



# 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  
JANUARY 25, 2018

## 2190 Shattuck Avenue

**Certification of the Final Infill Environmental Impact Report (Final EIR) for Use Permit ZP2016-0117 to redevelop a 19,967 square-foot (0.46-acre) site at the northwest 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. Consistent with CEQA *Guidelines* Section 15090, the ZAB must certify that the Final EIR has been completed in compliance with CEQA and reflects the lead agency's independent judgment; the Final EIR must be reviewed and considered prior to approving the project. The action item before the ZAB on January 25, 2018 is for certification of the Final EIR only; consideration of project approvals will be at a later date.**

### I. Application Basics

**A. CEQA Determination:** An Infill EIR was prepared. The Final EIR consists of the Draft EIR (circulated for public comment from August 10, 2017 to September 25, 2017) and the RTC (circulated on January 4, 2018). All environmental documents for this project are available online at:

[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/2190\\_Shattuck.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2190_Shattuck.aspx)

### B. Parties Involved:

- Applicant: Mill Creek Residential, Don Peterson, 411 Borel Avenue, Suite 405, San Mateo, CA 94402
- Property Owner: PR III Shattuck LLC, 2190 Shattuck Avenue, Berkeley, CA 94704
- Lead Agency: City of Berkeley, Planning and Development Department, Land Use Planning Division, 1947 Center Street, 3rd Floor, Berkeley, CA 94704

**C. 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 a reduced vehicle parking space requirement, under BMC 23E.68.080.D;
- 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 23E.68.070.C
- Use Permit for reduction of required parking spaces through payment of an in-lieu fee to be used to provide enhanced transit services, under BMC 23E.68.080.D
- Administrative Use Permit to allow architectural projections (e.g. elevator enclosures) to exceed the height limit, under BMC 23E.04.020.C.

