

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
SEPTEMBER 12, 2024

2128-30 Oxford Street / 2132-2168 Center Street

Use Permit #ZP2022-0135 to demolish two buildings (one mixed-use with 16 rent-controlled units, one commercial) and construct a 26-story (285 feet'-4 inches feet, plus 7-foot parapet), 713,664-square-foot, mixed-use building with 456 dwelling units (including 6 Extremely Low-Income and 34 Very Low-Income Density Bonus qualifying / replacement units), 14,404 square feet of commercial space, and 36 parking spaces.

I. Background

A. Land Use Designations:

- General Plan: DT – Downtown
- Zoning: C-DMU Core – Downtown Mixed-Use District, Core Sub-Area

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 23.326.030(A)(3) to demolish a building containing two or more units
- Use Permit under BMC Section 23.326.030(A) to demolish 16 dwelling units in a building constructed prior to June 1980
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2)(a) to construct a building that exceeds the district height limit, and that is over 120 feet but not more than 180 feet

- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement
- Use Permit under BMC Section 23.204.130(E)(6)(b) to pay a fee in-lieu of providing privately-owned public open space
- Use Permit under BMC Section 23.304.030(C)(2)(b) to reduce the front setback on a commercially zoned lot that confronts a residential district
- Use Permit under 23.304.130(D), to eliminate display window and fence requirements when abutting a residential district
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural elements to exceed the district height limit
- Use Permit under BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service)
- Administrative Use Permit under BMC Section 23.302.070(E)(5)(2) to establish a food service establishment of more than 3,000 square feet
- Administrative Use Permit under BMC Section 23.302.070(E)(5)(a) for outdoor café seating abutting a residential district
- Use Permit pursuant to BMC Section 23.302.020(E)(4) for outdoor use abutting a residential district

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

- Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.204.130(E)(2)(a) to exceed building height limits, to be 285 feet 4 inches to the roof and 292 feet 4 inches to the top of the parapet (seven-foot parapet), where 180 feet is the maximum with a Use Permit (plus 5-foot parapet, by right)
- Waiver of BMC Section 23.304.030(C)(2)(b) to reduce the front setback (Oxford) requirement to 0 feet, where 10 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (Center) requirement to 0 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior side setback requirement to 7 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the rear setback requirement to 5 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(4) to reduce the usable open space requirement by providing 18,614 square feet where 36,480 square feet is the minimum, and zero square feet of privately-owned public open space, where 313 square feet is required
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 295 feet, 4 inches, where 120 feet is the maximum
- Waiver of BMC Section 23.322.090(A)(2) to reduce the long-term residential bicycle parking requirement by providing 264 spaces, where 383 spaces is the minimum
- Waiver of BMC Section 23.322.100(A), to reduce the loading space requirement to 0 where 1 loading space is required

D. CEQA Recommendation:

Staff recommends certification of the Final Environmental Impact Report (EIR)¹, and adoption of the Statement of Overriding Considerations and Mitigation, Monitoring and Reporting Program (MMRP) prepared pursuant to Article 7 of the CEQA Guidelines.

- Final EIR / Response to Comments (*2024-08-27_Final EIR-Response to Comments_2128 Oxford*)
- Draft Environmental Impact Report (*2024-05-03_2128 Oxford Street Mixed-Use Project_Draft EIR*)
- Statement of Overriding Considerations (Attachment 1, Exhibit B)
- Mitigation Monitoring and Reporting Program (Attachment 1, Exhibit C)

Environmental documents for this project are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>.

Click on Zoning tab; enter permit number #ZP2022-0135; click on the “Record Info” drop down menu; click on Attachments for a list of all application materials.

E. Parties Involved:

- Applicant / Owner: Core Berkeley Oxford, LLC, 1643 N. Milwaukee Ave, 5th Floor, Chicago, IL 60647

¹ Pursuant to CEQA Guidelines Section 15132, the Final EIR consists of: (a) The Draft EIR or a revision of the Draft EIR. (b) Comments and recommendations received on the Draft EIR either verbatim or in summary. (c) A list of persons, organizations, and public agencies commenting on the Draft EIR. (d) The responses of the Lead Agency to significant environmental points raised in the review and consultation process. (e) Any other information added by the Lead Agency.

Figure 1: Vicinity and Zoning Districts Map



Legend

-  AC Transit Bus Route
- C-DMU: Downtown Mixed-Use District
- Core: C-DMU Core Sub-Area
- R-5: High-Density Residential District

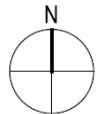


Figure 2: Aerial View

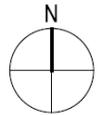


Figure 3: Front (East) Elevation – Oxford Street (elevation not to scale)



Figure 4: Right Side (North) Elevation – Center Street (elevation not to scale)



Figure 5: Left Side (South) Elevation – Oxford Lane (elevation not to scale)

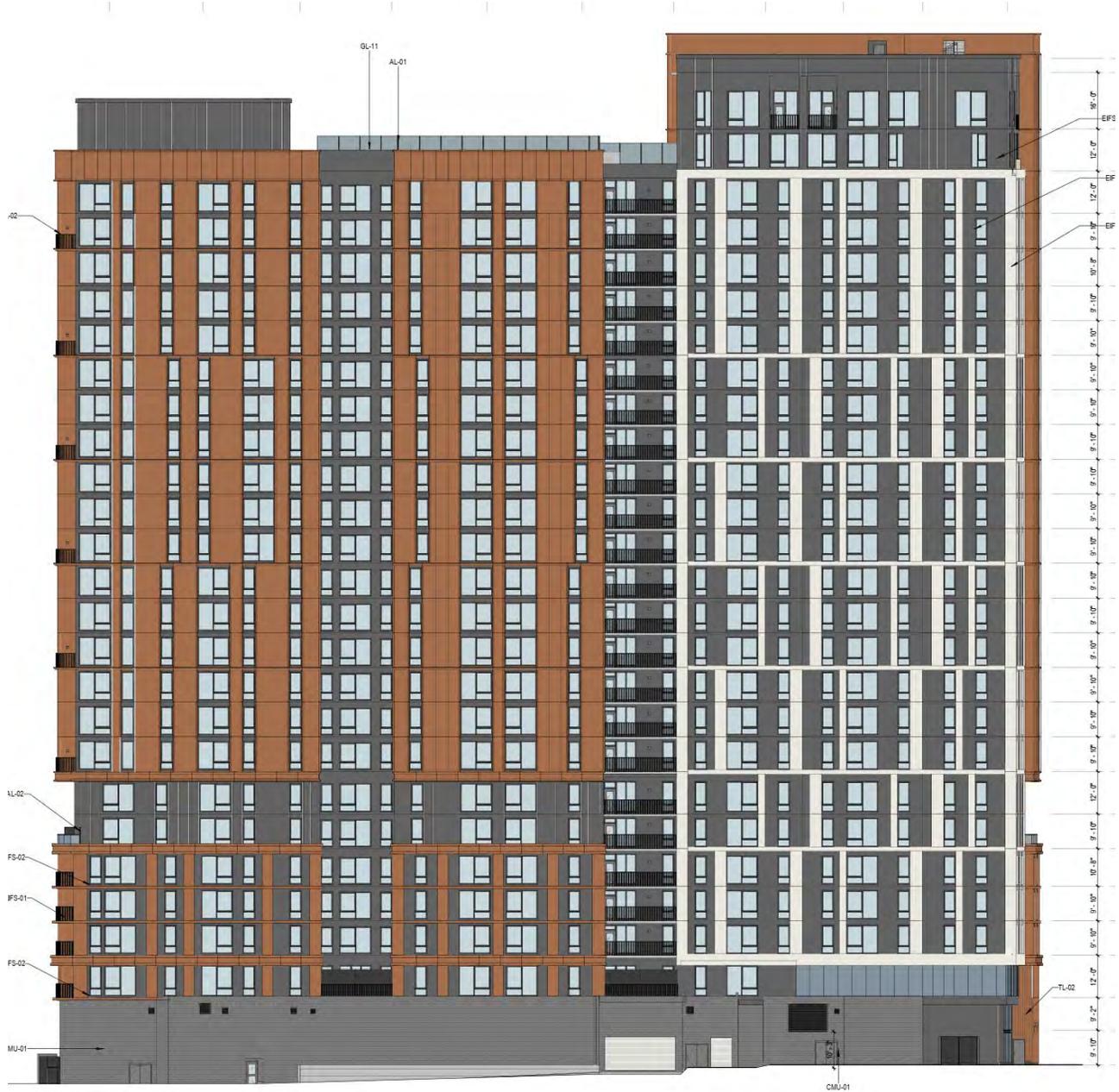


Figure 6: Rear (West) Elevation (elevation not to scale)



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		2128-30 Oxford Street: One-story, 10,680-square-foot, commercial building 2132-2168 Center Street: Two-story, 14,430-square-foot, mixed-use building with ground-floor commercial (restaurants) and 16 dwelling units (currently vacant)	C-DMU (Downtown Mixed Use District), Core Sub-Area	DT (Downtown)
Surrounding Adjacent Properties	North	Residence Inn Hotel and the Berkeley Art Museum/Pacific Film Archive		
	South	Magnes Collection of Jewish Art and Life museum, a multi-family residential building, and a restaurant/office building		
	West	Buildings containing a mix of restaurant, retail and office uses.		
	East	Crescent Lawn and east entry to the U.C. Berkeley campus	R-5 (High-Density Residential District)	OS (Open Space)

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 site contains approximately 12,800 square feet of existing retail and proposes approximately 14,404 square feet of replacement retail; the net-new, non-residential gross floor area in the project is less than 7,500 square feet. 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 / Inclusionary Housing Requirements (BMC Chapter 23.328)	No	The project vested with a Preliminary Application pursuant to Senate Bill (SB) 330 on June 6, 2022. Therefore, it is not subject to this BMC section. (See Affordable Housing Mitigation Fee in the table row below.)

Characteristic	Applies to Project?	Explanation
Affordable Housing Mitigations for rental housing projects (Per BMC Section 22.20.065)	Yes	The project vested policies in place at the time of submittal of an SB 330 Preliminary Application on June 6, 2022 and is therefore subject to this section. To meet the requirements of BMC Section 22.20.065, the project will include 6 Extremely Low and 34 Very Low Income units. The remainder of the mitigation will be paid in fee to the Housing Trust Fund. ^b Prior to the finalizing the affordable unit Regulatory Agreement (prior to Certificate of Occupancy), affordable units in the building will be designated in floor plans to ensure distribution per BMC Section 22.20.065 requirements, and additional affordable in-lieu units may be added by the applicant to reduce the fee further.
Alcohol Sales/Service	Yes	The project is proposing Alcoholic Beverage Service of beer and wine incidental to seated food service in each retail space and Alcoholic Beverage Service of distilled spirits, incidental to seated food service for the rooftop retail space. (Alcohol Beverage Control license Type 47).
Bird Safe Buildings (BMC Section 23.304.150)	No	The project was vested under the Housing Crisis Act of 2019 prior to the July 27, 2023 effective date of the ordinance, and therefore these provisions do not apply.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	Yes	The southeast portion of the site is located within a culverted creek setback (Strawberry Creek). The proposed building is within 25 feet of the centerline of the culverted creek, and would be subject to BMC Chapter 17.08 Preservation and Restoration of Natural Watercourses. See Section 10 of the Infill Environmental Checklist, Appendix B to Attachment 1 of the Draft EIR, for analysis.
Density Bonus	Yes	The project would provide 40 below market units (6 Extremely Low-Income and 34 Very Low-Income units), or 12 percent of the 333 Base Project units, and qualifies for a 38.75 percent density bonus, or 130 bonus units (123 taken), under Government Code Section 65915. See Section III.B for discussion.
Green Building Score	Yes	The project is designed to achieve a Leadership in Energy and Environmental Design (LEED) - Gold (or equivalent) rating.

Characteristic	Applies to Project?	Explanation
Historic Resources	Yes	The project would demolish the on-site buildings, including the 2142 Center Street building, which exceeds 40 years in age. The 2142 Center Street building was evaluated and found eligible for listing in the National Register of Historic Places and the California Register of Historical Resources, and for designation as a City of Berkeley Landmark. The building is also a contributor to the historic downtown Shattuck Avenue Corridor Commercial District. The Landmarks Preservation Commission held hearings to consider the demolition referral and local landmark designation and took no action. As a potential historic resource, the building is subject to review under CEQA for impact from the project. See Section V for analysis.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^a The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section VI.A of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^a See Section VI.B of this report for additional discussion on the sections of SB 330 that apply to the project.
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 requesting a Density Bonus Concession to eliminate the fee (0.8% of total building permit valuation) pursuant to Government Code Section 65915(d).
Rent Controlled Units	Yes	The project involves the demolition of 16 rent-controlled units. See Section III.B for discussion.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "I". The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards	Yes	The project site is located in an area susceptible to liquefaction, as shown on the State Seismic Hazard Zones map. ^c See Section V for analysis.

Characteristic	Applies to Project?	Explanation
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area. A Phase I Environmental Site Assessment prepared for the project determined that there were dry cleaning and hot cleaning facilities on and adjacent to the project site in the early 1920s. The property was identified as a leaking underground storage tank site, Cortese, HIST CORTESE, and Certified Environmental Reporting System site. ^d The building at 2142 Center Street was also identified as having the potential for asbestos containing material and lead-based paint on site. See Section V for analysis.
Transit	Yes	The project site is served by multiple bus lines (local, rapid, and Transbay) that operate along Shattuck Avenue, and is shares the City block with the Downtown Berkeley Bay Area Rapid Transit (BART) Station.
<p>Notes:</p> <p>a 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.</p> <p>b. Project vested under SB 330 on/before April 1, 2023, prior to effective date of new inclusionary housing requirements and is therefore subject to the Affordable Housing Mitigations in BMC 22.20.065 that was in effect at the time of vesting.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic/hazards/</p> <p>d. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: Project Chronology

Date	Action
June 6, 2022	SB 330 Preliminary Application deemed complete
October 20, 2022	SB 330 Use Permit Application submitted
March 17, 2023	Application deemed complete
March 17, 2023	Level of CEQA review determined by staff – Infill Environmental Checklist / Infill Environmental Impact Report (EIR)
March 30, 2023	Landmarks Preservation Commission Demolition Referral meeting
May 4, 2023	Second Landmarks Preservation Commission Demolition Referral meeting
August 2, 2023	Notice of Preparation of EIR issued / 30-day public scoping period begins
August 16, 2023	Public EIR Scoping Meeting (virtual only)
September 1, 2023	30-day public scoping period ends
May 3, 2024	Notice of Availability of Draft EIR issued / Draft EIR published / 45-day public comment period begins
May 16, 2024	Public Hearing Notice issued
May 30, 2024	Draft EIR and Project Preview ZAB meeting
June 18, 2024	NOA Public comment period ends
July 18, 2024	Design Review Committee Preliminary Design Review meeting
August 27, 2024	Final EIR released
August 29, 2024	Public hearing notices mailed/posted
September 12, 2024	EIR certification / ZAB decision / hearing

Table 4: Development Standards

C-DMU Standards, Core Sub-Area		Existing	Change	Proposed	Permitted/Required	
Lot Area (sq. ft.)		35,573	--	35,573	n/a	
Gross Floor Area (sq. ft.)		25,110	+688,554	713,664	n/a	
Commercial Floor Area		12,800	+1,604	14,404	n/a	
FAR		0.7	+19.4	20.1	n/a	
Dwelling Units		16	+440	456	n/a	
Bedrooms		16	+1,133	1,149	n/a	
Building Height ¹	Maximum	25	+260'-4"	292'-4" to top of parapet (7' parapet) 285'-4" to top of roof	50' min./60' max. (75' max. w/use permit, 180' max. w/use permit, 5' max. parapet by right)	
	Stories	2	+24	26	n/a	
Building Setbacks ²	Front (Oxford) ³	0'	--	0'	10' (same as adjacent R-5 zone across street)	
	Street Side (Center) ³	0'	--	0' 0' 0'	0'-5' (bldg. ht.≤20') 0' (bldg. ht.>20'≤75') 15' (bldg. ht.>75')	
	Rear (west)	0'	-- +5' +5'	0' 5' 5'	0' (bldg. ht.≤20') 5' (bldg. ht.>20'≤75') 15' (bldg. ht.>75')	
	Interior Right Side (south facing alley)	0'-65' from frontage	5'	+2' +2' +2'	0-7' 7' 7'	0' (bldg. ht.≤75') 5' (bldg. ht.>75'≤120') 15' (bldg. ht.>120')
		>65' from frontage	5'	+2' +2' +2'	0-7' 7' 7'	0' (bldg. ht.≤20') 5' (bldg. ht.>20'≤75') 15' (bldg. ht.>75')
	Diagonal Dimension	n/a	n/a	295'2"	120' (bldg. ht.>120')	
Lot Coverage (%)		50%	+40%	90%	n/a	
Usable Open Space (sq. ft.) ⁴		0	+18,614	18,614 (9,702 balconies and 8,912 roof decks)	36,480 sq. ft. min. (80 sq. ft./d.u.)	
Privately Owned Public Open Space (sq. ft.)		0	--	0	313 s.f. min. (1 sq. ft./50 sq. ft. of commercial)	

¹ Use permits to allow height up to 75 feet and up to 180' are included in the Base Project for the calculation of the density bonus, and are not requested waivers. Additional height beyond 180' is being requested as a waiver.

² The use permit to allow reduced setbacks up to 180' building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 180' is being requested as a waiver.

³ Façade has elements with 2' overhang into the right-of-way.

⁴ Dimensional standards and landscape standards for usable open space in BMC Section 23.304.090 did not apply to commercial districts at the time the project's SB330 Preliminary Application was deemed complete, and therefore do not apply to the project.

█ = Waiver requested to modify the district standard.

Abbreviations: sq.ft.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height

Table 4: Development Standards (Continued)

C-DMU Standards, Core Sub-Area		Existing	Change	Proposed	Permitted/Required
Parking	Commercial (14,922 sq. ft.)	49	-15	34	0 min.
	Commercial – Loading	n/a	n/a	0	1 min. (1 space/10,000 sq. ft., 01 additional/each 40,000 sq. ft.)
	Residential	n/a	n/a	0	0 min./ 228 max. (0.5 spaces/du max.)
	Carshare	n/a	+2	2	2 min. (for 31-60 parking spaces)
	Total	49	-13	36	0 min./ 228 residential max.
Bicycle Parking	Commercial - Short Term (14,922 sq. ft.)	n/a	+8	8	8 spaces (1 space/2,000 sq. ft. commercial)
	Residential - Long Term	n/a	+264	264	383 spaces (1 space/3 bedrooms)
	Residential - Short Term	n/a	+32	32	29 spaces (1 space/40 bedrooms, or 2)
	Total	n/a	+264/40	264/40 (long term/short term)	383/37 (long term/short term)
<p>■ = Waiver requested to modify the district standard. <u>Abbreviations:</u> sq. ft.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height</p>					

II. Project Setting

A. Neighborhood/Area Description: The project site is located at the southwest corner of the intersection of Center Street and Oxford Street within the Downtown Mixed-Use District (C-DMU), Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). The site has a 282-foot north frontage along Center Street, a 122-foot east frontage along Oxford Street, and is bordered on the south property line by Oxford Lane, a public service road for the buildings on the project site and other buildings on the block. Directly north across Center Street are the Residence Inn Hotel and the Berkeley Art Museum/Pacific Film Archive²; to the east is the Crescent Lawn and east entry to the UC Berkeley campus (R-5, High-Density Residential District); to the south are the Magnes Collection of Jewish Art and Life museum, a multi-family residential building, and a restaurant/office building¹; and to the east are buildings containing restaurant uses¹. The buildings in close proximity to the project site range in height from one- and two-story commercial, to five-story residential, to a 16-story hotel.

The project site is a half-block from multiple Alameda County (AC) Transit bus lines and the Downtown Berkeley BART station, and is also served by bus lines that operate along Center Street, Oxford Street, and Allston Way. (See Figure 1: Zoning Map and Figure 2: Aerial View.)

B. Site Conditions/Background: The project site is associated with addresses 2128-36 Oxford Street, 2160-64 Oxford Lane, and 2132-2168 Center Street, and with Assessor's Parcel Numbers 57-2031-13 and 57-2031-1-1. The 35,573-square-foot (0.82-acre) project site is a rectangular parcel that is occupied by a one-story, 10,680-square-foot, commercial building at 2128-30 Oxford Street; a two-story, 14,430-square-foot, mixed-use building with ground-floor commercial (restaurants) and 16 dwelling units (currently vacant) at 2132-2168 Center Street; and their associated parking lots behind the buildings that are accessible via Oxford Lane. The building at 2132-2168 Center Street is a potential historic resource that is eligible for listing on several historical resource registers, and is listed on a Cortese List as a hazardous waste site that contains a Leaking Underground Storage Tank.

III. Project Description

A. Proposed Project Details:

The project proposes to demolish the existing mixed-use (16 rent-controlled dwelling units) and commercial buildings, merge two parcels, and construct a mixed-use building that utilizes the State density bonus with the following main components:

- 26 stories, 285 feet, 4 inches feet in height (plus a 7-foot parapet)
- 456 dwelling units – 72 studios, 97 two-bedroom, and 265 three-bedroom, 22 four-bedroom (1,149 bedrooms total)

² City Landmark site.

- 40 Very Low-Income (VLI) units to qualify for density bonus
- 16 replacement units – 6 Extremely Low Income (ELI), 10 Very Low Income (VLI)
- 14,404 square feet of commercial space – 9,690 square feet of ground-floor retail and 4,714-square-foot, rooftop restaurant/bar
- 18,614 square feet of usable open space – private balconies, courtyards on levels two and eight, and roof decks
- 36 vehicle parking spaces – for commercial uses, not assigned to residential units
- 264-space bike room
- Community benefits – Project Labor Agreement, valuing approximately \$17,920,276, equivalent to 20 percent of estimated project construction costs

B. Replacement of Demolished Units:

Government Code Section 66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years that will be demolished; prohibits the demolition of occupied or vacant protected units (i.e. rent-controlled, affordable units, or units occupied by lower income households), unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes replacing 16 demolished dwelling units with 456 new dwelling units.

The existing units to be demolished are considered “protected” units as defined in Section 66300(d) because they were rent-controlled within the last five years. Government Code Section 65915 (Density Bonus) and Section 66300 (SB 330) prohibit the demolition of occupied or vacant protected units unless the project will create at least as many residential units as will be demolished *and* will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years. Further, if the income levels of the existing tenants or tenants within the last five years are unknown, the units are presumed to be occupied according to the income distribution data for City of Berkeley in the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) database. The units presumed to be occupied by lower income households must be replaced with “equivalent” units in the same or greater proportion of lower income renter households to all renter households in the City. The project proposes to replace 16 demolished studio units with 6 ELI studios, 9 VLI two-bedroom, and 1 VLI three-bedroom unit to satisfy the aforementioned sections.

C. Rental History:

On October 1, 2021, Staff requested a review of the rental history and status of the subject site by the Rent Stabilization Board (RSB) pursuant to the Rent Stabilization and Eviction for Good Cause Ordinance (BMC Section 13.76). RSB records indicate that 2138 Center Street contains 16 residential units which are rent-controlled, and qualify as “protected units” under SB 330. Records also indicate that on July 16, 2021, the property owner filed

an Ellis Eviction Notice to the tenant in Unit 17.³ The tenant of Unit 17 received the Ellis eviction relocation payment and vacated the unit on September 30, 2021. The RSB found no record of harassment or illegal eviction related to any of the units.

The RSB recommends denial of the demolition permit for the 16 protected units, because it does not meet the requirements of the City's Demolition Ordinance, BMC Chapter 23C.08. BMC Section 23C.08.020.B prohibited the demolition of a building if it was removed from the rental market under the Ellis Act during the preceding five year period. RSB records show that the owner of 2138 Center Street filed an Ellis Act eviction notice in July of 2021; pursuant to this provision, demolition of the building would be prohibited until June of 2026.

However, on December 1, 2021, a revised Zoning Ordinance went into effect in which the Ellis restriction was inadvertently removed for buildings with two or more units within the Demolition Ordinance under the new heading, BMC Chapter 23.326.⁴ The project's SB 330 Preliminary Application, which serves to vest ordinances, policies and standards in effect at the time of submittal, was complete on June 6, 2022.⁵ Amendments and corrections to the Zoning Ordinance approved by City Council, including the Ellis mistake, were codified on June 10, 2022, after the Preliminary Application vested.⁶ Consequently, the version of BMC Chapter 23.326 that omitted the Ellis Act provision was vested for the project, and the project application including the demolition permit was allowed to proceed.

D. Base Project and Density Bonus:

By committing to provide 40 VLI units (34 VLI and 6 Extremely Low Income (ELI)), the project is eligible for a density bonus under Government Code Section 65915. Under the City's density bonus procedures, the Base Project was calculated to have 333 units as the maximum allowable density for the site.⁷ The Base Project has an average unit size of 1,487 square feet in an 18-story building. Forty VLI units, or 12 percent of the Base Project, qualifies the project for a 38.75 percent density bonus or 130 bonus units, of which the project would utilize 123. The resulting proposed project would be a 26-story building with 456 units (out of 463 units maximum), with an average unit size of 1,487 square feet (see Table 5: Density Bonus).

³ There is no Unit 13. The 16 units are numbered 1 through 17, skipping 13.

⁴ Prior to the revision of BMC Title 23 Zoning, which became effective in December, 2021, Demolition and Dwelling Unit Control provisions appeared in Chapter 23C.08; after the revision, demolition provisions appear under Chapter 23.326.

⁵ Pursuant to Government Code 65589.5(o)(1), "a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted".

⁶ The correction of the omission was codified as BMC 23.326.030(A)(2)(a)(i).

⁷ Per the City's Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

Table 5: Density Bonus – Government Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
333	40 VLI (12% of base project)	38.75 percent	123 (130 max.) (38.75% x 333)	456 (463 max.)
<small>*Per Government Code 65915(q), all unit calculations are rounded up to the nearest whole number. Abbreviations: % = percent, max. = maximum</small>				

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, the project team held two community meetings. The first meeting was held on November 2021 via Zoom on a prior version of the project which had a proposed height of 17 stories. The project team sent postcard mailings to over 700 addresses, including occupants and owners within 300 feet of the property and flyers were posted at the project site on large yellow signs. Only one participant attended the meeting. Their concerns included maintaining the existing building façade, the height of the building, and blocking of views. The member of the public was supportive of cleaning up downtown and the return of restaurants and retailers and expressed a preference for traditional design.

On August 25, 2022 a second neighborhood outreach meeting was held by the applicant via Zoom. Postcards were mailed to over 700 addresses, including occupants and owners within 300 feet of each property. Yellow posters were also posted at the project site. Four members of the public attended and inquired about relocation assistance for existing retail and tenants, construction timelines and duration, and traffic management.

Meetings to receive public comments during environmental review comment periods were held on August 16, 2023 (EIR scoping) and May 30, 2024 (Draft EIR). Comments received at these meetings are discussed in Section IV, Environmental Review.

On August 29, 2024, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and posted notices within the neighborhood in three locations.

On September 3, 2024, staff received a letter from Walk Bike Berkeley, expressing support for SOSIP fees for the project to dedicated to plans for a Center Street Plaza.

B. Design Review Committee:

This project proposes development in a non-residential zoning district; therefore, it is subject to review by Design Review Committee (DRC) pursuant to BMC Section 23.406.070(B)(1). The project was referred to the DRC for Preliminary Design Review on July 18, 2024. The DRC provided a favorable recommendation to ZAB with the following conditions and recommendations for Final Design Review (FDR) [VOTE (5-0-1-0) Finacom – abstain]:

Conditions

- Provide renderings from distant views of the Campanile and the project from the west, and of the project as seen from Shattuck from the south.
- Further develop the Oxford façade; consider vines and artwork as well, not just a large terra cotta area.
- Consider more shadow lines and detail on the lighter masses proposed; shadow lines should be deeper, as the building is so large. Shallow ones will not have enough impact.
- Provide more pedestrian detail for storefronts on Center; consider additional detail, base, and an additional rhythm in the design.
- Curved Oxford corner is too exposed as shown; continue to refine and present at FDR.
- At FDR, show proposed color palette from a distance, as well as some alternates as well. Color scheme should minimize the project mass from the west and highlight the existing historic structures.
- Provide renderings that show all sides of this project, and update at FDR as needed.

Recommendations

- Southeast corner near the alley entrance is unresolved; continue to refine for a better sidewalk presence.
- Look carefully at the belt course band details at the 6 – 7 floors as those proportions may need refinement.
- Building could be too vertical; look at some stronger horizontal lines for balance.
- Look carefully at how the building top touches the sky.
- Explore whether a lighter tower (with darker base) will be more successful.
- Consider a more active use on the Oxford / Oxford Alley corner than the leasing and conference room use shown.
- Missed opportunity on the alley side of the project; recommend more activity on that side.
- DRC had concerns with a pedestrian plaza adjacent to the project using this project's SOSIP fees since the project would gain a significant benefit.
- Consider a better location – with more space - for the logo.
- Lighting should be quiet; not flashy.
- Consider alternates for gas fire pit.
- Recommend adding art to the project wherever possible.
- Recommend bird safety throughout the project.
- Show percentage of landscape in common open space.
- Recommend expanding tree wells underground for street trees, along with structural soil; 4 x 8 tree wells recommended, as well as expanded root area under the sidewalk.
- Look carefully at native plants for FDR, including local nurseries and soil requirements.
- Provide WELO calculations at FDR for planters and lawn area on the upper floors.

C. Landmarks Preservation Commission: The project involves the demolition of two buildings, one of which is an existing commercial building that is over 40 years in age. The building located at 2132-54 Center Street, known as the Thomas Block Building, was constructed in 1904. Pursuant to BMC Section 23.326.070(C), the proposed demolition was

referred to the Landmarks Preservation Commission (LPC) for review prior to the consideration of the Use Permit. The building located on 2128-30 Oxford Street was constructed in 1996 and therefore was not subject to LPC review.

The City commissioned a historic resource evaluation (HRE) for the subject property in 2015. The firm Archives & Architecture conducted the evaluation in accordance with the requirements of the State Historic Preservation Officer, using CA Department of Parks and Recreation (DPR) Forms A and B. As part of this Use Permit application (#ZP2022-0135) and the associated preparation of the Draft EIR, an updated DPR form was completed by Rincon Consultants, Inc. on January 19, 2023, confirming the findings of the 2015 forms and that the building has not undergone any visible alterations since preparation of the HRE. The evaluation determined that the property is eligible for listing as an individual property in the National Register of Historic Places, and locally significant as an individual contributor to the Shattuck Avenue Commercial Corridor Historic District. Staff also concluded, based on the reports, that the building proposed for demolition met the criteria for the California Register of Historical Resources and a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review. The LPC reviewed the demolition referral on March 30, 2023 and voted to place an initiation consideration for the property on their May 4, 2023 meeting agenda; the staff report is available at this [link](#). At the May 4, 2023 LPC meeting, the Commission voted to add the property to the List of Potential Initiations. Due to project vesting of the historic resource status under SB 330, the LPC action does not affect project review. The project's impact to the potential historic resource was reviewed separately, pursuant to CEQA.

V. Environmental Review

A. CEQA Approach and Recommendation:

CEQA Guidelines Section 15183.3 allows lead agencies to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level under the following conditions:

- If an effect was addressed as a significant effect in a prior EIR for a planning level decision (such as the Downtown Area Plan), then, with some exceptions, that effect need not be analyzed again for an individual infill project, even when that effect was not reduced to a less than significant level in the prior EIR.
- An effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

To be eligible for streamlined review under *CEQA Guidelines* Section 15183.3, a project must meet the performance standards contained in Appendix M of the *CEQA Guidelines*. As stated in Section 1.3 of the Draft EIR, the proposed project was found to be consistent with the provisions of 15183.3 and eligible for streamlined review. Nonetheless, because

the project would demolish the building at 2132-2154 Center Street, which is a historical resource under CEQA, the City determined that preparation of an EIR would be required.

Public Review of NOP/IEC and EIR Scoping. Pursuant to CEQA Guidelines the City circulated an Infill Environmental Checklist (IEC) and Notice of Preparation (NOP) to the California State Clearinghouse (SCH#2023080040), other responsible agencies, and interested parties notifying that an EIR would be prepared for the project and indicating the environmental topics to be addressed in the EIR. The IEC and NOP were published for a 30-day public comment period that began on August 2, 2023 and ended on September 1, 2023. A virtual public scoping session was held for the Draft EIR on August 16, 2023 to provide information about the proposed project to members of public agencies, interested stakeholders and residents/community members and to accept comments on the scope and content of the EIR. The City received no comments at the public scoping meeting. The City received letters from two public agencies and two individuals during the 30-day scoping period. The NOP and the comments received during the scoping period are included in Appendix A of the Draft EIR. A summary of comments received is also included in Chapter 1, Introduction, of the Draft EIR. (See the link at Attachment 2, for all CEQA documents, including the Draft EIR.)

B. Draft EIR and Environmental Effects: The IEC, prepared pursuant to CEQA Guidelines 15183.3⁸, concluded that the proposed project may result in potentially significant effects to Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Public Services, and Tribal Cultural Resources. Therefore, impacts to these five environmental areas were analyzed in depth in the Draft EIR. The IEC determined that all other CEQA environmental topics would result in no impact, less than significant impacts, less than significant impacts with incorporation of mitigation from the Downtown Area Plan (DAP) EIR, or significant and unavoidable but consistent with the findings of the DAP EIR. The project would be required to comply with all applicable DAP mitigation measures.

The Draft EIR analyzed impacts associated with Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Public Services, and Tribal Cultural Resources. Impacts related to Cultural Resources (specifically historical resources) were found to be significant and unavoidable even with implementation of project-specific mitigation. Further, because the proposed project would include demolition and alteration of historic structures, the project's contribution to an existing cumulative impact to historical resources would be cumulatively considerable. Impacts related to Geology and Soils, Hazards and Hazardous Materials, and Tribal Cultural Resources were found to be significant. However, the impact would be reduced to less than significant with implementation of project-specific mitigation measures. Impacts related to Public Services were found to be less than significant.

⁸ An IEC is used to document a project's eligibility for streamlined environmental review for infill projects, where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies. The project site is included in the Downtown Area Plan (DAP), and previously underwent environmental review in the DAP EIR.

Geology and Soils. The project site is less than one mile from the Hayward Fault. The proposed project would be subject to seismically-induced ground shaking and other seismic hazards which could damage structures and result in loss of property and risk to human health and safety. However, required compliance with state-mandated building standards, the California Building Code, and the BMC, and implementation of mitigation, would reduce impacts to a less than significant level. This impact would be less than significant with mitigation incorporated. The mitigation in the Draft EIR are listed below. See Section 4.2, Geology and Soils, of the Draft EIR for a complete discussion of mitigation. The following mitigation is required:

1. Project Mitigation Measure GEO-1: Implementation of Geotechnical Report Recommendations

Hazards and Hazardous Materials. The project is associated with a closed Leaking Undergrounds Storage Tank (LUST) case and is therefore located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. There are known and unknown hazardous materials impacts to soil, soil vapor, and groundwater at the project site. However, compliance with applicable regulations and the City's Standard Conditions of Approval requiring site characterization and cleanup, in addition to mitigation for potential soil, soil vapor, and/or groundwater impacts at the project site, would minimize hazards from the implementation of the proposed project. This impact would be less than significant with mitigation incorporated. The Draft EIR identifies three mitigation measures that would reduce impacts related to hazardous materials. The mitigation in the Draft EIR are summarized below. See Section 4.3, Hazards and Hazardous Materials, of the Draft EIR for a complete discussion of mitigation.

1. Project Mitigation Measure HAZ-1: Remediation of Contaminated Soils
2. Project Mitigation Measure HAZ-2: Disposal of Groundwater
3. Project Mitigation Measure HAZ-3: Vapor Intrusion Mitigation System

Tribal Cultural Resources. The Draft EIR identifies mitigation measures that would reduce impacts on tribal cultural resources. Tribal cultural resources are those resources identified by California Native American Tribes in consultation with lead agencies during tribal consultation (also referred to as Assembly Bill (AB) 52 consultation). No new tribal cultural resources have been identified within the project site in recent investigations. However, Confederated Villages of Lisjan has identified the previously removed Native American burial and any other materials of Native American origin associated with Oxf-001 as tribal cultural resources. The proposed project could result in substantial adverse change to Oxf-001 in the form of demolition or destruction as a result of project-related grading and excavation activities. Therefore, the Draft EIR includes two mitigation measures to reduce potential impacts. The mitigation in the Draft EIR are summarized below. See Section 4.1, Cultural Resources and Section 4.5, Tribal Cultural Resources, of the Draft EIR for a complete discussion of mitigation.

1. Project Mitigation Measure TCR-1: Native American Monitoring

2. Project Mitigation Measure TCR-2: Strawberry Creek Ohlone Past & Present Interpretive Display

Cultural Resources. The 2132-2154 Center Street building, also known as the Thomas Block building, was found to be locally eligible individually and as a contributor to the California Register of Historical Resources (CRHR) eligible Shattuck Avenue Commercial Corridor Historic District. Therefore, the property qualifies as a historical resource as defined by CEQA. The project proposes to demolish the 2132-2154 Center Street building, and result in material impairment of the building, meaning it would alter in an adverse manner, those physical characteristics that convey its historical significance and justify its eligibility for listing individually and as a contributor to the Shattuck Avenue Commercial Corridor Historic District. The project would therefore result in a substantial adverse change to the significance of a historical resource and result in a significant impact to historical resources pursuant to Section 15064.5(b) of the CEQA Guidelines. When a project would result in a significant impact under CEQA, mitigation measures are required to reduce that impact to a less than significant level. However, in this case, where a historical resource is to be demolished, there is no mitigation measure that will reduce the impact to a less than significant level. Nevertheless, measures should still be implemented to mitigate the loss. Mitigation measures must be related to the impact (there must be a “nexus” between the impact and mitigation measure) and they must be of a similar order of magnitude (“rough proportionality”).

The Draft EIR identifies two mitigation measures that would reduce impacts related to demolition of the historical resource. The mitigation in the Draft EIR are listed below; see Section 4.1, Cultural Resources, of the Draft EIR for a complete discussion of mitigation.

1. Project Mitigation Measure CR-1: Building Documentation
2. Project Mitigation Measure CR-2: Shattuck Avenue Commercial Corridor Historic District Update

In addition, based on the results of a ground-penetrating radar (GPR) survey and background research, one archaeological resource was identified consisting of a multi-component (prehistoric and historic period) site (temporary designation Oxf-001). The historic period component consists of features such as privies, refuse pits, and possible foundations. The prehistoric component includes the previously removed Native American burial (P-01-010538) and the potential presence of prehistoric features. The proposed project could result in substantial adverse change to Oxf-001 in the form of damage or destruction as a result of project-related grading and excavation activities. Therefore, the Draft EIR includes three mitigation measures that would reduce potential impacts to Oxf-001. The proposed mitigation measures in the Draft EIR are listed below. See Section 4.1, Cultural Resources, of the Draft EIR for a complete discussion of mitigation.

3. Project Mitigation Measure CR-3: Preparation of a Cultural Resources Mitigation and Monitoring Plan
4. Project Mitigation Measure CR-4: Preparation of an Interpretive and Educational Plan

5. Project Mitigation Measure CR-5: Archaeological Monitoring

Project Alternatives. The CEQA Guidelines require analysis of a reasonable range of alternatives to the project, and these alternatives should avoid, or substantially lessen, any of the significant effects of the project and should attain most of the project's basic objectives, when feasible. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The Draft EIR analyzes three alternatives:

1. No Project Alternative. The No Project Alternative assumes that the proposed project would not be implemented. All existing buildings and uses within the project site would remain. The existing buildings at 2142 Center Street would not be demolished, and the new mixed-use building would not be constructed.
2. Alternative 2: 2142 Center Street Building to Remain. Under this alternative, the building at 2142 Center Street, a historical resource under CEQA, would not be demolished. The existing uses in the building would remain. The remaining portion of the project site, including a portion of the surface parking lot and building at 2128 Oxford Street, would be demolished and developed with a 26-story building including 5,000 square feet of ground-floor retail, a 4,500 square foot roof-top restaurant, and 325 residential units.
3. Alternative 3: Façade Preservation Alternative. Under this alternative, the existing on-site buildings would be demolished to construct a new 26-story, mixed-use building with 463 residential units with approximately 15,000 square feet of retail and restaurant space. However, the façade for the 2142 Center Street building would be preserved, while the rest of the building would be demolished. The existing façade would be incorporated into the design of the proposed mixed-use building.

Other than the No Project Alternative, Alternative 2 would be considered as the environmentally superior alternative because it would avoid the significant and unavoidable historical resources impact associated with demolition of the 2142 Center Street building.

Public Review of Draft EIR. Pursuant to CEQA Guidelines, the City circulated the Draft EIR for the proposed project, Notice of Availability and Public Hearing (NOA) and Notice of Completion (NOC) to the California State Clearinghouse and other responsible agencies and interested parties that an EIR was completed for the project. The Draft EIR and NOA were published for a 45-day public comment period that began on May 3, 2024 and ended on June 18, 2024. A public comment session was held before the ZAB on May 30, 2024 to provide information about the proposed project to members of public agencies, interested stakeholders, and residents/community members and to accept comments on the Draft EIR. The City received four written comments. In addition to the written letters, board members provided verbal comments at the meeting. All comments received are compiled and addressed in the Final EIR/Response to Comments document discussed in the next section.

C. Final EIR and Response to Comments: The Final EIR consists of the Draft EIR and the Final EIR/Response to Comments document. (See the link at Attachment 2, Final EIR.) The Final EIR/Response to Comments document includes a list of the agencies, organizations, and individuals that submitted written comments, and notes the verbal comments received at the public meeting on the Draft EIR; reproductions of written comments and summaries of verbal comments, and responses to CEQA-related comments received; and revisions to the Draft EIR in light of public comments received and responses provided as well as due to changes in the project that occurred after circulation of the Draft EIR.

The following are issues that were of particular concern to interested members of the public and board/commission members during the environmental review process [see the Response to Comments (RTC) for full responses to comments received]:

- Impacts related to water supply, and water and wastewater infrastructure
- Impacts related to bird strikes
- Impacts related to historical resources
- Impacts of project alternatives

Revisions to the Draft EIR. As described in the RTC, revisions were made to Mitigation Measure CR-2: Shattuck Avenue Commercial Corridor Historic District Update in the Draft EIR to clarify the text of the mitigation. In addition, revisions were made to the Draft EIR in light of project changes that occurred after circulation of the Draft EIR. The environmental implications of project changes are discussed in Chapter 5 of the Final EIR. None of the revisions constitute significant new information as defined in CEQA Guidelines Section 15088.5 or change the conclusions of the analysis; therefore, the EIR does not need to be recirculated.

D. Findings of Fact and Statement of Overriding Considerations:

Section 15091 of the CEQA Guidelines provides that the ZAB may not approve the project unless it makes written findings related to significant effects identified in the EIR. The Findings of Fact and Statement of Overriding Considerations includes the required findings under CEQA, including the following:

- Effects Determined to be Mitigated to Less than Significant Levels: potentially significant effects for which that mitigation identified in the Draft EIR and Initial Study would reduce impacts to less than significant levels
- Significant Effects that Cannot be Mitigated to a Less than Significant Level: the significant unavoidable impact related to historic resources, which cannot be mitigated to a less than significant level
- Feasibility of Project Alternatives: an analysis of why the alternatives identified and described in the Draft EIR were considered and determined to be infeasible for the specific economic, social, or other considerations
- Statement of Overriding Considerations: a statement of why the significant unavoidable impact to historical resources is outweighed by the proposed project's

benefits and is acceptable in light of the benefits of the project (CEQA Guidelines Section 15093)

In addition, pursuant to CEQA Guidelines Section 15091, the City may not approve a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

The CEQA findings and Statement of Overriding Considerations (Attachment 1, Exhibit B) includes the required findings related to significant effects. The document describes why the project alternatives are infeasible. In addition, the document describes why the significant unavoidable impact to historical resources is outweighed by the proposed project's economic, legal, social, technological or other benefits, including but not limited to the following:

- The project site is zoned and designated in the General Plan for residential and commercial development. The proposed project would replace the underutilized commercial and parking uses within the site with a new mixed-use building that will be consistent with the zoning and land use designation.
- The project would upgrade and revitalize an important urban block in Downtown Berkeley into a walkable, retail-served, transit-friendly residential block with active, safe and visually engaging pedestrian amenities consistent with the Downtown Area Plan and the Streets and Open Space Improvement Plan. The project would provide infill development that embodies principles of sustainable planning and construction, and would be sufficiently compatible with existing city character, neighboring land uses, and architectural scale and design in support of Policies LU-3, LU-7, LU-23, H-19, EM-5, UD-16, UD-24, UD-32, and UD-33 in the City's General Plan.
- Based on current housing demand, development of the proposed project is necessary for the City to meet current and anticipated Regional Housing Needs Allocation (RHNA) goals.
- The project would include 12 percent of base project units as Very Low Income households in support of Policy LU-25 of the City's General Plan to encourage development of affordable housing within transit-oriented corridors.
- The project would create construction jobs for a period of approximately 42 months.

- The project would substantially increase the assessed value of the property, which will increase City revenue used to provide services and infrastructure.
- The project would be subject to several development fees, including the affordable housing mitigation fee, which would be used to develop more affordable housing, and the Berkeley Unified School District fee, which would be used to improve school infrastructure and facilities in the city.
- The project would increase the number of residents who patronize businesses in Berkeley.
- The project would further DAP Economic Development goals and Job Development Policy ED-8.1 by providing a Project Labor Agreement with a local trade council to utilize local workers for project construction.
- The project advances DAP Environmental Sustainability Goal ES-3 and Land Use Goal LU-1, which encourage high intensity development near transit, by introducing high-quality, transit-oriented, and sustainable market rate housing and contributing substantial affordable housing as required by Section 22.20.065 of the Berkeley Municipal Code. High intensity development near transit would reduce regional vehicle miles traveled and associated greenhouse gas emissions from transportation, by reducing development pressure in outlying parts of the Bay Area and beyond.
- The project would increase high density housing in Downtown Berkeley and in proximity to existing businesses, services, and alternative forms of transportation, including Class II bicycle routes, Alameda and Contra Costa (AC) Transit routes, and the Downtown Berkeley Bay Area Rapid Transit (BART) station. Given this access to services and alternative transportation methods, the project would minimize driving demand and reduce greenhouse gas emissions associated with vehicle trips in the region in support of the City's Climate Action Plan and Policy EM-5 and Policy UD-33 in the City's General Plan, which call for environmentally sensitive and sustainable design in new buildings.

On balance, the City finds that there are specific considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.

VI. Issues and Analysis

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

1. The development would have a specific adverse impact on public health or 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 project is a “housing development project” consisting of a mixed-use building with at least two-thirds of the floor area in residential use/transitional or supportive housing. The Base Project includes Use Permits and/or Administrative Use Permits⁹ to allow: building height over the district limit, rooftop architectural projections above the height limit, reductions to setbacks and diagonal width, payment of a fee in lieu of providing privately-owned public open space, deviation from window and fence requirements when abutting a residential district, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduced the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

As shown in Table 4, the project complies with the zoning standards. The project includes Use Permits or Administrative Use Permits to modify standards to represent the maximum allowable density on the site. There are no objective criteria in the permit findings; therefore, the project still complies with the HAA. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is not aware of specific adverse impacts that could occur with the construction of the of the project.

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

1. **Government Code Section 65905.5(a)** states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect 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

⁹ The City has determined that the “protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits.”

hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

The September 12, 2024 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. The last hearing must be reserved for a possible appeal to the City Council.

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

As discussed in an historic resource evaluation prepared for the project in 2015, the building located at 2132-54 Center Street, known as the Thomas Block Building, determined that the property is eligible for listing as an individual property in the National Register of Historic Places, and locally significant as an individual contributor to the Shattuck Avenue Commercial Corridor Historic District.

Because the project would involve demolition of an eligible historic resource, the City has prepared an EIR to evaluate the project's impacts on the environment, including historic resources. (See Section V for the environmental review of the project). Further, standard conditions of approval have been included to halt work if any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. **Government Code Section 65950(a)(2)** requires a public agency to approve or disapprove a project within 90 days from the date of certification by the lead agency of the environmental impact report, if an environmental impact report is prepared pursuant to Section 21100 or 21151 of the Public Resources Code for a housing development project. An EIR was prepared for the project. Should ZAB certify the EIR at the September 12, 2024 public hearing, the application must be approved or disapproved by December 11, 2024.

C. 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).

1. **Concessions:** 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 one concession for the project to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee.

The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment,

or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse 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. Staff believes such a finding cannot be made.

2. **Waivers:** 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, diagonal width, private (usable) open space, privately-owned public open space, long-term bicycle parking, and commercial loading space are requested because they are necessary to physically accommodate the full density bonus project on the site. The waivers are requested because they are necessary to physically accommodate the additional 123 units¹⁰ as allowed under the density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse 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 believes such a finding cannot be made.

D. Elimination of Dwelling Units through Demolition:

1. Pursuant to BMC Section 23.326.020(B) the ZAB may approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project would replace 16 demolished dwelling units with 456 total dwelling units (including 6 ELI and 34 VLI units). The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.020(B) would be met. The project would also provide housing in proximity to regional transit, bicycle facilities, retail, and services, therefore reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts. The proposed project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City. See General Non-Detriment findings in sections VII.A and VII.B for further discussion.
2. Pursuant to BMC Section 23.326.030(A)(2)(a), demolition is not allowed if the building was removed from the rental market under the Ellis Act during the preceding five years, or there have been verified cases of harassment, or threatened or actual illegal eviction during the preceding three years. Rent Stabilization Board staff reviewed the

¹⁰ 130 maximum density bonus units allowed

property records and determined that one existing unit was removed from the rental market under the Ellis Act during the preceding five years; however, BMC Section 23.326.030(A)(2)(a)(i) does not apply to the project due to SB 330 vesting. In addition, there is no record of any verified cases of harassment or threatened or actual illegal eviction. See further discussion in Section III.C, and Attachment 4, for the RSB Memorandum.)

3. Pursuant to BMC Section 23.326.030(A)(3) the ZAB may approve demolition of a building constructed before June 1980 on a property containing two or more dwelling units if one or more of the following findings can be met: the building containing the units is hazardous or unusable and is infeasible to repair; the building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units; the demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community; the demolition is necessary to permit construction approved pursuant to BMC Chapter 23.326 Demolition and Dwelling Unit Control, of at least the same number of dwelling units.

The project would replace 16 dwelling units with 456 dwelling units, including 6 ELI and 34 VLI units. The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.020(B) would be met. The project would also provide housing in proximity to regional transit, bicycle facilities, retail, and services, therefore reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts.

4. The project is compliant with all provisions of Government Code Section 66300(d) for the demolition and replacement of residential units.

E. Demolition of Non-residential Buildings and Structures: Pursuant to BMC Section 23.326.070 main non-residential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs and public interest of the impacted neighborhood and one of the following findings can be made: that the demolition of the structure is required to allow a proposed new building or other proposed new use; 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; will remove a structure which represents an un-abatable attractive nuisance to the public; or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The proposed demolition of the existing two-story, mixed-use building containing ground-floor commercial and the one-story, commercial building would not be materially detrimental to the commercial needs and public interest of the neighborhood because the proposed project would replace the 12,800 square feet of eliminated commercial floor area with approximately 14,404 square feet of new commercial in a 713,664-square-foot, mixed-use

building that would provide 456 residential units (440 net-new units), including 40 affordable units, to bring more diversity of services to residents and workers in the vicinity and new housing to the neighborhood and the City at large. The demolition is required in order to allow the proposed project to be constructed. The proposed development would be compatible with the C-DMU District purposes and the adjacent permitted uses, as discussed in the Section VII. Other Considerations.

In addition, if demolishing a non-residential building more than forty years old, the demolition may be allowed if the LPC, upon review, does not recommend against granting the permit. The LPC reviewed the demolition referral for the project and did not recommend against the demolition permit.

F. Use Permit to Pay Fee In-lieu of Providing POPOS: Pursuant to BMC Section 23.204.130(E)(6)(b), the ZAB may approve a permit to pay an in-lieu fee to help fund SOSIP upon finding that the payment will support timely development of open space improvements that will serve the needs of both project residents and other people living in and using the downtown. The applicant agrees to pay the SOSIP fee, and a Condition of Approval is included in the permit to ensure payment of the fee prior to occupancy. The fee will help fund current and future Downtown SOSIP Public Works projects.

G. Use Permit to Commence Alcohol Sales and Service (Distilled Spirits): The applicant intends to apply for a Type 47 (On-Sale General-Eating Place) license from the Alcohol Control Board (ABC) to allow beer, wine, and distilled spirits to be served at future restaurants within the commercial portions of the mixed-use building. Pursuant to BMC Sections 23.310.020(B) General Requirements Excluding Incidental Beer and Wine Service and 23.310.030(A) Alcoholic Beverage Service When Incidental to Food Service, the ZAB may approve use permits to commence distilled spirits alcoholic beverage sales or service if the proposed use is within a 1,000-foot radius of the site of a use that is in the same category of alcoholic beverage sales or service, and the Findings of Public Convenience or Necessity are made. The project would be subject to alcohol service standards included in the Conditions of Approval, and must operate as a bona fide eating place, as defined by the ABC. There are 35 existing Alcoholic Beverage Control (ABC) Type 47 (On-Sale General-Eating Place) licenses issued to establishments within 1000 feet of the project site.

Findings of Public Convenience or Necessity:

1. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.
2. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.
3. If the applicant has operated a licensed establishment that has been the subject of violations regarding alcohol in the State of California, or violations of public safety or nuisance statutes or regulations in Berkeley as verified by the Police Department, such violations do not indicate a high likelihood of further violations and/or detrimental impacts from the proposed establishment. In making this finding, the ZAB

may consider the number, frequency, and severity of prior violations, the time elapsed since the last violation, and other relevant factors.

4. If the proposed establishment is within 1,000 feet of any public park or public school, the ZAB has taken into consideration the effect of the proposed establishment upon such sensitive public uses.

5. The Police Department has reported that the proposed establishment would not be expected to add to crime in the area.

The allowance of distilled spirits sales and service in conjunction with a bona fide eating establishment in the project would provide a wider range of alcoholic menu options to patrons that are customarily available within other restaurants. Such expanded menu choices would contribute to the economic success of the restaurant. The addition of distilled spirits to the offerings would also increase business revenue, resulting in increased tax revenue for the City.

The project site is within 1,000 feet of U.C Berkeley at Oxford Street, between Hearst Avenue and Bancroft Way; and also Constitution Square, on Shattuck Avenue between Center Street and Allston Way, which is well-used by the public and patrons of the nearby food establishments for gathering and eating. As noted previously, there are 35 existing ABC Type 47 licenses issued to establishments within 1,000 feet of the project site. The Berkeley Police Department has reviewed the proposal and noted that there are no alcoholic beverage violations against the property owner, that the proposed mixed-use project appears to fit within the general character of the existing uses in the neighborhood, and that the project would not likely increase crime or calls for service in the area. (See Attachment 5, Berkeley Police Department Alcohol License Recommendation)

Therefore, staff recommends approval of this permit. Alcohol service standards are included in the Conditions of Approval for the permit, and the applicant would be required to meet applicable ABC standards for the license type.

H. Administrative Use Permit for Food Service Establishment Greater Than 3,000

Square Feet: Pursuant to BMC Section 23.302.070(E)(2), the ZAB may approve a use permit for Food Service Establishment greater than 3,000 square feet, if the use meets the findings in BMC Section 23.204.130(I). See section VI.A below.

I. Administrative Use Permit for Outdoor Café Seating Abutting a Residential District:

Pursuant to BMC Section 23.302.070(E)(5)(a), the ZAB may approve a use permit for outdoor café seating abutting a residential district, if the use meets the findings in BMC Section 23.204.130(I). See section VI.A below.

J. Use Permit for an Outdoor Use Abutting a Residential District:

Pursuant to BMC Section 23.302.020(E)(4), the ZAB may approve a use permit for outdoor use abutting a residential district, if the use meets the findings in BMC Section 23.204.130(I). See section VI.A below.

VII. Other Considerations (Zoning and Land Use Considerations)

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because 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 VI.A for discussion of the HAA. All permits are subject to the C-DMU District permit findings and General Non-Detriment findings discussed in sections VII.A and VII.B.

A. Findings for Use Permits in C-DMU District: Pursuant to BMC Section 23.204.130(I), in order to approve any Use Permit in the district, the Board must make the findings that the proposed use or structure:

1. Is compatible with the purposes of the district:

The purpose of the C-DMU district is to implement the vision and goals of the Downtown Area Plan (DAP) (adopted 2012), which include: Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development.

Environmental Sustainability and Access: *DAP goals: Integrate environmentally sustainable development and sustainability best practices; encourage high density, highly livable development to utilize regional transit and improve the availability of diverse walk-to destinations; promote “green” buildings; promote ecologically beneficial landscaping and stormwater features; minimize waste generated Downtown; improve options that increase access to Downtown on foot, by bicycle, and via transit; provide parking to meet the needs of Downtown, while discouraging commuter parking; promote transit as an efficient, attractive choice and as a primary mode of travel.*

The project is a high-density mixed-use development in proximity to regional transit, shops and amenities, and would provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project would comply with the State’s Model Water Efficient Landscape Ordinance (MWELO), provide landscaping in its open space areas, and would feature a number of native plant species in its landscape palette. The building will be required to attain either LEED Gold rating or higher as defined by the U.S. Green Building Council or attain a building performance that is equivalent to this rating.

Land Use: *DAP goals: Encourage a thriving, livable Downtown that is a focal point for the city and a major destination for the region, with a unique concentration of housing, jobs and cultural destinations near transit, shops and amenities; new development contributes fair share toward Downtown improvements; cultivate Downtown as an attractive residential neighborhood with a range of housing opportunities, with an emphasis on affordable housing and family housing; new development enhances*

Downtown's vitality, livability, sustainability, and character through appropriate land use and design; enhance Downtown as a center for employment and innovative businesses.

The mixed-use project, which includes 6 ELI and 34 VLI units, would add affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating would contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Oxford Street and Center Street would add to the cultivation of the Downtown as an attractive residential neighborhood.

Historic Preservation and Urban Design: DAP goals: Conserve Downtown's historic resources and unique character and sense of place; enhance areas of special character in Downtown, such as clusters of historic resources; provide continuity and harmony between the old and the new in the built environment; improve the visual and environmental quality of Downtown, with an emphasis on pedestrian environments that are active, safe and visually engaging.

The 2132-2154 Center Street building, also known as the Thomas Block building, was determined to be eligible for the California Register of Historical Resources and local designation and eligible as a contributor to the Shattuck Avenue Commercial Corridor Historic District. The project proposes to demolish the 2132-2154 Center Street building. The Draft EIR identifies mitigation measures that would reduce impacts related to demolition of the historical resource.

The project would provide continuity and harmony between the old and the new in the built environment, improve the visual and environmental quality of Downtown and create an active, safe and visually engaging pedestrian environment. The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design implements materials, color, cornice design, fenestration patterns, structural bays, roof forms, and vertical projections consistent with guidance in the Downtown Berkeley Design Guidelines. Furthermore, the proposed new storefront design along Oxford Street is consistent with the existing streetwall and continues the historic rhythm of structural bays. The proposed setback at upper floors reinforces the existing dominant roof and cornice lines of adjacent historic buildings. Ground floor retail, with possible outdoor eating areas, would help to activate the street level. A parklet is also proposed on Center Street and a Strawberry Creek Ohlone Past & Present Interpretive Display is proposed in front of the building on Oxford, offering engaging pedestrian experiences.

Streets and Open Space: DAP Goals: Enhance public open spaces and streets to benefit pedestrians, improve Downtown's livability, and foster an exceptional sense of place; promote watershed health through the use of ecologically beneficial landscaping and other features; adequately fund streets and open space improvements, maintenance, and cleaning; new development contributes to greenery and open space.

The project would include street trees along Oxford Street and Center Street and installation of modular bike parking and a parklet on Center Street to benefit pedestrians, as well as future residents. The 25th floor which is partially open to the sky, will provide a green roof as well as landscaping and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan (SOSIP).

Housing and Community Health and Services: DAP Goals: Encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses; offer diverse housing opportunities for persons of different ages and incomes, households of varying size, and persons of varying abilities; preserve existing affordable housing Downtown, and expand the supply of affordable housing to low-income, very low-income and working-class households in Downtown.

There are 16 dwelling units existing within the project site which will be demolished to construct the new building. Replacement dwelling units will be provided consistent with Government Code Section 66300 as described above in Section III.B. The project will involve construction of a mixed-use building with a total of 456 dwelling units, including 6 ELI and 34 VLI units. The project would expand the supply of affordable housing and contribute to a thriving, livable, diverse residential neighborhood with a mix of supportive uses in Downtown.

Economic Development: DAP Goals: Make Downtown a more attractive regional destination, by building on Downtown's unique blend of cultural, historic, entertainment and by promoting successful retail businesses and other attractions with daytime and nighttime populations to support them; make Downtown more attractive and economically successful, encourage placemaking through the preservation of historic buildings, street and open space improvements, and high-quality new construction; Invest in civic improvements (such as streets, open spaces, and community facilities) to enhance Downtown as a place to live, work, and visit; Increase the number of Downtown jobs that go to Berkeley residents, and support the development of job skills for Berkeley residents – especially Berkeley's youth; serve the housing needs of all income groups and provide a growing base of residents who support a broad range of Downtown retail and other business.

The project would bring new residents and a greater range of household incomes to the Downtown area, while preserving the character of the Downtown Historic neighborhood, to contribute to the area's vitality and success. The project would bring approximately 9,690 square feet of ground-floor retail and a 4,714-square-foot rooftop restaurant to the area to contribute to making Downtown an attractive regional destination for living, working and visiting. In addition, the project includes a Project Labor Agreement with the Alameda County Building Trades Council, valued at \$17,920,276, to utilize local workers for project construction.

2. *Is compatible with surrounding uses and buildings.*

The project site is located at the southwest corner of the intersection of Center Street and Oxford Street in Downtown Berkeley in an urban area with access to transit. Directly north across Center Street are the Residence Inn Hotel and the Berkeley Art Museum/Pacific Film Archive; to the east is the Crescent Lawn and east entry to the UC Berkeley campus; to the south are the Magnes Collection of Jewish Art and Life museum, a multi-family residential building, and a restaurant/office building; and to the east are buildings containing restaurant uses. The buildings in close proximity to the project site range in height from one- and two-story commercial, to five-story residential, to a 16-story hotel with a rooftop restaurant/bar. The project would be compatible with surrounding uses and buildings. The DRC deemed the project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

B. 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.

1. The project is consistent with all applicable C-DMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.
2. Shadows: According to the shadow studies submitted for the project (see Attachment 3, Project Plans – Sheets A7-1 through A7-3), new shadow impacts would occur: a) in the summer and fall months around the hours of sunrise and sunset, on the residential buildings to the south and southeast of the site, and b) in the winter months around the hours after sunrise, noon and the hours before sunset on the hotel, museum and residential buildings to the north and northwest. All other new shadows would impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas would not be unreasonable for a development in the dense, downtown district that allows building heights up to 60 feet, with 0- to 5-foot setbacks from property lines, by right.

The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal would include a waiver for additional height beyond the district height limits to accommodate the density bonus units (see Section VI.C for a discussion of waivers) and allow a 285-foot, 4-inch-tall, 26-story building. Overall, the shadow impacts from the project would be reasonable and not detrimental.

3. 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 the project would 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.

C. Administrative Use Permit for Architectural Projections to Exceed Height Limit:

BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, 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 would include mechanical and staircase/elevator penthouses and an open-air mechanical enclosure totaling 4,230 square feet on the roof of level 25 that would extend seventeen feet over the roof height. These areas represent 15 percent of the 27,449-square-foot average of all the floor areas. The project would include an elevator penthouse of 1,462 square feet on the roof of level 26 that would extend seven feet over the roof height. The elevator penthouse represents 5 percent of the 27,449-square-foot average of all the floor areas. None of the projections exceed the limit of 15 percent of the average floor area, and they are therefore permissible.

D. Use Permit to Exceed Building Height Limits: Pursuant to BMC Section 23.204.130(E)(2), the ZAB may issue Use Permits for up to five buildings that exceed the 75-foot height limit – two buildings in the C-DMU District Combined Core and Outer Core Sub-Areas between 75 and 120 feet, and three buildings in the Core Sub-Area between 120 and 180 feet. The Use Permits shall include a condition of approval that establishes a schedule for submittal of a building permit application, timely response to plan check comments, payment of building permit fees such that a building permit can be issued, and beginning construction. If approved, this project secures a position as the last of three buildings in the Core Sub-Area that are allowed to exceed height limit of 120 feet, up to 180 feet (base project height for density bonus projects).¹¹

Community Benefits. Use Permits to exceed building height of 75 feet must provide significant community benefits, either directly or by providing funding for such benefits to the satisfaction of the City, beyond what would otherwise be required by the City. Significant community benefits may include, but are not limited to affordable housing, supportive social services, green features, open space, transportation demand management features, job training, and/or employment opportunities. The applicant is required to provide proforma estimating the costs of the proposed benefits for the City to evaluate whether the benefits package is adequate in proportion to the value of the height and whether the project can achieve a reasonable rate of return while providing the significant community benefits proposed. Community benefit requirements shall be included as conditions of approval and the owner shall enter into a written agreement with the City that shall be binding on all successors in interest. City Council provided direction

¹¹ The other two buildings allowed to exceed height limits have been constructed – the Residence Inn Hotel at 2129 Shattuck Avenue and the mixed-use residential building at 1951 Shattuck Avenue.

for determining significant community benefits with Resolution #67,172-NS, adopted in July, 2015.

