



# Agenda Report

September 24, 2018

**TO:** Honorable Mayor and City Council  
**FROM:** Planning & Community Development Department  
**SUBJECT: PREDEVELOPMENT PLAN REVIEW OF A MIXED-USE DEVELOPMENT PROPOSED AT 83 N. LAKE AVENUE**

**RECOMMENDATION:**

This report is intended to provide information to the City Council, no action is required.

**BACKGROUND:**

The applicant, Singpoli BD Development, LLC, has submitted a Predevelopment Plan Review (PPR) application proposing a 203,703 square-foot development consisting of a six-story, 54-unit multi-family residential building and a six-story commercial office building on property located at 83 North Lake Avenue. The 70,093 square-foot project site (approximately 1.6 acres) is located at the southwest corner of Lake Avenue and Union Street with a portion of the site extending through, and fronting Hudson Avenue on the west. The property is located in the CD-5 (Central District Specific Plan, Lake Avenue subdistrict) zoning district. The site is currently improved with three separate single-story commercial buildings and a surface parking lot that will be demolished and replaced by the proposed project.

On July 10, 2017, the City Council was presented with a PPR proposal for this site that consisted of a 216,100 square-foot mixed-use project with 97 dwelling units, a 139-room hotel, 7,055 square feet of commercial retail, and 10,300 square feet of commercial restaurant. Several councilmembers expressed concerns with the architectural design, style, lack of consistency with the Central District Specific Plan, compatibility with the area, and emphasized the continuing need for affordable housing units. These comments prompted the applicant to submit a new PPR for a revised project.

Pursuant to Zoning Code Section 17.60.040.C.2.a.(2) (Application Preparation and Filing – Predevelopment Plan Review – Applicability – Mandatory review) a PPR is required for projects consisting of ten or more dwelling units. The purpose of the PPR is to achieve better projects through early consultation between City staff and applicants. The intent is to coordinate the review of projects among City staff and City departments, familiarize applicants with the regulations and procedures that apply to the projects, and avoid significant investment in the design of a project without preliminary input from City

staff. In addition, the purpose is to identify issues that may arise during review of the project, provide opportunities for discussion about the project and an exchange of information on potential issues between the City staff and the applicants, and inform the City Council and the public of proposed development projects defined in the administrative guidelines to be of communitywide significance.

A project is categorized as a project of communitywide significance if it consists of: 1) more than 50,000 square feet of gross floor area with one discretionary action; or 2) 50 or more housing units; or 3) any project determined by the Planning Director to be of major importance to the City. Projects of communitywide significance are presented to the City Council for informational purposes. The proposed project consists of more than 50 housing units and qualifies as a project of communitywide significance.

This report provides a project description, identifies the anticipated entitlement and environmental review processes, and summarizes key areas of concern regarding Zoning Code and General Plan compliance.

### **PROJECT SUMMARY:**

The applicant proposes the demolition of three, single-story commercial buildings and construction of the following:

- 54 dwelling units for sale (0 inclusionary units; in-lieu fee)
- 2 towers linked by courtyard podium
  - 6-story residential (65 feet tall)
  - 6-story commercial (75 feet tall)
- 203,703 gross square feet
  - 75,882 gross residential square feet
  - 127,821 gross commercial square feet (office)
- 492 parking spaces (podium parking and three subterranean levels)