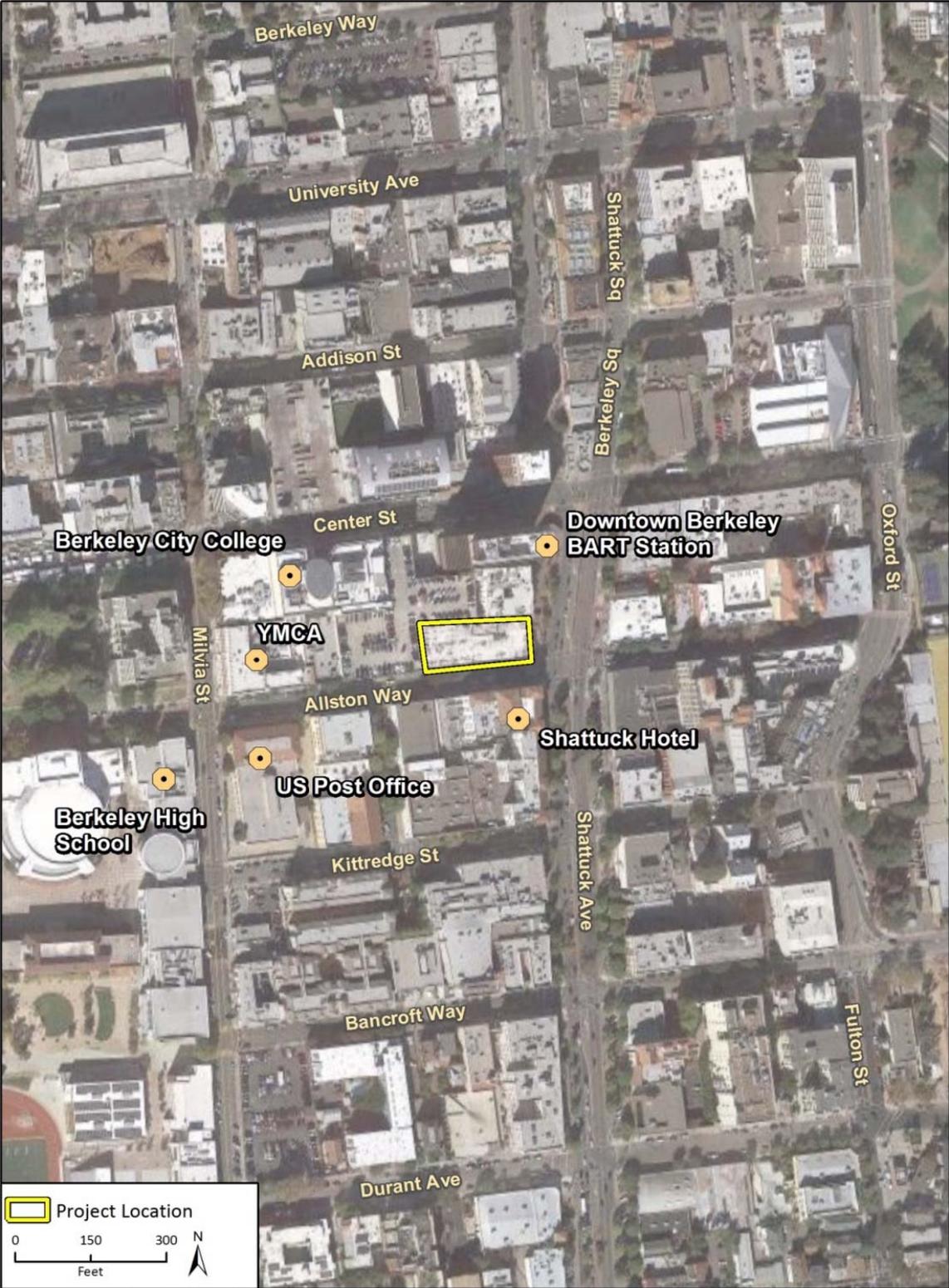
**D. Site/Project Description**

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 edge 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.

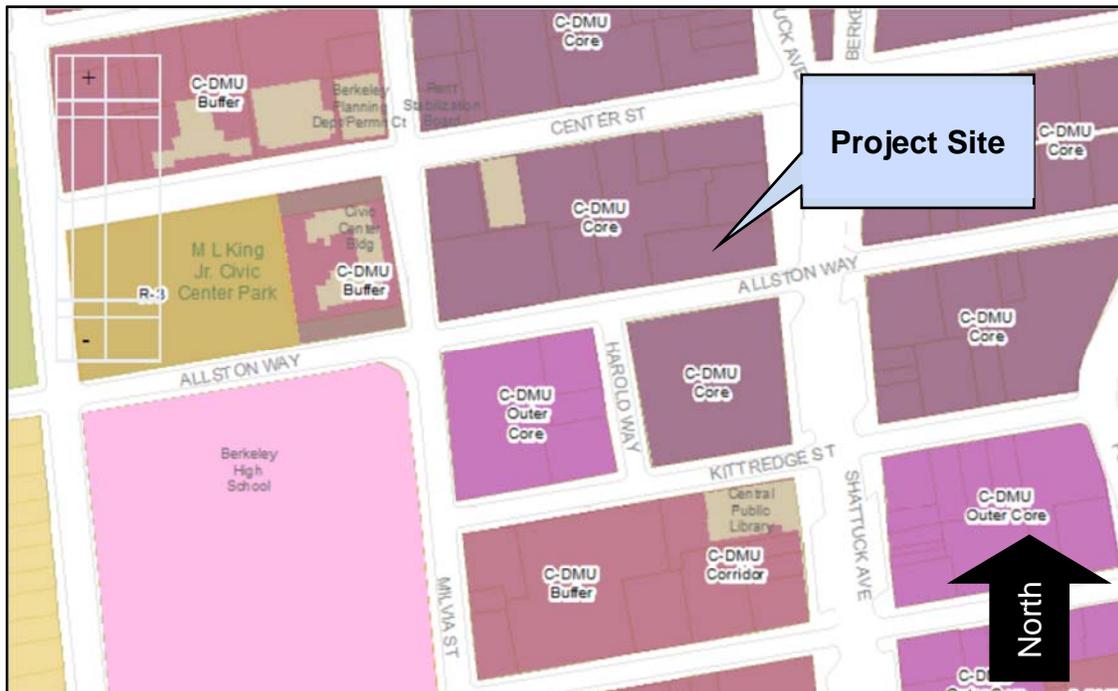
The project site is entirely covered by a two-story, approximately 38,700 square-foot retail and office building currently occupied by a Walgreens store on the ground floor. The site is generally level, sloping approximately five feet downward from east to west. The project site is surrounded primarily 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, an 18-story mixed use building was approved by the City 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.

