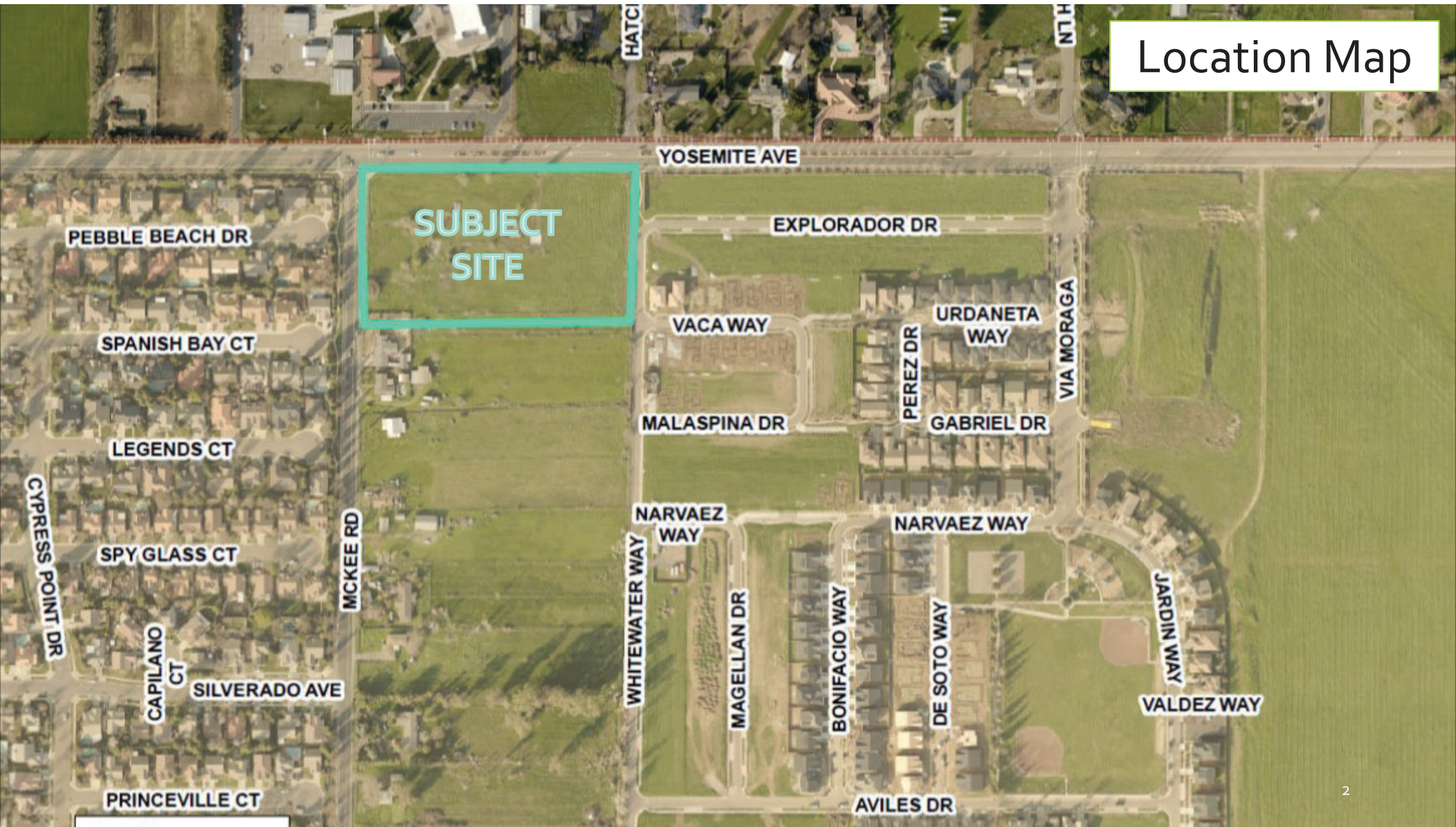
The background of the slide is a solid teal color with a subtle, wavy pattern that resembles water or a textured surface. The text is overlaid on this background.

