



# 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  
APRIL 14, 2016

## 1950 Addison Street

Use Permit #ZP2014-0045 to demolish an existing 24,182 square foot, two-story office building and construct an approximately 103,808 square foot, seven-story multifamily development with 107 dwelling units (a mix of studio, one, two, and three bedroom units) and ground floor level parking for 68 vehicles and 75 bicycles.

### I. Background

#### A. Land Use Designations:

- General Plan: DT – Downtown
- Zoning: C-DMU – Downtown Mixed Use District Buffer

#### B. Zoning Permits Required:

- Use Permit for demolition of a non-residential building, under BMC Section 23C.08.050;
- Use Permit for construction of a new multifamily development, under BMC Section 23E.68.030;
- Use Permit for construction of >10,000 sq. ft. gross floor area, under BMC Section 23E.68.050;
- Use Permit to allow an increase in maximum height from 50 feet to 60 feet, under BMC Section 23E.68.070;
- Use Permit to reduce the required 5-foot setback on the portion of the building greater than 65 feet from lot frontage and more than 20 feet in height, under BMC Section 23E.68.070; and
- Administrative Use Permit to allow projections (e.g. elevator, stair, and mechanical rooms) to exceed height limit, under BMC Section 23E.040.020.

#### C. Waiver/Modifications Pursuant to State Density Bonus Law:

- To exceed the maximum 60-foot height limit to propose an additional story.

#### D. Concession Pursuant to State Density Bonus Law:

- Increase the floor-to-floor heights such that the project would not comply with the 60-foot height limit.

**E. 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 which concurred 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 historical resources. The existing building is not a designated historical resource, and the Architectural Significance Evaluation (ASE) prepared for the property concluded that the structure’s associations are not individually strong enough, nor does the building possess enough integrity, to meet historical resource significance criteria. The Landmarks Preservation Commission (LPC), consistent with taking no exception with the evaluation, took no action to initiate Landmark designation for the property at the LPC referral in February of 2015.

**F. Parties Involved:**

- Applicant BayRock Multifamily LLC, 411 Pendleton Way, Suite C, Oakland, CA 94621
- Property Owner Westwood BayRock Addison LP, 222 Kearny Street, Suite 600, San Francisco, CA 94107

**G. Application Materials, Staff Reports and CEQA Documents are available on the Internet:**

[http://www.ci.berkeley.ca.us/uploadedFiles/Planning\\_and\\_Development/Level\\_3\\_-\\_PHN/Online%20Service%20Center%20Instructions.pdf](http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_-_PHN/Online%20Service%20Center%20Instructions.pdf)

