



## Legislation Details (With Text)

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<b>Enactment date:</b>		<b>Enactment #:</b>		<b>Title:</b>	APL18-0001, Appeal by J.W. Blaine (Appellant) of the Decision of the Board of Zoning Adjustment's Approval of PLN17-0061, Site Plan Review to Construct a Five-story 62-unit Affordable Multi-Family Residential Building at 1604 and 1642 San Leandro Boulevard (southeast corner of San Leandro Boulevard and Parrott Street; Assessor's Parcel Numbers 75-28-1-2 and 75-28-11-2), which would place blockage of the sun on his adjacent property at 559 Parrott Street. S. Criscimagna, Eden Housing, Inc., Applicant; Parrott Street Investors, LLC, Property Owner; DA-4 Downtown Area 4 District.
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. APL18-001 Application 1-18-2018.pdf, 2. 1-04-18 BZA Final Minutes.pdf, 3. Supplemental Elevations South East Sheets A3.2 and A3.3.pdf, 4. Supplemental Shadow Solar Study.pdf, 5. Supplemental Parrott Shadow Study Narrative.pdf, 6. BZA Staff Report 1-4-2018.pdf, 7. FINDINGS OF FACT.pdf, 8. Conditions of Approval Jan 4 2018.pdf, 9. Vicinity Map 3-19-2018.pdf, 10. Applicants Statement.pdf, 11. General Plan Conformance Attachment.pdf, 12. Exhibits A-J.pdf, 13. Exhibits K-T.pdf, 14. Exhibits U-CC.pdf, 15. Commendation Letter from San Leandro Police.pdf, 16. CC Meeting 3-19-2018				

Date	Ver.	Action By	Action	Result
3/19/2018	1	City Council	Received and Filed	

APL18-0001, Appeal by J.W. Blaine (Appellant) of the Decision of the Board of Zoning Adjustment's Approval of PLN17-0061, Site Plan Review to Construct a Five-story 62-unit Affordable Multi-Family Residential Building at 1604 and 1642 San Leandro Boulevard (southeast corner of San Leandro Boulevard and Parrott Street; Assessor's Parcel Numbers 75-28-1-2 and 75-28-11-2), which would place blockage of the sun on his adjacent property at 559 Parrott Street. S. Criscimagna, Eden Housing, Inc., Applicant; Parrott Street Investors, LLC, Property Owner; DA-4 Downtown Area 4 District.

## SUMMARY AND RECOMMENDATIONS

The appellant, J.W. Blaine, filed an appeal of the Board of Zoning Adjustment's January 4, 2018 decision to approve Site Plan Review for PLN17-0061 (Project), involving construction of a 62-unit affordable multi-family residential building. The appellant submitted a written statement (attached) that argues how the approved building will negatively impact the use of his adjacent single-family home. In rebuttal, the applicant prepared a shadow study in support of its Project. Staff recommends that the City Council deny the appeal and uphold the decision of the Board of Zoning Adjustments (BZA) by adopting a resolution affirming the BZA decision.

## BACKGROUND

Eden Housing, applicant, proposed to redevelop a 20,021 square foot (0.46 acre) property located at the corner of San Leandro Boulevard and Parrot Street, across the street from the San Leandro BART station, with a five story, 62-unit multi-family affordable housing development (PLN17-0061). Following consideration of the project application, staff recommendation and public testimony, the BZA approved the proposed Project by a 4-0 decision with one abstention (Falero), one absence (Solis) and one vacancy (District 6). Attached to this report is the complete BZA staff report, along with all attachments and the adopted minutes from the January 4, 2018 meeting. Due to technical difficulties with the recording system for the meeting held that evening, no audio recording is available.

On January 18th, Mr. Blaine, the adjacent property owner of 559 Parrott Street, filed an appeal of the BZA's decision (attached). The appeal was scheduled for the March 19, 2018 City Council meeting within 45 days of receipt in accord with Zoning Code Section 5-2808.

