

## Appeal Letter

File No. CPC PFP 16-00054, CPC SWP 16-00057

In accordance with City Code Section 7.5.906, the neighbors on Cooper Ave. believe the decision made at the City Planning Commission meeting on Thursday, Aug. 18<sup>th</sup> regarding the subdivision waiver for public alleyway access is incorrect and unreasonable. We believe it did not address the most important concerns. We understand that the City Planning Commission was only to address the subdivision waiver request but feel that the public interest was not given due process.

We know prospective builders of most vacant residential sites only need to apply for building permits to build homes, without public notification. However, in this case where building is affecting surrounding properties due to land slippage, we feel public input is warranted.

The most important issues are as follows:

### 1. Land Slippage.

Land slippage is already occurring on the Westside, in areas of existing structures and new construction sites. The geological survey notes that this slope as it currently stands is "marginally stable." It also states that this area is "susceptible for future landslide activity."

The landslide susceptibility area covers much of the area North and South of 543 Robbin Place.

### 2. Alleyway Access.

As voted upon on Aug. 18<sup>th</sup>, 5-1, the alleyway access will become a public road. Currently it is used by a few household as their main entrance to their driveway and garage with back-out driveways. It is also used for garbage trucks and pedestrians.

Chapter 7, Article 3, Part 1 of City Code states that the purposes of Residential Districts is to "Provide neighborhoods for residential living with a broad range of dwelling unit densities and development types consistent with the Comprehensive Plan and its standards for public health, safety, welfare and aesthetics."

Neighbors in this area are concerned for their safety with an added 4 cars per duplex backing out and driving down a proposed one-way alley.

The granting of the subdivision waiver was done contrary to the intent of the city's Subdivision Policy Manual and the Public Works Design Manual regarding requirements needed unless a variance has been approved by City Engineer.

### 3. Zoning.

The property is zoned R-2 which is consistent with the neighborhood. However, subdividing each lot would create 6 R-2 lots whose minimum lot size is less than the code requirement for R-2.

Chapter 7, Article 3, Part 1, 7.3.103 states that multi family dwellings on individual lots are not permitted.

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Overall, the neighbors on Cooper Ave. are concerned for safety associated with increased traffic on a one-way street, future landslide activity, proper zoning requirements, and due process. We feel the developer has skirted the big issues by only asking for the subdivision waiver to access his property.

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