



Legislation Text

File #: 19-560, **Version:** 1

Staff Report for PLN17-0069; Zoning Amendment, Planned Development, Site Plan Review and Tentative Map to rezone from RS Residential Single-Family to RM-3000(PD) Residential Multi-Family, Planned Development Overlay District to construct a six-unit, two- and three-story townhome condominium development on a 0.48 acre site at 874 Lewelling Boulevard; Assessor's Parcel Number 80G-1114-3-2; GKW Architects, Inc. (applicant) and Bucheng Li and Zhu Yurong (property owners).

SUMMARY AND RECOMMENDATIONS

The applicant proposes to develop a six-unit townhouse condominium Planned Development on an underutilized ±20,830-square-foot lot containing a single-family property located on the south side of Lewelling Boulevard, west of Washington Avenue, in the Washington Manor neighborhood.

The proposed project consists of two buildings: Four units are in a three-story building and two units are in a two-story duplex. Each residential unit will have an attached two-car garage. The development includes three guest parking spaces and landscaped common areas. The proposed project is consistent with the General Plan and the developer will comply with the Inclusionary Housing Requirement for residential ownership projects between 2 and 6 units by paying an In-Lieu Fee per Zoning Code §6-3012. With the recommended Conditions of Approval, staff believes that the proposed project will be compatible with the adjacent surroundings and neighborhood.

The Planning Commission and staff recommend the City Council approve the 874 Lewelling Boulevard Planned Development project (PLN17-0069) through the attached Ordinance and Resolutions by taking action as follows:

1. Adopt a Resolution approving a Planned Development and Site Plan Review for the 874 Lewelling Boulevard project based on the attached Findings of Fact and subject to the recommended Conditions of Approval.
2. Adopt a Resolution approving Tentative Map No. 8542 to subdivide a single 0.48 acre parcel into six townhome condominium units at 874 Lewelling Boulevard.
3. Adopt an Ordinance rezoning the subject property, 874 Lewelling Boulevard, from RS Residential Single-Family to RM-3000(PD), Residential Multi-Family Planned Development Overlay.

APPLICANT'S SUPPORTING STATEMENT

"The intent of the project is to construct a sustainable development in accordance with the City of San Leandro. The project proposes a full demolition of the existing structure, and a planned development of six new single-family condominiums to comply with required codes and regulations."

RELATIONSHIP TO SURROUNDING AREA

The project site is located between a church and Greenhouse Villas, a 22-unit, two-story townhome community, and is across the street from the Lewelling Playground. The developments to the west and south are zoned RM-1800(PD) Residential Multi-Family with Planned Development Overlay. The church and playground are zoned RS Residential Single Family.

The project is surrounded by similar multi-story, multi-family residential developments, including: Bayport Court (six units, three-stories); Chateau Manor (143 units, three-to-four stories); and Woodgate Townhomes (48 units, two-story). These nearby residential developments range in density between 17 to 32 units per acre.

Greenhouse Marketplace is located within a five-minute walk from the project site (0.25 miles) and Alameda County Transit Route 35 is within a two minute walk from the project site on Lewelling Boulevard, which runs from Bay Fair BART Station to Durant Square in Oakland. According to traffic counts conducted by the City's Engineering and Transportation Department on November 1, 2016, the average daily traffic on Lewelling Boulevard between Sedgeman Street and Hesperian Boulevard is 22,438 trips per day, with 1,788 trips in the PM peak hour.

BACKGROUND

The ±20,830-square-foot parcel is currently developed with an existing 1,052 square-foot one-story, single-family home constructed in 1915 containing three-bedrooms and one-bath. The home has been modified over the years and is not listed in the City's Historic Resources Survey. The current owner purchased the property in August 2016.

A Phase 1 Environmental Site Assessment prepared in June 2018 by Geo-Engineering Solutions, Inc. did not identify any Recognized Environmental Conditions (RECs) or Historical Recognized Environmental Conditions (HRECs) on the subject property.

