



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

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FOR BOARD ACTION  
DECEMBER 11, 2014

## 2711 SHATTUCK AVENUE

**Use Permit Modification #ZP2014-0021 to approved Use Permit (#09-10000077 ) to expand the building footprint by 8-feet and increase the floor area by 1,278 square feet, of an approved four-story residential building with 22 residential hotel rooms with no off-street parking spaces.**

### I. Background

#### A. Land Use Designations:

- General Plan: Avenue Commercial
- Zoning: C-SA South Area Commercial

#### B. Zoning Permits Required in 2014:

- Use Permit, per section 23B.56.020, to modify an approved use permit.

#### C. Zoning Permits Approved in 2010:

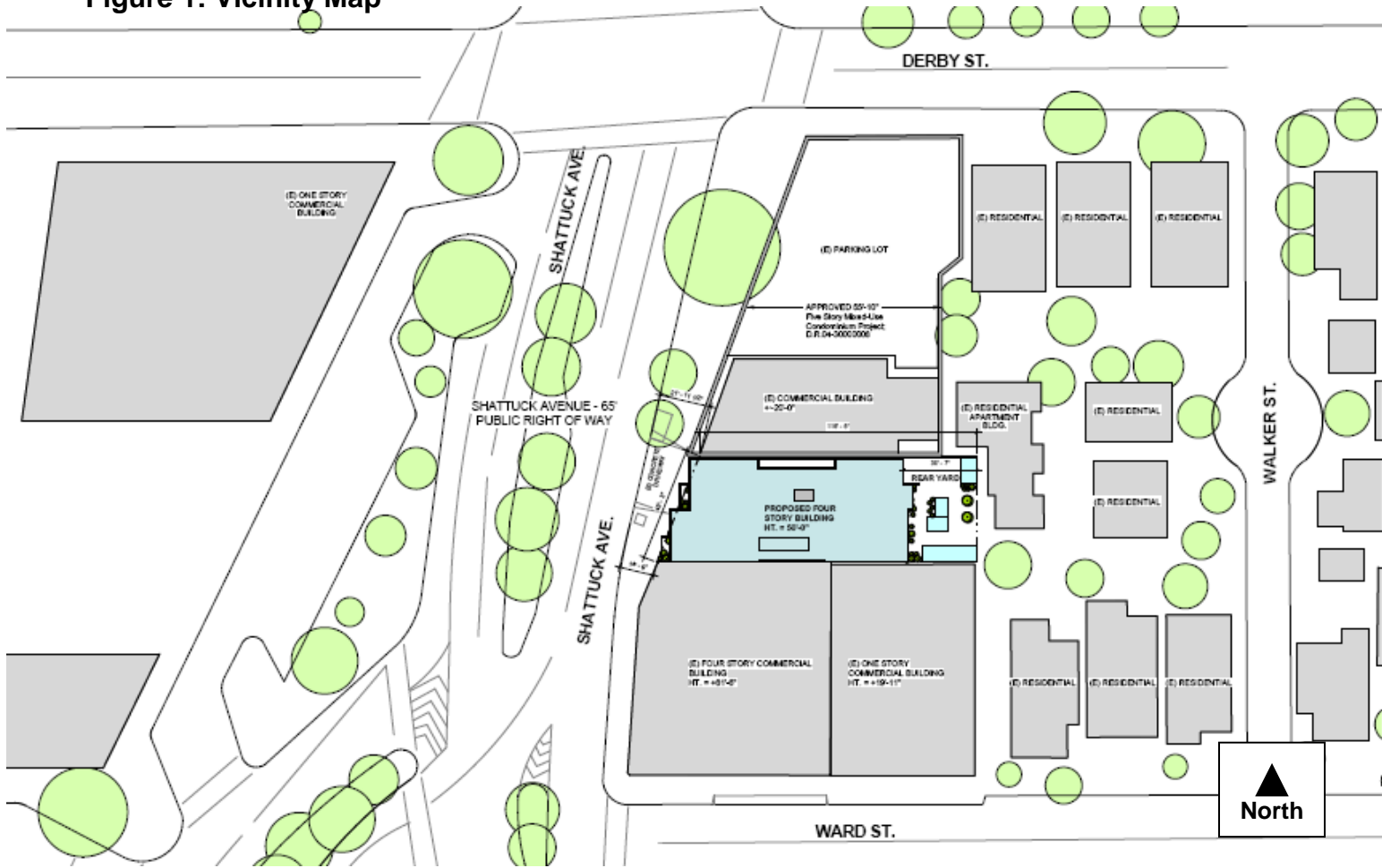
- Use Permit, under §23E.04.020.C of the Zoning Ordinance, to allow architectural features to exceed the height limit;
- Use Permit, under §23E.52.030 of the Zoning Ordinance, to create a residential hotel building;
- Use Permit, under §23E.52.030 and §23E.52.050 of the Zoning Ordinance, to construct a building with greater than 3,000 square feet gross floor area; and
- Use Permit, under §23E.52.070.D.7 of the Zoning Ordinance, to modify setback, lot coverage and parking.

