

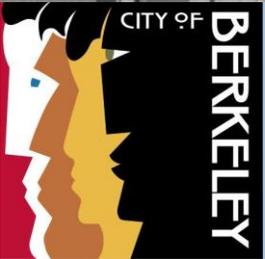
# 2425 Durant Avenue

Appeal of ZAB Approval for Use Permit

#ZP2024-0162

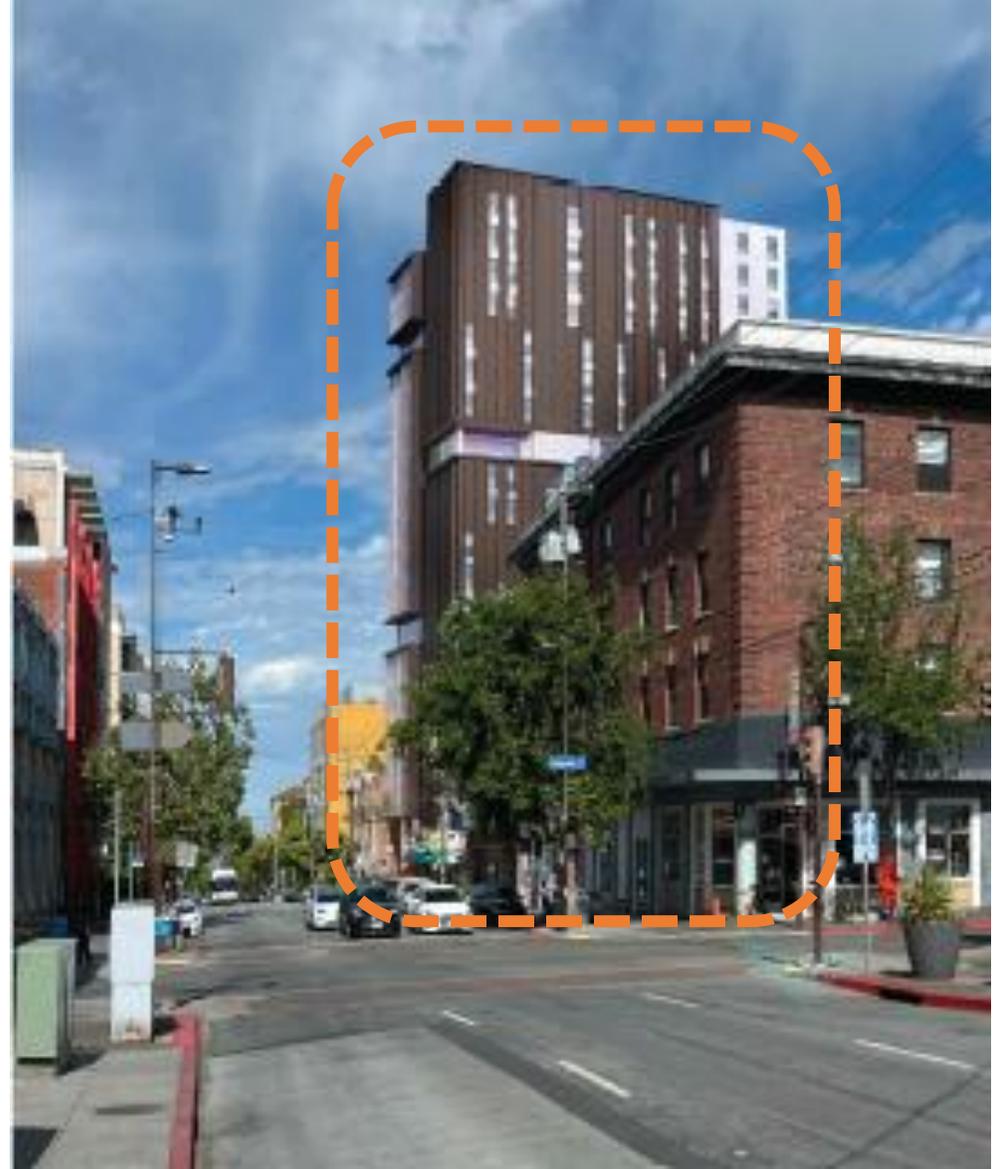


**CITY COUNCIL PUBLIC HEARING**  
**February 23, 2026**



# Overview

- **The Project**
- **Projects Timeline**
- **Density Bonus**
- **Appeal Issues**
- **Staff Recommendation**



