

DATE ISSUED: November 15, 2000

REPORT NO. 00-257

ATTENTION: Honorable Mayor and City Council  
Docket of November 21, 2000

SUBJECT: Appeal of Planning Commission's Approval, Centre Court Apartments,  
Mid-City Development (MCD) Permit No. 99-1228, Council District 3,  
Process 3

REFERENCE: Planning Report No. P-00-147, Planning Commission Agenda of  
August 10, and September 21, 2000, and decision to approve an  
application to construct a 35-unit, four-story apartment building

OWNER/  
APPLICANT: Daniel K. Liewer, Agnes C. Downing and Todd O. Downing,  
Individual Owners

#### SUMMARY

Issues - Should the City Council approve the appeal and deny MCD Permit No. 99-1228 (Centre Court Apartments), as revised by the Planning Commission to allow the construction of 35, two-bedroom units, providing underground parking and associated site landscaping?

Manager's Recommendation - DENY the appeal and APPROVE MCD Permit No. 99-1228, as revised by the Planning Commission, consisting of 35 units.

Community Planning Group Recommendation - On May 2, 2000, the Uptown Community Planning Group (CPG) voted 10-1-1 to recommend approval of the application as initially submitted, comprising a total of 34-units. The group requested that a materials sample board be included for review by staff to demonstrate architectural detail. This information was submitted and added to the draft permit as Condition No. 19 (Attachment 7).

At the September 21, 2000, public hearing the Planning Commission voted to approve a revised/redesigned project consisting of modifications including the addition of two dwelling units located on the fourth-floor, and the conversion of a first-floor unit to a recreation room, for a total of 35-units. This revised project has not been reviewed by the CPG.

Other Recommendations - None.

Environmental Impact - None. This project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and an Addendum (LDR No. 99-1228) to Negative Declaration No. 98-0170 prepared. This document was certified by the Hearing Officer at the public hearing on May 31, 2000.

Fiscal Impact - All costs associated with processing this application are paid from a deposit account maintained by the Applicant.

Code Enforcement Impact - None with this action.

Housing Affordability Impact - The project as proposed, would not provide any units specifically affordable to lower income households.

## BACKGROUND

On June 22, 1999, MCD Permit No. 98-0170 proposing development of 35 apartment units on the subject property was considered and denied by the City Council (Manager's Report No. P-99-098), having been appealed (by an adjacent property owner and residents of the neighborhood) from Planning Commission's and Hearing Officer's decisions to approve (agenda of March 11, 1999, Report No. P-99-033 and agenda of January 27, 1999, Report No. 98-0170 respectively). The appeal(s) cited a myriad of issues related to the Mid-City Communities Planned District Ordinance (PDO). After discussing issues related to implementation of the density bonus, design, bulk and scale, density, compatibility, neighborhood character, traffic and tandem parking, the Council voted 9-0 to deny the project. The Council recommended that the applicant consider project modifications to: 1) reduce the impact of a sheer wall effect on the north and south elevations of the four-story structure on adjacent properties; and 2) demonstrate how the project could better meet the street.

On December 7, 1999, the applicant submitted a new application which included a revised project consisting of 34 apartment units (MCD 99-1228). As previously recommended by the Council, this revised project reflected removal of two units from the north and south portions of the fourth floor (former units 34 and 35), and conversion of a former first-floor recreation room into a two-bedroom unit (new unit 34). The elimination of these units reduced visual and bulk and scale impacts to residentially developed properties located to the north and south.

On May 31, 2000, the Hearing Officer took testimony from the applicant and interested persons. Issues raised included density, bulk and scale, and interpretations of the Community Plan. The Hearing Officer took action approving the revised project, noting that provisions of the PDO and the Community Plan intend that the area be developed at higher multi-family densities, and not as a neighborhood of single-dwelling units.

On June 9, 2000, the decision of the Hearing Officer was appealed to the Planning Commission by a resident of an adjacent property located north of the site. Issues of appeal were similar to those of the former project (Attachment 10).