The Hub 2.0

Appeal of Conditional Use Permit #1238 and Site Plan Review #455

City Council Meeting 5/4/2020

Location Map



Project & Site Details

- 5.94 Acre Parcel
- Neighborhood Commercial Zone
- Mixed Use Development (residential uses allowed with CUP)
- 214 Residential Units (mixture of 1, 2, and 3-Bedroom units)
- Density – 36 units/acre (consistent with High Density Residential/General Plan)
- 14,445 Square Feet of Office Space
- 22,672 Square Feet of Commercial Retail Space
- 386 Vehicle Parking Spaces – Parking Analysis provided to allow reduction in parking spaces.
- 70 Bicycle Parking Spaces
- LEED Certified Construction

Background

- 2014 – Proposed 60,000 s.f. Shopping Center.
- 2019 – Proposed Mixed-Use Project with 428 residential units.
- 2019 – Denial of Mixed-Use Project (428 units).
- 2019 – Project redesigned and reduced to 214 units. Office space was added.
- December 4, 2019 - The Planning Commission received training regarding Conditional Use Permits, Findings, and California Housing Laws.
- Jan. 22, 2020 – Planning Commission approved CUP #1238 to allow the redesigned mixed-use project.
- Jan. 29, 2020 – An appeal of CUP #1238 was filed by Casey Steed.
- April 13, 2020 – Planning Commission approved Site Plan Review #455 at a Special Meeting.
- April 20, 2020 – An appeal of SP #455 was filed by Richard Harriman on behalf of Casey Steed.

CUP & SP Findings

Conditional Use Permit

- MMC Section 20.68.020 (E) – Findings for Approval
 - The Review Authority may approve an application for a CUP only if the Four Findings listed in this section can be made.

Site Plan Review

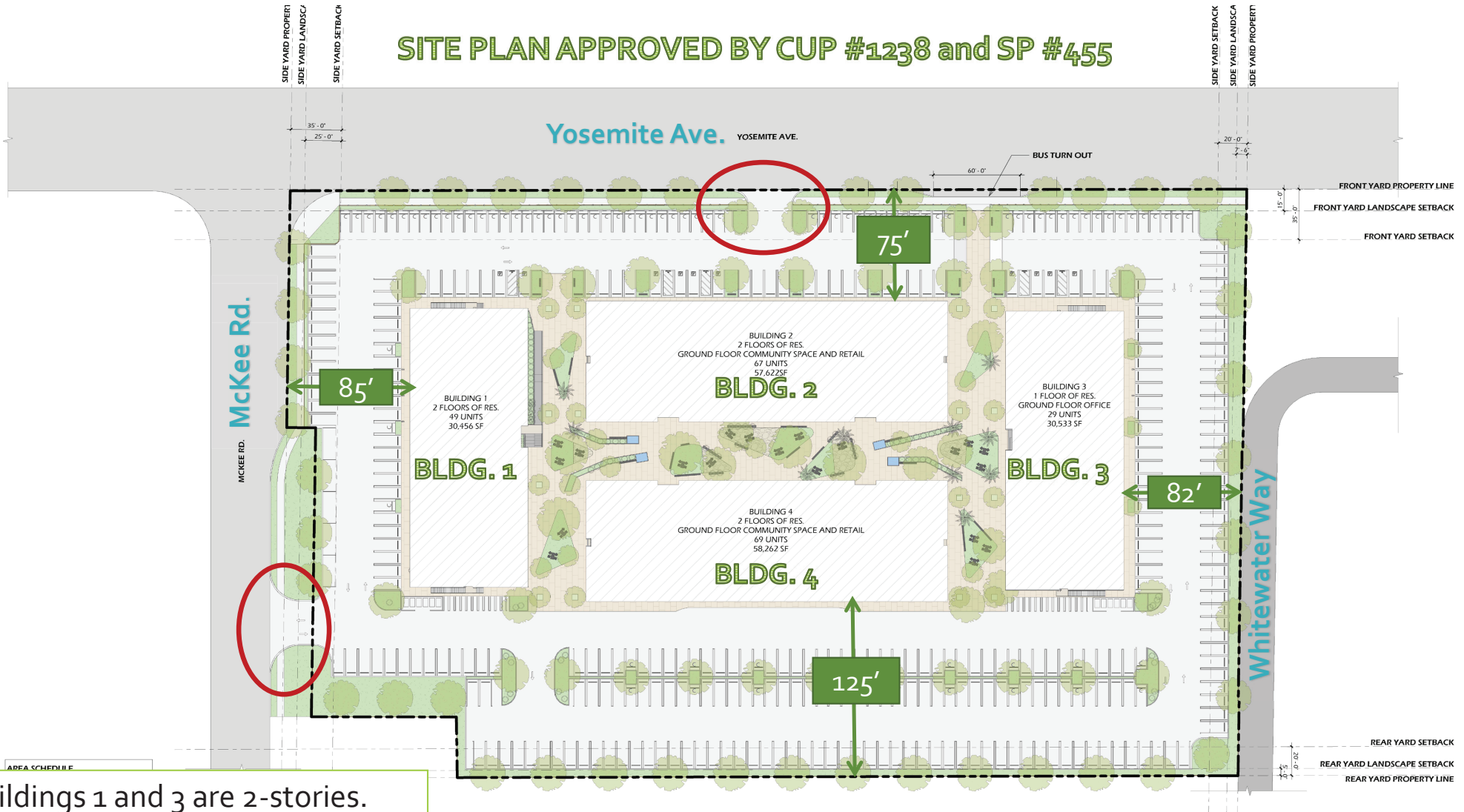
- MMC Section 68.050 (F)
 - The Review Authority may approve an application for a Site Plan Review Permit only if the Six Findings listed in this section can be made.

