



Legislation Details (With Text)

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**Title:** PLN17-0021, Proposed Rezoning, Planned Development, and Site Plan Review Permit; rezoning the parcel from P Professional Office District to DA-3(PD), Downtown Area 3, Planned Development Overly District; planned development and site plan review to construct a new four-story, multi-family residential building comprising 73 units, including 72 two-bedroom units and one three bedroom unit; 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).

**Sponsors:** Cynthia Battenberg

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map.pdf, 2. Resolution to Deny Rezoing PD SPR.pdf, 3. Applicants Supporting Material 1 of 2.pdf, 4. Applicants Supporting Material 2 of 2.pdf, 5. Emails correspondence received.pdf, 6. Exhibits A-DD.pdf, 7. Exhibis EE Color Materials Board.pdf, 8. Downtown TOD Figure 1.pdf

Date	Ver.	Action By	Action	Result
11/16/2017	1	Planning Commission	Continued	Pass

PLN17-0021, Proposed Rezoning, Planned Development, and Site Plan Review Permit; rezoning the parcel from P Professional Office District to DA-3(PD), Downtown Area 3, Planned Development Overly District; planned development and site plan review to construct a new four-story, multi-family residential building comprising 73 units, including 72 two-bedroom units and one three bedroom unit; 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 commercial office buildings located at Bancroft, Estudillo and Joaquin Avenues with a 73-unit multi-family residential development. The applicant is requesting the parcel be rezoned from P Professional Office District to DA-3 (PD), Downtown Area 3 District with a Planned Development Overly designation to accommodate the proposed density. The Planned Development and Site Plan Review application proposes a four story building with a ground floor podium and three floors of wood frame and stucco construction. The multi-family residential project consists of 72 two-bedroom/two-bath units, one (1) three-bedroom/three-bath unit and a total of 146 on-site parking spaces.

Staff recommends the Planning Commission consider a denial of the proposed Rezoning, Planned Development and Site Plan Review application on the grounds that the proposed mass, scale and density of the project is incompatible with the surrounding neighborhood and that the rezoning to DA-

3 is incompatible with the General Plan, Downtown Transit Oriented Development Strategy, and Zoning Code.

## **APPLICANT'S SUPPORTING STATEMENT**

See attached.

## **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 District (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. The four-plex and the convalescent hospital are zoned RM-1800 Residential Multi-Family District.

## **BACKGROUND**

The subject property is a 55,282 square foot (1.27 acre) site that was developed in 1955 with 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.

During the public outreach for last year's General Plan and Zoning Code Update, the City received substantial community input at a number of workshops and public meetings regarding a proposal to rezone the P Professional Office zoning district in the Downtown East area to DA-2 Downtown Area 2 District. There are about 20 parcels on Estudillo Avenue and Bancroft Avenue, including 1388 Bancroft Avenue, with the P Professional Office zoning designation. The final decision was to not change the existing P zoning to DA-2, which allowed a maximum density of 40 units per acre (September 19, 2016 City Council Staff Report). The current P Professional Office zoning designation allows multi-family residential uses at up to 24 dwelling units per acre and 30 feet in height when approved with a Conditional Use Permit (Section 2-618 B).

## **DETAILS OF THE PROPOSAL**

### **Rezoning**

The proposed 73 residential units on the 1.27 acre property equates to a density of 58 units per acre. This exceeds the P zoning district maximum density of 24 units per acre, which is 31 units for the 1.27 acre subject property (Z.C. Section 2-696 A.). The applicant is requesting to accommodate a higher density by proposing to rezone the parcel from P Professional Office District to DA-3 (PD), Downtown Area 3 with a Planned Development Overlay District. The proposed DA-3 zoning designation permits a maximum density of 60 units per acre on parcels 10,000 square feet or greater (Z.C. Section 2-640 A. 7).

