



Office of the City Manager

PUBLIC HEARING  
June 3, 2025

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Jordan Klein, Director, Planning & Development Department  
Subject: Zoning Adjustments Board Appeal: 1950-1998 Shattuck Avenue, Use Permit #ZP2023-0040

RECOMMENDATION

Conduct a public hearing, and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision approving Use Permit ZP#2023-0040.

SUMMARY

On February 27, 2025, the ZAB approved Use Permit ZP#2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

On March 19, 2025, Zaden Lippman filed an appeal citing a height reduction, amendments to the Downtown Area Plan, and the need for more public meetings.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On March 23, 2023, the City received an SB 330 Preliminary Use Permit application (PLN2023-0083).

On December 4, 2023, the SB 330 Preliminary Use Permit application was deemed complete.

On April 11, 2024, the Use Permit application (ZP2023-0040) was deemed complete.

On November 19, 2024, staff determined that the project is Categorically Exempt from CEQA – Class 32 Categorical Exemption “In-Fill Development Projects.”

On January 6, 2025, the Landmarks Preservation Commission (LPC) reviewed the demolition referral.

On January 16, 2025, the Design Review Committee (DRC) conducted a preliminary review and provided a favorable recommendation with suggested refinements.

On February 13, 2025, public hearing notices were mailed and posted for the ZAB hearing.

On February 27, 2025 the ZAB held a public hearing on the Use Permit application and received public comment. Following deliberations, the ZAB unanimously approved the ZP2023-0040 by a vote of 5-0-2-0 vote (Moved: Duffy, Second: Gaffney, Ayes: Duffy, Gaffney, Sanderson, Thompson, Yung; Noes: None; Abstain: A. Kashani, S. Allen; Absent: None).

On March 19, 2025, Zaden Lipman filed an appeal of the ZAB's decision.

## BACKGROUND

The following background is a summary of salient information on the project for the Council's consideration of this appeal. For details and additional project background, see Attachment 3, the February 27, 2025 ZAB staff report for the project.

### **Project Setting and Description**

The 28,319-square-foot, 0.65-acre, project site consists of five parcels that span the eastern edge of the block bounded by Berkeley Way on the north, Shattuck Avenue on the east, and University Avenue on the south. The site is located within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). In the site's immediate vicinity are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and which range in height from one story to twelve stories. Other nearby tall buildings are the 12-story, mixed-use residential building across Shattuck Avenue at 1951 Shattuck; the 14-story Anchor House at 1950 Oxford Street, one block east; and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site.

The project site is associated with the following addresses and Assessor's Parcel Numbers:

1. 1950 & 1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 & 1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

Each of the five parcel numbers (on four lots) is occupied by a one-story commercial building, including long-standing and well-known businesses such as Spat's, at 1974

Shattuck, and McDonald's, at 1986 Shattuck.

The project proposes to demolish the five existing commercial buildings, merge the lots, and construct a mixed-use building that utilizes the State density bonus with the following main components:

- 28 stories, 312 feet in height (plus a 5-foot parapet)
- 599 dwelling units – 489 studios and 110 one-bedroom (709 bedrooms total)
- 58 Very Low-Income (VLI) units to qualify for density bonus
- 16,142 square feet of commercial space – 8,342 square feet of ground-floor retail and 7,800-square-foot, rooftop restaurant/bar
- 12,491 square feet of usable open space – second-floor podium gardens and 14<sup>th</sup>-floor roof deck
- 706 square feet of privately-owned public open space – ground-floor plaza (Shattuck Avenue)
- 1,020-square-foot parklet at Shattuck Avenue frontage
- 130 residential and 24 commercial vehicle parking spaces (includes 4 car share spaces)
- 256 bike spaces in two ground-floor rooms
- Community benefits – Project Labor Agreement representing approximately 20 to 25 percent of estimated project construction costs





Image 1. Street View



Image 2. View from Shattuck Ave. facing north

### **Landmarks Preservation Commission and Design Review Committee**

The Landmarks Preservation Commission (LPC) held a meeting on January 6, 2025 to consider the demolition referral for these buildings and took no action. However, the LPC made a recommendation to the ZAB to suggest that the applicant include a readily visible historical display in the new development site and share the story of the block.

The project was referred to the DRC for Preliminary Design Review on January 16, 2025. The DRC provided a favorable recommendation for Preliminary Design Review to ZAB with recommendations for Final Design Review (FDR). (Moved Tam, Seconded Gaffney, Ayes: Gaffney, Hall-Montgomery, Mitchell, Muszynski, Tam, Woo; Abstain: None. Absent: Kahn. VOTE (6-0-0-1))

### **CEQA Categorical Exemption**

On November 19, 2024, staff determined that the project is categorically exempt from the provisions of CEQA under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines.

### **RATIONALE FOR RECOMMENDATION**

The issues raised in the appellant’s letter (Attachment 2) and staff’s responses follow. For the sake of brevity, the appeal issues are not re-stated in their entirety.

### **Issue 1: The appellant asserts that the height and density of the project is “excessive” and will negatively impact the City’s “culture and lifestyle.”**

Response: Government Code Section 65589.5 establishes that the City may not disapprove the project or reduce the project’s density without making findings supported by a preponderance of the evidence on the record that both of the following conditions exist:

- (A) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density.
- (B) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

The project complies with applicable, objective general plan and zoning standards, and is consistent with the goals and policies of the Downtown Area Plan. Additionally, the subject site is identified as a Housing Element Opportunity Site in the 2023-2031 Housing Element. The redevelopment of the site with 599 units of housing counts towards the City’s Regional Housing Needs Allocation and advances housing

production.

**Issue 2: The appellant asserts “I hope that more meetings will be held.”**

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

The February 27, 2025 ZAB hearing was the third public hearing for the proposed project since the project was deemed complete. The June 3, 2025 City Council appeal review is the fourth meeting for the project.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB’s decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project approved by the ZAB is compliant with all applicable State and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

CONTACT PERSON

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Anne Hersch, Land Use Planning Manager, (510) 981-7411  
Sharon Gong, Principal Planner, (510) 981-7480

Attachments:

1. Draft Resolution  
    Exhibit A: Findings and Conditions, February 27, 2025
2. ZAB Decision Appeal Letter, received March 24, 2025
3. ZAB Packet (Staff Report and attachments), dated February 27, 2025
4. Public Hearing Notice
5. Index to Administrative Record
6. Administrative Record

RESOLUTION NO. ##,###-N.S.

UPHOLDING THE DECISION OF THE ZONING ADJUSTMENTS BOARD APPROVING ZP#2023-0040 TO DEMOLISH FIVE COMMERCIAL BUILDINGS; MERGE FOUR LOTS; AND CONSTRUCT A 28-STORY (312-FOOT TALL, PLUS 5-FOOT PARAPET), 411,610-SQUARE-FOOT, MIXED-USE BUILDING WITH 599 DWELLING UNITS (INCLUDING 58 VERY LOW-INCOME DENSITY BONUS QUALIFYING UNITS), 16,142 SQUARE FEET OF COMMERCIAL AREA, AND 154 PARKING SPACES.

WHEREAS, on March 23, 2023, the City received an SB 330 Preliminary Use Permit application (PLN2023-0083); and

WHEREAS, on December 4, 2023, the SB 330 Preliminary Use Permit application was deemed complete; and

WHEREAS, on April 11, 2024, the Use Permit application (ZP2023-0040) was deemed complete; and

WHEREAS, on November 19, 2024, staff determined that the project is Categorically Exempt from CEQA – Class 32 Categorical Exemption “In-Fill Development Projects;” and

WHEREAS, on January 6, 2025, the Landmarks Preservation Commission (LPC) reviewed the demolition referral; and

WHEREAS, on January 16, 2025, the Design Review Committee conducted a preliminary review and provided a favorable recommendation with suggested refinements; and

WHEREAS, on February 13, 2025, public hearing notices were mailed and posted for the ZAB hearing; and

WHEREAS, on February 27, 2025 the ZAB held a public hearing on the Use Permit application and received public comment. Following deliberations, the ZAB unanimously approved the ZP2023-0040 by a vote of 5-0-2-0 vote (Moved: Duffy, Second: Gaffney, Ayes: Duffy, Gaffney, Sanderson, Thompson, Yung; Noes: None; Abstain: A. Kashani, S. Allen; Absent: None); and

WHEREAS, on March 19, 2025, Zaden Lipman filed an appeal of the ZAB’s decision; and

WHEREAS, on or before May 20, 2025, staff posted the public hearing notice at the site and three nearby locations, and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area; and

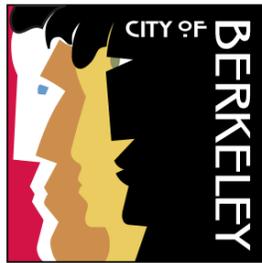
WHEREAS, on June 3, 2025, the Council held a public hearing to consider the LPC’s decision, and in the opinion of this Council, the facts stated in, or ascertainable from the

public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that the City Council hereby adopts the findings made by ZAB in Exhibit A, affirming the decision made by ZAB to approve ZP#2023-0040, and dismisses the appeal.

Exhibits

A: Findings and Conditions



# ZONING ADJUSTMENTS BOARD – FINDINGS

FEBRUARY 27, 2025

## University Corners 1950-1998 Shattuck Avenue

**Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.**

### ZONING PERMITS REQUIRED

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- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- 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) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 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 above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area
- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district

- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

### **CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918**

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- 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 23.04.130(E)(1) to exceed building height limits – to be 317’ to roof (plus 5’ parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120’ in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet is required

### **I. CEQA FINDINGS**

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- A.** On November 19, 2024, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“Infill Development Projects”).

The project applicant’s attorney submitted a letter on October 8, 2024 in support of a Class 32 Categorical Exemption from CEQA and the project’s eligibility for AB 1633 protections. The applicant separately submitted an Air Quality Report, a Noise Impact Analysis, and a Water Quality Impact Analysis to support an infill exemption. All technical reports were peer reviewed by a CEQA consultant, and were revised for adequacy.

- B.** Upon review of all evidence on the record, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 (“Infill Development Projects”) of the CEQA Guidelines.

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

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.

4. The project will not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
  5. The site can be adequately served by all required utilities and public services.
- C. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

## **II. HOUSING ACCOUNTABILITY ACT FINDINGS**

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- 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 599 units. Because the base project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

## **III. DENSITY BONUS FINDINGS**

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- 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 411 units;
  2. The project will provide at least 58 VLI qualifying units in the 411-unit base project, as more fully set forth in the Below Market Rate Units Condition;
  3. The project is entitled to a density increase of 46.25 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 two concessions or incentives. This equates to a density bonus of 188 units (191 units maximum) above the base project, for a total of up to 599 units (602 units maximum).

- 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 BMC Chapter 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 23.04.130(E)(1) to exceed building height limits – to be 317’ to roof (plus 5’ parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
  2. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
  3. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
  4. Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120’ in height
  5. Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet 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**

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- A.** As required by BMC Section 23.406.040(E), Findings for Approval, 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.
2. According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter and spring months in the hours of after sunrise and around noon, on the residential buildings on the blocks to the north and northwest of the site, and b) in the summer months in the hours of after sunrise on the residential buildings to the west of the site. 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 be limited to a few hours of the day during certain times of the year, 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 from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 312-foot-tall (plus 5-foot parapet), 28-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**

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- A. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential buildings listed below 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, will remove a building that which is unusable for activities completable with the purpose of the district or infeasible to modify for such uses, will remove a structure that is an inhabitable 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.

1. 1950 & 1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 & 1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

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.

- B.** As required by BMC Section BMC 23.310.020(C), Alcohol Sales and Service (Distilled Spirits), the Zoning Adjustments Board finds that:
1. The current Alcoholic Beverage Control license owned by the existing restaurant/bar (Spat's) allows for sales of beer, wine, and distilled spirits for off-site consumption at a bona fide eating place. The number of alcohol licenses within the census tract will not change if the restaurant/bar in the new building assumes ownership of the existing restaurant/bar license, or if the current license owner surrenders the existing license and the new restaurant/bar applies for a new license. A Condition of Approval will be included in the permit to require that no net new alcohol licenses are obtained for businesses at the project site. Additional findings in BMC Section 23.310.020(C)(3) for exceeding the number of licenses within the census tract will not apply.
  2. 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 offerings will also increase business revenue, resulting in increased tax revenue for the City. The Berkeley Police Department has reviewed the proposal and noted that there are no alcohol-related violations against the property owners of the parcels in the project site, and no violations of alcohol or public safety.
  3. 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.
- C.** 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.
- D.** As required by BMC Section 23.204.020(A), Amplified Live Entertainment, 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 amplified live entertainment will contribute to the area's vitality, livability, and character.

- E. As required by BMC Section 23.302.020(D)(3), outdoor use not 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.
- F. As required by BMC Section 23.204.130(I), the project is consistent with the purposes of the C-DMU district:
1. 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 will 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 project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.
  2. Land Use: The mixed-use project, which includes 58 VLI units, will add new affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating and live entertainment will contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Shattuck and University Avenues and Berkeley Way will add to the cultivation of the Downtown as an attractive residential neighborhood.
  3. Historic Preservation and Urban Design: The project does not propose to demolish or alter any known historic or cultural resource and will preserve the existing historic resources in the Downtown.

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. At 28 stories and 317 feet tall (measured to the parapet) the building will be the tallest built structure in the City (taller than the Campanile on the U.C Berkeley campus at 307 feet tall). However, the building is designed to step down from its 28-story maximum height to 14 stories on the north side, away from the Core downtown area, in a nod to the first "skyscrapers" in the downtown, the 13-story Chase building and the 12-story Wells Fargo building at Center and Shattuck Avenues. The transparency of the commercial storefronts and the 20-foot window/ceiling height on the ground-floor of the Shattuck and University Avenue façades will enliven the streetscape on these frontages. The parklet and publicly accessible plaza on either side of the sidewalk on the Shattuck

Avenue frontage will engage pedestrians walking through the downtown commercial district and welcome them to the businesses in the building.

The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design incorporates materials, color, façade design, ground-floor transparency, roof forms, setbacks, height and open space elements consistent with guidance in the Downtown Berkeley Design Guidelines.

4. Streets and Open Space: The project will include street trees along Shattuck and University Avenues and Berkeley Way, and a 1,020-square-foot parklet bulb-out and 706-square-foot publicly accessible private plaza on the Shattuck Avenue frontage to benefit pedestrians, as well as future residents. The second-floor podium deck and 14<sup>th</sup> floor roof deck will provide landscaped open space and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan (SOSIP).
5. Housing and Community Health and Services: The project will involve construction of a mixed-use building with a total of 599 dwelling units, including 58 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.
6. 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 8,342 square feet of ground-floor retail and a 7,800-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, representing approximately 20 to 25 percent of estimated project construction costs, 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 eastern end of the block bounded by Berkeley Way, Shattuck Avenue, and University Avenue in Downtown Berkeley in an urban area with immediate access to transit. The site's immediate surroundings are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and range in height from one story to twelve stories. Other taller buildings are the 12-story mixed-use residential building across Shattuck Avenue at 1951 Shattuck, the 14-story Anchor House at 1950 Oxford Street, one block east, and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site. Recently approved "tall buildings" include the 25-story mixed-use residential building at 2190 Shattuck (approved in 2023), three blocks to the south, and the 26-story mixed-use residential building at 2128 Oxford Street (approved in 2024) three blocks southeast of the project site.

As a one of the five "tall buildings" allowed in the C-DMU District and one of the two "tall buildings" allowed in the Outer Core/Core Sub-Areas (combined), the project will

be compatible in size and scale with the other four “tall buildings” that are already constructed or were recently approved in the Downtown area. Thus, the project will be compatible with surrounding uses and buildings. In addition, the DRC deemed the proposed project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

- G.** 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 staircase and elevator penthouses 1,464 square feet on the roof of level 28 that will extend seventeen feet over the roof height. These areas represent 10 percent of the 14,058-square-foot average of all the floor areas, and will not exceed the limit of 15 percent of the average floor area, and are therefore permissible.
- H.** 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, representing approximately 20 to 25 percent of the estimated project construction cost, 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.
  2. Based on the City’s consultant peer review, the Community Benefits package is reasonable overall, and will not make project infeasible.
- I.** 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 will not unreasonably limit solar access.
  2. The Pedestrian Wind Comfort Assessment found that:
    - a. Wind speeds onsite are generally calm and considered suitable for pedestrian use. Higher wind speeds, (still appropriate for sidewalks and walkways), occur near the corners of mid-rise buildings with broad west facing facades on the east side of Shattuck Avenue.
    - b. Increased wind speeds are expected on University Avenue and at the intersection of Shattuck Avenue and Berkeley way during the summer. However, these speeds are adequate for sidewalks and walkways.

- c. In the winter, lower wind speeds are expected. Light breezes are predicted for most areas near the proposed development, with slightly higher wind speeds occurring around the east/northeast side of the building.
- d. The pedestrian wind safety criterion is predicted to be met at all locations near the project site.

**J.** 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 120 feet (in the base project for density bonus) with a use permit and upon provision of community benefits. Existing buildings in the vicinity of the project site range from one to twelve stories, with taller buildings on University and Shattuck Avenues. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.
2. The proposed project will result in a new building that is substantially taller than surrounding buildings in the downtown district. As a result, it will introduce a new visual feature to the district by introducing a building which is almost twice as tall than the existing “skyscrapers” in the downtown. However, the proposed building will be compatible with the most recently approved “tall buildings” in the downtown district, as discussed in the previous section, and will be consistent with the trend of increased density in new housing development fueled by the adoption of laws to remedy the State’s housing crisis.
3. In addition, the DRC reviewed the project and found the proposed design to be consistent the Downtown Berkeley Design Guidelines and the Downtown Area Plan.

Greetings to all departments and persons involved,

I grew up in San Francisco, and have held a long-standing affinity towards Berkeley. I am briefly visiting the Bay from other coast, and came to learn of these development projects. I understand they are part of the Density Bonus plan from California state.

While I can understand the impetus for these new builds, I believe their height and number is excessive. One building remains open for appeal, located at 1950-1998 Shattuck Ave. I hope that this new building can be shortened in height or removed from group of buildings. I posit that 6 of the 7 new constructions will be sufficient for the city and its peoples needs. I know that two other builds are also nearing 30-stories.

2190 Shattuck Ave is planned for 25 stories, and 2128 Oxford St is planned for 26 stories. 1950-98 Shattuck Ave is planning 28 stories, and I really hope that plan can be amended to a shorter build, or no build.



①

These 3 tallest buildings are far beyond the height of anything else in Berkeley; besides the Campanile. I am concerned for the way such monolithic structures will affect the city's culture and lifestyle. Views will be blocked, shade made, wind funneled, and congestion condensed. I fear impacts from complications of these large buildings have the potential to forever alter the ethos and livability of this great city.

I can only hope that each of these new buildings are designed in a way that is tasteful and considerate, as they will be the new skyline. I would be most disappointed if buildings were erected in a bland style, as they are replacing many multi-generational institutions of culture and business. It is most good that the buildings will operate as mixed-use and (very) low-income housing. I hope the buildings might also be beautiful to look at, while environmentally conscious as well. Maybe something like the photos I've seen of "green-buildings" in Singapore, that incorporate plants into the facade

and roof of buildings.

I plan to contact affiliates at the state level, and start a process of appeal with them as well. I understand that only so much can be done from a local level about matters coming down stream from the state's superceding powers.

I do hope that more meetings and town-halls will be held in discussion around compromises which might be fit to satisfy a majority of civilians and operators involved.

I've decided to pay the full appeal fee, while still collecting [petition] signatures.

I figure money for the city is good, and I can source a greater show of community contest to these plans by canvassing outside the 300-foot radius of 1950-98 Shattuck Ave. I will be leaving some QR codes for digital signatures, around town - as I am about to depart back East.

Thank you for your time in reviewing

3

this appeal. Please keep me abreast of any gatherings that will be held in response, so that I may travel to them, or virtually attend.

Kind Regards,

ZADEN LIPMAN

Digital Petition: [bit.ly/28FlrShattuckPetition](https://bit.ly/28FlrShattuckPetition)

(4)



# ZONING ADJUSTMENTS BOARD – STAFF REPORT

FOR BOARD ACTION  
FEBRUARY 27, 2025

## 1950-1998 Shattuck Avenue (University Corners)

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

### I. Background

#### A. Land Use Designations:

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

#### B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- 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) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 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 above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area

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- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district
- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not 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 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 12,491 square feet, where 47,920 square feet is required

**D. The California Environmental Quality Act (CEQA) Exemption Determination:** Pursuant to Government Code Section 65589.5, it is staff's determination that the project is categorically exempt under Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

**E. Parties Involved:**

- Applicant: Isaiah Stackhouse, Trachtenberg Architects, Fourth Street, Berkeley, CA 94710
- Property Owner: 1974 Shattuck Avenue, LLC, 2140 Shattuck Ave, Ste 705, Berkeley, CA 94704

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Figure 1: Vicinity and Zoning Districts Map



Legend

- C-DMU: Downtown Mixed-Use District
- Core: C-DMU Core Sub-Area
- Buffer: C-DMU Buffer Sub-Area
- Outer Core: C-DMU Outer Core Sub-Area



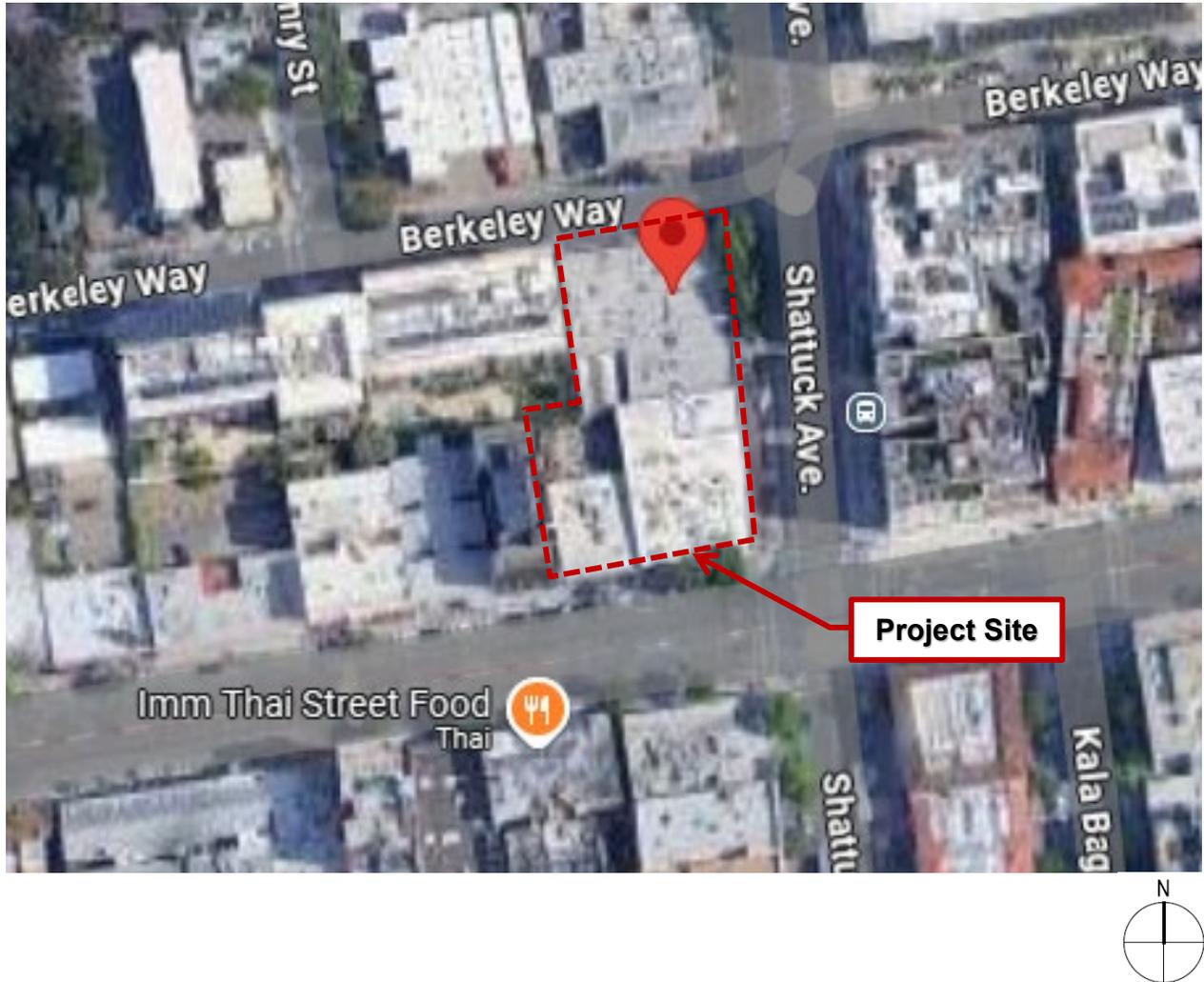
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Figure 2: Aerial View



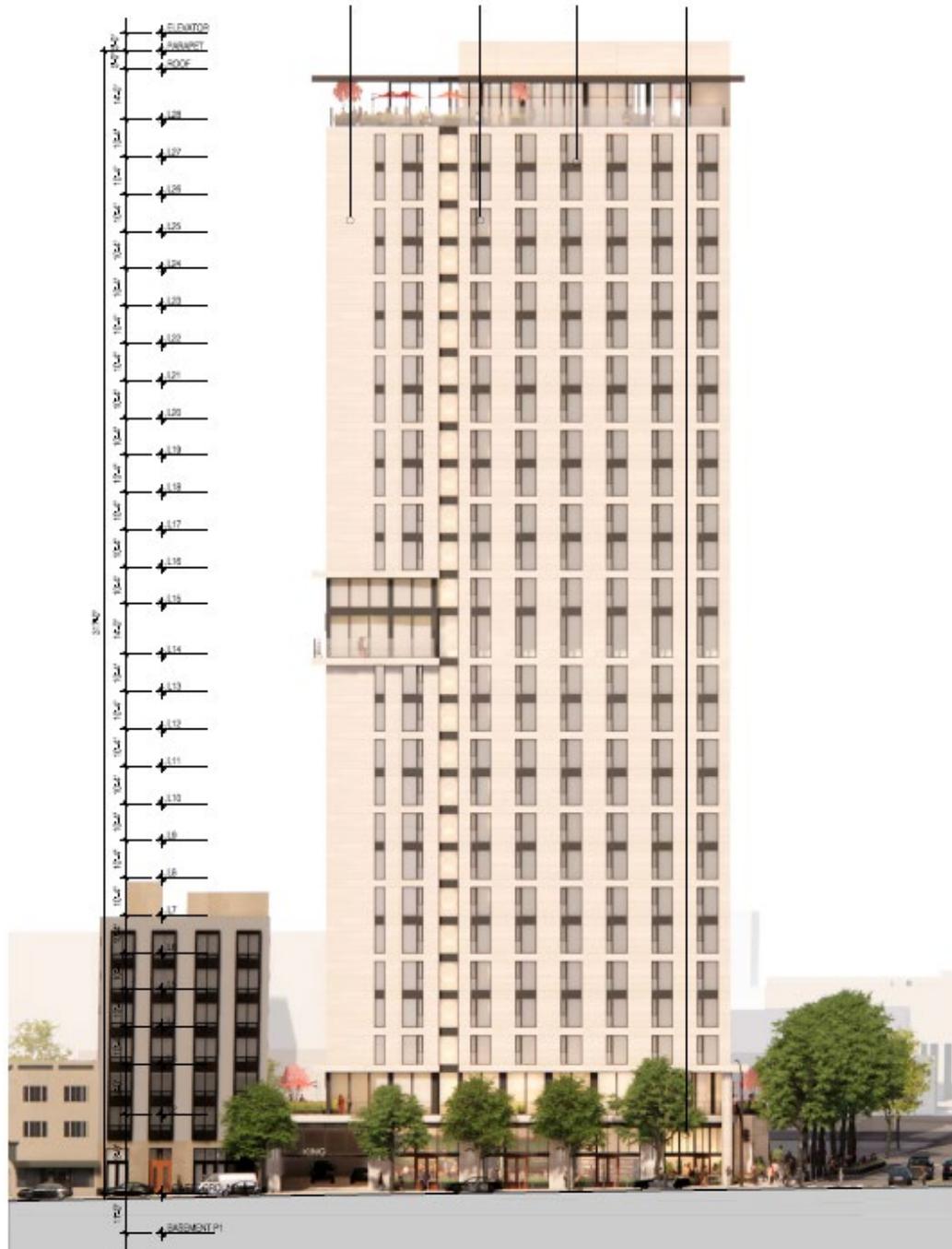
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Figure 3: South Elevation – University Avenue (elevation not to scale)



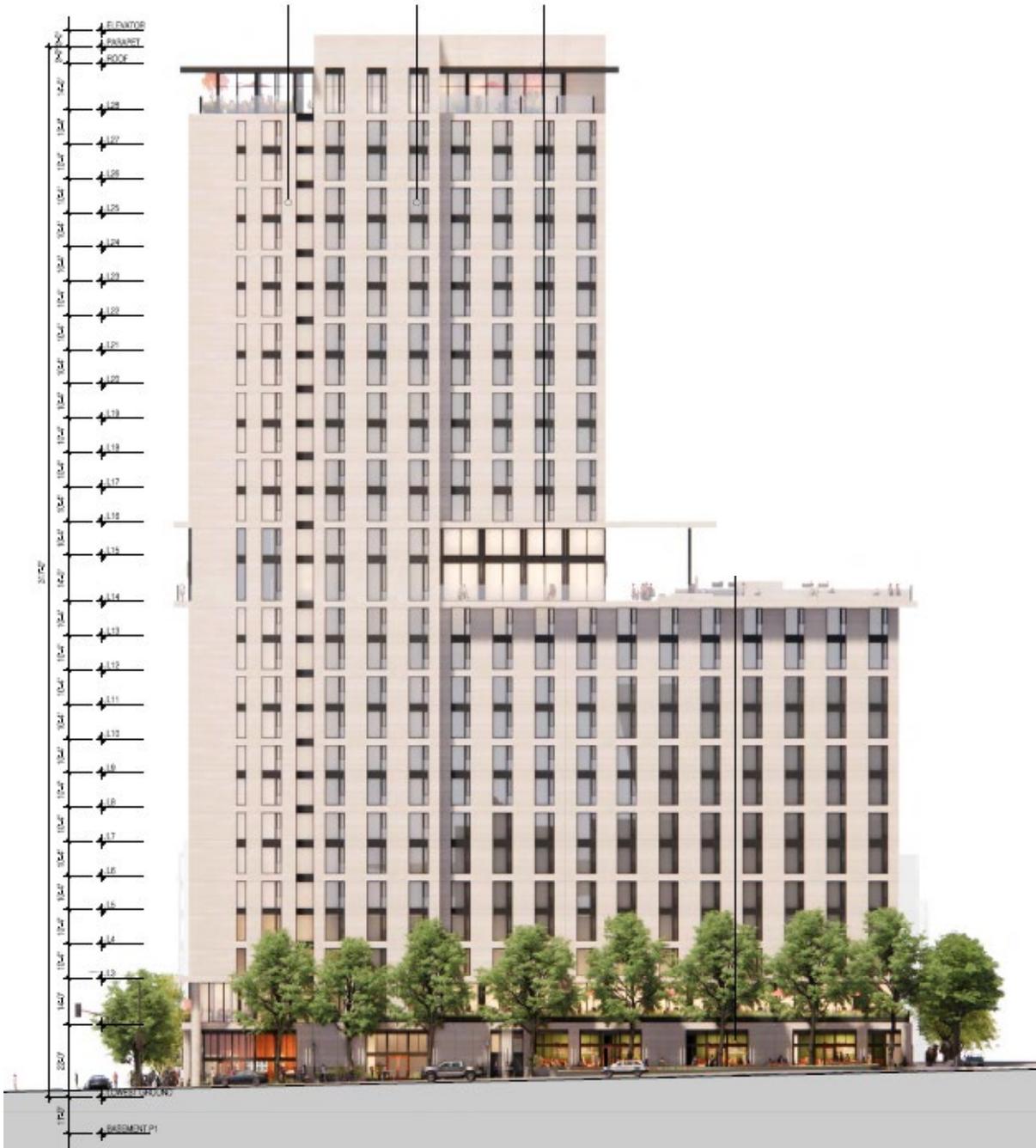
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Figure 4: East Elevation – Shattuck Avenue (elevation not to scale)



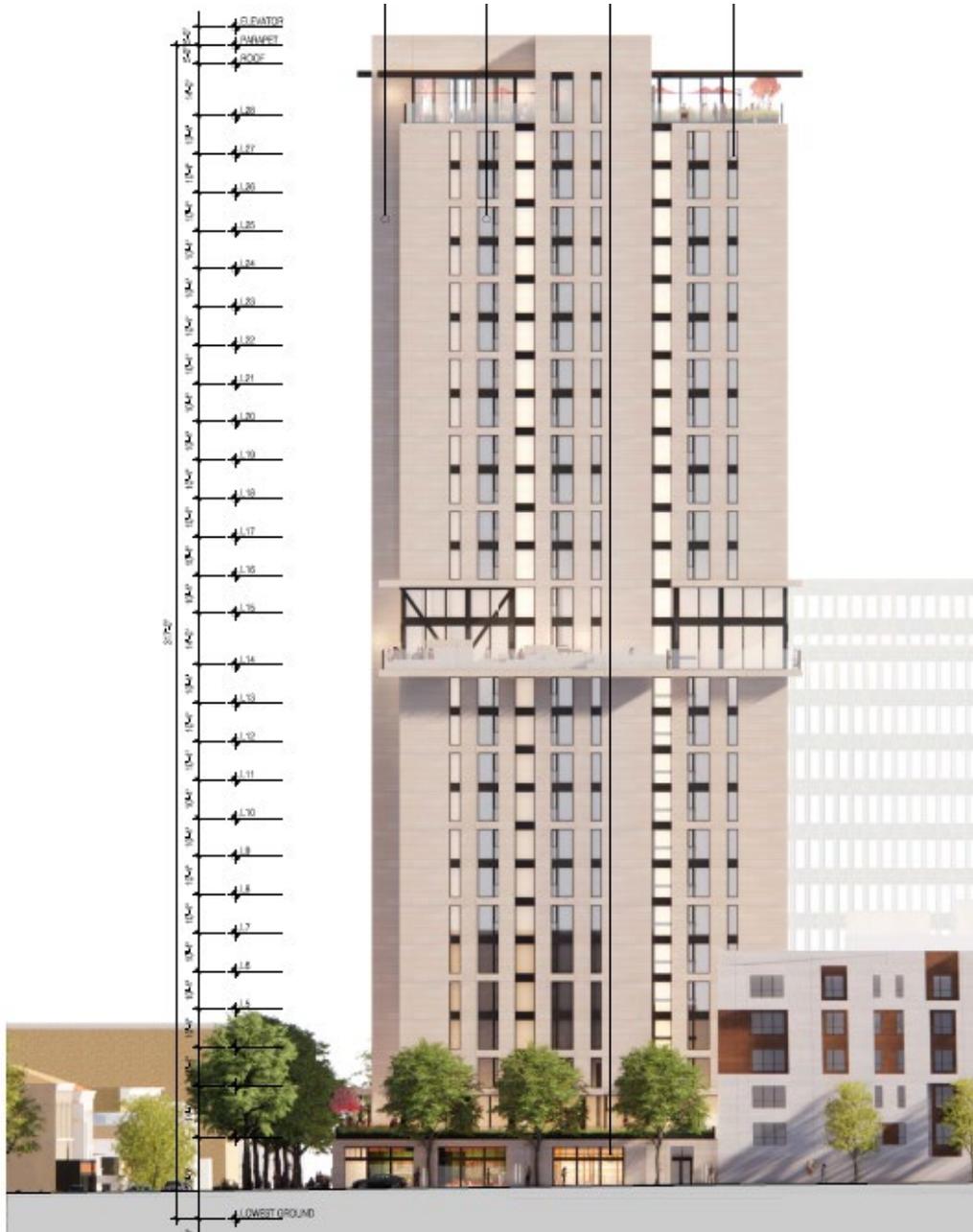
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Figure 5: North Elevation – Berkeley Way (elevation not to scale)



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**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		1950 & 1958 Shattuck: Restaurant / Restaurant 1974 Shattuck: Bar (Spats) 1984 Shattuck: Restaurant 1986 & 1998 Shattuck: Restaurant (McDonald's) 2071 & 2079 University: Restaurant / Vacant	C-DMU (Downtown Mixed-Use District), Outer Core Sub-Area	DT (Downtown)
Surrounding Adjacent Properties	North	Mixed-Use Residential w/ Retail (City Landmark, Morgan Building)	C-DMU, Corridor Sub-Area	
	South	Office / Retail	C-DMU, Core Sub-Area	
	West	Multi-family Residential, Community Kitchen and Shelter (Hope Center) / Multi-family Residential	C-DMU, Buffer and Outer Core Sub-Area	
	East	Mixed-Use Residential w/ Retail / Mixed-Use Residential w/ Restaurant, Office, and Retail (City Landmark, Mc Farlane Building)	C-DMU, Outer Core Sub-Area	

**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 proposes less non-residential gross floor area than currently exists on the site. Therefore, no net-new, non-residential area would be created and 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)	Yes	The project is a housing development project, as defined in BMC 23.328.020 <sup>a</sup> , and would provide 58 Very Low-Income (VLI) Below Market Rate (BMR) units and would be required to pay an in-lieu fee to satisfy the remainder of the requirement.
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 restaurant space. (Alcohol Beverage Control license Type 47).

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Characteristic	Applies to Project?	Explanation
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these requirements and a condition of approval to demonstrate compliance at building permit is included.
Coast Live Oaks	No	There are no oak trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	Yes	The project would provide 58 VLI below market units, or 14 percent of the 411 Base Project units, and qualifies for a 46.25 percent density bonus, or 191 bonus units (188 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. The project is proposing GreenPoint Rated Silver certification, which is equivalent to LEED Gold.
Hard Hats (BMC Chapter 13.107)	No	The project was vested under the Housing Crisis Act of 2019 prior to the January 1, 2024 effective date of the ordinance, and therefore these provisions do not apply. <sup>a</sup>
Historic Resources	No	The project would demolish five on-site buildings, Four of the five to be demolished exceed 40 years in age. None of the four buildings are listed on the National, State or local registers, and none are eligible for listing on these registers. The Landmarks Preservation Commission held hearings to consider the demolition referral and took no action. See IV.C for details.
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). <sup>a</sup> 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). <sup>a</sup> 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)	No	The project is not subject to the Percentage for Public Art on Private Projects Ordinance because 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).

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Characteristic	Applies to Project?	Explanation
Rent Controlled Units	No	The project involves the demolition of non-residential structures and no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone “E”. 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	No	The project site is not located in a liquefaction zone, landslide zone or earthquake fault zone, as shown on the <a href="#">State Seismic Hazard Zones</a> map. <sup>c</sup>
Soil/Groundwater Contamination	Yes	The project site is located within the City’s Environmental Management Area, but is not listed on the Cortese List. <sup>d</sup> The applicant submitted a Phase I report which found Recognized Environmental Conditions on the site. The Phase I report was reviewed by the Toxics Division, which will implement Phase I recommendations via the standard Toxics Conditions of Approval (COAs) at the building permit phase. No further concerns were identified. Standard COAs related to hazardous materials (including Environmental Site Clearance, a Soil and Groundwater Management Plan, and a Building Materials Survey) would apply to the project to ensure compliance with toxics standards. The applicant also submitted a Water Quality Impact Analysis, which concluded that the project would result in less than significant impacts to water quality after incorporation of the City’s Standard COAs, compliance with the federal and State regulations, and compliance with City’s plans, policies, and regulations.
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: <a href="https://maps.conservation.ca.gov/geologic Hazards/">https://maps.conservation.ca.gov/geologic Hazards/</a></p> <p>d. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

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**Table 3: Project Chronology**

Date	Action
March 26, 2023	SB 330 Use Permit Application submitted
December 4 2023	SB 330 Preliminary Application complete (PLN2023-0083)
April 11, 2024	Use Permit Application deemed complete
November 19, 2024	CEQA Categorical Exemption determination by staff – Class 32 Categorical Exemption “In-Fill Development Projects”
January 6, 2025	Landmarks Preservation Commission Demolition Referral meeting
January 16, 2025	Design Review Committee Preliminary Design Review meeting
February 13, 2025	Public hearing notices mailed/posted
February 27, 2025	ZAB decision / hearing

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**Table 4: Development Standards**

C-DMU Standards, Outer Core Sub-Area		Existing	Change	Proposed	Permitted/Required	
Lot Area (sq. ft.)		28,319	--	28,319	n/a	
Gross Floor Area (sq. ft.)		26,610	+384,720	411,330	n/a	
Commercial Floor Area		26,610	-10,468	16,142	n/a	
FAR		0.8	+14.2	15	n/a	
Dwelling Units		0	+599	599	n/a	
Bedrooms		0	+709	709	n/a	
Building Height <sup>1</sup>	Maximum	14'	+298	312' (plus 5' parapet)	50' min./60' max. (75' max. w/use permit, 180' max. w/use permit, 5' max. parapet by right)	
	Stories	1	+27	28	n/a	
Building Setbacks <sup>2</sup>	Front (University) <sup>3</sup>	4'-9"	-2'-9" -- --	2' to 5' 3'-4" 3'-4"	0'-5' (bldg. ht.≤20') 0' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')	
	Front (Shattuck)	0'	+5'-3" -- --	5'-3" to 14'-5" 6'-10" 6'-10"	0'-5' (bldg. ht.≤20') 0' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')	
	Front (Berkeley Way)	0'	+2' -- --	2' to 3' 6' 6'	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')	
	Interior Left Side	0'-65' from frontage	2'-10"	-2'-4" -- --	6" to 1'-6" 15' to 18'-1" 15' to 18'-1"	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bldg. ht.>120')
		>65' from frontage	2'-10"	-1'-4" -- --	1'-6" 10' to 18'-1" 10' to 18'-1"	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Diagonal Dimension		n/a	n/a	239-10"	120' (bldg. ht.>120')
Lot Coverage (%)		80	+8	88	n/a	
Usable Open Space (sq. ft.)		n/a	n/a	12,491	47,920 sq. ft. min. (80 sq. ft./d.u.)	
Privately Owned Public Open Space (sq. ft.)		n/a	n/a	706	323 s.f. min. (1 sq. ft./50 sq. ft. of commercial)	
<p><sup>1</sup> Use permits to allow up to 120' are included in the Base Project for the calculation of the density bonus, and are not requested waivers. Additional height beyond 120' is being requested as a waiver.</p> <p><sup>2</sup> The use permit to allow reduced setbacks up to 120' building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 120' is being requested as a waiver.</p> <p><sup>3</sup> Façade has elements with 3' overhang into the right-of-way.</p> <p>█ = Waiver requested to modify the district standard.</p> <p>Abbreviations: sq.ft.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height</p>						

**Table 4: Development Standards (Continued)**

C-DMU Standards, Core Sub-Area		Existing	Change	Proposed	Permitted/Required
Parking	Commercial (16,142 sq. ft.)	0	+24	24	0 min.*
	Residential	n/a	+126	126	0 min./ 300 max. (0.5 spaces/du max.)
	Carshare	n/a	n/a	4	4 min. (for 61 or more: 3, plus one for every additional 60 spaces)
	<b>Total</b>	0	+154	154	0 min./ 300 max.
	Commercial – Loading	n/a	n/a	1	1 min. (1 space/10,000 sq. ft., 01 additional/each 40,000 sq. ft.)
Bicycle Parking	Commercial - Short Term (16,142 sq. ft.)	8	+2	10	9 spaces (1 space/2,000 sq. ft. commercial)
	Residential - Long Term	n/a	+256	256	237 spaces (1 space/3 bedrooms)
	Residential - Short Term	n/a	+18	18	18 spaces (1 space/40 bedrooms, or 2)
	<b>Total</b>	8	+256/20	256/28 (long term/short term)	237/27 (long term/short term)

  = Waiver requested to modify the district standard.  
 \* Pursuant to Assembly Bill 2097, no parking is required for commercial uses on a site located within ½-mile of a major transit stop.  
 Abbreviations: sq. ft.= square feet; d.u.=dwelling unit; min.=minimum; max.=maximum; bldg. ht.=building height

## II. Project Setting

**A. Neighborhood/Area Description:** The 28,319-square-foot, 0.65-acre, project site consists of five parcels that span the eastern edge of the block bounded by Berkeley Way on the north, Shattuck Avenue on the east, and University Avenue on the south. The site is located within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City’s Downtown Area Plan (DAP). In the site’s immediate vicinity are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and which range in height from one story to twelve stories. Other nearby taller buildings are the 12-story, mixed-use residential building across Shattuck Avenue at 1951 Shattuck; the 14-story Anchor House at 1950 Oxford Street, one block east; and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site.

The project site is served by multiple Alameda County (AC) Transit bus lines that operate along Shattuck and University Avenues, and is two blocks north of the Downtown Berkeley BART station (See Figure 1: Zoning Map and Figure 2: Aerial View.)

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**B. Site Conditions/Background:**

The project site is associated with the following addresses and Assessor's Parcel Numbers:

1. 1950 & 1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 & 1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

Each of the five parcel numbers (on four lots) is occupied by a one-story commercial building, including long-standing and well-known businesses such as Spat's, at 1974 Shattuck, and McDonald's, at 1986 Shattuck.

**III. Project Description****A. Proposed Project Details:**

The project proposes to demolish the five existing commercial buildings, merge the lots, and construct a mixed-use building that utilizes the State density bonus with the following main components:

- 28 stories, 312 feet in height (plus a 5-foot parapet)
- 599 dwelling units – 489 studios and 110 one-bedroom (709 bedrooms total)
- 58 Very Low-Income (VLI) units to qualify for density bonus
- 16,142 square feet of commercial space – 8,342 square feet of ground-floor retail and 7,800-square-foot, rooftop restaurant/bar
- 12,491 square feet of usable open space – second-floor podium gardens and 14<sup>th</sup>-floor roof deck
- 706 square feet of privately-owned public open space – ground-floor plaza (Shattuck Avenue)
- 1,020-square-foot parklet at Shattuck Avenue frontage
- 130 residential and 24 commercial vehicle parking spaces (includes 4 car share spaces)
- 256 bike spaces in two ground-floor rooms
- Community benefits – Project Labor Agreement representing approximately 20 to 25 percent of estimated project construction costs

**B. Base Project and Density Bonus:**

By committing to provide 58 VLI units, 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 411 units as the maximum allowable density for the site.<sup>1</sup>

<sup>1</sup> 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

The Base Project has an average unit size of 659 square feet in an 11-story building. Fifty-eight VLI units, or 14 percent of the Base Project, qualifies the project for a 46.25 percent density bonus or 191 bonus units, of which the project would utilize 188. The resulting proposed project would be a 28-story building with 599 units (out of 602 units maximum possible), with an average unit size of 660 square feet (see Table 5: Density Bonus).

**Table 5: Density Bonus** – Government Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
411	58 VLI (14% of base project)	46.25 percent	188 (191 max.) (38.75% x 333)	599 (602 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, yellow project posters were installed at the project site. On February 21, 2023, the project team held a virtual community meeting via Zoom to inform neighbors and interested citizens of the project. The meeting was attended virtually by one participant, who expressed concerns about the height and scale of the building.

Prior to the Design Review Committee meeting on January 16, 2025, four comment letters were received by staff. One letter from McDonald’s USA, LLC notified the City that McDonald’s has a leasehold interest in the project site through December 31, 2031, a portion of which is subleased to the franchisee of the 1998 Shattuck restaurant. The letter informed the City that McDonald’s intends to occupy the site for the duration of the lease term, and that redevelopment may not commence until the lease expires. The three other letters were from Berkeley citizens, and expressed concerns over the project’s height, size, traffic, parking, affordability, vacancy rate, and the building design and aesthetics.

On February 13, 2025, 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.

Three letters were received by staff from February 14 to 15, 2025, prior to the Design Review Committee meeting for the project, expressing concerns for excessive height, size and scale; not enough parking in building for the increase in residents; an unappealing design; and unit unaffordability.

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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).

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**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 January 16, 2025. The DRC provided a favorable recommendation to ZAB with the following conditions and recommendations for Final Design Review (FDR) [VOTE (6-0-0-1) Kahn – absent]:

**Conditions - None****Recommendations**Site Design

- Refine the design at the corner of University and Shattuck Avenues to enhance the pedestrian realm and develop it to be as strong as the design at Shattuck Avenue and Berkeley Way.
- Refine the column design at the corner of University and Shattuck Avenues.
- Provide a rendering from the sidewalk that shows the top floor.

Exterior Details

- Refine details at the 14th and top floors with consideration of the guardrails and railings
- Look at resolution of color palette and materials and present final details and material samples at FDR. Details to include metal panels, horizontal bands, parapets, metal awnings, garage gate, windows, railings, and lighting.

Landscaping

- Increase the landscaping on the 14th floor with native plants that are also wind and drought tolerant.
- Consider a green wall on Berkeley Way, as well as the column at University and Shattuck Avenues.
- Consider adding a green edge at the second floor.

Windows / Additional Details

- Add as much depth and interest as possible with detail development.
- Consider adding bird safe glass, especially at railings.
- Recess windows at the end of the corridor on the north façade.