All the Findings made by the Planning Commission
are included in the Administrative Report.

California Housing Laws

- Housing Accountability Act (HAA)
 - Purpose of law is to limit the ability of local agencies to deny or make infeasible housing developments.
 - Developments that comply with all “applicable, objective, general plan, zoning, and subdivision standards and criteria” may not be denied or reduced in size unless they find the project would have an unavoidable impact on public health and safety that cannot be mitigated.
 - Local governments cannot deny or reduce the size of a qualifying affordable housing project except under specific circumstances.
 - Any local government that disapproves or reduces the size of a housing development project must meet the “preponderance of evidence” standard.
 - A mixed-use project qualifies under the HAA as long as 2/3 of its square footage is designated for residential use.

SITE PLAN APPROVED BY CUP #1238 and SP #455



Buildings 1 and 3 are 2-stories.
Buildings 2 and 4 are 3-stories.

YOSEMITE AVE. ACCESS - RIGHT IN/RIGHT OUT ONLY

AREA SCHEDULE

4	RESIDENTIAL	40025 SF
2	RETAIL	8615 SF

Parking

- 386 Parking Spaces Provided (including 25 motorcycle/scooter spaces).
- 70 Bicycle Parking Spaces.
- Typical parking requirement would be 452 spaces.
- Proposed spaces are approximately 15% less than required spaces.
- May be allowed a 30% reduction for a Mixed-Use Project.
- Condition #30 of PC Resolution #4035 allows the Director of Development Services to approve a reduction based on a Parking Demand Analysis.
- Parking Analysis submitted and is being reviewed.