### Appeal

Mr. Blaine, appellant, has stated that the reason for his appeal is that the location of the proposed building disproportionately blocks the amount of sunlight onto his property, a single-family home directly adjacent to the east of the subject property. As the sun moves overhead from east to west, Mr. Blaine has argued that the proposed building would serve as a barrier to the sun, leaving his home in shadow for at least half the day. He states in his appeal that this situation is unfair since other adjacent properties will have greater access to sunlight due to their placement in relation to the proposed building.

### Relationship to Surrounding Area

The Project site located at the corner of San Leandro Boulevard and Parrot Street is zoned DA-4, Downtown Area 4 zoning district. Multi-family residential is a permitted use in the DA-4 District under Zoning Code Section 2-642. Site Plan Review is required for development plans in the DA-4 District to ensure general consistency with the design guidelines for the Downtown Transit Oriented Development (TOD) Strategy adopted in September 2007. The remainder of the block is also zoned DA-4 Downtown Area District with the exception of five attached townhomes that front Thornton Street, zoned DA-4(PD) Downtown Area, Planned Development Overlay District. Across the street, the San Leandro BART Station to the west is zoned DA-6, Downtown Area 6.

Across the street to the north are the Deaf Counseling Advocacy and Referral Agency (DCARA) and three single-family homes. Adjacent to the east are three single-family homes and a duplex. To the southeast are a single-family home, a five-unit apartment, and a six-unit condominium. Adjacent to the south is a vacant undeveloped lot. Further to the south are five, two-story, attached townhomes which were built in 2001 as part of the Thornton Place Planned Development. Across San Leandro Boulevard to the west is the southerly end of the San Leandro BART station and parking lot.

### Downtown San Leandro Transit-Oriented Development Strategy (TOD Strategy)

In September 2007, the San Leandro City Council approved the "San Leandro Transit Oriented Development Strategy," a plan that addresses planning and design in the downtown area and around the San Leandro BART station. The purpose of the TOD Strategy is to focus growth in the transit-accessible downtown area. San Leandro Boulevard is an ideal location for transit oriented development and affordable housing because the area is immediately served by a variety of public

transportation sources, including AC Transit, BART and San Leandro's LINKS shuttle, and has established shopping and professional services within the vicinity. With development of housing around the San Leandro BART station, it is expected that this new residential population will increase the amount of downtown business activity with fewer vehicle trips, utilizing the existing pedestrian-friendly downtown environment.

Associated with the adoption of the TOD Strategy specific plan was the new Downtown Area (DA) Zoning District, containing zoning standards which implement the TOD Strategy specific plan. These new standards include increased building height limits, higher residential densities and reduced parking standards. These TOD standards were adopted so that property owners would know exactly how to design new developments or redevelop existing sites, while minimizing the uncertainty of the discretionary review process.

### Site Plan Review

Details regarding the proposed Project are contained within the attached January 4, 2018 BZA regular meeting Staff Report.

### Analysis

The proposed Project meets the expectations of the vision and policies established by the Downtown TOD Strategy and the codified zoning requirements for the BART and downtown area. The high-density residential building complies and appropriately fits on the corner site without any need for exceptions or variances.

The Project is appropriately designed to enhance the San Leandro Boulevard corridor. It complements the City's public investments in the public right-of-way and other recent private investments in the immediate area (i.e., Westlake's San Leandro Tech Campus, BRIDGE Housing's Marea Alta, Creekside Plaza, etc.). The proposed Project, along with the other nearby developments, cumulatively carry out the vision for transit oriented development and affordable housing in the downtown area. The Project provides an increase in much needed affordable residential housing units that benefit from access to the downtown area and public transportation.