The project provides a community benefits proposal that is primarily composed of a Project Labor Agreement – an agreement with the Alameda County Building Trades Council, with a total value of \$17,920,276, equivalent to 20 percent of the estimated project construction costs (\$89,601,381), which is greater than the minimum 5 percent specified in the Resolution #67,172-NS. It is noted, however, that the project offers no other significant community benefits that exceed regulatory requirements, beyond the Project Labor Agreement.

The City engaged Strategic Economics to review the project's Pro Forma Financial Analysis Summary (see Attachment 6). The peer review memorandum dated October 18, 2023 concluded that key assumptions in the applicant's pro forma are consistent with current market conditions, but that the net operating income reflected in the applicant's pro forma may be slightly optimistic, considering rising levels of vacancy for student housing in Berkeley, and that assumptions for construction and that soft costs in the pro forma are at the lower end of the ranges suggested by market conditions. The peer review did not indicate that the community benefits proposal would cause project infeasibility.

- E. Use Permit to Reduce Setbacks:** Pursuant to BMC Section 23.204.130(E)(2), the ZAB may approve a permit to modify setbacks upon finding that the modifications will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

The project requests reduced front, side and rear setbacks above 75 feet, up to 180 feet in building height in the Base Project. The findings in this section are not applicable to reduced setbacks above 180 feet building height that are requested waivers in the Proposed Density Bonus Project. The setback encroachment in the Base Project would result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. See section VI.C for shadow study analysis. Thus, the setback reduction the Base Project would not unreasonably limit solar access.

A Computational Pedestrian Wind Assessment was prepared in July 2022 by Rowan Williams Davies & Irwin Inc. for the project. The assessment was based on the local wind climate, the design of the proposed development (26 stories), the existing surrounding buildings, and computational modeling and simulation of wind conditions. The assessment found that: wind speeds at grade are expected meet pedestrian wind safety guidelines; that wind conditions on-and-around the proposed building including the lobby and retail entrances and adjacent sidewalks, are expected to be comfortable for the intended use throughout the year; and, that no significant adverse impacts to wind conditions in the pedestrian realm are expected to result from the project when compared to existing site conditions.

F. Findings for Uses Permits for new floor area in the C-DMU district: Pursuant to BMC Section 23.204.030(A)(2), to approve a Use Permit for new floor area in the C-DMU district, the ZAB must find that:

- a) The addition or new building is compatible with the visual character and form of the district; and
- b) No designated landmark structure, structure of merit, or historic district in the vicinity would be adversely affected by the appearance or design of the proposed addition.

The new building would be compatible with the visual character and form of the zoning district. The zoning district allows for heights up to 180 feet with a use permit and upon provision of community benefits. Existing buildings surrounding the project site generally range from two to three stories high on side streets and reach up to sixteen stories along Shattuck Avenue. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.

The proposed project, which is located within the boundary of the Shattuck Avenue Commercial Corridor Historic District, would result in a new building substantially taller than surrounding contributing buildings to the historic district, which generally range from two to three stories high on side streets and reach up to sixteen stories along Shattuck Avenue. It would, as a result, introduce a new visual feature to the district by introducing a building which is taller than the existing contributing buildings. The visual impact on the historic setting would be reduced by its location. The project site is at the eastern edge of the district boundary and buildings on the south side of Center Street are contributors to the historic district, buildings opposite the proposed building and within the historic district boundary are not contributors to the district, including one recent 17-story development adjacent to the project site at the northeast corner of Center Street and Shattuck Avenue. The proposed project's effect on the historic relationship between the historic district and the commercial corridor of Shattuck Avenue would be reduced by its location on the eastern edge of the district boundary and by its consistency with the surrounding recent development approved within the historic district boundary.

Additionally, the DRC reviewed the project design and found the proposed design materials, color, cornice design, fenestration patterns, structural bays, roof forms, and vertical projections to be consistent with guidance in the Downtown Berkeley Design Guidelines. Furthermore, the proposed new storefront design along Oxford Street is consistent with the existing streetwall and continues the historic rhythm of structural bays. The proposed setback at upper floors reinforces the existing dominant roof and cornice lines of adjacent historic buildings. Overall, the proposed design is consistent with guidance in the Downtown Berkeley Design Guidelines, inclusive of its six areas—building design; awning and canopies; signs and graphics; site design; special sites, buildings, and subareas; and special considerations, thereby meeting requirements set forth by Downtown Area Plan and resulting in a less than significant impact to the Shattuck Avenue Commercial Corridor Historic District and its other contributing buildings.

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7-A Neighborhood Quality of Life, Action: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. 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.
4. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The project would reinforce the City’s effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities. The project would further improve the neighborhood character and quality of life by increasing existing street level activity and bringing in new residents and new business patrons along a major commercial and transit corridor.

5. 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.

Staff Analysis: The project would help to encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, the university, jobs, and basic goods and services. Several transit lines have stops directly across the street from the project and the Downtown Berkeley BART station is located less than 0.1 miles from the project site, which has connecting service throughout the Bay Area.

6. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Staff Analysis: The project would provide forty affordable units (6 ELI and 34 VLI) in addition to increasing the City’s housing supply by adding new dwelling units in close proximity to the university and transit.

7. 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.)

8. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed project would be constructed to the latest building codes which include green building standards. The building would be required to attain either LEED Gold rating or higher as defined by the U.S. Green Building Council or attain a building performance that is equivalent to this rating. Roof-top solar would be provided.

H. Area Plan Consistency: The Downtown Area Plan, adopted in 2012, also contains several policies applicable to the project, including the following:

- Goal ES-3: Encourage high density, highly livable development to take advantage of Downtown’s proximity to regional transit and to improve the availability of diverse walk-to destinations – such as retail, services, culture, and recreation.
- Goal ES- 4: Promote “green” buildings.
- Goal LU-4: New development should enhance Downtown’s vitality, livability, sustainability, and character through appropriate land use and design.
- Goal HD-4: Improve the visual and environmental quality of Downtown, with an emphasis on pedestrian environments that are active, safe and visually engaging. Encourage appropriate new development Downtown.
- Goal HC-1: Encourage Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses.
- Goal HC-3: Offer diverse housing opportunities for persons of different ages and incomes, households of varying size, and persons of varying abilities. Give Downtown a significant role in meeting Berkeley’s continuing need for additional housing.

The project would be consistent with the aforementioned goals and policies of the Downtown Area Plan. The project is for a 456-unit high density, mixed-use building that provides forty dwelling units for very low-income households and approximately 14,000 square feet of commercial, including a roof-top restaurant. The project is located close to other commercial uses, shopping and restaurants, and in proximity to multiple modes of public transit. The project will further DAP Economic Development goals and Job Development Policy ED-8.1 by providing a Project Labor Agreement with a local trade council to utilize local workers for project construction.

VIII. Recommendation

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

1. **CERTIFY** the Final Environmental Impact Report (Attachment 2), **ADOPT** the CEQA findings, statement of overriding considerations, and **ADOPT** the Mitigation, Monitoring, and Reporting Program (Attachment 1, Exhibit B and C); and

2. **APPROVE** #ZP2022-0135 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (Attachment 1, Exhibit A).

Attachments:

1. Findings and Conditions
 - A. Use Permit Findings and Conditions
 - B. CEQA Findings & Statement of Overriding Considerations
 - C. Mitigation Monitoring and Reporting Program
2. Final EIR (Draft EIR and Infill Checklist, Response to Comments) and Appendices are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Default.aspx>
Click on Zoning tab; enter permit number #ZP2022-0135; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials.
3. Project Plans, received August 9, 2024
4. Rent Stabilization Board memo, dated January 5, 2023
5. Berkeley Police Department Alcohol License Recommendation, dated February 27, 2024
6. Proforma Financial Analysis for 2128 Oxford Mixed-use Project
7. Downtown Area Plan MMRP
8. Notice of Public Hearing
9. Public Comment Letter, Walk Bike Berkeley, dated September 3, 2024

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

Contract Planner: Lisa Gordon, lgordon@rinconconsultants.com, (805) 324-7207

ATTACHMENT 1, EXHIBIT A

FINDINGS AND CONDITIONS

SEPTEMBER 12, 2024

2128-30 Oxford Street / 2132-2168 Center Street

Use Permit #ZP2022-0135 to demolish two buildings (one mixed-use with 16 rent-controlled units, one commercial) and construct a 26-story (285 feet'-4 inches feet, plus 7-foot parapet), 713,664-square-foot, mixed-use building with 456 dwelling units (including 6 Extremely Low-Income and 34 Very Low-Income Density Bonus qualifying / replacement units), 14,404 square feet of commercial space, and 36 parking spaces.

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 23.326.030(A)(3) to demolish a building containing two or more units
- Use Permit under BMC Section 23.326.030(A) to demolish 16 dwelling units in a building constructed prior to June 1980
- 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)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2)(a) to construct a building that exceeds the district height limit, and that is over 120 feet but not more than 180 feet
- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement
- Use Permit under BMC Section 23.204.130(E)(6)(b) to pay a fee in-lieu of providing privately-owned public open space
- Use Permit under BMC Section 23.304.030(C)(2)(b) to reduce the front setback on a commercially zoned lot that confronts a residential district
- Use Permit under 23.304.130(D), to eliminate display window and fence requirements when abutting a residential district
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural elements to exceed the district height limit
- Use Permit under BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service)
- Administrative Use Permit under BMC Section 23.302.070(E)(5)(2) to establish a food service establishment of more than 3,000 square feet

- Administrative Use Permit under BMC Section 23.302.070(E)(5)(a) for outdoor café seating abutting a residential district
- Use Permit pursuant to BMC Section 23.302.020(E)(4) for outdoor use abutting a residential district

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession from Chapter BMC 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.204.130(E)(2)(a) to exceed building height limits, to be 285 feet 4 inches to the roof and 292 feet 4 inches to the top of the parapet (seven-foot parapet), where 180 feet is the maximum with a Use Permit (plus five-foot parapet, by right)
- Waiver of BMC Section 23.304.030(C)(2)(b) to reduce the front setback (Oxford) requirement to 0 feet, where 10 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (Center) requirement to 0 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior side setback requirement to 7 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the rear setback requirement from to 5 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(4) to reduce the usable open space requirement by providing 18,614 square feet where 36,480 square feet is the minimum, and zero square feet of privately-owned public open space, where 313 square feet is required
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 295 feet, 4 inches, where 120 feet is the maximum
- Waiver of BMC Section 23.322.090(A)(2) to reduce the long-term residential bicycle parking requirement by providing 264 spaces, where 383 spaces is the minimum
- Waiver of BMC Section 23.322.100(A), to reduce the loading space requirement to 0 where 1 loading space is required

I. CEQA FINDINGS

- A.** In accordance with the CEQA (California Public Resources Code [PRC] §21000 et seq.) and the State CEQA Guidelines (California Code of Regulations [CCR], Title 14, §15000 et seq.), an Infill Environmental Checklist was prepared to evaluate the potential environmental effects associated with the construction and operation of the project.

Pursuant to CEQA Guidelines the City circulated an Infill Environmental Checklist (IEC) and Notice of Preparation (NOP) to the California State Clearinghouse (SCH#2023080040), other responsible agencies and interested parties notifying that an EIR would be prepared for the project and indicating the environmental topics to be addressed in the EIR. The IEC and NOP were published for a 30-day public comment period that began on August 2, 2023 and ended on September 1, 2023. A virtual public scoping session was held for the Draft EIR on August 16, 2023 to provide information about the proposed project to members of public agencies, interested stakeholders and residents/community members and to accept comments on the scope and content of the EIR. The City received no comments at the public scoping meeting.

The City received letters from two public agencies and two individuals during the 30-day scoping period.

The IEC, prepared pursuant to CEQA Guidelines 15183.3, concluded that the proposed project may result in potentially significant effects to Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Public Services, and Tribal Cultural Resources. Therefore, impacts to these five environmental areas were analyzed in depth in the Draft EIR. The IEC determined that all other CEQA environmental topics would result in no impact, less than significant impacts, less than significant impacts with incorporation of mitigation from the Downtown Area Plan (DAP) EIR, or significant and unavoidable but consistent with the findings of the DAP EIR. The project would be required to comply with all applicable DAP mitigation measures

Pursuant to CEQA Guidelines, the City circulated the Draft EIR for the proposed project, Notice of Availability and Public Hearing (NOA) and Notice of Completion (NOC) to the California State Clearinghouse (SCH#2023080040) and other responsible agencies and interested parties that an EIR was completed for the project. The Draft EIR and NOA were published for a 45-day public comment period that began on May 3, 2024 and ended on June 18, 2024. A public comment session was held before the ZAB on May 30, 2024 to provide information about the proposed project to members of public agencies, interested stakeholders and residents/community members and to accept comments on the Draft EIR.

The City received four written comments. In addition to the written letters, board members provided verbal comments on the Draft EIR at the May 30, 2024 ZAB meeting. The following are issues that were of particular concern to interested members of the public and board/commission members during the environmental review process (see the Response to Comments [RTC] for full responses to comments received): impacts related to water supply and water and wastewater infrastructure; impacts related to bird strikes; impacts related to historical resources; and impacts of project alternatives. None of the comments presented substantial evidence of a fair argument that the project may have a significant impact on the environment, and no text revisions were made as a result of any comments.

As stated in the Final EIR, potential impacts to the environment (excepting Cultural Resources) would be reduced to a less-than-significant impact with implementation of the City's standard conditions of approval and mitigation measures for the proposed project (see Attachment 1, Exhibit C, Mitigation Monitoring and Reporting Program). (Impacts related to Cultural Resources, specifically historical resources, were found to be significant and unavoidable even with implementation of project-specific mitigation.) CEQA Guidelines Section 15126.4(a)(2) requires mitigation measures to be fully enforceable through permit conditions, agreements, or other legally binding instrument.

The Zoning Adjustments Board has considered the Final EIR, together with comments received during the public review process, and finds, on the basis of the whole record before it, that 1) potentially significant effects to Cultural Resources (substantial adverse change to the significance of a historical resource), Geology and Soils, Hazards and Hazardous Materials and Tribal Cultural Resources were identified, and could be reduced to less than significant levels by implementation of the mitigation measures and/or the City's standard conditions of approval, 2) the proposed project would result in significant unavoidable impacts related to Cultural Resources, even after incorporation of all feasible mitigation measures, and that these

significant unavoidable impacts are outweighed by the proposed project's benefits, and 3) the Final EIR reflects the lead agency's independent judgment and analysis.

The CEQA Findings and Statement of Overriding Considerations (Attachment 1, Exhibit B) includes the required findings related to significant effects. The document describes why the project alternatives are infeasible. In addition, the document describes why the significant unavoidable impact to historical resources is outweighed by the proposed project's economic, legal, social, technological or other benefits (each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed project), including but not limited to the following:

- The project site is zoned and designated in the General Plan for residential and commercial development. The proposed project will involve the replacement of the underutilized commercial and parking uses within the site with a new mixed-use building that will be consistent with the zoning and land use designation.
- The project will upgrade and revitalize an important urban block in Downtown Berkeley into a walkable, retail-served, transit-friendly residential block with active, safe and visually engaging pedestrian amenities consistent with the Downtown Area Plan and the Streets and Open Space Improvement Plan. The project will provide infill development that embodies principles of sustainable planning and construction, and will be sufficiently compatible with existing city character, neighboring land uses, and architectural scale and design in support of Policies LU-3, LU-7, LU-23, H-19, EM-5, UD-16, UD-24, UD-32, and UD-33 in the City's General Plan.
- Based on current housing demand, development of the proposed project is necessary for the City to meet current and anticipated Regional Housing Needs Allocation (RHNA) goals.
- The project will include 12 percent of base project units as Very Low Income (VLI) households in support of Policy LU-25 of the City's General Plan to encourage development of affordable housing within transit-oriented corridors.
- The project will create construction jobs for a period of approximately 42 months.
- The project will substantially increase the assessed value of the property, which will increase City revenue used to provide services and infrastructure.
- The project will be subject to several development fees, including the affordable housing mitigation fee, which will be used to develop more affordable housing, and the Berkeley Unified School District fee, which will be used to improve school infrastructure and facilities in the city.
- The project will increase the number of residents who patronize businesses in Berkeley.
- The project will further DAP Economic Development goals and Job Development Policy ED-8.1 by providing a Project Labor Agreement with a local trade council to utilize local workers for project construction.

- The project advances DAP Environmental Sustainability Goal ES-3 and Land Use Goal LU-1, which encourage high intensity development near transit, by introducing high-quality, transit-oriented, and sustainable market rate housing and contributing substantial affordable housing as required by Section 22.20.065 of the Berkeley Municipal Code. High intensity development near transit will reduce regional vehicle miles traveled and associated greenhouse gas emissions from transportation, by reducing development pressure in outlying parts of the Bay Area and beyond.
- The project will increase high density housing in Downtown Berkeley and in proximity to existing businesses, services, and alternative forms of transportation, including Class II bicycle routes, Alameda and Contra Costa (AC) Transit routes, and the Downtown Berkeley Bay Area Rapid Transit (BART) station. Given this access to services and alternative transportation methods, the project will minimize driving demand and reduce greenhouse gas emissions associated with vehicle trips in the region in support of the City's Climate Action Plan and Policy EM-5 and Policy UD-33 in the City's General Plan, which call for environmentally sensitive and sustainable design in new buildings.

On balance, the City finds that there are specific considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to CEQA Guidelines Section 15093(b), these adverse effects are considered acceptable.

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A.** The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B.** The project includes construction of 456 dwelling units. Because the base project complies 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.

III. DENSITY BONUS FINDINGS

- A.** Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
1. Under the City's methodology for implementing density bonuses, the base project consists of 333 units;
 2. The project will provide at least 40 Very Low Income qualifying units (6 Extremely Low Income and 34 Very Low Income) in the 333-unit base project, as more fully set forth in Conditions 41 to 47;

3. The project is entitled to a density increase of 38.75 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus up to two concessions or incentives. This equates to a density bonus of up to 130 units (123 taken) above the base project, for a total of up to 456 units.
- B.** In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
1. Concession from Chapter BMC 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- C.** 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.
- D.** In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units:
1. Waiver of BMC Section 23.204.130(E)(2)(a) to exceed building height limits, to be 285 feet 4 inches to the roof and 292 feet 4 inches to the top of the parapet (seven-foot parapet), where 180 feet is the maximum with a Use Permit (plus five-foot parapet, by right)
 2. Waiver of BMC Section 23.304.030(C)(2)(b) to reduce the front setback (Oxford) requirement to 0 feet, where 10 feet is the minimum, above 180-foot building height
 3. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (Center) requirement to 0 feet, where 15 feet is the minimum, above 180-foot building height
 4. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior side setback requirement to 7 feet, where 15 feet is the minimum, above 180-foot building height
 5. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the rear setback requirement to 5 feet, where 15 feet is the minimum, above 180-foot building height
 6. Waiver of BMC Section 23.204.130(E)(4) to reduce the usable open space requirement by providing 18,614 square feet where 36,480 square feet is the minimum, and zero square feet of privately-owned public open space where 313 square feet is required
 7. Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 295 feet, 4 inches, where 120 feet is the maximum
 8. Waiver of BMC Section 23.322.090(A)(2) to reduce the long-term residential bicycle parking requirement by providing 264 spaces, where 383 spaces is the minimum
 9. Waiver of BMC Section 23.322.100(A), to reduce the loading space requirement to 0 where 1 loading space is required

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

IV. FINDINGS FOR APPROVAL

- A. As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will 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:
1. The project is consistent with all applicable C-DMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915; and
 2. According to the shadow studies submitted for the project (see Attachment 3, Project Plans – Sheets A7-1 through A7-3), new shadow impacts will occur: a) in the summer and fall months around the hours of sunrise and sunset, on the residential buildings to the south and southeast of the site, and b) in the winter months around the hours after sunrise, noon and the hours before sunset on the hotel, museum and residential buildings to the north and northwest. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will not be unreasonable for a development in the dense, downtown district that allows building heights up to 60 feet, with 0- to 5-foot setbacks from property lines, by right.
 3. The additional height above the district limits will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include a waiver for additional height beyond the district height limits to accommodate the density bonus units and allow a 285-foot, 4-inch-tall, 26-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.
 4. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that 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.

V. OTHER FINDINGS FOR APPROVAL

A. As required by BMC 23.326.020(B), the elimination or demolition of a dwelling unit will not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project will replace 16 demolished dwelling units with 456 dwelling units [6 Extremely Low-Income (ELI) and 34 Very Low-Income (VLI)]. The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target.

The demolition of residential units is allowed because:

5. Pursuant to BMC Section 23.326.030(A)(2), there is no record of any verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years¹.

1. Pursuant to BMC Section 23.326.030(A)(3), ZAB finds that the demolition is necessary to permit construction of an affordable housing development that serves the greater good of the entire community and the demolition is necessary to permit construction of at least the same number of dwelling units. The increase in the number of housing units will help meet the City's need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.020(B) would be met. The project will also provide housing in proximity to regional transit, bicycle facilities, retail, and services, therefore reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts.

B. Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330) prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished; will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years, and replace "protected" units as specified in these sections.

1. The project site has held 16 protected units (the greatest number of units that existed on the project site within the last five years), and is constructing 456 units, in compliance with state law.

2. The project would replace 16 removed protected dwelling units with equivalent units – 6 ELI and 34 VLI units, subject to a recorded affordability restriction of at least 55 years.

¹ BMC Section 23.326.030(A)(2)(a)(i) (Ellis Act prohibition) does not apply to the project due to SB 330 vesting.

- C. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the two-story, mixed-use building containing ground-floor commercial at 2132-2168 Center Street and the one-story, commercial building at 2128-2130 Oxford will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new building or other proposed new use.

The proposed demolition of the non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops an underutilized with a new mixed-use, multifamily building that is compatible with existing development patterns in the downtown. The project is aligned with the Downtown Area Plan and the C-DMU district's purposes, which include objectives for Environmental Sustainability, Land Use, Access, Historic Preservation and Urban Design, Streets and Open Space, Housing and Community Health and Services, and Economic Development, as discussed in Finding V.E.

- D. As required by BMC Section 23.204.130(E)(6)(b), the Zoning Adjustments Board finds that the applicant agrees to pay the SOSIP fee, and a Condition of Approval is included in the permit to ensure payment of the fee prior to occupancy. The fee will help fund current and future Downtown SOSIP Public Works projects.
- E. As required by BMC Sections 23.310.020(B) General Requirements Excluding Incidental Beer and Wine Service and 23.310.030(A) Alcoholic Beverage Service When Incidental to Food Service, the Zoning Adjustments Board finds that:

1. There are 35 existing Alcoholic Beverage Control (ABC) Type 47 (On-Sale General-Eating Place) licenses issued to establishments within 1000 feet of the project site, and the findings for public convenience or necessity are met because:

The allowance of distilled spirits sales and service in conjunction with a bona fide eating establishment in the project will provide a wider range of alcoholic menu options to patrons that are customarily available within other restaurants. Such expanded menu choices will contribute to the economic success of the restaurant. The addition of distilled spirits to the menu offerings will also increase business revenue, resulting in increased tax revenue for the City.

The project site is within 1,000 feet of U.C Berkeley at Oxford Street, between Hearst Avenue and Bancroft Way; and also Constitution Square, on Shattuck Avenue between Center Street and Allston Way, which is well-used by the public and patrons of the nearby food establishments for gathering and eating. The Berkeley Police Department confirmed that there are no alcoholic beverage violations against the property owner, that the proposed mixed-use project appears to fit within the general character of the existing uses in the neighborhood, and that the project will not likely increase crime or calls for service in the area.

Alcohol service standards are included in the Conditions of Approval for the permit, and the applicant will be required to meet applicable ABC standards for the license type.

- F. As required by BMC Section 23.302.070(E)(2) (Food Service Establishment greater than 3,000 square feet), the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project is compatible with the Land Use and Economic Development purposes of the district because the rooftop restaurant/bar with outdoor seating will contribute to the area's vitality, livability, and character.
- G. As required by BMC Section 23.302.070(E)(5)(a) (outdoor café seating abutting a residential district), the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project's rooftop restaurant/bar with outdoor seating is compatible with surrounding uses and buildings because the 16-story, Residence Inn hotel across the street on Center Avenue includes a successful rooftop restaurant/bar.
- H. As required by BMC Section 23.302.020(E)(4), use permit for outdoor use abutting a residential district), the Zoning Adjustments Board finds that the use meets the findings in BMC Section 23.204.130(I). The project's rooftop restaurant/bar with outdoor seating is compatible with the Land Use and Economic Development purposes of the district because it will contribute to the area's vitality, livability, and character.
- I. As required by BMC Section 23.204.130(I), the project is consistent with the purposes of the C-DMU district:

Environmental Sustainability and Access: The project is a high-density mixed-use development in proximity to regional transit, shops and amenities, and will provide more housing in the Downtown to increase access to local services and amenities by foot, by bicycle and via transit, while promoting public transit as an efficient and attractive choice through its location and through its Transportation Demand Management measures and other associated Conditions of Approval. The project would comply with the State's Model Water Efficient Landscape Ordinance (MWELO), provide landscaping in its open space areas, and will feature a number of native plant species in its landscape palette. The building will be required to attain either LEED Gold rating or higher as defined by the U.S. Green Building Council or attain a building performance that is equivalent to this rating.

Land Use. The mixed-use project, which includes 6 ELI and 34 VLI units, will add affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating would contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Oxford Street and Center Street will add to the cultivation of the Downtown as an attractive residential neighborhood.

Historic Preservation and Urban Design: The 2132-2154 Center Street building, also known as the Thomas Block building, was determined to be eligible for the California Register of Historical Resources and local designation and eligible as a contributor to the Shattuck Avenue Commercial Corridor Historic District. The project proposes to demolish the 2132-2154 Center Street building. The Draft EIR identifies mitigation measures that will reduce impacts related to demolition of the historical resource.

The project will provide continuity and harmony between the old and the new in the built environment, improve the visual and environmental quality of Downtown and create an active, safe and visually engaging pedestrian environment. The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the

ZAB. The proposed project design implements materials, color, cornice design, fenestration patterns, structural bays, roof forms, and vertical projections consistent with guidance in the Downtown Berkeley Design Guidelines. Furthermore, the proposed new storefront design along Oxford Street is consistent with the existing streetwall and continues the historic rhythm of structural bays. The proposed setback at upper floors reinforces the existing dominant roof and cornice lines of adjacent historic buildings. Ground floor retail, with possible outdoor eating areas, would help to activate the street level. A parklet is also proposed on Center Street and a Strawberry Creek Ohlone Past & Present Interpretive Display is proposed in front of the building on Oxford, offering engaging pedestrian experiences.

Streets and Open Space: The project will include street trees along Oxford Street and Center Street and installation of modular bike parking and a parklet on Center Street to benefit pedestrians, as well as future residents. The 25th floor which is partially open to the sky, will provide a green roof as well as landscaping and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan.

Housing and Community Health and Services: There are 16 dwelling units existing within the project site which will be demolished to construct the new building. Replacement dwelling units will be provided consistent with Government Code Section 66300 as described above in Section V.B. The project will involve construction of a mixed-use building with a total of 456 dwelling units, including 6 ELI and 34 VLI units. The project will expand the supply of affordable housing and contribute to a thriving, livable, diverse residential neighborhood with a mix of supportive uses in Downtown.

Economic Development: The project will bring new residents and a greater range of household incomes to the Downtown area, while preserving the character of the Downtown Historic neighborhood, to contribute to the area's vitality and success. The project will bring approximately 9,690 square feet of ground-floor retail and a 4,714-square-foot rooftop restaurant to the area to contribute to making Downtown an attractive regional destination for living, working and visiting. In addition, the project includes a Project Labor Agreement with the Alameda County Building Trades Council, valued at \$17,920,276, to utilize local workers for project construction.

In addition, the project is compatible with surrounding uses and buildings. The project site is located at the southwest corner of the intersection of Center Street and Oxford Street in Downtown Berkeley in an urban area with access to transit. Directly north across Center Street are the Residence Inn Hotel and the Berkeley Art Museum/Pacific Film Archive; to the east is the Crescent Lawn and east entry to the UC Berkeley campus; to the south are the Magnes Collection of Jewish Art and Life museum, a multi-family residential building, and a restaurant/office building; and to the east are buildings containing restaurant uses. The buildings in close proximity to the project site range in height from one- and two-story commercial, to five-story residential, to a 16-story hotel with a rooftop restaurant/bar. The project will be compatible with surrounding uses and buildings. The DRC deemed the project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

- J.** As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space. The project will include mechanical and staircase/elevator penthouses and an open-air mechanical enclosure totaling 4,230 square feet on the roof of level 25 that will extend seventeen feet over the roof height. These areas represent 15 percent of the 27,449-square-foot average of all the floor areas. The project will include an elevator penthouse of 1,462 square feet on the roof of level 26 that would extend seven feet over the roof height. The elevator penthouse represents 5 percent of the 27,449-square-foot average of all the floor areas.
- K.** As required BMC Section 23.204.130(E)(2), the Zoning Adjustments Board finds that:
1. The project provides a community benefits proposal that is primarily composed of a Project Labor Agreement – an agreement with the Alameda County Building Trades Council, with a total value of \$17,920,276, equivalent to 20 percent of the estimated project construction costs (\$89,601,381), which is greater than the minimum 5 percent specified in the Resolution #67,172-NS.
 2. Based on the City's consultant peer review, the community benefits proposal would not cause project infeasibility.
- L.** As required by BMC Section 23.204.130(E)(2), the Zoning Adjustments Board finds that:
1. The setback encroachment in the Base Project will result in a minimal contribution to new shadow impact relative to the increase in shadow impact from the Density Bonus project height and reduced setbacks that are requested as waivers. Thus, the setback reduction the Base Project would not unreasonably limit solar access.
 2. Wind speeds at grade will meet pedestrian wind safety guidelines; that wind conditions on-and-around the proposed building including the lobby and retail entrances and adjacent sidewalks, will be comfortable for the intended use throughout the year; and, no significant adverse impacts to wind conditions in the pedestrian realm will result from the project when compared to existing site conditions.
- M.** As required by BMC Section 23.204.030(A)(2), the Zoning Adjustments Board finds that:
1. The new building will be compatible with the visual character and form of the zoning district. The zoning district allows for heights up to 180 feet with a use permit and upon provision of community benefits. Existing buildings surrounding the project site generally range from two to three stories high on side streets and reach up to sixteen stories along Shattuck Avenue. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines..

2. The proposed project, which is located within the boundary of the Shattuck Avenue Commercial Corridor Historic District, will result in a new building substantially taller than surrounding contributing buildings to the historic district, which generally range from two to three stories high on side streets and reach up to sixteen stories along Shattuck Avenue. It will, as a result, introduce a new visual feature to the district by introducing a building which is taller than the existing contributing buildings. The proposed project's effect on the historic relationship between the historic district and the commercial corridor of Shattuck Avenue will be reduced by its location on the eastern edge of the district boundary and by its consistency with the surrounding recent development approved within the historic district boundary.
3. The DRC reviewed the project design and found the proposed design materials, color, cornice design, fenestration patterns, structural bays, roof forms, and vertical projections to be consistent with guidance in the Downtown Berkeley Design Guidelines. Furthermore, the proposed new storefront design along Oxford Street is consistent with the existing streetwall and continues the historic rhythm of structural bays. The proposed setback at upper floors reinforces the existing dominant roof and cornice lines of adjacent historic buildings. Overall, the proposed design is consistent with guidance in the Downtown Berkeley Design Guidelines, inclusive of its six areas—building design; awning and canopies; signs and graphics; site design; special sites, buildings, and subareas; and special considerations, thereby meeting requirements set forth by Downtown Area Plan and resulting in a less than significant impact to the Shattuck Avenue Commercial Corridor Historic District and its other contributing buildings.

VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. **Conditions and Mitigation Monitoring and Reporting Program Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
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 re-establish 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 comply 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 Wage Theft 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. Wage Theft Prevention 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 BMC Chapter 23.404.

13. Hold Harmless. The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

VII. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.404.050(H), 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. 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 in accordance with BMC 16.28.030, and, except for new buildings on vacant lots, entered into the City's database after the building permit is issued but prior to final inspection.

- 16. Geotechnical Plan Review.** The applicant's geotechnical consultant shall review and approve all geotechnical aspects of the final project building and grading plans (i.e., site preparation and grading including removal and replacement/treatment of expansive soils, site surface and subsurface drainage improvements including site runoff discharge, and design parameters for foundations, temporary shoring excavation and installation, etc.) to ensure that their recommendations have been properly incorporated. The results of the plan review shall be summarized by the geotechnical consultant in a letter and submitted to the City Engineer for review and approval prior to issuance of building permits.
- 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 consider 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 study of existing conditions (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage.

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

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

- 20. Significant Community Benefits.** Pursuant to BMC Section 23.204.130.E.2(c) and City Council Resolution No. 67,172-N.S., all significant community benefits agreed to by the applicant and approved by the City shall be included as Conditions of Approval and the owner shall enter into a written agreement with the City that shall be binding on all successors in interest. The significant community benefits for this project consists of:
- Project Labor Agreement. An agreement with the Alameda County Building Trades Council, with a total value of \$17,920,276, equivalent to 20 percent of the estimated project construction costs (estimated at \$89,601,381), based on the Community Benefits Pro Forma Financial Analysis submitted in permit application.
- 20. 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.
- 21. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.
- 22. 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.
- 23. 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.
- 24. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
- 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. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](https://arcgis.com)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;
- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

- E. Demolitions & Renovations – Building Materials Survey.** A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.
- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
 - ii. 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. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
 - iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
 - iv. 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.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

- F. Hazardous Materials Business Plan.** A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

- G. Petroleum Storage.** An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

- 26. Geotechnical Construction Inspections.** The geotechnical consultant shall inspect, test (as needed), and approve all geotechnical aspects of the project construction. The inspections shall include, but not necessarily be limited to: site preparation and grading, site surface and subsurface drainage improvements, and excavations for foundations and other improvements prior to the placement of steel and concrete. The results of these inspections and the as-built conditions of the project shall be described by the geotechnical consultant in a letter and submitted to the City Engineer for review prior to final (granting of occupancy) project approval.
- 27. Parcel Merger.** The applicant shall secure approval of any parcel merger associated with this Use Permit.
- 28. Affordable Housing Mitigation Fee.** Consistent with BMC Section 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.
- 29. 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.
- 30. 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.
- 31. Traffic Safety Measures.**

The traffic study, "2128 Oxford Street Traffic Impact Analysis", prepared by Abrams Associates and dated May 4, 2023, identified the following improvement measures to maintain adequate traffic operations and safety with the proposed project:

- Oxford Street at Allston Way – Payment of a proportionate share of the cost to install rapid rectangular flashing beacons (RRFB's) for the existing Oxford Street crosswalk at

Allston Way, meeting the City's requirements. This would be an interim safety improvement until a future traffic signal is installed.

- Oxford Street at Allston Way – Payment of a proportionate share of the cost to install a traffic signal, meeting the City's requirements. When the traffic signal is installed the RRFB's will be removed.

The applicant shall deposit funds with the City of Berkeley to be used for the above noted improvement measures prior to issuance of a building permit.

- 32. Open Space In-Lieu Fee:** Consistent with BMC Section 23.204.130(E)(6)(b), the project shall pay a fee in lieu of providing the on-site open space required by this Section, to help fund the Streets and Open Space Improvement Plan (SOSIP).
- 33. Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along Oxford Street and Center Street to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.
- 34. Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a \$1 to \$1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

- 35. Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

- 36. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 37. Nonresidential Electric Vehicle (EV) Charging.** At least 10 percent of project parking spaces for nonresidential use shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations and/or DC Fast Charging Stations, and least 40 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements, as specified by the Berkeley Green Code (BMC Chapter 19.37). EV charging station installations and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)
- 38. 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.
- 39. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division's Recycling Program Manager, Julia A. Heath, at jheath@berkeleyca.gov.
- 40. 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.

BELOW MARKET RATE UNITS

- 41. Affordable Housing Mitigation Fee (AHMF).** Consistent with BMC 22.20.065 and fee resolution No. 68,074-N.S., the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,074-N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.

As indicated on the development application, the applicant provides 12 percent of the total units in the project as below market rate rental dwelling units (“BMR Units”) – 6 ELI and 36 VLI units, in perpetuity – and will be required to pay the AHMF as calculated in BMC Section 22.20.065(D). The applicant may elect to avoid the AHMF by providing, for the life of the project, a number of units equal to 20 percent of the total units in the project at rental rates affordable to Low-Income and Very Low-Income Households in accordance with the BMC. The applicant may also elect to provide BMR units below 20 percent of total units for a reduced AHMF as calculated in BMC Section 22.20.065(D). The applicant must contact and coordinate with the Department of Health, Housing and Community Services (HHCS) via email to affordablehousing@berkeleyca.gov for review and approval. The final number of affordable onsite units must be declared prior to issuance of the first building permit for the project.

- 42. Number of Below Market Rate Units.** The project shall provide 40 below market rate rental dwelling units (“BMR Units”) – 6 ELI and 36 VLI units, in perpetuity – which are required to comply with the State Density Bonus Law (Government Code Section 65915), SB 330 (Government Code Section 66300), and BMC Section 22.20.065. 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.
- 43. Affordable Housing: 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 should they elect to provide BMR units to avoid or reduce their AHMF obligation. The Regulatory Agreement shall include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The applicant shall submit the Regulatory Agreement to the Department of Health, Housing and Community Services (HHCS) via email to affordablehousing@berkeleyca.gov for review and approval.
- 44. Affordable Housing: Below Market Rate Program.** In addition, affordable units must adhere to the administrative guidelines for the City’s Below Market Rate program. These guidelines can be found online at <https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/below-market-rate-rental-information-owners-and>. The guidelines are updated annually by HHCS and posted online. **Affordable Housing.** Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.
- 45. Affordable Housing.** Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328 in effect on March 31, 2023. (A) Residential housing projects for the construction of five or more Dwelling Units; (B) Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four-unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter; (C) Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

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46. Affordable Housing – Density Bonus. If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

Prior to Demolition or Start of Construction:

47. 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.

48. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

- A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- B. Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;
- C. Provision of exclusive contractor parking on-street; or
- D. Significant truck activity.

Please contact the Office of Transportation at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

49. Construction/No Parking Permits. 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.

During Construction:

50. 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.

- 51. 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.
- 52. 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.
- A. Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 - B. Calendar and schedule of daily/weekly/monthly construction activities
 - C. 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.
- 53. Public Works - Implement Bay Area Air Quality Management District (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 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.

54. 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.
- C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
 - i. An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - ii. A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

55. 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 [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.

- 56. 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 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)
- 57. 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.
- 58. 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. There shall be no destructive or invasive testing on sacred items, burial goods and Native American human remains (invasive procedures include photography of cultural materials).
 - 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.

59. 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.

60. 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.

61. 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.

62. 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). (Project required to meet applicable code at time of building permit application, if different from above.)
- H.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

- I. 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. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
 - K. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
 - L. 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.
 - M. 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.
- 63. Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- 64. 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.
- 65. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 66. 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.

- 67. 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.
- 68. 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.
- 69. Public Works / Building and Safety.** 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:

- 70. Compliance with Conditions and Environmental Mitigations.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.
- 71.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **August 16, 2024**.
- 72. Number of Below Market Rate Units.** Should the Applicant elect to provide BMR units prior to receiving a building permit for the Project, they are entitled to eliminate or receive a proportional reduction in the AHMF consistent with BMC Section 22.20.065. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City. Any additional BMR units the applicant may choose to provide must also conform with these conditions.
- 73. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in this section:

- A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
 - B. For any new building with residential units or structures converted to a residential use, required parking spaces shall be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.
 - C. For new structures or additions over 20,000 square feet, the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.
 - D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).
- 74. Car Sharing Spaces.** At least two (2) car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:
- A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.
 - B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.

75. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

At All Times:

76. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit.

77. 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.

78. 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.

79. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

80. 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.

81. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

82. 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.

83. Public Parking. Consistent with BMC 23.322, the public shall be notified of the availability of publicly available parking spaces via dynamic signage including, but not limited to, real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System or equivalent, as determined by the Zoning Officer in consultation with the Transportation Division Manager.

84. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses 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.

85. Parking to be Leased or Sold Separately. All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

- 86. Required Bike Parking.** Secure and on-site bike parking for a minimum of 383 bicycles shall be provided for the life of the building.
- 87. Nonresidential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and DC Fast Charge stations, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in *good working condition and made available for building occupant and/or visitor* use. (Project required to meet applicable code at time of building permit application, if different from above.)
- 88. 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.
- 89. Increased Height Allowance – Application Process.** The project shall secure a position as one of the five allowed buildings over 75 feet in height, one of the three allowed buildings over 120 feet in height in the Core Sub-Area, following final Use Permit approval.
- A. The applicant shall submit an application for a building permit no later than 180 days after this Use Permit is approved;
 - B. Shall respond to all plan check comments no later than 30 days after they are issued; and
 - C. Shall pay all building permit-related fees promptly when due, and shall commence construction no later than 180 days after being notified of approval of the first building permit. Any extension of any deadline in this condition shall be subject to approval by the Zoning Officer, except that no deadline for payment of any fees may be extended.
- 90. Guaranteed Ride Home.** If qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the “Guarantee Ride Home” program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager
- 91. Transit Subsidy Condition.** If 10 or more employees, the business operator 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.

ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

- 92.** The Food Service Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).
- 93.** Alcoholic beverage service shall be “incidental” to the primary food service use, as defined in Zoning Ordinance 23.502. An incidental use shall not exceed 25 percent of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of 33 percent of the gross receipts generated by the primary use.

94. Alcohol beverage service shall be only be allowed as part of a “bona fide eating place” making “actual and substantial sales of meals,” and stringently enforces this requirement as determined and required by the ABC.
95. The service of alcohol shall be limited to normal meal hours (per ABC) during the restaurant’s hours of operation. Patrons may only purchase food or finish drinks already purchased within the approved service hours. The Zoning Adjustments Board shall approve any change in the hours of restaurant operations and/or alcohol service (except decreased hours in compliance with applicable ABC regulations). Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.
96. During operating hours, 100 percent of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.
97. The sale of alcoholic beverages for consumption off the premises is prohibited.
98. There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.
99. All alcoholic beverages served to patrons must be served in durable restaurant tableware (i.e. cups or glasses). No beer or wine may be distributed in its original bottle or can, or in any other potentially disposable container.
100. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.
101. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
102. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
103. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.
104. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
105. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.
106. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.

- 107.** The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
- 108.** At no time shall the operator rent the restaurant space to a third-party promoter.
- 109.** The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.
- 110.** This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.

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2128 Oxford Street Mixed-Use Project

Pursuant to Sections 15091 and 15093 of the
State CEQA Guidelines and Section 21081 of the Public Resources Code

The Final Environmental Impact Report (Final EIR) prepared by the City of Berkeley (City) for the 2128 Oxford Street Mixed-Use Project (project) consists of the Draft EIR and the Final Environmental Impact Report and Responses to Comments on the Draft EIR document. The City finds that the inclusion of certain mitigation measures as part of project approval will reduce all impacts except those related to cultural resources and construction noise to levels that are less than significant. No feasible mitigation measures have been identified to reduce cultural resources impacts to a less-than-significant level; therefore, these impacts will remain significant unavoidable impacts of the project. In addition, a significant and unavoidable impact will result from the exposure of nearby sensitive land uses to temporary noise during construction of the project. No feasible mitigation measures have been identified to reduce this impact to a less-than-significant level; therefore, construction noise will remain a significant and unavoidable impact of the project. However, this impact is consistent with the Downtown Area Plan (DAP) EIR's finding for construction noise during the development of projects in the Plan Area as a whole. These impacts will be overridden due to specific considerations that are described in Section 7 of this document.

As required by the California Environmental Quality Act (CEQA), the City, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the City adopts these findings as part of the project approval. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project.

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SECTION 1: INTRODUCTION

1.1 Statutory Requirements for Findings

CEQA Guidelines Section 15091 states that:

- (a) *No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
- (1) *Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
 - (2) *Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
 - (3) *Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.¹

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.² The CEQA Guidelines Section 15093 states that:

“If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’”³

1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

- Notice of Preparation and other public notices issued by the City in conjunction with the project dated August 2, 2023 (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Infill Environmental Checklist and supporting documentation prepared for the proposed project, dated May 2024 (see Appendix B of the Draft EIR for the Infill Environmental Checklist);
- The Draft EIR, which was made available for public review on May 3, 2024;
- All written and verbal comments submitted by agencies, organizations and members of the public during the public comment period and responses to those comments (see Responses to Comments on the Draft EIR, dated August 2024);
- The Mitigation Monitoring and Reporting Program;

¹ CEQA Guidelines, 2024. Section 15091(a), (b).

² Public Resources Code Section 21081(b).

³ CEQA Guidelines, 2024. Section 15092(a)

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- All findings and resolutions adopted by the City in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants to each, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project site; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

1.3 Infill EIR

The EIR is a Project EIR pursuant to *CEQA Guidelines* Section 15161 and an Infill EIR pursuant to *CEQA Guidelines* Section 15183.3. Under *CEQA Guidelines* Section 15183.3(b), to be eligible for streamlined review, an infill project must:

- (1) *Be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter. For the purpose of this subdivision "adjoin" means the infill project is immediately adjacent to qualified urban uses, or is only separated from such uses by an improved public right-of-way;*
- (2) *Satisfy the performance standards provided in Appendix M; and*
- (3) *Be consistent with the general use designation, density, building intensity, and applicable policies specified for the project area in either a sustainable communities strategy or an alternative planning strategy...*

In addition, Public Resources Code section 21099 of CEQA states that aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area are not to be considered significant environmental impacts.

As discussed in the Infill Environmental Checklist (Appendix B to the Draft EIR), the proposed project qualifies as an infill project under *CEQA Guidelines* Section 15183.3. It is located in an urban area on a site that has been previously developed. In order to be eligible for streamlined review under Section 15183.3, a project must meet criteria in Appendix M of the *CEQA Guidelines*. Information and analysis demonstrating that this project satisfies the Appendix M performance standards is provided in the Infill Environmental Checklist in a section titled "Satisfaction of Appendix M Performance Standards."

The project is consistent with the general use designation, density, building intensity and applicable policies specified for the project area in the City's DAP EIR with approval of use permits. As documented in the Infill Environmental Checklist, potential development on the project site was within the DAP vision and is included in all aspects of the DAP EIR.

Under *CEQA Guidelines* Section 15183.3(c), for eligible infill projects (such as the 2128 Oxford Street Mixed-Use project) CEQA does not require certain analyses that would otherwise be required:

- If a significant environmental effect was analyzed in a prior EIR for a planning level decision, then, with some exceptions, that effect need not be analyzed again for an individual infill project even when that effect was not reduced to a less than significant level in the prior EIR.
- An effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect.

The EIR references pertinent City policies and guidelines, certified EIRs and adopted CEQA documents, and background documents prepared or relied upon by the City in preparing the CEQA analysis. A full reference list

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is contained in the EIR in Section 7, References and Report Preparers. The Infill Environmental Checklist makes reference to the uniformly applicable development policies or standards that would mitigate certain impacts identified in the Checklist, and also lists the mitigation measures from the DAP EIR (the prior EIR for a planning level decision) that would apply to the proposed project and address certain identified impacts. Those uniformly applicable development policies or standards and DAP EIR mitigation measures are discussed in the Infill Environmental Checklist and are listed with the project-specific mitigation measures discussed in sections 3 and 4 below.

1.4 Organization/Format of Findings

Section 2 of these findings sets forth the objectives of the project and contains a summary description of the project and project alternatives. Section 3 identifies the potentially significant effects of the project which were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Infill Environmental Checklist or Draft EIR and Responses to Comments document. Section 4 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Section 5 discusses the feasibility of project alternatives. Section 6 identifies the significant impacts of the project, including cumulative impacts that cannot be mitigated to a less-than-significant level even though all feasible mitigation measures have been identified and incorporated into the project. Section 7 includes the City's Statement of Overriding Considerations.

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SECTION 2: THE 2128 OXFORD STREET MIXED-USE PROJECT

This section lists the objectives of the proposed project, provides a brief description of the project, and lists the project alternatives evaluated in the Draft EIR.

2.1 Project Objectives

The objectives of the proposed project are as follows:

- Implement the Downtown Area Plan (DAP) by leveraging the development potential under Zoning Ordinance standards and State law to generate the revenue necessary to provide on-site affordable housing and construct an environmentally superior transit-oriented housing project, plus provide additional community and public benefits, while maintaining project financial feasibility.
- Generate high-quality, transit-oriented, and sustainable market rate housing to support and contribute substantial affordable housing and in-lieu fees toward the construction of affordable housing, as required by the Berkeley Municipal Code.
- Activate the pedestrian environment along Oxford Street and Center Street with a building design and ground floor interface with vibrant, walkable retail and pedestrian amenities.
- Through the payment of substantial Streets and Open Space Improvements (SOSIP) fees and through project site design, help to fulfill the vision of the DAP to (partially or fully) close Center Street to vehicle traffic and allow for an expanded pedestrian amenity space on one of the highest pedestrian-traveled streets in the East Bay.
- Provide a green building using environmentally sustainable siting, development, and construction practices, including LEED Gold or equivalent certification and an all-electric building system.
- Incorporate ecologically beneficial native and drought-tolerant landscaping that promotes watershed health and creates safe, comfortable, and inviting open spaces.

2.2 Project Description

The City of Berkeley prepared the 2128 Oxford Street Mixed-Use Project Environmental Impact (EIR) to analyze the potential environmental effects that may result from the project. The proposed project will involve the following major components:

- Demolition of existing on-site buildings (including the 2142 Center Street building which was found individually eligible for local designation and is a contributor to the CRHR-eligible Shattuck Avenue Commercial Corridor Historic District).
- Construction of a new 26-story mixed-use building with up to 463 residential units and approximately 15,000 square feet of retail and restaurant space.
- Construction of an at-grade, 36-space parking garage including mechanical lifts in a pit that extends into the basement with access from a driveway on Oxford Lane.

More detail about the proposed project is included in Section 2, *Project Description*, of the EIR.

2.3 Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the *CEQA Guidelines*, the following project alternatives were selected for analysis:

- **Alternative 1: No Project Alternative.** The No Project Alternative assumes that the proposed project would not be implemented. All existing buildings and uses within the project site would remain. The existing buildings at 2142 Center Street would not be demolished, and the new mixed-use building would not be constructed.
- **Alternative 2: 2142 Center Street Building to Remain Alternative.** Under this alternative, the building at 2142 Center Street would not be demolished and existing uses in the building would remain. The remaining portion of the project site, including the surface parking lot and building at 2128 Oxford Street, would be demolished and developed at maximum density into a mixed-use building. This alternative assumes that the

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building on the remaining portion of the site would be developed with a 26-story building with 5,000 square feet of ground-floor retail, a 4,500 square foot roof-top restaurant, and 325 residential units.

- **Alternative 3: Façade Preservation Alternative.** Similar to the proposed project, existing on-site buildings would be demolished to construct a new 26-story mixed-use building with up to 463 residential units with approximately 15,000 square feet of retail and restaurant space. However, the façade for the 2142 Center Street building would be preserved under this Alternative, while the rest of the building would be demolished. The existing façade would be incorporated into the design of the proposed mixed-use building.

Refer to Chapter 6, *Alternatives*, of the Draft EIR for the complete alternatives analysis. A more detailed description of these alternatives, and required findings, are set forth in Section 6: Feasibility of Project Alternatives.

SECTION 3: EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or are less than significant. The Infill Environmental Checklist (included as Appendix B of the Draft EIR) and the Draft EIR provide a detailed analysis of the less-than-significant impacts of the proposed project for all issue areas below.

3.1 Aesthetics (Infill Environmental Checklist)

The proposed project is a mixed-use project in a transit priority area. Therefore, pursuant to SB 743, aesthetic impacts *would be less than significant impact* by statute.

3.2 Agricultural and Forest Resources (Infill Environmental Checklist)

The project site and vicinity are located within an urban area in the city of Berkeley. There are no agricultural resources, Williamson Act-contracted land, or forest land located on or near the project site. The project would not convert agricultural land to non-agricultural uses or result in the loss of forest land or conversion of forest land to non-forest use. The site's urban zoning designation would not change. Therefore, the City finds that the proposed project will have *no impact* on agricultural or forestry resources.

3.3 Air Quality (Infill Environmental Checklist)

The City of Berkeley and the project site are located in the San Francisco Bay air basin and are within the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The emissions generated by the proposed project would not exceed the BAAQMD construction or operational emissions thresholds. Although construction emissions would be below BAAQMD project-level thresholds, the project would be subject to Mitigation Measure AIR-3 from the DAP EIR to minimize PM10 and PM2.5 construction emissions. Implementation of this measure would reduce air quality impacts to a less-than-significant level. The project would also be required to comply with the City's Standard Conditions of Approval related to diesel particulate matter controls during construction, which would further reduce construction emissions impacts. The proposed project therefore would not generate significant air quality impacts during project construction or operation. Consequently, the project would not significantly affect regional air quality in the long term. In addition, the proposed project would include applicable control measures from the 2017 Clean Air Plan and would not disrupt or hinder implementation of such control measures.

Pursuant to DAP EIR Mitigation Measure AIR-2, the Infill Environmental Checklist considers potential for new residents to be exposed to on-site TAC sources. The project would include forced air ventilation with deep pleat filter screens with a Minimum Efficiency Reporting Value (MERV) 13 rating and therefore not expose nearby sensitive receptors to substantial pollutant concentrations, including toxic air contaminants. Finally, the proposed project would not create objectionable odors that would affect neighboring properties. Therefore, the project would result in *less than significant impacts* to air quality.

3.4 Biological Resources (Infill Environmental Checklist)

The project site and vicinity are located within an urban area in the city of Berkeley and within the DAP area. The setting information for the project site is the same as that described for the DAP area in the DAP EIR; there is virtually no vegetation on-site or adjacent other than landscaping trees, and no wetlands or riparian or other habitat on site or nearby. The project site is within an urbanized area and no threatened, endangered or rare species or their habitats are located within or near the site; no locally designated species, riparian habitat, locally designated natural communities, wetland habitats, or wildlife corridors are known to exist on the site. Due to the proposed height of the building compared to the height of nearby trees, tree reflections on windows on lower floors may present a risk of bird strikes. However, the project site is not in an area adjacent to major foraging, roosting, or nesting habitat for avian species. In addition, the proposed project includes design features to reduce risks of bird strikes. These features would reduce reflections in the glass and would reduce night lighting reflections that could disorient birds. In addition, impacts related to special status nesting bird species would be reduced to a *less than significant* level given compliance with City of Berkeley Conditions of Approval.

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The project is not located on or in the vicinity of state or federally protected wetlands, nor does an adopted conservation plan cover an area that includes the project site. *No impacts* related to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan would occur.

The project would involve removal of 14 street trees and planting 13 street trees to replace those that will be removed. No protected oak trees are present on site or would be removed with the project. The project would not conflict with local policies or ordinances protecting biological resources, including trees.

Therefore, the project would result in *less than significant impacts* to biological resources.

3.5 Cultural Resources (Draft EIR)

A Native American burial was reportedly removed from the project site in 1959. If human remains are found, during ground disturbing activities, the State of California Health and Safety Code Section 7050.5 states that no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner must be notified immediately. If the human remains are determined to be of Native American origin, the Coroner would notify the NAHC, which would determine and notify a MLD. The MLD has 48 hours from being granted site access to make recommendations for the disposition of the remains. If the MLD does not make recommendations within 48 hours, the landowner shall reinter the remains in an area of the property secure from subsequent disturbance. In addition, the proposed project would be required to adhere to DAP EIR Mitigation Measure CUL-5 as well as the City's Standard of Conditions of Approval related to human remains. Impacts would be *less than significant*.

3.6 Energy (Infill Environmental Checklist)

Demolition and construction activities would result in short-term consumption of energy. However, energy use during construction would be temporary, and construction equipment used would be typical of similar-sized construction projects in the region. In addition, construction contractors would be required to comply with the provisions of California Code of Regulations Title 13 Sections 2449 and 2485 and the U.S. EPA Construction Equipment Fuel Efficiency Standard, which would also minimize inefficient, wasteful, or unnecessary fuel consumption. In addition, per applicable regulatory requirements such as 2022 CALGreen and BMC Chapter 19.37, the project would comply with construction waste management practices to divert a minimum of 65 percent of construction and demolition debris and 100 percent of concrete, asphalt, and land-clearing debris. These practices would result in efficient use of energy necessary to construct the project. Therefore, project construction would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy, and impacts would be *less than significant*.

Operation of the proposed project would require energy use in the form of electricity and gasoline consumption. However, given compliance with existing state and local regulations, including California Building Code (CBC) Title 24, CALGreen (as codified in CCR Title 24, Part 11), and BMC Chapters 19.37 and 12.80, project operation would not result in potentially significant environmental effects due to the wasteful, inefficient, or unnecessary consumption of energy. The project would meet Berkeley Green Building and Berkeley Green Code specific requirements for energy efficiency in new development and would incorporate other sustainability features to achieve LEED Gold certification. Furthermore, the proposed project would be located within a Transit Priority Area and in an area with an average VMT per resident at least 15 percent below the respective Bay Area averages, which would facilitate the use of transit and alternative transportation modes such as walking and biking. These factors would minimize the potential of the project to result in the wasteful, inefficient, or unnecessary consumption of vehicle fuels. Finally, the project would be consistent with applicable General Plan policies and the City of Berkeley Climate Action Plan. Energy impacts would be *less than significant*.

3.7 Geology and Soils (Infill Environmental Checklist and Draft EIR)

As stated in the DAP EIR, the Downtown Area is not in an Alquist Priolo fault zone and is therefore not an area where structures are at significant risk from fault rupture; however, it is, like all of the East Bay, in an area at

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high risk from seismic shaking. The project site is not located within an area that has been identified as having a known earthquake fault, and no known fault lines cut through the site. In addition, the project site is served by a sanitary sewer system maintained by the City of Berkeley for the collection system, and by EBMUD for interceptor lines. Septic systems would neither be required nor permitted as part of the project. There would be *no impacts*.

The project site is not located in an earthquake-induced landslide or liquefaction zone. Impacts would be *less than significant*. Additionally, with compliance with BMC Section 21.40.270 which outlines grading, erosion, and sediment control regulations, as well as incorporation of best management practices (BMPs) related to stormwater management, impacts related to substantial soil erosion or the loss of topsoil would be *less than significant*.

No paleontological resources are known to exist in the Downtown Area, including the project site. Nevertheless, the DAP EIR identified impacts to unrecorded subsurface paleontological resources, as potentially significant but mitigable. Excavation on the project site could uncover previously undisturbed resources, if they are on site. Compliance with DAP EIR Mitigation Measure CUL-4 would reduce impacts to a *less than significant* level.

3.8 Greenhouse Gas Emissions (Infill Environmental Checklist)

The proposed project would be consistent with the BAAQMD design criteria for transportation and building since it would include an all-electric design; would not result in wasteful or unnecessary energy consumption during construction and operation or conflict with existing energy standards and regulations; would be located in a Transit Priority Area and in an area with an average VMT per resident and per worker at least 15 percent below the respective Bay Area averages; and would comply with the most recently adopted version of CALGreen Tier 2. In addition, the proposed project would generate approximately 1,303 MT of CO₂e per year over the course of its operational lifetime, which would be approximately 9.4 percent of the total annual GHG emissions estimated for the DAP. Impacts would be *less than significant*.

The proposed project would be consistent with the 2022 Scoping Plan as well as applicable goals, policies, and implementation actions in the Climate Action Plan, Berkeley General Plan Environmental Management Element, and DAP. Impacts would be *less than significant*.

3.9 Hazards and Hazardous Materials (Infill Environmental Checklist and Draft EIR)

As stated in the DAP EIR, the type of proposed commercial and residential uses can involve the use of hazardous materials associated with motor vehicle use and storage, and with periodic cleaning, repair, and maintenance or for landscape maintenance or pest control. The DAP EIR's conclusion remains valid that, with existing regulations and normal standards of use, use of hazardous materials at commercial and residential land uses in the Downtown Area would not pose a significant risk to human health or the environment. Local, State, and federal regulations and standards are in place to regulate the transportation, use, and disposal of hazardous materials, including during construction. The proposed project would be subject to the Berkeley Standard Condition of Approval related to the removal, transport, storage, use, or disposal of hazardous materials. Operation of residential and commercial uses typically does not involve the use or storage of large quantities of hazardous materials. Impacts would be *less than significant*. The University of California, Berkeley campus, Berkeley High School, and several private schools and childcare centers are located within 0.25 miles of the project site. However, given required compliance with local, State, and federal rules and regulations, impacts would be *less than significant*.

The project site is located entirely outside the airport safety and traffic pattern zones for the Oakland International Airport and is not within or adjacent to a wildland fire hazard area. In addition, the proposed buildings would not block emergency response or evacuation routes, and local requirements and review procedures would ensure that project would not interfere with emergency response or evacuation. Impacts would be *less than significant*.

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3.10 Hydrology and Water Quality (Infill Environmental Checklist)

Construction activities would be required to comply with state and local water quality regulations designed to control erosion and protect water quality during construction. This includes compliance with BMC Chapter 17.20, which requires that BMPs, including those adopted by the State Water Resources Control Board (SWRCB), be implemented to minimize non-stormwater discharges during construction. Temporary dewatering may be required during construction. However, dewatering activities would be required to comply with BMC Chapter 17.20 and the Municipal Regional Stormwater NPDES Permit, which limits non-stormwater drainage into the City's storm drain system. With compliance with BMC requirements, dewatering would not result in a violation of water quality standards or otherwise substantially degrade surface or ground water quality. Impacts would be *less than significant*.

The Strawberry Creek culvert is adjacent to the southeastern corner of the project site boundary. However, the proposed project would not place additional loads on the Strawberry Creek Culvert. Further, because the proposed project would be within 25 feet of the culvert centerline, the proposed project would be subject to BMC Section 17.08.045, Preservation and Restoration of Natural Watercourses. Operation of the proposed project would be subject to requirements of the San Francisco Bay RWQCB's MS4 General Permit C.3 Requirements for redevelopment which would further ensure that the project does not increase runoff relative to existing conditions. Overall, the project would not substantially alter the drainage pattern of the site or area in a manner which would result in substantial erosion or siltation, increase the rate or amount of surface water runoff, or create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or impede or redirect flood flows. Impacts would be *less than significant*.

The proposed project would not use or deplete groundwater resources. The site is not located within a FEMA designated flood hazard area, a dam area or tsunami inundation area, or near a large water body or in proximity to the San Francisco Bay such that a seiche could affect the proposed project. The project site is not within the jurisdiction of an approved sustainable groundwater management plan or water quality control plan. There would be no impact.

3.11 Land Use and Planning (Infill Environmental Checklist)

The project would not separate connected neighborhoods or land uses from each other. No new roads, linear infrastructure, or other development features are proposed that would divide an established community or limit movement, travel, or social interaction between established land uses. The project would have no impact regarding division of an established community, as identified in the DAP EIR for the Plan as a whole. No impact would occur.

The project site is designated as Downtown (DT) in the Berkeley General Plan. This designation allows for both residential and commercial uses; therefore, the proposed mixed-use project would be consistent with the DT General Plan designation. The project site is in the Core Sub-Area of the Downtown Mixed Use (C-DMU) Zoning District of the DAP. The C-DMU designation allows for multi-family housing, commercial uses, cultural and community uses, educational uses, and public and private open space uses. Consistent with the discussion in the DAP EIR for the plan area as a whole, the project would not introduce new land uses that do not already exist in the Downtown Area and would be consistent with allowed uses. Pursuant to BMC Section 23.204.130(E), the C-DMU District, Core Sub-Area allows up to three buildings that can be a minimum of 120 feet and up to 180 feet tall (allowed uses include two residential buildings with ground-level commercial and one hotel with conference facilities and accessory commercial uses). One 168-foot-tall building has been constructed and is in operation - the Residence Inn, Berkeley at 2121 Center Street. A second building at 2190 Shattuck Avenue has land use entitlements for a 268-foot-tall, density bonus project (120-foot base project height). The proposed project would be the third building allowed in the C-DMU District, Core Sub-Area, proposing a 180-foot base project height and a density bonus project height of 285 feet 4 inches (plus a seven-foot parapet). With the approval of use permits, the project would be consistent with the C-DMU Zoning District provisions and density bonus law and would therefore be consistent with the BMC for both use and scale in the Downtown Area. Impacts would be *less than significant*.

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3.12 Mineral Resources (Infill Environmental Checklist)

The DAP EIR identified no known mineral deposits of local importance or value to the region or residents of the State, or locally important mineral resource recovery sites, within the Downtown Area. The project involves redevelopment of land that is already developed and is located in an urbanized area of Berkeley. No mineral resources of value to the region or the residents of the state have been identified within the project area and the project area is not suited for resource extraction given the urban location. No impacts to mineral resources would occur.

