

Office of the City Manager

PUBLIC HEARING
FEBRUARY 23, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Adjustments Board Appeal: 2425 Durant Avenue, Use Permit Application #ZP2024-0162

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0162, to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

SUMMARY

On October 9, 2025, the ZAB approved Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings and construct a 20-story residential building containing 169 dwelling units, on a 9,750-square-foot lot. The project approval was based on findings that the project would not be detrimental to the general welfare of the City, aligns with the purpose of the zoning district, encourages the use of public transit, and facilitates the construction of affordable housing.

On October 28, 2025, the ZAB's decision was appealed by Weinberg, Roger & Rosenfeld on behalf of the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"). Appellants contend that the City should deny the Applicant's request to use state Density Bonus Law concessions to waive compliance with the requirements of the apprenticeship requirements and health care expenditure provisions of the City's HARDHATS Ordinance (codified as Berkeley Municipal Code Sections 13.107.040 and 13.107.050, respectively) and the Southside Plan Prevailing Wage Ordinance (Berkeley Municipal Code Section 13.108(A)), because these concessions do not comply with state law. Specifically, Appellants claim (1) that these regulations are not the proper subject of concessions and, in the

alternative, that (2) they are subject to the exemption in Government Code Section 65915(d)(1)(B) because they pose a specific, adverse impact on public health and safety.

For reasons discussed further below, staff find that these concessions are appropriate and that the City cannot make the factual findings necessary to deny them.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On November 15, 2024, the applicant submitted a Use Permit application (ZP#2024-0162).

On November 21, 2024, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0064).

On December 13, 2024, the Use Permit application was deemed complete.

On February 13, 2025, the Use Permit Application was resubmitted.

On February 24, 2025, the City mailed public hearing notices for the scheduled Landmarks Preservation Commission (LPC) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations for the landmark designation hearing.

On March 6, 2025, LPC held a public hearing on the landmark designation application and received public comments. Following deliberations, the LPC unanimously approved the designation by a vote of 8-0-0-0 vote (Moved: Leuschner, Second: Schwartz, Ayes: Crandall, Enchill, Finacom, Leuschner, Montgomery, Orbuch, Plese and Schwartz, Noes: None; Abstain: None; Absent: None).

On March 13, 2025, the resubmitted Use Permit Application was deemed complete.

On April 15, 2025, the property owner filed an appeal of the LPC's decision to designate the property as a City Landmark.

On July 9, 2025, the City mailed public hearing notices for a City Council Hearing for the appeal of the LPC's decision to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On July 23, 2025, the City Council held a public hearing on the appeal of the LPC decisions to designate 2425 Durant Avenue as a City Landmark or Structure of Merit. Following deliberations, the City Council unanimously upheld the appeal and reversed the LPC designation by a vote of 7-0-0-2 vote (Moved: Kesarwani, Second: Taplin. Ayes: Bartlett, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, Ishii; Noes: None; Abstain: None. Absent: O’Keefe, Blackaby; Resolution No. 71,904-N.S.)

On September 26, 2025, the City mailed public hearing notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On October 9, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. See Attachment 3 for the staff report submitted for ZAB consideration. Opponents raised concerns regarding the HARDHATS and Prevailing Wage concessions, contending that these concessions pose specific adverse impacts upon public health and safety. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and the members of the public, the ZAB voted to approve the project with a 4-0-1-3 vote (Moved Allen, Second: Yung. Ayes: Mae Palmatier, Allen, Yung, Sanderson; Noes: None; Abstain: Thompson; Absent: Duffy, Gaffney, Choi)

On October 28, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO (“Trades Council”) and the Northern California Carpenters Regional Council (“Carpenters”) (together, “Appellants”) filed an appeal of the ZAB’s decision to approve the project.

BACKGROUND

The subject property is an approximately 9,750-square foot interior lot on the north side of the 2400-block of Durant Avenue, between Telegraph Avenue and Dana Streets. It is a flat rectangular parcel, 130 feet deep and 75 feet wide that is oriented north-to-south, with street frontage facing Durant Avenue to the south. It includes three two-story residential buildings containing 19 existing (rent-controlled) dwelling units and a shed building, all proposed to be demolished. In the rear, at the northwest corner of the lot, there is a two-story simple Craftsman style cottage (2423 Durant Avenue) constructed in 1906 that includes two units. The shed is located in the rear, at the northeast corner of the lot. In the front, at the south-east part of the lot, the building at 2421 Durant Avenue includes six units. It is a two-story, over basement Victorian constructed in 1886, with a tower roof, rectangular footprint and wood siding and shingle exterior. At the southwest corner of the lot, the building at 2425-2427 Durant Avenue includes 11 units. It is a two-story plus attic Revival style building constructed in 1905 with a rectangular footprint, hipped roof, and wood shingle exterior.

The subject property, 2421 Durant Avenue, is located within Berkeley's first subdivision, which was created to generate funds for the construction of the University of California campus. In 1886, the area was further subdivided into Beaver Tract; 2421 Durant Avenue was the third home constructed within this tract. In 1906, architect William Wharff designed a set of flats at 2425 Durant Avenue. A two-story cottage (2432 Durant Avenue) was also constructed on the property that same year, and was later converted into a duplex in 1925.

Figure 1: Vicinity and Zoning Districts Map



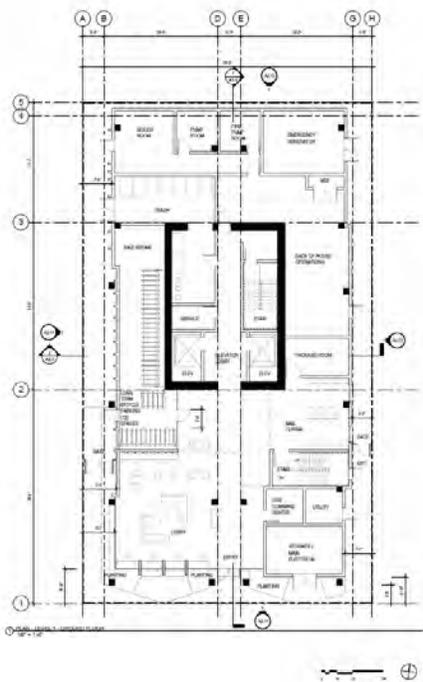
The proposed project would demolish the existing residential buildings containing 19 dwellings to construct a 20-story, 208 feet, 148,940-square-foot residential building with 169 units including 105 Studios, one one-bedroom, 46 two-bedroom and 17 three-

bedroom units for a total of 249 bedrooms. The project includes communal spaces on Level 13 and Level 17 and a roof deck and an indoor lounge on Level 20.

Figure 2: Existing Street View (Durant Avenue)



Figure 3: Site/Ground



Floor Plan

Figure 4: The Proposed Project Rendering



Senate Bill 330 (Housing Crisis Act of 2019) and State Density Bonus

The proposed project qualifies as a housing development project under SB 330 and is requesting a density bonus under the State Density Bonus law (“SDBL”). The total density bonus is calculated based on the site’s base density and the allowable bonus granted for providing affordable housing. The base density reflects the maximum number of units allowed on the site while fully complying with applicable district development standards, including height, setbacks, usable open space, and parking requirements. The density bonus is then determined by the percentage of total units dedicated as affordable and their affordability level. For this site, the base density is 85 units. By proposing 13 very low-income (VLI) units and 13 Moderate Income (MI) units, 30% of the total base units, the project qualifies for a 100% density bonus, increasing the maximum allowable density to 171 units. However, the applicant proposes 84 additional units above the base density for a total of 169 dwelling units. (See Table 1: Density Bonus)

Table 1: Density Bonus

Base Project Units ^a	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ^a	Proposed Project Units ^a
85	26 [13 VLI (15% of Base) + 13 MI (15% of Base)]	100	84 (86 possible)	169 (171 possible)
Notes: ^a Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number. Abbreviations: % = percent				

Concessions are defined in Government Code Section 65915(k) as a reduction in site development standards; approval of mixed-use zoning in certain instances; or any other regulatory incentive that results in identifiable and actual cost reductions. Pursuant to California Government Code Section 65915(d)(1), the City may only deny the concession if it makes a written finding, based on substantial evidence, that the concession does not result in identifiable and actual cost reductions; the concession would have a specific adverse impact upon public health and safety or on any real property listed in the California Register of Historical Resources; and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households; or the concession would be contrary to state or federal law.

The project is entitled to three concessions (or incentives) under Government Code Section 65915 (d), and an unlimited number of waivers under Section 65915 (e).

- **Concession.** Exemption from the “Apprenticeship Requirements” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession.** Exemption from the “Health Care Expenditures” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession.** Exemption from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108

A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law.

The applicant is requesting six waivers from the following development standards:

1. **Tree Removal**¹. Waiver of BMC Section 6.52.010 to remove a Coast Live Oak Tree.
2. **Usable Open Space (R-SMU)**. Waiver of BMC Section 23.202.140(E)(1)(a) for providing 1,012 square-feet of Usable Open Space, where 5,239 square feet is required.
3. **Floor Area Ratio**. Waiver of BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum Floor Areas Ratio (FAR) of 7, by allowing a 14.86 FAR.
4. **Building Height**. Waiver of BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Rear Setback**. Waiver of BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Usable Open Space**. Waiver of BMC Section 23.304.090(B) (7) “Landscaping” for Usable Open Space landscaped area to be 0% where 40% is required.

¹ The applicability of a waiver to the City’s regulations under BMC 6.52.010 was verified through HCD Technical Assistance Case No. HAU 2339.

7. **Bicycle Parking.** Waiver of BMC Section 23.322.090(A)(2) “Residential Parking” to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

RATIONALE FOR RECOMMENDATION

The main issues raised in the Appellant’s letter (Attachment 2) and staff’s response are detailed below. For the sake of brevity, all the appeal issues are not re-stated in their entirety.

I. The HARDHATS Ordinance and the Prevailing Wage Ordinance Are Proper Concessions under the Density Bonus Law.

As discussed above, the SDBL requires municipalities to award a density bonus when a developer agrees to dedicate a certain percentage of the overall units in a development to affordable housing. Developers of these projects are entitled to request a certain number of incentives or concessions, which municipalities must grant absent limited exceptions. (Gov. Code § 65915(d).)

A concession or incentive is regulatory relief that a developer can use to reduce the costs of building affordable housing. (See *id.* § 65915(d)(1).) A concession under the SDBL can be a reduction in site development standards, a modification of zoning code requirements or architectural design requirements, or approval of mixed-used zoning in compatible areas not already so zoned. (*Id.* § 65915(k)(1-2).) Another appropriate subject of a concession is any “other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs...” (Gov. Code § 65915(k)(3).)

As discussed above, the Applicant has requested the following three concessions:

- (1) Exemption from the “Apprenticeship Requirements” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040.
- (2) Exemption from the “Health Care Expenditures” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050.
- (3) Exemption from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108(A).

Appellants first argue that these provisions are not the appropriate subject of a concession because they do not pertain to development standards. However, under the plain language of the SDBL, a concession need not be related to the physical

characteristics of the development; rather, Section 65915(k)(3) is a catch-all provision that provides a concession may be a waiver of *any* regulation if such waiver results in identifiable and actual cost reductions to the Applicant. (See Gov. Code § 65915(k)(3).)

Therefore, each of the concessions requested here is appropriate because each requests relief from a regulation where such relief would result in identifiable and actual cost reductions to the Applicant. First, BMC Section 13.107.040 requires participation in qualified apprenticeship programs, which adds administrative, labor, and financial obligations beyond standard construction practices. The Applicant has reported to the City that this concession would result in cost savings of \$2,520,00. Next, BMC Section 13.107.050 requires developers to provide health care expenditures on behalf of each covered construction worker in addition to hourly wages. The Applicant has reported to the City that this concession would result in cost savings of \$1,080,000. Finally, BMC Section 13.108(A) requires developers to pay all covered construction workers the general prevailing rate of per diem wages as set forth in Section 1771 of the California Labor Code, which is typically higher than market wages. This provision also imposes administrative burdens such as payroll tracking and reporting requirements. The Applicant has reported to the City that this concession would result in cost savings of \$12,960,000.

The total value of the cost-savings attributable to all three concessions is \$16,560,000. Accordingly, each of the requested concessions would result in “actual” and “identifiable” cost reductions to the Applicant.

II. None of the State Density Bonus Law Exceptions Apply.

The SDBL mandates that cities grant a requested concession or incentive, subject to the following very limited exceptions:

- (A) The concession or incentive does not result in identifiable and actual cost reductions...to provide for affordable housing costs...
- (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety... for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
- (C) The concession or incentive would be contrary to state or federal law.

(Gov. Code, § 65915(d)(1)(emphasis added).) Notably, the City “bears the burden of proof for the denial of a requested concession or incentive.” (Gov. Code § 65915(d)(4).)

The Appellant asserts both that the requested concessions would not result in identifiable and actual cost reductions and that the concessions would have a specific, adverse impact upon public health and safety.

A. The City cannot show that requested concessions would not result in identifiable and actual cost reductions.

As stated above, the City could permissibly reject any of the three requested concessions upon a finding based on substantial evidence that they would not result in “identifiable and actual cost reductions.” (Gov. Code, § 65915(d)(1)(A).)

Staff advise, however, that the City cannot make this showing. Consistent with Government Code Section 65915(a)(2), subsequent to the filing of this Appeal the City requested reasonable documentation from the Applicant regarding the cost reductions that would accrue from each of the three concessions at issue. As discussed above, the information from the Applicant confirms that each of the three requested concessions would result in identifiable and actual cost reductions. The City has no information to make any findings otherwise, and thus cannot make a finding based on substantial evidence that this exception applies.

B. The City cannot meet its statutory burden to show that the requested concessions would have a specific, adverse impact upon public health and safety.

Next, the City could permissibly deny the concessions if it made findings supported by substantial evidence that the concessions would have a “specific, adverse impact” upon public health and safety. (Gov. Code, § 65915(d)(1)(B).)

“Specific, adverse impact” is defined as “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” (Gov. Code, § 65589.5(d)(2).) “It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety...arise infrequently.” (Gov. Code, § 65589.5, subd. (a)(3).

Staff advise that based on this standard, Appellants have not provided adequate evidence that the concessions at issue meet the criteria for a “specific, adverse impact,” nor does the City have other sufficient evidence on which to make such a finding. Therefore, staff advise that the City cannot make a finding based on substantial evidence that this exception applies.

For these reasons, staff recommend that the appeal be dismissed.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. It is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The project site, located within city limits on fewer than five acres and surrounded by urban uses, has no habitat value for endangered, rare, or threatened species. Its approval would not cause significant impacts related to traffic, noise, air quality, or water quality, and the site can be adequately served by required utilities and public services. Furthermore, none of the CEQA Guidelines Section 15300.2 exceptions apply: the site is not in an environmentally sensitive area; cumulative impacts would not be significant; no unusual circumstances exist that would cause environmental effects; it is not near a designated scenic highway; it is not listed under Government Code Section 65962.5; and the project would not substantially affect any historical resource.

CONTACT PERSON

Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Nilu Karimzadegan, Senior Planner, (510) 981-7430

Attachments:

- 1: Draft Resolution
 - Exhibit A: Findings, October 9, 2025
 - Exhibit B Conditions, October 9, 2025
 - Exhibit C: Project Plans, April 11, 2025
- 2: ZAB Decision Appeal Letter, received October 28, 2025
- 3: ZAB Packet (Staff Report and attachments), dated October 2, 2025
- 4: Public Hearing Notice
- 5: Index to Administrative Record
- 6: Administrative Record

RESOLUTION NO. ##,###-N.S.

DENY THE APPEAL AND AFFIRM THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE USE PERMIT #ZP2024-0162, TO DEMOLISH THREE EXISTING TWO-STORY RESIDENTIAL BUILDINGS, INCLUDING 19 RENT-CONTROLLED DWELLING UNITS, AND CONSTRUCT A 20-STORY (208 FEET), APPROXIMATELY 148,940-SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING 169 DWELLING UNITS, INCLUDING 6 EXTREMELY LOW-INCOME (ELI), 7 VERY LOW-INCOME (VLI), 6 LOW-INCOME (LI), AND 13 MODERATE INCOME (MI) UNITS, ON A 9,750-SQUARE-FOOT LOT.

WHEREAS, on November 15, 2024, the applicant submitted a Use Permit application (ZP#2024-0162); and

WHEREAS, on November 21, 2024, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0064); and

WHEREAS, on December 13, 2024, the Use Permit application was deemed complete; and

WHEREAS, on February 13, 2025, the Use Permit Application was resubmitted; and

WHEREAS, on February 24, 2025, the City mailed public hearing notices for the scheduled Landmarks Preservation Commission (LPC) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations for the landmark designation hearing; and

WHEREAS, on March 6, 2025, LPC held a public hearing on the landmark designation application and received public comments. Following deliberations, the LPC unanimously approved the designation by a vote of 8-0-0 vote; and

WHEREAS, on March 13, 2025, the Use Permit Application was deemed complete; and

WHEREAS, on April 15, 2025, the property owner filed an appeal of the LPC's decision; and

WHEREAS, on July 9, 2025, the City mailed public hearing notices for a City Council Hearing for the appeal of the LPC's decision to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on July 23, 2025, the City Council held a public hearing on the appeal of the LPC decisions to designate 2425 Durant Avenue as a City Landmark or Structure of Merit. Following deliberations, the City Council unanimously upheld the appeal by a vote of 7-0-0-2 vote; and

WHEREAS, on September 26, 2025, the City mailed public hearing notices for the scheduled Zoning Adjustment Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on October 9, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and the members of the public, the ZAB voted to approve the project with a 4-0-1-3 vote; and

WHEREAS, on October 28, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") filed an appeal of the ZAB's decision to approve the project; and

WHEREAS, on or before February 9, 2026, staff posted the public hearing notice at the site and three nearby locations and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal; and

WHEREAS, on February 23, 2026, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby affirms the decision made by ZAB to approve a Use Permit #ZP2024-0162; adopts the Findings and Conditions of Approval in Exhibit A; and adopts the project plans in Exhibit B.

Exhibits

A: Findings, October 9, 2025

B: Conditions of Approval, October 9, 2025

C: Project Plans, dated April 11, 2025



Zoning Adjustments Board Findings

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
<p>Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702</p> <p>Property Owner: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563</p> <p>Project Address: 2425 Durant Avenue</p>	<p>Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate-Income (MI) units, on a 9,750 square-foot lot.</p>
<p>General Plan: RMU (Residential Mixed-Use)</p> <p>Area Plan: Southside Area Plan</p> <p>Zoning: R-SMU (Residential Southside Mixed Use District)</p> <p>Site Size: 9,750 square feet (0.22 acre)</p> <p>CEQA: Section 15332 (“In-Fill Development Projects”)</p> <p>Application Submitted: November 15, 2024</p> <p>Vesting Date: November 21, 2024</p> <p>Date Deemed Complete: March 13, 2025</p> <p>Project Planner: Nilu Karimzadegan</p>	<p style="text-align: center;">Zoning Permits Requested:</p> <ol style="list-style-type: none"> Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new multi-family building (UPPH). New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). Projections Above Height Limits. BMC Section 23. 304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)

Density Bonus

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Concessions:

1. Concession from the **“Apprenticeship Requirements”** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **“Health Care Expenditures”** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **“Prevailing Wage requirements”** in the Southside Plan as required by BMC Section 13.108(A)

I. CEQA FINDINGS

As required by **CEQA Section 15332 (“Infill Development Project”)** of the CEQA Guidelines, the ZAB finds that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) because:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project.

Evidence: The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time will not be significant; there are no “unusual circumstances” at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and the project site is not in view of a state scenic highway; the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code; and the project would not result in a substantial adverse change in the significance of a historical resource.

Historic Resource Evaluation prepared by Preservation Architecture dated October 4, 2024 concluded that based on their evaluation of the City’s historical criteria, the residential buildings at 2421, 2423 and 2425-2427 Durant Avenue in Berkeley are not eligible as City of Berkeley Landmarks and are not eligible as Structures of Merit. Additionally, the subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). Though the LPC designated the site a City Landmark based on their analysis that the property appears to meet the City’s Landmarks Preservation Ordinance criteria for historical significance, City Council determined otherwise and revoked the designation.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis; and 4) City Council’s determination to revoke the Landmark designation status application at the public meeting held on July 23, 2025.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1) “Findings for Approval”**, the ZAB finds that the the proposed project or use:

- a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use

Evidence: The project is consistent with all applicable R-SMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

Sunlight: The additional height above the district limits (85 feet plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 208-foot-tall (plus 5-foot parapet), 20-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the fall months in the hours of after sunrise on the residential buildings on the west and northwest and around noon, on the residential buildings on the northeast; b) in the winter months in the hours of after sunrise on the residential buildings on the west and northwest of the site, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the northeast; and c) in the summer months in the hours of after sunrise and around noon on the neighbor buildings to the west and northwest of the site. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site’s adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Southside Area plan that allows building heights up to 90 feet including the parapet, with 0 to 4-foot setbacks from property lines, by right.

