

**City of San Leandro
Community Development Department
Planning Services Division**

RECOMMENDED FINDINGS OF FACT

**PLN16-0063
200 MacArthur Boulevard
Alameda County Assessor's Parcel Number 76-314-14
Nancy Hu (Applicant and Property Owner)**

The Board of Zoning Adjustments hereby approves PLN16-0063, subject to the following findings:

CONDITIONAL USE PERMIT

- 1. The proposed location of the project conforms to the objectives of the Zoning Code as well as the purposes of the district in which the site is located.**

Mixed-Use Residential is conditionally permitted in the CC Commercial Community District, providing City staff the ability to place a series of conditions on the use to ensure full conformance with updated development regulations for the commercial districts, including, but not limited to, landscaping and structural improvements on- and off-site (e.g. sidewalk repair, undergrounding of utilities, enhanced architecture and site improvements, etc.) The additional conditions for appropriate lighting, landscape, and a buffer wall will mitigate any adverse effects on adjacent residential uses. These conditions will allow for an infill mixed-use development appropriate to the commercial corridor, as prescribed in the definition of a CC district, to operate without adverse effects on adjacent areas.

- 2. The proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be harmful to the public health, safety or welfare of persons residing or working in, or nearby, to the neighborhood of the proposed use; and will not be detrimental to properties or improvements in the area or to the general welfare of the City.**

The existing General Plan designates this site within the MacArthur Boulevard "Corridor Mixed Use" area. This designation is characterized by "a mix of commercial and residential uses oriented in a linear development pattern along a major pedestrian- and transit-oriented corridor". The proposed project will allow the rebuilding and minor expansion of an existing mixed-use building that is consistent with the pattern of development along the corridor and is compatible with the adjacent and surrounding residential and commercial land uses.

The following General Plan policies are applicable to the proposed project:

- ***Policy LU-3.4: Promotion of Infill. Encourage infill development on vacant or underused sites within residential and commercial areas.***

Conformance – This project meets the objectives of this policy by providing two additional units and refurbishing one existing unit on a fire-damaged site that has been vacant for over ten years within a residential and commercial area. The infill development provides a positive contribution to an underused site in the City.

- ***LU-8.2 Aesthetics. Upgrade the City’s commercial corridors by building upon their existing strengths and improving their aesthetic qualities. The City should implement programs to underground utilities, abate weeds and graffiti, eliminate litter, improve buffers to adjacent residential uses, control excessive signage, and provide streetscape amenities and landscaping along the corridors.***

Conformance – This project meets the objectives of this policy by creating a buffer to nearby residential neighborhoods, providing landscaping improvements to the front and interior of the site, and enhancing the building’s architecture and undergrounding of utilities.

- ***Policy LU-8.3 Corridor Mixed Use Areas. – Pursue the following land use and development principles in those areas designated “Corridor Mixed Use” on the General Plan Map:***

- (a) *An emphasis on pedestrian- and transit-oriented site design, rather than auto-oriented or “drive-through” design;*
- (b) *An emphasis on mixed use infill projects which incorporate upper story office or residential uses and ground floor commercial uses;*
- (c) *A shift toward higher value neighborhood-serving retail uses and higher-density housing.*

Conformance – This project meets the above principles regarding pedestrian-oriented development, mixed use infill project with ground floor commercial use and upper story residential, and a shift toward higher-density housing.

- ***Policy 8.11 MacArthur and Bancroft Corridors – Encourage continued improvement and investment in the MacArthur Boulevard and Bancroft Avenue commercial districts. Mixed use development should be encouraged along MacArthur Boulevard, with an emphasis on local serving commercial, residential, office, retail, and civic uses between Durant and Joaquin Avenues. Zoning for the corridor should be flexible enough to allow a full spectrum of residential and commercial uses.***

Conformance – The mixed-use residential building fronts directly on the corner of MacArthur Boulevard and Durant Avenue, with commercial use

located at the ground floor with a low window sill and greater than 50% transparency. The building will be refurbished with a singular architectural style and the site plan, with parking located at the rear and interior of the lot buffered by landscaping, will create a development that enhances the streetscape at a pedestrian scale.

Within the MacArthur corridor, the General Plan explicitly calls out the short block between Broadmoor Boulevard and Durant Avenue as being “well suited for more active sidewalk-facing retail uses, restaurants, and local services, given the existing building pattern and urban form.” (page 3-137). The applicant proposes commercial space that would be ideal for retail, service, office, or café use—all of which are outright permitted in the CC District.

3. The proposed use will comply with the requirements of the Zoning Code, including any specific condition required in the district in which it will be located.

Residential mixed-use is a conditionally permitted use in the CC – Commercial Community District. The property has been residential mixed-use for more than 45 years. The layout of the building shown on the proposed site plan is in conformance with the underlying CC Commercial Community Zoning District, with the exception of the pre-existing zero lot line in the front and corner side setback. Staff supports the exception to the minimum required landscaped yard due to the pre-existing zero lot line in the front and corner side setback, which is compatible with the surrounding buildings along the MacArthur corridor which are also built to the front lot line. The project will add 250 square feet of floor area and does not expand a non-conforming setback.

4. The proposed use will not create negative impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

The existing site is adequately served by streets, sidewalks, utilities and other public facilities. Off-street parking is provided on the site, conforming to the Zoning Code Section 4-1704 Mixed Use Residential and Retail parking standards. The City’s Engineering and Transportation Department and Alameda County Fire Department staff have reviewed the proposed parking layout and find it acceptable for both emergency vehicle and regular traffic access and is likely the best configuration given existing site constraints.

