



Z O N I N G
A D J U S T M E N T S
B O A R D
S T A F F R E P O R T

FOR BOARD ACTION
APRIL 27, 2023

2900-20 Shattuck Avenue

Use Permit #ZP2022-0116 to demolish a commercial building and construct a 10-story (110 feet, 4 inches), 113,948-square-foot, mixed-use building with 221 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), 4,090 square feet commercial space, and nine parking spaces.

I. Background

A. Land Use Designations:

- General Plan: NC – Neighborhood Commercial
- Zoning: C-SA – South Area Commercial District

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A) to create new floor area of 3,000 square feet or more
- Use Permit under BMC 23.204.100(D)(2) to modify height, setback, and lot coverage requirements
- Administrative Use Permit under BMC 23.304.050(A) to allow architectural elements to exceed the district height limit

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

- Concession to reduce the open space requirement – to provide 7,056 square feet where 8,840 square feet is required – to eliminate the costs of constructing a larger roof deck

- Concession to reduce the long-term bicycle parking requirement – to provide 60 spaces where 76 spaces is required – to eliminate the costs of enlarging the bike room and providing additional racks
- Waiver of BMC Section 23.204.100(D) to exceed building height limits – to be 110'-4", and 10 stories (no maximum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to reduce the front setback to 0', street side setback to 6", and rear setback to 1'-6" (no minimum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to increase lot coverage to 51 percent (no maximum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to increase floor area ratio (FAR) to 5.82, where 4.0 is the limit

D. CEQA Recommendation: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-fill Development Projects"). The determination is made by ZAB.

E. Parties Involved:

- Applicant Trachtenberg Architects, 2421 Fourth Street, Berkeley, CA 94701
- Property Owner 2900 Shattuck Avenue, LLC, 2343 Stuart Street, Berkeley, CA 94705

F. Application Materials are available on the City's website:

<https://aca.cityofberkeley.info/citizenaccess/Default.aspx> (Click on Zoning tab; enter permit number ZP2022-0116; select permit ZP2022-0116; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials.)

Figure 1: Zoning Map

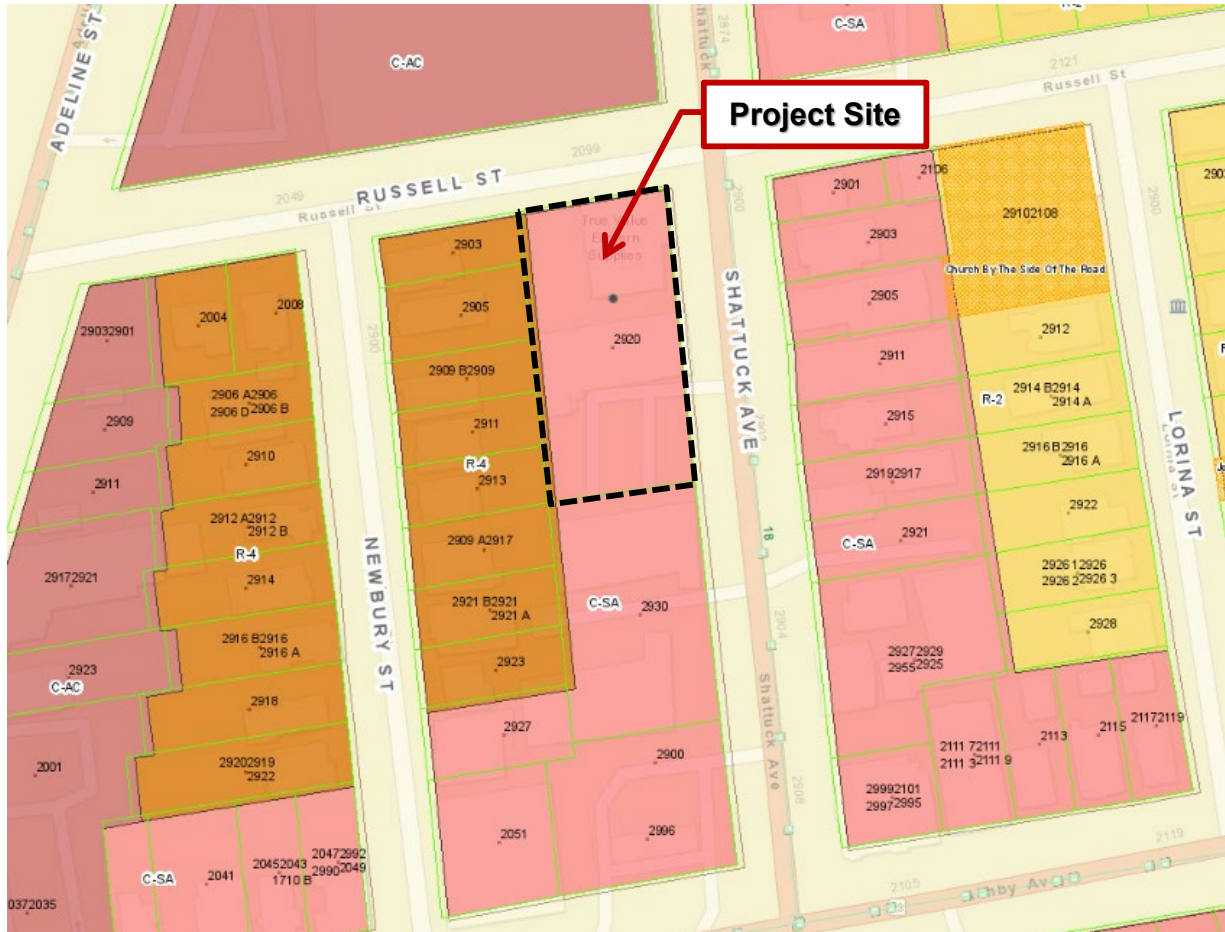


Figure 2: Aerial View of Site



Figure 3: Shattuck Avenue (East) and Russell Street (North) Elevations



Figure 4: West and South Elevations

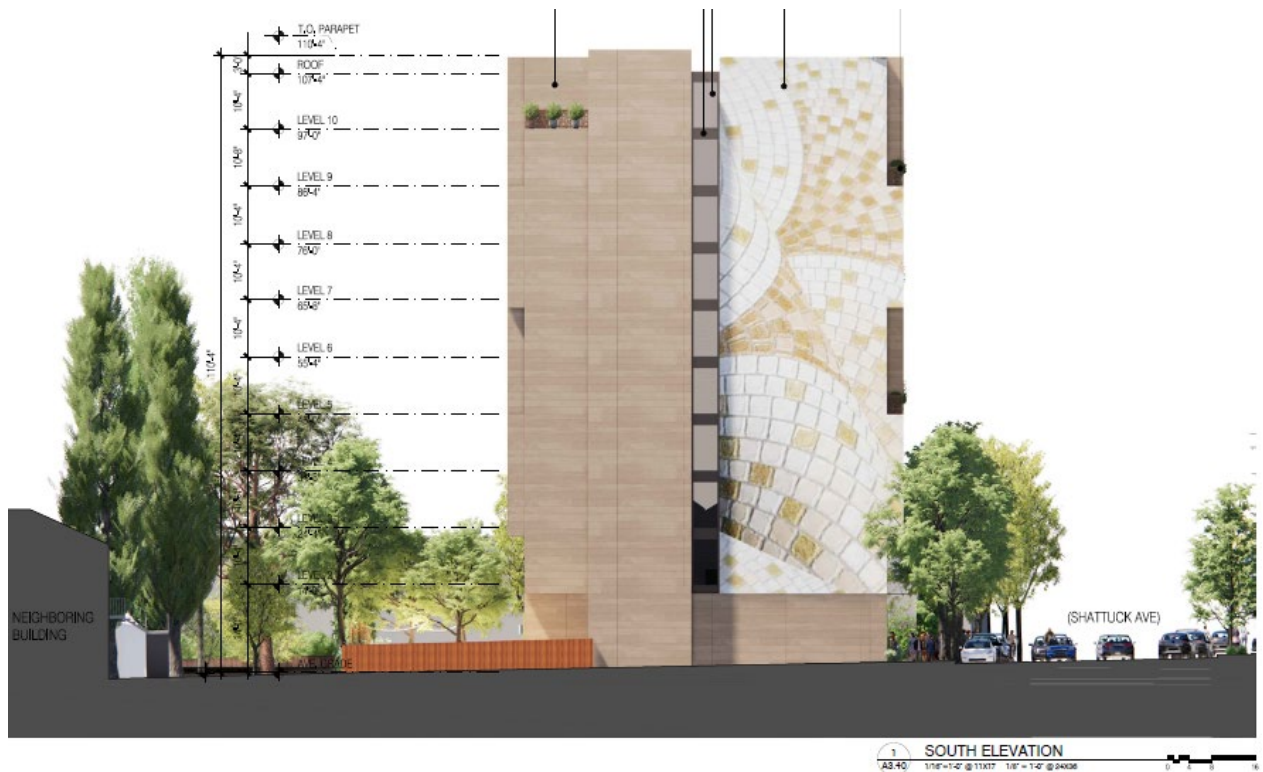


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Retail/Auto Repair	C-SA	Neighborhood Commercial (NC)
Surrounding Adjacent Properties	North	Retail (Berkeley Bowl)		
	East	Office/Medical Office/Retail/Residential		
	South	Retail/Office		
West		Single-Family/Duplex Residential	R-4	High-Density Residential (HDR)

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Per Resolutions 66,618-N.S. & 66,617-N.S.)	No	These fees apply to projects with more than 7,500 square feet of net new non-residential gross floor area. The project includes no net new non-residential gross floor area. Therefore, the project would not be subject to these fees.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project would include five or more market rate dwelling units and is therefore subject to the affordable housing provisions of BMC 22.20.065.
Alcohol Sales/Service	No	The project is not proposing alcohol sales or service with this permit.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	No	The project site is not located within a creek buffer.
Density Bonus	Yes	The project would provide 22 Very Low-Income units, or 14 percent of the Base Project units, and qualifies for a 46.25 percent density bonus, or 70 bonus units. See Section III.B for discussion.
Green Building Score	No	The site is not located in the C-DMU Downtown District, and not subject to this requirement.



Characteristic	Applies to Project?	Explanation
Historic Resources	No	The project would involve the demolition of a non-residential building that is over 40 years old. The Landmarks Preservation Commission reviewed the demolition referral for the building on February 2, 2023, and took no action to initiate a landmark designation. There are no other known cultural resources (i.e., archaeological or historic) on the site.
Housing Accountability Act (HAA) (Govt. Code 65589.5(j))	Yes	The project is a “housing development project” consisting of a mixed-use building, and requests no modifications to development standards beyond waivers and concessions requested under density bonus law. ¹ Therefore, the HAA findings apply to this project, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section III.C for discussion.
Public Art on Private Projects (BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects Ordinance. The applicant is electing to include on-site art (a mural on the south façade; 1.75 percent of total building permit valuation) to comply.
Rent Controlled Units	No	The project would demolish a non-residential structure. There are no rent-controlled units on the project site.
Residential Preferred Parking (RPP)	No	The site is located in RPP zone “J”. However, newly constructed dwellings would not be eligible to participate in the RPP program.
Seismic Hazards	No	The project site is not located in an area susceptible to seismic hazards, as defined by the State Seismic Hazards Mapping Act (SHMA). No further study is required.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites pursuant to Government Code Section 65962.5). However, the project site is located within the City’s Environmental Management Area. The Phase I Environmental Site Assessment submitted by applicant recommended no further investigation on the site. Standard Conditions of Approval related to hazardous materials would apply to the project.
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, and is 0.5-mile away from the Ashby Berkeley Bay Area Rapid Transit (BART) Station.

¹ Government Code Section 65589.5(h)(2) “Housing development project” means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.

Table 3: Project Chronology

Date	Action
March 9, 2022	SB 330 Preliminary Application deemed complete
September 4, 2022	SB 330 Use Permit Application submitted
December 15, 2022	Application deemed complete
August 5, 2022	Level of CEQA review determined by staff – Exempt
March 16, 2023	DRC Preliminary Design Review
April 13, 2023	Public hearing notices mailed/posted
April 27, 2023	ZAB Hearing

Table 4: Development Standards

C-SA Standards		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		19,586	19,586	n/a
Gross Floor Area (s.f.)		7,561	113,948	78,344
Commercial Floor Area		7,561	4,090	n/a
FAR		0.4	5.82	4 max.
Dwelling Units		0	221	n/a
Bedrooms		0	229	n/a
Building Height	Maximum	14'-0"	110'-4"	36' max. ¹
	Stories	1	10	3 max. ¹
Building Setbacks	Front (Russell)	4'-2"	0'-0"	15' min. ¹
	Left Side (Shattuck)	1'-10"	0'-6" (3' overhang into ROW)	6'/8'/10'/12'/14'/15' min. ¹
	Rear	70'	1'-6"	15' min.
	Right Side	3'-3"	31'-8"	5' min. (abutting R-4 District)
Lot Coverage (%)		39	51	40 max. ¹
Usable Open Space (s.f.)		n/a	7,056	8,840 min. (40 s.f./d.u.)
Parking	Commercial (4,090 sq. ft.)	17	8	8 min. (2 space/1,000 s.f.)
	Residential	n/a	1	0 min./111 max. (0.5 spaces/du max.)
	Total	17	9	8 min./119 max.
Bicycle Parking	Commercial - Short Term (4,090 sq. ft.)	n/a	2	2 (1 space/2,000 s.f. commercial)
	Residential - Long Term	n/a	60	76 (1 space/3 bedrooms)
	Residential - Short Term	n/a	6	6 (1 space/40 bedrooms, or 2)
	Total	n/a	60/8 (long term/short term)	76/8 (long term/short term)
<p>Abbreviations: s.f.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height, ROW=right-of-way.</p> <p> = Waiver requested to modify the district standard.</p> <p> = Concession, pursuant to State Density Bonus Law, requested to modify the district standard.</p> <p>¹ A Use Permit to allow modifications to the standard requirements for mixed-use buildings for height, setbacks, and lot coverage are included in the base project. Modifications to height, setbacks, lot coverage, and FAR are requested to accommodate the full density bonus project.</p>				

II. Project Setting

A. Neighborhood/Area Description: The project site is located northeast corner of the intersection of Shattuck Avenue and Russell Street. Adjacent parcels to the west are occupied by single- and two-family residential developments in the R-4, Restricted Multi-Family Residential District. To the site's north, south, and east are parcels that are occupied with one- and two-story commercial developments, with offices (general and medical) and retail to the south and east, and the Berkeley Bowl Marketplace to the north. Further east beyond the C-SA district is an R-2, Restricted Two-Family Residential District. (See Figure 1: Zoning Map and Figure 2: Aerial View)

The project site is served by several Alameda County (AC) Transit bus lines that operate along Shattuck Avenue and is 0.4 mile from the Ashby BART station.

B. Site Conditions/Background: The project site is associated with addresses 2900 and 2920 Shattuck Avenue, and Assessor's Parcel Number 53-1590-5-1. The 19,586-square-foot (0.45-acre) project site is a rectangular parcel that is occupied by a one-story, approximately 7,561-square-foot, commercial building that was constructed in three sections over 21 years. It is currently occupied by an auto repair shop (The Model Garage), hardware store (True Value Eastern Supplies), and the associated parking lot.

III. Project Description

A. The project proposes to demolish the existing commercial building and construct a mixed-use building that utilizes the State density bonus with the following main components:

- 10 stories, 110 feet - 4 inches in height (see Figures 3 and 4: Elevations)
- 221 dwelling units – 204 studios, 9 one-bedroom, and 8 two-bedroom
- 229 bedrooms total
- 22 Very Low Income (VLI) units
- 4,090 square feet of ground-floor commercial space
- 7,056 square feet of usable open space – ground-level garden and two roof decks
- 9 vehicle parking spaces – eight commercial and one residential in ground-level covered lot
- 60-space bike room

B. Base Project and Density Bonus: By committing to provide 22 VLI units, the project is eligible for a State density bonus pursuant to Government Code Section 65915. Under the City's density bonus procedures, the Base Project was calculated to have 151 units, as the maximum allowable density for the site.² The Base Project has an average unit

² Per the City's Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the

size of 496 square feet in a six-story building. Twenty-two VLI units, or 14 percent of the Base Project, qualifies the project for a 46.25 percent density bonus or 70 bonus units. The resulting proposed project would be a ten-story building with 221 units, with an average unit size of 497 square feet (see Table 5: Density Bonus).

Table 5: Density Bonus – Government Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
151	22 VLI (14 percent of BP)	46.25 percent	70 (46.25 percent x151)	221
*Per Government Code 65915(q), all unit calculations are rounded up to the nearest whole number.				

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

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

The Base Project complies with applicable, objective general plan and zoning standards. Further, Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the Base Project or the density bonus units. Therefore, Section 65589.5(j) **does apply** to the proposed project. All findings discussed in Sections V and VI are subject to the requirements of Government Code Section 65589.5.

Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City on September 4, 2022, the applicant installed yellow “Proposed Development Project” signs at the project site.

On August 30, 2022, a neighborhood outreach meeting was held by the applicant. Eight members of the public attended and expressed their concerns regarding the relationship of the project to the previous proposal for the site by the same developer in 2020; the height and scale of the building; the possibility of the return of the existing hardware business to the new building; the amount of affordable housing provided; insufficient parking for residents; pedestrian safety; loss of afternoon light; and the excessive amount of studio units.

On January 10, 2023, staff received an email from a neighbor stating their opposition to the project. The letter included concerns regarding unoccupied apartment and condominium buildings with unfilled ground-floor commercial spaces; and the potential closure of an essential and valued business (True Value Eastern Supplies) upon project approval.

On March 13, 2023, staff received an email from a neighbor expressing concerns over the excessive height and size of the building; the concurrent development of nearby residential projects by the same developer; the incompatibility of the building design with the area; vacancies in recent new residential developments; traffic, bike, and pedestrian safety; traffic congestion; the loss of sunlight, views, and trees; and the loss of privacy and security. They were also dissatisfied with the lack of outreach from the developers to neighbors to discuss the project.

On April 13, 2023, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations, and posted notices within the neighborhood in three locations.

On April 16, 2023, staff received an email from a neighbor expressing concern that comments from their previous email were not addressed, and that all of the DRC’s recommendations from the March 16, 2023 meeting were ignored or overlooked. They also dissatisfied with the minimal amount of affordable housing being provided in the project.

On April 17, 2023, staff received an email from a neighbor expressing concerns over the loss of existing small businesses (auto mechanic and hardware store) that could be replaced with “high-end” businesses that they feel are less useful to the neighborhood.

B. Design Review Committee (DRC): The DRC conducted Preliminary Design Review (PDR) on March 16, 2023, and forwarded an unfavorable recommendation to the ZAB with conditions and recommendations for Final Design Review (FDR) [MOTION: (Tam,

Pink) VOTE (6-0-0-1) Kahn – absent]. See Attachment 4 – March 16, 2023 DRC Summary.

Subsequently, the applicant requested a second PDR meeting for DRC to consider a revised design that the applicant prepared in response to the March 16 Conditions and Recommendations. The revised design is reflected in Attachment 2 to this staff report. The meeting is scheduled for April 20, 2023. Because the meeting will occur after the publishing of this staff report, the DRC Summary of the meeting will be issued as Supplemental Communications to the ZAB.

- C. Landmarks Preservation Commission (LPC):** The project would demolish a commercial building that is over 40 years in age. As detailed in a Historic Resource Evaluation forms dated October 7, 2022, the building does not meet the eligibility criteria for the California Register or City of Berkeley Landmark. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on February 2, 2023, and took no action.

V. Issues and Analysis

- A. Senate Bill 330 – Housing Crisis Act of 2019:** The Housing Crisis Act, also known as Senate Bill (SB) 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development projects. A “housing development project” means a use that is: residential units only; mixed use consisting of residential and nonresidential uses with at least two-thirds of the square footage as residential; or transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

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

The April 27, 2023 ZAB Hearing represents the fourth public hearing for the proposed project since the project was deemed complete. The City can hold one additional public hearing on this project, if needed. One hearing must be reserved for a potential appeal to the City Council.

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is an historic site at the time the application for

the housing development project is deemed complete. The determination as to whether the parcel is an historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in Section IV.C, at the time the project was deemed complete, the structures proposed to be demolished were not City landmarks, and were also determined not eligible for listing on the California Register of Historic Resources. The proposed project would be required to comply with the City's standard conditions of approval, which instruct construction workers to halt work if any unanticipated discovery of archeological, paleontological, or tribal cultural resources are uncovered on the project site during ground disturbing activities.

3. Government Code Section §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from CEQA. The project was deemed complete on December 15, 2022, and it is staff's recommendation to ZAB that the project is categorically exempt. Should ZAB determine that the application is categorically exempt from CEQA at the April 27, 2023 public hearing, the application must be approved or disapproved by June 26, 2023.
4. Government Code Section 66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished. The project does not propose the demolition of housing units. Therefore, Section 66300(d) does not apply to the project.

B. Density Bonus Waivers and Concessions: The project is entitled to two concessions (or incentives), under Government Code Section 65915(d) for providing at least 10 percent of total units to very low-income households, and an unlimited number of waivers, under Section 65915(e).

Concession. A concession or incentive is a modification of a zoning code requirement that results in identifiable and actual cost reductions to provide for affordable housing costs. The applicant is requesting two concessions: 1) to reduce the open space requirement, to eliminate the costs of constructing a larger roof deck, and 2) to reduce the long-term bicycle parking requirement, to eliminate the costs of enlarging the bike room and providing additional racks.

The City may only deny the concessions if it finds that the concessions would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low income, very low income, and

moderate-income households, or if the concession would be contrary to State or Federal law.³ Staff has identified no basis for making such a finding.

Waiver. A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. Waivers for height (maximum height and rooftop projections), setbacks, lot coverage, and floor-to-area ratio are requested because they are necessary to physically accommodate the full density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low income, very low income, and moderate income households, or if the waiver would be contrary to State or Federal law. Staff has not identified any evidence that would support such a finding.

VI. Other Considerations

The analyses of conformance with district purposes, use permit findings for non-detriment, and the General Plan goals and policies are provided for ZAB consideration. The proposed project is HAA-compliant. The following permits have been determined by the City to be included in the Base Project of the proposal, and are subject to Section 65589.5(j) of the HAA. See section III.C for discussion of the HAA. All permits are subject to the C-SA District permit findings and General Non-Detriment findings discussed in sections VI.B and VI.C.

- A. Demolition of Non-residential Buildings:** Pursuant to BMC Section 23.326.070(D), the ZAB can approve a Use Permit for demolition of an non-residential building or structure if the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and satisfies one of the findings, that the demolition: a) is required to allow a proposed new building or other proposed new use; b) will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses; c) will remove a structure which represents an un-abatable attractive nuisance to the public; or c) is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The current uses in the buildings on the site are auto repair and hardware store, totaling 7,561 square feet of commercial area. The demolition of these buildings is proposed to allow the development of a new mixed-use building that includes 4,090 square feet of retail area and 221 dwelling units. The proposed project furthers the purposes of the C-SA district that encourage mixed-use development combining convenient, low-

³ A "specific, adverse impact" means "a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete."

intensity, community-serving businesses with residential development that has the convenience of location and more open space than is available in the Downtown.

B. Findings for Use Permits in C-SA District: Pursuant to BMC Section 23.204.100(E), in order to approve any Use Permit in the district, ZAB must make the findings that the proposed use or structure:

1. *Is compatible with the purposes of the district (listed below):*
 - *Implement the General Plan's designations for Community Commercial, and the Commercial/Residential areas, as well as the policies of the South Berkeley Area Plan;*
 - *Provide locations for both community-serving and regional-serving businesses, particularly those which reflect the culture of the surrounding area;*
 - *Provide an area of neighborhood and lower intensity community commercial uses, serving as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue;*
 - *Encourage the location of a wide variety of community-oriented retail goods and services in South Berkeley;*
 - *Encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown;*
 - *Provide limited locations for other activities such as offices which may be compatible with both retail and residential uses;*
 - *Encourage development and amenities that support pedestrian-oriented uses;*
 - *Encourage appropriate mixed-use development (retail/office/residential) on appropriate sites in the district; and*
 - *Increase the opportunities for the establishment of businesses which are owned and operated by local residents.*
2. *Is compatible in design and character with the district and the adjacent residential neighborhoods; and*
3. *Will not result in the domination of one type of commercial/retail use in any one area of the district.*

The proposed mixed-use building at this location would be an appropriate utilization of the currently underutilized site that would bring 221 new residential units (including 22 VLI units) and 4,090 square feet of retail area to the district and the neighborhood. The project would further the purposes of the district that encourage mixed-use development combining convenient, low-intensity, community-serving businesses with residential development that has the convenience of location and more open space than is available in the Downtown. In addition, by increasing the neighborhood population with new residents of mixed income who would patronize the local businesses, the project would help to engage the adjacent residential neighborhood (R-4), to the west of the site, encourage pedestrian traffic on the streets, and contribute to the livability and character of the neighborhood.

At ten stories tall, the proposed project would be taller and larger than the existing one- and two-story residential and commercial buildings in the vicinity. The building design was revised to incorporate DRC-recommended design changes (from the March 16 meeting) in order to increase building compatibility with the neighborhood. The building steps down toward the west at the top floor with a 3,492-square-foot deck, and provides a 31-foot, 8-inch setback from the west property line to buffer the transition to the residential neighborhood to the west. Privacy fencing and plantings would line the western edge of the project on the ground and the 2,524-square-foot garden at the southwest corner of the site. The building also steps down toward the corner of Shattuck Avenue and Russell Street at the top floor with a 1,040-square-foot deck to reduce the overall massing. The building's west and east facades are articulated with alternating projected window bays on floors three through ten, to reduce perceived building mass and scale.

Nearby commercial uses include grocery store, copy shop, medical and general offices, cafés and a gas station. The proposed retail space would not result in the domination of one type of commercial/retail use in any one area of the C-SA district.

- C. General Non-Detriment Finding:** BMC Section 23.406.040 states that before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Shadows: According to the shadow studies submitted for the project (See Attachment 2, Project Plans – Sheets A0.4A through A0.4C). New shadow impacts would occur in the summer and fall months in the hours after sunrise on multiple residential properties to the west of the site (R-4 District) and in the hours before sunset on multiple residential properties to the east of the site (R-2 District). Also, shadow impacts would occur in the winter months in the hours after sunrise on several residential properties to the west of the site (R-4 District) and in the hours before sunset on several residential properties to the east and northeast of the site (R-2 District). All other new shadows would impact non-residential buildings in the area.

The additional height above the district limits that would be allowed via State density bonus would cast shadows in the affected directions further than if the project were limited to the base district height standards. Shadow impact on adjacent dwellings are to be expected, because the C-SA District where the project site is located allows heights of up to 36 feet and three stories by right, and a permit to modify development standards, including height, is allowed to be included in the density bonus base project. A waiver is allowed for height beyond 65-foot, 6-story base project to accommodate the density bonus units (see section V.B for a discussion of waivers), for a proposed building of 110 feet-4 inches feet and ten stories. Though analysis is provided here, shadows are not objective standards per the BMC (see section III.C for discussion of the HAA).

Non-Detriment: The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring that the project meets the non-detriment finding.

D. Use Permit to Modify Mixed Use Projects: Pursuant to BMC Section 23.204.100(D)(2), the ZAB may modify C-SA development standards for a mixed-use project with a Use Permit upon making one of the following findings.

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

The project meets several of the listed findings. By provided the minimum requirement of eight commercial parking spaces and one residential parking space, where none are required and 111 spaces is the maximum allowed, the project encourages the use of public and alternative modes of transit and existing parking facilities. The modification of setbacks allows the project to concentrate building massing toward the commercial frontage and away from the residential district to the west, to increase compatibility with the existing uses in the vicinity, while allowing the density bonus project with 22 affordable units to be developed. (See section VI.B for project consistency with the purposes of the District.)

E. Administrative Use Permit for Architectural Projections to Exceed Height Limit: Pursuant to BMC Section 23.304.050(A) an Administrative Use Permit for architectural elements, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors and cannot be used as habitable space or for commercial purposes. The project proposes an elevator overrun of 200 square feet, that extends one foot over 110-foot, 4-inch roof height. The element represents two percent of the 10,986-square-foot average all the floor areas, and is permissible.

F. General Plan:

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

3. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
4. Policy UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
5. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
6. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Comments: As discussed previously in this section, the project would improve the utilization of the site with development that is of appropriate intensity, that is compatible with the existing surrounding development, and that would further improve the neighborhood character and quality of life by enhancing existing street-level activity, and bringing in new residents and new business patrons to a Neighborhood Commercial area of Shattuck Avenue. The project site is served by multiple bus lines that operate along Shattuck Avenue, and a nearby BART Station. Shadow impacts from the project would be reasonable given the zoning district designations for the site and adjacent properties.

7. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.
8. Policy H-19–Regional Housing Needs: Encourage housing production adequate to meet the housing production goals established by ABAG’s Regional Housing Needs Determination for Berkeley.
9. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

Staff Comments: The project would help Berkeley meet its regional housing needs by adding 221 net new housing units, including 22 VLI units. The project would be subject to standard conditions of approval that promote sustainable building design, including conditions for solar PV systems, electric vehicle charging, water efficient landscaping, and natural gas prohibitions.

VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board: **APPROVE** Use Permit #ZP2022-0116, pursuant to BMC Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1).

ZONING ADJUSTMENTS BOARD
April 27, 2023

2900-20 SHATTUCK AVENUE
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Attachments:

1. Findings and Conditions
2. Project Plans, received April 17, 2023
3. Correspondence received: Grassetti, Cummings, Tarica
4. March 16, 2023 DRC Summary
5. Notice of Public Hearing

Staff Planner: Sharon Gong, sgong@cityofberkeley.info, (510) 981-7429

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 27, 2023

2900-20 Shattuck Avenue

Use Permit #ZP2022-0116 to demolish a commercial building and construct a 10-story (110 feet, 4 inches), 113,948-square-foot, mixed-use building with 221 dwelling units (including 22 Very Low-Income Density Bonus qualifying units), 4,090 square feet commercial space, and nine parking spaces.

PERMITS REQUIRED

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A) to create new floor area of 3,000 square feet or more
- Use Permit under BMC 23.204.100(D)(2) to modify height, setback, and lot coverage requirements
- Administrative Use Permit under BMC 23.304.050(A) to allow architectural elements to exceed the district height limit

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession to reduce the open space requirement – to provide 7,056 square feet where 8,840 square feet is required – to eliminate the costs of constructing a larger roof deck
- Concession to reduce the long-term bicycle parking requirement – to provide 60 spaces where 76 spaces is required – to eliminate the costs of enlarging the bike room and providing additional racks
- Waiver of BMC Section 23.204.100(D) to exceed building height limits – to be 110'-4", and 10 stories (no maximum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to reduce the front setback to 0', street side setback to 6", and rear setback to 1'-6" (no minimum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to increase lot coverage to 51 percent (no maximum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to increase floor area ratio (FAR) to 5.82, where 4.0 is the limit

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-fill Development Projects").

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.

- B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
 - C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
 - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
 - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
- A. Under the City's methodology for implementing density bonuses, the "base project" consists of 151 units.
 - B. The project will provide at least 22 Very Low-Income qualifying units in the 151-unit "base project".
 - C. The project is entitled to a density increase of 46.25% over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 70 units above the Base Project, for a total of 221 units.
2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
- A. Concession to reduce the open space requirement – to provide 7,056 square feet where 8,840 square feet is required – to eliminate the costs of constructing a larger roof deck
 - B. Concession to reduce the long-term bicycle parking requirement – to provide 60 spaces where 76 spaces is required – to eliminate the costs of enlarging the bike room and providing additional racks
3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:

- A. Waiver of BMC Section 23.204.100(D) to exceed building height limits – to be 110’-4”, and 10 stories (no maximum in Base with UP)
- B. Waiver of BMC Section 23.204.100(D) to reduce the front setback to 0’, street side setback to 6”, and rear setback to 1’-6” (no minimum in Base with UP)
- C. Waiver of BMC Section 23.204.100(D) to increase lot coverage to 51 percent (no maximum in Base with UP)
- D. Waiver of BMC Section 23.204.100(D) to increase floor area ratio (FAR) to 5.82, where 4.0 is the limit

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.

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

III. FINDINGS FOR APPROVAL

- 1. The Housing Accountability Act §65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that:

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

The project includes construction of 221 dwelling units. Because the base project would comply with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified by staff.

- 2. As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. The project is consistent with all applicable C-SA District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.
- B. Shadow impact on adjacent dwellings are to be expected, because the C-SA District where the project site is located allows heights of up to 36 feet and three stories by right, and a permit to modify development standards, including height, is allowed to be included in the

density bonus base project. A waiver is allowed for height beyond 65-foot, 6-story base project to accommodate the density bonus units, for a proposed building of 110 feet-4 inches feet and ten stories.

- C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

IV. OTHER FINDINGS FOR APPROVAL

- 3. As required by Section 23.326.070(D) of the BMC, the Zoning Adjustments Board finds that:
 - A. The demolition of these buildings is proposed to allow the development of a new mixed-use building that includes 4,090 square feet of retail area and 221 dwelling units.
 - B. The proposed project furthers the purposes of the C-SA district that encourage mixed-use development combining convenient, low-intensity, community-serving businesses with residential development that has the convenience of location and more open space than is available in the Downtown.

- 4. As required by Section 23.204.100(E) of the BMC, the Zoning Adjustments Board finds that:
 - A. The proposed mixed-use building at this location would be an appropriate utilization of the currently underutilized site that would bring 221 new residential units (including 22 below-market-rate units) and 4,090 square feet of retail area to the district and the neighborhood. The project would further the purposes of the district that encourage mixed-use development combining convenient, low-intensity, community-serving businesses with residential development that has the convenience of location and more open space than is available in the Downtown.
 - B. In addition, by increasing the neighborhood population with new residents of mixed income who would patronize the local businesses, the project would help to engage the adjacent residential neighborhood (R-4), to the west of the site, encourage pedestrian traffic on the streets, and contribute to the livability and character of the neighborhood.
 - C. At ten stories tall, the proposed project would be taller and larger than the existing one- and two-story residential and commercial buildings in the vicinity. The building design was revised to incorporate DRC-recommended design changes (from the March 16 meeting) in order to increase building compatibility with the neighborhood. The building steps down toward the west at the top floor with a 3,492-square-foot deck, and provides a 31-foot, 8-inch setback from the west property line to buffer the transition to the residential neighborhood to the west. Privacy fencing and plantings would line the western edge of the project on the ground and the 2,524-square-foot garden at the southwest corner of the site. The building also steps down toward the corner of Shattuck Avenue and Russell Street at the top floor with a 1,040-square-foot deck to reduce the overall massing. The building's west and east facades are articulated with alternating projected window bays on floors three through ten, to reduce perceived building mass and scale.
Nearby commercial uses include grocery store, copy shop, medical and general offices, cafés and a gas station. The proposed retail space would not result in the domination of one type of commercial/retail use in any one area of the C-SA district.

