



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
NOVEMBER 12, 2015

2029-2035 Blake – The Roost @ Blake

Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

I. Background

A. Land Use Designations:

- General Plan: AC (Avenue Commercial)
- Zoning: C-SA (Commercial - South Area)

B. Zoning Permits Required:

- Use Permit for demolition of existing commercial structures, under BMC Section 23C.08.050.A;
- Administrative Use Permit for rooftop equipment and architectural elements that would exceed the District's high limit, under 23E.04.020.C;
- Use Permit for a mixed-use development of more than 5,000 square feet, under BMC Section 23E.52.030.A;
- Use Permit for live/work units, under BMC Section 23E.52.030.A;
- Administrative Use Permit to allow a quick or a full service restaurant with more than 1,000 square feet, under BMC Section 23E.52.030.A;
- Administrative Use Permit for alcoholic beverage service of beer and wine incidental to food service at a quick or a full service restaurant, under BMC Section 23E.52.030.A;
- Use Permit for construction of more than 3,000 square feet of gross floor area, under BMC Section 23E.52.050;
- Use Permit to reduce the front yard setback from 15 feet to 0-4 feet, reduce the rear yard setback from 17 feet to 15 feet on the fourth floor, reduce the west side yard setback from 6 feet to 5 feet on the third floor, reduce east side yard setback from 4 feet to 0 feet on the first and second floors, from 6 feet to 0 feet on the third floor, and from 10 to 8 feet on the fifth floor, (see Table 4 for greater detail), under BMC 23E.52.070.D.7;

- Use Permit to increase the maximum lot coverage to 71.4%, when the maximum is 35%, under BMC 23E.52.070.D.7; and
- Use Permit to modify or waive approximately 1 residential parking space under 23E.52.070.D.7.

C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“Infill”). The project meets all of the requirements of this exemption, as follows:

- a. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- b. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- c. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- d. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division and concur with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
- e. The site is already served by required utilities and public services, which will also adequately serve the project.

Furthermore, the project does not trigger any of the exceptions in CEQA Guidelines Section 15300.2. In particular, the project will not have any significant effects due to unusual circumstances, nor any cumulatively significant impacts (such as traffic), nor will it adversely impact any designated historical resources. The existing buildings are not designated historical resources, and the LPC declined to initiate them for City landmark status at their meeting in September 2012.

The site is not included on any list of hazardous waste sites compiled pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was conducted and the recommendations of that assessment are included as a Condition of Approval. City Standard Conditions will further address potential impacts related to hazardous materials.

D. Parties Involved:

- Applicant Rhoades Planning Group; 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612
- Property Owner 2035 Blake Street, LLC, 1958 A University Avenue, Berkeley CA 94704

