



Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION
JULY 10, 2014

2201 - 2205 Blake Street

Use Permit #13-1000023 to construct a new, two-story, approximately 3,000 square-foot duplex and a 432 square-foot single story dwelling within a relocated accessory structure at the rear of the City of Berkeley Landmark site known as the “Bartlett Houses.”

I. Background

A. Land Use Designations:

- General Plan: MDR, Medium Density Residential
- Zoning: R-2A, Restricted Multiple-Family Residential District

B. Zoning Permits Required:

- Use Permit for new dwelling units, under BMC 23D.32.030
- Administrative Use Permit to reduce the rear yard for a main building, under BMC Section 23D.32.070.D.1
- Use Permit to create more than 6 or more bedrooms on a single parcel, under BMC 23D.32.050

C. CEQA Determination: Categorically exempt pursuant to Section 15332 (“In-fill Development Projects”) and Section 15331 (“Historical Resource Restoration/Rehabilitation”) of the CEQA Guidelines.

D. Parties Involved:

- Applicant/Property Owner Nathan George
2201 Blake Street
Berkeley, CA 94704

Figure 1: Vicinity Map

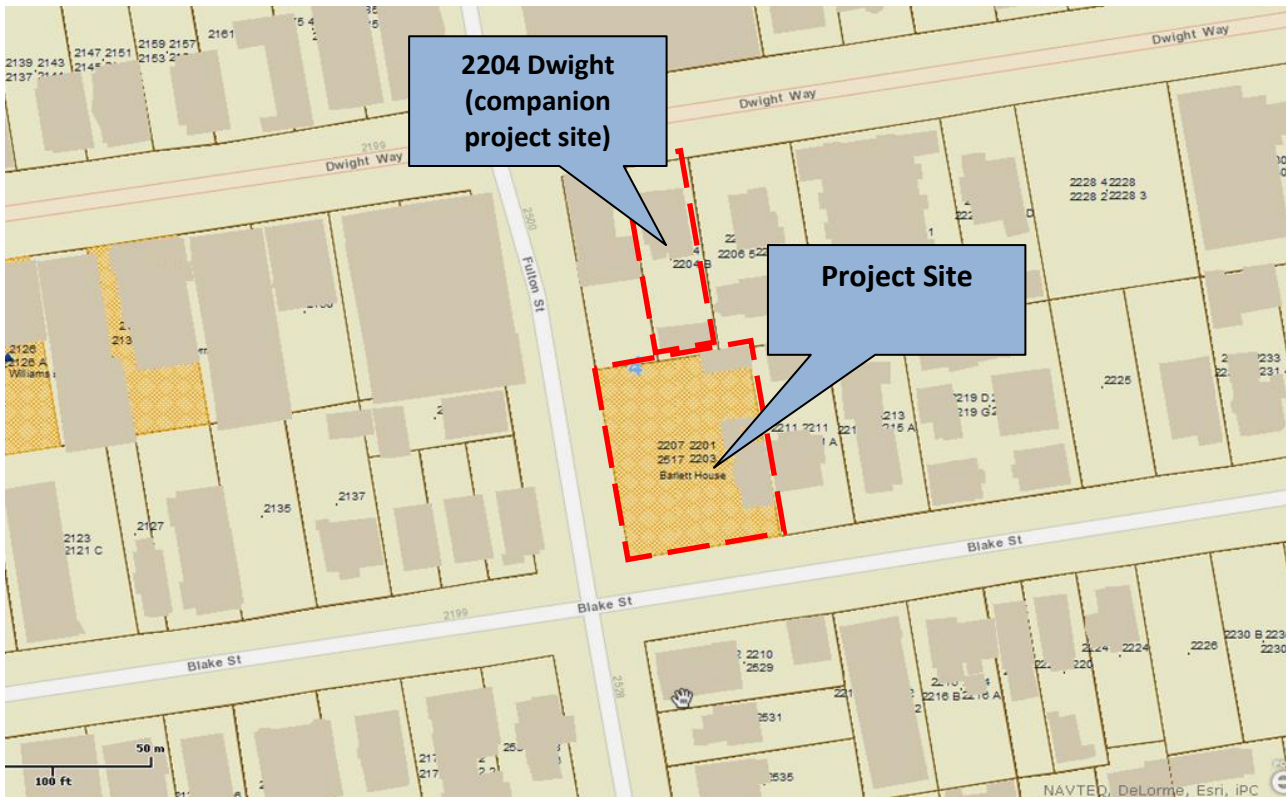


Figure 2: Site Plan

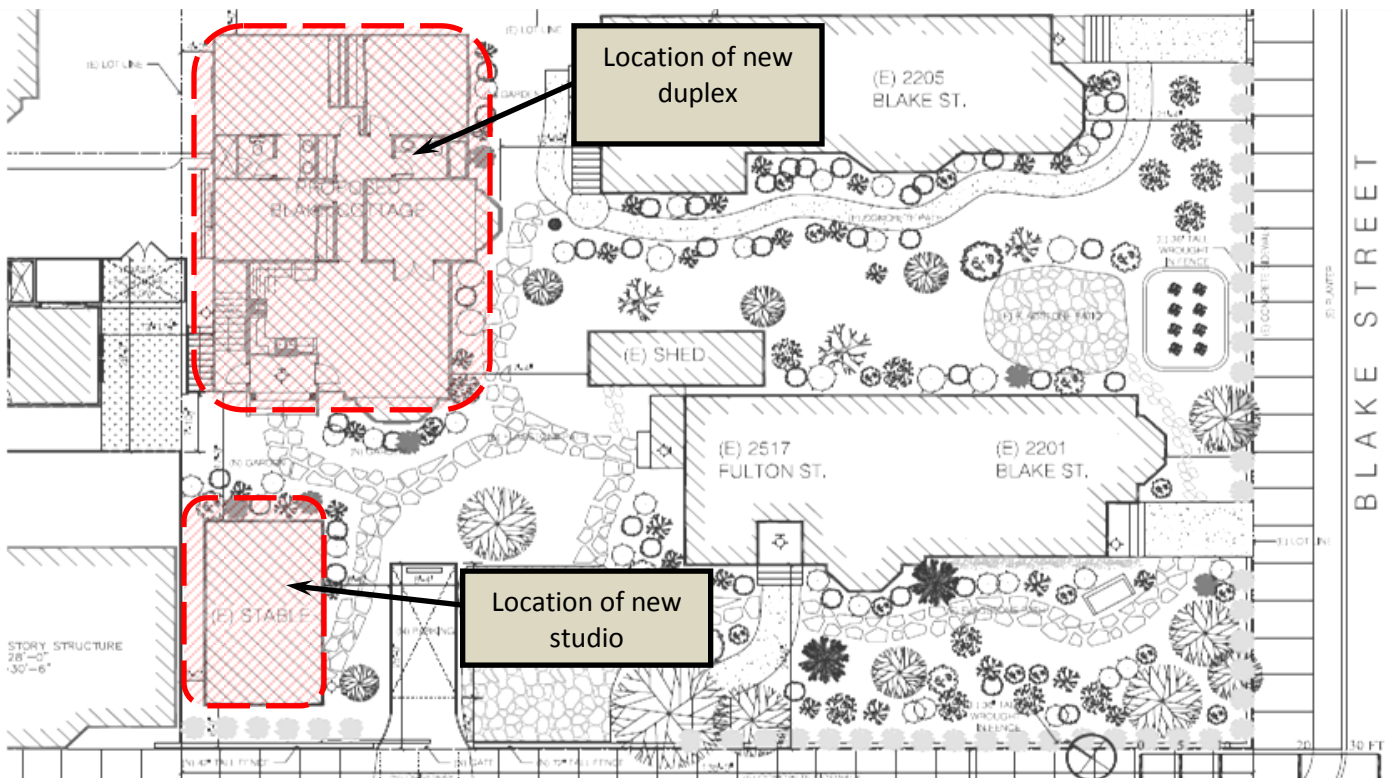


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Multiple Family (two duplexes)	R – 2A	Medium Density Residential
Surrounding Properties	North	Duplex and Multi-family Residential	R – 3	High Density Residential
	South	Multi-Family Dwelling	R – 2A	Medium Density Residential
	East	Triplex	R – 2A	Medium Density Residential
	West	Single Family Dwellings	R – 2A	Medium Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Historic Resources	Yes	City Landmark property
Green Building Score	Yes	The applicant proposes a total of 58 points for the proposed project through Build It Green’s Single Family GreenPoint green building measures.