- 5. As required by Section 23.204.100(D)(2) of the BMC, the Zoning Adjustments Board finds that:

- A. By provided the minimum requirement of eight commercial parking spaces and one residential parking space, where none are required and 111 spaces is the maximum allowed, the project encourages the use of public and alternative modes of transit and existing parking facilities.
 - B. The modification of setbacks allows the project to concentrate building massing toward the commercial frontage and away from the residential district to the west, to increase compatibility with the existing uses in the vicinity, while allowing the density bonus project with 22 affordable units to be developed.
6. As required by Section 23.304.050(A) of the BMC, the Zoning Adjustments Board finds that:
- A. The project proposes an elevator overrun of 200 square feet, that extends one foot over 110-foot, 4-inch roof height. The element represents two percent of the 10,986-square-foot average all the floor areas, and is permissible.

V. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions and Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.

- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
 - C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
 - D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
- 6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)**
Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
- 7. Permit Modifications (BMC Section 23.404.070)**
No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
- 8. Permit Revocation (BMC Section 23.404.080)**
The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
- 9. Pay Transparency Acknowledgement (BMC Section 13.104.030)**
Prior to the issuance of a building permit for any Project subject to this Chapter:
 - A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
 - B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.
- 10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)**
Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall

attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.

11. Posting of Ordinance (BMC Section 13.104.050)

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

12. Conditions of Approval (BMC Section 13.104.060)

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

13. Indemnification Agreement

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

VI. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

15. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.

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

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

- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- E. Prohibit unnecessary idling of internal combustion engines.
- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

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

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

19. Compliance with Conditions and Environmental Mitigations. The applicant shall be responsible for demonstrating compliance with all conditions of approval per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

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

20. Fee Deferrals. All zoning project application fees that were deferred at the time of application submittal shall be paid in full.
21. Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following:

- (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
- 22. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
- 23. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 24. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
- 25. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.
- D. Hazardous Materials Business Plan:
- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

- 26. Percent for Public Art:** Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
- 27. Affordable Housing Mitigation Fee:** Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
- 28. HVAC Noise Reduction.** Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and

- cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
- 29. Interior Noise Levels.** Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
- 30. Solar Photovoltaic (Solar PV).** A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.
- 31. Electric Vehicle (EV) Charging.** At least 20% of the project parking spaces for residential parking shall be "EV Charger Ready": equipped with raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, and at least 80% of the project parking spaces for residential parking shall be "EV Spaces Raceway Equipped": equipped with a raceway between an enclosed, inaccessible, or concealed area and an electrical service panel/subpanel as specified by the Berkeley Green Code (BMC Section 19.37.040). Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable readiness requirement. Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
- 32. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
- 33. Prohibition of Natural Gas Infrastructure in New Buildings.** The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
- 34. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
- 35. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
- 36. Required Parking Spaces for Persons with Disabilities.** Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential

district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces.”

Prior to Demolition or Start of Construction:

37. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

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

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

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

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

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

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 42. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

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

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

- 43. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

- 44. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 45. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

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

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

- 46. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 47. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

48. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

49. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

50. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of

the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

- 51. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c)

Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

- H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 52. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 53. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 54. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 55. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 56. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City’s Public Works Department for the relocation of the fire hydrant during construction.
- 57. Public Works.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

- 58. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
- 59. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **April 17, 2023**, except as modified by conditions of approval.
- 60. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.
- A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s).
- B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
1. One transit benefit for every bedroom in each dwelling unit.
 2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.
- C. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Property owners may be required to pay administrative fees associated with compliance with this Condition.

BELOW MARKET RATE UNITS

- 61. Number of Below Market Rate Units.** The project shall provide 22 Very Low Income (VLI) below market rate rental dwelling units (“BMR Units”), which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.
- 62. Regulatory Agreement.** Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by

the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.

- 63.** In addition, the following provisions shall apply:
- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
 - C. BMR units will be provided for the life of the project under Section 22.20.065.
- 64.** Determination of Area Median Income (AMI).
- The “AMI” (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
 - The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

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

- 65.** Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

At All Times:

- 66.** Transportation Demand Management Compliance. The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be

- required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
67. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
 68. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
 69. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
 70. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
 71. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
 72. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
 73. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
 74. Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
 75. Transit Subsidy Condition. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
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VIEW ALONG SHATTUCK AVE. LOOKING SOUTH



TRACHTENBERG
ARCHITECTS

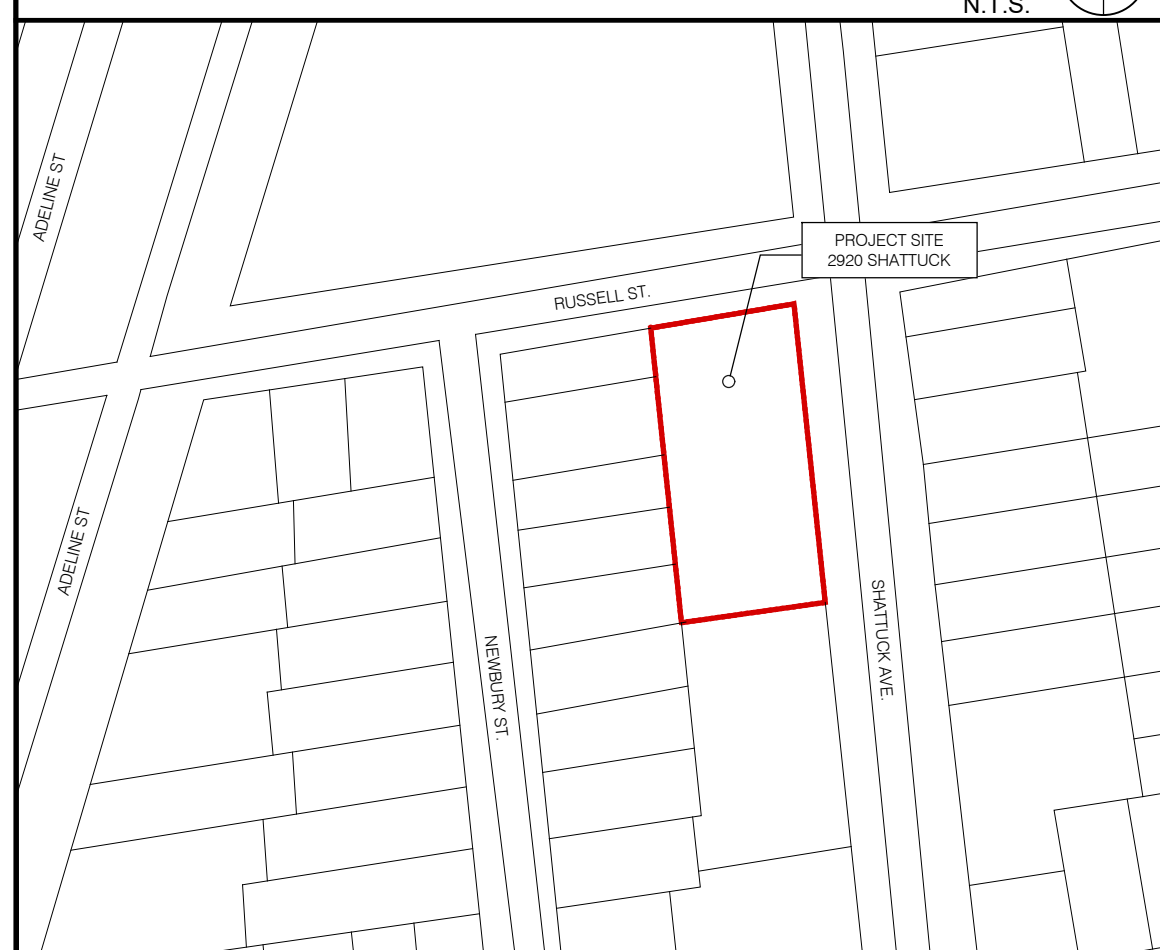
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Berkeley, CA

- 12.14.2021 DRAFT CONCEPT PLANS
- 12.15.2021 DRAFT CONCEPT PLANS
- 02.17.2022 SB-330 APPLICATION
- 09.05.2022 ZONING APPLICATION
- 12.01.2022 ZONING RESUBMISSION
- 03.16.2023 DRC HEARING SET
- 04.20.2023 FOLLOW UP DRC SET
- 04.27.2023 ZAB HEARING SET

VICINITY MAP



PROJECT DIRECTORY

OWNER/APPLICANT:
2900 Shattuck Ave, LLC
Berkeley, CA 94705 (APN: 053 159000501)

ARCHITECT:
David Trachtenberg, Principal
TRACHTENBERG ARCHITECTS
2421 Fourth Street
Berkeley, CA 94710
510.649.1414
www.TrachtenbergArch.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2920 Shattuck Ave.
Berkeley, CA 94705 (APN: 053 159000501)

SCOPE OF WORK:
REMOVAL OF EXISTING COMMERCIAL STRUCTURES & CONSTRUCTION OF A NEW 10-STORY MIXED-USE BUILDING WITH 221 DWELLING UNITS, GROUND LEVEL LOBBIES, COMMERCIAL SPACE, AND PARKING WITH STATE OF CALIFORNIA DENSITY BONUS.

ZONING CODE SUMMARY
(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-SA
SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

SHEET NO. & TITLE		
ARCHITECTURAL		
A0.0	GENERAL INFORMATION	L0.2 LANDSCAPE USABLE OPEN SPACE DIAGRAM
A0.1	ZONING CODE	L1.0 LANDSCAPE PLAN, ELEVATION AND IMAGERY AT GROUND LEVEL
A0.3A	DENSITY BONUS DIAGRAMS	L1.0 LANDSCAPE PLAN, ELEVATION AND IMAGERY AT GROUND LEVEL
A0.4A	SHADOW STUDIES	L2.0 LANDSCAPE PLAN AND IMAGERY AT ROOF DECK
A0.4B	SHADOW STUDIES	H1.0 HYDROZONE PLAN AT GROUND LEVEL
A0.4C	SHADOW STUDIES	H1.1 HYDROZONE PLAN AT ROOF LEVEL
A0.5	SITE CONTEXT PHOTOS	
A0.6	VICINITY MAP	
A1.0	SURVEY	
A2.0	EXISTING SITE PLAN	
A2.1	FLOOR PLANS	
A2.2	FLOOR PLANS	
A2.3	FLOOR PLANS	
A2.4	FLOOR PLANS	
A2.5	FLOOR PLANS	
A2.6	ROOF PLAN	
A3.1	BUILDING ELEVATIONS	LANDSCAPE
A3.2	BUILDING ELEVATIONS	L0.0 LANDSCAPE PLAN AT STREETSCAPE
A3.3	BUILDING ELEVATIONS	L0.1 PLANTING PALETTE IMAGERY
A3.4	BUILDING ELEVATIONS	
A3.5	STREETSCAPE ELEVATIONS	
A3.6	PHOTO CONTEXT VIEWS	
A3.7	CONCEPTUAL RENDERING	
A3.8	CONCEPTUAL RENDERING	
A3.9	CONCEPTUAL RENDERING	
A3.10	CONCEPTUAL RENDERING	
A3.11	CONCEPTUAL RENDERING	
A3.12	CONCEPTUAL RENDERING	
A3.13	CONCEPTUAL RENDERING	
A3.14	CONCEPTUAL RENDERING	
A3.15	CONCEPTUAL RENDERING	
A4.1	SECTION	
A4.2	SECTION	
MAT	MATERIAL BOARD	

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GENERAL
INFORMATION

A0.0

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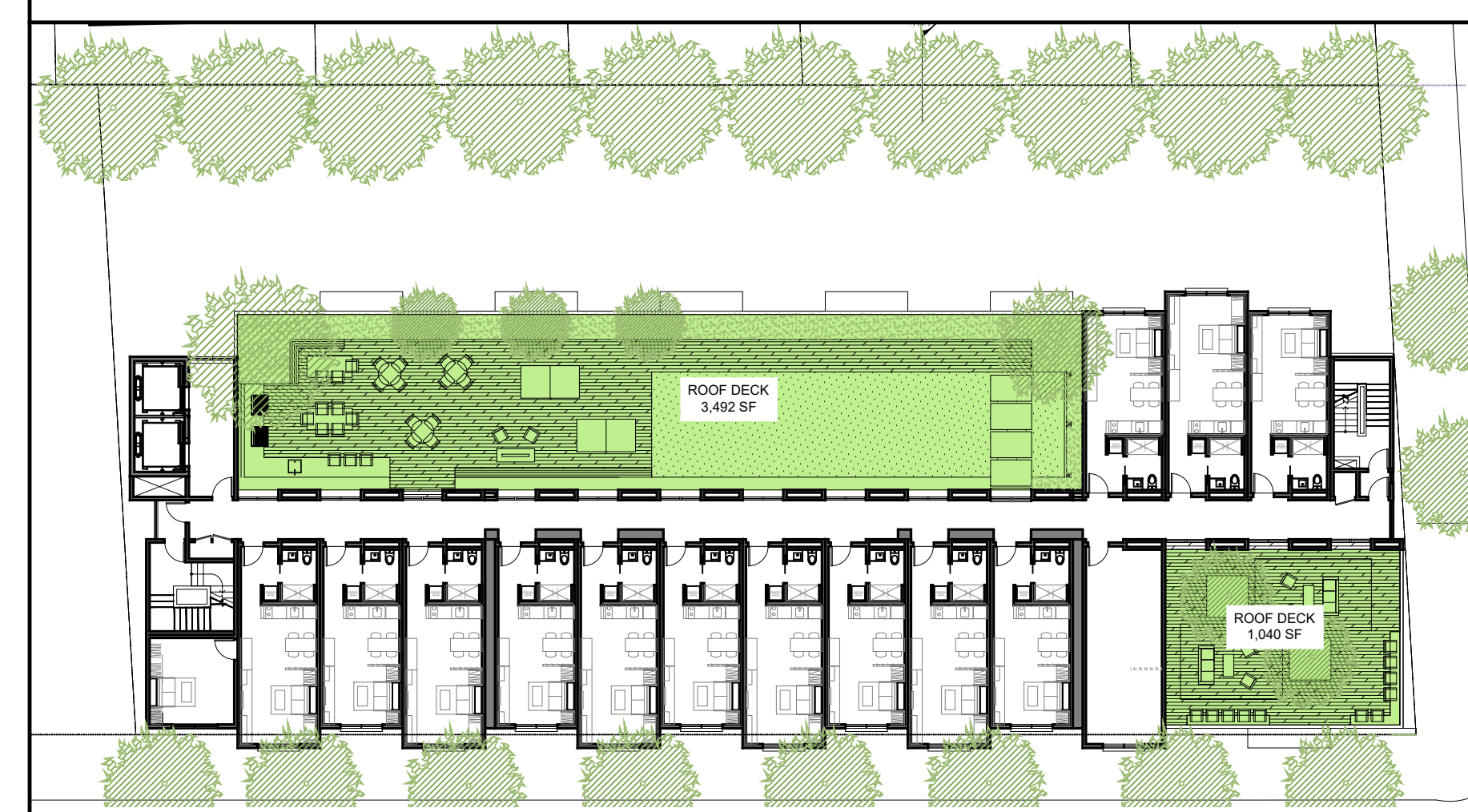
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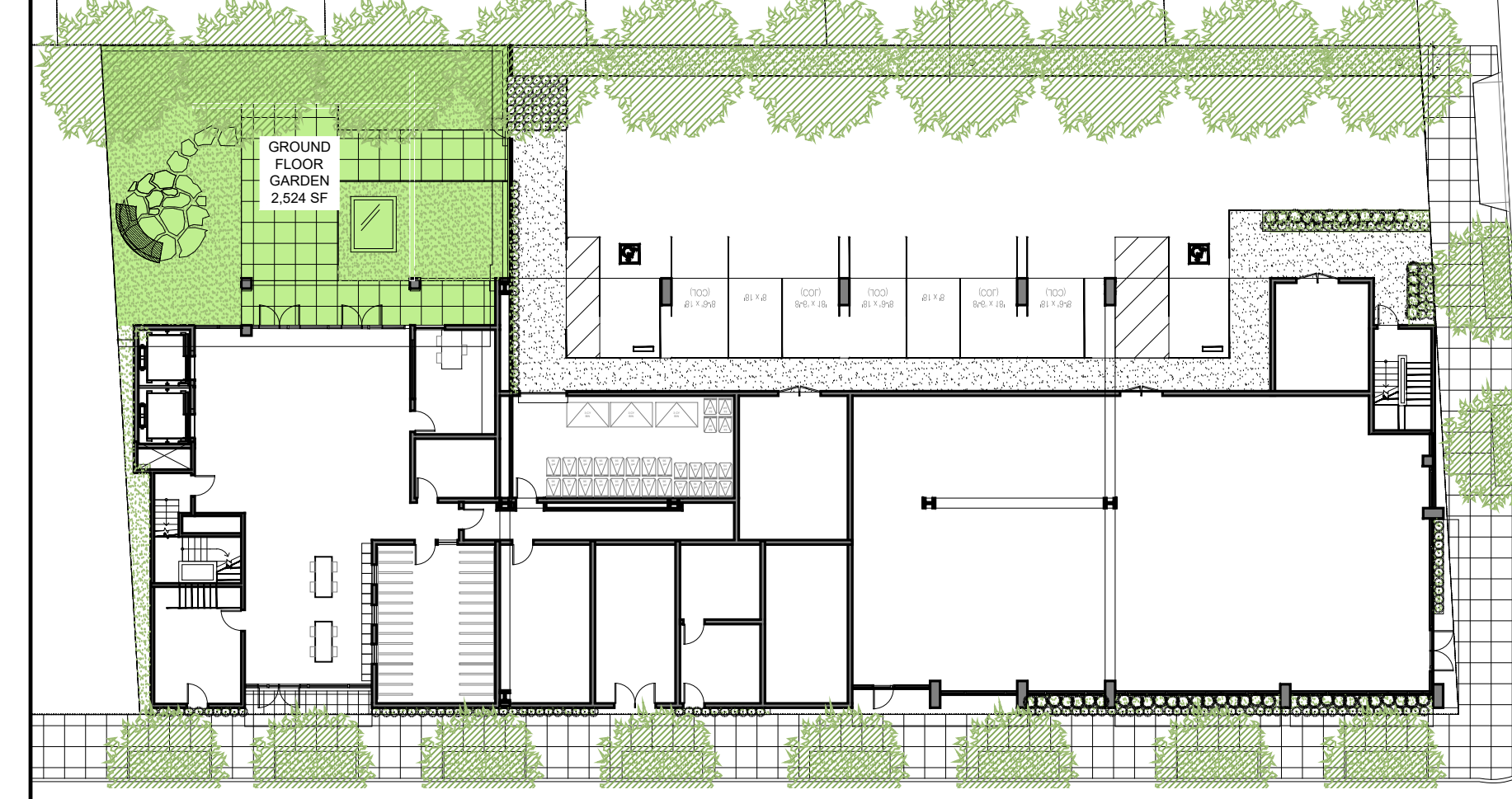
ZONING DATA

A0.1

OPEN SPACE DIAGRAM



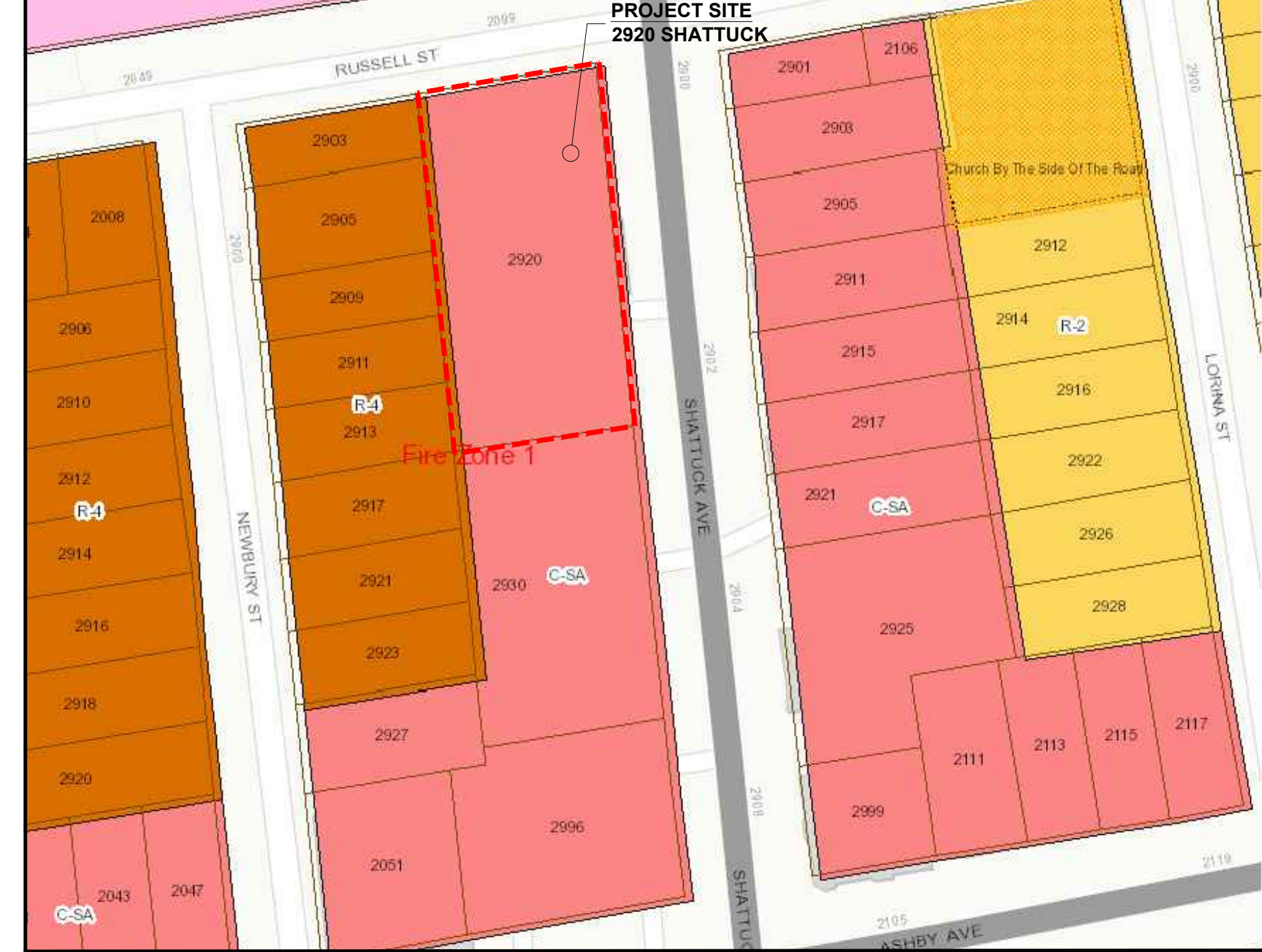
ROOF



GROUND LEVEL

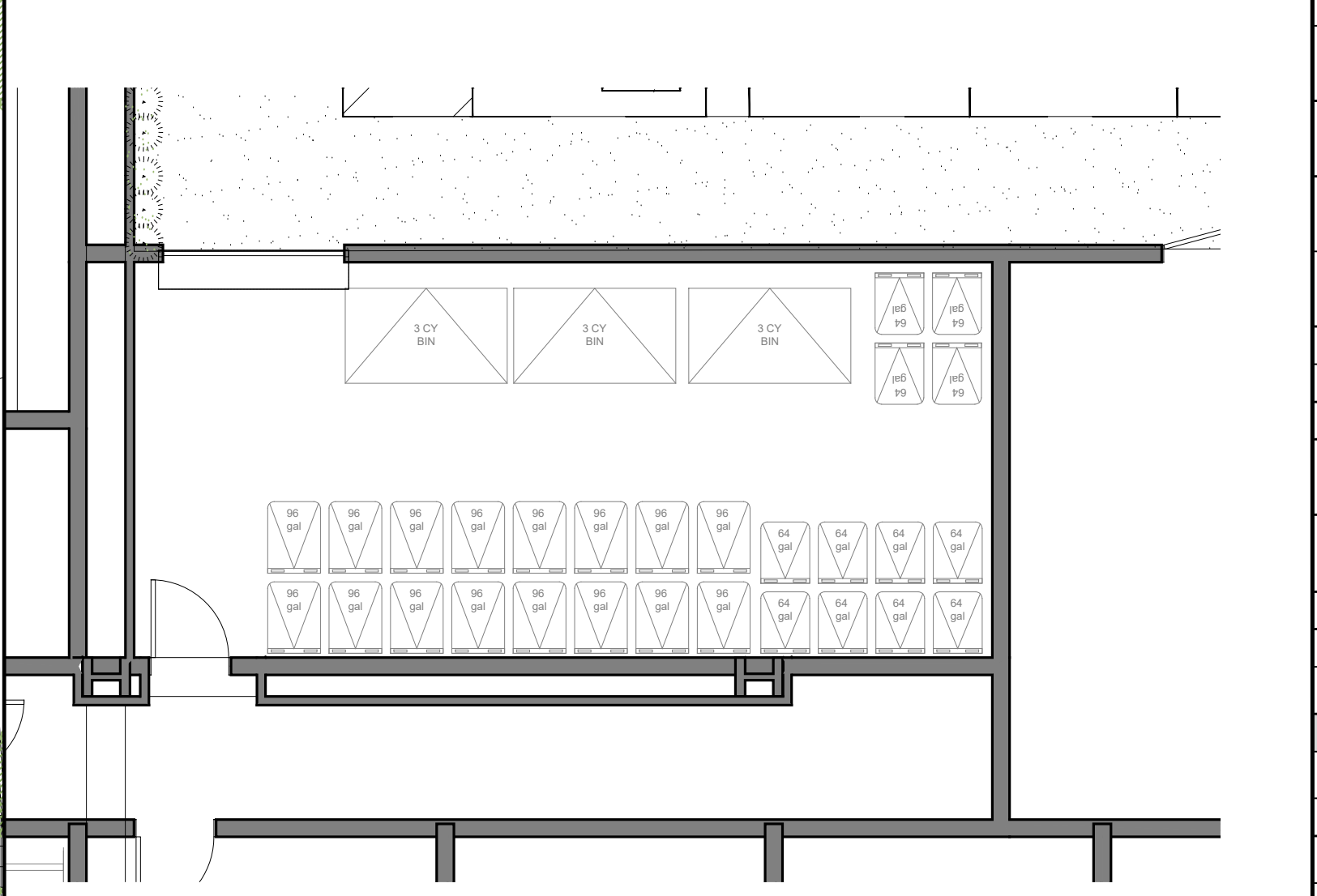


ZONING MAP



REFUSE

Waste and Recycling Calculation										
# of Bedrooms	Factor	Occupants		Total cuft required (.25cy or 90 gallons / 3 occ)	Waste (40%)	Recycling - Container (10%)	Recycling - Paper (30%)	Organics (20%)		
229	1.00	229		19.08 cy	3,817 gal	7.63 cuft	1,527 gal	382 gal	1,145 gal	763 gal



BIKE ROOM



Stretch Rack
Recommended Spacing

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

60 BIKES

ROOFTOP ELEMENTS

ROOFTOP ARCHITECTURAL ELEMENTS CALCS	
AVERAGE AREA	10986
TOTAL AREA OF ROOFTOP ELEMENTS	200
% AREA OF ROOFTOP ARCH.	2%
ALLOWABLE % (PER 23E.04.020C)	15.0%

ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS			
ZONING - C-SA	ALLOWABLE BASE PROJECT		COMPLIANCE
	BASE ZONING	ALLOWABLE W/ UP'S	
NUMBER OF DWELLING UNITS	N/A	N/A	221
COMMERCIAL AREA	N/A	N/A	4,090
PARKING	SEE TABLE	SEE TABLE	SEE TABLE
BIKE PARKING	SEE TABLE	SEE TABLE	SEE TABLE
FRONT YARD SETBACK (RUSSELL)	15'	0' COMPLIES W/UP BMC 23.204.100.D.2	VARIES; 0' TO 2'
STREET SIDE YARD SETBACK (SHATTUCK)	VARIES; 6' TO 15'	0' COMPLIES W/UP BMC 23.204.100.D.2	6"
SIDE YARD SETBACK	VARIES; 4 TO 12'	0' COMPLIES W/UP BMC 23.204.100.D.2	VARIES; 31'-8" TO 51'-9"
REAR YARD SETBACK	15'	0' COMPLIES W/UP BMC 23.204.100.D.2	1'-6"
BUILDING HEIGHT	36'	Not Limited COMPLIES W/UP BMC 23.204.100.D.3	110'-4"
BUILDING STORIES	3	Not Limited COMPLIES W/UP BMC 23.204.100.D.2	10
LOT AREA	19,586	19,586	19,586
LOT AREA (ACRES)	0.45	0.45	0.45
GROSS FLOOR AREA	78,344	78,344	113,948
BUILDING FOOTPRINT	13,648	NOT LIMITED COMPLIES W/UP BMC 23.204.100.D.2	9,965
LOT COVERAGE	45%	NOT LIMITED COMPLIES W/UP BMC 23.204.100.D.2	51%
USABLE OPEN SPACE (SEE TABLE)	SEE TABLE	SEE TABLE	SEE TABLE
PROJECT FAR	4.0	4.0	5.82

FAR CALCULATIONS			
	BASE PROJECT ALLOWABLE	ALLOWABLE W/ UP'S	PROPOSED W/ DENSITY BONUS
SITE AREA	19,586	19,586	19,586
FAR	4.00	4.00	5.82
FLOOR AREA	78,344	78,344	113,948

PROPOSED FLOOR AREA WITH DENSITY BONUS			
	COMMERCIAL	RESIDENTIAL	TOTAL
LEVEL 10		7,285	7,285
LEVEL 9		12,146	12,146
LEVEL 8		12,146	12,146
LEVEL 7		12,146	12,146
LEVEL 6		12,146	12,146
LEVEL 5		12,146	12,146
LEVEL 4		12,146	12,146
LEVEL 3		12,146	12,146
LEVEL 2		11,676	11,676
GROUND LEVEL	4,090	5,875	9,965
TOTAL FLOOR AREA W/ DENSITY BONUS	4,090	109,858	113,948
FAR (FLOOR AREA RATIO)			5.82

UNIT COUNTS				
UNIT TYPE	STUDIO	1-BED	2-BED	TOTAL
LEVEL 10	12	1	0	13
LEVEL 9	24	1	1	26
LEVEL 8	24	1	1	26
LEVEL 7	24	1	1	26
LEVEL 6	24	1	1	26
LEVEL 5	24	1	1	26
LEVEL 4	24	1	1	26
LEVEL 3	24	1	1	26
LEVEL 2	24	1	1	26
GROUND LEVEL	0	0	0	0
TOTAL	204	9	8	221
PERCENT OF TOTAL	92%	9%	4%	
TOTAL BEDROOM COUNT	204	9	16	229

OPEN SPACE TABLE			
	UNITS	RATIO	TOTAL
TOTAL UNITS	221	40	8,840
TOTAL REQUIRED			8,840
TOTAL CONCESSION REQUESTED			1,784
TOTAL AREA PROVIDED			7,056
GROUND LEVEL GARDEN			2,524
ROOF DECK			4,532

BICYCLE PARKING CALCULATIONS			
	UNITS/SF	SPACES PER BEDROOM/SF	TOTAL REQ
NEW COMMERCIAL	4,090	1/2000	2
RESIDENTIAL (LONG TERM)	229	0.33	60
RESIDENTIAL (SHORT TERM)	229	0.025	6
TOTAL BICYCLE PARKING			84
TOTAL CONCESSION REQUESTED			16

PARKING TABLE			
	UNITS/SF	MIN.	MAX (.5/UNIT)
RESIDENTIAL	221	0	110.5
COMMERCIAL	4,090	2/1000 SF	N/A

TRACHTENBERG
ARCHITECTS

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DENSITY BONUS CALCULATIONS

A0.3A



DENSITY BONUS TABLE										
Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project	
sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density (rounded up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	% Bonus x Base # Units (rounded up)	
74,822	150.52	151	14%	21.14	22.00	46.25%	69.8375	70	221	
Base Project Res. Area	Floor	Proposed Project Res. Area	#VLI	%VLI	%DB	#DB	#Concessions			
	Tenth	7,285	8	5%	20.0%	182	1			
	Ninth	12,146	10	6%	22.5%	185	1			
	Eighth	12,146	11	7%	25.0%	189	1			
	Seventh	12,146	13	8%	27.5%	193	1			
	Sixth	12,146	14	9%	30.0%	197	1			
13,604	Fifth	12,146	16	10%	32.5%	201	2			
13,604	Fourth	12,146	17	11%	35.0%	204	2			
13,604	Third	12,146	19	12%	38.75%	210	2			
13,604	Second	11,676	20	13%	42.5%	216	2			
6,802	Ground	5,875	22	14%	46.25%	221	2			
			23	15%	50.0%	227	3			
Total Floor Area:		74,822	109,858							
Base Project # of Units	Floor	Proposed Project # of Units								
	Tenth	13								
	Ninth	26								
	Eighth	26								
	Seventh	26								
30	Sixth	26								
30	Fifth	26								
30	Fourth	26								
30	Third	26								
30	Second	26								
1	Ground									
Total Units:		151	221							
Proposed Area:		109,858								
Proposed Units:		221		#Concessions						
Average Unit Size:		497		1. Reduce open space requirement 2. Reduce bicycle parking requirement						
BASE PROJECT ZONING COMPLIANCE CHECKS										
Base Project - Open Space										
	Units	Ratio	Total Area							
Base Units	151	40	6040							
Provided Open Space (Roof Deck)			7548							
Base Project - FAR										
	Res. Area	Commercial	Total GFA							
GFA	74,822	3810	78,632							
Site Area			19,586							
FAR			4							
Base Project - Parking										
	Units/SF	Bedrooms	Ratio	Total Req.	Provided					
Residential				0	0					
Commercial	3,810	N/A	2/1000 SF	4	4					
Base Project -Bicycle Parking										
	Units/SF	Bedrooms	Ratio	Total Req.	Provided					
New Comm.	3,810		1/2000	2	2					
Res. (Long)		151	0.33	50	50					
Res (Short)		151	0.025	4	4					
Total					56					
Base Project - Stormwater										
	Roof Area	%	Required	Provided						
Base Units	9115	4%	365	949						

