



City of Alameda

Staff Report

File Number: 2016-3033

Planning Board

Agenda Date: 6/22/2016

File Type: Regular Agenda Item

Agenda Number: 7-A

PLN16-0165 - Westmont of Harbor Bay Assisted Living. Applicant: Chris Garwood for Pacific Union Land Investors LLC. Public hearing to consider a revision to the previously approved Final Development Plan PLN15-0092 (Esplanade site) to allow construction of an approximately 105,500-square-foot, two-story senior assisted living facility on the remainder of the undeveloped portion of the property at 2900 Harbor Bay Parkway. The site is located within a CM-PD Commercial Manufacturing Planned Development Zoning District in the Harbor Bay Business Park.

Pursuant to CEQA Guidelines Section 15162, there have been no significant changes in circumstances that require revisions to the previously certified Environmental Impact Report. The proposed project is not likely to cause substantial environmental damage or substantially and avoidably injure endangered, rare, or threatened fish or wildlife or their habitat.

To: Honorable President and
Members of the Planning Board

From: Henry Dong
Planner I

BACKGROUND

The project is located on a vacant 5.5 acre portion of an existing 9.22 acre property located approximately 600 feet west of the corner of Harbor Bay Parkway and Adelphian Way known as the "Esplanade Project". The first phases of the Esplanade Project include the Stacey & Witbeck and the McGuire and Hester office buildings to the east of the site. The Harbor Bay ferry terminal parking lot is immediately to the west of the site, and a lagoon and residential neighborhood border the site to the north. The property fronts onto the San Francisco Bay to the south.

On February 25, 2008, the Planning Board approved the original Esplanade Plan (PLN07-0061) to allow construction of ten office buildings totaling 109,000 square feet on the 9.22 acre Esplanade site. The Esplanade Project is located in the Harbor Bay Business Park and is zoned Commercial Manufacturing (CM) with a Planned Development (PD) overlay. In 2012, the first of the ten buildings was completed for the Stacy & Witbeck Company.

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In May of 2015, the Planning Board approved a Final Development Plan Amendment and Design Review (PLN15-0092) to allow the construction of a 22,868-square-foot office building in lieu of two 10,400-square-foot office buildings originally approved in 2008. The new building for the McGuire and Hester Company is currently under construction (Exhibit 1).

On March 23, 2016, Pacific Union Land Investors LLC (applicant) submitted an application for a Final Development Plan Amendment and Design Review to construct a 105,500-square-foot two-story senior assisted living facility on the remaining 5.5 acres of the Esplanade site immediately adjacent to the Ferry Terminal parking lot.

ANALYSIS

Development Plan Amendment: This request of the Planning Board is for review of the Development Plan Amendment only. A separate public hearing will be held with the Board to review the Design Review component of the project on a subsequent date to be determined.

In order to approve the proposed change to the Esplanade Plan, the Planning Board must find that:

1. The proposed use relates favorable to the General Plan.
2. The proposed use will not adversely impact adjacent properties and will not have a substantial deleterious effect on the existing business district.
3. The proposed use is compatible with the other land uses in the general neighborhood.
4. The proposal will be adequately served by transportation services and facilities.
5. The development is an efficient use of the site.
6. The project design is architecturally and aesthetically harmonious with the surrounding developments.

The project plans for the senior assisted living facility are included as Exhibit 2. Staff is currently still working with the applicant on the architectural design and landscaping plan included in Exhibit 2. For that reason, staff cannot recommend the Planning Board make the finding that the project is “architecturally and aesthetically harmonious” with the surrounding development. Staff, the applicant, and its architectural consultants will continue to work on the architectural plans for the facility and return to the Board for design review approval. At this time, staff is recommending that the Planning Board review the proposed use and site plan and consider approving the use of the site for senior assisted living and the project site plan.

Proposed Plan:

The applicant’s plans for the remaining 5.5 vacant acres of the Esplanade site include two buildings: a 105,500 square foot senior assisted living/memory care building, and a future 8,000 square foot office building.

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Office Building:

The future 8000-square-foot office building will be utilized, leased or sold for office or medical business use. The office building is two stories in height and includes an independent parking area for the future users of the building. The building maintains the 35 foot setback along Shoreline Park in line with the adjacent Stacey & Witbeck and McGuire and Hester office buildings. The office use and approximate building footprint is consistent with the original Esplanade Plan.

