



Legislation Details (With Text)

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On agenda:	2/2/2023	Final action:	2/2/2023	Enactment #:	
Title:	PLN21-0030; Consideration of a Conditional Use Permit for a Group Housing use to establish an assisted care facility for the elderly with up to 15 residents, including associated improvements to existing buildings, circulation, parking and landscaping on a 14,325 square foot parcel located at 1411 Bancroft Avenue. Zoning District: RM-1800; Assessor's Parcel Number (APN): 77-526-1; Applicant and Property Owner: Allen Leung, 1411 Bancroft Avenue, LLC.				
Indexes:					
Code sections:					
Attachments:	1. Attachment A Resolution PLN21-0030, 2. Attachment A Exhibit A Findings of Fact PLN21-0030, 3. Attachment A Exhibit B COA PLN21-0030, 4. Attachment B Vicinity Map, 5. Attachment C Plan Exhibits Exhibits A-L				

Date	Ver.	Action By	Action	Result
2/2/2023	1	Planning Commission and Board of Zoning Adjustments	Received and Filed	Pass

PLN21-0030; Consideration of a Conditional Use Permit for a Group Housing use to establish an assisted care facility for the elderly with up to 15 residents, including associated improvements to existing buildings, circulation, parking and landscaping on a 14,325 square foot parcel located at 1411 Bancroft Avenue. Zoning District: RM-1800; Assessor's Parcel Number (APN): 77-526-1; Applicant and Property Owner: Allen Leung, 1411 Bancroft Avenue, LLC.

SUMMARY AND RECOMMENDATION

The applicant is requesting a Conditional Use Permit for a Group Housing use to establish an assisted care facility for the elderly with up to 15 residents. The proposed project includes associated improvements to existing buildings, circulation, parking and landscaping on a 14,325 square foot parcel located at 1411 Bancroft Avenue, zoned Residential Multi-Family-1800 (RM-1800).

Staff recommends that the Board of Zoning Adjustments adopt Resolution 2023-0002, approving a Conditional Use Permit for 1411 Bancroft Avenue, PLN21-0030, based on the Findings of Fact and subject to the Recommended Conditions of Approval.

RELATIONSHIP TO SURROUNDING AREA

The proposed assisted care facility for the elderly would be located at 1411 Bancroft Avenue on a 14,325 square foot corner parcel, zoned RM-1800 Zoning District.

The project site is located at the southwest intersection of Bancroft Avenue and Joaquin Avenue. There are various uses and zoning districts that are surrounding the project site. Northwest of the

project site is zoned Residential Single-Family (RS) and is occupied by a church at the northwest intersection of Bancroft Avenue and Joaquin Avenue. Northeast of the project site is zoned Professional (P) and has a multi-tenant office building, Bancroft Professional Building, located at the northeast intersection of Bancroft Avenue and Joaquin Avenue. The adjacent parcel to the west of the project site is zoned RM-1800 and has a single-family home on Joaquin Avenue. The adjacent parcel to the south of the project site is zoned RM-1800 and is occupied by a nursing home and rehabilitation center, Bancroft Healthcare Center, located at the northwest intersection Bancroft Avenue and Juana Avenue. The properties across the street from the project site are an apartment building and dental office. The apartment building is zoned RM-1800 and located at the southeast intersection of Bancroft Avenue and Joaquin Avenue. Williamson John B DDS, a dental office is also across the street from the project site on Bancroft Avenue and is zoned Professional (P).

DETAILS OF THE PROPOSAL

The Applicant and Property Owner proposes to establish an assisted care facility for the elderly to serve 15 residents. Group Housing, which includes assisted care facilities for the elderly, is identified as a conditionally permitted use in the RM-1800 District. The project includes proposed modifications to two of the three existing buildings on site and associated site, circulation, parking and landscaping improvements.

Building 1, a 3,457 square foot building located along Bancroft Avenue is proposed to be converted from a five (5) unit multi-family apartment building to a 3,415 square foot residential care facility with 11 bedrooms and three 3 bathrooms that accommodate 15 residents. Building 1 will also have a kitchen, dining room, living room, reception area, and a break room and office for staff. Building 2, a 1,040 square foot single-family house facing Joaquin Avenue, will remain as a caretaker unit. Building 3 is located at the rear of the parcel and consists of a storage room, a carport with four covered parking spaces, and a trash room. The storage room is proposed to be converted to a laundry room for the residential care facility's use. The covered parking spaces and trash room are proposed to remain. The trash enclosure will be updated with a new door and the trash room will be modified to accommodate a storage closet. The existing site has five parking spaces, and the applicant is proposing to provide a total of 11 parking spaces to serve the proposed use.

The proposed assisted care facility for the elderly would provide daily assisted living services for up to 15 residents over the age of 60 with diagnoses of Dementia, Alzheimer's disease, and other comorbidities and medical conditions. There will be a maximum of five staff on site at any given time, including the staff who lives at the single-family house on site. Five staff would be on site during peak hours and two to four staff will be on site during off peak hours.