Figure 1a: Vicinity Map



Figure 1b: Zoning Map



Figure 2: Surrounding Buildings

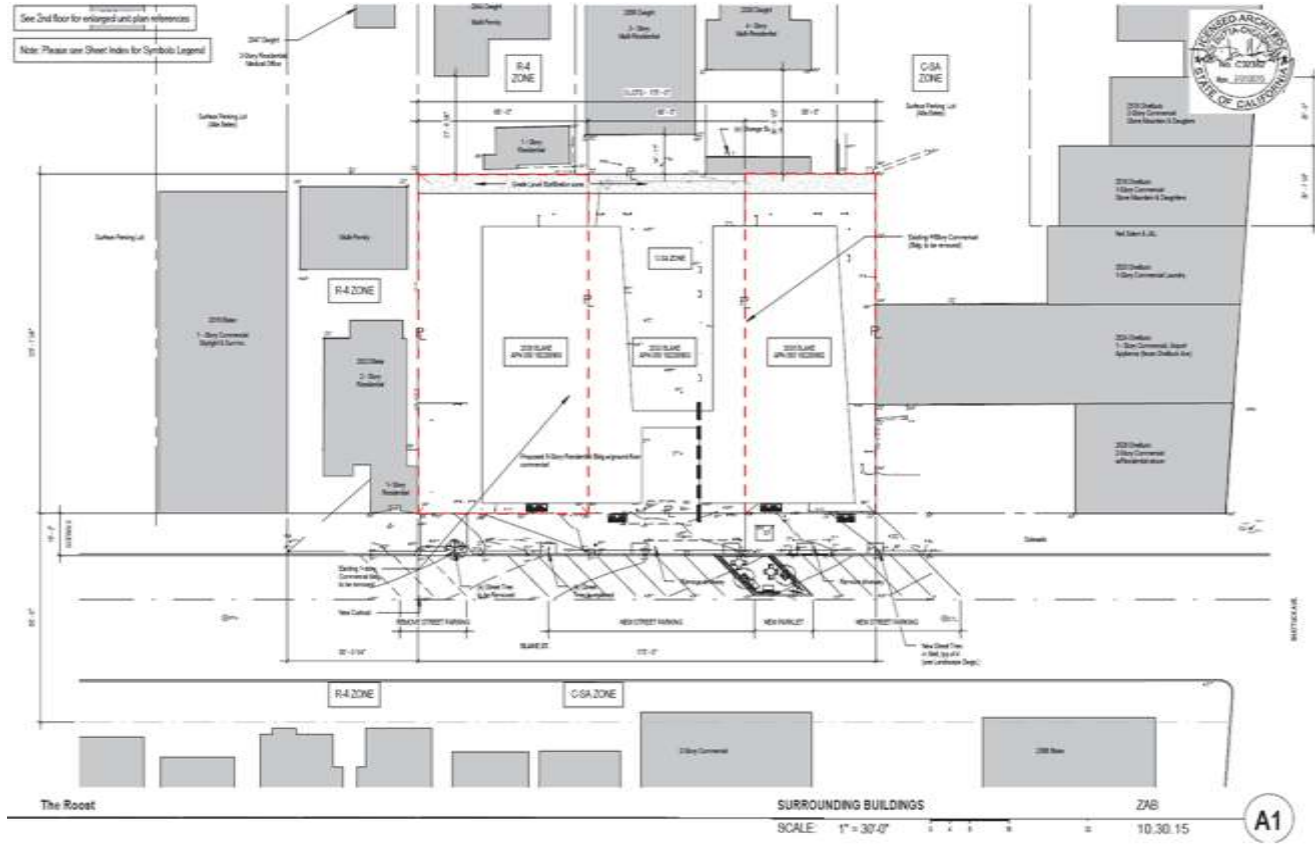


Figure 3: Proposed Site Plan

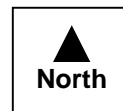
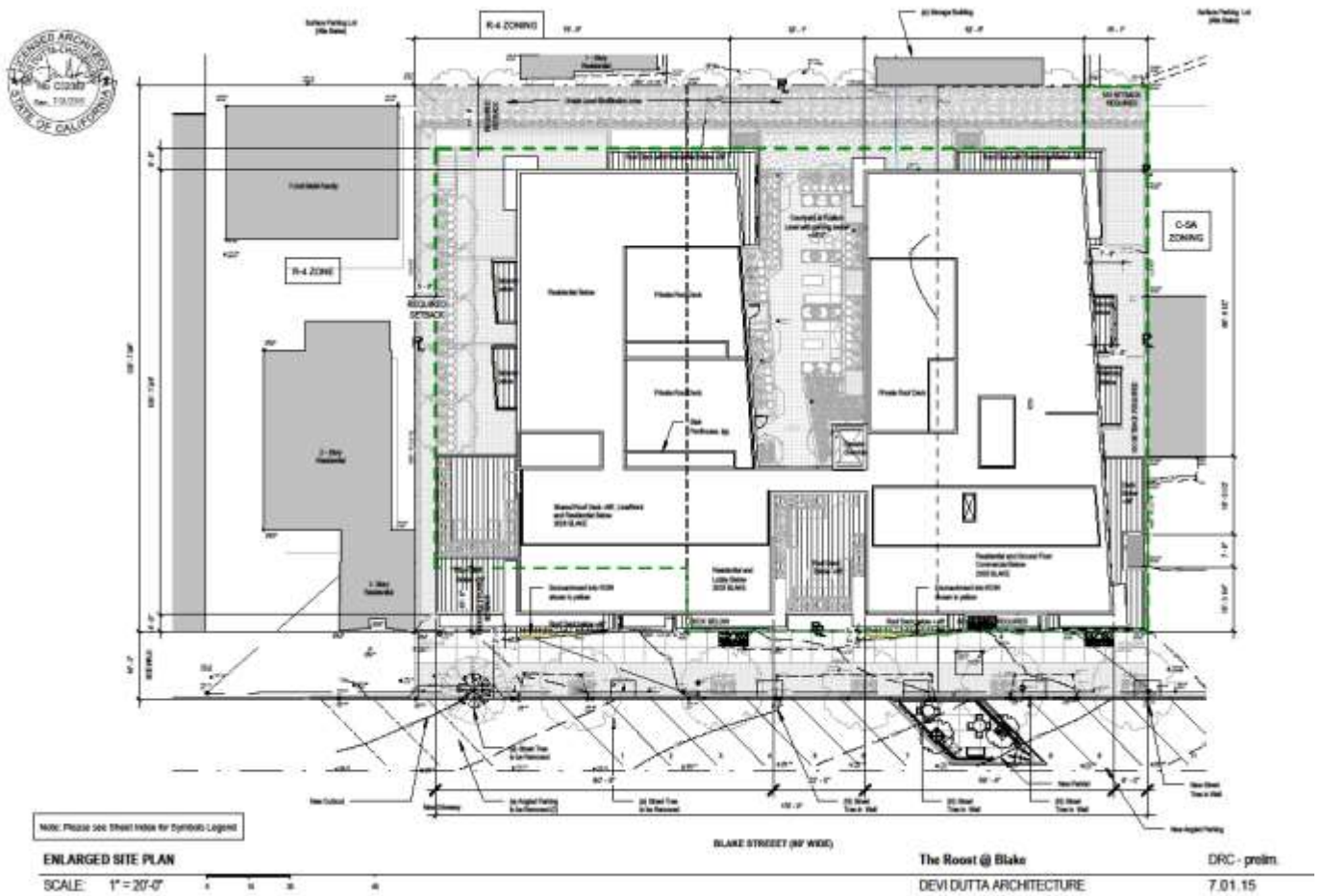


Figure 4: Proposed South Elevation



Figure 5: Proposed East Elevation



Figure 6: Proposed West Elevation



Figure 7: Proposed North Elevation



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Auto Repair	C-SA, South Area Commercial	AC, Avenue Commercial
Surrounding Properties	North	Multiple Unit Residential	R-4, Multi-family Residential	HDR, High Density Residential
	South	Commercial	C-SA, South Area Commercial	AC, Avenue Commercial
	East	Mixed-Use Residential	C-SA, South Area Commercial	AC, Avenue Commercial
	West	Multiple Unit Residential	R-4, Multi-family Residential	HDR, High Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	Proposed project includes less than 7,500 square feet of commercial use.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	Proposed project includes new housing and is thus exempt from this fee.
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.
Alcohol Sales/Service	Yes	Incidental service of beer and wine requested at proposed full-service or quick-service restaurant.
Creeks	No	No open or culverted creeks within 25 feet of the project site.
Density Bonus	No	This project is not proposing a Density Bonus.
Green Building Score	No	123 points (out of 381), GreenPoint Rates, New Home Multifamily Checklist; Certification Level: Gold
Historic Resources	No	The demolition of the existing buildings was referred to the Landmarks Preservation Commission on March 5, 2015. The LPC took no action to initiate a Landmark or Structure-of-Merit designation.
Oak Trees	No	None present.
Rent Controlled Units	No	Existing uses on the site are auto repair
Traffic	Yes	A traffic study was prepared and determined that the project would generate 43 AM and 46 PM peak hour vehicle trips. This study concluded that the additional traffic associated with the project would not significantly impact nearby intersections.
Seismic Hazards	No	Site is not located in any mapped seismic hazard or flood zone.

