



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 12, 2017

901 Gilman Street

Use Permit #ZP2017-0116 to establish an auto service and repair use within an existing vacant 31,753 square-foot building, which was previously used as a school district bus depot, and to convert 13,010 square feet of floor area that was used for manufacturing to auto service and repair within an adjacent 86,080 square-foot building.

I. Background

A. Land Use Designations:

- General Plan: M – Manufacturing
- Zoning: MU-LI – Mixed Use-Light Industrial

B. Zoning Permits Required:

- Use Permit, under BMC Section 23E.80.030, to establish an automobile repair and service use; and
- Administrative Use Permit, under BMC Section 23E.80.045.C, to change the use of less than 20,000 square feet and less than 25% of floor area used for manufacturing to another use.

C. CEQA Determination: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”).

D. Parties Involved:

- Applicant: David Trachtenberg, Trachtenberg Architects, 2421 Fourth Street, Berkeley
- Property Owner: RI Gilman, LLC, 2025 Fourth Street, Berkeley

Figure 1: Vicinity Map

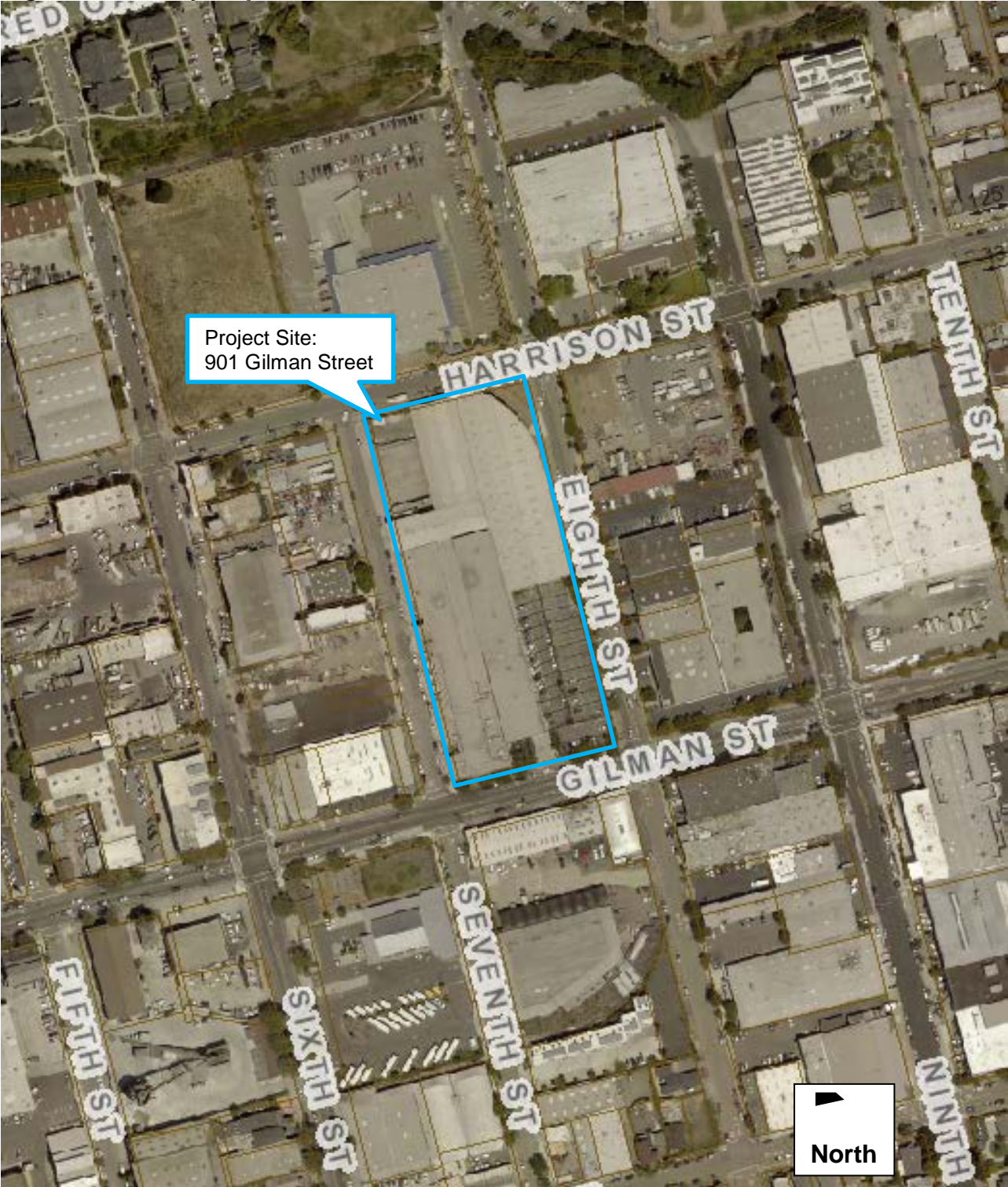


Figure 2: Site Plan

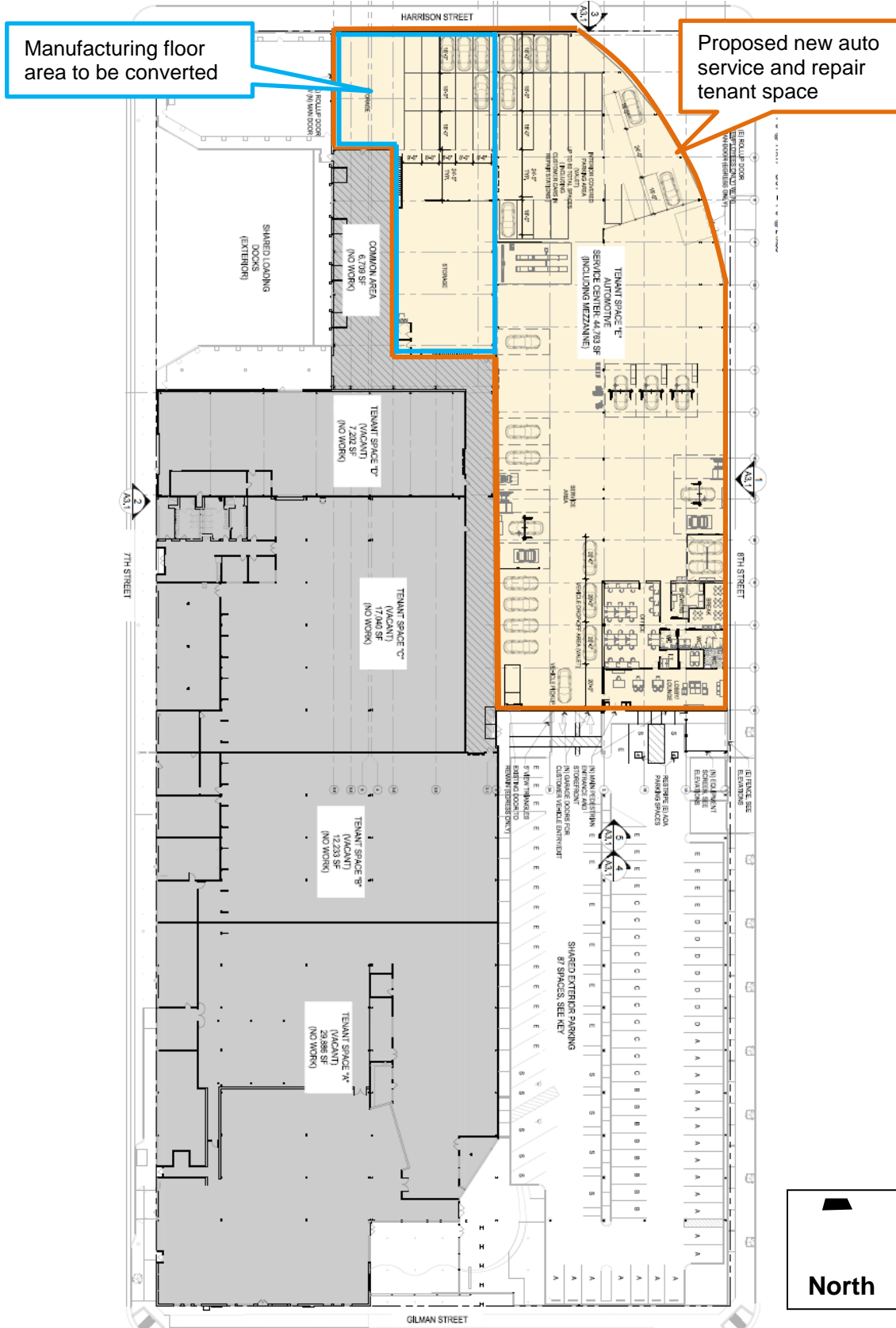


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant (previously a BUSD bus depot)	MU-LI	M - Manufacturing
Surrounding Properties	North	<u>Immediately adjacent:</u> mixed use, Urban Adamah, USPS <u>Beyond:</u> residential		
	South	<u>Immediately adjacent:</u> light manufacturing, storage, auto service and repair <u>Beyond:</u> storage, warehouse		
	East	<u>Immediately adjacent:</u> light manufacturing, Hathaway Dinwiddie Construction Company <u>Beyond:</u> mixed use, commercial, Whole Foods		
	West	<u>Immediately adjacent:</u> mixed use, storage, office, auto repair <u>Beyond:</u> auto service and repair		