Buildings 1 & 3



Building 1
1st
Floor
22 Units



Buildings
1 & 3
2nd Floor
29 Units

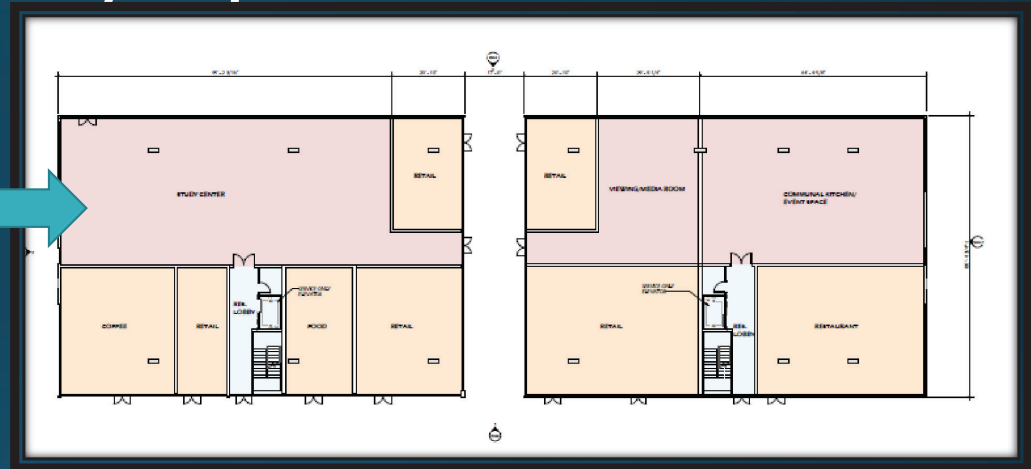


Building 3
1st Floor
Office Space

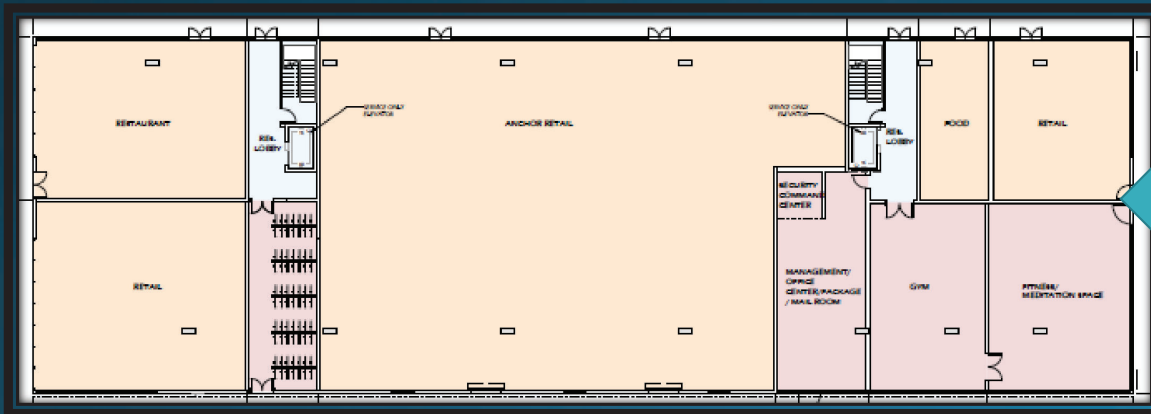
2-Story Buildings

Buildings 2 & 4 – Commercial/Community Space

Building 2
1st
Floor

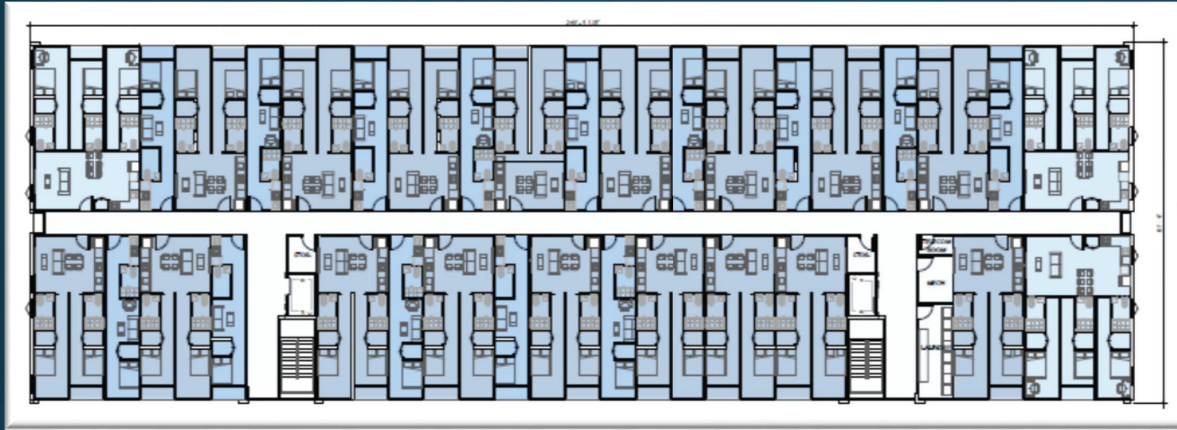


Building 4
1st
Floor



3-Story Buildings

