



Legislation Text

File #: 18-631, **Version:** 1

PLN18-0046, Proposed Rezoning, Planned Development, and Site Plan Review Permit; rezoning the parcel from P Professional Office District to P(PD), Professional Office, Planned Development Overlay District; Planned Development and Site Plan Review to construct a new three-story, multi-family residential building comprising 45 units, including 43 two-bedroom units and two three bedroom units; and a wireless communication facility at 1388 Bancroft Avenue (parcel at Bancroft Avenue, and Estudillo and Joaquin Avenues); Alameda County Assessor's Parcel Number 77-524-12-4; T. Silva, Eden Realty (Applicant); Silva and Gonsalves Trust (Property Owner).

SUMMARY AND RECOMMENDATION

The applicant proposes to redevelop a 1.27 acre property consisting of two older medical professional office buildings located at 1388 Bancroft Avenue, between Estudillo and Joaquin Avenue, with a 45-unit multi-family residential Planned Development (PD). The property will be rezoned with a PD zoning overlay designation. The Planned Development and Site Plan Review application proposes a three story contemporary building constructed of wood frame and stucco comprising 43 two-bedroom units and 2 three-bedroom units with a total of 55 on-site parking spaces provided.

Staff recommends the Planning Commission adopt resolutions to recommend City Council approval of the proposed project by making the following actions:

- A. Adopt a Resolution recommending City Council approval of the Initial Study - Mitigated Negative Declaration, and Mitigation Monitoring Program; and
- B. Adopt a Resolution recommending City Council approval of the Planned Development, PLN18-0046, with zoning overlay and wireless communications facility, and Site Plan Review, based on the attached Findings of Fact and subject to the recommended Conditions of Approval.

APPLICANT'S SUPPORTING STATEMENTS

See attachments.

RELATIONSHIP TO SURROUNDING AREA

The subject property is located on the eastern side of Bancroft Avenue, between Estudillo Avenue to the north and Joaquin Avenue to the south. Across Estudillo Avenue to the north is the Bancroft Middle School campus; to the northwest is a gas station; to the west is a medical office building and a church; to the southwest a convalescent hospital; and to the south are single- and multi-family residences. Adjacent to the east of the subject property are primarily single-family residences.

The subject property and three properties across the street to the west are zoned P Professional

Office (see attached Vicinity Map). The church to the west, the school campus to the north, the homes to the east and south are zoned RS Residential Single-Family District. A nearby four-unit apartment and the convalescent hospital are zoned RM-1800 Residential Multi-Family District.

BACKGROUND

The subject property is a 1.27 acre site developed in 1955 with two medical office buildings. The larger building on the north half is approximately 18,000 square feet and the smaller one to the south is approximately 4,000 square feet. The buildings' tenants currently comprise various medical, professional and personal services businesses.

The Planning Commission previously considered an application for this site at a meeting held on November 16, 2017. At that hearing, the applicant proposed to construct a four-story, multi-family residential building comprising 73 units (PLN17-0021). Staff had recommended denial of the prior proposal. At the time, the hearing generated significant public comment and was continued to the following month. Prior to the continued hearing, the applicant withdrew the application in order to revise the project. The new application now being considered by the Planning Commission consists of a one-year effort by the applicant to reduce the scale of the project and address concerns with the prior application.

PROJECT PROPOSAL

Site Plans

The applicant proposes to construct a three-story multi-family residential apartment building. The contemporary building has a general height of 37 feet when measured to the parapet, with certain architectural projections at 44.5 feet to accommodate two stairwells, an elevator penthouse, and a utility room. A flag pole proposed at the northwestern corner of the building would have a height of 53.5 feet. The project also proposes a single monopole measuring 60 feet (15.5 feet above the elevator penthouse) to accommodate a proposed 4G/5G wireless telecommunications antenna (Exhibit H).

The proposed building maintains a 15 foot setback from the Bancroft and Joaquin Avenue property lines and, with an exception for a 4 foot setback to accommodate outdoor patios, the remainder of the building has a 10 foot setback along the Estudillo Avenue property line. The east side of the building will maintain a 72-foot setback from the interior property line, which complies with the daylight plane provisions for development adjacent to residential zones (Exhibits B and E).

