

Use Permit Incomplete Items

Item #	Description	Action Taken	Sheet #
1	Fees. The additional approvals listed above require a payment of fees for each (\$460). Fees for additional approvals will be due once they are finalized and an invoice will be sent to you. Please be aware that with the submittal of information requested by staff, additional approvals may be added to the permit and associated fees will be due	Noted	N/A
2	Arborist Review Fees. Please be aware that an arborist consultant fee will be assessed and due separately for the review of street tree planting and participation in the Interdepartmental Roundtable Meeting.	Noted	
3	Letter of Authorization. The property owner is listed as Oxford Development Group, LP 1442A Walnut Street, 116, Berkeley, CA 94709. Submit a LOA to document authorization of the applicant by the property owner, or submit a Grant Deed or similar document to verify that Core Berkeley Oxford, LLC is the new property owner.	See deeds attached	
4a.	Plans.		
	Provide an underlay of existing utility locations in the right-of-way on sheet L3. Also provide a calculation that shows that the landscaped area meets the minimum of 40% of the total Usable Open Space (UOS) area.	Utility location is shown on Civil drawings. Landscape area calculation on Open Space Diagrams	C100, G-5
4b.	Check the labels and legend on L3. Where is the trash/recycling compactor located?	There are (2) Trash / recycling compactors. One is located at the northeast corner along Oxford Street and the other is located on the west side, along Center Street.	
4c.	Provide detailed plans of the new parklet design and new bike corral. Indicate that you are proposing the removal of existing street parking.	The parklet has been detailed on page L4. The existing parking to be removed is noted on the L3 plan along Oxford Street.	L3, L4
4d.	Include commercial circulation areas, hallways and trash areas, as well as the lobby café in the total commercial area amount. Provide the amount of commercial area in the existing buildings to be demolished. Net new non-residential area in the project of 7,500 SF or more is subject to Affordable Housing and Child Care Fees.	See G-1 for revised gross building area table. Retail area now includes retail associated back of house and lobby café. Previous was 12,800 SF, note added under table	G-1
4e.	Provide rooftop element area calculations for all rooftops. Rooftop structures shall not represent more than fifteen percent (15%) of the average floor area of all of the building's floors.	Rooftop calculations provided and less than 15% of average floor area is dedicated to rooftop structures per 23E.04.020	A1-7, A1-10

4f.	Provide calculations to show that, where balconies project into the side and rear setbacks, the total surface area of such projections does not exceed 50% of the surface area of the side of the building on which the projections are located	Projections are less than 50%. See shaded region and calculations on elevations for rear and side setbacks	A2-2, A2-3
4g.	Indicate the height of the parapet above the roof of the floor 17. Parapets may only exceed the height limits by up to five (5) feet.	See Building elevations. Parapets are 5'.	A2-1, A2-2, A2-3, A2-4
4h.	Exclude from the total usable open space the area on roof of floor 17 that measures less than 10'x10'.	Open Space Diagram updated to exclude the alcove on level 17.	G--5
4i.	Show the location of off-street loading spaces that are compliant the requirements in BMC section 23E.32.	12'x25' loading space shown south of trash room.	A1-1
4j.	Provide individual unit floor plans, if available.	Typical units added	A5-1
5.	CEQA Review. The site is on the state list of cleanup sites known as the "Cortese List". Cortese List sites do not qualify for categorical exemptions from CEQA review. In addition, the building at 2132 Center is eligible for listing on National Register of Historic Places. Staff is determining the scope of the CEQA review that will be applied to the project, and you will be notified of the determination, when it is reached.	Noted	
6.	SB330 Demolished Unit Replacement. Under Senate Bill 330, a housing development project which demolishes protected units must provide at least the same number of units of equivalent size to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those households in occupancy, or if unoccupied, must replace the units at the affordability to the income category of the last occupant. Also, existing occupants must be given relocation benefits in accordance with State law. (See Government Code, section 66300 (d) for full requirements.) Applicants are expected to work with the Land Use Division and the Rent Stabilization Board to ensure compliance with State laws. Provide income categories of current occupants, or if units are unoccupied, the income categories of the last occupants. If this information is unavailable, then data from HUD's Comprehensive Housing Affordability Strategy database will be used to determine the replacement unit affordability levels. If units are rent-controlled and the incomes of the current/previous occupants are above lower income, the City has discretion as to the affordability or price control of the replacement units. Staff is confirming the number of legal units in the building. City records show that there are 16 dwelling units. Rent Board data shows 16 dwelling units, with unit #13 not listed.	There are currently 16 rent-controlled dwelling units on the project site. All 16 units are currently vacant; there are no existing occupants. As a result, the project team does not have income information for the most recent tenants. All of the units were rented at market rate levels, consistent with the requirements of the Rent Stabilization Ordinance, including rent ceiling limits. None of the 16 units were subsidized at below-market levels. The project team proposes to replace these 16 rent-controlled dwelling units with 16 on-site affordable units, 8 Extremely-Low Income units and 8 Very-Low Income Units. The depth of affordability is well-beyond what is required based on the income ranges in the HUD Comprehensive Housing Affordability Strategy for 2014-2018 (the most recent data available).	

