



Zoning Adjustments Board Staff Report

APP # ZP2024-0071

September 10, 2026

Use Permit for a Project at 2955 Shattuck Avenue



Quick Facts	Project Description:
Applicant: Studio KDA Project Address: 2955 Shattuck Avenue Site Size: 16,968 sq. ft.	Use Permit ZP2024-0071 to demolish three commercial buildings, merge two parcels and construct an approximately 78,000 square-foot, 8-story (84 feet, 9 inches), mixed-use building, with 74 units (4 Very-Low Income), a 1,465 square-foot ground floor commercial space, and 24 parking spaces, utilizing a State Density Bonus.
GP Land Use: NC (Neighborhood Commercial) Zoning: C-SA (South Area Commercial District) CEQA: Statutorily exempt pursuant to Public Resources Code Section 21080.66 (AB 130) Date Submitted: 06/11/2024 SB 330 Preliminary Application Vesting Date: 12/13/2023 Date Deemed Complete: 8/21/2024 Project Planner: Nilu Karimzadegan	Zoning Permits Requested: Demolition. BMC Section 23.326.070(A) “Main Non-Residential Building” to demolish a non-residential building. (UPPH) * New Construction. BMC Section 23.204.020 (A) “Allowed Land Uses” to construct a new mixed-use development. (UPPH) New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create new floor area of 3,000 square feet or more. (UPPH) Modification of Standards. BMC Section 23.204.100(D)(3) “Modification for Mixed Use and Residential Projects” to modify the required height and stories, setbacks, and lot coverage in the C-SA District Mixed Use Building. Use permit under BMC Section 23.204.100(B)(2)(b) to construct a mixed-use development in the C-SA district. * Setback. BMC Section 23.304.030(C)(2)(b) “Non-Residential Districts Setbacks” to modify the required rear setback for a lot in a commercial district that abuts lots in a residential district Height Projection “BMC Section 23.304.050 (A) Projections Above Height Limits” exceed height limit with a rooftop projection. (AUP) *Denotes required findings.



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Waivers:

- **FAR.** Waiver from BMC Section 23.204.100(D)(1) to increase the FAR from 4 to 4.6
- **Stories.** Waiver from BMC Section 23.204.100(D)(1) to increase the stories from 3 to 8 stories
- **Height.** Waiver from BMC Section 23.204.100(D)(1) to increase the height from 36 to 85 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the front setback from 15 feet to 0 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the rear setback from 15 feet to 1 foot
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the interior side setbacks required to be at 6 feet (3RD Floor), 8 feet (4th Floor), 10 feet (5th Floor) and 12 feet (6th Floor) to 5 feet
- **Lot Coverage.** Waiver from BMC Section 23.204.100(D)(1) to increase the lot coverage from 35 to 92 percent
- **Projections Above Height Limits.** Waiver of BMC Section 23.304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)

Concessions:

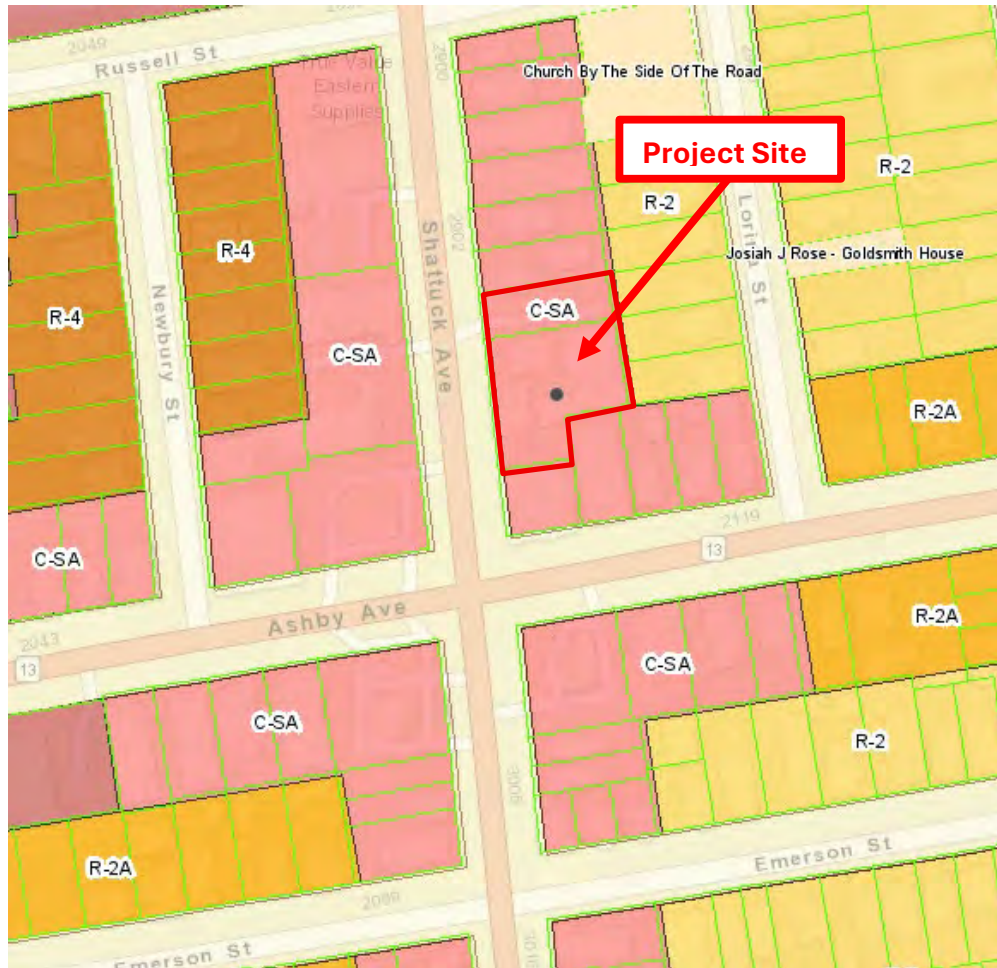
N/A

Staff Recommendation:

Staff recommends that ZAB approve ZP2024-0071, statutorily exempt from CEQA pursuant to California Assembly Bill (AB) 130 (California Public Resources Code § 21080.66) and pursuant to Section 23.406.040 (E) (1-5) “**Findings for Approval**” and subject to the attached Findings and Conditions of Approval.

ZONING MAP

Figure 1: Vicinity and Zoning Districts Map



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
North	Neighborhood Commercial (NC)	South Area Commercial District (C-SA)	Residential
South	Neighborhood Commercial (NC)	South Area Commercial District (C-SA)	Mixed-Use
East	Moderate Density Residential (MDR)	Residential Multi-Unit 2 District (R-2)	Residential
West	Neighborhood Commercial (NC)	South Area Commercial District (C-SA)	Commercial (Office and retail)

Figure 2: Aerial View



Figure 3: Existing Site Plan

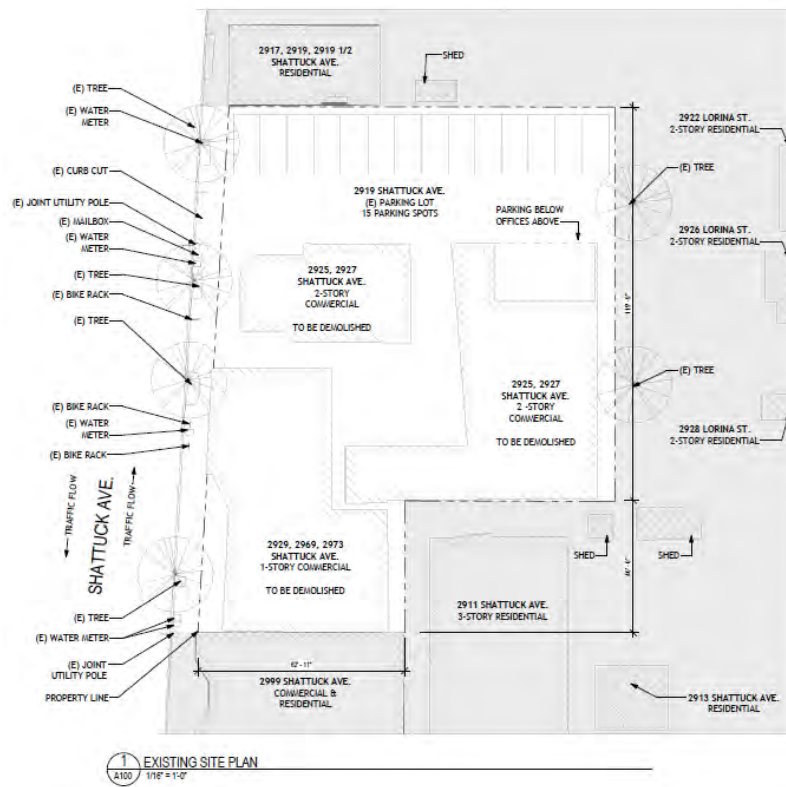
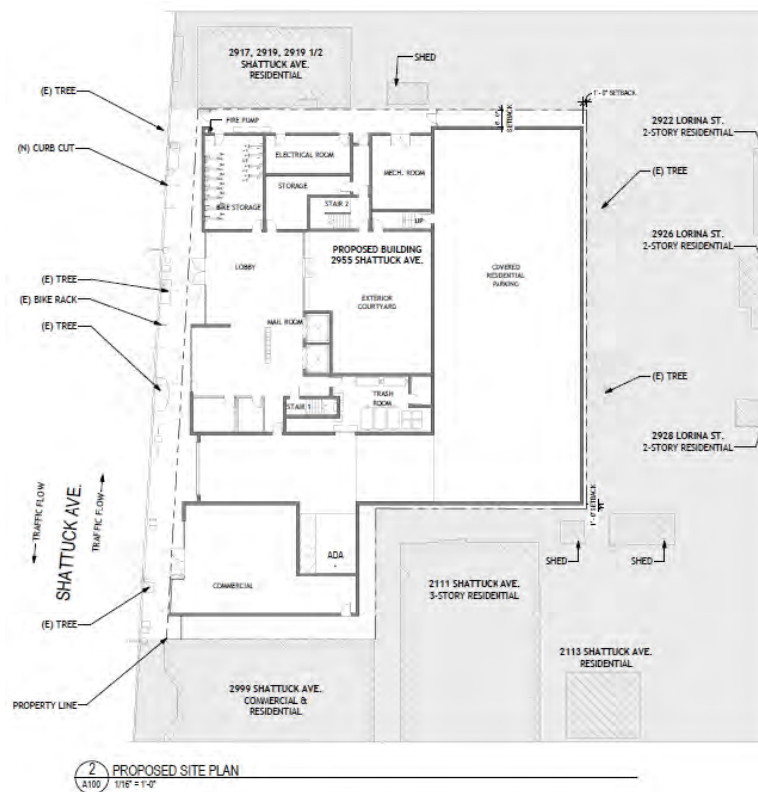


Figure 4: Proposed Site Plan



Existing Street View (Shattuck Avenue)



Proposed Street View (Shattuck Avenue)



BACKGROUND

Subject Site

The subject property is an approximately 16,968-square-foot interior lot on the east side of the 2900 block of Shattuck Avenue, between Russell Street and Ashby Avenue. The lot is an irregular, polygon-shaped, flat parcel with an indented section creating a jog along the south side. It is the result of two merged abutting lots (one 4,702 square feet on the north and the other 12,266 square feet to the south) resulting in a parcel that is approximately 117 feet deep and 119 (east property line) to 160 (west property line) feet wide, with street frontage on Shattuck Avenue to the west. The property includes an existing surface parking lot with 15 parking spaces, two two-story commercial buildings, and one one-story commercial building.

Site history and context

The property has historically been used for commercial purposes, with one single-family dwelling built in 1895 that was later converted to commercial use. Additional commercial buildings were constructed in the 1950s and again in the 1980s. The project site is located within the South Area Commercial District (C-SA) and is designated as Neighborhood Commercial in the General Plan. It is surrounded by commercial uses along Shattuck Avenue, with low-density residential uses to the east bordering the Telegraph Avenue commercial corridor, and high-density residential uses to the west bordering the Adeline Street commercial corridor. Multiple AC Transit bus lines and bike-share stations are located along Shattuck Avenue, with additional bus and bike service available on Adeline Street one block to the east and on Telegraph Avenue three blocks to the west.

Community Meeting

Prior to submitting this application, the applicant installed a pre-application poster on site in June 2024 and invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting on June 4, 2024, which was attended by five individuals.

There was a discussion between the current tenants and the property owner about having a follow-up conversation regarding their leases. One neighbor expressed concerns about the minimal rear yard setback. Several neighbors and tenants were also interested in the anticipated project timeline and how and when they would be able to share their feedback with the City.

On March 27, 2026, staff received an email from Joyce Freedman (Attachment 6) inquiring about the Zoning Adjustment Board Decision on the project, construction timeline and expressed concerns regarding the impacts of the project on their property at 2922 Lorina Street.

On August 14, 2026, staff received a letter from Caroline McDowell, a Licensed Marriage and Family Therapist who has been a tenant at this property since 2008. In this letter she expressed concerns about the displacement and loss of small business owners who are providing mental health services to the local community. (Attachment 6)

On August 17, 2026, staff received a letter from Elizabeth Ehrenberg, a Licensed Clinical Social Worker, who provides mental health services to underserved populations such as low-income students, as well as elderly and disabled individuals on Medicare. She noted that it is extremely unlikely that they would be able to find compatible prices to rent similar mental health offices within the area. (Attachment 6)

On August 27, 2026, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices within the neighborhood at nearby three locations.

No additional comments have been received in response to the public hearing notice at this time.

ANALYSIS

Project Scope

The proposed project would demolish the three existing commercial buildings to construct an eight-story, 84 ft. 9 inches feet, approximately 77,817-square-foot mixed-use building with 74 units and 1,465-square-foot ground floor commercial space. The major components of this multifamily building are as follows:

- Ground Floor including the bike room, 1,486-square-foot courtyard, lobby and a 1,465 square-foot commercial space
- 30 one-bedroom, 38 two-bedroom and 6 three-bedroom units.
- 717 square foot Amenity Space and 2,031 square foot roof deck on the Fifth Floor
- 716 square foot roof deck on the Eighth Floor

Findings

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

Base Project and Density Bonus

The applicant has requested a Density Bonus under the State Density Bonus Law (Govt. Code Section 65915). Under the City's Density Bonus procedures, the "base project"¹ is 67 units, as the maximum allowable density for the site. The base project and the resulting 8-story proposed project both have an average unit size of 1,014 square feet. By providing 4 Very-Low Income units on site (5 percent of the 67-unit base density), the project is eligible for a 20 percent density bonus, or 14 additional units. The applicant chose to build only 7 units out of the additional 14 units allowed through the Density Bonus. Therefore, the applicant proposes 7 additional units above the base density for a total of 74 dwelling units.

¹ Per the [City's Density Bonus Procedures \(DBP\)](#), the base project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the proposed project, which is the number of base project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, Section 65915(f).

Base Project Units ^a	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ^a	Proposed Project Units ^a
67	4 (5% of Base Project)	20%	14 (out of which 7 were added)	74
Notes: a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number. Abbreviations: % = percent				

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

The project is entitled to zero concessions (or incentives) under Government Code Section 65915(d), and 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 requesting waivers from the following development standards: FAR, Setbacks, building height and stories, lot coverage and Projection Above Height Limit. The waivers are requested because they are necessary to physically accommodate the additional 7 units as allowed under the density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact² 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 impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believe such a finding cannot be made.

Environmental Review

Assembly Bill 130 (AB 130) is a new law under the California Environmental Quality Act Guidelines (CEQA) that provides a complete statutory exemption for qualifying urban infill housing development projects³. The Bill was signed into law and effective on June 30, 2025, and is codified in Public Resources Code (PRC) Section 21080.66.

The applicant has requested that the housing development project be reviewed in accordance with AB 130. Staff evaluated the request and determined that the proposed project meets the requirements of PRC Section 21080.66. See Table below.

² 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.”

² See footnote 2.

³ As defined in Government Code Section 65589.5(h)(2).

- **Infill Criteria.** The project’s consistency with the allowed housing development type defined in PRC Section 21080.66(a), subdivisions (1) through (5) and (8).
- **Environmental Criteria.** The project’s consistency with the individual environmental requirements pursuant to PRC Section 21080.66(a), subdivisions (6) and (7).
- **Tribal Cultural Resources.** The project’s consistency with the tribal notification and outreach requirements pursuant to PRC Section 21080.66(b).
- **Hazardous Materials.** The project’s consistency with the requirements for the identification and treatment of hazardous materials pursuant to PRC Section 21080.66(c).
- **Other Requirements.** The project’s consistency with the Labor Code requirements and eligibility of a housing development project for a density bonus, incentives or concessions, waivers or reductions of development standards, and reduced parking ratios pursuant to PRC Sections 21080.66(d) and (e), respectively.

The City conducted tribal consultation as required by PRC Section 21080.66(b) with the Confederated Villages of Lisjan and Muwekma Ohlone Tribe Incorporated. Under PRC Section 21080.66(b)(4), the project is subject to any enforceable agreements reached during consultation and to the standard conditions, unless the Tribe and the project proponent mutually agree not to include certain measures as binding conditions. Consultation concluded with the applicant and each Tribe reaching agreement on the conditions for project approval. In accordance with PRC Section 21080.66(b)(4), the City has included the Conditions of Approval (see Attachment 3, Conditions of Approval)

Public Resources Code Section 21080.66(d)(2) and (d)(4) establish specific labor requirements for projects that include buildings over 85 feet in height above grade. The proposed project is 84 feet 9 inches as defined by BMC 23.160.090.

Per the project processing deadlines established by AB 130, the City must approve or disapprove the project within 30 days from the later of:

- (1) the conclusion of tribal consultation and
- (2) the date on which the project was deemed consistent with applicable objective standards (Gov. Code Section 65950).

The project was deemed consistent with all applicable objective standards on December 13, 2023 (PLN2023-0085), and tribal consultation concluded on September 1, 2026.

Statutory Exemption Condition	Does this Project Meet this Condition			Analysis
	Yes	No	N/A	
The project meets the definition of a	X			The project meets the definition of a

“housing development project” pursuant to Government Code Sections 65905.5(b) and 65589.5(h)(2). [PRC Section 1080.66(a)]				“housing development project” pursuant to Government Code Sections 65905.5(b) and 65589.5(h)(2) as it contains 74 residential units. Therefore, the project is consistent with this condition.
Project site is not greater than 20 acres.	X			The site is 16,968 square feet (0.38 acre)
3. Project site is located within the boundaries of an incorporated municipality	X			Project site is located within the boundaries of City of Berkeley.
Project site meets any of the following criteria: Has been previously developed with an urban use. At least 75 percent of the perimeter of the site adjoins parcels that are developed with urban uses. At least 75 percent of the area within a one-quarter mile radius of the site is developed with urban uses. For sites with four sides, at least three out of four sides are developed with urban uses and at least two-thirds of the perimeter of the site adjoins parcels that are developed with urban uses.	X			All of the identified criteria are applicable
The project is consistent with the applicable general plan and zoning ordinance, as well as any applicable local coastal program.	X			The Base Project includes Use Permits and/or Administrative Use Permits ⁴ to modify the height, setbacks, lot coverage and rooftop equipment allowances, and complies with applicable objective general plan and zoning standards.
The project will be at least one-half of the applicable density specified in subparagraph (B) of paragraph (3) of subdivision (c) of Section 65583.2 of the Government Code	X			This project contains 67 Base and 74 Proposed Units including 4 Very Low-Income Units on 16,968 square feet (0.38 acre)
The project does not require the demolition of a historic structure that was placed on a national, state, or local historic register before the date a preliminary application was submitted for the project pursuant to Section	X			Per the Historic Resource Evaluation prepared by Preservation Architect & Historic Resource Consultant, Mark Hulbert,

⁴ 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.”

65941.1 of the Government Code.				
For a project that was deemed complete on or after January 1, 2025, no portion of the project is designated for use as a hotel, motel, bed and breakfast inn, or other transient lodging.	X			The SB330 Pre-Application for this project was deemed complete in December 2023.
Not located in any of the following coastal zone areas: 1) An area between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; or 2) Tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff. 3) An area of the coastal zone that is not subject to a certified local coastal program or a certified land use plan. 4) An area of the coastal zone that is vulnerable to five feet of sea level rise, as determined by the National Oceanic and Atmospheric Administration, the Ocean Protection Council, the United States Geological Survey, the University of California, or a local government's coastal hazards vulnerability assessment. 5) On a parcel within the coastal zone that is not zoned for multifamily housing. 6) On a parcel in the coastal zone and located on or within a 100-foot radius of a wetland, as defined in Section 30121 of the Public Resources Code, or on prime agricultural land, as defined in Sections 30113 and 30241 of the Public Resources Code.	X			Not located in areas noted in 1-6,
Not located on wetlands, as defined in the United States Fish and Wildlife Service Manual.	X			Not located

Not located on wetlands, as defined in the United States Fish and Wildlife Service Manual.	X			Not located
Not located within a very high fire hazard severity zone or within the state responsibility area, unless the site has adopted specified fire hazard mitigation measures.	X			Not located
Not located on a hazardous waste site, unless either of the following apply: 1) The site is an underground storage tank site that received a uniform closure letter based on closure criteria established by the State Water Resources Control Board for residential use or residential mixed uses. 2) The State Department of Public Health, State Water Resources Control Board, Department of Toxic Substances Control, or a local agency making a determination pursuant to subdivision (c) of Section 25296.10 of the Health and Safety Code, has otherwise determined that the site is suitable for residential use or residential mixed uses.	X			Based on the determination provided in the Water Board's December 26, 2025 the agency determined that there is no indication of a significant release or a threat to public health, safety, or the environment that warrants opening a cleanup case. The application and documents regarding the Property have been filed in our GeoTracker database as non-case information available to the public. Letter. Additionally: • The project site has been evaluated by the appropriate regulatory agency, which has confirmed that the site does not contain significant contamination, does not pose a vapor intrusion risk, and does not retain meaningful impacts from the historic UST release, consistent with the criteria of PRC §21080.66. • Any minor residual contamination that may be encountered during subsurface work can be safely managed in compliance with applicable health, safety, and waste-handling regulations.
Not located within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law, and by any local building department.				Not located
Not located within a special flood hazard area subject to inundation by the 1 percent annual chance flood				Not located

(100-year flood) as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless either of the following apply: 1) The site has been subject to a Letter of Map Revision prepared by the Federal Emergency Management Agency and issued to the local jurisdiction. 2) The site meets Federal Emergency Management Agency requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program.				
Not located within a regulatory floodway as determined by the Federal Emergency Management Agency in any official maps published by the Federal Emergency Management Agency, unless the development has received a no-rise certification.	X			Not located
Not located on lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act, habitat conservation plan pursuant to the federal Endangered Species Act of 1973, or other adopted natural resource protection plan.	X			Not located
Not located within a habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973, the California Endangered Species Act, or the Native Plant Protection Act.	X			Not located
Not located on lands under conservation easement.	X			Not located

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review: Demolition Referral

The project involves the demolition of three commercial buildings that are more than 40 years old. Under typical circumstances, demolition of a building of this age would trigger a demolition referral Pursuant to BMC Section 23.326.070(C)(1) “Demolition of Nonresidential Buildings”. However, because the proposed project qualifies for a statutory CEQA exemption pursuant to Assembly Bill (AB) 130 (California Public Resources Code § 21080.66), the demolition referral requirement is not applicable in this case. AB 130 establishes that certain qualifying housing projects are exempt from CEQA review, and as a result, the associated local historic referral process is no longer required for this project.

Design Review Committee Review: Preliminary Design Review

On August 20, 2026, the Design Review Committee (DRC) reviewed the project design for 2955 Shattuck Avenue for the Preliminary Design Review and gave a favorable recommendation on the design as presented, and provided the following direction for Final Design Review: **MOTION (Gaffney, Tam) VOTE (4-0-0-3) Dutta-Choudhury, Hall-Montgomery, Muszynski - absent.**

DRC SUMMARY – August 20, 2026

Neighborhood Context

- *Further develop ground floor lobby and courtyard; there may be overlapping common areas that would allow more commercial space overall.*
- *Provide a rendering of the pedestrian experience at FDR; recommend adding more entry bay richness to the whole ground floor at Shattuck.*
- *Recommend more landscape on the east façade for a more friendly garage wall.*

Building Design / Details

- *Further develop facades so that all sides are more cohesive and work better with building massing.*
- *Study composition of accent cladding on façade and corners.*
- *Show typical courtyard facades at FDR.*
- *Add more depth with windows and consider mullion pattern options.*

Landscape Plan

- *Further develop the 5th and 8th floor roof decks, specifically looking at circulation, shade, and permanent planting.*
- *Strengthen the landscape plant palette overall and provide more information at FDR as to which plants thrive in available light.*
- *Recommend more natives and pollinators.*
- *Minimize synthetic turf as much as possible.*

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 safety⁵ 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 Permits⁶ to modify the height, setbacks, lot coverage 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 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

⁵ See footnote 2.

⁶ 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.”

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: August 13, 2026 ZAB hearing represents the second public meeting for the proposed project since the project was deemed complete. The City can hold up to three additional public meetings 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 by Mark Hulbert in February 2024, 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.

The project's SB 330 Preliminary Application(#PLN2023-0085) which vests local ordinances, policies, and standards, as well as the historic resource status of the site was deemed complete on December 13, 2023. This means the housing development is vested under the provisions of SB330 with no historical designation status under the local register and therefore, the City will be precluded from imposing preservation-related conditions on the housing development project if it is approved.

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.

Evidence: The project would be compliant with the General Plan's Infill Development policy because it would repurpose an underutilized Site, with a residential project in a neighborhood that consists of both residential and commercial uses and designed to not conflict with the existing architectural character.

2. **Policy LU-7 Neighborhood Commercial Areas:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

Evidence: The project would be compatible with the General Plan's Neighborhood Commercial Area policy because the proposed residential use is compatible with the existing uses in the neighborhood, and a building design that does not conflict with scale or the historic character of the neighborhood.

3. **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.

Evidence: The project would be compatible with surrounding land uses, which consists primarily of Avenue Commercial uses, featuring a diverse mix of commercial buildings containing various retail, dining establishments and residential uses. The surrounding neighborhoods consist of a mix of single, multi-family residences and commercial establishments. The project would reinforce the City's effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing. The project would further improve the neighborhood character and quality of life by bringing in new residents and new business patrons along Shattuck Avenue in an area served by transit.

4. **Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as the Elmwood District.

Evidence: Although the project provides 24 parking spaces, it would help to encourage transit use and reduce greenhouse gas emissions by constructing additional housing in close proximity to transit, jobs, and basic goods and services.

5. **Policy LU-26 Neighborhood Quality of Life:** Maintain and improve High Density Residential and Avenue Commercial areas as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

Evidence: The construction of new high-density residential buildings underutilized Housing Opportunity Site provides much-needed housing while maintaining the character and vibrancy of the neighborhood.

6. **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Evidence: The project would provide 74 dwelling units, increasing the City's housing supply by adding new dwelling units in close proximity to goods, services and transit.

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:

APPROVE #ZP2024-007, Statutorily exempt pursuant to Public Resources Code Section 21080.66 (AB 130), pursuant to BMC Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachments 2 and 3).

Attachments

1. Tables: Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings
3. Draft Conditions of Approval
4. Project Plans, July 27, 2026
5. Notice of Public Hearing
6. Public Correspondence
7. Water Boards Letter, December 26, 2025

Attachment 1

Table 1: Project Chronology

Date	Action
December 13, 2023	SB 330 complete Preliminary Housing Development Project Application submitted
January 11, 2025	SB 330 Use Permit Application submitted
August 21, 2024	Use Permit Application deemed complete
September 9, 2024, to July 25, 2025	Application processing ^a
August 20, 2026	Design Review Committee meeting
September 1, 2026	CEQA recommendation by Staff
August 27, 2026	Public hearing notices mailed/posted
September 10, 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	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The project includes zero 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	The project would provide more than 5,000 square feet of residential unit floor area and is part of a larger housing development project; therefore, the Inclusionary Housing provisions apply as defined in BMC 23.328.020. As a result, the project is required to provide at least 20 percent Below Market Rate (BMR) residential units. The project provides 5 percent of the units as Very Low-Income (VLI) units. The remaining 15 percent of the required Inclusionary units must either be provided on-site or satisfied through payment of an in-lieu fee, consistent with the Inclusionary Housing Ordinance.

Characteristic	Applicability	Explanation
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)	Yes	The project was vested under the Housing Crisis Act of 2019 <i>after</i> the July 27, 2023 effective date of the ordinance, and therefore these provisions do 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 4 Very Low-Income units, or 5 percent of the Base Project units, and qualifies for a 20 percent density bonus, or 14 bonus units out of which it only uses 7.
Hard Hats (BMC Chapter 13.107)	No	The project was vested under the Housing Crisis Act of 2019 <i>prior</i> to the January 1, 2024 effective date of the ordinance, and therefore these provisions do not apply.
Historic Resources	No	The project involves the demolition of three commercial buildings that are more than 40 years old. However, the housing development became vested in December 2023 under the provisions of SB 330, and none of the buildings had local historic designation status at the time of vesting
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.
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 . 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 Policy Consistency Section of this report for additional discussion on compliance with the Housing Accountability Act.
Opportunity Sites	No	The subject site is not identified as an opportunity site in the 2023-2031 Housing Element Update.
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. The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1)

Characteristic	Applicability	Explanation
		as 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 site is on a Cortese List. ^d ; however, according to the Water Board's December 26, 2025 letter (Attachment 7) the environmental sampling shows no significant contamination and no meaningful impact from the historic UST release are indicated. Low chemical concentrations detected in soil vapor do not pose a significant vapor intrusion or public health risk, and remaining impacts are not expected to affect the proposed redevelopment. While a cleanup case is not required, subsurface work should anticipate minor residual contamination and follow appropriate health, safety, and waste-management procedures in compliance with applicable regulations.
Transit	Yes	The project site is served by multiple AC Transit bus lines (local and Transbay) that operate within ¼ mile of the site.
Notes: 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. 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. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic/hazards/ d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.		

**Table 3: C-SA South Area Commercial 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.)		16,968	N/A	16,968	N/A
Gross Floor Area (sq. ft.)		12,923	64,894	77,817	N/A
Floor Area Ratio		0.76	3.84	4.6	4
Lot Coverage (%)		51	41	92	35 Max.
Commercial Floor Area (sq. ft.)		12,923	(11,458)	1,465	N/A
Dwelling Units	Total	0	74	74	N/A
	Bedrooms	0	124	124	N/A
Building Height & Stories (ft. - in.)	Height	36'-0"	48'-9"	84'-9"	36'-0" Max.
	Stories	2	5	8	3 Max.
Building Setbacks (ft. - in.)	Front (west) (Shattuck Avenue)	0'-0"	0'-0"	0'-0"	15'-0" Min.
	North Interior Side	40'-0"	(35'-0")	5'-0"	1st and 2nd Floor 4'-0" Min 3rd Floor 6 ft. Min. 4th Floor 8 ft. Min. 5th Floor 10 ft. Min. 6th Floor 12 ft. Min.
	South Interior Side	0'-0"	5'-0"	5'-0"	
	Rear (east)	5'-4"	(4'-4")	1'-0"	15'-0" Min.
Usable Open Space (sq. ft.)		0	4,233	4,233	2,960
Automobile Parking		15	(9)	24	N/A ³
Bicycle Parking	Commercial (1,465 sq. ft.)	3	(2)	1	1
	Residential ^d – Long Term	0	44	44	42
	Residential– Short Term	0	4	4	4

Standard	Existing	Addition/ (Reduction)	Proposed Total	Permitted/ Required
= Concession or Waiver requested to modify the district standard Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (") Notes: 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.				