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	This fee applies to projects with new non-residential gross floor area, including projects that alter buildings that have been substantially vacant of all uses for at least 3 years. The applicant proposes to convert 31,753 within a building that has been vacant for at least 3 years, and thus, this requirement applies.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)	Yes	This fee applies to projects with new non-residential gross floor area, including projects that alter buildings that have been substantially vacant of all uses for at least 3 years. The applicant proposes to convert 31,753 within a building that has been vacant for at least 3 years, and thus, this requirement applies.
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	No	This project does not propose new dwelling units, and thus, this requirement does not apply.
Alcohol Sales/Service	No	None proposed.
Creeks	No	No creek or culvert defined by BMC Chapter 17.08 exists on the site.
Coast Live Oak Trees (BMC Section 6.52.010)	No	There are no Coast Live Oak trees at the project site.
Green Building Score	No	The project does not involve a new dwelling unit. The Green Building Checklist is not required.
Historic Resources	No	The project does not involve the demolition of the existing residential building that is greater than 40 years old. In addition, there is no evidence to suggest the building is an historic resource.
Percent for Art	No	This fee applies to new commercial structures. The applicant proposes to establish a new use within an existing structure, and thus, this requirement does not apply.

Characteristic	Applies to Project?	Explanation
Residential Preferred Parking (RPP)	No	The Residential Preferred Parking Program does not occur in this neighborhood.
Seismic Hazards (SHMA)	Yes	The site is located within a liquefaction hazard zone as mapped by the California Geological Survey. However, given that the application is for a change of use and minor tenant improvements, a geotechnical investigation (report) is not required.
