252 Victory Boulevard

April 2021

119-311 - Authorization of a development, enlargement or site alteration on a steep slope or steep slope buffer

The City Planning Commission may authorize #developments#, #enlargements# and #site alterations# on a #steep slope# or #steep slope buffer#.

In order to grant such authorizations, the Commission shall find that:

(a) the #development#, #enlargement# or #site alteration# is not feasible without such modification, or that the requested modification will permit a #development#, #enlargement# or #site alteration# that satisfies the purposes of this Chapter;

The authorization pursuant to ZR 119-311 is required as the Development Site is classified as a as "Tier I" site with an average slope of less than 10 percent. However, an area with "steep slope" is proposed to be disturbed by the Proposed Development, resulting in "Tier II" requirements for the Proposed Development and the need for a zoning authorization pursuant to ZR 119-311. In addition, the area of steep slope abuts the entire street line along Victory Boulevard, so development is not possible without disturbing steep slope." This authorization would satisfy the intent of the Special HS District by providing a desirable use of vacant land that is not defined as an area of outstanding natural beauty, would be consistent with the character of the neighborhood and would preserve the hillside and natural terrain as much as possible. In addition, a community facility use and indoor group parking facility in excess of 30 spaces is sought and requires an additional authorization pursuant to ZR 119-312 which requires a separate set of findings. This use is proposed to satisfy community needs and an indoor parking facility is provided consistent with the intent of the Special HS District, as outlined further below.

(b) such modification is the least modification required to achieve the purpose for which it is granted;

The Proposed Development would result in approximately 49% lot coverage, the least required to facilitate a viable site plan while minimally impacting natural topography and vegetation. In

addition, the bulk of the building has been oriented along the street frontage, downhill from the natural topography as much as possible to minimize any disturbance. As such, the building extends approximately 76 feet and 56 feet from the front lot line, on a lot that extends approximately 128 and 156 feet in depth. Moreover, the Proposed Development internalizes group parking facilities, to minimize any further disturbance on the lot. Moreover, the Proposed Development would result in the removal of 71 of the existing 121 trees present on the Site to facilitate the Proposed Development. However, the proposed lot coverage leaves sufficient area for the planting of new trees, enabling the Proposed Development to comply with Tier II planting requirements per ZR 119-216. The 28 new trees would total 78 tree credits on the Site or 51% of the existing on-site tree credits present.

(c) the modification requested has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

As designed, the bulk of Proposed Development would be situated along the frontage of Victory Boulevard in an area approximately 76 feet deep on a site that extends approximately 158 feet and 128 feet deep on the eastern and western lot lines, respectively. The proposed building would be developed in an area where grade ranges from 142 feet in elevation (along Victory Boulevard) to the rear of the property at approximately 172 feet in elevation, with the bulk of the 55-foot building distributed into this change of grade. As proposed, the building would employ three setbacks to blend into the rising topography of the site, at third (at 30'), fourth (at 40') and fifth (at 50') floors, as specified on in the application's site plan (see A-001). The first setback would extend 10 feet to establish a street wall, while the second and third setbacks would extend approximately 5 feet each, to respond to natural topography present on the site, while complying with the R6B contextual building envelope. In addition, vegetated roof areas would be employed to further minimize the impact of the building, as illustrated on drawing A-103. In total this vegetated roof area would encompass approximately 5,692 square feet (or 46%) of the 12,255 square feet of rooftop area. These areas would contain plantings (such as trees and hedges) in deeper green roof areas, which would encompass approximately 1,227 square feet of the vegetated roof area and would be visible from the street level (see drawing T-100 for the vegetation's visibility from the street level).

The remaining area of the Development Site would remain undisturbed with as minimal impact on the existing topography as possible. This area rises between 172 and 202 feet in elevation change and contains 30 trees that would remain undisturbed with 28 new trees to be planted to mitigate the removal of 71 trees which are the minimum necessary to facilitate the building's footprint. It should be noted this would comply with Tier II planting requirements, as noted above.

(d) the requested modification will not disturb the drainage patterns and soil conditions of the area; and

The overall topographical pattern of the Development Site would remain, with the site sloping from the rear end of the property, where elevation is the highest at approximately 202 feet in elevation, to the street level where elevation is the lowest on the property at 142 feet in elevation. Existing natural topography and vegetation of the rear half of the site would remain undisturbed.

It should be noted that the property was developed with nine contiguous single-story buildings from 1937 until 1977. By 1981, the buildings were demolished and since then the property has remained vacant with some concrete stair areas remaining. As such, the natural terrain and soil conditions have already been disturbed in this area, which encompasses a bulk of the footprint of the Proposed Development. Therefore, the natural drainage patterns and soil conditions for the immediate area would not be disturbed, which will continue flow downhill towards Victory Boulevard.

(e) the #development#, #enlargement# or #site alteration# takes advantage of the natural characteristics of the site.

The terrain of the Development Site slopes up continually in 30-foot segment of steep slope. The segment that is clustered along the frontage of the Development Site would contain the bulk of the Proposed Development, with the 55-foot structure set into a 30-foot grade change. This concentrates the lot coverage of the proposed 55-story building in an area covering approximately 49% of the Site, where 18% is permitted in the Special HS District, and 60% is typically permitted outside the district. The remaining rear 78-foot portion of the Site would remain undisturbed, which would serve to maintain natural drainage patterns on the property. As such, the proposed design of the Development Site would take full advantage of the special characteristics of the site, with three separate setbacks and vegetated rooftop areas, without interrupting natural drainage patterns and the bulk of the Proposed Development concentrated into 30-feet of hillside, with the remaining area undistributed.