Soil/Groundwater Contamination	Yes	Phase I report identified three hydraulic hoists and two hydraulic oil reservoir tanks related to the existing and previous land uses. Recommendations include the removal of the hydraulic hoists and reservoir tanks, and the administration of an asbestos containing materials and lead based paint survey at the property.
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Table 3: Project Chronology

Date	Action
November 24, 2014	Application submitted
January 20, 2015	Revised application materials submitted
February 27, 2015	Revised application materials submitted
March 5, 2015	LPC meeting for Demolition Referral (no action taken)
March 20, 2015	Application deemed complete
May 21, 2015	DRC hearing for Preliminary Design Review (continued)
June 18, 2015	DRC hearing for Preliminary Design Review (continued)
July 16, 2015	DRC hearing for Preliminary Design Review (forwarded favorable recommendation)
October 29, 2015	Public hearing notices mailed/posted
November 12, 2015	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23E.52.070-080 and 23D.40.070-080		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		22,688	0	22,688	no Min
Gross Floor Area (sq. ft.)		14,910	67,911	82,821	no Max
Floor Area Ratio		0.7	--	3.6	4.0 Max
Dwelling Units	Total	0	82	82	--
	Affordable	0	8.2	8.2 ^a	8.2
Building Height ^f	Average (ft.)	<18	42	29'4" Average 60' max	60 Max
	Stories	1	4	5	5 Max
Building Setbacks (ft.) ^f	Front (Blake St.)				
	1 st Story	0		0 to 4	15
	2 nd Story	--		0 to 4 ^b	15
	3 rd Story	--		0 to 4 ^b	15
	4 th Story	--		0 to 4 ^b	15
	5 th Story	--		4 ^b	15
	Rear (north)				
	1 st Story	0		15	15
	2 nd Story	--		15 to 20	15
	3 rd Story	--		15 to 20	15
	4 th Story	--		15 to 20	17
	5 th Story	--		20	19
	Left Side (west)				
	1 st Story	0		5 to 24'6"	4
	2 nd Story	--		5 to 24'6"	4
	3 rd Story	--		5 to 24'6"	6
	4 th Story	--		24'6"	8
	5 th Story	--		24'6"	10
	Right Side (east)				
	1 st Story	0		0 to 13	4
2 nd Story	--		0 to 13	4	
3 rd Story	--		0 to 13	6	
4 th Story	--		8 to 13	8	
5 th Story	--		8 to 15	10	
Lot Coverage (%) ^f		66	(5)	71.4	35 Max
Usable Open Space (sq. ft.)		--	5,955	5,955	3,360 Min
Parking ^g	Residential Use				
	Automobile	--	63	63	63 Min
	Bicycle	--	60	60	no Min
	Live/Work ^c				
	Automobile	--	2	2	2 Min
	Bicycle ^e	--	1	0	3 Min
	Commercial ^{c, d}				
Automobile	22	(19)	3	4 Min	
Bicycle ^e	0	7	7 (in RoW)	1 Min	

Notes:

- a. The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.
- b. Some areas include a 2 foot projection.

- c. For non-residential uses, the first 1,000 sq. ft. of use is subtracted prior to calculating the required parking. The 1,000 sq. ft. is pro-rated for the two non-residential uses as follows:
 - 2,585 sq. ft. of live/work space proposed, it is 64% of the total 4,066 sq. ft non-residential use, 64% of the 1,000 sq. ft. reduction is 640 sq. ft, 2,585 minus 640 equals 1,946 sq. ft.; one space is required per 1,000 sq. ft. of use so 2 spaces are required.
 - 1,481 sq. ft. of commercial space proposed, it is 36% of the total 4,066 sq. ft non-residential use, 36% of the 1,000 sq. ft. reduction is 360 sq. ft., 1,481 minus 360 equals 1,121 sq. ft. and one space is required per 300 sq. ft. of restaurant use so 4 spaces are required.
- d. Commercial uses include retail and restaurant uses. The numbers above reflect a restaurant use. If retail use is pursued, 4 automobile and 1 bicycle parking spaces would be required. Please note that their application includes an AUP for a restaurant and an AUP for alcohol beverage service incidental to food service.
- e. The applicant shows 7 additional spaces, 5 on the sidewalk and 2 on the parklet; however, only spaces on private property are counted.
- f. Per 23E.52.070.D.7, the Board may grant a Use Permit to modify height, setbacks and lot coverage.
- g. Per 23E.52.080.E, the Board may grant a Use Permit to modify the automobile parking requirement.