3.13 Noise (Infill Environmental Checklist and Draft EIR)

The proposed project would introduce new residences next to local roadways that generate traffic noise. Noise impacts would occur if new residents of the project were exposed to noise levels that exceed 60 dBA L_{dn} . With implementation of DAP EIR Mitigation Measure NOI-1, which includes the use of building construction techniques such as sound-rated windows and doors, exterior wall assemblies, and prescription of forced-air mechanical ventilation to enable residents to keep windows closed (thus reducing exposure to outdoor noise) while still having adequate indoor air quality, as well as outlines requirements that specific determinations of the necessary treatments be conducted on a unit-by-unit basis during project design, the project would not expose new noise-sensitive receptors to noise levels exceeding City standards. Impacts would be *less than significant*.

Operational noise from the proposed project include outdoor noise, mechanical equipment noise, and traffic noise. Outdoor noise would not exceed applicable noise level limits from the BMC and mechanical equipment noise such as HVAC would be fully enclosed within rooms and would not generate noise that would exceed noise standards at nearby sensitive receptors. The project would increase traffic noise on surrounding roadways by up to approximately 0.7 L_{dn} , which would not exceed the 4 dBA L_{dn} threshold. Impacts would be *less than significant*.

Project construction would intermittently generate vibration on and adjacent to the project site. These maximum vibration levels during the potential use of vibratory rollers could exceed 0.08 in/sec PPV, Caltrans' recommended criterion for historic buildings at Ennor's Restaurant Building and could exceed the 0.5 in/sec PPV threshold at which there is a risk of architectural damage to buildings designed to modern engineering standards. However, implementation of DAP EIR Mitigation Measure NOI-6 would require the avoidance of vibratory rollers, and other vibration-generating activities where feasible near sensitive buildings and structures, as well as require preparation of a vibration monitoring plan, which would include stipulations to stop work if vibration is exceeding levels that could damage historic and other nearby structures. The proposed project would also be required to comply with the City's Standard Conditions of Approval related to construction vibration. Therefore, impacts would be *less than significant*.

The project site is not within an area covered by an airport land use plan, nor is it located in the vicinity of a private air strip. There would be *no impact*.

3.14 Population and Housing (Infill Environmental Checklist)

The project would add up to 463 permanent housing units to the project site, which would increase the population in the Downtown Area and in the city by approximately 1,158 people. The estimated population growth of 1,158 persons would not be considered substantial unplanned growth in the context of existing and forecasted population in Berkeley and the region. The project would not result in a significant net increase in employment, because it would replace the existing approximately 12,800 square feet of commercial development with approximately 15,000 square feet of retail, for an increase of approximately 2,200 square feet of retail space, or nine net new jobs. In addition, the project would not include infrastructure improvements that would extend roadways or infrastructure into areas that do not currently support residential or other urban uses. Therefore, impacts would be *less than significant*.

There are currently 16 vacant residences on the project site, all of which would be replaced with affordable units as part of the proposed 463-unit project. Therefore, the project would not result in displacement of existing housing or people. *No impact* would occur.

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3.15 Public Services (Infill Environmental Checklist and Draft EIR)

The proposed project would introduce additional residents and a high-rise structure to the Downtown area. The proposed project would increase demand for fire protection services Downtown. However, the project in and of itself would not require the expansion of fire services or necessitate the construction of new fire facilities. With compliance with the CBC, General Plan policies, and the California Fire Code, impacts related to fire service facilities would be *less than significant*.

The project would induce population growth within the range of the forecasts for the City. The project site is within the Berkeley Police Department's service area and is currently serviced by the BPD. It is not expected that the project would generate a need for new or expanded police facilities. Pursuant to Senate Bill 50 (Section 65995(h)), payment of mandatory fees to the affected school district would reduce potential school impacts to less than significant level under CEQA. If approved, this project would be subject to the Berkeley Unified School District School Impact Fees, which are assessed based on proposed land use and floor area. Furthermore, the proposed project would not require new library or medical and health facilities or the expansion of such existing facilities. Therefore, impacts related to police services, schools, and other services would be *less than significant*.

3.16 Recreation (Infill Environmental Checklist)

The project would incrementally increase demand for parks and recreational facilities by facilitating residential growth within the project site. However, the project would not require the construction or expansion of facilities which may have an adverse physical effect on the environment. Impacts related to recreation would be *less than significant*.

3.17 Transportation (Infill Environmental Checklist)

The proposed project would not remove or relocate any existing bus stops or conflict with transit plans or goals of the City of Berkeley. The proposed project would not substantially impact existing bicycle or pedestrian facilities, would not conflict with the City's Pedestrian Plan or Bicycle Plan and would be consistent with planned improvements on Center Street in accordance with DAP Policy AC-1.1. In addition, the proposed project would be required to comply with the City's Standard Conditions of Approval related to the Streets and Open Space Improvement Program (SOSIP). Impacts related to transit, bicycle and pedestrian facilities, and roadway would be less than significant.

The proposed project would meet two of the City of Berkeley screening criteria for (Vehicle Miles Traveled) VMT impacts: the site is within a Transit Priority Area and is within an area with an average VMT per resident at least 15 percent below the respective Bay Area averages. The project is located less than 500 feet from the Downtown Berkeley BART station and is located near bus stops for numerous bus lines at the intersection of Shattuck Avenue and Center Street. Impacts related to VMT would be less than significant.

The proposed project would not include modifications to the existing on- or off-site transportation network that would result in potential transportation hazards not anticipated in the DAP EIR. Vehicle access for the project would be provided via a driveway on Oxford Lane. The proposed project would reduce vehicles on Oxford Lane due to the reduction in parking, as the existing parking lot has 57 parking spaces and the proposed project would provide 36 parking spaces. Therefore, the proposed project would not result in hazardous design conditions with respect to Oxford Lane. The project site design would be required to conform to City design standards and would be reviewed and approved by City Transportation staff to confirm compliance. Additionally, prior to issuance of grading and building permits, the project applicant would be required to submit and have approved a Traffic Control Plan, which would indicate how parking for construction workers would be provided during construction and ensure a safe flow of traffic in the project area during construction. Impacts related to design hazards would be *less than significant*.

The proposed project would be subject to approval of the Berkeley Fire Department. The project does not include on-site roadways or surface parking or permanent physical changes to public streets that could impede emergency access. Lane widths adjacent to the project would meet the minimum width that can accommodate an emergency vehicle; therefore, the width of the roadways would be adequate. Impacts related to emergency hazards would be *less than significant*.

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3.18 Utilities and Service Systems (Infill Environmental Checklist)

The proposed project would be generally consistent with the DAP and would not result in substantial population or housing growth beyond that already anticipated under the DAP EIR. Therefore, it is not anticipated that EBMUD would need new or expanded entitlements to serve the project. The project applicant would be required to pay EBMUD's system capacity charge on new developments in order to fund EBMUD's system maintenance and the development of new water sources. The proposed project would also reduce water use relative to standard building practices by attaining a LEED Gold rating or equivalent including the use of low-flow water fixtures, and the planting of low and very low water use plants. Impacts related to water would be *less than significant*.

The proposed project would comply with DAP EIR Mitigation Measure UTIL-1 which requires a site-specific analysis of new projects' wastewater generation and capacity requirements to ensure improvements are made to the existing sanitary sewer system as needed to serve the project. If the sewer capacity analysis shows that project wastewater would exceed the sewer system capacity, the applicant would be required to increase the capacity by upsizing the sewer pipes. The proposed project would include water conservation measures and achieve a LEED Gold rating or equivalent. Impacts related to wastewater would be *less than significant*.

The proposed project would involve infill development on a site that consists entirely of hardscape and would not substantially change the amount of impervious surface on site. Therefore, the amount of runoff from the project site would be similar to the amount of runoff under existing conditions, and the construction of new or expanded on-site facilities for stormwater drainage would not be required. Impacts related to stormwater runoff would be *less than significant*.

The proposed project would involve improvements to the sidewalk, curb and gutter along Center Street and Oxford Street frontages. These improvements must be reviewed and approved by the City's Public Works Department. Therefore, physical impacts on streets and sidewalks would be *less than significant*.

The project site is currently served by existing telecommunications companies such as AT&T and Xfinity and would not require the construction of additional telecommunications infrastructure. Telecommunications impacts would be *less than significant*.

Solid wastes from the project site would be sent to the Altamont Landfill. Diversion of solid waste from the project site into the recycling stream would substantially reduce the project's impact on landfill capacity. The proposed project would be required to comply with the City of Berkeley's local amendment to CalGreen requiring that 100 percent of concrete, asphalt, and land clearing debris and at least 65 percent of remaining construction and demolition debris is diverted from landfill (BMC 19.37). The project also must reduce landfill disposal of organic waste in compliance with SB 1383. Therefore, solid waste impacts would be *less than significant*.

3.19 Wildfire (Infill Environmental Checklist)

The proposed project would be located approximately 1,400 feet from a LRA VHFHSZ. The proposed project would be required to comply with State and local fire regulations. The California Fire Code included in Title 24, part 9, Chapter 7 addresses fire-resistant-rated construction. Part 2, Chapter 7A addresses materials and construction methods for exterior wildfire exposure; Chapter 8 addresses fire related Interior finishes; Chapter 9 addresses fire protection systems; and Chapter 10 addresses fire related means of egress, including fire apparatus access road width requirements. With compliance with State and local regulations, the proposed project would be designed to be fire resistant in the event of a nearby wildfire. In addition, the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan, and would not exacerbate the risk of starting a wildfire thereby exposing project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. Impacts to wildfire would be *less than significant*.

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SECTION 4: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Infill Environmental Checklist and Draft EIR identified certain potentially significant effects that could be mitigated to less-than-significant-levels. The City finds for each of the significant or potentially significant impacts identified in this section (Section 4) that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR⁴ and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the mitigation measures will effectively make the mitigation measures part of the project. In addition, City Conditions of Approval and compliance with City and other regulations will further reduce project impacts. Therefore, the City finds that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant effects as identified in the Final EIR.⁵

4.1 Cultural Resources (Draft EIR)

Impact CR-2: Demolition and excavation for the proposed project may result in damage to or destruction of a potential archaeological resource (Oxf-001). Impacts to archaeological resources would be less than significant with mitigation incorporated.

Mitigation Measure CR-3 Preparation of a Cultural Resources Mitigation and Monitoring Plan.

The applicant shall retain a Qualified Archaeologist, meeting the Secretary of Interior's Professional Qualification Standards, to oversee all aspects of the cultural resources mitigation measures. Avoidance and preservation in place is the preferred manner of mitigating impacts to historical resources of an archaeological nature. If the Qualified Archaeologist in coordination with the City, the applicant, and the consulting Tribe(s) determine that preservation in place is infeasible, the Qualified Archaeologist shall prepare and oversee the implementation of a Cultural Resources Mitigation and Monitoring Plan (CRMMP). To reduce impacts to Oxf-001, the CRMMP shall include an archival research and data recovery plan component, a worker's environmental awareness program (WEAP), an archaeological and Native American monitoring plan, and an unanticipated discoveries plan. Preparation of the CRMMP and implementation of its archival research and data recovery plan component shall be completed prior to the issuance of a demolition permit. The CRMMP shall be prepared in consultation with the consulting Tribe(s) and in coordination with local interested historical groups. Implementation and the effectiveness of the CRMMP requirements shall be assessed by the City on a monthly basis during the pre-construction, construction, and post-construction phases of the project.

Archival research shall be conducted to prepare a detailed development history of the project site and shall include, but not be limited to, review of historic literature, records, and maps held at UC Berkeley, and local historical groups, and libraries. The CRMMP shall identify which local historical groups shall be contacted as part of this background research. The results of the archival research shall be the basis for a historic context presented in the data recovery plan and shall inform methods to be implemented as part of the data recovery as well as interpretations of the data recovery results. The data recovery plan shall include excavation methods for: initial investigations to determine the extent and content of Oxf-001 in order to narrow in on the most productive areas for data recovery excavations; the methods for data recovery excavations aimed at recovering the scientifically important data contained in Oxf-001; and methods for documentation, mapping, artifact collection, special studies, laboratory analysis and cataloging, curation, and reporting. The data recovery plan shall also include procedures for the treatment of human remains.

⁴ CEQA Guidelines, 2024. Section 15091.

⁵ CEQA Guidelines, 2024. Section 15091.

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The WEAP component of the CRMMP shall include training materials that shall be presented to construction personnel to inform them of the cultural sensitivity associated with the site and to provide procedures when working in culturally sensitive areas and in coordination with archaeological and Native American monitors. The training shall include a description of the types of materials that could be encountered, procedures to be implemented in the event resources are discovered, stop work authorizations and notification protocols, and laws protecting cultural resources. All construction personnel shall attend WEAP training prior to participating in any ground disturbing work on the project site and WEAP training attendance sheets shall be prepared and retained on site and available to the City.

The monitoring plan component of the CRMMP shall include monitoring procedures and requirements that shall be implemented during project construction. Archaeological and Native American monitoring shall be conducted during all ground disturbing activities including pavement removal, grading, and trenching. Procedures shall include provisions for the reduction or termination of construction monitoring at the recommendation of the Qualified Archaeologist and in coordination with the City and the consulting Tribe(s).

The discovery plan component of the CRMMP shall address procedures and notifications to be implemented in the event of an unanticipated discovery of archaeological resources during ground disturbing activities. The procedures listed within the discovery plan for unanticipated discoveries shall incorporate the procedures documented in the DAP EIR, the City's Conditions of Approval, and tribal recommendations. The discovery plan shall include procedures by which the Qualified Archaeologist, in coordination with the consulting Tribe(s), for discoveries of Native American origin, shall consider whether the discovery is associated with Oxf-001 or constitutes a separate and individual resource. If a discovery is determined to be associated with Oxf-001, the Qualified Archaeologist shall determine whether the unanticipated discovery is a contributor in that it contributes new or different data and information than what had been recovered during implementation of the data recovery plan and further data recovery shall be implemented. For redundant discoveries associated with Oxf-001, no additional data recovery shall be conducted, unless otherwise determined necessary through consultation between the City, the consulting Tribe(s), and the Qualified Archaeologist. If the discovery is determined to be unrelated to Oxf-001, the resource shall be evaluated for listing in the CRHR and if recommended eligible by the Qualified Archaeologist, treatment implemented, as needed. Work in the area of a discovery shall not resume until the aforementioned steps are completed.

Additionally, the CRMMP shall document the process for the repatriation of Native American materials to the appointed Most Likely Descendant (MLD). As a result of AB 52 consultation between the City and the consulting Tribe(s), the reburial of all Native American materials shall take place within the project site in a location agreed upon by the consulting Tribe(s), the MLD (if appointed and if different from the consulting Tribe(s), the City, and the applicant through consultation. The area selected for reburial shall be defined as a Cultural Resources Easement and marked on City map as an area not to be excavated and free of further disturbance, including utilities

Project Mitigation Measure CR-4 Preparation of an Interpretive and Educational Plan.

Following the completion of ground disturbing activities associated with the project and prior to the issuance of occupancy permits, the Qualified Archaeologist shall prepare a plan to provide for public interpretation and education focused on providing public access to the results of the implementation of the CRMMP. Interpretation and education may include, but is not limited to, educational or interpretive panels or signage, exhibits, web-based or other media, and placing non-confidential materials and reports on file at UC Berkeley, with local historical societies, and libraries. The plan shall also include the reintegration of the Kellogg School Berkeley Historic Plaque within the project site. The reintegration of the existing plaque shall necessitate coordination with the Berkeley Historical Plaque Project which are responsible for the current location of the plaque. The Interpretive and Educational Plan shall be prepared in consultation with the consulting Tribe(s) on Native American aspects and in

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coordination with Project Mitigation Measure TCR-1, and in coordination with local interested historical groups on historic aspects. Implementation and the effectiveness of the Interpretive and Educational Plan requirements shall be assessed by the City on a monthly basis until implementation of the plan is completed.

Project Mitigation Measure CR-5 Archaeological Monitoring.

Archaeological monitoring shall be performed under the direction of the Qualified Archaeologist during all ground disturbing activities including pavement removal, grading, and trenching. The archaeological monitor shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find evaluated for listing in the CRHR. The Qualified Archaeologist, in consultation with the consulting Tribe(s) for resources of Native American origin, shall determine whether the discovery is associated with Oxf-001 and whether it constitutes a contributor or whether the discovery is a separate and individual resource. Work in the area of the discovery shall not resume until the Qualified Archaeologist has recommended and implemented treatment of the discovery, as needed. Archaeological monitoring may be reduced or halted by the Qualified Archaeologist, as identified in the CRMMP.

4.2 Geology and Soils (Draft EIR)

Impact GEO-3: The project site is less than one mile from the Hayward Fault. The proposed project would be subject to seismically-induced ground shaking and other seismic hazards which could damage structures and result in loss of property and risk to human health and safety. However, required compliance with State-mandated building standards, the CBC, and the BMC, and implementation of mitigation would reduce impacts to a less than significant level. This impact would be less than significant with mitigation incorporated.

Project Mitigation Measure GEO-1 Implementation of Geotechnical Report Recommendations.

All recommendations included in *Section 5: Preliminary Geotechnical Recommendations* (pages 10 through 19 and Appendix C pages C-i through C-xxv) of the Geotechnical Report (Partner 2022) and in the Supplemental Geotechnical Peer Review – Liquefaction Zone study (Cotton, Shires, and Associates 2023) prepared for the proposed project shall be incorporated into the project design. These include but are not limited to the following:

- **Excavation Considerations.** The project shall use shored excavations to establish the basement of the project and to protect nearby structures.
- **Deep Foundations.** The project shall utilize drilled foundations that extend at least ten feet into the competent bedrock.
- **On Grade Construction.** In areas with deep instability, test pits shall be excavated and evaluated and additional resolutions such as the use of geotextiles, chemical treatments, thickened slabs, or lime treated aggregate base may be used.
- **Observation on site.** Observation and testing shall be conducted during these construction activities:
 - Solider pile and tieback installation
 - Tieback anchor testing
 - Lagging installation
 - Installation of wall back-drainage provisions
 - Foundation bottom observation and approval
 - Placement and compaction of fill material
 - Removal of shoring within the public right-of-way upon completion of the project
 - De-tensioning of tieback anchors
 - Installation of drywells

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- **Geotechnical Plan Review.** The City shall verify that all recommendations are incorporated into the project design prior to the issuance of any building permits.

4.3 Hazards and Hazardous Materials (Draft EIR)

Impact HAZ-3: The project is associated with a closed LUST case and is therefore located on a site that is included on a list of hazardous material sites compiled pursuant to Government Code Section 65962.5. There are known and unknown hazardous material impacts to soil, soil vapor, and groundwater at the project site. However, compliance with applicable regulations and the City's Standard Conditions of Approval requiring site characterization and cleanup, in addition to mitigation for potential soil, soil vapor, and/or groundwater impacts at the project site, would minimize hazards from the implementation of the proposed project. This impact would be less than significant with mitigation incorporated.

Project Mitigation Measure HAZ-1 Remediation of Contaminated Soils.

Where soil is known to be impacted, or is identified to be present during compliance with existing State and local regulations as well as the City's Standard Conditions of Approval, within the construction envelope at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil (CCR Title 22, Section 66261.24), the project applicant shall retain a qualified environmental consultant (Professional Geologist [PG] or Professional Engineer [PE]) to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant shall provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.

Remediation of impacted soils and/or implementation of remedial engineering controls may require additional delineation of sub-surface impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.

The TMD shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction. Subsequently, the project applicant shall review and implement the disposal recommendations prior to transportation of waste soils off-site, and review and implement the remedial engineering controls, prior to construction. Lastly, the City shall review the project site disposal recommendations for regulated waste and remedial engineering controls prior to issuing a grading permit.

Project Mitigation Measure HAZ-2 Disposal of Groundwater.

If contaminated groundwater (decontamination water, purge water, dewatering, or underground structures [groundwater leakage into the final structure]) is generated during construction of the project, the RWQCB or the City and/or Alameda County Public Works Agency shall be consulted to determine if the treated groundwater can be disposed through one of their waste discharge permits. RWQCB may require that an individual National Pollution Discharge Elimination System (NPDES) permit and/or waste discharge requirements be obtained for dewatering activities.

The groundwater discharge and disposal requirements vary by agency, location, concentration, and contaminants of concern, and would therefore be developed in consultation with the City and the applicable agency, which could include RWQCB, the City, and/or the Alameda County Public Works Agency.

Project Mitigation Measure HAZ-3 Vapor Intrusion Mitigation System.

Where soil vapor is known (or is identified to be present during compliance with the City's Standard Conditions of Approval or implementation of Mitigation Measure HAZ-1), to be present at chemical concentrations exceeding the ESLs for sub-slab/soil gas (vapor) intrusion, the project applicant shall

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retain a qualified environmental consultant (PG or PE) or other qualified person to prepare a vapor intrusion mitigation system design for the proposed project.

The plan shall include, but is not limited to:

- Design specifications
- Material specifications
- Installation requirements
- Monitoring requirements

The project applicant shall design and implement engineering measures or institutional controls (e.g., soil vapor barrier) to prevent potential soil vapor intrusion into new residences or businesses in accordance with the measures included in the DTSC's Vapor Intrusion Guidance Document – Final (DTSC 2011a) and Vapor Intrusion Mitigation Advisory, Revision 1 (DTSC 2011b).

TMD shall review and approve the Vapor Intrusion Mitigation System Design prior to construction. Engineering measures or institutional controls shall be submitted to the City's Planning and Development Department prior to the issuance of any grading or building permits. The project applicant and/or contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil gas VOCs from migrating to indoor air.

The project applicant shall retain a qualified professional to certify that the accepted measures and controls are properly constructed and functioning at the project site. The efficacy of the measures and controls shall be confirmed and certified by a qualified professional pursuant to the construction quality assurance/quality control testing guidance of the DTSC's Vapor Intrusion Guidance Document – Final (October 2011). Written verification shall be submitted to TMD and the City.

TMD may require the creation of an Operations and Maintenance Plan to ensure that future operational activities (e.g., underground utility repairs), do not alter the effectiveness of the selected vapor intrusion mitigation system.

TMD shall review and approve the Operations and Maintenance Plan (if required) prior to occupancy. The City shall review the Operations and Maintenance Plan (if required) prior to issuing an occupancy permit. The project applicant shall implement the Operations and Maintenance Plan during occupancy at the project site

4.4 Tribal Cultural Resources (Draft EIR)

Impact TCR-1. Demolition and excavation for the proposed project may result in damage to or destruction of a potential tribal cultural resource (Oxf-001). However, this impact would be less than significant with mitigation incorporated.

Project Mitigation Measure TCR-1 Native American Monitoring.

Prior to ground disturbing activities, a Native American monitor from the Confederated Villages of Lisjan shall be retained. If a Native American monitor from the Confederated Villages of Lisjan cannot be retained, another Tribe with cultural affiliations to the project site can be contacted for monitoring. The consulting Tribe, in consultation with the lead agency, and in coordination with the qualified archaeologist will have the authority to halt and redirect work should any archaeological or tribal cultural resources be identified during monitoring. If archaeological or tribal cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the Native American monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of the entire area of ground-disturbance. Avoidance and preservation in place, as well as other mitigation options identified in PRC Section 21084.3 shall be considered by the lead agency. However, if these measures are determined infeasible, treatment shall be implemented in coordination amongst

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the Confederated Villages of Lisjan, the City, and the Qualified Archaeologist. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).

Project Mitigation Measure TCR-2 Strawberry Creek Ohlone Past & Present Interpretive Display.

The project applicant shall be responsible for the design, production and installation of a permanent interpretive display that focuses on the Confederated Villages of Lisjan's past/present use of the area around Strawberry Creek in Downtown Berkeley. The display shall be designed in consultation with the Confederated Villages of Lisjan and shall be located in a publicly-accessible area, prior to receipt of occupancy. The style of display (e.g., mounted story board, mural, pavement installation, etc.) shall be selected in consultation with the Confederated Villages of Lisjan with the goal of educating the public about the area's significance to the Confederated Villages of Lisjan. Plans for the display shall be subject to review and approval by the City's Land Use Planning Division prior to installation.

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SECTION 5: SIGNIFICANT EFFECTS THAT CANNOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The proposed Project would result in a significant unavoidable impact related to historical resources. A number of mitigation measures are required and imposed, but none would reduce these impacts to a less-than-significant level.

5.1 Cultural Resources (from EIR)

Impact CR-1: The proposed project would demolish a historic resource at 2132-2154 Oxford Street, which is eligible for the California Register of Historical Resources (CRHR) and local designation. Implementation of project mitigation measures CR-1 and CR-2 would reduce the severity of the project's impact on historical resources to the extent feasible. However, because the project would demolish a historical resource, even with implementation of mitigation, this impact would be significant and unavoidable.

Project Mitigation Measure CR-1 Building Documentation.

Archival documentation of as-built and as-found condition shall be prepared for 2132-2154 Center Street, prior to demolition. Prior to issuance of demolition permits, the City of Berkeley shall ensure that documentation of the building proposed for demolition is completed at the project applicant's expense. Documentation should follow the general guidelines of the National Park Service (NPS) Heritage Documentation Program-like standards and shall include high resolution digital photographic recordation, an outline format historic report, and compilation of historic research. The documentation shall be completed by a qualified professional who meets the standards for history or architectural history as set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). The original documentation shall be offered as donated material by the lead agency to repositories such as the Berkeley Architectural Heritage Association and to the Berkeley Public Library to make it available for current and future generations. Archival copies of the documentation also would be submitted to the City of Berkeley and Northwest Information Center (NWIC) where it would be available to local researchers.

Project Mitigation Measure CR-2 Shattuck Avenue Commercial Corridor Historic District Update.

Prior to the issuance of a certificate of occupancy, the existing record for the Shattuck Avenue Commercial Corridor District, first identified in the 2009 Downtown Area Plan and recorded and evaluated in *Shattuck Avenue Commercial Corridor Historic Context and Survey* in 2015 by Archives & Architecture, shall be updated. The City of Berkeley shall ensure that an updated survey and evaluation of the Historic District shall be undertaken at the project applicant's expense to document and verify the conditions of the Historic District. The Department of Parks and Recreation District Record (Series 523D) forms shall be updated to document changes to the historic district, including alterations, demolitions, and changes in setting. The documentation shall be completed by a qualified professional who meets the standards for history or architectural history as set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61), in consultation with City staff, and to the satisfaction of the Environmental Review Officer. At a minimum, the following elements of the *Historic Context and Survey* shall be updated:

- All entries and references to the subject property throughout the Context Statement
- Approximate Survey Area Map on page 7 of the Context Statement
- Contributors and Non-Contributors Map on page 73 of the Context Statement
- Appendix B – DPR Forms for the Shattuck Avenue Downtown Historic District (district record) and Thomas Block building site (primary record)
- Appendix C – Table of Properties.

5.2 Noise (from Infill Environmental Checklist)

Impact a: Construction activity would result in temporary noise in the project site vicinity, exposing nearby receivers to increased noise levels. Even with implementation of DAP EIR Mitigation Measure NOI-5, which would require development of a site-specific noise reduction program to reduce construction noise to the

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maximum extent feasible, including time limits for construction as required by BMC Section 13.040.070, and technically and economically feasible controls on equipment, as well as the City's Standard Conditions of Approval related to construction noise, construction noise could still exceed the significance thresholds of 55 dBA for multi-family receptors for daytime weekend construction activities and 65 dBA for multi-family receptors for daytime weekday construction activities. Impacts related to construction noise would be significant and unavoidable, consistent with the findings in the DAP EIR.

5.3 Cumulative Impacts

The City finds that the proposed project, in conjunction with other foreseeable projects, will not result in cumulatively considerable impacts.

However, as described in Section 4.1, *Cultural Resources*, of the Draft EIR, even with implementation of mitigation measures CR-1 and CR-2, DAP EIR Mitigation Measure NOI-6, and the City of Berkeley's Standard Conditions of Approval related to construction vibration, impacts would remain significant and unavoidable since demolition of the 2132-2154 Center Street building by its nature is complete and total material impairment of the historical resource. Because the proposed project would include demolition and alteration of historic structures, the project's contribution to this impact would be cumulatively considerable for future projects. Therefore, cumulative historical resources impacts would be significant, and the project's contribution would be cumulatively considerable.

In addition, as discussed in Section 21, Mandatory Findings of Significance, of the Infill Environmental Checklist, construction noise impacts would be significant and unavoidable. Therefore, cumulative construction noise impacts would be significant, and the project's contribution would be cumulatively considerable.

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SECTION 6: FEASIBILITY OF PROJECT ALTERNATIVES

6.1 Project Alternatives

The Final EIR included three alternatives:

1. No Project Alternative.
2. 2142 Center Street Building to Remain Alternative.
3. Façade Preservation Alternative.

The City hereby concludes that the Final EIR sets forth a reasonable range of alternatives to the 2128 Oxford Street Mixed-Use Project that address the significant impacts of the project, so as to foster informed public participation and informed decision making. The City finds that the alternatives identified and described in the Final EIR were considered and further finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to Public Resources Code section 21081(c).

6.1.1 Alternative 1: No Project Alternative. The No Project Alternative assumes that the proposed project would not be implemented. All existing buildings and uses within the project site would remain. The existing buildings at 2142 Center Street would not be demolished, and the new mixed-use building would not be constructed.

Findings: Under Alternative 1, the significant impact to historical resources would be avoided. In addition, no construction would occur; therefore, the project mitigation measures associated with cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources would not be required. However, Alternative 1 would not achieve the basic project objectives as stated in at the beginning of this section. This alternative would not meet the Project Objectives because it would not generate high-quality, transit-oriented, and sustainable market rate housing and would not provide a superior green building or generate significant revenue streams for the city.

The City rejects the No Project alternative because it would not achieve any of the objectives of the proposed project.

6.1.2 Alternative 2: 2142 Center Street Building to Remain Alternative. Under this alternative, the building at 2142 Center Street would not be demolished and existing uses in the building would remain. The remaining portion of the project site, including the surface parking lot and building at 2128 Oxford Street, would be demolished and developed at maximum density into a mixed-use building. This alternative assumes that the building on the remaining portion of the site would be developed with a 26-story building with 5,000 square feet of ground-floor retail, a 4,500 square foot roof-top restaurant, and 325 residential units.

Findings: Under Alternative 2, the building at 2128 Oxford Street and the surface parking lot would be demolished and developed with a 26-story building with 5,000 square feet of ground-floor retail, a 4,500 square foot roof-top restaurant, and 325 residential units. Because this alternative would not demolish the historical building at 2142 Center Street and the building would remain in its current use, this alternative would eliminate a significant and unavoidable historical resources impact. Because this alternative would reduce the amount of development and ground disturbance, it would result in similar but reduced impacts when compared to the proposed project. Project mitigation measures related to archaeological resources, geology and soils, hazards and hazardous materials, and tribal cultural resources would continue to be required. Alternative 2 would also fulfill the Project Objectives, though it would not develop housing to the same extent as under the proposed project.

The City rejects Alternative 2 because even though the significant and unavoidable historical resources impact would be avoided and would fulfill the Project Objectives, it would not fulfill the objectives to the same extent as under the proposed project. Alternative 2 would not generate high, quality, transit-oriented housing and affordable housing to the same extent as under the proposed project.

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6.1.3 Alternative 3: Façade Preservation Alternative. Similar to the proposed project, existing on-site buildings would be demolished to construct a new 26-story mixed-use building with up to 463 residential units with approximately 15,000 square feet of retail and restaurant space. However, the façade for the 2142 Center Street building would be preserved under this Alternative, while the rest of the building would be demolished. The existing façade would be incorporated into the design of the proposed mixed-use building.

Findings: Under Alternative 3, existing on-site buildings would be demolished to construct a new 26-story mixed-use building with up to 463 residential units with approximately 15,000 square feet of retail and restaurant space. However, the façade on the existing 2142 Center Street building would be preserved under this Alternative, while the rest of the building would be demolished. Preservation of the façade would minimize the impact to historic resources since it would retain the building's physical characteristics and design that convey its historical significance to be consistent with the character of the Shattuck Avenue Commercial Corridor Historic District. However, since the rest of the building would be demolished, this would constitute a substantial adverse change and impacts would remain significant and unavoidable. Similar to the proposed project, Alternative 3 would be required to implement the same project mitigation measures related to cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. Alternative 3 would fulfill the Project Objectives. Overall, in comparison to the proposed project, Alternative 3 would result in the same impacts, but historical resources would be slightly reduced due to the preservation of the façade of the 2142 Center Street building.

The City rejects Alternative 3 because it would not eliminate the significant and unavoidable impact to historical resources.

6.2 Environmentally Superior Alternative

CEQA Guidelines Section 15126.6(e)(2) requires that an environmentally superior alternative be identified among the selected alternatives. While the No Project Alternative would be the overall environmentally superior alternative since it would avoid all project impacts, the No Project Alternative would not achieve the basic project objectives.

Among the development options, Alternative 2 is considered as the environmentally superior alternative because it would eliminate the significant and unavoidable historical resources impact associated with the 2142 Center Street building.

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SECTION 7: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance the benefits of a project against its significant unavoidable impacts when determining whether to approve a project. If the benefits of the project outweigh its unavoidable adverse environmental effects, those effects may be considered acceptable.⁶ CEQA requires the agency to state in writing the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record.⁷ The proposed project will result in significant unavoidable impacts related to cultural resources and construction noise, even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are identified and discussed in Section 5 of these Findings. The City further finds that these significant unavoidable impacts are outweighed by the proposed project's benefits, each of which, independently of the others, constitutes overriding consideration warranting approval of the proposed project. Those benefits, and additional considerations related to this finding, are as follows:

- The project site is zoned and designated in the General Plan for residential and commercial development. The proposed project will involve replacement of the underutilized commercial and parking uses within the site with a new mixed-use building that will be consistent with the zoning and land use designation.
- The project will upgrade and revitalize an important urban block in Downtown Berkeley into a walkable, retail-served, transit-friendly residential block with active, safe and visually engaging pedestrian amenities consistent with the Downtown Area Plan and the Streets and Open Space Improvement Plan. The project will provide infill development that embodies principles of sustainable planning and construction, and will be sufficiently compatible with existing city character, neighboring land uses, and architectural scale and design in support of Policies LU-3, LU-7, LU-23, H-19, EM-5, UD-16, UD-24, UD-32, and UD-33 in the City's General Plan.
- Based on current housing demand, development of the proposed project is necessary for the City to meet current and anticipated Regional Housing Needs Allocation (RHNA) goals.
- The project will include 12 percent of base project units as Very Low Income (VLI) households in support of Policy LU-25 of the City's General Plan to encourage development of affordable housing within transit-oriented corridors.
- The project will create construction jobs for a period of approximately 42 months.
- The project will substantially increase the assessed value of the property, which will increase City revenue used to provide services and infrastructure.
- The project will be subject to several development fees, including the affordable housing mitigation fee, which will be used to develop more affordable housing, and the Berkeley Unified School District fee, which will be used to improve school infrastructure and facilities in the city.
- The project will increase the number of residents who patronize businesses in Berkeley.
- The project will further DAP Economic Development goals and Job Development Policy ED-8.1 by providing a Project Labor Agreement with a local trade council to utilize local workers for project construction.
- The project advances DAP Environmental Sustainability Goal ES-3 and Land Use Goal LU-1, which encourage high intensity development near transit, by introducing high-quality, transit-oriented, and sustainable market rate housing and contributing substantial affordable housing as required by Section 22.20.065 of the Berkeley Municipal Code. High intensity development near transit will reduce regional vehicle miles traveled and associated greenhouse gas emissions from transportation, by reducing development pressure in outlying parts of the Bay Area and beyond.
- The project will increase high density housing in Downtown Berkeley and in proximity to existing businesses, services, and alternative forms of transportation, including Class II bicycle routes, Alameda and Contra Costa (AC) Transit routes, and the Downtown Berkeley Bay Area Rapid Transit (BART) station. Given this access to services and alternative transportation methods, the project will minimize driving demand and reduce greenhouse gas emissions associated with vehicle trips in the region in support of the City's Climate Action

⁶ CEQA Guidelines, 2024. Section 15093(a)

⁷ CEQA Guidelines, 2024. Section 15093(b)

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Plan and Policy EM-5 and Policy UD-33 in the City's General Plan, which call for environmentally sensitive and sustainable design in new buildings.

On balance, the City finds that there are specific considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), these adverse effects are considered acceptable.

Mitigation Monitoring and Reporting Program

The Infill Environmental Checklist for the 2128 Oxford Street Mixed-Use Project identifies the applicable mitigation measures from the Downtown Area Plan Environmental Impact Report (DAP EIR) that will be implemented to reduce the impacts associated with the 2128 Oxford Street Mixed-Use Project. The Draft EIR for the 2128 Oxford Street Mixed-Use Project also identifies mitigation measures that must be implemented to reduce the impacts associated with the project. The California Environmental Quality Act (CEQA) requires a public agency to adopt a monitoring and reporting program for assessing and ensuring compliance with any required mitigation measures applied to proposed development. As stated in section 21081.6(a)(1) of the Public Resources Code:

...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment.

Section 21081.6 also provides general guidelines for implementing mitigation monitoring programs and indicates that specific reporting and/or monitoring requirements, to be enforced during project implementation, shall be defined as part of adopting a mitigated negative declaration.

The mitigation monitoring table lists those mitigation measures that may be included as conditions of approval for the project. To ensure that the mitigation measures are properly implemented, a monitoring program has been devised which identifies the timing and responsibility for monitoring each measure. The project applicant will have the responsibility for implementing the measures, and the various City of Berkeley departments will have the primary responsibility for monitoring and reporting the implementation of the mitigation measures.

City of Berkeley
 2128 Oxford Street Mixed-Use Project

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Air Quality						
DAP EIR Mitigation Measure AIR-2: Buffer TAC and Odor Emission Sources and Sensitive Land Uses.						
Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts to a less than significant level, such as air filtration systems or other technologies.	Verify measures to reduce TACs have been incorporated into plans.	Prior to issuance of building permit.	City of Berkeley Department of Planning & Development			
DAP EIR Mitigation Measure AIR-3: Implement BAAQMD-Recommended Measures to Control PM₁₀ Emissions during Construction						
Measures to reduce diesel particulate matter and PM ₁₀ from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.	Verify measures to reduce diesel particulate matter and PM ₁₀ from construction.	During demolition, site preparation, and project construction.	City of Berkeley Department of Planning & Development			
<ul style="list-style-type: none"> ▪ Dust (PM₁₀) Control Measures: <ul style="list-style-type: none"> ▫ Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. ▫ Cover all hauling trucks or maintain at least two feet of freeboard. ▫ Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. ▫ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. ▫ Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). ▫ Enclose, cover, water twice daily, or apply (non-toxic_ soil binders to exposed stockpiles. ▫ Limit traffic speeds on any unpaved roads to 15 mph. ▫ Replant vegetation in disturbed areas as quickly as possible. ▫ Suspend construction activities that cause visible dust plumes to extend beyond the construction site. ▪ Measures to Reduce Diesel Particulate Matter and PM_{2.5}: <ul style="list-style-type: none"> ▫ Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. 						

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▫ Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. ▫ The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). ▫ Properly tune and maintain equipment for low emissions. 						
Cultural Resources						
DAP EIR Mitigation Measure CUL-3: Halt Work/Archaeological Evaluation/Site-Specific Mitigation						
<p>If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.</p>	<p>Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.</p>	<p>As needed during construction activities.</p>	<p>City of Berkeley Department of Planning and Development</p>			
DAP EIR Mitigation Measure CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations						
<p>If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.</p>	<p>Verify that if human remains are found, work is halted until the County Coroner has approved the beginning of work. Verify that if the remains are of Native American descent, the NAHC has been notified.</p>	<p>As needed during construction activities.</p>	<p>City of Berkeley Department of Planning and Development</p>			

City of Berkeley
 2128 Oxford Street Mixed-Use Project

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Project Mitigation Measure CR-1: Building Documentation						
Archival documentation of as-built and as-found condition shall be prepared for 2132-2154 Center Street, prior to demolition. Prior to issuance of demolition permits, the City of Berkeley shall ensure that documentation of the building proposed for demolition is completed at the project applicant's expense. Documentation should follow the general guidelines of the National Park Service (NPS) Heritage Documentation Program-like standards and shall include high resolution digital photographic recordation, an outline format historic report, and compilation of historic research. The documentation shall be completed by a qualified professional who meets the standards for history or architectural history as set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61). The original documentation shall be offered as donated material by the lead agency to repositories such as the Berkeley Architectural Heritage Association and to the Berkeley Public Library to make it available for current and future generations. Archival copies of the documentation also would be submitted to the City of Berkeley and Northwest Information Center (NWIC) where it would be available to local researchers.	Verify archival documentation of as-built and as-found condition for 2132-2154 Center Street has been prepared.	Prior to issuance of demolition permit.	City of Berkeley Department of Planning and Development, Land Use Division			
Project Mitigation Measure CR-2: Shattuck Avenue Commercial Corridor Historic District Update						
Prior to the issuance of a certificate of occupancy, the existing record for the Shattuck Avenue Commercial Corridor District, first identified in the 2009 Downtown Area Plan and recorded and evaluated in <i>Shattuck Avenue Commercial Corridor Historic Context and Survey</i> in 2015 by Archives & Architecture, shall be updated. The City of Berkeley shall ensure that an updated survey and evaluation of the Historic District shall be undertaken at the project applicant's expense to document and verify the conditions of the Historic District. The Department of Parks and Recreation District Record (Series 523D) forms shall be updated to document changes to the historical resource, including alterations, demolitions, and changes in setting. The documentation shall be completed by a qualified professional who meets the standards for history or architectural history as set forth by the Secretary of the Interior's Professional Qualification Standards (36 Code of Federal Regulations, Part 61), in consultation with City staff, and to the satisfaction of the Environmental Review Officer. At a minimum, the following elements of the Historic Context and Survey shall be updated:	Verify updates to the existing record for the Shattuck Avenue Commercial Corridor District have been prepared.	Prior to the issuance of a certificate of occupancy.	City of Berkeley Department of Planning and Development, Land Use Division			
<ul style="list-style-type: none"> ▪ All entries and references to the subject property throughout the Context Statement ▪ Approximate Survey Area Map on page 7 of the Context Statement ▪ Contributors and Non-Contributors Map on page 73 of the Context Statement ▪ Appendix B – DPR Forms for the Shattuck Avenue Downtown Historic District (district record) and Thomas Block building site (primary record) ▪ Appendix C – Table of Properties. 						

Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Project Mitigation Measure CR-3: Preparation of a Cultural Resources Mitigation and Monitoring Plan						
<p>The applicant shall retain a Qualified Archaeologist, meeting the Secretary of Interior’s Professional Qualification Standards, to oversee all aspects of the cultural resources mitigation measures. Avoidance and preservation in place is the preferred manner of mitigating impacts to historical resources of an archaeological nature. If the Qualified Archaeologist in coordination with the City, the applicant, and the consulting Tribe(s) determine that preservation in place is infeasible, the Qualified Archaeologist shall prepare and oversee the implementation of a Cultural Resources Mitigation and Monitoring Plan (CRMMP). To reduce impacts to Oxf-001, the CRMMP shall include an archival research and data recovery plan component, a worker’s environmental awareness program (WEAP), an archaeological and Native American monitoring plan, and an unanticipated discoveries plan. Preparation of the CRMMP and implementation of its archival research and data recovery plan component shall be completed prior to the issuance of a demolition permit. The CRMMP shall be prepared in consultation with the consulting Tribe(s) and in coordination with local interested historical groups. Implementation and the effectiveness of the CRMMP requirements shall be assessed by the City on a monthly basis during the pre-construction, construction, and post-construction phases of the project.</p> <p>Archival research shall be conducted to prepare a detailed development history of the project site and shall include, but not be limited to, review of historic literature, records, and maps held at UC Berkeley, and local historical groups, and libraries. The CRMMP shall identify which local historical groups shall be contacted as part of this background research. The results of the archival research shall be the basis for a historic context presented in the data recovery plan and shall inform methods to be implemented as part of the data recovery as well as interpretations of the data recovery results. The data recovery plan shall include excavation methods for: initial investigations to determine the extent and content of Oxf-001 in order to narrow in on the most productive areas for data recovery excavations; the methods for data recovery excavations aimed at recovering the scientifically important data contained in Oxf-001; and methods for documentation, mapping, artifact collection, special studies, laboratory analysis and cataloging, curation, and reporting. The data recovery plan shall also include procedures for the treatment of human remains.</p> <p>The WEAP component of the CRMMP shall include training materials that shall be presented to construction personnel to inform them of the cultural sensitivity associated with the site and to provide procedures when working in culturally sensitive areas and in coordination with archaeological and Native American monitors. The training shall include a description of the types of materials that could be encountered, procedures to be implemented in the event resources are discovered, stop work authorizations and notification protocols, and laws protecting cultural resources. All construction personnel shall attend WEAP training prior to participating in any ground disturbing work on the project site and WEAP training attendance sheets shall be prepared and retained on site and available to the City.</p>	<p>Oversee preparation and implementation of the CRMMP.</p>	<p>Prior to issuance of demolition permit.</p>	<p>City of Berkeley Department of Planning and Development, Land Use Division</p>			
	<p>Confirm administration of WEAP training. (Collect attendance sheet.)</p>	<p>Prior to ground disturbance for demolition or construction.</p>				

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Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
<p>The monitoring plan component of the CRMMP shall include monitoring procedures and requirements that shall be implemented during project construction. Archaeological and Native American monitoring shall be conducted during all ground disturbing activities including pavement removal, grading, and trenching. Procedures shall include provisions for the reduction or termination of construction monitoring at the recommendation of the Qualified Archaeologist and in coordination with the City and the consulting Tribe(s).</p> <p>The discovery plan component of the CRMMP shall address procedures and notifications to be implemented in the event of an unanticipated discovery of archaeological resources during ground disturbing activities. The procedures listed within the discovery plan for unanticipated discoveries shall incorporate the procedures documented in the DAP EIR, the City's Conditions of Approval, and tribal recommendations. The discovery plan shall include procedures by which the Qualified Archaeologist, in coordination with the consulting Tribe(s), for discoveries of Native American origin, shall consider whether the discovery is associated with Oxf-001 or constitutes a separate and individual resource. If a discovery is determined to be associated with Oxf-001, the Qualified Archaeologist shall determine whether the unanticipated discovery is a contributor in that it contributes new or different data and information than what had been recovered during implementation of the data recovery plan and further data recovery shall be implemented. For redundant discoveries associated with Oxf-001, no additional data recovery shall be conducted, unless otherwise determined necessary through consultation between the City, the consulting Tribe(s), and the Qualified Archaeologist. If the discovery is determined to be unrelated to Oxf-001, the resource shall be evaluated for listing in the CRHR and if recommended eligible by the Qualified Archaeologist, treatment implemented, as needed. Work in the area of a discovery shall not resume until the aforementioned steps are completed.</p> <p>Additionally, the CRMMP shall document the process for the repatriation of Native American materials to the appointed Most Likely Descendant (MLD). As a result of AB 52 consultation between the City and the consulting Tribe(s), the reburial of all Native American materials shall take place within the project site in a location agreed upon by the consulting Tribe(s), the MLD (if appointed and if different from the consulting Tribe(s), the City, and the applicant through consultation. The area selected for reburial shall be defined as a Cultural Resources Easement and marked on City map as an area not to be excavated and free of further disturbance, including utilities.</p>						

Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Project Mitigation Measure CR-4: Preparation of an Interpretive and Educational Plan.						
Following the completion of ground disturbing activities associated with the project and prior to the issuance of occupancy permits, the Qualified Archaeologist shall prepare a plan to provide for public interpretation and education focused on providing public access to the results of the implementation of the CRMMP. Interpretation and education may include, but is not limited to, educational or interpretive panels or signage, exhibits, web-based or other media, and placing non-confidential materials and reports on file at UC Berkeley, with local historical societies, and libraries. The plan shall also include the reintegration of the Kellogg School Berkeley Historic Plaque within the project site. The reintegration of the existing plaque shall necessitate coordination with the Berkeley Historical Plaque Project which are responsible for the current location of the plaque. The Interpretive and Educational Plan shall be prepared in consultation with the consulting Tribe(s) on Native American aspects and in coordination with Project Mitigation Measure TCR-1, and in coordination with local interested historical groups on historic aspects. Implementation and the effectiveness of the Interpretive and Educational Plan requirements shall be assessed by the City on a monthly basis until implementation of the plan is completed.	Oversee the development and implementation of the Interpretive and Educational Plan.	Prior to the issuance of certificate of occupancy.	City of Berkeley Department of Planning and Development, Land Use Division			
Project Mitigation Measure CR-5: Archaeological Monitoring.						
Archaeological monitoring shall be performed under the direction of the Qualified Archaeologist during all ground disturbing activities including pavement removal, grading, and trenching. The archaeological monitor shall have the authority to halt and redirect work should any archaeological resources be identified during monitoring. If archaeological resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find evaluated for listing in the CRHR. The Qualified Archaeologist, in consultation with the consulting Tribe(s) for resources of Native American origin, shall determine whether the discovery is associated with Oxf-001 and whether it constitutes a contributor or whether the discovery is a separate and individual resource. Work in the area of the discovery shall not resume until the Qualified Archaeologist has recommended and implemented treatment of the discovery, as needed. Archaeological monitoring may be reduced or halted by the Qualified Archaeologist, as identified in the CRMMP.	Verify archaeological monitoring is occurring. Verify that in the event that archaeological artifacts are encountered during project construction, all work in the vicinity of the find has been halted until such time as the find is evaluated.	As needed during construction activities.	City of Berkeley Department of Planning and Development, Land Use Division			
Geology and Soils						
DAP EIR Mitigation Measure CUL-4: Halt Work/Paleontological Evaluation/Site-Specific Mitigation						
Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory	Verify that in the event that paleontological artifacts are encountered during project construction, all work in the vicinity of	As needed during construction activities.	City of Berkeley Department of Planning and Development			

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Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.	the find has been halted until such time as the find is evaluated.					
Project Mitigation Measure GEO-1: Implementation of Geotechnical Report Recommendations						
<p>All recommendations included in <i>Section 5: Preliminary Geotechnical Recommendations</i> (pages 10 through 19 and Appendix C pages C-i through C-xxv) of the Geotechnical Report (Partner 2022) and in the Supplemental Geotechnical Peer Review – Liquefaction Zone study (Cotton, Shires, and Associates 2023) prepared for the proposed project shall be incorporated into the project design. These include but are not limited to the following:</p> <ul style="list-style-type: none"> ▪ Excavation Considerations. The project shall use shored excavations to establish the basement of the project and to protect nearby structures. ▪ Deep Foundations. The project shall utilize drilled foundations that extend at least ten feet into the competent bedrock. ▪ On Grade Construction. In areas with deep instability, test pits shall be excavated and evaluated and additional resolutions such as the use of geotextiles, chemical treatments, thickened slabs, or lime treated aggregate base may be used. ▪ Observation on site. Observation and testing shall be conducted during these construction activities: <ul style="list-style-type: none"> ▫ Solider pile and tieback installation ▫ Tieback anchor testing ▫ Lagging installation ▫ Installation of wall back-drainage provisions ▫ Foundation bottom observation and approval ▫ Placement and compaction of fill material ▫ Removal of shoring within the public right-of-way upon completion of the project ▫ De-tensioning of tieback anchors ▫ Installation of drywells ▪ Geotechnical Plan Review <p>The City shall verify that all recommendations are incorporated into the project design prior to the issuance of any building permits.</p>	<p>Verify implementation of recommendations included in <i>Section 5: Preliminary Geotechnical Recommendations</i> (pages 10 through 19 and Appendix C pages C-i through C-xxv) of the Geotechnical Report (Partner 2022) and in the Supplemental Geotechnical Peer Review – Liquefaction Zone study (Cotton, Shires, and Associates 2023) prepared for the proposed project.</p>	<p>Prior to issuance of building permit.</p>	<p>City of Berkeley Department of Planning and Development, Building and Safety Division</p>			

Mitigation Monitoring and Reporting Program

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Hazards and Hazardous Materials						
Project Mitigation Measure HAZ-1: Remediation of Contaminated Soils						
<p>Where soil is known to be impacted, or is identified to be present during compliance with existing State and local regulations as well as the City's Standard Conditions of Approval, within the construction envelope at chemical concentrations exceeding ESLs and/or hazardous waste screening thresholds for contaminants in soil (CCR Title 22, Section 66261.24), the project applicant shall retain a qualified environmental consultant (Professional Geologist [PG] or Professional Engineer [PE]) to properly dispose of the contaminated soil. The qualified environmental consultant shall utilize the project site analytical results for waste characterization purposes prior to offsite transportation or disposal of potentially impacted soils or other impacted wastes. The qualified environmental consultant shall provide disposal recommendations and arrange for proper disposal of the waste soils or other impacted wastes (as necessary), and/or provide recommendations for remedial engineering controls, if appropriate.</p> <p>Remediation of impacted soils and/or implementation of remedial engineering controls may require additional delineation of sub-surface impacts; additional analytical testing per landfill or recycling facility requirements; soil excavation; and offsite disposal or recycling.</p> <p>The TMD shall review and approve the project site disposal recommendations prior to transportation of waste soils offsite, and review and approve remedial engineering controls, prior to construction. Subsequently, the project applicant shall review and implement the disposal recommendations prior to transportation of waste soils off-site, and review and implement the remedial engineering controls, prior to construction. Lastly, the City shall review the project site disposal recommendations for regulated waste and remedial engineering controls prior to issuing a grading permit.</p>	Verify that contaminated soil is properly disposed of by a qualified environmental consultant.	Prior to issuance of grading or building permits.	City of Berkeley Department of Planning and Development, Toxics Management Division			
Project Mitigation Measure HAZ-2: Disposal of Groundwater						
<p>If contaminated groundwater (decontamination water, purge water, dewatering, or underground structures [groundwater leakage into the final structure]) is generated during construction of the project, the RWQCB or the City and/or Alameda County Public Works Agency shall be consulted to determine if the treated groundwater can be disposed through one of their waste discharge permits. RWQCB may require that an individual National Pollution Discharge Elimination System (NPDES) permit and/or waste discharge requirements be obtained for dewatering activities.</p> <p>The groundwater discharge and disposal requirements vary by agency, location, concentration, and contaminants of concern, and would therefore be developed in consultation with the City and the applicable agency, which could include RWQCB, the City, and/or the Alameda County Public Works Agency.</p>	Verify consultation with the RWQCB or the City and/or Alameda County Public Works Agency if contaminated groundwater is generated during construction.	During project construction.	City of Berkeley Department of Planning and Development, Toxics Management Division			

City of Berkeley
 2128 Oxford Street Mixed-Use Project

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Project Mitigation Measure HAZ-3: Vapor Intrusion Mitigation System						
<p>Where soil vapor is known (or is identified to be present during compliance with the City's Standard Conditions of Approval or implementation of mitigation measure HAZ-1), to be present at chemical concentrations exceeding the ESLs for sub-slab/soil gas (vapor) intrusion, the project applicant shall retain a qualified environmental consultant (PG or PE) or other qualified person to prepare a vapor intrusion mitigation system design for the proposed project.</p> <p>The plan shall include, but is not limited to:</p> <ul style="list-style-type: none"> ▪ Design specifications ▪ Material specifications ▪ Installation requirements ▪ Monitoring requirements <p>The project applicant shall design and implement engineering measures or institutional controls (e.g., soil vapor barrier) to prevent potential soil vapor intrusion into new residences or businesses in accordance with the measures included in the DTSC's Vapor Intrusion Guidance Document – Final (October 2011) and Vapor Intrusion Mitigation Advisory, Revision 1 (October 2011).</p> <p>TMD shall review and approve the Vapor Intrusion Mitigation System Design prior to construction. Engineering measures or institutional controls shall be submitted to the City's Planning and Development Department prior to the issuance of any grading or building permits. The project applicant and/or contractor shall incorporate a sub-slab vapor barrier during construction, the implementation of which would prevent the potential for soil gas VOCs from migrating to indoor air</p>	<p>Verify preparation of a vapor intrusion mitigation system design if soil vapor is present at chemical concentrations exceeding the ESLs for sub-slab/soil gas (vapor) intrusion.</p>	<p>Prior to issuance of any grading or building permits.</p>	<p>City of Berkeley Department of Planning and Development, Toxics Management Division</p>			
Noise and Vibration						
DAP EIR Mitigation Measure NOI-1: Site-Specific Noise Studies/Site Planning/Noise Control Treatments.						
<p>Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 dBA Ldn and indoor noise levels in excess of 45 dBA Ldn, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an Ldn of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following:</p> <ul style="list-style-type: none"> ▪ Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. ▪ The California Building Code and the City of Berkeley require project-specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed 	<p>Review and approve site-specific noise control treatments.</p>	<p>Prior to issuance of any demolition and building permits.</p>	<p>City of Berkeley Department of Planning and Development, Land Use Division</p>			

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
<p>to exterior noise levels greater than 60 dBA Ldn. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building façade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, and acoustical caulking. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Result of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower.</p>						
DAP EIR Mitigation Measure NOI-2: Site-Specific Noise Studies/Activities Scheduling						
<p>The following measures should be implemented to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities:</p> <ul style="list-style-type: none"> Noise levels at residential property lines from commercial development should be maintained not in excess of the Berkeley Municipal Code Limits. The approvals of the commercial development should require a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet, and be consistent with, the City's noise standards. Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 a.m. to 9:00 p.m. 	<p>Verify implementation of measures to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities.</p>	<p>Prior to issuance of any demolition and building permits.</p>	<p>City of Berkeley Department of Planning and Development</p>			
DAP EIR Mitigation Measure NOI-3: Site-Specific Noise Analysis/Noise Barriers/Pavement Modifications Traffic Calming/Sound Insulation						
<p>Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate DAP-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. With the proposed DAP street network modifications in place, however, noise reduction methods could include the following:</p> <ul style="list-style-type: none"> Installing traffic calming measures to slow traffic. Typically, each 5 miles-per-hour reduction in travel speeds equates to 1 dBA of noise reduction. 	<p>Verify preparation of site-specific noise analyses when anticipated noise levels would exceed City of Berkeley standards for interior noise. Implement noise reduction methods.</p>	<p>Prior to issuance of any demolition and building permits.</p>	<p>City of Berkeley Department of Planning and Development</p>			

City of Berkeley
 2128 Oxford Street Mixed-Use Project

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces 						
DAP EIR Mitigation Measure NOI-4: Site-Specific Noise Analysis/Noise Barriers/Pavement Modifications Traffic Calming/Sound Insulation						
<p>Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate DAP-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. With the proposed DAP street network modifications in place, however, noise reduction methods could include the following:</p> <ul style="list-style-type: none"> Installing traffic calming measures to slow traffic. Typically, each 5 miles-per-hour reduction in travel speeds equates to 1 dBA of noise reduction. Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces. 	<p>Verify site-specific noise analyses when anticipated noise levels would exceed City of Berkeley standards for interior noise. Implement noise reduction methods.</p>	<p>Prior to issuance of any demolition and building permits.</p>	<p>City of Berkeley Department of Planning and Development</p>			
DAP EIR Mitigation Measure NOI-5: Develop Site-Specific Noise-Reduction Programs and Implement Noise Abatement Measures During Construction						
<p>Prior to the issuance of building permits, 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 appropriate time limits for construction (7:00 a.m. to 7:00 p.m. on weekdays and between the hours of 9:00 a.m. and 8:00 p.m. on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. 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:</p> <ul style="list-style-type: none"> Construction equipment should be well maintained and used judiciously to be as quiet as practical. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. 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. 	<p>Review and approve site-specific noise reduction program for the project. Monitor compliance with approved noise reduction program.</p>	<p>Prior to issuance of any demolition and building permits.</p>	<p>City of Berkeley Department of Planning and Development, Land Use Division</p>			

Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▪ 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. ▪ Prohibit unnecessary idling of internal combustion engines. ▪ If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. ▪ 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. ▪ Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected. ▪ Route construction related traffic along major roadways and away from sensitive receptors where feasible. ▪ Businesses, residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. 						
DAP EIR Mitigation Measure NOI-6: Avoidance of Pile-Driving/Site-Specific Vibration Studies/Monitoring/Contingency Planning						
<p>The following measures are recommended to reduce vibration from construction activities:</p> <ul style="list-style-type: none"> ▪ Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. ▪ Avoid using vibratory rollers and tampers near sensitive areas. ▪ In areas where project construction is anticipated to include vibration-generating activities, such as pile-driving in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: <ul style="list-style-type: none"> ▫ Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. 	<p>Review and approval of vibration monitoring and construction contingency plan.</p> <p>Monitor compliance with approved vibration monitoring and construction contingency plan.</p>	<p>Prior to issuance of any demolition and building permits.</p>	<p>City of Berkeley Department of Planning and Development, Land Use Division</p>			

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Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
<ul style="list-style-type: none"> ▫ Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. ▫ Construction contingencies would be identified for when vibration levels approached the limits. ▫ At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile-driving activities. Monitoring results may indicate the need for more or less intensive measurements. ▫ When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. ▫ Conduct post-survey on structure where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of vibration. 						

Utilities and Service Systems

DAP EIR Mitigation Measure UTIL-1: Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer Conveyance System/Project-Related Contribution to Necessary Capacity Expansion.

