



## Legislation Text

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**File #:** 21-243, **Version:** 1

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PLN20-0030; Conditional Use Permit to convert an existing commercial building into mixed-use residential, with one residential unit and one commercial unit at 511 Estudillo Avenue; Assessor's Parcel Number 077-0525-010-02; T.D. Kieu (applicant/property owner); P Professional Office District.

### **SUMMARY AND RECOMMENDATION**

The applicant proposes to convert an existing commercial building into mixed-use residential, with one residential unit and one commercial office unit at 511 Estudillo Avenue. The subject property is zoned P Professional Office District. The proposed mixed-use residential requires prior approval of a Conditional Use Permit (CUP) from the Board of Zoning Adjustments.

Staff recommends that the Board of Zoning Adjustments Adopt Resolution 2021-004, approving the Conditional Use Permit for mixed-use residential at 511 Estudillo Avenue, PLN20-0030, based on the Findings of Fact and subject to the Conditions of Approval.

### **APPLICANT STATEMENT**

See attached.

### **RELATIONSHIP TO SURROUNDING AREA/BACKGROUND**

The adjacent properties to the north, south, east, and west are all zoned P Professional Office District and are developed with commercial retail, office, and multi-family residential uses. The uses range from apartments, medical and dental offices, and other small commercial offices.

The subject property is currently developed with an existing  $\pm 2,040$  square-foot commercial building constructed in 1982. The lot size is approximately 6,738 square feet. The building is currently used as a wedding planning business by the applicant.

### **PROPOSAL**

The proposal is to convert an existing  $\pm 2,040$  square foot single-story commercial building into a mixed-use residential use. The building would have one  $\pm 710$  square foot commercial unit and one  $\pm 1,530$  square foot residential unit. The predominant facade of the building would continue to be the commercial office unit. The applicant proposes to continue using the commercial unit for the existing wedding planning business.

The residential unit would have one bedroom and one bathroom and would be located to the rear of the building. A  $\pm 328$  square foot one-car carport would be constructed at the rear of the building, to provide a covered parking space for the residential unit. Three uncovered surface parking spaces would be provided to accommodate both the residential unit and the commercial unit. Additional,  $\pm 475$  square feet of a useable

open space area will be provided at the rear of the property.

## STAFF ANALYSIS

Mixed-use residential is conditionally permitted in the P Professional Office District, which is an area zoned to provide opportunities for offices, mixed-use and multi-family residential uses at appropriate locations. The proposed use would primarily be residential and a small commercial office use would remain at the front of the existing building. The property is directly adjacent to a multi-family residential use at the rear, and one residential unit would be an appropriate density at this location.

The property lot size, though legal nonconforming in its front setback due to a public improvement agreement for a property grant along Estudillo Avenue made to the City in 1981, meets the lot size, width, height, floor area ratio, coverage, open space, and landscaping requirements of the P Professional Office District. The proposed attached carport conforms to all P District development standards for setbacks. The legal non-conforming front setback of the existing building will not be expanded. Given its conformance, the proposed project will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the area and will maintain adequate availability of light, area, and privacy for the development as well as its adjacent neighbors.

The existing property is adequately served by streets, sidewalks, utilities, and other public facilities. Off-street parking is provided on the site, conforming to the Zoning Code §4.08.108 for a one-bedroom residential unit and one 710 square foot commercial office unit. The conversion of an existing commercial office building into a mixed-use residential development with one residential unit and one small office unit will result in a less intensive use of the property and generate fewer vehicle trips. Staff from the Alameda County Fire Department and the City's Engineering Department have reviewed the plans and found the circulation to be acceptable for emergency and regular vehicles.

With the recommended Conditions of Approval, staff is able to recommend Board approval of the project based on the Recommended Findings of Fact attached to the Resolution 2021-004.

## GENERAL PLAN CONFORMITY

The General Plan designates this site within the Downtown Mixed Use land use area. Mixed use development with housing is encouraged in this area, with allowable residential densities ranging from 24 to 100 units per net acre. Regardless of unit size, a maximum FAR of 3.5 applies to mixed use development. The proposed conversion of an existing commercial use into mixed-use with one residential unit and a small front commercial office unit amounts to a FAR of 0.33, which is consistent with the intended General Plan designation. The existing building was built in 1981 and was designed to be compatible with the adjacent commercial and residential buildings.

The proposed project maintains the existing development at the front and adds a one-car carport at the rear, ensuring the street character remains aesthetically pleasing. Additionally, the project will provide adequate on-site parking and access for both the one-bedroom residential unit and the 710 square foot commercial office unit.

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

**Policy LU-2.8 Alterations, Additions, and Infill.** Ensure that alterations, additions, and infill

development are compatible with existing homes and maintain aesthetically pleasing neighborhoods.

**Policy 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.

**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

This item (PLN20-0030) is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 for Existing Facilities and Section 15303 New Construction or Conversion of Small Structures, as an existing facility with interior improvements and construction of an accessory structure.

## PUBLIC OUTREACH

This item received standard noticing for the May 6, 2021 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 business and property owners within 500 feet of the subject property.

## RECOMMENDATION

The mixed-use residential use as proposed conforms both to the City’s Zoning Code and to the General Plan. Any potential issues associated with the project will be addressed by the implementation of the recommended Conditions of Approval. Staff therefore recommends that the Board of Zoning Adjustments motion to adopt Resolution 2021-004, approving the Conditional Use Permit for mixed-use residential at 511 Estudillo Avenue, PLN20-0030, based on the Findings of Fact and subject to the Conditions of Approval.

## ATTACHMENTS

Vicinity Map  
Applicant Statement  
Plan Exhibits A - H  
Resolution 2021-004 with Recommended Findings and Conditions of Approval (Legistar File 21-244)

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