



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 REVIEW

February 27, 2014

2501-2509 Haste & 2433 Telegraph – El Jardin

Use Permit #12-1000012 to demolish a 6,950 square foot retail building at 2433 Telegraph Avenue and to construct a 89,054 square foot, 69’/6-story, mixed-use building to include 79 dwelling units, 30,356 square feet of commercial floor area and no off-street parking spaces.

I. Application Basics

A. Land Use Designations:

- General Plan: Avenue Commercial
- Area Plan: Southside Plan
- Zoning: C-T, Commercial-Telegraph

B. Permits Required:

- Use Permit, BMC §23C.08.050, to demolish the non-residential building at 2433 Telegraph Avenue;
- Administrative Use Permit, under BMC §23E.04.020, to allow mechanical penthouses, elevator equipment rooms, and other architectural elements, to extend to 87’;
- Use Permit, under BMC §23E.04.050.E, to reduce the rear yard setback from 15’ to zero;
- Use Permit, under BMC §23E.56.030.A & under BMC §23E.56.050.A, to construct a mixed-use building; and
- Use Permit, under BMC §23E.56.080.C, to eliminate the existing parking space.

C. Waivers/Reductions of Development Standards Pursuant to Government Code 65915(e):

- To allow greater height (69’ proposed, 50’ maximum);
- To allow more stories (6 proposed, 4 maximum); and
- To allow more FAR (4.75 proposed, 3.5 maximum).

D. CEQA Determination: Pending

E. Applicant: Kirk Peterson, Kirk E. Peterson & Associates Architects, 5253 College Avenue, Oakland CA 94608

F. Web Access: DRC and ZAB staff reports are available via the internet: http://www.ci.berkeley.ca.us/Planning_and_Development/Zoning_Adjustment_Board/2501_Haste.aspx

Figure 1: Vicinity Map

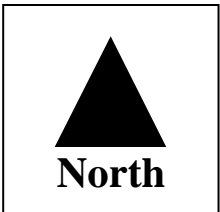
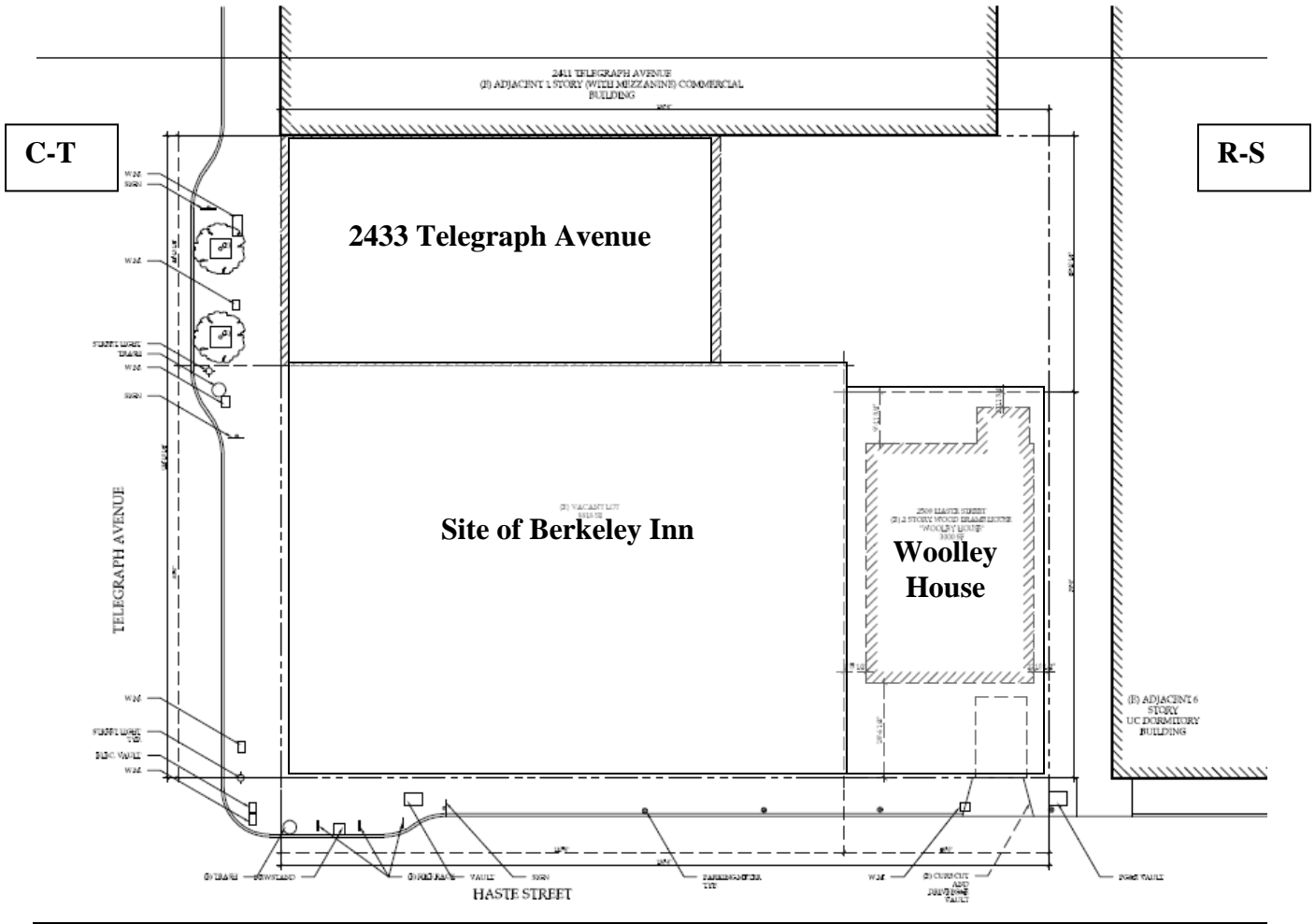


