

# 1835 San Pablo Avenue, Berkeley, CA

## 1.E. Applicant Statement

### Overview and Project Introduction:

San Pablo Investors One, LLC (the “**Project Sponsor**”) is pleased to present our proposed mixed-use infill development at 1835 San Pablo Avenue, APN 057-2086-025-01, (the “**Project Site**”) located on the northeast corner of San Pablo Avenue and Hearst Avenue. The proposed project seeks to redevelop a single parcel measuring approximately 19,353 square feet with a 71,003 gross square foot mixed-use residential building. The project requires the demolition of a commercial building which formerly operated as a single-tenant automotive repair facility. The Project Site is zoned West Berkeley Commercial District (C-W) which supports high-density residential, commercial mixed-use development and infill development on underutilized sites.

The Project Sponsor has diligently studied the City plans that guide development on this site and its relationship to the surrounding neighborhood. The project directly responds to Berkeley’s General Plan, the West Berkeley Commercial District, and adjacent land uses. The project will strengthen the high density residential and commercial mixed-use “spine” along San Pablo Avenue and will promote the use of the existing transportation infrastructure serving the area. Given the commercial context, the proposed project has been designed in a manner that is supported by, and appropriate to, the neighborhood and the San Pablo Avenue corridor.

The current site conditions are less than ideal for pedestrians. The automotive repair shop serves drive-up customers via two existing automobile drive aisles which create hazardous pedestrian/automobile conflicts. The current site configuration does not activate the street frontage on San Pablo or Hearst Avenue. The site is underutilized and is predominately used for automobile parking and no residential housing is currently provided onsite.

This project will utilize a California State Density Bonus to help address the current housing shortage affecting Berkeley and the Bay Area. The project will provide new housing for Berkeley’s growing population which has been largely underserved by housing production over the last decade. Per Berkeley’s 2015-2023 Housing Element report and U.S. Census data, between 2000 and 2010 Berkeley’s population grew by 9% (9,978 people) to 112,580 people. ABAG projects that the City will grow 24% by 2040, to 140,100. Between 2007 and 2014 Berkeley only constructed a total of 1,190 residential dwelling units, or 51% of the City’s fair share of housing identified by ABAG for the 2007-2014 regional housing needs allocation.

The proposed project provides an active ground floor with residential housing above. The project will revitalize this block of the mixed-use commercial district by infusing the site with more activity, increasing the appeal of the pedestrian experience, improving pedestrian safety, and promoting non-automotive modes of transportation. The development of dense, mixed-use, transit-oriented, multifamily housing in this location will promote Smart Growth as directed by Berkeley’s Climate Action Plan.

The project is requesting a Concession pursuant to California State Density Bonus Law to reduce the onsite automobile parking requirement. The reduction of the off-street parking requirement will reduce the construction cost of the project and encourage tenants to utilize alternate modes of transportation. The transit oriented Project Site is located roughly 1/2 mile from ten (10) bus lines, including the 800, 802, 51B, G, FS, 72, 72M, 72R, 80, G, FS and Z. The project has been designed to encourage tenants to commute by bicycle, as both the Ninth Street and Virginia Street Bicycle Boulevards are located within 3 blocks of the Project Site. The Project Site is less than 0.6 miles from North Berkeley BART and the Berkeley Amtrak Station.

**Project Description:**

The proposed project consists of a six-story mixed-use building with ninety-five (95) dwelling units distributed as shown below in Table 1. The project has been designed to utilize California State Density Bonus Law under California Government Code § 65915. The code compliant base project includes seventy-two (72) residential dwelling units and 4 live/work units. The allowable Density Bonus of 35% permits twenty-three (23) additional residential units to be accommodated on the fifth and sixth floors. The Project Sponsor is requesting two waivers and one concession pursuant to California State Density Bonus Law.

Table 1, Unit Mix and Residential Areas Distribution.

