



Zoning Adjustments Board Staff Report

APP #: ZP2025-0046

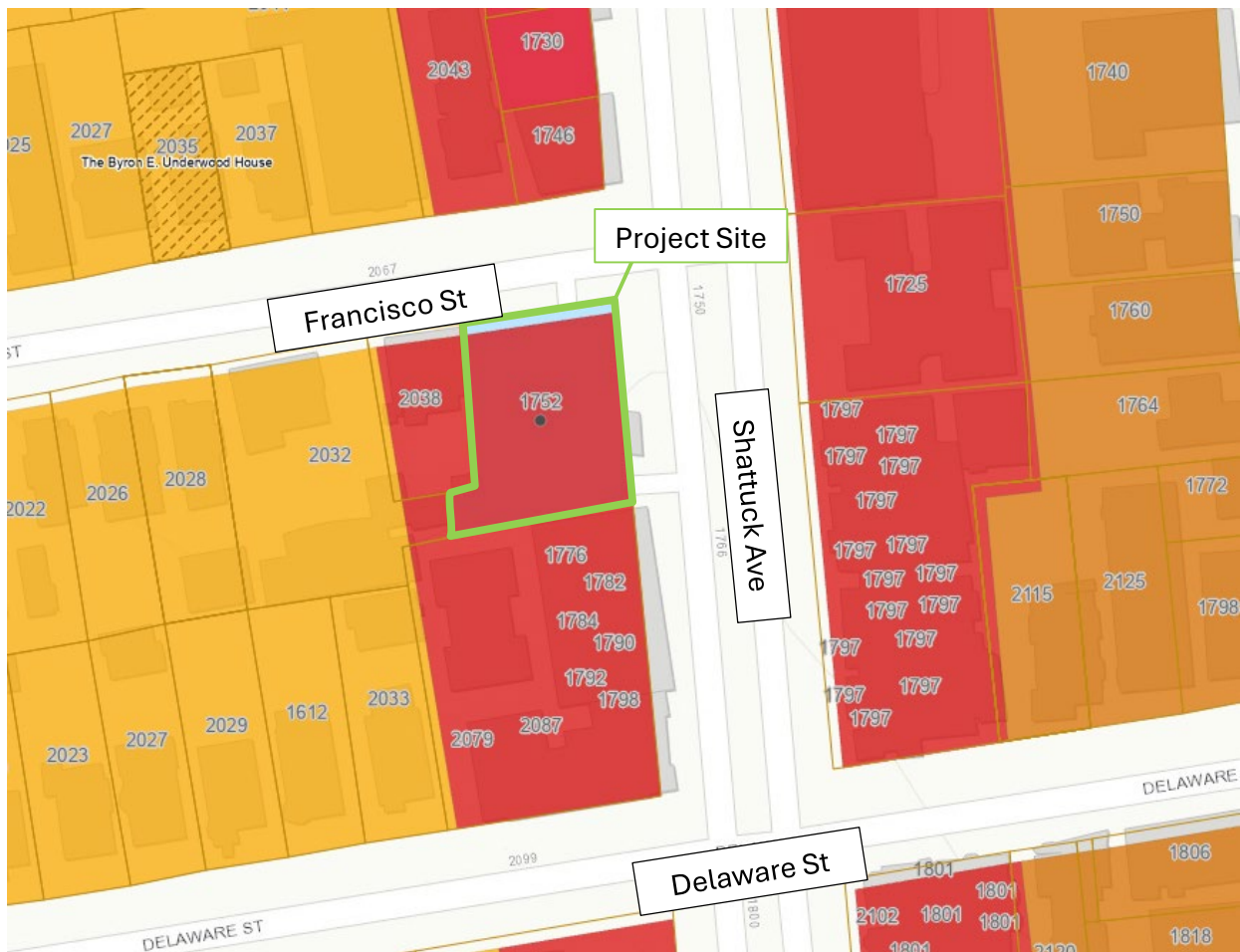
January 22, 2026

Use Permit Modification for a Project at 1752 Shattuck Avenue



Quick Facts	Project Description:
<p>Applicant: Isaiah Stackhouse</p> <p>Property Owner: 1752 Shattuck LLC</p> <p>Project Address: 1752 Shattuck Avenue</p>	<p>The applicant is seeking approval to modify a State Density Bonus project originally approved under Use Permit #ZP2022-0011 to request a concession to allow an exemption from the Percentage for Public Art in-lieu fee.</p>
<p>Site Size: 10,522 sq. ft.</p> <p>GP Land Use: Avenue Commercial (AC)</p> <p>Zoning: Corridor Commercial District (C-C)</p> <p>CEQA: IS/MND prepared as part of original application.</p>	<p style="text-align: center;">Zoning Permits Requested:</p> <p>A Use Permit Public Hearing is required for the following permits: 1. Permit Modification. Use Permit under BMC Section 23.404.070(B) “Permit Modification Required” to modify an approved Use Permit</p>
<p>Date Original Use Permit Entitled: February 13, 2023</p> <p>Date Submitted: May 5, 2025</p> <p>Date Deemed Complete: June 6, 2025</p> <p>Project Planner: Joshua Muller</p>	<p style="text-align: center;">Staff Recommendation:</p> <p>Staff recommends that ZAB determine the project is consistent with the previously adopted Initial Study/Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program associated with the original application and approve ZP2025-0046 pursuant to BMC Section 23.406.040 (E) (1-5) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.</p>

ZONING MAP



Not to scale

Figure 1: Vicinity and Zoning Districts Map

Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Avenue Commercial (AC)	Corridor Commercial District (C-C)	Commercial
South	Avenue Commercial (AC)	Corridor Commercial District (C-C)	Commercial
East	Avenue Commercial (AC)	Corridor Commercial District (C-C)	Mixed-Use Residential
West	Avenue Commercial (AC)	Corridor Commercial District (C-C)	Single-Family Residential

AERIAL



Not to scale

STREET ELEVATION



Not to scale

BACKGROUND

Subject Site

The subject site is located on the southwest corner of Francisco Street and Shattuck Avenue. The surrounding area consists of a mix of commercial and multi-family residential development ranging from one to four stories in height. Directly adjacent to the project site to the west is the Berkley School Early Childhood Learning Center, located on the south side of Francisco Street. Three to four blocks south is the City's Downtown Mixed-Use core area within the Downtown Area Plan. The Downtown Berkeley BART station on Shattuck Avenue between Allston Way and Addison Street is located to the south within walking distance from the project site (0.4 miles). In addition, bus service is available via AC Transit routes 7, 18 and FS at stops along Shattuck Avenue.

Site History

The project site is located on the west side of the 1700 block of Shattuck Avenue. It is a corner lot with a shorter frontage on Francisco Street to the north and a longer frontage on Shattuck Avenue along the east side of the lot. The approximately 11,000-square foot parcel is relatively flat and was previously developed with auto service uses consisting of a single-story commercial building and a free-standing service canopy.

ANALYSIS

Project Scope

On January 12, 2023, the Zoning Adjustments Board (ZAB) approved Use Permit #ZP2022-0011 (permit effective February 15, 2023) demolish a one-story commercial building and accessory structures, and construct a 47,137 square-foot, 7-story mixed-use building containing 68 dwelling units (including seven very-low-income units) and 1,210 square feet of ground floor commercial floor area, utilizing State Density Bonus.

In September 2024, construction began under the original Use Permit. The superstructure is largely complete, and the large concrete pours have been completed.

The applicant seeks a modification to the approved Use Permit #ZP2022-0011 that would change the following primary components:

1. Request a concession to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee.

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Base Project and Density Bonus

The applicant originally requested a density bonus under the State Density Bonus Law. Under the City's density bonus procedures, the "base project" is 45 units, as the maximum allowable density for the site. The four-story Base Project and the resulting seven-story Proposed Project both have an average unit size of 675 square feet. By providing seven Very Low Income (VLI) BMR units on site (15 percent of the 45-unit base density), the project is eligible for a 50 percent density bonus, or 23 additional units. Therefore, the applicant proposes 23 additional units above the base density for a total of 68 dwelling units.

Base Project Units ^a	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ^a	Proposed Project Units ^a
45	7 VLI (15% of base project)	50%	23 (50% x 45)	68
Notes: a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number. b. Abbreviations: % = percent				

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

The project was entitled to three concessions (or incentives) under Government Code Section 65915(d), of which it only requested two:

1. To reduce the open space requirement from 13,600 square feet to 2,102 square feet; and
2. To reduce the residential long-term bicycle parking requirement from 51 spaces to 18 spaces.

The applicant is now requesting the third concession be used for an exemption from the Percentage for Public Art on Private Projects in-lieu fee.

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact¹ without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law.

The application is also entitled to an unlimited number of waivers under Section 65915(e). A **waiver** is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The applicant is not requesting any modifications to the previously granted waivers.

Environmental Review

The original Use Permit #ZP2022-0011 was approved with an Initial Study and Mitigated Negative Declaration (IS/MND) and accompanying Mitigation Monitoring and Reporting Program. The proposed modification concerns the concessions for the application and will not affect the proposed scope of the project or projected intensities of the new uses, therefore the proposed modification is compatible with the previously adopted IS/MND.

¹ A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review: Demolition Referral

The demolition was approved under the original Use Permit #ZP2022-0011. The modified project is not subject to review by the Landmark Preservation Commission.

Design Review Committee Review: Preliminary Design Review

The project was presented to the Design Review Committee (DRC) on September 15, 2022. The project received a favorable recommendation to the ZAB, with the following direction for Final Design Review. **VOTE (6-1-0-0); Finacom-Nay**

The final design was approved by the Zoning Adjustments Board on January 12, 2023, under the original Use Permit #ZP2022-0011. The modified project includes no design changes or alterations to the building envelope or façade.

POLICY CONSISTENCY

Housing Accountability Act

Pursuant to the Housing Accountability Act (HAA), California Government Code Section 65589.5(j), when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety² unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The project is a “housing development project” consisting of a residential building. The Base Project includes Use Permits and/or Administrative Use Permits³ to modify the height, setbacks and rooftop equipment allowances, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings therefore the project still complies with the HAA. The ZAB has the discretion to approve, deny, or modify the request according to the zoning findings, provided the action does not reduce the project density

² See footnote 1.

³ The City has determined that the “protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits.”

or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff has not identified any adverse impacts that could occur with the construction of the project.

Housing Crisis Act of 2019 – Senate Bill (SB) 330

The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. **Government Code Section 65905.5(a)** states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

Evidence: The January 22, 2026 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold up to 3 additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. **Government Code Section 65913.10(a)** requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

Evidence: A historic resource evaluation prepared for the project in March 2022 determined that the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. In addition, the demolition permit for the existing building was approved with the original Use Permit ZP#2022-0011 and does not need to be reconsidered

General Plan Consistency

The 2002 General Plan contains several policies applicable to the project, including the following:

1. **Policy LU-3–Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. **Policy LU-7–Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

3. Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City’s share of regional housing needs.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
5. Policy H-12 – Transit-Oriented New Construction: Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
6. Policy T-16 – Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.
7. Policy T-43 – Bicycle Network, Action C: Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.
8. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: The project would improve the utilization of the site with development that is of appropriate intensity, that is compatible with the existing surrounding development, and that would further improve the neighborhood character and quality of life by increasing existing street-level activity, and bringing in new residents and new business patrons to an intersection in a designated node along a major commercial and transit corridor. The project site is served by multiple bus lines, including local, rapid, and Transbay lines, that operate along Shattuck Avenue, and a nearby BART Station.

9. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.
10. Policy EM-5– “Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

Staff Analysis: The previous use permit was considered to be consistent with these General Plan policies and the modification of concessions does not impact that analysis, see previous staff report for more details.

RECOMMENDATION

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

1. **FIND** that the project is consistent with the originally adopted Initial Study/Mitigated Negative Declaration and associated Mitigation, Monitoring, and Reporting Program for Use Permit #ZP2022-0011; and
2. **APPROVE** ZP2025-0046 pursuant to BMC Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachments 2 and 3).

Attachments

1. Tables 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings
3. Draft Conditions of Approval
4. Project Plans, received September 17, 2025
5. Notice of Public Hearing
6. Original Use Permit #ZP2022-0011

Attachment 1

Table 1: Project Chronology

Date	Action
December 10, 2021 (vesting date)	SB 330 complete Preliminary Housing Development Project Application submitted
January 18, 2022	SB 330 Use Permit Application submitted
February 15, 2023	Use Permit #ZP2022-0011 effective date
April 29, 2025	Use Permit Modification Application Submitted
October 17, 2025	Application deemed complete ^a
January 8, 2026	Public hearing notices mailed/posted
January 22, 2026	ZAB hearing
Notes: a. Application processing reflects the project compliance review after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	The project includes less than 7,500 square feet of net new commercial space. Therefore, the project is not subject to this fee.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	Project would provide seven Below Market Rate (BMR) units at the Very Low-Income (VLI) rate and pay a discounted fee to satisfy the requirements of BMC Section 22.20.065(D) (See IV.D discussion below).
Alcohol Sales/Service	No	The project is not proposing any alcohol sales or service with this permit.
Bird Safe Buildings (BMC Section 23.304.150)	No	The project was vested under the Housing Crisis Act of 2019 prior to the July 27, 2023 effective date of the ordinance, and therefore these provisions do not apply.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There no Coast Live Oak (<i>Quercus agrifolia</i>) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	Yes	The project would provide 11 Very Low-Income units, or 6 percent of the Base Project units, and qualifies for a 22.5 percent density bonus, or 30 bonus units. See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	No	The project was vested under the Housing Crisis Act of 2019 prior to the January 1, 2024 effective date of the ordinance, and therefore these provisions do not apply.

Characteristic	Applicability	Explanation
Historic Resources	No	The existing building is more than 40 years old and was forwarded to the Landmarks Preservation Commission (LPC) for review on September 1, 2022. The LPC took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition. See Section IV.B for discussion.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project proposes a mixed-use residential building, and meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act /applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. See the appropriate section of this staff report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . See the appropriate section of this staff report for additional discussion on the sections of SB 330 that apply to the project.
Opportunity Sites	Yes	The subject site is identified as an opportunity site (Pipeline) in the City's Housing Element.
Rent Controlled Units	No	The project would involve the demolition of non-residential structures; no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. Also per BMC Section 14.72.080(C)(1) no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map. ^c
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area. The project site is listed on the Cortese List. The Phase I environmental site assessment (ESA) submitted by the applicant indicated a potential for vapor intrusion associated with previous auto-related activities at the site. A condition of approval was included in the original permit requiring installation of a vapor intrusion mitigation system (COA#31). The Toxics Management Division will refer this project during building permit review for sign off from either the RWQCB, Department of Toxic Substances Control or the Alameda County Dept. of Environmental Health. Also, standard Conditions of Approval related to hazardous materials would apply (COA #24(D)).
Transit	Yes	The project site is located on the southwest corner of Shattuck Avenue and Francisco Street, is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, and is approximately four blocks from the Downtown Berkeley BART Station. In addition, nearby Virginia Street and Milvia Street are Bike Boulevards.

Characteristic	Applicability	Explanation
Notes:		
<p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p>		
<p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.</p>		
<p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p>		
<p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: C-C Zoning District Development Standards BMC Sections 23.204.130 and 23.322 Parking and Loading

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		10,522	0	10,522	n/a
Gross Floor Area (sq. ft.)		2,998	+44,139	47,137	n/a
Floor Area Ratio		0.28	+4.2	4.48	3.0
Commercial Floor Area					
Dwelling Units	Total	0	+68	68	n/a
	Affordable	0	+7	7	n/a
Building Height (ft. - in.)	Maximum	17'-0"	+61'-9"	78'-9"	40' max; 50' max with Use Permit
	Stories	1	+7	7	3 stories max; 4 stories max with Use Permit
Building Setbacks (ft. - in.)	Front (North) (Francisco)	n/a	n/a	0'	0' min
	Interior Side (West)	n/a	n/a	Varies 4.5'- 25.5'	0' min
	Street (East) (Shattuck)	n/a	n/a	Varies 0'-2.5'	0' min
	Rear(South)	n/a	n/a	5'	0' min
Usable Open Space (sq. ft.)		n/a	+2,102	2,102	13,600 min. (200 sq. ft./unit)
Automobile Parking ¹	Commercial (1,210 sq. ft.)	n/a	+4	4	2 spaces min.
	Residential	n/a	+2	2	0 spaces
	Total	n/a	+6	6	0 spaces

Standard		Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
Bicycle Parking	Commercial (1,210 sq. ft.)	n/a	+1	1	1 space (1 space/2,000 sq. ft.)
	Residential (long-term)	n/a	+18	18	51 spaces (1 space/3 bedrooms)
	Residential (short-term)	n/a	+11	11	4 spaces (1 space/40 bedrooms, or 2)
<p>■ = Concession or Waiver requested to modify the district standard</p> <p>Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")</p>					
<p>Notes:</p> <ol style="list-style-type: none"> AB-2097, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses located within a 1/2 mile of public transit. For the portion of building 0 to 20 ft. there is a 5 ft. maximum setback. For the portion of building 21 to 75 ft. that is over 65 ft. from the lot frontage there is a 5 ft. setback. Per BMC Section 23.312.040(A)(1)(b)(ii), if the workspace is less than 60 percent of live/work unit, then the unit is considered a swelling unit and is subject to all requirements applicable to dwelling units. 					



Zoning Adjustments Board Findings

APP #: ZP2025-0046

January 22, 2026

Use Permit Modification for a Project at 1752 Shattuck Avenue

Project Facts	Project Description:	
<p>Applicant: Isaiah Stackhouse</p> <p>Property Owner: 1752 Shattuck LLC</p> <p>Project Address: 1752 Shattuck Avenue</p>	<p>The applicant is seeking approval to modify a State Density Bonus project originally approved under Use Permit #ZP2022-0011 to request a concession to allow an exemption from the Percentage for Public Art in-lieu fee.</p>	
<p>Site Size: 10,522 sq. ft.</p> <p>GP Land Use: Avenue Commercial (AC)</p> <p>Zoning: Corridor Commercial District (C-C)</p>	<p style="text-align: center;">Permits Requested:</p> <p>1. Permit Modification. Use Permit under BMC Section 23.404.070(B) “Permit Modification Required” to modify an approved Use Permit</p>	
<p>CEQA: IS/MND prepared as part of original application.</p> <p>Date Original Use Permit Entitled: February 13, 2023</p>	<p style="text-align: center;">Proposed Waivers</p> <p>No new proposed waivers</p>	<p style="text-align: center;">Proposed Concessions</p> <p>1. Public Art In-lieu Fee</p>
<p>Date Submitted: May 5, 2025</p> <p>Date Deemed Complete: June 6, 2025</p> <p>Project Planner: Joshua Muller</p>	<p style="text-align: center;">Staff Recommendation</p> <p>Staff recommends that ZAB determine the project is consistent with the previously adopted Initial Study/Mitigated Negative Declaration, and approve ZP2025-0046 pursuant to BMC Section 23.406.040 (E) “Findings for Approval” and subject to the attached Findings and Conditions of Approval.</p>	

CEQA

Initial Study-Mitigated Negative Declaration

The original Use Permit #ZP2022-0011 was approved with an Initial Study and Mitigated Negative Declaration (IS/MND) and accompanying Mitigation Monitoring and Reporting Program. The proposed modification concerns the concessions for the application and will not affect the proposed scope of the project or projected intensities of the new uses, therefore the proposed modification is compatible with the previously adopted IS/MND.

FINDINGS FOR APPROVAL

As required by BMC Section 23.406.040 (E) (1-4) "Findings for Approval," the following findings shall be made:

1. To approve a Use Permit, the ZAB shall find that the proposed project or use:
 - (a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and
 - (b) Will not 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.

Evidence: The project is consistent with all applicable C-C District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915. The Use Permit Modification will not result in any physical changes to the previously approved project.

2. To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

Density Bonus

Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:

1. Under the City's methodology for implementing density bonuses, the "base project" consists of 45 units;
 2. The project will provide at least seven Very Low-Income (VLI) qualifying units in the 45-unit "base project";
 3. The project is entitled to a density increase of 50 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus three concessions or incentives. This equates to a density bonus of 23 units above the Base Project, for a total of 68-units.
- A.** In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:

1. Concession of BMC Section 23.204.050(D)(1) to reduce the open space requirement from 13,600 square feet to 2,102 square feet; and
2. Concession of BMC Section 23.322.090(A)(2) to reduce the residential long-term bicycle parking requirement from 51 spaces to 18 spaces.; and
3. *A Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee.*

In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable housing costs, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

B. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.

1. Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot/4-stories building height limit and permit a 78 foot-9 inch, 7-story building; and
2. Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 4.48.

In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

Housing Accountability Act

The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Evidence: The project includes construction of 68 dwelling units. Because the base project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) applies to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

C-C District Permit Findings

As required by BMC Section 23.204.050(E) “Permit Findings,” the following findings shall be made: To approve a Use Permit for a project in the C-C district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:

A. Is compatible with the purposes of the district:

Evidence: The Project is a higher-density development in proximity to regional transit, shops and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the Corridor Commercial District (C-C) and is designated Avenue Commercial in the City’s General Plan. It will create 68 new dwelling units in a range of sizes from one- to three-bedrooms. Seven of the units will be deed restricted as affordable housing units for very-low-income residents.

The proposal also includes 1,210 square feet of commercial space and 30 secure bicycle parking spaces on the ground floor. The project site is well served by public transportation, including a BART station less than half-mile to the south. The surrounding commercial district includes retail sales, restaurants, personal services, multi-family residential and institutional uses; the project will add to these commercial and residential uses and add population to support these uses.

B. Is compatible with the surrounding uses and buildings

Evidence: As required by BMC Section 23.204.030(B)(1), construction of more than 5,000 square feet of new gross floor area states that the ZAB must find that the new building is compatible with the visual character and form of the district, and no designated landmark structure, structure of merit, or historic district in the vicinity will be adversely affected by the appearance or design of the proposed addition. The DRC forwarded a positive recommendation for the project design. Further, the LPC determined there were no designated landmark structures, structures of merit, or historic district in the vicinity that will be adversely affected by the appearance or design of the proposed building.

The project site currently includes automotive uses, however, the previous auto repair and service station uses no longer are in operation. The proposed project will change uses on the site to ground-floor commercial and residential uses above, providing an underutilized site with a new desirable use that activates the Shattuck Street frontage. The project will not introduce new land uses that do not already exist in the area.

C. Does not interfere with the continuity of retail and service facilities at the ground level

Evidence: The project includes 1,210 square feet of ground floor commercial space and will enhance and strengthen the continuity of retail and service facilities at the ground floor. The replacement of the previous auto related uses with new ground floor commercial will be an improvement to the site and area it serves.

D. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply

Evidence: Pursuant to BMC Section 23.334 the project is required to comply with the City Transportation Demand Management (TDM) requirements. These requirements include real time transportation information monitors, transit passes to residents of the building, unbundled parking and bicycle parking. Implementation of these measures will promote and incentivize alternative means of transportation and will create less of a burden on the traffic capacity and potential parking supply.

Additionally, the Downtown BART station is located on Shattuck Avenue, less than half a mile south of the project site. Bus service provided by AC Transit and University of California shuttle services are also available at the BART Station. Furthermore, in the vicinity of the project site, Milvia Street and Virginia Street are Class III bike routes and are designated as a bicycle boulevard with signage and markings encouraging motorists to share the road with bicyclists.

3. When taking action on a Use Permit, the ZAB shall consider in its findings:

(a) The proposed land use; and

Evidence: The previously approved land use remains a new mixed-use residential building and no proposed changes are part of the application.

(b) The structure or addition that accommodates the use.

Evidence: No changes to the previously approved structure are proposed as part of this application.

4. Required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: The required findings are satisfied because the project has been determined to be fully compliant with all applicable regulations based on the project plans submitted on September 17, 2025 and evaluated based on the existing conditions of the subject site and surrounding neighborhood at the time of decision.



PLANNING AND
DEVELOPMENT

USE PERMIT ZP2025-0046 CONDITIONS OF APPROVAL

January 22, 2026

1752 Shattuck Avenue

Use Permit #ZP2025-0046 to modify a State Density Bonus project originally approved under Use Permit #ZP2022-0011 to request a concession to allow an exemption from the Percentage for Public Art in-lieu fee

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

- 1. Previous Use Permits.** This permit is subject to all applicable and ongoing Conditions of Approval attached to Use Permit #ZP2022-0011, striking out Condition # 25 “Percent for Public Art: Consistent with BMC 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art” and any other conditions that are not otherwise superseded by subsequent conditions or updated land use and building code.

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 SHATTUCK
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JOB: 2120

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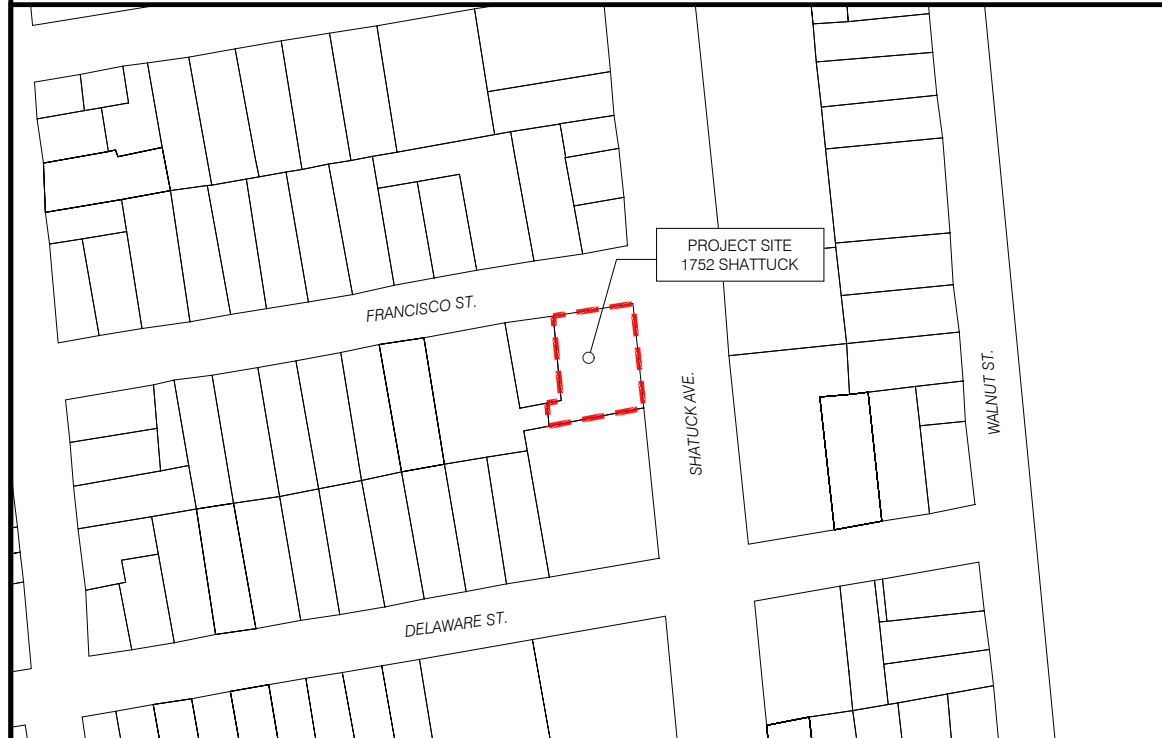
GENERAL
 INFORMATION

A0.0



VICINITY MAP

N.T.S.



PROJECT DIRECTORY

OWNER/APPLICANT:
 Patrick Kennedy
PANORAMIC INTERESTS
 1321 Mission Street
 San Francisco, CA 94103

ARCHITECT:
 David Trachtenberg, Principal
TRACHTENBERG ARCHITECTS
 2421 Fourth Street
 Berkeley, CA 94710
 510.649.1414
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PROJECT DESCRIPTION

PROJECT ADDRESS: 1752 Shattuck Ave.
 Berkeley, CA 94709 (APN: 058 217600101)

SCOPE OF WORK:
 REMOVAL OF EXISTING 1 STORY COMMERCIAL STRUCTURE & CONSTRUCTION OF A NEW 7-STORY MIXED-USE BUILDING WITH 68-DWELLING UNITS, GROUND LEVEL LOBBIES, COMMERCIAL SPACE, AND PARKING GARAGE WITH STATE OF CALIFORNIA DENSITY BONUS.

ZONING CODE SUMMARY
 (BASED ON THE BERKELEY MUNICIPAL ZONING CODE)
 ZONING: C-1
 SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

ARCHITECTURAL	
A0.0 GENERAL INFORMATION	A2.2 FLOOR PLANS
A0.1 ZONING INFORMATION & DIAGRAMS	A2.3 FLOOR PLANS
A0.3A DENSITY BONUS DIAGRAMS	A2.4 FLOOR PLANS
A0.3B DENSITY BONUS CALCULATIONS	A3.1 BUILDING ELEVATIONS
A0.4A SHADOW STUDIES	A3.2 BUILDING ELEVATIONS
A0.4B SHADOW STUDIES	A3.3 BUILDING ELEVATIONS
A0.4C SHADOW STUDIES	A3.4 BUILDING ELEVATIONS
A0.4D SHADOW STUDIES	A3.5 STREETScape ELEVATIONS
A0.4E SHADOW STUDIES	A3.6 PHOTO MATCH PERSPECTIVES
A0.4F SHADOW STUDIES	A3.7 PHOTO MATCH PERSPECTIVES
A0.5 SITE CONTEXT PHOTOS	A3.8 PERSPECTIVE VIEWS
A0.6 VICINITY MAP	A3.9 PERSPECTIVE VIEWS
A1.1 SITE SURVEY	A3.10 PERSPECTIVE VIEWS
A1.2 SITE SURVEY	A3.11 PERSPECTIVE VIEWS
A2.1 FLOOR PLANS	A3.12 PERSPECTIVE VIEWS
	A3.13 PERSPECTIVE VIEWS
	A3.14 PERSPECTIVE VIEWS
	A3.15 PERSPECTIVE VIEWS
	A3.16 PERSPECTIVE VIEWS
	A3.17 PERSPECTIVE VIEWS
	A3.18 PERSPECTIVE VIEWS
	A4.1 BUILDING SECTIONS
	A4.2 BUILDING SECTIONS
	A4.3 BUILDING SECTIONS
	MAT MATERIAL BOARD
	LANDSCAPE
	L.1 LANDSCAPE CONCEPT
	L.2 LANDSCAPE PALETTE & IMAGES

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ZONING DATA

A0.1

OPEN SPACE DIAGRAMS

REFUSE AND RECYCLING

Waste and Recycling Calculation								
# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3)		Waste (40%)		Recycling (40%)	Organics (20%)
153	1.00	153	12.75 cy	2,550 gal	5.10 cuft	1,020 gal	1,020 gal	510 gal

Space Calculation								
	Container Quantities			Space Required		150% Additional		
	Waste	Recycling	Organics	Factor/container	Space/Container	Required	Provided	
2 cy bin (404 gal)	2	2		28 sf	112 sf			
96 gallon cart	4	4	6	7 sf	98 sf			
64 gallon cart				6 sf	sf			
Total capacity	1192 gal	1192 gal	576 gal			210 sf	315 sf	500

ZONING MAP

ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS

	PROPOSED	PERMITTED/REQUIRED	ALLOWABLE W/ 50% DENSITY BONUS
NUMBER OF DWELLING UNITS	68	45	N/A
COMMERCIAL AREA	1,210	N/A	N/A
PARKING	SEE TABLE	SEE TABLE	SEE TABLE
BIKE PARKING	30	55	N/A
FRONT YARD SETBACK (FRANCISCO)	0'	0'	N/A
STREET SIDE YARD SETBACK (SHATTUCK)	0'	0'	N/A
SIDE YARD SETBACK	VARIES; 4'-6" TO 25'-6"	0'	N/A
REAR YARD SETBACK	5'-0"	0'	N/A
BUILDING HEIGHT	78'-9" **	50'	80' **
BUILDING STORIES	7	4	7 **
LOT AREA	10,522	10,522	10,522
LOT AREA (ACRES)	0.24	0.24	0.24
GROSS FLOOR AREA (SEE TABLE)	47,137	N/A	47,349
BUILDING FOOTPRINT	8,605	10,522	N/A
LOT COVERAGE	82%	100%	N/A
USABLE OPEN SPACE (SEE TABLE)	SEE TABLE	SEE TABLE	SEE TABLE
PROJECT FAR	4.48 **	3.0	4.5 **

** Via Density Bonus Waiver

FAR CALCULATIONS

	BASE PROJECT ALLOWABLE	ALLOWABLE W/ 50% DENSITY BONUS	PROPOSED W/ DENSITY BONUS
SITE AREA	10,522	10,522	10,522
FAR	3.00	4.50	4.48
FLOOR AREA	31,566	47,349	47,137

PROPOSED FLOOR AREA WITH DENSITY BONUS

	COMMERCIAL	RESIDENTIAL	MECH.	TOTAL
LEVEL 7		5,347		5,347
LEVEL 6		7,502		7,502
LEVEL 5		7,502		7,502
LEVEL 4		7,502		7,502
LEVEL 3		7,502		7,502
LEVEL 2		7,502		7,502
GROUND LEVEL (EXCLUDES PARKING)	1,210	2,554	516	4,280
TOTAL FLOOR AREA W/ DENSITY BONUS	1,210	45,411		47,137
FAR (FLOOR AREA RATIO)				4.48
PARKING				4,026
TOTAL WITH PARKING				51,163

UNIT COUNTS

UNIT TYPE	STUDIO	2-BED	3-BED	TOTAL
LEVEL 7	1	4	3	8
LEVEL 6	2	5	5	12
LEVEL 5	2	5	5	12
LEVEL 4	2	5	5	12
LEVEL 3	2	5	5	12
LEVEL 2	2	5	5	12
GROUND LEVEL				
TOTAL	11	29	28	68
PERCENT OF TOTAL	16%	43%	41%	
TOTAL BEDROOM COUNT	11	58	84	153

OPEN SPACE TABLE

	UNITS	RATIO	TOTAL	LANDSCAPE AREA
TOTAL UNITS	68	200	13,600	
TOTAL REQUIRED			13,600	
TOTAL CONCESSION REQUESTED			10,860	
TOTAL AREA PROVIDED			2,102	848
LEVEL 7 ROOF DECKS			2,102	

BIKE PARKING CALCULATIONS

	UNITS/SF	SPACES PER BEDROOM/SF	TOTAL REQ	PROVIDED
NEW COMMERCIAL	1,210	1/2000	1	1
RESIDENTIAL (LONG TERM)	153	0.33	51	18
RESIDENTIAL (SHORT TERM)	153	0.025	4	11
TOTAL PARKING			55	30
TOTAL CONCESSION REQUESTED			33 LONG TERM SPACES	

PARKING TABLE

	UNITS/SF	MIN.	REQUIRED	PROPOSED
RESIDENTIAL	68	0	0	2
COMMERCIAL	1210	2/1000 SF	2	4

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

AVERAGE AREA	7686
TOTAL AREA OF ROOFTOP ELEMENTS	384
% AREA OF ROOFTOP ARCH. FEATURES	5.0%
ALLOWABLE % (PER 23.304.050A)	15.0%

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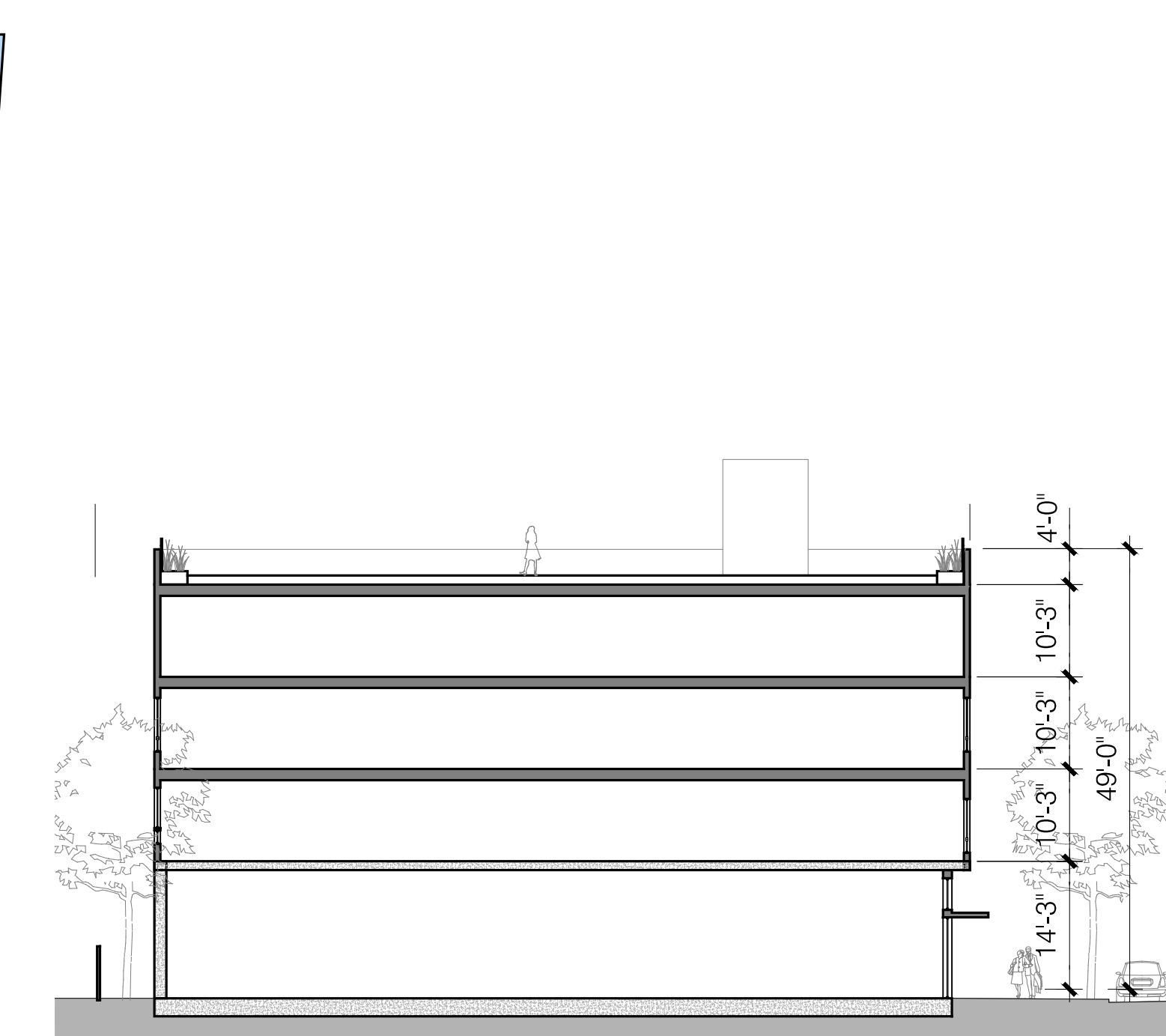
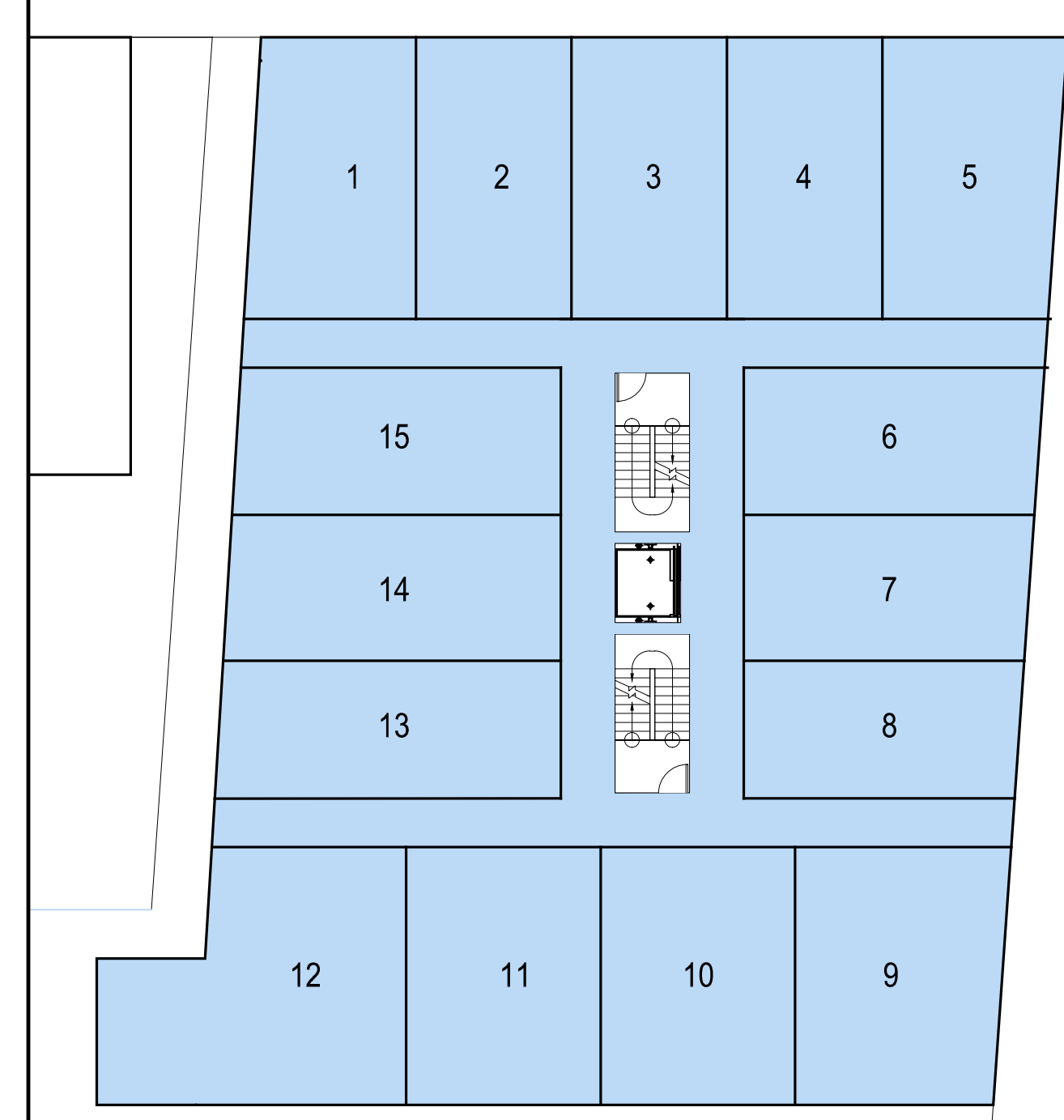
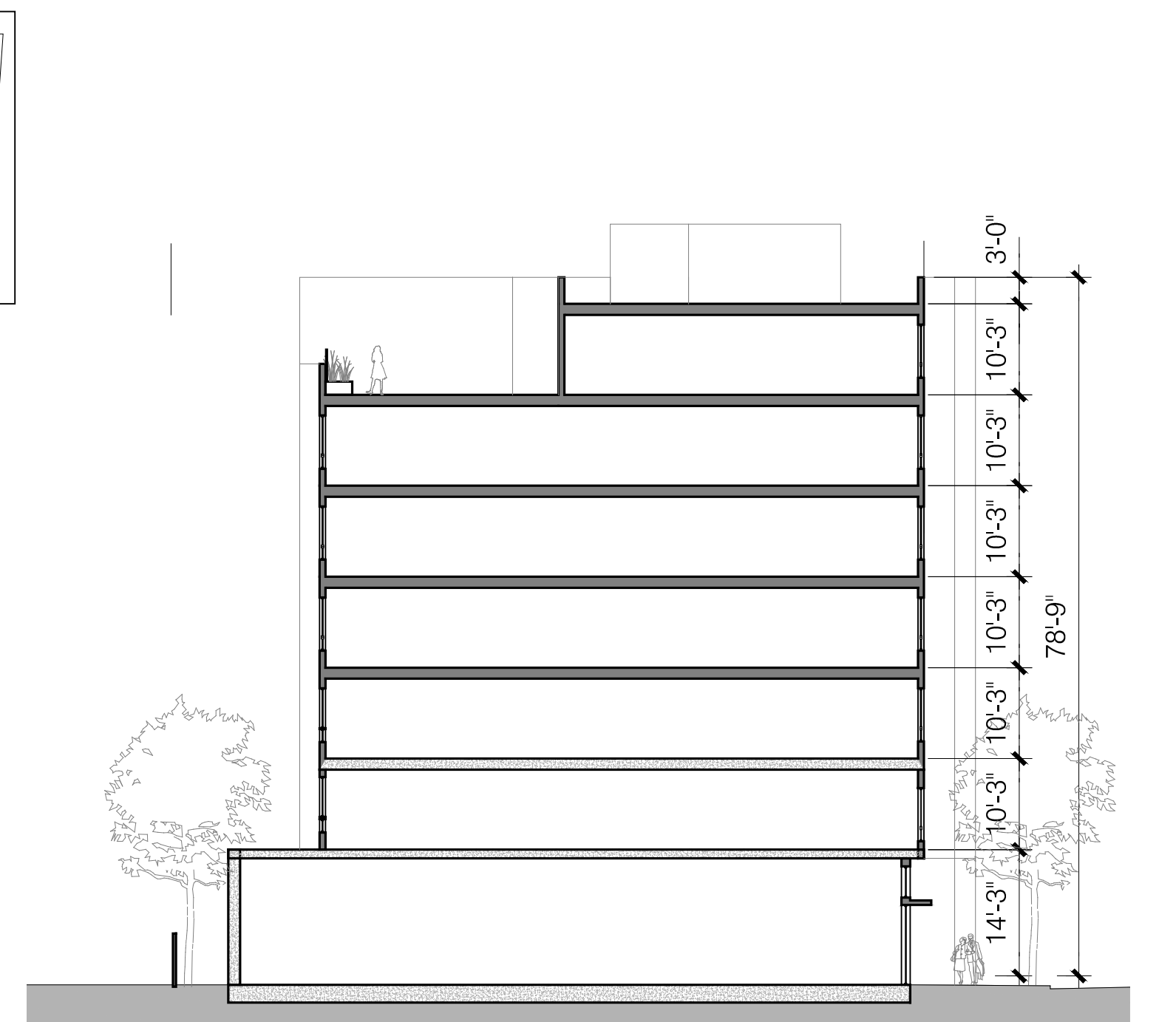
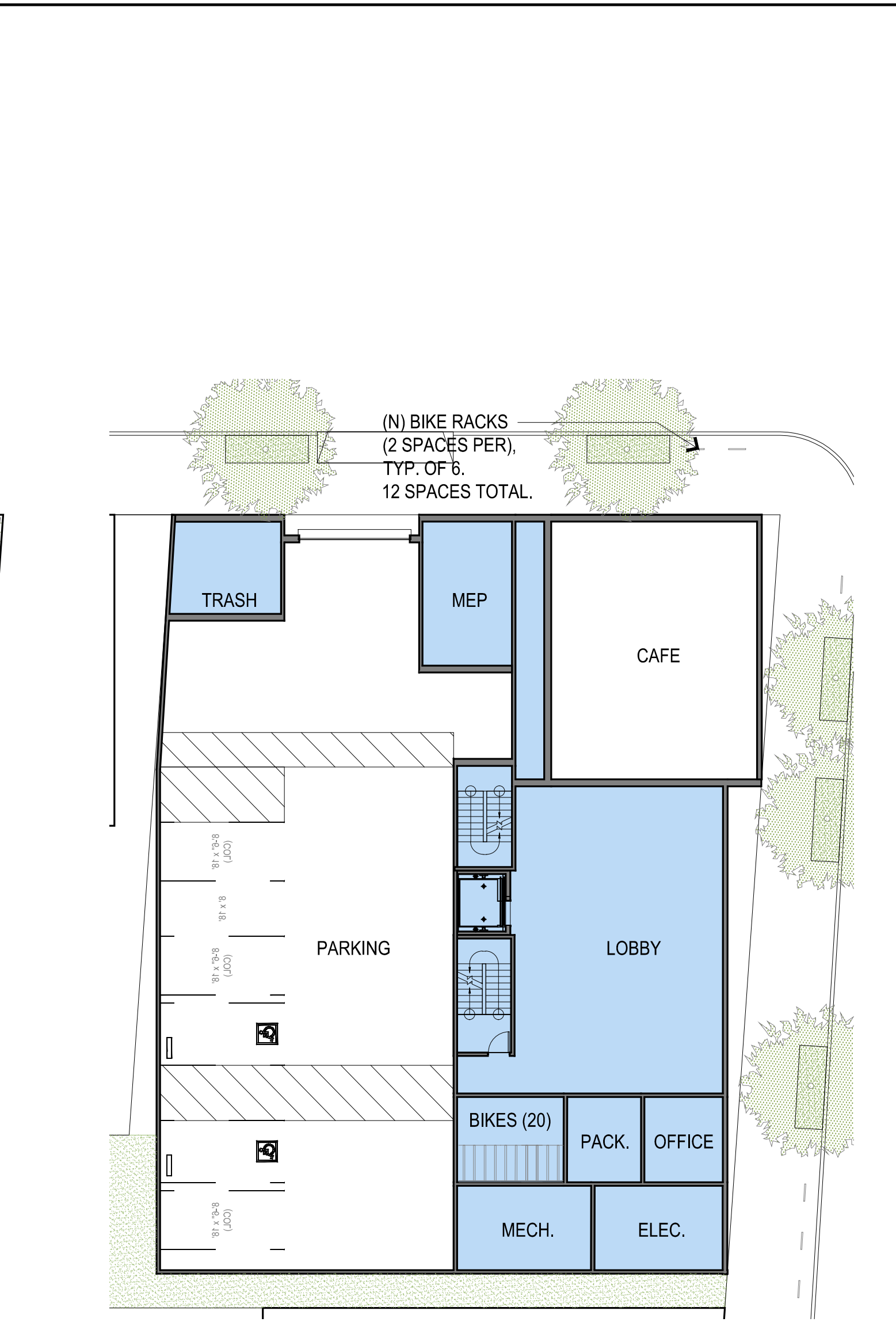
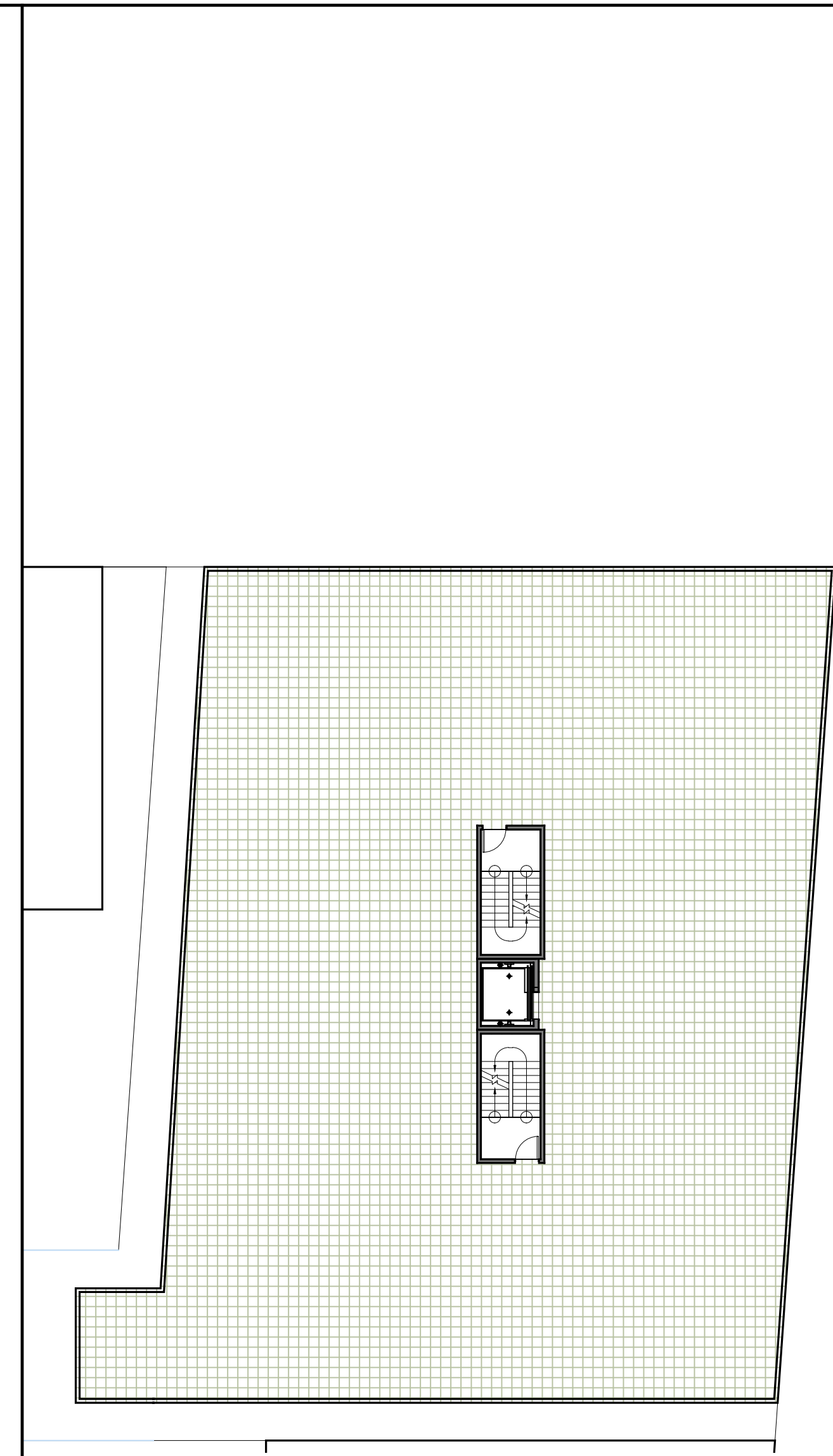
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DENSITY BONUS
 DIAGRAMS