Air: The proposed project will be consistent with the existing development and building-to-building separation pattern, or air, in this R-SMU District neighborhood. 5 to 8 feet setback is provided for the side setbacks where a zero setback is allowed. 0 to 4 feet setback is provided in the rear where a minimum of 4 feet is required, however the proposed building is separated from the rear non-residential buildings by over 40 feet. Therefore, the project will not unreasonably obstruct air.

Views: Because the project site is located on a relatively flat lot and significant views are generally not available in this neighborhood due to grade, current development patterns, and mature vegetation in a neighborhood with one to two-story and four- to six-story buildings, the proposed project would not create detrimental impacts to views

and it will not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12)¹;

b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized site including 19-unit residential with a new development consisting of 169 units. This includes a significant affordable housing component: 6 for Extremely Low-Income (ELI), 7 units for Very Low-Income (VLI) households, 6 for Low-Income (LI), and 13 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

2) As required by **BMC Section 23.406.040 (E)(2) “Findings for Approval”**, to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

3) As required by **Government Code Section 65915 (State Density Bonus)**, the Zoning Adjustments Board finds that:

Under the City’s methodology for implementing density bonuses, the base project consists of 85 units. The project will provide at least 6 Extremely Low-Income (ELI) and 7 Very Low-Income (VLI), 6 Low-Income (LI) and 13 Moderate-Income (MI) BMR units on site qualifying units in the 85-unit base project, as more fully set forth in Condition “Number of Below Market Rate Units”. The project is entitled to a density increase of 100 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus three concessions or incentives. This equates to a density bonus of up to 100% or 86 units above the base project, for a total of up to 171 units of which the applicant has chosen to build 169 units.

¹ View Corridor - A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.

a) In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board grants the following concessions and finds that the approval of the concessions is required to provide for affordable housing costs, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

- **Concession 1.** Exemption from the “**Apprenticeship Requirements**” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession 2.** Exemption from the “**Health Care Expenditures**” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession 3.** Exemption from the “**Prevailing Wage requirements**” in the Southside Plan as required by BMC Section 13.108(A)

b) In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

- **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
- **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
- **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
- **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
- **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
- **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
- **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

4) As required by **BMC Section 23.326.030, “Demolition of Residential Units”** the ZAB finds that the demolition of existing residential units is allowed because:

- a) As required by **BMC Section 23.326.030(A)(1)**, the Residential Unit(s) eliminated or demolished were not removed from the rental market through a no-fault eviction during the preceding five years

Evidence: According to a memorandum issued by the City’s Rent Stabilization Board on May 13, 2025, the buildings addressed 2421, 2425, 2423, and 2427 have not been removed from the rental market under the Ellis Act or any other no-fault eviction at any time during the preceding five (5) years.

- b) As required by **BMC Section 23.326.030(A)(2)**, there is no substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

Evidence: According to a memorandum issued by the City’s Rent Stabilization Board on May 13, 2025, The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2421, 2425, or 2427 Durant.

- c) As required by **BMC Section 23.326.030(B)(1)(C)**, the demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units.

Evidence: The proposed project includes 169 units, ensuring no net loss of units at this site.

- d) As required by **BMC Section 23.326.030(C)**, the existing buildings to be demolished are not Landmarks and Structures of Merit. Demolition of a designated landmark or structure of merit, or of a structure in a designated historic district, must be approved by the Landmarks Preservation Commission, pursuant to Chapter [3.24](#).

Evidence: The project was vested under SB330 on November 21, 2024 prior its designation as a City Landmark or Structure of Merit on March 6, 2025. This City Landmark or Structure of Merit designation was later reversed by the City Council on July 23, 2025. Therefore, the existing buildings are not designated as a City Landmark or Structure of Merit.

- e) As required by **BMC Section 23.326.030(D)**, the protected units on the subject site that are demolished will be replaced with a Comparable Unit that complies with the maximum allowable rent requirements for Affordable Units in Chapter [23.328](#) [Affordable Housing Requirements] and Chapter [23.330](#) [Density Bonus] as they may be amended from time to time and the following conditions will apply:

1. In the event that a displaced household has an income below 50% AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30% of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable Unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter [23.328](#).
2. In the event that a demolished Residential Unit is not a Protected Unit and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter [23.328](#).
3. In the event that a Protected Unit was subject to rent or price controls under BMC Chapter [13.76](#), and the income level of the displaced household is unknown, the unit shall be replaced with an Affordable Unit as defined in Chapter [23.328](#).

Evidence: According to a memorandum provided by the City's Rent Stabilization Board issued on May 13, 2025, all 19 Residential Units at 2421-2427 Durant are subject to rent control under the Rent Ordinance and are therefore considered Protected Units. Per the Demolition Ordinance, any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus]. As a Condition of Approval for this project, all 19 of the existing units proposed for demolition must be replaced with units that are available to either Very Low Income or Lower Income households (or deeper affordability) in perpetuity.

- f) As required by **BMC Section 23.326.030(E)(2), "Requirements for Occupied Units²"**, the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter [13.76](#) (Rent Stabilization and Eviction for Good Cause Program), Chapter [13.77](#) (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), [13.79](#) (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and [13.84](#) (Relocation Services and Payments for Residential Tenant Households).

Evidence: As a Condition of Approval for this permit, the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date a demolition application is submitted to the City.

² The *Requirements for Occupied Units* do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

g) As required by **BMC Section 23.326.030(E)(3), “Requirements for Occupied Units”**, the applicant will provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter [13.84](#) (Relocation Services and Payments for Residential Tenant Households) or Government Code section [66300.6\(b\)\(4\)\(A\)](#), whichever requires greater relocation assistance to displaced tenants, not subject to the limitations in section [13.84.070.B.3\(a\)](#). The applicant will subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants will be notified in writing that the units will be ready for move-in on a date specified. Tenants will confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential will be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government will be subject to applicable provisions of the California Relocation Act (Government Code section [7260](#) et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended ([42](#) U.S.C. sections [4601](#)-[4655](#)).

Evidence: moving and relocation assistance is a condition of approval for this permit per the Ordinance.

h) As required by **BMC Section 23.326.030(E)(4), “Sitting Tenants Rights”**, the following are required:

1. Any tenant of a Protected Unit that is permitted to be demolished under this section will have the right of first refusal to rent a Comparable Unit in the new project.
2. In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit will be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.
3. Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy will be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.

4. *Exceptions.*

- ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements. (Ord. 7924-NS § 1, 2024; Ord. 7810-NS § 1, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: Sitting Tenants Rights (a) to (d) will be conditions of approval for this permit.

- 5) As required by the **Housing Accountability Act, Government Code Section 65589.5(j)**, when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Evidence: The project includes construction of “housing development project” with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

- 6) **Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330)** prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished; will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years, and replace “protected” units as specified in these sections.

- a) The project is demolishing 19 (“protected”) units (the greatest number of units that existed on the project site within the last five years), and is constructing 169 units, in compliance with state law.
- b) The project will replace 19 removed protected dwelling units with equivalent units – 6 units affordable to Extremely Low-Income households, 7 units affordable to Very Low-Income households, 6 units affordable to Low-Income households, 13 unit affordable to Moderate-Income households subject to a recorded affordability restriction of at least 55 years and 137 Market Rate units.

- 7) As required by **BMC Section 23.406.040 (E)(3) “Findings for Approval”**, the ZAB considers the following (a and b) in making findings:

- a) The proposed land use:

Evidence: The proposed land use meets the findings for approval because the project’s residential use is consistent with the purposes of the High Density Residential and the surrounding Avenue Commercial areas as outlined in the General Plan’s Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

b) The structure or addition that accommodates the use:

Evidence: The proposed construction of a twenty-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because and will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the R-SMU zoning districts.

8) As required by **BMC Section 23.406.040 (E)(4) “Findings for Approval”**, the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the R-SMU zone. Surrounding land uses and structures surrounding the site are based on current information.

9) As required by **BMC Section 23.406.040 (E)(5) “Findings for Approval”**, the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.



Conditions of Approval

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
<p>Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702</p> <p>Property Owner: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563</p> <p>Project Address: 2425 Durant Avenue</p>	<p>Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.</p>
<p>General Plan: RMU (Residential Mixed-Use)</p> <p>Area Plan: Southside Area Plan</p> <p>Zoning: R-SMU (Residential Southside Mixed Use District)</p> <p>Site Size: 9,750 square feet (0.22 acre)</p> <p>CEQA: Section 15332 (“In-Fill Development Projects”)</p>	<p style="text-align: center;">Zoning Permits Requested:</p> <ol style="list-style-type: none"> Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new Multi-Family building (UPPH). New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). Projections Above Height Limits. BMC Section 23. 304.050 “Allowed Projections Above Height Limit” to allow for Projections Above Height Limit (AUP)
	<p>Density Bonus</p>

<p>Date Submitted: November 15, 2024</p> <p>Vesting Date: November 21, 2024</p> <p>Date Deemed Complete: March 13, 2025</p> <p>Project Planner: Nilu Karimzadegan</p>	<p>Waivers:</p> <ol style="list-style-type: none">1. Removal of Coast Live Oak. Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree2. Usable Open Space. Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.3. FAR. Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.4. Height. Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).5. Setbacks. Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback6. Landscaped Usable Open Space. Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.7. Long-Term Residential Bike Parking. Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required. <p>Concessions:</p> <ol style="list-style-type: none">1. Concession from the “Apprenticeship Requirements” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.0402. Concession from the “Health Care Expenditures” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.0503. Concession from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108(A)
---	---

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

- 1. Conditions and Mitigation Monitoring and Reporting Program Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
- 2. Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
- 3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
 - A.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
 - B.** When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
- 4. Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).**

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.
- 5. Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**
 - A.** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
 - B.** A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
 - C.** The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with BMC Chapter 23.410, Appeals and Certification.

- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
6. **Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
7. **Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
8. **Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
9. **Pay Transparency Acknowledgement (BMC Section 13.104.030).** Prior to the issuance of a building permit for any Project subject to this Chapter:
- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with BMC Chapter 13.104 and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

- 10. Pay Transparency Attestations following Project Completion (BMC Section 13.104.040).** Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with BMC Chapter 13.104 and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City
- 11. Posting of Wage Theft Ordinance (BMC Section 13.104.050).** Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of BMC Chapter 13.104; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.
- 12. Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060).** The requirements of BMC Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under BMC Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.
- 13. Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

14. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. Please designate the name of this individual below:

Project Liaison _____

Name	Phone #
------	---------

15. Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned in accordance with BMC Section 16.28.030 Assignment and Installation of Numbers, and, except for new buildings on vacant lots, entered into the City’s database after the building permit is issued but prior to final inspection.

16. Bird Safe Buildings. Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

17. Construction Noise Reduction Program. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070, Prohibited Acts. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- A.** Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- B.** Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- C.** Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.

- D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- E. Prohibit unnecessary idling of internal combustion engines.
- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

18. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall consider project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake study of existing conditions (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage.

This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair

19. Compliance with Conditions of Approval and Environmental Mitigations. The building permit application is subject to verification of compliance of these Conditions of Approval and the adopted Southside Area Plan Mitigation Monitoring and Reporting Program (Staff Report Attachment 6). The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

- 20. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 21. Construction Noise Management** - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
- 22. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

- 23. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
- 24. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](#)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;

- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

E. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
- ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

F. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

G. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

25. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

26. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

- 27. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 28. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division at RecyclingProgram@berkeleyca.gov.
- 29. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS

- 30. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan (“AHCP”) must be certified by the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.
- 31. Below Market Rate Units.** 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), and 6 Low-Income (LI) and 13 Moderate Income (MI) Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings shall be designated as BMR Units. All BMR units are required to comply with the stricter of the State Density Bonus Law (Government Code Section 65915), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination of Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements				Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	BMC Chapter 23.326 (Demolition)	State Bill 330/CHAS	
Extremely Low-Income (30% AMI)	-	-	-	6	6*
Very Low-Income (50% AMI)	13	13	10	3	7*
Low-Income (80% AMI)	-	6	9	3	6*
Moderate-Income (x%)	13	-	-	-	13**1
Total					32

*These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

**1 These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

32. Regulatory Agreement. If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915) The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

33. Payment of Affordable Housing In-Lieu Fee. The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is \$0[zero] Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.

34. Tenant Protection Conditions:

A. First Right of Refusal. Pursuant to BMC 23.326.030(E)(4)(a), any tenant of a Protected Unit that is permitted to be demolished shall have the right of first refusal to rent a Comparable Unit in the new project. Prior to building permit issuance, the applicant shall provide documentation that confirms that previous tenants have been made aware of their right of first refusal in the new building.

B. Sitting Tenants Rights. Pursuant to BMC 23.326.030(E)(4)), ((b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar years.

The sitting tenants' rights do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

C. Rental Rate – Known Income. Pursuant to 23.326.030(D)(1), in the event that a displaced household has an income below 50 percent AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30 percent of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328. Prior to building permit issuance, the applicant shall, for previous tenants whose income is known that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit in the and supporting documents that verify tenant income.

D. Rental Rate – Unknown Income. Pursuant to BMC 23.326.030(D)(3), in the event the income level of the displaced household is unknown, the unit shall be replaced as an Affordable Unit per BMC Section 23.328.020 – a unit that is affordable in perpetuity as a Very Low-Income or Lower -Income Unit. Prior to building permit issuance, the applicant shall, for previous tenants whose income is unknown that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit.

E. Prior Rental Rate. Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if compelled to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

F. Requirement for Relocation Expenses. Pursuant to BMC 23.326.030(E)(3) the applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a specified date. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655). The Requirements for Relocation Expenses do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction unless otherwise required by California law.

G. Rental Registry. Prior to issuance of a Certificate of Occupancy register all the new units with forms provided by the Rent Stabilization Board. Provide confirmation from the Rent Stabilization Board (rentregistry@berkeleyca.gov) that the new units have been registered.

Prior to Demolition or Start of Construction:

35. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

36. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

- A.** Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- B.** Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;
- C.** Provision of exclusive contractor parking on-street; or
- D.** Significant truck activity.

Please contact the Office of Transportation at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

37. Construction/No Parking Permits. Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood.

During Construction:

38. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

39. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

40. Project Construction Website. The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant.

- A. Contact information (i.e. “hotline” phone number, and email address) for the project construction manager
- B. Calendar and schedule of daily/weekly/monthly construction activities
- C. The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

41. Public Works - Implement Bay Area Air District (BAAD)-Recommended Measures during Construction. For all proposed projects, BAAD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations.

42. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:

- A.** The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
- B.** All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
- C.** In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
- i.** An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - ii.** A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.
- 43. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 44. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

45. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

46. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

- 47. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 48. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 49. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 50. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All private or public projects that create and/or replace 5,000 square-feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (Project required to meet applicable code at time of building permit application, if different from above.)
- H.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
 - K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 51. Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- 52. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 53. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 54. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 55. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 56. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City’s Public Works Department for the relocation of the fire hydrant during construction.

57. Public Works / Building and Safety. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

58. Compliance with Conditions and Environmental Mitigations. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.

59. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated April 11, 2025.

60. Percent for Public Art. Consistent with BMC Section 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

61. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.

- A.** Consistent with BMC Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.
- B.** Consistent with BMC Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- C.** Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

62. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit.

- 63. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 64. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 65. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use **Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 66. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 67. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 68. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.
- 69. Required Bike Parking.** Secure and on-site bike parking for at least 72 Long-Term and 8 Short-Term bicycles shall be provided for the life of the building.



CONCEPTUAL VIEW LOOKING UP DURANT AVE

PROJECT DESCRIPTION

PROJECT ADDRESS:
2425 DURANT AVE, BERKELEY, CA 94704

APN: 55-1878-7-1

SCOPE OF WORK:
REMOVAL OF ALL EXISTING STRUCTURES AND NEW CONSTRUCTION OF A 20 STORY HOUSING DEVELOPMENT WITH 169 DWELLING UNITS, WITH STATE OF CALIFORNIA DENSITY BONUS.

BUILDING SUMMARY:
CONSTRUCTION TYPE: TYPE I
OCCUPANCY: RESIDENTIAL GROUP R-2

CODE COMPLIANCE

THE PROPOSED PROJECT SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, ELECTRICAL, PLUMBING, ENERGY, FIRE, EXISTING AND GREEN BUILDING STANDARDS CODE AS AMENDED BY THE CITY OF BERKELEY, AS APPLICABLE.

THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND BERKELEY GREEN CODE (BMC CHAPTER 19.37)

PROJECT SPONSOR:

2425 DURANT AVENUE LLC

DESIGN ARCHITECT:

YES COMMUNITY ARCHITECTS INC
1250 ADDISON ST UNIT 105
BERKELEY CA 94702
(510)214-3676
YES@YESCOMMUNITYARCHITECTS.COM

DEVELOPMENT CONSULTANT:

RHOADES PLANNING GROUP
2140 SHATTUCK AVE SUITE 705
BERKELEY CA 94704
(510)545-4341
GENEVA HESNER GENEVA@RHOADESPLANNINGGROUP.COM
MARK RHOADES MARK@RHOADESPLANNINGGROUP.COM

CIVIL ENGINEER:

SANDIS
636 9TH ST, OAKLAND, CA 94607
408.636.0900
WWW.SANDIS.NET

LANDSCAPE ARCHITECT:

NICOLAUS WRIGHT
513 CLAYTON AVE.
EL CERRITO, CA 94530
503.754.7078



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

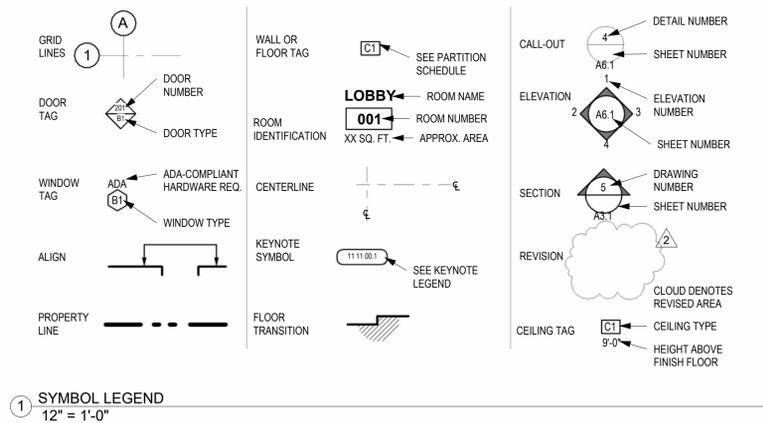
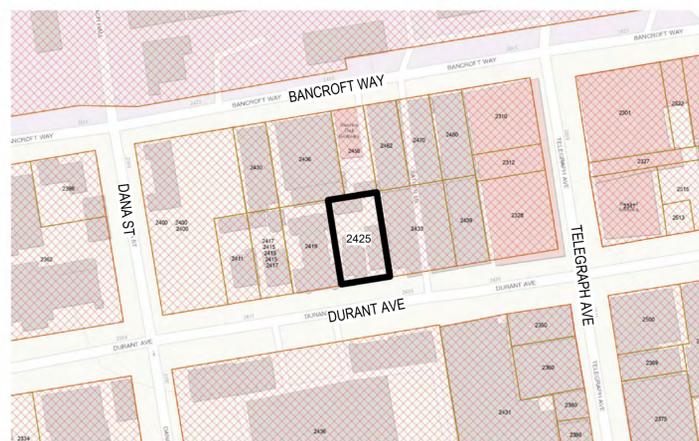
Drawing Title
GENERAL INFORMATION

Sheet No.

