



## Legislation Details (With Text)

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| <b>Type:</b>          | Staff Report  | <b>Status:</b>       | Filed    | <b>In control:</b>     | Board of Zoning Adjustments             |
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| <b>Title:</b>         | Conditional Use Permit and Site Plan Review to repair and rebuild fire damage to an existing two-story mixed use building (commercial/residential) and new 250 sq. ft. residential addition at 200 MacArthur Boulevard; Alameda County Assessor's Parcel Number 76-314-14; Nancy Xinzhen Hu (applicant and property owner). |                      |          |                        |   |
| <b>Sponsors:</b>      | Cynthia Battenberg  |                      |          |                        |   |
| <b>Indexes:</b>       |   |                      |          |                        |   |
| <b>Code sections:</b> |   |                      |          |                        |   |
| <b>Attachments:</b>   | 1. PLN16-0063 Rec Findings, 2. PLN16-0063 Rec COA, 3. Applicant Statement, 4. Public Comments Received PLN16-0063, 5. Fire Damage Inspection Rpt, 6. Vicinity Map, 7. Exhibits A-E, 8. Photographs  |                      |          |                        |   |

| Date     | Ver. | Action By                   | Action             | Result |
|----------|------|-----------------------------|--------------------|--------|
| 4/6/2017 | 1    | Board of Zoning Adjustments | Received and Filed | Pass   |

Conditional Use Permit and Site Plan Review to repair and rebuild fire damage to an existing two-story mixed use building (commercial/residential) and new 250 sq. ft. residential addition at 200 MacArthur Boulevard; Alameda County Assessor's Parcel Number 76-314-14; Nancy Xinzhen Hu (applicant and property owner).

## SUMMARY AND RECOMMENDATION

The proposal is to repair and rebuild fire damage to an existing two-story commercial and single-unit residential mixed-use building and add approximately 250 square feet of habitable floor area to create two new residential units at 200 MacArthur Boulevard. The property is zoned CC Commercial Community District. San Leandro Zoning Code Section 2-606.B.33 provides that Mixed-Use Residential uses in the CC District requires a Conditional Use Permit. Furthermore, Zoning Code Section 4-1650.B. requires that a legally created lot having a width or area less than the required for the base district in which it is located may be occupied by a permitted or conditional use by obtaining a use permit for any proposed new use. The Zoning Code also requires that any commercial or two- and multi-family residential development that requires a conditional use permit also undergo Site Plan Review per Article 25 Section 5-2501.A. The project must also obtain Site Plan Approval per Zoning Code Section 2-680.G.5 to permit an exception to the minimum required landscaped yard of 10 feet within the front and corner side yard setback due to pre-existing site constraints.

Staff believes that, with the recommended Conditions of Approval, the proposed project would be compatible with adjacent retail and residential uses and restore mixed-use residential at a location that has been vacant for over a decade. Staff recommends that the Board of Zoning Adjustments:

1. Adopt the California Environmental Quality Act categorical exemptions;

2. Adopt the recommended Findings of Fact; and
3. Approve Conditional Use Permit and Site Plan Review PLN16-0063 subject to the attached recommended Conditions of Approval.

## **APPLICANT'S SUPPORTING STATEMENT**

See attached statement.

## **RELATIONSHIP TO SURROUNDING AREA**

The subject property is located on the southeastern corner of MacArthur Boulevard and Durant Avenue on the northeast side City of San Leandro adjacent to the Oakland city limits. The mixed-use property is approximately 7,108± square feet and zoned CC Commercial Community. The commercial portion of the building fronts the corner with an entrance on the north side facing MacArthur Blvd. Two of the three residential units are on the first floor accessible from a path facing MacArthur; the third residential unit is located on the second floor accessible from a new stairway leading from the driveway on Durant.

North of the site across the street is a four-story, 33-unit senior living community in the City of Oakland's jurisdiction. To the east are one- to two-story single-family homes in the RS Residential Single-Family District. To the southeast and west are one-story retail and commercial businesses, including retail services, retail sales, and offices located within the same CC District.

## **BACKGROUND**

The property was originally built in 1924 as a one-story single-family residence. In 1956 and 1957, building permits were issued for the conversion and addition of a commercial unit (flower shop) at the corner of the property, changing the use from a one unit single-family dwelling to mixed-use residential. In 1960, building permits were issued for a two-story concrete masonry (CMU) addition in the rear with a 300 square foot carport. In 2004, Ordinance 2004-009 amended the Zoning Code to require a landscaped yard with a minimum width of 10 feet in the front and corner side setbacks within the CC District, making the existing structure legal non-conforming, given its minimal setbacks. On November 3, 2005, a fire started in the garage and spread to the second floor of the CMU residence, which ultimately burned down the garage canopy. A fire damage inspection assessment conducted on October 25, 2016 estimated the fire damage to be less than 10 percent of the total wood framing and less than five percent of total roof framing, interior wood framing, and CMU walls. The property has remained vacant since the fire. In August of 2016, the applicant Nancy Hu purchased the property.

