

To: Berkeley City Council
From: Robert Lauriston
Date: March 7, 2017
Re: 3/7 hearing - 2902 Adeline St. - appeal of ZP2015-0177
Subject: state density bonus requires replacement of existing units

Staff's response to appeal point 4 rests on the property owners' assertions that the five-bedroom and two-bedroom units at 2908 Adeline "have been owner occupied since the date of construction" and that the five-bedroom house at 1946 Russell "has never been occupied by a lower income household."

- California Government Code 65915(c)(3)(B) looks only at the income of the current or last tenant households. It makes no exception for owner-occupied units. As documented by attachments to this memo, the owners, who live in Pleasant Hill, Seattle, and Malaysia, are operating 2908 Adeline as a rooming house. A list of 25 past or current tenants whose surname is not "Aw" is attached.
- According to co-appellant Jerome Graham, who lives two doors down at 1940 Russell, 1946 Russell had since 2003 been shared by roommates (multiple households) who split the \$2000 a month rent. They moved out when the owners raised the rent to \$4,000, and the owners have since left the house vacant. A list of 37 past tenants is attached.
- If the tenant households are or were lower-income, then sections 65915(c)(3)(B) and (D) require that the project include affordable replacement units of equivalent size with the same total number of bedrooms (see attached code excerpts).
- Since the tenant households' incomes are not known, to quote the law, "*it shall be rebuttably presumed* that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database" (emphasis added). Per the most recent data, 61% of Berkeley renter households are low-income (see attachment for detailed breakdown).

Since the applicant has neither rebutted the required presumption nor provided the otherwise required replacement units, **the project is not eligible for a density bonus**, so the applicant can not use a concession to exceed the maximum floor-area ratio of 4.0.

Note that Variant A, discussed in EPS's 8/29/16 and 11/11/16 "2902 Adeline Development Feasibility Review" memos (pages 388-404 print or 390-406 PDF) of the administrative record), has the same number of units but does not require a concession.

Robert Lauriston, one of 30 appellants
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510-290-4977

Public records searches find the following
current or past residents of 2908 Adeline:

Seowhiong H Aug
Shean Aug
Michael Boot
Chi C. Cheng
Jing Han
A. Hua
Jin Hui
Aug Sewo Iong
Lee Jacobs
Wimala Jang
Sinchai Kesorn
Catherine Leger
A. Long
S. Longaug
Z. Ren
Yao Shi
Xiangyun Song
Cheng-khim Tan
Eileen Ny Tan
Indah Tjang
Eddy Tjoa
Johnnie Tjoa
Xiaohui Vhang
Shih P. Wang
Zuofei Wei

and the following past residents of
1946 Russell:

Stephanie Addocks
Henry Alford
Bridget M. Andersen
Gia R. Austin
J. Austin
Marc Bianchi
A. Blankman
Mark J. Borgschulle
Jacob Butler
Charles Carroll
Francisco Delao
William Dixon
Jeff Drudge
Jordan Elbaum
Matt George
Kate Goines
Gabriel Edward Grano
Calum Grant
Janice Guido
Naomi Hopper
R. Huang
Gregory Iskander
Michael J. Jshin
Daniel J. Kennedy
Eileen J. Kennedy
Thomas S. Kennedy
Harry Larman
Joon Lee
Jonathan Foster Matthews
Andrea D. Moiseve
Barbara Pettus
Anthony C. Qvalle
Benjamin Schwab
Iksuaku Spencer
Mark A. Stone
Andrew D. Tsu
Nicholas Van Brunt

Apartment Unit 4 at 2908 Ad... x +

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https://hotpads.com/2908-adeline-st-berkele

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🔍 "2908 adeline" site →

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🔒 9

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Below is a snapshot of this listing from **Sep 2, 2016**

Photos

Map

Street View



2 of 2

\$1,100

No longer available

🛏 1 bed

🛁 1 bath

📏 150 sqft

2908 Adeline Street #ROOM 4
Berkeley, CA 94703

🏠

Apartment Unit for Rent

📍 Commute time

Add destination

Pricing confirmed in real-time ?

Updated 6 months ago

Don't want to see this listing? [Hide it](#)

^Description

This is one of the rooms for rent in an apartment. Located near Ashby Bart & Berkeley Bowl Market Place. Ideal for international students.

^Amenities

Property amenities

• Laundry: Shared

Unit amenities

• Dishwasher

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- California (/CA)»
- Berkeley (/CA/Berkeley)»
- Aw Pottery Usa, Inc.



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Contact Information

Aw Pottery Usa, Inc.
2908 Adeline Street
Berkeley, CA 94703

Other Information

Entity Status: Active

Type of Entity: Domestic Stock

Entity Creation Date: Nov 14, 1980

Days in Business: 13260 days

Company Description

Aw Pottery Usa, Inc. is located in Berkeley, California and is listed as an active Domestic Stock. Aw Pottery Usa, Inc. was started on Nov 14, 1980 which was 13260 days ago.

Registered Agent

Lee Hua Susan Aw
184 Hazel Drive
Pleasant Hill, CA 94523



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Edit Profile Edited: 12/1/2011

To edit this profile, please click here (</edit/8948363/aw-pottery-usa-inc>). You will be able to add a custom description, social networks, website, phone number, and many more features to your ISHCC.org profile.

Reviews 0 Reviews



San Francisco Art Institute

Class of 1984 · San Francisco, California

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Current city

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(John)

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Email or Phone

Passw

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Lee Lang Aw
is on Facebook.

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About Lee Lang Aw

WORK



Owner of aw pottery nw Seattle Wa

Owner/ President · 1981 to present · Seattle, Washington
Import and distribution family owned pottery containers and garden arts
manufactured in the Far East

PROFESSIONAL SKILLS

Ceramist

EDUCATION

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About Yeowbuk Aw

CURRENT CITY AND HOMETOWN

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Aw Pottery Atlanta, Foshan Aeros Industrial
Equipment Co.LTD, Rasa Malaysia, London Weight
Management Malaysia, ShareBa 分享吧, 放眼看人生



Aw Pottery
Atlanta

Photos



See

Others With a S



Aw Awanc

Berkeley renter household income	# households	% of total
Household Income <= 30% HAMFI	8,850	33.7%
Household Income >30% to <=50% HAMFI	3,580	13.6%
Household Income >50% to <=80% HAMFI	3,640	13.8%
Household Income >80% to <=100% HAMFI	2,780	10.6%
Household Income >100% HAMFI	7,445	28.3%
Total	26,295	
Household Income <=80% HAMFI	16,070	61.1%

Source: HUD CHAS dataset (<https://www.huduser.gov/portal/datasets/cp.html>)

California Government Code sections 65915(c)(3) (excerpts)

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been ... occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b). ...

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income

renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2). ...

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.