Figure 3: Haste Street Elevation



Figure 4: Telegraph Avenue Elevation

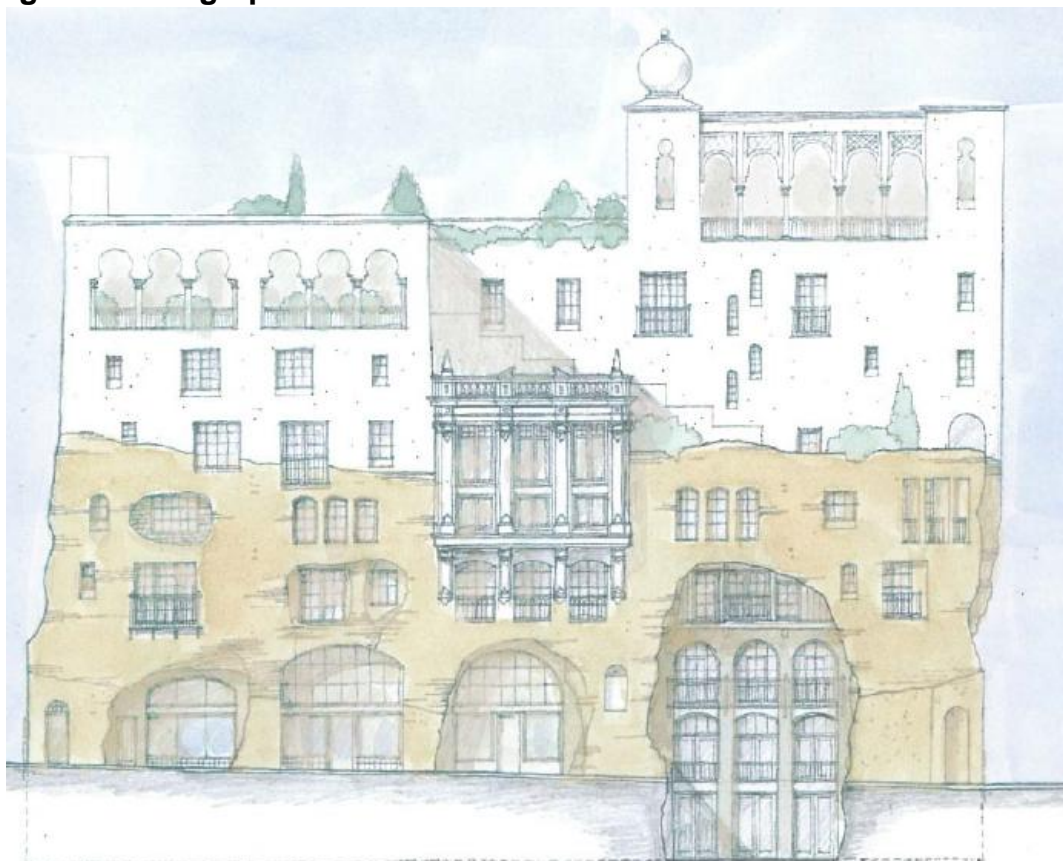


Table 1: Special Characteristics

Characteristic	Explanation
Affordable Housing	This project is subject to the City's Affordable Housing Mitigation fee.
Alcohol Service/ Food Service	None Proposed
BMC 17.08 Creeks	No creek or culvert exits within 300' of the site.
Density Bonus	Pending
Green Building: - LEED - Solar Ready	Pending
Green House Gasses	Potential impact to be determined.
Historic Resources	On April 4, 2013, the demolition of 2433 Telegraph Avenue was referred to the LPC. Because the building did not appear to meet California Register or City of Berkeley Landmark Preservation Ordinance criteria, the LPC took no action with regard to the building pursuant to Section 23C.08.050.C. On August 22, 2013, the ZAB approved Use Permit & Variance #07-1000023 to allow the relocation of the Woolley House Landmark building, from 2509 Haste Street to 2506 Dwight Way.
Oak Trees	No Coast Live Oak trees are located on the site.
Seismic Hazards	Site is not within area mapped for liquefaction, landslide, or fault rupture zone.
Soil/Groundwater Contamination	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites). Standard Conditions of Approval would apply.
Traffic	Potential impact to be determined.
Transit	AC Transit: F Transbay and the 1/1R, 49, 51 & 52 Local serve the site. BART: The Ashby & Downtown Berkeley stations are roughly 1 mile to the southwest or northwest of the site.
Transportation Demand Management	Pending

Table 2: Land Use Information

Location	Existing Uses	Zoning	General Plan Designation
Subject Property	2-story Commercial Building Vacant Parcel (former Berkeley Inn) 2-story Residential Building	C-T	Avenue Commercial
Surrounding Properties	North Commercial: Rasputin Music		
	South Commercial: Amoeba Records		
	West Sequoia Building Site		
East	UC Housing/ Anna Head School	R-S	High-Density Residential

Table 3: Project Chronology

Date	Action
October 16, 1989	The Woolley House was designated a City of Berkeley Landmark.
November 9, 1987 1990	The Berkeley Inn was designated a City of Berkeley Landmark. Fire damages the Berkeley Inn; the building was subsequently demolished.