Miscellaneous

- Consider reallocation of lobby space.
- Recommendation for a pool cover.

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**C. Landmarks Preservation Commission:** The project involves the demolition of five buildings, four of which are existing commercial buildings that are over 40 years in age, listed below. The building at 1984-88 Shattuck Avenue is less than 40 years old, and is not subject to demolition referral review.

- 1950-1958 Shattuck Avenue, APN 057-2053-001-00, built 1922
- 1974-1978 Shattuck Avenue, APN 057-2053-002-00, built 1921
- 1986-1998 Shattuck Avenue, APN 057-2053-003-01, built 1951
- 2071-2079 University Avenue, APN 057-2053-004-02, built 1906

None of the buildings subject to demolition referral review are listed on the National, State or local historical registers, and none are eligible for listing on these registers. The Landmarks Preservation Commission (LPC) held a meeting on January 6, 2025 to consider the demolition referral for these buildings and took no action. However, the LPC made a recommendation to the ZAB to suggest that the applicant include a readily visible historical display in the new development site and share the story of the block.

## V. CEQA Categorical Exemption

On November 19, 2024, staff determined that the project is categorically exempt from the provisions of CEQA under Section 15332 (“Infill Development Projects”) of the CEQA Guidelines. (See Attachment 4.) AB 1633, which became effective on January 1, 2024, revised a provision in the Housing Accountability Act (HAA, Government Code Section 65589.5) that allows developers to file a petition to enforce the HAA’s protections where a local agency fails to make a determination that the project is exempt from CEQA when it is eligible for the exemption.

The project applicant’s attorney submitted a letter on October 8, 2024 in support of a Class 32 Categorical Exemption from CEQA and the project’s eligibility for AB 1633 protections. (See Attachment 5.) The applicant separately submitted an Air Quality Report, a Noise Impact Analysis, and a Water Quality Impact Analysis to support an infill exemption. All technical reports were peer reviewed by a CEQA consultant, and were revised for adequacy.

Upon review of all evidence on the record, staff determined that the project would meet all of the requirements of the Class 32 Infill Exemption, as follows:

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
4. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division, which returned no concerns. Standard City

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Conditions would address potential impacts related to traffic, noise, air quality, and water quality.

5. The site can be adequately served by all required utilities and public services.

Further, staff determined that none of the exceptions to categorical exemptions in CEQA Guidelines Section 15300.2 apply to the project – (a) Location, (b) Cumulative Impact, (c) Significant Effect, (d) Scenic Highways, (e) Hazardous Waste Sites, and (f) Historical Resources.

Staff issued a CEQA Determination Letter on November 19, 2024 with the determination that the project is exempt under the Class 32 Infill Exemption. Government Code Section 65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA, unless the applicant agrees to an extension. In this case, the applicant agreed to bringing this to the ZAB on February 27, 2025. The ZAB must approve or disapprove the project at tonight's hearing.

## 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 Permits<sup>2</sup> to allow: building height over the district limit, rooftop architectural projections above the height limit, reductions to setbacks and diagonal width, and deviation from 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

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<sup>2</sup> 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."

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

The February 27, 2025 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The application must be approved or disapproved at tonight’s hearing. See Section VI.B.3 for details. One 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.

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None of the buildings subject to demolition referral review are listed on the National, State or local historical registers, and none are eligible for listing on these registers. The LPC determined that there is no historic resource on the project site (see section IV.C for discussion). Standard conditions of approval have been included to halt work if any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

**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, and private (usable) open 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 188 units allowed with 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. 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

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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 five existing one-story, commercial buildings would not be materially detrimental to the commercial needs and public interest of the neighborhood because the proposed project would replace the 26,610 square feet of eliminated commercial floor area (restaurants, bar) with approximately 16,142 square feet of new commercial (retail, restaurants, and bar) in a 411,330-square-foot, mixed-use building that would provide 599 net-new residential units, including 58 VLI 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.

- E. Use Permit to Commence Alcohol Sales and Service (Distilled Spirits):** The sale and service of distilled spirits incidental to food service is allowed in the C-DMU District if a Use Permit is granted by ZAB in accordance with required Findings for Public Convenience or Necessity as specified under BMC 23.310.020(C). This section requires the City to make the following findings:

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1. The number of alcoholic beverage sales licensees in the census tract does not exceed the limit set by the Department of Alcoholic Beverage Control (ABC), as defined in California Business and Professions Code Section 23958.4; and
2. At least one of the following:
  - a. The proposed establishment will promote the City's economic health, contribute to General Plan or area plan policies, or further the district purpose.
  - b. The economic benefits associated with the establishment could not reasonably be achieved without the proposed alcohol sales or service.
  - c. The applicant has operated a licensed establishment that has not been the subject of violations regarding alcohol, or violations of public safety or nuisance statutes or regulations in Berkeley. In making this finding, the decision-making body may consider the number, frequency, and severity of prior violations and the time elapsed since the last violation, and other relevant factors.

The current Alcoholic Beverage Control license owned by the existing restaurant/bar (Spat's) allows for sales of beer, wine, and distilled spirits for off-site consumption at a bona fide eating place. The number of alcohol licenses within the census tract will not change if the restaurant/bar in the new building assumes ownership of the existing restaurant/bar license, or if the current license owner surrenders the existing license and the new restaurant/bar applies for a new license. A Condition of Approval will be included in the permit to require that no net new alcohol licenses are obtained for businesses at the project site. Additional findings in BMC Section 23.310.020(C)(3) for exceeding the number of licenses within the census tract would not apply.

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 Berkeley Police Department has reviewed the proposal and noted that there are no alcohol-related violations against the property owners of the parcels in the project site, and no violations of alcohol or public safety.

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.

- F. 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 (rooftop restaurant/bar) greater than 3,000 square feet, if the use meets the findings in BMC Section 23.204.130(I). See section VII.A below.
- G. Administrative Use Permit for Amplified Live Entertainment:** Pursuant to BMC Section 23.204.020(A), the ZAB may approve a use permit for Amplified Live Entertainment in the rooftop restaurant/bar if the use meets the findings in BMC Section 23.204.130(I). See section VII.A below.

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**H. Administrative Use Permit for an Outdoor Use Not Abutting a Residential District:**

Pursuant to BMC Section 23.302.020(D)(3), the ZAB may approve a use permit for outdoor use (outdoor dining for rooftop restaurant/bar) in a commercial district not abutting a residential district, if the use meets the findings in BMC Section 23.204.130(I). See section VII.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 project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.

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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 58 VLI units, would add new affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating and live entertainment would contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Shattuck and University Avenues and Berkeley Way 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 project does not propose to demolish or alter any known historic or cultural resource and would preserve the existing historic resources in the Downtown.

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. At 28 stories and 317 feet tall (measured to the parapet) the building would be the tallest built structure in the City (taller than the Campanile on the U.C Berkeley campus at 307 feet tall). However, the building is designed to step down from its 28-story maximum height to 14 stories on the north side, away from the Core downtown area, in a nod to the first "skyscrapers" in the downtown – the 13-story Chase building and the 12-story Wells Fargo building located at Center and Shattuck. The transparency of the commercial storefronts and the 20-foot window/ceiling height on the ground-floor of the Shattuck and University Avenue façades would enliven the streetscape on these frontages. The parklet and publicly accessible plaza on either side of the sidewalk on the Shattuck Avenue frontage would engage pedestrians walking through the downtown commercial district and welcome them to the businesses in the building.

The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design incorporates materials, color, façade design, ground-floor transparency, roof forms, setbacks, height and open space elements consistent with guidance in the Downtown Berkeley Design Guidelines.

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*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 Shattuck and University Avenues and Berkeley Way, and a 1,020-square-foot parklet bulb-out and 706-square-foot publicly-accessible private plaza on the Shattuck Avenue frontage to benefit pedestrians, as well as future residents. The second-floor podium deck and 14<sup>th</sup> floor roof deck would provide landscaped open space 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.*

The project will involve construction of a mixed-use building with a total of 599 dwelling units, including 58 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 8,342 square feet of ground-floor retail and a 7,800-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, representing approximately 20 to 25 percent of estimated project construction costs, to utilize local workers for project construction.

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

The project site is located at the eastern end of the block bounded by Berkeley Way, Shattuck Avenue, and University Avenue in Downtown Berkeley in an urban area with immediate access to transit. The site's immediate surroundings are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and range in height from one story to twelve stories. Other taller buildings are the 12-story, mixed-use residential building across Shattuck Avenue at 1951 Shattuck; the 14-story, Anchor House at 1950 Oxford Street, one block east; and the 16-story, Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site. Recently approved "tall buildings" include the 25-story, mixed-use residential building at 2190 Shattuck (approved in 2023), three blocks to the south; and the 26-story, mixed-use residential building at 2128 Oxford Street (approved in 2024) three blocks southeast of the project site.

As a one of the five "tall buildings" allowed in the C-DMU District and one of the two "tall buildings" allowed in the Outer Core/Core Sub-Areas (combined), the project would be compatible in size and scale with the other four "tall buildings" that are either already constructed or were recently approved in the Downtown area. Thus, the project would be compatible with surrounding uses and buildings. In addition, the DRC deemed the proposed project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review. (See section IV.B for discussion.)

**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 A0.4a through A0.4c), new shadow impacts would occur: a) in the winter and spring months in the hours after sunrise and around noon, on the residential buildings on the blocks to the north and northwest of the site, and b) in the summer months in the hours after sunrise on the residential buildings to the west of the site. 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 be limited to a few hours of the day, during certain times of the year, 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.

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The additional height above the district limits from the density bonus would cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal would include waivers 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 312-foot-tall (plus 5-foot parapet), 28-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 staircase and elevator penthouses 1,464 square feet on the roof of level 28 that would extend seventeen feet over the roof height. These areas represent 10 percent of the 14,058-square-foot average of all the floor areas, and would not exceed the limit of 15 percent of the average floor area, and 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 second of two buildings in the Outer Core Sub-Area (combined) that are allowed to exceed height limit of 75 feet, up to 120 feet (base project height for density bonus projects). It would be the last of the five “tall buildings” allowed in the Core and Outer Core Sub-Areas that are allowed to exceed height limit of 75 feet, up to 180 feet (base project height for density bonus projects).<sup>3</sup>

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<sup>3</sup> The other “tall building” allowed to exceed height limits in the Outer Core Sub-Area has been constructed – the mixed-use residential building at 1951 Shattuck Avenue. The three “tall buildings” allowed to exceed height limits in the Core Sub-Area have either been constructed – the Residence Inn Hotel at 2129 Shattuck Avenue – or have recently been approved – the 25-story mixed-use residential building at 2190 Shattuck (approved in 2023), and the 26-story mixed-use residential building at 2128 Oxford Street (approved in 2024).

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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 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, representing approximately 20 to 25 percent of the estimated project construction cost, 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 November 7, 2024 concluded that key assumptions in the applicant's pro forma are optimistic, but that the Community Benefits package is reasonable overall, and would not make project infeasible.

- 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 and side setbacks above 75 feet, up to 120 feet in building height in the Base Project. The findings in this section are not applicable to reduced setbacks above 120 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 Pedestrian Wind Comfort Assessment was prepared in March, 2023 by Rowan Williams Davies & Irwin Inc. (RWDI) for the project. The assessment was based on computational modeling, simulation and analysis of wind conditions for the proposed development design (28 stories), in conjunction with the local wind climate data and the RWDI wind criteria for pedestrian comfort and safety. The assessment found that:

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- Wind speeds onsite are generally calm and considered suitable for pedestrian use. Higher wind speeds, (still appropriate for sidewalks and walkways), occur near the corners of mid-rise buildings with broad west facing facades on the east side of Shattuck Avenue.
- Increased wind speeds are expected on University Avenue and at the intersection of Shattuck Avenue and Berkeley way during the summer. However, these speeds are adequate for sidewalks and walkways.
- In the winter, lower wind speeds are expected. Light breezes are predicted for most areas near the proposed development, with slightly higher wind speeds occurring around the east/northeast side of the building.
- The pedestrian wind safety criterion is predicted to be met at all locations near the project site.

Thus, the setback reduction the Base Project would not unreasonably affect wind conditions at the project site.

**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 120 feet (in the base project for density bonus) with a use permit and upon provision of community benefits. Existing buildings in the vicinity of the project site range from one to twelve stories, with taller buildings on University and Shattuck Avenues. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.

The proposed project would result in a new building that is substantially taller than surrounding buildings in the downtown district. As a result, it would introduce a new visual feature to the district by introducing a building which is, on average, twice as tall than the existing “tall buildings” in the downtown Core/Outer Core Sub-Areas. However, the proposed building would be compatible with the most recently approved “tall buildings” in the downtown district, as discussed in the previous section, and would be consistent with the trend of increased density in new housing development that is fueled by the adoption of laws to remedy the State’s housing crisis.

In addition, the DRC reviewed the project and found the proposed design to be consistent the Downtown Berkeley Design Guidelines and the Downtown Area Plan.

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

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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 enhancing existing street level activity with large ground-floor commercial windows, a parklet, and a publicly-accessible plaza, and would bring new residents and new business patrons to 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 599 units of housing in close proximity to transit, the university, jobs, and basic goods and services. Several transit lines have stops directly on the project’s two major street frontages (Shattuck and University), and the Downtown Berkeley BART station, which has connecting service throughout the Bay Area, is three blocks from the project site.

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 58 VLI affordable units in addition to increasing the City’s housing supply by adding 599 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.

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Staff Analysis: The proposed project would be constructed to the latest building codes which include green building standards. The project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.

**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 599-unit high density, mixed-use building that provides 58 dwelling units for very low-income households and approximately 16,000 square feet of commercial, including a roof-top restaurant/bar. 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. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15332 of the CEQA Guidelines (“Infill Development Projects”); and
2. **APPROVE** #ZP2022-0135 pursuant to Section 23.406.040(D) and subject to the attached Findings (Attachment 1) and Conditions (Attachment 2).

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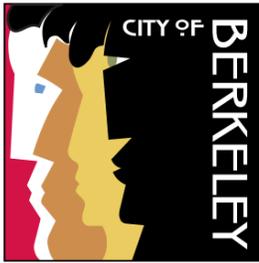
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**Attachments:**

1. Use Permit Findings
2. Use Permit Conditions
3. Project Plans, received January 24, 2025
4. Staff CEQA Determination Letter, dated November 19, 2024
5. Applicant Attorney Letter - Eligibility for CEQA Exemption, dated October 8, 2024
6. Peer Review of Pro Forma Assumptions for University Corners, dated November 7, 2024
7. Downtown Area Plan MMRP
8. Notice of Public Hearing
9. Public Comment Letters (3), received from January 14 to January 15, 2025

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

PLANNING AND  
DEVELOPMENT

# ZONING ADJUSTMENTS BOARD – FINDINGS

FEBRUARY 27, 2025

## University Corners 1950-1998 Shattuck Avenue

**Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.**

### ZONING PERMITS REQUIRED

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- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- 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) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 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 above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area
- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district

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- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

### **CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918**

- 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 23.04.130(E)(1) to exceed building height limits – to be 317’ to roof (plus 5’ parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120’ in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet is required

### **I. CEQA FINDINGS**

- A.** On November 19, 2024, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“Infill Development Projects”).

The project applicant’s attorney submitted a letter on October 8, 2024 in support of a Class 32 Categorical Exemption from CEQA and the project’s eligibility for AB 1633 protections. The applicant separately submitted an Air Quality Report, a Noise Impact Analysis, and a Water Quality Impact Analysis to support an infill exemption. All technical reports were peer reviewed by a CEQA consultant, and were revised for adequacy.

- B.** Upon review of all evidence on the record, the City determined that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 (“Infill Development Projects”) of the CEQA Guidelines.

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

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.

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4. The project will not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
  5. The site can be adequately served by all required utilities and public services.
- C. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project will not affect any historical resource.

## **II. HOUSING ACCOUNTABILITY ACT FINDINGS**

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- 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 599 units. Because the base project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

## **III. DENSITY BONUS FINDINGS**

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- 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 411 units;
  2. The project will provide at least 58 VLI qualifying units in the 411-unit base project, as more fully set forth in the Below Market Rate Units Condition;
  3. The project is entitled to a density increase of 46.25 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 two concessions or incentives. This equates to a density bonus of 188 units (191 units maximum) above the base project, for a total of up to 599 units (602 units maximum).

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- 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 BMC Chapter 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 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
  2. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
  3. Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
  4. Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
  5. Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 13,032 square feet, where 47,920 square feet 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**

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- A.** As required by BMC Section 23.406.040(E), Findings for Approval, 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

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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.
2. According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter and spring months in the hours of after sunrise and around noon, on the residential buildings on the blocks to the north and northwest of the site, and b) in the summer months in the hours of after sunrise on the residential buildings to the west of the site. 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 be limited to a few hours of the day during certain times of the year, 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 from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 312-foot-tall (plus 5-foot parapet), 28-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 Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential buildings listed below 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, will remove a building that which is unusable for activities completable with the purpose of the district or infeasible to modify for such uses, will remove a structure that is an inhabitable 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.

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1. 1950 & 1958 Shattuck, 57-2053-1
2. 1974 Shattuck, 57-2053-2
3. 1984 Shattuck, 57-2053-3-2 and 1986 & 1998 Shattuck, 57-2053-3-1
4. 2071 & 2079 University, 57-2053-4-2

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.

- B.** As required by BMC Section BMC 23.310.020(C), Alcohol Sales and Service (Distilled Spirits), the Zoning Adjustments Board finds that:
1. The current Alcoholic Beverage Control license owned by the existing restaurant/bar (Spat's) allows for sales of beer, wine, and distilled spirits for off-site consumption at a bona fide eating place. The number of alcohol licenses within the census tract will not change if the restaurant/bar in the new building assumes ownership of the existing restaurant/bar license, or if the current license owner surrenders the existing license and the new restaurant/bar applies for a new license. A Condition of Approval will be included in the permit to require that no net new alcohol licenses are obtained for businesses at the project site. Additional findings in BMC Section 23.310.020(C)(3) for exceeding the number of licenses within the census tract will not apply.
  2. 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 offerings will also increase business revenue, resulting in increased tax revenue for the City. The Berkeley Police Department has reviewed the proposal and noted that there are no alcohol-related violations against the property owners of the parcels in the project site, and no violations of alcohol or public safety.
  3. 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.
- C.** 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.
- D.** As required by BMC Section 23.204.020(A), Amplified Live Entertainment, 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

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because the rooftop restaurant/bar with amplified live entertainment will contribute to the area's vitality, livability, and character.

- E. As required by BMC Section 23.302.020(D)(3), outdoor use not 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.
- F. As required by BMC Section 23.204.130(I), the project is consistent with the purposes of the C-DMU district:
1. 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 will 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 project proposes GreenPoint Rated Silver certification, which is equivalent to the LEED Gold rating, as required for new buildings in the C-DMU District.
  2. Land Use: The mixed-use project, which includes 58 VLI units, will add new affordable housing to the Downtown area. Ground floor commercial uses and a rooftop restaurant/bar with outdoor seating and live entertainment will contribute to the area's vitality, livability, sustainability, and character. New street trees and landscaping along Shattuck and University Avenues and Berkeley Way will add to the cultivation of the Downtown as an attractive residential neighborhood.
  3. Historic Preservation and Urban Design: The project does not propose to demolish or alter any known historic or cultural resource and will preserve the existing historic resources in the Downtown.

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. At 28 stories and 317 feet tall (measured to the parapet) the building will be the tallest built structure in the City (taller than the Campanile on the U.C Berkeley campus at 307 feet tall). However, the building is designed to step down from its 28-story maximum height to 14 stories on the north side, away from the Core downtown area, in a nod to the first "skyscrapers" in the downtown, the 13-story Chase building and the 12-story Wells Fargo building at Center and Shattuck Avenues. The transparency of the commercial storefronts and the 20-foot window/ceiling height on the ground-floor of the Shattuck and University Avenue façades will enliven the streetscape on these frontages. The parklet and publicly accessible plaza on either side of the sidewalk on the Shattuck

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Avenue frontage will engage pedestrians walking through the downtown commercial district and welcome them to the businesses in the building.

The DRC deemed the project consistent with Downtown Berkeley design guidelines, and provided a favorable recommendation to the ZAB. The proposed project design incorporates materials, color, façade design, ground-floor transparency, roof forms, setbacks, height and open space elements consistent with guidance in the Downtown Berkeley Design Guidelines.

4. Streets and Open Space: The project will include street trees along Shattuck and University Avenues and Berkeley Way, and a 1,020-square-foot parklet bulb-out and 706-square-foot publicly accessible private plaza on the Shattuck Avenue frontage to benefit pedestrians, as well as future residents. The second-floor podium deck and 14<sup>th</sup> floor roof deck will provide landscaped open space and amenities for residents. The project will contribute funds to the Streets and Open Space Improvement Plan (SOSIP).
5. Housing and Community Health and Services: The project will involve construction of a mixed-use building with a total of 599 dwelling units, including 58 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.
6. 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 8,342 square feet of ground-floor retail and a 7,800-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, representing approximately 20 to 25 percent of estimated project construction costs, 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 eastern end of the block bounded by Berkeley Way, Shattuck Avenue, and University Avenue in Downtown Berkeley in an urban area with immediate access to transit. The site's immediate surroundings are a mixture of buildings that contain mixed-use residential with ground floor commercial, multi-family residential, and commercial uses, and range in height from one story to twelve stories. Other taller buildings are the 12-story mixed-use residential building across Shattuck Avenue at 1951 Shattuck, the 14-story Anchor House at 1950 Oxford Street, one block east, and the Residence Inn Hotel at 2129 Shattuck Avenue, two blocks south of the site. Recently approved "tall buildings" include the 25-story mixed-use residential building at 2190 Shattuck (approved in 2023), three blocks to the south, and the 26-story mixed-use residential building at 2128 Oxford Street (approved in 2024) three blocks southeast of the project site.

As a one of the five "tall buildings" allowed in the C-DMU District and one of the two "tall buildings" allowed in the Outer Core/Core Sub-Areas (combined), the project will

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be compatible in size and scale with the other four “tall buildings” that are already constructed or were recently approved in the Downtown area. Thus, the project will be compatible with surrounding uses and buildings. In addition, the DRC deemed the proposed project consistent with Downtown Berkeley Design Guidelines, and provided a favorable recommendation to the ZAB with conditions and recommendations for Final Design Review.

- G.** 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 staircase and elevator penthouses 1,464 square feet on the roof of level 28 that will extend seventeen feet over the roof height. These areas represent 10 percent of the 14,058-square-foot average of all the floor areas, and will not exceed the limit of 15 percent of the average floor area, and are therefore permissible.
- H.** 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, representing approximately 20 to 25 percent of the estimated project construction cost, 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.
  2. Based on the City’s consultant peer review, the Community Benefits package is reasonable overall, and will not make project infeasible.
- I.** 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 will not unreasonably limit solar access.
  2. The Pedestrian Wind Comfort Assessment found that:
    - a. Wind speeds onsite are generally calm and considered suitable for pedestrian use. Higher wind speeds, (still appropriate for sidewalks and walkways), occur near the corners of mid-rise buildings with broad west facing facades on the east side of Shattuck Avenue.
    - b. Increased wind speeds are expected on University Avenue and at the intersection of Shattuck Avenue and Berkeley way during the summer. However, these speeds are adequate for sidewalks and walkways.

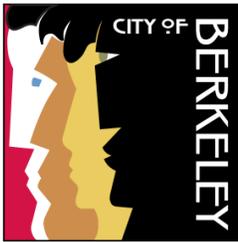
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- c. In the winter, lower wind speeds are expected. Light breezes are predicted for most areas near the proposed development, with slightly higher wind speeds occurring around the east/northeast side of the building.
- d. The pedestrian wind safety criterion is predicted to be met at all locations near the project site.

**J.** 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 120 feet (in the base project for density bonus) with a use permit and upon provision of community benefits. Existing buildings in the vicinity of the project site range from one to twelve stories, with taller buildings on University and Shattuck Avenues. The site is located within the Downtown Area Plan and is consistent Downtown Berkeley Design Guidelines as further discussed below.
2. The proposed project will result in a new building that is substantially taller than surrounding buildings in the downtown district. As a result, it will introduce a new visual feature to the district by introducing a building which is almost twice as tall than the existing “skyscrapers” in the downtown. However, the proposed building will be compatible with the most recently approved “tall buildings” in the downtown district, as discussed in the previous section, and will be consistent with the trend of increased density in new housing development fueled by the adoption of laws to remedy the State’s housing crisis.
3. In addition, the DRC reviewed the project and found the proposed design to be consistent the Downtown Berkeley Design Guidelines and the Downtown Area Plan.

PLANNING AND  
DEVELOPMENT

# USE PERMIT ZP2023-0040

## CONDITIONS OF APPROVAL

February 27, 2025

### 1950-1998 Shattuck Avenue (University Corners)

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

#### I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions 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.

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- 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 BMC 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. 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.

**II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**Prior to Submittal of Any Building Permit:**

**10. 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 #
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**11. 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 Section 16.28.030 Assignment and Installation of Numbers, 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.

**12. Privately-Owned Public Plaza.** The applicant shall submit plans that comply with the provisions in BMC Section 23.204.130(E)(5), including signage in a publicly conspicuous location at street level indicating the area that is open to the public, the hours the space is open, and the party responsible for maintenance.

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**13. Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

**14. 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, Prohibited Acts. 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.

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**15. 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.

This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

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

**16. Compliance with Conditions of Approval.** The building permit application is subject to verification of compliance of these Conditions of Approval. 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.

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

- 17. 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, representing approximately 20 to 25 percent of estimated project construction costs, based on the Community Benefits Pro Forma Financial Analysis submitted in permit application.
- 18. 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.
- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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:

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- 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 \(arcgis.com\)](#) [See [Phase I Environmental Site Assessment Report dated January 27, 2023 by GEM Group, Inc.](#)]

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.

- B. 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.
- C. 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.

- D. 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.

- E. 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.

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**F. 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**

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- 23. Parcel Merger.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.
- 24. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.
- 25. 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.
- 26. 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.
- 27. 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 Shattuck Avenue, University Avenue and Berkeley Way, 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.

- 28. 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.
- 29. 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.)
- 30. Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations; and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, 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.)
- 31. 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 20 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.)

**32. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State’s Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.

**33. 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 at [RecyclingProgram@berkeleyca.gov](mailto:RecyclingProgram@berkeleyca.gov).

**34. 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.

**AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS**

**35. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan (“AHCP”) must be certified by the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.

**36. Below Market Rate Units.** Fifty-eight (58) Very-Low Income, Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to State Density Bonus Law (Government Code Section 65915), shall be designated as BMR Units. All BMR units are required to comply with the stricter of the State Density Bonus Law and BMC Section 23.328.030(A), Inclusionary Affordable Housing Requirements.

Summary table of project BMR units			
Code Section	Extremely-Low Income (30% AMI)	Very-Low Income (50% AMI)	Low Income (80% AMI)
<b>BMC Chapter 23.328 (Inclusionary Housing)</b>	0	0	0
<b>State Density Bonus Law (Gov. Code Section 65915)</b>	0	58	0
<b>Total</b>	0	<b>58 VLI</b>	0

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- 37. Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915, BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915). The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.
- 38. Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is \$9,855,956 (\$56.25 x 175,217 SF), subject to proration to reflect any affordable units provided. Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.

**Prior to Demolition or Start of Construction:**

- 39. 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.
- 40. 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.

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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.

- 41. 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:**

- 42. 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.
- 43. 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.
- 44. 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.
- 45. 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.

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- 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.

**46. 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:

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- 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.

**47. 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.

**48. 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.)

**49. 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.

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**50. Archaeological Resources (Ongoing throughout demolition, grading, and/or**

**construction**). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

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

**51. 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.

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- 52. 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.
- 53. 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.
- 54. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
  - B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
  - C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (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.

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- 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.
- 55. 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.
- 56. 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.
- 57. 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.
- 58. 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.
- 59. 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.
- 60. 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.

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**61. 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:**

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**62. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

**63.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated received **January 24, 2025.**

**64. 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.

**65. 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.

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- 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).

**66. Car Sharing Spaces.** At least **4 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.

**67. 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.

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**At All Times:**

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- 68. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 69. 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.
- 70. 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.
- 71. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 72. 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.
- 73. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 74. 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.
- 75. 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.
- 76. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The 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.
- 77. 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.
- 78. Required Bike Parking.** Secure and on-site bike parking for at least 237 bicycles shall be provided for the life of the building.
- 79. Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

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USE PERMIT CONDITIONS

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- 80. 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.**)
- 81. 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.
- 82. Increased Height Allowance – Application Process.** A project shall secure a position as one of the five allowed buildings over 75 feet in height, one of the two allowed buildings over 75 feet in height in the Outer Core and Core Sub-Areas combined, 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.
- 83. 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
- 84. 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: INCIDENTAL TO A FOOD SERVICE ESTABLISHMENT (on-site)**

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**85. Licensing.**

- A.** The food service establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
- B.** An operator of the licensed establishment may not have a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at

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USE PERMIT CONDITIONS

February 27, 2025

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this location. This must be confirmed by the Zoning Officer prior to issuance of a business license or transfer at this location.

- C. To ensure that total number of alcohol licenses within the census tract will not change, the applicant/property owner shall assume ownership of the existing restaurant/bar license (for 1974 Shattuck Avenue), or if the current license owner surrenders the existing license and the applicant/property owner for the new restaurant/bar shall apply for a new license.

### **86. Service.**

- A. Alcoholic beverage service shall be incidental to the primary food service use. Per BMC 23.502.020(U) Defined Terms, 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.
- B. Alcoholic beverage service incidental to seated food service shall only be allowed at a bona fide eating place making actual and substantial sales of meals as determined and required by the California Department of Alcoholic Beverage Control.
- C. The sale of alcoholic beverages for off-site consumption is not permitted, except as authorized by the California Department of Alcoholic Beverage Control.
- D. Hours of operation are subject to review and amendment by the review authority as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City of Berkeley standards or policies.

### **87. Operation.**

- A. The food service establishment must operate at least five days a week.
- B. The service of alcoholic beverages shall be limited to normal meal hours (per California Department of Alcoholic Beverage Control) during the food service establishment's hours of operation, and full food service must be available in all customer areas.
- C. During the food service establishment's hours of operation, all customer accessible areas shall be available for meal service and the food service establishment must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.
- D. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include:
- i. 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; and
  - ii. Surveillance to public areas near the establishment, keeping public areas free of trash and litter, providing lighting, and otherwise preventing conduct that might disturb the peace and quiet of residences in the vicinity.
- E. 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.

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- F. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
- G. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

**88. Advertising.** The establishment shall comply with BMC Chapter 20.67, Alcohol Product Advertising.

**89. Training.**

- A. The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.
- B. All employees selling and/or serving beer and wine, or directly supervising such sales and/or service, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish 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 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.

**90.** The Use Permit Conditions of Approval shall be posted in conspicuous location, available for viewing by any interested party.



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**1950-1998  
(1974)  
SHATTUCK**

Berkeley, CA

- 12.12.2022 SB-330 SUBMITTAL
- 03.01.2023 ZONING SUBMITTAL
- 07.18.2023 ZONING RESUBMITTAL
- 11.15.2024 ZONING RESUBMITTAL
- 03.12.2024 ZONING RESUBMITTAL
- 01.16.2025 PRELIM DRC HEARING SET
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JOB: 2209

SHEET:

GENERAL  
INFORMATION

**A0.0**

VICINITY MAP	PROJECT DIRECTORY	PROJECT DESCRIPTION	DRAWING LIST																																																																
	<p>OWNER/APPLICANT: 1974 Shattuck Ave, LLC 1958A University Ave Berkeley, CA 94705</p> <p>ARCHITECT: Isaiah Stackhouse, Principal TRACHTENBERG ARCHITECTS 2421 Fourth Street Berkeley, CA 94710 510.649.1414 www.TrachtenbergArch.com</p>	<p>PROJECT ADDRESS: 1950-1998 Shattuck Ave. &amp; 2071 University Ave. Berkeley, CA 94704</p> <p>APNS: 057 205300100 057 205300200 057 205300301 057 205300302 057 205300402</p> <p>SCOPE OF WORK: REMOVAL OF EXISTING COMMERCIAL STRUCTURES &amp; CONSTRUCTION OF A NEW 28-STORY MIXED-USE HOUSING DEVELOPMENT WITH 599 DWELLING UNITS AND A ROOFTOP RESTAURANT OVER GROUND-LEVEL COMMERCIAL AND LOBBIES, WITH STATE OF CALIFORNIA DENSITY BONUS.</p>	<table border="0"> <tr> <td>A0.0 GENERAL INFORMATION</td> <td>A2.1 FLOOR PLANS</td> <td>A3.9 PRELIMINARY RENDERING</td> <td>L3.1 USABLE OPEN SPACE CALCS &amp; PLANTING NOTES</td> </tr> <tr> <td>A0.1 ZONING INFORMATION</td> <td>A2.2 FLOOR PLANS</td> <td>A3.10 PRELIMINARY RENDERING</td> <td>10.0 IRRIGATION NOTES &amp; LEGEND</td> </tr> <tr> <td>A0.2A DENSITY BONUS DIAGRAMS</td> <td>A2.3 FLOOR PLANS</td> <td>A3.11 PRELIMINARY RENDERING</td> <td>11.0 IRRIGATION PLAN AT STREETSCAPE</td> </tr> <tr> <td>A0.2B DENSITY BONUS DIAGRAMS</td> <td>A2.4 FLOOR PLANS</td> <td>A3.12 PRELIMINARY RENDERING</td> <td>12.0 IRRIGATION PLAN SECOND FLOOR PODIUM GARDENS</td> </tr> <tr> <td>A0.2C PRELIMINARY AHCP DIAGRAMS</td> <td>A2.5 FLOOR PLANS</td> <td>A3.13 PRELIMINARY RENDERING</td> <td>13.0 IRRIGATION PLAN FOURTEENTH FLOOR ROOF DECK</td> </tr> <tr> <td>A0.3 DPRELIMINARY AHCP DIAGRAMS</td> <td>A2.6 FLOOR PLANS</td> <td>A3.14 PRELIMINARY RENDERING</td> <td>13.1 IRRIGATION POINT OF CONNECTION</td> </tr> <tr> <td>A0.4A SHADOW STUDIES DECEMBER 21ST</td> <td>A2.7 ROOF PLAN</td> <td>A3.15 PRELIMINARY RENDERING</td> <td>14.0 IRRIGATION DETAILS</td> </tr> <tr> <td>A0.4B SHADOW STUDIES JUNE 21ST</td> <td>A3.1 ELEVATIONS</td> <td>A3.16 PRELIMINARY RENDERING</td> <td>15.0 IRRIGATION DETAILS</td> </tr> <tr> <td>A0.4C SHADOW STUDIES FEB 15TH</td> <td>A3.2 ELEVATIONS</td> <td>A3.17 PRELIMINARY RENDERING</td> <td>16.0 IRRIGATION DETAILS</td> </tr> <tr> <td>A0.5 SITE CONTEXT PHOTOS</td> <td>A3.3 STREET STRIP ELEVATIONS</td> <td>A4.1 BUILDING SECTIONS</td> <td>17.0 IRRIGATION DETAILS</td> </tr> <tr> <td>A0.6A SURVEY</td> <td>A3.4 PHOTO CONTEXT VIEWS</td> <td>A4.2 AWNING ENCROACHMENT DIAGRAM</td> <td></td> </tr> <tr> <td>A0.6B SURVEY</td> <td>A3.5 PHOTO CONTEXT VIEWS</td> <td>A5.0 CONCEPTUAL GRADING PLAN</td> <td></td> </tr> <tr> <td>A0.6C SURVEY</td> <td>A3.6 PHOTO CONTEXT VIEWS</td> <td>L0.0 COVER SHEET, NOTES, AND LEGEND</td> <td></td> </tr> <tr> <td>A1.0 EXISTING SITE PLAN</td> <td>A3.7 PRELIMINARY RENDERING</td> <td>L1.0 LANDSCAPE PLAN AT STREETSCAPE</td> <td></td> </tr> <tr> <td>A2.0a FLOOR PLANS</td> <td>A3.8 PRELIMINARY RENDERING</td> <td>L2.0 SECOND FLOOR PODIUM GARDENS</td> <td></td> </tr> <tr> <td>A2.0b FLOOR PLANS</td> <td></td> <td>L3.0 FOURTEENTH FLOOR ROOF DECK</td> <td></td> </tr> </table>	A0.0 GENERAL INFORMATION	A2.1 FLOOR PLANS	A3.9 PRELIMINARY RENDERING	L3.1 USABLE OPEN SPACE CALCS & PLANTING NOTES	A0.1 ZONING INFORMATION	A2.2 FLOOR PLANS	A3.10 PRELIMINARY RENDERING	10.0 IRRIGATION NOTES & LEGEND	A0.2A DENSITY BONUS DIAGRAMS	A2.3 FLOOR PLANS	A3.11 PRELIMINARY RENDERING	11.0 IRRIGATION PLAN AT STREETSCAPE	A0.2B DENSITY BONUS DIAGRAMS	A2.4 FLOOR PLANS	A3.12 PRELIMINARY RENDERING	12.0 IRRIGATION PLAN SECOND FLOOR PODIUM GARDENS	A0.2C PRELIMINARY AHCP DIAGRAMS	A2.5 FLOOR PLANS	A3.13 PRELIMINARY RENDERING	13.0 IRRIGATION PLAN FOURTEENTH FLOOR ROOF DECK	A0.3 DPRELIMINARY AHCP DIAGRAMS	A2.6 FLOOR PLANS	A3.14 PRELIMINARY RENDERING	13.1 IRRIGATION POINT OF CONNECTION	A0.4A SHADOW STUDIES DECEMBER 21ST	A2.7 ROOF PLAN	A3.15 PRELIMINARY RENDERING	14.0 IRRIGATION DETAILS	A0.4B SHADOW STUDIES JUNE 21ST	A3.1 ELEVATIONS	A3.16 PRELIMINARY RENDERING	15.0 IRRIGATION DETAILS	A0.4C SHADOW STUDIES FEB 15TH	A3.2 ELEVATIONS	A3.17 PRELIMINARY RENDERING	16.0 IRRIGATION DETAILS	A0.5 SITE CONTEXT PHOTOS	A3.3 STREET STRIP ELEVATIONS	A4.1 BUILDING SECTIONS	17.0 IRRIGATION DETAILS	A0.6A SURVEY	A3.4 PHOTO CONTEXT VIEWS	A4.2 AWNING ENCROACHMENT DIAGRAM		A0.6B SURVEY	A3.5 PHOTO CONTEXT VIEWS	A5.0 CONCEPTUAL GRADING PLAN		A0.6C SURVEY	A3.6 PHOTO CONTEXT VIEWS	L0.0 COVER SHEET, NOTES, AND LEGEND		A1.0 EXISTING SITE PLAN	A3.7 PRELIMINARY RENDERING	L1.0 LANDSCAPE PLAN AT STREETSCAPE		A2.0a FLOOR PLANS	A3.8 PRELIMINARY RENDERING	L2.0 SECOND FLOOR PODIUM GARDENS		A2.0b FLOOR PLANS		L3.0 FOURTEENTH FLOOR ROOF DECK	
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ZONING  
INFORMATION

**A0.1**

ZONING SUMMARY TABLE					SETBACKS TABLE					STATE DENSITY BONUS TABLE (SEE A0.2A-B)		
ZONING	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/ DENSITY BONUS	ZONING COMPLIANCE	SETBACK - FRONT (UNIVERSITY)	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/ DENSITY BONUS	ZONING COMPLIANCE	(SEE SHEETS A0.3A-A03.D)		
TOTAL LOT SIZE (SQ. FT.)		28,319		COMPLIES	0'-20'	0'	0'	2'	COMPLIES	BASE PROJECT UNITS	411	
TOTAL LOT SIZE (ACRES)		0.65		COMPLIES	21'-75'	0'	0'	3'-4" to 4'-4"	COMPLIES	PERCENT VLU UNITS PROVIDED	14%	
FLOOR AREA RATIO (FAR)	NA	NA	14.52	COMPLIES W/ SDB WAIVER	76'-120'	15'	0'	3'-4" to 4'-4"	COMPLIES W/ SDB WAIVER	NUMBER VLU UNITS PROVIDED (ROUNDS UP)	58	
DWELLING UNITS (SEE TABLE)	NA	NA	599	COMPLIES	> 120'	15'	0'	3'-4" to 15'-6"	COMPLIES W/ SDB WAIVER	BONUS PERCENTAGE	46.25%	
RESIDENTIAL BEDROOMS	NA	NA	709	COMPLIES	SETBACK - STREET SIDE (SHATTUCK)					NUMBER BONUS UNITS (ROUNDS UP)	191	
HEIGHT - FEET	60'-0"	120'	317'	COMPLIES W/ SDB WAIVER	0'-20'	0'	0'	5'-3" to 14'-5"	COMPLIES	MAXIMUM DENSITY BONUS PROJECT	602	
HEIGHT - STORIES*	NA	NA	28	COMPLIES W/ SDB WAIVER	21'-75'	0'	0'	6'-10" to 29'-8"	COMPLIES	PROPOSED DENSITY BONUS PROJECT	599	
LOT COVERAGE	NA	NA	88%	COMPLIES	76'-120'	15'	0'	6'-10" to 29'-8"	COMPLIES W/ SDB WAIVER			
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER	> 120'	15'	0'	6'-10" to 60'-11"	COMPLIES W/ SDB WAIVER			
SETBACK - STREET SIDE (SHATTUCK) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER	SETBACK - INTERIOR SIDE (<65' FROM FRONT)							
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER	0'-20'	0'	0'	1'-6"	COMPLIES			
SETBACK - REAR (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ SDB WAIVER	21'-75'	0'	0'	15'	COMPLIES			
SETBACK - MAX. DIMENSION ABOVE 120'	120'	NOT LIMITED	239'-10"	COMPLIES W/ SDB WAIVER	76'-120'	5'	0'	15'	COMPLIES			
RESIDENTIAL PARKING (SEE TABLE)	0	0	130	COMPLIES	> 120'	15'	0'	15' to 26'-6"	COMPLIES W/ SDB WAIVER			
COMMERCIAL PARKING (SEE TABLE)	24	24	24	COMPLIES	SETBACK - INTERIOR SIDE (>65' FROM FRONT)							
RES. BIKE PARKING LONG TERM (SEE TABLE)	237	237	240	COMPLIES	0'-20'	0'	0'	6" to 1'-6"	COMPLIES			
RES. BIKE PARKING SHORT TERM (SEE TABLE)	18	18	18	COMPLIES	21'-75'	5'	0'	17'-1" to 18'-1"	COMPLIES			
COM. BIKE PARKING SHORT TERM (SEE TABLE)	9	9	10	COMPLIES	76'-120'	15'	0'	17'-1" to 18'-1"	COMPLIES W/ SDB WAIVER			
RESIDENTIAL OPEN SPACE (SEE TABLE)	47,920	47,920	12,491	COMPLIES W/ SDB WAIVER	> 120'	15'	0'	17'-1" to 18'-1"	COMPLIES W/ SDB WAIVER			
COMMERCIAL OPEN SPACE (SEE TABLE)	323	323	706	COMPLIES	SETBACK - REAR (BERKELEY WAY)							
* Community Benefit Required per BMC Section 23.204.130.E.2.c.					0'-20'	0'	0'	2'	COMPLIES			
<b>PARKING CALCULATIONS</b>					21'-75'	5'	0'	6'	COMPLIES			
	QNTY	CARS	PER	REQ'D	PROVIDED	76'-120'	15'	0'	6'	COMPLIES W/ SDB WAIVER		
RESIDENTIAL	599	0.5 MAX	1	0	130	> 120'	15'	0'	94'-7"	COMPLIES W/ SDB WAIVER		
COMMERCIAL	16,142	1.5	1,000	24	24	SETBACK - MAX. DIMENSION ABOVE 120'						
<b>TOTAL</b>					<b>154</b>	120'	NOT LIMITED	165'	COMPLIES W/ SDB WAIVER			
<b>BICYCLE PARKING CALCULATIONS</b>					<b>CAR SHARE CALCULATION</b>							
	QNTY	BIKES	PER	REQ'D	PROVIDED	<b>Number of Parking Spaces Provided</b>						
RESIDENTIAL (LONG TERM) (PER BEDROOM)	709	1	3	237	256	154						
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	709	1	40	18	18	Minimum Number of Vehicle Sharing Spaces (3, plus one for every additional 60 spaces)						
COMMERCIAL (SHORT TERM) (PER SF)	16,142	1.0	2,000	9	10	3+1 = 4						
<b>ROOFTOP ARCHITECTURAL ELEMENTS CALCS</b>												
	ALLOWABLE	PROPOSED										
AVERAGE AREA OF FLOORS		14,058										
AREA OF ROOFTOP ARCHITECTURAL ELEMENTS	2,109	1,464										
% AREA OF ROOFTOP ARCHITECTURAL FEATURES	15.0%	10.4%										
<b>OPEN SPACE CALCULATIONS</b>												
	UNITS	SF / UNIT	TOTAL REQ'D	MODIFICATION	TOTAL PROVIDED	COMMON	LANDSCAPE REQ'D (40%)	LANDSCAPE PROVIDED				
RESIDENTIAL UNITS	599	80	47,920	35,429	12,491	12,491	4,996	6,735				
COMMERCIAL OPEN SPACE	16,142	50	323	(383)	706							
<b>AREA TABLE</b>					<b>DWELLING UNIT TABLE</b>					<b>OPEN SPACE</b>		
	RESIDENTIAL	COMMERICAL	TOTAL				STUDIO	2-BR	TOTAL			
LEVEL 28		7,800	7,800	LEVEL 28					0			
LEVEL 27	11,980		11,980	LEVEL 27	15	4			19			
LEVEL 26	11,980		11,980	LEVEL 26	15	4			19			
LEVEL 25	11,980		11,980	LEVEL 25	15	4			19			
LEVEL 24	11,980		11,980	LEVEL 24	15	4			19			
LEVEL 23	11,980		11,980	LEVEL 23	15	4			19			
LEVEL 22	11,980		11,980	LEVEL 22	15	4			19			
LEVEL 21	11,980		11,980	LEVEL 21	15	4			19			
LEVEL 20	11,980		11,980	LEVEL 20	15	4			19			
LEVEL 19	11,980		11,980	LEVEL 19	15	4			19			
LEVEL 18	11,980		11,980	LEVEL 18	15	4			19			
LEVEL 17	11,980		11,980	LEVEL 17	15	4			19			
LEVEL 16	11,980		11,980	LEVEL 16	15	4			19			
LEVEL 15	11,980		11,980	LEVEL 15	15	4			19			
LEVEL 14	11,980		11,980	LEVEL 14	8	3			11	6,882		
LEVEL 13	17,862		17,862	LEVEL 13	26	5			31			
LEVEL 12	17,862		17,862	LEVEL 12	26	5			31			
LEVEL 11	17,862		17,862	LEVEL 11	26	5			31			
LEVEL 10	17,862		17,862	LEVEL 10	26	5			31			
LEVEL 9	17,862		17,862	LEVEL 9	26	5			31			
LEVEL 8	17,862		17,862	LEVEL 8	26	5			31			
LEVEL 7	17,862		17,862	LEVEL 7	26	5			31			
LEVEL 6	17,862		17,862	LEVEL 6	26	5			31			
LEVEL 5	17,862		17,862	LEVEL 5	26	5			31			
LEVEL 4	17,862		17,862	LEVEL 4	26	5			31			
LEVEL 3	17,862		17,862	LEVEL 3	26	5			31			
LEVEL 2	17,677		17,677	LEVEL 2					0	5,609		
GROUND LEVEL	12,461	8,342	20,803	GROUND LEVEL								
BASEMENT PARKING P1	424		424	<b>TOTAL UNITS</b>	<b>489</b>	<b>110</b>			<b>599</b>			
BASEMENT PARKING P2	424		424	BEDROOMS / UNIT	1	2			-			
<b>TOTAL</b>	<b>395,188</b>	<b>16,142</b>	<b>411,330</b>	TOTAL BEDROOMS	489	220			<b>709</b>	<b>12,491</b>		

**LIST OF USE PERMITS AND AUP'S**

- PROPOSED DENSITY BONUS PROJECT USE PERMITS:**
- Use Permit for construction for demolition of a non-residential building, under 23.326.070(A)
  - Use Permit under BMC Section 23.326.070(A) to demolish a non-residential building
  - Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
  - Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
  - Use Permit under BMC Section 23.204.020(A) to construct dwelling units
  - Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits with rooftop architectural elements which exceed the maximum height limit for the district.
  - Use Permit under BMC Section 23.204.130.E.2 to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 feet (Base Project).
  - Use Permit under BMC Section 23.204.130.E.3(b) to modify front, side, and rear setback requirements
  - Use Permit under BMC Section 23.204.130.E.3(b) to exceed 120 feet in width in diagonal measurement
  - Use Permit under BMC Section 23.204.E.6 to pay a fee in lieu of providing privately owned public open space.
  - Density Bonus with the following requested reductions, waivers and concessions below.

