

HUB

Applicant Statement

2128 Oxford St. & 2132-2154 Center St.
January 20, 2022

PROJECT OVERVIEW

The HUB is a new Downtown Berkeley sustainable mixed-use housing community with ground-floor retail and restaurants, in an elegant building that builds on the character and history of Berkeley's transit-oriented downtown. The project site is in an important location that links Downtown Berkeley and the BART Station with the UC Berkeley campus. With the most pedestrian foot traffic in the East Bay, this segment of Center Street is well-known for its food offerings, outdoor seating, tree canopy, and urban views up and down the three block long Center Street corridor. The project aims to build on this character by maintaining a vibrant and fine-grained retail and restaurant atmosphere, improving the public realm and streetscape, and creating much need housing, with a resident population to further support local businesses.



Corner Rendering of The Hub - Berkeley

Located at the corner of Center and Oxford Streets, the project creates 283 student-oriented rental apartment units in a premier transit-oriented location. Across the street from UC Berkeley campus, 1 block from the Downtown BART station and numerous bus lines, it provides future residents with the opportunity to enjoy easy access to everyday shopping, services, work, and school needs on foot, by bike, micro mobility device, or on transit. Building on this exceptionally sustainable location, the building is proposed to be LEED Gold or equivalent.



Downtown Area Map

Key elements of the project include:

- 283 dwelling units in 17 stories
- Approximately 10,000 sq. ft. of ground floor retail/restaurant spaces (as few as three, as many as seven), including a publicly-accessible coffee bar in the lobby at the corner of Center and Oxford Streets
- 63 parking spaces, efficiently located in stackers with access off the existing alley
- 316 bike parking spaces, including a spacious bike room, in-room hooks, and on-street public bike corral
- Replacement of 16 rent-controlled units on-site, which would be affordable to Extremely Low and Very Low Income households
- Preservation of the existing street trees (to the extent feasible with new utility connections)

Project Benefits

The project requests a height exception up to 180 feet, as allowed by the Downtown Area Plan. As a result, the project will provide substantial community benefits that will be determined in coordination with the City of Berkeley. At present, the project benefits include, but are not limited to:

- Green Building: The project anticipates to achieve LEED Gold or equivalent standards. The project includes efficient all-electric building systems, compliant on-site stormwater management, where none exists today, along with low-flow fixtures that reduce per capita water use.
- Retail Assistance: The project sponsor is providing relocation assistance and rights to return once the development is completed.
- Rooftop Restaurant/Bar: As an option, the project team is proposing a rooftop restaurant/bar on level 17 in lieu of three top-floor dwelling units. The restaurant/bar would be accessible to customers from the community at-large via a dedicated entrance and elevator, accessed from Center St.
- Center Street Plaza/Streets and Open Space Impact Fees: The project would contribute to the Streets and Open Space Improvement Fund to expand pedestrian and open space infrastructure in the Downtown. Specifically, the project team is interested in supporting an improvement on Center St., to create a slow street (i.e., bikes, pedestrians and emergency vehicles only) to allow for an expanded public plaza and gathering space, consistent with the Downtown Area Plan vision for this section of Center St.
- Transportation Benefits: Capitalizing on its exceptional transit access, the project would provide unlimited local bus transit passes or equivalent to each unit and employee, unbundled parking, and on-site parking for carshare spaces. Over 300 bike



parking spaces are proposed, along with a bike repair facility.

- **Affordable Housing:** Over \$10 million payment into the Affordable Housing Trust Fund. Replacement of 16 rent-controlled units on-site; these 16 units would be affordable to Extremely Low and Very Low Income households.
- **State Housing Targets:** Progress toward meeting the City's housing targets in the Regional Housing Needs Assessment (RHNA), as required by State law.
- **Project Labor Agreement:** Agreement with all 28 member trades of the Alameda Building Trades Council.



Architectural Form

The project creates an elegant piece of architecture that pays homage to its context through materiality and detail, while embracing the history and soul of cultural revolution and the concepts of community, progress, love and continual change. The design presents a duality that reflects a stoic and sophisticated outside and a rebellious and vibrant inside. The project maintains and enhances the vibrancy of the retail experience on Center Street while the façade takes cues in materiality and scale from the existing historic building adjacent to the site.

The prominent corner tower takes on a more playful fenestration pattern while incorporating cementitious materials that reflect that of Spanish colonial tiles found on the existing building on the site and within the surrounding context. The project serves as a gateway to the campus and overlooks the beautiful campus of UC Berkeley, the surrounding Downtown, and gives views to the magnificent San Francisco Bay to the west.

The building pulls back at the southeast corner of the site to avoid the Strawberry Creek culvert (located off-site, to the southeast). This site planning also has the advantage of improving visibility of pedestrians on the sidewalk and improving back of house access.



