

## 3000 Shattuck Avenue@Ashby Revised Applicant Statement August 22, 2016

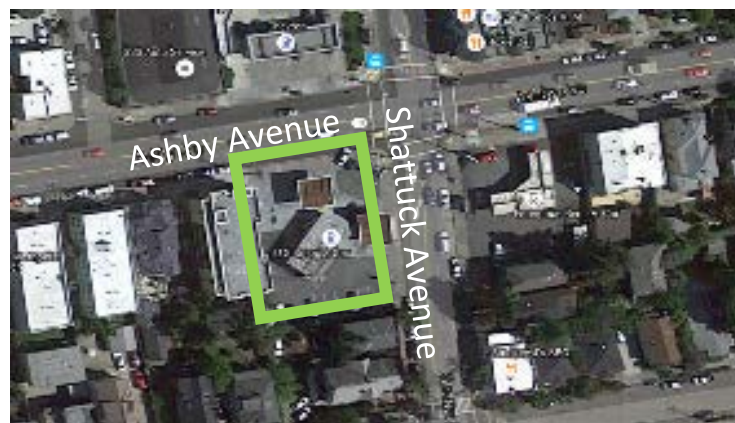
### Overview and Project Information

Rhoades Planning Group is pleased to present this proposal for a new mixed-use infill development project located at 3000 Shattuck Avenue. The transit-oriented development will include ground floor retail space and four partial stories of high quality residential apartment units. The project will build on the character of the neighborhood and will complement the existing adjacent residential buildings and confronting commercial uses. The project site is zoned South Area Commercial (C-SA) and furthers the goals of the South Berkeley Area Plan including enhancement of economic development and encouragement of mixed-use developments, which are more appropriate in scale and character to South Berkeley than large single use projects, and which welcome additional residents to contribute to the local commercial market.

The project has a walk score of 89, a transit score of 63 and a bike score of 100. The site is .4 miles from the Ashby BART Station where BART runs at least every 15 minutes during commute hours and which also has AC Transit stops for the 12, 18, 49, 800 (transbay) and F lines, as well as access to the West Berkeley Shuttle. The site is at the intersection of Shattuck Avenue and Ashby Avenue, both corridors for AC Transit with bus stops for the 49 and 18 bus lines.

### Project Description

The proposed infill project is a five story mixed-use building that includes 4,513 square feet of commercial retail space and quick service and/or full service restaurant space. The total floor area of the project per Zoning Ordinance definition is 39,548 square feet. Vehicle and bicycle parking will be provided at the ground level. The project includes 43 residential apartments, with 4 studios, 31 one bedroom and 8 two bedroom units on the levels above. Shared open space includes a courtyard on the second floor and roof decks on the third and fifth floors. Some units include individual balconies,



providing private open space. The project will provide a number of amenities for residents including 60 secure bicycle parking spaces adjacent to the residential lobby and a large shared courtyard on the second level. In addition, there will be car share spaces on site which will be available for use by the project residents and the surrounding neighborhood. There will also be common roof decks on the third and fourth floors. The project will include 3.9 affordable apartments at 50% of Area Median Income or an in-lieu fee for the required affordable units.

The project provides 6 at grade parking spaces for the residents, including 2-5 car share spaces and 11 parking spaces for the commercial employees/patrons. The 2-5 car share spaces that are currently located at the site will be available for the neighbors as well as the project residents. Residential parking will be unbundled from the apartments, meaning that residents may choose whether or not to rent a parking space. The project will include 60 secure residential bicycle parking spaces and in a secure area next to the lobby. Bike racks will be provided at the sidewalks on both Ashby Avenue and Shattuck Avenue.

The project will use green building features including solar residential hot water, solar PV and will use flow-through planters.

The project will include demolition of one existing building currently used as a smog test center, car repair and gas station office and two gas station canopies/pump islands.

### **Architectural Program**

The architectural style will be modern and takes a large scale contemporary building and breaks it down into discrete residential scaled elements. Dynamic rooflines, recessed decks, color gradation and vertical continuity provide identity to each home while also integrating a vibrant pedestrian experience. The project provides 43 new residential units arranged around a central courtyard. The building is sensitive to the context of busy streets and adjacent residences by placing much of the massing along Ashby Avenue. The building is 5-stories along Ashby, with a 5' setback to the adjacent multi-family 3-story building, which is built to the lot line. The building steps down from 5-stories at the Ashby / Shattuck corner, down to 4 stories along Shattuck Avenue, adjacent to a 3 story single family residence. There is a 15' setback from the real property line. The building steps down further to only 2 stories at the south corner to provide light, air and privacy to adjacent residences.