**LIST OF DENSITY BONUS WAIVERS (SEE A0.2A-B)**

- Waiver to increase the maximum building height from the base project maximum density height allowed with UP's and AUP's under the zoning ordinance of 120' (under BMC 23.204.130.E.2 ) to a density bonus height of 316' to accommodate the density bonus units.
- Waiver to allow a reduction in the required setbacks under BMC Section 23.204.130.E.3(b) to physically accommodate the density bonus units.
- Waiver to reduce the minimum required residential usable open space under BMC 23.204.130.E.4 to allow the construction of the density bonus units.

**LIST OF DENSITY BONUS CONCESSIONS (SEE A0.2A-B)**

- Although the project is eligible for 2 concessions as a project that is providing 14% of the base units as Very-Low-Income Units, the project is not proposing any concessions.

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JOB: 2209

SHEET:

DENSITY BONUS  
BASE PROJECT

**A0.2A**

BASE PROJECT ZONING COMPLIANCE TABLE					
ZONING	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	CODE SECTION	PROPOSED BASE PROJECT	ZONING COMPLIANCE
ZONING			C-DMU Core		COMPLIES
TOTAL LOT SIZE (SQ. FT.)			28,319		COMPLIES
TOTAL LOT SIZE (ACRES)			0.65		COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA		NA	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA		411	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		446	COMPLIES
HEIGHT - FEET	60'-0"	120'-0"	23.204.130.E.2	120'-0"	COMPLIES
HEIGHT - STORIES	NA	NA		11	COMPLIES
LOT COVERAGE	NA	NA		0%	COMPLIES
SETBACK - FRONT (UNIVERSITY)	0' to 15'	0'	23.204.130.E.3(b)	0'	COMPLIES
SETBACK - STREET SIDE (SHATTUCK)	0' to 15'	0'	23.204.130.E.3(b)	0'	COMPLIES
SETBACK - INTERIOR SIDE	0' to 15'	0'	23.204.130.E.3(b)	0' to 6'	COMPLIES
SETBACK - REAR (BERKELEY WAY)	0' to 15'	0'	23.204.130.E.3(b)	0'	COMPLIES
SETBACK - MAX. DIMENSION ABOVE 120'	NA	NA		0'	COMPLIES
RESIDENTIAL PARKING (SEE TABLE)	0	0		0	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	25	0		0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	149	149		152	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	12	12		12	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	9	9		9	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	32,880	32,880		33,950	COMPLIES
COMMERCIAL OPEN SPACE (SEE TABLE)	338	338		338	COMPLIES

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

- Use Permit for construction for demolition of a non-residential building, under 23.236.070(A)
- Use Permit under BMC Section 23.236.070(A) to demolish a non-residential building
- Use Permit under BMC Section 23.204.020(A) to construct a new mixed-use development
- Use Permit under BMC Section 23.204.030(B)(1) to create new floor area of 10,000 square feet or more
- Use Permit under BMC Section 23.204.020(A) to construct dwelling units
- Administrative Use Permit under BMC Section 23.304.050(A) to exceed building height limits w/ rooftop architectural elements.
- Use Permit under BMC Section 23.204.130.E.2 to construct a building up to 120 feet.
- Use Permit under BMC Section 23.204.130.E.3(b) to modify front, side, and rear setback requirements

**PARKING CALCULATIONS**

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL	411	0	1	0	0
COMMERCIAL	16,920	1.5	1,000	25	25

**BICYCLE PARKING CALCULATIONS**

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (BEDROOMS)	446	1	3	149	152
RESIDENTIAL (SHORT TERM) (BEDROOMS)	446	1	40	12	12
COMMERCIAL (SHORT TERM)	16,920	1.0	2,000	9	9

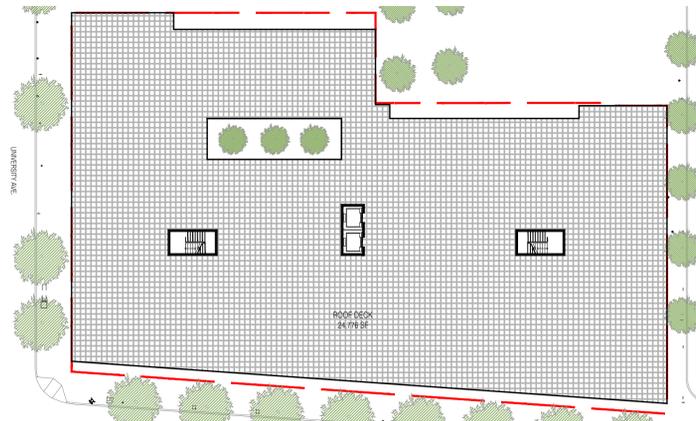
**OPEN SPACE CALCULATIONS**

	UNITS	SF / UNIT	TOTAL REQ'D
RESIDENTIAL REQUIREMENT	411	80	32,880
TOTAL PROVIDED			33,950
ROOF DECK			25,630
BALCONIES (MAX 50%)	104	80	8,320
COMMERCIAL OPEN SPACE	16,920	50	338

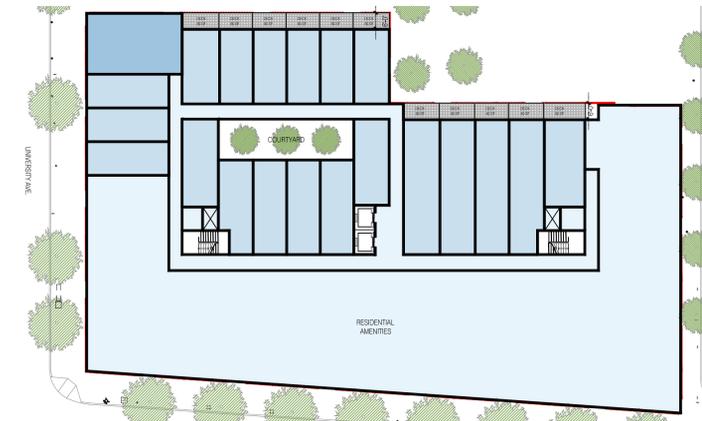
**ROOFTOP ARCHITECTURAL ELEMENTS CALCULATIONS**

	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS	23,968	
AREA OF ROOFTOP ARCHITECTURAL ELEMENTS	3,595	600
% AREA OF ROOFTOP ARCHITECTURAL FEATURES	15.0%	2.5%

	AREA TABLE			DWELLING UNIT TABLE		
	RESIDENTIAL	COMMERCIAL	TOTAL	STUDIO	2-BR	TOTAL
LEVEL 11	18,430	7,800	26,230	2	2	30
LEVEL 10	26,230		26,230	41	4	45
LEVEL 9	26,230		26,230	41	4	45
LEVEL 8	26,230		26,230	41	4	45
LEVEL 7	26,230		26,230	41	4	45
LEVEL 6	26,230		26,230	41	4	45
LEVEL 5	26,230		26,230	41	4	45
LEVEL 4	26,230		26,230	41	4	45
LEVEL 3	26,230		26,230	41	4	45
LEVEL 2	26,230		26,230	20	1	21
GROUND LEVEL	15,922	9,120	25,042			
BASEMENT P1	275		275			
<b>TOTAL</b>	<b>270,697</b>	<b>16,920</b>	<b>287,617</b>	<b>376</b>	<b>35</b>	<b>411</b>
				<b>BEDROOMS / UNIT</b>	<b>1</b>	<b>2</b>
				<b>TOTAL BEDROOMS</b>	<b>376</b>	<b>70</b>
						<b>446</b>



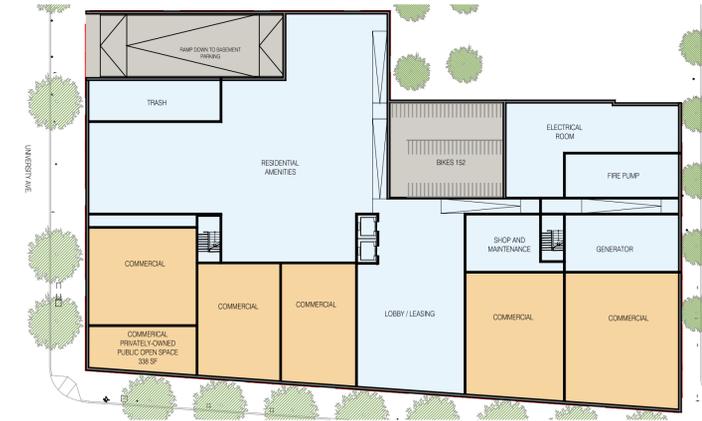
PLAN AT ROOF LEVEL



PLAN AT LEVEL 2



PLAN AT LEVEL 11



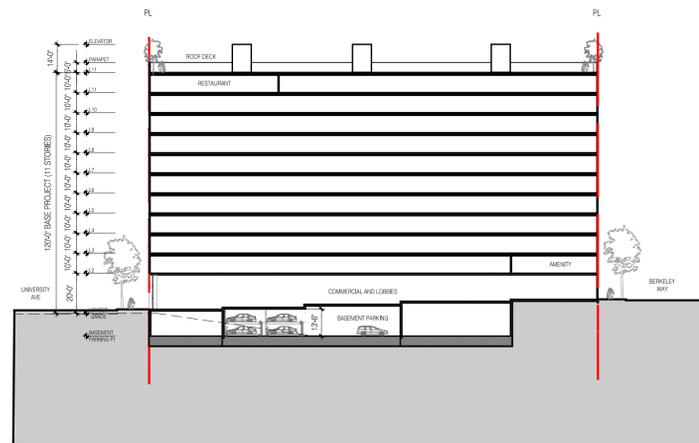
PLAN AT GROUND LEVEL



PLAN AT LEVELS 3-10



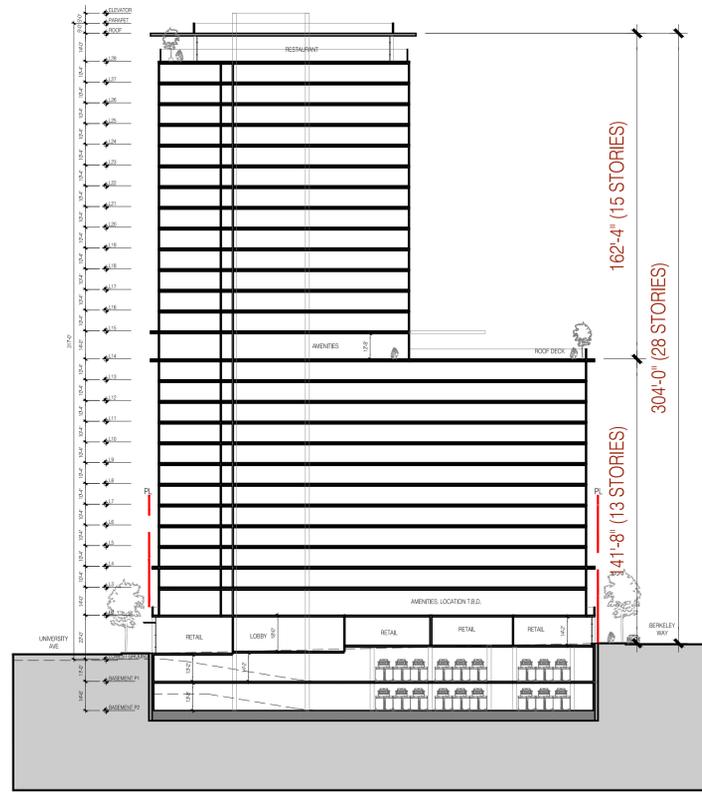
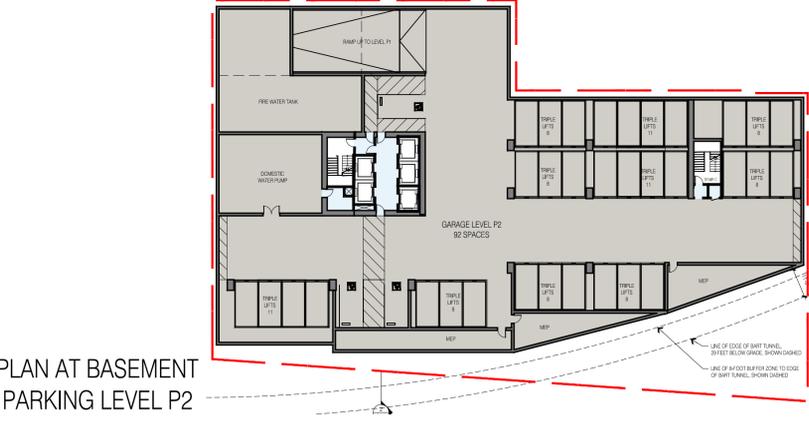
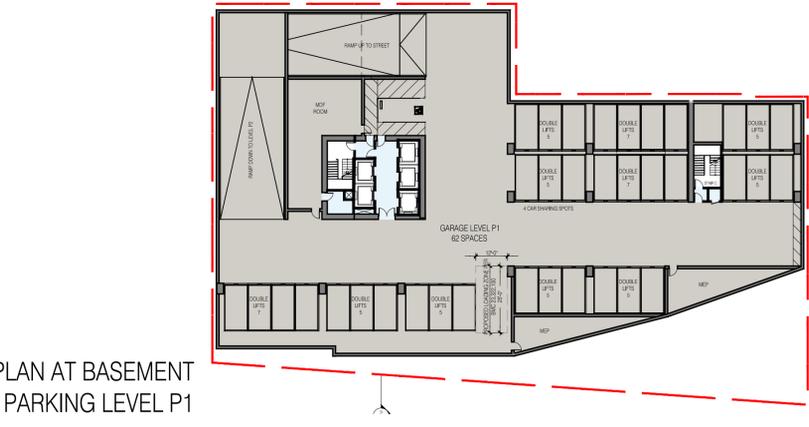
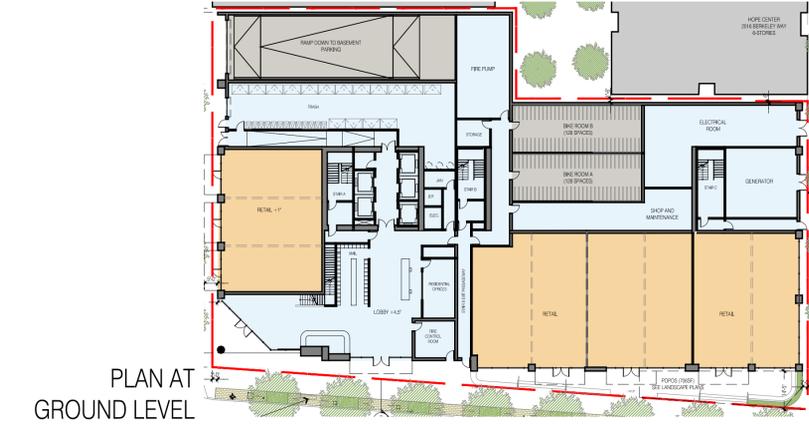
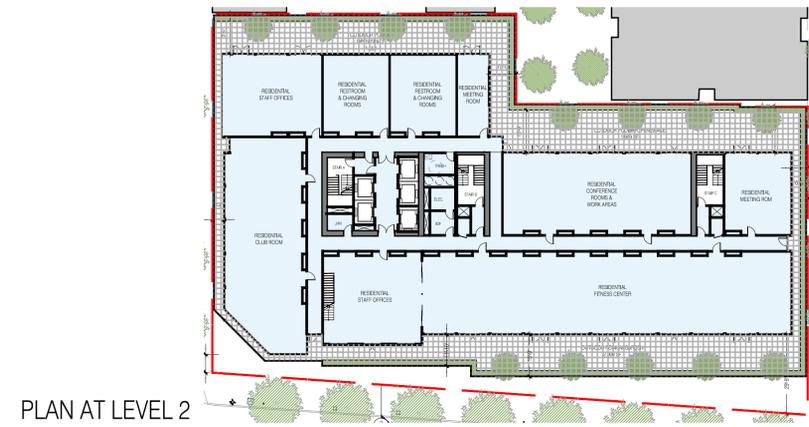
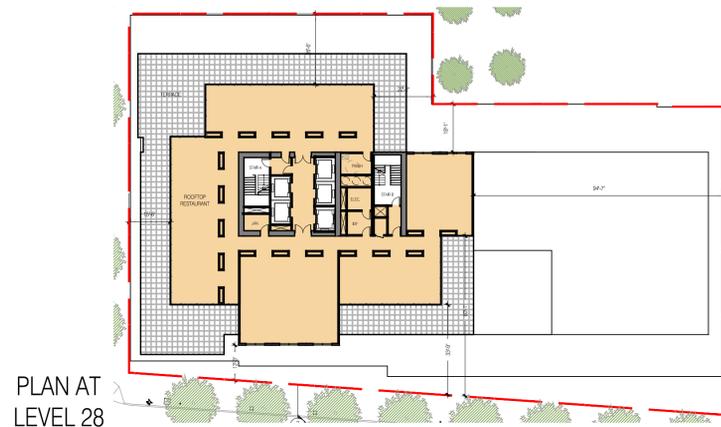
PLAN AT PARKING LEVEL P1



BASE PROJECT SECTION

BASE PROJECT PLANS

DENSITY BONUS TABLE							
Base Project	Base	Base # Units	% VLI units	# VLI Units*	Bonus %	# DB Units	Maximum DB Project
sq. ft. - see calculation below	base project area / proposed avg. unit size	Base Units (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units (rounds up)		% Bonus x Base # Units (rounds up)	Base + Bonus # Units
270,697	410.30	411	14%	58	46.25%	191	602
Base Project		Proposed Density Bonus Project					
Res GFA	Comm. GFA	Units	Floor	Res GFA	Comm. GFA	Units	
			Level 28		7,800		
			Level 27	11,980		19	
			Level 26	11,980		19	
			Level 25	11,980		19	
			Level 24	11,980		19	
			Level 23	11,980		19	
			Level 22	11,980		19	
			Level 21	11,980		19	
			Level 20	11,980		19	
			Level 19	11,980		19	
			Level 18	11,980		19	
			Level 17	11,980		19	
			Level 16	11,980		19	
			Level 15	11,980		19	
			Level 14	11,980		11	
			Level 13	17,862		31	
			Level 12	17,862		31	
18,430	7,800	30	Level 11	17,862		31	
26,230		45	Level 10	17,862		31	
26,230		45	Level 9	17,862		31	
26,230		45	Level 8	17,862		31	
26,230		45	Level 7	17,862		31	
26,230		45	Level 6	17,862		31	
26,230		45	Level 5	17,862		31	
26,230		45	Level 4	17,862		31	
26,230		45	Level 3	17,862		31	
26,230		21	Level 2	17,677			
15,922	8,342		Level 1	12,461	8,342		
275			Basement P1	424			
			Basement P2	424			
270,697	16,142	411	Total	395,188	16,142	599	
	659		Avg. Unit Size		660		



PROPOSED PROJECT PLANS

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JOB: 2209

SHEET:  
**DENSITY BONUS  
PROPOSED PROJECT**

**A0.2B**

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

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
- LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
- NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



**6** SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



**5** SHADOW STUDY - PM  
 1:240 @ 11X17 1:120 @ 24X36

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**4** SHADOW STUDY AXONOMETRIC - NOON  
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**3** SHADOW STUDY - NOON  
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**WINTER SOLSTICE**  
**DEC 21ST:**  
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**2** SHADOW STUDY AXONOMETRIC - AM  
 N.T.S.



**1** SHADOW STUDY - AM  
 1:240 @ 11X17 1:120 @ 24X36

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SHADOW STUDIES  
 DECEMBER 21ST

**A0.4A**

**SUMMER SOLSTICE**  
**JUN 21ST:**  
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 N.T.S.



**5** SHADOW STUDY - PM  
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**4** SHADOW STUDY AXONOMETRIC - NOON  
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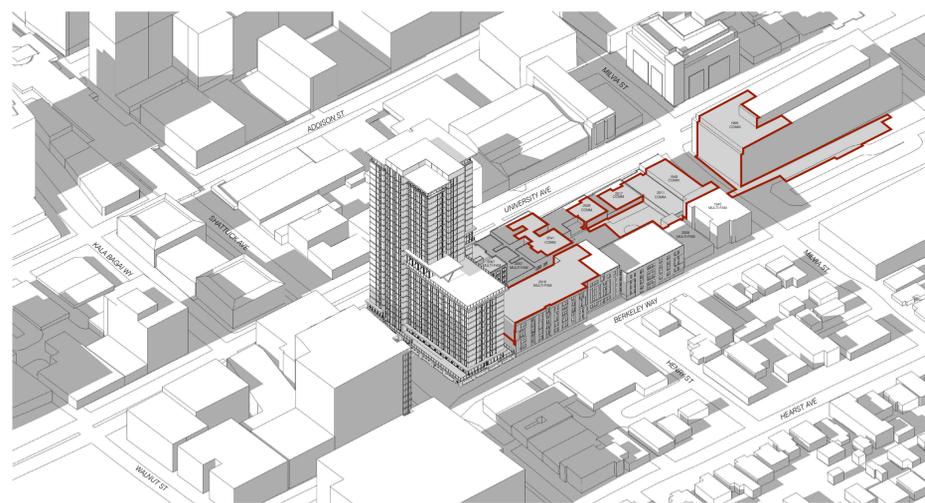
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 1:240 @ 11X17 1:120 @ 24X36



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

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 N.T.S.



**1** SHADOW STUDY - AM  
 1:240 @ 11X17 1:120 @ 24X36



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SHEET:  
 SHADOW STUDIES  
 JUNE 21ST

**A0.4B**

**CURRENT**  
**FEBRUARY 15TH:**  
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**6** SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



**5** SHADOW STUDY - PM  
 1:240 @ 11X17 1:120 @ 24X36

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**FEBRUARY 15TH:**  
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**4** SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.



**3** SHADOW STUDY - NOON  
 1:240 @ 11X17 1:120 @ 24X36

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**CURRENT**  
**FEBRUARY 15TH:**  
**2-HRS AFTER SUNRISE (AM)**

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



**1** SHADOW STUDY - AM  
 1:240 @ 11X17 1:120 @ 24X36

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JOB: 2209

SHEET:

SHADOW STUDIES  
 FEB 15TH

**A0.4C**

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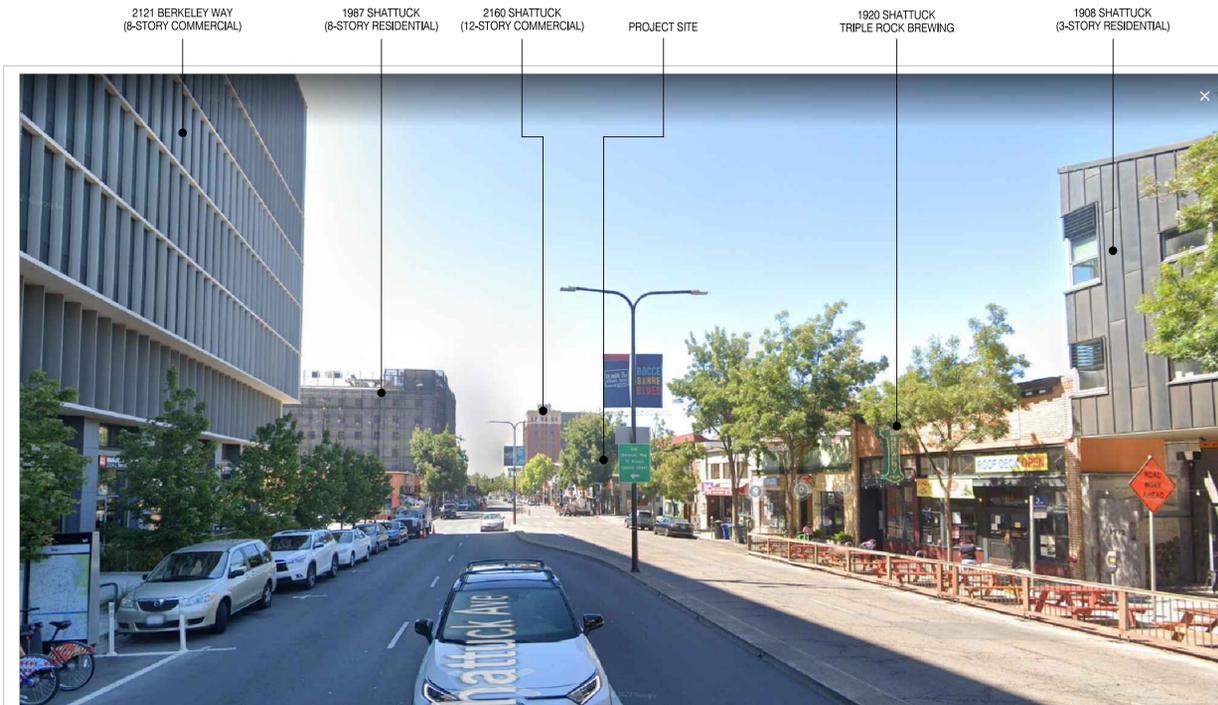
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SHEET:

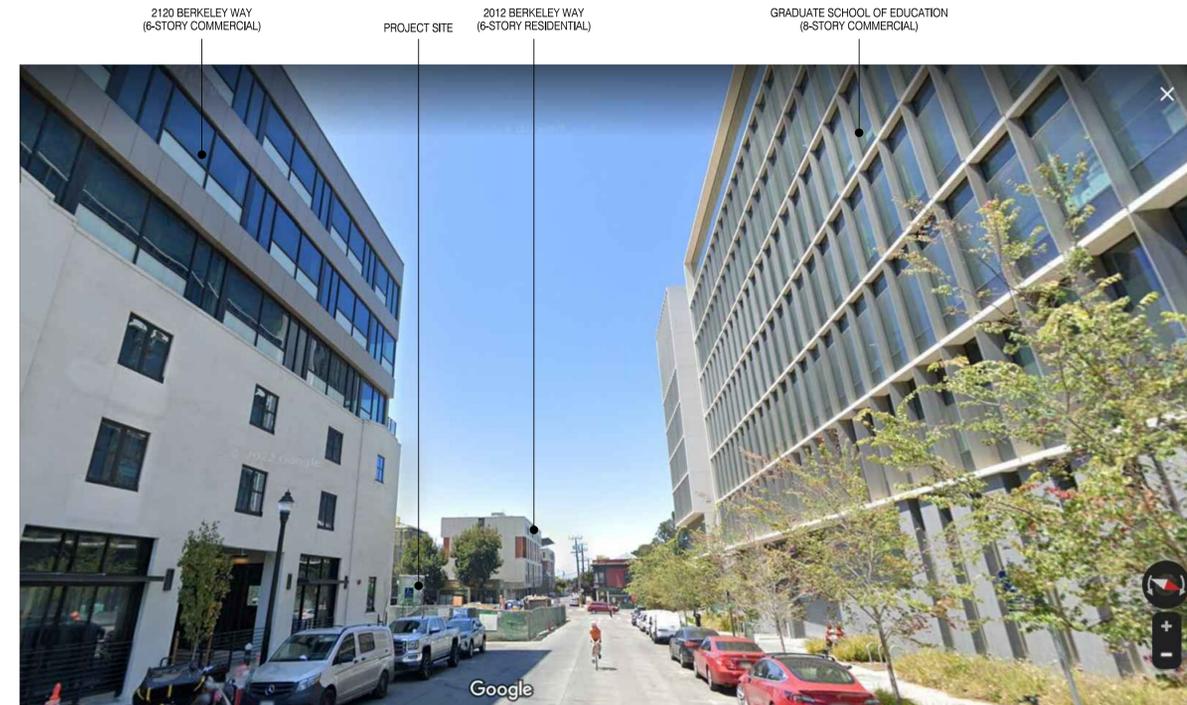
SITE CONTEXT  
PHOTOS

**A0.5**



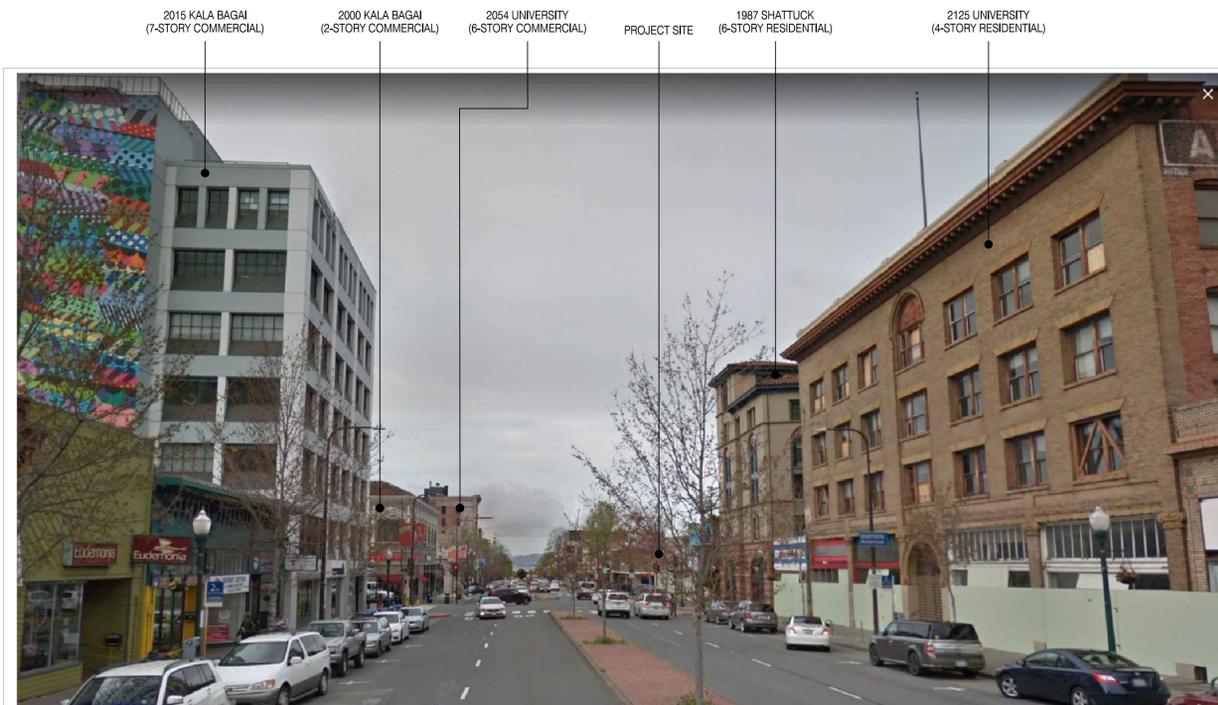
4 VIEW FROM SHATTUCK LOOKING SOUTH

4



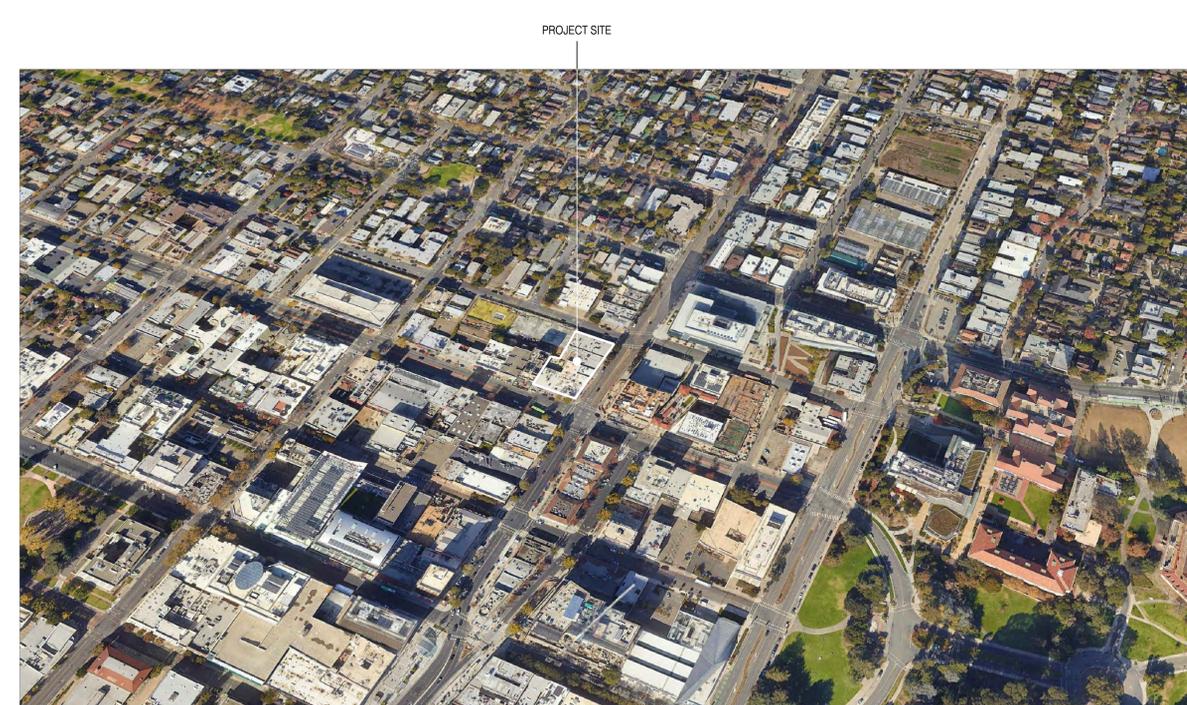
2 VIEW FROM BERKELEY WAY LOOKING WEST

2



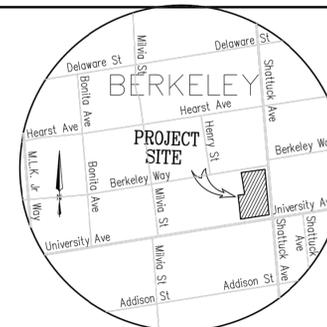
3 VIEW FROM UNIVERSITY LOOKING WEST

3



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

1



VICINITY MAP  
NOT TO SCALE

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**1950-1998  
(1974)  
SHATTUCK**

Berkeley, CA

- 12.12.2022 SB-330 SUBMITTAL
- 03.01.2023 ZONING SUBMITTAL
- 07.18.2023 ZONING RESUBMITTAL
- 11.15.2024 ZONING RESUBMITTAL
- 03.12.2024 ZONING RESUBMITTAL
- 01.16.2025 PRELIM DRC HEARING SET
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JOB: 2209

SHEET:  
**SURVEY**

**A0.6a**

**ALTA/NSPS  
LAND TITLE SURVEY**  
OF  
1950, 1974, 1984, 1998 SHATTUCK AVENUE  
AND 2071 UNIVERSITY AVENUE  
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA  
DECEMBER 2024  
PREPARED BY  
**LUK AND ASSOCIATES**  
CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS  
738 ALFRED NOBEL DRIVE  
HERCULES, CALIFORNIA 94547  
(510) 724-3388

**TITLE REPORT (1950 SHATTUCK)**  
THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 111702635-AM, FOURTH UPDATED REPORT, EFFECTIVE DATE NOVEMBER 21, 2024 AT 7:30 A.M., REFERRED TO HEREON AS THE "P191"

**TITLE TO SAID ESTATE IS VESTED IN: (1950 SHATTUCK)**  
JULIAR, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

**THE ESTATE OR INTEREST IN THE LAND IS: (1950 SHATTUCK)**  
FEI

**LEGAL DESCRIPTION (1950 SHATTUCK)**  
THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:  
ALL THAT REAL PROPERTY SITUATED IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING THOSE PORTIONS OF LOTS 56, 58, AND 57 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE COLLEGE TRACT," FILED JANUARY 31, 1890 IN BOOK 9 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA AND A PORTION OF SHATTUCK AVENUE AS SHOWN ON SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BERKELEY WAY AS SHOWN ON SAID MAP WITH THE WESTERLY LINE OF SHATTUCK AVENUE AS ESTABLISHED BY ORDINANCE NO. 387 ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERKELEY ON JANUARY 18, 1892; THENCE ALONG SAID WESTERLY LINE, SOUTH 04°02'40" EAST, 60.06 FEET; THENCE PARALLEL WITH THE SOUTHERLY LINE OF SAID BERKELEY WAY, SOUTH 88°54'40" WEST, 112.52 FEET TO THE EASTERLY LINE OF THE LAND DESCRIBED IN THE DEED EXECUTED BY F. D. CHASE AND ATLANTA J. CHASE, HIS WIFE, TO JACOB BAUM, DATED JULY 28, 1922, AND RECORDED IN LIBER 324 OF OFFICIAL RECORDS, AT PAGE 73, OFFICIAL RECORDS OF ALAMEDA COUNTY; THENCE ALONG LAST SAID LINE, NORTH 08°02'20" WEST, 34.91 FEET TO THE SOUTHERLY LINE OF SAID LOT 56; THENCE ALONG LAST SAID LINE, NORTH 81°54'40" EAST, 1.00 FOOT; THENCE PARALLEL WITH THE WESTERLY LINE OF SAID LOT 56, NORTH 08°02'20" WEST, 25.00 FEET TO THE SOUTHERLY LINE OF SAID BERKELEY WAY; THENCE ALONG LAST SAID LINE AND ITS EASTERLY PROLONGATION, NORTH 81°54'40" EAST, 115.78 FEET TO THE POINT OF BEGINNING.

MPN: 057-2053-01

**EXCEPTIONS TO TITLE (1950 SHATTUCK)**

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS: DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201523594 (P191 EXC. 3 - NOT PLOTTABLE).
2. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT DEED, GRANTED TO SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, FOR UNDERGROUND RAPID TRANSIT TUNNEL FACILITIES, RECORDED MAY 16, 1966 IN BOOK 1786 OF OFFICIAL RECORDS, PAGE 844 UNDER RECORDER'S SERIAL NUMBER A191475, AFFECTS A PORTION (P191 EXC. 5 - PLOTTED).

**TITLE REPORT (1974 SHATTUCK)**  
THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 111702635-AM, FOURTH UPDATED REPORT, EFFECTIVE DATE NOVEMBER 21, 2024 AT 7:30 A.M., REFERRED TO HEREON AS THE "P192"

**TITLE TO SAID ESTATE IS VESTED IN: (1974 SHATTUCK)**  
1974 SHATTUCK AVENUE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

**THE ESTATE OR INTEREST IN THE LAND IS: (1974 SHATTUCK)**  
FEI

**LEGAL DESCRIPTION (1974 SHATTUCK)**  
THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:  
ALL THAT REAL PROPERTY SITUATED IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING THOSE PORTIONS OF LOTS 58 AND 59 AS SHOWN ON THAT CERTAIN MAP ENTITLED "MAP OF THE COLLEGE TRACT," FILED JANUARY 31, 1890 IN BOOK 9 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA AND A PORTION OF SHATTUCK AVENUE AS SHOWN ON SAID MAP, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF BERKELEY WAY AS SHOWN ON SAID MAP WITH THE WESTERLY LINE OF SHATTUCK AVENUE AS ESTABLISHED BY ORDINANCE NO. 387 ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERKELEY ON JANUARY 18, 1892; THENCE ALONG SAID WESTERLY LINE, SOUTH 04°02'40" EAST, 60.06 FEET TO THE POINT OF BEGINNING AND CONTINUING SOUTH 04°02'40" EAST, 50.23 FEET TO THE SOUTHERLY LINE OF SAID LOT 58; THENCE ALONG LAST SAID LINE, SOUTH 81°54'40" WEST, 108.88 TO THE WESTERLY LINE OF SAID LOT 59; THENCE ALONG LAST SAID LINE AND THE WESTERLY LINE OF SAID LOT 57, NORTH 08°02'20" WEST, 50.09 FEET TO A LINE THAT IS DRAWN PARALLEL WITH THE SOUTHERLY LINE OF SAID BERKELEY WAY FROM THE POINT OF BEGINNING; THENCE ALONG LAST SAID LINE, NORTH 81°54'40" EAST, 112.52 FEET TO THE POINT OF BEGINNING.

MPN: 057-2053-2

**EXCEPTIONS TO TITLE (1974 SHATTUCK)**

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201523594 (P192 EXC. 3 - NOT PLOTTABLE).
2. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING, GRANTED TO BAY AREA RAPID TRANSIT DISTRICT, A RAPID TRANSIT DISTRICT, FOR UNDERGROUND RAPID TRANSIT TUNNEL FACILITIES, RECORDED SEPTEMBER 23, 1966 IN BOOK 1848 OF OFFICIAL RECORDS, PAGE 53 UNDER RECORDER'S SERIAL NUMBER A1-11514 (P192 EXC. 5 - PLOTTED)

**TITLE REPORT (1984 & 1998 SHATTUCK)**  
THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 111702635-AM, 1ST UPDATE, EFFECTIVE DATE OCTOBER 12, 2022 AT 7:30 A.M., REFERRED TO HEREON AS THE "P193"

**TITLE TO SAID ESTATE IS VESTED IN: (1984 & 1998 SHATTUCK)**  
FIFTH KEEL CO., A CALIFORNIA CORPORATION

**THE ESTATE OR INTEREST IN THE LAND IS: (1984 & 1998 SHATTUCK)**  
FEI

**LEGAL DESCRIPTION (1984 & 1998 SHATTUCK)**  
THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERN LINE OF UNIVERSITY AVENUE WITH THE WESTERN LINE OF SHATTUCK AVENUE AS SAID AVENUES NOW EXISTS; THENCE WESTERLY ALONG THE NORTHERN LINE OF UNIVERSITY AVENUE, 79.02 FEET; THENCE AT RIGHT ANGLES NORTHERLY 114.68 FEET, MORE OR LESS, TO THE SOUTHERN LINE OF THE LAND NOW OR FORMERLY OF JOHN H. BOHARD AND LITTA BOHARD; THENCE EASTERLY AND ALONG SAID LINE 67.07 FEET TO THE WESTERN LINE OF SHATTUCK AVENUE; THENCE SOUTHERLY ALONG SAID LINE OF SHATTUCK AVENUE 114.97 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

MPN: 057-2053-003-01 AND 057-2053-003-02

**EXCEPTIONS TO TITLE (1984 & 1998 SHATTUCK)**

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS: DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201523594 (P193 EXC. 4 - NOT PLOTTABLE).
2. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS: DISTRICT NO PBD-2016, FOR BERKELEY DOWNTOWN PBD-2016, DISCLOSED BY NOTICE OF ASSESSMENT, RECORDED JUNE 30, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201648429 (P193 EXC. 5 - NOT PLOTTABLE).
3. AN EASEMENT AFFECTING THAT PORTION OF SAID LAND AND FOR THE PURPOSES STATED HEREIN AND INCIDENTAL PURPOSES AS PROVIDED IN THE FOLLOWING INSTRUMENT DEED, GRANTED TO SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, FOR RAPID TRANSIT TUNNEL FACILITIES, DATED APRIL 6, 1967, RECORDED MAY 16, 1966 IN BOOK 1786 OF OFFICIAL RECORDS, PAGE 330 UNDER RECORDER'S SERIAL NUMBER AZ-43338, AFFECTS A PORTION OF THE PREMISES; THE PRESENT OWNERSHIP OF SAID EASEMENT AND OTHER MATTERS AFFECTING THE INTERESTS THEREIN, IF ANY, ARE NOT SHOWN HEREIN (P193 EXC. 7 - PLOTTED).
4. A NOTICE AS FOLLOWS: ENTITLED NOTICE OF ASSESSMENT - DOWNTOWN BERKELEY PBD, BY CITY OF BERKELEY, DATED AUGUST 25, 2011, RECORDED AUGUST 30, 2011 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2011248358 (P193 EXC. 8 - NOT PLOTTABLE).

**TITLE REPORT (2701 UNIVERSITY)**  
THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 111702635-AM, EFFECTIVE DATE OCTOBER 12, 2022 AT 7:30 A.M., REFERRED TO HEREON AS THE "P194"

**TITLE TO SAID ESTATE IS VESTED IN: (2701 UNIVERSITY)**  
EDITH WESER GLINN, TRUSTEE OF THE EDITH WESER GLINN TRUST

**THE ESTATE OR INTEREST IN THE LAND IS: (2701 UNIVERSITY)**  
FEI

**LEGAL DESCRIPTION (2701 UNIVERSITY)**  
THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERN LINE OF BERKELEY WAY, AS SHOWN UPON THE MAP HEREAFTER REFERRED TO, DISTANT THEREON ONE HUNDRED FIFTEEN AND 46/100 FEET WESTERLY FROM THE INTERSECTION THEREOF WITH THE WESTERLY LINE OF SHATTUCK AVENUE AS ESTABLISHED BY BOARD OF TRUSTEES OF THE TOWN OF BERKELEY, JAN. 18, 1892, BY ORDINANCE NO. 387; SAID POINT BEING ONE FOOT EASTERLY ON SAID LINE OF BERKELEY WAY FROM THE LINE DIVIDING LOTS NUMBERED 54 AND 55, ACCORDING TO SAID MAP; RANNING THENCE WESTERLY ALONG SAID LINE OF BERKELEY WAY THIRTY-NINE FEET TO THE LINE DIVIDING LOTS NUMBERED 55 AND 56 ACCORDING TO SAID MAP; THENCE AT RIGHT ANGLES SOUTHERLY ALONG SAID LINE ONE HUNDRED TEN FEET; THENCE AT RIGHT ANGLES EASTERLY THREE AND 73/100 FEET; THENCE AT RIGHT ANGLES SOUTHERLY ONE HUNDRED FORTY EIGHT AND 69/100 FEET TO THE NORTHERN LINE OF UNIVERSITY AVENUE; THENCE EASTERLY ALONG SAID LINE OF UNIVERSITY AVENUE FIFTY-FIVE AND 9/10 FEET; THENCE AT RIGHT ANGLES NORTHERLY ONE HUNDRED FORTY EIGHT AND 69/100 FEET; THENCE AT RIGHT ANGLES WESTERLY THIRTY-ONE AND 43/100 FEET; THENCE AT RIGHT ANGLES NORTHERLY EIGHTY-FIVE FEET TO THE SOUTHWESTERN CORNER OF LOT NUMBERED 55, ACCORDING TO SAID MAP; THENCE AT RIGHT ANGLES EASTERLY ALONG THE SOUTHERN LINE OF SAID LOT ONE FOOT AND THENCE AT RIGHT ANGLES NORTHERLY TWENTY-FIVE FEET TO THE POINT OF BEGINNING.

BEING LOT NUMBERED 54, THE WESTERN ONE FOOT OF LOT NUMBERED 55, A PORTION OF LOT NUMBERED 6 AND A PORTION ADJOINING SAID LOT NUMBER 6 ON THE EAST, AS ALL OF SAID LOTS ARE DELINEATED AND SO DESIGNATED UPON THAT CERTAIN MAP ENTITLED "MAP OF COLLEGE TRACT, BERKELEY," FILED MAY 24, 1877, IN LIBER 5 OF MAPS AT PAGE 14, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

EXCEPTING THEREFROM THAT PORTION DESCRIBED IN THE DEED TO THE CITY OF BERKELEY, RECORDED SEPTEMBER 29, 1955, BOOK 7798, PAGE 23, AS INSTRUMENT NO. A6-195619, OFFICIAL RECORDS.

MPN: 057-2053-004-02

**EXCEPTIONS TO TITLE (2701 UNIVERSITY)**

1. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS: DISTRICT NO 2014-1, FOR CLEAN ENERGY, DISCLOSED BY ASSESSMENT MAP BOOK 18 PAGE 65, RECORDED AUGUST 24, 2015 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201523594 (P194 EXC. 3 - NOT PLOTTABLE).
2. THE HEREIN DESCRIBED PROPERTY LYING WITHIN THE PROPOSED BOUNDARIES OF A COMMUNITY FACILITIES DISTRICT, AS FOLLOWS: DISTRICT NO CITY OF BERKELEY-DOWNTOWN PROPERTY AND BUSINESS IMPROVEMENT DISTRICT, FOR BERKELEY DOWNTOWN PBD-2016, DISCLOSED BY NOTICE OF ASSESSMENT, RECORDED JUNE 30, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201648429 (P194 EXC. 5 - NOT PLOTTABLE).
3. TERMS AND CONDITIONS CONTAINED IN THE EDITH WESER GLINN TRUST AS DISCLOSED BY GRANT DEED, RECORDED MAY 22, 1984 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 1984099372 (P194 EXC. 6 - NOT PLOTTABLE).
4. TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED MONDOURANCE AND ATTORNEY AGREEMENT, EXECUTED BY EDITH W. GLINN AND C.P.P. RESTAURANT GROUP, INC, A DELAWARE CORPORATION (SEA TENDER GREENS), RECORDED MARCH 22, 2016 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2016068695 (P194 EXC. 7 - NOT PLOTTABLE).
5. TERMS AND PROVISIONS AS CONTAINED IN AN INSTRUMENT ENTITLED MINOR ENCROACHMENT PERMIT 17-03, EXECUTED BY EDITH W. GLINN AND THE CITY OF BERKELEY, RECORDED MAY 24, 2011 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 201124871 (P194 EXC. 8 - NOT PLOTTABLE)

**NOTES**

1. DATE OF FIELD SURVEY: RECYCLED 5, 9 AND 21, 2022 AS TO THE BOUNDARY AND TOPOGRAPHIC SURVEY OF THE SUBJECT PROPERTY.
2. THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREON AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
3. UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:  
STORM DRAINAGE: CITY OF BERKELEY  
SANITARY SEWER: CITY OF BERKELEY  
WATER: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)  
ELECTRICITY: PACIFIC GAS & ELECTRIC CO.  
NATURAL GAS: PACIFIC GAS & ELECTRIC CO.  
TELEPHONE: AT&T
4. THERE ARE NO CEMETERIES ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTY
5. THE SURVEYED PROPERTIES ARE THE SAME PROPERTIES DESCRIBED IN THE TITLE REPORTS.
6. THE LEGAL DESCRIPTIONS AS SHOWN IN THE TITLE REPORTS MATHEMATICALLY CLOSE.
7. THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.
8. THERE ARE NO WETLAND AREAS IN THE SUBJECT PROPERTIES

**TABLE A NOTES**

1. FOUND MONUMENTS ARE SHOWN ON THIS SHEET OF THE SURVEY.
2. THE STREET ADDRESS OF THE PROPERTY IS 1974, 1984, 1998 SHATTUCK AVENUE AND 2071 UNIVERSITY AVENUE, BERKELEY, CA 94704
3. FLOOD ZONE DESIGNATION: THE PREMISES ARE LOCATED IN ZONE "X" (NON-SHADED) DEFINED AS "AREAS OF MINIMAL FLOOD" PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 0501000001, EFFECTIVE DATE: AUGUST 1, 2009.
4. THE TOTAL GROSS LAND AREA IS:  
1950 SHATTUCK AVENUE: 6.635 SQUARE FEET +/- OR 0.152 ACRES MORE OR LESS.  
1974 SHATTUCK AVENUE: 2.264 SQUARE FEET +/- OR 0.121 ACRES MORE OR LESS.  
1984 & 1998 SHATTUCK AVENUE: 0.527 SQUARE FEET +/- OR 0.019 ACRES MORE OR LESS.  
2071 UNIVERSITY AVENUE: 6.411 SQUARE FEET +/- OR 0.147 ACRES MORE OR LESS.
5. (A/B) ZONING REQUIREMENTS: PER THE CITY OF BERKELEY PLANNING AND ZONING DEPARTMENT, THE PROPERTIES ARE ZONED "D-MIX" OUTER CORER, DEFINED AS "TOWNHOM MIXED-USE DISTRICT."