Buildings 2 & 4

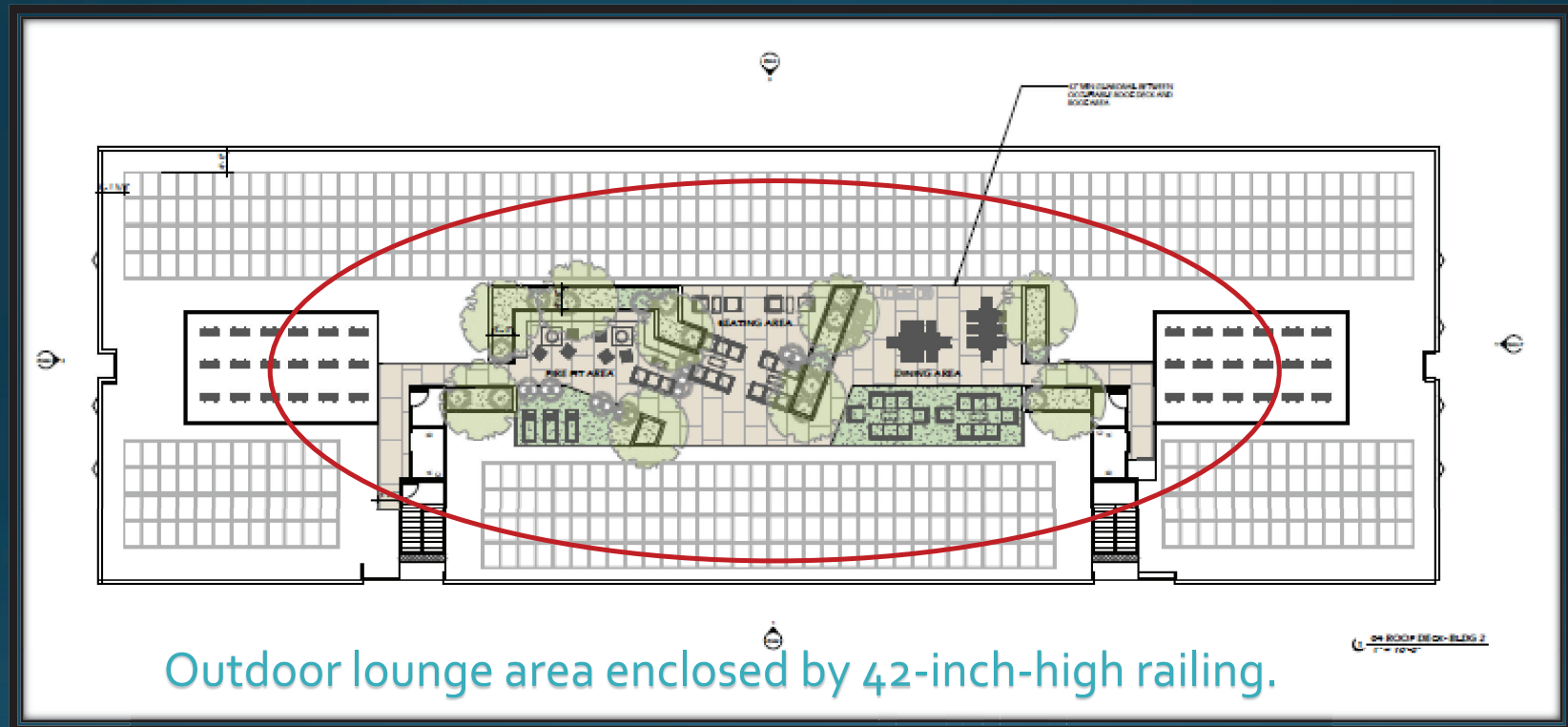


2nd
Floor
34 Units



3rd
Floor
33 Units – Building 2
35 Units – Building 4

Building 2 – Roof-Top Deck

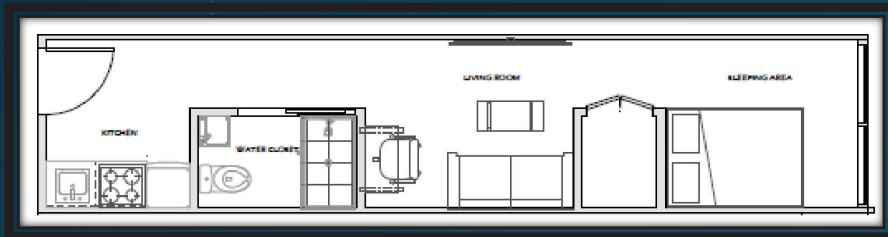


Access to Roof-Top Deck limited to 7:00 a.m. to 10:00 p.m.

Residential Units

- Mixture of 1, 2, and 3 Bedroom Units.

ONE BEDROOM WITHOUT
BALCONY – 300 Sq. Ft.