A PD (Planned Development) Overlay designation is proposed with the rezoning in order to consider

the proposed development plans concurrently with the rezoning. A Planned Development project is a form of a conditional use permit combined with aspects of site plan review (Z.C. Section 3-1012). Planned Developments must be accompanied by a Planned Development Project Plan.

### **Site Plan and Ground Level**

The four-story multi-family residential building is proposed to front the three perimeter streets of Estudillo, Bancroft, and Joaquin Avenues with a 10 foot setback from the public right-of-way (property line). The east side of the building will maintain a 53 foot setback from the interior property line. The 10 foot street setback allows for landscaping, small ground level private outdoor patios for the ground floor units along the Bancroft and Joaquin Avenue frontages, and a main entrance to the lobby at the southwest corner of the building facing the Bancroft and Joaquin Avenue intersection. (See Exhibit E - Ground Floor Plan). The proposed parking lot on the east side of the building will be gated and accessible from both Estudillo and Joaquin Avenues. Because of higher traffic volumes along Estudillo Avenue, the Estudillo driveway is proposed to be limited to egress only.

The ground level parking plan provides a total of 146 parking spaces (see Exhibit E). This includes 128 spaces provided by 64 stackers (car lifts), five disabled spaces in the building and 13 uncovered spaces adjacent to the eastern edge of the property. The 64 stackers are distributed with 35 inside of the parking garage, 17 beneath the building's eastern carport, and 12 exterior stacking spaces along the eastern boundary of the property. A carport/canopy is proposed over the 12 vehicle stackers along the eastern boundary. With 73 proposed units, two on-site parking spaces will be provided for each unit.

The ground level would have eight residential units, including six along Bancroft and two units along Joaquin. The eastern most unit on Joaquin is the building's only three bedroom unit; all of the other units are two bedroom units. The southwestern corner of the ground floor at the corner of Bancroft and Joaquin Avenue contains the main entry, vestibule with mailboxes, lobby with an elevator, manager's office, and leasing offices.

### **Upper Residential Floors**

The second floor of the building includes 21 units, a community room and a landscaped courtyard on the podium for the residents. The outdoor courtyard on the podium comprises 7,618 square feet. The third and fourth floors each contain 22 units. All of the units are accessible from an interior corridor. On the second to fourth floors, three units face north, five units face west, four units face south, and five units face east. On the second floor, four units and the community room face the courtyard; on the third and fourth floors, five units face down on the courtyard (see Exhibits F, G, and H). In addition to the elevator at the southwestern corner of the building there would be two stairwells that serve access to the upper floors. One is adjacent to the elevator and the second is at the northeastern corner of the building.

### **Floor Plans - Mix of Units**

The proposal has three two-bedroom unit types that would range from 902 square feet to 979 square feet (see Exhibit Q - Unit Plans). The lone three bedroom unit would comprise 1,209 square feet. The total interior building area comprises 99,699 square feet, which includes 69,093 square feet of unit area for rental. Only the ground floor units facing Bancroft and Joaquin Avenues would be provided with a semi-private deck at grade.

## **Building Design, Daylight Plane and Architecture**

The proposed architecture is a contemporary design featuring varying roof lines, wall planes, and different materials, colors and finishes, on all four sides of the building (see Exhibits J, K, N and O). The north elevation at the ground level facing Estudillo Avenue includes a placeholder for a future mural. The highest levels of the building's parapet roof lines would range from 49.5- to 52-feet; the actual height of the roof sheathing behind the parapet would be at 47 feet (see Exhibits J and K).

The proposed building complies with the Zoning Code's Daylight Plane requirements. The 53 foot setback from the eastern property line and the parapet heights being below 53 feet do not result in the building intercepting a one-to-one (1:1) or forty-five degree (45°) daylight plane, inclined inward from a height of eight (8) feet above the existing grade at the adjacent residential zoning district boundary line shared with 643 Estudillo Avenue and 646 Joaquin Avenue.