Zoning Adjustments Board Findings

APP # ZP2024-0071

September 10, 2026

Use Permit for a Project at 2955 Shattuck Avenue

Quick Facts	Project Description:
Applicant: Studio KDA Project Address: 2955 Shattuck Avenue Site Size: 16,968 sq. ft. GP Land Use: NC (Neighborhood Commercial) Zoning: C-SA (South Area Commercial District) CEQA: Statutorily exempt pursuant to Public Resources Code Section 21080.66 (AB 130) Date Submitted: 06/11/2024 SB 330 Preliminary Application Vesting Date: 12/13/2023 Date Deemed Complete: 8/21/2024 Project Planner: Nilu Karimzadegan	Use Permit ZP2024-0071 to demolish three commercial buildings, merge two parcels and construct an approximately 78,000 square-foot, 8-story (84 feet, 9 inches), mixed-use building, with 74 units (4 Very-Low Income), a 1,465 square-foot ground floor commercial space, and 24 parking spaces, utilizing a State Density Bonus.
	Zoning Permits Requested: Demolition. BMC Section 23.326.070(A) “Main Non-Residential Building” to demolish a non-residential building. (UPPH) * New Construction. BMC Section 23.204.020 (A) “Allowed Land Uses” to construct a new mixed-use development. (UPPH) New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create new floor area of 3,000 square feet or more. (UPPH) Modification of Standards. BMC Section 23.204.100(D)(3) “Modification for Mixed Use and Residential Projects” to modify the required height and stories, setbacks, and lot coverage in the C-SA District Mixed Use Building. Use permit under BMC Section 23.204.100(B)(2)(b) to construct a mixed-use development in the C-SA district. * Setback. BMC Section 23.304.030(C)(2)(b) “Non-Residential Districts Setbacks” to modify the required rear setback for a lot in a commercial district that abuts lots in a residential district Height Projection “BMC Section 23.304.050 (A) Projections Above Height Limits” exceed height limit with a rooftop projection. (AUP) *Denotes required findings.

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 2 of 8

Waivers:

- **FAR.** Waiver from BMC Section 23.204.100(D)(1) to increase the FAR from 4 to 4.6
- **Stories.** Waiver from BMC Section 23.204.100(D)(1) to increase the stories from 3 to 8 stories
- **Height.** Waiver from BMC Section 23.204.100(D)(1) to increase the height from 36 to 85 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the front setback from 15 feet to 0 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the rear setback from 15 feet to 1 foot
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the interior side setbacks required to be at 6 feet (3RD Floor), 8 feet (4th Floor), 10 feet (5th Floor) and 12 feet (6th Floor) to 5 feet
- **Lot Coverage.** Waiver from BMC Section 23.204.100(D)(1) to increase the lot coverage from 35 to 92 percent
- **Projections Above Height Limits.** Waiver of BMC Section 23.304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)

Concessions:

N/A

Staff Recommendation:

Staff recommends that ZAB determine the project is statutorily exempt from CEQA pursuant to California Assembly Bill (AB) 130 (California Public Resources Code § 21080.66) and approve ZP2024-0071 pursuant to Section 23.406.040 (E) (1-5) “**Findings for Approval**” and subject to the attached Findings and Conditions of Approval.

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 3 of 8

I. CEQA

- A. As required by California Public Resources Code §21080.66 (AB 130), the Zoning Adjustments Board finds that the project is statutorily exempt from the California Environmental Quality Act (CEQA)

Evidence: Based on the determination provided in the Water Board’s December 26, 2025 letter, the project site meets the conditions for a Statutory Exemption under AB 130. Specifically:

- The project site has been evaluated by the appropriate regulatory agency, which has confirmed that the site does not contain significant contamination, does not pose a vapor intrusion risk, and does not retain meaningful impacts from the historic UST release, consistent with the criteria of PRC §21080.66.
- Any minor residual contamination that may be encountered during subsurface work can be safely managed in compliance with applicable health, safety, and waste-handling regulations.
- With a qualifying determination issued, the project is exempt from further CEQA review and is not subject to the limitations or exceptions that apply to categorical exemptions.
- The City conducted tribal consultation with the Confederated Villages of Lisjan Nation and Muwekma Ohlone Tribe Incorporated and has included Conditions of Approval pursuant to Public Resources Code Section 21080.66(b).

The Zoning Adjustments Board therefore finds the project exempt from CEQA pursuant to PRC §21080.66 (AB 130).

II. FINDINGS FOR APPROVAL

- 1) As required by **BMC Section 23.406.040 (E)(1) “Findings for Approval”**, the ZAB finds that the 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;

Evidence:

The project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood because the project is consistent with all applicable C-SA District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915. The project will comply with all local and State Health and Safety regulations at the time of Building permit issuance.

- (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 will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, because it

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 4 of 8

will enhance the immediate and surrounding areas by replacing an underutilized Site with a new development consisting of 74 units which is appropriately scaled for the neighborhood. This includes an affordable housing component consisting of 4 Very Low-Income (VLI) units required under the Density Bonus Law, and 10 additional Below Market Rate units (composed of Very Low-Income, Low-Income, or satisfied through the in-lieu fee) per the Inclusionary Ordinance (BMC Section 23.328)

By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

Sunlight: The Proposed Project additional height above the district limits (36 feet and three stories) will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the Base Project maximum height to accommodate the density bonus units and allow an 84 -feet-9 inches tall, 8-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: In the winter months in the hours in the morning, and around noon on the residential buildings on the north, in the hours in the afternoon on the residential buildings on the east, in the summer months in the hours of around noon on the residential buildings on the north, and in the hours before sunset on the residential buildings on the east. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for developments in the dense areas such as the South Area Commercial District.

- 2) As required by **BMC Section 23.406.040 (E)(2) “Findings for Approval”**, 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:
 - a) Pursuant to **BMC Section 23.326.070(D) “Demolition of Non-residential Buildings”** A Use Permit for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB finds that:
 1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
 2. The demolition:
 - (a) Is required to allow a proposed new building or other proposed new use;
 - (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
 - (c) Will remove a structure which represents an uninhabitable attractive nuisance to the

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 5 of 8

public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley and it is required to allow a proposed new building or other proposed new use because the proposed demolition is necessary to facilitate the construction of a new mixed-use development consisting of 74 units on this Site. This new use supports the City of Berkeley's housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).

- b) Pursuant to **BMC Section 23.204.100(B)(2)(b) "Allowed Land Uses"** and per BMC Section 23.204.100(B)(2)(a)(iii), if a mixed-use project is more than 5,000 square feet in gross floor area, a Use permit is required and is subject to the findings in Section 23.204.100(E)--C-SA South Area Commercial District (Permit Findings).

Pursuant to **BMC Section 23.204.100(E) "Permit Findings"** for a Use Permit for a project in the C-SA district, the ZAB must make the findings in Section [23.406.040](#) (Use Permits) and find that the proposed use or structure:

1. Is compatible with the purposes of the district;
2. Is compatible in design and character with the district and the adjacent residential neighborhoods; and
3. Will not result in the domination of one type of commercial/retail use in any one area of the district.

Evidence: The project would be compatible with the design and character of the district and nearby residential areas because it maintains pedestrian-orientated environment by introducing a mixed-use residential building, including a ground-floor commercial use along Shattuck Avenue, providing an enclosed garage and a designated bicycle room.

The project would support transit use by providing only 24 parking spaces and secure interior parking for 44 Long-Term and 5 Short-Term and bicycles. The site is well served by AC Transit routes on Shattuck Avenue and is located within 0.3 miles of the Ashby BART station and a mile from the Downtown Berkeley BART station. The project would also support the production of affordable housing by providing four Very-Low-Income units and paying the required in-lieu fee under the Inclusionary Housing program.

- c) Pursuant to **BMC Section 23.204.100(D)(3) "Modification for Mixed Use and Residential Projects"** The ZAB may modify development standards in Table 23.204-27,

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 6 of 8

Table 23.204-28, and Table 23.204-29, and Table 23.204.30--excluding FAR--for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:

- (a) The project encourages utilization of public transit and existing off-street parking facilities in the area of the proposed building;
- (b) The modification allows consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose;
- (c) The modification facilitates the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines; or
- (d) The modification provides consistency with the purposes of the district as listed in Section [23.204.100.A](#) (District Purpose).

Evidence: The project is compatible with the purpose of the district because its residential component is consistent with the General Plan Land Use Element, which identifies Neighborhood Commercial areas as suitable locations for mixed-use development. The proposed eight-story mixed-use building meets local and regional housing needs while remaining consistent with C-SA development standards and supporting pedestrian-oriented uses through its site design, amenities and proximity to public transit.

- d) As required by **Government Code Section 65915 (State Density Bonus)**, the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 67 units. The project will provide 4 Very Low-Income (VLI) units on site qualifying units in the 67-unit base project, as more fully set forth in the Condition, "Number of Below Market Rate Units". The project is entitled to a density increase of 20 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). This results in a potential density bonus of up to 14 units above the base project, of which 7 units are being used, for a total of up to 74 units.

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.

- **FAR.** Waiver from BMC Section 23.204.100(D)(1) to increase the FAR from 4 to 4.6
- **Stories.** Waiver from BMC Section 23.204.100(D)(1) to increase the stories from 3 to 8 stories
- **Height.** Waiver from BMC Section 23.204.100(D)(1) to increase the height from 36 to 85 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the front setback from 15 feet to 0 feet

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 7 of 8

- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the rear setback from 15 feet to 1 foot
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the interior side setbacks required to be at 6 feet (3RD Floor), 8 feet (4th Floor), 10 feet (5th Floor) and 12 feet (6th Floor) to 5 feet
- **Lot Coverage.** Waiver from BMC Section 23.204.100(D)(1) to increase the lot coverage from 35 to 92 percent
- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)

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.

- e) As required by the **Housing Accountability Act, Government Code Section 65589.5(j)**, 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 “housing development project” with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

- 3) As required by **BMC Section 23.406.040 (E)(3) “Findings for Approval”**, the ZAB considers the following (a and b) in making findings:

- (a) The proposed land use

Evidence: The proposed land use meets the findings for approval because the project’s residential use is consistent with the purposes of the Neighborhood Commercial areas as outlined in the General Plan’s Land Use Element. This identifies the need to provide residential and mixed-use development to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

2955 SHATTUCK AVENUE- USE PERMIT #ZP2024-0071

FINDINGS

September 10, 2026

Page 8 of 8

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

Evidence: The proposed construction of an eight-story mixed-use project with its compliant Base Project will accommodate the use because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district and State Density Bonus law.

- 4) As required by **BMC Section 23.406.040 (E)(4) “Findings for Approval”**, the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the C-SA zone. Surrounding land uses and structures surrounding the site are based on current information.

- 5) As required by **BMC Section 23.406.040 (E)(5) “Findings for Approval”**, the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.



STANDARD CONDITIONS OF APPROVAL APPLICABILITY

Development projects approved through the City of Berkeley are subject to Standard Conditions of Approval (Standard COAs). The City of Berkeley has established Standard COAs that identify requirements for the construction and operation of the approved project. This includes general administrative conditions, permitting requirements, project construction and the regulation of on-going, on-site uses. Compliance requirements with the Berkeley Municipal Code, building permit review and issuance process, construction, final inspection requirements, certificate of occupancy, and on-going operations of the approved use are included in this document.

The Standard COAs may vary based on site size, location, environmental settings, topography, historic alteration or approved uses. Variations in the application of the Standard COAs may occur based on the project scope and site-specific characteristics including but not limited to parcel size, location, topography, and use.

Conditions which have specified thresholds due to size, uses, and other characteristics are identified.

Part I. Administrative Conditions

- A. General Project Conditions
- B. Project Specific Conditions
- C. Final Approval Conditions
- D. On-Going Operational Conditions

Part II. Prior to Issuance of Demolition Permit

Part III. At the Time of Building Permit Submittal

Part IV. Prior to Issuance of Building Permit

- A. Building & Safety/Land Use Planning
- B. Public Works
- C. Toxics
- D. Health Housing Community Services
- E. Rent Stabilization Board (Not Applicable)

Part V. During Demolition/Construction

- A. Building & Safety
- B. Land Use Planning
- C. Public Works
- D. Toxics
- E. Health Housing Community Services

Part VI. Prior to Final Inspection

Part VII. Prior to Certificate of Occupancy

Part. VIII. Fees

Part IX. Operational Conditions

- A. Alcoholic Beverage Service (Not Applicable)
- B. Hot Tubs (Not Applicable)

Part X. HARD HATS (Not Applicable)

Part XI. AB130 Conditions

Part XII. Confederated Villages of Lisjan Conditions

Part XIII. Muwekma Ohlone Tribe Incorporated



Site Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

Project Description: Use Permit #ZP2024-0071 to demolish three commercial buildings, merge two parcels and construct an approximately 78,000 square- foot, 8-story (84 feet, 9 inches), mixed-use building, with 74 units (4 Very-Low Income), a 1,465 square-foot ground floor commercial space, and 24 parking spaces, utilizing a State Density Bonus.

The approved project at 2955 Shattuck Avenue includes the following distribution of Below Market Rate (BMR) units.

Required Minimum BMR Units Per Code				
Code Section	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	State Replacement SB330/DBL	BMC Chapter 23.326 (Demolition Ordinance) Replacement
Extremely-Low Income (= <30% AMI)	0	N/A	N/A	N/A
Very-Low Income (31%-50% AMI)	4 ^a	10 ^{b & c}	N/A	N/A
Low-Income (51%-80% AMI)	0		N/A	N/A
Moderate-Income (81%-100% AMI)	0	N/A	N/A	N/A
Total BMRs in Project	14			
Notes: ^a These units shall satisfy requirements for equivalency and a term of affordability for at least 55 years per State Density Bonus law (Government Code Section 65915). ^b The Inclusionary Housing Low-Income unit requirement will be paid with an in-lieu fee. Details are provided on the project Affordable Housing Compliance Plan. ^c Per BMC Section 23.328.030(A)(5)(a) (Inclusionary Ordinance), If units are provided per this requirement, at least 50% of the required Affordable Units in the Housing Development Project shall be offered at a rent that is affordable to Very Low-Income Households, up to a maximum requirement of 10% of the total units in the Housing Development Project if the project provides more Affordable Units than are otherwise required by this Chapter.				



CONDITIONS OF APPROVAL

2955 Shattuck Avenue
Application Number: ZP2024-0071

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Project Approval. This Project approval is for 2955 Shattuck Avenue, as substantially shown and described on the Project plans dated July,27, 2026, except as required to be modified by Conditions of Approval herein and plans as presented to the Zoning Adjustments Board on September 10, 2026 (“Approval Date.”). This Project vested on December 13, 2023 through PLN2023-0085. For any Condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the Project applicant shall submit final plan(s) in substantial conformance with the conceptual plan and incorporate any required modifications.	City of Berkeley	On-Going	Land Use Planning
2.	Approval Limited to Proposed Project and Replacement of Existing Uses. This Use Permit authorizes only the Proposed Project described in the application. This project approval does not authorize other uses, structures or activities not included in the Project Description. 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 shall obtain all permits required by the Zoning Ordinance for the use. (BMC Sections 23.404.060.B.1 and 2)	City of Berkeley BMC Sections 23.404.060	On-Going	Land Use Planning
3.	Compliance Required. All land uses and structures in the City of Berkeley shall comply with the Zoning Ordinance and all applicable City ordinances and regulations.	City of Berkeley BMC Section 23.102.050(B)	On-Going	Land Use Planning
4.	Other 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.	City of Berkeley BMC Section 23.102.050 (E)	On-Going	Land Use Planning
5.	Conformance with Approved Plans. All work performed under an approved Use Permit shall follow the approved plans as presented to ZAB on September, 10, 2026 and pursuant to the Conditions of Approval.	City of Berkeley BMC Section 23.404.060 (B)(4)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

2955 Shattuck Avenue
Application Number: ZP2024-0071

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
6.	Permit Modifications. No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Zoning Adjustments Board. The Zoning Officer may approve changes to plans approved by the Board which reduce the size of the Project, consistent with the Board’s policy adopted on May 24, 1978.	City of Berkeley BMC Section 23.404.070	On-Going	Land Use Planning
7.	Permit Revocation. 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. 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, or City Council referral.	City of Berkeley BMC Section 23.404.080	On-Going	Land Use Planning
8.	Permit Remains Effective for Vacant Property. 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 COA #5 above.	City of Berkeley BMC Section 23.404.060	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

2955 Shattuck Avenue
Application Number: ZP2024-0071

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
9.	Exercise and Expiration of Permits 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. 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 Zoning Adjustments Board 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 shall apply for and receive City approval of a new permit.	City of Berkeley BMC Section 23.404.060 (C)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

2955 Shattuck Avenue
Application Number: ZP2024-0071

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
10.	Hold Harmless. The permittee agrees as a Condition of Approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.	City of Berkeley	On-Going	Land Use Planning
11.	Compliance with Conditions of Approval and Environmental Mitigations. The Building Permit application is subject to verification of compliance of these Conditions of Approval and any applicable Mitigation Measures. The applicant shall be responsible for demonstrating compliance with all Conditions of Approval per the timeline set forth by this Permit.	City of Berkeley	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

2955 Shattuck Avenue
Application Number: ZP2024-0071

I. Administrative Conditions A. General Project Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
12.	Demolition. Demolition of the existing buildings and structures cannot commence until a complete building permit application is submitted for the replacement building. All plans presented to the City to obtain a building permit to allow the demolition are subject to these Conditions of Approval.	City of Berkeley	On-Going	Building & Safety/Land Use Planning

I. Administrative Conditions B. Project Specific Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional Conditions of Approval to this Permit: N/A	City of Berkeley BMC Section 23.040.050 (H)		

I. Administrative Conditions C. Final Approval Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Final Design Review at the Design Review Committee (DRC). The Project requires approval of a Final Design Review application by the Design Review Committee.	City of Berkeley BMC Section 23.406.070 (C)(1)(d)	Prior to Building Permit Submittal	Land Use Planning

I. Administrative Conditions D. On-Going Operational Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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 Finance Department, Customer Service Center shall add these addresses to the list of addresses	City of Berkeley BMC Section 14.72.080 (C) (1)	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

2955 Shattuck Avenue
Application Number: ZP2024-0071

	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.			
2.	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.	City of Berkeley	On-Going	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue

Application Number: ZP2024-0071

II. Prior to Issuance of Demolition Permit		<u>Regulation Source</u>	<u>Timing/Implementation</u>	<u>Enforcement/ Monitoring</u>
1.	Conditions of Approval Included in Building Permit Plan Submittal A. Use Permit. The Conditions of Approval for this Permit shall be printed on the <i>second</i> sheet of each plan set submitted for a building permit pursuant to this Permit, under the title ‘Use Permit Conditions.’ <i>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)</i>	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
2.	Project Liaison. The applicant shall include in all building permit plans and post onsite the name, e-mail address, 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 #	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

3.	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, e-mail, 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 would 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.	City of Berkeley	Prior to Demolition Permit Issuance (At least Two Weeks Prior to Construction Commencement)	Building & Safety Division
4.	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 their designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these Conditions of Approval. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning
5.	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.	City of Berkeley BMC Section 13.40.050	Prior to Demolition Permit Issuance	Building & Safety/Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

6.	Condition and Compliance Monitoring. The applicant shall pay a \$22,000 deposit for the cost of monitoring compliance with the Conditions of Approval and other applicable conditions and regulations prior to issuance of building permit. <u>City staff shall obtain a scope and cost from a pre-approved consultant to conduct required monitoring compliance.</u> If compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses <u>prior to the initiation of monitoring compliance.</u> <u>The City shall not issue a notice-to-proceed until all funds are deposited.</u> Any unused deposit will be refunded to the applicant.	City of Berkeley	Prior to Demolition Permit Issuance	Land Use Planning
7.	Erosion Prevention Plan. 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 from 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.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety/Public Works
8.	Construction and Demolition Diversion. The applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 “Berkeley Green Code” including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works
9.	Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527). A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for all new commercial, industrial and mixed-use developments, all improvement projects that require work 5 or more feet below grade , and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com)	City of Berkeley	Prior to Demolition Permit Issuance	Toxics Management Division



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

10.	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 compliance 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 with 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. 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. I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.	City of Berkeley BMC Section 13.40.070	Prior to Demolition Permit Issuance	Zoning Officer
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

11.	Damage Due to Construction Vibration. The Project applicant shall submit screening level analysis prior to demolition permit issuance. The analysis shall account for project specific information including 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 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). • 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 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 include: - o Establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and - o include written descriptions and photographs.	City of Berkeley	Prior to Demolition Permit Issuance	Building & Safety Division/Zoning Officer
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

III. At the Time of Building Permit Submittal		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley	At Building Permit Submittal	Public Works
2.	Public Works – Stormwater Pollution Prevention Program (SWPPP). As part of the building permit submittal, the applicant shall submit the following documents to the Public Works Department for review: A. A copy of the “Notice of Intent” filed with the State Water Resources Control Board (SWRCB)/Division of Water Quality; B. The Waste Discharger Identification (WDID) number issued by the SWRCB for the Project; C. A copy of the SWPPP prepared for each phase of the Project; and D. The name of the individual who will be responsible for monitoring the site for compliance to the approved SWPPP. Construction shall comply with the statewide general permit requiring owner to: (1) notify the State; (2) prepare and implement a SWPPP; and (3) monitor the effectiveness of the SWPPP. Additional information may be found online at http://www.swrcb.ca.gov .	City of Berkeley	At Building Permit Submittal	Public Works
3.	National Pollution Discharge Elimination System (NPDES). The applicant shall demonstrate compliance with the City’s National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:	City of Berkeley BMC Section 17.20	At Building Permit Submittal	Public Works



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	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 areas shall be covered, and no other areas shall drain onto these areas. 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 the East Bay Municipal Utility District (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 shall be conducted prior to the issuance of a building permit. E. All paved outdoor storage areas shall be designed to reduce/limit the potential for runoff to contact pollutants. F. All on-site storm drain inlets/catch basins shall 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 Department.			
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	G. All private or public projects that create and/or replace 5,000 square feet or more of impervious surface shall comply with Provision C.3 of the NPDES permit and shall 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). (Project required to meet applicable code at time of building permit application, if different from above.) H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City. I. Washing and/or steam cleaning shall be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing shall be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the East Bay Municipal Utility District. J. All loading areas shall be designated to minimize run-on or run-off from the area. Accumulated wastewater that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.			
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	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.			
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

IV. Prior to Issuance Building Permit: A. Building & Safety/Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Acoustic Report. 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.	City of Berkeley	Prior to Building Permit Issuance	Building & Safety/Land Use Planning
2.	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.	City of Berkeley	Prior to Building Permit Issuance	Building & Safety/Land Use Planning
3.	Pay Transparency Acknowledgement. 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.	City of Berkeley BMC Section 13.104.030	Prior to Building Permit Issuance	Building & Safety
4.	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 either A or B, and C:	City of Berkeley	Prior to Building Permit Issuance	Land Use Planning/ Public Works



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	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 the Bay Area Air District and the California Office of Environmental Health Hazard Assessment. 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. C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following: i. 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. ii. 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.			
5.	Construction Emissions Reduction Measures. Development projects shall comply with the current Bay Area Air District’s basic control measures for reducing construction emissions of PM10 (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the May 2017 Air District CEQA Guidelines), outlined below. 1. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access	Air Quality District	Prior to Building Permit Issuance	Land Use Planning/ Building and Safety/Air Quality District



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	roads) shall be watered two times a day. 2. All haul trucks transporting soil, sand, or other loose material offsite shall be covered. 3. 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. 4. All vehicle speeds on unpaved roads shall be limited to 15 miles per hour. 5. 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. 6. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California Airborne Toxics Control Measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be provided for construction workers at all access points. 7. All construction equipment shall be maintained and properly tuned in accordance with manufacture’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper conditions prior to operation. 8. 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 number shall also be visible to ensure compliance with applicable regulations.			
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

IV. Prior to Issuance of Building Permit: B. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Transportation Construction Plan. The applicant and all persons associated with the Project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities: A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes); B. Storage of building materials, equipment, dumpsters, debris anywhere in the public right of way; C. Provision of exclusive contractor parking on-street; or D. Significant truck activity. Please contact the Department of Public Works Transportation Division at (510) 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 stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of the TCP shall be available at all times at the construction site for review by City Staff.	City of Berkeley	Prior to Building Permit Issuance	Public Works



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

IV. Prior to Issuance of Building Permit: C. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Demolitions & Renovations – Building Materials Survey. A hazardous materials survey shall be prepared by qualified professionals and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit. The survey shall identify building materials, plans for hazardous materials, hazardous waste removal and disposal, the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division
2.	Asbestos Identified. Pursuant to Bay Area Air District Regulation 11-2-401.3, if asbestos is identified a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors shall follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)	Bay Area Air District	Prior to Issuance of Building Permit	Bay Area Air District
3.	Environmental Site Clearance. Prior to issuance of any building permits, the applicant shall submit to the Toxics Management Division (TMD) an environmental screening clearance to ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Documentation in the form of a letter shall be provided from one of the following external agencies: • San Francisco Bay Regional Water Quality Control Board (RWQCB); • California Department of Toxic Substances Control (DTSC); or • The Alameda County Department of Environmental Health’s Local Oversight Program (LOP).	City of Berkeley	Prior to Issuance of Building Permit	Toxics Management Division



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

IV. Prior to Issuance of Building Permit: D. Health, Housing & Community Services (HHCS)		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Final Affordable Housing Compliance Plan. The final Affordable Housing Compliance Plan (“AHCP”) shall be submitted to the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits shall have the final AHCP certified prior to the issuance of the phase one building permit.	City of Berkeley BMC Section 23.328.050 (A)	Prior to Issuance of Building Permit	Land Use Planning/ Health, Housing and Community Services
2.	Regulatory Agreement: Inclusionary Housing. The Applicant shall execute a Regulatory Agreement and Declaration of Restrictive Covenants to regulate all Affordable Units provided in a Housing Development Project. No building permit shall be issued for the project until the Regulatory Agreement and Declaration of Restrictive Covenants are executed.	City of Berkeley BMC Section 23.328.050 (B)	Prior to Issuance of Building Permit	Health, Housing and Community Services
3.	Below Market Rate Units. The Project shall provide below market rate rental dwelling units (BMR Units), which are required to comply with the State Density Bonus Law (Government Code Section 65915). by BMC Chapter 23.328 “Inclusionary Housing” and BMC Chapter 23.326 “Demolition and Dwelling Unit Controls.” The total number of BMR Units shall be designated in the Regulatory Agreement. All BMR units are required to comply with the stricter of State Density Bonus Law (Government Code Section 65915), BMC Section 23.328, or BMC Section 23.326.	State of California/ City of Berkeley	Prior to Issuance of Building Permit	Health, Housing and Community Services



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

4.	Pay Transparency Acknowledgement. Prior to the issuance of a building permit for any Project subject to this Chapter: 1. 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. 2. 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.	City of Berkeley BMC Section 13.104.030	Prior to Building Permit Issuance	Health, Housing & Community Services
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

V. During Demolition/Construction A. Building & Safety		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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.	City of Berkeley BMC 13.40.070 (B) (7)	During Demolition/Construction	Building & Safety
2.	Construction Hours Exceptions. Prior to initiating any activity that might require a longer period, the applicant shall notify the Zoning Officer in writing and request an exception for a specific period of time. If an exception is approved, then the applicant shall notify businesses and residents within 500 feet of the Project site describing the expanded construction hours two weeks prior to the expanded schedule start. The Project shall only be allowed 15 extended working days.	City of Berkeley	During Demolition/Construction	Environmental Health/ Land Use Planning
3.	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.	City of Berkeley	During Demolition/Construction	Building & Safety
4.	Construction / No Parking Permits. If “Construction/No Parking Permits” are required, the applicant shall contact the Permit Service Center for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). The Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health or safety of the surrounding neighborhood.	City of Berkeley	During Demolition/Construction	Building & Safety



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

V. During Demolition/Construction: B. Land Use Planning		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	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 Migratory Bird Treaty Act and the California Fish & Game Code, 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.	California Department of Fish & Wildlife (CDFW)/ City of Berkeley	During Demolition/Construction	Land Use Planning
2.	Pre-Construction Meeting. The applicant shall request a virtual meeting with Land Use Planning (the Project Planner and Construction Monitoring Consultant, if applicable) and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review the project’s Conditions of Approval (and Mitigation Measures, if applicable) and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction are aware of the Conditions of Approval prior to ground disturbance on the site.	City of Berkeley	Prior to issuance of demolition/construction permit	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

V. During Demolition/Construction: C. Public Works		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Debris. 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.	City of Berkeley	During Construction	Public Works
2.	Excavation. 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.	City of Berkeley	During Construction	Public Works
3.	Sandbags. 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.	City of Berkeley	During Construction	Public Works
4.	Fire Hydrant. 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.	City of Berkeley	During Construction	Public Works
5.	Underground Utilities. 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.	City of Berkeley	During Construction	Public Works



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

6.	Public Works - Implement Bay Area Air District Recommended Measures during Construction. For all proposed projects, the Bay Area Air District 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 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 Bay Area Air District’s phone number shall also be visible to ensure compliance with applicable regulations.	City of Berkeley/ Bay Area Air District	During Construction	Public Works
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

V. During Demolition/Construction: D. Toxics		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Hazardous Materials Business Plan. A Hazardous Materials Business Plan shall be submitted to the Toxics Management Division through the California Environmental Reporting System: http://cers.calepa.ca.gov/ for chemicals used or stored on site during construction that exceed reporting thresholds. The Plan shall be in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20.	City of Berkeley/State of California BMC Section 15.12.040	During Construction	Toxic Management Division
2.	Hazardous Waste Compliance Plan. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to the TMD within 30 days of the completion of the demolition.	City of Berkeley	During Construction	Toxic Management Division

V. During Demolition/Construction: E. Health Housing Community Services		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Posting of Wage Theft Ordinance. 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 BMC; (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. [New bldgs. > 30k sq.ft. no Labor Agreement]	City of Berkeley BMC Section 13.104.050 BMC Section 13.104.020 (F)	During Demolition/Construction	Health, Housing Community Services
2.	Wage Theft Prevention. For Projects without a Labor Agreement, 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 permit issued for the Project under BMC Chapter 23.404. Applies to: [New bldgs. > 30k sq.ft. no Labor Agreement]	City of Berkeley BMC Section 13.104.060 BMC Section 13.104.020 (F)	During Demolition/Construction	Health, Housing Community Services



