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.

Located at the corner of Center and Oxford Streets, the project creates 485 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.
Key elements of the project include:

- 485 dwelling units in 26 stories (including 47 below-market rate units—5 Extremely Low and 42 Very Low-Income units)
- Approximately 13,500 sq. ft. of retail/restaurant spaces including a 4,400-sq. ft. rooftop restaurant and 9,100 sq. ft. of retail/restaurant space on the ground floor (in as few as three, as many as seven ground-floor spaces)
- 45 parking spaces, efficiently located in stackers with access off the existing alley
- Over 300 bike parking spaces, including a spacious bike room with direct access off the existing alley, 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

Project Benefits

The project makes a substantial contribution toward implementation of the community’s vision captured in the Downtown Area Plan stamped approved by Berkeley voters in 2010 and adopted by the City Council in 2012. Proposed under State Density Bonus Law and SB330, the project represents a Housing Development Project that is only required to meet objective standards. Tall buildings in the Downtown are required to provide community benefits. The project proposes a remarkable number of community benefits within the project and for the greater community. However, with respect to the Zoning Ordinance standards and their application on State law, the project is only required to meet objective community benefits (e.g., LEED Gold, all-electric, unit replacement).

Project benefits include, but are not limited to:

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

- **Rooftop Restaurant/Bar**: The project team is proposing a rooftop restaurant/bar on level 26. 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 26, as patrons of the restaurant/bar, and generate economic development benefits as a major Downtown attraction.

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

Conceptual rendering of rooftop bar/restaurant
• **Green Building:** The project anticipates to achieve LEED Gold or equivalent standards and sustainable building design never before seen in Berkeley at this scale. The project includes efficient all-electric building systems, air source heat pump water heaters in lieu of natural gas, and a grey water heat recovery heat pump system. The project will provide on-site stormwater management, where none exists today, along with low-flow fixtures that reduce per capita water use. These represent objectively required benefits.

• **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. 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. Contribution to the SOSIP fund represents an objectively required benefit.

• **Transportation Benefits:** Capitalizing on its exceptional transit access, the project will 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. These represent objectively required benefits.

• **Affordable Housing:** The project will include 47 below-market rate units within the project. This includes replacement of 16 rent-controlled studios on-site which will be affordable to Extremely Low and Very Low Income households. Additionally, the project will contribute over $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. These contributions represent objectively required benefits.
• **State Housing Targets:** The project would help to reduce Berkeley and the region’s housing crisis, by adding 485 units including 47 below-market rate units, in a transit-oriented service-rich location. This would help the City make substantial progress toward meeting the City’s Regional Housing Needs Assessment (RHNA) target: accommodating 43% of the total and 15% of Very-Low Income units prorated for a 1 year (5% of the total and 2% of Very Low-Income targets for the full 8-year RHNA period).

• **Property Tax & Other Economic Benefits:** Construction of the project will result in significant increases in property tax, new community investment, and other business tax revenue generation for the City. The project will contribute to the thriving Downtown Berkeley Association (DBA), which further provides beautification and security improvements to support local businesses, shopping, and community gathering.

• **Project Labor Agreement:** 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. This represents an objectively required benefit.

**BUILDING & SITE DESIGN**

**Downtown Berkeley Context**

The project takes cues from the Downtown context in both the façade design, building massing and building materials. The project provides a base, shaft (middle floors) and capital (parapet and upper most floors) per design guidelines and in relation to the predominant Classical Revival style of architecture throughout Downtown Berkeley. The streetwall references the aesthetic of the historic building on Center St. maintaining metal framed storefronts and punched windows above the ground floor retail. Terracotta defines the first 5 floors, providing a high-quality material that can be found throughout existing Berkeley architecture. The traditional material is used to create a contemporary refined aesthetic. Special attention has been paid to breaking down the scale of the building and providing substantial attention to details, materials and material transitions. The ground floor retail height has been maximized providing transparent glass storefronts with canopies for signage areas. Facades, storefront and
entrances, materials, details, colors, and lighting have all been designed to reflect that of the context and to adhere to the Downtown Design Guidelines.

