PUBLIC DESIGN REVIEW COMMITTEE

STAFF REPORT

For Committee Decision
MARCH 21, 2024

2037 Durant Avenue

PRELIMINARY DESIGN REVIEW

Design Review #DRCP2023-0006 to demolish a one-story, 13,000 square-foot commercial building and construct an eight-story 76,373 square-foot building with 1,552 square feet of ground floor commercial space and 74 dwelling units of multi-family housing.

I. Introduction

This 8 story mixed use building is proposed on the North side of Durant Avenue west of Shattuck Avenue in the C-DMU Buffer Zone.

This project is applying under the Housing Crisis Act, SB 330, which seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development and limiting the number of public meetings. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing.

The demolition of the existing structure was before the Landmarks Preservation Commission on December 7, 2023 where the commission took no action. The project will be scheduled for a future hearing with the Zoning Adjustments Board.

The project is before the Design Review Committee for Preliminary Design Review.

II. Background

The proposed project consists of an eight-story, 90-foot tall mixed use building with 74 dwelling units and 1,552 square feet of ground floor commercial space. The building has a C-shaped opening on its west side, facing the Persian Center, to break up the façade and to incorporate shared balconies above the third floor which provide open space amenities to residents. The project provides a total of

2,098 square feet of residential open space, which includes the balconies and a ground floor outdoor patio with seating and landscaping. The project provides 191 square feet of open space associated with the commercial use along the front of the property on Durant Avenue. The project does not include vehicle parking, but long term bicycle parking for 66 bicycles is provided in a ground floor bike room.

III. Project Setting

A. Neighborhood/Area Description: The project site is located along the north side of Durant Avenue, just west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Buffer Sub-Area, as identified in the City's Downtown Area Plan (DAP). The project site is surrounded primarily by multi-family residential/mixed-use buildings ranging in height from three stories (Persian Center directly to the west) to 8 stories (Identity Logan Park, a mixed-use residential building directly to the south of the site) and commercial uses. The site is surrounded by several historical landmark and/or structure of merit buildings, including the Corder Building to the north and east, the Broad House and Broad Apartment Building to the north and Boone's University School to the west. The project site is located in an area where several modes of public transportation are available – multiple AC Transit bus lines, the University of California, Berkeley Shuttle, a bike share station, and the Downtown Berkeley BART station, which is located 0.3 miles to the north of the site.

B. **Site Conditions:** The site, at 2037 Durant Avenue, is currently occupied by Hustead's Auto Body, a one-story 13,000 square foot commercial building. The building sits on a rectangular parcel on the north side of Durant Avenue, between Milvia Street and Shattuck Avenue. Topography in the area is flat. The building fills its lot with a broad concrete sidewalk bordering the front (south side). Driveways run along the east and west sides of the building, separating it from neighboring buildings. The east side of the building's rear (north) facade directly abuts a neighboring building, while only a small margin of space is located between the west side of the rear facade and a neighboring building. There is no vegetation or other landscape features on the property. The building was constructed in 1949 and a Historic Resources Evaluation prepared by Left Coast Architectural History found that the property, including building, was not historically significant.