The applicant designed the building so that the bulk of the structure was moved towards the street corner and away from adjacent properties to the east and the south, reducing the impact of massing on adjacent properties as much as feasible. The proposed building setback from the Parrott Street right-of-way line maintains the prevailing condition along the Parrott Street residential frontages. The Parrott Street side street setback could have been reduced to a zero setback (Z.C. Section 2-680), but the approved design lessens the shadow effect of the building. As discussed further in this staff report, the applicant's shadow study demonstrates that a redesign of the building would not markedly improve the circumstances being appealed.

Following the BZA's decision and prior to filing the appeal, the appellant, Mr. Blaine, met with staff from Eden Housing who offered to provide additional landscaping to buffer or soften the side of the building facing the appellant's residence. The appellant did not accept their offers and filed an appeal.

### Shadow Studies

Following notification of the appeal, the applicant prepared shadow studies of the Parrott Street

Apartments building to demonstrate how the Project's location and angle of the sun will affect the shadows cast by the development (see attached Shadow/Solar Study). The study looks at the shadows created at three different times throughout the day on the Winter Solstice, Spring Equinox, Summer Solstice, and Fall Equinox.

In the morning, the Project casts a shadow northwest towards San Leandro Boulevard and Parrott Street, shadowing San Leandro Boulevard, Parrott Street, and its own frontage. Around noon, the building casts minimal shadows, mainly shadowing its own front yard along Parrott Street and the adjacent Parrott Street neighbor's driveway. By mid-afternoon, the building casts a shadow over its own podium courtyard and the neighbors to the east in the winter, spring, and fall, with minimal shadowing in the summer. The Project casts the longest shadows during the Winter Solstice, since the sun is at its lowest angle at this time of year, and shorter shadowing during the summer months.

From morning to midday for most of the year, the applicant's submitted study demonstrates the Parrott Street Apartments will not impact the appellant's building or front yard and that the shadows cast on the appellant's front yard are mainly from the appellant's residence. In mid-afternoon for much of the year, the Parrot Street Apartments will cast shadows eastward over the adjacent appellant's residence and front yard.

For comparison, the applicant has also submitted a study to identify the impact of shadows cast by a shorter apartment building. This scenario on a hypothetical building that is one story shorter (equivalent to a 10 foot reduction) demonstrates that the shadow lengths and coverage would be very similar. The applicant has noted to staff that the current massing and position of the five-story building is the best possible design for minimizing the impact of shadows.

Aside from established daylight plane requirements and building height limits, there are no policies or code requirements that require new development to preserve access to sunlight for existing adjacent buildings. As the downtown has a variety of single and multi-story residential and commercial buildings in close proximity to one another, attention to landscaping, setbacks, massing and building design are the primary means to improve the interface between buildings of varying size and density.

### Daylight Plane

The boundaries between certain residential and commercial zoning districts have a daylight plane requirement intended to minimize the impact of shadows from taller adjacent buildings. The Project is not subject to a daylight plane requirement because it is not located on a zoning district boundary. Both the Project site and the appellant's residence are zoned DA-4, Downtown Area District, which has a maximum height limit of 60 feet. All of the properties on the block are subject to the same development standards.

### Applicable General Plan Policies

As mentioned in the staff report (PLN17-0061), the proposed multi-family residential Project was found to be in conformance with the General Plan, Downtown TOD Strategy, and Zoning Code and was approved by the Board of Zoning Adjustments without need for any variances or exceptions from the development requirements applicable to the subject property. Below is a list of the pertinent General Plan goals and policies that support and pertain to the Project's approval:

(Note: LU- Land Use; ED-Economic Development.)

GOAL LU-2. Preserve and enhance the distinct identities of San Leandro neighborhoods

Policy LU-2.7 Location of Future Multi-Family Development. Concentrate new multi-family development in the areas near the BART Stations and along major transit corridors.

Policy LU-2.8 Alterations, Additions, and Infill. Ensure that alterations, additions and infill development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

GOAL LU-3. Provide housing opportunities and improve economic access to housing for all segments of the community.