<p>As individual development projects are proposed in the Downtown Area, each project will be subject to site-specific analysis by the City of Berkeley to determine whether the development proposed would exceed the capacity of the sanitary sewer conveyance system that directly serves the project. In the event that existing sanitary sewer modeling demonstrates that sanitary sewer conveyance system capacity would be exceeded by the project, then the project proponents and the City shall enter into negotiations to determine the financial contribution required from the project proponents to enable the City to expand sanitary sewer conveyance capacity as necessary to accommodate the project as proposed.</p>	<p>Verify site specific wastewater study completed.</p> <p>If sewer conveyance system does not have capacity to serve project, verify negotiations and final contribution have occurred.</p>	<p>Prior to issuance of building permit.</p>	<p>City of Berkeley Department of Public Works</p>
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Mitigation Measure	Monitoring Action Required	Monitoring Timing	Monitoring Agency	Compliance Verification		
				Initial	Date	Comments
Tribal Cultural Resources						
Project Mitigation Measure TCR-1: Native American Monitoring						
<p>Prior to ground disturbing activities, a Native American monitor from the Confederated Villages of Lisjan shall be retained. If a Native American monitor from the Confederated Villages of Lisjan cannot be retained, another Tribe with cultural affiliations to the project site can be contacted for monitoring. The consulting Tribe, in consultation with the lead agency, and in coordination with the qualified archaeologist will have the authority to halt and redirect work should any archaeological or tribal cultural resources be identified during monitoring. If archaeological or tribal cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find evaluated for listing in the CRHR and NRHP. Monitoring may be reduced or halted at the discretion of the Native American monitor, in consultation with the lead agency, as warranted by conditions such as encountering bedrock, sediments being excavated are fill, or negative findings during the first 50 percent of the entire area of ground-disturbance. Avoidance and preservation in place, as well as other mitigation options identified in PRC Section 21084.3 shall be considered by the lead agency. However, if these measures are determined infeasible, treatment shall be implemented in coordination amongst the Confederated Villages of Lisjan, the City, and the Qualified Archaeologist. If monitoring is reduced to spot-checking, spot-checking shall occur when ground-disturbance moves to a new location within the project site and when ground disturbance will extend to depths not previously reached (unless those depths are within bedrock).</p>	<p>Retain a Native American monitor from the Confederated Villages of Lisjan Nation and halt or redirect work should any archaeological or tribal cultural resources be identified during monitoring. If archaeological or Tribal cultural resources are encountered during ground-disturbing activities, work within 50 feet of the find must halt and the find evaluated for listing in the CRHR and NRHP.</p>	<p>Prior to and during ground-disturbing activities.</p>	<p>City of Berkeley Department of Planning and Development, Land Use Division</p>			
Project Mitigation Measure TCR-2: Strawberry Creek Ohlone Past & Present Interpretive Display						
<p>The project applicant shall be responsible for the design, production and installation of a permanent interpretive display that focuses on the Confederated Villages of Lisjan's past/present use of the area around Strawberry Creek in Downtown Berkeley. The display shall be designed in consultation with the Confederated Villages of Lisjan and shall be located in a publicly-accessible area, prior to receipt of occupancy. The style of display (e.g., mounted story board, mural, pavement installation, etc.) shall be selected in consultation with the Confederated Villages of Lisjan with the goal of educating the public about the area's significance to the Confederated Villages of Lisjan. Plans for the display shall be subject to review and approval by the City's Land Use Planning Division prior to installation.</p>	<p>Verify the display design and coordination with tribe.</p> <p>Verify the installation of display.</p>	<p>Prior to the issuance of building permits.</p> <p>Prior to the issuance of certificate of occupancy.</p>	<p>City of Berkeley Department of Planning and Development, Land Use Division</p>			

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2128 Oxford Street Mixed-Use Project

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HUB AT BERKELEY

2128 OXFORD STREET +
2132-2154 CENTER STREET
BERKELEY, CALIFORNIA

JULY 3, 2024

07/03/2024

PROJECT TEAM

DEVELOPER: CORE SPACES

LAND USE: RHOADES PLANNING GROUP
CONTACT: MARK RHOADES
P: 510-545-4341
E: MARK@RHOADESPANNINGGROUP.COM

ARCHITECT: DLR GROUP
700 SOUTH FLOWER ST, 22ND FLR
LOS ANGELES, CA 09917
CONTACT: AMY KONG
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LANDSCAPE ARCHITECT: SITE DESIGN GROUP
888 S. MICHIGAN AVE, UNIT PH1
CHICAGO, IL 60605
CONTACT: MARK JIRIK
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CIVIL ENGINEER: KIMLEY-HORN
765 THE CITY DRIVE, SUITE 200
ORANGE, CA 92868
CONTACT: BRIAN R. GILLIS, PE
P: 714-786-6275

SHEET LIST

G-0 COVER SHEET	A-00 SITE PLAN	A-48 RENDERINGS
G-1 GENERAL NOTES	A-01 BASEMENT	A-49 RENDERINGS
G-2 VICINITY MAP	A-10 LEVELS GROUND AND 1.5 PLAN	A-10 PHOTO SIMULATION
G-3 DEMOLITION PLAN	A-11 LEVEL 02 PLAN	A-11 PHOTO SIMULATION
G-4 OPEN SPACE DIAGRAM	A-12 LEVEL 03 PLAN	A-12 PHOTO SIMULATION
G-5 BASE PROJECT BLDG. SECTION	A-13 LEVEL 04-05 PLAN	A-5-1 UNIT TYPES
G-6 PROPOSED PROJECT PLANS	A-14 LEVEL 06 & 07 PLAN	A-6-1 MATERIAL BOARD
	A-15 LEVEL 08 PLAN	A-6-2 FACADE SYSTEM
C001 COVER SHEET	A-16 LEVEL 09-22 PLAN	A-6-3 FACADE SYSTEM
C100 EXISTING CONDITIONS PLAN	A-17 LEVEL 23 PLAN	A-6-4 FACADE SYSTEM
C101 DEMOLITION PLAN	A-18 LEVEL 24 PLAN	A-6-5 FACADE SYSTEM
C150 PRELIMINARY SITE PLAN	A-19 LEVEL 25 PLAN	A-7-1 SUN SHADOW STUDY
C151 PRELIMINARY STRIPING & SIGNAGE PLAN	A-110 LEVEL 26 PLAN	A-7-2 SUN SHADOW STUDY
C200 PRELIMINARY GRADING PLAN	A-111 ROOF & OVERRUN PLAN	A-7-3 SUN SHADOW STUDY
C201 PRELIMINARY UTILITY PLAN	A-112 NORTH ELEVATION	A-9-1 MASSING DIAGRAM
C300 PRELIMINARY STORMWATER CONTROL PLAN	A-2-1 WEST ELEVATION	
C301 CITY OF BERKELEY POLLUTION PREVENTION PLAN	A-2-2 SOUTH ELEVATION	
	A-2-3 EAST ELEVATION	
L1 OVERALL SITE PLAN	A-2-4 STREET STRIP ELEVATIONS	
L2 EXISTING CONDITION	A-2-5 EAST-WEST SECTION	
L3 GROUND LEVEL LANDSCAPE PLAN	A-3-1 EAST-WEST SECTION	
L4 GROUND LEVEL PAKLET	A-3-2 EAST-WEST SECTION	
L5 LEVEL 02 LANDSCAPE PLAN	A-4-1 RENDERINGS	
L6 LEVEL 06-07 LANDSCAPE PLAN	A-4-2 RENDERINGS	
L8 LEVEL 02,06,07,08 PLANTING SELECTION	A-4-3 RENDERINGS	
L9 LEVEL 25 LANDSCAPE PLAN	A-4-4 RENDERINGS	
L10 LEVEL 25 IRRIGATION DIAGRAM	A-4-5 RENDERINGS	
L11 LEVEL 25 HYDROZONES DIAGRAM	A-4-6 RENDERINGS	
L12 LEVEL 25&26 PLANTING SELECTION	A-4-7 RENDERINGS	
L13 LEVEL 25&26 HARDSCAPE LIST		
L14 IRRIGATION DETAILS		
L15 MWEO CALCULATIONS		

GROSS BUILDING AREA

Level	# of Floors	Total Floor Area	Garage	Retail*	Amenity/Lobby	Common/Corridor**	Structure	Residential	Exterior Amenity
Roof									
26	1 Floors	10,308 SF		4,714 SF		2,205 SF	475 SF	2,914 SF	490 SF
25	1 Floors	16,620 SF			2,554 SF	9,318 SF	475 SF	4,273 SF	8,856 SF
24	1 Floors	26,695 SF			6,076 SF	3,534 SF	1,172 SF	15,913 SF	
23	1 Floors	27,593 SF				3,361 SF	1,125 SF	23,107 SF	
9 to 22	14 Floors	27,997 SF				3,311 SF	1,246 SF	23,440 SF	
8	1 Floors	28,009 SF				3,128 SF	1,298 SF	23,583 SF	
6 to 7	2 Floors	27,158 SF				3,116 SF	1,256 SF	22,786 SF	
4 to 5	2 Floors	29,374 SF				3,111 SF	1,333 SF	24,930 SF	
3	1 Floors	29,572 SF				3,124 SF	1,282 SF	25,166 SF	
2	1 Floors	29,458 SF			4,987 SF	4,433 SF	1,323 SF	18,715 SF	
1.5	1 Floors	2,910 SF			1,569 SF	675 SF	666 SF		
1	1 Floors	24,609 SF	7,429 SF	9,690 SF	2,569 SF	10,986 SF	1,364 SF		
Basement	1 Floors	12,868 SF			1,190 SF	10,514 SF	1,164 SF		
TOTALS	27 Floors	713,664 SF	7,429 SF	14,404 SF	17,755 SF	99,572 SF	31,802 SF	537,263 SF	9,346 SF

*Existing commercial area = 12,800 SF **Includes BOH/Trash, Excludes MEP spaces at basement

UNIT MATRIX

Level	# of Floors	STUDIO			2-BED			3-BED					4-BED			Total Units	Total Bedrooms		
		S-N2, S-O2, S-Q2	S-N1, S-Q1, S-P2	S-O1, S-P1	2P-H, 2-I, 2-L1, 2-E1	2-C1	2-B, 2-C2, 2P-F, 2-K, 2-L2	3-H1, 3-K1, 3-A1, 3-A3, 3-A4, 3-A5, 3-B1, 3-B2, 3-D1, 3-F1, 3P-J	3-J1, 3-J3	3-O1, 3-P1, 3-N1	3-G, 3-M1, 3-M2, 3-A2, 3-N2, 3-H2	3-J2	3-O2	4-M1, 4-M2	4TH-D, 4TH-E			4TH-F	
1	1 Floors		2	10	4		1	2										21	35
2	1 Floors		2	10	3	1		7	1									26	51
3	1 Floors		2	10	3	1		7	1									26	51
4 to 5	2 Floors		2	10	3	1		7	1									26	51
6	1 Floors	10	2		2		4	2				5	1					26	48
7	1 Floors	10	2		2		4	2				5	1					26	48
8	1 Floors				3	1		7	1	4	1							18	51
9 to 13	5 Floors				3	1		7	1	4	1							18	51
14	1 Floors				3	1		7	1	4	1							18	51
15 to 16	2 Floors				3	1		7	1	4	1							18	51
17	1 Floors				3	1		7	1	4	1							18	51
18 to 19	2 Floors				3	1		7	1	4	1							18	51
20 to 22	3 Floors				3	1		7	1	4	1							18	51
23	1 Floors				3	1		7	1	1	3		2					18	50
24	1 Floors				3			4	1		3		2					13	36
25	1 Floors					1												1	2
26	1 Floors																	3	12
TOTAL UNITS		20	12	40	68	20	9	143	20	61	35	2	4	19	2	1	456	1149	
Total Units per Type			72			97				265				22					

PROJECT DATA

ADDRESS: 2128 OXFORD ST. + 2132-2154 CENTER ST.
BERKELEY, CALIFORNIA 94704

APN: 057 203100101, 057 203101300

EXISTING USE: RETAIL

PROPOSED USE: HIGH DENSITY RESIDENTIAL WITH RETAIL

ZONING: C-DMU CORE

TYPE OF CONSTRUCTION PROPOSED: TYPE I SPRINKLERED, NFPA-13
(RESIDENTIAL, RETAIL, PARKING GARAGE)

OCCUPANCY CLASSIFICATION: R-2 RESIDENTIAL UNITS
S-2 GARAGE
B LEASING OFFICE
A, A-2 RESIDENTIAL AMENITIES, RESTAURANT

GROSS SITE AREA: 35,573 SF; 0.82 AC

PROVIDED FAR: 20 : 1
AREA OF DISTURBANCE: 35,573 SF; 100% OF SITE

SOLAR ENERGY: NOT REQUIRED UNDER 180.2 (g) EXCEPTION 1
SARA < 3% OF CONDITIONED FLOOR AREA
SARA = 25ml (9,854 SF) + 26ml (908 SF) + ROOF (9,010 SF)
= 19,772 SF (SEE A1-9 AND A1-11)
CONDITIONED AREA / SARA - 19,772/693,518 = 2.8%

PARKING SUMMARY

REQUIRED:
NO RESIDENTIAL VEHICLE PARKING
REQUIREMENT PER ORDINANCE NO. 7.751-N.S. 0
COMMERCIAL (1.5/1,000 SF) 21

LEVEL 1 PROVIDED

TYPICAL STACKED STALLS 32
ADA STALLS (1 STD ACC & 1 STD EV ACC) 2
ADA VAN STALLS (1 VAN ACC & 1 VAN EVCS ACC) 2

TOTAL 36

EV SPACES (3% OF TOTAL PROVIDED) 2
PER CAL GREEN 4.106.4)

BICYCLE PARKING

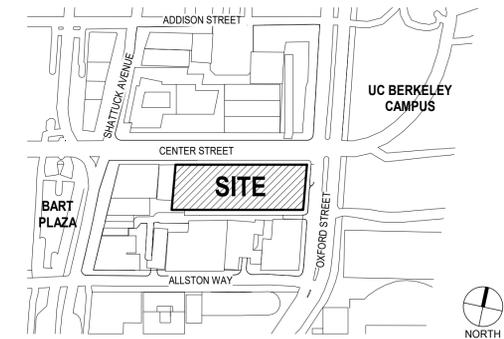
REQUIRED:
COMMERCIAL (SHORT TERM) 1 / 2,000SF = 8
RESIDENTIAL (LONG) 1 / 3BDR = 383
RESIDENTIAL (SHORT) 1 / 40BDR = 29

TOTAL = 420

PROVIDED:
SHORT TERM (ON-STREET) = 40
LONG TERM (BIKE ROOM) = 264

TOTAL = 304

VICINITY MAP

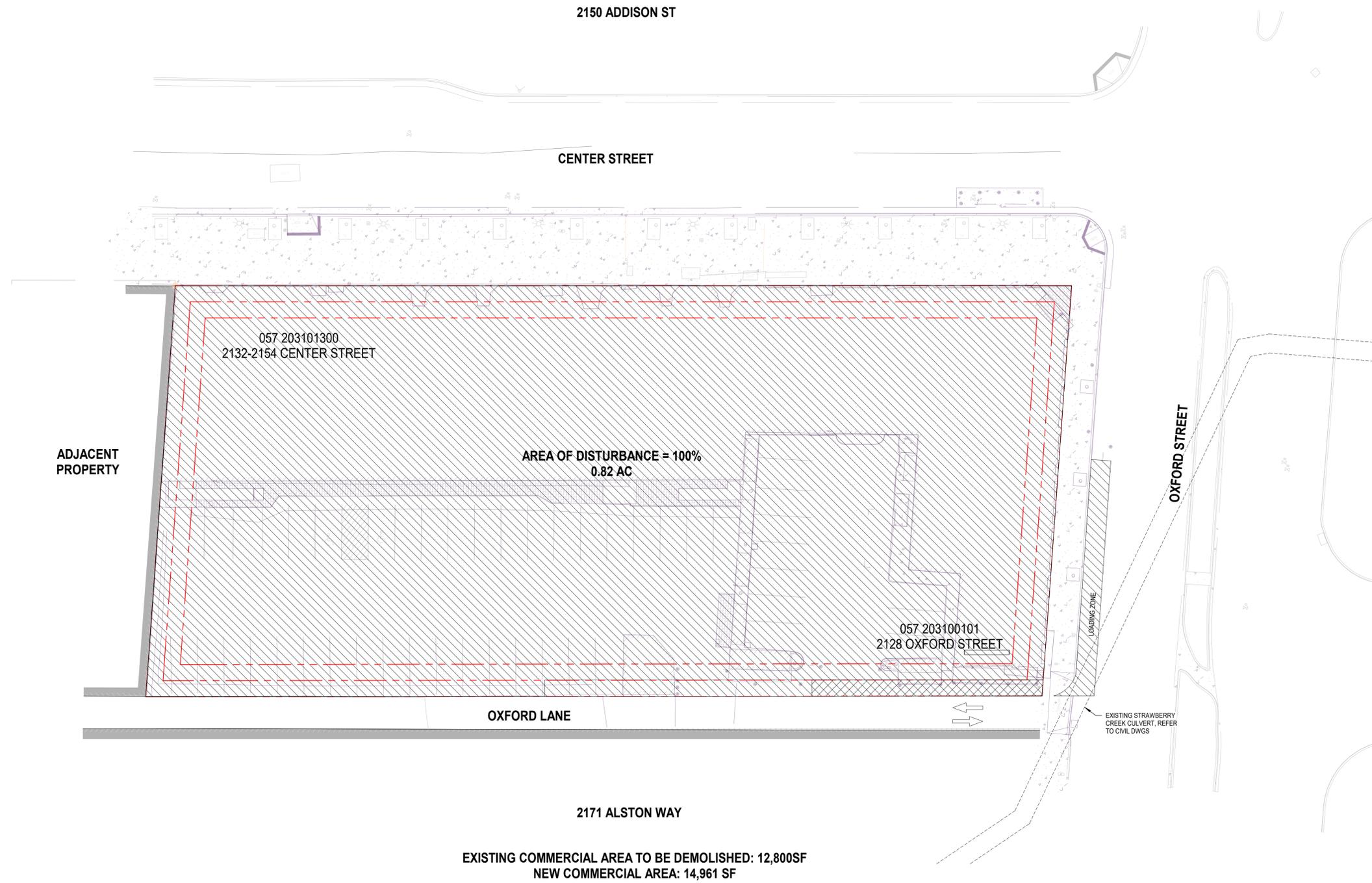


ENTITLEMENT SUBMITTAL
SUBMITTAL DATE: 07/03/2024

GENERAL NOTES

G-1





OPEN SPACE KEY

- OPEN SPACE (PRIVATE)
- OPEN SPACE (COMMON)

OPEN SPACE CALCULATIONS*

*REQUIRED: 80 SF PER UNIT

TOTAL UNITS	456
REQUIRED OPEN SPACE	36,480 SF
PRIVATE BALCONIES	9,702 SF
COMMON ROOF DECK	8,912 SF
TOTAL OPEN SPACE PROVIDED	18,614 SF

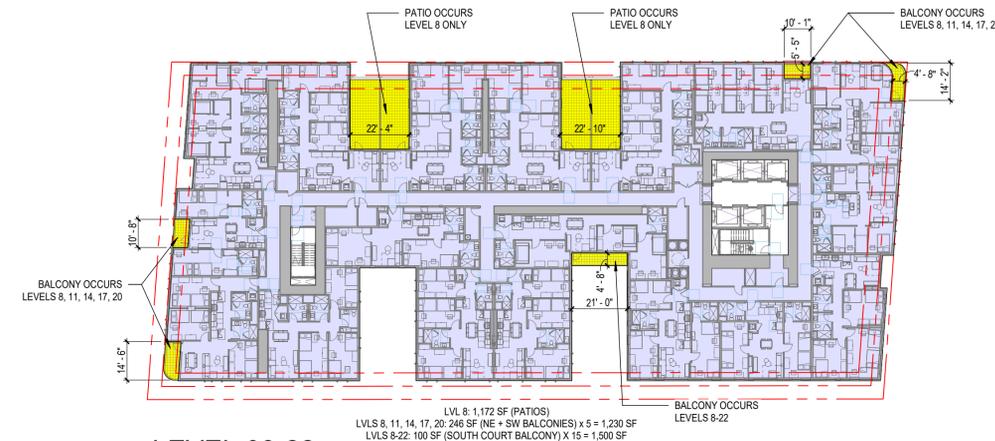
POPOS PROVIDED: 0 SF

PROJECT WILL PAY FEE IN-LIEU FOR REMAINDER OF PUBLIC OPEN SPACE REQUIREMENTS

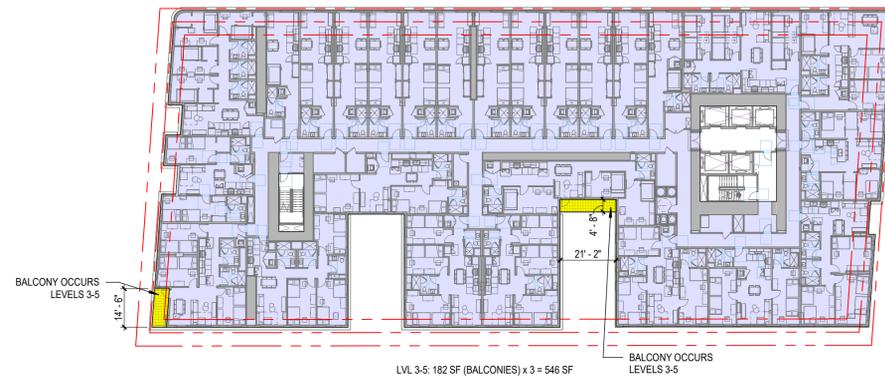
* GROUND FLOOR NOT SHOWN



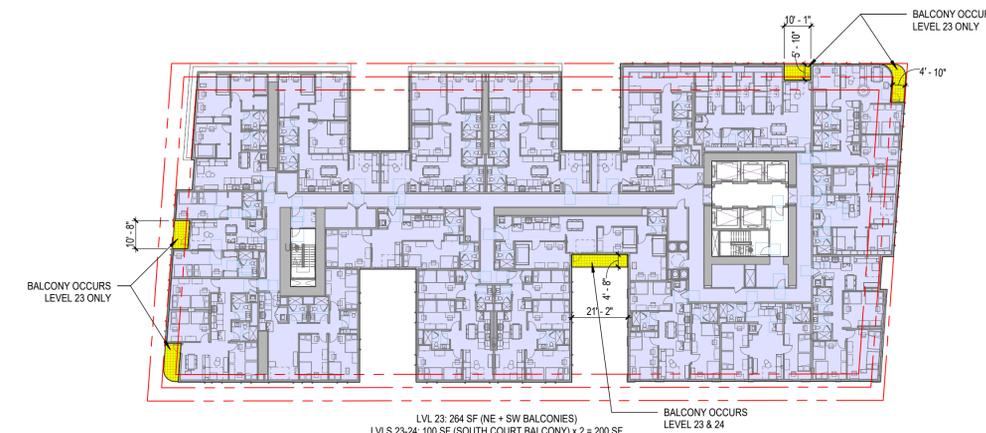
LEVEL 02
 SCALE: 1" = 30'-0"



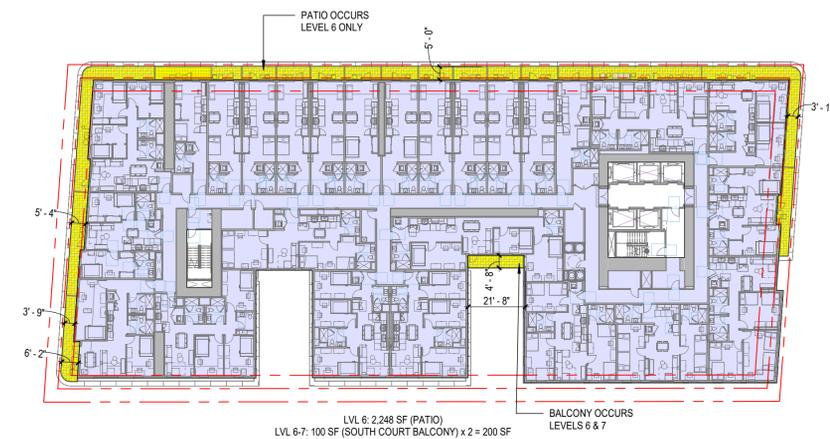
LEVEL 08-22
 SCALE: 1" = 30'-0"



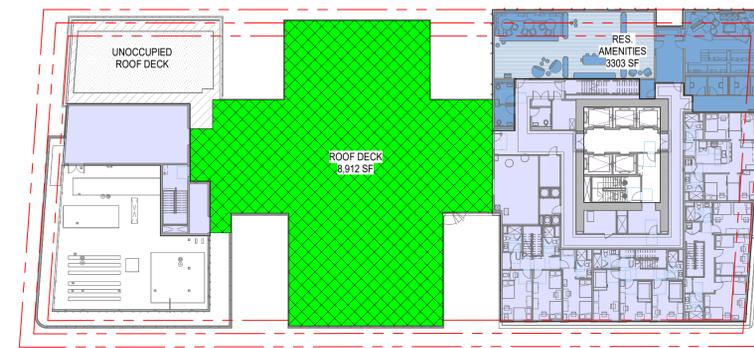
LEVEL 03-05
 SCALE: 1" = 30'-0"



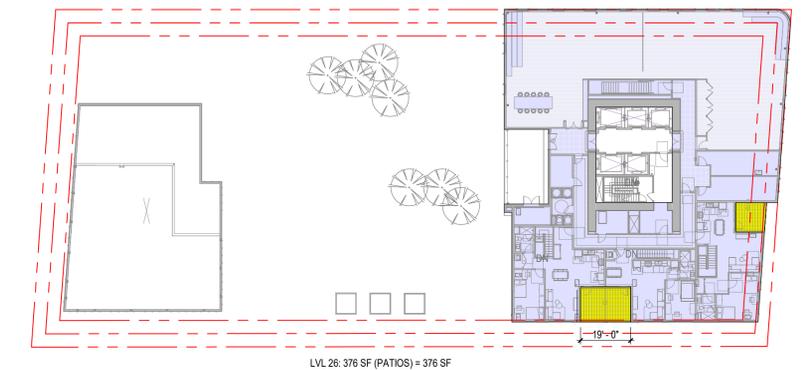
LEVEL 23 & 24
 SCALE: 1" = 30'-0"



LEVEL 06 & 07
 SCALE: 1" = 30'-0"



LEVEL 25
 SCALE: 1" = 30'-0"



LEVEL 26
 SCALE: 1" = 30'-0"

BASE PROJECT ZONING COMPLIANCE TABLE					
ZONING	BASE ZONING ALLOWABLE/REQUIRED	ALLOWABLE W/UP OR AUP MODIFICATION	CODE SECTION	BASE PROJECT	ZONING COMPLIANCE
C-DMU CORE					
TOTAL LOT SIZE (SQ.FT)			35,573		
TOTAL LOT SIZE (ACRES)			0.81		
GROSS FLOOR AREA			520,460		
RESIDENTIAL FLOOR AREA			495,302		
COMMERCIAL FLOOR AREA			10,729		
FLOOR AREA RATIO (FAR)	NA	NA	NA	NA	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	333	333	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	796	796	COMPLIES
HEIGHT FEET	75'	180'-0"	23.204.130	180'	COMPLIES
HEIGHT-STORIES	NA	NA	18	18	COMPLIES
LOT COVERAGE	NA	NA	32.053		COMPLIES
SETBACK- FRONT	10'	0'	23.204.130(C)(2)	0'	COMPLIES
SETBACK- STREET SIDE	0' to 15'	0'	23.204.130	0'	COMPLIES
SETBACK- INTERIOR SIDE	0' to 15'	0'	23.204.130	0'-7"	COMPLIES
SETBACK-REAR	0' to 15'	0'	23.204.130	0'-5"	COMPLIES
SETBACK-MAX DIMENSION ABOVE 120'	120'	NOT LIMITED	23.204.130	295'-2"	COMPLIES
RESIDENTIAL PARKING (SEE TABLE)	0	0		36	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	16	16		36	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	265	265		265	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	20	20		20	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	5	5		5	COMPLIES
RESIDENTIAL OPEN SPACE	2640			29,452	COMPLIES
COMMERCIAL OPEN SPACE	215	0			COMPLIES

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

- Use Permit, under BMC Section 23.226.070, to demolish main buildings used for non-residential purposes.
- Use Permit, under BMC Section 23.126.030, to demolish a building containing two or more units.
- Use Permit, under BMC Section 23.204.020, to construct a mixed-use development in the C-DMU Zoning District.
- Use Permit, under BMC Section 23.204.020.B, to construct new floor area over 10,000 sq. ft.
- Use Permit, under BMC Section 23.204.130.E.2, to construct a building up to 180 feet in height.
- Use Permit, under BMC Section 23.204.130.E.3(a), to increase the widest dimension of the tower above 120 feet in building height from 120' to 287'-10".

Use Permit, under BMC Section 23.204.130.E.3(b) to reduce setbacks:

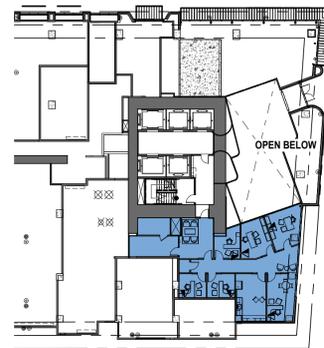
- front setback requirement from 10 feet (same as confronting R-5 setback) to 0 feet
- street side setback requirement for a portion of the building above 75 feet in height, from 15 feet to 0 feet
- interior side yard setback for the portion of the building above 75' in height, from 15' to 7'
- rear yard setback for a portion of the building above 75' in height, from 15' to 5'

Administrative Use Permit, under BMC 23.304.050, to allow rooftop equipment projections

PARKING CALCULATIONS					
	QUANTITY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL	333	0.5 MAX	1	0	
COMMERCIAL	10,729	1.5	1,000	16	36
CAR SHARE		2 REQ'D WHEN PROVIDED PARKING IS 33-60			2
LOADING AREA		1 REQ'D 1 FOR THE FIRST 10,000 SF			1

BIKE PARKING CALCULATIONS					
	QUANTITY	BIKES	PER BDR	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM)	796	1	3	265	265
RESIDENTIAL (SHORT TERM)	796	1	40	20	
COMMERCIAL (SHORT TERM)	10,729	1	2,000	5	30

OPEN SPACE CALCULATIONS				
	UNITS	SF/UNIT	TOTAL REQ'D	TOTAL PROV'D
RESIDENTIAL REQUIREMENT	333	80	26,640	29,452
RESIDENTIAL BALCONIES				8,275
ROOF DECK				21,227
PUBLICLY ACCESSIBLE OPEN SPACE	1/50 OF COMM AREA		215	0



LEVEL 1.5 - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 2,910 SF



LEVEL 01 - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 9,039 SF
RETAIL AREA: 10,729 SF



LEVEL 06-07 - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 27,158 SF
RETAIL AREA: 0 SF
NUMBER OF UNITS: 2 X (26 UNITS) = 52 UNITS



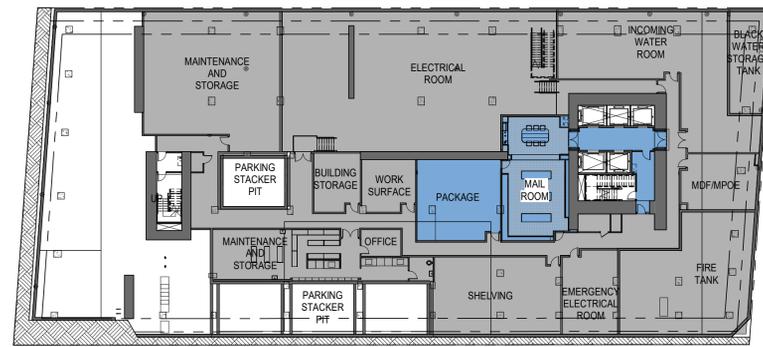
LEVEL 02 - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 29,458 SF
RETAIL AREA: 0 SF
NUMBER OF UNITS: 1 X (21 UNITS) = 21 UNITS



LEVEL 08-18 - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 28,009 (at 8th)
27,997 (at 9-18)
RETAIL AREA: 0 SF
NUMBER OF UNITS: 11 X (18 UNITS) = 198 UNITS



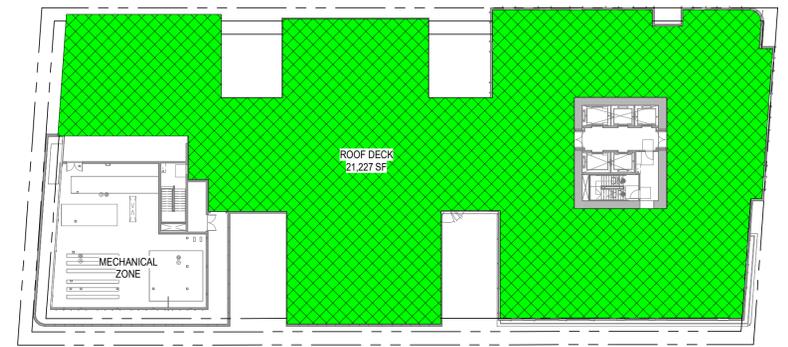
LOWER LEVEL - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 3,280 SF
RETAIL AREA: 0 SF



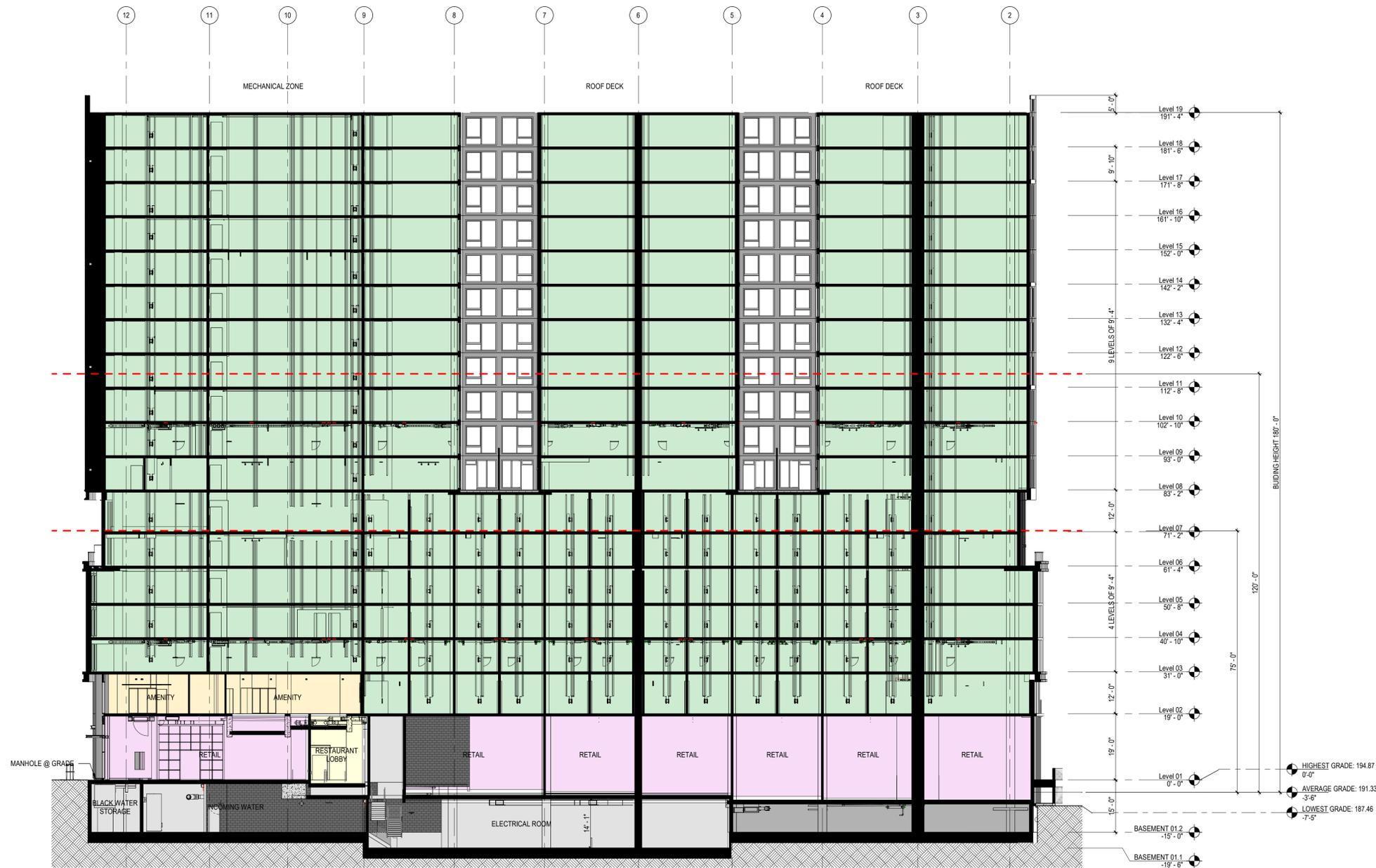
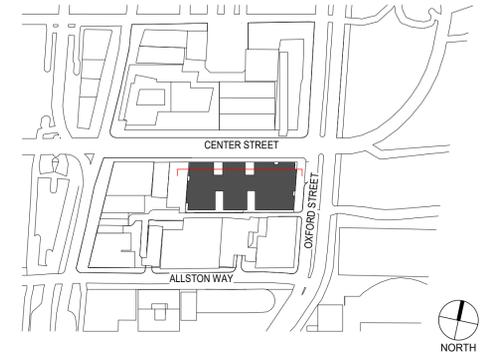
LEVEL 03-05 - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 29,572 (at 3rd)
29,374 (at 4-5th)
RETAIL AREA: 0 SF
NUMBER OF UNITS: 3 X (21 UNITS) = 63 UNITS



ROOF LEVEL - BASE
SCALE: 1" = 30'-0"

RESIDENTIAL AREA: 0 SF
RETAIL AREA: 0 SF



CORE

DLR Group

site landscape
architecture
urban design

Kimley»Horn

ENTITLEMENT SUBMITTAL
 SUBMITTAL DATE: 07/03/2024

BASE PROJECT BLDG. SECTION G-6

PROPOSED DENSITY BONUS PROJECT ZONING COMPLIANCE TABLE		DEVELOPMENT STANDARDS AND DENSITY BONUS WAIVERS			
	PROPOSED DENSITY BONUS PROJECT	BASE ZONING ALLOWABLE/REQUIRED	PROPOSED/DENSITY BONUS	ZONING COMPLIANCE	
SETBACK-FRONT (OXFORD STREET)					
SETBACK-STREET SIDE (CENTER)					
0'-20"					
21'-75"					
76'-120"					
15'					
COMPLIES W/SDS WAIVER					
SETBACK-INTERIOR SIDE (ALL) 45' FROM FRONT					
0'-20"					
21'-75"					
76'-120"					
15'					
COMPLIES W/SDS WAIVER					
SETBACK-INTERIOR SIDE 45' FROM FRONT					
0'-20"					
21'-75"					
76'-120"					
15'					
COMPLIES W/SDS WAIVER					
SETBACK-REAR (WEST PL)					
0'-20"					
21'-75"					
76'-120"					
15'					
COMPLIES W/SDS WAIVER					
SETBACK-MAX DIMENSIONS ABOVE 120'					
120'					
295'-2"					
COMPLIES W/SDS WAIVER					
BUILDING HEIGHT					
180'-0"					
285'-4"					
COMPLIES W/SDS WAIVER					
RESIDENTIAL BIKE PARKING (LONG TERM)					
383					
264					
COMPLIES W/SDS WAIVER					
RESIDENTIAL OPEN SPACE					
25,840					
18,614					
COMPLIES W/SDS WAIVER					
LOADING					
1					
0					
COMPLIES W/SDS WAIVER					

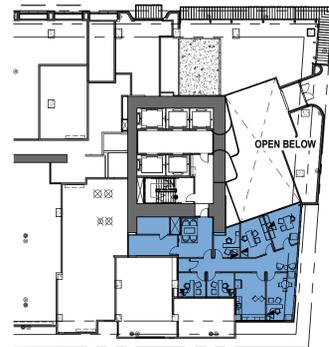
PARKING CALCULATIONS						
	QNTY	CARS	PER	REQ'D	PROVIDED	
RESIDENTIAL	456	0.5 MAX	1	0	36	
COMMERCIAL	15,649	1.5	1,000	23	36	
CAR SHARE	2 REQ'D WHEN PROVIDED PARKING IS 31-60					
					2	

BICYCLE PARKING CALCULATIONS						
	QNTY	BIKES	PER BDR	REQ'D	PROVIDED	
RESIDENTIAL (LONG TERM)	1,149	1	3	383	264	
RESIDENTIAL (SHORT TERM)	1,149	1	40	29	40	
COMMERCIAL (SHORT TERM)	15,649	1	2,000	8	40	

OPEN SPACE CALCULATIONS				
	UNITS	SF/UNIT	TOTAL REQ'D	TOTAL PROV'D
RESIDENTIAL REQUIREMENT	456	80	36,480	18,614
RESIDENTIAL BALCONIES				9,702
ROOF DECK(S)				8,912
PUBLICLY ACCESSIBLE OPEN SPACE	1/50 OF COMM AREA		113	

UNIT TYPE COUNT	
	COUNT
1 STUDIO	73
1 BEDROOM	0
2 BEDROOMS	97
3 BEDROOMS	285
4 BEDROOMS	23
TOTAL	456

DENSITY BONUS TABLE																																																																																																																																																										
Base Project	Base # Units	Base # Units	% VLI Units	% VLI Units	# VLI Units	Bonus %	# DB Units	# DB Units	PROJECT TOTAL																																																																																																																																																	
sq. ft. - see calculation below	Base project/avg. unit size	Base Units/Max Residential Density	VLI = Very Low Income <50 AMI	% VLI x Base # Units	VLI Units ROUNDED UP	DENSITY EARNED	% Bonus x Base # Units (rounded up)	% Bonus x Base # Units (rounded up)	Base # Units (rounded up)																																																																																																																																																	
495,302	1,487	333	12%	39.96	40	38.76%	129.04	130	463																																																																																																																																																	
<table border="1"> <thead> <tr> <th>Base Project Residential Square Footage</th> <th>Floor</th> <th>Proposed Residential Square Footage</th> <th>% VLI</th> <th>% DB</th> </tr> </thead> <tbody> <tr> <td>3,305</td> <td>0</td> <td>9,039</td> <td>5%</td> <td>20.0%</td> </tr> <tr> <td>9,039</td> <td>1</td> <td>2,910</td> <td>6%</td> <td>22.5%</td> </tr> <tr> <td>29,458</td> <td>2</td> <td>29,458</td> <td>7%</td> <td>25.0%</td> </tr> <tr> <td>29,572</td> <td>3</td> <td>29,572</td> <td>8%</td> <td>27.5%</td> </tr> <tr> <td>29,374</td> <td>4</td> <td>29,374</td> <td>9%</td> <td>30.0%</td> </tr> <tr> <td>29,374</td> <td>5</td> <td>29,374</td> <td>10%</td> <td>32.5%</td> </tr> <tr> <td>27,158</td> <td>6</td> <td>27,158</td> <td>11%</td> <td>35.0%</td> </tr> <tr> <td>27,158</td> <td>7</td> <td>27,158</td> <td>12%</td> <td>38.75%</td> </tr> <tr> <td>28,009</td> <td>8</td> <td>28,009</td> <td>13%</td> <td>42.5%</td> </tr> <tr> <td>27,997</td> <td>9</td> <td>27,997</td> <td>14%</td> <td>46.25%</td> </tr> <tr> <td>27,997</td> <td>10</td> <td>27,997</td> <td>15%</td> <td>50.0%</td> </tr> <tr> <td>27,997</td> <td>11</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>12</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>13</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>14</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>15</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>16</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>17</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>18</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>19</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>20</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>21</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>22</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>23</td> <td>27,997</td> <td></td> <td></td> </tr> <tr> <td>27,997</td> <td>24</td> <td>26,695</td> <td></td> <td></td> </tr> <tr> <td>495,302</td> <td>26</td> <td>11,230</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>5,084</td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td>177,892</td> <td></td> <td></td> </tr> </tbody> </table>										Base Project Residential Square Footage	Floor	Proposed Residential Square Footage	% VLI	% DB	3,305	0	9,039	5%	20.0%	9,039	1	2,910	6%	22.5%	29,458	2	29,458	7%	25.0%	29,572	3	29,572	8%	27.5%	29,374	4	29,374	9%	30.0%	29,374	5	29,374	10%	32.5%	27,158	6	27,158	11%	35.0%	27,158	7	27,158	12%	38.75%	28,009	8	28,009	13%	42.5%	27,997	9	27,997	14%	46.25%	27,997	10	27,997	15%	50.0%	27,997	11	27,997			27,997	12	27,997			27,997	13	27,997			27,997	14	27,997			27,997	15	27,997			27,997	16	27,997			27,997	17	27,997			27,997	18	27,997			27,997	19	27,997			27,997	20	27,997			27,997	21	27,997			27,997	22	27,997			27,997	23	27,997			27,997	24	26,695			495,302	26	11,230					5,084					177,892		
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LEVEL 1.5 - PROPOSED
SCALE: 1" = 30'-0"



LEVEL 02 - PROPOSED
SCALE: 1" = 30'-0"

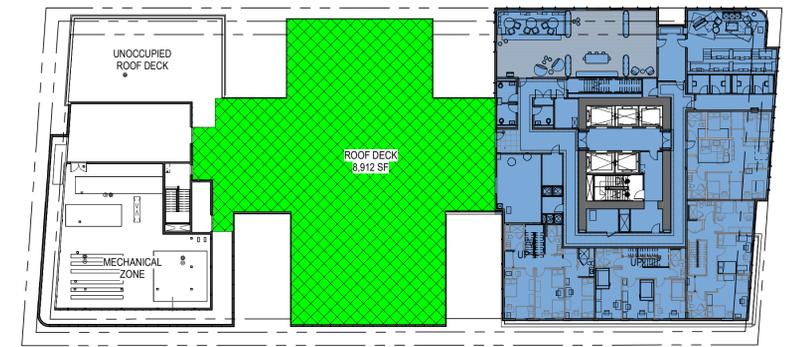


LEVEL 03-05 - PROPOSED
SCALE: 1" = 30'-0"

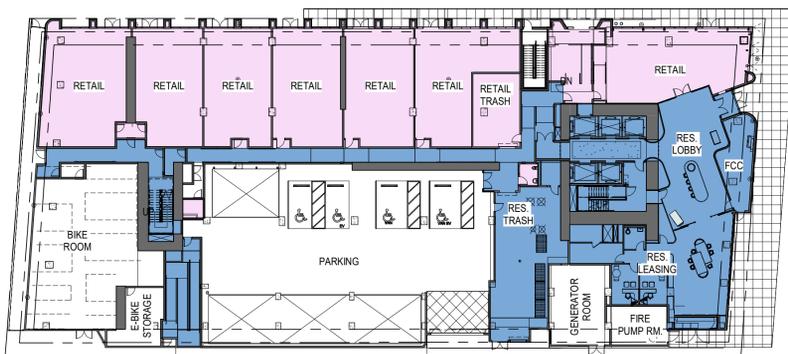
*LOWER LEVEL AND 06 - 07 SAME AS BASE PLANS, SEE SHEET G-5



LEVEL 23-24 - PROPOSED
SCALE: 1" = 30'-0"



LEVEL 25 - PROPOSED
SCALE: 1" = 30'-0"



LEVEL 01 - PROPOSED
SCALE: 1" = 30'-0"



LEVEL 08-22 - PROPOSED
SCALE: 1" = 30'-0"



LEVEL 26 - PROPOSED
SCALE: 1" = 30'-0"

This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

TYPICAL ABBREVIATIONS

AB - AGGREGATE BASE	LF - LINEAR FEET
AC - ASPHALT CONCRETE, ACRE	LP - LOW POINT
AD - AREA DRAIN	MAX - MAXIMUM
AHJ - AUTHORITY HAVING JURISDICTION	MEP - MECHANICAL / ELECTRICAL / PLUMBING
ARCH - ARCHITECTURAL	MIN - MINIMUM
ASPH - ASPHALT CONCRETE	MH - MANHOLE
BFP - BACKFLOW PREVENTER	N - NORTH
BGL - BOTTOM OF GRAVEL LAYER	NO - NUMBER
BM - BENCHMARK	N.T.S. - NOT TO SCALE
BMP - BEST MANAGEMENT PRACTICE	O.C. - ON CENTER
BLDG - BUILDING	O.C.E.W. - ON CENTER EACH WAY
BW - BACK OF WALK	PCC - PORTLAND CEMENT CONCRETE
BS - BOTTOM OF STAIR	PIV - POST INDICATOR VALVE
CB - CATCH BASIN	P/L - PROPERTY LINE
CITY - CITY OF BERKELEY	POC - POINT OF CONNECTION
CL - CENTERLINE	PUE - PUBLIC UTILITY EASEMENT
CO - CLEANOUT	PVC - POLYVINYL CHLORIDE
COMM - COMMUNICATION	R - RIDGE, RADIUS
CONC - CONCRETE	REF - REFER TO
CY - CUBIC YARD	RCP - REINFORCED CONCRETE PIPE
DI - DRAIN INLET	RW - RECLAIMED WATER
DIP - DUCTILE IRON PIPE	R/W - RIGHT-OF-WAY
DMA - DRAINAGE MANAGEMENT AREA	S - SEWER, SOUTH
DS - DOWNSPOUT	SD - STORM DRAIN
DTL - DETAIL	SF - SQUARE FEET
DW - DOMESTIC WATER	SPPWC - "GREENBOOK" STANDARD PLANS FOR PUBLIC WORKS CONSTRUCTION
DWG - DRAWING	STA - STATION
E - EAST	STD - STANDARD
EC - END OF CURVE	SS - SANITARY SEWER
EG - EXISTING GRADE	SSPW - "GREENBOOK" STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION
ELEC - ELECTRIC	SSW - SANITARY SEWER
ESMT - EASEMENT	SW - SIDEWALK
EP - EDGE OF PAVEMENT	T - TELEPHONE, TRANSFORMER
EX - EXISTING	TC - TOP OF CURB
FDC - FIRE DEPARTMENT CONNECTION	TCM - TREATMENT CONTROL MEASURE
FG - FINISHED FLOOR	TEMP - TEMPORARY
FG - FINISHED GRADE	TG - TOP OF GRATE
FH - FIRE HYDRANT	TGL - TOP OF GRAVEL LAYER
FL - FLOW LINE	TS - TOP OF STAIR
FS - FINISHED SURFACE	TSL - TOP OF SOIL LAYER
FW - FIRE WATER	TW - TOP OF WALL
GB - GRADE BREAK	TYP - TYPICAL
GI - GREASE INTERCEPTOR	VIF - VERIFY IN FIELD
HOPE - HIGH-DENSITY POLYETHYLENE	W - WATER, WEST
HP - HIGH POINT	XX.XX - PROPOSED ELEVATION
IMP - INTEGRATED MANAGEMENT PRACTICE	XX.XX - EXISTING ELEVATION
INV - INVERT	
IRR - IRRIGATION WATER	
JB - JUNCTION BOX	

SITE INFORMATION

ADDRESS: 2128 OXFORD ST. + 2132-2154 CENTER ST
BERKELEY, CALIFORNIA 94704
APN: 057 203100101, 057 203101300
SITE AREA: ±35.523 SF/±0.82 AC
EXISTING ZONING: C-DMU CORE
SPECIFIC PLAN: N/A
PROPOSED ZONING: NO CHANGE
EXISTING USE: RETAIL
PROPOSED USE: MIXED-USE (HIGH-DENSITY RESIDENTIAL & RETAIL)

FEMA FLOOD ZONE

ZONE: ZONE X, AREA OF MINIMAL FLOOD HAZARD
DEFINITION: 0.2% ANNUAL CHANCE FLOOD HAZARD, AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTH LESS THAN ONE FOOT OR WITH DRAINAGE AREAS OF LESS THAN ONE SQUARE MILE
MAP NUMBER: 06001C0057G
MAP DATE: 08/03/2009

GEOTECHNICAL REPORT

THE GEOTECHNICAL REPORT AND ALL SUBSEQUENT ISSUED REVISIONS AND ADDENDA SHALL BE CONSIDERED PART OF THESE DESIGN DOCUMENTS.

REFER TO THE GEOTECHNICAL ENGINEERING INVESTIGATION PREPARED BY ROCKRIDGE GEOTECHNICAL, DATED SEPTEMBER 25TH, 2023, IDENTIFIED AS 23-2370.

BASIS OF BEARINGS NOTE

BEARINGS SHOWN ON THIS MAP ARE REFERENCED TO THE CCS83, ZONE 3 GRID, [CSRS EPOCH 2017 50 NAD83(2011)] THIS SURVEY TIES TO CGPS STATIONS "OHLN", "P224", "TIBB", "MHDL", "P223", AND "P262" OF THE CSRS, THE LATITUDE AND LONGITUDE OF WHICH WERE HELD FIXED, OR PARTIALLY FIXED, IN AT LEAST SQUARES ADJUSTMENT. SEE SURVEYOR'S NOTES AND TIES TO CALIFORNIA SPATIAL REFERENCE SYSTEM DIAGRAM.

BENCHMARK NOTE

CITY OF BERKELEY DATUM ELEVATIONS REFERENCED TO CITY BENCHMARK "B1552" (FOUND MONUMENT 209), ELEVATION 204.04 FEET.

SEE SURVEYOR'S NOTES AND TIES TO CALIFORNIA SPATIAL REFERENCE SYSTEM DIAGRAM.

UTILITY PURVEYORS

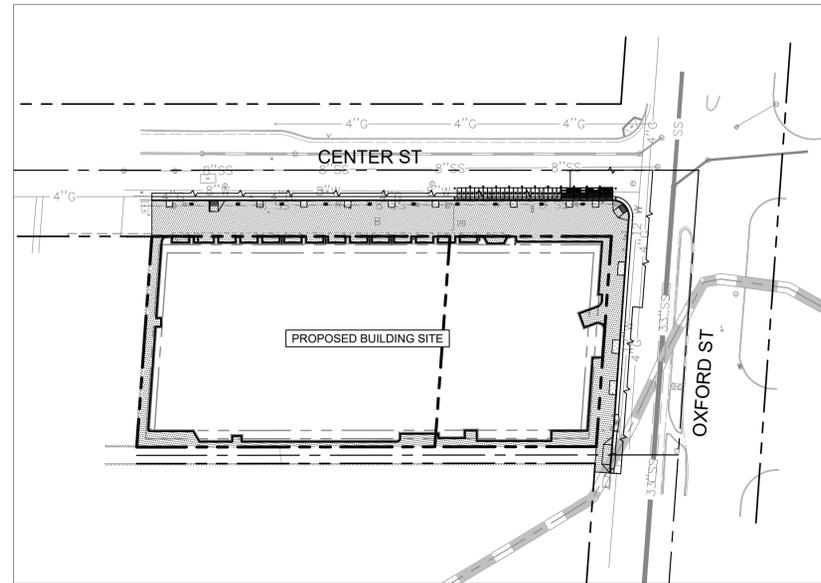
WATER SERVICE EBMUD 1947 CENTER STREET BERKELEY, CA 94704 (510) 287-1008	GAS & ELECTRIC SERVICE PG&E 300 LAKESIDE DR. OAKLAND, CA 94612 PAUL CARR (510) 437-2887
SEWER SERVICE CITY OF BERKELEY 2180 MILVIA ST., #3 BERKELEY, CA 94704 (510) 981-6300	

ONSITE IMPROVEMENT PLANS

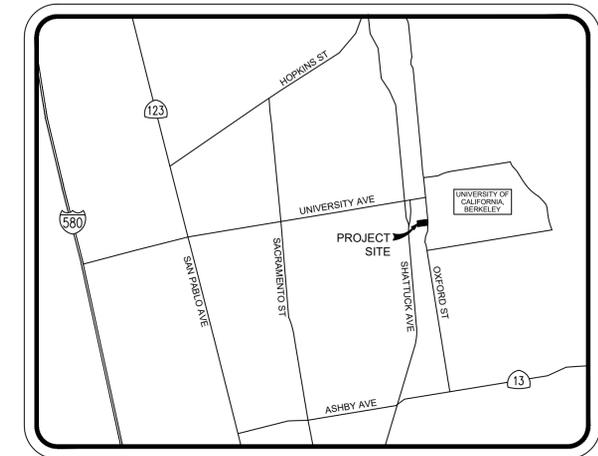
FOR

HUB BERKELEY

2128 OXFORD ST. + 2132-2154 CENTER ST
BERKELEY, CALIFORNIA 94704



SITE MAP
1" = 50'



VICINITY MAP
NOT TO SCALE

Sheet List Table

Sheet Number	Sheet Title
C001	COVER SHEET
C100	EXISTING CONDITIONS PLAN
C101	DEMOLITION PLAN
C150	PRELIMINARY SITE PLAN
C151	PRELIMINARY STRIPING & SIGNAGE PLAN
C200	PRELIMINARY GRADING PLAN
C201	PRELIMINARY UTILITY PLAN
C300	PRELIMINARY STORMWATER CONTROL PLAN
C301	CITY OF BERKELEY POLLUTION PREVENTION PLAN

PROJECT TEAM

OWNER JONATHAN KUBOW CORE BERKELEY OXFORD, LLC 1643 N MILWAUKEE AVE CHICAGO, IL 60647 JONATHANK@CORESPACES.COM (312) 593-3895	SURVEYOR JUSTIN HEIGHT GUIDA SURVEYING INC. 4695 CHABOT DRIVE, SUITE 115 PLEASANTON, CALIFORNIA 94588 JHEIGHT@GUIDAINC.COM (805) 448-0996	LANDSCAPE ARCHITECT MARK JIRIK SITE DESIGN GROUP 888 S MICHIGAN AVE, UNIT PH1 CHICAGO, IL 60605 MARK.JIRIK@SITE-DESIGN.COM (312) 374-5582
CIVIL ENGINEER NATHAN MAHONEY, PE KIMLEY-HORN AND ASSOCIATES, INC. 4637 CHABOT DRIVE, SUITE 350 PLEASANTON, CA 94588 NATHAN.MAHONEY@KIMLEY-HORN.COM 925.398.4840	GEOTECHNICAL ENGINEER TIMOTHY FORREST ROCKRIDGE GEOTECHNICAL 1350 OCEAN AVENUE EMERYVILLE, CA 94608 (510) 420-5737	ARCHITECT AMY KONG DLR GROUP 700 SOUTH FLOWER STREET LOS ANGELES, CA 90017 AKONG@DLRGROUP.COM (213) 493-5901

No.	REVISIONS	DATE	BY

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PHONE: 925-398-4840 FAX: 925-398-4849
WWW.KIMLEY-HORN.COM

KHA PROJECT 197297002	DATE 10/31/2023	SCALE AS SHOWN	DESIGNED BY JP	DRAWN BY JP	CHECKED BY NM
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COVER SHEET

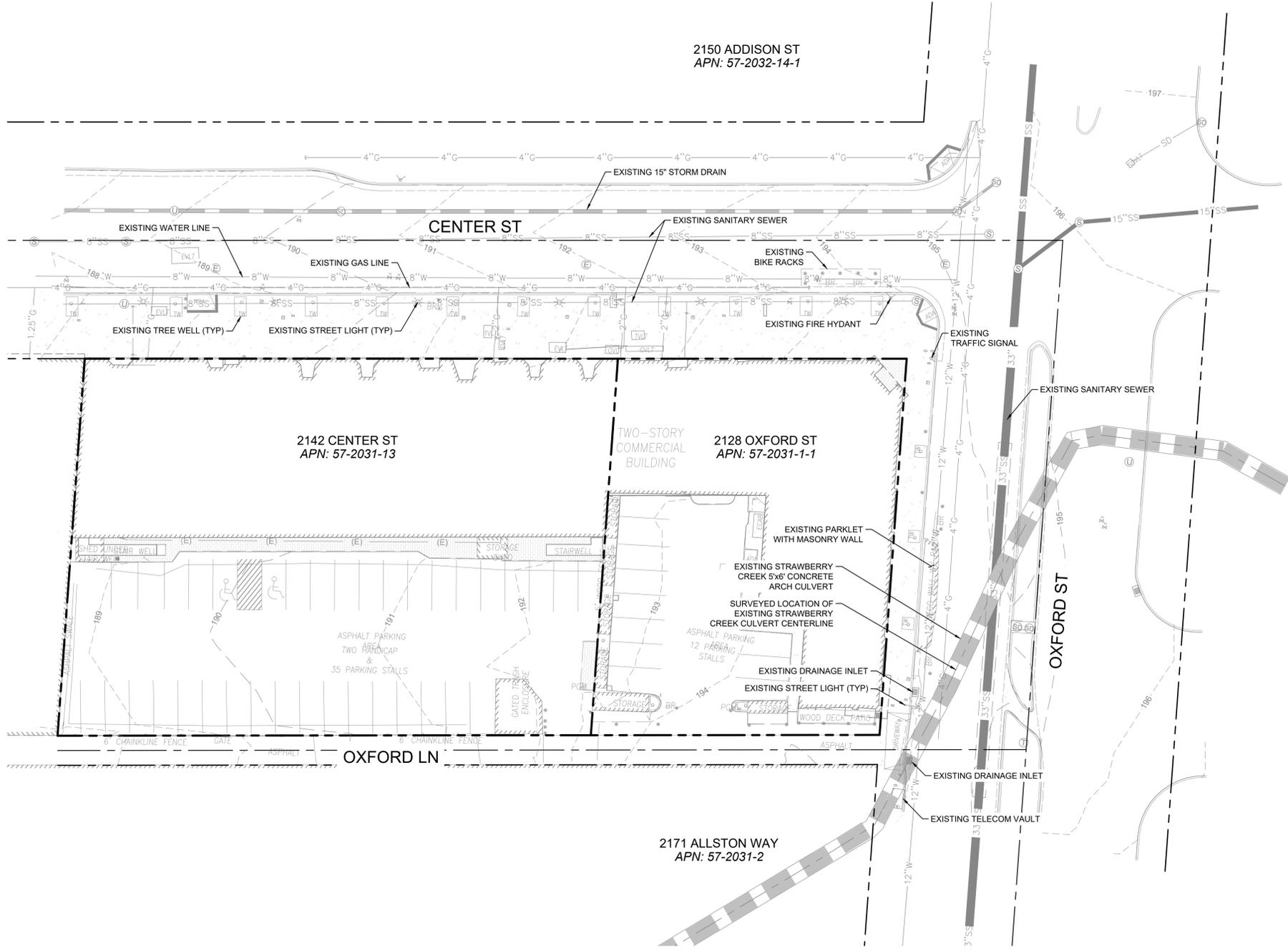
**HUB BERKELEY
PREPARED FOR
CORE SPACES**

SHEET NUMBER
C001



BERKELEY CA

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LEGEND

- — — — — PROPERTY LINE
- — — — — CENTER LINE
- — — — — EASEMENT LINE
- XXX --- EXISTING SURFACE CONTOUR

GENERAL NOTES

- THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ALTA/NSPS LAND TITLE SURVEY PREPARED BY GUIDA SURVEYING INC. WITH DATA COLLECTED FROM A FIELD SURVEY PERFORMED IN FEBRUARY 2021.
- THE LOCATIONS AND EXISTENCE OF ALL UNDERGROUND UTILITY LINES SHOWN ON THIS PLAN HAVE NOT BEEN CONFIRMED. THE INFORMATION SHOWN HEREON IS APPROXIMATE AND ASSUMED BASED ON ABOVE GROUND VISUAL EVIDENCE AND RECORD DRAWINGS PROVIDED BY THE CITY OF BERKELEY.

ABBREVIATIONS

- BR BIKE RACK
- BLDG BUILDING
- E ELECTRICAL
- FS FINISHED SURFACE
- G GAS
- S SANITARY SEWER
- SCO SEWER CLEANOUT
- SD STORM DRAIN
- ST STREET LIGHTING
- T TELECOMMUNICATION
- TS TRAFFIC SIGNAL
- TW TREE WELL
- U UNKNOWN UTILITY
- VL VENT
- W WATER

No.	REVISIONS	DATE	BY

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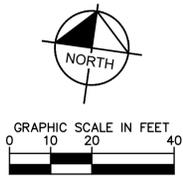
KHA PROJECT	197297002
DATE	10/31/2023
SCALE AS SHOWN	AS SHOWN
DESIGNED BY	JP
DRAWN BY	JP
CHECKED BY	NM

**EXISTING
 CONDITIONS PLAN**

HUB BERKELEY
 PREPARED FOR
CORE SPACES

BERKELEY CA

SHEET NUMBER
C100



DEMOLITION KEYNOTES

- 1 DEMOLISH EXISTING BUILDING.
- 2 DEMOLISH EXISTING PAVED PARKING LOT.
- 3 DEMOLISH EXISTING TREE.
- 4 DEMOLISH EXISTING STRUCTURE.
- 5 DEMOLISH EXISTING STAIRWELL.
- 6 DEMOLISH EXISTING CONCRETE SIDEWALK.
- 7 DEMOLISH AND REMOVE EXISTING SEWER LATERAL. CAP AT MAIN. COORDINATE WITH CITY PUBLIC WORKS DEPARTMENT.
- 8 DEMOLISH AND REMOVE EXISTING WATER SERVICE. COORDINATE SERVICE SHUTOFF AND REMOVAL WITH EBMUD.
- 9 DEMOLISH AND REMOVE EXISTING GAS SERVICE. COORDINATE SERVICE SHUTOFF AND REMOVAL WITH PG&E.
- 10 DEMOLISH AND REMOVE EXISTING ELECTRIC UTILITY. COORDINATE SERVICE SHUTOFF AND REMOVAL WITH PG&E.
- 11 DEMOLISH AND REMOVE EXISTING DRAINAGE INLET.
- 12 DEMOLISH AND REMOVE EXISTING BIKE RACK.
- 13 DEMOLISH AND REMOVE EXISTING BOLLARD.
- 14 DEMOLISH AND REMOVE EXISTING UTILITY VALVE.

PROTECTION KEYNOTES

- 1 PROTECT-IN-PLACE EXISTING BUILDING.
- 2 PROTECT FOUNDATION AND CONDUITS. SALVAGE AND REUSE LIGHT POLE AND LUMINAIRE.
- 3 PROTECT FOUNDATION AND CONDUITS. SALVAGE AND REUSE TRAFFIC LIGHT, LIGHT POLE AND LUMINAIRE.
- 4 PROTECT-IN-PLACE EXISTING UTILITY LINE.
- 5 PROTECT-IN-PLACE EXISTING UTILITY STRUCTURE.
- 6 PROTECT-IN-PLACE EXISTING STRAWBERRY CREEK CULVERT.
- 7 SALVAGE AND REUSE EXISTING PARKING METER.
- 8 SALVAGE AND RELOCATE EXISTING IKE SMART CITY KIOSK. COORDINATE RELOCATION WITH CITY OF BERKELEY.
- 9 PROTECT-IN-PLACE EXISTING UTILITY VALVE.

LEGEND

- PROPERTY LINE
- CENTER LINE
- EASEMENT LINE
- APPROXIMATE LIMIT OF DEMOLITION
- X-X-X-X-X- DEMOLISH EXISTING UTILITY
- DEMOLISH AND REMOVE ALL CURB, SIDEWALK, PAVEMENT, BASE COURSES, STRUCTURES, MISCELLANEOUS SURFACE IMPROVEMENTS, AND LANDSCAPING INCLUDING ROOTS AND ORGANIC MATERIAL WITHIN LIMITS UNLESS OTHERWISE NOTED
- X DEMOLISH EXISTING TREE

EXISTING UTILITY NOTE

EXISTING UTILITIES ARE SHOWN ON THESE PLANS AS THEY ARE BELIEVED TO EXIST BASED ON AVAILABLE RECORDS BY OTHERS. THE OWNER AND ENGINEER DO NOT ACCEPT RESPONSIBILITY FOR THEIR ACCURACY OR COMPLETENESS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTENCE, LOCATION, DEPTH, AND DIMENSION OF ALL UTILITIES PRIOR TO CONSTRUCTION. THIS SHALL INCLUDE CALLING UNDERGROUND SERVICE ALERT, POT-HOLING, AND SURVEYING THE HORIZONTAL AND VERTICAL LOCATIONS OF UTILITIES AT ALL PROPOSED UTILITY CROSSINGS, AREAS OF EXCAVATION, AND WHERE CONSTRUCTION MAY BE AFFECTED BY THE LOCATION OR DEPTH OF THE UTILITY. DISCREPANCIES OR POTENTIAL CONFLICTS WITH PROPOSED IMPROVEMENTS MUST BE REPORTED TO AND RESOLVED BY THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.