DETAILS OF THE PROPOSAL

The project proposes demolishing the existing residential structure to construct two townhome condominium buildings totaling six units. Building A, located at the front of the property, contains four units and is three stories tall. Building B is a two-unit structure located towards the rear of the property and is two-stories tall. The units range in size from approximately 2,192 square feet to 2,549 square feet in floor area. The total footprint of both buildings is 6,108 square feet (29.3% coverage) and the total floor area is 14,415 square feet (0.7 Floor Area Ratio).

- Density. The six-unit development is proposed on a 20,830-square-foot (0.48-acre) site and has a density of 12.5 units per acre.
- Height. The highest point on the ridge of Building A is 36'-5", with an eave height of 30'-0", and is three stories tall. Building B, which is two stories tall, has a highest point of 25'-9" and an eave height of 20'-0". No daylight plane applies in the RM zoning district.

- Building Design/Architecture. Both buildings adopt a modern Craftsman style, with a three-story, four unit building located adjacent to the parking lot of the church and a two-story duplex bookending the development in the rear. To address the street, the end unit along Lewelling Boulevard is modulated, with windows on each level and shutters on the ground floor to create visual interest and avoid blank walls. To lessen the appearance of bulk, the building elevation along the driveway varies in plane, with recessed balconies on the second floor and alternating projections on the upper level.

The buildings are composed of a varying arrangement of complementary colors and materials, including horizontal lap siding, a warm brick veneer accent on the ground floor, and shingle siding. The uniform standing metal seam roofing spans across each building, with cross gables adding variation across the roofline. Barn-style garage doors with window cut-outs enhance the architectural character of the townhomes and are broken up by main entryways to each unit.

- Floor Plan. The development is comprised of four three-bedroom units (67%) averaging 2,330 square feet each, and two four-bedroom units (33%) that are each 2,549 square feet. Each unit in Building A includes a two-car garage on the ground floor, a kitchen, dining, living room, bathroom, study nook, and laundry on the second floor, and three bedrooms and two bathrooms on the third floor. Each two-story unit in Building B includes a two-car garage, kitchen, dining, living room, bedroom, and bathroom on the first floor, and three bedrooms and two bathrooms on the second floor. Unit 5 in Building B is an ADA accessible unit per building code.

Each three-bedroom unit has a rear yard that is 10 feet in depth and ranges between 275 square feet and 318 square feet. Each four-bedroom unit has a rear yard that is 7-feet 8-inches in depth and 173 square feet in area. In addition, each three-story unit has a second story balcony that ranges between 61 square feet and 78 square feet. Waste, recycling, and compost bins will be stored in the attached two-car garage for each unit.

- Parking and Circulation. A 20-foot wide paved private driveway along the western end of the property would serve as access to the six units (Exhibit F). Three centrally-located surface parking spaces for guests are tucked in the center of the site, away from direct view along the right-of-way.
- Open Spaces. The proposal contains an approximately 1,140 square-foot front yard within the front 20-foot setback and an approximately 3,038 square-foot rear yard that accommodates a community open space. The rear space contains furnishings for passive and active enjoyment, including bench seating, a picnic table, raised planters, and a balance beam.

The project has a total impervious area of less than 10,000 square feet and is designed-and conditioned-to reduce storm water pollution by meeting the self-retaining volume of runoff specified in Provision C.3.d of the Municipal Regional Stormwater Permit Clean Water Program. The design achieves C.3 requirements in part through two on-site bio-retention areas: A \pm 100 square-foot retention area in the front yard and a \pm 140 square-foot retention area in the rear yard, each buffered by flowering shrubs and covered with loose gravel.

- Trees and Planting. The five existing trees on the property will be removed and three Chinese pistache trees are proposed, with one in the front yard and two located on opposite corners in the rear open space. Italian cypress trees are proposed to line the western edge of the property, transitioning to lower evergreen shrubs in the rear adjacent to Building B.

STAFF ANALYSIS

Zoning Amendment

The General Plan Land Use Map designates the subject property for Medium-High Density Residential (RMH) use. The current zoning is RS Residential Single-Family and is not compatible with the General Plan land use category. In order to align the Zoning District with the General Plan land use designation, the development proposes to rezone the property from RS Residential Single-Family to RM-3000(PD) Residential Multi-Family, Planned Development Overlay District.