Assisted Living Facility:

The 105,500 square foot commercial assisted living/memory care facility, licensed by the State of California, will serve approximately 127 seniors in need of assisted living facilities or memory care. The two-story building will also maintain the 35 foot setback in line with the other buildings consistent with the original Esplanade Plan.

The building includes facilities for the care, feeding, bathing, personal hygiene, laundry, and social program needs of the senior residents. The facility also includes a restaurant-style dining area and 24-hour food service, a movie room, physical therapy, and common living room for use by the residents. The facility provides a variety of living spaces ranging from individual private rooms with bathroom facilities for single memory care residents, to larger one- and two-bedroom units for senior couples in need of assisted living. The larger units would include private living, sleeping, and bathing areas, and a small food preparation space. The food storage and preparation area will include a sink, counter, microwave oven, and refrigerator, but it will not include full private cooking facilities. Because none of the living spaces include fixed cooking facilities (built-in stove and oven), none of the private living areas are defined as “residential units” under the California Building Code or the City of Alameda Municipal Code (AMC).

The average age of the residents at the facility will be approximately 82 years old, so it is anticipated most residents will not drive. Therefore, the facility provides transportation (van) services for all residents. The van service is available to provide access to off-site doctor’s appointments, shopping opportunities at nearby shopping districts and access to off-site cultural events and activities. The facility would be fully staffed on a 24-hour seven-day a week basis by approximately 53 full-time equivalent employees.

Zoning Compliance for Assisted Living Facility:

On November 9, 2015, the Planning Board approved a Zoning Compliance Determination to affirm that a senior care facility is a permitted use within the C-M Zoning District, including within the Esplanade Development Site. Pursuant to the Alameda Municipal Code, assisted living and memory care facilities and services as proposed by the applicant are defined as commercial facilities.

Residential units are not permitted in the C-M District. As described in Section 30-4.10 of the AMC, the C-M District is:

“intended to be applied where general commercial facilities are necessary and desirable for

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public service and convenience, or where light manufacturing will be a compatible use because of absence of noise, odor, dust, dirt, smoke, vibration, heat, glare, excessive vehicular and rail traffic, radiation, and other hazards incidental to industrial uses."

Section 30-4.10 b. lists the specific uses that are permitted in the C-M District. Item number 1 on the list references all of the uses permitted by right in the C-1 and C-2 commercial districts. Item number 3 on the list includes, *"Other commercial-manufacturing uses, which are similar to the uses permitted in the district..."*. Both Section 30-4.8.b C-1 Neighborhood Business District, Uses Permitted and Section 30-4.9.b C-2 Central Business District, Uses Permitted list *"Uses permitted in the AP District..."* as uses that are permitted in the C-1 and C-2 Zoning Districts.

Section 30-4.7 -AP Administrative Professional District, subsection b. Uses Permitted includes item number 2: "Medical facilities, including but not limited to the following: (e) *Nursing and convalescent homes, and (g) Rest Homes.*

Nursing homes, convalescent homes, and rest homes are not defined in the Zoning Code, but Webster's Dictionary defines a nursing home as: "a privately operated establishment providing maintenance and personal or nursing care for persons (as the aged or the chronically ill) who are unable to care for themselves properly. A rest home is defined as an "establishment that provides housing and general care for the aged or the convalescent".

General Plan Conformance for Assisted Living Facility:

The proposed use of the site for assisted living requires the Planning Board to weigh and consider the following General Plan policies and objectives to determine if the proposal "relates favorably to the General Plan".

- The General Plan identifies the need to provide assisted living facilities for Alameda residents. The use clearly addresses an important public need that is recognized by adopted policies.
- The General Plan also recognizes the importance of creating and preserving job opportunities in Alameda for Alameda residents. Although the proposed facility will generate approximately 53 jobs, the original Esplanade Plan would generate more jobs. For comparison purposes, the 22,000 square foot Maguire and Hester building is designed for 68 employees. Therefore, it may be estimated that the original Esplanade Plan with approximately 69,000 square feet of undeveloped office use might generate between 140 and 210 employees.
- The General Plan also recognizes the need to ensure that all land use decisions consider the potential transportation impacts of the land use decision. In this case, although the proposal includes more floor area than the original Esplanade Project plan, the new proposal will generate fewer automobile trips due to the lower-intensity trip-generating use, the age of the residents, and the rotating shifts of the employees.