#### C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Infill").

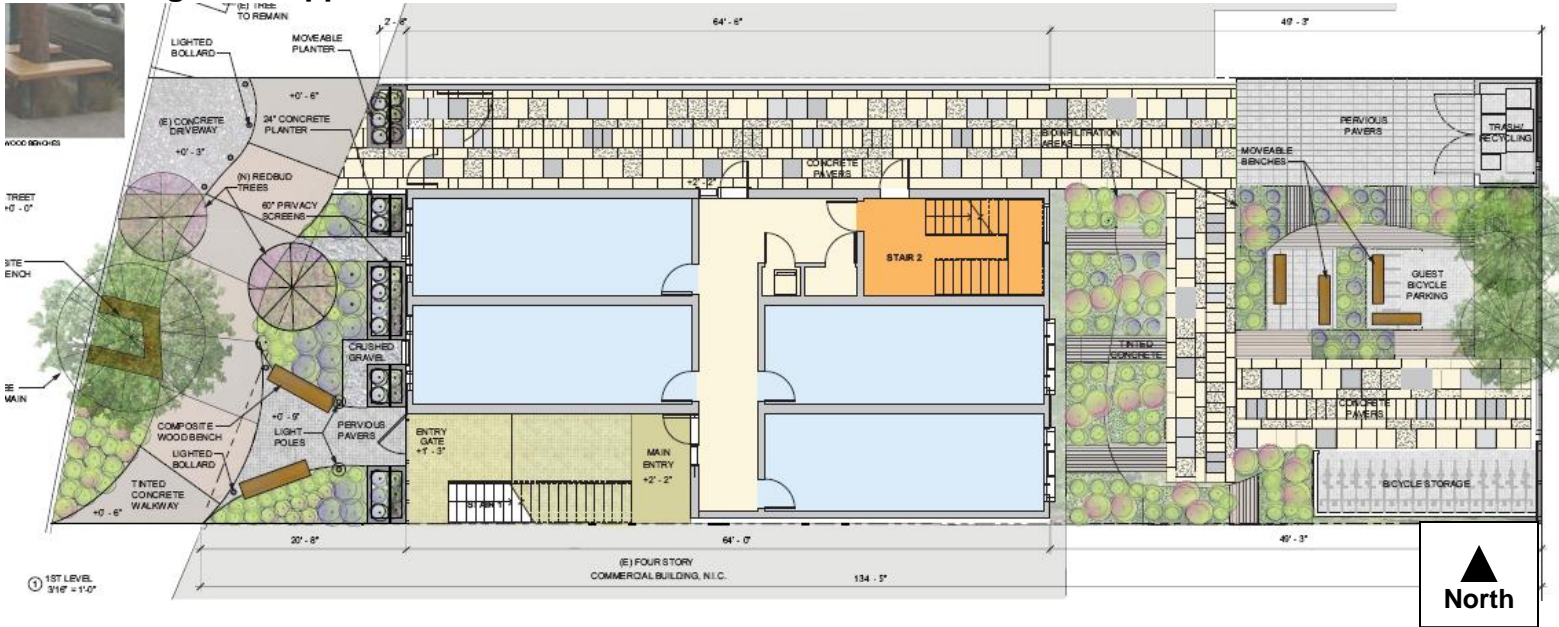
#### D. Parties Involved:

- Cara Houser, Panoramic Interests, 2116 Allston Way, Suite 1, Berkeley

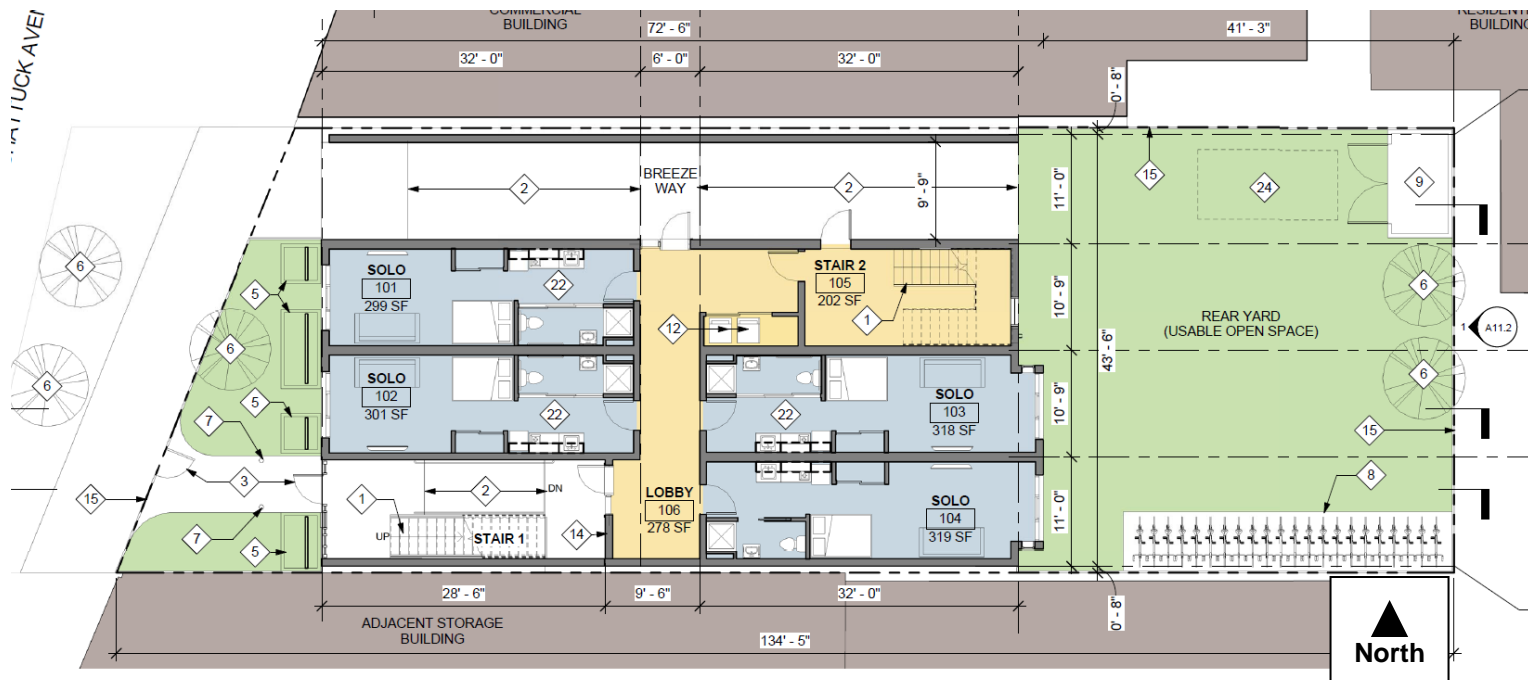
Figure 1: Vicinity Map



**Figure 2: Approved Site Plan**



**Figure 3: Modified Site Plan**



**Table 1: Land Use Information**

Location		Existing Uses	Zoning District	General Plan Designation
Subject Property		Commercial: Parking Lot	C-SA	Avenue Commercial
Surrounding Properties	<b>North</b>	Commercial: Former Auto Dealer	C-SA	Avenue Commercial
	<b>South</b>	Commercial: UC Storage	C-SA	Avenue Commercial
	<b>East</b>	Multi-Family Residential	R-2	Low-Medium Density Residential
	<b>West</b>	Commercial: Auto Dealer	C-SA	Avenue Commercial

**Table 2: Special Characteristics**

Characteristic	Explanation
Alcohol Use	No.
Bike Planning	The City's Bike Plan designated Milvia Street (1 block to the west) and Russell Street (3 blocks to the south) as Bike Priority Streets; Adeline Street has a dedicated bike lane.
City Carshare	The existing onsite Carshare pod will be retained onsite.
Creek Buffer	The City's Creek Ordinance applies to a portion of Derby Creek located in a culvert approximately 700' west of the site.
CGS Hazards:	No
Density Bonus	N/A
Environmental Management Area	To address potential issues relating to the quality of the soil, the standard conditions of approval for infill development will apply to this project.
Flood Zone	Site is not located in an area of special flood hazard (>100Yr reoccurrence).
Historic Resources	There are no locally designated historic resources within a 300' radius.
Noise	The site is located within an area that has existing noise levels which require special design considerations for residential uses to comply with the noise levels established by the City's General Plan. To address issues relating to noise, the standard conditions of approval for infill development will apply to this project.
Oak Trees	No Coast Live Oak Trees were observed during a site visit.
RPP	Most of the surrounding neighborhoods participate in the City's Residential Preferred Parking program.
Transit	AC Transit: F & 800 Transbay and the 18 Local serve the site. BART: The Ashby Berkeley station is within ½ mile of the site.

**Table 3: Project Chronology**

Date	Action
