TO:  HONORABLE CITY COUNCIL

FROM:  CITY MANAGER

DATE:  FEBRUARY 20, 2007  CMR: 149:07

DEPARTMENT:  PLANNING AND COMMUNITY ENVIRONMENT

SUBJECT:  897 BARRON AVENUE*: APPROVAL OF A RECORD OF LAND USE ACTION UPHOLDING THE DIRECTOR’S DECISION APPROVING A PRELIMINARY PARCEL MAP TO CREATE TWO PARCELS FROM ONE PARCEL.

RECOMMENDATION

Staff and the Planning and Transportation Commission recommend that the City Council deny the appeal and adopt a Record of Land Use Action (Attachment A) to uphold the Director’s approval of the preliminary parcel map to subdivide a single parcel at 897 Barron Avenue into two separate parcels.

DISCUSSION

The proposed subdivision would divide the lot at the north east corner of Barron and Laguna Avenues into two separate lots. Each resulting parcel would be approximately 8,000 square feet and would exceed all minimum zoning standards including lot size, depth, and width. The Director of Planning and Community Environment approved the application on December 21, 2006. An appeal was filed on January 3, 2007 and the item was heard by the Planning and Transportation Commission on January 31, 2007. Additional background information is provided in the Planning and Transportation Commission staff report (Attachment C).

Cedar trees

There are currently two large mature cedar trees on the property and these trees tie into a pattern of cedars trees on a few of the adjacent parcels on Barron and Laguna Avenues. The tree at the corner of Barron and Laguna has been identified by the Planning Arborist as having a high retention value while the other cedar tree is less desirable for retention due to its poor structure caused by years of power line trimming. These trees are significant and add a great deal of visual interest to the neighborhood but they have no protections under the current City ordinance. Relocation of the existing single story residence to the resulting smaller corner lot may require the removal of the large mature cedar tree at the corner. Staff has been working with the applicant to explore various options for preserving the tree. The applicant potentially has four different options that would allow the tree to be retained: modifying the existing structure to accommodate the tree; building a new house that is designed around the tree; exploring an
exception that would allow the building location to shift to accommodate the tree; or moving the proposed property line further away from Laguna Avenue, creating a larger corner lot to allow more room to accommodate the tree. Staff’s decision encouraged the applicant to find a way to preserve the tree even though the tree is not a “heritage” tree, because the existing trees in the vicinity do add to the neighborhood character.

COMMISSION REVIEW
The primary issues were neighborhood character, tree preservation, and the purview of the subdivision ordinance. The Planning and Transportation Commission ultimately voted to recommend denial of the appeal and suggested that Council direct staff to work with the applicant to preserve the large cedar tree at the corner of Barron and Laguna Avenues.

Public Testimony/Neighbor Concerns
Area residents expressed concerns that the lot split would have a negative effect on the neighborhood character. They emphasized the rural character of the neighborhood with large open lots and a substantial area for large trees. They believe the subdivision would change this pattern by creating lots that are too small to allow room for large trees, such as the two large cedars on the property. They explained that there is a pattern of cedar trees in the area and that losing them would disrupt this pattern and harm the neighborhood character. There were concerns about what could potentially be built on the property as a result of the subdivision, such as new two-story houses that are oversized and out of character with the neighborhood. Neighbors also commented that they believed the approval of this subdivision would set a precedent that would encourage additional properties to subdivide.

Commission Comments and Recommendation
The Commission members indicated that they could not make the findings to deny the proposed subdivision. They understood the neighbor concerns about lot size, future development on the site, and the potential loss of the large trees on the property. There were suggestions by some commissioners that the neighborhood could pursue the implementation of an R-1 sub-district overlay that would establish a greater minimum lot size than the standard that currently applies in this area. This would prevent the few other lots in the area that can now subdivide from being able to do so in the future. There were also comments questioning the adequacy of the City’s current tree preservation ordinance, since its protections are limited to only oaks and redwoods and not other trees such as the cedars on the site that may be significant to the community. Some commissioners noted that the neighbor concerns and objections were based on a comparison between what exists on the property today and what they fear may be developed as a result of the subdivision, rather than comparing what could be developed on the property today under the current zoning. The commissioners stated that zoning regulations are designed to implement the policies of the Comprehensive Plan and that the proposed subdivision is in strict compliance with the zoning and is therefore in compliance with the Comprehensive Plan.

PREPARED BY:

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ATTACHMENTS
A. Record of Land Use Action
B. Location Map/Neighborhood Context Maps
C. Planning and Transportation Commission Staff Report of January 31, 2007 (w/o attachments)
D. Planning and Transportation Commission Minutes of January 31, 2007
E. Appeal and Support Information
F. Director’s Hearing Minutes of December 7, 2006
G. Revised Zoning Matrix (1/31/07)
H. Correspondence
I. Preliminary Parcel Map (Council members only)

COURTESY COPIES
Alan Huntzinger, Applicant
Ha Nguyen, Applicant
Edward H. and Hedy De Moore, Appellant