

Mendez, Leslie

From: Stephen Stine [stephenstine100@gmail.com]
Sent: Friday, March 01, 2013 3:24 PM
To: Mendez, Leslie; Blount, Terry
Subject: 2024 Durant project

Hi Zoning Adjustments Board,

If any ZAB members have objections to the eight story version of the 2024 Durant Project (especially in light of the fact that the property was ordered to be downzoned to R-3 by the Downtown Area Plan, and is thus currently nonconforming with the existing DAP (see Goal LU-7 and Policy LU-7.1), and will create great detriments to the neighboring seniors and neighborhood) I think that the only option you may have is to reject the project entirely. Is it not the case that if you approve the six story version, the developer can then ask for the density bonus, and you can't refuse him, since state density bonus law overrides Berkeley city zoning height limits, and the developer can also ask for a concession? Thus, if you approve the six story version, you may actually be simultaneously approving the eight story version. Please study this prospect carefully--this is just not the right project for this property, and due to its nonconformance with the DAP, approving a building over three stories will set a terrible precedent for the city, at the expense of the low-income seniors next door and all of the citizens of Berkeley who negotiated for the DAP and voted for the DAP, relying on the city and ZAB to actually enforce the explicit and unambiguous goals and policies contained in the DAP.

Also, I would ask that you carefully examine the requirements for a CEQA in-fill exemption--since 2024 Durant doesn't comply with all applicable zoning policies in the General Plan and its elements, it doesn't qualify for an in-fill exemption. The low-income seniors and other neighbors deserve the thorough CEQA analysis they are entitled to by law--please examine the following regulation as well as DAP Policy LU-7.1.

14 CCR § 15332

§ 15332. In-Fill Development Projects.

"Class 32 consists of projects characterized as in-fill development meeting the conditions described in this section.(a) **The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.(c) The project site has no value, as habitat for endangered, rare or threatened species.(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.(e) The site can be adequately served by all required utilities and public services.

Note: Authority cited: Section 21083, Public Resources Code. Reference: Section 21084, Public Resources Code."

Thanks,
Stephen Stine
Seniors of Stuart Pratt
Channing and Durant neighbors