Figure 1: Vicinity

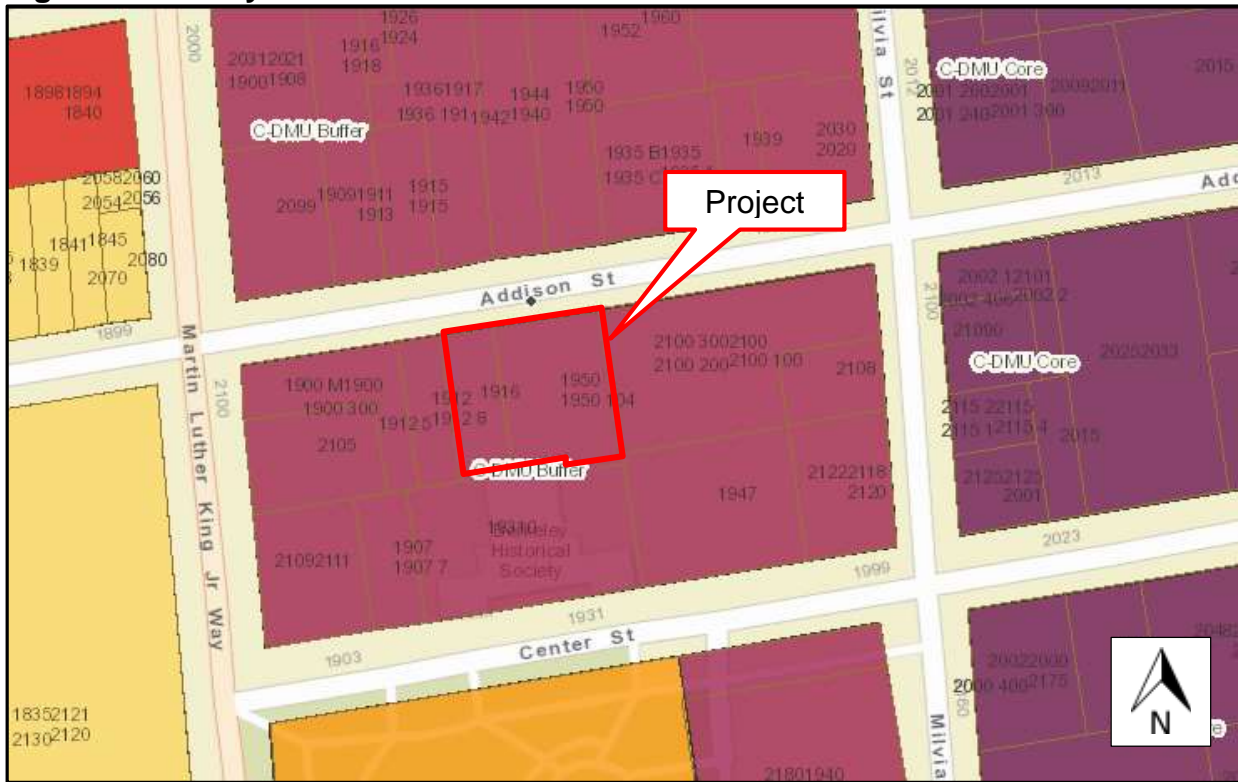