A0.0

Scale 12" = 1'-0"

LOCATION MAP



1 SYMBOL LEGEND
12" = 1'-0"

DRAWING LIST

A0.0	GENERAL INFORMATION
A0.1	ZONING CODE DATA
A0.2	DENSITY BONUS TABLE
A0.2A	BASE PROJECT DIAGRAMS
A0.2B	DENSITY BONUS + OPEN SPACE DIAGRAMS
A0.2C	AFFORDABLE HOUSING COMPLIANCE PLAN
A0.3A	SHADOW STUDIES - OCT 21
A0.3B	SHADOW STUDIES - JUN 21
A0.3C	SHADOW STUDIES - DEC 21
A0.4	SITE PHOTOGRAPHS
A0.5	SOUTHSIDE CONTEXT MAP
A1.0	SURVEY / EXISTING SITE PLAN
A1.1	SITE PLAN
A2.0	FLOOR PLAN - BASEMENT LEVEL
A2.1	FLOOR PLAN - LEVEL 1 & 2
A2.2	FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L3 - L7
A2.3	FLOOR PLAN - AMENITY LEVELS L8, L13, L17
A2.4	FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L9-L12, L14-L16, L18-L19
A2.5	FLOOR PLAN - LEVEL 20 & ROOF
A3.1	BUILDING ELEVATIONS
A3.2	BUILDING ELEVATIONS
A3.3	SECTION DRAWINGS
A3.4	STREET STRIP ELEVATION
A3.5	PERSPECTIVE RENDERINGS
A3.6	PERSPECTIVE RENDERINGS
A3.7	PHOTO SIMULATIONS
A3.8	PHOTO SIMULATIONS
A3.9	BIRD SAFETY EXTERIOR DIAGRAMS
A3.10	BIRD SAFETY EXTERIOR DIAGRAMS
C0.1	TOPOGRAPHIC SURVEY
C1.0	SITE, GRADING, AND UTILITY PLAN
C2.0	STORMWATER MANAGEMENT PLAN
C2.1	STORMWATER SUPPLEMENTAL FORMS
C2.2	STORMWATER SUPPLEMENTAL FORMS
L1.0	LANDSCAPE SITE PLAN

ZONING SUMMARY TABLE				
	BASE ZONING ALLOWABLE / REQUIRED	BASE PROJECT	PROPOSED W/ DENSITY BONUS	ZONING COMPLIANCE
ZONING		R-SMU		COMPLIES
TOTAL LOT SIZE (SQFT)		9,750		COMPLIES
TOTAL LOT SIZE (ACRES)		.223 AC		COMPLIES
FLOOR AREA RATIO (FAR)	7 MAX	6.99	15.28	COMPLIES W/ DB WAIVER
RESIDENTIAL FLOOR AREA	N/A	65,869	130,972	COMPLIES
GROSS FLOOR AREA	68,250	68,170	148,940	COMPLIES
HEIGHT - FEET	85'	84'-6"	208'	COMPLIES W/ DB WAIVER
HEIGHT - STORIES	N/A	9	20	COMPLIES
LOT COVERAGE	100% MAX	78%	85%	COMPLIES
FOOTPRINT	<9,750 PER LOT COVERAGE	7,581	8,334	COMPLIES
SETBACKS				
FRONT	NO MIN.	0'	VARIES (0' TO 8'-11")	COMPLIES
SIDE	NO MIN.	VARIES (3'-6" TO 4'-6")	VARIES (5' TO 11')	COMPLIES
REAR	4 FT.	4 FT.	VARIES (0' TO 5')	COMPLIES W/ DB WAIVER
PARKING	NONE REQUIRED	0	0	COMPLIES
USABLE OPEN SPACE	MIN. 40 SF PER 1000 SF OF RFA	3,400	1,012	COMPLIES W/ DB WAIVER
LANDSCAPED OPEN SPACE	MIN. 40% OF REQ'D USABLE OPEN SPACE	1,200 PROVIDED	0	COMPLIES W/ DB WAIVER
ROOFTOP MECHANICAL AREA	MAY NOT EXCEED 15% OF THE AVERAGE FLOOR AREA OF ALL THE BUILDING'S STORIES		REQUEST FOR DB WAIVER	COMPLIES W/ DB WAIVER

Base Project Zoning Compliance Checks

Open Space	RFA	Ratio	Total Area Req'd	Base Project Provided
	65,869	40	2635	3400

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Base Project Provided
	2635	40%	1054	1200

FAR	Residential	Commercial
GFA	68,170	0
Site Area	9750	0
FAR	6.99	

Bike Parking	Bedroom Count	Ratio	Total Req	Rounded up
Res (Long)	124	0.33	41.33	42
Res (Short)	124	0.025	3.1	4

Proposed Project Zoning Compliance Checks

Open Space	RFA	Ratio	Total Area Req'd	Proposed
	130,972	40	5239	1012

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Proposed
	5239	40%	2096	0

FAR	Residential	Commercial
GFA	148,940	0
Site Area	9750	0
FAR	15.28	

Bike Parking	Bedroom Count	Ratio	Total Req	Provided
Res (Long)	249	0.33	83	72
Res (Short)	249	0.025	7	8

WAIVER REQUEST

WAIVER REQUEST

WAIVER REQUEST

WAIVER REQUEST

COMPLIES

AREA TABLE

Floor	Base Project Res Area	Residential Support / Back of House Area	Proposed Project Res Area	Residential Support / Back of House Area
20			5726	432
19			7088	389
18			7088	389
17			6672	389
16			7088	389
15			7088	389
14			7088	389
13			6769	389
12			7088	389
11			7088	389
10			7088	389
9	7355		7088	389
8	7355		6672	389
7	7355		7088	389
6	7355		7088	389
5	7355		7088	389
4	7355		7088	389
3	7355		7088	389
2	7355		2518	389
1	7029	552	3383	2864
Basement	0	1749 n/a		7670
Total Floor Area	65,869	2301	130,972	17,968

	Base Project GFA	Proposed Project GFA
Gross Floor Area	68,170	148,940

DWELLING UNIT TABLE

	Units	Studio	2BR	3BR	1BR
Level 1	0				
Level 2	1				1
Level 3	10	6	3	1	
Level 4	10	6	3	1	
Level 5	10	6	3	1	
Level 6	10	6	3	1	
Level 7	10	6	3	1	
Level 8	7	5	1	1	
Level 9	10	6	3	1	
Level 10	10	6	3	1	
Level 11	10	6	3	1	
Level 12	10	6	3	1	
Level 13	8	6	2		
Level 14	10	6	3	1	
Level 15	10	6	3	1	
Level 16	10	6	3	1	
Level 17	7	5	1	1	
Level 18	10	6	3	1	
Level 19	10	6	3	1	
Level 20	6	5		1	
Total Units	169	105	46	17	1

Bedrooms / Unit	1	2	3	1
Total Bedrooms	249	105	92	51



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title
ZONING CODE DATA

Sheet No.

A0.1

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Density Bonus Table

Base Project	Avg. Unit Size	Base	Base # Units	%VLI Units	#VLI Units	#VLI Units	Bonus %	#DB Units	#DB Units	
sq. ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	VLI = Very Low Income	%VLI x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75		13	50.00%	42.5	43

Base Project	Avg. Unit Size	Base	Base # Units	%MOD Units	#MOD Units	#MOD Units	Bonus %	#DB Units	#DB Units	Max DB project
sq. ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	MOD = Moderate Income	%MOD x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75		13	50.00%	42.5	43
										171

Floor	Base Project Residential Floor Area	Base Project Units	Proposed Project Residential Floor Area	Proposed Project Units
Roof Deck			1012(outdoor:N/A)	
20			5726	6
19			7088	10
18			7088	10
17			6672	7
16			7088	10
15			7088	10
14			7088	10
13			6769	8
12			7088	10
11			7088	10
10			7088	10
9	7355	10	7088	10
8	7355	10	6672	7
7	7355	10	7088	10
6	7355	10	7088	10
5	7355	10	7088	10
4	7355	10	7088	10
3	7355	10	7088	10
2	7355	10	2518	1
1	7029	5	3383	0
			Proposed DB Square Footage	
Total Floor Area	65,869	85	130,972	169

Proposed Project Residential Floor Area:	<input type="text" value="130,972"/>	Base Project Residential Floor Area:	<input type="text" value="65,869"/>
Proposed Project Units:	<input type="text" value="169"/>	Base Project Units:	<input type="text" value="85"/>
AVG Unit Size:	<input type="text" value="775"/>	AVG Unit Size:	<input type="text" value="775"/>

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date: 01/31/2025
 Project No.: 24001
 Drawn by: JO
 Checked by: YD

Drawing Title
DENSITY BONUS TABLE

Sheet No.
A0.2

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

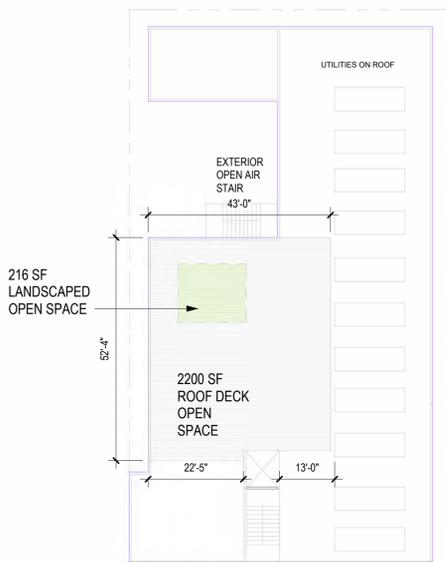
- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

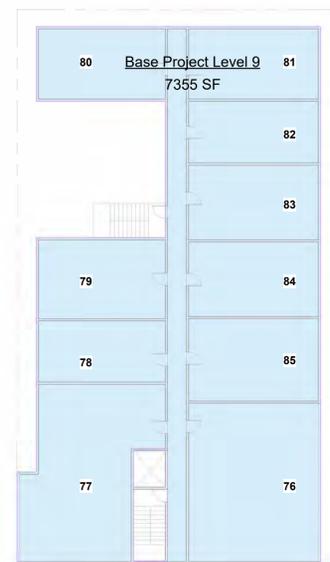
Drawing Title
BASE PROJECT DIAGRAMS

Sheet No.
A0.2A

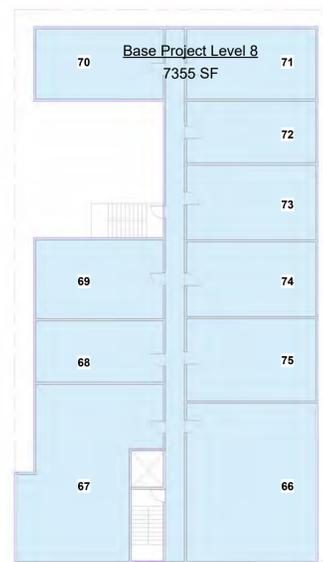
Scale 1" = 20'-0"



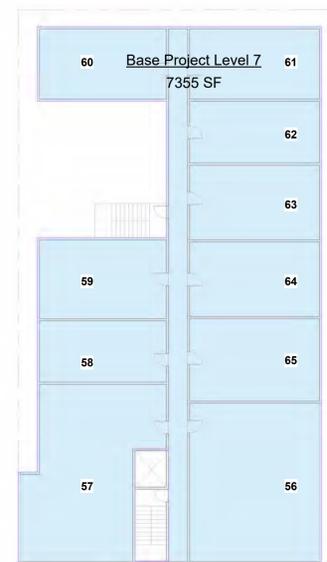
11 ROOF
 1" = 20'-0"



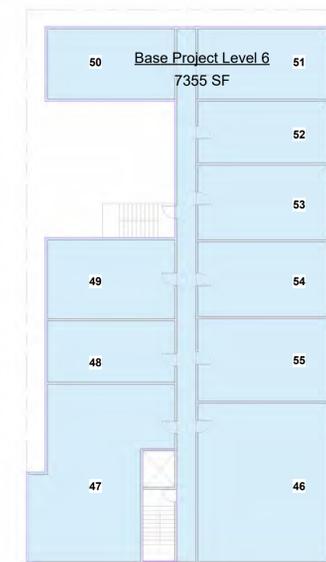
10 LEVEL 9
 1" = 20'-0"



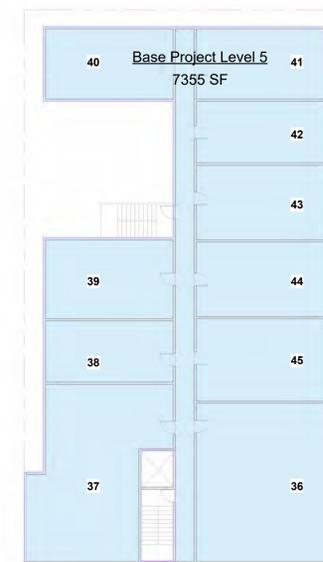
9 LEVEL 8
 1" = 20'-0"



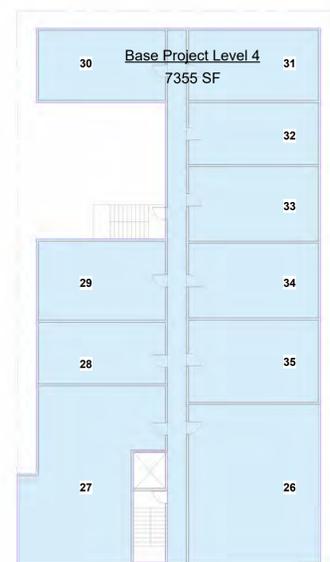
8 LEVEL 7
 1" = 20'-0"



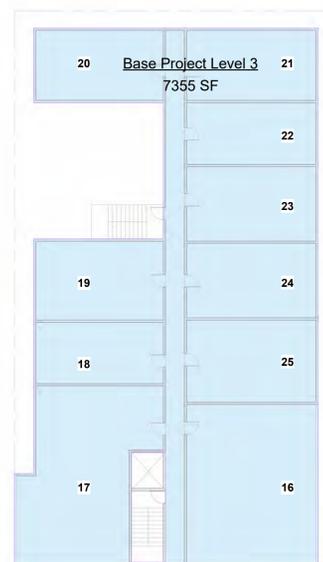
7 LEVEL 6
 1" = 20'-0"



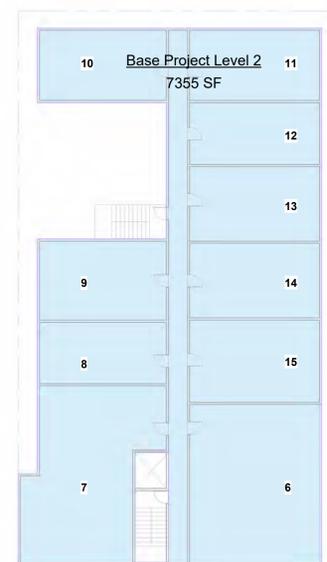
6 LEVEL 5
 1" = 20'-0"



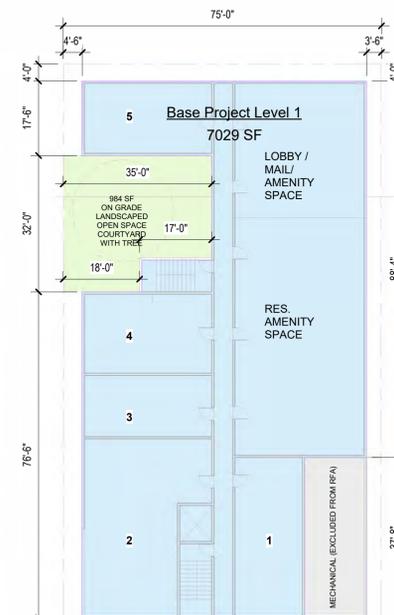
5 LEVEL 4
 1" = 20'-0"



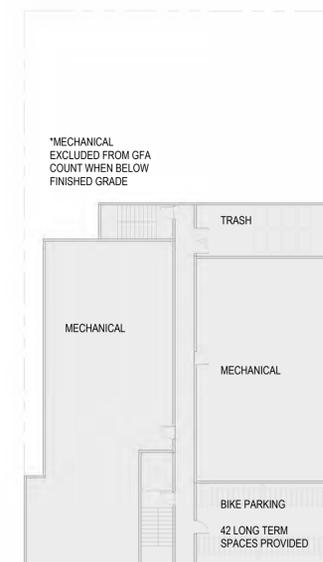
4 LEVEL 3
 1" = 20'-0"



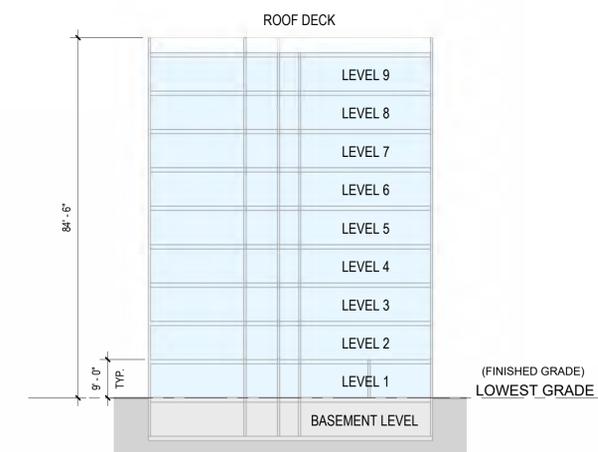
3 LEVEL 2
 1" = 20'-0"



2 LEVEL 1
 1" = 20'-0"



1 BASEMENT LEVEL
 1" = 20'-0"



12 BASE PROJECT SECTION
 1" = 20'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
**DENSITY BONUS
 + OPEN SPACE
 DIAGRAMS**

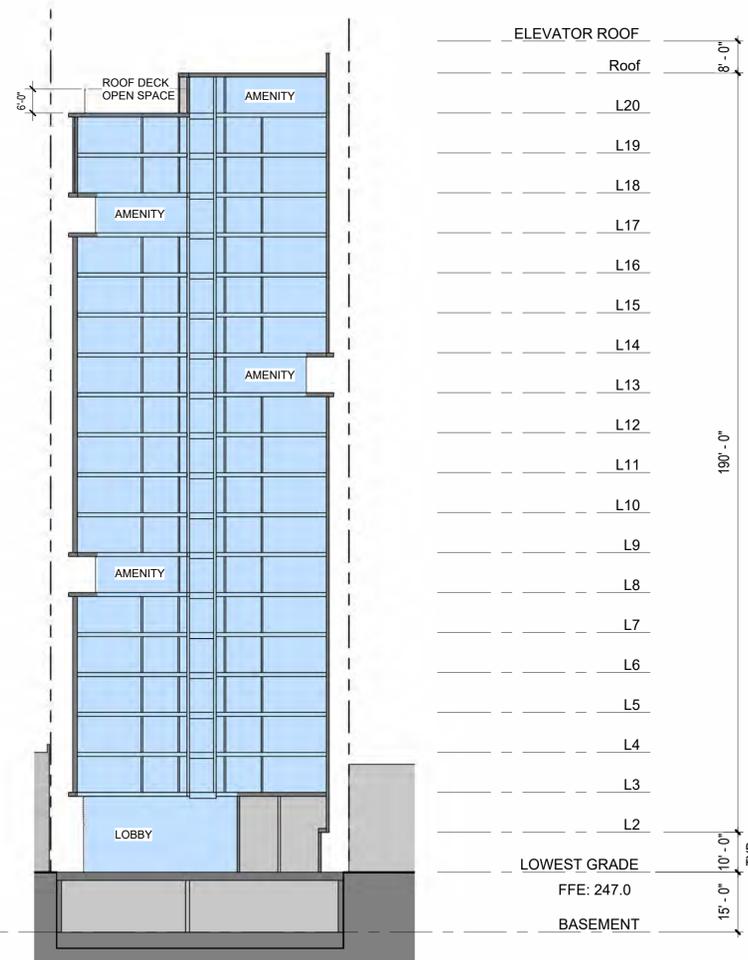
Sheet No.
A0.2B

Scale As indicated

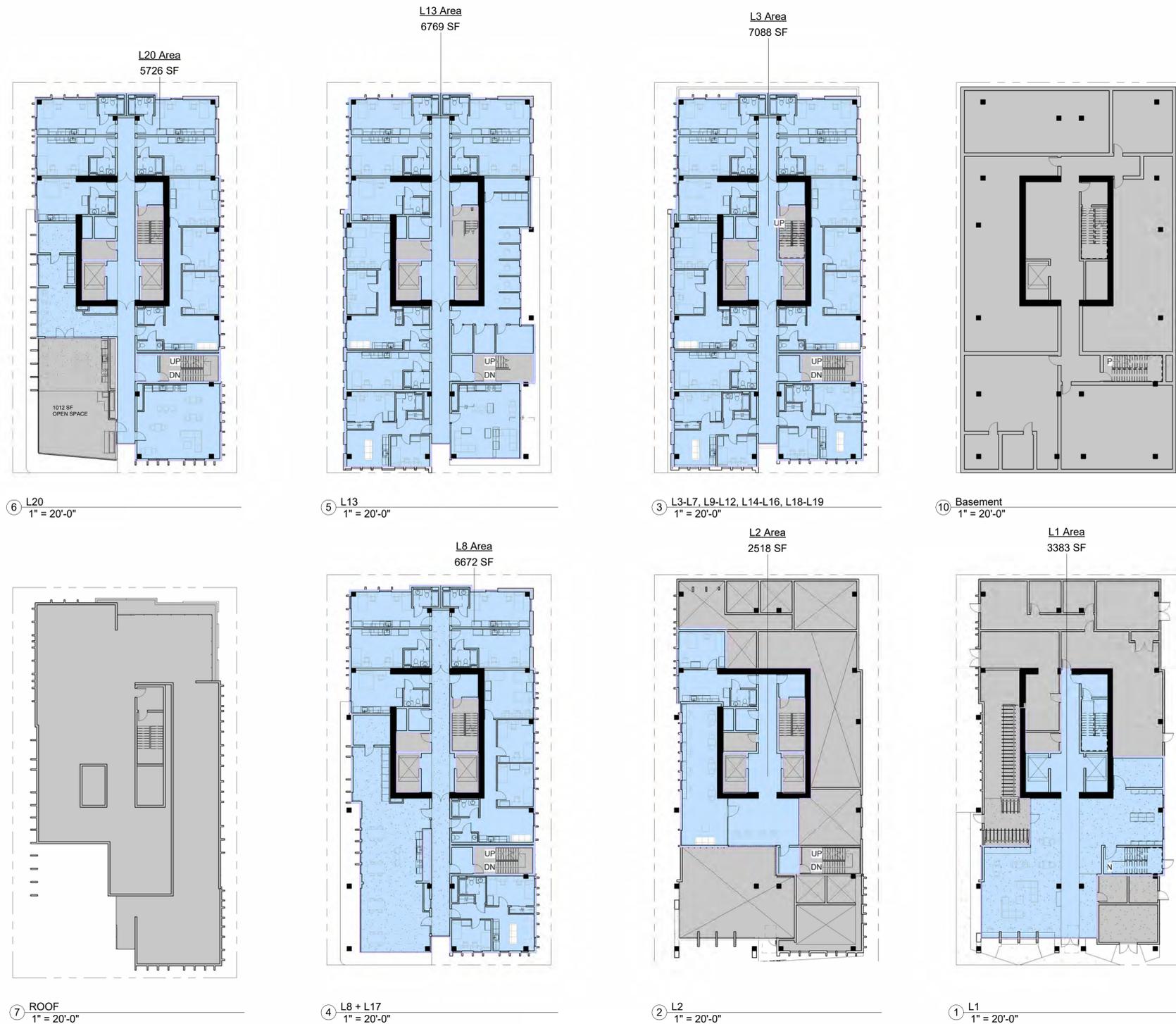
OPEN SPACE DIAGRAM



8 L20 - OPEN SPACE DIAGRAM
 1" = 20'-0"



9 PROPOSED DENSITY BONUS SECTION
 3/64" = 1'-0"



6 L20
 1" = 20'-0"

5 L13
 1" = 20'-0"

3 L3-L7, L9-L12, L14-L16, L18-L19
 1" = 20'-0"

10 Basement
 1" = 20'-0"

7 ROOF
 1" = 20'-0"

4 L8 + L17
 1" = 20'-0"

2 L2
 1" = 20'-0"

1 L1
 1" = 20'-0"

 DIAGONAL HATCH INDICATES RESIDENTIAL UNIT FLOOR AREA
 GREY TONE INDICATES MISC.
 CROSSHATCH INDICATES RESIDENTIAL AMENITIES

