



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
DECEMBER 14, 2017

1050 Parker Street

Use Permit #ZP2016-0170 to construct a 60,670 square-foot, three-story building with 20,370 square-foot medical office and 40,300 square-foot research and development uses on the second and third floors, and a 750 square-foot quick service restaurant on the ground floor, with 117 automobile parking spaces and 46 bicycle parking spaces.

I. Background

A. Land Use Designations:

- General Plan: Manufacturing and Avenue Commercial
- Area Plan: West Berkeley Plan
- Zoning: Mixed Use Light Industrial (MU-LI) and Commercial West Berkeley (C-W).

B. Zoning Permits Required:

- Use Permit under BMC Section 23E.64.030 to establish a medical office use with more than 5,000 square feet in the C-W District.
- Use Permit under BMC Section 23E.64.050.B.1 to construct more than 5,000 square feet of new floor area in the C-W District.
- Administrative Use Permit under BMC Sections 23E.64.080.J and 23E.80.080.E to allow for the substitution of bicycle or motorcycle parking spaces in place of up to 10% of the required automobile parking spaces.
- Administrative Use Permit under BMC Section 23E.80.030 to establish a research and development use with more than 20,000 square feet in the MU-LI District.
- Use Permit under BMC Section 23E.80.050.D to construct more than 20,000 square feet of new floor area in the MU-LI District.
- Administrative Use Permit under BMC Section 23E.04.040.A to install fences greater than six feet in height.
- Administrative Use Permit under BMC Section 23E.04.020.C to construct two mechanical penthouses and one elevator penthouse that would exceed the C-W and the MU-LI District height limit.
- Administrative Use Permit under BMC Section 23E.28.080.B to locate ground level parking spaces within 20-feet of a street frontage.
- Zoning Certificate under BMC Section 23E.64.030 to establish a quick service restaurant of less than 1,500 square feet in the C-W District.

C. CEQA Determination: An Initial Study-Mitigated Negative Declaration (IS-MND) was prepared for this project pursuant to the provisions of CEQA, and Circulated for public review from October 12, 2017 to November 13, 2017. See Section V.A below. The IS-MND, and all related analysis, are available on the City's website link that is provided below.

D. Parties Involved:

- Applicant/Property Owner: 2600 Tenth Street, LLC, c/o Christopher Barlow with Wareham Property Management

E. Application Materials and Staff Reports are available on the Internet:
https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1050_Parker.aspx

