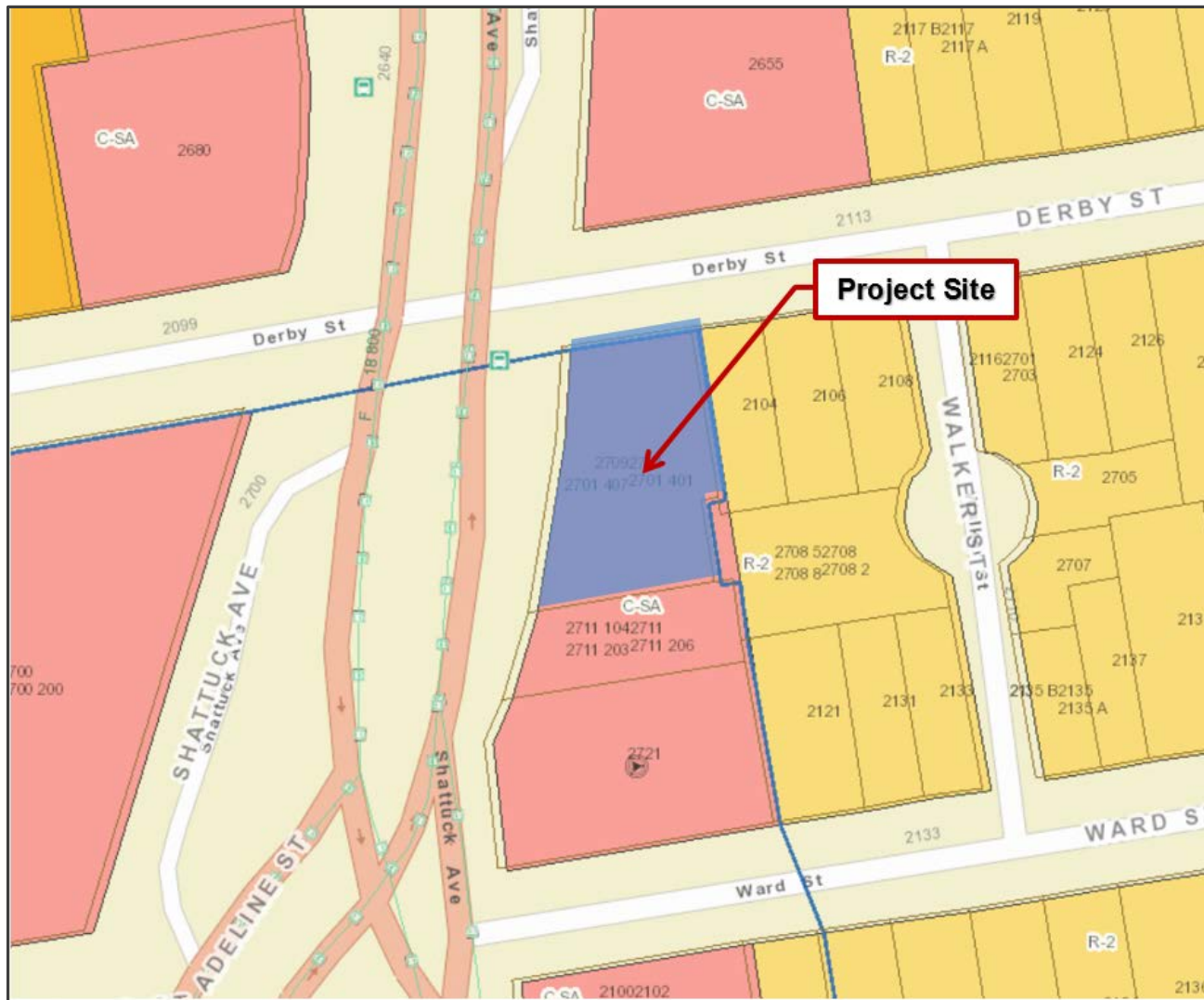




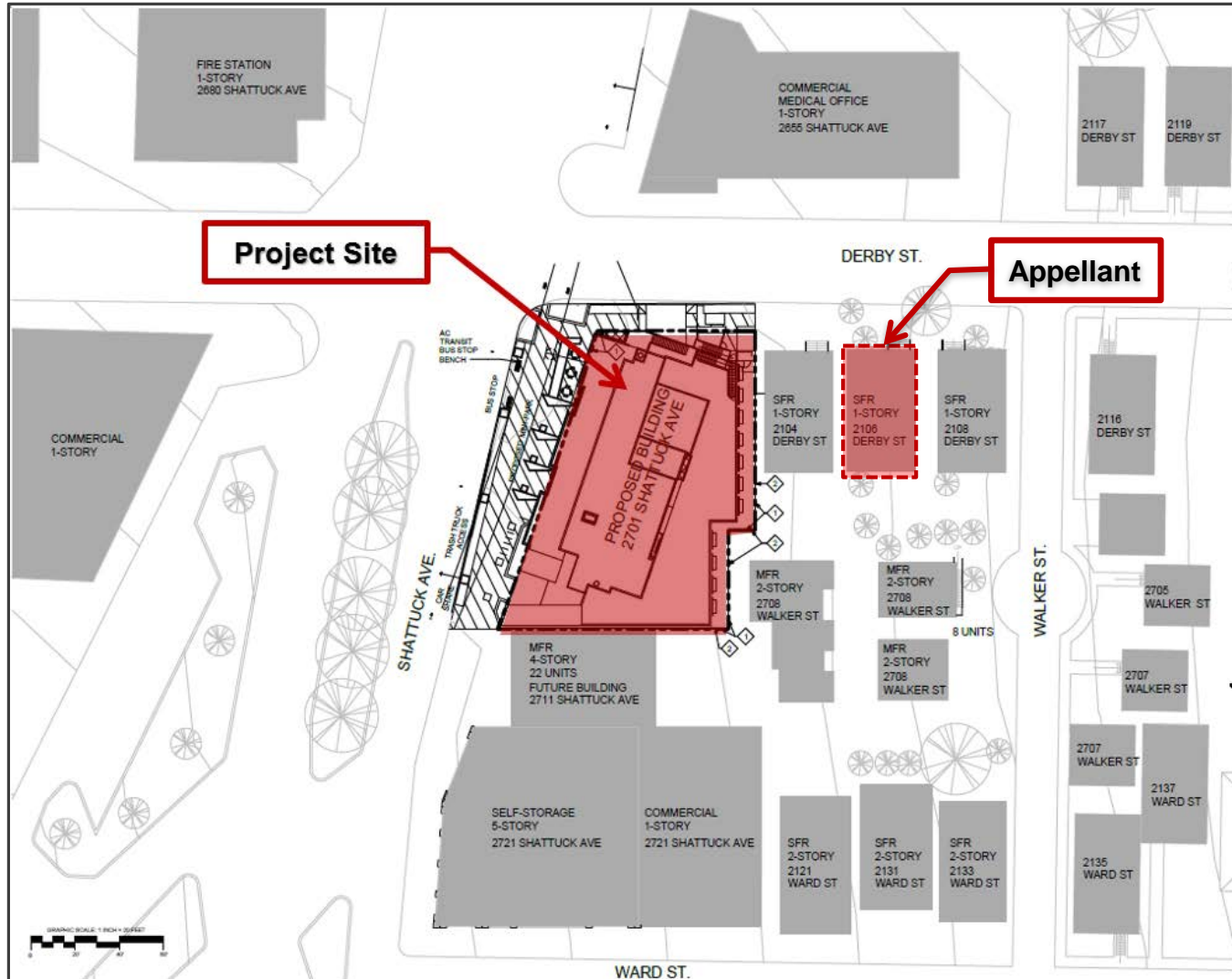
2701 SHATTUCK AVENUE ZP#2016-0244 APPEAL

Zoning Map

2



Vicinity Map



Background

4

ZP#2016-0244 submitted December 13, 2016

- Project had 7 rounds of staff comments, 1 ZAB Preview, and 2 DRC meetings

On November 8, 2018, ZAB approved a Use Permit to develop 2701 Shattuck Avenue

- 5-story, 62'-tall, mixed-use building
- 57 dwelling units (5 VLI units)
- 600 SF ground-floor quick-service restaurant
- 21-space parking

Background

5



Unit Type	Average Unit Size (sq. ft.)	Unit Count	Percentage (%)
Studio ("Jr. One-Bedroom")	320	46	81
One-Bedroom	496	6	11
One-Bedroom plus Den	668	2	4
Studio Loft ("Townhouse")	715	3	5
Totals:	372* (Avg all units)	57	100

Background

6

Figure 7: View from Derby Street – Current Proposal



Figure 8: View from Derby Street – 2013 Proposal



Background

7

- State Density Bonus Law gives entitlement of:
 - 15 units bonus for the inclusion of 5 Very Low Income units, per Gov't Code 65915 (total 57 units)
 - Waivers for height, reduced setbacks, and lot coverage, per Gov't Code 65915(e)(1)
- Waiver entitlement, per 65915(e)(1): “In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section.”

