STAFF REPORT

TITLE: “D” OVERLAY SITE REVIEW 2-2002 - DATE AVENUE FAMILY APARTMENTS (BENJAMIN LINGO - CORPORATION FOR BETTER HOUSING)

SOURCE: COMMUNITY DEVELOPMENT AND SERVICES DEPARTMENT - PLANNING DIVISION

COMMENT: The applicant is requesting approval of a “D” Overlay Site Review to allow the development of a three story, 78 unit apartment building on a 1.9± acre site, located on the south side of Date Avenue, 150± feet west of “A” Street. The subject site is within the R-4(D) (Multiple Family Resedential - Design Review Overlay) Zone.

The project consists of a single, three-story building with apartments, manager’s residence, community room laundry facilities, etc. Along Date Avenue, the exterior row of apartments will be two stories, while the interior will be three stories, providing a degree of architectural interest by varying the building mass. The apartments will enclose a courtyard with substantial yard areas and a tot-lot. The perimeter of the site will contain parking, with additional parking located on the ground level, under the outer ring of second story apartment units. The exterior of the building will be finished in varying shades of tan and rust colored stucco, accented by a tile roof.

The overall design complies with the applicable yard area, setback, landscaping and overall total parking area standards. However, the applicants are requesting permission to reduce the required number of covered stalls from seventy-eight to forty-eight (while still providing the 117 stalls required). The Project Review Committee has authorized an increase in compact parking spaces from 10% (12 spaces) to 12% (14 spaces). In addition, the applicant is requesting permission to place a six-foot tall wrought iron fence along the northerly property line. Open fences within the front yard setback are typically restricted to a maximum of four feet in height.

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 2-2002.

ATTACHMENTS:

1. Complete Staff Report.
STAFF REPORT

TITLE: “D” OVERLAY SITE REVIEW 2-2002

OWNER/APPLICANT: Benjamin T. Lingo
Corporation for Better Housing (and Lynx Management Co.)
100 W. Broadway, Suite 1250
Glendale, CA 91210

PROJECT LOCATION: The south side of Date Avenue, 150± feet west of “A” Street.

SPECIFIC REQUEST: The applicant is requesting approval of a “D” Overlay Site Review to allow the development of a three-story, 78-unit apartment building on a 1.9± acre site in the R-4(D) (Multiple Family Residential - Design Review Overlay) Zone.

PROJECT DETAILS: The project consists of a single, three-story building with apartments, managers residence, community room laundry facilities, etc. Along Date Avenue, the exterior row of apartments will be two stories, while the interior will be three stories, providing a degree of architectural interest by varying the building mass. The apartments will enclose a courtyard with substantial yard areas and a tot-lot. The perimeter of the site will contain parking, with additional parking located on the ground level, under the outer ring of second story apartment units. The exterior of the building will be finished in varying shades of tan and rust colored stucco, accented by a tile roof.

The overall design complies with the applicable yard area, setback, landscaping and and overall total parking area standards. However, the applicants are requesting permission to reduce the required number of covered stalls from seventy-eight to forty-eight (while still providing the 117 stalls required). The Project Review Committee has authorized an increase in compact parking spaces from 10% (12 spaces) to 12% (14 spaces).

A six foot tall concrete block wall is required along the southerly property line to separate the property from the industrial property to the south. A solid six-foot tall fence is also proposed along the easterly and westerly property boundaries. The developer/applicant is requesting permission to construct a six foot tall wrought-iron fence along the northerly property line to help secure the site. Open fences within the front yard setback are typically limited to a maximum of four feet in height.

Development of the project is contingent upon securing tax-credit financing from the Tax Credit Allocation Commission (TCAC) as an affordable housing development.

GENERAL PLAN DESIGNATION: High Density Residential (15 to 43 units per acre)
SURROUNDING AREA ZONING AND LAND USE:

NORTH: R-4 (Multiple Family Residential); Date Avenue, Single Family Residences

SOUTH: M-1 (Light Manufacturing); Concrete pipe manufacturing and storage, Tule River

EAST: R-4 (D); Single Family Residence, Mobile Home Park.

WEST: R-2 (Four Family Residential), R-1 One Family Residential, PD (R-2) (Planned Development - Four Family Residential); Single Family Residences, Casas del Rio Planned Development.

STAFF COMMENT: The proposal to develop the 1.9± acre site with a 78-unit apartment complex (at 41 d.u./acre), is consistent with the General Plan’s High Density Residential land use designation (maximum of 43 d.u./acre) and the R-4 (Multiple Family Residential) zoning classification for the site. The subject site is an infill site with a mobilehome park and multiple residences to the west and a single family residential neighborhood to the east, with industrial uses to the south. Thus, the proposal appears to be a logical extension of existing residential development and fills an undeveloped gap in the City’s urbanized area.