DEMOLITION NOTES

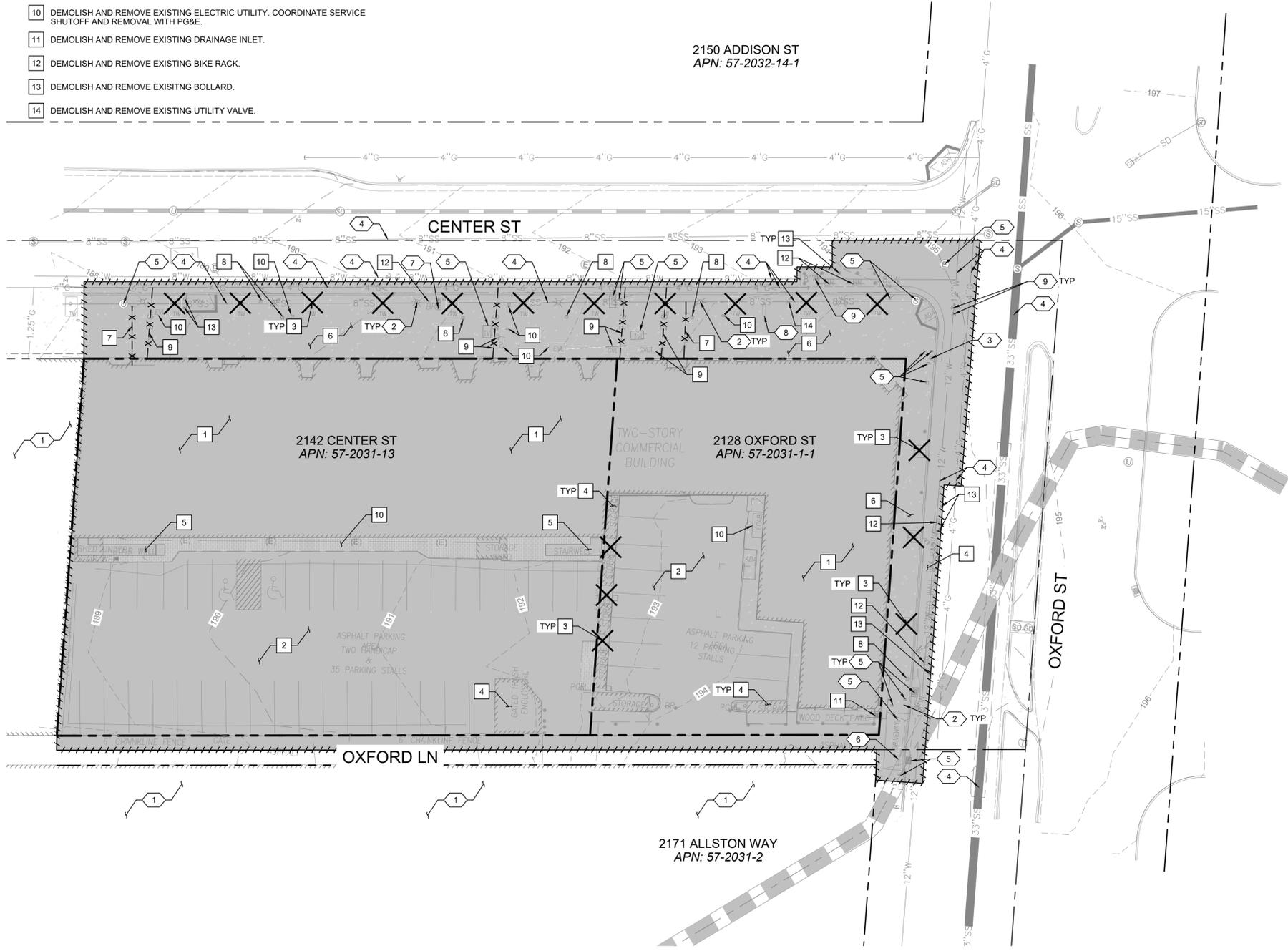
1. THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ALTANSPS LAND TITLE SURVEY PREPARED BY GUIDA SURVEYING INC. WITH DATA COLLECTED FROM A FIELD SURVEY PERFORMED IN FEBRUARY 2021.
2. CONTRACTOR SHALL COORDINATE DISCONNECTION AND REMOVAL OF ALL EXISTING GAS AND ELECTRIC SERVICES WITH PG&E. AN APPLICATION FOR REMOVAL MUST BE SUBMITTED TO PG&E. EXISTING FACILITIES SHALL BE PROTECTED IN PLACE UNLESS APPROVED FOR REMOVAL BY THE UTILITY OWNER.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR CONFORMING TO ALL APPLICABLE LOCAL, STATE, AND/OR FEDERAL CODES AND REGULATIONS FOR DEMOLITION, SAFETY OF ADJACENT STRUCTURES, DUST CONTROL, RUNOFF CONTROL AND DISPOSAL OF DEBRIS.
4. ALL MATERIAL TO BE REMOVED FROM THE SITE SHALL BE PROPERLY DISPOSED OF BY THE CONTRACTOR IN A LEGAL MANNER AS PART OF THIS CONTRACT.
5. CONTRACTOR SHALL REUSE OR RECYCLE 100% OF TREES, STUMPS, ROCKS AND ASSOCIATED VEGETATION AND SOILS RESULTING FROM PRIMARY LAND CLEARING PER CALGREEN 5.408.3.
6. CONTRACTOR SHALL VERIFY THAT ALL IMPROVEMENTS BEING REMOVED ARE FULLY CONTAINED WITHIN THE LIMITS OF DEMOLITION, AND THAT THEY DO NOT SERVE ANY FUNCTION FOR IMPROVEMENTS BEYOND THE LIMITS OF DEMOLITION. IF ANY ITEMS ARE IN QUESTION, THE CONTRACTOR SHALL CONTACT THE OWNER PRIOR TO REMOVAL OF SAID ITEMS. IF DEMOLITION OR CONSTRUCTION ON SITE WILL INTERFERE WITH THE ADJACENT PROPERTY OWNER'S TRAFFIC FLOW, THE CONTRACTOR SHALL COORDINATE WITH ADJACENT PROPERTY OWNER, TO MINIMIZE THE IMPACT ON TRAFFIC FLOW. TEMPORARY RE-ROUTING OF TRAFFIC IS TO BE ACCOMPLISHED BY USING CALTRANS APPROVED TRAFFIC BARRICADES, BARRELS, AND/OR CONES. TEMPORARY SIGNAGE AND FLAGMEN MAY BE ALSO NECESSARY.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS REQUIRED FOR DEMOLITION AND PAYING ALL SPECIFIED FEES. AN ENCROACHMENT PERMIT SHALL BE OBTAINED FROM THE CITY FOR DEMOLITION IN THE PUBLIC RIGHT-OF-WAY.
8. EROSION CONTROL MUST BE ESTABLISHED PRIOR TO ANY WORK ON SITE INCLUDING DEMOLITION.
9. CONTRACTOR TO INSTALL CHAIN LINK FENCE WITH MESH SCREEN AT THE PROJECT LIMITS TO PROTECT PUBLIC FROM ENTERING CONSTRUCTION AREA.
10. CONTRACTOR SHALL ADJUST THE GRADE OF ANY EXISTING UTILITIES TO REMAIN.
11. CONTRACTOR SHALL PROVIDE FULL DEPTH SAW CUTS AT EDGES OF EXISTING PAVEMENT AND SIDEWALK REMOVAL LOCATIONS. ALL CONCRETE PAVEMENT SHALL BE REMOVED TO THE NEAREST SCORE JOINT.
12. REFER TO THE PROJECT GEOTECHNICAL INVESTIGATION REPORT FOR ALL SITE AND SUBSURFACE PREPARATION.
13. REFER TO ARBORIST REPORT AND/OR TREE PROTECTION PLAN FOR TREE REMOVALS AND PROTECTION FOR TREES TO REMAIN.
14. CONTRACTOR SHALL BE RESPONSIBLE FOR DEMOLISHING AND REMOVING ANY EXISTING PRIVATE UTILITIES AS REQUIRED TO COMPLETE THE WORK INDICATED ON THESE PLANS. EXISTING UTILITIES MAY BE ABANDONED IN PLACE IF ABANDONMENT DOES NOT RESULT IN ANY CONFLICT WITH THE PROPOSED WORK AS DETERMINED BY THE CONTRACTOR. ALL ABANDONED UTILITIES SHALL BE CUT AND CAPPED.

SIDEWALK ACCESS NOTE

CONTRACTOR SHALL MAINTAIN AN ACCESSIBLE PATH FOR PEDESTRIANS AROUND THE PROJECT LIMITS AT ALL TIMES DURING CONSTRUCTION.

MONUMENT PRESERVATION NOTE

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OF ALL SURVEY MONUMENTATION AND REFERENCE POINTS WHICH MAY BE LOST OR DISTURBED AS A RESULT OF THE WORK.
2. PRIOR TO THE START OF CONSTRUCTION THE CONTRACTOR SHALL VERIFY THE LOCATION OF MONUMENTATION WHICH MAY BE DISTURBED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PRESERVATION OR REPLACEMENT OF ALL SUCH MONUMENTATION IN COMPLIANCE WITH SECTION 8771 OF THE STATE OF CALIFORNIA BUSINESS AND PROFESSIONS CODE.
3. THE CONTRACTOR SHALL EMPLOY A LICENSED SURVEYOR TO SET TIES TO ANY MONUMENT THAT MAY BE DISTURBED OR LOST DURING THE COURSE OF THE WORK. SUCH TIES SHALL BE SET IN LOCATIONS THAT WILL NOT OTHERWISE BE DISTURBED.
4. THE CONTRACTOR SHALL BEAR ALL COSTS OF SURVEY, RE-SURVEY, REFERENCE TIES, REPLACEMENT CORNERS, CORNER RECORDS, MAPPING, CHECKING AND RECORDING FEES WHICH MAY BE REQUIRED AS A RESULT OF LOSS OR DISTURBANCE OF MONUMENTATION THAT MAY OCCUR DURING THE COURSE OF THE WORK.



2150 ADDISON ST
APN: 57-2032-14-1

2142 CENTER ST
APN: 57-2031-13

2128 OXFORD ST
APN: 57-2031-1-1

2171 ALLSTON WAY
APN: 57-2031-2

No.	REVISIONS	DATE	BY

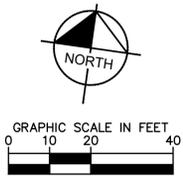
Kimley-Horn
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PHONE: 925-398-4840 FAX: 925-398-4849
WWW.KIMLEY-HORN.COM

KHA PROJECT	197297002
DATE	10/31/2023
SCALE	AS SHOWN
DESIGNED BY	JP
DRAWN BY	JP
CHECKED BY	NM

DEMOLITION PLAN

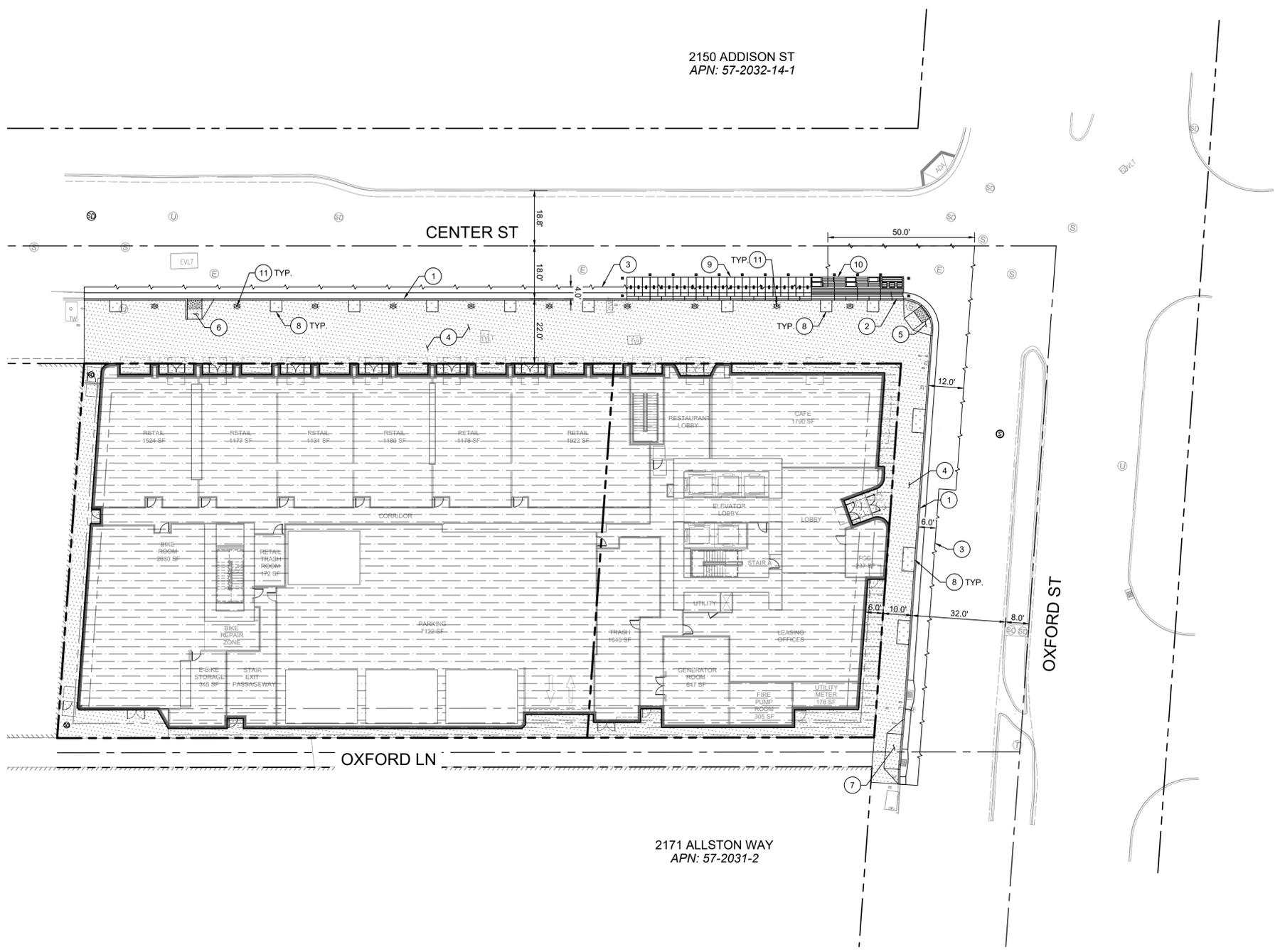
HUB BERKELEY
PREPARED FOR
CORE SPACES

SHEET NUMBER
C101



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LEGEND

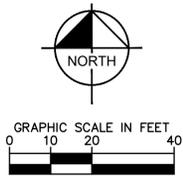
- — — — — PROPERTY LINE
- — — — — CENTER LINE
- - - - - EASEMENT LINE
- — — — — APPROXIMATE CIVIL LIMIT OF WORK LINE
- — — — — BUILDING WALL (AT GROUND LEVEL)
- — — — — BUILDING OVERHANG
- — — — — APPROXIMATE LIMIT OF LOWER LEVEL (LOWER LEVEL FLOOR IS 15' BELOW GROUND LEVEL)
- — — — — PAVEMENT SAWCUT AND JOIN LINE
- [Pattern] CONCRETE WALK
- [Pattern] CONCRETE PAVEMENT
- [Pattern] ASPHALT CONCRETE
- [Pattern] LANDSCAPE AREA

GENERAL NOTES

1. THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ALTA/NSPS LAND TITLE SURVEY PREPARED BY GUIDA SURVEYING INC. WITH DATA COLLECTED FROM A FIELD SURVEY PERFORMED IN FEBRUARY 2021.
2. THE LOCATIONS AND EXISTENCE OF ALL UNDERGROUND UTILITY LINES SHOWN ON THIS PLAN HAVE NOT BEEN CONFIRMED. THE INFORMATION SHOWN HEREON IS APPROXIMATE AND ASSUMED BASED ON ABOVE GROUND VISUAL EVIDENCE AND RECORD DRAWINGS PROVIDED BY THE CITY OF BERKELEY.

CONSTRUCTION NOTES

1. CONSTRUCT 6" CONCRETE CURB AND GUTTER PER CITY OF BERKELEY STANDARD DETAIL 8145.
2. CONSTRUCT 8" CONCRETE CURB AND GUTTER PER CITY OF BERKELEY STANDARD DETAIL 8145.
3. SAWCUT AND JOIN TO EXISTING PAVEMENT PER CITY OF BERKELEY STANDARD DETAIL 8148.
4. CONSTRUCT CONCRETE SIDEWALK PER CITY OF BERKELEY STANDARD DETAIL 8153.
5. CONSTRUCT CALTRANS STANDARD CURB RAMP CASE A PER CALTRANS STANDARD PLAN A88A.
6. CONSTRUCT CALTRANS STANDARD CURB RAMP CASE G PER CALTRANS STANDARD PLAN A88A.
7. CONSTRUCT COMMERCIAL DRIVEWAY WITH SEPARATED SIDEWALK PER CITY OF BERKELEY STANDARD DETAIL 8151.
8. CONSTRUCT TREE PLANTER PER CITY OF BERKELEY STANDARD DETAIL 8152. SEE LANDSCAPING PLANS FOR ADDITIONAL DETAILS.
9. INSTALL MODULAR BIKE PARKING. SEE LANDSCAPE PLANS FOR ADDITIONAL DETAILS.
10. INSTALL MODULAR PARKLET. SEE LANDSCAPE PLANS FOR ADDITIONAL DETAILS.
11. REINSTALL SALVAGED STREET LIGHT. SEE ARCHITECTURAL PLANS FOR ADDITIONAL DETAILS.



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KHA PROJECT 197297002	DATE 10/31/2023	SCALE AS SHOWN	DESIGNED BY JP	DRAWN BY JP	CHECKED BY NM
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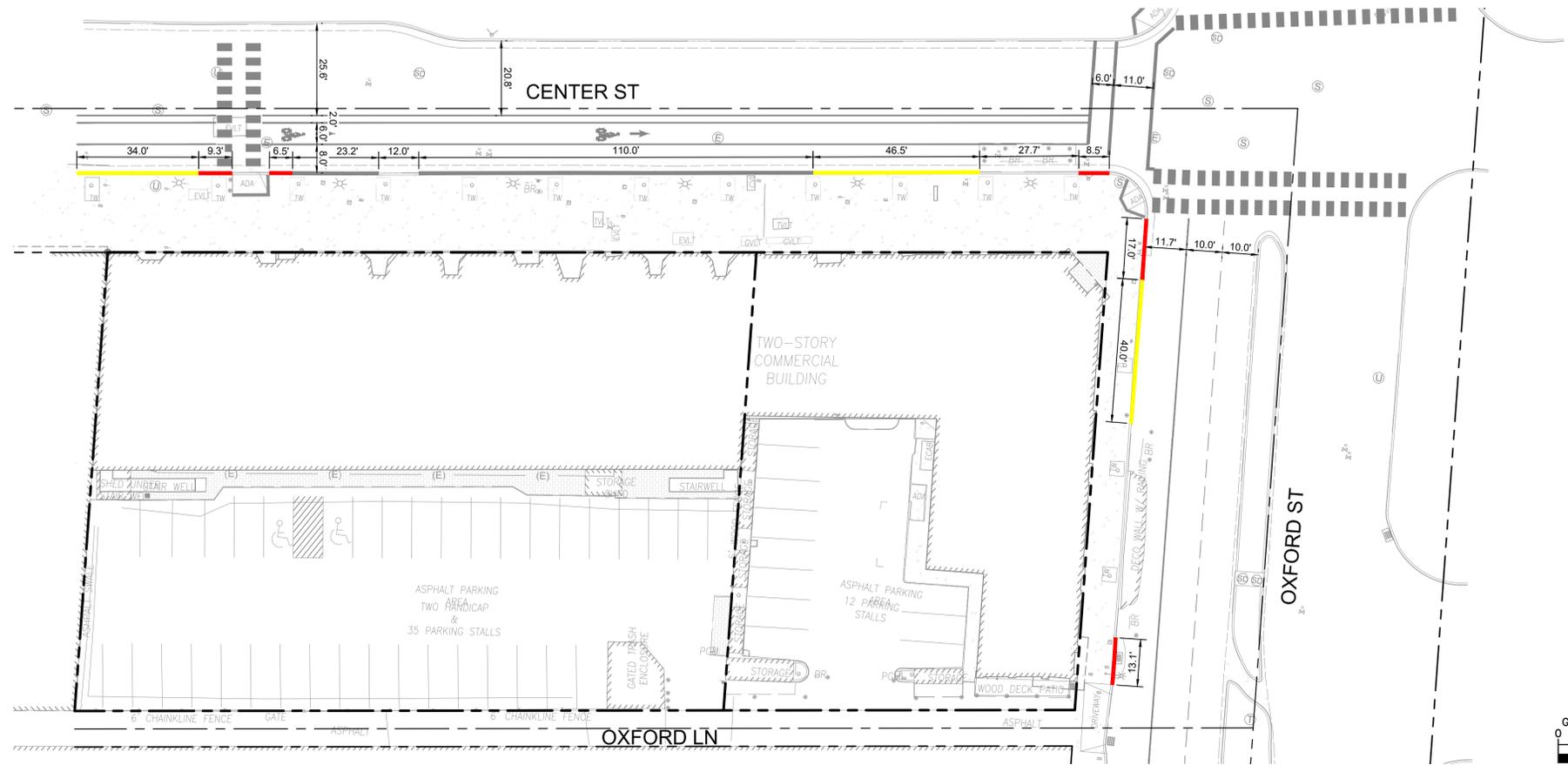
**PRELIMINARY SITE
 PLAN**

**HUB BERKELEY
 PREPARED FOR
 CORE SPACES**

BERKELEY CA

SHEET NUMBER
C150

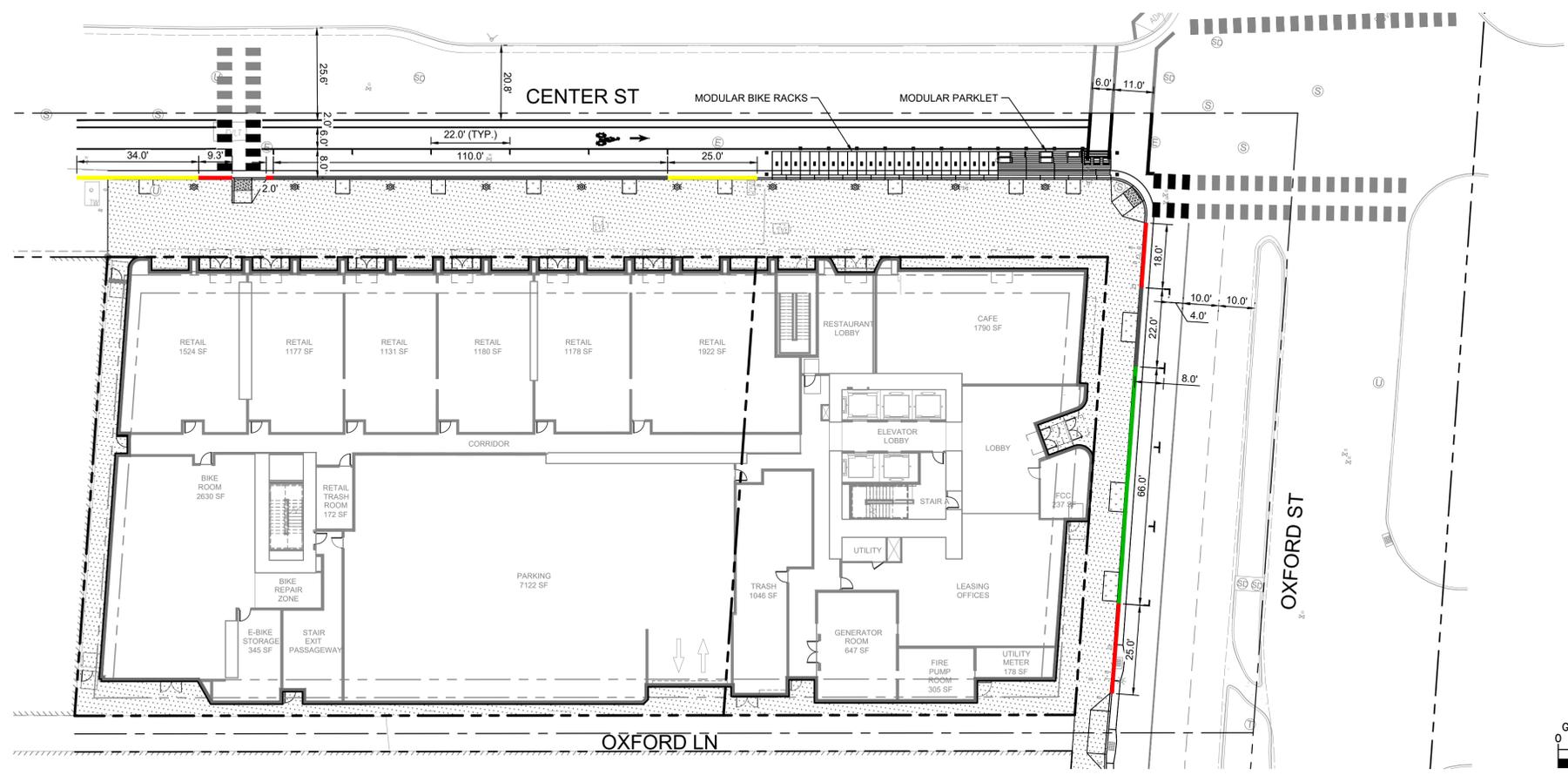
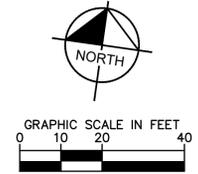
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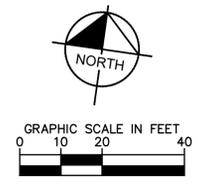
EXISTING STRIPING CONDITIONS

LEGEND

	PROPERTY LINE
	CENTER LINE
	EASEMENT LINE
	CURB - PARKING
	PAINT CURB YELLOW - COMMERCIAL LOADING (30 MINUTES MAX)
	PAINT CURB RED - NO PARKING
	PAINT CURB GREEN - SHORT TERM PARKING (10 MINUTES)



PROPOSED STRIPING CONDITIONS



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KHA PROJECT	197297002
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CHECKED BY	NM

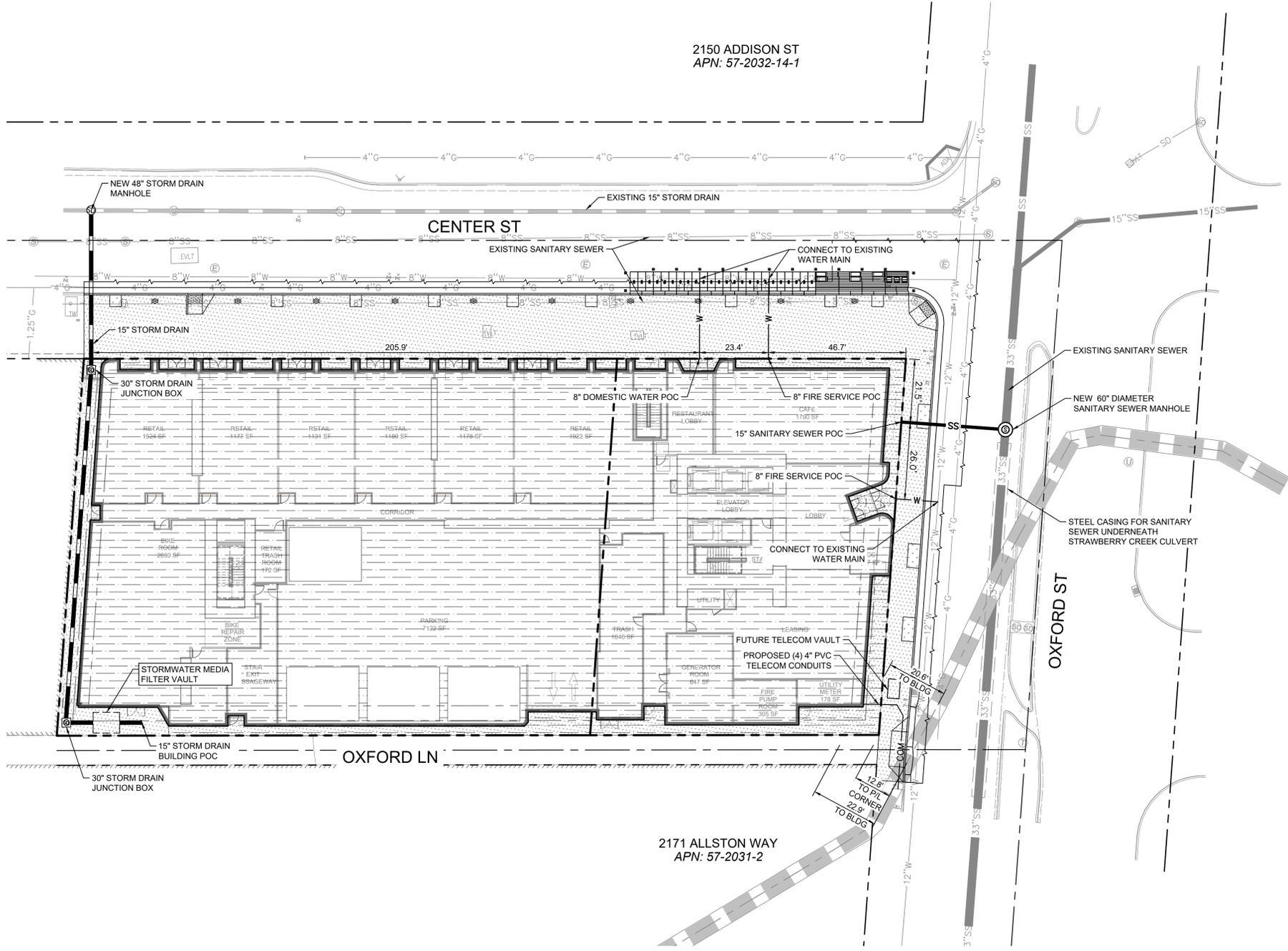
PRELIMINARY STRIPING & SIGNAGE PLAN

HUB BERKELEY PREPARED FOR CORE SPACES

SHEET NUMBER
C151

BERKELEY CA

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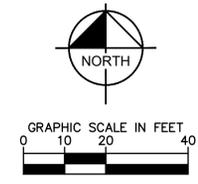
	PROPERTY LINE
	CENTER LINE
	EASEMENT LINE
	BUILDING WALL (AT GROUND LEVEL)
	BUILDING OVERHANG
	APPROXIMATE LIMIT OF LOWER LEVEL (LOWER LEVEL FLOOR IS 15' BELOW GROUND LEVEL)

- GENERAL NOTES**
- THE EXISTING CONDITIONS SHOWN ON THIS PLAN ARE BASED UPON AN ALTA/SPS LAND TITLE SURVEY PREPARED BY GUIDA SURVEYING INC. WITH DATA COLLECTED FROM A FIELD SURVEY PERFORMED IN FEBRUARY 2021.
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- UTILITY NOTES**
- CONTRACTOR SHALL COORDINATE WITH EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) FOR DOMESTIC AND FIRE WATER CONNECTIONS.

ABBREVIATIONS

FS	FINISHED SURFACE
SD	STORM DRAIN
SS	SANITARY SEWER



No.	REVISIONS	DATE	BY

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KHA PROJECT	197297002
DATE	10/31/2023
SCALE	AS SHOWN
DESIGNED BY	JP
DRAWN BY	JP
CHECKED BY	NM

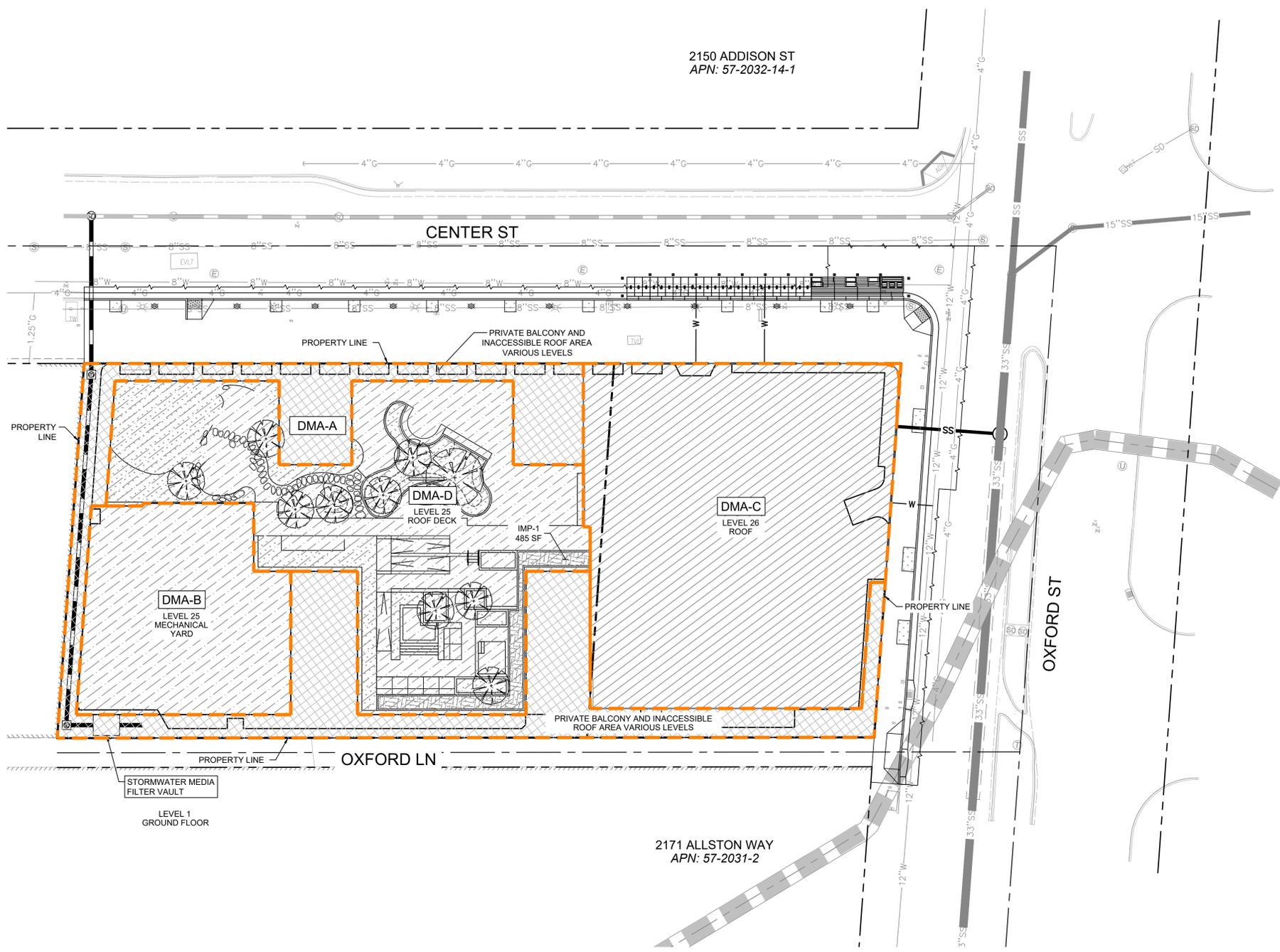
PRELIMINARY UTILITY PLAN

HUB BERKELEY
 PREPARED FOR
CORE SPACES

BERKELEY CA

SHEET NUMBER
C201

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LEGEND

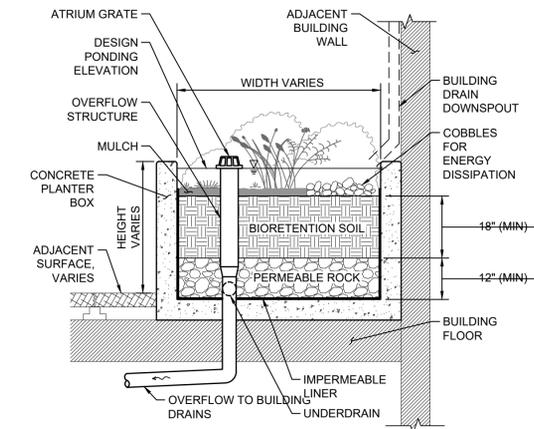
- PROPERTY LINE
- CENTER LINE
- EASEMENT LINE
- DRAINAGE MANAGEMENT AREA (DMA) BOUNDARY
- [Pattern] BIORETENTION AREA, SEE DETAIL 1 HEREON
- [Pattern] LANDSCAPE AREA

GENERAL NOTES

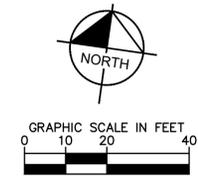
- ALL STORMWATER CONTROL MEASURES SHALL BE DESIGNED PER THE LATEST VERSION OF THE ALAMEDA COUNTY CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE MANUAL.

PROPOSED STORMWATER TREATMENT SUMMARY

DMA NAME	TOTAL AREA (SF)	PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	REQUIRED LID TREATMENT AREA (SF) - 4% RULE	PROVIDED LID TREATMENT (SF)	SURFACE TYPE - TREATMENT LOCATION
DMA-A	8,091	0	8,091	8,091	324	0	ROOF AREA - MEDIA FILTER TREATMENT UNIT
DMA-B	4,772	0	4,772	4,772	191	0	ROOF AREA - MEDIA FILTER TREATMENT UNIT
DMA-C	11,871	0	11,871	11,871	475	0	ROOF AREA - IMP-1
DMA-D	10,788	3,968	6,820	7,217	289	485	ROOF AREA - MEDIA FILTER TREATMENT UNIT
TOTAL	35,522	3,968	31,554	31,951	1,278	485	--



TYPICAL BIORETENTION PLANTER ON STRUCTURE
 NOT TO SCALE



No.	REVISIONS	DATE	BY

Kimley-Horn

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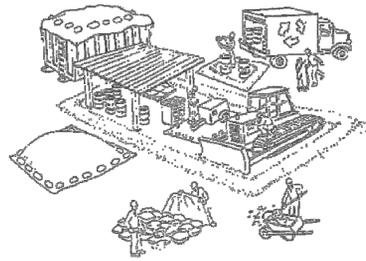
KHA PROJECT 197297002	DATE 10/31/2023	SCALE AS SHOWN	DESIGNED BY JP	DRAWN BY JP	CHECKED BY NM
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PRELIMINARY STORMWATER CONTROL PLAN

HUB BERKELEY
 PREPARED FOR
 CORE SPACES

BERKELEY

City of Berkeley's Pollution Prevention - It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with City of Berkeley requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- ✓ Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
- ✓ Use (but don't overuse) reclaimed water for dust control as needed.
- ✓ Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
- ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with City of Berkeley Ordinances for recycling construction materials, wood, gyp board, pipe, etc.
- ✓ Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
- ✓ Cover all dumpsters with a tarp at the end of every work day or during wet weather.

Hazardous materials management

- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- ✓ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
- ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
- ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- ✓ Dispose of all containment and cleanup materials properly.
- ✓ Report any hazardous materials spills immediately! Dial 911 or the City of Berkeley's Public Works Department by dialing 311

Construction Entrances and Perimeter

- ✓ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- ✓ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it will not collect in the street.
- ✓ Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.



- ✓ Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.

- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.

Architectural Copper

If project contains architectural copper use best management practices as detailed in the handout Requirements for Architectural Copper available at the lobby of the Permit Service Center.

Dewatering operations

- ✓ Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.



- ✓ Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.

- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work



- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- ✓ Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.



- ✓ Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.

Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



Landscape Materials

- ✓ Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- ✓ Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

Storm drain polluters may be liable for fines of \$10,000 or more per day!

For references and more detailed information:
www.cleanwaterprogram.org
www.cabmphandbooks.com

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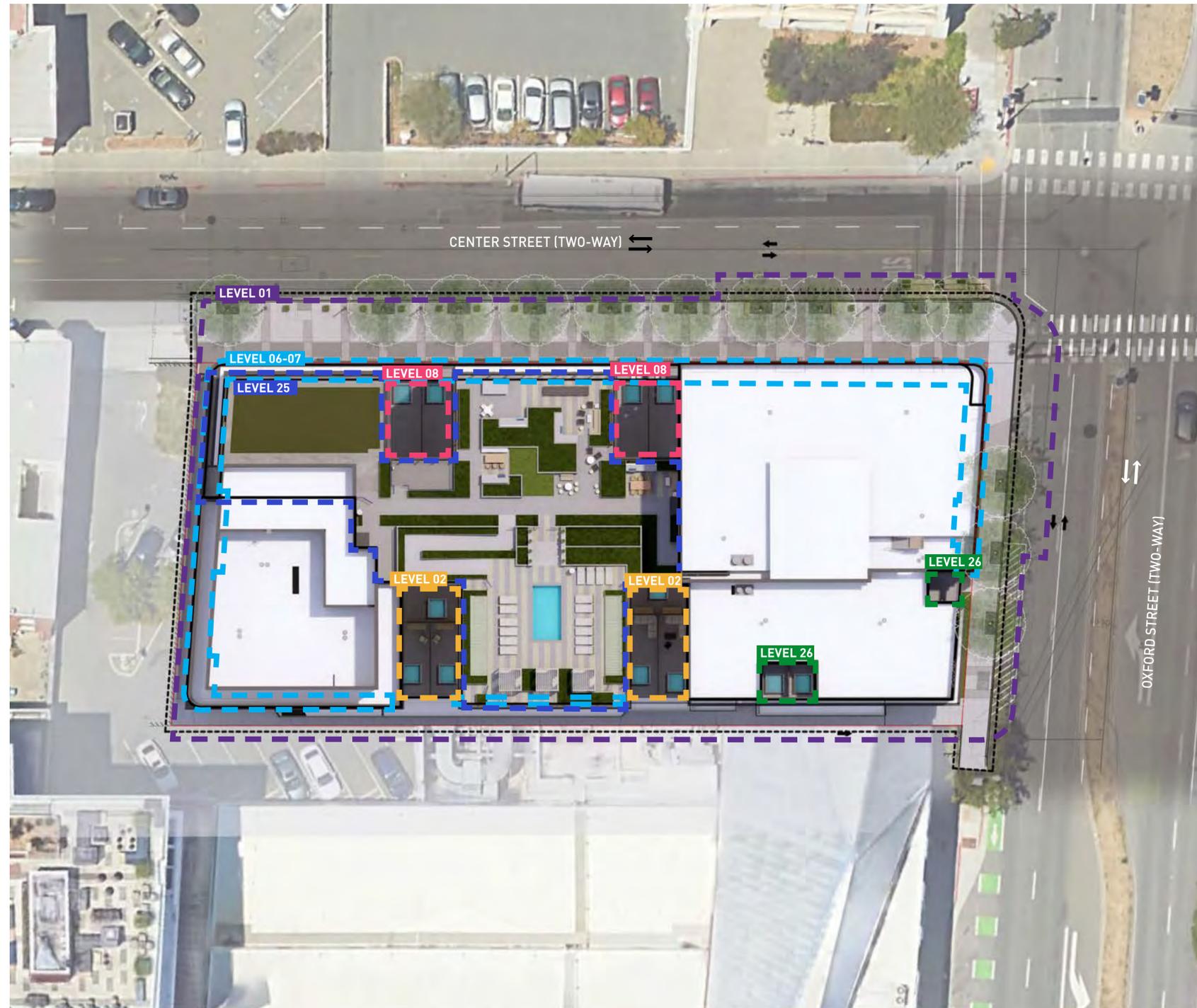
KHA PROJECT	197297002
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CITY OF BERKELEY
 POLLUTION
 PREVENTION PLAN

HUB BERKELEY
 PREPARED FOR
 CORE SPACES

SHEET NUMBER
C301

BERKELEY



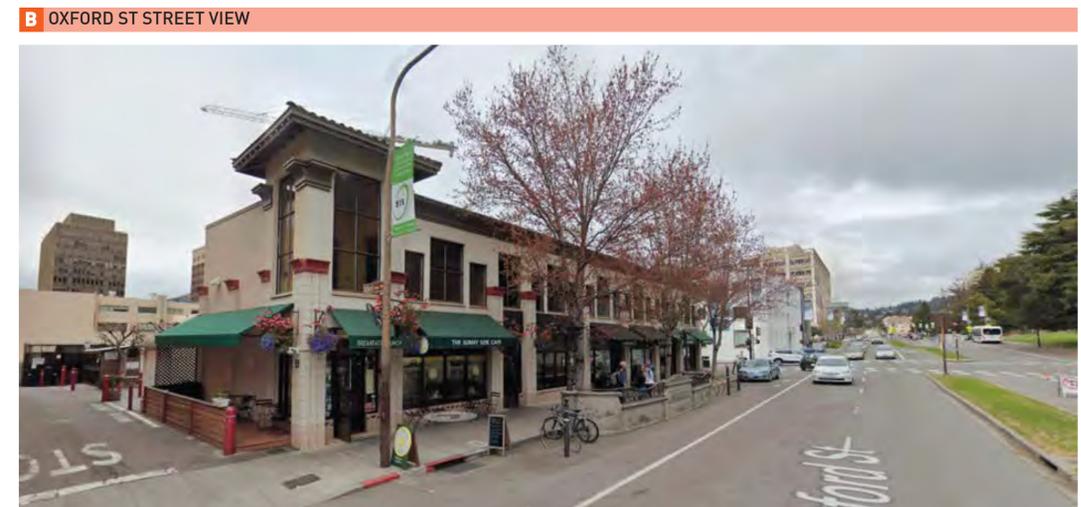
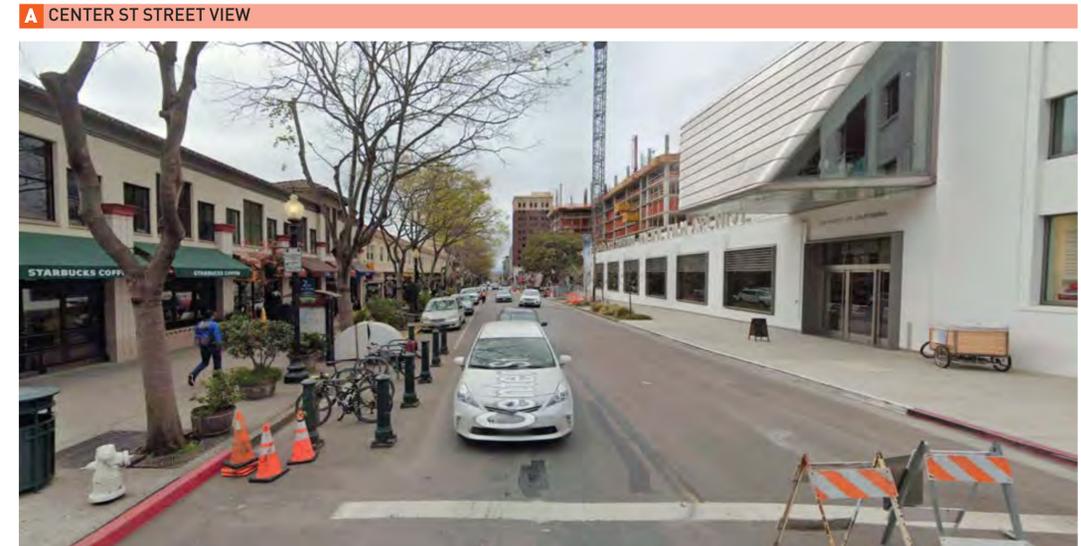
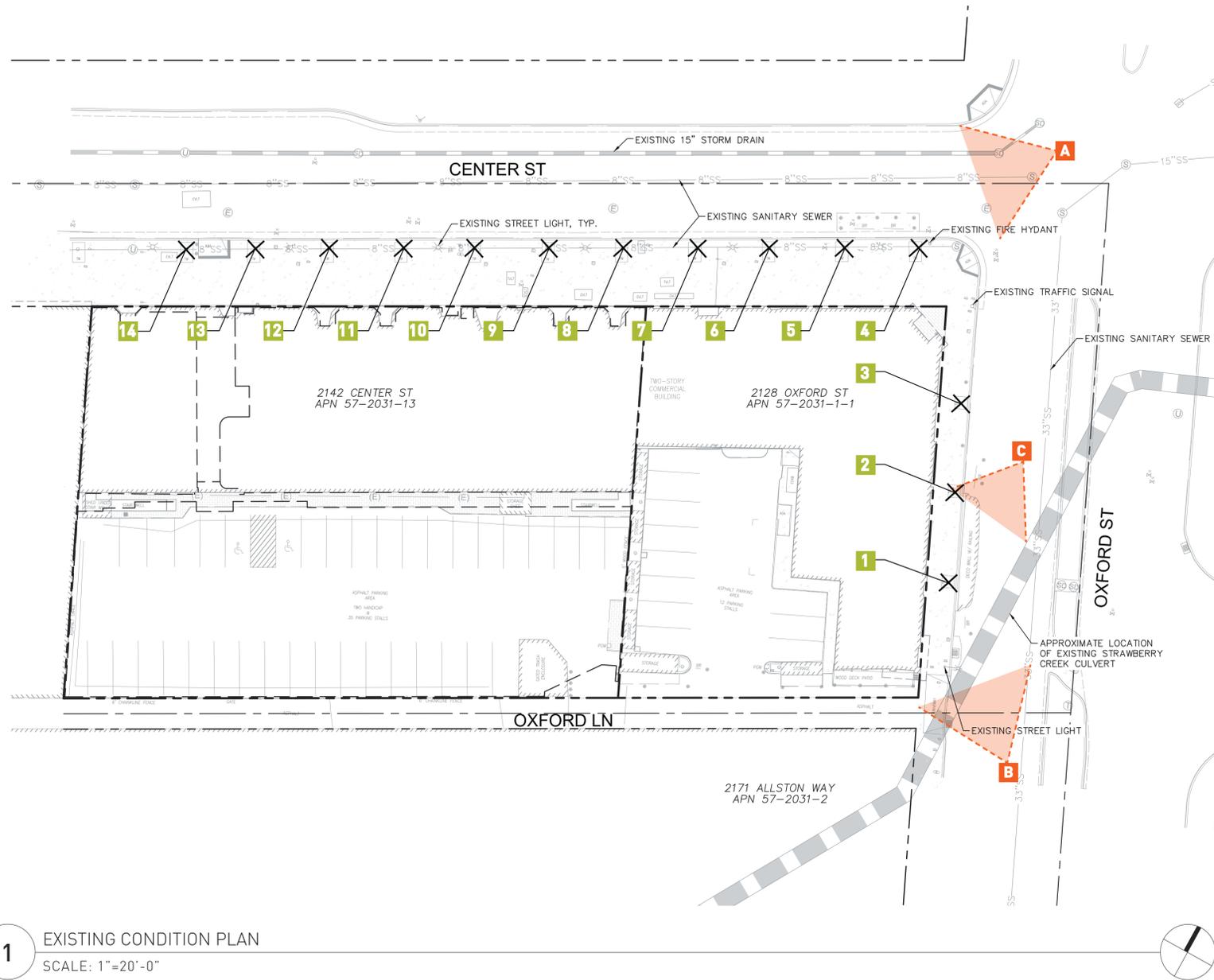
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2. Paving materials are to be of the quality and aesthetic as follow suggested: At grade paving is to be cast-in-place concrete with score pattern and sand blast finish. On structure paving is to be colored concrete pavers by Unilock. Wood is to be FSC certified hardwood.
3. Irrigation to be automatic, using drip, spray or bubblers.
4. Outdoor kitchen to include built-in stainless steel grills, refrigerators, and sinks. Backsplash and counters to be stone or stainless steel.
5. Lighting to be specified and designed by others. Lighting to include egress emergency lighting and lighting to enhance the design.
6. Balustrade is an architectural railing element of glass or stainless steel wire mounted on parapet wall.
7. Waterproofing by others.
8. Parklet design to be coordinated/ finalized with future tenant.
9. Movable furnishings are to be determined by the interior designer.
10. Built-in site furnishings to be wood.
11. Planters to be GFRC, steel, or cast stone.
12. Planting to be selected at the following sizes:
 Streetscape shade trees to be 4" caliper minimum. Multistem ornamental trees to be a minimum height of 12' at install. Shrubs to be 5 gallon containers. Ground covers and perennials to be 1 gallon containers. Soil to include compost incorporated at a rate of 4 cubic yards per 1,000 SF into the top 6 inches of soil. 3" of organic mulch on all areas of exposed soil.
13. Planting species selected for this project are 85% native. The tree species selected are 75% native. The understory perennial and ground cover species selected are 86% native.

1 OVERALL SITE PLAN
 SCALE: 1"=20'-0"

EXISTING TREE SCHEDULE					
NO.	BOTANICAL NAME	COMMON NAME	SIZE	NOTES	TO BE REMOVED
EXISTING R.O.W. TREES					
1	<i>Acer rubrum</i>	Red Maple	12" cal		Yes
2	<i>Acer rubrum</i>	Red Maple	12" cal		Yes
3	<i>Acer rubrum</i>	Red Maple	13" cal		Yes
4	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes
5	<i>Celtis sinensis</i>	Chinese Hackberry	13" cal		Yes
6	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes
7	<i>Celtis sinensis</i>	Chinese Hackberry	13" cal		Yes
8	<i>Celtis sinensis</i>	Chinese Hackberry	11" cal		Yes
9	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes
10	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes
11	<i>Celtis sinensis</i>	Chinese Hackberry	13" cal		Yes
12	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes
13	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes
14	<i>Celtis sinensis</i>	Chinese Hackberry	12" cal		Yes

NOTE: 1. GRIND STUMPS TO MIN 18" DEPTH BELOW GRADE FOR ALL TREE/ STUMP REMOVALS



PROPOSED STREET TREE (26% Native)



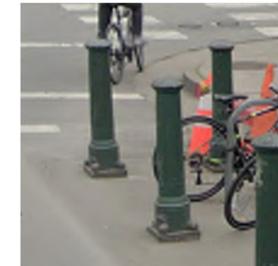
PARKLET PRECEDENTS



SF2 - TREE GRATE + GUARD



SF4 - BOLLARD



SF3 - TRASH RECEPTACLE



EXISTING LIGHT POLE

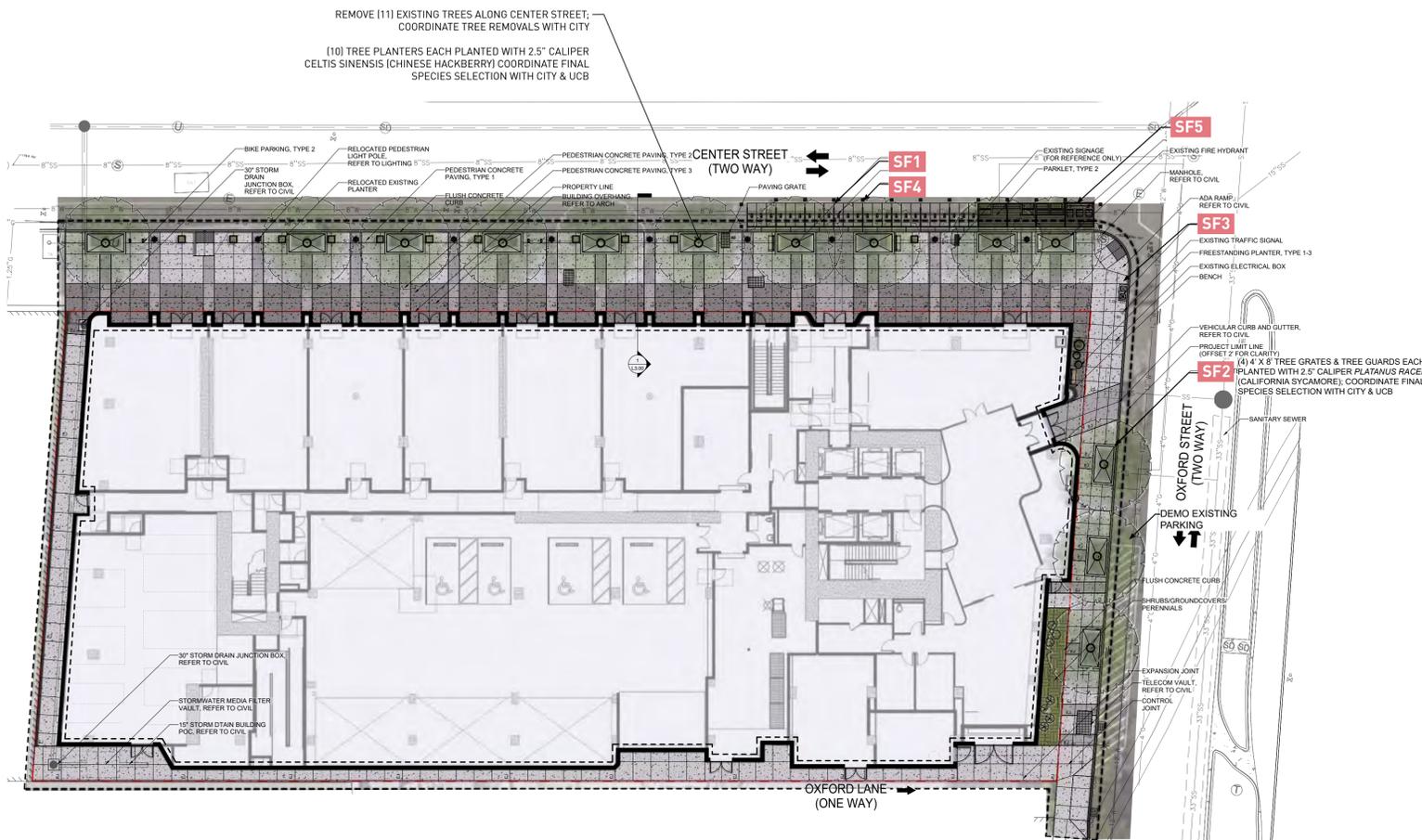


LEGENDS

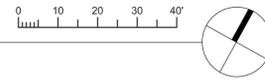
- SF1 'VESTRE' MODULAR BIKE RACKS (3) 6-RACK MODULES & (1) 3-RACK MODULE [TOTAL 21 RACKS; 42 BIKE PARKING SPACES]
- SF2 (4) 4' X 8' TREE GRATES & TREE GUARDS
- SF3 'BIG BELLY' SOLAR TRASH / RECYCLING COMPACTOR
- SF4 (15) BOLLARDS
- SF5 'VESTRE' PARKLET

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2. Parklet design to be coordinated with future tenant. Color options chosen by future tenant.
3. Movable furnishings are to be determined by the interior designer.



