



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
MARCH 10, 2016

1940 Haste Street

Use Permit #ZP2015-0015 to relocate a three-story, five-unit building from 2121 Durant Avenue to the front of the parcel and to construct a three-story, two-unit building at the rear with a ground level garage for 7 automobiles.

I. Background

A. Land Use Designations:

- General Plan: HDR – High Density Residential
- Zoning: R-3 – Multiple Family Residential District

B. Zoning Permits Required:

- Use Permit to construct new dwelling units, per 23D.36.030;
- Use Permit to create more than six bedrooms on a parcel, per 23D.36.060.A; and
- Administrative Use Permit to construct a fence over six feet in height, per 23D.08.060.A.2.

C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).

- The proposed project is consistent with the applicable General Plan designation and policies (see “General Plan Consistency” for further discussion), and with the applicable zoning designation and regulations.
- The project occurs within the Berkeley city limits on a project site of no more than five acres substantially surrounded by urban uses.
- The site was previously developed and has no value as habitat for endangered, rare or threatened species.
- The project would not result in any significant effects related to traffic, noise, air quality or water quality.
- The site can be adequately served by all required utilities and public services.

Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource (see under “Committee Review–Landmarks Preservation Commission” for further discussion).

D. Parties Involved:

- Applicant Darshan Amrit, Kahn Design Associates, 1810 Sixth St.,
Berkeley, CA 94710
- Property Owner Vero Properties, LLC, 2278 Shattuck Ave., Berkeley, CA
94704

