

3000 Shattuck Avenue
Use Permit #ZP2022-0046
To demolish a gas station, and
construct a 10-story mixed-use
building utilizing a State Density
Bonus request, with 166 dwellings,
including 17 Very Low-Income units.



Shattuck (east elevation)

Review History

October, 2015

Different Use Permit submitted

November, 2018

Initial Study-Negative Declaration adopted by Council

December, 2021

SB 330 PreApp vested

March, 2022

Use Permit submitted

January, 2023

Addendum to the IS-ND published

May, 2023

Vested under new SB 330 PreApp

May, 2023

Approved by ZAB

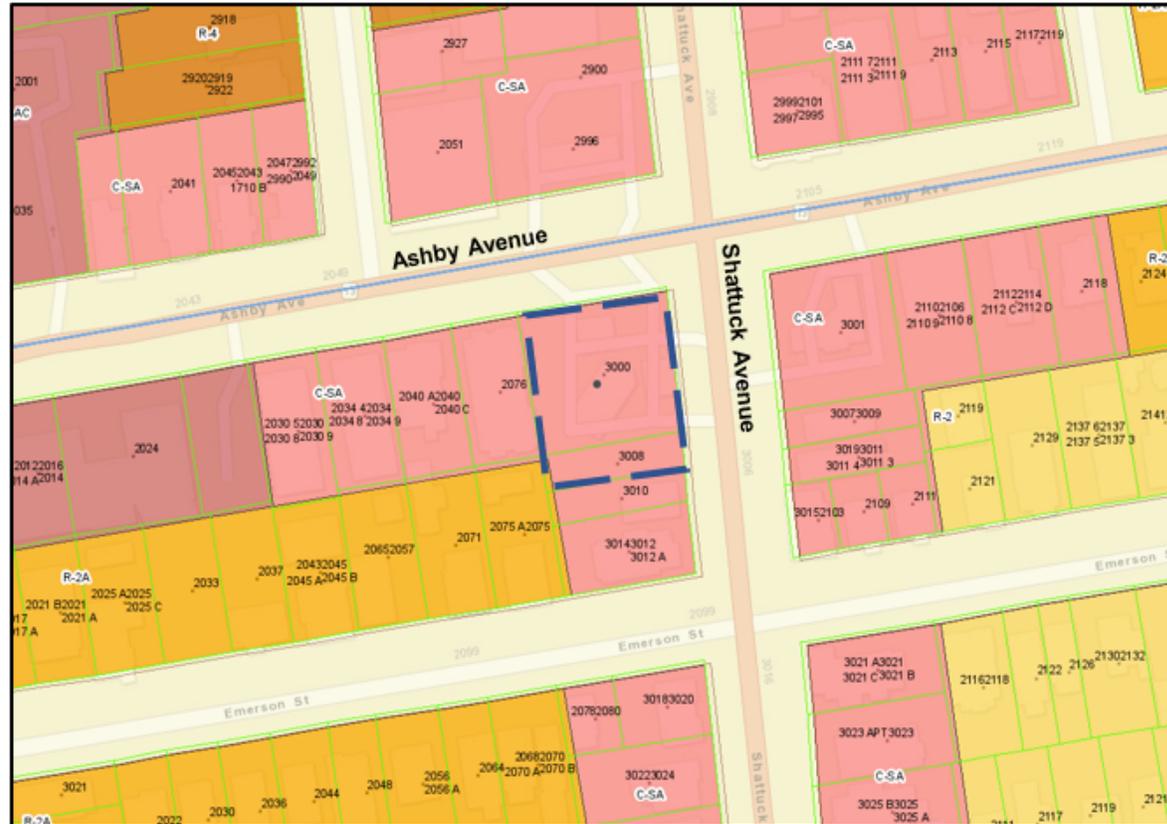
May, 2023

3 appeals received

March 25, 2025

Council hearing

Project Location



Legend

Site Boundary



Zoning

- C-SA: South Area Commercial
- R-2: Restricted Two-Family Residential
- R-2A: Restricted Multiple-Family Residential
- R-4: Multi-Family Residential



Proposed Project



Shattuck Avenue (east elevation)



Ashby Avenue (north elevation)

Appeal Issue 1: Addendum to IS-ND wasn't appropriate

Appellants: An Addendum to the IS-ND was not appropriate.

Staff: Conditions requiring preparation of an EIR or subsequent ND were not met.



Ashby Avenue (north elevation)

Appeal Issue 2: Air Quality

Appellants: Air quality concerns related to indoor air quality, Reactive Organic Gas (ROG), construction and demo, trucking

Staff: The project would have less than significant impacts on air quality, and BAAQMD thresholds would not be exceeded.

