

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
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94597
(925) 256-6042

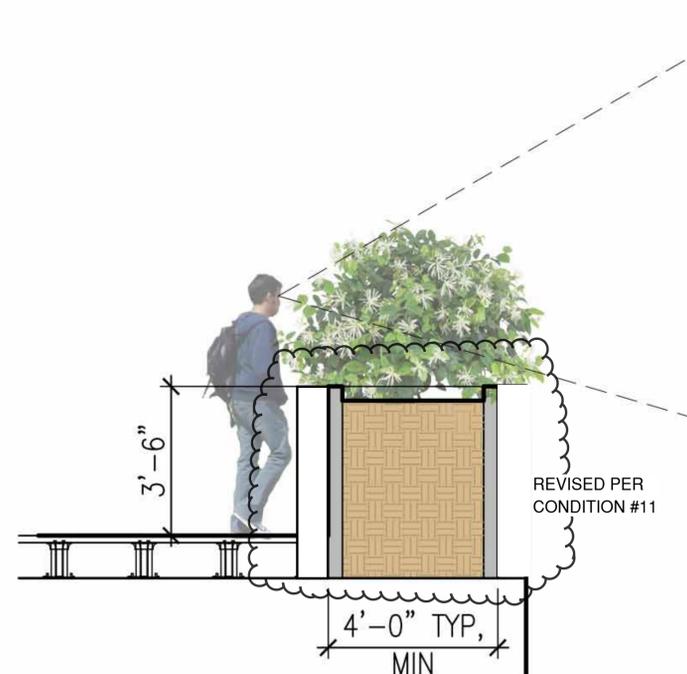
JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA # 3335 · 2 Theatre Square #218
Orinda CA · 94563
925.254.5422 · www.jett.land

**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

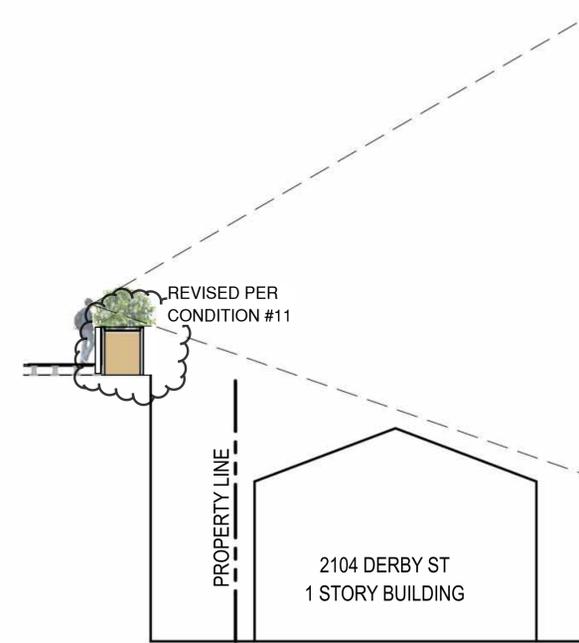
drawing
**ILLUSTRATIVE
SECTIONS**

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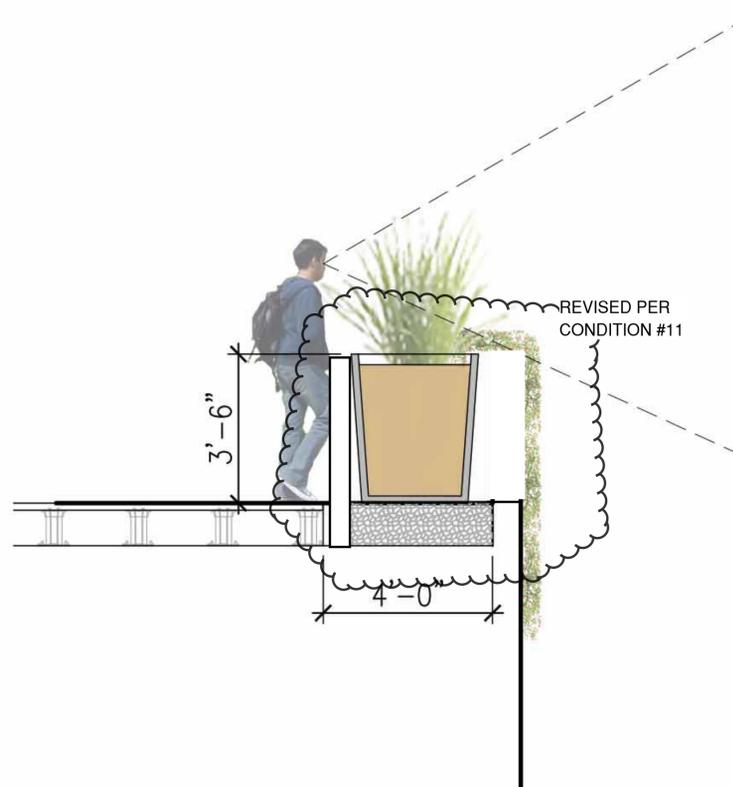
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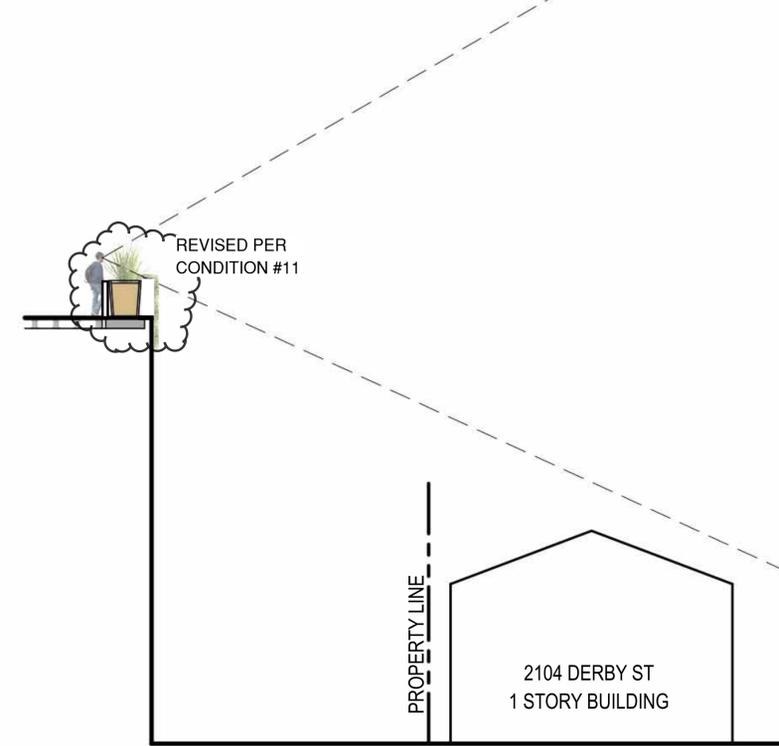
SECTION C - PODIUM
SCALE: 1/4" = 1'-0"



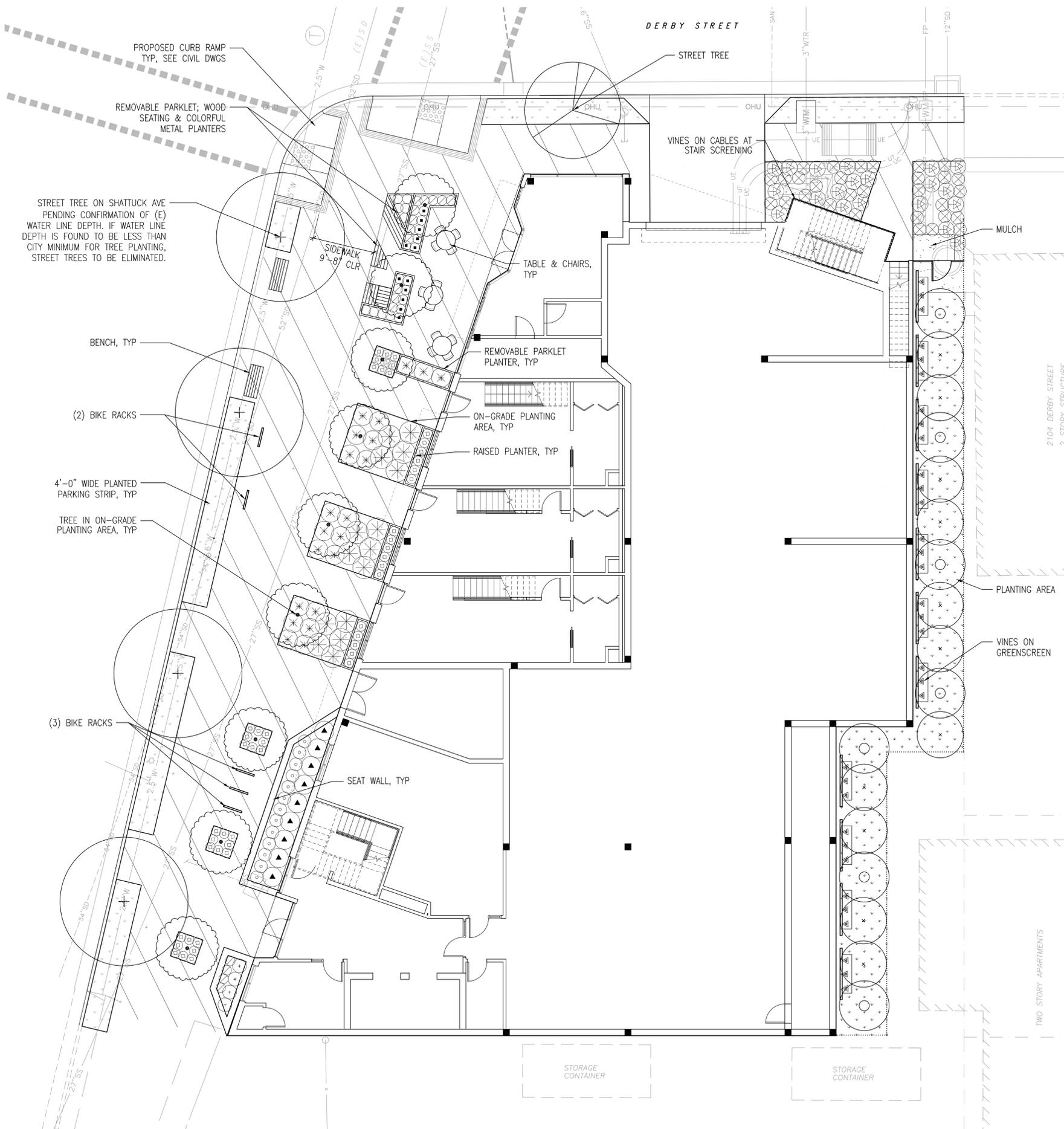
SECTION A - PODIUM
SCALE: 1/16" = 1'-0"



SECTION D - FOURTH AND FIFTH FLOOR, TYP
SCALE: 1/4" = 1'-0"



SECTION B - FOURTH FLOOR
SCALE: 1/16" = 1'-0"



PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME
STREET TREES		
	ACER RUBRUM 'SCARSEN'	SCARLET SENTIEL MAPLE, 24" BOX
	ACER BUERGERANUM	TRIDENT MAPLE, 24" BOX
TREES		
	LAGERSTROEMIA INDICA 'DYNAMITE'	GRAPE MYRTLE
	ACER PALMATUM 'SANGU KAKU' MIN HEIGHT: 8'-10" INSTALLED	JAPANESE MAPLE, 36" BOX
	ACER RUBRUM 'ARMSTRONG' MIN HEIGHT: 14'-16" INSTALLED	COLUMNAR RED MAPLE, 36" BOX
	AZARA MICROPHYLLA	BOXLEAF AZARA
	CERCIS CANADENSIS, MULTI MIN HEIGHT: 8'-10" INSTALLED	EASTERN REDBUD, 24" BOX
	CITRUS LIMON 'MEYER IMPROVED' CITRUS KUMQUAT	MEYER LEMON KUMQUAT
	OSMANTHUS FRAGRANS AURANTIACUS	ORANGE SWEET OLIVE
SHRUBS & GRASSES		
	ANEMONE X HYBRIDA 'HONORINE JOBERT'	JAPANESE ANEMONE
	PENSTEMON H. 'MARGARITA BOP'	BLUE PENSTEMON
	CAREX TUMULICOLA	BERKELEY SEDGE
	CORREA 'RAY'S TANGERINE'	AUSTRALIAN FUCHSIA
	ANIGOZANTHOS SPP.	KANGAROO PAWS
	KNIPHOFIA UVARIA	TORCH LILY
	LOMANDRA LONGIFOLIA 'BREEZE'	LOMANDRA
	LOROPETALUM V. RUBRUM 'BLUSH'	FRINGE FLOWER
	HEMEROCALLIS SPP.	DAYLILLY
	PHORMIUM SPP.	NEW ZEALAND FLAX
	MUHLENBERGIA RIGENS	DEER GRASS
	POLYSTICHUM MUNITIUM	CA. SWORD FERN
	PHORMIUM 'MARGARET JONES'	NEW ZEALAND FLAX
	ROSMARINUS 'TUSCAN BLUE'	T. BLUE ROSEMARY
	SARCOCOCCA HOOKERIANA HUMILIS	SWEET BOX
	VERBENA BONARIENSIS	PURPLE TOP
VINES		
	CAMPIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBOTINCTUM SEDUM SPATHIFOLIUM 'CAPE BLANCO' SEDUM 'ANGELINA' ERIOGONUM GRANDE V. RUBESCENS ACHILLEA MILLEFOLIUM 'PAPRIKA'	STONECROP STONECROP STONECROP BUCKWHEAT YARROW
GROUNDCOVER GRASSES		
	CAREX SPP. FESTUCA GLAUCA 'ELIJAH BLUE' NASSELLA TENUISSIMA	SEDGE SPECIES BLUE FESCUE FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA CAREX TUMULICOLA CERATOSTIGMA PLUMBAGINOIDES JUNCUS PATENS POLYSTICHUM MUNITIUM	GRAY SEDGE BERKELEY SEDGE DWARF PLUMBAGO GRAY RUSH SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD CAREX SPP. KNIPHOFIA UVARIA JUNCUS PATENS PHORMIUM HYBRIDS	- SEDGE SPECIES TORCH LILY GRAY RUSH NEW ZEALAND FLAX

SYMBOLS

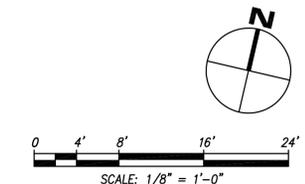
- PAVING**
- DECORATIVE PAVING PATTERN
 - COLORED CONCRETE PAVING
- SITE FURNISHINGS**
- RAISED PRECAST PLANTERS; VARIOUS SIZES
 - TABLE AND CHAIRS
 - BIKE RACKS
 - ADIRONDACK CHAIR
 - BENCH

PLANTING NOTES

- SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
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FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
PLANTING PLAN - GROUND

drawn
checked
date
scale
job no.
202
sheet

L2.1

DERBY STREET

SHATTUCK AVENUE



2104 DERBY STREET
2 STORY STRUCTURE

COLORED CONCRETE PEDESTAL PAVING, TYP

ADIRONDACK CHAIR, TYP

3' HT PLANTER

4' HT TREE PLANTER, TYP

2' HT PLANTER

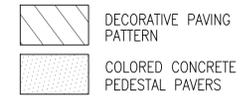
BUILT-IN BENCH, TYP

TWO STORY APARTMENTS

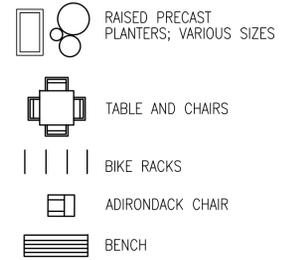
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GROUNDCOVER GRASSES		
	CAREX SPP.	SEDGE SPECIES
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	TURF	-
GROUNDCOVER PLANTING		
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SYMBOLS

PAVING



SITE FURNISHINGS

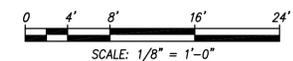


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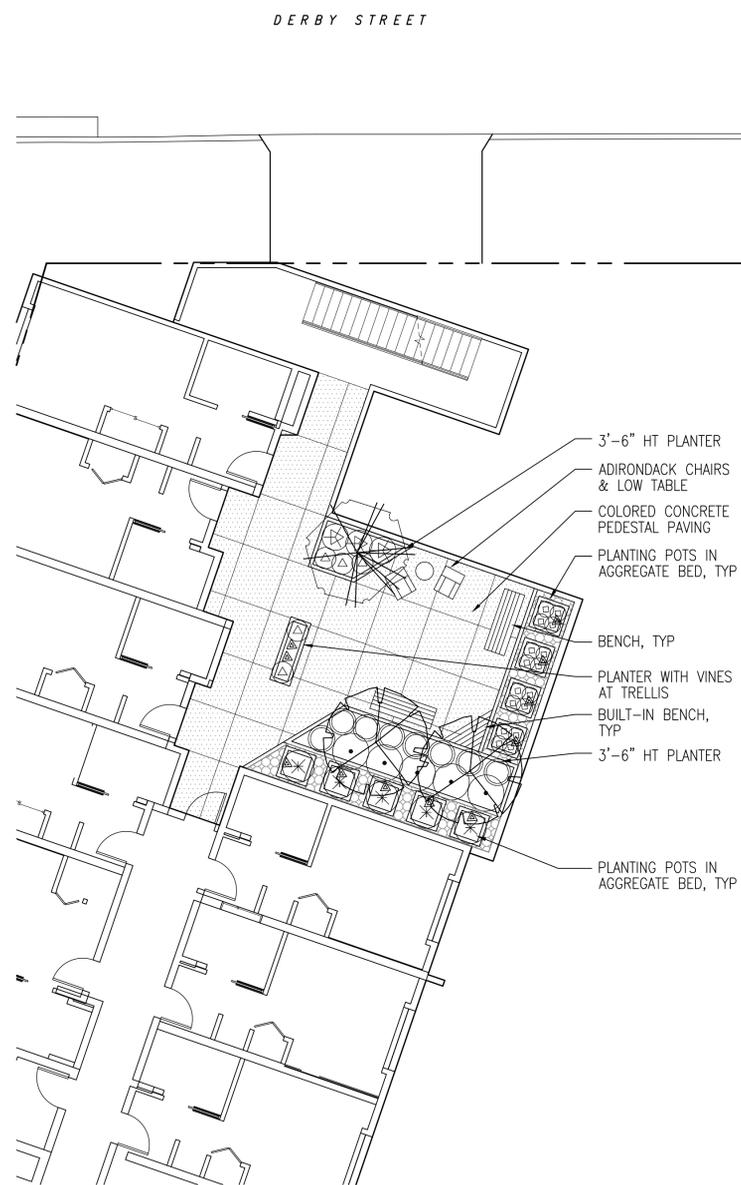
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2701 SHATTUCK AVENUE
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FOR:
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drawing
PLANTING PLAN - PODIUM

drawn
checked
date
scale
job no. 202
sheet

L2.2



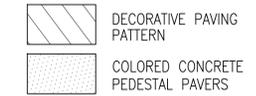
1 PLANTING PLAN - 4TH FLOOR
SCALE: 1/8" = 1'-0"

2 PLANTING PLAN - 5TH FLOOR
SCALE: 1/8" = 1'-0"

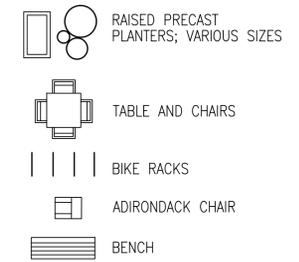
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GREEN ROOF MIX		
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GROUNDCOVER PLANTING		
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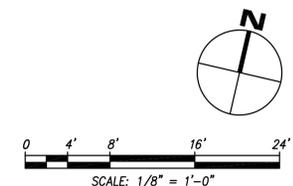


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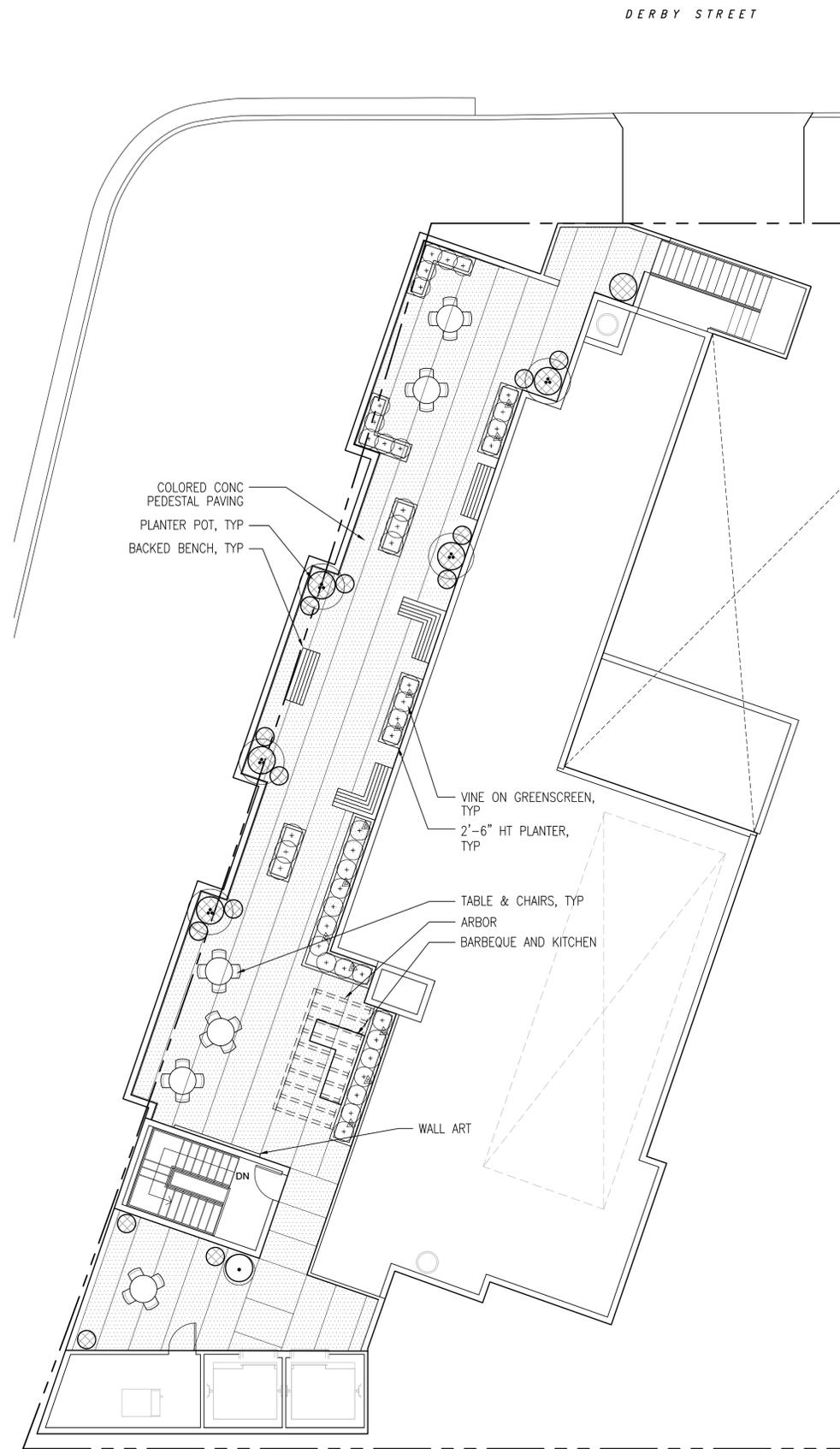
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drawing
PLANTING PLAN - 4TH & 5TH

drawn
checked
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job no.
202
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L2.3

