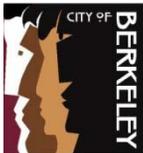




2190 SHATTUCK AVENUE  
ZP#2016-0117  
APPEAL



City of  
Berkeley

Leslie Mendez, Senior Planner  
January 31, 2019

# Background Information

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On June 13, 2016 the applicants submitted  
Use Permit ZP #2016-0117  
180-Foot Tall Building

- 18-Stories, 211,590 sq. ft.
- 274 Dwelling Units, 21,952 sq. ft.  
Useable Open Space
- 10,000 sq. ft. commercial space
- 103 parking spaces

# Project Timeline

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<b>Date</b>	<b>Action</b>
June 13, 2016	Application submitted
January 5, 2017	Notice of Preparation (NOP) released
<b>January 26, 2017</b>	<b>EIR scoping session at ZAB</b>
February 6, 2017	End of 30-day NOP comment period
August 10, 2017	Publication of Draft EIR and Notice of Availability
<b>September 7, 2017</b>	<b>Draft EIR discussion item at LPC</b>
<b>September 14, 2017</b>	<b>Draft EIR comment hearing at ZAB</b>
September 25, 2017	Close of Draft EIR comment period
January 4, 2018	Publication of Response to Comment Document
<b>January 25, 2018</b>	<b>ZAB hearing on Final EIR certification</b>
<b>October 25, 2018</b>	<b>ZAB hearing on Use Permit</b>

# Environmental Impact Report

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- EIR limited to Air Quality, Cultural Resources, Geology and Soils, Noise and Vibration, and Transportation and Traffic
- Elevated noise levels during construction identified as significant unavoidable impact
- Mitigation measures & monitoring designed to address the identified impacts

# Community Benefits

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- **Project Labor Agreement:** Agreement with all 28 member trades of the Alameda County Building Trades Council, without any trade or work exclusions. Value is \$5,547,020
- **Community Space:** 677-square-foot, ground floor community art space available for community events

# Additional Project Impact Fees

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Affordable Housing In-Lieu Fee	\$10,138,000
School District Fees	\$736,333
Arts In-Lieu Fee	\$685,000
Streets/Open Space Improvement Fees	\$409,214

# Project Location

7



# Project Location



**Appeal Point 1: Project impact on Campanile Way & view not adequately considered**

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Response:

- EIR analyzed aesthetic impact on scenic views in Cultural Resources
- ZAB discussed project impact on views at four separate public hearings

# View West from Campanile Base south side of steps

10



# View West from Campanile Base (with depiction of proposed project)

11



**Appeal  
Point 2:**

**Correspondence about importance  
of view not included in staff reports**

12

Response:

- All comments received on the project (written and verbal) during the draft EIR comment period and after submitted to ZAB
- Themes expressed in historic letters addressed

**Appeal  
Point 3:**

**LPO allows for landmarking of  
Campanile Way and View**

13

Response:

- This appeal point does not relate to the pending Use Permit
- City Council previously considered and overturned the Designation

**Appeal  
Point 4:**

**City acts to protect certain views and  
not others**

14

Response:

- ZAB has the authority to assess view impacts with other project benefits
- Must balance often conflicting City goals and vote after assessing pros and cons

**Appeal  
Point 5:**

**Other sites or designs available to  
protect views**

15

Response:

- City only authorized to consider application before them
- Downtown Area Plan authorizes 3 buildings up to 180 feet
- Found project consistent with goals of the General, Downtown Area, and Climate Action Plans

**Appeal Point 6: ZAB misunderstood authority to consider aesthetic impacts**

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Response:

- No evidence in record to indicate misunderstanding
- Aesthetic impacts presented early in project presentation to inform discussion.
- Substantial ZAB discussion and debate weighing the view detriment with project benefits

**Appeal  
Point 7:**

**Project barely meets LEED Gold  
rating requirement**

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Response:

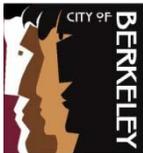
- Project is designed to achieve 61 point on the LEED checklist; scores 60 - 110 points achieve LEED Gold rating
- LEED Accredited Rater verifies building plans can achieve Gold Rating prior to BP issuance
- Rater certifies Gold Rating prior to BP final

Conclusion:

## Summary of ZAB Actions:

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- Certified Final EIR
- Adopted
  - CEQA associated findings
  - overriding considerations
  - Mitigation and Monitoring Program
- Made Use Permit Findings of Compliance and Non-Detriment
- Imposed Conditions of Approval to ensure continued non-detriment



City of  
Berkeley

QUESTIONS?