Figure 1: Vicinity Map

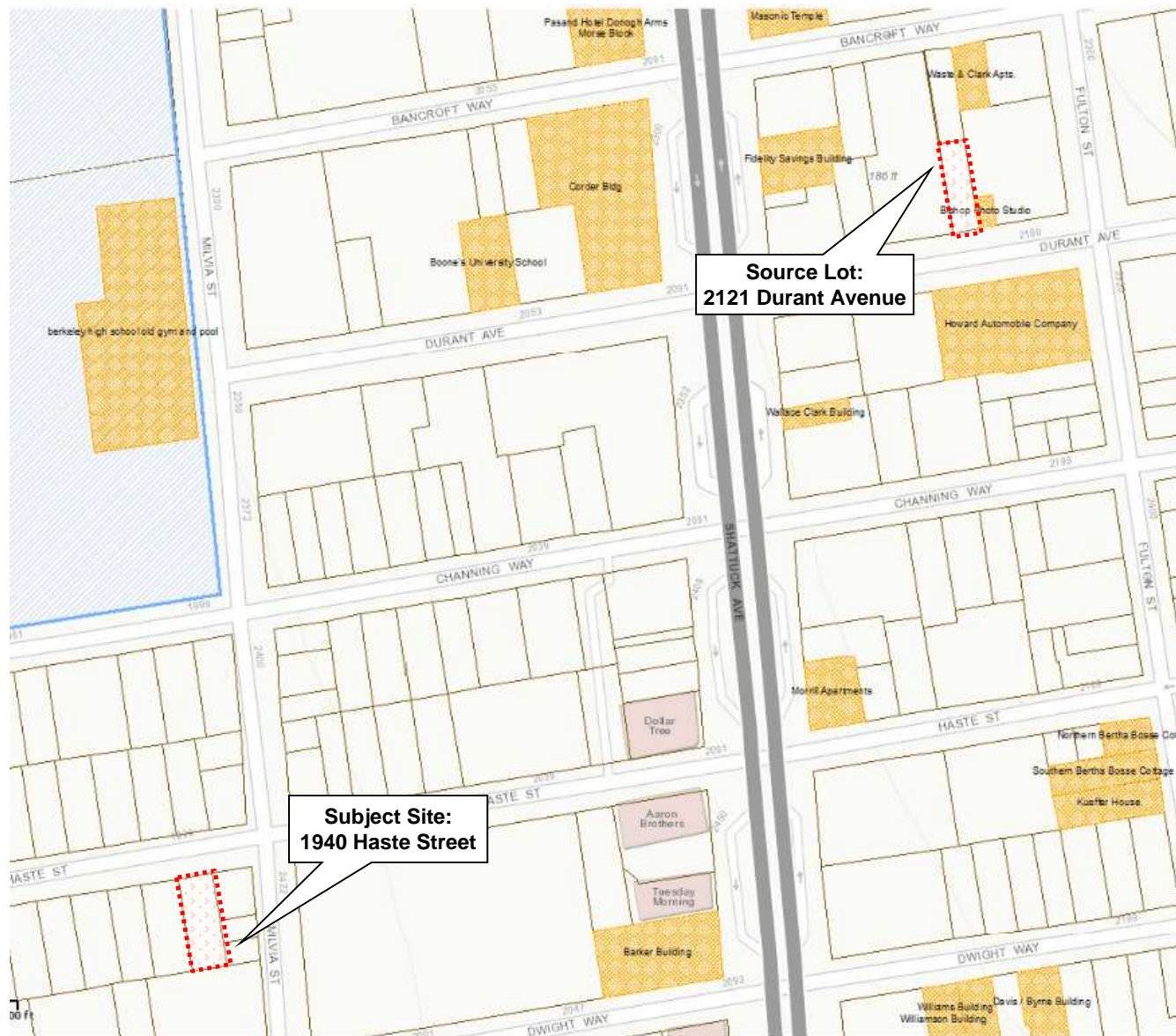


Figure 2: Site Plan

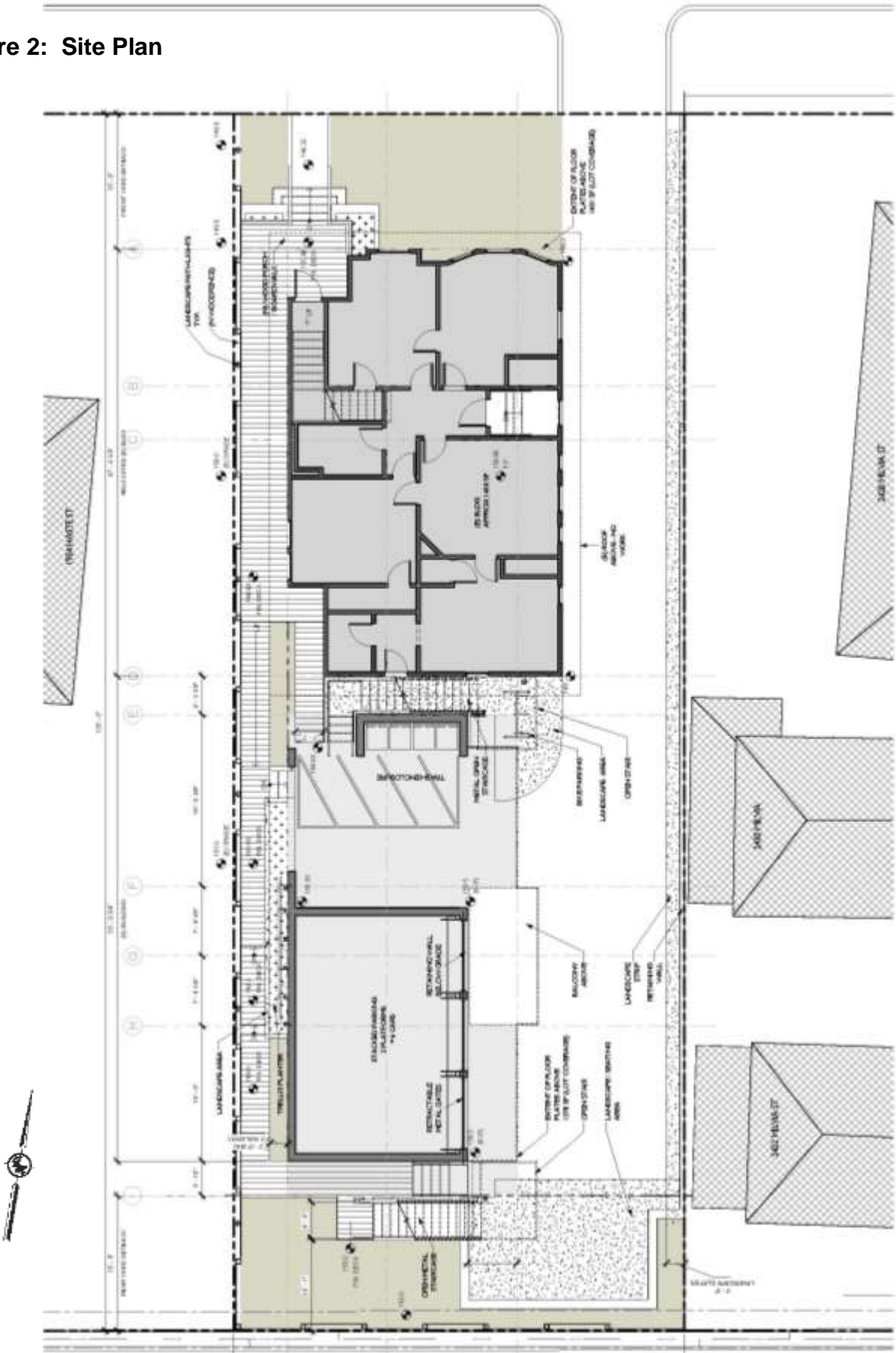


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Parking Lot	R-3	High Density Residential
Surrounding Properties	North	Single- and Multi-Family Dwellings	R-3	High Density Residential
	South	Apartment Building, Medical Center beyond	R-3 R-4 beyond	High Density Residential
	East	Single and Multi-Family Dwellings, Medical Center beyond	R-3	High Density Residential
	West	Single- and Multi-Family Dwellings	R-3	High Density Residential

