



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
OCTOBER 27, 2016

2902 Adeline Street

Use Permit #ZP2015-0177 to redevelop 3 parcels at 2902 and 2908 Adeline Street and 1946 Russell Street (approximately 14,065 square feet total), which includes the demolition of one single-family dwelling and one mixed-use (commercial and residential) structure; and the construction of a 6-story, mixed-use building with 4,119 sq. ft. of commercial space including 1 commercial unit, 4 live/work units, and 50 dwelling units, including 2 qualifying units available to very low income households and a commitment to provide 2 additional units on site available to low income households. The project would include 56 bicycle spaces and stacked parking for 24 vehicles.

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial and High Density Residential
- Zoning: C-SA (South Area Commercial) and R-4 (Multi-Family Residential)

B. Zoning Permits Required:

- Use Permit for a Mixed Use Development (Residential/Commercial) of 5,000 sq. ft. or more in the C-SA District, under BMC Section 23E.52.030.A;
- Use Permit for Live/Work units in the C-SA District, under BMC Section 23E.52.030.A;
- Use Permit to construct new dwelling units in the R-4 District, under BMC Section 23D.40.030
- Use Permit for demolition of a non-residential building, under BMC Section 23C.08.050.A;
- Use Permit to demolish a building with one or more dwelling units, under BMC Section 23C.08.010.B;
- Use Permit to exceed the maximum height requirement of 36 feet, 3 stories for mixed use buildings in the C-SA District, under BMC Section 23E.52.070.D.7;
- Use Permit to exceed the 35 feet, 3 story height limit in the R-4 District, under BMC Section 23D.40.070.C;
- Use Permit to exceed 40% lot coverage in the C-SA District, under BMC Section 23E.52.070.D.7;