PROPOSED DENSITY BONUS PROJECT

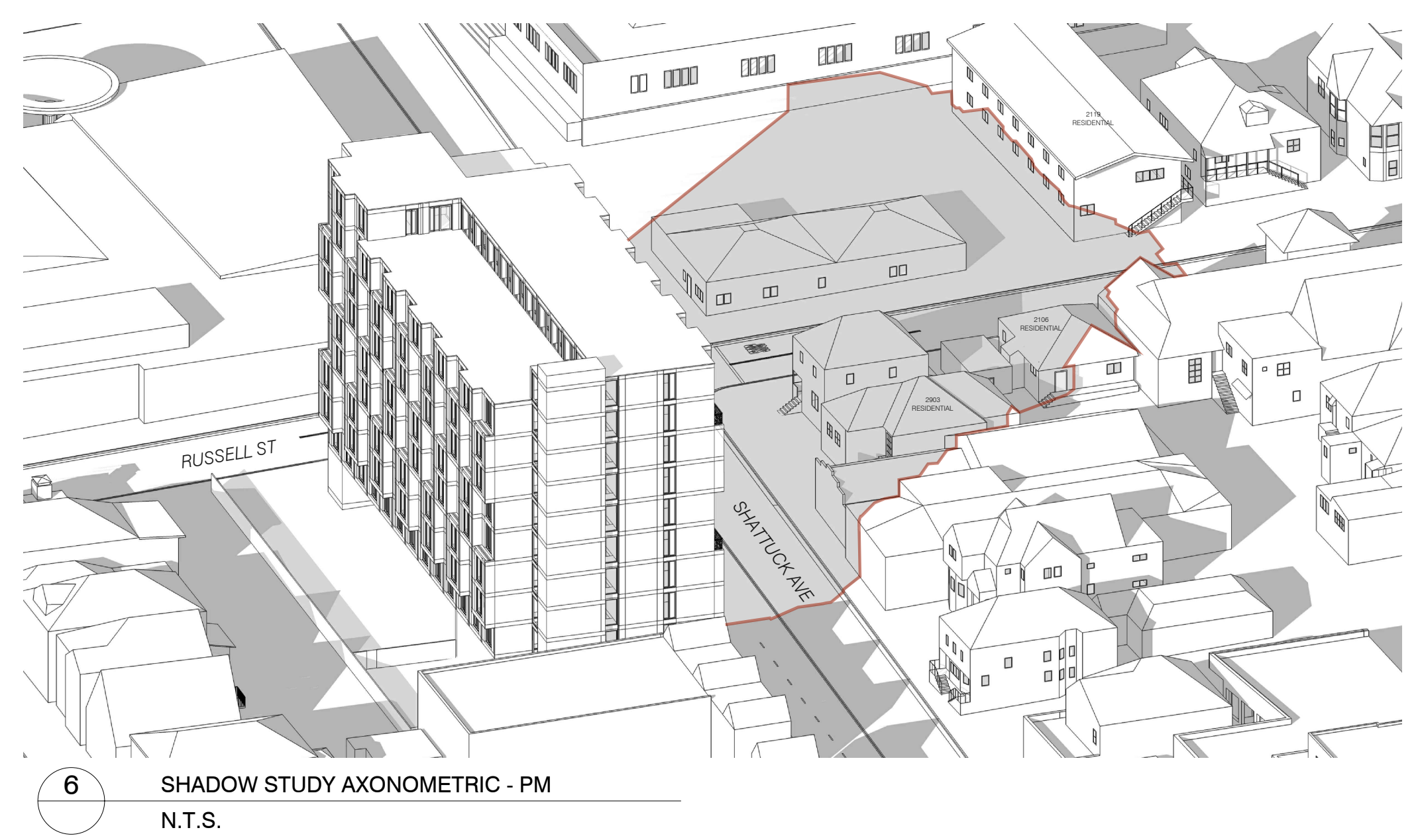
BASE PROJECT



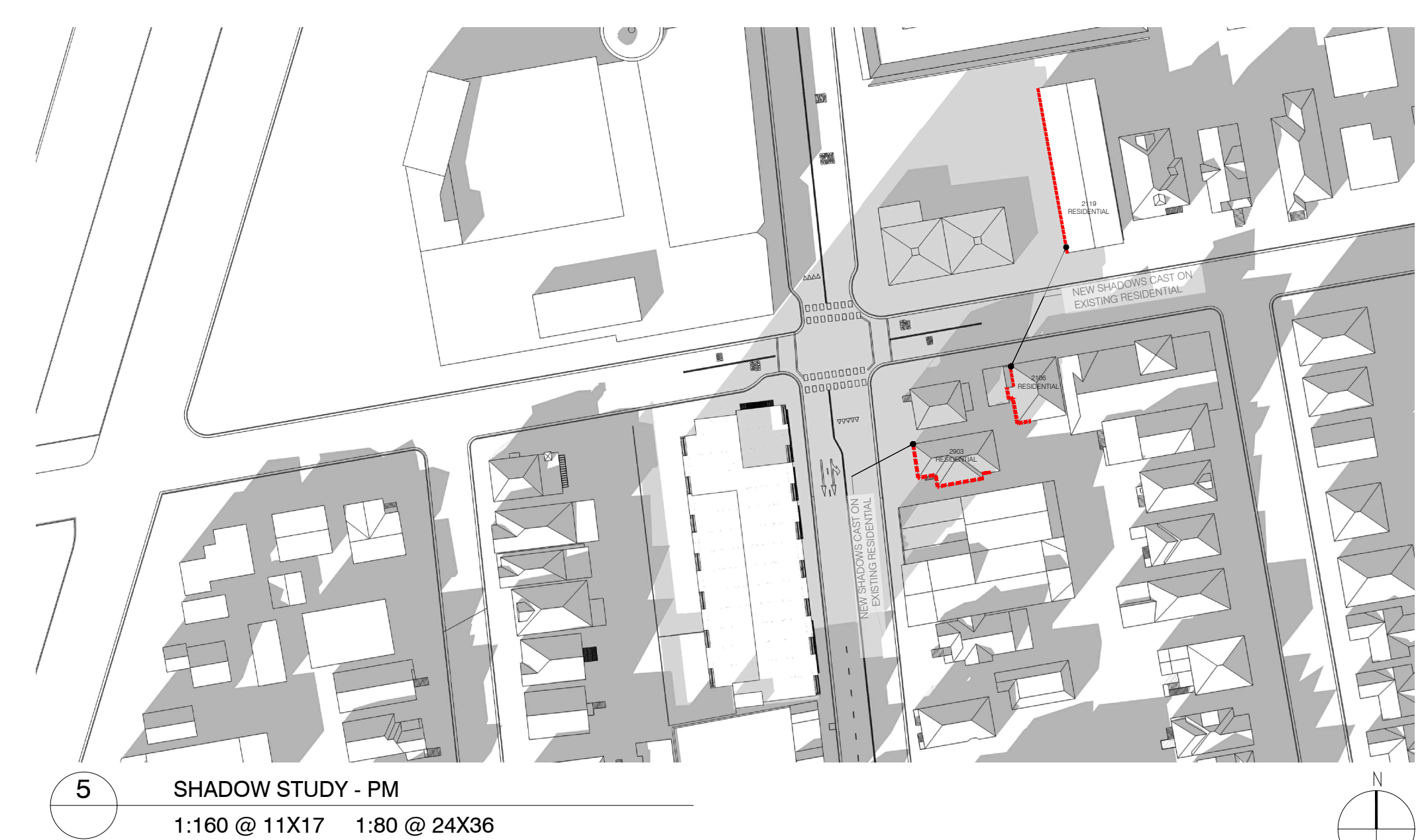
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WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

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



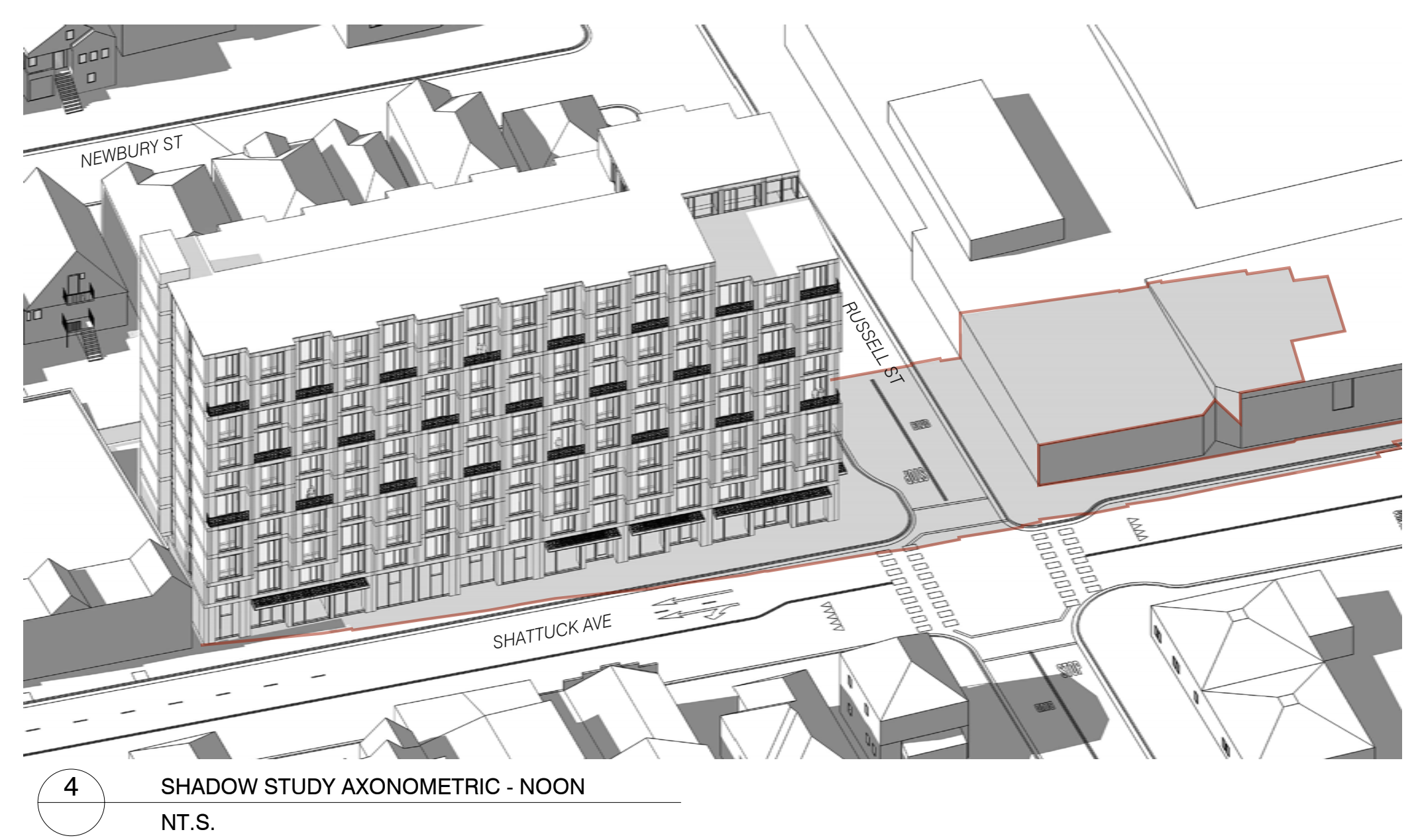
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N.T.S.



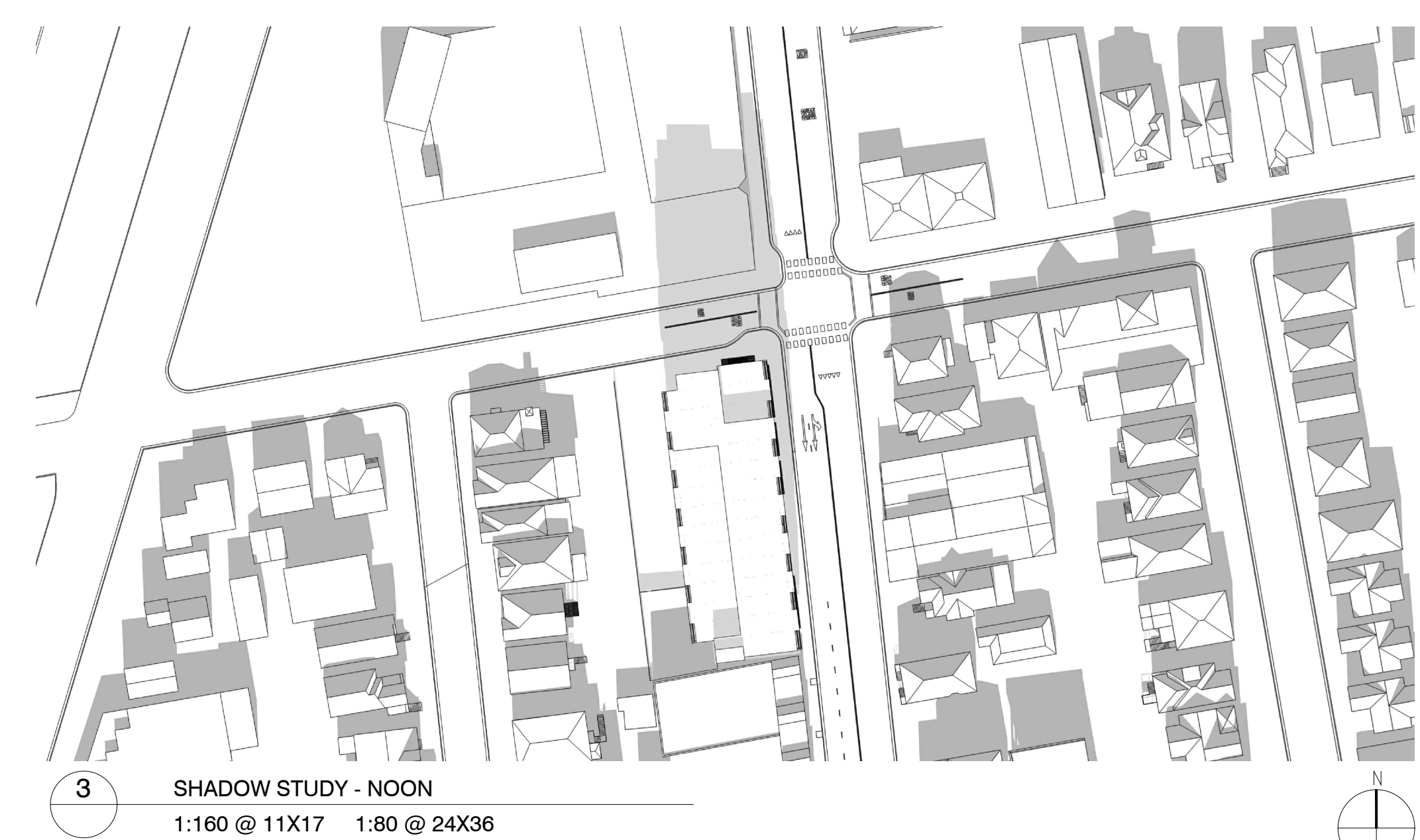
5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

WINTER SOLSTICE
DEC 21ST:
NOON

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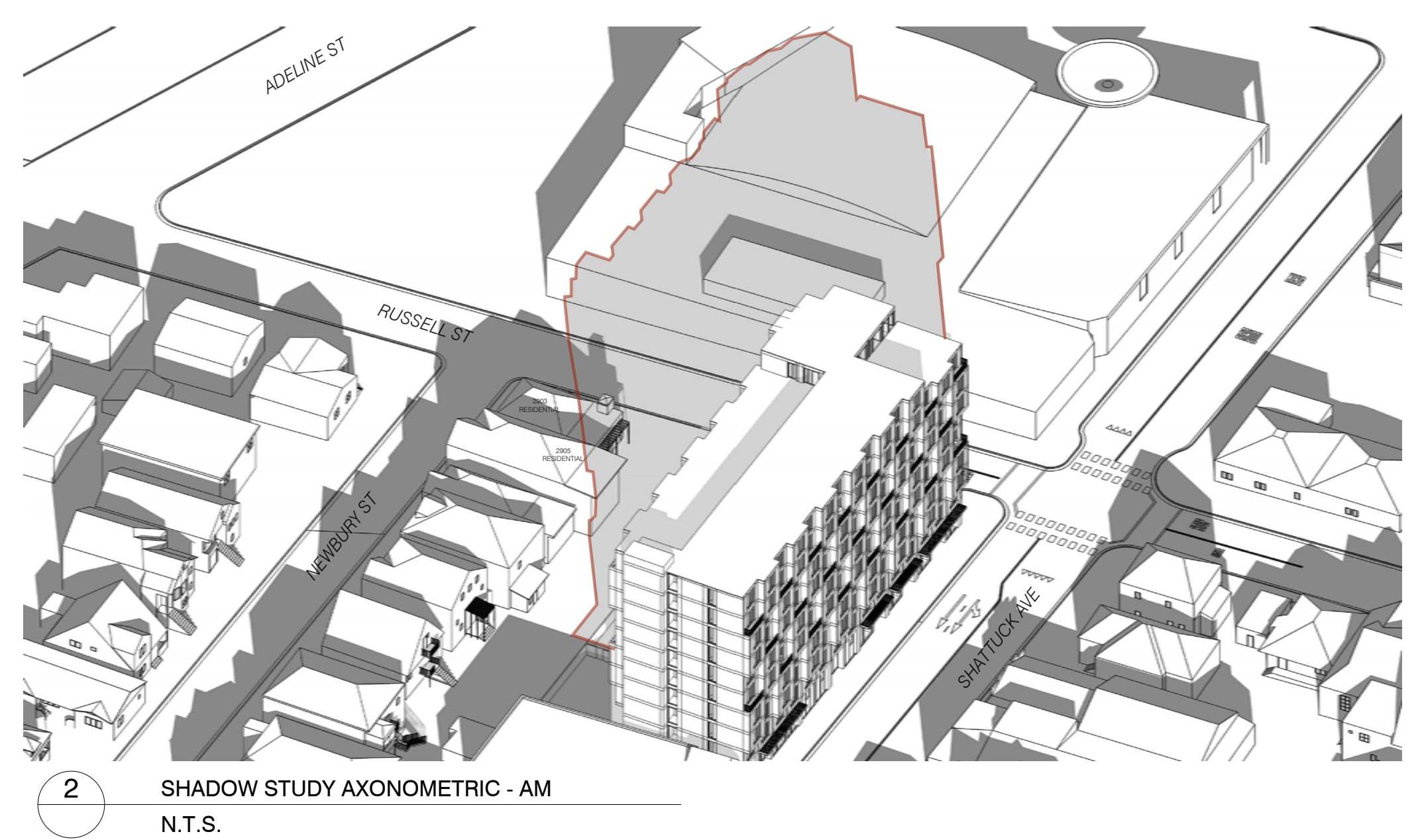
4 SHADOW STUDY AXONOMETRIC - NOON
N.T.S.



3 SHADOW STUDY - NOON
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WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

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2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

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**SHADOW STUDIES
DECEMBER 21ST**

A0.4A



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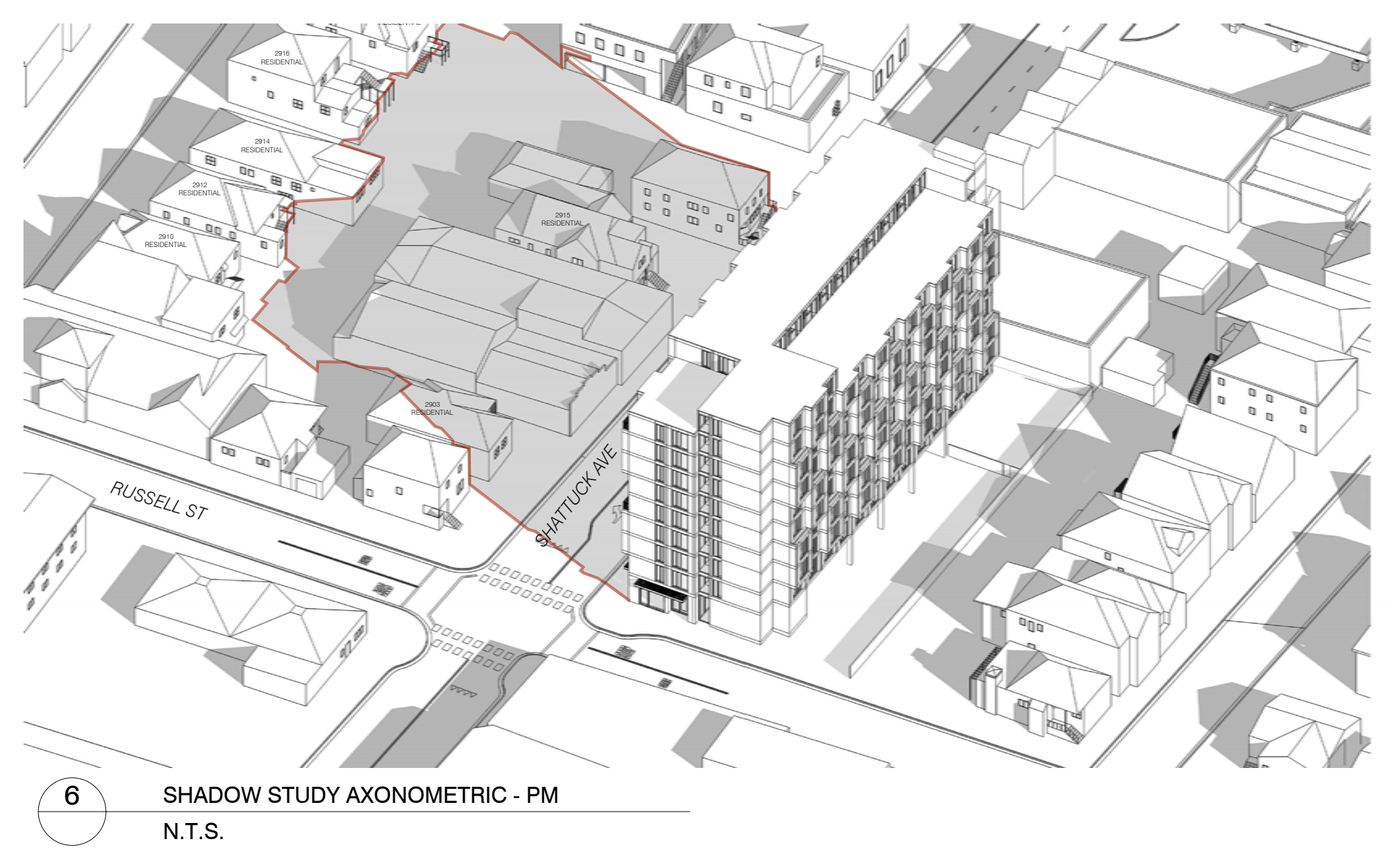
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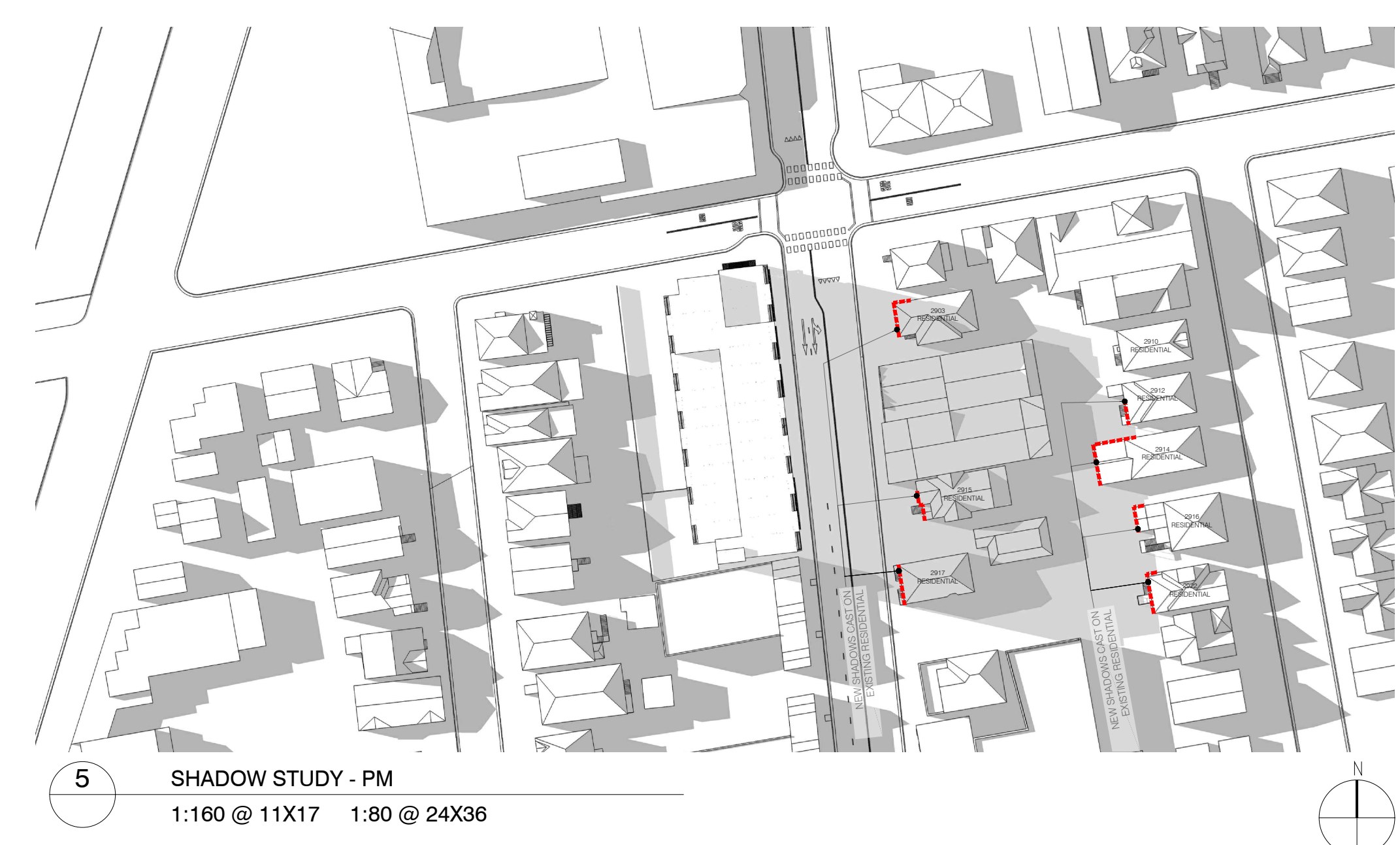
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SHADOW STUDIES
JUNE 21ST

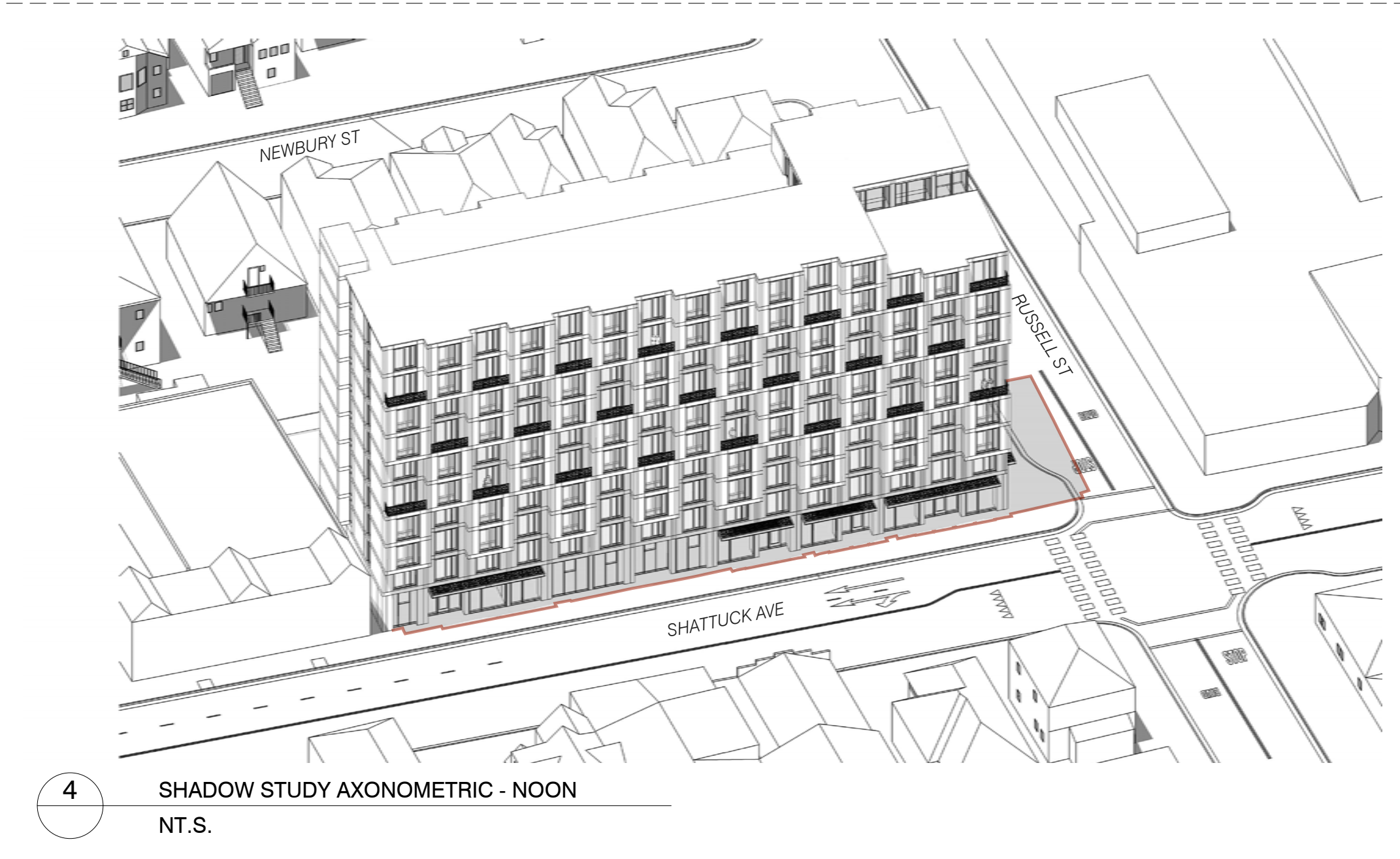
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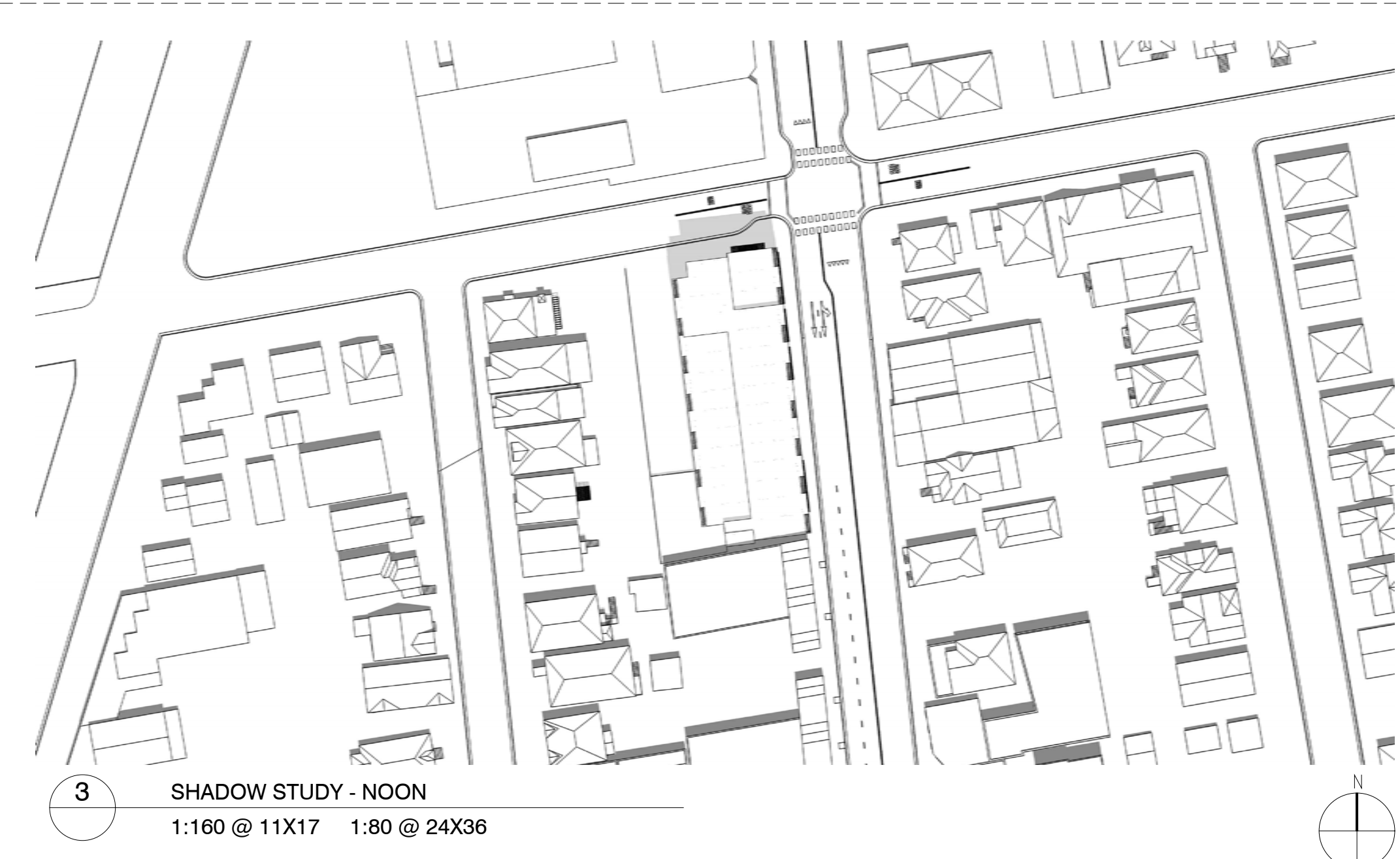
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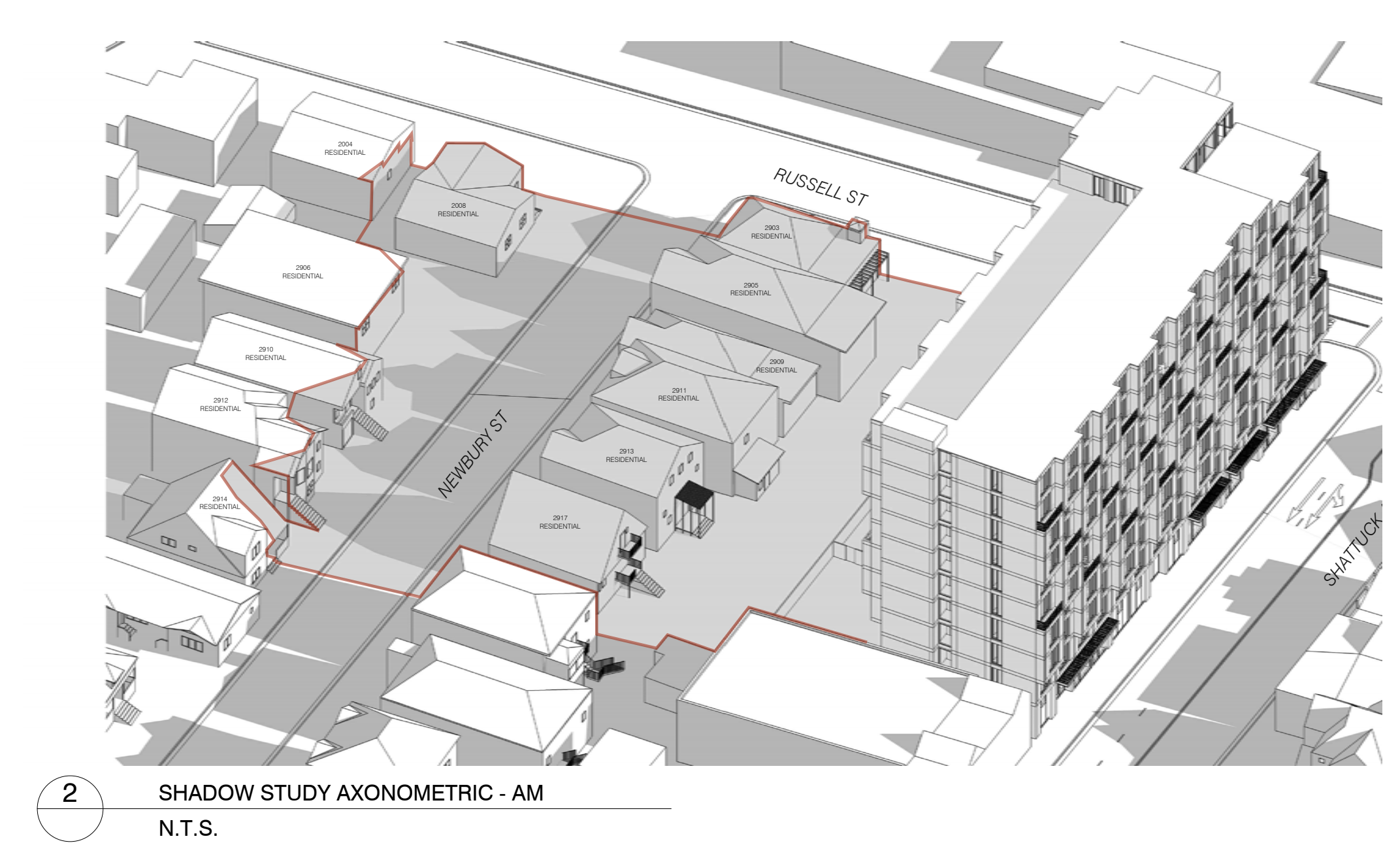
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1:160 @ 11X17 1:80 @ 24X36