Table 2: Special Characteristics

Characteristic	Explanation
Affordable Housing Mitigations (Per BMC 22.20.065)	Per BMC 23C.08.060, relocation of a building to a lot is considered new construction. The project is, therefore, subject to the ordinance and will provide 10% Very Low Income (VLI) Below Market Rate (BMR) units or pay an in lieu fee.
Historic Resources	The building proposed for relocation is listed on the State Historical Resource Inventory (SHRI). See discussion under Landmarks Preservation Commission below.
Rent Controlled Units	The 5-unit building to be relocated is rent controlled. Relocation of the building will not require a new Certificate of Occupancy so the rent controlled units will be preserved.
Green Building	The new construction at the rear has a target of 143 points on the GreenPoint Rated multi-family checklist, which would result in a Platinum certification level.

Table 3: Project Chronology

Date	Action
January 22, 2015	Application Submitted
October 1, 2015	LPC Design Review Referral
October 31, 2015	Application Deemed Complete
February 25, 2016	Public Hearing Notices Mailed/Posted
March 10, 2016	ZAB Hearing

Table 4: Development Standards

Standard BMC Sections 23D.36.070-080		Existing	Proposed Total		Permitted/ Required
Lot Area (sq. ft.)		6,750	No Change		5,000
Gross Floor Area (sq. ft.)		--	7,311		---
Dwelling Units		--	7		--
			Front Bldg.	Rear Bldg.	
Building Height	Average (ft.)	--	25.5	34.9	35
	Maximum (ft.)	--	32.5	34.9	---
	Stories	--	3	3	3
Building Setbacks (ft.)	Front	--	15	--	15
	Rear	--	--	15	15
	Left Side	--	13.5	18.5	4 (1 st & 2 nd Stories) 6 (3 rd Story)
	Right Side	--	6	6	
Lot Coverage (%)		0	39.6		40
Usable Open Space (sq. ft.)		--	1,404		1,400
Automobile Parking		10	7		7

II. Project Setting

A. Neighborhood/Area Description: The subject neighborhood is to the south and east of the Downtown, one block south of Berkeley High School, and just to the north of the South Berkeley Plan area. The neighborhood is a mix of one- to three-story single- and multi-family residential structures and large parcels owned and operated as part of the Sutter East Bay/Alta Bates medical campus.

B. Site Conditions: The subject site is a relatively flat, 6,750-square-foot (50' x 135') lot located on the south side of Haste Street one parcel in (to the west) of Milvia Street. The property is currently paved for use as a 10-car parking lot.

III. Project Description

The project proposes to relocate an existing three-story, 1,400-square-foot, five-unit building from 2121 Durant Avenue (UP #ZP2015-0014) to the front of the lot and to construct a new two-unit, three-story building toward the rear. The relocated structure is comprised of two two-bedroom units on the ground floor, a one bedroom and three bedroom unit on the second floor, and a three bedroom unit on the third floor. The new structure will be comprised of garage parking on the ground level including one ADA van compliant space and stacked parking for six automobiles. The second and third stories will be comprised of two two-story, four-bedroom townhomes. Useable Open Space will be provided through private balconies for the town homes, the front yard area, and a common courtyard in the rear yard area. Parking will be access through the existing curb cut and driveway aisle that runs along the east side of the property.

IV. Community Discussion

- A. Neighbor/Community Noticing:** Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants within 300 feet of the project to a project preview meeting. The meeting was held on January 8, 2015, and attended by five people. Prior to submitting an application to the City, a pre-application poster was erected by the applicant in January 2015. On February 25, 2016, the City mailed public hearing notices to property owners and occupants within 300 feet of the subject site, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.
- B. Landmarks Preservation Commission:** The project includes the relocation (removal) of the five-unit residential structure from the source site at 2121 Durant Avenue to the subject site. The applicant submitted a separate Use Permit application (ZP2015-0014) to allow the demolition (relocation) of the structure from the source lot. This building is listed on the State Historical Resource Inventory (SHRI) and was found ineligible for the National Register by consensus through the Section 106 review process for the AC Transit Bus Rapid Transit project in 2006. Staff referred the relocation to the Commission under BMC 23E.12.020, which states that the Design Review Committee or staff has responsibility for design review of projects which involve a structure listed on the SHRI, and such applications shall be referred to the LPC for comment prior to the approval of the Design Review application. At the October 1, 2015 LPC meeting, the LPC provided advisory comments and concurred with the Historic Resource Evaluation (HRE) prepared by Left Coast Architectural History (revised September 22, 2015), that the house to be relocated does not possess sufficient historical significance to qualify as a historic resource for individual listing in the California Register of Historical Resources, or as a Berkeley Landmark. Further, the HRE concludes that the house does not coincide closely enough in age, use, character, or associations with neighboring Landmarks and buildings to be considered a Structure of Merit. No vote is required for advisory comments.