Figure 1: Project Vicinity and Zoning Map

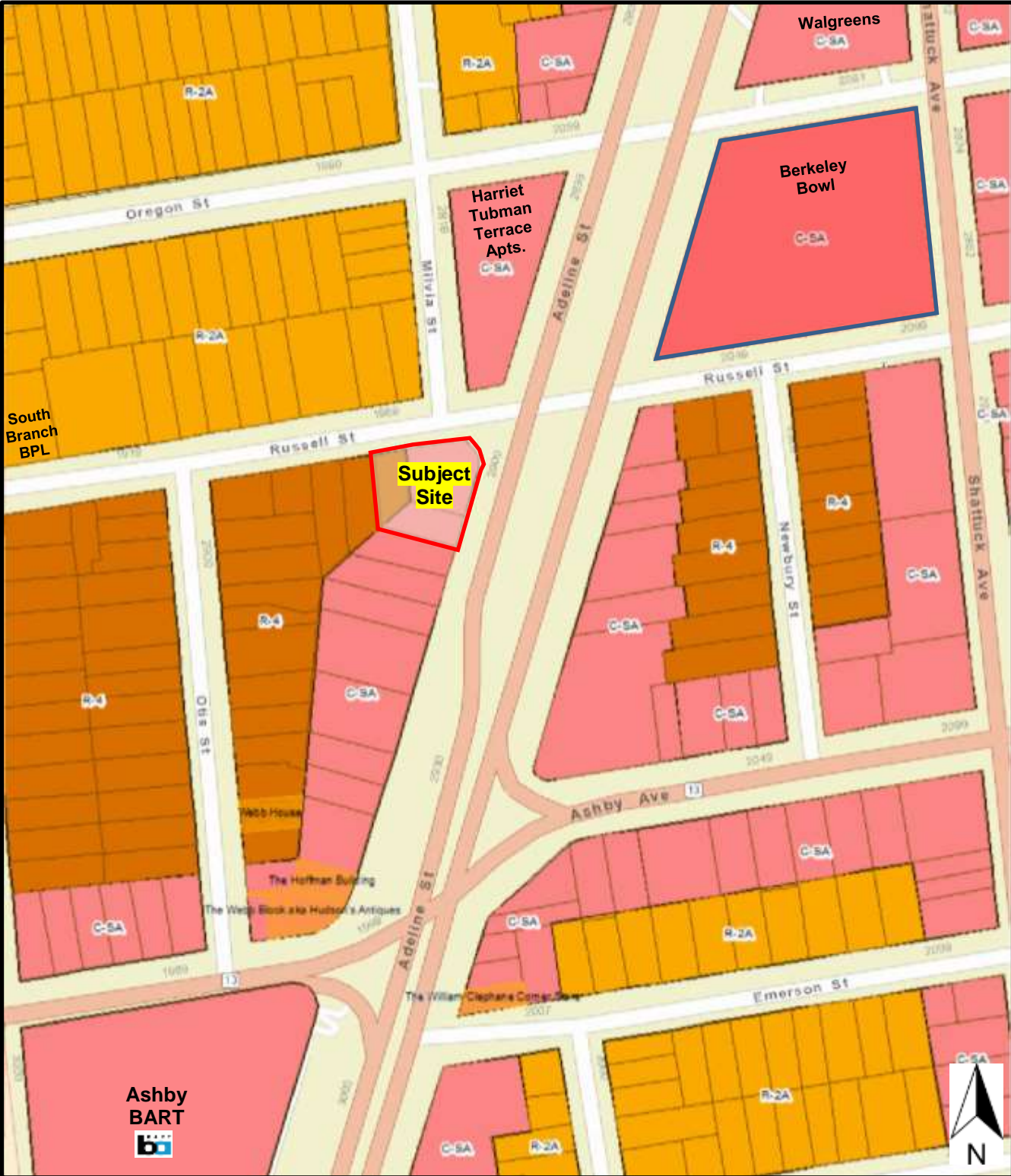


Table 1: Land Use Information

Location		Existing Use	Zoning Districts	General Plan Designations
Subject Property		2908 Adeline - Mixed-use building for AW Pottery sales office and 2 nd story apartments. 2902 Adeline - Vacant commercial lot with pottery displays.	C-SA	AC, Avenue Commercial
		1946 Russell - Single-family residence	R-4	HDR, High Density Residential
Surrounding Properties	North	Residential	C-SA and R-2A	AC, Avenue Commercial, MDR, Medium Density Residential
	South	Residential, Commercial	C-SA	AC, Avenue Commercial
	East	Residential, Commercial	C-SA	AC, Avenue Commercial
	West	Residential	R-4	HDR, High Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care and Affordable Housing Fee for non-residential projects (Per Resolution 66,617-N.S. and 66,618-N.S.)	No	Proposed project includes 4,119 square feet of commercial space (live/work units) which is less than the 7,500 square feet requirement.
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project will be subject to the City's Affordable Housing Mitigation Fee
Density Bonus	Yes	The project will provide 11% of the base project as BMR for VLI and qualifies for 35% density bonus (7) units with accompanying modifications and two concessions.
Green Building Score	Yes	Minimum score is 50 and Maximum score is 381. Proposed project scores 94.5. GreenPoint Rated, New Home Multifamily Checklist 6.0; Certification Level: Silver
Historic Resources	No	The buildings proposed for demolition do not meet the criteria for the California Register or a City of Berkeley Landmark.
Soil/Groundwater Contamination	No	Proposed project is located within a Toxic Division's Environmental Management Area. The applicant has provided a Phase I report to Toxics and the project will be subject to standard soil/groundwater conditions of approval (Soil and Groundwater Management Plan).

Table 3: Project Chronology

Date	Action
August 17, 2015	Application submitted
October 8, 2015	Application deemed incomplete
November 6, 2015	Revised application submitted
December 16, 2015	Interdepartmental Roundtable Meeting
February 16, 2016	Revised application submitted
February 25, 2016	ZAB Preview Hearing
April 21, 2016	DRC Preliminary Design Review (PDR)
June 6, 2016	Revised application submitted
July 26, 2016	Revised application submitted
August 18, 2016	DRC Design Review
August 31, 2016	Revised application submitted
September 15, 2016	DRC Favorable recommendation
September 30, 2016	Application deemed complete
October 12, 2016	ZAB Public hearing notices mailed/posted
October 27, 2016	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23D.40.070-080; 23E.20.060; 23E.20.080; 23E.52.070-080			Proposed Total		Permitted/ Required	
			C-SA	R-4	C-SA ¹	R-4
Lot Area (sq. ft.)			10,785	3,280	--	--
Gross Floor Area (sq. ft.)			48,469	2,188	43,140	--
Floor Area Ratio (Non-Residential only)			4.5²	--	4.0	--
Dwelling Units	Total		50		---	--
	Affordable - VLI		2		2 ³	
	Affordable - LI		2		--	--
Live Work and Commercial Units	Total		5		--	--
Building Height	Average (ft.)		64.1	54.8	36 more with UP	35 65 with UP
	Stories		6	5	3 more with UP	3 6 with UP
Building Setbacks (ft.)	Front (Adeline St.)		0	--	See R-4 0 (with UP)	15
	Rear (west)	1 st	15	20.75	--	15 (1 st -3 rd flr)
		2-5 th	19.25	24.7		17 (4 th flr)
		6 th	49.6	49.6		19 (5 th flr)
	Left Side (south)	1 st	4	--	See R-4	4 (1 st -2 nd flr)
		2-5 th	10			6 (3 rd flr)
		6 th	12			8 (4 th flr)
	Right Side (Russell St.)	1 st	0	6	See R-4 0 (with UP)	10 (5 th flr)
2-5 th		41.4		12 (6 th flr)		
Lot Coverage (%)			92	40	See R-4	40
Usable Open Space (sq. ft.)			4,071		3,760	
Parking	Automobile		24		44 residential 6 commercial	2 residential
	Bicycle		56 resident only 10 publicly accessible		2 Commercial	---

Notes:

1. Per 23E.52.070.D.5 & 7, the Board may grant a Use Permit to modify height, setbacks, lot coverage, and parking in the C-SA District for mixed use projects.
2. A Variance or State Density Bonus waiver is required to exceed the FAR limit in the C-SA District.
3. Per the State Density Bonus scenario, the project would require 2 VLI BMR units.

II. Project Setting

A. Neighborhood/Area Description: The neighborhood of the proposed project is focused around Adeline and Russell Streets, one block north of Ashby Avenue. The area to the north and east is in the South Area Commercial District that surrounds the Adeline Street corridor. The area consists predominantly of one- to three-story multi-family dwellings, the six-story Harriet Tubman Terrace Apartments for low-income seniors, as well as local and commercial businesses, including Berkeley Bowl, which is one block to the northeast. The area to the west is residentially zoned (R-2A and R-4 and consists of one- to three-story single- and multi-family dwellings, as well as the Tarea Hall Pittman South Branch Berkeley Public Library, and Grove Park. The project site is 0.2 miles from the Ashby BART Station (located at Adeline and Ashby) and one mile away from the Downtown Berkeley BART Station. The site is within the Adeline Corridor Plan Area, which is currently underway.

