Overview and Project Description

Rhoades Planning Group, on behalf of 1812 University, LLC, is pleased to present this proposal for a new mixed use infill development project located on University Avenue. The Overture will be an amenity-rich, sustainable development with excellent proximity to downtown Berkeley. The project will cater to urban professionals and is less than four blocks from the Downtown Berkeley BART station as well as the cultural resources of the Arts District. The Overture is also conveniently located one-half block from a full service grocery store (Trader Joe’s) and numerous other neighborhood services. The transit-oriented project furthers the goals of Berkeley’s Climate Action Plan and helps to satisfy housing production pursuant to Berkeley’s Regional Housing Needs Allocation.

Project Description

The proposed development project includes 44 studio, one and two bedroom apartments and up to 2,668 square feet of commercial/quick or full service restaurant space (with incidental beer and wine) and 1,483 square feet of commercial retail space. Commercial storefronts will open on to University Avenue with an enhanced pedestrian environment. The restaurant use may include sidewalk café seating. The building will provide a number of amenities for residents, including varied open spaces, bike parking, a lounge, a gym, and a kitchen. The total floor area of the proposed project per Zoning Ordinance definition is 35,950 square feet.
A total of 4.4 below market rate units are required for the project consistent with the City of Berkeley Inclusionary Housing requirement (10% of units @ 60% AMI). Four below market rate apartments will be provided on-site and will be affordable to households earning not more than 50% AMI. An additional fee for the remaining .4 unit (at 60% AMI) will be paid to the City of Berkeley’s Affordable Housing Trust Fund. The four apartments at 50% AMI entitle the project to a 35% density subject to Government Code Section 65915(b)(1)(B). The base project provides 30 units not including the three first floor units. The density bonus units are located on the fourth floor.

The project includes below grade parking (garage area does not exceed 6’ in height measured from finished grade) accessed from University Avenue with 19 parking spaces. The spaces are unbundled from the apartments, meaning that residents may choose to rent a parking space or not. Residents choosing not to rent a parking space will enjoy lower rent. In addition, because the project seeks a reduction from the parking standards, no residents will be permitted to receive neighborhood parking permits, ensuring that residential street parking is not impacted. A traffic report has been prepared that indicates the project will have no traffic or parking impacts because of the proximity to services and transit.

The project will include demolition of the existing structures, one of which (eastern side, 1812 to 1816) is greater than 40 years old. The historic resources study does not identify any potential historic significance of the building, its use, or its architect. A total of 390 cubic yards of earth will be removed from the site. Phase I and II environmental assessments have been prepared indicating no issues of concern.

**Use Permits Requested**

1. **22.12.060** – Demolition Permit for Commercial Structures
2. **23E.36.030.A** – Use Permit (Public Hearing) for Mixed Use Developments (Residential/Commercial)
3. **23E.36.050.A** – Administrative Use Permit for Quick or Full Service Restaurant
4. **23E.36.050.A** – Administrative Use Permit for Alcoholic Beverage Service of beer and wine incidental to food service at quick and full service restaurants.
6. **23E.04.050.E** – Use Permit for reduction of yards adjacent to a Residential District.
7. **23E.36.030.A** – Use Permit to allow residential units on the ground floor of a Mixed Use building pursuant to the findings of Section 23E.36.030.A that there will be no interference of continuity of retail and service facilities at the ground level.

8. **23E.12.040** - Preliminary Design Review.

**Use Permits or Variances to Accommodate Density Bonus**

9. **23E.36.070.D** – Use Permit to reduce Off-street Parking and Usable Open Space requirements for density bonus units


11. **23E.36.070.A** - Variance for Maximum Floor Area Ratio to allow 2.6:1 where 2.5 is allowed.

**CEQA Determination**

This project is expected to be exempt from CEQA pursuant to Section 15183.3: Streamlining for Infill Projects. This project meets the eligibility requirements for Infill Streamlining as follows:

- Project site is located in an urban area on a site that has previously been developed;
- Project site is located within ½ mile of a major transit stop and satisfies the performance standards of Appendix M of the CEQA Guidelines - The project site is located less than ½ mile walking-distance from the Downtown Berkeley BART station and is located proximate to numerous bus lines with frequent headways, including the AC Transit 51B line which has headways of less than 15 minutes during commute times; and,
- 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-1 zone’s University Avenue Mixed Use Overlay.
- A traffic and parking study shows no significant transportation or parking impacts.
- Phase I and II environmental analyses do not indicate the need for any measures beyond the City of Berkeley’s generally applicable site standards.
- The historic resource analysis does not show that the site, its uses or its architect merit any preservation. A copy of the site’s historic study has been provided to BAHA for their archive.
- The shadow studies conducted for the project show that the proposed structure will have negligible if any effect on any adjacent residences.
- The proposed building is solar ready.