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

Figure 1: Vicinity Map



**Figure 2 : Site Vicinity DAP Land Use Map Detail**



floor area of approximately 10,000 square feet, a residential lobby, and an adjacent community art space. 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 micro-units 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 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, 449 square feet of public open space on the site's Allston Way frontage adjacent to the driveway and residential lobby, and 224 square feet of private commercial open space at the retail entrance. Other improvements within and facing the public right-of-way would include enhanced stone paving, trees, planters, and benches on the sidewalk; and art vitrines with glass display cases. In addition, seating and other pedestrian amenities may be provided at the BART Plaza in coordination with improvements planned by BART at that site.

Application Materials, including the applicant statement and project plans, as well as Staff Reports prepared for this project are available online at:  
[https://www.cityofberkeley.info/Planning\\_and\\_Development/Zoning\\_Adjustment\\_Board/2190\\_Shattuck.aspx](https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2190_Shattuck.aspx)

## II. Background/Environmental Review Process

**A. Project CEQA Review Timeline:** Table 1 summarizes the notices released, documents circulated, and associated meetings and hearings held as part of the project EIR process, including Zoning Adjustments Board (ZAB) and Landmarks Preservation Commission (LPC) hearings.

**Table 1: Key Milestones in the EIR Process**

Task/Event	Date
Notice of Preparation (NOP) released	January 5, 2017
EIR Scoping Session at ZAB	January 26, 2017
End of 30-day NOP comment period	February 6, 2017
Publication of Draft EIR and Notice of Availability	August 10, 2017
Draft EIR Discussion Item at LPC	September 7, 2017
Draft EIR Comment Hearing at ZAB	September 14, 2017
Close of Draft EIR comment period	September 25, 2017
Publication of Response to Comments Document	January 4, 2018
ZAB hearing on Final EIR certification	January 25, 2018
<i>ZAB hearing on Use Permit</i>	<i>Winter/spring 2018 (tentative)</i>

**B. Committee Review:** In conjunction with the Use Permit application (#ZP2016-0117), the City completed a Draft EIR for the 2190 Shattuck Avenue project. The Draft EIR was circulated for public review and the LPC and the ZAB held public forums to discuss and receive comments, respectively, on the Draft EIR.

**1. Landmarks Preservation Commission:** The LPC held a public hearing to discuss the Draft EIR on September 7, 2017. Public and LPC comments from that hearing are transcribed and responded to in the Response to Comments Document beginning on page 413.

Separately, in September of 2017, 56 Berkeley residents submitted to the LPC a petition to initiate the process of designating Campanile Way, including its viewshed of the Golden Gate and the Bay, as a City landmark. On November 2, 2017, the LPC elected to consider this designation at a later date, pending the receipt of a formal landmarking application, which was submitted in early December. Although the LPC could potentially make a decision on the landmarking application prior to certification of the Final EIR, the landmarking would not come into effect until after certification of the decision by the City

Council and expiration of the subsequent appeal period. It is unlikely that the LPC will decide on the designation prior to the scheduled final hearing for EIR certification on January 25, 2018. Because it is possible, if not likely, that either an approval or rejection of the application by the LPC would be appealed to the City Council, further delaying the timeline of an ultimate decision.

As additional background, on April 2, 2015, the LPC rejected a previous proposal to designate Campanile Way and its immediate environs as a landmark, and this decision was subsequently upheld by the City Council on appeal. The Draft EIR evaluates the project's impact on the cultural landscape of UC Berkeley, including Campanile Way, based on its current status in order to avoid speculation, which is discouraged by CEQA. CEQA Guidelines Section 15145 states that a lead agency shall terminate discussion of an impact if it finds that the impact is "too speculative for evaluation." Consistent with these guidelines, the City has determined that the prospective landmarking of Campanile Way is too speculative to consider in the EIR's analysis of impacts on historic resources.

2. **Zoning Adjustments Board:** The ZAB held a public hearing to receive comments on the Draft EIR on September 14, 2017. Public and ZAB comments from that hearing are transcribed and responded to in the Response to Comments Document beginning on page 450.

