

# ZONING PROJECT SUBMITTAL

## 4.C. Density Bonus Eligibility Statement.

### RE: 1835 San Pablo Avenue, Berkeley, CA

San Pablo Investors One, LLC (“Project Sponsor”) is the project sponsor of the proposed new mixed-use, 95-unit development at 1835 San Pablo Avenue (“Project”). Under Berkeley’s Zoning Project Submittal Requirements, any project proposing five or more dwelling units requires a Density Bonus Eligibility Statement. This letter will serve as the Density Bonus Eligibility Statement for the Project.

#### a. Number of “base project” units.

Pursuant to the City of Berkeley’s Procedures for Implementation of State Density Bonus Law, the Project Sponsor shall calculate the “base project” using the average unit size and other basic characteristics of the proposed project. Base project may be defined as the largest project allowed on a project site that is fully consistent with the lot development, parking and open space standards in the Zoning Ordinance.

The Project’s “base project” is consistent with all development standards without waivers or modification. Based on the C-W zoning district FAR of 3, the “base project” has a total gross floor area of 54,368 square feet, a gross residential floor area (GFA) of 49,176 and average unit size of 683 square feet and a “base project” unit count of 72 units.

#### b. Number of affordable units and level of affordability.

The Project will provide 11% of it the “base project” units at rents affordable to Very Low Income households. This results in 7.92 units, rounded up to 8 total Very Low Income units provided onsite.

#### c. Percent density bonus allowed and requested under Section 65915.

Per the State Density Bonus Law Section 65915, providing 11% Very Low Income units qualifies Project for a 35% density bonus. The proposed Project will utilize a 35% density bonus.

#### d. & e. Waiver or modifications of development standards necessary to accommodate density bonus.

The following waivers and concession are required to accommodate density bonus units pursuant to Government Code §§ 65915 – 65918:

1. **Height increase in C-W zone.** The C-W zone allows new buildings to rise to a height of 4 stories and fifty feet. In order to accommodate the additional Density Bonus units, the Project is utilizing a waiver to rise to 6 stories and 67’ - 6”. Given the setbacks at the ground floor, second floor and sixth floor and the rear yard placement, the property cannot accommodate the density bonus units without exceeding the height limit.

2. **FAR increase in C-W zone.** The C-W zone allows Floor Area Ratio (FAR) of 3. In order to accommodate the additional Density Bonus units the Project is utilizing a waiver to increase the allowable FAR. The proposed Project's FAR is 3.67 with the additional density bonus units.
3. **Concession to reduce the parking requirement to 49 parking spaces.** The Project sponsor is asking for a concession to reduce the number of off-street automobile parking spaces provided by the project from 65 to 49. The requested concession will result in identifiable and actual construction cost reduction by eliminating the need to pay for the construction of an underground parking garage, any additional soil improvements and the purchase/installation of additional car stackers.

*Pursuant to State Density Bonus Law Section 65915, an applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:*

- (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).*
- (B) The concession or incentive would have a specific adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income and moderate-income households.*
- (C) The concession or incentive would be contrary to state or federal law.*