The mass of the building is broken down into smaller discreet masses through individual dynamic roofs and color differentiation. Along Shattuck, the building is stepped back along the street edge, providing residential scaled pedestrian experience. Awnings and large glass areas mark each recessed entry. The main residential entry and parking entrance is also along this façade. The corner is marked by prominent, high-ceilinged retail space with warm natural finishes and walk-up seating. Convenient bike parking is provided for both residents and retail customers. Parking is provided at the ground floor and is screened by a wooden fence and planting. Shared open spaces are provided at a large 2<sup>nd</sup> floor courtyard, and small 3<sup>rd</sup> floor roof deck, and a 5<sup>th</sup> floor roof deck. Each of these is screened from neighbors and streets.

**Use Permits Requested**

**22.12.060 (UPPH)**—Demolition Permit for Existing Commercial Structures.

**23E.52.030.A (UPPH)**—Mixed Use Developments (Residential/Commercial) 5,000 sq. ft. or more.

**23E.52.050 (UP)**—Construction of gross floor area more than 3,000 sq. ft.

**23E.52.070.D.7. (UP)**—Modification of standards for the residential portion 23E.52.070.D.1 (height, lot coverage, parking, yards)

**23E.52.030.A (AUP)**—Quick/Full Service Restaurant under 5,000 sq. ft.

**23E.04.020. (AUP)**—Rooftop Equipment

**CEQA Determination**

This project is expected to be exempt from CEQA pursuant to Section 15332: Class 32 Exemption for Infill Development Projects. Section 15332 is intended to promote infill development projects within appropriate urbanized areas when they are consistent with local general plan and zoning requirements. This project meets the eligibility requirements for Class 32 exemption as follows:

- a) The project is consistent with the City of Berkeley's General Plan designation as Avenue Commercial, as a mixed use development project with transit-oriented housing as well as ground-level commercial space. The project is also consistent with the applicable zoning designation and regulations of the C-SA district. The Project is consistent with the general use designation, density, building intensity, streetscape and applicable policies specified for the project area in the City's Zoning Ordinance, specifically with the C-SA zoning district, and South Berkeley Area Plan.
- b) The proposed development occurs within the City of Berkeley's city limits. The project site is less than five acres and is completely surrounded by urbanized uses.
- c) As an urbanized site (currently used as a gas station) along major transit corridors within the City of Berkeley, the project site has no value as habitat for endangered, rare or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The site is located on two major transit corridors (Shattuck and Ashby Avenues). The site is .4 miles from the Ashby BART Station where BART runs at least every 15 minutes during commute hours and which also has AC Transit stops for the 12, 18, 49, 800 (transbay) and F lines, as well as access to the West Berkeley Shuttle. The site is at the intersection of Shattuck Avenue and Ashby Avenue, both corridors for AC Transit with bus stops for the 49 and 18 bus lines. A Transportation Impact Analysis prepared by Abrams Associates found, based on an analysis conducted according to the City of Berkeley's guidelines that the proposed project would result in no significant transportation impacts to established standards and no off-site traffic or transportation mitigations would be required.

An environmental review letter prepared by Pangea Environmental Services, Inc. and included as part of this application package, does not indicate the need for further environmental

investigation, nor for any measures beyond the City of Berkeley's generally applicable site standards.

The proposed building includes solar infrastructure. As a transit-oriented mixed-use project in an urbanized area, the proposed project will not have any significant effects on air quality or noise. The project will improve infrastructure related to water quality on the site, which is currently a paved site with a gas station, but as proposed will include landscaping and permeability meeting C-3 and Bay Friendly Landscape standards.

The existing structures on the project site are not historic resources and have been found not to have potential to have historically significant value.

- e) The site can be adequately served by all required utilities and public services.

### Zoning Standards

Standard (BMC Section 23E.52)		Existing	Proposed Total	Permitted/Required
Lot Area (sq. ft.) – Total		13,536	13,536	NA
Commercial Floor Area (sq. ft.)		1,168	4,513	NA
Residential Floor Area		0	35,035	NA
Gross Floor Area (sq. ft.) – Total		1,168	39,548	NA
Floor Area Ratio		.86	2.9	4 Max
Dwelling Units	Affordable	0	3.9 Units or \$1,204,000	3.9 Units or \$1,204,000
	Total	0	43	3.9
Building Height	Maximum (ft.)	N/A	58'	36' but modifiable w/ UP for Mixed-Use buildings (23E.52.070.D.7)
	Stories	1	5	3 but modifiable w/ UP for Mixed-Use buildings (23E.52.070.D.7)
Yards	Front	Approx 35'	0'-3' at Ashby	0'
	Side	Approx 35'	5' West 0-9' At Shattuck (East)	0'
	Rear	Approx 25'	0-15'	0'
Usable Open Space – Private Patios (sq. ft.)		0	1,125	
Usable Open Space – Common Area: 2 <sup>nd</sup> , 3 <sup>rd</sup> and 5 <sup>th</sup> floors (sq. ft.)		0	2,097	