# Project Location



R-SMU: Residential Southside Mixed Use District

# Existing Site (South Elevation facing Durant Avenue)

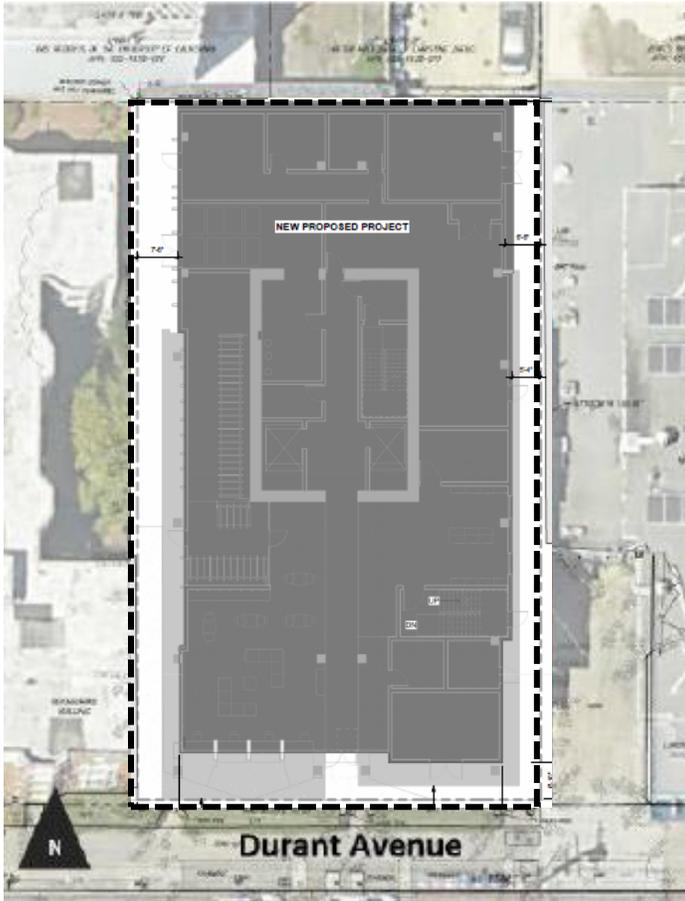


# Project Scopes (Site Plan)

Existing Site Plan

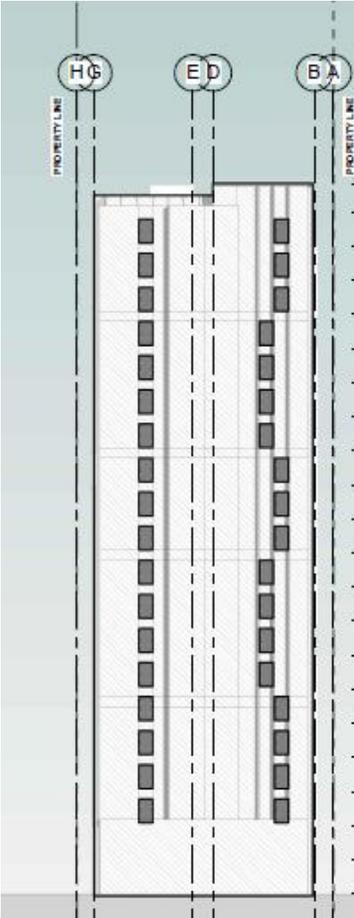


Proposed Site Plan

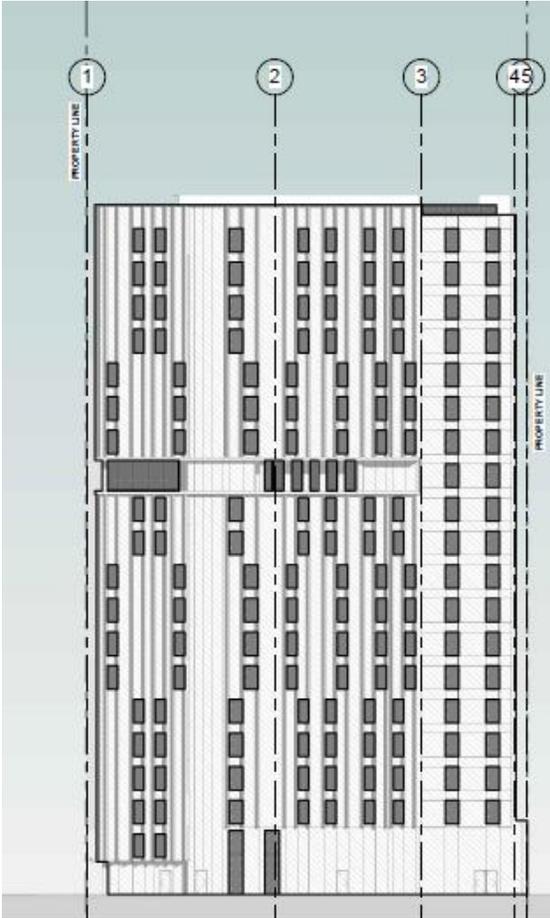


# Project Scopes (elevations)

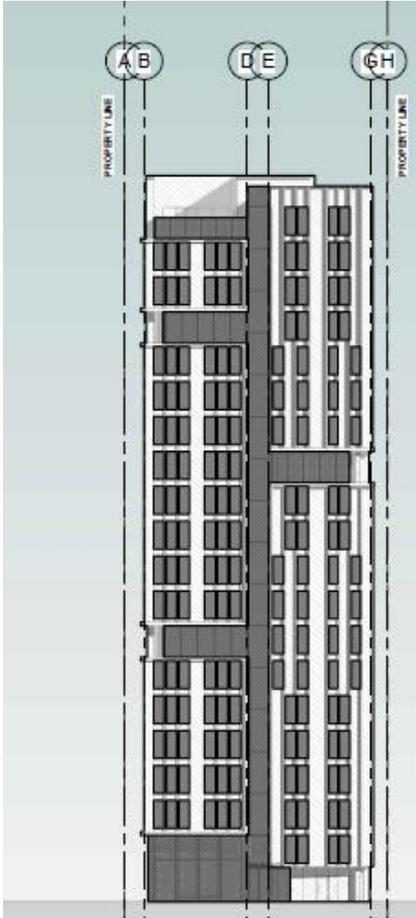
North



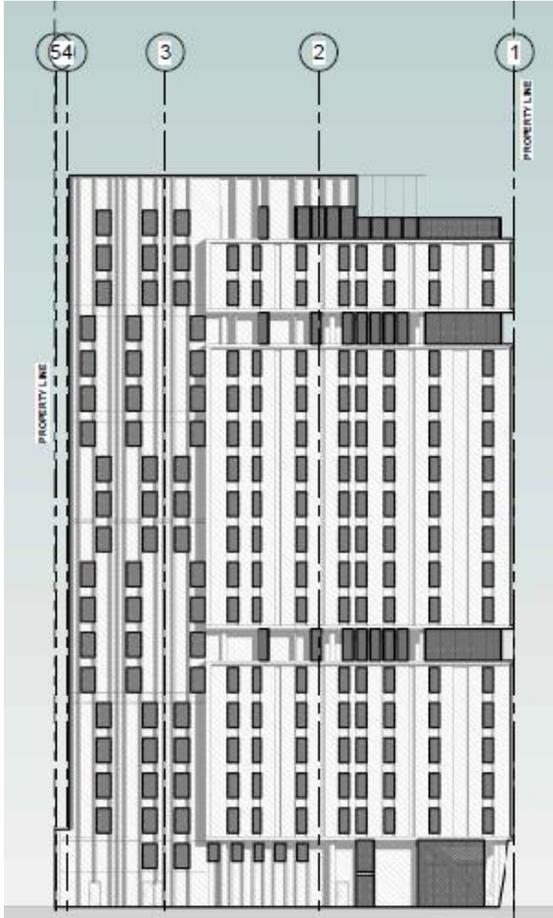
East



South



West



# Project Timeline

**November 15, 2024**

**Use Permit Application was submitted**

**November 21, 2024**

**SB330 Preliminary Use Permit Application was deemed complete and vested**

**December 13, 2024**

**Use Permit Application was deemed complete**

**February 13, 2025**

**Use Permit Application was resubmitted**

**March 6, 2025**

**Landmarks Preservation Commission (LPC) approved to designate the existing property as a City Landmark**

**March 13, 2025**

**The resubmitted Use Permit Application was deemed complete**

**April 15, 2025**

**LPC's decision to designate the property as a City Landmark was appealed by the owner**

# Project Timeline

**July 23, 2025**

**The City Council unanimously upheld the appeal and reversed the LPC designation**

**October 9, 2025**

**The ZAB held a public hearing and approved the Use Permit**