Center St./Oxford Way Corner Detail

Landscape and Open Space

The top floor, level 17, includes an open roof deck, programmatically connected to a club lounge. Seating furnishings will be provided. Vegetation will be limited to weighted, freestanding planters in consideration of the elevation.

Level 12 includes a large amenity deck, approximately 9,520 SF of combined open and landscaped space. Amenities include outdoor grilling stations, dining and seating areas, firepits, and hot tubs. Landscaping will include an open lawn for flexible programming, bio-infiltration planters, and mounded garden

spaces stylized after several regional ecotypes. Planted areas will be irrigated, but will be planted with drought and sun-tolerant, hardy and native/adapted species to minimize water usage.

Level 2 includes two exterior green roof viewing gardens that add over 1,700 SF of planted area. These spaces will be limited to access by maintenance only and planted decoratively, primarily intended to be viewed from the units above. Moreover, the gardens provide light wells to the units, expanding privacy and light access for lower units. The gardens will be irrigated but they will be planted with drought tolerant, shade-tolerant, hardy and native/adapted species to minimize water usage.



On-site Open Space, Composite by Floor

Streetscape

The proposed streetscape design intends to maintain the existing character and vibrancy along both Oxford and Center Streets. The mature, existing Chinese Hackberries that line Center St. will be protected during construction and remain along the sidewalk edge, to the extent feasible with utility upgrades. New site furnishings, such as additional bike parking and new freestanding planters, will be provided. Space along the northern façade will be reserved for sidewalk cafes and outdoor seating while still providing ample clear sidewalk width, similar to the existing streetscape arrangement. Along Oxford Street, the three existing Red Maples will be removed due to anticipated construction and underground utilities. These trees but will be replaced with four new street trees, in larger tree grates, with species to be coordinated in conjunction with the City and University. A new parklet will replace the existing one and shift closer to the corner to the anticipated building lobby and coffee shop.



Proposed Center Street Detail

SITE CONTEXT

Property Information

APN: 057 203100101 and 057 203101300
Parcel Area: 35,573 sq. ft./0.82 acres
General Plan Designation: DT
Downtown Area Plan Designation: Core Area
Zoning District: C-DMU Core

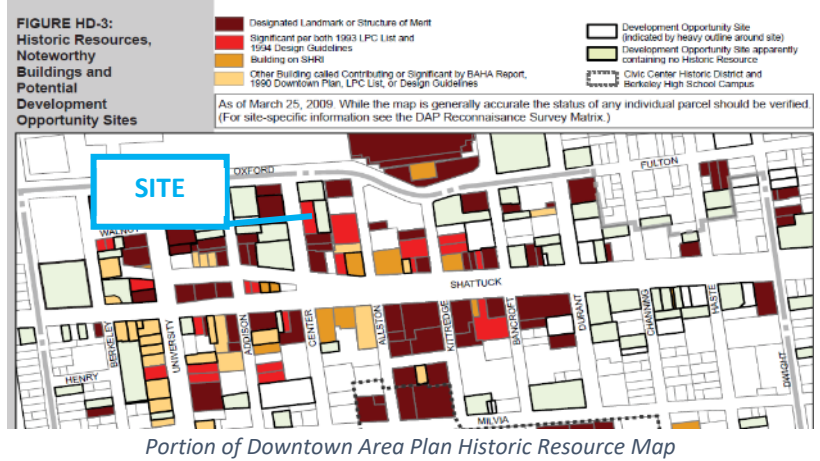


2132-2154 Center Street

Existing Conditions

The subject property includes two buildings. Storefront retail and restaurant uses are located along the ground-floor of both buildings and residential uses on the second level of the Center Street building.

Eligible Historic Resource: The Downtown Area Plan identifies the 2132-2154 Center Street building as a “Substantial” historic resource, as shown in the graphic at right. Built in 1904, the building is not a landmarked historic resource, but a 1978 survey conducted by the City found it eligible for the National Register. In 2015, a historic analysis identified the building as a Contributor to the Shattuck Avenue Downtown Historic District, but did not go further to pursue individual listing nor to pursue landmark status. The 2132-2154 Center Street building and the rear parking lot are identified as “development opportunity sites” in the Downtown Area Plan, as shown in the graphic above. There are several landmarked buildings in close vicinity to the project. The Downtown Area Plan lists the abutting buildings at 2171 Allston Way (“William Such” building) and at 2130 Center St. (“Ennor’s Restaurant” building) as landmarked historic resources. The Berkeley Art Museum across the street at 2150 Addison St. is likewise a landmarked historic resource.



