



1155-73 HEARST AVENUE
ZP#2016-0028
APPEAL



City of
Berkeley

Leslie Mendez, Senior Planner
January 29, 2019

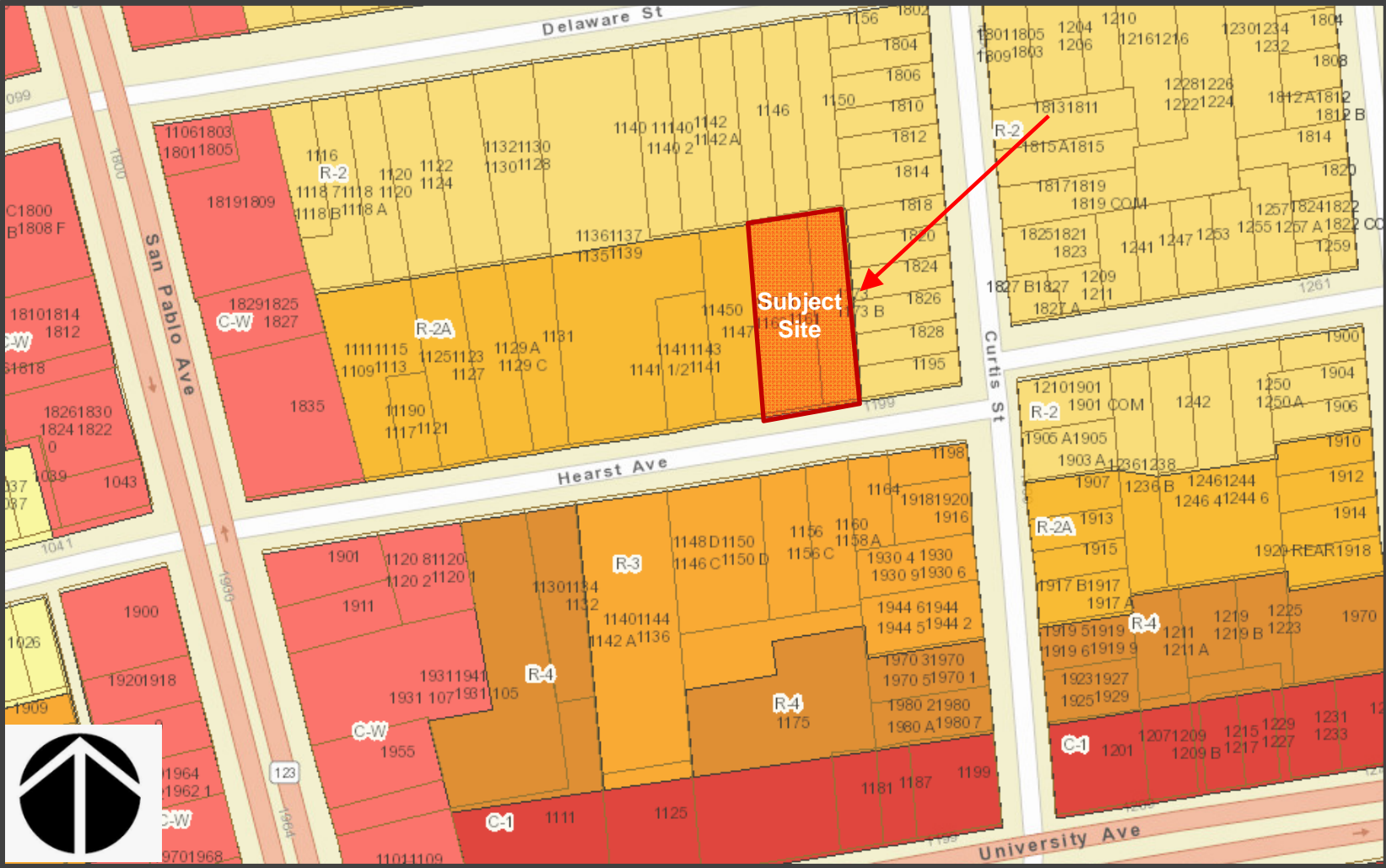
Background

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On August 23, 2018, ZAB approved Use Permit ZP #2016-0028 to develop 1155 – 1173 Hearst Street