Figure 1: Zoning Map



Figure 2: Vicinity Map



Figure 3: Site/Ground Floor Plan

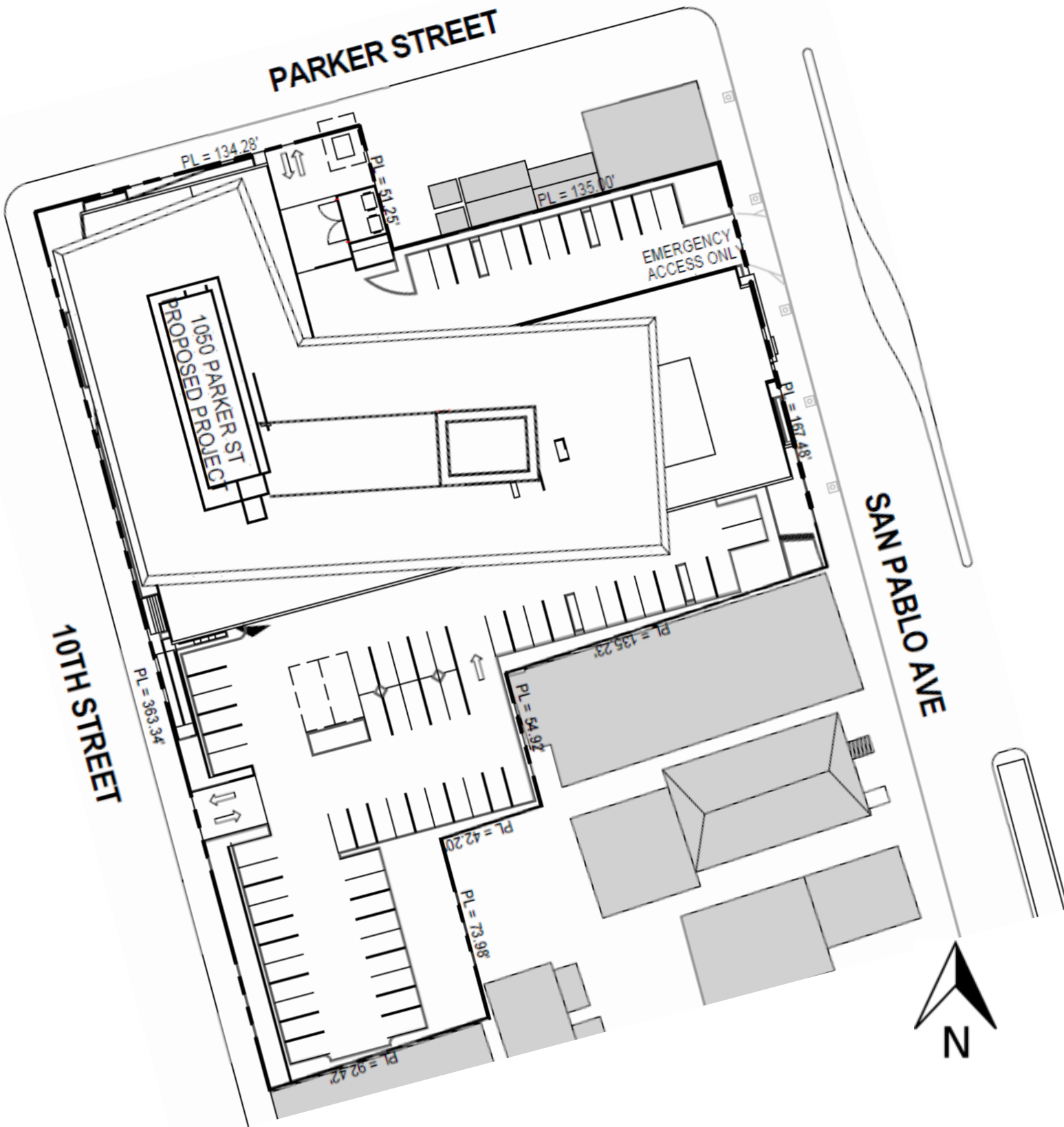


Figure 4: Street Elevation North (Parker Street Frontage)



Figure 5: Street Elevation East (San Pablo Avenue Frontage)



Figure 6: Street Elevation West (Tenth Street Frontage)



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant – former community garden		
Surrounding Properties	North	Missouri Lounge; residential units above Missouri Lounge; Bank of America	MU-LI and C-W	Manufacturing and Avenue Commercial
	South	Former book store; Covenant Worship Center; Far Leaves Tea; Alward Construction; Fredric Electric		
	East	Orozco’s Tires; Red Sea (retail); KC’s Bar-B-Que; Ecohome Design Studio; Ecohome Improvement	C-W	Avenue Commercial
	West	Fantasy Studios; offices	MU-LI	Manufacturing

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	Yes	The proposed non-residential floor area is greater than 7,500 square feet. Therefore, this project is subject to this resolution.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	Yes	The proposed non-residential floor area is greater than 7,500 square feet. Therefore, this project is subject to this resolution.
Affordable Housing Mitigations for rental housing projects (Per BMC Chapter 22.20.065)	No	The proposed project would not include residential units.
Alcohol Sales/Service (Per BMC § 23E.16.040)	No	The proposed project does not include the sale of alcohol.
Creeks (Per BMC Chapter 17.08)	No	No open creek or culvert exists within 40 feet of the project site.
Coast Live Oaks (Per BMC § 6.52.010)	No	There are no Coast Live Oak trees on or abutting the project site.
Density Bonus (Per Gov’t Code Chapter 65915)	No	The proposed project would not include residential units.
Green Building Score	Yes	The applicant submitted a GreenPoint checklist for the project. The minimum required points are 40 out of a possible 110 points. The project checklist indicates a score of 56.
Historic/Cultural Resources (Per Gov’t Code §15064.5 or BMC Chapter 3.24)	No	Project site is not listed as a Landmark or Structure of Merit on the City of Berkeley Historic Resources Map: http://www.ci.berkeley.ca.us/uploadedFiles/IT/Level_3_-_General/COB_LM_update_20160316.pdf
Percent for Art (Per BMC Chapter 23C.23)	Yes	The project is subject to the City’s Public Art on Private Projects Ordinance.
Rent Controlled Units (Per BMC Chapter 13.76)	No	The project site does not include residential units.
Residential Preferred Parking (Per BMC Chapter 14.72))	No	The Residential Preferred Parking Program does not occur in or near this neighborhood.