Background

8

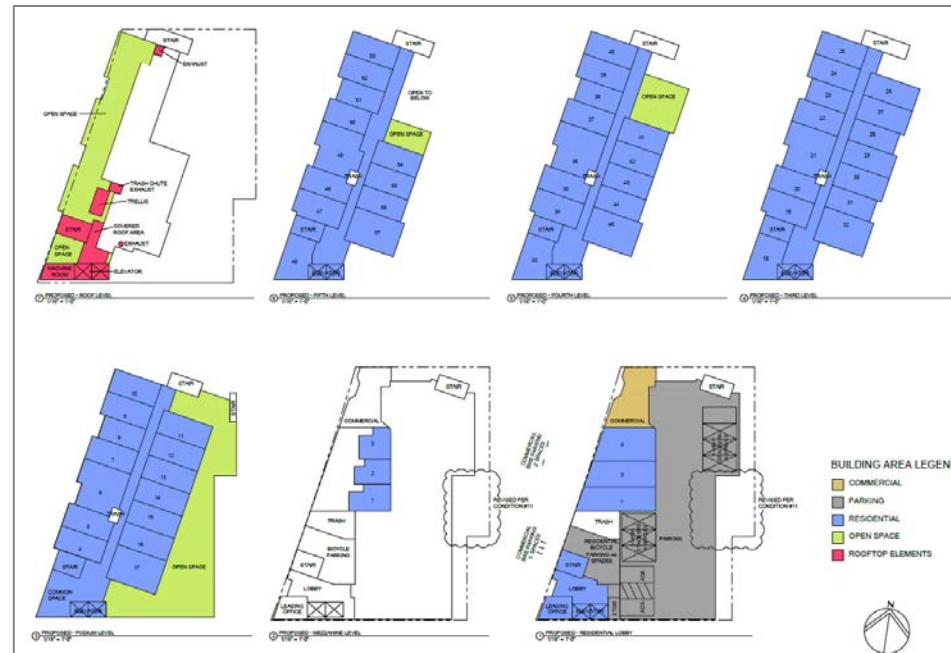
- Pursuant to State Housing Accountability Act, Gov't Code 65589.5(j), Project could not be denied, nor approved at a reduced density because findings for “specific adverse impact” to health and safety could not be made.

Background



“Base Project”

“Proposed Project”

