



1598 University Avenue

ZAB APPEAL

Density Bonus Project (ZP2022-0099)

City Council Hearing
September 26, 2023

Staff: Katrina Lapira (she/her)

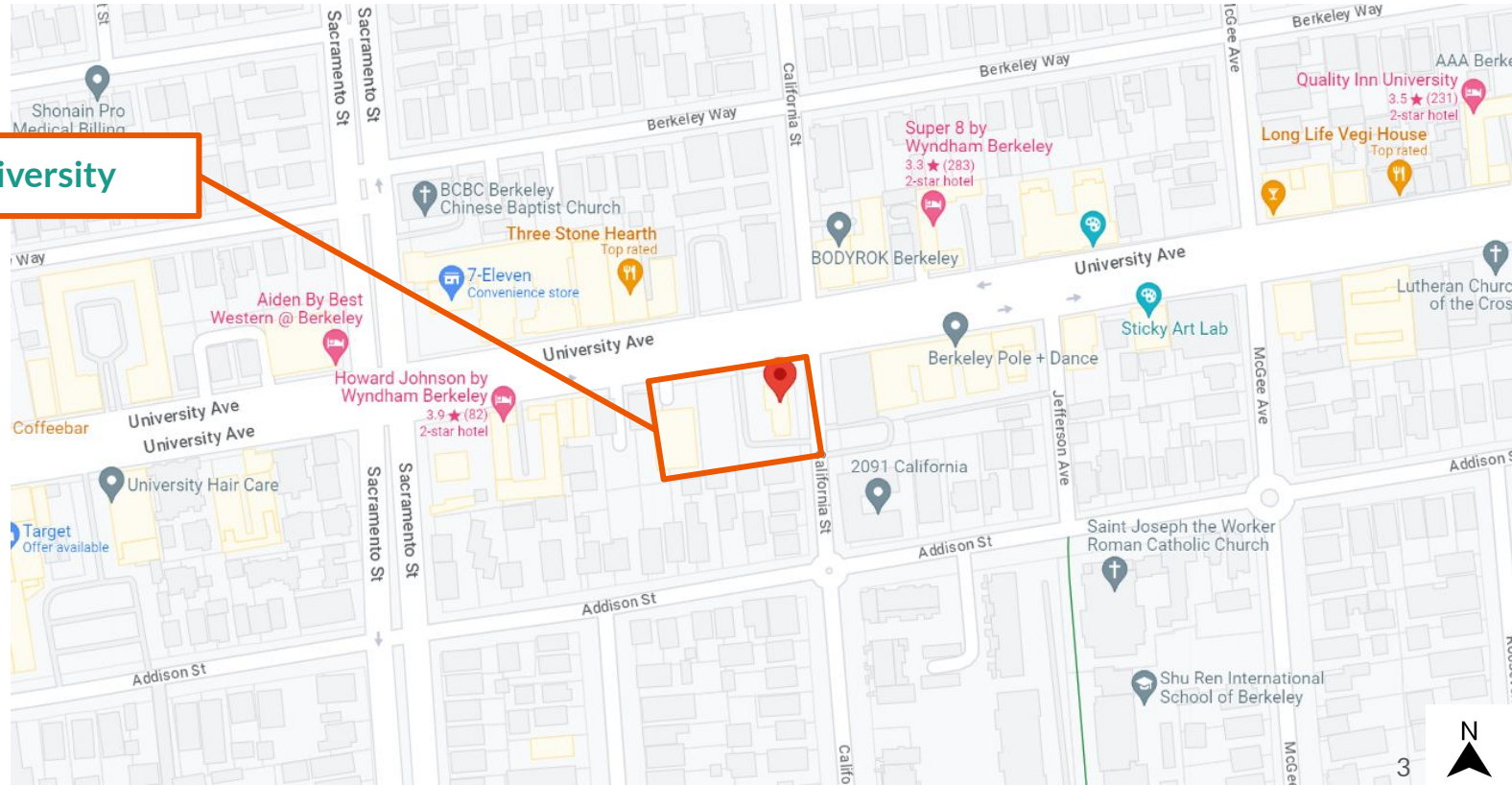
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Project Location

1598 University



1598 University - Existing Conditions



North Beach Pizza

- 28,936 SF lot area (3 lots)
- Two one-story commercial buildings
- 60% of lot - surface parking

Hanwen School



1598 University - ZAB Approved Project (Density Bonus)

	Approved Project	Base Project
Density Bonus	50%	
Size (SF)	127,492	86,808
Units	207 (21 VLI)	138 (21 VLI)
Height (Feet)	89'- 2"	48'
Stories	8	4
Open Space (SF)	10,365	6,536
Commercial	5,943	8,681



Proposed view looking at the west / north facades @ intersection of California St. and University Ave.