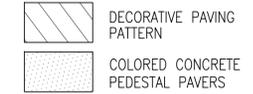


1 PLANTING PLAN - ROOF
SCALE: 1/8" = 1'-0"

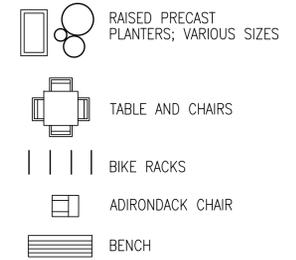
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	CAMPSIS RADICANS	TRUMPET VINE
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE
GREEN ROOF MIX		
	SEDUM RUBROTINCTUM	STONECROP
	SEDUM SPATHIFOLIUM 'CAPE BLANCO'	STONECROP
	SEDUM 'ANGELINA'	STONECROP
	ERIOGONUM GRANDE V. RUBESCENS	BUCKWHEAT
	ACHILLEA MILLEFOLIUM 'PAPRIKA'	YARROW
GROUNDCOVER GRASSES		
	CAREX SPP.	SEDGE SPECIES
	FESTUCA GLAUCA 'ELIJAH BLUE'	BLUE FESCUE
	NASSELLA TENUISSIMA	FEATHER GRASS
	TURF	-
GROUNDCOVER PLANTING		
	CAREX DIVULSA	GRAY SEDGE
	CAREX TUMULICOLA	BERKELEY SEDGE
	CERATOSTIGMA PLUMBAGINOIDES	DWARF PLUMBAGO
	JUNCUS PATENS	GRAY RUSH
	POLYSTICHUM MUNITIUM	SWORD FERN
PRECAST POT PLANTING MIX		
	ANNUALS, TBD	-
	CAREX SPP.	SEDGE SPECIES
	KNIPHOFIA UVARIA	TORCH LILY
	JUNCUS PATENS	GRAY RUSH
	PHORMIUM HYBRIDS	NEW ZEALAND FLAX

SYMBOLS

PAVING



SITE FURNISHINGS



PLANTING NOTES

1. SOIL MANAGEMENT REPORT: UPON COMPLETION OF MASS GRADING, CONTRACTOR TO PROVIDE AGRICULTURAL SOIL ANALYSIS DONE BY A QUALIFIED SOIL-TESTING LABORATORY. SOIL ANALYSIS LAB TO MAKE RECOMMENDATIONS FOR AMENDING THE TOPSOIL WITH COMPOST TO BRING ORGANIC MATTER TO A MINIMUM OF 3.5% DRY WEIGHT.
2. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC MULCH.
3. STREET TREES TO BE MINIMUM OF 24" BOX SIZE STANDARD TRUNK, A SINGLE DOMINANT CENTRAL LEADER WITH STAKES. ANY TREE NOT ALIVE AND VIGOROUSLY GROWING AFTER THREE YEARS SHALL BE REPLACED BY OWNER.

IRRIGATION NOTES

1. THESE PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE, EBMUD SECTION 31, AND BAY-FRIENDLY BASICS AND APPLY THE ASSOCIATED CRITERIA FOR THE EFFICIENT USE OF WATER IN THE IRRIGATION DESIGN PLAN.
2. IRRIGATION SYSTEM IS TO BE FULLY AUTOMATIC, USING A WEATHER-BASED CONTROLLER AND LOW-FLOW DRIP, SUBSURFACE DRIP, AND BUBBLER DISTRIBUTION. BUBBLERS NOT TO EXCEED 1.5 GALLONS PER MINUTE PER BUBBLER.
3. STREET TREES TO BE IRRIGATED WITH 2 BUBBLERS EACH AND VALVED INDEPENDENTLY. PROVIDE A MINIMUM OF 20 GALLON OF WATER PER WEEK BETWEEN MARCH 15TH TO OCT 15TH.



revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
DRC SUBMITTAL 9/20/18	-
ZAB SUBMITTAL 11/08/18	-

HDO
architects, planners
2950 camino diablo suite 110 walnut creek, ca 94597 (925) 256-6042

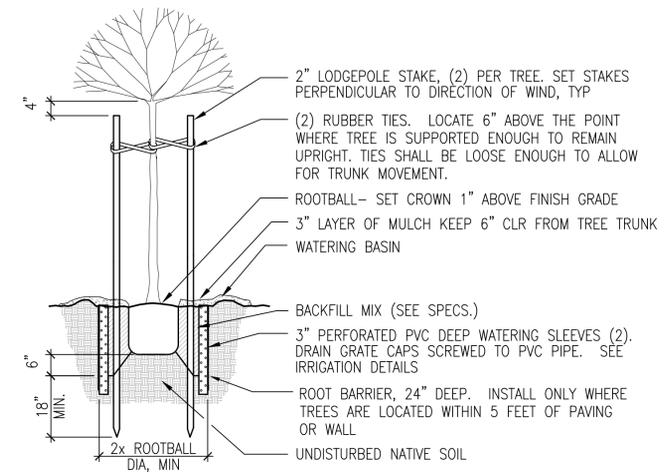
JETT
LANDSCAPE ARCHITECTURE + DESIGN
CRLA # 3335 · 2 Theatre Square # 218 Orinda CA · 94563 925.254.5422 · www.jett.land

2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
PLANTING PLAN - ROOF

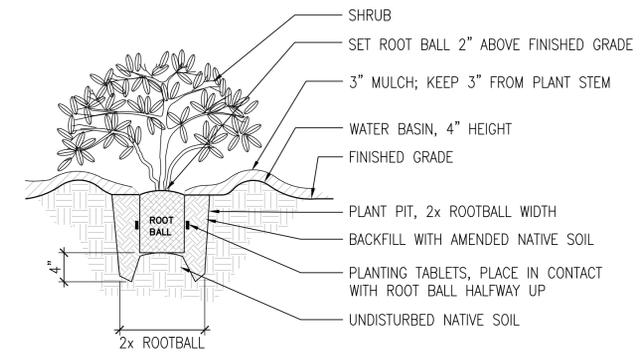
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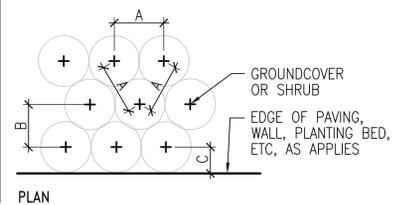
NOTE
EXCAVATE PLANTING PIT TO 2x THE WIDTH OF THE ROOTBALL. SCARIFY SIDES OF PIT.

1 TREE PLANTING
SCALE: 1/2" = 1'



2 SHRUB PLANTING
SCALE: 1" = 1'

PLANT SPACING & QUANTITIES CHART			
SPACING 'A'	SPACING 'B'	SPACING 'C'	NUMBER OF PLANTS PER SQUARE FOOT
6" OC	5.20"	2.60"	4.615
8" OC	6.93"	3.47"	2.597
10" OC	8.66"	4.33"	1.663
1'-0" OC	10.40"	5.20"	1.154
1'-3" OC	13.00"	6.50"	0.738
1'-6" OC	15.60"	7.80"	0.513
2'-0" OC	20.78"	10.39"	0.289
2'-6" OC	26.00"	13.00"	0.185
3'-0" OC	31.18"	15.59"	0.128
3'-6" OC	34.64"	17.32"	0.104
4'-0" OC	41.57"	20.79"	0.072
5'-0" OC	51.96"	25.98"	0.046
6'-0" OC	62.35"	31.18"	0.032



- NOTES**
- DIAGRAM APPLIES TO ALL GROUNDCOVER AND MASSES SHRUB PLANTINGS. SUCH PLANTS ARE TO BE SPACED EQUIDISTANT TO EACH OTHER IN A TRIANGULAR PATTERN AS SHOWN ABOVE, UNLESS OTHERWISE NOTED ON THE PLANS.
 - WHERE GROUNDCOVER OR SHRUB MASSING OCCURS ADJACENT TO EDGE OF PAVING, WALLS, CURBS, OR ADJACENT PLANTING BEDS, UTILIZE SPACING 'C', WHERE C=1/2 B.

3 PLANT SPACING
SCALE: 1" = 1'

revisions	by
DRC SUBMITTAL 12/15/16 & 1/27/17	-
ZAB SUBMITTAL 9/12/17 & 1/03/18	-
ZAB SUBMITTAL 3/07/18	-
ZAB SUBMITTAL 6/28/18	-
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**2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC**

drawing
**PLANTING
DETAILS**

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date
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job no.
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sheet
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Z O N I N G A D J U S T M E N T S B O A R D S T A F F R E P O R T

FOR BOARD ACTION
JUNE 13, 2019

2701 Shattuck Avenue

Use Permit #ZP2016-0244 to construct a 5-story, 62'-tall, 27,980-square-foot, mixed-use building with 57 dwelling units (including 5 VLI units), a 600-square-foot ground-floor Food Service Establishment, 30 automobile parking spaces, and secure storage for 44 bicycles.

I. Background

A. Land Use Designations:

- General Plan: AC – Avenue Commercial; South Shattuck Strategic Plan
- Zoning: C-SA – South Area Commercial District

B. Zoning Permits Required:

- Use Permit to construct a new mixed-use development of 5,000 square feet or more, under BMC Section 23E.52.030.A; and
- Use Permit to construct more than 3,000 square feet of new floor area, under BMC Section 23E.52.050.

C. Waivers/Modifications under Government Code Sections 65915-65918:

- Waiver to exceed height – to be 62'-4" maximum height, where an average of 50' is the limit, and to be 5 stories where 4 stories is the limit;
- Waiver to construct rooftop projections, such as mechanical appurtenances or architectural elements to exceed the height limit;
- Waiver to reduce the front, rear, side, and street side yards:
 - Front setback – 0'-0", where 15' is the minimum;
 - Rear setback – 0'-6", where 15' is the minimum;
 - Side setback (left) – 4'-0", where 5' is the minimum;
 - Side setback (right, street side) – 0'-0", where 6' is the minimum; and
- Waiver to exceed the lot coverage limit – to be 86%, where 40% is the limit.

