

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
JUNE 26, 2008

2748 San Pablo Avenue

Use Permit Modification #08-70000005 to increase number of dwelling units in an approved mixed-use building from 20 to 23, and parking spaces from 24 to 27; no exterior changes proposed; (C-W, AS)

I. Application Basics

A. Zoning Permits Required:

- Use Permit Modification, under BMC Section 23B.56.020

B. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

C. Parties Involved:

- Applicant
Andre Rothblatt, AIA
2 Henry Adams Street, Suite 460
San Francisco, CA 94103
- Property Owner
Grayson Group, LLC (c/o Hamid Tehrani)
2550 Ninth Street, Suite 201
Berkeley, CA 94710

Figure 1: Vicinity Map

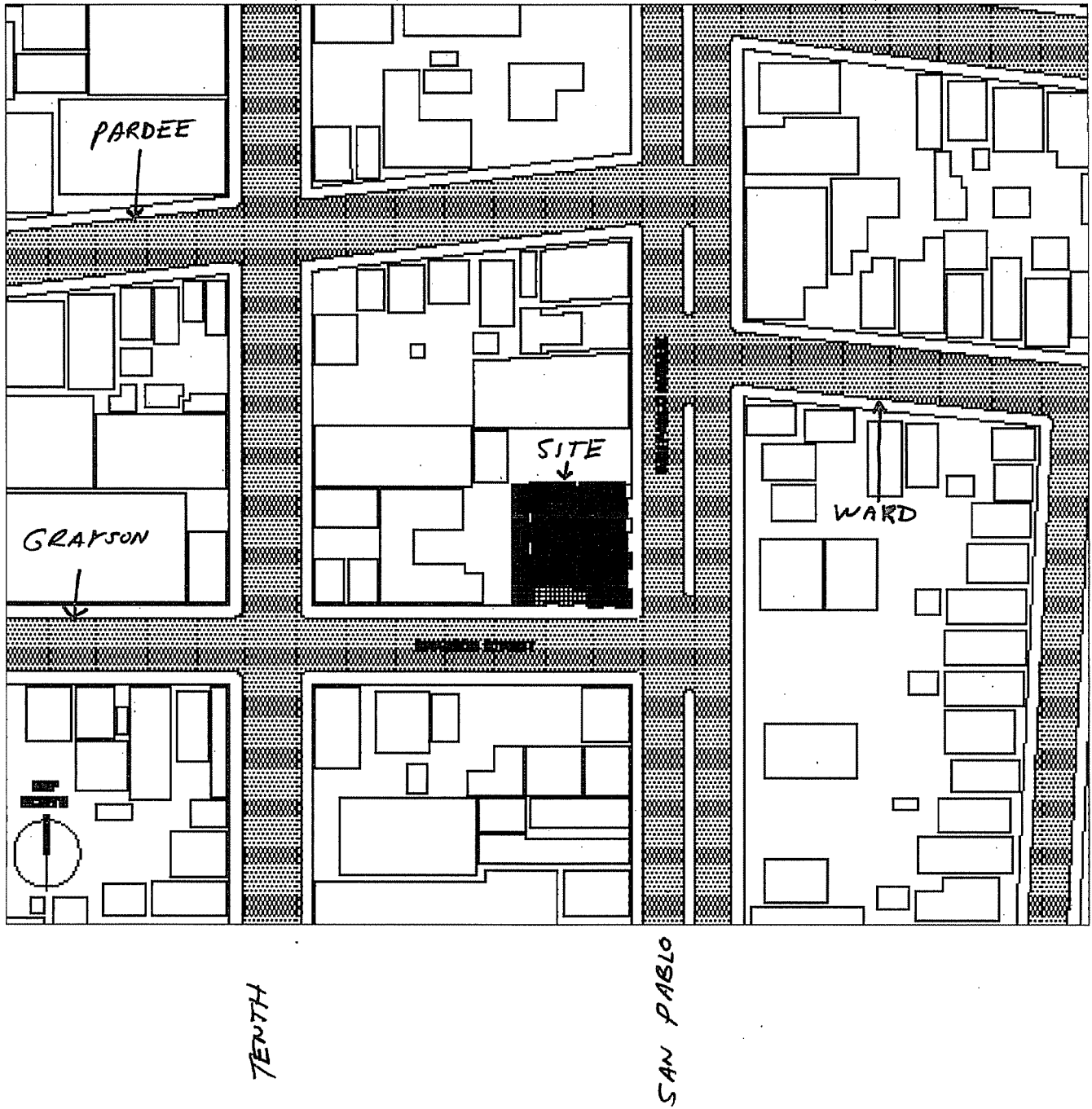


Figure 2: Site/Ground Floor Plan