II. Project Setting

A. Neighborhood/Area Description:

The project site is located on the north side of Blake Street in the South Area Commercial zoning district, to the west of Shattuck Avenue and to the east of Milvia Street. The area to the north and west is in the Multi-Family Residential zoning district (R-4) and is characterized by a mixture of medium- to high-density residential buildings and medical buildings, as well as commercial buildings. The area to the south and east is in the South Area Commercial zoning district and is characterized by a mixture commercial, mixed use, and residential uses. The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (In addition, there are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) The site is within the Adeline Corridor Plan Area (the north end is Dwight Way), which is currently underway.

B. Site Conditions:

The 22,692 square foot project site is generally level with a slight decrease in elevation to the west. It consists of three parcels which are developed as follows:

- 2029 Blake Street: This 8,420 square foot parcel includes a one-story 8,330 square foot building, which covers the majority of the site. The building is currently used as a commercial auto repair garage by Husted's Collision Center, Inc.
- 2033 Blake Street: This 7,779 square foot parcel includes a paved surface parking lot that is used by Husted's Collision Center, Inc.
- 2035 Blake Street: This 6,483 square foot parcel includes a one-story plus mezzanine 9,750 square foot building, which covers the majority of the site. The building is currently used as a warehouse by Airport Home Appliances.

III. Project Description

The proposed project would demolish an existing warehouse and a commercial auto repair garage, and construct a new mixed-use building. The new building would have the following main components:

- Five residential levels with a total of 82 units, comprised of: 32 studios, 34 one-bedroom units, and 16 two-bedroom units;
- Two live/work units on the ground floor;
- 1,896 square feet of full or quick-service restaurant space on the ground floor, with incidental service of beer and wine (this space may also be used for retail use);

- Subsurface parking garage for 68 vehicles, including 52 puzzle stacker spaces and 16 surface parking spaces. Of the 16 surface parking spaces, four would be accessible, and all would be EV-ready;
- 60 secure bicycle parking spaces in the subsurface parking garage and seven bicycle parking spaces adjacent to the site;
- Open Space provided in an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot deck and 520 square foot deck on the fourth floor, a 1,1170 square foot roof deck, plus approximately 5,000 square feet of additional private open space through smaller decks and patios; and,
- Approximately 400 square foot parklet within the Blake Street right of way.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, the applicant erected a yellow pre-application poster at the project site. On September 22, 2014 the project team held a community meeting at the project site. Prior to the meeting, notices were sent to all owners and occupants within 300 feet of the project site. Additionally, three days prior to the community meeting, the project team handed out flyers to residents and commercial/office tenants. Eight members of the public attended and signed in, and it was reported by the applicant that others stopped by and spoke with the project team.

On October 29, 2015, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has received one received communication regarding the project, expressing concerns with traffic and project construction, as well as affordable housing.

B. Landmarks Preservation Commission:

The project involves the demolition of two commercial buildings over 40 years in age. Information on the two building was provided in DPR 523 forms recorded on November 24, 2014 by Preservation Architect Mark Hulbert. The DPR 523 forms supported the conclusion that these small-scale, simple, utilitarian one-part commercial buildings with some loss of integrity do not appear to meet City Landmark nor California Register criteria in that they do not individually possess distinctive architectural characteristics, nor merit designation for associations with people or events. In addition, the buildings do not meet Structure of Merit criteria in that they do not appear to contribute to any historic resource clusters in the area. Pursuant to BMC Section 23C.08.050.C, the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review prior to consideration for the Use Permit. At the March 5, 2015 LPC meeting, the LPC took no action to initiate a Landmark or Structure-of-Merit designation.

C. Design Review Committee:

The Design Review Committee (DRC) held a preliminary review of the project on May 21, 2015, June 18, 2015, and July 16, 2015. At the July 16, 2015 meeting the

DRC gave a favorable recommendation to ZAB [(Goring, Anno) VOTE (6-0-0-1) Hall – absent]. The summary of the July 16 meeting is included as Attachment 3.

V. Issues and Analysis

A. Neighborhood Compatibility (use and setbacks):

The proposed project will redevelop two single-story auto oriented commercial buildings and a surface parking lot with a five-story primarily residential mixed-use building. The project site is located in the South Area Commercial (C-SA) zoning district which extends along Shattuck Avenue south of Downtown, and the area to the east and south of the site is also in the C-SA district. Properties to the east and south consist of one- to two-story commercial buildings and surface parking lots; ground floor uses are exclusively commercial while second story uses vary. The area to the north and west of the project site is in the Multi-Family Residential zoning district (R-4) and buildings adjacent to the site consist of one- to four-story residential buildings; however, other properties further west and north include commercial, medical and medical office use. The primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity.