B. Site Conditions:

The approximately 14,065 square foot project site consists of 3 parcels. Two of the parcels front Adeline Street (2902 and 2908 Adeline) and are zoned South Area Commercial. One parcel fronts Russell Street (1946 Russell) and is zoned Multi-Family Residential (R-4). The 2908 Adeline Street parcel is developed with a two-story, mixed-use building with the AW Pottery storefront on the ground level and a dwelling on the second floor. The owner, who currently lives on site, is planning on retiring and moving out of state. 2902 Adeline Street parcel consist of a paved area that serves as a display area for pottery. The 1946 Russell Street parcel is developed with a two-story, single-family dwelling that has been vacant for approximately two years.

III. Project Description

The proposed project would demolish the existing buildings, merge the three lots, and construct a new six-story, mixed-use building with the following main components:

- 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.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the City, the applicant erected a yellow pre-application poster at the site. The applicant held community meetings on July 22, 2015 and August 5, 2015, which were attended by 36 and 49 people, respectively. Another meeting was held on April 13, 2016 with the Friends of Adeline group at the Tarea Hall Pittman South Branch Berkeley Public

Library and one on April 27, 2016 at the Harriet Tubman Terrace Apartments to meet with the residents.

On October 12, 2016, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations, and the City posted notices within the neighborhood in three locations. Since project submittal, staff has received inquiries of concern and interest primarily regarding the project's proposed 6-story height which many feel is too large for the neighborhood, the need for more affordable housing, and limited parking supply. See Attachment 8 for all correspondence received since the February 25, 2016 ZAB preview date.

B. Design Review Committee Review: The Design Review Committee (DRC) previewed this project on April 21, 2016, and provided several advisory comments including the need for the design to incorporate more context from the neighborhood and Adeline Street corridor. The DRC expressed mixed opinions about the height and massing of the building. Some felt that the overall height was appropriate for Adeline Street but needed to step back into the neighborhood more; others were concerned the building was too tall and should not emulate the senior housing massing next door. The DRC suggested wrapping commercial uses all the way around the corner and not just on Adeline.

The applicant responded to the recommendations and submitted revised drawings that DRC reviewed for preliminary design at the August 18, 2016 meeting. At the meeting, the DRC continued the preliminary design review with the following comments:

- *Live/work façade on the corner and how it presents itself to the street still needs development.*
- *Building appears too big for the site. Shadow study still shows impacts.*
- *Design should be more contextual, and pick up more design references in the neighborhood.*
- *Design on the curve, including fenestration, is too flat. Design should be more porous.*
- *Recommend increasing the location and opportunity for plants to grow up the building. Consider green walls where possible.*
- *Small bedroom windows appear to be the weakest as a design element.*
- *Show more detail for the awnings proposed on the south elevation.*
- *Applicant should contact Civic Arts to begin planning for the required 1% for the art.*

The applicant resubmitted a revised plan set on August 31, 2016, which DRC reviewed at its September 15, 2016 meeting. Although the DRC recommends reducing the overall project height if possible, without increasing the building footprint., it made a favorable recommendation (vote: 7-0-0-0) to the ZAB with the following conditions and recommendations:

Condition:

- *If project is reduced in height and massing, it should return to the DRC for further review.*

Recommendation:

- *Building design is good but it does present a massing challenge to its western neighbors. Committee recommends that the building is reduced in height, but the massing stepdown/setback to the west remains.*

V. Issues and Analysis

A. Adeline Corridor Specific Plan Timing: Members of the public have raised concern as to the timing of this project in relation to the Adeline Corridor Specific Plan (ACSP). The City is approximately 1.5 years into a 3-year community planning process to develop a specific plan and Environmental Impact Report (EIR) for the Adeline/South Shattuck corridor. As part of the first phase of the four-phase planning process, the City collected an extensive amount of community feedback from numerous public workshops, meetings and surveys; and researched existing conditions related to land use, demographics, economic development and transportation. The City is currently in the second phase of planning process, synthesizing the feedback collected into potential options which respond to community goals. Feedback about these options will form the basis of an eventual plan and EIR. The planning process is not yet at a point where there are specific recommendations related to land use and other development standards. The property is subject to the current zoning ordinance until such time as a new specific plan and any related zoning ordinance modifications are adopted by City Council.

B. Density Bonus: Based on the developer's commitment to include two qualifying below market rate (BMR) dwelling units in the project, the project is eligible for a density bonus (Government Code Section 65915). Using the project plans submitted by the applicant in August 2015, staff calculated a "base project" of 16,792 square feet, with a total of 18 (18.06) "base" dwelling units for this site. The Base Project is the version of the project that could be built without any modification of development standards under the Zoning Ordinance, using the average unit size proposed by the applicant prior to the changes in project design as a result of the DRC's recommendations. The current calculation is derived from the number of those average sized-units that could be accommodated in the three-story height limit in the C-SA and the three-story, maximum 40% lot coverage requirements of the R-4 District, minus the square footage dedicated to commercial space and required vehicle parking.

Based on the applicant's commitment to provide 11% of the base project, or 2 dwelling units, affordable to Very Low Income families (\leq 50% AMI), the project qualifies for a 35 percent density bonus, or 7 units, for a total of 25 dwelling units. The project's density bonus calculations and illustrative graphics are provided in Attachment 3.

In order to accommodate the density bonus units, the project proposes to add one additional residential story, which is permissible as a waiver of development standards per Government Code Section 65915(e)(1).¹

¹ 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.