REFERENCE FOR "C-DUMP" ZONING IS MADE HERE TO THE CITY OF BERKELEY CODE, CHAPTER 23.024.130, REGARDING PROPERTY DEVELOPMENT STANDARDS, BUILDING HEIGHT LIMITATION, MINIMUM BUILDING SETBACKS AND PARKING REQUIREMENTS ARE AS FOLLOWS:

- SETBACKS:  
MINIMUM FRONT: 0 FEET  
MINIMUM SIDE: 0 FEET  
MINIMUM REAR: 0 FEET  
MAXIMUM HEIGHT: 60 FEET, 75 FEET WITH USE PERMIT
- MINIMUM PARKING REQUIREMENTS: NONE REQUIRED

7. (A/B/C) EXTERIOR DIMENSIONS AND SQUARE FOOTAGE OF BUILDING AT GROUND LEVEL, AND NUMBER OF STORES ARE SHOWN ON SHEET 3 OF THE SURVEY.
8. SUBSTANTIAL IMPROVEMENTS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN ON SHEET 3.
9. THERE ARE NO PARKING SPACES LOCATED ON THE SUBJECT PROPERTIES.
10. THERE ARE NO DIVISIONS OR PARTY WALLS LOCATED ON THE SUBJECT PROPERTIES WITH RESPECT TO ADJOINING PROPERTIES.
11. (A) LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTIES AS DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLAN OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT ARE SHOWN ON SHEET 3.
12. NAMES OF ADJOINING OWNERS OF PLATTED LANDS IS SHOWN ON SHEET 2 OF THE SURVEY.
13. DISTANCE TO THE NEAREST INTERSECTING STREET ARE SHOWN ON SHEET 2 OF THE SURVEY.
14. THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
15. THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
16. THERE ARE NO OFFSITE EASEMENTS TO THE SUBJECT PROPERTIES.
17. PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 IS HELD BY THE SURVEYOR.

**BASIS OF BEARINGS**

THE BASIS OF BEARINGS OF THIS SURVEY IS TAKEN BETWEEN THE TWO FOUND SURVEY MONUMENTS ALONG BERKELEY WAY BETWEEN MILMA STREET AND HENRY STREET AS SHOWN ON PARCEL MAP NO. 11051, FILED MARCH 20, 2020 IN BOOK 346 OF PARCEL MAPS, AT PAGES 1 TO 11 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

**REFERENCES**

- (P1) PARCEL MAP NO. 11051, FILED MARCH 20, 2020 IN BOOK 346 OF PARCEL MAPS, AT PAGES 1 TO 11 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (P2) PARCEL MAP P.M. 10119, FILED SEPTEMBER 28, 2016 IN BOOK 534 OF PARCEL MAPS, AT PAGES 21 TO 22, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (P3) TRACT MAP T.M. 7888, FILED SEPTEMBER 03, 2009 IN BOOK 305 OF MAPS, AT PAGES 18 TO 29 INCLUSIVE, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (P4) UNRECORDED MAP, CITY OF BERKELEY CITY MONUMENT MAP, PLAN 1305, 300C-057.
- (P5) "MAP OF THE COLLEGE TRACT, BERKELEY," FILED JANUARY 31, 1890 IN BOOK 9 OF MAPS, AT PAGES 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (P6) GRANT DEED, RECORDED APRIL 15, 1966 IN REEL 1749, IMAGE 918, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.
- (P7) ADJUMENT QUETING TITLE, CASE NO. 24C0605234, FILED NOVEMBER 19, 2024 WITH SUPERIOR COURT OF CALIFORNIA FOR ALAMEDA COUNTY.
- (P8) DOCUMENT ENTITLED "MONDOURANCE AND ATTORNEY AGREEMENT," RECORDED MARCH 22, 2016 AS DOCUMENT NUMBER 2016-068695, OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA.

**SURVEYOR'S CERTIFICATE**

TO JULIAR, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; 1974 SHATTUCK AVENUE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; FIFTH KEEL CO., A CALIFORNIA CORPORATION; EDITH WESER GLINN, TRUSTEE OF THE EDITH WESER GLINN TRUST; AND OLD REPUBLIC TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B), 7(C), 8, 9, 10, 11(A), 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON SEPTEMBER 5, 9 AND 21, 2022.

JACQUELINE LUK, P.L.S. 8834  
FOR LUK & ASSOCIATES, INC.

DATE: DECEMBER 13, 2024

**SHEET INDEX**

1. NOTES
2. BOUNDARY SURVEY
3. TOPOGRAPHIC SURVEY

STACKHOUSE  
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2421 Fourth Street  
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(1974)  
SHATTUCK

Berkeley, CA

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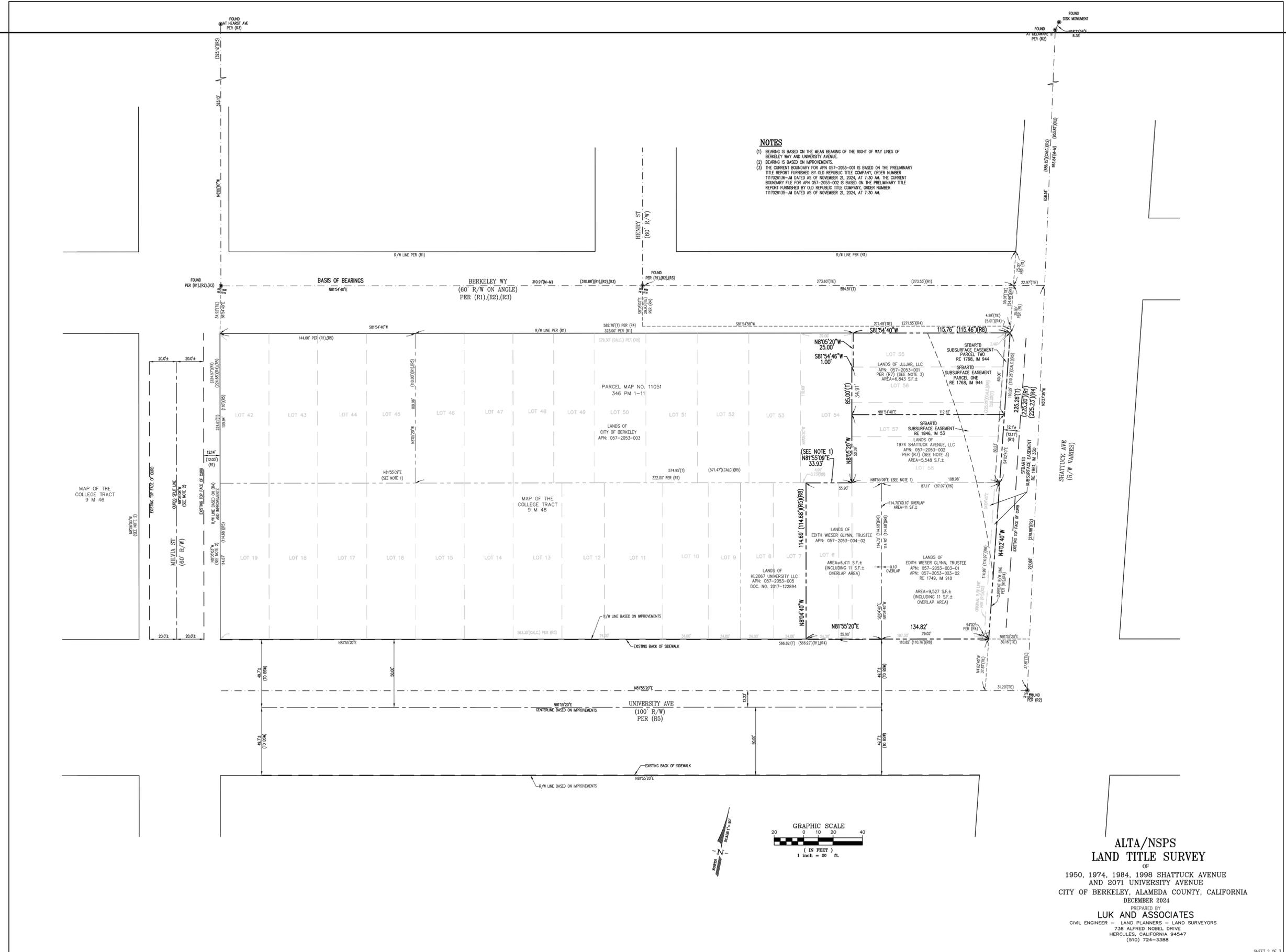
A0.6B

SHEET 2 OF 3

ALTA/NSPS  
LAND TITLE SURVEY  
OF  
1950, 1974, 1984, 1998 SHATTUCK AVENUE  
AND 2071 UNIVERSITY AVENUE  
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA  
DECEMBER 2024  
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CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS  
738 ALFRED NOBEL DRIVE  
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(510) 724-3366

NOTES

- BEARING IS BASED ON THE MEAN BEARING OF THE RIGHT OF WAY LINES OF BERKELEY WAY AND UNIVERSITY AVENUE.
- BEARING IS BASED ON IMPROVEMENTS.
- THE CURRENT BOUNDARY FOR APN 057-2053-001 IS BASED ON THE PRELIMINARY TITLE REPORT FURNISHED BY OLD REPUBLIC TITLE COMPANY, ORDER NUMBER 1117028135-M DATED AS OF NOVEMBER 21, 2024, AT 7:30 AM. THE CURRENT BOUNDARY FOR APN 057-2053-002 IS BASED ON THE PRELIMINARY TITLE REPORT FURNISHED BY OLD REPUBLIC TITLE COMPANY, ORDER NUMBER 1117028135-M DATED AS OF NOVEMBER 21, 2024, AT 7:30 AM.



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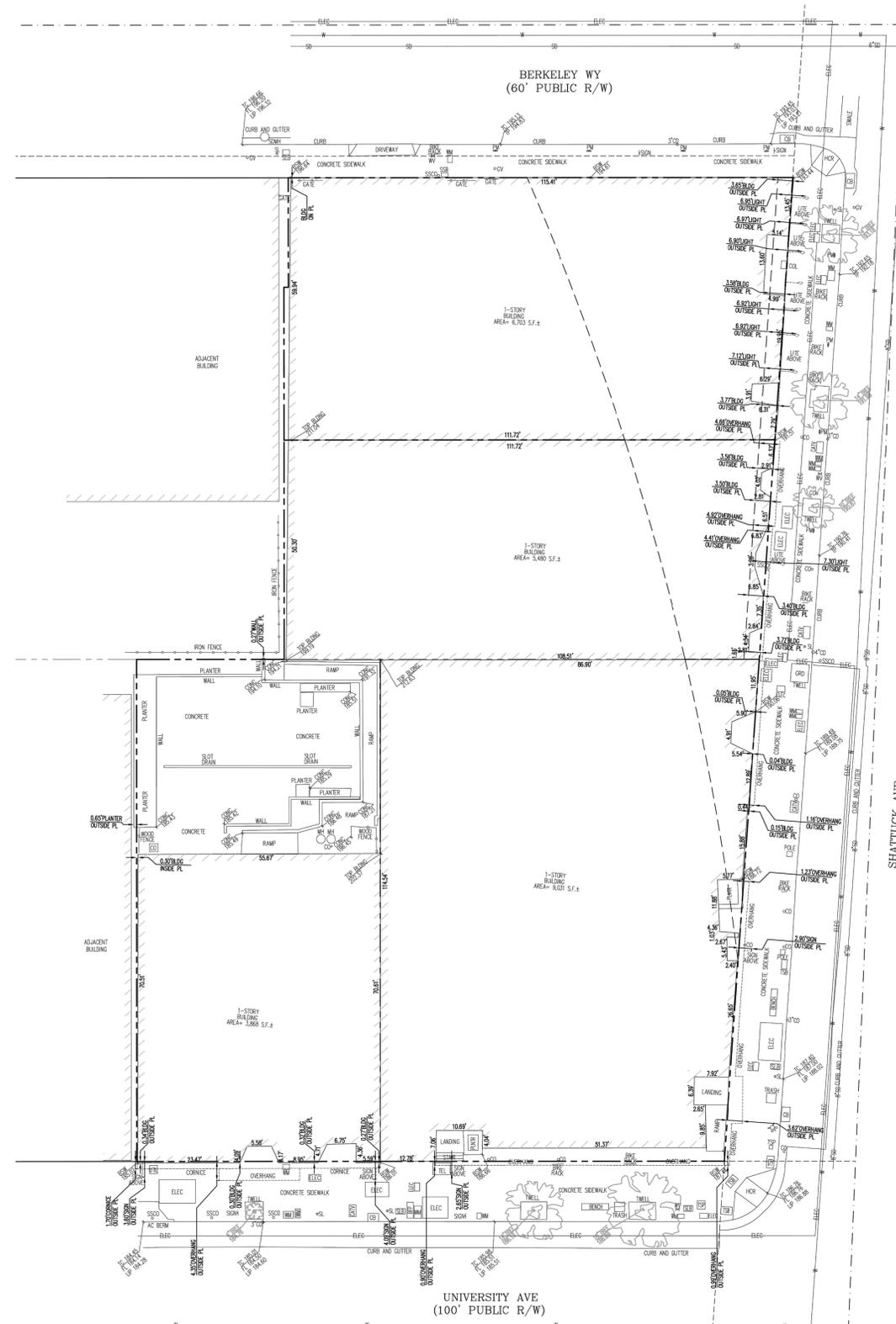
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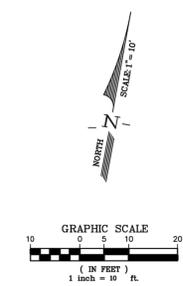
SURVEY

**A0.6C**



**LEGEND**

SYMBOLS	DESCRIPTION
---	BOUNDARY OF SUBJECT PROPERTY
---	RIGHT OF WAY LINE
---	INTERIOR PROPERTY LINE
---	MONUMENT LINE
---	TIE LINE
---	OLD LOT LINE
ELEC	ELECTRIC LINE
GAS	GAS LINE
W	WATER LINE
SD	STORM DRAIN LINE
SS	SANITARY SEWER LINE
ELEC	ELECTRICITY BOX
AC BERM	ASPHALT BERM
SSCO	SANITARY SEWER CLEAN OUT
WM	WATER METER
HR	HANDICAP RAMP
TWELL	TREE WELL
SL	STREET LIGHT
PLNTR	PLANTER BOX
CB	CATCH BASIN
TEL	TELECOMMUNICATION BOX
GV	GAS VALVE
SLB	STREET LIGHT BOX
CD	CURB DRAIN
CO	CLEAN OUT
BFP	BACK FLOW PREVENTER
TSSB	TRAFFIC SIGNAL BOX
WV	WATER VALVE
CD	CURB DRAIN
PM	PARKING METER
COL	COLUMN
SSB	SANITARY SEWER BOX
SDMH	STORM DRAIN MAN HOLE
GRD	GROUND
SLD	SLOT DRAIN
MH	MANHOLE
X 65.60	TOP OF CONCRETE ELEVATION
X 65.60	BACK OF SIDEWALK ELEVATION
X 65.64	TOP OF CURB ELEVATION
X 65.64	TOP OF PAVEMENT ELEVATION
X 65.64	FLOW LINE ELEVATION
X 65.64	TOP OF BUILDING ELEVATION
X 65.60	TOP OF LP ELEVATION
○	TREE



ALTA/NSPS  
LAND TITLE SURVEY  
1950, 1974, 1984, 1998 SHATTUCK AVENUE  
AND 2071 UNIVERSITY AVENUE  
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA  
DECEMBER 2024  
PREPARED BY  
LUK AND ASSOCIATES  
CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS  
738 ALFRED NOBEL DRIVE  
HERCULES, CALIFORNIA 94547  
(916) 724-3366

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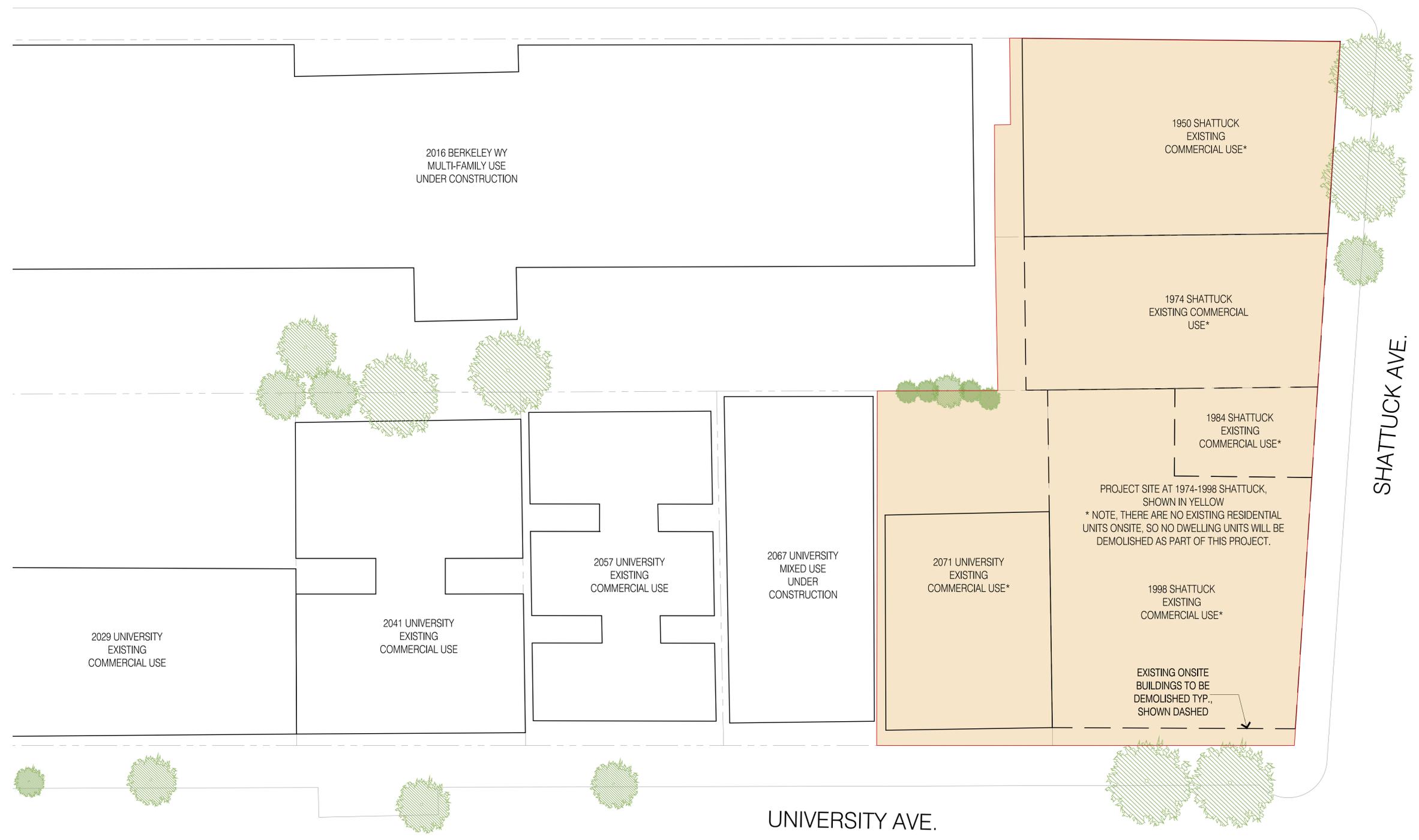
EXISTING  
SITE PLAN

**A1.0**

BERKELEY WAY

SHATTUCK AVE.

UNIVERSITY AVE.



PROJECT SITE AT 1974-1998 SHATTUCK,  
SHOWN IN YELLOW  
\* NOTE, THERE ARE NO EXISTING RESIDENTIAL  
UNITS ONSITE, SO NO DWELLING UNITS WILL BE  
DEMOLISHED AS PART OF THIS PROJECT.

EXISTING ONSITE  
BUILDINGS TO BE  
DEMOLISHED TYP.,  
SHOWN DASHED



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





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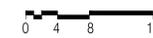
FLOOR PLANS

**A2.0a**



**PLAN AT BASEMENT PARKING LEVEL P2**

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



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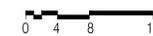
SHEET:

FLOOR PLANS

**A2.0b**



1 PLAN AT BASEMENT PARKING LEVEL P1  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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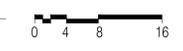
SHEET:

FLOOR PLANS

**A2.1**



1 SITE PLAN / PLAN AT GROUND FLOOR  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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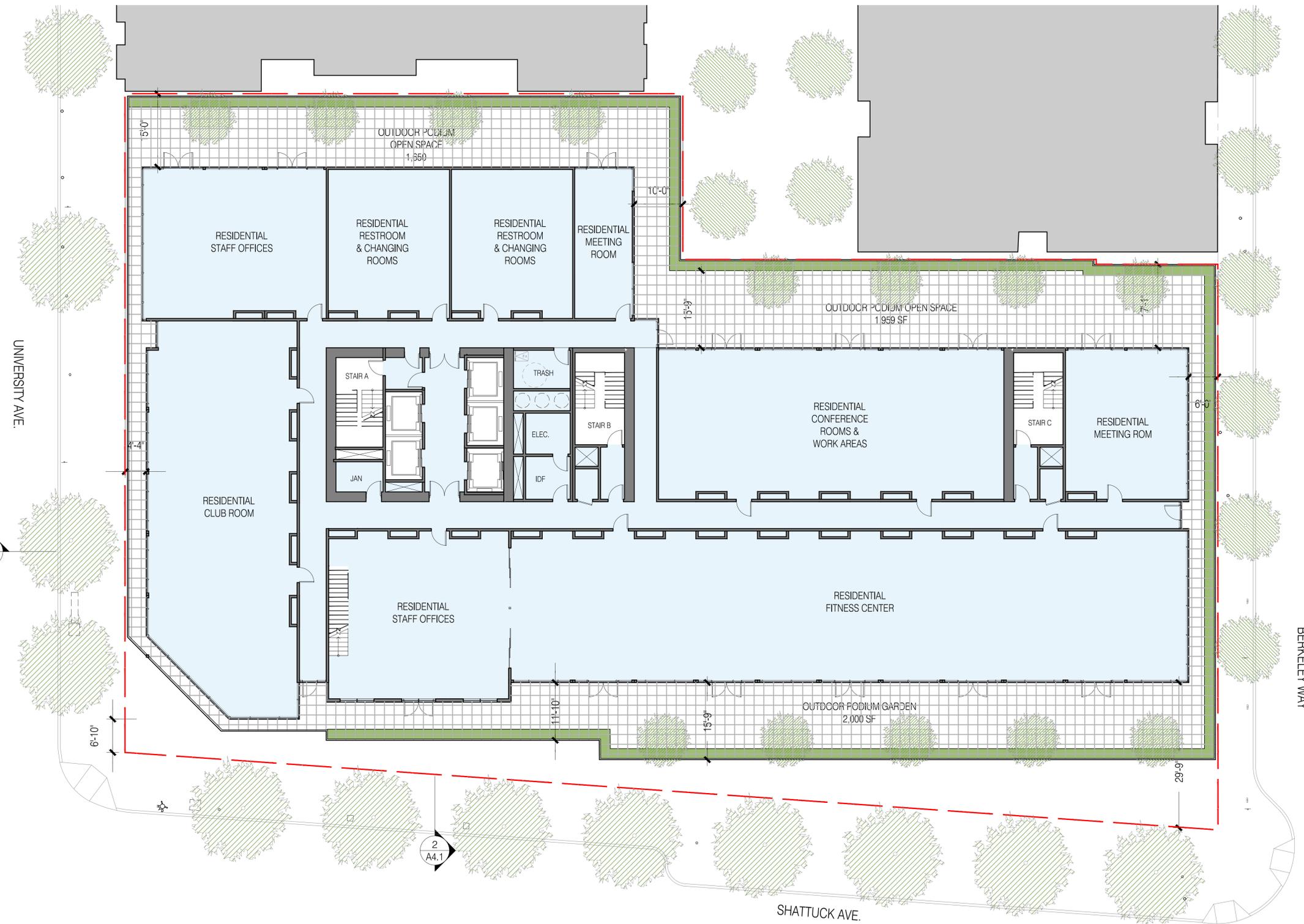
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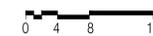
SHEET:

FLOOR PLANS

**A2.2**



1 PLAN AT LEVEL 2  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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SHEET:

FLOOR PLANS

**A2.3**



1 PLAN AT LEVELS 3-13  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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SHEET:

FLOOR PLANS

**A2.4**



1 PLAN AT LEVEL 14  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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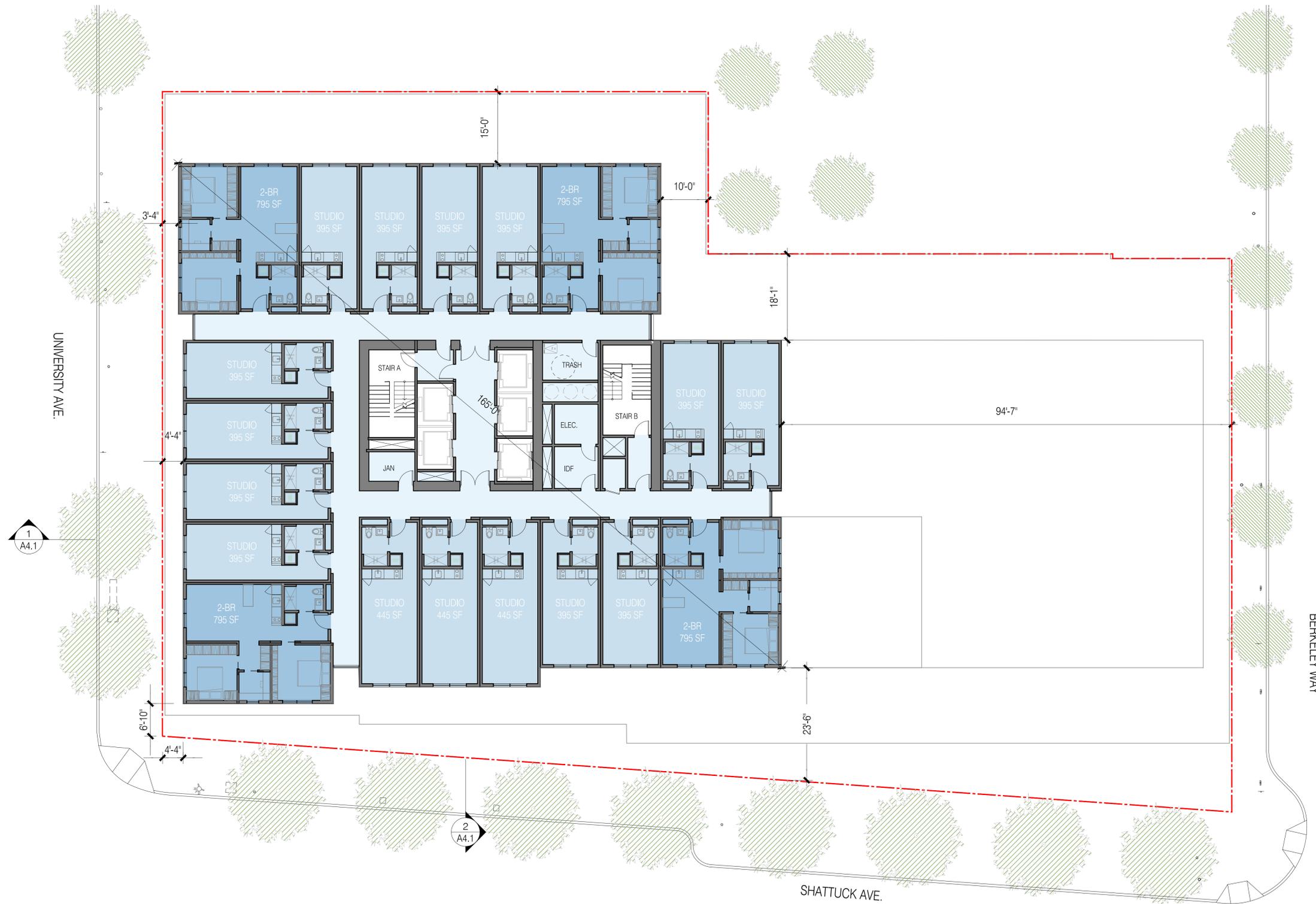
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SHEET:

FLOOR PLANS

**A2.5**



1 PLAN AT LEVELS 15-27  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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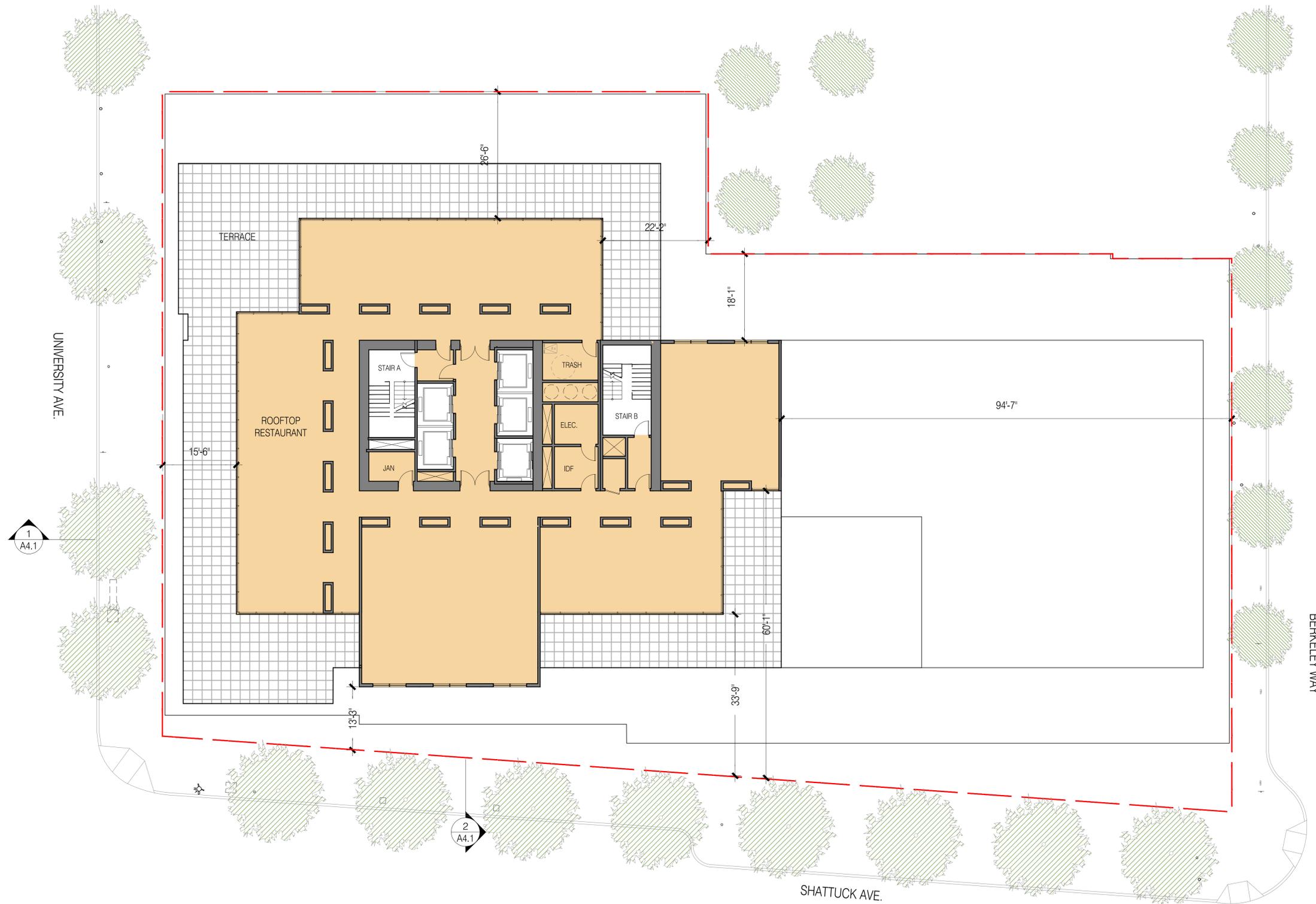
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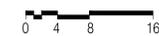
SHEET:

FLOOR PLANS

**A2.6**



1 PLAN AT LEVEL 28 ROOFTOP RESTAURANT  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



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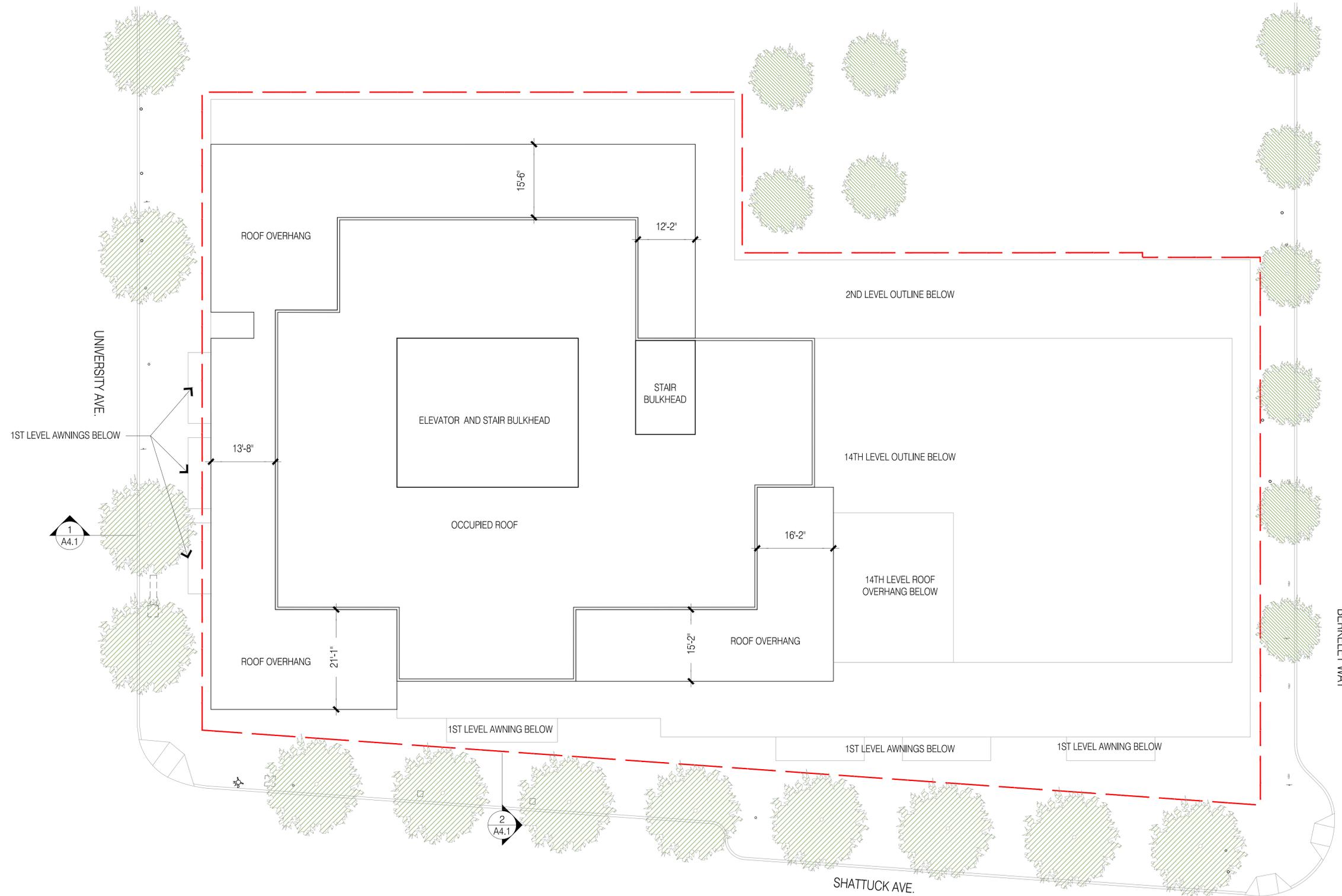
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SHEET:

ROOF PLAN

**A2.7**



**1 PLAN AT ROOF**

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



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SHEET:

ELEVATIONS

**A3.1**



**2 EAST ELEVATION**

3/128" = 1'-0" @ 11X17 3/64" = 1'-0" @ 24x36

0 8 16 32



**1 SOUTH ELEVATION**

3/128" = 1'-0" @ 11X17 3/64" = 1'-0" @ 24x36

0 8 16 32

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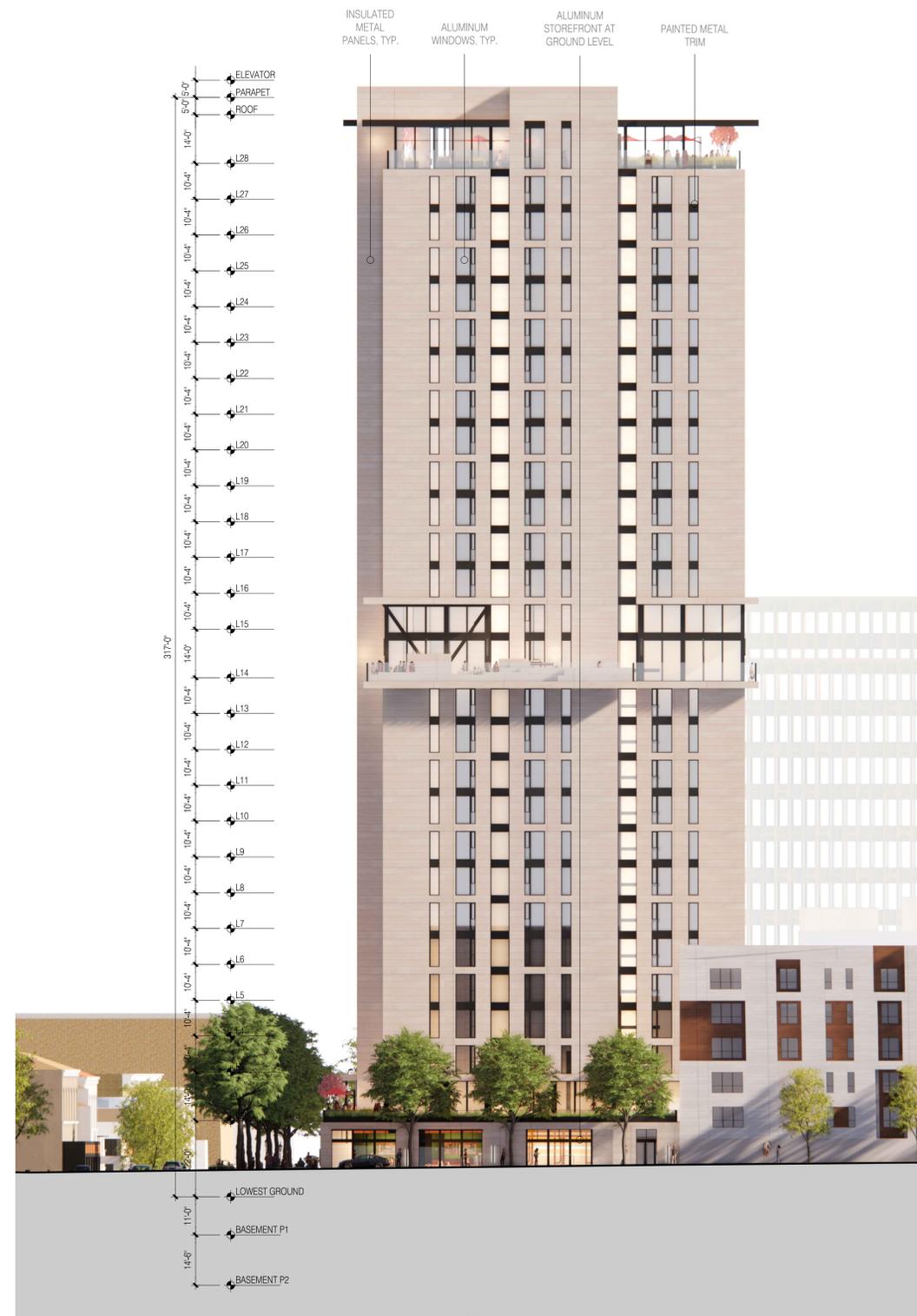
SHEET:

ELEVATIONS

**A3.2**



**2 WEST ELEVATION**  
3/128" = 1'-0" @ 11X17 3/64" = 1'-0" @ 24x36



**1 NORTH ELEVATION**  
3/128" = 1'-0" @ 11X17 3/64" = 1'-0" @ 24x36

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STREET STRIP  
ELEVATIONS

**A3.3**



2

**STREET STRIP ELEVATION @ SHATTUCK AVE**

1/256" = 1'-0" @ 11X17    3/128" = 1'-0" @ 24X36



1

**STREET STRIP ELEVATION @ UNIVERSITY AVE**

3/256" = 1'-0" @ 11X17    3/128" = 1'-0" @ 24X36





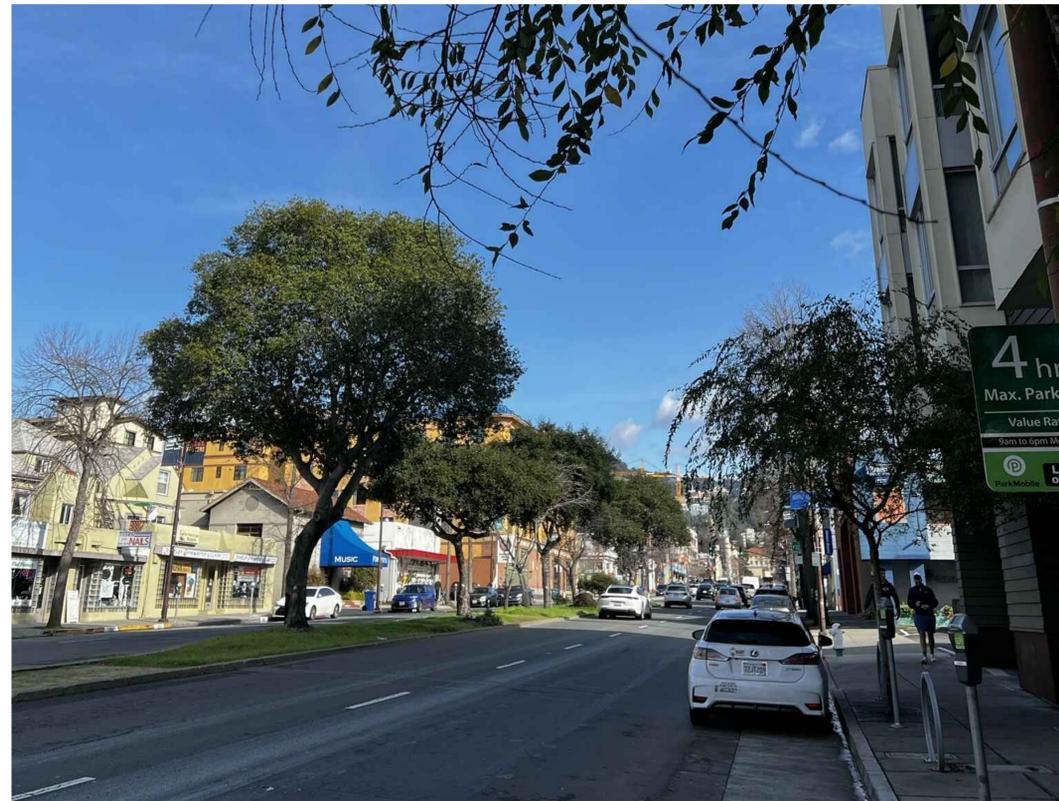
4 UNIVERSITY LOOKING WEST - AFTER



2 UNIVERSITY LOOKING EAST - AFTER



3 UNIVERSITY LOOKING WEST - BEFORE



1 UNIVERSITY LOOKING EAST - BEFORE

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PHOTO CONTEXT  
VIEWS

A3.4



4 SHATTUCK LOOKING NORTH - AFTER



2 SHATTUCK LOOKING SOUTH - AFTER



3 SHATTUCK LOOKING NORTH - BEFORE



1 SHATTUCK LOOKING SOUTH - BEFORE

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PHOTO CONTEXT  
VIEWS

A3.5



4 BERKELEY LOOKING WEST - AFTER



2 BERKELEY LOOKING EAST - AFTER



3 BERKELEY LOOKING WEST - BEFORE



1 BERKELEY LOOKING EAST - BEFORE

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PHOTO CONTEXT  
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**A3.6**

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.7**



1 VIEW LOOKING NORTH

STACKHOUSE  
DE LA PEÑA  
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SHEET:

PRELIMINARY  
RENDERING

**A3.8**



1 VIEW LOOKING NORTH-WEST

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.9**



1 VIEW LOOKING SOUTH-WEST

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.10**



1 VIEW LOOKING SOUTH-EAST

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.11**



1 VIEW LOOKING NORTH-WEST AT SHATTUCK AND UNIVERSITY

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.12**



1 VIEW LOOKING SOUTH-WEST ON SHATTUCK

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SHEET:

PRELIMINARY  
RENDERING

**A3.13**



1 VIEW LOOKING NORTH-EAST ON UNIVERSITY

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.14**



1 SIDEWALK VIEW - UNIVERSITY LOOKING EAST

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JOB: 2209

SHEET:

PRELIMINARY  
RENDERING

**A3.15**



1 VIEW LOOKING SOUTH-WEST - SHATTUCK @ BERKELEY WAY

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SHEET:

PRELIMINARY  
RENDERING

**A3.16**



1 SIDEWALK VIEW - SHATTUCK LOOKING SOUTH-WEST

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SHEET:

PRELIMINARY  
RENDERING

**A3.17**



1 SIDEWALK VIEW - SHATTUCK LOOKING NORTH-WEST

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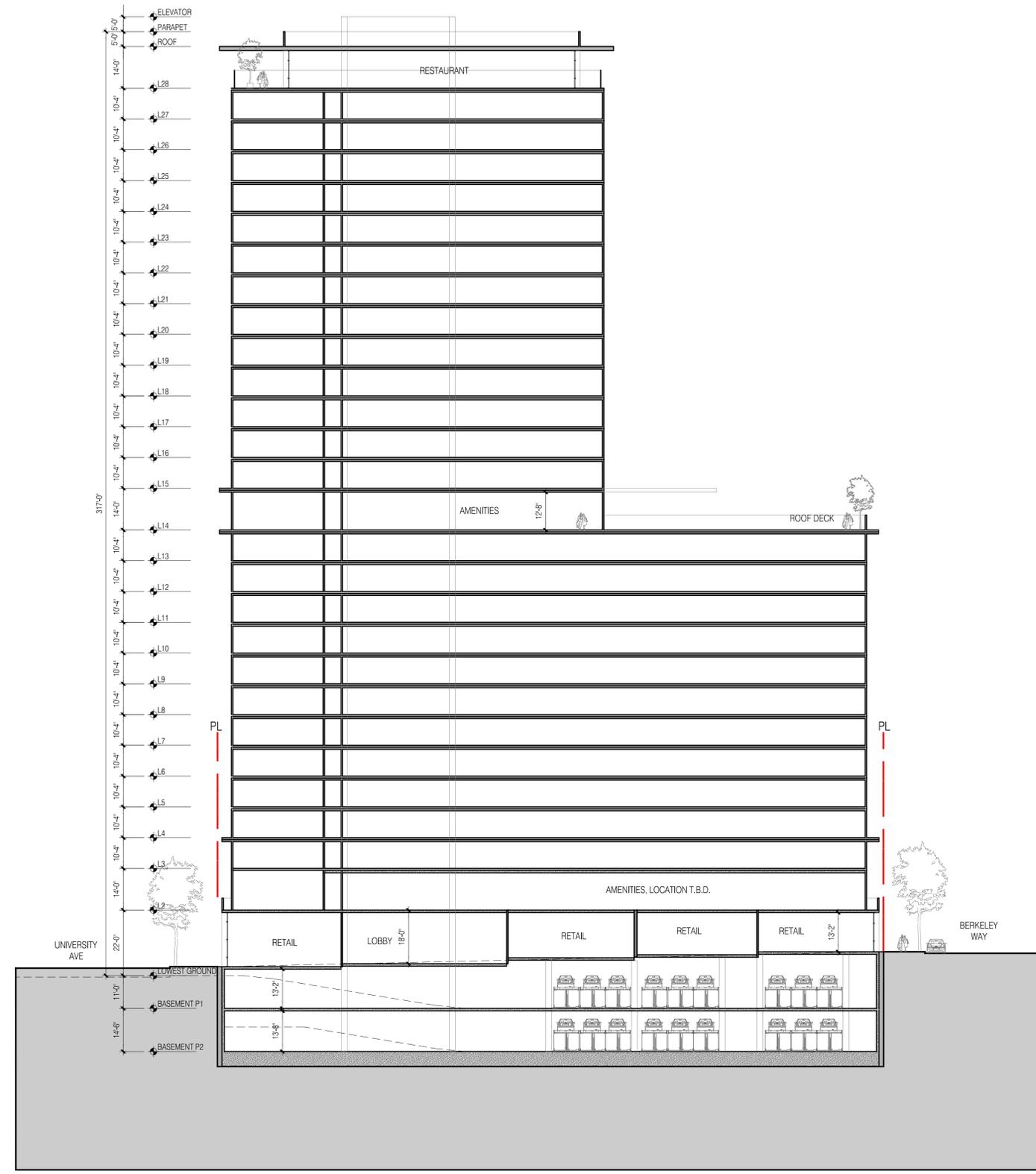
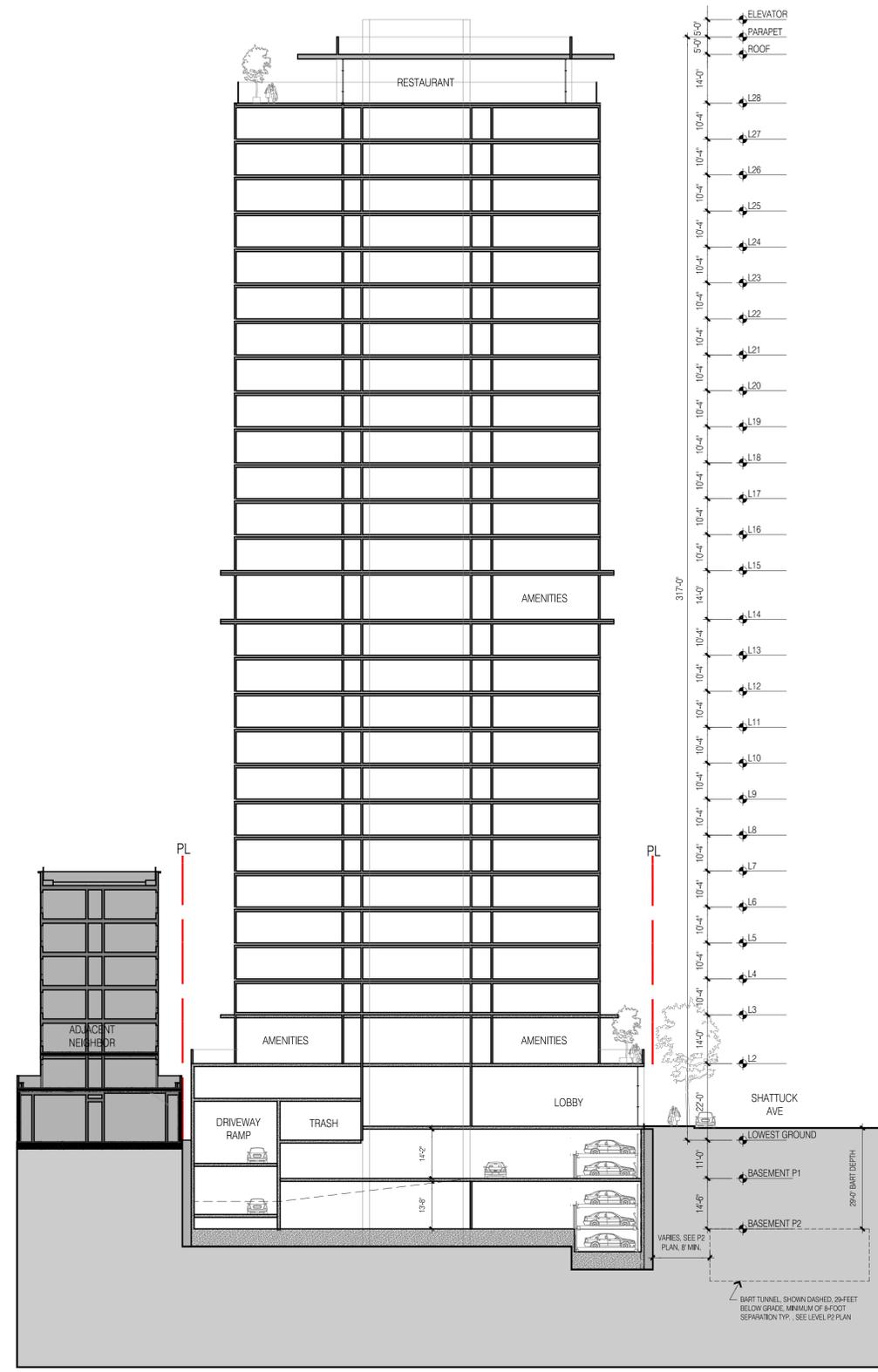
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SHEET:

BUILDING  
SECTIONS

**A4.1**



**2 SECTION LOOKING NORTH**  
3/128" = 1'-0" @ 11X17 3/64" = 1'-0" @ 24X36  
0 8 16 32

**1 SECTION LOOKING WEST**  
3/128" = 1'-0" @ 11X17 3/64" = 1'-0" @ 24X36  
0 8 16 32

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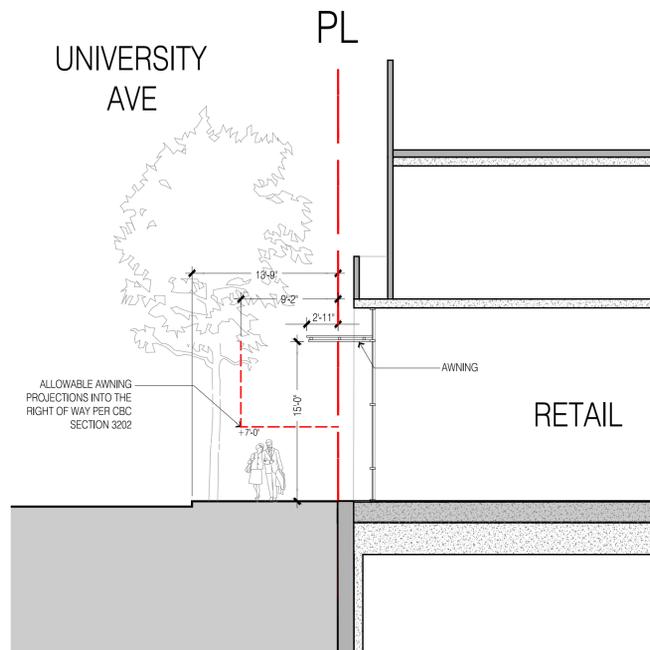
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SHEET:

AWNING  
ENCROACHMENT  
DIAGRAM

**A4.2**



2 SECTION THROUGH UNIVERSITY AVE.  
1/8" = 1'-0"

CUT AND FILL CALCULATIONS

	CUT/FILL AREA	AVERAGE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING	23,262	37	31,878

EARTHWORK NOTES:

1. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.

2. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS.

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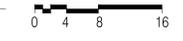
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SHEET:  
CONCEPTUAL  
GRADING PLAN

A5.0



1 CONCEPTUAL GRADING PLAN  
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36



# 1998 Shattuck — Preliminary Landscape Set

## General Notes

- The contractor shall inspect the site and be familiar with all existing site conditions prior to submitting bid. Contractor shall not willfully proceed with construction as shown when it is obvious that obstructions, landscape area and/or grade differences exist that may not have been known during design. Such conditions shall immediately be brought to the attention of the landscape architect. The contractor shall assume sole responsibility for all necessary revisions due to failure to give such notification. Contractor shall be responsible for making himself familiar with all underground utilities, pipes, structures and obstructions. Contractor shall assume sole responsibility for all costs incurred due to damage and/or replacement of these items. Contractor shall be responsible for coordination among trades and subcontractors as required to accomplish the work. The contractor shall be responsible for any damage to existing features caused by contractor's work. All repairs shall be made at no additional cost to the owner. Planting shall be installed in conformance with all applicable local codes and ordinances by experienced workmen and a licensed landscape contractor who shall obtain all necessary permits and pay all required fees. The garden is a pesticide and herbicide free zone. Contractor shall use organic material to fertilize and to maintain all plant material. No chemical fertilizer will be allowed. Contractor shall verify all grades, existing conditions and dimensions in the field prior to commencing work. All discrepancies or questions shall be brought to the attention of the landscape architect for resolution. Redirect work to avoid delay. All curves and all transitions between curves and straight edges shall be smooth. Take all dimensions perpendicular to any reference line, work line, face of building, face of wall or centerline.
- Demolition**  
Contractor shall remove and carry all demolition materials off site. Protect (E) trees as indicated during construction. Contractor shall perform selective trimming of existing trees within the area of work per the direction of the owner.
- Drainage/Grading**  
Contractor shall verify if existing drains are in good condition. All drainage systems shall be per City of Berkeley codes. Grade per indicated swales. Sleeving to be Schedule 40 PVC. Cover PVC pipe so that it not visible. All grading to be smooth to achieve a natural aspect. No finish grades shall exceed 2.5:1 slopes.
- Soil preparation**  
Soil amendment shall be a minimum of 9 cy of organic compost per 1000 sf (1:4 ratio). The landscape contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted. Where rototilling is not possible, incorporate soil amendments into top 6 inches with hand tools. After installation of irrigation system, all new planting areas are to be fine graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1 inch in diameter removed. Verify existing grades and advice Landscape Architect of any discrepancies prior to start of grading.
- Topsoil**  
If any planting areas require the importing of topsoil, the imported soil shall be clean, friable sandy loam; free of noxious weed seeds, sticks, stones over 1 inch in diameter or any materials that could inhibit growth. Incorporate imported topsoil into the top 6-8 inches of site soil by rototilling or hand cultivating as necessary.
- Substitutions**  
Requests for substitutions of plant varieties shall be made to the landscape architect within 15 days after signing of contract.
- Planting**  
Thoroughly water trees immediately after planting. Shrubs shall be spotted as per plan and the locations approved prior to the digging of the holes. Contractor shall locate and tag all trees at nursery at time of acceptance of contract to ensure availability of healthy specimens. Plant materials to be approved by landscape architect prior to site delivery.
- Irrigation**  
The proposed irrigation shall be an automated, water efficient watering system compliant with the City of Berkeley codes & regulations. The contractor shall determine the static water pressure and design the system accordingly to achieve adequate regime for the proposed plantings. The following emitters shall be installed at each planting: (2) 1 gal emitters at each 1 gal sp.; (3) 5 gal. emitters at ea. 5 gal shrub.
- Mulching**  
Mulch all planting areas with 3" of 'Forest Floor Bark' from American Soil and Stone, Richmond Ca (510) 292-3000.
- Stone paving & stone work**  
See layout plan and detail for sub-base. Install stone paving with tight joints in front and flagstone in stabilized decomposed granite in back as show on sheet L1.0.
- Concrete work**  
All concrete retaining walls greater than 3 feet in height shall be designed or reviewed and stamped by a structural engineer. All concrete footings shall be reviewed, approved and stamped by a structural engineer.
- Electrical**  
Install light fixtures, conduits and controller per manufacturer recommendation. Locate controller per plan with light switch inside residence. Contractor to supply and install power supply - 2 outlets at outdoor kitchen area. Install power supply for outdoor kitchen equipment .
- Wood work**  
All wood decking to match existing wood same size and layout at existing decks for deck extension. All vertical posts to be pressure treated 4x4 wood. SSD for final wood sizing, anchors and concrete footing. See note 14 for painting/staining.
- Painting**  
All visible existing & new wood to be painted same color as the main residence, but with a lighter tone. Color to be reviewed & approved by owner/landscape architect. Paint manufacturer: Sherwin Williams; exterior paint quality "duration" to be applied on all new & existing wood to be painted. Prep all wood surfaces per paint manufacturer's recommendations.
- Maintenance**  
The contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repair/tightening of stakes and ties, provision of supplemental water by hand in addition to irrigation system as necessary. At the end of the 90 day maintenance period all areas are to be free of weed and all plant material is to be in a healthy, thriving condition.
- Guarantee**  
All construction, trees and shrubs by the landscape contractor and/or his subcontractors shall be guaranteed for (1) one year after beginning of maintenance period. The contractor shall replace, at no expense to the owner, any and all landscape materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition; within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the contractor, his agents and employees.
- Clean up**  
At the end of each work day, at the inspection for substantial completion and before acceptance of project, clean paved areas that are dirtied or stained by construction operations, by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from owners property the debris resulting from construction, and dispose of legally. Remove remaining temporary protection at time of acceptance by owner unless otherwise agreed.

## Project Team

<b>Client</b>	<b>Architect</b>	<b>Landscape Architect</b>	<b>Contractor</b>
NX Ventures	Trachtenberg Architects 2421 Fourth Street Berkeley, CA 94710 510.649.1414	InsideOut Design, Inc. 6000 Harwood Ave Oakland CA 94618 510.655.7674	TBD

## Location Map



## Legend

(PA)	Planting Area
(TS)	Top of stair
(BS)	Bottom of stair
(TW)	Top of wall
(BW)	Bottom of wall
R	Radius
POB	Layout Starting Point
SIM	Similar
(TYP.)	Typical
SAD	See Architectural Drawings
EQ	Equal
O.C.	On Center
(E)	Existing
>	Align
	90 Degrees angle
+ (824.76)	Existing spot elevation
+ 824.76	Proposed spot elevation
	Existing contour line
	Proposed contour line
	Property line
	Existing retaining wall to be demolished
	Existing retaining wall to be demolished

## Plant List

Index	Latin Name	Common Name	Size	WELO	CA Nat.	Notes
<b>Street Trees</b>						
CC	Carpinus caroliniana	American Hornbeam	24" Box	M		University Ave
LC	Lophostemon confertus	Brisbane Box	24" Box	VL, L		Berkeley Way
PA	Platanus acerifolia 'Columbia'	Columbia London Plane Tree	24" Box	L, M		Shattuck Ave
<b>Trees</b>						
BE	Brahea edulis	Guadalupe Palm	24" Box	L		Roof
BR	Beaucarnes recurvate	Pony Tail Palm	15 Gallon	VL		Roof
CO	Cercis occidentalis	Western Redbud	24" Box	VL	X	Podium FTP
CR	Ceanothus 'Ray Hartman'	Ray Hartman California Lilac	24" Box	L, ES	X	Podium
HG	Heteromeles arbutifolia 'Davis Gold'	Davis Gold Toyon	24" Box	VL, L	X	Podium FTP
PR	Phoenix roebelenii	Pygmy Date Palm	24" Box	L, ES		Roof
WF	Washingtonia filifera	California Fan Palm	24" Box	L, ES	X	Roof
<b>Shrubs</b>						
AD*	Agave deserti	Desert Agave	5 Gallon	VL, L	X	Roof
AP	Arctostaphylos pajaroensis 'Paradise'	Paradise Pajaro Manzanita	15 Gallon	VL	X	Roof
CE	Carpenteria californica 'Elizabeth'	Elizabeth Bush Anemone	15 Gallon	L	X	Podium, Street
CF	Cornus sericea, C. Stolonifera 'Hedgerow Gc'	Hedgerow Gold Redtwig Dogwood	15 Gallon	M, ES	X	Podium
HW*	Hesperoyucca whipplei	Our Lord's Candle	5 Gallon	VL	X	Roof
GB*	Opuntia basilaris	Prickly Pear	5 Gallon	VL		Roof
SM	Sabal minor	Dwarf Palmett	15 Gallon	L	X	Roof
YP*	Yucca pallida	Pale Leaf Yucca	5 Gallon	VL, L, ES		Roof
ZF	Zamia furfuracea	Cardboard Palm	5 Gallon	M		Roof
<b>Groundcovers</b>						
AM	Armeria maritima	Sea Pink	1 Gallon	M	X	Roof
BM	Baileya multiradiata	Desert Marigold	1 Gallon	VL	X	Roof
CD	Ceanothus 'Diamond Heights'	Variiegated Carmel Creeper	1 Gallon	VL, L	X	Street
CM	Coreopsis maritima	Sea Dahlia	1 Gallon	L	X	Roof
DF	Dudleya farinosa	Coast Live Forever	1 Gallon	VL	X	Podium
DN	Deschampsia ces. 'Northern Lights'	Northern Lights Tufted Hair Grass	1 Gallon	L	X	Street
<b>Podium FTP** (1143 sf)</b>						
AS	Achillea 'Salmon Beauty'	Salmon Beauty Yarrow	1 Gallon	VL, L	X	
BG	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Blue Grama	1 Gallon	L	X	
CB	Ceanothus 'Ithylosus' 'Cool Blue'	Cool Blue Mountain Lilac	15 Gallon	L	X	
CD	Ceanothus 'Diamond Heights'	Variiegated Carmel Creeper	1 Gallon	VL, L	X	
CE	Carpenteria californica 'Elizabeth'	Elizabeth Bush Anemone	15 Gallon	L	X	
CP	Ceanothus pallidus 'Marie Simon'	Pink Flowering Ceanothus	15 Gallon	VL, L	X	
DN	Deschampsia ces. 'Northern Lights'	Northern Lights Tufted Hair Grass	1 Gallon	L	X	
EF	Eriogonum fasciculatum	California Bushwheat	5 Gallon	VL, L	X	
EG	Elymus glaucus	Blue Wild Rye	1 Gallon	L	X	
ID	Iris douglasiana	Douglas Iris	1 Gallon	M, ES	X	
JE	Juncus effusus	Soft Rush	1 Gallon	VL, H, ES	X	
JP	Juncus patens 'Eik Blue'	Eik Blue California Gray Rush	1 Gallon	L, M, ES	X	
RC	Rudbeckia californica	California Coneflower	1 Gallon	M	X	
SA	Symphoricarpos albus var. laevigatus	Upright Snowberry	5 Gallon	VL, L, M	X	
<b>Podium Grate Walks (5370 sf)</b>						
SD	Sedum divergens	Cascade Stonecrop	Flat	L, ES	X	
SO	Sedum oregonum	Oregon Stonecrop	Flat	L, ES	X	
SS	Sedum spathulifolium 'Cape Blanco'	Cape Blanco Sedum	Flat	L	X	

\*To be located with 3' min. between edge of mature plant and walkways or planter edges.

\*\*Species selected per Stormwater C.3 Guidebook (Dalziel et. al.).

**Note:** At least 80% of all plantings will be California natives.

## Sheet Index

L0.0	Cover Sheet
L1.0	Streetscape
L2.0	Podium
L3.0	Roof Deck
L3.1	Usable Open Space
	+ Planting Notes
10.0	Irr. Notes & Legend
11.0	Irr. Plan - Street
12.0	Irr. Plan - Podium
13.0	Irr. Plan - Roof Deck
13.1	Irr. Plan - POC
14.0	Irrigation Details
15.0	Irrigation Details
16.0	Irrigation Details
17.0	Irrigation Details

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SHEET:

COVER SHEET,  
NOTES, AND LEGEND

# L0.0

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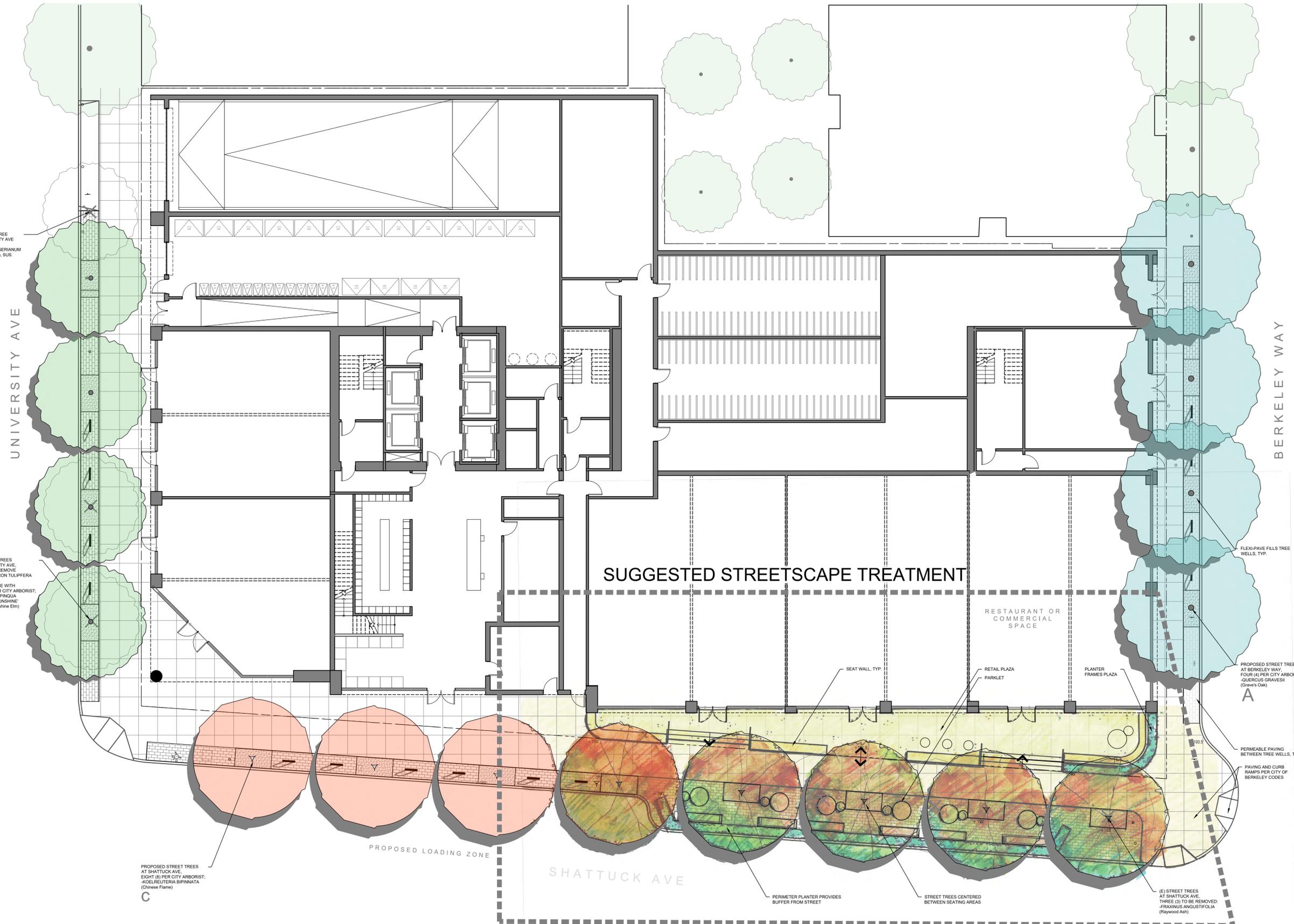
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LANDSCAPE PLAN  
AT STREETScape

**L1.0**



(E) STREET TREE  
AT UNIVERSITY AVE  
TO REMOVE  
-ACER BUERGERIANUM  
(Trident Maple), SUB.

(E) STREET TREES  
AT UNIVERSITY AVE,  
TWO (2) TO REMOVE  
-LIRIODENDRON TULIPIFERA  
(Tulip Tree)  
AND REPLACE WITH  
FOUR (4) PER CITY ARBORIST:  
-ULMUS PROPINQUA  
'EMERALD SUNSHINE'  
(Emerald Sunshina Elm)

PROPOSED STREET TREES  
AT SHATTUCK AVE,  
EIGHT (8) PER CITY ARBORIST:  
-KOELRUTHERA BIPINNATA  
(Chinese Flame)

PROPOSED STREET TREES  
AT BERKELEY WAY  
FOUR (4) PER CITY ARBORIST:  
-QUERCUS GRAVESII  
(Grove Oak)

(E) STREET TREES  
AT SHATTUCK AVE,  
THREE (3) TO BE REMOVED:  
-FRAXINUS ANGUSTIFOLIA  
(Raywood Ash)

PERMEABLE PAVING  
BETWEEN TREE WELLS, TYP.

PAVING AND CURB  
RAISING PER CITY OF  
BERKELEY CODES

PERIMETER PLANTER PROVIDES  
BUFFER FROM STREET

STREET TREES CENTERED  
BETWEEN SEATING AREAS

SEAT WALL, TYP.

RETAIL PLAZA  
PARKLET

PLANTER  
FRAMES PLAZA

RESTAURANT OR  
COMMERCIAL  
SPACE

**SUGGESTED STREETScape TREATMENT**

UNIVERSITY AVE

BERKELEY WAY

SHATTUCK AVE



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SHEET:

**SECOND FLOOR  
PODIUM GARDENS**

**L2.0**



Permeable grate with groundcover below  
- Precedent: ASLA HQ Green Roof  
- Mix of 3 shade-tolerant sedums



Maintenance corridor



Low planting in raised flow-through planters (FTPs)



PRECEDENT



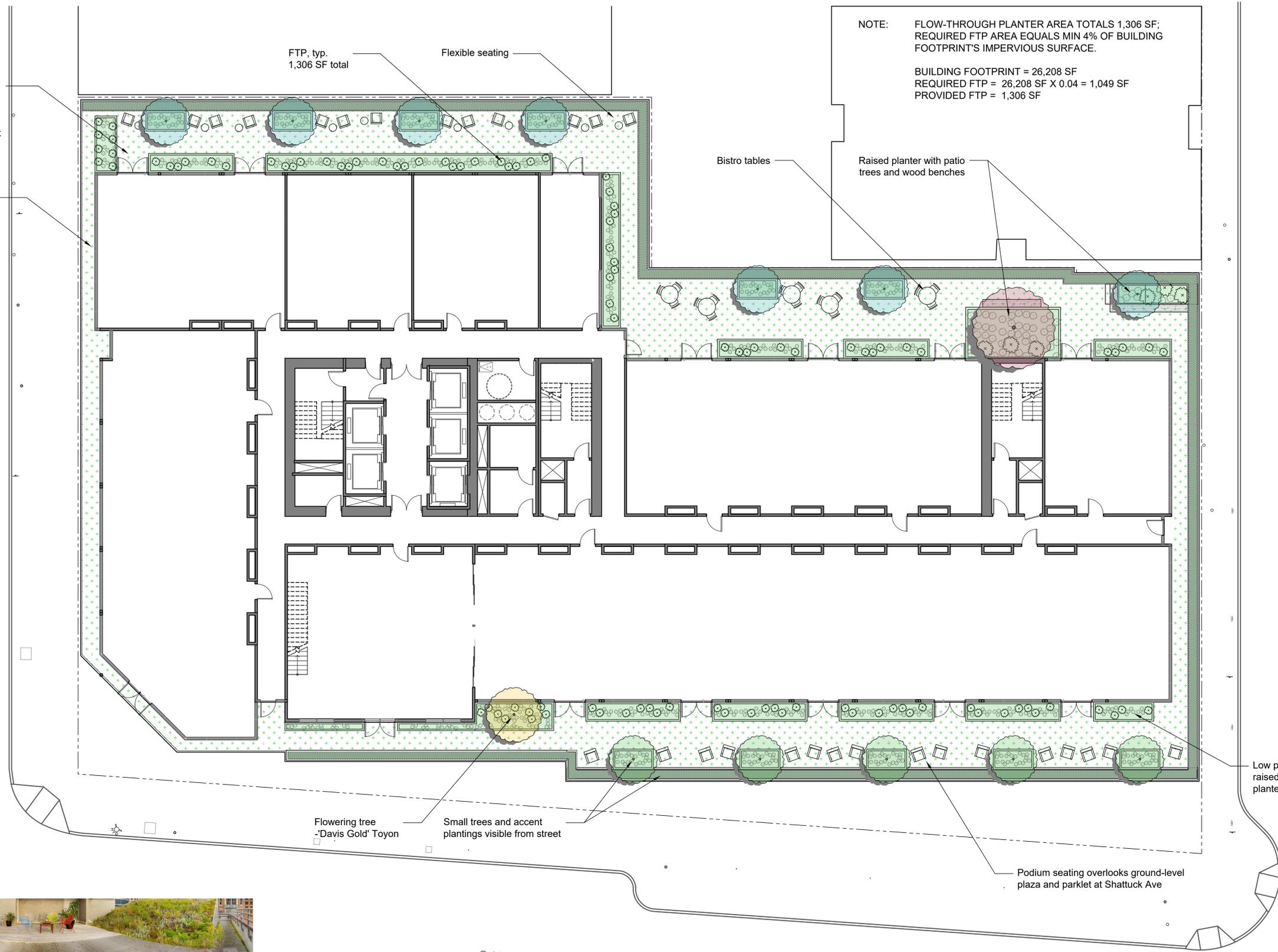
VEGETATED GRATE



FLOW-THROUGH PLANTER



FLOWERING TREE



UNIVERSITY AVE

BERKELEY WAY

SHATTUCK AVE



North



3/16"=1'-0"

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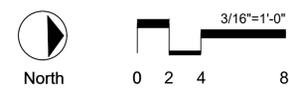
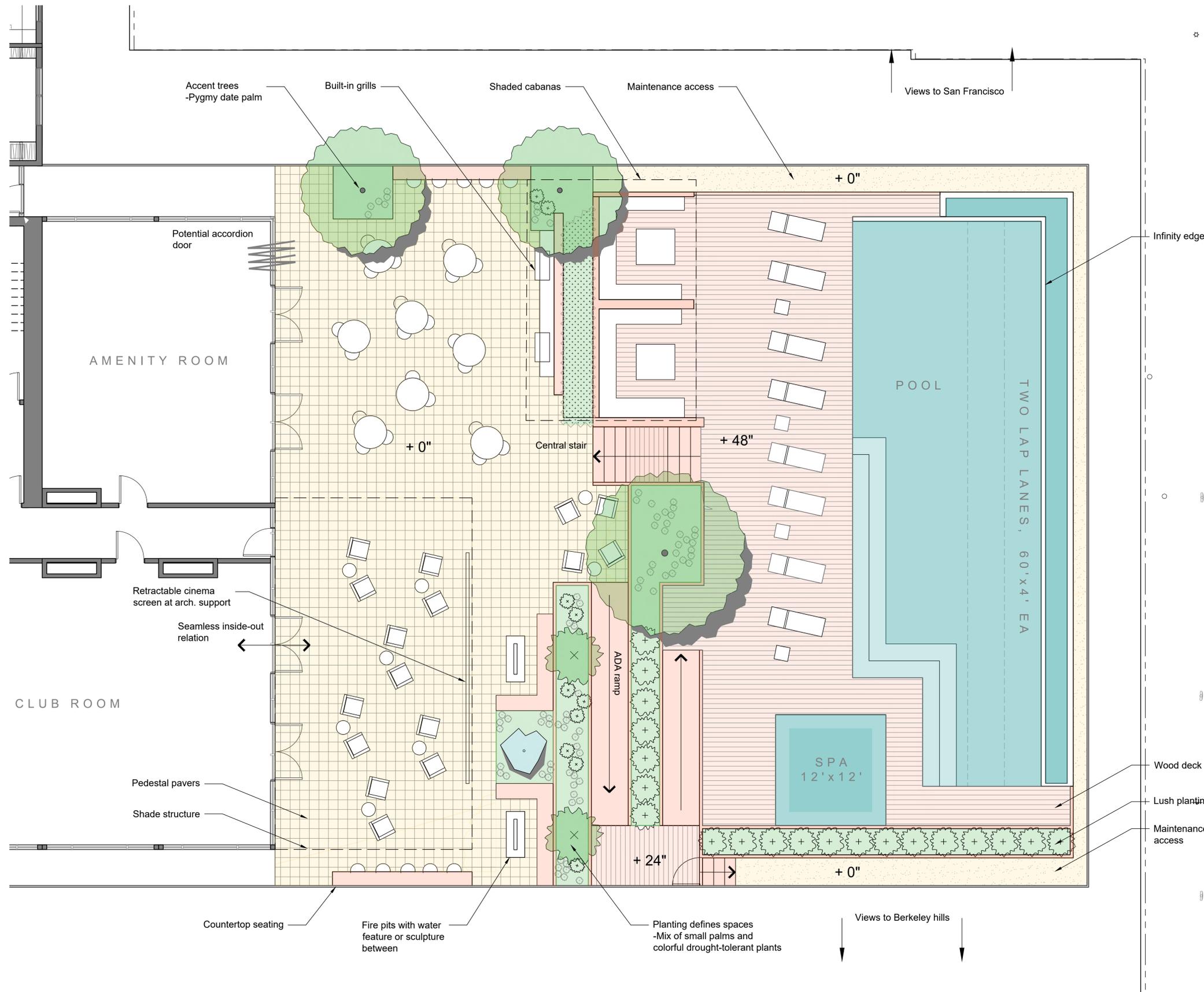
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SHEET:

FOURTEENTH  
FLOOR ROOF DECK

**L3.0**



**PLANTING NOTES**

SEE COVER SHEET L0.0 FOR GENERAL NOTES

**GENERAL PLANTING NOTES:**

- SOIL PREPARATION: THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR FINISH GRADING AND ALL PLANTING AREA DRAINAGE. POSITIVE DRAINAGE AWAY FROM THE BUILDING AS PER CITY CODES SHALL BE MAINTAINED. NO LOW SPOTS WHICH HOLD STANDING WATER WILL BE ACCEPTED.  
THE LANDSCAPE CONTRACTOR SHALL INCORPORATE SOIL PREPARATION AMENDMENT INTO PLANTING AREAS AS NOTED BELOW. WHERE ROTO-TILLING IS NOT POSSIBLE, INCORPORATE SOIL AMENDMENTS INTO TOP 6 INCHES WITH HAND TOOLS. AFTER INSTALLATION OF IRRIGATION SYSTEM, ALL PLANTING AREAS ARE TO BE FINE GRADED TO WITHIN 2 INCHES AND SLIGHTLY MOUNDED AWAY FROM EDGES OF TOP OF PLANTER, CURB, WALK, HEADER, ETC. AND RAKED SMOOTH WITH ALL ROCKS AND DEBRIS OVER 1-INCH IN DIAMETER REMOVED.
- SOIL PREPARATION AMENDMENTS AND BACKFILL MIX: THE LANDSCAPE CONTRACTOR SHALL AMEND EXISTING SOIL PER THE SOILS REPORT. NATIVE SOIL IS PREFERRED.
- TREE PLANTING: TREES SHALL BE PLANTED PER DETAIL ON PLAN. TREES SHALL TYPICALLY BE LOCATED A MINIMUM OF 3 1/2 FEET FROM CURBS, WALKS, HEADERS, BUILDINGS, AND OVERHEAD STRUCTURES WITHIN THE PROJECT. BACKFILL PER SOILS REPORT. THOROUGHLY WATER TREES IMMEDIATELY AFTER PLANTING.
- SHRUB PLANTING: THE SHRUBS SHALL BE SPOTTED AS PER PLAN, SPOTTED AT THE SHOWN LOCATIONS, AND APPROVED BY LANDSCAPE ARCHITECT PRIOR TO THE DIGGING OF THE HOLES. SHRUB BACKFILL SHALL BE PER SOILS REPORT. THOROUGHLY WATER SHRUBS IMMEDIATELY AFTER PLANTING. DO NOT PLANT ANY SHRUB WITHIN 2 FEET OF ANY BUILDING WALL.
- MAINTENANCE: THE CONTRACTOR SHALL MAINTAIN THE PROJECT FOR 90 DAYS (OR AS REQUESTED BY OWNER) FOLLOWING THE APPROVAL TO BEGIN THE MAINTENANCE PERIOD. DURING THE ENTIRE MAINTENANCE PERIOD, WATERING, CULTIVATING, WEEDING, MOWING, REPAIR/TIGHTENING OF STAKES AND TIES, RESTORATION OF BASINS, PROVISION OF SUPPLEMENTAL WATER BY HAND IN ADDITION TO IRRIGATION SYSTEM IS REQUIRED AS NECESSARY. NO PRE-EMERGENCE HERBICIDES SHALL BE APPLIED - HAND REMOVE WEEDS. ONLY ORGANIC FERTILIZERS SHALL BE APPLIED SUCH AS THOSE SPECIFIED. INSTALL PER MANUFACTURER'S RECOMMENDATIONS. AT THE END OF THE 90 DAY MAINTENANCE PERIOD ALL AREAS ARE TO BE WEED FREE AND ALL PLANT MATERIAL SHALL BE IN A HEALTHY, THRIVING CONDITION. INTEGRATED PEST MANAGEMENT PRACTICES SHALL BE IMPLEMENTED.
- SUBSTITUTIONS: REQUESTS FOR PLANT SUBSTITUTIONS SHALL BE MADE TO THE LANDSCAPE ARCHITECT WITHIN 15 DAYS AFTER SIGNING OF CONTRACT.
- GUARANTEE: ALL CONSTRUCTION, TREES AND SHRUBS BY THE LANDSCAPE CONTRACTOR AND/OR

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

8. CLEAN UP: AT THE END OF EACH WORK DAY, AT THE INSPECTION FOR SUBSTANTIAL COMPLETION, AND BEFORE ACCEPTANCE OF PROJECT - CLEAN PAVED AREAS THAT ARE DIRTIED OR STAINED BY CONSTRUCTION OPERATIONS BY SWEEPING OR WASHING, AND REMOVE DEFACEMENTS AND STAINS. REMOVE CONSTRUCTION EQUIPMENT, EXCESS MATERIALS AND TOOLS. HAUL FROM OWNERS PROPERTY ANY DEBRIS RESULTING FROM CONSTRUCTION, AND DISPOSE OF IT LEGALLY. REMOVE REMAINING TEMPORARY PROTECTION AT TIME OF ACCEPTANCE BY OWNER UNLESS OTHERWISE AGREED.

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

**STREET TREE PROTECTION NOTES:**

- ALL TREE PROTECTION REQUIREMENTS AND RESTRICTIONS SHALL BE INCLUDED IN THE CONSTRUCTION NOTES AND PRINTED ON ALL COPIES OF THE PLANS.
  - INCLUDE THE NAME AND PHONE NUMBER OF THE PARTY THAT WILL MONITOR THE SITE AND ENSURE THE TREE PROTECTION MEASURES ARE BEING FOLLOWED; AND WHAT THE MONITORING SCHEDULE WILL BE: **NAME / PHONE / SCHEDULE**
  - INSTALL 6 FOOT CHAIN-LINK FENCING TO PROTECT THE AREA WITHIN THE DRIP-LINE OF ANY PROTECTED TREE IN THE DEVELOPMENT AREA. FENCING SHALL BE MOUNTED TO POSTS THAT ARE DRIVEN INTO THE GROUND. WHERE THIS IS NOT POSSIBLE BECAUSE OF EXISTING STRUCTURES, TREE ROOTS, OR OTHER OBSTACLES, CHAIN-LINK PANELS MOUNTED TO STANCHIONS AND CONNECTED TO EACH OTHER MAY BE APPROVED. IN AREAS WHERE DIFFICULT TERRAIN MAKES THIS IMPRACTICAL, ORANGE CONSTRUCTION FENCING MAY BE APPROVED.
  - ALL FENCING SHALL HAVE SIGNAGE STATING THE REQUIREMENTS AND RESTRICTIONS, AND THE CONTACT INFORMATION FOR THE PROJECT ARBORIST.
  - WHEN ANY APPROVED CONSTRUCTION ACTIVITY WILL OCCUR WITHIN THE DRIP LINE OF A PROTECTED TREE THAT IS NOT SURROUNDED BY PROTECTIVE FENCING, THE TRUNK SHALL BE PROTECTED BY WRAPPING IT WITH STRAW TUBES (WATTLE) OR VERTICAL WOOD SLATS (EX. 2X4), UP TO A MINIMUM OF 8 FEET FROM GRADE (SEE FIGURE 1, PAGE 6). SLATS SHALL BE ANGLED TO PROTECT THE ROOT FLARE AT THE BASE OF THE TREE; AND CLOSED CELL FOAM OR EQUIVALENT MATERIAL SHALL BE USED TO PROTECT THE TRUNK OF THE TREE WHERE IT CONTACTS THE SLATS.

LATERAL BRANCHES BELOW 8 FEET SHALL ALSO BE PROTECTED. IN ADDITION, THE AREA SHALL BE COVERED WITH A 6 INCH LAYER OF MULCH TOPPED WITH 3/4 INCH PLYWOOD THAT IS FASTENED TOGETHER. IF ANY LARGE OR MOTORIZED EQUIPMENT (MINI EXCAVATOR, BOBCAT®, POWERED WHEELBARROW) WILL TRAVEL OVER THIS AREA, THE PLYWOOD MUST BE A MINIMUM OF 1 INCH AND ADEQUATE FOR THE WEIGHT OF THE EQUIPMENT THAT WILL TRAVEL OVER IT. IF LARGER EQUIPMENT (BACKHOE, TRACTOR) WILL BE USED, CONSULT THE CITY ARBORIST. **CONSTRUCTION ACTIVITY REFERS TO ANY MOVEMENT OF PEOPLE, TOOLS, OR EQUIPMENT; OR STORAGE OF ANY TOOLS, EQUIPMENT, OR SUPPLIES.**

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

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

**STREET TREE PLANTING NOTES:**

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

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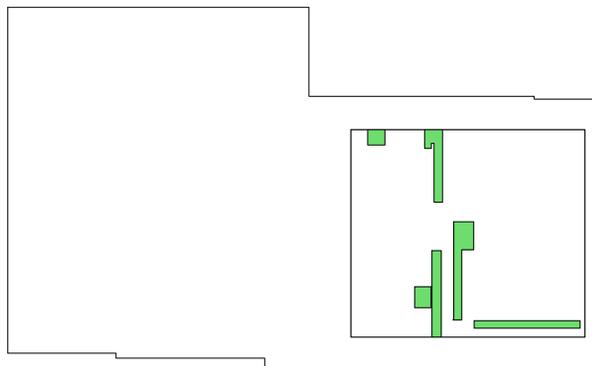
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SHEET:

**USABLE OPEN SPACE CALCULATIONS + PLANTING NOTES**

**L3.1**

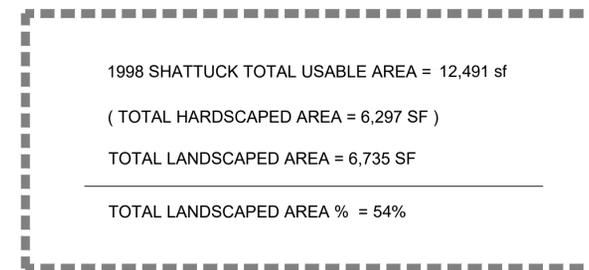
**USEABLE OPEN SPACE CALCULATIONS**



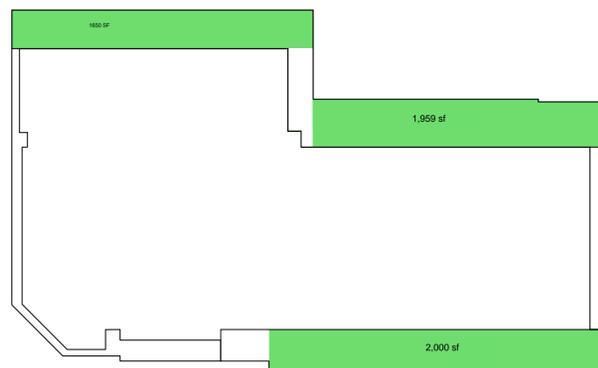
ROOF DECK TOTAL USABLE AREA = 6,882 SF  
( ROOF DECK HARDSCAPED = 6,297 SF )  
ROOF DECK LANDSCAPED = 585 SF  
ROOF DECK LANDSCAPED % = 9%

ROOF DECK USEABLE AREA

(NTS)



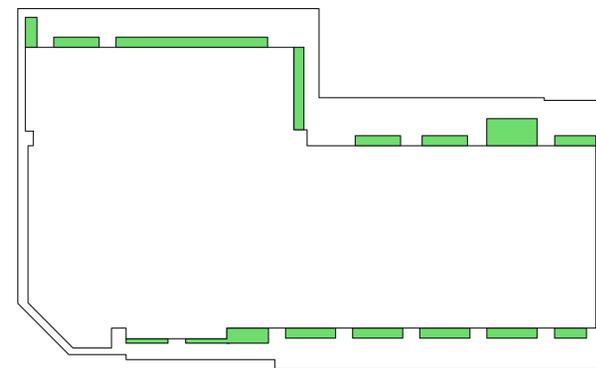
1998 SHATTUCK TOTAL USABLE AREA = 12,491 sf  
( TOTAL HARDSCAPED AREA = 6,297 SF )  
TOTAL LANDSCAPED AREA = 6,735 SF  
TOTAL LANDSCAPED AREA % = 54%



PODIUM TOTAL USABLE AREA = 5,609 sf  
(PODIUM HARDSCAPED = 0 SF )  
PODIUM LANDSCAPED = 5,609 sf  
PODIUM LANDSCAPED % = 100%

PODIUM USEABLE AREA

(NTS)



1998 SHATTUCK TOTAL ROOF AREA = 26,208 SF  
4% FLOW-THROUGH PLANTER AREA NEEDED = 1,049 SF  
CURRENT FLOW-THROUGH PLANTER AREA = 1,306 SF (AT PODIUM)

FLOW-THROUGH PLANTER AREA

(NTS)