D. Concessions under Government Code Sections 65915-65918:

- Concession to increase average unit size from 463 square feet (Base Project) to 495 square feet (Proposed Project); and
- Concession to have ground-level parking in the Proposed Project, when the Base Project parking is underground.

- E. CEQA Determination:** Categorically exempt pursuant to Section 15332 (“In-Fill Development Projects”) of the CEQA Guidelines.
- F. Parties Involved:**
- Applicant: Stuart Gruendl, Bay Rock Multifamily, LLC, 411 Pendleton Way, Suite C, Oakland
 - Property Owner: 2701 Shattuck Berkeley, LLC, 7917 Festival Court, Cupertino
- G. Administrative Record Available:** All application materials, staff reports, and correspondence for this project are available at this webpage:
https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2701_Shattuck_2016.aspx
- H. November 8, 2018 ZAB Hearing Staff Report:** See Attachment 5 for figures, tables, background, and compliance with the Municipal Code and the General Plan. The complete ZAB packet is available at this webpage:
https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2701_Shattuck_2016.aspx
- I. March 12, 2019 City Council Hearing Staff Report:** See Attachment 6 for the staff report and Appeal Letter. The complete City Council packet is available this webpage:
https://www.cityofberkeley.info/Clerk/City_Council/2019/03_Mar/City_Council_03-12-2019_-_Regular_Meeting_Agenda.aspx

Figure 1: Proposed Ground Floor Plan



Recent Project Chronology

Date	Project Action
November 8, 2018	ZAB Hearing
November 20, 2018	ZAB Notice of Decision issued
December 3, 2018	Appeal filed
February 26, 2019	Public hearing notices mailed/posted
March 12, 2019	City Council Hearing – Action to Remand to ZAB
May 30, 2019	Public hearing notices mailed/posted
June 13, 2019	ZAB hearing
June 30, 2019	Remand Deadline ¹

II. Project Background

A. ZAB Action: On November 8, 2018, the Zoning Adjustments Board (ZAB) approved Use Permit #ZP2016-0244 to construct a 5-story, 62'-tall, mixed-use building with 57 dwelling units (including 5 VLI units), a 600-square-foot ground-floor café, and 30 parking spaces by a vote of 7-1-0-1 (Yes: Clarke, Kahn, O'Keefe, Olson, Pinkston, Selawsky, Wright; No: Sheahan; Abstain: None; Absent: Kim). Prior to approving the project, the ZAB modified Condition #11 as shown below in underlined text:

Final Design Review. The Project requires Final Design Review (FDR) approval by the Design Review Committee. Plans presented at FDR shall include the following design changes:

- A. Eliminate the 3 south parking lifts along east wall (between floorplan reference lines D and E) and align the exterior podium wall with eastern wall of utility room, creating an approximately 18'-wide setback from the east property line; provide at grade planting in the expanded setback area to the satisfaction of the DRC. (Sheet A2.1)
- B. Move podium railing/parapet to the inside (west) edge of the planting beds so that the planting beds are east of it, to soften the wall edge; detail to be worked out at FDR. (Sheet A2.2)

In addition, the applicant shall consider revising the project to address the following design changes for presentation to the DRC at FDR:

- Better screening on the north stairs and the eastern open space decks to increase privacy;
- Utilize robust plants that grow quickly to provide immediate privacy to east of the site;
- Find a solution for greater privacy on east windows for both residents and neighbors; and
- Explore ways to reduce the apparent massing of the north stair as experienced from the street; consider pulling the stair mass closer into the building.

¹ The 90 day period is extended because of tolling for Council's spring recess period.

After the Notice of Decision was issued, an appeal of the ZAB decision was filed by Todd Darling and Linda Jensen Darling, residents at 2106 Derby Street, with the City Clerk, along with a letter of support for the appeal signed by 26 residents within 300' of the project site.

B. Council Consideration of the Appeal: On March 12, 2019, the City Council held a hearing for the appeal, and by a vote of 5-4-0-0 (Ayes – Davila, Bartlett, Harrison, Hahn, Arreguin; Noes – Kesarwani, Wengraf, Robinson, Droste), remanded the project to the ZAB for a hearing to consider the following:

1. Ensure that the approved project complies with state density bonus laws and the Housing Accountability Act;
2. Relocate the north exterior stair away from the north side of the building to an enclosed location or otherwise integrate it into the building for better design and for visual privacy of neighbors;
3. Reduce or eliminate parking if possible to lower the height of the (east) wall, increase setbacks, increase light to the neighbor, lower the overall height of the building, and improve the environmental impacts of the project;
4. Increase the setback of the east podium wall as much as possible;
5. Move rooftop elements such as the plantings, shades, and other deck features westward toward Shattuck Avenue as much as possible;
6. Add signage or design elements which clearly identify the Shattuck sidewalk landscaped areas for public use;
7. Create a maintenance agreement between the City and the property owner for the owner to take responsibility for maintenance of the landscaped areas on the Shattuck sidewalk;
8. Add a curb cutout on the Shattuck sidewalk frontage for passenger loading;
9. Analyze the elimination of the ground-floor commercial space and the addition of live-work or affordable units on the ground floor; and
10. Encourage the applicant to include as many affordable units in the project as possible.

Note: The plans presented to the Council on March 12, 2019 depicted a revised project that responded to ZAB's Condition #11 in part (the revised plans did not incorporate ZAB's advisory comments to be addressed by the DRC at FDR as noted on above).

C. Applicant's Response to Council Direction: On March 26, 2019, the applicant submitted a revised project in which the café was replaced with a resident's lounge, to change the project from a mixed-use building into a residential-only building, and in which the changes made to satisfy ZAB's Condition #11 were removed from the plans. However, after learning from staff that as a residential-only project, the Base Project allowed on this site would not support the number of dwellings that was proposed, the applicant withdrew this revision to the project.

On April 11, 2019, the applicant revised the project to present the same project presented to the ZAB in November, except that the loading zone in the right-of-way that was approved by the ZAB was omitted, and the north exterior stair landings were enclosed. Staff met with the applicant team on April 17, 2019 to discuss this revision

to encourage them to further explore design changes that would respond to all, or at least more, of what the Council requested. On April 22, 2019, the applicant submitted a letter that described alternate design proposals that they will present at the June 13th hearing for the ZAB's consideration. (See Attachment 4, Applicant's Alternate Proposal.) To date, the applicant has not submitted plans that depict these alternate proposals.

Figure 2: View Looking Southwest (shows stucco enclosure of stair landings and full podium).



II. Revised Project for ZAB's Consideration

A. Summary of Plan Revisions for Remand to ZAB: The revised project plans submitted by the applicant in response to the City Council's direction and for the ZAB's consideration reflects the following changes to the building design:

1. Reversion of the parking layout to the original arrangement of nine (9) parking lifts and 30 spaces, choosing not to address the ZAB's Condition #11 to remove three (3) parking lifts and nine (9) parking spaces in order to move the east exterior wall westward;
2. Enclosure of the open landings of the north exterior stair with solid walls and stucco finish, up through the fourth floor; and
3. Elimination of car share and commercial loading zone on Shattuck Avenue.

(See Figures 1 and 2: Proposed Ground Floor Plan and View Looking Southwest.)

B. Summary of Alternate Proposal: The letter submitted by the applicant on April 22, 2019 describes alternate design proposals which were explored in response to the City Council's direction, and which the applicant has stated will be presented to the ZAB at the remand hearing for consideration (see Attachment 4, Applicant's Alternate Proposal Description):

1. Elimination of the café and replacement with resident's lounge;
2. Relocation of the north exterior stair to the northwest corner of the building (where café was) and enclosure within the building envelope;
3. Relocation of four (4) dwelling units from the northwest corner on floors 2 through 5 (to accommodate enclosed stair) to the northeast corner of building – one (1) on 2nd floor podium, two (2) on 4th floor, one (1) on 5th floor;
4. Elimination of three (3) parking lifts / nine (9) spaces and utility corridor, in order to move the east podium wall westward (per ZAB Condition #11); and
5. Reduction of all parking lifts from 3-level stackers to 2-level stackers, eliminating seven (7) spaces and lowering the overall building height by 2'.

III. Issues and Analysis

A. Applicant Response to City Council: The following are summaries of the applicant's response to each point of City Council's direction and staff's analysis of the response. (See Attachment 3, Applicant's Response Letter.) For each point, when possible, staff also provides a review of the alternate proposal based upon the alternate proposal description letter. No plans and no revised consultant studies were submitted. Thus staff cannot verify compliance with District development standards, nor definitively assess potential detriment in this staff report.

1. *Ensure that the approved project complies with state density bonus laws (DBL) and the Housing Accountability Act (HAA).*

Staff Analysis: Staff notes that the revised proposal, submitted April 11, 2019, differs from the project approved by ZAB on November 8, 2019 only in the enclosure of the north exterior stair landings and the elimination of proposed car share and commercial loading zones along Shattuck Avenue. Staff confirms that these changes are compliant with DBL and the HAA, and that the entire project is also compliant with these State regulations.

Alternate Proposal: Because plans were not submitted for staff review, staff cannot state whether the alternate proposal is compliant with DBL or HAA.

2. *Relocate the north exterior stair away from the north side of the building to an enclosed location or otherwise integrate it into the building for better design and for visual privacy of neighbors.*

Staff Analysis: The applicant states that in response to the City Council's direction, they explored moving the stair to the northeast corner of the building, moving the stair to the northwest corner of the building, and enclosing the entire stair with no change to its location. (No visual documentation of the considered options were

shared with staff.) Of the various options considered, instead of relocating the stair, the applicant decided to enclose the stair landings (on the east and north), to eliminate sightlines from the stair to the neighboring properties. Staff notes that this change would reduce the privacy impacts to the neighbors from the stair, thereby addressing a significant neighbor concern, but would increase the perceived massing of the stair (by being enclosed instead of open, as presented previously), which could exacerbate neighbor concerns over building aesthetics and massing. Thus, staff believes that the proposal does not address this Council directive.

Alternate Proposal: The north exterior stair would be enclosed and relocated to the northwest corner of the building, and the café (and the units on the above floors) would be eliminated. The stair would be integrated with the building design so that it would not be visible from the outside. This change could address the privacy impacts to the east neighbors from the stair at this location, because there would be no direct sightlines to these neighboring properties. The neighbors' concerns over privacy infringement from open landings and aesthetics of the former exterior stair design could be remedied with this proposal.

The potential relocation of the stair to northwest corner of the building would require the relocation of four (4) dwelling units from this corner (one on each floor) to make room for the enclosed stair. In order to maintain 57 units in the alternate project, the four (4) units removed from the northwest corner of the building would be relocated to the northeast corner – one (1) to 2nd floor podium, two (2) to 4th floor, and one (1) to the 5th floor. The addition of these units to the northeast corner could increase the building massing and shadow impact. The roof terrace displaced by the units moved to the 4th floor level would be relocated up one level (to the 5th floor level, atop the units added), and the roof terraces displaced at the 2nd and 5th floor levels would be eliminated, resulting in a reduction of usable open space in the project. Because the project far exceeds the district usable open space requirement, this reduction may not cause a deficiency in the project. Staff would need to verify the impacts of the proposal with revised project plans and revised shadow studies from the applicant.