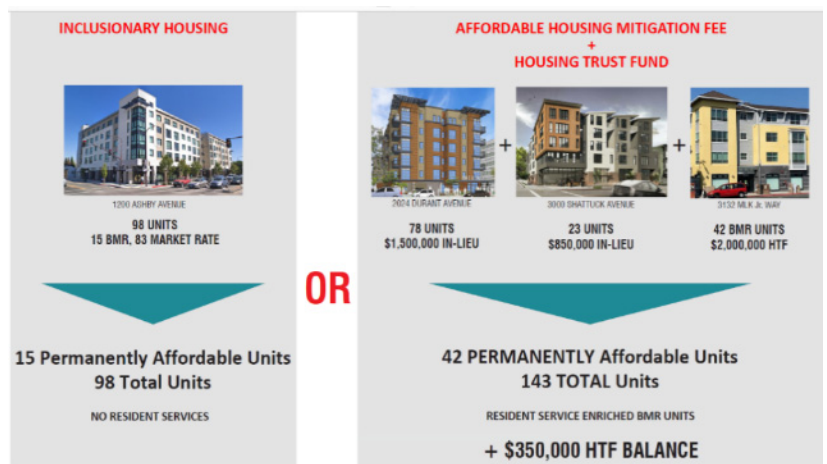
Portion of Downtown Area Plan Historic Resource Map

Rent-Controlled Units: There are currently 16 dwelling units in 2142 Center St. that are subject to rent control under the City’s Rent Stabilization Ordinance. None of the units are occupied. The project sponsor communicated with 16 tenants in accordance with the Rent Stabilization Ordinance to terminate leases. Fifteen of the tenants elected to terminate their leases; the final report was not responsive to numerous communications. As a result, the project sponsor evicted this tenant in accordance with the Ellis Act. This eviction was not predatory. The project sponsor has provided the tenant with requisite payment and an option to return to the project once constructed.

Moreover, the project will replace these rent-controlled—but not affordable—units with 16 units affordable to households at Extremely Low and Very Low income levels. Additionally, the project will contribute over \$10 million to the Affordable Housing Trust Fund.

Housing Affordability Statement

In addition to the replacement of 16 Extremely Low and Very Low Income units in the project, this project is also subject to the City of Berkeley’s

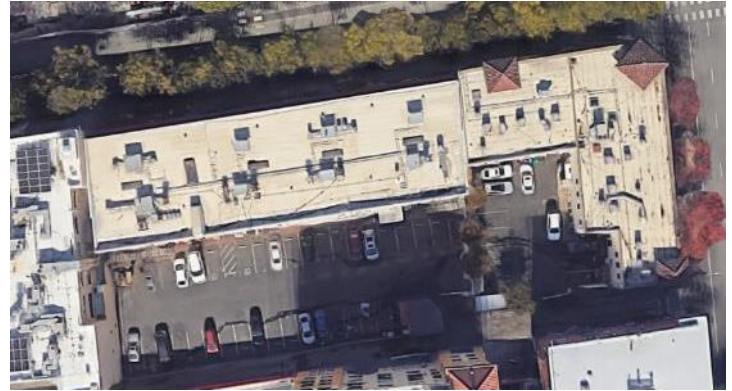


Example of the benefit of housing mitigation fees over inclusionary units

inclusionary housing requirement (BMC Section 23.328). This ordinance requires the project to provide at least 20% of the total number of dwelling units as inclusionary units with the option of paying fee in-lieu, per BMC Section 22.20.065. This rental project proposes to pay over \$10 million as an in-lieu fee to go to Berkeley's Affordable Housing Trust Fund.

Parcel Conditions

The project site is composed of two parcels which will be consolidated through a lot merger.