As described in detail below, the proposed setbacks and building articulation result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building's massing. As noted above, at their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

Southern Elevation (Blake Street). Along Blake Street, across from two-story commercial buildings also in the C-SA district, the proposed project would have a 0 to 4 foot setback on the first through fourth floors, as well as bays on second through fourth floors that project 2 feet over the public right of way (sidewalk). The fifth floor would be set back 4 feet. As the subject lot is adjacent to a residential district (R-4), the minimum depth of the front yard is required to be the same as specified for the residential district, 15 feet. As the three buildings to the west and the one building to the east (at the corner of Blake Street and Shattuck Avenue) are built to the property line, and the commercial buildings across Blake Street are set back approximately 4 feet, this reduced setback is compatible with the design and character of the district and the existing buildings in the adjacent residential district.

Eastern Elevation. The eastern elevation is adjacent to the other properties in the C-SA district; however, the 4 foot setback of the R-4 district is required. On the ground floor, at the front (southeast) corner, no setback is proposed, but behind that element the middle section of building is setback at an angle, and the setback ranges from 10 to 13 feet. At the northeast corner, the building is set back 10 feet. On floors two and three, there is notch cut out north of the corner, and in the building area that extends on an angle, private decks extend from some units. On the fourth floor the building is setback 8 to 13 feet where 8 feet is required. On the fifth floor, the building is setback 8 to 15 feet where 10 feet is required. The varying setbacks and articulation of the building provides a respectful transition from the one- to two-story commercial buildings currently fronting Shattuck Avenue. The reduced setbacks are compatible

with the design and character of the district and the existing buildings in the commercial district.

Western Elevation. The western elevation is adjacent to the R-4 district, and adjacent buildings consist of a single-story residential building on Blake Street and on the property line, a two-story residential building setback approximately 18 feet from Blake Street and four feet from the property line, and a two-story residential building set back approximately 65 feet from Blake Street and four feet from the property line.

The western elevation includes setbacks and articulation similar to the eastern elevation. On the ground floor, at the front (southwest) corner, a 5 foot setback is proposed for floors one through three, where a 4 foot setback is required on floors one and two and a 6 foot setback is required on floor three. This building element extends back approximately 29 feet. The mid to rear portion of the building is setback 24 feet 6 inches at floor one through three, and the entire building is setback this distance on floors four and five. Private patios/decks extend west from several units; three private patios are provided on the first floor, and two private decks, extending 6 feet, are provided on floors two, three, and five. The fourth floor includes a shared deck and a private deck on the roof of the three story building element at the southwest corner. The reduced building height in proximity to the adjacent single story building, and the 24 foot 6 inch setback on the balance of building in this area are compatible with the design and character of the district and the existing buildings in the residential district.

Northern Elevation. The northern elevation is adjacent to the R-4 district, and adjacent buildings consist of a single-story, two-story, three-story and four-story residential building. The single-story building is set back approximately 1 foot, while the two-, three- and four-story buildings are set back approximately 38, 15 and 40 feet respectively. The first through fourth floors of the proposed building are set back 15 to 20 feet and the fifth floor is set back 20 feet. (The required setbacks are 15 feet for floors one through three, 17 feet for floor four and 19 feet for floor five.) The building is a “U” shape, with an approximately 2,215 square foot courtyard on the ground floor which provides greater articulation of the building as viewed from the north. Within the 15 foot rear-yard setback, a 10 foot-wide “bio filtration area” is proposed that will be landscaped accordingly. A 6-foot tall wood fence is proposed along this property line. The primarily 15 to 20 foot setbacks on the north and the associated building articulation, provides a respectful transition from the one- to four-story residential buildings to the north.

B. Lot Coverage:

The existing lot coverage of the site is 66% - the two buildings cover the entirety of their lots and the third lot is a surface parking lot. For commercial uses in the C-SA, there is no limitation on lot coverage. Implementation of the proposed mixed-use project would result in a lot coverage of 71.4%. For the residential portion of a mixed use development, the coverage shall be the same as the R-4 district, which for a building with 4 to 6 stories on an interior lot is 35%. The applicant notes, that if

measuring the building above the podium (the majority of which is now below grade) the lot coverage would be 61%, which is less than the existing lot coverage.

