District’s purpose of “recognizing and protecting existing patterns of development”	<ul style="list-style-type: none">▪ Applicant-submitted streetscape plan depicts neighboring homes with rooflines of a similar height▪ 3-story homes are the norm on this part of Euclid Avenue▪ Therefore, the project is in keeping with existing patterns of development in the neighborhood
Appeal Point 4	Staff Analysis
Project favors private benefits for one owner over interests of the neighbors	<ul style="list-style-type: none">▪ Project complies with all development standards except:<ol style="list-style-type: none">1. Height over 35 feet – AUP required and granted2. Parking spaces in setbacks – AUP required and granted3. Retaining walls in setbacks- AUP required and granted



Council Appeal Points

Appeal Point 5	Staff Analysis
<p>ZAB ignored neighbor concerns and denied one neighbor the right to speak at the hearing</p>	<ul style="list-style-type: none">▪ There was a technological error that prevented one neighbor, Theodore Raphael, from speaking at the hearing. However, ZAB did receive and consider a letter submitted by that neighbor prior to the meeting. Therefore, ZAB received his comments.▪ Other neighbors, who did speak at the hearing, expressed similar views to those expressed by Mr. Raphael in his letter.



Staff Recommendation

- **Conduct a Public Hearing**
- **Adopt a Resolution**
 - **Affirming the Zoning Adjustments Board decision to approve a Use Permit to construct a new 3-story, 4,528 square foot house with two parking spaces and associate retaining walls located in the required setbacks, on a 6,024 square foot vacant lot, with the modified plans submitted August 15, 2023, and dismiss the appeal.**
- **Alternative Actions Considered**
 - Continue the Public Hearing
 - Reverse or Modify ZAB's Decision
 - Remand the Matter to the ZAB