



## Legislation Text

---

**File #:** 19-538, **Version:** 1

---

Staff Report for a Proposed Zoning Amendment, Planned Development, Site Plan Review, and Tentative Map 8422; Rezone from CC Commercial Community and RS Residential Single-Family to CC(PD) and RS(PD) Planned Development Overlay District to construct a 20-unit, three-story townhome condominium development on a 0.97 acre site at 311 MacArthur Boulevard (PLN17-0034); Alameda County Assessor's Parcel Numbers 76-311-30-1, 76-311-1-3, 76-311-3, 76-311-4, 76-311-5; David Langon (applicant); 311 MacArthur Boulevard LLC (property owner).

### **SUMMARY AND RECOMMENDATIONS**

The applicant proposes to develop a 20-unit, three-story residential townhome Planned Development on a 0.97 acre site on the west side of MacArthur Boulevard and the east side of Herma Court in the Broadmoor neighborhood. Each unit will have an attached two-car garage and the development will include five guest parking spaces and three on-site affordable housing units per the Inclusionary Housing Requirement Zoning Code §6-3006.

The proposed residential development complies with the General Plan and provides needed new housing supply to help the City meet its Regional Housing Needs Allocation (RHNA) goals. Staff believes that, with the recommended Conditions of Approval, the proposed project will be compatible with its adjacent surroundings and neighborhood.

The Planning Commission and staff recommend the City Council approve the 311 MacArthur Boulevard project (PLN17-0034) by taking action as follows:

1. Adopt an Ordinance rezoning the subject property, 311 MacArthur Boulevard, from CC Commercial Community and RS Residential Single-Family to CC(PD) Community Commercial and RS(PD) Residential Single-Family, Planned Development Overlay.
2. Adopt a Resolution approving a Planned Development and Site Plan Review for the 311 MacArthur Boulevard project based on the attached Findings of Fact and subject to the recommended Conditions of Approval.
3. Adopt a Resolution approving Tentative Map No. 8422 to merge five parcels and subdivide into 20 townhome condominium units at 311 MacArthur Boulevard.

### **RELATIONSHIP TO SURROUNDING AREA**

The subject property is located at 311 MacArthur Boulevard, bounded by MacArthur Boulevard to the east, Broadmoor Boulevard to the north, Herma Court to the west, and one- and two-story single-family homes sharing the block immediately to the south. It is located at the northeastern edge of the city, approximately 350 feet south of the City of Oakland border. The majority of the property is zoned CC Commercial Community, with an approximately 6,680-square-foot portion of two parcels fronting

Herma Court that are zoned RS Residential Single-Family. Adjacent small-scale commercial uses along MacArthur Boulevard include a restaurant, a barber shop, a hair salon, and a clothing store.

The project is connected to the greater citywide bike network via a southbound Class II bike lane beginning in front of the project site along MacArthur Boulevard, paired with a Class I shared bike lane in the northbound direction. Several AC Transit bus routes stop directly in front of the project site on MacArthur Boulevard (Routes 34, 35, and NX3) and the freeway entrance for Interstate 580 is approximately 0.6 miles away.

## **BACKGROUND**

The subject property is currently developed with a two-story, approximately 13,600-square-foot building that will be vacated by Stepping Stones Growth Center, a non-profit social services organization that is in the process of relocating all of its programs. The building was built in 1939 with an addition in 1948. The existing building and façade has had a number of modifications and renovations for various tenants over the years. There are currently 29 surface parking spaces clustered on the northern corner of the site, with access curb cuts located on both MacArthur Boulevard and Herma Court.

### North Area Specific Plan (1991)

The site is located within the City's North Area Specific Plan area, which identifies the MacArthur Boulevard corridor as an area for enhanced streetscaping. The project site itself is in what the Specific Plan calls the Transition District, which are areas adjacent to retail and service clusters that permit higher density residential development-including up to 30 units per acre along MacArthur Boulevard.

### MacArthur Streetscape Plan (2001)

The development is located in the North MacArthur subarea, which encourages improvement and redevelopment of corner and "gap" properties.

### Resolution No. 2007-072 (2007)

The 1,088-square-foot portion on the northern tip of the southwest corner of MacArthur Boulevard and Broadmoor Boulevard was vacated by the City in May 2007 per City Council Resolution 2007-072. The former right-of-way has been incorporated as part of the proposed development.

### PLN2006-00104 (2016-2017)

On April 12, 2007, the applicant received approval from City Council for a Planned Development and Tentative Map at this location for 23 three-story townhome units within three buildings, a private driveway, an internal park area, one- and two-car tandem attached garages, and six guest parking spaces on the site. However, due to the recession, the developer did not act on the prior planning entitlement and PLN2006-00104 had lapsed. The proposed project shares some similarities to the prior lapsed approval, with certain enhancements necessary to conform to current development standards and changed market conditions.