Usable Open Space – Total (sq. ft.)		0	3,222	40/unit = 1,720 sf
Parking	Residential	0	6 (2-5 car share)	35
	Commercial/Food Service	12	11	1/300 gsf food service (1st 1000 sf exempt per 23E.52.080.C) = 11
	Total	12	17	47
	Bicycle	0	6 commercial 60 residential	1/2000 commercial gsf = 2

Residential units represent a mix of studio, one, and two-bedroom units, with an overall average size of 600 square feet.

As indicated above, the project requires discretionary permits for additional height and reduced parking to modify

standards per the table above. Additional height allows the creation of transit-oriented housing opportunities at the intersection of two key transit corridors, and reduced parking reflects the transit-oriented nature of the site, as well as the high level of car share and bicycle parking options provided to residents.

Unit Mix and Size		
Unit Type	Number	Average Square Footage
Studio	4	430 s.f.
One-Bedroom	31	616 s.f.
Two-Bedroom	8	902 s.f.
Total	43	630 s.f.

**Policy Analysis**

The site is designated by the City of Berkeley’s General Plan Neighborhood Commercial. The proposed project fulfills the following policies of the General Plan:

- *Policy LU-3 Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale. (Also see Urban Design and Preservation Policies UD-16 through UD-24.)*

This is a true infill development project, which will redevelop a gas station and underutilized parking lot to create a vibrant residential address with an attractive pedestrian atmosphere supported by neighborhood commercial space. The project’s architecture uses changes in material and scale to break up the building’s massing and to concentrate height away from adjacent neighbors and to maintain sensitivity with the diversity of surrounding uses and building forms. The project is environmentally sensitive in its provision of housing opportunities in proximity to services and public transportation, in its provision of five car share spaces on site, bicycle parking and bicycle-friendly amenities, and in its building materials and systems, which include solar residential hot water, solar PV, and flow-through planters.

- *Policy LU-27 Avenue Commercial Areas: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.*

The project will improve the South Shattuck Avenue Commercial area by creating a visually attractive mixed-use building that supports increased housing opportunities and neighborhood-serving commercial space, helping to secure it as a mixed-use neighborhood. The commercial space will complement the existing cafes and mix of retail uses, will add to the vibrancy of the neighborhood and will encourage pedestrian activity.

Additionally, the project meets a number of goals of the South Berkeley Area Plan.

#### *South Berkeley Area Plan*

The project is in the southeastern corner of the area covered by the 1990 South Berkeley Area Plan. This plan indicates that desirable businesses for South Berkeley include eating places, bakeries, coffee shops, and a variety of retail uses such as book stores, stationary stores, home furnishings, and others (p. 28). Due to the size of the project's commercial space, it will be most suitable for a tenant similar to those described in the Plan, such as a small coffee shop or bakery. The existing neighborhood has a mix of small cafes and restaurants along Shattuck Avenue, commercial uses such as auto repair garages and both single family and multifamily residential uses.

Goal 3 of the Plan, to maintain and expand South Berkeley's housing stock, includes implementation policies such as Policy 3.6, encouraging mixed use development along major commercial corridors (p. 55). The proposed project implements this policy, helping to expand housing opportunities on the South Shattuck commercial corridor. Additionally, as a strategy for constructing new housing units, mixed use development is identified as both common and desirable, and indicates that the zoning in this area is aimed at encouraging locally serving mixed use development, as such development consolidates and maximizes use of limited space, and provides residential units in close proximity to shopping. Therefore, the proposed project implements this strategy for improving housing opportunities.