**Architectural and Building Amenity Program**

The ground floor (grade level) of The Overture will provide approximately 4,151 square feet of commercial space, in up to three spaces, each with a designated restroom. The ground floor will also include a residential lobby, enhanced by a pedestrian-oriented open space opening from the residential entrance onto University Avenue.
The residential lobby will provide 18 secured bike parking spaces for residents, and leads to an elevator, as well as a staircase that circles an indoor tree to provide access to the residential levels above.

Many of the project amenities for residents will be located on the first floor, including a resident lounge, gym, common kitchen with patio, and laundry room. The first floor will include three two-bedroom units that open up to generous patios on the south side of the building. The first floor will also include a mezzanine level associated with the Retail 3 space that will be available for café seating or a similar purpose, depending on the commercial tenant.

The project will have a podium level on the second floor, with a central courtyard and additional open space for residents (990 square feet). The courtyard will include an area with a glass-bottomed fountain that creates a skylight to the lobby below, partially surrounded by a bench. The central areas of the third and fourth levels will be open to the courtyard below.

The first floor supports three units at the rear of the site. The second and third floors will each provide 15 residential units (each floor will include five studio units, two junior one-bedroom units, seven one-bedroom units, and one two-bedroom unit).

The fourth (density bonus) floor will provide 11 units, including four studio units, two junior one-bedroom units, and five one-bedroom units.

The fourth level also will include 2,389 square feet of open space at the southern side of the building. The second through third floors provide private balconies for the units on the south side of the building.
The building will also provide below-grade parking for residents. A garage with parking for 19 vehicles will be accessible via a driveway on University Avenue at the eastern edge of the building’s north-facing street frontage. An elevator will be accessible from the garage.

The Overture’s design will use contemporary architecture with a hint of traditional styling. Materials of a light but muted color will structurally differentiate but tie together the cast stone veneer retail base from the residential upper floors. Bay windows on residential floors will modulate the building façade to create detail and articulation, and to provide residents with enhanced light, air, and views. These details, along with subtle archways on the top level, and wrought iron balcony railings and garage gate, will balance classic and contemporary styles with an understated elegance. The building’s size and scale will balance the larger mixed-use building across University Avenue with the smaller commercial spaces adjacent to the site, and will enhance architectural views from the adjacent residential neighborhood.

Policy Analysis

The existing structures at 1808-1814 University Avenue are used for two small shops, as well as a yoga studio. Redevelopment of these lots to provide not just retail space but also new housing opportunities will fulfill many of the goals set forth in the University Avenue Strategic Plan, including the following:

- **Policy 6: Strengthen University Avenue as a mixed-use residential and commercial boulevard.** Concentrate urban high density mixed-use commercial and housing development within the nodes along the Avenue. Encourage lower density mixed-use outside the nodes. Protect and enhance the lower density character of surrounding neighborhoods.

  The mixed-use character of The Overture will support a blend of residential and commercial uses along University Avenue, and will provide medium-density development just outside of the Regional-Serving Downtown Node and proximate to the Local-Serving California Node. The building design and scale is sensitive to the residential neighborhood adjacent to the rear of the lot, protecting the neighborhood while supporting the goals for University Avenue.

- **Policy 8: New and renovated buildings should be designed with pedestrians and safety in mind.** Building improvements should help to reinforce both the concept of ‘nodal development’ and the differences between neighborhoods.

  The Overture’s design will enhance pedestrian experience and safety by providing ground-floor retail spaces, each with transparent storefronts and entrances that face onto the sidewalks of University Avenue, as well as a small pedestrian-oriented open space at the building’s
residential entrance. The building frontage adjacent to the sidewalk will provide both a sense of enclosure for pedestrians, as well as indoor-outdoor visibility. These well-designed retail spaces, paired with the residences above, will enhance street activity and support a safe and pleasant pedestrian environment.

- **Policy 13: There should be a strong emphasis on bringing a variety of new businesses to University Avenue.**

  The Overture will provide new and attractive commercial space to accommodate new businesses. Additionally, the mixed-use building will bring new residents whose patronage will support new and existing businesses along University Avenue.

- **Policy 14: Encourage a diversity of new housing opportunities in the University Avenue study area, in terms of tenure, income, and unit type. Provide incentives for developers to build new urban housing along University Avenue.**

  The Overture will include 44 new units of urban housing in the University Avenue study area. 11% of these units will be affordable to those with incomes at 50% of the Area Median Income. The development will consist of a range of unit types, including studios (14 units), junior one-bedroom (6 units), one-bedroom (19 units) and two-bedroom units (5 units).