A0.3A



PROPOSED DENSITY BONUS PROJECT

PLAN AT LEVELS 2-4

BASE PROJECT

PLAN AT LEVEL 7

PLAN AT GROUND

PLAN AT ROOF

PLAN AT GROUND

PLAN AT LEVELS 2-6

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**DENSITY BONUS
CALCULATIONS**

A0.3B

DENSITY BONUS TABLE

	Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
	sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units	%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)
	30,356	44.95	45	15%	6.75	7.00	50.0%	22.5000	23	68

Base Project Res. Area	Floor	Proposed Project Res. Area	#VLI	%VLI	%DB	#DB	#Concessions
	Seventh	5,347	3	5%	20.0%	54	1
	Sixth	7,502	3	6%	22.5%	56	1
	Fifth	7,502	4	7%	25.0%	57	1
	Fourth	7,502	4	8%	27.5%	58	1
8,904	Third	7,502	5	9%	30.0%	59	1
8,904	Second	7,502	5	10%	32.5%	60	2
8,904	Ground	3,070	5	11%	35.0%	61	2
3,644			6	12%	38.75%	63	2
30,356		45,927	6	13%	42.5%	65	2
			7	14%	46.3%	66	2
			7	15%	50.0%	68	3

Total Floor Area:

Total Units:

Proposed Area: **45,927**

Proposed Units: **68**

Average Unit Size: **675**

#Concessions

1. Reduce open space requirement
2. Reduce bicycle parking requirement

BASE PROJECT ZONING COMPLIANCE CHECKS

Base Project - Open Space

	Units	Ratio	Total Area
Base Units	45	200	9000
Provided Open Space (Roof Deck)			9012

Base Project - FAR

	Res. Area	Commercial	Total GFA
GFA	30,356	1210	31,566
Site Area			10,522
FAR			3.000

Base Project - Parking




	Units/SF	Bedrooms	Ratio	Total Req.	Provided
Residential				0	2
Commercial	1,210	N/A	2/1000 SF	2	4

Base Project -Bicycle Parking

	Units/SF	Bedrooms	Ratio	Total Req.	Provided
New Comm.	1,210		1/2000	0	0
Res. (Long)		39	0.33	13	16
Res (Short)		39	0.025	2	12

Base Project - Stormwater

	Roof Area	%	Required	Provided
Base Units	9115	4%	365	949

 DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 NEW SHADOW AT RESIDENTIAL BUILDING
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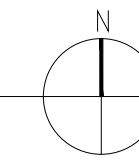
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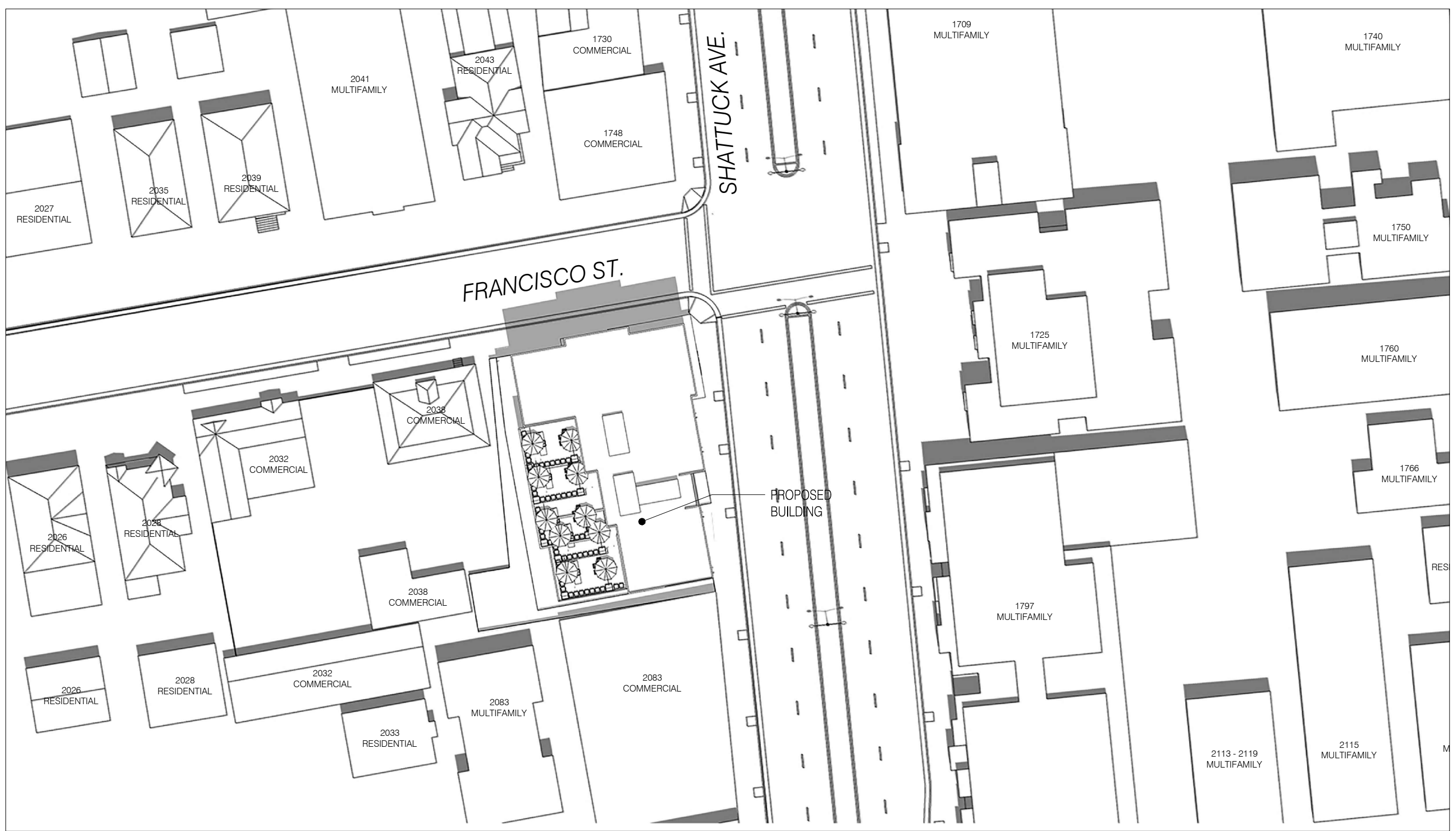
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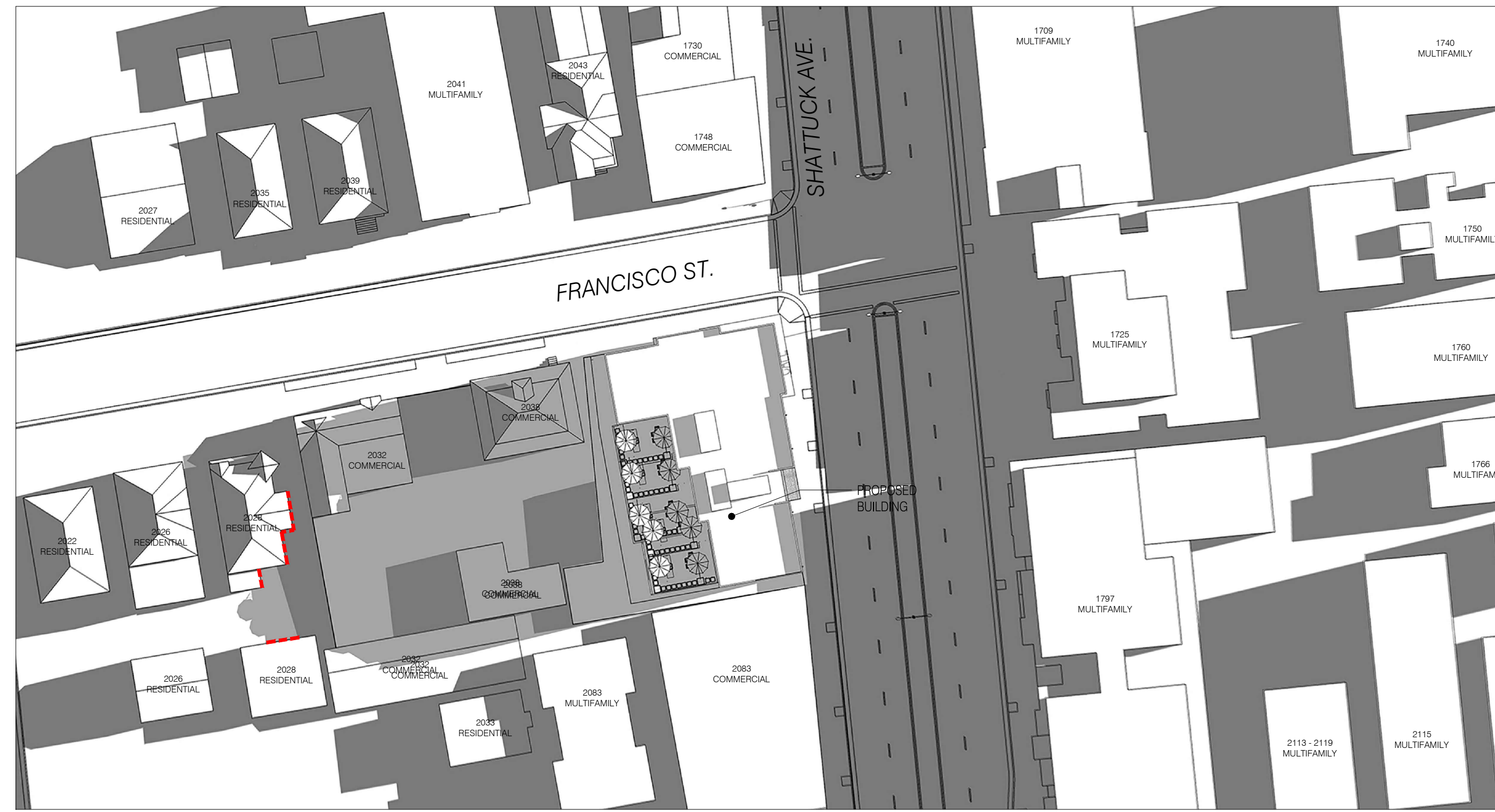
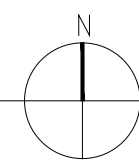
2 SHADOW STUDY - JUNE 21: 2-HRS BEFORE SUNSET
 1:100 @ 11X17 1:50 @ 24X36



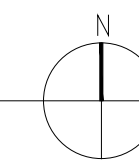
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1 SHADOW STUDY - JUNE 21: 2 HRS AFTER SUNRISE
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SHADOW STUDIES
 JUNE 21ST

A0.4A



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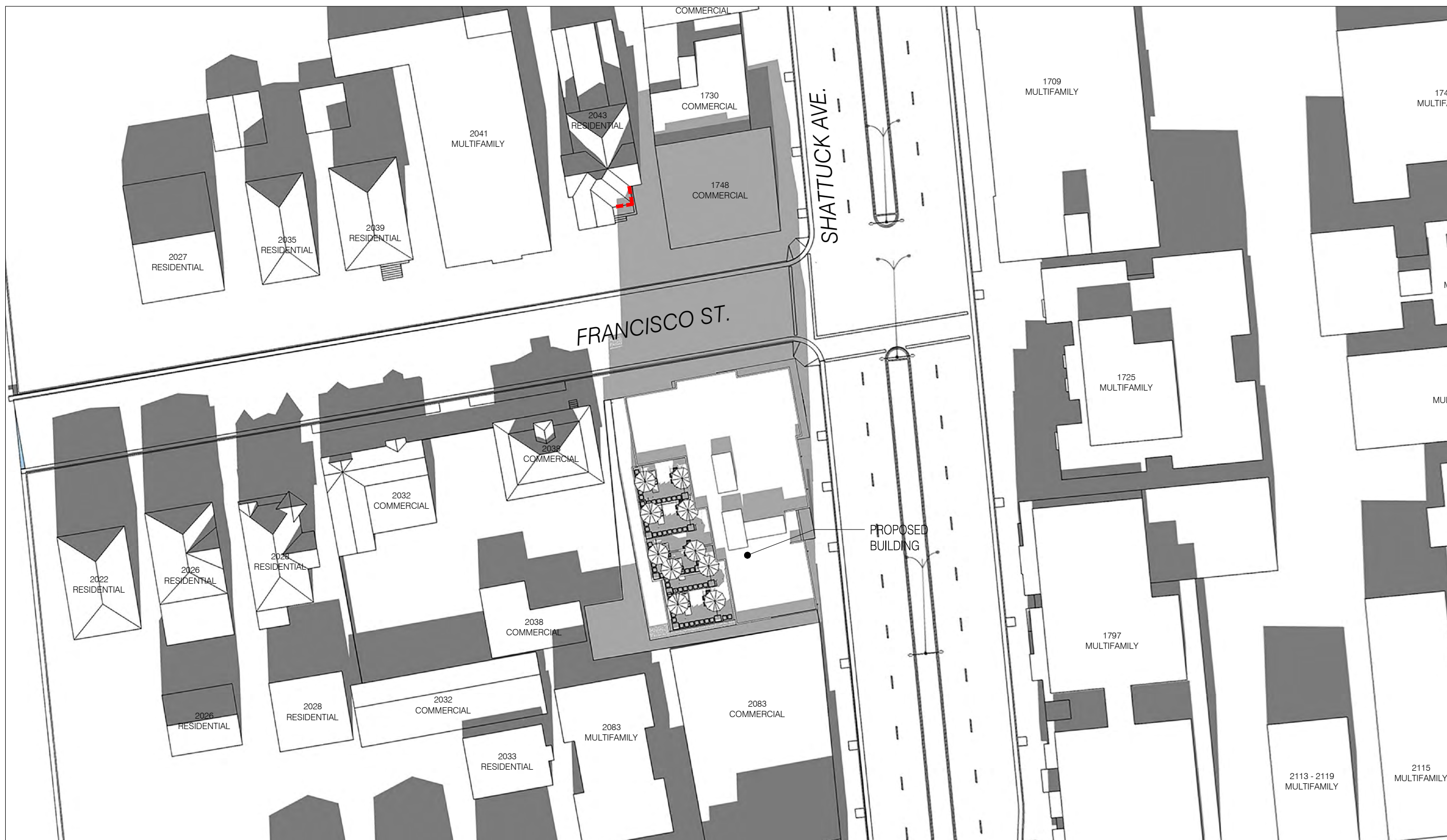
SHADOW STUDIES
 DECEMBER 21ST

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 FROM EXISTING BUILDINGS
 ■ LIGHTER TONE GREY INDICATES SHADOWS
 FROM PROPOSED BUILDING
 - - - NEW SHADOW AT RESIDENTIAL BUILDING
 ALL RESIDENTIAL BUILDINGS BEING
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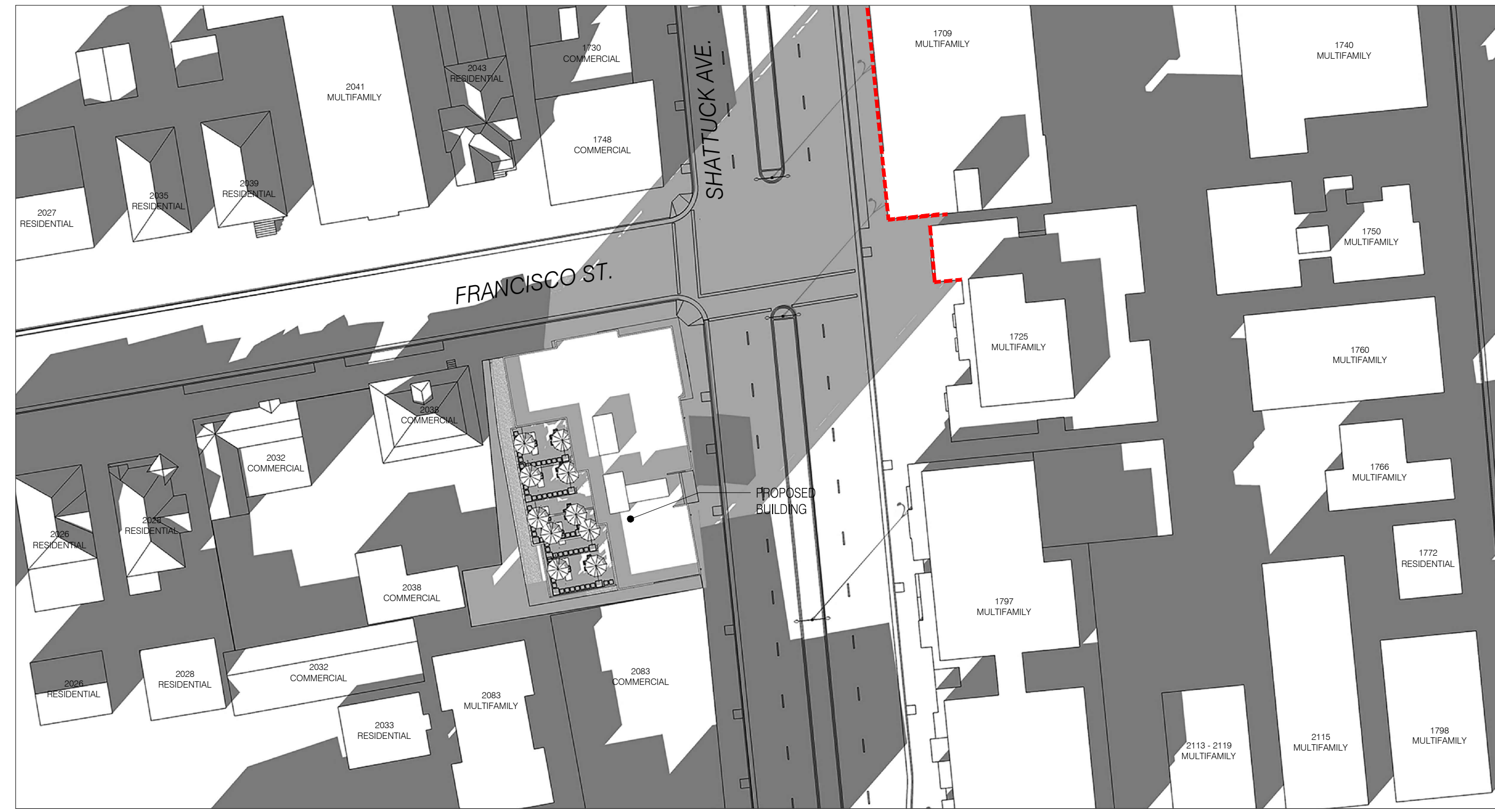


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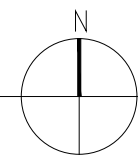
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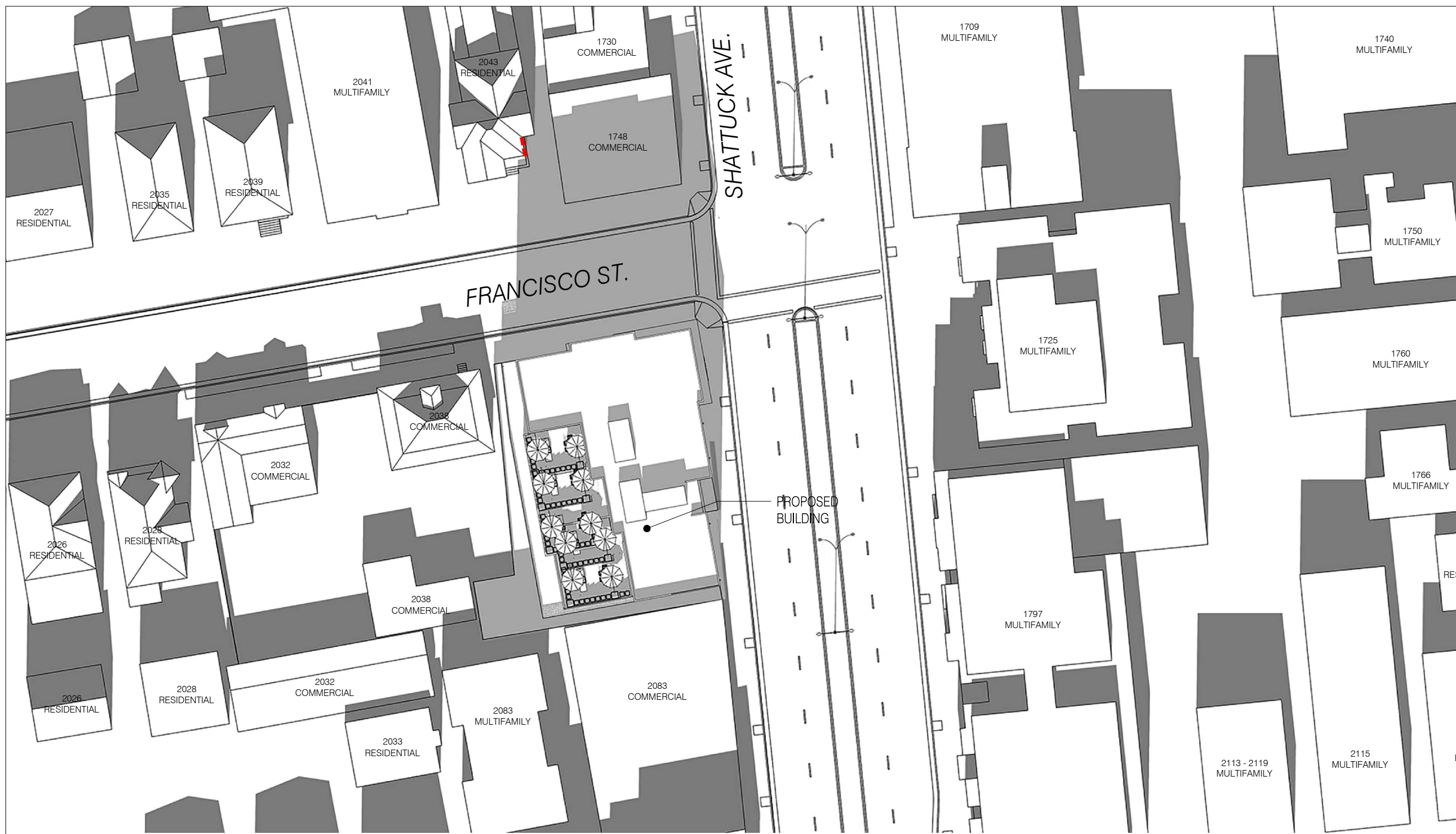
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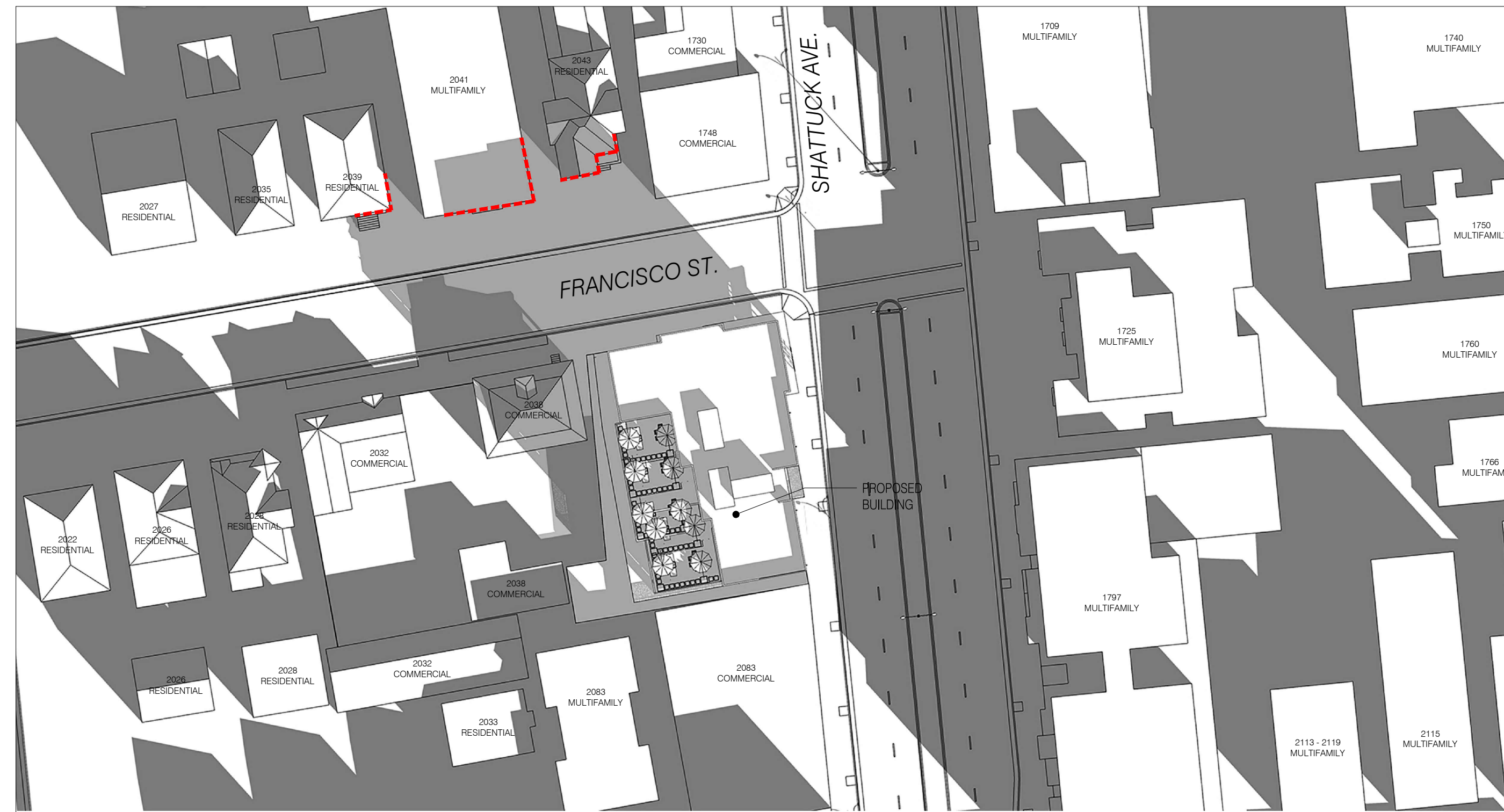
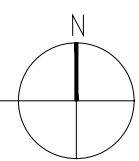
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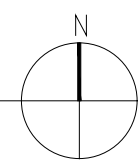
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SHADOW STUDIES
 NOV. 26TH

A0.4C

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 ARCHITECTS

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3 SHADOW STUDY AXONOMETRIC - JUN 21: 2-HRS BEFORE SUNSET
 NTS

**PANORAMIC
 @ 1752
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 AVENUE**

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- 01.12.2023 ZAB REVISIONS

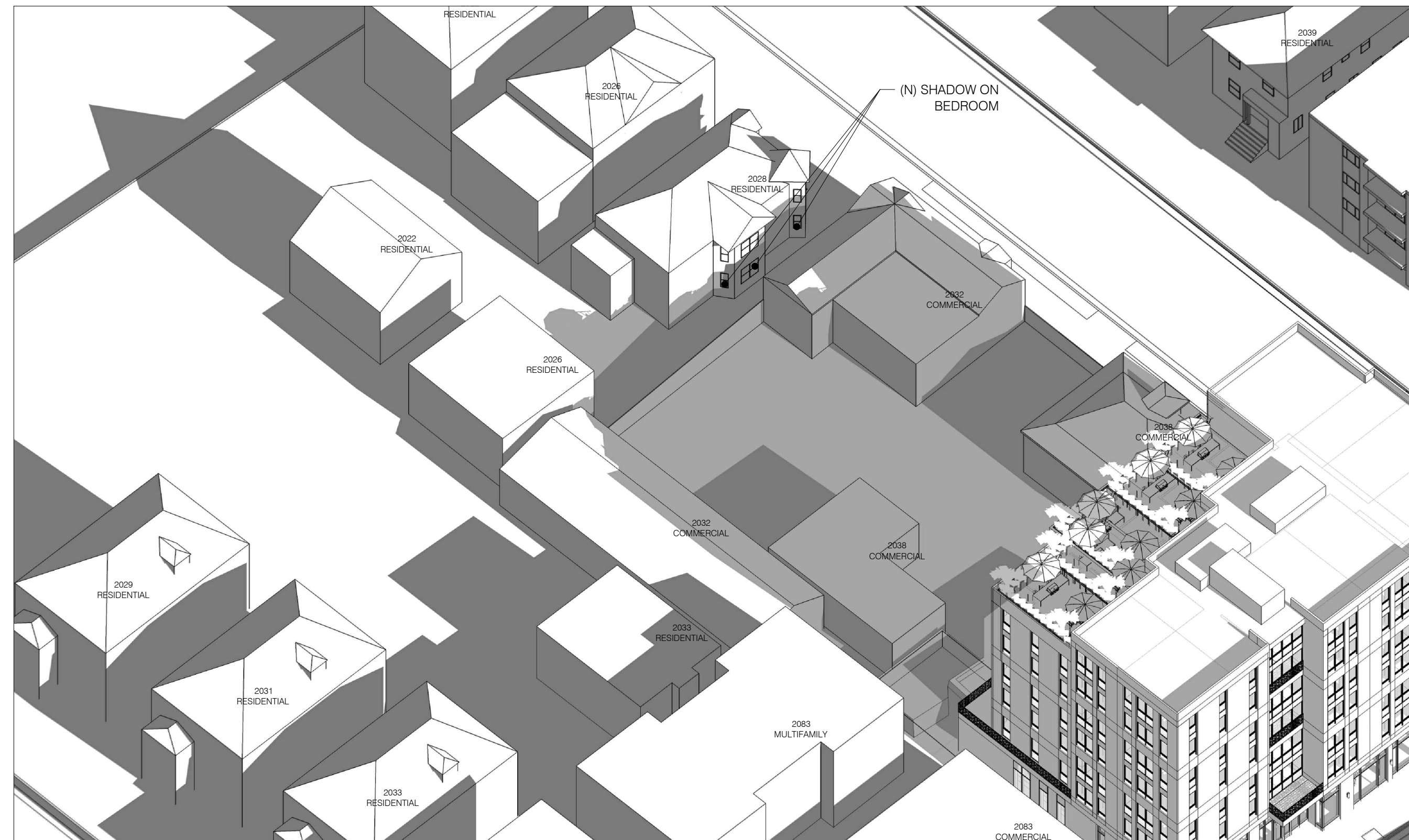
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JOB: 2120

SHEET:

SHADOW STUDIES
 JUNE 21ST

A0.4D



1 SHADOW STUDY AXONOMETRIC - JUN 21: 2-HRS AFTER SUNRISE
 NTS

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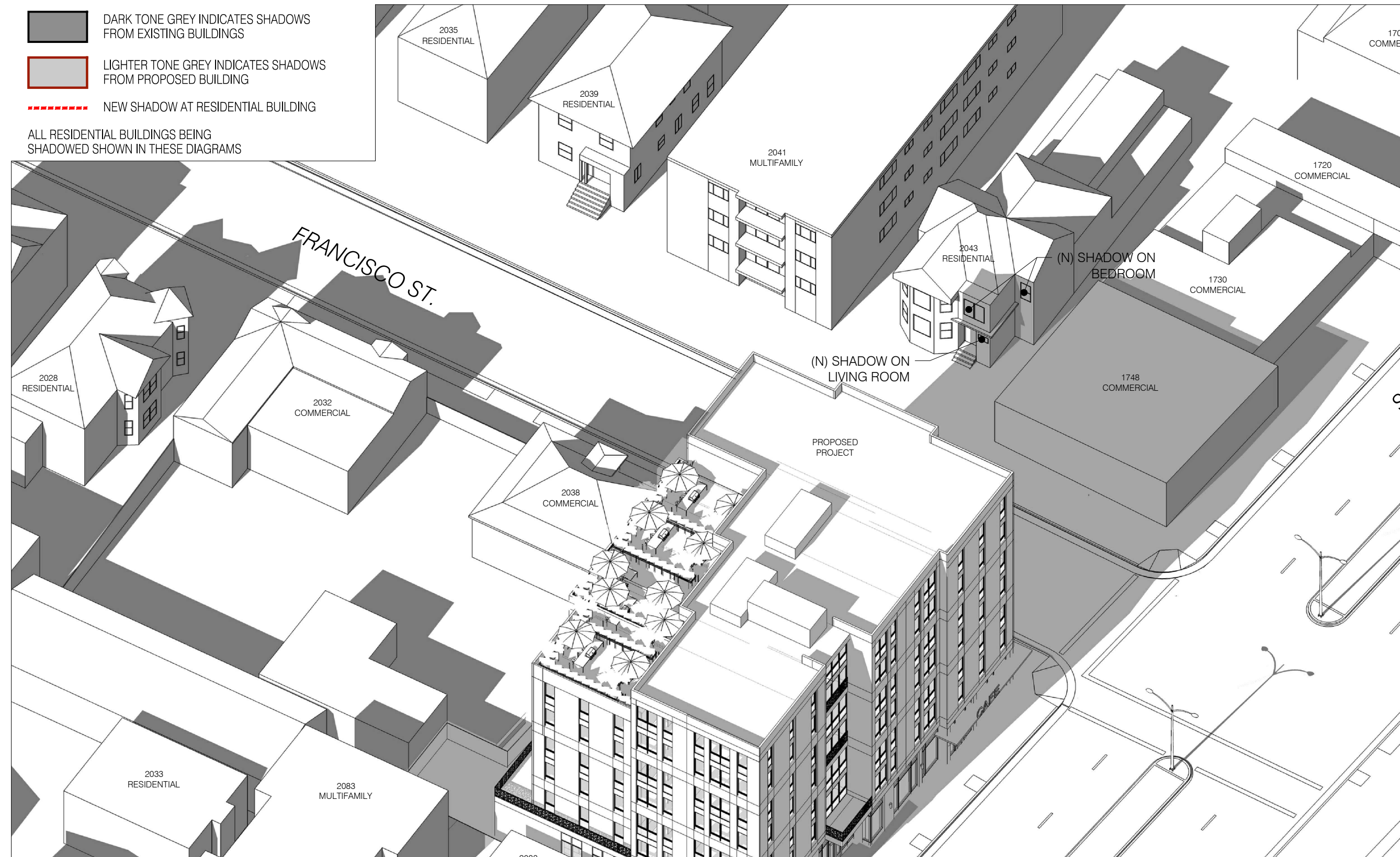
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JOB: 2120

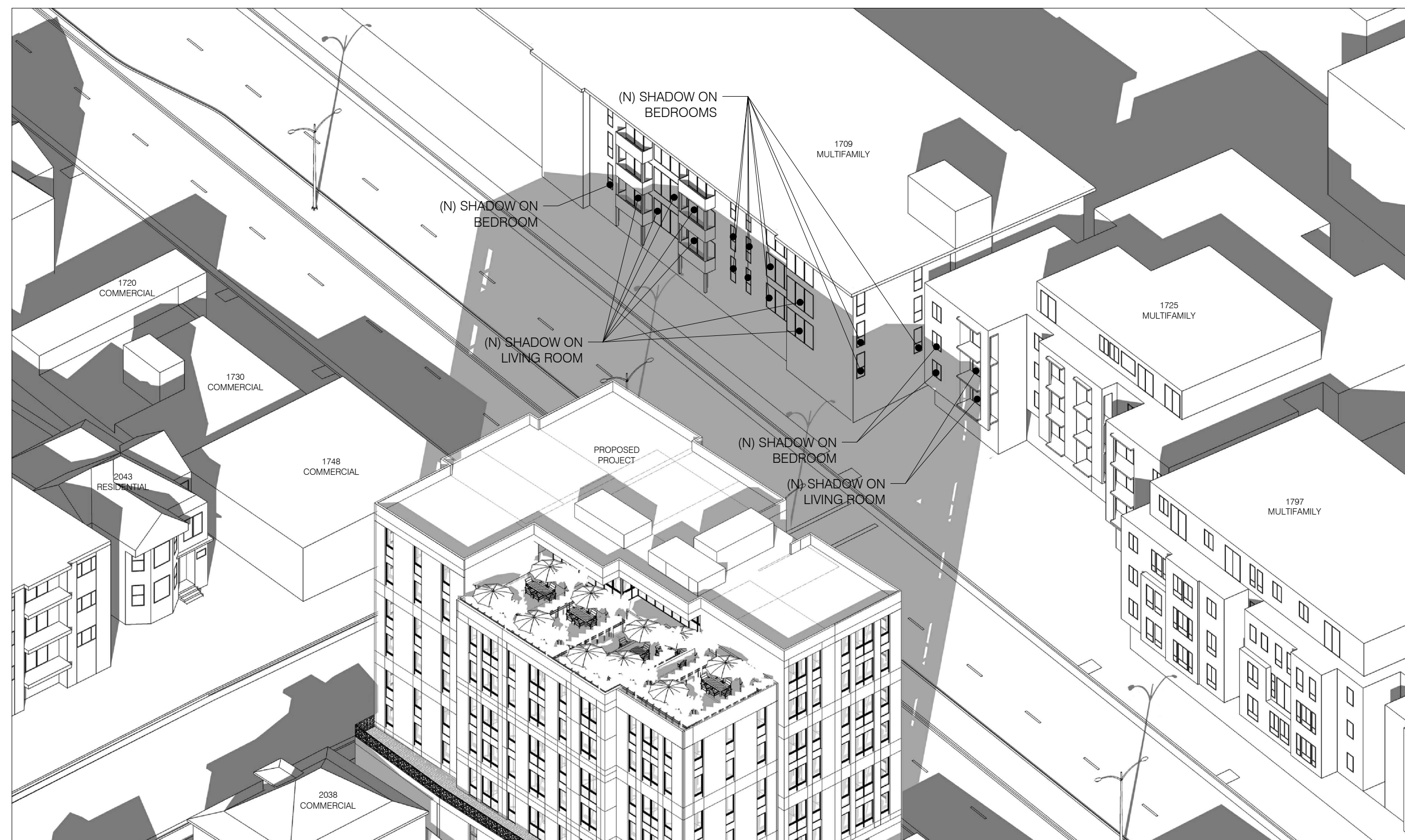
SHEET:

SHADOW STUDIES
 DECEMBER 21ST

A0.4E



2 SHADOW STUDY - DEC 21: NOON
 1:100 @ 11X17 1:50 @ 24X36



3 SHADOW STUDY - DEC 21: 2 HRS BEFORE SUNSET
 1:100 @ 11X17 1:50 @ 24X36



1 SHADOW STUDY - DEC 21: 2 HOURS AFTER SUNRISE
 1:100 @ 11X17 1:50 @ 24X36

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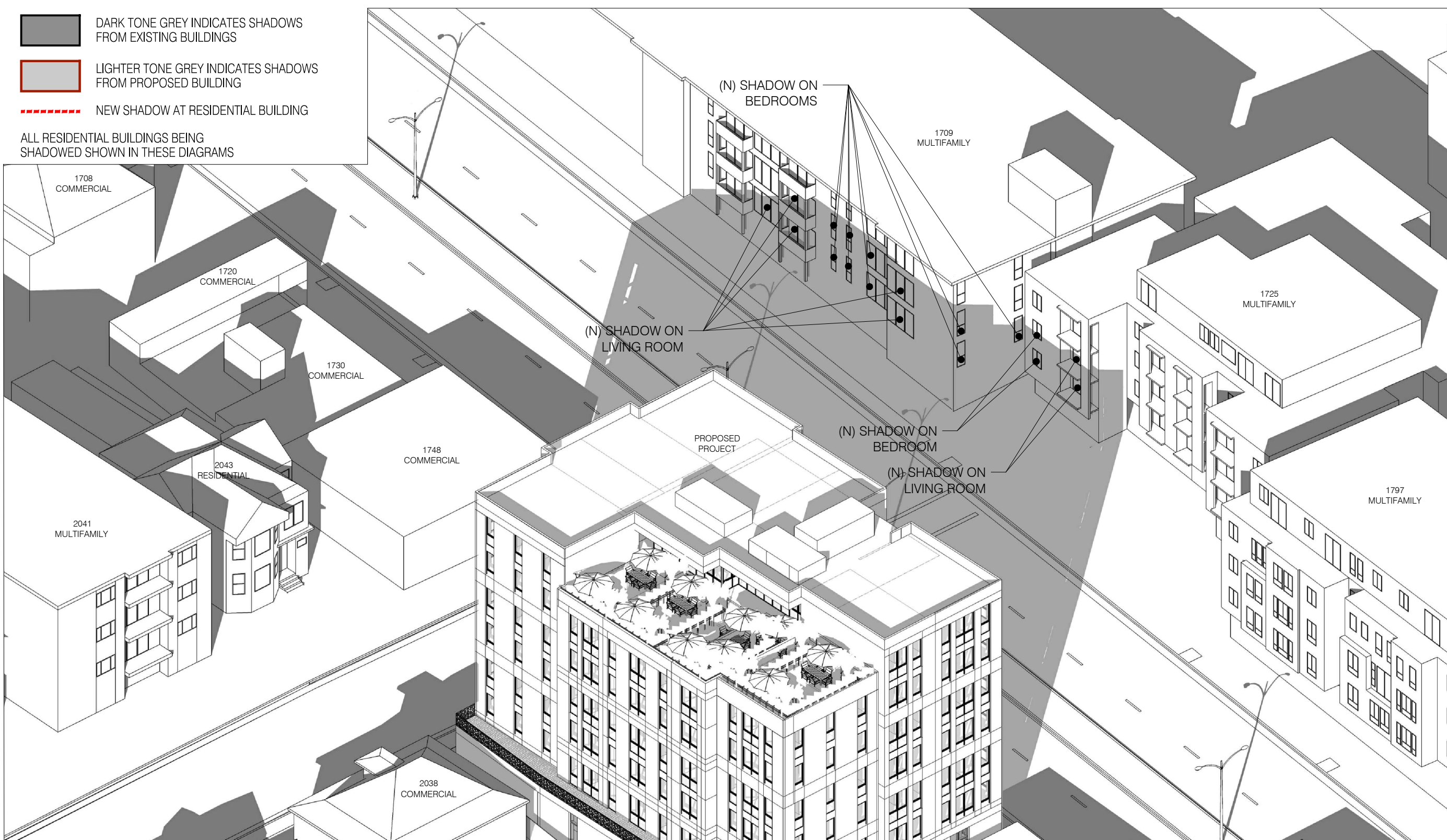
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1 SHADOW STUDY AXONOMETRIC - NOV 26: NOON
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3 SHADOW STUDY AXONOMETRIC - NOV 26: 2 HRS BEFORE SUNSET
 1:100 @ 11X17 1:50 @ 24X36



2 SHADOW STUDY AXONOMETRIC - NOV 26: 2 HRS AFTER SUNRISE
 1:100 @ 11X17 1:50 @ 24X36

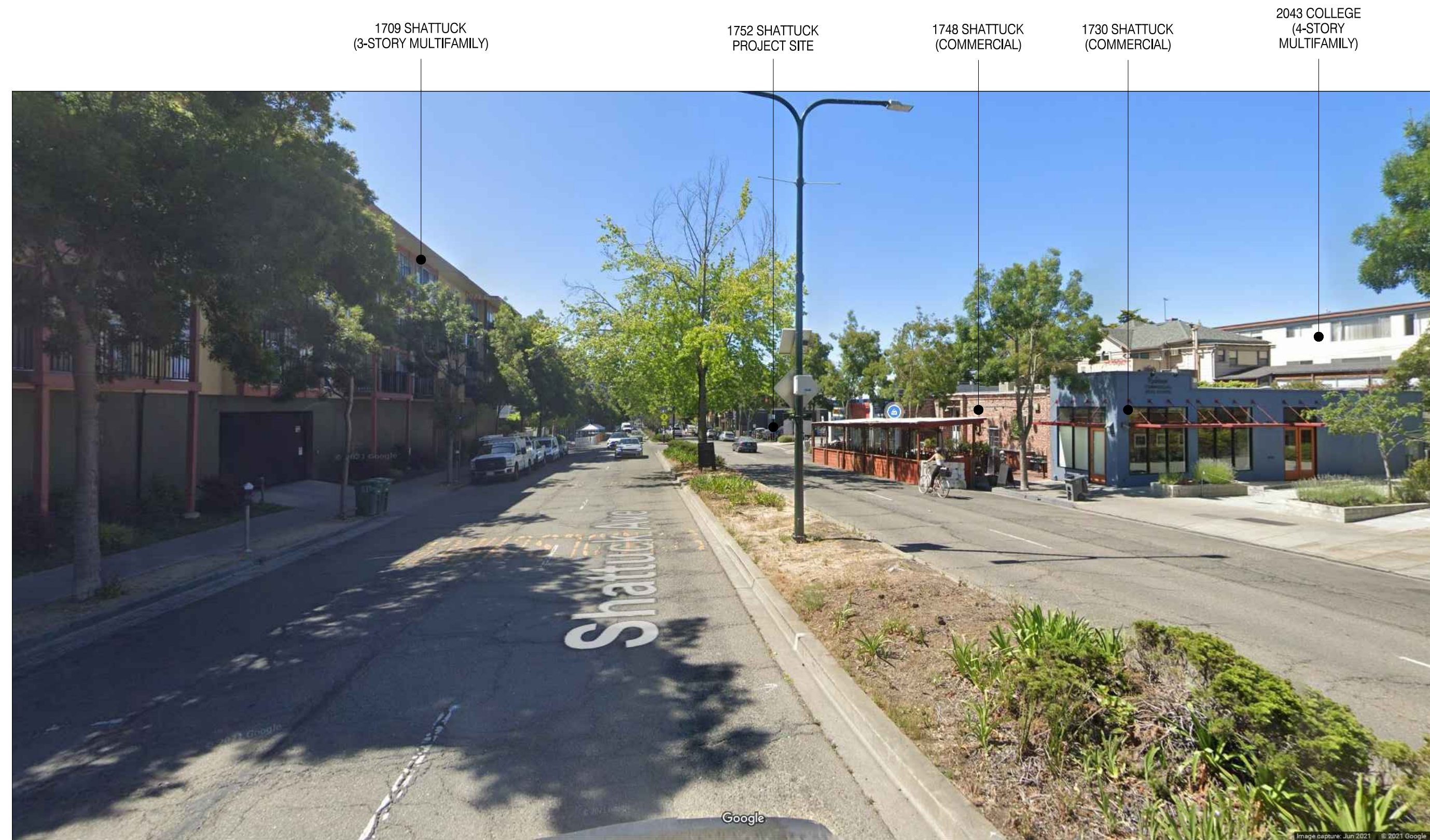
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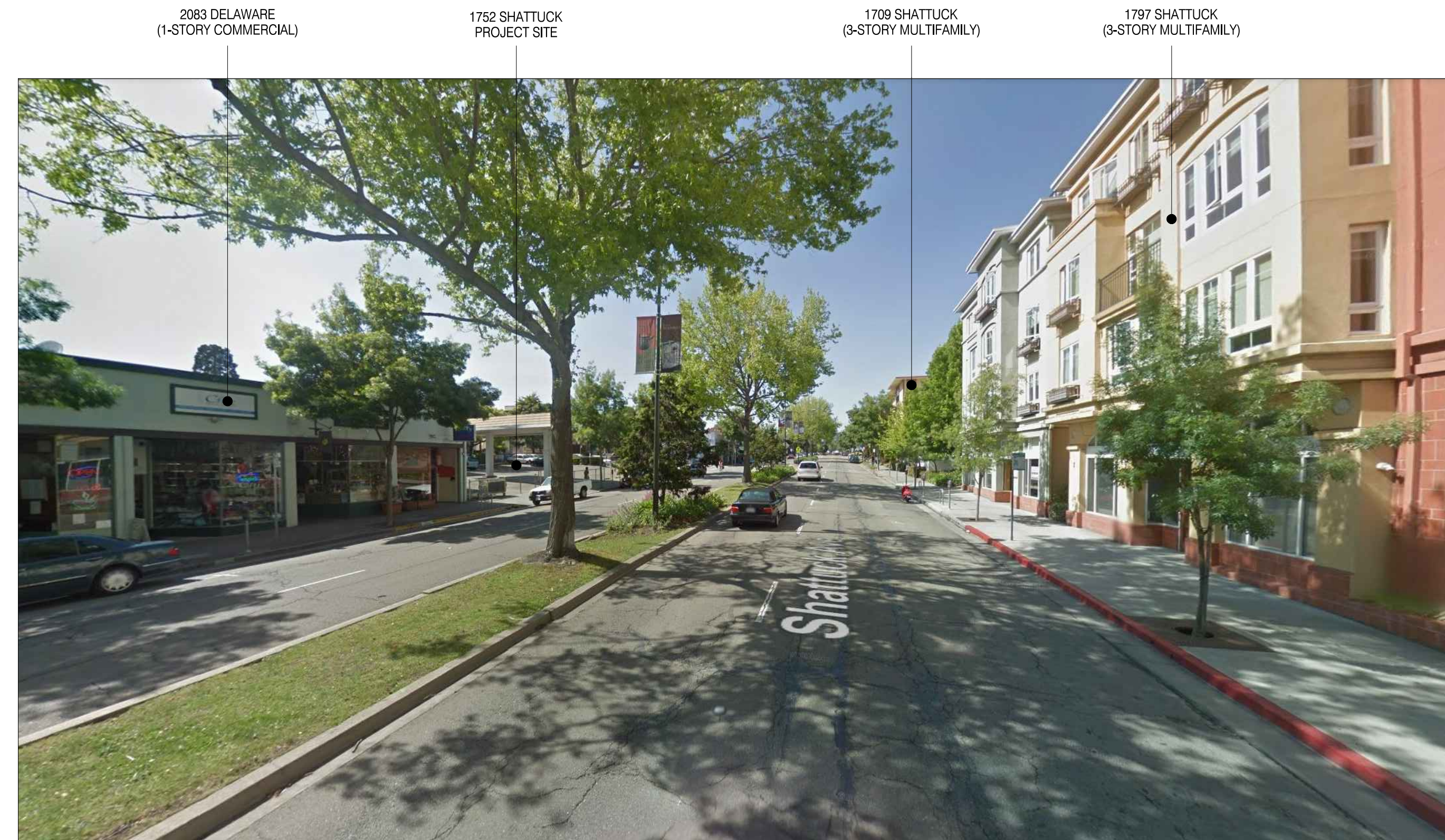
SHEET:

SHADOW STUDIES
 NOV 26

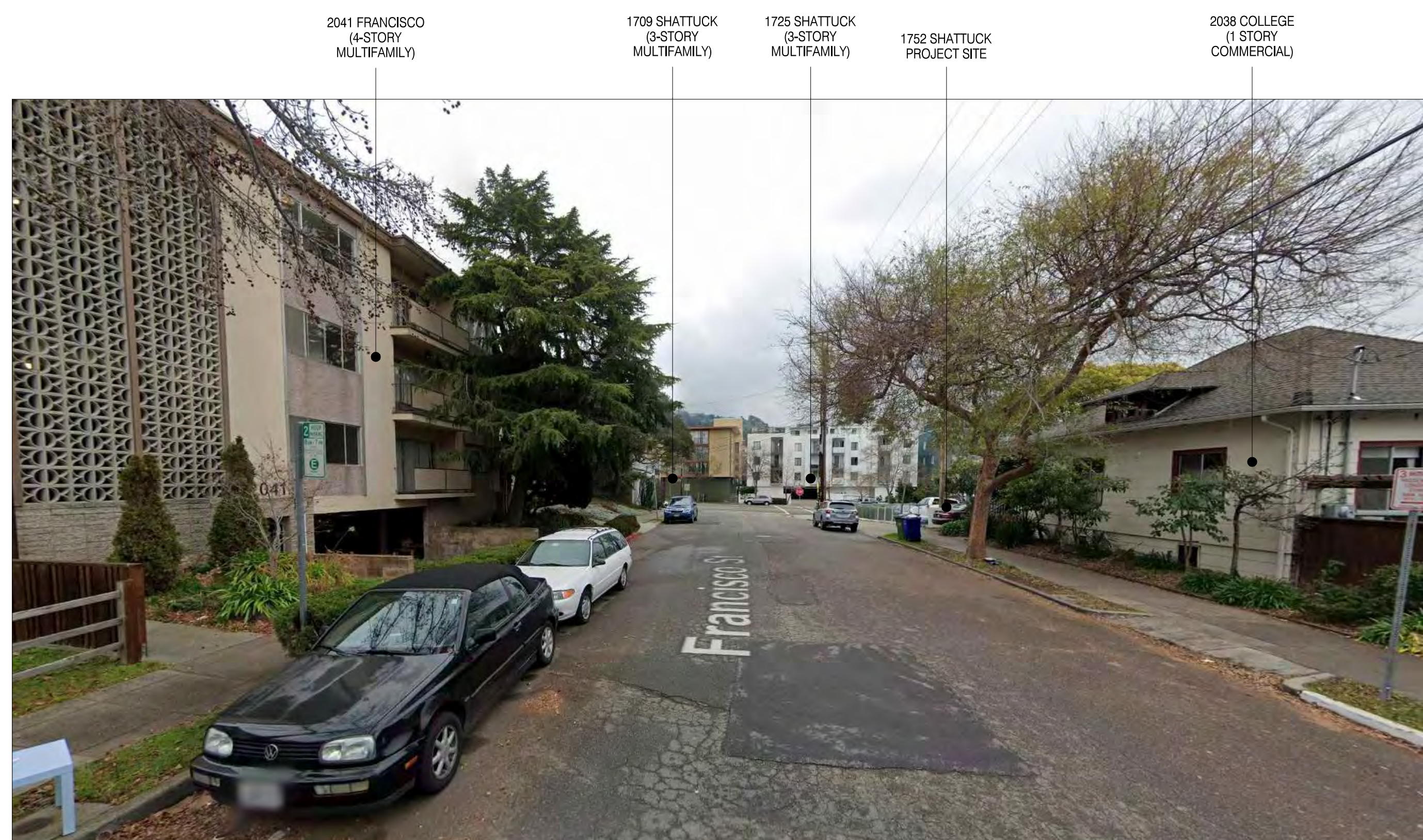
A0.4F



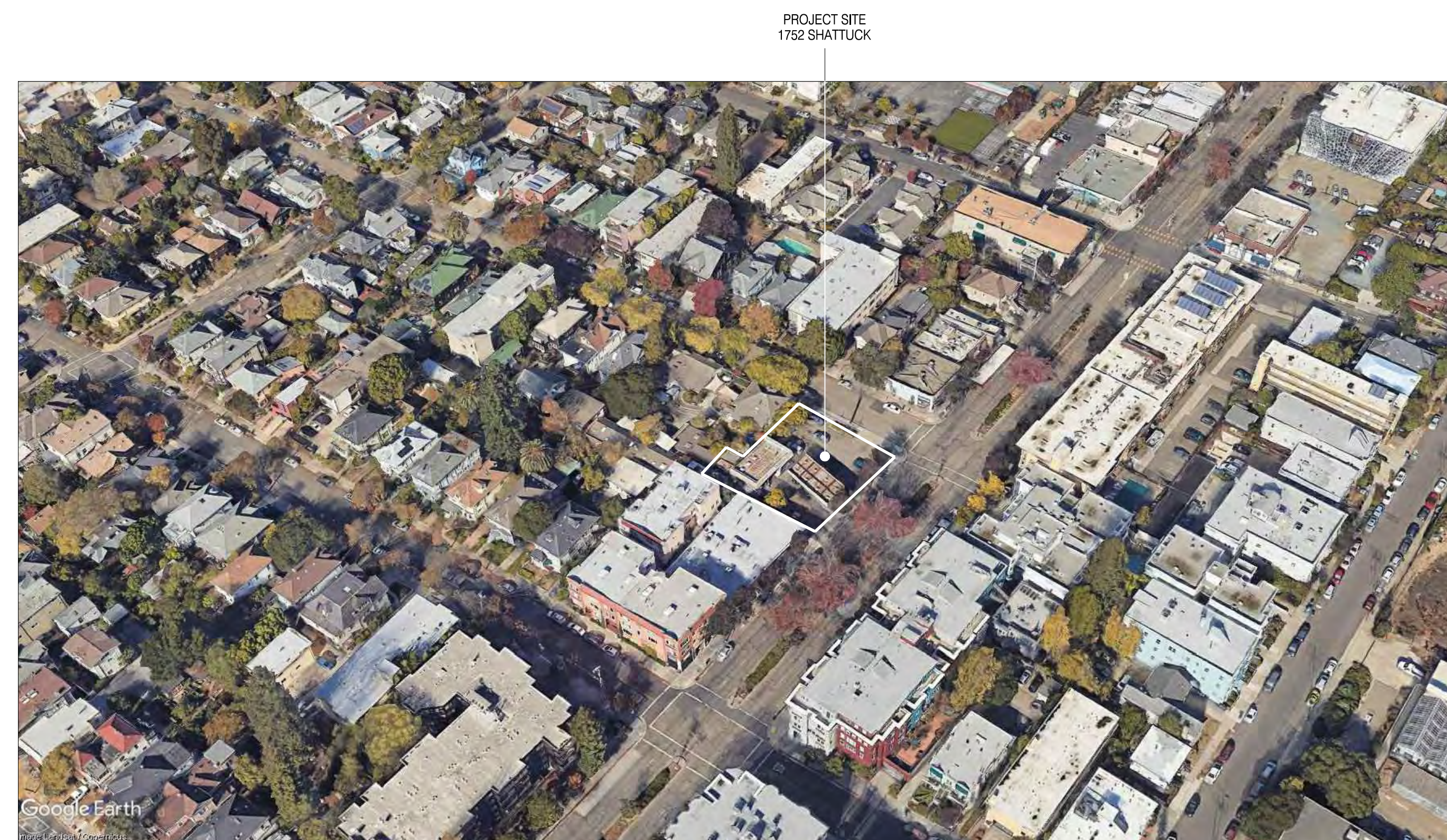
4 - VIEW FROM SHATTUCK LOOKING SOUTH



2 - VIEW FROM SHATTUCK LOOKING NORTH



3 - VIEW FROM FRANCISCO LOOKING EAST



1 - GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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JOB: 2120

SHEET:

SITE CONTEXT
 PHOTOS

A0.5

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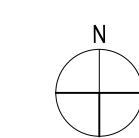
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JOB: 2120

SHEET:

VICINITY MAP

1
 -
 VICINITY MAP
 NTS



A0.6

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JOB: 2120

SHEET:

SITE SURVEY

A1.1

REFERENCES

- (01) MAP ENTITLED "M 1880", FILED FEBRUARY 28, 1896 IN BOOK 218 OF PARCEL MAPS, AT PAGES 3 TO 4, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (02) MAP ENTITLED "M 1891", FILED JUNE 22, 2007 IN BOOK 298 OF PARCEL MAPS, AT PAGES 86 TO 87, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (03) MAP ENTITLED "MAP OF THE 'JAMES TRACT', BERKELEY", FILED OCTOBER 15, 1877 IN BOOK 1 OF MAPS, AT PAGE 135, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (04) GRANT DEED RECORDED SEPTEMBER 22, 1960 AS DOCUMENT NUMBER 92-337067, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (05) GRANT DEED RECORDED JUNE 25, 2013 AS DOCUMENT NUMBER 2013-224050, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

BENCHMARK

BENCHMARK B2160, BEING A 1/4" Ø BRASS PIN CITY WELL MONUMENT IN THE WEST SIDE OF THE FRANCISCO ST/SHATTUCK AVE INTERSECTION. ELEVATION = 217.22 FEET, CITY OF BERKELEY DATUM.

DATE OF FIELD SURVEY

SEPTEMBER 7, 2021 AS TO THE BOUNDARY AND TOPOGRAPHIC SURVEY OF THE SUBJECT PROPERTY.

BASIS OF BEARINGS

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND MONUMENTS ALONG FRANCISCO STREET BETWEEN MILVA STREET AND SHATTUCK AVENUE AS SHOWN ON THAT CERTAIN MAP ENTITLED "M 1891", FILED FEBRUARY 28, 1896 IN BOOK 218 OF PARCEL MAPS, AT PAGES 3 TO 4, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA, TAKEN AS SOUTH 85°30' WEST.

SURVEYOR'S STATEMENT

THIS SURVEY WAS DONE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYORS ACT IN SEPTEMBER 2021.

JACQUELINE LUK P.L.S. 8934 DATE SEPTEMBER 30, 2021
FOR LUK & ASSOCIATES, INC.



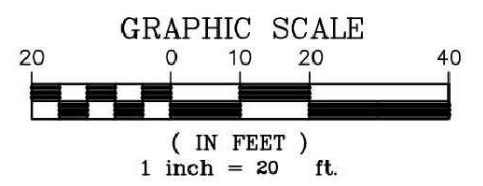
LEGEND

- BOUNDARY OF SUBJECT PROPERTY
- - - RIGHT OF WAY LINE
- - - INTERIOR PROPERTY LINE
- - - CENTERLINE
- - - THE LINE
- - - OLD LOT LINE
- FOUND MONUMENT AS NOTED
- (T) TOTAL
- (P) PRELIMINARY TITLE REPORT
- (M-1) MONUMENT TO MONUMENT
- (M) PARCEL MAPS
- (45) RECORD DATA
- (R) REFERENCE
- (D) DOCUMENT NUMBER
- (M-M) MONUMENT TO MONUMENT LINE
- ± MORE OR LESS
- S.F. SQUARE FEET
- APN ASSESSOR'S PARCEL NUMBER



NOTES:

- 1) THE LEGAL DESCRIPTION OF PARCEL 2 OF THE VESTING DEED (DOCUMENT NUMBER 92-337067) IS DIFFERENT FROM PARCEL TWO OF THE PRELIMINARY TITLE REPORT (BOOK NO. 22770308-10-10 DATED 30 OF JULY 27, 2022, AT 7:30 AM). THIS BOUNDARY SURVEY IS BASED ON PARCEL TWO OF SAID PRELIMINARY TITLE REPORT.
- 2) BASED ON THE CHAIN OF TITLE ANALYSIS, THE NORTHERLY 25 FEET OF LOT 4 WAS FIRST DESCRIBED BY THE INSTRUMENT RECORDED OCTOBER 11, 1919 IN BOOK 2810, AT PAGE 300, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA. THE SOUTHERLY 20 FEET OF LOT 4 WAS LATER DESCRIBED BY THE GRANT DEED RECORDED JUNE 1, 1971 IN REEL 2883, PAGE 37, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA. IT IS CONCLUDED THAT THE NORTHERLY 25 FEET OF LOT 4 KEEPS ITS FULL WIDTH AND THE SOUTHERLY 20 FEET OF LOT 4 KEEPS THE REMAINDER OF LOT 4.



**TOPOGRAPHIC &
BOUNDARY SURVEY**
OF
1752 SHATTUCK AVENUE
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
SEPTEMBER 2021
PREPARED BY
LUK AND ASSOCIATES
CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388

BLOCK SURVEY
1/64" = 1'-0" @ 11x17 1/32" = 1'-0" @ 24x36

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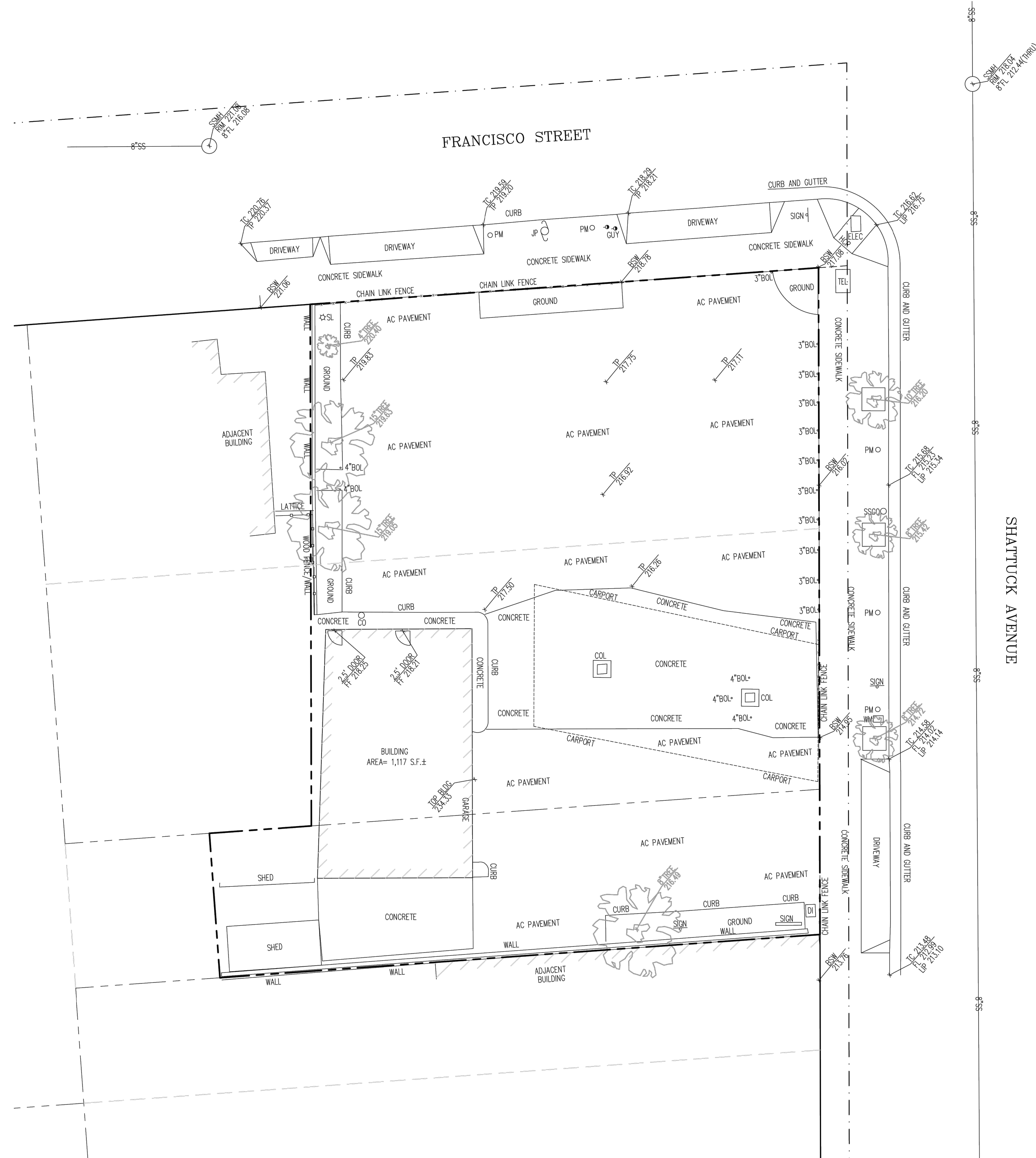
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JOB: 2120

SHEET:

SITE SURVEY

A1.2



LEGEND

SYMBOLS	DESCRIPTION
---	BOUNDARY OF SUBJECT PROPERTY
---	RIGHT OF WAY LINE
---	INTERIOR PROPERTY LINE
---	CENTERLINE
---	TIE LINE
---	OLD LOT LINE
SSMH	SANITARY SEWER MANHOLE
CO	CLEANOUT
SL	STREET LIGHT
DI	DRAIN INLET
CO	CLEAN OUT
ELEC	ELECTRIC BOX
PM	PARKING METER
WM	WATER METER
COL	COLUMN
FF	FINISHED FLOOR
BOL	BOLLARD
HCR	HANDICAP RAMP
TC	TOP OF CURB ELEVATION
X FL 65.64	FLOW LINE ELEVATION
X LIP 65.64	LIP OF GUTTER ELEVATION
X TP 65.64	TOP OF PAVEMENT ELEVATION
X BSW 65.64	BACK OF SIDEWALK ELEVATION
(Tree Symbol)	TREE

**TOPOGRAPHIC &
 BOUNDARY SURVEY**

OF
 1752 SHATTUCK AVENUE
 CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
 SEPTEMBER 2021

PREPARED BY
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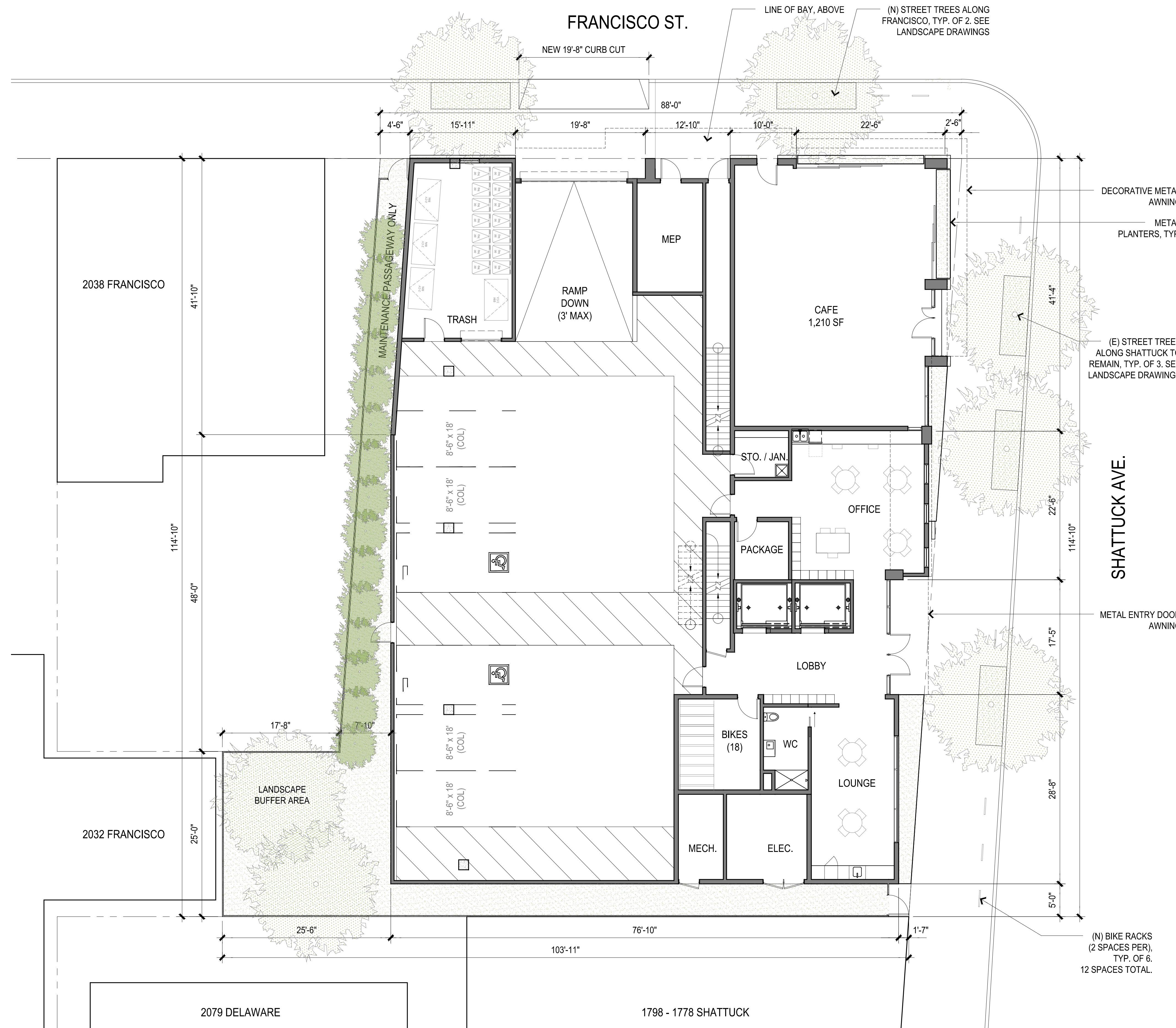
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SHEET:

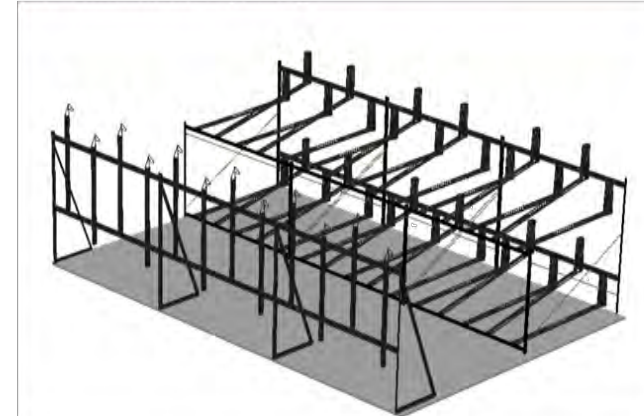
PLAN AT
GROUND LEVEL

A2.1



Stretch Rack OR EQUIVALENT

Recommended Spacing

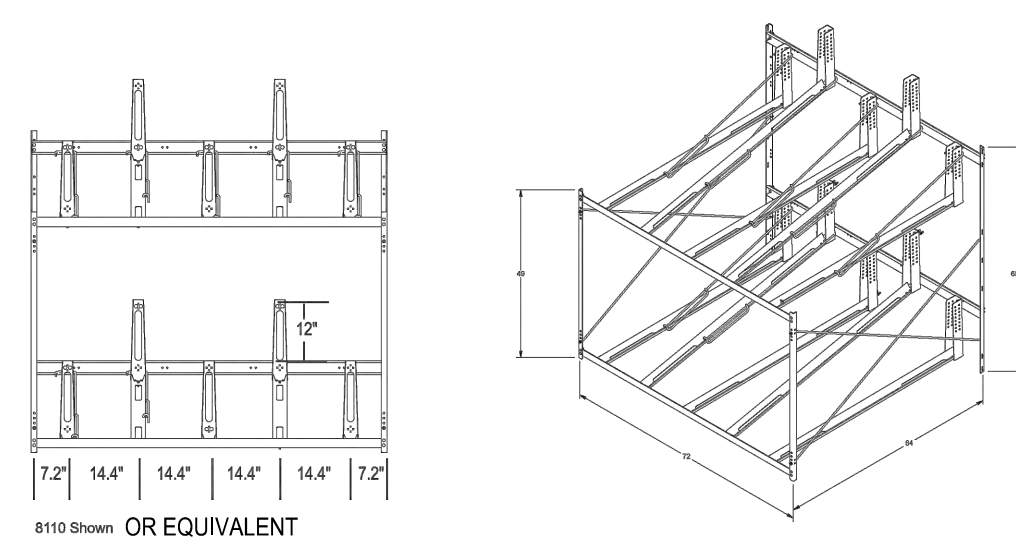


Product Details

- Modular construction allows for easy expansion, side by side or back to back
- Staggered bike position saves space and eases clearance between bikes
- Can be combined with vertical racks for full bike room layout
- Does not require anchoring (wall or floor)
- Bolt together design

- Stretch Rack as manufactured by Sarris
- 6, 8 or 10 bikes
- Powder coat black only
- Anchoring not required
- Units can be combined in a row (see free-standing or mounting (Ho wall))
- 5.6' ceiling clearance required

Anchors must be purchased separately

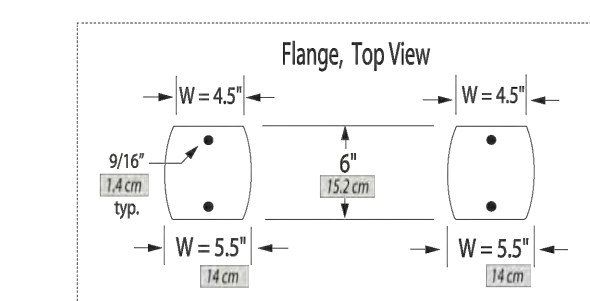
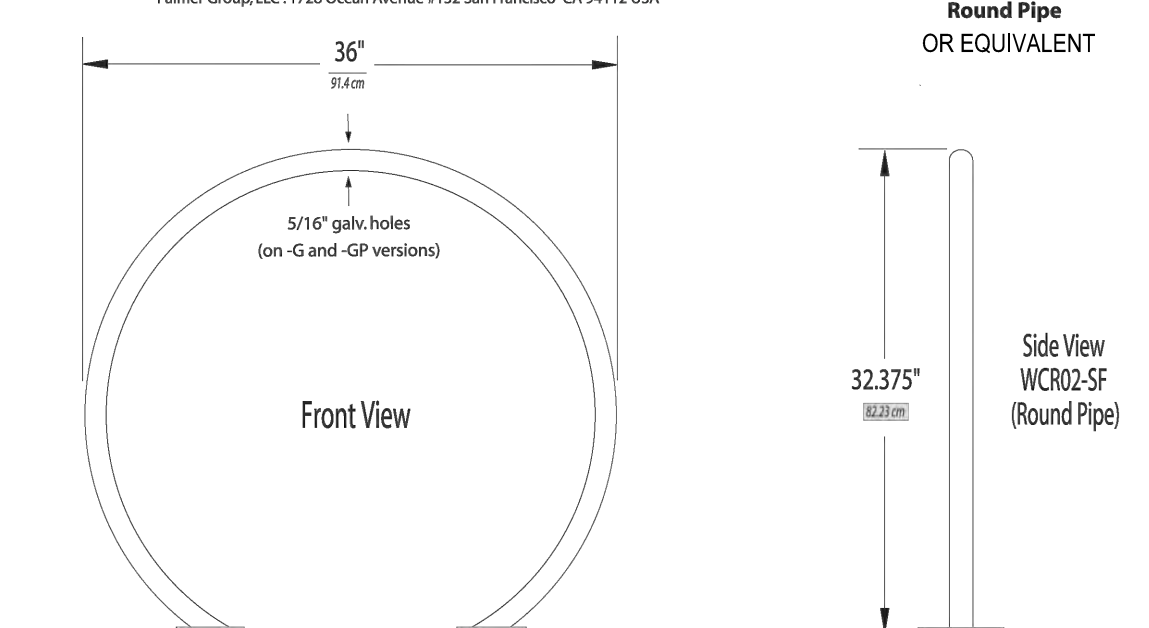


Sarris Bicycle Parking & Storage Solutions 800.783.7257 x174 www.sarrisparking.com

Downloadable product resources available online:
CAD Files SketchUp Files Written Specs Photos

3 INT. BIKE RACK CUT SHEET

BIKEPARKING.COM™ Welle™ Circular Rack Surface Flange Round Pipe OR EQUIVALENT



Welle™ Circular Rack, Surface Flange Round Pipe					
Tabing	Model	Weight	Finish Options	Hoop	Surface Mount Flanges (Same material as Hoop)
Round Pipe	WC02-SF	32 lbs	<ul style="list-style-type: none"> -G Hot Dipped Galvanized -P Powder Coated (color) -GP Hot Dipped Galvanized with Powder Coat (color) -SS Stainless #4 Brush Finish 	<ul style="list-style-type: none"> -G, -P, -GP 2.375" O.D. x 0.154" Wall -SS 2.375" O.D. x 0.154" Wall 	<ul style="list-style-type: none"> Schedule 40 Pipe Schedule 40 Pipe Schedule 40 Pipe

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2 EXT. BIKE RACK CUT SHEET

1 GROUND LEVEL PLAN
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36





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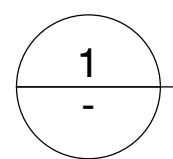
METAL ENTRY DOOR
 AWNING

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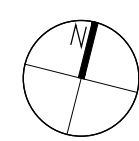
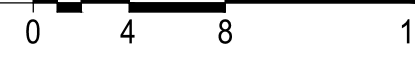
SHEET:

PLAN AT
 LEVELS 2-6



1 PLAN AT LEVELS 2-6

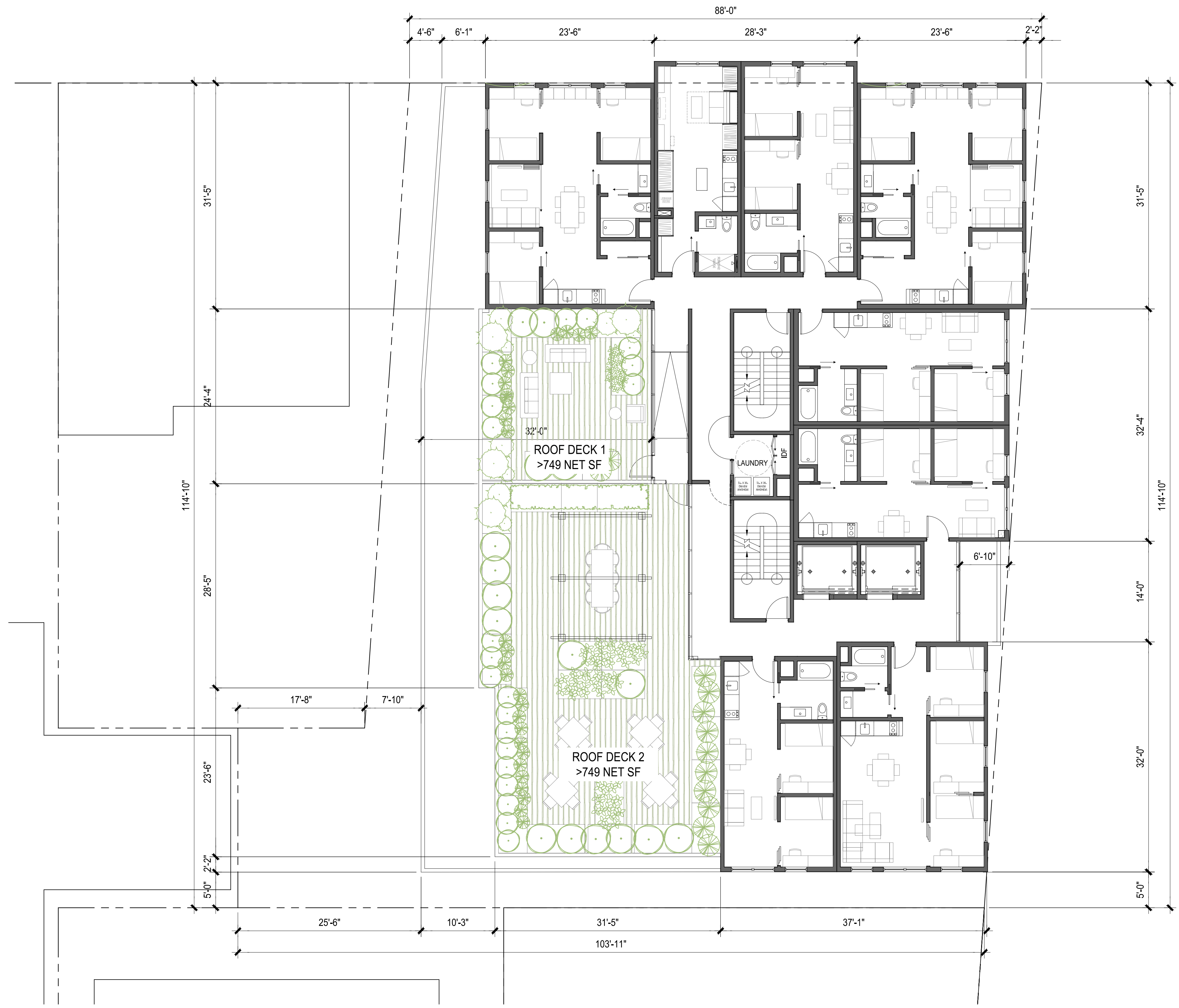
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



A2.2



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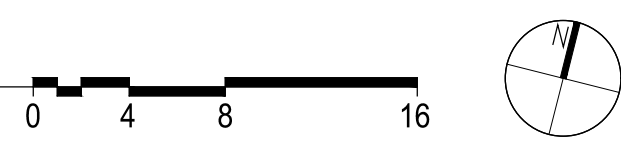
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SHEET:

PLAN AT
 LEVELS 7

1 PLAN AT LEVEL 7
 1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



A2.3

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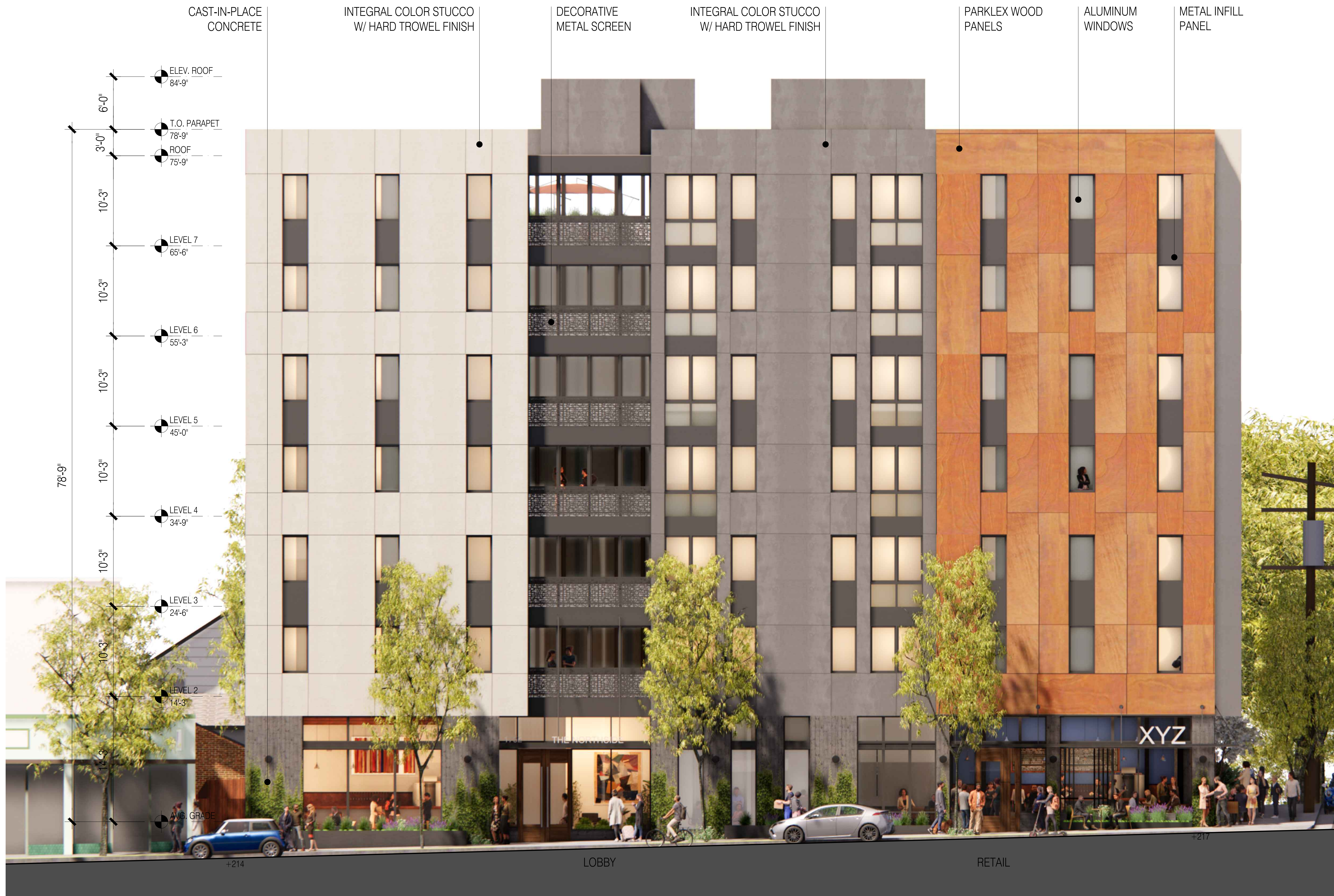
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SHEET:

BUILDING
 ELEVATIONS

A3.1



CAST-IN-PLACE CONCRETE

INTEGRAL COLOR STUCCO W/ HARD TROWEL FINISH

DECORATIVE METAL SCREEN

INTEGRAL COLOR STUCCO W/ HARD TROWEL FINISH

PARKLEX WOOD PANELS

ALUMINUM WINDOWS

METAL INFILL PANEL

ELEV. ROOF 84'-9"

6'-0"

T.O. PARAPET 78'-9"

3'-0"

ROOF 75'-9"

10'-3"

LEVEL 7 65'-6"

10'-3"

LEVEL 6 55'-3"

10'-3"

LEVEL 5 45'-0"

10'-3"

LEVEL 4 34'-9"

10'-3"

LEVEL 3 24'-6"

10'-3"

LEVEL 2 14'-3"

14'-3"

AVG GRADE

+214

+217

1 EAST ELEVATION
 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36



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SHEET:

BUILDING
 ELEVATIONS

A3.2



1 NORTH ELEVATION
 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36 0 4 8 16

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SHEET:

BUILDING
 ELEVATIONS

A3.3



1

WEST ELEVATION

3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36



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SHEET:

BUILDING
 ELEVATIONS

A3.4



1 SOUTH ELEVATION
 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36 0 4 8 16



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2 STREET STRIP ELEVATION @ FRANCISCO STREET
 1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36 0 4 8 16 32

**PANORAMIC
 @ 1752
 SHATTUCK
 AVENUE**

Berkeley, CA

- 01.10.2022 ZONING APPLICATION
- 03.03.2022 ZONING COMPLETENESS
- 01.12.2023 ZAB REVISIONS

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JOB: 2120

SHEET:

STREET STRIP
 ELEVATIONS

A3.5



1 STREET STRIP ELEVATION @ SHATTUCK AVENUE
 1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36 0 4 8 16 32

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JOB: 2120

SHEET:

PHOTO CONTEXT
VIEWS

A3.6



4 FRANCISCO LOOKING EAST - AFTER



2 SHATTUCK LOOKING NORTH - AFTER



3 FRANCISCO LOOKING EAST - BEFORE



1 SHATTUCK LOOKING NORTH - BEFORE



2 SHATTUCK LOOKING SOUTH - AFTER



1 SHATTUCK LOOKING SOUTH - BEFORE

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SHEET:

PHOTO CONTEXT
VIEWS

A3.7

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SHEET:

PERSPECTIVE
VIEW

A3.8

1 SHATTUCK LOOKING WEST

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JOB: 2120

SHEET:

PERSPECTIVE
VIEW

1
-

SHATTUCK LOOKING NORTHWEST

A3.9

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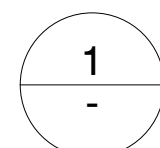
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SHEET:

PERSPECTIVE
VIEW

A3.10



SHATTUCK LOOKING SOUTHWEST

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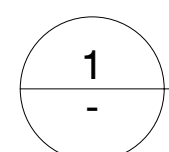
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PERSPECTIVE
VIEW

A3.11



SHATTUCK LOOKING SOUTH - BEFORE

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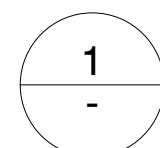
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PERSPECTIVE
VIEW

A3.12



VIEW AT SHATTUCK INTERSECTION

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SHEET:

PERSPECTIVE
VIEW

A3.13



1
-

VIEW ALONG SHATTUCK SIDEWALK LOOKING SOUTH

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JOB: 2120

SHEET:

PERSPECTIVE
VIEW

A3.14



1
-
VIEW OF LOBBY ENTRY

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SHEET:

PERSPECTIVE
VIEW

A3.15



1
-
VIEW OF CAFE ENTRY

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SHEET:

PERSPECTIVE
VIEW

A3.16



1
-

CAFE CORNER VIEW AT NIGHT

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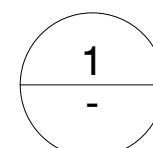
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PERSPECTIVE
VIEW

A3.17



VIEW OF NORTHWEST CORNER

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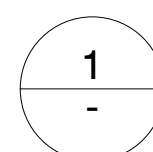
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SHEET:

PERSPECTIVE
VIEW

A3.18



VIEW OF SOUTHWEST CORNER

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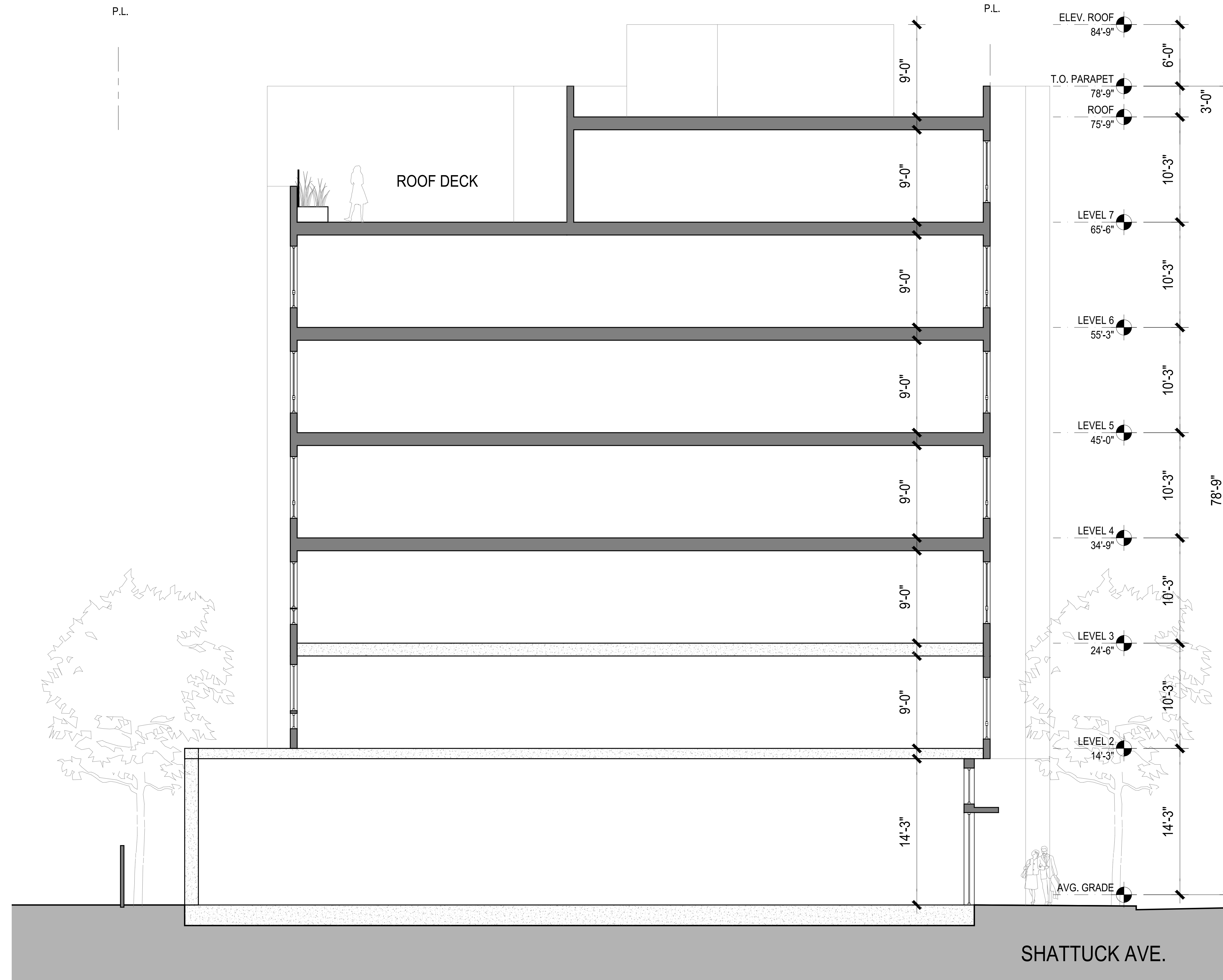
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SHEET:

SECTION

A4.1



1 E-W SECTION
 3/32"=1'-0" @ 11x17 3/16"=1'-0" @ 24x36

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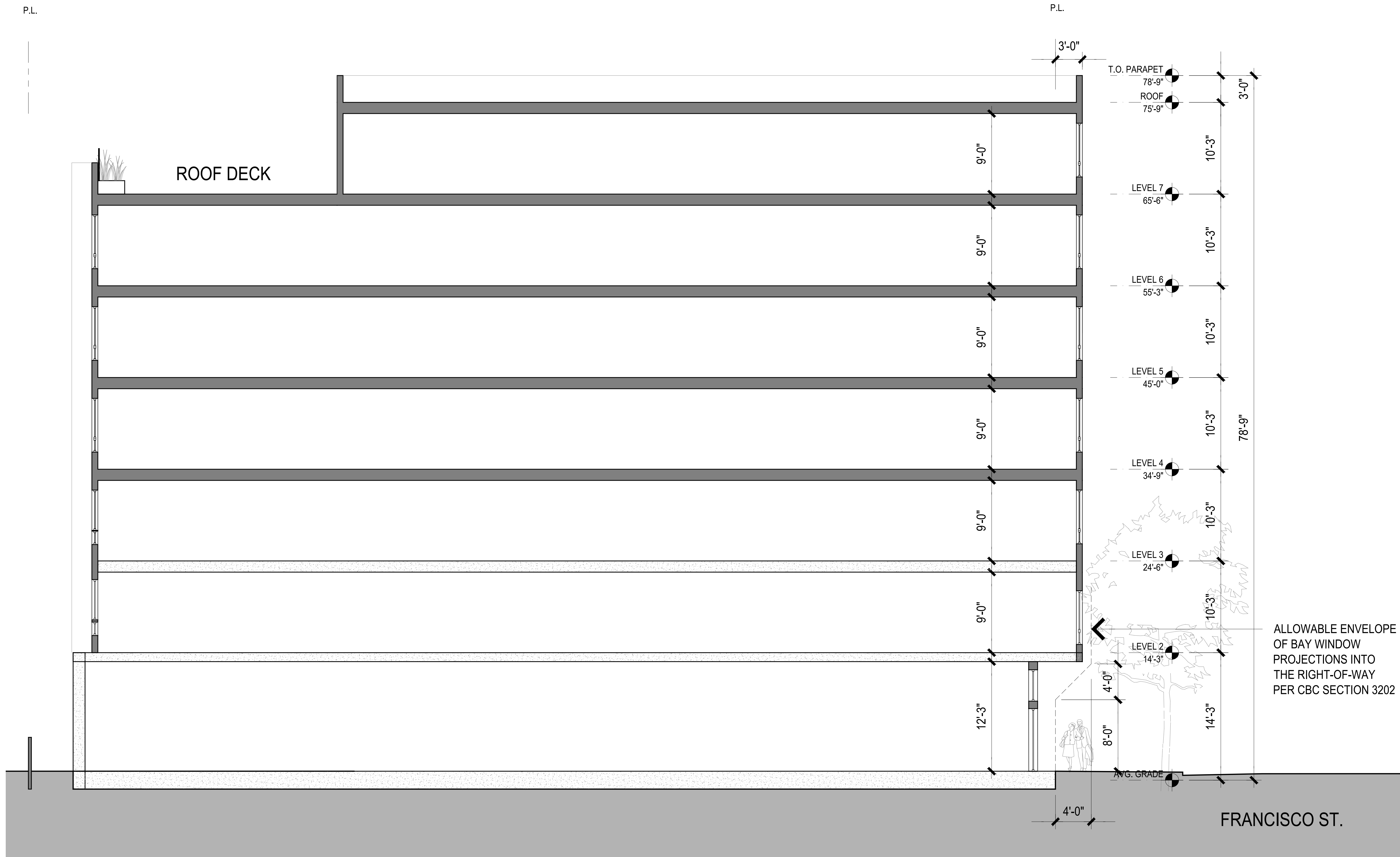
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SHEET:

SECTION

A4.2



1
 N-S SECTION
 3/32"=1'-0" @ 11x17 3/16"=1'-0" @ 24x36

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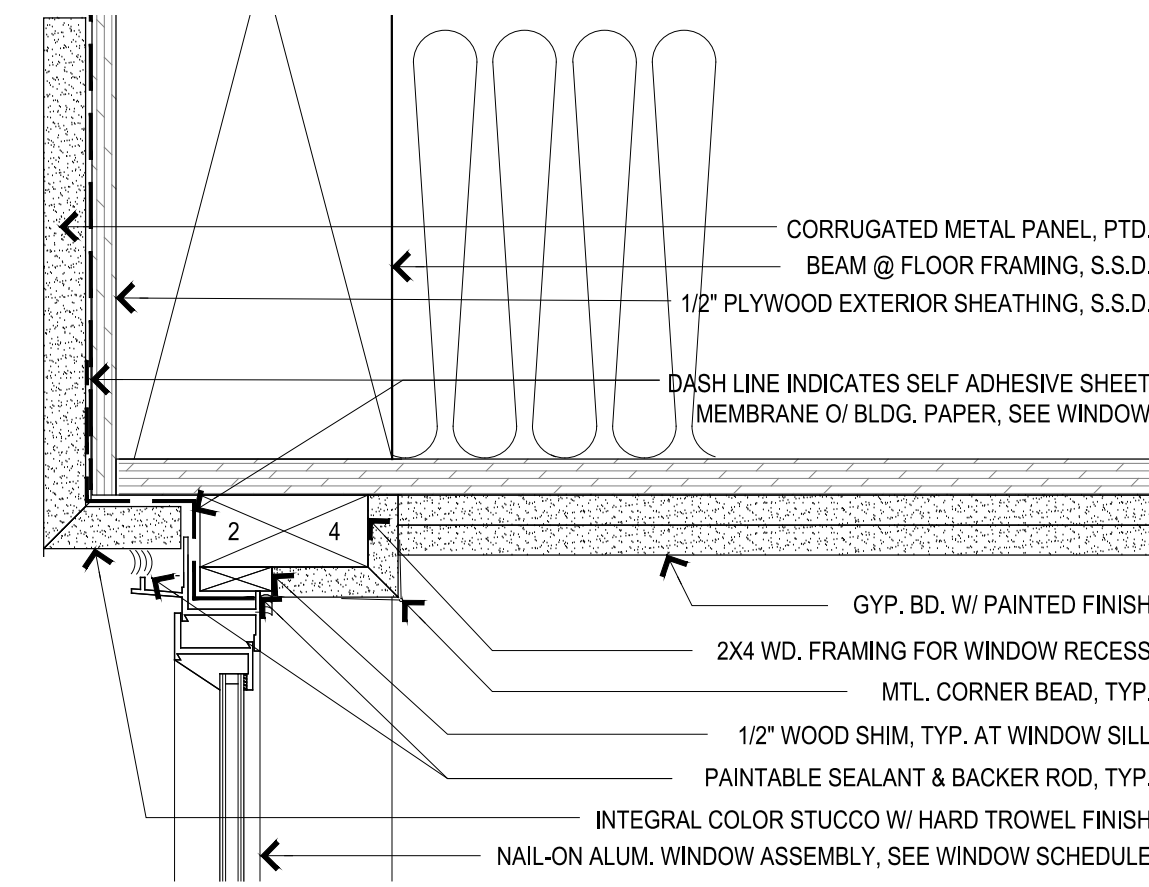
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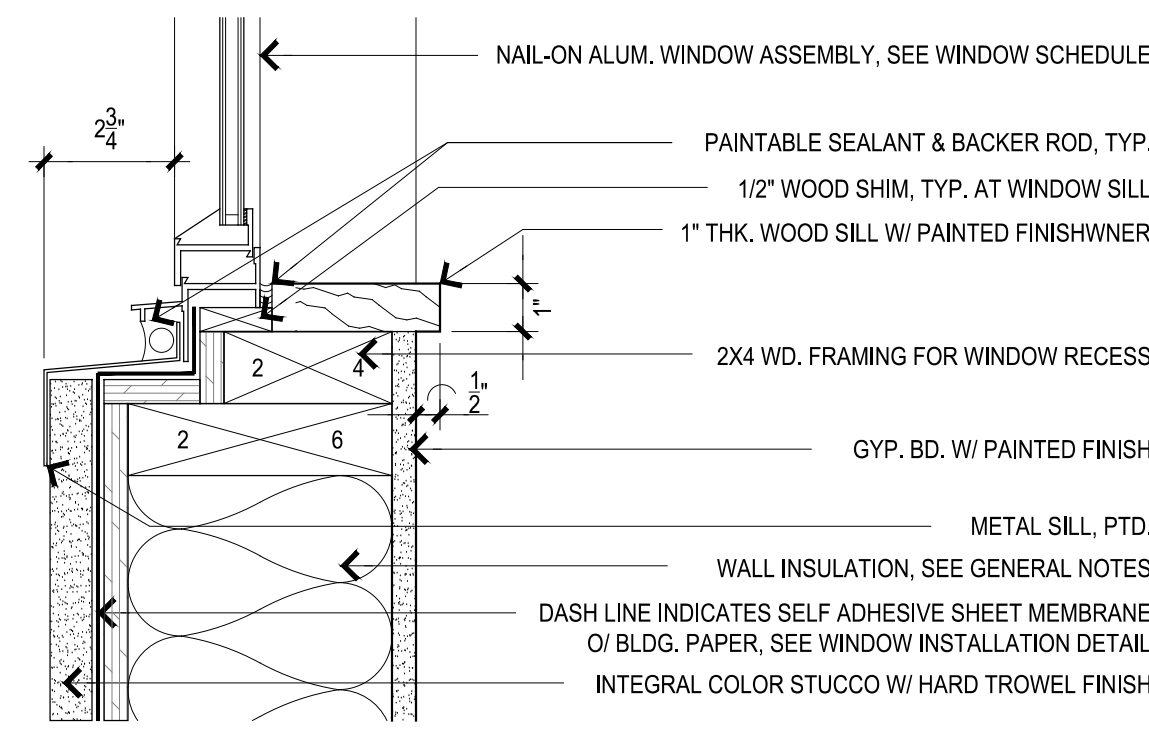
SHEET:

WALL SECTIONS

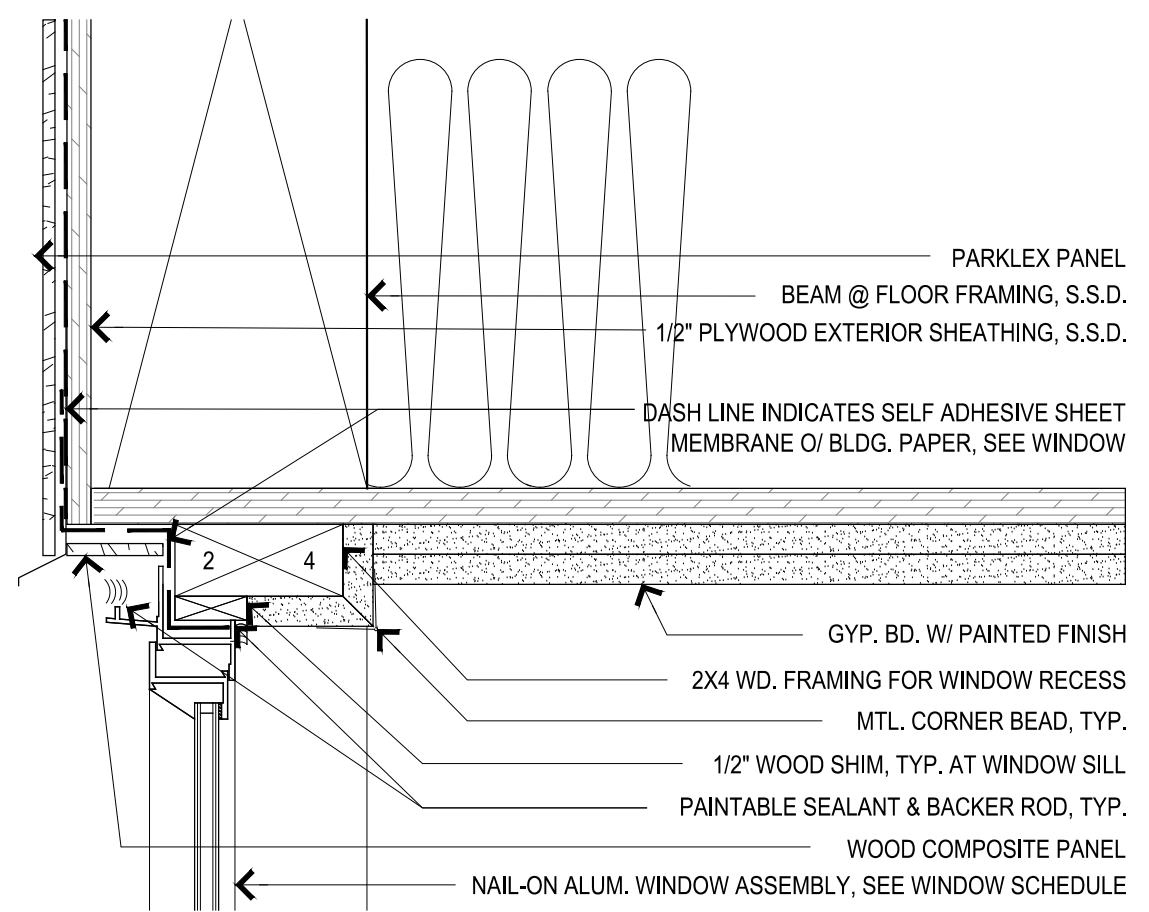
A4.3



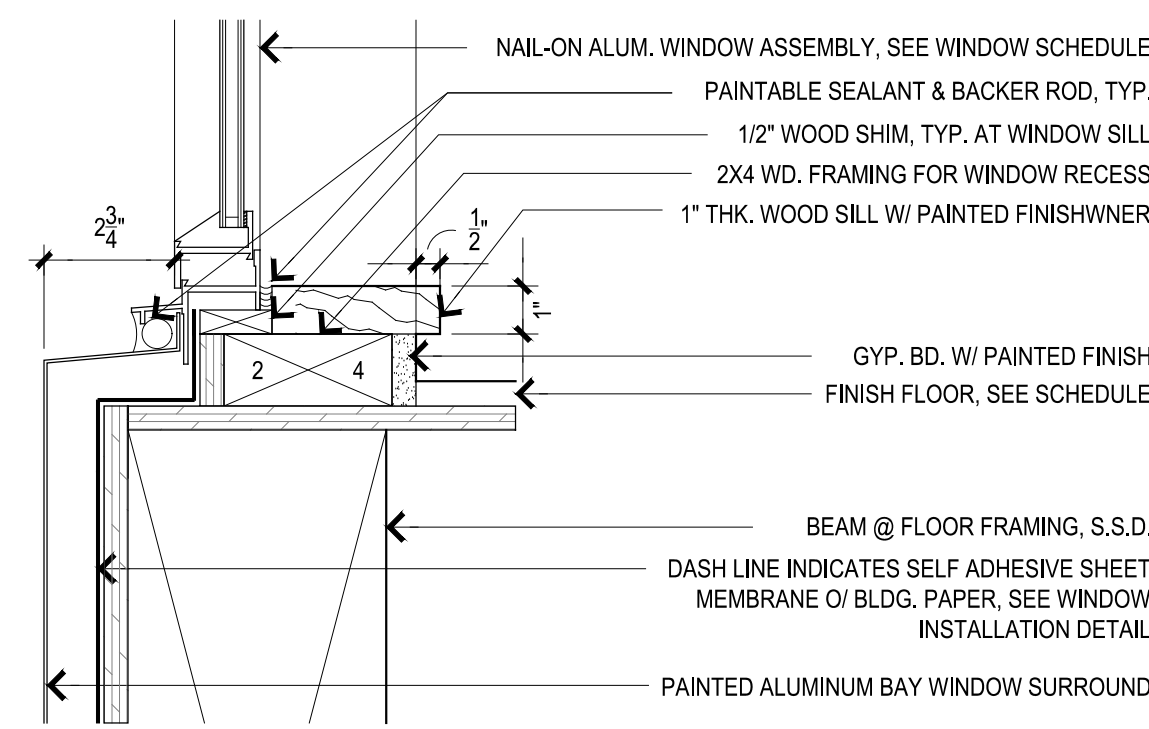
6 TYP. HEAD @ STUCCO
 A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



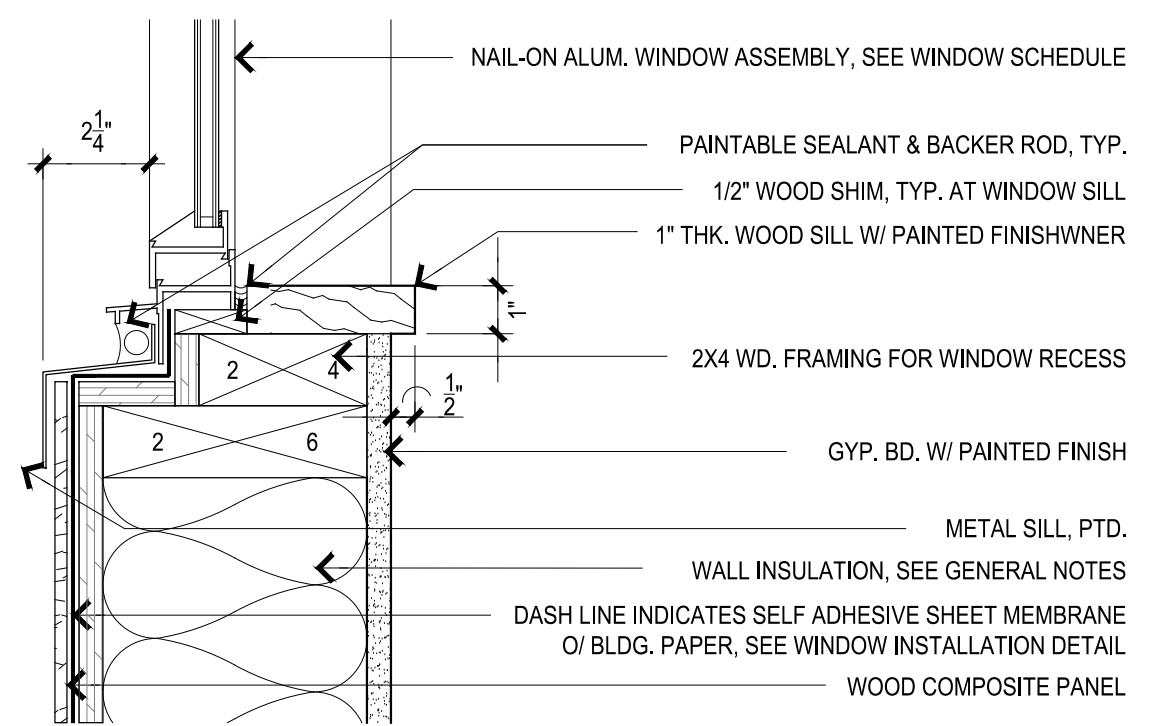
5 TYP. SILL @ STUCCO
 A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



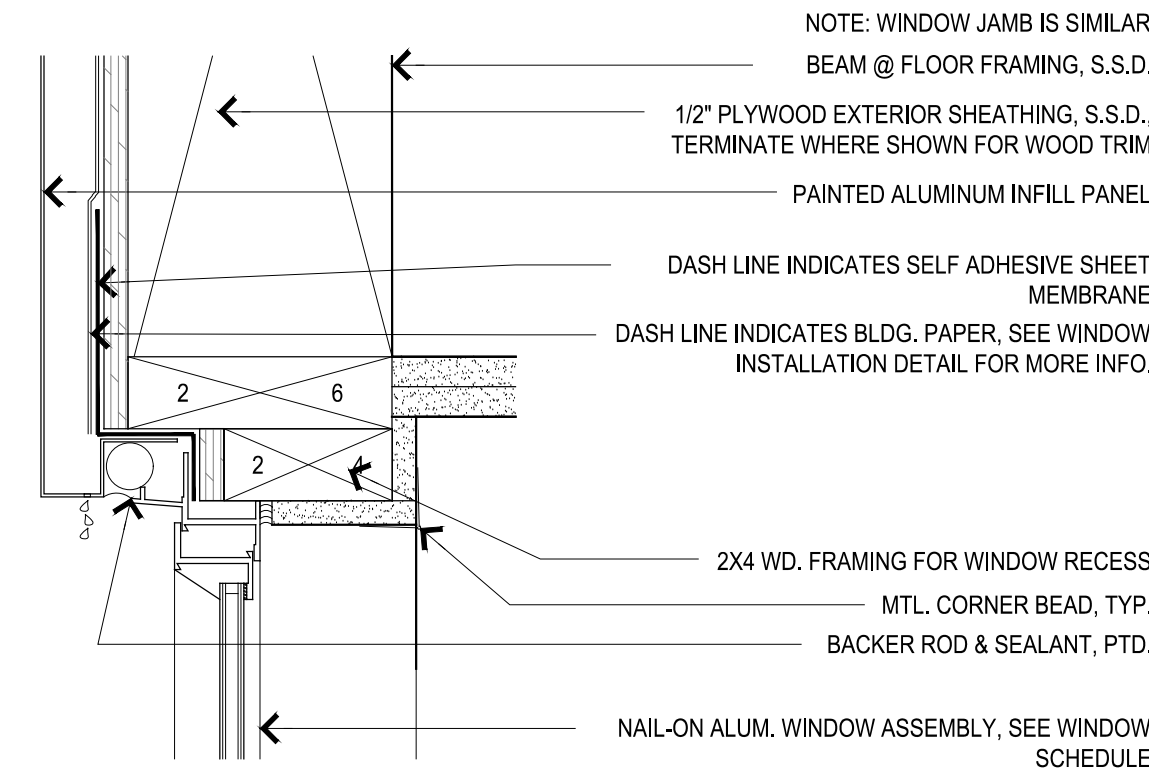
8 TYP. HEAD @ WD. COMP. PANEL
 A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



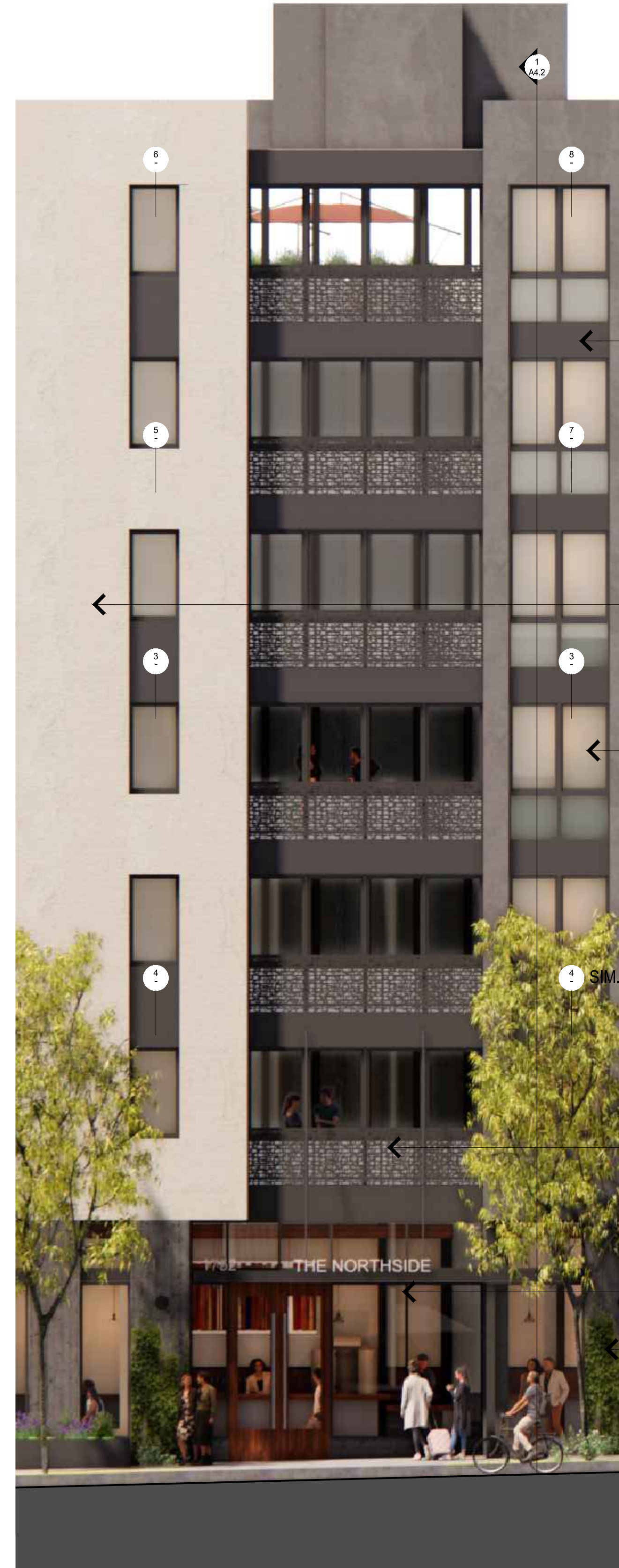
4 TYP. SILL AT FILL PANEL
 A4.2 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



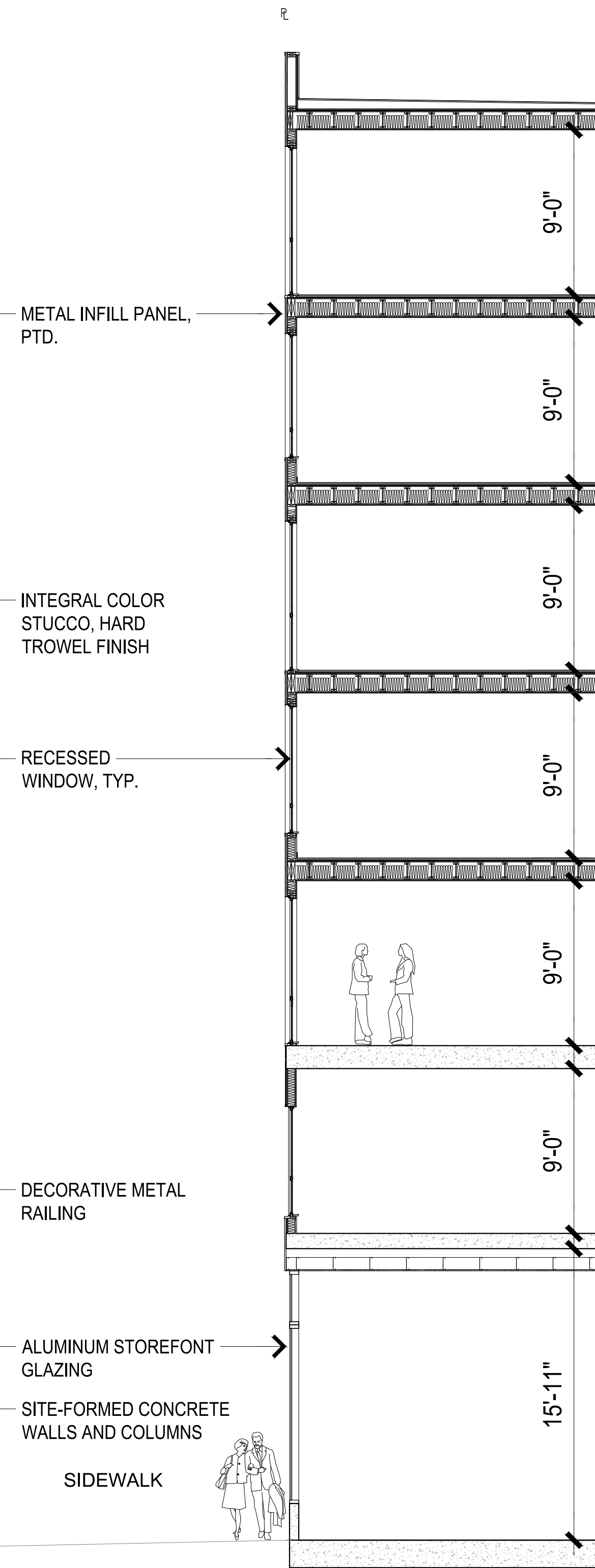
7 TYP. SILL @ WD. COMP. PANEL
 A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



3 HEAD @ FILL PANEL
 A4.2 3"=1'-0"



2 EAST ELEVATION DETAIL
 A4.2 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36



1 SECTION @ EAST FACADE
 A4.2 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36



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JOB: 2120

SHEET:

BUILDING
 MATERIALS AND
 COLORS

MAT



1 NORTH ELEVATION
 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36 0 4 8 16

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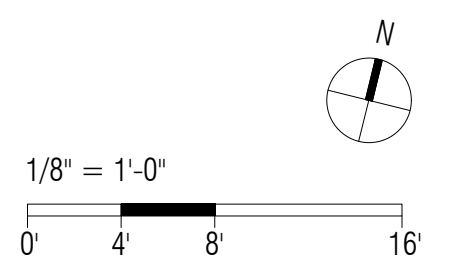
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1	2022.03.02	ZONING RESUBMITTAL

Registration and Signature

LANDSCAPE CONCEPT

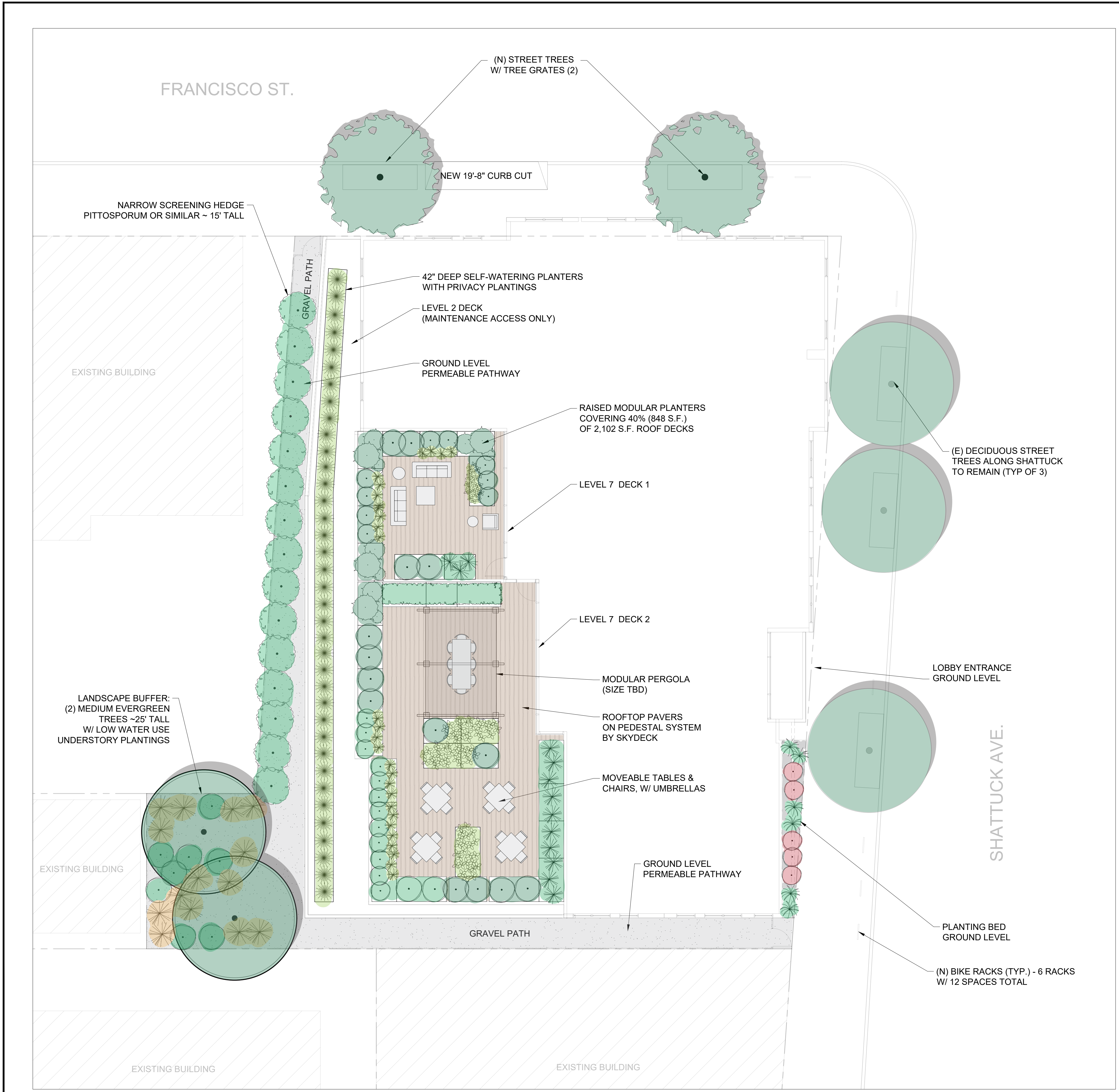
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Lead Associate: J. Mathers
 Principal: R. Radford
 Job Name: 1752 Shattuck
 APN: 058 217600101



SHEET NO.

L.1



TOURNESOL SELF-WATERING PLANTERS
(WILSHIRE COLLECTION)



FREESTANDING PERGOLA
WITH LOUVERED OR CANVAS SCREEN ROOF

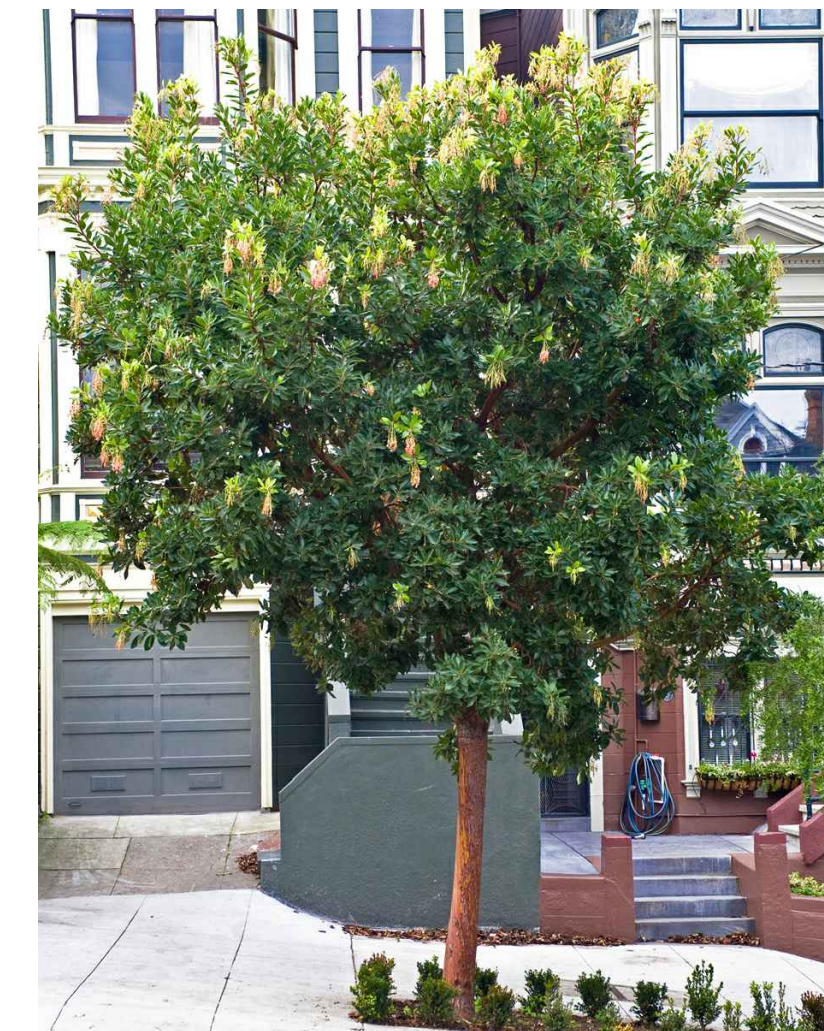


PRELIMINARY PLANT PALETTE

BOTANICAL NAME	COMMON NAME	TYPE	WATER USE	HEIGHT	WIDTH	NATIVE
STREET TREES						
Arbutus X 'Marina'	strawberry tree	T	L	25 - 40'	10 - 30'	
SCREENING HEDGE (GROUND LEVEL)						
Pittosporum tenuifolium 'Silver Sheen'	Silver Sheen kohuhu	S	M	15 - 20'	6 - 8'	
SCREENING CONTAINER ALTERNATIVES (LEVEL 2)						
Acacia cognata 'Cousin Itt'	Cousin Itt bower wattle	S	L	2 - 3'	4 - 6'	
Bambusa multiplex	hedge bamboo	Ba	L	15 - 20'	5 - 10'	
Dodonaea viscosa 'Purpurea' or 'Saratoga'	hopseed bush	S	L	10 - 18'	6 - 12'	
Myrtus communis	common myrtle	S	L	3 - 15'	5 - 15'	
Phoenix roebelenii	pygmy date palm	T	L	6 - 15'	6 - 8'	
SAMPLE PLANTS FOR STREETScape & CONTAINERS (GROUND LEVEL & LEVEL 7)						
Agave x 'Blue Flame'	Blue Flame agave	Su	L	2 - 5'	2 - 5'	
Aloe striata	coral aloe	Su	L	1 - 3'	1 - 2'	
Artemisia californica 'Canyon Grey'	Canyon Grey sagebrush	S	L	1 - 2'	6'	Y
Echeveria x imbricata	hen and chicks	Su	L	1'	1'	
Epilobium canum	California fuschia	P	L	1 - 3'	3 - 6'	Y
Eriogonum latifolium	coast buckwheat	P	L	1'	3 - 4'	Y
Festuca californica	California fescue	G	L	1 - 3'	2'	Y
Frangula californica ssp. californica	California coffeeberry	S	L	5 - 15'	5 - 15'	Y
Heteromeles arbutifolia	toyon	S	L	6 - 30'	10 - 15'	Y
Juncus effusus	soft rush	P	M	3 - 6'	3 - 6'	Y
Olea europaea 'Little Ollie'	Little Ollie dwarf olive	S	L	4 - 6'	4 - 6'	
Prostanthera ovalifolia 'Variegata'	variegated mint bush	S	L	4 - 6'	3 - 5'	
Ribes sanguineum var. glutinosum	pink-flowering currant	S	L	5 - 12'	5 - 12'	Y
PLANT TYPES: Ba - BAMBOO G - GRASS P - PERENNIAL S - SHRUB Su - SUCCULENT T - TREE V - VINE						

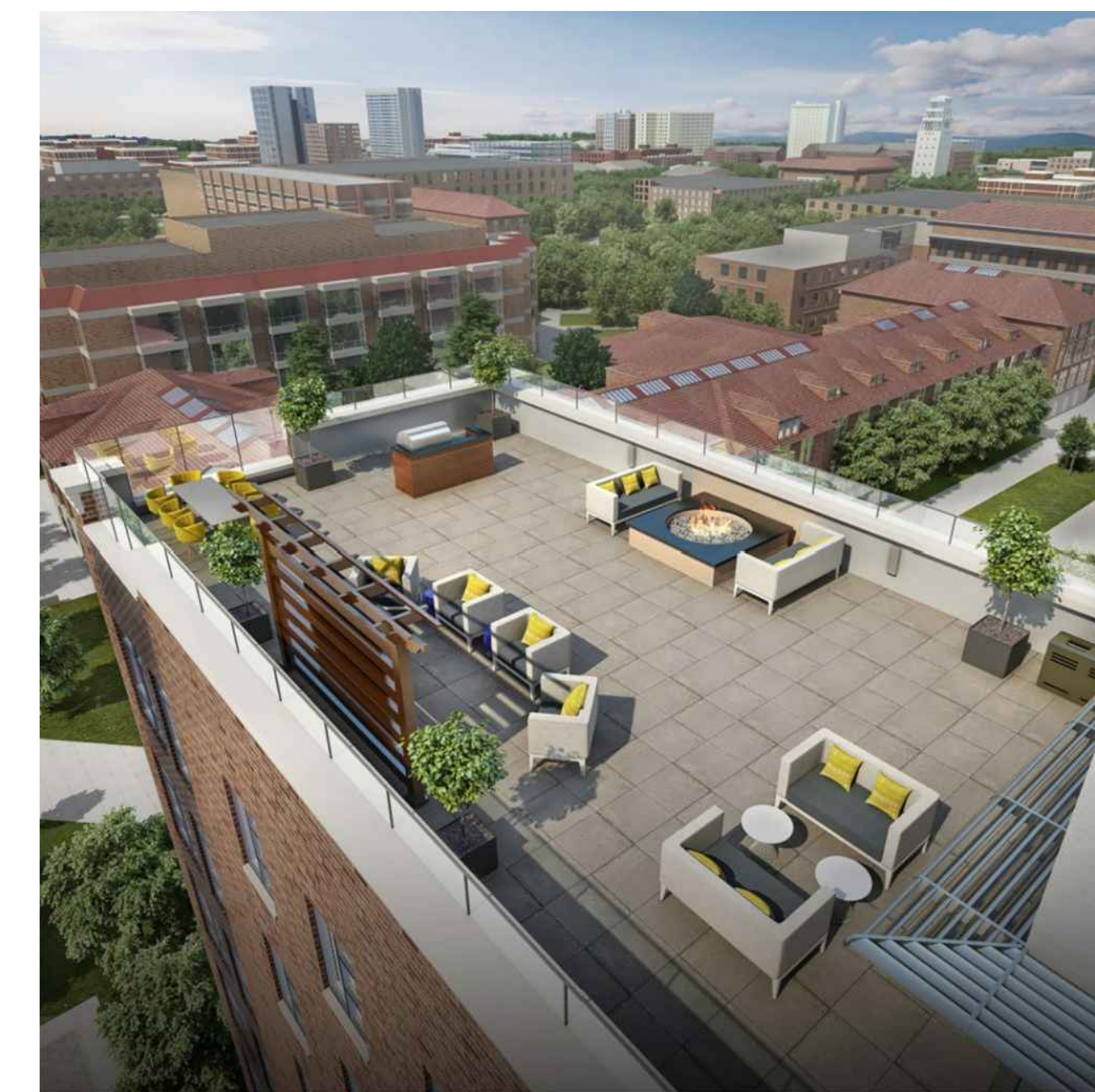


SILVER SHEEN PITTOSPORUM HEDGE
Pittosporum tenuifolium 'Silver Sheen'



STRAWBERRY TREE
Arbutus X 'Marina'

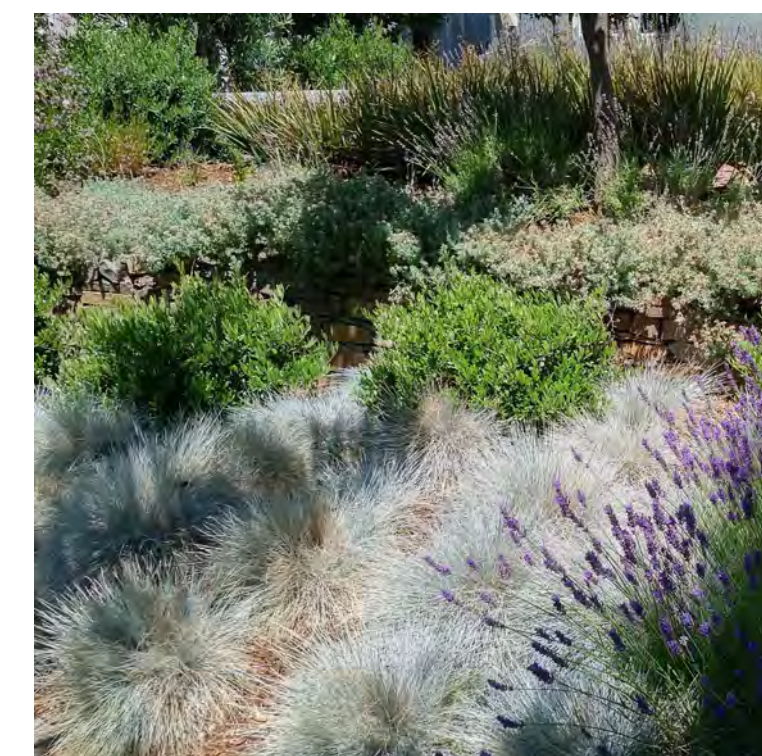
SKYDECK PEDESTAL PAVING SYSTEM



CALIFORNIA FUSCHIA
Epilobium canum



AGAVE 'BLUE GLOW' & 'BLUE FLAME'



DROUGHT-TOLERANT MEDITERRANEAN
PERENNIAL GARDEN



PYGMY DATE PALM
Phoenix roebelenii

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No.	Date	Title
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LANDSCAPE PALETTE & IMAGES

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Lead Associate: J. Mathers
Principal: R. Radford
Job Name: 1752 Shattuck
APN: 058 217600101

SHEET NO.

L.2



Z O N I N G
A D J U S T M E N T S
B O A R D
NOTICE OF PUBLIC HEARING

1752 Shattuck Avenue

Use Permit #ZP2025-0046 to modify a State Density Bonus project originally approved under Use Permit #ZP2022-0011 to request a concession to allow an exemption from the Percentage for Public Art in-lieu fee.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, January 22, 2026, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: Avenue Commercial (AC)
- Zoning: C-C – Corridor Commercial District

1752 Shattuck Ave
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted January 8, 2026

B. Zoning Permits Required:

- Permit Modification. Use Permit under BMC Section 23.404.070(B) "Permit Modification Required" to modify an approved Use Permit

C. Concessions and Waivers Requested Pursuant to State Density Bonus Law (California Government Code Section 65915):

- *New Concession to be exempt from the Percentage for Public Art on Private Projects in-lieu fee.*
- No modifications to previously approved waivers.

D. CEQA Recommendation: The project is consistent with the originally adopted Initial Study/Mitigated Negative Declaration and associated Mitigation, Monitoring, and Reporting Program for Use Permit #ZP2022-0011

E. Project Recommendation: Approve Use Permit #ZP2025-0046 pursuant to BMC Section 23.406.040 (E) (1-5) "Findings for Approval" and subject to the attached Findings and Conditions of Approval.

F. Parties Involved:

- Applicant: Isaiah Stackhouse,
- Property Owner: 1752 Shattuck LLC

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Joshua Muller, at (510) 981-7488 or jmuller@berkeleyca.gov.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
 2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
 3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
 4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
-



Planning and Development Department
Land Use Planning

U S E P E R M I T

CITY OF BERKELEY ZONING ORDINANCE Berkeley Municipal Code Title 23

USE PERMIT: #ZP2022-0011

Property Address: **1752 SHATTUCK AVENUE**

Permittee Name: **ISAIAH STACKHOUSE**

Use and/or Construction Permitted: **Use Permit #ZP2022-0011 to demolish an existing 2,998 square-foot, one-story commercial building and construct a 47,137 square-foot, seven-story mixed-use building containing 68 dwelling units and 1,210 square feet of commercial floor area. Project utilizes State Density Bonus, pursuant to:**

PERMITS REQUIRED

- Use Permit under BMC Section 23.326.070(A) to demolish a non-residential main building
- Use Permit under BMC Section 23.204.020(A) to construct a mixed-use residential development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 5,000 square feet or more
- Use permit under BMC Section 23.204.050(D) to increase the maximum main building height limit to 50 feet and 4 stories
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural features over the maximum height limit

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession of BMC Section 23.204.050(D)(1) to reduce the open space requirement from 13,600 square feet to 2,102 square feet
- Concession of BMC Section 23.322.090(A)(2) to reduce the long-term bicycle parking requirement from 51 spaces to 18 spaces
- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot/4-stories building height limit and permit a 78 foot-9 inch, 7-story building
- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 4.48

FINDINGS, CONDITIONS AND APPROVED PLANS ATTACHED

The Use Permit herein described has been duly granted by the Zoning Adjustments Board and is in effect on February 15, 2023.

ATTACHMENT 1

FINDINGS AND CONDITIONS

JANUARY 12, 2023

1752 Shattuck Avenue

Use Permit #ZP2022-0011 to demolish an existing 2,998 square-foot, one-story commercial building and construct a 47,137 square-foot, seven-story mixed-use building containing 68 dwelling units and 1,210 square feet of commercial floor area. Project utilizes State Density Bonus.

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I. CEQA FINDINGS

1. Pursuant to the California Environmental Quality Act (CEQA), the City prepared an Initial Study-Mitigated Negative Declaration (IS-MND) for this Project.

- A. CEQA Approach: In accordance with CEQA (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), an Initial Study (IS) was prepared to evaluate the potential environmental effects associated with the construction and operation of the proposed 1752 Shattuck Avenue project. The Initial Study included a description of the proposed project, evaluated each of the environmental issue areas identified in the environmental checklist form provided on Page 41 of the IS, and recommended a Mitigated Negative Declaration (MND) with standard conditions and mitigation measures to reduce or avoid the project's potential significant adverse impacts on the environment.

Pursuant to Section 15367 of the State CEQA Guidelines, the City of Berkeley (City) is the Lead Agency for the project. The Lead Agency is the public agency that has the principal responsibility for carrying out or approving a project. The City has the authority for

environmental review in accordance with CEQA and certification of the environmental documentation. Any responsible agency may elect to use this environmental analysis for discretionary actions associated with the implementation of the project.

- B. Initial Study-Mitigated Negative Declaration:** In accordance with Section 15105(b) of the CEQA Guidelines, the project was posted for public review for no less than 20 days, from September 1, 2022 to September 20, 2022. Pursuant to Section 15085 of the CEQA Guidelines, the City of Berkeley also filed a Notice of Completion and Notice of Implementation (NOI) for the Final Initial Study/Mitigated Negative Declaration (IS/MND) with the California State Clearinghouse (SCH#2022110474) for a period of 30 days from November 21, 2022, to December 21, 2022. The City also posted the NOI with the County Clerk, pursuant to Section 15072 for the CEQA Guidelines, and mailed the notice to all property owners within a 500-foot radius. A total of eleven comment letters/responses were received during the public review period: two from the same public agency (East Bay Municipal Utility District), one from the Department of Toxic Substances Control, one from nearby adjacent, property managers and residents (Terrace Apartments-1725 Shattuck Avenue) and seven from individuals. The two letters received from East Bay Municipal Utility District included the same comments on the proposed project.

Many of the comments received expressed concern on the proposed project, rather than on the adequacy of the Draft IS/MND. These comments included concerns on the project's density, height, shadowing as well as parking. There were also comments about the affordability levels and amount of affordable housing. None of the comments presented substantial evidence of a fair argument that the Project may have a significant impact on the environment. As mandated by Public Resources Code Section 21099(d)(1) aesthetic and parking impacts shall not be considered significant impacts on the environment. Additionally, the project complies with State Density Bonus Law by providing on-site affordable units and therefore legally permitted to have a total of 68 units. While all public comments are noted relating to the proposed project, they do not address analysis or conclusions of the Draft IS/MND. No substantive changes to Draft IS/MND resulted.

- C.** The Zoning Adjustments Board has considered the Mitigated Negative Declaration together with comments received during the public review process, and finds, on the basis of the whole record before it, that: (1) no potentially significant effects were identified that could not be reduced to less than significant levels by implementation of the mitigation measures and/or the City's standard conditions of approval, (2) there is no substantial evidence the project will have a significant effect on the environment, and (3) the Mitigated Negative Declaration reflects the lead agency's independent judgment and analysis. The record of proceedings upon which this decision is based is located at the Permit Service Center, 1947 Center Street, 2nd Floor, Berkeley, California 94704.

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
 - A. Under the City's methodology for implementing density bonuses, the "base project" consists of 45 units;
 - B. The project will provide at least seven Very Low-Income (VLI) qualifying units in the 45-unit "base project";
 - C. The project is entitled to a density increase of 50 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use

Element, under the requirements of Government Code Section 65915(b) and (f), plus three concessions or incentives. This equates to a density bonus of 23 units above the Base Project, for a total of 68-units.

2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
 - A. Concession of BMC Section 23.204.050(D)(1) to reduce the open space requirement from 13,600 square feet to 2,102 square feet; and
 - B. Concession of BMC Section 23.322.090(A)(2) to reduce the residential long-term bicycle parking requirement from 51 spaces to 18 spaces.
3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - A. Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot/4-stories building height limit and permit a 78 foot-9 inch, 7-story building; and
 - B. Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 4.48.

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.
5. In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers would not be contrary to State or Federal law.

III. FINDINGS FOR APPROVAL

1. Pursuant BMC 23.406.040, ZAB finds that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use 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.
 - A. The project site currently includes automotive uses, however, the previous auto repair and service station uses no longer are in operation. The proposed project will change

uses on the site to ground-floor commercial and residential uses above, providing an underutilized site with a new desirable use that activates the Shattuck Street frontage. The project will not introduce new land uses that do not already exist in the area.

The Project is a higher-density development in proximity to regional transit, shops and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the Corridor Commercial District (C-C) and is designated Avenue Commercial in the City's General Plan. It will create 68 new dwelling units in a range of sizes from one- to three-bedrooms. Seven of the units will be deed restricted as affordable housing units for very-low-income residents.

The proposal also includes 1,210 square feet of commercial space and 30 secure bicycle parking spaces on the ground floor. The project site is well served by public transportation, including a BART station less than half-mile to the south. The surrounding commercial district includes retail sales, restaurants, personal services, multi-family residential and institutional uses; the project will add to these commercial and residential uses and add population to support these uses.