### III. Final EIR

- A. **Streamlined Review:** The project qualifies for "streamlined review" under CEQA Guidelines Section 15183.3, which is intended "to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning level decision or by uniformly applicable development policies."<sup>1</sup> In order to be eligible for streamlined review, a project must be located on an urbanized site, satisfy certain performance measures, and be consistent with the policies of a "sustainable communities strategy" adopted for the project area.<sup>2</sup>

When a project qualifies for streamlined review, but would have new potentially significant impacts that were not addressed in the prior planning level decision or that cannot be "substantially mitigated by uniformly applicable development policies," such impacts must be analyzed through the normal EIR review process. In the case of the proposed project, the primary planning level decision is the adopted Downtown Area Plan, and the referenced environmental documentation is the 2009 Downtown Area Plan Final EIR. These streamlining provisions are discussed further in sections 1 through 3 of the EIR and in the Infill Environmental Checklist (Appendix A of the Draft EIR).

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<sup>1</sup> CEQA Guidelines Section 15183.3(a).

<sup>2</sup> "Sustainable Communities Strategy" (SCS) refers to a greenhouse gas emission reduction strategy adopted by a metropolitan planning organization pursuant to Government Code Section 65080. In the case of Downtown Berkeley, the applicable SCS is found in [Plan Bay Area](#), which was adopted by the Association of Bay Area Governments and the Metropolitan Planning Commission in July 2013.

**B. Response to Comments Document:** The City of Berkeley completed a Response to Comments Document (RTC) for this project, pursuant to the California Environmental Quality Act (CEQA). The Final EIR consists of the Draft EIR (circulated for public comment from August 10, 2017 to September 25, 2017) and the RTC (circulated on January 4, 2018).

The RTC Document includes:

- An introduction, which describes the purpose and organization of the document, as well as a summary of the environmental review process;
- A list of the agencies, organizations, and individuals that submitted written comments, and notes the verbal comments received at the three public meetings on the Draft EIR;
- Reproductions of written comments and transcripts of verbal comments, and responses to CEQA-related comments received; and
- Revisions to the text and graphics of the Draft EIR in light of revisions by the City and public comments received and responses provided.

Paper copies of the RTC were provided to ZAB members on January 4, 2018. In addition, these documents were made available for public review, beginning on that same date at the Planning Department (1947 Center Street, 3rd Floor), the City Clerk's office (2180 Milvia Street) and at the Central Library reference desk (2090 Kittredge St.) and posted on line. On January 10, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations (attachment 2). On January 11, in accordance with CEQA Guidelines Section 15088, written responses were provide to the two public agencies that commented on the Draft EIR. At the time of this writing, staff has received one communication regarding certification of the Final EIR (attachment 3).

The 45-day public comment period on the Draft EIR ended on September 25, 2017. The City received comments from two regional agencies (the East Bay Municipal Utility District and the Alameda County Transportation Commission) and from members of the public. In total, 20 written letters were received on the Draft EIR, and members of the public, commission members and board members provided verbal comments on the Draft EIR at the two public meetings. Copies of the comments received on the Draft EIR, as well as responses to those comments on environmental issues, are provided in the RTC.

The following are selected issues that were of particular concern to interested members of the public and board/commission members during the environmental review process.

- Project impacts on aesthetics and visual resources
- Project impacts on off-site historic resources
- Project impacts related to geologic stability on- and off-site
- Project consistency with allowed building heights in the Downtown area
- Project impacts on vehicle, bicycle and pedestrian circulation during construction and operation

- Project impacts on public transit
- Project impacts on surrounding institutional land uses, including Berkeley High School, during construction and operation

Clarifications and revisions to the Draft EIR were necessary in light of the comments received and the responses provided. Key changes include the addition of two project alternatives with shorter building heights to reduce the project's intrusion into westward views from the UC Berkeley campus and augmentation of the mitigation programs for cultural resources, noise, and traffic impacts. None of the revisions constitutes significant new information as defined in CEQA Guidelines Section 15088.5 or changes the conclusions of the analysis; therefore, this EIR does not need to be recirculated.

**C. Environmental Effects:** The Infill Environmental Checklist (Appendix A to the Draft EIR), concluded that the potentially significant effects of the proposed project would be limited to the topics of Air Quality, Cultural Resources, Geology and Soils, Noise and Vibration, and Transportation and Traffic. All other impacts examined in the Infill Environmental Checklist were found to be less than significant.

The potentially significant impacts and mitigation measures, where necessary, are summarized below.