Redevelopment of the site would move the buildings to the southeast, providing increased setbacks from the one to two story residential uses adjacent to the west and north (at the northwest corner). In proximity to the single story building at the front of the lot at 2023 Blake Street, the proposed building would be set back five feet from the property line and would be three stories. In proximity to the two-story buildings on that same property (2023 Blake Street), the proposed building would be setback 24'6" and would be five stories. In proximity to the one-story building at 2022 Dwight Way, the proposed building would be set back 15 to 20 feet and would be five stories. (All setbacks are described in greater detail above). Lot coverage is another way to analyze building bulk, and as described above, the proposed setbacks and building articulation result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building's massing. In addition, at their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

C. Sunlight/Shadows:

The shadow studies submitted by the applicant detail the new shadows from the proposed project, and are summarized below.

- *June 21.* Morning shadows are cast to west across the adjacent one- to two-story residences, and net new shadows would be cast on their eastern elevations and roofs. These two residences are set back approximately three feet nine inches from their eastern property line, and under existing conditions, the one-story structure at 2029 Blake extends along the entire property line. The proposed project would be set back five to fourteen feet, which would allow increase in reflected light to reach these areas. Noon time shadows are primarily contained on site and evening shadows are cast to the southeast across commercial properties. The shadow impacts of the project are to be expected in this urbanized area and would not detrimental.
- *December 21.* Morning shadows are cast to the northwest, across the adjacent one- to two-story residences to the west as well as the one- to four-story residences to the north. As described above, the two residences to the west are close to their eastern property line, and the existing one-story structure at 2029 Blake is on the property line. The proposed project would provide greater setbacks which would allow increase in reflected light to reach these areas. A similar argument can be made for the single story residence setback approximately one foot from the north property line. Regarding the residences to the north, where new shadow will be cast in the morning, as well as noon and evening across the rear of the buildings. The proposed building meets or exceed the required setbacks in this area, and approximately 30 foot by 70 foot courtyard within the "U" of the building lines up with the three-story residence at 2059 Dwight Way, which has an approximately 15 foot setback from the mutual property line. The shadow impacts of the project are to be expected in this urbanized area and would not be detrimental.

D. Parking:

The proposed project would include a subsurface parking garage for 68 vehicles, comprised of 52 puzzle stacker spaces and 16 surface parking spaces. Of the 16 surface parking spaces, four would be accessible, and all would be EV-ready. Of the 68 spaces, 63 spaces would be allocated for the residential use, which meets the requirement of one space per 1,000 square feet of gross floor area. For the proposed live/work use, two parking spaces are required and two are provided. For the proposed commercial use, it is assumed that a restaurant would be the tenant, given the requested permit for quick or full service restaurant and alcoholic beverage service incidental to food service; four parking spaces are required and three are provided. (Detailed calculations for the required live/work and commercial parking requirements are included in footnote C below Table 4.)

As described in BMC 23E.52.080.E., the Board may reduce the off-street parking requirements in any portion of a mixed use project in the C-SA District, subject to the Findings in BMC 23E.28.140. As described below, implementation of the proposed Project will increase the number of on-street parking spaces in front of the property from eight to 11. In addition, the project is in close proximity to transit. The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (There are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) In addition, the proposed Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga and exercise studios, and hair salons, on Blake Street and Shattuck Avenue.

The proposed Project will meet the purposes of the district related to the support for alternative transportation. The proposed 82 residential units will increase the population in proximity to transit and will improve the pedestrian experience through building design and landscaping. The project includes on-site bicycle parking and is less than one block from the Milvia Street Bicycle Boulevard. In addition, the Project, will be required to provide one Clipper Card per residential unit, no Residential Permit Parking (RPP) permits shall be issued to project residents, and all residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

There is diagonal parking in front of the Project site on Blake Street. The Project would remove three existing curb cuts and create one new curb cut. Area adjacent to existing curb cuts could be striped to accommodate parking at the same time two parking spaces would be required to be removed west of the proposed curb cut to allow adequate site distance. The Project proposes a parklet within the Blake Street right-of way in front of the commercial space, which would remove two parking spaces. With project implementation, the number of on-street parking spaces in front of the property would change from eight to 11.

