



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 DISCUSSION
JANUARY 26, 2017

2190 Shattuck Avenue

Draft EIR Scoping Session for Use Permit #ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the southwest corner of Shattuck Avenue and Allston Way with a proposed 18-story building with 274 residential units above approximately 10,000 square feet of ground floor retail space. Approximately 103 parking spaces would be provided in a two-level subterranean garage accessed from Allston Way.

I. Application Basics

A. CEQA Determination: An Environmental Impact Report (EIR) is being prepared to evaluate the potentially significant environmental impacts of the proposed project, pursuant to the California Environmental Quality Act. The Notice of Preparation of an EIR was published on January 5, 2017. The public scoping period that began with publication of the Notice of Preparation ends on February 6, 2017; comments on the scope of the EIR are due by 5:00 p.m. on that date.

B. Land Use Designations:

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

C. Owner and Applicant:

Owner: PR III Shattuck LLC
2190 Shattuck Avenue
Berkeley, CA 94704

Applicant: Mill Creek Residential
Don Peterson
411 Borel Avenue, Suite 405
San Mateo, CA 94402

D. Zoning Ordinance Permits Required:

- Use Permit for construction for demolition of a non-residential building, under BMC 23C.08.050.A;
- Use Permit for construction of a new main building with mixed-use development, under BMC 23E.68.030;
- Use Permit for construction of >10,000 sq. ft. gross floor area, under BMC 23E.68.050;
- Use Permit to allow a maximum height of up to 180 feet, under BMC 23E.68.070.B;

- Use Permit to allow that portion of the building over 120 feet to be greater than 120 feet in width when measured at the widest point on the diagonal in plan view, under BMC 23D.68.070.C
- Administrative Use Permit to allow architectural projections (e.g. elevator enclosures) to exceed the height limit, under BMC 23E.04.020.C.