Table 3: Project Chronology

Date	Action
May 21, 2013	Use Permit and Landmarks Structural Alteration Permit (SAP) Applications submitted
September 12, 2013	LPC hearing
October 29, 2013	Appeal of LPC submitted by Lozeau Drury for Gale Garcia and “No Mini Dorm Village for Le Conte Neighborhood”
December 17, 2013	City Council Approval of SAP
June 26, 2014	Public Hearing Notices mailed
July 10, 2014	Zoning Adjustments Board Hearing

Table 4: Development Standards

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required	
BMC Sections 23(click and enter #).070-080						
Lot Area (sq. ft.)		13,500	--	13,500	5,000	
Gross Floor Area (sq. ft.)		5,639	3,047		N/A	
Dwelling Units	Total	4	3	7	3	
	Affordable	N/A	N/A	N/A	N/A	
Duplex	Building Height	Average (ft.)	--	24' 6"	28	
		Maximum (ft.)	--	27' 8"	35	
		Stories	--	2	3	
	Building Setbacks (ft.)	Front	--	N/A	N/A	N/A
		Rear	--	+ 1' 3"	4	15
		Left (street) Side	--	- 20	N/A	N/A
		Right Side	--	--	4	4
	Stable	Building Setbacks (ft.) (stable)	Average (ft.)	15' 1"	15' 1"	28
Maximum (ft.)			15' 1"	15' 1"	35	
Stories			1	1	3	
Building Height (stable)		Front	N/A	N/A	N/A	N/A
		Rear	2'9"	+1' 3"	4	15
		Left (street) Side	70	- 64	6	6
		Right Side	5' 2"	N/A	N/A	N/A
Lot Coverage (%)		22.9	11.8	34.7	45	
Usable Open Space (sq. ft.)		9,268	-1,583	7,685	2,100	
Parking		0	7 (4 for companion project)	7	3	

II. Project Setting

A. Neighborhood/Area Description:

The project is located immediately adjacent to the Southside Area of Berkeley, four blocks south of the University campus and one block east of Shattuck Avenue. The site is primarily surrounded by one to three story multi-family residential units.

B. Site Conditions:

The site is developed with two, two-story duplexes and a stable/shed located at the rear of the property. On December 5, 2005 the Landmarks Preservation Commission designated the Bartlett Houses, located at 2201-05 Blake Street, a City of Berkeley Landmark site.

III. Project Description

The project proposes to construct an approximately 3,047 square-foot, two-story duplex in the northeast corner of the lot behind the 1892 Bartlett House (2205 Blake Street); and a separate approximately 432 square-foot residential unit within the existing accessory structure/stable which will be relocated to the northwest corner of the lot behind the primary landmark 1877 Bartlett House (2201 Blake Street). Under a separate companion permit the project includes the construction of two new dwelling units at the rear of 2204 Dwight Way (located immediately north of the site), with below grade parking provided below the new Blake Street duplex with access through the 2204 Dwight Way driveway.

The new duplex will have two, three bedroom, two bath units with the first floor unit measuring 1,464 square feet and the second floor unit measuring 1,583 square feet. The structure includes a subterranean parking garage for six vehicles. The building will have an average height of 24' 6" and a maximum height of 27' 8".

The other residential unit proposed within the relocated accessory structure/stable would retain the shape and materials of the original structure, while adding wood double hung windows and new barn doors where appropriate to facilitate the new use. One surface parking space would be provided adjacent to this unit in a driveway off of Fulton Street (see site plan).

Common open space would be provided within a landscaped and fenced garden between the proposed and historic buildings.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, a pre-application poster was erected by the applicant in April 2013. Shortly after the application was submitted, staff was contacted by neighbors that expressed concerns regarding the size and intensity of the proposed development (please see discussion under Committee Review below).

The Structural Alteration Permit (SAP) for the project was approved by the LPC on September 12, 2013. An appeal was filed on October 29, 2013. The project had been placed on the ZAB agenda for November 14, 2013, however due to the LPC appeal, all City actions were stayed. The City received three letters in opposition to the project for inclusion in the November 14th ZAB packet (see attachment 4).

The City Council denied the appeal of the SAP on December 17, 2013, which allowed the city to continue action on the project. On June 26, 2014, the City mailed 353 notices to property owners and occupants within a 300 foot radius as well as to interested neighborhood organizations. Comments are attached

The City has received ongoing correspondence that included letters in opposition to the project and information on violations at various properties owned by the applicant.

Planning and Building staff visited the sites in question with the applicant and requested a timeline for compliance. As of the writing of this report, the following is the status of the properties:

2436 Fulton St.

Notice of Violation – roof top deck addition without the benefit of permits.
Status – applicant obtaining as-built from original project architect.
Estimated timeline for submittal is two weeks.

2504 Dana St.

Notice of Violation - occupancy of a building without obtaining the final inspections and a Certificate of Occupancy
Status – Final inspection complete and certificate of occupancy granted.

2204 Dwight Way –

Notice of Violation – final inspections not obtained. Cal OSHA issued multiple citations for unsafe excavation.
Status – Request for alternate materials/methods submitted and in review.