Table 2 Modified Project Air Quality Emissions

	ROG	NO_x	PM₁₀	PM_{2.5}
Construction Emissions (maximum average daily lb/day)	3.5	4.4	0.2	0.2
BAAQMD Threshold (lb/day)	54	54	82	54
Exceed Threshold?	No	No	No	No
Project Operational Emissions (tpy)	1	0.5	<0.1	<0.1
Operational Emissions (maximum average daily lb/day)	4.8	2.5	0.1	0.1
BAAQMD Threshold (tpy)	10	10	15	10
BAAQMD Threshold (lb/day)	54	54	82	54
Exceed Threshold?	No	No	No	No

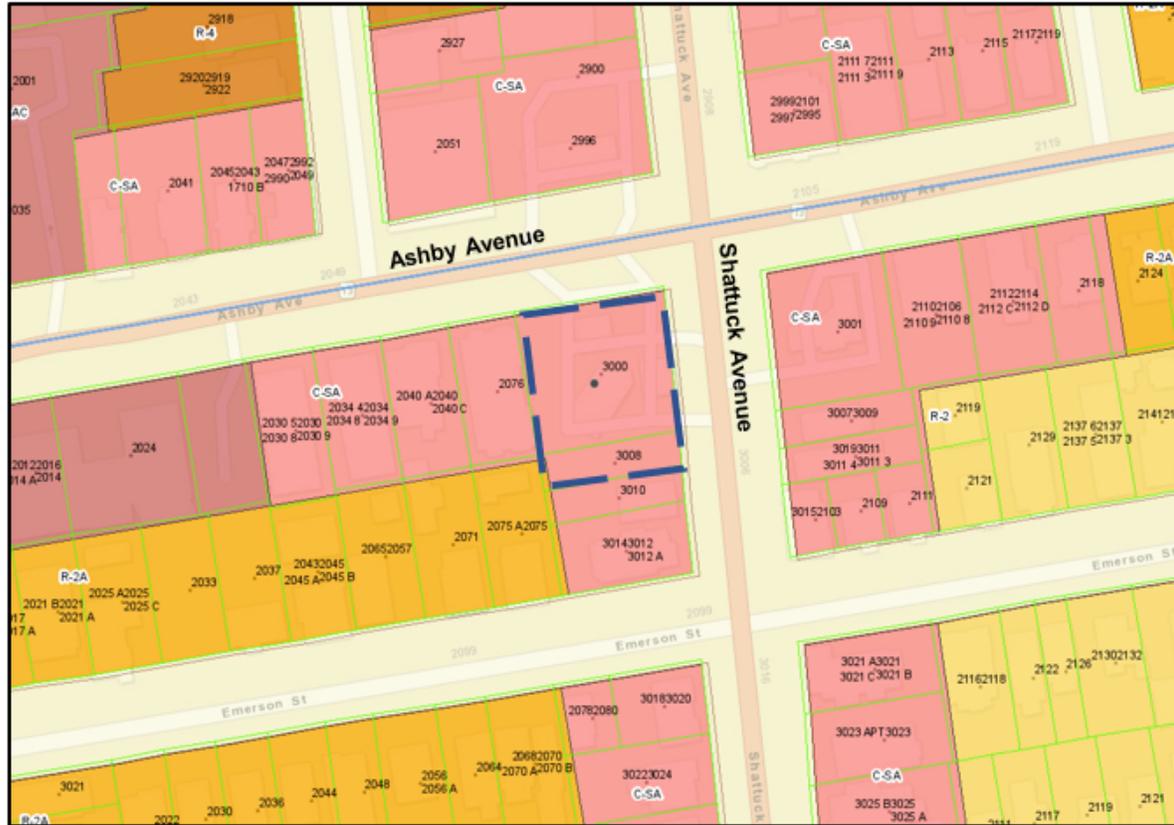
Appeal Issue 3: Hazardous Materials

Appellants: Site will need to be studied to determine if it's safe for residential development.



Existing conditions

Appeal Issue 3: Hazardous Materials



Staff: Site remediation will be managed by the Toxics Management Division, Alameda County, and the Regional Water Quality Control Board.

Legend

Site Boundary



Zoning

- C-SA: South Area Commercial
- R-2: Restricted Two-Family Residential
- R-2A: Restricted Multiple-Family Residential
- R-4: Multi-Family Residential



Appeal Issue 4: Detriment

Appellants: Addendum doesn't mitigate project's detrimental impacts to air quality.

Staff: Standard Conditions of Approval apply, and the project was approved in accordance with the Housing Accountability Act (HAA).



Shattuck Avenue (east elevation)

Appeal Issue 5: Cumulative Impacts

Appellants: Cumulative impact analysis is required.

Staff: Project would not result in cumulatively considerable impacts for any CEQA issue area.



Ashby Avenue (north elevation)

Appeal Issue 6: Public Input

Appellants: City didn't consider public input when it determined not to prepare an EIR.

Staff: Conditions requiring preparation of an EIR or subsequent ND were not met.



Shattuck Avenue (east elevation)

Appeal Issue 7: Traffic

Appellants: Cumulative traffic impacts. New projects in the area don't have loading zones.

Staff: Many of the concerns are beyond the scope of this project.



Ashby Avenue (north elevation)

Appeal Issue 8: Construction Duration

Appellants: The two projects are different and their construction durations should be different.

Staff: Construction duration is from the applicant, and they have consulted their general contractor.



Shattuck Avenue (east elevation)

Appeal Issue 9: HARD HATS Ordinance

Appellants: Applicant has not committed to building with a local, “skilled and trained workforce,” and will not provide apprenticeship training, or healthcare.

Staff: HARD HATS (BMC Chapter 13.107) does not apply.



Ashby Avenue (north elevation)

Appeal Issue 10: General Plan and Housing Element

Appellants: Inconsistent with General Plan and Housing Element.

Staff: General Plan goals and policies are not objective standards, and cannot provide a basis for denial of (or reduction in density for) a housing project, due to the HAA. Project will comply with Inclusionary Ordinance.



Shattuck Avenue (east elevation)

Recommendation

- **Conduct a public hearing**
- **Adopt a resolution**
 - **Affirming the ZAB decision to approve the Use Permit, and the Findings and Conditions, and dismiss the appeals.**