There is sufficient water, sewer and streets capacity in the vicinity to support the proposed development. The developer will be required to install curb, gutter, sidewalk and 18 feet of paveout along the property frontage to match an arterial width street. Staff and the developer are discussing alternative approaches to this requirement that may entail an amendment of the Circulation Element to reduce Date Street from an Arterial Street to a Collector Street (justified by proximity to Orange Avenue), however, unless and until such a project is formally proposed and approved by the City Council, the requirement to accommodate an arterial width street remains.

The proposed project would further several of the goals and policies of the Land Use Element and Housing Element of the General Plan. The California Department of Housing and Community Development and the City of Porterville have set ambitious goals for the production of multiple-family and affordable housing. Those goals are expected to be set even higher when the next mandatory update to the Housing Element is prepared for adoption in 2003. This project has the potential to offer attractive, affordable housing without compromising City development standards or the density restrictions of the General Plan. The subject site is also within the Redevelopment Area and will provide tax increment and will further the housing goals of the Redevelopment Agency. It is also worth noting that, while the developer is requesting a slight increase in compact parking, and a reduction in covered parking, he has not requested any direct subsidy of the project from either the City or Redevelopment Agency. Such subsidies are often required in order to achieve construction of affordable housing at the levels proposed by the developer.

There are three elderberry bushes along the westerly property boundary of the subject site. These bushes are potential habitat for the Valley Elderberry Longhorn Beetle which has been listed as Threatened under the Federal Endangered Species Act. The applicable habitat protection standards...
allow construction up to 20 feet of the drip line of an elderberry bush without permit or federal consultation. The site plan has been designed to place the elderberry bushes in landscaped areas. Staff will consult with the U.S. Fish and Wildlife Service to determine whether the existing chain link fence along the westerly property line may be replaced with a solid fence in the same location to match the remainder of the perimeter fencing.

Both the Housing Element and various sections of California Planning Law encourage the City to make reasonable accommodations to ensure that appropriate, affordable housing can be constructed. The special requests by the applicant for modifications to City standards appear to fit within this mandate. The requested modifications are as follows:

_____ Reduction in Covered Parking:

Multiple Family Residential development is typically required to provide one covered parking space and one-half uncovered parking space per unit. Under this requirement, the subject project would be required to provide a minimum of 78 covered spaces and 39 uncovered spaces on the lot. As designed, 48 covered parking spaces are located under the second story apartments on the periphery of the building. To meet the covered parking standard, carports would be required for at least 30 parking spaces in the parking lot surrounding the apartment building. The developer has requested to be relieved of this responsibility in order to conserve construction funds that may provide more benefit if applied to the interior amenities and exterior finish treatments. Furthermore, carports would be required to respect the side and rear yard setbacks, which could interfere with the plan to place parking along the perimeter of the property, with solid fencing separating parking areas from adjacent uses. While Staff is generally supportive of the requirements to provide covered parking for all units, this appears to be a reasonable reduction to encourage construction of affordable housing.

_____ Increase in Compact Spaces:

Several parking spaces along the westerly property line were eliminated to provide sufficient setbacks to protect the elderberry bushes on the site. In order to meet minimum parking standards, it was necessary to increase the compact parking from the typical 10% maximum to allow up to 125 of the total spaces to be compact. The Project Review Committee is authorized by the Zoning Ordinance to permit up to 15% of parking spaces to be compact.

_____ Increase in Height of Fence:

Section 2611 of the Zoning Ordinance limits the height of fences located in the front yard setback to a maximum of 42 inches for solid fences and four feet for open fences. The developer is proposing a six foot tall wrought iron fence on the property line. An apartment complex of this magnitude presents unique security needs. The developer is proposing six foot perimeter fencing around the entire subject site. Limiting the height of the fence to four feet would allow less protected access to the four units on the north side of the building. The back doors and patios of these units will face north to Date Street.
Staff regularly enforces the restriction on the height of fences in the front yard and is reluctant to approve an exception in this case. However, in light of the security needs of such a large complex and the apparent lack of alternatives that could offer equivalent protection to the northerly units, such an exception appears to be warranted. A recommended condition of approval requires that the wrought iron fence be designed to be attractive with decorative pilasters, all to the approval of the Community Development Director.

ENVIRONMENTAL: This project is Statutorily Exempt from CEQA pursuant to Section 15280 of the CEQA Guidelines - Lower Income Housing Projects. Under the Permit Streamlining Act (Section 65950 of the Government Code), the City has 60 days from the date the project was accepted as complete to reach a determination regarding this project.