B. Landmarks Preservation Commission Review:

Because Section 3.24.200 of the Berkeley Municipal Code requires Landmarks Preservation Commission review of any proposed construction on a designated landmark for which a City permit is required, an associated Structural Alteration Permit application was filed to allow the construction on the site where the landmarked Bartlett Houses (2201-2205 Blake Street) are located. On September 12, 2013 the Commission held a public hearing and approved the Structural Alteration Permit with conditions, by a 7-2-0-0 vote (Yes: Linvill, Ng, Olson, Parsons, Pietras, Ruegg, Wagley; No: Hall, Schwartz; Abstain: None; Absent: None). On October 29, 2013, Lozeau Drury LLP submitted a notice of appeal on behalf of Berkeley resident Gale Garcia and “No Mini-Dorm Village for LeConte Neighborhood”. The effect of the appeal was to stay all proceedings by all parties in connection with the matter until the determination of the appeal. The Clerk set the matter for review by the Council on December 17, 2013. The Council approved the Structural Alterations Permit by a 6-2-1-0 vote (Yes: Maio, Moore, Capitelli, Wengraf, Wozniak, Bates No: Arreguin, Worthington Abstain: Anderson)

V. Issues and Analysis

A. Key Issues:

1. Creation of New Dwelling Units: The project proposes to construct a 3,047 square-foot, two-story duplex in the northeast corner of the lot; and a separate 432 square-foot residential unit within the existing accessory structure/stable that will be relocated to the northwest corner of the lot. The project does not propose any changes to the existing residential units.

The project is located in the Restricted Multiple Family Residential District (R-2A) which allows a density of one dwelling unit per 1,650 square feet of lot area. The

creation of three new dwellings will increase the number of dwelling units to seven on a site that would allow up to eight units. Usable open space would be provided within a landscaped and fenced garden between the proposed and historic buildings. Parking for the new duplex will be provided in the building's subterranean garage accessed via the driveway on 2204 Dwight while parking for the single unit will be provided as an uncovered space adjacent to the relocated structure. The new units will comply with all applicable development standards.

The project meets the purposes of the R-2A District in that the units will develop a medium density residential area with small multiple-family and garden-type apartment structures that retain an expanse of open space on the subject lot. According to the applicant's statement, the new units will help provide housing for families who desire proximity to the University and downtown without having to compromise the size of their living quarters. The new units will help create a diverse multi-family housing stock that provides options for people looking to live in the city and will help the city meet the high demand for housing in this area.

2. Height and Bulk: The subject neighborhood has a mix of one, two and three-story multi-family residential buildings that vary in architectural styles. The R-2A District allows building heights of 28' in average height (35' with a Use Permit) and up to three stories. The District allows corner properties with two-story structures maximum lot coverage of 45%.

The proposed two-story duplex at the northeast corner of the lot will have an average and maximum height of 24' 6" and 27' 8" respectively and be smaller both in height and floor area than the existing duplexes at the front of the parcel. The stable will retain its 15' height and be relocated to within 6' of the Fulton Street side (west) property line. While the existing Bartlett House at 2205 Blake is setback by 1' 9" from the east side property line, the proposed duplex will be set back by 4'. Both buildings will maintain a minimum setback of 4' from the rear property line. The project will increase the lot coverage from 22.9% to 34.7%, well below the 45% limit.

In this instance, the height and massing of both proposed structures is in keeping with an area that is characterized by one to three-story multiple family residential uses that vary in architectural styles. Staff believes that the proposed project is similar in height, size, bulk and location to other buildings in the neighborhood and would not create any significant impacts to surrounding neighbor's sunlight, views, air or privacy.

Additionally, because the site is a City of Berkeley Landmark, the project was reviewed and approved by the Landmarks Commission and upheld by City Council on appeal.

3. Potential Shading Impacts: Due to the orientation of the buildings and because the building is located at the rear of the property, new shadows from the project would primarily fall onto the parcel of the companion project located at 2204 Dwight Way. Shading studies submitted by the applicant illustrate that the properties to the northeast and northwest will experience new shading during the morning (2200

Dwight Way) and evening (2208 Dwight Way) of the winter solstice; however the amount will be minimal and is not considered significant.

4. Reduction of Rear Yard Setback: The R-2A District allows a reduction of any amount to the required 15' rear yard for main buildings subject to an Administrative Use Permit. The project proposes to locate the rear duplex and repurposed stable four feet from the northern property line that is shared with 2200, 2208, and 2204 Dwight Way (the companion project).