82 ONE
BEDROOM
UNITS

ONE BEDROOM WITH BALCONY –
276 Sq. Ft. + 24 Sq. Ft. Balcony



TWO BEDROOM/TWO BATH WITH BALCONY
– 576 Sq. Ft. + 24 Sq. Ft. Balcony

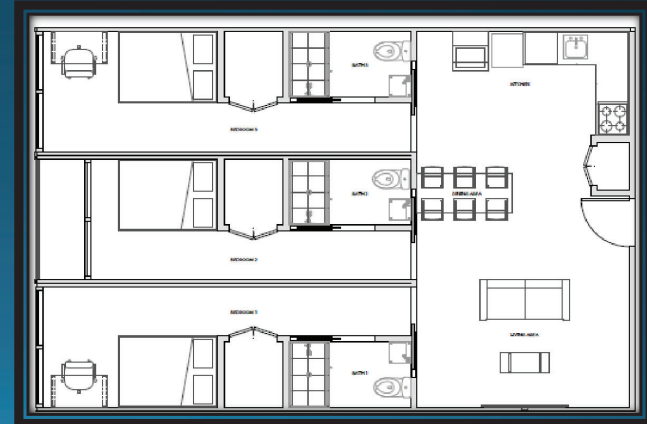
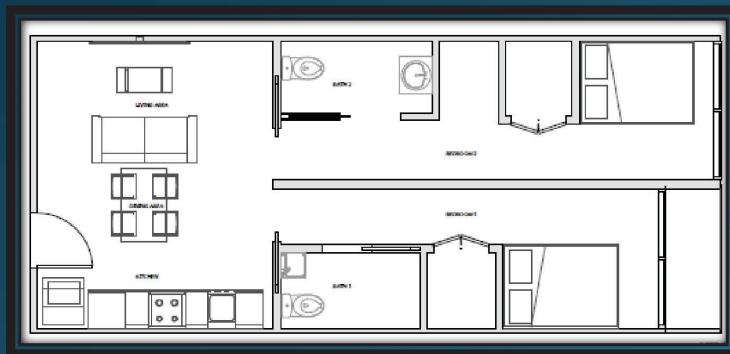