The 15-foot setbacks along Joaquin and Bancroft Avenue accommodate landscaping, existing overhead utility transmission lines, stormwater bioswales, and a stepped main entrance with accessible ramp access to the lobby at the southwest corner of the building facing the intersection of Bancroft and Joaquin Avenues. On the north side of the building, outdoor patios for the ground floor units and a support column screening a portion of the upper patios will extend into the 10 foot side setback along Estudillo Avenue. The eastern side of the building will contain a screened and gated parking lot accessible from Joaquin Avenue with secondary access to Estudillo Avenue limited to exiting only. A recessed rear portion of the building facing the east will contain usable common space consisting of a patio, a children's play area and a modest sport court/turf area (Exhibit E).

The ground level would have 13 residential units and the second and third levels would have 16 units each. The southwestern corner of the ground floor at the corner of Bancroft and Joaquin Avenue contains the main entry, a lobby with an elevator, a vestibule with mailboxes and a package room, a manager's office, and leasing offices. The applicant proposes to include refrigerated lockers in this area to accommodate grocery deliveries for tenants. The southeastern corner of the building contains a community room for residents' use and a high-capacity bicycle storage room. The northeastern corner of the building contains the trash room and utility meter rooms.

The roof would be improved with a deck, landscaping, elevator penthouse, stairwell access and solar arrays. The roof will contain 1,800 square feet of usable outdoor area at the southwest corner of the building (Bancroft and Joaquin Avenue). Roof areas adjacent to the deck will collectively contain 2,638 square feet of green roof landscaping. The remainder will consist of solar hot water and photovoltaic panels that occupy approximately 6,000 square feet and an unoccupied interior equipment room to accommodate the elevator and a proposed 4G/5G wireless telecommunications facility (Exhibits G, Q and S).

The ground level parking plan provides a total of 55 parking spaces (Exhibits E and X). This includes 47 covered resident spaces inside the screened and gated parking area and eight additional parking spaces outside the gate along Joaquin Avenue. The entry gate is setback from Joaquin Avenue in order to accommodate those vehicles waiting for the gate to open. A photovoltaic (PV-solar) carport/canopy is proposed above the 47 gated resident spaces. With 45 proposed units, the project proposes to provide 1.2 unbundled (unassigned) parking spaces per unit and manage the parking area through a parking management plan designed to optimize the use of available parking spaces.

Building Design and Architecture

The proposed architecture is a contemporary design that features varying roof lines, changing wall planes, and different materials, colors and finishes, on all four sides of the building (Exhibits H, I, K, L, M, and N). The building exterior consists of multiple colors of stucco and horizontal siding. Included are decks on the ground floor and balconies on the upper floors windows and awnings to provide visual interest with shadows. The balconies and decks will have opaque glass for railings. The parapet rooflines will be constructed with different levels. The main door to the building facing Bancroft and Joaquin Avenues will be a raised level with steps from the sidewalk leading to the recessed doors where this area will be detailed prominently with a metal overhead canopy and aluminum storefront windows. The landscaping (Exhibits P-U) complements the architectural design, with an appropriate balance of trees, shrubs, ferns, and ground cover. Street trees include mature Crape Myrtles and Russet Southern Magnolias.

Unit Plans - Mix of Units

The proposal has three different two-bedroom, two-bathroom unit floor plans with 980 square feet of floor area comprising 43 units and one floor plan comprising 1,380 square feet for the 2 proposed three-bedroom, three-bathroom units (Exhibit O). The three-bedroom units are situated on the second and third floors at the southwest corner of the building. The total interior building area comprises 59,790 square feet, which includes 44,900 square feet of leasable area. Every unit is provided a private outdoor deck or balcony.

Density

The proposed 45 residential units on the 1.27 acre property equates to a density of 35 units per acre, greater than the Professional Office (P) zoning district's established density of 24 units per acre (which limits 31 units to a 1.27 acre parcel). Under Section 3-1012 of the Zoning Code, the residential unit density of a Planned Development project is not subject to the provisions of the underlying zoning district and may be established through the PD approval process so long as the density complies with the General Plan. The General Plan land use designation for this site, Downtown Mixed Use, allows residential densities ranging from 24 to 100 units per acre.