Figure 1: Vicinity Map

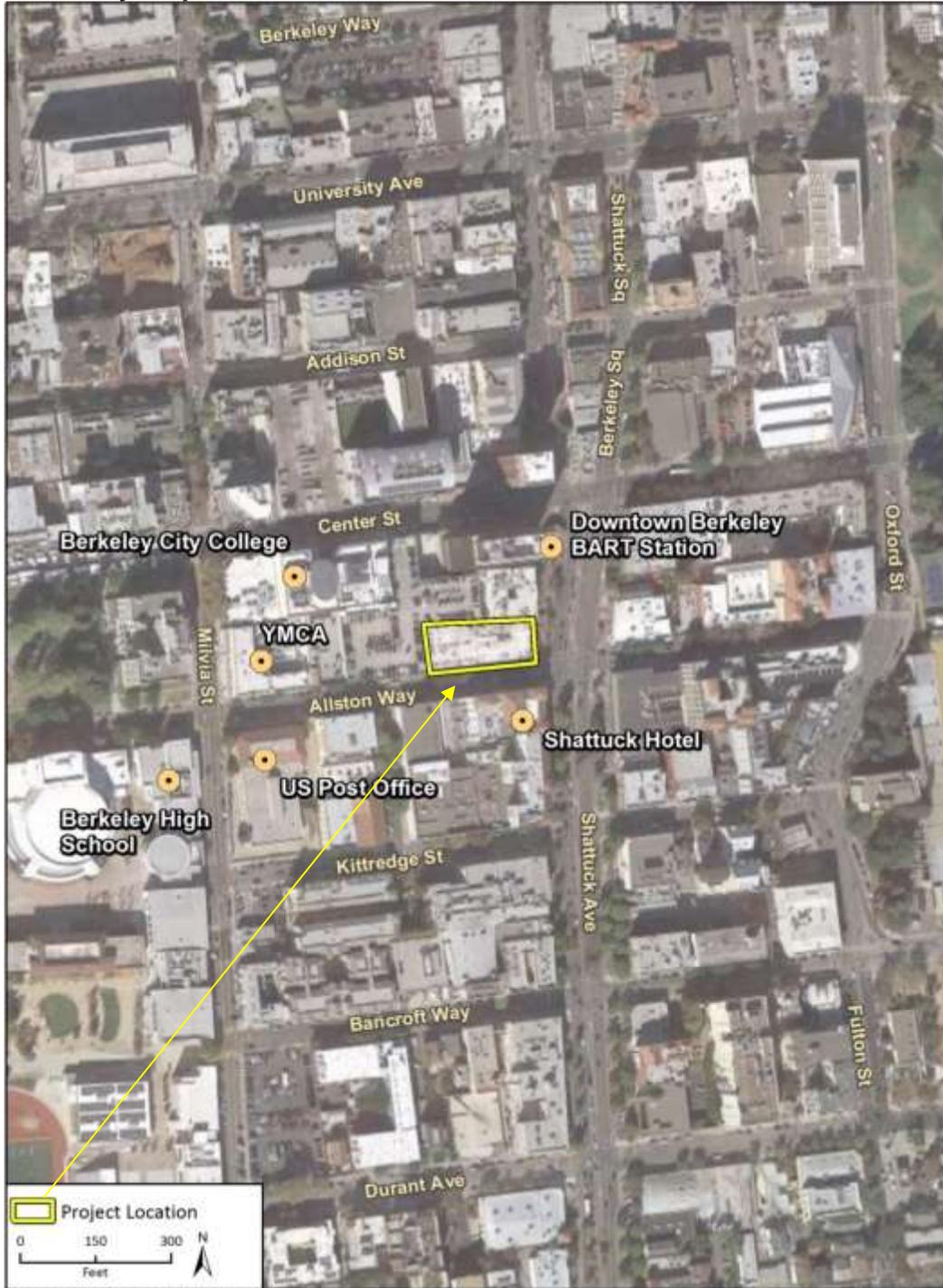


Figure 2 : Site Vicinity DAP Land Use Map Detail



II. Site/Project Description

The 19,967 square-foot (0.46-acre) project site, assessor's parcel number 57-2026-004-05, is located at 2190 Shattuck Avenue, on the northwest corner of Shattuck Avenue and Allston Way, in the Downtown area of the City of Berkeley. The site has frontage on Shattuck Avenue and Allston Way, and is adjacent to the southern portion of the Bay Area Rapid Transit (BART) Plaza associated with the Downtown Berkeley BART station. It is accessible by several bus lines operated by the Alameda-Contra Costa Transit District (AC Transit), including lines 6, 7, 12, 18, 25, 49, 51B, 52, 65, 67, 88, 800, 851, and F, along with shuttle buses serving the University of California, Berkeley and Lawrence Berkeley National Laboratory.

The project site is entirely covered by a two-story, approximately 38,700 square-foot retail and office building currently occupied by a Walgreens store. The site is generally level, sloping approximately five feet downward from east to west. The project site is surrounded primarily by Downtown Berkeley commercial and institutional development in buildings ranging in height from one story (the Fresco Mexican Grill building at 2177 Shattuck Avenue) to 14 stories (the 180-foot First Savings/Great Western Building at 2150 Shattuck Avenue). In 2015, the City approved an 18-story mixed use building one block south, on a site at 2211 Harold Way; this site is on the western portion of the block defined by Harold Way, Allston Way, Shattuck Avenue and Kittredge Street. In 2016 the City approved a 16-story hotel and commercial development on a site one block to the north at 2129 Shattuck Avenue on the northeast corner of the intersection of Center Street and Shattuck Avenue.

The project would involve demolition of the existing retail and office building and construction of an 18-story, approximately 211,590 square-foot mixed-use building. On the ground floor, the proposed building would have commercial retail space with a floor

area of approximately 10,000 square feet, and a residential lobby. The retail space would front on the BART Plaza and wrap around to Allston Way. The applicant anticipates that Walgreens would return to the site after construction and occupy the ground-floor retail space. On the upper floors, the building would have 274 apartment units, ranging in size from studios to two-bedroom units. The upper floors would step back from Shattuck Avenue.

Motor vehicle parking would be provided in a two-level underground garage with 103 parking spaces, including five car share spaces. One hundred (100) bicycle parking spaces would be provided, including 94 spaces for residents and six for commercial users, along with a bicycle repair shop for residents on the ground floor.