3. *Reduce or eliminate parking if possible to lower the height of the wall, increase setbacks, increase light to the neighbor, lower the overall height of the building, and improve the environmental impacts of the project.*

Staff Analysis: The applicant states that they are not requesting a reduction in the parking requirement, that there is no legal basis for the City to require a reduction in the parking to be provided, and that a parking reduction would risk the financial feasibility of the project. Therefore, in addition to withdrawing their acceptance of the ZAB's condition to eliminate nine (9) spaces, they do not wish to consider Council's direction to further eliminate parking. Thus, the project presented to the ZAB includes 30 parking spaces (one above the district minimum requirement of 29 spaces). Further, without providing evidence, they state that a reduction in parking would exacerbate the parking and traffic problems in the area, where there isn't enough parking for nearby restaurant patrons, which could increase the number of cars that circulate the neighborhood in search of street parking. The

applicant suggests that they could provide bus passes to all residents to encourage public transit use. (There is currently a condition in the use permit requiring that the applicant supply transit passes to the commercial space employees, but not to residents in the project.)

Staff notes that the project would exceed the district parking requirement by providing 30 spaces where 29 are required. However, the ZAB, in its November 8, 2018 approval, determined that a reduction of nine (9) spaces, to allow the relocation of the east podium wall westward and to reduce impacts to the neighbors, was an acceptable modification of the parking requirement in exchange for the improved compatibility of the project with the neighborhood.

Staff recommends that Condition #11 remain attached to the use permit. (Note that the applicant did not dispute the ZAB's action to condition the approval to eliminate the parking spaces at the November 8th ZAB hearing.) To help alleviate the concerns over traffic in the neighborhood, staff also recommends that the ZAB add a condition to the permit (Condition #66) to require the applicant to provide unlimited local bus passes to residents in the project (two per unit, which is a typical measure used by the City when a project does not provide the minimum number of parking required by zoning). With the recommended conditions attached, staff believes that the proposal would partially address this Council directive.

Alternate Proposal: This proposal would comply with ZAB Condition #11 to eliminate three (3) parking lifts and nine (9) spaces from the eastern bank of lifts on the ground floor, and add the elimination of the east ground-floor utility corridor. These changes would move the podium wall westward approximately 18' at the removed lifts, and 7' at the removed utility corridor and allow for an increase to the landscape area between the building and the residential neighbors to the east. As a result, the changes could increase the light, privacy, and air access for the adjacent neighboring properties notably and address these neighbor concerns, because the 17.5'-tall podium wall would be further away from them.

In addition to the elimination of three (3) parking lifts and the elimination of the utility corridor, the remaining six (6) lifts would be reduced from three (3) levels to two (2) levels high, eliminating seven (7) more parking spaces (the space near the parking lot entry would be the seventh, because of structural changes necessary for the change). The 2-level lifts would allow the overall building height to be reduced by 2', from 62'-4" to 60'-4", and the podium wall height from 17'-6" to 15'-6". This could marginally reduce the shadow impacts to the neighbors to the east. Staff would need to verify the impacts of this proposal with revised shadow studies from the applicant.

These changes would result in the elimination of 16 parking spaces from the original 30 spaces, leaving 14 spaces in the project. The parking reduction could also reduce the amount of traffic in and out of the parking garage, which could result in fewer potential safety concerns from vehicles turning onto Derby Street from Shattuck Avenue or pedestrians walking on the Derby Street sidewalk near the parking garage entry/exit. (Note however, that the City traffic engineer has

concluded that there is no significant impact from the project.) This reduction could also help alleviate neighbor concerns over increased traffic and safety issues from the project, unless the applicant is correct that project-generated traffic and parking would be dispersed into the neighborhood.

4. *Increase the setback of the east podium wall as much as possible.*

Staff Analysis: The applicant states that any increase to the setback of the east podium wall would cause a reduction in unit size or count, which are prohibited by the HAA. However, staff disputes the applicant's interpretation of the State law and believes that a reduction in unit size does not constitute a reduction in density (which would be contrary to the HAA), and that this would be a potential solution to moving portions of the building further westward, away from the neighbors to the east. Staff notes that Condition #11 already imposed an HAA-compliant solution that moved the east podium wall through the elimination of three (3) parking lifts, without a reduction in unit size or a reduction in total unit count, which the applicant has now declined to accept. Instead of reducing unit size, staff recommends that Condition #11 remain attached to the use permit to address this Council directive.

Alternate Proposal: As discussed above in response to Council directive #3 for the alternate proposal, the east podium wall would be moved westward. The landscaped area east of the podium wall would be widened by an equal amount. Access to light, air, and greenery for the residential properties to the east could be increased notably. Thus, neighbor concerns over light, privacy, and air could be addressed by this proposal.

5. *Move rooftop elements such as the plantings, shades, and other deck features westward toward Shattuck Avenue as much as possible.*

Staff Analysis: The applicant states that the rooftop elements in the project cannot be moved further westward, and does not provide further explanation. Staff believes that moving the rooftop elements further westward on the narrow roof deck would yield minimal reductions to these impacts. Thus, staff does not recommend that the ZAB require this change.

Alternate Proposal: The north exterior stair would be moved westward to the northwest corner of the building and enclosed within the building envelope. As a result, the volume of the stair that extends above the roof level would be moved to the furthest location in the building away from the east neighboring properties. This could reduce the shadows projected onto these properties by the stair volume above the roof level. The remainder of the rooftop elements (elevators, second stair, machine room, exhaust vents) would remain as previously proposed. However, because plans were not submitted for staff review, staff cannot verify the impacts of this alternative.

6. *Add signage or design elements which clearly identify the Shattuck sidewalk landscaped areas for public use.*

Staff Analysis: The applicant states that they agreed with the DRC and the ZAB during the hearings that a condition of approval regarding identification of public areas may be imposed, and that they would accept the condition. Staff recommends that the ZAB add a provision to Condition #11 to require that signage or design elements shall be subject to the review and approval of the DRC to ensure that the use of the right-of-way remains open to the public. With the recommended condition, staff believes that the proposal would address this Council directive.

7. *Create a maintenance agreement between the City and the property owner for the owner to take responsibility for maintenance of the landscaped areas on the Shattuck sidewalk.*

Staff Analysis: The applicant states that they agreed with the ZAB at the November 8, 2018 hearing that this condition may be imposed, and would accept a condition to create a maintenance agreement with the City. Staff recommends that the ZAB add a condition to the permit (Condition #12) that requires the applicant to enter into a maintenance agreement with the City for the owner to maintain the landscaped areas on the Shattuck Avenue sidewalk, to be reviewed by Planning staff prior to issuance of a building permit. With the recommended condition, staff believes that the proposal would address this Council directive.

8. *Add a curb cutout on the Shattuck sidewalk frontage for passenger loading.*

Staff Analysis: The applicant has omitted the previously proposed car share and commercial loading zone designations on the Shattuck Avenue curb from the project plans. Staff has consulted with Public Works on the proposal, and confirmed that the Department does not support the addition of a curb cutout due to safety concerns. Therefore, staff does not recommend that the ZAB require this change.

9. *Analyze the elimination of the ground-floor commercial space and the addition of live-work or affordable units on the ground floor.*

Staff Analysis: As stated above, the applicant submitted a revised project on March 26, 2019 that replaced the café with a resident's lounge. However, as discussed, the elimination of the commercial space would change the proposed project from mixed-use to residential-only, which has different development standards in the C-SA zoning district, and which would have required fewer units in the Base Project to accommodate the higher usable open space requirement that would apply. In the current proposal, the café was returned to the project. The conversion of the three (3) ground-floor townhomes along Shattuck Avenue into live/work units was discussed between staff and the applicant, but because the café would be kept in the project, the applicant decided not to include live/work units for the purpose of maintaining the mixed-use designation of the project. Because the inclusion of live/work units was discussed with staff, staff believes that the proposal addressed this Council directive, though ultimately, the applicant did not make this change.

Alternate Proposal: In this proposal, the café would be eliminated, and the three (3) ground-floor townhomes along Shattuck Avenue would be converted into live/work units to address Council's direction. The live/work units would be one level, where previously the townhomes were one level, plus a mezzanine. There would be no increase in the amount of affordable units in this proposal, and with this alternative, the number would remain at five (5) VLI units.

The conversion of the ground-floor townhomes (residential) into live/work units (commercial) may provide greater engagement between the building and the public sidewalk on Shattuck Avenue than ground-floor dwellings. However, because plans were not submitted for staff review, staff has not analyzed this alternative.

10. *Encourage the applicant to include as many affordable units in the project as possible.*

Staff Analysis: The applicant states that they do not wish to provide more affordable units in the project. Staff notes that the project is providing the minimum amount of affordable units (5 VLI, or 11% of the Base Project) in order to achieve the 35% (the maximum possible) density bonus afforded by DBL, and is not required to provide more to remain compliant with DBL.² Staff also confirms that the project will comply with the AHMF ordinance which affords the applicant the option of providing the units needed to comply with the AHMF, or paying the fee, or any combination of the two.³ Staff notes that the City cannot legally compel the applicant to provide more affordable units in the project.

Staff Conclusion: Staff's analysis of the project submitted by the applicant for ZAB action and the applicant's letter in response to City Council direction is that neither adequately addresses the Council's direction, nor the ZAB's concerns at the November 8th hearing, nor Condition #11, which was approved by ZAB at that hearing. However staff believes that the Alternate Proposal would adequately respond to direction from the ZAB and Council. Therefore, staff is recommending the revision of Condition #11 to include changes to the project as described in the Alternate Proposal, and the addition of Conditions #12 and #67.

VI. Recommendation

Staff cannot recommend approval of the project as proposed. However, staff could recommend approval of the project with the addition of a revised Condition #11, and the two new conditions identified above (#12 and #66), as doing so would ensure that the project would be consistent with the Zoning Ordinance and General Plan, and have minimal impact on surrounding properties. If the ZAB accepts these conditions, staff recommends that the Zoning Adjustments Board APPROVE Use Permit #ZP2016-0244, pursuant to BMC Section 23B.32.050 and subject to the attached Findings and Conditions (see Attachment 1).

² See Attachment 5, November 8, 2018 ZAB Hearing Staff Report for staff's analysis of the project Density Bonus calculations.

³ Per BMC Section 22.20.065, the applicant may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 20% of the total units in the project at rental rates affordable to Low-Income and Very Low-Income Households and pay a proportionately reduced Fee as calculated in the following equation:

$[A \times \text{Fee}] - [(B+C)/(A \times 20\%) \times (A \times \text{Fee})]$, where A=Total # Market Rate Units; B=# of Very-Low Income Units; & C=# of Low-Income Units.