Open Space

The project includes 12,462 square feet of open space (4,800 square feet for the ground floor open space and 5,862 square feet collectively for all the private decks and balconies, and 1,800 square feet for the roof deck). The minimum open space requirement per dwelling unit is 200 square feet, which equates to a total of 9,000 square feet for the 45 units (Z.C. Section 2-558 A). The proposed Planned Development exceeds the minimum open space requirements. The roof deck and landscaped green roof planters are proposed by the applicant to enhance the development.

Wireless Communication Facility and Flag Pole

The Planned Development project includes a proposed wireless communications facility consisting of a monopole to be located on top of the building to a height of 60 feet. The wireless 4G/5G monopole would be placed on top of the elevator penthouse utility/storage room on the southeastern portion of the building at the roof level (Exhibits H and I). The monopole contains wireless antennas inside a simple cylindrical structure that serves to conceal the internal panels. The exterior would be a fiberglass "radio frequency-transparent" material painted a neutral color (i.e., off-white/light gray) to blend in with the design of the building and the surrounding open airspace around it.

In addition, the applicant proposes to place a flag pole on top of the northwest corner of the building, measuring 53.5 feet from grade at the top. The flag pole would extend 20 feet above the base mounted roof elevation at 33.5 feet. The proposed monopole and flag pole conform to the Zoning Code's height requirements for these projections.

Planned Development Overlay

Planned Developments are regulated under Article 10 of the San Leandro Zoning Code. A Planned Development functions as a conditional use permit combined with aspects of site plan review (Z.C. Section 3-1012). Applications for a Planned Development are subject to the City's discretionary review process and must be approved by the City Council to consider and ensure that the new development will be compatible with the existing area. City Council approval of the project will identify the parcel with a Planned Development overlay on the Zoning Map, designated as "P(PD)."

Project Schedule

A Planned Development application may accommodate a time schedule for the construction of a project (Z.C. Section 3-1014 Q). The applicant has requested a three year period to allow them

adequate time to prepare and submit their application for building permits and to accommodate the current tenants. A request for a renewal beyond this timeframe is required to be heard by the Planning Commission at a noticed public hearing (Z.C. Section 3-1024 B).

STAFF ANALYSIS

Planned Developments (PD) offer developers greater flexibility than otherwise allowed under the Zoning Code in return for a coordinated development that, as noted in the Zoning Code, “provides superior urban design in comparison with the development under the base district zoning regulations.” The purpose of a Planned Development is to allow “a mechanism for considering development that can be made compatible by application of careful and imaginative treatment of interrelationships of activity.”

A Planned Development (PD) enables a developer to meet the overall community density and land use goals without being bound by certain prescriptive zoning requirements. It establishes “a procedure for the development of larger parcels of land in order to reduce or eliminate the rigidity, delays and inequities that would result from the application of zoning standards and procedures designed primarily for small parcels.” At 55,283 square feet (1.27 acres), the subject property is the largest Professional Office (P) zoned parcel in San Leandro.

The proposed PD project complies with the Professional Office (P) provisions of the Zoning Code with the exception of the proposed unit density, the parking count and the reduced building setback along Estudillo Avenue. In return, the project provides new housing with substantive design enhancements, amenities and features that exceed those required under the Zoning code, including the following:

- The project contains a number of sustainability provisions for conserving non-renewable energy resources, including the use of solar energy for electricity and hot water, electric vehicle charging, and green roof landscaping. The project would be connected to Lit San Leandro to provide high-speed internet access to the units.
- The project appropriately allocates and improves common open space areas by providing a number of amenities for the benefit of residents, including an activity/community room, usable outdoor open space with a children’s tot lot area, a landscaped roof deck, and individual private balconies.
- The project accommodates alternative transportation options for residents, including secured bicycle lockers, electric vehicle charging, being adjacent to a bus stop for three routes (34, 35, 40), and being within half mile from an existing commuter bus stop (NX4) and the forthcoming bus rapid transit (BRT) line (at Davis and E. 14th Street).
- A 5G-ready wireless communication facility is proposed to provide improved communications service for the neighborhood.
- The architecture is of a high-quality urban design consistent with the scale of similar developments in the surrounding area.

