

City of Albany
Planning and Zoning Commission
Staff Report

Meeting Date: September 9, 2008

Prepared by: _____

Agenda Item: 6c

Reviewed by: _____

Subject: **423 and 427 Talbot Avenue. Continuation of Planning Application 08-037. Design Review. Conditional Use Permit.** Request for Design Review and Conditional Use Permit to allow a Parking Exception approval on an application to construct a new twelve-unit, three-story, multi-family building.

**Applicant/
Owner:** Erin Duncan with Charles Kahn for Rolf Bell

Recommendation

Staff recommends that the Planning and Zoning Commission provide direction to the applicant regarding design of the project and to staff on the preparation of findings and conditions of approval, and continue the agenda item to a future meeting.

Project Description

The subject property currently consists of two lots, each 5,000sq.ft. in size, containing a single family home. The applicant is proposing to demolish the two homes and construct a new twelve-unit, three-story, multi-family building. If approved the two lots must be merged. The applicant also intends to sell the units individually thus future approval of a subdivision map will be required.

The applicant is requesting approval for two discretionary items: 1) Parking Exception to allow 18 parking spaces where 24 are required; and 2) Design Review for the architectural style and integrity of the building. There is a garage, located on the first floor that provides 18 parking spaces that are a mix of parking lifts, and standard spaces. The maximum height of the building is 35', which is the maximum permitted in the R-3 district. The building is consistent with the Mediterranean Revival architectural style with stucco finish, arched windows, wood accented balconies and other architectural details. Instead of a traditional tile roof, a metal standing seam roof is proposed. The required open space is provided in a combined form of a courtyard on the second-floor and private balconies or yards for most of the units. (See Sheet A 0.2 for open space calculations.)

This project was first heard at a study session of the Planning and Zoning Commission on June 10, 2008 where the Commission provided the applicant feedback and direction on appropriate changes. The original design would have required approval of a density bonus, including waiver

of rear yard, lot coverage, and floor area ratio requirements. The design has been modified to eliminate the need for a density bonus. In addition, while the applicant has maintained the project's original concept, revisions to the architectural elements have been made. ,

Background on Application

The application was received on May 30, 2008. A study session was held on June 10, 2008 where preliminary comments were provided (see Attachment 4 for minutes of the June 10, 2008 meeting). Revised and refined plans were submitted on August 20, 2008, and the applicant is now seeking approval of the project.

Staff has worked closely with the applicant, and the architectural design aspects of the application are complete. Other elements of the application are incomplete, including affordable housing provisions and compliance with the City's Art in Public Places program. With respect to the affordable housing aspects of the project, the applicant and staff have had very preliminary discussion about a range of ways to enhance and support the provision of affordable housing. The ultimate affordable housing provisions will require Commission review and City Council approval. With respect to public art, the applicant recently indicated to staff an intent to incorporate public art into the project. Pursuant to the City's Art in Public Places ordinance, the Arts Committee must review the art feature before the Commission takes final design review action on the project.

Environmental Analysis

Staff has determined that the proposed project is categorically exempt from the requirements of CEQA per Section 15332 of the CEQA Guidelines, which exempts infill development.

Summary of Key Issues

A. Context and Development Standards

The subject property and its surrounding areas located in an R-3 high-density residential district. Albany Middle School and the BART tracks are located to the east, further up Brighton Avenue and the El Cerrito Plaza is located to the north one block. It is surrounded by multi-family residential except for a partial two-story single-family residence to the south of the subject property. The property is accessed by Brighton Street, which is a collector street.

B. Design Review

The proposed project is a rectangular three-story building with a pair of low-pitched side gabled roofs and hipped roof bays facing the street. The building is consistent with the Mediterranean Revival architectural style except for the proposal of a standing seam roof where a tile roof is typical of the Mediterranean style. The building has attractive bays and wood railed balconies on the front elevation. There are arched windows on the bays, which are accented by a sill and hipped roof. A stucco wall along the property line and decorative wrought iron gates are

proposed at the entrance to the building. There is a cartouche proposed at the center of the building, above the entry gates.