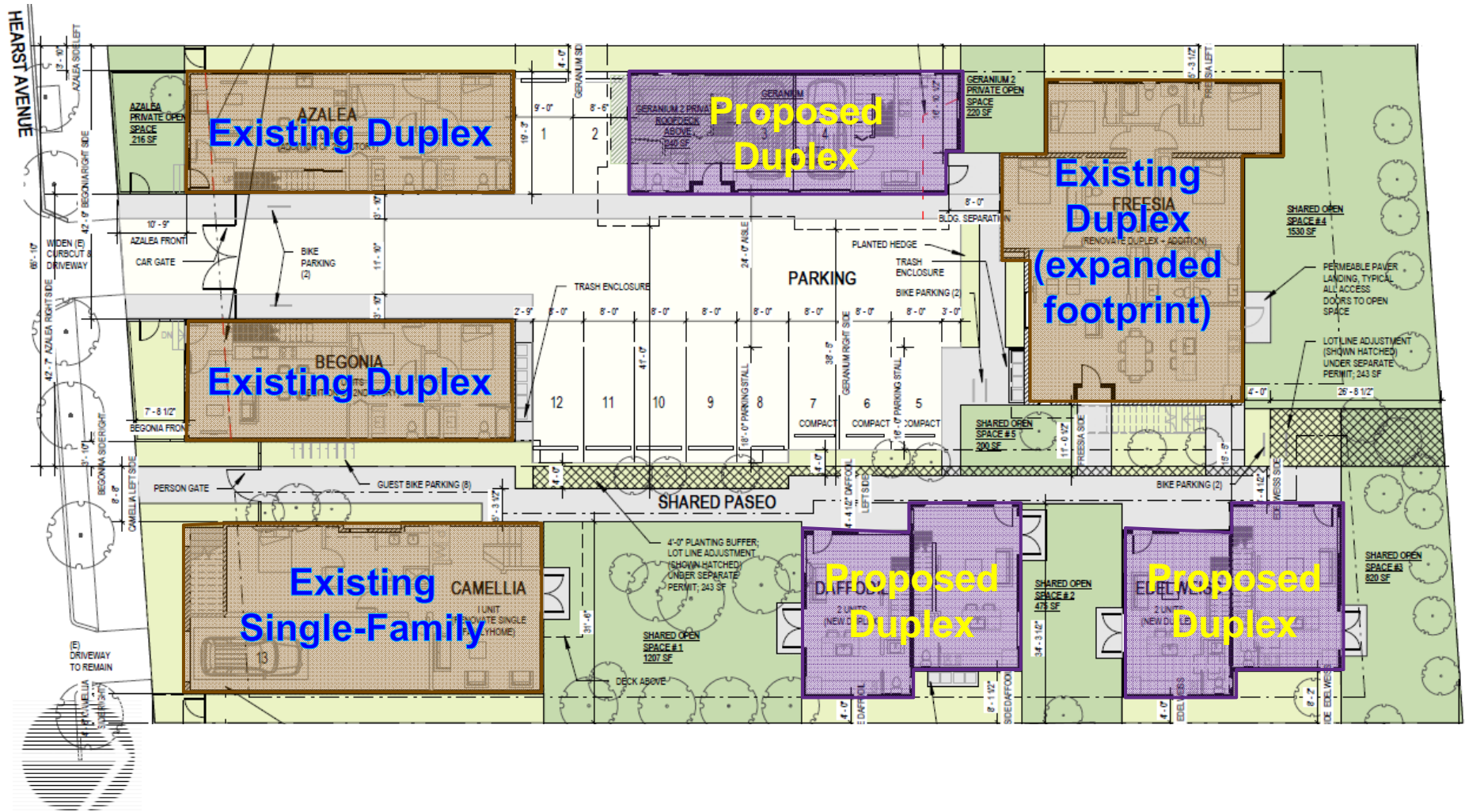
- Renovate 7 existing dwelling units (three rent-controlled duplexes and one single-family dwelling)
- Construct 3 new, two-story duplexes as a common interest development (i.e. condos)
- 13 Total Units, 13 off-street parking spaces, 4,911-square feet of Useable Open Space

Vicinity/Zoning Map



Proposed Site Plan

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CEQA Categorical Exemptions

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Classes of projects that have been determined **not** to have a significant effect on the environment and are **exempt** from the provisions of CEQA

CEQA Exceptions

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Exceptions require a project to go through the CEQA process even if it otherwise meets the criteria of a categorical exemption

Appeal
Point 1:

Project does not qualify for: Class 32 In-Fill Exemption

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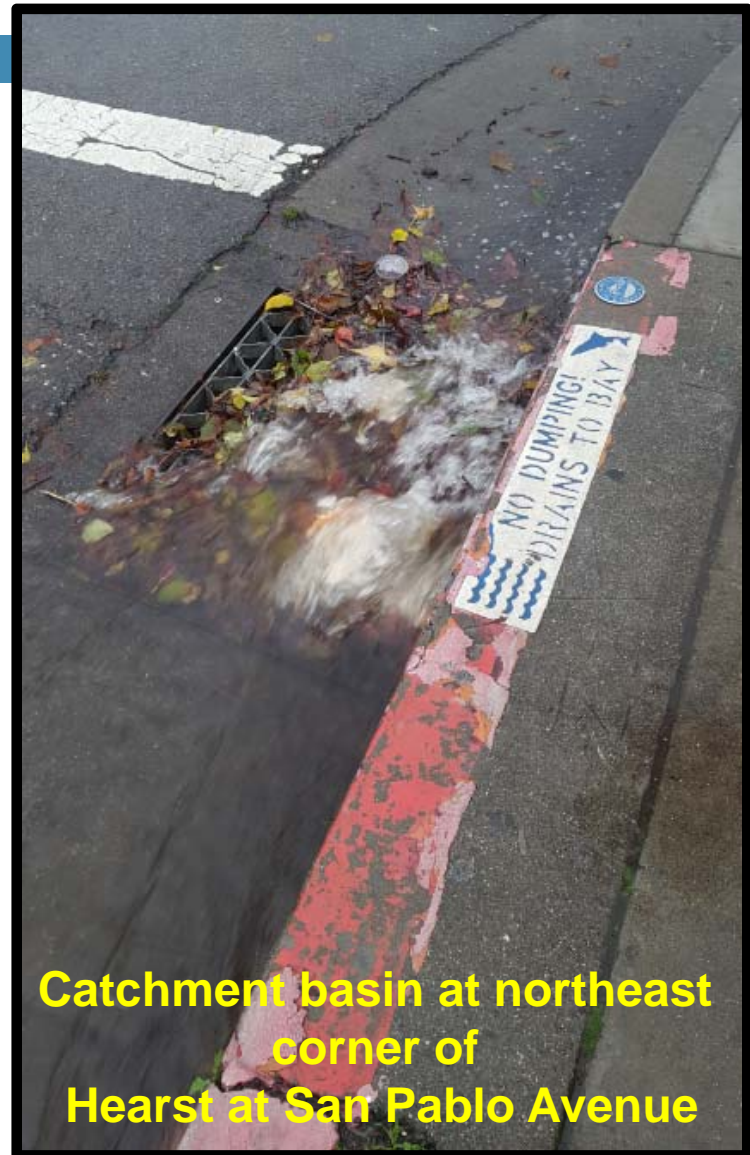
Response:

- Site is adequately served by all required utilities and public services
- Utility Infrastructure = storm drain system on the public right of way
- Rear Yard Ponding & Voluminous water flow ≠ inadequate storm drain

Response 1
continued:

Storm Drain Flow January 16, 2019

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Response:

- Does not apply to Class 32 In-Fill Development Projects
- Area of proposed development not listed in the National Wetlands Inventory www.fws.gov/wetlands/

Appeal

Point 3:

Historic Resource Exception

Applies

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Response:

- Chez Panisse garden not designated as a historical resource
- No cultural resources are associated with this property per California Historical Resources Information System (CHRIS)
- Project subject to the City's standard conditions regarding tribal cultural resources, archaeological resources, human remains, and paleontological resources (COAs 34 – 37)

Appeal
Point 4:

Significant Effect Exception Applies

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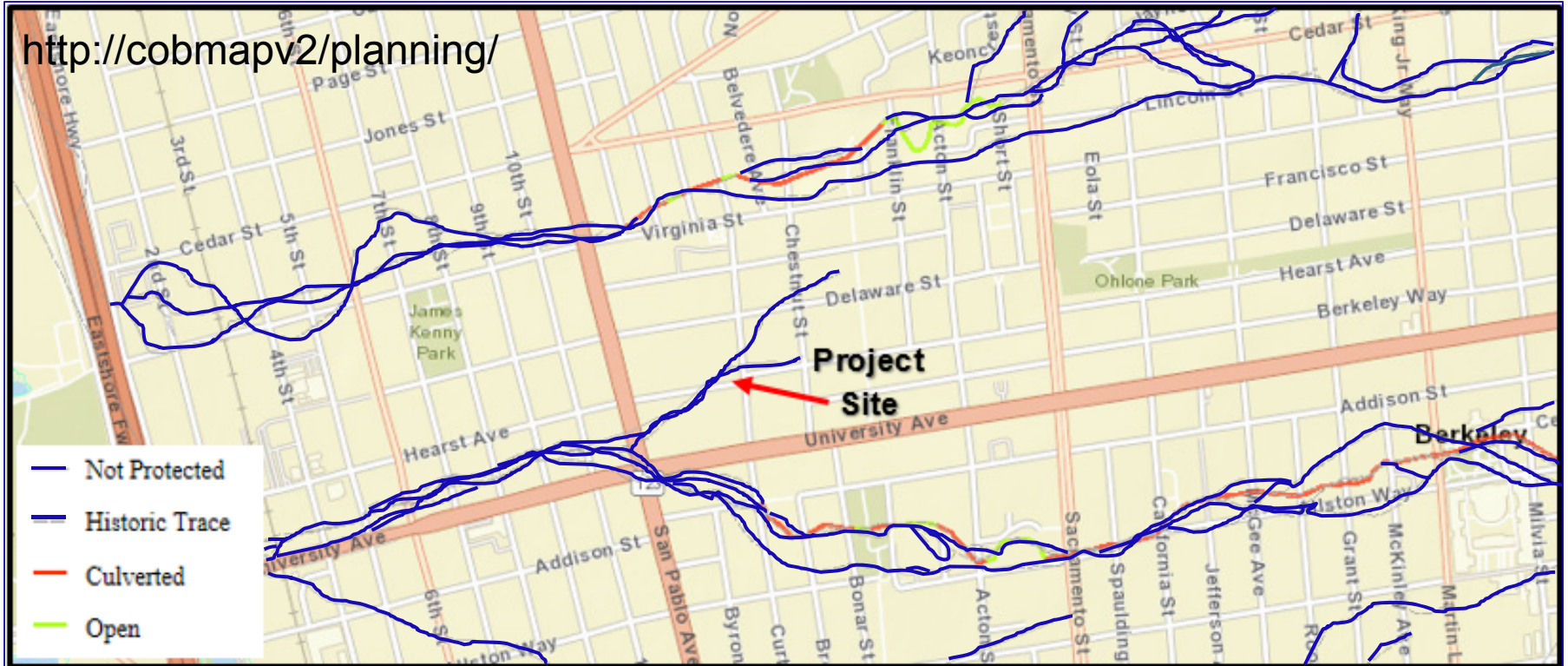
A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a **significant effect** on the environment due to **unusual circumstances**

15300.2(c)

Appeal Point 4a:

Significant Effect Exception Unusual Circumstance

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Appeal

Point 4b:

Significant Effect Exception Significant Effect

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Response:

- A hydrology Assessment prepared concluded drainage issues would improve
 - grass swale from east property line to parking lot
 - drainage channel from parking lot to curb

**Appeal
Point 5:**

Appropriate conditions must be imposed to ensure non-detriment

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Response:

- Standard Toxics COAs requiring a Soil and Groundwater Management Plan and Stormwater Requirements
- Public Works conditions regarding sub- and surface waters
- Drainage Plan per Hydrology Assessment with additional design documentation per Peer Review

Recommendation:

Uphold ZAB's decision & Approve project

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- Meets Purposes of the District
- Meets Housing Element Goals
- Is in compliance with all state and local environmental requirements
- Will incorporate a drainage system that is expected to improve drainage condition in the area
- Subject to standard conditions of approval to ensure non-detriment

Recommendation
continued:

Uphold ZAB's decision & Approve project

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- Retains existing rent controlled units and protects existing tenants
 - Proof of voluntary move out or relocation prior to BP issuance (COA 15)
 - Public Notification prior to Construction with tenant rights (COA18)
 - Interim Tenant Parking (COA 30)
 - Temporary Relocation during any Construction related to Permit (COA 31)
 - Neighborhood Construction Meetings (COA 32)

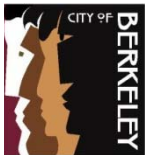
Recommendation
continued:

Uphold ZAB's decision & Approve project

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Tenant Relocation COA #15:

Tenant Relocation. Prior to building permit issuance for any interior improvements, renovations or addition to any the existing dwelling units building (1955-57 Hearst, 1959 A & B Hearst, 1961-63 Hearst, and 1973 Hearst), the property owner shall provide proof that all tenants within the building have voluntarily vacated or proof that the owner and tenants have come to a written agreement on a plan for relocation. This shall not apply to issuance of building permits for general renovation or repair within these units.



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QUESTIONS?