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Seismic Hazards (Per State Hazards Mapping Act)	Yes	The project site is located within an area susceptible to liquefaction as shown on the State Seismic Hazard Zones map. The applicant submitted a geotechnical report, which determined that expansive soils are present at the project site, the Geotechnical Investigation concluded that the use of standard engineering design and seismic safety techniques reduce the effects of the expansive soils to less than significant levels. Standard Conditions of Approval used to address construction in a liquefaction zone will apply.
Soil/Groundwater Contamination	No	The project is not listed on the Cortese list and is located within the City's Environmental Management Area. A Phase I Environmental Assessment was submitted as part of the application. The assessment revealed no evidence of any recognized environmental conditions in connection with the subject property. This topic was examined in the Initial Study and was found to have less than significant impacts.
Transit	Yes	There are a number of AC Transit bus stops within 0.25 mile of the project site, with the closest one approximately 150 feet from the project site at the corner of Parker Street and San Pablo Avenue (serving the 72, 72M, and 802 lines). There are additional bus stops at the intersection of Dwight Way and San Pablo Avenue approximately one block north of the project site. There are three BART stations within two miles of the project site: North Berkeley (1.5 miles northeast), Ashby (1.7 miles southeast), and Downtown Berkeley (1.9 miles east).

Table 3: Project Chronology

Date	Action
September 16, 2016	Application submitted
April 29, 2017	Application deemed complete
October 12, 2017	CEQA Public Review Period began
October 19, 2017	DRC hearing
November 13, 2017	CEQA Public Review Period ended
November 30, 2017	ZAB public hearing notices mailed/posted
December 14, 2017	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23E.64.070-080 and 23E.80.070-080		Existing	Addition/ (Reduction)	Proposed Total		Permitted/Required	
				C-W	MU-LI	C-W	MU-LI
Lot Area (sq. ft.)		68,331	No change	68,331		--	
				23,157	41,174		
Gross Floor Area (sq. ft.)		0	60,670	60,670		max	
				20,370	40,300		
Floor Area Ratio		0	0.9 ¹	0.9 ²	1.0 ²	3.0 max	2.0 max
Building Height	Average (ft.)	0	41 ³	40	42	40 max	45 max
	Maximum (ft.)	0	44	40	44	40 max	45 max
	Stories	0	3	3	3	3 max	NA
Building Setbacks (ft.)	Front	--	5	5		0 min	
	Rear	--	0	0		0 min	
	Left Side	--	5	5		0 min	
	Right Side	--	27'8"	27'8"		0 min	
Lot Coverage (%)		0	46.9	46.9		NA	
Parking	Automobile	Open lot	117	117 ⁴		130	
				61	56	68	62
	Bicycle	Open lot	46	46 ⁵		32 ⁵	
				18	28	11	21

¹ Total Floor Area Ratio (FAR) is calculated based on gross floor area (60,670 square feet) divided by the lot area (68,331 square feet).
² FAR for C-W and MU-LI are calculated based on zone-specific gross floor area divided by zone-specific lot area. For C-W: 20,370 square feet / 23,157 square feet. For MU-LI: 40,300 square feet / 41,174 square feet.
³ Average building height is calculated based on average of C-W and MU-LI building height averages (40 feet and 42 feet, respectively).
⁴ The total number of automobile parking spaces is reduced by 10 percent due to the provision of an adequate number of bicycle parking spaces, as per BMC 23E.64.080.J and 23E.80.080.E for C-W and MU-LI, respectively.
⁵ Permitted/Required bicycle parking is 1 per 2000 square feet. . The total number of bicycle parking spaces is increased to 46 required spaces for C-W and MU-LI, respectively, due to the 10 percent automobile parking reduction as per BMC 23E.64.080.J and 23E.80.080.E for C-W and MU-LI, respectively.

II. Project Setting

A. Neighborhood/Area Description: The subject property is located in West Berkeley, along the south side of Parker Street and the east side of Tenth Street, with a small portion fronting the west side of San Pablo Avenue. Surrounding building heights vary from one to seven stories, with the majority being two stories. Surrounding land uses are listed in Table 1 above. Nearby transit facilities are detailed in Table 2 above.