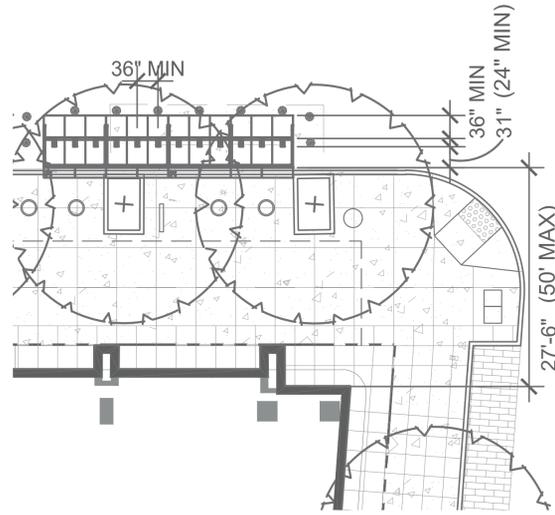
1 GROUND LEVEL SITE PLAN
SCALE: 1" = 20'-0"



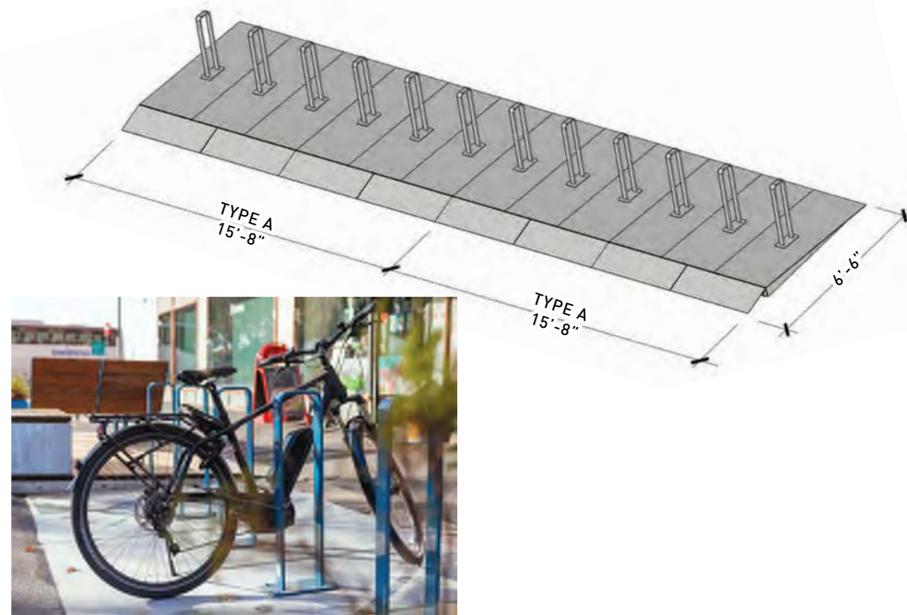
ENTITLEMENT SUBMITTAL
SUBMITTAL DATE: 09/16/2022
#ZF-2024-0162

GROUND LEVEL LANDSCAPE PLAN L3

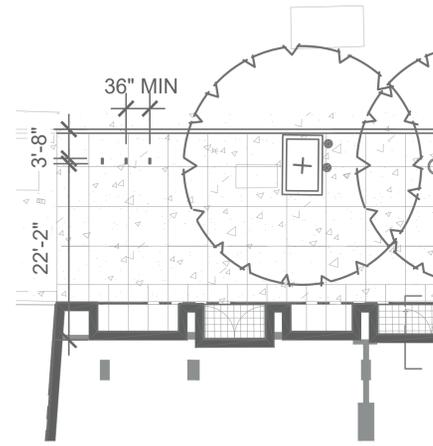
SF1 - BIKE RACK TYPE A + SF5 - PARKLET TYPE A



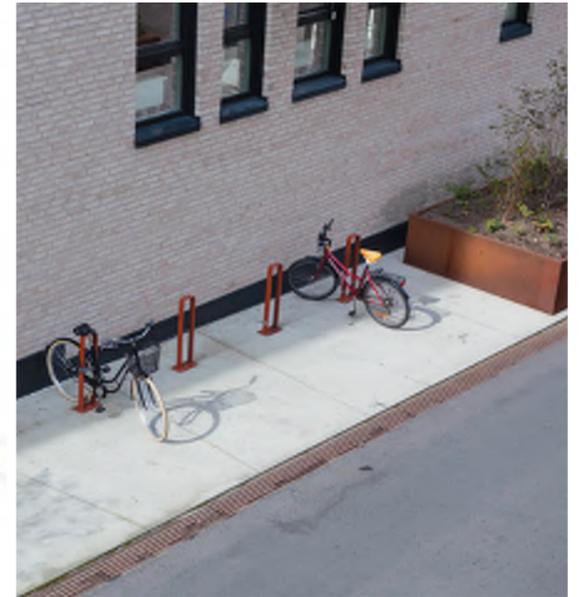
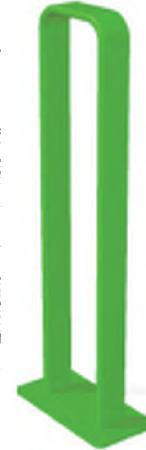
TYPE A
 MODEL: VESTRE: 4476 PARKLET CYCLING FOR 12 BICYCLES
 MATERIAL: HOT-DIP GALVANIZED STEEL, RAL 5009, AZURE BLUE, VERIFY WITH FUTURE TENANT



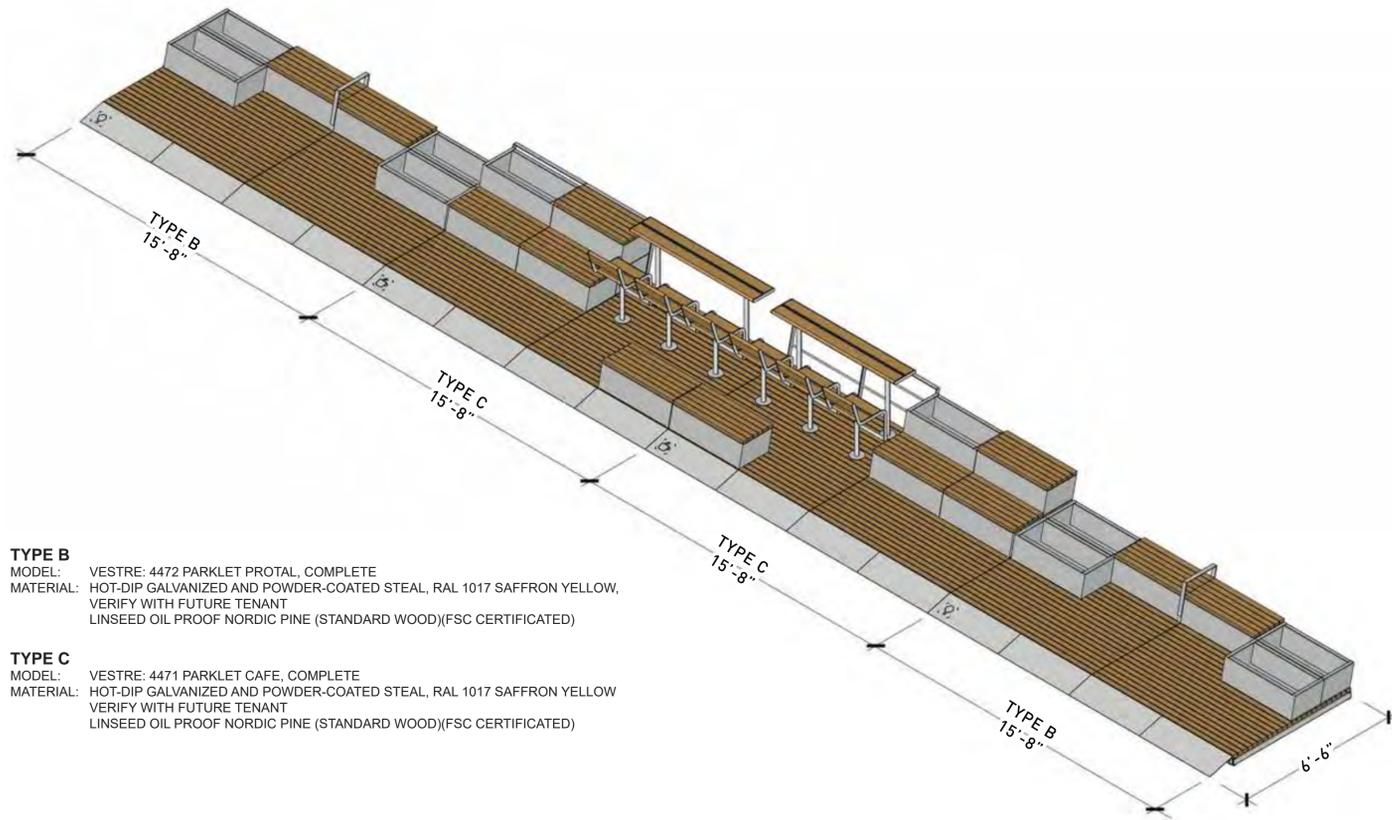
SF1 - BIKE RACK TYPE B



TYPE B
 MODEL: VESTRE: 686-904A VROOM BICYCLE RACK FOR 3 BICYCLES
 MATERIAL: HOT-DIP GALVANIZED STEEL, RAL 5009, AZURE BLUE, VERIFY WITH FUTURE TENANT



SF5 - PARKLET TYPE B & C



TYPE B
 MODEL: VESTRE: 4472 PARKLET PROTAL, COMPLETE
 MATERIAL: HOT-DIP GALVANIZED AND POWDER-COATED STEEL, RAL 1017 SAFFRON YELLOW, VERIFY WITH FUTURE TENANT
 LINSEED OIL PROOF NORDIC PINE (STANDARD WOOD)(FSC CERTIFICATED)

TYPE C
 MODEL: VESTRE: 4471 PARKLET GAFE, COMPLETE
 MATERIAL: HOT-DIP GALVANIZED AND POWDER-COATED STEEL, RAL 1017 SAFFRON YELLOW, VERIFY WITH FUTURE TENANT
 LINSEED OIL PROOF NORDIC PINE (STANDARD WOOD)(FSC CERTIFICATED)



ENTITLEMENT SUBMITTAL
 SUBMITTAL DATE: 09/16/2022
 #ZF-2021-0162

GROUND LEVEL PARKLET L4

LEVEL 02 HARDSCAPE LIST



Pedestal Paver



Aggregate Paving



Movable Site Furnishings

LEGENDS

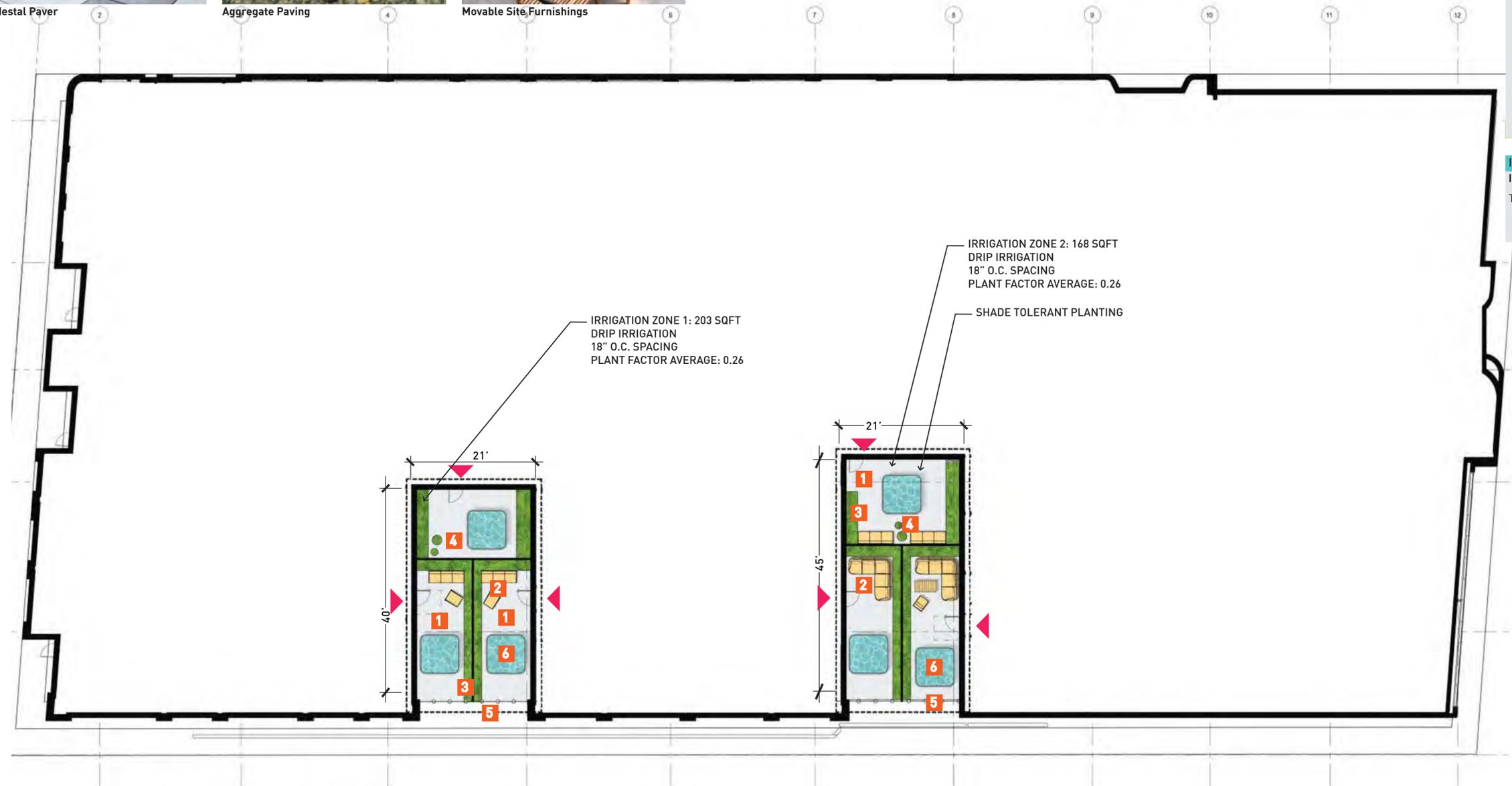
- 1 PEDESTAL PAVERS
- 2 PATIO FURNITURE
- 3 SEDUM, PERENNIALS AND SHRUBS
- 4 MOVABLE PLANTER
- 5 4'H GUARDRAIL
- 6 SPA

GENERAL NOTES:

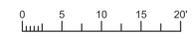
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IRRIGATION SCHEDULE - LEVEL 2

Irrigation Type	Area
Type 1: Drip Irrigation 18 o.c. Spacing	371 SQFT
Plant Factor Average: 0.26	



1 LEVEL 02 AMENITY DECK PLAN
 SCALE: 1"=10'-0"



LEVEL 06-07 HARDSCAPE LIST



Pedestal Paver



Aggregate Paving

LEGENDS

- 1 PEDESTAL PAVERS
- 2 SEDUM, PERENNIALS AND SHRUBS
- 3 AGGREGATE PAVING
- 4 MOVABLE SITE FURNISHING

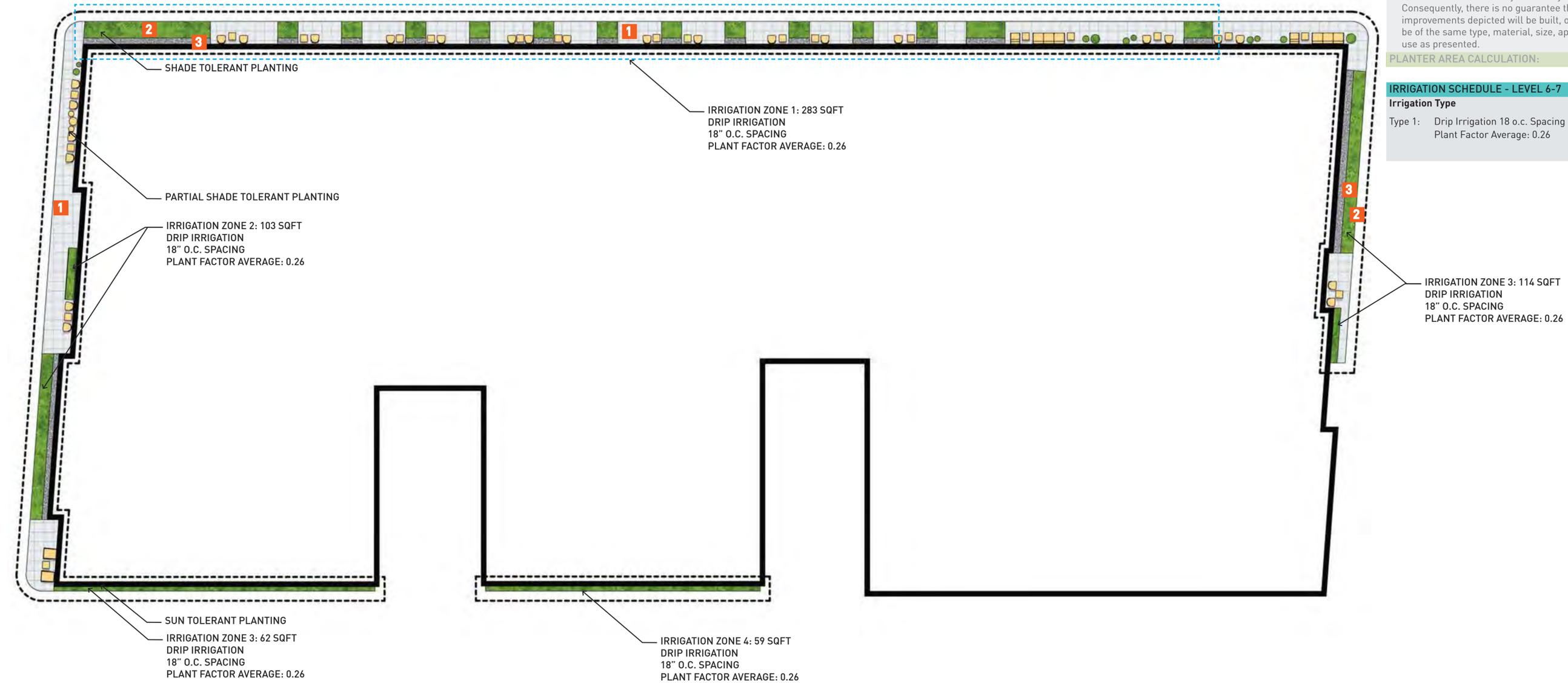
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PLANTER AREA CALCULATION:

IRRIGATION SCHEDULE - LEVEL 6-7

Irrigation Type	Area
Type 1: Drip Irrigation 18 o.c. Spacing Plant Factor Average: 0.26	621 SQFT



1 LEVEL 06-07 AMENITY DECK PLAN
 SCALE: 1"=10'-0"



ENTITLEMENT SUBMITTAL
 SUBMITTAL DATE: 09/16/2022
 #ZF2021-0162

LEVEL 06-07 LANDSCAPE PLAN L6

LEVEL 08 HARDSCAPE LIST



Pedestal Paver



Aggregate Paving



Movable Site Furnishings

LEGENDS

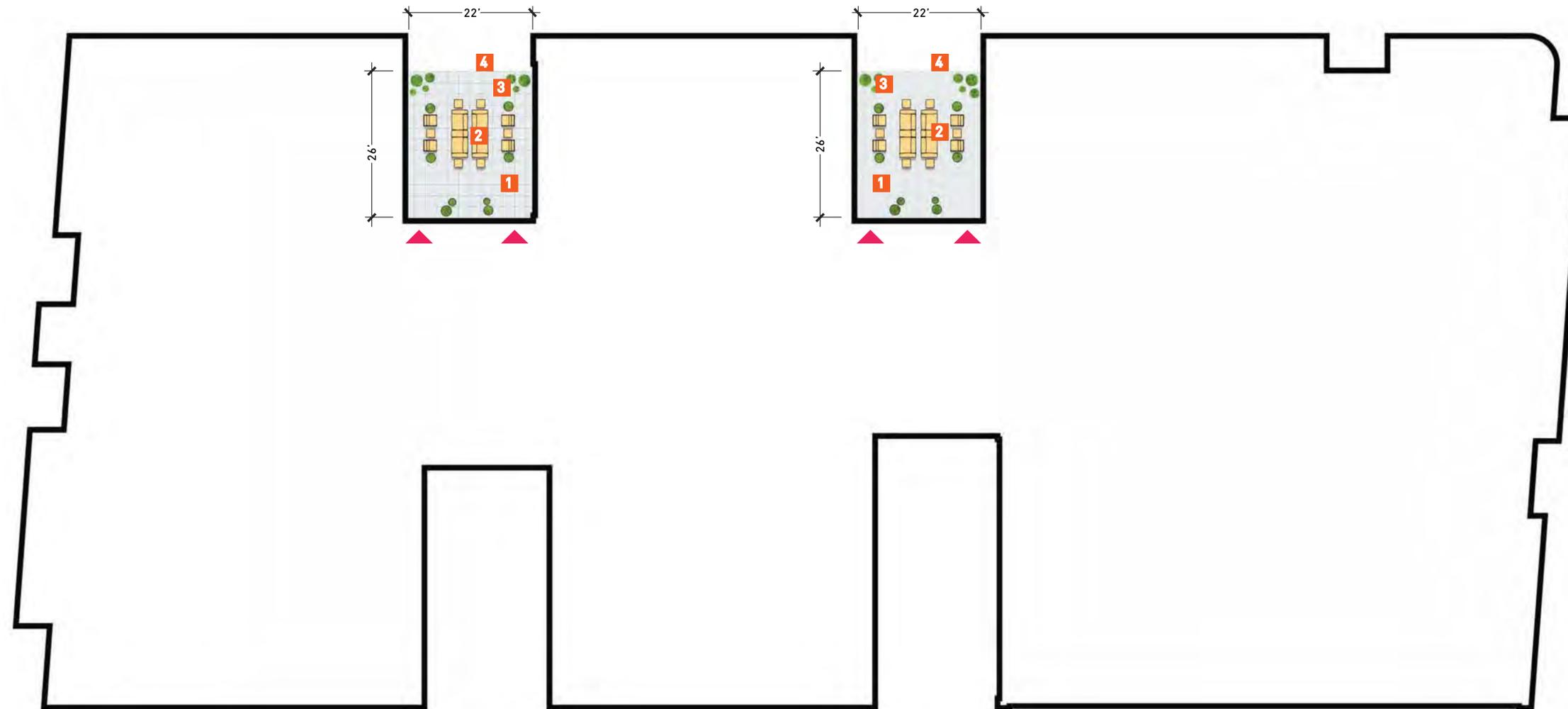
- 1 PEDESTAL PAVERS
- 2 PATIO FURNITURE
- 3 MOVABLE PLANTER
- 4 4'H GUARDRAIL

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IRRIGATION SCHEDULE - LEVEL 6-7

Irrigation Type	Area
Type 1: Drip Irrigation 18 o.c. Spacing Plant Factor Average: 0.26	240 SQFT



1 LEVEL 08 AMENITY DECK PLAN
 SCALE: 1"=10'-0"



LEVEL 02, 06, 07, 08 PLANT LIST - SHADE TOLERANT (90% Native)



Eriophyllum staechadifolium ER.ST
Seaside Woolly Sunflower



Ceanothus 'Diamond Heights' CE.DI
Diamond Heights Ceanothus



Ceanothus thyrsiflorus 'Yankee Point' CE.TH
Yankee Point Ceanothus



Keckiella corymbosa KE.CO
Redwood penstemon



Iris douglasiana 'Canyon Snow' IR.DO
Douglas Iris



Heuchera maxima HE.MA
Island Alum Root



Heuchera micrantha HE.MI
Crevice Alum Root



Lomandra longifolia 'Seascape' LO.LO
Seascape Mat Rush
(recommended 150-250 FC)



Dudleya farinosa DU.FA
Zanzibar Gem
(recommended 50-150 FC)



Sedum ternatum SE.TE
Woodland Stonecrop

IRRIGATION NOTES

(Required Measures)

Planting

1. Turf is limited to 25% of the total irrigated area and not planted on areas sloping more than 25%.
2. Plantings must be grouped into hydrozones based on microclimate, soil type, plant type, and water use classification (see wucols: www.ucnr.edu/sites/wucols/).

Irrigation

1. Precipitation rates must be uniform across each zone.
2. Emitters must be fixed rate and of the same type within a zone. No variable or adjustable flow rate emitters are allowed. Mixing emitters within a zone is not allowed.
3. Overhead spray is not allowed in areas less than ten feet across in any dimension.
4. Overhead spray nozzles must be set back a minimum of two feet from adjacent impervious surfaces.

Compost

1. Incorporate compost at a rate of four (4) cubic yards per 1,000 square feet into the top six (6) inches of soil or compost per horticultural soil report recommendations.

Mulch

1. Apply organic mulch to a minimum of three (3) inches on all exposed soil in the planted area except where contraindicated.

LEGENDS



NATIVE PLANT



LOW AND VERY LOW WATER USE



MODERATE WATER USE



HIGH WATER USE

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LEVEL 06, 07 PLANT LIST - PARTIAL SHADE TOLERANT (64% Native)



Achillea millefolium AC.MI
Common Yarrow



Allium cernuum AL.CE
Nodding Onion



Carex praegracilis CA.PR
Clustered Field Sedge



Sedum acre 'Aurea' SE.AU
Aurea Stonecrop



Sedum album SE.AL
White Stonecrop



Sedum kamschaticum SE.KA
Kamschatka Stonecrop



Sedum reflexum 'Blue Spruce' SE.BS
Blue Spruce Stonecrop

LEVEL 06, 07 PLANT LIST - SUN TOLERANT (100% Native)



Epilobium canum EP.CA
California Fuchsia



Baccharis pilularis BA.PI
Coyote Brush



Ceanothus thyrsiflorus 'Yankee Point' CE.TH
Yankee Point Ceanothus



Eriophyllum staechadifolium ER.ST
Seaside Woolly Sunflower



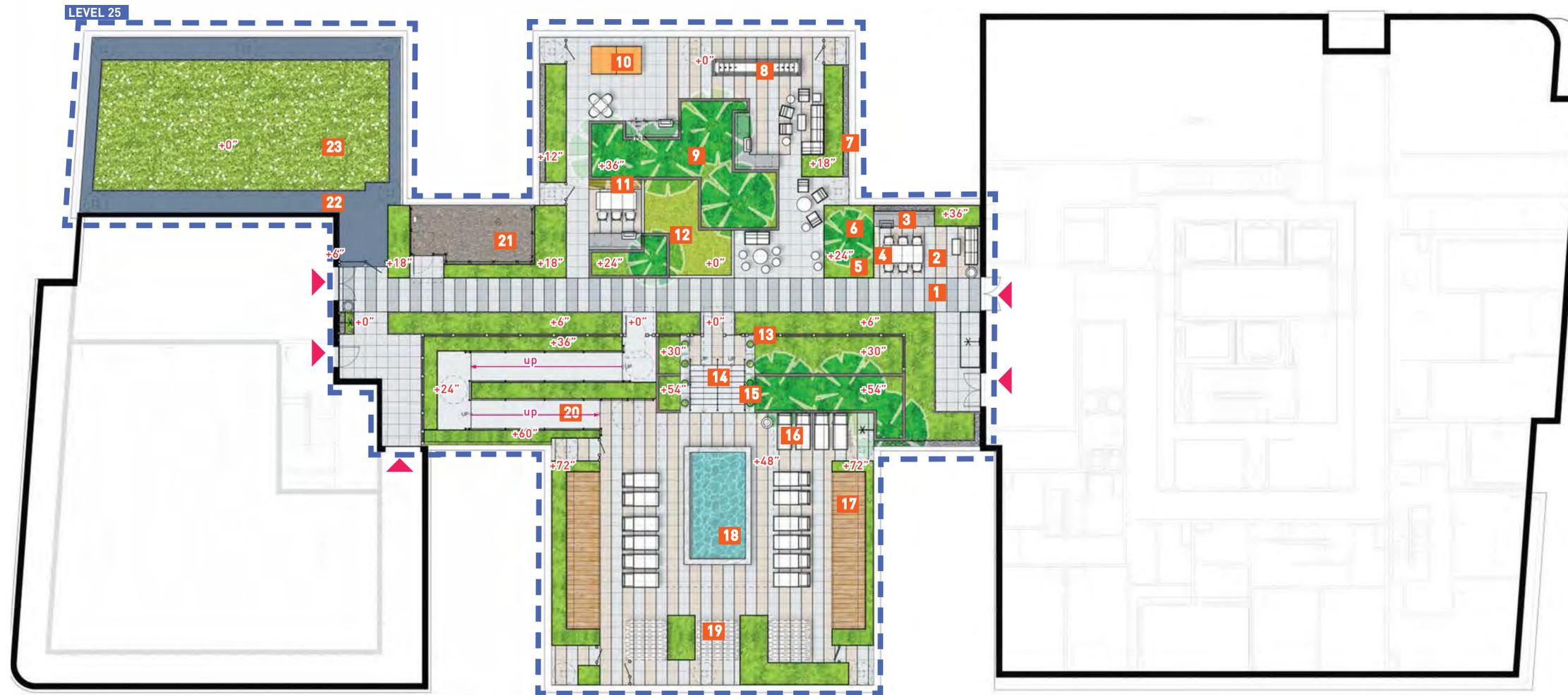
Dudleya farinosa DU.FA
Bluff Lettuce



Eriogonum parviflorum ER.PA
Cliff Buckwheat



Baccharis 'Pigeon Point' BA.PO
Dwarf Coyote Brush



- LEGENDS**
- 1 EGRESS PATH
 - 2 PEDESTAL PAVER
 - 3 BUILT-IN GRILL STATION
 - 4 MOVABLE SITE FURNISHINGS
 - 5 RAISED METAL PLANTER
 - 6 ORNAMENTAL TREE
 - 7 AGGREGATE PAVING
 - 8 GAME TABLE
 - 9 RAISED CONCRETE PLANTER
 - 10 PING PONG TABLE
 - 11 BUILT-IN BENCH
 - 12 GAME LAWN
 - 13 POOL FENCE AND GATE
 - 14 GRAND STAIRS
 - 15 CONCRETE PLATFORM W/ PLANTER
 - 16 CHAISE LOUNGER
 - 17 BUILT-IN DAYBED
 - 18 POOL
 - 19 CABANA
 - 20 CONCRETE RAMP
 - 21 DOG RUN
 - 22 ROOF MEMBRANE
 - 23 GREEN ROOF
- +1' ELEVATION RELATIVE TO FINISHED FLOOR

GENERAL NOTES:

1. The images, illustrations, drawings, and statements ("information") contained herein are based upon a preliminary review of the entitlement requirements; thus are subject to change during the design review process. The information is provided merely to assist in how the site may eventually be developed. Consequently, there is no guarantee that the improvements depicted will be built, or if built, will be of the same type, material, size, appearance, or use as presented.
2. Movable furnishings are to be determined by the interior designer.

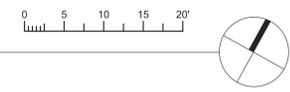
LANDSCAPE / HARDSCAPE AREA CALCULATION:

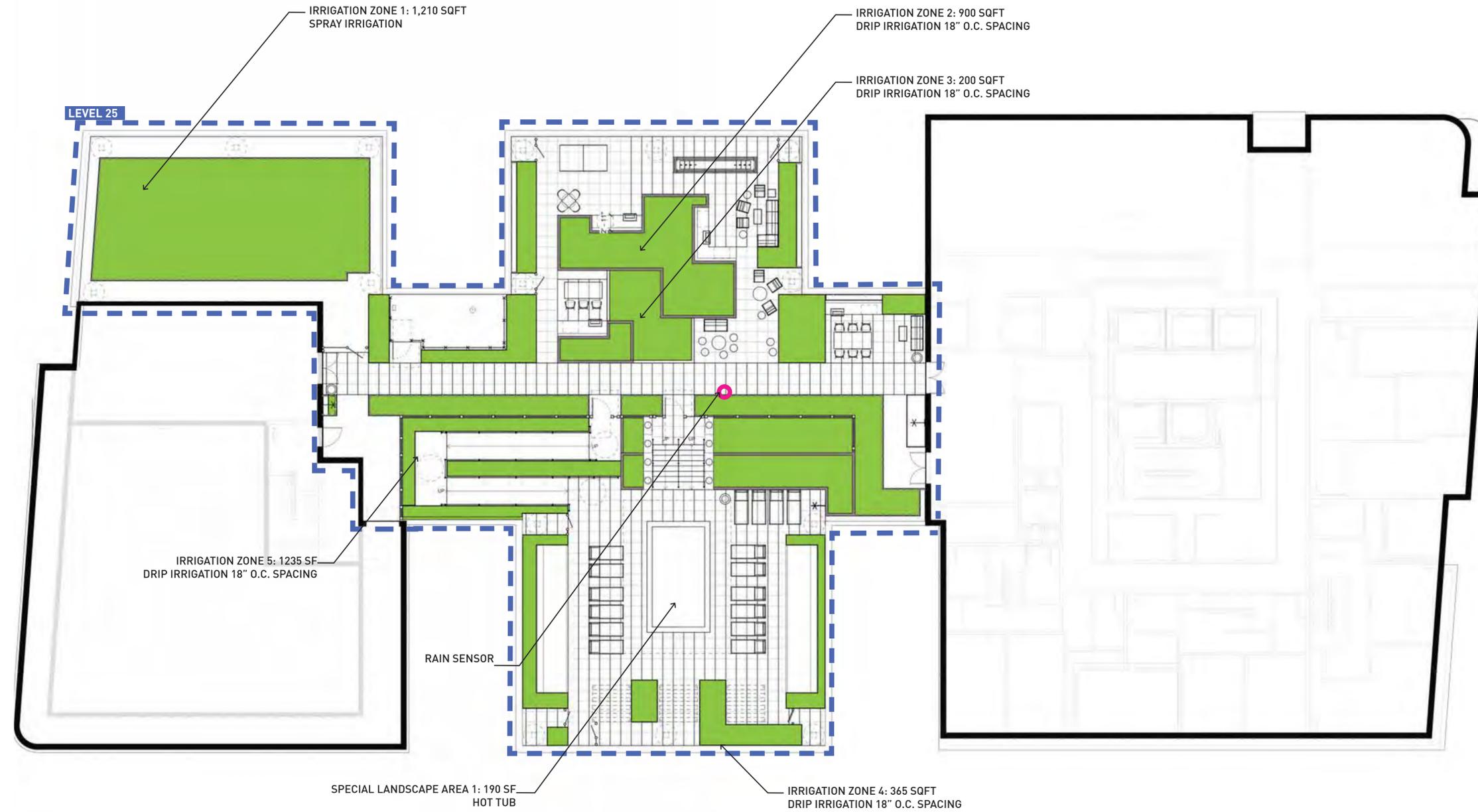
Bio Infiltration Area : 0 SQFT

IRRIGATED AREA CALCULATION:

Level 25 Irrigated Area : 4,100 SQFT

1 LEVEL 25 & 26 AMENITY DECK PLAN
 SCALE: 1"=10'-0"





GENERAL NOTES:

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- Movable furnishings are to be determined by the interior designer.
- North side amenity space to be developed by tenant.

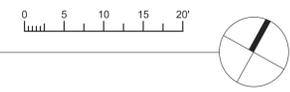
IRRIGATION SCHEDULE - LEVEL 25

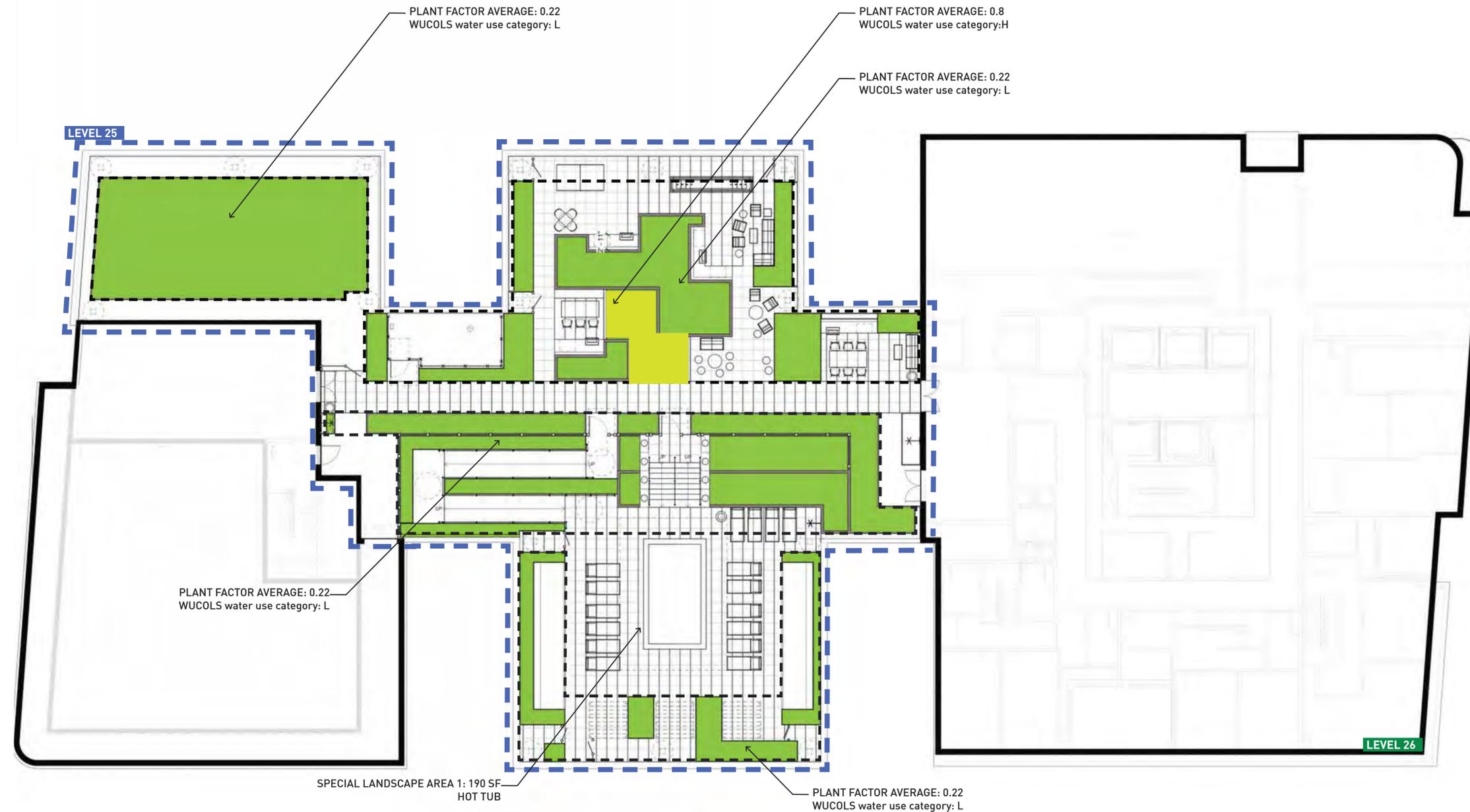
Irrigation Type	Area
Type 1: Spray Irrigation Plant Factor Average: 0.8	1,410 SQFT
Type 2: Drip Irrigation 18 o.c. Spacing Plant Factor Average: 0.22	2,500 SQFT
Type 3: Special Landscape Area Hot Tub	190 SQFT

IRRIGATION NOTES

- (Required Measures)
- Planting**
- Turf is limited to 25% of the total irrigated area and not planted on areas sloping more than 25%.
 - Plantings must be grouped into hydrozones based on microclimate, soil type, plant type, and water use classification (see wucols: www.ucnr.edu/sites/wucols/).
- Irrigation**
- Precipitation rates must be uniform across each zone.
 - Emitters must be fixed rate and of the same type within a zone. No variable or adjustable flow rate emitters are allowed. Mixing emitters within a zone is not allowed.
 - Overhead spray is not allowed in areas less than ten feet across in any dimension.
 - Overhead spray nozzles must be set back a minimum of two feet from adjacent impervious surfaces.
- Compost**
- Incorporate compost at a rate of four (4) cubic yards per 1,000 square feet into the top six (6) inches of soil or compost per horticultural soil report recommendations.
- Mulch**
- Apply organic mulch to a minimum of three (3) inches on all exposed soil in the planted area except where contraindicated.
- Soil**
- Amend the landscaping drawing to specify compost application to achieve a minimum 6% organic matter in soil composition based on MWEL0 specified soil analysis result for site soil.

1 LEVEL 25 & 26 IRRIGATION DIAGRAM
 SCALE: 1"=10'-0"





GENERAL NOTES:

1. The images, illustrations, drawings, and statements ("information") contained herein are based upon a preliminary review of the entitlement requirements; thus are subject to change during the design review process. The information is provided merely to assist in how the site may eventually be developed. Consequently, there is no guarantee that the improvements depicted will be built, or if built, will be of the same type, material, size, appearance, or use as presented.
2. Movable furnishings are to be determined by the interior designer.
3. North side amenity space to be developed by tenant.

IRRIGATION SCHEDULE - LEVEL 25

IRRIGATION TYPE	Area
Type 1: Spray Irrigation Plant Factor Average: 0.8	1,410 SQFT
Type 2: Drip Irrigation 18 o.c. Spacing Plant Factor Average: 0.22	2,500 SQFT
Type 3: Special Landscape Area Hot Tub	190 SQFT

IRRIGATION NOTES

(Required Measures)

Planting

1. Turf is limited to 25% of the total irrigated area and not planted on areas sloping more than 25%.
2. Plantings must be grouped into hydrozones based on microclimate, soil type, plant type, and water use classification (see wucols: www.ucnr.edu/sites/wucols/).

Irrigation

1. Precipitation rates must be uniform across each zone.
2. Emitters must be fixed rate and of the same type within a zone. No variable or adjustable flow rate emitters are allowed. Mixing emitters within a zone is not allowed.
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Compost

1. Incorporate compost at a rate of four (4) cubic yards per 1,000 square feet into the top six (6) inches of soil or compost per horticultural soil report recommendations.

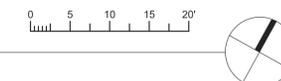
Mulch

1. Apply organic mulch to a minimum of three (3) inches on all exposed soil in the planted area except where contraindicated.

Soil

1. Amend the landscaping drawing to specify compost application to achieve a minimum 6% organic matter in soil composition based on MWEL0 specified soil analysis result for site soil.

1 LEVEL 25 & 26 HYDROZONES DIAGRAM
 SCALE: 1"=10'-0"



LEVEL 25-26 PLANT LIST (89% Native)

LEVEL 26 PLANT LIST (100% Native)



Arctostaphylos densiflora AR.DE
 Howard Mcminn Manzanita



Arctostaphylos edmundsii 'Big Sur' AR.ED
 Dwarf Coastal Manzanita



Juniperus californica JU.CA
 California juniper



Lawn



Eriogonum parviflorum ER.PA
 Cliff Buckwheat



Eriophyllum staechadifolium ER.ST
 Seaside Woolly Sunflower



Baccharis 'Pigeon Point' BA.PO
 Dwarf Coyote Brush



Achillea Millefolium AC.MI
 Common Yarrow



Baccharis pilularis BA.PL
 Coyote Brush



Epilobium canum EP.CA
 California Fuschia



Epilobium canum EP.CA
 California Fuschia



Iris douglasiana IR.DO
 Douglas Iris



Baccharis pilularis BA.PI
 Coyote Brush



Ceanothus thrysiflorus 'Yankee Point' CE.TH
 Yankee Point Ceanothus



Eriophyllum staechadifolium ER.ST
 Seaside Woolly Sunflower



Dudleya farinosa DU.FA
 Bluff Lettuce



Eriogonum parviflorum ER.PA
 Cliff Buckwheat



Baccharis 'Pigeon Point' BA.PO
 Dwarf Coyote Brush

LEGENDS

- N NATIVE PLANT
- 💧 LOW AND VERY LOW WATER USE
- 💧💧 MODERATE WATER USE
- 💧💧💧 HIGH WATER USE



Ceanothus thrysiflorus 'Yankee Point' CE.TH
 Yankee Point Ceanothus



Heuchera maxima HE.MA
 Island Alum Root



Dudleya farinosa DU.FA
 Bluff Lettuce



Salvia spathacea SA.SP
 Hummingbird Sage



Iris douglasiana IR.DO
 Douglas Iris



Zamioculcas zamiifolia ZA.ZA
 Zanzibar Gem



Lomandra longifolia 'Seascape' LO.LO
 Seascape Mat Rush



Carex tumulicola CA.TU
 Berkeley Sedge



Elymus condensatus 'Canyon Prince' EL.CO
 Canyon Prince Wild Rye

LEVEL 25 HARDSCAPE LIST



Pedestal Paver



Pebble Seats



Built-in Grill Station



Built-in Bench



Fire pit



Moveable Site Furnishings



Concrete Paving



Aggregate Paving



Hot Tub



Built-in Daybeds

LEVEL 26 HARDSCAPE LIST



Moveable furnishings



Moveable planters

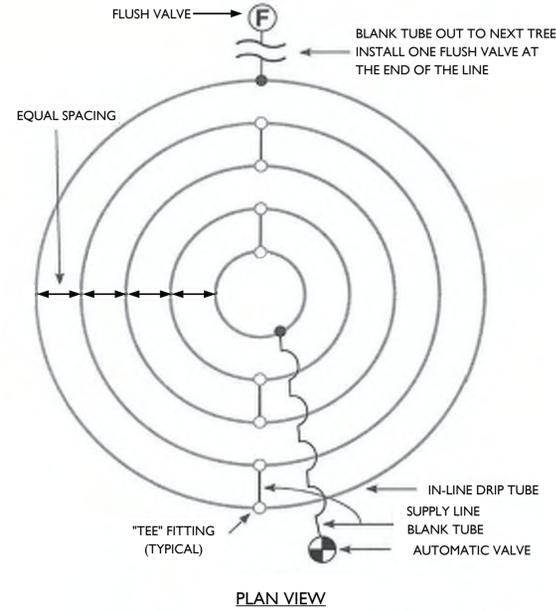


Pedestal pavers

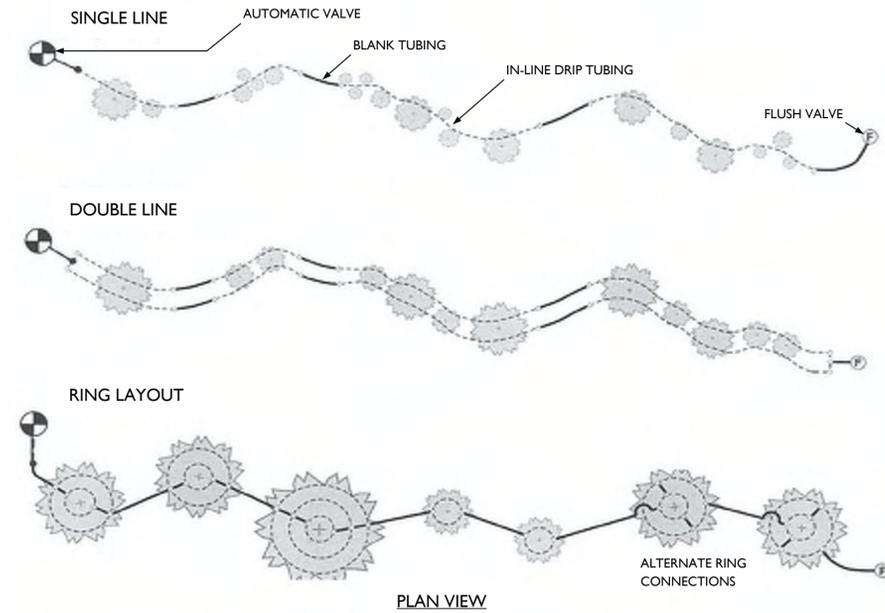


Guardrail

DRIP IRRIGATION DETAILS



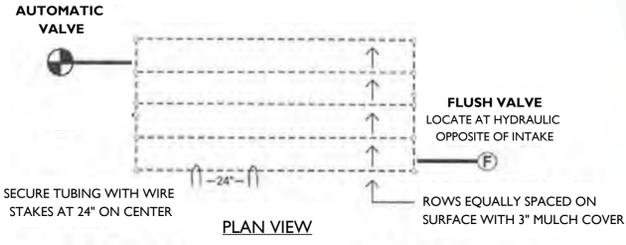
IN-LINE DRIP RING LAYOUT



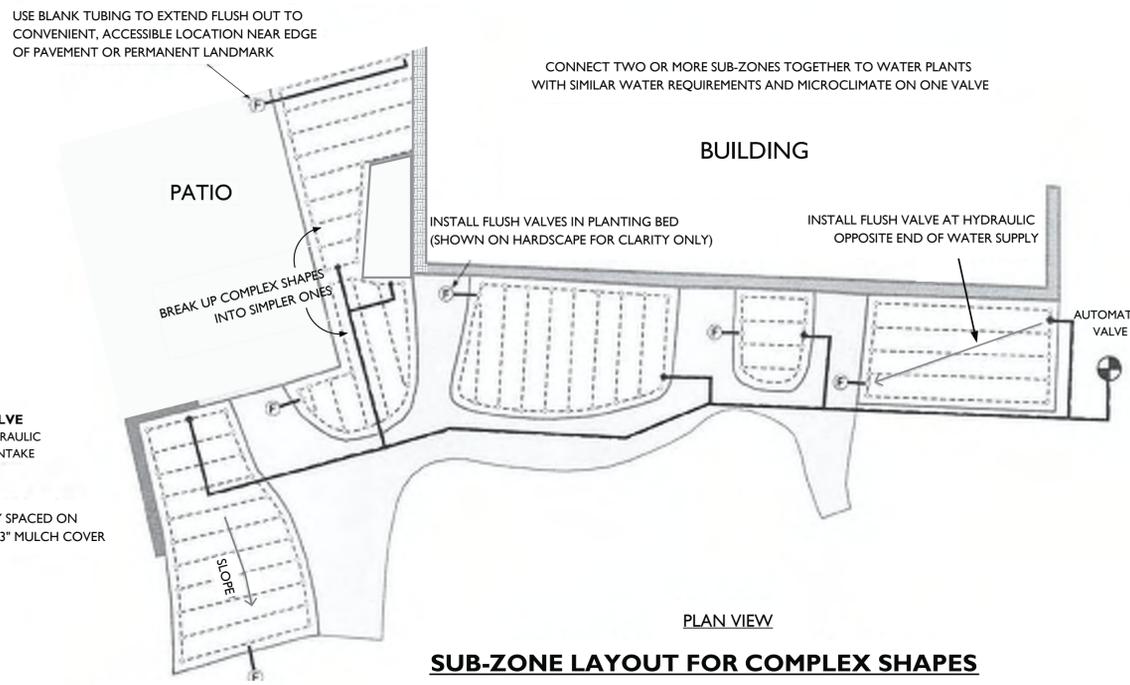
IN-LINE DRIP SNAKE LAYOUTS

IRRIGATION LEGEND
(MAKE AND MODEL OF EACH COMPONENT REQUIRED)

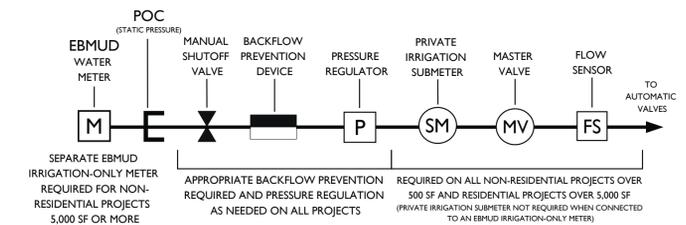
SYMBOL	COMPONENT MAKE, MODEL, TYPE, AND DESCRIPTION
M	EBMUD INSTALLED METER
C	WEATHER-BASED, AUTOMATIC IRRIGATION CONTROLLER
S	RAIN (OR SOIL) SENSOR
POC (STATIC PRESSURE)	POINT OF CONNECTION AND STATIC PRESSURE
[Valve Symbol]	MANUAL BALL (OR GATE) VALVE
[Backflow Symbol]	REDUCED PRESSURE BACKFLOW PREVENTION DEVICE (ANTI-SIPHON VALVES MAY BE SUBSTITUTED IF INSTALLED PROPERLY; DOUBLE CHECK VALVES ARE NOT ALLOWED)
P	PRESSURE REGULATOR (IF CONDITIONS REQUIRE)
[Automatic Valve Symbol]	AUTOMATIC VALVE
[Zone Number Symbol]	VALVE/ZONE NUMBER FLOW RATE IN GALLONS PER MINUTE ZONE AREA IN SQUARE FEET VALVE SIZE
[Line Symbol]	MAIN LINE DIAMETER AND TYPE
[Line Symbol]	LATERAL LINE DIAMETER AND TYPE
[Line Symbol]	SLEEVE DIAMETER AND TYPE
[Surface Drip Symbol]	SURFACE 1/2" IN-LINE DRIP TUBING 0.6 GPH, 12" EMITTER SPACING, 12" ROW SPACING (MINIMUM SPACING RECOMMENDED FOR WELL DRAINED SOIL, RAISED BEDS AND STORMWATER TREATMENT FACILITIES)
[Sub-surface Drip Symbol]	SUB-SURFACE 1/2" IN-LINE DRIP TUBING 0.6 GPH, 12" EMITTER SPACING, 12" ROW SPACING (MINIMUM SPACING RECOMMENDED FOR WELL DRAINED SOIL, RAISED BEDS AND STORMWATER TREATMENT FACILITIES)
[Surface Drip Symbol]	SURFACE 1/2" IN-LINE DRIP TUBING 0.6 GPH, 18" EMITTER SPACING, 18" ROW SPACING (MINIMUM SPACING RECOMMENDED FOR WELL DRAINED SOIL, RAISED BEDS AND STORMWATER TREATMENT FACILITIES)
F	FLUSH VALVE AND POP-UP DRIP ZONE INDICATOR
A	AIR VACUUM RELIEVE VALVE (IF CONDITIONS REQUIRE)
WFV	WATER FEATURE VALVE TYPE (I.E. FLOAT VALVE) AND FLOW RATE
[Hose Bib Symbol]	HOSE BIB



IN-LINE DRIP TUBING ZONE LAYOUT



SUB-ZONE LAYOUT FOR COMPLEX SHAPES



TYPICAL IRRIGATION POINT OF CONNECTION

WELO Water Budget and Water Use Calculator

INSTRUCTIONS:

1. Enable macros.
2. Enter values in blue cells. Gray cells will automatically fill.
3. For Eto, refer to Appendix A of the ordinance, available here: <https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency>
4. Print this sheet and submit with Landscape Document Package for the Comprehensive Performance Compliance Pathway.

Date:	6/28/2024
Project Name:	HUB at Berkeley
Project Contact:	
Project Contact Email:	

Maximum Applied Water Allowance (MAWA)	Project Type	ETo	ETAF	Special Landscape Area (SLA)	Total Landscape Area including SLA	MAWA (gal/yr)
	Non-residential	5.8	0.45	190	4,100	7,010

$MAWA = (ETo) * (0.62) * [(ETAF * LA) + ((1 - ETAF) * SLA)]$

Estimated Total Water Use (ETWU)	ETo	(SF * PF) / IE	SLA	ETWU (gal/yr)
	5.8	1,468	190	5,963

$ETWU = (ETo) * (0.62) * [(PF * SF / IE) + SLA]$

Difference between MAWA and ETWU **1,048**

Project meets water budget.

ETWU Calculation (Regular landscape areas)	Zone #	Description	Select Irrigation	Square Feet (SF)	Plant Factor (PF)	Irrigation Efficiency (IE)	(SF * PF) / IE
	1	L25: Roof	Drip	2,500	0.27	0.81	824
	2	L25: Lawn	Spray	200	0.80	0.75	213
	3	Green Roof	Spray	1,210	0.27	0.75	431
	4						-
	5						-
	6						-
	Landscape area (not including SLA)			3,910			1,468

ETWU Calculation Special Landscape Areas (SLA)	Description	Square Feet (SF)	Plant Factor / Irrigation Efficiency (PF/IE)	(SF * PF) / IE
	Edible planting area	0	1.0	-
	Multi-use and sports field turf area	0	1.0	-
	Area irrigated with recycled water	0	1.0	-
	Pool	190	1.0	190
	Total SLA	190		0

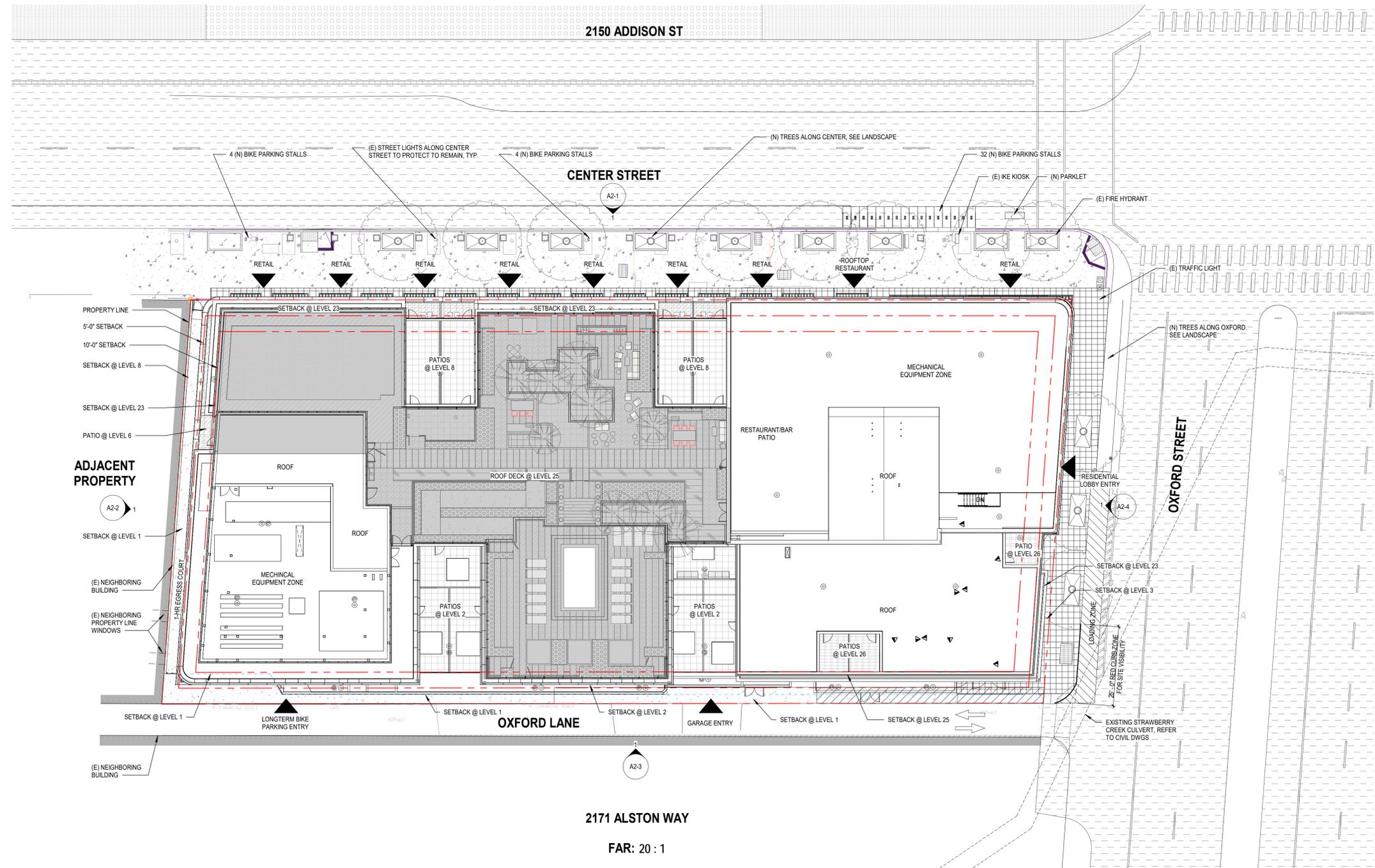
Total Landscape Area (including SLA) from ETWU Calculation	4,100
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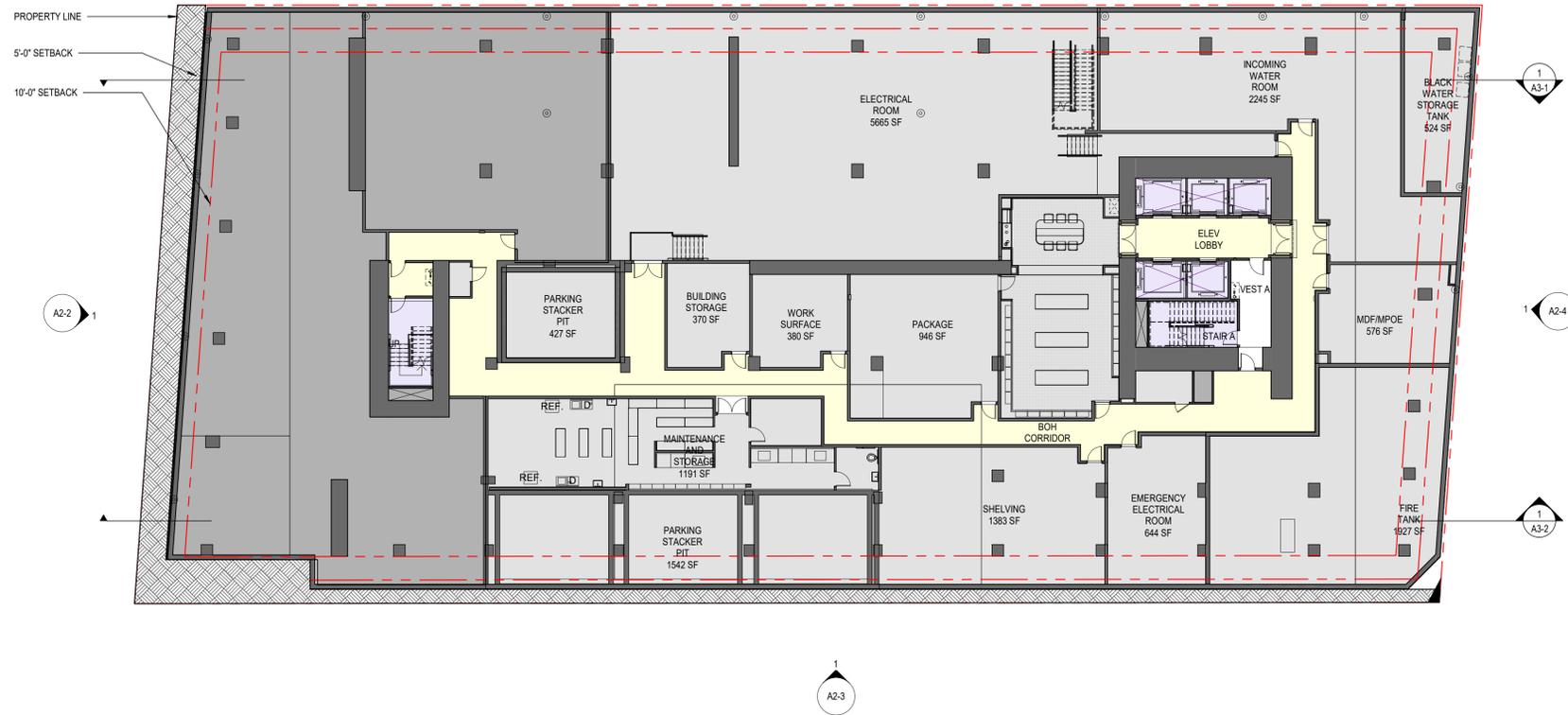
BERKELEY, CALIFORNIA

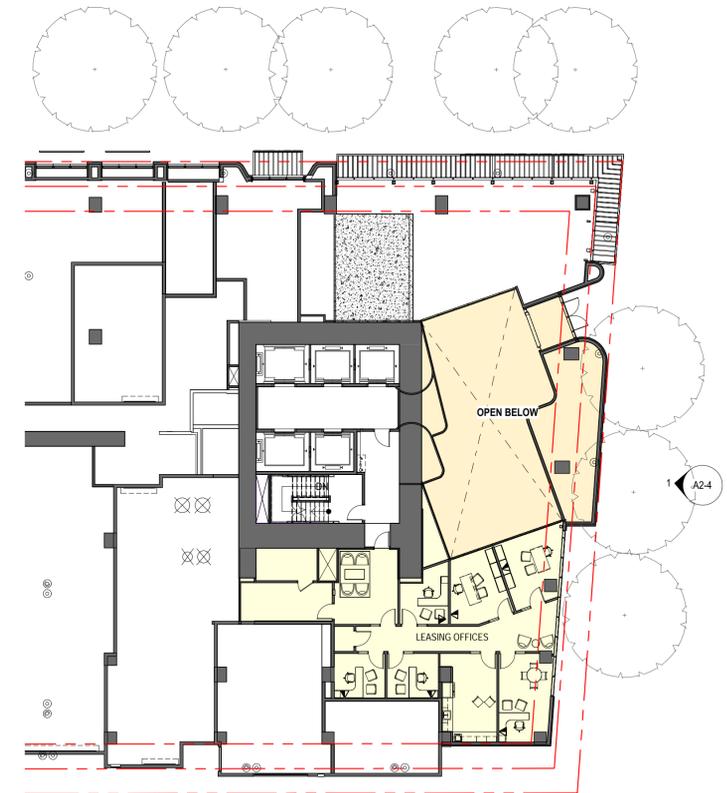
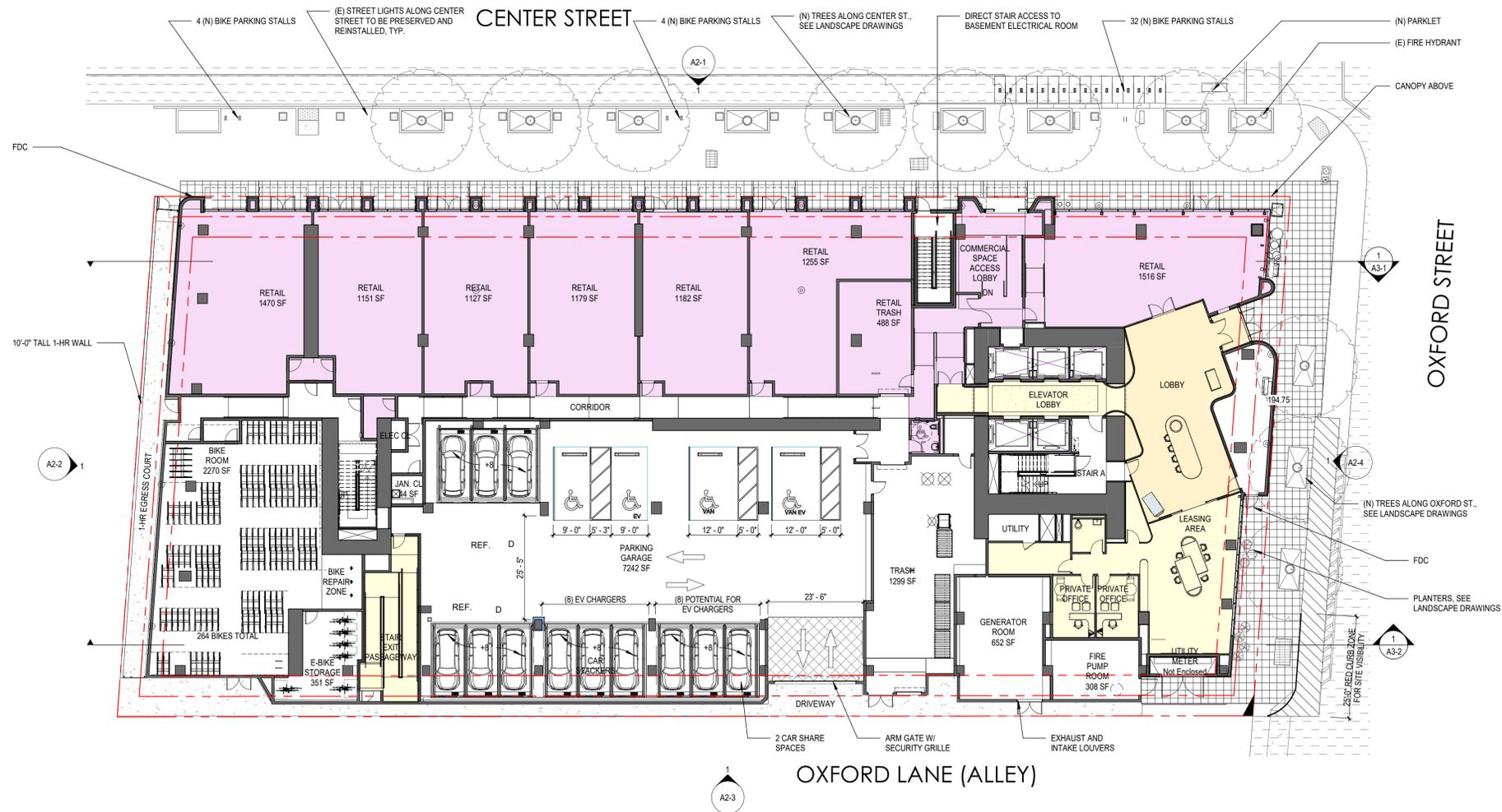
ENTITLEMENT SUBMITTAL
SUBMITTAL DATE: 09/16/2022
#ZP2021-0162