**Figure 1: Aerial View**



**Figure 2: Proposed Site Plan**



**Figure 3: Aerial Perspective**



**Table 1: Project Characteristics**

<b>Zoning Designation</b>	
CD-5 (Central District Specific Plan, Lake Avenue subdistrict)	
<b>General Plan Land Use Designation</b>	
High Commercial (0.0-3.0 FAR)	
<b>Lot Size</b>	
70,093 sf (per site plan)	
<b>Density</b>	
<i>Maximum Permitted</i>	<i>Proposed</i>
Area 1 (west; 27,486 sf) – 87 units per acre or 54 units	54 units
Area 5 (east; 42,607 sf) – none allowed	None
<b>Floor Area Ratio (FAR)</b>	
<i>Maximum Permitted</i>	<i>Proposed</i>
3.0	2.9
<b>Building Size (Gross Square Feet)</b>	
<i>Maximum Permitted</i>	<i>Proposed</i>
210,279 sf	203,703 sf
<b>Parking Requirements</b>	
<i>Required</i>	<i>Proposed</i>
Residential: 1.5-1.75 spaces per unit > 650 sf 54 units: 81-95 spaces (min-max)	492 spaces
Residential Guest: 1 space per 10 units 54 units: 5 spaces	Not enough information to determine actual requirement and/or compliance
Office: 1.95-2.25 spaces per 1,000 sf Other: varies by use Mix of uses and size not provided	
<b>Building Height</b>	
<i>Maximum Permitted</i>	<i>Proposed</i>
75' (90' with height averaging)	75'
<b>Setback Requirements</b>	
<i>Required</i>	<i>Proposed</i>
Lake Avenue: Build to property line	Not enough information
Union Street: Residential: 0-5' Nonresidential: 5-10'	Not enough information Not enough information
Hudson Avenue: 0-5'	Not enough information
Interior/Rear: Residential: 10' Nonresidential: None required	Not enough information Not enough information
<b>Open Space Requirement</b>	
<i>Required</i>	<i>Proposed</i>
Urban Housing: 30% of net floor area	Not enough information

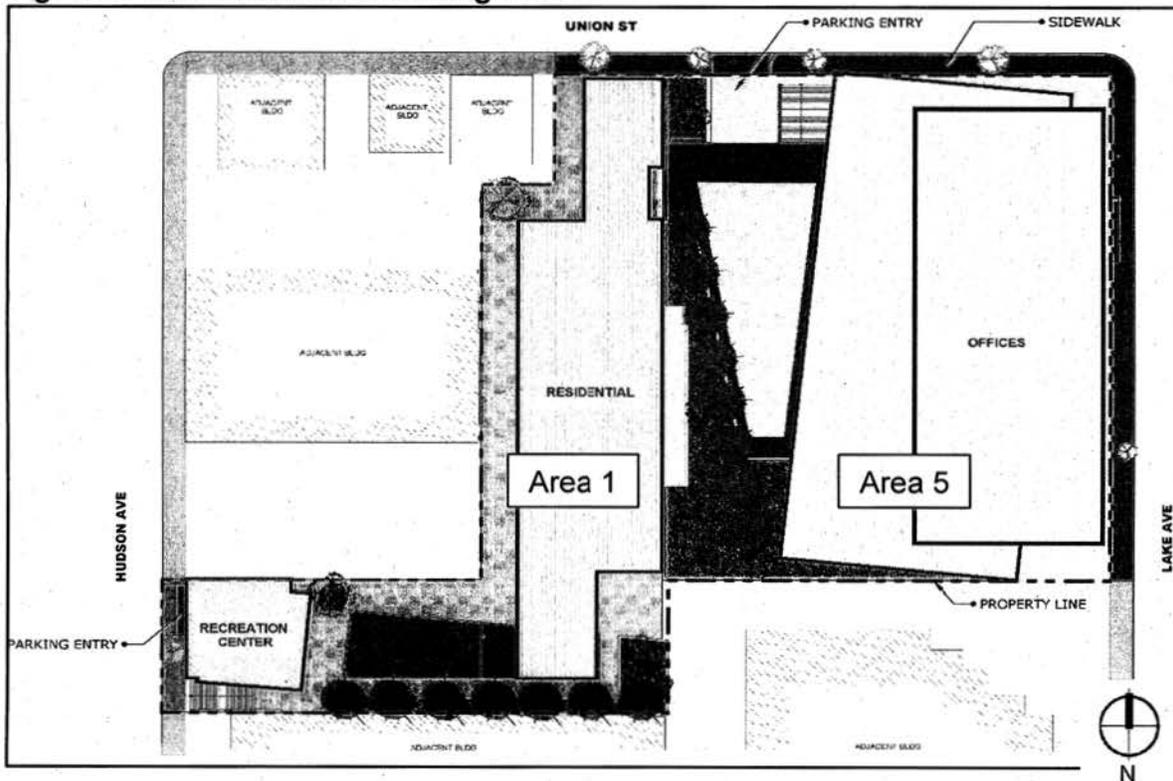
### PREDEVELOPMENT PLAN REVIEW ANALYSIS:

All applicable City departments reviewed the project as part of the PPR and provided comments that are included in Attachment A. The City's Design Commission also conducted a preliminary review and provided comments. Notable Planning related standards/comments are discussed below.

#### Context and Compatibility

The project site is divided into two separate Central District Housing areas (Area 1 and 5) that establish different limitations for residential units. Area 1 (western half), with frontage along Hudson Avenue and portions of Union Street, allows housing without limitation. Area 5 (eastern half), with frontage along Lake Avenue and portions of Union Street, is restricted to nonresidential uses. Specifically, a minimum of 50 percent of the ground floor street frontage along Lake Avenue is required to consist of pedestrian-oriented uses. The remaining 50 percent may contain uses otherwise permitted and/or accommodate pedestrian and vehicular access. Retail and restaurants are examples of pedestrian-oriented uses. Office does not qualify as a pedestrian-oriented use. The applicant has proposed a six-story office tower along Lake Avenue. Pedestrian-oriented uses are not included at the ground floor street frontage along Lake Avenue. This is incompatible with the requirements of the Central District Specific Plan. However, all housing proposed is within a six-story residential tower located in Area 1. No housing is proposed within Area 5, which complies

**Figure 4: Central District Housing Areas**



In addition, buildings along Lake Avenue are required to be brought forward and built to the property line. The purpose is to create a place of intense interaction and to support Lake Avenue as a pedestrian-oriented high-end commercial street. Plans do not provide enough information to determine compliance with the setback along Lake Avenue. The two towers would include subterranean and podium level parking that would be structurally connected, but separated by use, and would have separate access.

Community Planning staff cited relevant policies in the Land Use Element of the General Plan and encouraged the applicant to improve pedestrian connections:

*Policy 4.11 – Development that is Compatible. Require that development demonstrates a contextual relationship with neighboring structures and sites addressing such elements as building scale, massing, orientation, setbacks, buffering, the arrangement of shared and private open spaces, visibility, privacy, automobile and truck access, impacts of noise and lighting, landscape quality, infrastructure, and aesthetics.*

*Policy 5.2 – Pedestrian-Oriented Development. Require buildings in the Central District, Transit Villages, Neighborhood Villages, and along corridors specified by the adopted specific plans to be located along the street/sidewalk and designed to promote pedestrian activity. This can be accomplished by incorporating transparent facades, small plazas, and dining areas; while locating parking to the rear or underground and placing primary entries on the street.*

*Policy 31.10 – Building Orientation. Require businesses to be oriented primarily to pedestrian streets and urban spaces and secondarily to parking lots and to provide visibility and accessibility to customer arriving on foot, by bicycle, and by automobile.*

Although the proposed project provides a large plaza/courtyard to separate the commercial and residential portions of the project, the elevation difference and proximity to a major driveway (accessed from Union Street) detract from the pedestrian experience and do not provide clear pedestrian connections. Additional consideration should be given to locating all parking in subterranean levels and reducing the impacts of driveways on pedestrian activity.

### Density

The westerly portion of the site allows a residential density of 87 dwelling units per acre. The easterly portion does not allow residential uses. According to the plans, the western portion of the site, where residential uses are permitted, is 27,486 square feet in size, allowing a maximum density of 54 units. The applicant proposes 54 units. No density bonus is proposed.