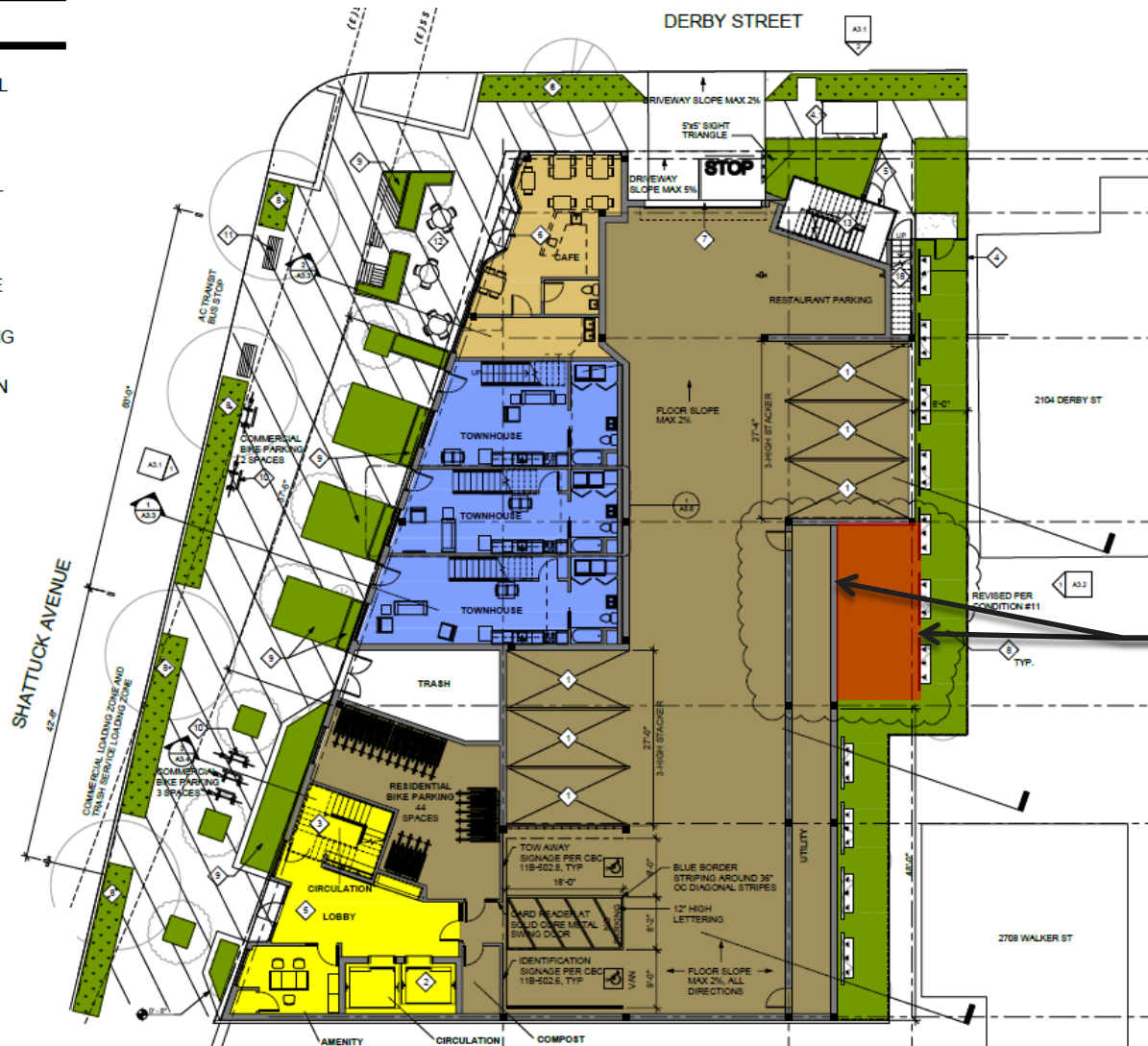


Proposed Site Plan

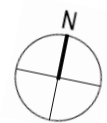
10

LEGEND

- COMMERCIAL
- PARKING
- RESIDENTIAL
- TRASH
- OPEN SPACE
- LANDSCAPING
- CIRCULATION



Parking eliminated and wall moved west, per ZAB Condition #11



Appeal **Insufficient public review, less than** Point 1: **30 days**

11

Response:

- Project was noticed in accordance with BMC Public Notice Requirements -14 days prior to hearing, not 30 days
- Project plans substantially similar to the plan set for ZAB hearing were available 4 months prior to the hearing

Appeal Submitted plans are deceptive,

Point 2: minimize project impacts

12

Response:

- Submitted plans meet City's application submittal requirements
- Plans include additional 3d views and shadow diagrams that exceed the City's minimum submittal requirements



Appeal Point 2: Submitted plans are deceptive, minimize project impacts

13



Appeal **Project detriments outweigh benefits**

Point 3: **from affordable units and AHMF fee**

14

Response:

- ZAB determined that project meets findings for non-detriment
- Project provides 5 Very Low Income units;
VLI = Household Income \leq 50% Area Median Family Income
- Per the Affordable Housing Mitigation Fee, applicant is committing ~\$1 million to the City's Housing Trust Fund

Appeal **Neighborhood character should be**
Point 4: **protected by CEQA**

15

Response:

- Project exempt from CEQA review, per Categorical Exemption for In-Fill Development Projects, per Gov't Code 15332
- DRC meetings and ZAB hearings addressed neighborhood character

Appeal Point 5: Project takes public space without review, violates setback requirement

16

Response:

- Public/private transition discussed at the ZAB Preview and both DRC meetings, which had public participation
- Sidewalk proposal subject to further review by DRC at FDR and Public Works at plan check
- C-SA District has no setback requirements for ground-floor residential; project entitled to density bonus waivers for setback reductions



Appeal **Project promotes student housing,**
Point 6: **inconsistent w/ family neighborhood**

17

Response:

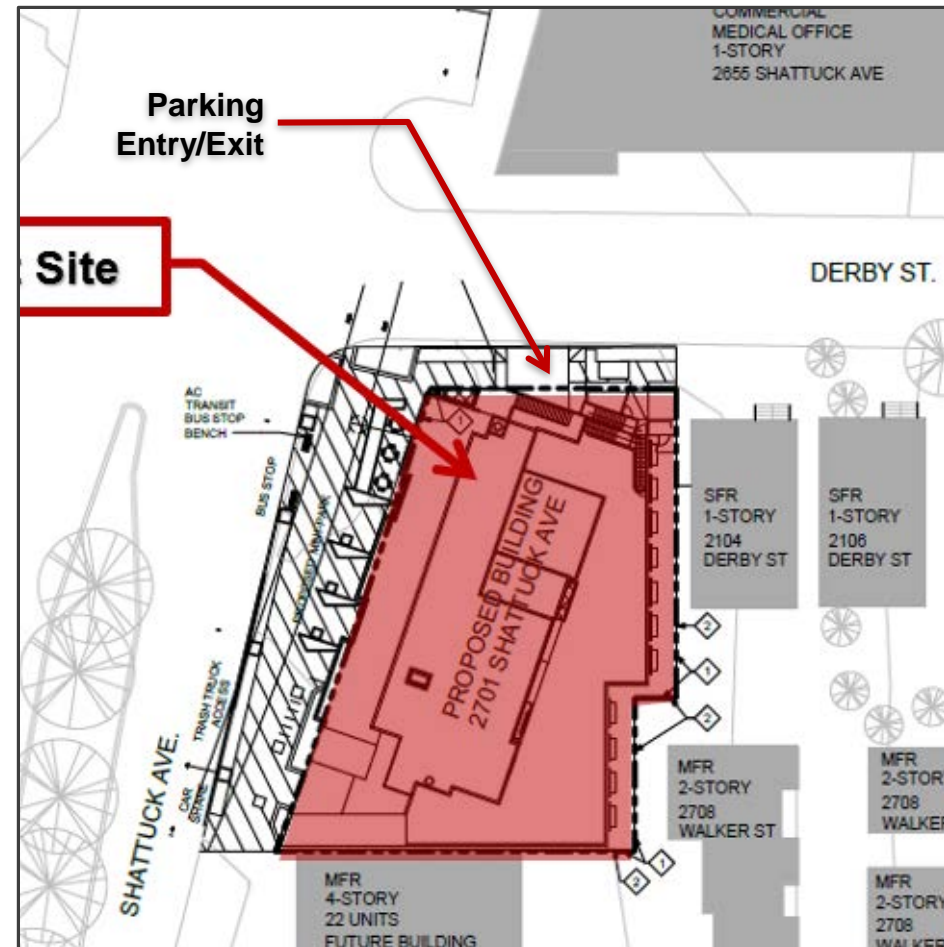
- State law prohibits discrimination against types of residents in approval of new housing
- HAA prohibits denial of project based on subjective standards or hypothetical concerns

Appeal **Parking lot entrance/exit on Derby** Point 7: **will cause accidents**

18

Response:

- Project Transportation Assessment concluded that the driveway location has adequate sight distance between vehicles (and pedestrians) on Derby
- ..and that the project provides sufficient access and circulation for pedestrians, bicyclists, transit riders, and motor vehicles



Appeal **Stair and trees make 6 stories;**
Point 8: **impacts shadow, light, and privacy**

19

Response:

- Unenclosed stairs and landscaping are not considered a “story” in the municipal code
- Shadow studies project shadows for permanent, built elements, not impermanent elements such as plants, trees, or outdoor furniture
- Privacy impacts were discussed at both DRC meetings; setback of 5th floor landing and stair screening increased to address privacy concerns
- ZAB Condition #11 has additional requirements to address light and privacy

Appeal Point 8: **Stair and trees make 6 stories;** **impacts shadow, light, and privacy**

20



Appeal **Project will block solar panels,**
Point 9: **impact light, warmth, and breeze**

21

Response:

- Light, shadow and air flow impacts are expected from new construction
- ZAB determined that these are acceptable in return for new housing and commercial space
- ZAB added a Condition (#11) requiring design changes to mitigate these potential impacts