## DETAILS OF THE PROPOSAL

The project proposes demolishing the existing structure to construct four townhome condominium buildings totaling 20 units. The units range in size from approximately 1,504 square feet to 2,017 square feet in floor area. Three of the units will be set aside for affordable housing as per the City's Inclusionary Housing Requirements (ZC §6-3006). The total footprint of the buildings is 15,145 square feet (35.7% coverage) and the total floor area is 37,195 square feet (0.88 Floor Area Ratio).

- Density. The 42,444-square-foot (0.97-acre) project has a density of 20 units per acre.
- Height. All of the buildings are three stories tall and have an average height of 34'-0", with an eave height of 28'-8". The highest ridge of Buildings A and B fronting MacArthur Boulevard is 37'-6", the interior building to the south Building C is 37'-0", and the Building D duplex along Herma Court is 37'-0".
- Building Design / Architecture. The development proposes a modern Craftsman architectural style, with changes in plane, open and intersecting gable roofing, and covered entry patios. The units vary between beige and gray primary colors, with alternating shingle, brick veneer, and horizontal lap siding. A uniform gray shingle roof ties each building together, with layers of cross gables adding variation across the roof line. Each entry patio is fenced in by a three-foot tall brick-veneer cement-masonry patio wall with decorative metal gates.
- Floor Plan. The development is comprised of 16 three-bedroom units (80%) and four two-bedroom units (20%), with an average floor area of 1,860 square feet. Each unit will have: an office and full or half bathroom on the ground floor; kitchen, living space, half bath, and balcony deck on the second floor; and bedrooms, bathrooms, and laundry on the third floor. Each unit also has a semi-private eight-foot depth entry patio that ranges between 89 square feet to 195 square feet depending on the width of the unit. In addition, every unit also has a second story balcony deck that ranges between 61 square feet and 89 square feet. Waste, recycling, and compost bins will be stored in the attached two-car, side-by-side garage for each unit.
- Parking and Circulation. A central 26-foot wide private driveway with concrete pavers at the primary entrance connects between MacArthur Boulevard and Herma Court and serves all 20 units, their attached garages, and five surface parking spaces that flank it. In addition, there are 10 on-street parking spaces directly in front of the development along MacArthur Boulevard.
- Open Spaces. The proposal contains five landscaped areas totaling 7,107 square feet (16.7%). Of the five open spaces, three serve as on-site stormwater treatment areas (4,644 square feet) and two are community spaces for the development's residents (2,463 square feet). A 1,145-square-foot linear community space is centrally located within the development, entirely within the portion zoned RS Residential Single Family. A 1,318-square-foot community garden is located in the southern corner of the development. Both proposed spaces are bordered by a six-foot tall redwood perimeter fence, which is reduced to three-feet tall within the front 20-foot setback along Herma Court.

- Trees. The project site has 17 trees on site and 12 street trees around the site. The project involves the removal of 18 existing trees and protection of 11 street trees, of which 10 are mature liquidambar and sycamore street trees.
- On-Site Amenities. The small linear park includes a patio with a picnic table and trellis, a grill, and three U-shaped bike racks. Common mailboxes are also located next to this central space. The corner community garden includes bench seating and raised planters and is surfaced with decomposed granite paving.

## **ANALYSIS**

### **Zoning Amendment**

In order to align the Zoning district with the General Plan land use designation, the development proposes to rezone an approximately 3,900-square-foot portion of the site from RS Residential Single-Family to CC Commercial Community. The duplex will be located on the proposed rezoned portion of the site and allows the structure to conform with the rest of the development, which is located in the CC District.

### **Planned Development**

The development proposes to rezone the project site from CC Commercial Community and RS Residential Single-Family to CC(PD) and RS(PD) Community Commercial and Residential Single-Family, Planned Development Overlay District. With the exception of the proposed rezone of a portion from RS to CC on the site containing the duplex, the base districts will otherwise remain the same and a Planned Development overlay designation would be added. A Planned Development is a discretionary review process that enables consideration of a new development that is otherwise compatible with the existing neighborhood and complies with the General Plan, but may not meet all of the underlying zoning standards.

The Planned Development proposal requests exceptions to the following minimum requirements listed in the Zoning Code:

- Use: The proposal involves developing one duplex and three multi-family residential townhome buildings, where the Zoning Code provides for either a single-family residence in the RS District (ZC §2-506) or a multi-family project with a Conditional Use Permit in the CC District (ZC §2-606). The duplex is proposed on Herma Court, adjacent to other duplexes in the RD Residential Duplex zone. The proposed multi-family townhomes are all located in the CC Commercial Community District, where multi-family residential is conditionally permitted.
- Setbacks: The plan proposes eight-foot front setbacks along MacArthur Boulevard, where the CC zoning requires 10 feet. The plan also proposes reducing the 15-foot setback required for yards abutting R Districts: A six-foot rear setback at the narrowest point between Building C and the rear property line of 370 Herma Court; and a six-foot side setback between the duplex and 338 Herma Court (ZC §2-680). Reduced setbacks are appropriate in these locations because the plan is proposing six-foot setbacks between two residential uses, where a five-foot setback would otherwise be required for single-family residential. With the rezone from RS

to CC, the 10-foot front setback for the duplex along Herma Court would meet the requirements of the CC minimum yard standards.

