

D E S I G N  
R E V I E W  
C O M M I T T E E  
S T A F F R E P O R T

For Committee Discussion  
DECEMBER 15, 2022

## 2190 Shattuck Avenue PREVIEW

**Design Review #MODDRCP2022-0001** to redevelop a 19,967 square-foot (0.46-acre) site at the southwest corner of Shattuck Avenue and Allston Way with a proposed 25-story building with 326 residential units above approximately 7,500 square feet of ground floor retail space. Approximately 51 parking spaces would be provided in a single level subterranean garage accessed from Allston Way.

### I. Introduction

This project is located on the southeast corner of Shattuck Avenue and Allston Way. This parcel is located in the C-DMU, Commercial-Downtown Mixed-Use, Core Area zoning district.

The demolition referral was reviewed by the Landmark Preservation Commission (LPC) in November 2016, where no action was taken. The project came before the Design Review Committee in 2018, and was forwarded to the Zoning Adjustments Board (ZAB) with a favorable recommendation. ZAB approved the Use Permit on October 25, 2018 but that approval was appealed. City Council upheld ZAB's decision and approved the Use Permit Resolution on January 31, 2019. The project has since been modified significantly, a list of updates has been provided below, and is returning for a Use Permit Modification.

This project is here this month to DRC for a Preview. It will return for Preliminary Design Review once the Addendum to the original EIR has a public draft available for review.

### II. Background

The proposed density bonus project is a 25-story mixed-use development in Downtown Berkeley with 326 residential units, ground floor commercial space, and one level of underground parking. The project's primary street frontage for commercial uses is along Shattuck Avenue with additional commercial space

accessible from Allston Way. The main residential entrance and entrance to the subterranean garage is also proposed on Allston Way. Although a brief summary of changes is below, refer to the applicant's statement (Attachment 2) for a more detailed description and select pages of the approved building design (Attachment 3) for reference.

Modifications to the original project include:

- an increase in building height from 18 floors to 25 floors;
- reduction in subterranean parking levels and spaces from 2 levels and 103 spaces to 1 level and 51 spaces;
- increase in residential units from 274 units to 326 units;
- increase in affordable units from 1 unit to 32 very low-income units;
- decrease in retail square footage from 10,000 square feet to 7,500 square feet; and
- increase in bicycle parking from 100 spaces to 295 spaces.

### III. Project Setting

#### A. Neighborhood/Area Description:

The project site is located on the northwest corner of Shattuck Avenue and Allston Way, in the Downtown area within the Shattuck Avenue Downtown Historic District. The site has frontage on Shattuck Avenue and Allston Way, and is adjacent to the southern edge of the Bay Area Rapid Transit (BART) Plaza associated with the Downtown Berkeley BART station. The project site is surrounded primarily by Downtown Berkeley commercial and institutional development in buildings ranging in height from one story (the Fresco Mexican Grill building at 2177 Shattuck Avenue) to 14 stories (the 180-foot First Savings/Great Western Building at 2150 Shattuck Avenue). There is a 16-story hotel at 2129 Shattuck Avenue, at the northeast corner of Shattuck Avenue and Center Street.

#### B. Site Conditions:

The project site is 19,967 square-foot (0.46-acre) and located on the northwest corner of Shattuck Avenue and Allston Way. The site is generally level, sloping approximately five feet downward from east to west along the property. The site has frontage on Shattuck Avenue and Allston Way, and is adjacent to the southern end of the Bay Area Rapid Transit (BART) for the Downtown Berkeley Station.

The project site is currently covered by a two-story commercial building with a basement and 38,700 square feet of retail and office space. The first floor has retail space currently occupied by a Walgreens drug store and pharmacy. The second floor has administrative office space currently occupied by Round Corner and Nokia. The basement is currently vacant.

### Figure 1: Vicinity Map

File: Land Use/Projects by Address/Shattuck/2190/MODDRCP2022-0001/2022-12-15\_SR\_2190 Shattuck.docx



**Table 1: Land Use Information**

| Location               |       | Existing Use                | Zoning District | General Plan Designation |
|------------------------|-------|-----------------------------|-----------------|--------------------------|
| Subject Property       |       | Retail/Commercial           | C-DMU, Core     | Downtown                 |
| Surrounding Properties | North | Restaurant/Office           | C-DMU, Core     | Downtown                 |
|                        | South | Hotel                       | C-DMU, Core     | Downtown                 |
|                        | East  | Retail                      | C-DMU, Core     | Downtown                 |
|                        | West  | Parking/Retail/Food Service | C-DMU, Core     | Downtown                 |

**Table 2: Development Standards**

| Standard (BMC)              |               | Existing | Original Project | Modified Project | Permitted/ Required |
|-----------------------------|---------------|----------|------------------|------------------|---------------------|
| Lot Area (sq. ft.)          |               | 19,967   | 19,967           | 19,967           | -                   |
| Gross Floor Area (sq. ft.)  |               | 38,700   | 211,590          | 397,212          | -                   |
| Floor Area Ratio            |               | 1.94     | 10.6             | 19.5             | -                   |
| Dwelling Units              | Total         | 0        | 274              | 326              | -                   |
|                             | Affordable    | -        | 1                | 32               | -                   |
| Building Height             | Average (ft.) | -        | -                | -                | -                   |
|                             | Maximum (ft.) | 22       | 180              | 268              | 180<br>+ 5 parapet  |
|                             | Stories       | 2        | 18               | 25               | --                  |
| Building Setbacks (ft.)     | Front         | 0        | 0 - 120          | 0 - 5            | 0 - 15              |
|                             | Rear          | 5        | 0 - 15           | 0 - 6            | 0 - 15              |
|                             | Left Side     | 0        | 0 - 15           | 0 - 10           | 0 - 15              |
|                             | Right Side    | 0        | 0 - 5            | 0 - 11           | 0 - 15              |
| Lot Coverage (%)            |               | 92       | 92               | 88               | -                   |
| Usable Open Space (sq. ft.) |               | -        | 21,024           | 22,719           | 26,080              |
| Parking                     | Automobile    | 0        | 103              | 51               | 11                  |
|                             | Bicycle       | 0        | 100              | 295              | 290                 |

## IV. Project Description

### A. Requested Use Permits

- Use Permit under BMC Section to demolish a non-residential building;
- Use Permit under BMC Section to construct a new mixed-use development;
- Use Permit under BMC Section to construct dwelling units;
- Use Permit under BMC Section to create new floor area of 10,000 square feet or more;
- Use Permit under BMC Section to construct a building that exceeds the district height limit, and that is over 120 feet but not more than 180 feet;
- Use Permit under BMC Section to modify front, side, and rear setback requirements;
- Use Permit under BMC Section to exceed 120 feet in width in diagonal measurement;
- Use Permit under BMC Section to pay a fee in lieu of providing privately owned public open space;
- Administrative Use Permit under BMC Section to allow architectural projections to exceed district height limits.

**B. CEQA Determination**

An Environmental Impact Report (EIR) was prepared to evaluate the potentially significant environmental impacts of the approved project, pursuant to Article 7 the California Environmental Quality Act (CEQA). After a public review and comment period for the Draft EIR (DEIR) and the Responses to Comments Document (RTC) was distributed, ZAB certified the Final EIR (FEIR), on January 25, 2018. An Addendum to the original EIR is currently in progress.

**C. Density Bonus Information**

- Waiver of BMC Section to exceed building height limits – to be 264', where 180' is the limit;
- Waiver of BMC Section to reduce the usable open space requirement – to be 22,719 square feet, where 26,080 square feet is required;
- Waiver of BMC Section to reduce the privately-owned public open space– to be 0 square feet, where 150 square feet is required;
- Concession to reduce the commercial parking requirement — to provide zero, where 11 is required.

**V. Design Review Guidelines**

Following are several key guidelines in the Downtown Design Guidelines which relate closely to this project.

*All Buildings*

- For new construction projects located on narrow east-to-west streets and over 75 feet in height, prepare an analysis of shade impacts on public open spaces and pedestrian sidewalks across the street.
- Maintain and reinforce Downtown's historic street wall at the property line. Upper floor step backs are desirable above 60 feet and should be used above 75 feet.
- For buildings over 85 feet in height, prepare an analysis of potential wind impacts. Protect sidewalk and public open space by deflecting downward wind drafts ("wind shear") by using building setbacks, recesses, projections and other devices.
- Consider how the building's form and orientation can take advantage of sun and shade to appropriately heat and cool the building.
- Consider using continuous vertical features to unify upper and lower floors, while stepping back upper floors.
- Respect the height of neighboring buildings, and provide a sense of continuity and enclosure which avoids abrupt changes in height.

*Facades*

- Reflect and reinforce the scale, massing, proportions, rhythm and attention to detailing which are established by the facades of Landmark and Significant buildings.
- Incorporate elements which break up façade planes and create a visual play of light and shadow. Avoid long, uninterrupted horizontal surfaces. Consider the use of bay windows, balconies and architectural projections.

- Vertical divisions of ground and upper floors should be consistent. Generally maintain a cornice that projects horizontally between the ground floor (and its mezzanines) and upper stories.
- Architecturally distinguish the ground floor from the upper façade, to form a visual base for the building. Create an intimate scale for the pedestrian environment.
- Architecturally distinguish the upper façade from the top of the façade to provide a visual termination for the building. Generally maintain a cornice that projects horizontally at the top of the 5<sup>th</sup> floor, or near the top of the buildings that are less tall.
- Maintain the typical rhythm of structural bays and enframed storefronts of 15-30 feet spacing at ground level, in order to enhance visual continuity with existing buildings and pedestrian scale. Curtain walls, if used, should be designed with rhythm, patterns and modulation to be visually interesting.

#### *Parking and Garage*

- Give first consideration to pedestrians during the site planning process.
- For on-site loading and on-site parking, mitigate impacts on the pedestrian to the extent possible.
- Locate and design loading areas to minimize their visibility from public spaces, use walls and landscaping to screen views of loading areas.
- Locate parking behind buildings, underground, or behind ground floor storefronts.

#### **Both street frontages for this project are designated as required public serving frontage (refer to figure 43 in the 2012 Downtown Guidelines)**

- At least one publicly-accessible street-level entrance to be provided for every 40 feet along a street facing frontage. Any remainder exceeding 30 feet shall also have a publicly-accessible street-level entrance. No two entrances shall be separated by more than 50 feet.
- Clear Glass shall comprise at least 60% of the street facing façade where it is between 3 feet and 8 feet above elevation of adjacent sidewalk
- The design of the ground floor shall be visually open to pedestrians such that the design should enable the main activities of the proposed use to be carried out towards the front of the space.

A complete set of the downtown design guidelines can be found online at:

<http://www.cityofberkeley.info/ContentDisplay.aspx?id=14260>

## VI. Issues and Analysis

### A. Design Review Issues:

**Neighborhood Context** This project is proposed in the C-DMU District of downtown Berkeley. Although the program is larger, the design still has an important delineation at the 7<sup>th</sup> level in response to the Shattuck Hotel across Allston.

**Building Design** This 25-story mixed use project is situated on the corner of Shattuck and Allston. The project provides a visual two-story base with dark storefronts at the ground floor and large windows with dark-colored aluminum transom panels at the second story. The project proposes brick-framed fins as a way to break up the massing. A recessed loggia level proposed at the seventh floor responds to the Shattuck Hotel across Allston as well as many other downtown buildings. Balconies, curtain wall expanses, as well as contrasting colors and materials also help the break down the scale of the building program. Rectilinear framed elements at the rooftop amenity level provide visual termination at the building's roofline.

**Ground Floor Design** At the ground floor, the building could have two retail spaces opening to Shattuck with dark-finished aluminum storefront system featuring movable glass panels. A potential third retail space is proposed on Allston. Also provided on Allston is the residential lobby entrance and vehicular ramp to the underground parking level. Additional residential amenities at the ground floor include a fitness center at the Northwest corner adjacent to a communal lounge space, mail room, package room, and office located at the interior of the floor. A community room is provided on the South façade overlooking Allston. The residential trash room is proposed at the Southwest corner adjacent to the vehicular ramp and opens directly to Allston. A separate trash holding room is provided for the commercial tenants.

**Setbacks** The project meets the property line at the North, East, and South property lines with a 7 foot setback at the West side. The vehicular entrance at the South west corner is setback 5 feet. The project steps back from the North property line at the second floor to allow for a stormwater planter. The project steps back again at the Southeast and Southwest corners at the seventh floor.

**Open Space Design** The project provides open space in private balconies on levels 3 - 23, as well as a roof deck. The roof deck is arranged along the South edge of the parcel overlooking Allston. Planted seating areas are proposed at the Northwest and Southwest corners. Additional amenities include a hot tub, shuffleboard, BBQ grill, media wall, table tennis, and a dog run.

**Colors and Materials** Dominant finish materials proposed include stack bond brick cladding, as well as three colors of cement plaster. Other materials proposed include dark-finished aluminum and metal screen railings at the balconies.

**B. Issues for Discussion:**

- Neighborhood Context
- Building Design
- Ground Floor Design
- Open Space Design

**VII. Recommendation**

Staff recommends that the Committee discuss the proposed modifications, as well as the topics listed above, and give the applicant any advisory comments on building design refinements that could help the project fit into this urban Downtown context.

**Attachments:**

1. Project Plans, received July 27, 2022
2. Applicant Statement, received April 27, 2022
3. Approved Use Permit Selected Pages, approved by City Council Resolution on January 31, 2019

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LANDMARK  
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**2190  
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JOB: 2129

SHEET:

GENERAL  
INFORMATION

**A0.0**

**LOCATION MAP**



**PROJECT DIRECTORY**

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**PROJECT DESCRIPTION**

PROJECT ADDRESS: 2190 SHATTUCK AVENUE, BERKELEY CA 94704 (APN: 57-2026-004-05 )

**SCOPE OF WORK:**  
REMOVAL OF EXISTING STRUCTURE AND NEW CONSTRUCTION OF A 25-STORY MIXED-USE HOUSING DEVELOPMENT WITH 326 DWELLING UNITS OVER GROUND-LEVEL COMMERCIAL, LOBBIES AND A LEVEL OF BASEMENT PARKING, WITH STATE OF CALIFORNIA DENSITY BONUS.

**DRAWING LIST**

|                              |                              |                              |
|------------------------------|------------------------------|------------------------------|
| A0.0 GENERAL INFORMATION     | A2.2 PLAN AT LEVEL 2         | A3.10 PHOTO SIMULATIONS      |
| A0.1 ZONING CODE DATA        | A2.3 PLAN AT LEVELS 3 - 6    | A3.11 MATERIAL BOARD         |
| A0.2A DENSITY BONUS DIAGRAMS | A2.4 PLAN AT LEVELS 7 - 23   | A4.1 CONCEPTUAL GRADING PLAN |
| A0.2B DENSITY BONUS DIAGRAMS | A2.5 PLAN AT LEVEL 24        | A4.2 PRELIM. STORMWATER PLAN |
| A0.2C DENSITY BONUS DIAGRAMS | A2.6 PLAN AT LEVELS 25       | L1.0 LANDSCAPE PLAN AT ROOF  |
| A0.2D DENSITY BONUS DIAGRAMS | A2.7 PLAN AT ROOF            | L1.1 LANDSCAPE PLANT PALETTE |
| A0.3 OPEN SPACE DIAGRAMS     | A2.8 PLAN AT ELEVATOR ROOF   | L1.2 LANDSCAPE VIEWS         |
| A0.4A SUN SHADOW STUDIES     | A3.1 BUILDING ELEVATIONS     | L1.3 LANDSCAPE VIEWS         |
| A0.4B SUN SHADOW STUDIES     | A3.2 BUILDING ELEVATIONS     | L1.4 LANDSCAPE VIEWS         |
| A0.4C SUN SHADOW STUDIES     | A3.3 BUILDING SECTIONS       |                              |
| A0.5 CONTEXT PHOTOS          | A3.4 STREET STRIP ELEVATIONS |                              |
| A0.6 VICINITY MAP            | A3.5 PERSPECTIVE RENDERINGS  |                              |
| A1.0 SITE SURVEY             | A3.6 PERSPECTIVE RENDERINGS  |                              |
| A1.1 SITE PLAN               | A3.7 PERSPECTIVE RENDERINGS  |                              |
| A2.0 BASEMENT PLAN           | A3.8 PERSPECTIVE RENDERINGS  |                              |
| A2.1 PLAN AT GROUND LEVEL    | A3.9 PERSPECTIVE RENDERINGS  |                              |







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| BASE PROJECT ZONING COMPLIANCE TABLE     |                                  |                                     |              |                       |                   |
|--|----------------------------------|-------------------------------------|--------------|-----------------------|-------------------|
| ZONING                                   | BASE ZONING ALLOWABLE / REQUIRED | ALLOWABLE W/ UP OR AUP MODIFICATION | CODE SECTION | PROPOSED BASE PROJECT | ZONING COMPLIANCE |
| ZONING                                   |                                  | C-DMU Core                          |              |                       | COMPLIES          |
| TOTAL LOT SIZE (SQ. FT.)                 |                                  | 19,967                              |              |                       | COMPLIES          |
| TOTAL LOT SIZE (ACRES)                   |                                  | 0.46                                |              |                       | COMPLIES          |
| FLOOR AREA RATIO (FAR)                   | NA                               | NA                                  |              | NA                    | COMPLIES          |
| DWELLING UNITS (SEE TABLE)               | NA                               | NA                                  |              | 223                   | COMPLIES          |
| RESIDENTIAL BEDROOMS                     | NA                               | NA                                  |              | 497                   | COMPLIES          |
| RESIDENTIAL BEDS                         | NA                               | NA                                  |              | 673                   | COMPLIES          |
| HEIGHT - FEET                            | 60'-0"                           | 180'-0"                             | 23E.68.070.B | 180'-0"               | COMPLIES          |
| HEIGHT - STORIES                         | NA                               | NA                                  |              | 17                    | COMPLIES          |
| LOT COVERAGE                             | NA                               | NA                                  |              | 88%                   | COMPLIES          |
| SETBACK - FRONT (SHATTUCK)               | 0' to 15'                        | 0'                                  | 23E.68.070.C | 0' to 5'              | COMPLIES          |
| SETBACK - STREET SIDE (ALLSTON)          | 0' to 15'                        | 0'                                  | 23E.68.070.C | 0' to 6'              | COMPLIES          |
| SETBACK - INTERIOR SIDE                  | 0' to 15'                        | 0'                                  | 23E.68.070.C | 0' to 10'             | COMPLIES          |
| SETBACK - REAR                           | 0' to 15'                        | 0'                                  | 23E.68.070.C | 0' to 11'             | COMPLIES          |
| SETBACK - MAX. DIMENSION ABOVE 120'      | 120'                             | NOT LIMITED                         | 23E.68.070.C | 235'                  | COMPLIES          |
| RESIDENTIAL PARKING (SEE TABLE)          | 0                                | 0                                   |              | 33                    | COMPLIES          |
| COMMERCIAL PARKING (SEE TABLE)           | 11                               | 11                                  |              | 11                    | COMPLIES          |
| RES. BIKE PARKING LONG TERM (SEE TABLE)  | 166                              | 166                                 |              | 280                   | COMPLIES          |
| RES. BIKE PARKING SHORT TERM (SEE TABLE) | 13                               | 13                                  |              | 20                    | COMPLIES          |
| COM. BIKE PARKING SHORT TERM (SEE TABLE) | 4                                | 4                                   |              | 4                     | COMPLIES          |
| RESIDENTIAL OPEN SPACE (SEE TABLE)       | 17,840                           | 17,840                              |              | 18,599                | COMPLIES          |
| COMMERCIAL OPEN SPACE (SEE TABLE)        | 150                              | 150                                 |              | 150                   | COMPLIES          |

**LIST OF BASE PROJECT USE PERMITS AND AUP'S**  
Per August 2, 2021 Memorandum on Policy Changes to Objective Standards, HAA and Density Bonus

- Use Permit for construction for demolition of a non-residential building, under BMC 23C.08.050.A
- Use Permit for construction of a new main building with mixed-use development, under BMC 23E.68.030
- Use Permit for construction of >10,000 sq. ft. gross floor area, under BMC 23E.68.050
- Use Permit to allow a maximum height of up to 180 feet, under BMC 23E.68.070.B
- Use Permit to allow a reduction in the required setbacks, under BMC 23D.68.070.C
- Use Permit to allow that portion of the building over 120 feet to be greater than 120 feet in width when measured at the widest point on the diagonal in plan view, under BMC 23D.68.070.C
- Administrative Use Permit to allow architectural projections (e.g. elevator enclosures) to exceed the height limit, under BMC 23E.04.020.C.

| PARKING CALCULATIONS |      |         |       |       |          |
|----------------------|------|---------|-------|-------|----------|
|                      | QNTY | CARS    | PER   | REQ'D | PROVIDED |
| RESIDENTIAL          | 223  | 0.5 MAX | 1     | 0     | 33       |
| COMMERCIAL           | 7500 | 1.5     | 1,000 | 11    | 11       |

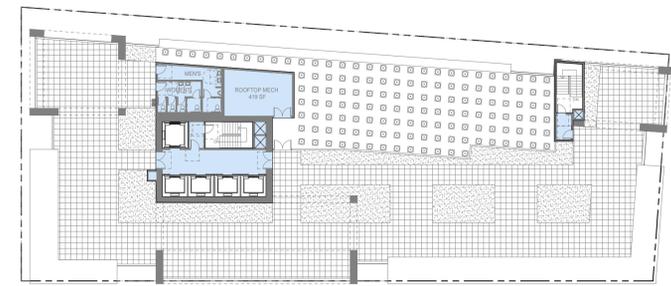
| BICYCLE PARKING CALCULATIONS |      |       |       |       |          |
|------------------------------|------|-------|-------|-------|----------|
|                              | QNTY | BIKES | PER   | REQ'D | PROVIDED |
| RESIDENTIAL (LONG TERM)      | 497  | 1     | 3     | 166   | 280      |
| RESIDENTIAL (SHORT TERM)     | 497  | 1     | 40    | 13    | 20       |
| COMMERCIAL (SHORT TERM)      | 7500 | 1.0   | 2,000 | 4     | 4        |

| OPEN SPACE CALCULATIONS |       |           |             |
|-------------------------|-------|-----------|-------------|
|                         | UNITS | SF / UNIT | TOTAL REQ'D |
| RESIDENTIAL REQUIREMENT | 223   | 80        | 17,840      |
| TOTAL PROVIDED          |       |           | 18,599      |
| ROOF DECK               |       |           | 9,679       |
| BALCONIES (MAX 50%)     |       |           | 8,920       |
| COMMERCIAL OPEN SPACE   | 7500  | 50        | 150         |

| ROOFTOP ARCHITECTURAL ELEMENTS CALCULATIONS |           |          |
|---|-----------|----------|
|   | ALLOWABLE | PROPOSED |
| AVERAGE AREA OF FLOORS                      | 15,763    |          |
| AREA OF ROOFTOP ARCHITECTURAL ELEMENTS      | 2,364     | 1,718    |
| % AREA OF ROOFTOP ARCHITECTURAL FEATURES    | 15.0%     | 10.9%    |

**KEY**

- DENSITY BONUS AREA
- BASE PROJECT - ALLOWABLE UP AREA
- BASE PROJECT - UNMODIFIED AREA
- COMMERCIAL AREA
- BASEMENT PARKING AND MECHANICAL (NON-GFA)



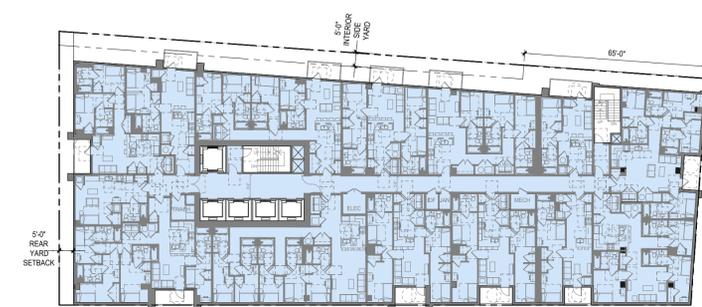
PLAN AT ROOF LEVEL



LEVELS 12-17 (OVER 120')



LEVELS 8-11 (76' to 120')



LEVELS 3-7 (21' to 75')

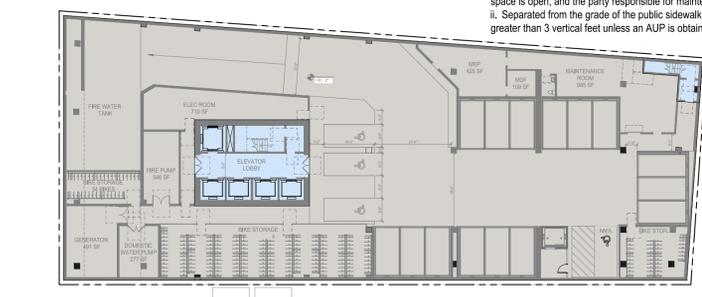


LEVEL 2 (15' to 25')



GROUND LEVEL

\*5. Privately-Owned Public Open Space.  
(a) If a privately-owned public open space is indoors or enclosed, it shall include natural light in the form of windows, skylights, entryways, or other openings.  
(b) Privately-owned public open space must be:  
i. Clearly identified with signage in a publicly conspicuous location at street level indicating the area that is open to the public, the hours the space is open, and the party responsible for maintenance; and  
ii. Separated from the grade of the public sidewalk by a height no greater than 3 vertical feet unless an AUP is obtained.



BASEMENT LEVEL

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JOB: 2129

SHEET:

BASE PROJECT  
PLANS WITH  
ALLOWABLE  
UP MODIFICATIONS

**A0.2C**

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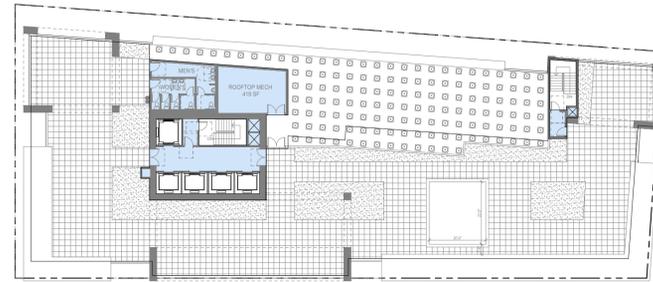
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SHEET: **PROPOSED  
DENSITY BONUS  
PROJECT**

**A0.2D**



PLAN AT ROOF LEVEL



PLAN AT LEVELS 3-6



PLAN AT LEVEL 25



PLAN AT LEVEL 2



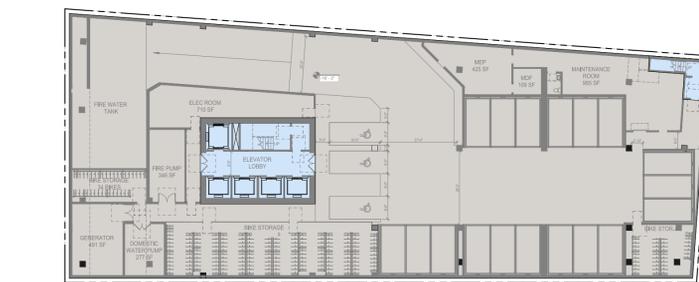
PLAN AT LEVEL 24



GROUND LEVEL



PLAN AT LEVELS 7-23



BASEMENT LEVEL

KEY

- DENSITY BONUS AREA
- BASE PROJECT - ALLOWABLE UP AREA
- BASE PROJECT - UNMODIFIED AREA
- COMMERCIAL AREA
- BASEMENT PARKING AND MECHANICAL (NON-GFA)

**PROPOSED STATE DENSITY BONUS PROJECT COMPLIANCE**

See Sheet A0.1 for Proposed Density Bonus Project compliance and list of State Density Bonus waivers and concessions.

**3 PROPOSED SDB PROJECT COMPLIANCE**

| DENSITY BONUS TABLE             |   |   |                               |                                  |         |                                    |                                     |
|---------------------------------|---|---|-------------------------------|----------------------------------|---------|------------------------------------|-------------------------------------|
| Base Project                    | Base  | Base # Units                                    | % VLI units                   | # VLI Units                      | Bonus % | # DB Units                         | Maximum DB Project                  |
| sq. ft. - see calculation below | base project area / proposed avg. unit size | Base Units/Max. Residential Density (rounds up) | VLI = Very Low Income <50 AMI | % VLI x Base # Units (rounds up) |         | % Bonus x Base # Units (rounds up) | % Bonus x Base # Units (rounded up) |
| 266,092                         | 223   | 223   | 14%                           | 32.00                            | 46.25%  | 104                                | 327                                 |
| Base Project                    |   | Proposed Density Bonus Project                  |                               | Base Units                       |         |                                    |                                     |
| Gross Floor Area                | Units                                       | Floor   | Gross Floor Area              | Units                            | #VLI    | %VLI                               | %DB                                 |
|                                 |   | Roof  | 1,718                         |                                  | 12      | 5%                                 | 20.00%                              |
|                                 |   | Level 25  | 14,168                        | 10                               | 14      | 6%                                 | 22.50%                              |
|                                 |   | Level 24  | 15,636                        | 10                               | 16      | 7%                                 | 25.00%                              |
|                                 |   | Level 23  | 15,636                        | 14                               | 18      | 8%                                 | 27.50%                              |
|                                 |   | Level 22  | 15,636                        | 14                               | 21      | 9%                                 | 30.00%                              |
|                                 |   | Level 21  | 15,636                        | 14                               | 23      | 10%                                | 32.50%                              |
|                                 |   | Level 20  | 15,636                        | 14                               | 25      | 11%                                | 35.00%                              |
|                                 |   | Level 19  | 15,636                        | 14                               | 27      | 12%                                | 38.75%                              |
| 1,718                           |   | Level 18  | 15,636                        | 14                               | 29      | 13%                                | 42.50%                              |
| 15,636                          | 14  | Level 17  | 15,636                        | 14                               | 32      | 14%                                | 46.25%                              |
| 15,636                          | 14  | Level 16  | 15,636                        | 14                               | 34      | 15%                                | 50.00%                              |
| 15,636                          | 14  | Level 15  | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 14  | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 13  | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 12  | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 11  | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 10  | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 9   | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 8   | 15,636                        | 14                               |         |                                    |                                     |
| 15,636                          | 14  | Level 7   | 15,636                        | 14                               |         |                                    |                                     |
| 16,244                          | 14  | Level 6   | 16,244                        | 14                               |         |                                    |                                     |
| 16,244                          | 14  | Level 5   | 16,244                        | 14                               |         |                                    |                                     |
| 16,244                          | 14  | Level 4   | 16,244                        | 14                               |         |                                    |                                     |
| 16,244                          | 14  | Level 3   | 16,244                        | 14                               |         |                                    |                                     |
| 15,866                          | 13  | Level 2   | 15,866                        | 12                               |         |                                    |                                     |
| 10,114                          |   | Level 1   | 10,114                        |                                  |         |                                    |                                     |
| 1,422                           |   | Basement  | 1,422                         |                                  |         |                                    |                                     |
| <b>266,092</b>                  | <b>223</b>                                  | <b>Total</b>                                    | <b>389,712</b>                | <b>326</b>                       |         |                                    |                                     |
| 1,193                           |   | Avg. Unit Size                                  | 1,195                         |                                  |         |                                    |                                     |

**3 DENSITY BONUS TABLE**

**1 PROPOSED DENSITY BONUS PLANS**

1" = 60' @ 11 X 17      1" = 30' @ 24 X 36

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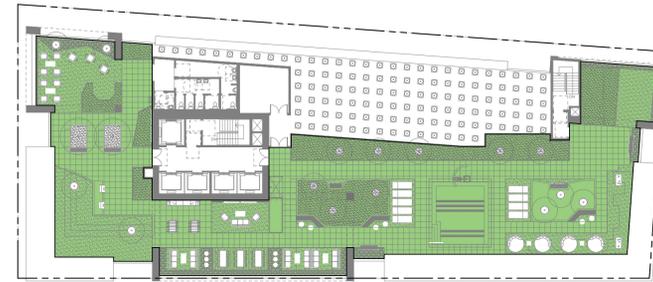
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SHEET:

OPEN SPACE  
 DIAGRAMS

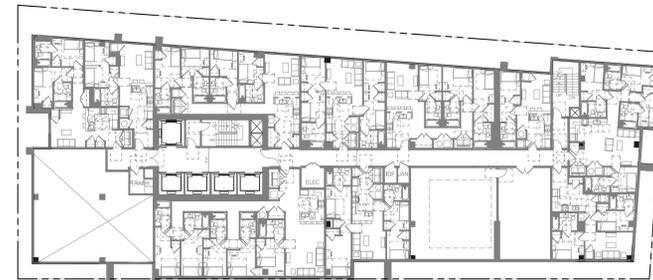
**A0.3**



PLAN AT ROOF LEVEL



PLAN AT LEVELS 3-6

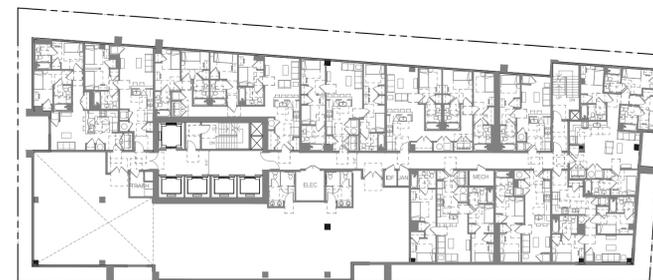


PLAN AT LEVEL 25

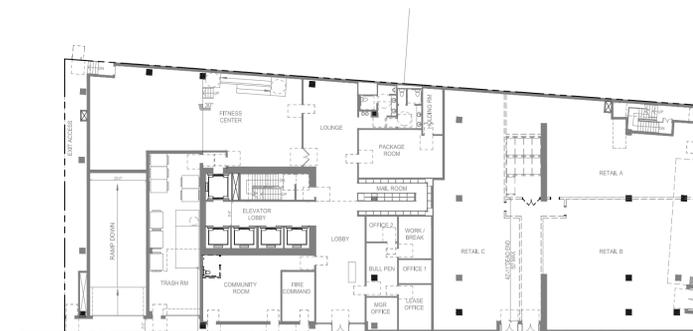


PLAN AT LEVEL 2

| OPEN SPACE TABLE  |               |               |                   |            |          |
|---|---------------|---------------|-------------------|------------|----------|
| Floor   | Total         | Common        | Private Balconies |            |          |
|   |               |               | Subtotal          | Number     | Area Per |
| Roof  | 9,679         | 9,679         |                   |            |          |
| Level 25  | 0             |               | 0                 |            |          |
| Level 24  | 0             |               | 0                 |            |          |
| Level 23  | 960           |               | 960               | 12         | 80       |
| Level 22  | 960           |               | 960               | 12         | 80       |
| Level 21  | 960           |               | 960               | 12         | 80       |
| Level 20  | 960           |               | 960               | 12         | 80       |
| Level 19  | 960           |               | 960               | 12         | 80       |
| Level 18  | 960           |               | 960               | 12         | 80       |
| Level 17  | 960           |               | 960               | 12         | 80       |
| Level 16  | 960           |               | 960               | 12         | 80       |
| Level 15  | 960           |               | 960               | 12         | 80       |
| Level 14  | 960           |               | 960               | 12         | 80       |
| Level 13  | 960           |               | 960               | 12         | 80       |
| Level 12  | 960           |               | 960               | 12         | 80       |
| Level 11  | 960           |               | 960               | 12         | 80       |
| Level 10  | 960           |               | 960               | 12         | 80       |
| Level 9   | 960           |               | 960               | 12         | 80       |
| Level 8   | 960           |               | 960               | 12         | 80       |
| Level 7   | 0             |               | 0                 |            |          |
| Level 6   | 880           |               | 880               | 11         | 80       |
| Level 5   | 880           |               | 880               | 11         | 80       |
| Level 4   | 880           |               | 880               | 11         | 80       |
| Level 3   | 880           |               | 880               | 11         | 80       |
| Level 2   | 0             |               | 0                 |            |          |
| Level 1   | 0             |               | 0                 |            |          |
| Basement  |               |               |                   |            |          |
| <b>Reference Total Area</b>   | <b>28,559</b> | <b>9,679</b>  | <b>18,880</b>     | <b>236</b> |          |
| <b>Qualifying Area (A maximum of 50% of the total required usable open space can be on Balconies)</b> | <b>22,719</b> | <b>9,679</b>  | <b>13,040</b>     |            |          |
| <b>Required Area (326 Units x 80 SF)</b>  | <b>26,080</b> | <b>13,040</b> | <b>13,040</b>     |            |          |



