

Rent Stabilization Board

DATE: October 17, 2024
TO: Honorable Members of the Rent Stabilization Board
FROM: Lief Bursell, Senior Planner
SUBJECT: Status Update on Berkeley Demolition Ordinance Applications

Residential Dwelling Unit Demolition Application Update

Beginning in calendar year 2022, there have been fifteen development applications that propose the demolition of existing multi-family residential buildings that include dwelling units that are either subject to rent control, or potentially subject to rent control when rented. These applications propose the removal of one hundred and eight (108) residential units, sixty-five of which were occupied by tenants at the time Rent Board staff reviewed the application. This update includes a new Use Permit to demolish two dwelling units at 3035 Colby Avenue. The 3035 Colby Avenue project is the first Use Permit application submitted that is subject to the revised Demolition Ordinance, which requires that rent-controlled units be replaced with below market rate (BMR) replacement units. The 3035 Colby Street project currently includes just two replacement units, and the application does not currently specify the affordability level of these replacement units.

Additionally, the project at 2300-2310 Ellsworth (also 2128 Oxford) was approved by the Zoning Adjustments Board (ZAB) on September 29, 2024. The Rent Board initially expressed opposition to the project because it only proposed replacing twelve existing rent-controlled units with 10 BMR units. Prior to the ZAB meeting, staff and the Rent Board Chair were able to come to an agreement with the project applicants to add two additional very low-income units, which addressed the Rent Board’s concerns regarding how the project mitigated the loss of rent-controlled units. Rent Board staff are working with the applicant and staff in the Berkeley’s Health, Housing and Community Services (HHCS) Department to ensure these units are added in smaller units that are more appropriate to replace the twelve one-bedroom units in the current building.

| Project Status (As of 9/12/24) | # Projects | # Existing Units | Tenant Occupied | # BMR Units | Net Gain/Loss |
|---|-----------------------|-----------------------------|----------------------------|------------------------|--------------------------|
| ZAB Approved | 8 | 68 | 33 | 85 | +17 |
| App. Complete | 2 | 6 | 2 | 4 | -2 |
| Under Review | 2 | 6 | 4 | 19 | +13 |
| Pre-Application | 3 | 28 | 26 | 32 | +4 |
| Total | 15 | 108 | 65 | 140 | +32 |

Overall, if all existing projects were approved and moved forward to construction, they would result in a net gain of thirty-two BMR units (beyond the one-for-one replacement of a BMR unit

for each existing residential unit). Of the fifteen proposed development applications, nine are currently providing at least one-to-one replacement of rent-controlled units with BMR units.

Attachments:

- 1) Residential Demolition Application Update Presentation Slides (Updated for 10-17-2024)
- 2) 10-17-2024 Residential Demolition Application Update

Name and Telephone Number of Contact Person:

Lief Bursell, Senior Planner (510) 981-7368



Residential Dwelling Demolition Application Update

Projects involving demolition of Rent-Controlled Dwellings

October 17, 2024



Demo Project Updates Oct. 17, 2024

2300-2310 Ellsworth St. (12 Units)

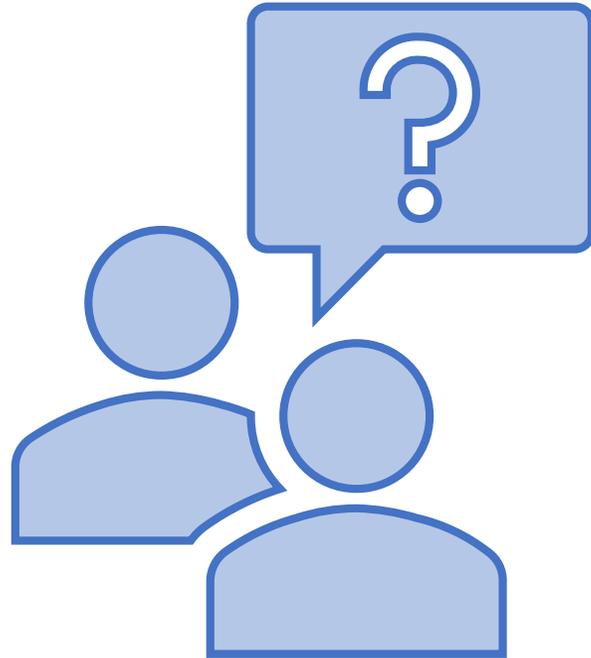
- Approved by ZAB on 9/26/24
- 10 BMR Replacement Units – 2 market rate
- Rent Board initially opposed project
- Applicants met with staff and Board Chair
- Agreed to add 2 additional very low-income units

3035 Colby Ave. (2 Units)

- First Use Permit under revised Demo Ordinance
- Both units recently under rent-control
- Only proposes two new units
- New Ord. Requires 2 BMR replacement units