The Project would include a bike parking and bike repair area for the residents in the parking garage. Stacked bike parking would have capacity for 60 bicycles. Seven bike parking spaces would be project adjacent to the site on the sidewalk and parklet; however, one on-site bicycle parking space is required for the commercial use. A Condition of Approval has been added to address this issue.

Additionally, the provision of transit passes, the ineligibility for RPPs, as well as the project's proximity to public transit, jobs, goods and services, and Downtown Berkeley and the University, will help reduce car ownership and ensure that parking demand does not exceed the project's parking supply. Staff does not believe there will be undue parking impacts to the neighborhood.

E. General and Area Plan Consistency:

General Plan Policy: 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.
2. **Policy LU-27 Avenue Commercial Areas:** Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
3. **Policy UD-17 Design Elements:** In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.
4. **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: Please see the discussion under Key Issue A above. In addition, the project will improve the South Shattuck Avenue Commercial area by redeveloping a site that includes single-story storage and auto use buildings and a surface parking lot with a five-story mixed-use building that supports increased housing opportunities, neighborhood serving commercial space, and live/work spaces. The proposed Project allows people to both live and work in proximity to Shattuck Avenue, helping to secure it as a mixed-use neighborhood. The architectural design, including bays and vertical elements to break up massing from the sidewalk, ground floor commercial use and a small public parklet support the pedestrian scale of the commercial avenue.

5. 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 is subject to Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit. The Project is subject to the Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

6. 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. As described above, the demolition of the existing buildings was referred to the Landmarks Preservation Commission on March 5, 2015 and the LPC took no action to initiate a Landmark or Structure-of-Merit designation.

Staff Analysis: Please see the discussion under Key Issues A and C above.

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

Staff Analysis: Please see the discussion under Key Issue C above.

8. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Staff Analysis: The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. In addition, there are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.

9. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)
10. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: Under the Greenpoint rating system that the City requires all new housing to complete, this project would achieved a “Gold” rating. The environmentally sustainable elements include the density and transit orientation,

mixed-use character, interior and exterior finishes and materials, solar residential hot water, flow-through planters or a biofiltration area, solar shading at the south and west sides, and amenities such as bicycle parking.

South Berkeley Area Plan: The South Berkeley Area Plan, adopted in 1990, also contains several policies applicable to the project, including the following:

1. **Housing Element Policy 3.7:** Encourage the construction of new affordable housing units.

Staff Analysis: The Project is subject to Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

2. **Housing Element Policy 3.10:** Locate higher density housing in area with easy access to retail activity, the workplace, and public transportation.

Staff Analysis: The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (There are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) In addition, the proposed Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga studios, crossfit, and hair salons, on Blake Street and Shattuck Avenue.

3. **Housing Element Policy 5.2:** Ensure that useable open space improvements are integrated into new housing and mixed use developments.

Staff Analysis: The Project would provide open space in excess of the required 3,360 square feet. It would include an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot deck and 520 square foot deck on the fourth floor, a 1,1170 square foot roof deck, plus approximately 5,000 square feet of additional private open space through smaller decks and patios.

4. **Land Use Policy A. 1:** Preserve the character and quality of life of residential areas.
5. **Land Use Policy C.1.2:** Regulate mixed development to ensure compatibility with adjacent residential neighborhoods.

Staff Analysis: Please see the discussion under Key Issue A above.

South Shattuck Strategic Plan: The South Shattuck Strategic Plan, adopted in 1998, contains policies that encouraged economic development on Shattuck Avenue

and Adeline Street between Dwight Way and Ashby Avenue. In general the plan encourages mixed-use development and transit friendly policies on Shattuck Avenue. The proposed Project is in the C-SA district, but does not front Shattuck Avenue. The mixed use Project would support businesses on Shattuck Avenue through the increased population on the site, pedestrian friendly design and landscape, and ground floor commercial uses.

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 # ZP2014-0069 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, dated October 30, 2015
3. DRC Summary – July 16, 2015
4. Notice of Public Hearing
5. Correspondence Received

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