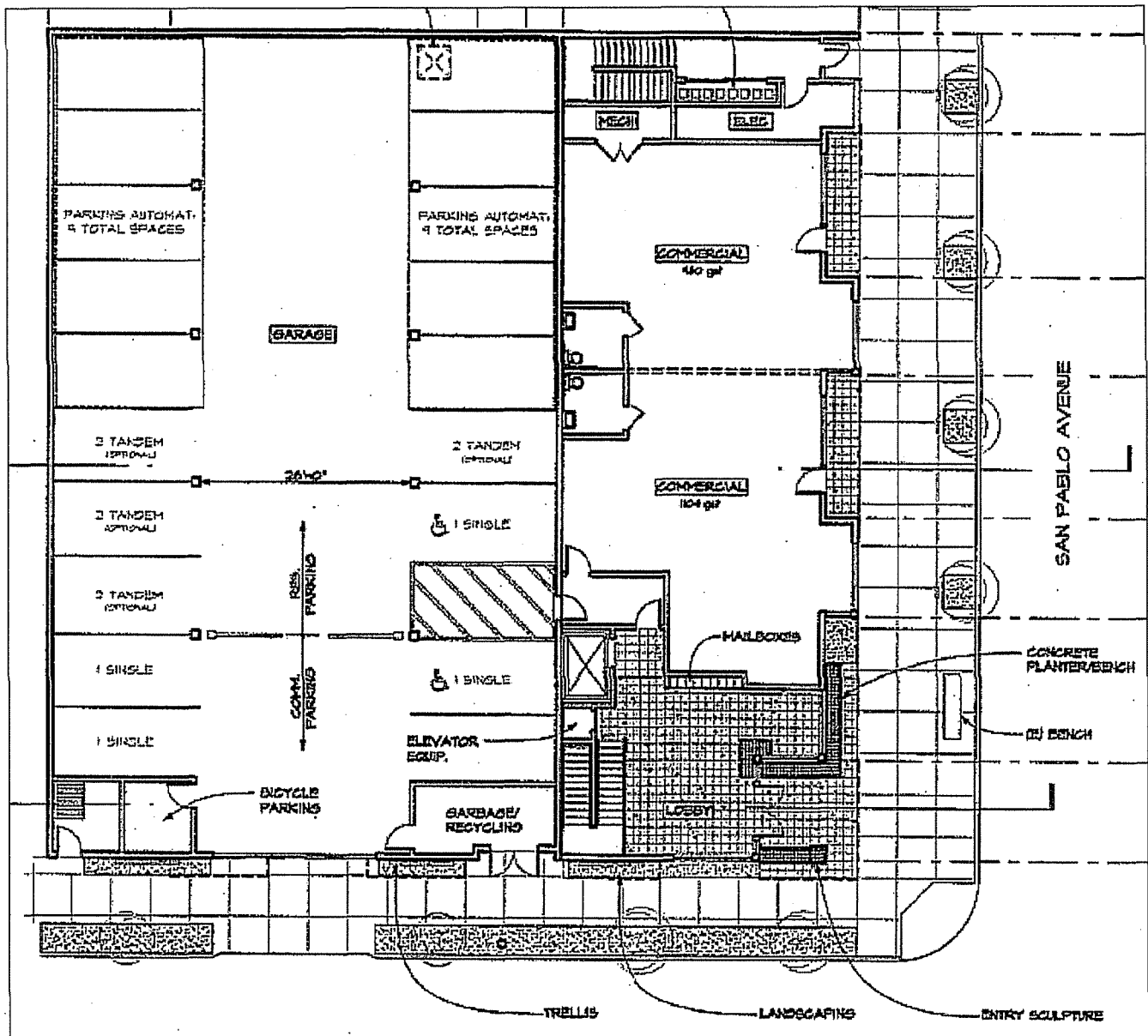


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant	C-W	Avenue Commercial
Surrounding Properties	North	One- and two-story commercial uses	C-W	Avenue Commercial
	South	Two-story commercial and residential mixed use building	C-W	Avenue Commercial
	East	One- and two-story commercial and residential land uses	C-W	Avenue Commercial
	West	Center for Early Intervention on Deafness (CEID)	MU-R	Mixed Use Residential

Table 2: Project Chronology

Date	Action
September 27, 2007	Use Permit #06-10000119 approved by ZAB
April 9, 2008	Application submitted
May 9, 2008	Application deemed complete
June 26, 2008	ZAB hearing
August 7, 2008	PSA deadline

Table 3: Development Standards

Note: Changes from approved project indicated in ***bold italics***.