Soil/Groundwater Contamination	Yes	The project site is listed on the Cortese List (an annually updated list of hazardous materials sites). Per §15300.2 of the CEQA Guidelines, a categorical exemption may not be used on sites listed on the Cortese List. However, the project proposes a change of use, minor tenant improvements, and no excavation below the existing slab. §15300.2 does not preclude the City from deeming the project under §15301 of the CEQA Guidelines and project approval would be subject to Standard Conditions of Approval.

Table 3: Project Chronology

Date	Action
August 21, 2017	Application submitted
September 26, 2017	Application deemed complete
September 28, 2017	Public hearing notices mailed/posted
October 12, 2017	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23E.80.070-080				
Lot Area (sq. ft.)		162,000	No Change	N/A
Gross Floor Area (sq. ft.)		Total building: 117,833 Vacant building: 31,753 Manufacturing: 86,080	Total Building: No change Auto repair: 44,763 Manufacturing: 73,070	324,000 max ¹
Floor Area Ratio		0.73	No Change	2 max
Dwelling Units	Total	0	No Change	N/A
	Average	37'	No Change	45' max
Building Height	Stories	1	No Change	N/A
	Front (Gilman Street)	0'	No Change	0' min
Building Setbacks	Rear (Harrison Street)	0'	No Change	0' min
	Left Side (8 th Street)	0'	No Change	0' min
	Right Side (7 th Street)	0'	No Change	0' min
	Lot Coverage (%)	73	No Change	N/A
Parking	Automobile	30 (87 total)	30 outside 60 inside	30 min (See Section 5.B)
	Bicycle	0	10-20 ²	0 min

¹ Maximum FAR is 2.0 (162,000 square feet x 2.0 = 324,000).

² Bike parking is not noted on the site plan, but the applicant has agreed to provide 10-20 spaces. Per Condition of Approval #36, the applicant shall provide at least 10 bicycle parking spaces.

