

# ITEM 7-A

## CITY OF ALAMEDA

### Memorandum

To: Honorable President and  
Members of the Planning Board

From: Henry Dong  
Planner II

Date: March 27, 2017

Re: **PLN16-0185 – 1629 Webster Street – Applicant: Daniel Hoy for Sam and Michelle Koka.** A Public Hearing to consider Design Review, Use Permit Amendment, and Zoning Text Amendment to construct an approximately 14,300-square-foot three-story, mixed-use building located on the southwesterly corner of Webster Street and Pacific Avenue. The new building contains approximately 5,000-square-feet of ground floor retail and a 16-bed senior boarding house on the second and third floors. The site is located within the C-C (Community Commercial) zoning district. The zoning text amendment adds boarding houses as an allowable use with use permit approval in the C-C, C-1 (Neighborhood Business), and C-2 (Central Business) Zoning Districts. The project is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15332 – Infill Development, and 15305 – Minor Alterations to Land Use Limitations.

### BACKGROUND

On November 14, 2016, the Planning Board held a study session for a new three-story mixed-use building with ground floor retail and a senior boarding house on the second and third floors at 1629 Webster Street. The proposal requires design review for the new mixed-use building, a zoning text amendment to allow boarding house uses in the C-C District, and an amendment to the existing auto shop use permit (UP06-0001). The staff report for the study session meeting is attached as Exhibit 1 and contains additional background information for the proposed design review application and use permit amendment. During the study session, the Planning Board considered public testimony and directed staff to prepare the necessary zoning text amendments and directed the applicant to address the following items pertaining to the architecture, site design, use permit, parking, and interior spaces:

- Provide additional articulation and increase the window depth on the building elevations.
- Provide final details for awnings, building cornice, stucco spandrels, and windows.
- Provide final floor plans to show there is adequate room for the trash enclosure and utility room.

- Provide flexibility for the future use of the property.
- Provide final color and materials board.
- Provide leased parking for the life of the project.
- Designate the parking spaces at the leased off-site parking location for the project.
- Increase the number of ADA parking spaces.
- Create a community space on the ground floor for the tenants to interact with the surrounding community.
- Provide additional transit passes for the project.
- Provide an annual reporting program for the transportation and parking plan.

## DISCUSSION

### Design Review:

Following the Planning Board study session, the applicant revised the project plans to improve the design of the project and address all of the Planning Board comments. Below is a summary of changes included in the current plan set (Exhibit 2).

The revised architectural design for the three-story mixed use building provides additional articulation and architectural features consistent with the design guidelines. The revisions include the following:

- Increased the ceiling height of the ground floor retail to fourteen (14) feet. The modification increases the glazing area and emphasizes the storefronts as a prominent architectural feature.
- Deeper recesses for the windows and improved architectural detail of the window trim.
- More decorative detail on the building cornice and the stucco spandrels located between each floor.
- Additional details for the architectural features, awnings, and windows on the building.
- A final colors and materials board and a color rendering of the building.

The revised site plan addresses the Planning Board concerns regarding the size of the trash enclosure, the access to the utilities, and an outdoor area for community interaction. Specifically:

- The applicant provided an outdoor café seating area along the Pacific Avenue street frontage that serves as an interaction area for tenants of the building and the surrounding community. Additionally, planters installed along the Pacific Avenue property line can serve as community gardening areas for the tenants of the building.

- The size of the trash enclosure was increased by twice the original size in order to accommodate three large bins for recycling, trash and composting. The revised trash enclosure plan was reviewed and approved by the Public Works Department.
- In order to accommodate the access needs of Alameda Municipal Power (AMP), the utility meters were moved to the northeastern exterior wall along Pacific Avenue.
- The transformer was moved to the northeastern corner of the site to meet the requirements of AMP. The transformer will be screened by planters that also provide the separation buffer required by AMP for pedestrians passing by.

#### Use Permit and Parking

As shown in Table 1 below, the project is in compliance with all of the development standards in the C-C zoning district with the exception of the parking requirements.

