



**STAFF REPORT  
PLANNING COMMISSION**

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**DATE:** March 22, 2016

**TO:** Planning Commission

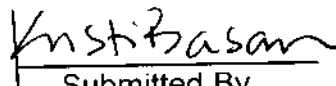
**SUBJECT:** **PUBLIC HEARING - PLPA-2015-00058 Avesta Senior Care Facility Project - Site Development Review and Conditional Use Permits for a new assisted living/senior residential care facility in Downtown Dublin**  
*Report prepared by Kristi Bascom, Principal Planner*

**EXECUTIVE SUMMARY:**

The Applicant, Avesta Development Group LLC, is requesting approval of an application to construct a 66,787 square foot, four story building that contains 35 senior apartments, 13 high-acuity assisted living units, and 32 memory care units on a one acre site in Downtown Dublin. The project will include the construction of the building, site circulation and landscape improvements, and frontage improvements along Amador Valley Boulevard, Starward Drive, and Donohue Drive. The Applicant is seeking site and architectural (SDR) approval for the site and building, a Conditional Use Permit to allow a Community Care (Residential Care Facility for the Elderly), and a Conditional Use Permit to authorize a reduced parking requirement of 40 spaces instead of parking as required by the Zoning Ordinance.

**RECOMMENDATION:**

Staff recommends that the Planning Commission: 1) Receive Staff presentation; 2) Open the Public Hearing; 3) Take testimony from the Applicant and the public; 4) Close the public hearing and deliberate; and 5) Adopt the following Resolutions: a) Approving a Conditional Use Permit for a Parking Reduction for an Individual Use for the Avesta Senior Care Facility Project; b) Approving a Conditional Use Permit for a Community Care/Facility Residential Care Facility for the Elderly as part of the Avesta Senior Care Facility Project; and c) Approving Site Development Review for the Avesta Senior Care Facility Project.

  
Submitted By  
Principal Planner

  
Reviewed By  
Assistant Community Development Director

**COPIES TO:** Applicant  
File

**ITEM NO.: 8.1**

## PROJECT DESCRIPTION:

Avesta Development Group LLC is seeking to develop a Senior Care Facility project at 7601 Amador Valley Boulevard, a nearly one acre site that is currently home to a vacant commercial building (formerly home to Erik's Deli, a nail salon, and a legal office).

This site is located in the Retail District within the Downtown Dublin Specific Plan (DDSP) as shown the figure below. The DDSP allows for a wide range of commercial, residential, and mixed use development in this district and has a provision for reserving residential units from the Development Pool. This process is described later in the staff report.

**Figure 1: Vicinity Map**



The developer, Avesta Development Group, has prepared a concept site plan and conceptual elevations for the development of a Senior Care Facility on the project site. The project includes 35 Senior Apartments, 13 High-Acuity Senior Assisted Living suites, and 32 Memory Care suites. The 35 Senior Apartments will be independent living units that are age-restricted. Residents of these apartments have the opportunity to live fully independently or will also be able to utilize any of the assisted living services they'd like in an "a la carte" fashion.

The 13 High-Acuity Senior Assisted Living suites will be designed for seniors who need regular assistance with daily living, but the residences will have full kitchen and bathroom facilities for independent living as well. These suites will be located on the third floor of the building in close proximity to the common areas and services of the facility.

The Memory Care suites will be designed for seniors who have been diagnosed with some form of memory impairment which makes living independently impractical. The Memory Care suites offer privacy, but all meals, housekeeping, activities, etc. are provided for the resident.

### ***Proposed Project***

The proposed building is four stories with eight senior apartments on the first floor and with the common spaces to the building such as the kitchen, dining spaces, bistro, activity room, den, theater, salon, and other gathering spots. The Memory Care suites are on the second floor along with another dining area, common living space, and exterior balcony. The High Acuity Assisted Living Suites and remainder of the senior apartments are on the third and fourth floors with exterior patios, balconies, and interior common gathering spaces for these units.

Avesta Development Group, LLC has submitted three applications related to the project: a Site Development Review application to construct the four-story senior facility on the one acre site, a Conditional Use Permit to allow a Community Care Facility (required for the high-acuity assisted living and memory care portion of the project), and a Conditional Use Permit to authorize a reduced parking requirement of 40 spaces instead of parking as required by the Zoning Ordinance.

Each of these applications are described in more detail in the sections below.

