PLANNING COMMISSION MINUTES OF 05/09/05

2005-0187 – Ron Dick [Applicant]: Application for related proposals on a 7,500 square-foot site located at **485 East McKinley Avenue** (near Central Ave) in an R-2 (Low-Medium Density Residential) Zoning District. (Negative Declaration) (APN: 209-11-047) RK **(Continued from April 25, 2005)**

- Rezone from R-2 (Low-Medium Density Residential) Zoning District to R-2/P-D (Low-Medium Density Residential/Planned Development) Zoning District;
- Special Development Permit to construct two single-family homes, and
- Parcel Map to subdivide one lot into two lots

Ryan Kuchenig, Assistant Planner, presented the staff report. This application is a request for the subdivision of one lot into two lots and for the construction of two new single-family homes located at 485 East McKinley Avenue. The applicant proposes to rezone the site. One lot is flag shaped to allow passage to the rear unit. Most setback requirements for this project are met except the side yard setbacks. Due to the configuration of the lot line, the left side setback is not met. Gross floor area for the units are approximately 2048 and 2305 square feet not including the basement. The front unit is a two-bedroom unit with two and a half bathrooms. The rear unit is three-bedroom with two and a half bathrooms. The City policy for small lot development is that the overall Floor Area Ratio (FAR) should not exceed 50%. This proposed development's FAR is 58% (not including the basements) or 56% if you do not include the porches. The project is consistent with the neighborhood as there is a similar flag shaped lot development nearby with an approximately 63% FAR. Staff feels that further reduction of the project is justified in order to meet the 50% FAR policy. This proposal does meet most of the City standards including lot coverage, parking, landscaping and open space, but does not meet minimum lot size. Minimum lot size is a common deviation needed for individual ownership units. The proposal is compatible with the neighborhood. Due to the proposed rezoning of the site, this project is scheduled to be heard by the City Council on June 14, 2005. Staff is recommending approval based on the findings and subject to the Conditions of Approval.

Comm. Simons asked staff about the Conditions of Approval (COA), CC&Rs (Conditions, Covenants and Restrictions) Condition F. requiring the home owner to be a member in the homeowner's association. He thought that usually homeowner associations were for at least four to six units and above. Trudi Ryan, Planning Officer, answered that it is uncommon to require it for two units and that when there is common property a maintenance agreement is probably adequate. Comm. Simons asked if possibly it was put in because of the parking requirement COA 6. and that would be one way to require garage spaces would

be maintained. Ms. Ryan said that for a two-unit site, Neighborhood Preservation could handle it the parking issues. Based on discussion between Comm. Simons and staff, Chair Moylan summarized that COA 8.F. (membership in a homeowner's association) and 8.J. (Right to Remedy Failure to a Maintain Common Area), page 4 of Attachment B., could be removed from the COAs. Comm. Simons asked staff if they should also remove COA 6. (Parking). Ms. Ryan said it would be better to leave COA 6. Comm. Simons asked staff if the wording on COA 4.E. (landscaping) could be modified to include the type of landscaping to read, "with an emphasis on large species trees that would be appropriate for the site". Mr. Kuchenig said staff would be agreeable to that.

Comm. Babcock asked staff what the estimated square footage would have to be to accomplish the 50% FAR. Mr. Kuchenig answered for the 50% FAR, the entire site needs to be about 3750 of gross floor area. Ms. Ryan said it is currently about 4300 square feet. Mr. Kuchenig added that the basement area is not included in the FAR, but currently the porch area is included in the FAR.

Comm. Klein asked for a clarification of right side setbacks to the front building. Mr. Kuchenig said that there is a four foot setback on the first story and an eight foot setback on the second story of the right side of front unit. There is a stairwell but they are included as architectural projections and are not part of the setback requirements. Ms. Ryan confirmed this also. Comm. Klein also asked about the left side of the front unit. Ms. Ryan clarified that the left side is three feet from the property line and 14 feet to the perimeter edge of the development.

Comm. Hungerford asked which home in the neighborhood referenced in the report has the 63% FAR as he was not sure from his site visit. Mr. Kuchenig responded that it is a site behind the proposal site. Ms. Ryan added that page 2 of 10 of the staff report shows the parcel lines of the area noting that this is a rather eclectic neighborhood in housing style and ownership patterns.

Chair Moylan opened the public hearing.

Ron Dick, architect for the project, stated that he feels the 58% FAR is justified. If he had to redesign the project to reduce the FAR he would have to cut the units down to just a great room and two bedrooms. As proposed, both lots have backyards and are designed as closely as possible to regular R-1 living units, considering the small lots that are only 50 feet wide. He stated that the basements do not count toward the FAR, but they do count towards the overall livability of the units.

Chair Moylan clarified with Mr. Dick that one of the COAs requires the 50% FAR. Mr. Dick responded that he has talked about this with staff, thinks that staff agrees that these are nice units and he and the owner are hoping he does not

need to further reduce the FAR. He commented that there are several other similar lots in the area that have the higher than standard FARs.

Ms. Ryan, talked further about the FAR. Given the size of this parcel 7500 sq. ft., a 50% FAR would be a house of about 1475 sq. ft. without the garage and 1875 sq. ft. with garage.

Chair Moylan closed the public hearing.

Comm. Babcock asked staff about the basement sq. footage and whether it is considered part of the livable space (approximately 750-800 additional sq. ft.). Ms. Ryan said that a basement space could be considered in the definition of livable space for floor area but it could be used for several things, i.e. storage or livable space.

Comm. Hungerford asked if there are light wells in the basement plans. Mr. Kuchenig said yes.

Comm. Klein asked staff for further explanation about a reference in the report to the basement area for "window wells with ladder to above". Ms. Ryan said this reference is regarding emergency access, as the light well would provide light into the area and the ladder that would allow people a way to get out in an emergency.

Comm. Simons made a motion to recommend to City Council, Alternative 2, to adopt the Negative Declaration and introduce an ordinance to rezone 485 E. McKinley Avenue from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with modified conditions. The modified conditions include removal of Conditions of Approval 8.F. (membership in a homeowner's association) and 8.J. (Right to Remedy Failure to a Maintain Common Area), addition of language to item 4.E. to include "with an emphasis on large species trees that would be appropriate for the site", and regarding condition 1.F., to exclude the porch space in the calculation of the Floor Area Ratio. Comm. Babcock seconded.

Comm. Simons was thrilled that this plan has basements for both homes. With the suggested modifications it looks like there only a few hundred sq. ft. to reconsider. He likes the architecture and thinks this will be a nice project.

Comm. Babcock agrees with Comm. Simons and thinks it is an excellent project. She was glad to see the porch area removed from the calculation of the FAR and does not want to see any of the architectured details lost.

Final Motion:

Comm. Simons made a motion on Item 2005-0187 to recommend to City Council, Alternative 2, to adopt the Negative Declaration and introduce an ordinance to rezone 485 E. McKinley Avenue from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with modified conditions. The modified conditions include removal of Conditions of Approval 8.F. (membership in a homeowner's association) and 8.J. (Right to Remedy Failure to a Maintain Common Area), addition of language to item 4.E. to include "with an emphasis on large species trees that would be appropriate for the site", and regarding condition 1.F., to exclude the porch space in the calculation of the Floor Area Ratio. Comm. Babcock seconded.

Motion carried unanimously, 7-0.

Item is not appealable. Item will be considered by the City Council on June 14, 2005 with the recommendations of Planning Commission included.