**IRRIGATION NOTES**

- THESE IRRIGATION DRAWINGS ARE DIAGRAMMATIC AND INDICATIVE OF THE WORK TO BE INSTALLED. ALL PIPING, VALVES, AND OTHER IRRIGATION COMPONENTS MAY BE SHOWN WITHIN PAVED AREAS FOR GRAPHIC CLARITY ONLY AND ARE TO BE INSTALLED WITHIN PLANTING AREAS. DUE TO THE SCALE OF THE DRAWINGS, IT IS NOT POSSIBLE TO INDICATE ALL OFFSETS, FITTINGS, SLEEVES, CONDUIT, AND OTHER ITEMS WHICH MAY BE REQUIRED. INVESTIGATE THE STRUCTURAL AND FINISHED CONDITION AFFECTING THE CONTRACT WORK INCLUDING OBSTRUCTIONS, GRADE DIFFERENCES OR AREA DIMENSIONAL DIFFERENCES. IN THE EVENT OF FIELD DISCREPANCY WITH CONTRACT DOCUMENTS, PLAN THE INSTALLATION WORK ACCORDINGLY BY NOTIFICATION AND APPROVAL OF THE OWNER'S AUTHORIZED REPRESENTATIVE AND ACCORDING TO THE CONTRACT SPECIFICATIONS. NOTIFY AND COORDINATE IRRIGATION CONTRACT WORK WITH APPLICABLE CONTRACTORS FOR THE LOCATION AND INSTALLATION OF PIPE, CONDUIT OR SLEEVES THROUGH OR UNDER WALLS, ROADWAYS, PAVING AND STRUCTURES BEFORE CONSTRUCTION. IN THE EVENT THESE NOTIFICATIONS ARE NOT PERFORMED, THE CONTRACTOR ASSUMES FULL RESPONSIBILITY FOR REQUIRED REVISIONS.
- THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE CODES, STANDARDS, AND REGULATIONS. ALL WORK AND MATERIALS SHALL BE IN FULL ACCORDANCE WITH THE LATEST RULES AND REGULATIONS OF THE NATIONAL ELECTRIC CODE, THE UNIFORM PLUMBING CODE, PUBLISHED BY THE WESTERN PLUMBING OFFICIALS ASSOCIATION; AND OTHER STATE OR LOCAL LAWS OR REGULATIONS. NOTHING IN THESE DRAWINGS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES OR REGULATIONS. THE CONTRACTOR SHALL FURNISH WITHOUT ANY EXTRA CHARGE, ANY ADDITIONAL MATERIAL AND LABOR WHEN REQUIRED BY THE COMPLIANCE WITH THESE CODES AND REGULATIONS.
- THE CONTRACTOR SHALL COORDINATE INSTALLATION OF IRRIGATION SYSTEM WITH LAYOUT AND INSTALLATION OF THE PLANT MATERIALS TO INSURE THAT THERE WILL BE COMPLETE AND UNIFORM IRRIGATION COVERAGE OF PLANTING IN ACCORDANCE WITH THESE DRAWINGS, AND CONTRACT DOCUMENTS. THE IRRIGATION LAYOUT SHALL BE CHECKED BY THE CONTRACTOR AND OWNER'S AUTHORIZED REPRESENTATIVE PRIOR TO CONSTRUCTION TO DETERMINE IF ANY CHANGES, DELETIONS, OR ADDITIONS ARE REQUIRED. IRRIGATION SYSTEM SHALL BE INSTALLED AND TESTED PRIOR TO INSTALLATION OF PLANT MATERIAL.
- THE INTENT OF THIS IRRIGATION SYSTEM IS TO PROVIDE THE MINIMUM AMOUNT OF WATER REQUIRED TO SUSTAIN GOOD PLANT HEALTH.
- IT IS THE RESPONSIBILITY OF THE MAINTENANCE CONTRACTOR AND/OR OWNER TO PROGRAM THE IRRIGATION CONTROLLER(S) TO PROVIDE THE MINIMUM AMOUNT OF WATER NEEDED TO SUSTAIN GOOD PLANT HEALTH. THIS INCLUDES MAKING ADJUSTMENTS TO THE PROGRAM FOR SEASONAL WEATHER CHANGES, PLANT MATERIAL, WATER REQUIREMENTS, MOUNDS, SLOPES, SUN, SHADE AND WIND EXPOSURE.
- IT IS THE RESPONSIBILITY OF A LICENSED ELECTRICAL CONTRACTOR TO PROVIDE 120 VOLT A.C. (2.5 AMP DEMAND PER CONTROLLER) ELECTRICAL SERVICE TO THE CONTROLLER LOCATION(S). IT IS THE RESPONSIBILITY OF THE IRRIGATION CONTRACTOR TO COORDINATE THE ELECTRICAL SERVICE STUB-OUT TO THE CONTROLLER(S). PROVIDE PROPER GROUNDING PER CONTROLLER MANUFACTURER'S INSTRUCTIONS AND IN ACCORDANCE WITH LOCAL CODES.
- PROVIDE EACH CONTROLLER WITH ITS OWN GROUND ROD. SEPARATE THE GROUND RODS BY A MINIMUM OF EIGHT FEET. THE GROUND ROD SHALL BE AN EIGHT FOOT LONG BY 5/8" DIAMETER U.L. APPROVED COPPER CLAD ROD. INSTALL NO MORE THAN 6" OF THE GROUND ROD ABOVE FINISH GRADE. CONNECT #6 GAUGE WIRE WITH A U.L. APPROVED GROUND ROD CLAMP TO ROD AND BACK TO GROUND SCREW AT BASE OF CONTROLLER WITH APPROPRIATE CONNECTOR. MAKE THIS WIRE AS SHORT AS POSSIBLE, AVOIDING KINKS OR BENDING.
- INSTALL NEW BATTERIES IN THE IRRIGATION CONTROLLER(S) TO RETAIN PROGRAM IN MEMORY DURING TEMPORARY POWER FAILURES. USE QUANTITY, TYPE AND SIZE REQUIRED AS PER CONTROLLER MANUFACTURER'S INSTRUCTIONS.
- SCHEDULE A MEETING WHICH INCLUDES REPRESENTATIVES OF THE IRRIGATION CONTROLLER MANUFACTURER, THE MAINTENANCE CONTRACTOR, THE OWNER AND THE IRRIGATION CONTRACTOR AT THE SITE FOR INSTRUCTION ON THE PROPER PROGRAMMING AND OPERATION OF THE IRRIGATION CONTROLLER.
- PROVIDE EACH IRRIGATION CONTROLLER WITH ITS OWN INDEPENDENT LOW VOLTAGE COMMON GROUND WIRE.
- IRRIGATION CONTROL WIRES: SOLID COPPER WITH U.L. APPROVAL FOR DIRECT BURIAL IN GROUND. COMMON GROUND WIRE: SIZE #12-1 WIRE WITH A WHITE INSULATING JACKET. CONTROL WIRE SERVICING REMOTE CONTROL VALVES: SIZE #14-1 WIRE WITH INSULATING JACKET OF COLOR OTHER THAN WHITE. SPLICES SHALL BE MADE WITH 3M-DBY SEAL PACKS OR APPROVED EQUAL.
- INSTALL TWO SPARE CONTROL WIRES OF A DIFFERENT COLOR ALONG THE ENTIRE MAIN LINE. LOOP 36" EXCESS WIRE INTO EACH SINGLE VALVE BOX AND INTO ONE VALVE BOX IN EACH GROUP OF VALVES.
- SPLICING OF LOW VOLTAGE WIRES IS PERMITTED IN VALVE BOXES ONLY. LEAVE A 36" LONG, 1" DIAMETER COIL OF EXCESS WIRE AT EACH SPLICE AND A 36" LONG EXPANSION LOOP EVERY 100 FEET ALONG WIRE RUN. TAPE WIRES TOGETHER EVERY TEN FEET. DO NOT TAPE WIRES TOGETHER WHERE CONTAINED WITHIN SLEEVING OR CONDUIT.
- INSTALL GREEN PLASTIC VALVE BOXES WITH BOLT DOWN, NON HINGED COVER MARKED "IRRIGATION CONTROL VALVE". BOX BODY SHALL HAVE KNOCK OUTS. ACCEPTABLE VALVE BOX MANUFACTURER'S INCLUDE NDS, CARSON OR APPROVED EQUAL.
- INSTALL REMOTE CONTROL VALVE BOXES 12" FROM WALK, CURB, BUILDING OR LANDSCAPE FEATURE. AT MULTIPLE VALVE BOX GROUPS, INSTALL EACH BOX AN EQUAL DISTANCE FROM THE WALK, CURB, BUILDING OR LANDSCAPE FEATURE AND PROVIDE 12" BETWEEN BOX TOPS. ALIGN THE SHORT SIDE OF RECTANGULAR VALVE BOXES PARALLEL TO WALK, CURB, BUILDING OR LANDSCAPE FEATURE.
- VALVE LOCATIONS SHOWN ARE DIAGRAMMATIC. INSTALL IN GROUND COVER/SHRUB AREAS (AVOID LAWN AREAS WHERE POSSIBLE).
- THE CONTRACTOR SHALL LABEL CONTROL LINE WIRE AT EACH REMOTE CONTROL VALVE WITH A 2 1/4" X 2 3/4" POLYURETHANE I.D. TAG, INDICATING IDENTIFICATION NUMBER OF VALVE (CONTROLLER AND STATION NUMBER). ATTACH LABEL TO CONTROL WIRE. THE CONTRACTOR SHALL PERMANENTLY STAMP ALL VALVE BOX LIDS WITH APPROPRIATE IDENTIFICATION AS NOTED IN CONSTRUCTION DETAILS.
- FLUSH AND ADJUST IRRIGATION OUTLETS AND NOZZLES FOR OPTIMUM PERFORMANCE AND TO PREVENT OVER SPRAY ONTO WALKS, ROADWAYS, AND/OR BUILDINGS. SELECT THE BEST DEGREE OF THE ARC AND RADIUS TO FIT THE EXISTING SITE CONDITIONS AND THROTTLE THE FLOW CONTROL AT EACH VALVE TO OBTAIN THE OPTIMUM OPERATING PRESSURE FOR EACH CONTROL ZONE.
- SET SPRINKLER HEADS PERPENDICULAR TO FINISH GRADE.
- LOCATE BUBBLERS ON UPHILL SIDE OF PLANT OR TREE.
- INSTALL A HUNTER HCV SERIES, KBI CV SERIES, OR APPROVED EQUAL SPRING LOADED CHECK VALVE IN SPRINKLER RISER ASSEMBLIES WHERE LOW OUTLET DRAINAGE WILL CAUSE EROSION AND/OR EXCESS WATER.
- WHERE IT IS NECESSARY TO EXCAVATE ADJACENT TO EXISTING TREES, USE CAUTION TO AVOID INJURY TO TREES AND TREE ROOTS. EXCAVATE BY HAND IN AREAS WHERE TWO (2) INCH AND LARGER ROOTS OCCUR. BACK FILL TRENCHES ADJACENT TO TREE WITHIN TWENTY-FOUR (24) HOURS. WHERE THIS IS NOT POSSIBLE, SHADE THE SIDE OF THE TRENCH ADJACENT TO THE TREE WITH WET BURLAP OR CANVAS.
- NOTIFY LOCAL JURISDICTIONS FOR INSPECTION AND TESTING OF INSTALLED BACKFLOW PREVENTION DEVICE.
- THE IRRIGATION SYSTEM DESIGN IS BASED ON THE MINIMUM OPERATING PRESSURE SHOWN ON THE IRRIGATION DRAWINGS. VERIFY WATER PRESSURE PRIOR TO CONSTRUCTION. REPORT ANY DIFFERENCE BETWEEN THE WATER PRESSURE INDICATED ON THE DRAWINGS AND THE ACTUAL PRESSURE READING AT THE IRRIGATION POINT OF CONNECTION TO THE OWNER'S AUTHORIZED REPRESENTATIVE.
- IRRIGATION DEMAND: REFER TO PLANS.
- THE EXISTING MAIN LINE SHOWN ON THE DRAWINGS IS DIAGRAMMATIC. VERIFY AND LOCATE EXISTING MAIN LINE IN FIELD. REPORT TO ARCHITECT IN WRITING ANY DEVIATION OF EXISTING MAIN LINE LOCATION FROM THAT SHOWN ON THE DRAWINGS.
- PIPE SIZING SHOWN ON THE DRAWINGS IS TYPICAL. AS CHANGES IN LAYOUT OCCUR DURING STAKING AND CONSTRUCTION THE SIZE MAY NEED TO BE ADJUSTED ACCORDINGLY.

28. PIPE THREAD SEALANT COMPOUND SHALL BE RECTOR SEAL #5.

29. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR MINOR CHANGES IN THE IRRIGATION LAYOUT DUE TO OBSTRUCTIONS NOT SHOWN ON THE IRRIGATION DRAWINGS SUCH AS LIGHTS, FIRE HYDRANTS, SIGNS, ELECTRICAL ENCLOSURES, ETC.

30. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR CHANGES IN THE IRRIGATION LAYOUT AND VALVE ZONING DUE TO VARIATIONS IN THE EXISTING SITE CONDITIONS SUCH AS EXPOSURE FROM BUILDINGS, TRELLISES, TREES, ETC., AS WELL AS SLOPE AND SOIL CONDITIONS. THE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND IRRIGATION CONSULTANT OF THE PROPOSED CHANGES PRIOR TO INSTALLATION FOR APPROVAL.

31. WHEN WORK OF THIS SECTION HAS BEEN COMPLETED AND SUCH OTHER TIMES AS MAY BE DIRECTED, REMOVE ALL TRASH, DEBRIS, SURPLUS MATERIALS AND EQUIPMENT FROM SITE.

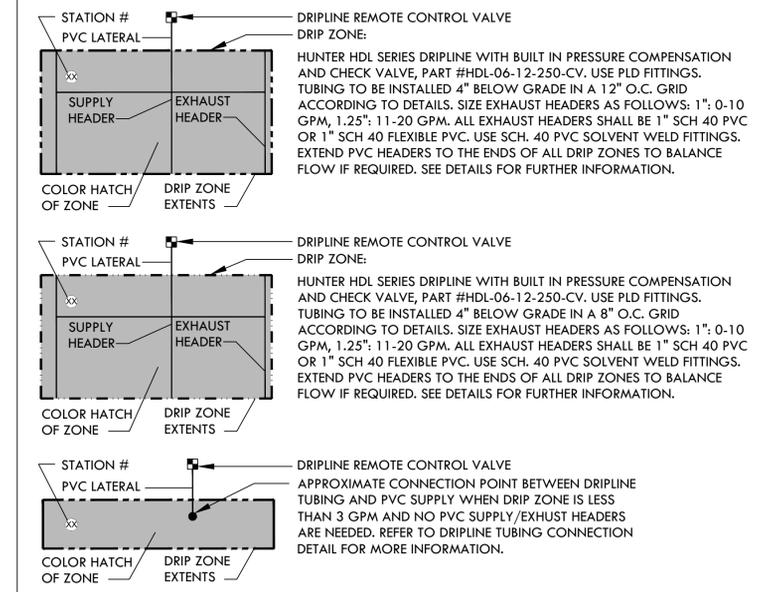
32. CONTRACTOR SHALL BE RESPONSIBLE FOR SUPPLEMENTAL HAND WATERING OF ALL PLANT MATERIAL WITHIN DRIPLINE AREAS UNTIL THE PLANTS ARE SUFFICIENTLY ESTABLISHED.

33. VERIFY LOCATIONS OF ALL IRRIGATION COMPONENTS INSTALLED WITHIN A VALVE BOX WITH LANDSCAPE ARCHITECT PRIOR TO INSTALLATION. DO NOT INSTALL UNTIL LANDSCAPE ARCHITECT PROVIDES ACCEPTABLE LOCATIONS.

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 www.mairrigation.com

**IRRIGATION LEGEND**

SYMBOL	MODEL NUMBER	DESCRIPTION	NOZZLE GPM	OPERATING PSI	OPERATING RADIUS (FEET)
	PCB-25	HUNTER BUBBLER (SHRUB)	0.25	30	TRICKLE
	PCB-25	HUNTER BUBBLER (TREE) MIN. 2 PER TREE. REFER TO BUBBLER DETAIL FOR QUANTITY OF BUBBLERS PER TREE SIZE.	0.25	30	TRICKLE
	WLT-0500-T ECO-ID	NDS SCH 40 BALL VALVE OR APPROVED EQUAL HUNTER ECO-INDICATOR			
	ICV-101 /AS-40	HUNTER REMOTE CONTROL VALVE WITH 40 PSI PRESSURE REGULATOR			
	ICZ-101-40	HUNTER REMOTE CONTROL VALVE WITH A 40 PSI PRESSURE REGULATOR AND A 1" FILTER.			
	QB44RCAR10	BUCKNER 1" TWO-PIECE QUICK COUPLING VALVE (ANTI-ROTATION)			
	T-FP600A-1F-1"	NIBCO 1" BRASS BALL VALVE			
	WT-MV-100G-SNO	WeatherTRAK 1" BRASS MASTER VALVE (NORMALLY OPEN)			
	WTFLOW-HD-P-100	WeatherTRAK 1" FLOW SENSOR			
	975XL2SEU-1"	WILKINS REDUCED PRESSURE BACKFLOW ASSEMBL.			
	MODEL 55	BADGER SUB WATER METER			
	WTLC-C-12-PL/ WTLC-FLOW-KEY	WeatherTRAK LC 12 STATION CONTROLLER IN A PLASTIC WALL MOUNTED ENCLOSURE WITH FLOW KEY.			
	WTLC-C-6-PL/ WTLC-FLOW-KEY	WeatherTRAK LC 6 STATION CONTROLLER IN A PLASTIC WALL MOUNTED ENCLOSURE WITH FLOW KEY.			
		CONTROLLER AND STATION NUMBER REMOTE CONTROL VALVE SIZE (IN INCHES) FLOW (GPM) WATER USE CLASSIFICATION OF ZONE APPLICATION RATE (IN/HR) OR DRIPLINE SPACING AREA (SQ. FT.) ASSOCIATED REMOTE CONTROL VALVE			
		MAIN LINE: 1.25" THROUGHOUT: 1 1/2"-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 18" COVER.			
		LATERAL LINE: 3/4" AND LARGER: 1 1/2"-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.			
		DRIPLINE: 3/4" AND LARGER: 1 1/2"-SCHEDULE 40 PVC PLASTIC PIPE WITH SCHEDULE 40 PVC SOLVENT WELD FITTINGS. 12" COVER.			
		SLEEVING: SCHEDULE 40 PVC PLASTIC PIPE. COVER TO BE AS INDICATED IN SPECIFICATIONS OR AS INDICATED ABOVE FOR PIPE DEPTH OF COVER.			
		MAIN LINE: 1.25" THROUGHOUT: TYPE "K" COPPER PIPE WITH WROUGHT FITTINGS. SHOWN FOR REFERENCE ONLY, SEE PLUMBING PLANS FOR ROUTING THROUGH STRUCTURE.			
		ELECTRICAL CONDUIT: SHOWN FOR REFERENCE ONLY, SEE ELECTRICAL PLANS FOR ROUTING THROUGH STRUCTURE.			



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**IRRIGATION  
NOTES & LEGEND**

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JOB: 0000

SHEET:

IRRIGATION PLAN  
AT STREETSCAPE  
ALT A

L1.0

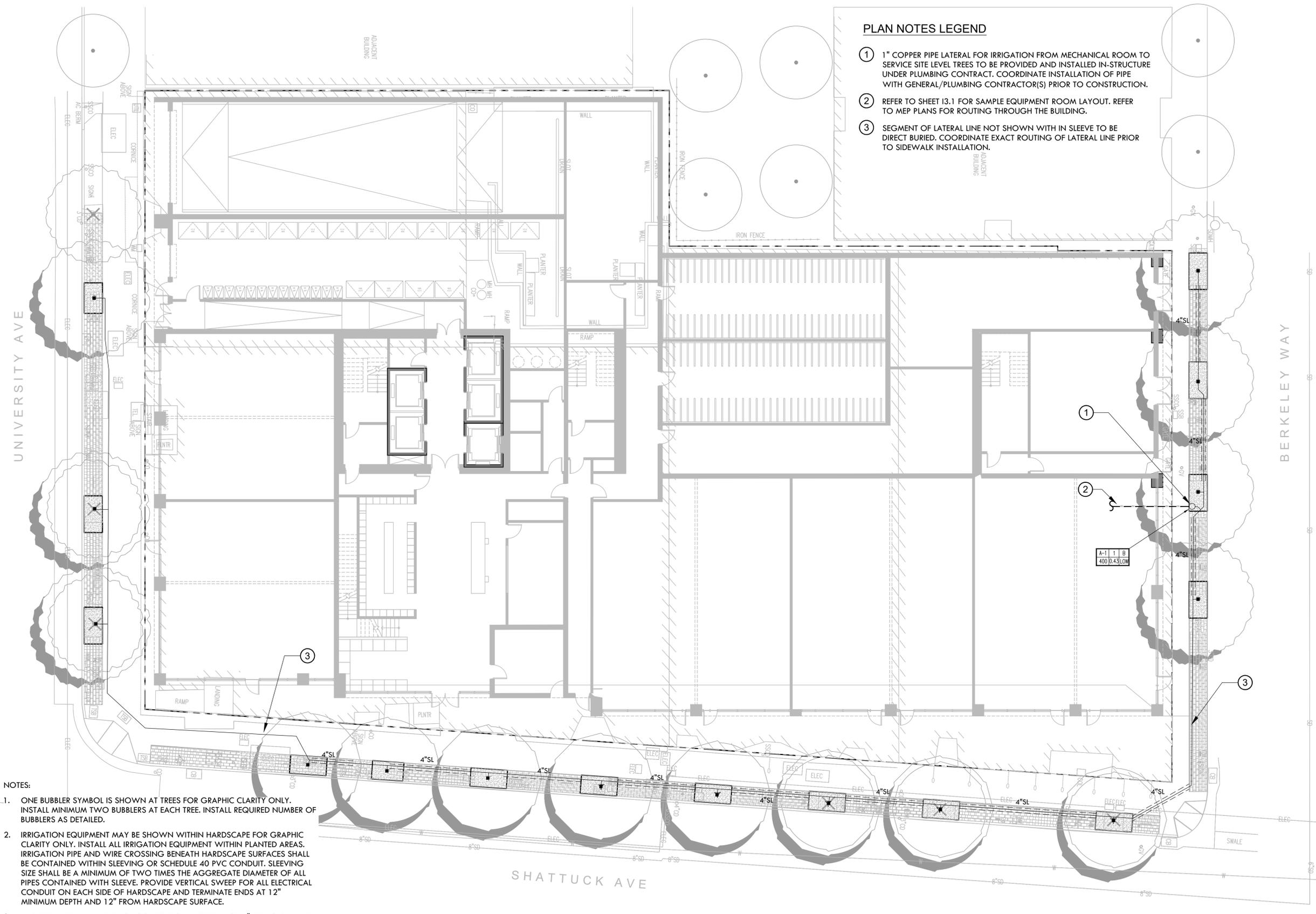
PLAN NOTES LEGEND

- ① 1" COPPER PIPE LATERAL FOR IRRIGATION FROM MECHANICAL ROOM TO SERVICE SITE LEVEL TREES TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- ② REFER TO SHEET I3.1 FOR SAMPLE EQUIPMENT ROOM LAYOUT. REFER TO MEP PLANS FOR ROUTING THROUGH THE BUILDING.
- ③ SEGMENT OF LATERAL LINE NOT SHOWN WITH IN SLEEVE TO BE DIRECT BURIED. COORDINATE EXACT ROUTING OF LATERAL LINE PRIOR TO SIDEWALK INSTALLATION.

NOTES:

1. ONE BUBBLER SYMBOL IS SHOWN AT TREES FOR GRAPHIC CLARITY ONLY. INSTALL MINIMUM TWO BUBBLERS AT EACH TREE. INSTALL REQUIRED NUMBER OF BUBBLERS AS DETAILED.
2. IRRIGATION EQUIPMENT MAY BE SHOWN WITHIN HARDSCAPE FOR GRAPHIC CLARITY ONLY. INSTALL ALL IRRIGATION EQUIPMENT WITHIN PLANTED AREAS. IRRIGATION PIPE AND WIRE CROSSING BENEATH HARDSCAPE SURFACES SHALL BE CONTAINED WITHIN SLEEVING OR SCHEDULE 40 PVC CONDUIT. SLEEVING SIZE SHALL BE A MINIMUM OF TWO TIMES THE AGGREGATE DIAMETER OF ALL PIPES CONTAINED WITH SLEEVE. PROVIDE VERTICAL SWEEP FOR ALL ELECTRICAL CONDUIT ON EACH SIDE OF HARDSCAPE AND TERMINATE ENDS AT 12" MINIMUM DEPTH AND 12" FROM HARDSCAPE SURFACE.
3. UNSIZED LATERAL LINE PIPING LOCATED DOWN STREAM OF 1" PIPING SHALL BE 3/4" IN SIZE (TYPICAL).
4. SIZING OF LATERAL PIPE SHALL BE AS FOLLOWS:  

0.75"	0-6 GPM
1"	7-12 GPM



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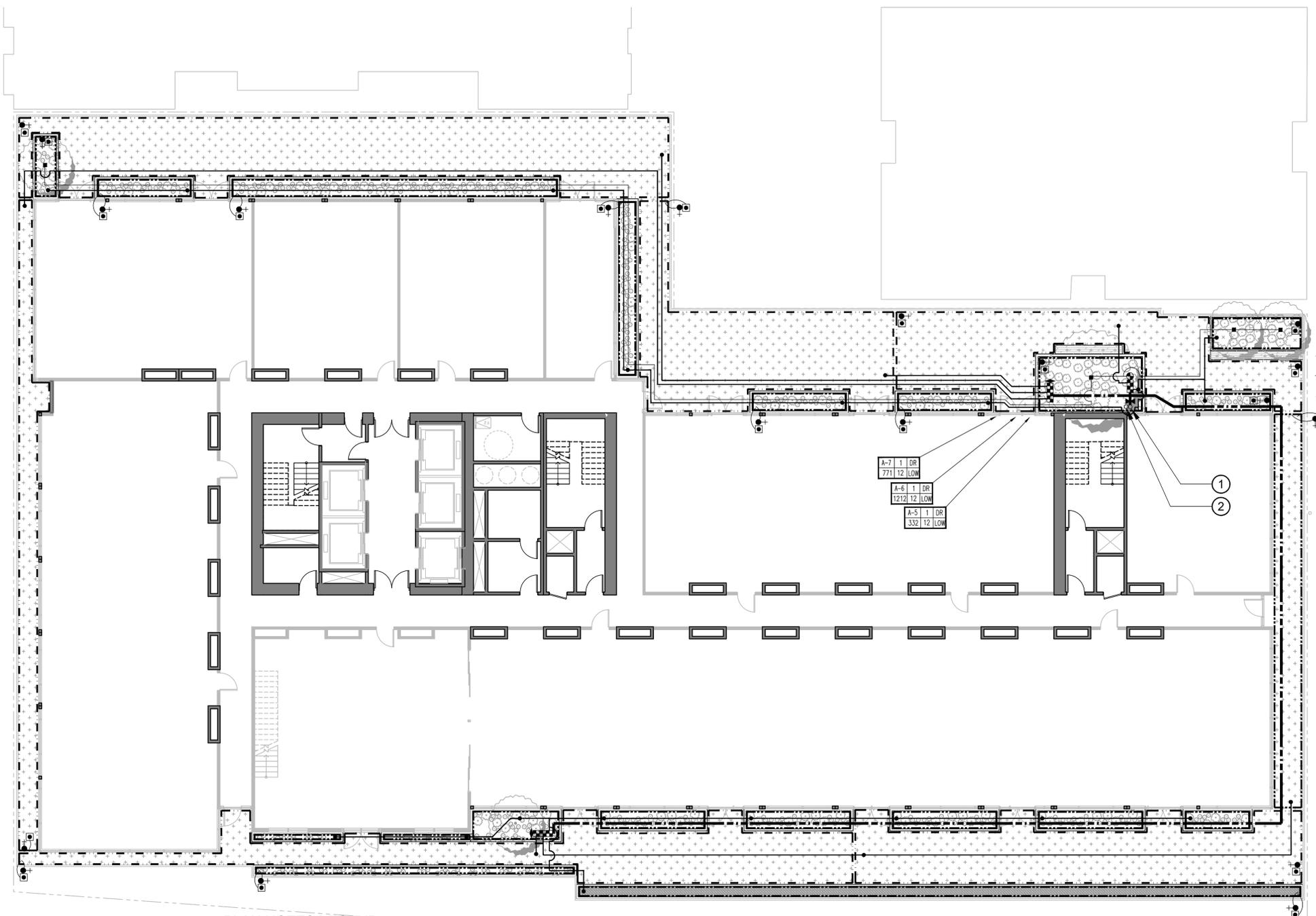
IRRIGATION PLAN  
SECOND FLOOR  
PODIUM GARDENS

L2.0

UNIVERSITY AVE

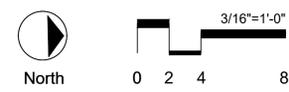
BERKELEY WAY

SHATTUCK AVE



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  - UNSIZED LATERAL LINE PIPING LOCATED DOWN STREAM OF 1" PIPING SHALL BE 3/4" IN SIZE (TYPICAL).
  - SIZING OF LATERAL PIPE SHALL BE AS FOLLOWS:  
0.75" 0-6 GPM
  - SIZING OF LATERAL PIPE FOR DRIPLINE (12" O.C. GRID WITH 0.6 GPH OR LESS EMITTERS) SHALL BE AS FOLLOWS:  
0.75 0-500 FT  
1" 501-1100 FT

- PLAN NOTES LEGEND
- 1.25" COPPER PIPE FOR IRRIGATION ROUTED FROM PARKING LEVEL 1 MECHANICAL ROOM TO THIS APPROXIMATE LOCATION TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
  - 1.25" ELECTRICAL CONDUIT FOR LOW-VOLTAGE IRRIGATION CONTROL VALVES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "C" TO THIS APPROXIMATE LOCATION UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.



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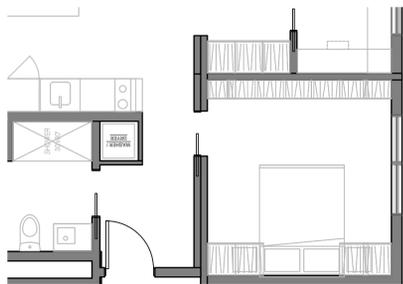
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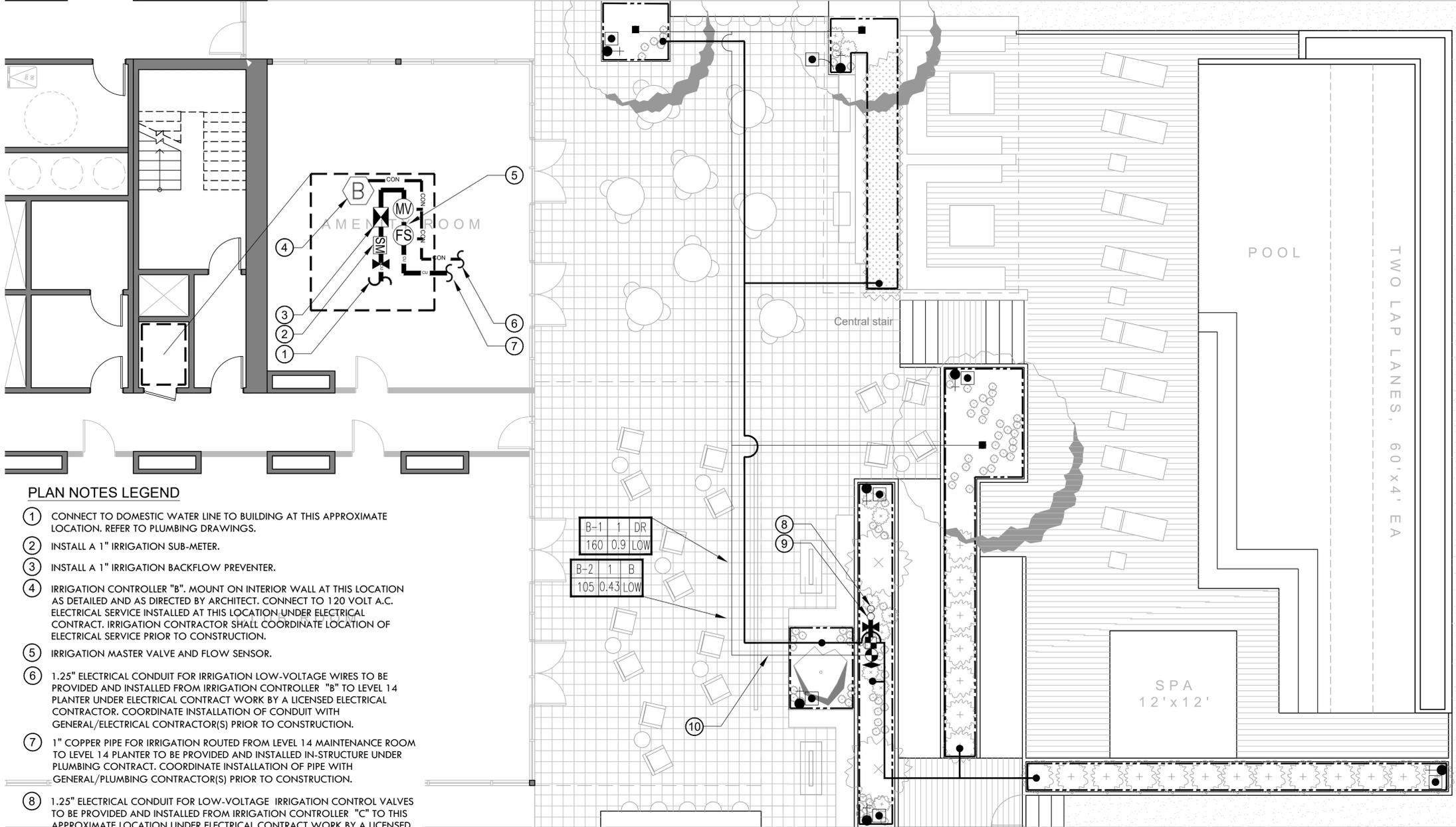
SHEET:  
IRRIGATION PLAN  
FOURTEENTH  
FLOOR ROOF DECK  
ALT E - REVISED

# 13.0



NOTES:

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0.75 0-500 FT  
1" 501-1100 FT

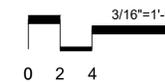


PLAN NOTES LEGEND

- CONNECT TO DOMESTIC WATER LINE TO BUILDING AT THIS APPROXIMATE LOCATION. REFER TO PLUMBING DRAWINGS.
- INSTALL A 1" IRRIGATION SUB-METER.
- INSTALL A 1" IRRIGATION BACKFLOW PREVENTER.
- IRRIGATION CONTROLLER "B". MOUNT ON INTERIOR WALL AT THIS LOCATION AS DETAILED AND AS DIRECTED BY ARCHITECT. CONNECT TO 120 VOLT A.C. ELECTRICAL SERVICE INSTALLED AT THIS LOCATION UNDER ELECTRICAL CONTRACT. IRRIGATION CONTRACTOR SHALL COORDINATE LOCATION OF ELECTRICAL SERVICE PRIOR TO CONSTRUCTION.
- IRRIGATION MASTER VALVE AND FLOW SENSOR.
- 1.25" ELECTRICAL CONDUIT FOR IRRIGATION LOW-VOLTAGE WIRES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "B" TO LEVEL 14 PLANTER UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- 1" COPPER PIPE FOR IRRIGATION ROUTED FROM LEVEL 14 MAINTENANCE ROOM TO LEVEL 14 PLANTER TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- 1.25" ELECTRICAL CONDUIT FOR LOW-VOLTAGE IRRIGATION CONTROL VALVES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "C" TO THIS APPROXIMATE LOCATION UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- 1" COPPER PIPE FOR IRRIGATION ROUTED FROM PARKING LEVEL 1 MECHANICAL ROOM TO THIS APPROXIMATE LOCATION TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- ALL IRRIGATION LINES SHALL BE ROUTED UNDER PEDESTAL PAVERS.

27 FEB 2023

# ALT E - REVISED



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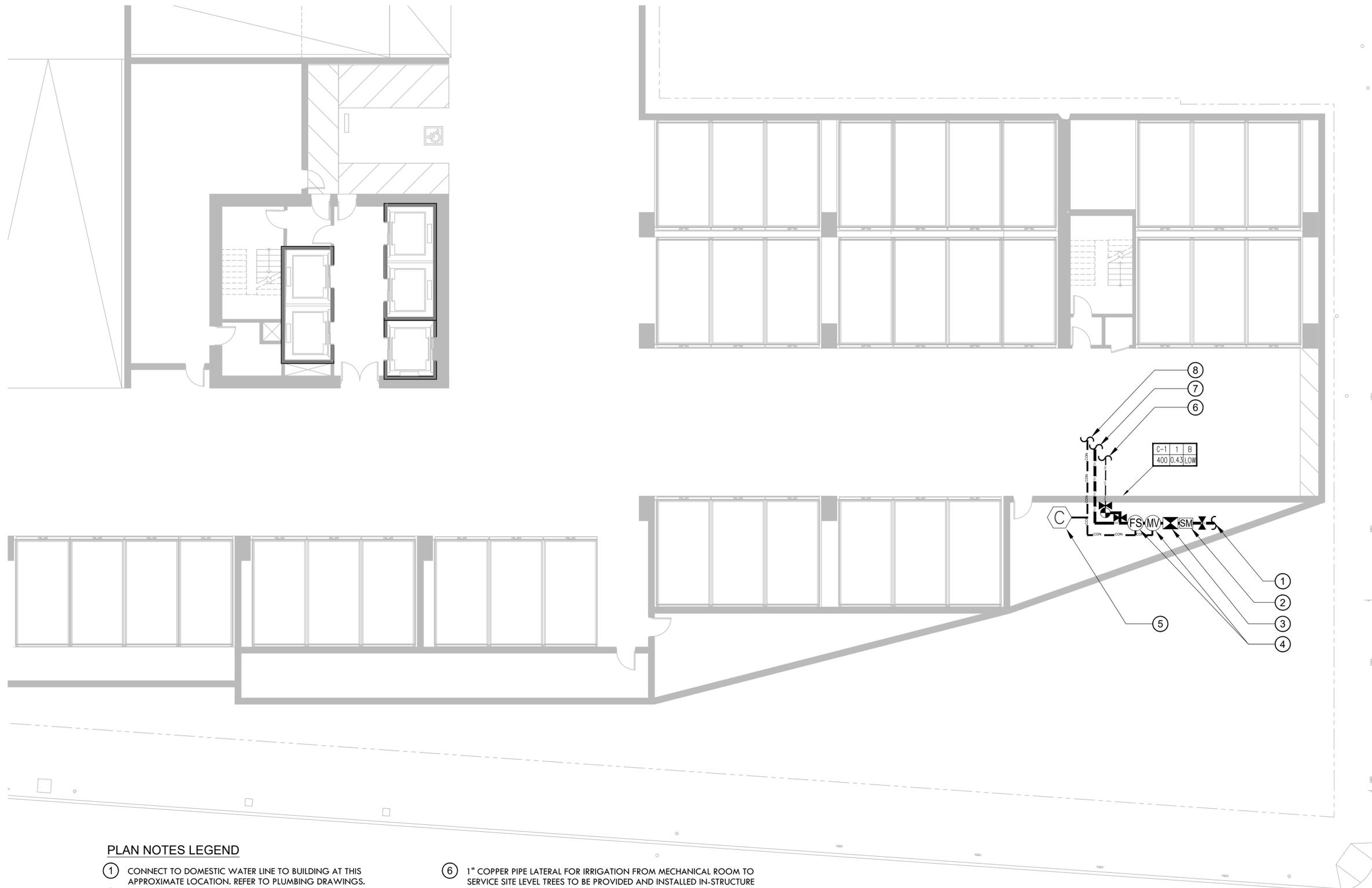
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SHEET:

IRRIGATION  
POINT OF  
CONNECTION

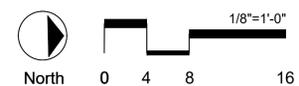
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PLAN NOTES LEGEND

- ① CONNECT TO DOMESTIC WATER LINE TO BUILDING AT THIS APPROXIMATE LOCATION. REFER TO PLUMBING DRAWINGS.
- ② INSTALL A 1" IRRIGATION SUB-METER.
- ③ INSTALL A 1" IRRIGATION BACKFLOW PREVENTER.
- ④ IRRIGATION MASTER VALVE AND FLOW SENSOR.
- ⑤ IRRIGATION CONTROLLER "C". MOUNT ON INTERIOR WALL AT THIS LOCATION AS DETAILED AND AS DIRECTED BY ARCHITECT. CONNECT TO 120 VOLT A.C. ELECTRICAL SERVICE INSTALLED AT THIS LOCATION UNDER ELECTRICAL CONTRACT. IRRIGATION CONTRACTOR SHALL COORDINATE LOCATION OF ELECTRICAL SERVICE PRIOR TO CONSTRUCTION.
- ⑥ 1" COPPER PIPE LATERAL FOR IRRIGATION FROM MECHANICAL ROOM TO SERVICE SITE LEVEL TREES TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- ⑦ 1.25" COPPER PIPE FOR IRRIGATION ROUTED FROM MECHANICAL ROOM TO PODIUM LEVEL PLANTERS TO BE PROVIDED AND INSTALLED IN-STRUCTURE UNDER PLUMBING CONTRACT. COORDINATE INSTALLATION OF PIPE WITH GENERAL/PLUMBING CONTRACTOR(S) PRIOR TO CONSTRUCTION.
- ⑧ 1.25" ELECTRICAL CONDUIT FOR LOW-VOLTAGE IRRIGATION CONTROL VALVES TO BE PROVIDED AND INSTALLED FROM IRRIGATION CONTROLLER "C" TO PODIUM LEVEL PLANTERS UNDER ELECTRICAL CONTRACT WORK BY A LICENSED ELECTRICAL CONTRACTOR. COORDINATE INSTALLATION OF CONDUIT WITH GENERAL/ELECTRICAL CONTRACTOR(S) PRIOR TO CONSTRUCTION.

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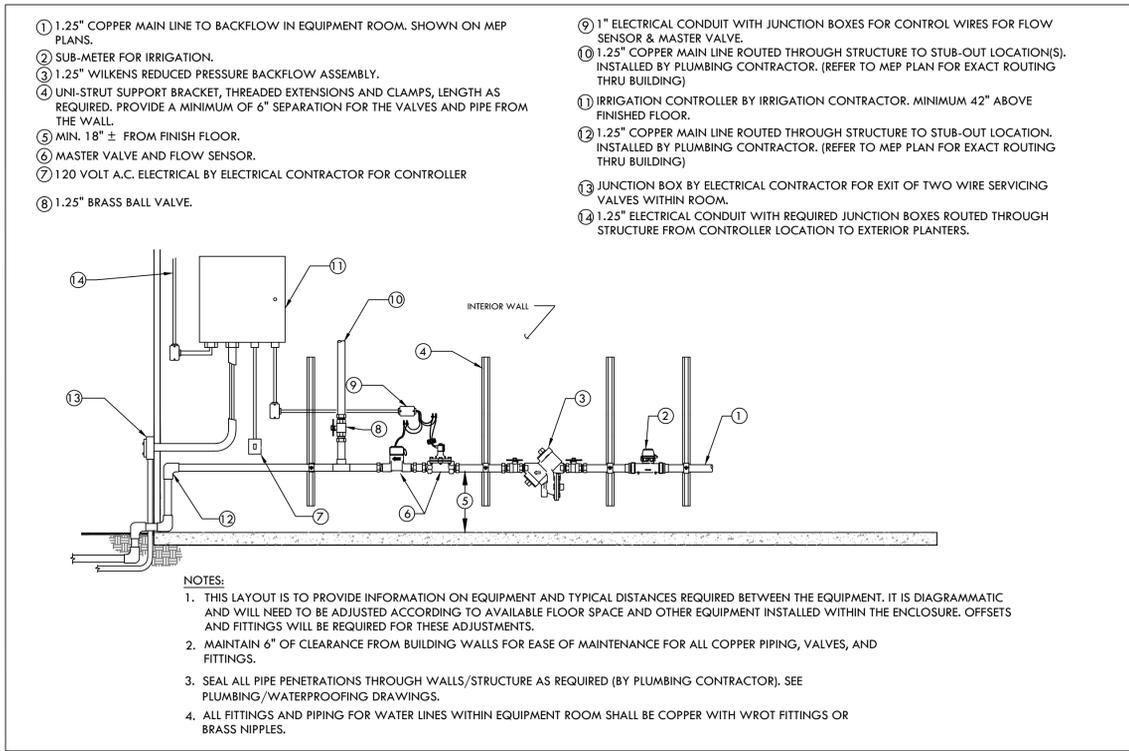
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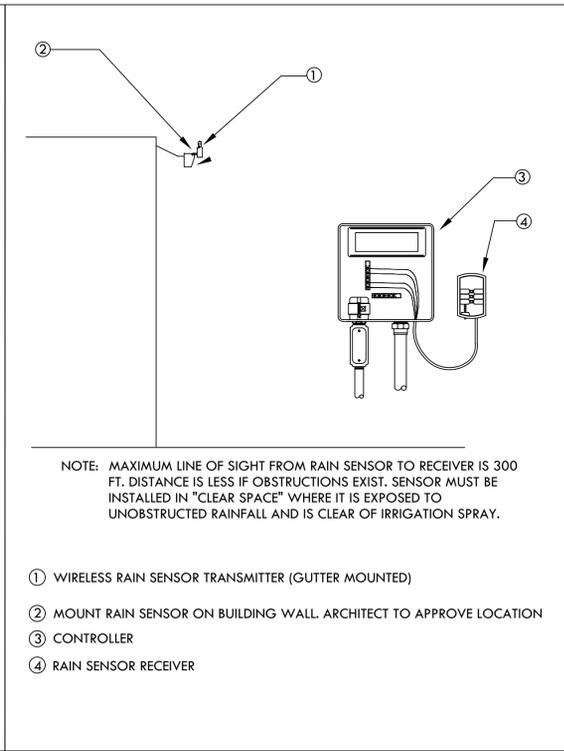
SHEET:

IRRIGATION  
DETAILS

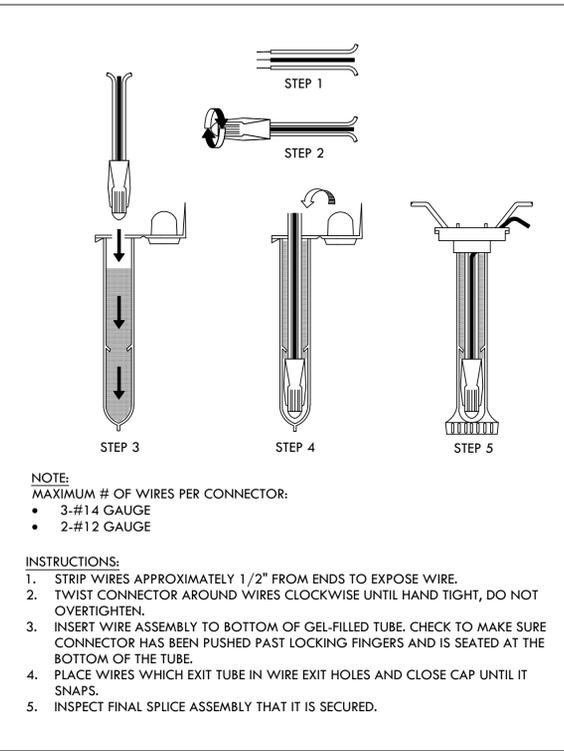
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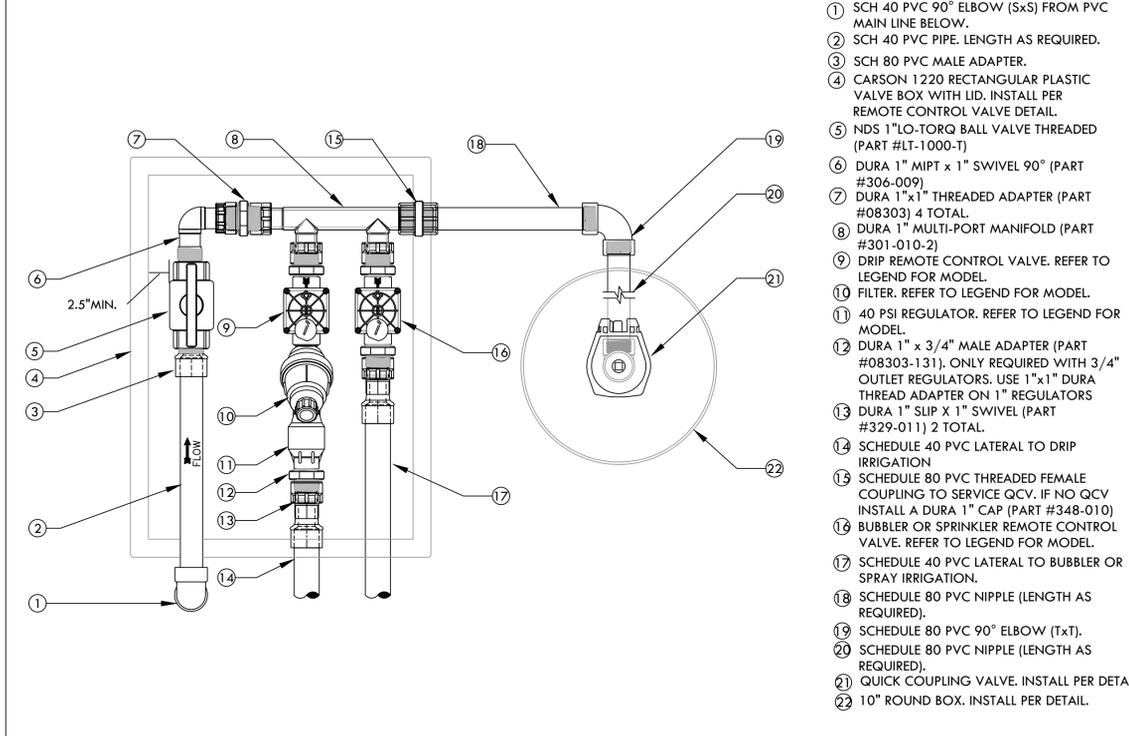
1 IRRIGATION EQUIPMENT LAYOUT DIAGRAM DETAIL  
SCALE: NONE



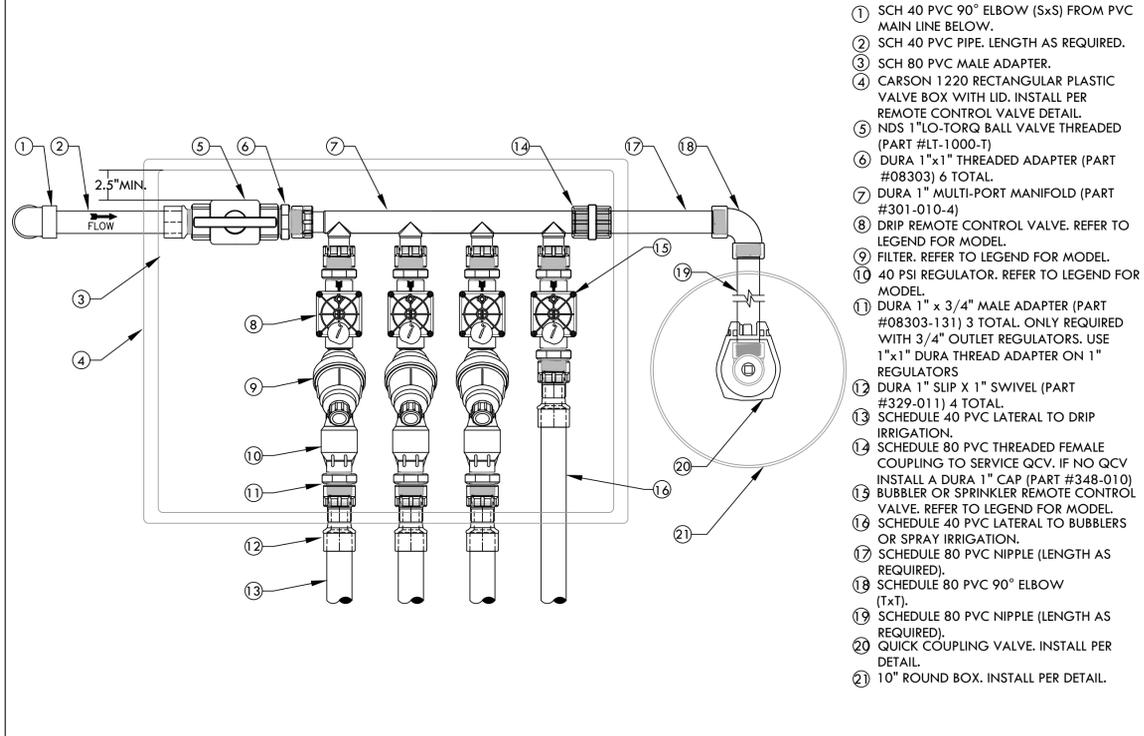
2 WIRELESS RAIN SENSOR-GUTTER MOUNT  
SCALE: NONE