- **Daylight Plane:** The three-story duplex Building D along Herma Court encroaches within the daylight plane required by zoning in a C District abutting an R District. (ZC §2-680). The intention for the daylight plane requirement is to create a larger separation between commercial and residential buildings when they are adjacent to one another. In the proposal, despite the zoning, both land uses are residential and the proposed development is set back six feet from the property line and 12'-5" from the nearest existing residential property which provides for adequate light and air. In addition, given the angle and cardinal direction of the duplex, the greatest amount of shadow during a winter solstice will be oriented towards the northeast, away from existing adjacent single-family homes.
- **Parking:** The development proposes 40 enclosed garage spaces and five uncovered off-street guest spaces, where the Zoning Code requires 38 covered and 11 uncovered off-street spaces (ZC §4-1704). Given the 10 on-street parking spaces on MacArthur Boulevard and the project's close proximity to transit, bicycle infrastructure and distance from neighborhood-serving businesses, the project has adequate access to alternative transportation options and the proposed reduction in on-site guest parking would be appropriate.

### Tentative Map

The applicant has submitted a proposed Tentative Tract Map 8422 for condominium purposes. The subject property consists of five parcels, which would be merged and subdivided into 20 condominium units. Land division into five or more units requires a Tentative Map (Community Development Department) and a Final Map (Engineering Department). The purpose of a tentative map is to show what currently exists and what is proposed on and adjacent to the property to be subdivided.

A standard recommended condition of approval requires the City and City Attorney's Office to review the developer's Covenants, Conditions, and Restrictions (CC&R's) prior to approval of the Final Map. Another standard recommended condition contains language specifying the future property owners' responsibilities as a homeowner's association in maintaining the paved driveway and guest parking areas, landscaped and common areas, use of the outdoor amenities, and property owner responsibilities to keep their patios clutter-free and prohibit outdoor storage.

### Site Plan Review

Per ZC §5-2502.A, Site Plan Approval is required for any multi-family residential development that requires a Planned Development approval, to ensure the proposal's comprehensiveness in providing amenities and design that enhance the quality of residents' living and the appearance of the project.

The proposed project meets the amenities and design criteria per Zoning Code §2-698 by providing appropriate common areas, tenant activity areas with outdoor furniture, use of concrete pavers in the driveway and at least three colors and materials, and façade modulation. The proposed three-story townhome development would be harmonious and compatible within the existing mixed-use commercial and residential context of the immediate area. The plan complies with the development

standards for lot area, height, coverage, floor area ratio, landscaping, and density of the base Zoning districts. The buildings have adequate articulation and variation in the use of materials and colors, as well as window placement and changes in façade plane, to ensure that all elevations provide visual interest. The landscaping in the setbacks, as well as in the highly visible corner of the project site, complement the architectural design and provide an appropriate balance of trees, shrubs, and ground cover.

### Traffic

The proposed project was found to generate fewer vehicle trips than the existing social services use, and less traffic than a typically permitted land use in the CC zoning district. Townhome residential generates fewer vehicle trips and requires less parking than uses such as office, restaurants, and retail. The 10th Edition of the ITE Trip General Manual (2017) does not include a specific land use category for social service uses, so the trip generation rates for Recreational Community Center are applied in this case. Based on the trip generation for residential townhomes, the project is estimated to generate 143 fewer daily trips than a recreational community center use: 116 versus 259 daily trips. The PM peak hour is estimated to produce 10 trips.

Vehicle movements and the proposed private driveway were analyzed by the City's Engineering and Transportation Department and Alameda County Fire Department and found to be adequately designed.

### Inclusionary Housing

The proposed project meets the San Leandro Zoning Code requirement for Inclusionary Housing by designating three of the units (or 15% of the 20 total units) to be marketed and made available as affordable. The applicant proposes to designate two units (Building A Lot 7 and Building C Lot 17) as for-sale to Moderate Income Households, and one unit (Building D Lot 20) as for-sale to Low Income Households. None of the units are clustered in any one building.

The developer is conditioned to execute an instrument or agreement restricting the sale of the owner-occupied inclusionary units in accordance with ZC §6-3022 Owner-Occupied Units (see attached Inclusionary Housing Plan).