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

VI. Prior to Final Inspection		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1.	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 Permit. The new address(es) shall be assigned in accordance with BMC 16.28.030, and entered into the City’s database after the building permit is issued but prior to final inspection.	City of Berkeley BMC 16.28.030	Prior to Final Inspection	Building & Safety/Land Use Planning
2.	Pay Transparency Attestations following Project Completion. 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. (BMC Section 13.104.040). [New bldgs. > 30k sq.ft. no Labor Agreement]	City of Berkeley BMC 13.104 BMC Section 13.104.020 (F)	Within 10 Days of Approved Final Inspection	Health, Housing & Community Services
3.	Construction and Demolition Diversion Receipt Reporting. 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 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.	City of Berkeley BMC Chapter 19.37	Prior to Demolition Permit Issuance	Building & Safety/Public Works



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

VII. Prior to Certificate of Occupancy		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Planning Inspection. Planning staff shall conduct a site visit to review exterior building elevations for architectural consistency with the approved plans and landscape installation (if required). All exterior finishing details including window trim, paint, gutters, downspouts, decking, guardrails, and driveway installation shall be in place prior to scheduling the final inspection.	City of Berkeley	Prior to Certificate of Occupancy	Land Use Planning
2.	Post Construction Review. 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.	City of Berkeley	Prior to Certificate of Occupancy	Building & Safety/Land Use Planning
3.	Inclusionary Housing. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328 in effect on March 31, 2023.	City of Berkeley BMC Section 23.328	Prior to Certificate of Occupancy	Land Use Planning
4.	Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall schedule a site inspection with Land Use Planning staff to confirm that the physical improvements required in BMC Section 23.334.030 (C) “Real-Time Transportation Information” and BMC 23.322.090 (A)(2) “Residential Bike Parking” have been installed. A Parking and Transportation Demand Management compliance report documenting that the programmatic measures required in BMC 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.	City of Berkeley BMC Section 23.334.030 (C) BMC 23.322.090 (A)(2) BMC Section 23.334.030 (B)	Prior to Certificate of Occupancy	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	A. Unbundled Parking. Pursuant to BMC 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. Transit Benefit. 1. Pursuant to BMC 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 (10) 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 residents. (a) A monthly pass for unlimited local bus transit service; or (b) A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.			
5.	Transportation Demand Management: Residential Projects that include 99 dwelling units or fewer. The project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit.	City of Berkeley BMC 23.334.030 (B) (2)	Prior to Certificate of Occupancy	Land Use Planning
6.	Real Time Transportation Information. Any project subject to BMC Section 23.334.020 shall provide 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. Provided information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.	City of Berkeley BMC Section 23.334.030 (C)	Prior to Certificate of Occupancy	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

VIII. Fees		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	Percent for Public Art. Pursuant to 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.	City of Berkeley BMC Section 23.316	Prior to Certificate of Occupancy	Office of Economic Development
2.	Payment of Affordable Housing In-Lieu Fee. The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is subject to proration to reflect any affordable units provided. Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project. 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, then are required in the foregoing provisions.	City of Berkeley BMC Section 23.328.030 (B)	Prior to Final Inspection	Health, Housing & Community Services



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

XI. Assembly Bill 130		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1	Pursuant to Public Resources Code Section 21080.66 (b) (4) the City of Berkeley shall include, as binding conditions of the project approval, all of the following: (A) Any enforceable agreements reached during the project consultation. (i) Agreement reached with the Confederated Villages of Lisjan Nation and Muwekma Ohlone Tribe Incorporated (I) TCR-1: Native American Monitoring. Prior to ground disturbing activities, including any archaeological testing involving ground disturbance and geotechnical work, a Confederated Villages of Lisjan Nation (CVLN) and Muwekma Ohlone Tribe Incorporated (MOTI) Tribal monitor(s) shall be retained. Confederated Villages of Lisjan Tribal monitor(s) and Muwekma Ohlone Tribe Incorporated will have the authority to temporarily stop the excavation activity being monitored to inspect the excavation, trench sidewalls, and/or soils, as needed, if potential cultural materials have been encountered. If cultural materials are encountered, the monitor will have the authority to stop work pending Tribal consultation, as outlined in TCR-2. If archeological or Tribal cultural resources are encountered during ground disturbing activities, work within 50 feet of the find must halt and the find must be evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the Confederated Villages of Lisjan Nation and Muwekma Ohlone Tribe Incorporated monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, negative findings during the first 50 percent of the entire area of ground disturbance, etc. If monitoring is reduced to spot checking, spot checking shall occur when ground disturbing activities move to a new location within the project site and/or when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).	State of California Public Resources Code Section 21080.66	During Demolition/Construction	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

(II) TCR-2: Unanticipated Discovery of Tribal Cultural Resources. If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 50 feet shall cease until a representative from the Confederated Villages of Lisjan Nation and Muwekma Ohlone Tribe Incorporated is consulted by the government agency. If the lead agency in consultation with the consulting Tribe(s), determines that the resource is a tribal cultural resource and thus significant under CEQA and/or the Tribe, the lead agency shall retain a Tribal monitor and, if applicable, a qualified archeologist, at the project proponent’s expense, to prepare a mitigation plan, which shall be implemented by the lead agency in accordance with state guidelines and in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource if at all feasible. If avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe. Examples of appropriate mitigation for tribal cultural resources include but are not limited to: protecting the cultural character and integrity of the resources, protecting traditional use of the resources, and/or protecting the confidentiality of the resources. (III) TCR-3: Halt Work/Coroner’s Evaluation/Impact to Previously Undiscovered Human Remains. If human remains are encountered during construction and/or other ground disturbing activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, until identified as not human remains, shall be treated as potential human remains and the appropriate protocols followed. The archeologist shall record information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist’s assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archeological materials. The report should be submitted to the lead agency, the NWIC and the			
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity, either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the project proponent, which would be accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance. (ii) Agreement reached with Confederated Villages of Lisjan Nation and Muwekma Ohlone Tribe Incorporated (I)The Tribal monitor shall have authority to temporarily halt or redirect work in the immediate vicinity of a discovery pending evaluation and consultation. (II) Tribal Cultural Resources, site locations, photographs, GPS data, and other culturally sensitive Tribal information shall remain confidential and shall not be publicly disclosed without prior Tribal consent except where required by law. (B) All of the following measures, unless there is mutual agreement between the California Native American tribe and the project proponent not to include the measure as a binding condition: (i) Upon request by a California Native American tribe, the project shall include tribal monitoring during all ground-disturbing activities, as follows: (I) Confederated Villages of Lisjan Nation shall designate a monitor; Muwekma Ohlone Tribe Incorporated shall designate a monitor (II) Both tribal monitors shall comply with applicant’s site access and workplace safety requirements. (III) The applicant shall compensate both tribal monitors at a reasonable rate, determined in good faith, that aligns with customary compensation for cultural resource monitoring, taking into account factors such as the scope and duration of the project. (ii) Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide			
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CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes. (iii) All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9. (iv) A California Historical Resources Information System archaeological records search and a tribal cultural records search shall be completed for the project site. (v) A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission. (vi) The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe. (vii) An application of tribal ecological knowledge into habitat restoration efforts undertaken by the project as applicable to the specific environmental context and conditions of the project.			
	Pursuant to Public Resources Code Section 21080.66 (C) (1) (A) the City of Berkeley shall, as a condition of approval for the development, require the development proponent to complete a Phase I environmental assessment, as defined in Section 78090 of the Health and Safety Code. (B) If a recognized environmental condition is found, the development proponent shall complete a preliminary endangerment assessment, as defined in Section 78095 of the Health and Safety Code, prepared by an environmental assessor to determine the existence of any release of a hazardous substance on the site and to determine the potential for exposure of future occupants to significant health hazards from any nearby property or activity. (C) If a release of a hazardous substance is found to exist on the site, the release shall be removed or any effects of the release shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy. (D) If a potential for exposure to significant hazards from surrounding properties or activities is found to exist, the effects of the potential exposure shall be mitigated to levels required by current federal and state statutory and regulatory standards before the local government issues a certificate of occupancy.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	Pursuant to Public Resources Code Section 21080.66(d)(2), if the Project is modified at a future date such that the building is over 85 feet tall, the provisions of this Section shall apply.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning
	Pursuant to Public Resources Code Section 21080.66(d)(4), the provisions of Section 218.8 of the Labor Code shall extend to the development proponent in addition to the direct contractor or subcontractor. For purposes of this paragraph, “development proponent” shall mean a developer who submits the housing development project application to a local government that is exempt from this division pursuant to this section.	State of California Public Resources Code Section 21080.66	Prior to Issuance of Building Permit	Land Use Planning

XII. Confederated Villages of Lisjan Conditions		Regulation Source	Timing/Implementation	Enforcement/ Monitoring
1.	If cultural resources of Native American origin are identified during grading or excavation of the proposed project, all ground disturbing activities within 50 feet shall cease until a representative from the Confederated Villages of Lisjan Nation is consulted by the government agency. The Tribe will send a representative out to assess the site within one week of notification by the government agency . If the entity in consultation with the consulting Tribe(s), determines that the resource is a Tribal Cultural Resource and thus significant under CEQA, the entity shall retain a Tribal representative and, if applicable, a qualified archaeologist, at the applicant’s expense, to prepare a mitigation plan, which shall be implemented in consultation with the consulting Tribe. The mitigation plan shall include avoidance of the resource or, if avoidance of the resource is not feasible, the plan shall outline appropriate treatment of the resource in coordination with the consulting Tribe. Examples of appropriate mitigation for Tribal Cultural Resources include, but are not limited to, protecting the cultural character and integrity of the resources, protecting traditional use of the resources, protecting the confidentiality of the resources, permanent conservation easements or other interests in real	Confederated Villages of Lisjan	During Demolition/Constructio n	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	property with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places, and/or protecting the resource.			
2.	Tribal cultural resources shall be avoided where feasible, in accordance with subdivision (a) of Section 21084.3. In furtherance of this requirement, where feasible, the project applicant shall provide deference to tribal preferences regarding access to spiritual, ceremonial, and burial sites, and incorporate tribal traditional knowledge in the protection and sustainable use of tribal cultural resources and landscapes.	Confederated Villages of Lisjan	During Demolition/Construction	Land Use Planning
3.	All treatment and documentation of tribal cultural resources shall be conducted in a culturally appropriate manner, consistent with Section 21083.9.	Confederated Villages of Lisjan	During Demolition/Construction	Land Use Planning
4.	If human remains are encountered during construction and ground disturbing activities, all work within 50 feet of the remains should be redirected and the County Coroner notified. Within one week an archeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendent (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated funerary objects. There shall be no pictures taken or testing done on the Native American human remains. All bone, until identified as not human, shall be treated as potential human remains and the appropriate protocols followed. The archaeologist shall record information, as appropriate and in accordance with the recommendations of the MLD and/or Tribal representative. Upon completion of the archeologist's assessment, a report should be prepared documenting methods and results, as well as the MLD's recommendations regarding the treatment of the human remains and any associated funerary objects. The report should be submitted to the lead government agency, the NWIC and the consulting Tribe. Tribal representatives will rebury the Native American human remains and associated funerary objects with the appropriate dignity either; in accordance with the recommendations of the MLD if available or in the project vicinity at a location agreed upon between the Tribe and the entity, where the reburial would be	Confederated Villages of Lisjan	During Demolition/Construction	Land Use Planning



CONDITIONS OF APPROVAL

Property Address: 2955 Shattuck Avenue
Application Number: ZP2024-0071

	accessible to Tribal members in perpetuity and would not be subject to further disturbance. The discovery and reburial is to be kept confidential and secure to prevent any further disturbance.			
5	A Sacred Lands Inventory request shall be submitted to the Native American Heritage Commission.	Confederated Villages of Lisjan	During Demolition/Construction	Land Use Planning
6	The project shall comply with Section 7050.5 of the Health and Safety Code and Section 5097.98, including immediate work stoppage upon discovery of human remains or burial grounds, and treatment in accordance with applicable law and in consultation with the affected California Native American tribe.	Confederated Villages of Lisjan	During Demolition/Construction	Land Use Planning

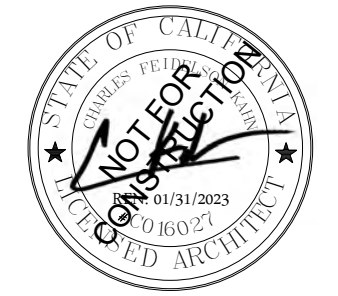
XIII. Muwekma Ohlone Tribe Incorporated		Regulation Source	Timing/Implementation	Enforcement/Monitoring
1	The project shall comply with tribal monitoring during all ground-disturbing activities and the implementation of cultural sensitivity training for all project personnel prior to the start of work.	Muwekma Ohlone Tribe of the San Francisco Bay	During Demolition/Construction	Land Use Planning

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NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY, CA



USE PERMIT
RESPONSE #6

NEWBURY STATION

2955 SHATTUCK AVE. BERKELEY, CA

EPC09 - USE PERMIT RESPONSE #6 - 07/22/2026



OWNER:
EVANS PROPERTY COMPANY
6226 LA SALLE AVE.,
OAKLAND, CA 94611
TEL: (510) 339-8500

GREG HOFF
greg@evanspc.com

CIVIL:
KSR CIVIL ENGINEERING
215 Lafayette Circle, Suite A
Lafayette, CA 94549
TEL: (510) 774-5471

MATT REI
mattrei59@gmail.com

ARCHITECT:
STUDIO KDA
1810 6TH ST.
BERKELEY, CA 94710
TEL: (510) 841-3555

TILL HOUTERMANS
till@studiokda.com

LANDSCAPE:
BLOCS DESIGN GROUP
TEL: (916) 716-9331

BLAKE RHINEHART
blake@blocsdesigngroup.com

SURVEYOR
ST. JOHN LAND CONSULTING
1815 TWIN CREEKS CT.,
NAPA, CA 94559
TEL: (707) 392-6789

GREG ST. JOHN, PLS
greg@stjohnsurveys.com

HISTORIC
PRESERVATION ARCHITECTURE
446 17TH STREET #302
OAKLAND, CA 94612
TEL: (510) 418-0285

MARK HULBERT
mhulbert@earthlink.net

2 PROJECT TEAM

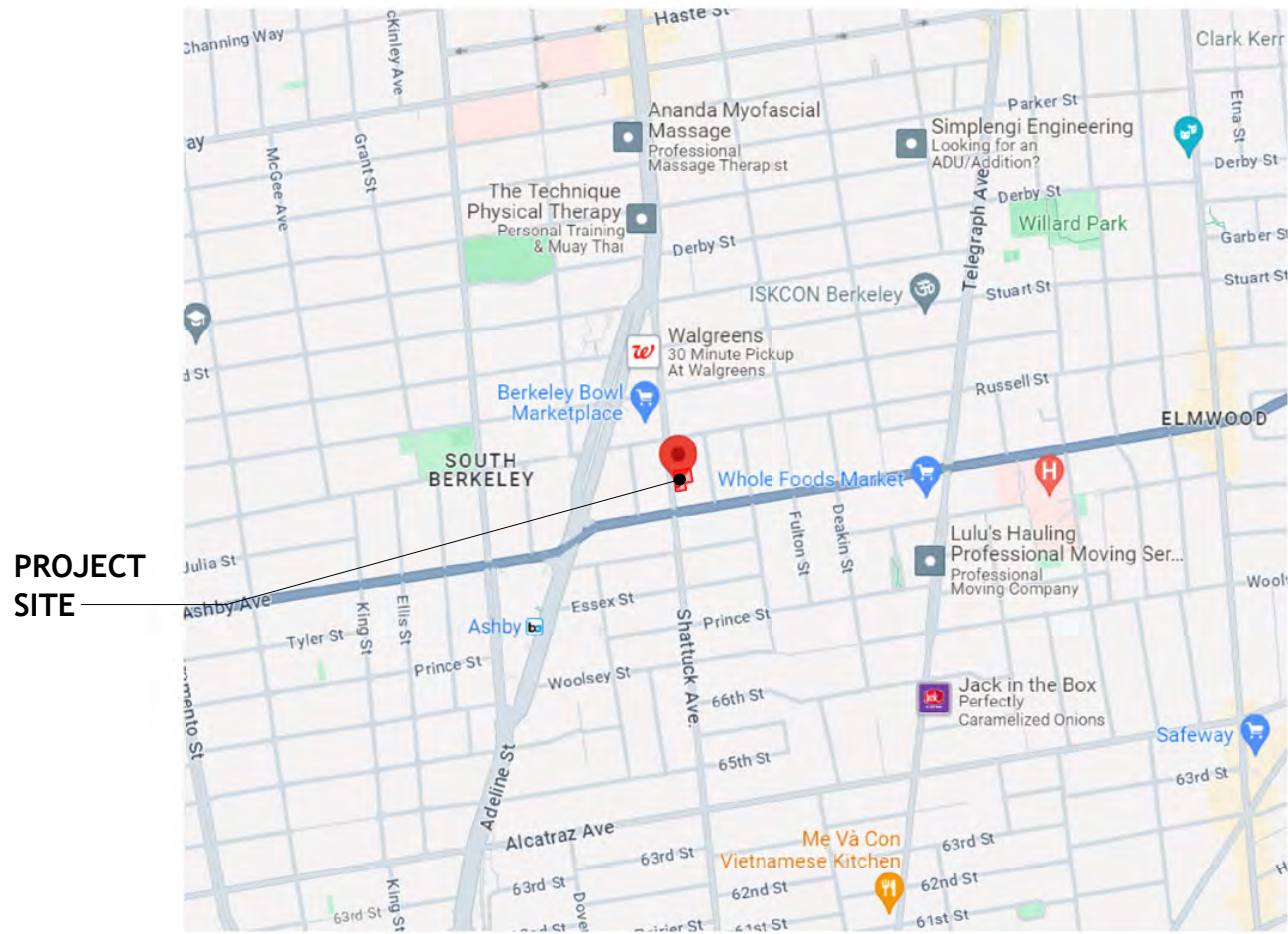
THE PROPOSED PROJECT WILL REPLACE (3) EXISTING COMMERCIAL BUILDINGS WITH A NEW 8-STORY RESIDENTIAL BUILDING. THE TWO LOTS, 53-1589-18-1 AND 53-1589-19, WILL BE MERGED. THE NEW BUILDING WILL INCLUDE (74) APARTMENTS, (24) PARKING SPACES, AND GROUND FLOOR COMMERCIAL SPACE. THE NEW APARTMENTS WILL BE A MIX OF 1-BEDROOM, 2-BEDROOM, AND 3-BEDROOM UNITS. AMENITY SPACES WILL INCLUDE A ROOF DECK TERRACES AND A GYM FOR THE RESIDENTS. THE PROJECT WILL UTILIZE THE STATE DENSITY BONUS AND WILL PROVIDE (4) BELOW MARKET RATE UNITS.

1 PROJECT DESCRIPTION

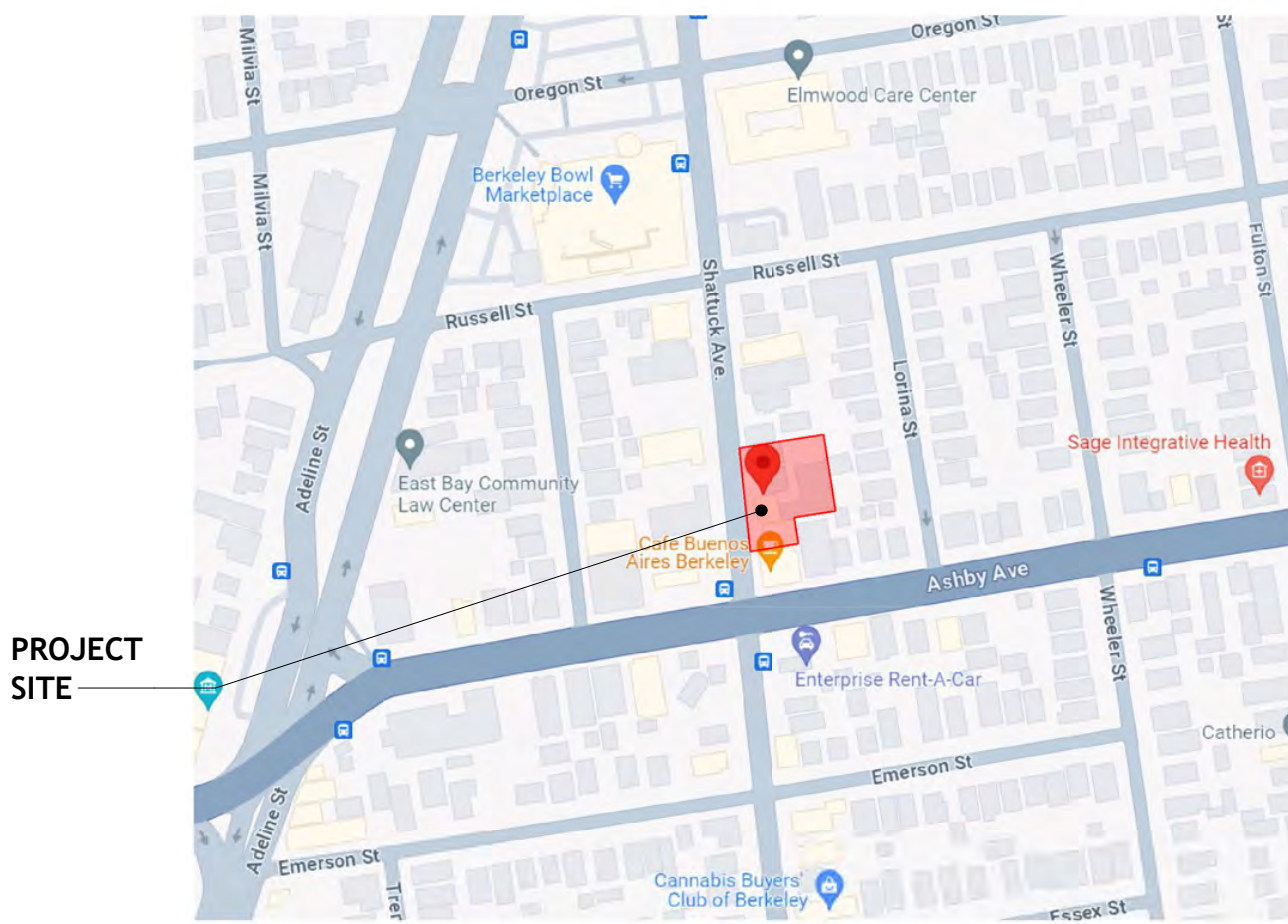
SHEET LIST	
SHEET #	SHEET NAME
GENERAL	
G000	PROJECT INFORMATION
G001	DENSITY BONUS - BASE PROJECT
G002	DENSITY BONUS - PROPOSED PROJECT
G003	LOT COVERAGE AND USABLE OPEN SPACE DIAGRAM
G004	SITE PHOTOS
G006	PERSPECTIVE VIEWS
G007	SHADOW STUDIES - DEC.
G008	SHADOW STUDIES - JUNE
G009	SHADOW STUDY ELEVATIONS DEC.
G010	SHADOW STUDY ELEVATIONS JUNE
G011	AFFORDABLE HOUSING COMPLIANCE PLAN
G015	GREEN POINT CHECKLIST
SURVEY	
TS-1	TOPOGRAPHIC SURVEY
CIVIL	
C1	SITE IMPROVEMENT PLAN
C2	SITE UTILITY PLAN
C3	STORMWATER CONTROL PLAN & DETAILS
C4	STORMWATER CONTROL PLAN & DETAILS
LANDSCAPE	
L-00	LANDSCAPE TITLE SHEET
L-01	GROUND FLOOR PLANTING PLAN
L-02	FIFTH FLOOR PLANTING PLAN
L-03	EIGHTH FLOOR PLANTING PLAN
L-04	HYDROZONE MAPS
ARCHITECTURAL	
A100	SITE PLAN
A101	GROUND FLOOR PLAN
A102	LEVEL 2 FLOOR PLAN
A103	LEVEL 3 FLOOR PLAN
A104	LEVEL 4 FLOOR PLAN
A105	LEVEL 5 FLOOR PLAN
A106	LEVEL 6 FLOOR PLAN
A107	LEVEL 7 FLOOR PLAN
A108	LEVEL 8 FLOOR PLAN
A109	ROOF PLAN
A200	WEST ELEVATION
A201	NORTH ELEVATION
A202	EAST ELEVATION
A203	SOUTH ELEVATION
A300	SECTION
A301	SECTION
A501	DETAILS

ADDRESS	2955 Shattuck Ave.			
CROSS STREET	Ashby Ave			
APN	53-1589-18-1 + 53-1589-19			
ZONING DISTRICT	C-SA			
General Plan Land Area	Neighborhood Commercial			
OVERLAY / SPECIAL DISTRICT	Sub Area 2			
	EXISTING	BASE	PROPOSED	PERMITTED/ REQUIRED
UNITS, PARKING, BEDROOMS				
Dwelling Units	0	67	74	-
Parking Spaces	15	4	24	0
Long-Term Bike Parking	0	33 (99/3)	44	42 (124/3)
Short-Term Bike Parking	3	3	5 (4 residential, 1 commercial)	5 (4 residential, 1 commercial)
YARDS AND HEIGHT				
Building Height-Stories	2	5*	8	3
Maximum Height	36'	58'-9**	85'-0"	36'
Front Yard Setback	0'	0*	0'	15'
Rear Yard Setback	5'-2"	0*	1st flr: 1' 2nd-5th flr: 10' 6th-8th flr: 19'	15'
North Side Setback	1'-5"	0**	1st-8th flr: 5'	1st-2nd Flr: 4' 3rd Flr: 6' 4th Flr: 8' 5th Flr: 10' 6th Flr: 12'
South Side Setback	0'	0**	1st flr: 7' 2nd-8th flr: 5'	1st-2nd Flr: 4' 3rd Flr: 6' 4th Flr: 8' 5th Flr: 10' 6th Flr: 12'
AREAS				
Lot Area (SF)	Lot 1: 12,266 SF Lot 2: 4,702 SF Total: 16,968 SF	No Change	No Change	-
Gross Floor Area (SF)	12,923	69,872	77,817	-
Residential Gross Floor Area (SF)	0	67,872	75,065	
Building Footprint (SF)	8,696	14,375	15,711	
Commercial Area (SF)	12,923	2,000	1,465	
Lot Coverage	51%	84%**	92%	35%
Floor Area Ratio	0.76	4.0	4.6	4.0
Usable Open Space (SF)	0 sf	3,920	4,233	2,960 (40SF/ dwelling unit)

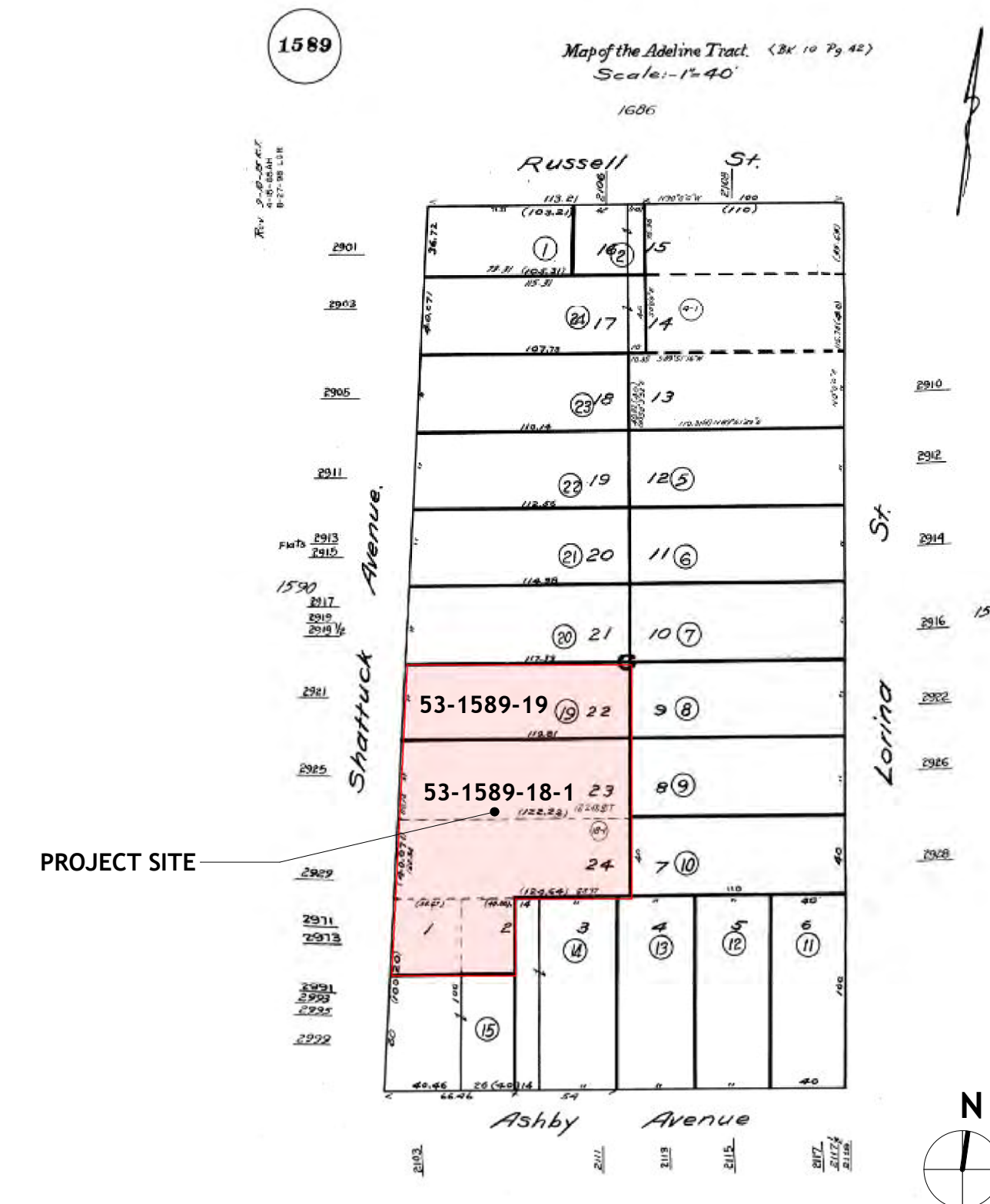
* Complies with Modification for Mixed Use and Residential Projects BMC/23.204.100(D)(2)



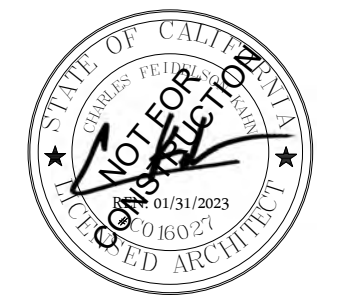
5 VICINITY MAP

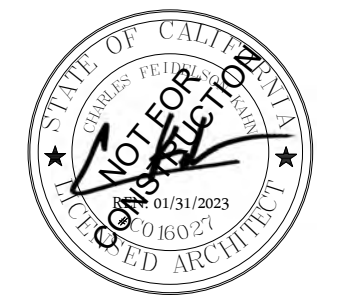


4 LOCATION MAP



3 PARCEL MAP





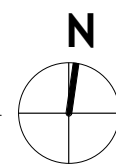
LOT AREA = 16,968 SF
EXISTING LOT COVERAGE = 8,696 SF (51%)
PROPOSED LOT COVERAGE = 15,711 SF (92%)

AREA COUNTING AS LOT COVERAGE

REQUIRED:
74 PROPOSED UNITS (40 SF PER UNIT)
40 SF X 74 GLA = 2,960 SF REQ.
40% LANDSCAPED OF 2,950 = 1,184 SF REQ.