## **PROPOSAL**

The proposal is to repair and rebuild fire damage to an existing two-story commercial/single-unit residential mixed-use building and add approximately 250 square feet of habitable floor area to create two new residential units at 200 MacArthur Boulevard. The proposal would result in three residential units, each with one bathroom. Unit A would be a 440 square foot studio. Unit B would be a one-bedroom unit with 578 square feet of floor area. Unit C would be a one-bedroom unit with 960 square feet of floor area, located on the second floor. A portion of the previous commercial space would be converted to residential space for Unit A, reducing the commercial tenant space from 594 square feet to 386 square feet, with one accessible restroom. The applicant proposes to lease the

commercial space for retail sales, retail service, office, or café use as allowed under the CC zoning.

### Site Plan

The proposed site plan maintains the building setbacks of the existing structure, with an approximate one-foot front setback (MacArthur Blvd) and a two-and-a-half foot corner side setback (Durant Ave). Existing non-conforming setbacks will not be expanded. The new additions would be set back at least ten feet from the front and corner side property line. An unpermitted and nonconforming restroom located within the north side setback will be removed.

### Parking / Traffic / Circulation

Off-street parking is provided on site, conforming to the Zoning Code Section 4-1704 Mixed Use Residential and Retail parking standards. The total required number of parking spaces for three studio and/or one-bedroom units is five spaces, of which three spaces must be covered and two spaces may be uncovered. The plan proposes five spaces total, three covered and two uncovered spaces. The total required number of parking spaces for the 386 square feet of proposed commercial area ranges between one space (retail service or general office) to two spaces (general retail sales or medical or dental office.) The plan proposes two commercial spaces.

The northern edge of the 26-foot wide curb cut for parking lot access is approximately 95 feet south of the MacArthur and Durant corner intersection and maintains three parallel parking spaces along MacArthur Boulevard in front of the commercial portion of the development.

### Landscaping / Walls / Fencing

Details on type, size and location of proposed tree and plant species have been submitted as part of the Conceptual Landscape Plan in the Site Plan Review submittal. All four City-owned sycamore street trees in the furnishing zone of the sidewalk shall remain and be maintained by the City. The landscaping provided on the plan is a variety of trees, shrubs and continuous ground cover and landscaped common open space areas. Parking areas are ringed by low landscaping and screening trees. A seven-foot concrete wall with stucco finish to match the proposed building will be established on the eastern edge of the lot in order to create a separation from single-family residential homes to the east.

### Building Exterior and Elevation

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

### Signage

Proposed signage will be approved as part of a Sign Permit to be submitted prior to issuance of

building permits.

## **STAFF ANALYSIS**

### Conditional Use Permit

Zoning Code Section 2-606.B.33 stipulates that Mixed-Use Residential is conditionally permitted, subject to findings that the use would be compatible with surrounding uses. Furthermore, Zoning Code Section 4-1650.B. requires that a legally created lot having a width or area less than the required for the base district in which it is located may be occupied by a permitted or conditional use by obtaining a use permit for any proposed new use.

As proposed, two of the three residential units would be designated as one-bedroom units, and the third would be a studio unit. The ground floor 386 square foot commercial unit would be utilized by either retail services or sales, office, or café, all of which are permitted in the CC Zoning District and would be compatible with the surrounding uses, which includes a mix of retail services, sales, offices, and residential. Staff believes that the mixed use complies with both the General Plan designation for the Corridor Mixed-Use areas, as well as the policies outlined for the MacArthur Corridor, which encourages mixed use development with an emphasis on local-serving commercial, residential, office, retail, and civic uses within the project area.

### Site Plan Review

The layout of the building shown on the proposed site plan is in conformance with the underlying CC Commercial Community Zoning District, with the exception of the pre-existing zero lot line in the front and corner side setback. Per Zoning Code Section 2-680.G.5, a Site Plan Approval is required to permit an exception to the minimum required landscaped yard of 10 feet within the front and corner side yard setback due to pre-existing site constraints.

Staff supports the exception to the minimum required landscaped yard due to the pre-existing zero lot line in the front and corner side setback. The minimal setback is harmonious and compatible with the surrounding buildings along the commercial corridor, which are also built to the front lot line and encourage a continuous active sidewalk-facing frontage along MacArthur Boulevard. The commercial storefront visibility has been conditioned to remain predominantly transparent at the pedestrian eye level.