B. Site Conditions: The subject property is comprised of three parcels and is generally level, irregular in shape. The northwest portion of the site is mostly paved and recently used as a surface parking lot. The southern portion of the site along Tenth Street and the central portion along San Pablo Avenue consist of vacant dirt lots, most recently leased to Urban Adamah for interim use as a community garden through November 2016.

III. Project Description

The project would combine three parcels, two of which are zoned MU-LI and one which is zoned C-W, into one 68,331 square-foot parcel to allow the construction of a 60,6700 square-foot, three-story building. The general configuration of the building would be an "L" shape, with each floor staggered in arrangement such that the second floor would contain a green roof along San Pablo Avenue and by the pedestrian entrance along Parker Street.

The new structure would straddle the zoning boundary that divides the site with approximately 20,370 square feet of gross floor area located in the C-W-zoned portion of the site fronting on San Pablo Avenue and approximately 40,300 square feet of gross floor area located in the MU-LI portion fronting Tenth and Parker streets. The C-W portion of the building would be used for medical offices while the MU-LI portion would be used for research and development (R&D). The project would also include a 750-square-foot café/retail space located along San Pablo Avenue within the C-W portion of the site. The second and third floors would be designed to separate the uses internally so that they would remain confined within their respective designations such that the tenant spaces would not cross the zoning boundary.

The project would also include nearly 10,000 square feet of landscaped area on the ground level, including 2,150 square feet of public open space comprising two small public plazas with seating and landscaping. A 650-square-foot plaza would be located at the corner of Parker and Tenth Street and a 1,500-square-foot plaza would be located along San Pablo Avenue, adjacent to the proposed café/retail space. Approximately 3,500 square feet of private open space would be provided on a second floor terrace accessed from the third floor.

Building entryways for pedestrians would be located on the ground floor along San Pablo Avenue and Parker Street. Vehicular access would be provided on Parker Street and Tenth Street. The number of on-site parking spaces would be a total of 117 automobile parking and 46 bicycle parking spaces. Based on square footage of the proposed building, the project should include 130 on-site automobile parking spaces. However, a 10 percent reduction in the number of parking spaces would be applied due to the provision of a 10 percent increase in bicycle parking spaces (BMC 23E.64.090.J and 23E.80.080.E).

Two mechanical penthouses and an elevator penthouse would be constructed on the roof of the proposed building. The two mechanical penthouses would be 14 feet above the roof level, and the elevator penthouse would be 18 feet above the roof level.

IV. Community Discussion

A. Neighbor Notification: Prior to submitting this application to the city in 2016, the applicant erected a pre-application poster on the project site. During the course of project application review, staff received one public comment in November 2016 regarding the desire for pocket parks as part of the project design.

On November 30, 2017, the City mailed 511 public hearing notices to property owners and occupants, and to interested neighborhood organizations of the public hearing on December 14, 2017. In addition, the City posted notices within the neighborhood in six locations. As of the writing of this report, Staff received no public comments.

B. Design Review Committee Review: In March 2017, the Design Review Committee (DRC) held a pre-application hearing to review the proposed project. The DRC had several comments regarding the potential for the project to block views from the UC Berkeley Campus; neighborhood context; building design; and open space/streetscape design. On October 19, 2017, the DRC met to review the project again in order to make a formal recommendation regarding the project to the Zoning Adjustments Board; the DRC made a favorable recommendation to ZAB (7-0-0-0) with the following conditions and recommendations:

- *Final color scheme will be reviewed at FDR. Color accents are too dark. Provide an alternate for further review.*
- *Brown color for the accent panels in not successful. Look at eliminating this color or making it more subtle. Review further at FDR.*
- *Accents could be stronger at retail.*
- *Look at soffits as another opportunity for accent colors.*
- *Provide transformer and trash enclosure at FDR, as well as complete fence details*

V. Issues and Analysis

A. Initial Study-Mitigated Negative Declaration: Pursuant to the California Environmental Quality Act (CEQA), an Initial Study-Mitigated Negative Declaration (IS-MND) was prepared to help inform the ZAB and the general public of potential project impacts. The IS-MND found that the project would result in impacts related to hydrology and water quality, construction noise, and transportation and traffic. The IS-MND provided the following mitigation measures to be incorporated into the project conditions of approval in order to reduce project impacts to less than significant levels:

- *HYD-1 Design-level Drainage Analysis and Minimization of Runoff.* The applicant shall conduct a design-level drainage analysis. The analysis shall be submitted to and approved by the City of Berkeley Department of Planning and Development prior to issuance of required project permits. The drainage analysis shall identify existing drainage patterns across the project site and existing off-site stormwater discharge locations. The drainage analysis shall quantify the existing and predicted post-construction peak runoff rates and amounts both on-site and off-site immediately downgradient of the project site. The drainage analysis shall identify any changes to the location of down-gradient discharge of stormwater runoff and any potential impacts on off-site property that would result from those changes.