There is approximately 10' between the proposed building and the adjacent properties; therefore, regardless of the size and location of adjacent buildings the side elevations will be visible when passing by foot or vehicle and will be fully visible by those habiting the adjacent properties. There are numerous double-hung windows proposed throughout both side elevations, and a molded stucco band between the second and third floor. The north elevation faces an apartment building of relatively the same size. The southern elevation faces a single family home, and the massing of the building is broken up by the lower roof height at the center of the building, where a rooftop deck is located. The Commission may want to further evaluate the further articulation of the side elevations. Potential solutions include addition of trellis between the first and second floor, a second and third story bay similar to the proposed bay on the front elevation, or hipped roof rather gable roof.

In addition, the Commission should evaluate privacy considerations on the side elevations. Obscure glass could increase the privacy for the adjacent neighbors to the north. Staff also recommends some type of screening or privacy barrier for the roof top deck, which will look directly onto the neighboring property to the south.

The Commission has recently expressed a desire to review plans submitted for building permit for consistency with the design review approval. A condition of approval will be prepared to reflect this policy. Careful consideration to the elements of the project that will be reviewed to ensure that substantial new design elements are not introduced that should more appropriately be evaluated in a formal public hearing. For example, staff recommends that as a condition of approval, plans submitted for a building permit include more detail on the entry gate and cartouche for review by the Commission. Staff also recommends that the dividers/screens between the private decks on the rear elevation be provided, prior to issuance of a building permit.

C. Parking Exception

Per the City's parking standards, each unit requires two parking spaces, thus the total project should have 24 off-street parking spaces. Planning and Zoning Code Section 20.28.040(A3) states that the Commission may reduce the number of required parking spaces for a residential development to 1-1/2 parking spaces per dwelling unit (18 spaces), upon making the finding that the existing on-street parking is sufficient to justify a reduction. To staff's knowledge, this is the first application to have requested this reduction.

In order to provide the Commission with information to potentially support the required finding, a parking survey was conducted within a 500-foot radius around the proposed project at 423/427 Talbot. Three different parking counts were taken, on different days and times.

On the 400 block of Talbot, where the project is proposed (between El Cerrito Plaza and Brighton), there are 31 total parking spaces on the block and there were between 8 and 15 parking spaces available (not more than 74% occupied at any time surveyed). The most crowded time was

midday, when there were 23 occupied spaces and 8 vacant (74% occupied). In general, when a parking area is 85% occupied, it is considered to be at capacity.

It should be noted that at the 6:00 pm observation, Cornell and Evelyn (the two streets parallel to Talbot) were both almost completely occupied along the block between El Cerrito Plaza and Brighton. In addition, Cornell Street on the south side of Brighton has eight total parking spaces (within the 500 foot radius), and at 9:30 am, the block had only two open spaces.

While some streets near the proposed project were excessively crowded at certain times of the day, it appears that overall, within a 500-foot radius of the proposed project, there is a sufficient amount of open parking. It should be noted that while the parking counts were taken on what appeared to be normal days; the nearby middle school was not in session because of the summer break. In addition, a multi-family housing project has been approved at El Cerrito Plaza. Its implementation may potentially change the parking availability on surrounding and nearby streets. The results are summarized as follows (detailed results by block are shown in Attachment 5):

Thursday, July 10, 2008--12:30 pm				
	Vacant Spaces	Occupied Spaces	Total Spaces	% Occupied
Talbot-- El Cerrito Plaza to Brighton (project site)	8	23	31	74%
Cornell-- El Cerrito Plaza to Brighton	16	14	30	47%
Cornell-- Brighton to 507 Cornell	3	5	8	63%
Evelyn-- El Cerrito Plaza to Brighton	10	17	27	63%
Other Streets within 500'	43	38	81	47%
Total within 500 foot radius	80	97	177	55%

Friday, July 11, 2008--9:30 am				
	Vacant Spaces	Occupied Spaces	Total Spaces	% Occupied
Talbot-- El Cerrito Plaza to Brighton (project site)	12	19	31	61%
Cornell-- El Cerrito Plaza to Brighton	13	17	30	57%
Cornell-- Brighton to 507 Cornell	2	6	8	75%
Evelyn-- El Cerrito Plaza to Brighton	7	20	27	74%
Other Streets within 500'	44	37	81	46%
Total within 500 foot radius	78	99	177	56%