The proposed building height, FAR, lot coverage, landscaping, and parking are in conformance with the Zoning Code, as follows:

#### Building Height

- Regulations for CC District: 50 feet maximum
- Proposed: 20 feet to top of roof

#### Lot Coverage

- Regulations for CC District: 50% maximum
- Proposed: 35%

#### Floor Area Ratio (FAR)

- Regulations for CC District: 0.5 maximum
- Proposed: 0.4

#### Landscaping

- Regulations for CC District: 10% minimum
- Proposed: 24%

#### Parking

- Regulations for CC District: Residential (3 covered, 2 uncovered), Commercial (1 to 2 spaces depending on type of retail use)
- Proposed: Residential (3 covered, 2 uncovered), Commercial (2 spaces)

The placement of the building and walkways provides for a development that relates well with the pedestrian character of the MacArthur Boulevard corridor. The existence of a sidewalk bulb-out and a signalized crosswalk at Durant and MacArthur provides a safe pedestrian environment that is adequate to serve both the residential and commercial uses proposed. Conditions of approval to pay in-lieu fees to underground utilities will enhance the environment and capacity of public services to the immediate vicinity.

The site provides orderly, striped parking with provision of seven spaces-three of which are covered-that are located to the rear and interior of the lot, away from the right-of-way and buffered by landscaping. The tandem parking spaces in one-car garage and the driveway behind it will be conditioned to be assigned to a specific residential unit(s) and the commercial spaces will be conditioned to be restricted to commercial use only during business hours. Enclosed waste and recycling facilities are also placed to the rear of the lot, away from public view and the right-of-way. A seven-foot concrete wall with stucco finish to match the proposed building will be established on the eastern edge of the lot in order to create a separation from single-family residential homes to the east.

The existing site is adequately served by streets, sidewalks, utilities and other public facilities. The City's Engineering and Transportation Department and Alameda County Fire Department staff have reviewed the proposed parking layout and find it acceptable for both emergency vehicle and regular traffic access and is likely the best configuration given site constraints.

### GENERAL PLAN CONFORMANCE

The proposed reuse conforms to the General Plan, which designates the property for Corridor Mixed Use areas as characterized by a mix of commercial and residential uses oriented in a linear development pattern along a major pedestrian- and transit-oriented corridor. Such uses may be subject to performance standards to avoid adverse off-site effects. The Plan also identifies that the property, located along the MacArthur Corridor, as well suited for more active sidewalk-facing retail uses.

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

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

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

**LU-8.3 Corridor Mixed Use Areas.** Emphasis on pedestrian- and transit-oriented site design. Emphasis on mixed use infill projects which incorporate upper story office or residential uses and ground floor commercial uses. A shift toward higher value neighborhood-serving retail uses and higher-density housing.

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

## **ENVIRONMENTAL REVIEW**

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301(d) and Section 15301(e)(1) as it is an Existing Facility that involves restoration or rehabilitation of a damaged structure that was not a result of an environmental hazard; and that the addition is not greater than 50 percent of the floor area or 2,500 square feet.

## **PUBLIC OUTREACH**

This Board of Zoning Adjustments meeting received the required 10-day noticing period for a public hearing item. The meeting was publically noticed in accord with all legal requirements including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of placards on the subject property, and a notification mailing sent to property owners and business owners within a 500-foot radius of the subject property, including those in the City of Oakland. Staff received one public comment from a Ms. Beverly Jitosh, a neighbor with parking concerns (Public Comments, attached).

## **RECOMMENDATION**

Staff recommends that the Board of Zoning Adjustments make the following actions:

1. Adoption of the California Environmental Quality Act (CEQA) Exemption per CEQA Guidelines, Article 5, Section 15301 (d) and Section 15301(e)(1);
2. Adoption of Recommended Findings of Fact for Approval of PLN16-0063; and
3. Approval of the Recommended Conditions of Approval for Conditional Use Permit and Site Plan Review PLN16-0063.

## **ATTACHMENTS**

Recommended Findings of Fact  
Recommended Conditions of Approval  
Applicant's Supporting Statement  
Public Comments Received  
Fire Damage Inspection Report

Vicinity Map

Exhibit A - Proposed Site Plan

Exhibit B - Proposed Floor Plans: First and Second Floors

Exhibit C - Proposed Elevations: South, West, North, East

Exhibit D - Proposed Elevations: Carport and Trash Enclosure

Exhibit E - Conceptual Landscape Plan

Photographs of Existing Site Conditions

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