- *HYD-2 Stormwater Control Measures.* Stormwater control measures shall be developed to maximize on-site infiltration of stormwater and minimize off-site stormwater discharge and to not exceed pre-project flow rates during construction. These stormwater control measures shall be designed such that post-development, off-site peak flow discharge from the project site for discharge rates and durations from 10 percent of the pre-project 2-year peak flow up to the pre-project 10-year peak flow would not be greater than pre-development peak flow discharge. The stormwater control measures may include, as necessary, above-ground retention and/or detention basins, stormwater collection tanks, subsurface infiltration devices such as cisterns with permeable bottoms or perforated pipes, permeable pavement, and vegetated swales. The stormwater control measures required by this mitigation may be used, in whole or in part, to satisfy the erosion and runoff control standards of the NPDES-required SWPPP. In addition, the Project will be subject to standard conditions of the City's Toxics Management Division (TMD) requiring that a Soil and Groundwater Management Plan (SGMP) be submitted to the TMD with the Project's building permit application and be approved by TMD prior to the issuance of the building permits.. The stormwater control measures identified as necessary to maintain pre-project discharge rates as described above shall be installed during construction to ensure discharge during and at post-construction do not exceed pre-project peak flow rates and to ensure compliance with the identified discharge thresholds. All post-construction stormwater control measures shall be in place prior to issuance of occupancy permits.

- *NOI-1 Construction Vibration Reduction Measures.* Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:
 - 1) The applicant or contractor shall ensure that construction activities involving vibratory rollers, large bulldozers, or loaded trucks do not occur during posted services times at the Covenant Worship Center (2622 San Pablo Avenue), currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.
 - 2) The applicant or contractor shall, to the extent technically and economically feasible, limit the use of vibratory rollers, large bulldozers, or loaded trucks within 75 feet of the nearest wall of the Covenant Worship Center or Fantasy Studios (2600 Tenth Street) to no more than 30 vibration events per day.
 - 3) The applicant or contractor shall, to the extent technically and economically feasible, limit the use of jackhammers within 25 feet of the nearest wall of the Covenant Worship Center or Fantasy Studios to no more than 70 vibration events per day.
 - 4) The applicant or contractor shall provide the tenants of the three multi-family residential units atop the Missouri Lounge, the Covenant Worship Center and Fantasy Studios with a notification 24 hours prior to vibration-generating construction activities.

- *NOI-2 Construction Noise Abatement.* Prior to issuance of grading permits, the applicant shall incorporate the following actions into a construction management plan subject to review and approval by the City:
 - 1) The applicant or contractor shall equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - 2) The applicant or contractor shall use quiet models of air compressors and other stationary noise sources where technology exists.
 - 3) The applicant or contractor shall locate stationary noise-generating equipment as far as feasible from the nearest noise-sensitive receptors.
 - 4) The applicant or contractor shall prohibit unnecessary idling of internal combustion engines.
 - 5) The applicant or contractor shall construct solid plywood fences around the construction site adjacent to operational businesses, including the Covenant Worship Center (2622 San Pablo Avenue).
 - 6) The applicant or contractor shall avoid construction activities during posted services at the Covenant Worship Center (2622 San Pablo Avenue), currently listed as Sundays at 10:30 AM and 6:00 PM and Wednesdays at 7:00 PM.
 - 7) The applicant or contractor shall ensure that supporting construction activities, including the loading and unloading of materials and truck movements are limited to the hours of 7:00 A.M. to 6:00 P.M. on weekdays and between the hours of 9:00 A.M. and 4:00 P.M. on Saturdays, or as stipulated in the conditions of approval. No construction-related activity shall occur on Sunday or any Federal Holiday.
 - 8) The applicant or contractor shall notify adjacent businesses, the Covenant Worship Center, and residents within a 500-foot radius of the project site of the construction schedule in writing. The applicant or contractor also shall designate a “construction liaison” responsible for responding to any local complaints about construction noise. The liaison shall determine the cause of noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures to correct the problem. The applicant or contractor shall conspicuously post a telephone number for the liaison onsite.