## **APPLICABLE GENERAL PLAN POLICIES**

The General Plan designates this site within the Corridor Mixed Use land designation, which permits "*a mix of commercial and residential uses oriented in a linear development pattern.*" Residential uses are permitted and sufficiently dense development is encouraged to support pedestrian and bicycle use, as well as the transit-served arterial.

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

Policy LU-2.7 Location of Multi-Family Development. Concentrate new multi-family development in the areas near the BART Stations and along major transit corridors.... Ensure that such development enhances rather than detracts from the character of surrounding neighborhoods.

Policy LU-2.15 Usable Open Space. Require useable open spaces for community use in large new residential developments.

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 development, garden apartments, and medium to high density multi-family housing.

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

## **ENVIRONMENTAL REVIEW**

A Consistency Memorandum was prepared in accordance with CEQA Guidelines, California Code of Regulations Section 15183, with the finding that the Proposed Project is consistent with a Community Plan or Zoning, that there are no project-specific significant effects which are peculiar to the project or its site, and therefore no additional environmental review is required. The existing building proposed for demolition with the project was evaluated and cleared in conjunction with the CEQA Consistency Memorandum.

## **PLANNING COMMISSION REVIEW AND ACTIONS**

The Planning Commission considered the proposed project at a regular public hearing held on September 5, 2019. Approximately 15 people were in the audience. The applicant's team and six individuals spoke on the proposed project at the hearing. All six individuals expressed concerns or opposed the project.

Following questions and deliberation, Commissioner Houston motioned to approve the resolution, seconded by Commissioner Boldt, recommending City Council approval of the proposed project with the following conditions:

1. Lighted, signalized (flashing beacon) crosswalk on MacArthur Boulevard, near Broadmoor.
2. Speed bumps on Herma Court.
3. Parking shall be required in garages to be identified in the Covenants, Conditions & Restrictions (CC&R's) and enforced by the Homeowners Association (HOA).

Following the Planning Commission hearing, the Engineering and Transportation Department evaluated the conditions for crosswalk signaling and speed bumps. A pedestrian crosswalk evaluation concluded that adding a Rectangular Rapid Flashing Beacon (RRFB) would enhance pedestrian safety on MacArthur Boulevard near Broadmoor Boulevard, and the use of RRFB is a warranted recommended condition of approval. However, Engineering and Transportation disagreed with the Planning Commission's recommendation to add a speed bump on Herma Court because the new 20-unit development generates less traffic than the current land use and the installation of speed bumps in this instance does not meet the City's criteria.

## **SUMMARY OF PUBLIC OUTREACH EFFORTS**

On November 2, 2018, the developer's team mailed informational flyers to approximately 200 neighbors and neighborhood groups (see attachment) and received no feedback.

On July 17, 2019, as per standard procedure, City staff reached out to the San Leandro Unified School District for review and comment on the proposed project. Both the superintendent and the assistant superintendent had no comments. The standard conditions of approval for payment of school impact fees are included.

On August 23, 2019, a legal notice was published in the East Bay Times Daily Review newspaper and a mailing notice for the September 5, 2019 Planning Commission hearing was sent to property owners and businesses within a 500-foot radius of the subject property, and to the Broadmoor Neighborhood Association. A notice was posted at City Hall as well as on two locations on Herma Court and MacArthur Boulevard.

On October 7, 2019, a legal notice was published in the East Bay Times Daily Review newspaper, and a mailing notice for the October 21, 2019 City Council hearing was sent to property owners and businesses within a 500-foot radius of the subject property, and to the Broadmoor Neighborhood Association. A notice was posted at City Hall as well as on two locations on Herma Court and MacArthur Boulevard.

Staff did not receive any public comments following the conclusion of the Planning Commission hearing and the filing of this staff report for City Council.

## **LEGAL ANALYSIS**

The proposed project entitlements were reviewed by the City Attorney and approved as to form.

## **ATTACHMENT(S)**

### **Attachment(s) to Staff Report**

- Plan Exhibits A-Q
- Inclusionary Housing Plan
- Informational Flyer, dated November 2, 2018
- Vicinity Map

### **Attachment(s) to Related Legislative Files**

- Attached to Resolution No. 2019-\_\_\_ to Adopt Zoning Amendment, Planned Development, and Site Plan Review
  - *Exhibit A PLN17-0034 Findings of Fact*
  - *Exhibit B PLN17-0034 Recommended Conditions of Approval*
  - *CEQA Consistency Memorandum*
- Attached to Ordinance No. 2019-\_\_\_ to Approve a Zoning Amendment and Planned Development
  - *Exhibit A Zoning Map Amendment*



- Attached to Resolution No. 2019-\_\_\_ to Approve Tentative Tract Map No. 8422
  - *Exhibit A Findings of Fact*
  - *Exhibit B Tentative Tract Map*

**PREPARED BY:**

Grace Wu, AICP, Senior Planner, Community Development Department