



Planning and Development Department  
Land Use Planning Division

## VIA E-MAIL

December 26, 2019

San Pablo Investors Two, LLC  
C/O Tomas Janik  
505 Sansome Street, STE 400  
San Francisco, CA 94111

Re: Zoning Project Submittal (ZP2019-0179), 2136-2154 San Pablo Avenue

Dear Tomas:

On October 29, 2019, you submitted an application for Use Permits to (1) demolish an existing two-story non-residential structure and (2) to construct a six-story mixed-use building with 123 residential units (five residential stories above a podium), three live-work units at the ground level, and 50 off-street parking spaces in a mechanical lift system. At the time the application was submitted, you applied for the following zoning permits under the Berkeley Municipal Code ("BMC"):

1. Use Permit with a Public Hearing, under BMC §23C.08.050.A, to demolish an existing non-residential building;
2. Use Permit with a Public Hearing, under BMC §23E.64.030.A, to construct a mixed-use development with more than over 20,000 square feet of gross floor area;
3. Use Permit with a Public Hearing, under BMC §23E.64.050 Paragraph B, for construction of new gross floor area over 5,000 square feet;
4. Administrative Use Permit, under BMC §23E.04.020 Paragraph C, to allow architectural features to exceed the height limit in a commercial district; and
5. Administrative Use Permit, under BMC §23E.64.030 Paragraph A, to establish less than nine live-work units.

After reviewing the application, Planning Staff has determined you need an additional zoning permit under the BMC as follows:

Use Permit with a Public Hearing, under BMC §23E.64.030 Paragraph A, to establish dwelling units.

Each additional Use Permit and Administrative Use Permit on the same application require a payment of \$460. In addition, the City requires a fee in the amount of \$1,500 for peer

review of the geotechnical report, \$640 for traffic engineering review and \$1,055 for the demolition referral. Enclosed, you'll find two invoices totaling \$3,655.

In compliance with Section 65943(a) of the California Government Code, the application submitted on October 29, 2019 is deemed incomplete pending the submittal of the below materials and information.

**Items Required for Submittal or Correction:**

1. **Sheet A0.1A** – 'Open Space Calculations' only provides the square footage of Code-compliant open space. Please add another column for actual square footage of open space (see also Item 5 below).
2. **Sheets A0.4A and A0.4C (Shadow Study)** – The shadow study shows new shadow affecting the 2113 San Pablo building on Oct 4 and Dec 21 in the morning. The simplified massing of this building in the plan sheets does not show windows; please indicate locations of windows on this building and their use.
3. **Sheet A2.1** – Please zoom out so that at least those portions of neighboring buildings within 20 feet of property lines are shown. This will likely require placing the first floor plan and mezzanine plan on separate sheets.
4. **Sheet A2.1** – Per BMC 23E.04.060, a solid wall or fence, measuring six (6) feet in height from existing grade, shall be erected at the lot line of an abutting lot in a residential District in order to provide screening. Please show this wall/fence on the first floor plan and indicate whether it is existing or proposed.
5. **Sheet A2.3** – The private patios on the 4<sup>th</sup> floor don't appear to meet the minimum 6' dimension to qualify as Usable Open Space. Please clarify.
6. **Sheet A3.1** – Revise the west elevation to show the wall/fence described above.
7. **Project Description** – Edit the Project Description to clarify which portions of the live-work unit would be clearly defined working space as opposed to residential space.
8. **Height** – Provide dimensions for the building height from grade to the top of parapet. Check consistency throughout plan set. Provide a height dimension for the rooftop mechanicals.
9. **Density Bonus Law** – The City is determining policies related to changes in State density bonus law (i.e. SB 330), which are due to become effective on January 1, 2020. You will be notified of the results of these discussions and how they may impact your project as soon as they are available.
10. **Density Bonus (DB) Calculations** –

- a. Density Bonus Diagrams – Provide a scale for the density bonus diagrams. Also provide a legend for the colors and what they indicate on the diagrams.
- b. Residential Floor Area (RFA).
  - i. Describe the components of the calculated RFA. The RFA amount should exclude: stair and elevator area except for the area of these on the floor level of their greatest horizontal extent; mechanical rooms and utility rooms; lobby area that is not necessary for circulation (6' wide path) to the residential areas. The RFA should include circulation hallways on every floor, and residential amenities such as bike rooms, common lounges, etc.
  - ii. The total RFAs appear to be inconsistent. Correct or explain any discrepancies. Update calculations dependent upon the floor areas as needed. Floor areas for the calculation of density bonus should be RFA, not GFA. RFA does not include commercial areas or floor areas described in the previous item.
  - iii. Please verify the RFA amounts in the calculation tables. Staff measurements of the floor plan areas differ from those shown by as much as 1,000 SF. Note that floor areas should be measured to the outside surface of main walls.
- c. Live/work.
  - i. The live/work units count as a dwelling unit for the purpose of calculating the DB units, but only 50% of the floor area is counted toward RFA (the other 50% is counted as commercial). Clearly show how the residential versus commercial floor areas are used in the DB calculations, and differentiate between the two types of floor areas in the floor plans. Clearly show the total commercial floor area in the project.
  - ii. Per BMC 23E.20.040, verify if any employees or clients will be permitted in the work areas. Use permits must be obtained to allow this, and additional parking will be required, per BMC 23E.64.080.
- d. Mezzanine – Show the mezzanine level in the DB diagrams and show how their RFAs are included in the DB calculation tables.
- e. Bike Parking – Show transparent calculations of bike parking provided in the project. The requirement is 1 per 2,000 SF of commercial. Also show the amount of bike parking recommended by the Transportation Division for a mixed-use building. Contact Eric Anderson in the Transportation Division – (510) 981-7010 – for the latest guidelines.
- f. Vehicle Parking – You have indicated that you are requesting to use the parking reduction provision in the State DB law (Government Code 65915), which restricts the parking requirement to a maximum of 0.5 per bedroom, if the project meets the specified requirements for affordability and transit proximity. The project does not meet the requirement that at least 11% very