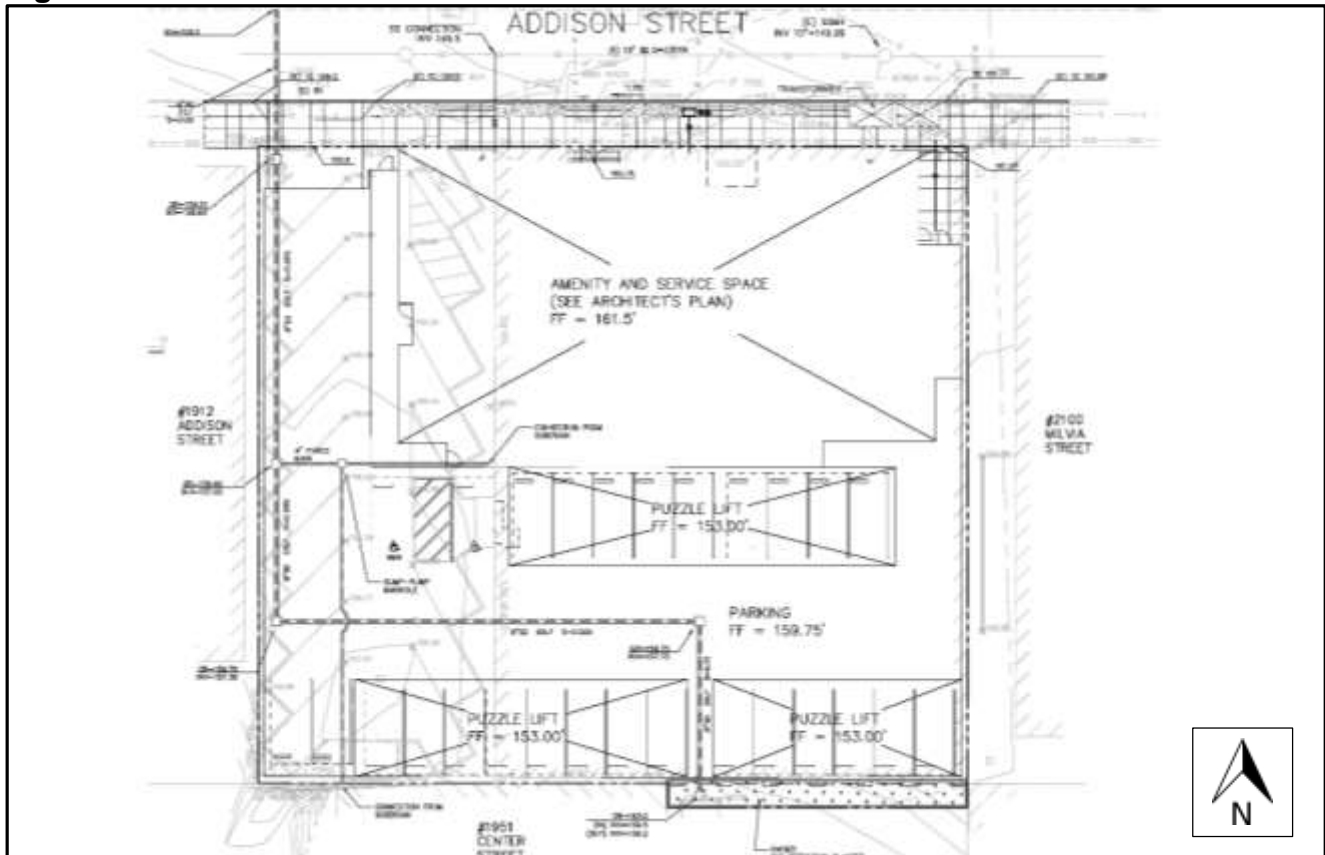
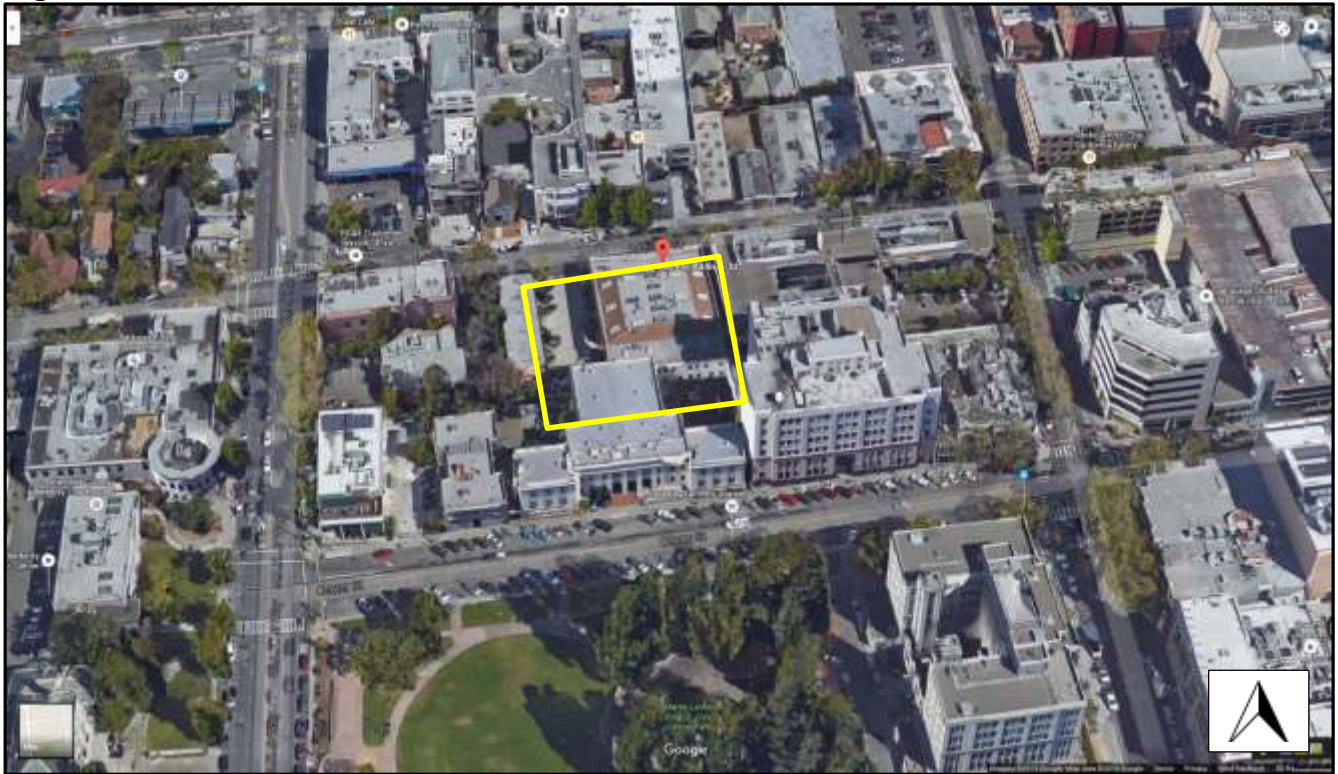