The 2012 to 2015 three-year collision data show zero collisions on this development block of MacArthur Boulevard, which carries approximately 13,000 vehicles per day. The northern edge of the 26-foot wide curb cut for parking lot access is approximately 95 feet south of the MacArthur and Durant corner intersection and maintains three parallel parking spaces along MacArthur Boulevard in front of the commercial portion of the development. The existence of a sidewalk bulb-out and a signalized crosswalk at Durant and MacArthur provides a safe pedestrian environment that is adequate to serve both the

residential and commercial uses proposed. Conditions of approval to pay in-lieu fees to underground utilities and fees for street improvements will enhance the environment and capacity of public services to the immediate vicinity.

Additionally, the environmental review performed for the General Plan indicated that this type and intensity of development along the MacArthur corridor would still maintain an acceptable levels of service for traffic, according to specific traffic studies performed for the CEQA review for the General Plan.

SITE PLAN REVIEW

- 1. SITE PLAN ELEMENTS (such as, but not limited to, building placement, yard setbacks, size and location of landscape areas, parking facilities, and placement of service areas) are in compliance with the minimum requirements of this Code and are arranged as to achieve the intent of such requirements by providing a harmonious and orderly development that is compatible with its surroundings. Parking, loading, storage, and service areas are appropriately screened by building placement, orientation walls, and/or landscaping.**

The project will restore and enhance an existing blighted fire-damaged mixed-use building. The layout of the building shown on the proposed site plan is in conformance with the underlying CC Commercial Community Zoning District, with the exception of the pre-existing zero lot line in the front and corner side setback. Per Zoning Code Section 2-680.G.5, a Site Plan Approval is required to permit an exception to the minimum required landscaped yard of 10 feet within the front and corner side yard setback due to pre-existing site constraints. The proposed building height, FAR, lot coverage, landscaping, and parking are in conformance with the Zoning Code.

An exception to the minimum required landscaped yard is supported due to the pre-existing zero lot line in the front and corner side setback. The minimal setback is harmonious and compatible with the surrounding buildings along the commercial corridor, which are also built to the front lot line and encourage a continuous active sidewalk-facing frontage along MacArthur Boulevard.

The placement of the building and walkways provides for a development that relates well with the pedestrian character of the MacArthur Boulevard corridor. Screening of the interior paved parking lot is accomplished with extensive landscaping and plantings, which is a substantial improvement from the gravel and weeds that currently exist on the vacant site. Enclosed waste and recycling facilities are placed to the rear of the lot, away from public view and the right-of-way. A seven-foot concrete wall with stucco finish to match the proposed building will be established on the eastern edge of the lot in order to create a separation from single-family residential homes to the east.

- 2. THE BUILDING(S) has(have) adequate articulation, with appropriate window placement, use of detailing, and/or changes in building planes to provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with those of surrounding structures. Visually incompatible elements, such as roof-mounted utilities, are fully screened from public view. If the proposal is for an addition to an existing building, such additions shall appear as an integral element of the building. Additions shall not have a “tacked on” appearance, and either the addition should be consistent with the existing building’s design element, or the existing building should be remodeled concurrently with construction of the addition.**

The proposed architecture contains a variety of visual elements that provide interest as well as cohesiveness to tie the commercial, residential, and garage structures together into one singular architectural style. The visual elements include a stucco finish over the concrete block structure, matching wood trim with satin finish on all fenestration, and a low sill with high levels of transparency for the commercial unit on the ground floor. The commercial storefront visibility has been conditioned to remain predominantly transparent at the pedestrian eye level. The exterior building colors include stucco with a medium sand finish and a deep red on wood window trim, gutters, guardrail, parapet, and cap flashing. All roof-mounted equipment has been conditioned to be screened. The majority of the roof is flat, with the exception of a small portion of the façade facing Durant where there is a clay tile pitched roof.

- 3. THE LANDSCAPING complements the architectural design, with an appropriate balance of trees, shrubs, and living ground covers, and provides adequate screening and shading of parking lots and/or driveways.**

The type, size and location of proposed tree and plant species submitted as part of the Conceptual Landscape Plan in the Site Plan Review submittal are appropriately balanced, providing adequate shading and screening. The landscaping provided on the plan consists of a variety of trees, shrubs and continuous ground cover and landscaped common open space areas. Parking areas are ringed by low landscaping and screening trees. Landscape and irrigation system maintenance are conditioned as part of the permit approvals.

- 4. DETAIL FEATURES, such as signs, fences, and lighting for buildings, parking lots, and/or driveways are visually consistent with the architectural and landscape design and minimize off-site glare.**

Proposed signage will be approved as part of a Sign Plan in conformance with the Code prior to issuance of building permits. Signage has been conditioned to remain well maintained and no larger than twenty-five percent of the window in which they are located. Lighting has been conditioned to minimize off-site glare. Both the trash enclosure and the eastern perimeter wall will be visually consistent with the same stucco finish. The trash and recycling bins will be enclosed and screened from view with a six-foot tall wall. The eastern perimeter fence will be seven-foot tall concrete wall.

CEQA ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review under the California Environmental Quality Act pursuant to Article 19, Section 15301(d) and Section 15301(e)(1) of the State CEQA Guidelines, as an existing facility that involves: Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety and the damage is not a result of an environmental hazard; and Additions to existing structure provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.