The building exterior consists of multiple colors of stucco and horizontal siding. Included are Juliette-balconies (or balconettes) on the fourth floor windows and anchor awnings to provide visual interest with shadows. The rooflines will be finished with a cornice. The main door to the building facing Bancroft and Joaquin Avenues will be detailed with the lapped siding, aluminum storefront windows and a metal overhead canopy.

## **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 mixes of uses that can be made compatible by application of careful and imaginative treatment of interrelationships of activity." The Planning Commission may only recommend approval of a rezoning for a Planned Development that is consistent with the adopted Land Use Element of the General Plan and is compatible with surrounding development, as per Zoning Code Section 3-1008.

While the proposed project presents a number of positive aspects for consideration that, under different circumstances, might be regarded as well-designed and acceptable, staff finds that the proposed density and massing unacceptably challenges the scale and character of the surrounding residential neighborhood. Furthermore, staff finds the application of the proposed DA-3 zoning, intended for the higher density core of the City's downtown rather than the periphery, does not provide an appropriate transition of density to the adjacent single family residential properties.

## **Residential Neighborhood**

The residential neighborhood east of Downtown contains pre-1940s housing stock built on a traditional grid pattern. While higher-density multi-family housing projects have developed over the years on certain individual lots between East 14<sup>th</sup> Street and Bancroft Avenue, the area remains a mix of lower multi-family and single-family residential. The General Plan states that "development in this area should be lower in scale than in the Downtown Core, recognizing the proximity to nearby single family neighborhoods." With few exceptions, the existing land use pattern east of Bancroft Avenue up to the MacArthur Boulevard commercial corridor is primarily low density residential.

Existing General Plan policy emphasizes that projects should enhance the quality of the area. This is achieved by upholding community aesthetic standards, protecting neighborhood character, and beautifying city streets. For neighborhoods with distinct architectural character, special care must be taken to preserve their scale and form.

## **Rezoning**

In order to approve a proposed rezoning to suit a Planned Development, the Planning Commission must make specific findings as to whether the proposed zoning map amendment is consistent with the policies of the General Plan and the purposes of the Zoning Code (**Z.C. Section 5-2708**).

The Zoning Code specifies the location of DA-3 zoning as being intended for areas adjacent to the Downtown retail core. The lower density DA-2 zoning, which is not being proposed, is identified for locations along Downtown's periphery. The DA-3 zoning's purpose states that "Infill development shall respect the scale and fabric of the neighborhood while increased building height and higher residential densities are allowed." (**Z.C. Section 2-600**). The Downtown San Leandro Transit Oriented Development Strategy defines the TOD Strategy study area applying to those properties located within the one-half mile radius circle around the intersection of East 14th and Davis Streets. The proposed project is on the outer limits of the qualifying radius (**Downtown TOD Strategy page 2, Figure 1**).

The rezoning would accommodate the proposed application comprising a four-story building (47- to 53-feet high) with large floor plates of 26,000- to 34,000- square feet. The resulting in-fill development would be taller than the surrounding properties and bulky, resulting in a design and massing out of scale and out of character with the adjacent one- to two-story tall single-family residences primarily found on Estudillo and Joaquin Avenues east of Bancroft Avenue. This would be an abrupt transition from the prevalent pattern of existing low density housing, with a low profile, smaller footprints, and modest separation and spacing, to high density multi-story housing occupying a single building.

The rezoning to DA-3 accommodates a reduced setback requirement for the three street frontages from 15 feet (P and RM-1800 requirement) to 10 feet (DA-3 requirement). The larger building with shallower setbacks increases the apparent bulk and mass of the apartment building. Moreover, the proposed rezoning would enable the proposed multi-story residential building to have an abrupt transition from adjacent single family residences.

The proposed project provides 146 parking spaces. The zoning map change to DA-3 would enable the multi-family project to benefit from a reduced parking requirement intended to apply to transit oriented developments. Multi-family residential uses in the DA District further than one-quarter mile from BART require 1.5 spaces per unit, which would equate to 110 spaces for 73 units.