Figure 2: Site Plan



**Figure 3: Aerial**



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		2-story Office Building and Parking Lot	C-DMU Buffer	DT – Downtown
Surrounding Properties	North	Mixed-Use	C-DMU Buffer	DT – Downtown
	South	2-story Office Building (Veterans' Memorial Building)		
	East	3-story Office Building		
	West	2-story Apt. Building		

**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	Non-residential floor area subject to this resolution is not proposed within this project.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	No	Non-residential floor area subject to this resolution is not proposed within this project.
Affordable Housing Mitigation Fee (AHMF) for rental housing projects (Per BMC 22.20.065)	Yes	The project is subject to AHMF
Alcohol Sales/Service	No	No alcohol sales or service is proposed.
Creeks	No	The project is not within 40 feet of a creek centerline.
Density Bonus		The project will provide 4 VLI BMR units dispersed within all locations of the project per Government Code Section 65915(c)(3). The project, therefore, qualifies for

		a bonus of 20%, or 15 units, and one concession for increased floor-to-floor heights.
Green Building Score	Yes	C-DMU Project conditioned to meet LEED Gold min.
Historic Resources	No	The project proposes to demolish a non-residential building, > 40 years old. The LPC did not object to the Architectural Significance Evaluation (ASE), which found the building did not appear to meet historical resource criteria.
Oak Trees	No	There are no oak trees on the property.
Rent Controlled Units	No	There are no rent controlled units on the property.
Seismic Hazards	No	Site is not mapped within any hazard zones.
Soil/Groundwater Contamination	No	The project site is not included on a list compiled pursuant to Section 6962.5 of the Government Code.

**Table 3: Project Chronology**

Date	Action
October 15, 2014	Original Application submitted
February 5, 2015	Landmarks (LPC) demolition referral
June 15, 2015	Revised Application submitted
December 17, 2015	DRC Preliminary Design Review (PDR)
January 21, 2016	DRC favorable PDR recommendation
March 25, 2016	Application deemed complete
March 31, 2016	ZAB Public hearing notices mailed/posted
April 14, 2016	ZAB hearing
May 25, 2016	CEQA deadline

**Table 4: Development Standards**

Standard BMC Sections 23E.68.070-080		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		13,437 7,078	20,515 (.47 Acre)	No Min
Gross Floor Area (sq. ft.)	Residential	0	103,808	---
	Office	24,182	0	No Max
Dwelling Units	Total	0	107	No Max
	Affordable	0	4	4 min VLI (required for Density Bonus)
Building Height	Maximum (ft.)	26	74	50 (60 with UP)
	Stories	2	7	No Max
Building Setbacks (ft.)	Front (Addison Street)	0	0 - 3.5 0	5 max (where building height ≤ 20') 0 min (where building height >20')
	Rear	5	0 0-5	0 min (where building height ≤ 20') 5 min (where building height >20')
	West Side	0 (Parking Lot)	0 10	0 min (0-65' from lot frontage) 5 min (>65' from lot frontage where building height >20')
	East Side	0	0-5 5	0 min (0-65' from lot frontage) 5 min (>65' from lot frontage where building height >20')
Projections Over R-O-W (ft.)		0	0-3	Encroachment Permit Required
Lot Coverage (%)		65.79	97.43	No Max
Usable Open Space (sq. ft.)		NA	9,149	8,640 Min (80 sf per unit)
Parking	Automobile Vehicle sharing spaces	17 office N/A	68 2	36 residential (1:3 units) 2 shared
	Bicycle	0	75	0 (1:2,000 sq. ft. of commercial space.)

## II. Project Setting

**A. Neighborhood/Area Description:** The subject site is located within, and surrounded by, the Buffer Subarea of the Downtown Mixed Use District. The neighborhood is a mix of residential and commercial uses, including offices, food service establishments, and a tire store. Nearby City Landmarks include the Framat Lodge two parcels to the west at Martin Luther King, Jr. Way, the John Boyd House on the north side of Addison Street (opposite and to the left of the site), and the Veterans Memorial Building which abuts the rear property line of the project parcel. Existing structures, and those under construction in the neighborhood, vary in height from as low as two to up to eight stories. The project neighborhood is well served by public transportation including BART and AC Transit bus routes.