C. Extra Height and Concession Request: In addition to using State Density Bonus law, the applicant is requesting Use Permit approval for one additional story (fifth) in the R-4 District and two additional stories (fifth and sixth) in the C-SA District (BMC 23D.40.070.C and 23E.52.070.D.7). Unlike waivers required to accommodate the density bonus units (e.g. the fourth story), the ZAB retains discretion over granting the height increase and associated units requested through the Use Permits.²

The resulting six-story design would result in a floor area ratio (FAR) of 4.5 on the C-SA portion of the property, where the allowable district maximum is 4.0. The applicant has, therefore, requested a concession to increase the FAR.³

In providing at least ten percent of the total units for very low income households, the project is entitled under density bonus law to two “concessions or incentives.” Government Code Section 65915(d) provides that the City may only deny a concession if it finds “the concession ... is not required in order to provide for affordable housing costs ... or for rents for the target [affordable] units....”

The City’s established procedure for determining whether this finding can be made is to request the applicant to submit a *pro forma* showing the rate of return on investment (ROI) under four scenarios:

1. Base project without affordable units
2. Base project with affordable units
3. Project with density bonus but without concession
4. Project with density bonus and concession

Due to the specifics of this application, the *pro forma* expanded the scenarios to include all of the following:

<p>1. Base project without affordable units</p>	
<p>2. Base project with affordable units</p>	

² If the ZAB chooses not to approve the additional height, the requested concession would not be necessary.

³ As the increase in FAR is not needed to accommodate the four story base project with density bonus dwelling units and is only triggered by the additional Use Permit height request, the FAR increase is considered a concession and not a waiver.

<p>3. Project with density bonus, no concessions</p>	
<p>4. Project with density bonus and additional Use Permit for height (5 stories) maxing massing in both districts, no concession (Variant A)</p>	
<p>5. Project with density bonus and additional Use Permit for height (5 stories) with proposed massing in the R-4 district, no concession (Variant B Lite)</p>	
<p>6. Proposed Project with density bonus and additional Use Permit for height (5 stories in R-4, 6 stories in the C-SA), plus FAR concession (Variant B)</p>	

This approach shows the cost to the applicants of providing the affordable units (in terms of impact to ROI), and whether the density bonus and concession(s) compensate the applicants for these costs through additional revenues. This approach supports the main purpose of the Density Bonus Law, which is to promote construction of affordable housing by offsetting some of the costs associated with this type of development.

The applicant hired Economic & Planning Systems (EPS) a professional land economics consulting firm to conduct a development feasibility review (pro forma) for the proposed project (see Attachment 4). A third party consultant, the Chief Economist at PlaceWorks, peer reviewed the pro forma and verified the assumptions and calculations in the analysis (see Attachment 5).

The pro forma calculates the project’s ROI for the six scenarios described above both with the \$28,000 per unit Affordable Housing Mitigation Fee (AHMF) and formula

adopted in October 2011 and with the \$34,000 per unit AHMF and formula adopted in July 2016.

Table 5: Financial Impact of Density Bonus and Concessions

		Base Project	BMR Units Added	Density Bonus Added	Variant A	Variant B Lite	Proposed Project / Variant B (with concession)
Dwelling Units	Market Rate	18	16	23	44	38	44
	BMR	0	2	2	6	5	6
	Total	18	18	25	50	43	50
Return on Investment (%)	2011 formula	5.33	5.07	5.02	5.52	5.29	5.57
	2016 AHMF	5.31	4.98	4.90	5.44	5.28	5.53

As shown above, the ROI for the base project (no BMR units) drops, as expected when BMR units are included, and, due to higher construction costs and the AHMF, drops further when the density bonus units are added (as the AHMF applies to DB units as well). Therefore, the density bonus units are not sufficient to cover the cost of the BMR units. The ROI for the base project is not attained again until the project scenarios assume Use Permit approval for extra height (and associated extra dwelling units). The pro forma demonstrates that both the six-story proposed project (with concession) and the five-story ‘maxed out’ coverage massing of Variant A, result in an ROI that exceeds that of the base project. Thus it appears that the ZAB could make a finding to deny the concession, since Variant A, which does not require the concession, results in a greater ROI than the base project. The pro forma also shows that the ROI of Variant B Lite, the proposed massing with a five story design, is only slightly below that of the base project, which indicates that Use Permit approval for a five-story project with a comparable design to the proposed six-story project may not be sufficient to cover the costs of the affordable units. However, as the pro forma is based on several cost assumptions, and as the ROI is presented to the second decimal place, the difference between 5.31 and 5.29 appears to be within the margin of uncertainty.

D. Height/Massing/Neighborhood Compatibility: One of the neighbors’ primary concerns is that the height of the proposed building would not be compatible with the surrounding area. The project proposes a six-story building—five stories on the R-4 parcel—in a neighborhood that consists predominantly of one- and two-story structures with a few scattered three-story apartments. The one exception is the six-story Harriet Tubman Terrace Apartments, located just north of the project site. Although the underlying R-4 and C-SA District allow for five and six stories respectively, upon approval of a Use Permit; the base height is three stories in both Districts.

The proposed project is uniquely situated at the southeast corner of one of the broadest intersections in the City. Although the Right-of-Way (ROW) across Russell Street is a standard 60 feet, the ROW across Adeline Street at Russell is thrice that at 180 feet, and the distance diagonally to the northwest corner is 268 feet. The ROW along this section of Adeline includes a 56-foot wide grassy median with scattered trees between the north and south travel lanes. As shown in Figure 3 below, the broad expanse of ROW easily absorbs the building's height and massing along the Adeline frontage. The proposed massing is further anchored by the six-story Harriet Tubman Terrace Apartment building across Russell Street.