#### **Project Setting**

Surrounding Uses and Zoning		
Direction	Use	Zoning
North	Commercial/Gas Station	C-SA
East	Commercial/Rental Car Co.	C-SA
South	Small Multi-Family Residential	C-SA
West	Multi-Family Residential	C-SA

Existing Site Data					
Address	Parcel	Lot Size	Zoning	Ex. Use	Ex. Bldg. Area
3000 Shattuck	053-1592-001; 053-1592-02	13,536 sf	C-SA	Gas Station & Mini-Mart	1,168 sf



### Structure History

The existing gas station was remodeled in 1958 and continued to be used as a service station. In 1984, modifications were made to the gas station and a mini market was established on the site. The two existing canopies on the site were added in 1998. A DPR form was completed for the property by Architecture + History, an historic resource consulting firm, and there was no indication that any of the structures on the site are historically significant or worth preserving as part of the neighborhood fabric.

### Green Building Requirements

The proposed project is designed to be environmentally sustainable because of its carefully designed density adjacent to numerous transit options. Many components of the project will contribute to its environmental sustainability, including the density and transit orientation, mixed-use character, interior and exterior finishes and materials, such as fiber cement panels, solar residential hot water, solar PV, flow-through planters, and amenities such as bicycle parking. As a smart-growth infill development, the project significantly reduces environmental impacts by attracting residents to a neighborhood rich in walkable amenities, services, and public transit options, which minimizes their need to travel by automobile, while being sensitive to adjacent residential development.

### Required Use Permit Findings

**Findings to Authorize Approval of Use Permits – Section 23B.32.040.** This section authorizes the approval of Use Permits upon finding that the establishment, maintenance or operation of the use, or construction of a building, will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. Approval of a Use Permit also requires making the findings of the District.

*Response:* The construction, establishment, maintenance, and operation of the proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the neighborhood or the City as a whole. The proposed project replaces an auto-oriented use and inactive street front in a commercial district with a mixed-use project that adds vitality, housing opportunities, economic development, and pedestrian-oriented commercial space to the neighborhood, and encourages the continued diversity of uses that currently exists in the neighborhood. The project fulfills goals of the South Berkeley Area Plan and the City's General Plan to encourage mixed-use development and revitalization on sites like the subject property. The proposed project adds much needed housing in close proximity to goods and services along the Shattuck, Ashby and Adeline corridors and the Ashby BART station, in a location rich in opportunities for public and active transportation. As such, the project aligns with the City's Climate Action Plan and the goals expressed in SB 375, the State of California law that aims to reduce greenhouse gas emissions by promoting transit-oriented housing and commercial developments. New residents from the project will shop and use services in the South Shattuck neighborhood, supporting the economic vitality of existing local businesses. The small commercial space will attract customers to the well-traveled intersection of Ashby and Shattuck Avenues.

**Section 23E.52.090.A** requires that the following findings are required prior to approval of a Use Permit:

- **Compatibility Findings to Authorize Use Permits in the C-SA District – Section 23E.52.090.B.** A proposed use or structure must:
  1. Be compatible with the purposes of the District;
  2. Be compatible in design and character with the District and the adjacent residential neighborhoods;
  3. Not result in the domination of one type of commercial/retail use in any one area of the District.

*Response:* The proposed project is compatible with the purposes of the District, which support mixed-use residential and lower intensity commercial uses, locations for other activities such as offices that are compatible with both retail and residential uses, pedestrian-oriented development, and opportunities for the establishment of businesses which are owned and operated by local residents. The project is compatible with these purposes of the district in that it provides conveniently located housing opportunities and low-intensity commercial space, as well as space for live/work activities that are compatible with commercial and residential uses and that encourage the establishment of businesses by local residents. The project is also compatible with the design and character of neighboring three and four story buildings, which include commercial uses and multi-family housing of varying scales, as well as larger-scale mixed-use buildings located in proximity to the site. The immediate area includes a wide variety of retail, personal services, and office use, and therefore the small commercial space intended to be a café will not result in the domination of one type of commercial use in the area, but instead will provide a desirable neighborhood amenity for neighbors and commercial/office employees nearby that is not currently available.

- **General Purposes Findings to Authorize Use Permits in the C-SA District – Section 23E.52.090.C.** For any Use Permit under Section 23E.52.070.D or E, the proposed use or structure must satisfy at least one of the following general purposes:
  1. To encourage utilization of public transit and existing off-street parking facilities in the area of the proposed building;
  2. To permit consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose;
  3. To facilitate the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines;
  4. To provide consistency with the purposes of the District as listed in Section 23E.52.020.

*Response:* The proposed project requests Use Permits per Section 23E.52.070.D.7 to modify height requirements. The proposed project satisfies purposes 1, 2, and 4, above, therefore meeting the required findings to achieve a Use Permit per Section 23E.52.070.D.



