



# STAFF REPORT

## PLANNING COMMISSION MEETING

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July 25, 2023

**TO:** Honorable Chair and Commissioners

**FROM:** David Loya, Director of Community Development

**PREPARER:** Delores Freitas, Senior Planner

**DATE:** July 19, 2023

**TITLE:** **Boughton Mixed Use Development Design Review**

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### **RECOMMENDATION:**

Staff recommends the Planning Commission adopt a Class 32 Infill Exemption per California Environmental Quality Act Statutes, Section 15332, and secondly approve the Boughton Design Review permit with the attached Findings and Conditions of Approval, and Site Plan.

### **INTRODUCTION:**

The project proposes development of a 22-unit mixed use commercial/residential complex two bedroom/one bath units, with a total building size of 19,292 sq feet, including 23 vehicular parking spaces, and 18 bike parking spaces as well as two ground-floor commercial spaces located along 11th Street, totaling 1,889 square feet. Planning Commission design review is required for new multifamily projects of eight units or greater, including mixed use projects. The Planning Commission's action would approve the design of the project as submitted with conditions as well as an environmental finding for the project.

### **DISCUSSION:**

#### *Site History*

The United Creamery developed the site before 1941. The undeveloped land uses prior to the creamery is not available. Waste oils from the creamery's on-site equipment maintenance shop were reportedly disposed of on site until collection systems were put into place. In 1954 the creamery reportedly began dismantling and by 1972 the site was sold to private owners S. R. and Shirley A. Chisum.

A multifamily residential proposal was submitted for the site in the early 1990s, proposing 55 one-bedroom residential units, which over the course of project review was reduced to 44 one-bedroom units. The proposal was ultimately denied by the Planning Commission in January 1992 on the grounds that the Commission could not make findings regarding: neighborhood compatibility; health and safety due to proposed access, parking, and noise; potential untreated onsite contamination from the historic creamery plant; and lack of off-street parking (Attachment B). The applicant resubmitted

a modified design with 24 one-bedroom units and 44 parking spaces in April of that year, but ultimately did not move forward with the project at the site.

In 1992 the site was split into Parcel A and Parcel B, where Parcel A contains Greenview Market. Parcel B housed the former creamery equipment maintenance shop and is the subject site of this development proposal. Winzler & Kelly performed the initial site investigation in June of 1992, which showed residual contamination of petroleum hydrocarbons, and oil and grease. SHN conducted a Phase 1 Environmental Site Assessment in September of 1993 and a Phase 2 ESA on June 9, 1994. By means of soil excavation, the extent of contamination was reduced and in 2021 a recorded covenant was adopted to create a “restricted area” of the parcel, limiting uses and depths of excavation within the identified area (Attachment C). The area in question is proposed to be used as part of the site’s parking area.

### *Architectural design/compatibility*

Staff has received communications from multiple neighbors prior to release of the project staff report with questions regarding the proposed plan for the site and the proposed design. Comments on the project provided to staff have been included as Attachment D. Neighborhood concern from comments received to date has been largely focused on compatibility and neighborhood character. As the lot has been vacant for decades the proposed project constitutes a significant change over current condition.

The proposed development is larger in scale than the majority of the surrounding properties, which are predominantly detached single family residences, and will represent a significant change to the currently nonexistent use and operations of the site. However, staff believes that the findings regarding compatibility and appropriateness of the proposed uses can be made given that the site is zoned for the type of development authorized under this permit, specifically mid-sized multifamily and mixed-use projects under the commercial-mixed zone designation. The development as proposed does not maximize the overall allowed height or massing on site, and meets required standards for landscaped open space.

The proposed mixed-use project is consistent with applicable design policies for commercial and multifamily residential projects and Land Use Code standards for “Mixed Use” Developments per Code §9.42.110. Mixed Use standards have been applied based on the full scope of the project and mix of uses onsite, as opposed to the “Multifamily” development standards. The structures generally maintain a moderate-density neighborhood character and abrupt changes in height and bulk of structures has been avoided by breaking the building into three smaller structures with commercial facing 11<sup>th</sup> Street, as opposed to one large monolithic structure. Buildings have been grouped compactly to provide more usable open space. Building elevations have been articulated to avoid long, continuous wall and roof planes.

The choice of materials also ensures variability in design by breaking up large unbroken walls and incorporating more modern and industrial style elements, in keeping with the historic industrial use of the site as a creamery and the midcentury development pattern of the Greenview neighborhood. Appropriate lighting, benches, and landscaping along 11<sup>th</sup> Street will also help to soften the overall appearance of the structure and will complement the aesthetic character of the intersection, helping to encourage a walkable neighborhood commercial character consistent with the intent of the commercial mixed zone type. This is particularly important given the limited number of commercial-mixed parcels in the Greenview area and the existing character of the Greenview Market site, which is set back from both 11th and Janes Street, currently leading to a less pedestrian-friendly character.