Figure 3: Bird's-Eye Rendering from Intersection of Adeline Street & Russell Street



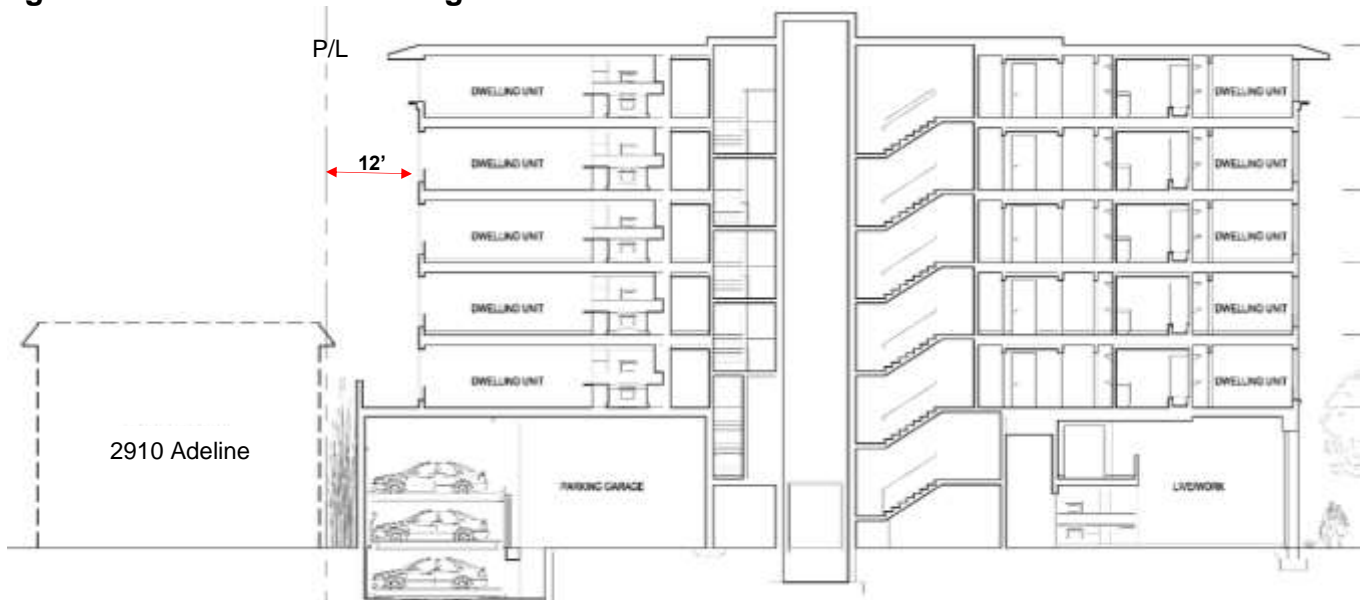
At the pedestrian level, instead of a uniform static setback, the massing is mitigated through setback articulation, ranging from zero to seven feet, as well as ample fenestration, softened by awnings and intermittent landscaping. See Figure 4 below. Additionally, the frontage would be activated by the commercial tenant spaces along Adeline Street, creating a degree of fluidity between the private and public realm.

Figure 4: Rendering From Adeline Street



Abutting the property to the south along Adeline, are three two-story, multi-unit apartment buildings in a row (2910-2918 Adeline). To complement the lower massing of these buildings, the project proposes the District's standard four-foot side yard setback for the approximately 17.5-foot tall podium (first and mezzanine levels), then exceeds the District's setbacks by proposing a 12-foot side yard setback for the second through sixth floors.⁴ The massing would be further mitigated by the landscaping plan that proposes tall bamboo to soften the transition. See Figure 5 below.

Figure 5: North-South Building Section



The transition of building height and massing along the Russell frontage is of heightened concern as the subject site changes from C-SA to and R-4 zoning,

⁴ One bay projection along the Adeline frontage is proposed with a 10-foot side yard setback on floors 3-5.

abutting the R-4 residential district to the west and partially confronting the lower density R-2A to the north.

To activate the commercial district while simultaneously respecting the abutting residential district, the building is designed with a zero street side yard lot line along the commercial tenant and two commercial live/work spaces. Where the bollards block vehicle access on Russell Street just west of the intersection with Milvia Street, signifying the break between commercial and residential district, the proposed building step backs six feet. The step back allows for three, approximately 100-square-foot entry gardens to the three proposed ground floor residential lofts. Not only does the setback reduce the massing at the pedestrian level, but it provides street level interaction between these three dwellings and the rest of neighborhood. The transition to the abutting residential neighborhood is further softened by a 20'-9" setback and approximately 25-foot building separation to the neighboring duplex (1940 Russell). The area would be developed with common useable open space that includes a garden and mature landscaping. See Figures 6 and 7 below. The distance to the confronting residential buildings (1943 Russell and 2842 Milvia) is approximately 78 feet at the ground and mezzanine levels.