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Site Plan:

The proposed Development Plan Amendment results in the following site plan changes:

Floor Area: The 2008 Final Development Plan approved ten two-story buildings with a combined floor area of 109,000 square feet. Development potential for seven two-story buildings remains on the subject site with a combined floor area of approximately 69,500 square feet. The amendment proposes a 105,500 square foot building and an 8,000 square building in lieu of the 69,000 square feet of the original seven buildings.

FAR: The 2008 Plan provided a 0.27 Floor Area to Land Area Ratio (FAR). The Stacey & Witbeck and McGuire and Hester developments each provide a 0.25 FAR. The proposed amendment allows a 0.47 FAR for the remaining 5.5 acres. The Harbor Bay Business Park Planned Development establishes a 0.5 maximum FAR for the entire development.

Lot Coverage: Building coverage increases to 26.5% of the land as compared to the 14.3 % building coverage in the 2008 plan.

View Corridors: The original Esplanade development plan located the ten office buildings in a straight line with a uniform 35 foot setback from the Shoreline Park. The view corridors provided space for views of the shoreline from the pathways and two neighborhood parks located adjacent to the lagoon. Two large view corridors to Shoreline Park were established through the facility at each end of the site. Two smaller corridors were located between buildings B2/D1 and B3/C1 of the original Esplanade development plan.

The amended Development Plan for the assisted living facility and small office building maintains the uniform 35 foot setback from Shoreline Park established by the 2008 Plan and the two existing buildings. The amended Plan also maintains the two large view corridors located at the north and south ends of the site and one of the smaller corridors adjacent to the McGuire and Hester building. The revised site plan shifts the remaining smaller corridor originally established at B3/C1 approximately 250 feet southeast adjacent to the east side of the proposed assisted living facility.

Setback: The buildings are still oriented towards the waterfront with the parking lot separating the buildings from Adelphian Way. A planting area with trees continues to screen the parking area from residential development to the east. Building setbacks on the front (Adelphian Way) and rear (Shoreline Park) remain the same, while side yard setbacks have been modified, but are still compliant with the previously approved requirements.

Landscape and access: The site design will continue to provide open space and landscaping that serve as transitions between the development and the surrounding land uses. The proposal also continues to provide pedestrian pathways that connect with the public pathways along Shoreline Park. Primary access to the site is maintained on Adelphian Way.

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Parking: The Esplanade development plan established a parking requirement of 3.51 parking spaces for every 1,000 square feet of office floor area. Pursuant to AMC Section 30-7, the parking requirement for the proposed senior care facility is one parking space for every three beds, or approximately 42 total parking spaces. The project exceeds the parking requirement by providing 60 parking spaces. Pursuant to the City's Bicycle Facility Design Standards, the project includes five short-term and two long-term bicycle parking spaces. In addition, after discussion with the Water Emergency Transportation Agency (WETA), the applicant is providing new bicycle lockers for the WETA Ferry parking lot for ferry riders.

San Francisco Bay Conservation and Development Commission (BCDC)

The project will also be required to go through the BCDC compliance review process prior to construction. The BCDC reviews the proposal to ensure shoreline access and proper setbacks. BCDC does not review for local land use decisions. The applicant is working concurrently with the BCDC on its compliance review and has provided five off-street parking spaces for Shoreline Park.

Compliance with Approved Standards: Table 1 summarizes project compliance with development standards established for the Esplanade office park. The proposal meets or exceeds the standard requirements of the approved Planned Development zoning standards.

Table 1. Project Compliance Summary

PD Zoning Standards	Previously Approved Plan	Proposed Project Assisted 8,000 sf office		Compliance
Setbacks Front Rear (Bay)	180 ft. (average) 35 ft.	30 ft. 35 ft.	100 ft. 35 ft.	Complies
Side (North/South)	20 ft. (average)	80 ft. avg	15 ft.	Complies
Lot Coverage (Max 35%)	14.3%	26.5%	20%	Complies
Landscape Coverage (Min 25%)	47.2%	55.6%	25%	Complies
FAR (Max .5)	.285	.496	.30	Complies
Maximum Building Height (10)	38 ft.	27 ft.	35 ft.	Complies
Required Parking (1 space per 3 beds)	3.5/1000 sf (office use)	65 parking spaces (required)	28 parking spaces	Complies
Required Bicycle Parking	1 space for every 10 vehicle spaces	5 short term spaces, 2 long term spaces	3 short term spaces, 2 long term spaces	Complies

Conclusion:

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Architecture and Landscape Design: Staff and the applicant are still evaluating the architectural designs for the building. Planning Board and public comments on the draft architectural plans would be welcomed by staff and the applicant. Staff is recommending that the Planning Board withhold final action on Design Review for the new assisted living facility until a future Planning Board meeting.