TOTAL NUMBER OF RESIDENTIAL UNITS IN BASE PROJECT:

$5+10+10+10+10+10+10+10+10= 85$ BASE PROJECT RES. UNITS

TOTAL RUFA IN THE BASE PROJECT:

$3,336.45+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15 = 57,561$ SF

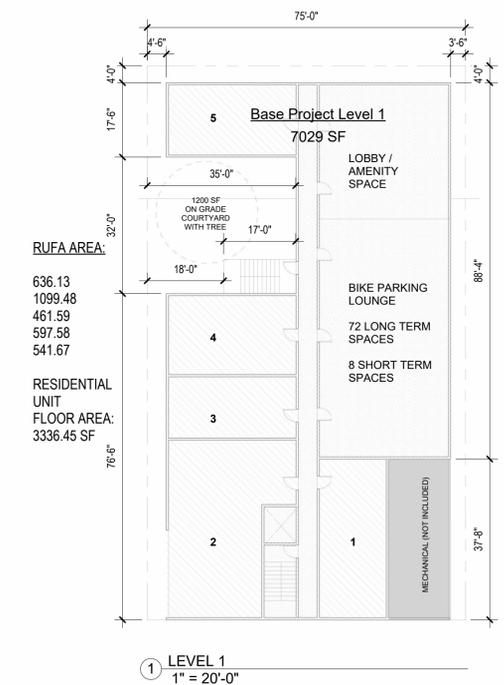
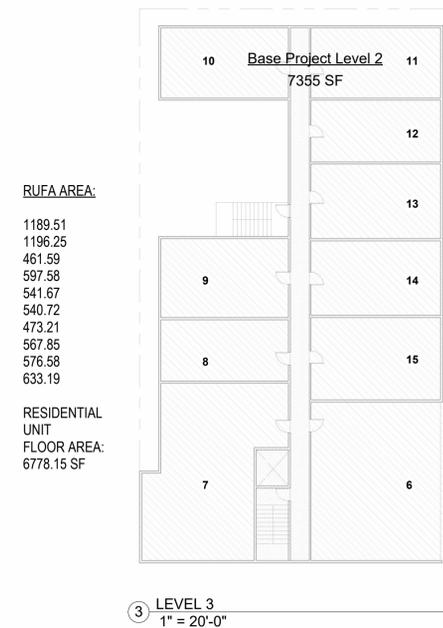
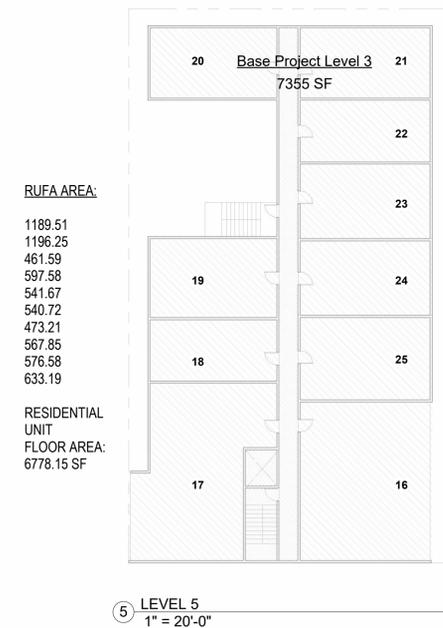
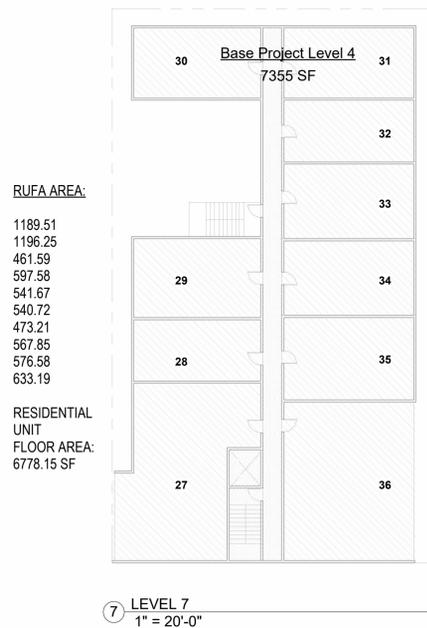
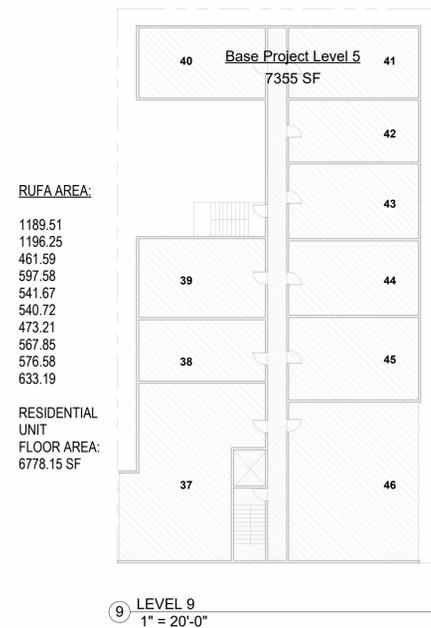
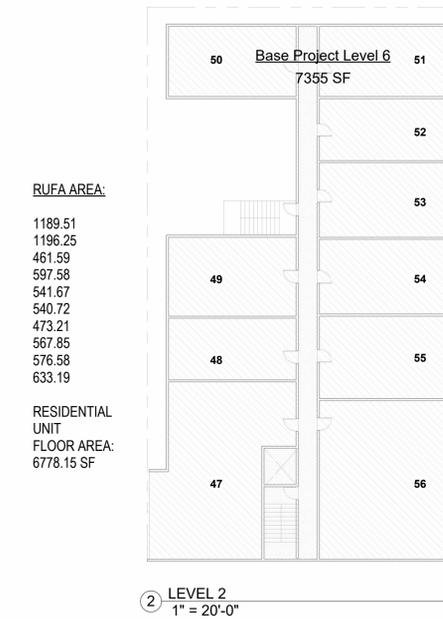
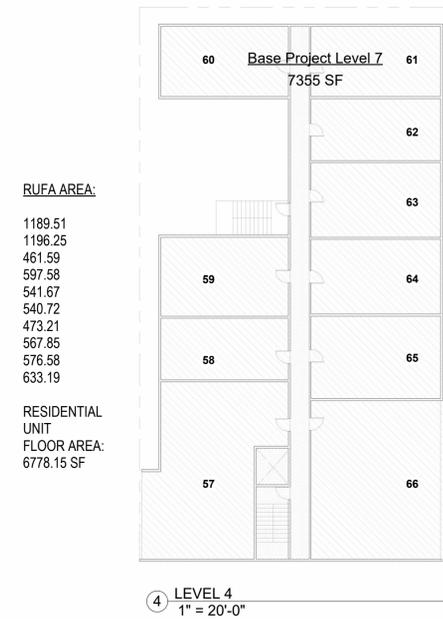
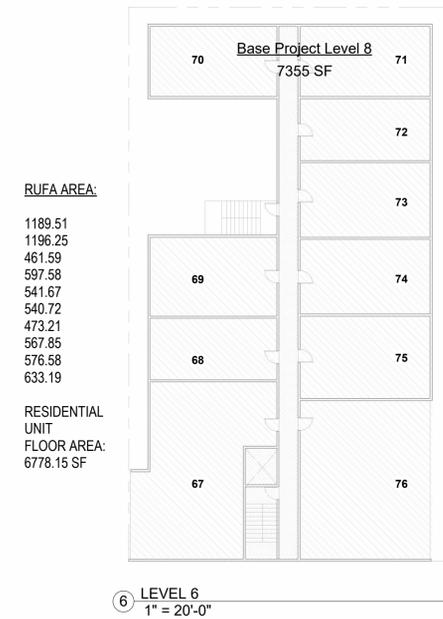


YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing



Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date: 01/31/2025
 Project No.: 24001
 Drawn by: JO
 Checked by: YD

Drawing Title
AFFORDABLE HOUSING COMPLIANCE PLAN

Sheet No.
A0.2C

Scale: As indicated

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 - NEW SHADOW AT RESIDENTIAL BUILDING
- ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - OCT 21: 2 HRS AFTER SUNRISE



SHADOW STUDY - OCT 21: NOON



SHADOW STUDY - OCT 21: 2 HRS BEFORE SUNSET



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
SHADOW STUDIES - OCT 21

Sheet No.
A0.3A

Scale As indicated

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
- LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
- NEW SHADOW AT RESIDENTIAL BUILDING

ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - JUN 21: 2 HRS AFTER SUNRISE



SHADOW STUDY - JUN 21: NOON



SHADOW STUDY - JUN 21: 2 HRS BEFORE SUNSET



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
SHADOW STUDIES - JUN 21

Sheet No.
A0.3B

Scale As indicated

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 - NEW SHADOW AT RESIDENTIAL BUILDING
- ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - DEC 21: 2 HRS AFTER SUNRISE



SHADOW STUDY - DEC 21: NOON



SHADOW STUDY - DEC 21: 2 HRS BEFORE SUNSET



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
SHADOW STUDIES - DEC 21

Sheet No.
A0.3C

Scale As indicated



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

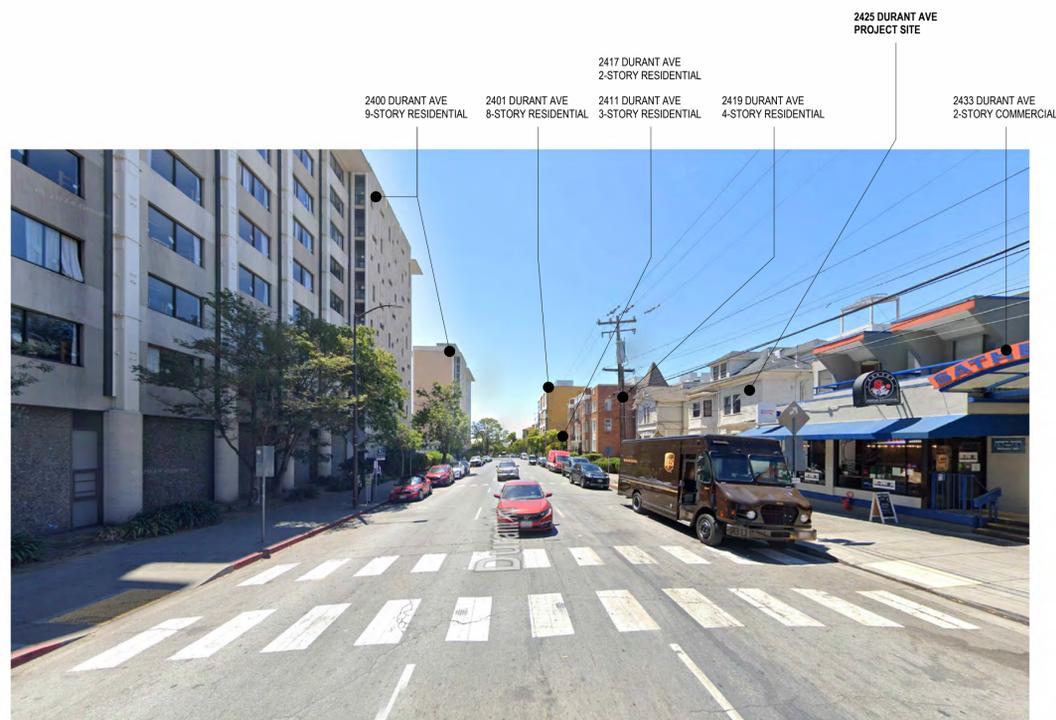
- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

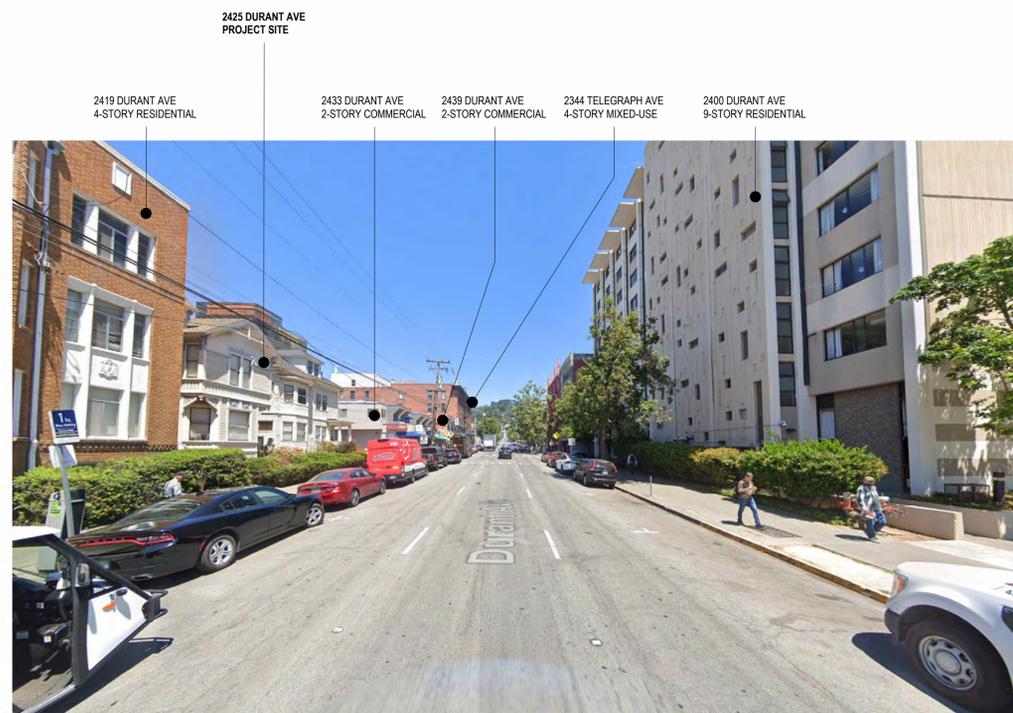
Drawing Title
SITE PHOTOGRAPHS

Sheet No.
A0.4

Scale



VIEW FROM DURANT LOOKING WEST



VIEW FROM DURANT LOOKING EAST



BIRD'S EYE VIEW



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

2660 - 2680 BANCROFT

CAMPANILE

2530 BANCROFT

2480 BANCROFT
UNDER CONSTRUCTION

2462 BANCROFT

2425 DURANT (SITE)

2350 TELEGRAPH

2298 DURANT

2300 ELLSWORTH

2435 HASTE

PEOPLE'S PARK
HOUSING

2587 TELEGRAPH
UNDER
CONSTRUCTION

2442 HASTE

2302 CHANNING



FUTURE SOUTHSIDE PROJECTS

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

SOUTHSIDE
CONTEXT MAP

Sheet No.

A0.5

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing



② SURVEY / EXISTING SITE PLAN
 3/32" = 1'-0"

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

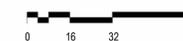
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
SURVEY / EXISTING SITE PLAN

Sheet No.

A1.0

Scale As indicated





YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

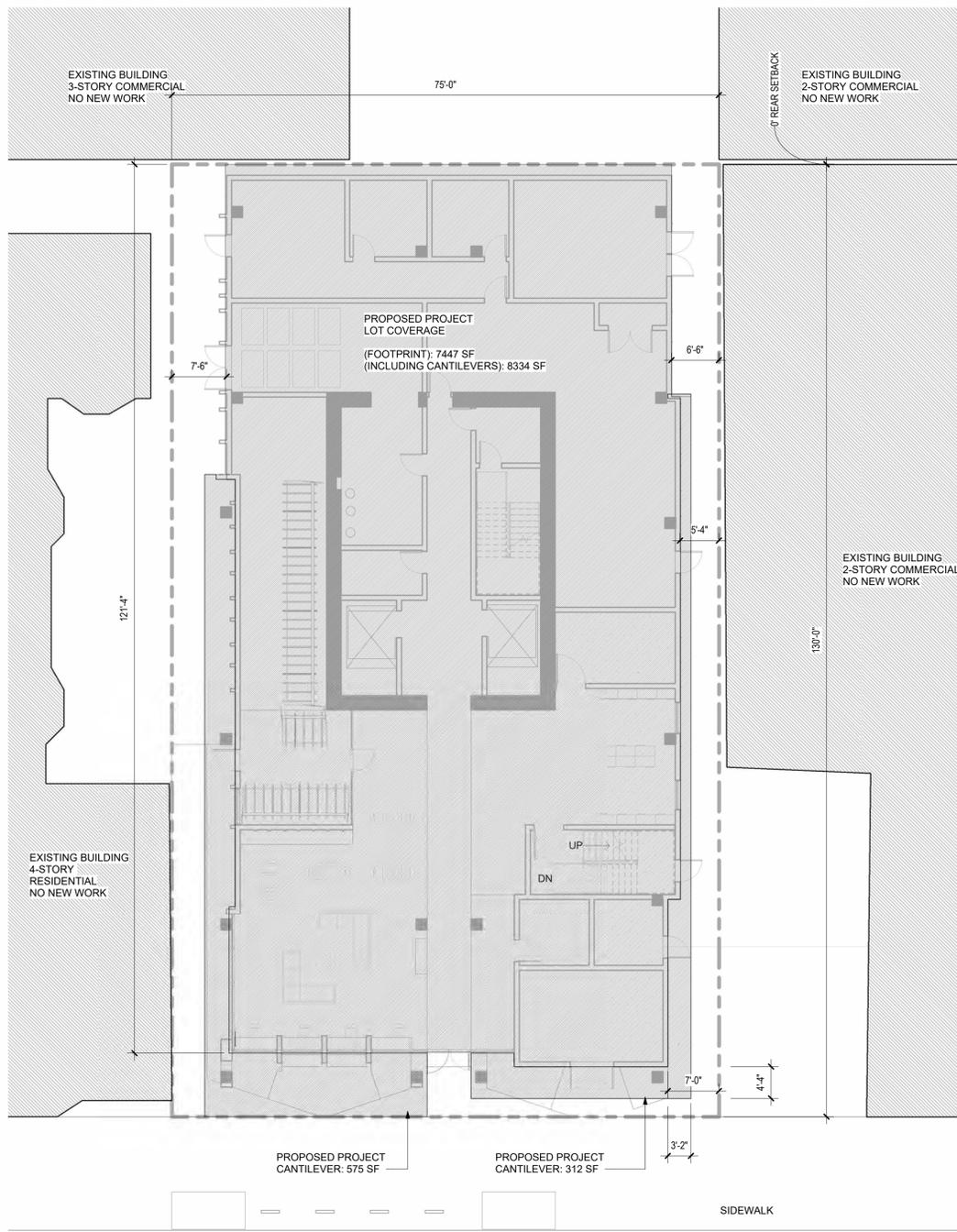
Drawing Title
SITE PLAN

Sheet No.