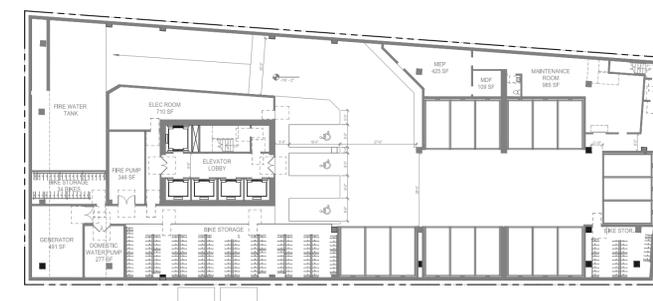
PLAN AT LEVEL 24



GROUND LEVEL



PLAN AT LEVELS 7-23

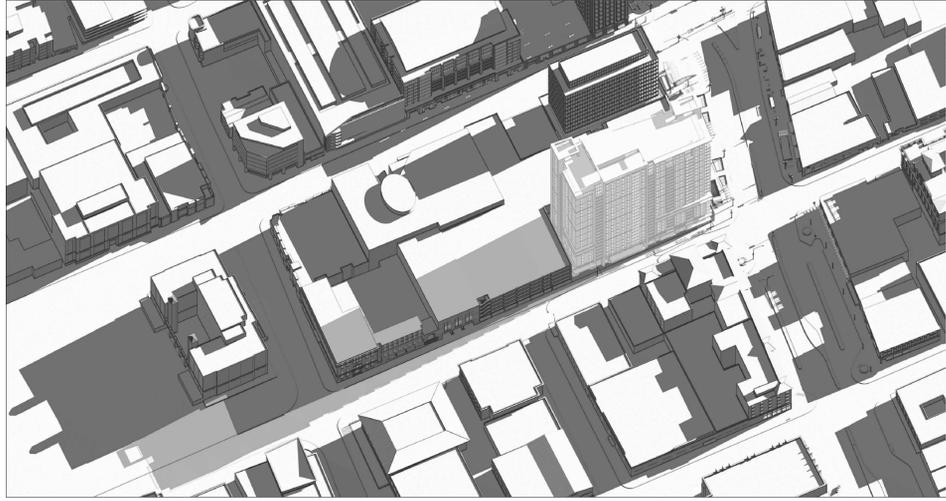


BASEMENT LEVEL

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



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



2 SHADOW STUDY - JUNE 21: 2 HRS AFTER SUNRISE AXON  
 1:160 @ 11X17 1:80 @ 24X36



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



4 SHADOW STUDY - JUNE 21: NOON AXON  
 1:160 @ 11X17 1:80 @ 24X36



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



6 SHADOW STUDY - JUNE 21: 2-HRS BEFORE SUNSET AXON  
 1:160 @ 11X17 1:80 @ 24X36

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SHEET:  
 SUN SHADOW STUDIES  
 JUNE 21ST

A0.4A

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



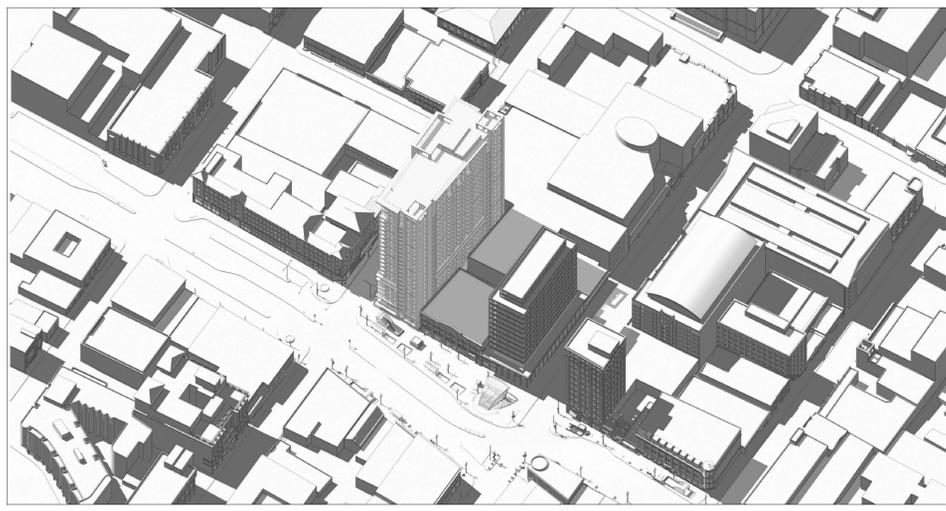
1 SHADOW STUDY - MAR 21: 2 HRS AFTER SUNRISE  
 1:100 @ 11X17 1:50 @ 24X36



2 SHADOW STUDY - MAR 21: 2 HRS AFTER SUNRISE AXON  
 1:160 @ 11X17 1:80 @ 24X36



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



4 SHADOW STUDY - MAR 21: NOON AXON  
 1:160 @ 11X17 1:80 @ 24X36



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



6 SHADOW STUDY - MAR 21: 2-HRS BEFORE SUNSET AXON  
 1:160 @ 11X17 1:80 @ 24X36

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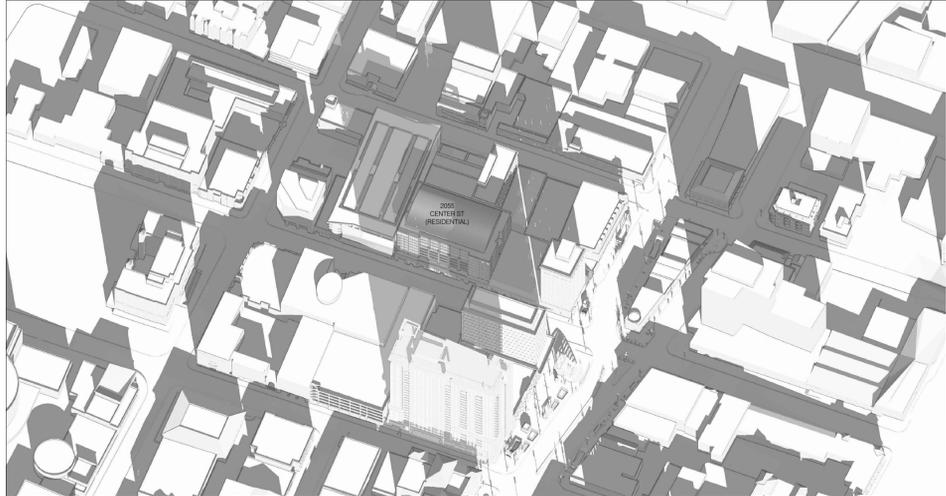
SHEET:  
 SUN SHADOW STUDIES  
 MARCH 21

A0.4B

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



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



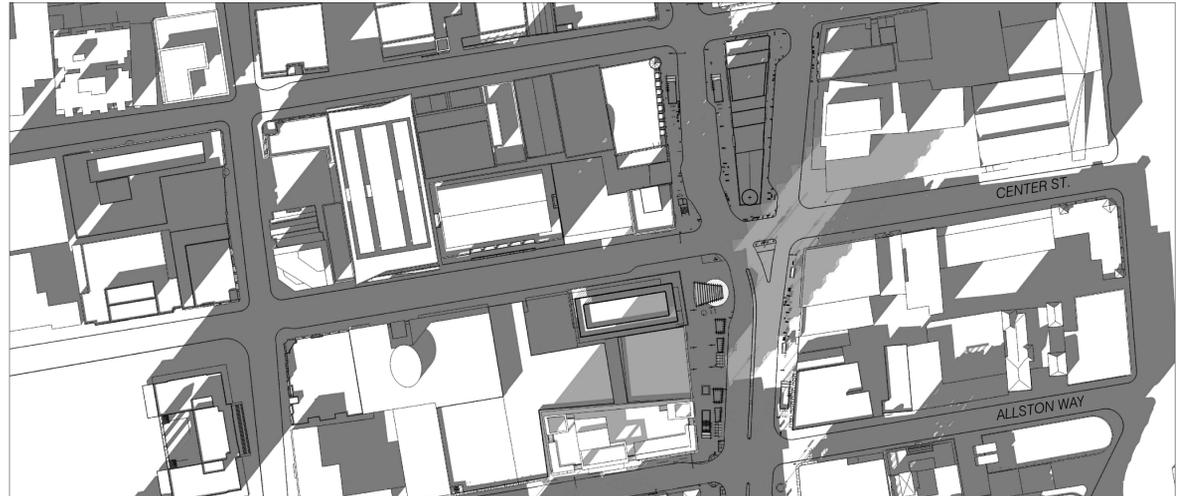
2 SHADOW STUDY - DEC 21: 2 HRS AFTER SUNRISE AXON  
 1:160 @ 11X17 1:80 @ 24X36



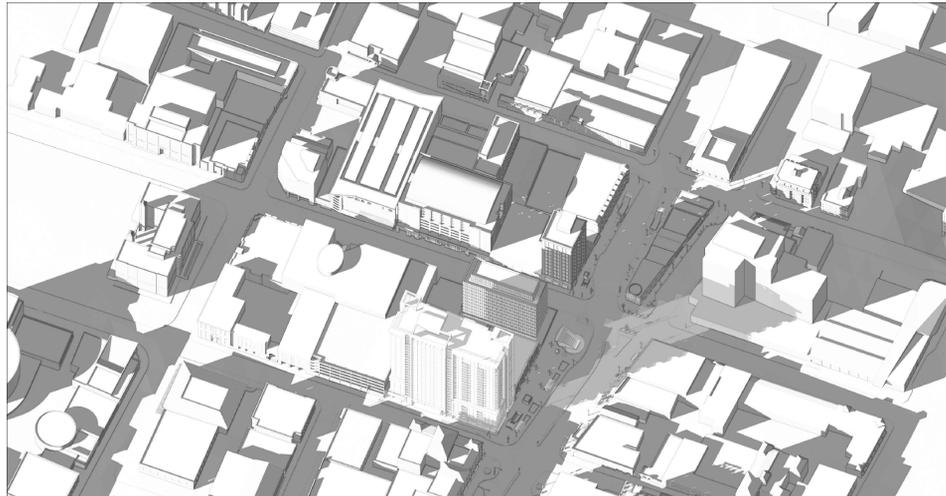
3 SHADOW STUDY - DEC 21: NOON  
 1:100 @ 11X17 1:50 @ 24X36



4 SHADOW STUDY - DEC 21: NOON AXON  
 1:160 @ 11X17 1:80 @ 24X36



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



6 SHADOW STUDY - DEC 21: 2-HRS BEFORE SUNSET AXON  
 1:160 @ 11X17 1:80 @ 24X36

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SHEET:  
 SUN SHADOW STUDIES  
 DECEMBER 21

A0.4C

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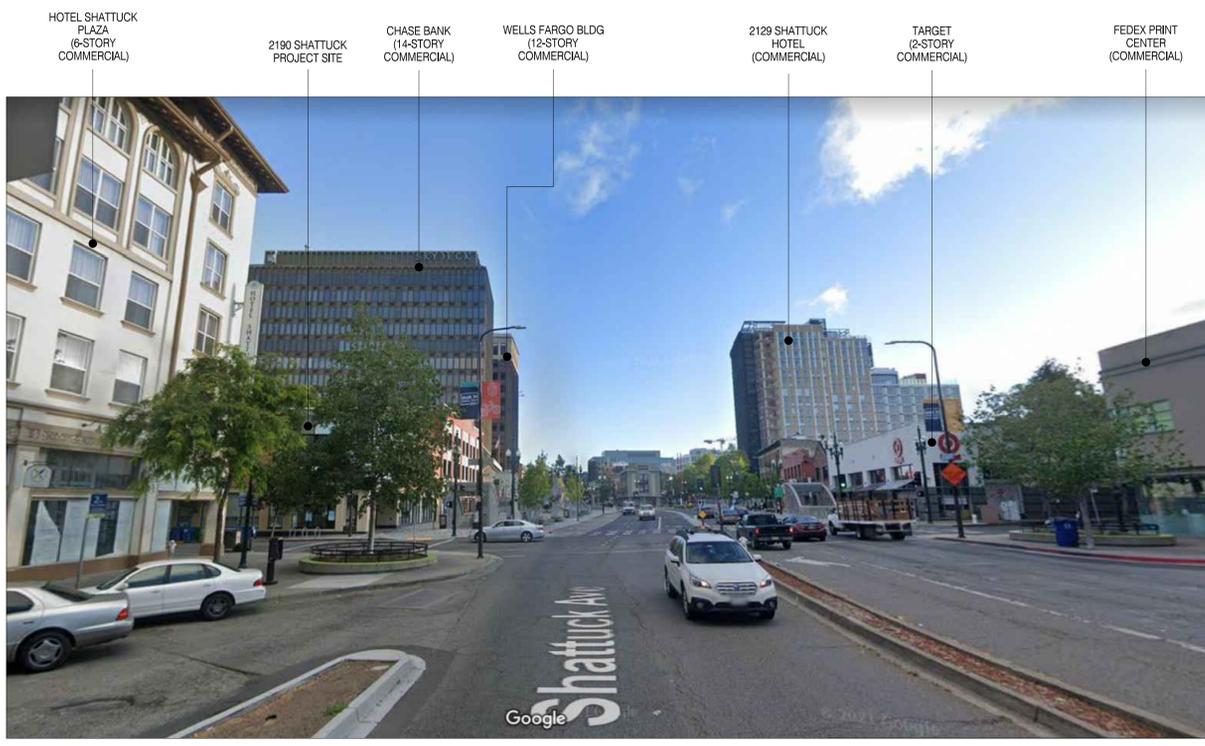
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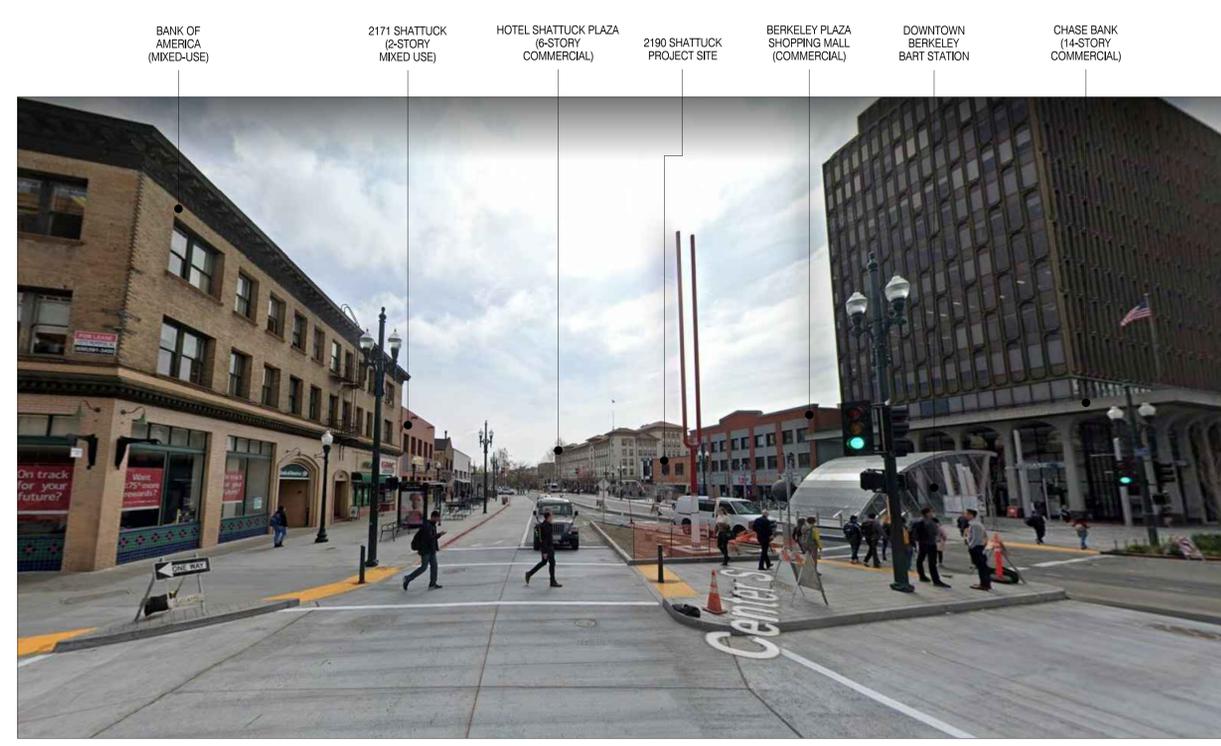
JOB: 2129

SHEET:  
 SITE CONTEXT  
 PHOTOS

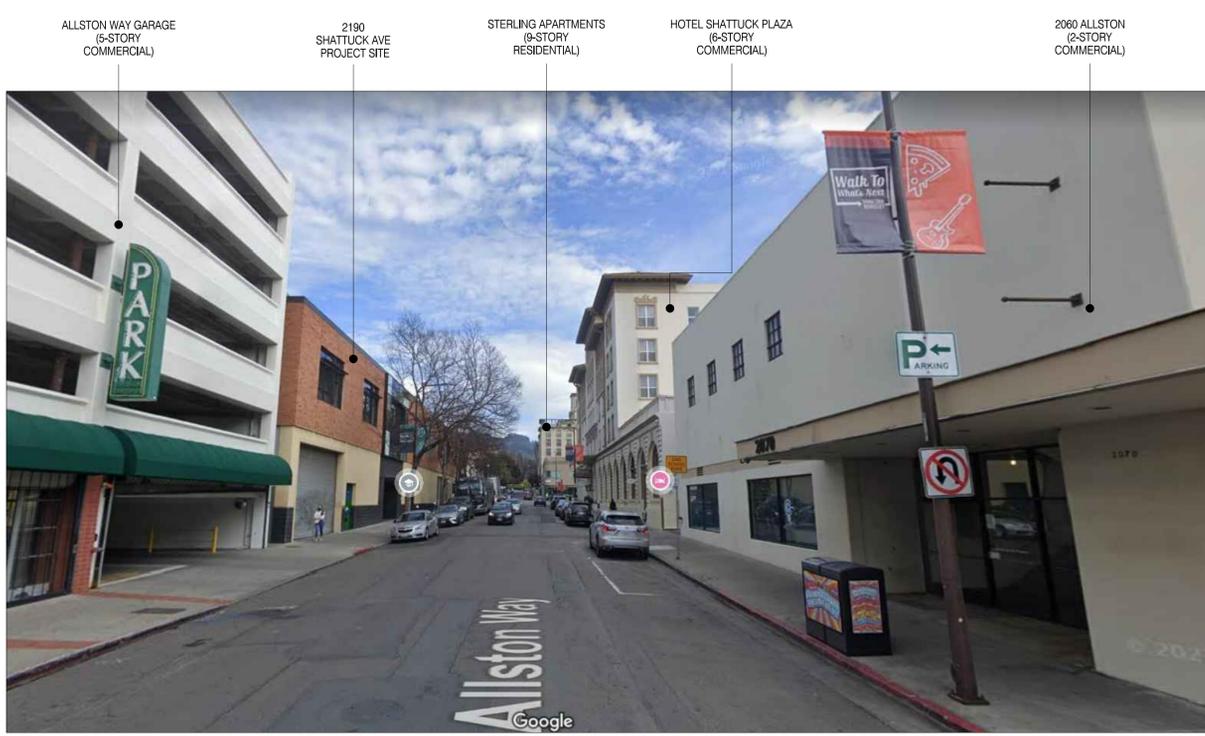
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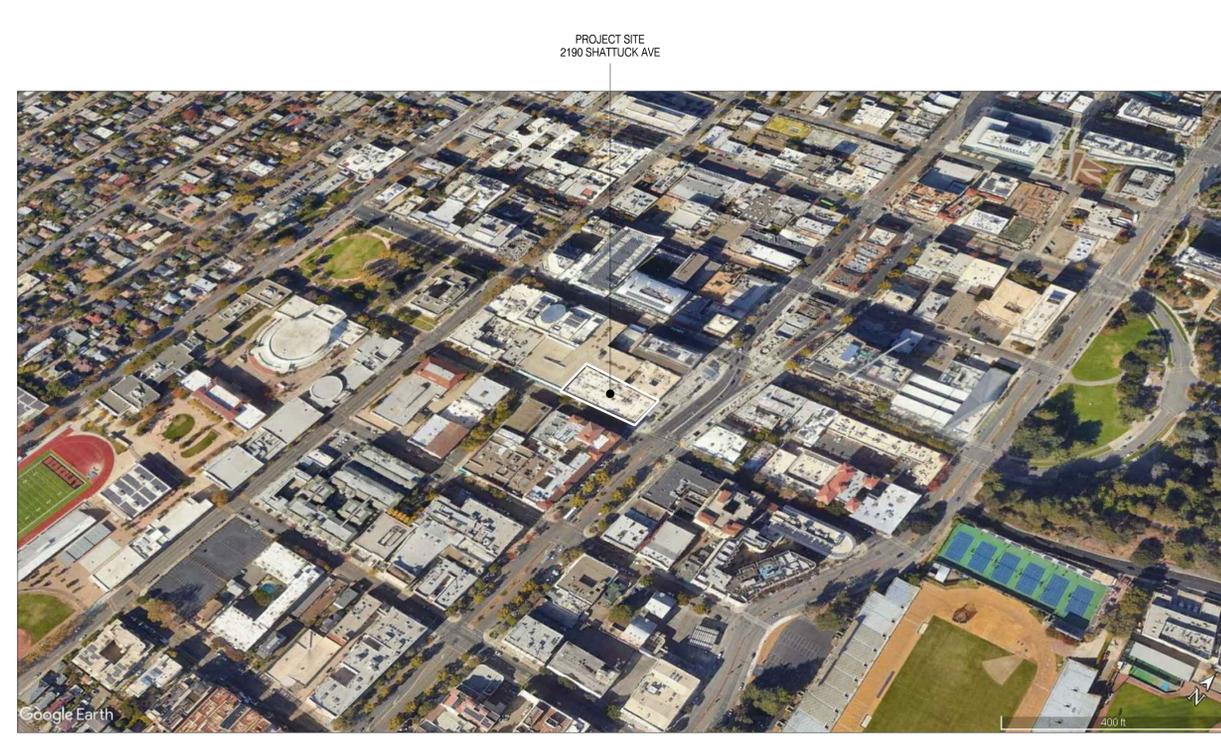
4 VIEW FROM SHATTUCK LOOKING NORTH



2 VIEW FROM SHATTUCK LOOKING SOUTH



3 VIEW FROM ALLSTON LOOKING EAST



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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SHEET:

VICINITY MAP

**A0.6**



PROJECT SITE  
 2190 SHATTUCK

1  
 -  
 NTS  
 VICINITY MAP



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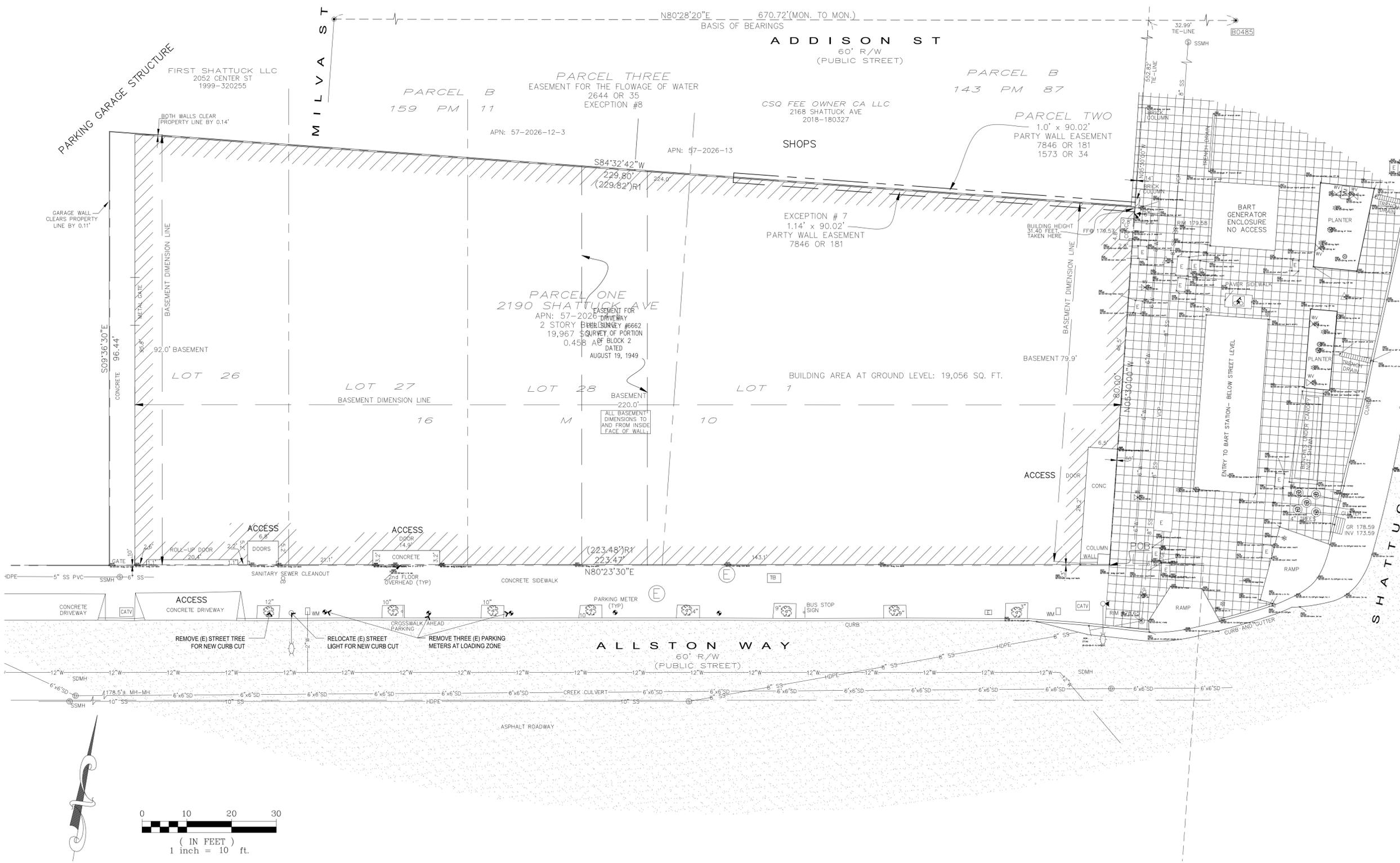
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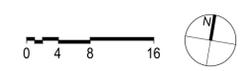
EXISTING  
 CONDITIONS /  
 SURVEY

**A1.0**



**1** EXISTING CONDITIONS / SURVEY

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



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SHEET:

SITE PLAN

**A1.1**



1  
-  
SITE PLAN  
3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



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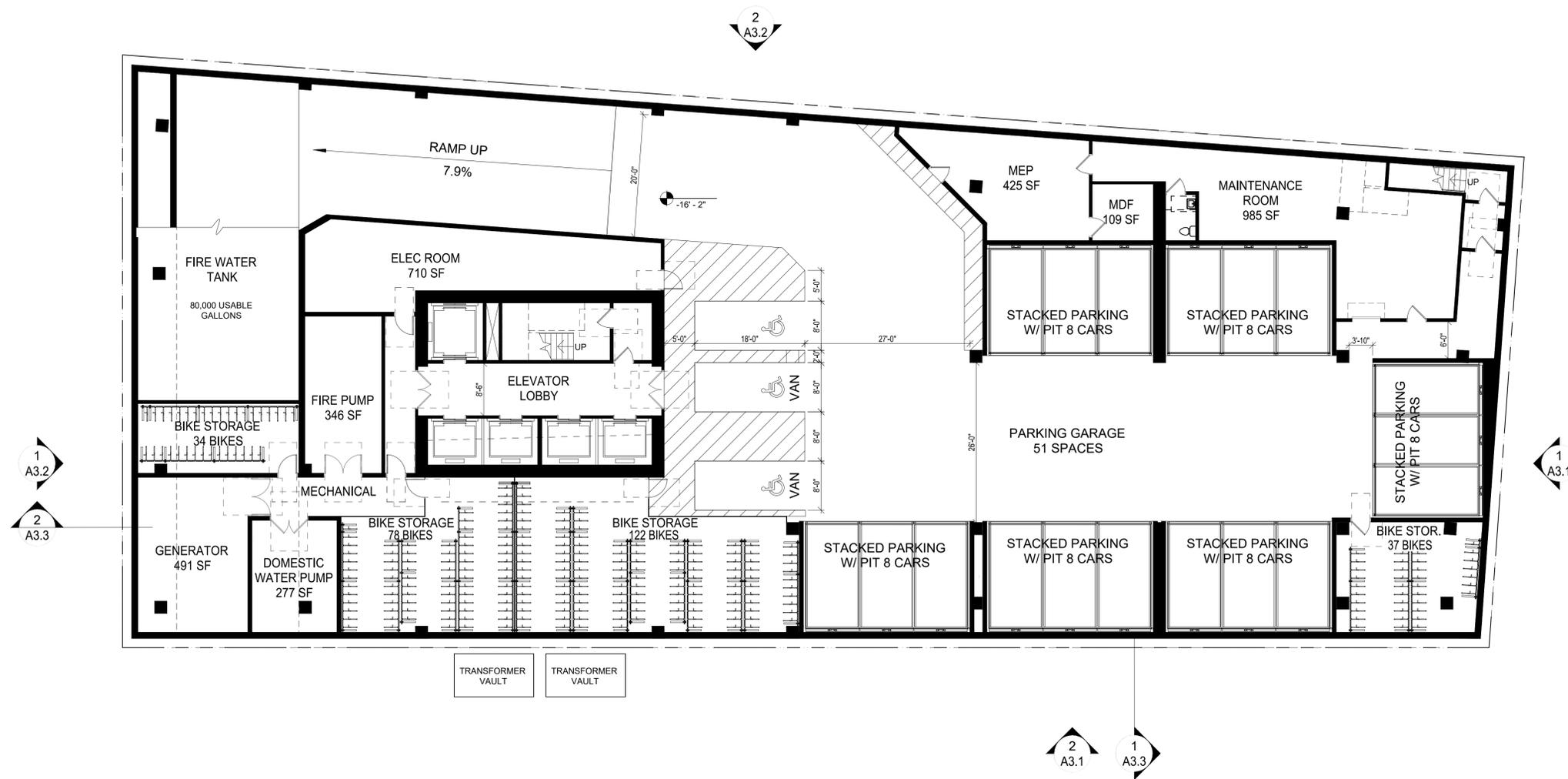
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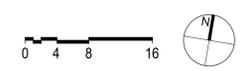
SHEET:

PLAN AT  
BASEMENT LEVEL

**A2.0**



1 PLAN AT BASEMENT LEVEL  
3/64" = 1' @ 11 X 17 3/32" = 1' @ 24 X 36



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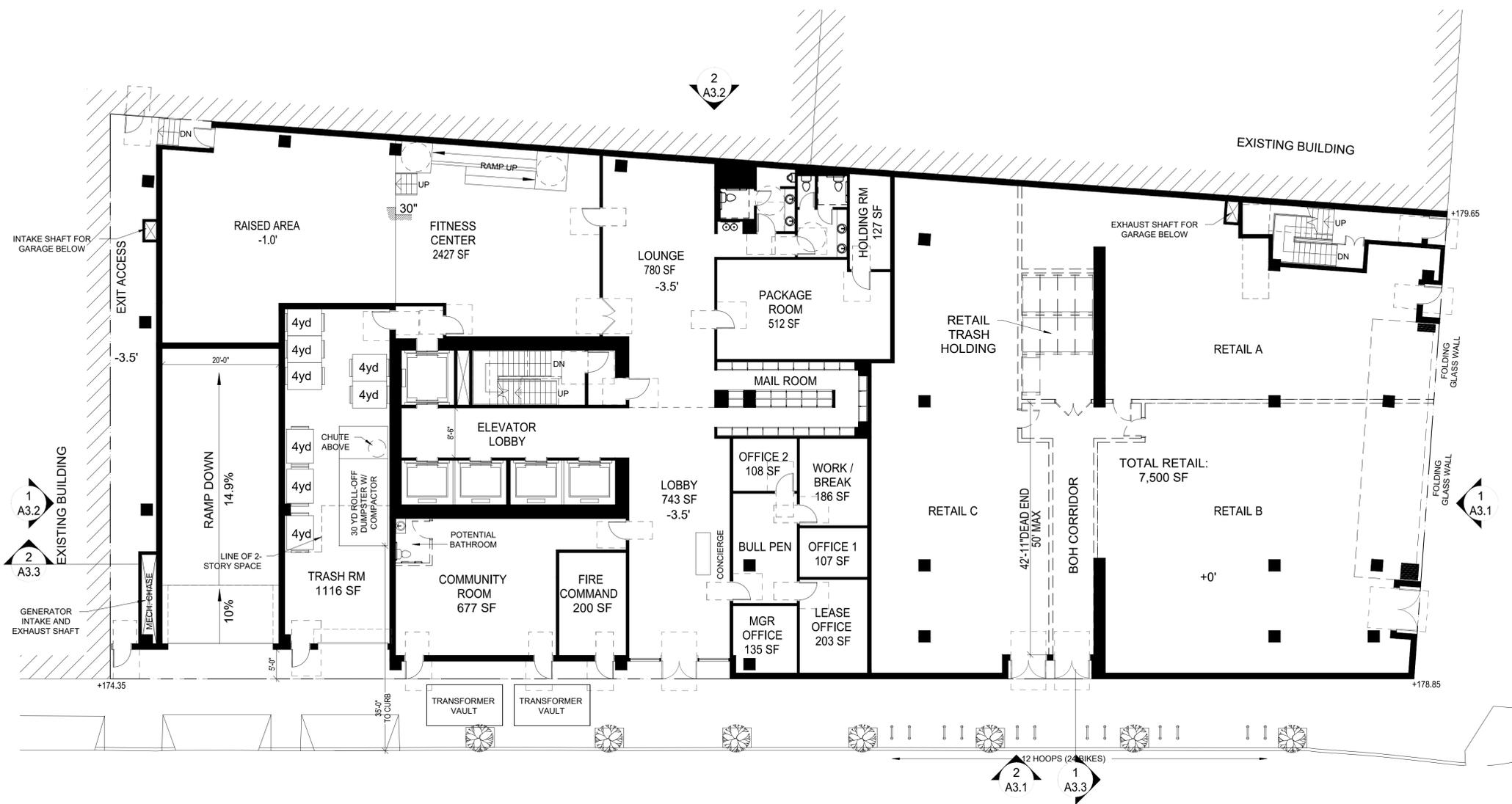
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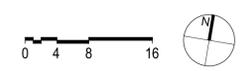
SHEET:

PLAN AT  
GROUND LEVEL

**A2.1**



**1**  
PLAN AT GROUND LEVEL  
3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



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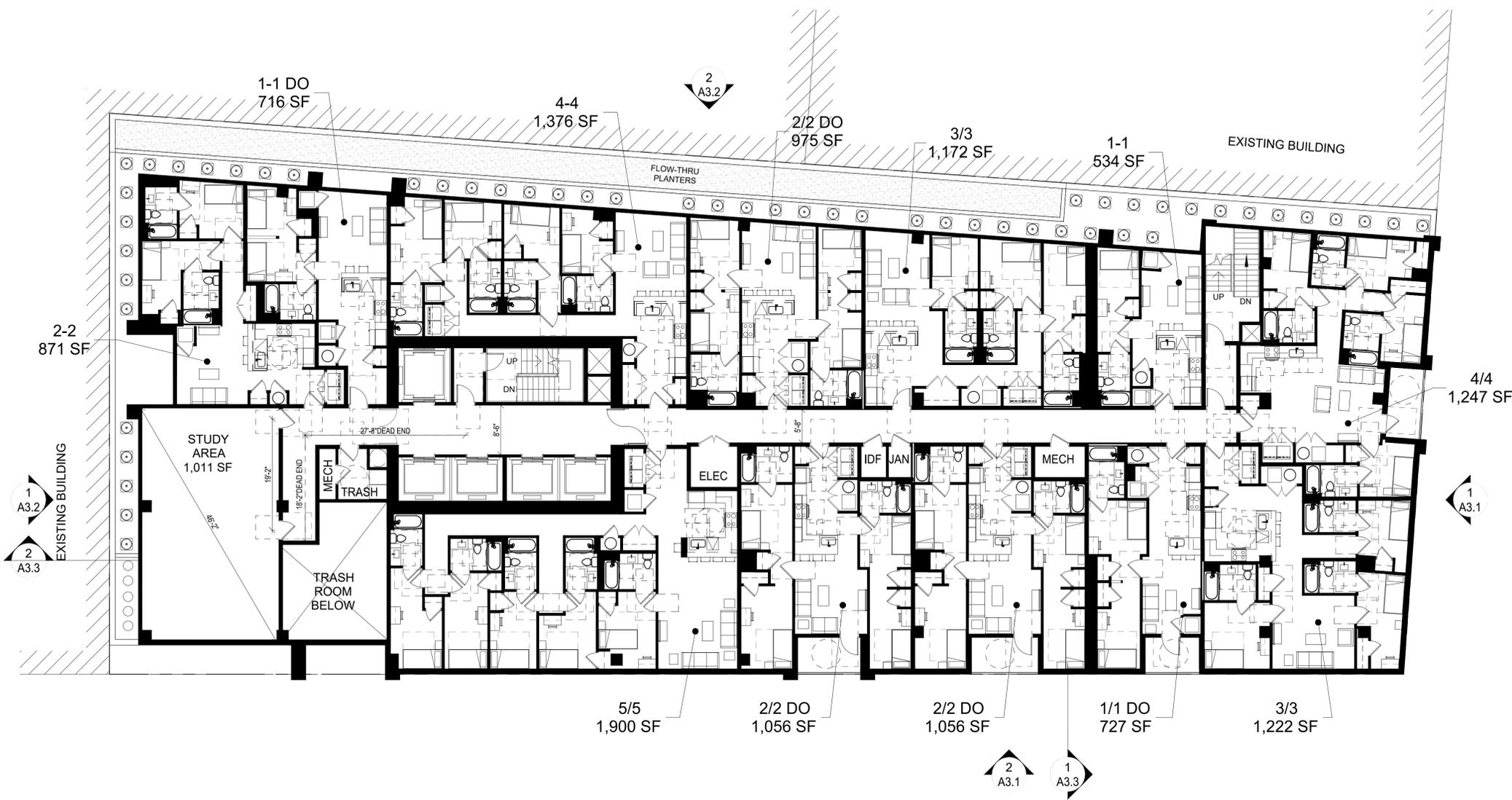
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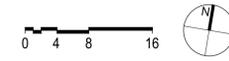
SHEET:

PLAN AT  
LEVEL 2

**A2.2**



1 PLAN AT LEVEL 2  
3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



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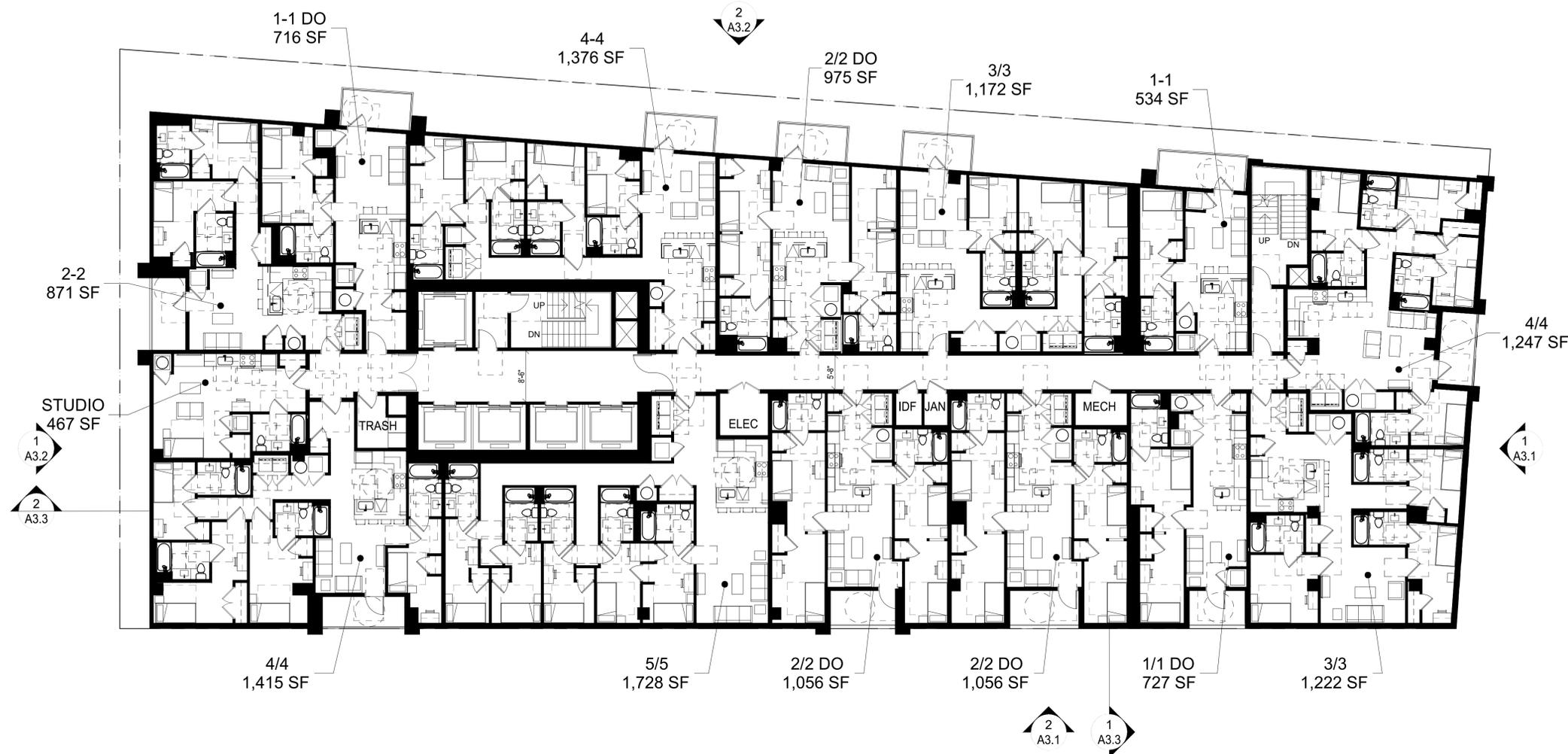
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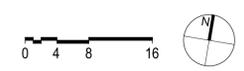
SHEET:

PLAN AT  
 LEVELS 3-6

**A2.3**



1 PLAN AT LEVELS 3-6  
 3/64" = 1' @ 11 X 17 3/32" = 1' @ 24 X 36



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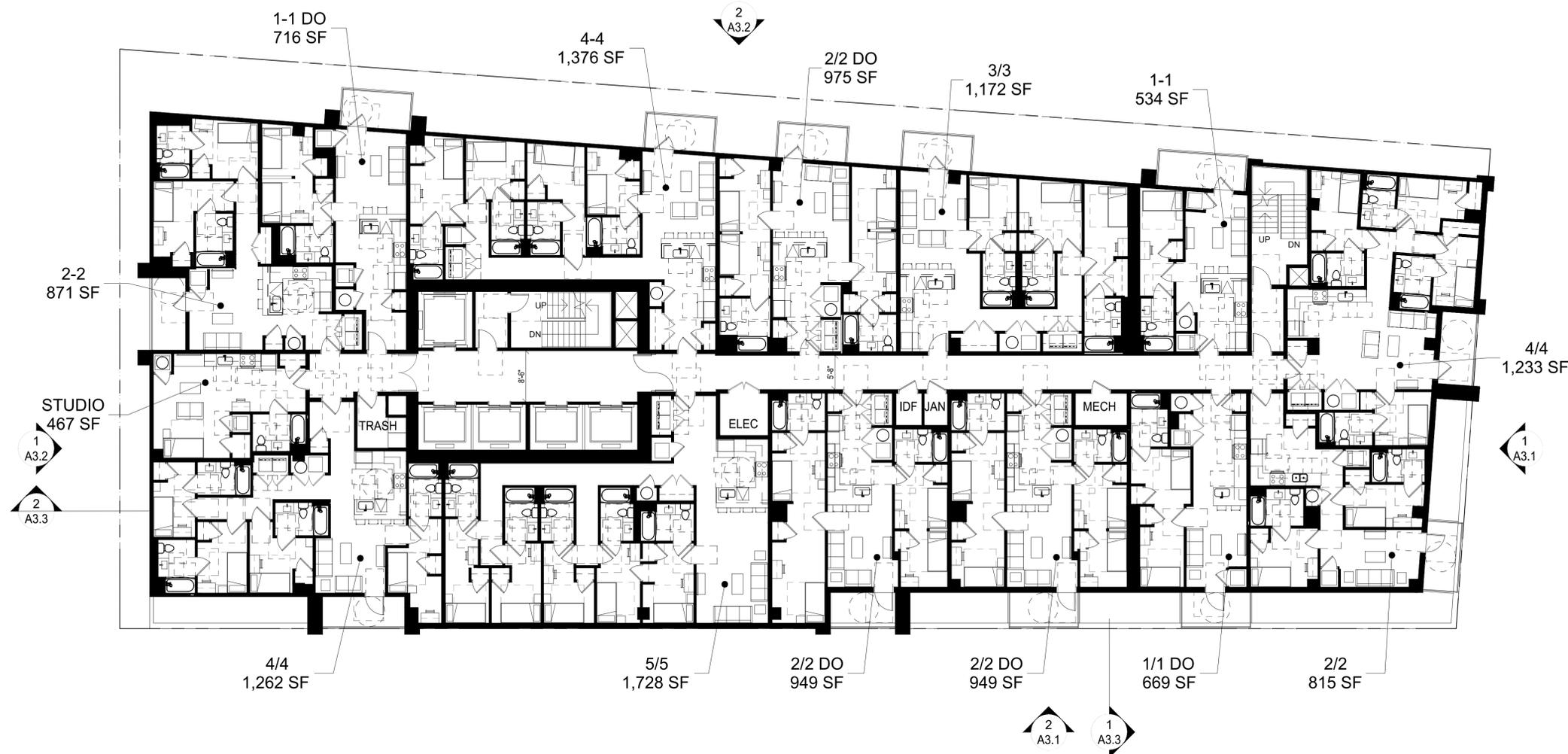
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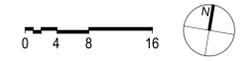
SHEET:

PLAN AT  
LEVELS 7-23

**A2.4**



1 PLAN AT LEVELS 7-23  
3/64" = 1' @ 11 X 17 3/32" = 1' @ 24 X 36



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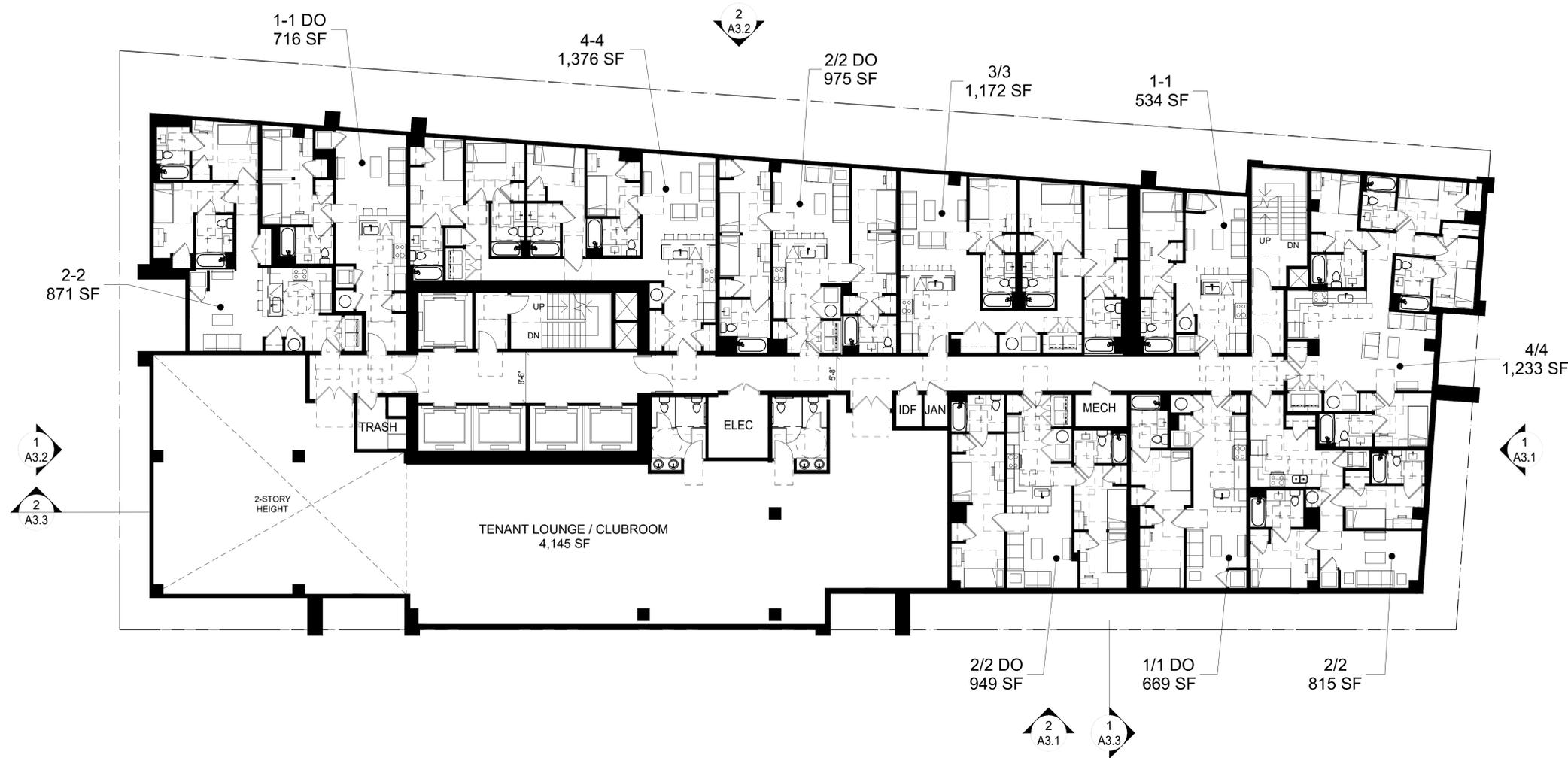
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SHEET:

PLAN AT  
LEVEL 24

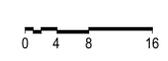
**A2.5**



1

PLAN AT LEVEL 24

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



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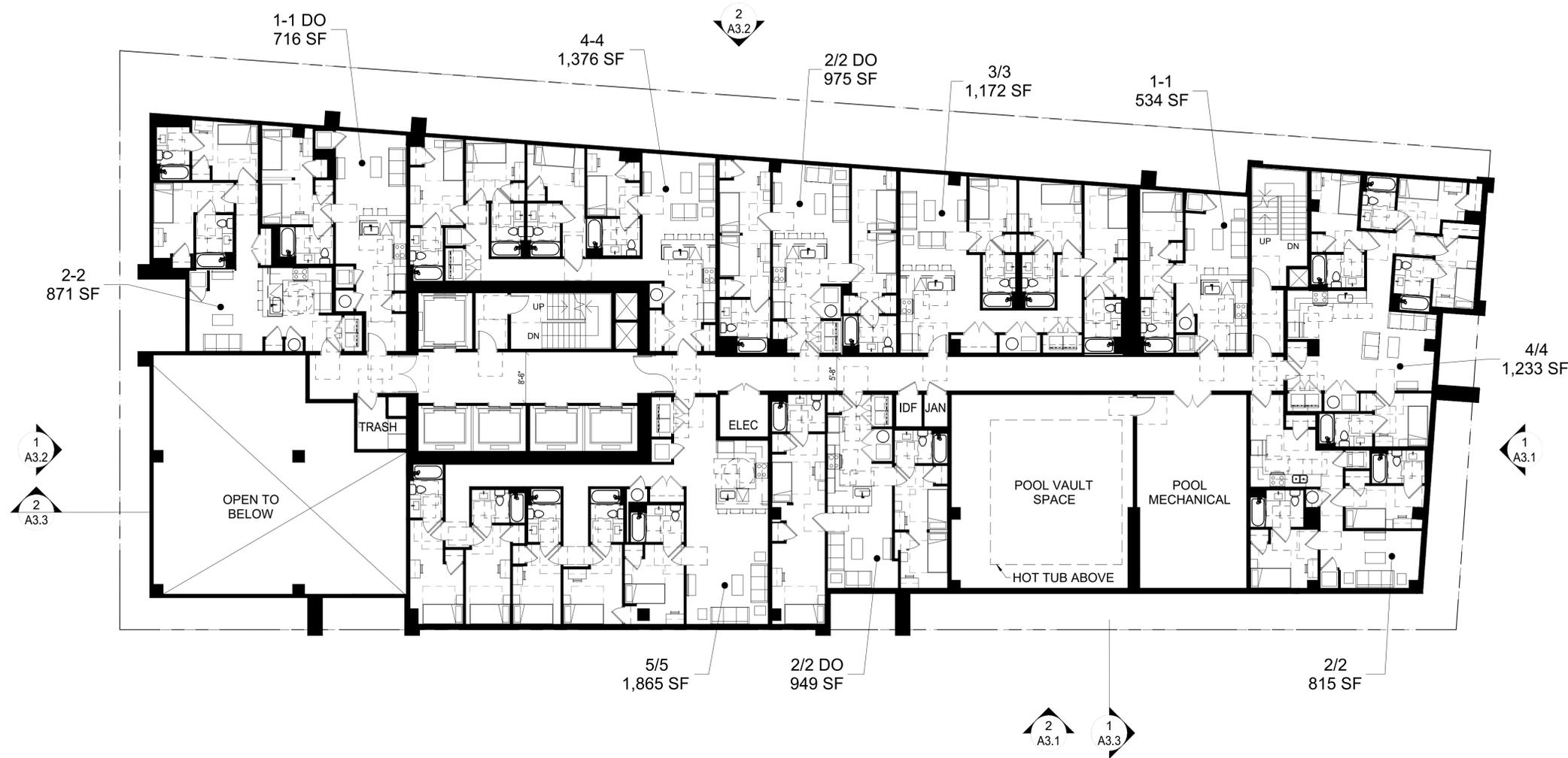
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SHEET:

PLAN AT  
 LEVEL 25

**A2.6**



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SHEET:

PLAN AT  
 ROOF LEVEL

**A2.7**

**STAIR EXIT CAPACITY**

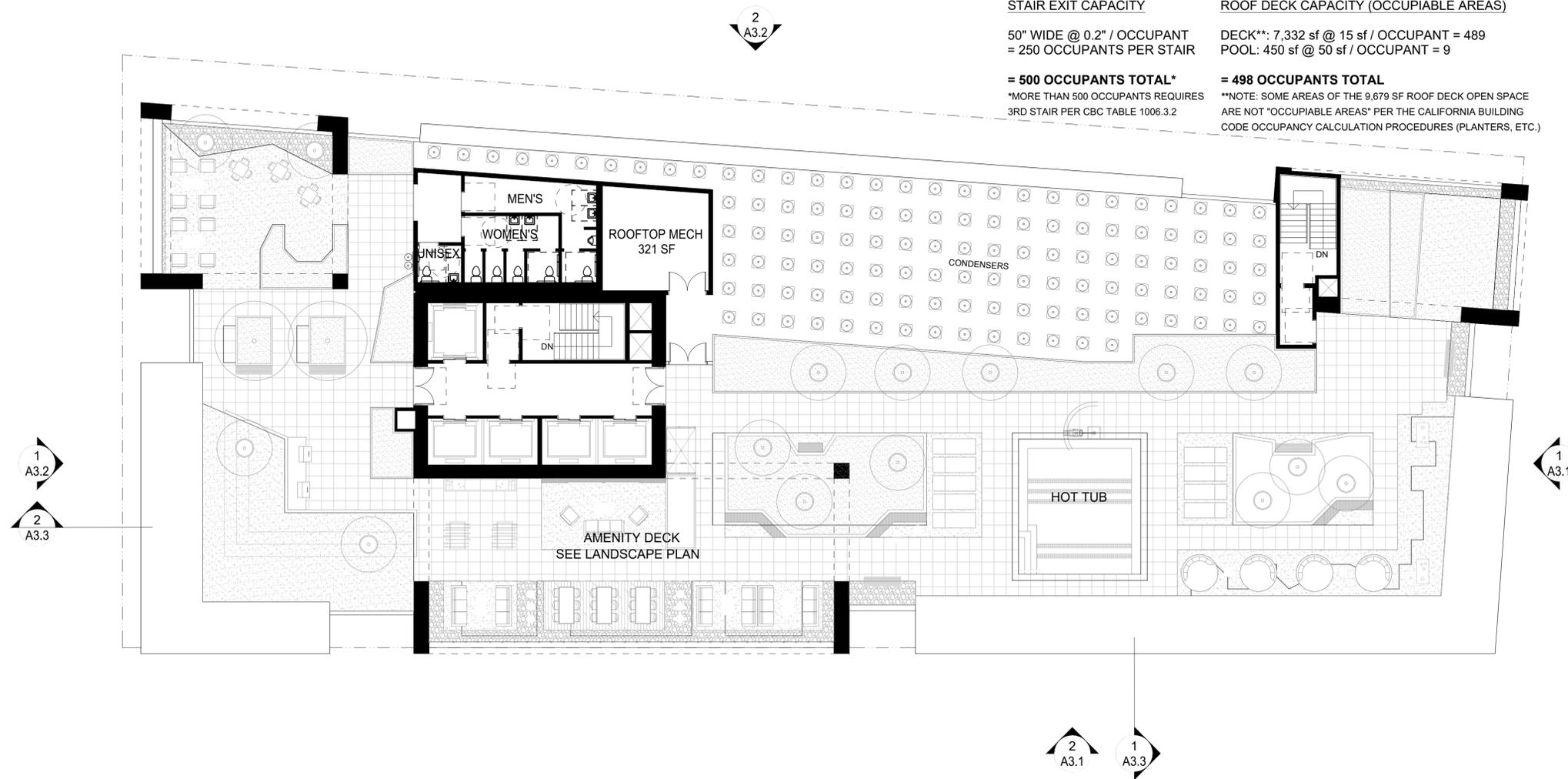
50" WIDE @ 0.2" / OCCUPANT  
 = 250 OCCUPANTS PER STAIR

**= 500 OCCUPANTS TOTAL\***  
 \*MORE THAN 500 OCCUPANTS REQUIRES  
 3RD STAIR PER CBC TABLE 1006.3.2

**ROOF DECK CAPACITY (OCCUPIABLE AREAS)**

DECK\*\*: 7,332 sf @ 15 sf / OCCUPANT = 489  
 POOL: 450 sf @ 50 sf / OCCUPANT = 9

**= 498 OCCUPANTS TOTAL**  
 \*\*NOTE: SOME AREAS OF THE 9,679 SF ROOF DECK OPEN SPACE  
 ARE NOT "OCCUPIABLE AREAS" PER THE CALIFORNIA BUILDING  
 CODE OCCUPANCY CALCULATION PROCEDURES (PLANTERS, ETC.)



**PLAN AT ROOF LEVEL**

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36

0 4 8 16



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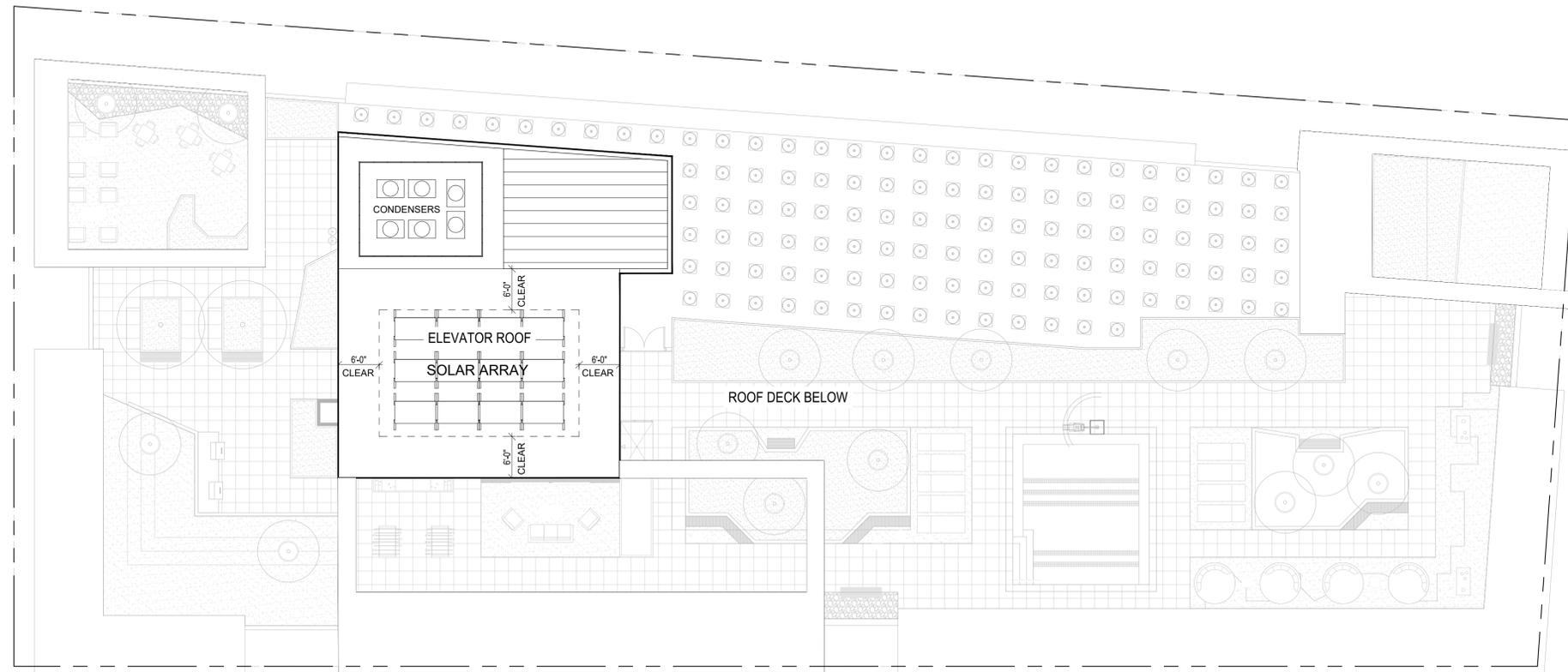
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SHEET:

PLAN AT  
ELEVATOR ROOF

**A2.8**



1

**PLAN AT ELEVATOR ROOF**

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36

0 4 8 16



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SHEET:

ELEVATIONS

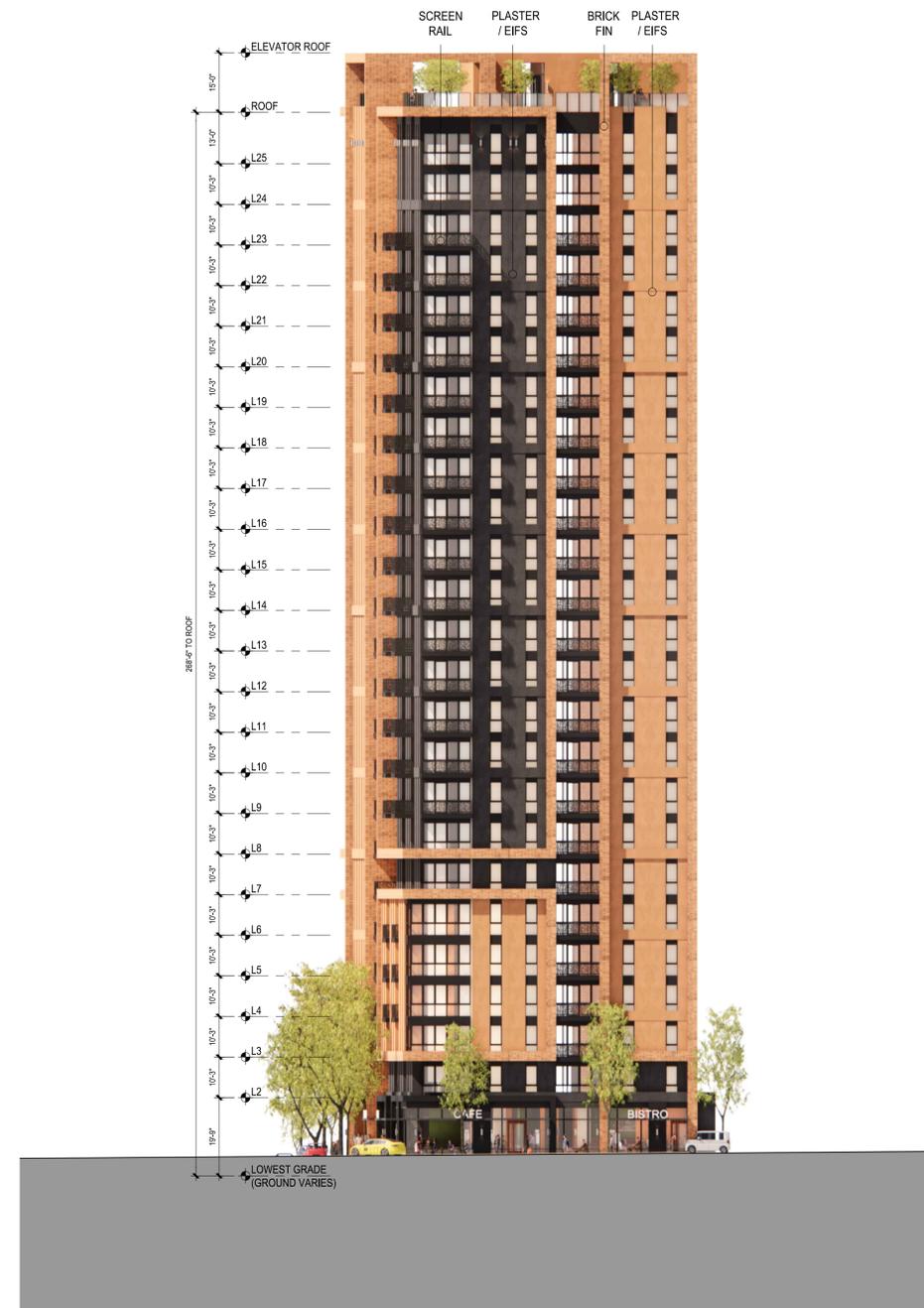
**A3.1**



**2 SOUTH ELEVATION (ALLSTON)**

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36

0 4 8 16



**1 EAST ELEVATION (SHATTUCK) (FRONT ELEVATION)**

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36

0 4 8 16

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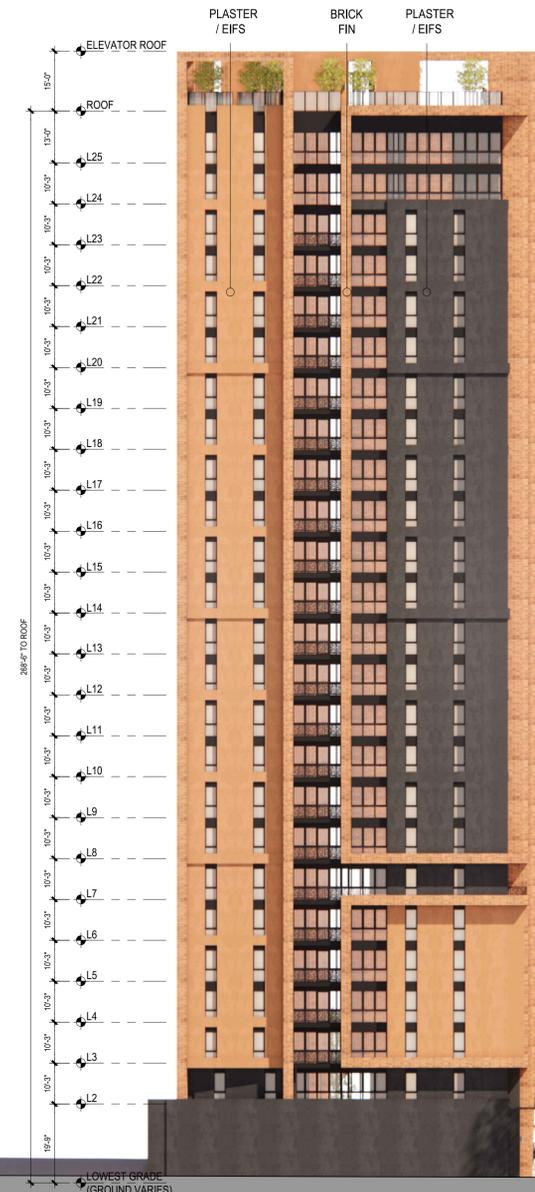
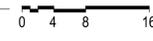
ELEVATIONS