### *Calculated residential density and use of Accessory Dwelling unit (ADU) state law provisions*

The site is zoned Commercial-Mixed Use which under current zoning allows up to 15 dwelling units per acre; as the site is 1.03 acres the base density calculation is 16 dwelling units allowed by right. The applicant has brought forward a proposal with six additional units by utilizing state Accessory Dwelling Unit (ADU) law provisions which allow for additional development potential through two separate sections of ADU law. In the absence of a local ADU ordinance approved by the State Housing and Community Development Department, the City is required to defer to ADU provisions housing in Government Code §65852.2 *et seq.*

This calculation was based on both base zoning allowed density and state law subdivisions 65852.2.e.(1)(C) and (D), which create allowances for additional units in multifamily projects. These subdivisions allow for 1) two additional units detached from an existing multifamily dwelling; and 2) allowed conversions of existing non-livable space (boiler rooms, laundry rooms) to a maximum of 25% of base density unit count. These allowances could create a situation where the applicant could come in with a proposal of 16 units with large amounts of unlivable space (attic, laundry, boiler rooms, etc.) and then after building permit final, return with a proposal to convert those non-livable space to four units (25% conversion) and two additional units detached from the existing multifamily structure or structures, without discretionary review.

Staff has brought forward the proposal with the addition of accessory dwelling units within a new-build multifamily project based on previous conversations with the Planning Commission regarding preliminary review of the 6<sup>th</sup> Street project proposal in July 2021 (201-018-DR), which proposed similar allowances for increased density using State ADU law, with the rationale being that this approach allows for a more comprehensive and thoughtful project that the Planning Commission can review in total as opposed to a more hodgepodge design only partially reviewed by the Commission. At that time, the Commission was receptive to this argument and supported the preliminary design direction of the 6<sup>th</sup> Street project.

The proposed project speaks to many of the goals and policies of the housing element intended to encourage additional housing units, mostly notably policies such as HE-6 which are intended to “provide opportunities for infill development of vacant and redevelopable properties in a way that allows for gradual, rather than drastic, changes from surrounding development density of type”, including “gradual increases in building height, functional open space, well-designed landscaping and natural vegetation, breaks in wall and roof lines, and building separations”; and implementation measure IMP-12 (Mixed Use), which tasks the City with continuing to encourage mixed use development by reducing or waiving development standards such as parking standards and density requirements, and sets a target of one mixed use project every two years of the planning cycle (2019-2027).

### *Circulation and parking*

The density calculation for the project affects required parking as well, as parking is calculated using base residential density with exemptions for ADUs constructed within a quarter mile of a transit stop. As a result, the project is required to provide 16 parking spaces for the proposed apartments and an additional four units for the proposed commercial tenant spaces. The applicant proposes to provide 23 spaces as well as 18 bicycle parking spaces and three motorcycle parking spaces, to ensure residential and commercial tenants and visitors are provided a diverse array of transportation options in addition to the readily available public transit, accessed from the Greenview Market stop roughly 150 feet from the project site.

Site planning and building design provides for convenient pedestrian access from the public street into the project through walkways. Vehicular access is limited to one access point. The access drive meets City safety requirements including access length and vision clearance provisions. Site design generally maintains visibility for cars and pedestrians entering and exiting the lot and conditions of approval have been added by the engineering department to ensure site access for vehicles and pedestrian meets city standards and ADA requirements.

### *Soils and geotechnical*

The United Creamery developed the site prior to 1941, and waste oils from the creamery's onsite equipment maintenance shop was reportedly disposed of onsite until collections systems were put into place. Site investigations have been undertaken of soils and groundwater at and around the site and no water supply wells were impacted by contamination. In 2019 the State Water Board recommended to close the contamination case with a land use restriction, requiring a land use covenant prohibiting digging below four feet below ground surface within a "restricted area" of the subject parcel (Attachment C). The restricted area is currently proposed to house the parking lot, with no commercial or residential use within its boundary. Any required excavation for the parking lot has been conditioned to adhere to the Soil Management Plan prepared for the site by Pacific Affiliates in 2021. Per the State Water Resources Control Board's "Geotracker" site, the contamination case was closed as of August 2, 2021.

The site is located in a mapped area of "Moderate Liquefaction" and preliminary exploration of site soils was undertaken both for the previous multifamily development proposal as well as part of the Phase I and II site testing which included test pits. Situated on the alluvial plain of the Mad River, soils within 40 feet of the surface on the site are generally considered "clayey silts" consisting of alternating layers of silts and sands with some fill materials also noted including old paving and gravel fill. According to reports prepared for the previous proposed residential development, liquefaction-prone materials (water saturated cohesionless sands) were found at depths of 6-10 feet, and supplementary field investigations and recommendations were made at that time that were found to acceptably mitigate the risk of strong seismic shaking.

To ensure site conditions are considered in final design, a supplementary geologic report shall be prepared for the site analyzing the current proposed design, which will be required to be found acceptable to the City Building official prior to issuance of a building permit. This supplementary report will ensure liquefaction risk is addressed and recommendations for foundation design to reduce potential hazard to acceptable levels are presented. A condition of approval has been added to ensure the project shall adhere to the site-specific recommendations of the report.

### **ENVIRONMENTAL REVIEW (CEQA):**

The project qualifies for a California Environmental Quality Act (CEQA) §15332, Class 32 - In-Fill Development Projects Exemption as further described in the environmental review findings (Attachment A, Exhibit 1). This CEQA recommendation is based on the proposed application materials and draft findings and conditions of approval submitted to the Planning Commission for the proposed commercial-mixed use infill development project.

### **ATTACHMENTS:**

Attachment A\_Draft Action (PDF)

Attachment B\_Historic PC Action (PDF)

Attachment C\_Restriction Area (PDF)

Attachment D\_Public Comment (PDF)