PROPOSED:
AREA 1: 1,486
AREA 2: 2,031 SF
AREA 3: 716 SF
TOTAL USABLE OPEN SPACE: 4,233

PROPOSED LANDSCAPE AREA:
AREA 1: 1,024 SF
AREA 2: 100 SF
AREA 3: 133 SF
TOTAL LANDSCAPED AREA PROVIDED: 1,257 SF

 USABLE OPEN SPACE LANDSCAPED USABLE OPEN SPACE[illegible]

PROJECT #: EPC09

ISSUE DATE: 07/11/17

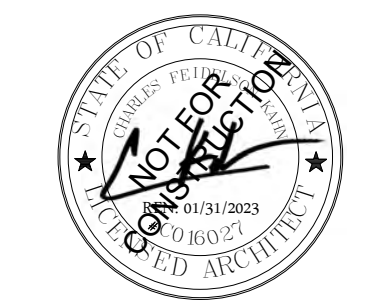
LOT COVERAGE AND USABLE OPEN SPACE DIAGRAMS

G003



NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA



**USE PERMIT
RESPONSE #6**



2 PROPOSED STREET ELEVATION
G005 NOT TO SCALE



1 EXISTING STREET ELEVATION
G005 NOT TO SCALE

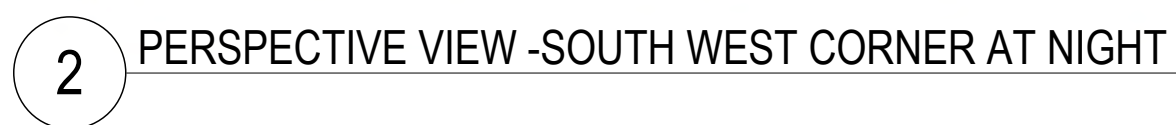
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PROJECT #: EPC09

ISSUE DATE: 01/10/22

STREET STRIP
ELEVATION

G005

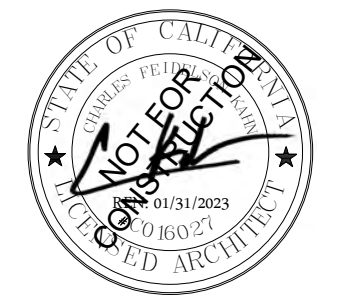


PERSPECTIVE VIEWS

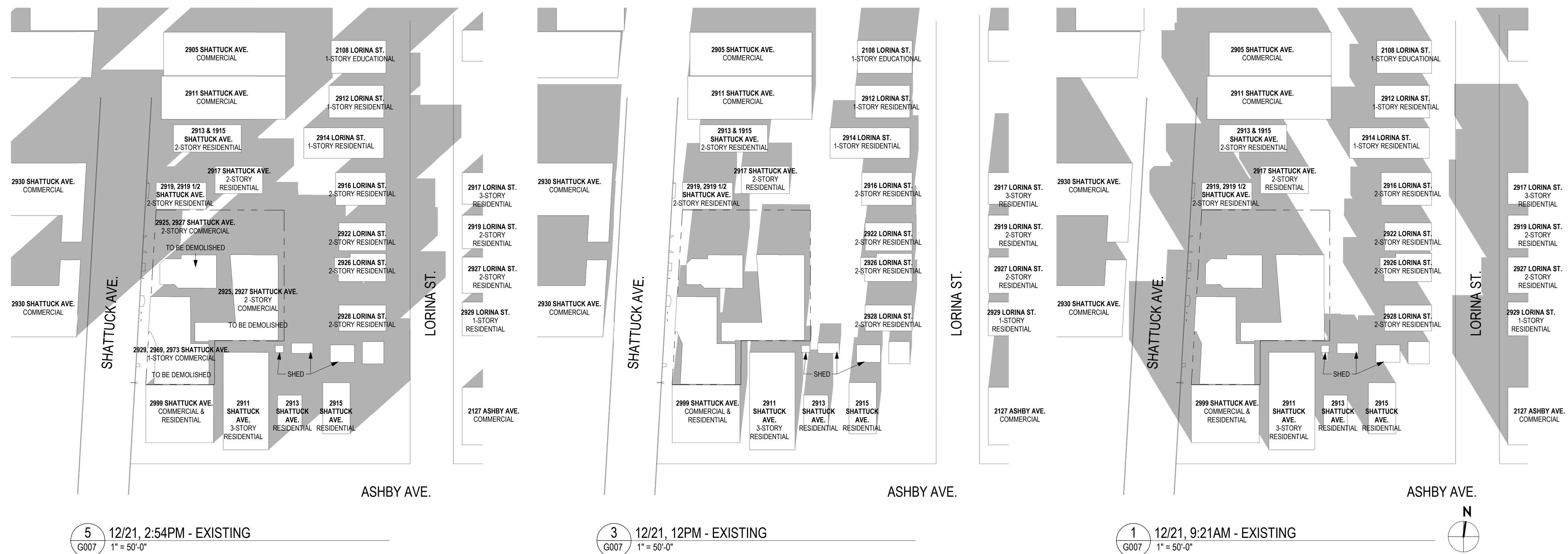
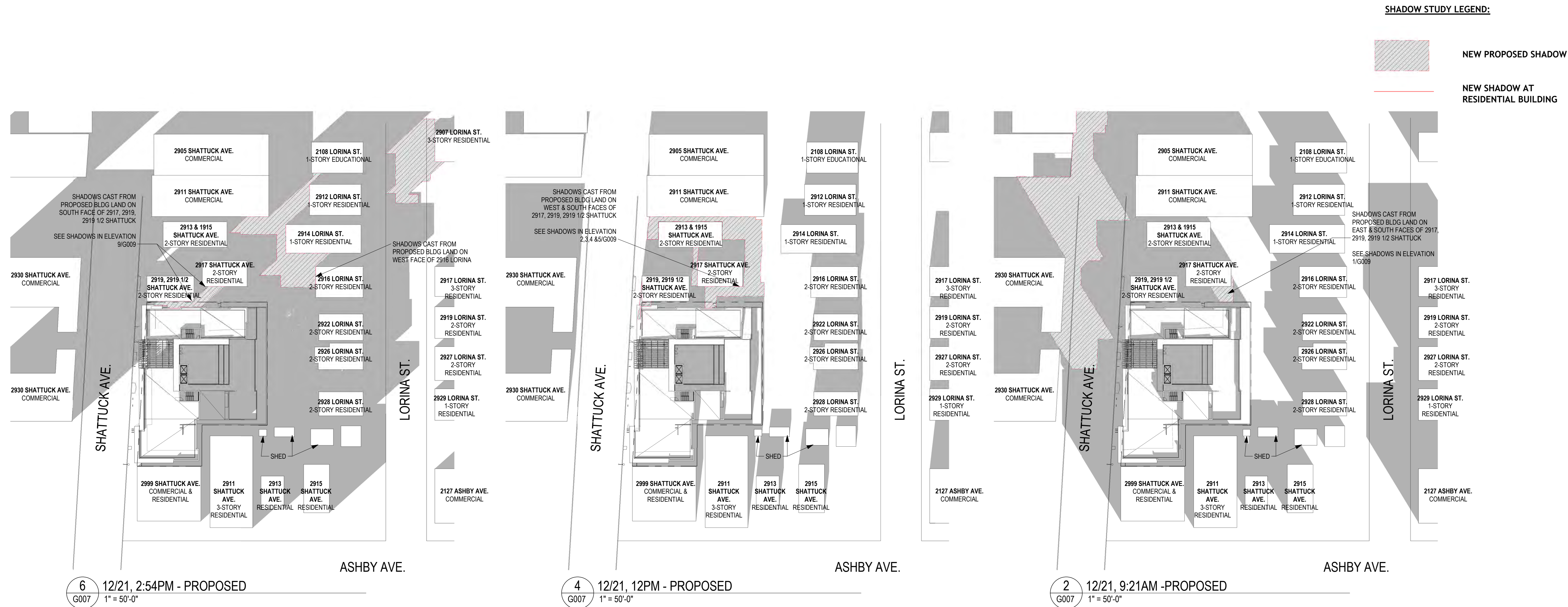
G006

NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA



**USE PERMIT
RESPONSE #6**

[illegible]

PROJECT #: EPC09

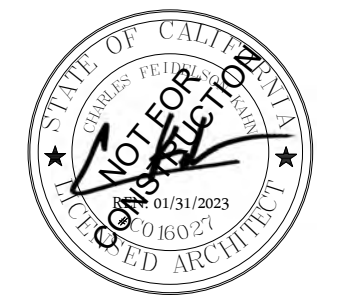
ISSUE DATE: 12/20/23

SHADOW STUDIES - DEC

G007

NEWBURY
STATION

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CA



**USE PERMIT
RESPONSE #6**

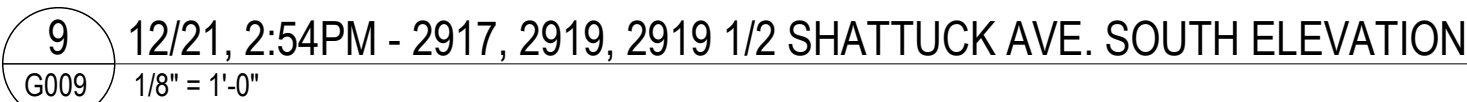
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PROJECT #: EPC09

ISSUE DATE: 01/24/24

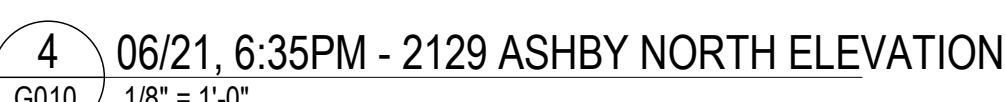
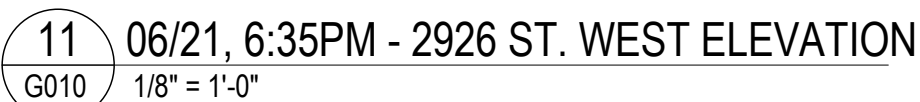
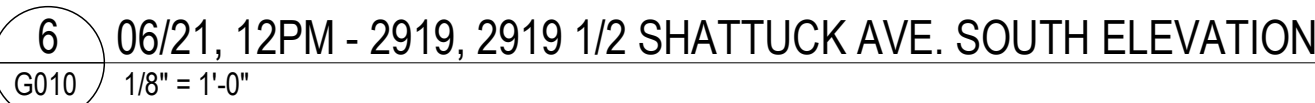
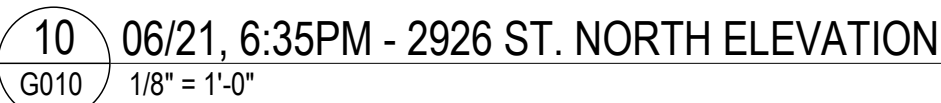
SHADOW STUDIES - JUNE

NO SHADOW

SHADOW STUDY
ELEVATIONS DEC

G009

NO SHADOW

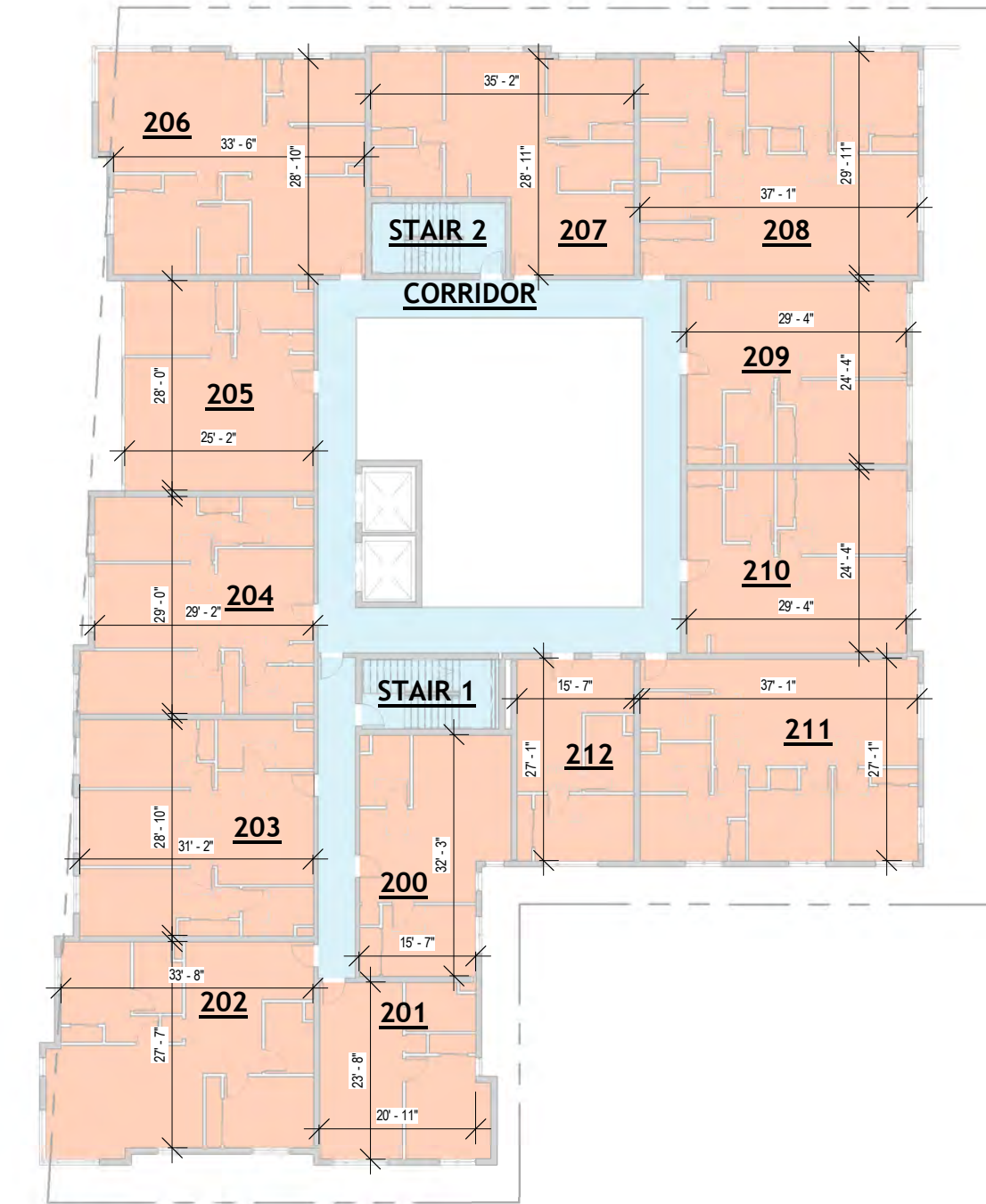
SHADOW STUDY
ELEVATIONS JUNE

G010

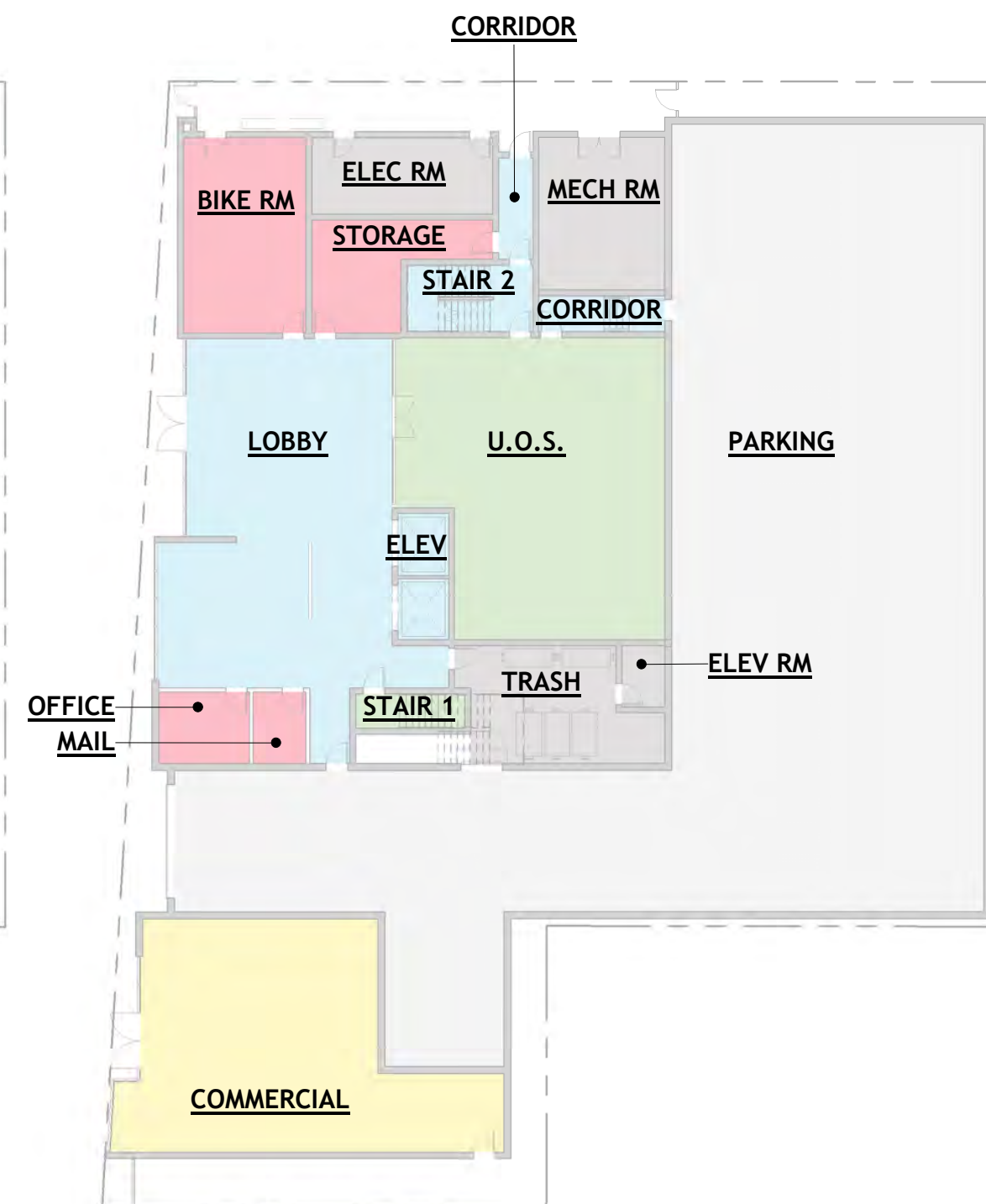
FLOOR	Residential Unit Floor Area (SF)	# of Residential Units
02 - 2nd Floor	10,335 SF	13
03 - 3rd Floor	10,103 SF	13
04 - 4th Floor	9,860 SF	13
05 - 5th Floor	7,193 SF	9
06 - 6th Floor	7,159 SF	9
07 - 7th Floor	7,084 SF	9
08 - 8th Floor	6,296 SF	8
	58,030 SF	74

- AMENITY
- CIRCULATION
- COMMERCIAL
- PARKING
- RESIDENTIAL UNIT FLOOR AREA
- U.O.S.
- UTILITY

TOTAL RESIDENTIAL UNIT FLOOR AREA = 58,030 SF



2 02 - 2nd Floor
G011 $3/64" = 1'-0"$



1	01 - 1st Floor
G011	3/64" = 1'-0"

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G015

NOTES:

- TOPOGRAPHIC SURVEY WAS PERFORMED IN NOVEMBER 2023 BY ST. JOHN LAND CONSULTING. GROUND CONDITIONS SHOWN HEREON REFLECT CONDITIONS ON THE DATE OF THE SURVEY.
- NO TITLE REPORT WAS REVIEWED IN CONJUNCTION WITH THIS MAPPING. EASEMENTS AND PUBLIC RIGHTS-OF-WAY MAY EXIST THAT ARE NOT HEREON.
- UTILITY LOCATIONS ARE BASED UPON RECORD INFORMATION AND SURFACE EVIDENCE. ACTUAL LOCATIONS AND DEPTHS MAY ONLY BE DEFINITELY DETERMINED BY POTHOLING. ACTUAL LOCATIONS MAY VARY.
- IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL THE UTILITIES MARKED BY THE RESPECTIVE UTILITY COMPANIES PRIOR TO CONSTRUCTION. CALL U.S.A. (811) AT LEAST 48 HOURS PRIOR TO ANY DIGGING TO HAVE EXISTING UNDERGROUND UTILITIES MARKED.
- TREES WERE LOCATED BY ESTIMATING THE CENTER OF THE TREE WHERE IT EXITS THE GROUND AND THE DIAMETER AT BREAST HEIGHT. EXACT LOCATION OF THE TREES SHOULD BE VERIFIED IN THE FIELD PRIOR TO ANY DESIGN WORK. TREES TYPES MAY BE VERIFIED BY A CERTIFIED ARBORIST IF NECESSARY.
- BOUNDARY INFORMATION IS BASED UPON A DRAFT RECORD OF SURVEY CURRENTLY BEING PREPARED BY ST. JOHN LAND CONSULTING FOR REVIEW BY THE ALAMEDA COUNTY SURVEYOR. POST-CONSTRUCTION MONUMENTATION WILL BE SET AFTER ANY PUBLIC IMPROVEMENTS HAVE BEEN CONSTRUCTED..
- THIS MAP WAS PREPARED FOR THE EXCLUSIVE USE OF GREG HOFF AND AND HIS CONSULTANTS. USE BY ANY OTHER PARTY FOR ANY PURPOSE WHATSOEVER IS PROHIBITED.

LEGEND:

---	PROPERTY LINE
---	CENTER LINE
---	SUBJECT PARCEL LINE
SS	SANITARY SEWER
-C-	NATURAL GAS
---	OVERHEAD ELECTRIC
W	WATER
---	ROOF OVERHANG
---	CONCRETE
---	WALL
---	BUILDING LINE
T	TELEPHONE MANHOLE
FD	FIRE HYDRANT
HB	HOSE BIB
JUP	JOINT UTILITY POLE
BR	BIKE RACK
MB	MAILBOX
S	SIGN
SD	STORM DRAIN MANHOLE
WM	WATER METER
X	WATER VALVE

ABBREVIATIONS:

A/C	ASPHALTIC CONCRETE
AC	AIR CONDITIONER
ACR	ALAMEDA COUNTY RECORDS
APN	ASSESSOR'S PARCEL NUMBER
BOL	BOLLARD
CB	CATCH BASIN
CATV	CABLE BOX
COMM	COMMUNICATIONS BOX
CONC	CONCRETE
CYP	CYPRESS
DN	DOCUMENT NUMBER
DI	DRAIN INLET
DWY	DRIVEWAY
EB	ELECTRIC BOX
FD	FIRE HYDRANT
FF	FINISHED FLOOR
FL	FLOWLINE
FS	FINISHED SURFACE
GM	GAS METER
H	HEIGHT
HCR	HANDICAP RAMP
INV	INVERT
MON	MONUMENT
OR	OFFICIAL RECORDS
SF	SQUARE FEET
SSCO	SANITARY SEWER CLEANOUT
SSMH	SANITARY SEWER MANHOLE
SYC	SYCAMORE
TMH	TELEPHONE MANHOLE
TW	TOP OF WALL
WB	WATER BOX
WM	WATER METER
()	RECORD DATA CITY OF BERKELEY

BASIS OF BEARINGS:

NAD83 2011 (EPOCH 2010.00) ZONE 0403 AS DERIVED BY REDUNDANT GPS OBSERVATIONS FROM CGPS STATIONS HOLN, P181, P224, P261 AND T188 AS PUBLISHED BY NGS AND PROCESSED USING JAVAD JUSTIN V.3 SOFTWARE. DATUM: NORTH AMERICAN DATUM OF 1983 (NAD83 2011) ZONE 0403. ALL DISTANCES ARE GRID DISTANCES AND ARE EXPRESSED IN DECIMAL FEET. TO OBTAIN GROUND DISTANCES, MULTIPLY ALL DISTANCES BY 1.000080026.

BENCHMARK:

DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVDS8) AS DERIVED USING GEOID18. TO CALCULATE CITY OF BERKELEY ELEVATIONS, SUBTRACT 5.79 FEET. CALCULATION BASED UPON FIELD TIES TO MONUMENT B0122 (ASHBY AVE AND WHEELER ST).

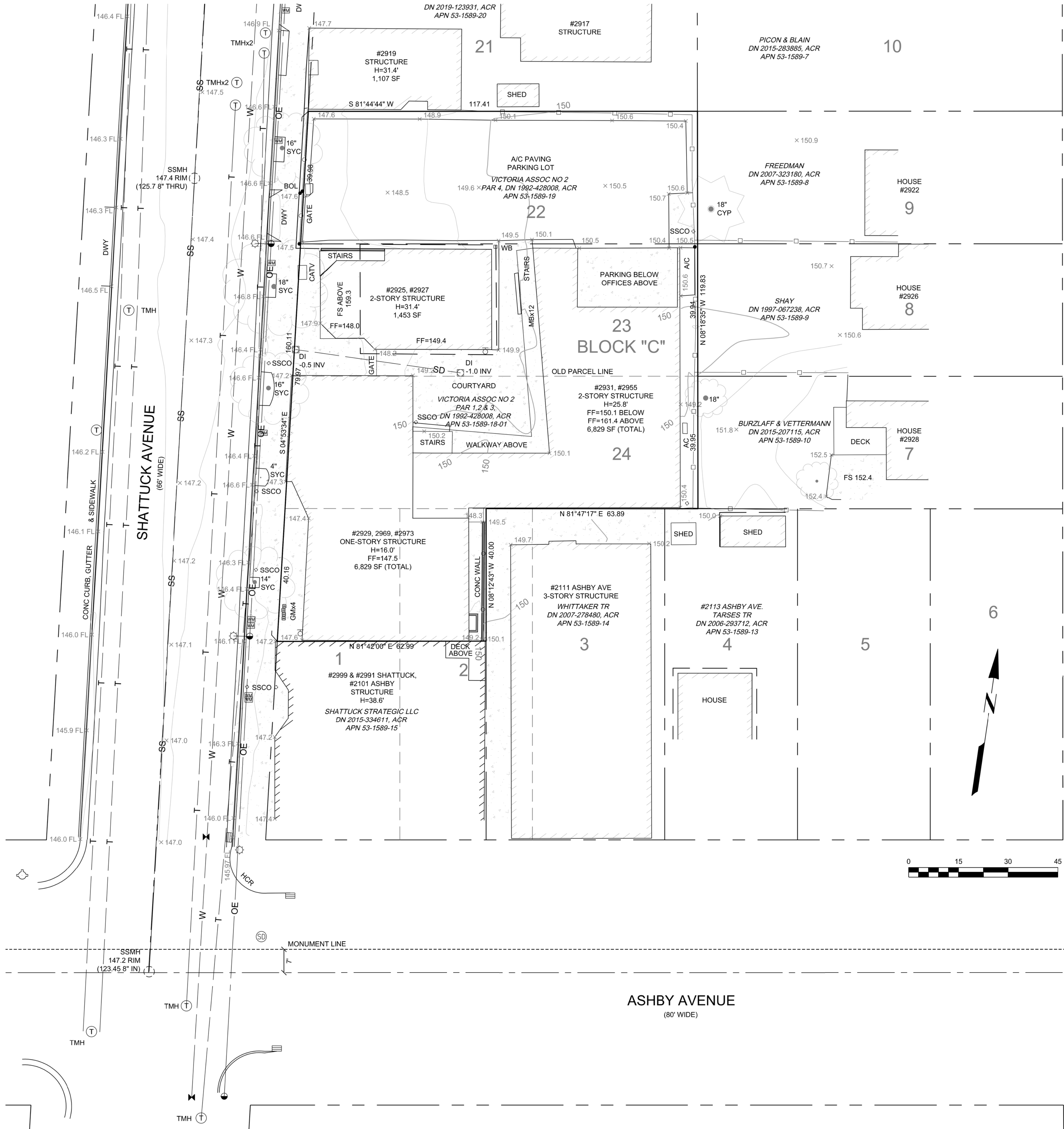
SURVEYOR'S STATEMENT

THIS SURVEY WAS PREPARED BY ME OR UNDER MY DIRECTION AT THE REQUEST OF GREG HOFF IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYORS ACT IN DECEMBER 2023.

Gregory D. St. John
GREGORY D. ST. JOHN, PLS
LICENSE NO. L 8647



DATE: 12/18/2023



PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

PROJECT:

SHATTUCK AVE, BERKELEY

TITLE:

EXISTING CONDITIONS EXHIBIT

SHEET:

TS-I

OF 1



studio KDA
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ca 94710
ph: 510.841.3555 fax:
510.841.1225

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2921 & 2925
SHATTUCK AVE.