**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. 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 and the architecture found throughout campus and downtown.

The prominent corner tower element accentuates the verticality of the building while incorporating cementitious materials that reflect that of Spanish colonial tiles found throughout campus and within the surrounding downtown context. Segmented glass and paneling give the allure of curved corners. 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 from the alley of pedestrians on the sidewalk and improving back of house access.

The building is articulated to provide pronounced massing that helps articulate and break down the scale of the overall building. Colors and textures are inspired by the local Berkeley architecture that exists today. The project serves as a gateway to the campus and overlooks the beautiful campus of UC Berkeley, the surrounding downtown and gives upper-level views to the magnificent San Francisco Bay to the west.

**Sustainable Design**

The project will be a premier example of high-rise green building design, never seen before in the City of Berkeley. Without reliance on fossil fuels, the building is designed with all-electric building systems, heat pump water heaters and a greywater heat recovery system in the basement. Given the size of the building and the expected demand for electricity and hot water, the design requires a 12kV Primary Service with customer owned substation. The
Proposed request requirements—

interior space heating and domestic hot water heating is accomplished by air source heat pump water heaters and grey water heat recovery heat pump system with electric backup boiler in lieu of natural gas hot water heating. Heating for restaurant exhaust units are electric powered and commercial kitchen cooktops will be electric-powered induction cooking.

Given the complexity of the building, the project sponsor has been working with PG&E to coordinate service and design. Incoming services for the building are located on Center Street. There is no service on Oxford Street or near the alley for the size of the service the building will require. PG&E has specific requirements for clearances and direct access to the 12kV Primary Service Equipment. It is too large and inaccessible to locate in a sidewalk vault, and therefore must be located on the Center Street frontage.

**Landscape and Open Space**

Level 25 represents the largest common open space—a large amenity deck, approximately 11,000 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. The top floor, level 26, includes an open roof deck with lounge furnishings. Vegetation will be limited to weighted, freestanding planters in consideration of the elevation.

Levels 2 and 8 include several tenant terraces that with lounge furnishings and large planters to separate the tenants’ spaces. Level 6-7 has green roof separating several unit terraces. These spaces will be planted decoratively for use by tenants. Moreover, the terraces provide light wells to the units, expanding privacy and light access for lower units. The planting on the intermediate terrace levels will be irrigated, but they will be planted with drought tolerant, shade-tolerant, hardy and native/adapted species to minimize water usage.

**Streetscape**

The proposed streetscape design intends to maintain the existing character and vibrancy along both Oxford and Center Streets. At the request of the City Arborist, the existing Chinese Hackberries that line Center St. will be removed since they are diseased. The project will replace the trees, in larger tree grates, with Chinese Hackberry, California Sycamore, or other species...
to be coordinated in conjunction with the City Arborist. New site furnishings, such as additional bike parking and new freestanding planters, will be provided. Existing lighting poles will be retained. 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 Chinese Hackberry, California Sycamore or 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 corner retail space to further accentuate the street space and corner for humans, not automobiles.

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

Parcel Conditions

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

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.

SB330 Preliminary Application: The project sponsor submitted a preliminary application, pursuant to Government Code Section 65589.5(o), on June 6, 2022. In accordance with State law, this preliminary application “froze” zoning regulations in place as of that application date. Therefore, changes to the Zoning Ordinance made after June 6, 2022 do not apply to this project. The June 6, 2022 preliminary application proposed 551 dwelling units, with a base density bonus project of 401 units. This formal application proposes 485 dwelling units, with a base density bonus project of 367, which represents a 10% reduction in the base project—a permissible change pursuant to Government Code Section 65589.5(o)(2)(E).

Eligible Historic Resource: 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. The Downtown Area Plan identifies the 2132-2154 Center Street building as a “Substantial” historic resource, as shown in the graphic at right. 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 district 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.