April 19, 2012	Use Permit UP #12-1000012 Application Submitted.
April 4, 2013	The demolition of 2433 Telegraph Avenue was referred to the LPC. Because the building did not appear to meet California Register or City of Berkeley Landmark Preservation Ordinance criteria, the LPC took no action with regard to the building pursuant to Section 23C.08.050.C.
June 20, 2013	DRC: Preview/advisory Comments.
July 11, 2013	LPC: Public Hearing to Approve Structural Alteration Permit to allow the relocation of the Woolley House to Dwight/Regent.

August 22, 2013	ZAB: Public Hearing to Approve Use Permit & Variance to allow the relocation of the Woolley House Dwight/Regent.
November 26, 2013	ZAB: Public Hearing Notice Released.
December 12, 2013	ZAB: Public Hearing to Preview Project.
Jan-Feb 2014	Materials Request
February 12, 2014	ZAB: Public Hearing Notice Released.
February 20, 2014	DRC
February 27, 2014	ZAB: Public Hearing to Preview Project.

Table 4: Development Standards

Standard BMC Sections 23E.56.070 & 23E.56.080		Existing Conditions	Proposed	Permitted/ Required	
Lot Area (SqFt)		18,750			
-2433 Telegraph		6,950			
-2501 Haste		8,800	18,750	N/A	
-2509 Haste		3,000			
Parking: Autos and Bikes (SqFt)		173	0	N/A	
- Residential Floor Area (SqFt)		3,100	58,698	No Limit	
- Retail (SqFt)		7,714	30,356	No Limit	
Gross Floor Area (SqFt) - Total		10,814	89,054	65,625	Req DB or
Floor Area Ratio		0.58	4.75	3.5	Variance
Dwelling Units		1	79	N/A	
Building Footprint (SqFt)		6,605	18,725	No Limit	
Lot Coverage		35.2%	99.9%	No Limit	
Building Height	Average Height	N/A	69'-3"	50' max	60' w/ Use Permit
	Stories	2	6	4 max	5 w/ Use Permit
Building Setbacks	East Property Line (Rear)			15'	Use Permit to Reduce
	Telegraph Avenue (Front)	N/A	0		
	Haste Street (Street Side)				None Required
	North Property Line (Interior Side)				None Required
Roof-top Projections	Stairwell/lobby	N/A	87	Requires Use Permit	
	Roof-top Trellis			(see Section IV.E)	
Usable Open Space (SqFt)		215	16,514	3,160	
2nd floor			2,167		
3rd floor			0		
4th floor		N/A	1,392		
5th floor			802		
6th floor			1,334		
Roof Deck			10,819		
Parking	Automobile - Total	1			
	- Dwelling Units	1	0	None Required	
	- Retail	0			
	Bicycle	0	tbd	15	