February 25, 2010	ZAB hearing: Approval of Use Permit #09-1000077 to construct a residential building with 22 residential hotel rooms within a 8,821 square foot, four-story, residential building with no off-street parking spaces.
September 9, 2014	Application to modify Use Permit #09-1000077 submitted
October 16, 2014	Design Review Committee: Preliminary Design Review
November 20, 2014	Design Review Committee: Favorable Recommendation to the ZAB
November 25, 2014	ZAB PHN released
December 11, 2014	ZAB hearing

**Table 4: Development Standards**

Standard BMC Sections 23E.52.070-080 & 23D.40.070-080		2010: Approved	2014: Modification	Permitted/ Required
Lot Area (sq. ft.)		5,674	No change	N/A
Gross Floor Area - Main building (sq. ft.) - Accessory structures		8,821 234	<b>10,099</b> 234	22,696
Floor Area Ratio		1.55	<b>1.82</b>	4
Residential Uses	Dwellings	0	No Change	0
	Rooms	22		28
Building Height	Average	50'		50'
	Maximum	50'		50'
	Stories	4		4
Building Setbacks	Front	2'-8" to 20'-8"		15'
	Rear -1 <sup>st</sup> /2 <sup>nd</sup> /3 <sup>rd</sup> -4 <sup>th</sup>	49'-3"	<b>41'-3"</b>	15' 17'
	Side -1 <sup>st</sup> /2 <sup>nd</sup> -3 <sup>rd</sup> -4 <sup>th</sup>	8"	No Change	4' 6' 8'
Lot Coverage		49%	<b>54%</b>	35%
Footprint (sq. ft.)		2,805	<b>3,079</b>	1,985
Usable Open Space (sq. ft.)		2,131	<b>1,980</b>	1,980
Parking	Automobile	0	<b>1</b>	5
	Bicycle	22	No Change	0

**II. Project Setting**

**A. Neighborhood/Area Description:** This project is located on the east side of Shattuck Avenue between Derby Street and Ward Street. It is in the C-SA, South Area Commercial zoning district. The development pattern of the area surrounding the project site is mixed, urbanized, and consists of a wide range of commercial and residential uses. With the exception of the 60' tall UC Storage building abutting the site to the south (at the corner of Ward Street and Shattuck Avenue), the typical building pattern along this portion of Shattuck Avenue and in the immediate vicinity is one and two story buildings with varied lot coverage. The parcel with the R-2 District abutting the site to the east includes a complex of three, two-story stucco buildings with eight residential units. The majority of the remaining buildings to the east are two-story, single-family dwellings.