Demolition Ordinance & 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 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. The Required Findings section below explains how the project meets all required findings and objective standards from the Demolition Ordinance, as it was written on June 6, 2022. In particular, changes to the Demolition Ordinance after this date, regarding Ellis Act evictions, do not apply to this application.

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

State Density Bonus Law and Housing Affordability Statement

There are three related State and local requirements for below-market rate housing provided at this project site: SB330, State Density Bonus Law, and the City’s Inclusionary Housing Requirement. In summary, and as shown in Figure 1, below, the project proposes on-site below-market rate housing, as follows:

- 47 below-market rate units:
  - 5 units for Extremely Low-Income Households (including 5 replacement studios)
  - 42 units for Very Low-Income Households (including 11 replacement studios)

The specific below-market rate requirements of SB330, State Density Bonus Law, and the City’s Inclusionary Housing Requirement—and how they overlap—are detailed in the following section.
Figure 1: Proposed Affordable Housing, by Requirement and Type

47 Below-Market Rate Units

Replacement BMR Units (16)
- 5 Extremely Low-Income Studios
- 5 Very Low-Income Studios

State Density Bonus Law BMR Units (37)
- 6 Very Low-Income Studios
- 31 Very Low Income Units (2 to 5 bedrooms)

City Inclusionary Housing Ordinance
+ $10 million to the Affordable Housing Trust Fund

SB330: SB330 requires replacement of the existing 16 studio units with units of the equivalent size (i.e., studios). According to the City’s incomplete letters on the use permit version of this project, the City defers to Comprehensive Housing Affordability Strategy (CHAS) data where previous tenants’ incomes are unknown. The existing units are currently unoccupied, and their prior incomes are unknown. Therefore, Table 1 below outlines maximum allowable income levels for these replacement units, distributed across CHAS income levels for the City of Berkeley. Although this suggests that the project could provide replacement units at a range of income levels, the project proposes deeper affordability levels than what is required by State law. To satisfy the replacement requirements of SB330, the project proposes that 16 studio apartments be available at below market rates: 5 Extremely Low Income and 11 Very Low-Income units. Additional below-market rate units provided are described in the following section.
Table 1: Replacement Unit Requirements, by Income Level

<table>
<thead>
<tr>
<th>CHAS Income Levels</th>
<th>CHAS Renters, by Income</th>
<th>% Distribution</th>
<th>Required Units, Distribution</th>
<th>Studio Units Proposed</th>
<th>Corresponding HCD Income Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Household Income &lt;= 30% HAMFI</td>
<td>7,650</td>
<td>30%</td>
<td>5</td>
<td>5</td>
<td>Extremely Low &lt;30% AMI</td>
</tr>
<tr>
<td>Household Income &gt;30% to &lt;=50% HAMFI</td>
<td>3,745</td>
<td>15%</td>
<td>2</td>
<td>11</td>
<td>Very Low &lt;50% AMI</td>
</tr>
<tr>
<td>Household Income &gt;50% to &lt;=80% HAMFI</td>
<td>3,060</td>
<td>12%</td>
<td>2</td>
<td></td>
<td>Low &lt;80% AMI</td>
</tr>
<tr>
<td>Household Income &gt;80% to &lt;=100% HAMFI</td>
<td>2,290</td>
<td>9%</td>
<td>1</td>
<td></td>
<td>Moderate &lt;100% AMI</td>
</tr>
<tr>
<td>Household Income &gt;100% HAMFI</td>
<td>8,920</td>
<td>35%</td>
<td>6</td>
<td></td>
<td>Moderate &lt;120% AMI</td>
</tr>
<tr>
<td>Total</td>
<td>25,665</td>
<td>100%</td>
<td>16</td>
<td>16</td>
<td></td>
</tr>
</tbody>
</table>


State Density Bonus Law: State Density Bonus Law (Government Code Section 65915-65918) is proposed to develop the project. The “base” project that meets all use permit-allowed development standards would allow for 367 units. The proposed project requires a 32.5% density bonus under State law to achieve the proposed 485 units. To obtain this bonus, the project is required to provide at least 10% of the base project units (37 units) affordable to Very Low-Income households. These unit type/bedroom counts must be proportional the project as a whole and therefore will cover a range of unit types from studios to 5-bedroom units, as shown in Table 2.