7.	Affordable Housing Mitigation Fee/ Inclusionary Housing. Provide a statement to clarify whether the units in the project are for rental or for ownership.	The project is for rental housing. The project team has revised the applicant statement to make this clear	
8.	Community Benefits. Provide a detailed narrative for the community benefits package, that explains how each element makes the findings for approval of the package, including how they exceed the City’s standard development requirements. In order to approve a Use Permit for buildings over 75 feet in height under Section 23E.68.070.B, the Board 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. These 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. The applicable public benefit requirements of this Chapter shall be included as conditions of approval and the owner shall enter into a written agreement that shall be binding on all successors in interest.	The applicant statement includes revised draft findings in response to 23E.68.090.E regarding exceptional community benefits for projects that exceed 75 feet. These represent a preliminary set of benefits that may be modified based on feedback from community members, City staff, and decision-makers. A separate Community Benefits Overview document summarizes the proposed benefits.	
9.	Food Service. Are food service establishments of 3,000 SF or over proposed in the building? If so, an AUP under BMC Section 23E.68.030.A will be added to the application.	The project team appreciates that you raised this additional AUP for a food establishment 3,000 sq. ft. Please add this AUP to our application	
10.	Outdoor Seating. Is any outdoor seating proposed on the sidewalk along Oxford Street, abutting the R-5 district? If so, an AUP under BMC Section 23E.68.030.A will be added to the application.	The project team appreciates that you raised this additional AUP for outdoor seating on Oxford St. Please add this AUP to our application. The new code reference appears to be BMC 23.302.070(E)(5)(a)ii	
11.	Wind Study. Per BMC section 23E.68.090.F regarding impact on wind impact on the public sidewalk, submit a wind analysis from a qualified meteorologist that satisfies this finding.	The study will be provided prior to ZAB/DRC review. The project team acknowledges that although it is not a submittal requirement, the analysis is required for the making of findings.	
12.	POPOS. Indicate the location of privately-owned public open space in the plans, or state your request for a use permit to pay an in-lieu fee to help fund the Streets and Open Space Improvement Plan (SOSIP) and/or construct public improvement consistent with the SOSIP. For non-residential uses, one (1) square foot of privately-owned public open space per 50 square feet of commercial floor area is required.	The project proposes to pay into the Streets and Open Space Improvement (SOSIP) fund. Specifically, if desired the project team is interested in supporting an improvement to create a public plaza in the Center Street right-of-way, as envisioned by the Downtown Area Plan. This could allow 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.	