**B. Background:** In February 2010, the Zoning Adjustments Board approved Use Permit #09-10000077 to allow the construction of a residential building with 22 residential hotel rooms within a 8,821 square foot, four-story, residential building with no off-street parking spaces. The approved building provided a setback from the public right-of-way to allow for 960 square feet of open space adjacent to the sidewalk; and a setback from the property line to the east by over 49' to create a landscaped courtyard at the rear of the site. The project would include an on-site resident manager. The approved project limited the rents at a level affordable to moderate income individuals. The project also included secure parking for 22 bicycles within a detached structure in the rear yard.

### III. Use Permit Modification

The revised project would differ from the approved project as follows:

- Overall length of the building increased by 8'. This will reduce the rear yard setback but still maintains a substantial setback of 41'3" from the rear property line.
- Height of each unit's window increased by 12" to provide additional natural light.
- North elevation has richer detail
- Updated landscape plan addresses the DRC recommendations from the January 2010 meeting.
- A low metal fence has been added at the sidewalk edge of the front yard area.
- Landscape plan and plant list revised to include more drought tolerant succulent species.
- Gate removed from the front of the breezeway
- Car Share parking space added to rear yard. Walkway perpendicular to driveway widened to allow for three point turn.
- Unit interior layouts revised to create a larger and more usable kitchen, and to open up the living and sleeping areas.

The project would continue to include 22 residential hotel rooms.

The applicant intends to start construction in early 2015.

### IV. Community Discussion

**A. Neighbor/Community Concerns:** Prior to submitting the application to the City, a pre-application poster was erected by the applicant in September 2014. On November 25, 2014, the City mailed 110 notices to adjoining property owners and occupants, to interested neighborhood organizations, and posted the site in three locations. As of December 5, 2014, the City has not received any comments on the project. Comments submitted after that date, if any, will be provided prior to the ZAB meeting on December 11, 2014.

**B. Committee Review:** On November 20, 2014, the Design Review Committee reviewed the revised design and made a positive recommendation to the Board.

### V. Issues and Analysis

**A. Reduced rear yard setback:** The expanded footprint would provide a smaller rear yard setback than the approved project to bring the building 8' closer to the rear property line. Even with the reduction, the building would retain a 41'-3" setback, well above the District minimum of 15'. To assess shadow impacts to the residential properties to the east that would be created by this reduced rear yard, the applicant prepared new shadow studies (see attachment 2). As shown within these studies, the project would add to the shading caused by the existing and proposed buildings in the area. However, the shading to the west-facing apartments occurs at the extreme only after 3 PM at the winter solstice.

In general, like the approved building, this project would create shading that is less than what is caused by the adjacent properties due to this building's lower roof height

and the greater setback from the residential district. Thus, because the duration of shading is minimal and that the shadows are less than created by adjacent developments, staff believes that the project's shadow impacts are minimal and thus demonstrate conformance to the City's Urban Design Element of the General Plan Policy UD-32 that calls for new development to minimize impacts on solar access.

## VI. Recommendation

Staff reviewed the original findings in light of the proposed modification to conclude that the same findings in support of the approval can be made, with minor edits. Revisions to the findings and conditions necessary to address the modified plans are shown in Attachment 1 with strikeouts (~~strikeout~~) for deleted text and underlines (underline) for added text.

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 Modification #ZP2014-0021**, 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, received December 3, 2014
3. Notice of Public Hearing
4. Correspondence Received, if any

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