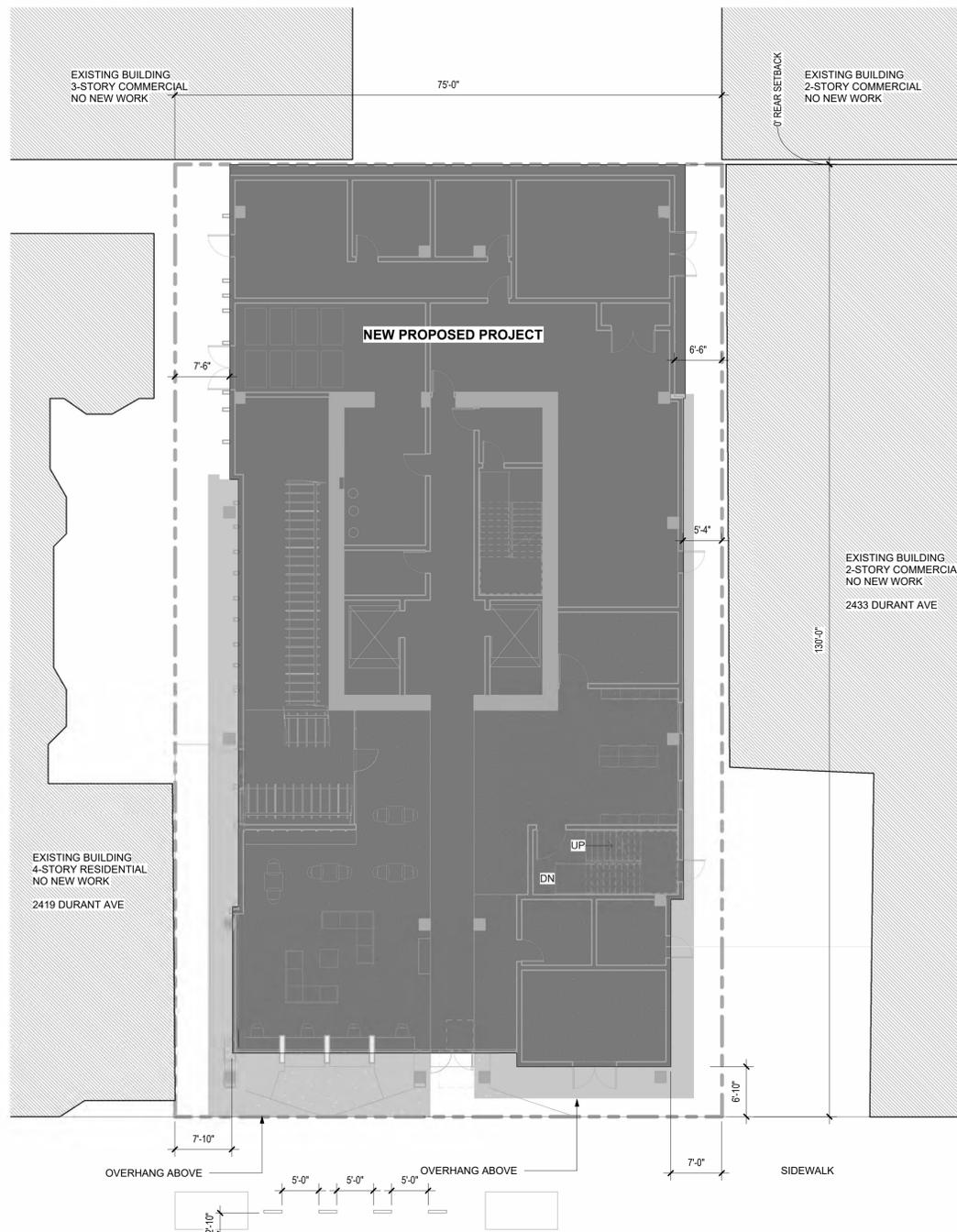
A1.1

Scale As indicated

INDICATES LOT COVERAGE



DURANT AVE

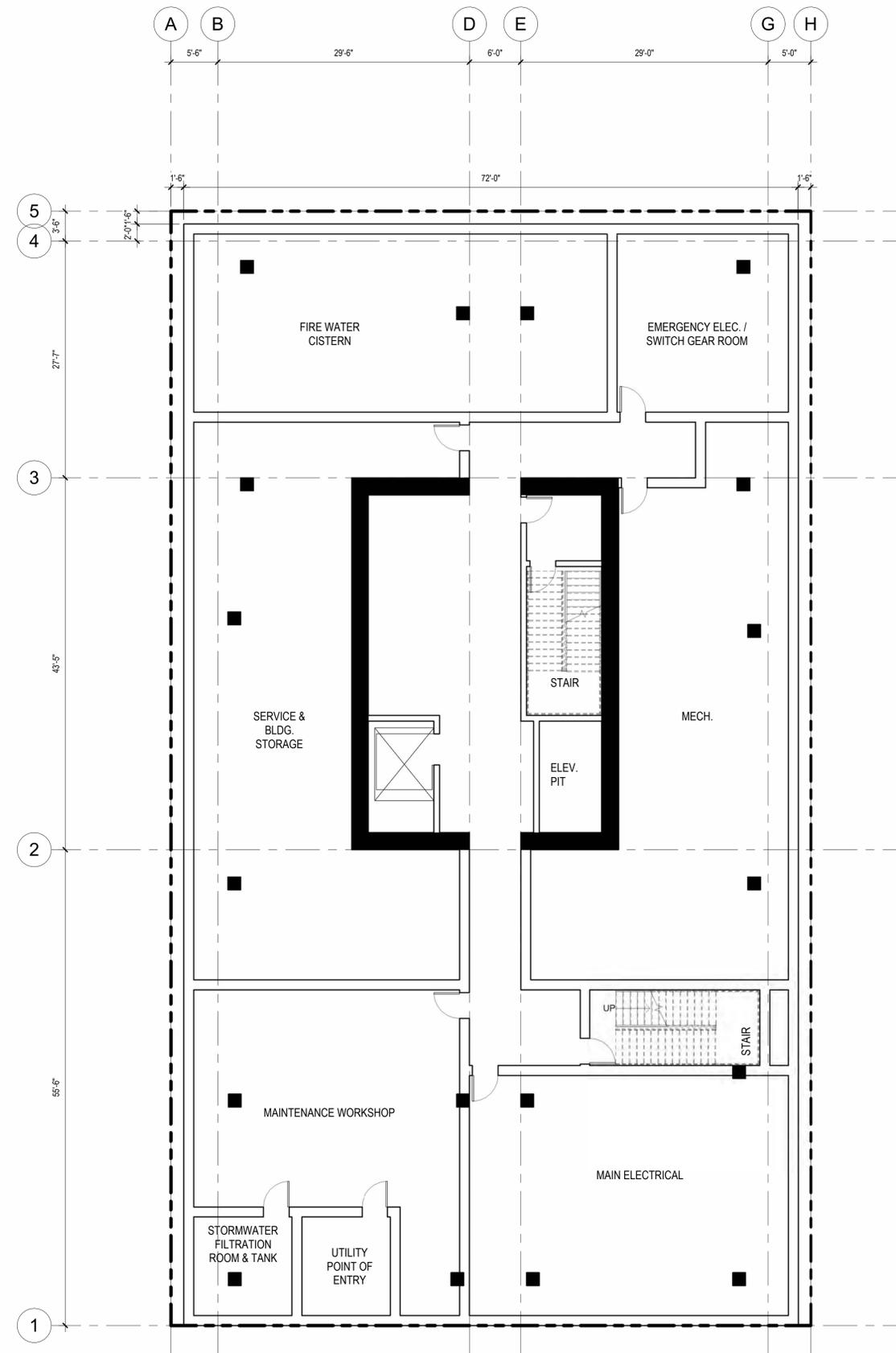


DURANT AVE

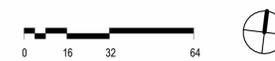
2 SITE PLAN - LOT COVERAGE DIAGRAM
 3/32" = 1'-0"

1 SITE PLAN - PROPOSED
 3/32" = 1'-0"





1 BASEMENT PLAN
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

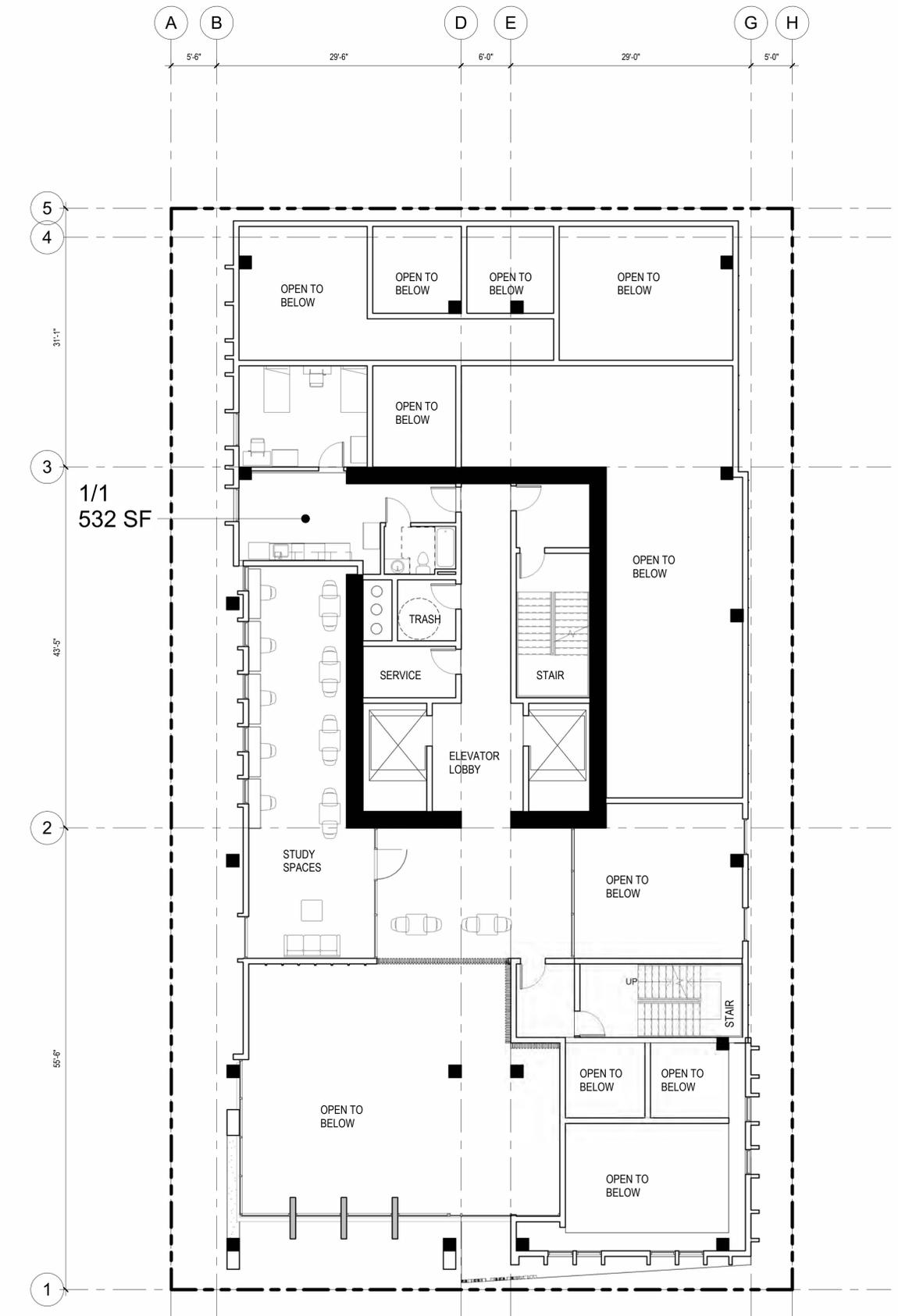
- 1
- 2
- 3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

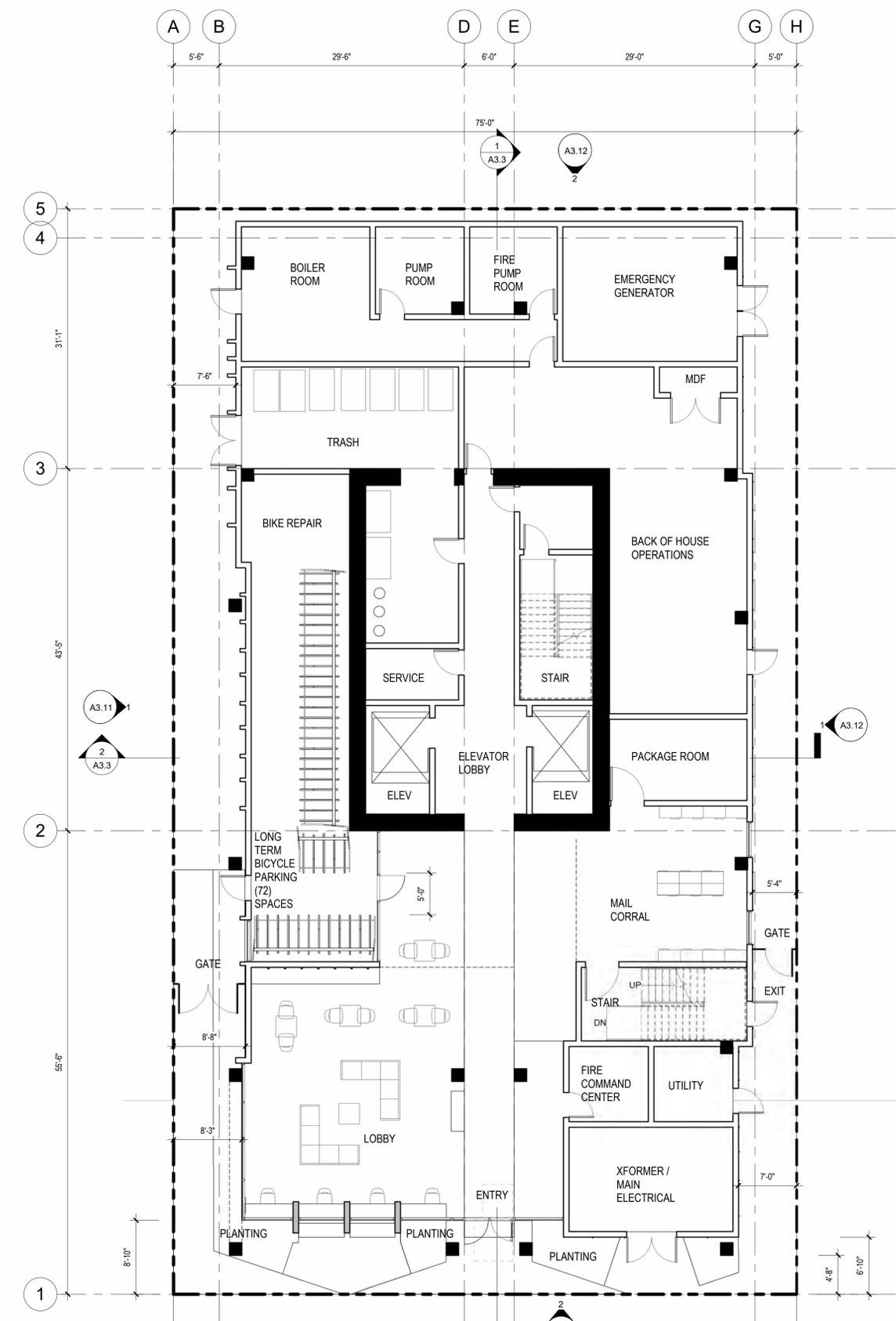
Drawing Title
FLOOR PLAN - BASEMENT LEVEL

Sheet No.
A2.0

Scale As indicated



2 PLAN - LEVEL 2
1/8" = 1'-0"



1 PLAN - LEVEL 1 - GROUND FLOOR
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

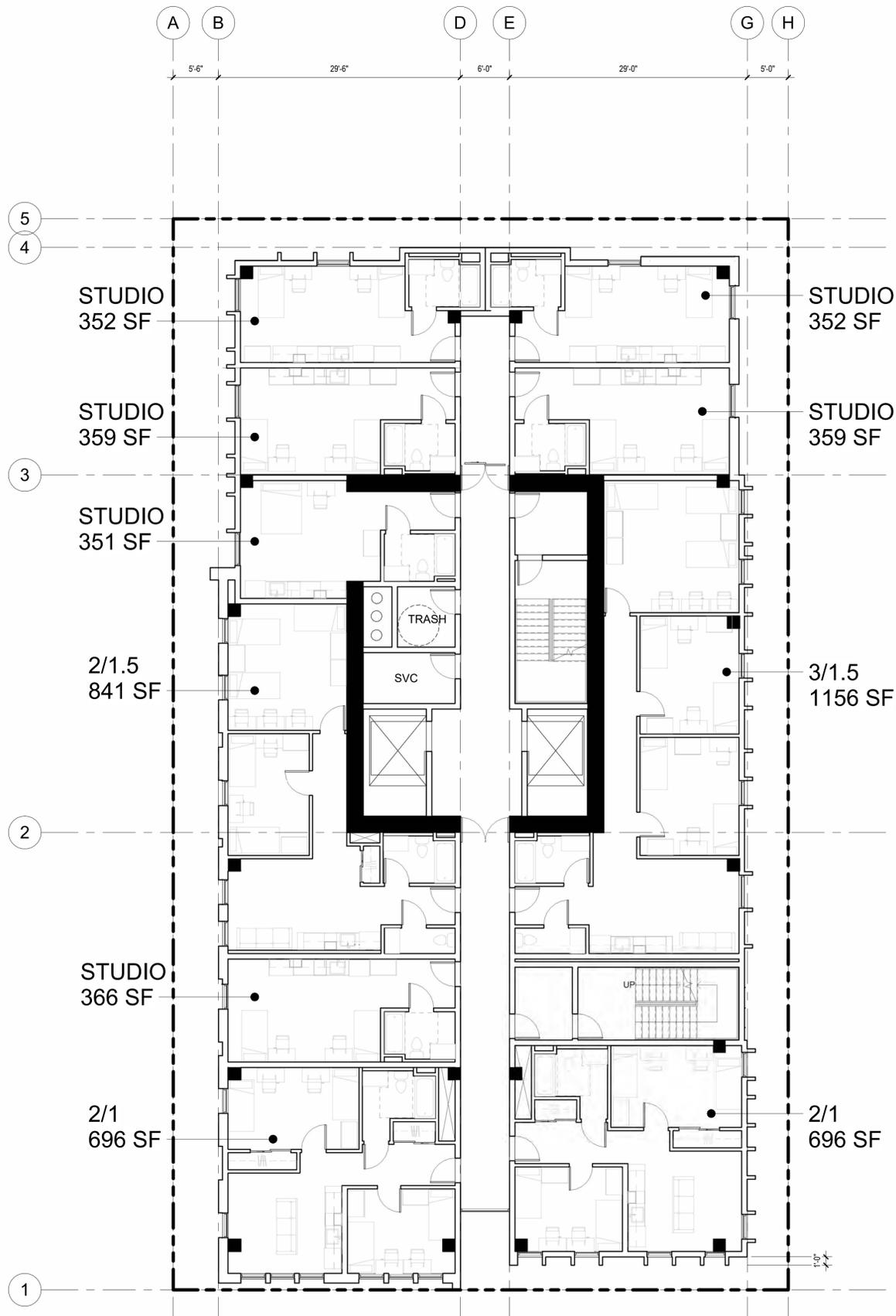
Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title
FLOOR PLAN - LEVEL 1 & 2

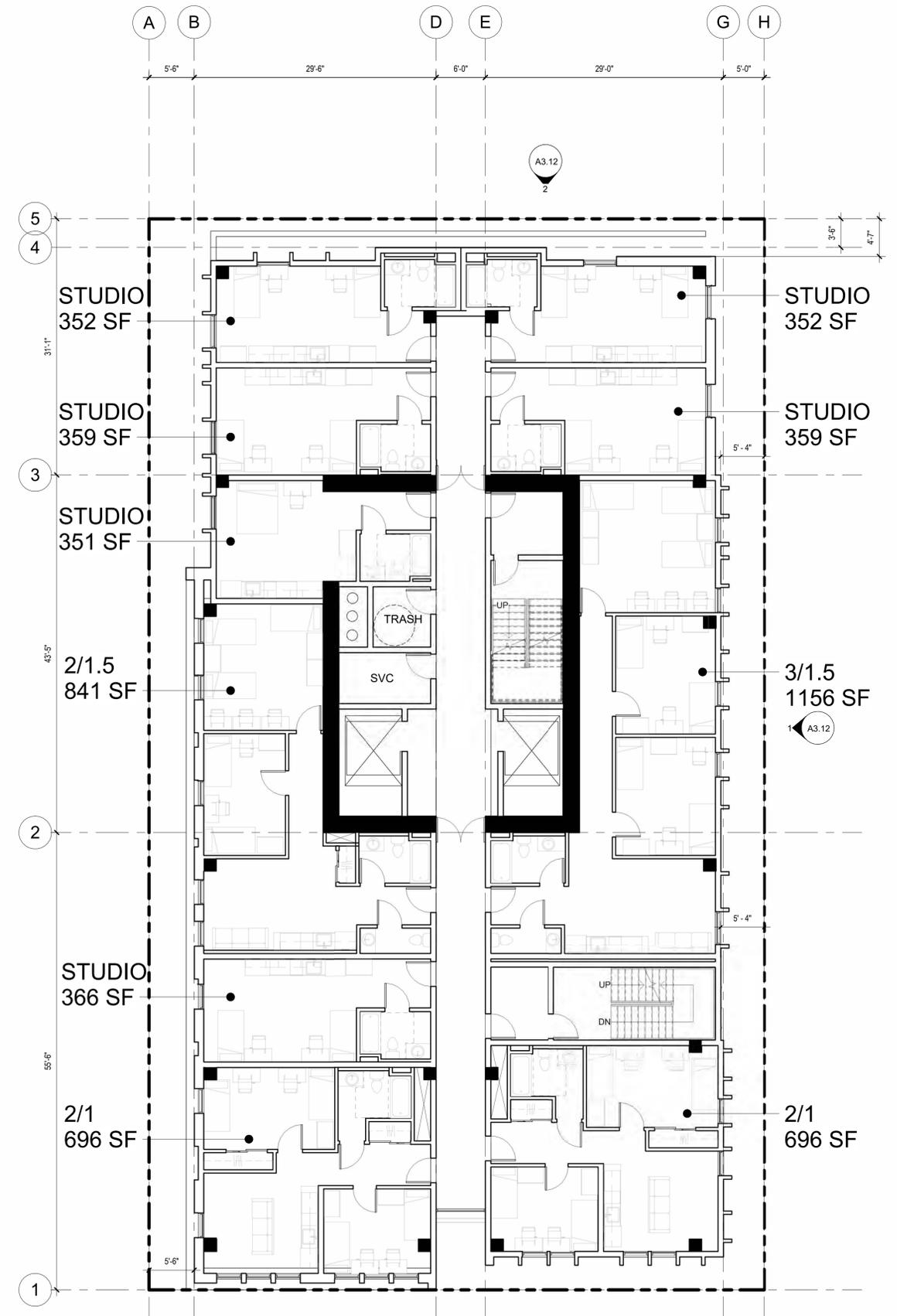
Sheet No.