Project Timeline (ZP2022-0099)

- July 7, 2022 SB 330 application for a Use Permit (ZP2022-0099) submitted
- January 23, 2023 Application deemed complete
- May 5, 2023 SB 330 preliminary application project application resubmitted
- February 2, 2023 LPC hearing
- April 20, 2023 DRC hearing
- May 11, 2023 ZAB conducted a hearing and approved the Use Permit
- May 18, 2023 ZAB Notice of Decision issued
- **June 1, 2023** **Appellant (Elizabeth Kowal) appeal filed**

Council Appeal

Appeal Issues

1. Meeting not scheduled between applicant and neighbors prior to ZAB
2. Concerns not addressed by ZAB
3. Inadequate information about the project
4. Lack of sufficient neighborhood and city-wide planning
5. Assessment of development impacts and California Environmental Quality Act (CEQA)

Council Appeal Issue 1

Appeal Issue 1	Staff Analysis
<p>Meeting not scheduled between applicant and neighbors prior to ZAB</p>	<ul style="list-style-type: none">• Zoning Project Application Submittal Requirements requires pre-application neighborhood outreach for projects of community interest• The applicant satisfied this requirement by holding a community meeting about the project on <u>March 30, 2022</u>, prior to submittal of the Use Permit application <p>No additional meeting was required.</p> <ul style="list-style-type: none">• ZAB added a condition requiring the applicant to organize a neighbor-applicant meeting to “discuss additional project considerations” prior to the submittal of a building permit (COA 16)



Council Appeal Issue 2

Appeal Issue 2	Staff Analysis
Concerns not addressed by ZAB	<ul style="list-style-type: none"><li data-bbox="639 372 1522 448">● ZAB received and responded to public testimony consistent with the Berkeley Commissioners' Manual<li data-bbox="639 497 1609 787">● Development is consistent with the Housing Accountability Act and can only be denied or approved at a lower density if the project is found to have -<ul style="list-style-type: none"><li data-bbox="736 623 1590 699">○ Specific adverse impacts on public health or safety unless disapproved<li data-bbox="736 707 1615 787">○ No feasible way to mitigate specific adverse impact other than disapproval or approval at a lower density <p data-bbox="610 836 1609 912">ZAB responded to public testimony and found the project to be HAA compliant.</p>



Council Appeal Issue 3

Appeal Issue 3	Staff Analysis
Inaccurate and inadequate information about the project	<ul style="list-style-type: none"><li data-bbox="639 339 1682 459">• Applicant submitted accurate information that is consistent with the submittal requirements for applications and a State Density Bonus Project<li data-bbox="639 506 1653 626">• Density Bonus calculations are correct - percent of affordable units is calculated from the <u>base project density</u>, not the proposed density bonus project <p data-bbox="610 674 1344 710">Information about the project was adequate.</p>



Council Appeal Issue 4

Appeal Issue 4	Staff Analysis
Lack of sufficient neighborhood and city-wide planning	<ul style="list-style-type: none">● The project is consistent with the University Avenue Strategic Plan (UASP) in the following ways -<ul style="list-style-type: none">○ 207 new dwelling units (21 VLI units) that will count towards the City's regional housing needs allocation○ Ground floor commercial space○ Increases density within an area of the UASP that is underdeveloped <p>The project is consistent with the UASP and underlying zoning.</p>



Council Appeal Issue 5

Appeal Issue 5	Staff Analysis
Assessment of development impacts and California Environmental Quality Act (CEQA)	<ul style="list-style-type: none"><li data-bbox="639 334 1649 410">• The project qualifies for Class 32 (Infill Development Project) categorical exemption<li data-bbox="639 459 1676 576">• Standard and revised COAs ensure additional review amongst the applicant, the City's Toxics Management Division, and external governmental agencies for Toxics handling<li data-bbox="639 625 1669 742">• Traffic impact analysis not required, the project includes several conditions to mitigate traffic and safety impacts (COAs 19, 66, 67) <p data-bbox="610 791 1553 827">No additional CEQA or environmental review is required.</p>



Staff Recommendation

- 1598 University - adopt a resolution **affirming** ZAB's decision to **approve** Use Permit #ZP2022-0099 and **adopt** the conditions in Exhibit A and the project plans in Exhibit B and **dismiss the appeal**.
- Alternative Actions
 - Continue the Public Hearing
 - Reverse or Modify ZAB's Decision
 - Remand the Matter to the ZAB

Additional Conditions of Approval



- Toxics (COA 27): Additional approval by external agency (Department of Toxic Substance Control, Regional Water Quality Control Board, or Alameda County Local Oversight Program)
- Affordable Housing Requirements: Corrects COAs to reflect the affordable housing provisions that took effect April 1, 2023