**A3.2**



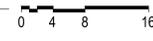
**2**  
NORTH ELEVATION

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



**1**  
WEST ELEVATION

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



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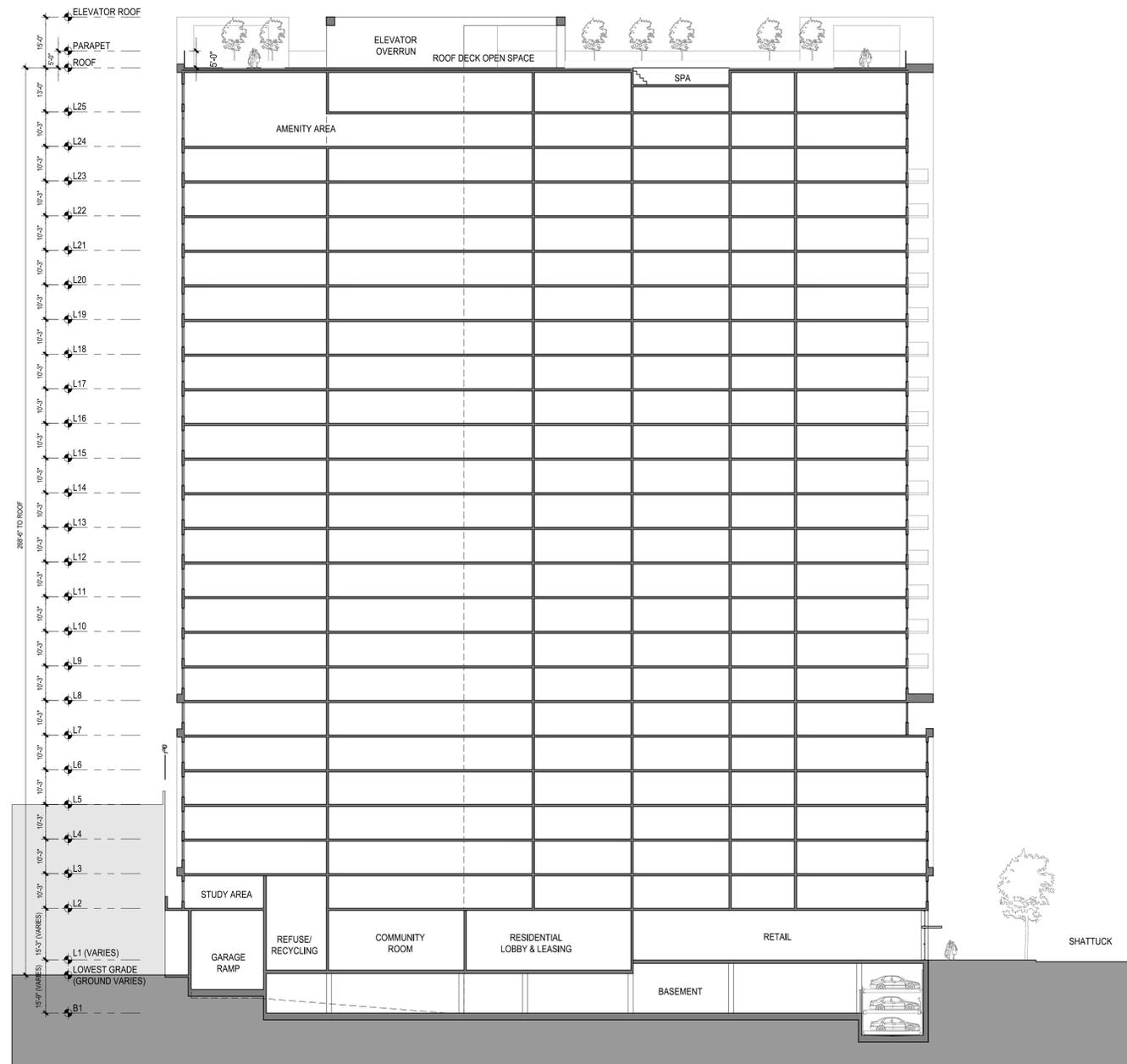
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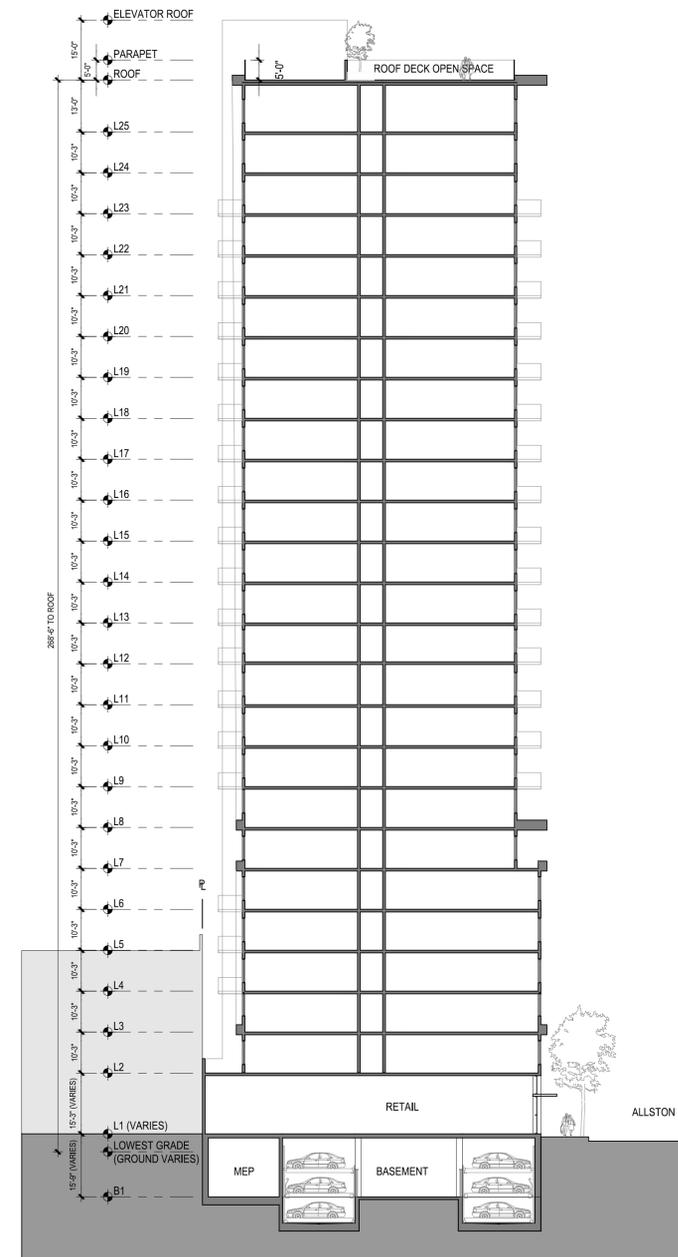
BUILDING SECTION

**A3.3**



**2 E-W BUILDING SECTION**

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36    0 4 8 16

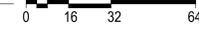


**1 N-S BUILDING SECTION**

3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36    0 4 8 16



**2** STREET STRIP ALONG ALLSTON  
 1/64" = 1' @ 11 X 17    1/32" = 1' @ 24 X 36



**2** STREET STRIP ALONG SHATTUCK  
 1/64" = 1' @ 11 X 17    1/32" = 1' @ 24 X 36



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SHEET:

STREET STRIP  
 ELEVATIONS

**A3.4**

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SHEET:

CONCEPTUAL  
RENDERINGS

**A3.5**



1 VIEW ALONG SHATTUCK LOOKING NORTH WEST

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SHEET:

CONCEPTUAL  
RENDERINGS

**A3.6**



1 VIEW LOOKING SOUTH ALONG SHATTUCK

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SHEET:

CONCEPTUAL  
RENDERINGS

**A3.7**



1 VIEW LOOKING EAST ALONG ALLSTON

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SHEET:

CONCEPTUAL  
RENDERINGS

**A3.8**



1 VIEW ALONG ALLSTON LOOKING WEST

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SHEET:

CONCEPTUAL  
RENDERINGS

**A3.9**



1 VIEW ALONG ALLSTON LOOKING WEST



4  
-  
VIEW ALONG SHATTUCK LOOKING SOUTH - PROPOSED  
NTS



2  
-  
VIEW ALONG ALLSTON LOOKING WEST - PROPOSED  
NTS



3  
-  
VIEW ALONG SHATTUCK LOOKING SOUTH - EXISTING  
NTS



1  
-  
VIEW ALONG ALLSTON LOOKING WEST - EXISTING  
NTS

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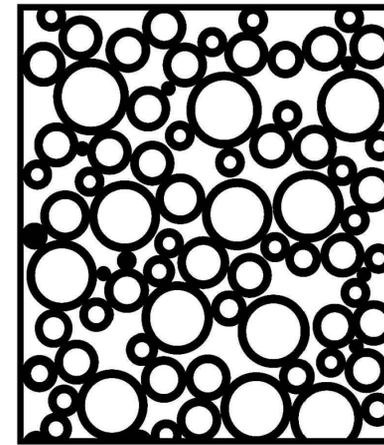
SHEET:

PHOTO SIMULATIONS

A3.10



VIEW ALONG SHATTUCK LOOKING NORTH-WEST



DECORATIVE SCREEN RAILINGS (PATTERN TO BE DETERMINED)



ACCENT PLASTER AT UNDERSIDE OF BALCONIES



DARK ALUMINUM WINDOWS AND TRANSOM PANELS



LIGHT PLASTER / EIFS



DARK PLASTER / EIFS



PARKLEX PANELS AT RESIDENTIAL ENTRY COLUMNS



STACK-BOND BRICK

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SHEET:

MATERIAL BOARD

**A3.11**

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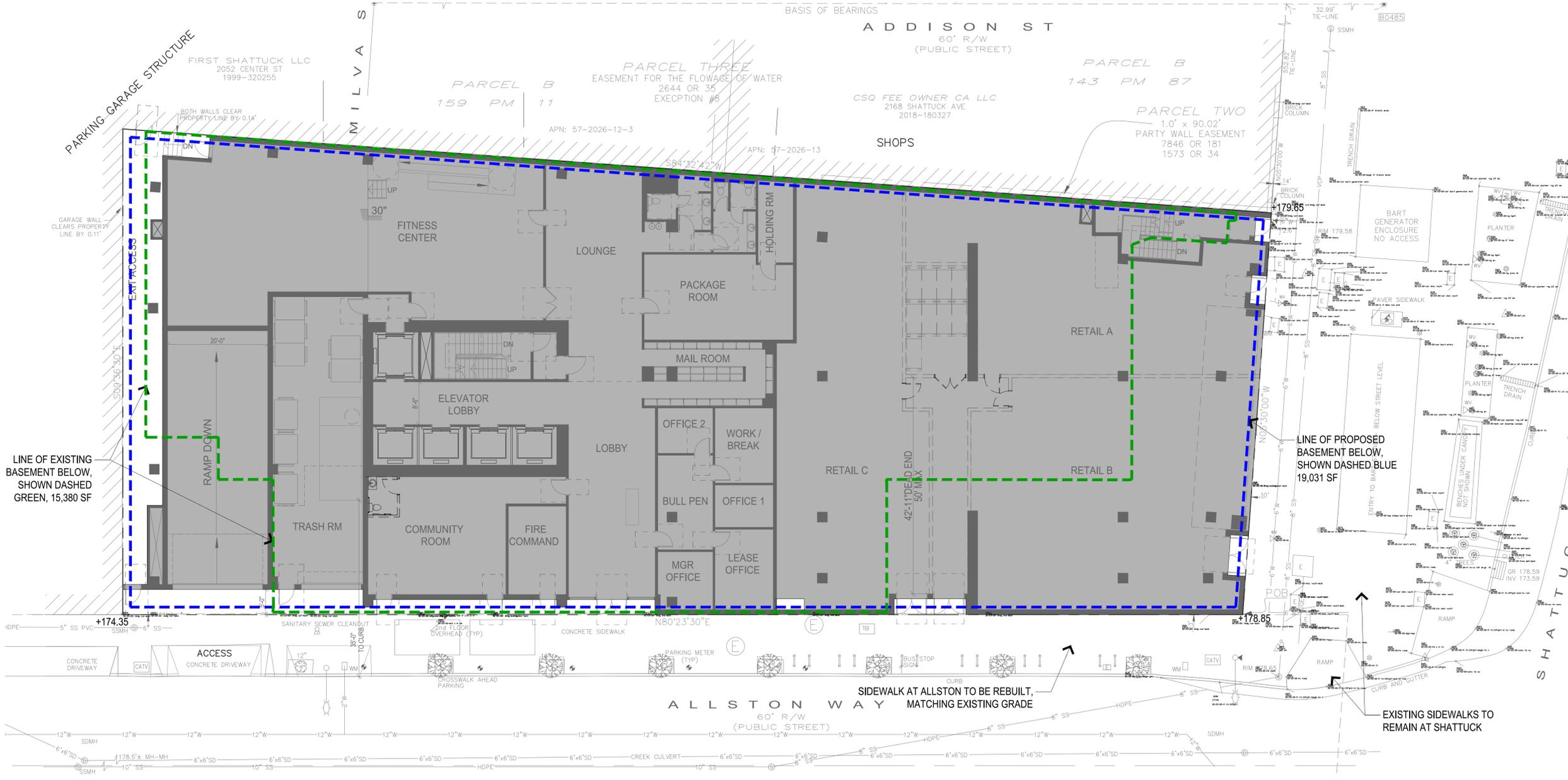
CONCEPTUAL  
GRADING PLAN

**A4.1**

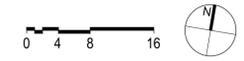
| CUT AND FILL CALCULATIONS |                       |                                   |                      |
|---------------------------|-----------------------|-----------------------------------|----------------------|
|                           | BASEMENT<br>AREA (SF) | AVERAGE<br>BASEMENT<br>DEPTH (FT) | TOTAL<br>VOLUME (CY) |
| EXISTING BASEMENT         | 15,380                | 11.5                              | 6,551                |
| PROPOSED BASEMENT         | 19,031                | 15                                | 10,573               |
| TOTAL NEW CUT (CY)        |                       |                                   | 4,022                |

**EARTHWORK NOTES:**  
1. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON A BUILDING PAD ELEVATION 12" BELOW FF OF THE BASEMENT. QUANTITIES MAY VARY DUE TO FINAL STRUCTURAL FOUNDATIONS AND PAVEMENT THICKNESS.  
2. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS.

**2 CUT / FILL CALCULATIONS**



**1 CONCEPTUAL GRADING PLAN**  
3/64" = 1' @ 11 X 17    3/32" = 1' @ 24 X 36



| STORMWATER CALCULATIONS   |                   |                             |                           |    |                            |                             |                |                           |  |
|---|-------------------|-----------------------------|---------------------------|----|----------------------------|-----------------------------|----------------|---------------------------|--|
| C3 APPLICABILITY  |                   |                             |                           |    |                            |                             |                |                           |  |
| TOTAL SITE AREA   | 19967 (.46 ACRES) |                             |                           |    |                            |                             |                |                           |  |
| C3 THRESHOLD  | 10,000            |                             |                           |    |                            |                             |                |                           |  |
| C3 REGULATED PROJECT  | YES               |                             |                           |    |                            |                             |                |                           |  |
| REQUIRED FLOW-THROUGH PLANTERS  |                   |                             |                           |    |                            |                             |                |                           |  |
| LOCATION  | TOTAL GROSS SF    | PERVIOUS SELF-TREATING AREA | IMPERVIOUS TREATMENT AREA | %  | TOTAL REQ'D TREATMENT AREA | TOTAL PROVIDED PLANTER AREA | MECH TREATMENT | MECH % * (see note below) |  |
| ELEVATOR ROOF   | 2157              | 0                           | 2157                      | 4% | 86                         | 86                          |                |                           |  |
| MAIN ROOF AREA  | 15822             | 1730                        | 14092                     | 4% | 564                        | 732                         |                |                           |  |
| LEVEL 2 PODIUM  | 2037              | 818                         | 1219                      | 4% | 49                         | 0                           | MECH           | 6.1%                      |  |
| <b>TOTAL</b>  | <b>20016</b>      | <b>3952</b>                 | <b>17468</b>              |    | <b>699</b>                 | <b>818</b>                  |                |                           |  |
| PROVIDED TREATMENT PLANTERS   |                   |                             |                           |    |                            |                             |                |                           |  |
| LEVEL   |                   |                             |                           |    |                            |                             | PLANTER AREA   |                           |  |
| PODIUM STORMWATER PLANTERS  |                   |                             |                           |    |                            |                             | 818            |                           |  |
| <b>TOTAL PLANTERS</b>   |                   |                             |                           |    |                            |                             | <b>818</b>     |                           |  |
| * Note, since there are no outdoor areas on the ground level, it is infeasible to install flow-through planters below the Level 2 Podium to treat that area.  |                   |                             |                           |    |                            |                             |                |                           |  |
| SPECIAL PROJECTS (Appendix K)   |                   |                             |                           |    |                            |                             |                |                           |  |
| CRITERIA FOR CATEGORY A: Small Infill Projects  |                   |                             |                           |    |                            |                             |                |                           |  |
| 1. Be built as part of the municipality's stated objective to preserve or enhance a pedestrian-oriented type of urban design.   |                   |                             |                           |    |                            |                             | Yes            |                           |  |
| 2. Be located in the municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian oriented commercial district, or historic preservation site and/or district.   |                   |                             |                           |    |                            |                             | Yes            |                           |  |
| 3. Create and/or replace one half acre or less of impervious surface area.  |                   |                             |                           |    |                            |                             | Yes            |                           |  |
| 4. Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, Americans with Disabilities Act (ADA) accessibility, and passenger and freight loading zones.  |                   |                             |                           |    |                            |                             | Yes            |                           |  |
| 5. Have at least 85% coverage for the entire project site by permanent structures. The remaining 15% portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.   |                   |                             |                           |    |                            |                             | Yes            |                           |  |
| LID TREATMENT REDUCTION FOR CATEGORY A (SMALL INFILL) SPECIAL PROJECTS  |                   |                             |                           |    |                            |                             |                |                           |  |
| Any Category A Special Project may qualify for 100% LID Treatment Reduction Credit, which would allow the Category A Special Project to treat up to 100% of the amount of stormwater runoff specified by Provision C.3.d with either one or a combination of the two types of non-LID treatment systems identified in Section J.1. Prior to receiving the LID treatment reduction credits, the applicant must demonstrate, to the satisfaction of municipal staff, that LID treatment is infeasible, as described in Section J.6. |                   |                             |                           |    |                            |                             |                |                           |  |



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04.27.2022 PLANNING SUBMITTAL  
06.10.2022 PLANNING RESUBMITTAL  
07.26.2022 PLANNING RESUBMITTAL

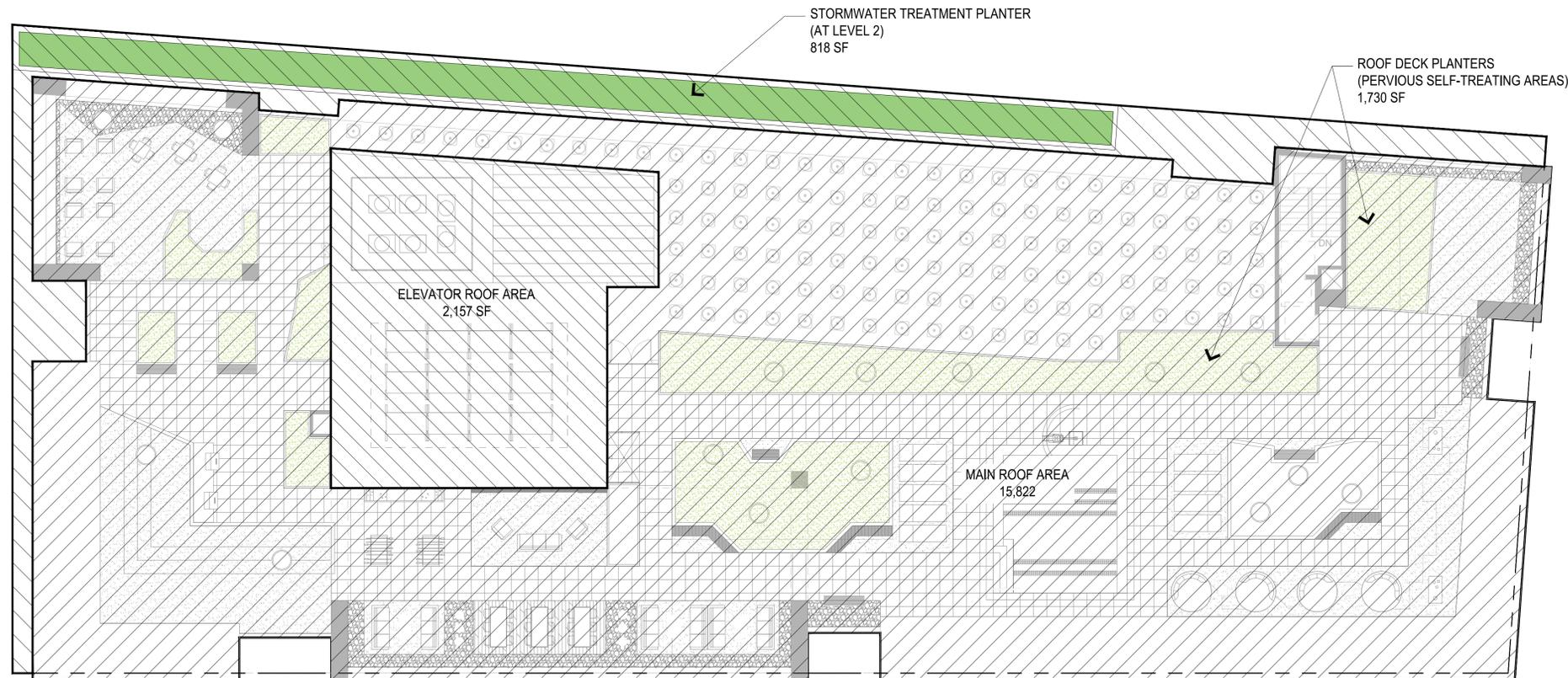
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JOB: 2129

SHEET:

PRELIMINARY  
STORMWATER  
CONTROL PLAN

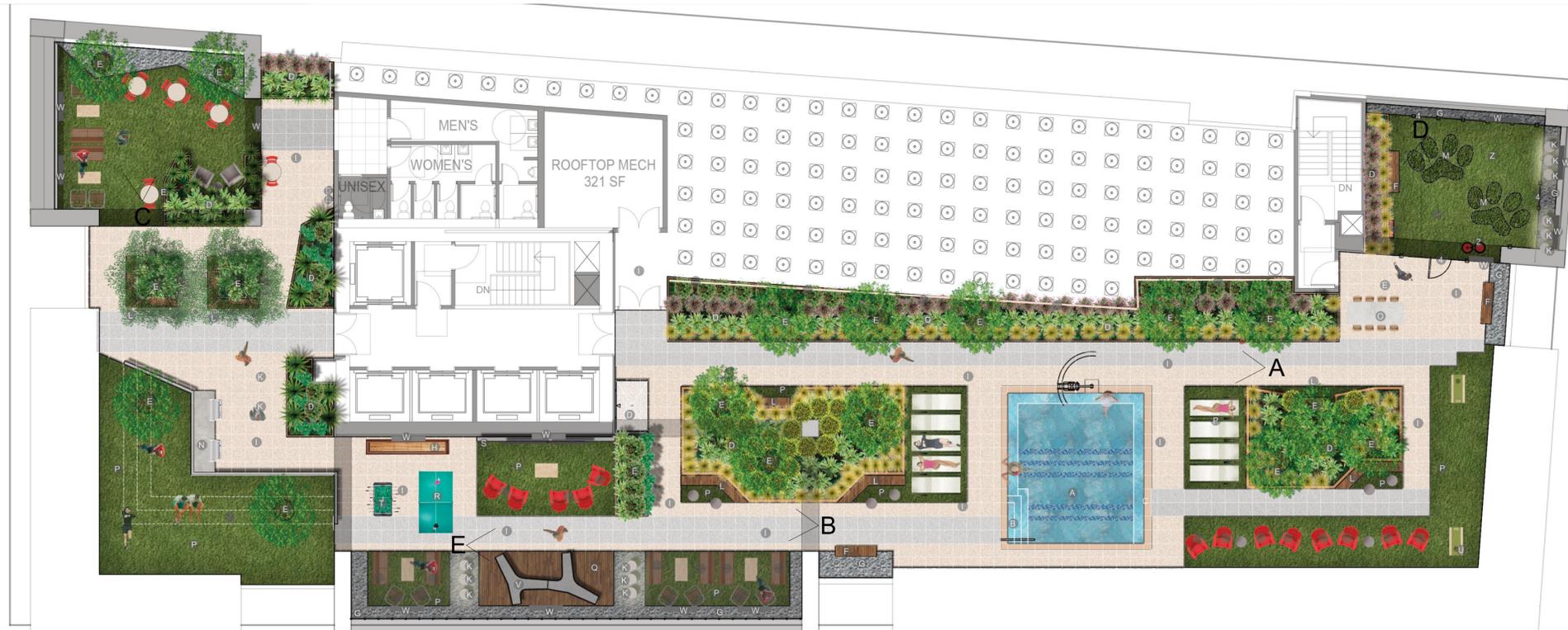
**A4.2**



**SITE PLAN**

Legend

- A Spa Hot Tub (440 sq. ft.)
- F Pre-fab Bench
- K Lighting Spheres
- P Artificial Turf
- U Bean Bag Toss
- Z Dog Run
- B Spa Hot Tub Stairs and Handrail
- G Pea Gravel
- L Landscape Floating Benches
- Q Madera Stone Paver
- V Concrete Twig bench
- C Spa Hot Tub Lift
- H Shuffleboard
- M Landscape Painted Paw Prints on Turf
- R Table Tennis
- W Electric Heaters suspended from Structure above
- D Built-in Planter
- I Concrete Pavers - Multi Tone
- N Electric BBQ Grill
- S Outdoor Media Wall
- O Adirondack chairs
- E Pre-fab Planter
- J 24" Tall Pre-fab Screen Panel
- C Pre-Fab Study Table
- T Foosball
- X Wood Benches
- Y Dog Waste Receptacle
- 1 Dog Run Perimeter Fence
- 2 Sloped Lounge Area



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**WATER EFFICIENT LANDSCAPE WORKSHEET**

This worksheet is filled out by the project applicant and it is a required element of the Landscape Documentation Package.

| Hydrozone # /Planting Description* | Plant Factor (PF) | Irrigation Method* | Irrigation Efficiency (IE)² | ETAF (PF/IE) | Landscape Area (sq. ft.) | ETAF x Area                                    | Estimated Total Water Use (ETWU)³ |
|------------------------------------|-------------------|--------------------|-----------------------------|--------------|--------------------------|--|-----------------------------------|
| <b>Regular Landscape Areas</b>     |                   |                    |                             |              |                          |  |                                   |
| Low-Water Use Plantings            | .3                | Drip               | .81                         | .37          | 2350                     | 871  | 22,534                            |
| Pool                               | 1                 | N/A                | 1                           | 1            | 440                      | 440  | 11,403                            |
|                                    |                   |                    |                             |              | Totals                   | 2790 <sup>(A)</sup>                            | 1311 <sup>(B)</sup>               |
| <b>Special Landscape Areas</b>     |                   |                    |                             |              |                          |  |                                   |
|                                    |                   |                    |                             |              | 1                        |  |                                   |
|                                    |                   |                    |                             |              | 1                        |  |                                   |
|                                    |                   |                    |                             |              | 1                        |  |                                   |
|                                    |                   |                    |                             |              | Totals                   | 0 <sup>(C)</sup>                               | 0 <sup>(D)</sup>                  |
|                                    |                   |                    |                             |              |                          | <b>ETWU Total</b>                              | 33,937                            |
|                                    |                   |                    |                             |              |                          | <b>Maximum Allowed Water Allowance (MAWA)⁴</b> | 33,937                            |

\*Hydrozone #/Planting Description  
E.g.  
1.) front lawn  
2.) low water use plantings  
3.) medium water use planting

\*Irrigation Method  
overhead spray  
or drip

\*Irrigation Efficiency  
0.75 for spray head  
0.81 for drip

\*ETWU (Annual Gallons Required) =  
Eto x 0.62 x ETAF x Area  
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year.

\*MAWA (Annual Gallons Allowed) = (Eto) ( 0.62) [( ETAF x LA) + ((1-ETAF) x SLA)]  
where 0.62 is a conversion factor that converts acre-inches per acre per year to gallons per square foot per year, LA is the total landscape area in square feet, SLA is the total special landscape area in square feet, and ETAF is .55 for residential areas and 0.45 for non-residential areas.

**ETAF Calculations**

| Regular Landscape Areas |              |             |
|-------------------------|--------------|-------------|
| Total ETAF x Area       | (B)          | 1311        |
| Total Area              | (A)          | 2790        |
| <b>Average ETAF</b>     | <b>B ÷ A</b> | <b>0.47</b> |

**Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.**

| All Landscape Areas  |                      |             |
|----------------------|----------------------|-------------|
| Total ETAF x Area    | (B+D)                | 1311        |
| Total Area           | (A+C)                | 2790        |
| <b>Sitewide ETAF</b> | <b>(B+D) ÷ (A+C)</b> | <b>0.47</b> |

**USABLE OPEN SPACE CALCULATION**

| Usable Open Space | Req. Landscape (40%) | Provided Landscape  |
|-------------------|----------------------|---------------------|
| 9,679 sq. ft.     | 3872 sq. ft.         | 4,155 sq. ft. (43%) |

LANDSCAPE PLAN

**L1.0**

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JOB: 2129

SHEET:

# PLANT PALETTE

## TREES

## SHRUBS



**Betula Occidentalis**  
**Water Birch**

is a species in the Betulaceae family native to western North America. In California its distribution is somewhat patchy, being found in the southern Sierras, Siskiyou and Modoc counties. It typically occurs along streams in mountainous regions from 2,000 ft. to over 11,000 ft. It is a deciduous shrub or small tree growing to 10 meter high, usually with multiple trunks.

Wildlife - Butterflies and Moths



**Cercis Occidentalis**  
**Western Redbud**

The Western Redbud is a small deciduous tree or shrub found in the foothills and mountains of California. In the northern, rainier part of its range, it grows more often on dry slopes in mountain foothills. In the southern and drier part of its range, it grows most often near higher elevation creeks, canyon bottoms and other moister areas.

Wildlife: Birds, Butterflies, Pollinators



**Ceanothus 'Ray Hartman'**  
**Ray Hartman Ceanothus**

The Ray Hartman ceanothus is one of the largest cultivars to be grown in ornamental landscape and gardens. It becomes a large mounding shrub to small tree, growing 15-20 ft. tall and as wide. Dense foliage is comprised of large 1-3 in. long leaves that are dark glossy green above and pale beneath. Large plumes of medium blue flowers create a striking display in early spring.

Wildlife: Bees, Deer



**Arbutus Marina**  
**Marina Strawberry Tree**

A delightful small garden tree with a low canopy of deep green leaves that are larger than other species. Rosy pink flowers appear concurrently with the red and yellow strawberry-like fruit in fall and winter. A good fire-wise landscaping plant. Evergreen.

Wildlife: Birds, Butterflies, Pollinators



**Helleborus Argutifolius**  
**Corsican Hellebore**

Prefers light to moderate shade. H. argutifolius tolerates periods of full sun more than most other species of hellebore. Established plants tolerate periods of drought. Plants grown near the northern edge of the growing range (winter hardy to USDA Zone 6) should be located in areas protected from cold winter winds. Prolonged cold spells in winter will damage the foliage (browns up).

Wildlife: Bees, Hummingbirds and pollinators



**Salvia Leucophylla**  
**Purple Sage**

Purple Sage is an aromatic sage native to the southern coast of California and Baja California, with a range stretching from Santa Maria southward, at 50-800 meters altitude. It is a shrub growing up to 1.5 meters tall on dry, open hillsides.

Wildlife: Bees, Hummingbirds and pollinators



**Lupinus arboreus**  
**Coastal Bush Lupine**

is a species Fabaceae (Legume) family native to the western United States in California and Oregon, where it is widely distributed coastal scrub and sand dunes. Because it has been widely introduced, there is some uncertainty about its native range; it is thought to be native from Point Reyes National Seashore south to San Luis Obispo County.

Wildwood: Wildlife: Bees, Hummingbirds and pollinators



**Polystichum munitum**  
**Sword Fern**

The dark green fronds of this fern grow to 50-180 centimeter (i.e. nearly 6 feet) tall, in a tight clump spreading out radially from a round base. They are single-pinnate, with the pinnae alternating on the stalk. Each pinna is 1-15 centimeter long, with a small upward-pointing lobe at the base, and the edges are serrated with bristly tips.

Wildlife: Butterflies and Moths



**Keckiella antirrhinoides**  
**Yellow Penstemon**

is a species of flowering shrub in the plantain family known by the common names snapdragon penstemon and chaparral beardtongue. It is native to the chaparral, deserts, and pinyon-juniper woodlands of California, Arizona, and adjacent Baja California.

Wildlife: Bees, Hummingbirds and pollinators



**Agave Shawii**  
**Coastal Agave**

is an agave found only along the Pacific coast of Baja California, extending slightly north into the coastal chaparral of southernmost California. It is a small-to-medium agave, with green ovate leaves 20-50 centimeter long and 8-20 centimeter wide, and a variable pattern of marginal teeth. Individual rosettes flower after 20-30 years of growth.

Wildlife: Butterflies and Moths



**Arctostaphylos 'Emeral Carpet'**  
**Emeral Carpet**

like other manzanitas, produces thick, erect, small, shiny leaves, which help them to conserve water. Because 'Emerald Carpet' is exceptionally suited to our climate and particularly our dry summers, it looks green and healthy year round. The new growth is an attractive lighter shade than their usual emerald color. This manzanita produces white flowers with a tinge of pink in the spring, followed by bright red ornamental berries.

Wildlife: Pollinators



**Dudleya edulis**  
**Fingertips**

A succulent plant known by the common name Fingertips, Lady Fingers, and Dead Man's Fingers. This Dudleya is in the Subgenus Stylophyllum which features flowers held wide-open and is fly or bee pollinated. This plant is native to southern California and Baja California, where it grows in rocky sandstone soils of the coastal and inland areas.