112 TWO
BEDROOM
UNITS

THREE BEDROOM/THREE BATH WITH
BALCONY – 876 Sq. Ft. + 24 Sq. Ft. Balcony



20 THREE
BEDROOM
UNITS

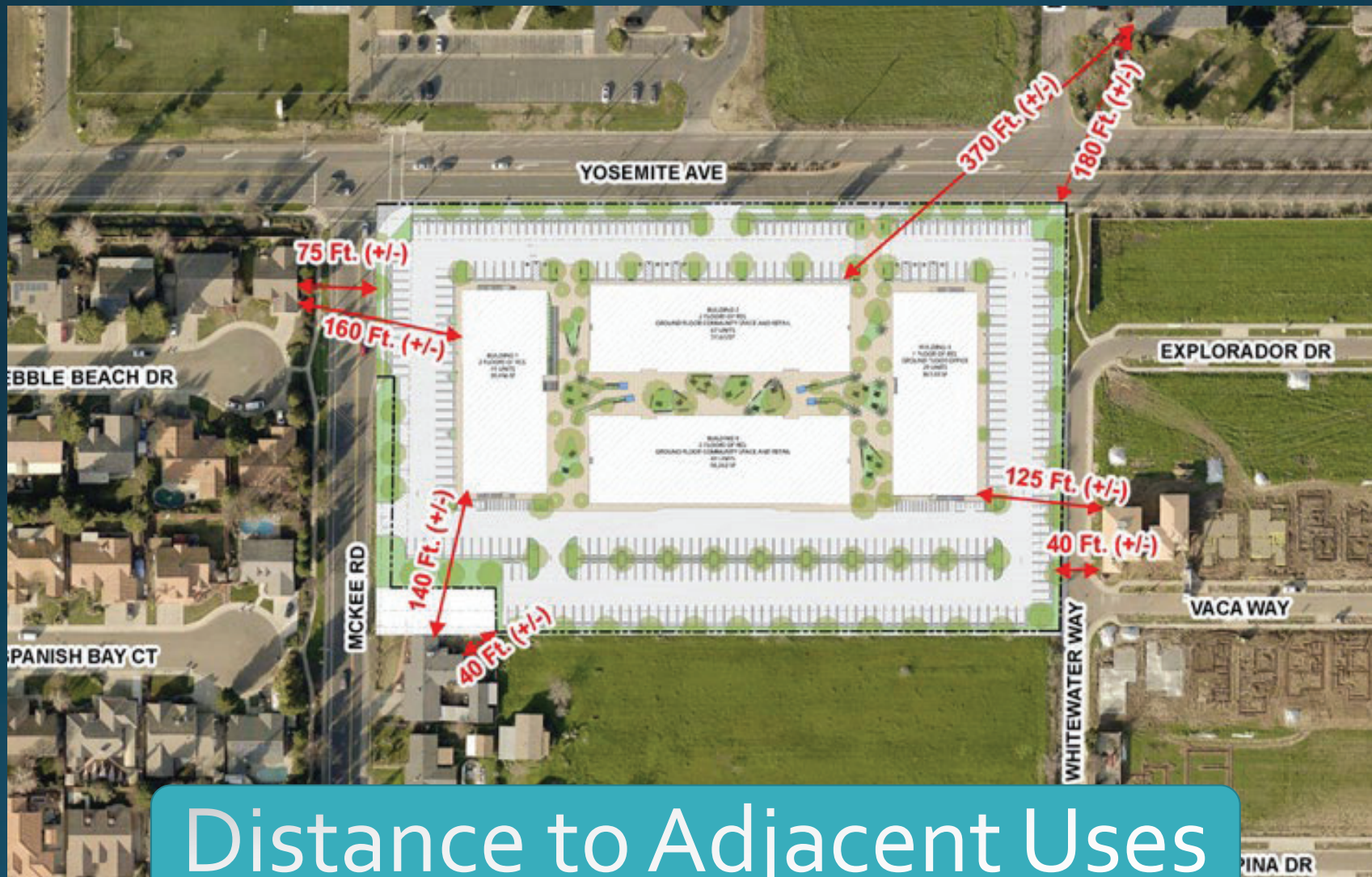


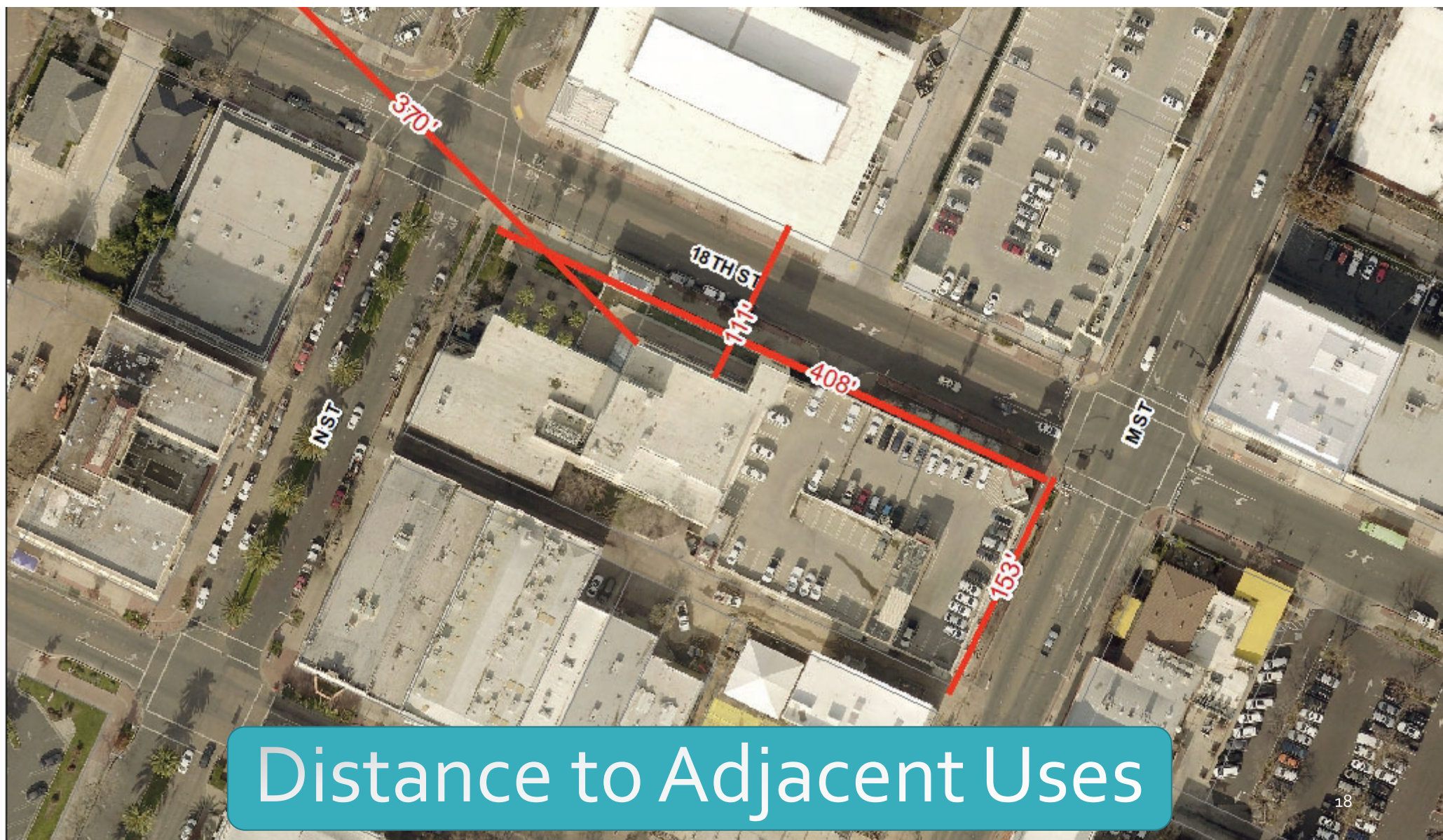
Traffic Impacts

- Traffic Study conducted.
- Existing conditions are below the City's standard level of service (LOS) D.
- Intersections studied:
 - Yosemite and Parsons/Gardner
 - Olive and McKee
 - Yosemite and McKee
 - Yosemite and Hatch

