

2702, 2704 AND 2706 SHASTA ROAD APPEALS

Background

- ❑ The projects consist of the construction of three single-family dwelling units on three separate parcels.
- ❑ Projects are located in the R-1 (H) Zoning District.
- ❑ At the meeting of **September 22, 2016**, the Zoning Adjustments Board reviewed and approved the Use Permit requests because it found the projects:
 - Comply with the R-1 (H) development Standards; and
 - Would not be detrimental the neighboring properties.

2702 Shasta Road

Development Standards

Standard BMC Chapters 23D.08, 23D.16 and 23E.96		Existing	Proposed	Permitted/ Required
Building Height	Maximum (feet)	n/a	33	35 Maximum
	Average (feet)	n/a	23	28 Maximum
	Stories	n/a	3	3 Maximum
Building Setbacks	Front (Shasta Road)	n/a	68	20 Minimum
	Rear	n/a	7	20' Minimum
	Left (east) Side	n/a	6'9"	4' Minimum
	Right (west) Side	n/a	6'6"	4' Minimum
Usable Open Space (sq. ft.)		n/a	825	400 Minimum
Lot Coverage (%)		n/a	29	40 Maximum
Parking (Auto)		n/a	3	1 Minimum

- The project complies with all development requirements, with the exception of the rear yard setback reduction which required an AUP and was approved by ZAB

2704 Shasta Road

Development Standards

Standard BMC Chapters 23D.08, 23D.16 and 23E.96		Existing	Proposed	Permitted/ Required
Building Height	Maximum (feet)	n/a	33	35 Maximum
	Average (feet)	n/a	28	28 Maximum
	Stories	n/a	3	3 Maximum
Building Setbacks (feet)	Front (Shasta Road)	n/a	85	20 Minimum
	Rear	n/a	11.5	20 Minimum
	Left (east) Side	n/a	5	4 Minimum
	Right (west) Side	n/a	6.5	4 Minimum
Usable Open Space (sq. ft.)		n/a	820	400 Minimum
Lot Coverage (%)		n/a	16	40 Maximum
Parking (Auto)		n/a	2	1 Minimum

- The project complies with all development requirements, with the exception of the rear yard setback reduction which required an AUP and was approved by ZAB

2706 Shasta Road

Development Standards

Standard		Existing	Proposed	Permitted/ Required
BMC Chapters 23D.08, 23D.16 and 23E.96				
Building Height	Maximum (feet)	n/a	33	35 Maximum
	Average (feet)	n/a	28	28 Maximum
	Stories	n/a	3	3 Maximum
Building Setbacks (feet)	Front (Shasta Road)	n/a	73	20 Minimum
	Rear	n/a	8.5 ZAB added can be as low as 4	20' Minimum
	Left (east) Side	n/a	6	4' Minimum
	Right (west) Side	n/a	11	4' Minimum
Usable Open Space (sq. ft.)		n/a	1,010	400 Minimum
Lot Coverage (%)		n/a	18	40 Maximum
Parking (Auto)		n/a	2	1 Minimum

- The project complies with all development requirements, with the exception of the rear yard setback reduction which required an AUP and was approved by ZAB.

Appeal Points

Geotechnical:

- Geotechnical and Geologic Hazard Investigation was prepared as required by the Seismic Hazards Map Act and subject to peer review by the City's geotechnical consultant.
- The consultant concluded that the report adequately addressed all geotechnical issues and that the recommended project design measures satisfactorily addressed State requirements for investigation and mitigation within the mapped landslide hazard zone.
- Two typical project conditions of approval were recommended for each project.

Appeal Points - continued

Parking and Traffic concerns :

- ❑ The projects each provide at least one parking space per dwelling on each parcel, which is the minimum required in the R-1(H) district
- ❑ Correspondences from neighbors, which discussed parking and traffic concerns, was provided to the ZAB as attachments to the staff report.
 - ❑ The ZAB also heard testimony from neighbors regarding parking and traffic concerns

Appeal Points - continued

Emergency access & fire hazards :

- ❑ The ZAB considered concerns expressed by the neighbors; however, it voted to approve the project because it met all applicable development standards.
- ❑ Prior to construction, the dwellings must comply with Building and Fire Codes, including access requirements.
 - ❑ Technical review of Building, Public Works and Fire codes are not within the ZAB's purview.

Appeal Points - continued

Transportation impacts :

- ❑ Per the Conditions of Approval, the applicant is required to submit and secure approval of a Transportation Construction Plan (TCP) by the Office of Transportation prior to the issuance of building permits.
- ❑ The TCP is required to address all phases of construction particularly any alteration, closure, or blockage to vehicle travel lanes, the storage of building materials, dumpsters, debris anywhere in the public right of way, the provision of exclusive on-street contractor parking, or significant truck activity.