Table 2: State Density Bonus Law Requirements, by Bedroom Count

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Total</th>
<th>% Share</th>
<th>Very Low Income Required (Rounded)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Studios</td>
<td>72</td>
<td>15%</td>
<td>6</td>
</tr>
<tr>
<td>1-Bed</td>
<td>0</td>
<td>0%</td>
<td>0</td>
</tr>
<tr>
<td>2-Bed</td>
<td>199</td>
<td>41%</td>
<td>15</td>
</tr>
<tr>
<td>3-Bed</td>
<td>8</td>
<td>2%</td>
<td>1</td>
</tr>
<tr>
<td>4-Bed</td>
<td>123</td>
<td>25%</td>
<td>9</td>
</tr>
<tr>
<td>5-Bed</td>
<td>83</td>
<td>17%</td>
<td>6</td>
</tr>
<tr>
<td>Total</td>
<td>485</td>
<td>100%</td>
<td>37</td>
</tr>
</tbody>
</table>

The replacement studio units described in the preceding SB330 section can be used to meet the State Density Bonus Law requirement. However, again the project is proposing deeper levels of affordability to accommodate all of the required unit types and income levels.

State Density Law allows for density bonuses and flexibility in development standards in exchange for providing affordable housing units on site. The project sponsor requests the following waivers. No concessions are requested. Each of these waivers is needed to physically accommodate the housing
development project. Without these waivers, the project would be required to remove dwelling units in order to meet the standard.

- Increase the **maximum building height** from the base project maximum density height allowed with use permits from 180 feet to 288 feet.
- Increase the **widest dimension of the tower** above 120 feet in building height from 120 feet to 295’ 2”.
- Reduce **front setback** for the portion of the building above 75 feet in height, from 15 feet to 0 feet.
- Reduce **street side setback** for the portion of the building above 75 feet in height, from 15 feet to 0 feet.
- Reduce **rear yard setback** for the portion of the building above 75 feet in height, from 15 feet to 5 feet.
- Reduce **interior side yard setback** for the portion of the building above 75 feet in height, from 15 feet to 7 feet.
- Reduce **long-term residential bicycle parking** from 467 spaces to 264 spaces.
- Reduce the **ground-floor clear glass** requirement from the Downtown Berkeley Design Guidelines for the Façade from 60% to 0% at the transformer room on Center St.

**Berkeley Inclusionary Housing:** This project is also subject to the City of Berkeley’s 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. The mitigation fee may also be satisfied, in whole or in part, by providing below-market rate housing on site.

In this case, the project elects to provide a portion of required units on-site—the 47 below-market rate units described above. For the remaining requirement, the project will contribute approximately $10 million as an in-lieu fee toward Berkeley’s Affordable Housing Trust Fund.

**Housing Accountability Act**

In addition to the State laws affecting housing affordability on the site, the project is also proposed consistent with the Housing Accountability Act (Gov. Code § 65589.5) since the project meets the definition of a “Housing Development Project” and complies with the City’s objective standards and criteria. Originally passed by the California Legislature in 1982, the Housing Accountability Act recognizes that the lack of housing is a critical problem that threatens economic, environmental, and social quality of life in California. The Housing Accountability Act generally limits the City’s ability to deny a project under these circumstances if there is a preponderance of evidence that the project would have a
significant, unavoidable, and quantifiable impact on “objective, identified written public health or safety standards, policies, or conditions.” Gov. Code §65589.5(j).