Policy LU-3.1 Mix of Unit Types. Encourage a mix of residential development types in the city, including single family homes on a variety of lot sizes, as well as townhomes, row houses, live-work units, planned unit developments, garden apartments and medium to high density multi-family housing.

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

GOAL LU-6. Foster the development of Downtown San Leandro as a vibrant pedestrian oriented destination that is the civic and social heart of the City.

Policy LU 6.1 Downtown Plans. In accordance with the adopted Downtown Plan and Urban Design Guidelines and the Downtown San Leandro Transit Oriented Development Strategy, ensure that new downtown development is attractive and creates an image conducive to revitalization.

Policy LU-6.6 Downtown Housing Diversity. Encourage a mix of market-rate and affordable housing in the Downtown area, including ownership and rental housing at a variety of price points. Recognize the opportunity to make future Downtown housing more affordable by reducing accompanying transportation costs and making it more feasible to use transit, bicycles, bicycle and car-sharing, and other innovative modes of transportation as these become viable

Policy LU-6.7 BART Accessibility. Maintain and strengthen pedestrian, bicycle, and transit connections between the BART Station, Downtown, and nearby neighborhoods.

Policy LU-6.8 Pedestrian-Friendly Environment. Provide public and private improvements that create a safe, friendly, and comfortable environment for pedestrians and bicyclists in Downtown.

Policy LU-6.9 Urban Design. Promote quality Downtown architecture that is well articulated, enhances the pedestrian setting, preserves the City's architectural heritage, and fits in with the scale and texture of existing historic structures. Discourage "franchise architecture" that will detract from creating a unique and distinctive Downtown setting.

Policy LU-6.11 Coordination. Fully involve and coordinate with local business owners, property

owners, adjacent residents, and business organizations such as the Chamber of Commerce, San Leandro Improvement Association, and Downtown Association in all planning and development activities within the Downtown area.

Policy LU-6.13 BART Station Area Transit Village. Foster the development of the BART Station area as a mixed use “transit village,” with a full complement of office, high-density residential, and retail uses, along with pedestrian plazas, open space, BART parking, and other transit facilities. Development in this area should include a balance of new housing, office, and retail use, oriented in a compact form to make it more feasible to walk and use transit for most trips.

Action LU-6.13.C BART Area Housing. Strongly encourage the development of high-density housing on vacant and underutilized land at the northern terminus of Alvarado Street, and along the San Leandro Boulevard corridor to the north and south of the BART station. The City should continue to require minimum densities in these areas to ensure that the opportunity for transit-oriented development is maximized.

GOAL ED-4. Create attractive, economically vibrant commercial areas that are easily accessible to San Leandro residents and employees.

Policy ED-4.5 Downtown San Leandro. Downtown San Leandro. Continue efforts to transform Downtown into a successful, pedestrian-oriented, mixed-use district with services and amenities for workers, residents, and visitors. Downtown should be the gathering place for the city, providing restaurants, cafes, and a wide range of retail stores and services in a walkable setting.

GOAL ED-5. Provide amenities that attract and retain businesses and encourage those working in San Leandro to also live in San Leandro.

Policy ED-5.1 Key Amenities. Support amenities that attract businesses and employees to the city, including a more vibrant downtown, walkable neighborhoods, better dining and entertainment options, quality education and public safety, and more diverse housing choices.

Policy ED-5.2 Housing Production. Substantially increase the production of a variety of housing types meeting the needs of persons at all income levels.

## **Environmental Review**

This Project to redevelop the 20,021 square foot infill property with a multi-family housing project was determined to be categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Article 19, Categorical Exemption, Section 15332, In-Fill Development Projects.

## **Board/Commission Review and Actions**

The BZA reviewed the Project at its regular meeting held on January 4, 2018. During the meeting, two residents spoke in support of the Project, six residents spoke in opposition to the Project (including the appellant), and one person currently residing on the subject property had concerns about displacement. The applicant addressed displacement concerns during the hearing with a program to provide the current residents of the proposed property to be demolished with priority

housing in the new development. Residents who spoke in opposition to the Project primarily had concerns with parking. The parking standards for this Project are regulated under State law, which establishes a ratio of 0.5 spaces per dwelling unit for qualifying affordable housing projects such as the Parrot Street Apartments. At the conclusion of the public hearing, the Board approved the Site Plan Review by a 4-0 decision with one abstention.