The current P zoning designation parking requirement would be 165 spaces for 73 units, based on the following standards:

- Two-Bedroom Unit, 2.0 covered spaces, plus 0.25 uncovered spaces per unit; 0.25 space per unit must be designated guest parking; and
- Three-Bedroom or Larger Unit, 2.0 covered spaces, plus 0.5 uncovered spaces per unit; 0.25 space per unit must be designated guest parking.

The 146 spaces are achieved through the use of parking stackers, some of which are inappropriately located along the eastern property boundary adjacent to existing single family homes. The applicant's proposed solution to the placement of the stackers along the eastern property line is to construct an abnormally high screening wall which further impacts the adjacent residences. As the project is located about one mile from the San Leandro BART station and has limited access to bus transit routes, residents would be primarily dependent on their private vehicles.

Traffic is not anticipated to exceed existing acceptable thresholds for infill development. The 73 proposed apartment units are projected to generate approximately 500 average daily trips (ITE Code 220, Trip Generation 9<sup>th</sup> Edition).

The project includes 8,348 square feet of open space (7,618 square feet for courtyard open space and approximately 730 square feet for eight private patios at grade). The minimum open space requirement per dwelling unit is 200 square feet, which equates to a total of 14,600 square feet for the 73 units. **(Z.C. Section 2-558 A.)** The proposed Planned Development rezoning enables a reduction to the minimum open space requirements.

### **Planned Development**

In order to approve a proposed Planned Development, the Planning Commission must make specific findings as to whether the proposed development is consistent with the policies of the General Plan and the purposes of the Zoning Code **(Z.C Section 3-1018)**.

The objective and purpose of the DA-3 District is to implement specific provisions of the Downtown San Leandro Transit-Oriented Development Strategy (TOD Strategy) in areas adjacent to the Downtown retail core. Per Figure 1 of the TOD Strategy the location of the use is outside the one-quarter (1/4) mile radius and at the outer limit of the one-half (1/2) mile radius from the intersection of Davis Street, East 14th Street and Callan Avenue, the TOD Strategy study area. The location of the high-density residential development is over four-tenths (4/10) of a mile from East 14th Street and three-quarter (3/4) mile from the Downtown BART station on San Leandro Boulevard.

Although the proposed Planned Development is intended to comply with the provisions of the DA-3 Downtown Area District zoning designation, the proposed zoning map change (rezoning) from P Professional Office to DA-3(PD) is not recommended for approval because establishing a DA-3 zoned parcel in the proposed location is outside of the area identified in the General Plan, Transit-Oriented Development Strategy, and Zoning Code. Thus, without the zoning map change, the proposed use would not comply with the provisions of the P District development provisions. The project would exceed the allowable density and would be deficient in open space, parking, and in minimum setback requirements from the current P Professional Office District, which conditionally permits multi-family residential development to RM-1800 Residential Multi-Family District development standards.

### **Site Plan Review**

Without approval of a Planned Development, the findings could not support approval of Site Plan Review **(Z.C. Section 5-2512)**. The site plan elements are intended to comply with the provisions of the Code related to DA-3 Downtown Area District, but the proposed zoning map change (rezoning) from P Professional to DA-3(PD) is not recommended for approval. Thus without the zoning map

change the proposed site plan will not comply with the requirements of the P District.

As noted in this report and elaborated in the Resolution's findings, the project exceeds the allowable density, open space, off-street parking, and minimum setback requirements under the current P Professional Office Zoning District, which conditionally permits multi-family residential development to RM-1800 Residential Multi-Family District development standards. Staff is particularly concerned with the project's proposed 49.5- to 52-foot height as measured from the parapet, as it is substantially taller than surrounding single family residences and other buildings.

## **GENERAL PLAN CONFORMANCE**

The General Plan Goals and Polices that are relevant to this proposed rezoning and residential project are listed in the Resolution attached to this report and provides the necessary findings that the project does not conform to the General Plan.