- *T-1 Reimbursement Agreement to Facilitate Traffic Improvements.* A Reimbursement Agreement shall be established between the applicant and the City prior to the issuance of required project permits. The Reimbursement Agreement shall specify the improvements to be accomplished as set forth below, the timing of the improvements, the proportionate share of improvement costs, the timing of the reimbursement payments, and a mutual commitment to use best efforts to coordinate and expedite the installation of the improvements with the goal of providing them before the project receives its first certificate of occupancy. Upon completion of the traffic improvements, the City shall then reimburse the applicant the City’s pro-rata share of the traffic improvements over a multi-year period as shall be more specifically described in the Reimbursement Agreement.
 - 1) Intersection Improvements. Dedicated westbound and eastbound left-turn lanes at the San Pablo Avenue/Dwight Way intersection.

- 2) Signal Installation. Signalization of the San Pablo Avenue/Parker Street intersection and coordinated signal timing with the adjacent intersections on San Pablo Avenue.
- *T-2 Driveway Safety.* The applicant shall provide 10 feet of red curb on either side of the project driveways on Tenth and Parker Streets to improve sight distance between vehicles exiting the project driveways and motorists and bicyclists on Tenth and Parker Streets. Improvements shall occur prior to certificate of occupancy.

The Notice of Intent (NOI) to adopt the IS-MND was published on October 12, 2017 and was mailed to adjoining property owners and occupants, and to interested neighborhood organizations. In addition, the applicant filed the NOI with the County Clerk; and the Draft IS-MND was submitted with the State Clearinghouse (SCH # 2017102038) for distribution to interested state and regional agencies. The public comment period began on October 12, 2017 and closed on November 13, 2017.

Following the release of the Initial Study and the NOI, the City received three comment letters: 1) from the California Department of Transportation (Caltrans), 2) from the East Bay Municipal Utility District (EBMUD), and 3) from the project proponent Christopher Barlow with Wareham Development. Caltrans requested additional modes for encouraging smart mobility and reduced regional vehicle miles traveled be added to the required Transportation Management Plan. The recommendations have been incorporated into the City's standard condition of approval (Condition 68). EBMUD provided a letter stating their intent to serve the property upon compliance with the EBMUD's Regional Private Sewer Lateral Ordinance, which is a requirement of Condition 47. The project applicant requested that the City make several minor changes to the mitigation measures, but these changes were not made.

Appropriate mitigation measures have been incorporated into the Final IS-MND and documented in a Mitigation Monitoring and Reporting Program.

The comment letters, the City's responses, and any revisions to the IS-MND are outlined in Chapter 3 of the Response to Comments of the Final IS-MND (See attachment 4). The mitigation measures have been incorporated by reference in the Conditions of Approval. With the implementation of the mitigation measures, project impacts will be reduced to less than significant levels.

- B. Zoning Consistency/Split Zoning:** The new structure would straddle the zoning boundary that divides the site. The proposed building's interior would be designed to separate the proposed medical office and R&D uses internally so that they would remain confined within their respective designations. Tenant spaces would not cross the zoning boundary.

Staff Analysis: Based on the discussion above, the proposed medical office and research and development uses would not be detrimental to the continuing operation and viability of the existing commercial and light industrial land uses in the

neighborhood. Staff believes that ZAB can determine that the proposed uses would be sufficiently separated from each other through building design and therefore, consistent with the zoning designations on the project site.

C. Compatibility with Surrounding Neighborhood: The surrounding neighborhood zoning designations and land uses are detailed in Table 1 above. The project site is one block south of the Dwight and San Pablo development node in the West Berkeley Plan. This area of Berkeley is characterized by retail, commercial, and mixed use activity along San Pablo Avenue, easily accessible for employees, customers, and residents by mass transit or automobile. Appropriate uses for these areas include: a balance of both smaller and larger commercial retail and food service, larger spaces for medium sized and larger light manufacturers, offices, and laboratory development.