3 WEATHERPROOF WIRE SPLICE ASSEMBLY  
SCALE: NONE



4 TWO REMOTE VALVE MANIFOLD DETAIL WITH QUICK COUPLING VALVE (1" VALVES ONLY)  
SCALE: NONE



5 FOUR REMOTE VALVE MANIFOLD DETAIL WITH QUICK COUPLING VALVE (1" VALVES ONLY)  
SCALE: NONE

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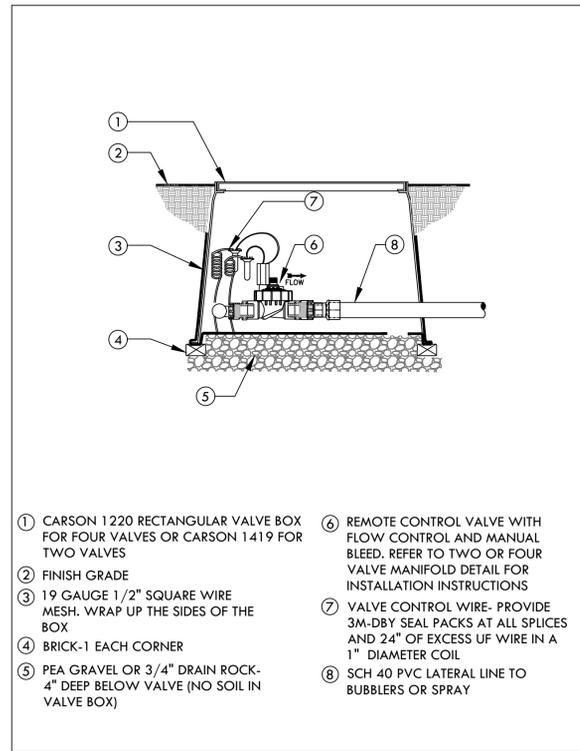
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JOB: 0000

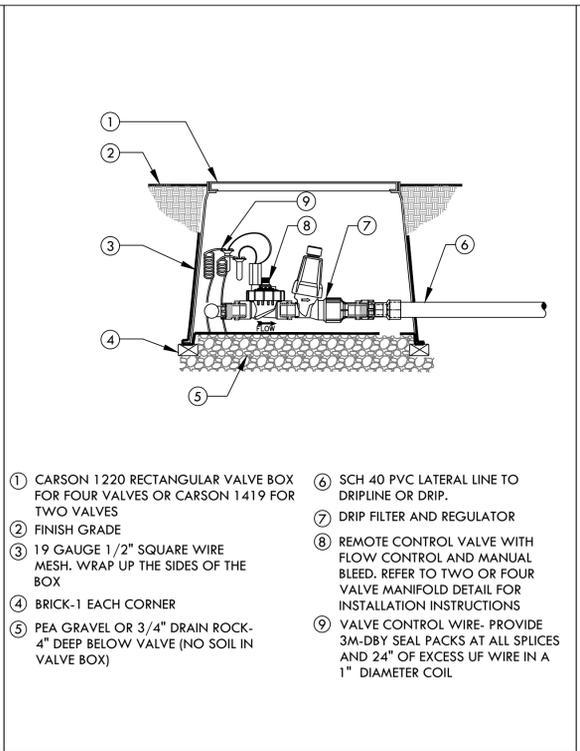
SHEET:

IRRIGATION  
DETAILS

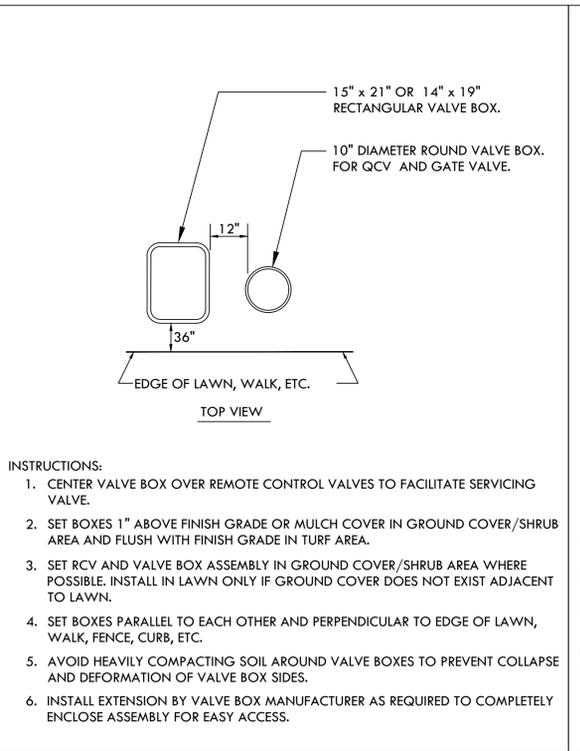
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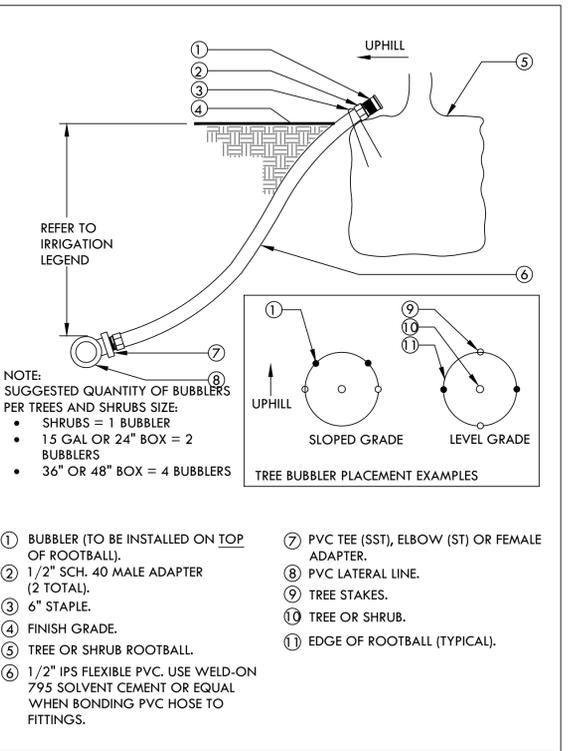
- 1 CARSON 1220 RECTANGULAR VALVE BOX FOR FOUR VALVES OR CARSON 1419 FOR TWO VALVES
- 2 FINISH GRADE
- 3 19 GAUGE 1/2" SQUARE WIRE MESH. WRAP UP THE SIDES OF THE BOX
- 4 BRICK-1 EACH CORNER
- 5 PEA GRAVEL OR 3/4" DRAIN ROCK- 4" DEEP BELOW VALVE (NO SOIL IN VALVE BOX)
- 6 REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED. REFER TO TWO OR FOUR VALVE MANIFOLD DETAIL FOR INSTALLATION INSTRUCTIONS
- 7 VALVE CONTROL WIRE. PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 24" OF EXCESS UF WIRE IN A 1" DIAMETER COIL
- 8 SCH 40 PVC LATERAL LINE TO BUBBLERS OR SPRAY



- 1 CARSON 1220 RECTANGULAR VALVE BOX FOR FOUR VALVES OR CARSON 1419 FOR TWO VALVES
- 2 FINISH GRADE
- 3 19 GAUGE 1/2" SQUARE WIRE MESH. WRAP UP THE SIDES OF THE BOX
- 4 BRICK-1 EACH CORNER
- 5 PEA GRAVEL OR 3/4" DRAIN ROCK- 4" DEEP BELOW VALVE (NO SOIL IN VALVE BOX)
- 6 SCH 40 PVC LATERAL LINE TO DRIPLINE OR DRIP.
- 7 DRIP FILTER AND REGULATOR
- 8 REMOTE CONTROL VALVE WITH FLOW CONTROL AND MANUAL BLEED. REFER TO TWO OR FOUR VALVE MANIFOLD DETAIL FOR INSTALLATION INSTRUCTIONS
- 9 VALVE CONTROL WIRE. PROVIDE 3M-DBY SEAL PACKS AT ALL SPLICES AND 24" OF EXCESS UF WIRE IN A 1" DIAMETER COIL



- INSTRUCTIONS:
- CENTER VALVE BOX OVER REMOTE CONTROL VALVES TO FACILITATE SERVICING VALVE.
  - SET BOXES 1" ABOVE FINISH GRADE OR MULCH COVER IN GROUND COVER/SHRUB AREA AND FLUSH WITH FINISH GRADE IN TURF AREA.
  - SET RCV AND VALVE BOX ASSEMBLY IN GROUND COVER/SHRUB AREA WHERE POSSIBLE. INSTALL IN LAWN ONLY IF GROUND COVER DOES NOT EXIST ADJACENT TO LAWN.
  - SET BOXES PARALLEL TO EACH OTHER AND PERPENDICULAR TO EDGE OF LAWN, WALK, FENCE, CURB, ETC.
  - AVOID HEAVILY COMPACTING SOIL AROUND VALVE BOXES TO PREVENT COLLAPSE AND DEFORMATION OF VALVE BOX SIDES.
  - INSTALL EXTENSION BY VALVE BOX MANUFACTURER AS REQUIRED TO COMPLETELY ENCLOSE ASSEMBLY FOR EASY ACCESS.



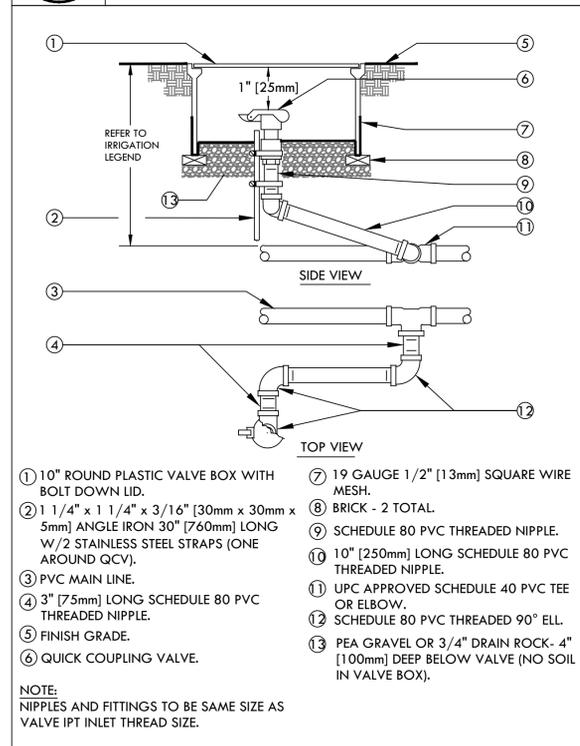
- NOTE: SUGGESTED QUANTITY OF BUBBLERS PER TREES AND SHRUBS SIZE:
- SHRUBS = 1 BUBBLER
  - 15 GAL OR 24" BOX = 2 BUBBLERS
  - 36" OR 48" BOX = 4 BUBBLERS
- NOTE: BUBBLER (TO BE INSTALLED ON TOP OF ROOTBALL).
- 1/2" SCH. 40 MALE ADAPTER (2 TOTAL).
  - 6" STAPLE.
  - FINISH GRADE.
  - TREE OR SHRUB ROOTBALL.
  - 1/2" IPS FLEXIBLE PVC. USE WELD-ON 795 SOLVENT CEMENT OR EQUAL WHEN BONDING PVC HOSE TO FITTINGS.
  - PVC TEE (SST), ELBOW (ST) OR FEMALE ADAPTER.
  - PVC LATERAL LINE.
  - TREE STAKES.
  - 6" STAPLE.
  - TREE OR SHRUB.
  - EDGE OF ROOTBALL (TYPICAL).

1 BUBBLER OR SPRAY REMOTE CONTROL VALVE IN TWO OR FOUR VALVE MANIFOLD  
SCALE: NONE

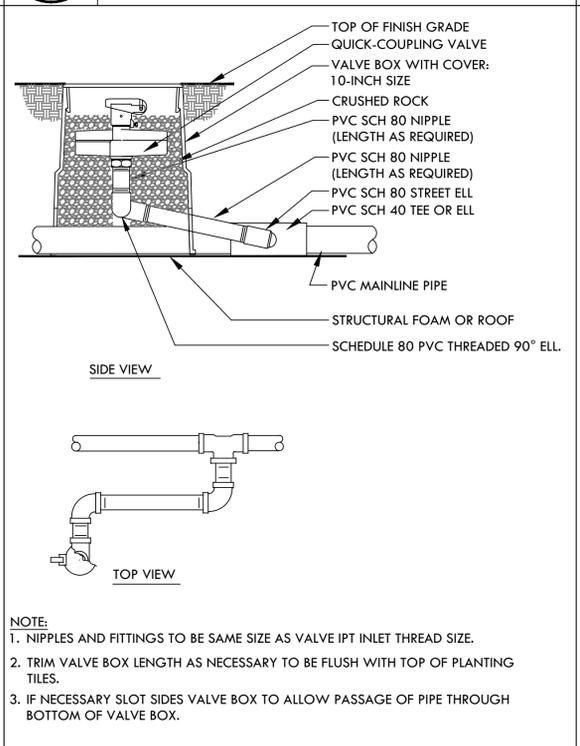
2 DRIP REMOTE CONTROL VALVE IN TWO OR FOUR VALVE MANIFOLD  
SCALE: NONE

3 VALVE BOX INSTALLATION  
SCALE: NONE

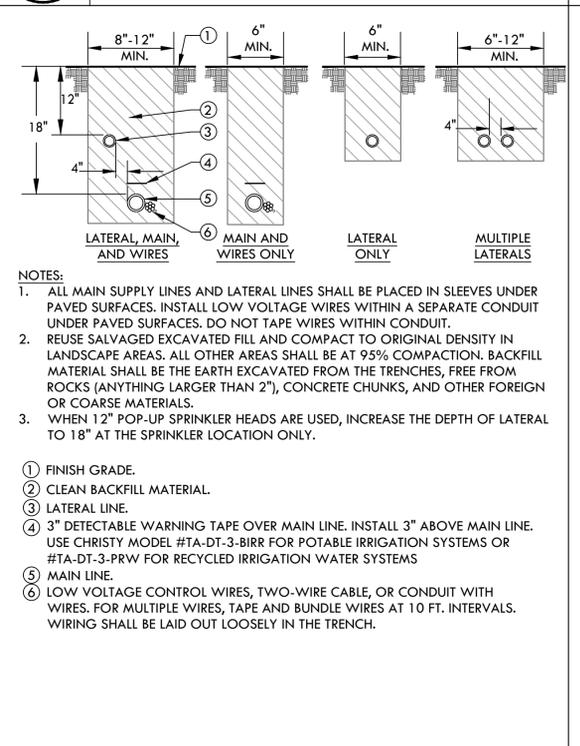
4 TREE AND SHRUB BUBBLER  
SCALE: NONE



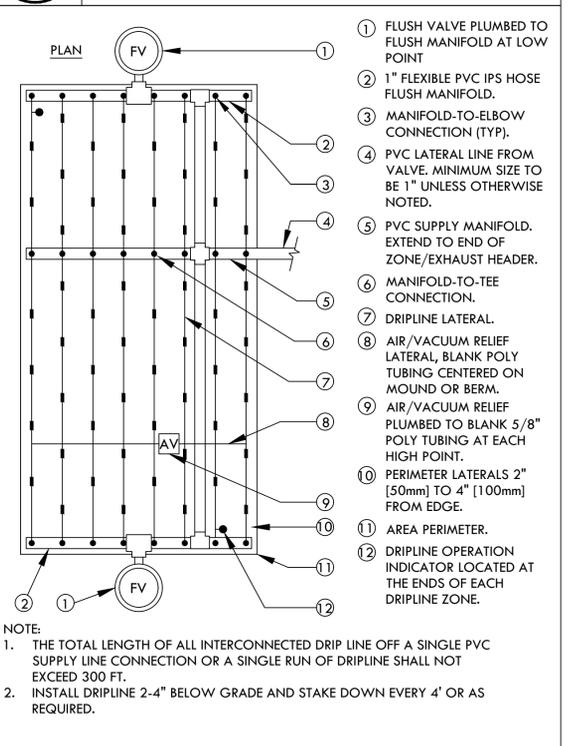
- 10" ROUND PLASTIC VALVE BOX WITH BOLT DOWN LID.
  - 1 1/4" x 1 1/4" x 3/16" [30mm x 30mm x 5mm] ANGLE IRON 30° [760mm] LONG W/2 STAINLESS STEEL STRAPS (ONE AROUND QCV).
  - PVC MAIN LINE.
  - 3" [75mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
  - FINISH GRADE.
  - QUICK COUPLING VALVE.
  - 19 GAUGE 1/2" [13mm] SQUARE WIRE MESH.
  - BRICK - 2 TOTAL.
  - SCHEDULE 80 PVC THREADED NIPPLE.
  - 10" [250mm] LONG SCHEDULE 80 PVC THREADED NIPPLE.
  - UPC APPROVED SCHEDULE 40 PVC TEE OR ELBOW.
  - PEA GRAVEL OR 3/4" DRAIN ROCK- 4" [100mm] DEEP BELOW VALVE (NO SOIL IN VALVE BOX).
- NOTE: NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.



- NOTE:
- NIPPLES AND FITTINGS TO BE SAME SIZE AS VALVE IPT INLET THREAD SIZE.
  - TRIM VALVE BOX LENGTH AS NECESSARY TO BE FLUSH WITH TOP OF PLANTING TILES.
  - IF NECESSARY SLOT SIDES VALVE BOX TO ALLOW PASSAGE OF PIPE THROUGH BOTTOM OF VALVE BOX.



- NOTES:
- ALL MAIN SUPPLY LINES AND LATERAL LINES SHALL BE PLACED IN SLEEVES UNDER PAVED SURFACES. INSTALL LOW VOLTAGE WIRES WITHIN A SEPARATE CONDUIT UNDER PAVED SURFACES. DO NOT TAPE WIRES WITHIN CONDUIT. REUSE SALVAGED EXCAVATED FILL AND COMPACT TO ORIGINAL DENSITY IN LANDSCAPE AREAS. ALL OTHER AREAS SHALL BE AT 95% COMPACTION. BACKFILL MATERIAL SHALL BE THE EARTH EXCAVATED FROM THE TRENCHES, FREE FROM ROCKS (ANYTHING LARGER THAN 2"), CONCRETE CHUNKS, AND OTHER FOREIGN OR COARSE MATERIALS.
  - WHEN 12" POP-UP SPRINKLER HEADS ARE USED, INCREASE THE DEPTH OF LATERAL TO 18" AT THE SPRINKLER LOCATION ONLY.
- FINISH GRADE.
  - CLEAN BACKFILL MATERIAL.
  - LATERAL LINE.
  - 3" DETECTABLE WARNING TAPE OVER MAIN LINE. INSTALL 3" ABOVE MAIN LINE. USE CHRISTY MODEL #TA-DT-3-BRR FOR POTABLE IRRIGATION SYSTEMS OR #TA-DT-3-PRW FOR RECYCLED IRRIGATION WATER SYSTEMS
  - MAIN LINE.
  - LOW VOLTAGE CONTROL WIRES, TWO-WIRE CABLE, OR CONDUIT WITH WIRES. FOR MULTIPLE WIRES, TAPE AND BUNDLE WIRES AT 10 FT. INTERVALS. WIRING SHALL BE LAID OUT LOOSELY IN THE TRENCH.



- FLUSH VALVE PLUMBED TO FLUSH MANIFOLD AT LOW POINT
  - 1" FLEXIBLE PVC IPS HOSE FLUSH MANIFOLD.
  - MANIFOLD-TO-ELBOW CONNECTION (TYP).
  - PVC LATERAL LINE FROM VALVE. MINIMUM SIZE TO BE 1" UNLESS OTHERWISE NOTED.
  - PVC SUPPLY MANIFOLD. EXTEND TO END OF ZONE/EXHAUST HEADER.
  - MANIFOLD-TO-TEE CONNECTION.
  - DRIPLINE LATERAL.
  - AIR/VACUUM RELIEF LATERAL, BLANK POLY TUBING CENTERED ON MOUND OR BERM.
  - AIR/VACUUM RELIEF PLUMBED TO BLANK 5/8" POLY TUBING AT EACH HIGH POINT.
  - PERIMETER LATERALS 2" [50mm] TO 4" [100mm] FROM EDGE.
  - AREA PERIMETER.
  - DRIPLINE OPERATION INDICATOR LOCATED AT THE ENDS OF EACH DRIPLINE ZONE.
- NOTE:
- THE TOTAL LENGTH OF ALL INTERCONNECTED DRIP LINE OFF A SINGLE PVC SUPPLY LINE CONNECTION OR A SINGLE RUN OF DRIPLINE SHALL NOT EXCEED 300 FT.
  - INSTALL DRIPLINE 2-4" BELOW GRADE AND STAKE DOWN EVERY 4' OR AS REQUIRED.

5 QUICK COUPLING VALVE  
SCALE: NONE

6 QUICK COUPLING VALVE-ON STRUCTURE  
SCALE: NONE

7 TRENCHING  
SCALE: NONE

8 HLD DRIPLINE CENTER FEED LAYOUT  
SCALE: NONE

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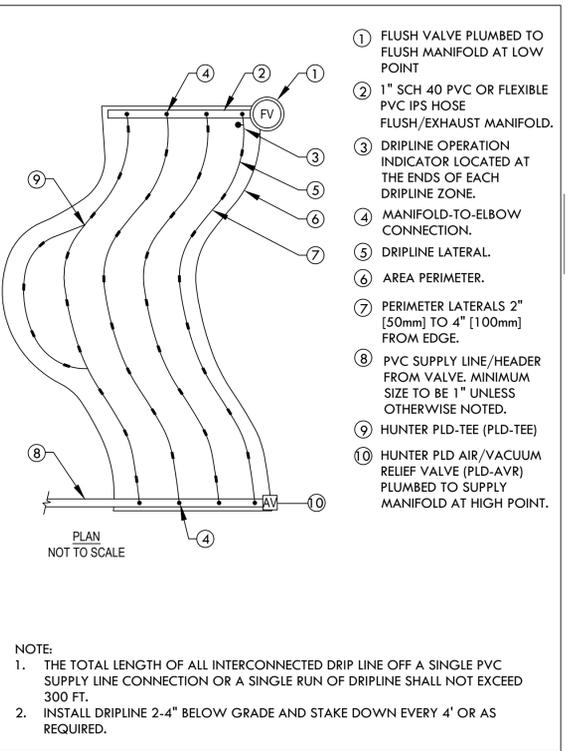
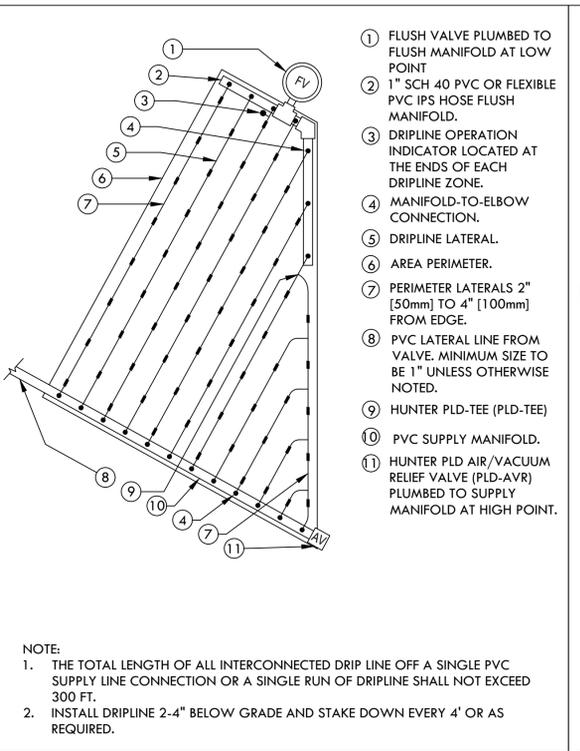
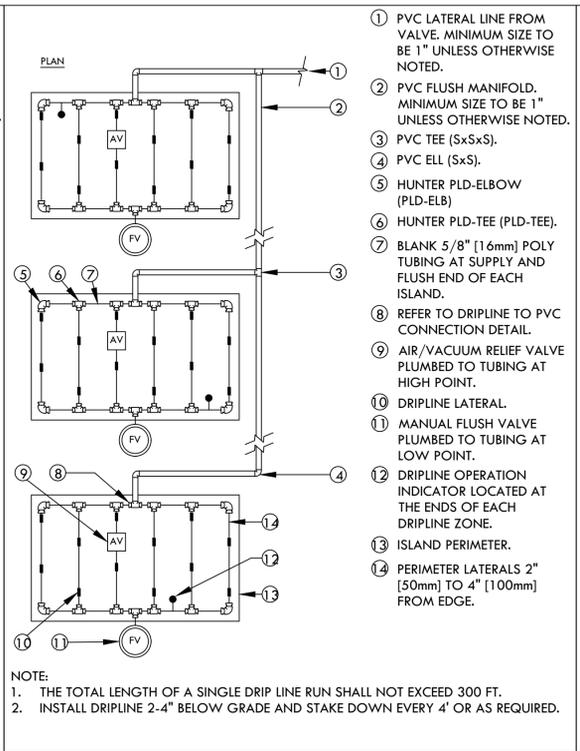
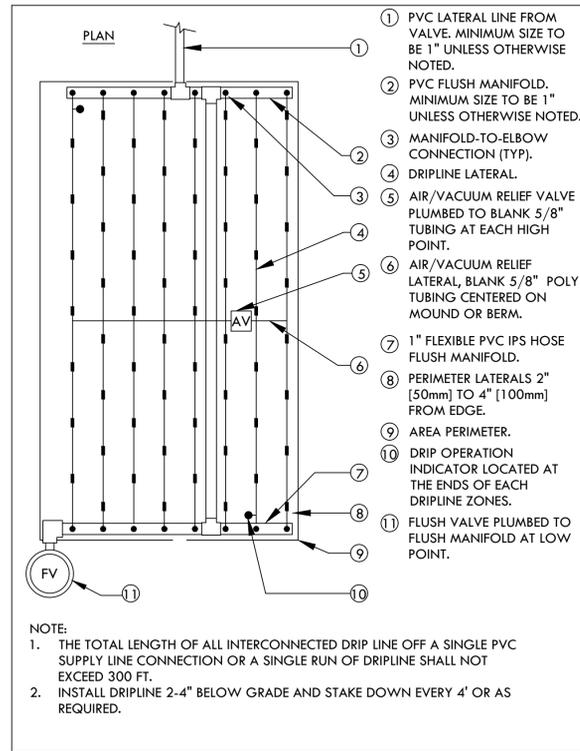
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JOB: 0000

SHEET:

IRRIGATION  
DETAILS

16.0

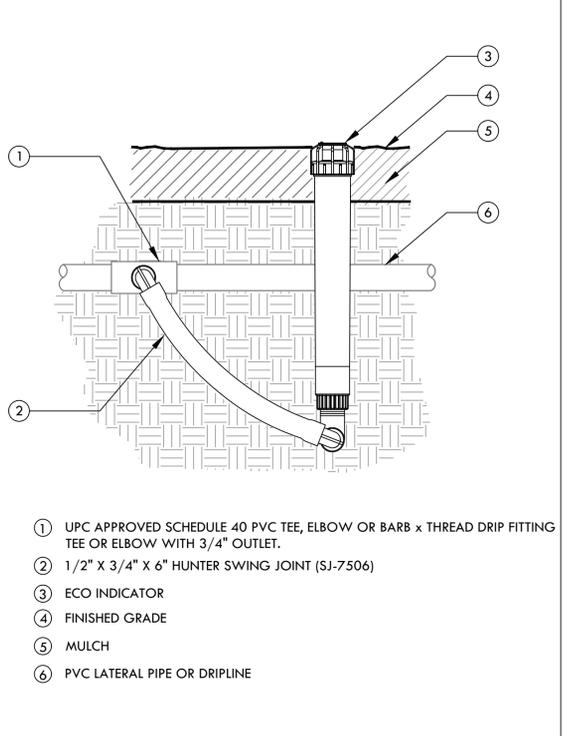
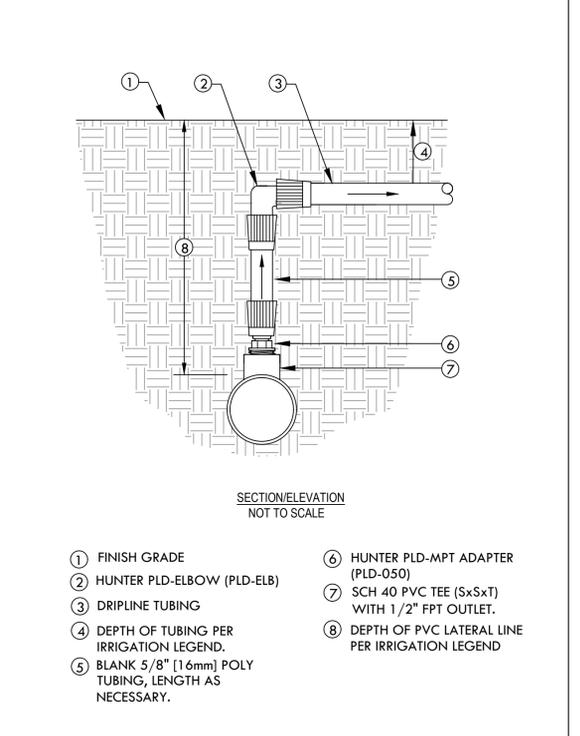
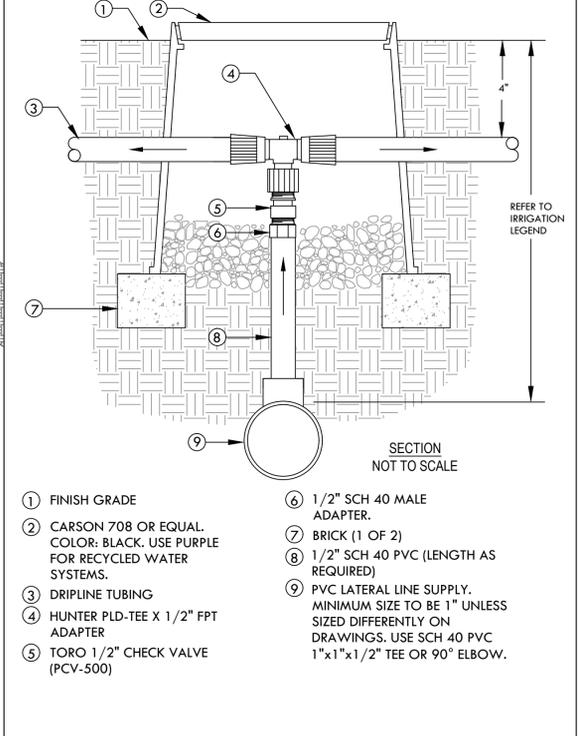
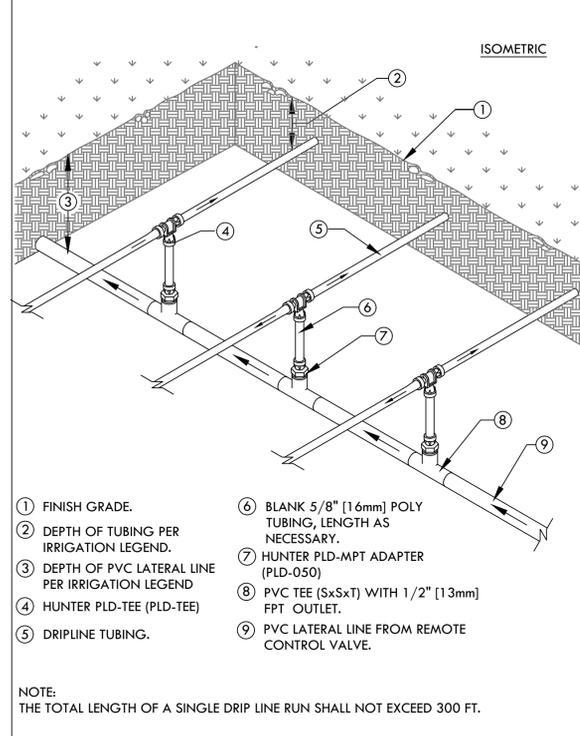


**1** HLD DRIPLINE END FEED LAYOUT  
SCALE: NONE

**2** HLD DRIPLINE ISLAND LAYOUT  
SCALE: NONE

**3** HLD DRIPLINE TRIANGULAR LAYOUT  
SCALE: NONE

**4** HLD DRIPLINE ODD CURVE LAYOUT  
SCALE: NONE



**5** HLD DRIPLINE CENTER FEED MANIFOLD  
SCALE: NONE

**6** DRIPLINE TO PVC CONNECTION  
SCALE: NONE

**7** DRIPLINE MANIFOLD TO ELBOW CONNECTION  
SCALE: NONE

**8** DRIPLINE OPERATION INDICATOR  
SCALE: NONE

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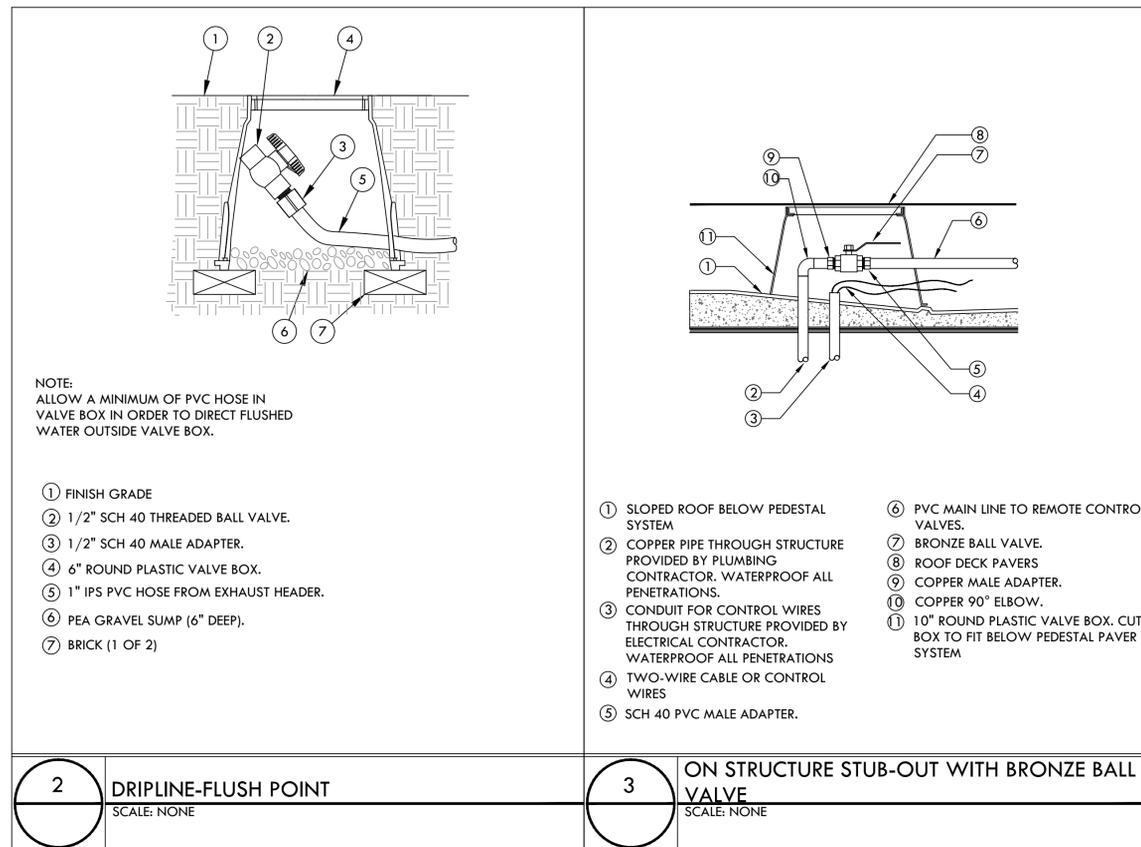
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JOB: 0000

SHEET:

IRRIGATION  
DETAILS

17.0



IRRIGATION WATER USE CALCULATIONS

WATER USE ESTIMATION CONTROLLER "A"

WATER TYPE	POTABLE
SITE ETO=	41.8

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
1	SHRUBS	LOW	0.3	BUBBLER	0.81	0.370	1,079	400	10,357	0.03	13.85	17%
2	GROUNDCOVER	LOW	0.3	BUBBLER	0.81	0.370	4,915	1,820	47,177	0.14	63.07	77%
3	TREES	LOW	0.3	BUBBLER	0.81	0.370	400	148	3,839	0.01	5.13	6%
<b>TOTALS</b>							<b>6,394</b>	<b>2,368</b>	<b>61,373</b>	<b>0.19</b>	<b>82.05</b>	<b>100%</b>

HYDROZONE #	HYDROZONE NAME	1	0%
NA			0%
<b>TOTALS</b>		<b>0</b>	<b>0%</b>

MAWA	GALLONS/YR	74,868
	ACRE FEET/YR	0.23
	HCF/YR	99.69

<b>MAWA FORMULA</b>
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR
MAWA = (ETo)(0.62)[(LA x 0.45) + (0.55 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION  
0.55= ET ADJUSTMENT FACTOR  
LA=LANDSCAPED AREA (SQUARE FEET)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

<b>ETWU FORMULA</b>
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR
ETWU= ((ETo)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION  
PF = PLANT FACTOR FOR HYDROZONES  
HA = HYDROZONE AREA (SQ.FT)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
81.0%	0.30	YES

<b>ETAF Calculations</b>	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	2,368
TOTAL AREA	6,394
AVG. ETAF	37.04%

WATER USE ESTIMATION CONTROLLER "B"

WATER TYPE	POTABLE
SITE ETO=	41.8

HYDROZONE #	HYDROZONE NAME	PLANT WATER USE TYPE	PLANT FACTOR (PF)	IRRIGATION METHOD	IRRIGATION EFFICIENCY	ETAF (PF/IE)	AREA (SQ. FT) (HA)	ETAF X AREA (HA)	ETWU (GAL/YR)	ACRE FEET/ YEAR	HCF/ YEAR	PERCENTAGE OF LANDSCAPE
1	SHRUBS	LOW	0.3	BUBBLER	0.81	0.370	160	69	1,536	0.00	2.05	60%
2	TREES	LOW	0.3	BUBBLER	0.81	0.370	105	39	1,008	0.00	1.35	40%
<b>TOTALS</b>							<b>265</b>	<b>98</b>	<b>2,544</b>	<b>0.01</b>	<b>3.40</b>	<b>100%</b>

HYDROZONE #	HYDROZONE NAME	1	0%
NA			0%
<b>TOTALS</b>		<b>0</b>	<b>0%</b>

MAWA	GALLONS/YR	3,090
	ACRE FEET/YR	0.01
	HCF/YR	4.13

<b>MAWA FORMULA</b>
MAXIMUM APPLIED WATER ALLOWANCE (MAWA) GALLONS PER YEAR
MAWA = (ETo)(0.62)[(LA x 0.45) + (0.55 x SLA)]

ETo = REFERENCE EVAPOTRANSPIRATION  
0.55= ET ADJUSTMENT FACTOR  
LA=LANDSCAPED AREA (SQUARE FEET)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

<b>ETWU FORMULA</b>
ESTIMATED TOTAL WATER USE (ETWU) GALLONS PER YEAR
ETWU= ((ETo)(.62)(ETAF x LA))

ETo = REFERENCE EVAPOTRANSPIRATION  
PF = PLANT FACTOR FOR HYDROZONES  
HA = HYDROZONE AREA (SQ.FT)  
0.62 = CONVERSION FACTOR (GALLONS/SQ.FT/YR)

IE = IRRIGATION EFFICIENCY (0.81)-BUBBLER/DRIP

IE = IRRIGATION EFFICIENCY (0.75)-ROTORS/SPRAY

SITE IRRIGATION EFFICIENCY	SITE PLANT FACTOR	MAWA COMPLIANT
81.0%	0.30	YES

<b>ETAF Calculations</b>	
REGULAR LANDSCAPE AREAS	
TOTAL ETAF x AREA	98
TOTAL AREA	265
AVG. ETAF	37.04%



Planning and Development  
Land Use Planning Division

November 19, 2024

Genna Yarkin  
Holland & Knight, LLP  
560 Mission Street, Suite 1900  
San Francisco, CA 94105

Sent via email to:  
[Genna.Yarkin@hklaw.com](mailto:Genna.Yarkin@hklaw.com)

**RE: CEQA Determination for Use Permit Application #ZP2023-0040 for 1950-1998  
Shattuck Avenue / 2071 University**

Dear Genna Yarkin,

The City of Berkeley ("City") has received the letter in support of a CEQA Exemption for the project, prepared by Holland & Knight, LLP, dated October 8, 2024. The City has also received separately, technical reports to support a CEQA Exemption (Traffic Impact Analysis, Phase I Environmental Site Assessment Report, Summary Historical Evaluations, Air Quality Impact Analysis, Noise Impact Analysis, and Water Quality Memorandum).

**Staff has determined that this project meets the criteria for a Categorical exemption pursuant to CEQA Guidelines, Section 15332, "In-Fill Development Projects" (Class 32).**

Next Steps

1. ZAB Decision. Pursuant to Government Code Section 65950, the project shall be approved or disapproved within 60 days of staff's determination that the project is exempt from CEQA (on November 19, 2024). However, the Berkeley Municipal Code requires the permit application to undergo a Demolition Referral at a public meeting before the Landmarks Preservation Commission (LPC) and Preliminary Design Review (DRCP2023-0003) at a public meeting before the Design Review Committee (DRC) prior to a decision on the use permit (ZP2023-0040) by the Zoning Adjustments Board (ZAB). The earliest that a Demolition Referral can be scheduled before the LPC is January 6, 2025, with DRC review to follow on January 16, 2025. Following the DRC review, the earliest that the permit application can be scheduled for a decision hearing before the ZAB is February 27, 2025.

Pursuant to Government Code Section 65957, the project applicant and lead agency may extend the time limit once, up to 90 days, by mutual written agreement. To meet the time limits afforded by Section 65950, staff is recommending a time extension agreement to allow the LPC meeting to occur on January 6, 2025, the DRC meeting to occur on January 16, 2025, and ZAB hearing to occur on February 27, 2025.

Please provide written confirmation that you agree to an extension of the time limit set forth in Government Code section 65950.

2. Notice of Exemption. The City will be filing the Notice of Exemption (NOE) for projects that go to the ZAB or City Council. Filing the NOE starts a 35-day statute of limitations period on legal challenges to the agency's decision that a project is exempt from CEQA. If the NOE is not filed, a 180-day statute of limitations applies. The NOE needs to be filed with the State Clearinghouse and with the County Clerk's office. The City will post with the State Clearinghouse, but the posting with the County Clerk's office can be done by either the City or the applicant. If the City completes the posting, there is a fee of \$920. Otherwise, the applicant can file with the County and provide the \$50 filing fee directly to the County. The NOE is filed after the use permit becomes effective.

Please complete the attached form to state your preference and return it to me via email.

Note that additional information may be required to correct, clarify, or amplify the materials submitted in the application, to prepare the project for a ZAB decision hearing. Please provide the information requested by staff in a timely manner in order to maintain the discussed project schedule.

Please feel free to contact me with any questions regarding this letter or your application.

Sincerely,



Sharon Gong  
Senior Planner  
(510) 981-7429  
[sgong@berkeleyca.gov](mailto:sgong@berkeleyca.gov)

Cc:

Mia Perkins, Rhoades Planning Group  
Mark Rhoades, Rhoades Planning Group  
Nathan George, NX Ventures  
Xin Jin  
Farimah Brown, City Attorney, City of Berkeley  
Sara Stephens, Deputy City Attorney, City of Berkeley  
Jordan Klein, Director of Department of Planning and Development, City of Berkeley  
Anne Hersch, Land Use Planning Manager, City of Berkeley

Attachment:

Notice of Exemption Filing Preference Form



# PLANNING & DEVELOPMENT

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**To:** Applicant

**From:** City of Berkeley Planning & Development

**Project Address/Permit # (ZP):** \_\_\_\_\_

**Subject:** Private Projects – Filing Notice of Exemption (NOE) form with the Alameda County Clerk-Recorder

Following decision-maker approval of a project exempt from the provisions of the California Environmental Quality Act (CEQA), a NOE may be filed with the Alameda County Clerk-Recorder. It is strongly recommended that the NOE be filed in a timely manner. The filing of a NOE starts a 35-day statute of limitations period on legal challenges to the agency's decision that the project is exempt from the provisions of CEQA. If the NOE is not filed a 180-day statute of limitations will apply, refer to CEQA Guidelines Section 15062(d). Please note that recent legislation requires the City to file the NOE with the State Clearinghouse in the Office of Planning and Research.

Please review the attached NOE and indicate how you would like to proceed with filing by selecting one of the options below:

- Berkeley Planning & Development to file the NOE:** Within 30-days of deeming the project complete, the Applicant will be invoiced for the NOE filing fee, refer to the current fee schedule linked [here](#). Please note that Berkeley Planning staff will schedule the public hearing once all outstanding fees are paid. Once the project receives final approval and after the 14-day appeal period expires, Berkeley Planning staff will file the NOE with the Alameda County Clerk-Recorder and the State Clearinghouse.
- Applicant to file the NOE:** Applicant shall submit a copy to the Alameda County Clerk-Recorder in accordance with CEQA Guidelines Section 15062 after the project receives final approval and the 14-day appeal period expires. The Office of the County Clerk-Recorder is located at 1106 Madison Street, Oakland, CA 94607. The Clerk will stamp the NOE, return the original set, and post the NOE for a period of 30 days. Once recorded, the applicant shall provide a stamped copy to the Berkeley Planning staff person assigned to the project. Refer to Alameda County Clerk-Recorder's website linked [here](#) for more information on hours of operation, fees, and payment methods.

Applicant Name (please print): \_\_\_\_\_

Applicant Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please note that categorical exemptions are not subject to the California Department of Fish and Wildlife environmental document filing fee and do not require a no effect determination (Cal. Code Regs., tit. 14, §§ 15260-15333; Fish & Game Code §711.4, subd. (d)(1)).

# Holland & Knight

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October 8, 2024

Sharon Gong - Senior Planner  
City of Berkeley Planning Department  
1947 Center Street, 3rd Floor  
Berkeley, CA 94704

Re: **1950-1998 Shattuck Avenue - Eligibility for CEQA Exemption**

Dear Sharon,

We represent McSpats, LLC (the “Applicant”) in connection with its proposed mixed-use development at 1950-1998 Shattuck Avenue (the “Project Site”) in Berkeley (the “City”) with Application No. ZP2023-0040 (the “Project”). We understand that on April 11, 2024, the City determined the Project’s application to be complete for processing. We further understand that in a May 16, 2024 letter and in other subsequent communication with the Applicant, the City has indicated a Class 32 Infill Exemption is the appropriate route for California Environmental Quality Act (“CEQA”) compliance, subject to confirmation that the Project qualifies with all eligibility criteria, and that none of the exceptions to the exemption apply.

To support the City’s determination, the Applicant has specifically prepared and submitted technical reports to demonstrate that the Project would not cause significant water quality impacts,<sup>1</sup> noise impacts,<sup>2</sup> and air quality impacts<sup>3</sup> (in addition to the Traffic Impact Analysis and other technical reports that were previously submitted for the Project). We understand that the City has also expressed a desire for further documentation of the Project’s failure to cause cumulatively significant impacts. Accordingly, the purposes of this letter are threefold:

1. To provide the City with the requested support indicating that the Project will not have a significant cumulative impact resulting from “successive projects of the same type in the same place, over time”;

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<sup>1</sup> See FirstCarbon Solutions, Inc.’s report entitled “Water Quality Memorandum for the Proposed 1974 Shattuck Avenue Mixed Use Project in Berkeley, California,” dated August 22, 2024.

<sup>2</sup> See FirstCarbon Solutions, Inc.’s report entitled “Noise Impact Analysis for the Proposed 1974 Shattuck Avenue Mixed Use Project in Berkeley, California,” dated August 30, 2024.

<sup>3</sup> See FirstCarbon Solutions, Inc.’s report entitled “Air Quality Impacts Analysis for the 1974 Shattuck Avenue Mixed Use Project in Berkeley, California,” dated August 30, 2024.