**October 28, 2025**

**The City received the appeal of the ZAB decision from the Trades Council and Carpenters**

**February 9, 2026**

**City mailed Public Hearing Notices for the City Council Public Hearing**

**February 23, 2026**

**City Council Public Hearing**

# Density Bonus per Government Code Section 65915

Base Project Units <sup>a</sup>	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units <sup>a</sup>	Proposed Project Units <sup>a</sup>
<b>85</b>	<b>26</b> [13 VLI (15% of Base) + 13 MI (15% of Base)]	<b>100</b>	<b>84</b> (86 possible)	<b>169</b> (171 possible)

**Notes:**

<sup>a</sup> Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.

Abbreviations: % = percent

# Density Bonus Waivers & Concessions

## **Concessions** (§65915(d) and (k)):

- **Apprenticeship Requirements (BMC Section 13.107.040)**
- **Health Care Expenditures (BMC Section 13.107.050)**
- **Prevailing Wages (BMC Section 13.108)**

## **Waivers** (§65915(e)) :

- **Tree Removal**
- **Usable Open Space**
- **Landscaped Usable Open Space**
- **Floor Area Ratio**
- **Height**
- **Rear Setback**
- **Bicycle parking**

# Appeal Issue 1

## Appellant:

The provisions regarding Apprenticeship Requirements (BMC Section 13.107.040) and Health Care Expenditures (BMC Section 13.107.050) are not the appropriate subject of a concession because they do not pertain to development standards.

## Staff:

### Concession:

- Reduction in site development standards, modification of zoning code requirements (§65915(k)(1))
- Any other regulatory incentives resulting in identifiable and actual cost reductions to provide for affordable housing costs (§65915(k)(3))

# Appeal Issue 2

## Appellant:

**The requested concessions would not result in identifiable and actual cost reductions**

## Staff:

- **Apprenticeship Requirements: \$2,520,000**
- **Health Care Expenditures: \$1,080,000**
- **Prevailing Wages : \$12,960,000**

**Total cost reductions = \$16,560,000**

# Appeal Issue 3

## Appellant:

**The concessions would have a specific, adverse impact upon public health and safety**

## Staff:

- **City may deny concessions only if it would cause a “specific, adverse impact” on public health or safety (§ 65915(d)(1)(B))**
- **“specific, adverse impact” is: “significant, quantifiable, direct, and unavoidable impact, based on objective, written health or safety standards”**
- **Appellants have not provided sufficient evidence, and the City cannot make a finding based on substantial evidence that this exception applies.**

# Recommendation

- **Conduct a Public Hearing**
- **Adopt a resolution**
  - **Deny the appeal and approve Use Permit ZP2024-0162**