A2.1

Scale As indicated



② PLAN - LEVEL 7 - TYP. RES. LEVEL
1/8" = 1'-0"



① PLAN - LEVEL 3 - TYP. RES. LEVEL
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- ①
- ②
- ③

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

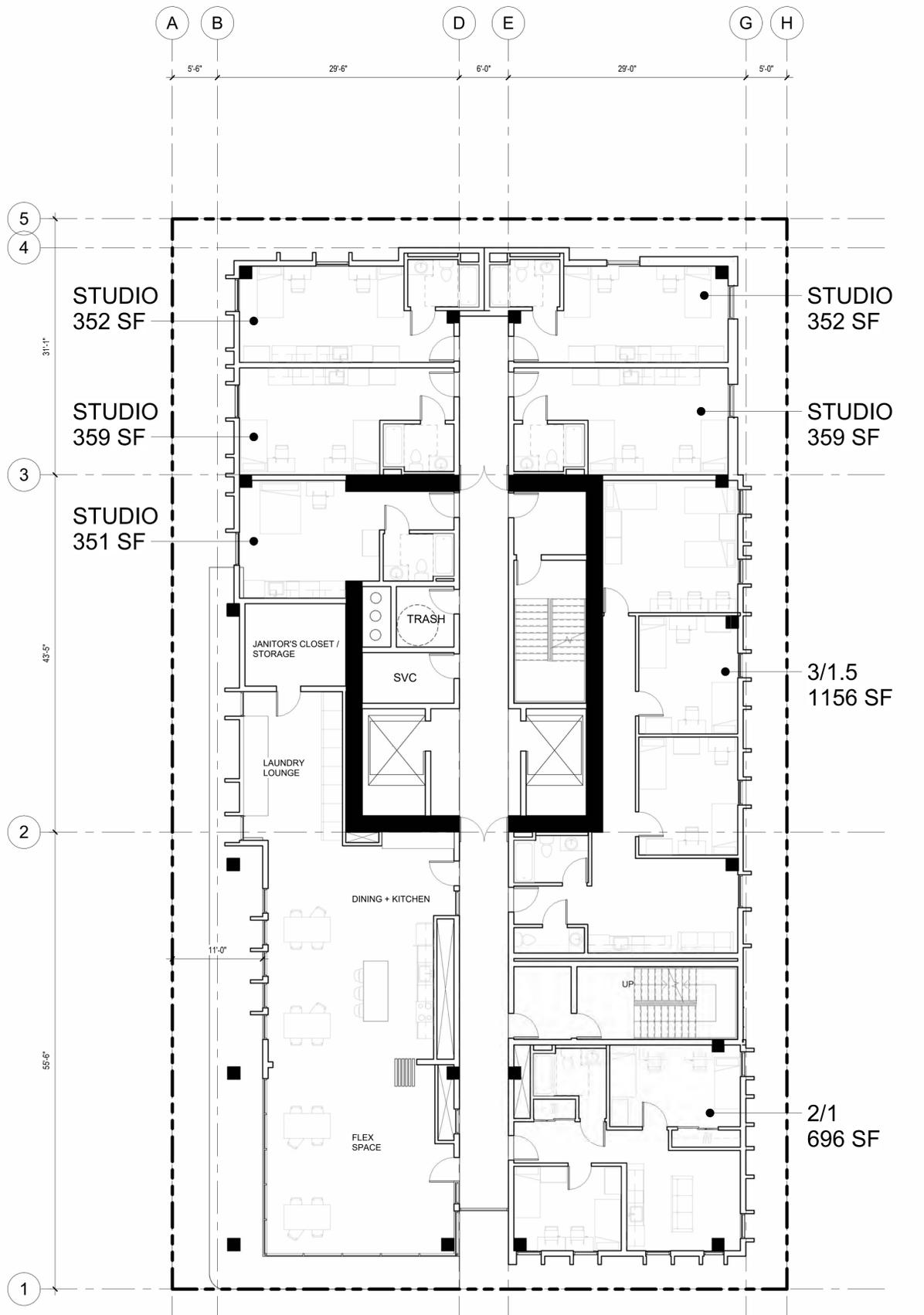
Drawing Title
FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L3 - L7

Sheet No.

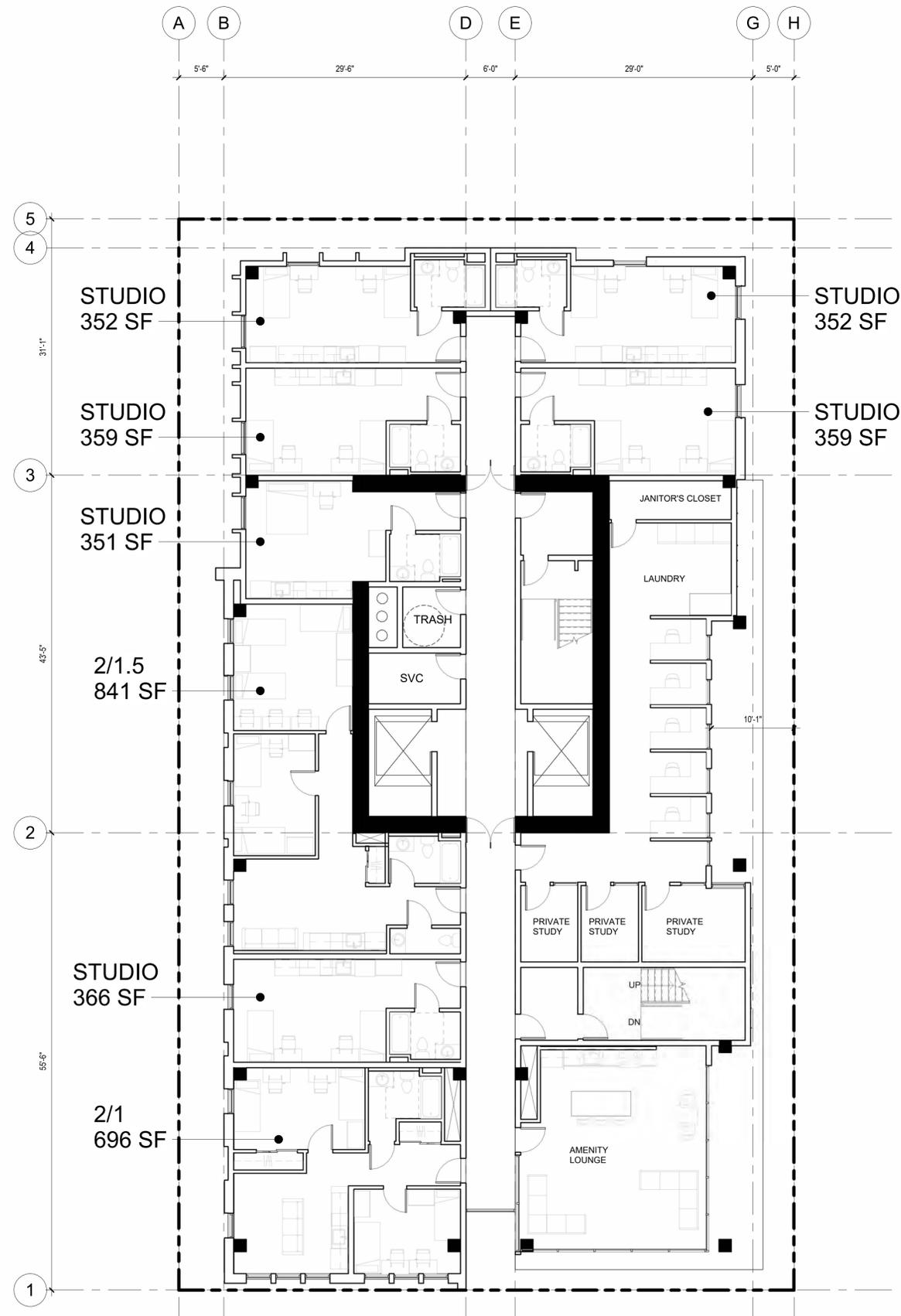
A2.2

Scale As indicated

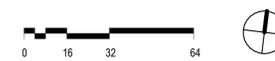




② PLAN - LEVEL 8 + LEVEL 17
1/8" = 1'-0"



① PLAN - LEVEL 13
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- ①
- ②
- ③

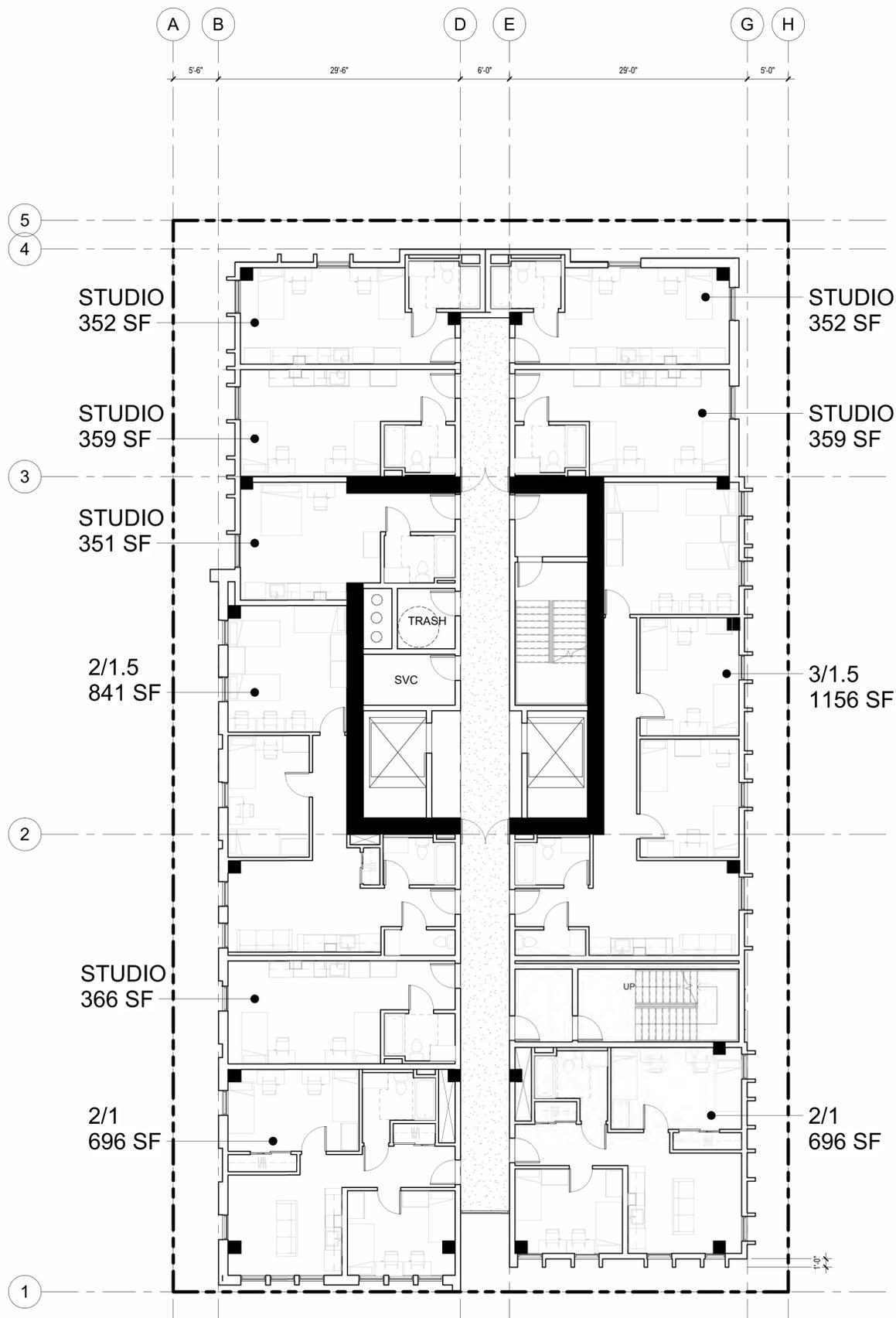
Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title
FLOOR PLAN - AMENITY LEVELS L8, L13, L17

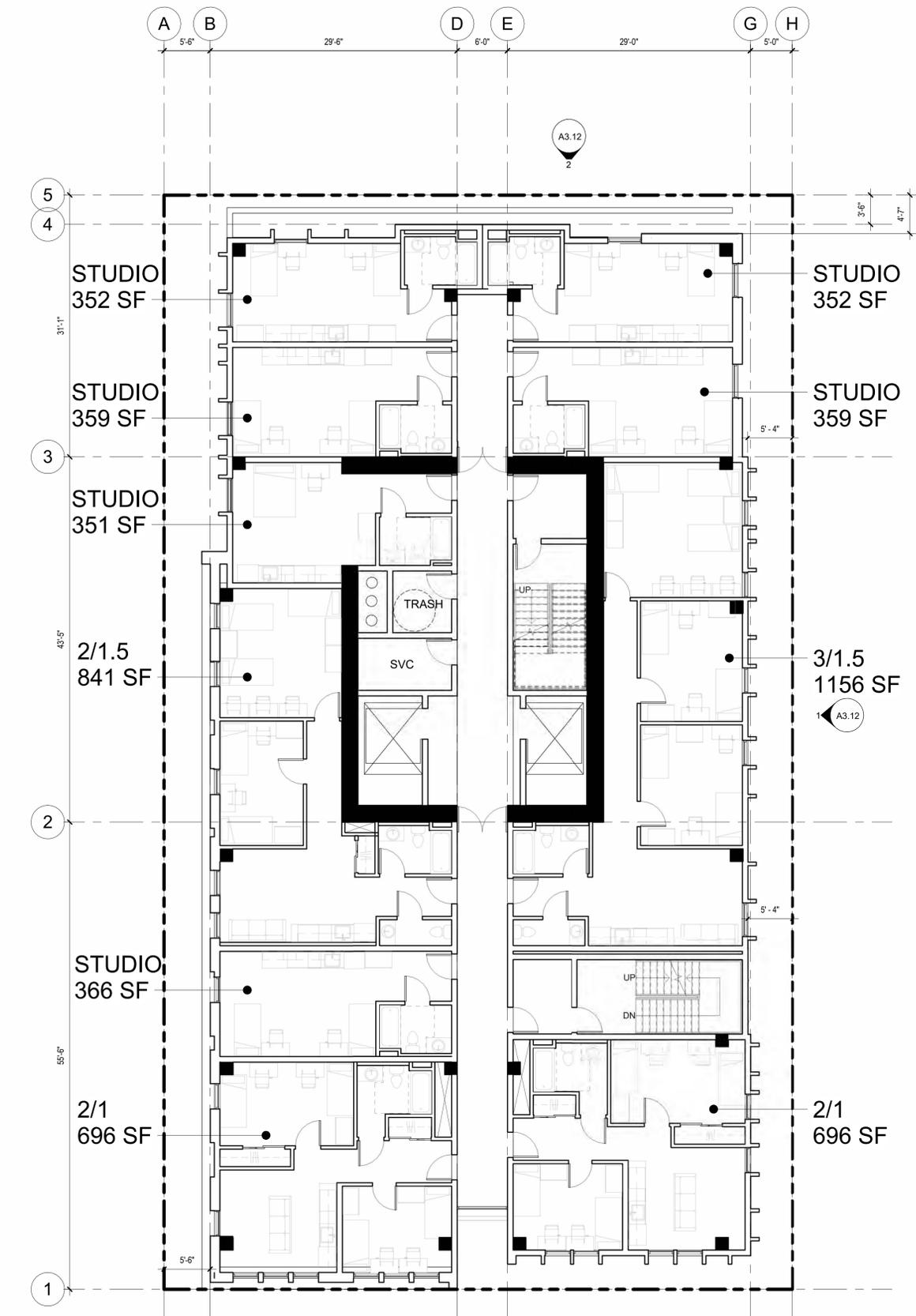
Sheet No.