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2. To remind the City of the limited scope of CEQA review as it applies to Housing Accountability Act (“HAA”) projects; and
3. To briefly document the Project’s eligibility for the protections of Assembly Bill 1633 (“AB 1633”), should they be needed in the future.

### **Support for Class 32 Infill Exemption Due to Lack of Significant Cumulative Impacts**

CEQA limits the use of Class 32 Infill Exemptions in situations where a development would cause significant cumulative impacts that are specifically from “*successive projects of the same type in the same place, over time.*”<sup>4</sup>

It is our understanding that “in the same place” is best understood to mean the Project Site, and at most the sites immediately surrounding it. Potential construction impacts of the Project would be temporary and confined to the vicinity of the Project Site; moreover, potential impacts would be subject to local, regional, and State regulations to reduce effects during construction. No successive projects on the Project Site are known or expected to occur over time that would result in cumulatively considerable impacts. Rather, the Project is a single residential development that will exist in this location for at least several decades, and that will occupy the entirety of the Project Site. Finally, the technical reports that the Applicant had prepared and submitted to the City for air quality, water quality, noise, document the lack of cumulative impacts in these areas specifically.

We understand that with approval of the Project, the City will have exceeded the number of residential units that the Downtown Area Plan EIR assumed for the area. However, this fact alone says nothing about the Project’s tendency to cause significant cumulative impacts. Rather, the Project is subject to its own, independent CEQA compliance requirement separate from the Downtown Area Plan, and there is no evidence available to indicate that this specific residential development would cause such impacts, where previous developments that fit within the Downtown Area Plan assumptions did not. Finally, whether other applicants apply for and the City is required by State law to approve additional residential units in the area after the Project, is also not affected in any way by the Project, but rather is a matter of State law.

For all of the above reasons, the Project will not cause significant cumulative impacts from “successive projects of the same type in the same place, over time.”

### **CEQA Compliance for HAA Eligible Projects**

The Project’s status as an HAA protected affordable housing development project limits the scope of the City’s review of the Project under CEQA. As the leading treatise states: “When the discretion a lead agency may exercise in granting an approval for a project is confined, CEQA

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<sup>4</sup> CEQA Guidelines Section 15300.2(b).

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review for that approval may be limited to match the scope of that discretion.” *Practice Under the California Environmental Quality Act* (2d ed. Cal. CEB 2023) §12.8.

This legal principle was affirmed in a recent, lengthy discussion by the First District Court of Appeal in *Tiburon Open Space Committee v. County of Marin* (2022) 78 Cal.App.5th 700 (“*Tiburon*”). The *Tiburon* court’s full discussion is illuminating:

“CEQA ... recognizes that an agency’s discretion is limited by its own legal obligations. **Accordingly, where a legal obligation limits an agency’s discretion, the scope of environmental review likewise is limited.** (See, e.g., *Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 714-716, 29 Cal.Rptr.2d 182.) This is also consistent with CEQA’s requirement that an agency exercise its discretionary powers in a manner ‘consistent with express or implied limitations provided by other laws.’ CEQA Guidelines, § 15040, subd. (e). ...Where a lead agency’s discretion already is limited by legal obligations, therefore, the scope of environmental review adjusts in relation to the amount of discretion. ...

Accordingly, an EIR must reflect any applicable legal obligations that limit the agency’s discretionary authority, and thus the scope of review. And while CEQA imposes a duty on lead agencies to avoid or mitigate significant environmental impacts caused by projects, such duty exists only to the extent feasible. ... Mitigation measures that conflict with legal obligations are legally infeasible and ‘need not be proposed or analyzed.’ CEQA Guidelines § 15126.4, subd. (a)(5); *see also* § 21004. Alternatives that conflict with obligations also are legally infeasible and need not be analyzed. CEQA Guidelines § 15126.6, subd. (a) (‘An EIR is not required to consider alternatives which are infeasible ...’).”

*Tiburon*, 78 Cal.App.5th at 732-33 (internal quotations omitted) (emphasis added). *See also Practice Under the California Environmental Quality Act* (2d ed. Cal. CEB 2023) §19.39 (“The agency is not required to assess environmental impacts that are outside the scope of its discretionary authority.”); *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924, 938 (“Where an agency has no authority to modify a project based on the analysis contained in the EIR, there is no basis for requiring the agency to prepare the EIR.”).

As such, regardless of what the proper scope of CEQA review would typically be, for this Project it is significantly limited by the HAA. To that end, the City should ensure that environmental review is confined to those issues over which it possesses discretionary authority – specifically, potential health and safety impacts, as discussed above, and it is entirely appropriate for the Project to proceed using a Class 32 Infill exemption, as also detailed above.

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### **The Project's Eligibility for AB 1633**

The new protections afforded by AB 1633 further confine the City's environmental review of the Project. AB 1633 established new violations of the HAA. It is now a violation of the HAA to fail to grant qualifying projects a CEQA exemption, where there is substantial evidence in the record that the project is eligible for such an exemption. AB 1633 limits the City's authority to require analysis that is not legally required and beyond the limited scope of its discretion.

As detailed in **Attachment A** to this letter, the Project's site satisfies all the criteria necessary to be eligible for AB 1633, and the Project is *not* within any of the following locations of environmental concern:

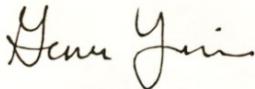
- Coastal zone
- Prime farmland
- Wetlands
- Sites on the Cortese List
- A state-delineated earthquake fault zone
- A special flood hazard area subject to a 100-year flood
- A Federal Emergency Management Agency ("FEMA") designated floodway
- A site designated for conservation
- Habitat for protected species
- A site encumbered by a conservation easement
- A very high fire hazard severity zone

Therefore, the City must adhere to the procedural requirements governing consideration of the Project's eligibility for an exemption. The Applicant seeks to ensure that the City's CEQA review proceeds in strict conformance with these heightened standards to help streamline the delivery of much needed housing in Berkeley, in line with the goal of addressing the state's housing crisis.

We appreciate your continued attention to this Project.

Sincerely,

HOLLAND & KNIGHT LLP



Genna Yarkin

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## ATTACHMENT A

### Analysis of Project Eligibility for AB 1633 Protections

FAILURE TO MAKE CEQA EXEMPTION DETERMINATION	
ELIGIBILITY CRITERIA	PROJECT CONSISTENCY
(1) “[S]ubstantial evidence in the record before the local agency that the <b>housing development project is not located . . .</b> ” in the following areas: <sup>5</sup>	
Within specified areas of a coastal zone <sup>6</sup>	<i>The Project site is not located within the coastal zone.</i>
“Either prime farmland or farmland of statewide importance . . . designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.” <sup>7</sup>	<i>The Project site is not designated prime farmland or farmland of statewide importance by the California Department of Conservation.  Rather, the Project site is in an infill location zoned for urban development.</i>
Wetlands <sup>8</sup>	<i>The Project site is fully developed with urban uses and does not contain wetlands.</i>
A hazardous waste site listed on the Cortese List “or a hazardous waste site designated by the Department of Toxic Substances Control,” unless the Department of Toxic Substances Control has cleared the site for residential or residential mixed uses. <sup>9</sup>	<i>The Project site is not listed on the Cortese List and it is not designated by the Department of Toxic Substances Control as a hazardous waste site.<sup>10</sup></i>
Within a state-delineated earthquake fault zone, “unless the development complies with applicable seismic protection building	<i>The Project site is not located within a state-delineated earthquake fault zone.<sup>12</sup></i>

<sup>5</sup> Gov. Code § 65589.5(h)(6)(D)(i)(I) (“(ia) On a site specified in subparagraphs (A) to (C), inclusive, or subparagraphs (E) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4”; and “(ib) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.”).

<sup>6</sup> Gov. Code § 65913.4(a)(6)(A) (as amended by SB 423 (2023)).

<sup>7</sup> Gov. Code § 65913.4(a)(6)(B).

<sup>8</sup> Gov. Code § 65913.4(a)(6)(C) (“as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993)”).

<sup>9</sup> Gov. Code § 65913.4(a)(6)(E).

<sup>10</sup> See <https://calepa.ca.gov/sitecleanup/corteselist/>; see also the Project’s Phase I Environmental Site Assessment.

<sup>12</sup> See [City GIS](#).

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code standards adopted by the California Building Standards Commission . . . , and by any local building department . . . .” <sup>11</sup>	
“Within a special flood hazard area subject to inundation by the 1 percent chance of flood,” unless the project has been issued a Letter of Map Revision or flood plain development permit. <sup>13</sup>	<i>The Project site is not within a special flood hazard area.</i> <sup>14</sup>
Within a floodway, unless the project has received a no-rise certification. <sup>15</sup>	<i>The Project site is not located within a floodway.</i> <sup>16</sup>
“Lands identified for conservation in an adopted natural community conservation plan . . . , habitat conservation plan . . . , or other adopted natural resource protection plan.” <sup>17</sup>	<i>The Project site is developed for and planned for urban uses and is not within a conservation plan area.</i>
“Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the Federal Endangered Species Act . . . , the California Endangered Species Act . . . , or the Native Plant Protection Act . . . .” <sup>18</sup>	<i>The Project site is developed with urban uses and entirely surrounded by urban uses. It does not serve as habitat for protected species.</i>
“Lands under conservation easement.” <sup>19</sup>	<i>There are no conservation easements recorded on the property, as demonstrated by the Project site’s title report.</i>
“Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection.” <sup>20</sup>	<i>The Project site is not located within a Very High Fire Hazard Severity Zone.</i> <sup>21</sup>

<sup>11</sup> Gov. Code § 65913.4(a)(6)(F).

<sup>13</sup> Gov. Code § 65913.4(a)(6)(G).

<sup>14</sup> See [City GIS](#).

<sup>15</sup> Gov. Code § 65913.4(a)(6)(H).

<sup>16</sup> See [City GIS](#).

<sup>17</sup> Gov. Code § 65913.4(a)(6)(I).

<sup>18</sup> Gov. Code § 65913.4(a)(6)(J).

<sup>19</sup> Gov. Code § 65913.4(a)(6)(K).

<sup>20</sup> Gov. Code § 65589.5(h)(6)(D)(i)(I)(ib) (“Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code.”).

<sup>21</sup> See [City GIS](#).

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 October 8, 2024  
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<p><b>(2) The project’s parcel(s) is legal<sup>22</sup> and located “within an urbanized area<sup>23</sup> and meets <i>one or the more</i> of the following criteria . . . .”<sup>24</sup></b></p>	
<p>Located within 0.5 mile “walking distance” of “a high quality transit corridor,” as defined in Public Resources Code Section 21155(b), or “a major transit stop,” as defined in Public Resources Code Section 21064.3.<sup>25</sup></p>	<p><i>The site is within 0.5 mile walking distance of the Downtown Berkeley BART Station.</i></p>
<p>“[L]ocated in a very low vehicle travel area”<sup>26</sup></p>	<p><i>The site is located in the City of Berkeley’s “low-VMT areas.”</i></p>
<p>“[P]roximal to six or more amenities . . . as of the date of the” application’s submittal.<sup>27</sup></p> <p>A project is proximal an amenity if it is within:</p> <ul style="list-style-type: none"> <li>• .5 mile of “[a] bus station” or “[a] ferry terminal”; <b>OR</b></li> <li>• 1 mile of “[a] supermarket or grocery store,” “public park,” “community center,” “pharmacy or drugstore,” “medical clinic or hospital,” “public library,” or school serving any grade - kindergarten to 12th grade.<sup>28</sup></li> </ul>	<p><i>The Project is within 0.5 mile of a BART station, and is within 1 mile proximity to other listed amenities as well including public parks, grocery stores, pharmacies and drugstores, a museum, a high school and elementary school, and more.</i></p>

<sup>22</sup> The Project site is on legal parcels.

<sup>23</sup> A parcel is within an urbanized area if it meets the definition provided in Public Resources. Code Section 21071. Gov. Code § 65589.5(h)(6)(D)(ii)(V). The Project site is located in an urbanized area because Berkeley is a qualifying incorporated city with a population greater than 100,000.

<sup>24</sup> Gov. Code § 65589.5(h)(6)(D)(i)(II).

<sup>25</sup> Gov. Code § 65589.5(h)(6)(D)(i)(II)(ia).

<sup>26</sup> Gov. Code § 65589.5(h)(6)(D)(i)(II)(ib). “‘Very low vehicle travel area’ means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita.” Gov. Code § 65589.5(h)(6)(ii)(VI)(ia). “[A]rea’ may include a travel analysis zone, hexagon, or grid.” Gov. Code § 65589.5(h)(6)(ii)(VI)(ib). “For the purposes of determining ‘regional vehicle miles traveled per capita’ . . . , a ‘region’ is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.” Gov. Code § 65589.5(h)(6)(ii)(VI)(ic).

<sup>27</sup> Gov. Code § 65589.5(h)(6)(D)(i)(II)(ic).

<sup>28</sup> Gov. Code § 65589.5(h)(6)(D)(ii)(IV).

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75% of the project site’s perimeter (or 3 sides of a 4 sided project site) is adjoined by urban uses. <sup>29</sup>	<i>The Project site is adjoined on all four sides by urban uses.</i>
<b>(3)</b> <i>The project’s density meets the following criteria</i>	
“[M]eets or exceeds 15 dwelling units per acre.” <sup>30</sup>	<i>The Project far exceeds the requirement for at least 15 du/acre.</i>
<b>(4)</b> <i>“There is substantial evidence in the record that”<sup>31</sup></i>	
<ul style="list-style-type: none"> <li>• The “project is eligible for an exemption”<sup>32</sup>; <b>AND</b></li> <li>• That any categorical exemption sought is not barred by an applicable exception.<sup>33</sup></li> </ul>	<i>The Project qualifies for the Class 32 Urban Infill Exemption and is not barred by any applicable exception - see <u>Applicant Statement</u> and the body of the above letter.</i>

<sup>29</sup> Gov. Code § 65589.5(h)(6)(D)(i)(II)(id).  
<sup>30</sup> Gov. Code § 65589.5(h)(6)(D)(i)(III).  
<sup>31</sup> Gov. Code §§ 65589.5(h)(6)(D)(i)(IV)(ia), (ib).  
<sup>32</sup> Gov. Code § 65589.5(h)(6)(D)(i)(IV)(ia).  
<sup>33</sup> Gov. Code § 65589.5(h)(6)(D)(i)(IV)(ib).



## MEMORANDUM

To: Sharon Gong, City of Berkeley  
From: Dena Belzer and Jake Cummings, Strategic Economics  
Date: November 7, 2024  
Subject: Peer Review of Pro Forma Assumptions for University Corners

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## BACKGROUND AND PURPOSE

The City of Berkeley retained Strategic Economics to conduct a peer review of the financial pro forma for the University Corners development proposal in downtown Berkeley (“applicant proposal”). The development site is at the corner of University and Shattuck Avenues and consists of five parcels spanning the addresses 1071 to 1079 University Avenue and 1950 to 1988 Shattuck Avenue. The applicant proposes to redevelop the site into a 28-story building that will include 599 residential units (489 studios and 110 two-bedrooms), ground floor and rooftop retail totaling 16,142 square feet, and 154 parking spaces. The specific details of this development program may be revised as the applicant proceeds through the entitlement process.

For this study, Strategic Economics reviewed available market data and conducted independent research to verify that the key assumptions in the applicant’s pro forma are consistent with current market conditions and standard development practice. The pro forma assumptions under review include ongoing revenues and expenses for the project, construction (“hard”) costs, soft costs, and municipal fees. Strategic Economics gathered current market data from CoStar and other sources. Strategic Economics also spoke with two developers that were interviewed for a similar study, performed for the City in 2023, to get updated estimates for development costs and ongoing expenses. Because the applicant proposal’s land cost is not available, Strategic Economics was unable to verify this element of the pro forma; however, this report includes an estimate of market land costs for similar developments in Berkeley.

## Memo Organization

The first section summarizes the results of the pro forma review and includes a discussion of the robustness of the results related to any potential future changes in the applicant’s development program. The second section contains a detailed discussion of the methodology Strategic Economics applied to verify each of the key assumptions and arrive at the findings.

## SUMMARY OF RESULTS

For each of the key pro forma assumptions, Strategic Economics developed an independently researched range of likely values to compare with the assumptions provided in the applicant's pro forma. Strategic Economics' researched values are *untrended* estimates of costs and revenues in the current market. Conditions are subject to change over the multi-year period of development and lease-up. The comparison of pro forma assumptions is summarized in Figure 1.

**The applicant's residential revenue assumptions are optimistic compared to current market rents.** As shown in Figure 1, the residential market rent assumption of \$8.03 per square foot is higher than Strategic Economics' estimated range of rents attainable in the market today. This assumption implies gross potential revenues for the project's residential area would be approximately 13 percent higher than the midpoint of the rent range for existing projects. The operating expense ratio of 31 percent and standard vacancy assumption of five percent are within Strategic Economics' estimated ranges, but in both cases toward the lower end of the range. Taken together, the applicant's assumptions result in a net operating income of \$16.5 million on the project's residential area, approximately 20 higher than Strategic Economics' midpoint estimate. Strategic Economics' analysis, corroborated by developer interviews, indicates that the market is currently softer than in recent years due to the pace of new units entering the market. However, the applicant's higher revenue performance assumptions may reflect a belief that conditions will improve by the time the project starts leasing in the coming years.

**Revenue assumptions for the retail area and parking are within the estimated ranges based on current market conditions.** The retail rent assumption of \$6.00 per square foot, triple net, is at the very top of the estimated range by Strategic Economics, while the assumption for parking at \$200 per month is at the bottom of the range. The retail assumption may be conditioned on the ultimate retail uses and the cost of tenant improvements that might be offered to help lease the space. The low monthly parking rates may reflect the relative attractiveness of parking with mechanical stackers. In both cases, the potential variation in retail and parking revenues constitute a small share of project revenues and are unlikely to have a significant impact on overall project performance.

**The applicant's development costs are within the range of current market values, but at the lower end of the range.** The applicant's pro forma assumes construction costs will be \$555 per square foot. For a high-rise development with a high unit density of furnished units, basement parking, and a project labor agreement, Strategic Economics estimates construction costs of \$550 to \$600 per square foot. The soft cost assumption is similarly low, but within the estimated ranges, at 20 percent of hard construction costs.

**Strategic Economics estimated municipal fees of \$35,638 per unit, approximately ten percent lower than the applicant's pro forma assumption of \$40,000 per unit.** While Strategic Economics estimated the main categories of fees for the project, it is possible other municipal fees may apply to the applicant's proposal, or that the applicant is assuming a contingency in its budget for fees.

**While land costs for the applicant proposal were unavailable, Strategic Economics estimates the market value of land for high rise development in downtown Berkeley to be \$70,000 to \$120,000 per unit.** The applicant reports that the development site is controlled by a purchase and sale agreement, of unknown value, that has been negotiated with the separate entities that own different portions of the development site.

FIGURE 1: COMPARISON OF KEY PRO FORMA ASSUMPTIONS TO VALUES ESTIMATED BY STRATEGIC ECONOMICS

	Strategic Economics Estimated Value	Applicant Pro Forma Assumption
Residential Monthly Rent Market Rate Units, per sf	\$6.50 to \$7.75	\$8.03
Retail Monthly Rent per sf (NNN)	\$4.50 to \$6.00	\$6.00
Parking Monthly Rent per space	\$200 to \$250	\$200
Vacancy and Collections Loss	5% to 10%	5%
Operating Expenses	30% to 35%	31%
Construction Costs per gsf	\$550 to \$600	\$555
Soft Costs (excl. Fees) per gsf (% of constr. Costs)	\$110 to \$150 (20% to 25%)	\$113 (20%)
Municipal Fees per unit	\$35,638	\$40,000
Land Cost per unit	\$70,000 to \$120,000	not available

Source: Strategic Economics, 2024.

## Applicability of Results to Proposal Revisions

For this study, Strategic Economics evaluated a working development proposal that may be revised as the applicant proceeds through the entitlement process. Within the context of the current market, limited modifications in the applicant’s proposed programming and design would not change the general conclusions of the peer review, provided these modifications retain the key defining characteristics of the development that determine market revenues, costs, and fees. Some of these defining characteristics include:

- High-rise construction of at least 180 feet in height;
- Includes a project labor agreement;
- Any retail is high quality ground floor retail or other retail that constitutes a minor component of the overall development;
- Includes subterranean parking, at similar parking ratios, utilizing mechanical stackers;
- Residential units are furnished and generally targeted to the student housing market, with a small average unit size (300 to 600 square feet).

A significant deviation from these development characteristics would affect the pro forma assumptions applied to this study. For example, a significant increase in unit sizes would reduce the cost of utility systems and furnishings while also impacting the achievable rent per square foot for the project.

## REVIEW OF KEY ASSUMPTIONS

The following section reviews the approach and sources of information used to verify each key assumption.

### Rental Rates for Residential

The applicant expects \$25.7 million in gross potential revenues per year for the residential portion of the development, equivalent to \$7.55 per rentable square foot. This average rental rate is a blended number that includes both market rent assumptions and below market rents, which are set not by the market or the developer but by federal housing policy where rents are set based on a fixed percentage of area median incomes. To evaluate the market rent assumption, Strategic Economics disaggregated this blended rental rate to establish the average rental rate assumed only for the market rate units in the project. By subtracting out the portion of rental revenues from the below market rate units (Figure 2), the balance of revenues was attributed to the market rate units (Figure 3). This calculation yields an average monthly rent assumption of approximately \$3,800 per market rate unit, or \$8.00 per rentable square foot.

FIGURE 2: CALCULATION OF GROSS POTENTIAL REVENUE FOR BELOW MARKET RATE UNITS

	Total Dwelling Units	Below Market Rate Units	Percent Below Market Rate Units	Below Market Monthly Rent	Annual Income from BMR Units
Studio	489	48	10%	\$1,411	\$812,736
2-BR	110	10	9%	\$1,558	\$186,960
<b>Total</b>	<b>599</b>	<b>58</b>	<b>10%</b>		<b>\$999,696</b>

Note: Below Market Rents were calculated as 30 percent of Alameda County Area Median Income Limits for Very Low (50% of AMI) Income households, with an assumed household size equal to the number of bedrooms plus one person.

Sources: Project Application Packet, City of Berkeley, 2024; U.S. Department of Housing and Urban Development, 2024; Strategic Economics, 2024.

FIGURE 3: CALCULATION OF MARKET RATE POTENTIAL REVENUE AND AVERAGE RENTS

	All Units	Below Market Rate Units	Market Rate Units
Gross Potential Rent	\$25,748,973	\$999,696	\$24,749,277
Dwelling Units	599	58	541
Rentable Square Feet per Unit	475	475	475
Total Rentable Square Feet	284,535	27,551	256,984
Average Rent			
Per dwelling unit	\$3,582	\$1,436	<b>\$3,812</b>
Per net sf	\$7.55	\$3.02	<b>\$8.03</b>

Sources: Project Application Packet, City of Berkeley, 2022; Strategic Economics, 2023.

To validate the market rent assumption, Strategic Economics reviewed average rents from CoStar for comparable developments in downtown Berkeley (Figures 4 and 5) and interviewed area developers. According to developers, student housing represents the highest and best use for the site. Student housing in Berkeley is generally offered fully furnished and often with multiple occupancy bedrooms

(two or more residents per bedroom). The applicant's pro forma includes a line for fixtures, furnishings, and equipment, which further suggests the development will be marketed as student housing.

As shown in Figure 4, CoStar reports the average rent in comparable student housing to be \$6.69 per square foot; however, the reported rent performance among the developments varies significantly, from \$4.05 to \$8.52 per square foot. Figure 5, which plots the rent assumption for the applicant proposal against the comparable developments, shows that the rent assumption of \$8.03 is on the high side of a wide range of average rents for comparable developments. Considering the size of the units, the rent assumption is approximately 15 percent higher than what would be predicted by a trend line for the proposal's average unit size of 475 square feet.

The applicant's high rent assumption could be explained by the potential to charge a rent premium on the upper floors of the development. However, since no comparable existing development is higher than 12 stories, there is little evidence available to support the higher assumption. Developers interviewed for this study were mixed on the potential for a significant view premium. In past studies, Strategic Economics has estimated the assumption for average rents could rise up to ten percent for a building of this height, but the rent premium could be negligible when considering the limited depth in the ultra-premium segment of the student housing market.

A second concern, expressed in developer interviews, is whether the market rents as reported by CoStar adequately account for the significant concessions that student housing properties often need to offer to attract tenants in the current market. As shown in Figure 6, average effective rents declined by more than 20 percent between 2023 and 2024, while vacancy rates have inched up from nine to 12 percent. In the past ten years, 3,300 new units have been added to Berkeley's student housing inventory (Figure 7), while the cumulative absorption of these units lags 12 percent behind that number. These trends point to a softening of the student housing market, with achievable rents that may be lower than the available data would suggest.

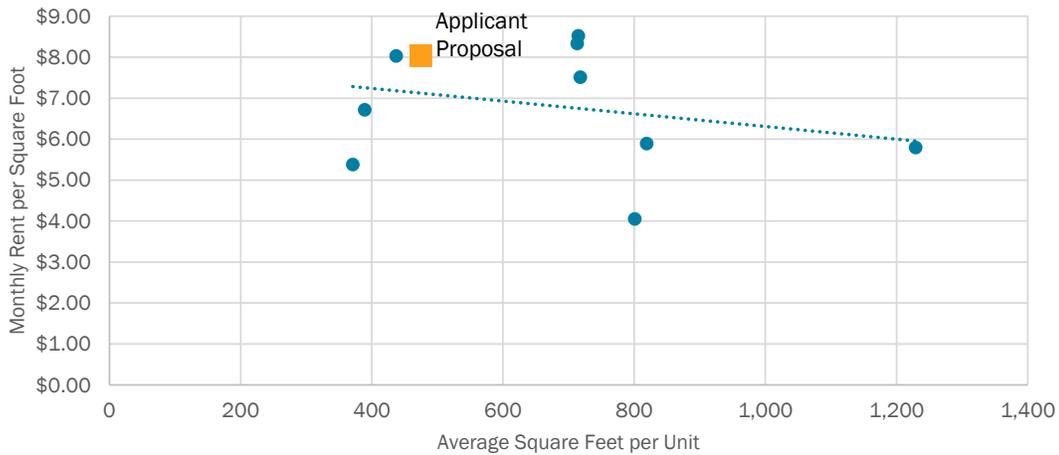
**Owing to the factors above, Strategic Economics estimates that the achievable rent for the applicant's proposal under current market conditions is between \$6.50 and \$7.75 per square foot (\$3,100 to \$3,700 per unit).** This range represents a rental rate of \$7.14 per square foot as predicted in Figure 5, plus or minus approximately ten percent. The upside of this range accounts for the potential for view premiums, while the downside accounts for the rent concessions and discounts likely necessary to absorb the excess supply in today's market. As demand catches up to new supply over the upcoming period in which the development begins leasing, more favorable conditions could lift average rents to \$8.00 as assumed in the applicant's proposal.

FIGURE 4: COMPARABLE STUDENT HOUSING DEVELOPMENTS IN BERKELEY\*

Property Name	Year Built	Number Of Units	Number Of Stories	Avg Unit SF	Avg Effective Rent per Unit	Avg Effective Rent per SF
The Panoramic Berkeley	2019	70	6	718	\$5,397	\$7.51
The Durant	2020	56	5	437	\$3,515	\$8.03
The Standard at Berkeley	2021	318	8	715	\$6,098	\$8.52
The Den	2021	40	7	1,229	\$5,111	\$5.79
Identity Logan Park	2022	204	8	819	\$4,826	\$5.89
Rise at Berkeley	2023	48	7	371	\$1,995	\$5.38
Ace Berkeley	2024	163	12	801	\$3,244	\$4.05
HUB Bancroft	2024	87	8	713	\$5,939	\$8.33
Aquatic	2024	74	8	389	\$2,614	\$6.71
<b>Average</b>				<b>688</b>	<b>\$4,304</b>	<b>\$6.69</b>

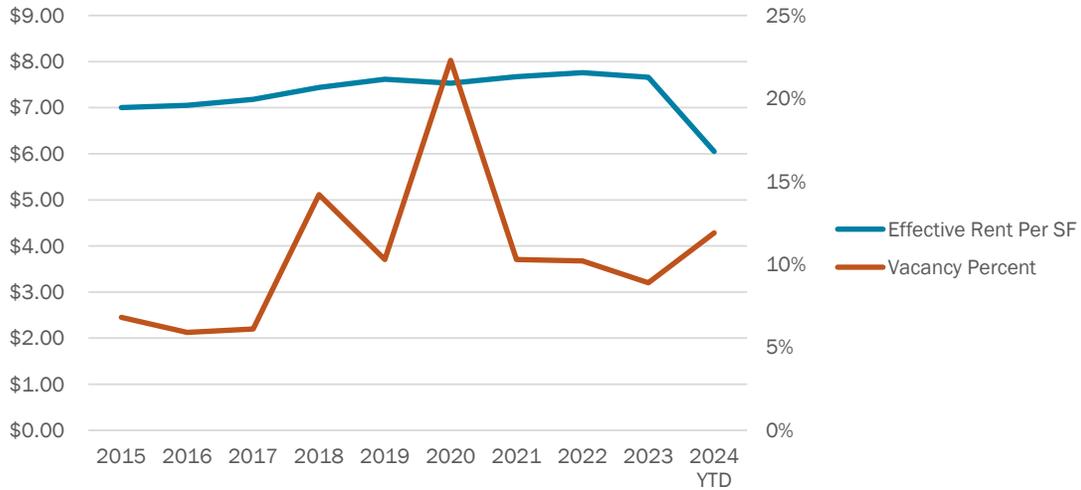
\* Comparable developments are student housing developments in Berkeley of at least 25 units and built in 2019 or later. Sources: CoStar, 2024; Strategic Economics, 2024.

FIGURE 5: AVERAGE UNIT SIZE AND AVERAGE MONTHLY RENT FOR APPLICANT PROPOSAL AND COMPARABLE DEVELOPMENTS\*



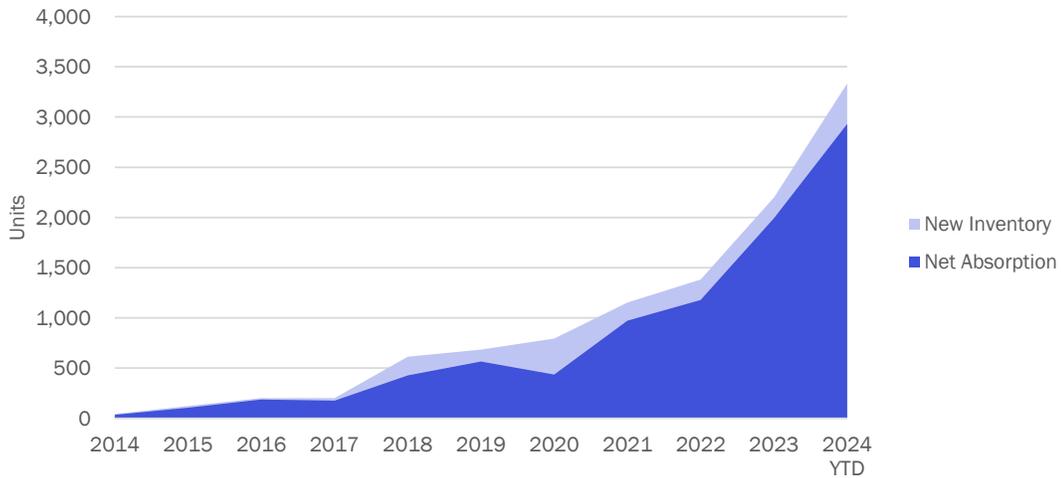
\* Comparable developments are student housing developments in Berkeley of at least 25 units and built in 2019 or later. Sources: CoStar, 2024; Strategic Economics, 2024.

FIGURE 6: AVERAGE RENT PER SQUARE FOOT AND AVERAGE VACANCY OF STUDENT HOUSING IN BERKELEY, 2015 TO 2024



Sources: CoStar, 2024; Strategic Economics, 2024.

FIGURE 7: CUMULATIVE NEW STUDENT HOUSING INVENTORY AND NET ABSORPTION SINCE 2014



Sources: CoStar, 2024; Strategic Economics, 2024.

### Rental Rates for Retail

Strategic Economics developed assumptions for retail rental rates by speaking with two brokers familiar with leasing in downtown Berkeley. While no data was available for recently constructed retail spaces or rooftop restaurants in downtown Berkeley, brokers estimated that achievable rents in the current market would range from \$4.50 to \$6.00 per square foot on a triple net basis, depending on

factors such as type of retail or restaurant use, tenant improvement allowance, and the size of spaces offered.

### Rental Rates for Parking

Strategic Economics collected pricing information from three parking garages in downtown Berkeley that offer parking at a monthly rate. As shown in Figure 8, monthly parking rates range from \$210 per space to \$250 per space. The applicant’s assumption for parking prices at \$200 per space is slightly below the range in parking rates at nearby garages, but this may be an appropriate assumption considering the reduced convenience of parking using mechanical stackers.

FIGURE 8: COMPARABLE RENTS FOR GARAGE PARKING IN DOWNTOWN BERKELEY

	Monthly Rent per Space
Center Street Garage	\$250
2020 Kittredge Street (resident unreserved parking)	\$210
1922 Walnut St (Modera)	\$225

Source: Parking garage websites, interviews, 2024; Strategic Economics, 2024.

### Vacancy and Collection Loss

The applicant’s pro forma assumes an average vacancy and collection loss rate of five percent. This is a standard assumption for residential development in the San Francisco Bay Area; however, interviews with developers indicated that vacancy rates for student housing could be higher than five percent in the current market. The average vacancy reported by CoStar for comparable buildings, (excluding those built in 2023 or 2024, which may still be in their lease-up periods) currently stands at 7.2 percent. Therefore, Strategic Economics expects the stabilized vacancy rate for new developments to be five to ten percent under current market conditions.

Retail space typically has a higher stabilized vacancy rate than five percent, while below market rate units generally have a lower rate. Because these uses represent a minor source of revenue for the project, substantial variations from the five percent vacancy assumption are not expected to significantly impact the net operating income for the overall project.

### Operating Expenses

Based on developer interviews, Strategic Economics expects operating expenses to range between 30 and 35 percent of gross revenues, with the upper end of the range likely for buildings with higher personnel costs associated with around-the-clock security and desk attendant. At 31 percent, the applicant’s pro forma is consistent with this range of values.

### Construction Costs

To estimate construction costs, Strategic Economics updated its assumptions for a similar study in 2023 by interviewing two developers experienced with high rise residential construction in Berkeley.

**Based on these interviews, Strategic Economics estimates a range of construction costs of \$550 to \$600 per square foot of gross building area for the applicant’s proposal.** The applicant’s pro forma assumes \$555 per square foot of gross building area, which is consistent with, but at the lower end of, the estimated range.

Major considerations for this range of costs include:

- The project labor agreement, which is expected to elevate average costs by 20 to 30 percent over nonunion labor;
- The additional costs for furniture, fixtures, and equipment;
- The average unit size of 475 square feet, reflecting a unit mix with 80 percent studios. Smaller units tend to increase per square foot construction costs due to the greater density of utility systems, fixtures, furnishings, and equipment;
- Parking is provided below ground in two basements levels, which tends to be significantly more expensive than above ground parking;
- Finally, the additional costs of LEED enhancements and certification were judged to be negligible, according to developers interviewed for this study.

## Soft Costs

**According to developers, soft costs for high rise construction, before considering municipal fees, tend to total approximately 20 to 25 percent of hard costs.** On a construction budget of \$550 to \$600 per square foot, soft costs would then typically range between \$110 to \$150 per square foot excluding municipal fees, which are discussed in the next section. The applicant reports total soft costs of \$70.6 million, of which \$24.0 million is budgeted for municipal fees, leaving \$46.6 million in other soft costs. This equates to \$113 per square foot, within the lower end of the range estimated by Strategic Economics.

## Municipal Fees

Strategic Economics estimated the major categories of municipal fees for the project using the City's online reference materials and fee estimators, as shown in Figure 9. Because detailed technical specifications to calculate sewer connection fees for the building were unavailable, Strategic Economics estimated these fees based on the average per unit fees from a recent project (2352 Shattuck Avenue).

**Strategic Economics estimated municipal fees of \$35,638 per unit, approximately ten percent lower than the applicant's pro forma assumption of \$40,000 per unit.** While Strategic Economics estimated the main categories of fees for the project, it is possible other municipal fees may apply to the applicant's proposal, or that the applicant is assuming a contingency in its budget for fees.

FIGURE 9: CALCULATION OF MUNICIPAL FEES

Fee	Calculated Amount	Notes
BUSD Developer Fee	\$2,056,681	\$5.17 per sf residential, \$0.84 per sf commercial
Building Permit Fees	\$5,025,272	From online calculator
Plan Check Fees	\$3,266,427	From online calculator
Other Permit Fees (Fire Plan, etc)	\$2,400,772	From online calculator
Affordable Housing Mitigation Fee	\$2,968,663	From Affordable Housing Compliance Plan
SOSIP (Residential) Fee	\$881,269	\$2.23 per net new sf residential
SOSIP (Commercial) Fee	\$0	No net new commercial sf
Sewer Connection	\$2,236,929	Assumes \$3,734 per unit based on similar projects
<u>1% Arts Fee</u>	<u>\$2,511,411</u>	0.8% of construction costs
<b>Total</b>	<b>\$21,347,424</b>	
<b>Per Unit</b>	<b>\$35,638</b>	
<b>Per sf</b>	<b>\$52</b>	

Sources: City of Berkeley Development Fee Schedule, August 2024; City of Berkeley Online Fee Estimator, 2024; Applicant packet, 2024; Strategic Economics, 2024.

## Land Costs

According to public documents, the five parcels that constitute the development site are currently owned by four separate entities; however, the entire site is controlled by the development group under a Purchase and Sale Agreement with the fee owners. Because the negotiated value of this PSA has not been made public, the land cost for the applicant proposal is not known.

For a similar study in 2023, Strategic Economics prepared a set of comparable land sales for high rise development in downtown Berkeley. These comparable sales (no other relevant sales have occurred since the 2023 study), are provided in Figure 10 below as supporting information, but without the details of the applicant's ownership agreements, Strategic Economics was unable to make a land value comparison.

**Based on comparable land sales, Strategic Economics estimates current market values for land to be \$70,000 to \$120,000 per unit.** Three land sales for high-rise development in downtown Berkeley in the last ten years were available: 2190 Shattuck Avenue (\$70,552 per unit), 1951 Shattuck Avenue (\$82,209 per unit), and 2274 Shattuck Avenue (\$29,289 per unit). Of these, the land cost for 2274 Shattuck appears to be an anomaly and is inconsistent with general land costs for high-rise development in the Bay Area. This may be because of additional cost burdens, such as historical landmarking, associated with redevelopment of the site. Representing an upper bound on land values, an 83-unit mid-rise development at 2538 Durant had a land cost of \$120,484 per unit.

FIGURE 10: COMPARABLE LAND SALES IN DOWNTOWN BERKELEY

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<b>Property Address</b>	<b>Building Type</b>	<b>Sale Date</b>	<b>Sale Price</b>	<b>Units</b>	<b>Sale Price per Unit</b>
2190 Shattuck Ave	High-rise	2015	\$23,000,000	326	\$70,552
1951 Shattuck Ave	High-rise	2017	\$13,400,000	163	\$82,209
2274 Shattuck Ave	High-rise	2022	\$7,000,000	239	\$29,289
2538 Durant Ave	Mid-rise	2022	\$10,000,000	83	\$120,482

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Source: Costar, 2023; Strategic Economics, 2024.

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 been 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**

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**Cultural & Historic Resources**

DAP MM CUL-1: None listed in draft DAP

a ) N/A

CoB

O

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**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?

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**

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 been prepared and submitted to the City, the project proponent and the NWIC?

CoB

C W

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?

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**

DAP MM CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/ Compliance with Most Likely Descendent 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?

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**

**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?

CoB

P 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**

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?

CoB

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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?

CoB

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**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 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?

CoB

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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.

**MITIGATION MONITORING AND REPORTING PROGRAM**

**Project Name: All (\*)**

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**Mitigation Measure or Continuing Best Practice**

**Question for Checklist**

**Responsible for Implementation**

**When Implemented**

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:

- 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

- 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?

CoB

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**MITIGATION MONITORING AND REPORTING PROGRAM**

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Implementation**

**When  
Implemented**

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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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**MITIGATION MONITORING AND REPORTING PROGRAM**

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**Responsible for Implementation**

**When Implemented**

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?

CoB

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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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**Mitigation Measure or Continuing Best Practice**

**Question for Checklist**

**Responsible for Implementation**

**When Implemented**

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?

CoB

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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?

CoB

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**When Implemented**

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?

CoB

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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?

CoB

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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?

CoB

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
<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>

**MITIGATION MONITORING AND REPORTING PROGRAM**

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation	When Implemented
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.	a ) Have at least two traffic through lanes in the northbound direction on Shattuck Avenue been maintained along with a left turn lane?	CoB	0
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.	a ) Has lane reconfiguration been implemented at Shattuck Ave and Allston Way intersection?	CoB	0
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.	a ) Has lane reconfiguration been implemented at Shattuck Ave and Bancroft Way intersection?	CoB	0
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.	a ) Has lane reconfiguration been implemented at Shattuck Ave. and Durant Ave intersection?	CoB	0

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**Responsible for Implementation**

**When Implemented**

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?

CoB

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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  
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NOTICE OF PUBLIC HEARING

## 1950-1998 Shattuck Avenue

Use Permit #ZP2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 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, February 27, 2025, 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; Downtown Area Plan
- Zoning: C-DMU (Corridor) – Downtown Mixed-Use Commercial District, Outer Core Sub-Area

**B. Zoning Permits Required:**

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish non-residential buildings
- 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) to construct a building that exceeds the district height limit, and that is over 75 feet but not more than 120 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 above 120 feet in height
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural projections to exceed district height limits
- Administrative Use Permit under BMC Section 23.302.070(E)(2) for a food service establishment over 3,000 square feet in area
- Use Permit pursuant to BMC Section 23.310.020(B) to begin alcoholic beverage service (distilled spirits incidental to food service).
- Administrative Use Permit pursuant to BMC Section 23.204.020(A) for Amplified Live Entertainment in a commercial district
- Administrative Use Permit pursuant to BMC Section 23.302.020(D)(3) for outdoor use not abutting a residential district.

**C. Concessions and 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 23.04.130(E)(1) to exceed building height limits – to be 317' to roof (plus 5' parapet), where 120 feet is the limit (plus 5-foot parapet, by right, with a use permit)
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the front setback (University Ave, Shattuck Ave, and Berkeley Way) requirement to 0 feet, where 15 feet is the minimum, above 75-foot building height
- Waiver of BMC Section 23.204.130(E)(3)(a) to reduce the interior left side setback requirement to 10 feet, where 15 feet is the minimum, above 75-foot building height and more than 65 feet from the frontage
- Waiver of BMC Section 23.204.130(E)(3)(d)(i) to exceed diagonal width, to be 239 feet, 10 inches, where 120 feet is the maximum, above 120' in height
- Waiver of BMC Section 23.204.130(E)(4) reduce usable open space minimum to 12,491 square feet, where 47,920 square feet is required

**D. CEQA Exemption Determination:** Pursuant to Government Code Section 65589.5, it is staff's determination that the project is categorically exempt under Section 15332 ("Infill Development Projects") of the CEQA Guidelines.

**D. Project Recommendation:** Approve Use Permit #ZP2023-0040, pursuant to BMC Section 23.406.040(D)

**E. Parties Involved:**

- Applicant: Isaiah Stackhouse, Trachtenberg Architects, Fourth Street, Berkeley, CA 94710
- Property Owner: 1974 Shattuck Avenue, LLC, 2140 Shattuck Ave, Ste 705, Berkeley, CA 94704

**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](mailto: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](mailto: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](mailto: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](mailto: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.

**Gong, Sharon**

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**From:** Gong, Sharon  
**Sent:** Thursday, February 20, 2025 8:15 AM  
**To:** Gong, Sharon  
**Subject:** FW: 1998 Shattuck monstrosity

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**From:** Phoebe Thomas Sorgen <[phoebes@earthlink.net](mailto:phoebes@earthlink.net)>  
**Sent:** Wednesday, January 15, 2025 3:09 PM  
**To:** Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)>  
**Subject:** 1998 Shattuck monstrosity

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

Hello,

I wholeheartedly agree with Margot Smith's concerns re plans for a 1998 Shattuck. Please keep me informed re how we can stop this monstrosity.

"This building is far too large for Berkeley. It ignores our history as a family and student town; it creates Manhattan for the East Bay. More Traffic! More high income housing! Where do working people live? families? I hope you nix this 24 or more story market rate building for high income people. It is not appropriate for Berkeley. 154 cars for 599 apartments? Really, where will people park? We used to have height limits, did we vote to change this? Is this planning commission representing us? Do you know if the housing already built is occupied? what is the vacancy rate? Are students rich enough to afford this?

Do not approve this building. It is not right for Berkeley.

"Currently, this is the tallest proposal in the city's pipeline and would potentially become the tallest structure in the city. The **317-foot height eclipses the 307-foot tall Campanile bell tower** on the UC Berkeley campus. The current tallest building in Berkeley is the 1971-built Chase Building, with a rooftop height of 186 feet, followed by the 180-foot tall Anchor House, a UC-developed dormitory that opened last year.

The proposal is expected to rise 317 feet tall with 411,330 square feet of floor area, including 599 apartments, 16,140 square feet of retail, and a 154-car garage. Additional parking will be provided for 284 bicycles. Unit types include 489 studios and 110 two-bedroom residences. The structure will offer 13,030 square feet of residential open space across the second-floor open space, podium-top terraces, and rooftop deck."

Sincerely,  
Phoebe Thomas Sorgen, Berkeley resident since 1989 and Commissioner emerita

**Gong, Sharon**

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**From:** Gong, Sharon  
**Sent:** Thursday, February 20, 2025 8:14 AM  
**To:** Gong, Sharon  
**Subject:** FW: 1998 Shattuck

**From:** Hans Sluga <[sluga@berkeley.edu](mailto:sluga@berkeley.edu)>  
**Sent:** Wednesday, January 15, 2025 3:41 PM  
**To:** Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)>  
**Subject:** 1998 Shattuck

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

OK, let's have highrise buildings in Berkeley, But what good is the Design Review Committee when the end result are those trite boxy structures with weird beige and brownish surfaces? The Trachtenberg architects are producing nothing but inferior buildings in Berkeley. 1998 Shattuck promises to be another one of their flops.

Hans Sluga

**Gong, Sharon**

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**From:** Gong, Sharon  
**Sent:** Thursday, February 20, 2025 8:14 AM  
**To:** Gong, Sharon  
**Subject:** FW: 1998 Shattuck Avenue, Berkeley

**From:** [Margots999@sonic.net](mailto:Margots999@sonic.net) <[Margots999@sonic.net](mailto:Margots999@sonic.net)>  
**Sent:** Tuesday, January 14, 2025 11:01 AM  
**To:** Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)>  
**Subject:** 1998 Shattuck Avenue, Berkeley

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

This building is far too large for Berkeley. It ignores our history as a family and student town; it creates Manhattan for the East Bay. More Traffic! More high income housing! Where do working people live? families? I hope you nix this 24 or more story market rate building for high income people. It is not appropriate for Berkeley. 154 cars for 599 apartments? Really, where will people park? We used to have height limits, did we vote to change this? Is this planning commission representing us? Do you know if the housing already built is occupied? what is the vacancy rate? Are students rich enough to afford this?

Do not approve this building. It is not right for Berkeley.

"Currently, this is the tallest proposal in the city's pipeline and would potentially become the tallest structure in the city. The **317-foot height eclipses the 307-foot tall Campanile bell tower** on the UC Berkeley campus. The current tallest building in Berkeley is the 1971-built Chase Building, with a rooftop height of 186 feet, followed by the 180-foot tall Anchor House, a UC-developed dormitory that opened last year.

The proposal is expected to rise 317 feet tall with 411,330 square feet of floor area, including 599 apartments, 16,140 square feet of retail, and a 154-car garage. Additional parking will be provided for 284 bicycles. Unit types include 489 studios and 110 two-bedroom residences. The structure will offer 13,030 square feet of residential open space across the second-floor open space, podium-top terraces, and rooftop deck."

Margot Smith  
510-486-8010  
510-660-5508 (Text)  
[Margots999@sonic.net](mailto:Margots999@sonic.net)

## NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

**ZAB APPEAL: 1950-1998 Shattuck Avenue “University Corner”, Use Permit #ZP2023-0040**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, June 3, 2025 at 6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board approving Use Permit ZP#2023-0040 to demolish five commercial buildings; merge four lots; and construct a 28-story (312-foot tall, plus 5-foot parapet), 411,610-square-foot, mixed-use building with 599 dwelling units (including 58 Very Low-Income Density Bonus qualifying units), 16,142 square feet of commercial area, and 154 parking spaces.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Anne Hersch, Land Use Planning Manager at (510) 981-7411

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 22, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

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Mark Numainville, City Clerk

**Mailed by:** May 20, 2025

Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

Attachment 4

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Board or Commission decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Board or Commission decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

*If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.*





Administrative Record

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

**City Clerk Department**  
2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

or from:

**The City of Berkeley's Website**  
<http://www.berkeleyca.gov>