A project cannot be made to mitigate existing problems. A project is only responsible for the incremental increase from the project.

THE ADDITION OF THE PROJECT TRAFFIC DID NOT REDUCE THE LEVEL OF SERVICE FOR THESE INTERSECTIONS, EXCEPT FOR OLIVE AND MCKEE WHICH FELL FROM LOS D TO LOS E.





Distance to Adjacent Uses

Sewer

- Due to constrictions in the Yosemite Avenue line, the project site is limited to discharging a maximum of 8,000 gallons per day of wastewater during peak hours.
- Additional wastewater shall be contained onsite and discharged at off-peak hours.
- The specific plan for on-site storage and pumping has not been approved, but the Public Works Director has approved the concept.
- On-site storage and pumping would be the same concept as the City's pump stations.
- Tentative location for the tank would be on the _____ portion of the site.

Conditional Use Permit #1238

- CUP #1238 approved the proposed project, but did not address the necessary Findings for the Site Plan Review required by the Interface Regulations.
- The required Findings for approval of a CUP are outlined in the Administrative Report.

Site Plan Review #455

- SP #455 approved the project in regards to the Interface Regulations and the height of buildings 2 and 4 being slighting over the 35-foot height limit.
- The required Findings for Site Plan Review are outlined in the Administrative Report.

Public Comment

Conditional Use Permit - Planning Commission meeting of 1/22/20

- 4 people spoke in favor of the project;
- 15 people spoke in opposition to the project;
- 4 letters/emails submitted in opposition to the project;
- 1 email submitted in support of the project.

Site Plan Review – Planning Commission meeting of 4/13/20

- 1 person spoke in favor of the project;
- 1 person spoke in opposition of the project;
- 3 letters/e-mails submitted in opposition to the project.

Appeal

- Conditional Use Permit #1238
 - Letter submitted 1/29/20, from Casey Steed (Attachment 3 of Administrative Report)
- Site Plan Review #455
 - Letter submitted 4/20/20, from Richard Harriman on behalf of Casey Steed (Attachment 3 of Administrative Report)

Environmental Review

A teal-colored rectangular logo with rounded corners and a slight 3D effect, featuring the text "CEQA" in white, sans-serif capital letters.

Conditional Use Permit #1238

- Initial Study #19-37 resulted in a Mitigated Negative Declaration

Site Plan Review #455

- CEQA Section 15162 Determination
- Previous Initial Study #19-37 for CUP #1238 remains sufficient.

MMC Section 20.74.030 - Appeals

1. The review authority may take action on the specific basis for the appeal, or may reconsider the project in its entirety (“de novo” review). The review authority shall make its own decision supported by findings. In doing so, it may:
 - a. Affirm, affirm in part, or reverse the action that is the subject of the appeal; or,
 - b. Adopt additional conditions of approval that address the matter appealed; or,
 - c. Remand the appeal for further review, recommendation, or action to the previous review authority.
2. The review authority’s action shall be based upon findings of fact about the particular case. The findings shall identify the reasons of the action on the appeal and verify the compliance of the subject of the appeal with the Zoning Ordinance.
3. A matter being heard on appeal may be continued for good cause (e.g., additional CEQA review is required).
4. If the hearing body is unable to reach a decision on the matter appealed, the decision of the previous review authority shall remain in effect.

City Council Action

- Provide direction to staff, along with Findings, to either approve or deny the appeal.
- Staff will prepare a Resolution along with Findings, based on that direction and return at a future Council meeting for Council to take final action on the appeal.
- If the appeal is to be granted, Council should provide direction as to whether the decision is made with/without prejudice.
- If the appeal is to be denied and the project is to be approved, staff recommends City Council include the adoption of the Findings and Conditions in Planning Commission Resolutions #4035 and 4036 (this includes the adoption of the Environmental Reviews).

QUESTIONS....