

Figure 1: Vicinity Map

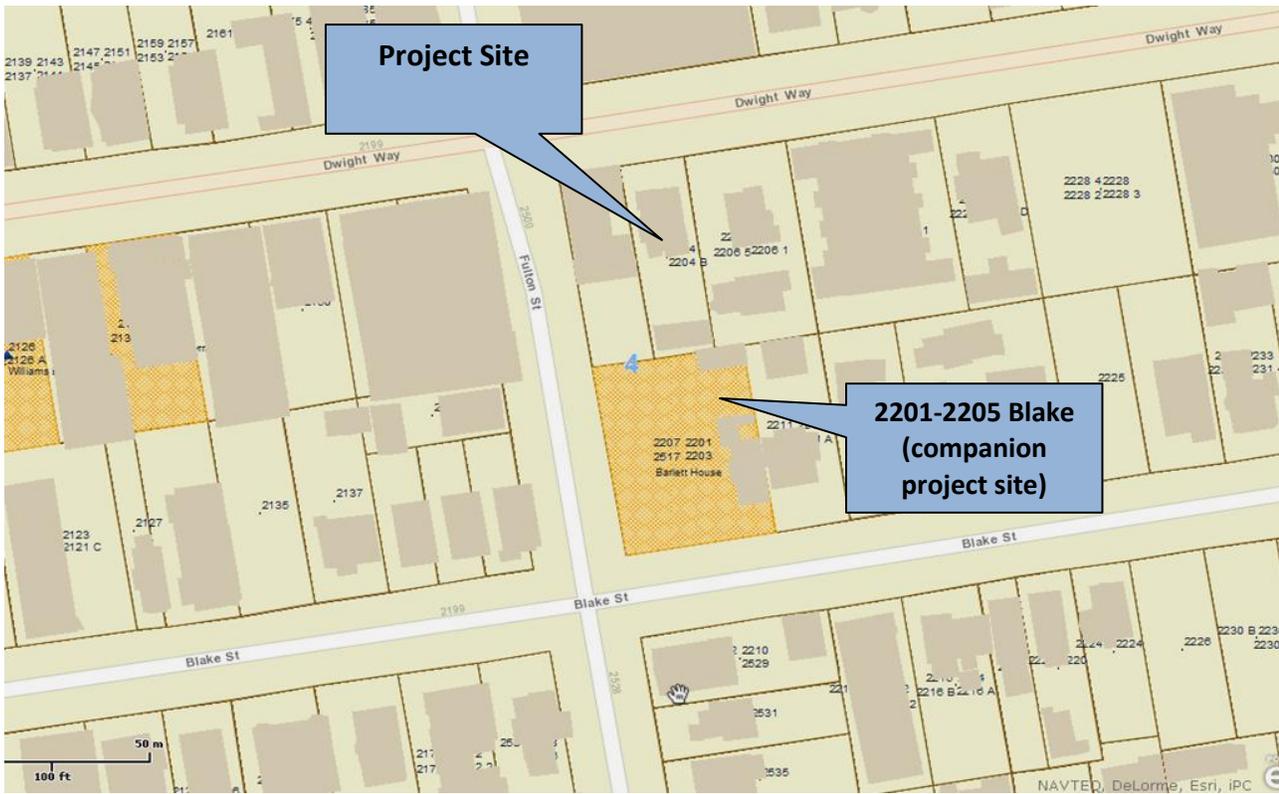


Figure 2: Site Plan

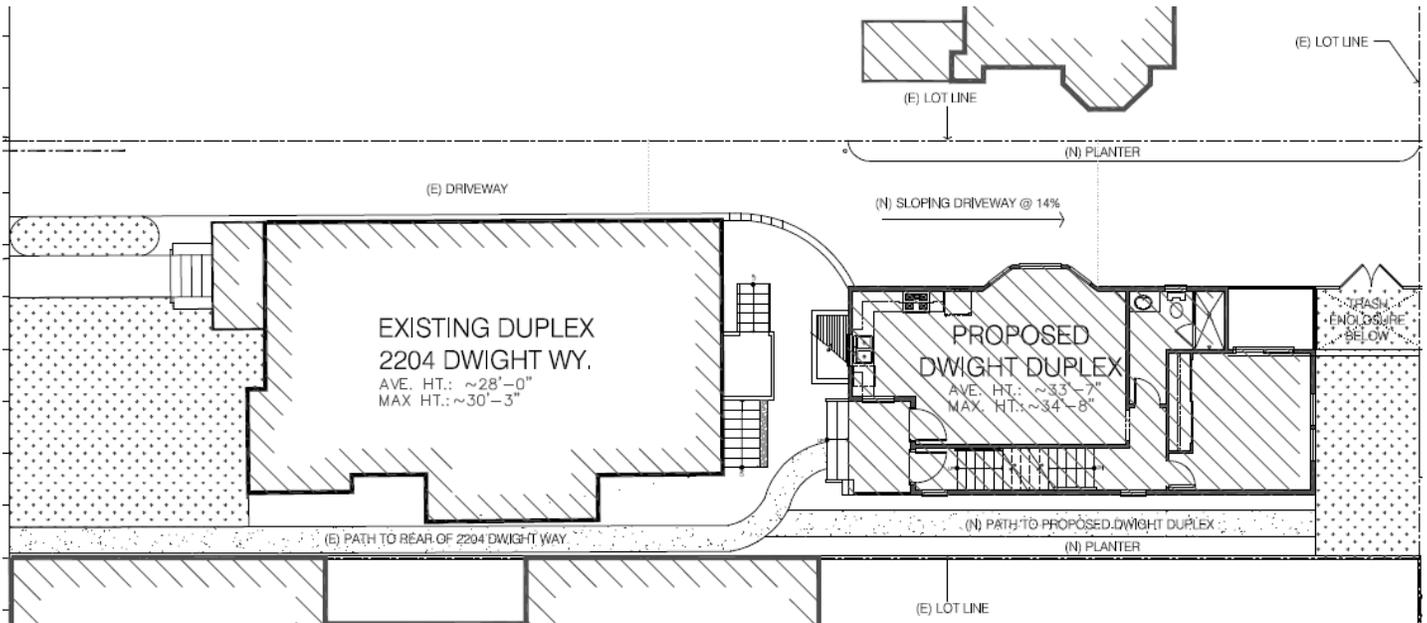


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Duplex	R – 3	Medium Density Residential
Surrounding Properties	North	Duplex and Multi-Family Residential	R – 3	Medium Density Residential
	South	Four unit property	R – 2A	Medium Density Residential
	East	Triplex	R – 3	Medium Density Residential
	West	Multi-Family Residential	R – 3	Medium Density Residential

Table 3: Project Chronology

Date	Action
May 21, 2013	Use Permit and Landmarks Structural Alteration Permit (SAP) Applications submitted for project and companion project at 2201 Blake Street
September 12, 2013	LPC hearing for Blake Street project
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	ZAB Public 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.)		5,400	No Change	No Change	5,000
Gross Floor Area (sq. ft.)		2,830	3,224	6,054	N/A
Dwelling Units	Total	2	+2	4	2
Building Height	Average (ft.)	--	31' 11	31' 11	N/A
	Maximum (ft.)	--	34' 9"	34' 9"	35
	Stories	--	3	3	N/A
Building Setbacks (ft.)	Front	--	N/A	22	20
	Rear	--	67	10	15
	Left Side	--		14	4
	Right Side	--		6	6
Lot Coverage (%)		22.6	+16	38.6	40
Usable Open Space (sq. ft.)		555	+278	833	800
Parking (Provided at 2201 Blake St.)		4	-4	4 (off-site)	4

II. Project Setting

A. Neighborhood/Area Description:

The project site is located within the Southside Plan Residential Medium Density area of the City, four blocks south of the UC Berkeley campus and one block east of Shattuck Avenue, one of the City's main commercial corridors. The subject neighborhood has a mix of one, two and three-story multi-family residential buildings that vary in architectural styles. The Board recently approved a 77 unit residential project of 5 stories directly across the site at 2201 Dwight Way.