	Studio	One-Bedroom	Two-Bedroom	Total Unit Count	Residential Area
<b>1<sup>ST</sup> FLOOR</b>	0	0	0	0	4,128
<b>2<sup>ND</sup> FLOOR</b>	9	4	1	19	12,341
<b>3<sup>RD</sup> FLOOR</b>	9	4	1	19	12,341
<b>4<sup>TH</sup> FLOOR</b>	9	4	1	19	12,341
<b>5<sup>TH</sup> FLOOR</b>	9	4	1	19	12,341
<b>6<sup>TH</sup> FLOOR</b>	9	8	2	19	11,418
<b>TOTAL</b>	45	24	26	95	64,910

The impact of the proposed Density Bonus project has been mitigated by placing a majority of the projects massing towards San Pablo Avenue, reducing its impact on the adjacent residential uses to the north. The project has strategically positioned a 5-foot ground floor setback and an 11-foot second floor setback along the norther property line. The sixth floor further setback and provides an average of 20-1/2 feet from the northern property line which helps to reduce the buildings impact on neighbors. Each setback increases the privacy and quantity of sunlight reaching the adjacent properties to the north.

The project offers ample common open space for tenants on the second floor podium level, at the fifth floor and on the roof deck. The project provides a total of 5,030 square feet of open space, exceeding the minimum open space requirement by 1,070 square feet. The common open space areas are located at the podium level front deck (212 square feet), podium level garden (1,738 square feet), and at the roof deck (2,520 square feet). In addition to the common open space, a total of fourteen (14) private patios are provided for the residential units, including ten (10) on the second story podium level and 4 on the sixth floor. The outdoor space has been designed as a refuge for tenants and guests and will be

landscaped with drought tolerant vegetation. The project's landscaping will utilize infiltration planter beds to help with the Stormwater Management Plan.

The ground floor fronting San Pablo Avenue is activated by 4 live/work units and a residential lobby/leasing space. The automobile parking for forty-nine (49) cars, including 2 accessible spaces is accessed from Hearst Avenue. The ground floor will also provide ninety-two (92) bicycle parking spaces and a bike repair station.

Pursuant to section 65915(p)(2) of the California Government Code (Cal. Gov't Code), the automobile parking ratio shall not exceed 0.5 spaces per bedroom. As required by Berkeley Municipal Code (BMC) section 23.E.64.080, each live/work unit is required to provide 1 automobile parking space. The proposed project consists of one hundred and twenty-one (121) residential bedrooms and 4 live/work units. The parking requirement for the one hundred and twenty-one (121) bedrooms shall not exceed sixty-one (61) automobile parking spaces and the 4 live/work units require 4 additional automobile parking spaces. Therefore the total parking requirement for this project is sixty-five (65) automobile parking spaces.

The Project Sponsor is seeking a concession to reduce the off-street automobile parking requirement by sixteen (16) parking spaces. This reduction would allow the project to provide the proposed forty-nine (49) off-street automobile parking spaces. A Traffic Impact Report has been prepared by TJKM traffic engineers in coordination with the City of Berkeley Traffic Engineering Division and in accordance with the City of Berkeley Guidelines for Development of Traffic Impact Reports.

The 4 live/work units included in the project will comply with BMC § 23E.20, and will function predominantly as workspace and secondarily as residential living space. Each live/work unit has been designed with 60% or more of the floor area as dedicated workspace, the remaining 40% or less of the floor area will serve residential purposes. Pursuant to BMC § 23E.20.030, at least one resident in each live/work unit shall maintain at all times a valid City Business License and Zoning Certificate or Use Permit for a business on the premises.

The exterior appearance of each live/work unit has been designed to be compatible with the nearby residential uses as required by code. Oriented along San Pablo, the live/work units streamline the ground-level transition from the active commercial corridor into calmer, residential streets. The alternating use of material breaks down street-level massing and creates a rhythm that distinguishes individual businesses; signage and storefront present opportunities for individual occupants to contribute to the vibrancy of the San Pablo Avenue streetscape.

The project will comply with CALGreen requirements and will provide a number of environmentally sustainable features, adhering to Berkeley's Climate Action Plan and the current requirements of the Office of Energy and Sustainable Development. The forty-nine (49) car off-street parking garage will meet the City's current requirement for EV charging readiness by providing 5 EV charging ready spaces (10%) which exceeds the 2016 CalGreen EV charging requirement. The project's limited off-street automobile parking will encourage residents to travel by foot, bicycle, and public transportation. The project provides bicycle amenities, including ninety-two (92) secure bicycle parking spaces for residents and commercial tenants and a bicycle repair station. The roof has been designed to incorporate a 15% future solar ready area, as required per California Building Code.