A2.3

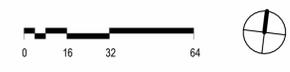
Scale As indicated



PLAN - LEVEL 11, 12, 18-19 - TYP. RES.
 LEVEL
 1/8" = 1'-0"



PLAN - LEVEL 9, 10, 14-16 - TYP. RES.
 LEVEL
 1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

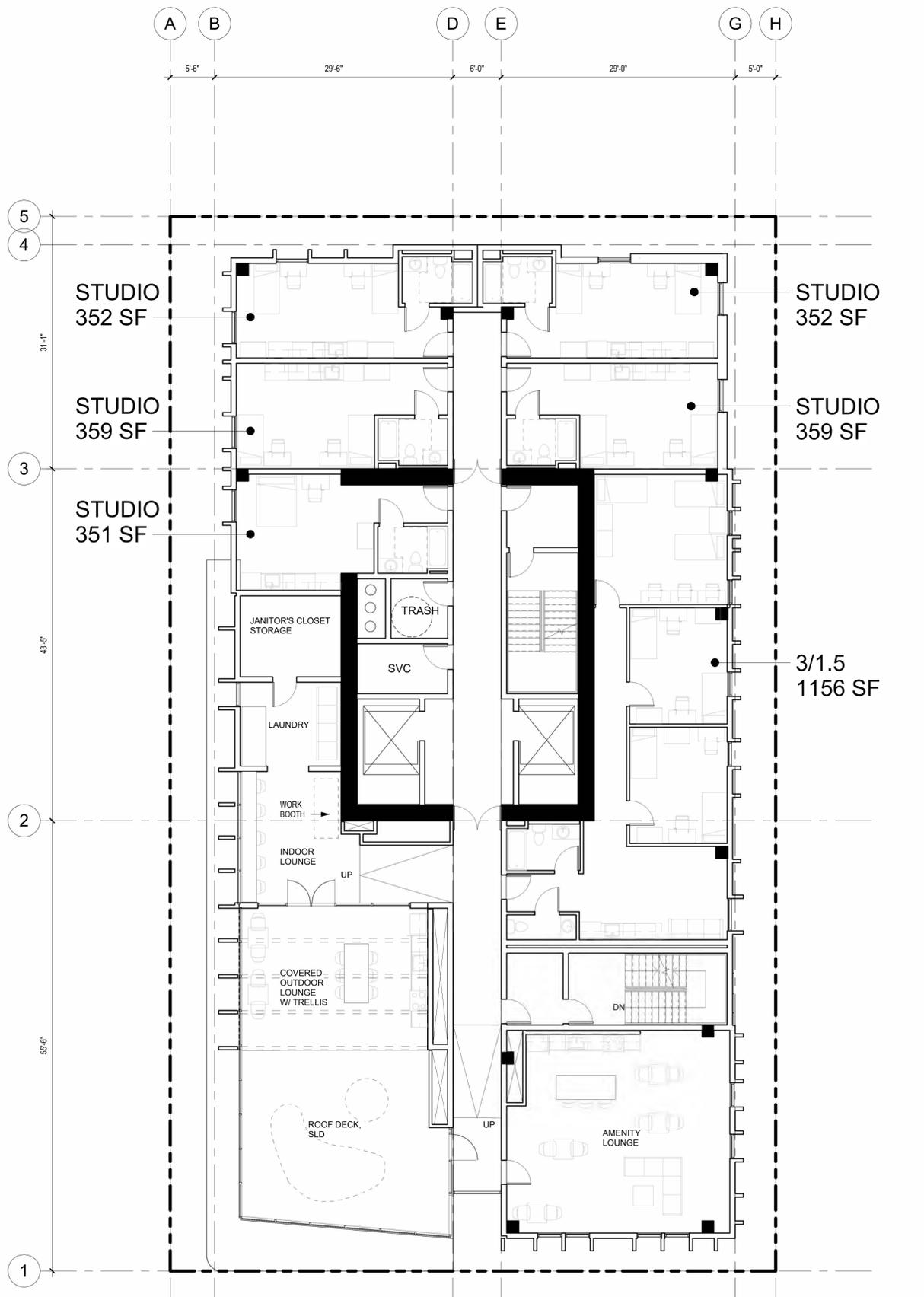
- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

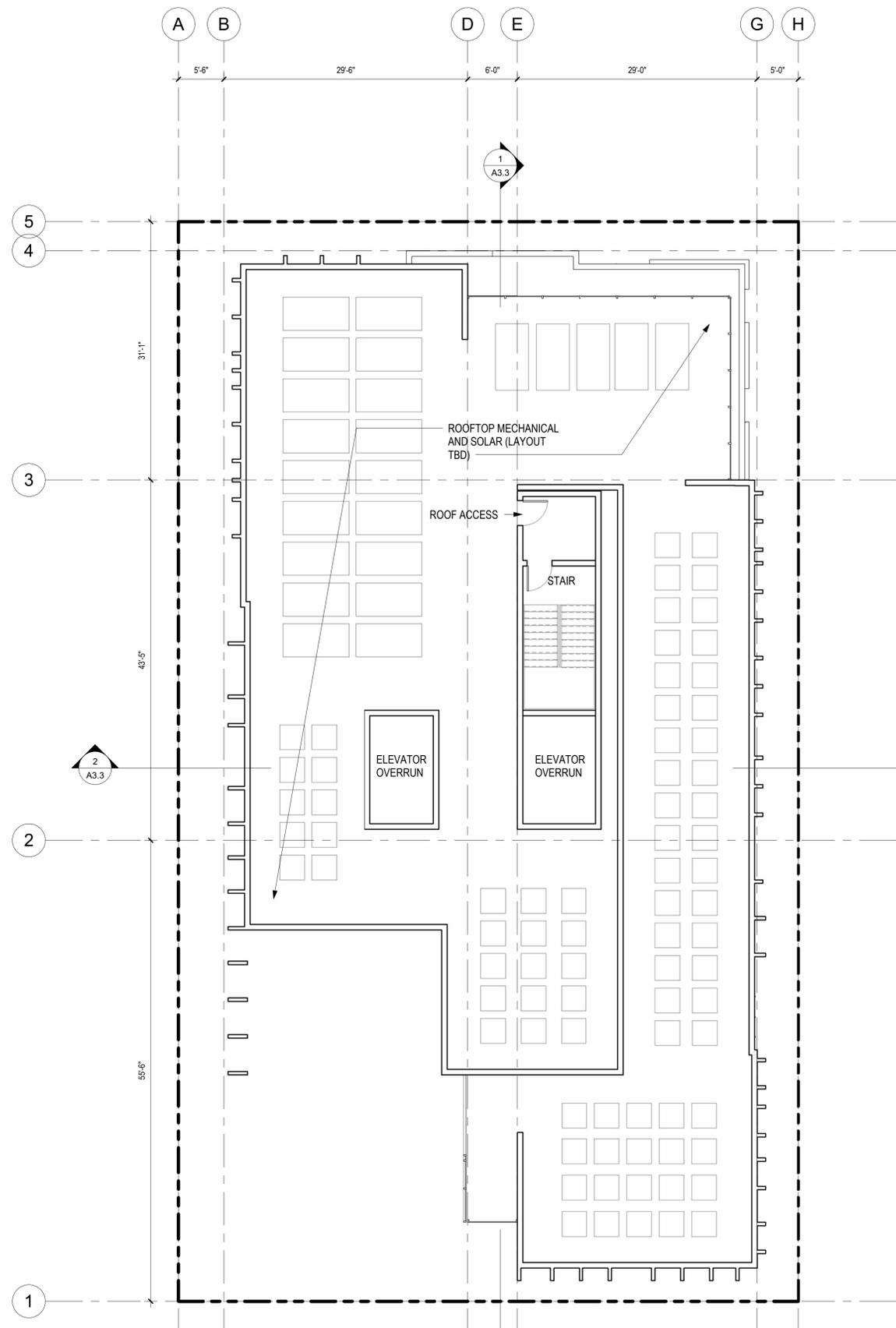
Drawing Title
FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L9-L12, L14-L16, L18-L19

Sheet No.
A2.4

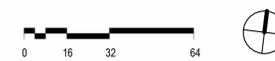
Scale As indicated



② PLAN - LEVEL 20
1/8" = 1'-0"



① PLAN - ROOF
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- ①
- ②
- ③

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title
FLOOR PLAN - LEVEL 20 & ROOF

Sheet No.
A2.5

Scale As indicated

EXTERIOR MATERIALS KEY



1) DARK GREY
CLARK PACIFIC
INFINITE SERIES



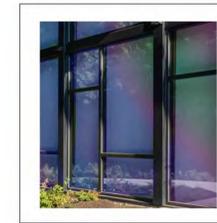
2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES



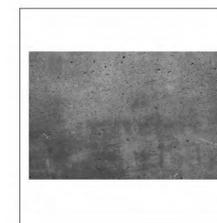
3A) DARK ALUMINUM METAL PANEL



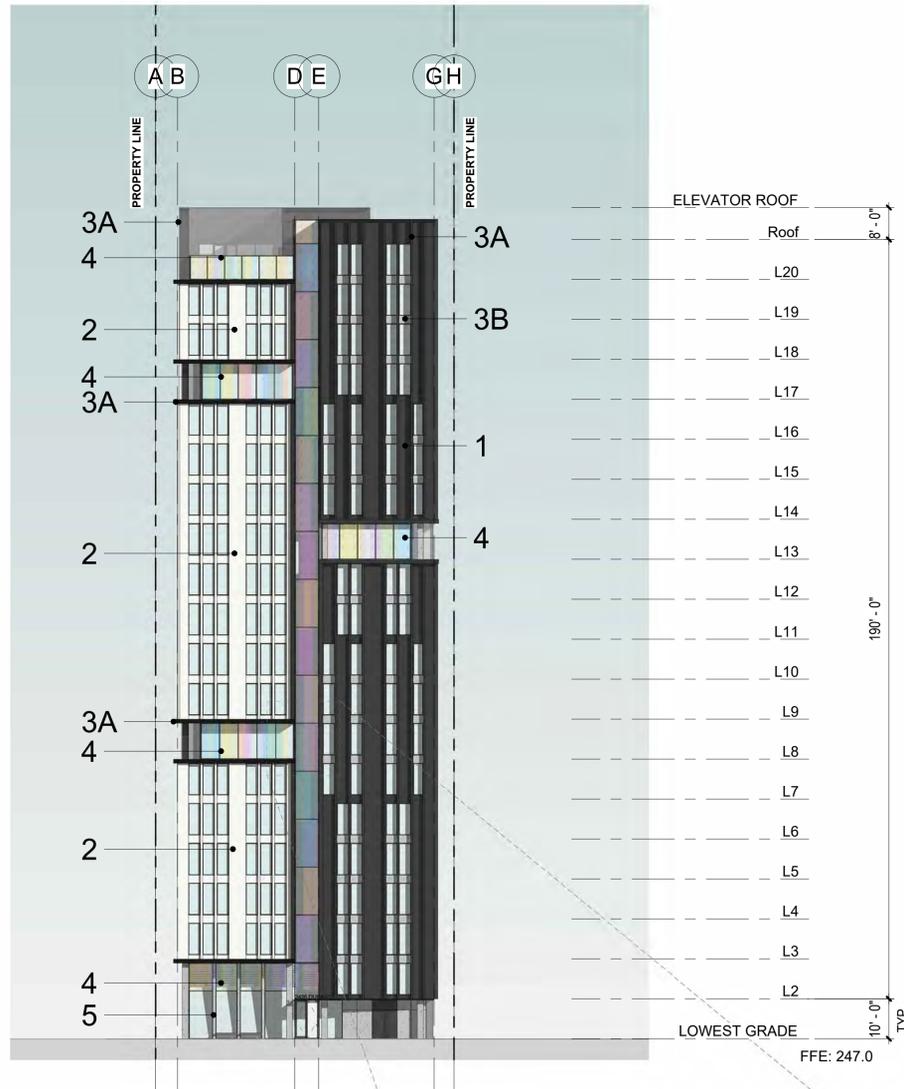
3B) LIGHT ALUMINUM METAL PANEL



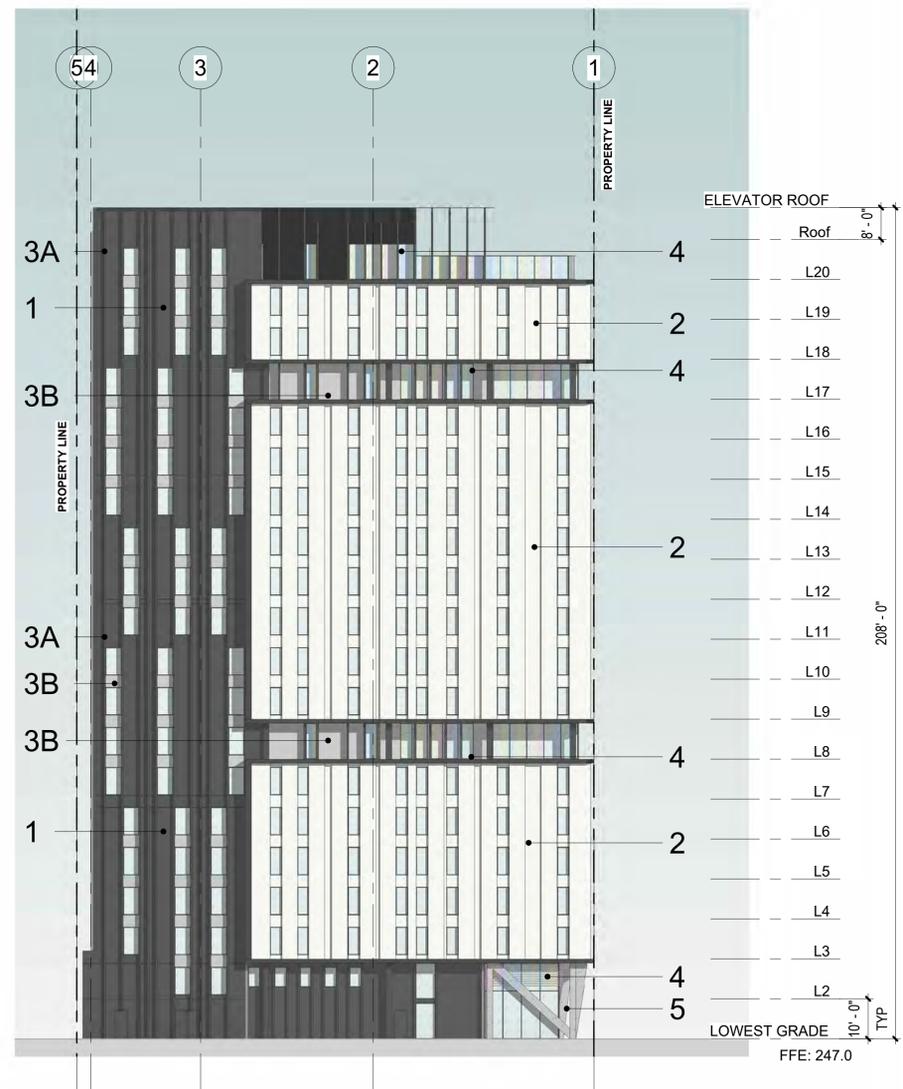
4) ALUMINUM AND GLASS
STOREFRONT WITH DICHROIC FILM



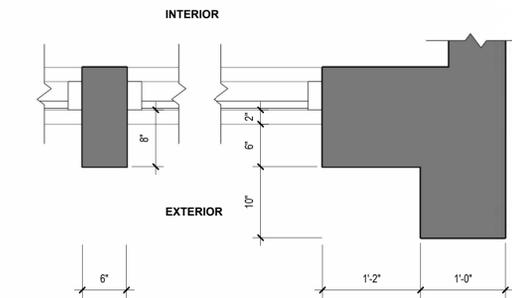
5) EXPOSED CONCRETE



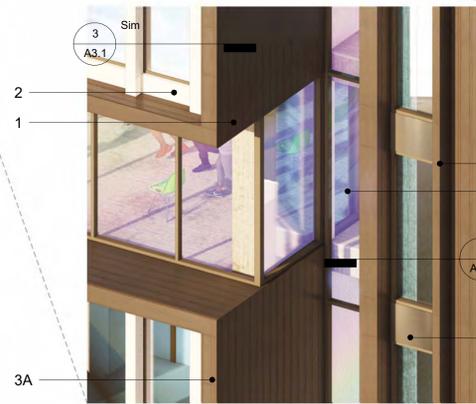
2) ELEVATION - SOUTH (DURANT AVE)
3/64" = 1'-0"



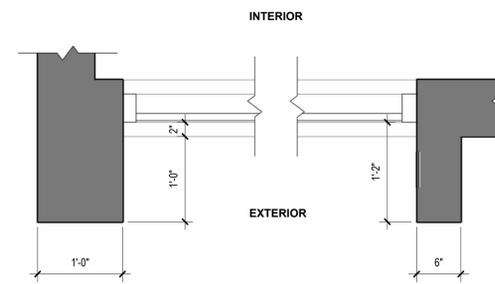
1) ELEVATION - WEST
3/64" = 1'-0"



3) FACADE PLAN DETAIL
1" = 1'-0"



AXON VIEW OF AMENITY SPACE ADJACENT TO CORRIDOR



4) FACADE PLAN DETAIL
1" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title
BUILDING ELEVATIONS

Sheet No.
A3.1

Scale As indicated

EXTERIOR MATERIALS KEY



1) DARK GREY
CLARK PACIFIC
INFINITE SERIES



2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES



3A) DARK ALUMINUM METAL PANEL



3B) LIGHT ALUMINUM METAL PANEL



4) ALUMINUM AND GLASS
STOREFRONT WITH DICHOIC FILM



5) EXPOSED CONCRETE



YES COMMUNITY
ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

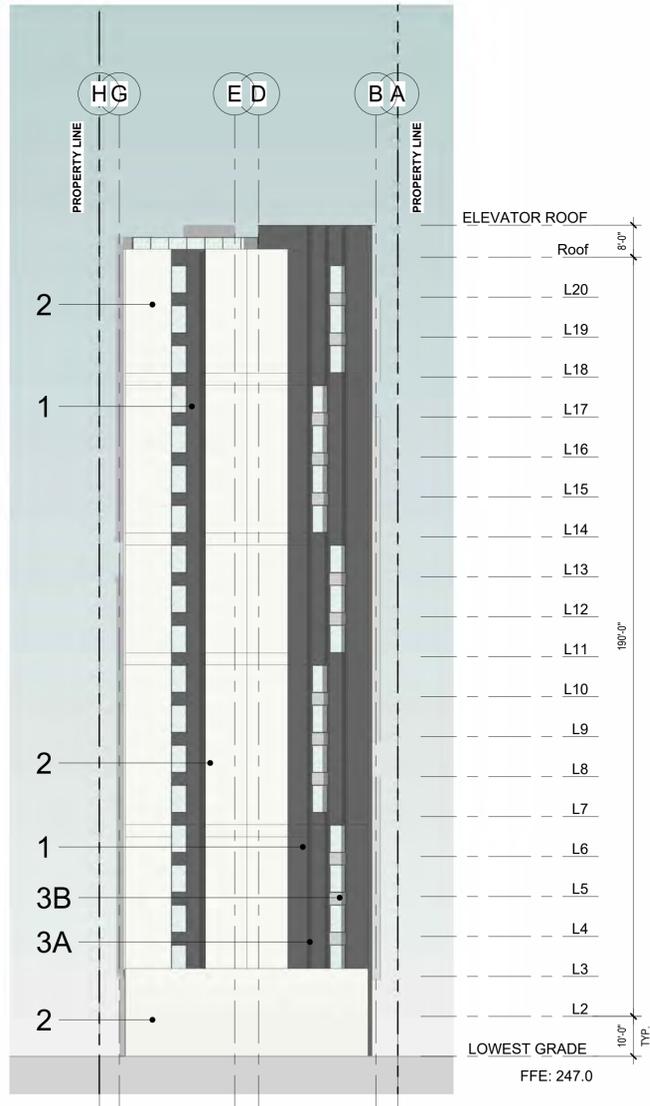
- 1
- 2
- 3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

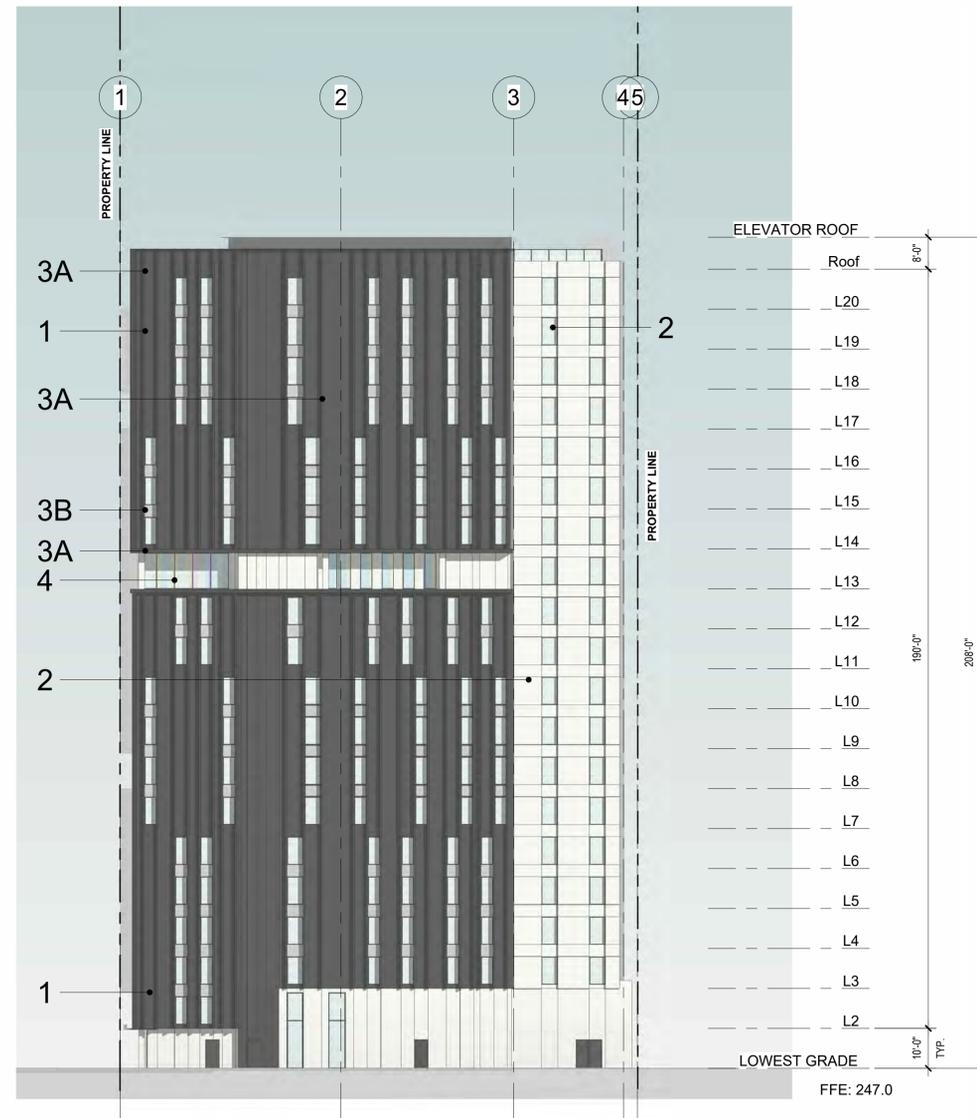
Drawing Title
**BUILDING
ELEVATIONS**

Sheet No.
A3.2

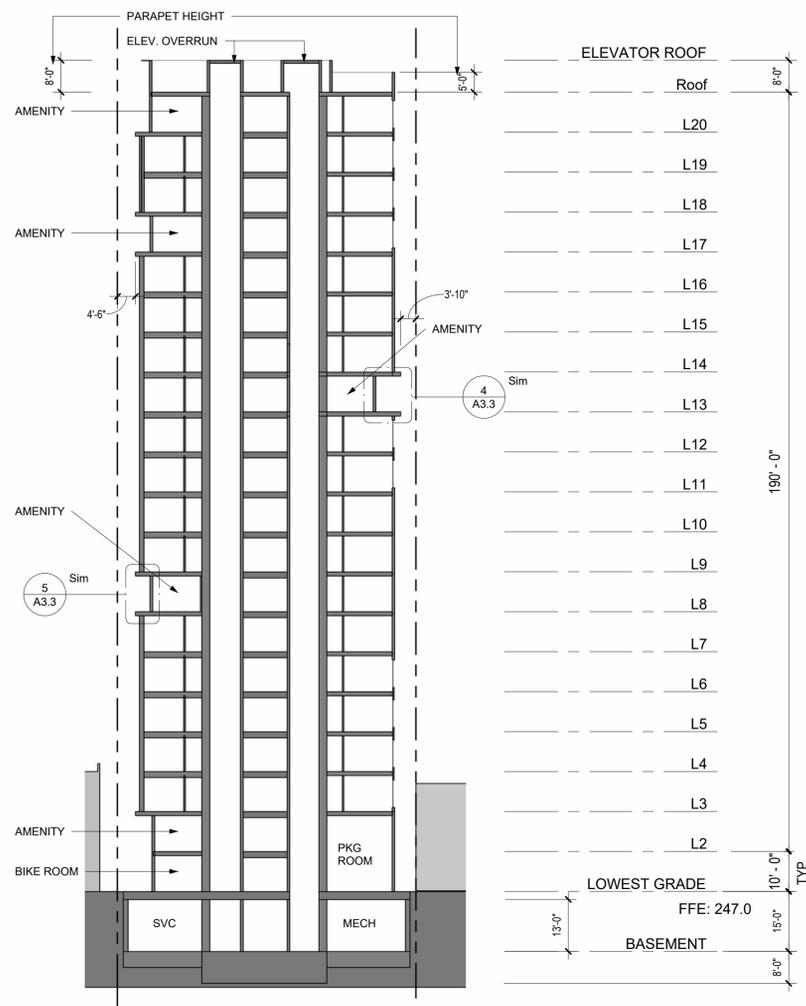
Scale 3/64" = 1'-0"