<b>Table 1: Project Compliance with C-C District Development Standards.</b>			
	Requirement:	Proposed:	Compliance:
Maximum Building Height	40 ft.	38 ft.	Complies
Maximum FAR (3:1)	3:1	1.6:1	Complies
Front Yard Setback (Lincoln Ave)	0 ft.	0 ft.	Complies
Minimum Side Yard Setback	0 ft.	0 ft.	Complies
Minimum Side Yard Setback adjacent to residential	0 ft.	38 ft.	Complies
Parking	24 spaces	17 provided	Reduction requested
Bicycle Parking	4 short-term 4 long-term	6 short- term 6 long- term	Complies
Open Space	0	0	Complies

The project's parking plan was a major focus of discussion at the Planning Board meeting. As detailed in Table 2 below, the project does not meet the 24 off-street parking spaces requirement of the Alameda Municipal Code. The C-C District allows the Planning Board to approve parking exceptions for projects based on findings pursuant to AMC Section 30-4.9A(g)(8). The applicant is providing 17 parking spaces, and therefore requires a parking exception for seven spaces. It should be noted that although on-street parking spaces do not count toward meeting project requirements for

off-street parking, the project adds three (3) new on-street parking spaces which do help offset the off-street parking limitations.

<b>Table 2: Project Compliance with Off-street Parking Requirements</b>		
Parking	Rate	Total
Auto Repair Shop (1,700 sf)	2.9 spaces per 1,000 sf	5
Senior Housing Rooms (12)	0.75 spaces per unit	9
Manager's unit (1)	1 space per unit	1
Commercial Retail (3,100 sf)	2.9 spaces per 1,000 sf	9
<b>Total Parking Required</b>		<b>24</b>
On-site Parking Provided	8	-8
Leased Parking at Hawthorne Suites	9	-9
<b>Parking Balance Remaining</b>		<b>7</b>
Increased On-street Parking		3

The revised plan and the revised conditions of approval address the Board's comments and concerns in regards to the parking and use permit as follows:

- The Board requested that nine (9) leased parking spaces be maintained for the life of the senior boarding house use. As allowed under AMC Section 30-7.7, the project proposes to lease nine (9) parking spaces within 1,000 feet of the project site through joint access agreements. Staff recommends a condition of approval that allows the Planning Board to re-evaluate the boarding house use (through review of the use permit) should the project, at any time, be unable to maintain the nine (9) off-site spaces. The Planning Board at that time, may determine the appropriate parking requirement for the senior boarding house supported by actual parking demand data.
- The Board requested that the leased parking spaces be designated with signs for the tenants of the project. The conditions of approval have been modified to require that a sign is posted at the entrance of the parking lot containing the leased parking spaces indicating that parking is available for tenants of the proposed project as required by AMC Section 30-7.7.
- The Board requested that an additional ADA space be provided for the project. The size of the property limits the amount of parking area available on the site for an additional ADA space. However, the Planning Board may consider designating one of the three new on-street parking spaces created by the project on Pacific Avenue as a public ADA space.
- The Board requested that additional transit passes are provided for the tenants of the building. The project has been conditioned to provide twenty (20) transit passes for tenants and employees of the building annually.

- The Planning Board requested that the project approval provide flexibility to allow future reuse of the building to meet market demands. Staff revised the conditions of approval to clarify the deed restriction language would apply specifically to senior boarding house uses on the property. The deed restriction requirement does not preclude the Planning Board from approving future use modifications on the property through the use permit amendment process.
- The Planning Board requested the project provide an annual reporting program for staff to report back to the Planning Board the effectiveness of the project conditions of approval. A condition of approval has been included to require that the applicant provide an annual reporting program for the facility.

It should be noted that pursuant to California Health and Safety Code Section 1569.145, congregate housing projects for the elderly, such as the proposed project, that are limited to providing one or more of the following: housing, meals, transportation, housekeeping, or recreational or social activities, are exempt from state licensing requirements. A condition of approval requires the project to meet all state and local regulations for the senior boarding house use. No care or supervision will be provided as defined in HSC 1569.2.

### Zoning Amendment

The Alameda Municipal Code (AMC) development regulations ("zoning ordinance") was originally adopted in 1958. Although it has been amended and updated a number of times since 1958, to address specific needs, some parts of the code reflect the language and uses that were common in 1958. Currently, the AMC includes five different definitions of uses that are similar to the use being proposed for this property as described above.

