

## Ashby Arts - 1200 Ashby Avenue

### **Applicant's Statement – Revised for October, 2008**

Ashby Arts was originally submitted to the City in November 2007. The project was deemed complete in April of 2008. The design and program were modified in July, 2008 to add make an offer of a five foot dedication along the Ashby Avenue frontage, a plaza on San Pablo Avenue and two units, among other changes. This is, hopefully, the final project modification prior to the ZAB's consideration of the entitlements.



### **Modified Project Design**

This modification has been driven by the project's economics. As all are aware, the national economy is in a state of crisis. Housing values have decreased 10 to 15% even in Berkeley, which is generally fairly insulated from mild economic downturns. Condominium values have plummeted, and financing for those projects (even for the consumer loans) has all but disappeared.

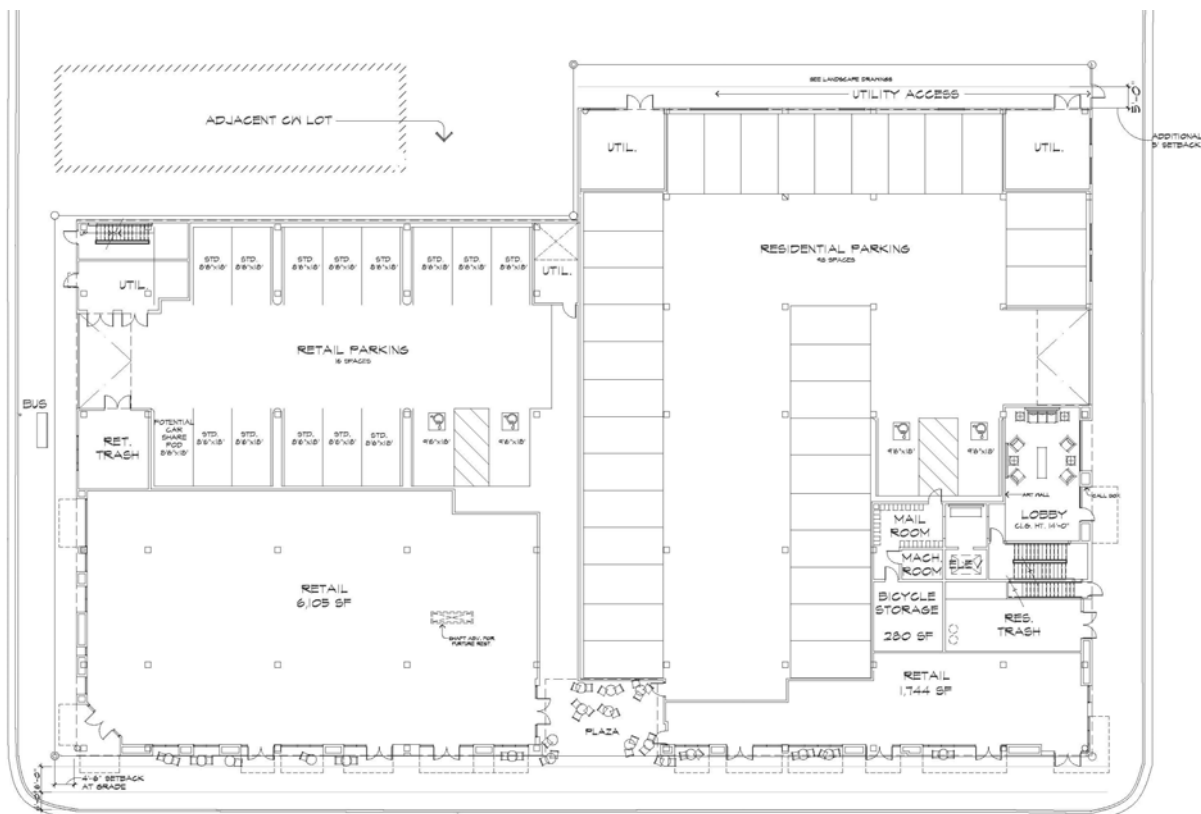
The result of the cost cutting measures for this project has been to eliminate the basement garage. All of the project's parking will now be located on the ground floor.