2. The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:
 - a. The development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and
 - b. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact other than the disapproval or approval at a lower density.

The project includes construction of 68 dwelling units. Because the base project will comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, policies, or conditions, have been identified.

IV. OTHER FINDINGS FOR APPROVAL

1. As required by Section 23.204.050(E) of the BMC, the Zoning Adjustments Board finds that the proposed use or structure:

A. Is compatible with the purposes of the district: The Project is a higher-density development in proximity to regional transit, shops and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the Corridor Commercial District (C-C) and is designated Avenue Commercial in the City's General Plan. It will create 68 new dwelling units in a range of sizes from one- to three-bedrooms. Seven of the units will be deed restricted as affordable housing units for very-low-income residents.

The proposal also includes 1,210 square feet of commercial space and 30 secure bicycle parking spaces on the ground floor. The project site is well served by public transportation, including a BART station less than half-mile to the south. The surrounding commercial

district includes retail sales, restaurants, personal services, multi-family residential and institutional uses; the project will add to these commercial and residential uses and add population to support these uses.

- B. Is compatible with the surrounding uses and buildings: As required by BMC Section 23.204.030(B)(1), construction of more than 5,000 square feet of new gross floor area states that the ZAB must find that the new building is compatible with the visual character and form of the district, and no designated landmark structure, structure of merit, or historic district in the vicinity will be adversely affected by the appearance or design of the proposed addition. The DRC forwarded a positive recommendation for the project design. Further, the LPC determined there were no designated landmark structures, structures of merit, or historic district in the vicinity that will be adversely affected by the appearance or design of the proposed building.

The project site currently includes automotive uses, however, the previous auto repair and service station uses no longer are in operation. The proposed project will change uses on the site to ground-floor commercial and residential uses above, providing an underutilized site with a new desirable use that activates the Shattuck Street frontage. The project will not introduce new land uses that do not already exist in the area.

- C. Does not interfere with the continuity of retail and service facilities at the ground level: The project includes 1,210 square feet of ground floor commercial space and will enhance and strengthen the continuity of retail and service facilities at the ground floor. The replacement of the previous auto related uses with new ground floor commercial will be an improvement to the site and area it serves.
- D. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply: Pursuant to BMC Section 23.334 the project is required to comply with the City Transportation Demand Management (TDM) requirements. These requirements include real time transportation information monitors, transit passes to residents of the building, unbundled parking and bicycle parking. Implementation of these measures will promote and incentivize alternative means of transportation and will create less of a burden on the traffic capacity and potential parking supply.

Additionally, the Downtown BART station is located on Shattuck Avenue, less than half a mile south of the project site. Bus service provided by AC Transit and University of California shuttle services are also available at the BART Station. Further, in the vicinity of the project site, Milvia Street and Virginia Street are Class III bike routes and are designated as a bicycle boulevard with signage and markings encouraging motorists to share the road with bicyclists.

2. As required by Section 23.326.070(D) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the existing building at 1725 Shattuck Avenue will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and meets the finding that demolition is required to allow a proposed new building or other proposed new use.

3. As required by Section 23.204.030(B)(1) of the BMC, the Zoning Adjustments Board finds that the creation of over 5,000 square feet of new floor area is permissible because the new building is compatible with the visual character and form of the C-C District. Further, the Landmarks Preservation Commission determined there were no designated landmark structures, structures of merit, or historic district in the vicinity that are adversely affected by the appearance or design of the proposed building.
4. As required by Section 23.304.050(A) of the BMC, the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures are used as habitable or commercial space.

STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions and Mitigation Monitoring and Reporting Program Shall be Printed on Plans**
The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.
2. **Compliance Required (BMC Section 23.102.050)**
All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
3. **Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)**
 - A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
 - B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
4. **Conformance to Approved Plans (BMC Section 23.404.060.B.4)**
All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.
5. **Exercise and Expiration of Permits (BMC Section 23.404.060.C)**
 - A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
 - B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.

- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Pay Transparency Acknowledgement (BMC Section 13.104.030)

Prior to the issuance of a building permit for any Project subject to this Chapter:

- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)

Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for

each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.

11. Posting of Ordinance (BMC Section 13.104.050)

Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.

12. Conditions of Approval (BMC Section 13.104.060)

The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under Chapter 23B.60.

13. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.404.050, the Zoning Adjustments Board attaches the following additional conditions to this Permit.

Prior to Submittal of Any Building Permit:

14. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response and submit written reports of such complaints and actions to the project planner on a weekly basis. **Please designate the name of this individual below:**

Project Liaison _____
Name Phone #

15. Final Design Review. The Project requires approval of a Final Design Review (FDR) application by the Design Review Committee. The landscape design plans presented at FDR shall reflect a plant palette comprised of at least 70 percent native plants (excepting screening plants).

16. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

17. Construction Noise Reduction Program. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- E. Prohibit unnecessary idling of internal combustion engines.
- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

18. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall:
- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
 - include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair.

19. Compliance with Conditions and Environmental Mitigations. The building permit application is subject to verification of compliance to the adopted **Mitigation Monitoring and Reporting Program (Attachment 1- Exhibit A)**. The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional

expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

20. Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison will determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
21. Construction Phases. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
22. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
23. Construction and Demolition Diversion. Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
24. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
 - A. Environmental Site Assessments:
 - 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a

third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.

- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

- 25. Percent for Public Art:** Consistent with BMC 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

26. Affordable Housing Mitigation Fee (AHMF): Consistent with BMC §22.20.065 and fee resolution No. 68,074-N.S., the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,074-N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.
27. As indicated on the development application, the applicant shall provide seven Very-Low Income below market rate rental dwelling units (“BMR Units”) and pay a proportionately reduced AHMF as calculated in Berkeley Municipal Code (BMC) Section 22.20.065(D). The applicant may elect to avoid the AHMF by providing, for the life of the project, a number of units equal to 20% of the total units in the project at rental rates affordable to Low-Income and Very Low-Income Households in accordance with the BMC. The applicant may also elect to provide additional BMR units above the identified seven Very-Low Income units but below 20% of total units for a further reduced AHMF as calculated in BMC) Section 22.20.065(D). The applicant must contact and coordinate with the Department of Health, Housing and Community Services (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval. The final number of affordable onsite units must be declared prior to issuance of the first building permit for the project.
28. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement shall include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for very low income BMR Units shall be 50 percent of Area Median Income (AMI), and their maximum housing payment shall be 30 percent of 50 percent of AMI. The maximum qualifying household income for Low Income BMR units shall be 80 percent of Area Median Income (AMI), and their maximum housing payment shall be 30 percent of 80 percent of AMI for Low-Income households, as set forth in the following paragraphs of this condition. If the BMR units are occupied by Very Low-Income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Department of Health, Housing and Community Services (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.
29. In addition, affordable units must adhere to the administrative guidelines for the City’s Below Market Rate program. These guidelines can be found online at <https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/below-market-rate-rental-information-owners-and>. The guidelines are updated annually by HHCS and posted online. Please note the following key provisions from the guidelines:
 - A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also

includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.

C. BMR units will be provided for the life of the project under Section 22.20.065.

D. Determination of Area Median Income (AMI).

- The AMI shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one-person household
One-bedroom unit	AMI for a two-person household
Two-bedroom unit	AMI for a three-person household
Three-bedroom unit	AMI for a four-person household

30. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.
31. Vapor Intrusion. A Vapor Intrusion Mitigation System shall be incorporated into the construction plans for building foundations during redevelopment of the site to mitigate vapor intrusion concerns. The developer and its environmental consultants shall engage with an appropriate regulatory oversight agency (DTSC, RWQCB, or Alameda County DEH) to address the vapor issue at the site to the satisfaction of the selected lead agency and the City of Berkeley Toxics Management Division. (MMRP Measure HAZ-2).
32. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
33. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
34. Solar Photovoltaic (Solar PV). A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as

specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.

35. Electric Vehicle (EV) Charging. At least 20% of the project parking spaces for residential parking shall be "EV Charger Ready": equipped with raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, and at least 80% of the project parking spaces for residential parking shall be "EV Spaces Raceway Equipped": equipped with a raceway between an enclosed, inaccessible, or concealed area and an electrical service panel/subpanel as specified by the Berkeley Green Code (BMC Section 19.37.040). Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable readiness requirement. Readiness for EV charging and EV charging station installations shall be noted on the construction plans. Calculations for the required number of EV spaces shall be rounded up to the nearest whole number.
36. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
37. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
38. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
39. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
40. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces."

Prior to Demolition or Start of Construction:

41. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.
42. Health and Safety Plan: The contractor shall develop and implement a Health and Safety Plan for construction workers. The protocols will specify how to eliminate or reduce exposure to soils where contamination may be present. Prior to any ground-disturbing activities, the contractor will

be required to document that workers are trained on the protocols and must provide a copy of the final Health and Safety Plan on the job site. (MMRP Measure HAZ-1)

43. Worker Environmental Awareness Program: Provide a Worker Environmental Awareness Program for relevant project personnel and construction workers in the Standard Construction Specifications for the project. (MMRP Measure TCR-1)

- a) The City Applicant shall provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers, at their own expense. The WEAP shall be developed in coordination with interested Native American Tribes. A summary of the WEAP shall be submitted to Land Use Planning Division for review in consultation with interested tribes.
- b) The WEAP shall be conducted before any project related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered.

The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The training may be done in coordination with the project archaeologist.

- c) All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training.

During Construction:

44. Construction Hours. Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

45. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

46. Project Construction Website. The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:

- Contact information (i.e. “hotline” phone number, and email address) for the project construction manager
- Calendar and schedule of daily/weekly/monthly construction activities
- The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

47. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

48. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:

- A. The project applicant shall prepare a health risk assessment that demonstrates the project’s on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
- B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
49. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
50. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
51. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 52. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 53. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:
- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
 - B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional will meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
 - C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
 - D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
 - E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 54. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site

preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

- 55. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 56. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 57. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

- D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).
- H. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
- K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the

approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

58. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
59. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
60. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
61. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
62. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
63. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

64. Compliance with Conditions and Environmental Mitigations. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.
65. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **January 4 2023**, except as modified by conditions of approval.
66. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy,

and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.

- A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.
- B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
 - 1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit.
 - 2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited adult monthly pass for unlimited local bus transit service monthly local bus pass.
- C. Consistent with Section 23.334.030(C), publicly available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

BELOW MARKET RATE UNITS

67. Number of Below Market Rate Units. The project shall provide **seven Very Low-Income** BMR rental dwelling units, which are required to comply with the State Density Bonus Law (Government Code Section 65915) and receive a proportional reduction in the AHMF. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City. Any additional BMR units the applicant may choose to provide must also conform with these conditions.

At All Times:

- 68. Transportation Demand Management Compliance.** The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 69. Bike Parking.** Secure and on-site bike parking for at least 18 bicycles shall be provided for the life of the building.
- 70. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

71. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
72. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review Committee approval.
73. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
74. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
75. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
76. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
77. Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
78. Transit Subsidy Condition. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
79. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.

Mitigation Monitoring and Reporting Plan

CEQA requires review of any project that could have significant adverse effects on the environment. In 1988, CEQA was amended to require reporting on and monitoring of mitigation measures adopted as part of the environmental review process. This Mitigation Monitoring and Reporting Plan (MMRP) is designed to aid the City in their implementation and monitoring of measures proposed in the IS for the proposed project.³³³

Table 12 provides details of the MMRP. The mitigation measures are taken from the IS and are assigned the same number as in the IS. The MMRP describes the actions that must take place to implement each mitigation measure, the timing of those actions, and the entities responsible for implementing and monitoring the actions.

1752 Shattuck Mixed-Use Project
 Berkeley, CA

Mitigation Monitoring and Reporting Plan

Table 12. Mitigation and Monitoring Plan

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
BIO-1	<p>The project sponsor shall implement applicable measures identified in the City's project-specific bird safe building standards and the U.S. Fish and Wildlife Service's best practices for reducing bird strikes with buildings (U.S. Fish and Wildlife Service 2016). To make an effective virtual cue, all window treatment should be applied to at least the first two to three stories or the height of the adjacent vegetation. Measures may include:</p> <ul style="list-style-type: none"> • Architectural features to reduce the amount, reflectivity, and transparency of glass. • Bird collision mitigation measures for clear glass. • Keep the percentage of total glass below American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) standard of 40% of surface area (ANSI/ASHRAE/IES Standard 90.1 2013). Avoid reflective glass. • Follow the Leadership in Energy and Environmental Design (LEED) Pilot Credit 55: Bird Collision Deterrence recommendations for new construction (http://www.usgbc.org/Docs/Archive/General/Docs10402.pdf). • Minimize the number of or co-locate roof-top antennas. Make all antennas free standing (i.e., no guy wires). • Use architectural features to reduce the amount, reflectivity, and transparency of glass. 	Applicant	City Land Use Planning Division	Prior to Final Design Review	Verified by: Date:

1752 Shattuck Mixed-Use Project
 Berkeley, CA

Mitigation Monitoring and Reporting Plan

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
HAZ-1	The contractor shall develop and implement a Health and Safety Plan for construction workers. The protocols will specify how to eliminate or reduce exposure to soils where contamination may be present. Prior to any ground-disturbing activities, the contractor would be required to document that workers are trained on the protocols and must provide a copy of the final Health and Safety Plan on the job site.	Applicant/ Contractor	City of Berkeley Toxics Mgmt Division	Prior to construction	Verified by: Date:
HAZ-2	A Vapor Intrusion Mitigation System shall be incorporated into the construction plans for building foundations during redevelopment of the site to mitigate vapor intrusion concerns. The developer and its environmental consultants shall engage with an appropriate regulatory oversight agency (DTSC, RWQCB, or Alameda County DEH) to address the vapor issue at the site to the satisfaction of the selected lead agency and the City of Berkeley Toxics Management Division.	Applicant / Contractor	City of Berkeley Toxics Mgmt Division	Prior to building permit issuance	
TCR-1	TCR-1 Provide a Worker Environmental Awareness Program for relevant project personnel and construction workers in the Standard Construction Specifications for the project. a. The City Applicant shall provide a tribal cultural resources sensitivity and awareness training program (Worker Environmental Awareness Program [WEAP]) for all personnel involved in project construction, including field consultants and construction workers, at their own expense. The WEAP shall be developed in coordination with interested Native American Tribes. A	Developer / Contractor	City Land Use Planning Division	Prior to building permit issuance	

1752 Shattuck Mixed-Use Project
 Berkeley, CA

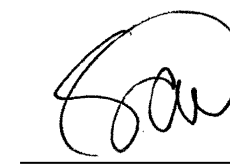
Mitigation Monitoring and Reporting Plan

Mitigation Measure	Mitigation Activities	Implemented By	Monitored By	Timing and Frequency	Verification of Compliance
	<p>summary of the WEAP shall be submitted to Land Use Planning Division for review in consultation with interested tribes.</p> <p>b. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP will include relevant information regarding sensitive cultural resources and tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating state laws and regulations. The WEAP will also describe appropriate avoidance and impact minimization measures for cultural resources and tribal cultural resources that could be located at the project site and will outline what to do and who to contact if any potential cultural resources or tribal cultural resources are encountered.</p> <p>The WEAP will emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance to Native Americans and will discuss appropriate behaviors and responsive actions, consistent with Native American tribal values. The training may be done in coordination with the project archaeologist.</p> <p>c. All ground-disturbing equipment operators shall be required to receive the training and sign a form that acknowledges receipt of the training.</p>		City Building and Safety Division	Prior to start of construction	

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PLANS APPROVED BY ZONING ADJUSTMENTS BOARD



SIGNATURE

January 12, 2023

DATE

* Findings and Conditions Attached

**PANORAMIC
@ 1752
SHATTUCK
AVENUE**

Berkeley, CA

01.10.2022 ZONING APPLICATION
03.03.2022 ZONING COMPLETENESS
01.12.2023 ZAB REVISIONS

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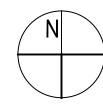
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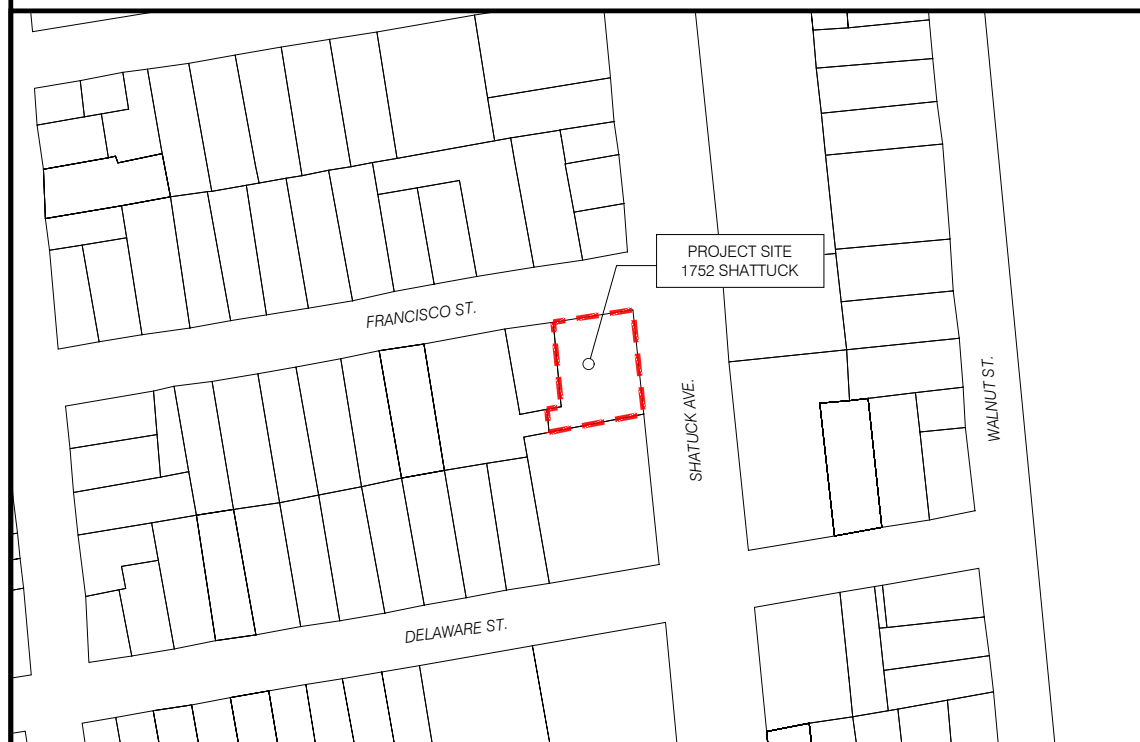
GENERAL
INFORMATION

A0.0



VICINITY MAP

N.T.S. 



PROJECT DIRECTORY

OWNER/APPLICANT:
Patrick Kennedy
PANORAMIC INTERESTS
1321 Mission Street
San Francisco, CA 94103

ARCHITECT:
David Trachtenberg, Principal
TRACHTENBERG ARCHITECTS
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Berkeley, CA 94710
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PROJECT DESCRIPTION

PROJECT ADDRESS: 1752 Shattuck Ave.
Berkeley, CA 94709 (APN: 058 217600101)

SCOPE OF WORK:
REMOVAL OF EXISTING 1 STORY COMMERCIAL STRUCTURE & CONSTRUCTION OF A
NEW 7-STORY MIXED-USE BUILDING WITH 68-DWELLING UNITS, GROUND LEVEL
LOBBIES, COMMERCIAL SPACE, AND PARKING GARAGE WITH STATE OF CALIFORNIA
DENSITY BONUS.

ZONING CODE SUMMARY

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

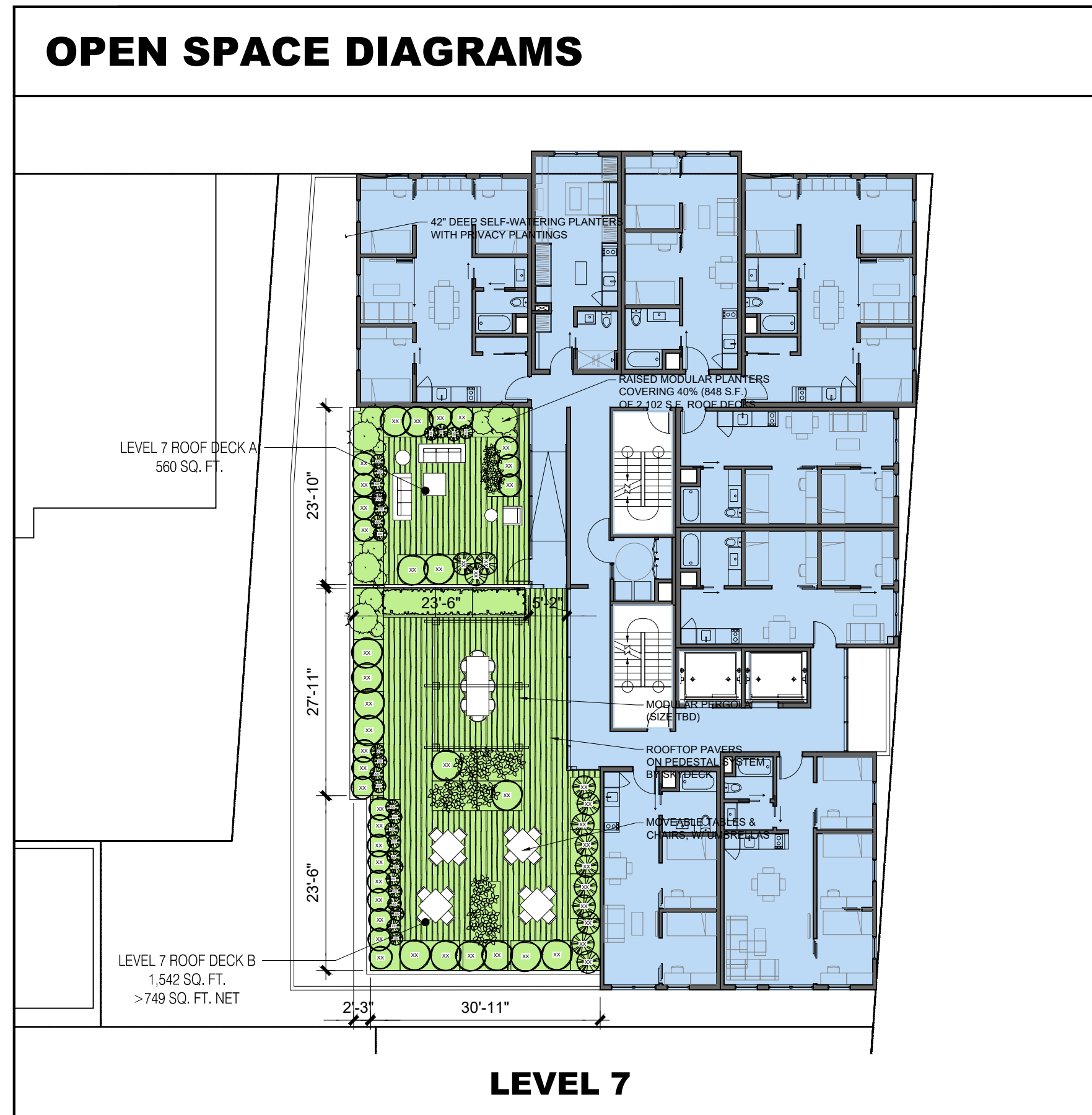
ZONING: C-1

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

ARCHITECTURAL

A0.0 GENERAL INFORMATION	A2.2 FLOOR PLANS	A3.13 PERSPECTIVE VIEWS
A0.1 ZONING INFORMATION & DIAGRAMS	A2.3 FLOOR PLANS	A3.14 PERSPECTIVE VIEWS
A0.3A DENSITY BONUS DIAGRAMS	A2.4 FLOOR PLANS	A3.15 PERSPECTIVE VIEWS
A0.3B DENSITY BONUS CALCULATIONS	A3.1 BUILDING ELEVATIONS	A3.16 PERSPECTIVE VIEWS
A0.4A SHADOW STUDIES	A3.2 BUILDING ELEVATIONS	A3.17 PERSPECTIVE VIEWS
A0.4B SHADOW STUDIES	A3.3 BUILDING ELEVATIONS	A3.18 PERSPECTIVE VIEWS
A0.4C SHADOW STUDIES	A3.4 BUILDING ELEVATIONS	A4.1 BUILDING SECTIONS
A0.4D SHADOW STUDIES	A3.5 STREETScape ELEVATIONS	A4.2 BUILDING SECTIONS
A0.4E SHADOW STUDIES	A3.6 PHOTO MATCH PERSPECTIVES	A4.3 BUILDING SECTIONS
A0.4F SHADOW STUDIES	A3.7 PHOTO MATCH PERSPECTIVES	MAT MATERIAL BOARD
A0.5 SITE CONTEXT PHOTOS	A3.8 PERSPECTIVE VIEWS	LANDSCAPE
A0.6 VICINITY MAP	A3.9 PERSPECTIVE VIEWS	L.1 LANDSCAPE CONCEPT
A1.1 SITE SURVEY	A3.10 PERSPECTIVE VIEWS	L.2 LANDSCAPE PALETTE & IMAGES
A1.2 SITE SURVEY	A3.11 PERSPECTIVE VIEWS	
A2.1 FLOOR PLANS	A3.12 PERSPECTIVE VIEWS	



ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS

	PROPOSED	PERMITTED/REQUIRED	ALLOWABLE W/ 50% DENSITY BONUS
NUMBER OF DWELLING UNITS	68	45	N/A
COMMERCIAL AREA	1,210	N/A	N/A
PARKING	SEE TABLE	SEE TABLE	SEE TABLE
BIKE PARKING	30	55	N/A
FRONT YARD SETBACK (FRANCISCO)	0'	0'	N/A
STREET SIDE YARD SETBACK (SHATTUCK)	0'	0'	N/A
SIDE YARD SETBACK	VARIES; 4'-6" TO 25'-6"	0'	N/A
REAR YARD SETBACK	5'-0"	0'	N/A
BUILDING HEIGHT	78'-9" **	50'	80' **
BUILDING STORIES	7	4	7 **
LOT AREA	10,522	10,522	10,522
LOT AREA (ACRES)	0.24	0.24	0.24
GROSS FLOOR AREA (SEE TABLE)	47,137	N/A	47,349
BUILDING FOOTPRINT	8,605	10,522	N/A
LOT COVERAGE	82%	100%	N/A
USABLE OPEN SPACE (SEE TABLE)	SEE TABLE	SEE TABLE	SEE TABLE
PROJECT FAR	4.48 **	3.0	4.5 **

** Via Density Bonus Waiver

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FAR CALCULATIONS

	BASE PROJECT ALLOWABLE	ALLOWABLE W/ 50% DENSITY BONUS	PROPOSED W/ DENSITY BONUS
SITE AREA	10,522	10,522	10,522
FAR	3.00	4.50	4.48
FLOOR AREA	31,566	47,349	47,137

PANORAMIC @ 1752 SHATTUCK AVENUE

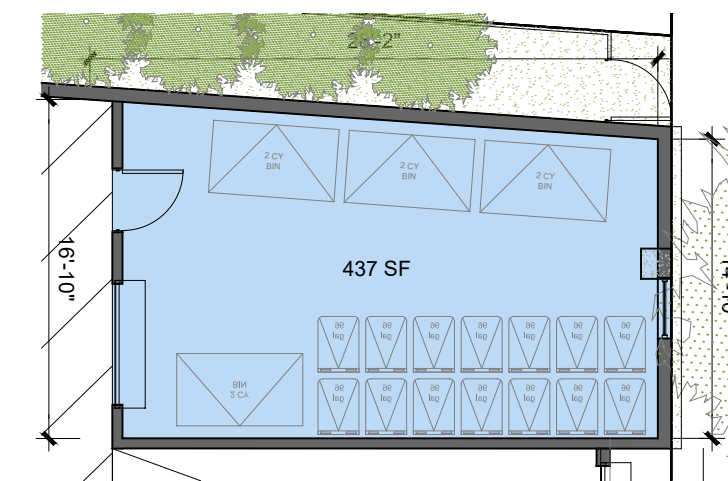
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REFUSE AND RECYCLING

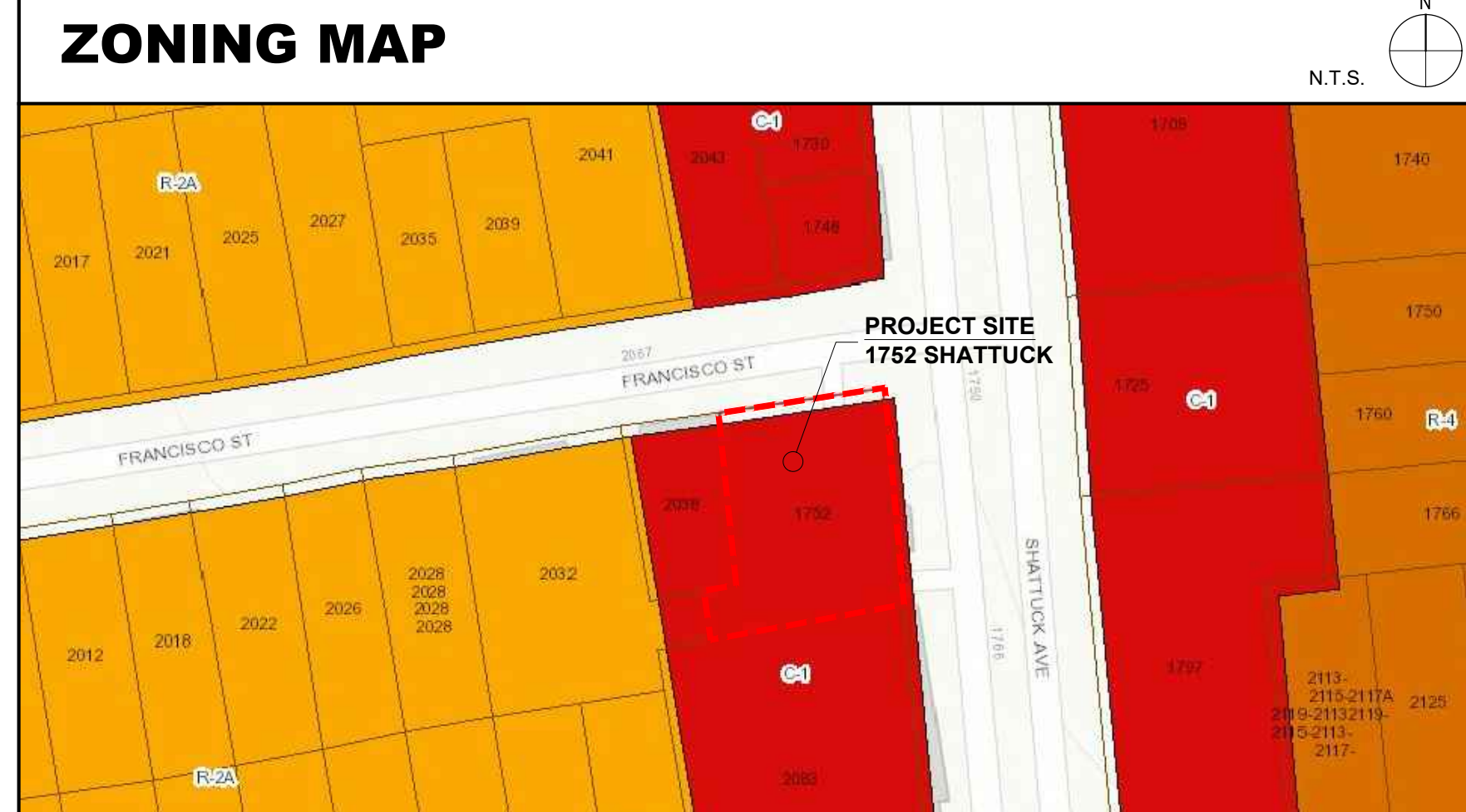


Waste and Recycling Calculation

# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3)	Waste (40%)	Recycling (40%)	Organics (20%)
153	1.00	153	12.75 cy	2,550 gal	5.10 cuft	1,020 gal

Space Calculation

Container	Waste	Recycling	Organics	Factor/container	Space/Container	Required	Provided
2 cy bin (404 gal)	2	2	2	28 sf	112 sf		
96 gallon cart	4	4	6	7 sf	98 sf		
64 gallon cart				6 sf	sf		
Total capacity	1192 gal	1192 gal	576 gal		210 sf	315 sf	500



PROPOSED FLOOR AREA WITH DENSITY BONUS

	COMMERCIAL	RESIDENTIAL	MECH.	TOTAL
LEVEL 7		5,347		5,347
LEVEL 6		7,502		7,502
LEVEL 5		7,502		7,502
LEVEL 4		7,502		7,502
LEVEL 3		7,502		7,502
LEVEL 2		7,502		7,502
GROUND LEVEL (EXCLUDES PARKING)	1,210	2,554	516	4,280
TOTAL FLOOR AREA W/ DENSITY BONUS	1,210	45,411		47,137
FAR (FLOOR AREA RATIO)				4.48
PARKING				4,026
TOTAL WITH PARKING				51,163

UNIT COUNTS

UNIT TYPE	STUDIO	2-BED	3-BED	TOTAL
LEVEL 7	1	4	3	8
LEVEL 6	2	5	5	12
LEVEL 5	2	5	5	12
LEVEL 4	2	5	5	12
LEVEL 3	2	5	5	12
LEVEL 2	2	5	5	12
GROUND LEVEL				
TOTAL	11	29	28	68
PERCENT OF TOTAL	16%	43%	41%	
TOTAL BEDROOM COUNT	11	58	84	153

OPEN SPACE TABLE

	UNITS	RATIO	TOTAL	LANDSCAPE AREA
TOTAL UNITS	68	200	13,600	
TOTAL REQUIRED			13,600	
TOTAL CONCESSION REQUESTED			10,860	
TOTAL AREA PROVIDED			2,102	848
LEVEL 7 ROOF DECKS			2,102	

BIKE PARKING CALCULATIONS

	UNITS/SF	SPACES PER BEDROOM/SF	TOTAL REQ	PROVIDED
NEW COMMERCIAL	1,210	1/2000	1	1
RESIDENTIAL (LONG TERM)	153	0.33	51	18
RESIDENTIAL (SHORT TERM)	153	0.025	4	11
TOTAL PARKING			55	30
TOTAL CONCESSION REQUESTED			33 LONG TERM SPACES	

PARKING TABLE

	UNITS/SF	MIN.	REQUIRED	PROPOSED
RESIDENTIAL	68	0	0	2
COMMERCIAL	1210	2/1000 SF	2	4

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

AVERAGE AREA	7686
TOTAL AREA OF ROOFTOP ELEMENTS	384
% AREA OF ROOFTOP ARCH. FEATURES	5.0%
ALLOWABLE % (PER 23.304.050A)	15.0%

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A0.1

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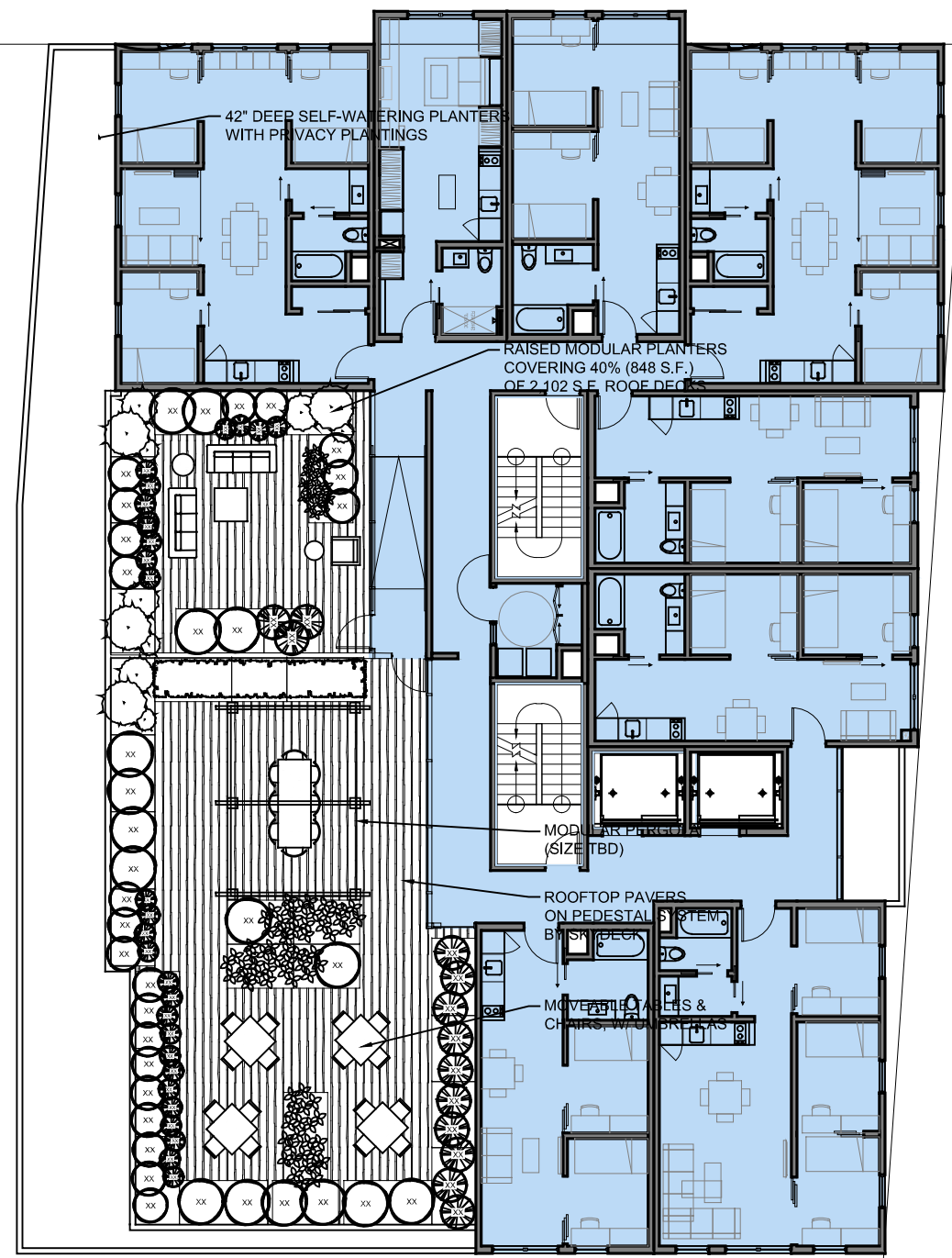
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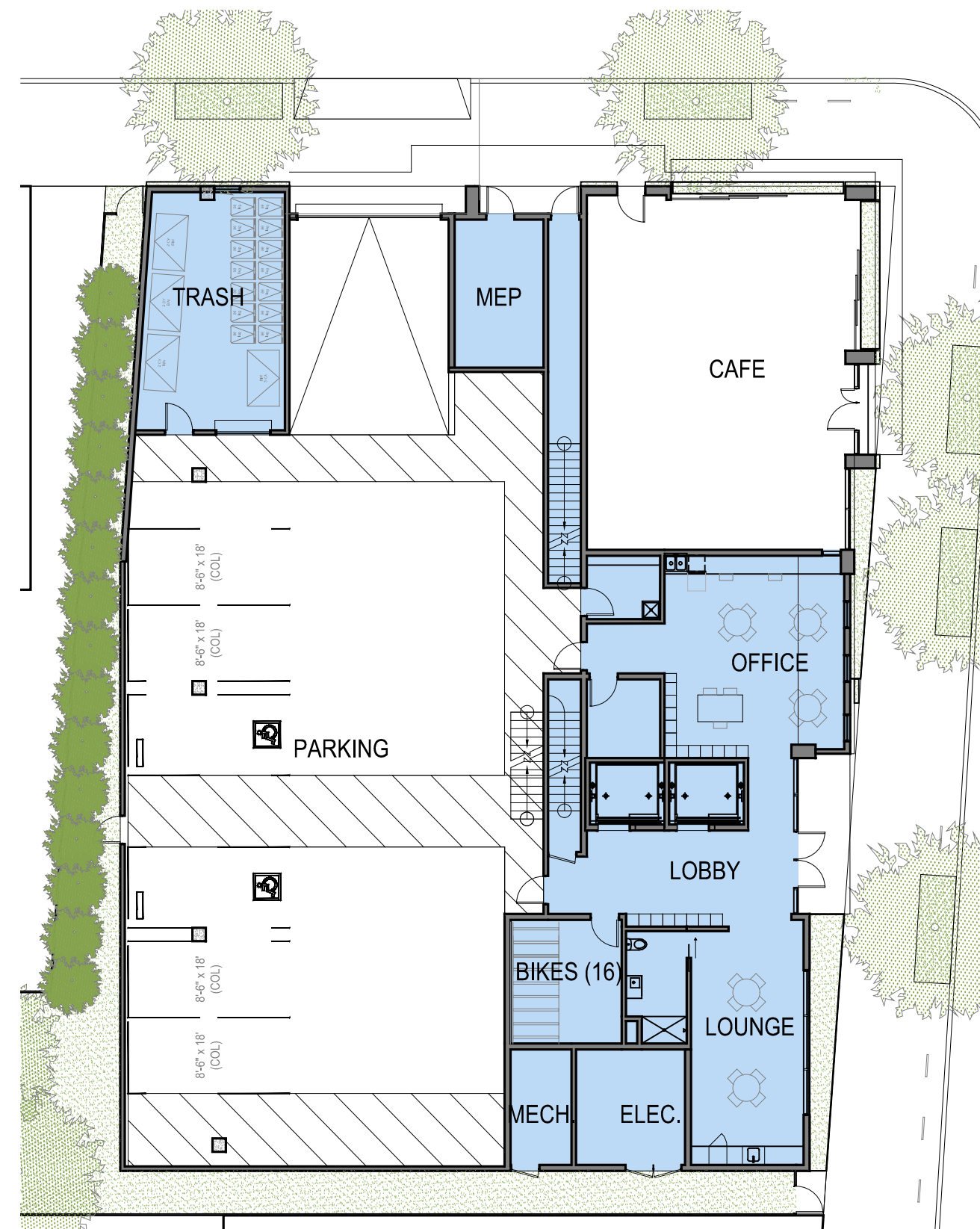
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DENSITY BONUS
 DIAGRAMS

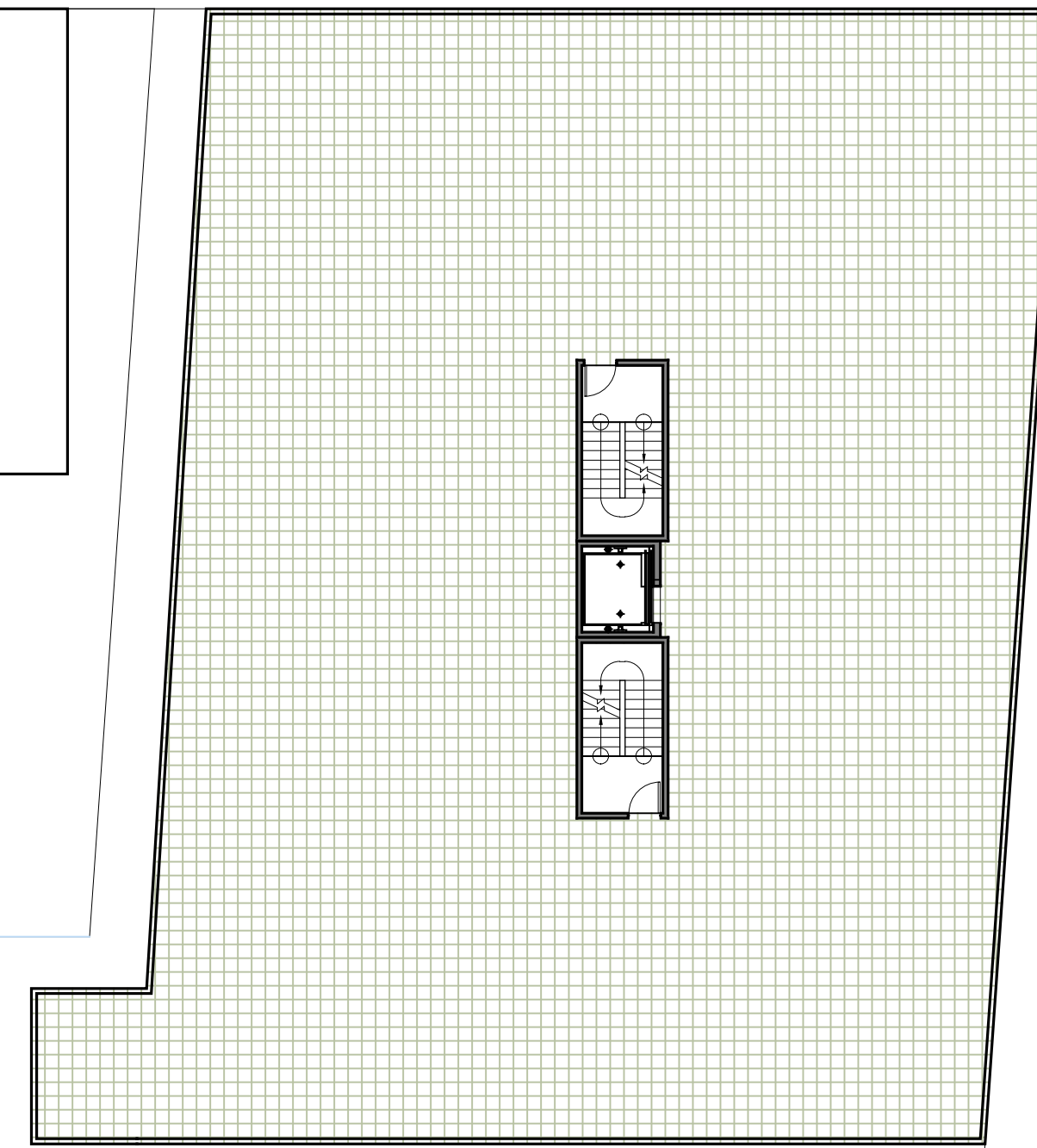
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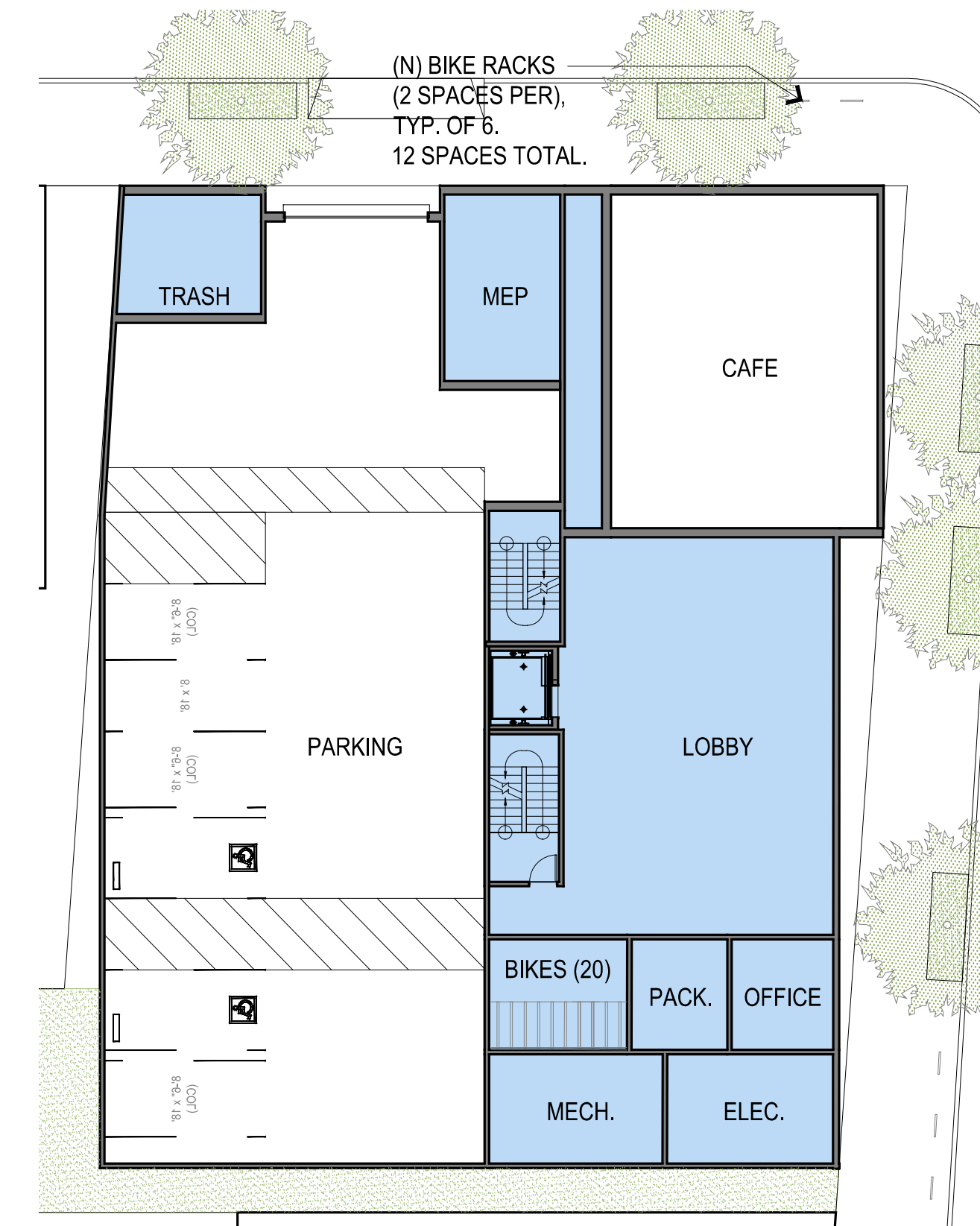
PLAN AT LEVEL 7