Tuesday, July 22, 2008--6:00 pm				
	Vacant Spaces	Occupied Spaces	Total Spaces	% Occupied
Talbot-- El Cerrito Plaza to Brighton (project site)	15	16	31	51%
Cornell-- El Cerrito Plaza to Brighton	3	27	30	90%
Cornell-- Brighton to 507 Cornell	6	2	8	25%
Evelyn-- El Cerrito Plaza to Brighton	2	25	27	93%
Other Streets within 500'	48	33	81	41%
Total within 500 foot radius	74	103	177	58%

Although not specifically relevant to the parking reduction process, it should be noted that one of the principles of sustainable development is to encourage the use of transit and car-pooling by limiting the availability of parking. This approach can be particularly effective in locations such as the subject property that are within walking distance of BART and the San Pablo Avenue transit corridor. In addition, it should be noted that the proposed 12-unit project has relatively large units, and in aggregate has 27 total bedrooms.

D. Open Space and Floor-Area-Ratio(FAR)

Municipal Code Section 20.24.020 states that where open space is provided at twice the minimum, which is 200sq.ft. of common open space or 100sq.ft. of private open space per unit, the FAR may be increased to 1.75 where 1.5 is the standard limit. As previously stated, the required open space is provided in a combined form of a common courtyard at the second-floor and private balconies/yards for most of the units. The applicant is proposing an FAR of 1.57, which is slightly higher than the 1.5 standard limit.

E. Housing

The City's Inclusionary Housing requirements (Planning and Zoning Code Section 20.40.030) requires that at least one inclusionary housing unit be provided for developments with seven to thirteen units. Thus, one unit would be required to fulfill the inclusionary housing requirement. The affordable unit shall be price to be affordable to a household whose gross income is no greater than 80%. Ultimately the City Council takes action on the affordable housing aspects of the project, based on a recommendation from the Commission. Staff and the applicant have just begun to discuss the details of the affordable housing aspects of the project.

F. Public Art Requirement

The proposed project is subject to the City's new Art in Public Places Program. Pursuant to the Ordinance, the project should either include public art, or pay an in-lieu fee to fulfill the requirement. On sites of 10,000 square feet or more, the City has discretion on whether to require the art be included in the project, or accept payment of the fee. The current application does not include a public art feature. The applicant, however, recently advised the City that it desires to include public art in the project.

If public art is to be included in the project, the Commission is required to review the art as part of the design review process (following a recommendation from the Arts Committee). Thus, the current application is incomplete as to the Public Art feature.

G. Driveway and Curb Cuts

As previously stated, there is a garage proposed on the ground floor of the building that provides eighteen parking spaces. The curb cut and driveway in to the garage are 10' wide and located at the center of the building, which reduces the number of curb cuts since there are currently two. The property is an interior lot and over 125' from the intersection of Talbot and Brighton and all cars exiting the site will have to pullout rather than back out of the driveway; therefore, staff does not have concerns about line of site or access.

In regards to parking dimensions the municipal code requires a minimum of 8'-6" in length and 20' in length. The parking spaces are proposed at 18' in length. Municipal Codes Section 20.28.05(A2a) allows the Commission to make adjustment to the standards in specific cases, after considering the circumstances of a particular parking plan, land use or site characteristics. There is not a designated discretionary approval process to allow an adjustment to the parking standards; therefore, staff believes that a special finding would be most appropriate if the Commission would like to make an adjustment.

G. Landscape and Lighting

A landscaping and lighting plan has not been provided. Staff believes a detailed landscaping/design proposal is necessary for the interior courtyard areas. There have been previously approved projects that have similar courtyards; however, when constructed the courtyards were provided but were not designed to function as a useable or recreational open space for tenants, which left a bleak awkward space.

Lighting placement is important in regards to aesthetics, safety/visibility, and should be designed with adjacent structures taken into consideration. If the Commission would like to approve the project, staff recommends that a condition of approval be added requiring that the lighting and landscape plan be reviewed and approved by the Commission, before issuance of a building permit.