The proposed project is located at an important intersection where the scale and character of the

downtown area transitions into lower density residential neighborhoods. The applicant has substantially revised and reduced the proposed building from their previous application to provide a more appropriate physical transition between these areas. The project's 72 foot setback from adjacent single family residential properties complies with the Zoning Code's daylight plane standards while providing a unit density within the permissible range of the General Plan.

Site Plan Review

In addition to the Planned Development, Site Plan Review approval is also required as per Zoning Code Section 5-2502 B. In conjunction with the Planned Development, staff finds that the Site Plan Review standards are also met. The site plan elements comply with the minimum requirements of the Zoning Code and the plan is arranged in a harmonious and orderly manner compatible with the immediate area. The buildings have adequate articulation, with appropriate window placement, use of detailing, and changes in building planes that provide visual interest. The exterior materials, finishes, detailing, and colors are compatible with surrounding structures. All frontage setbacks are adequately landscaped, including the reduced setback along Estudillo Avenue.

GreenTRIP Conditional Certification

The applicant has received a conditional GreenTRIP certification for the proposed project (letter and report attached). GreenTRIP is a certification program for new residential development focused on traffic reduction and innovative parking. GreenTRIP certifies projects that are positioned and designed to allow residents to drive less while increasing their mobility in other ways. The applicant's GreenTRIP documentation includes an analysis of the project's reduced traffic and parking impacts.

Traffic

The proposed project is not projected to generate a greater number of vehicle trips than the existing 24,400 square foot medical and professional office building. Multi-family residential generates fewer vehicle trips and requires less parking than medical office land uses. The 45-unit apartment project is estimated to generate 25 peak afternoon vehicle trips, versus 85 peak afternoon vehicle trips for 24,400 square feet of occupied medical office buildings (ITE Code 220, Trip Generation 9th Edition).

Vehicle movements and the proposed parking lot gates were analyzed by the City's Engineering Transportation Department staff and found to be adequately designed. Vehicles may enter and exit the property from Joaquin Avenue, but the driveway at Estudillo Avenue will only serve as an exit point. The ungated guest portion of the parking area has been designed to prevent vehicle stacking onto Joaquin Avenue.

Parking

The project will provide a total of 55 off-street parking spaces, equivalent to 1.2 spaces per unit. The tenant's gated parking area will contain 47 spaces including two Americans with Disabilities Act (ADA) spaces, and the ungated parking area contains eight spaces including one ADA-designated space. The applicant is proposing a parking management program that provides unbundled parking, where an unused parking space would be allocated to a tenant with a second vehicle. The applicant proposes to fully utilize all parking spaces for residents, including those located outside of the gated

area.

Five street parking spaces will be constructed along Joaquin Avenue. The applicant has requested the on-street parking space closest to Bancroft Avenue be reserved for high-frequency delivery vehicles and sign posted to allow for 24 minute parking.

The project provides 55 parking spaces, less than the current code requirements for multi-family residential projects outside of the downtown area. Article 17, Off-Street Parking Requirements, requires a minimum of 2 covered parking spaces for two bedroom multi-family units, plus 0.25 uncovered spaces per unit. For three bedroom units, the code requires 2 covered spaces, plus 0.5 uncovered spaces per unit. In addition, .25 spaces per unit are required to be designated for guest parking. Under this standard, the project would be required to provide 114 parking spaces. The existing medical office buildings on the subject property have 91 parking spaces, where 122 parking spaces are required by code.

Staff finds the proposed parking count, while less than the standard for multi-family residential outside of the downtown area, is acceptable because the location is transit accessible, the project has been designed to accommodate active transportation (walking, biking and transit use), and the project proposes to actively manage and optimize the available pool of on-site parking through a parking management program. Units that do not need a vehicle space will have their spaces allocated to other units that need a second vehicle. Substantial secured indoor bicycle parking will be provided for tenants. Furthermore, the project is located one and a half blocks away from the nearest Downtown DA-zoned area where one parking space is required per unit.