The project will comply with the City of Berkeley's inclusionary housing requirement as described in the Housing Affordability Housing Statement.

The Project Sponsor has conducted a neighborhood pre-application meeting and project presentation as required and described in the Pre-application Contact Statement.

**Use Permits Requested:**

1. **BMC § 23E.64.030.A: UP for mixed use development over 20,000 square feet.**
2. **BMC § 23C.08.050: UP for demolition of an existing commercial building.**
3. **BMC § 23E.64.030.A: UP for dwelling units in C-W.**
4. **BMC § 23E.64.050.B: UP for construction of more than 5,000 square feet of new floor area.**
5. **BMC § 23E.04.020.C: AUP to allow architectural features to exceed the height limit in a commercial district.**
6. **BMC § 23E.64.030.A: Administrative UP to allow construction of 9 or fewer live/work units.**

**Use Permit Findings:**

**1. BMC § 23E.64.030.A: UP for mixed use development over 20,000 square feet.**

Applicant: Pursuant to section 23E.64.030, if a proposed project is over 20,000 sq. ft. a Use Permit Public Hearing is required. The proposed project measures 71,003 square feet, therefore it requires a Use Permit Public Hearing.

**2. BMC § 23C.08.050: UP for demolition of an existing commercial building.**

Applicant: The proposed project requires a demolition of the commercial building located at 1835 San Pablo Avenue. The single story commercial building previously occupied by a single tenant automotive repair facility. The current building is less than 40 years of age and the demolition of this structure is not subject to historical resource evaluation.

**3. BMC § 23E.64.030.A: UP for dwelling units in C-W.**

Applicant: Pursuant to section 23E.64.030, if a proposed project provides dwelling units a Use Permit Public Hearing is required. The proposed project provides ninety-five (95) dwelling units, therefore it requires a Use Permit Public Hearing.

**4. BMC § 23E.64.050.B: UP for construction of more than 5,000 square feet of new floor area.**

Applicant: Pursuant to section 23E.64.050, if a proposed project provides over 5,000 square feet of new floor area, a Use Permit Public Hearing is required. The proposed project provides 71,003 square feet of new floor area, therefore it requires a Use Permit Public Hearing.

**5. BMC § 23E.04.020.C: Administrative UP to allow architectural features to exceed the height limit in a commercial district.**

Applicant: Pursuant to section 23E.04.020.C, any projection not listed in the foregoing paragraph is prohibited except upon issuance of an AUP, including, but not limited to, mechanical penthouses, elevator equipment rooms, and cupolas, domes, turrets, and other architectural elements which exceed a District's height limit. No such structure shall represent more than fifteen percent (15%) of the average floor area of all of the building's floors; and no tower or similar structure shall be used as habitable space or for any commercial purpose, other than that which may accommodate the mechanical needs of the building.

The proposed project is proposing architectural features on the roof exceeding the height limit (such as mechanical penthouse and elevator equipment room), therefore it requires an Administrative Use

Permit. The architectural features will be less than fifteen percent (15%) of the average floor area of all of the building's floors and no tower or similar structure shall be used as habitable space or for any commercial purpose, other than that which may accommodate the mechanical needs of the building.

**6. BMC § 23E.64.030.A: Administrative UP to allow construction of nine or fewer live/work units.**

Applicant: Pursuant to section 23E.64.030.A, the inclusion of 9 or fewer live/work units requires an Administrative Use Permit if the use is not changed from a dwelling unit. The proposed project provides 4 live/work units which comply with the requirements of BMC § 23E.20. Each live/work unit will primarily serve as workspace and measure 1,298 square feet and provides 2 bedrooms.

**Waiver(s) or modification(s) of development standards necessary to accommodate density bonus:**

The Project Sponsor is seeking two waivers and one concession to accommodate density bonus units pursuant to Government Code §§ 65915 – 65918, they include:

- a) Waiver - Height increase in C-W zone
- b) Waiver - FAR increase in C-W zone
- c) Concession – Reduction of parking requirement