

Agenda Report

TO: CITY COUNCIL

DATE: SEPTEMBER 21, 2009

FROM: CITY MANAGER

SUBJECT: PREDEVELOPMENT PLAN REVIEW FOR CONSTRUCTION OF
A 175-UNIT INDEPENDENT AND ASSISTED LIVING FACILITY
AT 909 AND 915 SOUTH FAIR OAKS AVENUE AND 33
HURLBUT STREET

RECOMMENDATION:

This report is being provided for information only.

BACKGROUND:

This project summary is being presented to the City Council per Predevelopment Plan Review (PPR) guidelines, which call for staff to present projects of community-wide significance to the City Council for informational purposes.

Project Description

The subject site consists of three properties located at the northwest corner of South Fair Oaks Avenue and Hurlbut Street, between Hurlbut Street and Alessandro Place to the north. Existing buildings on the site consist of a 26,940 square foot, two-story, office building and a 3,186 square foot, one-story, office building. The third property is developed with a surface parking lot.

The application proposes demolition of both existing buildings and parking lot and the construction of a new 83,639 square foot 175-unit independent and assisted living facility. The height of the proposed building would be four stories and 56 feet. The project would provide 118 subterranean parking spaces.

The project site is divided between three zoning districts (see map in Attachment A), IG-SP-2 (Industry General, South Fair Oaks Specific Plan), PD-5 (Alessandro Place/Fair Oaks), and RM-32-HL-1 (Multi-Family Residential, 32 units per acre).

SUMMARY OF PREDEVELOPMENT PLAN REVIEW COMMENTS:

On July 29, 2009, staff conducted a meeting between the applicant and City departments. The majority of the discussion focused on the Land Use comments as detailed below.

Land Use:

Each of the units in the facility has a kitchen, thereby classifying each as a dwelling unit. The proposed land use is therefore 'Multi-family Residential', a use that is not permitted in the PD-5 zoning district and is not permitted in the location in the IG-SP-2 zoning district. A multi-family project is permitted on the RM-32-HL-1 site, but only at a density of 32 units per acre (91 units per acre is the proposed overall density).

In order to proceed with the project as proposed, a collection of amendments to the General Plan, South Fair Oaks Specific Plan, Zoning Code, and Zoning Map are required as outlined in the table below.

	Amendment	Documents/Maps to be Amended
1	Include PD-5 portion of site in South Fair Oaks Specific Plan and IG-SP-2	General Plan Text (South Fair Oaks Specific Plan) General Plan Map (Land Use Diagram) Zoning Code Text Zoning Map
2	Include RM-32-HL-1 portion of site in South Fair Oaks Specific Plan and IG-SP-2	General Plan Text (South Fair Oaks Specific Plan) General Plan Map (Land Use Diagram) Zoning Code Text Zoning Map
3	Amend South Fair Oaks Specific Plan and IG-SP-2 to permit or conditionally permit multi-family residential projects	General Plan Text (South Fair Oaks Specific Plan) Zoning Code Text
4	Increase allowable height in South Fair Oaks Specific Plan and IG-SP-2 from 45 feet to 56 feet.	General Plan Text (South Fair Oaks Specific Plan) Zoning Code Text

Section 17.74.030 of the Zoning Code designates who may initiate amendments of the documents listed above, as shown in the table below.

	Amended Document	Initiated By
1	General Plan Text Amendment (South Fair Oaks Specific Plan)	a. City Council; or b. Planning Commission
2	General Plan (Land Use Diagram)	a. City Council; b. Planning Commission; or c. The filing of an amendment application by the owner or authorized agent of property for which the amendment is sought.
3	Zoning Code Text Amendment	a. City Council; b. Planning Commission; or c. City Manager.
4	Zoning Map Amendment	a. City Council; b. Planning Commission; or c. The filing of an amendment application by the owner or authorized agent of property for which the amendment is sought.

If the City Council or Planning Commission were to initiate an amendment to the text of the General Plan, specifically the South Fair Oaks Specific Plan; as well as the text of the Zoning Code, and if the City Council, Planning Commission, or the property owner filed an amendment application, the amendment process would involve the steps shown in the table below. The City could process the entitlements for the proposed project concurrently with the amendments.

	Required Steps	Project Timeline (months)
1	Prepare draft Initial Environmental Study (and related technical studies, Traffic, Air, etc.) and draft addendum to General Plan Environmental Impact Report.	0-6
2	Hold Community Meeting in vicinity of project.	6-7
3	Prepare final Initial Environmental Study and Negative/Mitigated Negative Declaration (or Environmental Impact Report if it is determined that potentially significant impacts would result) and final addendum to General Plan Environmental Impact Report.	7-14
4	Planning Commission Public Hearing	14-15
5	City Council Public Hearing	15-16
6	City Council reading of Resolution to amend General Plan text and map. City Council reading of Ordinance to amend Zoning Code text and map.	16-18

At the PPR meeting the applicant inquired if the project would be processed differently if the kitchens were removed, thereby changing the use from 'Multi-family Residential' to 'Residential Care, General' (similar to what currently exists south of Hurlbut Street). Staff informed the applicant that 'Residential Care, General', just as with to 'Multi-Family Residential', is only permitted west of South Fair Oaks Avenue (which this site is) and south of Hurlbut Street (which this site is not). To allow that use would require the same amendment process as detailed above.

Other Comments:

In addition to the Land Use comments, the following main issues were identified.

Environmental Review: An initial environmental study would be prepared for this project to determine the level of environmental review (Negative Declaration or Environmental Impact Report).

Trees: There are 30 existing trees on the property, of which 24 are proposed to be removed. The application did not provide enough detail for staff to determine which of the trees on the site are protected by the City's Tree Protection Ordinance. The proposal indicates that three existing street trees would remain.

Building Code: Because the project involves construction of a new multi-family residential building that is at least four stories tall, the project will be subject to the City's Green Building Ordinance.

Design Review: Design review will be required for this project, with the Design Commission as the review authority.

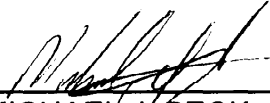
Housing: The project is subject to the Inclusionary Housing Requirements of the Zoning Code.

Public Works: Right-of-way dedications for and construction of ADA-compliant curb ramps will be required at the southwest corner of South Fair Oaks Avenue and Allesandro Place and the northwest corner of South Fair Oaks Avenue and Hurlbut Street. The applicant will be required to install street lights on South Fair Oaks Avenue and be required to plant new street trees on South Fair Oaks Avenue, Allesandro Place, and Hurlbut Street.

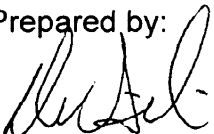
FISCAL IMPACT

The applicant will be required to pay fees for processing all applications. The project will also generate plan check and permit fees in an amount that cannot be determined at this time.


Respectfully submitted



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City Manager

Prepared by:


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Planner

Approved by:


Richard J. Bruckner
Director of Planning and Development

Attachment A: Zoning Map
Attachment B: Proposed Site Plan, Floor Plans, and Elevations