## **ANALYSIS:**

### **Site Development Review**

The Avesta Senior Care Facility has been designed to incorporate a contemporary approach to the architecture that is intended to complement the look and feel of other newer buildings in Downtown Dublin while also complementing the existing buildings in the surrounding area. The building is located directly across the street from the Dublin Senior Center and the Wicklow Square senior apartments owned and operated by Eden Housing. The project site is also close to stores, restaurants, and services in the area.

The Project Plans in their entirety are included as Exhibit A to Attachment 1. The various sheets within the plan set will be referenced in the sections below.

***Access and Circulation*** – Resident, guest, and emergency access to the project site is from a driveway off Starward Drive in the same location as exists today for the former commercial building. The exit from the site is onto Donohue Drive. Pedestrians can access the building from both the parking lot side (north elevation) as well as from the street side through a plaza at the corner of Amador Valley Boulevard and Donohue Drive, which is illustrated on the Conceptual Landscape Plan.

***Building Architecture, Colors, and Materials*** – The proposed building is four stories and 56 feet at its tallest roof element. The building has an urban character that is emphasized by sleek and stylish contemporary lines, shapes, colors, windows, and massing. Some of the unique architectural features include roof decks/courtyards, wrap-around balconies for common spaces, and individual balconies for many of the apartment units. The building design makes effective use of stucco in a variety of colors, horizontal fiber-cement siding, and composite wood panels to create an interesting streetscape elevation along all frontages. Balconies incorporate both metal and glass railings. Additionally, the building includes a substantial amount of glazing and

storefront window systems to create a nice public-private interface (Sheets A3.00 to A3.02 and the Conceptual Renderings of the Project Plans).

A color and material palette has been provided that illustrates the proposed colors for the stucco and fiber cement siding. The proposed palette works well with the contemporary design theme by choosing earth-toned colors for the building base and strong, bold colors for the cementitious panels and lap siding (which are used more sparingly). A color and material board demonstrating the palette and material samples will be provided at the Planning Commission meeting.

**Landscaping/Streetscape Plan** – The site is densely developed with the building and infrastructure, and therefore the landscape palette and layout have been designed to take advantage of the planting areas that remain. In addition to the nearly 4,500 square feet of planting areas along the street frontages, in the parking lot, and along the building base, the project also has over 7,200 square feet of open spaces in the form of a ground floor plaza, second floor rooftop courtyard, and third floor rooftop patio. The overall landscape concept is shown on the Conceptual Landscape Plan Sheet of the Project Plans.

A preliminary tree survey was conducted for the site which identified twelve trees currently on the site. Many of the trees are located in areas where the future building and parking lot will be. None of the trees are Heritage Trees, and the tree conditions range from good to poor. While the plans currently show the existing trees being removed to construct the building and parking area, the Applicant is studying the possibility of retaining as many trees on the site perimeter as possible.

New landscape areas are proposed with a variety of drought tolerant, flowering plant material suitable for low maintenance and water conserving efforts. Trees adjacent to parking areas provide shade and trees at building ends will provide visual relief. Storm water treatment facilities are proposed to collect and treat on-site water runoff and shall be designed using a variety of water tolerant grasses and shrubs.

The “art plaza” at the building entrance off the street is designed to allow for future public and private art installations as well as outdoor seating. There is a low (3’4” in height) horizontal slat privacy screen that provides a buffer between the residential units and the public sidewalks and a tall (6’0” in height) privacy screen that provides a buffer at the parking lot.

**Affordable Housing/Inclusionary Zoning** – Because the project has both residential and commercial components and is not solely one or the other, the details of compliance with the City’s Inclusionary Housing Ordinance is still under discussion. The means of compliance will be identified in the Community Benefit Agreement that is reviewed and considered by the City Council at a later date.

**Public Art Compliance** – The Applicant intends to satisfy the requirements of the City’s Public Art Ordinance on-site. Condition of Approval No. 14 of Attachment 1 describes the process for moving forward with the selection and installation of public art in the plaza space.

The Resolution approving Site Development Review for the Avesta Senior Care Facility Project is included as Attachment 1 to this Staff Report, and Exhibit A to Attachment 1 contains the entire Project Plan set for the proposed project, including all architectural designs, landscape plans, and civil sheets.

## Conditional Use Permit – Community Care Facility

Although a single building that operates as a single facility under one owner, the Dublin Zoning Ordinance differentiates the use types proposed to be located within the building as both residential uses (Senior Apartments) and commercial uses (Community Care Facility).