DATE FILED FOR PROJECT REVIEW COMMITTEE PROCESSING: May 16, 2002

DATE ACCEPTED AS COMPLETE: June 21, 2002

RECOMMENDATION: Staff recommends that the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 2-2002 with modifications to City Standards as proposed.

ATTACHMENTS:

1. Locator Map
2. Letter from Ben Lingo requesting modification to standards
3. Projected Rent Roll for Apartment Complex
4. Management Questionnaire for Date Avenue Apartments
5. Sample House and Ground Rules for Date Avenue Apartments
6. Draft Resolution of Approval (Site Plan - Exhibit “A”, Elevations - Exhibit “B”, Floor Plans - Exhibit “C”)
RESOLUTION NO.__________

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS IN SUPPORT OF APPROVAL FOR “D” OVERLAY SITE REVIEW 2-2002 TO ALLOW THE DEVELOPMENT OF A 78-UNIT APARTMENT BUILDING ON A 1.9± ACRE SITE LOCATED ON THE SOUTH SIDE OF DATE AVENUE, 150± FEET WEST OF “A” STREET

WHEREAS: The City Council of the City of Porterville at its regularly scheduled meeting of July 2, 2002, reviewed the site plans for a proposal to develop a 78-unit apartment building on a 1.9± acre site located on the south side of Date Avenue, 150± feet west of “A” Street. The subject site is within the R-4(D) (Multiple Family - Design Review Overlay) Zone.

WHEREAS: Pursuant to Article 18 (Supplemental “D” - Design Review Overlay) of the Porterville Zoning Ordinance, the City Council made the following findings:

1. That the General Plan indicates the site is located within an area designated for High Density Residential uses.

2. That an apartment building is a compatible use in the R-4(D) Zone.

3. That the design and architectural features of the subject project are compatible with that of proximately situated developments.

4. That the proposed modifications to general City standards to permit a reduction in covered parking, an increase in the percentage of compact parking spaces and an increase in the height of a fence within the front yard setback are necessary and appropriate accommodations to encourage the production of affordable housing pursuant to Government Code Section 65915 et seq.

5. That the proposed project is Statutorily Exempt from the California Environmental Quality Act (CEQA).

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve “D” Overlay Site Review 2-2002 under the Supplemental “D” Overlay Zone regulations subject to the following conditions:

1. The site plan shall be modified to show a minimum four foot separation between the property line and the easterly and westerly drive approaches.
2. The site plan shall be modified to show six foot tall solid fences along the easterly and westerly property lines (except as such fences may be prohibited by the provisions of the Federal Endangered Species Act. The site plan shall be further modified to show the location of the proposed six foot tall wrought iron fence along the northerly property line.

3. The site plan shall be modified to clearly show compliance with the minimum front yard setback of 15 feet. The Site Plan is currently drawn showing the setback to balconies rather than building walls.

4. The above modifications shall be made subject to review and approval by the Community Development Director and the Director of Engineering and Building.

5. The developer/applicant shall comply with the Federal Endangered Species Act by avoiding impacts to all existing elderberry bushes on the subject site. All elderberry bushes shall be shown on development plans. No improvements may be placed within 20 feet of the drip line of an elderberry bush.

6. Perimeter trees shall be installed and maintained along the easterly, southerly and westerly property lines approximately every three parking stalls as shown to provide visual screening of the site from neighboring uses. Such trees shall be selected in consultation with City Staff to ensure appropriate screening will be achieved and shall be a minimum of 15 gallons upon installation.

7. A minimum of four street trees shall be installed along Date Avenue to City Standards.

8. A six foot tall concrete block wall shall be constructed along the southerly property line as shown.

9. The landscape and irrigation plan shall address the sensitive nature of the mature oak tree at the southwest corner of the lot. The tree shall be preserved unless a compelling argument mandating its removal is presented. Significant care should be exercised when working within the drip line of the tree. A condition of approval will be included in project approval to utilize a cutting tool such as a ditch witch to cleanly cut the roots rather than having the roots torn by a scraper or scoop. In addition, the extent of encroachment under the drip line of the tree shall be limited to reduce the amount of impact to the established root system.

10. Landscaping within the drip line of the oak tree shall be limited to small trees that thrive in shade and with minimal irrigation. Groundcover and shrubs shall be avoided and use of bark xeriscape treatment encouraged. Water from irrigation and other run off should be directed away from the tree.
11. The playground must meet ASTM guidelines and comply with ADA accessibility requirements.