B. Site Conditions:

The site is developed with a two-story, 2,830 square foot duplex at the front of the site and a four car carport at the rear.

III. Project Description

The project would demolish a four-car carport located at the rear of the parcel and construct a new three-story, 3,400 square foot duplex located 10 feet from the rear (south) property line. Each bi-level unit will consist of three bedrooms, three bathrooms, an eat-in kitchen and family room. Parking will be provided below grade at the companion project site located at 2201 Blake Street and accessed via the driveway at 2204 Dwight.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting an application to the City, a pre-application poster was erected by the applicant in April 2013. On June 26, 2014, the City mailed 127 notices to property owners and occupants within a 300 foot radius as well as to interested neighborhood organizations. As of the writing of this report, staff has received correspondence regarding the companion project at 2201 Blake Street. Please see attachment 4 for 2201 Blake Street Project.

B. Committee Review:

No committee review is required for this project. The companion project located at 2201 Blake Street has been reviewed by the Landmarks Preservation Commission.

V. Issues and Analysis

A. Key Issues:

1. Construction of New Dwelling Units: The project proposes to construct a 3,224 square-foot, three-story duplex at the southern end of the lot with parking provided in a subterranean garage located at 2201 Blake Street and accessed via a driveway on the subject lot.

The project is located in the Multiple Family Residential District (R-3) which does not have a density standard in the Zoning Ordinance. In effect, other development standards such as lot coverage, useable open space, height and story limits as well as parking regulate a lot's development potential. Additionally, we can look to the site's general plan designation for guidance with density

The R-3 District allows buildings to measure up to 35' and three stories and requires 200 square feet of useable open space per dwelling unit. In this case, the proposed building will measure 3 stories (plus a basement below grade), have an average height of 31' 11" and provide 833 square feet of useable open space. Parking for the existing dwellings as well as the proposed new dwellings will be provided at a separate site (see discussion in #7 below). The new units will comply with all applicable development standards of the R-3 Zoning District.

The subject property is Medium Density Residential (MDR) which is generally characterized by a mix of single-family homes and small to medium sized multi-family structures with intensity that ranges from 20-40 dwelling units per net acre. At 5,400 square feet the subject lot measures approximately 1/10th of an acre which would result in two-four units on the lot.

The addition of two new units will bring the total number of dwellings to four in an area where multiple family residential uses predominate. The project meets the purposes of the R-3 District in that the units will develop the site to its fullest potential and maintain a sufficient amount of open space for the residents. According to the applicant, the new units will help provide housing for those who desire proximity to the University and downtown commercial areas and do not want 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 Berkeley and will help the City meet the high demand for housing in an area immediately adjacent to the Downtown.

2. Height/ Bulk: The subject neighborhood has a mix of one, two and three-story multi-family residential buildings that vary in architectural styles. The project is located in the Southside Plan, Residential Multiple Family Subarea (R-3) and adjacent to the Residential Southside District (R-S). The R-3 District allows a maximum average height of 35' and up to three stories and allows an interior lot with three-story buildings a maximum lot coverage of 40%.

The proposed three-story duplex would have an average height of 32' and a maximum height of 34' 9" and increase the lot coverage from 22.6% to 38.6%. The building would be located six feet from the western property line, approximately 14' from the eastern property line, and will maintain a minimum setback of 10' from the southern (rear) property line.

While taller than the existing front duplex, the building will have the same number of stories as the multiple residential property located to the west at 2200 Dwight Way (also known as 2511/2515 Fulton Street) and provides an appropriate transition between the lower density R-2A District (immediately south of the site) and the higher density residential and commercial districts further north and east of the site. Additionally, the structure is in keeping with the heights and massing of other buildings in the immediate vicinity.

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 subject parcel. Shading studies submitted by the applicant illustrate that the properties to the east and west 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: The R-3 District allows a reduction to the required 15 foot setback when there are two or more main buildings on a site, subject to an Administrative Use Permit. The project proposes to locate the new duplex 10 feet from the rear property line.