The project would include 21,924 square feet of residential open space on rooftop terraces and gardens and private balconies for residents, and 224 square feet of privately owned public open space at the retail entrance. Other improvements within and facing the public right-of-way (i.e. sidewalks on Shattuck Avenue and Allston Way) may include seating and other pedestrian amenities at the BART Plaza, in coordination with planned BART improvements at that site; enhanced stone paving on the sidewalk, planted trees, and bike racks; and a Community Art Space adjacent to the building lobby.

Please see the attached Notice of Preparation (NOP) for more project information including the proposed site plan and elevations. The NOP and other project materials including the project application and full plan set are also available on the project website at:

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2190_Shattuck.aspx.

III. Scoping Under CEQA and Other Milestones in the Use Permit Process

As noted above, an Environmental Impact Report (EIR) is being prepared for this Project due to the potential for the project to result in significant impacts on the environment. This scoping session is being conducted pursuant to the California Environmental Quality Act (CEQA) Guidelines, Section 15083 (Early Public Consultation), which states:

“Prior to completing the Draft EIR, the lead agency may also consult directly with any person or organization it believes will be concerned with the environmental effects of the project. [...] Scoping has been helpful to agencies in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.”

The purpose of this scoping session is to solicit input from the ZAB and other interested community members as to what topics the EIR should address. This input will be considered as the Draft EIR is prepared. The scoping session is also an opportunity for the ZAB to learn more about the project itself and the EIR process.

Table 1 summarizes key milestones in the CEQA process to date and projected timing of selected next steps:

Table 1: Selected Milestones in EIR Process to Date and Projected

Task/Event	Date
Design Review Committee (DRC) Pre-Application Meeting	March 17, 2016
Landmarks Preservation Committee (LPC) Demolition Referral Meeting	November 3, 2016
Notice of Preparation (NOP) released ¹	January 5, 2017
EIR Scoping Session at ZAB ²	January 26, 2017
End of 30-day NOP comment period	February 6, 2017
<i>Publication of Draft EIR</i>	<i>Spring 2017 (projected)</i>
<i>DRC Considers Preliminary Design Review Approval</i>	<i>Summer 2017 (projected)</i>
<i>Draft EIR Public Review and Comment Period</i>	<i>45 day review and comment period following Draft EIR publication (projected)</i>
<i>ZAB Considers Final EIR and Use Permit</i>	<i>Fall 2017(projected)</i>

1. The NOP and PHN was submitted to the State Clearinghouse and County Clerk; mailed to relevant public agencies and owners and residents of properties within 300 feet; emailed to interested parties.
2. Public hearing notice for the scoping meeting before ZAB was posted on the site and mailed to owners and residents of properties within 300 feet of the site on January 3, 2017.

The DRC hearing was held as a pre-application review of the proposed project. The DRC had several comments regarding the potential for the project to block views from the US Berkeley Campus; neighborhood context; building design; and open space/streetscape design. The full comments may be viewed in the DRC’s Action Summary for March 17, 2016 at:

http://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_Commissions/Design_Review_Committee/March%202016_Summary.pdf.

The project requires a recommendation from DRC prior to the ZAB public hearing on the Use Permit; the DRC review process is expected to proceed concurrently with the CEQA and Use Permit review process.

The LPC hearing was held pursuant to Berkley Municipal Code Section 23C.08.050.C, which requires that any application for a Use Permit to demolish a nonresidential building or structure which is 40 or more years old be forwarded to the LPC for review prior to consideration of the Use Permit for demolition. The LPC did not take any action to identify the existing building as a potential historic property.

IV. Recommendation

That the ZAB hold a hearing to solicit input from the community and then provide comments on the scope of the EIR to Staff. The ZAB may make a motion reflecting the comments of the ZAB as a whole, and/or individual ZAB members may offer comments. All comments will be recorded and considered during the preparation of the EIR.

Attachments:

1. Notice of Preparation of an Environmental Impact Report
2. Project Plans

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CEQA Consultant: Abe Leider, AICP CEP, Rincon Consultants, Inc.