II. Project Setting

- A. Neighborhood/Area Description:** The project site is located in Northwest Berkeley. The tenant space occupies a portion of a larger parcel, which covers the entire block bounded by Gilman Street, Harrison Street, Seventh Street and Eighth Street. The immediate neighborhood has a mix of one- to three-story buildings, which incorporate varying uses, including industrial and manufacturing uses as well as a few office and commercial uses.
- B. Site Conditions:** The project site occupies a currently vacant building at the northeastern portion of the block and a portion of the 86,080 square-foot adjacent building at the southwestern portion of the block, which was most recently used as a manufacturing space for Pyramid Brewery. The total tenant space would be 44,763 square feet. Since Pyramid closed, the remainder of the manufacturing space has been divided into four smaller manufacturing tenant spaces. An existing 90-space parking lot at the southeastern corner of the block will remain to serve all tenant spaces on the parcel.

III. Project Description

The applicant proposes to establish an auto service and repair use within a new 44,763 square-foot tenant space. The tenant space would include a 31,753 square-foot currently vacant building and an additional 13,010 square feet of floor area within an abutting building that was previously used for manufacturing.

The ground floor would include a new main vehicle entrance at the south façade, which faces the existing parking lot, and a vehicle drop-off area inside the building, just beyond the entrance. The center of the space would include several service stations for vehicles, 5 parking lifts, and a valet parking area beyond. The space would also include a new pedestrian entrance, lobby and customer lounge, new bathrooms, and an office space, all near the southern entrance. The applicant proposes to continue to use the existing mezzanine for storage.

The expected tenant of the space, Tesla Motors, expects to service 20-25 vehicles per day, the majority of which will be serviced and picked up within the same day. Customers will enter through the new roll-up door and be greeted by technicians. The technicians will also act as valets, and customers will either wait for their cars in the lounge or be loaned temporary cars. Tesla plans to keep 4-6 cars to loan to customers at this site. The company expects to hire approximately 33 employees for this space.

IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting this application to the City, 4 pre-application posters were erected by the applicant in July 2017. On September 28, 2017, the City mailed 112 public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the

neighborhood in 12 locations. At the time of this writing, staff has not received any communications regarding the project.

- B. Committee review:** This project is in a nonresidential zoning district, and thus is subject to Design Review. The applicant submitted a Staff Level Design Review application in conjunction with the Use Permit application, which proposes minor exterior changes, including new vehicle and pedestrian entrances at the south façade. No changes are proposed at the other three elevations. Staff approved the Staff Level Design Review application and posted notices onsite on September 28, 2017. The appeal period for this approval ended today, October 12, 2017, at 5 PM.

V. Issues and Analysis

- A. Auto Service and Repair in the MU-LI District:** Per BMC Section 23E.80.030, a Use Permit is required to establish an automobile repair and service use in the MU-LI District, subject to the Board making a finding of non-detriment and the findings noted in Section 23E.80.090. This section requires that a proposed use:

1. Be consistent with the purposes of the District;
2. Be compatible with the surrounding uses and buildings;
3. Be consistent with the adopted West Berkeley Plan;
4. Be unlikely, under reasonably foreseeable circumstances, to either induce a substantial change of use in buildings in the District from manufacturing, wholesale trade or warehousing uses; and
5. Be designed in such a manner to be supportive of the light industrial character of the district.

Staff Analysis: Staff believes that the project would be consistent with the purposes of the district and the 1993 West Berkeley Area Plan because the proposed use is compatible with the mix of surrounding uses. The subject property is in an area of the City where auto repair facilities are common likely because the use is allowed in this Zoning District, while the Zoning Ordinance no longer allows this use in other areas (including San Pablo Avenue and Downtown Berkeley). In addition, the area is near I-80, which provides easy vehicle access, and is far enough away from residential areas to prevent any economic, physical, and social impacts to incompatible uses.

Tesla plans to hire 33 technicians, support staff, and other employees, and thus the proposed project would also be consistent with the policy calling for the creation of well-paying jobs that do not require advanced degrees.

The project is unlikely, under reasonably foreseeable circumstances, to induce a substantial change of use in buildings in the District from manufacturing, wholesale trade or warehousing uses. As noted above, auto repair facilities are common in this neighborhood, and the site has a history of auto-related use (a bus depot for Berkeley Unified School District). In addition, the proposed use would take advantage of existing facilities left behind by previous uses, including an existing storage area and an existing loading dock at the northwestern corner of the block, which was previously used by Pyramid Brewery.