With developable land in short supply and the high cost of construction for underground and structured parking, parking often serves as a barrier for the development of new housing. High parking requirements have the unintended consequence of pushing residential projects beyond the feasibility point for developers and the affordability point for residents. In these situations, it is essential for new infill residential projects to optimize their available parking through a parking management program and to encourage their residents to regularly use transit and active transportation modes like walking and biking. While it is recognized that the project will reduce the supply of street parking causing inconvenience for residents, staff finds the alternatives to be less acceptable.

Inclusionary Housing Requirement

To satisfy the Inclusionary Housing Requirement (Z.C. Section 6-3016) and advance the City's Housing Element goals, the applicant proposes to provide 1) two rent restricted units and 2) pay an in-lieu fee of \$160,357. The proposal is based upon the following:

- That the affordable housing in-lieu fee is set at \$5.00 per net rentable square feet as recommended in the Affordable Housing Nexus Study. The study, which was a joint venture with San Leandro and other East Bay and Silicon Valley jurisdictions, was completed in November 2016, presented to City Council in April 2018 and will serve as the basis for forthcoming proposed Inclusionary Housing Ordinance amendments. The proposed apartment building has 44,900 net rentable square feet so the gross amount of the fee is \$224,500.
- As per the San Leandro Zoning Code 6-3006, for a project 44 to 49 units, 7 inclusionary units

are required (4 very low and 3 low income units). However, Section 6-3016(B) provides the City discretion to “approve, conditionally approve or reject any alternative proposed by the Developer as part of an Inclusionary Housing Plan”.

- Due to the high cost of building in the region and the State mandate for the City to meet its above moderate income (market rate) income regional housing needs allocation (RHNA) goal per Senate Bill (SB) 35, the applicant may provide two long-term (55 years) rent restricted units to fulfill 2/7th of his inclusionary housing production requirement and achieve the remaining 5/7th by paying a pro-rated in-lieu fee equaling about \$160,357.00 (5/7 x \$224,500). The in-lieu fee of \$160,357.00 would be paid prior to or at the issuance of the Certificate of Occupancy for the proposed apartment building.

SB 35 took effect on January 1, 2018 and enabled the State to identify local jurisdictions that were not complying with mandated RHNA goals for housing production at various income levels. While San Leandro is complying with its very low and low income housing goals, the State identified 338 jurisdictions including San Leandro that were not complying with their above moderate income housing goals.

- In addition, the applicant shall provide the two rent restricted units on-site at 1388 Bancroft or at another residential rental property in the City, where the off-site inclusionary units will be a minimum of two bedroom units each.

Planned Development

The proposed Planned Development complies with the provisions of the P zoning district designation with three exceptions. The project exceeds the Zoning Code’s unit density, the provided parking is less than required, and the minimum street setback along Estudillo Avenue is reduced to four feet to accommodate outdoor balconies. The proposed rezoning overlay designation from P Professional Office to P(PD) is appropriate because the underlying Professional Office zoning district conditionally permits multi-family residential developments, the proposed project complies with the General Plan and meets the required findings for approval of a Planned Development and Site Plan Review.

GENERAL PLAN CONFORMANCE

The General Plan designation for the project site is Downtown Mixed Use. This designation generally corresponds to the central business district of San Leandro. The land use designation allows a range of uses which together create a pedestrian-oriented street environment. These include retail shops, services, offices, cultural activities, public and civic buildings, and similar compatible uses, including upper story multi-family residential uses. Mixed use or multi-family development with housing is encouraged in this land use area, with allowable residential densities ranging from 24 to 100 units per net acre, depending on the zoning district. In this case, the outdated and underutilized medical office buildings on the subject property would be demolished and replaced with modern multi-family housing that is in critical short supply. In addition, the proposed density of the housing (35 units per acre) is well within the range of the General Plan (24 to 100 units per acre).

The General Plan Goals and Policies that are relevant to this proposed Planned Development and Site Plan Review are listed in the Resolution attached to this staff report, supporting the necessary findings that the project conforms to the General Plan.

