



Memo

To: Planning, Zoning, and Architectural Review Board
From: Avondale Estates City Staff
Date: 4/15/22
RE: Staff Recommendations on TBG Residential, Unit Size Variance, and Waiver Request

Updates

At the March 21, 2022 Planning, Zoning, and Architectural Review Board (PZAB) meeting, the Board took action to defer the item to give the applicant an opportunity to provide more detailed and dimensioned elevations to accommodate a more holistic analysis of the height waiver request. Since that time, the applicant has provided a set of elevations reflecting each facade as well as a revised set of conceptual site plans.

The elevations illustrate a building that is three stories, primarily, with certain sections where the grade tapers to reveal up to four stories exposed. At 40-feet, 2.5-inches, the three-story portions measure 4 feet 2.5 inches above the allowable height, and the four-story portions have not been dimensioned. The revised height remains deficient and still requires a waiver request.

Analysis of the revised elevations indicates the proposal meets material and architectural requirements. The project is a majority of brick and fiber cement panels as façade treatments. There is 5% fenestration on each floor and requisite building articulation. Additional observed alterations to the site plan are the activation of the Washington Street floor plan where over 100' of the 150' parking garage is lined by residential units on the ground floor. The site plans also indicate activation of the streetscape and open space zones, but the open space on the north end of Washington Street and some supplemental zones remain unprogrammed including seating and other amenities as can be found in Section 21-6.3.5.

The applicant is not requesting other variations at this time and based on statements in their application will adjust their plans to meet the zoning code versus applying for other variations. However, there are other deficiencies shown on the submitted plans They are as follows:

- Portions of the building are not sited in conformance with the build-to lines established by the required streetscape dimensions.
- Juliet balconies are prohibited.
- Dumpster cannot be located adjacent to Washington Street.

- The top floor does not meet minimum the 10' height minimum for the Walk-up Façade Type;
- Washington Street is the highest classification street adjacent to the site, so curb cut access is prohibited on Washington Street since other options exist.

Request

The applicant, TBG Residential, intends to develop a site at the addresses 154 Olive Street, 2804 Franklin Street, 2816 Franklin Street to construct a 3-4-story project with a parking deck and 66 affordable senior housing residential units that range from 750 to 985 square feet in unit size. These units would be available to tenants whose income is 40%, 60%, or 80% of the area median income (AMI). The site plan identifies space for a future Washington Street extension. The development team proposes to set aside the land for the road and has stated their intention to build it. The site plan also illustrates a path on the north-south access instead of a road as is called for in the adopted street grid and codified in the zoning code. The development does not meet all standards required by the City of Avondale Estates Zoning Ordinance; therefore, the applicant has requested relief to accommodate the development as proposed.

With the updated submittal, the developer is requesting approval of a variance and a Tier 2 waiver to address development features identified as deficiencies in the initial review of the submittal. Additional deficiencies have been identified with the additional information submitted, so the developer will be expected to adjust the designs to meet all remaining requirements during the permit review process.

TBG has requested a variance from Section 21-3.2.8 to reduce the unit size from 1,300 to between 750 and 985 square feet and a Tier 2 waiver from Section 21-3.2.8 to allow some portions of the building to exceed the height limitations without taking advantage of the bonus system.

Background

As background, TBG requested a conditional use permit for the purpose of allowing multi-family housing on March 10, 2021. The conditional use permit was a requirement of the zoning code at the time, pursuant to Article 9, Table of Permitted and Conditional Uses by District. TBG stated in their conditional use request "Our property will incorporate the new street grid improvements to increase walkability and provide better access to our site and surrounding businesses/properties." The applicant also referenced the Avondale Estates Downtown Urban Design Analysis and pointed to slides demonstrating an understanding of the street grid and how they imagined their property would fit within this framework. On April 28, 2021, the Board of Mayor and Commissioners approved the conditional use permit for TBG based on the information presented in the application.

Additionally, a letter was sent by City staff to TBG in April of 2021 further articulating the current zoning codes. The letter stated that height could not be varied based on the code and that other aspects of their project appeared not to comply and would require variances.

To aid in the funding of the project, the developer has been approved for federal tax credits through the Low-Income Housing Tax Credit (LIHTC) program disbursed by the Georgia Department of Community Affairs (DCA). During the process of applying for those tax credits, TBG requested a letter from the City affirming that the zoning allowed for this development in this location. A letter stating the following was given, and a link to the draft zoning code was provided:

On April 28, 2021 the Board of Mayor and Commissioners approved a conditional use permit application (City of Avondale Estates Zoning Ordinance Code Section 813.VI) submitted by TBG Residential to establish a multifamily senior dwelling. The approval of this permit is expressly for the specified use at said location. The conditional use approval of this project should not be interpreted as meeting any other zoning or development standards or requirements. There is currently not enough information to make that determination.

Since the conditional use permit was granted, the text of the zoning ordinance has been changed to allow multi-family developments as of right. The revised zoning codes, adopted in July 2021, maintained the unit size and the height limitations that were in place when the conditional use was requested (Sec. 1113.03.A.3 and 1113.04.D in the previous ordinance).

Analysis

The newly adopted zoning code provides a “bonus” system in which a developer is allowed to reduce the unit size and increase the height of a project if the developer elects to contribute towards improving vehicular and pedestrian connectivity downtown by building out the portion of the street grid plan depicted at the development site per the layout adopted in the code (Sec 21-3.2.8). As referenced in Chapter 21, the City offers a bonus program to incentivize developers to voluntarily provide improvement and dedication of transportation infrastructure associated with the adopted street grid plan. The bonus system is outlined in section 21-3.2.8 A.