**B. Site Conditions:** The subject site is comprised of two parcels to be merged, mid-block between Milvia Street to the east and Martin Luther King, Jr. Way to the west.

The property is currently developed with a 24,182 square foot, two-story office building on the eastern two-thirds of the site, and a surface parking lot on the western third of the site that provides 17 spaces for the office building. Once merged, the subject site (1950 Addison) will be an approximately 20,515 square foot, quadrilateral lot, approximately 150 feet wide by 139 feet deep.

### III. Project Description

The project would merge the two existing parcels, demolish the existing office building and remove the surface parking lot to allow the construction of a seven-story multifamily residential building with 107 dwelling units (a mix of studio, one, two, and three bedroom units) and ground floor level parking for 68 vehicles and 75 bicycles. The main entrance lobby, as well as other residential amenities, including storage, dog wash, multi-purpose, and fitness facilities, would be located on the ground floor on the street frontage. Usable open space for the residents is proposed on a podium level courtyard which opens to the south, as well as rooftop open space above the seventh floor, and private balconies. A parking area with puzzle lifts and a bike storage room would be accessed from the west side of the site and is located on the ground level behind the lobby and other residential amenities.

### IV. Community Discussion

**A. Neighbor/Community Concerns:** 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 in October 2014, and attended by six people (meeting minutes are included as correspondence in Attachment 4). A pre-application poster was posted by the applicant in October 2014, and re-posted in June 2015 following submittal of the revised project. Correspondence from the adjacent residential property owner to the west was also submitted in November 2015. Telephone communication in March 2016 expressed a downtown resident's dismay with construction of new developments with inadequate parking. Please see discussion under "Issues and Analysis" below.

On March 31, 2016, the City mailed 433 public hearing notices to property owners and occupants within 300-feet of the site, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. Communications, if any, are attached to this report.

**B. Landmarks Preservation Commission Review:** The project involves demolition of the existing two-story structure on the property. Pursuant to BMC Section 23C.08.050.C, any application for a Use Permit to demolish a non-residential building that is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review prior to consideration of the Use Permit. An Architectural Significance Evaluation (ASE) was referred to the LPC on February 5, 2015.

The ASE included information that the National Guard occupied the building from its construction in 1923 until the early 1940s, when a helicopter testing facility briefly

occupied the building until 1944, at which time the building was used by a lumber company until approximately 1979. Consistent with the State Historical Resources Inventory (SHRI) database status code, the ASE concludes that neither the structure's associations with events, people, nor Classical Revival architecture are individually strong enough, nor does the building possess enough integrity, to meet historical resource significance criteria. The LPC, consistent with taking no exception with the evaluation, took no action to initiate Landmark designation for the property at the February 2015 meeting.

- C. Design Review Committee Review:** The Design Review Committee (DRC) began Preliminary Design Review (PDR) for the project on December 17, 2015, by stating that the modern design appeared appropriate for the context. The DRC continued the project with recommendations, including that the architect give more consideration regarding the relationship of the new building adjacent to residential neighbor to the west.

The applicant responded to the recommendations and submitted revised drawings for continued PDR at the January 21, 2016 DRC meeting. In response to the Committee's recommendations made in December 2015, the project was revised to step back substantially from the west property line above the third level at the northwest corner of the site, resulting in a project with fewer units). The DRC passed a motion to forward a favorable recommendation to the ZAB. The almost unanimous 5-0-1-0 vote reflected an abstention by one Committee member, not for lack of support for the design but rather over concern for appropriateness of the condition to prohibit vinyl windows. However, the applicant agreed to use metal windows, and the project before the ZAB proposes metal windows.

## V. Issues and Analysis

- A. Density Bonus per 65915:** Because the project includes four dwellings that would be affordable to very-low income households, the project is entitled to a density bonus and concessions or incentives under Government Code Section 65915. As shown in **Table 5** below, under the City's density bonus procedures, the project's "base project"<sup>1</sup> was calculated at 73 units and five stories. With the applicants' commitment to provide four below market rate (BMR) units (5% of the base project), the project qualifies for a density bonus of 20% percent, or 15 units, which would increase the total allowable units to 88. A height waiver for the seventh floor is required to accommodate the density bonus units above the sixth floor within the Buffer subarea.<sup>1</sup> As described in the Pro Forma Peer Review document and shown in **Table 6** below, Scenario B provides a lower return than Scenario A, which is typical, indicating that a developer is better off paying the affordable housing mitigation fee than providing BMR units. In the present case, adding the density bonus units, Scenario C, provides a better return to the developer. Finally, adding the requested concession of increased floor-to-floor heights provides the highest return.