This reduction will most directly affect the parcel located at 2201 Blake Street, and specifically affect the new duplex proposed as part of the companion project. The distance between the two buildings would be approximately 14 feet. This distance between the buildings is greater than the minimum required by the Zoning Ordinance for buildings on the same property and will provide sufficient room for sunlight, air, and privacy.

5. Reduction in Distance between Buildings: The R-3 District requires an Administrative Use Permit in order to reduce the minimum distance required between buildings that contain dwelling units. In this instance, the buildings will be separated by 7' 1" where 16' is required for a three-story building¹.

The reduction will not create significant shading or loss of views, and will allow for a greater amount of open space at the rear of the property as well as allow for a sufficient buffer between adjacent parcels and the subject site.

6. Number of Bedrooms: The R-3 District requires a Use Permit in order to create six or more bedrooms on a single parcel². The project proposal has been revised to redesign three rooms that met the city's definition of "bedroom" in the existing front duplex, and create six, rather than eight new bedrooms in the rear duplex for a total 13 bedrooms on the parcel.

According to the applicant's statement, the new duplex will create two three-bedroom units designed to accommodate a diversity of households interested in both ample interior space and convenience of location.

The layout of the units supports the applicant's statements. With a lot that measures 5,400 square feet, the addition of three bedrooms (net total after the removal of three in the front duplex) would yield a ratio of one bedroom per 415 square feet of lot area, only a slight increase from the existing ratio of one bedroom per 540 square feet.

¹ While the existing building is two stories and the minimum distance between two-story buildings is 12 feet, the proposed building is three stories, and as a rule, Zoning relies on the more restrictive regulation

² "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.

7. Parking on separate parcel: The Zoning Ordinance allows required parking to be provided on a separate site as long as 1) the parking is located within 300 feet of the use and 2) the properties are under the same ownership.

The project will provide parking for the existing and proposed units in a subterranean garage located at 2201 Blake Street but accessed via a driveway on the subject lot. In order to insure that the parking will be maintained on the companion site, and that the parking remains accessible via the driveway 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-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.*

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.*

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.*

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.*

Policy UD-32–Shadows: *New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.*

Staff Analysis: The General Plan designation of the subject property is Medium Density Residential (MDR) and is located in the R-3 Multiple-Family Residential Zoning District. MDR is generally characterized by a mix of single-family homes and small to medium sized multi-family structures with intensity that ranges from 20-40 dwelling units per net acre. At 5,400 square feet the subject lot measures approximately 1/10th of an acre which would equate to roughly 2 - 4 units on the lot.

While taller than the existing front duplex, the building will have the same number of stories as the multiple residential property located to the west at 2200 Dwight Way (also known as 2511/2515 Fulton Street) and provides an appropriate transition

between the lower density R-2A District (immediately south of the site) and the higher density residential and commercial districts further north and east of the site.

2. *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 2201 Blake Street) will provide a total of 5 new dwelling units in medium-sized buildings that are compatible with the surrounding neighborhood uses and buildings.

Southside Area Plan Policy Analysis: The Southside Area Plan, adopted in 2011, also contains several policies applicable to the project, including the following:

1. *Policy LU-A1: Provide incentives to encourage development of a variety of different housing types that are affordable to students, University employees, and employees of Southside businesses:*

Policy LU-A1.A: Encourage a variety of housing types to be built in the Southside, including houses, condominiums, townhouses, apartment buildings, group living quarters, and loft-style housing, and encourage owner-occupied housing, rental housing, cooperatives and co-housing.

Staff Analysis: The project is also located within the Southside Plan Area and encourages development of relatively high density in residential areas and a mix of housing types. The project will rehabilitate two existing and provide two new dwelling units in a range of building sizes that are compatible with the surrounding neighborhood uses and buildings and that will provide greater diversity in housing type for the housing market.

VI. Recommendation

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

- A. APPROVE Use Permit #13-10000023 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

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