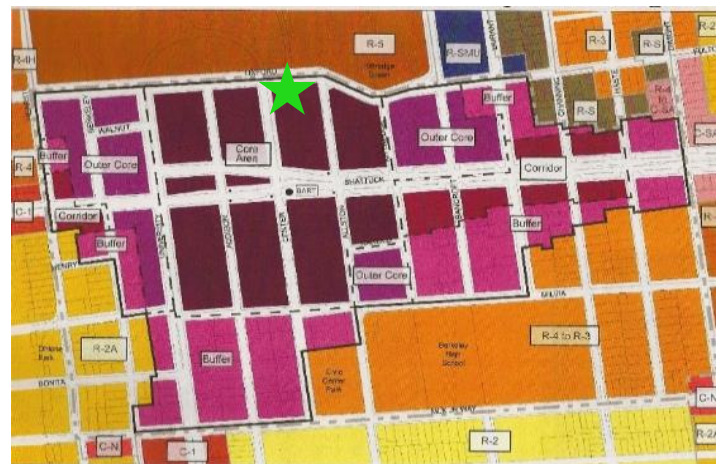


Aerial View of Properties

CITY OF BERKELEY REGULATIONS

Downtown Area Plan

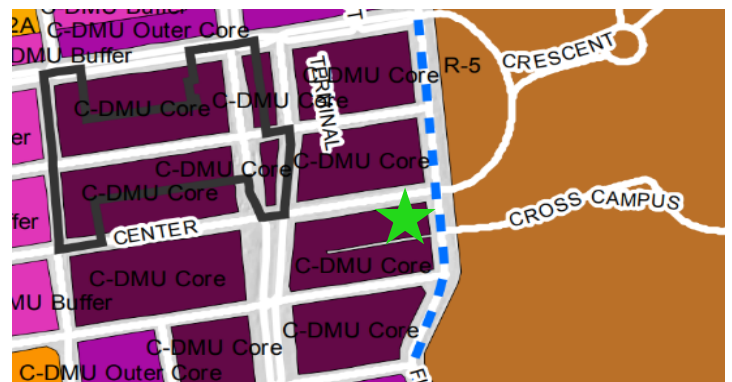
The subject site is designated as "Core Area" in the Downtown Area Plan (DAP). This designation allows multi-family housing, including student housing. The project implements the DAP's "public-serving frontage" requirement by proposing retail and restaurant uses along the Center St. project frontage, and an active and inviting lobby space (with cafe, open to the public) along Oxford Street. The project proposes a building height of 180 feet, one of several height exceptions allowed by the DAP in exchange for substantial community benefits. The project also meets required design standards from the Downtown Design Guidelines. Most notably, this includes the public serving frontage requirements and ground-floor design standards.



Downtown Area Plan Map

Zoning Ordinance

The subject site is located in the C-DMU Core Zoning District. The C-DMU Core allows for buildings of extra height, up to 180'. The project includes the required ground-floor commercial uses and allowed residential lobbies permitted in the district. Table 2 identifies the permitted development standards and how these are met by the proposed project.



Existing Zoning

Table 1: Zoning Development Standards (C-DMU Core)

Standard (BMC Section 23.204.130.E)		Proposed	Permitted/Required
Building Height	Maximum (ft.)	180'	180' exception
	Stories	17	None
Setbacks (Min.)	Front (Oxford St.)	0-75 feet: 0' 76-77 feet: 0' 77 feet +: 0-15'	0 to 75': 0' 76 feet +: 15' Or modification with Use Permit
	Street Side (Left/Center St.)	0-75 feet: 0' 76-77 feet: 0' 77 feet +: 0-5'	0 to 75': 0' 76 feet +: 15' Or modification with Use Permit
	Interior Side (Right/Alley)	0-20 feet: 0' 21' to 75': 5'+ 76' to 120': 15'+ (except balconies) Over 120': 15'+ (except balconies)	0 to 20 feet: 0' 21' to 75': 0' w/in 65' of front PL, 5' after 76' to 120': 5' w/in 65' of front PL, 15' after Over 120': 15' Or modification with Use Permit
	Rear (interior/west)	0-20 feet: 0' 21 to 75': 5' 76 to 120': 15'+ (except balconies) Over 120: 15'+ (except balconies)	0-20 feet: 0' 21 to 75': 5' 76 to 120': 15' Over 120: 15' or less with Use Permit
	Tower Dimension	179'-4"	120' in width above 120' height, or more with Use Permit
Usable Open Space		14,469 sq. ft. private 12,478 sq. ft. common 26,947 sq. ft. total	80 sq. ft./unit (22,640 sq. ft.)
Parking and Loading	Automobile	63	Dwelling Units: None Commercial: 1.5/1,000 sq. ft. (16 spaces) Vehicle Sharing: 3 per 60+ spaces provided
	Loading	1	1/ first 10,000 sq. ft. of commercial + 1/each additional 40,000 sq. ft. of commercial space
	Bicycle	Long Term: 286 Short Term: 30	Commercial: 1/2,000 sq. ft. (6 spaces) Residential: 1 sp./3 bedrooms (255 Long Term), 1 sp./40 bedrooms (20 Short Term)

COMMUNITY ENGAGEMENT

The project team is looking forward to working with the community, City staff and decision-makers to refine the project over the next year. Our team has been meeting with various stakeholders over the last few months, including the Downtown Berkeley Association; individual merchants; UC Berkeley Real Estate, Housing and Campus Architect personnel; Council members; Berkeley Design Advocates; and the Berkeley Art Museum and Pacific Film Archives.

The project team held a community meeting on Tuesday, November 2, 2021 via Zoom. We sent postcard mailings to over 750 addresses, including occupants and owners within 300 feet of each property. Additionally, we posted flyers at the project site on the large yellow signs. The flyers and postcards included details and a QR code to access the project website and Zoom link. Although only one

participant attended the meeting, we had a wide-ranging discussion about the participants ideas and concerns which included:

- Interest in maintaining the existing building façade, fabric and character of Downtown
- Concern that this location is not a good site for new tall buildings
- Concerns about blocking views from the Campanile building
- Support for getting people of the street and cleaning up Downtown
- Support for the right of return for existing on-site retailers/restaurants
- Preference for traditional design and detailed articulation vs. modernism, which seems to be the City's preference