Berkeley,
California
94705

NOT FOR
CONSTRUCTION

ST JOHN LAND CONSULTING
BENICIA, CA 94510 WWW.STJOHNSURVEYS.COM 707-392-6789



PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

PROJECT:

SHATTUCK AVE, BERKELEY

TITLE:

EXISTING CONDITIONS EXHIBIT

SHEET:

TS-I

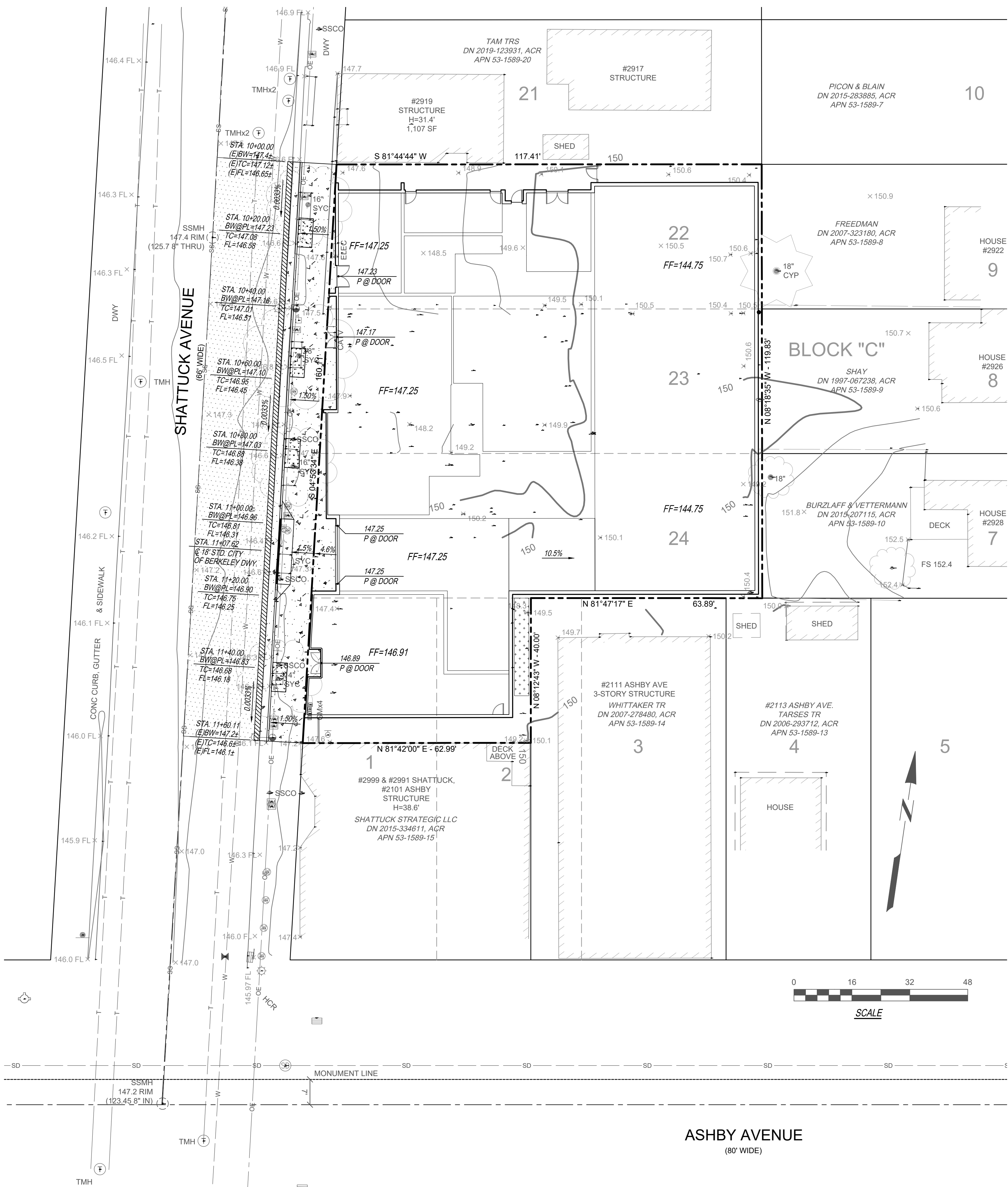
OF 1

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2955 SHATTUCK AVE. BERKELEY,
CA

KSR CIVIL ENGINEERING
215 LAFAYETTE CIRCLE
SUITE A, LAFAYETTE, CA 94549
(510)774-5471

USE PERMIT



NEW CIVIL LEGEND



**NEW PUBLIC CONCRETE
CURB, GUTTER & SIDEWALK**



GRIND & OVERLAY (E) ASPHALT
CONCRETE PAVEMENT



FLOW-THROUGH PLANTER
BIORETENTION FACILITY



NEW TREE WELL LOCATION



NEW FULL DEPTH ASPHALT CONCRETE PAVEMENT

BW	BACK OF SIDEWALK ELEVATION
(E)	EXISTING
FF	FINISH FLOOR ELEVATION
FL	FLOWLINE ELEVATION
(N)	NEW
P	PAVEMENT ELEVATION
PL	PROPERTY LINE
STA.	STATION
TC	TOP OF CURB ELEVATION

△ PROJECT ISSUE RECORD:

[illegible]

PROJECT #: EPC09

ISSUE DATE: 01/23/25

PRELIMINARY CIVIL ENGINEERING SITE IMPROVEMENT PLAN

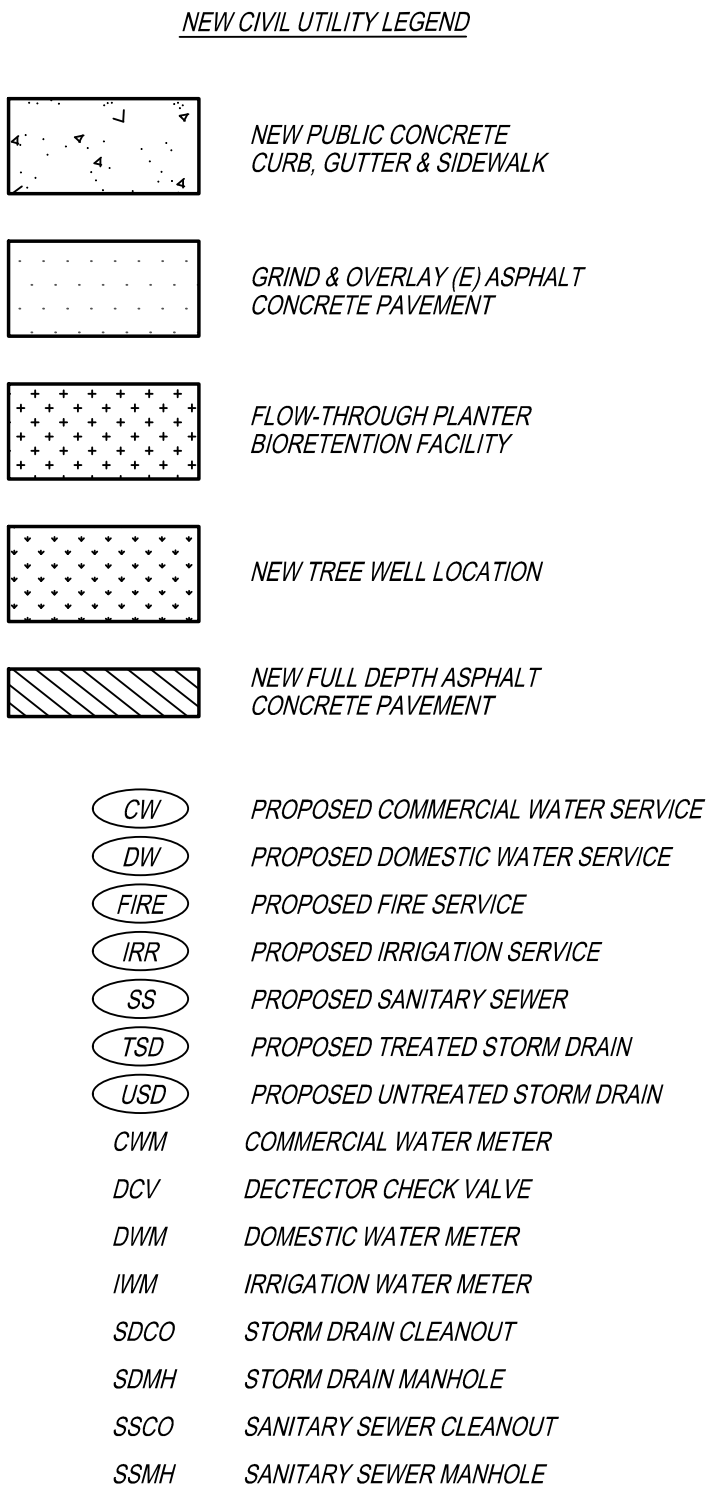
C101



NEWBURY
STATION

KSR CIVIL ENGINEERING
215 LAFAYETTE CIRCLE
SUITE A, LAFAYETTE, CA 94549
(510)774-5471

USE PERMIT

[illegible]

C102

2955 SHATTUCK AVE. BERKELEY,
CA

USE PERMIT

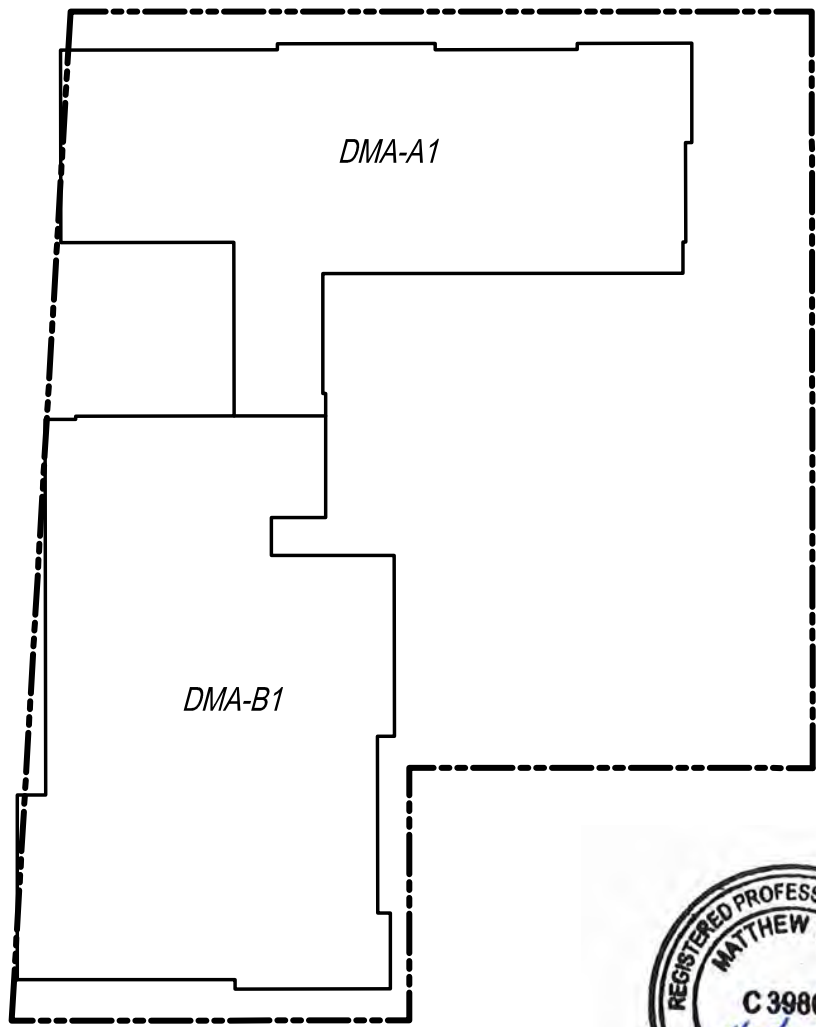


- 1) INSPECT INLETS, EXPOSURE OF SOILS, OR OTHER EVIDENCE OF EROSION. CLEAR ANY OBSTRUCTIONS AND REMOVE ANY ACCUMULATIONS OF SEDIMENT. EXAMINE ROCK OR OTHER MATERIAL USED AS A SPLASH PAD AND REPLENISH, IF NECESSARY.
- 2) INSPECT OUTLETS FOR EROSION OR PLUGGING CAUSED BY DEBRIS.
- 3) EXAMINE DOWNSPOUTS FROM ROOFTOPS TO ENSURE THAT FLOW TO THE PLANTER IS UNIMPEDED. REMOVE DEBRIS AND REPAIR ANY DAMAGED PIPES. CHECK THE UNDERDRAIN PIPING TO MAKE SURE IT IS INTACT AND UNOBSTRUCTED.
- 4) EXAMINE THE VEGETATION TO ENSURE THAT IT IS HEALTHY AND DENSE ENOUGH PROVIDE FILTERING AND TO PROTECT SOILS FROM EROSION. REPLENISH MULCH AS NECESSARY, REMOVE FALLEN LEAVES AND DEBRIS, PRUNE LARGE SHRUBS OR TREES AND MOW TURF AREAS. CONFIRM THAT IRRIGATION IS ADEQUATE AND NOT EXCESSIVE. REPLACE DEAD PLANTS AND REMOVE INVASIVE VEGETATION.
- 5) OBSERVE SOILS AT THE BOTTOM OF THE FLOW-THROUGH PLANTERS FOR UNIFORM PERCOLATION THROUGHOUT. IF PORTIONS OF THE FLOW-THROUGH PLANTERS DO NOT DRAIN WITHIN 24 HOURS AFTER THE END OF THE STORM, THE SOIL SHOULD BE TILLED AND REPLANTED. REMOVE ANY DEBRIS OR ACCUMULATIONS OF SEDIMENT.
- 6) ABATE ANY POTENTIAL VECTORS BY FILLING HOLES IN THE GROUND IN AND AROUND THE FLOW-THROUGH PLANTERS AND BY ENSURING THAT THERE ARE NO AREAS WHERE WATER STANDS LONGER THAN 24 HOURS FOLLOWING A STORM. IF STANDING WATER PERSISTS FOR MORE THAN 72 HOURS, OR IF MOSQUITO LARVAE ARE PRESENT AND PERSISTENT CONTACT THE APPROPRIATE AGENCY FOR INFORMATION AND ADVICE. MOSQUITO LARVICIDE SHOULD BE APPLIED ONLY WHEN ABSOLUTELY NECESSARY AND THEN ONLY BY A LICENSED INDIVIDUAL OR CONTRACTOR.

STORMWATER MANAGEMENT NOTES

* - **BIORETENTION REQUIRED AREA BASED ON 4% METHOD**
((IMPERVIOUS AREA + 0.1(PERVIOUS AREA)) x 0.04)

NOTE: ON-SITE AREA DRAINS TO BE MARKED
WITH "NO DUMPING - DRAINS TO BAY"

[illegible]

PRELIMINARY CIVIL ENGINEERING STORMWATER CONTROL PLAN & DETAILS

C103



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OAKLAND CA 94611

CALIFORNIA MODEL WATER EFFICIENT
LANDSCAPE ORDINANCE STATEMENT

I HAVE COMPLIED WITH THE CRITERIA OF THE WATER EFFICIENT LANDSCAPE ORDINANCE AND APPLIED SUCH CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

BLAKE TOMILLOSO-RHINEHART, LANDSCAPE ARCHITECT

CA LICENSE #6255

REGISTRATION

BLOCS DESIGN GROUP
3800 MAYBELLE AVE. UNIT 6
OAKLAND, CA 94619

1.22.2025

DATE

08-31-26

EXP. DATE

IRRIGATION CONCEPT

- AN AUTOMATIC IRRIGATION SYSTEM SHALL BE INSTALLED AND OPERATIONAL BY THE TIME OF FINAL INSPECTION. THE ENTIRE IRRIGATION SYSTEM SHALL BE INSTALLED BY A LICENSED AND QUALIFIED IRRIGATION CONTRACTOR.
- THE IRRIGATION SYSTEM WILL OPERATE ON POTABLE WATER, AND THE SYSTEM WILL HAVE APPROPRIATE BACKFLOW PREVENTION DEVICES INSTALLED TO PREVENT CONTAMINATION OF THE POTABLE SOURCE.
- ALL NON-TURF PLANTED AREAS SHALL BE DRIP IRRIGATED. SODDED AND SEEDED AREAS SHALL BE IRRIGATED WITH SPRAY OR ROTOR HEADS AT 100% HEAD-TO-HEAD COVERAGE.
- ALL PLANTS SHARING SIMILAR HYDROZONE CHARACTERISTICS SHALL BE PLACED ON A VALVE DEDICATED TO PROVIDE THE NECESSARY WATER REQUIREMENTS SPECIFIC TO THAT HYDROZONE.
- THE IRRIGATION SYSTEM SHALL BE DESIGNED AND INSTALLED, TO THE MAXIMUM EXTENT POSSIBLE, TO CONSERVE WATER BY USING THE FOLLOWING DEVICES AND SYSTEMS: MATCHED PRECIPITATION RATE TECHNOLOGY ON ROTOR AND SPRAY HEADS (WHEREVER POSSIBLE), RAIN SENSORS, FLOW SENSOR, MASTER SHUTOFF VALVE, AND MULTI-PROGRAM COMPUTERIZED IRRIGATION CONTROLLERS FEATURING SENSORY INPUT CAPABILITIES.
- THE IRRIGATION DESIGN SHALL SPECIFY A RAIN SENSOR THAT IS COMPATIBLE WITH THE MASTER CONTROL VALVE.

NATIVE PLANT CALCULATIONS

NUMBER OF TREE SPECIES PROPOSED:	3 SPECIES
NUMBER OF NATIVE TREE SPECIES PROPOSED:	1 SPECIES (33%)
NUMBER OF SHRUB SPECIES PROPOSED:	11 SPECIES
NUMBER OF NATIVE SHRUB SPECIES PROPOSED:	6 SPECIES (54%)
NUMBER OF GROUNDCOVER SPECIES PROPOSED:	2 SPECIES
NUMBER OF NATIVE GROUNDCOVER SPECIES PROPOSED:	2 SPECIES (100%)
OVERALL:	
NUMBER OF SPECIES PROPOSED:	16 SPECIES
NUMBER OF NATIVE SPECIES PROPOSED:	9 SPECIES (56%)

STREET TREE INSTALLATION NOTES

PLANT TREES IN ACCORDANCE WITH THE CITY OF BERKELEY TREE PLANTING AND TREE PLANTING LOCATION STANDARDS AS WELL AS THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6)-2012, PLANTING AND TRANSPLANTING WHICH OUTLINES ITEMS SUCH AS:

- PLANTING IN PLANTING PITS TWICE THE SIZE OF THE ROOT BALL.
- LEAVING THE TREE 1 INCH HIGHER THAN NATURAL GRADE.
- BACK FILLING THE HOLE WITH NATIVE SOIL.
- REMOVE THE NURSERY STAKE AND REPLACE WITH A TWO-STAKE SYSTEM THAT ENCOURAGES TREE MOVEMENT.
- TREES SHOULD BE PLANTED IN THE 24-INCH BOX SIZE.
- NO ROOT BARRIER, PAVERS, OR TREE GRATES SHOULD BE USED.
- PLEASE USE FLEXI-PAVE IN THE TREE WELLS.

PROJECT: 23-15
DATE: 1.22.2025

REVISIONS



SHEET TITLE
LANDSCAPE TITLE
SHEET

SHEET NUMBER

L-00

LANDSCAPE PLANS FOR:
NEWBURY STATION

BERKELEY, CALIFORNIA

APN: 53-1589-18-1 & 53-1589-19

LANDSCAPE SHEET LIST

Sheet Number	Sheet Title
L-00	LANDSCAPE TITLE SHEET
L-01	GROUND FLOOR PLANTING PLAN
L-02	FIFTH FLOOR PLANTING PLAN
L-03	EIGHTH FLOOR PLANTING PLAN
L-04	HYDROZONE MAPS

GENERAL NOTES

- CONTRACTOR SHALL VERIFY WITH OWNER'S REPRESENTATIVE THAT PLANS ARE CURRENT AND APPROVED.
- WORK SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE (BERKELEY / COUNTY OF ALAMEDA).
- THESE PLANS ARE BASED ON IMPROVEMENT PLANS BY KSR CIVIL ENGINEERING DATED (DATE).
- THE GEOTECHNICAL SOILS ENGINEERING REPORT BY (GEOTECH. SOILS ENG. CO. NAME) DATED (DATE) IS A PART OF THESE CONSTRUCTION DOCUMENTS. THE CONTRACTOR SHALL COMPLY WITH THE REPORT'S RECOMMENDATIONS AS THEY RELATE TO HIS WORK.
- THE CONTRACTOR SHALL OBTAIN ALL NECESSARY AND/OR REQUIRED PERMITS AND PAY ALL RELATED FEES AND/OR TAXES REQUIRED TO INSTALL THE WORK ON THESE PLANS.
- THE CONTRACTOR SHALL BE APPROPRIATELY LICENSED AS REQUIRED BY THE STATE IN WHICH THE WORK TAKES PLACE.
- A SEPARATE PLUMBING PERMIT AND INSPECTION WILL BE REQUIRED FROM THE BUILDING INSPECTION DEPARTMENT FOR THE INSTALLATION OF IRRIGATION SYSTEMS SHOWN ON THIS DRAWING.
- THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE PRIOR TO BEGINNING THE WORK AND SHALL BE RESPONSIBLE FOR COORDINATING WITH THE OWNER, LANDSCAPE ARCHITECT, GOVERNING AGENCIES AND OTHER TRADES.
- CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECT IMMEDIATELY OF ANY ERRORS, OMISSIONS OR DISCREPANCIES IN EXISTING CONDITIONS OR WITHIN THE PLANS PRIOR TO BEGINNING THE WORK.
- UNIT PRICES FOR ALL IMPROVEMENTS SHALL BE ESTABLISHED AS A PART OF THE CONTRACT WITH THE PROJECT OWNER AND PRIOR TO BEGINNING WORK. TO ACCOMMODATE ADDITIONS AND/OR DELETIONS OF MATERIAL AND/OR LABOR.
- DETERMINATION OF "EQUAL" SUBSTITUTIONS SHALL BE MADE ONLY BY THE LANDSCAPE ARCHITECT.
- LANDSCAPE ARCHITECT SHALL BE NOTIFIED NO LESS THAN 48 HOURS IN ADVANCE OF ANY SITE OBSERVATIONS OR MEETINGS.
- SITE OBSERVATIONS AND MEETINGS SHALL INCLUDE:
 - PRE-CONSTRUCTION CONFERENCE
 - SELECTION AND TAGGING OF SPECIMEN TREES AT NURSERIES
 - LANDSCAPE GRADING PRIOR TO PLANTING
 - LAYOUT AND INSTALLATION OF HARDSCAPE AND LANDSCAPE STRUCTURES IN RELATION TO DESIGN INTENT
 - PLANT MATERIAL QUALITY AND INSTALLATION AT THE PROJECT SITE
 - OBSERVATION TO ESTABLISH 90-DAY MAINTENANCE PERIOD (PRE-MAINTENANCE)
 - FINAL OBSERVATION AT THE END OF THE 90-DAY MAINTENANCE PERIOD (FINAL)
- SITE OBSERVATIONS BY THE LANDSCAPE ARCHITECT DURING ANY PHASE OF THIS PROJECT DOES NOT RELIEVE THE CONTRACTOR OF HIS PRIMARY RESPONSIBILITY TO PERFORM ALL WORK IN ACCORDANCE WITH THE PLANS, SPECIFICATIONS AND GOVERNING CODES.
- CONTRACTOR SHALL BE BACKCHARGED FOR LANDSCAPE ARCHITECT'S TIME WHEN OBSERVATIONS ARE CALLED FOR AND IT IS FOUND THAT THE WORK IS NOT SIGNIFICANTLY READY UPON OBSERVATION OR THE APPOINTMENT IS NOT KEPT. TIME WILL BE CHARGED ON AN HOURLY BASIS, PLUS TRANSPORTATION, FOOD AND LODGING COSTS, IF ANY, AT THE THEN EXISTING HOURLY RATE FOR THE PERSONNEL PROVIDING THE OBSERVATIONS.
- THIS FIRM DOES NOT PRACTICE OR CONSULT IN THE FIELD OF SAFETY ENGINEERING. THIS FIRM DOES NOT DIRECT THE CONTRACTOR'S OPERATIONS, AND IS NOT RESPONSIBLE FOR THE SAFETY OF PERSONNEL OTHER THAN OUR OWN ON THE SITE; THE SAFETY OF OTHERS IS THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHOULD NOTIFY THE OWNER IF HE CONSIDERS ANY OF THE RECOMMENDED ACTIONS PRESENTED HEREIN TO BE UNSAFE.

NOTE: "LANDSCAPE" SHALL REFER TO ALL IMPROVEMENTS WITHIN THIS SET OF DOCUMENTS THAT HAVE BEEN DESIGNED BY THIS OFFICE.

MULCHES

AFTER ALL PLANTING IS COMPLETE, CONTRACTOR SHALL INSTALL 3" THICK LAYER OF 1-1/2" SHREDDED WOOD MULCH, RECYCLED, NATURAL (UNDYED), OVER LANDSCAPE FABRIC IN ALL PLANTING AREAS (EXCEPT FOR TURF AND SEEDED AREAS). CONTRACTOR SHALL SUBMIT SAMPLES OF ALL MULCHES TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO CONSTRUCTION. ABSOLUTELY NO EXPOSED GROUND SHALL BE LEFT SHOWING ANYWHERE ON THE PROJECT AFTER MULCH HAS BEEN INSTALLED (SUBJECT TO THE CONDITIONS AND REQUIREMENTS OF THE "GENERAL GRADING AND PLANTING NOTES" AND SPECIFICATIONS).

ROOT BARRIERS

THE CONTRACTOR SHALL INSTALL ROOT BARRIERS NEAR ALL NEWLY-PLANTED TREES THAT ARE LOCATED WITHIN FIVE (5) FEET OF PAVING OR CURBS. ROOT BARRIERS SHALL BE "CENTURY" OR "DEEP-ROOT" 24" DEEP PANELS (OR EQUAL). BARRIERS SHALL BE LOCATED IMMEDIATELY ADJACENT TO HARDSCAPE. INSTALL PANELS PER MANUFACTURER'S RECOMMENDATIONS. UNDER NO CIRCUMSTANCES SHALL THE CONTRACTOR USE ROOT BARRIERS OF A TYPE THAT COMPLETELY ENCIRCLE THE ROOTBALL.

COMPOST

THE CONTRACTOR SHALL INSTALL COMPOST APPLICATION TO ACHIEVE A MINIMUM 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON A MWLO SPECIFIED SOIL ANALYSIS RESULTS FOR THE SITE SOIL. REFER TO PLANTING SPECIFICATIONS TO BE LOCATED IN THE LANDSCAPE CONSTRUCTION DRAWINGS

PLANT SCHEDULE

SYMBOL BOTANICAL / COMMON NAME SIZE WUCOLS CAL MATURE SIZE (W'XH') QTY REMARKS

TREES

	CERCIS OCCIDENTALIS WESTERN REDBUD MULTI-TRUNK	24" BOX	VL		15'-20'	4	NATIVE, POLLINATOR
	LOPHOSTEMON CONFERTUS BRISBANE BOX	24" BOX	M		20'X50'	2	STREET TREE
	NYSSA SYLVATICA TUPELO	24" BOX	M		30' X 50'	3	STREET TREE

SYMBOL BOTANICAL / COMMON NAME SIZE WUCOLS MATURE SIZE (W'XH') SPACING QTY REMARKS

SHRUBS

	ATHYRIUM FILIX-FEMINA COMMON LADY FERN	5 GAL	M	1.5X2.5		24" o.c.	43	NATIVE
	CAREX TUMULICOLA FOOTHILL SEDGE	1 GAL	L	1X1		12" o.c.	90	NATIVE
	EPILOBIUM CALIFORNICUM CALIFORNIA FUCHSIA	5 GAL	L	1.5X2.5		24" o.c.	52	NATIVE, POLLINATOR
	FICUS PUMILA CREEPING FIG	5 GAL	M	10X10		36" o.c.	9	
	HAKONECHLOA MACRA JAPANESE FOREST GRASS	5 GAL	M	2X2		24" o.c.	54	
	HEUCHERA X 'OBSIDIAN' OBSIDIAN CORAL BELLS	1 GAL	M	1.5X2.5		18" o.c.	61	POLLINATOR
	HOSTA X 'BLUE MOUSE EARS' BLUE MOUSE EARS HOSTA	1 GAL	M	1.5X1.5		12" o.c.	138	
	JUNCUS PATENS CALIFORNIA GRAY RUSH	5 GAL	M	1.5X1.5		24" o.c.	163	NATIVE
	LOMANDRA X 'LITTLE LIME' LITTLE LIME MAT RUSH	5 GAL	L	2'-3'		24" o.c.	68	
	LOMANDRIUM CALIFORNICUM 'SARAH LYMAN'	5 GAL	L	1.5X2.5		24" o.c.	80	NATIVE
	CALIFORNIA POLYPODY SATUREJA DOUGLASII	1 GAL	L	1X1.5		12" o.c.	116	NATIVE, POLLINATOR
	YERBA BUENA							

GROUND COVERS

	ARCTOSTAPHYLOS UVA-URSI 'POINT REYES'	PLUGS	L	.5X.5			430 SF	NATIVE, POLLINATOR
	POINT REYES KINNINNICK FRAGARIA CALIFORNICA CALIFORNIA STRAWBERRY	PLUGS	M	.5X.5			337 SF	NATIVE, POLLINATOR

CALIFORNIA WATER EFFICIENT LANDSCAPE WORKSHEET

REFERENCE EVAPOTRANSPIRATION (ET ₀)		41.8		PROJECT TYPE	Non-Residential		0.45
HYDROZONE #/ PLANTING DESCRIPTION	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENT (E _c)	ETAF (PF/E _c)	LANDSCAPE AREA (SQ. FT.)	ETAF x AREA	ESTIMATED TOTAL WATER USE (ETWU) ¹
REGULAR LANDSCAPE AREAS							
GROUND FLOOR – Low/Moderate Water Pots & Planters	0.4	DRIP	0.81	0.49	630	311	8063
GROUND FLOOR – Low/Moderate Water Interior Pots	0.4	DRIP	0.55	0.73	110	80	2073
GROUND FLOOR – Low Water Bioretention Planter	0.3	DRIP	0.81	0.37	110	41	1056
GROUND FLOOR – Very Low Trees	0.1	DRIP	0.55	0.18	64	12	302
STREET TREES – Moderate Trees	0.4	DRIP	0.81	0.49	80	40	1024
GROUND FLOOR – No Water Syn. Turf	0.4	NA	0.75	0.53	318	0	0
THIRD FLOOR – Low/Moderate Water Pots & Planters	0.4	DRIP	0.81	0.49	300	148	3839
THIRD FLOOR – Low Water Bioretention Planter	0.3	DRIP	0.81	0.37	354	131	3398
FOURTH FLOOR – Low/Moderate Water Pots	0.4	DRIP	0.81	0.49	148	73	1894