### Massing and Scale

The maximum building height is 75 feet but may be increased up to 90 feet using height averaging. Height averaging requires Design Commission approval and findings to be

made. The proposal does not include height averaging. The six-story office tower reaches a height of 75 feet. The proposed office tower is comparable in scale with several multi-story office buildings in the vicinity that front Lake Avenue including the building at the abutting southerly property. The six-story residential tower reaches a height of 65 feet. The proposed residential tower is comparable in scale, with several multi-story residential buildings in the vicinity that front Union Street.

The floor area spread across the multi-story development results in a proposed floor area ratio (FAR) of 2.9. The maximum allowed FAR is 3.0.

#### Development Capacities

The 2015 General Plan established caps for residential and nonresidential development in each of the specific plan areas. The original allocated development capacities for the Central District Specific Plan included 4,272 residential units and 2,112,000 square feet of nonresidential development. As of August 7, 2018, the balance in allocated development capacities are 3,927 residential units and 1,887,977 square feet of nonresidential development. The project proposes 54 residential units and 127,821 square feet of nonresidential floor area, which is within the remaining development intensities.

#### Discretionary Entitlements

Projects consisting of residential and nonresidential uses (office) are permitted by right at the subject site. However, the proposal is subject to a discretionary review.

#### *Conditional Use Permit*

Projects where the nonresidential portion exceeds 25,000 gross square feet (> 25,000), qualify as "Major Construction" pursuant to Municipal Code Section 17.61.050.J.2 (Conditional Use Permits and Master Plans – Specialized Conditional Use Permits and Minor Conditional Use Permits – Major Construction) and require approval of a Conditional Use Permit (CUP). The proposal includes 127,821 square feet of nonresidential floor area. In addition to findings required to approve a CUP, three additional findings would be required to be made because the project site is located in the Central District transit-oriented area (TOD). The additional findings require that the project: 1) encourages transit use; 2) is designed to enhance pedestrian access and non-motor vehicle modes of transportation to public transit; and 3) encourages pedestrian activity and/or other non-motor vehicle modes of transportation and reduces dependency on motor vehicles. The CUP application is reviewed by the Planning Commission when the nonresidential floor area exceeds 75,000 square feet.

### *Tentative Tract Map*

The proposal specifies all dwelling units will be for sale (ownership). The creation of ownership units requires approval of a Tentative Tract Map (TTM) application. This application is reviewed by a Hearing Officer.

### *Design Review*

New construction in the Central District that exceeds 5,000 gross square feet or consists of 10 or more dwelling units requires Design Review before the Design Commission. The project is subject to Design Review and completed the Preliminary Consultation process on January 23, 2018. The applicant received preliminary advisory comments on the design. The project will be reviewed by the Design Commission through the Concept and Final Design Review process at dates to be determined.

### Environmental Review

This project will be subject to the provisions of the California Environmental Quality Act (CEQA). A traffic study will be required by the Department of Transportation, as well as additional environmental studies to determine what type of CEQA analysis is required for the project.

### **PRELIMINARY CONSULTATION:**

Through the Preliminary Consultation process the Design Commission provided the comments below on the preliminary design:

1. Study ways to ensure that the circulation pattern from the parking structure to the buildings incorporates passage through common open space areas of the project. Consider incorporating a mid-block pedestrian passage or paseo through the project site for use by the public.
2. Ensure that stairwells are inviting for use and provide direct access to streets and communal open spaces at the ground-level. Similarly, ensure that units adjoining communal open spaces have direct access to those spaces.
3. The parking entry along Union Street should be better integrated into the design of the two buildings flanking it and should better screen views of parking from the street. Consider additional ways to integrate the upper-level open space and grand stairs at that location into the design of the vehicular access portal.
4. Explore ways to create more visual continuity with surrounding buildings, potentially by incorporating more solid walls in the building facade.
5. Study the possibility of differentiating the commercial component of the building from the office portion above.