4 SHADOW STUDY AXONOMETRIC - NOON
N.T.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36



2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



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1:160 @ 11X17 1:80 @ 24X36

SUMMER SOLSTICE JUN 21ST: 2-HRS BEFORE SUNSET (PM)

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 - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 - NEW SHADOW AT RESIDENTIAL BUILDING
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SUMMER SOLSTICE JUN 21ST: NOON

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SUMMER SOLSTICE JUN 21ST: 2-HRS AFTER SUNRISE (AM)

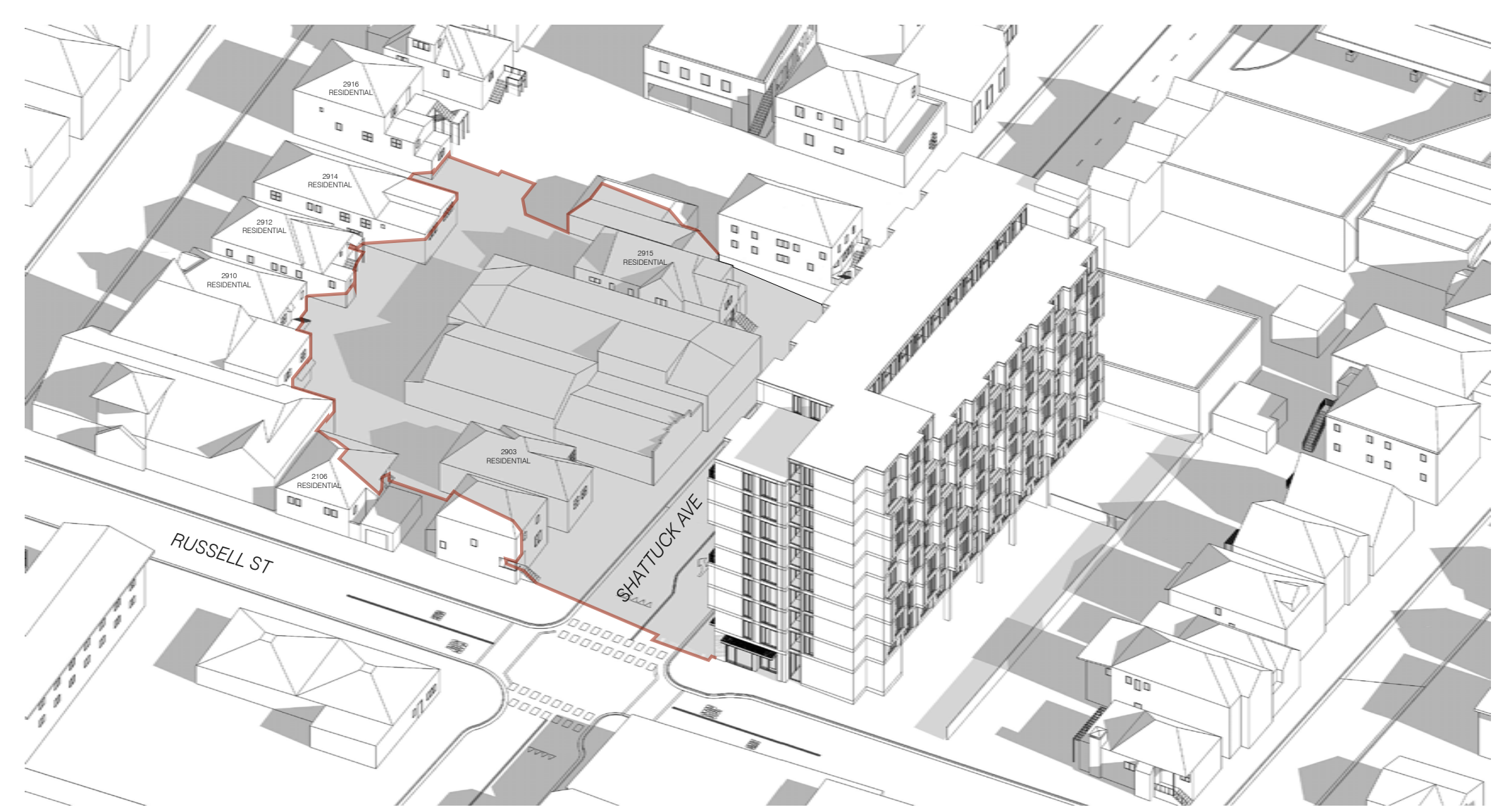
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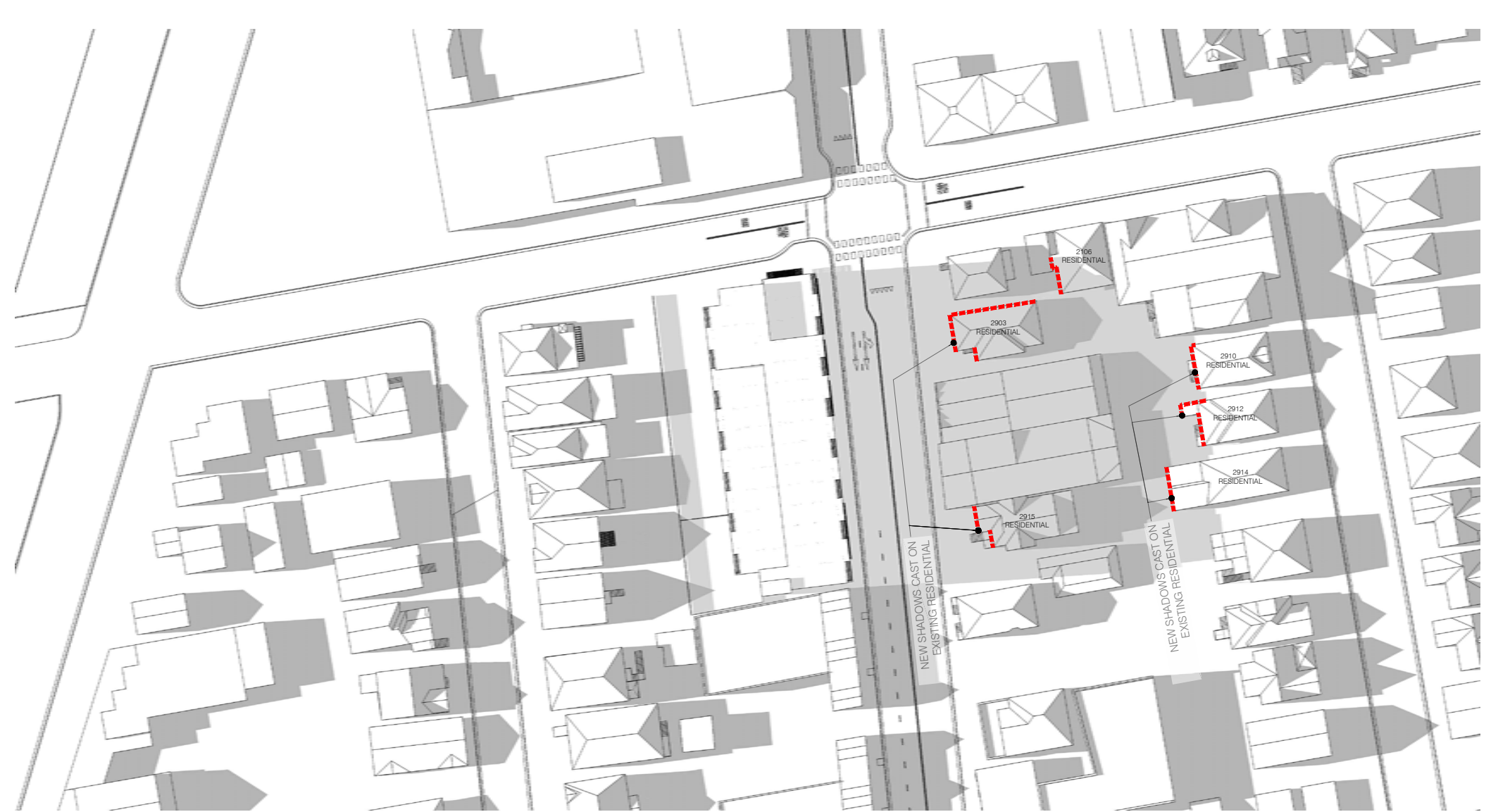
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CURRENT
APRIL 20TH
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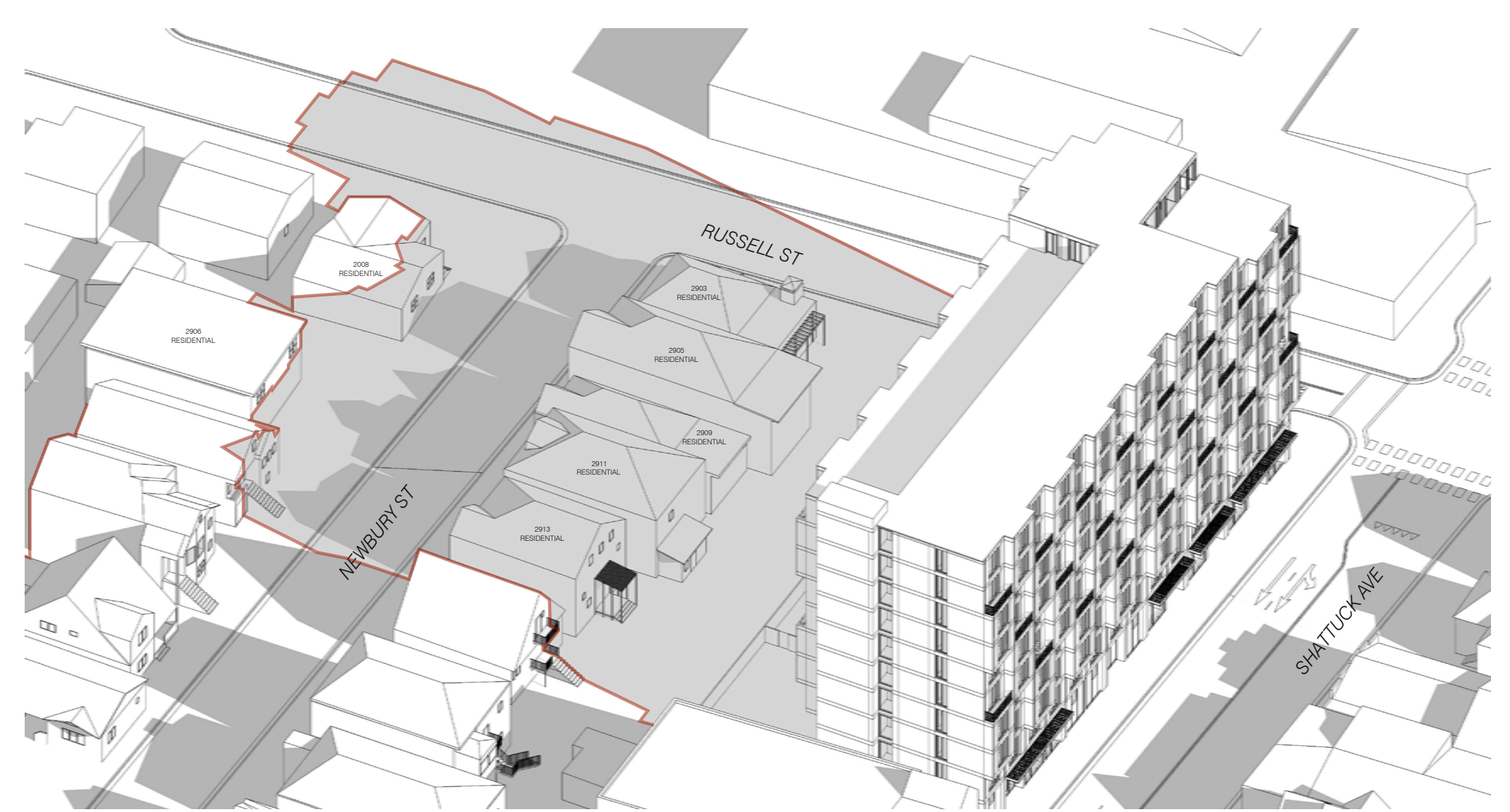
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APRIL 20TH

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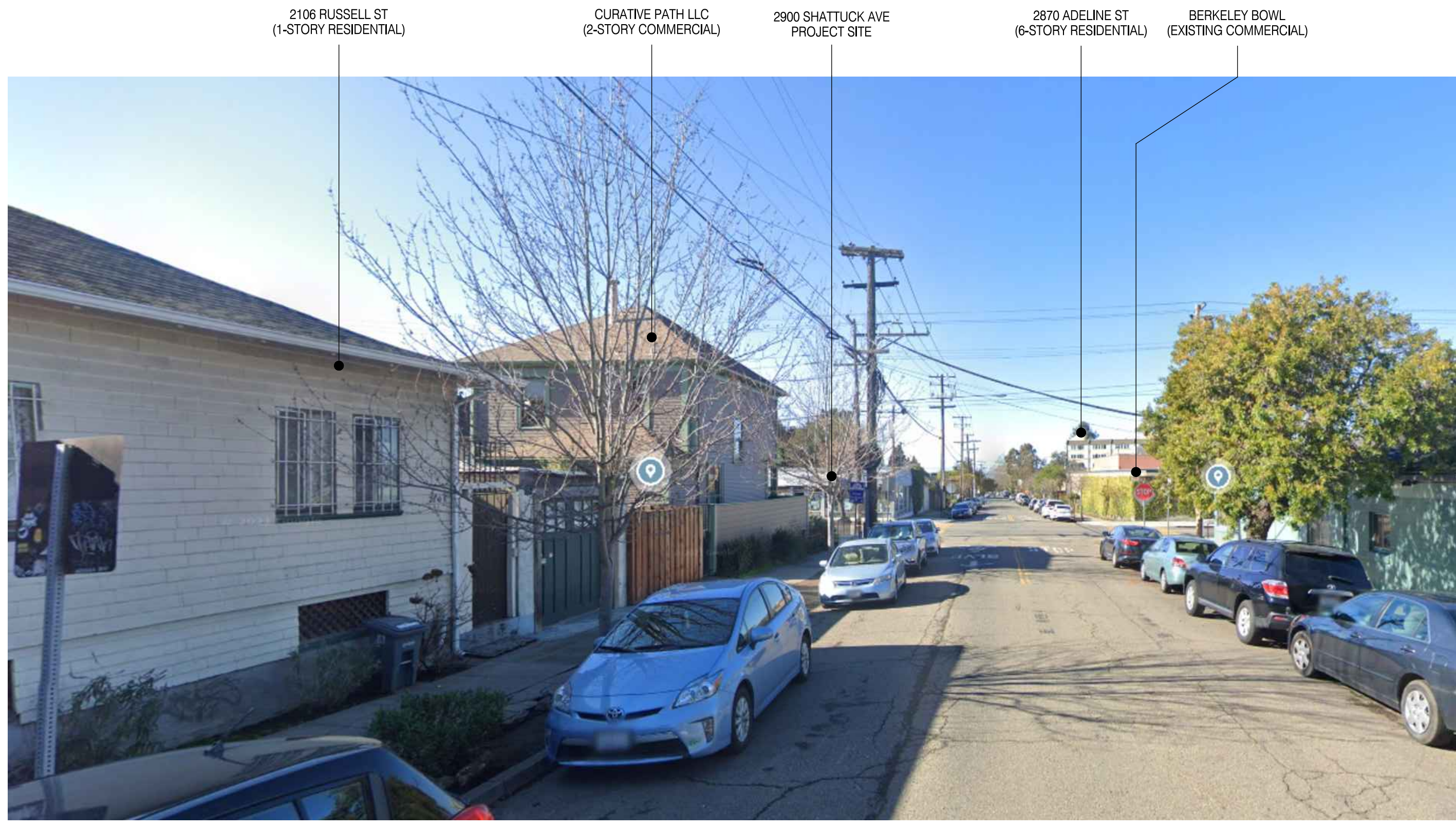
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SHEET:

SITE CONTEXT
PHOTOS

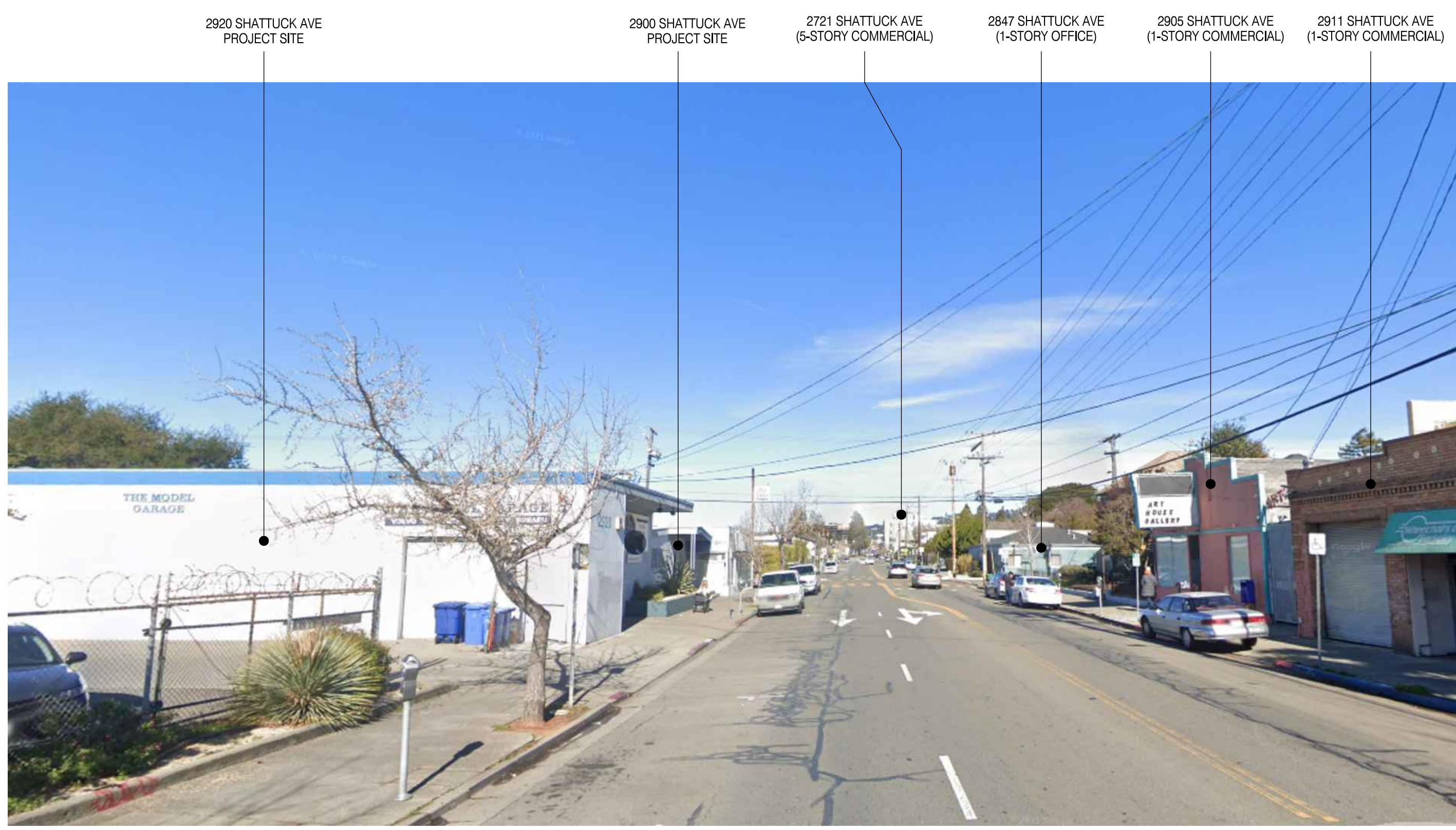
A0.5



4 VIEW FROM RUSSELL LOOKING WEST
A0.5



2 VIEW FROM RUSSELL LOOKING EAST
A0.5



3 VIEW FROM SHATTUCK LOOKING NORTH
A0.5



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW
A0.5

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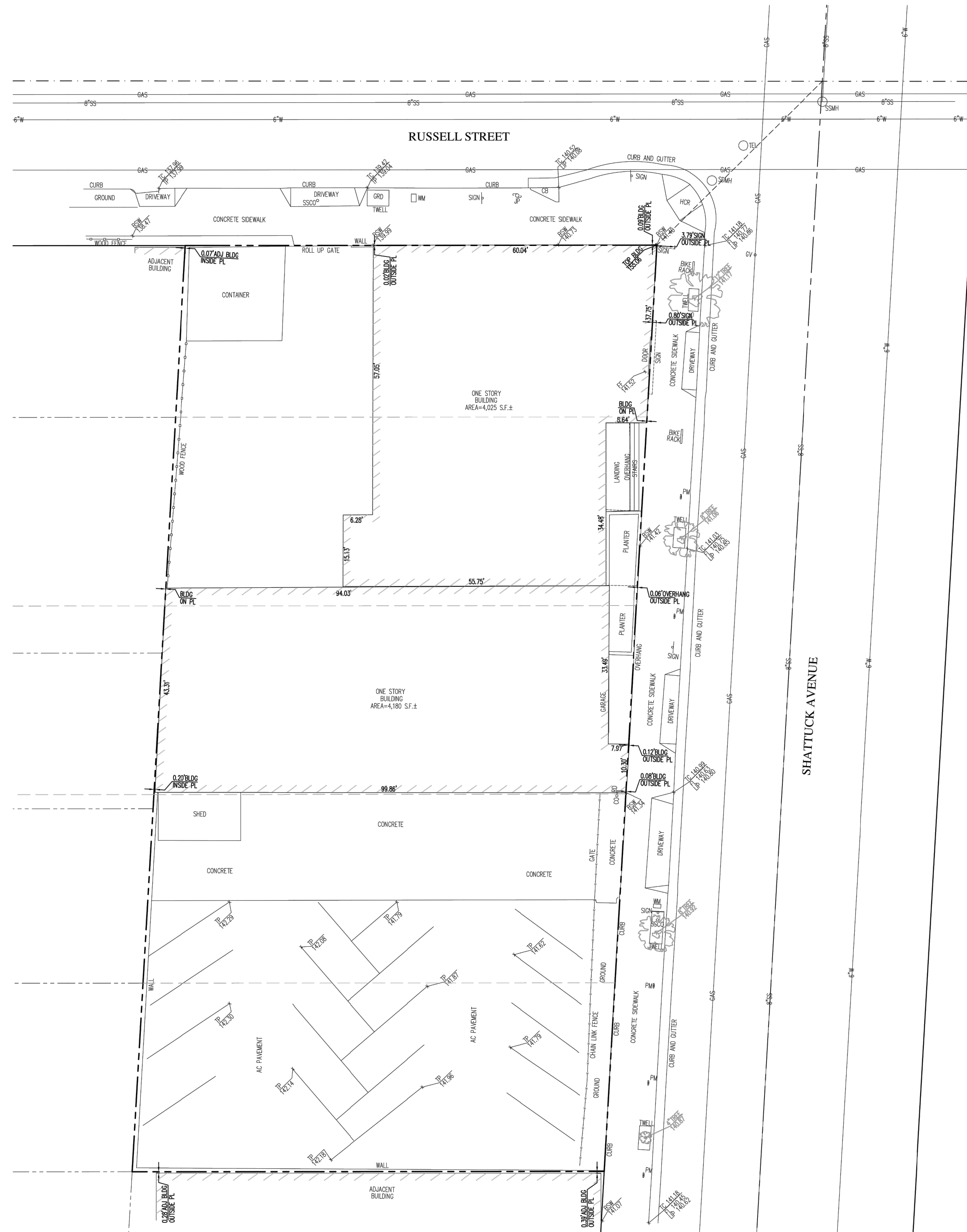
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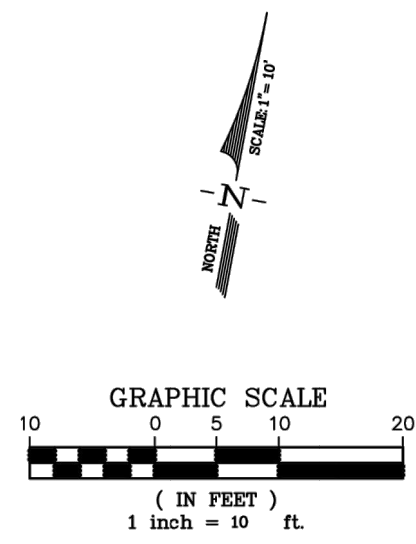
SURVEY

A1.0



LEGEND

SYMBOLS	DESCRIPTION
---	BOUNDARY - SUBJECT PROPERTY
---	RIGHT-OF-WAY LINE
---	OLD LOT LINE
---	INTERIOR PROPERTY LINE
---	MONUMENT LINE
---	TE LINE
---	CENTERLINE
---	BUILDING LINE
SS	SANITARY SEWER LINE
GA	GAS LINE
W	WATER LINE
JP	JOINT POLE
AC	ASPHALT CONCRETE PAVEMENT
SL	STREET LIGHT
HCR	HANDICAP RAMP
PM	PARKING METER
GRD	GROUND
TWELL	TREE WELL
CB	CATCH BASIN
TEL	TELECOMMUNICATION BOX
WM	WATER METER
SDMH	STORM DRAIN MANHOLE
SSCO	SANITARY SEWER MANHOLE
TELMH	TELEPHONE MAN HOLE
SSMH	SANITARY SEWER MAN HOLE
GV	GAS VALVE
FF	FINISHED FLOOR ELEVATION
X-BS.60	BACK OF SIDEWALK ELEVATION
X-TS.60	TOP OF SIDEWALK ELEVATION
X-TC.65.64	TOP OF CURB ELEVATION
X-TP.65.64	TOP OF PAVEMENT ELEVATION
X-TL.65.64	FLOW LINE ELEVATION
X-LP.65.64	UP ELEVATION
X-TOP BLDG.65.64	TOP OF BUILDING ELEVATION
⊙	TREE



**ALTA / NSPS
LAND TITLE SURVEY**

OF
2900 & 2920 SHATTUCK AVENUE
CITY OF BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA
OCTOBER 2022
PREPARED BY
LUK & ASSOCIATES
CIVIL ENGINEERS - LAND PLANNERS - LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388

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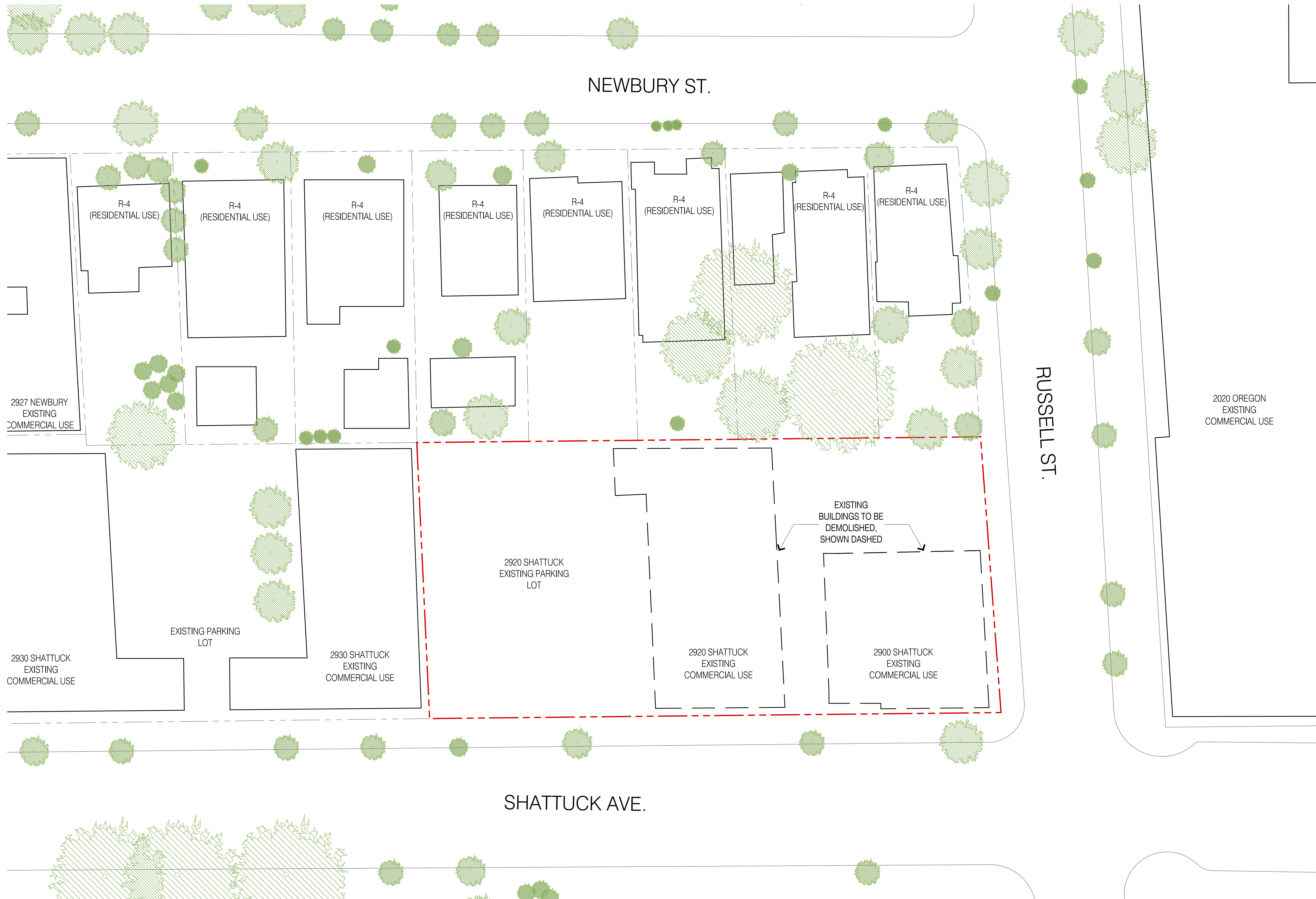
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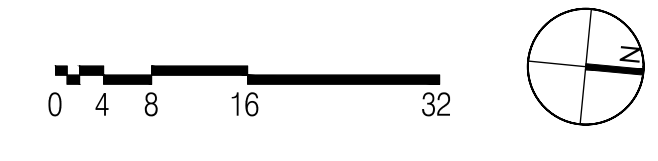
SHEET:

EXISTING
SITE PLAN

A2.0



1
A2.00
EXISTING SITE PLAN
1/32"=1'-0" @ 11x17 1/16"=1'-0" @ 24x36



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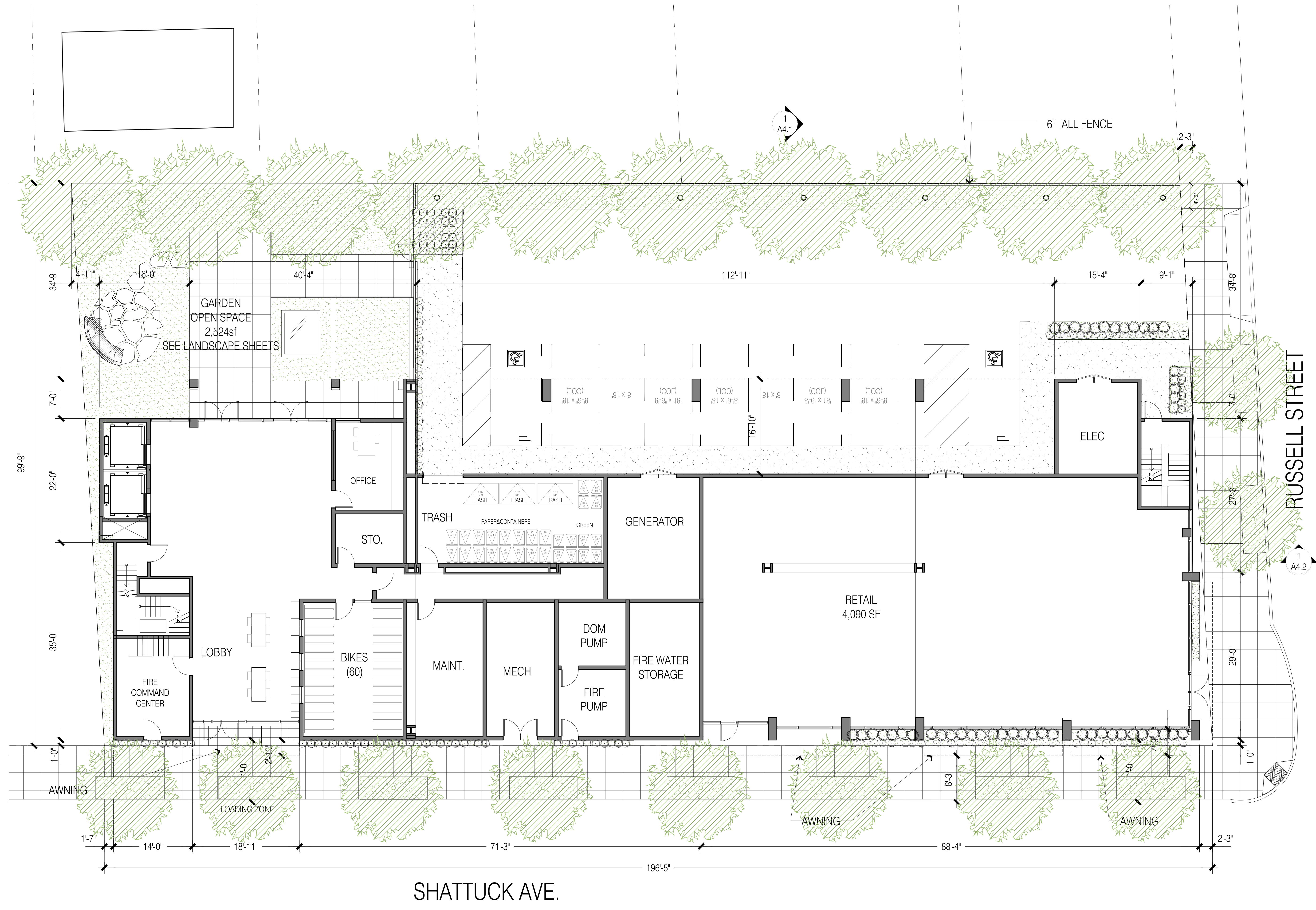
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SHEET:

PLAN AT
GROUND LEVEL

A2.1



SHATTUCK AVE.