SPECIAL LANDSCAPE AREAS

None	1	0	0
TOTALS	0	0	0

ETWU TOTAL	21649
24654	

MAXIMUM ALLOWED WATER ALLOWANCE (MAWA)²

ETAF CALCULATIONS

REGULAR LANDSCAPE AREAS

TOTAL ETAF x AREA	835
TOTAL AREA	2114
AVERAGE ETAF	0.40

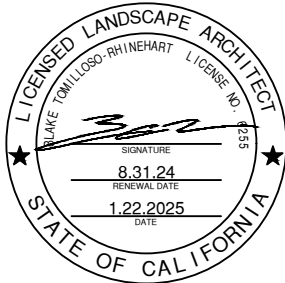
ALL LANDSCAPE AREAS

TOTAL ETAF x AREA	835
TOTAL AREA	2114



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COMPANY**

6266 LA SALLE AVE.
OAKLAND CA 94611

PROJECT
**NEWBURY
STATION**

2955 SHATTUCK AVE
BERKELEY, CA

PROJECT: 23-15
DATE: 1.22.2025

REVISIONS



SHEET TITLE
**GROUND FLOOR
PLANTING PLAN**

SHEET NUMBER

L-01

PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE	WUCOLS	CAL	MATURE SIZE (W'X'H')	QTY	REMARKS
TREES							
	CERCIS OCCIDENTALIS WESTERN REDBUD MULTI-TRUNK	24" BOX	VL		15'-20'	4	NATIVE, POLLINATOR
	LOPHOSTEMON CONFERTUS BRISBANE BOX	24" BOX	M		20' X50'	2	STREET TREE
	NYSSA SYLVATICA TUPELO	24" BOX	M		30' X 50'	3	STREET TREE
SYMBOL	BOTANICAL / COMMON NAME	SIZE	WUCOLS	MATURE SIZE (W'X'H')	SPACING	QTY	REMARKS
SHRUBS							
	ATHYRIUM FILIX-FEMINA COMMON LADY FERN	5 GAL	M	1.5X2.5	24" o.c.	43	NATIVE
	CAREX TUMULICOLA FOOTHILL SEDGE	1 GAL	L	1X1	12" o.c.	90	NATIVE
	EPILOBIUM CALIFORNICUM CALIFORNIA FUCHSIA	5 GAL	L	1.5X2.5	24" o.c.	52	NATIVE, POLLINATOR
	FICUS PUMILA CREEPING FIG	5 GAL	M	10X10	36" o.c.	9	
	HAKONECHLOA MACRA JAPANESE FOREST GRASS	5 GAL	M	2X2	24" o.c.	54	
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	HOSTA X 'BLUE MOUSE EARS' BLUE MOUSE EARS HOSTA	1 GAL	M	1.5X1.5	12" o.c.	138	
	JUNCUS PATENS CALIFORNIA GRAY RUSH	5 GAL	M	1.5X1.5	24" o.c.	163	NATIVE
	LOMANDRA X 'LITTLE LIME' LITTLE LIME MAT RUSH	5 GAL	L	2'-3'	24" o.c.	68	
	POLYPODIUM CALIFORNICUM 'SARAH LYMAN'	5 GAL	L	1.5X2.5	24" o.c.	80	NATIVE
	SATUREJA DOUGLASII YERBA BUENA	1 GAL	L	1X1.5	12" o.c.	116	NATIVE, POLLINATOR
GROUND COVERS							
	ARCTOSTAPHYLOS UVA-URSI 'POINT REYES'	PLUGS	L	.5X.5		430 SF	NATIVE, POLLINATOR
	POINT REYES KINNIKINNICK FRAGARIA CALIFORNICA CALIFORNIA STRAWBERRY	PLUGS	M	.5X.5		337 SF	NATIVE, POLLINATOR

CONCEPTUAL PLANTING IMAGES



Cercis occidentalis
Western Redbud



Lophostemon confertus
Brisbane Box



Nyssa sylvatica
Tupelo



Epilobium californicum
California Fuchsia



Athyrium Filix-femina
Common Lady Fern



Carex tumulicola
Foothill Sedge



Ficus pumila
Creeping Fig



Juncus patens
CA Gray Rush



Satureja douglasii
Yerba Buena



Hosta x 'Blue Mouse Ears'
Blue Mouse Ears Hosta



Hakonechloa macra
Japanese Forest Grass



Heuchera x 'Obsidian'
Obsidian Coral Bells



Lomandra x 'Little Lime'
Little Lime Mat Rush



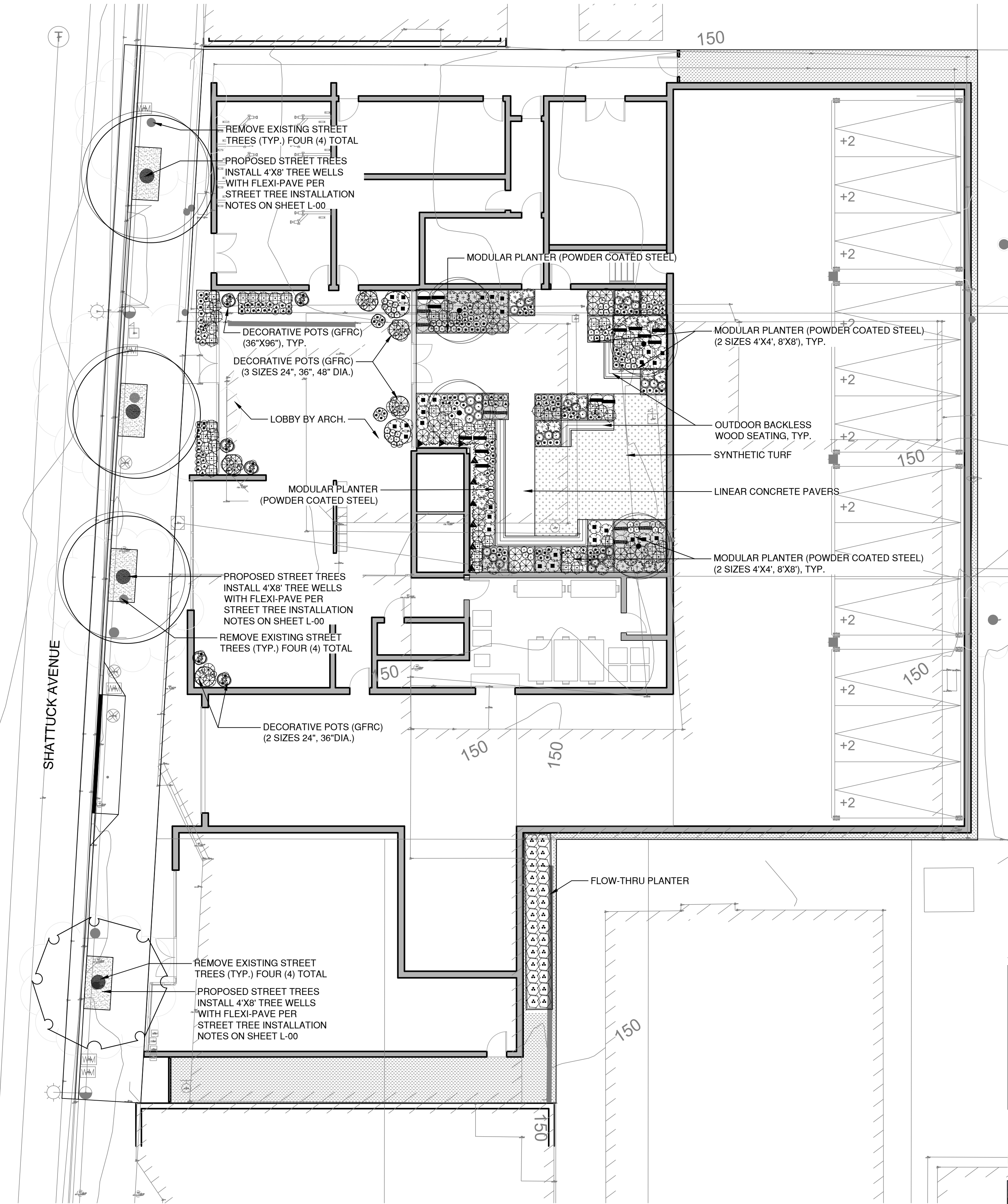
Polypodium californicum
'Sarah Lyman'
California Polypody



Arctostaphylos uva-ursi 'Point Reyes'
Point Reyes Kinnikinnick



Fragaria californica
California Strawberry



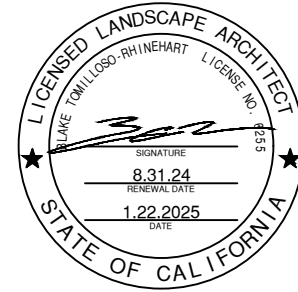
PROPOSED GROUND FLOOR



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PROJECT
NEWBURY
STATION

2955 SHATTUCK AVE
BERKELEY, CA

PROJECT: 23-15
DATE: 1.22.2025

REVISIONS



SHEET TITLE
FIFTH FLOOR
PLANTING PLAN

SHEET NUMBER

L-02

PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE	WUCOLS	CAL	MATURE SIZE (W'XH')	QTY	REMARKS
TREES							
	CERCIS OCCIDENTALIS WESTERN REDBUD MULTI-TRUNK	24" BOX	VL		15'-20'	4	NATIVE, POLLINATOR
	LOPHOSTEMON CONFERTUS BRISBANE BOX	24" BOX	M		20'X50'	2	STREET TREE
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	FICUS PUMILA CREEPING FIG	5 GAL	M	10X10	36" o.c.	9	
	HAKONECHLOA MACRA JAPANESE FOREST GRASS	5 GAL	M	2X2	24" o.c.	54	
	HEUCHERA X 'OBSIDIAN' OBSIDIAN CORAL BELLS	1 GAL	M	1.5X2.5	18" o.c.	61	POLLINATOR
	HOSTA X 'BLUE MOUSE EARS' BLUE MOUSE EARS HOSTA	1 GAL	M	1.5X1.5	12" o.c.	138	
	JUNCUS PATENS CALIFORNIA GRAY RUSH	5 GAL	M	1.5X1.5	24" o.c.	163	NATIVE
	LOMANDRA X 'LITTLE LIME' LITTLE LIME MAT RUSH	5 GAL	L	2'-3'	24" o.c.	68	
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	CALIFORNIA POLYPODY SATUREJA DOUGLASII YERBA BUENA	1 GAL	L	1X1.5	12" o.c.	116	NATIVE, POLLINATOR
GROUND COVERS							
	ARCTOSTAPHYLOS UVA-URSI 'POINT REYES'	PLUGS	L	.5X.5		430 SF	NATIVE, POLLINATOR
	FRAGARIA CALIFORNICA CALIFORNIA STRAWBERRY	PLUGS	M	.5X.5		337 SF	NATIVE, POLLINATOR

CONCEPTUAL PLANTING IMAGES



Cercis occidentalis
Western Redbud
🌿🍷



Lophostemon confertus
Brisbane Box



Nyssa sylvatica
Tupelo

LEGEND

- 🌿 California Native
- 🍷 Pollinator



Epilobium californicum
California Fuchsia
🌿🍷



Athyrium Filix-femina
Common Lady Fern
🌿



Carex tumulicola
Foothill Sedge
🌿



Ficus pumila
Creeping Fig



Juncus patens
CA Gray Rush
🌿



Satureja douglasii
Yerba Buena
🌿🍷



Hosta x 'Blue Mouse Ears'
Blue Mouse Ears Hosta



Hakonechloe macra
Japanese Forest Grass



Heuchera x 'Obsidian'
Obsidian Coral Bells
🍷



Lomandra x 'Little Lime'
Little Lime Mat Rush



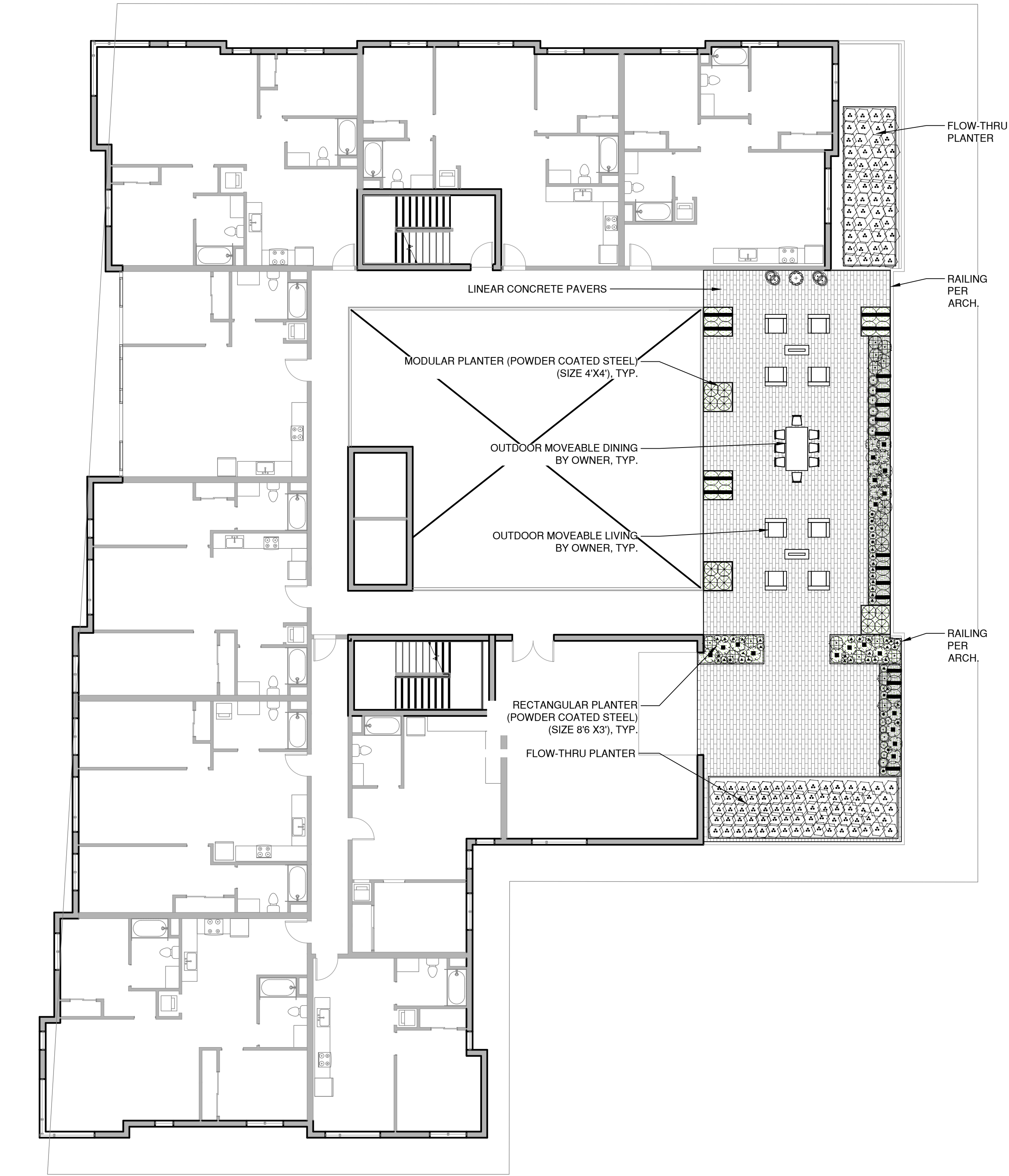
Polypodium californicum
'Sarah Lyman'
California Polypody
🌿



Arctostaphylos uva-ursi 'Point Reyes'
Point Reyes Kinnikinnick
🌿🍷



Fragaria californica
California Strawberry
🌿🍷

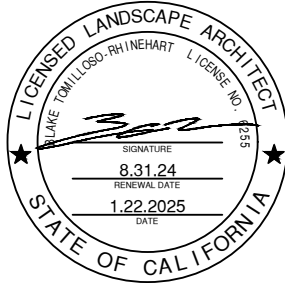


PROPOSED FIFTH FLOOR



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PROJECT: 23-15
DATE: 1.22.2025

REVISIONS



SHEET TITLE
EIGHTH FLOOR
PLANTING PLAN

SHEET NUMBER

L-03

PLANT SCHEDULE

SYMBOL	BOTANICAL / COMMON NAME	SIZE	WUCOLS	CAL	MATURE SIZE (W'XH')	QTY	REMARKS
TREES							
	CERCIS OCCIDENTALIS WESTERN REDBUD MULTI-TRUNK	24" BOX	VL		15'-20'	4	NATIVE, POLLINATOR
	LOPHOSTEMON CONFERTUS BRISBANE BOX	24" BOX	M		20' X50'	2	STREET TREE
	NYSSA SYLVATICA TUPELO	24" BOX	M		30' X 50'	3	STREET TREE
SYMBOL	BOTANICAL / COMMON NAME	SIZE	WUCOLS	MATURE SIZE (W'XH')	SPACING	QTY	REMARKS
SHRUBS							
	ATHYRIUM FILIX-FEMINA COMMON LADY FERN	5 GAL	M	1.5X2.5	24" o.c.	43	NATIVE
	CAREX TUMULICOLA FOOTHILL SEDGE	1 GAL	L	1X1	12" o.c.	90	NATIVE
	EPILOBIUM CALIFORNICUM CALIFORNIA FUCHSIA	5 GAL	L	1.5X2.5	24" o.c.	52	NATIVE, POLLINATOR
	FICUS PUMILA CREEPING FIG	5 GAL	M	10X10	36" o.c.	9	
	HAKONECHLOA MACRA JAPANESE FOREST GRASS	5 GAL	M	2X2	24" o.c.	54	
	HEUCHERA X 'OBSIDIAN' OBSIDIAN CORAL BELLS	1 GAL	M	1.5X2.5	18" o.c.	61	POLLINATOR
	HOSTA X 'BLUE MOUSE EARS' BLUE MOUSE EARS HOSTA	1 GAL	M	1.5X1.5	12" o.c.	138	
	JUNCUS PATENS CALIFORNIA GRAY RUSH	5 GAL	M	1.5X1.5	24" o.c.	163	NATIVE
	LOMANDRA X 'LITTLE LIME' LITTLE LIME MAT RUSH	5 GAL	L	2'-3'	24" o.c.	68	
	POLYPODIUM CALIFORNICUM 'SARAH LYMAN'	5 GAL	L	1.5X2.5	24" o.c.	80	NATIVE
	SATUREJA DOUGLASII YERBA BUENA	1 GAL	L	1X1.5	12" o.c.	116	NATIVE, POLLINATOR
GROUND COVERS							
	ARCTOSTAPHYLOS UVA-URSI 'POINT REYES'	PLUGS	L	.5X.5		430 SF	NATIVE, POLLINATOR
	POINT REYES KINNICKINNICK FRAGARIA CALIFORNICA CALIFORNIA STRAWBERRY	PLUGS	M	.5X.5		337 SF	NATIVE, POLLINATOR

CONCEPTUAL PLANTING IMAGES



Cercis occidentalis
Western Redbud




Lophostemon confertus
Brisbane Box



Nyssa sylvatica
Tupelo

LEGEND

-  California Native
-  Pollinator



Epilobium californicum
California Fuchsia




Athyrium Filix-femina
Common Lady Fern




Carex tumulicola
Foothill Sedge




Ficus pumila
Creeping Fig




Juncus patens
CA Gray Rush




Satureja douglasii
Yerba Buena




Hosta x 'Blue Mouse Ears'
Blue Mouse Ears Hosta



Hakonechloa macra
Japanese Forest Grass



Heuchera x 'Obsidian'
Obsidian Coral Bells




Lomandra x 'Little Lime'
Little Lime Mat Rush



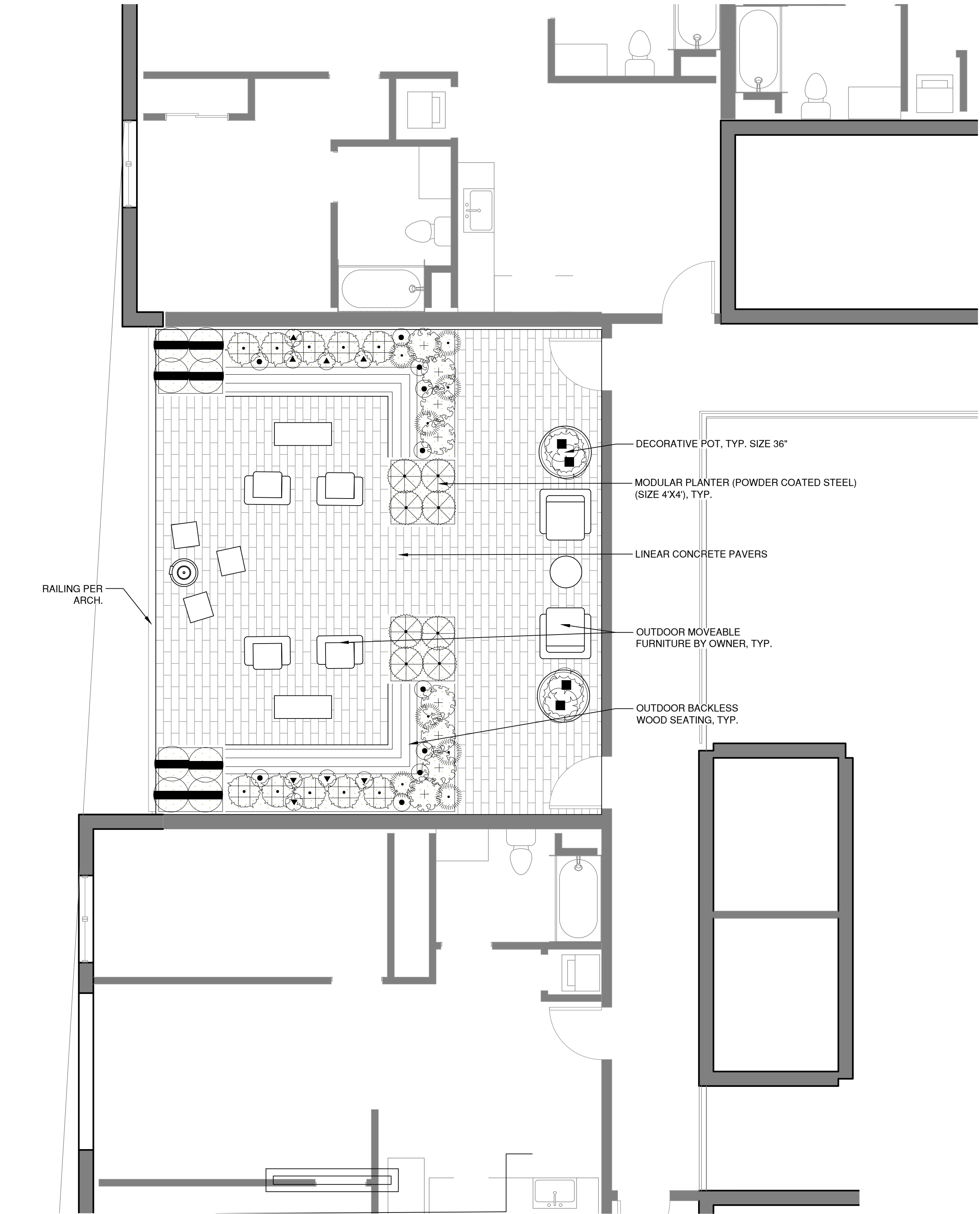
Polypodium californicum
'Sarah Lyman'
California Polypody




Arctostaphylos uva-ursi 'Point Reyes'
Point Reyes Kinnikinnick




Fragaria californica
California Strawberry

PROPOSED EIGHTH FLOOR



HYDRZONE MAP LEGEND

- LOW / MODERATE WATER POTS & PLANTERS
- LOW / MODERATE BIORETENTION PLANTER
- LOW / MODERATE INTERIOR POTS & PLANTERS
- NO WATER SYN. TURF
- VERY LOW WATER TREES
- MODERATE LOW WATER TREES

PLANT SCHEDULE

SYMBOL BOTANICAL / COMMON NAME SIZE WUCOLS

TREES

- CERCIS OCCIDENTALIS
WESTERN REDBUD MULTI-TRUNK

24" BOX

VL
- LOPHOSTEMON CONFERTUS
BRISBANE BOX

24" BOX

M
- NYSSA SYLVATICA
TUPELO

24" BOX

M

SYMBOL BOTANICAL / COMMON NAME SIZE WUCOLS

SHRUBS

- ATHYRIUM FILIX-FEMINA
COMMON LADY FERN

5 GAL

M
- CAREX TUMULICOLA
FOOTHILL SEDGE

1 GAL

L
- EPILOBIUM CALIFORNICUM
CALIFORNIA FUCHSIA

5 GAL

L
- FICUS PUMILA
CREEPING FIG

5 GAL

M
- HAKONECHLOA MACRA
JAPANESE FOREST GRASS

5 GAL

M
- HEUCHERA X 'OBSIDIAN'
OBSIDIAN CORAL BELLS

1 GAL

M
- HOSTA X 'BLUE MOUSE EARS'
BLUE MOUSE EARS HOSTA

1 GAL

M
- JUNCUS PATENS
CALIFORNIA GRAY RUSH

5 GAL

M
- LOMANDRA X 'LITTLE LIME'
LITTLE LIME MAT RUSH

5 GAL

L
- POLYPODIUM CALIFORNICUM 'SARAH
LYMAN'

5 GAL

L
- CALIFORNIA POLYPODY
SATUREJA DOUGLASII
YERBA BUENA

1 GAL

L

GROUND COVERS

- ARCTOSTAPHYLOS UVA-URSI 'POINT
REYES'

PLUGS

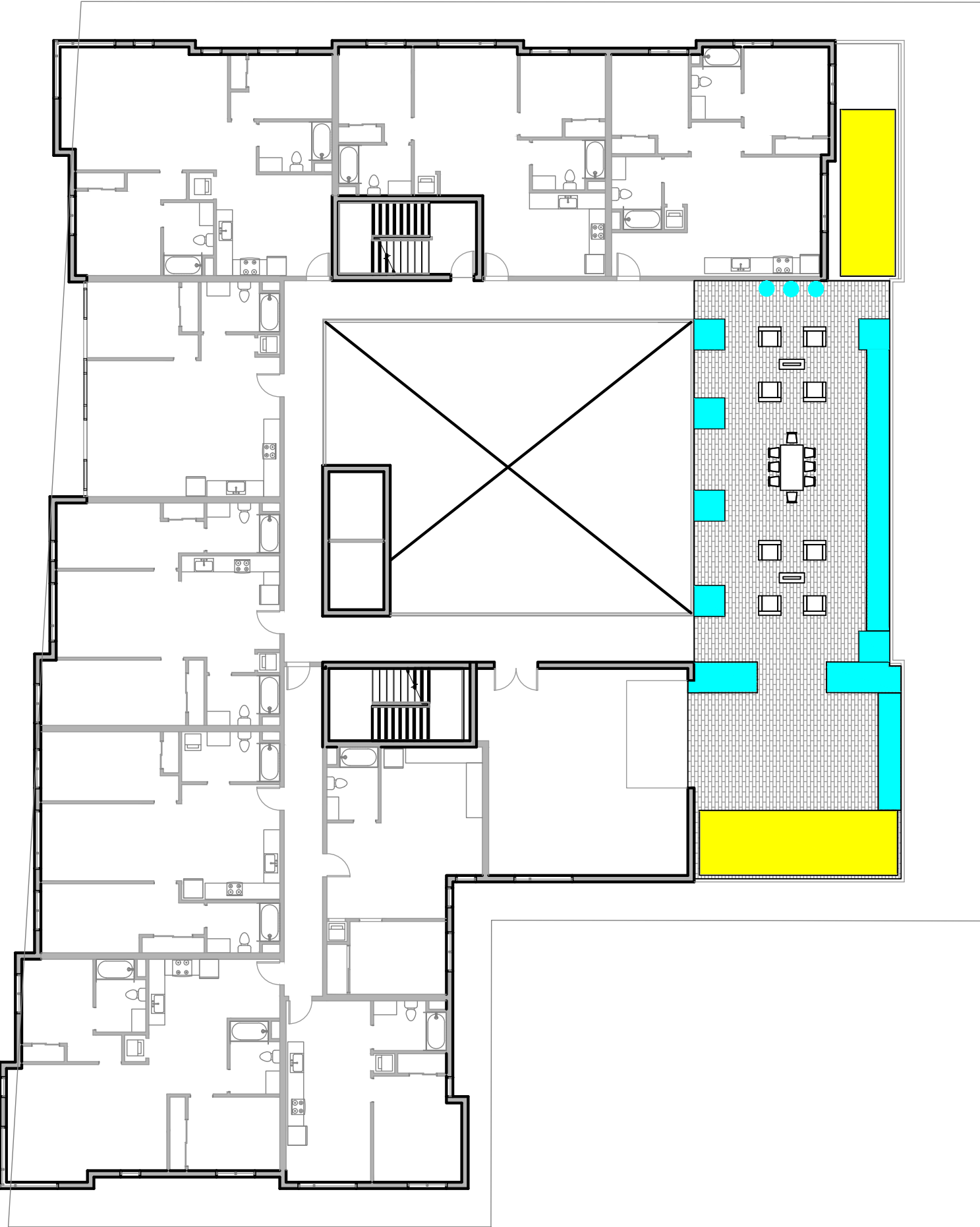
L
- POINT REYES KINNIKINNICK
FRAGARIA CALIFORNICA
CALIFORNIA STRAWBERRY

PLUGS

M

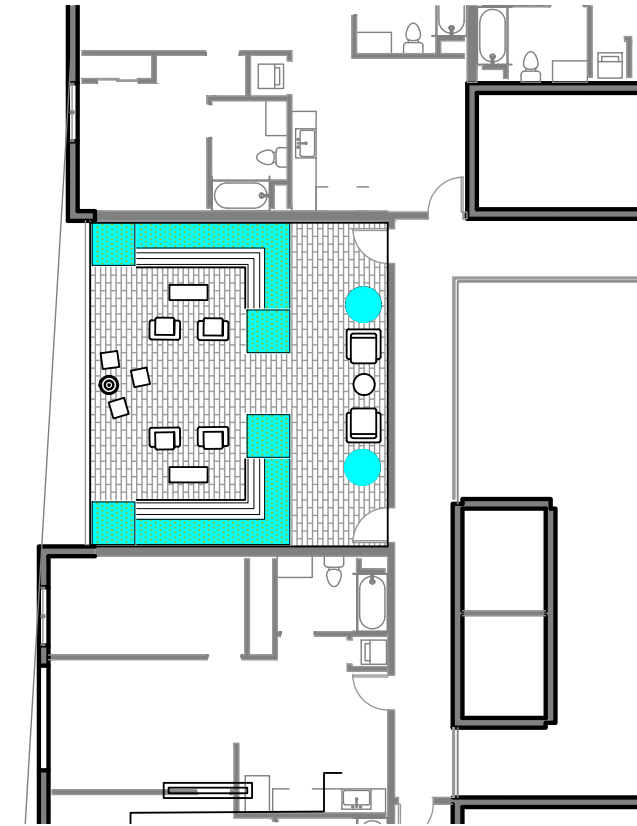


PROPOSED GROUND FLOOR



PROPOSED FIFTH FLOOR

CALIFORNIA WATER EFFICIENT LANDSCAPE WORKSHEET								
REFERENCE EVAPOTRANSPIRATION (Eto)	41.8			PROJECT TYPE	Non-Residential			0.45
HYDROZONE #/ PLANTING DESCRIPTIONs	PLANT FACTOR (PF)	IRRIGATION METHODS	IRRIGATION EFFICIENCY (IE)%	ETAF (PF/IE)	LANDSCAPE AREA (SQ. FT.)	ETAF x AREA		ESTIMATED TOTAL WATER USE (ETWU)d
REGULAR LANDSCAPE AREAS								
GROUND FLOOR - Low/Moderate Water Pots & Planters	0.4	DRIP	0.81	0.49	630	311		8063
GROUND FLOOR - Low/Moderate Water Interior Pots	0.4	DRIP	0.55	0.73	110	80		2073
GROUND FLOOR - Low Water Bioretention Planter	0.3	DRIP	0.81	0.37	110	41		1056
GROUND FLOOR - Very Low Trees	0.1	DRIP	0.55	0.18	64	12		302
STREET TREES - Moderate Trees	0.4	DRIP	0.81	0.49	80	40		1024
GROUND FLOOR - No Water Syn. Turf	0.4	NA	0.75	0.53	318	0		0
THIRD FLOOR - Low/Moderate Water Pots & Planters	0.4	DRIP	0.81	0.49	300	148		3839
THIRD FLOOR - Low Water Bioretention Planter	0.3	DRIP	0.81	0.37	354	131		3398
FOURTH FLOOR - Low/Moderate Water Pots	0.4	DRIP	0.81	0.49	148	73		1894
SPECIAL LANDSCAPE AREAS								
None				1		0		0
				TOTALS		0	0	0
						ETWU TOTAL		21649
MAXIMUM ALLOWED WATER ALLOWANCE (MAWA)%								24654
ETAF CALCULATIONS								
REGULAR LANDSCAPE AREAS								
TOTAL ETAF x AREA	835							
TOTAL AREA	2114							
AVERAGE ETAF	0.40							
ALL LANDSCAPE AREAS								
TOTAL ETAF x AREA	835							
TOTAL AREA	2114							