Wildlife: Bees, Hummingbirds and pollinators

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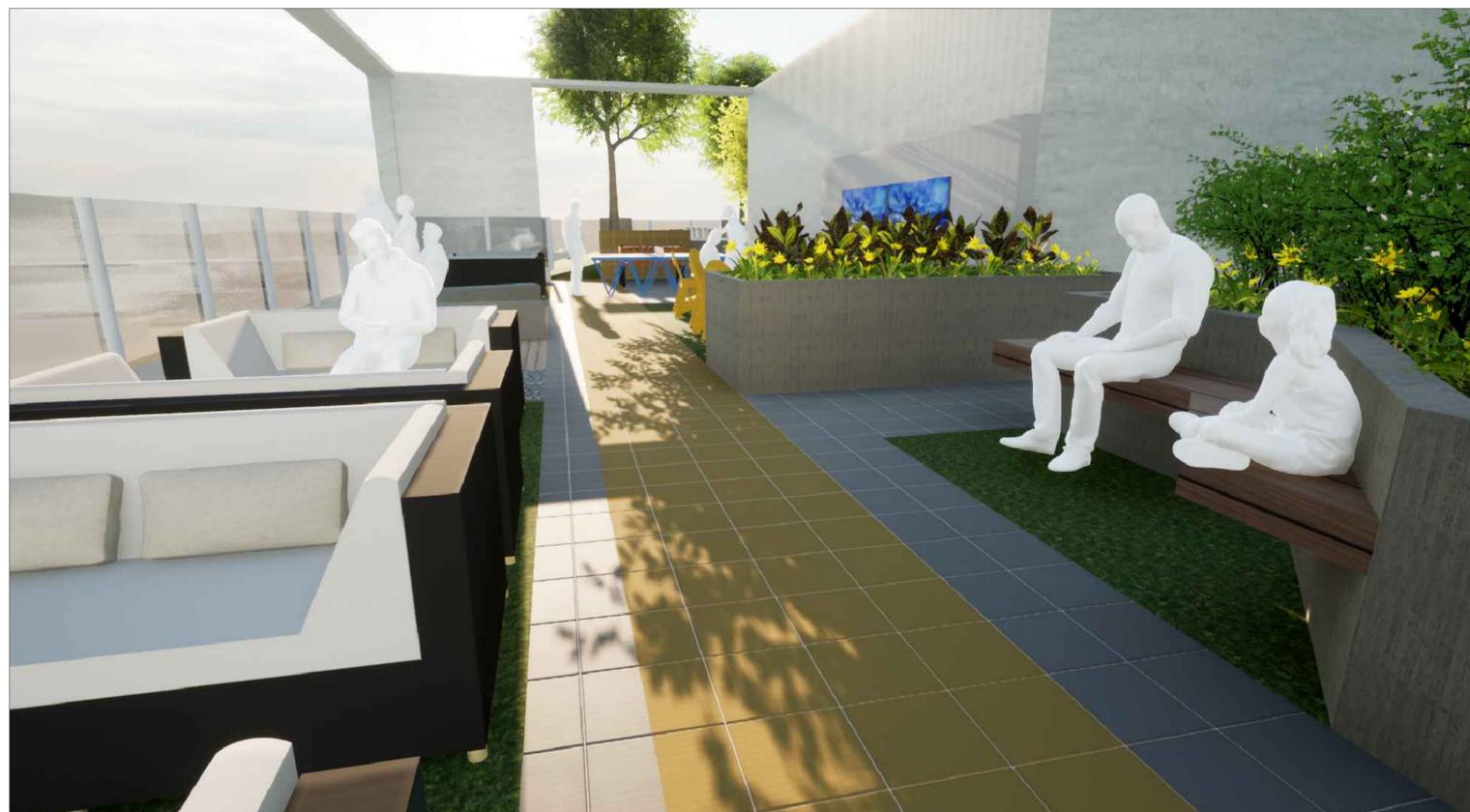
LANDSCAPE PLAN

**L1.1**



VIEW A

NOT TO SCALE 



VIEW B

NOT TO SCALE 



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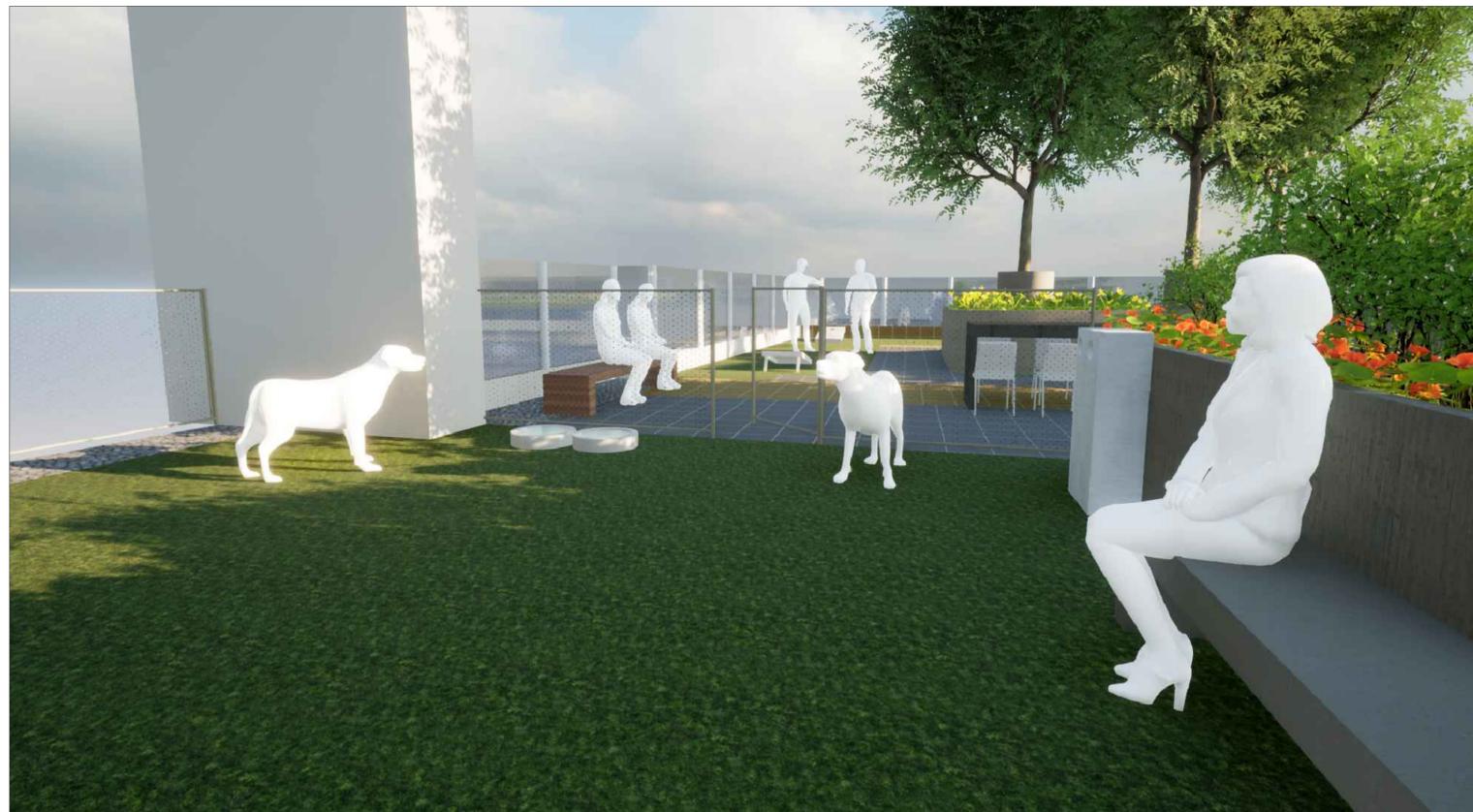
LANDSCAPE PLAN

**L1.2**



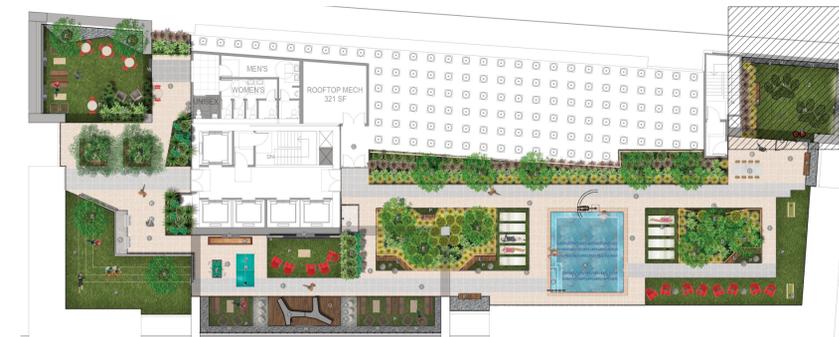
VIEW C

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VIEW D

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LANDSCAPE PLAN

**L1.3**



VIEW E

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SHEET:

LANDSCAPE PLAN

**L1.4**

**ZONING APPLICATION  
USE PERMIT MODIFICATION – 2190 Shattuck Avenue (ZP2016-0117)  
The Legacy at Berkeley**

**SECTION 1 – REQUIRED FOR ALL PROJECTS**

**B. APPLICANT STATEMENT / WAIVER REQUEST**

**Introduction**

The Legacy at Berkeley (“The Legacy” or the “project”), proposed at 2190 Shattuck Avenue, has been purposefully redesigned to carry out the vision of the Downtown Area Plan. The Legacy will provide urgently needed housing downtown, in close proximity to BART and other public transit, while incorporating industry-leading environmental sustainability standards. The Legacy addresses the City’s housing and affordability needs, providing a total of 326 units, out of which 33 will be affordable to very-low income households.

The design of the proposed building is rooted in tradition, with the façade consisting of a natural palette of brick and earthy colored plaster that is rich in detail and materiality. The façade has been designed with a “loggia floor” at level seven as an homage to the Shattuck Hotel, and presents a traditional rhythm of solid, rectilinear wall elements with punched window openings. Overall, the building will punctuate the City skyline with a design that is compatible with the City’s historic building stock, while embracing a transition to modern structures. The ground level will contribute to the active pedestrian streetscape on Shattuck Avenue, and will include pedestrian amenities to enhance Allston Way.

In seeking modifications to the approved use permit for 2190 Shattuck Avenue, the project has been revised to provide 33 onsite affordable units, while contributing more than \$6 million to the City’s affordable housing trust fund. The revised project also includes changes to the exterior façade to make the project more consistent with existing and potential historic resources along Shattuck Avenue. The revised project reduces offsite parking from the approved use permit, to further emphasize the project’s transit-oriented design. The revised project remains committed to providing significant community benefits, and an updated report is being prepared and will likely be submitted within 30 days after the filing of this zoning application, to document the community benefits that the proposed project will provide to the City.

The project is only feasible due to the scale of density that is proposed under state density bonus law. As a result, nearly all of the structural changes proposed from the approved project are for the purpose of facilitating additional residential density pursuant to state law and City policies. The added density and massing therefore is a critical aspect of the project, which will help to ensure that the project remains financially feasible through construction and occupancy.

The key benefits of this re-envisioned project are as follows:

- 326 units ranging from studios to five-bedroom apartments;
- Rooftop terrace and garden for residents;
- 7,500 square feet of dividable commercial space;
- Provide high-quality labor and construction jobs;

- Enhancements to BART plaza and pedestrian streetscape;
- Transit-oriented design to bring more residents into downtown;
- Public space for art and community events;
- 33 units of onsite affordable housing, more than \$6 million in housing fees;
- Transit passes for all households and employees;
- Up to 5 offsite parking spaces for car-sharing;
- Long-term storage for 271 bicycles; and
- LEED Gold or equivalent rating.

## Project Setting

The project is located at 2190 Shattuck Avenue, a 19,967 square-foot (0.46-acre) site on the northwest corner of Shattuck Avenue and Allston Way, a highly urbanized block in downtown Berkeley. The site is generally level, sloping approximately five feet downward from east to west along the property. The site has frontage on Shattuck Avenue and Allston Way, and is adjacent to the southern end of the Bay Area Rapid Transit (BART) for the Downtown Berkeley Station.

The project site is currently covered by a two-story commercial building with a basement and 38,700 square feet of retail and office space. The first floor has retail space currently occupied by a Walgreens drug store and pharmacy. The second floor has administrative office space currently occupied by roundCorner and Nokia. The basement is currently vacant.

## Site History

The site was first developed in the late 1800's, however, over time the initial buildings were replaced. The existing two-story building was constructed in 1956 and was originally designed for J.C. Penney Co., which operated a retail store at this location between 1956 and 1992. Thereafter, Ross Dress for Less renovated and occupied the building until 2007. The main suite remained vacant for several years until Walgreens became the tenant in 2012 and implemented additional interior improvements along with alterations to the exterior façade. The basement was also built out and altered during the 1990's. Other office units are located in the building, which were also remodeled during the 1990's.

The existing building has been evaluated numerous times for its architectural and historical significance, and evaluators have consistently deemed the building ineligible for listing in the National or California Register of Historic Places, or as part of a proposed historic district. In 2016, in connection with the City's processing of Use Permit #ZP 2016-0117, Page & Turnbull analyzed the historical significance of the existing building and concurred with previous findings in prior reports by Archives & Architecture, and JRP Historical Consulting, that the "building does not appear to be historically significant or eligible for listing in a historic register, nor does it contribute to the [proposed] Shattuck Avenue Commercial Corridor Historic District." The Page & Turnbull report goes further, stating: "[g]iven the original design's lack of artistic merit, even if the building was restored to its original design and its architectural integrity improved, 2190 Shattuck Avenue would not be found to be a historic resource."

## Summary of Approved Project

On January 31, 2019, the Berkeley City Council adopted Resolution No. 68,755-N.S., approving Use Permit #ZP2016-0117, which authorized demolition of the existing site and the construction of an 18-story mixed-use building, with 274 residential units above approximately 10,000 square feet of ground floor commercial space, and a two-level subterranean parking garage accessed from Allston Way. The 274 rental units were comprised of 57 micro units, 63 studios, 93 one-bedroom units, and 61 two-bedroom units. The approved project was designed to reach 180 feet, with additional architectural projections extending an additional 10 feet.

In total, the approved project was comprised of 211,590 square feet of gross floor area, 103 automobile parking spaces, and 100 bike parking spaces. The approved project included 21,924 square feet of residential open space, which included 10,438 square feet of rooftop terraces on the second, eighth, and thirteenth floors, and 10,586 total square feet of usable balconies for selected units. Additionally, the project included 449 square feet of public open space on the Allston Way frontage adjacent to the driveway and residential lobby.

The approved building had a continuous wall from street level through the first seven stories, and included two step backs at 72 feet and approximately 120 feet. The step backs, which were intended to reduce building massing, had the resulting effect of significantly reducing the residential density available to the project. Prominent building materials included movable and fixed shutters made of slotted aluminum panels on the southern façade of residential floors; glass curtain walls and spandrel panels on the eastern and western façades; vertical fins of translucent glass on the western façade to reduce solar heat gains and glare; private balconies with cantilevered glass panels; and ground-floor art vitrines on Allston Way with wood panels and glass windows. Slotted aluminum panels on the second to sixth stories were designed to be slightly angled rather than parallel to the property lines.

The approved project included a 25-foot commercial loading zone on the site's Allston Way frontage, east of the proposed parking garage driveway ramp. The loading zone would accommodate trucks serving the retail commercial space on the first level. To the east of the commercial loading zone, a 135-foot bus layover zone marked with a red curb would be provided on the north side of Allston Way.

## CEQA

The prior project was evaluated pursuant to the California Environmental Quality Act (CEQA) using the City's Infill Environmental Checklist, which resulted in the certification of a focused Environmental Impact Report. Mitigation measures were imposed pursuant to the Project Infill EIR and additional mitigation measures were tiered from the Downtown Area Plan EIR.

## Approved Use Permits

Altogether, Use Permit #ZP2016-0117 included the following authorizations:

- Demolition of a non-residential building, under Berkeley Municipal Code ("BMC") section 23C.08.050.A [new BMC § 23.326.070];
- Construction of a new main building with mixed-use development, under BMC section 23E.68.030 [new BMC § 23.204.030];

- Construction of greater than 10,000 square feet gross floor area, under BMC section 23E.68.050 [new BMC § 23.204.030];
- Authorized building height of up to 180 feet, under BMC section 23E.68.070.B [new BMC § 23.204.130];
- Reduction in the required 5 foot rear yard setback for the portion of the building between 20 and 75 feet in height, under BMC section 23E.26.070.C [new BMC § 23.204.130];
- Exceedance of that portion of the building over 120 feet to be greater than 120 feet in width when measured at the widest point on the diagonal in plan view, under BMC section 23E.68.070.C [new BMC § 23.204.130];
- Reduction in vehicle parking space requirements, under BMC section 23E.68.080.D [these provisions were eliminated by City Ordinance 7787-NS (now codified in BMC § 23.322.070)];
- Reduction of required parking spaces through payment of an in-lieu fee to be used to provide enhanced transit services, under BMC section 23E.68.080.D [these provisions were also eliminated by City Ordinance 7787-NS (now codified in BMC § 23.322.070)]; and
- Authorized architectural projections (e.g. elevator enclosures) to exceed the height limit, under BMC section 23E.04.020.C [new BMC § 23.304.050].

After the City's adoption of Use Permit #ZP2016-0117, the property owner and the initial developer submitted a Phase 1 building permit submittal, which the City reviewed and provided initial plan check comments. However, after investing substantial time and resources in the building permit application, the project became economically infeasible to construct after the first quarter of 2020, due to overall project costs based on existing conditions of approval, and due to the numerous challenges brought by the COVID-19 pandemic, such as revised expectations of rent revenue and significant, ongoing inflation and increases in construction costs. Efforts to proceed with building permits for the approved project were discontinued in September 2021.

### **Summary of Proposed Project**

Use Permit #ZP2016-0117 remains vested, largely due to the substantial resources that the project owner has invested to proceed with development of the site. The purpose of this zoning application is to seek modifications to Use Permit #ZP2016-0117, which would result in a new entitlement to construct a high-quality, mixed-use residential project that is economically feasible to construct, and which will carry out the vision of the Downtown Area Plan.

In 2021, the property owner partnered with a new, highly respected development team to re-envision the site. That team includes Landmark Properties as the developer, along with architectural services by Trachtenberg Architects and Myefski Architects. Landmark has a well-established track record in Berkeley, and nationwide, for developing high-quality, university-focused apartment projects (e.g., The Standard and Stonefire). Trachtenberg is the design architect for the proposed project and has designed and entitled more than 21 residential projects in Berkeley (7 of which are completed and occupied, with 6 more currently under construction). Myefski Architects is the architect of record and is responsible for the preparation of plans and specifications for permitting and construction. Myefski has spent nearly 30 years crafting architectural solutions for living spaces within urban environments, and has designed more than 8,500 residential units.

### Architectural and Building Amenities

The proposed project entails demolition and removal of the existing structure, and the construction of a 25-story, mixed-use project with 326 residential units, 7,500 square feet of commercial space, and one level of underground parking accessible via Allston Way. The residential unit mix includes a broader range of unit sizes than the approved project, starting with larger, studio units (as opposed to micro units in the approved project) and the project now includes three- four- and five-bedroom units.

As a mixed-use building, the project includes 7,500 square feet of dividable commercial space as well as a 677 square-foot community room that may be reserved for use by the general public. The residential portion of the project includes a 1523 square-foot lobby and lounge with mail and package rooms, a 2,427 square-foot fitness center, a 1,011 square-foot study space on the second floor, a 4,145 square-foot lounge space on the 24th floor, and 22,719 square feet of usable open space, comprised of a 9,679 square-foot roof deck and private balconies for the majority of units. The project also includes 51 parking spaces and 271 long-term bike spaces.

### The Project Proposes Higher Residential Density Pursuant to State Density Bonus Law

All of the proposed use permit modifications are intended for the purpose of facilitating higher residential density on the project site, to make the project economically feasible. In order to facilitate higher density, this zoning application includes a request for a density bonus pursuant to state law (Gov. Code § 65915), Berkeley Municipal Code (BMC Chapter 23.330), and the City's administrative policies. State density bonus law allows cities and developers to address the economic realities of developing high-density residential projects, while producing significant, additional public benefits through the provision of onsite affordable housing.

As detailed in the Density Bonus Eligibility Statement and plan sheets, the proposed project will include 33 units onsite (15% of the base project units) that will be affordable to very-low income households. In exchange for providing onsite affordable units, the project requests a 50% density increase over the base units, and a revised building structure to feasibly develop the density bonus units. Revisions to the building structure are required because the approved, three-tiered design forgoes much of the square footage needed to make the project economically feasible to construct. In addition, a tiered design significantly increases construction costs, as it precludes efficiencies that can be gained through the stacking of floor area, walls, and utilities. To facilitate additional units, the project seeks waivers of development standards in connection with building height, width, setbacks and open space, and up to three concessions.

### The Application is for a Housing Development Project Pursuant to the HAA and SB 330

The proposed project is a "housing development project" pursuant to the Housing Accountability Act (Gov. Code 65589.5 et seq.), as amended by the Housing Crisis Act of 2019 (SB 330) (together, the "HAA"), as it consists of a mixed-use development with at least two-thirds of the square footage designated for residential use. (Gov. Code § 65589.5(h)(1).) Pursuant to the HAA, the applicant submitted an SB 330 preliminary application for the proposed project on February 8, 2022. The City reviewed the SB 330 preliminary application and confirmed that the proposed project meets the definition of a "housing development project" in correspondence dated February 17, 2022.

### Use Permit Modifications / Waivers

To facilitate the proposed project, the following use permit authorizations must be amended or waived pursuant to state density bonus law, and/or modified pursuant to Berkeley Municipal Code section 23.404.070, which authorizes use permit modifications for the expansion of floor area and an increase in beds devoted to an approved use:

- Use Permit modification for the construction of new floor area (BMC § 23.204.030).

The project proposes additional floor area beyond what was previously authorized by Use Permit #ZP2016-0117, for a total of 397,212 square feet.

- Use Permit modification for the construction of more than 10,000 square feet of new floor area.

The project proposes additional floor area beyond what was previously authorized by Use Permit #ZP2016-0117, for a total of 397,212 square feet.

- Use Permit modification for a reduction in setbacks (BMC § 23.204.130.E.3);

The project proposes to reduce the rear setback at building heights between 76 and 120 feet, and above 120 feet. At those heights, the proposed rear building setback ranges from 5 to 11 feet. Interior side setbacks will be reduced at building heights between 76 and 120 feet, and above 120 feet, and will be 10 feet whereas the development standard is 15 feet. The front setback will be reduced at building heights between 76 and 120 feet, and above 120 feet, and will range from 0 to 5 feet, whereas the development standard is 15 feet. The street side setback will also be reduced at building heights between 76 and 120 feet, and above 120 feet, and will range from 0 to 5 feet, whereas the development standard is 15 feet.

- Use Permit modification to allow the portion of the building over 120 feet to be greater than 120 feet in width when measured at the widest point on the diagonal in plan view (BMC § 23.204.130.E.3).

The project proposes building widths greater than 120 feet, at building heights over 120 feet, resulting in a width of 235 feet.

- Use Permit modification to authorize a building height of up to 180 feet (BMC § 23.204.130.E.2);

The proposed project seeks a building height of up to 264 feet.

- Administrative Use Permit modification to authorize additional architectural projections.

Use Permit #ZP2016-0117 authorizes architectural projections of up to 10 feet; the proposed project seeks authorization for projections of up to 15 feet.

The revisions to building setback, width and height requirements summarized above are proposed as waivers of development standards pursuant to state density bonus law. See Density Bonus Eligibility Statement, Section 5, below.

In addition, the following use permit authorizations related to parking requirements, and the payment of in-lieu fees, are no longer applicable to the proposed project after the adoption of City Ordinance 7787-NS (now codified in BMC § 23.322.070):

- Use Permit to allow a reduced vehicle parking space requirement; and
- Use Permit for reduction of required parking spaces through payment of an in-lieu fee to be used to provide enhanced transit services.

In 2021, the City Council eliminated minimum off-street parking requirements and imposed residential parking maximums in transit-rich areas (including the project site), to promote alternative modes of transportation. Those amendments render these use permit authorizations unnecessary, along with the related conditions of approval in Use Permit #ZP2016-0117 regarding residential offsite parking minimums and the payment of in-lieu fees.

Summary of Project Changes

The following is a general summary of the approved, and proposed, project features:

| <b>Project Features</b>        | <b>Approved Project</b>  | <b>Proposed Project</b>   |
|--------------------------------|--|---|
| <b>Unit Mix</b>                |  |   |
| Micros                         | 57 Micro Units   | 0 Micro Units   |
| Studios                        | 63 Studios   | 21 Studios  |
| One-Bedrooms                   | 93 One-Bedrooms  | 24 One-Bedrooms   |
| Large One-Bedrooms             | 0 Large One-Bedrooms   | 47 Large One-Bedrooms   |
| Two Bedrooms                   | 61 Two-Bedrooms  | 43 Two-Bedrooms   |
| Large Two Bedrooms             | 0 Large Two-Bedrooms   | 70 Large Two-Bedrooms   |
| Three Bedrooms                 | 0 Three-Bedrooms   | 29 Three-Bedrooms   |
| Four Bedrooms                  | 0 Four-Bedrooms  | 69 Four-Bedrooms  |
| Five Bedrooms                  | 0 Five-Bedrooms  | 23 Five-Bedrooms  |
| <b>Total Units</b>             | 274  | 326   |
| <b>Onsite Affordable Units</b> | 0  | 33 units (very-low income)  |
| <b>Building Square Footage</b> |  |   |
| Residential                    | 201,590 sq. ft.  | 389,712 sq. ft.   |
| Commercial                     | 10,000 sq. ft.   | 7,500 sq. ft.   |
| Open Space                     | 21,924 sq. ft. total   | 22,719 sq. ft. total (via density bonus waiver)   |
|                                | <ul style="list-style-type: none"> <li>• 10,438 sq. ft. rooftop</li> <li>• 11,486 sq. ft. balconies</li> </ul> | <ul style="list-style-type: none"> <li>• 9,679 sq. ft. rooftop</li> <li>• 13,040sq. foot balconies</li> </ul> |

| Project Features   | Approved Project  | Proposed Project  |
|--|---|---|
| <b>Total Square Footage</b>  | 211,590 sq. ft.   | 397,212 sq. ft.   |
| <b>Parking and TDM</b><br>Parking<br><br><br><br><br><br><br><br><br><br><br>TDM Measures  | <ul style="list-style-type: none"> <li>• 103 Automobile spaces</li> <br/><br/><br/><br/><br/><br/><br/><br/><br/><br/><br/> <li>• 100 Bicycle spaces</li> <br/><br/><br/><br/><br/><br/><br/><br/><br/><br/><br/> <li>• 4 electric vehicle charging stations;</li> <li>• 5 car-share spaces;</li> <li>• Unbundled parking;</li> <li>• 100 secure bicycle parking spaces; repair shop to be provided indoors at the northwest end of first floor;</li> <li>• AC Transit passes provided to employees and each residential unit.</li> </ul> | <i>Residential minimum no longer required</i> <ul style="list-style-type: none"> <li>• 51 Auto – Residential</li> <li>0 Auto – Commercial (via density bonus concession)</li> <br/><br/><br/><br/><br/><br/><br/><br/><br/><br/><br/> <li>• 271 Bicycle long-term</li> <li>20 Residential short-term</li> <li>4 Commercial short-term</li> <li>295 total bicycle parking</li> <br/><br/><br/><br/><br/><br/><br/><br/><br/><br/><br/> <i>No longer required in C-DMU</i> <ul style="list-style-type: none"> <li>• 4 electric vehicle charging stations;</li> <li>• Up to 5 car-share spaces;</li> <li>• Unbundled parking;</li> <li>• 271 secure bicycle parking spaces;</li> <li>• AC Transit passes provided to employees and each residential unit.</li> </ul> </ul> |
| <b>Development Standards</b><br>Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Street side</li> <li>• Interior side</li> <li>• Rear</li> </ul> Building width (above 120')<br>Height | <ul style="list-style-type: none"> <li>• 0-120 feet</li> <li>• 0-15 feet</li> <li>• 0-15 feet</li> <li>• 0-5 feet</li> </ul> 180 feet, plus 10 feet for architectural projections   | <ul style="list-style-type: none"> <li>• 0-5 Feet (via waiver)</li> <li>• 0-6 Feet (via waiver)</li> <li>• 0-10 Feet (via waiver)</li> <li>• 0-11 Feet (via waiver)</li> <li>235 Feet (via waiver)</li> <li>264 feet, plus 15 feet for architectural projections. (via waiver)</li> </ul>   |
| <b>Sustainability Features</b>   | <ul style="list-style-type: none"> <li>• Roof garden;</li> <li>• Solar shading;</li> <li>• Low emission glass;</li> <li>• Solar thermal hot water;</li> <li>• TDM features.</li> </ul>  | <ul style="list-style-type: none"> <li>• Roof garden</li> <li>• Non-invasive plant species</li> <li>• Naturally sized plant growth</li> <li>• Drought tolerant plants</li> <li>• Low-flow irrigation system</li> <li>• No turf</li> <li>• All electric building</li> </ul>  |

| Project Features | Approved Project | Proposed Project  |
|------------------|------------------|---|
|                  |                  | <ul style="list-style-type: none"> <li>• Limited vehicle parking</li> <li>• Abundant bike parking</li> <li>• Low emission glass</li> <li>• Rooftop solar panels</li> <li>• On-site power storage</li> <li>• On-site stormwater control</li> <li>• EV Charging</li> <li>• Directly adjacent to BART</li> </ul> |

**Consistency with Applicable Provisions of the C-DMU Zone**

*A. The Proposed Project Fulfills the Purposes of the C-DMU District and the Downtown Area Plan*

The purpose of the C-DMU district is to implement the vision and goals of the Downtown Area Plan (DAP), adopted in 2012. The DAP made housing growth a “cornerstone strategy” to support the long-term economic vitality of Downtown, improve public safety, accommodate the growing demand for housing while minimizing impacts on Berkeley’s residential neighborhoods, and minimize auto use and greenhouse gases. (*Id.*, p. IN-16.) The proposed project fulfills the DAP’s cornerstone strategy, along with other purposes of the DAP to promote environmental sustainability through green building standards, and to accommodate future residential growth within a pedestrian-friendly, transit-oriented district. (DAP, p. IN-1.)

The project site was identified in the DAP as a Development Opportunity Site to accommodate planned growth. (DAP, Fig. IN-5.) In adopting use permits for the prior project in 2019, the City found the prior project to be consistent with both the City’s objective and subjective standards for ensuring consistency with the DAP and its implementing Design Guidelines. The current application proposes to revise the approved project through use permit modifications coupled with SB 330 and density bonus applications. As such, the project has been designed to comply with all objective standards under the C-DMU zone, while largely complying with the subjective standards under the DAP and Design Guidelines (e.g., Goals ES-1, ES-3, ES-4, LU-1, LU-2, LU-3, LU-4, AC-1, AC-2, AC-4, AC-5, HD-4, OS-1, HC-3, HC-4, HC-6, ED-1, ED-10, ED-12). The project also proposes changes with regard to building massing, setbacks and height, consistent with state density bonus law and the HAA.

*B. The Proposed Mixed-Use Project is Allowed in the C-DMU Zone*

As a mixed-use residential development, the proposed project is allowed in the C-DMU zone (see BMC, Table 23.204.01). The proposed residential densities are allowable pursuant to state density bonus law, and the City’s use permit authorization, as applicable.

C. *The Proposed Project is Compatible with the Applicable Provisions Regarding Visual Character and Form in the Downtown Area Plan*

The proposed project seeks to modify Use Permit #ZP2016-0117 to develop more than 10,000 square feet of additional floor area, and to increase the number of approved beds (see BMC § 23.404.070). Generally, to approve a Use Permit for additional floor area in the C-DMU district, the City must find that: (a) the new building is compatible with the visual character and form of the district; and (b) no designated landmark structure, structure of merit, or historic district in the vicinity would be adversely affected by the appearance or design of the proposed addition. (BMC § 23.204.030.)

The proposed project has been designed to ensure that the building is generally compatible with the visual character of Downtown Berkeley, and the proposed Shattuck Avenue Commercial Corridor Historic District. The design of the proposed building is rooted in tradition, with vertical proportions, a natural palette of brick and earthy colored plaster that is rich in detail and materiality, and a façade that is based on a traditional rhythm of solid, rectilinear wall elements with punched window openings compatible with the surrounding historic structures.

The design has a scale at the ground level that corresponds to the neighboring buildings to create active pedestrian streetscapes that enliven both Shattuck Avenue and Allston Way. Additionally, the use of a “loggia floor” at level seven serves as a reference to the neighboring Shattuck Hotel. Access to the parking garage is located at the west end of the Allston elevation, maximally distant from Shattuck Avenue.

The proposed project has been designed to meet all applicable mitigation measures in the certified EIR for Use Permit #ZP2016-0117. In particular, the proposed project has been revised to address the visual character considerations listed in Mitigation Measures CR-1a – 1e for the approved project. For example, the proposed project has been designed with a rectilinear wall system and no slanted walls. The project has also been designed with a proportion and pattern of void to wall that is compatible with the facades of the surrounding historic load-bearing wall buildings. The base of the building is designed with a structural rhythm of 15-30 feet enframing the storefronts. The upper façade of the building avoids curtain walls and instead is designed with a more traditional pattern and rhythm of wall elements with punched windows that are roughly 40% of the façade.

Additionally, state density bonus law authorizes the City to waive development and design standards, as needed to facilitate the production of onsite affordable housing and the corresponding bonus units. Provisions of the Downtown Area Plan and Design Guidelines are therefore inapplicable for determining plan consistency if they conflict with the proposed waivers of building height, setback, width, and other development standards and concessions needed to facilitate the inclusion of onsite affordable and density bonus units. The HAA also requires the City to consider the proposed project’s consistency with applicable objective standards. Subjective standards, including those related to visual character, may be superseded by the HAA if the proposed project complies with all applicable objective standards.

There are no other findings requirements under BMC § 23.204.030 that apply to the project.

*D. The Arts Overlay District is Inapplicable to the Proposed Project*

The project site, at the corner of Allston Way and Shattuck Avenue, is not located in the Arts Overlay District.

*E. The Proposed Project is Compliant with All Applicable Development Standards in the C-DMU Zone, Pursuant to State Density Bonus Law and the HAA*

The development standards in the C-DMU zone (BMC § 23.204.130.E.1 through .E.8) allow increased height allowances for up to five buildings, with up to three buildings in the Downtown Core area allowed heights of 180 feet. Use Permit #ZP2016-0117 includes a 180-foot height authorization, along with authorizations to exceed the City's setback and building width requirements, and to allow architectural projections.

The proposed project seeks waivers of the following development standards, to facilitate the production of onsite affordable and bonus housing units pursuant to state density bonus law: (1) waive height standards; (2) waive minimum setbacks at 76-120 feet and over 120 feet; (3) waive requirement that building width must be less than 120 feet, at building height over 120 feet, when measured at the widest point on the diagonal in plan view; and (4) reduce the usable open space requirements. (For more detail, see Density Bonus Eligibility Statement, Section 5, below.)

The proposed project is consistent with the remaining development standards in the C-DMU zone, as follows:

Community Benefits Package

The City of Berkeley Downtown Area Plan (DAP) requires that buildings over 75 feet in height must provide significant community benefits, including affordable housing, supportive social services, green building features or other significant community benefits. The C-DMU zone implements this provision for projects that seek use permit authorization for additional building height to provide significant community benefits beyond what would otherwise be required by the City. Although this is a subjective development standard, the proposed project will include a community benefits package based on the substantial additional benefits that will be provided through a project labor agreement, the provision of onsite affordable housing, and a community space that will be open to the public. The quantification of those benefits will be provided through an updated report that will be submitted to the City likely within 30 days after submission of this zoning application.

The applicant team has engaged Economic & Planning Systems (EPS) to provide this report. EPS will evaluate market conditions and provide a financial feasibility analysis of development potential at the site. Consistent with the guidance of City Resolution No. 67,172 the EPS analysis will rely on a financial pro forma analysis to measure real estate value created by the proposed project over and above a base 75-foot project. Measurement of the value created by added building height and density will identify the maximum community benefit that the City might seek from the project. However, EPS will also consider the financial feasibility of the project with significant community benefits, recognizing that community benefits must not result in project infeasibility.

EPS will document findings from the financial analysis in a technical memorandum. The EPS deliverable will summarize the market potential of the project and will present financial analysis of value creation and project feasibility. EPS will detail the pro forma feasibility calculations for review, including documentation of key assumptions and quantitative outputs of the analysis. The memorandum will include a written narrative and supporting data tables and calculations, as well as figures and graphics that help to communicate findings. EPS anticipates completion of the analysis during May 2022.

#### Privately Owned Public Space

The project will comply with this provision by paying an in-lieu fee into the City's SOSIP program.

#### Ground Floor Street Frontage

Ground floor street frontage requirements do not apply in this case, as no tenants have been confirmed for the commercial space. (BMC § 23.204.130.E.7.)

#### Residential Entrance Limitations

Entrances to individual dwelling units will not be located on the street-facing side of the street-level floor. (BMC § 23.204.130.E.8.)