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

0 4 8 16

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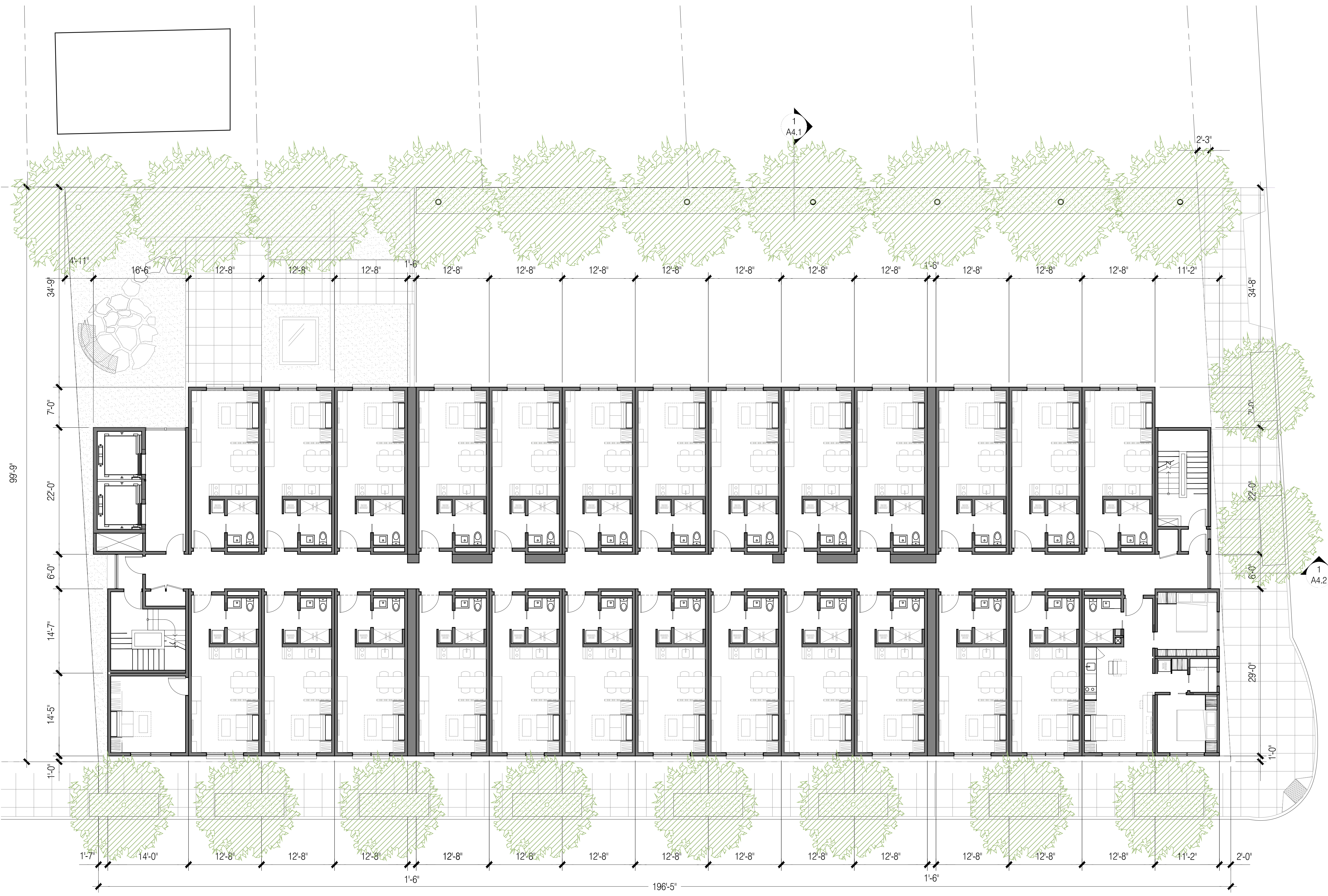
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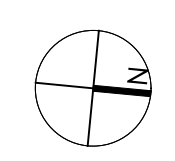
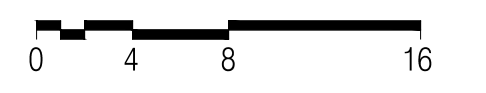
SHEET:

PLAN AT
LEVEL 2

A2.2



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



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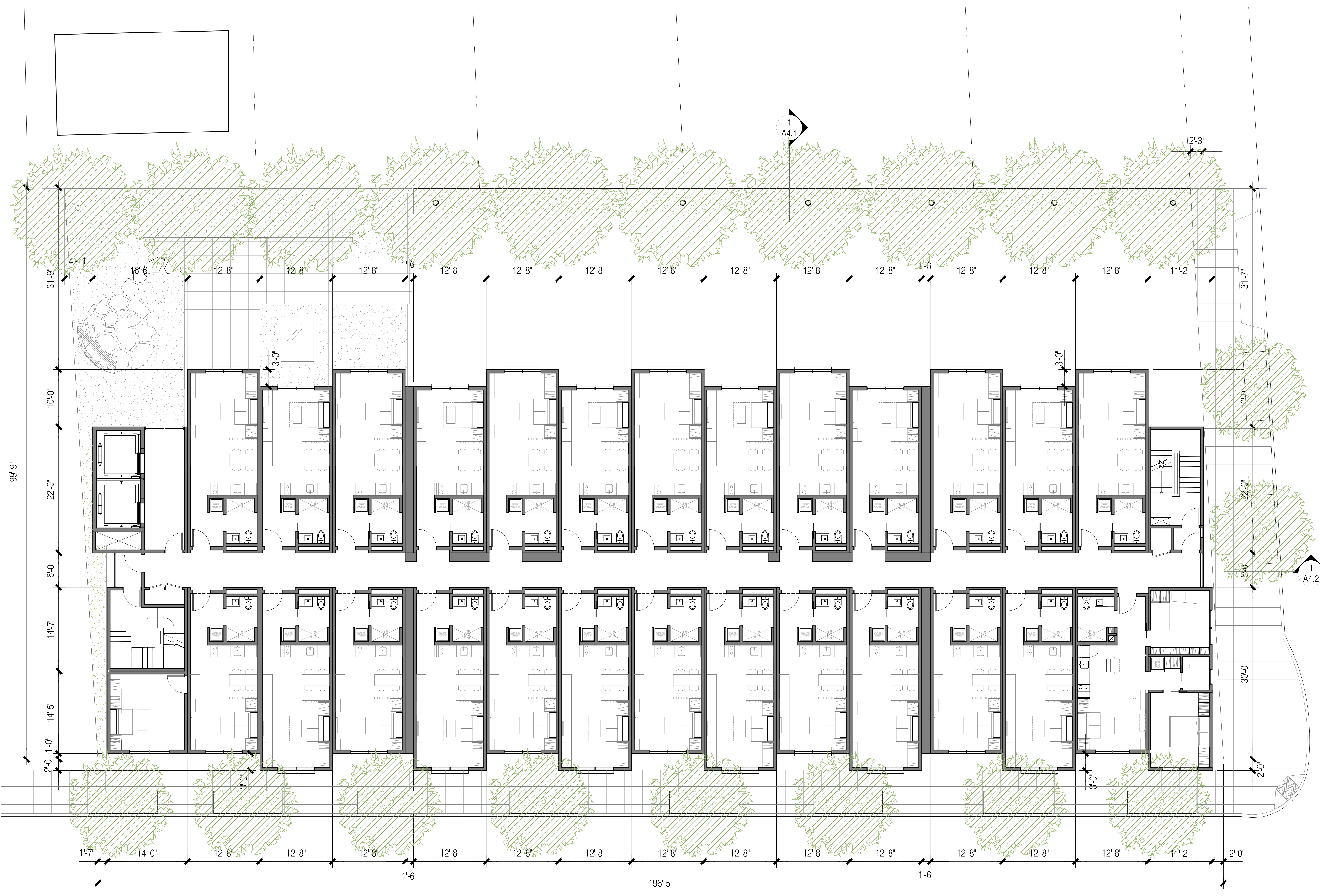
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SHEET:

PLAN AT
 LEVELS 3,4,7,8

A2.3



1
 -
 PLAN AT LEVELS 3,4,7,8
 1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36 0 4 8 16

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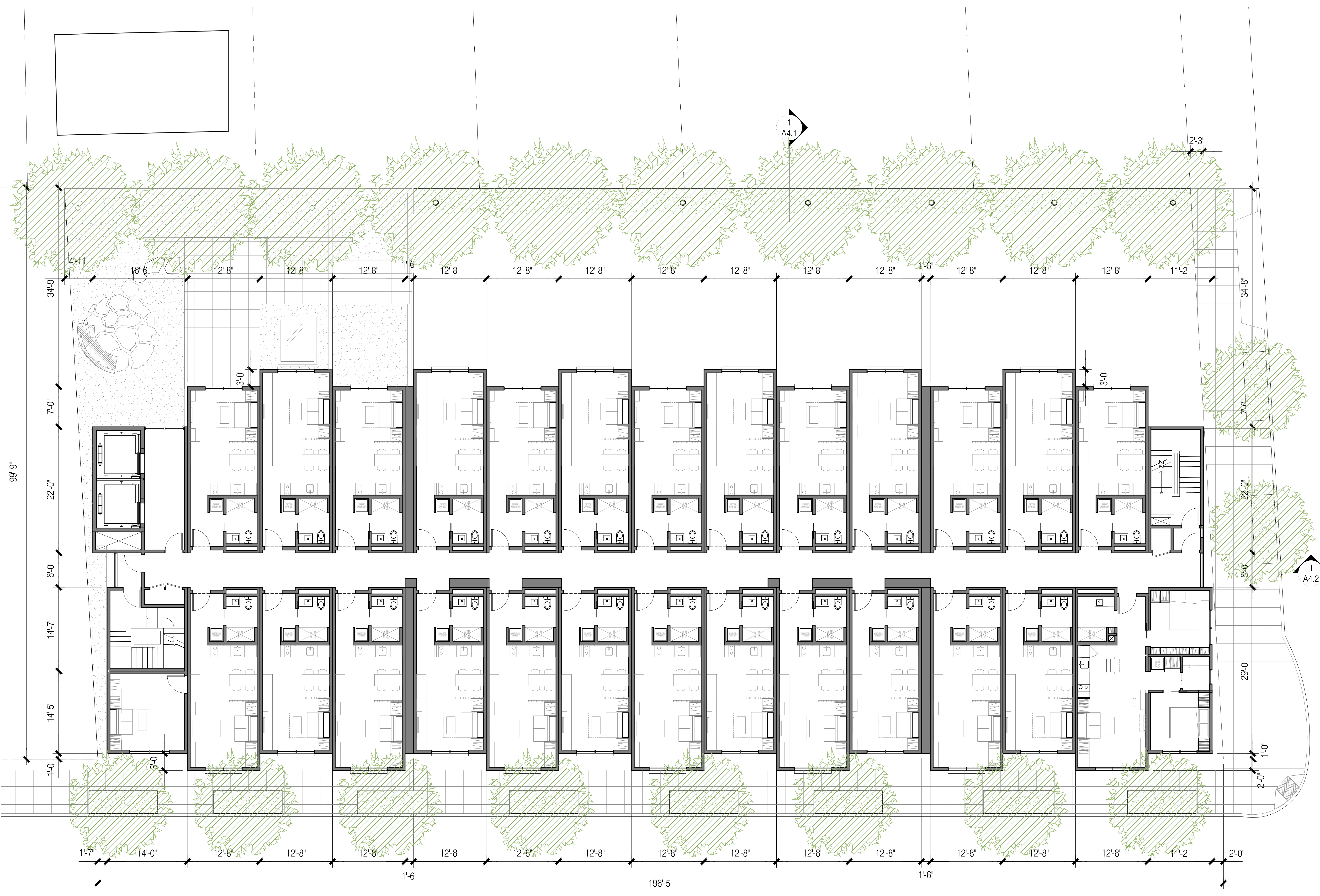
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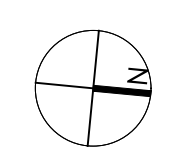
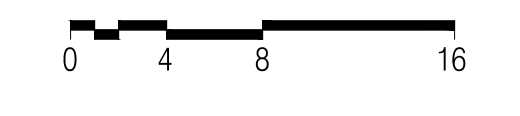
SHEET:

PLAN AT
 LEVELS 5,6,9

A2.4



1 PLAN AT LEVELS 5,6,9
 1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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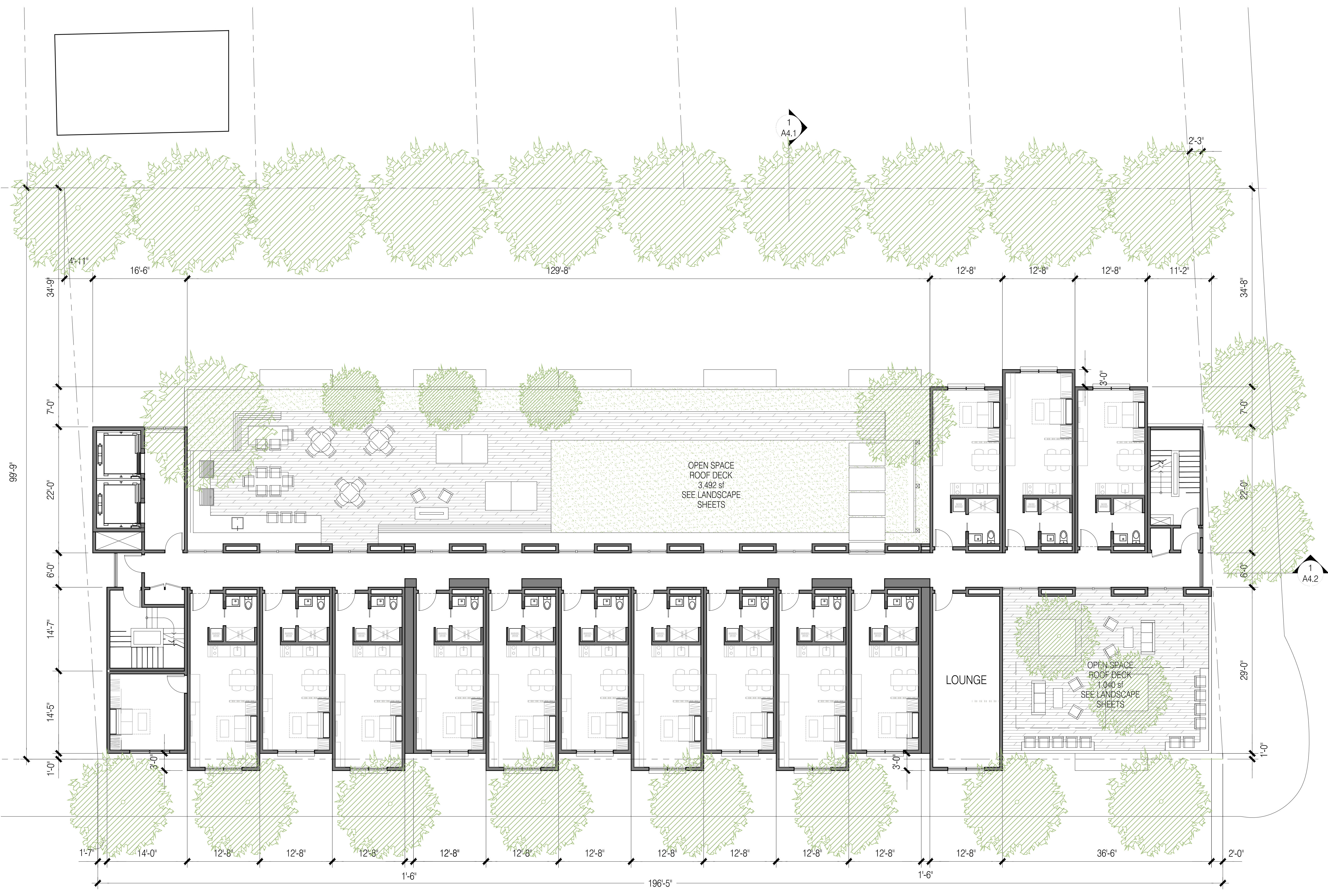
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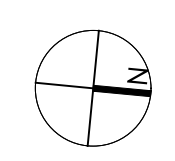
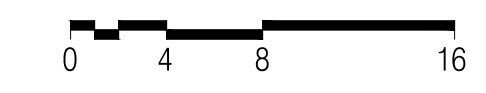
SHEET:

PLAN AT
LEVEL 10

A2.5



1 PLAN AT LEVEL 10
1/16" = 1'-0" @ 11x17 1/8" = 1'-0" @ 24x36



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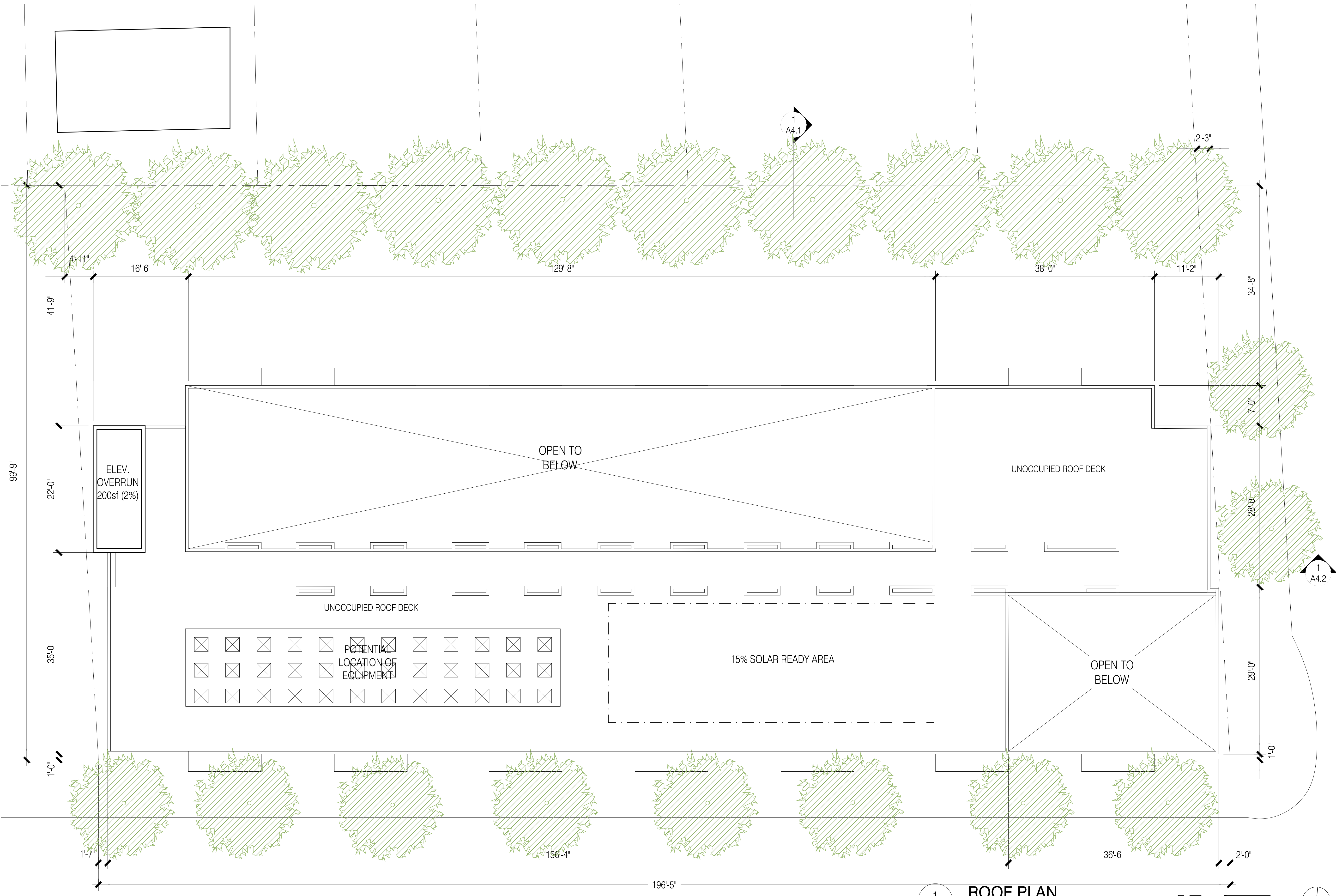
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SHEET:

ROOF PLAN

A2.6



1 ROOF PLAN
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36
0 4 8 16

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SHEET:

BUILDING
ELEVATIONS

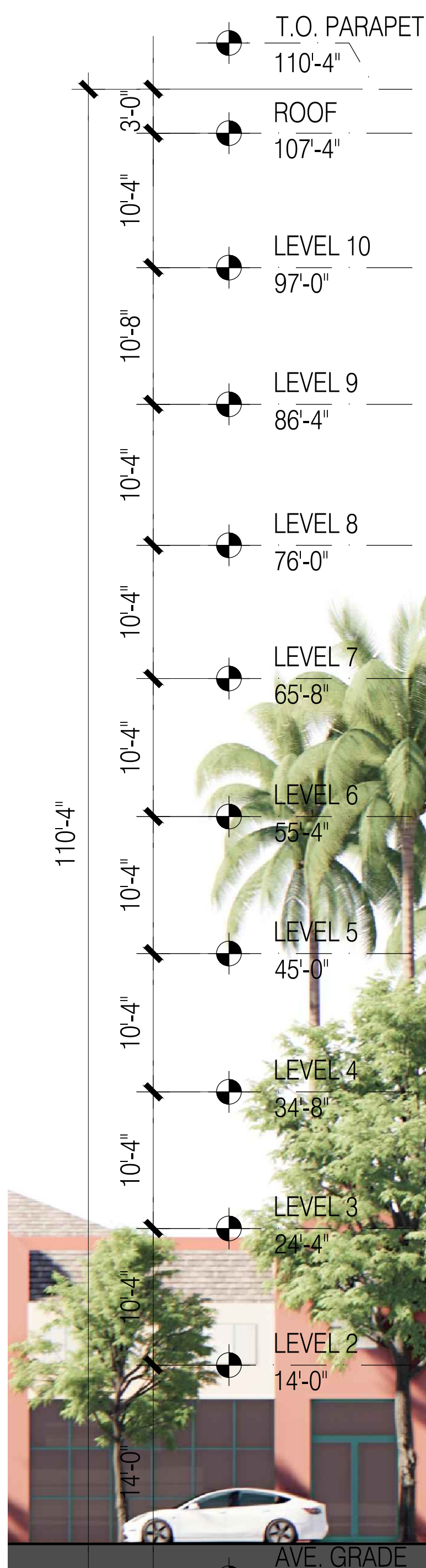
A3.1

INSULATED METAL
PANELS

DECORATIVE METAL
SCREEN

METAL INFILL
PANEL

ALUMINUM
WINDOWS



LOBBY

RETAIL

RETAIL

RETAIL

1 EAST ELEVATION

1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36





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SHEET:
**BUILDING
ELEVATIONS**

A3.2



1
A3.20 NORTH ELEVATION
1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36
0 4 8 16

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SHEET:

BUILDING
ELEVATIONS

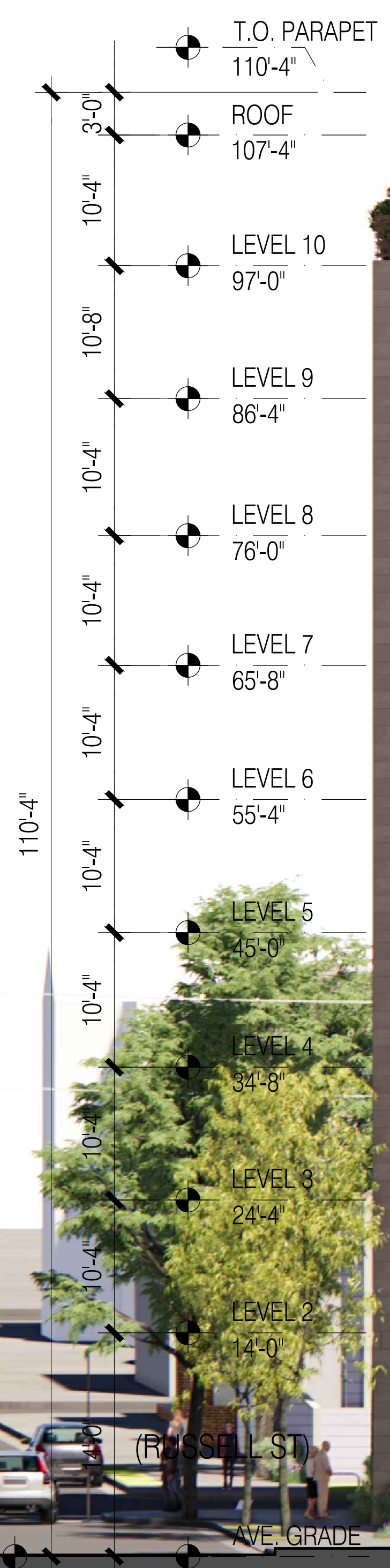
A3.3

INSULATED METAL
PANELS

ALUMINUM
WINDOWS

METAL INFILL
PANEL

DECORATIVE METAL
SCREEN



1 WEST ELEVATION
A3.30 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36 0 4 8 16

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SHEET:

BUILDING
ELEVATIONS

A3.4



NEIGHBORING
BUILDING

AVE. GRADE

(SHATTUCK AVE)



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

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SHEET:
STREET STRIP ELEVATIONS

A3.5



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

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SHEET:

PHOTO CONTEXT
VIEWS

A3.6



4 SHATTUCK LOOKING SOUTH - AFTER



2 SHATTUCK LOOKING NORTH - AFTER



3 SHATTUCK LOOKING SOUTH - BEFORE



1 SHATTUCK LOOKING NORTH - BEFORE

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SHEET:
CONCEPTUAL
RENDERING

A3.7



1 PERSPECTIVE VIEW - SHATTUCK LOOKING SOUTHWEST

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SHEET:

CONCEPTUAL
RENDERING

A3.8



1 PERSPECTIVE VIEW - SHATTUCK LOOKING SOUTH

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SHEET:

CONCEPTUAL
RENDERING

A3.9



1 PERSPECTIVE VIEW - SHATTUCK AND ASHBY

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- 04.20.2023 FOLLOW UP DRC SET
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SHEET:

CONCEPTUAL
RENDERING

A3.10



1 PERSPECTIVE VIEW - SHATTUCK LOOKING NORTH

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SHEET:

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A3.11



1 SIDEWALK VIEW - SHATTUCK LOOKING SOUTHWEST

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SHEET:

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A3.12



1 CLOSE-UP VIEW - LOBBY ENTRY

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SHEET:

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A3.13



1 CLOSE-UP VIEW - CAFE ENTRY

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A3.14



1 PERSPECTIVE VIEW - RUSSELL LOOKING SOUTH

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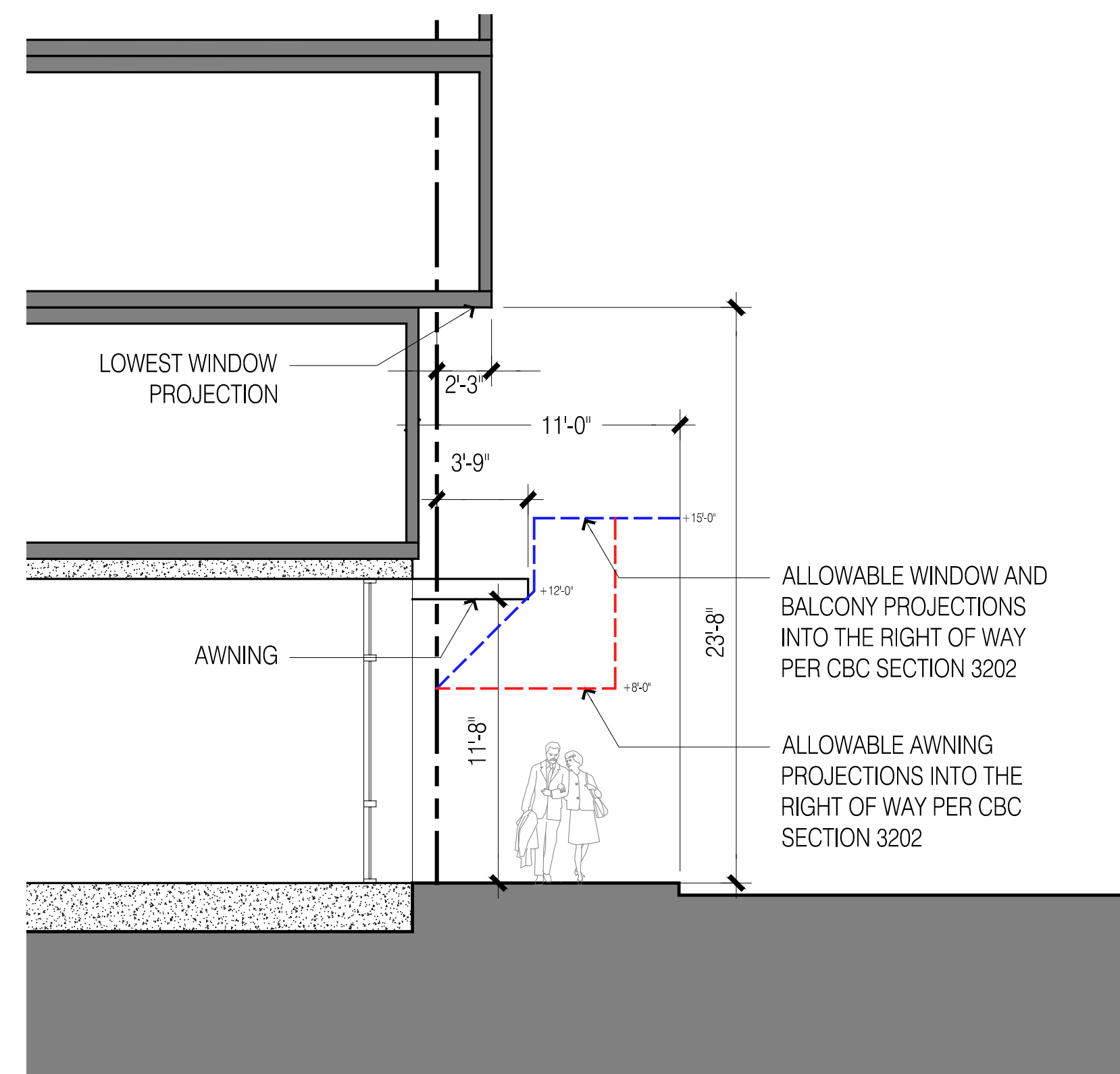
A3.15



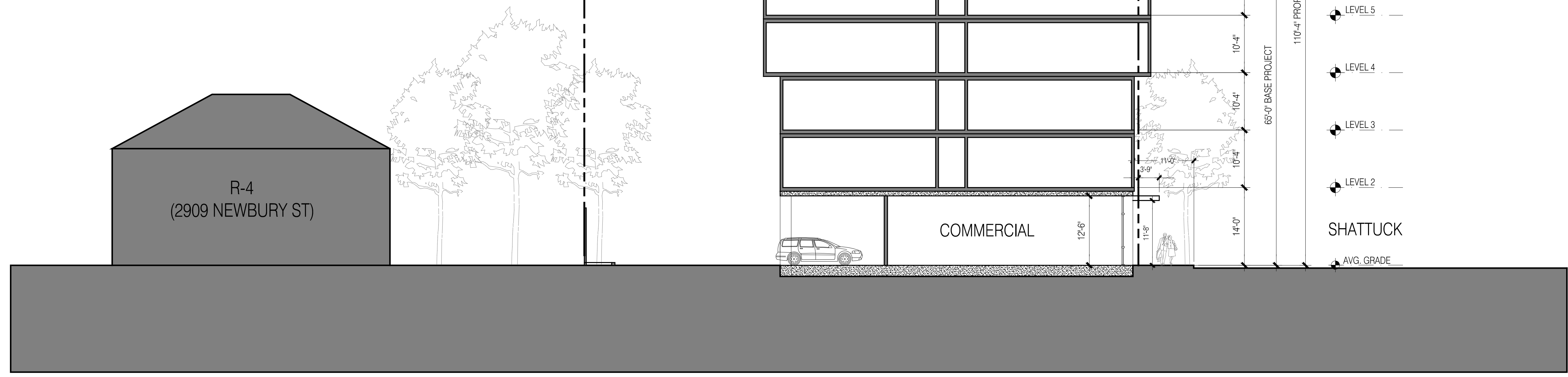
1 PERSPECTIVE VIEW - RUSSELL LOOKING WEST



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2 R.O.W. ENCROACHMENT DIAGRAM
3/32"=1'-0" @ 11x17 3/16"=1'-0" @ 24x36



1 EAST WEST SECTION
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

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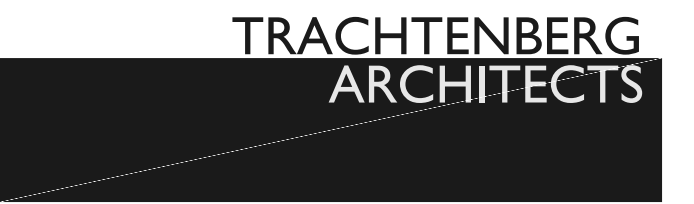
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SECTION