The base district RM-3000 is proposed because the multi-family residential development is located on a 73-foot wide lot, where the minimum lot width in the RM-3000 base district is 60 feet. Surrounding developments are zoned RM-2500 and RM-1800, which require minimum lot widths of 75 feet and 100 feet respectively, and permit higher densities than proposed for this project.

Planned Development

The development proposes to rezone the project site from RS Residential Single-Family to RM-3000 (PD) Residential Multi-Family, Planned Development Overlay District. A Planned Development is a discretionary review process that enables consideration of 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 a single exception to the following minimum requirement listed in the Zoning Code:

- Side/Rear Setback: The project proposes irregular side yard setbacks due to the orientation of the townhome buildings, where the side yard is designed to function as private rear yards for the four units in Building A.

Tentative Map

The applicant has submitted proposed Tentative Tract Map 8542 for condominium purposes. The subject property consists of a single parcel which would be subdivided into six 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 Attorneys 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 responsibility to keep their rear yards clutter-free and prohibit outdoor storage.

Site Plan Review

Per Zoning Code §5-2502.A, Site Plan Review is required to accompany any development that requires a Planned Development approval, to ensure the proposal's comprehensiveness in providing amenities and design that enhances the quality of residents' lives and the appearance of the project.

The project meets the amenities and design criteria per Zoning Code §2-698 by providing common areas, tenant activity areas with outdoor furniture, use of concrete pavers in the rear common area, use of at least three colors and materials, and façade modulation.

The two new buildings would comply with the development standards of the RM-3000 base zoning district, including a minimum 20-foot front setback, 10-foot and 28-foot side setbacks, and a large rear yard that exceeds minimum open space requirements. Proposed fencing meets the zoning requirement, with a three-foot tall white wooden picket fence within the 20-foot front yard setback along Lewelling Boulevard, rising to a 6-foot tall wooden fence along the side and rear property lines and between each units' private yard outside of the front setback. Swinging gates are incorporated as part of the fencing between private yards in Building A for emergency access.

Sufficient off-street parking will be provided in accordance with zoning regulations (Zoning Code §4-1704) and resident vehicles are conditioned to be parked in designated garages on-site, which are not to be converted to any other use that would obstruct or prevent its use for vehicle parking.

Per the Noise Study completed in July 2018 by Papadimos Group, Unit 1 of Building A is conditioned to be developed with acoustically-rated window assemblies to control noise from traffic on Lewelling Boulevard. In addition, all units in Building A are conditioned to include a controlled means of fresh air intake other than open sash.

A portion of Building A is within the FEMA Flood Zone AO, with an 1% annual chance of flooding, and conditioned to conform to the requirements for new construction within FEMA flood Zone AO, including raising the first-floor level by a minimum of one foot (Exhibit H.1).

GENERAL PLAN CONFORMANCE

The General Plan Land Use Map designates the subject property for Medium-High Density Residential (RMH) use. The current zoning is RS Residential Single-Family, which is not compatible with the General Plan land use category. The proposed zoning of RM-3000(PD) Residential Multi-Family District with a Planned Development Overlay (PD) is conditionally compatible with the RMH land use category (General Plan Page 3-33), which allows for multi-family residential development, such as garden apartments and townhomes. The proposed project has a density of 12.5 units per acre, which is below the maximum allowable net density of 29 units per acre in the land use category.

The rezone of the project site from RS to RM-3000(PD) District will align the zoning district with the General Plan. In addition, the rezoning of the project site will subject any proposal of the property to the City's discretionary review process, ensuring that the new development will be compatible with the vicinity. This carries out the following General Plan policies:

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

LU-2.12 Off-Street Parking. Ensure that a significant number of off-street parking spaces are provided in new residential development to minimize parking “overflow” into neighborhoods. The visual prominence of parking should be minimized in new development areas.

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.