2022-2024 Development Applications Proposing Demolition of Residential Units

| Project Status <i>(As of 10/7/24)</i> | # Projects | Existing Units | Tenant Occupied | # BMR Units | Net Gain/Loss |
|---|-----------------------|---------------------------|----------------------------|------------------------|--------------------------|
| ZAB Approved | 8 | 68 | 33 | 85 | +17 |
| App. Complete | 2 | 6 | 2 | 4 | -2 |
| Under Review | 2 | 6 | 4 | 19 | +13 |
| Pre-Application | 3 | 28 | 26 | 32 | +4 |
| Total | 15 | 108 | 65 | 140 | +32 |



Questions

Attachment 2.

| Application Date | Project Address | Application Type | Application Status | Project Description | # Existing Residential Units Proposed for Demolition | # Tenant Occupied Units | # Replacement Units | One to One Replacement with BMR? | Total BMR Units | Council District |
|------------------|---|------------------|---|--|--|-------------------------|---------------------|----------------------------------|-----------------|------------------|
| 8/8/2024 | 2425 Durant Ave. | SB 330 Pre-App | Complete | Demo 21 existing units (3 structures) and build 117 new units with 18 BMR replacement | 19 | 19 | 18 BMR | No | 18 | 7 |
| 8/7/2024 | 3035 Colby Ave. | Use Permit | Complete | Demo 2 existing units and build 2 new units | 2 | 0 | 0 BMR | No | 0 | 8 |
| 6/5/2024 | 2442 Haste St. | Use Permit | Under Review | Demo Existing 4plex - build 36 new units, 2 BMR, 1 replacement unit | 4 | 4 | 3 BMR | No | 3 | 7 |
| 8/4/2023 | 1330 Haskell St. | Use Permit | Approved by ZAB (2/22/2024) | Construct two detached units in place of existing duplex. | 2 | 0 | 0 BMR | No | 0 | 2 |
| 6/22/2023 | 2733 San Pablo Ave | Use Permit | Under Review | Construct a new 8-story mixed-use building with 152 dwelling units | 2 | 0 | 2 BMR | Yes | 16 | 2 |
| 5/20/2023 | 1790 University Ave | Use Permit | Application Complete (12/6/2023) | Construct a five-story mixed-use building containing 17 dwelling units and ground floor commercial space. | 1 | 1 | 1 BMR | Yes | 2 | 4 |
| 4/26/2023 | 2127-59 Dwight Way | Use Permit | Approved by ZAB (11/30/2023) | Construct a six-story multi-family building, with 58 new dwelling units | 8 | 5 | 8 BMR | Yes | 8 | 4 |
| 2/10/2023 | 2300-10 Ellsworth St. | Use Permit | Approved By ZAB | Construct a seven-story residential building with 69 units. | 12 | 12 | 12 BMR | Yes | 12 | 7 |
| 1/23/2023 | 2601 San Pablo Avenue (1110-12 Parker and 2609 San Pablo) | SB 330 Pre-App | SB 330 Preliminary Application Complete (12/5/2023) | Merge six parcels and construct an eight-story mixed-use residential development with 242 dwelling units | 4 | 2 | 4 BMR | Yes | 4 | 2 |
| 12/2/2022 | 3030 Telegraph (aka 2330-36 Webster) | Use Permit | Approved by ZAB on 6/08/2023 | Construct 5-Story mixed-use building with 144 dwellings | 4 | 0 | 4 BMR | Yes | 8 | 8 |
| 11/14/2022 | 2538 Durant | Use Permit | Approved on consent by ZAB on 4/27/2023 | Demolish 12 dwelling units & develop an eight-story residential building with 83 units | 12 | 8 | 6 BMR | No | 6 | 7 |
| 10/20/2022 | 2138 Center Street (aka 2128 Oxford) | Use Permit | Approved | Merge two lots to construct a 26 story mixed-used building with 456 dwellings | 16 | 0 | 16 BMR | Yes | 40 | 4 |
| 9/22/2022 | 2427-33 San Pablo Avenue | Use Permit | Approved by ZAB on 7/11/24 | Construct a five-residential replacement apartment units and Group Living Accomodation (GLA) with 77 private rooms | 8 | 8 | 8 BMR | Yes | 8 | 2 |
| 5/10/2022 | 1827 & 1899 Oxford | SB 330 Pre-App | SB 330 Preliminary Application Under Review | Construct 118 new dwellings with 12 BMR | 8 | 6 | 8 BMR | Yes | 12 | 6 |
| 5/10/2022 | 1773 Oxford | Use Permit | Approved by ZAB on 1/12/2023 | Demolish six units and develop a five-story residential building with 22 units | 6 | 0 | 3 BMR | No | 3 | 6 |