Figure 6: Ground Floor Plan Russell Street Frontage

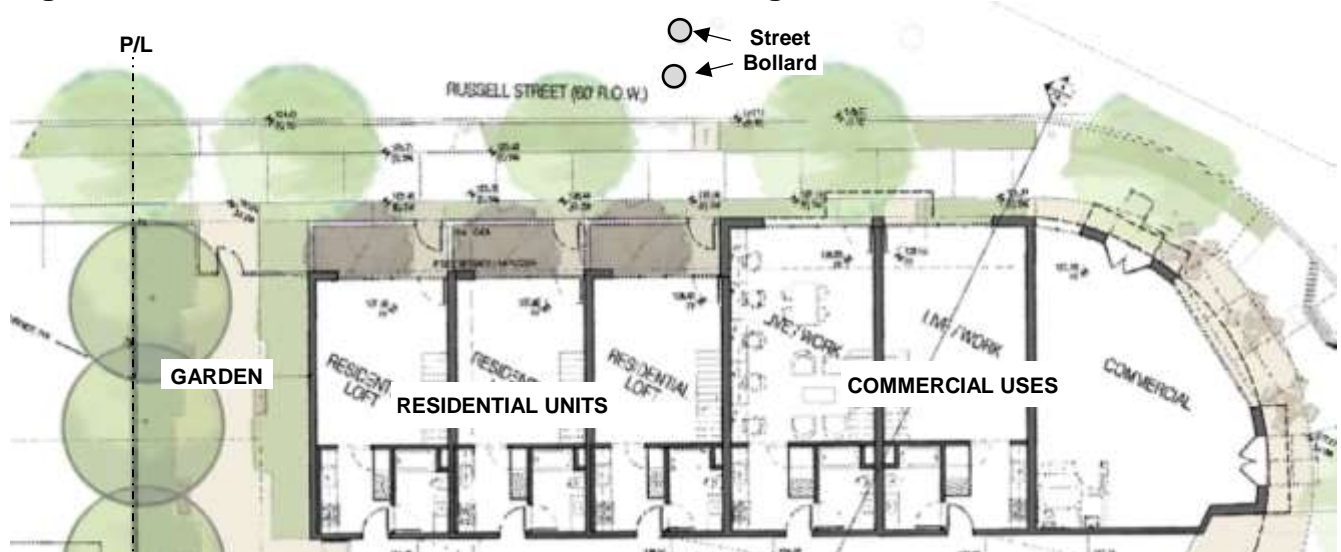
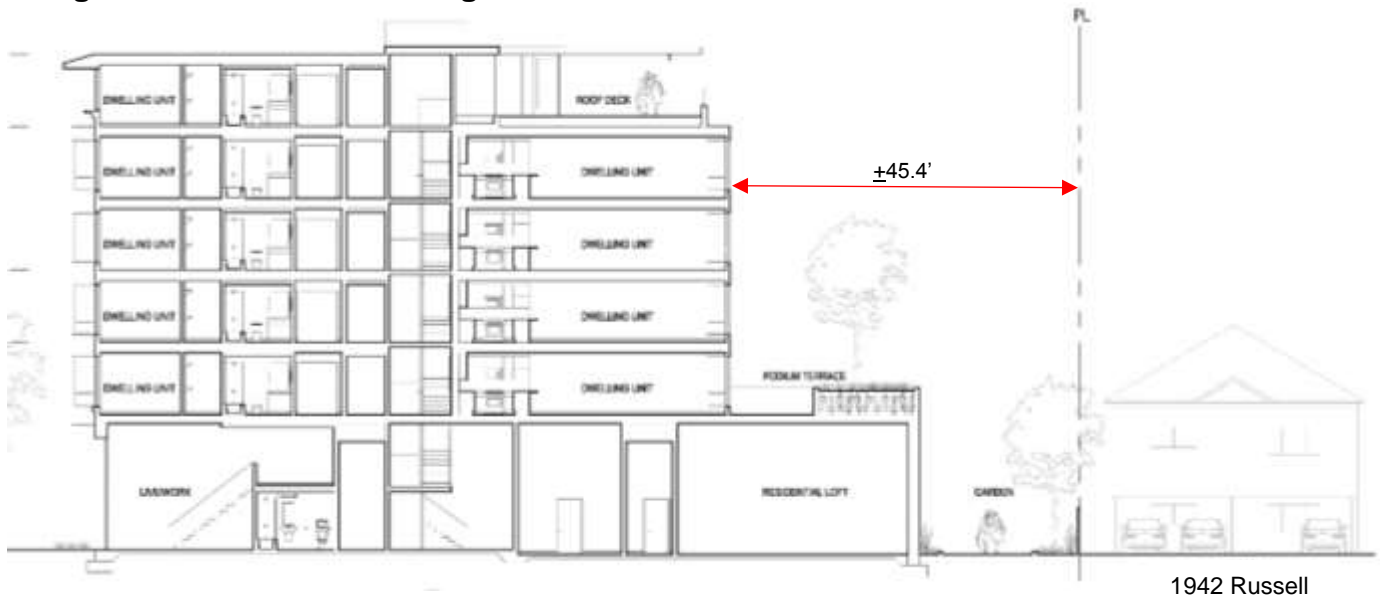