On August 10, 2000, the Planning Commission took public testimony and voted 7-0 to continue the matter until the hearing of September 21, 2000. The Commission recommended that the applicant consider significant design revisions to include provision of exterior entries to first-floor units providing direct access to Centre Street, modifications to the roof lines and other architectural measures to further break up the scale of the building and to increase the density. The Planning Commission was adamant that with the provision of a good design, an increased density was appropriate.

On September 12, 2000, the applicant submitted a revised project for staff review. The revisions addressed concerns expressed at the Planning Commission hearing. The changes included efforts to break up the street-facing (east) facade by placing entries for first-floor, ground level apartments off the sidewalk instead of from the interior of the courtyard, the addition of doors with transom windows and entry gates, and significant changes to the roof line. The modifications also added back the two, fourth-floor units (north and south sides) with increased setbacks, and converted a first-floor unit back into a recreation room. Simulated stone was added to facades, architectural variations were provided on the north/south elevations, and larger

bay window sections were included.

At the Planning Commission hearing of September 21, 2000, the Planning Commission voted 7-0 to approve the revised project which included the aforementioned modifications and revisions. On October 2, 2000, a request for extraordinary appeal to the City Council was filed by a resident of the adjacent residentially developed property located to the north. The appellant cited inconsistencies with Municipal Code findings related to the PDO.

On October 24, 2000, the City Council voted 7-0 to grant the extraordinary appeal and consider the project at the public hearing on November 21, 2000. The Council expressed continued concern over the re-introduction of increased density and the bulk and scale of the 35-unit project, and the need to address the concerns of the surrounding community.

On November 1, 2000, staff met with the applicants and their consultants to discuss potential project revisions. Although the applicants indicated a desire to maintain the project design and density as approved by the Planning Commission, they have provided plans which reflect a reduced density of 34-units and the removal of the two units from the north and south portions of the fourth-floor, and the conversion of the first-floor recreation room back into a two-bedroom unit, for a net loss of one unit. Design modifications as reviewed and approved by the Planning Commission have been retained. This option is included for consideration as Alternative 1.

#### DISCUSSION

The project proposes demolition of nine rental units within five detached structures, and construction of 35-apartment units within a four-story building, located at 3974-3992 Center Street, between Lincoln and Blaine Avenues to the north and south respectively, west of Park Blvd. The site is within the Hillcrest neighborhood of the Uptown Community Plan which designates the area for high-density, multi-family residential development at 44-73 dwelling units per acre (one unit per 597-990 square-feet of lot area).

The site consists of six contiguous 3,500 square-foot (25' x 140') legal lots comprising a total site area of 21,000 square-feet, within the MR-800(B) Zone (Multi-Family Residential) of the PDO. Municipal Code regulations provide for a bonus density for premises 15,000 square-feet or more. This bonus density allows for development at a ratio of one dwelling unit per 600 sq. ft. of lot area (maximum of 35 units), where one unit per 800 sq. ft. (26 units ) would otherwise be allowed. The bonus density is achieved by parcel accumulation and may be used if at least 90 percent of all required resident parking is provided underground, or enclosed within the rear 50 percent of the lot, or a combination of the two. The proposed project meets this requirement.

For properties located within the MR-800(B) Zone, a discretionary MCD Permit is required for development of more than 30 units. Projects within the MR-800 (B) Zone which propose 30 units or less, are not subject to discretionary review unless deviations from the PDO are proposed. The following paragraphs discuss site, floor and elevation plans for the project which are included as Attachments 3, 4, and 5.

The site plan (Attachment 3) depicts the four-story structure over enclosed parking, portions of which are located below grade. The building has been reduced to three stories at each corner. The structure observes a 12-foot front yard setback, where 10-feet is the minimum required, an 8-foot rear yard setback where one-foot is required, and 9-foot interior side yard setbacks where 6-feet is the minimum required for the first floor, and 9-feet for the second floor and above. The added fourth-floor units have been provided an increased 3-foot setback along the north and south elevations.

