

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: 11/17/08
Reviewed by: BP

SUBJECT: **An Appeal of the Planning & Zoning Commission approval of Planning Application 07-087. Design Review at 904 Santa Fe Avenue.**
Request for approval for Design Review of a new mixed-use building, which includes two residential units and one commercial retail space.

REPORT BY: Jeff Bond, Planning Manager
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RECOMMENDATION

That the City Council affirm with modifications the action of the Planning and Zoning Commission in the approval of Planning Application 07-087. Design Review for a new mixed-use building.

BACKGROUND

The subject property has a single-story residential building located on a 4,180 sq. ft. lot. The property is zoned Solano Commercial (SC). The General Plan designation is “low density residential.” The surrounding uses and zoning designations of the adjacent parcels are as follows:

- North – Office in a formerly single family residence (Solano Commercial zoning)
- South – Single-family residences, (R-1: Single-family Residential zoning)
- East – Single-family residences (both R-1: Single-family Residential zoning and Solano Commercial zoning)
- West – Single-family residences (both R-1: Single-family Residential zoning and Solano Commercial zoning)

The applicant submitted an application, on November 1, 2007, requesting approval to demolish the existing structure and construct a new three-story mixed-use building that includes two residential units, approximately 1,200 sq. ft. in area and one commercial retail space that is approximately 1,075 sq. ft. in area.

The proposed project complies with City parking requirements. There are four parking spaces provided for the residential units in an underground garage. Parking for the commercial space is exempt by Municipal Code if under 1,500 sq. ft. in area, which is the case with the proposed commercial space.

The Planning and Zoning Commission reviewed the project at three hearing dates including December 11, 2007, September 9, 2008, and September 23, 2008, when the project was approved on a 3-0 vote (one commissioner abstained due to proximity of primary residence and one commissioner was absent), with minor architectural revisions (Attachments 1 - P&Z Notice of Action; Attachment 2 - P&Z Staff Reports and Application; Attachment 3 - P&Z Minutes). In approving the project, Commissioners noted that the project is larger than the residential properties around the site but that the code allows for a building of the proposed size. They also noted that the applicant had made changes to the project to respond to concerns that have been raised and that zoning, prior to the 2004 revision, would have allowed a much larger building.

DISCUSSION

An appeal of the approval was filed on October 6, 2008 (Attachment 4). In summary, the appellants believe the project to be an aesthetic detriment to the neighborhood because it is too massive and out of scale with the surrounding buildings. They also have concerns about the buildings impact on their privacy, particularly due to the balconies proposed on the second-story of the rear elevation and the third-story of the side (west) elevation. They also noted that the size and massing affecting sunlight on neighboring properties.

Other issues raised in the appeal include concerns about erosion during construction and the large amount of grading that will be required to construct the parking garage. There is also difference in slope from front to rear (east to west) and side to side (north to south), which will make the building appear taller as viewed from surrounding since it sits at a higher elevation.

City Council Actions on Appeal

In acting on an appeal, the City Council may:

1. Affirm the decision of the Planning and Zoning Commission (*resulting in approval of the project exactly as approved by the Commission*)
2. Affirm the decision with modifications (*resulting in approval of the project, incorporating additional modifications approved by the Council*)
3. Reverse the action of the Planning and Zoning Commission (*resulting in denial of the application*)
4. Return the matter to the Planning and Zoning Commission
5. Take no action (*resulting in approval of the project exactly as approved by the Commission*)

Design Review Considerations

In this project, all site regulations for the Solano Commercial zoning district are met, therefore, the primary discretionary action for the City is Design Review (applicable site regulations discussed in detail in the Planning and Zoning Commission staff report). The purpose of design review is to ensure that building designs are visually and functionally

appropriate to its site and is harmonious with its surroundings. The code specifies general standards of review, which should form the basis of Council action on the appeal (Attachment 5)

The proposed building is of a contemporary style with Spanish-style accents such as a tile roof and stucco finish. The elevations are well articulated with various divided light windows that have a trim and ledge accenting them. There are extended beams under the decks, wood balconies and porches, which create a variation in wall depth and provides some architectural interest on the facades. The front elevation has the wall of full-length windows spanning almost the entire width, which is appealing for commercial spaces. The front elevation also has painted tile accents and an arched entrance. There are number of gabled roofs that create a layered appearance.

The issues raised in the appeal were discussed at all of the previous hearings and the decks were reduced in size and brought in from the property lines since its original proposal. It should also be noted that the decks provide open space for the residential units, which is required by the Planning and Zoning Code. With respect to the concern of privacy impacts associated with windows facing towards adjacent buildings, the applicant has provided plans that show how window locations for the proposed building match with window locations of the neighboring properties. Overall, the applicant has made an effort to locate windows so that they stagger those of the neighbors; therefore, reducing effects on privacy.

ANALYSIS

The key consideration in acting on the appeal is whether the Council can make the finding that the proposed project is harmonious with its setting. The applicant has made a conscious effort to add architectural details and materials to create aesthetically pleasing elevations. In addition, the building also meets all development requirements. The proposed building, however, it is larger than the existing building on the property and other buildings in the neighborhood. Furthermore, unlike many cities, Albany does not have a transitional zoning district to “soften” the area between commercially and residentially zoned areas.

Part of the discretionary review of Design Review is to consider all impacts of a project and to consider whether an application is harmonious with its surroundings and whether balanced attention has been given to the benefits of the proposed project and the privacy of residential occupants of adjacent properties.

General Plan Land Use Designation

The General Plan land use designation (Attachment 6) for the subject parcel is “low density residential,” which is inconsistent with the Zoning Map’s Solano Commercial zoning designation (Attachment 7). Ideally, the General Plan and the Zoning Map should be consistent. In this case, staff believes that the inconsistency between the two documents appears to be the result of a drafting error on the General Plan land use map, and not related to an inconsistency between General Plan goals, policies, or objectives and the

requirements of the Planning and Zoning Code. (See attachment 9). In particular, there is no discussion in the General Plan why this particular location is different. As a result, in the case of a charter city such as Albany, where the zoning ordinance and the general plan are inconsistent, the zoning ordinance generally takes precedence.

SUSTAINABILITY IMPACT

It is widely accepted that in-fill development in commercial districts is one of the most effective ways to reduce regional sprawl and minimize the impact of development on our communities. The project is located in the Solano Avenue commercial zoning district, which is well served by public transportation. In addition, it is relatively easy to walk to shops and services, thus reducing the need for vehicle travel and parking. The applicant has provided the required multi-family green points checklist (Attachment 8). 56 green points have been provided, which exceeds the required 50 points.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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.

FINANCIAL IMPACT

None.

CONCLUSION

Over the course of the planning process, the applicant has made numerous changes in response to comments from the Commission. In addition, following the filing of the appeal, the applicant has submitted revised plans that have further reduced the height from 31' -11" to 30' 3." If the Council desires to affirm the action of the Commission in approving the project, staff recommends that the City Council approve the project based on revised plans dated received 11/10/08.

Attachments:

1. Notice of Action from 9/23/08
2. Staff report from 9/23/08 & 9/9/08 & Application
3. Minutes from 9/23/08 & 9/9/08
4. Appeal
5. Standards of Review
6. General Plan Land Use Map
7. Zoning Map/Zoning Diagram
8. Green Points Checklist
9. Renderings, provided by neighbor
10. Project Plans