PROPOSED EIGHTH FLOOR

BLOCS

BLOCS Design
www.blocs.design
hello@blocs.design
916 716 9331



CLIENT
EVANS
PROPERTY
COMPANY
6266 LA SALLE AVE.
OAKLAND CA 94611

PROJECT
NEWBURY
STATION
2955 SHATTUCK AVE
BERKELEY, CA

PROJECT: 23-15
DATE: 1.22.2025

REVISIONS

-
-
-
-

SHEET TITLE
HYDROZONE
MAPS

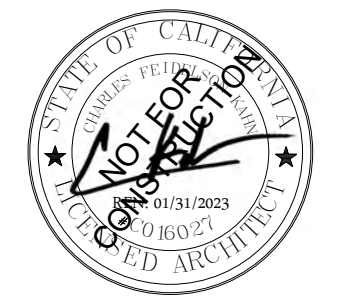
SHEET NUMBER

L-04



NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA



**USE PERMIT
RESPONSE #6**

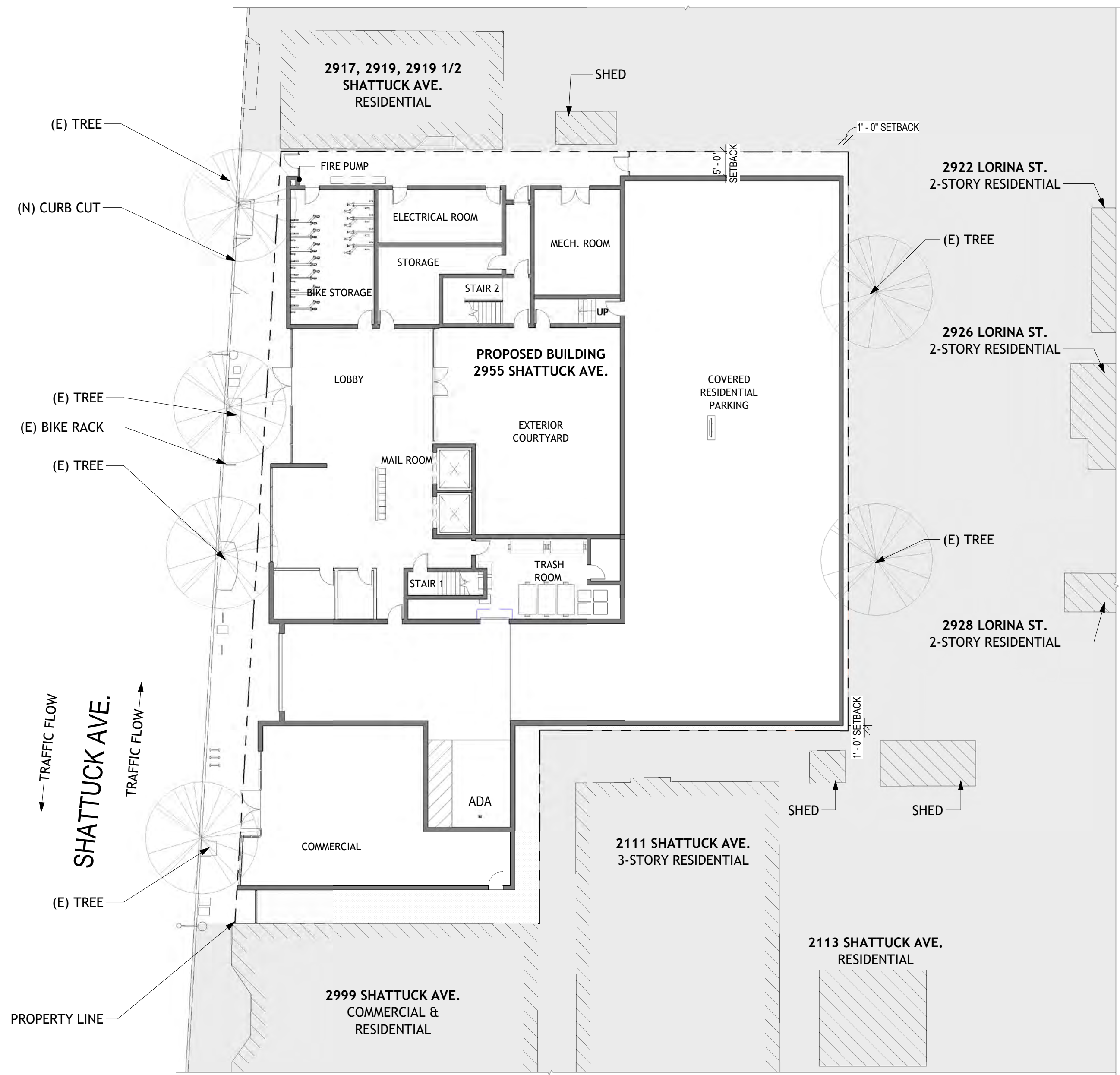
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PROJECT #: EPC05

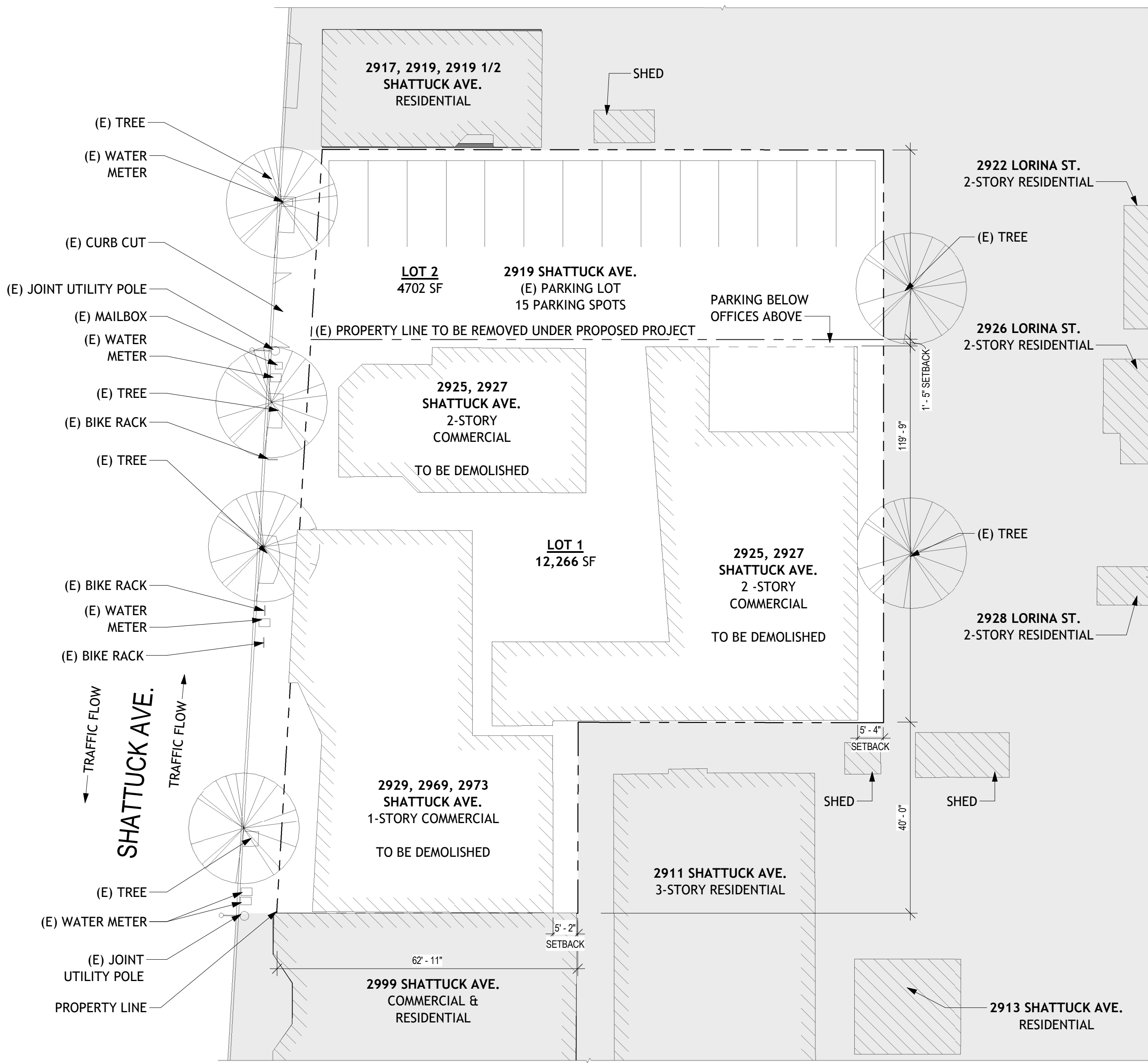
ISSUE DATE: 12/2/2016

SITE PLAN

A100



2 PROPOSED SITE PLAN
A100 1/16" = 1'-0"



1 EXISTING SITE PLAN
A100 1/16" = 1'-0"

GENERAL SITE PLAN NOTES

1. SEE CIVIL DRAWINGS FOR SITE AND FINISH SLAB ELEVATIONS.
2. PROVIDE SITE PREPARATION GRADING, FILL, AND COMPACTION PER GEOTECHNICAL REPORT AND STRUCTURAL DRAWINGS.

SITE PLAN LEGEND:



LANDSCAPED AREA, SLD

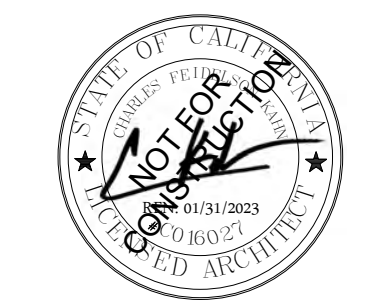
SITE PLAN NOTES & LEGEND

NOT TO SCALE



NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA



**USE PERMIT
RESPONSE #6**

[illegible]

PROJECT #: EPC09

ISSUE DATE: 08/22/23

LEVEL 2 FLOOR PLAN

A102



NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA

**USE PERMIT
RESPONSE #6**[illegible]

PROJECT #: EPC09

ISSUE DATE: 08/22/23

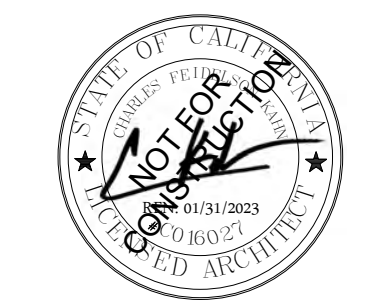
LEVEL 3 FLOOR PLAN

A103



NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA



**USE PERMIT
RESPONSE #6**

[illegible]

PROJECT #: EPC09

ISSUE DATE: 08/22/23

LEVEL 4 FLOOR PLAN

A104



1 FOURTH FLOOR PLAN
1/8" = 1'-0"



NEWBURY
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CA

**USE PERMIT
RESPONSE #6**[illegible]

PROJECT #: EPC09

ISSUE DATE: 08/22/23

LEVEL 5 FLOOR PLAN

A105



NEWBURY
STATION

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CA

**USE PERMIT
RESPONSE #6**[illegible]

PROJECT #: EPC09

ISSUE DATE: 08/22/23

LEVEL 6 FLOOR PLAN

A106



NEWBURY
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CA



**USE PERMIT
RESPONSE #6**

[illegible]

PROJECT #: EPC09

ISSUE DATE: 08/22/23

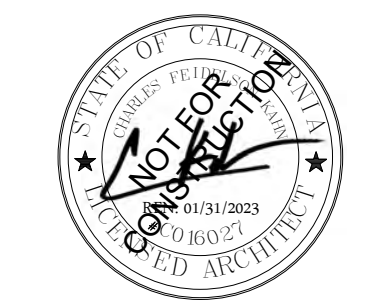
LEVEL 8 FLOOR PLAN

A108



NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA

**USE PERMIT
RESPONSE #6**[illegible]

PROJECT #: EPC09

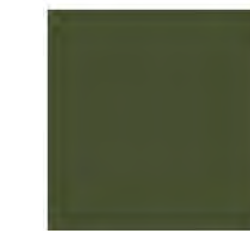
ISSUE DATE: 11/28/23

WEST ELEVATION

A200

MATERIAL LEGEND:

P-1
PAINTED STUCCO
SW-9109 NATURAL LINEN



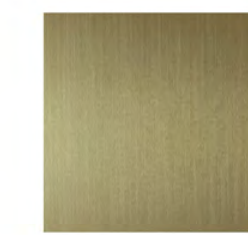
P-2
HARDI ARTISAN V-GROOVE
BM CW-505 WINDSOR GREENs



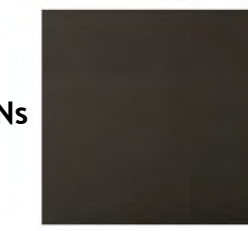
P-3
HARDI ARTISAN V-GROOVE
BM CW 757 EVERARD BLUE



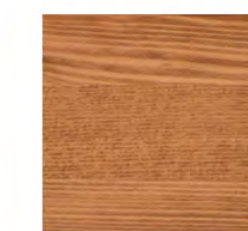
C-1
BOARD FORMED CONCRETE
VERTICAL



M-1
FREEFORM SHARKFIN CORRUGATED
PANEL,
HAMPTON BRASS



M-2
ALUMINUM FRAME,
DARK BRONZE



M-3
LONGBOARD ALUMINUM SCREEN,
DARK FIR

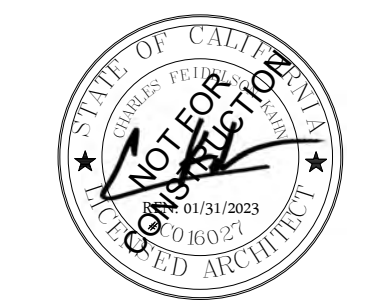


BIRD SAFE BUILDING COMPLIANCE

PER BIRD SAFE BUILDING REQUIREMENTS, SECTION 23.304.150, ALL WINDOWS LOCATED BETWEEN THE GROUND AND 75 FEET ABOVE GRADE WILL COMPLY WITH OPTION 1, THREAT FACTOR RATING OF 30 OR LESS

NEWBURY
STATION

2955 SHATTUCK AVE. BERKELEY,
CA



**USE PERMIT
RESPONSE #6**

[illegible]

PROJECT #: EPC09

ISSUE DATE: 11/28/23

NORTH ELEVATION

A201

MATERIAL LEGEND:

P-1
PAINTED STUCCO
SW-9109 NATURAL LINEN



P-2
HARDI ARTISAN V-GROOVE
BM CW-505 WINDSOR GREENS



P-3
HARDI ARTISAN V-GROOVE
BM CW 757 EVERARD BLUE



C-1
BOARD FORMED CONCRETE
VERTICAL



M-1
FREEFORM SHARKFIN CORRUGATED
PANEL,
HAMPTON BRASS



M-2
ALUMINUM FRAME,
DARK BRONZE



M-3
LONGBOARD ALUMINUM SCREEN,
DARK FIR



BIRD SAFE BUILDING COMPLIANCE

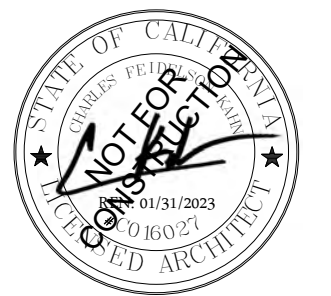
PER BIRD SAFE BUILDING REQUIREMENTS, SECTION 23.304.150, ALL WINDOWS LOCATED BETWEEN THE GROUND AND 75 FEET ABOVE GRADE WILL COMPLY WITH OPTION 1, THREAT FACTOR RATING OF 30 OR LESS

PER BIRD SAFE BUILDING REQUIREMENTS, SECTION 23.304.150, ALL WINDOWS LOCATED BETWEEN THE GROUND AND 75 FEET ABOVE GRADE WILL COMPLY WITH OPTION 1, THREAT FACTOR RATING OF 30 OR LESS

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**USE PERMIT
RESPONSE #6**

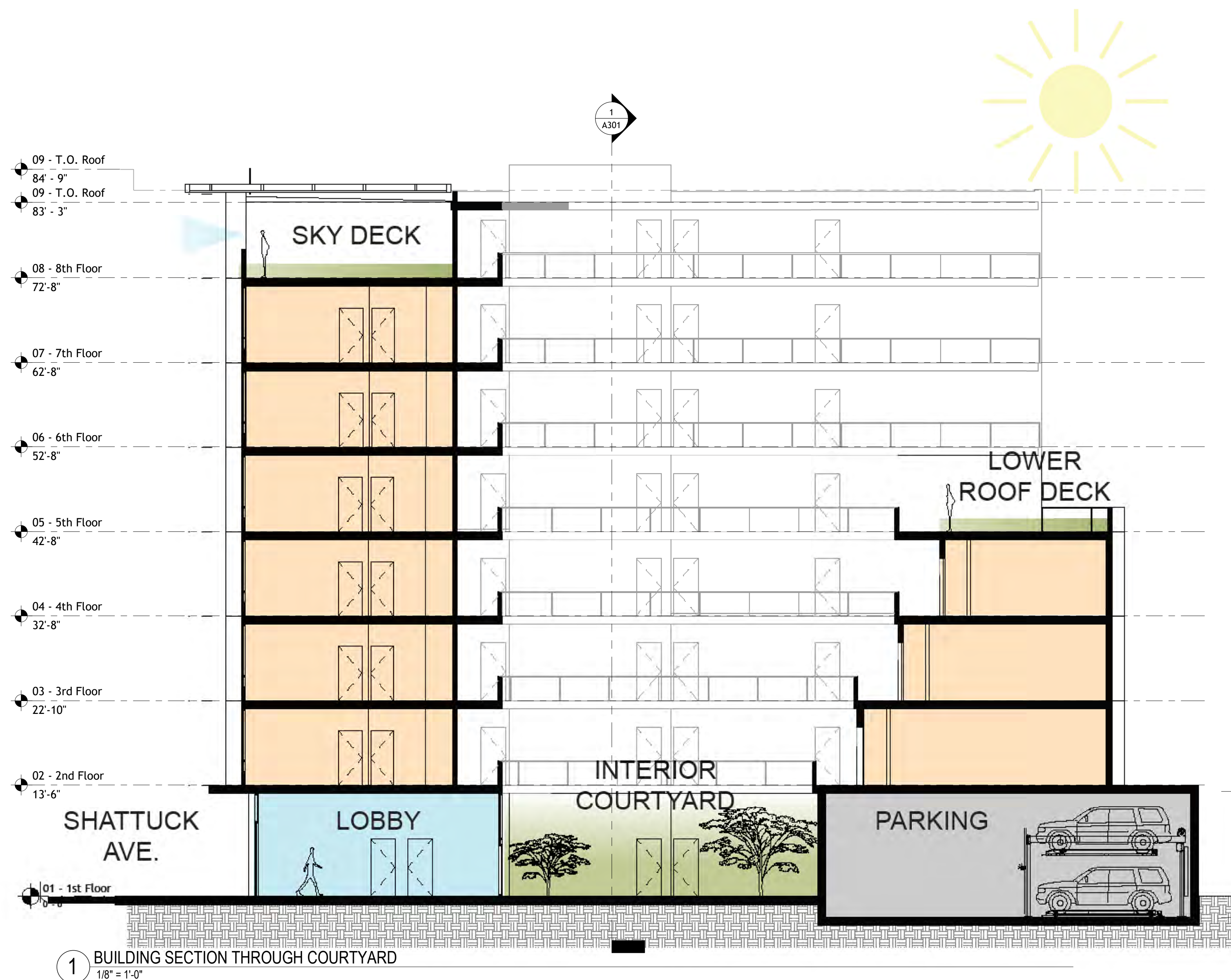
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PROJECT #: EPC09

ISSUE DATE: 11/28/23

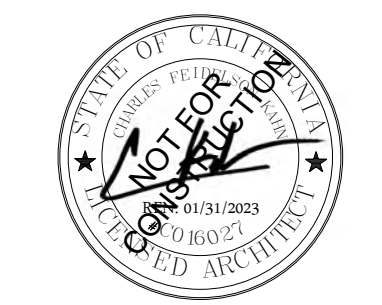
SECTION

A300



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2955 SHATTUCK AVE. BERKELEY,
CA



Architectural floor plan of a building with a central courtyard and roof deck. The plan shows a multi-story building with a central courtyard area labeled "INTERIOR COURTYARD" and a "LOWER ROOF DECK". The building is divided into sections by "2919 SHATTUCK", "2955 SHATTUCK", and "2999 SHATTUCK". The ground floor includes a "TRASH" area, "DRIVEWAY", and "RETAIL" space. The upper floors are numbered 01 to 09, with a "T.O. Parapet" and "T.O. Roof" indicated. A north arrow and a scale of 1/8" = 1'-0" are shown.

Key features and labels:

- Orientation:** North arrow pointing towards the top-left.
- Scale:** 1/8" = 1'-0".
- Address Markers:** 2919 SHATTUCK, 2955 SHATTUCK, 2999 SHATTUCK.
- Floor Levels:**
 - 01 - 1st Floor: 0'-0"
 - 02 - 2nd Floor: 13'-6"
 - 03 - 3rd Floor: 22'-10"
 - 04 - 4th Floor: 32'-8"
 - 05 - 5th Floor: 42'-8"
 - 06 - 6th Floor: 52'-8"
 - 07 - 7th Floor: 62'-8"
 - 08 - 8th Floor: 72'-8"
 - 09 - T.O. Roof: 83'-3"
 - T.O. Parapet: 84'-9"
- Interior Spaces:**
 - INTERIOR COURTYARD (Green area with trees)
 - LOWER ROOF DECK (Green area with a person walking)
 - TRASH (Grey area)
 - DRIVEWAY (Grey area)
 - RETAIL (Blue area)
- Structural Elements:**
 - Thick black lines represent walls and structural columns.
 - Thin lines represent doors, windows, and stairs.
 - Orange-shaded areas represent interior rooms on floors 02 through 08.

[illegible]

PROJECT #: EPC09

ISSUE DATE: 11/28/23

SECTION

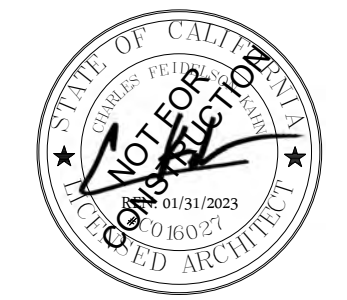
A301

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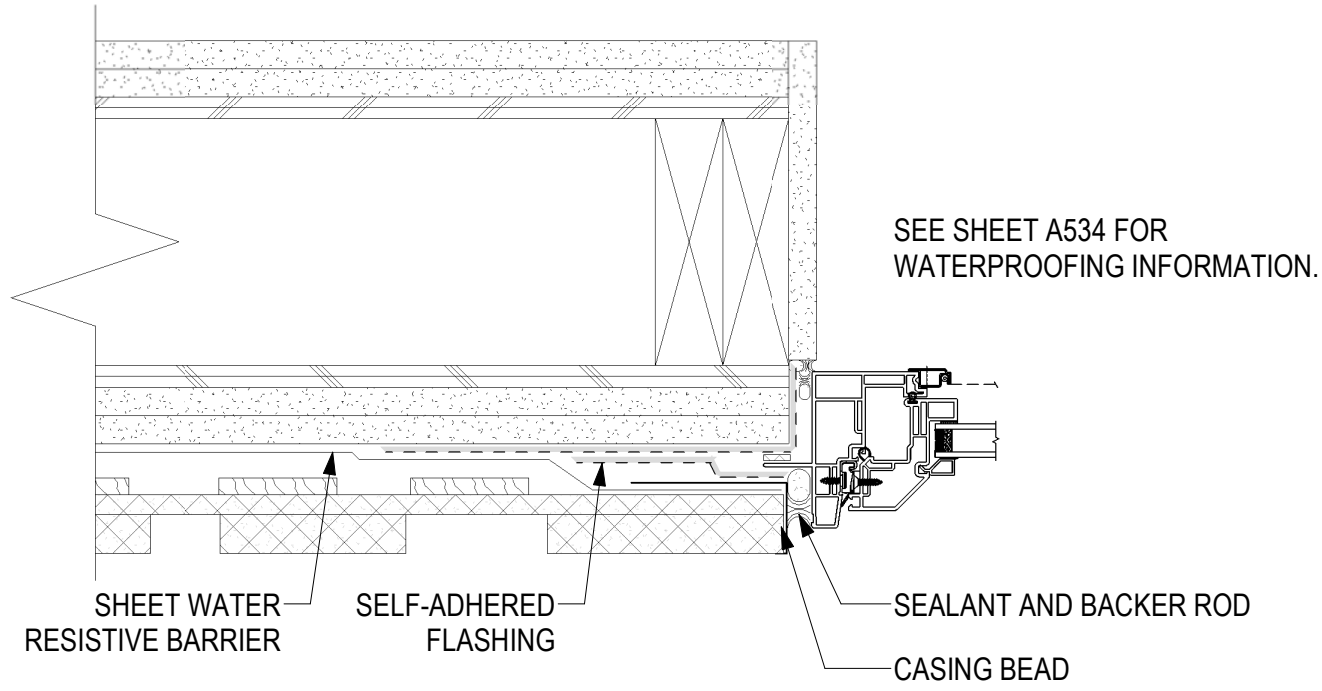
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NEWBURY
STATION