Land Use and Site Plan: Staff is recommending that the Planning Board hold a public hearing and consider approving the attached resolution that would:

1. Certify that no further environmental review is required. (See discussion below under environmental review findings.)
2. Approve the use of the land for assisted living.
3. Approve the proposed site plan, FAR, parking, building height, and setback, subject to final architectural review by the Planning Board at a future date.

The findings for approval of the Development Plan Amendment for the senior assisted living facility can be found in the draft resolution.

ENVIRONMENTAL REVIEW

In 2008, the City of Alameda City Council determined that the original Esplanade Project was consistent with the original Harbor Bay Business Park Planned Development Plan, which was evaluated previously in an Environmental Impact Report prepared by A. D. Little. In 2008, the Council found that under Section 15162 of the CEQA Guidelines, no additional environmental review was required for the application.

Staff is able to make the same recommended findings based upon the following evidence on the record:

The project site has no value as habitat for endangered, rare or threatened species. The Harbor Bay Isle Environmental Impact Report (EIR) analyzed the impacts of Harbor Bay development on wildlife, migratory birds and jackrabbits. The biological survey for the proposed assisted living facility concludes that the proposal does not substantially change the determination of the previously certified EIR. The area of the proposed development is currently a vacant 5.5 acre site. The vacant site has no habitat value for any endangered, rare, or threatened wildlife species. A survey for burrowing owls and other raptors, snowy plover, California least tern, and passerine nesting bird was conducted by Monk & Associates Environmental Consultants at the project site on May 4, 2016, and no evidence of the presence of these species were observed on or within a zone of influence of the site (Exhibit 3). A condition of approval will also require an additional survey be conducted 14 days prior to construction.

During the survey, four black-tailed jackrabbits were observed on the project site. No young were present on the site at the time of the survey and no burrows or rabbit dens were detected. The black-

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tailed jackrabbit is not a protected species in California as they are quite common in ruderal areas, grasslands, and crop fields. The back-tailed jackrabbit's highly adaptable nature to anthropogenic communities and highly disturbed areas make them a robust species and they successfully relocate to nearby open spaces when necessary. Furthermore, the Harbor Bay Isle Tentative Subdivision Map Planning Board resolution No. 1205 determines in Finding No. 5 that the development will unavoidably displace some jackrabbits and birds and their habitat.

Approval of the project would not result in any significant effects relating to traffic, noise, air navigation, air quality, or water quality. The previously certified Harbor Bay Isle EIR analyzed the impacts of the Harbor Bay development on traffic, noise, and air navigation. The traffic analysis, noise analysis, and Airport Land Use Commission analysis conclude that the proposed assisted living facility will not substantially change the determinations of the previously certified EIR. The proposed project will not result in any significant traffic, noise, air quality or water quality impacts because the project is a less intensive use than the previously approved office building use. A traffic and parking analysis conducted by TJKM traffic consultants shows that the new senior care facility proposal generates considerably fewer trips on a daily basis and especially both of the a.m. and p.m. peak hours as compared with the original office complex. Moreover, the project meets the required parking ratio of one parking space per three beds, and therefore represents no substantial change in the project traffic generation and parking demand from the previous approval. The project also received an approval letter from the Alameda County Airport Land Use Commission in regards to compliance with the safety, noise, and height development requirement of the adjacent Oakland Airport. The Noise analysis conducted by AGD Acoustics determined that the project can meet city, state, and county requirements in regards to noise levels through the implementation of standard CNEL building requirements.

PUBLIC NOTICE AND COMMENTS

Property owners and residents within 300 feet of the project's boundaries were notified of the public hearing and given the opportunity to review and comment on the proposal. As of the writing of this report, six comments were received by staff in regards to the project (Exhibit 4).

RECOMMENDATION

Staff recommends the Planning Board approve Final Development Plan Amendment PLN16-0165 with conditions in the draft resolution (Exhibit 5).

Respectfully Submitted,

Henry Dong

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Exhibits:

1. Prior Project Plans
2. Project Plans
3. Environmental Review
4. Correspondence
5. Draft Resolution