#### *F. The Project is Subject to the Streets and Open Space Improvement Program*

The City's Streets and Open Space Improvement Program will apply to the proposed project. In connection with Use Permit #ZP2016-0117, SOSIP-related improvements include enhanced stone paving within the public right-of-way on Allston Way, trees, planters, and benches on the sidewalk, installation of art vitrines with glass display cases at the building's exterior, and the reconstruction of sidewalks.

#### *G. The Proposed Project Will Comply with the City's Green Building Provisions*

The project will meet the GreenPoint Rated Silver level, which the City of Berkeley has established as an equivalent to LEED Gold. A list of sustainability features is provided above in the Summary of Project Changes table.

#### *H. The Proposed Project Will Mitigate Environmental Impacts Consistent with the Previously Certified Downtown Area Plan EIR and Project Infill EIR*

Use Permit #ZP2016-0117 incorporates all applicable mitigation measures from the certified EIR for the Downtown Area Plan, and the subsequently certified, tiered Project Infill EIR. The applicant anticipates that the City will analyze changes to the proposed project in connection with the requested modifications to Use Permit #ZP2016-0117, pursuant to the standards for subsequent review under CEQA (Pub. Res. Code § 21166; 14 Cal. Code Reg. § 15162.) The proposed project will comply with all applicable mitigation measures under the Downtown Area Plan EIR, the Project Infill EIR, and other applicable mitigation measures imposed pursuant to CEQA.

*I. The Proposed Project Will Provide Significant Public Benefits and is Not Detrimental to the Health, Safety and General Welfare of the City*

Altogether, the proposed project will provide much needed housing, including onsite, affordable housing to very-low income households, in close proximity to BART and other public transit. The proposed project will provide significant community benefits, and will comply with all applicable mitigation measures to reduce environmental impacts. The proposed project therefore fulfills the purposes of, and all applicable provisions of, the Downtown Area Plan and the C-DMU zone. In addition, the visual character of the building has been carefully designed, as noted herein, to ensure visual consistency and compatibility with surrounding uses and buildings.

In addition, based on the above, and all contents provided herein, the proposed project will provide significant public benefits in connection with the proposed development of a high quality, transit-oriented, mixed-use development, with sustainability features equivalent to LEED Gold status, and substantial public and private amenities for future residents and the Berkeley community. The application also includes a Pedestrian Wind Assessment, which concludes that the project is not expected to result in adverse wind conditions across the site with areas remaining similar to the existing site condition and conducive to a comfortable pedestrian wind environment. As such, the project (a) will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of any person residing or visiting the area or neighborhood of the proposed use; and (b) will not be detrimental or injurious to property and improvements on any adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

**Summary of Inapplicable or Waived Submittal Requirements**

Section 3

The following provisions from Section 3 of the City's zoning application are not applicable to the proposed project:

- A. Site Photographs – not required; site photographs are on file with the City in connection with the approved Use Permit #ZP2016-0117, and are not required for a use permit modification request (as confirmed by email correspondence with City planning staff).
- C. Story Pole Plan – not required; the project site is not located in the Hillside (H) zone.
- D. Arborist Report – not required; no Coast Live Oak trees will be affected by the proposed project.
- E. Structural Evaluation – not required; the proposed project would entail demolition of the existing structure.
- F. Parking Survey – not required; pursuant to City Ordinance 7787-NS there are no offsite parking requirements applicable to the proposed project, therefore no waiver of off-street parking is requested that would necessitate a parking survey. (BMC § 23.322.070)

- G. Transportation Demand Management (TDM) – not required, as the proposed project site is in the C-DMU zone. The proposed project, however, incorporates the following TDM provisions from the approved use permit that will remain in effect: (1) AC Transit passes for each residential household and commercial employee, (2) up to five car share parking spaces, (3) four electric vehicle charging stations, and (4) secure bicycle parking. These TDM measures will be proposed as part of the project’s community benefits package. (BMC § 23.204.130.E.) Note, however, that the car share parking spaces will entail five stackable spaces internal to the building, behind controlled access to the garage. These spaces will be offered to car share vendors and will be leased for free only if a car share vendor expresses interest and agrees to furnish vehicles for each space. In the event no car share vendor expresses interest, the applicant will reserve the right to lease those spaces to project residents. The applicant will agree to annually offer the parking spaces for use by a car share company.

#### Section 4

The following provisions from Section 4 of the City’s zoning application are not applicable to the proposed project. Environmental review submittals are ordinarily required after the application is deemed complete, however the following submittals should not be required for this project, for the following reasons:

- A. Creek Protection Documentation – not required; the adopted Mitigation Monitoring & Reporting Program for Use Permit #ZP2016-0117 includes Mitigation Measure GEO-1, which addresses issues related to construction of the project that may occur within 25 feet of the centerline of the Strawberry Creek culvert. The proposed project will rely on the previous environmental review completed for the project site, and therefore will comply with all applicable mitigation measures, including Mitigation Measure GEO-1.
- B. Historical Resource Evaluation – not required for this use permit modification application, as confirmed by City planning staff. If needed, a historic resources project impact analysis will be provided with the City’s environmental review of the proposed project, after the zoning application is deemed complete.
- D. Geotechnical and Seismic Hazard Investigation – not required; the project site is not located in a landslide or liquefaction zone as shown on the City’s Environmental Constraints Map or the City’s GIS Zoning Summary for the project site.
- E. Transportation Impact Study – not required, as the project does not require a VMT analysis or offsite parking analysis. In November 2020, the City Council adopted a new general plan policy, consistent with state law SB 743, which establishes vehicle miles traveled (VMT) as the metric for analyzing transportation impacts of a plan or project. The City also adopted a VMT screening methodology, which provides that VMT analysis is not required for

projects in a Transit Priority Area, i.e., within 1/2 mile of BART, which this project satisfies.

The VMT screening methodology provides limited exceptions that preclude VMT screening in Transit Priority Areas, if the proposed project includes more than 200,000 square feet of office space, is inconsistent with the General Plan or Downtown Area Plan, or replaces affordable units with market-rate units; none of those limited exceptions apply in this case.

- F. State General Construction Permit – not required, as the project would not disturb one acre or more of soil (or less than one acre as part of a larger development plan that disturbs one acre or more).

#### Section 5

- D. Area of Potential Effects Statement – not required, as the proposed project is not seeking federal funds, either directly or through the City’s Housing Trust Fund

#### Section 7

- B. Structural Alterations Submittal – not required, as the proposed project does not entail alteration or demolition of a City landmark or structure of merit. On November 3, 2016, the City Landmarks Preservation Commission reviewed the demolition referral in connection with Use Permit #ZP2016-0117 and found that the existing building at 2190 Shattuck Avenue “would not meet the Landmarks Preservation Ordinance designation criteria for Landmark or Structure of Merit status prescribed in BMC §3.24.110. As described previously, it lacks architectural merit and would not contribute to the potential Shattuck Avenue historic district thereby exhibiting no significant cultural, educational or historic value for Berkeley.” The Commission’s findings were based in part on the 2016 Page & Turnbull report, which found that “Given the original design’s lack of artistic merit, even if the building was restored to its original design and its architectural integrity improved, 2190 Shattuck Avenue would not be found to be a historic resource.”
- C. Zoning Use Questionnaire – not required, as no tenant or operator has been selected for the new commercial space.
- D. Home Occupation Questionnaire – not required, as no home occupations are proposed.

### **C. PAYMENT OF APPLICATION FEES**

The project applicant has provided payments of \$750 for the SB-330 Pre-Application review and \$5,050 for the Design Review, and an advance deposit of \$15,000 to cover application costs and ongoing fees related to environmental review, density bonus application processing and other costs.

## SECTION 5 – AFFORDABLE HOUSING REQUIREMENTS

### A. HOUSING AFFORDABILITY STATEMENT

1. Inclusionary Housing Ordinance / Affordable Housing Mitigation Fee

The proposed project is subject to the City's affordable housing mitigation fee for rental units, which requires the project to pay an affordable housing mitigation fee for each market-rate unit. Projects that provide onsite units affordable to very low-income or low-income rental units will have a portion of those fees offset. Projects that provide less than the 20% of the total units as below-market-rate units must pay an in-lieu fee for the balance of those units pursuant to the methodology set forth in BMC 22.20.065.D.

2. Level of affordability that will be provided and/or amount of in lieu fee that will be paid

The proposed project will designate 33 units onsite to be affordable to very-low income households, in connection with state density bonus law, and state and City affordability requirements. The provision of 33 onsite, very-low income units will offset the mitigation fees applicable to the project by more than 50%. Based on this offset, the proposed project will provide significant amount of onsite housing that is affordable to very-low income households, while also contributing more than \$6 million in affordable housing mitigation fees.

3. Number and location of any affordable units provided

The affordable units will be reasonably dispersed throughout the project.

4. Size and amenities (bedrooms, bathrooms, parking facilities) of any affordable units

The affordable units will generally track with the overall mix of unit sizes and square footages throughout the project.

### B. ANTI-DISCRIMINATION HOUSING POLICIES

1. Does the applicant or sponsor, including the applicant or sponsor's parent company, subsidiary, or any other business or entity with an ownership share of at least 30% of the applicant's company, engage in the business of developing real estate, owning properties, or leasing or selling individual dwelling units in states or jurisdictions outside of California?

Yes

2. If the answer to (1) is yes, which?

*Developing real estate, owning properties, and leasing individual dwelling units.*

3. If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have policies in individual states that prohibit discrimination based on sexual orientation, gender identity, and/or gender expression in the sale, lease, or

financing of any dwelling units enforced on every property in the state or states where the applicant or sponsor has an ownership or financial interest?

*No – all leasing is administered by a separate property management company according to industry standard and, to the applicant's knowledge, in compliance with the Fair Housing Act.*

- (4) If the answer to (1) is yes, does the applicant or sponsor, as defined in (1), have a national policy that prohibits discrimination based on sexual orientation and gender identity in the sale, lease, or financing of any dwelling units enforced on every property in the United States where the applicant or sponsor has an ownership or financial interest in property?

*Not applicable*

- (5) If the answer to (3) or (4) is yes, please provide a copy of that policy or policies as part of this application.

*Not applicable*

### **C. DENSITY BONUS ELIGIBILITY STATEMENT**

**Please refer to Sheet A0.2A-D for diagrams and supporting calculations.**

- 1.a. Number of “base project” units:

The project contains 218 base project units, as calculated on Sheets A0.2A-D. The base project factors the use permit and administrative use permit authorizations allowed in the C-DMU zone, in accordance with state density bonus law and City policy (“Procedures for Implementing State Density Bonus Law” and “Memorandum on policy changes regarding Objective Standards, HAA and Density Bonus,” August 2, 2021).

- 1.b. Number and percent of affordable units and level of affordability:

The proposed project will provide 33 units, totaling 15% of the 218 base project units. These units will be affordable to very low-income households, as defined in Health and Safety Code section 50105.

- 1.c. Percent density bonus requested and allowed pursuant to Gov. Code § 65915:

A 50% bonus is requested pursuant to Government Code section 65915(f)(2) based on the provision of 15% of base project units (33 units) for very low-income households.

- 1.d. Waivers or modifications of development standards necessary to physically accommodate “density bonus” units (e.g., increased height or FAR, reduced setbacks or parking, etc.)

The proposed project seeks the following waivers or modifications of development standards:

- Waiver of maximum building height; the proposed project would have a building height of 264 feet in order to accommodate the density bonus units.

- Waiver to allow a reduction in building setbacks set forth under BMC § 23.204.130.E.3. The project proposes to reduce rear setbacks at building heights between 76 and 120 feet, and above 120 feet. At those heights, the proposed rear building setbacks would range from 5 to 11 feet. Interior side setbacks would be reduced at building heights between 76 and 120 feet, and above 120 feet, and would be 10 feet whereas the development standard is 15 feet. Front setbacks would be reduced at building heights between 76 and 120 feet, and above 120 feet, and would range from 0 to 5 feet, whereas the development standard is 15 feet. Street side setbacks would also be reduced at building heights between 76 and 120 feet, and above 120 feet, and would range from 0 to 5 feet, whereas the development standard is 15 feet.
- Waiver to allow that portion over 120 feet to be greater than 120 feet in width when measured at the widest point on the diagonal in plan view, under BMC § 23.204.130.E.3.
- Waiver to reduce the amount of open space required for the project, in order to accommodate the onsite affordable and bonus units. The project seeks a reduction in residential usable open space from 26,080 square feet to 22,719 square feet. The project proposes to pay the in-lieu fee for the reduction in commercial open space.

1.e. Explanation of why each waiver or modification is needed to accommodate “density bonus” units

Building height, setback and width waivers are needed to vertically accommodate the density bonus units above the base project, due to the parcel size of less than 1/2 acre, and other limiting site constraints of this downtown infill parcel. There is no other option to accommodate the density bonus units other than vertically, with a larger building massing. In addition, a reduction in usable open space is requested to eliminate the requirement for an additional stairwell to the roof level, for the reason that an additional stairway would preclude development of a portion of the density bonus units. Overall, the density bonus units cannot be accommodated on the project site without the proposed waivers of development standards.

1.f. If the project is requesting an incentive or concession, describe each incentive or concession being requested in addition to (or instead of) waivers or modifications necessary to accommodate density bonus

Pursuant to Government Code section 65915(d)(2)(C), the project is eligible for three concessions or incentives that will result in identifiable and actual reductions in project cost, in exchange for providing onsite housing affordable to Very-Low Income Households for 15% of the base project units. At this time, the project requests the following cost reduction concessions:

(1) The project requests a Concession to reduce the commercial vehicle parking requirement from 11 to 0 spaces, to eliminate the self-evident cost of the mixed-use project to provide parking machines for commercial spaces, and to reduce the cost of providing an elevator for commercial access from the basement to the ground level.

The applicant reserves the right to propose additional concessions as needed to make the project economically feasible.

2. Density Bonus Plan Sheets

See Attachment 2 (Plans, Sheets A0.2A-D)

## **SECTION 6 – LANDSCAPE AND GREEN BUILDING REQUIREMENTS**

### **B. NATURAL GAS PROHIBITION**

In compliance with BMC Chapter 12.80, the proposed project will not include any natural gas infrastructure.

The project is designed to comply with Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by the City Council on December 3rd, 2019, including solar PV system, electric vehicle charging, and low-carbon concrete requirements.

See Attachment 6.B



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| USE PERMIT SET                      | 10/25/2018 |

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**SHATTUCK  
 TERRACE GREEN  
 APARTMENTS**  
 2190 SHATTUCK AVENUE, BERKELEY  
 ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
 DATE: 10.25.2018  
 SCALE:  
 SHEET TITLE:  
**RENDERINGS**

SHEET NO.: **G-010**

SOUTHEAST VIEW FROM SHATTUCK AVENUE

10/11/2018 4:57:07 PM

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**SHATTUCK  
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2190 SHATTUCK AVENUE, BERKELEY  
ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE:  
SHEET TITLE:  
**RENDERINGS**

SHEET NO.: **G-011**

10/11/2018 4:57:09 PM

SOUTHEAST NIGHT VIEW FROM SHATTUCK AVENUE

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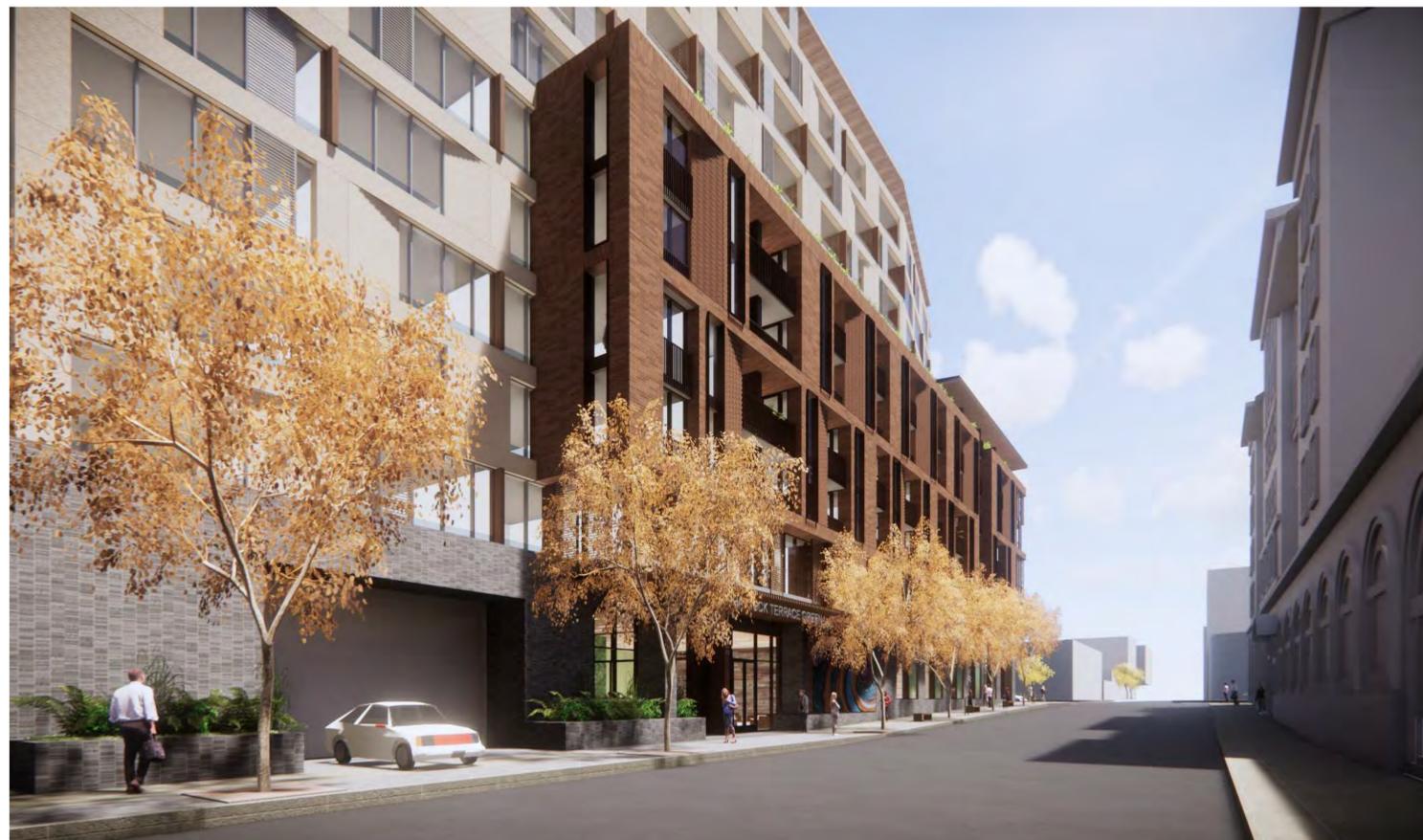
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CLOSE UP VIEW FROM SHATTUCK AVENUE



NORTH EAST VIEW FROM SHATTUCK AVENUE



ALLSTON WAY ENTRY PLAZA VIEW FROM SOUTH WEST



SOUTH WEST VIEW FROM ALLSTON WAY

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KEYPLAN

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RENDERINGS

SHEET NO.:

**G-012**

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KEYPLAN

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DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"  
SHEET TITLE:

**SITE PLAN**

SHEET NO.: **AS-101**

10/11/2018 4:57:01 PM

**1 SITE PLAN**  
1/8" = 1'-0"



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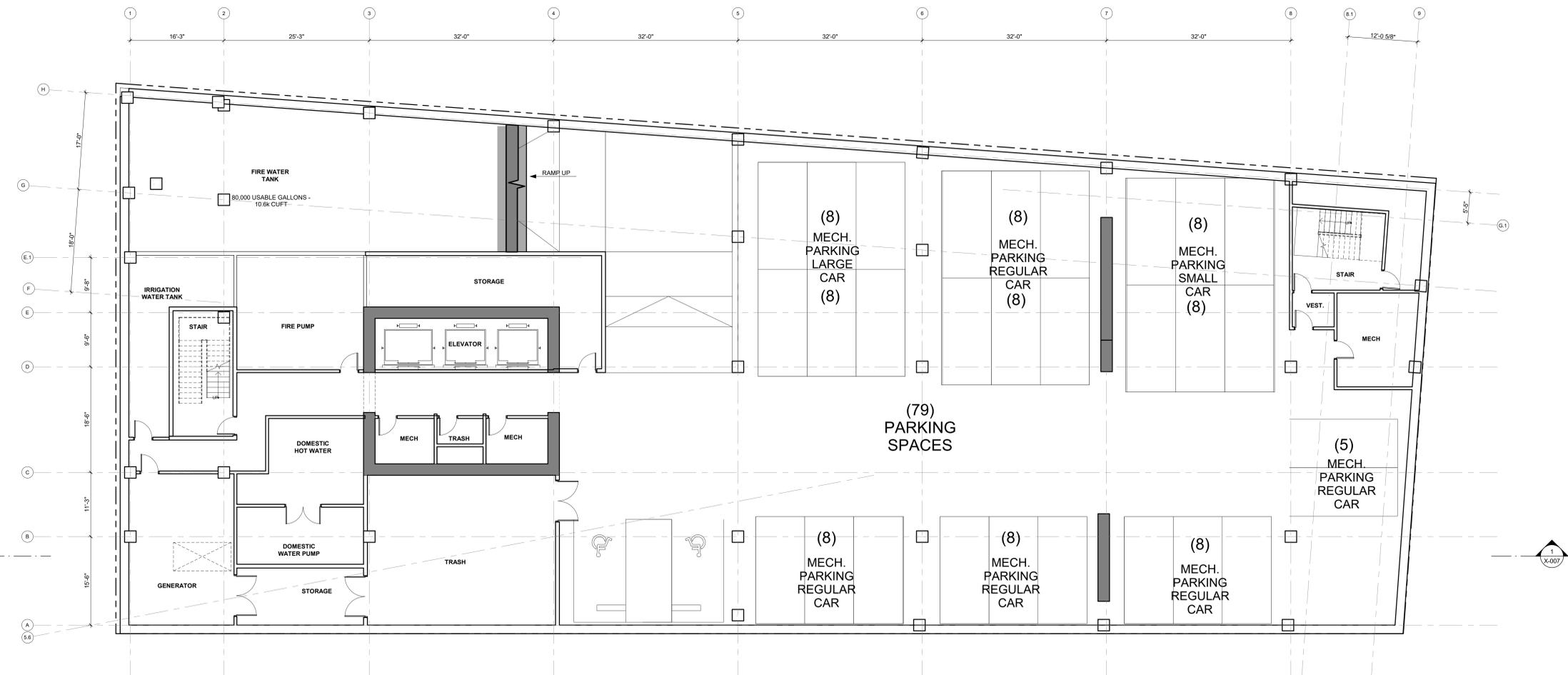
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| PARKING SCHEDULE       |            |
|------------------------|------------|
| LEVEL B2               | COUNT      |
| REGULAR                | 0          |
| TANDEM MECH LIFT       | 0          |
| THREE TIERED MECH LIFT | 77         |
| ADA                    | 2          |
|                        |            |
| LEVEL B1               | COUNT      |
| REGULAR                | 5          |
| TANDEM MECH LIFT       | 15         |
| THREE TIERED MECH LIFT | 0          |
| ADA                    | 4          |
| <b>TOTAL</b>           | <b>103</b> |

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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**B2 PARKING**

SHEET NO.:  
**A-100**

10/11/2018 4:16:01 PM

**1** 100\_B2 PARKING  
1/8" = 1'-0"

GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY CLASSIFICATION IS S-2

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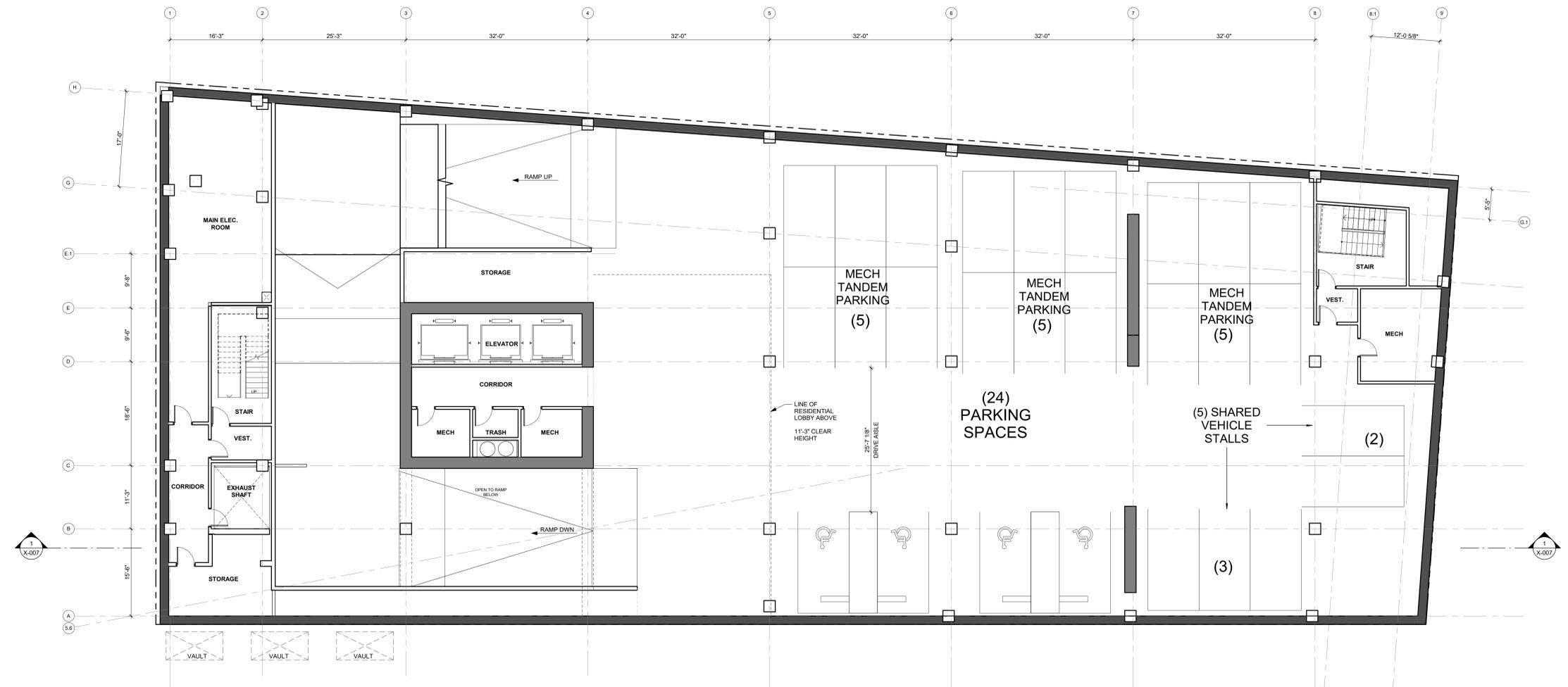
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| PARKING SCHEDULE       |            |
|------------------------|------------|
| LEVEL B2               | COUNT      |
| REGULAR                | 0          |
| TANDEM MECH LIFT       | 0          |
| THREE TIERED MECH LIFT | 77         |
| ADA                    | 2          |
| LEVEL B1               | COUNT      |
| REGULAR                | 5          |
| TANDEM MECH LIFT       | 15         |
| THREE TIERED MECH LIFT | 0          |
| ADA                    | 4          |
| <b>TOTAL</b>           | <b>103</b> |

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KEYPLAN

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DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**B1 PARKING**

SHEET NO.: **A-101**

10/11/2018 4:16:03 PM

**1 100\_B1 PARKING**  
1/8" = 1'-0"

GENERAL NOTE:  
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2. OCCUPANCY CLASSIFICATION IS S-2

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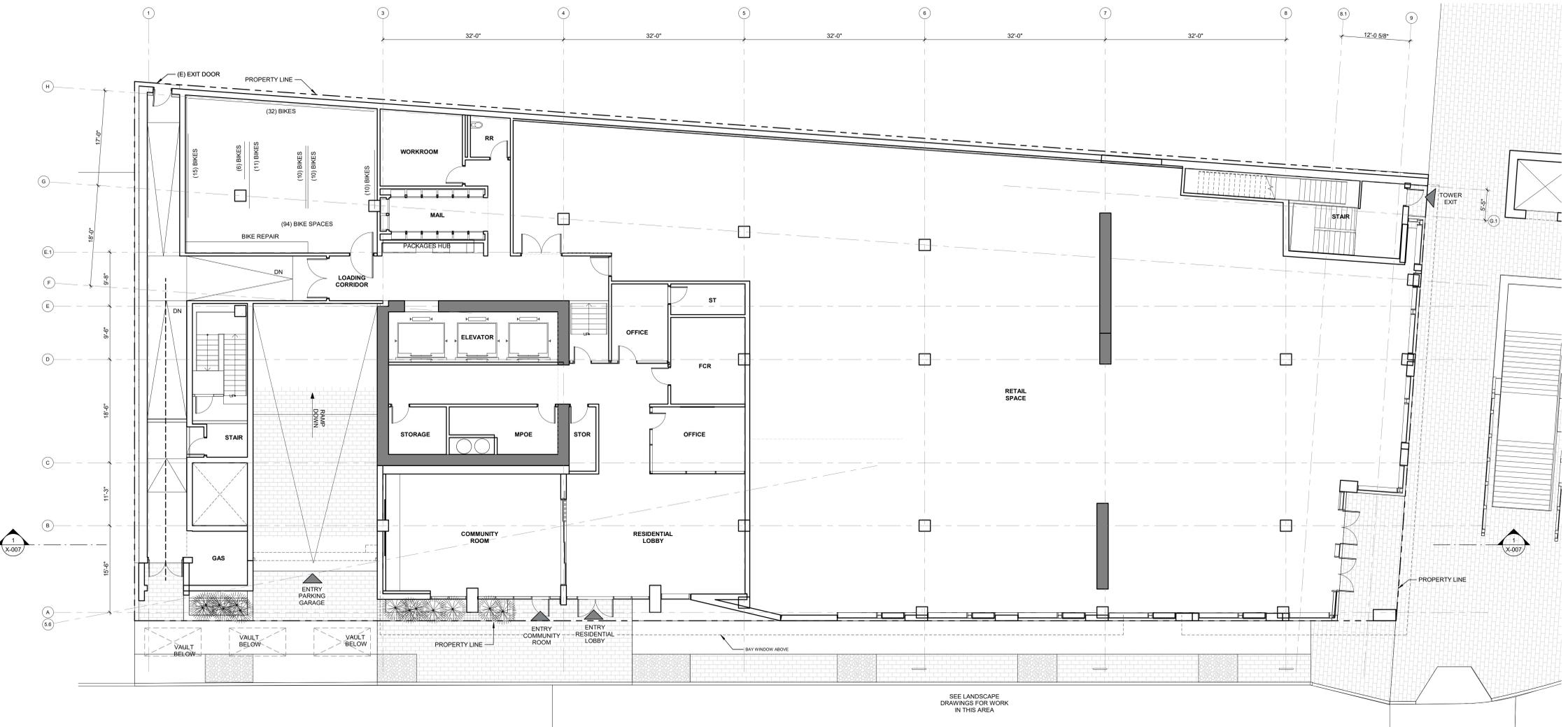
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL 01**

SHEET NO.: **A-102**

10/15/2018 11:53:55 AM

**1 FLOOR PLAN - GROUND FLOOR**  
1/8" = 1'-0"

GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY TYPES ARE GROUP M FOR RETAIL AREAS, GROUP A FOR RESIDENTIAL LOBBY AND COMMUNITY ROOM, AND GROUP S FOR BIKE ROOM

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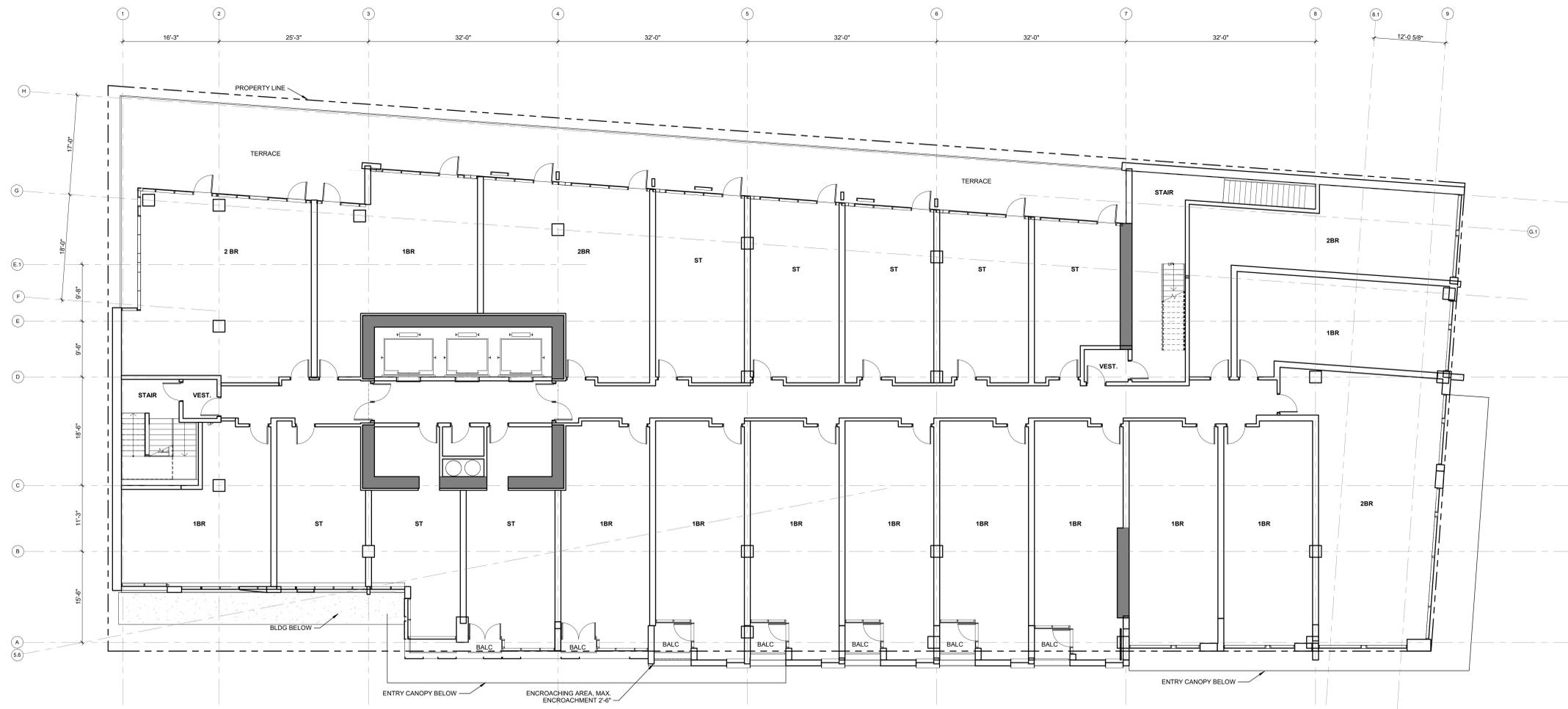
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:

**FLOOR PLAN LEVEL 02**

SHEET NO.: **A-103**

**1 FLOOR PLAN - LEVEL 02**  
1/8" = 1'-0"

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GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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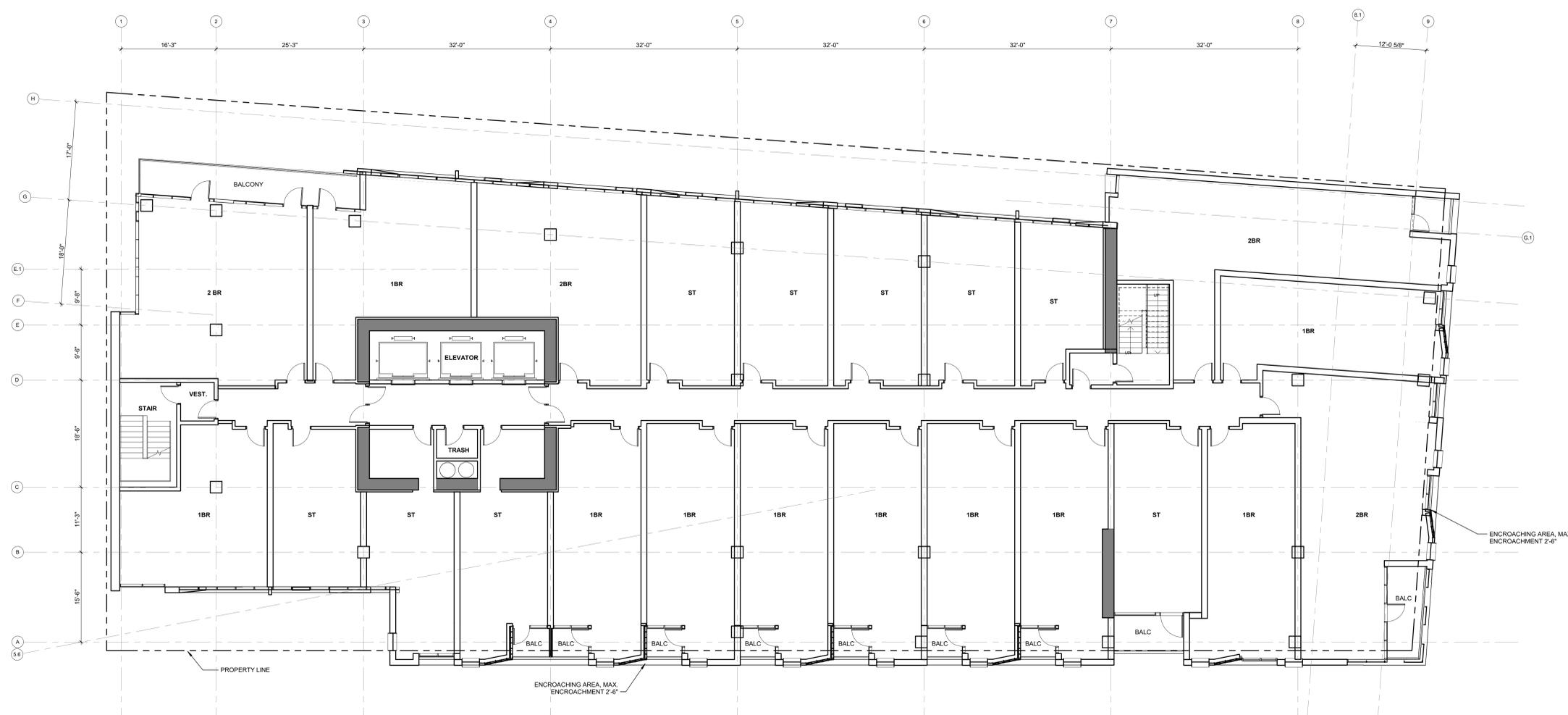
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL  
03-06**

SHEET NO.: **A-104**

10/15/2018 12:14:25 PM

**1 FLOOR PLAN - LEVEL 03-06**  
1/8" = 1'-0"

GENERAL NOTE:  
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2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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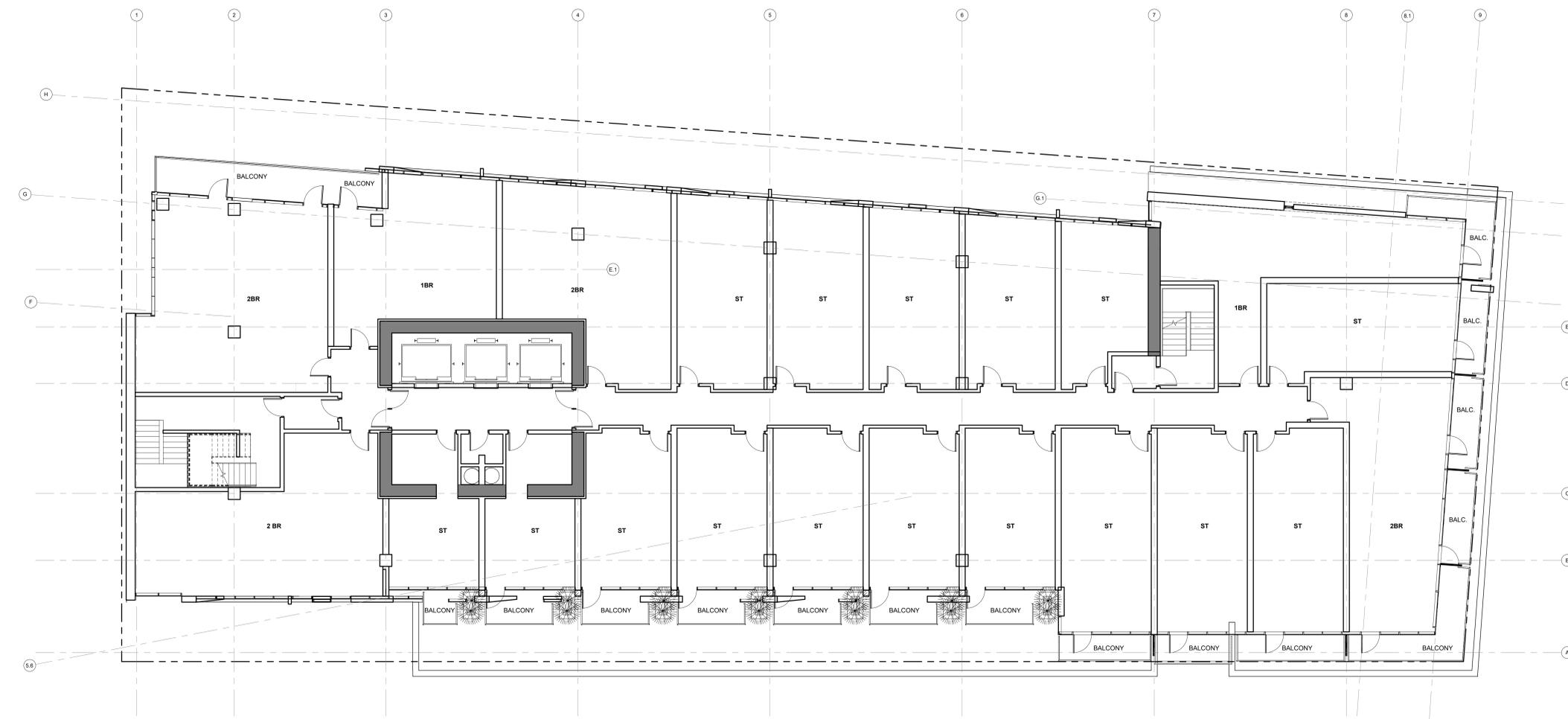
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL 07**

SHEET NO.:

**A-105**

10/15/2018 11:58:31 AM

**1 FLOOR PLAN - LEVEL 07**  
1/8" = 1'-0"

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2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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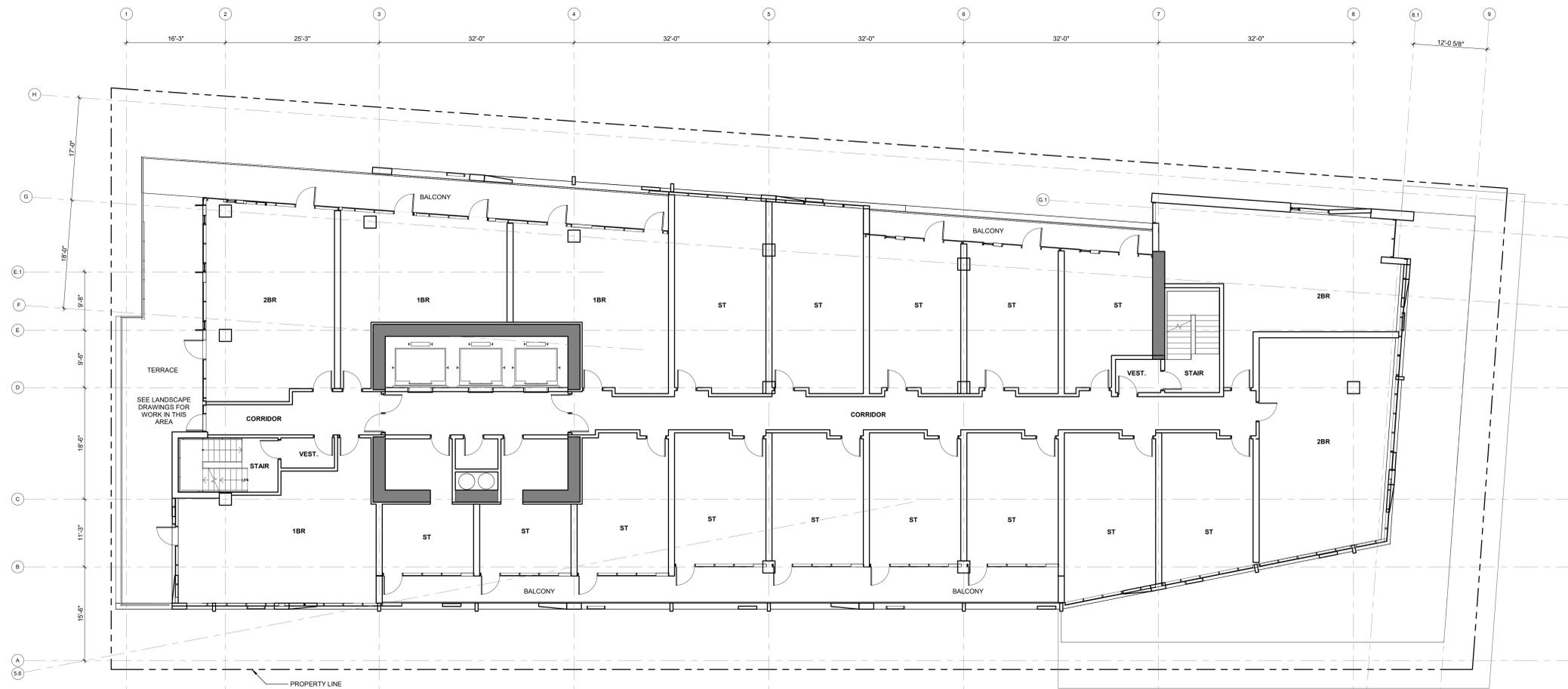
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PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL 08**

SHEET NO.:  
**A-106**

10/15/2018 11:59:24 AM

**1 FLOOR PLAN - LEVEL 08**  
1/8" = 1'-0"

GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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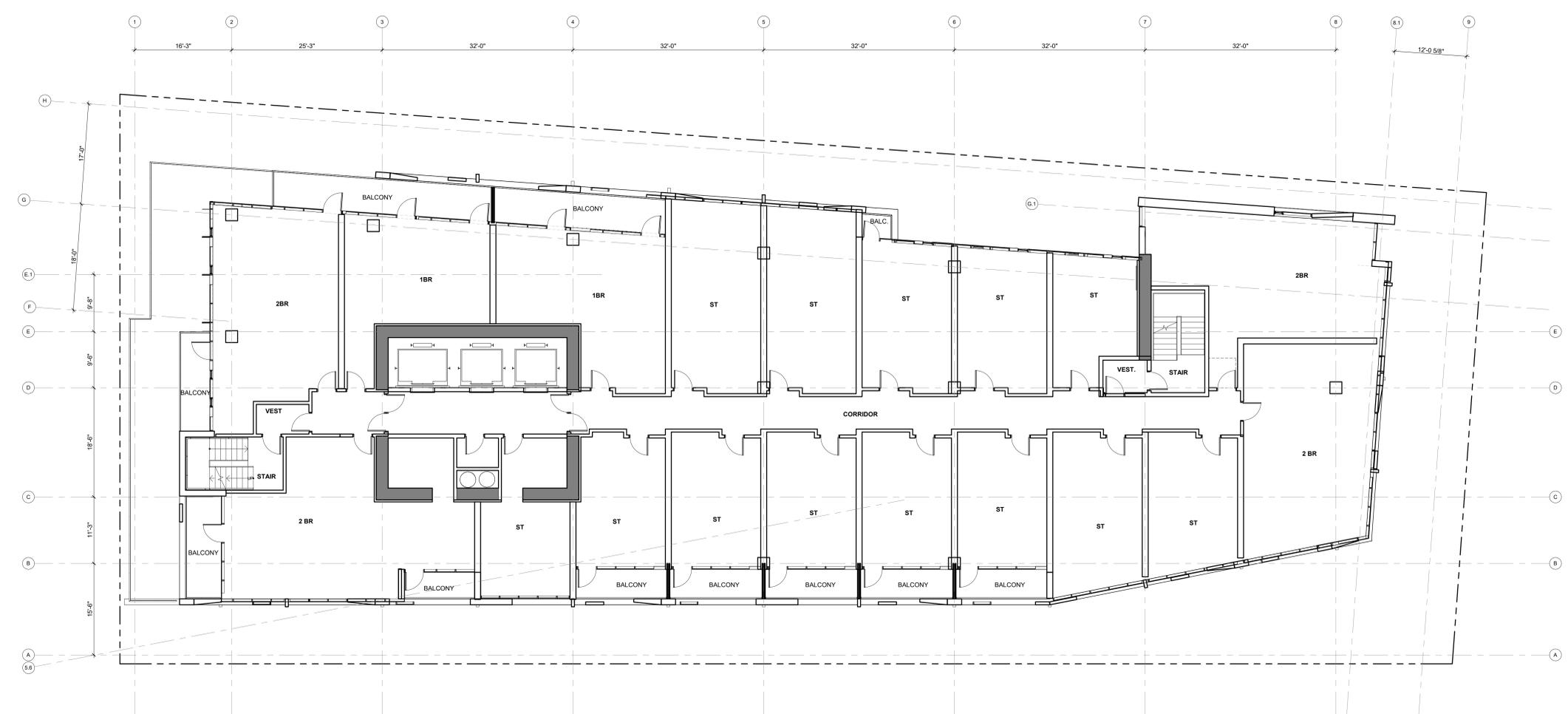
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| 4 USE PERMIT UPDATE | 12/19/2016 |



**SHATTUCK  
TERRACE GREEN  
APARTMENTS**  
2190 SHATTUCK AVENUE, BERKELEY  
ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL  
09-11**

SHEET NO.: **A-107**

10/15/2018 12:00:20 PM

**2 FLOOR PLAN - LEVEL 09-11**  
1/8" = 1'-0"

GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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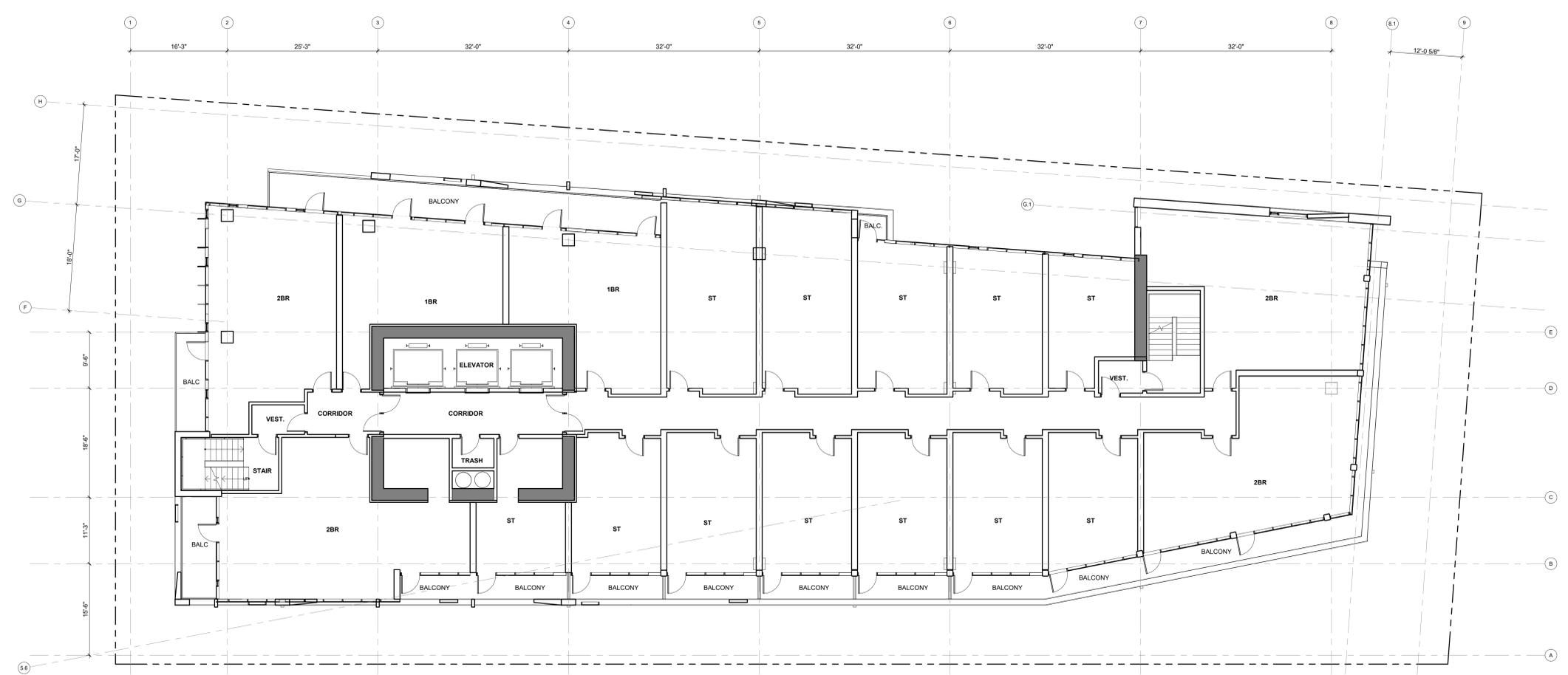
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2190 SHATTUCK AVENUE, BERKELEY  
ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL 12**

SHEET NO.: **A-108**

10/15/2018 12:01:12 PM

**1 FLOOR PLAN - LEVEL 12**  
1/8" = 1'-0"

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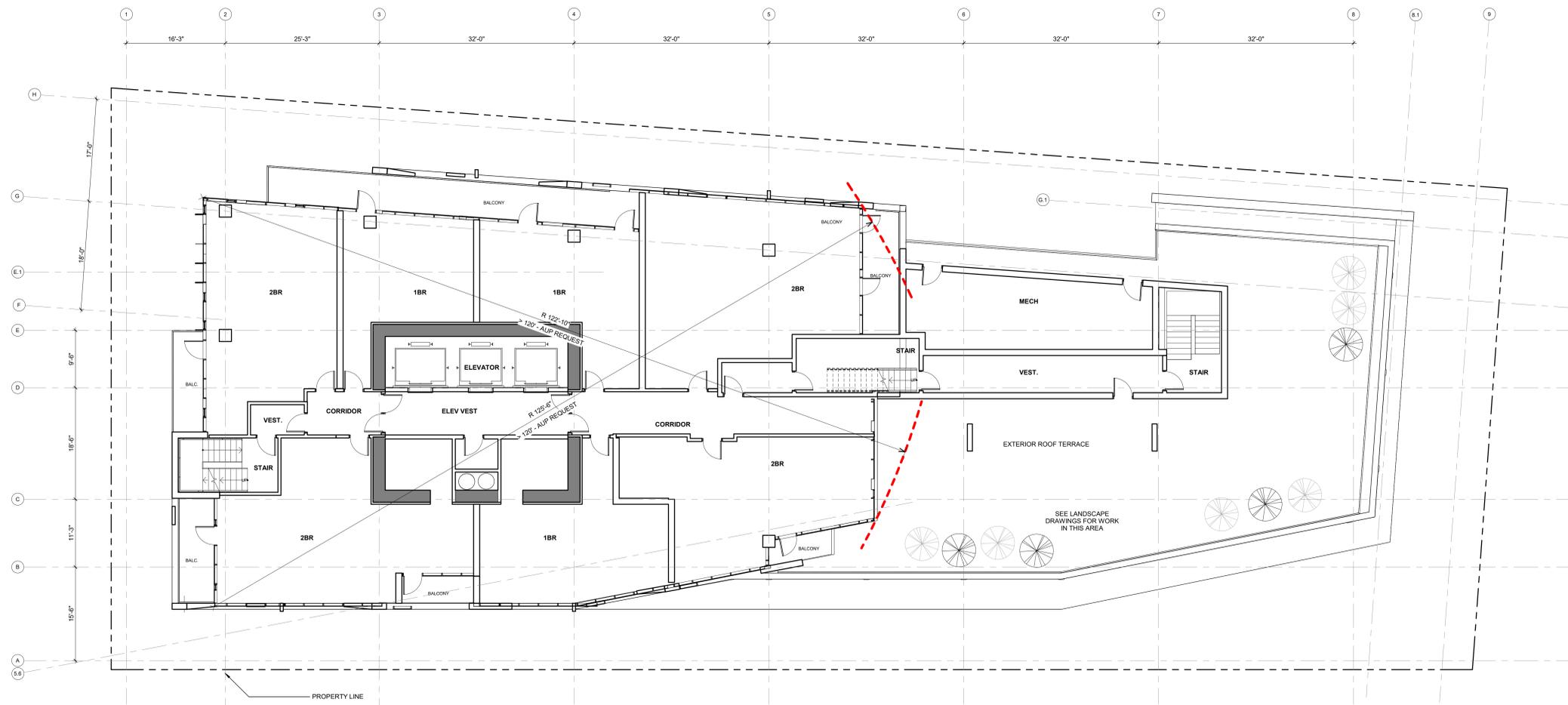
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL 13**

SHEET NO.:  
**A-109**

10/15/2018 12:01:55 PM

**1 FLOOR PLAN - LEVEL 13**  
1/8" = 1'-0"

GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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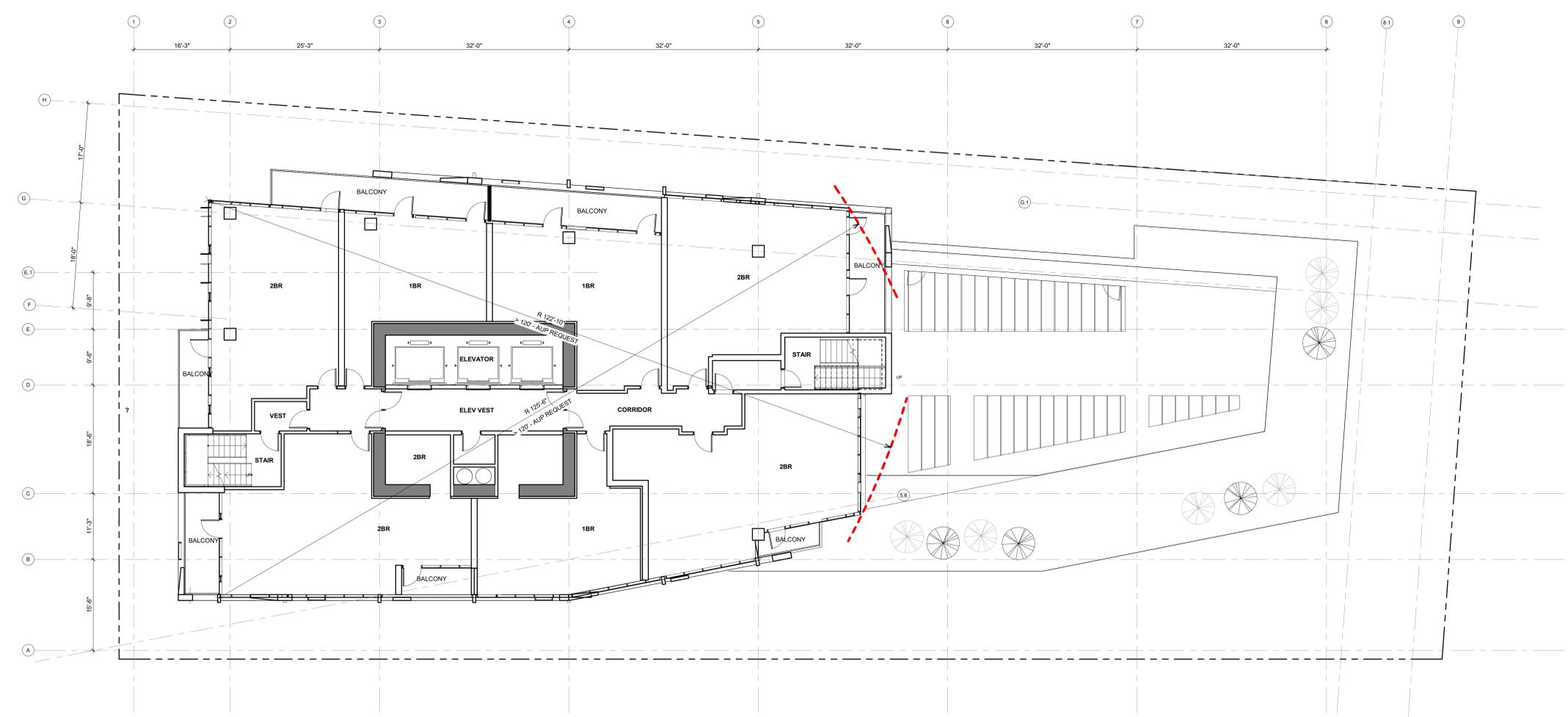
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| 4 USE PERMIT UPDATE      | 12/19/2016 |



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2190 SHATTUCK AVENUE, BERKELEY  
ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL  
14-17**

SHEET NO.: **A-110**

10/15/2018 12:03:11 PM

**1 FLOOR PLAN - LEVEL 14-17**  
1/8" = 1'-0"

GENERAL NOTE:  
1. CONSTRUCTION IS TYPE 1  
2. OCCUPANCY CLASSIFICATION IS RESIDENTIAL GROUP R-2

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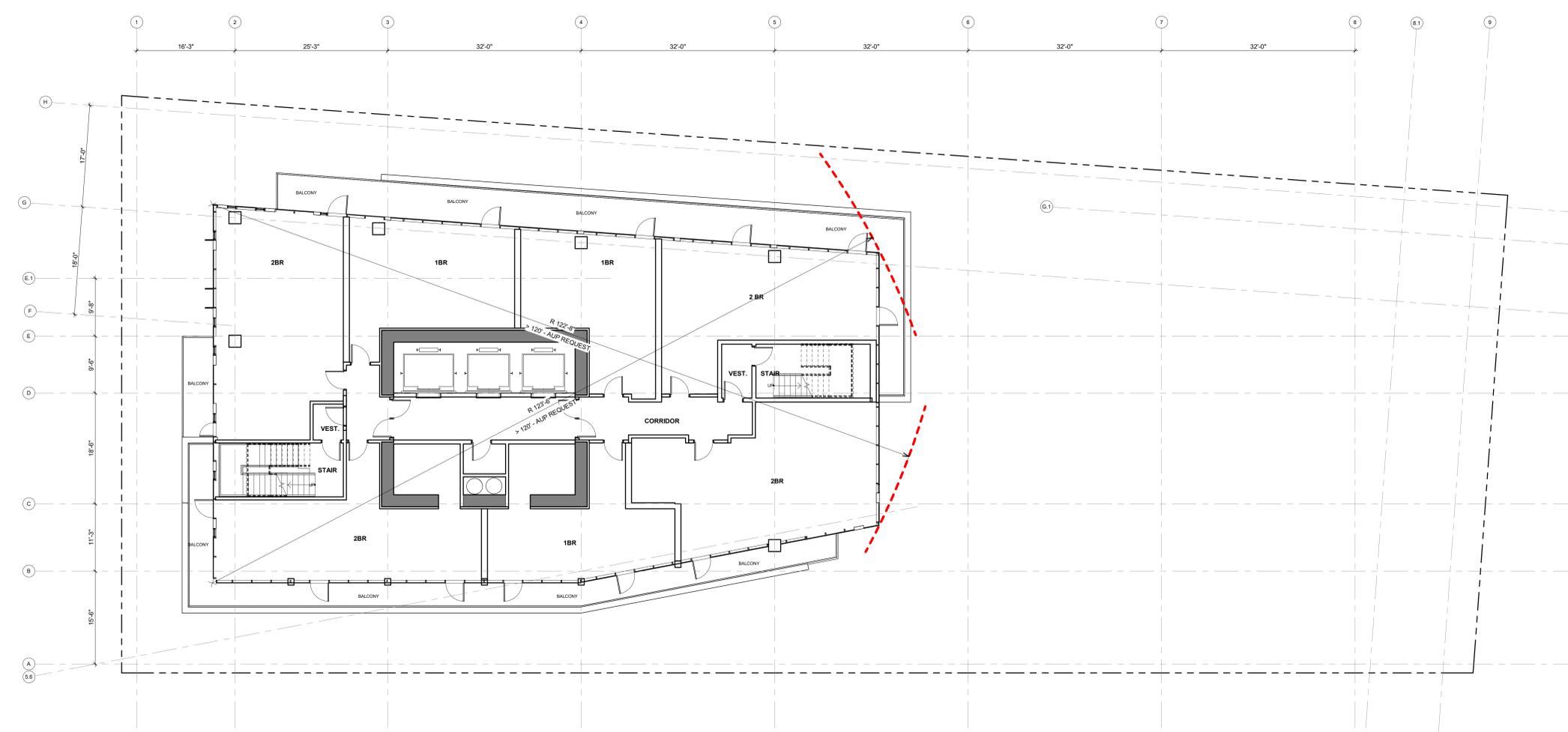
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**SHATTUCK  
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**FLOOR PLAN LEVEL 18**

SHEET NO.:  
**A-111**

10/15/2018 12:03:48 PM

**1 FLOOR PLAN - LEVEL 18**  
1/8" = 1'-0"

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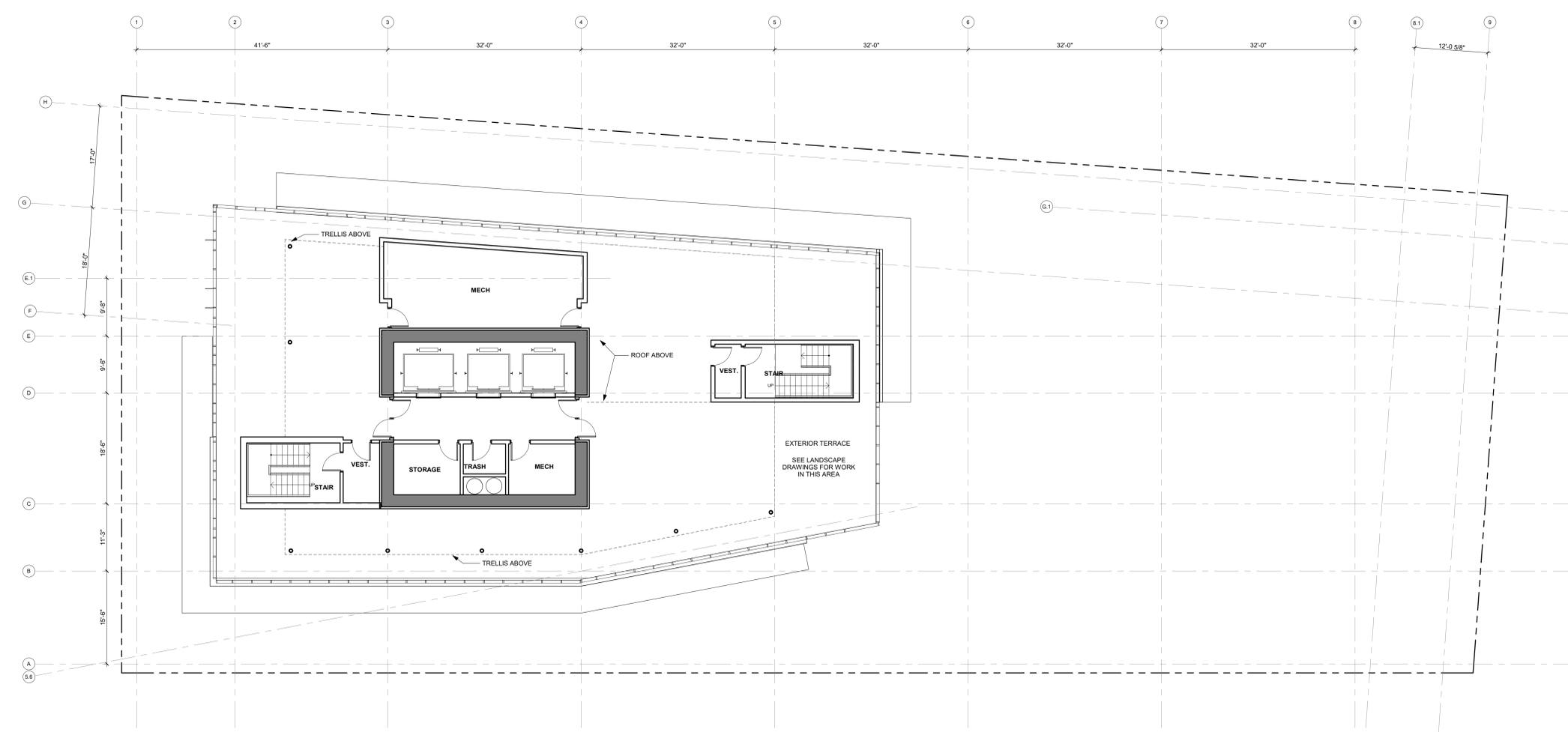
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2190 SHATTUCK AVENUE, BERKELEY  
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**ROOF PLAN**