Section 4.1, *Air Quality*, identifies four potential air quality impacts from the project:

1. Impact AIR-1 (significant but mitigable): Project construction would generate increases in localized air pollutant emissions. While these emissions may result in temporary adverse impacts to local air quality, they would not exceed BAAQMD thresholds. Nevertheless, the project would be required to comply with BAAQMD regulations and Mitigation Measure AIR-3 from the DAP EIR to minimize emissions that could pose a health and nuisance impact to nearby sensitive receptors.
2. Impact AIR-2 (less than significant): Air pollutant emissions generated from operation of the project would not exceed BAAQMD operational significance thresholds. Therefore, long-term regional air quality impacts would be less than significant. No mitigation required.
3. Impact AIR-3 (less than significant): The project would not expose sensitive receptors to substantial pollutant concentrations. Based on a conservative screening analysis following BAAQMD methodology, on-site sensitive receptors would not be exposed to substantial levels of TACs that would significantly impact human health. No mitigation required.
4. Impact AIR-4 (less than significant): The project would contribute to population growth but would be consistent with the growth assumptions in the BAAQMD's current 2017 Clean Air Plan. No mitigation required.

Section 4.2, *Cultural Resources*, identifies three potential impacts from the project:

1. Impact CR-1 (significant but mitigable): Although the proposed demolition of the existing commercial building on-site would not directly affect an eligible historical resource, the proposed building design would adversely affect the setting of nearby historical resources, including the adjacent Shattuck Hotel and the greater proposed Shattuck Avenue Downtown Historic District. Impacts on the integrity of historical resources would be less than significant with incorporation of mitigation to enhance the compatibility of the proposed building's design with surrounding historical resources.
2. Impact CR-2 (less than significant): The proposed demolition of the existing building on-site and construction of an 18-story mixed-use building with two levels of underground parking would produce ground vibration in the vicinity of existing historical resources. The levels of vibration that would be generated by project construction activities would not exceed thresholds for physical damage to historic structures. However, implementation of Mitigation Measure NOI-6 in the DAP EIR would be required to monitor and reduce vibration levels at the Shattuck Hotel from construction activity. Therefore, impacts would be less than significant with mitigation.
3. Impact CR-3 (less than significant): The proposed 18-story building would partially obstruct views of the San Francisco Bay and the Golden Gate Bridge from the base of the Campanile and Campanile Way. While the westerly views from Campanile Way are not historical resources in their own right, they are a character-defining feature of a landscape element (Campanile Way) that UC Berkeley has identified as a contributor to a cultural landscape (the Classical Core of campus). The obstruction of views from the base of the Campanile and Campanile Way would not result in a substantial adverse change to the cultural landscape of the Classical Core, and impacts would be less than significant. No mitigation required.

Section 4.3, *Geology and Soils*, identifies two potential geologic stability impacts from the project:

1. Impact GEO-1 (significant but mitigable): Construction of the project would occur within 25 feet of the centerline of the Strawberry Creek culvert. The presence of the culvert in proximity to the proposed building's foundations could potentially result in instability of the proposed building's foundations. Required compliance with Berkeley Municipal Code and California Building Code standards would reduce the potential for excavation, shoring and foundations to cause instability. However, improper installation of temporary shoring and tiebacks could result in damage to the culvert during project construction. Mitigation would ensure City review and proper design of temporary shoring and tieback measures during construction.
2. Impact GEO-2 (significant but mitigable): Construction of the project would occur within the zone of influence of the adjacent BART station and tunnels. Improper construction within this zone could result in damage to, or destabilization of, the

proposed project and the BART subway tunnel and station. Mitigation would ensure that the construction design meets all applicable BART standards. With implementation of mitigation, the project would have a less than significant impact related to the structural integrity of BART substructures.

Section 4.4, *Noise and Vibration*, identifies five potential transportation/traffic impacts from the project:

1. Impact N-1 (significant and unavoidable): Project construction would temporarily generate high noise levels on and near the project site. Construction noise levels would intermittently exceed City standards for construction noise in commercial zones, particularly in the first months of construction during excavation and construction of the foundation system. Therefore, construction noise impacts would be significant and unavoidable. The project developer would be required to implement a project-specific noise reduction program as described in Mitigation Measure NOI-5 of the DAP EIR, which requires appropriate time limits for construction (7:00 A.M. to 7:00 P.M. on weekdays and between the hours of 9:00 A.M. and 8:00 P.M. on weekends or holidays), the use of available control technology such as equipment mufflers and temporary noise barriers, locating stationary noise-generating equipment as far as possible from adjoining sensitive receptors, notification of neighbors, and other measures.
2. Impact N-2 (less than significant): Project construction would temporarily generate high vibration levels on and adjacent to the project site. Because construction would occur inside the hours allowed in the Berkeley Municipal Code, it would not generate vibration when people normally sleep. While vibration in excess of FTA thresholds may temporarily disturb daytime educational activities at Berkeley City College the use of administrative controls including notification of neighbors and appropriate scheduling of vibrating-generating activities would minimize exposure to perceptible vibration. Vibration levels at the Shattuck Hotel could potentially exceed Caltrans thresholds for structure damage, but vibration monitoring pursuant to Mitigation Measure NOI-6 from the DAP EIR would reduce the likelihood of structure damage. Therefore, with implementation of mitigation, the project would have a less than significant vibration impact.
3. Impact N-3 (less than significant): On-site activities during operation of the project would generate noise that may periodically be audible to noise-sensitive receptors near the project site. On-site noise sources would include stationary equipment, such as rooftop ventilation and heating systems, and delivery and trash hauling trucks. However, on-site operational noise would not exceed ambient noise levels at nearby noise-sensitive receptors. No mitigation required.
4. Impact N-4 (less than significant): Vehicle trips associated with operation of the project would increase traffic volumes on Downtown Area roadways, resulting in greater traffic noise audible to existing noise-sensitive uses. However, the increase of vehicle trips from the project would be incremental and would not result in a substantial traffic noise increase.

5. Impact N-5 (significant but mitigable): New residential units on the project site would be subject to noise levels in excess of the City of Berkeley noise compatibility guidelines. However, mitigation requiring sound attenuation techniques would reduce ambient noise in the residential units to below the City's standard of 45 dBA Ldn, ensuring that this impact would be less than significant with mitigation.

Section 4.5, *Transportation/Traffic*, identifies nine potential transportation/traffic impacts from the project:

1. Impact T-1 (less than significant): With the addition of vehicle trips from the project, all intersections near the project site would continue to operate at an acceptable level of service of LOS D or better. The project would have a less than significant impact on the vehicular circulation system under the Baseline plus Project traffic scenario. No mitigation required.
2. Impact T-2 (less than significant): The project would generate vehicle trips in an area of Berkeley with low existing vehicle miles traveled relative to surrounding areas in Alameda County, and public transit would accommodate a substantial portion of the project's travel demand. Therefore, the project would have a less than significant impact related to vehicle miles traveled. No mitigation required.
3. Impact T-3 (significant but mitigable): Construction of the project, based on its expected duration and intensity, would result in a temporary reduction in roadway capacity, closure of portions of Allston Way, and relocation of AC Transit bus stops. These physical changes would have temporary adverse effects on vehicle, pedestrian, bicycle, and transit circulation. The project would have a less than significant impact with mitigation during construction, including required development and implementation of a construction traffic management plan.
4. Impact T-4 (significant but mitigable): The proposed project driveway would introduce potential conflicts between vehicles accessing the site and pedestrians using the north-side sidewalk of Allston Way. Use of the proposed driveway within approximately 25 feet of a bus layover zone on Allston Way also could introduce conflicts between vehicles accessing the site and buses. These conflicts would cause a potentially significant impact without adequate sight distance provided at the project driveway and appropriate technology to minimize conflicts associated with the driveway. Mitigation, including required driveway safety measures, would reduce this impact to a less than significant level.
5. Impact T-5 (significant but mitigable): Commercial and passenger loading activity associated with the project would introduce potential conflicts with other automobiles, buses, bicyclists, and pedestrians. If demand exceeds available space at the proposed commercial loading zone on the north side of Allston Way or at the existing passenger loading zone on the south side of the street, spillover loading activity could lead to illegal parking in red curb zones or double-parking. Large trucks parked in the proposed loading zone also could temporarily block access to and from the proposed garage. The project would have a less than

significant impact with mitigation incorporated to minimize traffic conflicts associated with loading activity.