Attachments:

1. Findings and Conditions
2. Project Plans, received April 11, 2019
3. Applicant's Response to City Council Direction, received April 11, 2019
4. Applicant's Alternate Proposal Description, received April 22, 2019
5. November 8, 2019 ZAB Hearing Staff Report
6. March 12, 2019 City Council Staff Report
7. March 12, 2019 City Council Minutes
8. Notice of Public Hearing

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

DERBY STREET

SHEET NOTES

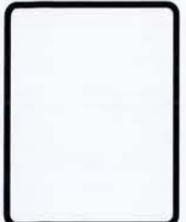
- CITY OF BERKELEY PUBLIC WORKS TRANSPORTATION DIVISION STAFF ARE TO BE CONTACTED TO REVIEW THE LOCATIONS OF THE BIKE RACKS, ON-STREET PARKING SPACES AND PARKING METER HEAD LOCATIONS BEFORE INSTALLATION. LOCATION MUST BE TENTATIVELY MARKED IN THE FIELD AND APPROVED BY PW TRANSPORTATION SERVICES DIVISION.



presented to ZAB 6/27/19

revisions	by

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architects, planners
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94597
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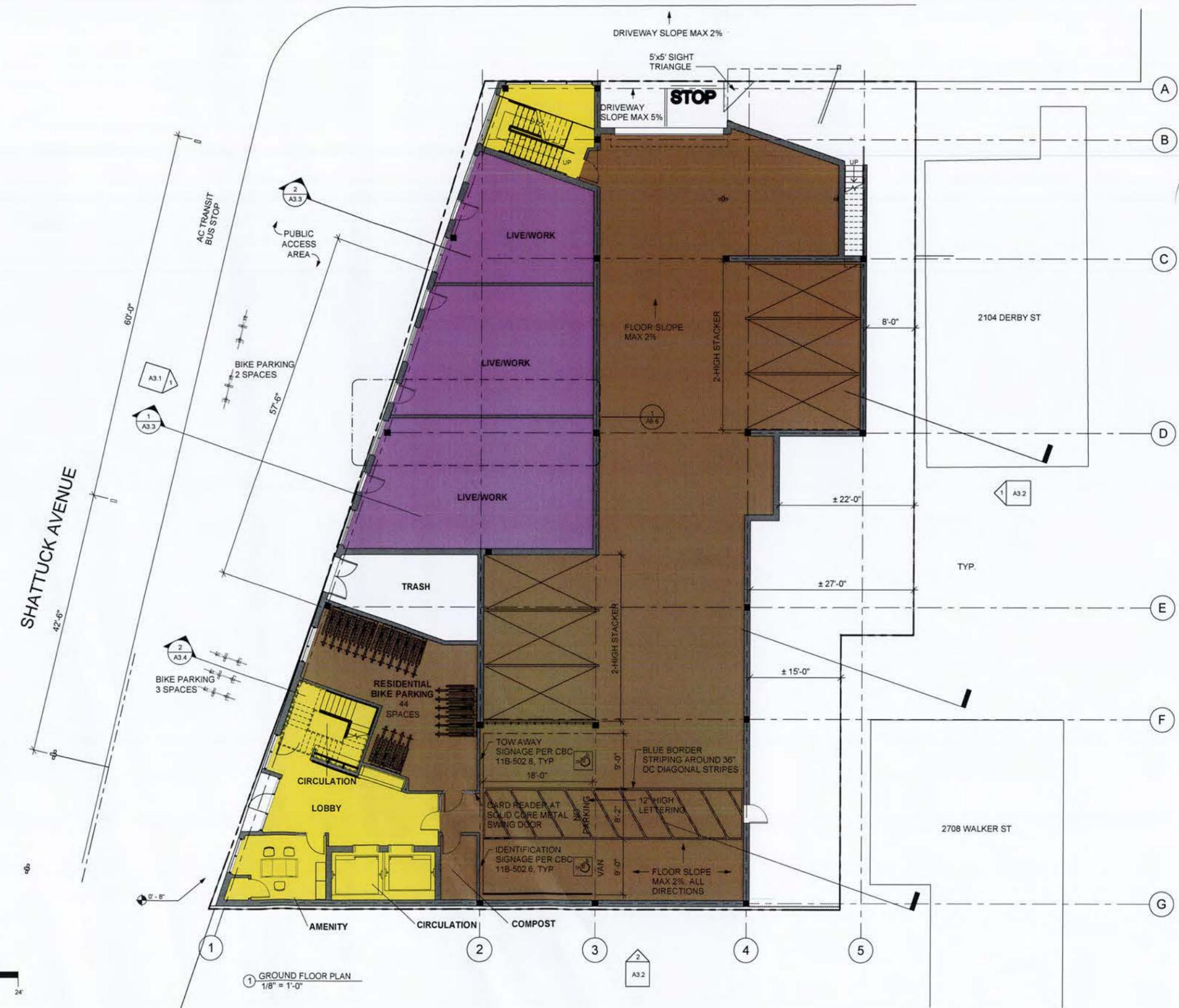


2701 SHATTUCK AVENUE
BERKELEY, CALIFORNIA
FOR:
2701 SHATTUCK BERKELEY, LLC

drawing
GROUND FLOOR PLAN

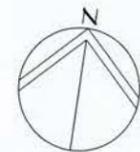
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A2.1



LEGEND

- PARKING
- COMMERCIAL
- TRASH
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



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

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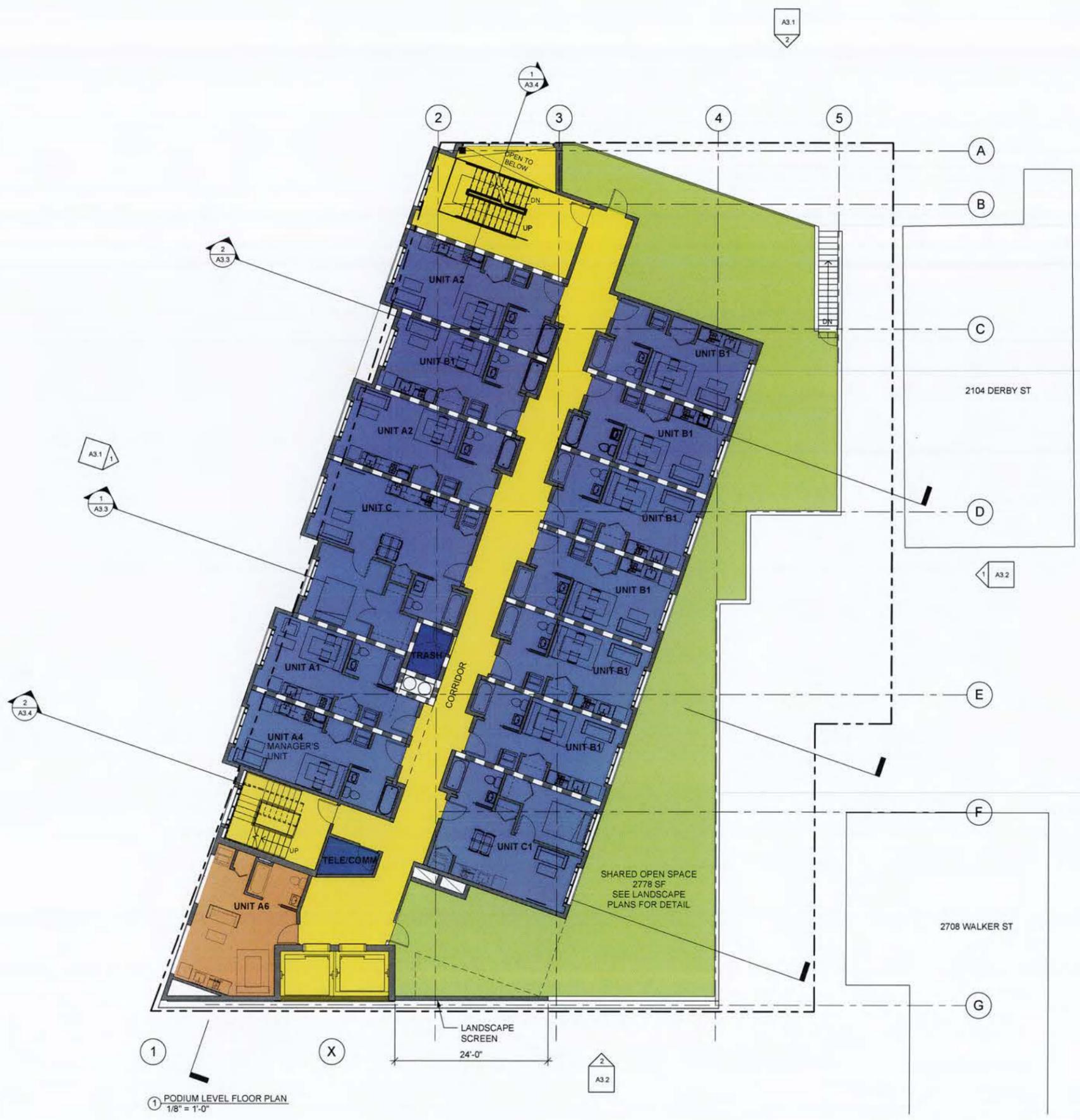
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 6/27/19

2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
**PODIUM/ 1ST
 RESIDENTIAL
 FLOOR PLAN**

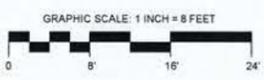
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A2.2



LEGEND

- PARKING
- RESIDENTIAL
- RESIDENTIAL (ADDED)
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 PODIUM LEVEL FLOOR PLAN
 1/8" = 1'-0"

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 walnut creek, ca
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 (925) 256-6042

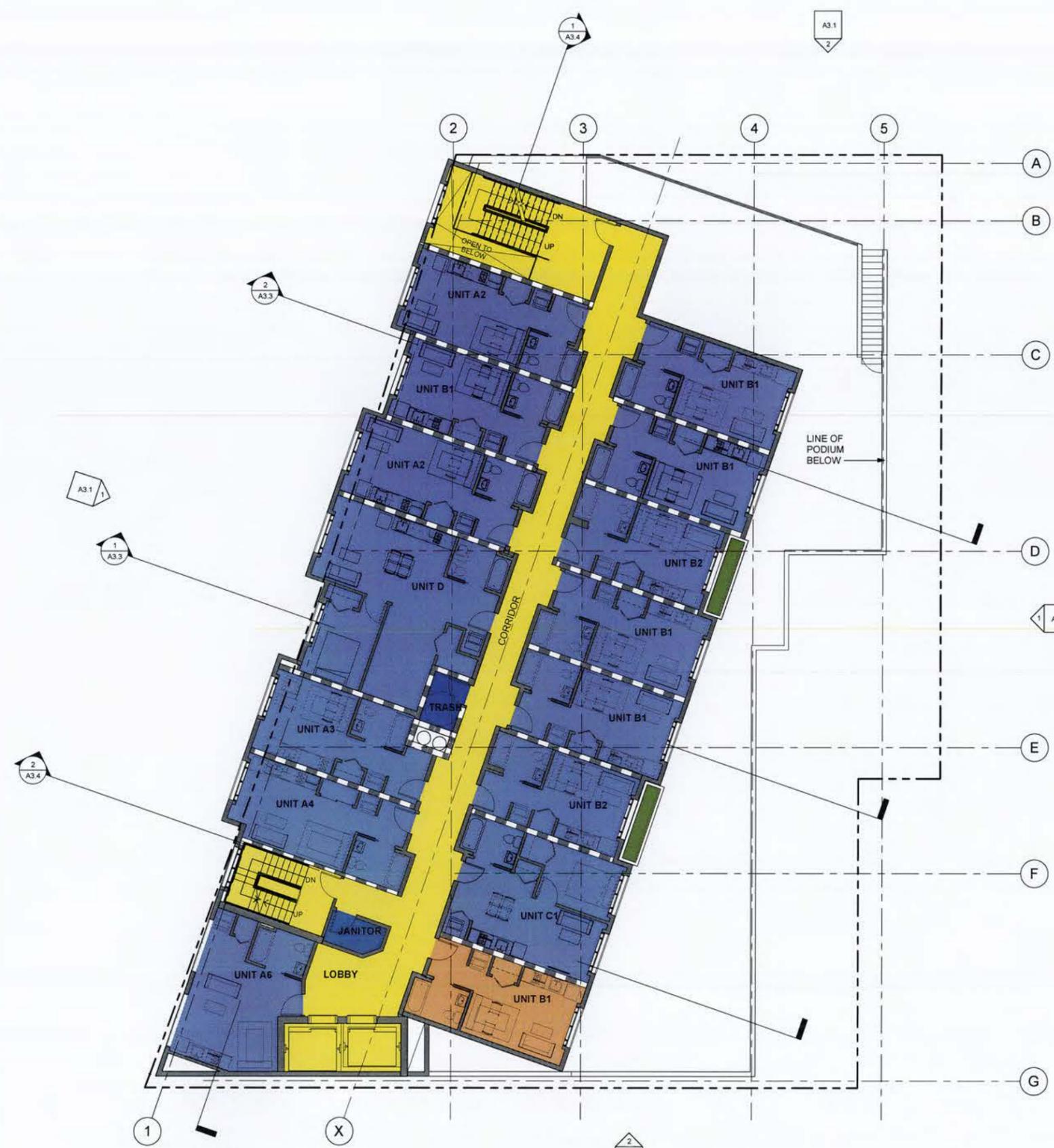
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2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
 THIRD FLR/
 2ND RESIDENTIAL
 FLOOR PLAN