II. Project Setting & Description

- A. Vicinity:** The site is located on Telegraph Avenue in the C-T Telegraph Avenue Commercial District. There are retail and other commercial buildings along Telegraph Avenue to the north, south and west of the site. To the east is the UC Anna Head housing development that provides housing for over 400 students in a 6-story dormitory building. To the west of the site the ZAB recently approved the construction of a mixed-use development with 42 residential units and 5,791 sq. ft. of commercial space to include a full and quick serve restaurant within a four story building known as the New Sequoia. To the north is a one and 2-story building that houses Rasputin Music. To the south is a one-story building across Haste that houses Amoeba Records.
- B. Site Conditions:** The existing site is made up of 3 parcels. The first, along the northern portion of the site contains a building known as the “Galaxxi Building.” This building was last used for retail use, and is a 1-story w/mezzanine concrete building with a flat roof. At the corner of Haste and Telegraph is the site of the former Berkeley Inn. This building was demolished in the 1990’s and has remained vacant. The last portion of the site, at the southeast corner, is the site of the Woolley House. The Woolley House is a 2-story wood clad building that was originally residential but was used most recently by the Telegraph Avenue Association as an office.
- C. Project Description:** The project would provide approximately 29,000 square feet of commercial floor area within a 15,021 square foot basement and a 14,905 square foot ground floor. The residential lobby and a 372 square foot bike storage room would occupy a portion of the ground floor along Haste Street. The residential units would be located on the 2nd through 6th floors, distributed as shown in Table 5:

Table 5: Number and Type of Units, by Floor

Unit Type	1-bed	1-Bed+	2-bed	3-bed	Total
Average Unit Size (Sq Ft)	606	782	872	1,134	
2 nd Floor	14	1	1	2	18
3 rd Floor	12	2	2	2	18
4 th Floor	11	2	2	1	16
5 th Floor	11	1	2	1	15
6 th Floor	8	1	2	1	12
Total	56	7	9	7	79

All residential floors would be separated from the northern and eastern property lines by 5’.

Usable open space would be provided at the 2nd, 4th, 5th, 6th floors and on the roof. (See Table 4 for the areas).

- D. Neighbor/Community Outreach:** The applicant held a neighbor meeting in April 2012. On November 26, 2013, the City mailed 477 notices to adjoining property owners and occupants, and to interested neighborhood organizations. Letters may, if any, may be found in Attachment 3.

E. Design Review: As noted in Table 3, the Design Review Committee (DRC) conducted a preview of the project in June, 2013; the DRC was generally positive and offered advisory comments on elements requiring further development. The DRC asked the applicant to look more carefully at how this project will work with Telegraph Avenue in general, as well as how it interfaces with adjacent parcel lines. Although only preliminary zoning information was included in the submittal, the DRC voiced some concern that the overall mass may create too much impact on the neighborhood. More detailed information on significant building elements, unit plans, and open space design will be submitted for Preliminary Design Review, as well as a much more detailed presentation as to how this project will fit into its Telegraph Avenue context. A summary of advisory comments follow for reference:

- Design concept looks fun.
- Reduce number of floors by one – too large for the neighborhood.
- Some windows are buried in the ‘base’. Look carefully at the floor plans.
- Concerned that adjacent property to the north is only 5’ away from the property line.
- East façade is only 16’ between two buildings and is too flat and plain. Look at more articulation.
- Show how this building works with Telegraph.
- Pits gather trash.
- Plans and interiors should have more information and more detail.
- Put open space on the Telegraph side of the project and cover the rest with solar panels.

The advisory comments were provided to the applicant shortly after the June DRC meeting. In August, staff reminded the applicant that a response was needed to allow this project to return to the DRC. In 2013, staff received no response or resubmittal.

On January 22, 2014, staff again requested that the applicant submit revised drawings to respond to the comments offered by the DRC in June 2013, and requested that these materials be submitted by January 31 to allow time for staff to prepare a staff report to the DRC. To date, the applicant has not presented a revised design to respond to the comments offered by the DRC.

F. Zoning Adjustments Board: As noted in Table 3, the Zoning Adjustments Board conducted a preview of the project in December, 2013 and only the applicant spoke. At the conclusion of the hearing, the Zoning Adjustments Board directed staff to conduct a full zoning and density bonus analysis of the project before allowing the DRC to commence preliminary design review.

On January 16, 2014, staff requested that the applicant submit a revised applicant statement to provide the number and affordability level for the residential units needed to obtain a density bonus, and asked that the applicant submit this information by January 31. On January 27 & 30, and again on February 11, 2014, staff repeated this request. To date, the applicant has not provided this information.

V. Recommendation

HOLD a Public Hearing, solicit community comments, and continue the hearing to March 13.

Attachments to this report:

1. Public Hearing Notice, Dated February 12, 2014

Staff Planner: Greg Powell, gpowell@ci.berkeley.ca.us (510) 981-7414