- **Policy 16: The design of new and renovated housing along the University Avenue corridor should contribute to its character, without negatively impacting residents of adjacent residential areas.**

  The new building will greatly enhance the aesthetic character of this block of University Avenue. The project conforms to the standards of the University Avenue Strategic Plan as implemented in the Zoning Ordinance, and provides a 20 foot average setback for the upper stories along the property line adjacent to neighboring residential uses. The design includes decorative façade articulation and bay windows, and rich materials of a neutral color that differentiate the cast stone veneer building base from the upper residential floors, which are accented with wrought iron balcony railings. The attractive design will revitalize the frontage along University Avenue. The south-facing side of the building, visible from the adjacent residential neighborhood, will unimposingly enhance the area with muted light materials and attractive balconies.

**Existing Setting**

The project site is located on the south side of University Avenue between Martin Luther King Jr. Way and Grant Street. The site is comprised of lots 057-2016-020-00 and 057-2016-021-00, which together have an area of 13,800 square feet. The site currently supports 15,771 square feet of commercial floor area.

The site is zoned C-1, General Commercial, in the Avenue Mixed-Use Overlay zone. The lots currently house the Vadek Herbs and Bazaar of India Imports shops, and the Niroga Center yoga
studio. The site is located one-half block from the Downtown Node of the University Avenue corridor. The site is less than one-half mile from the Downtown Berkeley BART station, and is adjacent to a number of frequently-running bus lines.

University Avenue is a wide, median-divided traffic and transit corridor that bounds the project’s north side. North of the project site across University Avenue is a new mixed-use building with residential units above ground-floor retail. Directly east of the project site is the Travelodge Hotel and its parking lot. Directly south of the project site are the garages of two small multi-family residential buildings, which are beyond. Directly west of the project site is a Nation’s Giant Hamburgers diner-style restaurant. These adjacent parcels are all zoned C-1, General Commercial in the Avenue Mixed-Use Overlay zone, aside from the residential site to the south of the project, which is zoned R-2 Restricted Two-Family Residential.

<table>
<thead>
<tr>
<th>Address</th>
<th>Lot Size</th>
<th>Zoning</th>
<th>Ex. Use</th>
<th>Ex. Bldg. Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>1808</td>
<td>6,900 s.f.</td>
<td>C-1</td>
<td>Commercial</td>
<td>8,871 s.f.</td>
</tr>
<tr>
<td>1814</td>
<td>6,900 s.f.</td>
<td>C-1</td>
<td>Commercial</td>
<td>6,900 s.f.</td>
</tr>
</tbody>
</table>

### Structure History

There are two existing structures on the site. There is a structure to the west that has addresses of 1808 and 1810. That structure appears to have been constructed in 1982. It is an unremarkable retail type structure with simple stucco box construction, high parapets, with a faux façade on the east portion. The retail units have a central door flanked by small retail windows with awnings.

The second structure (eastern) has addresses of 1812 and 1814. It was constructed in 1921 by the Roy O. Long Company as an automotive repair garage, and was later converted to a retail use. The structure is generally an unremarkable utilitarian stucco building with a central roll up garage door flanked by two modern glass store fronts, one of which is boarded up. There are crenelations along the eave of the mansard roof form that mimic the ornamentation of more notable buildings from the period.
Green building requirements (III.A – Zoning Project Submittal Requirements)

The proposed project is designed to be environmentally sustainable and will be GreenPointRated or equivalent. 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, 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 with walkable amenities, services, and public transit options, which minimizes their need to travel by auto.

Housing Affordability Statement/Density Bonus Entitlement

The proposed project at 1812 University Avenue qualifies for a density bonus pursuant to Government Code Section 65915. The proposed base residential project provides 30 dwelling units consistent with the development standards of the C-1 (University Avenue Mixed Use Overlay). The proposed project will provide 4 units affordable to households earning not more than 50% AMI to satisfy Government Code Section 65915, which entitles the project to a 35% density bonus (11% [4 units] of its 30 base project units at 50% AMI per GC Sec. 65915(f)(2)). The project will satisfy the City of Berkeley Inclusionary Requirement of 10% of all of the project’s units being affordable at 60% AMI by paying the remainder (.4 of one unit) into the Affordable Housing Trust Fund.

The project provides 30 dwelling units on floors 2 and 3 that meet all Zoning Ordinance Standards. The 30 base project units x 35% entitles the project to 11 (rounding up 10.5 per Government Code Section 65915) additional dwelling units, all of which are provided on a partial fourth floor. The proposed project is not requesting any concessions or incentives. The project is requesting the following waivers and modifications to accommodate the units and floor area for the density bonus portion of the project:

- Use Permit for reduced parking (total of six spaces for the density bonus units, the project provides 19 spaces where 41 spaces are required for the full project – 7 spaces for the DB portion + additional reduction of 12 spaces subject to non-detriment findings) and open space (6,185 sf provided where 8,800 sf is required).
- Variance for Height and Stories to allow 50’ and 4 stories where 36’ and 3 stories are allowed.
- Variance for Maximum Floor Area Ratio to allow 2.6:1 where 2.5 is allowed.