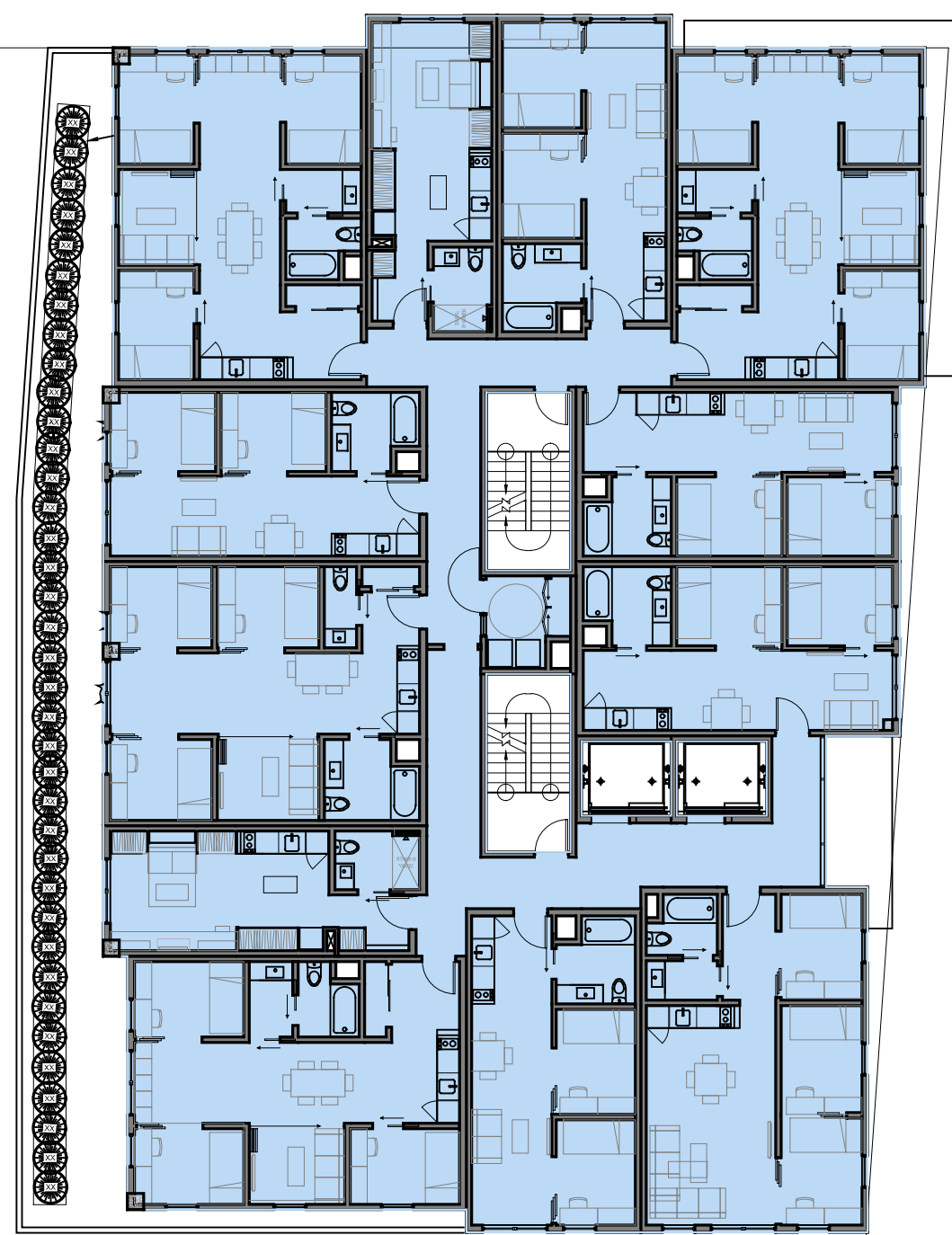
PLAN AT GROUND



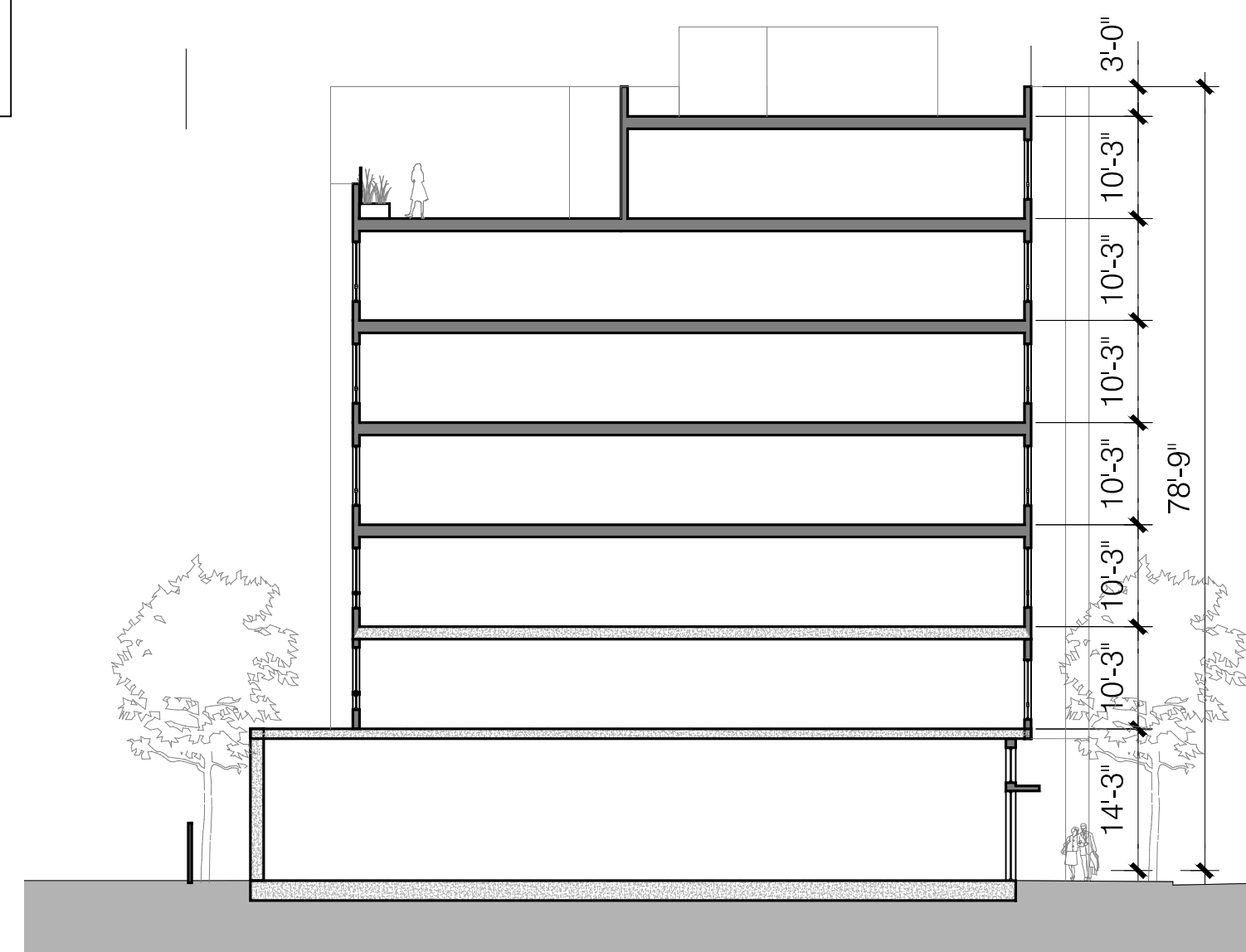
PLAN AT ROOF



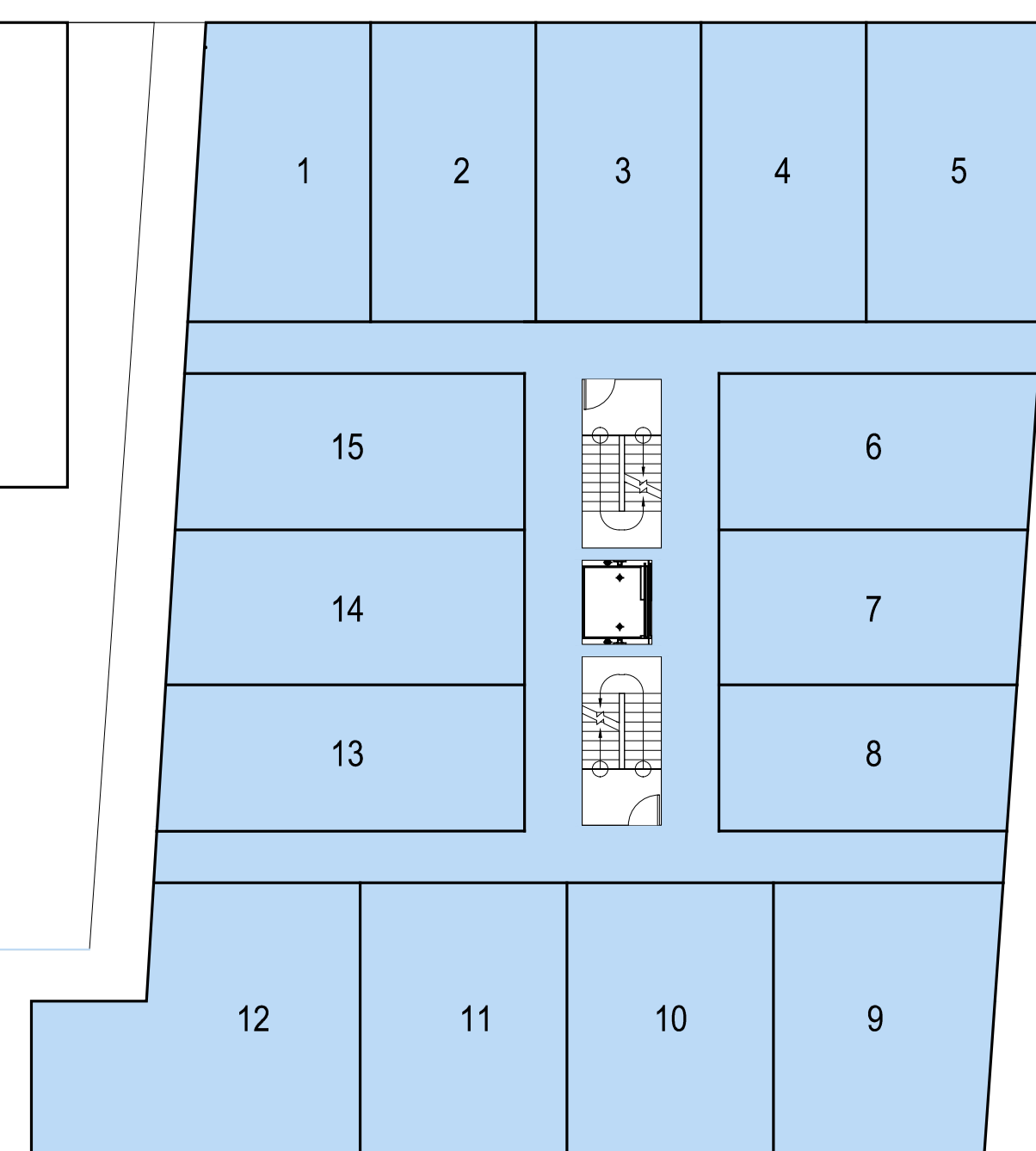
PLAN AT GROUND



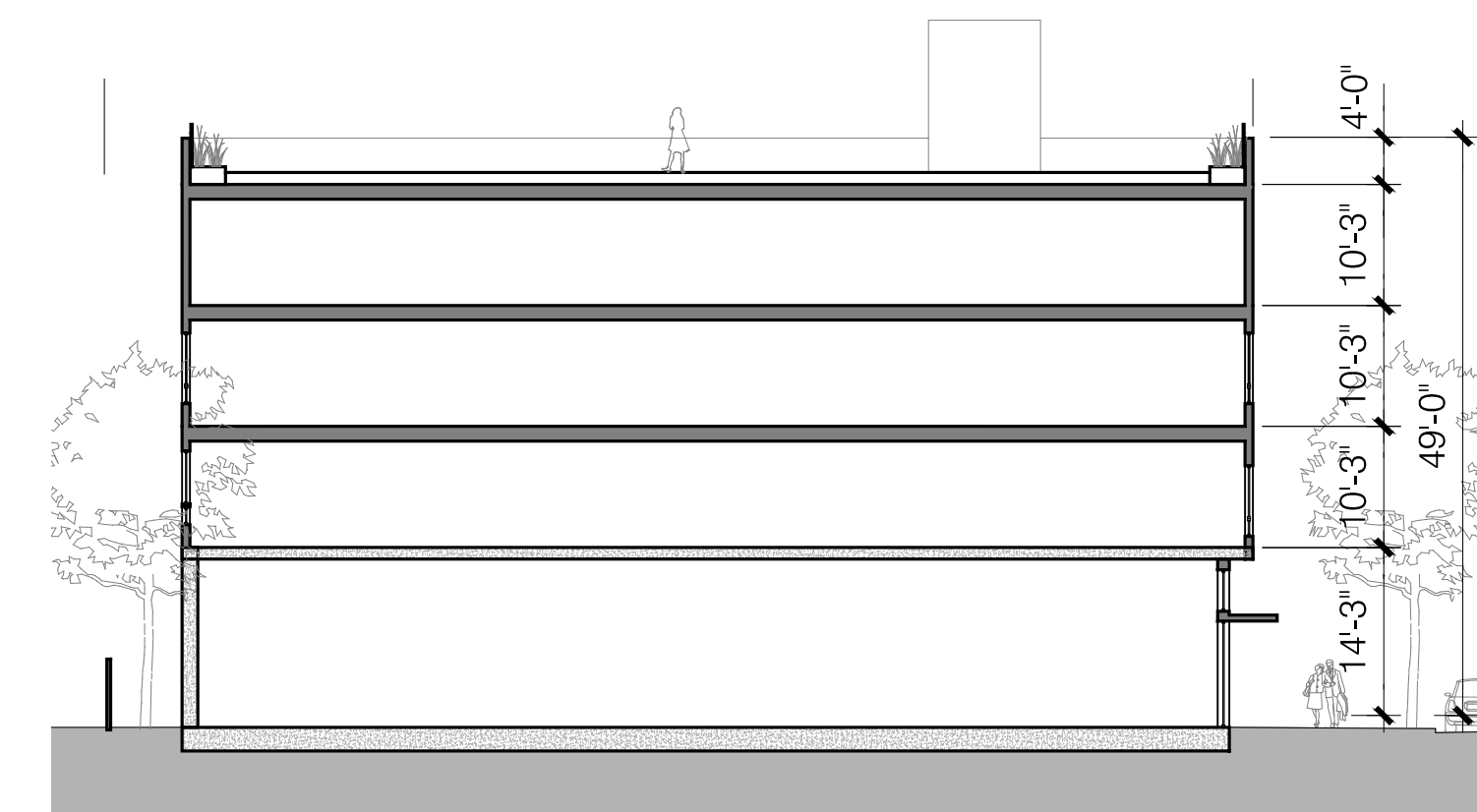
PLAN AT LEVELS 2-6



PROPOSED DENSITY BONUS PROJECT



PLAN AT LEVELS 2-4



BASE PROJECT

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AVENUE**

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**DENSITY BONUS
CALCULATIONS**

A0.3B

DENSITY BONUS TABLE

	Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
	sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density (rounded up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units	%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)
	30,356	44.95	45	15%	6.75	7.00	50.0%	22.5000	23	68

Base Project Res. Area	Floor	Proposed Project Res. Area	#VLI	%VLI	%DB	#DB	#Concessions
	Seventh	5,347	3	5%	20.0%	54	1
	Sixth	7,502	3	6%	22.5%	56	1
	Fifth	7,502	4	7%	25.0%	57	1
	Fourth	7,502	4	8%	27.5%	58	1
8,904	Third	7,502	5	9%	30.0%	59	1
8,904	Second	7,502	5	10%	32.5%	60	2
8,904	Ground	3,070	5	11%	35.0%	61	2
3,644			6	12%	38.75%	63	2
30,356		45,927	6	13%	42.5%	65	2
			7	14%	46.3%	66	2
			7	15%	50.0%	68	3

Total Floor Area:

Total Units:

Base Project Res. Area	Floor	Proposed Project Res. Area
	Seventh	5,347
	Sixth	7,502
	Fifth	7,502
8,904	Fourth	7,502
8,904	Third	7,502
8,904	Second	7,502
3,644	Ground	3,070
30,356		45,927

Base Project # of Units	Floor	Proposed Project # of Units
	Seventh	8
	Sixth	12
	Fifth	12
15	Fourth	12
15	Third	12
15	Second	12
	Ground	
45		68

Proposed Area: **45,927**

Proposed Units: **68**

Average Unit Size: **675**

#Concessions

1. Reduce open space requirement
2. Reduce bicycle parking requirement

BASE PROJECT ZONING COMPLIANCE CHECKS

Base Project - Open Space

	Units	Ratio	Total Area
Base Units	45	200	9000
Provided Open Space (Roof Deck)			9012

Base Project - FAR

	Res. Area	Commercial	Total GFA
GFA	30,356	1210	31,566
Site Area			10,522
FAR			3.000

Base Project - Parking




	Units/SF	Bedrooms	Ratio	Total Req.	Provided
Residential				0	2
Commercial	1,210	N/A	2/1000 SF	2	4

Base Project -Bicycle Parking

	Units/SF	Bedrooms	Ratio	Total Req.	Provided
New Comm.	1,210		1/2000	0	0
Res. (Long)		39	0.33	13	16
Res (Short)		39	0.025	2	12

Base Project - Stormwater

	Roof Area	%	Required	Provided
Base Units	9115	4%	365	949

 DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 NEW SHADOW AT RESIDENTIAL BUILDING
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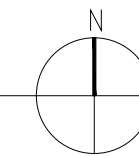
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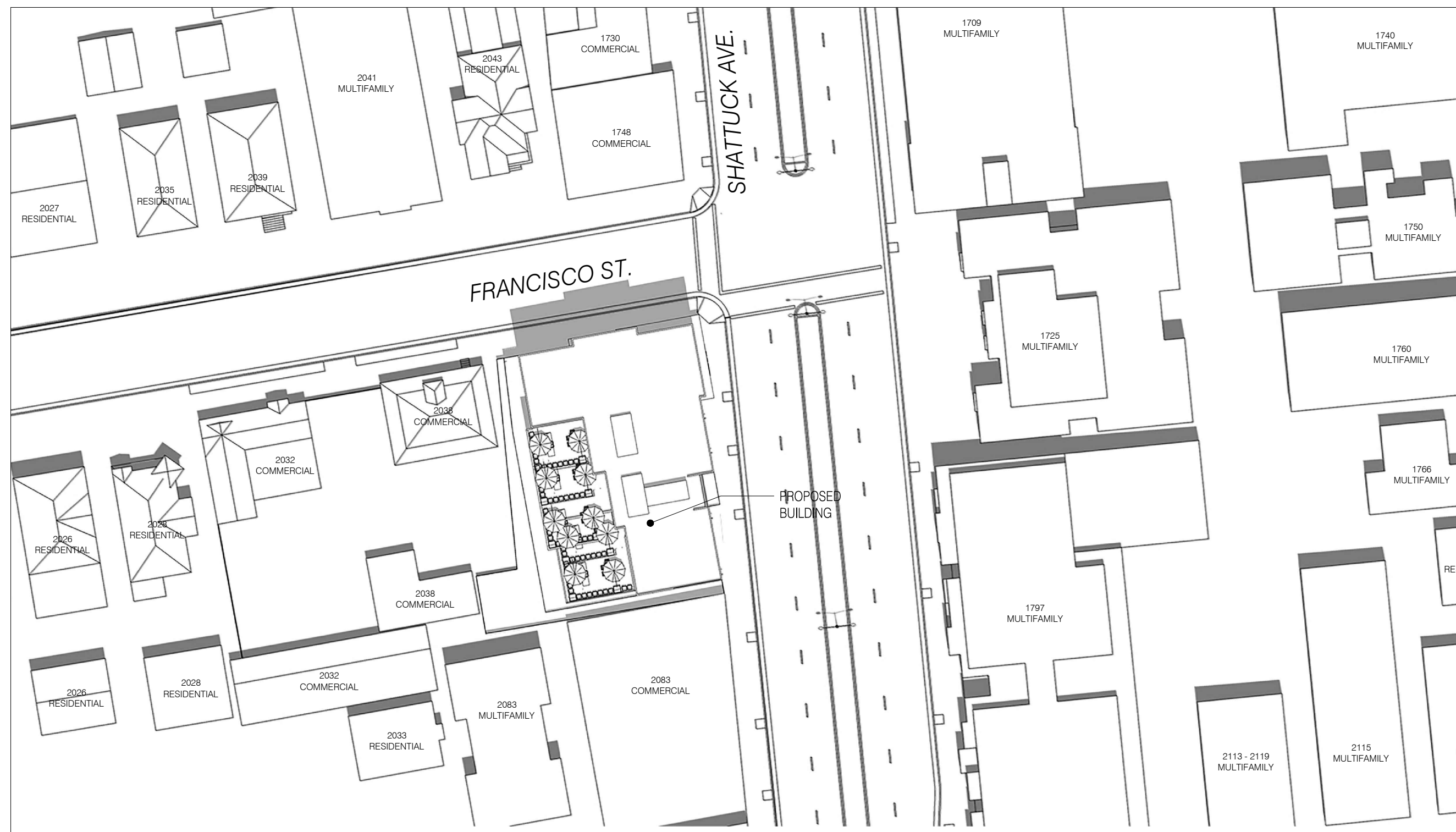
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SHADOW STUDY - JUNE 21: 2-HRS BEFORE SUNSET

1:100 @ 11X17 1:50 @ 24X36



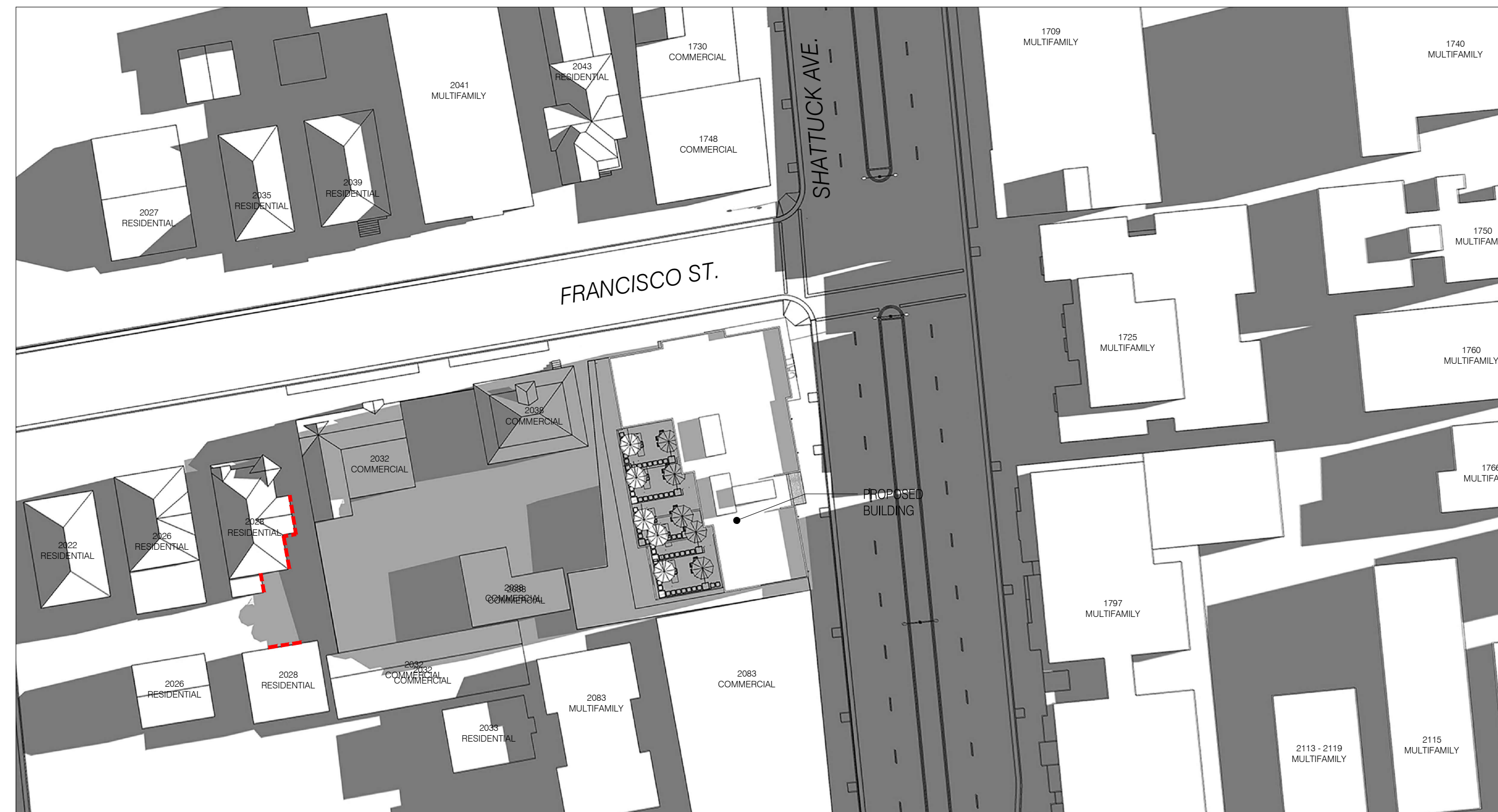
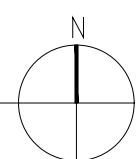
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3

SHADOW STUDY - JUNE 21: NOON

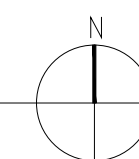
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1

SHADOW STUDY - JUNE 21: 2 HRS AFTER SUNRISE

1:100 @ 11X17 1:50 @ 24X36



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SHEET:

**SHADOW STUDIES
 JUNE 21ST**

A0.4A

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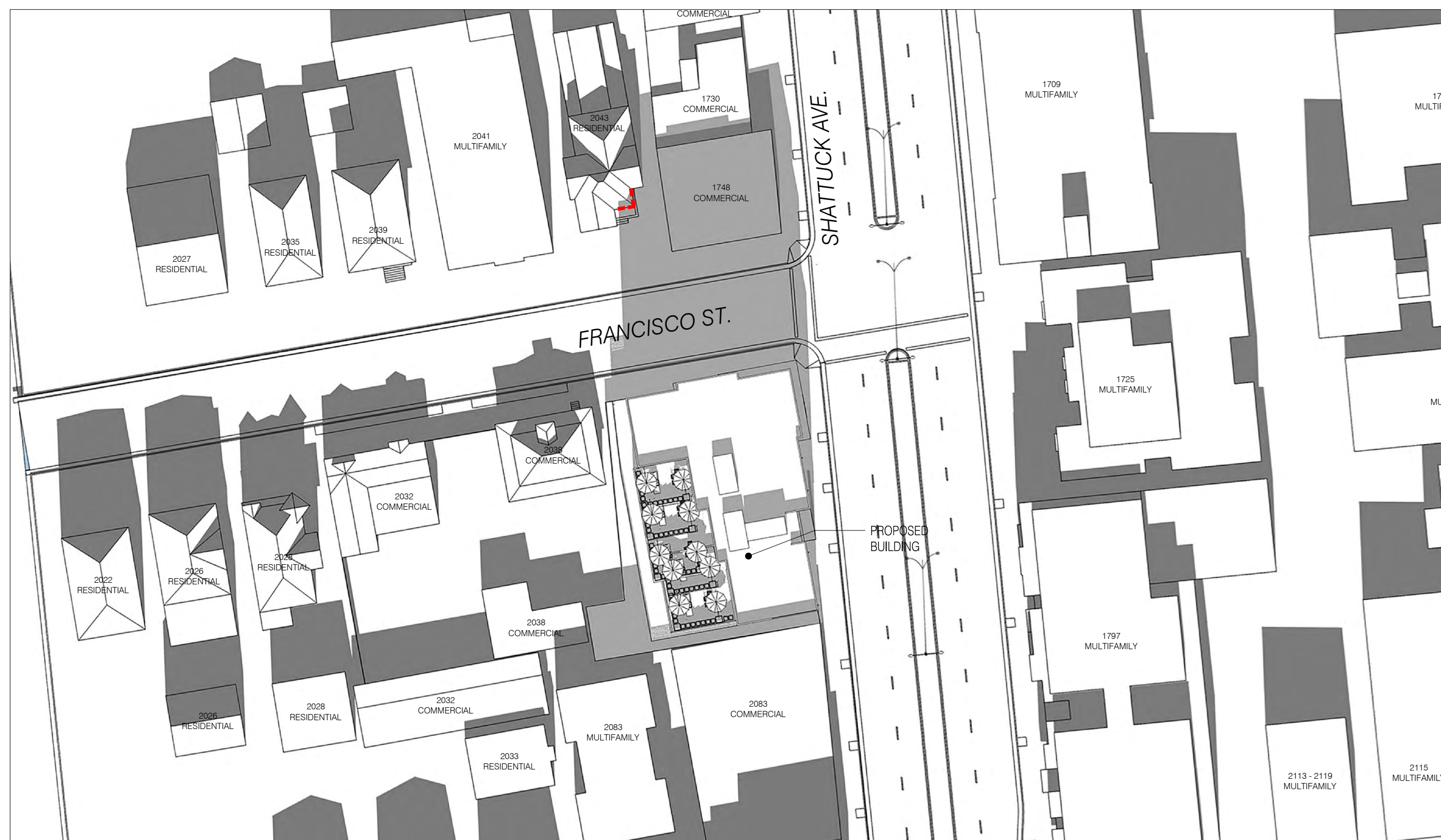
SHADOW STUDIES
DECEMBER 21ST

A0.4B

■ DARK TONE GREY INDICATES SHADOWS
FROM EXISTING BUILDINGS
■ LIGHTER TONE GREY INDICATES SHADOWS
FROM PROPOSED BUILDING
- - - NEW SHADOW AT RESIDENTIAL BUILDING
ALL RESIDENTIAL BUILDINGS BEING
SHADOWED SHOWN IN THESE DIAGRAMS



2 SHADOW STUDY - DECEMBER 21: 2-HRS BEFORE SUNSET
1:100 @ 11X17 1:50 @ 24X36



3 SHADOW STUDY - DECEMBER 21: NOON
1:100 @ 11X17 1:50 @ 24X36



1 SHADOW STUDY - DECEMBER 21: 2 HRS AFTER SUNRISE
1:100 @ 11X17 1:50 @ 24X36

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
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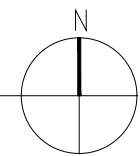
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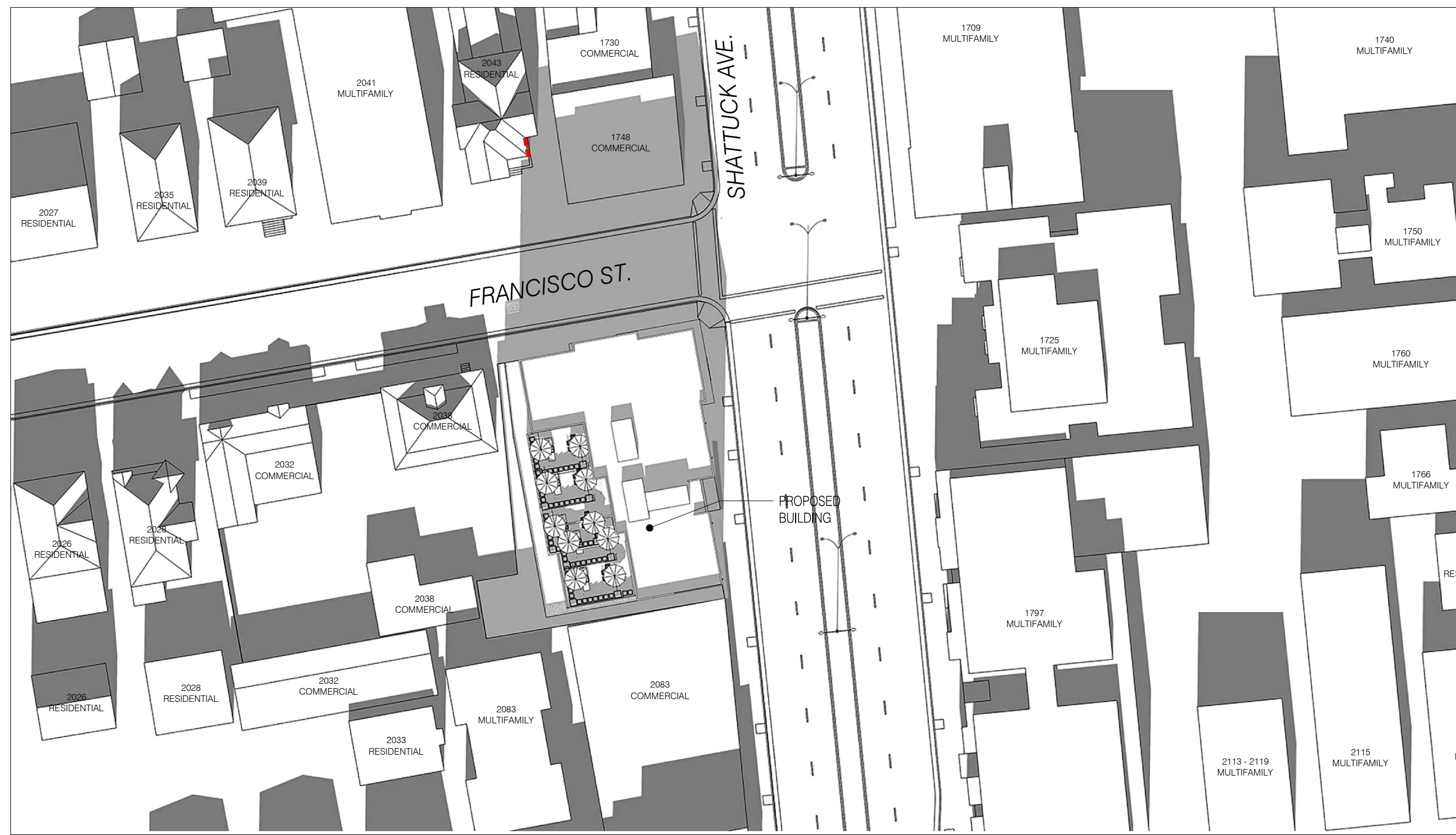


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SHADOW STUDY - NOV 26: 2-HRS BEFORE SUNSET
1:100 @ 11X17 1:50 @ 24X36

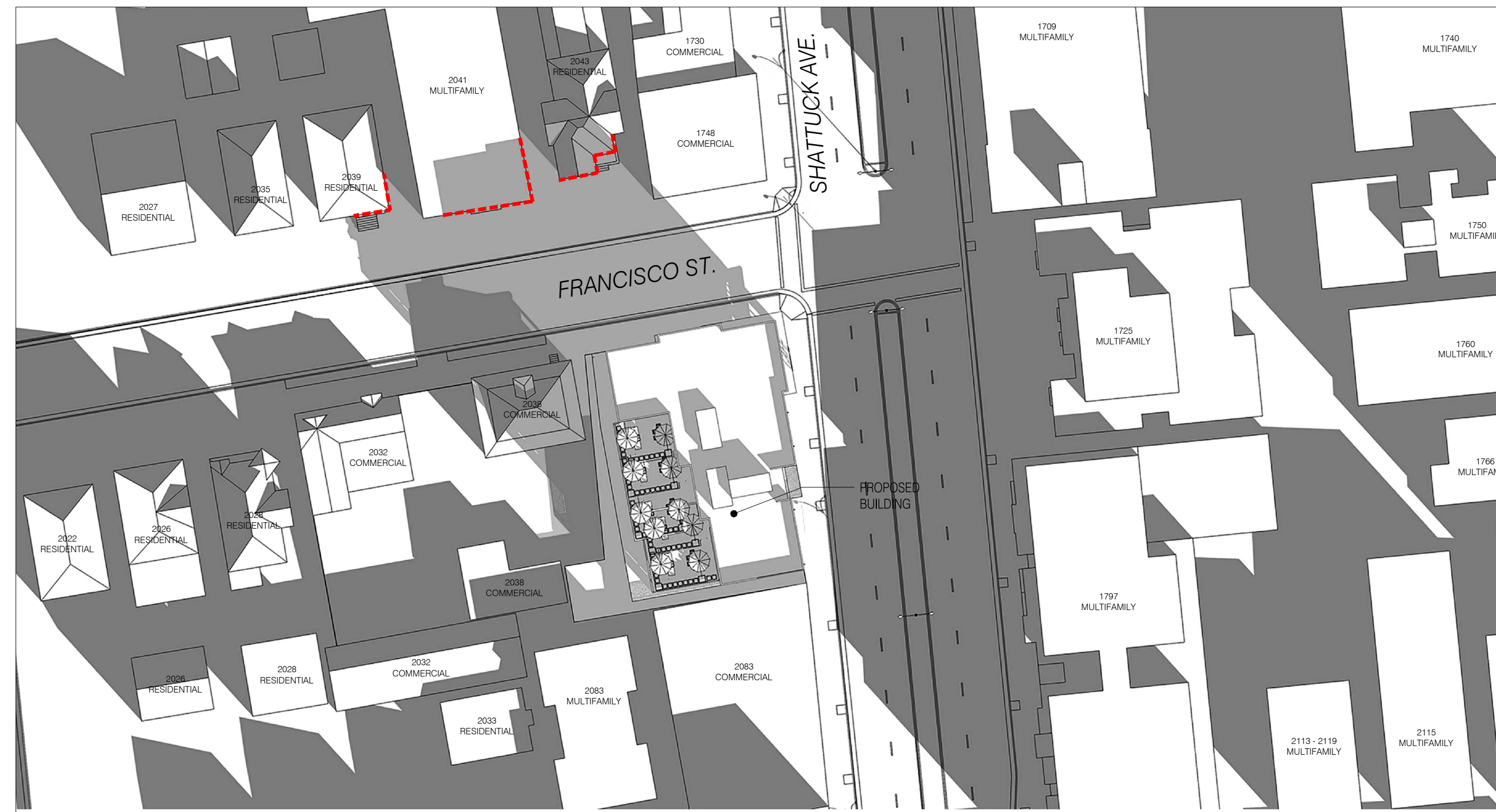
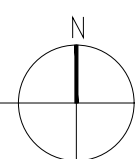


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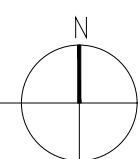
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SHADOW STUDY - NOV 26: NOON
1:100 @ 11X17 1:50 @ 24X36



2

SHADOW STUDY - NOV 26: 2 HRS AFTER SUNRISE
1:100 @ 11X17 1:50 @ 24X36



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SHEET:

SHADOW STUDIES
NOV. 26TH

A0.4C

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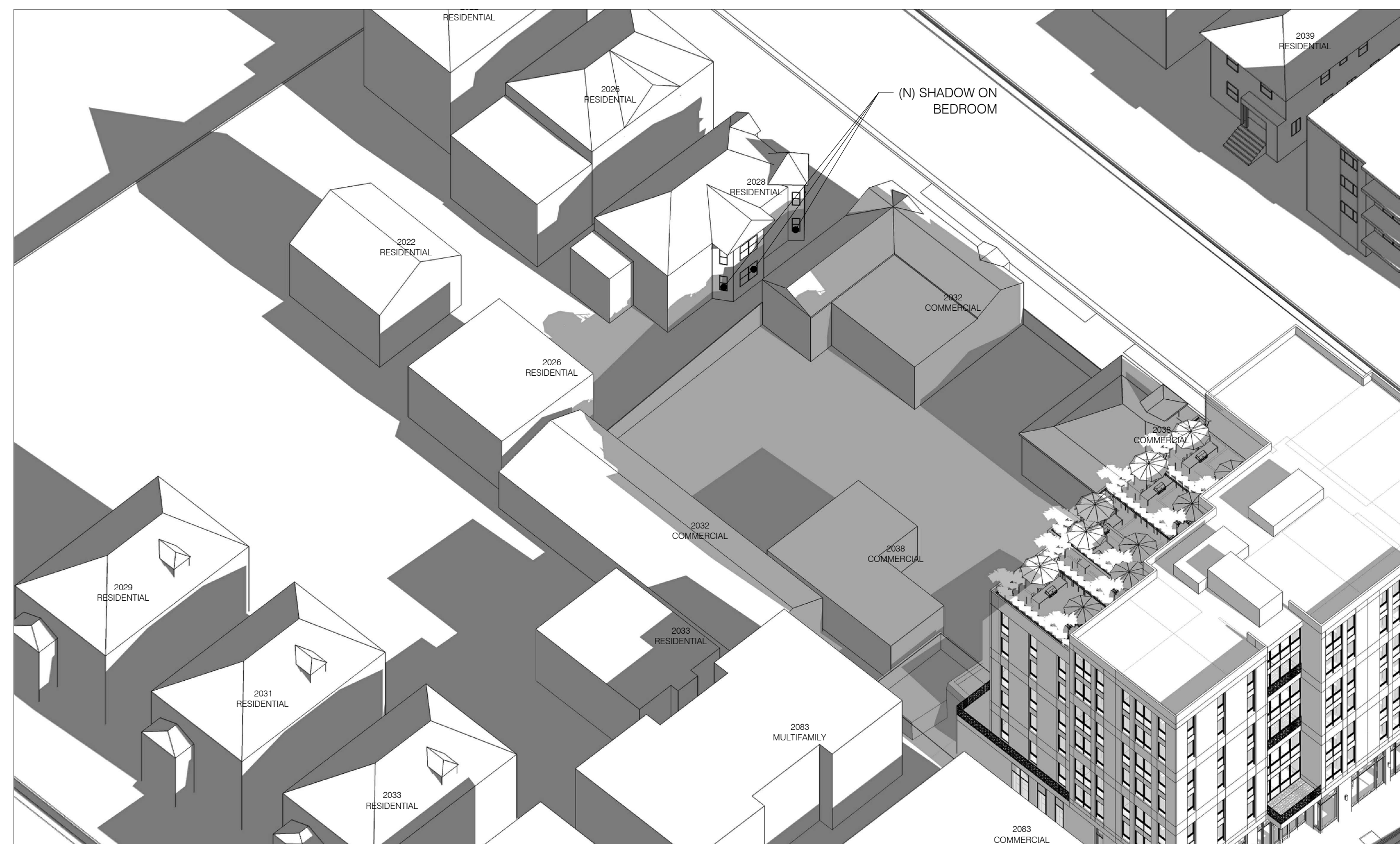
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3 SHADOW STUDY AXONOMETRIC - JUN 21: 2-HRS BEFORE SUNSET
 NTS

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SHADOW STUDIES
 JUNE 21ST

A0.4D

1 SHADOW STUDY AXONOMETRIC - JUN 21: 2-HRS AFTER SUNRISE
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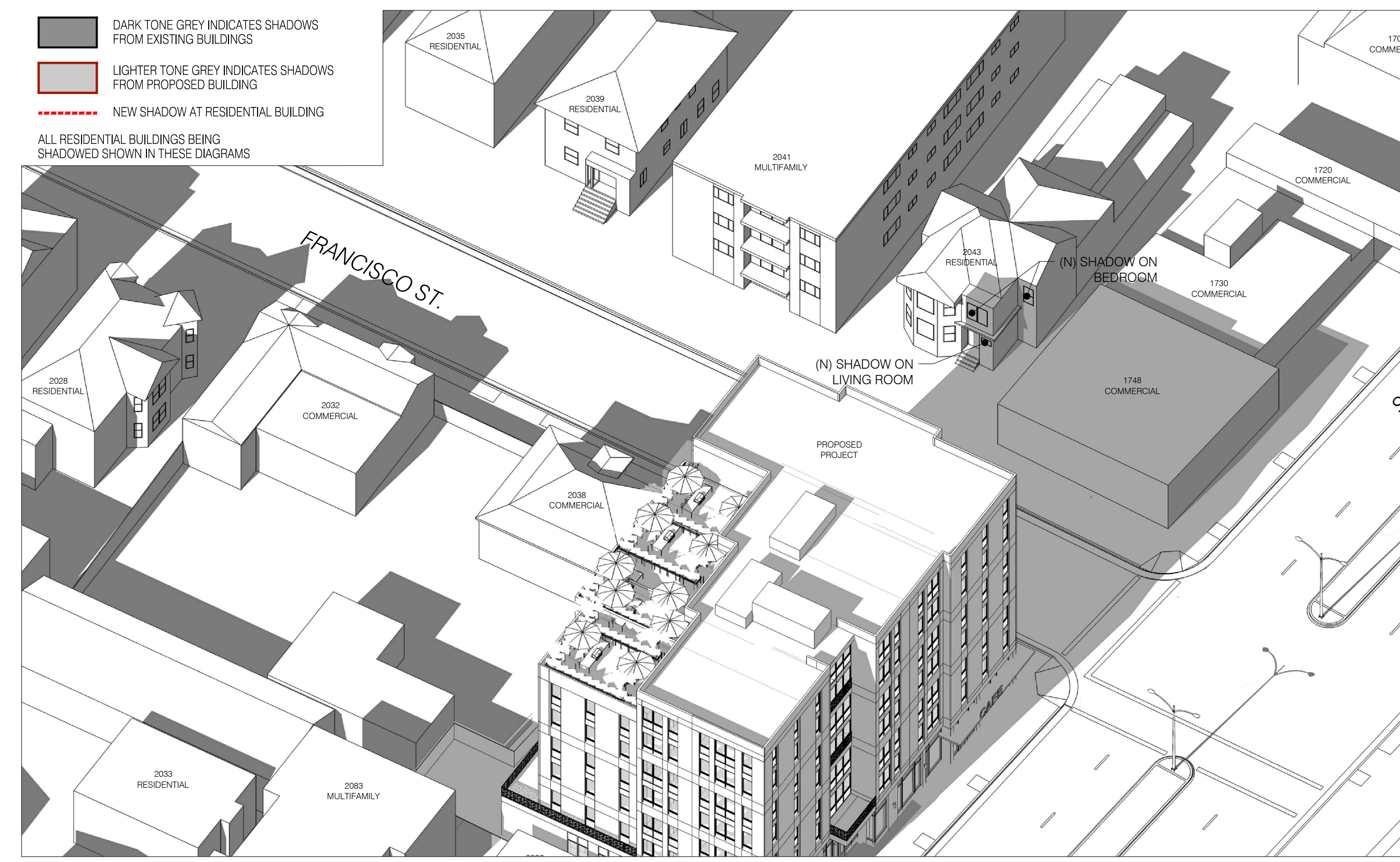
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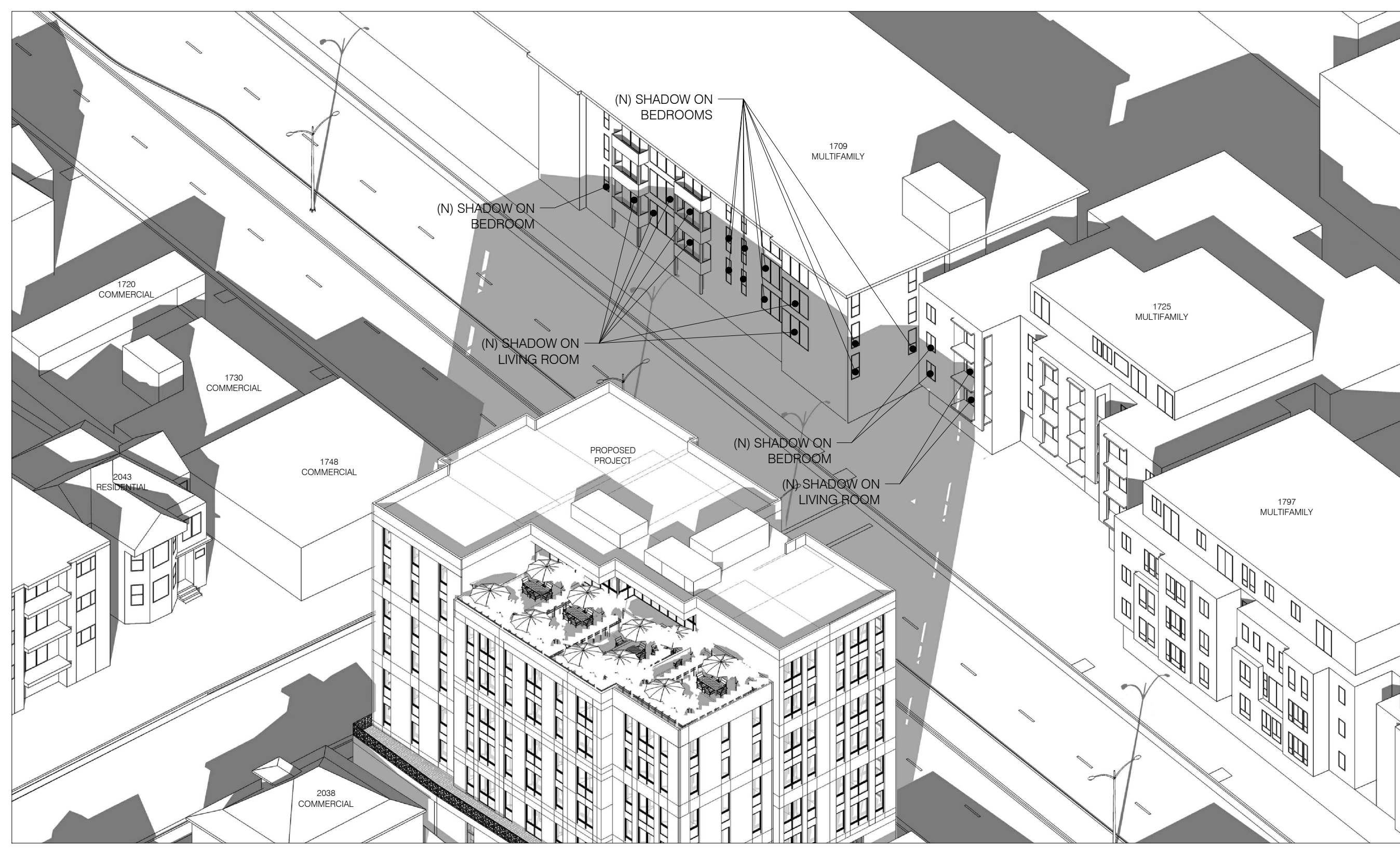
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SHEET:
 SHADOW STUDIES
 DECEMBER 21ST