6. Impact T-6 (less than significant): Garbage, recycling, and green waste generated by the project would be placed curbside on Allston Way for periodic collection. Zero Waste trucks would have direct access to the curbside collection area. While storage bins would present a minor and temporary obstacle for pedestrians, they would not substantially affect pedestrian circulation on Allston Way. Therefore, the project would have a less than significant impact from circulation conflicts related to garbage, recycling, and green waste collection.
7. Impact T-7 (significant but mitigable): All streets and intersections on the route from the nearest fire stations to the project site are sufficiently wide enough to provide adequate emergency vehicle access to the site. Operation of the project would not substantially increase delays on emergency access routes. However, project construction would temporarily impede emergency access to the project site during construction. The project would have a less than significant impact related to emergency access with mitigation during construction, including required development and implementation of a construction traffic management plan.
8. Impact T-8 (significant but mitigable): The project would not generate a substantial increase in transit ridership that results in result in overcrowding on local or regional transit systems. However, the temporary closure of an AC Transit bus stop and layover zone would impede transit access during construction. Traffic conflicts with vehicles entering and leaving the proposed driveway and with loading activity also could delay buses on Allston Way. The project would have a less than significant impact on the performance of local and regional transit operations with mitigation incorporated to preserve local bus access during construction and to minimize traffic and loading conflicts with buses during operation.
9. Impact T-9 (significant but mitigable): The project would not involve features that would result in permanent or substantial operational impacts to alternative modes of transportation. However, construction of the project would temporarily impact pedestrian and bicycle circulation. The project would have a less than significant impact with mitigation incorporated for local pedestrian and bicycle circulation.

**D. Alternatives:** The *CEQA Guidelines* require analysis of a reasonable range of alternatives to the project, and these alternatives should avoid, or substantially lessen, any of the significant effects of the project and should attain most of the project's basic objectives, when feasible. The range of alternatives required in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The Final EIR analyzes four alternatives:

1. No Project Alternative. Consistent with Section 15126.6(e)(2) of the CEQA Guidelines, under the No Project Alternative, the project site would remain in its existing condition.
2. Reduced Parking Alternative. This alternative assumes that the proposed building would provide fewer off-street parking spaces for vehicles than would the proposed project but the same intensity of residential and commercial development (274 residential units and 10,000 square feet of retail commercial space). The garage would include 58 parking spaces as compared to 103 parking spaces under the proposed project.
3. 14-Story Building Alternative. This alternative would reduce the proposed building's height from 18 to 14 stories and the number of dwelling units from 274 to approximately 250. The building would have a maximum height of 142 feet, 2 inches, plus an additional 4 feet of rooftop architectural projections. Relative to the proposed project, the 14-Story Building Alternative would reduce the building's maximum height by approximately 48 feet. Similar to the proposed project, this alternative would provide 10,000 square feet of commercial space and 103 parking spaces in a two-level underground garage.
4. 15-Story Building Alternative. This alternative would reduce the proposed building's height from 18 to 15 stories while maintaining the same number of dwelling units (274). The building would have a maximum height of 151 feet, 4 inches, plus an additional 14 feet of rooftop architectural projections. Relative to the proposed project, the 15-Story Building Alternative would reduce the building's maximum height by approximately 29 feet. To provide the same residential density as the proposed project in fewer stories, the alternative would widen the proposed upper floors. While the proposed building's upper tier would step back an additional 65 feet from Shattuck Avenue above the 12th floor, this alternative would eliminate that setback. Similar to the proposed project, this alternative would provide 10,000 square feet of commercial space and 103 parking spaces in a two-level underground garage.

Of the development alternatives, the Reduced Parking Alternative would be the environmentally superior alternative based on the reduction in vehicle trips.

- E. Certification:** Consistent with *CEQA Guidelines* Section 15090, the ZAB must certify that the Final EIR has been completed in compliance with CEQA and that the Final EIR reflects the lead agency's independent judgment. Certification is required prior to the City taking action on the project. The attached findings are only for the purpose of certification of the Final EIR for the project. Additional Findings of Fact will be required when action is taken on the project, and will be provided to the ZAB when they are asked to take action on the Use Permit.

#### **IV. Recommendation**

Staff recommends that the ZAB review, accept public comment, and ADOPT A RESOLUTION TO CERTIFY the Final EIR for the 2190 Shattuck Avenue Project.

**Attachments:**

1. Resolution to Certify the Final EIR for the 2190 Shattuck Avenue Project, Dated January 25, 2018
2. Notice of Public Hearing
3. Correspondence Received

**Staff Planner:** Leslie Mendez, Senior Planner, [lmendez@CityofBerkeley.info](mailto:lmendez@CityofBerkeley.info), (510) 981-7426