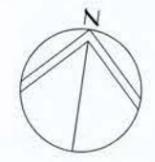
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A2.3



LEGEND

- PARKING
- RESIDENTIAL
- RESIDENTIAL (ADDED)
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 THIRD FLOOR PLAN
 1/8" = 1'-0"



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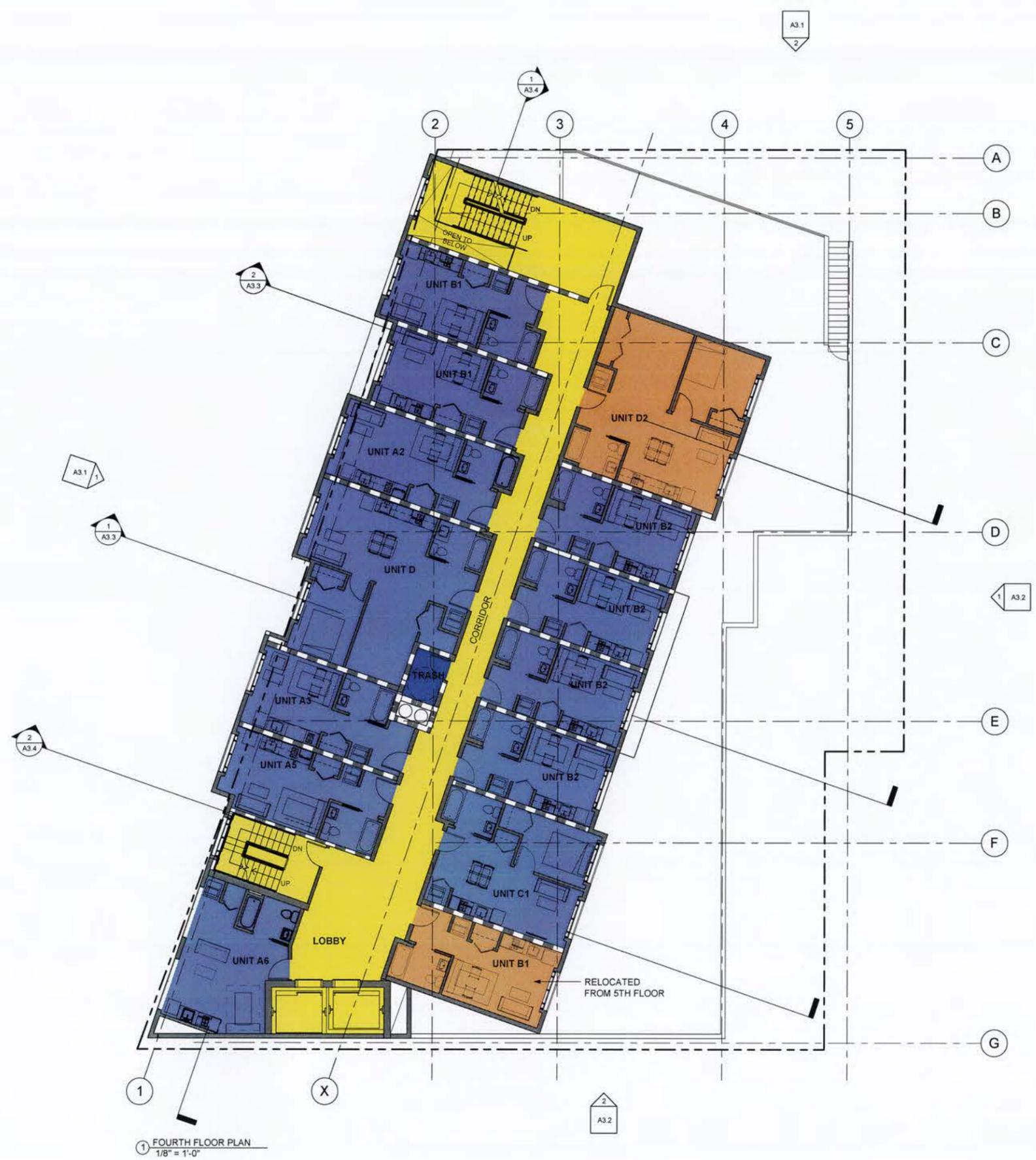
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 6/27/19

2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
 FOURTH FLR/
 3RD RESIDENTIAL
 FLOOR PLAN

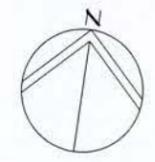
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A2.4



LEGEND

- PARKING
- RESIDENTIAL
- RESIDENTIAL (ADDED)
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



1 FOURTH FLOOR PLAN
 1/8" = 1'-0"

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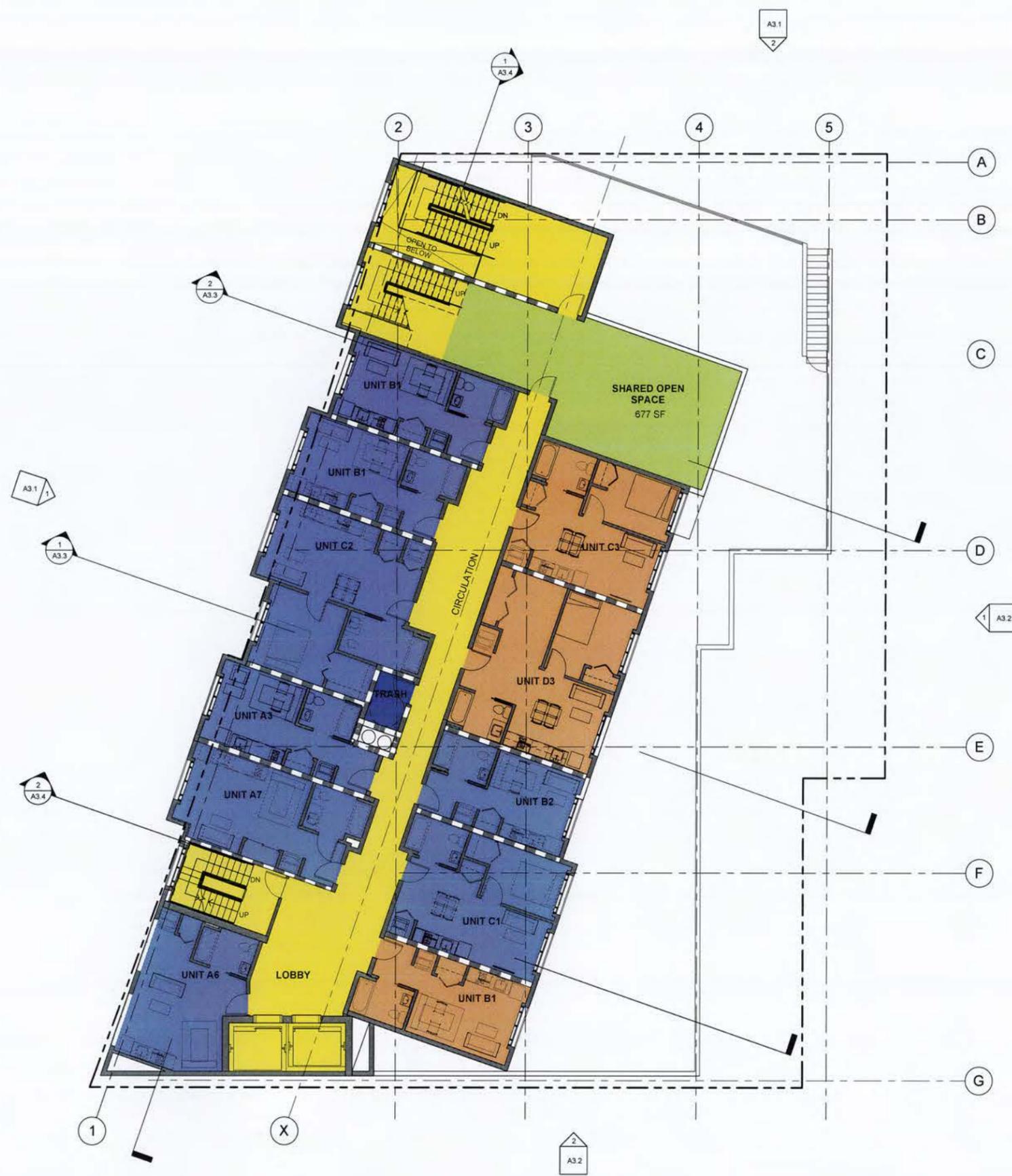
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2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
 FIFTH FLR/
 4TH RESIDENTIAL
 FLOOR PLAN

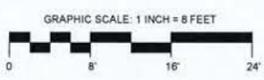
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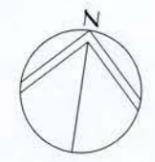


LEGEND

- PARKING
- RESIDENTIAL
- RESIDENTIAL (ADDED)
- UTILITY
- OPEN SPACE
- LANDSCAPING
- CIRCULATION
- ROOFTOP ELEMENTS
- WALL
- PROPERTY LINE



① FIFTH FLOOR PLAN
 1/8" = 1'-0"



revisions	by

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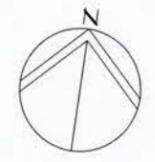
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2701 SHATTUCK AVENUE
 BERKELEY, CALIFORNIA
 FOR:
 2701 SHATTUCK BERKELEY, LLC

drawing
ROOF PLAN

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 1/8" = 1'-0"
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A2.6





BIRD'S EYE VIEW OF NORTHWEST CORNER (NEW SCHEME)



BIRD'S EYE VIEW OF NORTHWEST CORNER (PREVIOUS SCHEME)

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A11 "C"
 6/27/19

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 2701 SHATTUCK BERKELEY, LLC

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9.0

THE SUTTON GROUP**CONSULTING GEOTECHNICAL AND FOUNDATION ENGINEERS**

370 Park Street, Suite 13, Moraga, California 94556

Phone 925 284-4208 email main@suttongeo.comwww.suttongeo.com

August 27, 2019

Lee-Ling Lin
2701 Shattuck Berkeley LLC
940 Saratoga Avenue, Suite 215
San Jose, CA 95129

**Geotechnical Engineer's Response to Appellant Concerns:
Proposed 4/5 Story Residential-Mixed Use Development at
2701 Shattuck Avenue,
Berkeley, California**

Dear Ms. Lin:

In accordance with your request, we have reviewed preliminary project plans and geotechnical conditions beneath the subject property, so that we can respond to questions that have been raised by nearby residents in appeals to the project's approval by Berkeley's Zoning Board. You have asked us to address two issues: (a) the suggested presence of a creek buried beneath the property; and (b) the feasibility of building an underground parking garage beneath the property. We have researched these two items and our responses follow. The undersigned, California-Licensed Civil and Geotechnical Engineer has a Master of Science degree in Geotechnical Engineering, a California Geotechnical Engineer's License, issued in 1987, and over 40 years' civil and geotechnical engineering experience, including 33 years practicing in the East Bay area.