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<sup>1</sup> Government Code Section 65915(e)(1) allows an applicant to submit to the City a proposal for waiver or reduction of any development standard, and states that in no case may a city apply any development standard that will have the effect of physically precluding the construction of a housing development project that qualifies for a density bonus.



However, these returns should be considered in light of what is a feasible rate of return. The 5.23 percent yield estimated for Scenario D is barely at the rate that would be considered feasible. The yields for Scenarios A, B, and C, are even further from being financially feasible. If a 5.18 percent yield were financially feasible, the conclusion from the applicant's pro forma would be that the addition of the density bonus units is sufficient to compensate for the provision of BMR units and that the requested concession is not warranted because Scenario C produces a higher yield than Scenarios A and B. In this case, however, a 5.18 percent yield should not be considered financially feasible, and, therefore, the concession is warranted in order for the proposed project to produce a feasible rate of return.

**Table 5. Base Project, Density Bonus**

City of Berkeley Step 1		Applicant Statement Step 2		State Law (Cal Gov't Code 65915) Step 3							
Base Project		Based on Proposed Project		Maximum Allowable Residential Density 65915(f)	Qualifying Units (for this Project) 65915(f)						
Residential Floor Plates	Fir	Residential Floor Plates	DU		%VLI	Raw #	Rounded up	%DB Req.			
7,426	1 <sup>st</sup>	7,426	Total # of DU	Project Qualifies for this bonus	5%	3.65	4	20.0%			
16,151	2 <sup>nd</sup>	16,461	107		6%	4.38	5	22.5%			
16,008	3 <sup>rd</sup>	16,348			7%	5.12	6	25.0%			
15,667	4 <sup>th</sup>	16,007	Total # of Affordable DU:		8%	5.85	6	27.5%			
15,667	5 <sup>th</sup>	16,007	4		9%	6.57	7	30.0%			
0	6 <sup>th</sup>	16,007	Income Level:		10%	7.31	8	32.5%			
0	7 <sup>th</sup>	15,552	VLI		11%	8.04	9	35.0%			
Results											
<b>Base Project Gross Square Feet</b>	70,919	<b>Proposed Project Gross Square Feet</b>	103,808	<b>Base Project</b>	73	<b>Bonus</b>	14.62	<b>Bonus (Rounded)</b>	15	<b>Total Units</b>	88
based on plans submitted by the Applicant, fact checked by City		Total of all proposed floors (103,808); / # of dwellings (107)		base project (70,919) / avg. unit size (970) (rounded down)		Base # Units (73) x 20% Bonus		20% Bonus (rounded up per 65915(f)(5))		base units (73) + DB Units (15)	

**Table 6: Financial Impact of Density Bonus and Concessions**

		Scenario A: Base Project	Scenario B: BMR Units Added	Scenario C: Density Bonus Added	Scenario D: Concessions Added
Dwelling Units	Market Rate	73	69	84	84
	BMR	0	4	4	4
	Total	73	73	88	88
<b>Return on Investment (%)</b>		<b>5.02</b>	<b>4.91</b>	<b>5.18</b>	<b>5.23</b>

- B. Height/Story Increase:** The Project also proposes a modification to maximum height from 50 feet to 60 feet. This modification is allowed by zoning development standards under BMC Section 23E.68.070 with approval of a use permit. The density bonus request is for height above what is allowed by zoning regulations. Because the C-DMU does not have density standards in Dwelling Units/Acre (DU/AC), the density standard is calculated based on square feet in the base project envelope, rather than DU/AC. The sixth floor square footage is not included in the base project envelope for the purpose of determining the density standard for the district, and the ZAB retains discretion over granting the height modification according to required findings. The sixth floor is compatible with the high density purposes of the District and the Downtown Area Plan in general, and with the immediate surroundings, as discussed in “Neighborhood Compatibility” below. As discussed above, the increase in shading on nearby properties is below what is to be expected in the Berkeley downtown urbanized area, and is therefore found to be non-detrimental.
  