Ground level parking areas would not be visible from the street front due to recessed wall elements that provide a divider between the pocket park and garage. The building façade would be composed on glass and aluminum paneling, and only the ground and second floors would be visible from the pedestrian viewpoint, traversing San Pablo Avenue. The rooftop of the second floor would contain a green terrace to soften the distinct lines of the building while increasing visible greenery along San Pablo Avenue.

The third floor of the building is significantly set back from the San Pablo Avenue street front in order to decrease perceivable massing at the pedestrian scale, which would create a more inviting pocket park for pedestrians due to the landscaping and sunlight available in the southeastern portion of the site.

Therefore, staff concludes that the ZAB may find that the project is compatible with the visual character and form, and commercial intensity of the C-W District. The proposed building and uses do not underutilize the property and provide adequate elements suited for the pedestrian scale. Staff believes that the Board can find that allowing for the construction of the proposed building for quick service restaurant, medical office, and research and development uses would meet the requirements of BMC Section 23E.64.090.B and 23E.80.090.B for compatibility with the surrounding neighborhood.

D. Parking Requirements: Pursuant to BMC Section 23E.28.070, the project would require 32 bicycle parking spaces. Under BMC 23E.64.080.J and 23E.80.080.E for C-W and MU-LI, respectively, an Administrative Use Permit may be issued to designate up to 10 percent of the required automobile parking spaces for bicycle and/or motorcycle parking. Ten percent of the required parking equates to 13 fewer vehicle parking spaces and, therefore, an additional 13 bicycle spaces.

Staff Analysis: If the 10 percent reduction in automobile parking was approved, it would lower the parking requirement for this use to 117 parking spaces, which is what is proposed. To qualify for this reduction, the project would provide additional bicycle parking spaces, which would increase the number of required spaces to 45. The project would contain a total of 46 bicycle parking spaces, which would exceed

the bicycle parking requirement by one spaces. In addition, the project site is located along San Pablo Avenue, which is a major transit corridor in Berkeley. Table 2 details nearby transit facilities. Staff believes that the ZAB can make the necessary findings of non-detriment to allow for the substitution of bicycle parking spaces to reduce the required number of automobile parking spaces.

E. Rooftop Equipment, Height Modification: BMC Section 23E.04.020.C requires an Administrative use Permit for rooftop projections, including mechanical penthouses and elevator penthouses, which exceed a District's height limit. No such structure shall represent more than 15 percent of the average floor area of all the building's floors; and no tower or similar structure shall be used as habitable space or for any commercial purpose, other than that which may accommodate the mechanical needs of the building. As described above in the project description, the project would include two mechanical penthouses and an elevator penthouse that would extend above the roof.

Staff Analysis: These rooftop features would be setback a minimum of 28 feet from edge of the building, resulting in a minimal line-of-sight impact. The mechanical penthouses and elevator penthouse will only provide uninhabitable space and access to the roof for maintenance requirements. These rooftop features would total 3,812 square feet, which at 14.5%, represents less than 15 percent of the average floor area of all the building's floors¹. The average floor area of all of the building's floors is 26,306 square feet, and 15 percent of this total is 3,946 square feet. Based on the above discussion, staff believes the ZAB can make a finding of non-detriment.

F. 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 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.
4. Policy UD-26–Pedestrian-Friendly Design: Architecture and site design should give special emphasis to enjoyment by, and convenience and safety for, pedestrians.
5. 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.

¹ Average Floor Area equals 26, 306 square feet $([28,193+27,093+23,630]/3)$. Fifteen percent of that equals 3,946 square feet.

- A. Require ground-floor commercial uses to be oriented to the street and sidewalks to encourage a vital and appealing pedestrian experience.
 - D. Provide bicycle facilities and ample and secure bicycle parking wherever appropriate and feasible.
 - F. Encourage sensitive infill development of vacant or underutilized property that is compatible with existing development patterns.
6. Policy UD-28–Commercial Frontage: Commercial buildings on streets with public transit generally should have no appreciable setback from that street’s sidewalk, except in the case of occasional plazas or sitting areas that enhance the area’s pedestrian environment.

Staff Analysis: The project area is characterized by a mix of small and large commercial and light industrial uses, highlighted by pedestrian accessibility and mass transit along San Pablo Avenue. The proposed land uses would activate a vacant site on San Pablo Avenue with the addition of a café and pocket park on the ground level, medical offices and research and development space on the second and third floors. This project would encourage commercial land uses at a site that is currently underutilized and vacant. Staff believes the project complies with the above General Plan policies and that ZAB can make a finding of compatibility.

