

APPLICANT'S STATEMENT
Rony Rolnizky for 2527 San Pablo LLC
New construction of a mixed-use building
2527 san Pablo Avenue Berkeley California
11.29.2016

This Applicant's Statement (this "Statement") and the zoning applications and forms and all other related documents submitted together with this Statement together comprise an application for a development permit.

The proposed Project 2527 San Pablo is similar in style colors and finishes to the Applicant's other completed and well-received projects at 1935 Addison Street and 3001 Telegraph. We also would like this project to promote the creation of a special integrated multi generational community were persons with physical and developmental disability can live and thrive independently in a supportive community side by side with their family and friends and members of the community at large.

The design intent is to create an urban statement by introducing a classical mix of vertical volumes, light and shadows made of projected vertical articulated bay windows separated by deep recessed bays both at San Pablo and Blake Street. The projected bays and deep recesses would together create a play of light and shadows and varying colors. The building top level is defined with deep color and setbacks. The residential entry is placed at the middle of the building on San Pablo and articulated with tile and colored stucco vertical element.

The building base will be large store front windows, articulated earth tone tiles veneer Integral color Stucco and awnings to bring down the building scale at the pedestrian level.

The project will provide two multi use residential gathering spaces one on the roof with view of common roof area and the Berkeley hills and one on the ground level next to the entry lobby. Two large and beautiful accessible common area on the sixth level east facing roof with direct elevator access and laundry facility for the exclusive use of the building residence. The laundry room is included as a useful feature to facilitate better use of the roof deck by the residents. The roof top common deck will be provided with outdoor furniture, landscaping and will have great views of Berkeley hills.

The proposed Project would be built as a six story building with the two top levels and additional height allowed as waver under State Density Bonus.

The project is designed to provide 63 new residential units (apartments) as follows: One (1) Three bedrooms, Thirty three (33) Two bedroom units, Eight (8) one bedrooms, Twelve (12) junior One bedrooms and Nine (9) Studio units. The ground level will have two neighborhood serving commercial spaces of about 1,570 sf. each. The enclosed garage will provide 56 parking spaces. The project will also provide be secured storage for 52 bicycles. The project would provide additional street trees and landscaping and install bicycle lockers for public & retail users and residents guests in

number and locations as approved by the city traffic engineer. One Electric car charger will be installed in the garage.

All Property improvements will comply with building, fire and safety codes and handicap accessibility requirements. The financing for the entire Project, including Applicant's purchase of the Property and construction costs, was and is exclusively from private sources. No governmental funds will directly subsidize any portion of the Project.

A. State Density Bonus Eligibility Statement:

- a. Number of "Base project" units is 47. Attached to this application are Schematic plans showing the "base Project" that complies with all applicable Zoning ordinance requirements, without any additional Use Permits to waive or modify development standards.
- b. Under this proposal Eleven percent (11%) of the project residential units, dispersed throughout the project as indicated on the attached plans are proposed to be at the "Very Low Income" level (50% AMI) of affordability pursuant to the City's inclusionary housing ordinance which would be eligible for the 35% State Density Bonus. In addition the project will provide 4 Low Income (80% AMI) and pay \$102,000 prior to occupancy in lieu fee into the special city fund in lieu of one (the fifth) Low Income unit as required by the new city ordinance.
- c. Project request the allowed 35% State Density Bonus increase as allowed under Government Code Section 65915.
- d. Waivers or modifications of development standards necessary to accommodate Density Bonus are:
 Increase building height from 50 feet as allowed by C-W to 65 feet.
 Increase number of stories from 4 as allowed by C-W zoning to 6.
 Increase FAR from 3 to 3.99.
- e. The required waivers to the C-W zoning are needed as the current zoning height limit of 50 feet and FAR of 3 would make it impossible to accommodate the 35% allowed state density bonus and to provide the "Very Low Income" and "Low income" residential units..

Under this proposal we would like to allocate the Below Market Units (BMR) to qualified VLI and LI persons with physical and developmental disabilities. We would like to promote the possibility for housing for persons with developmental disabilities along with housing for families and parents of persons with developmental disabilities integrated within housing for the general population. Under this proposal we request that the provided "Very Low Income" and "Low Income" units be allocated to qualified persons with developmental disabilities. This is a population that is currently severely under-served for affordable housing, resulting in loneliness and community isolation.

B. Historic preservation study:

1. A required State Of California Department of Parks and Recreation (DPR) 523 form was completed by Mark Hulbert. "Preservation Architecture" 446 17th St. # 302 Oakland CA. 94612 (510.418.0285 mhulbert@earthlink.net).
2. The DPR report is attached to this project application.
3. The DPR report (dated October 8th 2016) concluded that the property and its buildings do not have potential historical or historic architectural significance.

