



Office of the City Manager

INFORMATION CALENDAR  
September 13, 2005

To: Honorable Mayor and  
Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Dan Marks, AICP Director, Planning and Development Department

Subject: Council Consideration of Appeal of ZAB Approval of 2615 Marin Avenue –  
Project Information Clarification

INTRODUCTION

This item is currently under consideration by the Council as an appeal of a Zoning Adjustments Board action.

On July 19, 2005, the Council initially reviewed the appeal of the ZAB's approval of use permits for the construction of a new single-family residence at 2615 Marin Avenue. The Council asked a number of questions that staff responded to at that meeting. This project, and its discretionary consideration and analyses are highly technical in nature. Staff is providing this additional information in order to clarify any misunderstanding on the part of the public, Council, or the staff.

CURRENT SITUATION AND ITS EFFECTS

There were three questions that staff is clarifying with this report:

1. What are the views left for the Kalmar's from their home to the east of the project site;
2. Roof height reduction from the first ZAB approval;
3. How much would the project excavate into the hillside; and,
4. Views from the Proposed New Residence

*Views from Kalmar's Home*

The ZAB approved the project with a maximum roof height of 948.8 feet. This is one foot lower than the applicant's final proposal. According to staff's calculations, using a women's average height the following views are available from the Kalmar's home under the heights allowed by the ZAB approval:

1. Standing Views: An average height female would be able to see a point on the Bay seven miles "in front or east" of the Golden Gate bridge, the entire bridge, portions of San Francisco and portions South Bay. By "in front" we mean visibility of the SF Bay leading up to the Golden Gate Bridge.
2. Sitting Views: An average height female would be able to see a point on the Bay just over two miles east of the bottom of the Golden Gate Bridge, the entire Golden Gate Bridge, San Francisco and portions of the South Bay.

### *Roof Height Reduction*

The project originally approved by the ZAB in September 2004 had a roof height of 952.5 feet. The project approved by the ZAB subsequent to the Council's remand has a roof height of 948.8 feet.

### *Site Excavation*

The project as approved by the ZAB will require two to three feet of excavation on the west side, and over seven feet of excavation on the east side.

### *Views from the Proposed Residence*

There will be views from the proposed living room location, but existing trees, and the roofline of the neighboring house to the west (Klein House) significantly obstruct them. There do not appear to be views from other main floor rooms. Views from the proposed upstairs will likely be very good panoramic San Francisco Bay views (equivalent to the Kalmar's current views) from the master bedroom.

### BACKGROUND

On remand from the City Council after a prior appeal, the Zoning Adjustments Board approved a modified application for a Use Permit to construct a single-family dwelling after finding that the project, as modified, would not have an unreasonable impact to sunlight, air, and views, on April 28, 2005. On May 19, 2005, Daphne Kalmar and George Kalmar owners of 2635 Marin Avenue; Kimberley G. Kline and Stephen "Hopper" Branam of 893 Keeler Avenue; Mathew P. White of 2633 Marin Avenue; and Arvalea Nelson of 875 Keeler Avenue separately appealed the ZAB's decision.

On July 19, 2005, the City Council initially considered this appeal of the ZAB's April 28, 2005 decision. Staff Report submitted for the July 19, 2005 action recommends that the Council affirm the ZAB's decision because no new substantive issues have been raised that were not considered by the ZAB, and the ZAB acted correctly. The Council has three options for the consideration of this appeal:

- Remand the item back to the ZAB (the project was remanded previously), or,
- Affirm the decision of the ZAB, or,
- Set the matter for a public hearing.

If the Council takes none of the above actions by October 5, 2005 (time allotted for tolling) then the decision of the ZAB will be deemed affirmed and the appeal denied by operation of law (Zoning Ordinance Sec. 23B.32.060.C).

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

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