USE PERMIT REQUESTS

The project requires several use permits including:

- Use Permit, under BMC Section 23.326.070, to demolish main buildings used for non-residential purposes;
- Use Permit, under BMC Section 23.326.030, to demolish a building containing two or more units;
- Use Permit, under BMC Section 23.204.020, to construct a mixed-use development in the C-DMU Zoning District;
- Use Permit, under BMC Section 23.204.020.B, to construct new floor area over 10,000 sq. ft.
- Use Permit, under BMC Section 23.204.130.E.2 to construct a building up to 180 feet in height
- Zoning Certificate, under BMC Section 23.310.030, for Alcoholic Beverage Service of beer and wine incidental to seated food service, in each retail space.
- Use Permit, under BMC Section 23.204.130.E.3(d)i to increase the widest dimension of the tower above 120 feet in building height from 120' to 179' 4".
- Use Permit, under BMC Section 23.204.130.E.3(b) to reduce setbacks:
 - front setback requirement for a portion of the building above 76 feet in height, from 15 feet to 0 feet
 - street side setback requirement for a portion of the building above 76 feet in height, from 15 feet to 0 feet
 - rear and interior side yard setbacks to allow for 6-foot balconies, where architectural projection regulations limit balconies to project 5 feet into a setback
- Administrative Use Permit under BMC Section 23.302.070(E)(5)(a), to allow outdoor seating on Oxford St. abutting the R-5 district
- Administrative Use Permit under BMC Section 23.302.070(E)(2) to allow food service establishments above 3,000 sq. ft.
- Administrative Use Permit, under BMC 23.304.050, to allow rooftop equipment projections

Additionally, a Minor Encroachment Permit will be required to allow balconies to project into the public right-of-way on Center Street.

REQUIRED FINDINGS

23.326.070 Demolitions of Non-Residential Buildings

D. Findings. A Use Permit or an AUP for demolition of a non-residential building or structure may be approved only if the ZAB or the Zoning Officer finds that:

- 1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and*
- 2. The demolition:*
 - (a) Is required to allow a proposed new building or other proposed new use; [applicable]*
 - (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or, which is infeasible to modify for such uses; [not applicable]*
 - (c) Will remove a structure which represents an inhabitable attractive nuisance to the public; or [not applicable]*
 - (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project. [not applicable]*

Response: The demolition is required in order to allow the proposed new project to be built. The demolition will not be materially to the needs and public interest of the neighborhood or City since the proposed project will replace the existing ground-floor retail commercial uses and replace the 16 rent controlled units with 16 dwelling units affordable to Extremely Low and Very Low income households. Notably, two-thirds of the project site are identified as “development opportunity sites” in the Downtown Area Plan. Redevelopment of the remaining third, the eligible historic component, is necessary in order to develop the remainder of the site.

23.326.020 Demolition or Elimination of Dwelling Units—General Requirement

B. In addition to the requirements below, the Zoning Adjustments Board (ZAB) may approve a Use Permit to eliminate or demolish a dwelling unit only upon finding that eliminating the dwelling unit would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley.

Response: The project would replace 16 dwelling units with 283 dwelling units, increasing the number of units on the site by 267. This increase will have a substantial beneficial impact in meeting Berkeley’s continuing need for additional housing and the Regional Housing Needs Assessment target. Moreover, it will provide this housing in close proximity to regional transit, bicycle facilities, UC Berkeley campus, shops, and services, which reduces vehicle miles traveled, air quality and greenhouse gas emissions impacts. The existing 16 units, that are subject to the Rent Stabilization Ordinance, will be replaced by 16 dwelling unit affordable to Extremely Low and Very Low Income households, thereby preserving

housing affordability for these units. As a result, the project would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City.

23.326.030 Eliminating Dwelling Units through Demolition

2. *Findings. The ZAB may approve a Use Permit to demolish a building constructed before June 1980 on a property containing two or more dwelling units if any of the following are true:*

- (a) The building containing the units is hazardous or unusable and is infeasible to repair. [not applicable]*
- (b) The building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units. [not applicable]*
- (c) The demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community. [not applicable]*
- (d) The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units. [applicable]*

Response: The project would replace 16 dwelling units with 283 dwelling units, increasing the number of units on the site by 267. The existing units, which are subject to the Rent Stabilization Ordinance, will be replaced by 16 dwelling units which will be permanently affordable to Extremely Low and Very Low Income households, thereby preserving housing affordability for these units.

The existing units are no longer occupied. The project sponsor communicated with 16 tenants in accordance with the Rent Stabilization Ordinance to terminate leases. Fifteen of the tenants elected to terminate their leases; the final tenant was not responsive to numerous communications. As a result, the project sponsor evicted this tenant in accordance with the Ellis Act. This eviction was not predatory. The project sponsor has provided the tenant with requisite payment and an option to return to the project once constructed.