SHEET NO.: **A-112**

10/12/2018 10:51:58 AM

**1 FLOOR PLAN - ROOF**  
1/8" = 1'-0"

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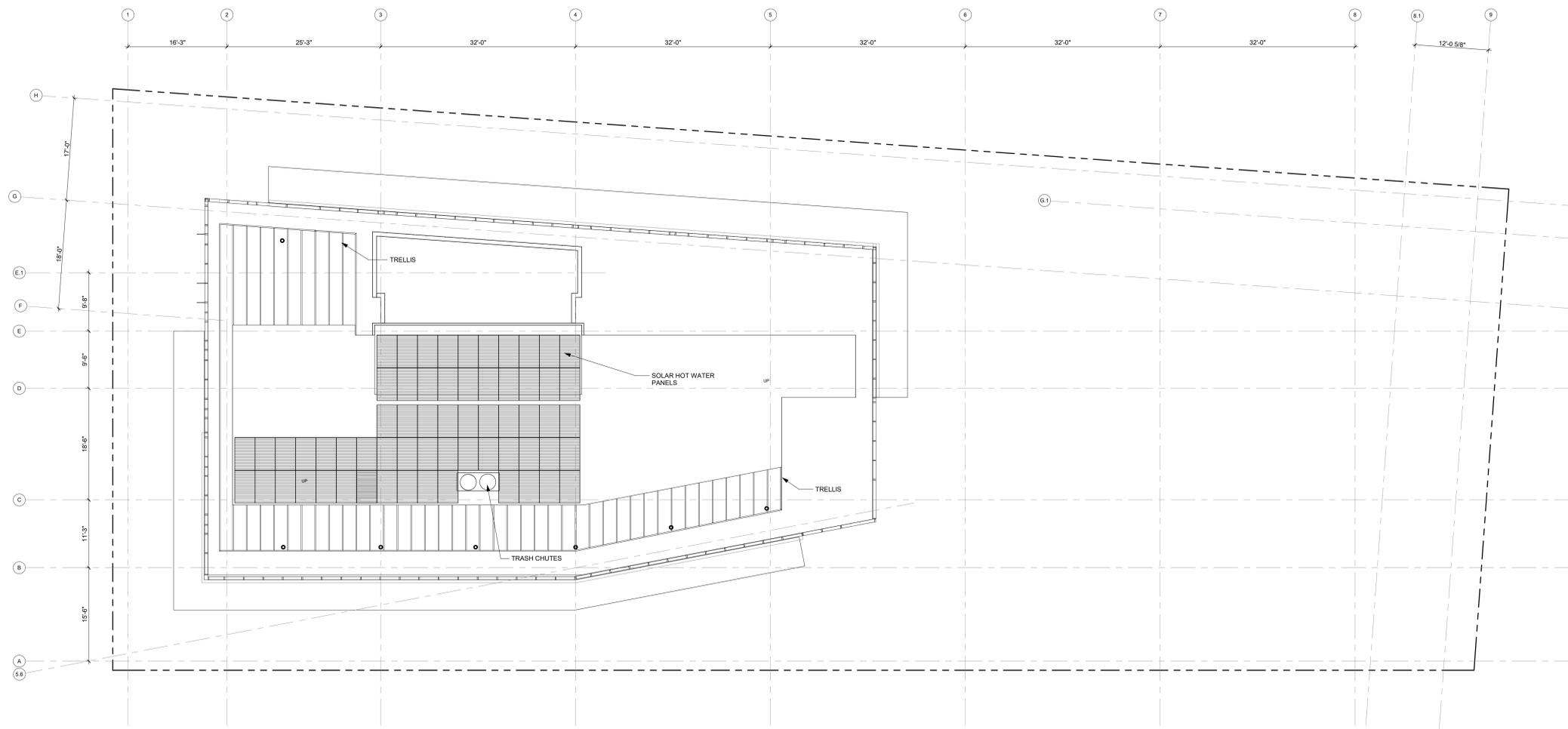
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**SHATTUCK  
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KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**UPPER ROOF PLAN**

SHEET NO.:  
**A-113**

10/15/2018 12:10:35 PM

**1 FLOOR PLAN -UPPER ROOF**  
1/8" = 1'-0"

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**SHATTUCK  
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APARTMENTS**  
2190 SHATTUCK AVENUE, BERKELEY  
ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

SHEET TITLE:  
**BUILDING ELEVATION -  
SOUTH**

SHEET NO.: **A-301**



**1 SOUTH ELEVATION**  
1/8" = 1'-0"

10/11/2018 4:29:56 PM

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**SHATTUCK  
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APARTMENTS**

2190 SHATTUCK AVENUE, BERKELEY  
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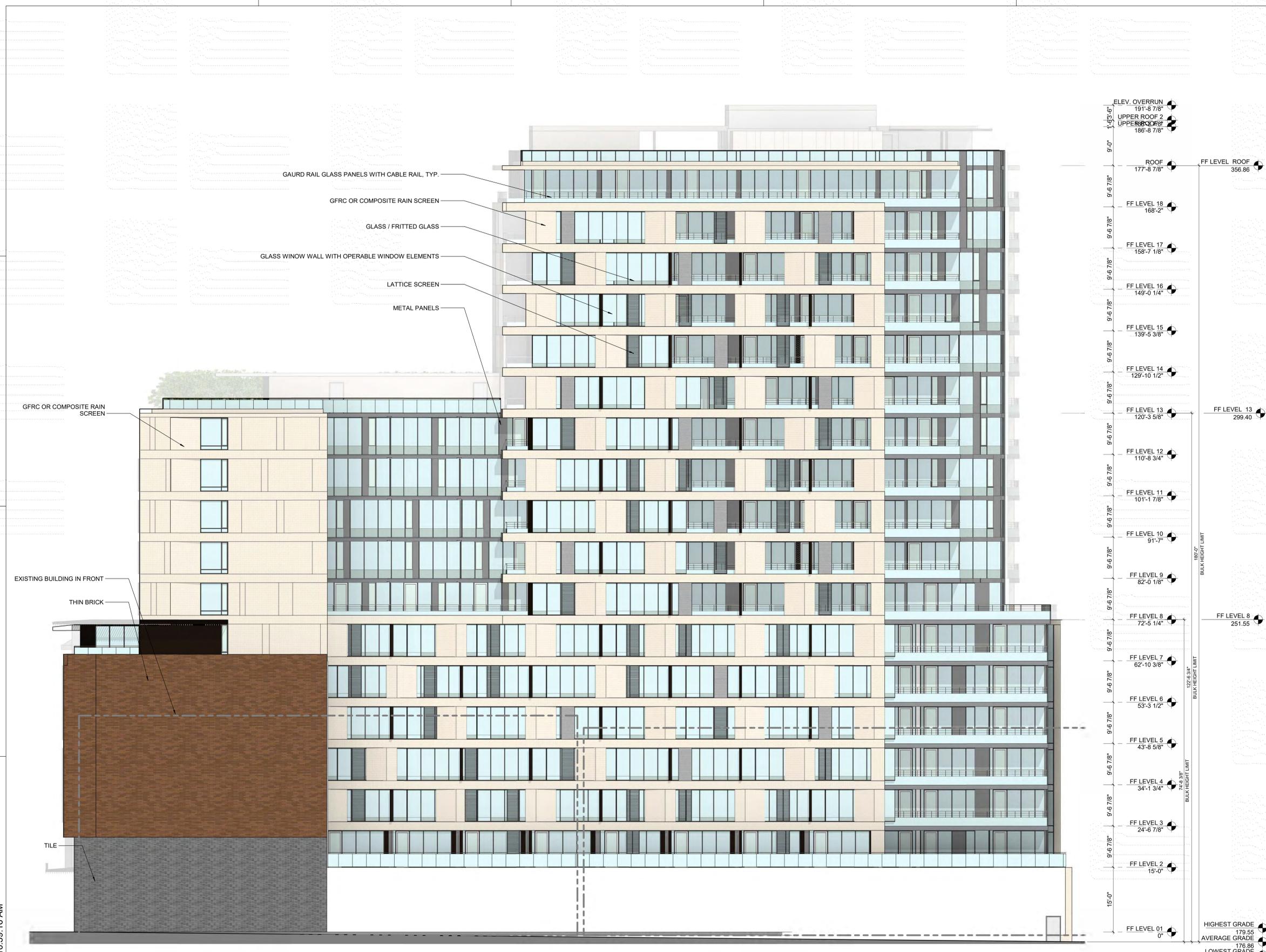
KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"

**BUILDING ELEVATION -  
NORTH**

SHEET NO:

**A-302**



10/12/2018 10:59:16 AM

**1 NORTH ELEVATION**  
1/8" = 1'-0"

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| 2 - EIR REVISIONS | 11/02/2017 |

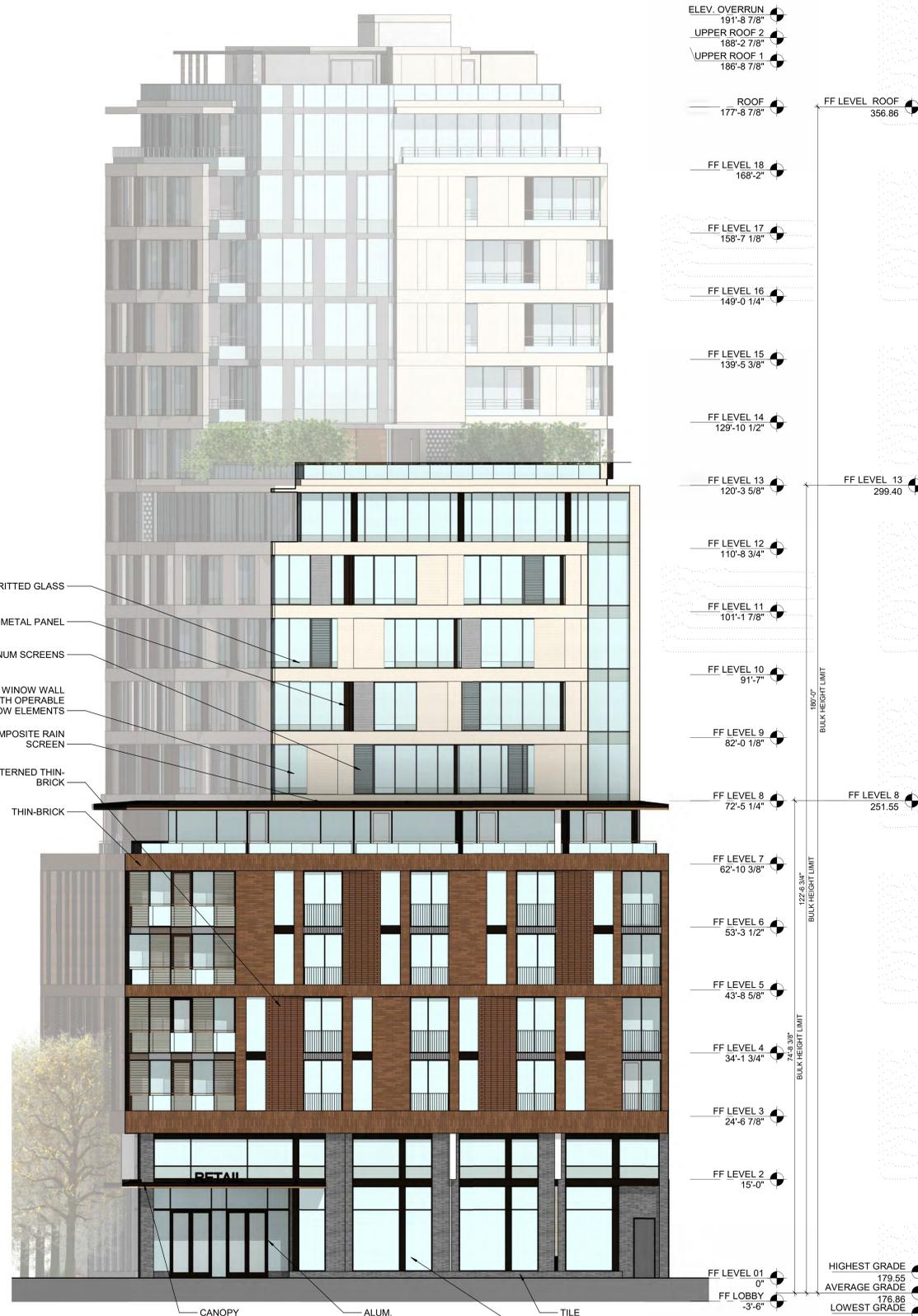
**SHATTUCK  
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APARTMENTS**  
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ZONING DISTRICT C-DMU CORRIDOR  
KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1/8" = 1'-0"  
SHEET TITLE:

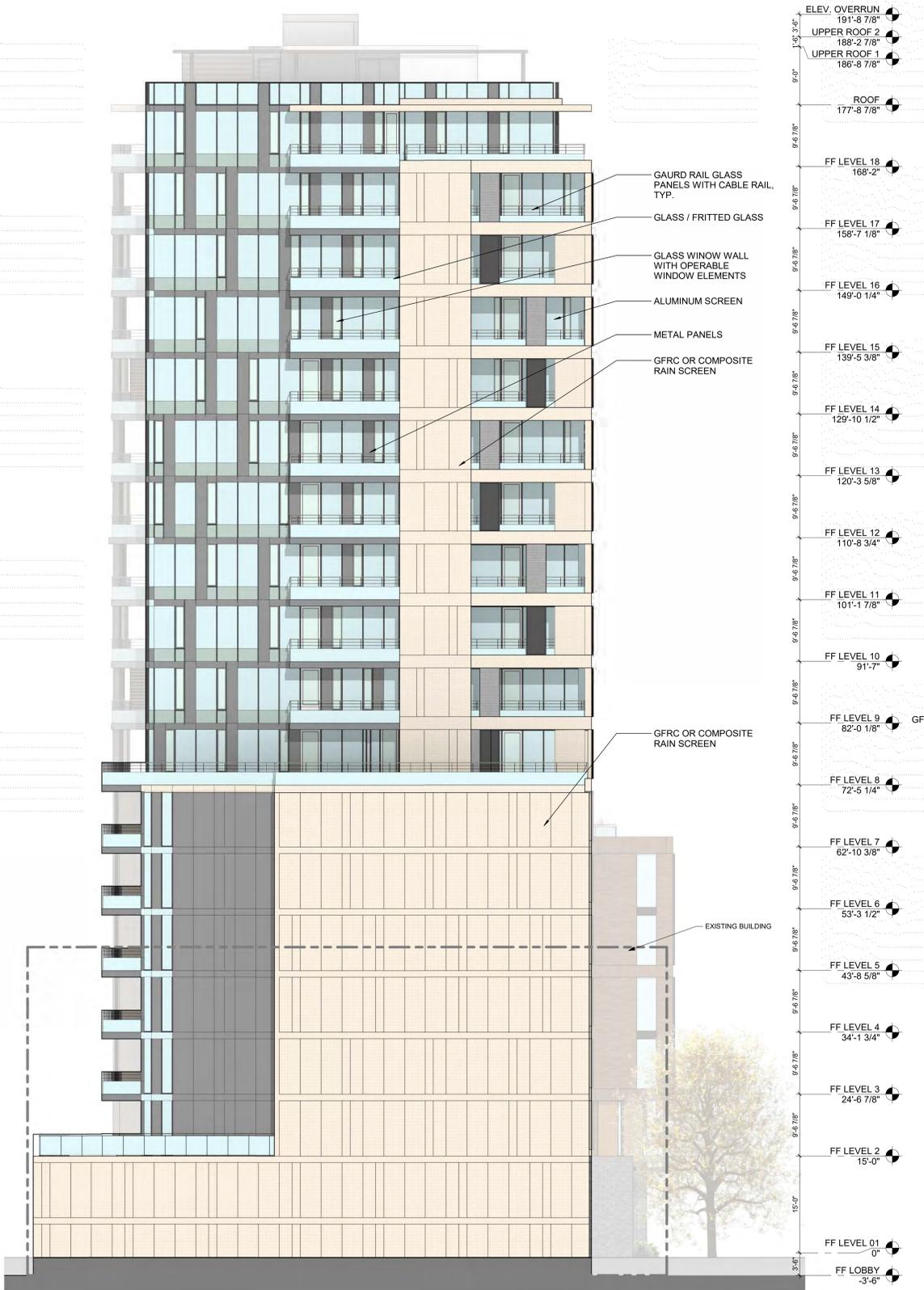
**BUILDING ELEVATION -  
EAST - WEST**

HIGHEST GRADE 179.55  
AVERAGE GRADE 176.86  
LOWEST GRADE 174.38

SHEET NO: **A-304**



**1 EAST ELEVATION**  
1/8" = 1'-0"



**2 WEST ELEVATION**  
1/8" = 1'-0"

10/12/2018 11:03:55 AM

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**2 East Street Elevations**  
1" = 20'-0"



**1 South Street Elevation**  
1" = 20'-0"

**SHATTUCK  
TERRACE GREEN  
APARTMENTS**

2190 SHATTUCK AVENUE, BERKELEY  
ZONING DISTRICT C-DMU CORRIDOR

KEYPLAN

PROJECT NO.: 15.0022.00  
DATE: 10.25.2018  
SCALE: 1" = 20'-0"

SHEET TITLE:  
**STREETSCAPE  
ELEVATIONS**

SHEET NO.: **A-320**

10/11/2018 4:56:45 PM

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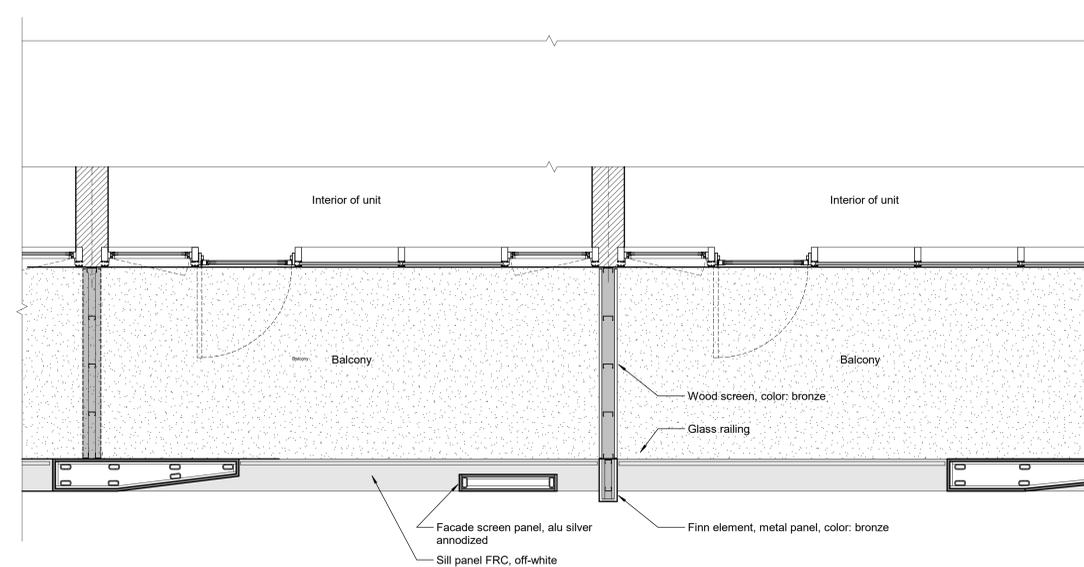
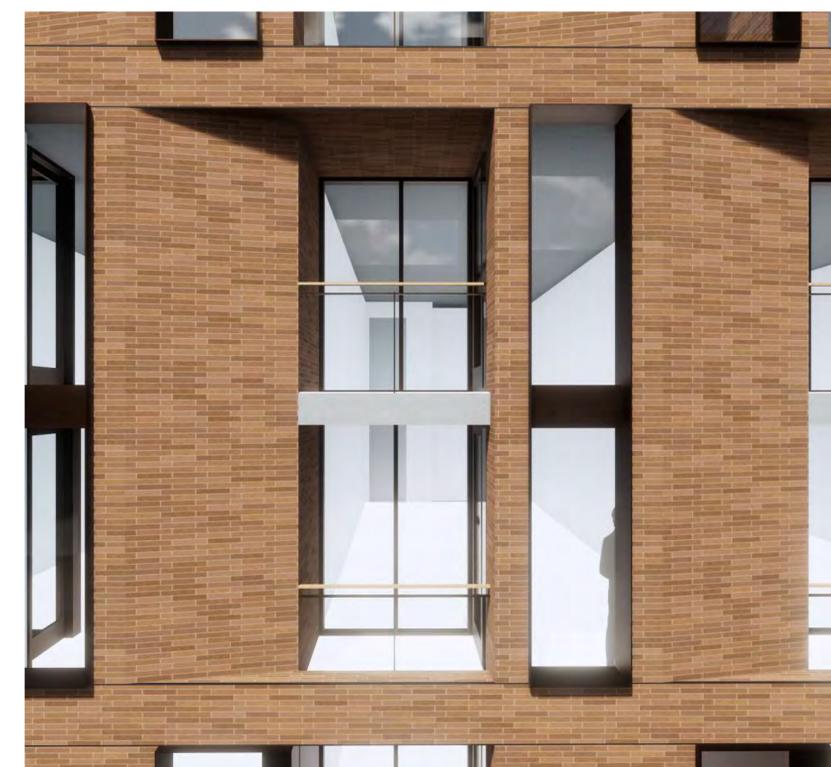
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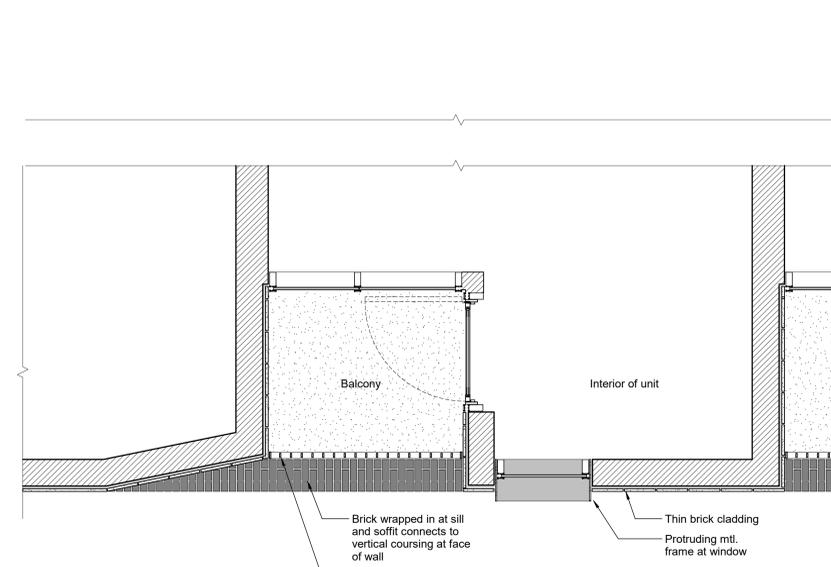
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**2 Plan Detail GFRC at Tower**  
1/2" = 1'-0"



**1 Plan Detail Brick at Balcony**  
1/2" = 1'-0"

**SHATTUCK  
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APARTMENTS**

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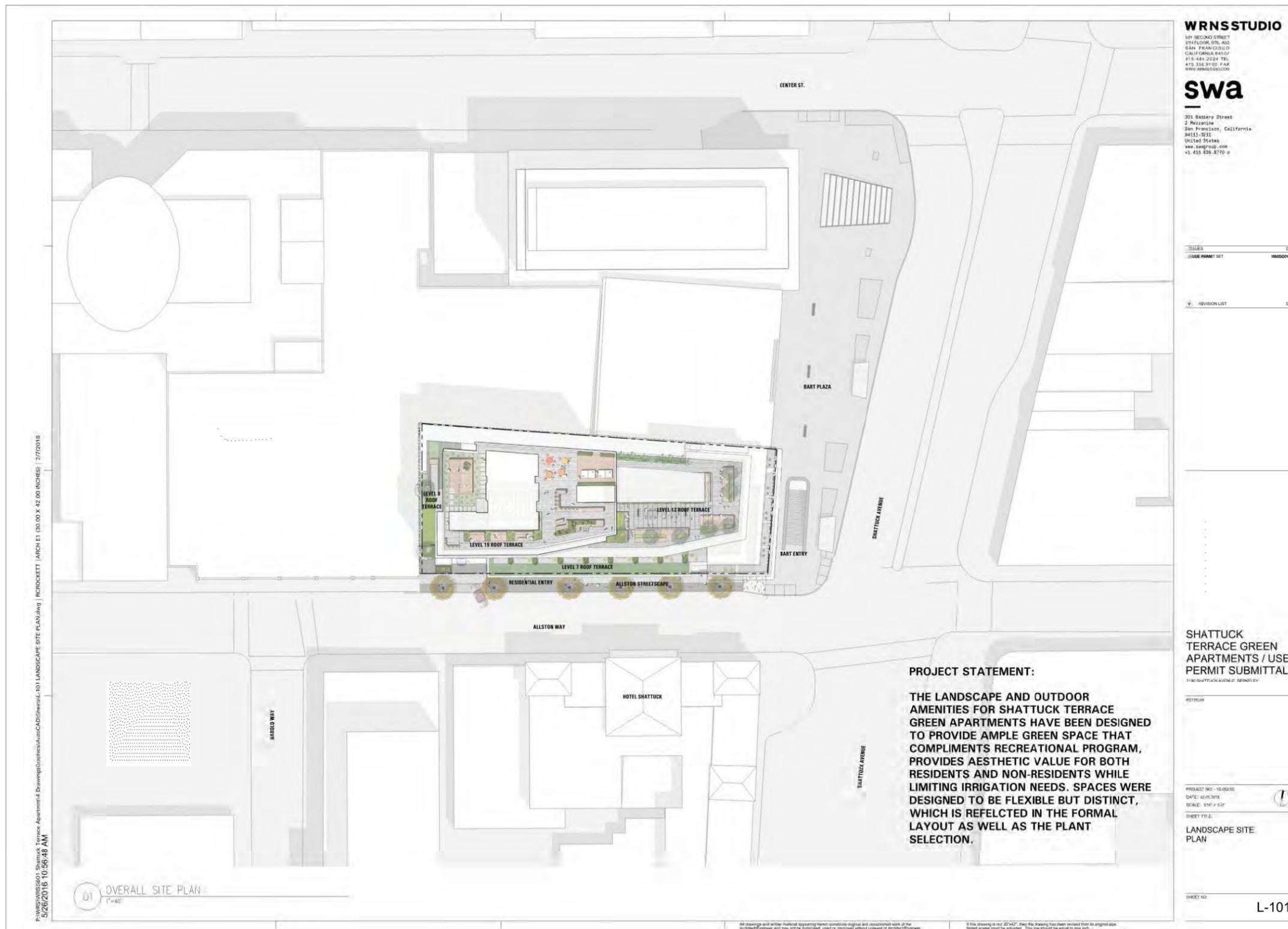
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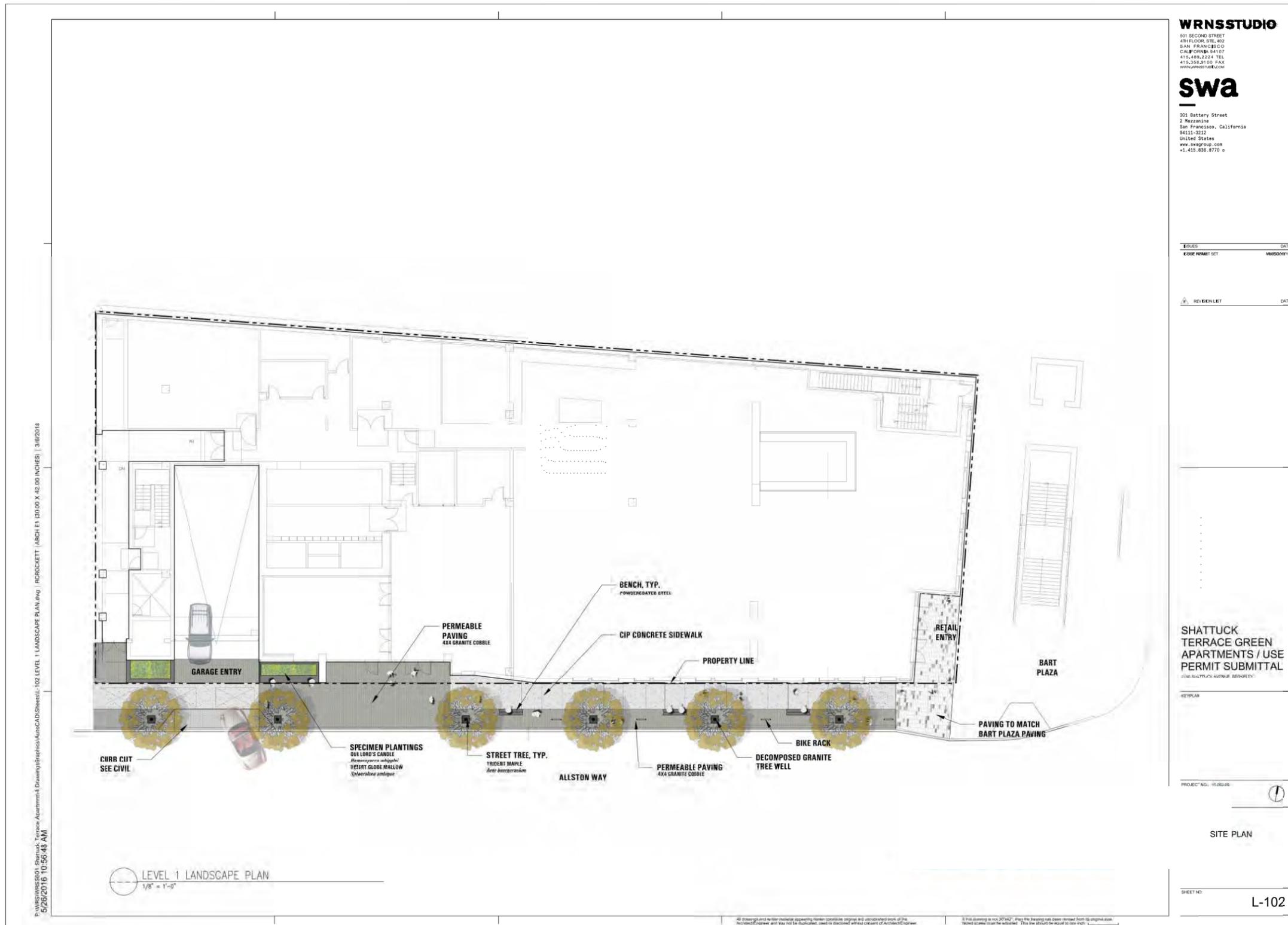
PROJECT NO.: 15.0022.00  
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SHEET TITLE:  
**FAÇADES - DETAILS /  
ENLARGED ELEVATIONS**

SHEET NO.: **A-400**

10/11/2018 4:56:47 PM







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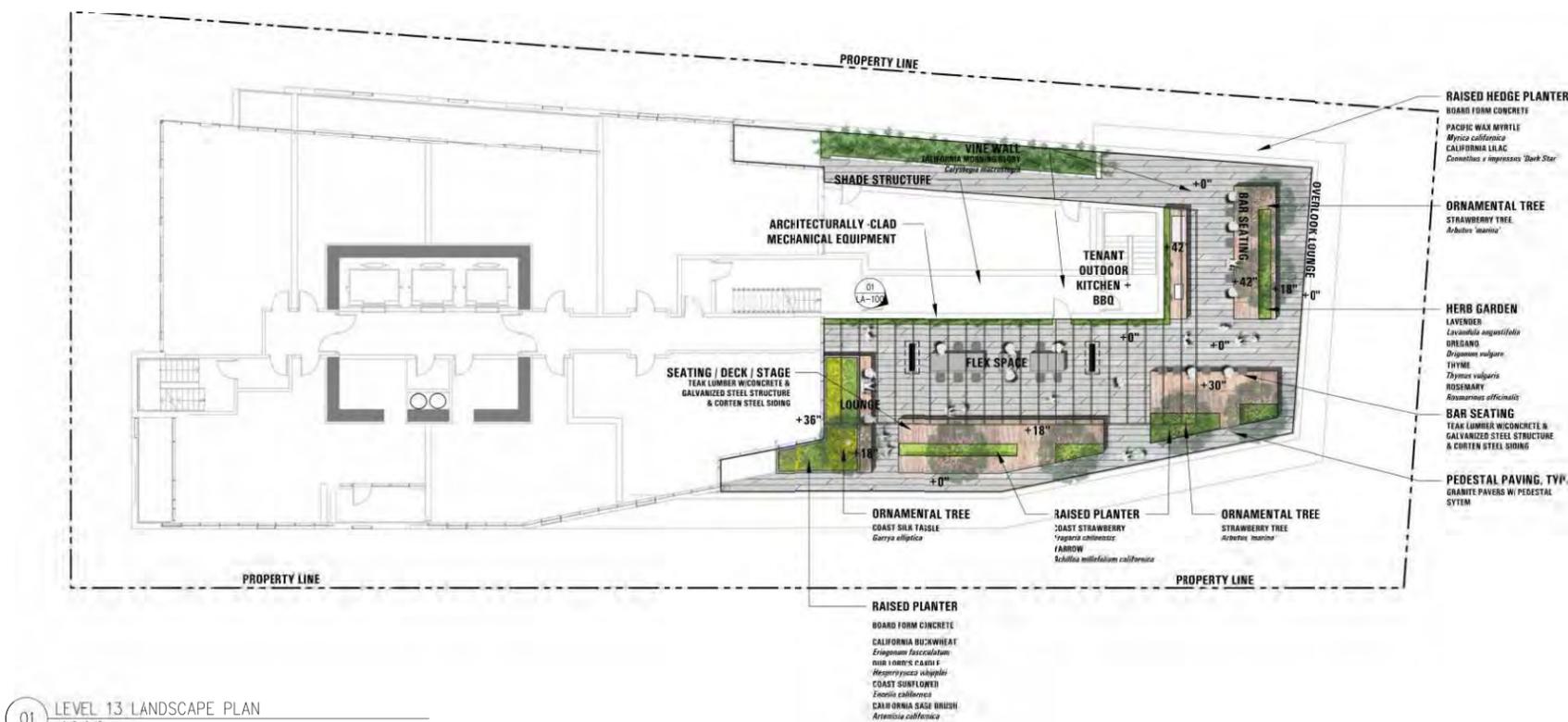
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| REVISED                                | DATE                     |
|--|--------------------------|
| DRG 3, UPDATE DESIGN                   | 03/15/2018               |
| DRG 4, UPDATE DESIGN<br>USE PERMIT SET | 03/15/2018<br>02/20/2018 |

| REVISION LIST | DATE |
|---------------|------|
|               |      |

P:\WRNS\WRNS001\_Shattuck\_Terrace\_Apartments\Drawings\Graphics\AutoCAD\Sheets\104\_LEVEL\_13\_LANDSCAPE\_PLAN.dwg | INVALDO | ARCH ET | (30,00 X 42,00 INCHES) | 2/7/2018  
5/26/2016 10:56:48 AM



01 LEVEL 13 LANDSCAPE PLAN  
1/16"=1'-0"

SHATTUCK  
TERRACE GREEN  
APARTMENTS / USE  
PERMIT SUBMITTAL  
2190 SHATTUCK AVENUE, BERKELEY

KEYPLAN

PROJECT NO.: 16.002.20  
DATE: 02/27/2018  
SCALE: 1/16" = 1'-0"  
SHEET TITLE:  
LEVEL 13  
LANDSCAPE PLAN

SHEET NO.:  
L-104

NOTES  
1. THIS PROJECT WILL MEET THE WATER EFFICIENCY REQUIREMENTS SET FORTH BY THE EAST BAY MUNICIPAL UTILITY DISTRICT SECTION 31

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| NO. | REVISION LIST        | DATE       |
|-----|----------------------|------------|
| 001 | DRG 3. UPDATE DESIGN | 03/15/2018 |
| 002 | DRG 3. UPDATE DESIGN | 03/15/2018 |
| 003 | USE PERMIT SET       | 06/20/2018 |

| NO. | REVISION LIST | DATE |
|-----|---------------|------|
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01 ROOF LANDSCAPE PLAN  
1/16"=1'-0"

NOTES  
1. THIS PROJECT WILL MEET THE WATER EFFICIENCY REQUIREMENTS SET FORTH BY THE EAST BAY MUNICIPAL UTILITY DISTRICT SECTION 31

SHATTUCK  
TERRACE GREEN  
APARTMENTS / USE  
PERMIT SUBMITTAL

PROJECT NO. 1800030  
DATE: 03/2018  
SCALE: 1/16" = 1'-0"  
SHEET TITLE:  
ROOF LEVEL  
LANDSCAPE PLAN

SHEET NO. L-105

P:\WRNS\WRNS601\_Shattuck\_Terrace\_Apartments\4\_Drawing\Graphics\AutoCAD\Sheet\105\_Level\_18\_Landscape\_Plan.dwg | R:\CROCKETT | ARCHITECT | (30.00 X 42.00 INCHES) | 2/7/2018 | 5/26/2018 10:36:48 AM

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