Suggested Presence of the former Derby Creek

It has been suggested by an appellant that a creek, which formerly flowed west on the approximate alignment of the current Derby Street may exist beneath the property. To research this presence, we first made a reconnaissance of the property and nearby vicinity, using Google Earth imagery, and later by an on-the-ground reconnaissance; we researched historic USGS topographic maps; and records of the City of Berkeley's Engineering Department. There is no indication of a creek being on the property on any current maps or imagery.

We also conducted a review of the literature. In "A Guide to San Francisco Bay Area Creeks", maintained by the Oakland Museum, Potter/Derby Creek is identified as rising on what is now the Clark Kerr Campus, and flowing westward. The main branch is shown as aligned with Derby Street a sub-parallel branch is shown as merging approximately on the alignment of Derby Street, east of Walker Street. This creek is shown continuing across the subject property, and then across Shattuck Avenue. That being said, except for a short section on the north side of Clark Kerr Campus, east of Hillside Avenue, which is marked in blue, i.e. "actual presence", the rest of the creek is marked in green ink, indicating that it is a "ghost creek"; i.e. it

is no longer present. To quote the SF Creeks Guide: "Derby Creek is a semi-ghost creek in south Berkeley. The headwaters near Clark Kerr Campus....still exist, but downstream it just goes into the storm drains until the outflow near the bottom of Ashby."

The USGS San Francisco map dated 1901 shows the creek, and topographic contours on the 1915 map suggest a creek may exist, although there is no blue line, indicative of a creek presence. The USGS' later, and more detailed Oakland West Quadrangle maps, on all revisions of the map to the present time (latest edition issued 2015) show no indication of Derby Creek. This agrees with the City of Berkeley's maps which indicate that the streets were paved on their present alignments and the creeks confined into the piped (engineered) storm drainage system early in the 20th century. The City's map sheets 267 and 266 are two sheets which show the details of the storm drains and sanitary sewers in the vicinity of the property. Sheet 267 shows the property vicinity including Shattuck Avenue and Carleton and Derby Streets, extending east past Walker Street, while Sheet 266 extends east from there, to beyond Fulton Street, halfway to Ellsworth Street. Sheets 256 and 257 adjoin 267 and 266 to the right (south), showing the lines beneath Ward and Stuart Streets, and also extending past Fulton Street. Along Derby Street, the west-flowing 36-inch diameter storm drain pipe collects surface water from curb inlets at almost every cross street intersection. Beneath Shattuck Avenue, this 36-inch storm drain connects into a 4'-4" wide, 6'-6" tall, egg-shaped trunk line. This line curves southwest, carrying the collected water beneath Adeline Street and eventually to the Bay.

In summary, the former Derby Creek has not existed as a creek in over 100 years. There is no indication of its presence on the ground nor on any map. Its waters are entirely contained within Berkeley's engineered storm drain system and have been for over 100 years.

Concerns re: an Underground Parking Garage

The Base Design calls for a small underground parking structure. This allows a significant portion of the street level space to be in beneficial use. It is currently planned to build a 3-level parking basement, 23 feet deep, which can store 24 cars or SUVs, in a fully automated system. Basement parking has been common for over a half century in downtown Berkeley, as in most cities across the country. Basement parking is now the process of choice for most inner-urban neighborhoods, including Oakland and on the Peninsula, in fact, in many areas it is required by zoning regulations. The parking basement is a most effective way of extending the building footprint below ground, which results in enhanced seismic safety for the building above. Basements of major buildings, as deep as nine levels below ground in the populous city of Santiago, Chile showed zero damage from the devastating Magnitude 8.8 earthquake of February 27, 2010 (Lew, Sitar and Al Atik, SEAOC, 2010). The nearby Hayward Fault is projected to have a maximum earthquake Magnitude of 6.8 to 7 (HayWired Scenario, 2018; Shirzaei and Burgmann, 2013), which is fully two orders of magnitude lower in shaking intensity than the Santiago event.

Concerns for basement construction at this property, from a geotechnical/ foundation engineering viewpoint are unfounded. The 2013 geotechnical report for the development by Amso, when only a single level basement was planned, included four borings to depths of between 20 and 35 feet below the ground surface, which is far deeper than the planned garage. Soils beneath the property were reportedly stiff clays of low plasticity. Groundwater was at 8½

**Geotechnical Engineer's Response to Appellant Concerns:
Proposed 4/5 Story Residential-Mixed Use Development at
2701 Shattuck Avenue, Berkeley, California**

to 10 feet depth. This is a typical soil profile for the gently sloping area of much of Berkeley, from San Pablo Avenue to above Telegraph Avenue, and including the subject property. No sand or other liquefiable soils were reported by Amso, and nor is any suggested on regional maps, including the California State Geologist's seismic hazard zone maps. Even if the subject property did contain liquefiable soils, a buried stream channel, significant groundwater, or the like, these conditions would not be unmanageable. They could be successfully addressed in the normal course of construction pursuant to the Building Code requirements and City peer review.

In summary, I find no evidence, either geotechnical or other engineering basis to conclude that the proposed building and basement cannot be built successfully on this property, presuming that appropriately experienced specialty contractors are engaged for the work, and that they are supported by locally experienced geotechnical, civil and structural engineers.

We appreciate the opportunity to be of service. Please feel free to call the writer with any questions, concerns or comments.

Very truly yours,

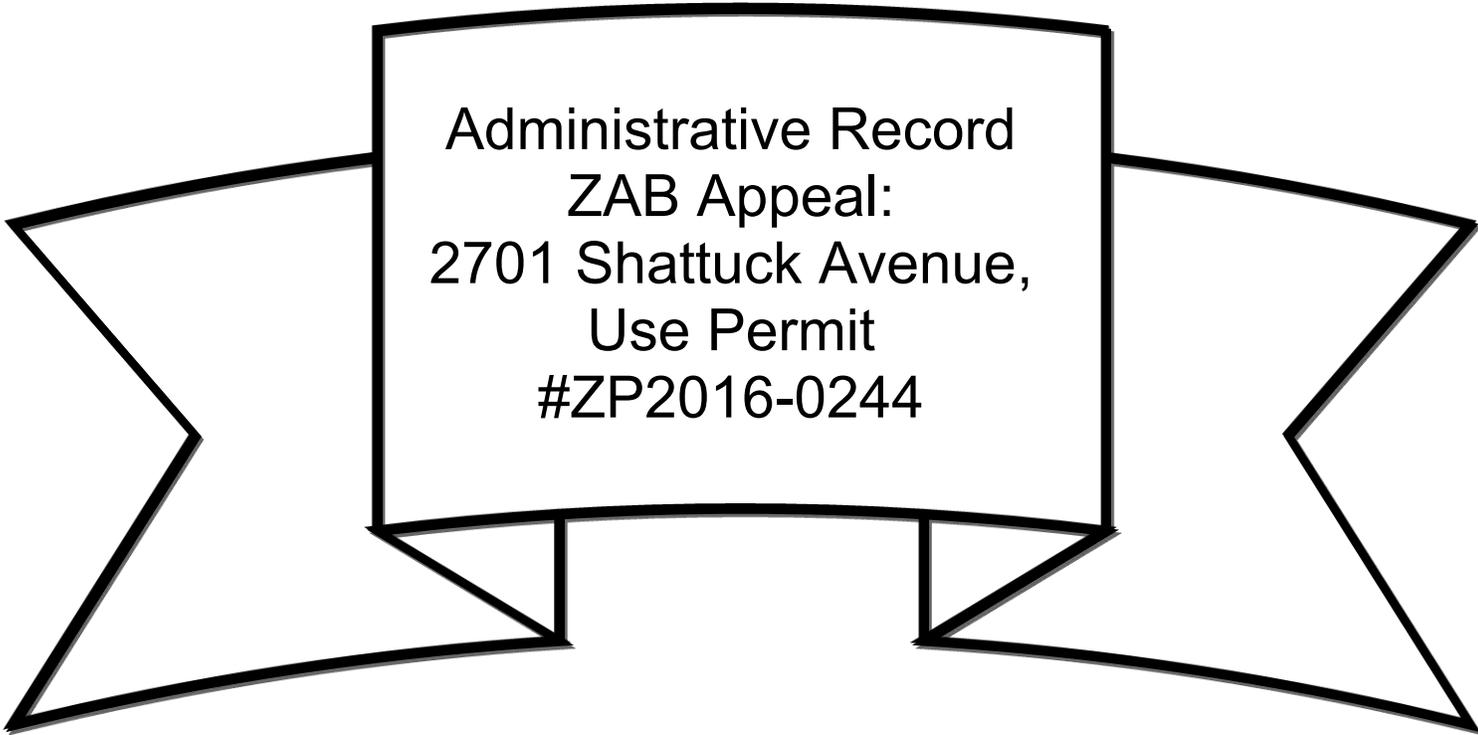
THE SUTTON GROUP



John R. Sutton, PE/GE, D.GE, M.ASCE
Principal Geotechnical Engineer



Copies: HDO Architects, Att: Mr. Randall Harris



Administrative Record
ZAB Appeal:
2701 Shattuck Avenue,
Use Permit
#ZP2016-0244

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, City Council's Web site
<http://www.cityofberkeley.info/citycouncil/>

**NOTICE OF PUBLIC HEARING-BERKELEY CITY COUNCIL
SCHOOL DISTRICT BOARD ROOM, 1231 ADDISON STREET
ZAB APPEAL: USE PERMIT #ZP2016-0244, 2701 SHATTUCK AVENUE**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, NOVEMBER 12, 2019 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of a decision by the Zoning Adjustments Board to approve Use Permit #ZP2016-0244, to construct a 5-story, 60-foot tall, mixed-use building with 57 dwelling units (including five Very Low Income units and three live/work units), and 14 parking spaces.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **October 31, 2019**.

For further information, please contact Sharon Gong, Project Planner at (510) 981-7429. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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 981-6900 or clerk@cityofberkeley.info for further information.

Mark Numainville, City Clerk

Mailed: October 29, 2019

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)) a project, 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 Zoning Adjustments Board decision may be filed more than 90 days after the date of the decision of the City Council. 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 Zoning Adjustments Board 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 at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.