Appeal **Project will excavate into Derby**

Point 10: **Creek and cause flooding**

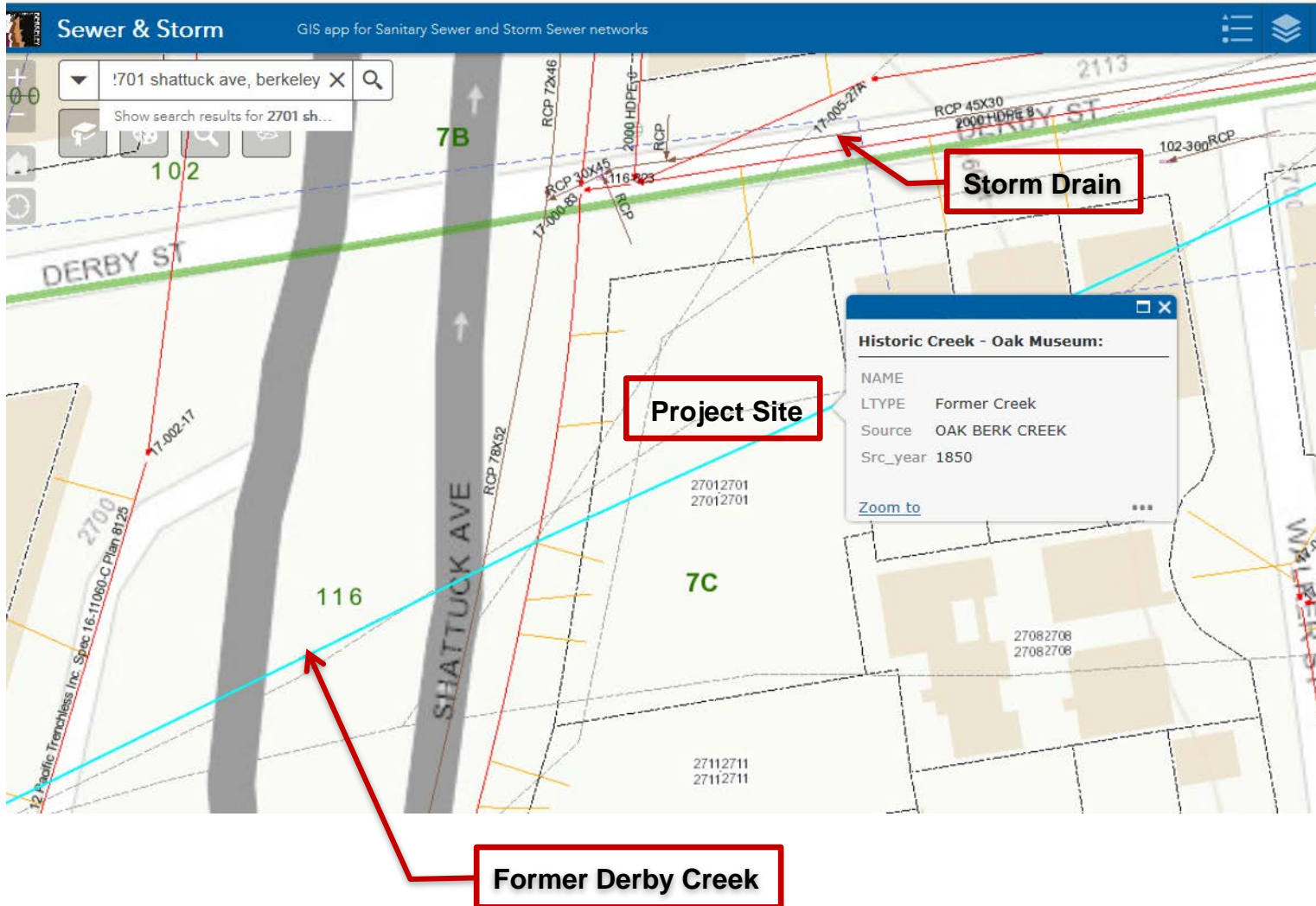
22

Response:

- Property is not in a City creek buffer area, and not in a flood zone
- Storm drain on Derby Street intercepts water from the historical Derby Creek, which was filled long ago
- Building and Safety Division will require a geotechnical report prior to the issuance of building permits

Appeal Project will excavate into Derby Creek and cause flooding

23



Conclusion

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Project Summary:

- 5-story, 62'-tall, mixed-use building
- 57 dwelling units (5 VLI units)
- 600 SF ground-floor quick-service restaurant
- 21-space parking

City Council Action:

- Continue public hearing
- Reverse, affirm, or modify ZAB approval
- Remand to ZAB

QUESTIONS?