Any #development#, #enlargement# or #site alteration# requiring an authorization pursuant to this Section shall be subject to all the requirements of Section 119-20 (PROVISIONS REGULATING TIER II SITES) for which an authorization or special permit has not been obtained.

****

119-312 - Authorization of certain uses within the Special Hillsides Preservation District

Any #group parking facility# with 30 cars or more and, in #Residence Districts#, any #community facility use# or #enlargement# thereof, shall be allowed only by authorization of the City Planning Commission. In order to grant such authorizations, the Commission, upon review of a site plan, shall find that:

(a) the proposed #development#, #enlargement# or #site alteration# will not adversely affect the drainage pattern and soil conditions of the area;

As noted above, the overall topographical conditions of the Development Site would remain, with the site sloping from the rear of the property, where elevation is highest at approximately 202 feet in elevation, to the street level which is approximately 142 feet in elevation. Existing natural topography and vegetation of the rear half of the site would remain undisturbed. In addition, the proposed footprint of the Proposed Development was previously occupied by nine contiguous single-story buildings from 1937 until approximately 1981, with some concrete stairway areas still present on the Development Site. As such, the soil conditions in this area were already disturbed by historic development and the Proposed Actions would not adversely affect soil conditions. The remaining site area would remain undisturbed. Therefore, natural drainage patterns and soil conditions for the immediate area would not be adversely affected.

(b) the proposed #development#, #enlargement# or #site alteration# has minimal impact on the existing natural topography and vegetation and blends harmoniously with it;

As noted above under the finding of 119-311(c), as designed, the bulk of the Proposed Development would be clustered along the frontage of Victory Boulevard to minimize the impact of the site's terrain. The building would employ a series of three setbacks at third, fourth and fifth (at 50') floors to respond to natural topography present on the site. In addition, plantings would be employed to further minimize the impact of the building, as illustrated on drawing A-101, which include vegetated roof areas with plantings, such as trees and hedges. These features would be visible from the street level to mitigate the overall impact of the Proposed Actions on the Site's terrain. The remaining area of the Development Site would remain undisturbed with 30 trees to be preserved with 28 new trees to be planted to mitigate the removal of 71 trees, the minimum necessary to facilitate the building's footprint.

(c) such #development#, #enlargement# or #site alteration# is so located as not to impair the essential character of the surrounding area;

The Proposed Development, which requires a site alteration, would be consistent with the character of the surrounding area. Victory Boulevard is a 'wide' mixed-use corridor with R4 and R5 districts present in close proximity, which permit four- and five-story buildings. For instance, the block to the north at 150 Victory Boulevard contains a six-story apartment building with 40 dwelling units and an overall FAR of 1.97. This would be consistent with the Proposed Development under the proposed R6B district, which does not permit buildings in excess of five-stories. Moreover, directly across Victory Boulevard is an R4/C1-3 district, which permits contextual three-story residential and mixed-use buildings with a maximum height of 35 feet. As such, it is not believed that the proposed site alteration and resulting development would impact the essential character of the surrounding area, which is mixed-use in use and contains buildings that rise between four- and five-stories.

(d) the design of such #development#, #enlargement# or #site alteration# takes full advantage of all special characteristics of the site;

As noted above, the terrain of the Development Site is continuously upward sloping in areas of steep slope, with approximately 30 feet in elevation change per segment. The segment that is clustered along the frontage of the Development Site would contain the bulk of the Proposed Development, with the 55-foot structure set into a portion of the hillside that results in a grade change of 30 feet. The Proposed Development would employ a series of three setbacks to blend into the area of steep slope. This concentrates the lot coverage of the proposed 55-foot building in an area covering approximately 49% of the Site, where 18% is permitted in the Special HS District, and 60% is typically permitted outside the district. The remaining rear 78-foot portion of the Site would remain undisturbed, which would serve to maintain the natural slope of the hillside while concentrating the bulk of the Proposed Development away from the rear of the site. As such, the design of the Proposed Development would take full advantage of the sloping characteristics of the site.

(e) vehicular access and egress for such #development#, #enlargement# or #site alteration# is located and arranged so as to draw a minimum of vehicular traffic to and through local #streets# in nearby residential areas; and

Vehicular access and egress for the Proposed Development is located on an arterial roadway and does not draw traffic to or from local streets.

(f) where vehicular access and egress is located on an arterial, such location affords the best means for controlling the flow of traffic generated by such development to and from such arterial.

The Proposed Development's vehicular access and egress consists of a two new curb cuts to access 55 provided parking spaces for the proposed residential use, where 20 are required for all the uses in the Proposed Development. In addition, 4 dedicated spaces would be provided for the proposed daycare use.

Each parking area would consist of a 12-foot ingress/egress area along Victory Boulevard, a 100-foot-wide roadway. The cellar level parking area would contain 31 parking spaces for the proposed residential use, while the first-floor parking area would contain 24 attended parking spaces for the residential use and 4 spaces for the proposed daycare use. These 4 spaces would be primarily used as spaces for drop-offs, thereby preventing automobiles from potentially affecting traffic along Victory Boulevard when drop-offs occur.

The Commission may permit modifications to parking lot landscaping and maneuverability requirements for applications for such authorizations of #group parking facilities# for over 30 cars or for #enlargements# to #group parking facilities#, if such modifications preserve vegetation and natural topography.

****