- C. Setback Reductions:** The site shares a rear property line with that of the Veterans Memorial Building site. Where the project abuts the Veterans Memorial Building zero lot line condition, a use permit approval is requested to reduce the required five-foot setback to zero. On the seventh floor, a mural is proposed as an additional art element at that location. Where the project abuts the parking lot, a green wall and bio-infiltration landscaping is proposed.
  
- D. Neighborhood Compatibility:** The subject site is located within the Buffer Subarea of the Downtown Mixed Use District. The neighborhood is a mix of residential and commercial uses, including offices, food service establishments, and tire retail establishment. Existing structures and those under construction in the neighborhood vary in height up to eight stories.

The project is well designed and compatible with the scale of nearby structures in the downtown location. The front façade presents a modern elevation of aluminum windows with a combination of clear glazing and opaque spandrel panels above a contextual two-story base capped by a distinctive metal cornice projection. The Addison façade is further articulated by bay windows and balconies and help create a pedestrian scale and rhythm consistent with the traditional buildings of downtown Berkeley. The garage entry width is only as large as needed, and includes a public art element incorporating poetry into a metal grille. The street is not a Public Serving Frontage as described in the Downtown Area Plan. Nevertheless, the project does not

propose entrances to individual units, rather the main entrance lobby and other residential amenities, on the street frontage.

With the redesign requested by the DRC, the project massing provides relief to the adjacent two story apartment building to the west. Within the first approximately forty feet of the site as measured from the street, adjacent to this property line, the project provides a similar scale of three stories then a step back of ten feet where none is required. Furthermore, the rear 100 feet of the project, adjacent to this shared property line, is setback ten feet above the garage podium where five is required. As noted above, the project was revised to step back substantially at this location, resulting in a project with fewer units.

- E. Sun/Shadows:** The building would be taller and cover more area than the existing building, and thus new shadows would be cast. To assess the shadows, the applicant submitted shadow studies for the project (see Sheet A-6.0 of Attachment 2). Shadow studies for the courtyard were also submitted at the request of the DRC to address quality of on-site open space (see Sheet A-6.1 of Attachment 2), and the DRC forwarded a favorable recommendation with the information provided.

The project shadow studies illustrate that under current conditions, the neighboring properties receive shadows from the existing office building on the east side of the subject site, which will increase with the proposed project. Throughout the year, the two story apartment building immediately to the west of the project will continue to experience morning shading. During the Fall, an increase in morning shading will be cast across Addison Street to the north with minimal impact to four office and mixed use buildings, increasing during the Winter. A majority of the shading at noon during the Fall and Winter will be northeast to the surface parking lot across Addison Street.

The moderate increase in shading on these nearby properties is below what is to be expected in the Berkeley downtown urbanized area, and is therefore found to be non-detrimental.

- F. Parking/Traffic:** With 68 vehicle parking spaces in the ground level garage, including two designated shared spaces, the project proposes 30 spaces more than the 36 spaces required for 107 dwelling units in the C-DMU district (which requires at least one space per three dwelling units). There is no maximum number of spaces per dwelling unit. The Downtown Area Plan (DAP) parking policies and the C-DMU zoning district regulations focus on integrated multimodal strategies to strengthening Downtown as a place for people to enjoy. It is primarily the project location in the downtown area with BART access and numerous bus connections, and within walking distance of services and the UC campus, that will result in a vehicle trip rate per unit that is much less than would be generated by a typical multifamily residential project. While the project would have a higher rate of parking than that required by the development standards; proposed, and conditioned in the project approval, parking spaces will be leased separately from the units; two spaces must be offered and made available free of charge to a vehicle sharing service provider; occupants of the building will not be eligible for Residential Parking Permits (RPP); and the property owner will be required to provide one of the following transportation benefits at no cost to every

residential unit: a pass for unlimited local bus transit service, or a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. The project also includes 75 secure bicycle parking spaces in the garage, while none are required. The abundance of bicycle parking, the provision of transit passes, the ineligibility for RPPs, as well as the project's proximity to public transit, jobs, goods and services, and the University, will help to reduce vehicle reliance and promote alternative modes of transportation.