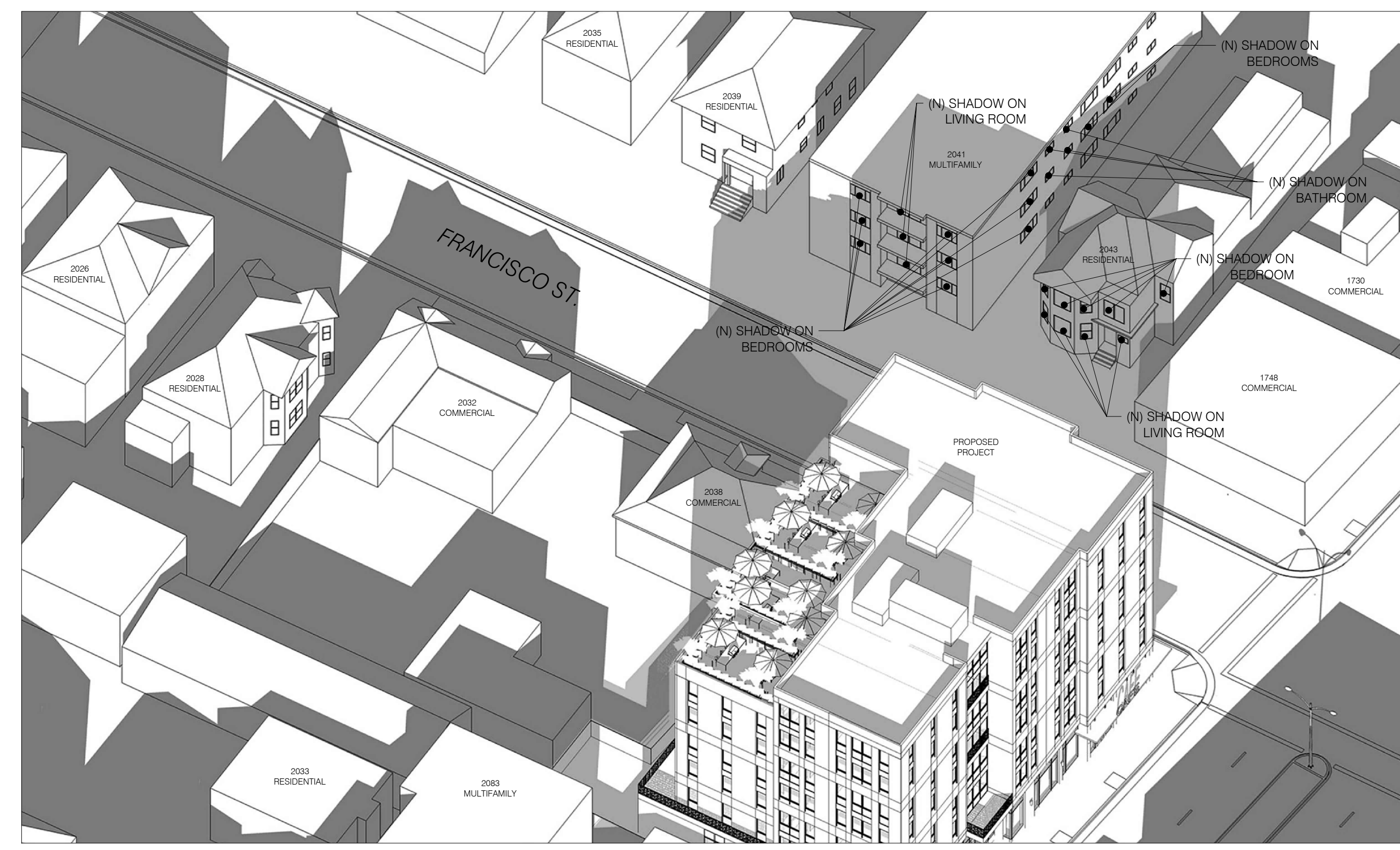
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2 SHADOW STUDY - DEC 21: NOON
 1:100 @ 11X17 1:50 @ 24X36



3 SHADOW STUDY - DEC 21: 2 HRS BEFORE SUNSET
 1:100 @ 11X17 1:50 @ 24X36



1 SHADOW STUDY - DEC 21: 2 HOURS AFTER SUNRISE
 1:100 @ 11X17 1:50 @ 24X36

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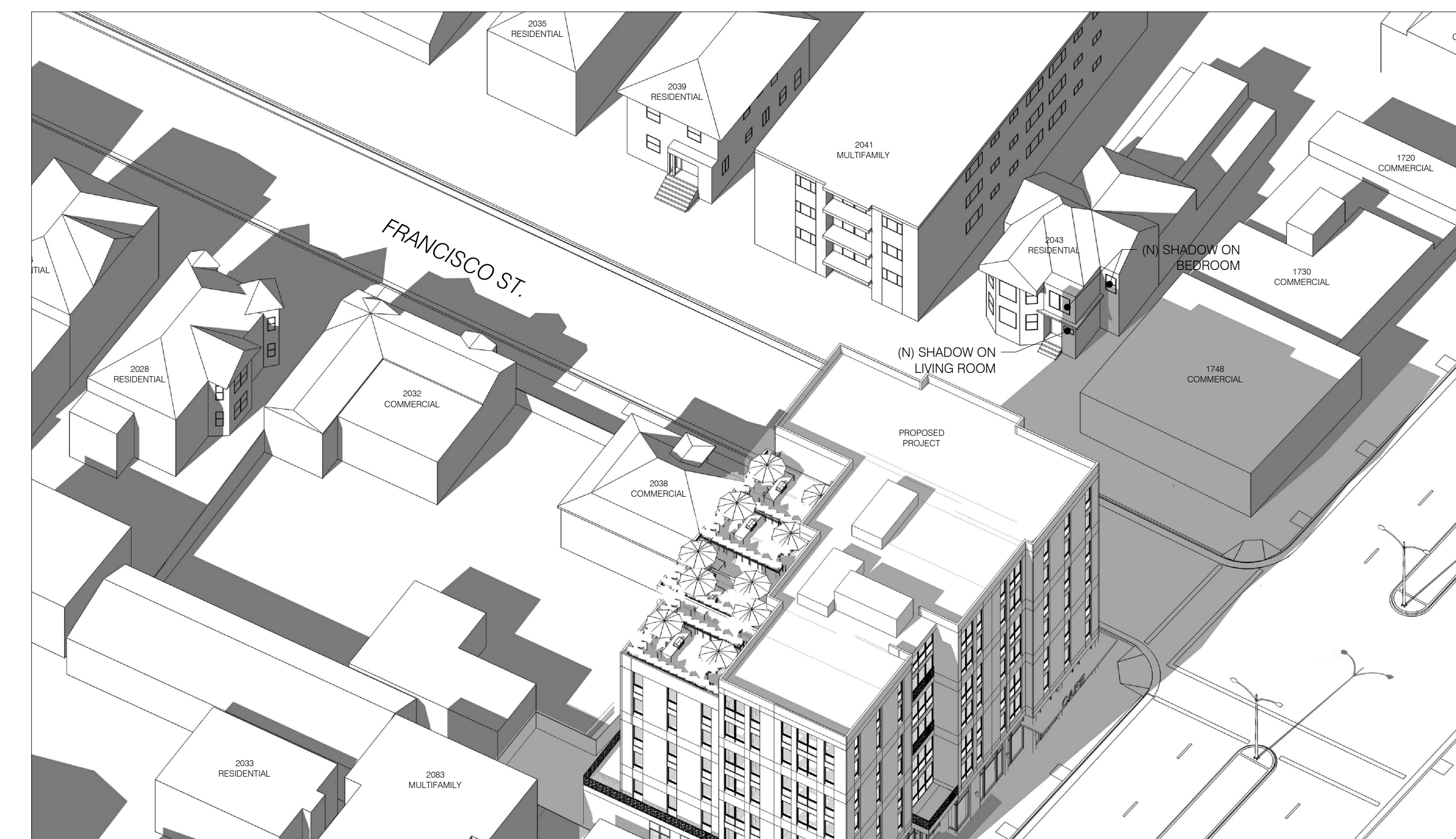
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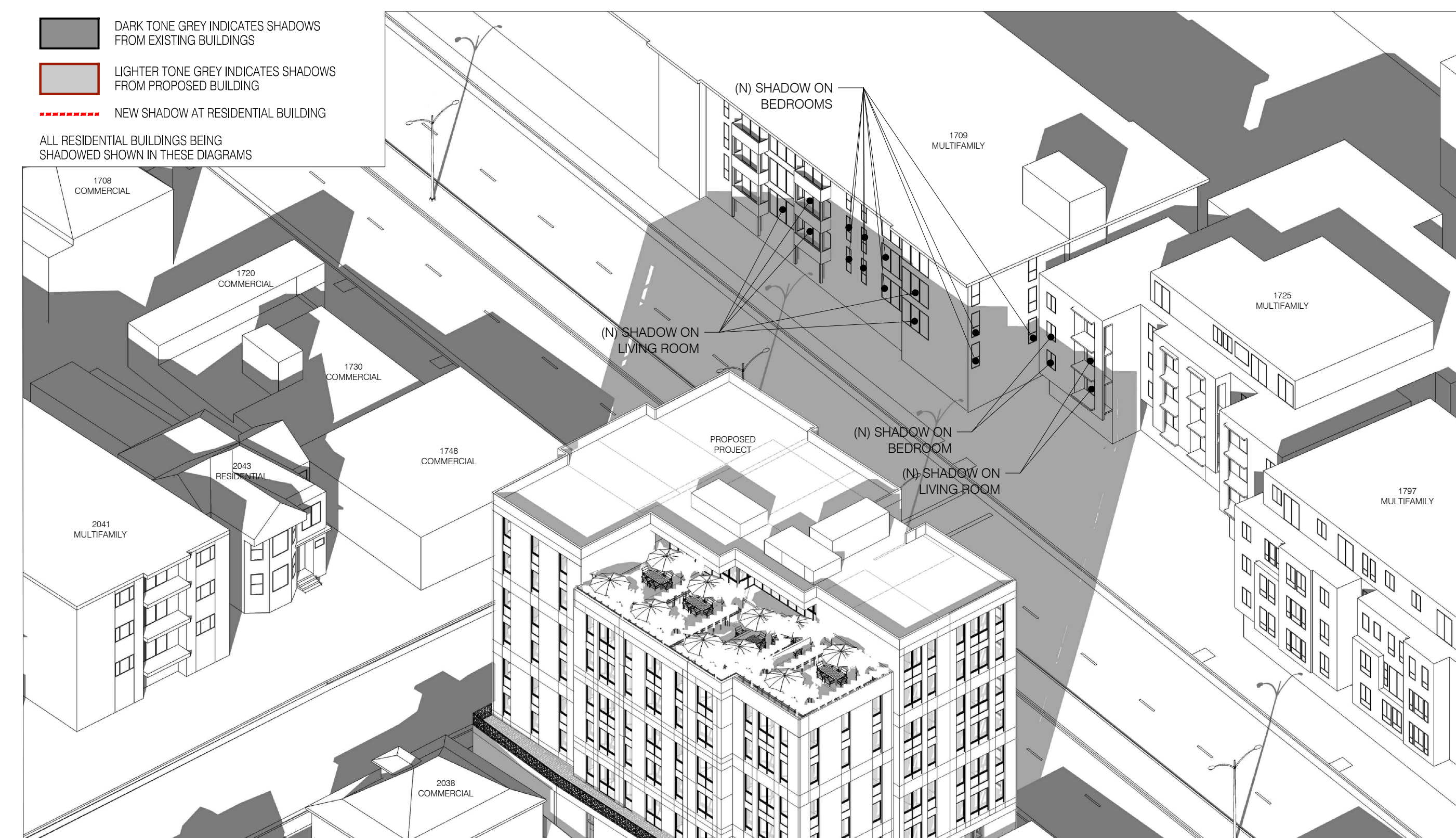
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SHADOW STUDIES
NOV 26

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1 SHADOW STUDY AXONOMETRIC - NOV 26: NOON
NTS



3 SHADOW STUDY AXONOMETRIC - NOV 26: 2 HRS BEFORE SUNSET
1:100 @ 11X17 1:50 @ 24X36



2 SHADOW STUDY AXONOMETRIC - NOV 26: 2 HRS AFTER SUNRISE
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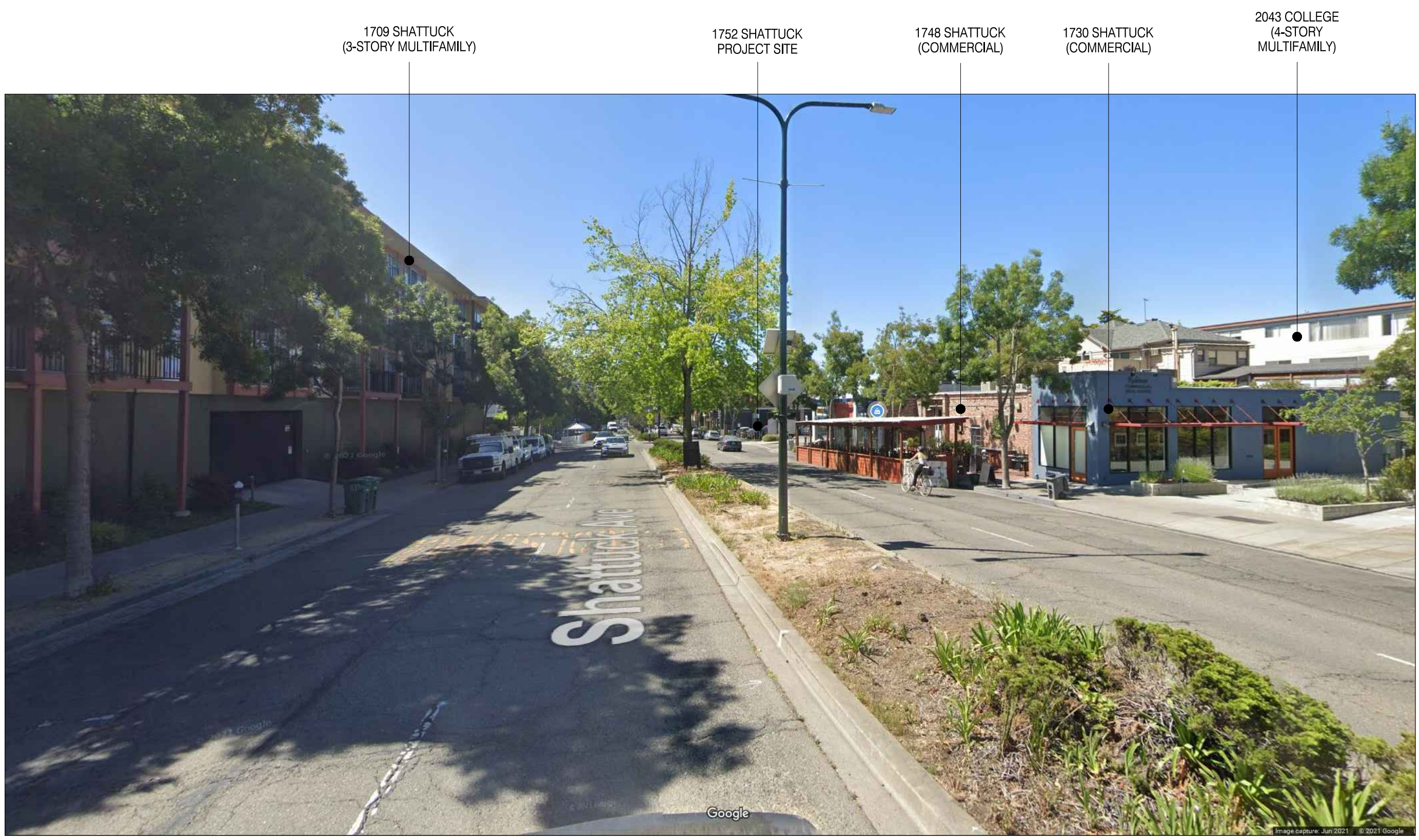
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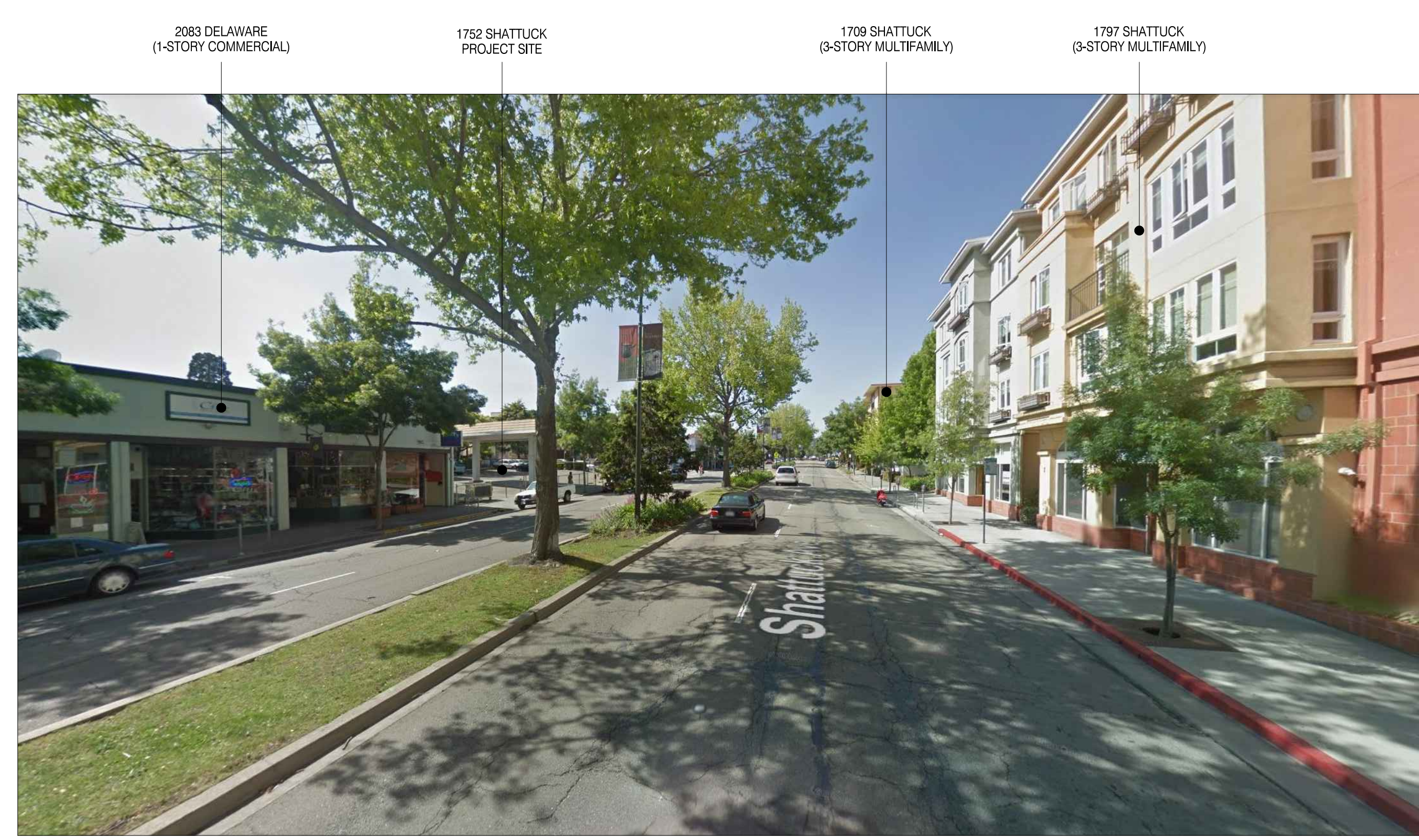
JOB: 2120

SHEET:
 SITE CONTEXT
 PHOTOS

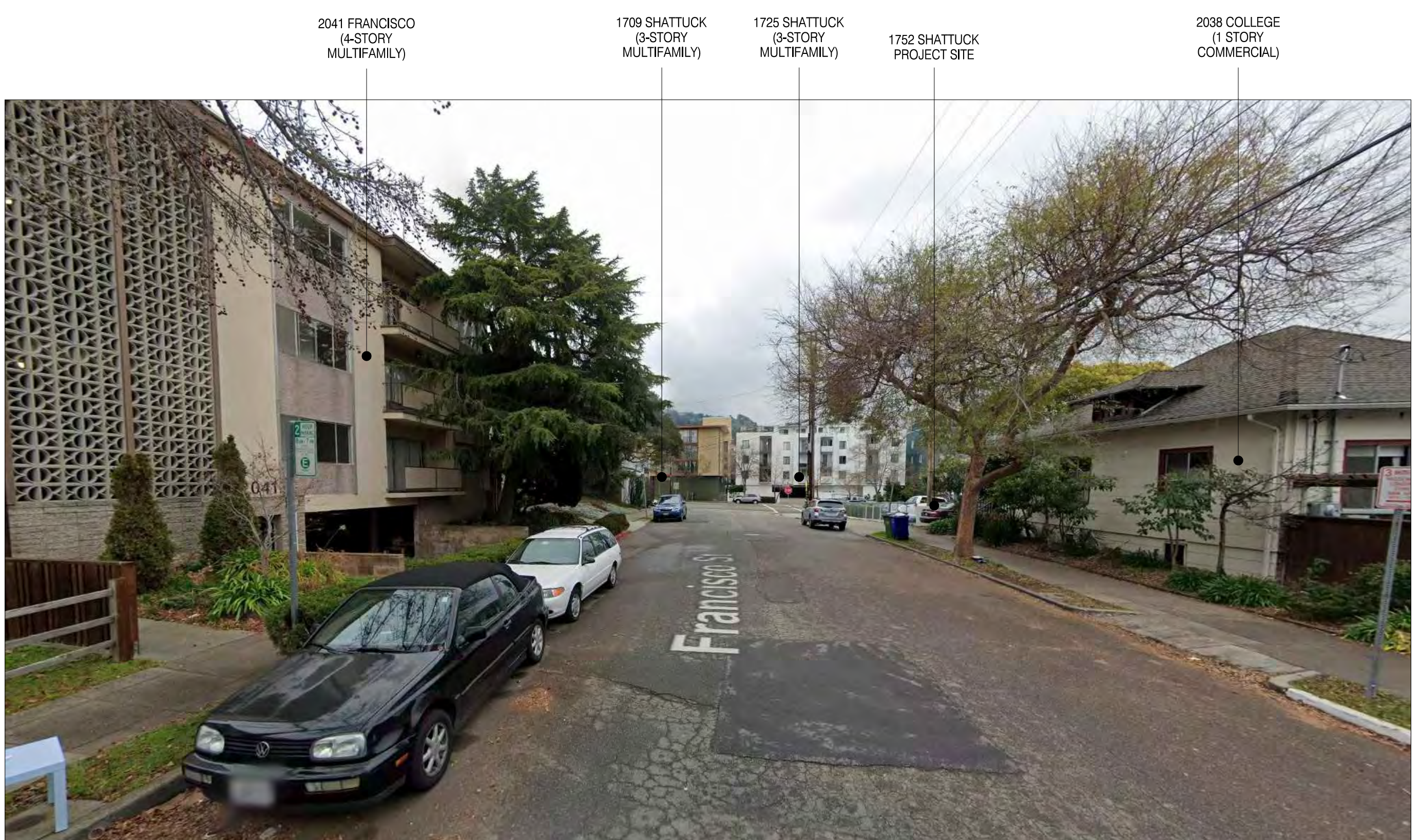
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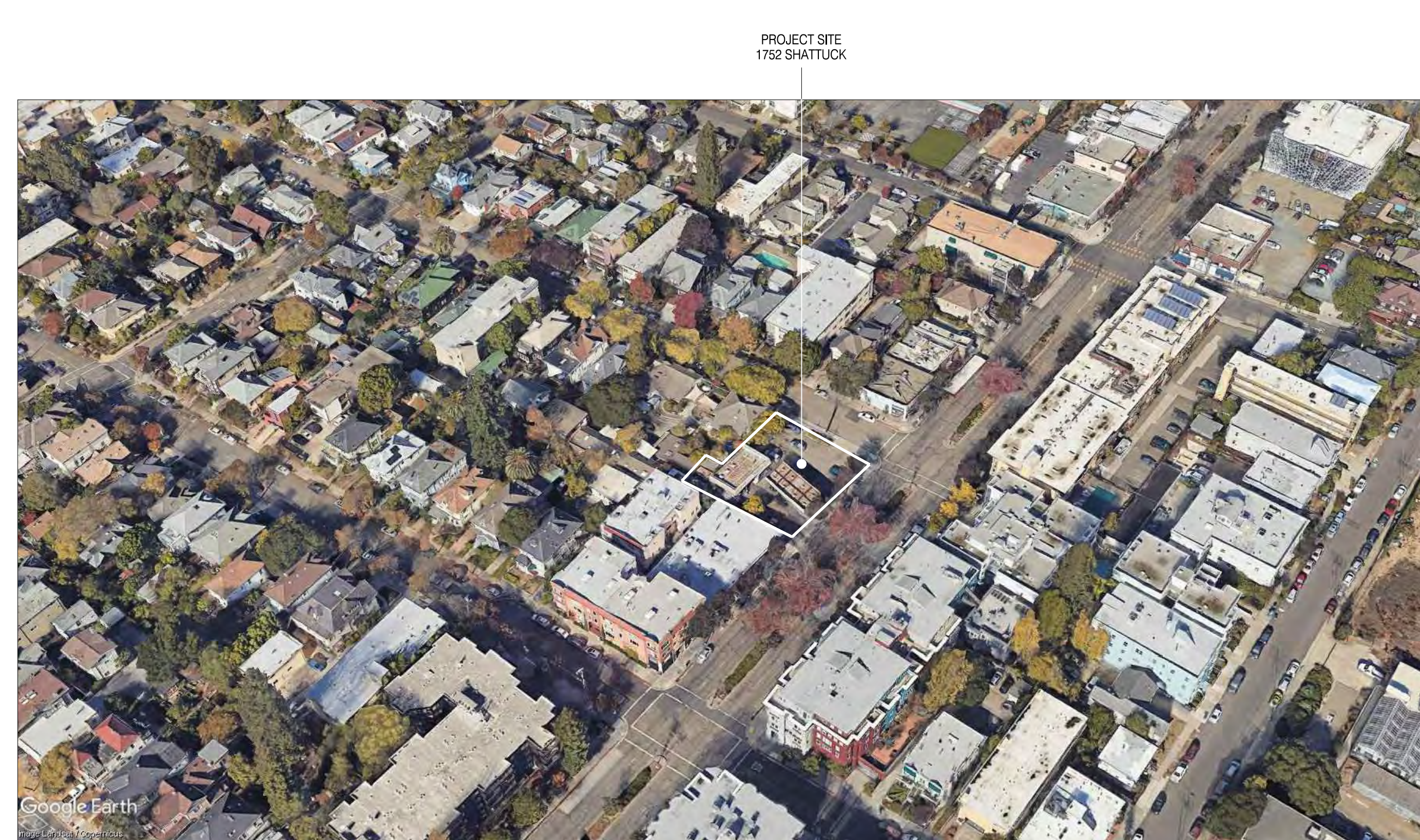
4
 -
 VIEW FROM SHATTUCK LOOKING SOUTH



2
 -
 VIEW FROM SHATTUCK LOOKING NORTH



3
 -
 VIEW FROM FRANCISCO LOOKING EAST



1
 -
 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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PROJECT SITE
1752 SHATTUCK

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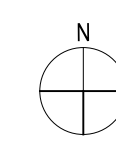
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SHEET:

VICINITY MAP



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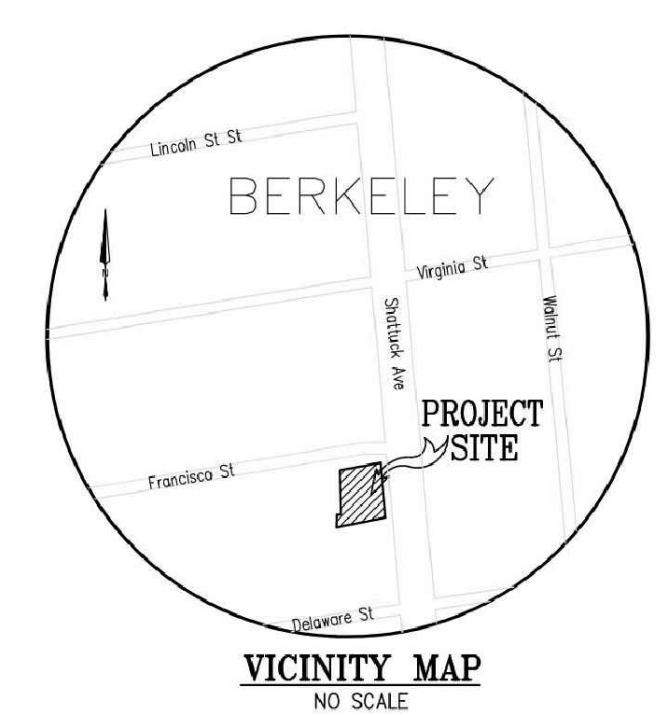
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SHEET:

SITE SURVEY

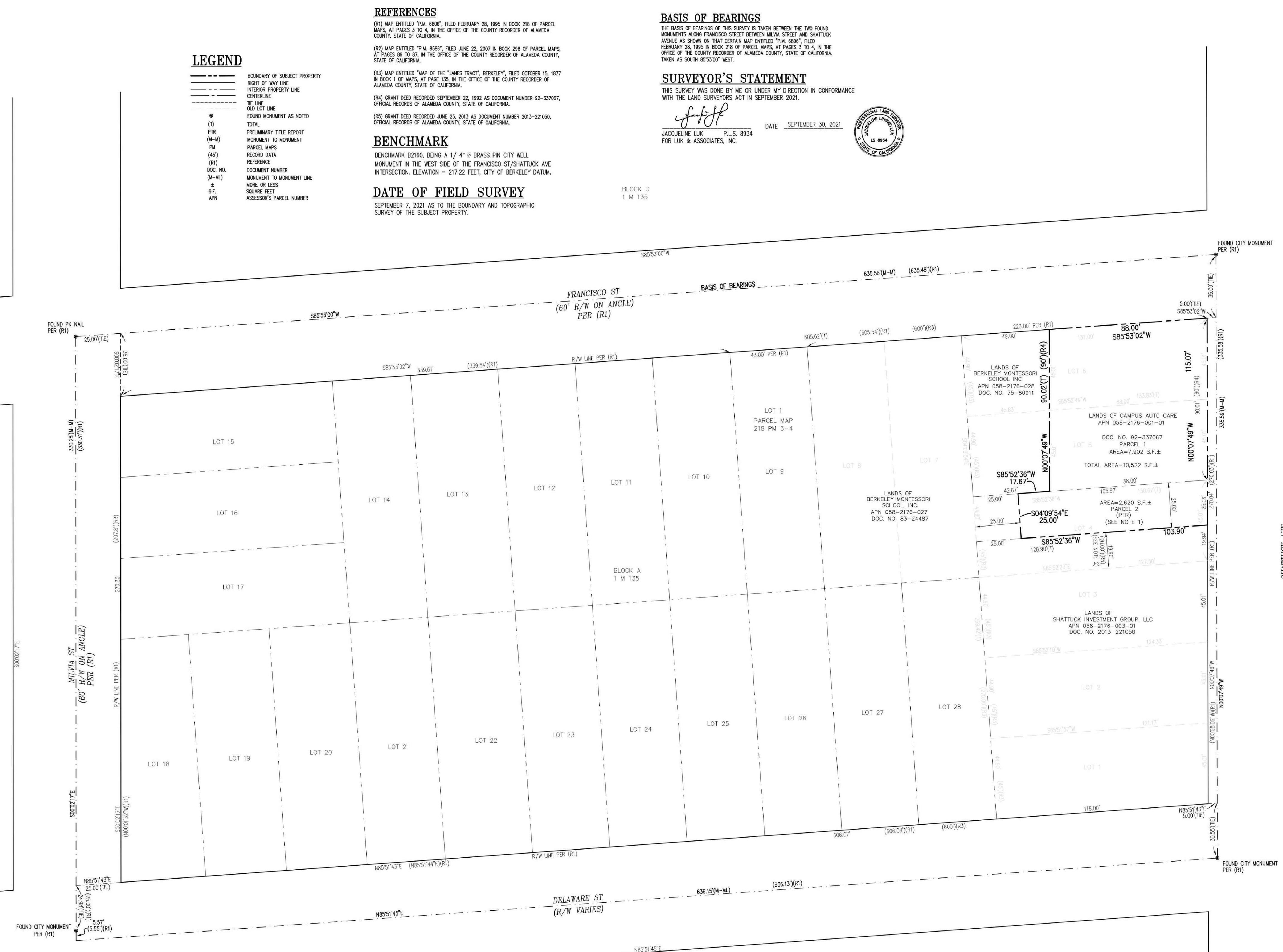
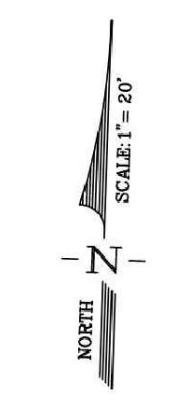
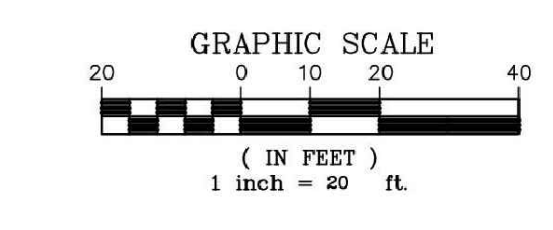
A1.1

**TOPOGRAPHIC &
BOUNDARY SURVEY**
OF
1752 SHATTUCK AVENUE,
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
SEPTEMBER 2021
PREPARED BY
LUK AND ASSOCIATES
CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS
730 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388



NOTES:

- 1) THE LEGAL DESCRIPTION OF PARCEL 2 OF THE VESTING DEED (DOCUMENT NUMBER 92-337067) IS DIFFERENT FROM PARCEL TWO OF THE PRELIMINARY TITLE REPORT (ORDER NO. 92270200-HH DATED 05 OF JULY 27, 2021, AT 7:30 AM). THIS BOUNDARY SURVEY IS BASED ON PARCEL TWO OF SAID PRELIMINARY TITLE REPORT.
- 2) BASED ON THE CHAIN OF TITLE ANALYSIS, THE NORTHERLY 25 FEET OF LOT 4 WAS FIRST DESCRIBED BY THE INSTRUMENT RECORDED OCTOBER 11, 1918 IN BOOK 2810, AT PAGE 350, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA. THE SOUTHERLY 20 FEET OF LOT 4 WAS LATER DESCRIBED BY THE GRANT DEED RECORDED JUNE 1, 1971 IN REEL 2863, PAGE 37, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA. IT IS CONCLUDED THAT THE NORTHERLY 25 FEET OF LOT 4 KEEPS ITS FULL WIDTH AND THE SOUTHERLY 20 FEET OF LOT 4 KEEPS THE REMAINDER OF LOT 4.



BLOCK D
1 M 135

BLOCK B
1 M 135

1 **BLOCK SURVEY**
1/64"=1'-0" @ 11x17 1/32"=1'-0" @ 24x36

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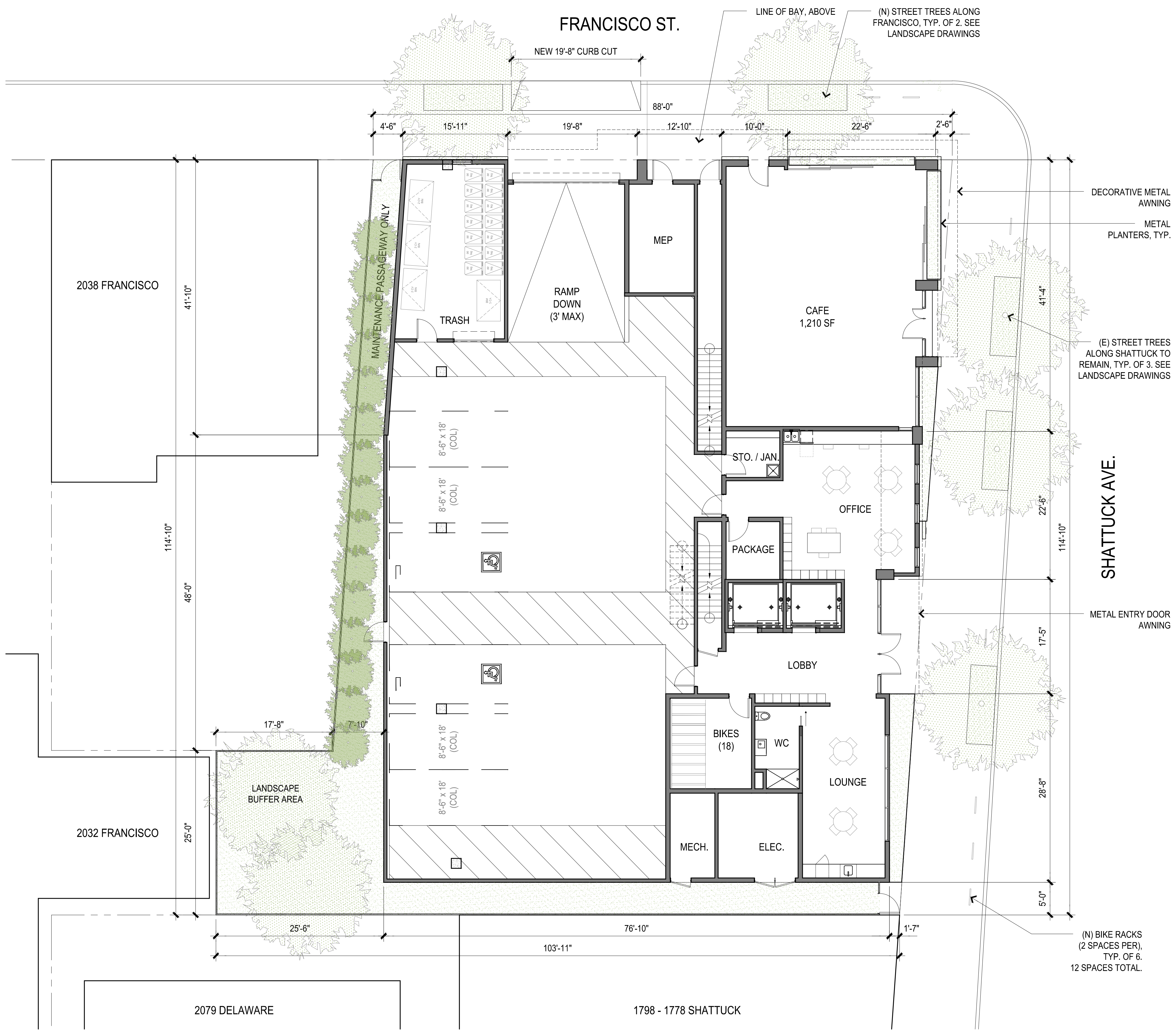
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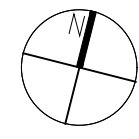
SHEET:

PLAN AT
GROUND LEVEL

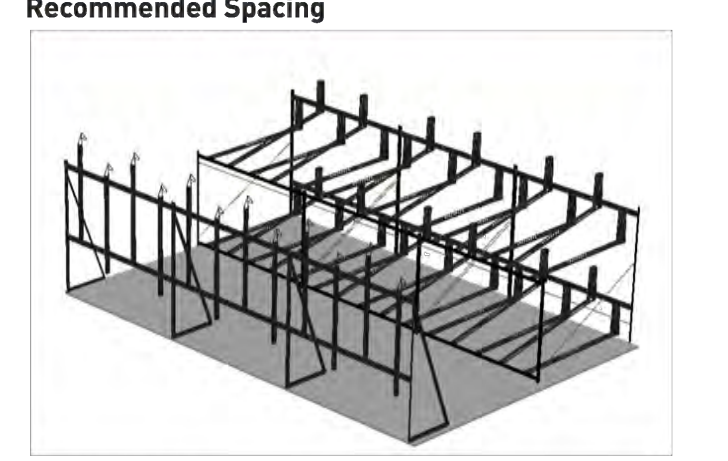
A2.1



1
GROUND LEVEL PLAN
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36

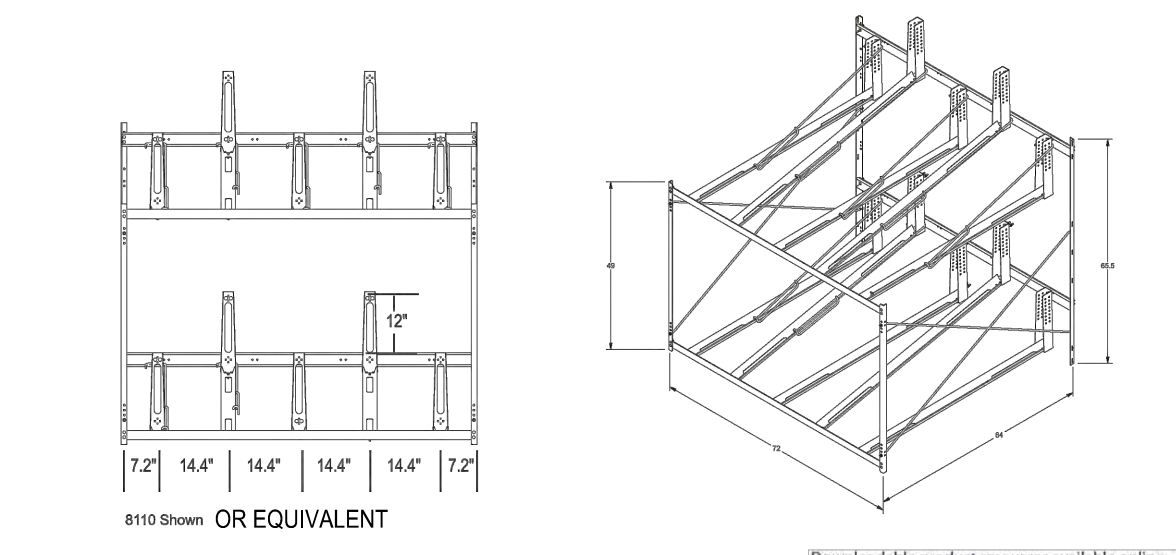


Stretch Rack OR EQUIVALENT



- Recommended Spacing**
- Modular construction allows for easy expansion, side by side or back to back
 - Staggered bike position saves space and eases clearance between bikes
 - Can be combined with vertical racks for full bike room layout
 - Does not require anchoring (wall or floor)
 - Bolt together design

- Stretch Rack as manufactured by Saris
 - 6, 8 or 10 bikes
 - Powder coat black only
 - Anchoring not required
 - Units can be combined in a row (do not freestanding or mounting into wall)
 - 3 ft ceiling clearance required
- Anchors must be purchased separately

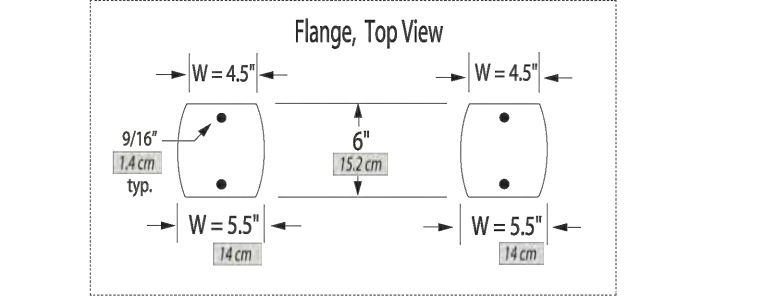
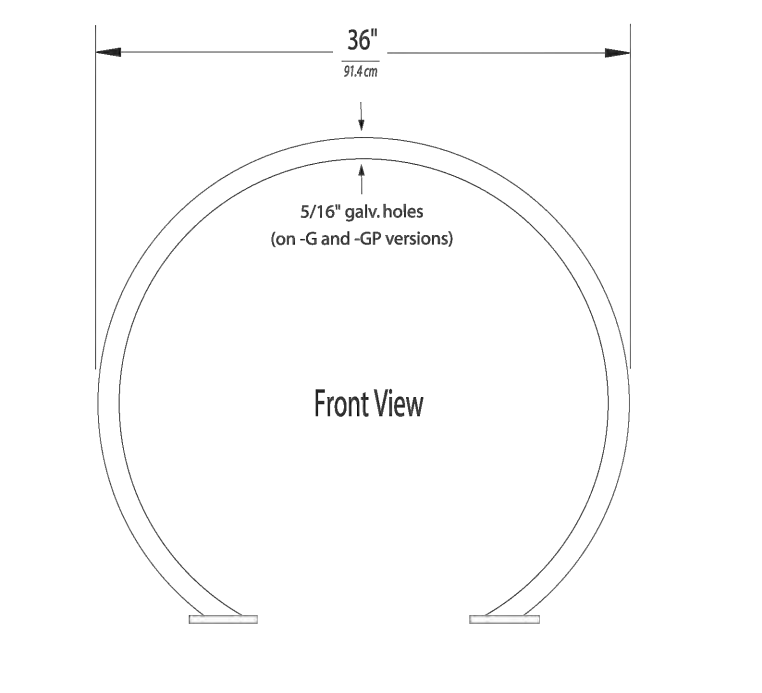


Downloadable product resources available online:
CAD Files | SketchUp Files | Written Specs | Photos

Saris Bicycle Parking & Storage Solutions 800.783.7297 x174 www.sarisbicycling.com

3
INT. BIKE RACK CUT SHEET

BIKEPARKING.COM™



Welle™ Circular Rack, Surface Flange Round Pipe						
Tabing	Model	Weight	Finish Options	Hoop	Surface Mount Flanges (Same material as Hoop)	Anchors (Not Provided)
Round Pipe	WCRO2-SF	22 lbs	<ul style="list-style-type: none"> G Hot Dipped Galvanized P Powder Coated (color) GP Hot Dipped Galvanized with Powder Coat (color) SS Stainless #4 Brush Finish 	<ul style="list-style-type: none"> G, P, GP 2.375" O.D. x 0.154" Wall SS 2.375" O.D. x 0.154" Wall 	<ul style="list-style-type: none"> Schedule 40 Pipe (Regular steel) Schedule 40 Pipe (304/304L Stainless Steel) 	<ul style="list-style-type: none"> (2) 1/2" x 2 1/2" Rail Spike (2) 1/2" x 2 1/2" Wedge Anchor Bolt

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2
EXT. BIKE RACK CUT SHEET

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METAL ENTRY DOOR
AWNING

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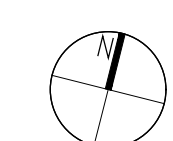
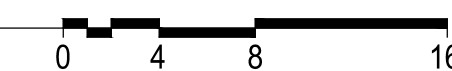
SHEET:

PLAN AT
LEVELS 2-6

A2.2



1 PLAN AT LEVELS 2-6
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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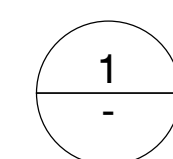
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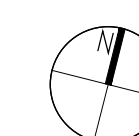
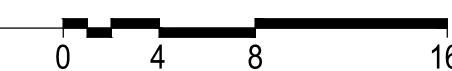
PLAN AT
LEVELS 7

A2.3

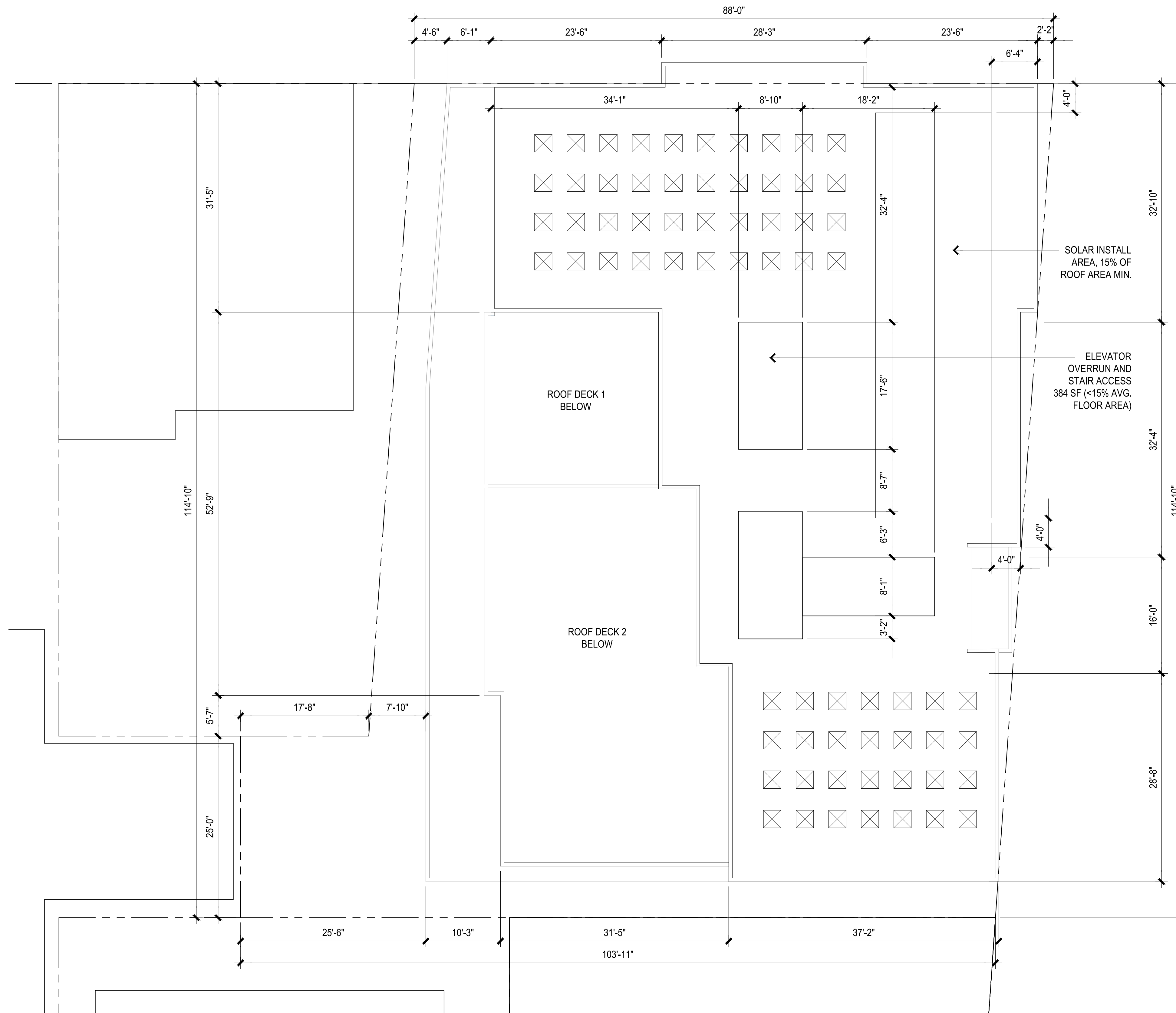


PLAN AT LEVEL 7

1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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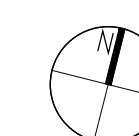
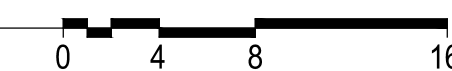
SHEET:

PLAN AT
ROOF

1
-

PLAN AT ROOF

1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



A2.4

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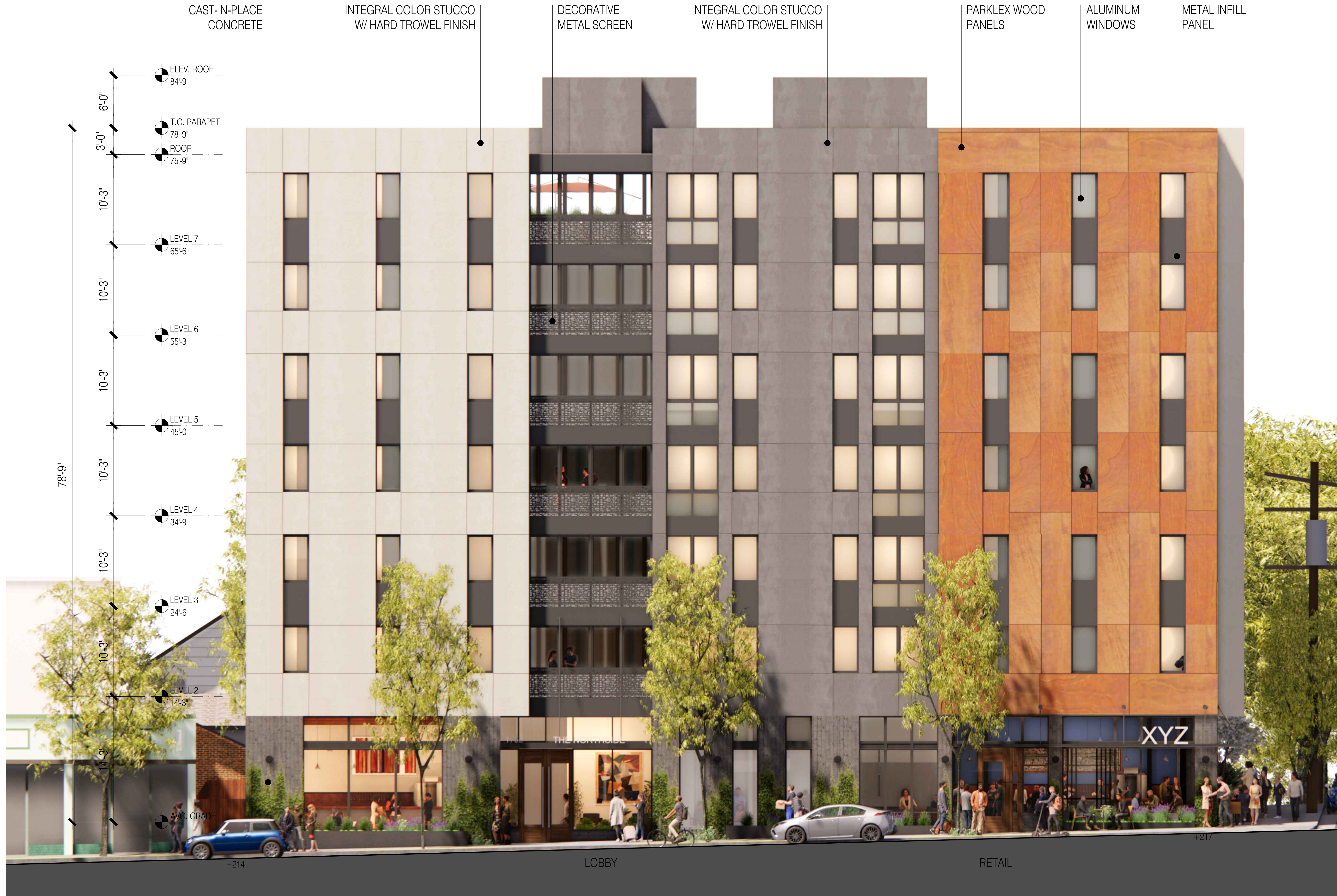
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SHEET:

BUILDING
 ELEVATIONS

A3.1



1 EAST ELEVATION
 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36



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SHEET:

BUILDING
 ELEVATIONS

A3.2



1 NORTH ELEVATION
 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36 0 4 8 16

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SHEET:

BUILDING
 ELEVATIONS

A3.3



1
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WEST ELEVATION

3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36



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SHEET:

BUILDING
ELEVATIONS

A3.4



1
-

SOUTH ELEVATION

3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36



CAST IN PLACE CONCRETE

AVG. GRADE

LEVEL 2
14'-3"

LEVEL 3
24'-6"

LEVEL 4
34'-9"

LEVEL 5
45'-0"

LEVEL 6
55'-3"

LEVEL 7
65'-6"

ROOF
75'-9"

T.O. PARAPET
78'-9"

ELEV. ROOF
84'-9"

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2
-

STREET STRIP ELEVATION @ FRANCISCO STREET

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36

0 4 8 16 32

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SHEET:

STREET STRIP
ELEVATIONS

A3.5



1
-

STREET STRIP ELEVATION @ SHATTUCK AVENUE

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36

0 4 8 16 32

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SHEET:

PHOTO CONTEXT
VIEWS

A3.6



4 FRANCISCO LOOKING EAST - AFTER



2 SHATTUCK LOOKING NORTH - AFTER



3 FRANCISCO LOOKING EAST - BEFORE



1 SHATTUCK LOOKING NORTH - BEFORE



2
-
SHATTUCK LOOKING SOUTH - AFTER



1
-
SHATTUCK LOOKING SOUTH - BEFORE

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SHEET:

PHOTO CONTEXT
VIEWS

A3.7

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SHEET:

PERSPECTIVE
VIEW

A3.8



1
-
SHATTUCK LOOKING WEST

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SHEET:

PERSPECTIVE
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A3.9



1
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SHATTUCK LOOKING NORTHWEST

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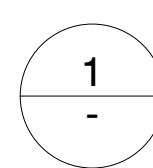
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SHEET:

PERSPECTIVE
VIEW

A3.10



SHATTUCK LOOKING SOUTHWEST

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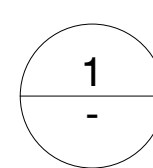
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SHATTUCK LOOKING SOUTH - BEFORE

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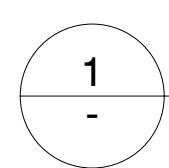
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A3.12



VIEW AT SHATTUCK INTERSECTION

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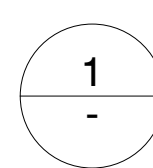
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SHEET:

PERSPECTIVE
VIEW

A3.13



VIEW ALONG SHATTUCK SIDEWALK LOOKING SOUTH

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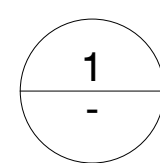
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SHEET:

PERSPECTIVE
VIEW

A3.14



VIEW OF LOBBY ENTRY

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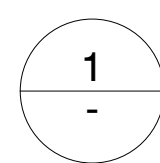
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SHEET:

PERSPECTIVE
VIEW

A3.15



VIEW OF CAFE ENTRY

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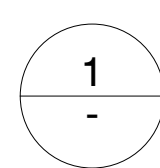
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SHEET:

PERSPECTIVE
VIEW

A3.16



CAFE CORNER VIEW AT NIGHT

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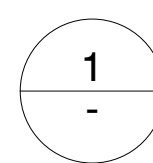
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SHEET:

PERSPECTIVE
VIEW

A3.17



VIEW OF NORTHWEST CORNER

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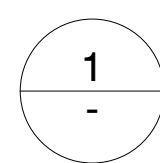
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SHEET:

PERSPECTIVE
VIEW

A3.18



VIEW OF SOUTHWEST CORNER

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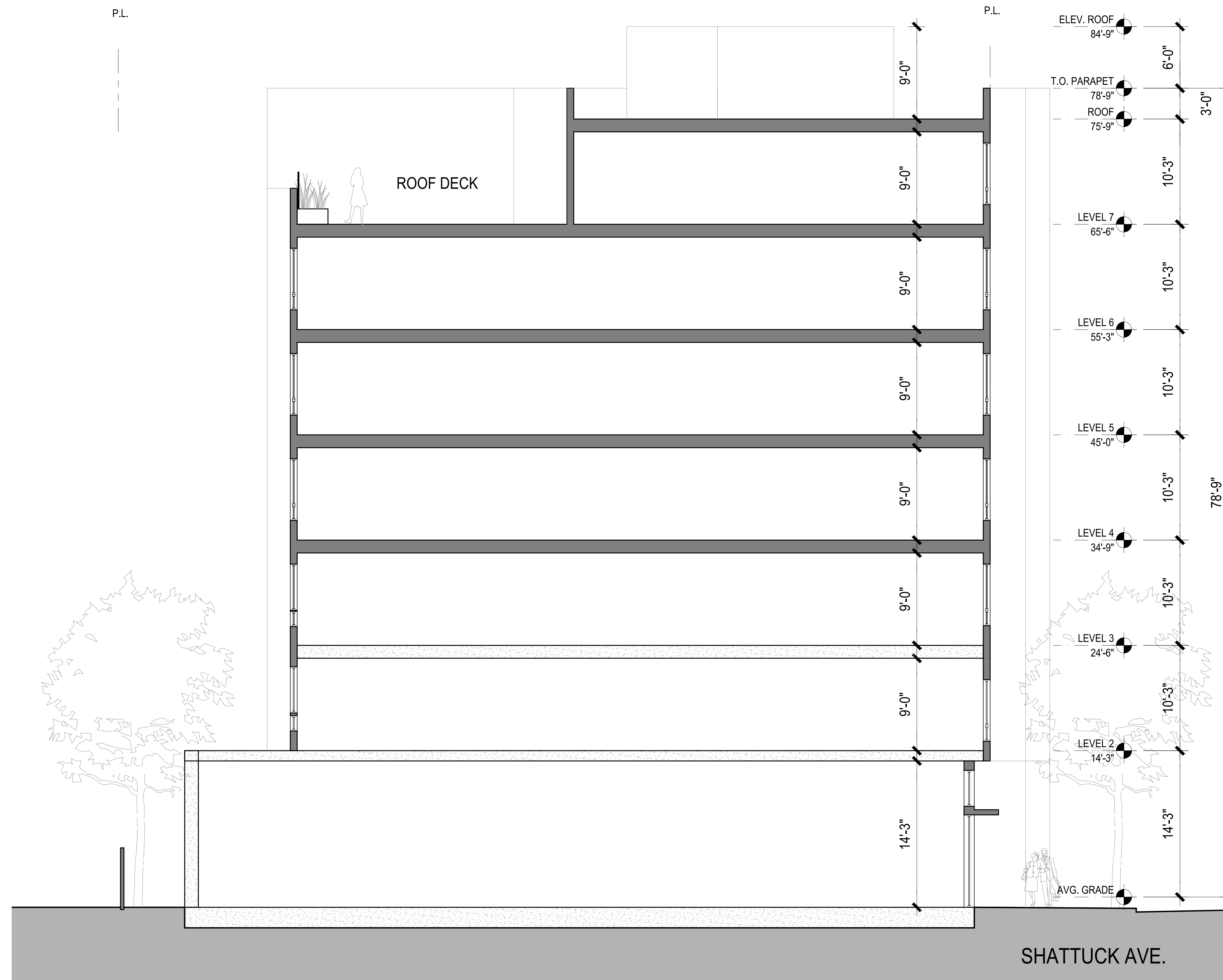
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JOB: 2120

SHEET:

SECTION

A4.1



1 E-W SECTION
 3/32"=1'-0" @ 11x17 3/16"=1'-0" @ 24x36

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Berkeley, California
94710
510.649.1414
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**PANORAMIC
@ 1752
SHATTUCK
AVENUE**

Berkeley, CA

01.10.2022 ZONING APPLICATION
03.03.2022 ZONING COMPLETENESS
01.12.2023 ZAB REVISIONS

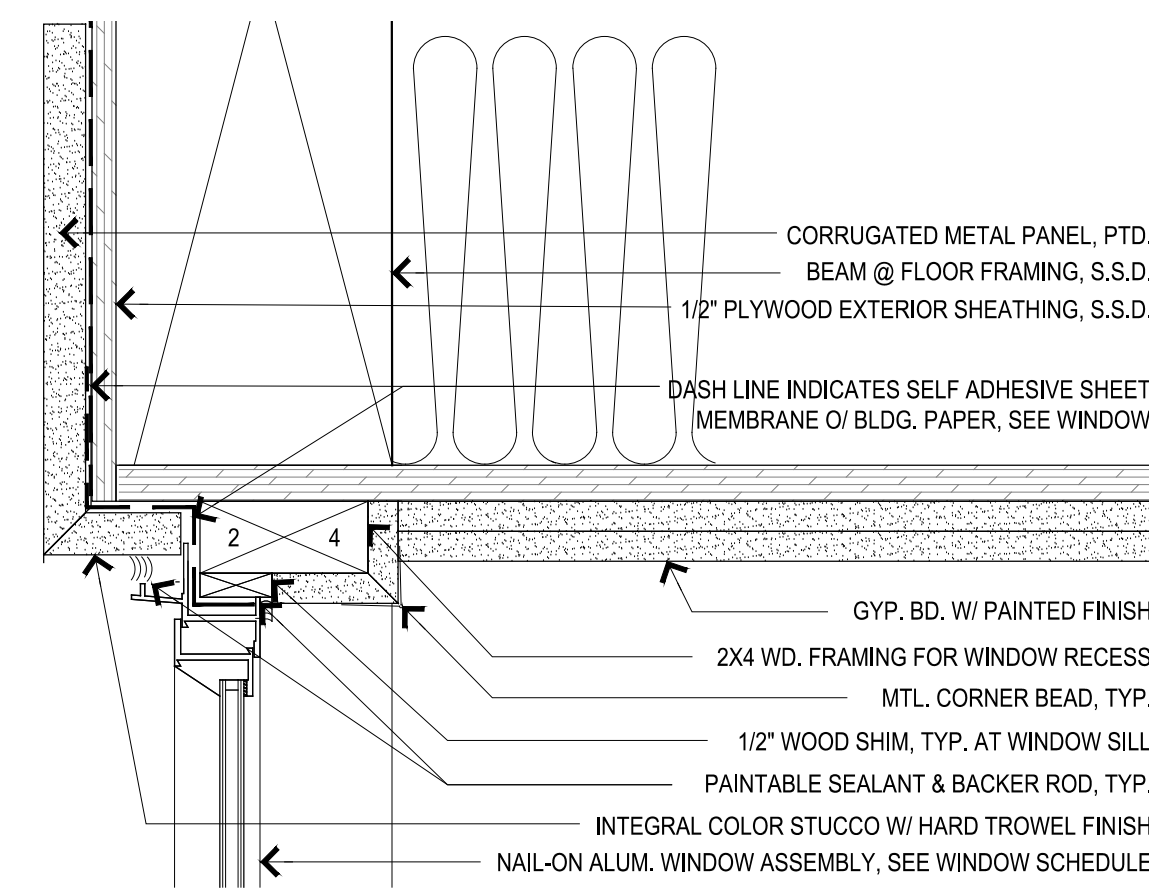
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CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2120

SHEET:

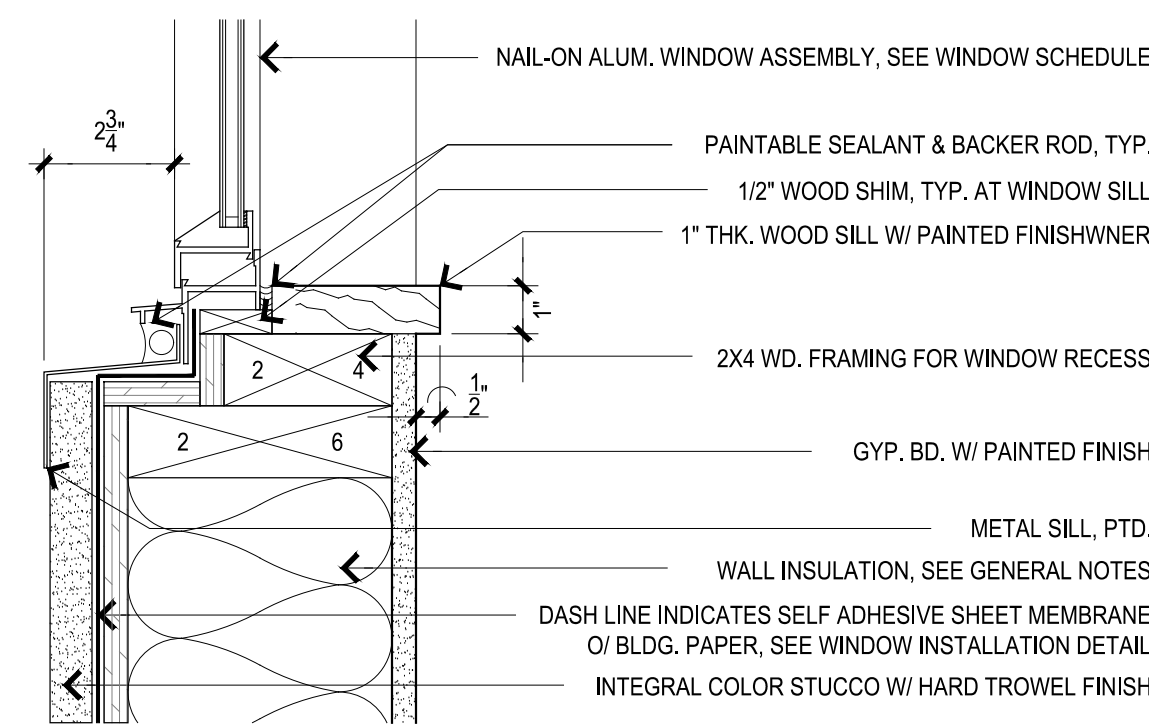
WALL SECTIONS

A4.3



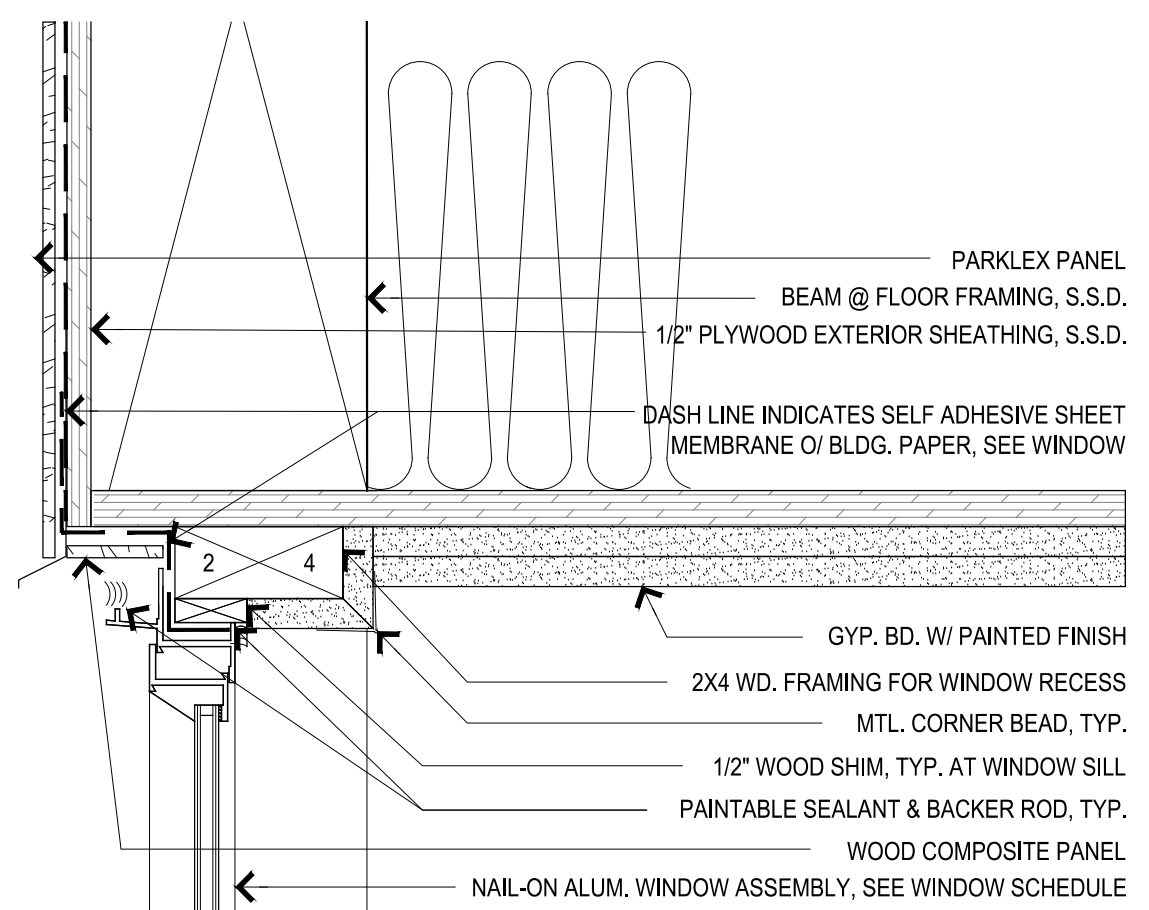
6 TYP. HEAD @ STUCCO

A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



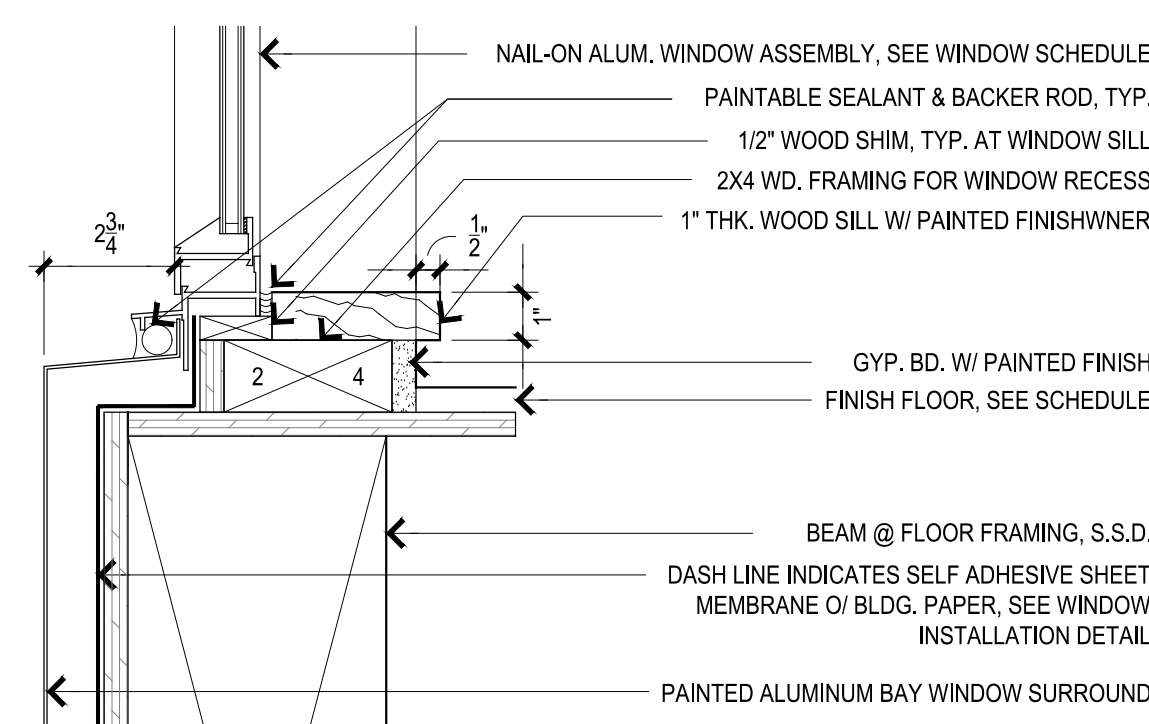
5 TYP. SILL @ STUCCO

A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



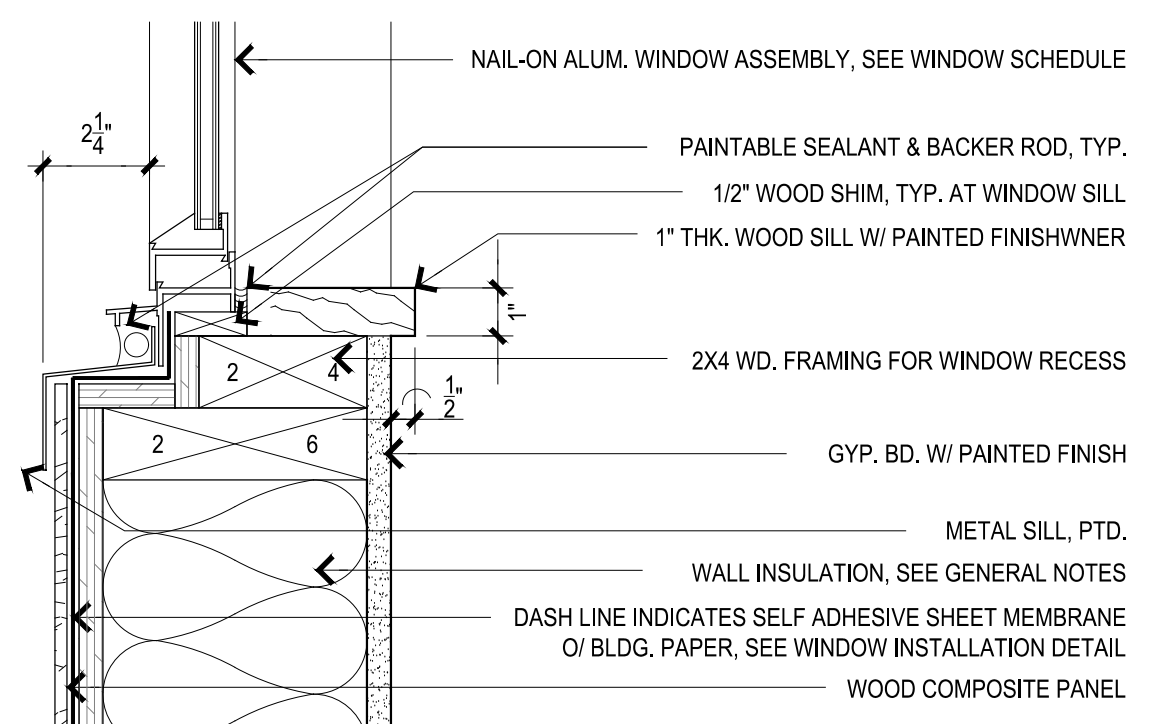
8 TYP. HEAD @ WD. COMP. PANEL

A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



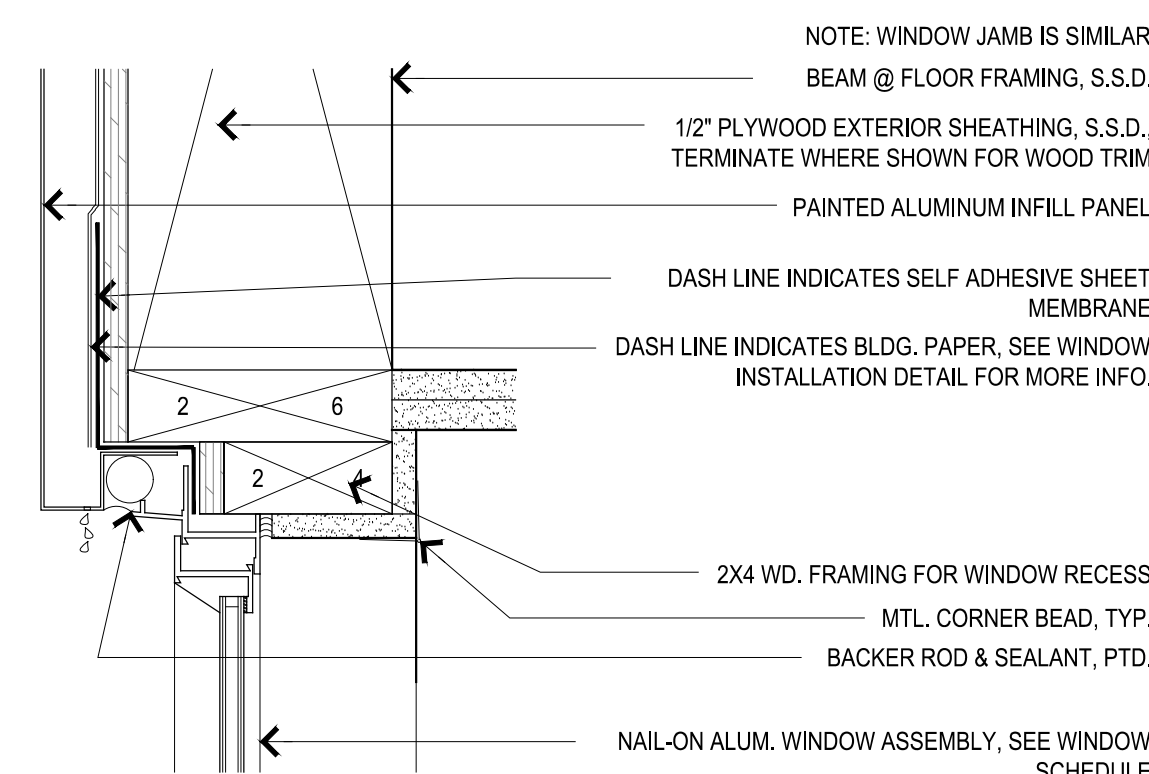
4 TYP. SILL AT FILL PANEL

A4.2 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



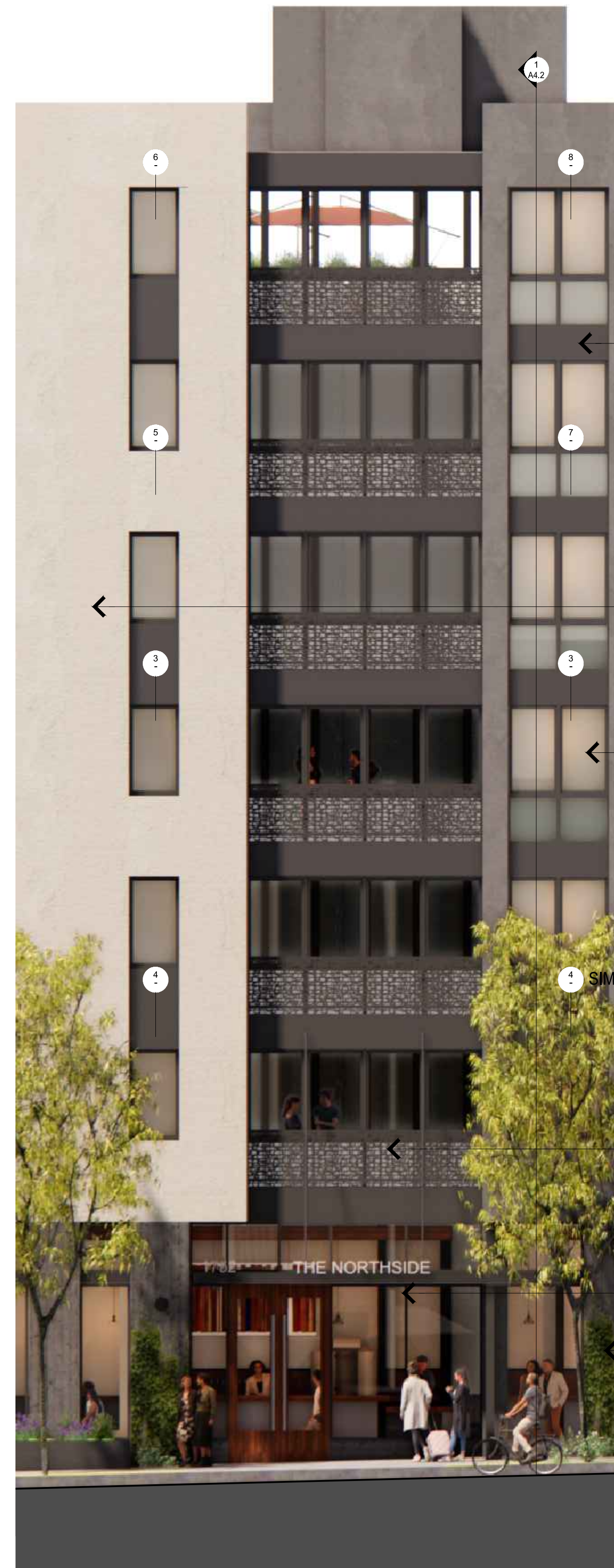
7 TYP. SILL @ WD. COMP. PANEL

A4.3 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



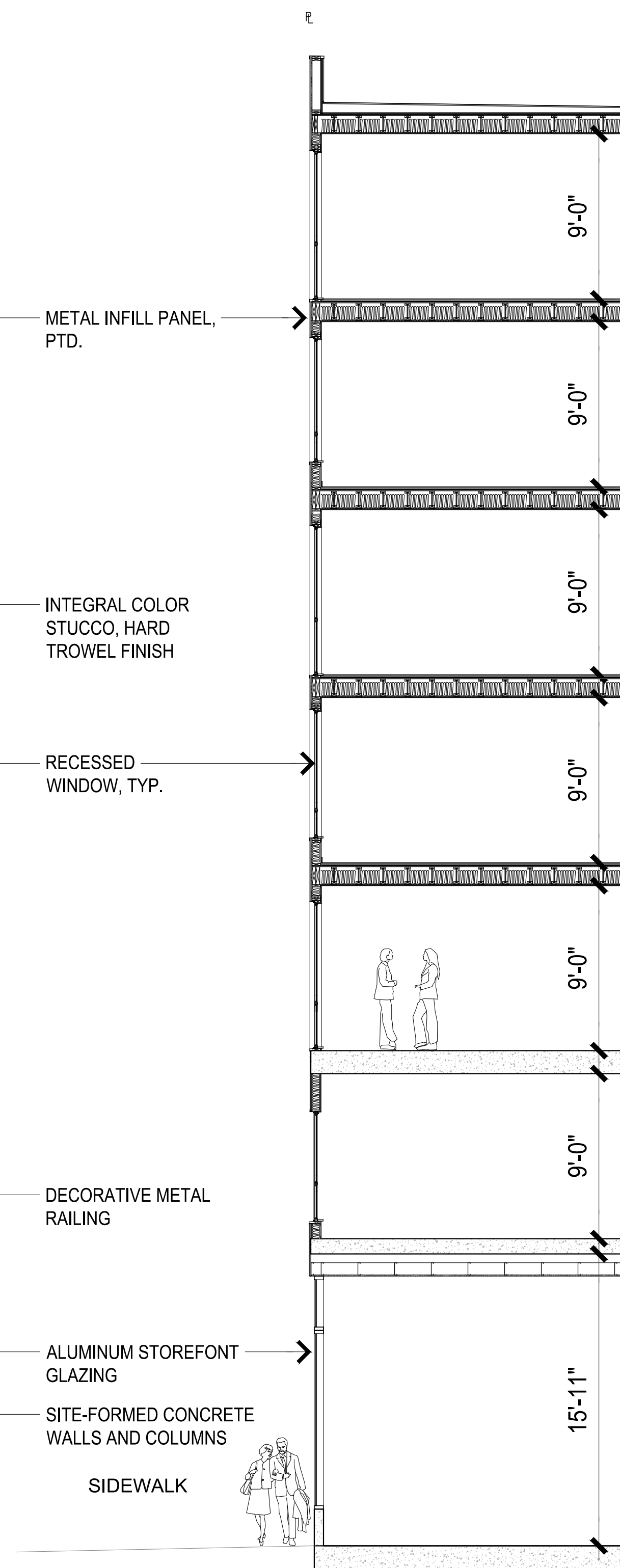
3 HEAD @ FILL PANEL

A4.2 3"=1'-0"



2 EAST ELEVATION DETAIL

A4.2 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36



1 SECTION @ EAST FACADE

A4.2 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36

TRACHTENBERG
ARCHITECTS

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JOB: 2120

SHEET:

BUILDING
MATERIALS AND
COLORS

MAT



1 NORTH ELEVATION
3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36
0 4 8 16

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REVISIONS

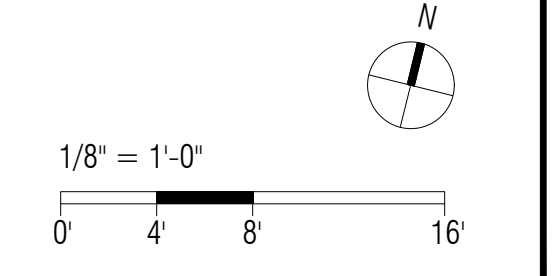
No.	Date	Title
1	2022.03.02	ZONING RESUBMITTAL

Registration and Signature

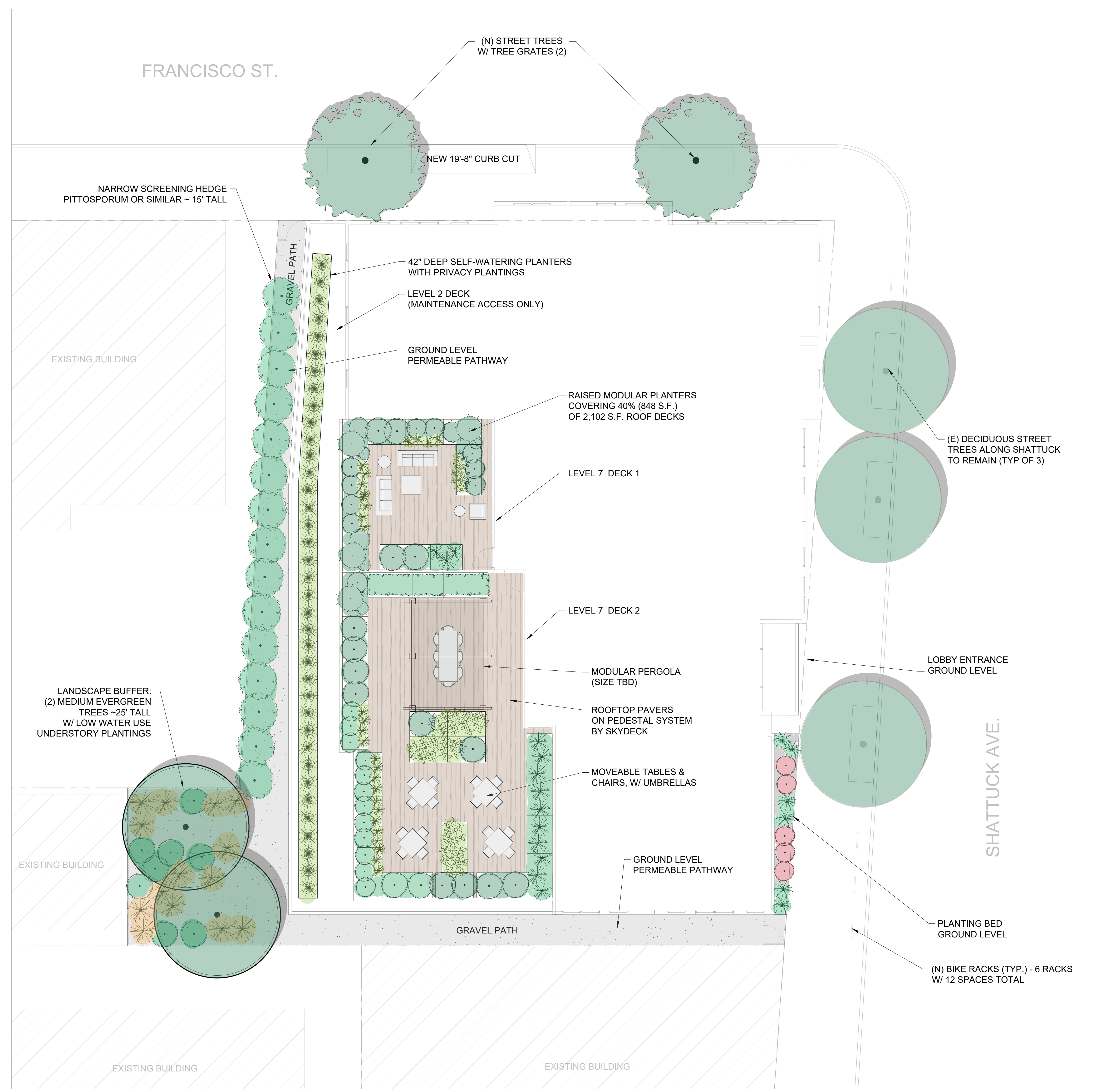
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Lead Associate: J. Mathers
 Principal: R. Radford
 Job Name: 1752 Shattuck
 APN: 058 217600101



SHEET NO.
L.1



TOURNESOL SELF-WATERING PLANTERS (WILSHIRE COLLECTION)



FREESTANDING PERGOLA WITH LOUVERED OR CANVAS SCREEN ROOF



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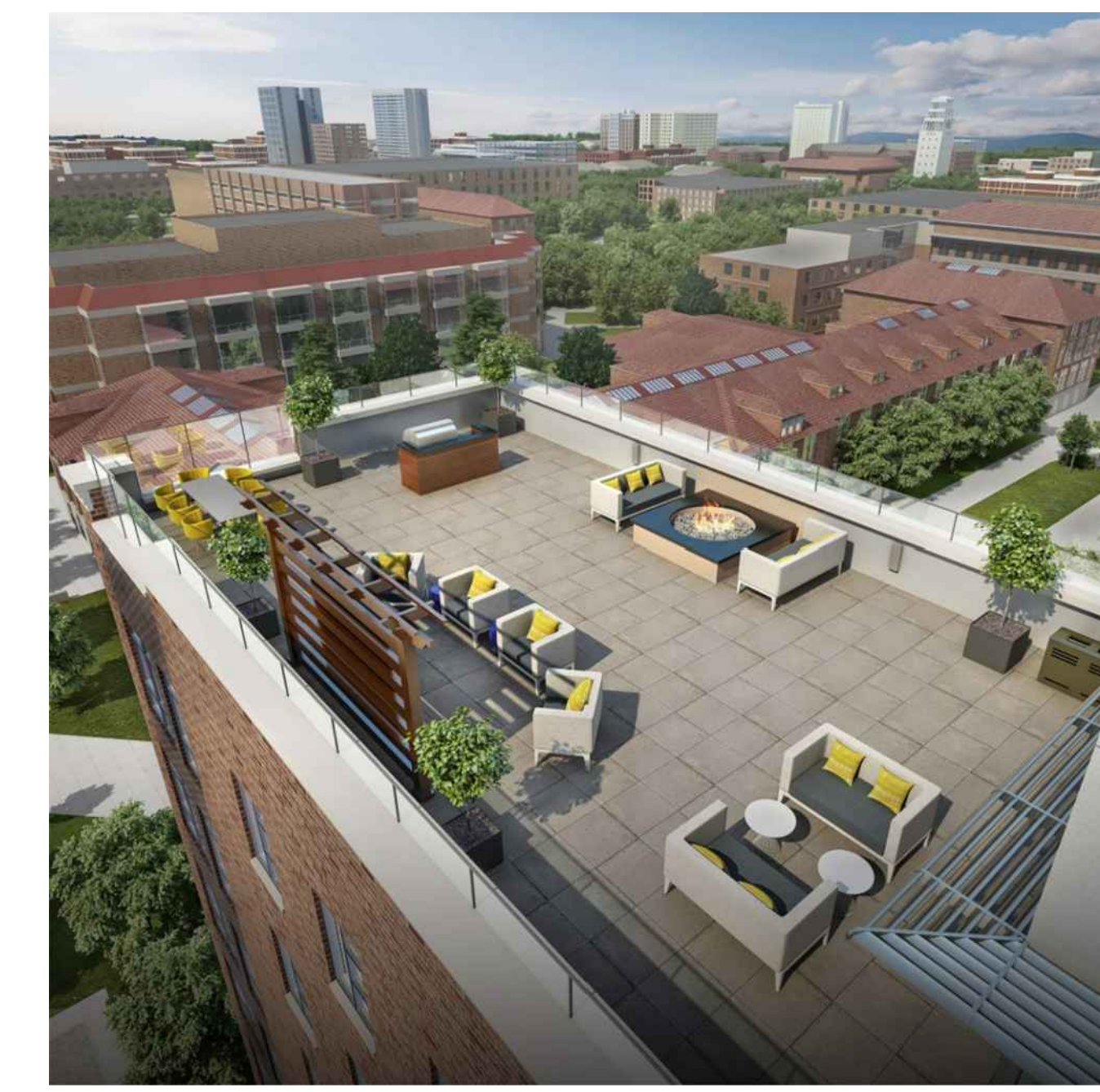


REVISIONS

No.	Date	Title
1	2022.03.02	ZONING RESUBMITTAL

Registration and Signature

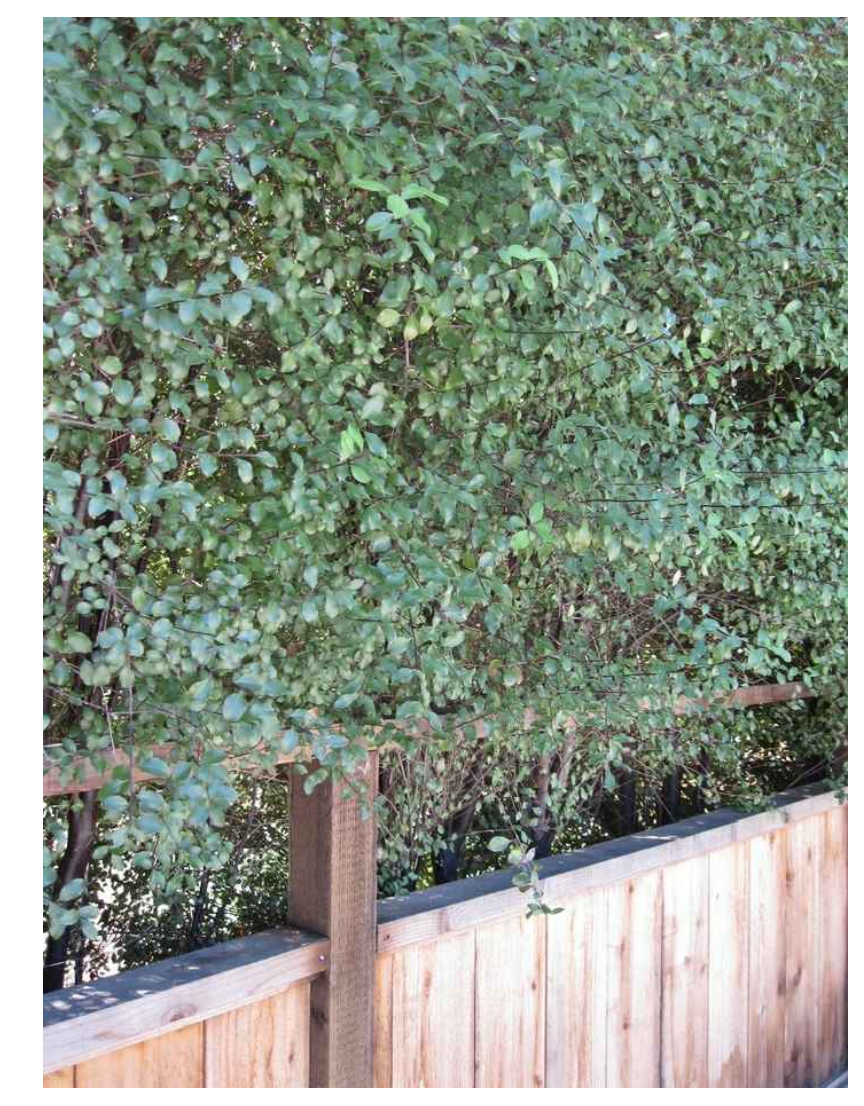
SKYDECK PEDESTAL PAVING SYSTEM



PRELIMINARY PLANT PALETTE

BOTANICAL NAME	COMMON NAME	TYPE	WATER USE	HEIGHT	WIDTH	NATIVE
STREET TREES						
Arbutus X 'Marina'	strawberry tree	T	L	25 - 40'	10 - 30'	
SCREENING HEDGE (GROUND LEVEL)						
Pittosporum tenuifolium 'Silver Sheen'	Silver Sheen kohuhu	S	M	15 - 20'	6 - 8'	
SCREENING CONTAINER ALTERNATIVES (LEVEL 2)						
Acacia cognata 'Cousin Itt'	Cousin Itt bower wattle	S	L	2 - 3'	4 - 6'	
Bambusa multiplex	hedge bamboo	Ba	L	15 - 20'	5 - 10'	
Dodonaea viscosa 'Purpurea' or 'Saratoga'	hopseed bush	S	L	10 - 18'	6 - 12'	
Myrtus communis	common myrtle	S	L	3 - 15'	5 - 15'	
Phoenix roebelenii	pygmy date palm	T	L	6 - 15'	6 - 8'	
SAMPLE PLANTS FOR STREETScape & CONTAINERS (GROUND LEVEL & LEVEL 7)						
Agave x 'Blue Flame'	Blue Flame agave	Su	L	2 - 5'	2 - 5'	
Aloe striata	coral aloe	Su	L	1 - 3'	1 - 2'	
Artemisia californica 'Canyon Grey'	Canyon Grey sagebrush	S	L	1 - 2'	6"	Y
Echeveria x imbricata	hen and chicks	Su	L	1'	1'	
Epilobium canum	California fuschia	P	L	1 - 3'	3 - 6"	Y
Eriogonum latifolium	coast buckwheat	P	L	1'	3 - 4"	Y
Festuca californica	California fescue	G	L	1 - 3'	2"	Y
Frangula californica ssp. californica	California coffeeberry	S	L	5 - 15'	5 - 15'	Y
Heteromeles arbutifolia	toyon	S	L	6 - 30'	10 - 15'	Y
Juncus effusus	soft rush	P	M	3 - 6'	3 - 6"	Y
Olea europaea 'Little Ollie'	Little Ollie dwarf olive	S	L	4 - 6'	4 - 6"	
Prostanthera ovalifolia 'Variegata'	variegated mint bush	S	L	4 - 6'	3 - 5"	
Ribes sanguineum var. glutinosum	pink-flowering currant	S	L	5 - 12'	5 - 12"	Y

PLANT TYPES: Ba - BAMBOO G - GRASS P - PERENNIAL S - SHRUB Su - SUCCULENT T - TREE V - VINE



SILVER SHEEN PITTOSPORUM HEDGE
Pittosporum tenuifolium 'Silver Sheen'



STRAWBERRY TREE
Arbutus X 'Marina'



CALIFORNIA FUSCHIA
Epilobium canum



AGAVE 'BLUE GLOW' & 'BLUE FLAME'



DROUGHT-TOLERANT MEDITERRANEAN
PERENNIAL GARDEN



PYGMY DATE PALM
Phoenix roebelenii

LANDSCAPE PALETTE & IMAGES

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SHEET NO.

L.2