H. Subdivision

The applicant is ultimately seeking to develop the project as a condominium. Thus, future Commission and City Council action will be required pursuant to the Municipal Code and the California Subdivision Map Act. One of the key considerations in the subdivision map are the terms of the CC&Rs, which should include language the incorporates the following elements:

1. Membership in the Association is mandatory for all owners.

2. The Association has the obligation to maintain common areas in compliance with City standards as well as all City Conditions of Approval, which should be incorporated into the CC&Rs.
3. The Association has the obligation to enforce of all the provisions of the CC&Rs. The City should be a third party beneficiary to the CC&Rs, with the right, but not the obligation to enforce the Common Area maintenance responsibilities of the Association.
4. The Association shall obtain approval from the City of Albany before any modifications or termination of the CC&Rs.
5. Required storage space and required parking shall be permanently and specifically assigned to particular units within the projects. Owners shall maintain the storage and parking areas for their intended use, and may not sub-lease individual storage or parking spaces.
6. The City shall have the right of immediate entry to all common areas at all times for the purpose of preserving health, safety, and public welfare.

Conclusion

Staff believes that the applicant has made a conscious effort to design the project in a manner that better fits the city's development standards. Originally, during the June study session, the applicant was requesting exceptions to allow a reduced rear yard setback and to allow a zero rear yard setback. An exception to allow lot coverage to exceed the permitted 70% was also requested. The project has been revised so that neither of these exceptions are necessary.

There are some very attractive features of the project and if approved would provide more housing in an area close to transit where there are few opportunities for such a development. Staff believes that the parking counts currently show there is street parking available that is needed to support a parking exception.

Overall, staff believes that the proposed project is attractive but additional time is necessary to address public art and affordable housing aspects, as well as respond to any additional design feedback that the Commission may offer.

Appeals:

The Albany Municipal Code provides that any action of the Planning and Zoning Commission may be appealed to the City Council if such appeal is filed within 14 days of the date of action. Appeals may be filed in the Community Development Department by completing the required

form and paying the required fee. The City Clerk will then schedule the matter for the next available City Council meeting.

Attachments:

1. Analysis of Zoning Requirements
2. Open space diagram
3. Application
4. Minutes from June 10, 2008
5. Results of parking survey
- 6.

ATTACHMENT 1 - ANALYSIS OF COMPLIANCE WITH ZONING REQUIREMENTS

20.12 Zoning Districts And Permitted Uses

General Plan: High-Density Residential
Zoning: R-3 (High Density Residential)

20.16 Land Use Classifications

Residential

Surrounding Property Use North - MFR East - SFR
South - SFR West - MFR and SFR

20.20.080 Secondary Residential Units.
Not applicable.

20.24.020 Table Of Site Regulations By District.

	Proposed (approx.)	Requirement
Setbacks		
Front (east)	15'	15'
Side (south)	5'	5'
Side (north)	5'	5'
Rear (west)	15'	15'
Area		
Lot Size	10,000 (combined)	--
Lot Coverage	63%	70%
Maximum Height	--	35' max.

The Municipal Code states that 9,585.ft. or 799sq.ft. per unit is required for twelve residential units in an R-3 (high-density residential) district. The property is 10,000sq.ft. in area, therefore there is 833sq.ft. per unit.

20.24.030 Overlay District Regulations.
Not applicable.

20.24.040 Hillside Residential Regulations.
Not applicable.

20.24.050 Floor-Area-Ratio.

	Proposed	Requirement
Lot Size	10,000 (combined)	9,585
Floor Area		
Garage	6,274	--
Second-Floor	5,145	
Third-Floor	4,908	
Total	16,327	--
Total Counted	16,327	--
Floor Area Ratio	1.63*	1.5/1.75

* Municipal Code Section 20.14.020 that the FAR may increase from 1.5 to 1.75 when twice the amount of open space is provided.

20.24.060 Setback Areas, Encroachments.

Not applicable.

20.24.100 Distances Between Structures.

Not applicable.

20.24.110 Fences, Landscaping, Screening.

See discussion of key issues.

20.24.130 Accessory Buildings.

Not applicable.

20.28 Off-Street Parking Requirement.

See discussion of key issues.

20.40 Housing Provisions

Not applicable.

20.44 Non-conforming Uses, Structures and Lot

Not applicable.

20.48 Removal of Trees

Not applicable.

20.52 Flood Damage Prevention Regulations

Not applicable.

20.100.030 Use Permits.

Not applicable.

20.100.040 Variances.

Not applicable.

20.100.010 Common Permit Procedures.

Public notice of this application was provided on August 29, 2008 in the form of mailed notice to property owners and occupants within a 300-foot radius, and posted in three locations.

20.100.050 Design Review.

See Summary of Key Issues.

Green Building

Not yet submitted.