The reduction of the rear setback for the duplex will most directly affect the parcel located at 2204 Dwight Way, and specifically affect the proposed duplex that is part of the companion project. The distance between the two buildings would be approximately 14 feet which is greater than the district requirement for distance between buildings on the same lot and is expected to provide sufficient room for sunlight, air, and privacy.

The reduction of the rear setback for the relocated and repurposed stable will most directly affect the parcel located at 2200 Dwight Way, more specifically the two-story building at 2511/2515 Fulton Street. The distance between the two buildings will be slightly more than four feet as the structure on the abutting parcel is located on the property line. While this distance is less than the recommended distance between buildings on the same lot, staff believes impacts created by the reduction to the required 15' set back will be minimal as the size of the relocated structure is much smaller relative to the building at 2511/2515 Fulton. To moderate impacts to the privacy of residences on the adjacent parcel the building would be oriented towards the interior of the subject lot.

5. Number of Bedrooms: The R-2A District requires a Use Permit to create six or more bedrooms on a single parcel¹. The project would create 9 new bedrooms on a parcel that currently has 13 (8 in the proposed duplex and 1 in the studio). It should be noted that because of the new regulations regarding addition of bedrooms to parcels and a new definition of "bedroom," the dining rooms in each unit count towards the project's overall bedroom count.

According to the applicant's statement, the new four-bedroom units are designed to accommodate smaller households that want both ample interior space and the convenience of living near the services and amenities offered by higher density neighborhoods and commercial areas north and east of the project. The location of the buildings on the large site and amount of open space would support the number of bedrooms proposed in the project.

6. Parking: The project proposes to construct an underground parking area beneath the new rear duplex that will be accessed via 2204 Dwight Way. The parking area will provide two new spaces for the new dwelling units as well as the additional

¹ "Bedroom" means any Habitable Space in a Dwelling Unit or habitable Accessory Structure other than a kitchen or living room that is intended for or capable of being used for sleeping with a door that closes the room off from other common space such as living and kitchen areas that is at least 70 square feet in area, exclusive of closets and other appurtenant space, and meets Building Code standards for egress, light and ventilation. A room identified as a den, library, study, loft, dining room, or other extra room that satisfies this definition will be considered a bedroom for the purposes of applying this requirement.

parking required for the companion project at 2204 Dwight Way. The project would also provide parking for the studio by constructing a parking pad adjacent to the relocated stable structure.

In order to insure that the parking access will be maintained on the companion site, and that the parking spaces are maintained on the subject lot, a notice of limitation granting easements will be required on both sites prior to the issuance of a building permit.

B. General and Area Plan Consistency:

General Plan Policy Analysis: The 2002 General Plan contains several policies applicable to the project, including the following:

1. Policy LU-1 Community Character: *Maintain the character of Berkeley as a special, diverse, unique place to live and work.*
2. Policy LU-2 Preservation: *Protect Berkeley's character by identifying, restoring, and preserving historic buildings. (Also see Urban Design and Preservation Policies UD-1 through UD-3.)*
3. Policy LU-3–Infill Development: *Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.*
4. Policy LU-7–Neighborhood Quality of Life, Action A: *Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.*
5. Policy UD-16–Context: *The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.*
6. Policy UD-24–Area Character: *Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.*

Staff Analysis: The subject property is located in the R-2A Restricted Multiple-Family Residential Zoning District, generally characterized by a mix of single-family homes and small to medium sized multi-family structures. The zoning for this site also serves as a transition to the adjacent R-3 Zoning District immediately north of the site, which is located within the Southside Plan Area and encourages the development of relatively high density residential areas. The in-fill project allows the city to meet housing needs and reduce greenhouse gas emissions while maintaining the use of the historic site.

The new construction is designed to be compatible in scale with the overall massing of the eclectic neighborhood setting. While the proposed project would be visible, it would not obstruct the views of the houses from the public right-of-way nor will it tower over them. The two-story duplex is proposed to be lower than both of the landmark houses, located in the back corner of the double lot, silhouetted by an existing modern apartment building built over a garage on the adjacent lot beyond to the east.

7. Policy H-19–Regional Housing Needs: Encourage housing production adequate to meet the housing production goals established by ABAG’s Regional Housing Needs Determination for Berkeley.

Staff Analysis: The project (along with the companion project at 2204 Dwight Way) will provide a total of 5 new dwelling units in medium-sized buildings that are compatible with the surrounding neighborhood uses and buildings. Additionally, the in-fill project allows the city to meet housing needs and reduce greenhouse gas emissions while maintaining the use of the historic site.

VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

- A. APPROVE Use Permit #**13-1000023** pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received July 3, 2014
3. Notice of Public Hearing
4. Correspondence Received

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