Because assisted living services would be offered and available to all residents on an as needed basis, California law requires that the entire project be licensed as assisted living residences (under the residential care facilities for the elderly statute—Health and Safety Code Section 1569 et seq.) by the California Department of Social Services (“DSS”). This requirement applies whether or not the services are actually utilized by each individual resident. Therefore, the Conditional Use Permit Resolution for the Community Care Facility will refer to the building as a residential care facility for the elderly.

The Resolution approving a Conditional Use Permit for a Community Care Facility/Residential Care Facility for the Elderly is included as Attachment 2 to this Staff Report.

## Conditional Use Permit – Parking Reduction

The Applicant has submitted a request for a Parking Reduction for an Individual Use in order to provide parking for the project at a rate that is lower than the City standard for apartments and Community Care Facilities. Section 8.76.080.B of the Zoning Ordinance (Parking Requirements by Use Type – Residential Use Types) and Section 8.76.080.D ((Parking Requirements by Use Type – Commercial Use Types) notes the requirement for parking as detailed below:

	Required Parking Ratio	Required Number of Spaces
35 Senior Apartments (with a la carte assistance as requested)	1 space per unit plus 1 guest space for every 3 units	47
Community Care Facility 13 High Acuity Assisted Living Suites 32 Memory Care Suites	1 space per 3 beds plus 1 space for each 3 employees on the largest shift (40 employees)	39
Total Required Parking per the Dublin Zoning Ordinance		86
Total Number of Proposed Parking Spaces		40
Total Proposed Parking Reduction		46 spaces (53%)

Section 8.76.050.E (Adjustment to the Number of Parking Spaces) states that when a reduction of off-street parking is proposed because an Applicant for a proposed use believes the number of parking spaces required for their use as specified by the Zoning Ordinance is not applicable because the use would function differently than the generic use type and associated parking standards established in this Chapter, the Planning Commission may grant a reduction in off-street parking requirements. This section further states that in order to consider this request, the following must be demonstrated:

1. Conditional Use Permit Findings can be made.
2. The Applicant submits a parking study prepared by a qualified consultant analyzing the parking demands of the proposed use and the parking demands of similar uses in similar situations, demonstrating that the required parking standards are excessive, and proposing alternate parking standards which are appropriate and ensure that there will not be a parking deficiency.
3. Overflow parking will not impact any adjacent use.

The Applicant's consultant (Fehr+Peers) conducted a parking analysis that the City's Transportation and Operations Manager reviewed (Attachment 3). Due to the unique combination of residential and commercial uses and the historically low rates of automobile ownership for residents in senior assisted living facilities, City Staff concurred with the results of the study. Due to the reasons outlined in the report, is able to support a reduction in the required number of guest parking spaces for this project in this location. The guest parking spaces will be provided on-site in accordance with Sheet C1.1 of the Project Plans.

The Parking Study notes that the Applicant proposes to provide shuttle services for employees to/from the West Dublin/Pleasanton BART station, transit subsidies, and staggered shift changes that will aid in reducing the peak parking demand to a level that can be accommodated by the proposed parking supply. Condition of Approval 10 of Attachment 4 requires the Applicant/Facility Operator to implement these services as described in the Parking Study and to provide a report to the City once the facility is fully operational to ensure that the parking provided is adequate to meet the demand without impacting adjacent properties.

The Resolution approving a Conditional Use Permit for a Parking Reduction for an Individual Use is included as Attachment 4 to this Staff Report.

### **Downtown Dublin Development Pool**

The Downtown Dublin Specific Plan (DDSP) identifies the number of residential units that may be constructed in the Plan area and establishes a "Development Pool" that contains these units. The DDSP also allows commercial development on each parcel at a Base level and a Maximum level. In the Retail District of the DDSP, the Base Floor-to-Area Ratio (FAR) for each parcel is .35 and the Maximum FAR is .60. The difference between the Base and Maximum FAR is also kept in the Development Pool. For instance, on a parcel that is 100,000 square feet in size, the commercial development potential is 35,000 square feet (at the Base FAR) and up to 60,000 square feet (at the Maximum FAR). The parcel could be developed with 35,000 square feet of building by right, but to go higher (up to 60,000 square feet) would require square footage to be reserved from the Development Pool.

In accordance with the Dublin Zoning Ordinance, the independent Senior Apartments are considered residential uses while the High-Acuity and Memory Care suites are considered a Community Care Facility, which is a commercial use. The proposed building size (encompassing all uses) is 69,217 square feet. Of this, 44,627 square feet is devoted to the 35 Senior Apartments (residential uses) and 24,590 square feet is devoted to the High-Acuity and Memory Care suites (commercial uses). Based on the size of the parcel, the amount of commercial development allowed by right (Base FAR) is 14,976 square feet.