Standard BMC Sections 23E.64.070-080		Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)		9,966	9,966	NA
Gross Floor Area (sq. ft.)		~1,000	26,220	29,898
Floor Area Ratio		0.10	2.63	3
Residential Space (sq. ft.)	Units	0	23	NA
	Gross Floor Area	0	24,156	NA
Commercial Space (sq. ft.)	Units	1	1 or 2	NA
	Gross Floor Area	~1,000	2,064	NA
Building Height	Average (ft.)	~15'	48'	50'
	Stories	1	4	4
Building Setbacks	Front (ft.)	~75'	0'	0'
	Rear (ft.)	0'	0'	0'
	Left Side (ft.)	~40'	0'	0'
	Right Side (ft.)	~10'	0'	0'
Usable Open Space (sq. ft.)		NA	1,555	920
Parking	Automobile (total)	NA	27*	27
	Residential		23	23
	Commercial		4	4
	Bicycle	NA	> 2	2

* – The applicant will construct 27 parking spaces. An additional 4 parking spaces could be added via stacked parking lifts at the expense of future owners. See sheet A9 of project plans.

II. Project Setting

A. Neighborhood/Area Description:

The site is located in West Berkeley, at the northwest corner of San Pablo Avenue and Grayson Street. This portion of San Pablo Avenue generally consists of one- and two-story commercial and mixed-use buildings. The project site is surrounded by multiple land uses including a private school (Center for Early Intervention on Deafness, CEID) immediately adjacent to the western property line. Other nearby uses include auto repair uses to the north, and commercial and residential uses to the south (across Grayson Street), east (across San Pablo Avenue), and west (beyond CEID).

B. Site Conditions:

The project site is currently vacant, and is developed with a single-story structure (originally constructed as a service station), last used as a home garden supply facility.

III. Project Description

Approved Project: On September 27, 2007, the ZAB approved a four-story mixed-use building with 20 residential units on the top three floors and one to two commercial spaces (totaling 2,064 square feet) on the ground floor. The project includes a 24-space parking garage (20 for residential and 4 for commercial), with 8 additional spaces that could be added in the future by owners of the residential units.

Proposed Changes: The current proposal would increase the number of dwelling units in the project from 20 to 23, by dividing three of the approved two-bedroom units (units 5, 12, and 18; see attached plans) into one-bedroom units. After these changes the project would have 20 one-bedroom units and three two-bedroom units. In addition, the proposal would increase the number of parking spaces in the garage from 24 to 27, with 4 additional spaces that could be added in the future.

IV. Community Discussion

A. Neighbor/Community Concerns:

According to Section 23B.56.020 of the Zoning Ordinance, the ZAB may modify Use Permits that have not been exercised with or without a public hearing. Staff has not distributed public hearing notices because the proposed changes do not alter the exterior of the building and adequate parking will be provided for the additional dwelling units. At this writing, staff is not aware of any opposition to the changes. If the ZAB feels the changes warrant hearing notices, staff will continue this item to a future date and distribute notices at the applicant's expense.

B. Committee Review:

None required.

V. Issues and Analysis

A. Key Issues:

1. Increase in Dwelling Units: The proposed increase in dwelling units complies with all applicable development standards. As noted in the project description and in Table 3, the number of parking spaces has been increased to 27 to meet the minimum requirements for the new dwelling units. The approved project includes enough usable open space to accommodate the additional units. The changes

would not affect the project's inclusionary requirements because the applicant elected to pay an in-lieu fee rather than providing inclusionary units.

According to the applicant statement (see Attachment 3), the revision is intended to meet "a greater need for smaller, more affordable residential units for first time buyers". Staff believes the substitution of six one-bedroom units for three two-bedroom units is an appropriate change because there is indeed a shortage of smaller units for sale. The one-bedroom units, although smaller than the approved two-bedroom units, are still relatively generous in size in comparison with many other multi-family projects.

VI. Recommendation

Because the proposed changes are consistent with the Zoning Ordinance, General Plan, and West Berkeley Plan, and will have minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board APPROVE Use Permit Modification #08-70000005 as presented pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Revised Project Plans, received April 9, 2008
3. Applicant Statement/Correspondence

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