The project would not involve any new construction that could potentially induce other use changes within the District or be visually inconsistent with the character of the District. The building will retain its existing appearance, including metal corrugated siding, which references the industrial and manufacturing context of West Berkeley. The proposed changes, including new aluminum garage doors and windows, will be compatible with the existing exterior, and thus, the project will not create any substantial visual changes on its street frontages.

B. Traffic and Parking: Per BMC 23E.80.080, uses designated as Other Industrial Uses, including Automobile and Other Vehicle Oriented Uses, shall be required to provide the number of off-street parking spaces determined by the Board, based on the amount of off-street parking demand generated by the particular use and comparable with specified standards for other uses. Manufacturing, warehousing or wholesale trade uses in the MU-LI District would require one space per 1,500 square feet of floor area.³ If this requirement were applied to the proposed auto service and repair use in this case, for this 44,763 square-foot tenant space, 30 parking spaces would be required.

The applicant proposes to provide 90 parking spaces for this tenant space, including 30 exterior parking spaces within the existing parking lot, and 60 interior parking spaces for customer cars. (The remaining 57 outdoor parking spaces will be divided to serve the 4 other small tenant spaces on the parcel.) Thus, this proposal exceeds the minimum required off-street parking spaces, and staff expects that it will generate little or no new demand for on-street parking.

A traffic study prepared by Fehr & Peers dated August 9, 2017, states that the proposed project would generate vehicle trips as a typical auto use would, but it would generate 90 fewer trips in the AM peak hour and 80 fewer trips in the PM peak hour than the permitted uses at this site (manufacturing). Thus, staff does not anticipate the proposed use to cause a significant increase in traffic or safety concerns in this neighborhood.

C. Conversion of Floor Area Previously Used for Manufacturing: Pursuant to BMC Section 23E.80.045.C, staff believes the Administrative Use Permit to convert 13,010 square feet of floor area that was used for manufacturing is permissible because the converted space is less than 20,000 square feet and is less than 25% of the space used for those purposes. The proposed converted floor area is 15% of the space used for manufacturing ($13,010 \div 86,080 = 15\%$).

While this 13,010 square feet was previously used for manufacturing, the space the applicant proposes to convert is adjacent to the existing loading dock. The applicant proposes to keep the loading dock and use the converted space primarily for storage, which is how the space has been used historically. The remainder of the 86,080 square-foot manufacturing building, which was previously used by Pyramid Brewery, has been divided into 4 smaller tenant spaces, all of which contain manufacturing use.

³ This ratio of one space per 1,500 square feet was used to determine the required off-street parking spaces when Griffin Motorwerke established an auto service and repair use at a nearby parcel, 1146 Sixth Street.

D. General Plan Consistency: The 2002 General Plan contains several policies applicable to the project, including the following:

1. 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.
2. 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.
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.

Staff Analysis: The project is consistent with the applicable zoning standards for the MU-LI Zoning District. The design and use of the auto repair and service use is compatible with surrounding buildings and uses, and would not induce a substantial change of use in buildings in the District from manufacturing, wholesale trade, or warehousing uses.

4. Policy LU-33–West Berkeley Plan: Implement the West Berkeley Plan and take actions to achieve the three goals 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: The proposed project would utilize an existing light industrial building in a manner that is recognized as an acceptable land use for the Mixed Use-Light Industrial areas in West Berkeley. The proposed automobile repair and service facility would conform to the existing space with minor modifications that would not fundamentally change the aesthetic and physical qualities of the site.

E. West Berkeley Plan Consistency: The 1993 Plan contains several policies applicable to the project, including the following:

1. Policy A: Retaining, through planning, zoning, and land use policies which shield manufacturers from economic and physical incompatibilities with other uses, sufficient land and buildings to maintain the current level of manufacturing employment at a minimum.
2. Policy 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 space 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.

Staff Analysis: As noted above, the proposed use would be almost completely contained within a currently vacant building, which has a history of automobile related uses. The proposal to convert space that was previously used for manufacturing will not induce a change in use within the neighborhood, because the applicant has proposed to retain more than 75% of that space for manufacturing uses. In addition, the existing building will retain its appearance, which is compatible with the industrial aesthetics of West Berkeley.

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 #ZP2017-0116 pursuant to Section 23B.32.030 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received September 26, 2017
3. Notice of Public Hearing

Staff Planner: Lucy Sundelson, LSundelson@cityofberkeley.info, (510) 981-7433