C-DMU Findings (Downtown Mixed Use District)

23.204.130.I *To approve an AUP or Use Permit for a project in the C-DMU district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:*

- 1. Is compatible with the purposes of the district; and*
- 2. Is compatible with the surrounding uses and buildings.*

23.204.030.B.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.*

Response: The proposed project is consistent with the purposes of the C-DMU District, because it is consistent with the goals and policies of the Downtown Area Plan. The proposal is not an addition, so D.2. does not apply. The project is a higher-density, mixed-use development in proximity to regional

transit, shops and amenities. The 283 dwelling units will provide access to Downtown on foot, by bicycle and via transit, and promote transit as an efficient and attractive choice. It will contribute to Downtown as a thriving, diverse residential neighborhood with a mix of supportive uses. It will enhance public streets to benefit pedestrians, improve Downtown's livability, and foster an exceptional sense of place. The project will include over 10,000 square feet of replacement commercial space that will service the city and region, consistent with the Core Area of the C-DMU District.



Center Street Proposed Elevation

The project design is compatible with the surrounding uses and buildings and is compatible with the visual character and form of Downtown. The project would maintain continuity with and respect for the surrounding urban environment.

Datum lines, human-scaled openings, the use of thin brick and earth-toned colors and materials would complement downtown's traditional fabric. The building's wall treatments would complement those of the adjacent, historic buildings while providing asymmetry and curves that respond to the Berkeley Art Museum across the street. The street-level scale of neighboring buildings would be respected, as the project maintain datum lines across to the landmarked 2130 Center Street building ("Ennor's Restaurant") to the west. The building maintains the street wall and storefront systems at the pedestrian-level, matching the rhythm of businesses along the south side of Center Street. But, the building steps back at the 8th floor and again at the 12th and 17th floors to reduce apparent massing and potential for shadows. This results in a tower with a slim appearance when viewed from the sidewalk level. The project's proposed retail and multi-family residential uses also are already found in Downtown Berkeley.

B23.204.130.E.2(c) Findings to Construct a Building up to 180 feet in Height

i. To approve a Use Permit for increased building height under this section, the ZAB must find that the project will 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.

ii. 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.

iii. This 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.

Response: The project would provide significant community benefits as required by the Downtown Are Plan, C-DMU district regulations, and Resolution 67,172. A complete description of preliminary community benefits is attached. Below is a summary of preliminary benefits that will be refined based

on feedback from community members, City staff, and decision-makers that include, but are not limited to:

- **Green Building and Sustainability:** The project anticipates achieving LEED Gold or equivalent standards, though building and resource efficiency. It proposes bird safe glass on key facades and design features including overhangs and recesses that create shadows to reduce the potential for bird strikes. The project is proposed with all-electric systems and with up-to-date Green Building Code compliance, neither of which were in effect or envisioned by the Downtown Area Plan, C-DMU district findings, and Resolution 67,172. The project includes on-site stormwater management, where none exists today, along with low-flow fixtures that reduce per capita water use.

- **Public Improvements/Center St. Public Plaza:** The project would contribute to the Streets and Open Space Improvement Fund to expand pedestrian and open space infrastructure in the Downtown. Alternatively, the project team is interested in supporting an improvement on Center St., specifically. The Downtown Area Plan identified a conceptual plan for a street closure on Center Street to allow for an expanded public plaza. Although a full street closure is no longer feasible due to the valet parking entrance to the new hotel, a partial street closure may be feasible. If desired, the project sponsor could contribute to a plaza that allows for outdoor seating, gathering, flexible performance space, while still allowing bicycle, pedestrian, and emergency vehicle access in the form of a woonerf. Depending on the desired outcome, major improvements may include grading, drainage, curbs, gutters, pavers, and maintenance costs.



Example of flexible street closure and public plaza

- **Alternative Transportation:** Capitalizing on its exceptional transit access, the project would provide unlimited local bus transit passes or equivalent to each unit and employee, unbundled parking, and on-site parking for carshare spaces. Over 300 bike parking spaces are proposed, along with a bike repair facility. Due to the project's location within Downtown Berkeley, and the replacement of on-site commercial uses, most trips from the project site are expected to be walking trips.

- **Retail Assistance:** The project sponsor is providing relocation assistance (financial as well as technical assistance from the City Office of Economic Development) and Downtown Business Association) and rights to return once the development is completed.



The project sponsor is assisting commercial tenants with relocation and the option to return

- **Rooftop Restaurant/Bar:** On previous buildings taller than 75 feet proposed Downtown, community members and decision-makers have expressed clear interest in rooftop access. For instance, the upper-level restaurant at the Center St. hotel site was a result of public feedback. As an option, the project team is proposing a rooftop restaurant/bar on level 17 in lieu of three top-floor dwelling units. The restaurant/bar would be accessible to customers from the community at-large via a dedicated entrance and elevator, accessed from Center St. This would provide an opportunity for community members to take advantage of amazing views at level 17, as patrons of the restaurant/bar, and generate economic development benefits as a major Downtown attraction.