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

Housing Element Action 53.03-C Affordable Housing Trust Fund. Maintain a local affordable housing trust fund that is capitalized with in-lieu fees from the inclusionary housing program and condo conversion fees. The fund should be used to leverage affordable housing development in San Leandro.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) Guidelines, Article 19, Section 15303(b), new construction in urbanized areas of not more than six units is categorically exempt from CEQA. The proposed project site has no value for endangered or rare or threatened species, would not result in any significant effects relating to traffic, noise, air or water quality and all required utilities and public services can adequately serve the site. The existing home to be demolished is not listed in the City’s Historic Register of Properties and was determined to not be of significance in a site assessment prepared for the project.

PLANNING COMMISSION REVIEW AND ACTIONS

The Planning Commission considered the proposed project at a regular public hearing held on October 3, 2019. The applicant’s team and two individuals spoke on the proposed project at the hearing. Neither individuals objected to the project but both expressed concerns regarding parking demand.

Following questions and deliberations, the Planning Commission recommended City Council approval of the proposed project with the following recommended conditions:

- Kitchen appliances and heating, ventilation, and air conditioning (HVAC) shall be electric.
- Solar panels shall be installed to supplement utility power.
- The City Council shall maintain the ability to revisit this Planned Development to correct parking problems should they arise.

Electric HVAC and Appliances. San Leandro does not currently have either an ordinance or formal policies in place to support a condition to require all electric appliances and HVAC systems on this Project. The City Council may impose conditions on a development so long as the condition is reasonable and there exists a sufficient nexus between the condition being imposed and the projected burden on the proposed development. Without an ordinance or study supported by data and a clear understanding of policy implications on developers, homeowners, renters, and City staff, staff believes and recommends to the City Council that imposing this requirement as a condition of approval is not justified.

Solar Panels. Starting January 2020, the California Energy Code will require solar panels for all new single-family and multi-family residential construction of three stories or less. Given that this project will be issued building permits after January 2020, the Planning Commission's recommended condition of approval to require solar panels is duplicative and unnecessary.

Residential Parking. All residents and their guests are conditioned to park on-site and in designated garages and/or guest spaces. Based on the Planning Commission's recommendation, staff has included a condition of approval that the City Council shall maintain the ability to revisit the Planned Development entitlement and set a new public hearing date to correct parking problems should they arise.

SUMMARY OF PUBLIC OUTREACH EFFORTS

On December 13, 2018, the applicant mailed notices to San Lorenzo Unified School District and Alameda County Flood Control, and left flyers in the mailboxes of 139 neighbors (see attachment). The applicant received and responded to one comment inquiring about the timeline for construction and whether there would be a public hearing.

On September 17, 2019, an official City mailing notice for the October 3, 2019 Planning Commission hearing was sent to property owners within a 500-foot radius of the subject property, and to nearby homeowners associations including Woodgate-San Leandro, Washington Manor, Sandev Mobile Home Park, Huntington Park, and Floresta Gardens. A notice was posted on the front of the property and also at City Hall.

On September 20, 2019, a legal notice was published in the East Bay Times Daily Review newspaper for the Planning Commission hearing.

On October 21, 2019, a mailing notice for the November 4, 2019 City Council hearing was sent to businesses and property owners within a 500-foot radius of the subject property, and to all homeowner associations. A notice was posted on the front of the property and also at City Hall.

On October 25, 2019, a legal notice was published in the East Bay Times Daily Review newspaper for the City Council hearing.

LEGAL ANALYSIS

The City Attorney's Office advised staff on the conformity of this project with laws, regulations, City policies and plans, reviewed all staff reports, legislative body actions, and CEQA statements.

ATTACHMENTS

Attachments to the Staff Report

- Plan Exhibits A-Z
- Informational Flyer and Neighbor Notification List, dated December 13, 2018
- In-Lieu Fee Calculation
- Noise Study, dated July 9, 2018
- Vicinity Map

Attachments to Related Legislative Files

- Resolution to Adopt a Planned Development and Site Plan Review
 - *Exhibit A PLN17-0069 Findings of Fact*
 - *Exhibit B PLN17-0069 Recommended Conditions of Approval*

- Resolution to Adopt a Tentative Tract Map
 - *Exhibit A Findings of Fact*
 - *Exhibit B Tentative Map 8542*

- Ordinance to Adopt a Zoning Amendment and Planned Development
 - *Exhibit A Zoning Map Amendment*

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