Figure 7: Rendering of Residential Loft Russell Street Entries



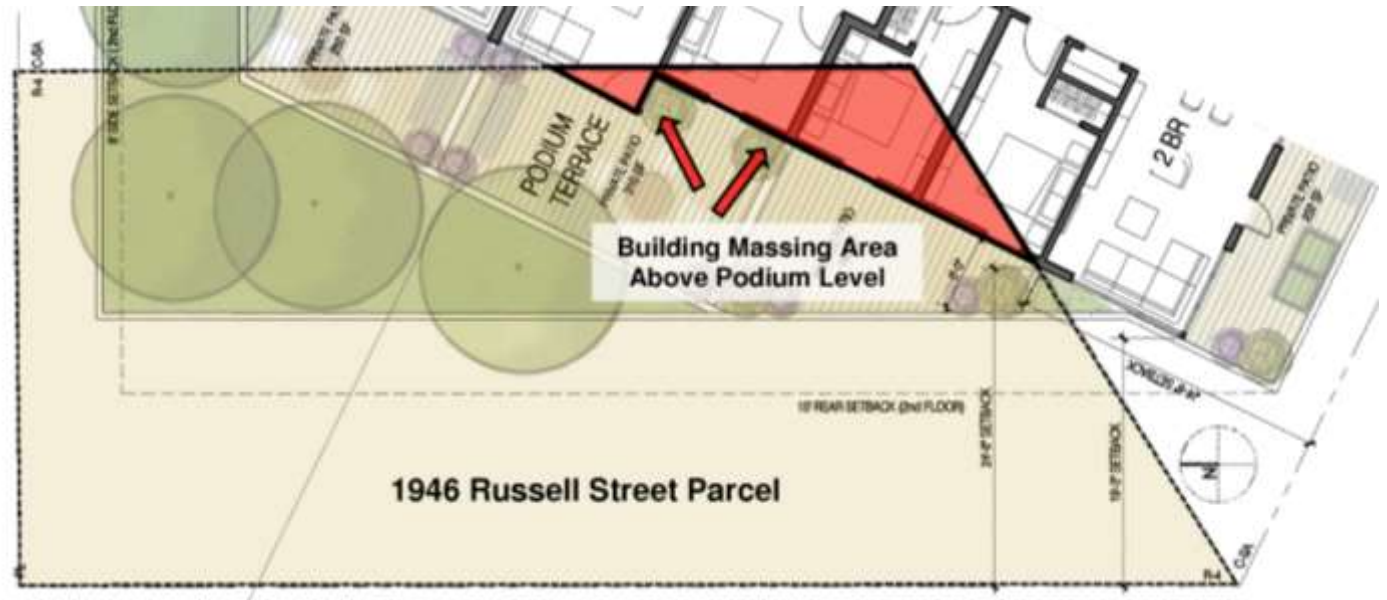
As shown in Figure 8 below, the overall height of the proposed building similarly steps down from six stories, 64'-1.5" on the C-SA zoned parcels, down to five stories, 54'-9.5" as the building transitions to the R-4 zoned parcel, down to one story, 17'-5.5" for the last 24 feet on the eastern (rear) side of the building.

Figure 8: East-West Building Section



In addition, on the R-4 zoned parcel, less than 200 square-feet of the existing 3,280-square-foot parcel area, small triangular areas in the southwest corner of the lot, would have any building massing over the 17'- 5.5" tall podium level, leaving the majority of the lot adjacent to the residences to the west, unencumbered by massing. See Figure 9. The result is a compatible juxtaposition of massing between the proposed project and the neighboring residential building at 1942 Russell.

Figure 9: Building Massing above Podium Level (Floors 2-5) in the R-4



E. Parking: The project proposes a ground level private parking garage that would provide eight three-car lifts, for a total of 24 parking spaces. This represents 28 less spaces than the 52 required per code: 46 spaces for 46,538 square feet residential space (one space per 1,000 square feet) and 6 spaces for 4,119 square feet of commercial space in the C-SA district (two spaces per 1,000 square feet, minus the first 1,000 square feet). The applicant is, therefore, requesting Use Permit approval under BMC 23E.52.070.D.7 to waive 28 required spaces.

Neighbors have raised concerns as to the limited amount of parking provided by the project. They have expressed that there is already a shortage of on-street parking in the neighborhood and that this project would further exacerbate this issue.

The applicant submitted a Transportation Impact Analysis (TIA), prepared by Abrams Associates, which evaluated the proposed project's estimated parking demand (see Attachment 6). The TIA, reviewed and approved by the City Traffic Engineer, estimates the parking demand using several sources. The parking demand based on the Institute of Traffic Engineers (ITE) generation rate resulted in a parking demand of 29 spaces. With this calculation the project would have a short fall of six spaces. However, using U.S. census data based on Census Transportation Planning Products summary of data from the American Community Survey (2010) of car ownership statistics for residential properties with greater than five dwelling units, the TIA indicates a project demand of 39 parking spaces (37 residential, 2 commercial). In this scenario, the project would have a shortfall of 15 spaces.

To evaluate the local parking situation, Abrams and Associates conducted on-street parking occupancy surveys, based on the standard guidelines of the Traffic Engineer. There are 357 on-street parking spaces within the project study area—500 feet of the project. The block-by-block survey found that during the afternoon, there are about 300 spaces (83%) that are occupied, and about 60 spaces available. During the

evening, there are about 275 occupied spaces, which is an occupancy rate of 77%, and about 80 available on-street spaces. Many of these are at parking meters on Adeline Street. Other available on-street parking was found to be on local streets with 2-hour limits in permit parking districts.

Therefore, although the project's parking demand is estimated to exceed supply by 6 to 15 spaces, on-ground surveys show that this shortfall could be accommodated by available on-street parking. Additional project features further mitigate the project's potential parking impact:

1. The project is proposing to exceed the two-space commercial requirement for bicycle parking by committing to provide five publicly accessible bicycle racks (10 spaces) on the sidewalk, subject to review and approval of Public Works. The ten spaces includes one rack in front of the live/work units on Russell Street, one rack in front of the live/work units on Adeline Street, and three at the project entrance near the main commercial tenant space.
2. Although there is no residential bicycle parking requirement, the project includes 56 bicycle secure bicycle parking spaces for residential use as well as a bicycle repair station located in the common useable open space.
3. There is extensive public transportation available in the project area including the Ashby BART station located less than a quarter mile to the south. There are also AC Transit bus stops less than a block from the site that provide access to local and regional destinations, including a transbay route (Route FS), an all-nighter (Route 800), as well as connections to intercity express routes.
4. As required for projects requesting a parking waiver and as conditioned in the project approval, occupants of the building would not be eligible for Residential Parking Permits (RPP) thereby reducing the attractiveness for car ownership.
5. There are numerous existing car sharing locations in the area; within 1/2 mile of the project site there are 7 City Carshare locations and 4 Zipcar locations.
6. There are numerous shopping, employment, and education centers within walking distance of the site, including the South Branch Public Library, Berkeley Bowl supermarket, Walgreens pharmacy, and the Ed Roberts Campus.