C. 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:

1. The project is consistent with the City of Berkeley's General Plan designation as Avenue Commercial, as mixed use development project with transit-oriented housing as well as ground-level commercial space. The project is also consistent with the zoning designation of the C-W district. The project is consistent with the general use designation, density, building intensity, street scape and applicable policies specified for the project area in the City Zoning Ordinance, Specifically with the C-W zoning district, West Berkeley Plan.
2. 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 urban uses.
3. As an urbanized site along a major transit corridor within the city of Berkeley, the project site has no value as habitat for endangered, rare, or threatened species.
4. Approval of the project will not result in any significant effects relating to air quality, traffic, noise, or water quality.
5. The site is located on a major transit corridor, San Pablo Ave, and is about a half mile from University Avenue, between Ashby Ave and University Ave.
6. Ashby Avenue and University Avenue have numerous AC Transit and Golden Gate Transit stops where buses run at least every 15 minutes during commute hours. This includes the 72 Rapid, Z, J, 49, 72, and 802 AC Transit Lines as well as Golden Gate 580 line. The site is also about 1.5 miles, less than 10 minutes bike ride, from both the Ashby BART Station and North Berkeley BART Station where BART trains run at least every 15 minutes during commute hours. A full transportation report has been prepared for this project by Abrams Associates and is provided as supplemental information in this package.
7. The property was a former service station that has been remediated with no residual contamination of regulatory concern requiring additional action-other

than implementing the SGWMP that is submitted as part of this entitlement request package.

Stellar Environmental Solutions has completed various subsurface site investigations of soil, soil gas and ground water. Stellar Environmental also removed a waste oil tank, which received closure letter from TMD. The regulatory agency the Regional Water Quality Control Board (water board) was submitted all of the pertinent data and concluded that no additional work was needed. Mr. Ralph Lambert of the Water Board (510-622-2382) reviewed the site data. The Water Board versus TMD has regulatory jurisdiction over the site. The SGWMP was prepared to provide the procedures, protocols and notifications to guide the construction phase of the work in the event additional environmental concerns or indications of contamination are encountered.

Form II.E. HAZARDOUS WASTE AND SUBSTANCES STATEMENT is included with the zoning application. The 2527 San Pablo site IS NOT listed on any site of hazardous waste site complied pursuant to California Code Section 65962.5

8. The proposed building will include solar PVP panels and is being designed as a low-energy use building. As a transit-oriented, mixed-use project in an urban area, it will not have a significant effect on air quality or noise. It will improve infrastructure related to water quality on the site, including flow-through planters for rainwater treatment , meeting C-3 and Bay-friendly landscape standard.
9. The site can be adequately served by all required utilities and public services.

D. Green Building Proposal

Under this zoning application A Green Building Check list is submitted with proposed Certificate level of GOLD.

E. Parking / Traffic information.

1. Complete Transportation Impact Analysis report for 2527 San Pablo is attached to this submittal. The report is very detailed and include the required Traffic Impact Analysis and Parking Survey in accordance with city of Berkeley required guidelines.
The report prepared by:
Abrams Associates, Traffic Engineers. dated October 18th 2016
2. The Project is located near major AC Transit public transportation routes. In addition, the project is located in an area specified in the City Zoning ordinance for possible reduction in off-street parking.
3. Under use permit: Due to site limitation the Project sponsor request an allowed Use Permit waver of 8 on site commercial parking. Once build the removal of three (3) existing curb cuts would provide 4 added street parking. See backup information for supporting the requested parking reduction under the attached Traffic Impact Analysis report.
4. Under allowed Use permit: The project request 10% parking reduction for providing 52 secured in the garage bicycle lockers as allowed by zoning

ordinance. See backup information for back-up data to support the requested parking reduction under the attached Traffic Impact Analysis report.

5. The Project would provide an area to secure twenty four (56) bicycles onsite in the garage and an area for Fifty two (52) on-site bicycle locking / facilities in the rear yard and additional bicycle locking as allowed by the city sidewalk in front of the building.
- F. Request for Approvals under the Use Permit.

Applicant requests approval of use permits for the Project under the following C-W Zoning Ordinance sections:

1. Use permit per Section 23E.36.030 - to construct a mixed-use development (commercial/residential).
2. Use Permit per 23E.68.050 Construction of New Floor Area to create total gross floor area in excess of 10,000 sf; (This building will have approximately 59,500 sf, including the 7,060 sf garage.)
3. Use permit Request under Section State Density Bonus waiver to allow the 2527 San Pablo building height to be up to 65 feet above the base elevation vs. 50 feet as allowed in the C-W zoning and defined by the City ordinance..
5. Use permit request 23E.68.080 Parking – Reduction in Number of parking spaces provided
6. Use Permit to designate 10% of parking required for bicycle/motorcycle parking, per BMC 23E.064.080 J; The project propose 52 on site bicycle lockers.
7. Use permit Request to waive the requirement for eight (8) off street parking spaces for the commercial portion of the mixed-use. The impact of the parking space reduction is minimized by several factors including the removal of the existing curb cuts driveway which would add 4 offsite parking spaces and availability public transportation and easily used nearby bicycle lanes and AC Transit buses.
8. Use permit Request to allow the increase of the current zoning FAR of 3 to 3.95 as it is a required wavers to accommodate the allowed 35% Floor Area density bonus. In order to minimize the impact The proposed project is setback 20 feet and 12 feet at levels 2 to 5 and 59 feet and 25 feet at level 6. The required side setback at the east is only 5 feet away from the R2 residential apartment building to the east.
9. Use permit Request to increase the allowed number of floors from 4 to 6 to allow the construction of fifth and sixth floor
10. Use permit to increase the allowed height of 50 feet to 65 feet this wavers/use permit is required to accommodate the allowed density bonus.3. Use permit to allow and the construction of penthouse utility roof structures above the sixth floor that are less than 15% of the roof area and include:
Mechanical room, Elevator and exit stair penthouses.
11. Use permit Request to allow encroachment of the projected bay windows at the Blake Street front to project over the property line as allowed by the 2016 California Building Code Section 3202 "Encroachments". Approval of the proposed projected bay windows would greatly improve the visual interest of the project street facing elevation, provide some rain protection and since they would

be at the north side of Blake Street would not create any negative shadows or effect any new street trees.

G. Findings Required for Use Permits.

1. Section 23E.68.090 FINDING - To approve a use permit, including a Use permit under the C=W zoning regulations, the Board must make the following general non-detriment finding set forth in C-BMC §23B.32.040.B: The establishment, maintenance, or operation of the use or building applied for will not, under the circumstances of the particular case existing at the time at which the application is made, be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 - a. This mixed use project is precisely the kind of urban in-fill project contemplated by the General Plan and the Zoning Ordinance. It will add residents to this vibrant part of the City, already served by a grocery store and other commercial uses, thereby supporting the existing businesses. It will provide needed housing, including additional affordable units. For the reasons articulated above, the Board's approval of such use permits would not be detrimental to the health, safety, peace, morals, comfort and general welfare of the persons residing or working in the neighborhood of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 - b. The Zoning Ordinance requires the Board to make the following additional factual findings, to the extent applicable, with respect to the use permits described above. As shown below, all of the findings can be made regarding this Project.
2. Section 23E.68.090(B) - To approve a use permit under the C-W District zoning regulations, the Board must find that: A proposed use or structure must: (a) Be compatible with the purposes of the C-W (b) Be compatible with the surrounding uses and buildings; (c) Not interfere with the continuity of retail and service facilities at the ground level; and (d) Not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply. The following facts support these findings.
 - a. Be compatible with the purposes of the C-W zoning district because as a mixed-use development the Project would implement the Master Plan's designation of this area for commercial and residential uses.
 - b. Be compatible with the surrounding uses and buildings. The adjacent buildings to the North South and West are commercial and mixed use buildings and includes a mix of other retail, food service, commercial, and residential uses.
 - c. Not interfere with the continuity of retail and service facilities at the ground level because the Project will include exclusively ground level commercial uses.
 - d. Not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply for the reasons described in

this application, the information submitted with it and the additional information provided during the application process.

e. The proposed residential units and ground floor commercial use are consistent with the purposes of the District because they provide high-density rental units and ground floor commercial space in an area intended for such development.

f. The proposed use would be compatible with surrounding uses and buildings. The design of the project is also compatible with the range of architectural styles along San Pablo Avenue and the building placement is consistent with existing neighborhood buildings.

g. The proposed project is consistent with the stated intent and primary goals of the General Plan. The project would result in the establishment of a mixed-use development, providing high-density residential uses and ground floor commercial space, as envisioned in the goals of the plan.

3. Section 23E.68.050(A) – To approve a use permit for a building exceeding 10,000 sf. A building of less than 10,000 sf would not satisfy the City's policies for this district at this location for all the reasons given in this application.
4. Section 23E.68.070(B) - To construct a mixed-use development in excess of 50 feet in height. The height in excess of 50 fifty feet is necessary to a sufficient height in the ground floor commercial area and to provide for the number of residential units to allow for the state density bonus residential units and make the project affordable to construct.
5. Section 23E.68.080(D) - To waive the requirement for eight(8) off-street parking spaces for the commercial portion of the mixed-use project by providing additional parking through the removal of three (3) existing curb cuts.
- .6. Section 23E.68.090(C) - To approve a use permit to modify the off street parking requirements for mixed-use developments under Section 23E.68.070(D), the Board must find that the proposed use or structure satisfies at least one of the following general purposes: (a) To encourage use of the ground floor for commercial purposes, where appropriate; (b) To encourage use of public transit and the use of bicycles (c) To facilitate construction of residential uses where appropriate;
 - a.** Encourage use of the ground floor for commercial purposes, along the San Pablo Avenue commercial corridor, in a manner consistent with adjacent properties, rather than disrupting the commercial continuity of the street by the creation of ground floor residential uses.
 - b.** Encourage use of public transit and existing off-street parking facilities in the area of the proposed building. Encourage use of the available bus lines and the nearby AC Transit stops located approximately one block north on Dwight Street.
 - c.** Permit consistency of building setbacks in the immediate area by bringing the building to the lot line consistent with the commercial buildings immediately to the south and creating an urban presence as is appropriate for this location.