The City Council has granted the developer the reservation of 35 residential units from the DDSP Development Pool as well as 9,614 commercial square feet (the difference between the allowable commercial development intensity of the Base FAR (.35) and the amount of commercial square footage proposed by the Applicant) by the City Council. The reservation of these units and this commercial square footage will be formalized in the Community Benefit Agreement. Any residential units or commercial square footage are returned to the pool at the end of the established timeframe if the project is not constructed.

The Planning Commission will review and render a decision on the Site Development Review and Conditional Use Permit applications and the associated Community Benefit Agreement will be reviewed and considered by the City Council at later date. Any Site Development Review

approval and Conditional Use Permits approved by the Planning Commission will not be effective until a Community Benefit Agreement for the project has been approved by the City Council.

## **CONSISTENCY WITH GENERAL PLAN, SPECIFIC PLAN & ZONING ORDINANCE**

The proposed project will contribute to the diverse fabric of housing opportunities and services offered in the Downtown Dublin Specific Plan area. The proposed project, with the allocation of residential units and commercial square footage from the Development Pool as described above, is consistent with the Downtown Dublin Specific Plan and the City's Zoning Ordinance. The proposed facility has been designed to be compatible with surrounding residential and commercial properties, while encouraging the appropriate integration to activate this key area of Downtown Dublin.

## **REVIEW BY APPLICABLE DEPARTMENT AND AGENCIES:**

The Building Division, Fire Prevention Bureau, Public Works Department, Dublin Police Services and Dublin San Ramon Services District reviewed the project to ensure that it is established in compliance with all local Ordinances and Regulations. Conditions of Approval from these departments and agencies are included in each Resolution, as appropriate.

## **ENVIRONMENTAL REVIEW:**

The project is located within the Downtown Dublin Specific Plan area, which was the subject of an Environmental Impact Report (EIR), State Clearinghouse number 20100022005. The Downtown Dublin Specific Plan Final EIR was certified by City Council Resolution No. 08-11 dated February 1, 2011. Pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15168, Site Development Review approval and Conditional Use Permits for this project are within the scope of the project analyzed in the Specific Plan EIR and no further CEQA review or document is required.

## **PUBLIC NOTICING:**

In accordance with State law, a public notice was mailed to all property owners and occupants within 300 feet of the proposed project to advertise the project and the upcoming public hearing. A public notice also was published in the East Valley Times and posted at several locations throughout the City. A copy of this Staff Report has been provided to the Applicant.

Although not required, the Applicant also held a public meeting to inform neighbors of the upcoming project on Tuesday, March 8<sup>th</sup>. One nearby resident attended.

- ATTACHMENTS:**
1. Resolution approving Site Development Review Avesta Senior Living Project, with the Project Plans included as Exhibit A.
  2. Resolution approving a Conditional Use Permit for a Community Care Facility/Residential Care Facility for the Elderly as part of the Avesta Senior Living Project
  3. Avesta Dublin Senior Care Facility Parking Study, prepared by Fehr+Peers and dated August 31, 2015
  4. Resolution approving a Conditional Use Permit for a Parking Reduction for an Individual Use for the Avesta Senior Care Facility Project.

**GENERAL INFORMATION:**

**APPLICANT:** Mohammad Javanbakht, Avesta Development Group LLC,  
13922 Quito Road, Saratoga, CA 95070

**PROPERTY OWNER:** Whitney Investments/7601 Amador Valley Associates, 801  
Brewster St. #205, Redwood City, CA 94063-1556

**LOCATION:** 7601 Amador Valley Blvd.

**ASSESSORS PARCEL  
NUMBERS:** 941-0173-001-09

**GENERAL PLAN  
LAND USE DESIGNATION:** Downtown Dublin – Retail District

**SPECIFIC PLAN  
LAND USE DESIGNATION:** Retail District (Downtown Dublin Specific Plan)

**SURROUNDING USES:**

<b>LOCATION</b>	<b>ZONING</b>	<b>GENERAL PLAN LAND USE</b>	<b>CURRENT USE OF PROPERTY</b>
<b>North</b>	C-1	Retail/Office	City of Dublin Fire Station 16
<b>South</b>	DDZD	Downtown Dublin – Retail District	City of Dublin Senior Center
<b>West</b>	R-M	Medium-High Density Residential	Condominiums
<b>East</b>	R-M	Medium-High Density Residential	Apartments