

Applicant requests Special Exceptions under Section 2.16.050 I (Reduction in Off-Street Parking Requirements) and Section 2.16.050 L (Rear Yard Setback) in an A-2 zone.

This would permit a 13.5 percent reduction in the off-street parking requirements for an apartment complex that was constructed in 1973. The current zoning code requires 504 parking spaces.

This would also permit the existence of 5 buildings that encroach 15 feet into the required rear yard setback and are located to within 10 feet of the rear property line. The required rear yard setback for apartments in the A-2 (Apartment/Medium Density) zone is 25 feet.

BACKGROUND

The applicant is requesting two Special Exceptions for this apartment complex, built in 1973, in order to legalize the existing parking and to legalize buildings that were constructed encroaching into the required rear yard setback.

The request is for a 13.5% reduction in off-street parking requirement from the current required number of 504 to the existing 425 spaces. The site plan submitted for building permit is missing from the microfiche records, but at the time the site plan was approved, the 1970's zoning code would have required 423 spaces plus 1 space for every 3 employees for this apartment complex. The applicant's attorney is assuming there were actually 436 original parking spaces and that that number was reduced to 425 spaces by the subsequent requirement to designate ADA accessible parking. The Engineering Department-Traffic Division has reviewed the site and notes that the parking spaces shall be re-striped, van accessible spaces need to be provided and sidewalks shall be provided along Lomaland.

The request for the encroachment into the required rear setback is based on property history information submitted by the applicant's attorney, which states that the applicant purchased the property in 1977 and affirms that the applicant is not responsible for the construction of the encroachment. The applicant's statement is corroborated by Central Appraisal District information. In addition, the 15 year requirement is met because the 1986 aerial shows the encroaching buildings existing in 1986 as they exist today.

CALCULATIONS

Existing off-street parking spaces = 425 (includes 11 ADA spaces)

1970's zoning code requirement for off-street parking spaces = 423 + 1 space per 3 employees (282 apartment units x 1.5)

Assumed off-street parking spaces provided in 1973 = 436

Current required off-street parking spaces = 504 (6 efficiency x 1.0 + 108 one bedroom x 1.5 + 168 two bedroom x 2.0)

Required rear yard setback = 25'

Requested rear yard setback = 10'

STAFF RECOMMENDATION

Staff recommends approval of the request for the 13.5% parking reduction with the conditions that the parking spaces shall be re-striped, the required one (1) van accessible space is provided and a sidewalk shall be constructed along Lomaland within six (6) months of approval of the Special Exception.

We recommend approval of the request for the reduction in the rear yard setback because it meets the requirements of the Special Exception L.

The Zoning Board of Adjustment is empowered under Section 2.16.050 I to:

“Authorize the reduction of the off-street parking requirements; provided, however, that:

The owner shall demonstrate through testimony or documentation that the required number of off-street parking spaces cannot be reasonably accommodated on the property involved; and,

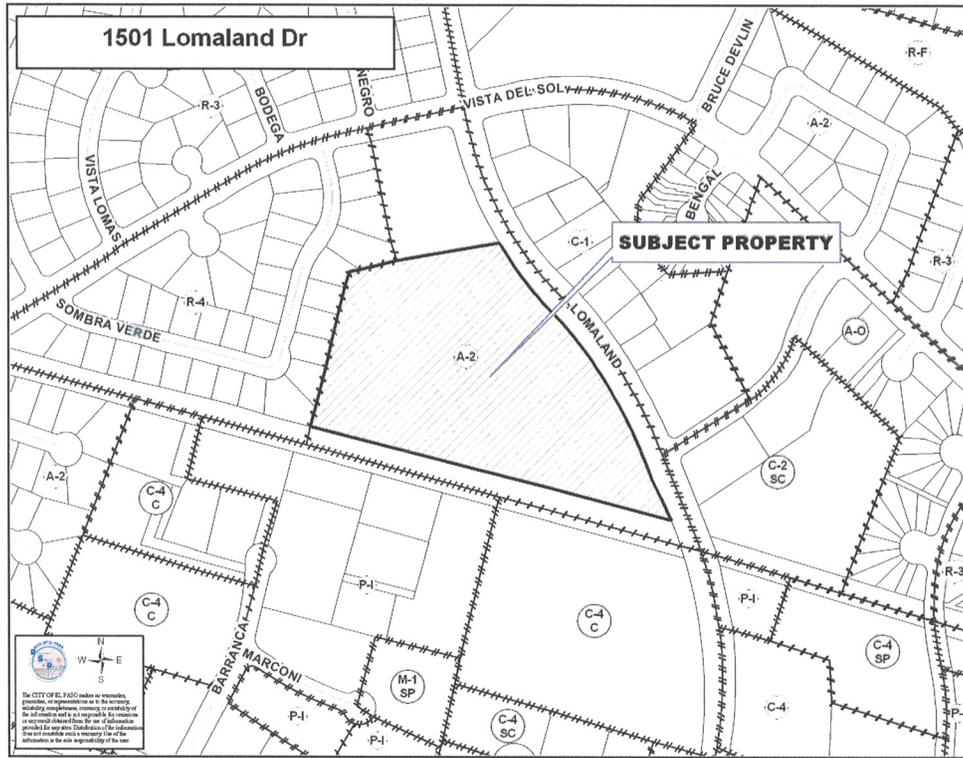
The zoning board of adjustment has received the written approval, based on traffic safety considerations, or the traffic engineer; and,
The reduction authorized shall not modify the number of required off-street parking spaces by more than fifteen percent.”

The Zoning Board of Adjustment is empowered under Section 2.16.050 L to:

“Permit the encroachment into the required yard setbacks for structures; provided, however, that the applicant can prove the following conditions:

1. The encroachment into the required yard setback has been in existence for more than fifteen years; and,
2. Neither the applicant nor current property owner is responsible for the construction of the encroachment; and,
3. Neither the applicant nor the current property owner owned the property at the time the encroaching structure was constructed or built; and,
4. The encroachment, if into the required front yard setback, does not exceed fifty percent of the required front yard setback; and,
5. The encroachment does not violate any other provision of the Municipal Code.”

ZONING MAP



NOTIFICATION MAP