7. Policy LU-33–West Berkeley Plan: Implement the West Berkeley Plan and take actions that will achieve the three purposes of the Plan:
- 1. Maintain the full range of land uses and economic activities including residences, manufacturing, services, retailing, and other activities in West Berkeley.
 - 2. Maintain the ethnic and economic diversity of West Berkeley’s resident population.
 - 3. Maintain and improve the quality of urban life, environmental quality, public and private service availability, transit and transportation, and aesthetic and physical qualities for West Berkeley residents and workers.

Staff Analysis: See Discussion H. West Berkeley Plan Consistency below.

8. Policy UD-34–Public Art: Support, present, and encourage others to support or present works of public art.

Staff Analysis: The project is conditioned to pay an in lieu fee for public art.

9. Policy T-14–Private Employers: Encourage private employers to reduce the demand for automobile travel through transportation demand management programs that include elements such as:
- (5) Providing bicycle facilities.

Staff Analysis: See Discussion D. Parking Requirements above.

G. West Berkeley Plan Consistency: The West Berkeley Area Plan, adopted in 1993, also contains several goals and policies applicable to the project, including the following:

1. Land Use Goal 1: Over the economically active area of West Berkeley, provide for a continued economic and land use mix, incorporating manufacturing, other industrial, retail and office/laboratory uses, to benefit Berkeley residents and businesses economically, benefit the City government fiscally, and promotes the varied and interest character of the area.
 - D. Providing space for, and designating appropriate locations for, office, service, and laboratory businesses, particularly growing Berkeley based businesses which are particularly suited to West Berkeley's physical environment.
2. Land Use Goal 2: Channel development – both new businesses and residences and the expansion of existing businesses – to districts various which are appropriate for the various existing elements of the West Berkeley land use mix.
 - B. Create a Mixed Manufacturing district as a general industrial district, where both heavy and light manufacturers can function, along with "biotech" industries and office users which can recycle the upper stories of buildings.
 - C. Create a Light Manufacturing district which allows a wide range of light manufacturers to continue to operate and expand and limits loss of their spaces to other uses, while providing an opportunity for office development where it will not unduly interfere with light manufacturing uses, and for laboratory development in appropriate locations.
 - E. Create a Commercial district which will foster the continued vitality of West Berkeley's neighborhood and regional serving retail trade, in as pedestrian-friendly a manner as possible.
3. Land Use Goal 4: Assure that new development in any sector is of a scale and design that is appropriate to its surroundings, while respecting the genuine economic and physical needs of the development.
4. Economic Development Goal 4: Continue to support the growth of advanced technology manufacturing (such as biotechnology) and advanced technology services (such as research laboratories) in appropriate locations, under appropriate environmental safeguards.
5. Physical Form Goal 5: Development on major sites of one acre or more should be both internally cohesive and sensitively designed on the site's publicly used edges.
 - 5.1 Development on major sites should use building scale, architecture, building placement, landscaping, and other site elements to create the sense of a cohesive development which is integrated with its surroundings.
 - 5.2 Such major projects should--to the greatest degree possible--reinforce the existing street pattern, development pattern, and overall fabric of an area, rather than being isolated from these patterns.
 - 5.3 Major developments should--to the greatest degree possible--be compatible with existing development on the edges of their sites, particularly on those edges which are heavily used by the public.

Staff Analysis: The proposed project would create space for medical office and research and development businesses that would largely serve the surrounding neighborhood. As discussed above, the project would meet parking requirements while also providing 46 bicycle spaces. The San Pablo Avenue frontage would include a neighborhood café that would encourage pedestrian activity along the

street frontage. Staff believes ZAB can find that the project meets the goals and policies of the West Berkeley Plan.

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:

- A. ADOPT the proposed Mitigated Negative Declaration; and
- B. APPROVE Use Permit #ZP2016-0170 pursuant to Section 23B.32.030, and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions, Mitigation Monitoring and Reporting Program
2. Project Plans received June 29, 2017
3. Notice of Public Hearing, dated November 30, 2017
4. Response to Comments, Initial Study – Mitigated Negative Declaration
5. Correspondence Received

The following documents can be found online

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/1050_Parker.aspx:

6. IS-MND Text Revisions
7. Final Initial Study – Mitigated Negative Declaration

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