Public

Figure 1: Vicinity Map

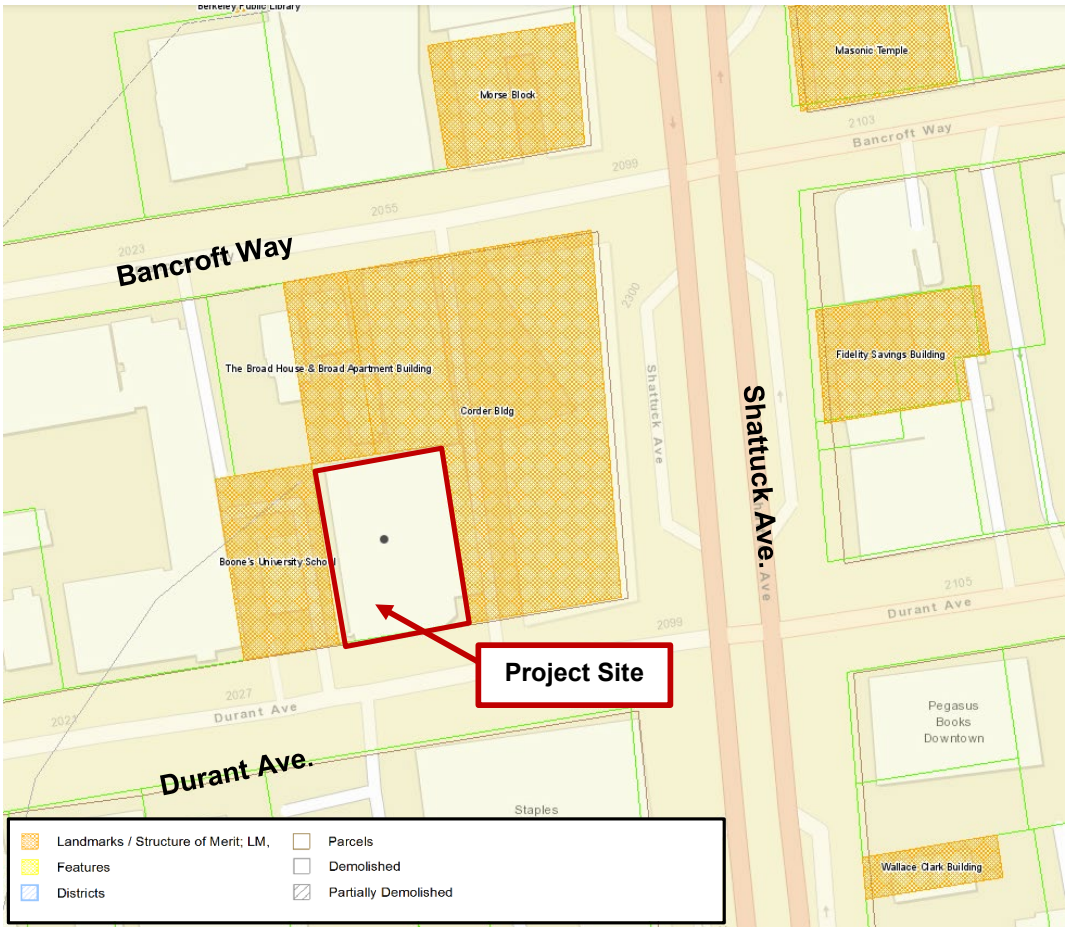

Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Hustead's Auto Body	C-DMU Buffer	Downtown
Surrounding Properties	North	The Broad House & Broad Apartment Bldg, Corder Building	C-DMU Buffer	Downtown and High Density Residential
	South	Durant Ave and Apartments beyond	C-DMU Buffer and Corridor	High Density Residential
	East	Corder Building, various retail and office uses	C-DMU Corridor	Downtown
	West	Persian Cultural Center and Apartments	C-DMU Buffer	High Density Residential

Table 2: Development Standards

CDM-U Downtown Mixed-Use District(s) Development Standards BMC Sections 23.204.130 and 23.322 Parking and Loading

Standard			Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)			13,000	13,000	No min
Gross Floor Area (sq. ft.)			13,000	76,373	No max
Floor Area Ratio			1	6.1	No max
Dwelling Units	Total		0	74	No max
	Affordable		0	4 VLI	4 VLI to be eligible for 20% density bonus
Building Height	Maximum (ft.)		20	90 (95 to top of penthouse)	60 max with Use Permit, parapets may exceed height by 5 feet
	Stories		1	8	No max
Building Setbacks (ft.)	Front (Durant)		0	0	0'–5' (bldg. ht.≤75') 15' (bldg. ht.>75')
	Rear		0	7	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Interior East Side	0'-65' from frontage	0	5	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120')
		>65' from frontage	0	5	0' (bldg. ht.≤75') 15' (bldg. ht.>75' ≤120'))
	Interior West Side	0'-65' from frontage	0	7	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120')
		>65' from frontage	0	7	0' (bldg. ht.≤75') 15' (bldg. ht.>75' ≤120')
Lot Coverage (%)			100		91.5 per Base Project max
Usable Open Space (sq. ft.)	Residential Open Space		0	2,298	**5,920 -** 80 sf per unit min and
	Non-Residential Open Space		0	191	**32 -** 1 sf per 50 sf of commercial
	Landscaping		0	562	**2,368** – 40% of Open space
Parking	Automobile		0	0	No min [a]
	Bicycle short term for residential		0	5	5 – 1 space for every 40 units for bedrooms

	Bicycle long term for residential	0	66	66 – 1 space per 3 bedrooms
	Bicycle for commercial space	0	1	1 per 2,000 sq. ft.
_____ = Concession or Waiver requested to modify the district standard Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet (’), in. = inches (”)				
Notes: a. AB-2097, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses.				