12. Three on-site fire hydrants are required to be located in the planters at the northwest, southwest, and northeast corners of the site. In addition, the developer/applicant will be required to relocate the existing fire hydrant on “B” Street to the south where it can be connected to the 12 inch water main in Date Avenue.

13. A Knox override will be required on all entry gates.

14. A master water meter with a backflow prevention device will be required on the domestic water line. A separate fire flow water line will be required with a detector check per City standards.

15. The following will be required at the time of building permit submittal:
   a. Two complete sets of plans, including a grading and drainage plan for the parking lot, signed by an architect or engineer.
   b. Energy and structural calculations.
   c. Two sets of landscape plans with a $25 plan check fee per Ordinance 1483.
   d. The proposed building shall comply with the latest adopted building codes as an R-1 Occupancy. Note that an automatic sprinkler system is required. In addition, a manual and automatic fire alarm system is generally required, although exceptions for sprinklers with local alarm systems triggered by flow of water or operation of a manual station may apply.
   e. Type V 1 hour construction will be required.
   f. The developer/applicant shall demonstrate that the facility is in compliance with all Federal and State access laws.
   g. A compaction test will be required for building pad location.
   h. Plan check fees shall be paid at the time of permit plan submittal. School development fees and City fees shall be paid at the time of permit issuance unless an alternative payment plan is approved.
   i. All proposed signage will require a separate permit.

16. One numeric address on Date Avenue will be assigned to the entire development. A directory and map showing internal addressing and location of units shall be placed near the entrance for use by emergency personnel.

18. The developer/applicant shall pay all applicable fees in accordance with the Municipal Code and State law. Fees are subject to change annually. The developer/applicant is hereby notified that you have the right to pay fees, dedications, reservations or other exactions, under protest, pursuant to Government Code Section 66020(a). You have 90 days from the date fees are paid to file a written protest.

19. The developer/applicant shall comply with appendix Chapter 33 (Excavation and Grading) of the Uniform Building Code, and provide a soils engineering report and a grading and drainage plan signed by a civil engineer or architect. The developer/applicant shall comply with City Retaining Wall Standards (adopted by City Council January 3, 1989) at lot lines where such standards are applicable.

20. The developer/applicant shall dedicate right-of-way adequate for a street width that matches the ultimate width in the adopted Land Use and Circulation Element and/or the width established by the City Council and property necessary for disabled ramp(s) (Ord. 1306).

21. The developer/applicant shall construct street, curb, gutter, sidewalk, wheelchair ramp(s), water, sewer, etc. along the full frontage of the parcel except where they exist and are in good condition in the opinion of the City Engineer.

22. The developer/applicant shall relocate existing utility structures (e.g., poles, splice boxes, vaults, etc.) to a position that provides four feet (4') of clear space between the face of curb and the structure, unless they are below grade (Ord. 1306, Title 24 OSA).

23. The developer/applicant shall provide street lights on Marbelite poles complying with Southern California Edison Company specifications, as approved by the City Engineer. Use of wood poles is prohibited without prior written approval of the City Engineer.

24. The developer/applicant shall, under City inspection, remove all existing abandoned and unnecessary items, to the satisfaction of the City Engineer, prior to the issuance of an occupancy permit (e.g., foundations, septic tanks, irrigation pipes, etc.).

25. The developer/applicant shall abandon existing wells, if any, after first obtaining an abandonment permit from the County Department of Environmental Health, and shall provide the City Engineer with proof of compliance with County regulations prior to performing any grading.

26. The developer/applicant shall provide off-site improvements, easements, permits, calculations, etc. if, in the opinion of the City Engineer, they are needed for the proper functioning or phasing of the improvements or an adjacent development (e.g. water, sewer, drainage, etc.).
27. The developer/applicant shall design and improve the parking area/lot in conformance with Section 2206 of the Zoning Ordinance.

28. The developer/applicant shall comply with the City Flood Damage Prevention Ordinance No. 1397, including the provision of elevation certificates, if any building is proposed in Zone A-9, and shall comply with the requirements of the State Reclamation Board, where applicable.

29. The developer/applicant shall construct the pipe connecting to on-site fire hydrants to City water main standards and shall provide easements for maintenance of the fire hydrants.

30. The developer/applicant shall install all required refuse container enclosures according to City standards. The developer/applicant shall also sign a waiver of liability for refuse truck damage to the parking lot if the refuse container locations require refuse trucks to travel on the parking lot.

31. That construction of any facilities or buildings on the site shall conform substantially to the applicant’s precise plot plans as approved and incorporated herein by this reference as Exhibit “A”, Exhibit “B”, and Exhibit "C", except as modified above.

Gordon T. Woods, Mayor

ATTEST:

John Longley, City Clerk