The adopted street grid plan includes an extension of Washington Street and a new north-south street section currently shown on TBG’s plans as a path. The zoning code does not prevent the developer from building as of right and does not require them to build the street grid. In fact, previously TBG provided the City with a site plan showing that their project may be developed as a three-story building without any variances to height or unit size.

The downtown street grid has been the backbone of the downtown plan since as far back as 2004. It has been in every long-term planning document since then. Providing capacity and connectivity for all modes of transportation is a foundational principle in all mainline planning. As stated on page 86 of the 2014 Downtown Master Plan, the street network outlines blocks; it is

the most significant element of urban design, as it is the most permanent and slowest to change. It has a significant impact on walkability, connectivity, and the overall character of the area. One of the earlier versions of the street grid, which considered connectivity and block size, can be found on page 89. On page 91, the Downtown Master Plan goes into more detail about the importance of a grid network for safety, travel, and connectivity. It also notes that this street grid is specifically designed to create smaller blocks because smaller blocks are more walkable and create a more vibrant urban environment.

The land use and development policies in the Downtown Master Plan call for a variety of housing types including high-quality rentals, senior housing, attached homes, and workforce living options. The Downtown Master Plan identifies locations for expanded housing types that will support the demand for larger projects within the study area at a density that is still compatible with existing surrounding neighborhoods. Page 73 of the Downtown Master Plan calls for higher density housing (taller) west of Maple Street and attached housing (townhouse development) in the blocks where TBG is proposing to build a 60-foot building.

The proximity of transit was factored into recommended heights in the Downtown Master Plan and into the allowable heights prescribed in the zoning code. The Federal Highway Administration and planning experts have determined that where strong pedestrian connections exist, a 5-minute and maybe 10-minute walk to transit is reasonable. Additional height is allowed for properties west of Maple Street because these properties are within a 10-minute walk of the Avondale MARTA station. This measurement is not a radius but the amount of time following streets and sidewalks. Using this methodology, TBG's site is .6 miles and a 13-minute walk from the closest MARTA Station.

Additionally, the height limitations were also influenced by the height and character of the historic Tudor Village. Protecting historic Tudor Village and building at the same scale is a guiding principle that can be found in the Downtown Master Plan and in the 2004 LCI Plan. While the goal of preserving the historic buildings and character of Avondale Estates can be found in many documents, it is one of the six primary goals outlined in the Comprehensive Plan, refer to page 5. The current zoning code allows for more density and taller buildings than called for in the Downtown Master Plan yet still respects the height and scale of the Tudor Village. The City, however, acknowledges that it is difficult to build a variety of housing types at the prescribed unit size.

There are several potential other code deficiencies that have been identified and some that could come up once full civil and architectural plans of the proposed development are submitted. All additional requirements of the zoning and other code sections will be required to be met at the time of permit review.

The design requirements included in the new zoning code protect the character of the community. The possibility of waivers is built into the zoning code to allow more flexibility for quality design that maintains the character of the area. Waivers have a lower threshold than those used to evaluate and grant variances. It is possible that additional height might be

mitigated by exceptional design above and beyond what the zoning code requires. While the applicant has provided additional information and altered the design to be more code compliant, the quality of façade design is not elevated above the zoning code minimums to a degree to offset the height deficiency requested for relief. Being that this request is an aesthetic decision, the applicant has not provided adequate “alternative streetscape or building/façade design configurations...” (Section 21-7.4.8 - Review and Approval Criteria) to justify relief.

Recommendation

Considering the factors outlined in Section 21-7.2.10 for considering variances, staff recommends that the variance to housing unit size be **approved** to provide more opportunities to meet the objectives of diverse housing stock.

Pursuant to the criteria outlined in Section 21-7.4.8, the staff recommends **denial** of a Tier 2 waiver for height. The applicant has not demonstrated that strict adherence to the requirements is unreasonable and not consistent with the goals of the code. To the contrary, the applicant’s proposal for extra height without providing the vehicular and pedestrian transportation and connectivity improvements to the site contemplated by the street grid is in direct conflict with the general-purpose statements in Section 21-1.1.5 and for those of the Central Business District in Section 21-3.2.1. The quality of design is not elevated above the minimum code requirements to justify the waiver relief. Staff finds that the requested Tier 2 height waiver would be contrary to the public welfare in this regard and thus should be denied.

Additionally, the height limitations in the new zoning ordinance establish a human scale of development consistent with the historic buildings downtown. It does not prevent the developer from building affordable units.

Should the Board make the findings to recommend approval of the request, staff recommends the following conditions:

1. The project shall be developed in substantial conformity with the site plan dated March 29,2022 (Exhibit A), modified for compliance with zoning conditions and other regulations.
2. The building shall be developed in substantial conformity with the conceptual elevations dated received March 29,2022 with respect to general architectural style, features, articulation, materials, and massing (Exhibit B).
3. The Washington Street extension shall be designed, constructed, and dedicated to City standards for the portions of the extension that fall within the subject property.
4. The multi-use path shall be designed, constructed, and dedicated (or a public access easement granted) to City standards for the portions of the path that fall within the subject property.

5. The access driveway to the development shall be relocated to a more minor street classification.