6. The townhouse scheme, with units having direct access to the courtyard, is the preferred design for the residential building.
7. Coordinate with the Department of Transportation to determine whether the proposed Union Street cycle track will adjoin the northern edge of the project site and, if so, consider the implications of this facility in the design of the project.
8. Consider ways to address privacy concerns between the residential and office buildings' views across the central courtyard.
9. Further study the programming and architectural resolution of the Lake/Union corner. If the corner will not have an entry, the building should incorporate design features that accentuate the entry and provide clues as to how and where the base of the building interacts with the pedestrian environment.
10. Study how the west elevation of the residential building interacts with adjacent lower-scaled development, including possible additional setbacks if necessary.
11. Study the treatment of the stair leading to Hudson Avenue, particularly the location of gates if this will be a controlled access point.
12. Explore ways to lower the courtyard space to the ground level. If this is infeasible, provide a rear exit to complete the journey through the courtyard.
13. In future submittals, provide clearer demonstration of the three-dimensional characteristics proposed to be incorporated into the building façade.
14. The public art curator should be contacted as soon as possible to discuss the project's public art requirement.
15. Explore ways to break up the long façade along Lake Avenue.

As discussed above, the project would return to the Design Commission at a later date for review through the Concept and Final Design Review process.

#### **PROJECT EVOLUTION:**

On June 14, 2018, and subsequent to receiving PPR and Preliminary Consultation comments, the applicant filed a Conditional Use Permit to allow construction of the following:

- 54 dwelling units for sale (0 inclusionary units; in-lieu fee)
- 2 towers connected by courtyard podium
  - 6-story residential (74 feet tall)
  - 6-story commercial (90 feet tall)
- 187,993 gross square feet

- 69,074 gross residential square feet
- 118,919 gross commercial square feet (office, restaurant)
- 503 parking spaces (podium parking and two levels of subterranean parking)

Notable changes from the PPR included an increase in the building height and a reduction in the total gross square footage. The unit count and two-tower structure remain unchanged.

On July 23, 2018, staff met with the applicant to discuss the proposal. As the project was similar in concept to the PPR submittal, staff reemphasized the provision of pedestrian-oriented uses at the ground floor street frontage along Lake Avenue. Discussion also addressed pedestrian interaction along Lake Avenue and improved pedestrian connections through the project site. The applicant was also advised that the inclusion of height averaging required Design Commission approval.

**NEXT STEPS:**

Public hearings before the Planning Commission and Design Commission are necessary in order to carry out the proposed project. If the applicant pursues a Tentative Tract Map, a subsequent hearing before the Hearing Officer may will also be necessary. Environmental review of this project will occur consistent with the requirements of the California Environmental Quality Act (CEQA). The following identifies the steps in the review process:

- Processing of discretionary entitlement applications (CUP, TTM, etc.);
- Environmental Review;
- Public hearing review (Planning Commission) of any requested zoning entitlements, and to consider adoption of the environmental review; and
- Design Commission review (Concept and Final).

**FISCAL IMPACT:**

This report is for information only and will not result in any fiscal impact.

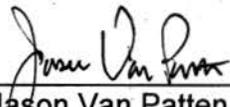
Respectfully submitted,



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DAVID M. REYES  
Director of Planning & Community  
Development

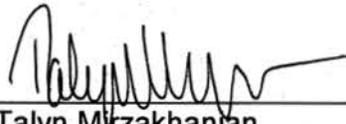
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Associate Planner

Concurred by:



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Talyn Mirzakhani  
Principal Planner/Zoning Administrator

Approved by:



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STEVE MERMELL  
City Manager

Attachments: (2)

Attachment A – Predevelopment Plan Review Comments to Applicant  
Attachment B – Predevelopment Plan Review Plans