MWELO CALCULATIONS L14



2171 ALSTON WAY
FAR: 20 : 1





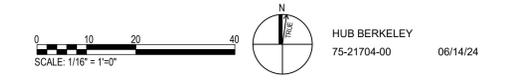


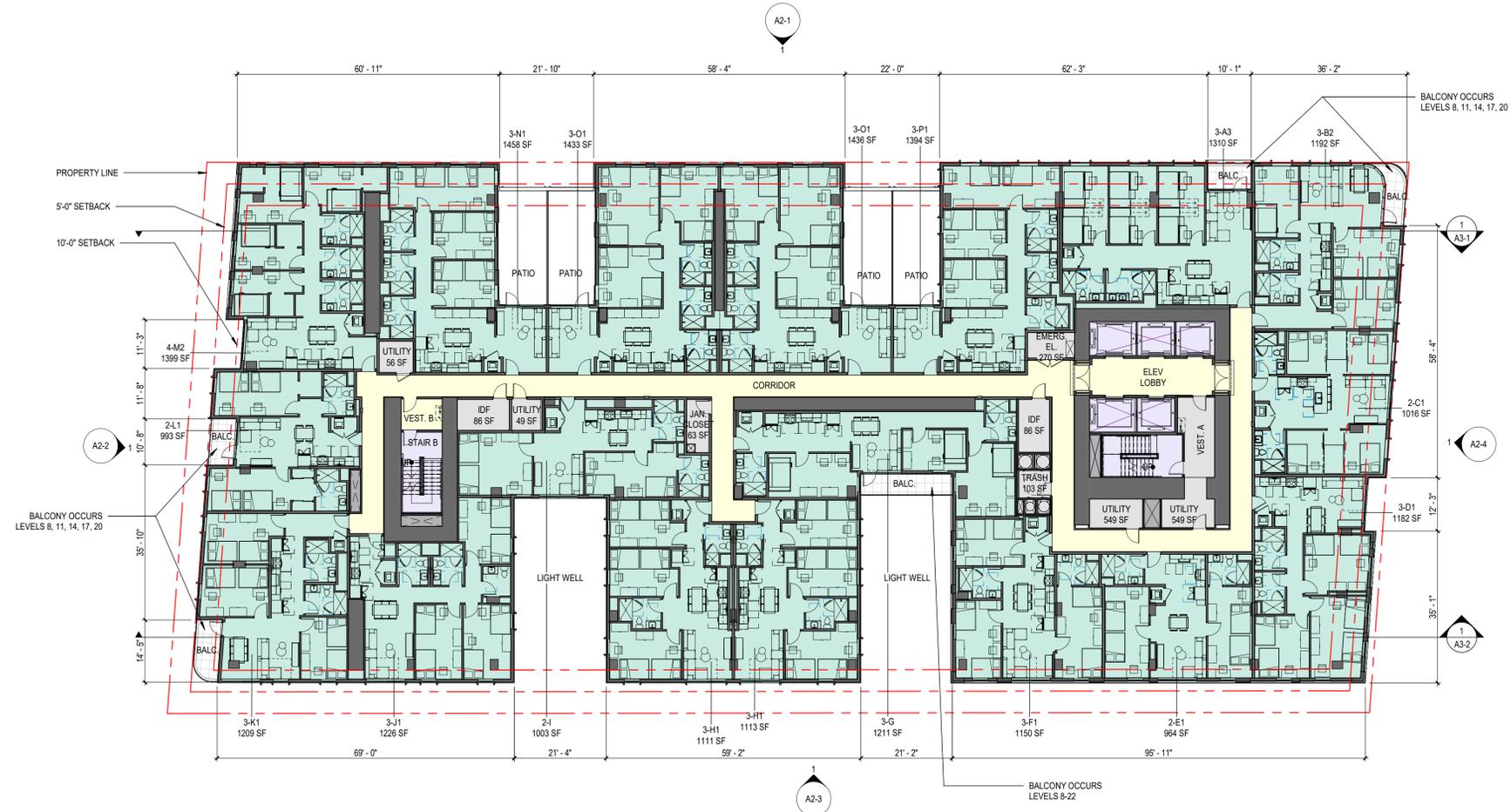


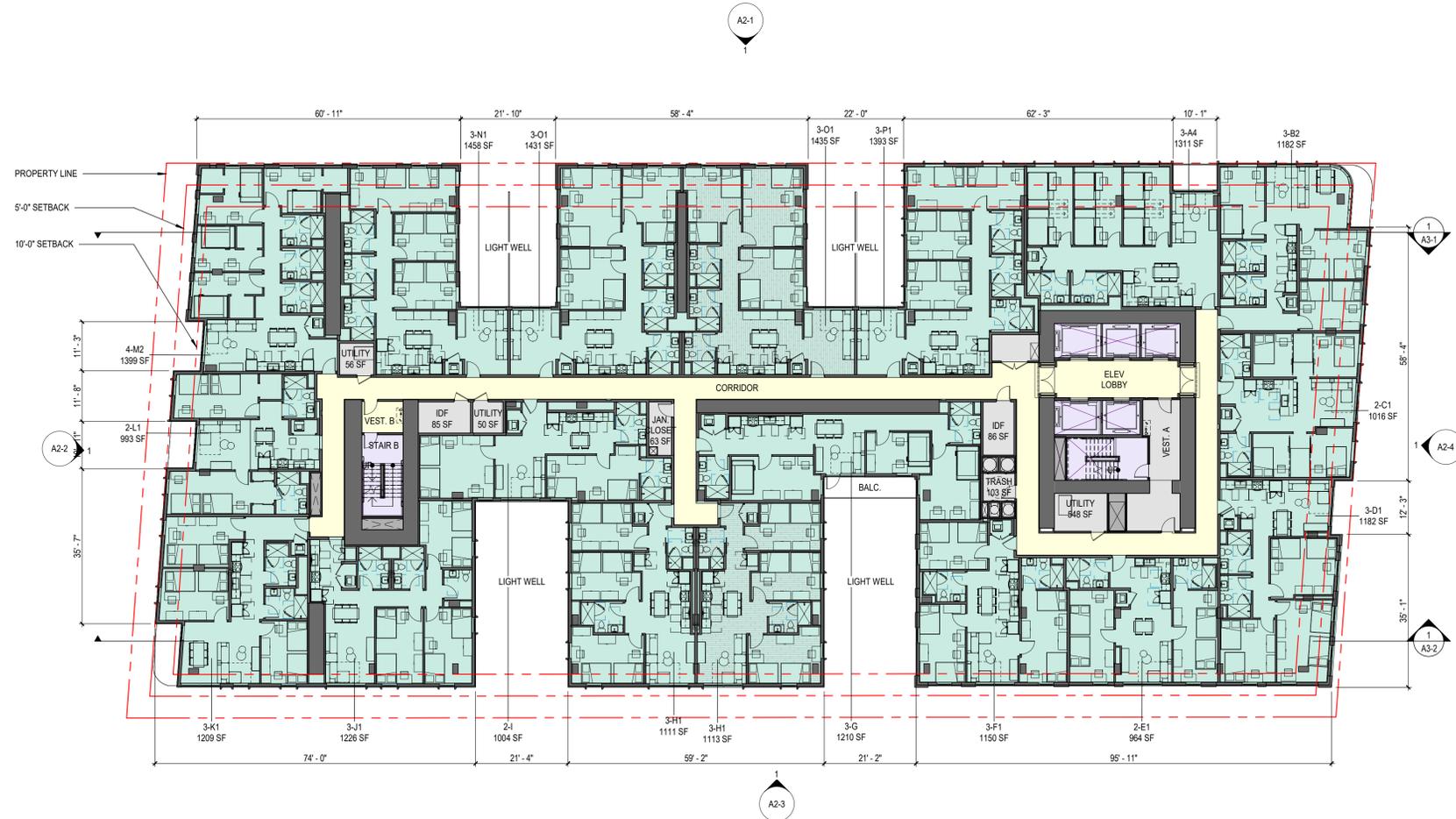


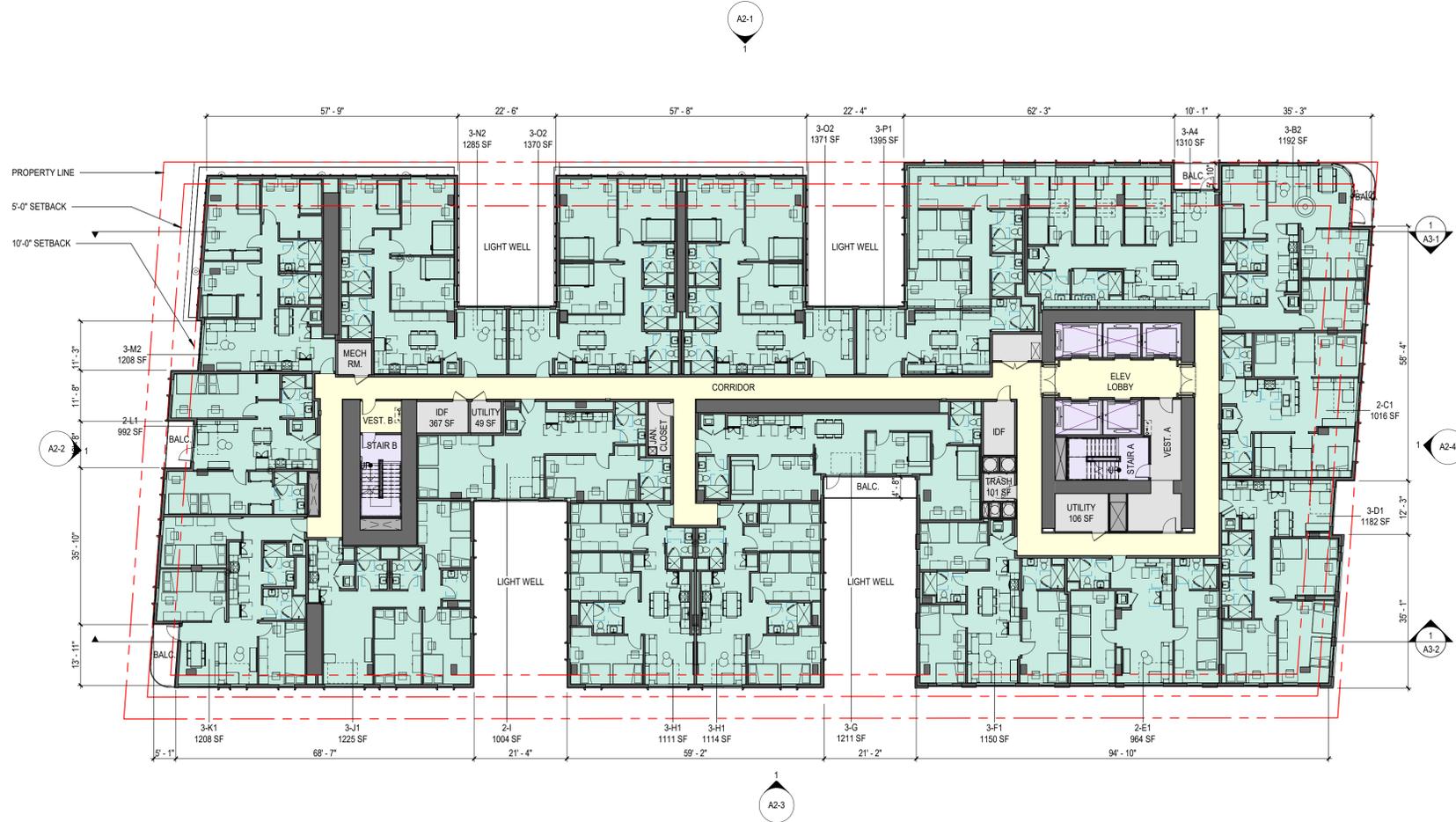
ENTITLEMENT SUBMITTAL
SUBMITTAL DATE: 07/03/2024

LEVEL 04-05 PLAN A1-4





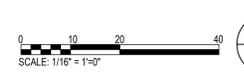




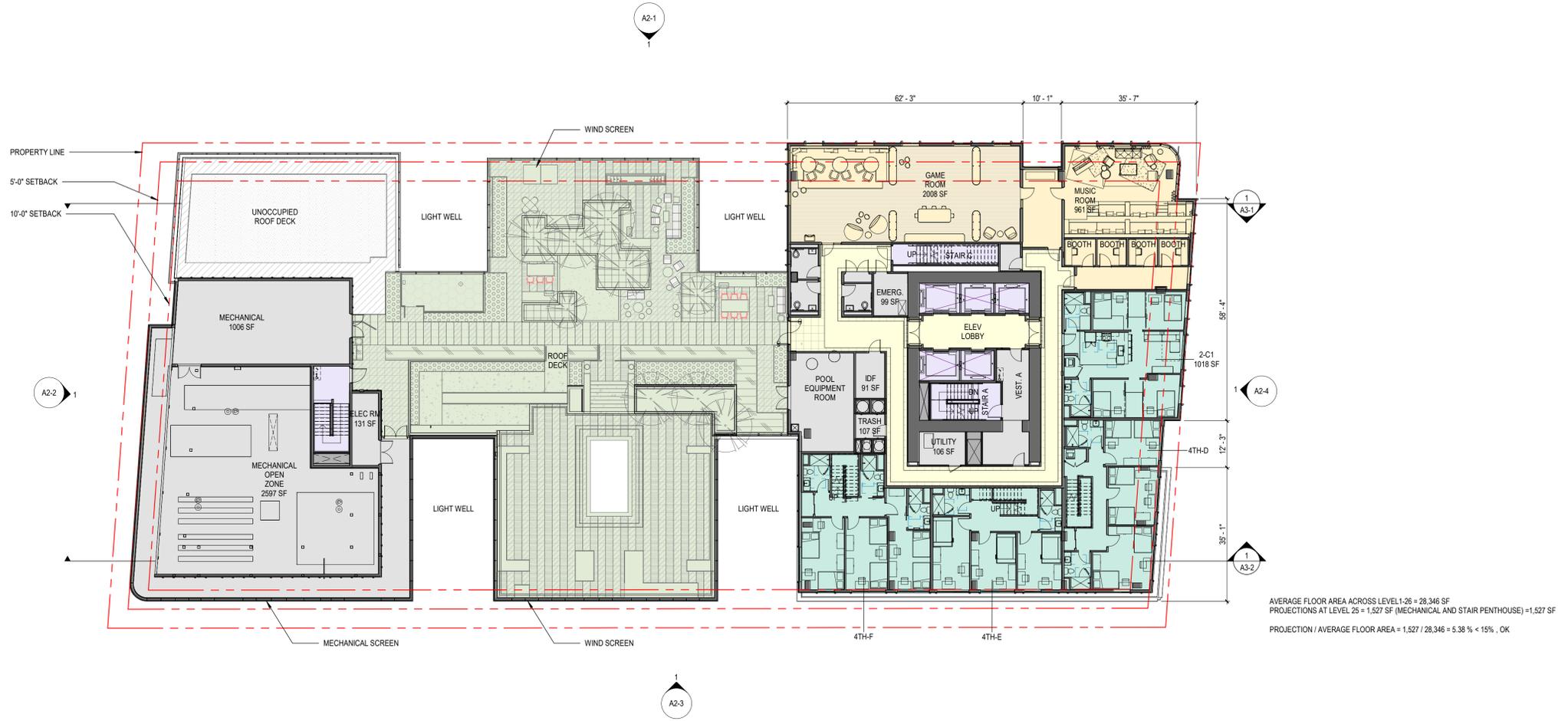


ENTITLEMENT SUBMITTAL
SUBMITTAL DATE: 07/03/2024

LEVEL 24 PLAN A1-9

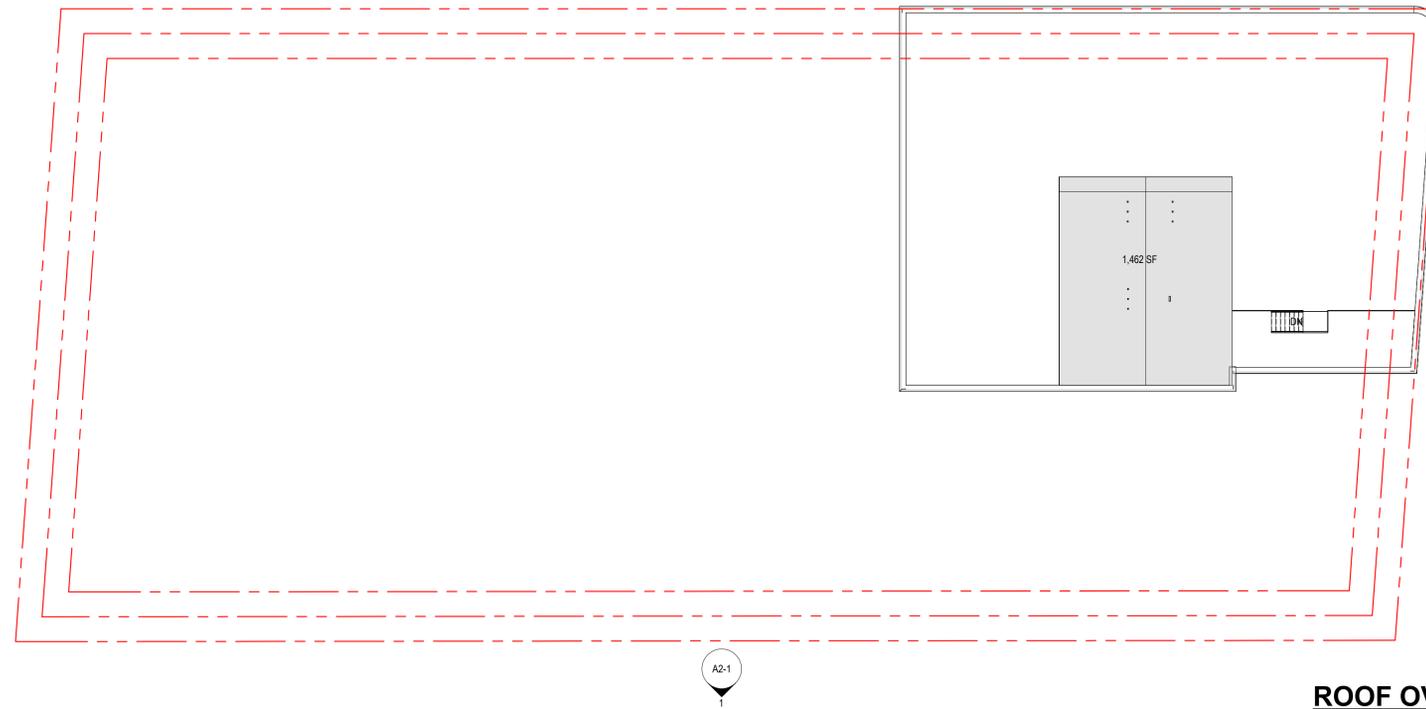


HUB BERKELEY
75-21704-00 06/14/24

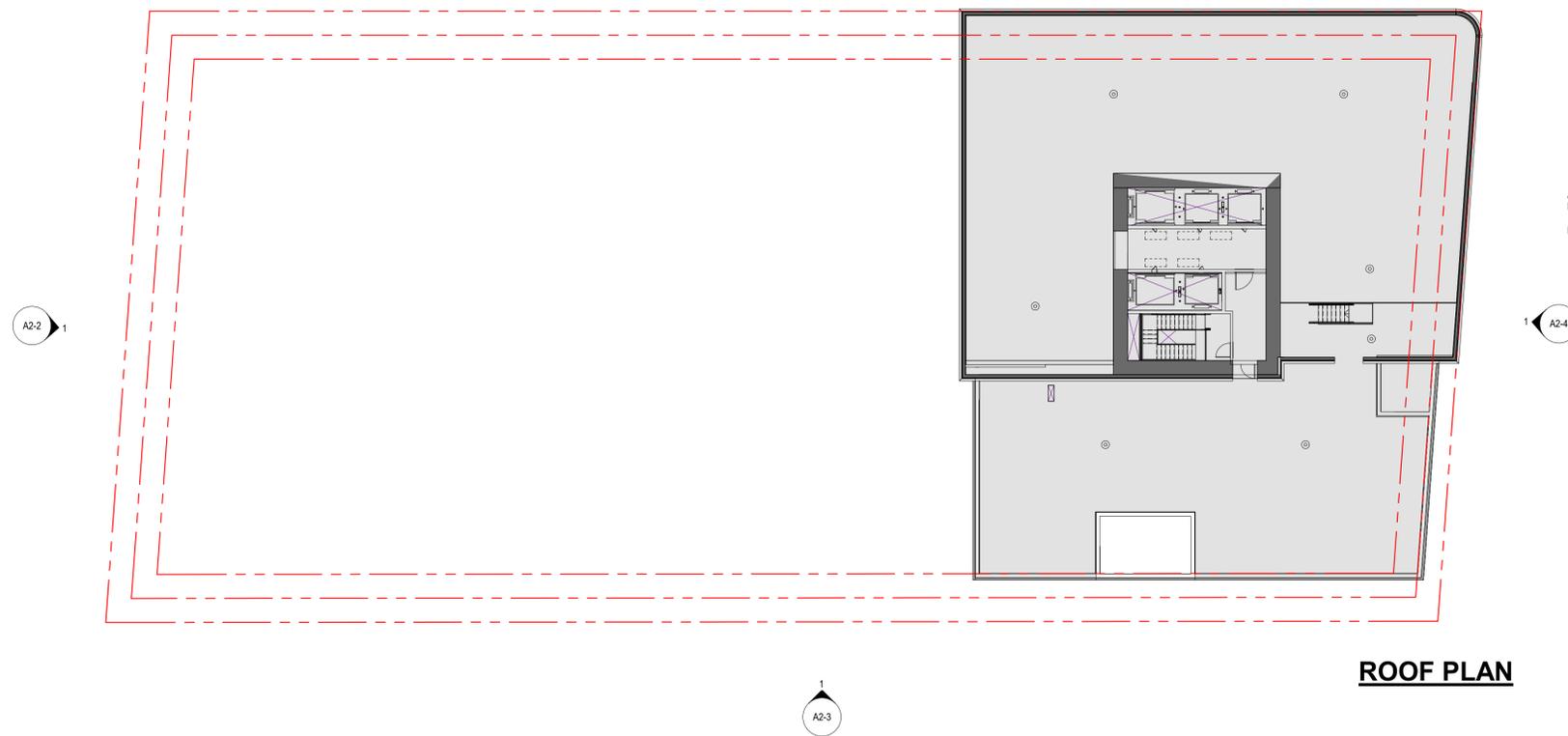


AVERAGE FLOOR AREA ACROSS LEVEL 1-26 = 28,346 SF
 PROJECTIONS AT LEVEL 25 = 1,527 SF (MECHANICAL AND STAIR PENTHOUSE) = 1,527 SF
 PROJECTION / AVERAGE FLOOR AREA = 1,527 / 28,346 = 5.38 % < 15% , OK



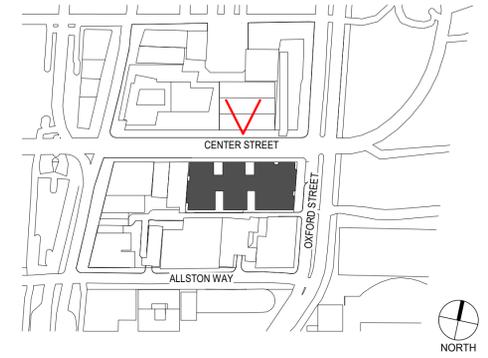


ROOF OVERRUN PLAN



ROOF PLAN

AVERAGE FLOOR AREA ACROSS LEVEL 1-26 = 28,346 SF
PROJECTIONS AT ROOF LEVEL = 1,462 SF (ELEVATOR PENTHOUSE) = 1,462 SF
PROJECTION / AVERAGE FLOOR AREA = 1,462 / 28,346 = 5.16% < 15% , OK



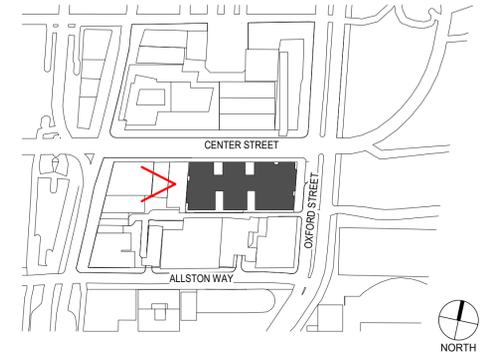
EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELLIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN

ELEVATION - NORTH
 SCALE: 1/16" = 1'-0"



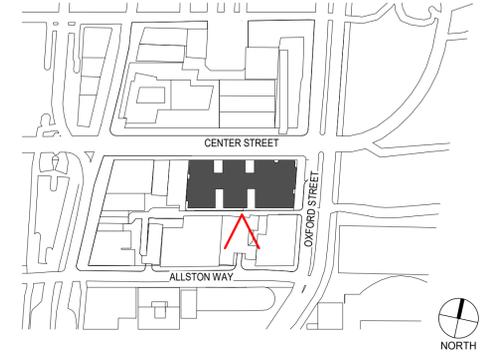
ENTITLEMENT SUBMITTAL
 SUBMITTAL DATE: 07/03/2024

NORTH ELEVATION A2-1



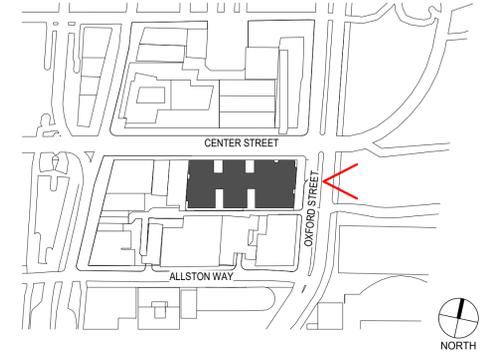
EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN

ELEVATION - WEST
 SCALE: 1/16" = 1'-0"



EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELLIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN

ELEVATION - SOUTH
 SCALE: 1/16" = 1'-0"



EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN

ELEVATION - EAST
 SCALE: 1/16" = 1'-0"



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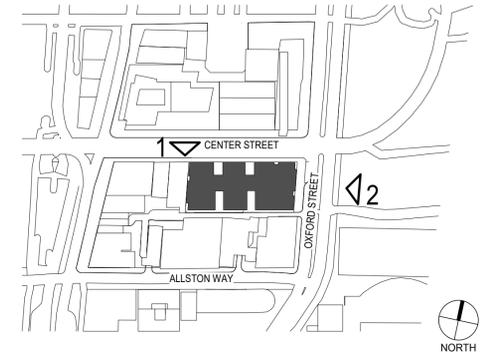
EAST ELEVATION A2-4

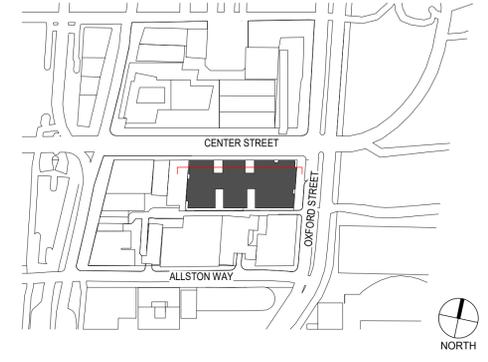
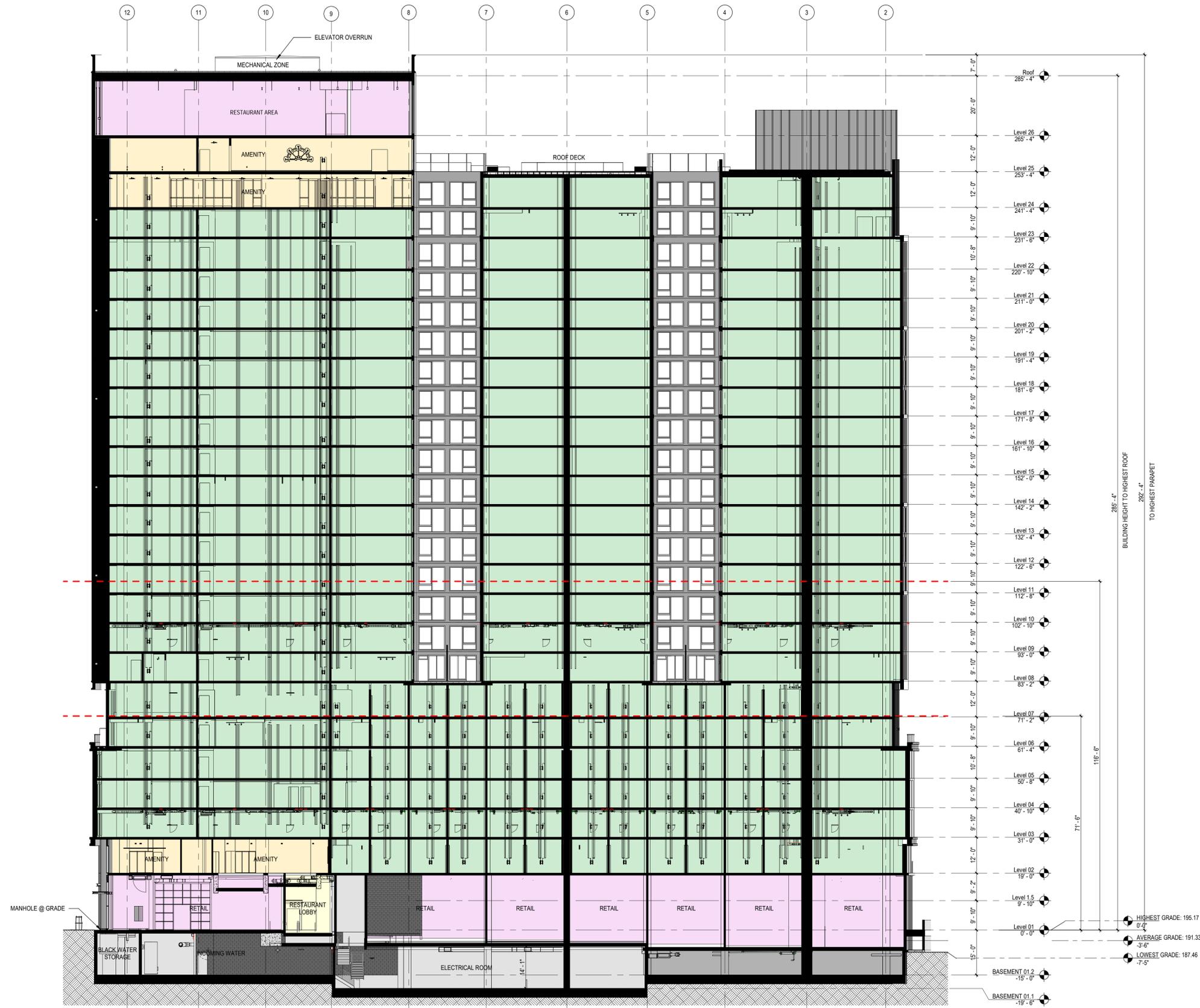


1 | CENTER ST (PROPOSED)



2 | OXFORD ST (PROPOSED)





BUILDING HEIGHT TO HIGHEST ROOF
 285'-4"

TO HIGHEST PARAPET
 282'-4"

116'-6"

71'-6"

HIGHEST GRADE: 195.17
 0'-4"
 AVERAGE GRADE: 191.33
 -3'-6"
 LOWEST GRADE: 187.46
 -7'-8"

CORE

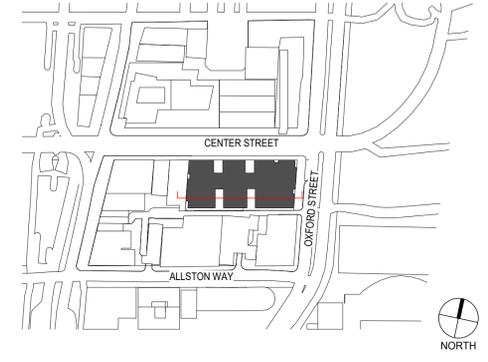
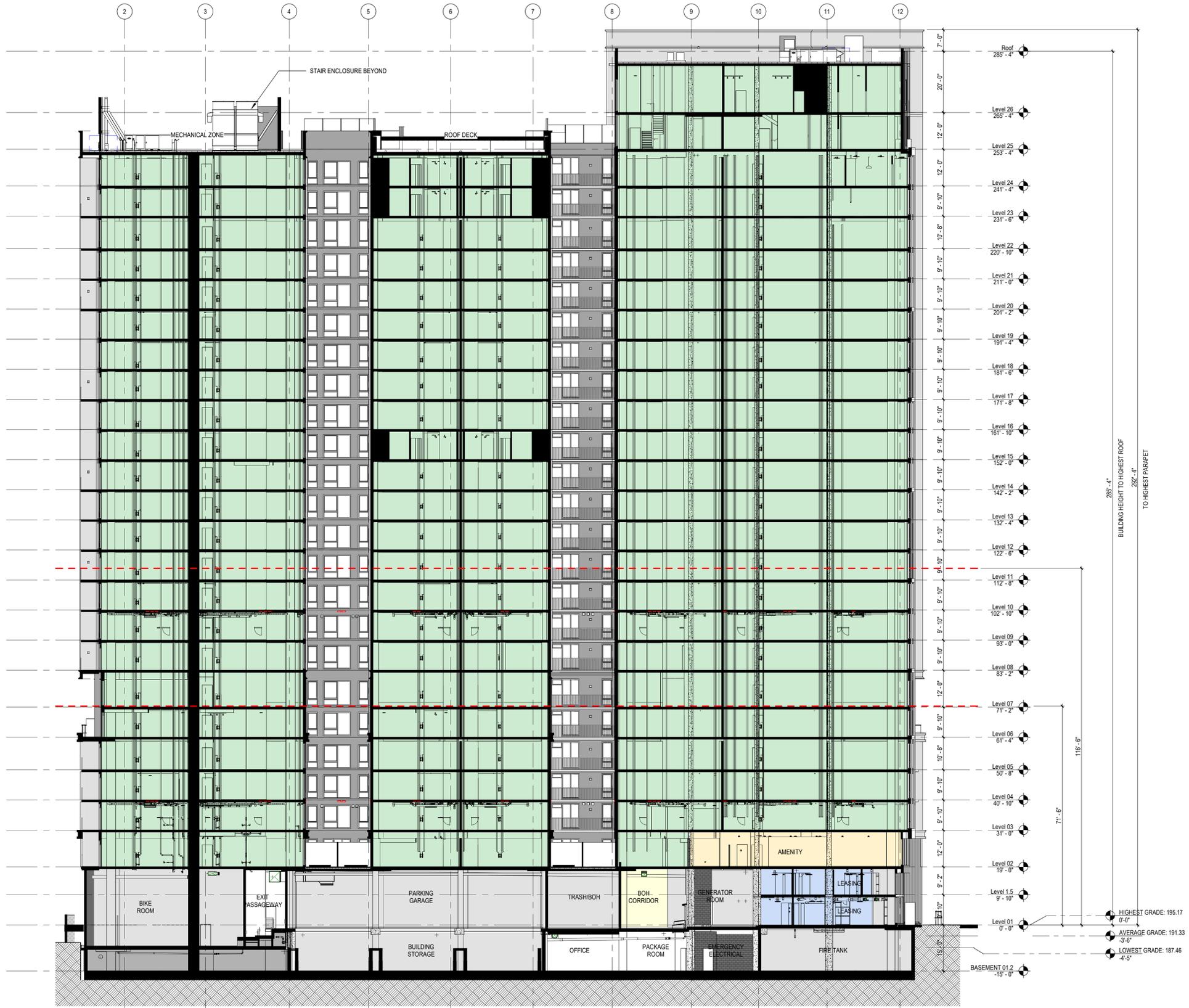
DLR Group

site landscape architecture urban design

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EAST-WEST SECTION A3-1



CORE

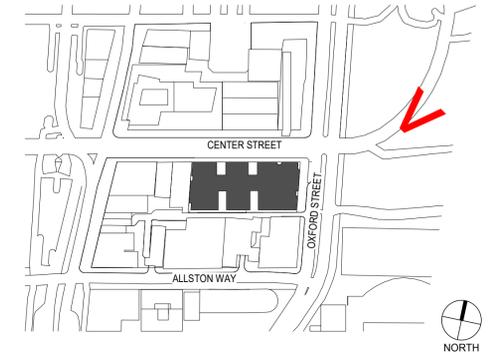
DLR Group

site landscape architecture urban design

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EAST-WEST SECTION A3-2



VIEW FROM UC BERKELEY CRESCENT LAWN LOOKING AT TOWER

CORE

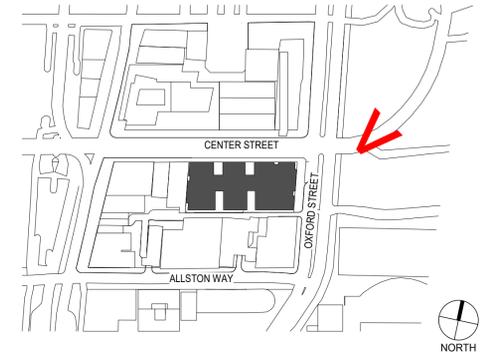
DLR Group

site landscape
architecture
urban design

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RENDERINGS A4-1

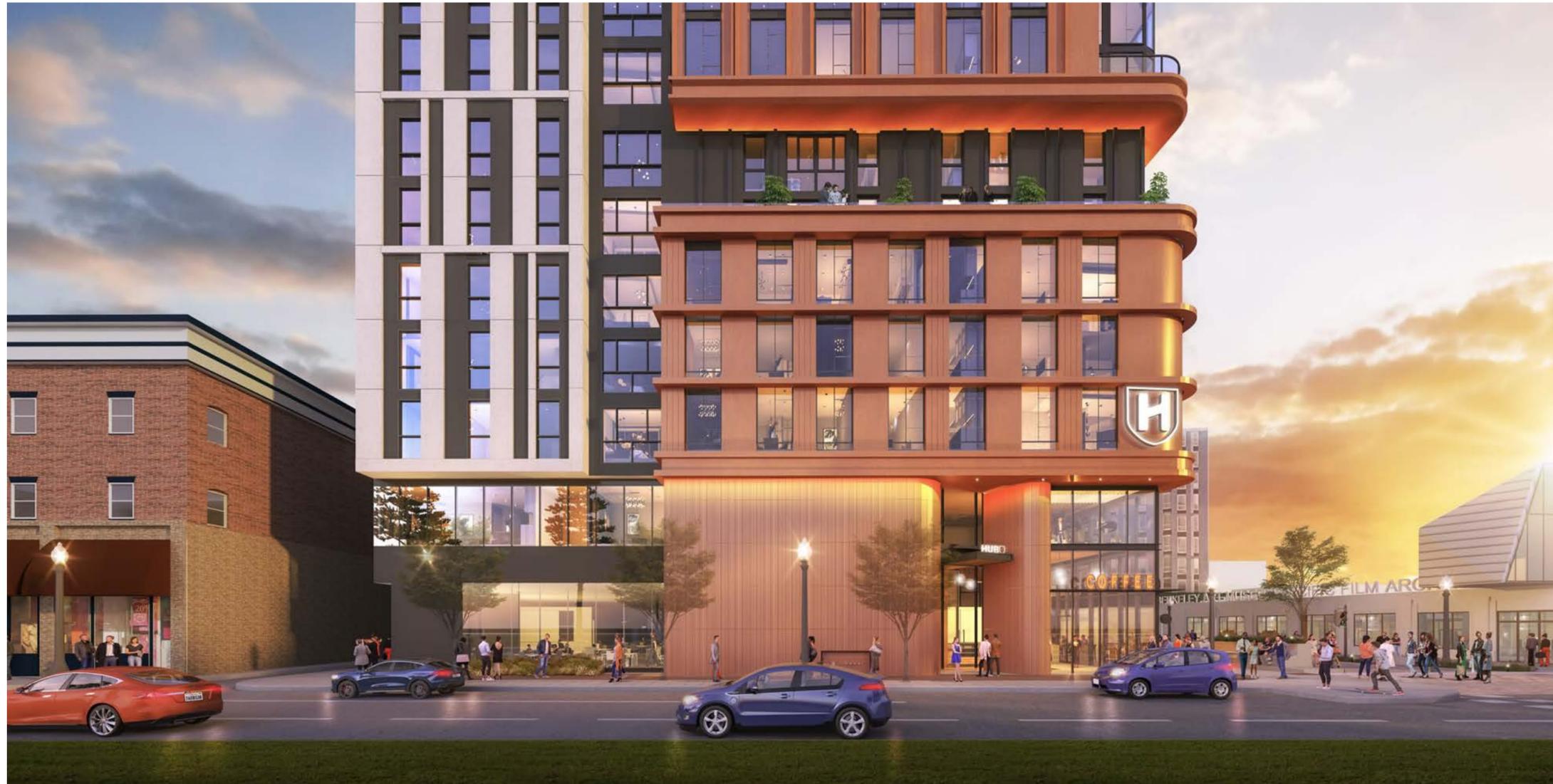
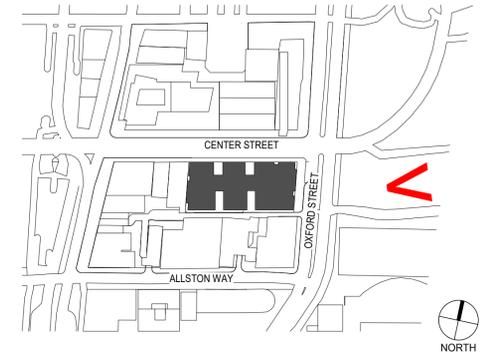


CORNER VIEW FROM OXFORD ST & CENTER ST



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RENDERINGS **A4-2**

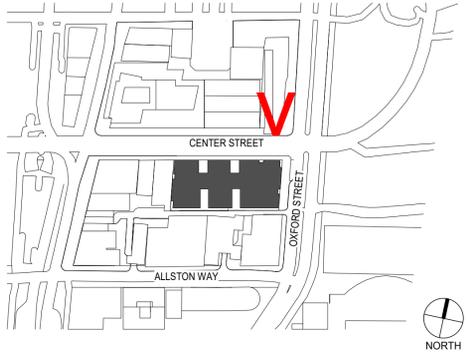


CLOSE-UP OF FACADE ON OXFORD ST.



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RENDERINGS **A4-3**

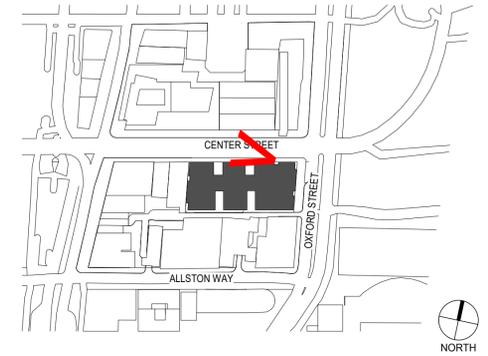


CLOSE-UP OF FACADE ON CENTER ST.

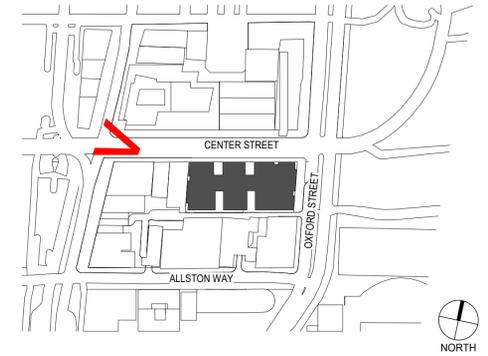


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RENDERINGS **A4-4**



VIEW FROM CENTER ST. HIGHLIGHTING THE PEDESTRIAN EXPERIENCE



ELEVATED VIEW LOOKING AT THE WEST FACADE

CORE

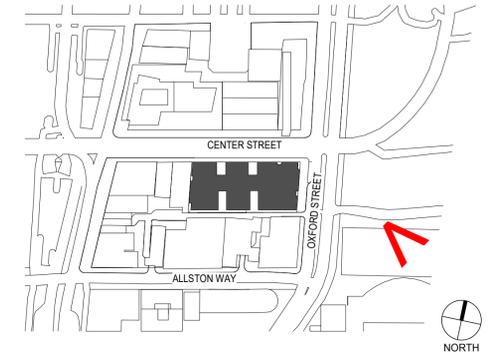
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RENDERINGS A4-6



ELEVATED VIEW LOOKING AT THE EAST FACADE

CORE

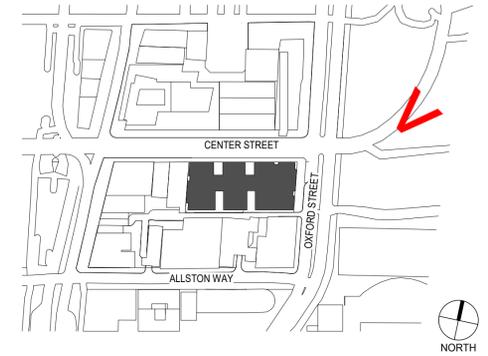
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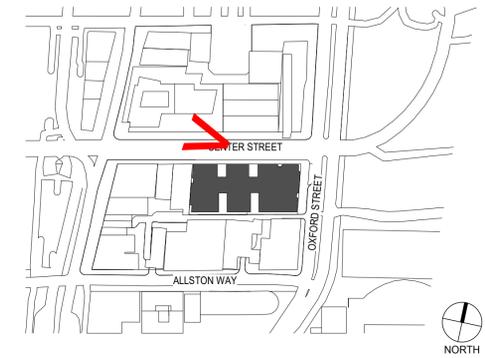
RENDERINGS A4-7



VIEW FROM UC BERKELEY CRESCENT LAWN LOOKING AT TOWER (DAY VIEW)



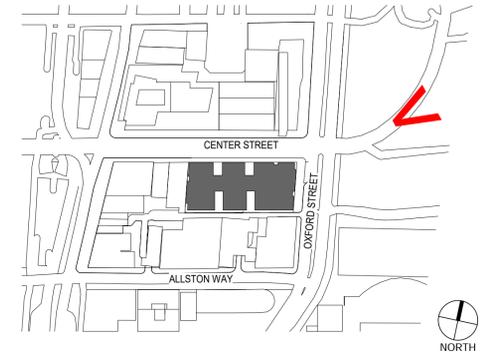
VIEW FROM UC BERKELEY CRESCENT LAWN LOOKING AT TOWER (NIGHT VIEW)



VIEW FROM CENTER ST. LOOKING EAST (DAY VIEW)



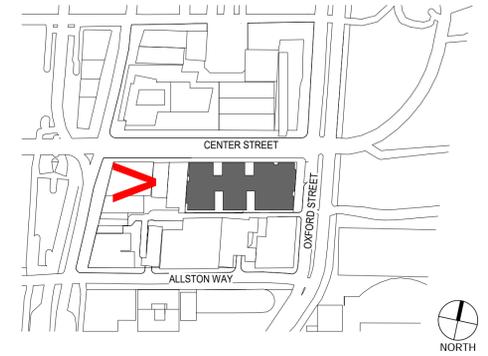
VIEW FROM CENTER ST. LOOKING EAST (NIGHT VIEW)



LOOKING WEST FROM CRESCENT LAWN (EXISTING)



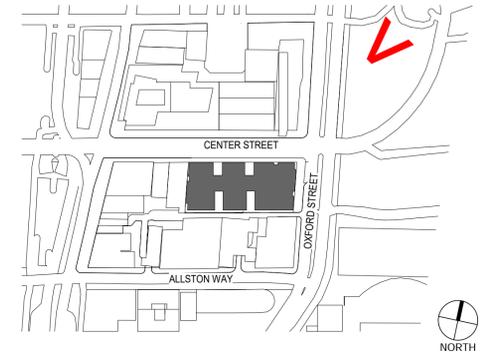
LOOKING WEST FROM CRESCENT LAWN (PROPOSED)



LOOKING EAST FROM CENTER ST (EXISTING)



LOOKING EAST FROM CENTER ST (PROPOSED)



LOOKING SOUTHWEST FROM CRESCENT LAWN (EXISTING)



LOOKING SOUTHWEST FROM CRESCENT LAWN (PROPOSED)

EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELLIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN



ALUMINUM GUARDRAIL SYSTEM



GLASS GUARDRAIL SYSTEM



CMU-01 COLORED CONCRETE MASONRY UNIT, DARK GRAY



PL-01 POLYMER WINDOW SYSTEM, DARK GRAY FRAME



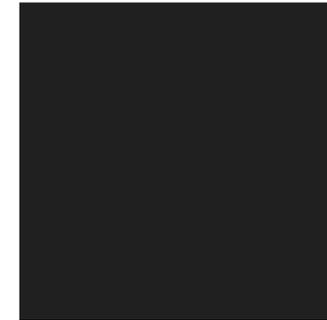
AL-01 STOREFRONT SYSTEM, DARK GRAY FRAME



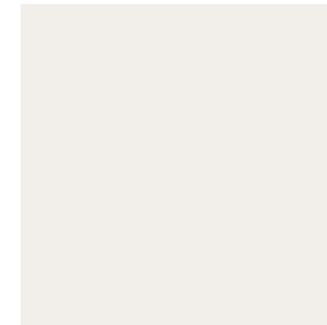
ALUMINUM PANEL/MULLION - GRAY, MATCH EIFS-02



EIFS-01 EXTERIOR INSULATION FINISHING SYSTEM - RED



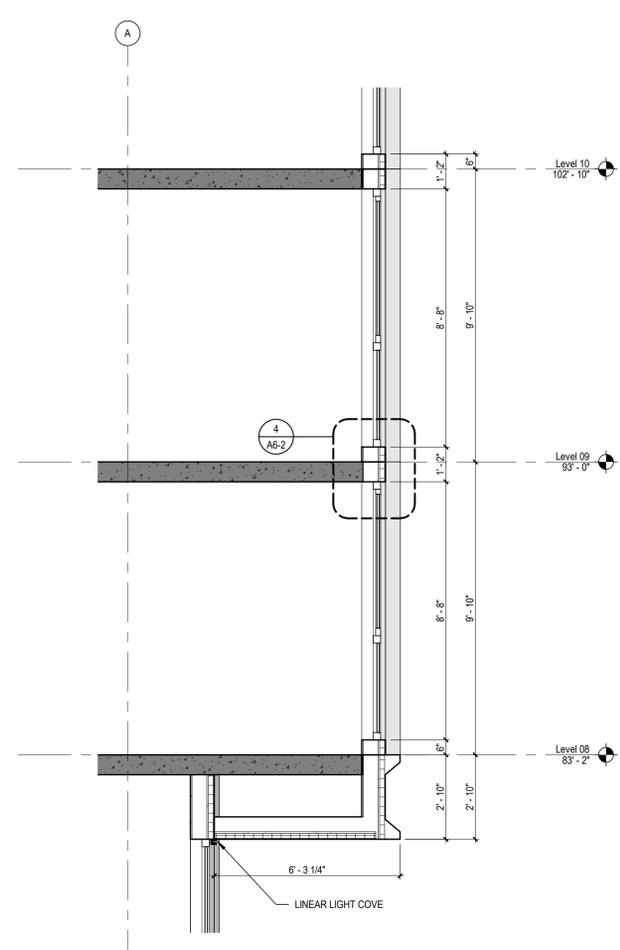
EIFS-02 EXTERIOR INSULATION FINISHING SYSTEM - GRAY



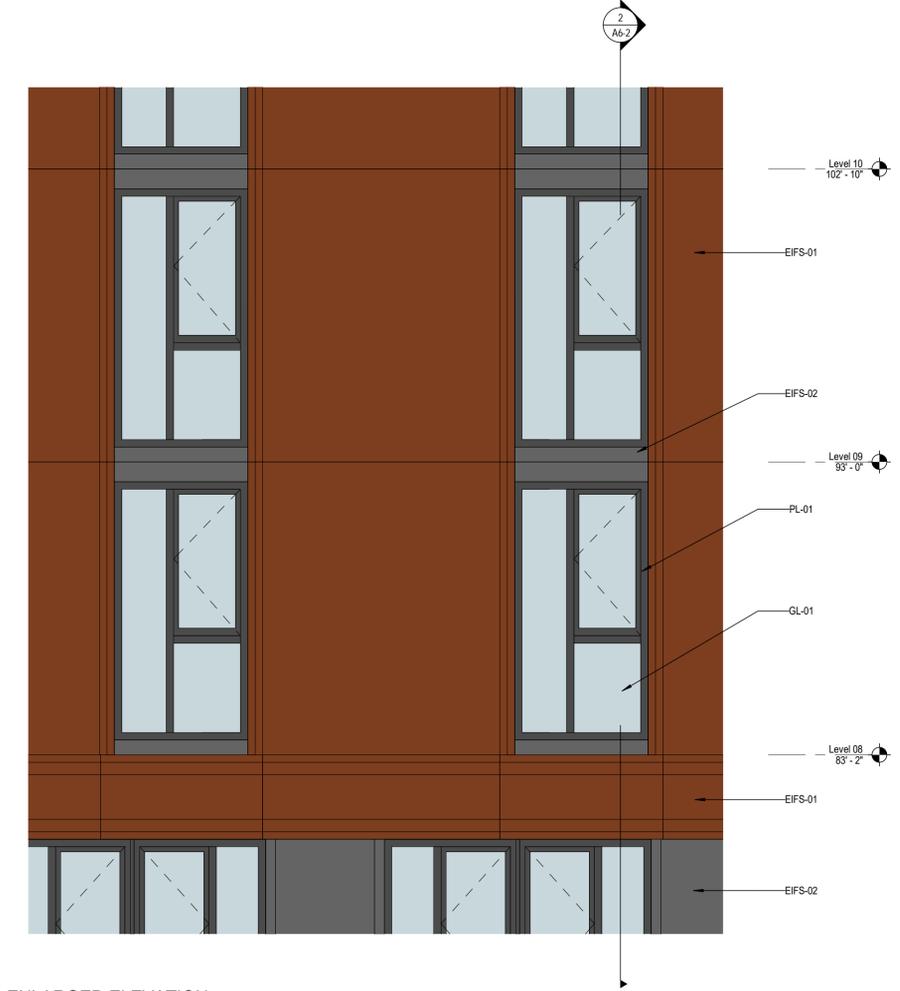
EIFS-03 EXTERIOR INSULATION FINISHING SYSTEM - WHITE



TL-01 TILE VENEER, RED

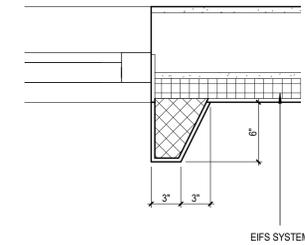


2 ENLARGED SECTION
 A6-2 SCALE: 3/8" = 1'-0"

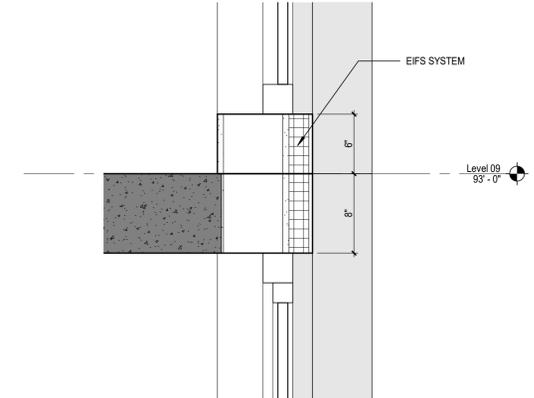


1 ENLARGED ELEVATION
 A6-2 SCALE: 3/8" = 1'-0"

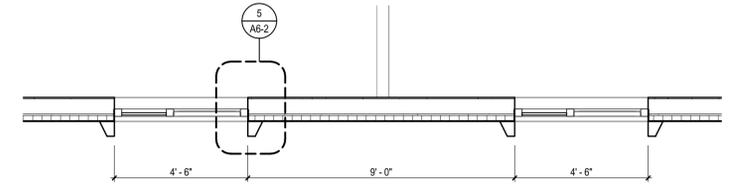
EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELLIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN



5 PLAN DETAIL
 A6-2 SCALE: 1 1/2" = 1'-0"



4 SECTION DETAIL
 A6-2 SCALE: 1 1/2" = 1'-0"

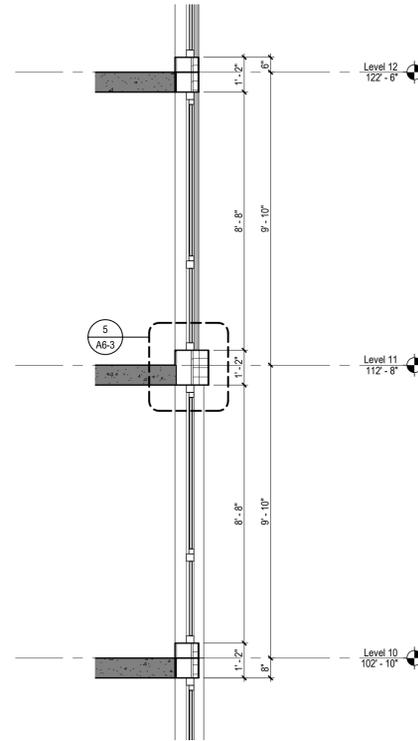


3 ENLARGED PLAN - LEVEL 8
 A6-2 SCALE: 3/8" = 1'-0"

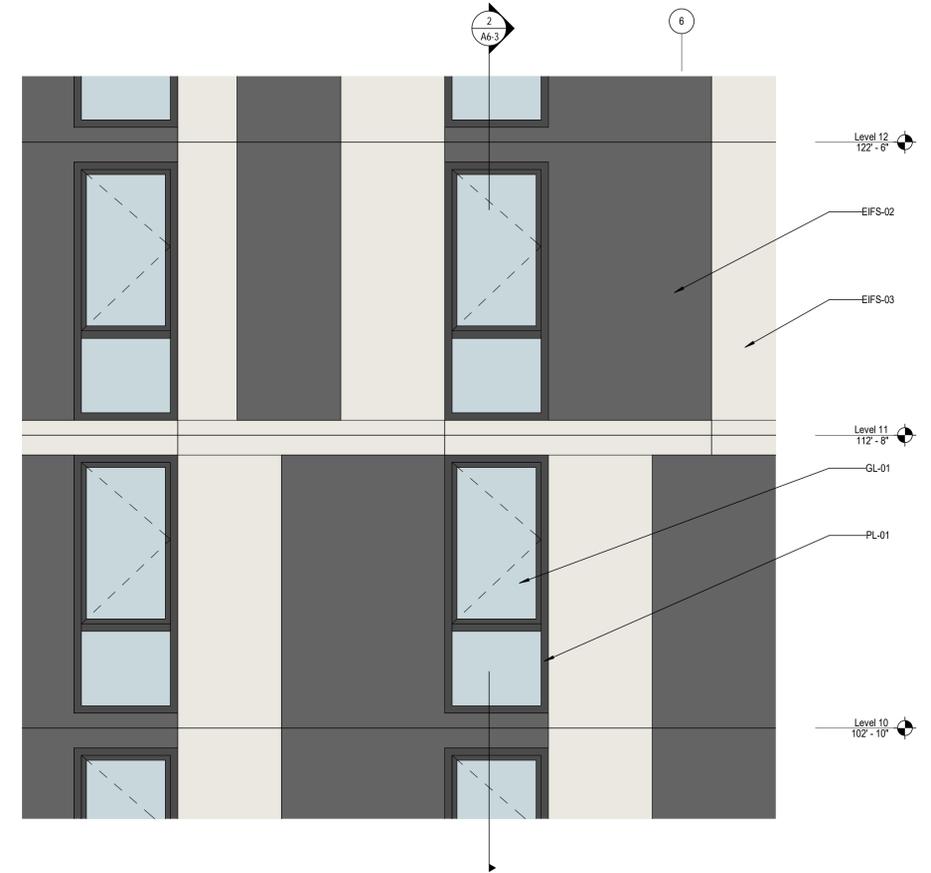


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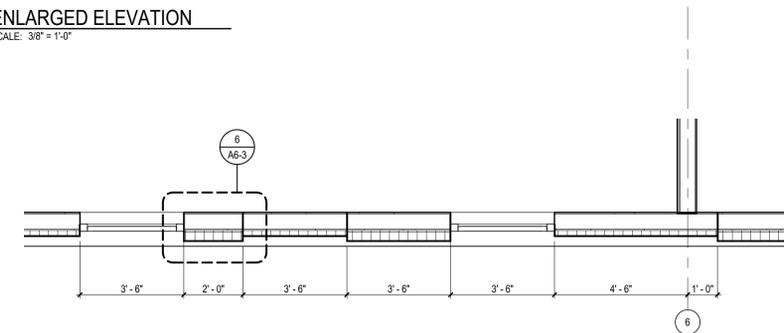
FACADE SYSTEM A6-2



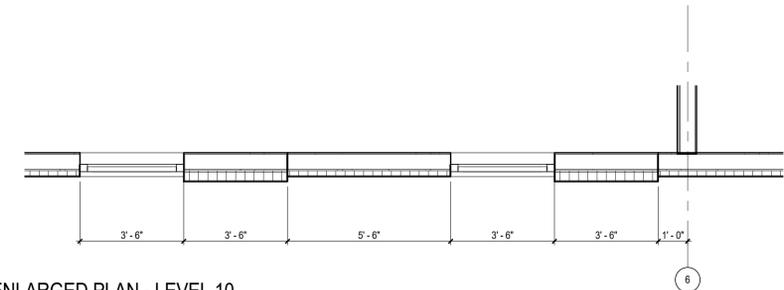
2 ENLARGED SECTION
 SCALE: 3/8" = 1'-0"



1 ENLARGED ELEVATION
 SCALE: 3/8" = 1'-0"

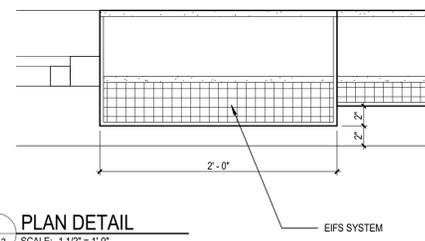


4 ENLARGED PLAN - LEVEL 11
 SCALE: 3/8" = 1'-0"

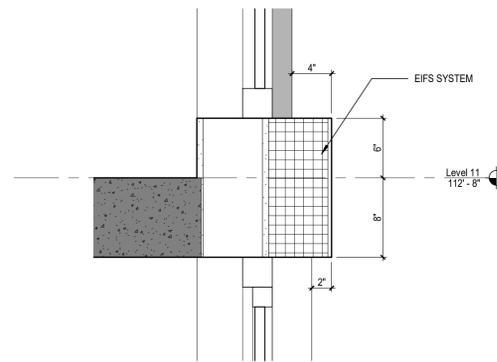


3 ENLARGED PLAN - LEVEL 10
 SCALE: 3/8" = 1'-0"

EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN



6 PLAN DETAIL
 SCALE: 1 1/2" = 1'-0"

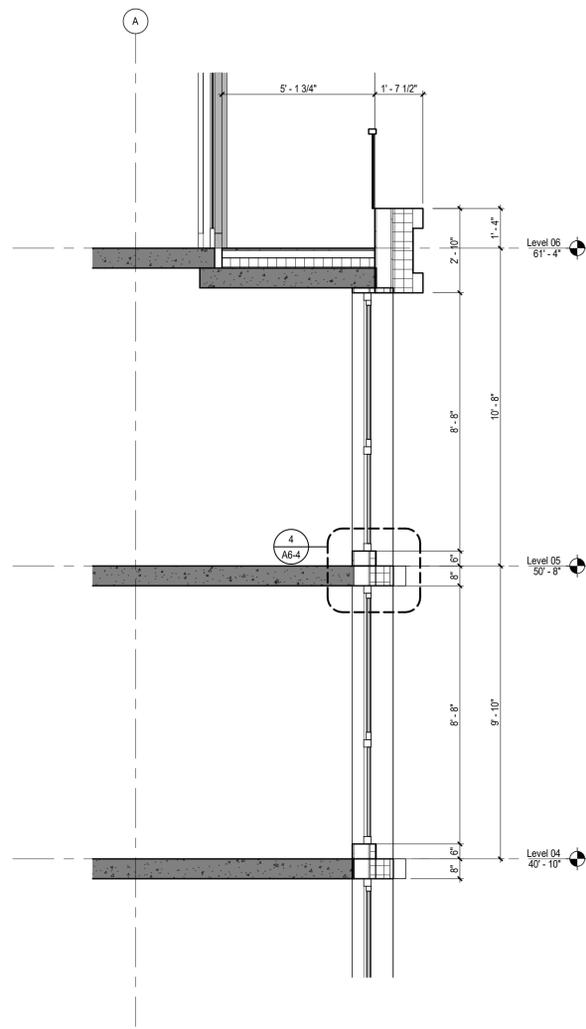
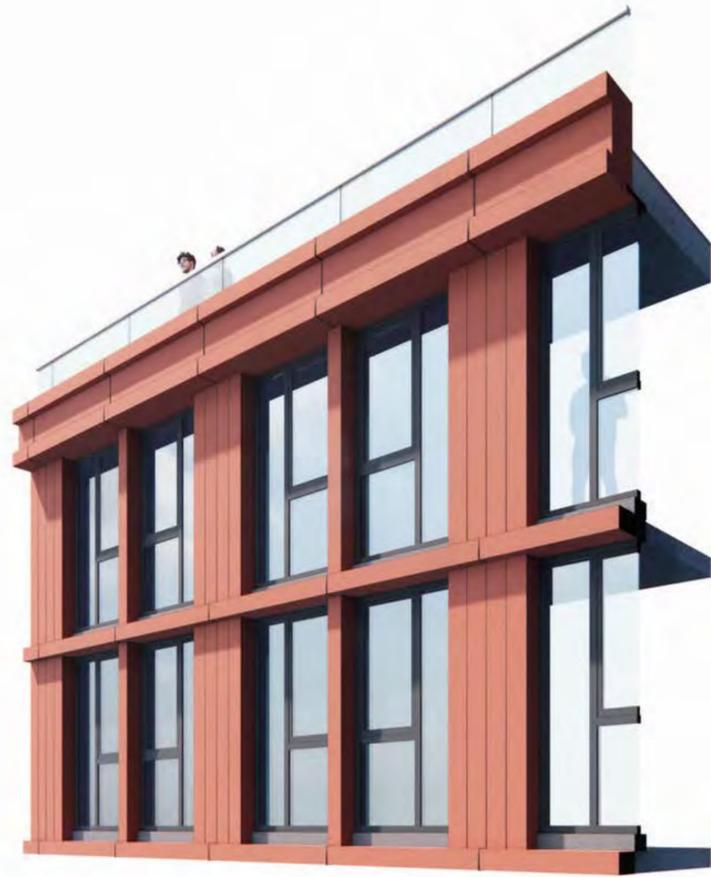