9. Section 23E.68.090(D) - For any waiver or modification of the off-street parking requirements under Section 23E.36.080(D), the Board must find that the use permit will not substantially reduce the availability of on-street parking in the vicinity of the Project because one or more of the following conditions exist:
- a. The off-street parking spaces required for the proposed project may be modified or waived because the project meets the following requirements: The project is a mixed-use project combining retail with multi-family residential in the same building.
10. Section 23E.04.020(C) – Approval of an Administrative Use Permit to construct roof top mechanical penthouse, Elevator penthouse and stairwells that exceed the height limit of the Project is consistent with the City of Berkeley ordinance and requirements that the Roof Top spaces are necessary to contain building equipment and utility spaces and no space shall be used as habitable space or for any commercial purpose and that the total roof top areas of all penthouses shall be less than fifteen percent (15%) of the total roof area of all the building and it shall not be used as habitable space or for any commercial purpose.
11. Findings to Authorize Carry Out Food Store or Quick Service Restaurant – Section 23E.64.090.H. Before approving a Use Permit for a Carry Out Food Store or Quick Service Restaurant on a lot with frontage on San Pablo Avenue, the Zoning Adjustments Board shall make the findings contained in Section 23B.32.040 (discussed above) as well as the findings that: 1. The project does not conflict with the goals and policies of the C-W District; and 2. The location, size, appearance and signage of the proposed use will not adversely affect the San Pablo Avenue Corridor; and 3. The project supports pedestrian-oriented development; and 4. The project is designed to protect the residential character of surrounding neighborhoods from the adverse impacts of fast food development, including but not limited to: increased traffic, litter, and noise. 5. For projects which include construction of new buildings, the Board shall also make the findings that the project design: a. Provides intensity of development which does not underutilize the property; especially at or near intersections of major streets; and b. Provides pedestrian scale and siting; and c. Incorporates continuity in street facades. Response: The project fulfills the goals and policies of the C-W District, as described in this document. Signage will not adversely affect the San Pablo Avenue corridor. The project supports pedestrian oriented development, with a strong base level of the building that creates a human scale, as well as a strong rhythm across the frontage and large transparent windows attractive to pedestrians. **Fast food development is not proposed as a part of the project – if quick service restaurants are incorporated the expectation would be for a neighborhood-serving café use.** The new building does not underutilize the property, while providing pedestrian scale and setting, as described above, and filling in an existing gap in the commercial street frontage creating continuity attractive to pedestrians.

H. Neighborhood Meeting and Community Outreach

The project team held a neighborhood meeting on August 30 between 6:30 and 7:30 pm. Prior to the meeting, the required notice was sent to all property owners and occupants within 300 feet of the site, based on the list of addresses provided by the city of Berkeley and confirmed by a special service. See Attached list, 300 ft. map and certification letter.

The meeting was held inside on site. About 15-20 local residents and small business owners came to the meeting. The project architect presented the project, plans and renderings, and discussed the plan to create affordable housing for people with developmental disabilities. The neighbors were supportive of the project and its community concept.

I. Anti-Discriminatory Housing Policies Statement

1. The applicant or any associated business does not engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in states or jurisdictions outside of California.

J. Housing Affordability Statement

1. The project will comply with the Affordable Housing Mitigation Fee by providing All of the "very Low Income" six (6) units (50% AMI) and four (4) of the five (5) required " Low Income (VLI) @ 80% AMI on site and pay the required \$102,000 in lieu mitigation fee for pone Low Income (LI @ 80% of AMI) prior to occupancy approval.

2. The number and location of the BMR units is indicated on the submitted zoning application plans dated 10.21.2016.

3. Size and amenities will be comparable to all other available residential units on the site.

* * * * *

Should you have any questions about this project, please contact Rony Rolnizky (415/370-3141) RonyRolArchitect2@pacbell.net Looking forward to working with the City to realize the mutually beneficial goal of building this special community project in Berkeley.

Thank you for your thoughtful consideration.

2527 San Pablo, LLC Rony Rolnizky Managing member

Dated: October 21, 2016, By:

Rony Rolnizky for 2527 LLC