### **Prior City Council Actions**

On January 8, 2018, the City Council approved a \$1 million development loan to Eden Housing, Inc., for the proposed Parrot Street Apartments affordable rental housing development. The City Council also approved allocation of \$4 million of the City's share of County A-1 Bond proceeds to the Parrot Street Apartments along with a joint application with Eden Housing for the highly competitive State Affordable Housing and Sustainable Communities Program for development and related bicycle/pedestrian infrastructure funding, including Class IV protected bicycle lanes.

### **Summary of Public Outreach Efforts**

This appeal hearing was noticed in the same manner as the prior BZA public hearing, including a legal advertisement in the East Bay Times - Daily Review newspaper, the posting of placards on the subject property, and mailing notifications to property owners and businesses within a 500-foot radius of the subject property as well as the Peralta Citizens Association. Staff has not received any comments regarding this appeal at the time of the filing of this report.

### **Fiscal Impacts**

The Appellant has paid a deposit and filing fee for the processing of this appeal. There are no fiscal impacts associated with this decision.

### **ATTACHMENTS**

- Application for Appeal and Attached Statement Listing Reasons for the Appeal
- Minutes of the Board of Zoning Adjustments Meeting of January 4, 2018
- Supplemental Elevations (Southern and Eastern) Sheets A3.2 and A3.3
- Supplemental Shadow/Solar Study (two pages)
- Narrative accompanying Shadow/Solar Study
- January 4, 2018 Board of Zoning Adjustment's Staff Report (and the following attachments/exhibit to the BZA staff report):
  - Findings of Fact
  - Conditions of Approval
  - Vicinity Map
  - Applicant's Supporting Statement
  - General Plan Conformance
  - Exhibit A - Coversheet A0.0
  - Exhibit B - Project Data A0.1
  - Exhibit C - Existing Site Conditions A0.2
  - Exhibit D - Site Plan A1.0

- Exhibit E - Building Plan (Ground Level and Podium Level) A2.0
- Exhibit F - Building Plan (Level 3 and Level 4) A2.1
- Exhibit G - Building Plan (Level 5 and Roof Plan) A2.2
- Exhibit H - Courtyard Exiting Diagram A2.3
- Exhibit I - Elevations (San Leandro Boulevard) A3.0
- Exhibit J - Elevations (Parrott Street) A3.1
- Exhibit K - Sections A4.0
- Exhibit L - Architectural Details (Windows) A6.0
- Exhibit M - Architectural Details (Windows and Stoops) A6.1
- Exhibit N - Architectural Details (Signage) A6.2
- Exhibit O - Lighting Fixtures A6.3
- Exhibit P - Egress Windows A6.4
- Exhibit Q - Color and Material Board A7.0
- Exhibit R - Perspective (Parrott Street) A8.0
- Exhibit S - Perspective (San Leandro Boulevard) A8.1
- Exhibit T - Landscape Concept Plan L1.1
- Exhibit U - Landscape Concept Plan (Podium Level 2) L1.2
- Exhibit V - Landscape Concept Plan (Site Furnishings) L1.3
- Exhibit W - Landscape Concept Plan (Plant Images) L1.4
- Exhibit X - Existing Conditions C1.1
- Exhibit Y - Preliminary Grading and Drainage C1.2
- Exhibit Z - Preliminary Utility Plan and Offsite Improvements C1.3
- Exhibit AA - Preliminary Stormwater Control Plan C1.4
- Exhibit BB - Joint Trench Title Sheet INT1
- Exhibit CC - Joint Trench INT2
- Commendation Letter from San Leandro Police Department

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