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 wrapping the corner of Oxford Street. The project proposes a building height of 180 feet, one of several height exceptions allowed by the DAP. 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.

The project is a higher-density, mixed-use development in proximity to regional transit, shops and amenities. The 485 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 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 terracotta 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 above the 5th floors to reduce apparent massing. This results in a more intimate scale when viewed and perceived from the sidewalk level. The project’s proposed retail and multi-family residential uses also are already well established in Downtown Berkeley.

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 a residential lobby, as permitted in the district and
approximately 13,500 square feet of replacement commercial space that will serve the city and region, consistent with the Core Area of the C-DMU District. Table 3 identifies the permitted development standards and how these are met by the proposed project. All zoning standards referenced reflect the development standards in place when the preliminary application was submitted on June 6, 2022, pursuant to Government Code Section 65589.5(o) (known as “SB 330”). Subsequent changes to the zoning ordinance do not apply to this project. Proposed waivers and incentives under State Density Bonus Law are reiterated in the table.

Table 3: Zoning Development Standards (C-DMU Core)

<table>
<thead>
<tr>
<th>Standard (BMC Section 23.204.130.E)</th>
<th>Proposed</th>
<th>Permitted/Required (As of SB330 preliminary submittal on June 6, 2022)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height Maximum (ft.)</td>
<td>288’ (SDBL Waiver)</td>
<td>180’</td>
</tr>
<tr>
<td>Building Height Stories</td>
<td>26</td>
<td>None</td>
</tr>
<tr>
<td>Front (Oxford St.) 0 to 75 feet: 0’</td>
<td>76 feet +: 0’+ (SDBL Waiver)</td>
<td>0 to 75’: 0’</td>
</tr>
<tr>
<td>Street Side (Center St.) 0 to 75 feet: 0’</td>
<td>76 feet +: 0’+ (SDBL Waiver)</td>
<td>0 to 75’: 0’</td>
</tr>
<tr>
<td>Interior Side (Alley) 0 to 20 feet: 0’</td>
<td>2’ to 120’: 7’+ (SDBL Waiver)</td>
<td>0 to 20 feet: 0’</td>
</tr>
<tr>
<td>Interior Side (Alley) Over 120’: 7’+ (SDBL Waiver)</td>
<td>21’ to 120’: 0’+ of front PL, 5’ after 76’ to 120’: 5’ w/in 65’ of front PL, 15’ after Over 120’: 15’</td>
<td></td>
</tr>
<tr>
<td>Rear (interior/west) 0 to 20 feet: 0’</td>
<td>21 to 120’: 5’+ (SDBL Waiver)</td>
<td>0 to 20 feet: 0’</td>
</tr>
<tr>
<td>Tower Dimension 295’-2” (SDBL Waiver)</td>
<td>120’ in width above 120’ height, or more with Use Permit</td>
<td></td>
</tr>
<tr>
<td>Usable Open Space (Common/Private)</td>
<td>36,729 sq. ft. (fee in-lieu for remainder)</td>
<td>80 sq. ft./unit (38,800 sq. ft.)</td>
</tr>
<tr>
<td>Publicly Accessible 0 (fee in-lieu)</td>
<td>1 public sq. ft./50 sq. ft. commercial (266 sq. ft.)</td>
<td></td>
</tr>
<tr>
<td>Parking and Loading Automobile 45 (including 2 carshare)</td>
<td>Dwelling Units: None Commercial: 1.5/1,000 sq. ft. (20 spaces) Vehicle Sharing: 2 per 31-60 spaces provided</td>
<td></td>
</tr>
<tr>
<td>Parking and Loading Loading 1</td>
<td>1/ first 10,000 sq. ft. of commercial + 1/each additional 40,000 sq. ft. of commercial space</td>
<td></td>
</tr>
<tr>
<td>Parking and Loading Bicycle Long Term: 264 (SDBL Waiver) Short Term: 42</td>
<td>Residential: 1 sp./3 bedrooms (467 Long Term) 1 sp./40 bedrooms (35 Short Term) Commercial: 1/2,000 sq. ft. (7 spaces)</td>
<td></td>
</tr>
</tbody>
</table>