5 SECTION DETAIL
 SCALE: 1 1/2" = 1'-0"

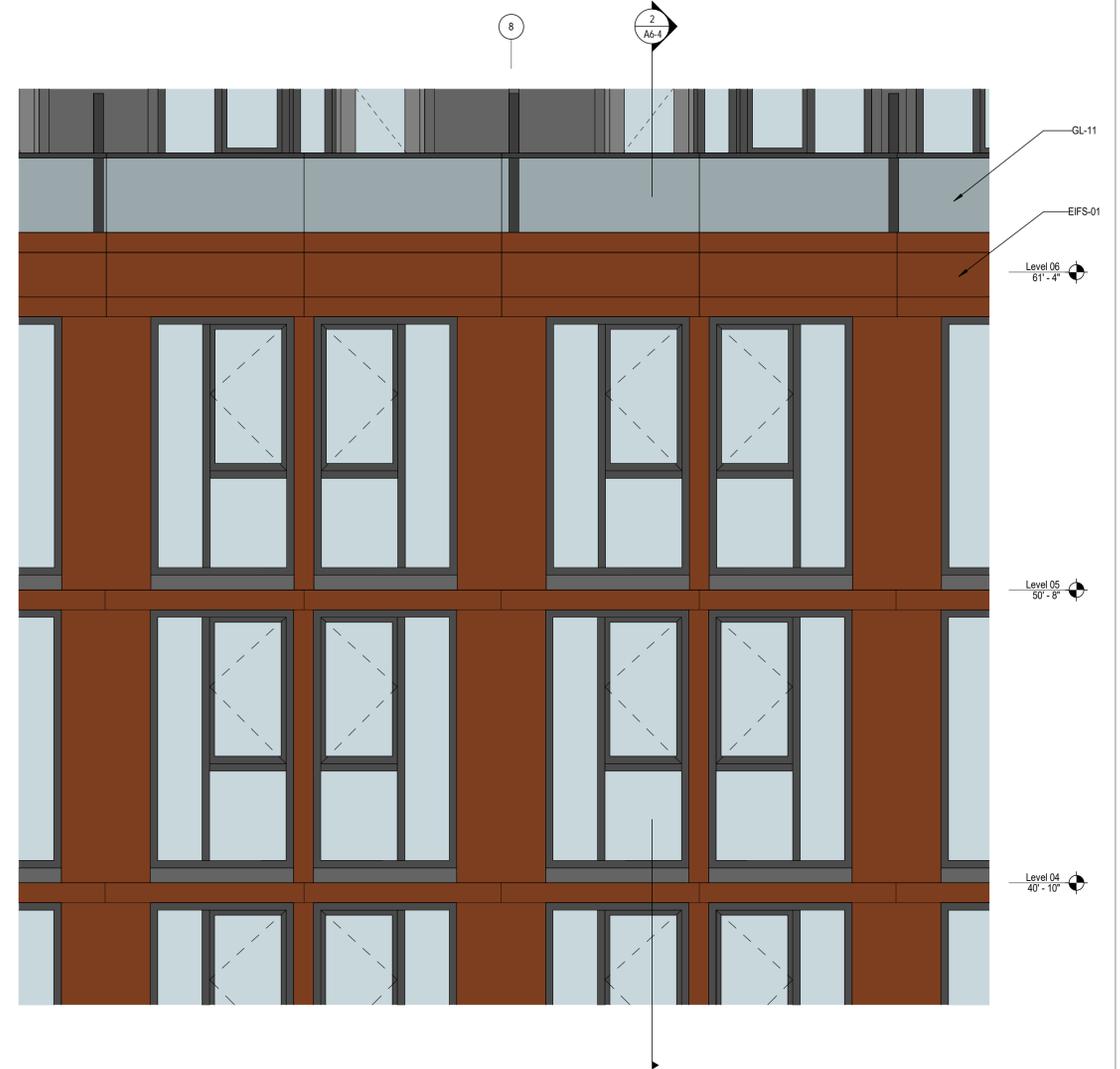
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FACADE SYSTEM A6-3

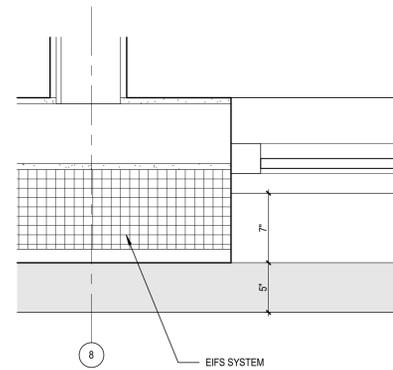


2 ENLARGED SECTION
 SCALE: 3/8" = 1'-0"

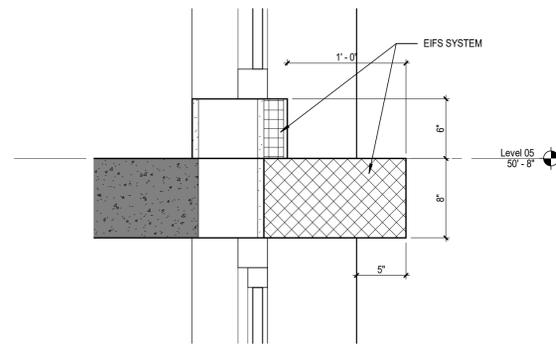


1 ENLARGED ELEVATION
 SCALE: 3/8" = 1'-0"

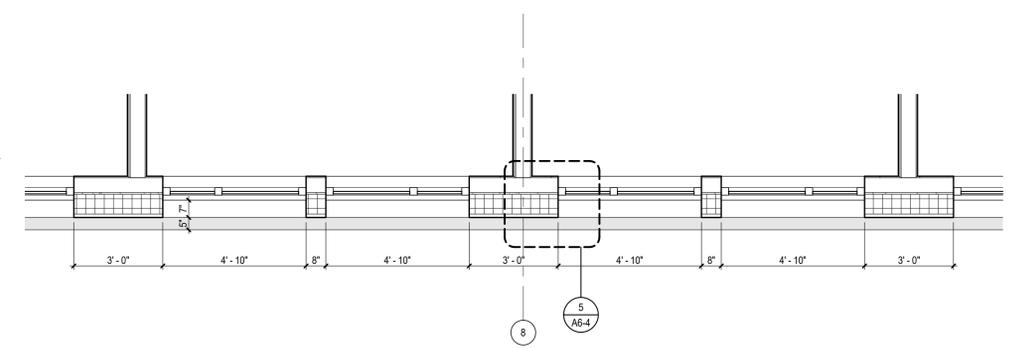
EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELLIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN



5 SECTION DETAIL
 SCALE: 1 1/2" = 1'-0"



4 SECTION DETAIL
 SCALE: 1 1/2" = 1'-0"

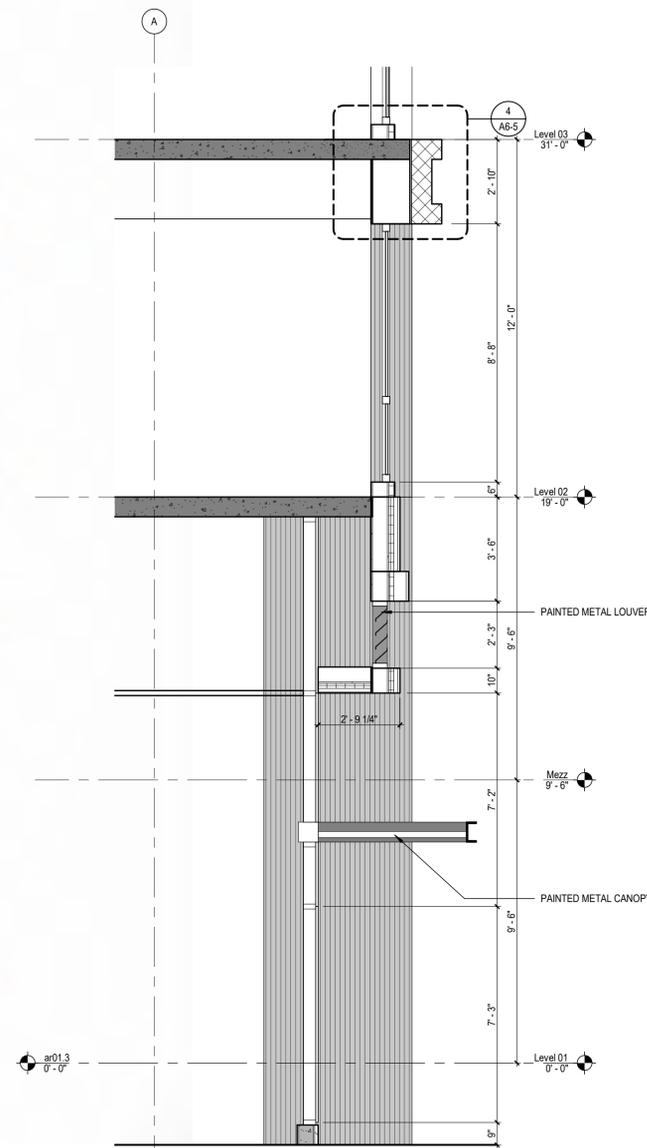


3 ENLARGED PLAN - LEVEL 5
 SCALE: 3/8" = 1'-0"



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FACADE SYSTEM A6-4



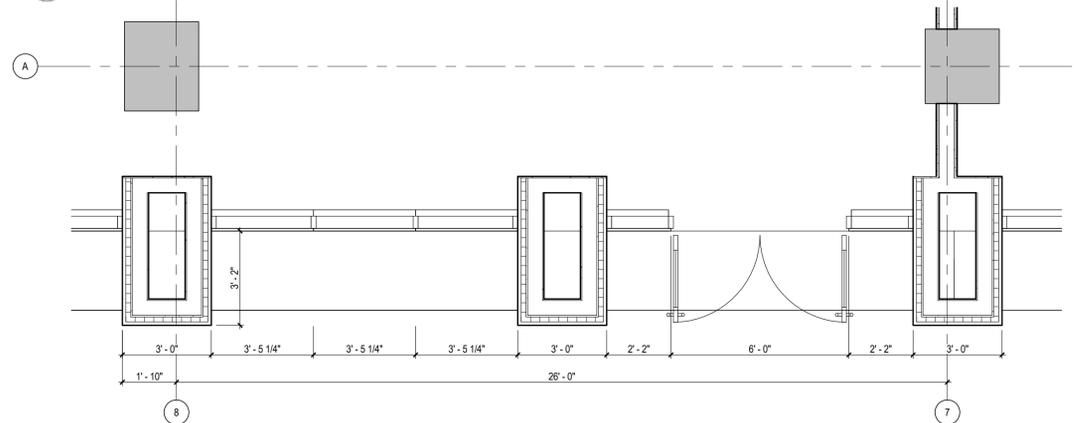
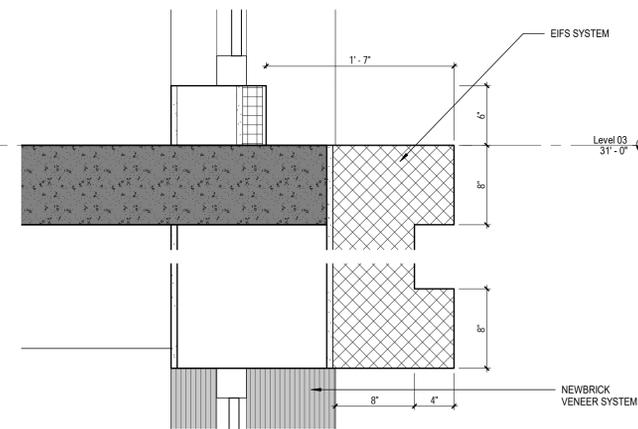
2 ENLARGED SECTION
 A6-5 / SCALE: 3/8" = 1'-0"



1 ENLARGED ELEVATION
 A6-5 / SCALE: 3/8" = 1'-0"

EXTERIOR FINISHES	
NAME	FINISH/SYSTEM
AL-01	ALUMINUM EXTRUSION, STOREFRONT MULLIONS, DARK GRAY
AL-02	ALUMINUM EXTRUSION, POWDER COATED, RAILING FRAMES, COLOR TO MATCH AL-01
AL-03	ALUMINUM EXTRUSION, LOUVERS, COLOR TO MATCH AL-01
AL-04	ALUMINUM EXTRUSION, CANOPY TRELIS, COLOR TO MATCH AL-01
AL-11	METAL PANEL, COLOR TO MATCH EIFS-02
AL-13	ALUMINUM METAL SIGNAGE
CMU-01	COLORLED CONCRETE MASONRY UNIT, DARK GRAY
EIFS-01	EXTERIOR INSULATION FINISHING SYSTEM, RED
EIFS-02	EXTERIOR INSULATION FINISHING SYSTEM, GRAY
EIFS-03	EXTERIOR INSULATION FINISHING SYSTEM, WARM WHITE
GL-01	INSULATED GLASS UNIT, LOW-E COATING
GL-02	1" INSULATED GLASS UNIT, LOW-E COATING, LOW IRON, TEMPERED, AT STOREFRONT
GL-04	INSULATED GLASS UNIT, LOW-E COATING, FULLY HEAT TEMPERED
GL-11	TEMPERED LAMINATED, LOW-IRON, GLASS BALUSTRATE
MCM-1	MCM PANEL, RAINSCREEN SYSTEM, DARK GRAY
PL-01	POLYMER, WINDOW FRAME
ST-01	COMPOSITE STONE PANEL - BLACK GRANITE
STL-01	STEEL-PAINT FINISH, COLOR TO MATCH EIFS-02
TL-01	TERRACOTTA, RED, GROOVED PATTERN
TL-02	TERRACOTTA, RED, STRIPY PATTERN

4 SECTION DETAIL
 A6-5 / SCALE: 1 1/2" = 1'-0"



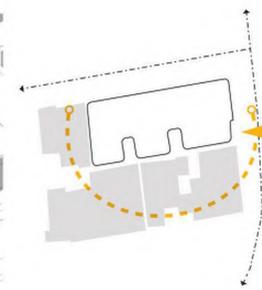
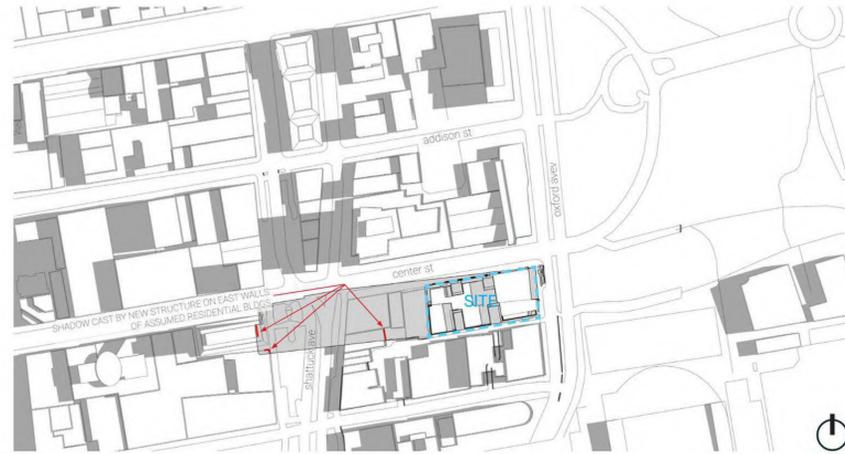
3 ENLARGED FLOOR PLAN - LEVEL 1
 A6-5 / SCALE: 3/8" = 1'-0"



ENTITLEMENT SUBMITTAL
 SUBMITTAL DATE: 07/03/2024

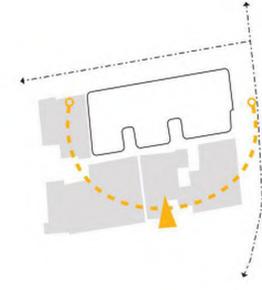
FACADE SYSTEM A6-5

SUMMER SOLSTICE
 JUNE 21 - 7:47am
 sunrise @5:47am



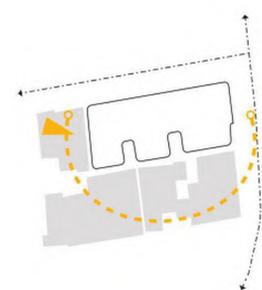
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- ☀ sun path / angle

SUMMER SOLSTICE
 JUNE 21 - 12:00pm



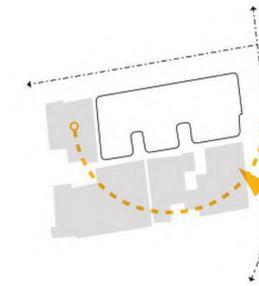
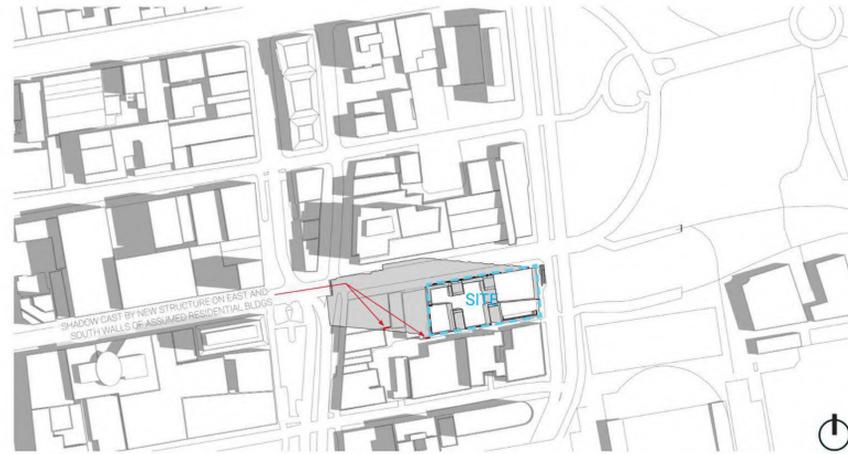
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- ☀ sun path / angle

SUMMER SOLSTICE
 JUNE 21 - 6:35pm
 sunset @8:35pm



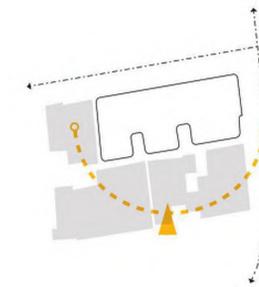
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- ☀ sun path / angle

EQUINOX (FALL)
 SEP 21 - 8:57am
 sunrise @6:57am



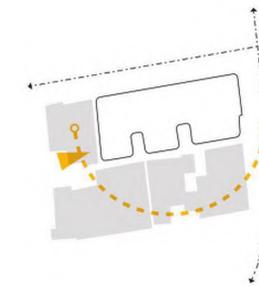
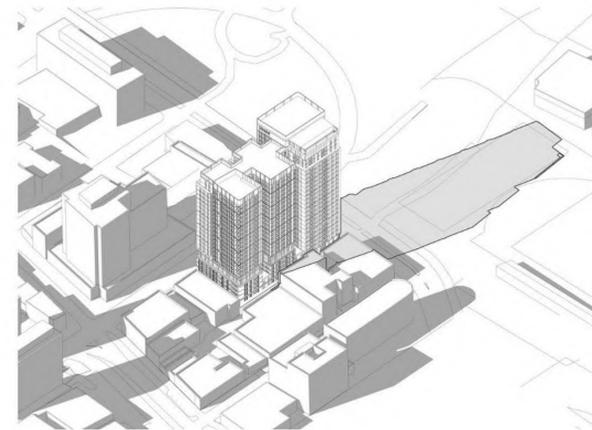
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- sun path / angle

EQUINOX (FALL)
 SEP 21 - 12:00pm



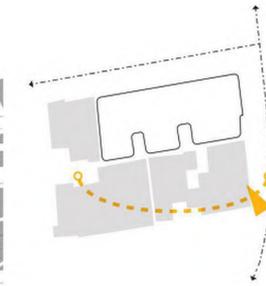
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- sun path / angle

EQUINOX (FALL)
 SEP 21 - 5:05pm
 sunset @7:05pm



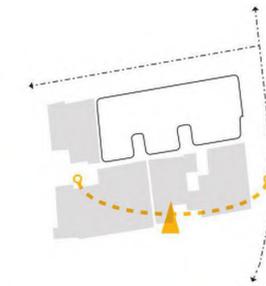
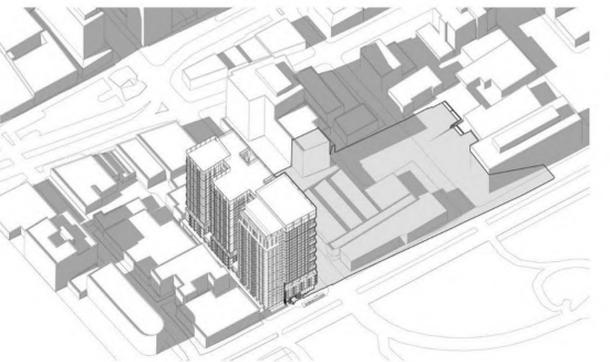
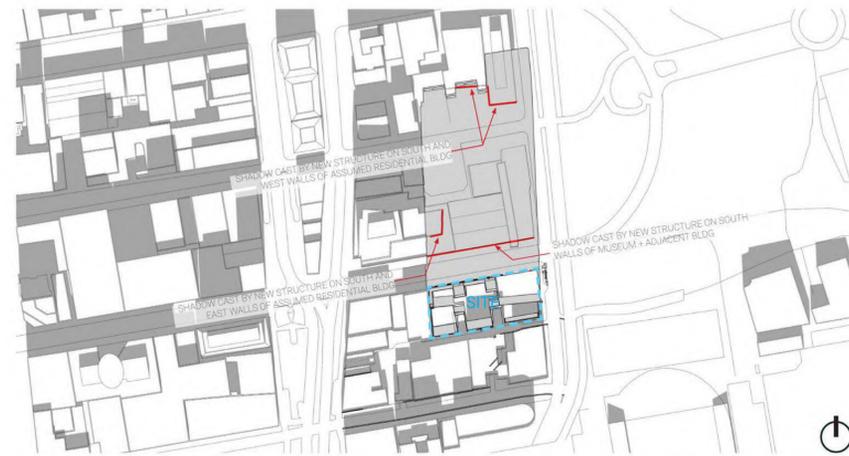
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- sun path / angle

WINTER SOLSTICE
 DEC 21 - 9:22am
 sunrise @7:22am



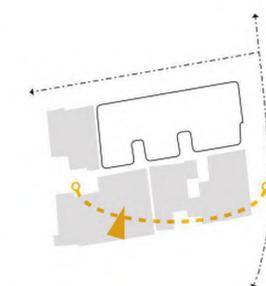
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- sun path / angle

WINTER SOLSTICE
 DEC 21 - 12:00pm



- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- sun path / angle

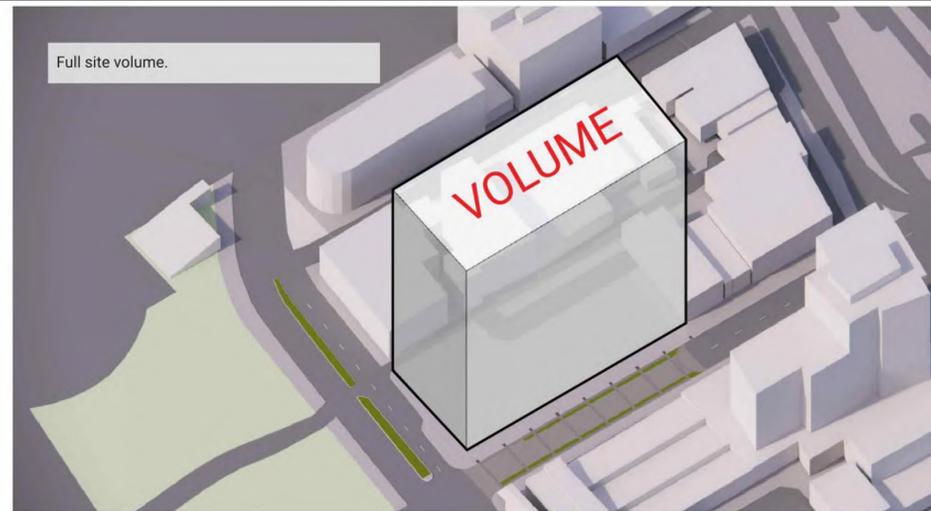
WINTER SOLSTICE
 DEC 21 - 2:54pm
 sunset @4:54pm



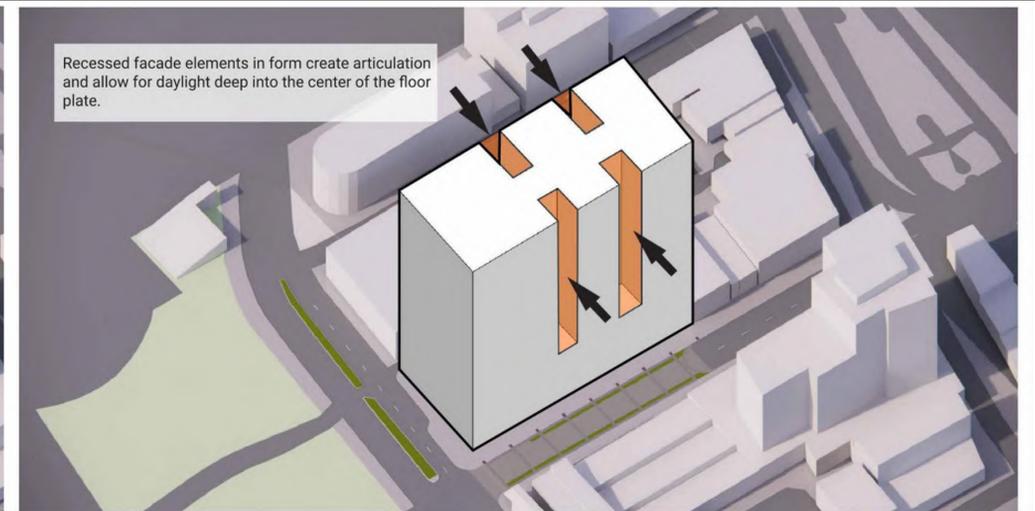
- shadows from proposed project
- shadows from existing structures
- wall shadows from proposed
- sun path / angle



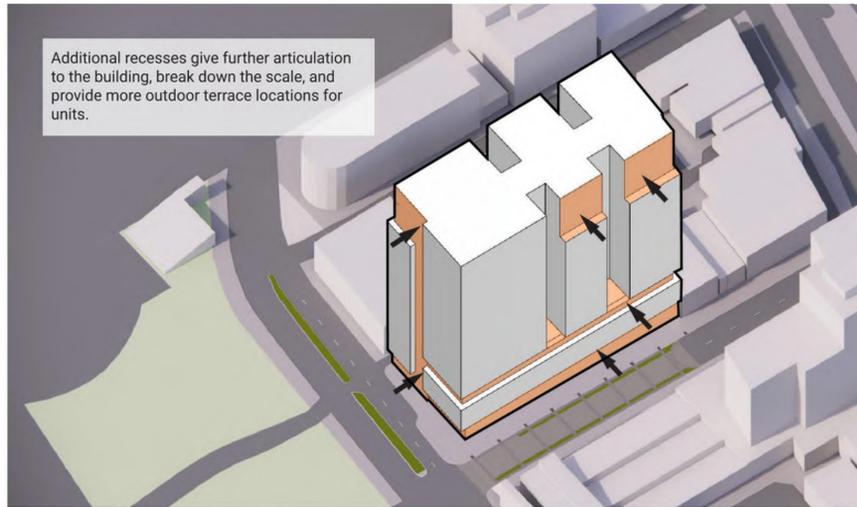
00 - BLANK SITE



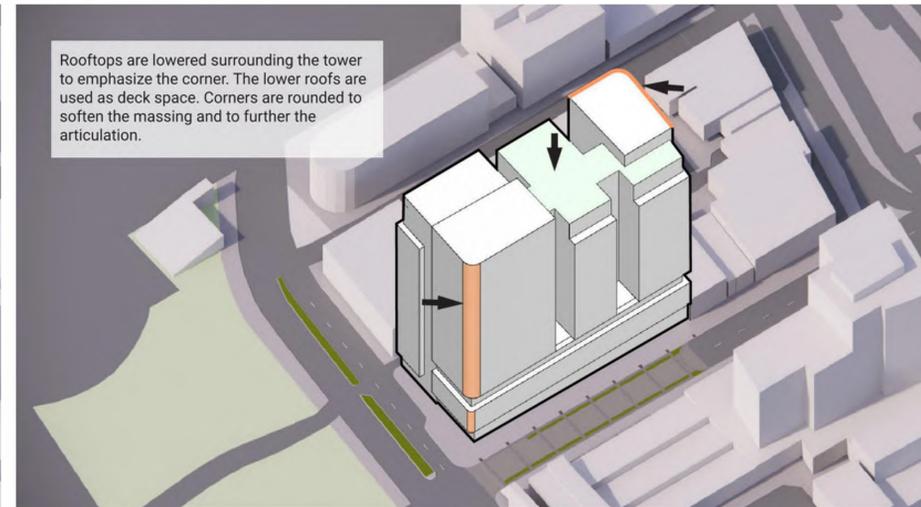
01 - OVERALL MASS



02 - DAYLIGHT CUTOUTS



03 - SECONDARY SEPARATIONS



04 - ROOFTOPS + FILLET



05 - BALCONY ADDITIONS



06 - GROUND RETAIL ACTIVATION

ENTITLEMENT SUBMITTAL
 SUBMITTAL DATE: 07/03/2024



MASSING DIAGRAM A9-1



Rent Stabilization Board

January 5, 2023

To: Sharon Gong, Senior Planner, Planning & Development Department

From: Matt Brown, General Counsel

By: Lief Bursell, Senior Planner

Be Tran, Associate Planner

Subject: **2138 Center Street**

On October 1, 2021, you wrote to Mr. Bursell informing him of an application to demolish an existing 16-unit residential building at 2138 Center Street. You requested that we provide you with information related to the property's rental history and status under the Rent Stabilization and Eviction for Good Cause Ordinance ("Ordinance"). On November 10, 2022, you requested Mr. Bursell provide an update to the memo regarding the effect of several changes to the Zoning Ordinance, which is provided in the Recommendation section.

Property History

Alameda County records show that Core Berkeley Oxford LLC owned the property as of May 26, 2021. Records indicate that the building was constructed in 1920 with stores on the first floor and apartments on the second floor.

Rent Stabilization Board records and microfiche records indicate that 2138 Center Street currently contains 16 residential units.

Rental History and Rent Control Status

Rent Stabilization Board records reflect 16 units at 2138 Center Street, all of which are claimed as "rented or available for rent." All 16 units are under rent control and fully subject to the Ordinance, and qualify as "protected units" under SB 330.

Ellis Act

On July 16, 2021, the owner filed an Ellis Eviction notice to the tenant in Unit 17. The tenant of Unit 17 received the Ellis eviction relocation payment and vacated the unit on September 30, 2021.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring at 2138 Center Street.

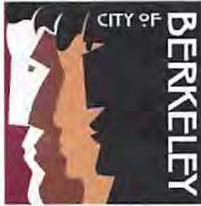
Recommendation

Rent Stabilization Board staff recommends the ZAB deny the demolition of the 16 rent controlled units at 2138 Center Street because it does not meet the requirements of Berkeley's Demolition Ordinance, Berkeley Municipal Code (BMC) 23C.08. BMC section 23C.08.020.B prohibits the demolition of a building if it was removed from the rental market under the Ellis Act during the preceding five year period. The owner of 2138 Center Street filed an Ellis Act eviction notice in July of 2021, and demolition is prohibited until June of 2026 per BMC Section 23C.08.020.B.

On December 1, 2021, a revised Zoning Ordinance went into effect in which the Ellis restriction was inadvertently removed for buildings with two or more units. On April 29, 2022 the City Council received a report advising amendments and corrections to the Zoning Ordinance, one of which corrected the Ellis mistake. That section was codified as BMC 23.326.030.A.2.a.i. on June 10, 2022. Because the omission of the restriction was a mistake, Rent Stabilization Board staff maintains the recommendation stated above.

Please feel free to contact Mr. Bursell with any further questions regarding this matter.

Internal



February 27th, 2024

To: Sharon Gong, Senior Planner
City of Berkeley, Associate Planner/ Code Enforcement
1947 Center Street
Berkeley, CA 94704

From: Jennifer Louis, Chief of Police
Completed by, Community Service Bureau
Sgt. Kevin Kleppe, Supervisor of CSB

Subject: **The HUB, 2128 Oxford St, Berkeley, CA**

Dear Mr. Roe,

This memorandum is in response to your request to review a proposed change to the above business as outlined in the attached Zoning Project Application. The applicant indicates they are applying to obtain an Alcohol Beverage Control License Type 47 (On Sale General Eating Place).

Based on the information from the Applicant's statement and research of our records, Berkeley Police Department (BPD) supports approval of this application.

As previously noted, the business The HUB is applying to obtain an ABC License. This will include retail sales of beer, wine, and distilled spirits for on-site consumption. The proposal does indicate changes to both the interior and exterior. It appears this proposal will cause a radical change to the area/neighborhood. The proposal and business plan appear to reflect a positive vision, which will help promote the local neighborhoods, businesses and Downtown Berkeley.

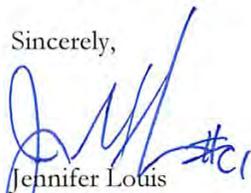
An analysis of police service data at 2128 Oxford St, reveals many calls for service in our current database, since January 2021. However, none of the calls appear to be related to the building/business itself.

Internal

Based on this information, we believe the proposed addition is not at all likely to increase crime or disorder in this neighborhood or Downtown Berkeley.

In conclusion, we see no reason to believe this business would increase crime or calls for service in the neighborhood, and see no reason it would have an adverse effect on the health, safety, or morals of the people in the area.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jennifer Louis" with a stylized flourish at the end.

Jennifer Louis

Chief of Police

JL/BRH

Table 1 Pro Forma Financial Analysis Summary - 7-story

DEVELOPMENT PROGRAM ASSUMPTIONS

Dwelling Units		158
Gross Residential Area (Square Feet)	1,152 per Unit	182,088
Gross Retail Area (Square Feet)		9,050
Rentable Area (Square Feet)	76% of GBA	155,414
Structured Parking Spaces		66
Rentable Parking Spaces		61

ESTIMATED BUILDING VALUE

Gross Potential Rent (Res.)	\$6.39 per SF/Month	\$11,228,387
Gross Potential Rent (Retail)	\$4.57 per SF/Month (NNN)	\$496,375
Losses to Vacancy	5.0% of GPR	<u>(\$586,238)</u>
Gross Revenue - Res. & Retail		\$11,138,524
Operating Expenses	36% of Gross Revenue	<u>(\$3,992,700)</u>
Net Operating Income - Res. & Retail		\$7,145,825
Net Operating Income - Res. Parking	\$200.00 per Space/Month	<u>\$146,676</u>
<i>Net Operating Income</i>		<u>\$7,292,501</u>

Supportable Development Value 5.75% Yield Requirement \$126,826,097

ESTIMATED PROJECT COST

Construction Costs

Building Direct Cost	\$306 Cost/SF (GBA)	\$58,463,106
Tenant Improvement / Apartment FF&E		\$4,257,861
LEED Cost Premium	10% of Total Const. Cost	\$8,960,138
PLA Cost Premium	20% of Total Const. Cost	<u>\$17,920,276</u>
<i>Total Construction Cost</i>	<i>\$469 Cost/SF (GBA)</i>	<u><i>\$89,601,381</i></u>

Soft Costs

Architecture and Engineering	3.6% of Construction Cost	\$3,198,275
Other Professional Services	1.6% of Construction Cost	\$1,478,375
Permits and Fees	\$58,764 per Dwelling Unit	\$9,284,682
Taxes and Insurance	4.5% of Construction Cost	\$4,063,438
Construction	1.6% of Construction Cost	\$1,474,796
Financing	12.4% of Construction Cost	\$11,112,872
Marketing/Leasing	2.0% of Construction Cost	\$1,797,706
Developer Overhead Fee	7.4% of Construction Cost	<u>\$6,626,000</u>
<i>Total Soft Costs</i>		<u><i>\$39,036,142</i></u>

Development Contingency 6.0% of Hard and Soft Costs \$5,420,461

Total Project Cost Excl. Land \$134,057,984

RESIDUAL LAND VALUE

Residual Land Value **(\$7,231,887)**

Table 1 Pro Forma Financial Analysis Summary - 26-story

DEVELOPMENT PROGRAM ASSUMPTIONS		
Dwelling Units		485
Gross Residential Area (Square Feet)	1,429 per Unit	692,900
Gross Retail Area (Square Feet)		13,481
Rentable Area (Square Feet)	80% of GBA	568,844
Structured Parking Spaces		42
Rentable Parking Spaces		17
ESTIMATED BUILDING VALUE		
Gross Potential Rent (Res.)	\$7.05 per SF/Month	\$46,980,772
Gross Potential Rent (Retail)	\$4.69 per SF/Month (NNN)	\$758,585
Losses to Vacancy	5.0% of GPR	(\$2,386,968)
Gross Revenue - Res. & Retail		\$45,352,389
Operating Expenses	31% of Gross Revenue	(\$14,277,459)
Net Operating Income - Res. & Retail		\$31,074,930
Net Operating Income - Res. Parking	\$200.00 per Space/Month	\$41,496
<i>Net Operating Income</i>		<u>\$31,116,426</u>
Supportable Development Value	5.75% Yield Requirement	\$541,155,231
ESTIMATED PROJECT COST		
Construction Costs		
Building Direct Cost	\$337 Cost/SF (GBA)	\$238,050,248
Tenant Improvement / Apartment FF&E		\$10,846,711
LEED Cost Premium	10% of Total Const. Cost	\$35,556,708
PLA Cost Premium	20% of Total Const. Cost	\$71,113,417
<i>Total Construction Cost</i>	<i>\$503 Cost/SF (GBA)</i>	<u>\$355,567,085</u>
Soft Costs		
Architecture and Engineering	2.7% of Construction Cost	\$9,706,151
Other Professional Services	0.4% of Construction Cost	\$1,503,453
Permits and Fees	\$75,441 per Dwelling Unit	\$36,589,046
Taxes and Insurance	1.2% of Construction Cost	\$4,238,438
Construction	1.0% of Construction Cost	\$3,478,704
Financing	7.4% of Construction Cost	\$26,215,241
Marketing/Leasing	0.6% of Construction Cost	\$2,053,183
Developer Overhead Fee	6.9% of Construction Cost	\$24,419,000
<i>Total Soft Costs</i>		<u>\$108,203,215</u>
Development Contingency	5.1% of Hard and Soft Costs	\$18,114,052
Total Project Cost Excl. Land		\$481,884,352
RESIDUAL LAND VALUE		
Residual Land Value		\$59,270,880

DOWNTOWN AREA PLAN, MMRP
 ITEM 34, ATTACHMENT 1, EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*)

Dept: CoB

Phase: P, W, C, O

Mitigation Measure or Continuing Best Practice

Question for Checklist

Responsible for Implementation

When Implemented

Aesthetics & Visual Quality

DAP MM AES-1: Conduct Site-Specific Visual Analysis for Buildings Proposed Between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area, the City should require site-specific visual analysis for proposed buildings that have the potential to affect existing view corridors to determine the extent to which such structures may interfere with existing views of the Berkeley Hills, and should consider whether stepping back such buildings is feasible and would result in a substantial reduction in impact.

- a) Has the project conducted site-specific visual analysis for buildings proposed between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area?
- b) Has the project considered whether stepping back such buildings is feasible and would result in a substantial reduction in impact?

CoB

P

DAP MM AES-2: Evaluate Shadow Effects for Proposed Structures near the Eastern Edge of the Downtown Area. The extent of the impact on the Crescent will depend on the location, height and bulk of structures to the southwest. While the impact may be significant, it is not possible to determine with any certainty the level of impact. Accordingly, all structures with a proposed height of 85 feet or more to be located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall be evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent. Modifications to building heights, bulk or location should be considered as a way to reduce such shadowing.

- a.) Has the proposed structure with a proposed height of 85 feet or more, located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall be evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent?
- b) Have modifications to building heights, bulk or location been considered as a way to reduce such shadowing?

CoB

P

Air Quality

DAP MM AIR-1: None listed in draft DAP

- a) N/A

CoB

O

DAP MM AIR-2: Buffer Toxics Air Contaminants (TAC) and Odor Emission Sources and Sensitive Land Uses. Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land users in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts to a less than significant level, such as air filtration systems or other technologies.

- a) Has the project considered potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating air pollution sources?
- b) Has the project considered potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating residential and other pollution-sensitive land users in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, estaurants, and other similar uses)?
- c) If buffering is not feasible, have appropriate mitigation measures been incorporated into the project to reduce the impact on sensitive receptors?

CoB

P

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*)

Dept: CoB

Phase: P, W, C, O

Mitigation Measure or Continuing Best Practice

Question for Checklist

Responsible for Implementation

When Implemented

DAP MM AIR-3: Implement BAAQMD Recommended Measures to Control PM10 Emissions during Construction. Measures to reduce diesel particulate matter and PM10 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided. Dust (PM10) Control Measures:

- Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.
- Cover all hauling trucks or maintain at least two feet of freeboard.
- Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.
- Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).
- Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.
- Limit traffic speeds on any unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Suspend construction activities that cause visible dust plumes to extend beyond the construction site. Measures to Reduce Diesel Particulate Matter and PM2.5:
- Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.
- Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately
- The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).
- Properly tune and maintain equipment for low emissions.

- a) Have the following BAAQMD recommended measures to control particulate matter PM(10) and diesel emissions during construction been implemented? (Indicate each measure implemented in questions b - l)
- b) Have all active construction areas been watered at least twice daily and more often during windy periods?
- c) Have active areas adjacent to residences been kept damp at all times?
- d) Has the project hydroseeded or applied (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more)?
- e) Have exposed stockpiles been enclosed covered, watered twice daily, or applied with (non-toxic) soil binders?
- f) Has traffic speeds on any unpaved roads been limited to 15 mph?
- g) Has vegetation been replanted in disturbed areas as quickly as possible?
- h) Have construction activities been suspended if and when visible dust plumes extended beyond the construction site?
- i) Has clear signage been posted to limit unnecessary diesel idling exceeding 5 minutes?
- j) Has the project ensured that exhaust from all construction diesel powered equipment used on the project site does not exceed 40 percent opacity for more than three minutes in any one hour AND that any equipment found to exceed 40 percent opacity was repaired immediately?
- k) Has temporary electrical service been installed whenever possible to avoid the need for independently powered equipment (e.g. compressors)?
- l) Has all equipment been properly tuned and maintained to ensure emission standards are not exceeded?

CoB

C W

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*)

Dept: CoB

Phase: P, W, C, O

Mitigation Measure or Continuing Best Practice

Question for Checklist

**Responsible for
Implementation**

**When
Implemented**

Cultural & Historic Resources

DAP MM CUL-1: None listed in draft DAP

a) N/A

CoB

O

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*)

Dept: CoB

Phase: P, W, C, O

Mitigation Measure or Continuing Best Practice

Question for Checklist

Responsible for Implementation

When Implemented

DAP MM CUL-2: Establish Parameters for Compatible Infill Development in the Downtown Area within Updated Design Guidelines. Using the Secretary of the Interior's "Standards" as a starting point (in compliance with DAP Policy HD-1-1a), the Design Guidelines for future development in the Downtown Area should be updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts. Specific guidelines that could be added for this purpose include, but are not limited to, the following:

- Consider the difference in character of individual blocks. The scale of buildings change within the potential historic district(s) and new construction should reflect the appropriate scale per block.
- Priorities for new construction and additions include: build-to-the-street, particularly at corners; construct infill buildings at vacant or underutilized sites along major streets; and modify non-historic buildings so that they contribute visual interest and quality.
- Construct new buildings, of compatible design with the surrounding neighborhood.
- Encourage creative and innovative contemporary designs for new buildings in the downtown.
- Streetscape plays an important role in drawing individuals to a particular area of the city. Use signage, lighting, and paving to improve the pedestrian experience.
- Build consistently with the street wall, particularly at corner sites. Continue dominant rhythms for structural bays, bay windows, large pilasters, and other repeating vertical elements. Also, continue dominant cornice lines, such as between ground floors and upper stories, and at the top of facades that meet a street.
- Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design.
- Set back upper floors where taller buildings are permitted, so that dominant roof and cornice lines remain generally consistent in the Downtown, as seen from the street.
- Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate.
- Provide multi-tenant retail space and other active publicly-accessible uses at the street level. These should be accessible directly from the sidewalk.

- a) Have design guidelines for future development in the Downtown Area been updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts, and is the proposed project consistent with the design guidelines?
- b) If revised design guidelines have not been adopted, is the proposed project consistent with the guidelines contained within the mitigation measure?

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rather than through common interior lobbies.
 • Provide easy-to-locate building entrances on all street-facing facades. Where a building extends through an entire block or is located at a corner, connect its entrances with a suitably scaled public lobby. Highlight entrances with signage and lighting to distinguish them from storefronts.
 • Use vertically-proportioned windows. Group such windows in sets where a horizontally proportioned window opening is desired, especially for the expression of structural bays.

DAP MM CUL-3: Halt Work/ Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.

- a) Have archaeological resources been uncovered during construction activities?
- b) If the answer to (a) is yes, has all work within 50 feet of the discovery been redirected until a qualified archaeologist could be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations?
- c) If the answer to (a) is yes AND if the deposit does qualify as an archaeological resource, have impacts to the deposit been avoided or mitigated by project activities?
- d) If the answer to (a) is yes, was the archaeologist's assessment or report documenting the methods, findings and recommendations prepared and submitted to the City, the project proponent and the NWIC?

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DAP MM CUL-4: Halt Work/ Paleontological Evaluation/Site-Specific Mitigation. Should paleontological resources be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.

- a) Was work halted if paleontological resources were discovered during construction?
- b) If answer to (a) is yes, was a qualified paleontologist contacted to evaluate the find and determine if further mitigation is necessary?
- c) If mitigations were deemed necessary by the paleontologist, were all feasible measures implemented?

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DAP MM CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/ Compliance with Most Likely Descendant Recommendations. If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent and the NWIC.

- a) Was work halted if any human remains were found at the construction site?
- b) If the answer to (a) is yes, was the county coroner notified immediately and an archaeologist contacted to assess the situation?
- c) If the answer to (a) is yes, and the human remains were of Native American origin, was an archaeologist's report prepared and submitted to the City, the Project Proponent and the NWIC?

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Noise

DAP MM NOI-1: Site-Specific Noise Studies/Site Planning/Noise Control Treatments. Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 Ldn and indoor levels in excess of 45 Ldn, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an Ldn of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following:

- Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible.
- The California Building Code and the City of Berkeley require project specific acoustical analyses to achieve interior noise levels of 45 dBA Ldn or lower in residential units exposed to exterior noise levels greater than 60 dBA Ldn. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA Ldn so that windows could be kept closed at the occupant's discretion to control noise. Special building construction techniques (e.g., sound-rated windows and building façade treatments) may be required where exterior noise levels exceed 65 dBA Ldn. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA Ldn or lower.

a) In areas where residential development would be exposed to L (dn) exceeding 60 dBA, were site specific noise studies conducted to determine the area of impact and to present mitigation measures, and were appropriate mitigation measures incorporated into the proposed project?

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DAP MM NOI-2: Site-Specific Noise Studies/Activities Scheduling. The following measures should be implemented to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities:

- Noise levels at residential property lines from commercial development should be maintained not in excess of the Berkeley Municipal Code Limits. The approvals of the commercial development should require a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet, and be consistent with, the City's noise standards.

- Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.

- a) Have studies been provided to demonstrate how a proposed business would comply with the City's noise standards to ensure that noise levels at residential property lines from commercial development will not exceed Berkeley Municipal Code limits?
- b) Have noise generating activities, such as maintenance, refuse collection and loading dock functions been limited to the hours of 7:00 AM to 9:00 PM?

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DAP MM NOI-3: Site-Specific Noise Analysis/Noise Barriers/Pavement Modifications/Traffic Calming/Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate DAP-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. With the proposed DAP street network modifications in place, however, noise reduction methods could include the following:

- Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction.

- Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.

- a) In projects where noise levels will exceed COB standards for interior noise, have impacts and mitigations been studied?

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DAP MM NOI-4: Site-Specific Noise Analysis/Noise Barriers/Pavement Modifications/Traffic Calming/Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate DAP-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. With the proposed DAP street network modifications in place, however, noise reduction methods could include the following:

a) In projects where noise levels will exceed COB standards for interior noise, have impacts and mitigations been studied?

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- Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction.

- Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.

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DAP MM NOI-5: Develop Site-Specific Noise Reduction Programs and Implement Noise Abatement Measures during Construction. Prior to the issuance of building permits, 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 appropriate time limits for construction (7:00 AM to 7:00 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. 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) Has a site specific noise reduction program been prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible?
- b) Has a construction liaison been identified to address local complaints?

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- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- 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.
- 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.
- Prohibit unnecessary idling of internal combustion engines.
- If impact pile driving is required, predrill foundation pile holes to minimize the number of impacts required to seat the pile.
- 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.
- 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

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blanket barriers can be rented and quickly erected.

- Route construction related traffic along major roadways and away from sensitive receptors where feasible.

- Businesses, residences or other noisesensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.

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DAP MM NOI-6: Avoidance of Pile- Driving/Site-Specific Vibration Studies/ Monitoring/Contingency Planning. The following measures are recommended to reduce vibration from construction activities:

- Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.
- Avoid using vibratory rollers and tampers near sensitive areas.
- In areas where project construction is anticipated to include vibration generating activities, such as piledriving in close proximity to existing above ground and below ground structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:
 - Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby above ground and below ground structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.
 - Development of a vibration monitoring and construction contingency plan to identify above ground and below ground structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.
 - Construction contingencies would be identified for when vibration levels approached the limits.
 - At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.
 - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.
 - Conduct post-survey on above ground and below ground structures where either monitoring has indicated high levels or complaints of damage has been

- a) Does the project avoid the use of pile driving?
- b) Does the project avoid the use of vibratory rollers and tampers near sensitive areas?
- c) In areas where vibration inducing activities cannot be avoided, has a site specific vibration study been conducted to present appropriate mitigation measures?

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made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

Transportation & Traffic

DAP MM TRA-1: Modify Lane Configuration at Martin Luther King Jr. Way/Hearst Avenue Intersection. A lane should be added for left turns in the westbound direction, changing the right lane to throughright. Implementation of this mitigation would still result in LOS F in the PM peak hour, but delay would be reduced to 131.2s, eliminating the significant DAP-related impact. The implementation of this mitigation measure requires re-striping of Hearst Avenue east of Martin Luther King Jr. Way to accommodate the new lane, eliminating the bike lane in part of the block, or the acquisition of additional right-of-way on this segment of Hearst Avenue to accommodate the new lane and maintain the bike lane. This measure is not anticipated to cause significant impacts to pedestrian traffic.

a) Has lane reconfiguration been implemented at MLK and Hearst Ave intersection?

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DAP MM TRA-10: Modify Lane Configurations at Oxford Street/University Avenue Intersection. The existing eastbound lane configuration should be maintained. This mitigation measure will result in change of LOS to D in the AM peak hour, with delay of 40.2s. Proposed lane reduction on University could be maintained west of the intersection. The implementation of this mitigation measure requires the maintenance of the eastbound lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic.

a) Has the lane configuration been maintained at University Ave. and Oxford St. intersection?

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DAP MM TRA-11: Modify Lane Configurations at Oxford Street/Allston Way Intersection and Alter Signal Cycle Timing. One lane should be added in the southbound direction, changing the lane configuration to two through and one right turn lane. One lane should be added to the northbound direction, changing the configuration to one left turn and two through lanes. One lane should be added in the eastbound direction, changing the configuration to one left turn lane and one right turn lane. Cycle length should be increased to 25s and to provide a protected left turn signal phase in the northbound direction. This mitigation measure would result in change of LOS to C in the PM peak hour, with delay of 33.6s. On Oxford Street, the implementation of this mitigation measure would require the removal of 5 of the parking spaces in the southbound direction and the restriping of the segment in the block north of Allston Way. In the northbound direction there is the need to use the median space, as well as re-stripe the roadway. On Allston Way, the addition of the extra lane would require the loss of 4 on-street parking spaces on the south side of the street, as well as re-striping. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of onstreet parking spaces on Oxford Street and Allston Way is not anticipated to generate significant impacts.

- a) Has lane reconfiguration been implemented at Oxford St. and Allston Way intersection?
- b) Has signal cycle timing been altered to meet LOS level standards?

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DAP MM TRA-13: Incorporate Emergency Access Lane in Design for Center Street Pedestrian Corridor. In order to maintain adequate emergency access to buildings located along Center Street between Shattuck Avenue and Oxford Street, the design of the proposed Center Street pedestrian corridor shall be required to incorporate a clear area, a minimum of 20 feet in width, where permanent and temporary structures, landscaping, and other physical features are prohibited. This area shall be designated as an emergency access lane, and must be accessible from both Shattuck Avenue and Oxford Street.

- a) Have emergency access lanes been incorporated in the design for the Center St. pedestrian corridor?

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DAP MM TRA-14a: Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street parking stalls along Milvia Street in order to accommodate the bike lanes. Up to 35 on-street parking stalls could be impacted by this mitigation measure. As noted in the parking demand discussion, sufficient public parking capacity is anticipated in the Year 2030 With Project condition, so the loss of these parking stalls would not be anticipated to cause a Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street significant impact. This mitigation measure would also not preclude the implementation of the traffic mitigation measures at the University Avenue/Milvia Street intersection and the Center Street/Milvia Street intersection.

a) Have Class 2 bike lanes been installed on Milvia St between University Ave. and Allston-Way?

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DAP MM TRA-14b: Install Traffic Calming Devices. Traffic calming devices should be installed on Milvia Street either between University Avenue and Allston Way or immediately north and south of this segment to discourage through vehicle traffic from traveling on this section of the roadway. Traffic calming devices could include speed humps, turn restrictions/prohibitions, or other measures determined by the City of Berkeley.

a) Have traffic calming devices been installed on Milvia St. between University Ave and Allston Way to discourage through traffic?

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DAP MM TRA-2: Modify Lane Configuration at Martin Luther King Jr. Way/Allston Way Intersection. The eastbound lane configuration should be changed, turning the existing through-left lane to left turn only and the right lane to a throughright. A right turn lane to Martin Luther King Jr. Way in the southbound direction should be added, changing the through-right lane to through only. This mitigation measure would result in changing the LOS to D, with delay of 49.8s. The implementation of this mitigation measure requires re-striping of Allston Way west of Martin Luther King Jr. Way to accommodate the lane changes, and the acquisition of right-of-way north of Allston Way to accommodate the southbound right turn lane. This measure is not anticipated to cause significant impacts to pedestrian traffic.

a) Has lane reconfiguration been implemented at MLK and Allston Way Intersection?

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<p>DAP MM TRA-3: Modify Lane Configuration at Milvia Street/University Avenue Intersection. A right turn lane should be added to University Avenue to the eastbound direction and one left turn lane should be added to University Avenue in the westbound direction. In the eastbound direction, the configuration of lanes would be one through-left lane, one through and one right turn lane. In the westbound direction, the configuration of lanes would be one left turn lane, one through lane and one through-right lane. This mitigation measure would change LOS to B, with delay of 14.9s in the AM peak hour, and to LOS C with delay of 25.8s in the PM peak hour. The implementation of this mitigation measure requires the removal of the median east of the intersection in order to accommodate the extra lane, and the restriping of University Avenue on both sides of Milvia Street. This measure is not anticipated to cause significant impacts to pedestrian traffic, but a right turn on green only with an advance stop bar can be implemented on University Avenue to avoid conflicts with pedestrians crossing Milvia Street. This measure would increase pedestrian safety and does not change the LOS of the intersection. The implementation of a bicycle waiting area placed ahead of the cars waiting to turn right can reduce the conflicts through bicycle flows and right-turn vehicle movements on Milvia Street in the southbound direction. This measure requires re-striping of Milvia Street.</p>	<p>a) Has lane reconfiguration been implemented at Milvia St. and University Ave. intersection?</p>	<p>CoB</p>	<p>O</p>
<p>DAP MM TRA-4: Modify Lane Configuration at Milvia Street/Center Street Intersection. One left turn lane should be added to Milvia Street in the northbound and southbound directions, changing the lane configuration to one through-right and one left turn lane. This mitigation measure would result in change of LOS to C, with delay of 24.0s in the PM peak hour. The implementation of this mitigation measure requires the removal of onstreet parking spaces in the northbound and southbound directions to accommodate the left turn, and the re-striping of Milvia Street on both sides of Center Street. This measure is not anticipated to cause significant impacts to pedestrian traffic. Milvia Street would remain a Bicycle Boulevard and sufficient traffic lane width would be provided for bicycles and vehicles to make through movements at this intersection. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking.</p>	<p>a) Has lane reconfiguration been implemented at Milvia St. and Center St. intersection?</p>	<p>CoB</p>	<p>O</p>

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<p>DAP MM TRA-5: Modify Lane Configuration at Shattuck Avenue/Center Street. The significant impact at this intersection is mitigated by maintaining at least two traffic through lanes in the northbound direction on Shattuck Avenue along with a left turn lane, as provided by the DAP under consideration for adoption (dated July 6, 2009). No further mitigation is needed.</p>	<p>a) Have at least two traffic through lanes in the northbound direction on Shattuck Avenue been maintained along with a left turn lane?</p>	<p>CoB</p>	<p>O</p>
<p>DAP MM TRA-6: Modify Lane Configurations at Shattuck Avenue/Allston Way Intersection. The existing number of lanes in the northbound and southbound directions (i.e. three in each direction) should be configured to have a minimum one left turn lane, one through lane and one right turn lane, as provided by the DAP under consideration for adoption. Furthermore, a right turn land will be added in the westbound direction of Allston Way.</p>	<p>a) Has lane reconfiguration been implemented at Shattuck Ave and Allston Way intersection?</p>	<p>CoB</p>	<p>O</p>
<p>DAP MM TRA-7: Modify Lane Configurations at Shattuck Avenue/ Bancroft Way Intersection. The existing number of lanes in the southbound direction should be maintained, changing lane configuration to one through lane and one through-right lane. This mitigation measure would result in change of LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would not maintain the single through concept of the Shattuck Boulevard plan. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the southbound direction and the re-striping of the segment of the block north of Bancroft Way. This measure is not anticipated to cause significant impacts to pedestrian traffic.</p>	<p>a) Has lane reconfiguration been implemented at Shattuck Ave and Bancroft Way intersection?</p>	<p>CoB</p>	<p>O</p>
<p>DAP MM TRA-8: Modify Lane Configurations at Shattuck Avenue/Durant Avenue Intersection. The existing number of lanes in the northbound direction should be maintained, changing the lane configuration to one left turn lane, one through and one right turn lane. This mitigation measure will result in change of LOS to B in the AM peak hour (17.8s delay). LOS C is achieved in the PM peak hour (21.6s delay) applying the mitigation measures described above plus a 20s increase in cycle time. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the northbound direction and the re-striping of the segment in the block south of Durant Avenue. This measure is not anticipated to cause significant impacts to pedestrian traffic.</p>	<p>a) Has lane reconfiguration been implemented at Shattuck Ave. and Durant Ave intersection?</p>	<p>CoB</p>	<p>O</p>

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DAP MM TRA-9: Maintain Existing Lane Geometry in the Westbound Direction. The DAP-proposed lane reduction on Hearst Avenue would be maintained to the west of the intersection, with the lane reduction occurring in a transition to the west of the intersection. Add one lane in southbound direction, changing lane configuration to one left-turn, one through and one through-right lane. Change the eastbound direction lane configuration to one through-left lane one through-right lane. Maintain split signal phasing for eastbound and westbound directions. Add a right turn only lane to the northbound direction and provide right turn overlap signal phasing for this movement. The right turn only lane would not be a free-right turn, but a striped, exclusive right turn lane adjacent to the northbound through lanes. Change northbound and southbound signal phasing to protected + permitted for left turns. This mitigation measure would change LOS to D in the AM peak hour (54.9 seconds delay). In the PM peak hour, the 2030 LOS is improved to LOS D, with delay reduced from 166.4 seconds With Project to 54.4 seconds. On Oxford Street, the implementation of this mitigation measure requires the removal of seven parking spaces in the southbound direction and the re-striping of the segment in the block north of Hearst Avenue. On Hearst Avenue, existing configuration should be maintained in both directions. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of on-street parking spaces on Oxford is not anticipated to generate significant impacts.

- a) Has lane reconfiguration been implemented at Oxford St. and Hearst Ave. intersection?
- b) Has signal cycle timing been adjusted to meet LOS AM and PM peak hour targets?

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Utilities & Service Systems

DAP MM USS-1: Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer conveyance System/Project-Related Contribution to Necessary Capacity Expansion. As individual development projects are proposed in the Downtown Area, each project will be subject to site-specific analysis by the City of Berkeley to determine whether the development proposed would exceed the capacity of the sanitary sewer conveyance system that directly serves the project. In the event that existing sanitary sewer modeling demonstrates that sanitary sewer conveyance system capacity would be exceeded by the proposed project, then the project proponents and the City shall enter into negotiations to determine the financial contribution required from the project proponents to enable the City to expand sanitary sewer conveyance capacity as necessary to accommodate the project as proposed.

- a) Has a project/site specific analysis been conducted to determine whether the project would exceed the sanitary sewer system capacity that directly serves the project?
- b) If modeling demonstrates that sewer capacity will be exceeded, have negotiations between the project proponents and city been held to determine the financial contribution necessary to expand the sewer system to accommodate the project, and have contributions been required?

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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

2128-30 Oxford Street / 2132-2168 Center Street

Use Permit #ZP2022-0135 to demolish two buildings (one mixed-use with 16 rent-controlled units, one commercial) and construct a 26-story (285 feet'-4 inches feet, plus 7-foot parapet), 713,664-square-foot, mixed-use building with 456 dwelling units (including 6 Extremely Low-Income and 34 Very Low-Income Density Bonus qualifying / replacement units), 14,404 square feet of commercial space, and 36 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 [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, September 12, 2024, 7:00 pm

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

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

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

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

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

A. Land Use Designations:

- General Plan: DT – Downtown
- Zoning: C-DMU Core – Downtown Mixed-Use District, Core Sub-Area

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 23.326.030(A)(3) to demolish a building containing two or more units
- Use Permit under BMC Section 23.326.030(A) to demolish 16 dwelling units in a building constructed prior to June 1980
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.130(E)(2)(a) to construct a building that exceeds the district height limit, and that is over 120 feet but not more than 180 feet
- Use Permit under BMC Section 23.204.130(E)(3)(b) to modify the front, side, and rear setback requirements and to exceed 120 feet in width in diagonal measurement
- Use Permit under BMC Section 23.204.130(E)(6)(b) to pay a fee in-lieu of providing privately-owned public open space
- Use Permit under BMC Section 23.304.030(C)(2)(b) to reduce the front setback on a commercially zoned lot that confronts a residential district
- Use Permit under 23.304.130(D), to eliminate display window and fence requirements when abutting a residential district
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural elements to exceed the district height limit
- Use Permit under BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service)
- Administrative Use Permit under BMC Section 23.302.070(E)(5)(2) to establish a food service establishment of more than 3,000 square feet
- Administrative Use Permit under BMC Section 23.302.070(E)(5)(a) for outdoor café seating abutting a residential district
- Use Permit pursuant to BMC Section 23.302.020(E)(4) for outdoor use abutting a residential district

C. Concessions and Waivers and Pursuant to State Density Bonus Law (CA Gov't. Code Section 65915):

- Concession from BMC Chapter 23.316 to allow an exemption from the Percentage for Public Art on Private Projects in-lieu fee
- Waiver of BMC Section 23.204.130(E)(2)(a) to exceed building height limits, to be 285 feet 4 inches to the roof and 292 feet 4 inches to the top of the parapet (seven-foot parapet), where 180 feet is the maximum with a Use Permit (plus 5-foot parapet, by right)
- Waiver of BMC Section 23.304.030(C)(2)(b) to reduce the front setback (Oxford) requirement to 0 feet, where 10 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (Center) requirement to 0 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior side setback requirement to 7 feet, where 15 feet is the minimum, above 180-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the rear setback requirement to 5 feet, where 15 feet is the minimum, above 180-foot building height

- Waiver of BMC Section 23.204.130(E)(4) to reduce the usable open space requirement by providing 18,614 square feet where 36,480 square feet is the minimum, and zero square feet of privately-owned public open space, where 313 square feet is required
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 295 feet, 4 inches, where 120 feet is the maximum
- Waiver of BMC Section 23.322.090(A)(2) to reduce the long-term residential bicycle parking requirement by providing 264 spaces, where 383 spaces is the minimum
- Waiver of BMC Section 23.322.100(A), to reduce the loading space requirement to 0 where 1 loading space is required

C. CEQA Recommendation: Certification of the Final Environmental Impact Report (EIR) and adoption of the Mitigation, Monitoring and Reporting Program (MMRP) prepared pursuant to Article 7 of the CEQA Guidelines.

D. Parties Involved:

- Applicant/Owner Core Berkeley Oxford, LLC, 1643 N. Milwaukee Ave, 5th Floor,
Chicago, IL 60647

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@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, 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@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

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

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



Sept. 3, 2024

To: Berkeley Zoning Adjustments Board
RE: 2128-30 Oxford Street / 2132-2168 Center Street - Agenda of Sept. 12

Zoning Adjustments Board:

Walk Bike Berkeley strongly supports reserving the SOSIP fee paid by this project for designing and building a pedestrian plaza on a portion of Center St.

This plaza could be the most important pedestrian focus in downtown Berkeley, considerably larger than BART plaza. It could significantly improve the character of downtown, as BART plaza does, attracting more people and more business.

The 2012 Downtown Plan called for a pedestrian plaza on this entire block of Center St. However, since Residence Inn was built on the western portion of the block and needs automobile access, the plaza could be on the eastern portion of the block.

Residence Inn was approved in 2018, and \$2 million of its fees were deferred for ten years, so they should be available in 2028, the same year that 2128 Oxford St. is expected to be completed. \$450,000 of these fees were dedicated to designing a pedestrianized Center St., but the city found funding for the other projects, so the full \$2 million should be available in 2028.

If we use the SOSIP fee of 2128 Center St. to produce both a quick-build and a complete design for the plaza, we should have funding to build at least the quick-build design for the plaza in 2028, immediately after construction of 2128 Center St. is complete. The developer would benefit by having the plaza available for its restaurants to use as cafe seating, and the city would benefit by making downtown dramatically more attractive.

We urge the Zoning Adjustment Board to move ahead with 2128 Center St. and to dedicate its SOSIP fees to be used for the Center St. plaza, so the city can move ahead with this project to make downtown more attractive for pedestrians and residents.

Charles Siegel, Ben Gerhardstein
for Walk Bike Berkeley

[Walk Bike Berkeley](#), an all-volunteer group founded by Berkeley residents, advocates to make walking and biking in Berkeley safe, low-stress, and fun for people of all ages and abilities. We want a healthy, just, and sustainable transportation system in Berkeley.