

2902 ADELINE STREET
ZP#2015-0177
APPEAL

Background

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On October 27, 2016, ZAB approved a Use Permit for a 6-story mixed use building located at 2902 and 2908 Adeline Street and 1946 Russell Street

Vicinity Map

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Proposed Project Components

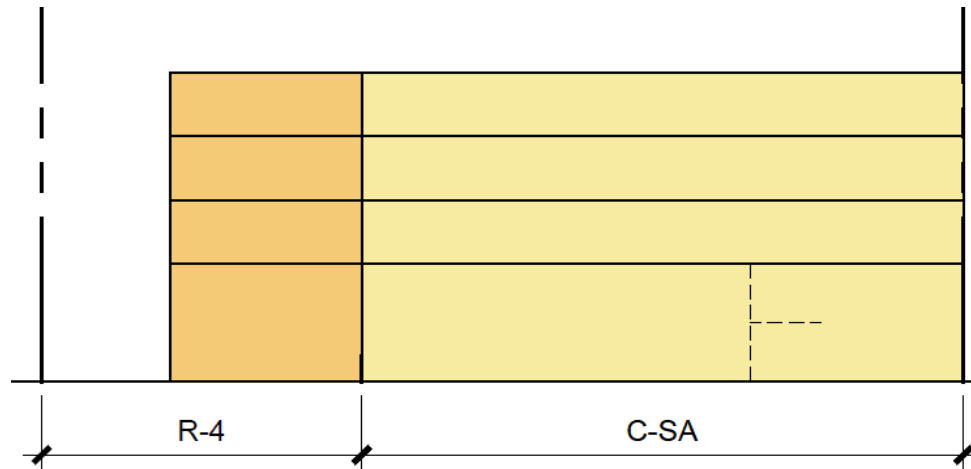
4

- 50 dwelling units, including three residential lofts, 34 one-bedroom units and 13 two-bedroom units;
- 4,119 square feet of commercial space that consists of one 841-square-foot commercial space and four live/work units;
- 4,071 square feet of open useable space including the rear yard, podium level terrace, and roof deck;
- Stacked parking for 24 vehicles; and
- 56 secure bicycle parking spaces, access to a limited number of free “shared” bicycles, and a bicycle repair station

Density Bonus Project Components

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- Base Project is 18 dwelling units
- Commitment to provide 11% or 2 units at VIL
- Qualifies for 35% density bonus, or 7 units
- A total of 25 dwelling units, 4 stories