V. Issues and Analysis

- A. Issue 1: Rent Controlled Units** – The project proposes to relocate the existing five-unit, rent controlled residential building from 2121 Durant Avenue to the subject receiving lot (1940 Haste Street). The relocation of a building from a lot is considered a demolition for purposes of the Zoning Ordinance (BMC 23C.08.060), however, not per the Building and Safety Code.¹ This is critical as, confirmed by the Chief Building Official, the relocation of the existing building would not require a new Certificate of Occupancy and would, therefore, not lose its rent controlled status. The five rent controlled units would be relocated from the source lot (2121 Durant) to the receiving lot (1940 Haste).
- B. Issue 2: Neighborhood Compatibility** – The subject site is a vacant lot that has been used as an illegal parking lot for several years. The proposed project will relocate an early twentieth century multiple-family dwelling to the site and introduce a two-unit building at its rear. The project meets all development standards of the District.

As concluded by the historic analysis submitted by the applicant and reviewed and concurred by the LPC; in terms of scale, massing, and form, both the relocated house and the new development will fit with the neighborhood development pattern. Viewing the property's primary facade from Haste Street, to the north, the relocated house will be the dominant element. The house has a rectangular plan, boxy form, and a hip roof, while the addition will have a longer rectangular plan, boxy form, and low-pitched shed roof. The house will certainly be of a similar scale, massing, and form as others on the subject block and opposing block face, many of which date from a contemporary era and demonstrate similar traditional design conventions. Therefore, they tend to average two and three stories, have a similar overall massing, and be topped with peaked roofs of various forms. The addition will be set at the rear of the relocated house and, therefore, visually subservient. Its scale, massing, and form is congruous, yet distinct with the relocated house at the front of the lot and, therefore, will not conflict with older neighboring houses. This project will be compatible with the historic and current uses that characterize the neighborhood.

- C. Issue 3: Sunlight/Shadows** – The project proposes to locate two, three-story buildings on a lot that is currently vacant. As such, the project will create greater shadowing impacts over existing conditions. To assess the shadowing impacts, the applicant submitted shadow studies for the project (see Attachment 2). The studies illustrate that there will be new shading impacts with the planned development.

The shadow studies indicate that new shadows from the project would affect the property to the west (1936 Haste) in the morning hours, primarily in the winter months. New shadows would also affect the property to the east (2428 Milvia), again, primarily in the winter months. The other properties to the east (2432 and 2434 Milvia) will only receive shading in evening of the summer months. Due to the north/south orientation of the subject site with the public right-of-way (i.e. Haste Street) located to the north, no residence will receive shading impacts throughout the day or throughout the year.

¹ See staff report and findings and conditions for Use Permit ZP#2015-0014 for required Findings for demolition per BMC 23C.08.010.

As an infill project that is consistent with the development pattern of the existing neighborhood, the shading impact of the proposed project is to be expected and does not create a detrimental impact.

D. General Plan Consistency: 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 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.
3. 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 discussion under Key Issue 2 above.

4. 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 would create two new dwelling units and will relocate, five rent controlled units. The project will, therefore, help the City to meet its general housing goals.

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

Staff Analysis: Please see discussion under Key Issue 3 above.

6. Policy H-13 Energy Efficiency: Improve the safety and energy efficiency of new and existing homes and apartments.

7. Policy EM-5 "Green" Buildings: Promote and encourage compliance with "green" building standards.

8. Policy UD-33 Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The applicant has submitted a GreenPoint Rated multi-family checklist for construction of the new building at the rear of the lot. The GreenPoint Rated checklist tracks green features incorporated into the home. Currently submitted, the project has a goal of 143 target points, which would result in a platinum certification level.

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:

APPROVE Use Permit #ZP2015-0015 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 with Shadow Studies, dated March 1, 2016
3. Notice of Public Hearing
4. Correspondence Received

Staff Planner: Leslie Mendez, LMendez@ci.berkeley.ca.us, (510) 981-7426