In order to accommodate all of the parking being provided several physical changes are proposed, as follows:

1. Reduce the size of the southern retail pod from @6,000 square feet to approximately 1,500 square feet. The project will still have approximately 7,800 square feet of retail.

2. Reduce the garage openings on Carrison Street from two to one, for residential parking only.
3. All residential parking will be located on a puzzle lift system.

These measures significantly improve the Carrison Street frontage and residential neighborhood interface with the project. The amount of vehicle traffic on Carrison Street will be significantly reduced because now only project residents, and not retail customers, will use Carrison to access the site. Not having to construct a basement will result in significant reduction in construction duration, impacting neighbors less with noise and other construction related detriments. An improved façade design will result for Carrison Street due to eliminating one garage entrance. The reduction in retail space will reduce the amount of traffic to the project site.



## Parking

Parking is required at one space/residential unit, two spaces/1,000 gross square feet of retail floor area, and one space/300 gross square feet of food service use. In addition, bicycle parking is required at one /2,000gross square feet of commercial floor area.

The project has 98 dwelling units and 7,800 square feet of commercial space, of which 2,000 square feet is proposed as food service use. The residential requirement is 98 spaces, and the commercial requirement is for 19 spaces. The modified parking is proposed as follows:

<b>Ashby Arts Parking</b>	
Ground Floor commercial (5,778 s.f. retail + 2,000 s.f. food service) includes 1 car share	15 (+1 car share)
Ground Floor Residential	98
<b>TOTAL PROVIDED</b> (117 required)	<b>114 spaces</b>

### **Necessary Entitlements per the Zoning Ordinance**

#### Base Entitlement

- Use Permit to construct a Mixed Use Development (23E.64.030.A)
- UPPH for >5,000 square feet of new floor area (23E.64.050.B.1)

#### Density Bonus Related Entitlements

- UPPH for front yard setback reduction along easternmost 20 feet of south property line and for 25 feet along the north property line, see density bonus waiver/modification request, (23E.04.050.E)
- Variance to not require affordable units on fifth floor, requested as density bonus concession/incentive (23C.12.040.D)
- Variance for fifth story, see density bonus waiver/modification request(23E.64.070.B)
- Variance for >50' of height (60' -3" needed), see density bonus waiver/modification request (23E.64.070.B)
- Variance for FAR >3 (3.3 needed), see density bonus discussion (23E.64.070.A)
- AUP for stairwell, elevator penthouse and corner tower feature to exceed height (23E.04.020.C) Design Review approval of a sign program for the project's retail component

### Use Related Entitlements

- UPPH for up to 2,000 square feet of full service restaurant use (23E.64.030.A)
- UPPH for incidental beer, wine, and liquor in conjunction with full service restaurant use (23E.16.040)
- UPPH to reduce required commercial parking by four spaces (23E.64.080.H)
- AUP to allow food service uses to operate from 6 a.m. until 12 a.m. (midnight) (23E.64.060.A)
- First round retail space flexibility of up to eight (8) tenant spaces. The request is that the food service use be allowed to establish anywhere within the retail floor area, and the balance of the retail space would be filled with retail tenant(s) consistent 23E.64.030.A. After the first round of tenanting the space will comply with the requirements of 23E.64.030.A.

### Design Related Entitlements

- AUP for sidewalk café seating for food service uses (23E.24)
- AUP for fence exceeding six foot in height (two foot trellis at top of six foot fence on southern 120' of east property line) (23E.04.040.A)

### State Density Bonus Concession and Incentives

Pursuant to Government Code Section 65915(d)(2)(B) the proposed project is entitled to two concessions or incentives because it includes 20% of the units for low income households. The applicant is requesting only one concession, in the form of waiving the requirement that affordable units be required on the project's fifth floor. The minor additional project value that is achieved by allowing the fifth floor to be comprised of just market rate units helps to offset the cost of the additional depth of unit affordability. We are not requesting the second concession/incentive to which the project is entitled.

### **Permit Streamlining Act**

Pursuant to GC Sec. 65957 the applicant agrees to a 90-day extension of time limits.