- *Boarding house* shall mean a residential building, or portion thereof, other than a hotel, where regular meals and lodging for four (4) or more persons are provided for compensation or profit. This definition includes fraternity, sorority and cooperative boarding houses.
- *Lodging house* shall mean a residential building, or portion thereof, other than a hotel where sleeping quarters for four (4) or more persons or families are provided for compensation or profit. This definition includes "rooming house."
- *Rooming house* shall mean a residential building or portion thereof, other than a hotel where sleeping quarters for four (4) or more persons or families are provided for compensation or profit. This definition includes lodging house.
- *Single room occupancy (SRO) unit* means multi-unit housing for very low-income persons that typically consists of a single room and shared bath and also may include a shared common kitchen and common activity area. SROs may be restricted to seniors or be available to persons of all ages.

Unfortunately, none of these uses which are included in the definitions section of the AMC are permitted or conditionally permitted uses in the CC zoning district in which the site is located, even though the CC zoning district permits residential dwelling units above ground floor commercial uses in the CC District. If the residential dwelling units do not meet the parking requirements of the code, then a use permit is required. A dwelling unit is defined as follows:

- *Dwelling unit* shall mean a group of rooms, including a kitchen, bath and sleeping quarters, designed and intended for occupancy by one (1) family.

The proposed project is not proposing “dwelling units” because the living quarters do not include kitchens. The project cannot propose “dwelling units” because the City Charter and AMC prohibit new structures with more than two attached dwelling units. The only way to waive the multifamily prohibition in the City Charter and AMC for this property is through the State Density Bonus regulations and local Density Bonus Ordinance. Those regulations do not apply to any property that is less than 10,000 square feet in size.

Further, boarding houses, lodging houses, and SROs are currently permitted in the R-5 residential district and the R-6 residential district. Dwelling units are permitted above ground floor commercial in both the C-1 Neighborhood District and the C-2 Central Business District, but boarding houses, lodging houses, and SROs are not.

Therefore, staff is recommending the following amendments to the AMC to facilitate this project and other senior housing projects like it in the Webster Street and Park Street commercial districts, and other commercial mixed use districts. Commercial mixed use districts provide excellent access to transit services and commercial services for seniors.

- Delete and replace the four (4) existing definitions listed above with a single definition as shown below.

*Boarding house* shall mean a residential building, or portion thereof, other than a hotel that provides private living quarters without private, independent kitchen facilities. A shared common kitchen and common activity area may be provided. Boarding houses also include single room occupancy (SRO) units, which provide housing for very low-income persons that typically consist of a single room with access to a shared bath. Boarding houses may be restricted to seniors or be available to persons of all ages.

- Add “Boarding House” to the list of conditionally permitted uses in the CC District, C-1 District and C-2 District.

## Conclusion

Staff is recommending that the Planning Board approve the Design Review and Use Permit amendment applications, with an additional condition that the approval does not become valid and enforceable unless and until the City Council approves the necessary zoning text amendments to allow the boarding house use on the site. In addition, it is recommended that the Planning Board recommend that the City Council approve an Ordinance amending the Zoning Ordinance to permit boarding houses in CC, C-1 and C-2 commercial districts.

## 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, no comments were received by staff for the project.

## ENVIRONMENTAL REVIEW

The proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332 – Infill Development Projects, and 15305 – Minor Alterations to Land Use Limitations. The project meets all findings for the infill included as part of the Draft Resolution (Exhibit 3).

## RECOMMENDATION

That the Planning Board hold a public hearing and:

1. Recommend that the City Council approve the AMC amendments as shown in Exhibit 4 and described above.
2. Approve Design Review and Use Permit amendment application PLN16-0185 to allow the construction of an approximately 14,300-square-foot three-story mixed-use building with ground floor retail and senior boarding house uses above, subject to approval of the AMC amendment by the City Council.

Respectfully submitted,

Henry Dong  
Planner II

Exhibits:

1. November 14, 2016 Planning Board Staff Report
2. Project Plans
3. Draft Design Review & Use Permit Resolution
4. Draft Zoning Text Amendment Resolution