A4.1



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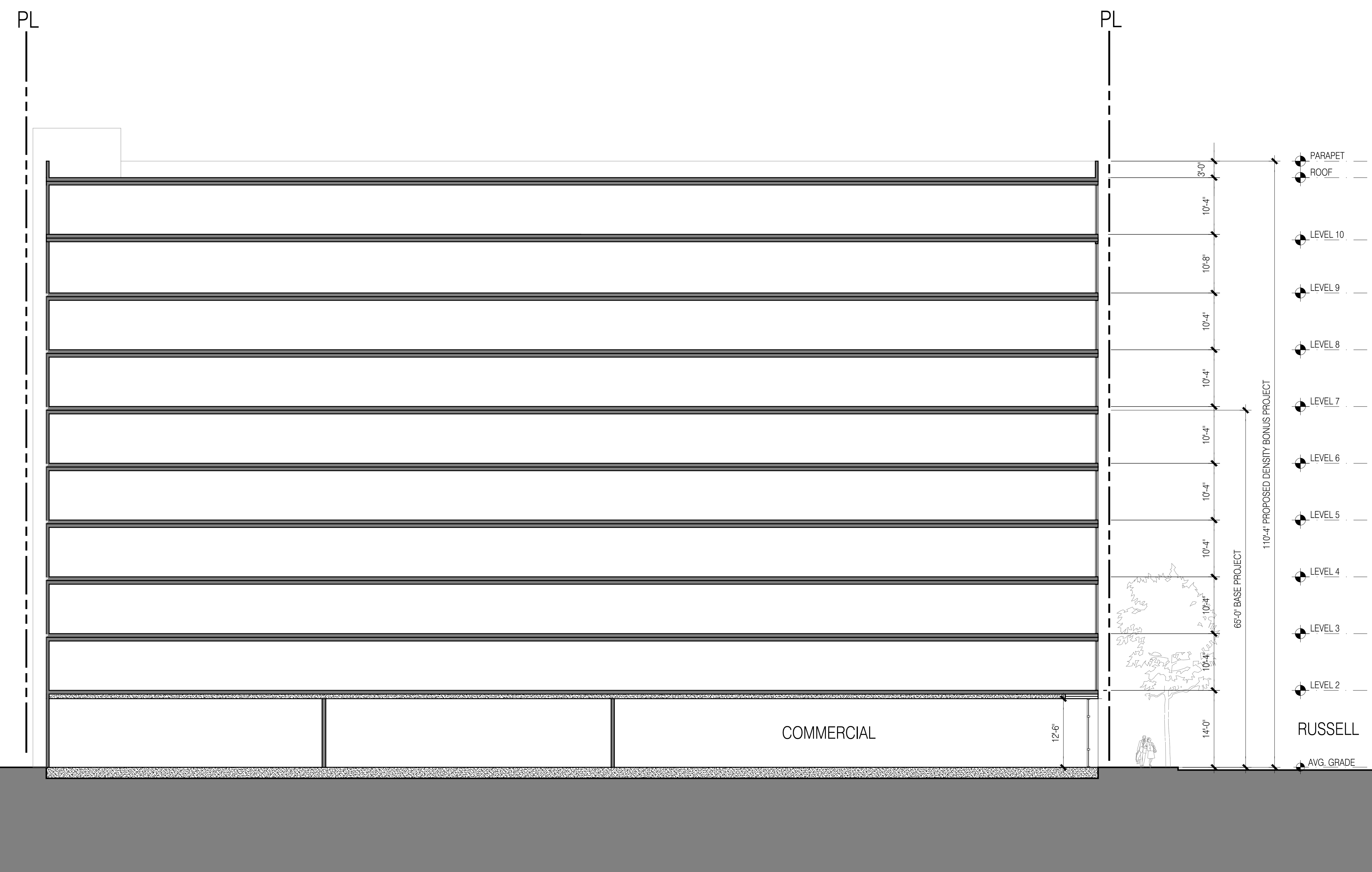
RUSSELL
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SHEET:

SECTION

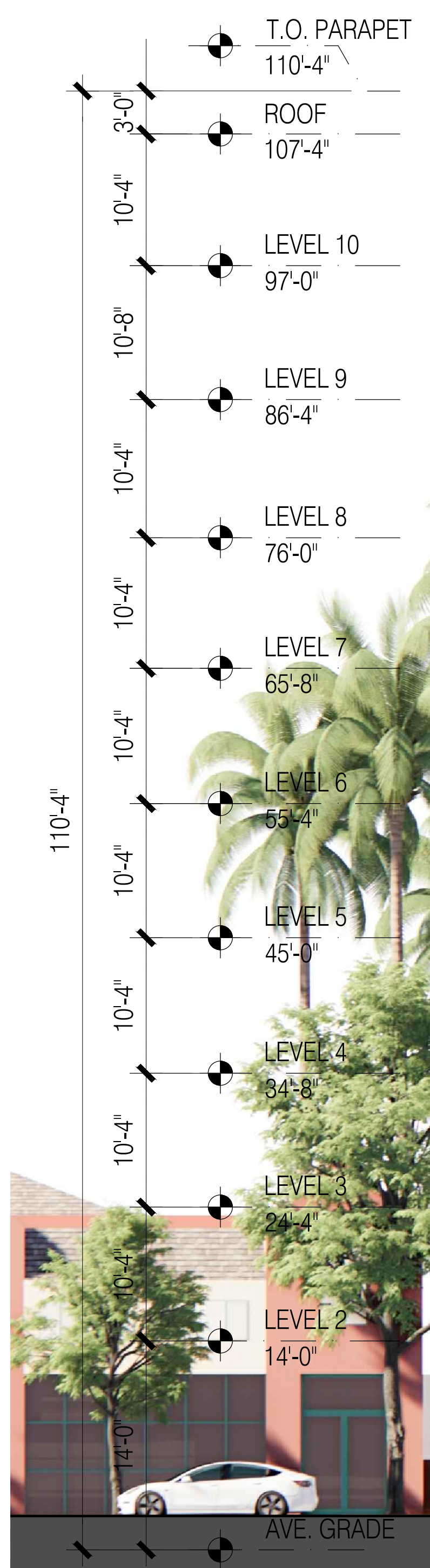
A4.2



1 NORTH SOUTH SECTION
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36 0 4 8 16

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SHEET:
**BUILDING
MATERIALS**

MAT

CITY OF BERKELEY
DESIGN REVIEW COMMITTEE
REVISION SET 04.06.2023

LANDSCAPE SHEET INDEX

L0.0 LANDSCAPE PLAN AT STREETSCAPE
L0.1 PLANTING PALETTE IMAGERY
L0.2 LANDSCAPED USABLE OPEN SPACE DIAGRAM

L1.0 LANDSCAPE PLAN AND ELEVATION AT GROUND LEVEL
L1.1 GROUND LEVEL GARDEN IMAGERY
L2.0 LANDSCAPE PLAN AND IMAGERY AT ROOF DECK

L3.0 LANDSCAPE NOTES
I.0 HYDROZONE PLAN AT STREETSCAPE
I.1 HYDROZONE PLAN AT GROUND LEVEL GARDEN

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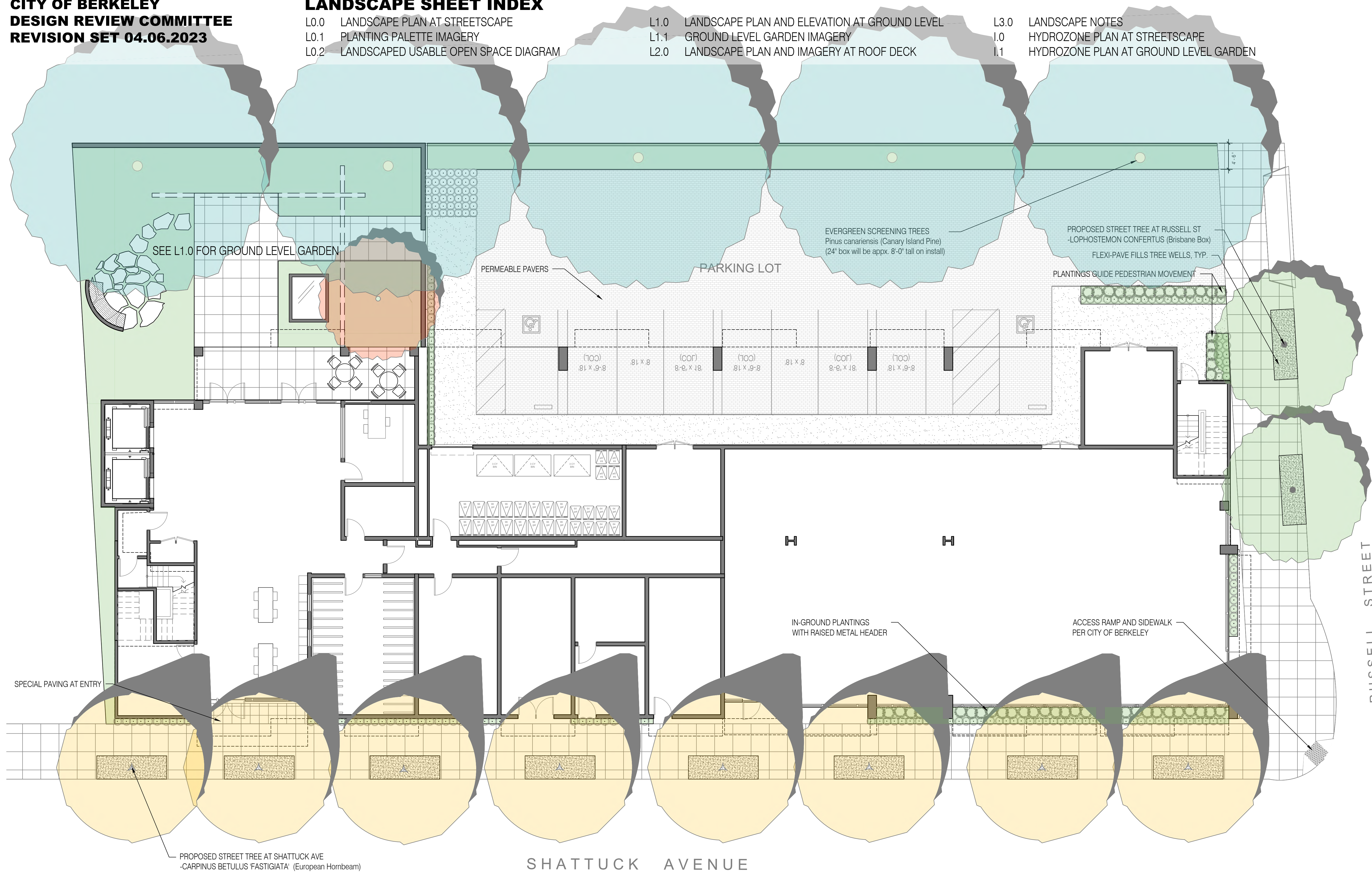
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SHEET:

LANDSCAPE PLAN
AT STREETSCAPE
AND PARKING LOT



NOTE: SEE L3.0 FOR LANDSCAPE NOTES (GENERAL NOTES, STREET TREE PLANTING NOTES, STREET TREE PROTECTION NOTES).

NOTE: PROPOSED STREET TREE SPECIES, LOCATION, AND CONDITIONS SUBJECT TO ONGOING REVIEW AND APPROVAL BY THE CITY OF BERKELEY'S MANAGING CONSULTING URBAN FORESTER AND ARBORIST. PROPOSED STREET TREES ARE SCHEMATIC AS OF 03.06.2023 AND WILL BE SUBJECT TO ADDITIONAL REVIEW AFTER EXISTING AND PROPOSED UTILITIES ARE INCORPORATED.



L0.0



Crepe Myrtle (*Lagerstroemia*), roof deck



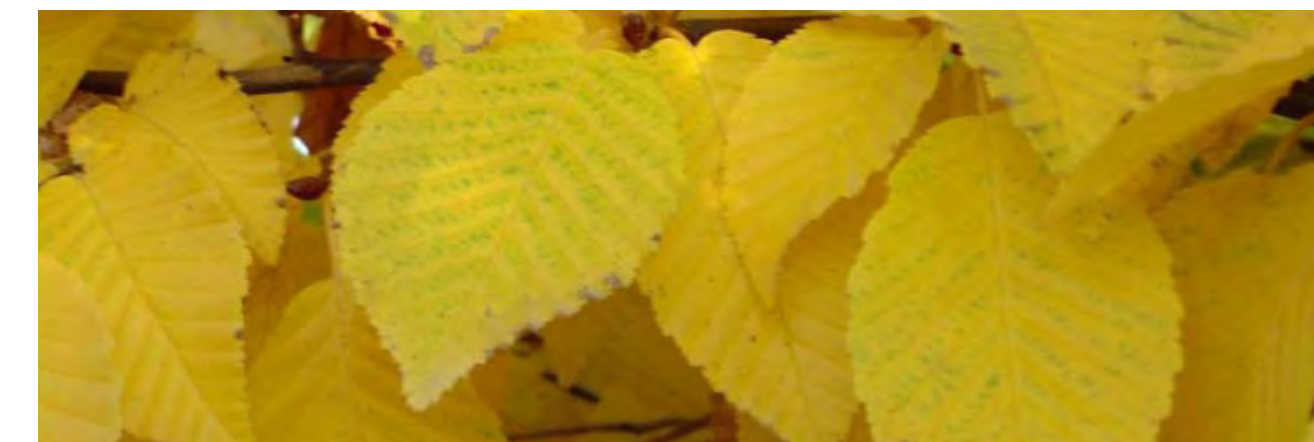
Manzanita (*Arctostaphylos 'Dr. Hurd'*), roof deck



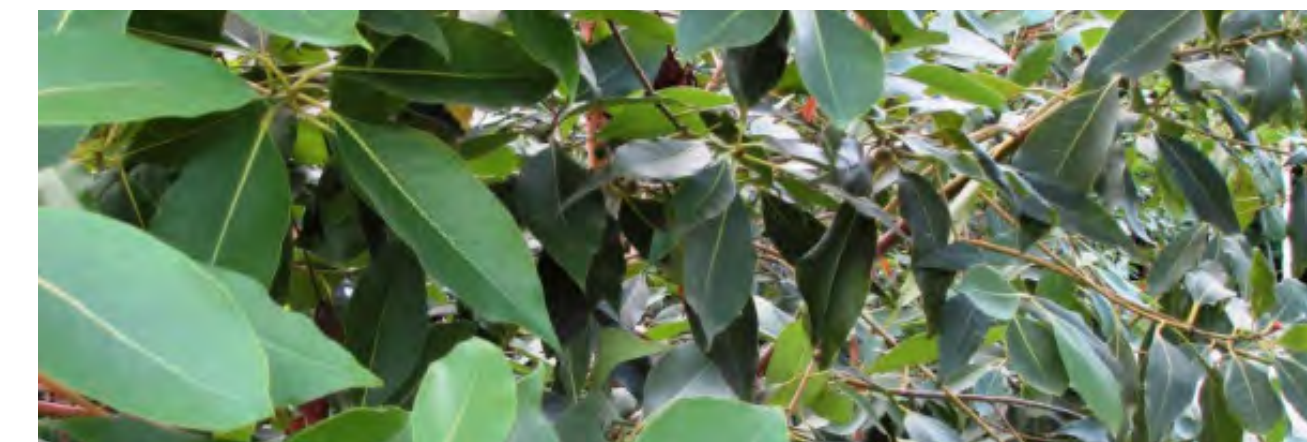
Tufted Hairgrass (*Deschampsia cespitosa*), roof deck



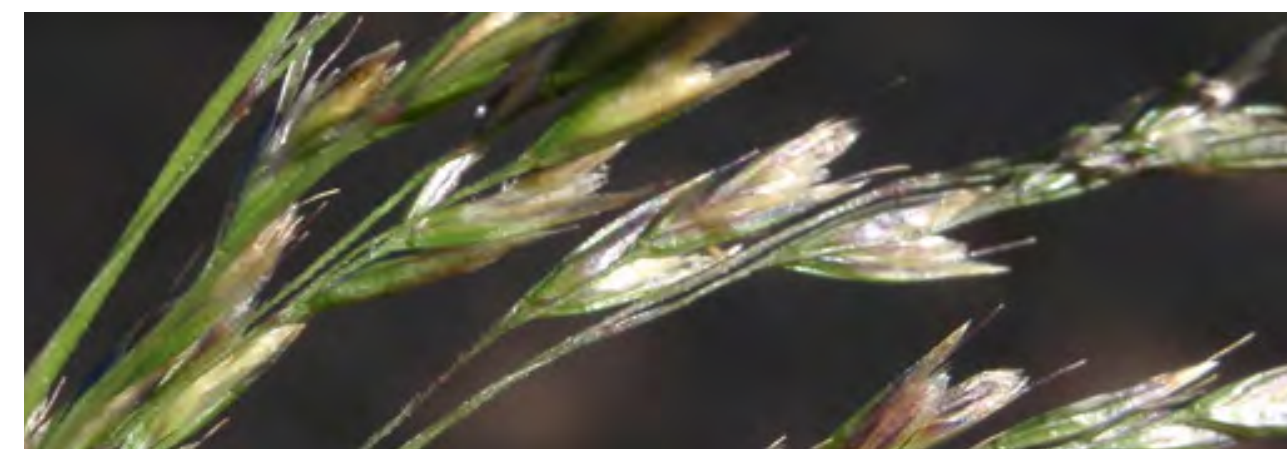
Canyon Prince Grass (*Leymus Condensatus*), roof deck



European Hornbeam (*Carpinus betula*) on Shattuck Ave.



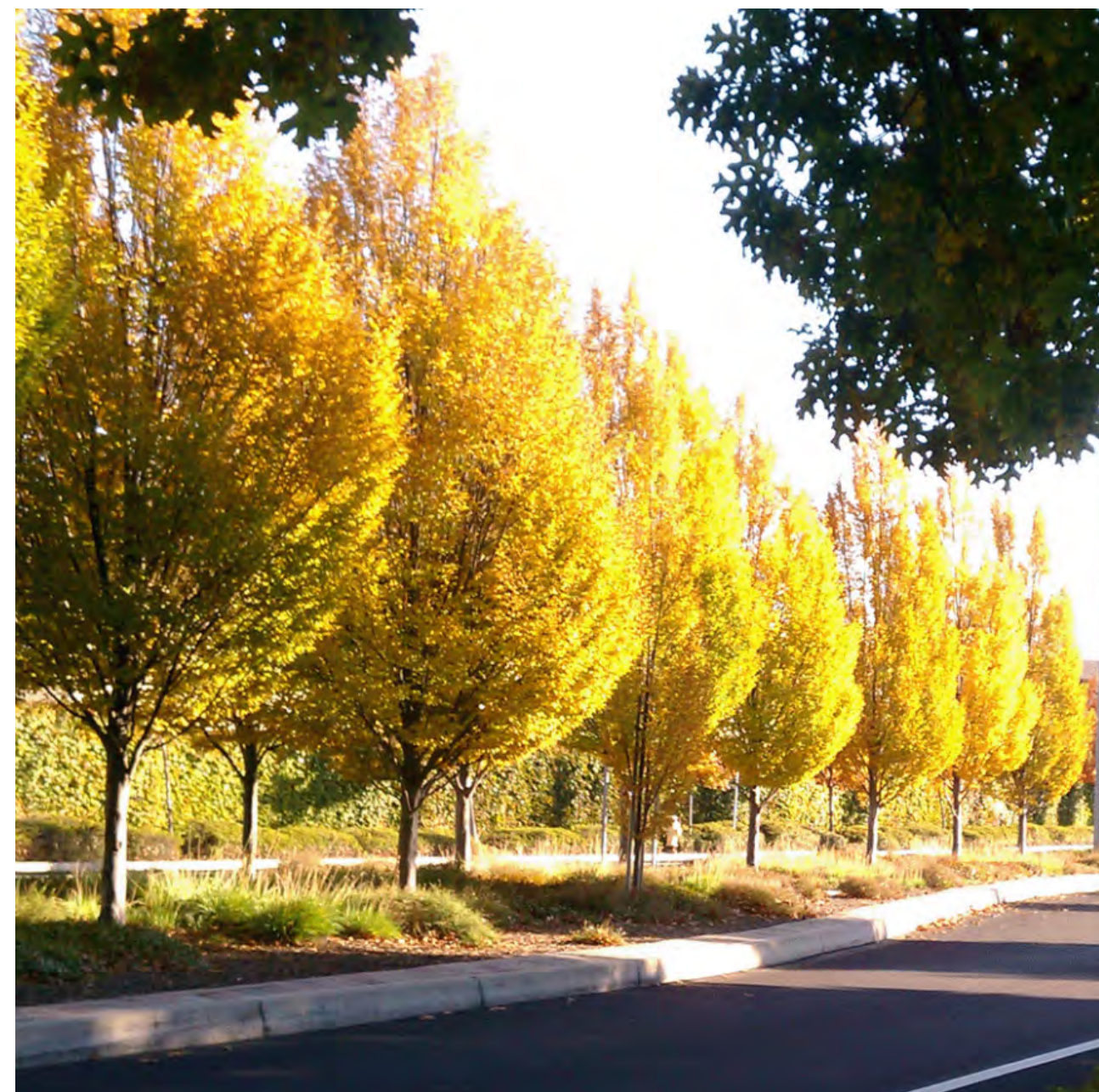
Brisbane Box (*Lophostemon confertus*) street tree on Russell St.



Vine Maple (*Acer circinatum*), ground level garden



Canary Island Pine (*Pinus canariensis*), screen at parking lot



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JOB: XXXX

SHEET:

PLANTING PALETTE
IMAGERY

L0.1



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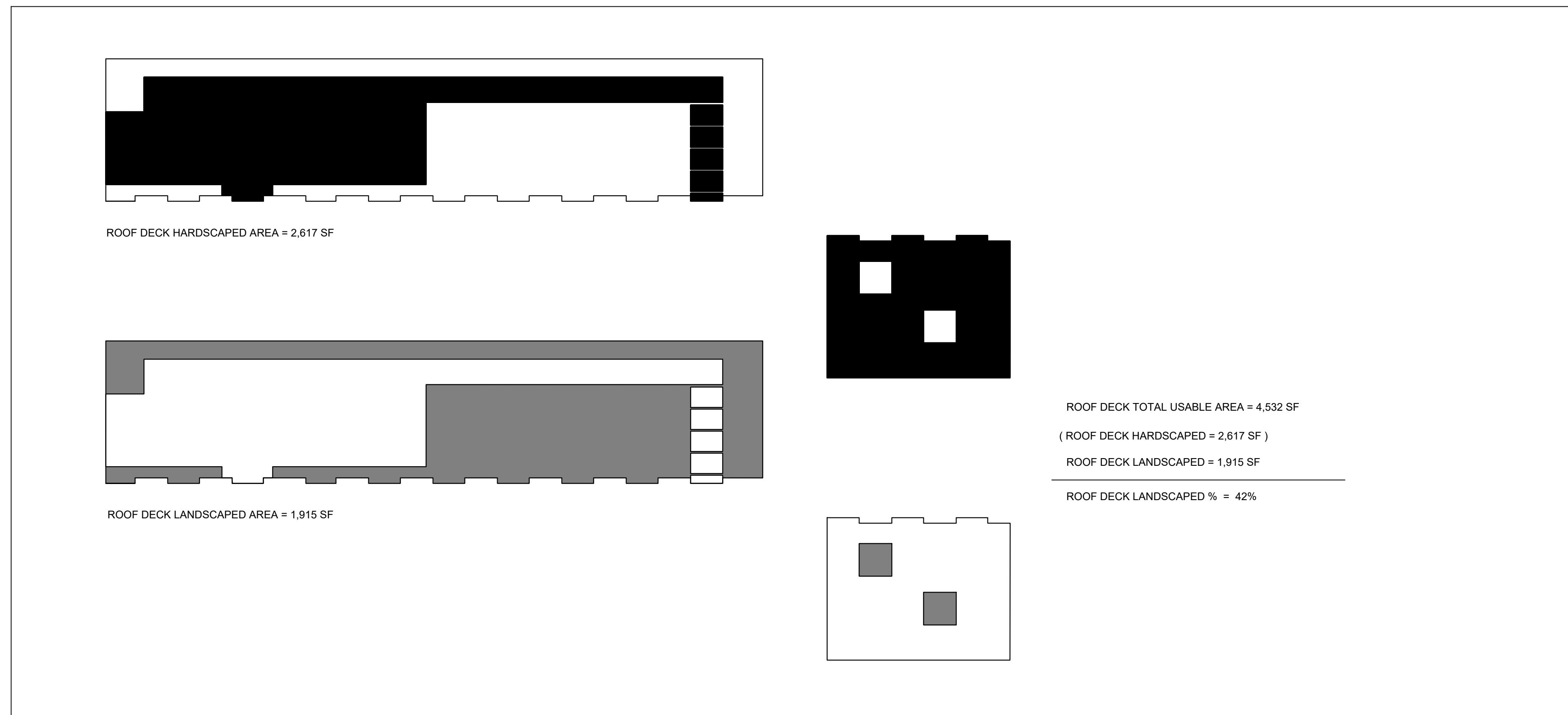
JOB: xxxx

SHEET:

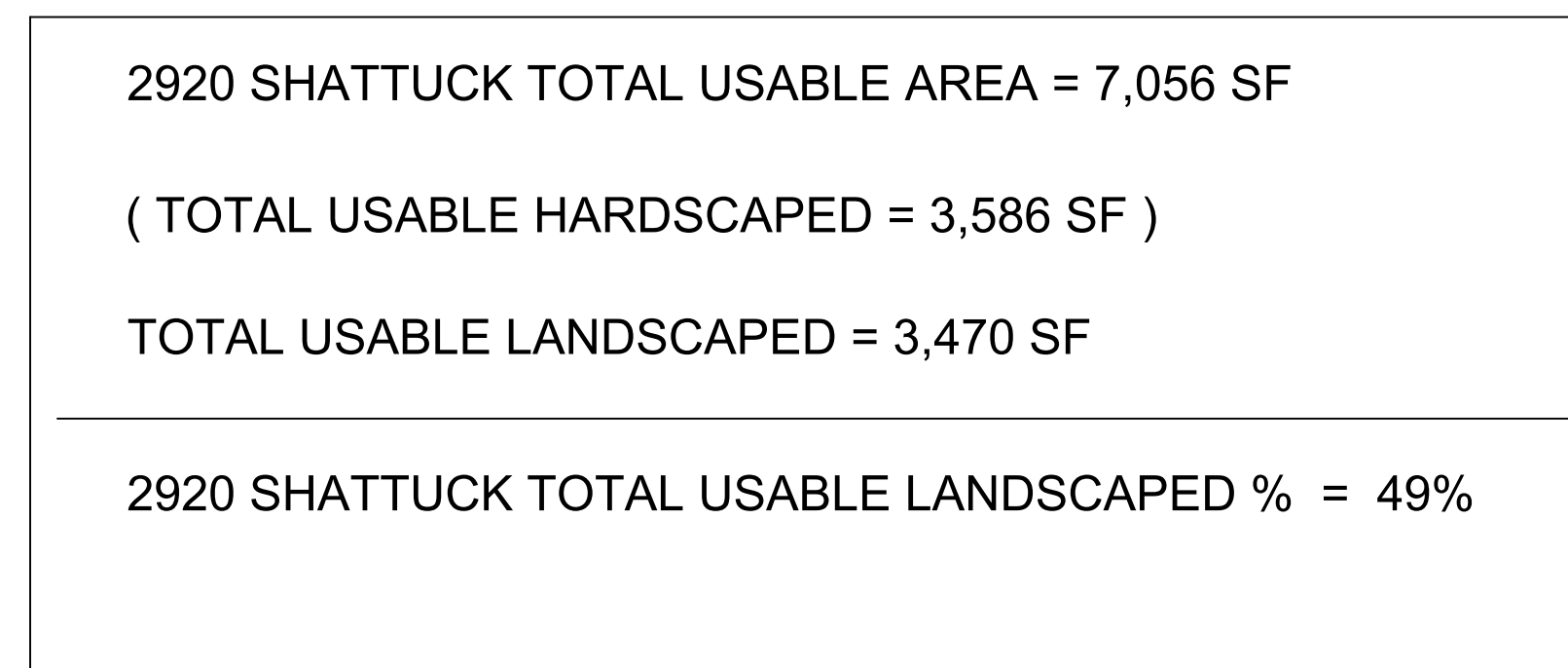
LANDSCAPED USABLE
 OPEN SPACE DIAGRAM

L0.2

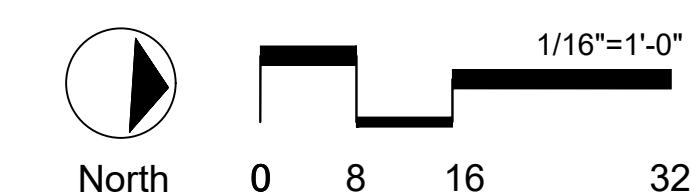
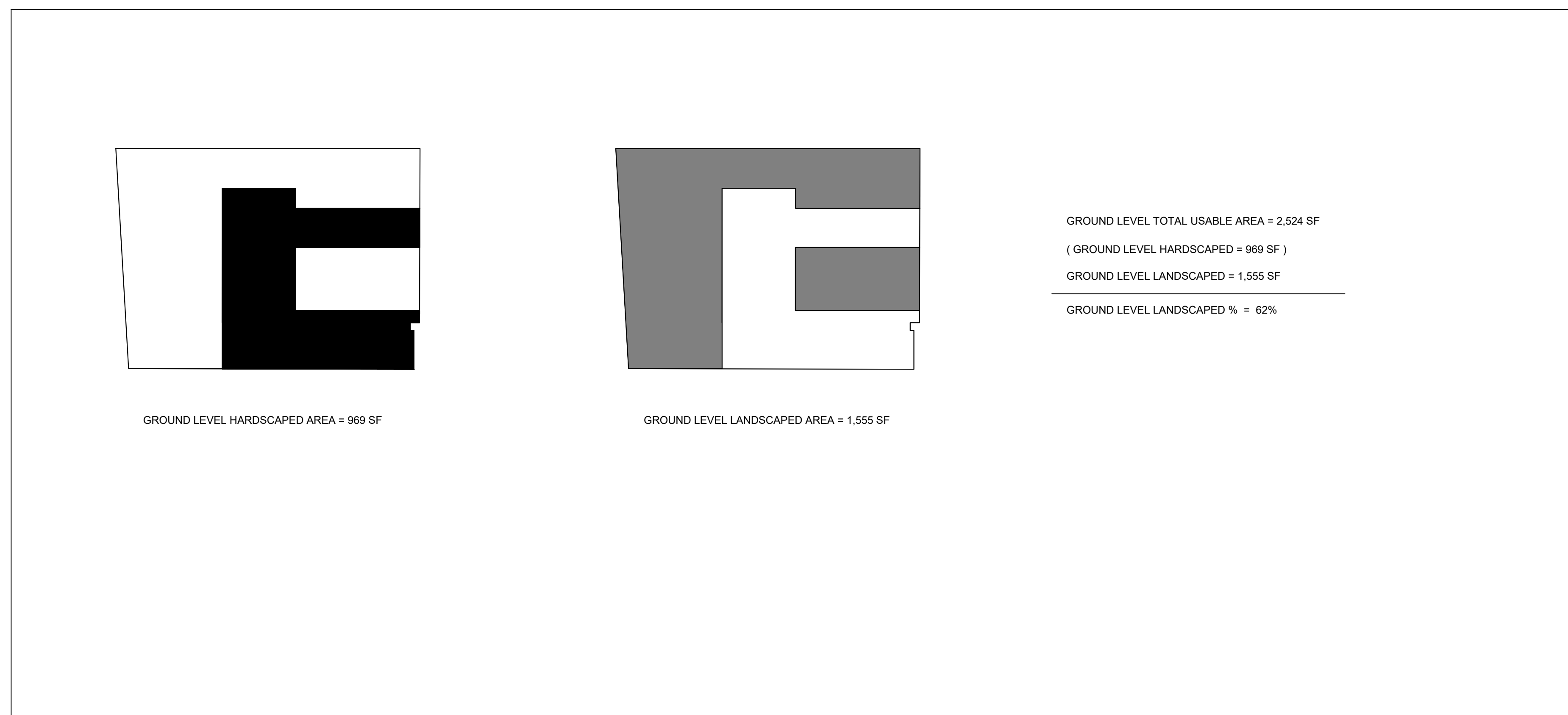
Roof Deck Usable Open Space (42% Landscaped)



Total Usable Open Space (49% Landscaped)



Ground Level Usable Open Space (62% Landscaped)





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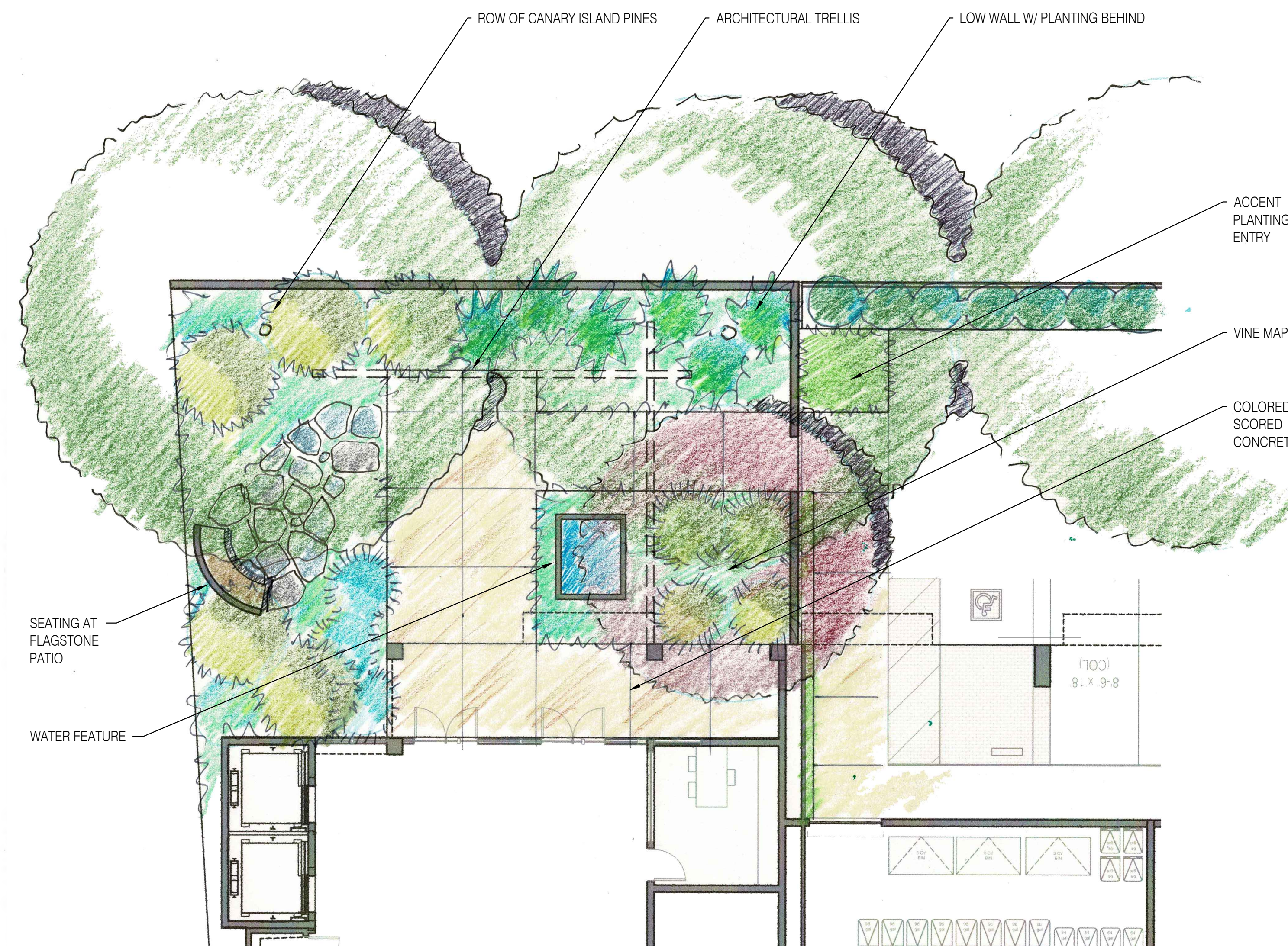
SHEET:

LANDSCAPE PLAN
AND ELEVATION AT
GROUND LEVEL

L1.0

Plant List

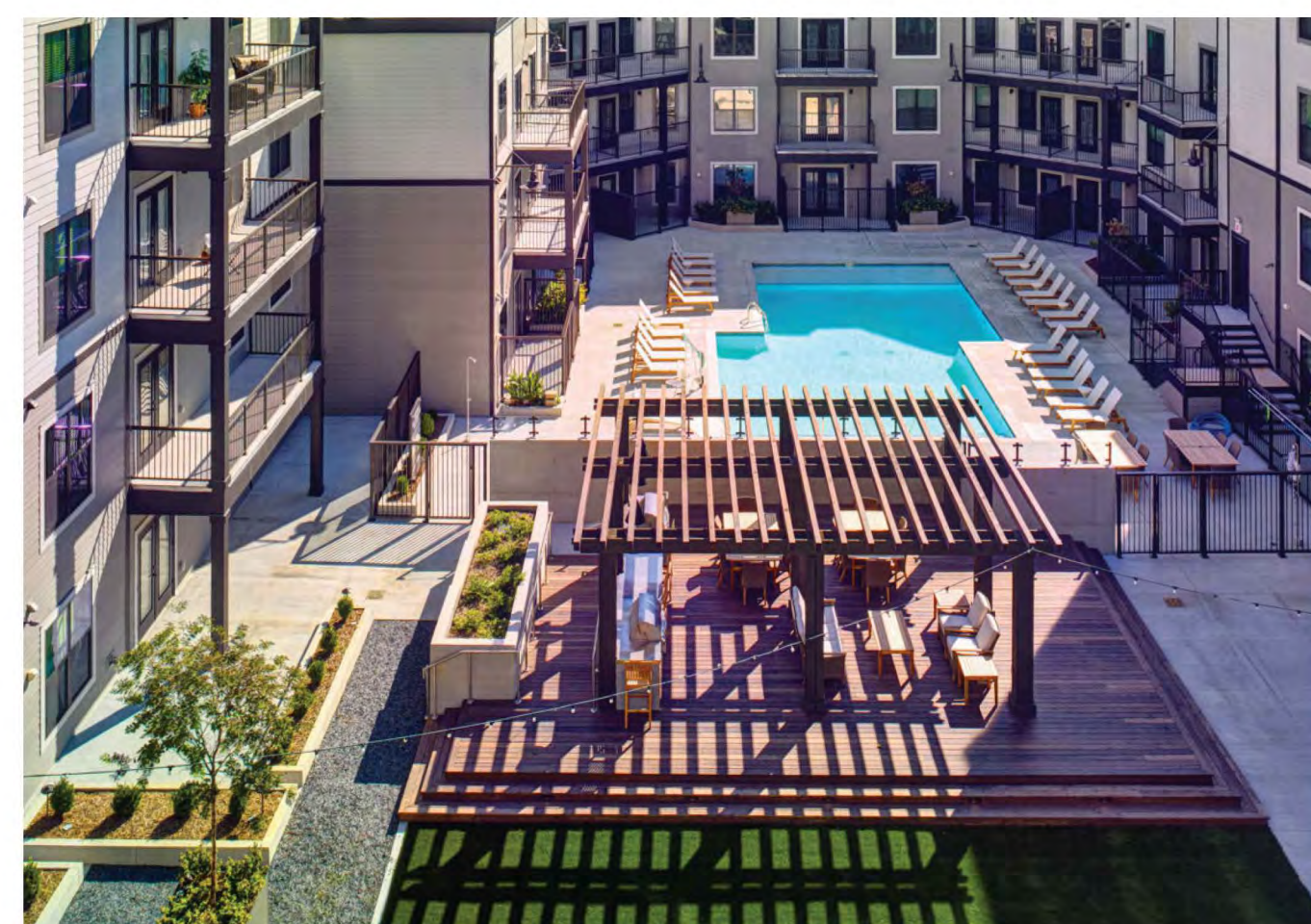
Index	Latin Name	Common Name	Size	Spacing	WELO	CA Native
Trees						
AC	Acer circinatum	Vine Maple	15 gal	as shown	M	X
AM	Arctostaphylos manzanita 'Dr. Hurd'	Manzanita	15 gal	as shown	VL	X
CC	Cotinus coggygria	Smoke tree	15 gal	as shown	L	
CB	Carpinus betulus	European Hornbeam	24" box	as shown	M	
LC	Lophstemon confertus	Brisbane Box	24" box	as shown	L	
LM	Lagerstroemia x 'Muskogee'	Muskogee Crape Myrtle	15 gal	as shown	L	
PC	Pinus canariensis	Canary Island Pine	24" box	as shown	L	
Shrubs						
AO	Anigozanthos 'Orange'	Orange kangaroo paw	1 gal	24" o.c.	L	
AP	Aloe plicatilis	Fan aloe	1 gal	as shown	L	
AR	Anigozanthos 'Kanga Red'	Kanga red kangaroo paw	1 gal	24" o.c.	L	
AS	Aloe polyphylla	Spiral Aloe	1 gal	as shown	L	
BG	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition	1 gal	30" o.c.	L	X
DC	Deschampsia cespitosa	Tufted Hair Grass, Tussock Grass	1 gal	2'-0" o.c.	L	X
EC	Elymus condensatus 'Canyon Prince'	Canyon Prince blue rye grass	1 gal	36" o.c.	L	X
HQ	Hydrangea quercifolia	Oakleaf hydrangea	5 gal	4'-0" o.c.	M	
LB	Leucadendron 'Hawaii Magic'	Hawaii Magic cone bush	1 gal	48" o.c.	L	
MC	Muhlenbergia capillaris 'Lenca'	Pink Muhly grass	1 gal	36" o.c.	L	
MR	Muhlenbergia rigens	Deer grass	1 gal	2'-6" o.c.	L	X
Groundcovers						
AP	Agrostis pallens	California native bentgrass	sod	sod	L	X
FG	Festuca glauca 'Elijah Blue'	Elijah blue fescue	4" pots	12" o.c.	L	
HA	Heuchera americana 'Green Spice'	Green Spice Coral Bells	1 gal	18" o.c.	M	X
NW	Nepeta 'Walkers Low'	Walkers catmint	1 gal	24" o.c.	L	
SK	Sempervivum 'Krebs 2'	Krebs Desert Bloom Hens and Chicks	1 gal	as shown	L	
SR	Sedum rupestre 'Angelina'	Angelina Stonecrop	trays	as shown	L	



2920 Shattuck Hardscape / Softscape Breakdown

Total Usable Area: 8136 SF

Surface	Area	Percentage
Hardscape	3591 SF	44%
Softscape	4545 SF	56%



Pergola and outdoor dining



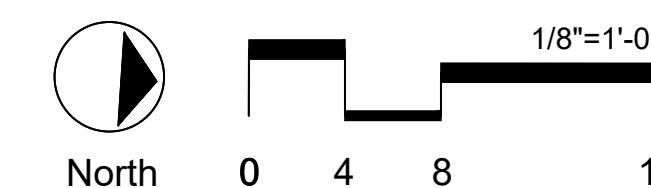
Accent and border plantings



Water feature with standard or infinity edge



VIEW FROM CLUB HOUSE



SHEET:

LANDSCAPE PLAN
AND ELEVATION AT
GROUND LEVEL

L1.0

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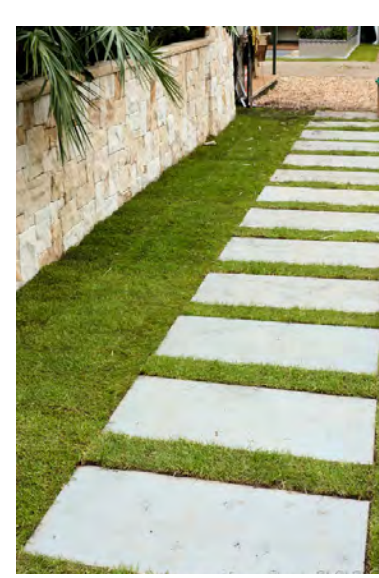
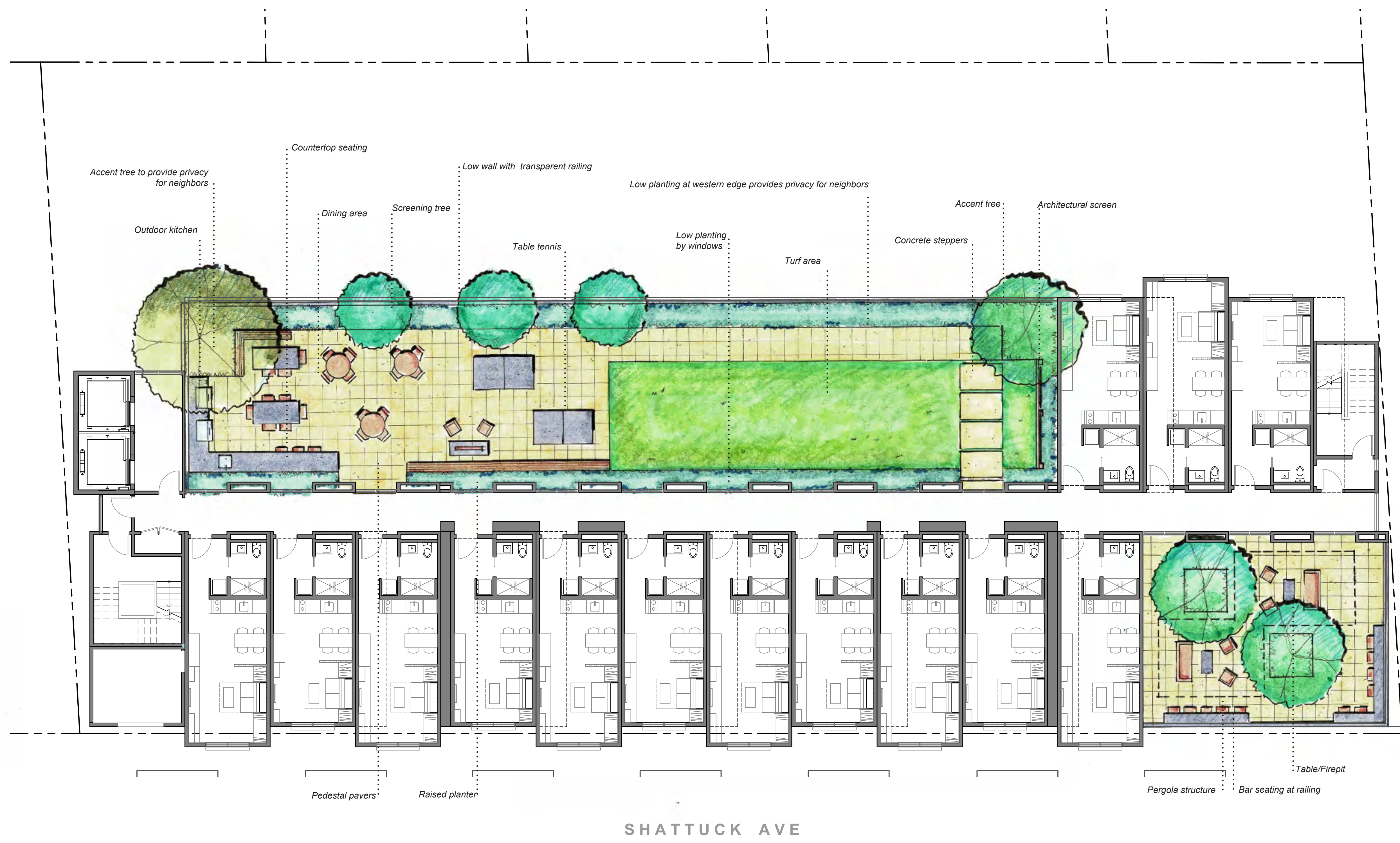
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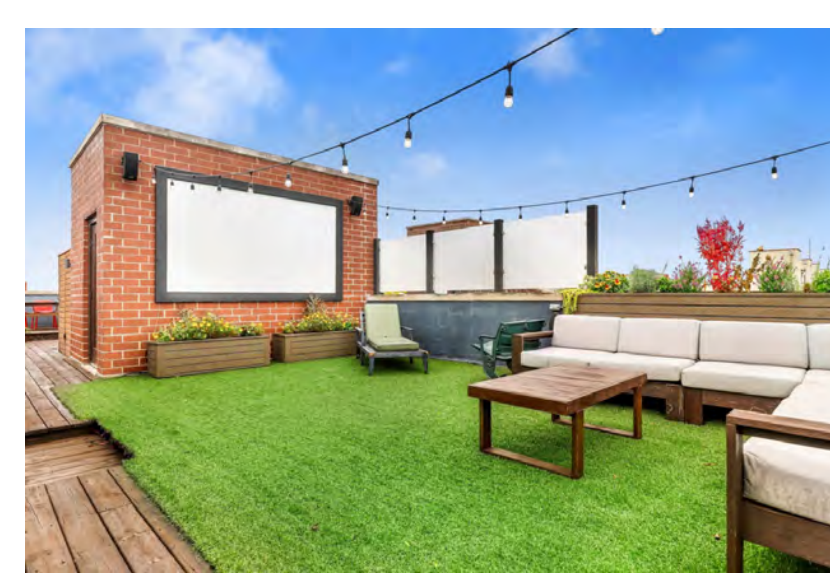
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LANDSCAPE PLAN AND IMAGERY AT ROOF DECK

L2.0



Concrete steppers at turf



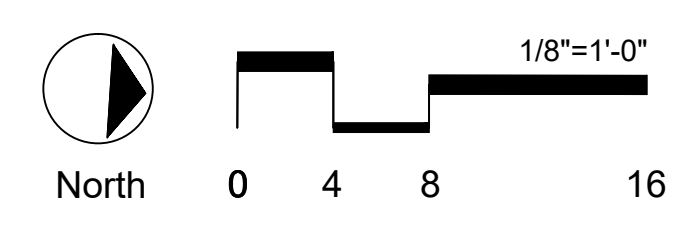
Examples of turf areas with movie screens on roof decks



Examples of pergola structures



Raised planter



NOTES

- CONTRACTOR SHALL VERIFY ALL GRADES, EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. ALL DISCREPANCIES OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR RESOLUTION. REDIRECT WORK TO AVOID DELAY.
- ALL CURVES AND ALL TRANSITIONS BETWEEN CURVES AND STRAIGHT EDGES SHALL BE SMOOTH
- TAKE ALL DIMENSIONS PERPENDICULAR TO ANY REFERENCE LINE, WORK LINE, FACE OF BUILDING, FACE OF WALL OR CENTERLINE.
- S.A.D. FOR ALL INFORMATION ON WATERPROOFING, DRAINAGE & GRADING ON STRUCTURES.

GENERAL PLANTING NOTES:

6. SOIL PREPARATION: THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FINISH GRADING AND ALL PLANTING AREA DRAINAGE. POSITIVE DRAINAGE AWAY FROM THE BUILDING AS PER CITY CODES SHALL BE MAINTAINED. NO LOW SPOTS WHICH HOLD STANDING WATER WILL BE ACCEPTED.

THE LANDSCAPE CONTRACTOR SHALL INCORPORATE SOIL PREPARATION AMENDMENT INTO PLANTING AREAS AS NOTED BELOW. WHERE ROTO-TILLING IS NOT POSSIBLE, INCORPORATE SOIL AMENDMENTS INTO TOP 6 INCHES WITH HAND TOOLS. AFTER INSTALLATION OF IRRIGATION SYSTEM, ALL PLANTING AREAS ARE TO BE FINE GRADED TO WITHIN 2 INCHES AND SLIGHTLY MOUNDED AWAY FROM EDGES OF TOP OF PLANTER, CURB, WALK, HEADER, ETC. AND RAKED SMOOTH WITH ALL ROCKS AND DEBRIS OVER 1-INCH IN DIAMETER REMOVED.

7. SOIL PREPARATION AMENDMENTS AND BACKFILL MIX: THE LANDSCAPE CONTRACTOR SHALL AMEND EXISTING SOIL PER THE SOILS REPORT. NATIVE SOIL IS PREFERRED.

8. TREE PLANTING: TREES SHALL BE PLANTED PER DETAIL ON PLAN. TREES SHALL TYPICALLY BE LOCATED A MINIMUM OF 3 1/2 FEET FROM CURBS, WALKS, HEADERS, BUILDINGS, AND OVERHEAD STRUCTURES WITHIN THE PROJECT. BACKFILL PER SOILS REPORT. THOROUGHLY WATER TREES IMMEDIATELY AFTER PLANTING.

9. SHRUB PLANTING: THE SHRUBS SHALL BE SPOTTED AS PER PLAN, SPOTTED AT THE SHOWN LOCATIONS, AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO THE DIGGING OF THE HOLES. SHRUB BACKFILL SHALL BE PER SOILS REPORT. THOROUGHLY WATER SHRUBS IMMEDIATELY AFTER PLANTING. DO NOT PLANT ANY SHRUB WITHIN 2 FEET OF ANY BUILDING WALL.

10. MAINTENANCE: THE CONTRACTOR SHALL MAINTAIN THE PROJECT FOR 90 DAYS (OR AS REQUESTED BY OWNER) FOLLOWING THE APPROVAL TO BEGIN THE MAINTENANCE PERIOD. DURING THE ENTIRE MAINTENANCE PERIOD, WATERING, CULTIVATING, WEEDING, MOWING, REPAIR/TIGHTENING OF STAKES AND TIES, RESTORATION OF BASINS, PROVISION OF SUPPLEMENTAL WATER BY HAND IN ADDITION TO IRRIGATION SYSTEM IS REQUIRED AS NECESSARY. NO PRE-EMERGENCE HERBICIDES SHALL BE APPLIED - HAND REMOVE WEEDS. ONLY ORGANIC FERTILIZERS SHALL BE APPLIED SUCH AS THOSE SPECIFIED. INSTALL PER MANUFACTURER'S RECOMMENDATIONS. AT THE END OF THE 90 DAY MAINTENANCE PERIOD ALL AREAS ARE TO BE WEED FREE AND ALL PLANT MATERIAL SHALL BE IN A HEALTHY, THRIVING CONDITION. INTEGRATED PEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED.

11. SUBSTITUTIONS: REQUESTS FOR PLANT SUBSTITUTIONS SHALL BE MADE TO THE LANDSCAPE ARCHITECT WITHIN 15 DAYS AFTER SIGNING OF CONTRACT.

12. GUARANTEE: ALL CONSTRUCTION, TREES AND SHRUBS BY THE LANDSCAPE CONTRACTOR AND/OR SUBCONTRACTORS SHALL BE GUARANTEED FOR (1) ONE YEAR AFTER START OF MAINTENANCE PERIOD. THE CONTRACTOR SHALL REPLACE, AT NO EXPENSE TO THE OWNER, ANY AND ALL LANDSCAPE MATERIALS THAT ARE IN AN UNACCEPTABLE CONDITION FOR TIME OF USE, AND TREES OR SHRUBS THAT ARE DEAD OR NOT IN A VIGOROUS, HEALTHY GROWING CONDITION, WITHIN TWO WEEKS OF NOTIFICATION OF SUCH CONDITION. REPLACEMENT SHALL BE OF THE SAME KIND AND SIZE AS THE ORIGINALLY SPECIFIED ITEM AND SHALL BE REPLACED AS ORIGINALLY DESCRIBED ON THE DRAWINGS. THE CONTRACTOR SHALL NOT BE HELD LIABLE FOR LOSS OF PLANT MATERIALS DURING THE GUARANTEE PERIOD DUE TO VANDALISM, ACCIDENTAL CAUSES OR ACTS OF NEGLIGENCE BY OTHERS THAN THE CONTRACTOR, HIS AGENTS AND EMPLOYEES.

13. CLEAN UP: AT THE END OF EACH WORK DAY, AT THE INSPECTION FOR SUBSTANTIAL COMPLETION, AND BEFORE ACCEPTANCE OF PROJECT - CLEAN PAVED AREAS THAT ARE DIRTIED OR STAINED BY CONSTRUCTION OPERATIONS BY SWEEPING OR WASHING, AND REMOVE DEFACEMENTS AND STAINS.

REMOVE CONSTRUCTION EQUIPMENT, EXCESS MATERIALS AND TOOLS. HAUL FROM OWNERS PROPERTY ANY DEBRIS RESULTING FROM CONSTRUCTION, AND DISPOSE OF IT LEGALLY. REMOVE REMAINING TEMPORARY PROTECTION AT TIME OF ACCEPTANCE BY OWNER UNLESS OTHERWISE AGREED.

14. FERTILIZERS: AVAILABLE FROM CALIFORNIA ORGANIC FERTILIZERS, INC. 1-800-269-5690 WWW.ORGANICAG.COM.

STREET TREE PROTECTION NOTES:

1. ALL TREE PROTECTION REQUIREMENTS AND RESTRICTIONS SHALL BE INCLUDED IN THE CONSTRUCTION NOTES AND PRINTED ON ALL COPIES OF THE PLANS.

a) INCLUDE THE NAME AND PHONE NUMBER OF THE PARTY THAT WILL MONITOR THE SITE AND ENSURE THE TREE PROTECTION MEASURES ARE BEING FOLLOWED; AND WHAT THE MONITORING SCHEDULE WILL BE: **NAME / PHONE / SCHEDULE**

b) INSTALL 6 FOOT CHAIN-LINK FENCING TO PROTECT THE AREA WITHIN THE DRIP-LINE OF ANY PROTECTED TREE IN THE DEVELOPMENT AREA. FENCING SHALL BE MOUNTED TO POSTS THAT ARE DRIVEN INTO THE GROUND. WHERE THIS IS NOT POSSIBLE BECAUSE OF EXISTING STRUCTURES, TREE ROOTS, OR OTHER OBSTACLES, CHAIN-LINK PANELS MOUNTED TO STANCHIONS AND CONNECTED TO EACH OTHER MAY BE APPROVED. IN AREAS WHERE DIFFICULT TERRAIN MAKES THIS IMPRACTICAL, ORANGE CONSTRUCTION FENCING MAY BE APPROVED.

c) ALL FENCING SHALL HAVE SIGNAGE STATING THE REQUIREMENTS AND RESTRICTIONS, AND THE CONTACT INFORMATION FOR THE PROJECT ARBORIST.

d) WHEN ANY APPROVED CONSTRUCTION ACTIVITY WILL OCCUR WITHIN THE DRIP LINE OF A PROTECTED TREE THAT IS NOT SURROUNDED BY PROTECTIVE FENCING, THE TRUNK SHALL BE PROTECTED BY WRAPPING IT WITH STRAW TUBES (WATTLE) OR VERTICAL WOOD SLATS (EX. 2X4), UP TO A MINIMUM OF 8 FEET FROM GRADE (SEE FIGURE 1, PAGE 6). SLATS SHALL BE ANGLED TO PROTECT THE ROOT FLARE AT THE BASE OF THE TREE; AND CLOSED CELL FOAM OR EQUIVALENT MATERIAL SHALL BE USED TO PROTECT THE TRUNK OF THE TREE WHERE IT CONTACTS THE SLATS. LATERAL BRANCHES BELOW 8 FEET SHALL ALSO BE PROTECTED. IN ADDITION, THE AREA SHALL BE COVERED WITH A 6 INCH LAYER OF MULCH TOPPED WITH 3/4 INCH PLYWOOD THAT IS FASTENED TOGETHER. IF ANY LARGE OR MOTORIZED EQUIPMENT (MINI EXCAVATOR, BOBCAT®, POWERED WHEELBARROW) WILL TRAVEL OVER THIS AREA, THE PLYWOOD MUST BE A MINIMUM OF 1 INCH AND ADEQUATE FOR THE WEIGHT OF THE EQUIPMENT THAT WILL TRAVEL OVER IT. IF LARGER EQUIPMENT (BACKHOE, TRACTOR) WILL BE USED, CONSULT THE CITY ARBORIST. **CONSTRUCTION ACTIVITY REFERS TO ANY MOVEMENT OF PEOPLE, TOOLS, OR EQUIPMENT; OR STORAGE OF ANY TOOLS, EQUIPMENT, OR SUPPLIES.**

f) LOCATE AND EXPOSE ANY ROOTS 2 INCHES IN DIAMETER OR GREATER THAT MAY NEED TO BE PRUNED TO FACILITATE THE PROJECT. THIS INCLUDES ANY TRENCHING THAT WILL BE DONE AS PART OF FOUNDATION OR UTILITY INSTALLATION. CONTACT THE CITY ARBORIST IN ADVANCE TO LESSEN THE AMOUNT OF TIME THAT THE ROOTS WILL BE EXPOSED. IF ROOTS MUST BE LEFT EXPOSED FOR MORE THAN THREE DAYS, CONSULT THE CITY ARBORIST. **NOTE:** THE 2 INCH DIAMETER THRESHOLD FOR ROOTS IS A GUIDELINE THAT MAY BE ADJUSTED BY THE CITY ARBORIST DEPENDING ON THE SIZE AND CONDITION OF THE TREE, AND THE LOCATION OF THE ROOTS. THE CITY ARBORIST MAY INCREASE THE TPZ, OR IMPOSE OTHER RESTRICTIONS, WHEN THE DRIPLINE OF A TREE HAS BEEN ALTERED BY PRUNING OR UNUSUAL GROWTH PATTERNS.

g) NO STORAGE OF BUILDING MATERIALS, REFUSE, EXCAVATED SPOILS, OR DUMPING OF POISONOUS MATERIALS, IS PERMITTED WITHIN THE DRIP LINE OF ANY PROTECTED TREE. POISONOUS MATERIALS INCLUDE, BUT ARE NOT LIMITED TO, PAINT, PETROLEUM PRODUCTS, CONCRETE OR STUCCO MIX, DIRTY WATER, OR ANY OTHER MATERIAL WHICH MAY BE DELETERIOUS TO TREE HEALTH.

STREET TREE PLANTING NOTES:

- FOR NEW PLANTING:
 - THE CITY ARBORIST SHALL BE NOTIFIED, BY CALLING (510) 981-6660, PRIOR TO THE DELIVERY OF THE TREES FOR INSPECTION OF THEIR SIZE AND STRUCTURE.
 - EACH TREE SHALL BE PROPERLY PLANTED AT OR JUST BELOW GRADE (<1"). SOIL AMENDMENT IS NOT RECOMMENDED, AND NATIVE SOIL IS PREFERRED. NO CONSTRUCTION RUBBLE OR NON-ORGANIC MATERIAL SHALL BE WITHIN THE TREE WELL.
 - THE SURROUNDING SOIL OUTSIDE THE CONTAINER (ROOT BALL) SHOULD BE LIGHTLY COMPACTED TO ABOUT 4 INCHES BELOW GRADE WITH THE ROOT BALL HIGHER THAN THAT.
 - 2 TO 2.5 INCHES OF BASE ROCK SHOULD BE APPLIED AROUND THE ROOT BALL LEAVING 1.5 TO 2 INCHES LEFT FOR THE MATERIAL.
 - 15G CONTAINERS ARE APPROXIMATELY 15-16 INCHES IN DIAMETER AND THE MATERIAL SHOULD BE APPLIED TO THE APPROXIMATE EDGE OF THE ROOT BALL WITH THE TOP GRADE OF THE ROOT BALL UP TO 1 INCH BELOW THE TOP OF THE MATERIAL THAT WILL BE APPLIED.
 - EACH NEW TREE SHALL HAVE AUTOMATIC IRRIGATION INCLUDING TWO TREE BUBBLERS THAT CURVE OVER THE TOP OF THE TREES' ROOT BALL AND PROVIDE A MINIMUM OF 20 GALLONS PER WEEK BETWEEN MARCH 15 AND OCTOBER 15 FOR THE FIRST THREE YEARS. LARGER TREES MAY REQUIRE ADDITIONAL BUBBLERS. THE BUBBLERS SHOULD BE LOCATED ON TOP OF THE ROOT BALL WITHIN THIS 15-16 INCH CIRCLE AND NOT BE COVERED WITH MATERIAL.
 - TREES THAT DIE WITHIN THE FIRST THREE YEARS MUST BE REPLACED AT THE PROPERTY OWNER'S EXPENSE.

TRACHTENBERG
ARCHITECTS

2421 Fourth Street
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INSIDEOUT

landscape architecture
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www.aboutinsideout.com

2920
SHATTUCK

Berkeley, CA

09.02.2022 CITY SUBMITTAL

03.16.2023 DRC HEARING

04.06.2023 DRC REVISION

04.27.2023 ZAB HEARING SET

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: xxxx

SHEET:

LANDSCAPE NOTES

L3.0

Hydrozone Legend

- HZ 1 - Shrub/GC - Sunny - Low
- HZ 2 - Shrub/GC - Sunny - Moderate
- HZ 3 - Shrub/GC - Shade - Low
- HZ 4 - Tree - Shade - Low
- HZ 5 - Tree - Shade - Moderate
- HZ 6 - Water Feature
- HZ 7 - Non-Irrigated (Synthetic Turf)

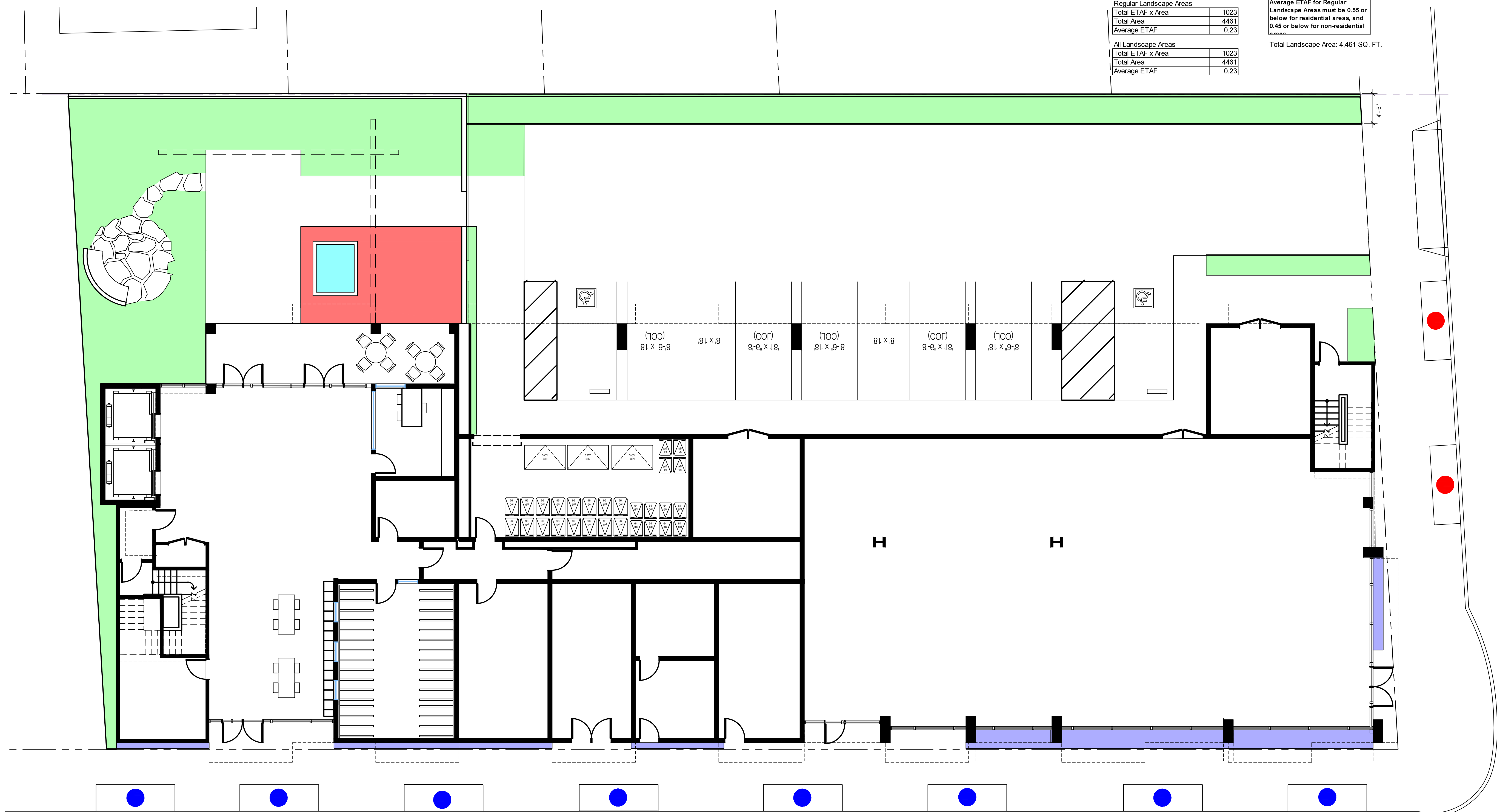
Water Efficient Landscape Worksheet

California Water Efficient Landscape Worksheet - 2920 Shattuck										
Reference Evapotranspiration (ET _c)	39.7			Project Type		Residential		0.55		
Hydrozone # / Planting Description ^a	Plant Factor (PF)	Irrigation Method ^b	Irrigation Efficiency (IE) ^c	ETAF (PF/IE)	Landscape Area (Sq. Ft.)	ETAF x Area	Estimated Total Water Use (ETWU) ^d			
Regular Landscape Areas										
HZ 1 - Shrub/GC - Sunny - L	0.2	Drip	0.81	0.25	2,937	725	17850			
HZ 2 - Shrub/GC - Sunny - M	0.5	Drip	0.81	0.62	306	189	4649			
HZ 3 - Shrub/GC - Shade - L	0.2	Drip	0.81	0.25	244	60	1483			
HZ 4 - Tree - Shade - L	0.2	Drip	0.81	0.25	2	0	12			
HZ 5 - Tree - Shade - M	0.5	Drip	0.81	0.62	10	6	152			
HZ 6 - Water Feature	1		1.00		42	42	1034			
HZ 7 - Non-Irrigated (Syn. Turf)			0.75	0.00	920	0	0			
			0.75	0.00		0	0			
					Totals	4461	1023	25180		
Special Landscape Areas										
					1		0			
					1		0			
					1		0			
					1		0			
					Totals	0	0	0		
					ETWU Total		25180			
					Maximum Allowed Water Allowance (MAWA)^e		60392			

ETAF Calculations		
Regular Landscape Areas		
Total ETAF x Area	1023	
Total Area	4461	
Average ETAF	0.23	
All Landscape Areas		
Total ETAF x Area	1023	
Total Area	4461	
Average ETAF	0.23	

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

Total Landscape Area: 4,461 SQ. FT.