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 proposed project will neither be a detriment to the neighborhood nor to the City of Berkeley in general. The proposed project represents a significant improvement on the University Avenue corridor, and fulfills the goals of providing mixed-use transit-oriented housing expressed in the University Avenue Strategic Plan and the City’s General Plan. The proposed project also aligns with 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. Additionally, the project is consistent with Berkeley’s Climate Action Plan because it places well-designed residential density with ground floor commercial uses in a setting that is well-served by public transit. New residents from the project will shop and use services on University Avenue and in Downtown, supporting the economic vitality of other local businesses. The new retail spaces and restaurant use will attract new customers to University Avenue and enhance the pedestrian character of the corridor.

Additional required findings are presented below.

Section 23E.36.090.A requires that the following findings are required prior to approval of a Use Permit:

- **Compatibility Findings to Authorize Use Permits in the C-1 District – Section 23E.36.090.B.** A proposed use or structure must:
  1. Be compatible with the purposes of the District;
  2. Be compatible with the surrounding uses and buildings;
  3. Not interfere with the continuity of retail and service facilities at the ground level;
  4. Not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply.

  Response: The proposed project is compatible with the purposes of the District, which support mixed-use residential and commercial development, and is compatible with the surrounding uses and buildings, which include commercial uses and multi-family housing. The proposed project will maintain the continuity of retail and service facilities at the ground level.

  Additionally, because of the transit-oriented nature of the district, the rich amenities accessible in the immediate environs and the wide corridor nature of University Avenue, the proposed project will not exceed the amount and intensity of use that can be service by available traffic capacity and potential parking supply. The reduced parking and enhanced bicycle facilities will attract residents interested in the transit-oriented nature of the building and the number of neighborhood services easily accessible to pedestrians, and will therefore limit traffic to and from the site.

- **General Purposes Findings to Authorize Use Permits in the C-1 District – Section 23E.36.090.C.** For any Use Permit under Section 23E.36.070.D or E, the proposed use or structure must satisfy at least one of the following general purposes:
  1. To encourage use of the ground floor for commercial purposes where appropriate.
  2. To encourage utilization of public transit and existing off-street parking facilities in the area of the proposed building.
3. To facilitate the construction of residential or tourist hotel uses where appropriate.
4. To permit consistency with the building setbacks existing in the immediate area where a
   residential building setback would not serve a useful purpose.

Response: The proposed project satisfies findings 1 and 2, above. The proposed project will
provide revitalized commercial spaces on the ground floor of the building, as designated by the
University Avenue Strategic Plan and its implementation in the City’s Zoning Code. Additionally,
the proposed project will encourage utilization by new residents and customers of public transit
in the area of the proposed building.

- Findings to Authorize Reduced Off-Street Parking Requirements – 23E.36.090.D. Any reduction
  of the off-street parking requirements under Sections 23E.36.080.E or 23E.28.130, is subject to
  the findings in Section 23E.28.140.
  o 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.
  o 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.
Response: The proposed project satisfies requirements 1b and 1d, as the proposed project is located less than one-quarter of a mile from the publicly accessible parking facility at the Promenade Garage on Addison Street between Martin Luther King Junior Way and Milvia Street, and will include neighborhood-serving uses such as Retail Products Stores and Food Service Establishments.

The proposed project also satisfies requirement 2a and 2b. The parking requirement modification will meet the purposes of the district stated in the University Avenue Strategic Plan and implemented through the City’s Zoning Ordinance to support a diversity of urban housing that supports public transit and a safe pedestrian environment. In addition, the project provides 17 secure bicycle racks within the project for use by residents.

- 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 project would not reduce an existing parking supply, and meeting the parking requirements is not practical or feasible, as it would require extensive underground parking or reduce the ground-level space dedicated to commercial uses.

---

**Project Team**

<table>
<thead>
<tr>
<th>Owner</th>
<th>Applicant/Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1812 University Avenue, LLC Nathan George, Managing Member 2201 Blake Street Berkeley, CA 94704</td>
<td>RhoadesPlanningGroup Mark Rhoades 1611 Telegraph Avenue, Suite 200 Oakland, CA 94612</td>
</tr>
</tbody>
</table>

| Architect | |
|-----------| |
| Tolbert Design Architects Jeremiah Tolbert |