low income units or 20% low income units be included in the project.  
Therefore, the project does not qualify for the reduction.

11. **Lot Line Adjustment/Lot Merger** – The proposed lot configuration will be routed to Public Works for review pursuant to BMC Title 21, Subdivisions.
12. **Property Ownership** – State any overlap of property ownership with adjacent parcels.
13. **Berkeley Water Efficient and Bay Friendly Landscape Requirements** – Submit the Outdoor water use section of EBMUD Section 31 Water Service Regulations Checklist. We have received the Bay Friendly Basics Checklist only.
14. **Traffic Impact Analysis** – The October 29 submittal provides a trip generation assessment and draft scope of work. Please coordinate with Peter Chun, Traffic Engineering Division, at (510) 981-6445 or via e-mail at [PChun@cityofberkeley.info](mailto:PChun@cityofberkeley.info) to have him review these preliminary materials. It should be noted that a 42% trip reduction was used for the adjacent 2198 San Pablo project, greater than the 19% reduction proposed for this project.

A full traffic impact analysis must be submitted and deemed final before the application can be deemed complete. Please also coordinate with Peter Chun to ascertain whether an audible/visible alert system will need to be installed at the project driveway.

15. **Landmarks Planning Commission** – The historic resource evaluation for the existing building, prepared by Mark Hulbert and dated October 23, 2019, concludes that this building is eligible for the CA Register under Criterion 3 for architecture and, therefore, is a historic resource as defined under CEQA Guidelines section 15064.5.(a)(3). Please provide a project impact analysis for the proposed development project and ensure that it includes an assessment of compliance with the Secretary of the Interior's (SOI) Standards for the Treatment of Historic Properties, pursuant to CEQA Guidelines section 15331 for Historic Resource Restoration/Rehabilitation Categorical Exemption.

Be advised that, if this project is not found to comply with the applicable SOI standards, then the City may not make a finding of Categorical Exemption for this proposal pursuant to CEQA.

16. **Parking Concession** – In Item 4.C/4.D, please provide more detail regarding the concession request to reduce parking to 50 spaces. Specifically, provide cost information for the construction of an underground parking garage or stackers equivalent to 76 additional parking spaces, given that the project is not eligible for the density bonus parking reduction provision as stated in Item 10.f above and would need to provide 126 parking spaces without the concession.

Tomas Janik  
December 26, 2019

2136-2154 San Pablo Avenue  
Page 5 of 5

Please call me at (510) 251-8210 or email me at [jbobilev@up-partners.com](mailto:jbobilev@up-partners.com) if you have any questions.

Thank you,

Julian Bobilev, AICP  
Consulting Planner  
Urban Planning Partners

Cc: Sharon Gong  
Cody Fornari

Attachments:  
Invoice #420369  
Invoice #420370



Permit Service Center  
 Building and Safety Division  
 1947 Center St. 3rd Floor  
 Berkeley, CA 94704

# INVOICE

Date: 10/29/19

**Invoice #:** 420369

**Record #:** ZP2019-0179

**Bill to:**

**Address:** 2136 SAN PABLO AVE

SAN PABLO INVESTORS TWO, LLC  
 505 SANSOME ST STE 400  
 SAN FRANCISCO CA 94111-3128

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
12/20/2019	Community Planning Fee (15%) ADDCPF	\$60.00	\$0.00	\$60.00
12/20/2019	UPPH: Additional Use Permit (on same project) UPPH060	\$400.00	\$0.00	\$400.00
12/20/2019	UPPH: Base Fee Traffic Eng. Review (base fee for up to 4 hrs) UPPH040	\$640.00	\$0.00	\$640.00
12/20/2019	Expedited Permit Processing ADD010	\$1,500.00	\$0.00	\$1,500.00
<b>Totals:</b>		<b>\$2,600.00</b>	<b>\$0.00</b>	<b>\$2,600.00</b>



Permit Service Center  
Building and Safety Division  
1947 Center St. 3rd Floor  
Berkeley, CA 94704

# INVOICE

Date: 12/20/19

**Invoice #:** 420370

**Record #:** ZP2019-0179

**Bill to:**

**Address:** 2136 SAN PABLO AVE

SAN PABLO INVESTORS TWO, LLC  
505 SANSOME ST STE 400  
SAN FRANCISCO CA 94111-3128

Date Assessed	Invoiced Fee Item	Fee	Paid	Balance
12/20/2019	LPC: Demolition Review LPC050	\$1,055.00	\$0.00	\$1,055.00
<b>Totals:</b>		\$1,055.00	\$0.00	\$1,055.00