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2920 SHATTUCK

Berkeley, CA

- 09.02.2022 CITY SUBMITTAL
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04.27.2023 ZAB HEARING SET

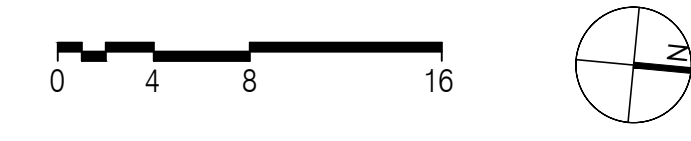
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JOB: XXXX

SHEET:

HYDROZONE PLAN
GROUND LEVEL

I.0



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JOB: XXXX

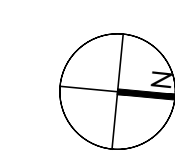
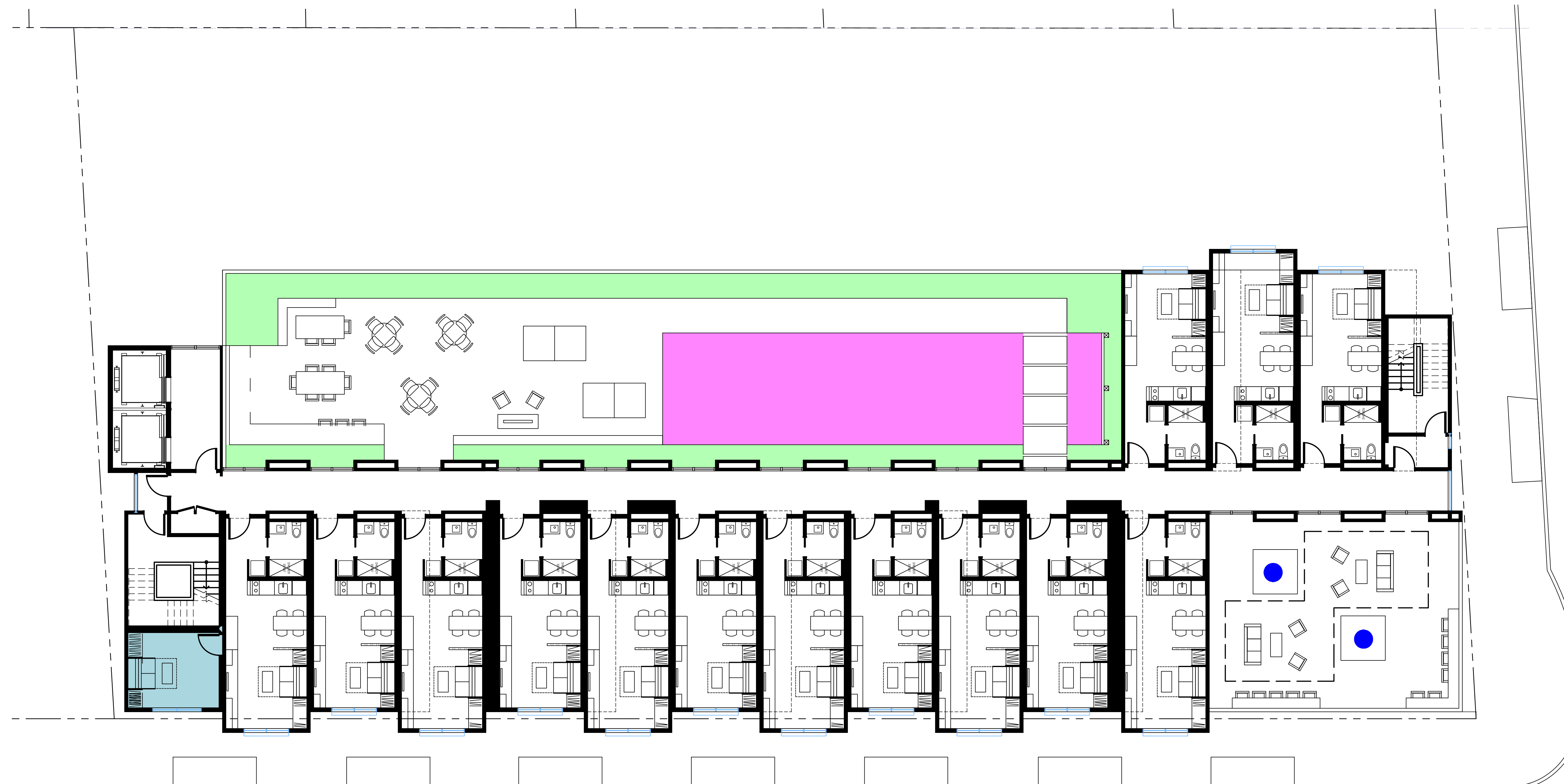
SHEET:

HYDROZONE PLAN
ROOF LEVEL

Hydrozone Legend

- HZ 1 - Shrub/GC - Sunny - Low
- HZ 2 - Shrub/GC - Sunny - Moderate
- HZ 3 - Shrub/GC - Shade - Low
- HZ 4 - Tree - Shade - Low
- HZ 5 - Tree - Shade - Moderate
- HZ 6 - Water Feature
- HZ 7 - Non-Irrigated (Synthetic Turf)

* See "Hydrozone Plan - Ground Level" for
Water Efficient Landscape Worksheet



1.1

Gong, Sharon

From: Gong, Sharon
Sent: Tuesday, January 10, 2023 12:25 PM
To: Gong, Sharon
Subject: RE: comments on proposed project at 2920 Shattuck Avenue

Internal

-----Original Message-----

From: Dan Grassetto <dan.grassetto@icloud.com>
Sent: Monday, January 9, 2023 11:43 AM
To: Planning Dept. Mailbox <planning@cityofberkeley.info>
Subject: comments on proposed project at 2920 Shattuck Avenue

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

I'm writing to voice my opposition to the proposed 10 story residential/commercial building at this address. Berkeley already has way more than enough apartment/condo buildings, with many not occupied, and with limited success with ground floor businesses. We don't need another one.

If this project is allowed to go through, yet another essential and valued business will be gone forever, and Berkeley will be worse for it. Eastern Hardware is a very popular and essential part of the community. Things break all the time, and Eastern Hardware has been the go-to place for the things required to fix these things. Additionally, Eastern Hardware is a minority-owned business that will be forced to close if this project goes ahead as planned.

I ask that the City consider the unique value that Eastern Hardware brings to the community and not allow yet another cookie cutter high-rise be built at this location. We don't need another shi-shi high-rise, but we do need a frigging hardware store.

Dan Grassetto
510-590-1292

Gong, Sharon

From: Gong, Sharon
Sent: Tuesday, March 21, 2023 11:51 AM
To: Gong, Sharon
Subject: RE: From Newbury Street

Public

From: Larisa Cummings <pidicummings@gmail.com>
Sent: Monday, March 13, 2023 3:03 PM
To: Nathan D George <nathan@ndgre.com>; xin.jin17@gmail.com
Cc: Ching/Battles <battles.ca@sonic.net>; Dave Auerbach <dave.auerbach@gmail.com>; Eve Shapiro <eshapiro99@gmail.com>; Gianna Ranuuzi <giannara1@icloud.com>; Julian <Juliangrzn@gmail.com>; Mor <Mor.goldberger@gmail.com>; P D i l l i n g h a m <paul.y.dillingham@gmail.com>; Reed Dillingham <reed.dillingham@gmail.com>; mojo au gogo <sentientcalifornian@gmail.com>; Les Shipnuck <shipnuck@comcast.net>; Ania Shapiro <shapania@gmail.com>; Burns, Anne M <ABurns@cityofberkeley.info>; cryodoc@mail.com; Larisa Cummings <pidicummings@gmail.com>
Subject: Re: From Newbury Street

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

Hi Nathan - and Xin,

It is disappointing that you have not been able to make two proposed weekend meetings with us - as I informed you it is difficult for us to meet during the week due to work. Time is increasingly of the essence here. A few of us are available to meet tomorrow between 6:30-7:30 or Wednesday between 5:30-7:30. Please confirm which day/time and send ZOOM info. We would like Xin Jin to participate too, especially since he lives in this community. Thank you.

In the meantime, here is a list of some of our concerns about 2920 specifically - we know it's going to be reviewed at DRC this Thursday and is moving fast through the review process. Please note that DRC Planner Anne Burns is being copied here as our deadline to comment on 2920 for DRC is tomorrow - these are also my comments to the DRC.

Due to 10-story height and density of 2920 Shattuck building - 221 units with only 10% for very low income - we have numerous concerns and objections -

Size and Scale and Design - especially altogether - with 2847, 2920 and 3000 Shattuck:

-We are very alarmed by the latest plans, with two 10-story buildings and one 9, these plans are larger than ever, especially given that you also aim to develop 2847 Shattuck and 3000 Shattuck around the same time - and three within one+ block is overwhelmingly inappropriate. Additionally, the buildings are unattractive, accentuating extreme height differences, and out of sync with existing architecture.

-We also question the need for all of this housing right here right now. We must stress that building all of this at once is a big risk and big threat to our community. We favor affordable - these mostly are not. Numerous new apartment buildings up the street have had vacancies for years now. See, e.g., <https://www.parkerberkeley.com/> - \$2,000 off to move in - we see this regularly, including here:

[150+ new market rate apts incl move-in incentives nr S. Berk](#) - screenshots attached. Especially in a changing economy with more remote work and BART ridership down dramatically, what needs are being served here?

-It's well documented that this part of Shattuck is very dangerous -

<https://berkeleyca.gov/sites/default/files/documents/2023-02-28%20Item%2014%20Referral%20Creation%20of%20an%20Intersection.pdf>,
<https://berkeleyca.gov/sites/default/files/2022-04/2022-05-10%20Item%2025%20Addition%20of%20Semi-diverter%20Traffic.pdf>, <https://aa.law/blog/increase-berkeley-traffic-collision-deaths-2021/>

-You have said so yourself - as we have reminded you before, you directly stated to City Council a few years ago that Russell/Shattuck should not be highly developed because it's "sandwiched" - please listen at 3:36:36-3:38:44 in link below, and particularly 3:38:06-3:38:16 where you say that if you are at Russell "sandwiched" between the Berkeley Bowl you should be at 3 stories. [Video \(5 hrs, 18](#)

Lack of notice:

Several of us did not get notice of your 2920 plans for discussion with you last summer. We recently located notes in the city documents of a small meeting with a few neighbors, but not all of us were informed - and this is very disappointing. Evidence of mailing to specific addresses has not been located. To date, several of us have not gotten any notice of 2847 plans either. This is very concerning as we live very close by, should have received notice, and not be under this kind of pressure to respond.

Health and Safety concerns and Environmental concerns, more specifically:

-A lot more people (assuming the units are occupied...) impacting already sandwiched Russell/Shattuck - especially when factor in kitty-corner 2847 Shattuck plans;

-Traffic flow concerns re driveway on Russell that will affect pedestrian and busy bike blvd including route to/from at least three nearby elementary and middle schools;

-Lack of loading to prevent congestion on Shattuck which is not two lanes as represented in renderings - A.3.7 going south from Berkeley Bowl is one lane with a parking lane that only becomes two lanes south of Russell for 1/2 block to make a left turn lane at Ashby and then merges back into one lane immediately south of Ashby (same concern re 3000 Shattuck project). Shattuck also merges into one lane north of Ashby making the intersection of Russell and Shattuck with no traffic light extra tight for an already busy corridor;

-Loss of sunlight for very significant part of the day affecting quality of life especially children who live on Newbury close to Russell;

-Loss of solar - very significant to Newbury properties closer to Russell, three+ of which currently have solar;

-Loss of views - will block all views of hills from Newbury;

-Vehicular traffic/pollution in a very small neighborhood already impacted by the Berkeley Bowl and Shattuck/Ashby.

Property line:

-The current 15-20 ft cinder block wall along our property provides a high degree of security and privacy that we highly value;

-We would like whatever replaces that to offer the same or better level of privacy and security, while also being more attractive than the current wall with appropriate tall trees - we have landscape architects in our Newbury neighborhood who have good ideas;

-We want to preserve our trees!

Sincerely,
Larisa Cummings
510-435-9812

On Mon, Mar 13, 2023 at 6:46 AM Nathan D George <nathan@ndgre.com> wrote:

Hi Larisa,

Unfortunately, that does not work for me. I have 5 little kids, and this Saturday I will be with my oldest at his important championship swim meet during that time.

I am fairly flexible during the week to speak with any one of you, even if just after work, depending on the day.

Thanks,

nathan

Nathan D George | President & Founder | NDG Real Estate

From: Larisa Cummings <pidicummings@gmail.com>

Sent: Friday, March 10, 2023 4:55 PM

To: Nathan D George <nathan@ndgre.com>; xin.jin17@gmail.com

Cc: Ania Shapiro <shapania@gmail.com>; Ching/Battles <battles.ca@sonic.net>; Dave Auerbach <dave.auerbach@gmail.com>; Eve Shapiro <eshapiro99@gmail.com>; Gianna Ranuuzi <giannara1@icloud.com>; Julian <Juliangrzn@gmail.com>; Les Shipnuck <shipnuck@comcast.net>; Mor <Mor.goldberger@gmail.com>; P D i l l i n g h a m <paul.y.dillingham@gmail.com>; Reed Dillingham <reed.dillingham@gmail.com>

Subject: South Shattuck projects 2847-2920-3000

Hi again Nathan, it looks like Saturday am 3/18 9-10 works best. Ok? Weekdays are hard due to work.

On Tue, Mar 7, 2023 at 12:37 PM Nathan D George <nathan@ndgre.com> wrote:

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2920 Shattuck - comments to DRC re 4/20 mtg and to ZAB re 4/27 hearing
Attachments: Screen Shot 2023-03-13 at 11.35.38 AM.png; Screen Shot 2023-03-13 at 2.07.30 PM.png

From: Larisa Cummings <pidicummings@gmail.com>
Sent: Sunday, April 16, 2023 9:44 AM
To: Burns, Anne M <ABurns@cityofberkeley.info>; Gong, Sharon <SGong@cityofberkeley.info>; Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Cc: Ching/Battles <battles.ca@sonic.net>; Reed Dillingham <reed.dillingham@gmail.com>; P D i l l i n g h a m <paul.y.dillingham@gmail.com>; Dave Auerbach <dave.auerbach@gmail.com>; mojo au gogo <sentientcalifornian@gmail.com>; Mor <Mor.goldberger@gmail.com>; Julian <Juliangrzn@gmail.com>; Yee Kuo <kuogwyee@hotmail.com>; FB <cryodoc@mail.com>; Ania Shapiro <shapania@gmail.com>; Eve Shapiro <eshapiro99@gmail.com>; Nathan D George <nathan@ndgre.com>; xin.jin17@gmail.com; David Trachtenberg <david@trachtenbergarch.com>; Gianna Ranuzzi <giannara@comcast.net>; Berkeley Mayor's Office <mayor@cityofberkeley.info>; All Council <council@cityofberkeley.info>
Subject: 2920 Shattuck - comments to DRC re 4/20 mtg and to ZAB re 4/27 hearing

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

Ms. Burns and Ms. Gong,

I live on Newbury Street and am an immediate neighbor to the 2920 Shattuck project. I resubmit my 3/13/23 comments (below) to the DRC and to the ZAB about the project. It is my understanding from Ms. Burns' 3/15/23 email to me that my 3/13/23 comments will be submitted to the ZAB for the upcoming 4/27/23 hearing. Please confirm and submit these further comments too. Thank you.

None of my 3/13/23 concerns have been addressed by the revisions to the plans, except for the possibility of Canary Island Pine tree selection at the property line.

Most of the DRC's recommendations from the 3/16/23 DRC meeting have been ignored or overlooked, as follows:

DRC Summary – March 16, 2023

Preliminary Design Review Modification received an unfavorable recommendation to ZAB with the following conditions and recommendations for Final Design Review (FDR): MOTION: (Tam, Pink) VOTE (6-0-0-1) Kahn - absent.

Conditions

- **Restudy the massing, and in particular the Shattuck Façade; consider taller mass at corner.**

Ignored/overlooked – the project remains completely out of sync with the surrounding community in every respect. It is outright de-humanizing. Beyond the absurd scale and extremely rectangular and monotonous nature of the project it is evident from discussions at DRC meetings (re 2920 and 3000 Shattuck) and with project principals that it has limited design customization potential primarily because the developer intends to use modular units. This choice greatly undermines the architectural styles that have been a hallmark of this beautiful community. The narrow hallway is endless. The studios are entirely uniform *and by far, market rate*. It is, in short, atrocious and even Stalinist as the DRC has already stated. At the 3/16/23 DRC committee meeting, one of the members said plainly that it looks like an Eastern Soviet bloc building. In a 3/20/23 meeting with immediate neighbors, owner/developer Nathan George informed us that *the selection of modular was for our benefit as neighbors - to reduce construction time by months*. No thank you. We need livable architecture that respects this community and its historic beauty.

This is particularly alarming because the developer intends to build two other very similar projects at 2847 and 3000

Shattuck, three within one+ indisputably dangerous block of Shattuck Avenue. Due to the narrowing of the street north and south, and traffic, it is obvious that the infrastructure here cannot sustain this kind of development. The developer's persistence in ignoring neighbor concerns about need for onsite loading and unloading - expressed repeatedly and to the ZAB and the City Council regarding prior plans to develop 3000 Shattuck - is particularly galling.

In light of this and all the other planned housing developments in this vulnerable South Berkeley community, we are under direct threat of imminent loss of quality of life. All of the development on this side of town must be looked at more holistically with priorities for health and safety.

- **Provide a better buffer for neighbors on the West side.** Ignored/overlooked - aside from more suitable potential selection of Canary Island Pine tree at property line
- **Make design relate more to this neighborhood.** Ignored/overlooked
- **Make the design unique, not like the other nearby projects.** Ignored/overlooked
- **Look at rendering of project from Newbury.** Ignored/overlooked
- **Consider alternate for metal panel that better relates to the neighborhood.** No relationship

Recommendations

- **Bring down the height and building mass if possible, even if only a slight floor to ceiling reduction.** Ignored/overlooked
- **Design is too repetitious; need more human scale; look at more horizontal elements.** Unimproved
- **Recommend looking at a project rendering that includes other nearby new projects.** Ignored/overlooked
- **Look at acoustic impact of the roof deck [there was further DRC discussion about preventing roof deck views of Newbury backyards].** Ignored/overlooked
- **Provide permeable pavers at parking, as well as softer parking edge / entry from Russell.** Pavers are in the plans now, but the entry/exit from Russell Street is inherently dangerous due to established bike path/high density pedestrian activity - there is no safe resolution to this existing hazard – and a mere 9 parking spaces for over 200 units is ludicrous for this insular neighborhood
- **Recommend large trees on west property line.** Addressed - personally, I ask again for a commitment to preserve my very large native Big Maple tree
- **Recommend bird safe glass.** Ignored/overlooked

This process has been entirely unsatisfactory and is increasingly alarming. It is appalling that the developer has such intense intentions here, to excavate over gas stations and auto repair shops, taking advantage of state laws aimed at bonus density development to encourage affordable housing that is barely contemplated. Altogether over 500 studio units in three projects, with only 10% affordable, is no solution. This will not work for the people, the environment, birds and other animals, or the future needs of this community.

Sincerely yours,
Larisa Cummings
2913 Newbury Street
510-435-9812

----- Forwarded message -----

From: Larisa Cummings <pidicummings@gmail.com>

Date: Mon, Mar 13, 2023 at 4:03 PM

Subject: Re: From Newbury Street

To: Nathan D George <nathan@ndgre.com>, <xin.jin17@gmail.com>

Cc: Ching/Battles <battles.ca@sonic.net>, Dave Auerbach <dave.auerbach@gmail.com>, Eve Shapiro

<eshapiro99@gmail.com>, Gianna Ranuuzi <giannara1@icloud.com>, Julian <Juliangrzn@gmail.com>, Mor <Mor.goldberger@gmail.com>, P D i l l i n g h a m <paul.y.dillingham@gmail.com>, Reed Dillingham <reed.dillingham@gmail.com>, mojo au gogo <sentientcalifornian@gmail.com>, Les Shipnuck <shipnuck@comcast.net>, Ania Shapiro <shapania@gmail.com>, Burns, Anne M <ABurns@cityofberkeley.info>, <cryodoc@mail.com>, Larisa Cummings <pidicummings@gmail.com>

Hi Nathan - and Xin,

It is disappointing that you have not been able to make two proposed weekend meetings with us - as I informed you it is difficult for us to meet during the week due to work. Time is increasingly of the essence here. A few of us are available to meet tomorrow between 6:30-7:30 or Wednesday between 5:30-7:30. Please confirm which day/time and send ZOOM info. We would like Xin Jin to participate too, especially since he lives in this community. Thank you.

In the meantime, here is a list of some of our concerns about 2920 specifically - we know it's going to be reviewed at DRC this Thursday and is moving fast through the review process. Please note that DRC Planner Anne Burns is being copied here as our deadline to comment on 2920 for DRC is tomorrow - these are also my comments to the DRC.

Due to 10-story height and density of 2920 Shattuck building - 221 units with only 10% for very low income - we have numerous concerns and objections -

Size and Scale and Design - especially altogether - with 2847, 2920 and 3000 Shattuck:

-We are very alarmed by the latest plans, with two 10-story buildings and one 9, these plans are larger than ever, especially given that you also aim to develop 2847 Shattuck and 3000 Shattuck around the same time - and three within one+ block is overwhelmingly inappropriate. Additionally, the buildings are unattractive, accentuating extreme height differences, and out of sync with existing architecture.

-We also question the need for all of this housing right here right now. We must stress that building all of this at once is a big risk and big threat to our community. We favor affordable - these mostly are not. Numerous new apartment buildings up the street have had vacancies for years now. See, e.g., <https://www.parkerberkeley.com/> - \$2,000 off to move in - we see this regularly, including here: [150+ new market rate apts incl move-in incentives nr S. Berk](#) - screenshots attached. Especially in a changing economy with more remote work and BART ridership down dramatically, what needs are being served here?

-It's well documented that this part of Shattuck is very dangerous - <https://berkeleyca.gov/sites/default/files/documents/2023-02-28%20Item%2014%20Referral%20Creation%20of%20an%20Intersection.pdf>, <https://berkeleyca.gov/sites/default/files/2022-04/2022-05-10%20Item%2025%20Addition%20of%20Semi-diverter%20Traffic.pdf>, <https://aa.law/blog/increase-berkeley-traffic-collision-deaths-2021/>

-You have said so yourself - as we have reminded you before, you directly stated to City Council a few years ago that Russell/Shattuck should not be highly developed because it's "sandwiched" - please listen at 3:36:36-3:38:44 in link below, and particularly 3:38:06-3:38:16 where you say that if you are at Russell "sandwiched" between the Berkeley Bowl you should be at 3 stories. [Video \(5 hrs, 18](#)

Lack of notice:

Several of us did not get notice of your 2920 plans for discussion with you last summer. We recently located notes in the city documents of a small meeting with a few neighbors, but not all of us were informed - and this is very disappointing. Evidence of mailing to specific addresses has not been located. To date, several of us have not gotten any notice of 2847

plans either. This is very concerning as we live very close by, should have received notice, and not be under this kind of pressure to respond.

Health and Safety concerns and Environmental concerns, more specifically:

-A lot more people (assuming the units are occupied...) impacting already sandwiched Russell/Shattuck - especially when factor in kitty-corner 2847 Shattuck plans;

-Traffic flow concerns re driveway on Russell that will affect pedestrian and busy bike blvd including route to/from at least three nearby elementary and middle schools;

-Lack of loading to prevent congestion on Shattuck which is not two lanes as represented in renderings - A.3.7 going south from Berkeley Bowl is one lane with a parking lane that only becomes two lanes south of Russell for 1/2 block to make a left turn lane at Ashby and then merges back into one lane immediately south of Ashby (same concern re 3000 Shattuck project). Shattuck also merges into one lane north of Ashby making the intersection of Russell and Shattuck with no traffic light extra tight for an already busy corridor;

-Loss of sunlight for very significant part of the day affecting quality of life especially children who live on Newbury close to Russell;

-Loss of solar - very significant to Newbury properties closer to Russell, three+ of which currently have solar;

-Loss of views - will block all views of hills from Newbury;

-Vehicular traffic/pollution in a very small neighborhood already impacted by the Berkeley Bowl and Shattuck/Ashby.

Property line:

-The current 15-20 ft cinder block wall along our property provides a high degree of security and privacy that we highly value;

-We would like whatever replaces that to offer the same or better level of privacy and security, while also being more attractive than the current wall with appropriate tall trees - we have landscape architects in our Newbury neighborhood who have good ideas;

-We want to preserve our trees!

Sincerely,
Larisa Cummings
510-435-9812

On Mon, Mar 13, 2023 at 6:46 AM Nathan D George <nathan@ndgre.com> wrote:

Hi Larisa,

Unfortunately, that does not work for me. I have 5 little kids, and this Saturday I will be with my oldest at his important championship swim meet during that time.

I am fairly flexible during the week to speak with any one of you, even if just after work, depending on the day.

Thanks,

nathan

Nathan D George | President & Founder | NDG Real Estate

From: Larisa Cummings <pidicummings@gmail.com>

Sent: Friday, March 10, 2023 4:55 PM

To: Nathan D George <nathan@ndgre.com>; xin.jin17@gmail.com

Cc: Ania Shapiro <shapania@gmail.com>; Ching/Battles <battles.ca@sonic.net>; Dave Auerbach <dave.auerbach@gmail.com>; Eve Shapiro <eshapiro99@gmail.com>; Gianna Ranuuzi <giannara1@icloud.com>; Julian <Juliangrzn@gmail.com>; Les Shipnuck <shipnuck@comcast.net>; Mor <Mor.goldberger@gmail.com>; P D i l l i n g h a m <paul.y.dillingham@gmail.com>; Reed Dillingham <reed.dillingham@gmail.com>

Subject: South Shattuck projects 2847-2920-3000

Hi again Nathan, it looks like Saturday am 3/18 9-10 works best. Ok? Weekdays are hard due to work.

On Tue, Mar 7, 2023 at 12:37 PM Nathan D George <nathan@ndgre.com> wrote:

Hi Larisa,

My parents are coming to town this weekend for my daughter's birthday and I can't speak on Saturday.

I can be available most mornings this week and next week except for next Wednesday.

I think Zoom is easiest.

Nathan D George | President & Founder | NDG Real Estate

From: Larisa Cummings <pidicummings@gmail.com>
Sent: Tuesday, March 7, 2023 2:18 PM
To: Nathan D George <nathan@ndgre.com>
Cc: xin.jin17@gmail.com
Subject: Re: From Newbury Street

Hi Nathan, thanks for your response and willingness to meet. Right now 4 or 5 of us who live in the immediate vicinity may be able to meet this Saturday between 1-3. Does that work for you? In person or zoom? I can confirm later or look into next week.

Best,

Larisa

510-435-9812

On Mon, Mar 6, 2023 at 7:07 AM Nathan D George <nathan@ndgre.com> wrote:

Hi Larisa,

Let me know when you are available to discuss this week, days and times.

Thanks,

nathan

Nathan D George | President & Founder | NDG Real Estate

From: Larisa Cummings <pidicummings@gmail.com>
Sent: Sunday, March 5, 2023 2:47 AM
To: Nathan D George <nathan@ndgre.com>; xin.jin17@gmail.com
Subject: From Newbury Street

Hello again, please contact me about your three 2800-3000 Shattuck plans.

Thank you,

Larisa Cummings

510-435-9812

Firefox File Edit View History Bookmarks Tools Window Help



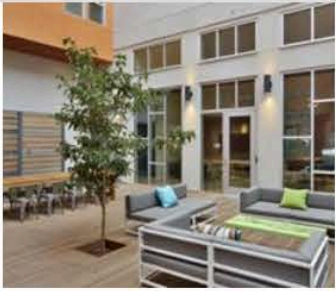
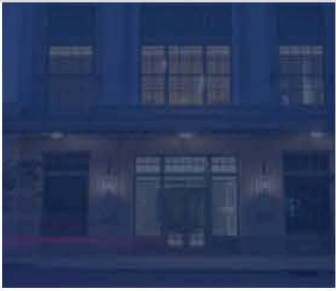
Google Calendar - March 2023 x Compare Properties | Greystar x

https://www.greystar.com/search/compare?ids=0a88b592474b4d43b496223a63f5d583,e

Most Visited Getting Started Other Bookmarks

AVOID RENTAL SCAMS BLOG CONTACT US/EN

GREYSTAR™ APARTMENTS BUSINESS SERVICES PRODUCT SPECIALTIES REGIONS CAREERS ABOUT US

				
	The Dwight	Blake at Berkeley	Parker Apartments	Aquatic Shattuck
	2121 Dwight Way Berkeley CA 94704	2033 Blake st Berkeley CA 94704	2038 Parker Street Berkeley CA 94704	2640 Shattuck ave Berkeley CA 94704
	510-704-0557	510-219-0410	855-218-5194	833-650-1345
	View Community	View Community	View Community	View Community
Price	\$3,192 - \$5,285	\$2,980 - \$5,515	\$2,758 - \$9,839	\$2,640 - \$7,151
Available Apartments	32 apartments	122 apartments	11 apartments	8 apartments
Bedrooms	Studio - 2	Studio - 2	Studio - 3	Studio - 2

The screenshot shows a Firefox browser window with the address bar displaying <https://www.parkerberkeley.com>. The browser's address bar includes navigation icons (back, forward, refresh, home), a star icon for bookmarks, and a search icon. The browser's menu bar at the top includes File, Edit, View, History, Bookmarks, Tools, Window, and Help. The browser's tabs include "Inbox (8,022) - pidicummings@...", "Google Calendar - March 2023", "Online Text Correction for Germ...", and "Downtown Berkeley Apartments".

The website header features the "PARKER" logo in large, bold, black letters. To the right of the logo are social media icons for Facebook, Instagram, and a chat bubble, followed by the phone number "(855) 352-1733" and an "APPLY NOW" button. Below the header is a large, dimmed image of a modern apartment interior, showing a kitchen with a stove and sink, a dining table with chairs, and a living area with a sofa and coffee table.

A prominent orange and white overlay box is centered on the page. The top part of the box is orange with the text "SPECIAL !". The bottom part is white with the text "Receive \$2000 off of Move in For Your New Apartment Home!*". A small "X" icon is in the top right corner of the overlay box.

At the bottom of the page, there are two orange buttons: "Schedule Appointment" with a calendar icon and "Leasing Info" with a speech bubble icon. In the bottom left corner, there is a "3D" icon with a circular arrow, indicating a virtual tour feature.

Jacob, Melinda

From: Zoning Adjustments Board (ZAB)
Subject: FW: 2920 Shattuck Ave

From: Estelle Tarica <etarica@yahoo.com>
Sent: Monday, April 17, 2023 10:07 PM
To: Zoning Adjustments Board (ZAB) <Planningzab@cityofberkeley.info>
Subject: 2920 Shattuck Ave

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

Hi from a South Berkeley Neighbor,

I'm happy to see denser housing being developed in our neighborhood, but I am worried about the kind of retail spaces that we are losing and the new ones coming in. We rely on the hardware store at this address, and the auto mechanic, and love the neighborhood feel of having useful small businesses like these that we can walk to.

Please don't create a situation where they are priced out and replaced by bistros, high end gyms (like Equinox, up the street on Shattuck at Parker, with valet parking and a security guard stationed at the door who makes you feel like you don't belong as you walk by), and cafes, of which there are a wonderful amount already in Berkeley, but not enough stores where you can buy things that you actually need for daily life.

Respectfully,
Estelle Tarica
2909 Harper Street

DRC SUMMARY – March 16, 2023

2920 SHATTUCK AVENUE [at Russell] (DRCP2022-0013): Preliminary Design Review to demolish two existing commercial buildings and construct a density bonus project: a ten-story mixed-use building with 221 dwelling units (22 VLI units), 4,090 square feet of commercial space, and nine parking spaces. (Project Plans, received March 2, 2023)

Preliminary Design Review Modification received an unfavorable recommendation to ZAB with the following conditions and recommendations for Final Design Review (FDR): MOTION: (Tam, Pink) VOTE (6-0-0-1) Kahn - absent.

Conditions

- *Restudy the massing, and in particular the Shattuck Façade; consider taller mass at corner.*
- *Provide a better buffer for neighbors on the West side.*
- *Make design relate more to this neighborhood.*
- *Make the design unique, not like the other nearby projects.*
- *Look at rendering of project from Newbury.*
- *Consider alternate for metal panel that better relates to the neighborhood.*

Recommendations

- *Bring down the height and building mass if possible, even if only a slight floor to ceiling reduction.*
- *Design is too repetitious; need more human scale; look at more horizontal elements.*
- *Recommend looking at a project rendering that includes other nearby new projects.*
- *Look at acoustic impact of the roof deck.*
- *Provide permeable pavers at parking, as well as softer parking edge / entry from Russell.*
- *Recommend large trees on west property line.*
- *Recommend bird safe glass.*

ZAB Issues

- *Resolve any circulation issues at the intersection, as well as on Newbury.*
- *Improve livability of the hallway and unit interiors.*



Z O N I N G
A D J U S T M E N T S
B O A R D

NOTICE OF PUBLIC HEARING

2900-20 Shattuck Avenue

Use Permit #ZP2022-0116 to demolish a commercial building and construct a 10-story (110 feet, 4 inches), 115,204-square-foot, mixed-use building with 221 dwelling units (including up to 22 Very Low-Income Density Bonus qualifying units), 4,090 square feet commercial space, and nine parking spaces.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.404.

When: Thursday, April 27, 2023, 7:00 pm

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

Please see the Agenda for details: https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-03-30_ZAB_Agenda.pdf

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

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

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

A. Land Use Designations:

- General Plan: NC – Neighborhood Commercial
- Zoning: C-SA – South Area Commercial District

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential building

- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A) to create new floor area of 3,000 square feet or more
- Use Permit under BMC 23.204.100(D)(2) to modify height, setback, and lot coverage requirements
- Administrative Use Permit under BMC 23.304.050(A) to allow architectural elements to exceed the district height limit

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

- Concession to reduce the open space requirement – to provide 8,840 square feet where 7,352 square feet is required – to eliminate the costs of constructing a larger roof deck
- Concession to reduce the long-term bicycle parking requirement – to provide 72 spaces where 84 spaces is required – to eliminate the costs of enlarging the bike room and providing additional racks
- Waiver of BMC Section 23.204.100(D) to exceed building height limits – to be 110'-4", and 10 stories (no maximum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to reduce front and street side setbacks to 0', and rear setback to 1'-6" (no minimum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to increase lot coverage to 57 percent (no maximum in Base with UP)
- Waiver of BMC Section 23.204.100(D) to increase floor area ratio (FAR) to 5.88, where 4.0 is the limit

C. CEQA Recommendation: It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-fill Development Projects"). The determination is made by ZAB.

D. Parties Involved:

- Applicant Trachtenberg Architects, 2421 Fourth Street, Berkeley, CA 94701
- Property Owner 2900 Shattuck Avenue, LLC, 2343 Stuart Street, Berkeley, CA 94705

Further Information:

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

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

Questions about the project should be directed to the project planner, Sharon Gong, at (510) 981-7429 or sgong@cityofberkeley.info.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

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