STAFF ANALYSIS

In the RM-1800 zoning district, a Group Housing land use is conditionally permitted and requires authorization from the Board of Zoning Adjustments. Conditionally permitted uses are reviewed on a case by case basis for compatibility with the surrounding area and any necessary conditions of approval. The applicant's proposed assisted care facility was analyzed by staff to be appropriate and compatible with the surrounding area, with the implementation of the recommended conditions of approval included as Exhibit B to the attached Resolution 2023-002. Recommended conditions of approval have been provided by the Planning Division, Alameda County Fire Department, Engineering and Transportation Department, Building and Safety Division, Public Works Department and Environmental Services Division. Staff finds the Project will not have a significant impact on

surrounding properties or result in a noticeable increase in vehicle traffic in the surrounding area.

Exterior Modifications and Improvements

The applicant is proposing minor physical changes to the project site which include modifying the existing porch and entrance paths facing Bancroft Avenue. The existing porch area would be modified to add guardrails and an emergency gate leading to an emergency exit ramp to Bancroft Avenue for (Americans with Disabilities Act) ADA compliance. The entrance of the building on Joaquin Avenue would also have a ramp added for ADA compliance. All railings would be made of powder-coated metal to be compatible with the color/trim of the home.

The façade facing Bancroft Avenue would also be modified by replacing eight existing windows with glass doors that will open to the expanded ADA compliant porch. The rear of the building that faces the parking lot would have all four existing doors removed and replaced with new windows. An existing 5' by 8' projection is also proposed to be removed from the rear facade. The south elevation of the building would have new ramps and a door installed.

The existing single-family home will remain as a caretaker unit, however a deck and a shed to the rear are proposed to be demolished. A new residential wood fence with gate, stairs, and a parking space are proposed in this location.

The proposed exterior work includes painting Buildings 1 and 3, the repurposed apartment building and the carport building, respectively. These buildings will be painted in a stone beige color. The roof shingles will be replaced with new brown. Building 1 will have accent stone on the sides of the façade facing Bancroft Avenue and on the north elevation facing Joaquin Avenue. Building 3, the carport with a laundry room, storage closet and trash enclosure will be repainted with a stone beige color. The trash enclosure will have a new black fence and door installed. A condition of approval has been included requiring all final paint and material samples to be reviewed and approved by staff prior to building permit issuance.

The Zoning Code allows for the proposed modifications. The existing buildings are legal nonconforming structures. All of the proposed changes are required to accommodate wheelchair access in accordance with ADA requirements. As noted, the proposed modifications include adding a 42" high railing with emergency egress gate to the porch and a ramp that leads to Bancroft Avenue. Additionally, ramps would be installed on both sides of the building. Per Section 4.04.312 (Building Projections into Yards and Courts) of the Zoning Code, wheelchair ramps constructed as part of an accessible route are permitted in required front and side yard setbacks.

The proposed project would comply with lot coverage and fence regulations. The proposed project would result in a lot coverage of 39 percent where a maximum of 70 percent is allowed in the RM-1800 zoning district. The proposed fence behind the single-family home would be six feet tall, which meets the fence regulations.

Landscaping

There is an existing landscape area in front of Building 1 facing Bancroft Avenue which will remain. There are five existing concrete pathways from the building to Bancroft Avenue. Four of the five concrete paths will be removed and replaced with landscaping. Staff has included a condition of approval requiring this portion of the site to be relandscaped.

There are four street trees in front of the property on Bancroft Avenue and two street trees on Joaquin Avenue which will remain. The trees are located in bare planting strips and a condition of approval has also been included requiring these areas to be planted. The final landscape plans shall show the required additional landscaping and subject review and approval by Planning Staff prior to issuance of a building permit.

Floor Plan of Residential Care Facility

Of the 11 proposed bedrooms, four bedrooms would have two beds per room and seven bedrooms would have one bed per room. The dual bedrooms range in size from 136 square feet to 191 square feet with an average size of 150 square feet. The single bedrooms range in size from 88 square feet to 153 square feet with an average size of 120 square feet. Seven of the eight bedrooms facing Bancroft Avenue have exits to the exterior of the building via the proposed exterior porch with a ramp to Bancroft Avenue. The ramp serves as an emergency exit and the porch with railings would have a gate in front of the ramp that will remain closed. The dining room also has direct access to the porch.

Parking and Circulation

The facility's residents will have full-time caregiving services and are not anticipated to be operating motor vehicles thus, there would not be any resident parking on site. There will be a maximum of five staff on site at any given time.

The Project includes proposed reconfigurations of the parking area to increase the number of parking spaces from five to 11. A van accessible space would be provided in front of the single family home. The rear of Building 1 would be striped to add three parallel parking spaces and a parking stall for loading. The loading space would be used for vehicles that transport residents to medical appointments and off-site events as well as delivery vehicles. A condition of approval has been included requiring vehicles picking up and dropping off persons and items to be scheduled to arrive at staggered times to prevent queuing and impacts to the street. Another condition of approval discouraging vehicle idling is included that would require a sign posted at the loading space restricting vehicle idling to a maximum of two minutes. The area at the rear of the single family home would have two new parking spaces.