IV. Project Description

A. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish a non-residential main building
- Use Permit pursuant to BMC Section 23.204.020 to construct a mixed-use residential development
- Use Permit to pursuant to BMC Section 323.204.030(A)(1) to construct 10,000 square feet of more of gross floor area.
- Administrative Use Permit pursuant to BMC Section 23.304.080(A) to allow for a fence more than 6 ft in height and on a lot line (6-foot fence proposed, with 2 foot retaining below)
- Use Permit pursuant to BMC Section 23.204.130(E)(1) to increase the maximum allowed height
- Administrative Use Permit pursuant to BMC Section 23.304.050 to allow for rooftop equipment projections above the height limit

B. CEQA Recommendation: It is anticipated that staff’s recommendation to the Zoning Adjustments Board (ZAB) will be that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 (“Infill Development Project”) of the CEQA Guidelines. The determination is made by ZAB.

C. Density Bonus Information

The applicant has requested a density bonus under the State Density Bonus Law. Under the City's density bonus procedures, the "base project" is 62 units, as the maximum allowable density for the site. The 6-story base project has an average unit size of approximately 1,011 square feet and the resulting 8-story proposed project has an average unit size of 832 square feet, which is substantially consistent. By providing 4 Very Low Income (VLI) BMR units on site (5 percent of the 62 - unit base density), the project is eligible for a 20 percent density bonus, or 13 additional units. Therefore, the applicant proposes 12 additional units above the base density for a total of 74 dwelling units.

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
62	4 VLI (5% of base project)	20%	13 (20% 62 units)	74 (12 used)

Notes:
a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the nearest whole number.
Abbreviations: % = percent

Concessions and Waivers pursuant to State Density Bonus (California Government Code Section 65915):

- Waiver from BMC 23.204.130 (E)(1) to allow for an increase in building height – up to 90 feet, where 60 feet is the limit.
- Waiver from BMC 23.204.130 (E)(3) to allow for reduced setbacks for portions of the building
- Waiver to allow for a reduction to the usable open space requirement under BMC 23.204.130(E)(4)
- Waiver to allow for a reduction in the percentage of landscaping within the usable open space pursuant to BMC 23.204.130(E)(7)
- Concession from BMC 23.316 to allow an exemption from the public art allocation in-lieu fee

V. Design Review Guidelines

Following are several key guidelines in the Downtown Design Guidelines which relate closely to this project.

All Buildings

- For new construction projects located on narrow east-to-west streets and over 75 feet in height, prepare an analysis of shade impacts on public open spaces and pedestrian sidewalks across the street.
- Maintain and reinforce Downtown's historic street wall at the property line. Upper floor step backs are desirable above 60 feet and should be used above 75 feet.
- For buildings over 85 feet in height, prepare an analysis of potential wind

impacts. Protect sidewalk and public open space by deflecting downward wind drafts ("wind shear") by using building setbacks, recesses, projections and other devices.

- Consider how the building's form and orientation can take advantage of sun and shade to appropriately heat and cool the building.
- Consider using continuous vertical features to unify upper and lower floors, while stepping back upper floors.
- Respect the height of neighboring buildings, and provide a sense of continuity and enclosure which avoids abrupt changes in height.