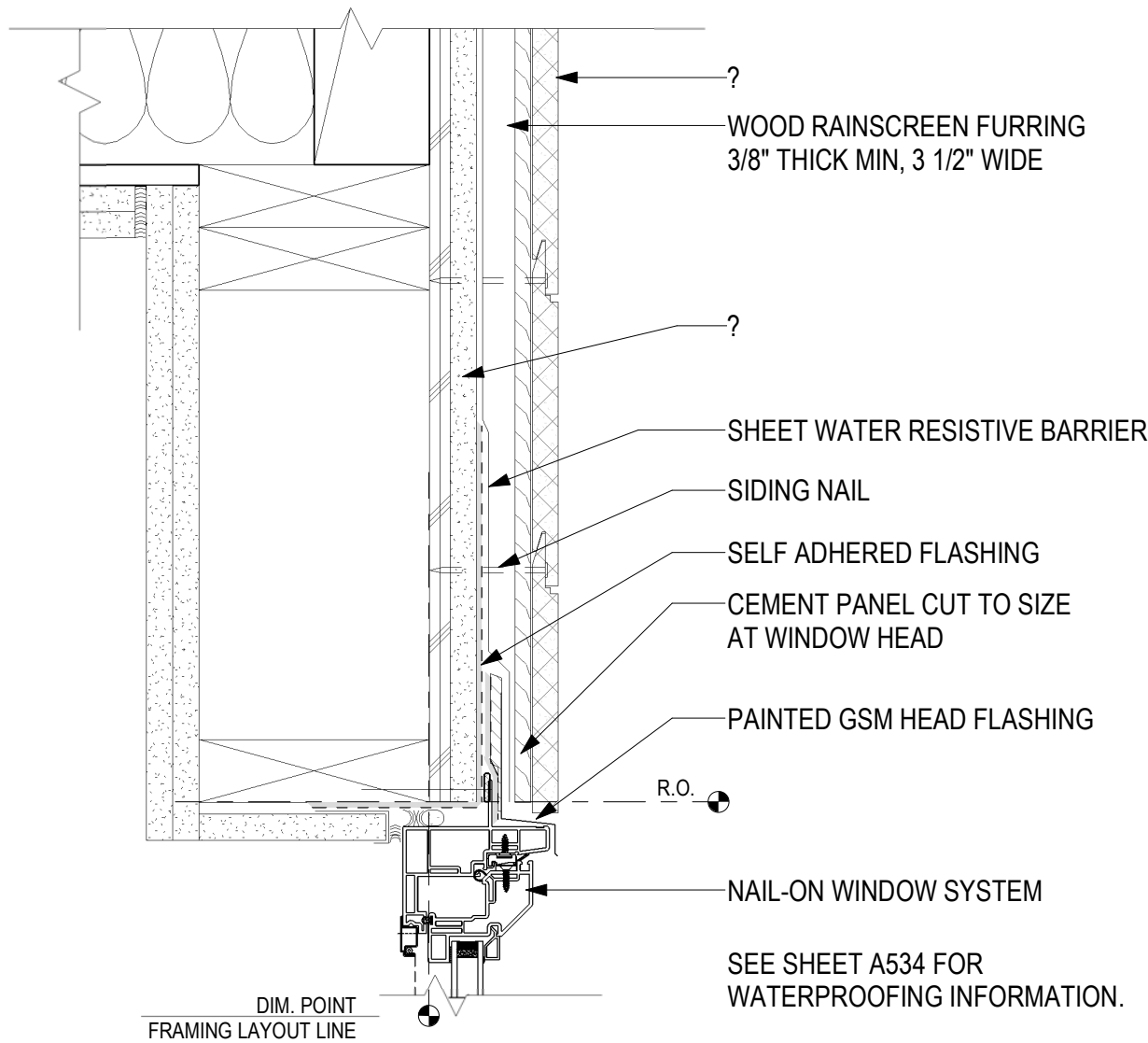
2955 SHATTUCK AVE. BERKELEY, CA



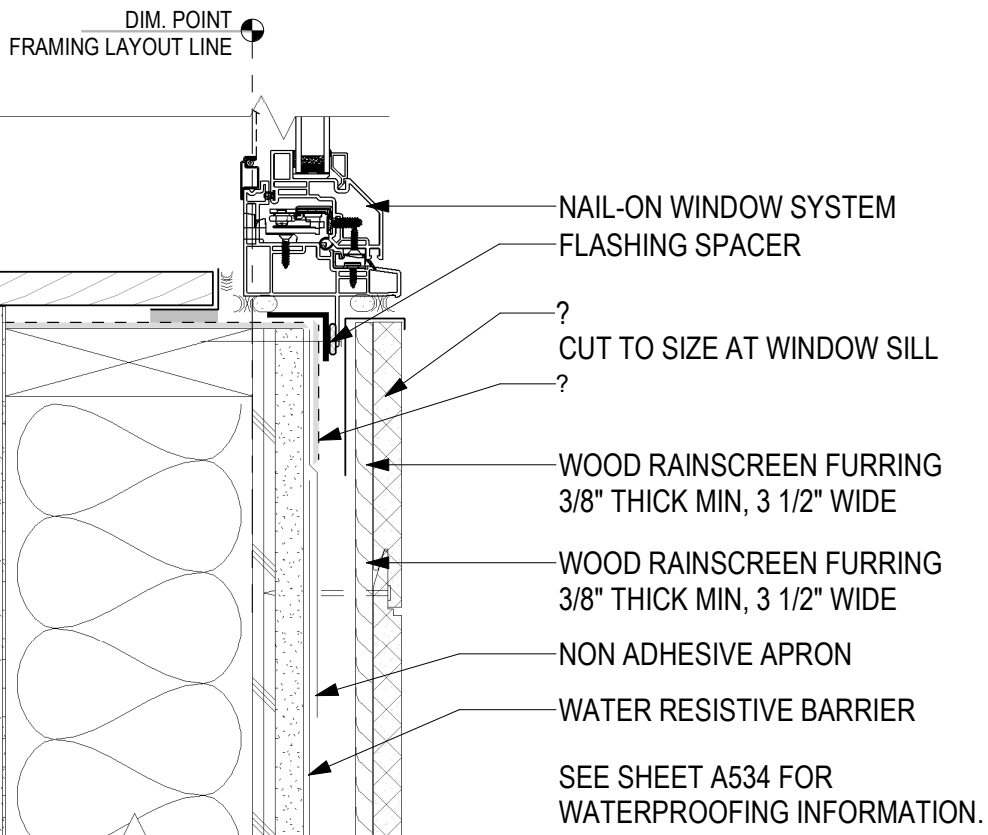
USE PERMIT
RESPONSE #6



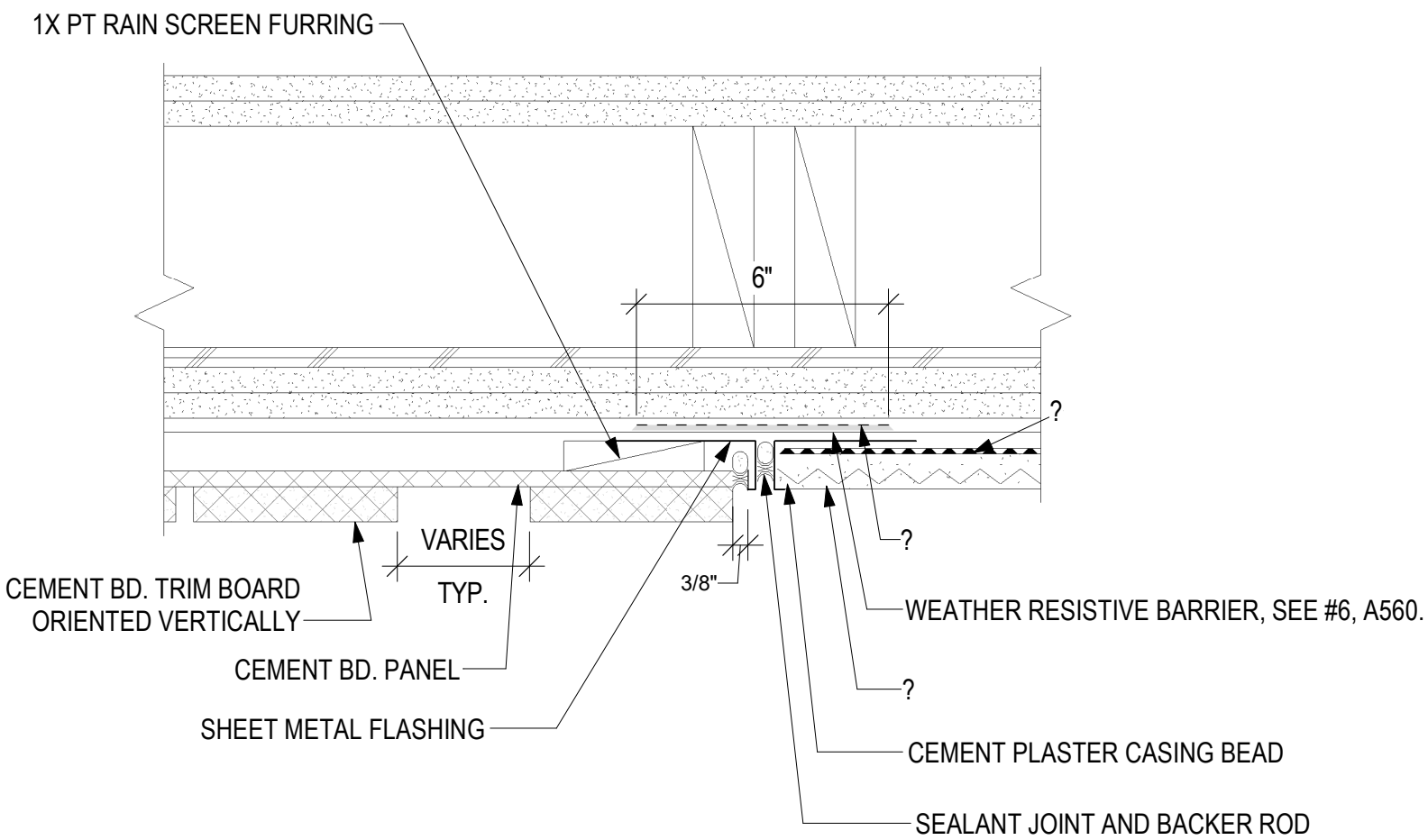
3 WINDOW HEAD @ VERTICAL/HORIZ. CEMENT PANEL SIDING
3" = 1'-0"



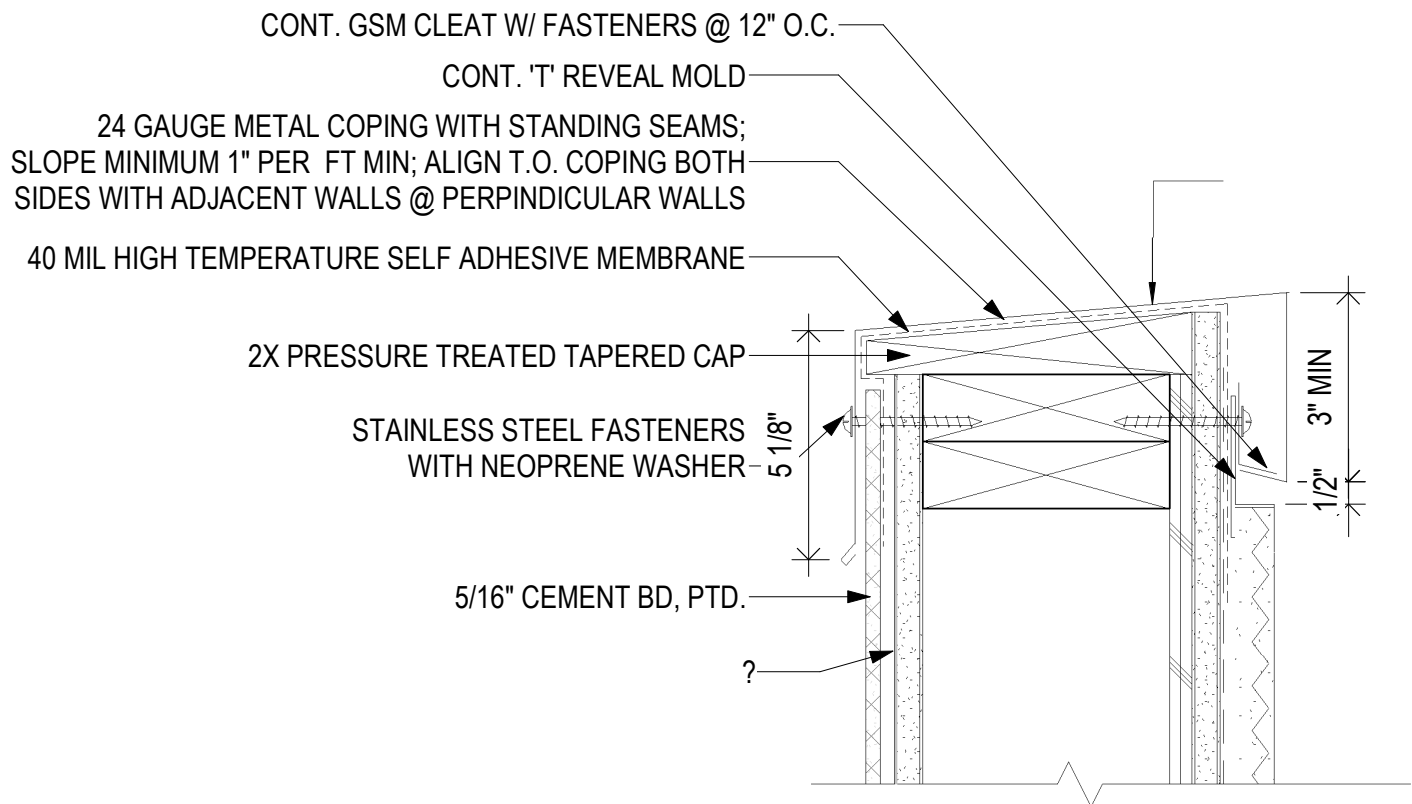
2 WINDOW HEAD @ HORIZONTAL CEMENT PANEL SIDING
3" = 1'-0"



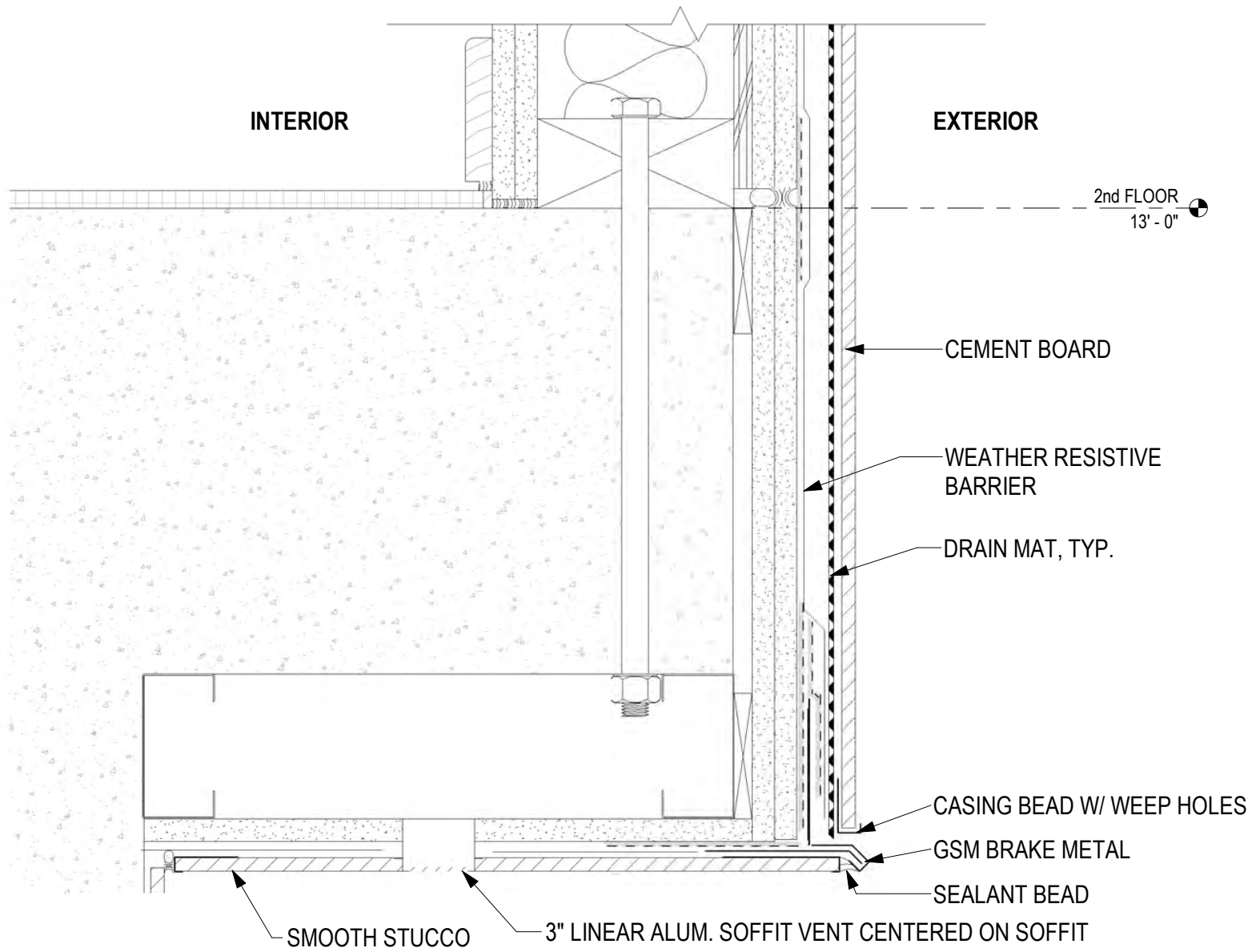
1 WINDOW SILL @ HORIZONTAL CEMENT PANEL SIDING
AND VERTICAL BOARD AND BATTEN
3" = 1'-0"



5 HORIZONTAL CEMENT PANEL / STUCCO VERTICAL JOINT1
3" = 1'-0"



4 PARAPET COPING
3" = 1'-0"



6 CANTILEVERED CONCRETE @ CEMENT BOARD
3" = 1'-0"

△ PROJECT ISSUE RECORD:

NO.	DATE	DESCRIPTION

PROJECT #: EPC09

ISSUE DATE: 11/28/23

DETAILS

A501



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

2955 Shattuck Avenue

Use Permit ZP2024-0071 to demolish three commercial buildings, merge two parcels and construct an approximately 78,000 square-foot, 8-story (84 feet, 9 inches), mixed-use building, with 74 units (4 Very-Low Income), a 1,465 square-foot ground floor commercial space, and 24 parking spaces, utilizing a State Density Bonus.

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, September 10, 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: NC (Neighborhood Commercial)
- Zoning: C-SA (South Area Commercial District)

B. Zoning Permits Required:

- **Demolition.** BMC Section 23.326.070(A) “**Main Non-Residential Building**” to demolish a non-residential building. (UPPH)
- **New Construction.** BMC Section 23.204.020 (A) “**Allowed Land Uses**” to construct a new mixed-use development. (UPPH)
- **New Floor Area.** BMC Section 23.204.030(A)(1) “**Floor Area Permit Requirements**” to create new floor area of 3,000 square feet or more. (UPPH)
- **Modification of Standards.** BMC Section 23.204.100(D)(3) “**Modification for Mixed Use and Residential Projects**” to modify the required height and stories, setbacks, and lot coverage in the C-SA District
- **Mixed Use Building.** Use permit under BMC Section 23.204.100(B)(2)(b) to construct a mixed-use development in the C-SA district
- **Setback.** BMC Section 23.304.030(C)(2)(b) “**Non-Residential Districts Setbacks**” to modify the required rear setback for a lot in a commercial district that abuts lots in a residential district
- **Height Projection** “BMC Section 23.304.050 (A) **Projections Above Height Limits**” exceed height limit with a rooftop projection. (AUP)

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

- **Concession** – none.
- **FAR.** Waiver from BMC Section 23.204.100(D)(1) to increase the FAR from 4 to 4.6
- **Stories.** Waiver from BMC Section 23.204.100(D)(1) to increase the stories from 3 to 8 stories
- **Height.** Waiver from BMC Section 23.204.100(D)(1) to increase the height from 36 to 85 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the front setback from 15 feet to 0 feet
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the rear setback from 15 feet to 1 foot
- **Setback.** Waiver from BMC Section 23.204.100(D)(1) to reduce the interior side setbacks required to be at 6 feet (3RD Floor), 8 feet (4th Floor), 10 feet (5th Floor) and 12 feet (6th Floor) to 5 feet
- **Lot Coverage.** Waiver from BMC Section 23.204.100(D)(1) to increase the lot coverage from 35 to 92 percent
- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)

D. CEQA Recommendation: Statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.66 (Assembly Bill 130).

E. Project Recommendation: Approve Use Permit #ZP2024-0071 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Studio KDA
- Property Owner Greg Hoff, Evans Property Company

Further Information:

All application materials are available online at: <https://aca-prod.accela.com/BERKELEY/Default.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, Nilu Karimzadegan, at (510) 981-7430 or nkarimzadegan@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.

3/31/26, 8:52 AM

Re: Building project/2955 Shattuck Ave - Karimzadegan, Niloufar - Outlook



Re: Building project/2955 Shattuck Ave

From Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>

Date Tue 3/31/2026 8:50 AM

To Joyce Freedman <rejoycef68@gmail.com>

Hi Joyce,

This project is utilizing a State Assembly Bill (AB130), has not yet been deemed complete and is currently under review. Once the checklist is complete, it will be approved in approximately 90 days. You will receive Zoning Adjustment Board (ZAB) Public Hearing Notices two weeks prior to the meeting.

If and when the project is approved, it will proceed through the building permit process. Applicants will send out notices to nearby residents approximately two weeks prior to the start of construction.

I hope this helps,

Sincerely,

Nilu Karimzadegan (She/Her)

Senior Planner

City of Berkeley | Land Use Planning

NKarimzadegan@berkeleyca.gov

Fraud Alert!

A phishing scam is targeting Berkeley clients with fraudulent invoices. Take steps to protect from fraud:

- Before replying to invoice requests, verify that the message is from a legitimate email address ending in @cityofberkeley.info or @berkeleyca.gov.
- The Berkeley Planning and Development Department will never call you for payment and will never ask you to wire funds.
- If you are unsure about a request for payment you have received, please email planning@berkeleyca.gov. Report fraud attempts to Berkeley Police at (510) 981-5900.

3/31/26, 8:52 AM

Re: Building project/2955 Shattuck Ave - Karimzadegan, Niloufar - Outlook

From: Joyce Freedman <rejoycef68@gmail.com>
Sent: Friday, March 27, 2026 1:30 PM
To: Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>
Subject: Building project

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Hello N Karimzadegan,

My name is Joyce Freedman. I talked to Allison Riemer last year about the proposal to erect an 8-story building at 2955 Shattuck Ave. I was informed that Allison was on maternity leave, then wrote to Sarah Price, who said you were assigned this project. Please let me know if the Zoning Board has approved this project, as I live at 2922 Lorina St, Berkeley CA 94705 and will be directly affected by this huge building. If the Zoning Board hasn't met re this project, when will it meet? Is there any recourse for those of us who will be severely impacted?

If it was approved, when will demolition of the current buildings occur, and when will the new building commence?

Thank you for responding,
Joyce Freedman

Jacob, Melinda

From: DRC
Subject: FW: #DRCP2024-0009 Public comment submission

From: Caroline McDowell <bayareamft@gmail.com>
Sent: Friday, August 14, 2026 3:01 PM
To: DRC <DRC@berkeleyca.gov>
Subject: #DRCP2024-0009 Public comment submission

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Regarding #DRCP2024-0009

I am a Licensed Marriage and Family Therapist who has been a tenant at 2955 Shattuck Ave. Suite #4, Berkeley, CA 94707 since 2008. As a solo small business owner doing business in the City of Berkeley for almost 20 years it is very important for me to share that I am deeply disapproving of this proposed project. On my floor alone at the 2955 Shattuck Ave. address of this project there are currently 22 other solo small business owners who are also Licensed Marriage Family Therapists, Psychologists, Licensed Clinical Social Workers and pre-licensed Associates under Supervision all providing vital mental health services to the local community. The 2 other buildings involved in this proposed project also are rented to a significant number of additional mental health professionals who are also small business owners in the City of Berkeley and doing business at this location for many years. I believe it would be a great disservice to allow this project to move forward for many reasons, but the one I am most upset about is how many small business owners it would displace or put out of business and the significant number of clients benefitting from being able to receive their therapy and mental health services in person with their clinical providers. There is also significant benefit to this office being so close to the Ashby BART, many bus routes, but also within walking distance of the UC Berkeley campus making accessibility possible for folks who cannot afford or choose not to drive a vehicle. Thank you for taking my comments into consideration.

Sincerely,

Caroline McDowell, MA, LMFT #47351
2955 Shattuck Ave. #4
Berkeley, CA 94705
510-496-3457 (voicemail)
bayareamft@gmail.com
www.bayareamft.com

Bay Area MFT, A Marriage and Family Therapy Corporation

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Note to Clients: Please note that for urgent matters a call to my office is needed to ensure that I receive and am able to respond to your message in a timely manner. Please also be aware that there are inherent confidentiality risks in communicating by email. While safeguards are in place to ensure your privacy, you should not use email communication if you are concerned about any breaches of privacy that may inadvertently occur. Contacting me via email implies acceptance of this risk and acknowledgment of informed consent.

Jacob, Melinda

From: DRC
Subject: FW: Written Comment on #DRCP2024-0009

From: Elizabeth Ehrenberg <eliz.ehren@gmail.com>
Sent: Monday, August 17, 2026 9:37 PM
To: DRC <DRC@berkeleyca.gov>
Subject: Written Comment on #DRCP2024-0009

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

To Whom It May Concern:

I am writing in regards to project #DRCP2024-0009 that would demolish three commercial buildings at 2955 Shattuck Ave and construct a mixed-use building in its place. I write to express my strong opposition to this project. I am a licensed clinical social worker who provides mental health services at 2955 Shattuck Ave. Demolishing the building would push out my small business, as well as multiple other therapy professionals who provide needed mental health services in that building. Moreover, the office rent at 2955 Shattuck is below-market rate for the area. This reasonable rent has made it possible for me to provide mental health care to underserved populations such as low-income students, as well as elderly and disabled individuals on Medicare. It is extremely unlikely I would be able to find a similar office rent elsewhere in this area.

Thank you for reading my written comment. I plan to attend the Design Review Committee meeting this Thursday August 20th, 2026 and would like to submit a public comment at that time.

Sincerely,
Elizabeth Ehrenberg, LCSW

--

Elizabeth Ehrenberg, LCSW

Pronouns: She/Her/Hers

Psychotherapy, Somatic Therapy, & Living Improv
Berkeley, CA

(phone) 510.473.2320

(fax) 510.201.2938

www.elizabethehrenberg.com

www.livingimprovgroups.com

eliz.ehren@gmail.com

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San Francisco Bay Regional Water Quality Control Board

December 26, 2025
GeoTracker ID: [T10000024204](#)

Victoria Associates LP
Attn: Greg Hoff
PO Box 13059
Oakland, CA 94661
greg@evanspc.com

Subject: Request for Agency Oversight, 2921-29-73 Shattuck Avenue, Berkeley, Alameda County

Dear Greg Hoff:

The San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received the Request for Agency Oversight Application ([Application](#)) for the subject property (Property) on October 6, 2025. The Regional Water Board evaluates applications in accordance with the October 11, 2005, Memorandum of Agreement Between the Department of Toxic Substances Control (DTSC), the State Water Resources Control Board, the Regional Water Quality Control Boards, and the California Environmental Protection Agency for the Oversight of Investigation and Cleanup Activities at Brownfields Sites (Brownfields MOA). Regional Water Board staff consulted with DTSC staff and determined that the Regional Water Board will take the lead on Application review.

Based on the information provided, we have determined that there is no indication of a significant release or a threat to public health, safety, or the environment that warrants opening a cleanup case. The application and documents regarding the Property have been filed in our GeoTracker database as non-case information available to the public.

Requested Oversight Service

The application included the following documents for our review:

- October 22, 2023, Phase I Environmental Site Assessment ([2023 Phase I ESA](#))
- November 11, 2025, Environmental Site Investigation ([2025 Limited Phase II ESA](#))

Background

The Property, located in Alameda County, consists of Assessor's Parcel Numbers (APN) 53-1589-18-1 and 53-1589-19 and encompasses approximately 0.39 acres. The Property contains 4 buildings. The northwestern building (Building 1 – 2925

ALEXIS STRAUSS HACKER, CHAIR | EILEEN M. WHITE, EXECUTIVE OFFICER

2921-2973 Shattuck Ave. Berkeley

- 2 -

December 26, 2025

Shattuck Avenue) is a two-story residential building currently used as office space and was constructed prior to 1903. The northeastern building (Building 2 – 2921 through 2955 Shattuck Avenue) is a two-story commercial office building constructed between 1980 and 1988. The western building (Building 3 – 2929 and 2969 Shattuck Avenue) is a single-story commercial building constructed between 1911 and 1950 and is currently occupied by two restaurants: Dessert Cafe in the northern portion and Mochigo in the southern portion. The southern building (Building 4 – 2971 and 2973 Shattuck Avenue) is a single-story commercial building constructed between 1950 and 1980 and is currently occupied by Taqueria La Familia in the northern portion and Pluto Smoke Shop in the southern portion.

Available records indicate that several dry-cleaning and laundry facilities previously operated in Buildings 3 and 4 between 1928 and 2017.

According to Berkeley Fire Department records, in 1928 a 280-gallon gasoline underground storage tank (UST), a 1,500-gallon bunker oil UST, and four 550-gallon solvent USTs were installed in front of Building 1 and were used for heating and for solvent storage associated with operations of the former Crescent Cleaners. The four solvent USTs were closed in place in 1980.

In January and February 1988, a UST unauthorized release report identified a leaking 1,500-gallon bunker oil UST. The 1,500-gallon UST, a previously undiscovered 500-gallon solvent UST, and approximately 15 cubic yards of impacted soil were removed and properly disposed. Following evaluation of confirmation soil samples and four quarters of groundwater sampling and analysis, the City of Berkeley Toxics Management Division issued a case closure letter stating that investigation at the Site was complete and no further action was required.

In January 1992, the City of Berkeley requested that the Property be removed from the contaminated site list and formally requested case closure in a letter to the Regional Water Board. On September 18, 2015, the Water Board granted Site closure pursuant to the State Water Board's Low-Threat Underground Storage Tank Case Closure Policy. [The 2015 Case Closure Summary](#) noted that any future redevelopment of the Site to a more sensitive land use could require additional remediation and/or testing.

The planned future use of the Property includes demolition of the existing buildings and construction of an eight-story building with a subgrade parking garage on the east side of the building, ground-floor commercial units, and residential units above the ground floor.

2023 Phase I ESA

The site reconnaissance conducted for this assessment did not identify any obvious potential sources or evidence of releases or spills at the Property. Aside from confirming the historical dry cleaner operations at Building 3, no other past or current uses were observed during the site reconnaissance that would indicate the presence of recognized environmental conditions associated with the adjoining properties.

2921-2973 Shattuck Ave. Berkeley

- 3 -

December 26, 2025

2025 Phase II ESA

In September 2025, a geophysical survey using ground-penetrating radar was conducted at the Property to investigate the potential presence of USTs that were reportedly closed in place. No USTs were identified in the accessible areas surveyed.

2025 Phase II ESA identified previous operations of dry cleaning activities at Building 4 and considered those historical activities as a potential vapor intrusion concern for future residential use.

Ten sub-slab vapor pins were sampled and analyzed for volatile organic compounds (VOCs) using United States Environmental Protection Agency (USEPA) Method TO-15 and total petroleum hydrocarbons as gasoline (TPH-g) using USEPA Method TO-3M.

Geology and Hydrogeology

Based on subsurface conditions observed during the installation of a monitoring well in 1988, subsurface materials underlying the Property generally consist of silty clay to clayey silt to an approximate depth of 23 feet below ground surface (bgs), underlain by a silty sand layer to the boring termination depth of 30 feet bgs. Groundwater was encountered during the installation of the monitoring well at approximately 21 feet bgs, with a regionally reported groundwater flow direction to the west.

Regional Water Board Review

The following summarizes our review of the information and data in the Application and referenced reports. Sample results are summarized and evaluated below, based on our [current \(2025\) Environmental Screening Levels \(ESLs\)](#) for Residential Vapor Intrusion Human Health Risk Levels.

Sub-Slab Soil Vapor – Sub-Slab Soil Vapor – Ten soil vapor samples and one duplicate sample were analyzed for VOCs and TPH-g. All analytes were either below laboratory reporting limits or detected at concentrations below the Residential Vapor Intrusion Human Health Risk ESLs, with the following exceptions:

- TPH-g was detected in all 10 soil vapor samples at concentrations ranging from 870 µg/m³ to 26,000 µg/m³. TPH-g exceeded the Residential ESL of 22,000 µg/m³ in only one sample.
- Benzene was detected in two soil vapor samples at concentrations of 2.5 µg/m³ and 5.5 µg/m³, both exceeding the Residential ESL of 3.2 µg/m³.
- Tetrachloroethene (PCE) was detected in three soil vapor samples at concentrations of 16 µg/m³, 18 µg/m³, and 30 µg/m³, all exceeding the Residential ESL of 15 µg/m³.
- Chloroform was detected in two soil vapor samples at concentrations of 5.8 µg/m³ and 8.3 µg/m³, exceeding the Residential ESL of 4.1 µg/m³.

Detected TPH-g, benzene, PCE, and chloroform concentrations are limited in extent and do not pose a significant threat to human health or the environment.

2921-2973 Shattuck Ave. Berkeley

- 4 -

December 26, 2025

PCE detections may be associated with historical dry-cleaning operations or releases from the former solvent USTs that were closed in place, but concentrations in soil vapor are not indicative of a significant release. TPH-g and benzene are petroleum hydrocarbons and are susceptible to natural bioattenuation; their concentrations are likely to diminish over time. Chloroform detected in soil vapor is commonly associated with volatilization from chlorinated municipal water and is therefore unlikely to represent a chloroform release to the subsurface.

Conclusion

The shallow soil vapor sampling results indicate that no significant release has occurred at the Property, nor does the Property appear to be significantly impacted by the 1988 unauthorized UST release of gasoline. Based on the available information, the detected concentrations of TPH-g, benzene, PCE and chloroform in soil vapor above Residential ESLs do not pose a significant vapor intrusion risk or a threat to public health, safety, or the environment. Under the proposed land use and redevelopment activities, the residual impacts do not present a significant threat to the proposed redevelopment project.

While opening a cleanup case is not warranted, anyone conducting subsurface activities for the proposed development should be prepared to encounter and properly manage residual contamination. Proper management may include but is not limited to developing a health and safety plan, procedures for subsurface activities, and a waste management plan. Any contaminated soil from the Property should be properly handled and disposed (e.g., licensed/permitted landfill) in accordance with applicable laws and regulations.

If new data become available indicating conditions at the Property have changed, including any redevelopment, the Regional Water Board should be contacted as we may reconsider this determination, request a reevaluation of conditions, and open a cleanup case.

Please contact my staff via email at RB2-caseintaketeam@waterboards.ca.gov if you have any questions.

Sincerely,



Digitally signed by
Ross Steenson
Date: 2025.11.26
10:48:57 -08'00'

Ross Steenson, C.H.G.
Assistant Executive Officer

Copy to:

Steffany Aguilar, Farallon Consulting, Saguilar@farallonconsulting.com