## **ENVIRONMENTAL REVIEW**

Because the City recommendation is to deny this item, it (PLN17-0021) is statutorily exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 18, Section 15270 "Projects Which Are Disapproved." CEQA does not apply when a public agency rejects or disapproves a project. Should the Planning Commission and/or City Council decide otherwise and direct the project to move forward, then staff would conduct an initial study and return for further consideration.

## **PUBLIC OUTREACH**

The following public outreach was performed: a legal advertisement for the public hearing was placed in the East Bay Times Daily Review newspaper; notification letters were mailed to the property owners and businesses owners within 500 feet of the subject property and public notification placards were posted in the right-of-way adjacent to the subject property. At the time of this report, November 8, 2017 5:00 p.m., 67 emails/letters were received, where 66 stated opposition to the proposed rezoning, planned development and site plan review and one (1) that stated support (see attached).

In addition to written comments, the following verbal comments were received by the City prior to the filing of this report.

- Tim Dalby (sp.), resident on Bancroft Avenue, stated opposition to the project. The proposed large building would be a downturn to the area. He works in Redwood City and has seen that large development negatively impacts traffic. It is not a good proposal. November 3, 2017
- Dori Gutman, resident in Estudillo Estates, stated opposition to the project. Four stories is too tall. It would be out of scale with the existing neighborhood. The large number if units would create parking and traffic impacts to an area that already experiences high parking and traffic demand because of the Bancroft Middle School across the street from the property. Don't change the zoning. New development should be kept smaller than the proposal to be compatible with the existing area. November 3, 2017
- Ted Su, resident in the Broadmoor neighborhood, stated opposition to the project because he felt it is too big and will cause too much traffic. November 7, 2017

- Susan Logan stated opposition to the Bancroft apartments. November 7, 2017
- Anita Lyn stated opposition to the Bancroft Street Apartments. She felt the current Zoning code should be upheld. November 7, 2017
- Katheryn Ogle stated opposition to the project. November 8, 2017

## RECOMMENDATION

Staff recommends that the Planning Commission deny the project without prejudice by adopting the attached Resolution based on the attached findings for PLN17-0021.

## ATTACHMENTS

Vicinity Map

Applicant's Supporting Material, Statement, PowerPoint Slides (multiple items)

Resolution 17-003 with Recommended Findings of Fact for Denial

Emails/Correspondence Received

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 Floor Plan, A02.01

Exhibit G - Third Floor Plan, A02.02

Exhibit H - Fourth Floor Plan, A02.03

Exhibit I - Roof Plan, A2.5

Exhibit J - Elevations, A03.01

Exhibit K - Elevations, A03.02

Exhibit L - Elevations (Courtyard), A03.03

Exhibit M - Section, A04.01

Exhibit N - Perspectives (Courtyard), A05.01

Exhibit O - Perspectives (Courtyard), A05.02

Exhibit P - Perspectives (Courtyard), A05.03

Exhibit Q - Unit Plans, A06.01

Exhibit R - Landscape Materials Plan, L1.1

Exhibit S - Landscape Materials Plan, L1.2

Exhibit T - Planting Plan, L2.1

Exhibit U - Landscape Planting, L2.2

Exhibit V - Section Elevations, L3

Exhibit W - Material and Images, L4

Exhibit X - Cover Sheet Civil Engineer Improvement Plans, C0.0

Exhibit Y - Topographic Survey, C1.0

Exhibit Z - Site Plan Sheet Civil Engineer, C2.0

Exhibit AA - Grading Plan, C3.0

Exhibit BB - Sections Civil Engineer, C3.1

Exhibit CC - Storm Water Control Plan, C4.0

Exhibit DD - Utility Plan, C4.0



Exhibit EE - Colors and Materials Board  
Downtown Transit Oriented Development Strategy, Figure 1

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