ENVIRONMENTAL REVIEW

Pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines, the City prepared and circulated an Initial Study (preliminary environmental analysis) and finds that, although the proposed Project could have a significant effect on the environment, there will not be a significant effect in this case because of the incorporated mitigation measures and revisions in the project will be made by or agreed to by the project proponent, and that a Mitigated Negative Declaration (MND) of environmental impact and Mitigation Monitoring Program should be adopted by the Planning Commission. Consideration of the draft MND is a separate but concurrent agenda item with the associated Planned Development and Site Plan Review.

PUBLIC OUTREACH

The applicant hosted a neighborhood meeting in the Karp Room at the Main Library at 7pm on Thursday, December 6. Residents in the Estudillo Homeowner's Association were invited to attend. About 30 residents attended the meeting to hear the applicant's presentation on the project.

A legal advertisement for the public hearing was placed in the East Bay Times Daily Review newspaper, notification letters were mailed to property owners and businesses owners within 500 feet of the subject property and a public notification placard was posted on the subject property. The hearing notice included a link for residents and interested parties to download and view the draft Initial Study-Mitigated Negative Declaration from the City's website or review a copy in the Permit Center. Staff received 17 items of correspondence regarding the proposed project at the time of the filing of this report (attached). Any further correspondence received will be provided at the start of the public hearing.

RECOMMENDATION

Staff recommends that the Planning Commission recommend City Council approval of the proposed project by making the following actions:

- A. Adopt a Resolution recommending City Council approval of the Initial Study - Mitigated Negative Declaration, and Mitigation Monitoring Program;
- B. Adopt a Resolution recommending City Council approval of the Planned Development, PLN18-0046, with zoning overlay and wireless communications facility, and Site Plan Review, based on the attached Findings of Fact and subject to the recommended Conditions of Approval.

ATTACHMENTS

Planning Commission Resolutions and Attachments

Planning Commission Resolution 18-005, CEQA IS-MND and MMRP
Planning Commission Resolution 18-006, Planned Development and Site Plan Review
Planned Development Zoning Overlay Map Exhibit

Findings of Fact
Recommended Conditions of Approval

Attachments to the Staff Report

Vicinity Map

Applicant's Supporting Statement dated June 14, 2018
GreenTRIP Conditional Certification Letter and Project Evaluation Report
Public Correspondence Received
Architectural, Landscaping and Civil Plans dated December 20, 2018:
Exhibit A - Cover Sheet & General Information, A00.00
Exhibit B - Context Site Plan, A01.00
Exhibit C - Site Photos, A01.10
Exhibit D - Occupancy Egress Plans, A01.2
Exhibit E - Ground Floor Plan A02.00
Exhibit F - Second and Third Floor Plan, A02.01
Exhibit G - Roof Plan, A02.02
Exhibit H - Elevations, A03.01
Exhibit I - Elevations, A03.02
Exhibit J - Section, A04.01
Exhibit K - Perspective (Southwest at Bancroft Ave), A05.01
Exhibit L - Perspective (Northwest at Bancroft Ave), A05.02
Exhibit M - Perspective (Estudillo Ave), A05.03
Exhibit N - Perspective (Joaquin Ave), A05.04
Exhibit O - Unit Plans, A06.01
Exhibit P - Landscape Materials Plan - Ground Floor, L1.1
Exhibit Q - Landscape Materials Plan - Roof Top, L1.2
Exhibit R - Planting Plan Ground Floor, L2.1
Exhibit S - Planting Plan Roof Top, L2.2
Exhibit T - Landscape Sections, Elevations and Details L3.1
Exhibit U - Materials and Images, L4.1
Exhibit V - Cover Sheet Civil Engineer Improvement Plans, C0.0
Exhibit W - Topographic Survey, C1.0
Exhibit X - Site Plan Sheet Civil Engineer, C2.0
Exhibit Y - Grading Plan, C3.0
Exhibit Z - Sections Civil Engineer, C3.1
Exhibit AA - Storm Water Control Plan, C4.0
Exhibit BB - Utility Plan, C5.0

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