(1) The proposed project will encourage utilization by new residents of public transit in the area of the proposed building, including BART (approximately .4 miles from the site) and AC Transit (with several bus lines across the street from the site on Shattuck Avenue, including a transbay line).

(2) The proposed setbacks are consistent with both commercial and residential setbacks in the surrounding area.

(3) The proposed project will provide either 3.9 affordable apartments at 50% Area Median Income or will provide the requisite in-lieu fee.

(4) The proposed project also meets the purposes of the C-SA district, including providing a location for a community-serving business, providing lower intensity commercial use, encouraging residential development for persons who desire convenience of location and more open space than is available in the Downtown, , encouraging a development that supports pedestrian-oriented uses, and encouraging appropriate mixed-use development. Use Permits to allow the proposed height makes possible the level of housing opportunities, the small scale commercial opportunity, and the amenities provided by the proposed project.

- **Findings to Authorize Reduced Off-Street Parking Requirements – 23E.52.090.D.** Any reduction of the off-street parking requirements under Sections 23E.52.080.E or 23E.28.130, is subject to the findings in Section 23E.28.140.
  - **Section 23E.28.140.A.** In order to approve any Permit under this chapter, the Zoning Officer or Board must make the findings required by Section 23B.28.050 and/or 23B.32.040 as applicable, in addition to any findings required in this section to the extent applicable.
  - **Section 23E.28.140.B** – To approve any reduction of the off-street parking spaces under Section [23E.28.130](#), or under other sections that refer to this section, the Zoning Officer or Zoning Adjustments Board must find that the reduction will not substantially reduce the availability of on-street parking in the vicinity of the use. The Zoning Officer or Board must also find that at least one of each of the two groups of conditions below apply:
    1. a. The use is located one-third of a mile or less from a Bay Area Rapid Transit (BART) station, intercity rail station or rapid bus transit stops; or
    - b. The use is located one-quarter of a mile or less from a publicly accessible parking facility, the use of which is not limited to a specific business or activity during the use's peak parking demand; or
    - c. A parking survey conducted under procedures set forth by the Planning Department finds that within 500 feet or less of the use, on non-residential streets, at least two times the number of spaces requested for reduction are available through on-street parking spaces for at least two of the four hours of the use's peak parking demand; or

- d. The use includes one of the following neighborhood-serving uses: Retail Products Store(s), Food Service Establishments, and/or Personal/Household Service(s). These uses include, but are not limited to: Dry Cleaning and Laundry Agents, Drug Stores, Food Products Stores, Household Items Repair Shops, and/or Laundromats; and
- 2. a. The parking requirement modification will meet the purposes of the district related to improvement and support for alternative transportation, pedestrian improvements and activity, or similar policies; or
  - b. There are other factors, such as alternative transportation demand management strategies or policies in place, which will reduce the parking demand generated by the use.
- o **Section 23E.28.140.C** – To approve any modification of the parking requirements, unrelated to the number of spaces, under Section [23E.28.130](#) or under other sections that refer to that section, the Zoning Officer or Zoning Adjustments Board must find that the parking requirement modification allows the continued use of an existing parking supply and that meeting the parking requirements is not financially feasible or practical. (Ord. 7167-NS § 2, 2011; Ord. 6856-NS § 7 (part), 2005)

*Response:* The proposed projects request Use Permits per Section 23E.52.909D to reduce the off-street parking requirements. The project satisfies conditions 1(a) and 2(a), above.

1(a) The proposed project is located .4 miles from the Ashby BART station.

2(a) The proposed project will meet the purposes of the C-SA zoning district by adding new housing opportunities close to transit, providing pedestrian improvements and increased pedestrian activity with the addition of a new neighborhood commercial space, 48 residential bicycle parking spaces and 12 commercial parking spaces and access to 5 car share spaces.

- **Finding to Allow Rooftop Equipment - 23E.04.020 (AUP)** – Rooftop equipment will meet the requirements of Section 23E.04.020.C.

**Neighborhood Meeting & Community Outreach** The project team held an open-house style neighborhood meeting on September 21, 2015 from 5:30-6:30PM. Prior to the meeting, notices were sent to all property owners and occupants within 300 feet of the site based on a list of addresses provided by the City of Berkeley. The meeting was held at the project site, in the parking lot behind the mini-mart. The project architect presented the project and draft floor plans and elevations were posted for attendees to view and the project team answered questions and discussed the proposal with the attendees. 15 members of the public attended and signed in and three other members of the public attended but declined to sign in. The sign in sheet and pictures of the meeting are included in this application.

**Project Team**

<b>Project Team</b>	
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