Facades

- Reflect and reinforce the scale, massing, proportions, rhythm and attention to detailing which are established by the facades of Landmark and Significant buildings.
- Incorporate elements which break up façade planes and create a visual play of light and shadow. Avoid long, uninterrupted horizontal surfaces. Consider the use of bay windows, balconies and architectural projections.
- Vertical divisions of ground and upper floors should be consistent. Generally maintain a cornice that projects horizontally between the ground floor (and its mezzanines) and upper stories.
- Architecturally distinguish the ground floor from the upper façade, to form a visual base for the building. Create an intimate scale for the pedestrian environment.
- Architecturally distinguish the upper façade from the top of the façade to provide a visual termination for the building. Generally maintain a cornice that projects horizontally at the top of the 5th floor, or near the top of the buildings that are less tall.
- Maintain the typical rhythm of structural bays and enframed storefronts of 15-30 feet spacing at ground level, in order to enhance visual continuity with existing buildings and pedestrian scale. Curtain walls, if used, should be designed with rhythm, patterns and modulation to be visually interesting.

VI. Issues and Analysis

A. Design Review Issues:

Neighborhood Context The project is located mid-block on the North side of Durant street mid-block West of the intersection at Shattuck Avenue. The parcel is situated between three Landmarked parcels, the Corder Building to the East, the Boone's University Building to the West, and the Broad House and Apartment Building to the North. To the South, the project faces Phase 1 of the newly constructed Logan Park development.

Massing/ Building Design The building composition features a single-story base supporting 7 residential floors. The top floor is delineated to provide a visual break in the massing. The North and South facades have been articulated with vertical bays that run from the second floor to the seventh floor. Recessed sliding glass doors are

inset within the bays and include Juliet balconies. The line of the Juliet balconies continues to the eighth floor, though the projections terminate at the seventh floor. A prominent cornice caps the building at the eighth floor. The East and West facades have slightly more pronounced bays with the same recessed sliding glass door and Juliet balcony details. A West-facing courtyard is proposed at the fourth floor with communal balconies setback in the courtyard at the fifth, sixth, seventh, and eighth floors.

Setbacks The building has a 0-foot setback from the South property line at Durant, a 5-foot setback from the right side (East) and a 7-foot setback at the rear (North) and the left side (West) property lines.

Encroachments The project includes a canopy over the residential lobby entrance that extends out from the trim band at the top of the ground floor. This canopy encroaches 4'-0" over the property line. The vertical bay and roof projections on the south side of the building will also encroach 1'-6" over the property line. An encroachment permit from Public Works will be required for these elements.

Ground Floor Design The project has its main street frontage on Durant Avenue (South). The ground floor is recessed at the street, providing covered access to the residential lobby and commercial spaces on Durant. The 1552 square foot commercial space is proposed at the Southeast corner of the building nearest Shattuck Avenue. The residential lobby is proposed at the center of floor with a connecting mailroom and office space that overlooks the sidewalk. An interior corridor at the rear of the lobby connects to a bike room with spaces for sixty-six bicycles, mechanical spaces, a laundry room, and trash room further back on the floor. The mechanical spaces, bike room, and trash room all have exterior access doors that lead to the paved west side setback that connects to the street via a security gate. Four ground floor units are proposed at the north end of the project with access to paved and planted open space at the rear yard (North) setback.

Landscape/ Open Space The primary open space for the project is proposed as a 733 square foot courtyard located at the fourth floor of the project facing West. The courtyard design features planters lining the building to provide privacy for the adjacent units with stationary seating proposed at the center of the space. The project proposes 250 square foot balconies at the fifth, sixth, seventh, and eighth floors overlooking the courtyard. A small landscaped patio is also proposed in the northwest corner on the ground floor. The project includes a bio retention treatment planter the runs the length of the East and North side of the parcel. Planting areas, permeable pavers, and short term bicycle parking are proposed at the sidewalk on Durant.

Colors and Materials Materials for the project include painted stucco, Ceraclad cladding accent panels, perforated metal guardrails at the Juliet balconies, vinyl casement windows with bronze colored window mullions, and accent tile at the residential entry.

B. Issues for Discussion:

- Neighborhood Context
- Ground Floor / Building Design
- Landscape/Open Space Design
- Colors and Materials

VII. Recommendation

Staff recommends that the Committee discuss the issues outlined above and forward a favorable recommendation to ZAB with specific direction for Final Design Review.

Attachments:

1. Project Plans, received December 7, 2023
2. Applicant Statement, received December 7, 2023

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