Access to required off-street parking is provided via the existing 20-foot wide alley located to the west. All existing curb cuts located on Centre Street will be closed and replaced with curb,

gutter and sidewalk. This will result in the provision of an additional on-street parallel parking space and a more pedestrian friendly sidewalk.

During review of the application proposing this revised project, staff measured the maximum diagonal dimension of the building at 170 feet, where a maximum of 120 feet is permitted by the PDO. The deviation allows an interior courtyard to be included in the project, with views into the courtyard available from the street. Other design features, such as trellises, patios, tall windows, and varying wall treatments and roof lines are effectively used to minimize the mass of the building and provide an interesting facade. Staff recommends approval of this deviation.

The front yard consists of entry way steps, disabled access ramp, raised planters, hardscape and landscape. Direct pedestrian access is provided to first-floor units fronting Centre Street via gated entry patios. The entry way also provides access to the courtyard located in the interior of the structure, units located on the first floor, parking garage, and the remaining units on the second, third and fourth floors via an elevator and stairway. The north and south side yards consist of landscaping, trellis and hardscape which facilitate egress from the interior of the structure to the existing sidewalk along Center Street and the alley. The rear yard consists of driveway access to lower level parking, utility structures, enclosed trash area and landscaping.

The floor, roof and garage plan (Attachment 4) indicates that each unit contains a similar floor plan providing approximately 1,250 square-feet of floor area including entryway, two-bedrooms, two-baths and a balcony. Views of the courtyard area are available at the interior of each floor. Gate controlled access is provided to required off-street parking within a partially below-grade and enclosed garage, via an existing alley at the westerly portion of the site. As approved by the Planning Commission, the revised plans reflect the addition of two additional units on the fourth-floor and the conversion of a first-floor unit to a recreation room. The added fourth-floor units observe an additional 3-foot side-yard setback. Plans also reflect a total of 64 required off-street parking spaces, 22 of standard configuration, 18 compact and 24 spaces within 12 tandem spaces. Interior access and circulation is provided via a 22' wide drive aisle. Three motorcycle parking spaces and 16 bicycle parking spaces are included. As provided by the Municipal Code, the assignment and use of these parking spaces is the responsibility of the property owner(s).

The elevation plan (Attachment 5) indicates a predominantly three-story structure (containing units 1 through 29), with a stepped-back fourth story (containing units 30 through 35). The plans indicate provision of a varied roof-line with peaked portions towards the middle and flat portions towards the corners. Variation in relief is provided for windows. Open railings are provided for the patio of most units. In addition, an overhead wood trellis or wall lattice would be provided adjacent to the alley, on which additional landscaping could be placed.

The East Elevation (Center Street) is four-stories in the center of the structure with three-story portions at the north and south corners. Entry patios with gates provide direct access to Centre Street for four, first-floor units. A color scheme consists of painted white wood trim, and peach cream, panama ivory, and desert mauve colored stuccos. The West Elevation (alley) is four-stories over parking. The maximum overall height of the structure is noted as 58' at the southwesterly corner.

#### APPEAL ISSUES/PROJECT ANALYSIS

Issues raised by the appellant (as noted in a letter dated September 29, 2000, and submitted with the appeal form - Attachment 10) assert that findings contained in the PDO, required to be made for approval of the project, cannot be made in the affirmative.

The draft resolution, findings and supporting evidence are contained in Attachment 8. The specific issues cited by the appellant have been summarized and are discussed below.

1.Consistency with the Urban Design Guidelines of the Community Plan

RESPONSE - These Guidelines relate to site planning and architecture, streetscape design, landscaping, vehicular and pedestrian circulation. The proposed project addresses those guidelines relevant to this project to varying degrees. The project incorporates texture variations, increased setbacks, facade off-sets, and varied roof forms. A courtyard is included in the interior of the project. Visually distracting rooftop appendages have been minimized. As recommended by the Planning Commission entries to the first-floor units fronting Centre Street are provided with direct access to the street, and serve to enhance the projects relationship with the street environment.