Traffic impacts for the projected Downtown buildout were analyzed as part of the Final Environmental Impact Report for the Berkeley Downtown Area Plan (April 2009, State Clearinghouse Number 2008102032). In accordance with the Downtown Area Plan (DAP) Access Policies (Policy AC-3.2: New Parking) the project provides sufficient parking for expected growth by evaluating future parking needs. A Transportation Impact Analysis for the Project, approved by the City Traffic Engineer, including an Institute of Traffic Engineers (ITE) generated parking demand of 48 spaces, found the proposed 68 space parking garage reasonable and acceptable, and determined that impacts related to construction, access circulation, emergency vehicle access, and parking would be less than significant with standard conditions.

**G. 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; and
2. 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; and
3. 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; and
4. 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; and
5. 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 “Issues and Analysis” above.

6. 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.

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 would provide four units affordable to Very Low Income households and a total of 107 dwelling units. The project will, therefore, help the City to meet its affordable and general housing goals.

8. Policy H-13 Energy Efficiency: Improve the safety and energy efficiency of new and existing homes and apartments.
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: Pursuant to BMC Section 23E.68.085 and Policy LU-2.1 of the Downtown Area Plan (see below), building construction will attain a LEED Gold rating or higher as defined by the U.S. Green Building Council (USGBC).

**H. Downtown Area Plan (DAP)**: The Downtown Area Plan, adopted in March 2012, also contains several policies applicable to the project, including the following:

1. Policy ES-2.1 – Contributions Required of All Development: New buildings and substantial additions, regardless of height, shall provide the following public benefits, except as noted for historic rehabilitations and adaptive re-use of existing buildings.

Staff Analysis: The project provides all public benefits that were required by Council in the C-DMU zoning, including LEED Gold rating or equivalent, public open space, car share spaces, and transit passes. These benefits are required in the proposed conditions of approval.

2. Policy LU-1.1 – Downtown Uses: Encourage uses that allow people who live, work and learn in Downtown to meet daily needs on foot.
3. Policy LU-1.5 – Downtown Intensities & Building Heights: To advance Downtown as a vibrant city center and encourage car-free options near transit, accommodate urban intensities by using building heights that are appropriate and feasible.
4. Policy LU-3.1 – Housing Needs: Accommodate a significant portion of Berkeley’s share of regional housing growth as defined by Regional Housing Needs Assessments (RHNA) within the Core Area, Outer Core, Corridor, and Buffer areas, as compared with other appropriate areas in Berkeley.
5. Policy LU-3.2 – Housing Diversity & Affordability: Offer diverse housing opportunities for persons of different ages and incomes, households of varying size and the disabled, and give Downtown a significant role in meeting Berkeley’s continuing need for additional housing, especially affordable housing.

Staff Analysis: The project will provide 107 dwelling units Downtown of varying size (studio, one-two- and three-bedroom units), including four that are available for

households of Very Low Income (less than 50% of the AMI), at an urban intensity and building height that is appropriate and feasible. The project is located in the Downtown Buffer area that is well serviced by public transportation and is within walking/biking distance to UC Berkeley campus.

6. Policy LU-4.1: Transit-Oriented Development: Encourage use of transit and help reduce regional greenhouse gas emissions, by allowing buildings of the highest appropriate intensity and height near BART and along the Shattuck and University Avenue transit corridors.

Staff Analysis: The project helps encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, jobs, basic goods and services, and the UC campus, and by providing car share spaces and transit benefits. As discussed in “Issues and Analysis” above, the approval of a use permit for the sixth floor and the seventh floor required by law to accommodate the project’s density bonus units both allow for the highest appropriate density on this downtown site that is two blocks west of the Shattuck Avenue transit corridor.

7. Policy LU-4.2: Development Compatibility: Encourage compatible relationships between new and historic buildings, and reduce localized impacts from new buildings to acceptable levels. The size and placement of new buildings should: reduce street-level shadow, view, and wind impacts to acceptable levels; and maintain compatible relationships with historic resources (such as streetwall continuity in commercial areas).

Staff Analysis: Please see discussion under “Issues and Analysis” above.

## 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 #ZP2014-0045 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 April 14, 2016
3. Notice of Public Hearing, dated March 31, 2016
4. Correspondence Received

**Staff Planners:** Sally Zarnowitz Acting Planning Manager, [szarnowitz@cityofberkeley.info](mailto:szarnowitz@cityofberkeley.info), (510) 981-7429  
Charles Enchill, Assistant Planner