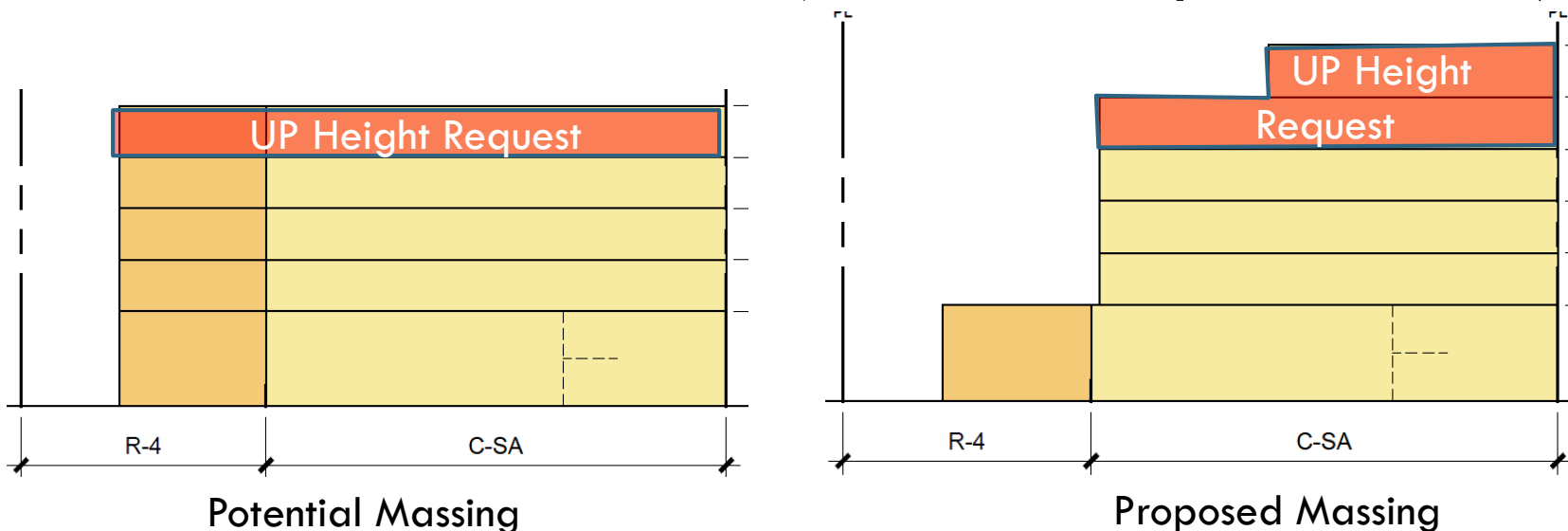


Additional Use Permit Height Request

BMC 23D.40.070.C & 23E.52.070.D.7

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- Two additional stories in the C-SA (6 total)
- One additional story in the R-4 (5 total)
- 25 additional dwelling units (50 total)
- 45% FAR in the C-SA (max. 40% permissible)



Project Rendering

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View from Milvia Street Looking South

Appeal Point 1

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The ZAB failed to interpret state law and the Zoning Code so as to maximize the number of affordable units

Response:

- Consistent with State Density Bonus Law, the project is providing 11% of the 18-dwelling unit base project, or two dwelling units, affordable to Very Low Income families
- Consistent with the BMC, project is subject to the affordable housing mitigation fee and formula (BMC 22.20.060)

Appeal Point 2

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The ZAB failed to negotiate with the applicant for a better deal for the city

Response:

- The function of the ZAB is not to negotiate with applicants, but to review proposed projects as presented by applicants for compliance with the Zoning Ordinance

Appeal Point 3

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ZAB refused neighbors' request for mediation

Response:

- Mediation is not effective for city political disputes (e.g. large buildings)
- ZAB recognized that the focus of the neighbors requesting mediation was to obtain community benefits rather than affect design

Appeal Point 4

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The ZAB failed to apply California Government Code 65915(c)(3)(B)

Response:

- Three existing dwelling units exempt from rent control
- Units at 2908 Adeline have been owner occupied, with owner verification not lower income
- Owner verified rent and 3 x income of 1946
Russell Street: \$2,000 a month, doesn't qualify as lower income

Appeal Point 5

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The proforma is inaccurate

Response:

- Economic & Planning Systems (EPS), a professional land economics consulting firm, prepared the pro forma for the proposed project
- Staff reviewed the pro forma to ensure it conformed to City procedures
- City hired a third party consultant, PlaceWorks, to peer review the pro forma, who verified the assumptions and calculations in the analysis.

Appeal Point 6

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The ZAB's finding that the design is compatible with the neighborhood is unreasonable

Response:

- ZAB discussed neighborhood compatibility at length (see pages 6-7 of Council staff report and in more detail in the ZAB staff report, pages 319-322, Attachment 3 for ZAB staff report)
- ZAB felt neighbors' issues focus was on community benefits over design

Appeal Point 7

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Approving more market-rate units than are required by law is contrary to city goals

Response:

- There is no law limiting the number of market rate units.
- Approving a net increase in the City's housing supply at any income level is supportive of City Policies

Housing Accountability Act Analysis

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As a project employing State Density Bonus law, the Council may not preclude the construction of the base project with density bonus units, which is a four story, 25 unit project, with two dwelling units, affordable to Very Low Income households

Unlike waivers required to accommodate the density bonus units (e.g. the fourth story), the ZAB retains discretion over granting the height increase and 25 additional units requested through Use Permits

Recommendation

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Uphold the ZAB's decision:

- Compatible with Neighborhood Character, Purposes and Development Standards of the R-4 and C-SA Districts
- Well placed Transit Oriented Development within 1/4 mile of BART, Berkeley Bowl, Walgreens
- Net addition of 47 units to the City's Housing Supply

QUESTIONS?