

VARIANCE

To allow installation of retaining walls within the front yard setback to exceed 3' in height as designated in RMC 19.550.030.A.2-3.

REQUIRED FINDINGS

Will the strict application of the provisions of the Zoning Code in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code?

1. Yes. The subject property is significantly restricted due to topography and boundary conditions as described herein and under Finding No. 2, below. In order to address the challenging edge conditions and avoid extended slope grading, tiered retaining walls are proposed along Central Avenue. Each wall is proposed to be a maximum of 5 feet in height. Strict application of the Code would require lowering the site approximately 6-10 feet. This condition would significantly impact the edge condition along Sycamore Canyon Boulevard, negatively affecting vehicular and pedestrian access to the public street. Alternatively, maintaining 3' maximum wall heights would require installation of three additional terraced wall sections along Central Avenue. This would further reduce the usable area by an additional 0.2 acres. As such, strict application of the Zoning Code would not further the purpose stated in RMC 19.020.010, particularly regarding encouraging the most appropriate use of land as well as conserving and stabilizing the use of property.

Are there special circumstances or conditions applicable to the property or to the intended use or development of your property that do not apply generally to other property in the vicinity and under the identical zoning classification?

2. Yes. The sparsely vegetated property is a combination of undulating, undisturbed land, with a large, relatively flat area that was created several years ago by undocumented grading operations. The subject property is bounded by Sycamore Canyon Boulevard, to the north and east, and on Central Avenue, to the south. Both streets have pronounced grades, with a total fall of more than 45 feet across the project frontages. The fall within the Central Avenue street frontage alone, is approximately 23 feet. As a result, a majority of the public street frontages contain graded slopes adjacent to the roadways. Vehicular access for the site is significantly restricted due to sight distance constraints and limitations on the proximity to the intersection. Direct access to Central Avenue is not allowed. The westerly boundary is undisturbed with a large knoll near the northwesterly corner and a deep, heavily vegetated ravine near the southwesterly corner. The total elevation difference along the property line is approximately 120'. Due to these constraints and conditions, approximately 2 acres of the 9.8 acre site must remain undisturbed and/or utilized for matchup grading.

Will the granting of such variance prove to be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located?

3. No. The granting of the variance will allow reasonable development of the property in accordance with the City's General Plan and Zoning Code. Further, the proposed walls will provide a safe,

functional and stable transition between the project site and the public roadway. The tiered wall design provides better aesthetics and ample area to accommodate the desired front yard landscaping along Central Avenue. Further, without the variance, three additional terraced wall sections along Central Avenue would be required.

Will the granting of such variance be contrary to the objectives of any part of the General Plan?

4. No. The granting of the variance will allow reasonable development of the property in accordance with the City's General Plan and Zoning Code. The granting of the variance is consistent with protecting scenic views, prominent landforms and natural open spaces as described in the Land Use/Urban Design Element. The multi-family residential development will provide quality rental opportunities in close proximity to public transportation and retail developments, in accordance with the objectives of the Housing Element.

VARIANCE

To allow installation of improvements within the 15' fully landscaped front yard setback as designated in RMC Table 19.100.040.B. The various improvements along the Sycamore Canyon Boulevard frontage include, but not limited to, trellises, raised planters, signage, shade structures, walking paths, retaining walls, perimeter fencing, gates and parking lot paving. The improvements along the Central Avenue frontage consist of retaining walls only.

REQUIRED FINDINGS

Will the strict application of the provisions of the Zoning Code result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Code?

- 1) Yes. The subject property is significantly restricted due to topography and boundary conditions as described herein and in Finding No. 2, below. Due to these constraints and conditions, approximately 2 acres of the 9.8 acre site must remain undisturbed and/or utilized for matchp grading. This land encumbrance includes relocating existing graded slopes outside of the public rights-of-way, as required by the City. As a result, portions of various site improvements are proposed to encroach into the designated 15' front yard setback area. Strict application of the Code would further reduce the available site by an additional 0.2 acres. The reduction directly impacts available parking spaces and amenities. These improvements would need to be eliminated, which in turn, could trigger additional variances or a reduction in dwelling units. In order to eliminate the potential for additional variances, reduction in the number of residential units would be required. Any such reduction would be contrary to the City's General Plan 2025, in particular, the Housing Element. The reduction in units would severely impact the City's required number of housing units to be available in the City to meet its Regional Housing Needs Numbers. This is a requirement imposed by the State and not by the property itself. As such, strict application of the Zoning Code would not further the purpose stated in RMC 19.020.010, particularly regarding encouraging the most appropriate use of land as well as conserving and stabilizing the value of property.

Are there special circumstances or conditions applicable to the property or to the intended use or development of the property that do not apply generally to other property in the vicinity and under the identical zoning classification?

- 2) Yes. The sparsely vegetated property is a combination of undulating, undisturbed land, with a large, relatively flat area that was created several years ago by undocumented grading operations. The subject property is bounded by Sycamore Canyon Boulevard, to the north and east, and on Central Avenue, to the south. Both streets have pronounced grades, with a total fall of more than 45 feet across the project frontages. As a result, a majority of the public street frontages contain graded slopes adjacent to the roadways. Portions of the slopes currently exist within the public street rights-of-way. It should be noted that the roadway and right-of-way are not concentric on Sycamore Canyon Boulevard. The parkway northerly of the project entrance varies between 15-44'. Therefore, there is additional space within this section of the street right-of-way to provide enhanced landscaping and greater separation between the roadway and the onsite improvements. Vehicular access for the site is significantly restricted due to sight distance constraints and

limitations on the proximity to the intersection. Direct access to Central Avenue is not allowed. The westerly boundary is undisturbed with a large knoll near the northwesterly corner and a deep, heavily vegetated ravine near the southwesterly corner. The total elevation difference along the property line is approximately 120'. Due to these constraints and conditions, approximately 2 acres of the 9.8 acre site must remain undisturbed and/or utilized for matchup grading.

Will the granting of such variance prove to be materially detrimental to the public welfare or injurious to the property or improvements in the zone or neighborhood in which the property is located?

- 3) No. The granting of the variance will allow reasonable development of the property in accordance with the City's General Plan and Zoning Code. The granting of the variance will accommodate the required parking and amenities for the development. Further, the proposed walls will provide a safe, functional and stable transition between the project site and the public roadway. The tiered wall design provides better aesthetics and ample area to accommodate the desired front yard landscaping along Central Avenue.

Will the granting of such variance be contrary to the objectives of any part of the General Plan?

- 4) No. The granting of the variance will allow reasonable development of the property in accordance with the City's General Plan and Zoning Code. The site design provides ample landscape screening along the public street frontages and the required perimeter fencing. The encroachments into the setbacks are consistent with roadway/parkway design policies, such as aesthetic character, parkway landscaping and pedestrian walkways, as stated in the Circulation and Community Mobility Element. The multi-family residential development will provide quality rental opportunities with desired amenities in close proximity to public transportation and retail developments, in accordance with the objectives of the Housing Element.