Appeal Points - continued

Usable Open Space:

- ❑ The projects each provide at least 400 square feet of open space on each parcel, which is the minimum required for a new dwelling in the R-1(H) district

Appeal Points - continued

Density:

- ❑ The residential densities approved by the ZAB was consistent with the R-1 District standard of one dwelling per lot.
- ❑ In relation to building intensity, the new dwelling would cover 29%, 16% and 18 % of each lot, which is less than the maximum of 40%.

Appeal Points - continued

CEQA:

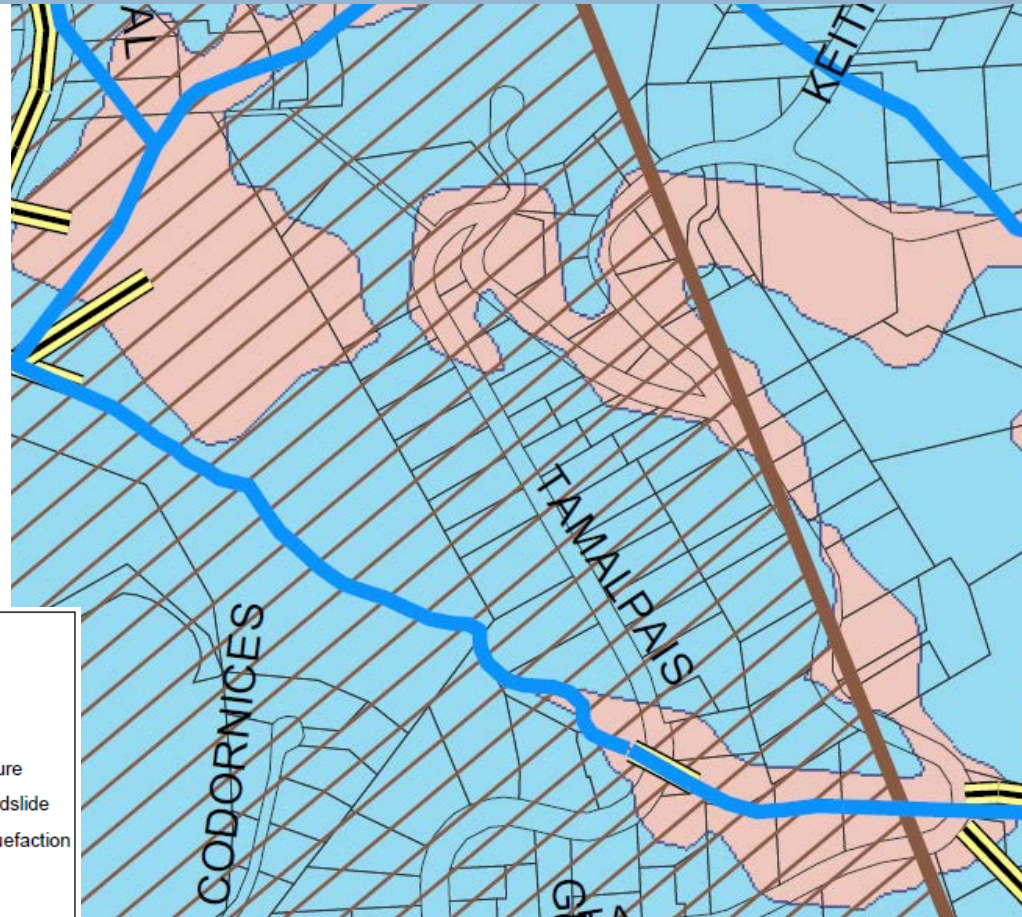
- ❑ The projects approved by the ZAB were found to be categorically exempt pursuant to Section 15303 of the CEQA Guidelines (New Construction of Small Structures).
- ❑ In addition, the ZAB found that none of the exceptions in CEQA Guidelines Section 15300.2 apply to each of the sites, as follows:
 - (a) the sites are not located in an environmentally sensitive area,
 - (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource. The number of structures described in this section are the maximum allowable on any legal parcel including a single-family residence.

Recommendation

- Uphold the ZAB's decision:
 - **The projects meets the R-1(H) development Standards.**

QUESTIONS?

Environmental Constraints Map



Legend

- Presumptive Creeks
- Culverted Creeks
- Southern Pacific Railway
- ▨ CGS EQ Fault Zone (EFZ) Fault Rupture
- CGS Seismic Hazard Zone (SHZ) Landslide
- CGS Seismic Hazard Zone (SHZ) Liquefaction
- 100 Year Flood Zone
- 500 Year Flood Zone
- Hillside Overlay District
- Environmental Safety Residential Zone
- West Berkeley Shellmound