The abundance of bicycle parking, the ineligibility for RPPs, as well as the project's proximity to public transit, jobs, goods and services, would help reduce car ownership and lessen the parking demand on the neighborhood's parking supply. The parking waiver would also encourage utilization of the nearby public transit, thereby advancing general sustainability goals in accordance with the City's Climate Action Plan.

- F. Sunlight/Shadows:** Community members have expressed concerns about the proposed project's shadow impacts to neighboring properties. The project proposes to construct a six-story building on what is currently developed with two, two-story structures. As such, the project is expected to create greater shadowing impacts over existing conditions. To assess the anticipated shading impacts, the applicant submitted shadow studies for the project (see Sheet A0.4A through A0.4C of Attachment 2).

The shadow studies illustrate that the neighboring properties to the north (1937 and 1943 Russell Street and 2810 Milvia Street) would receive new shadows from the development in the winter months during the morning hours. Shadows would fall on the front façades of these three buildings, affecting windows into residential living space. In winter afternoons, shadow pass towards the northwest, affecting the Harriet Tubman Apartments property and the Adeline/Russell Street intersection. Due to the orientation of the fenestration on the Harriet Tubman Apartments, the new shadows would not affect any windows, only the southern stucco façade.

In the fall and spring, the two-story residential buildings to the north (1937 and 1943 Russell Street) and west (1940 and 1942 Russell Street) would receive new shadows during the morning hours affecting windows into residential living space on the south façades and west façades, respectively. By noon the shading would have shifted to the windowless façade of the Harriet Tubman Apartments and travels into the Adeline Street intersection throughout the afternoon.

During the summer months, the adjacent properties to the west (1940, 1942 and 1930 Russell Street, and 2905, and 2909 Otis Street) would experience new shadows in the morning hours affecting western facing windows into living space. By noon, all new shading impacts would only affect the public right-of-way.

Although shadow impacts from the project are expected to affect direct sunlight on certain residential windows, these areas would still experience indirect lighting during these hours. Additionally, at no time of year would the proposed project cause adjacent properties to lose access to direct sunlight for more than a couple of hours per day. Such shading impacts are to be expected in an urbanized area along a major corridor.

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.
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.
3. Policy LU-27 Avenue Commercial Areas: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
4. 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.

5. 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.
6. 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 D above.

7. 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 F above.

8. Policy H-1- Low and Moderate Income Housing: Increase the number of housing units affordable to low- and moderate-income Berkeley residents.
9. 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 construct a total of 50 dwelling units and four live/work units. The applicant has committed to provide a minimum of two density bonus qualifying units on site affordable to Very Low Income households, which are those earning less than 50% of the Area Median Income (AMI), and two units in lieu of payment of the Affordable Housing Mitigation Fee, restricted to low income households, which are those earning between 50% and 80% of the AMI.⁵ In addition, consistent and in compliant with the requirements of BMC Chapter 22.20, the applicant can choose prior to Certificate of Occupancy whether to provide the additional BMR units on site or pay the remaining in-lieu fee, which is used to fund future affordable housing projects. The project would, therefore, help the City to meet its affordable and general housing goals.

10. 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.

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, and basic goods and services (as discussed in Key Issue E above).

⁵ The 2016 AMI in Alameda County, based on a family of four is \$93,600: <http://www.hcd.ca.gov/housing-policy-development/housing-resource-center/reports/state/inc2k16.pdf>.

11. Policy EM-5 “Green” Buildings: Promote and encourage compliance with “green” building standards.
12. Policy UD-33 Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: As noted earlier, the project scored a 94.5 on the GreenPoint Rated Checklist, New Home Multifamily Checklist 6.0 with a Silver certification level.

H. Plan Consistency: The South Berkeley Area Plan, adopted in 1990, also contains several policies applicable to the project, including the following:

1. Housing Element Policy 3.7: Encourage the construction of new affordable housing units.
2. Housing Element Policy 3.10: Locate higher density housing in area with easy access to retail activity, the workplace, and public transportation.

Staff Analysis: As noted earlier, the project would provide four units affordable to Very Low Income households (less than 50% AMI) and two units to Low Income households (less than 80% of the AMI) and a total of 50 dwelling units and four live/work units. The project is located in the Adeline Corridor that is within walking distance to Ashby BART station, several bus lines, and Berkeley Bowl.

3. Housing Element Policy 5.2: Ensure that useable open space improvements are integrated into new housing and mixed use developments.

Staff Analysis: The project provides 4,926 square feet of open useable space including the rear yard, podium level terrace, and roof deck. Features of the Useable Open space include art, seating, and a bicycle repair station.

4. Land Use Policy A. 1: Preserve the character and quality of life of residential areas.
5. Land Use Policy C.1.2: Regulate mixed development to ensure compatibility with adjacent residential neighborhoods.

Staff Analysis: Please see discussion under Key Issue D 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 #ZP2015-0177 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 October 27, 2016
3. Density Bonus Calculations and Schematics
4. Development Feasibility Review (pro forma), prepared by EPS, dated August 29, 2016 with Supplement dated October 11, 2016
5. Pro Forma Peer Review, prepared by PlaceWorks, dated September 28, 2016
6. Transportation Impact Analysis, prepared by Abrams Associates, dated October 7, 2016
7. Notice of Public Hearing, dated September 29, 2016
8. Correspondence Received since February 26, 2016 (date of ZAB preview)

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