(1) According to BMC Section 23.204.130.E.4 and BMC Section 23.304.090, dimensional standards and landscape standards for usable open space do not apply to commercial districts generally, nor C-DMU, specifically. Still, the project has strived to meet these standards.
Downtown Design Guidelines

The project meets Public Serving Frontage requirements per the Downtown Berkeley Design Guidelines, as follows:

1. Building maintains a continuous zero-setback “build-to line” at the ground floor. The only exception is a minor setback along residential lobby and fire command room along Oxford St. at the alley. This allows for better sight lines coming out of the alley to provide a safer condition for pedestrians, bicyclists, and drivers.
2. Landscape strips have been provided where the building meets the ground at the residential lobby. Planters and trees are provided at the street curb as well.
3. The ground floor continues the rhythm of 15-30 foot spacing of structural bays and/or framed storefronts. This establishes visual continuity with existing buildings and creates pedestrian scale.
4. Recessed entrances are provided at the ground floor and do not exceed 50% of storefront nor 10” in depth.
5. Massing for the project is set back at upper levels. Setbacks occur at 57’-8” and 130’-6”. Massing setbacks are done with changes in material and aesthetic to avoid the “wedding cake effect”. The massing provides recesses in the upper floors to break down the overall scale into smaller massing elements.
6. Shadow studies have been provided. Buildings to the north, west and south will see some impact to shadows depending upon the time of day and year.
7. All public entrances and storefronts at ground floor are accessible directly from the public sidewalk.
8. Entrances are designed to enhance the pedestrian experience and to be inviting and promote interaction.
9. No new curb cuts into the property are being proposed.
10. The building maintains the streetwall at the property line at lower floors. Setbacks and recesses begin at level 6.
11. On the corner of Oxford St, the project provides an enhanced parklet to provide public seating and connection to campus across the street.
12. A wind study analysis has been performed to ensure all areas of the building are usable, functionable and safe.
13. The building’s orientation is predominately north and south facing to take advantage of sun angles. North façade will have nice diffuse light and the south will take advantage of the lower winter sun angles. The east and west facades are minimized and avoid harsh morning and evening sun angles.

The project also meets additional Ground-Floor Requirements in the Downtown Berkeley Design Guidelines, as follows:

1. At least one publicly accessible street-level entrance is provided for every 40 feet along street facing property line.
2. Clear glass comprises at least 60% of the street facing façade where it is between 3 feet and 8 feet above the elevation of adjacent sidewalk, with the exception of the transformer room. A waiver under State Density Bonus Law is requested since this standard would otherwise physically preclude construction of the project. In this location, the glass will be obscured to screen the transformer and designed with a false front, artwork, or rotating displays to create visual interest.
3. The design of the ground floor space is visually open to the pedestrians to promote activity and connection from interior to exterior.

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 year, 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 on a prior version of the project, proposed at 17 stories. We sent postcard mailings to over 700 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 participant’s 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
The project team held a second community meeting on August 25, 2022, via Zoom. This meeting introduced the revised 26-story building described in this application. We again mailed postcards to over 700 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. Four community members attended the meeting, where discussion topics included:

- An overview of the proposed project and revisions since the previous submittal
- Relocation assistance for existing retail tenants and opportunities to return
- Construction timeline, duration, and traffic management

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
- Use Permit, under BMC Section 23.204.130.E.3(d)j to increase the widest dimension of the tower above 120 feet in building height.
- Use Permit, under BMC Section 23.204.130.E.3(b) to reduce front, street side, interior side and rear setbacks above 75 feet.
- Use Permit under BMC Section 23.204.130.E.6(b) to pay a fee in lieu of providing privately owned public open space.
- 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.
- 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