Conceptual rendering of rooftop bar/restaurant

- **Affordable Housing:** The project would contribute approximately \$10 million into the Affordable Housing Trust Fund. Based on changes in the City's Affordable Housing Mitigation Fee and in-lieu requirements that went into effect in 2017, these fees are well in excess of what was envisioned by the Downtown Area Plan, C-DMU district, and Resolution 67,172. Additionally, the project would replace the 16 existing rent-controlled—but not affordable—units with 16 units that would be affordable to Extremely Low and Very Low Income households. State law only requires that half of the replaced units be affordable to Extremely Low and Very Low Income households, based on HUD Comprehensive Housing Affordability Strategy income levels in the City of Berkeley.



The project will contribute approximately \$10 million in Housing Trust Fund monies to support 100% affordable housing projects.

- **RHNA Target:** The project would help to reduce Berkeley and the region's housing crisis, by adding 283 units in a transit-oriented service-rich location. This would help the City make progress toward meeting the City's RHNA target.
- **Union Labor:** The project is committed to a Project Labor Agreement with all 28 member trades of the Alameda Building Trades Council, based on 5% of estimated construction costs as stated in Resolution 67,172, to ensure union labor on the project. This Agreement will establish a commitment to union labor, including stipulations for apprentices and training. Based on actual labor costs, this Agreement represents a 15% premium over construction costs, well above the 5% threshold.

23.204.130.E.3 Findings to Modify Setbacks and Tower Dimension

(b) The ZAB may modify the setback standards in Table 23.204-39 with a Use Permit upon finding that the modified setbacks will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

Response: The 17-story tower element of the building is located at the corner of Oxford and Center Street, which represents the most prominent location on the site and presents the fewest effects on neighboring properties. It is immediately adjacent to the UC Berkeley campus and along Center Street, the street with the highest foot traffic in the entire East Bay. The building holds the street wall on Center and Oxford Streets through the first 75 feet of the building to provide architectural consistency with the context of the street and greater Downtown. The building is compliant with all setbacks and other development standards up to 75 feet. The project requests four related setback reductions for the upper stories.

Above 75 feet, the building starts stepping back consistent with the C-DMU setback requirements. These setbacks reduce limitations on solar access on adjacent properties and potential for wind on the sidewalk. Above 76 feet, the project requests a reduction in the front setback on Center Street, from 15 feet to 0 feet, to allow the tower to hold the corner at the zero lot line through level 17, as shown in the image at right. As part of a Zoning Ordinance update, effective December 1, 2021, the City instituted a street side setback in the C-DMU district for the first time. The project meets the requirements through the first 75 feet of the building. Above 75 feet, the project requests a reduction in the setback from 15 feet to 0 feet, along the corner and 5 feet along the bulk of the street side elevation.



The building steps back above 75 feet, breaking down the building mass

These front and street side setback reductions would not have an effect on the solar access to neighboring built properties. However, it would have a modest effect on the lower portion of the Crescent open space on UC Berkeley campus. The project would add shaded areas to the open space during afternoon hours, particularly in the winter. Afternoon shadows in the fall and spring would primarily fall on the area around the vehicle roadway and the pedestrian path leading to the main campus. The project would not shade the plaza of the Crescent.

At levels 8 through 16, the project requests setback reductions on the rear (west/interior) and interior side (south/alley) to allow for balcony depths qualify as “usable open space.” The Zoning Ordinance allows architectural projections, such as balconies, to project 5 feet into a required setback, as long as the projections do not exceed 50% of the surface area of the building. The project proposes balconies that are 6 to 9 feet deep in order to accommodate open space amenities and meet the definition of “usable open space.”

Since these requests are limited to the interior setbacks to the south and west, they would have a negligible effect on solar access and wind. The building to the west does not have window openings in the proposed location of the setback request. The northern windows on the building to the south have

limited sun access under existing conditions; this condition would not change substantially with the proposed project. If the ZAB instead preferred that the project meet all setback requirements, the project could be revised to design the balconies to be 5-feet deep. However, the project would no longer meet the C-DMU open space requirement, since the balconies would not meet the minimum 6-foot dimension threshold.

The final setback finding required is to increase the tower dimension from 120 feet to 179'-4" at its widest point on level 12, and from 120 feet to 151'-1" at its widest point on levels 13 through 17. This additional area allows the building to maintain the unit layout, plumbing, and structural grid from the lower stories, while having a negligible effect on solar access and wind. The greatest width of the tower is tucked into the center of the site, where it is least visible from the ground-level and least impactful from a solar and wind standpoint. At the street edge, the tower is limited to 65 feet wide at the zero lot line, on both the Oxford and Center Street facades. This reduces the apparent mass from the pedestrian-level and from viewpoints to the east which are higher in elevation.