13.	Zoning Application Submittal Requirements (ZASR). The following required items were missing from the application submittal: [ZASR Link]		
13a.	<p>a. Shadow Studies. Guidelines: https://tinyurl.com/sv8kkjo aa. Clearly label the structures within shadow impact areas with their uses (commercial, residential, etc..) on all of the studies. ab. Clearly distinguish the subject site from the surrounding areas. ac. Add the standard labels: 2 hours after sunrise, 2 hours before sunset, etc..</p>	See revised shadow study diagrams which include a note for time of day the study, site clearly distinguished, and 3D images adjusted to show height of shadow	a. A7-1, A7-2, A7-3
13b.	<p>Creek. The site is within 25 feet of the centerline of a culverted creek. Be advised that you will need a creek permit. Submit Creek Protection documentation per these instructions: https://tinyurl.com/u9gsce9</p>	Noted. The project team completed a survey of the actual Strawberry Creek Culvert location, which is now illustrated on Sheet C100 and C200. These findings indicate that the culvert is within 15 feet of the area of work, but beyond 15 feet from the building footprint.	
13c.	<p>Historical Resource. The demolition or substantial change of any building that is more than 40 years old requires further study. City records indicate that the building you are proposing to demolish at 2128 Oxford is more than 40 years old. Please submit a DPR 523A and 523B form. Forms can be found here: http://ohp.parks.ca.gov/?page_id=28351.</p>	A review of the City Zoning Records confirms that 2128 Oxford St. was built in 1996, following demolition of the previous building. As a result, the building is less than 40 years old and a historic resources evaluation is not required.	
13d.	<p>Geotechnical Investigation. The report you submitted will be peer-reviewed. Comments from peer reviewer will be forwarded to you.</p>	See revised Geotechnical Report	
13e.	<p>Traffic Impact Study. Submit documentation that Transportation Division has determined that the project is not required to submit a transportation impact or parking study. Please contact Ray Davis in the Transportation Division (RDavis@cityofberkeley.info) for more information.</p>	The project team is preparing a traffic study based on the scope of work and confirmation from the Transportation Division on November 15, 2021	
13f.	<p>Water Efficiency. Projects with 500 square feet or more of new, or 2,500 square feet or more of renovated irrigated landscaping must comply with State water efficient landscaping provisions. Submit MWELO-compliant documentation – planting, grading, and irrigation plan with water budget calculations.</p>	See EBMUD Water Efficiency Review	
13g.	<p>Green Building. New buildings in the C-DMU district are required to be LEED Gold or above or GPR Silver or above. Submit a LEED checklist or a GreenPoint Rated checklist to show compliance.</p>	See green building checklist	
13h.	<p>Tabulation Form. Please revise the Tabulation Form to reflect changes made in response to all other comments in this letter.</p>	See revised Tabulation Form	

13i.	Design Review. DR comments will be sent to you separately. Please respond to these comments in your next submittal, and copy Anne Burns for all submittals.	See attached responses to design review comments	
14a.	Advisory Comments		
	Interdepartmental Roundtable Meeting. An interdepartmental review will be scheduled as an opportunity for you to receive comments on the project from City departments such as Building and Safety, Transportation, Zero Waste, Parks, Toxics and Public Works. I will coordinate with you to schedule a time when you can attend.	Noted	
14b.	Previews. Be advised that this project may undergo a Preview with the Zoning Adjustments Board, and a separate Preview with the Design Review Committee, prior to being scheduled for a Preliminary DRC meeting and a ZAB decision hearing. The decision to undergo a ZAB and/or DRC Preview will be made on a per-project basis, with consideration of SB330 public meeting limits. A public hearing fee for the ZAB Preview will be invoiced separately if applicable to the project.	Noted	
14c.	Landmarks Preservation Commission. The project will be scheduled for an LPC to obtain a recommendation for the demolition of the existing building, as required by BMC Section 23C.08.050.C.	Noted	
	Other		
15	Community Meeting (Not listed in incomplete letter)	The project team held a virtual community meeting on November 2, 2021. We sent postcard mailings to over 750 unique addresses, including all occupants and owners within 300 feet of each property. Additionally, we posted flyers at the project site on the big yellow signs. We have summarized the meeting in the Applicant Statement	
16	Street Side Setback (Not listed in incomplete letter)	The Zoning Ordinance update, effective December 1, 2022 made a change to the street side setback requirement in the C-DMU district, adding a setback requirement where one did not previously exist. The project meets the new requirement through the first 75 feet of the building. Above 75 feet, the project requests a Use Permit to reduce the setback from 15 feet to 0-5 feet.	