REQUIRED FINDINGS

The project is designed as a Housing Development Project and is only subject to objective zoning standards and findings. To the extent that required findings are objective, they are specified below. Use
permit findings that include subjective regulations cannot be enforced, according to the City’ City’s August 2, 2021 Memo re: Housing Accountability Act & Density Bonus – Objective Standards.¹

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

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¹ As noted in the City’s August 2, 2021 Memo re: Housing Accountability Act & Density Bonus – Objective Standards: “the Zoning Officer, ZAB, DRC and LPC should refrain from applying subjective findings (e.g., non-detriment) to any application to construct a qualifying housing development project (including remodeling or reconfiguration of housing) if that project satisfies objective standards for permit issuance, unless specific findings for denial under the Housing Accountability Act can be made. While decision-makers retain discretion in the overall land use and design review process, i.e., whether the use is properly located or the building and site improvements are compatibly designed, the ultimate decision on density and development intensity is protected by the HAA.”
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 485 dwelling units, increasing the number of units on the site by 469. 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.

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 a substantial number of community benefits as anticipated by the Downtown Area Plan, C-DMU district regulations, and Resolution 67,172. A description of community benefits is specified at the outset of this applicant statement and includes affordable housing, green features, open space, transportation demand management features, and employment opportunities. These benefits will be refined based on feedback from community members, City staff, and decision-makers. However, the project is designed as a Housing Development Project and is only subject to objective zoning standards and findings. This finding is not objective. Use permit findings that include subjective regulations cannot be enforced, according to the City’ City’s August 2, 2021, Memo re: Housing Accountability Act & Density Bonus – Objective Standards.²

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: This is not an objective finding. The project is designed as a Housing Development Project and is only subject to objective zoning standards and findings. Use permit findings that include subjective regulations cannot be enforced, according to the City’ City’s August 2, 2021, Memo re: Housing Accountability Act & Density Bonus – Objective Standards.³ This finding is not an objective requirement.

² Ibid.
³ Ibid.
For informational purposes, the plans have been refined based on shadow analysis (including the plan set) and a wind study (included with these submittal) to minimize impacts at the street-level and to neighboring properties.

23.204.130.E.6 Pay a Fee In Lieu of Providing Privately Owned Public Open Space

(b) To allow payment of in-lieu fee, the ZAB must find that the payment will support timely development of open space improvements that will serve the needs of both project residents and other people living in and using the downtown.

Response: This is not an objective finding. The project is designed as a Housing Development Project and is only subject to objective zoning standards and findings. Use permit findings that include subjective regulations cannot be enforced, according to the City’s August 2, 2021 Memo re: Housing Accountability Act & Density Bonus – Objective Standards. However, for informational purposes please note the community benefit wherein the project would like to contribute, through this open space in-lieu fee and the SOSIP fees, specifically to the conversion of Center Street into a slow street or public open space, which would benefit both project residents and other people living in and using the Downtown by expanding pedestrian access, seating and gathering space, on the busiest pedestrian street in the East Bay.

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 485 dwelling units, increasing the number of units on the site by 469. 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.

4 Ibid.
C-DMU Findings (Downtown Mixed Use District)

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 [not applicable]

(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. [applicable]

Response: The project site has not been designated as a landmark structure, structure of merit, or historic district.

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.

Traffic & Transportation: The project site enjoys exceptional transit, walking, biking, bike share, scooter share, and car share access. The vast majority of the trips are anticipated to be walking trips. Setting aside the commercial parking requirements, the residential parking ratio for the project is 0.05 spaces/unit (20 spaces for 485 units); this is market-driven based on low car ownership rates among the anticipated tenant population. The Traffic Impact Analysis (TIA) appended to this submittal takes a conservative approach to traffic analysis and still finds no significant impacts due to the project. Moreover, since the project size has fluctuated since submittal of the SB330 preliminary application, the TIA evaluates a larger project, in terms of unit count, than what is actually proposed here.

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