2.Purpose and Intent of the PDO and Community Plan

RESPONSE - The purpose of the PDO is to implement the goals and objectives of the Community Plan, the City's Progress Guide and General Plan, encourage development of quality residential structures and provide an attractive street environment. Standards are tailored to the density of individual zones and are intended to provide a variety of attractive, functional and affordable housing types and styles. The Community Plan encourages improved design of multi-family development through provision of offsetting building walls, enclosed or underground parking, minimal curb cuts, vehicular access from existing alleys, private open space and landscaping. The Plan encourages implementation of land use recommendations through special zoning regulations which encourage development of higher densities through accumulation of contiguous parcels.

The proposed project meets these guidelines by incorporating building wall articulation, enclosed parking, alley access to required off-street parking, landscaping, and bonus densities within transit corridors. Direct street access is provided to several first-floor units.

3.Pedestrian Scale and Architectural Harmony

RESPONSE - The architectural features section of the PDO is the implementation tool intended to address neighborhood architectural harmony when the architecture of the neighborhood is eclectic. As previously discussed, many architectural features are utilized to address design issues and enhance the appearance of the development. Pedestrian scale is enhanced with the provision of direct street access to four of the first-floor units and the removal of an existing street curb cut.

4.Bulk and Scale

RESPONSE - Bulk, scale and design issues have been addressed by articulation of the building, architectural detailing, and the provision of offsetting planes, step backs, and increased front, rear and side yard setbacks. Compliance with the landscape regulations of the Municipal Code will provide additional visual relief.

5.Traffic and Parking

RESPONSE - Traffic impacts have been considered by the Environmental Impact Report for the previously approved (1988) amendment to the Uptown Community Plan. The Plan designates the area for high-density, multi-family residential development. The project site is located within an identified transit corridor which provides access to public transit.

Proposed development complies with Municipal Code requirements related to off-street parking. The provision of tandem parking is permitted for multi-family projects and as required by the Municipal Code, must be assigned to a single dwelling unit.

Redevelopment of properties within the Uptown community is encouraged through provisions of the PDO which allow for higher densities through parcel accumulation and utilization of tandem off-street parking. These efforts are further encouraged through Community Plan designation of the area for high-density residential development.

As recommended and approved by the Planning Commission, the redesigned project complies with development regulations of the MR-800(B) Zone of the PDO, and adopted Community Plan guidelines. Bulk, scale and design issues have been addressed by articulation of the building, architectural detailing, provision of offsetting planes, step backs, and increased front, rear and side yard setbacks.

At the City Council hearing of October 24, 2000, Council comments indicated continued concern regarding the increased density as approved by the Planning Commission. On November 1, 2000, the applicant provided revised plans which indicate the deletion of two units on the north and south portions of the fourth-floor. This modification was made due to the City Council's expressed concerns with density, bulk and scale. In addition, a first-floor recreation room was converted back to a dwelling unit, for a total of 34-units. The plans retain the other design modifications as recommended and approved by the Planning Commission. This option is included as Alternative 1.

ALTERNATIVES

1. Approve a revised project to include removal of two-units from the fourth-floor and conversion of a first-floor recreation room to a dwelling unit, for a total of 34-units, while retaining the design modifications as approved by the Planning Commission; or
2. Approve a revised project with a reduced density (31-33) units; or
3. Deny the application. (A project consisting of 30 or fewer units would be able to be approved ministerially, without discretionary action.)

Respectfully submitted,

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Tina P. Christiansen, A.I.A.  
Planning and Development Review Director  
HAASE/WCT

Approved: George I. Loveland .....  
Assistant City Manager.....

- Attachments:
1. Project Location Map
  2. Project Data Sheet
  3. Site Plan
  4. Floor/Roof Plans
  5. Elevations
  6. Cross Sections
  7. Draft Permit and Conditions
  8. Draft Resolution and Findings
  9. Community Planning Group Recommendation
  10. Appeal form and letter of September 29, 2000
  11. Ownership Disclosure Statement