The location of the tower at the Oxford/Center highlights the connection between Downtown and UC Berkeley campus.

23.406.040.E Findings for Issuance and Denial and Conditions

1. *To approve a Use Permit, the ZAB shall find that the proposed project or use:*
 - (a) *Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and*
 - (b) *Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.*
2. *To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.*
3. *When taking action on a Use Permit, the ZAB shall consider in its findings:*
 - (a) *The proposed land use; and*
 - (b) *The structure or addition that accommodates the use.*
4. *Required findings shall be made based on the circumstances existing at the time a decision is made on the application.*
5. *The ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings.*

Response: The project site is located within the Downtown Mixed Use District (C-DMU), Core Area, which the Downtown Area Plan envisioned to support this type of higher density mixed use

development in proximity to regional transit, shops and amenities. The project will replace 16 units with 283 residential units and replace existing retail and restaurant space with a similar amount of floor area. The project is adjacent to the Downtown Berkeley BART Station and multiple AC Transit lines on Shattuck Avenue and Oxford Street. Surrounding land uses include a hotel, museum, retail commercial space, offices, restaurants, and the UC Berkeley campus. The project will add to surrounding commercial uses and add population to support these uses. Moreover, mixed use, including multifamily residential and retail/restaurants, are permitted uses in the C-DMU district, and the proposed structure is appropriate for these uses in that they create public-facing commercial uses at the ground-level, with residential units and amenities on the upper stories.

The project will contribute to Downtown as a thriving, livable, diverse residential neighborhood with a mix of supportive uses, and play a significant role in meeting Berkeley's continuing need for additional housing. In addition, the project is subject to the City's Affordable Housing Mitigation Fee (AHMF) Ordinance (BMC Section 22.20.065), which requires that the applicant contribute approximately \$10 million to the Affordable Housing Trust Fund. The existing 16 dwelling units at the subject property, which are subject to the Rent Stabilization Ordinance but are not subsidized, will be replaced with 16 dwelling units affordable to Very Low Income households.

The project will enhance public open spaces and streets to benefit pedestrians, improve Downtown's livability, and foster a sense of place. Street improvements will strengthen Center and Oxford Streets as a destination and enhance pedestrian experiences. This includes an expanded on-street bike corral, redesigned parklet on Oxford Street, retention of existing street trees on Center Street, and replacement of street trees on Oxford Street. The project will contribute to the Streets and Open Space Improvement Plan (SOSIP) Fund, which is dedicated to public enhancement in the Downtown. In addition, the building will provide approximately 25,800 square feet of private open space for residents, including rooftop decks and gardens, and private balconies.



Public realm improvements including potential slow street on Center St.

The project is designed to achieve a LEED Gold or equivalent rating, as required under BMC Section 23.240.130.G, and will be in compliance with Title 24 of California's Building Standards Code. The project's sustainability features include efficient building systems, stormwater planters and roof gardens to reduce the heat island effect and delay stormwater runoff; and Transportation Demand Management features including AC Transit passes for each residential household and commercial employee, three car share parking spaces, two electric vehicle charging stations, and over 300 secure bicycle parking spaces. In this way, the project supports the City's Climate Action Plan and General Plan Implementation Strategies regarding sustainability.

The 17-story project will result in new shading patterns, primarily onto the vehicular roadway and a portion of the associated open space on UC Berkeley's Crescent campus. The project would add shaded areas to the open space during afternoon hours, particularly in the winter. However, it will not be

detrimental to the solar access of the surrounding buildings and general neighborhood. The tower is only 65-feet wide along the Center and Oxford Street facades, with the massing stepping back toward the center of the proposed building. This minimizes afternoon shadow impacts during all seasons.

ENVIRONMENTAL CONDITIONS

Historic Resources: As noted above, the 2132-2154 Center Street building has been identified as an eligible historic resource by the City in previous analyses, but it is not a landmarked building. The abutting buildings at 2171 Allston Way (“William Such” building) and at 2130 Center Street (“Ennor’s Restaurant” building) are landmarked historic resources, as is the Berkeley Art Museum across the street at 2150 Addison Street.

Culverted Creek. Strawberry Creek is located in a culvert southeast (off-site) from the project site. Although it is located off-site, the project avoids the culvert area by pulling back the building at the southeast corner. The project sponsor will work with the City’s Engineering Division if a Creek Permit is required.

PROJECT TEAM

Developer/Owner: Core Spaces/Core Berkeley Oxford LLC

Architect: DLR Group

Landscape Architect: Site Design Group

Planning Consultant: Rhoades Planning Group

Civil Engineering: Kimley-Horn

Structural Engineering: DCI Engineer

MEP: Tom Gilbertson