The project's parking requirement as a group housing land use is the same as a residential use in the RM-1800 District per Zoning Code amendments adopted concurrently with the 2023-2031 Housing Element that went into effect on January 18, 2023. The RM-1800 multi-family residential zoning district requires multi-family residential units with three or more bedrooms to provide two and a half parking spaces per unit. Single-family homes are required to provide two to three parking spaces per unit depending on the size and number of bedrooms. Together, the two structures would require a minimum of five parking spaces under the residential parking requirements, including four covered parking spaces.

The proposed project includes expanding the number of parking spaces on site from five to 11, including four covered spaces and seven uncovered spaces, which meets and exceeds the minimum parking requirements and provides a surplus of parking for employees and visitors.

Conditions of approval have been included to require written acknowledgement from the resident or from their legally appointed guardian that there is no available resident parking on-site and to require

a designated space for deliveries.

Recommended Findings

In order to approve the proposed Conditional Use Permit, the Board of Zoning Adjustments must make certain findings of fact pursuant to Zoning Code Section 5.08.124. Staff has analyzed the proposal and determined that the required findings can be made as detailed in Exhibit A to the attached Resolution.

The proposed use, as conditioned, would conform to the stated purposes of the RM-1800 District, which includes accommodating a variety of housing types and achieving a higher standard of site and building design. The proposed use, as conditioned, would also comply with the General Plan, which encourages “a spectrum of housing types...and housing for special needs groups such as seniors and the disabled” as stated in the Land Use Element and echoed in the Housing Element. “Further, the project will comply with all applicable code provisions and will not create adverse traffic impacts.

GENERAL PLAN CONFORMANCE

The subject property is designated Medium High Density Residential (RMH) in the City’s General Plan Land Use Map. Chapter 3 of the General Plan states that this designation permits “multi-family residential development, such as garden apartments, townhomes, and two-story condominiums”. The proposal is consistent with General plan goals, policies, and actions. In addition, the proposal conforms to the following General Plan goals and policies (note: LU-Land Use and CSF-Community Services and Facilities):

GOAL LU-1. Maintain stable, safe, and attractive neighborhood.

Policy LU-1.1. Housing Maintenance. Support the on-going conservation, maintenance and upgrading of the city’s housing inventory.

Policy LU-2.1. Complete Neighborhoods. Strive for “complete neighborhoods” that provide an array of housing choices; easy access to retail stores, commercial services, and medical care; quality public schools; great parks and open spaces; affordable transportation options; and civic amenities.

GOAL LU-3. Provide housing opportunities and improve economic access to housing for all segments of the community.

Policy CSF-5.11. Special Needs Services and Facilities. Support special needs services that foster independence for older adults, people with disabilities and those facing physical or mental health challenges.

Action CSF-5.11.A. Adult Care Facilities Support the development of additional high-quality, affordable assisted living, nursing, adult day care, and other health care and special needs facilities in the city.

ENVIRONMENTAL REVIEW

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA

Guidelines, Article 19, Section 15301, as it is an Existing Facility that involves minor alterations; is in an area where all public services and facilities are available to allow for development; and is not located in an environmentally sensitive area.

PUBLIC OUTREACH

The Applicant notified property owners and occupants within 500 feet of the subject property with a notice of a neighborhood meeting regarding the proposed project. The meeting was held on October 19, 2022 from 4:00 - 6:00 pm on site with the applicant and property owner and the project architect.

This item received standard noticing for the February 2, 2023 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of notices at City Hall and on the property, and mailing notification to property owners and occupants within 500 feet of the subject property. Staff did not receive any public comments regarding this hearing item prior to the release of this report.

RECOMMENDATION

With the recommended conditions of approval, the proposed use conforms to the Zoning Code and General Plan. Staff recommends that the Board of Zoning Adjustments adopt Resolution 2023-001, approving a Conditional Use Permit for 1411 Bancroft Avenue, PLN21-0030, based on the Findings of Fact and subject to the Conditions of Approval.

ATTACHMENTS

Attachment A: Resolution 2023-002 Approving a Conditional Use Permit PLN21-0030

Exhibit A: Recommended Findings of Fact PLN21-0030

Exhibit B: Conditions of Approval PLN21-0030

Attachment B: Vicinity Map

Attachment C: Plan Exhibits

Exhibit A- Sheet A001: Cover Sheet

Exhibit B- Sheet A002: General Notes & Parking Requirements

Exhibit C- Sheet A004: Operation Letter, Existing Areas

Exhibit D- Sheet A100: Existing Site Plan

Exhibit E- Sheet A101: Proposed Site Plan

Exhibit F- Sheet A103: Landscape Site Plan

Exhibit G- Sheet A200: Proposed Floor and Site Plan

Exhibit H- Sheet A201: Existing and Proposed Floor Plans

Exhibit I- Sheet A300: Existing and Proposed Elevations

Exhibit J- Sheet A301: Existing and Proposed Elevations

Exhibit K- Sheet A302: Colored Elevations

Exhibit L: Sheet A400: Material Board

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