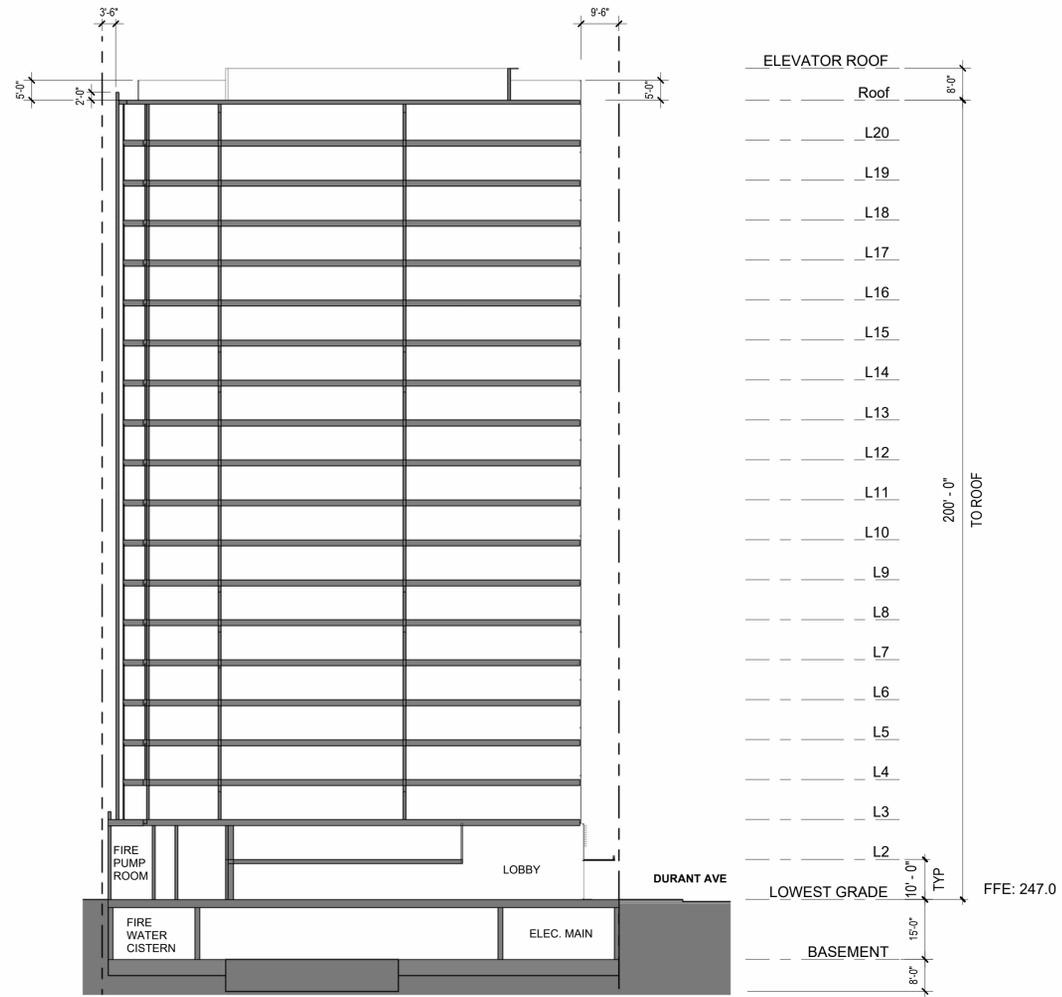
2 ELEVATION - NORTH
3/64" = 1'-0"



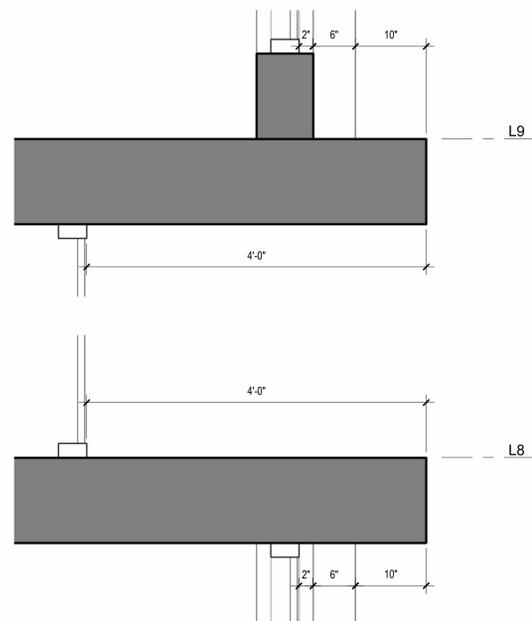
1 ELEVATION - EAST
3/64" = 1'-0"



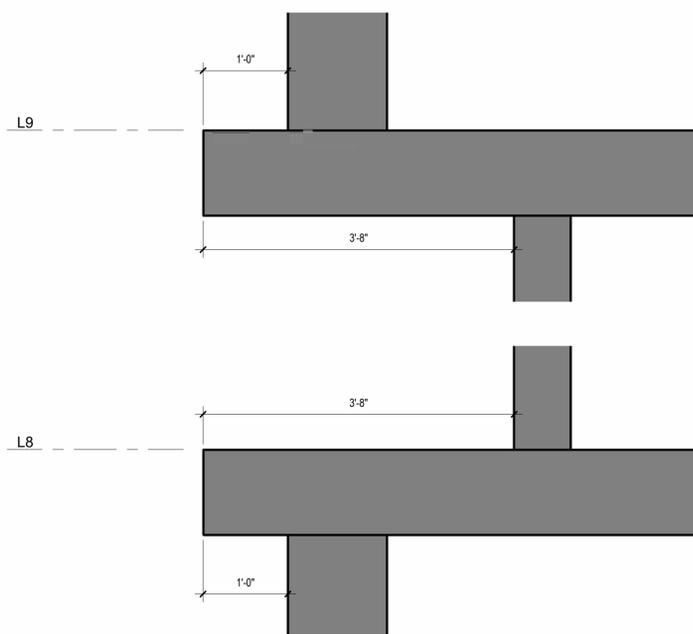
2 BUILDING SECTION - E/W
3/64" = 1'-0"



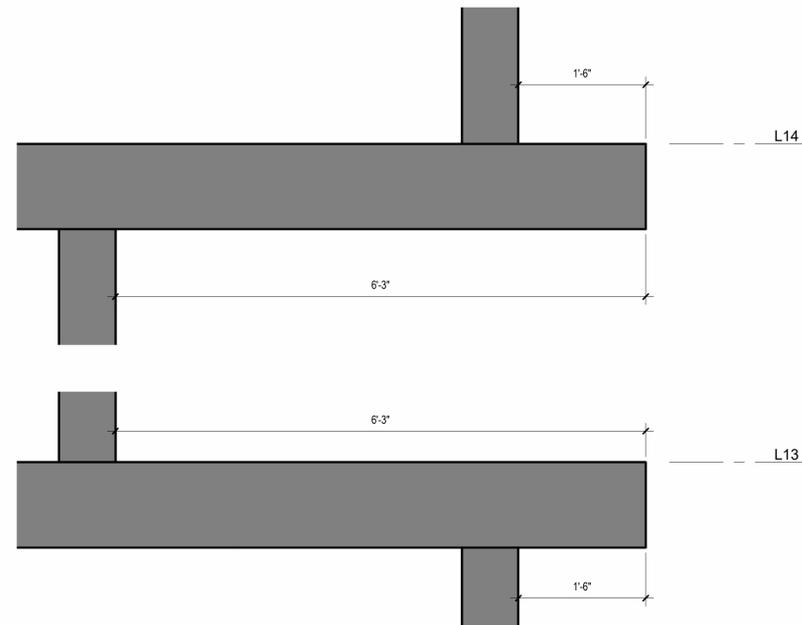
1 BUILDING SECTION - N/S
3/64" = 1'-0"



3 ENLARGED SECTION - TYP. FACADE
DEPTH - AMENITY LEVEL
1" = 1'-0"



5 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"



4 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title
SECTION DRAWINGS

Sheet No.

A3.3

Scale As indicated



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing



① STREET STRIP ELEVATION
1" = 20'-0"

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title

STREET STRIP ELEVATION

Sheet No.

A3.4

Scale 1" = 20'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing



VIEW ALONG DURANT AVE LOOKING NORTH EAST

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
**PERSPECTIVE
 RENDERINGS**

Sheet No.
A3.5

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing



VIEW OF ENTRY ALONG DURANT AVE LOOKING NORTH WEST

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
**PERSPECTIVE
 RENDERINGS**

Sheet No.
A3.6

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

PERSPECTIVE VIEW
UP DURANT AVE
TOWARDS
TELEGRAPH AVE



BEFORE



AFTER (SIMULATED)

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
**PHOTO
 SIMULATIONS**

Sheet No.
A3.7

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

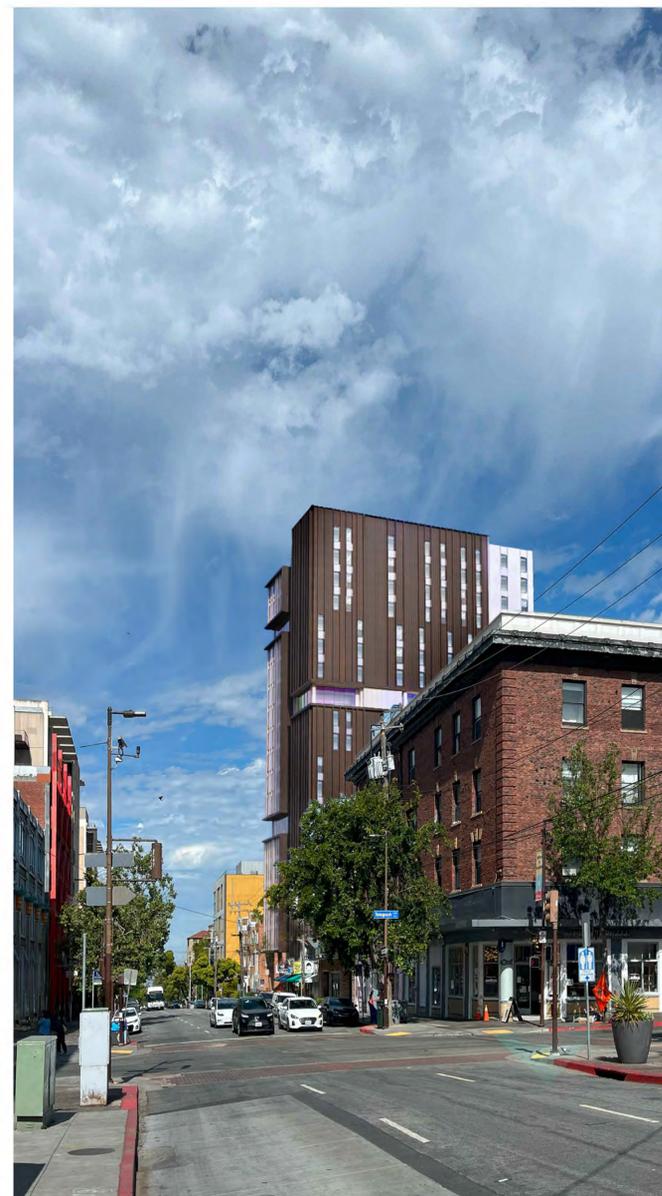


2425 Durant Ave Housing

PERSPECTIVE VIEW
DOWN DURANT AVE
TOWARDS DANA ST



BEFORE



AFTER (SIMULATED)

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

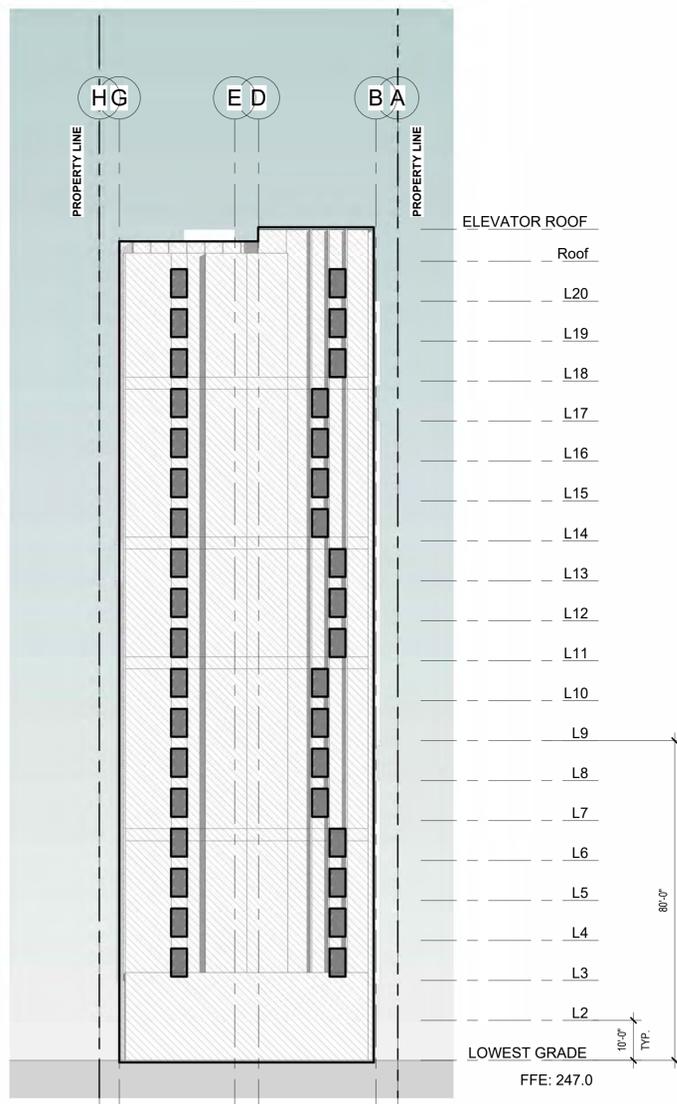
Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
**PHOTO
 SIMULATIONS**

Sheet No.
A3.8

Scale

DIAGONAL HATCH INDICATES OVERALL FACADE AREA
 GREY TONE INDICATES TRANSPARENT FACADE AREA
 CROSSHATCH INDICATES HIGH-RISK FEATURES



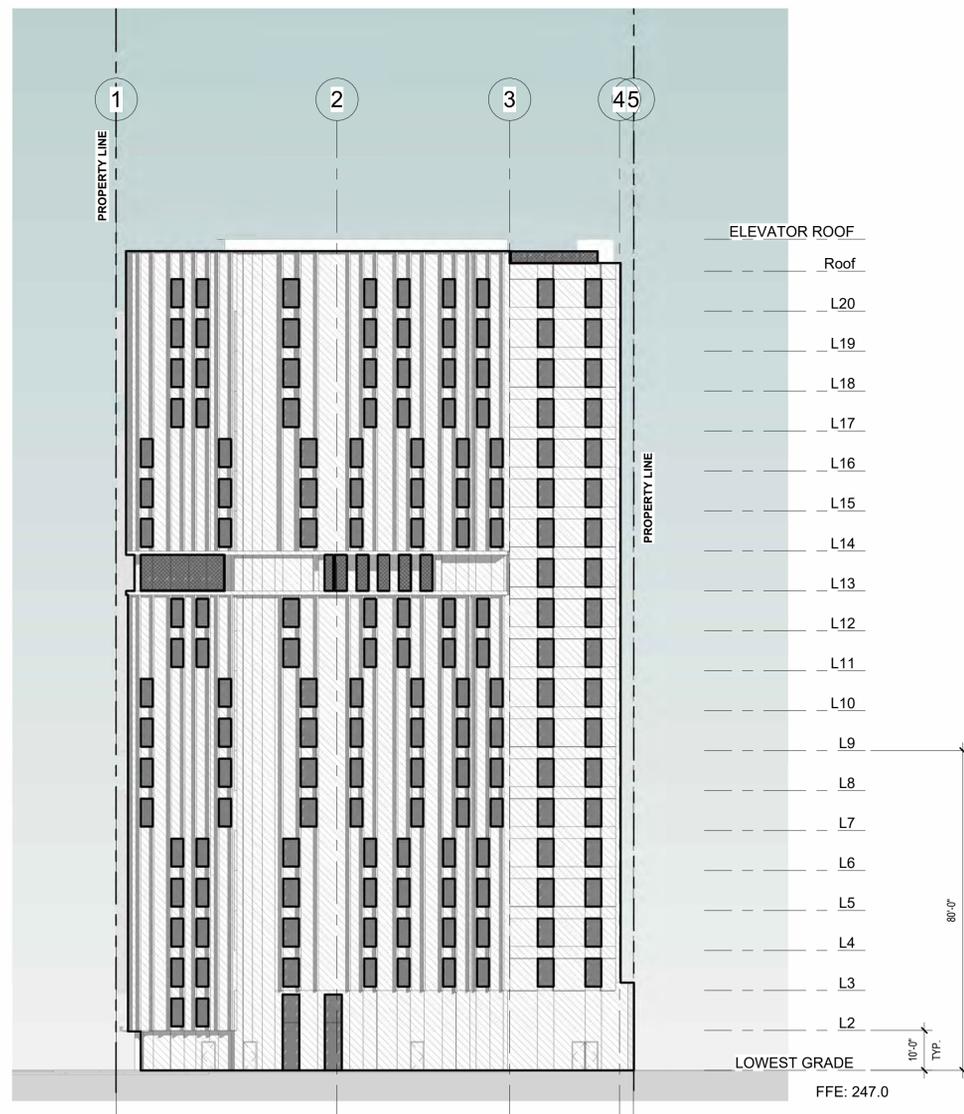
② ELEVATION - NORTH
 3/64" = 1'-0"

TRANSPARENT FACADE AREA: 1008.00 SF
 OVERALL FACADE AREA: 13253.50 SF
 $1008.00 \text{ SF} / 13253.5 \text{ SF} = .0761 * 100 = 7.61\%$

7.61% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



① ELEVATION - EAST
 3/64" = 1'-0"

TRANSPARENT FACADE AREA: 4240.47 SF
 OVERALL FACADE AREA: 25342.99 SF

$4240.47 \text{ SF} / 25342.99 \text{ SF} = .1673 * 100 = 16.73\%$

16.73% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- ①
- ②
- ③

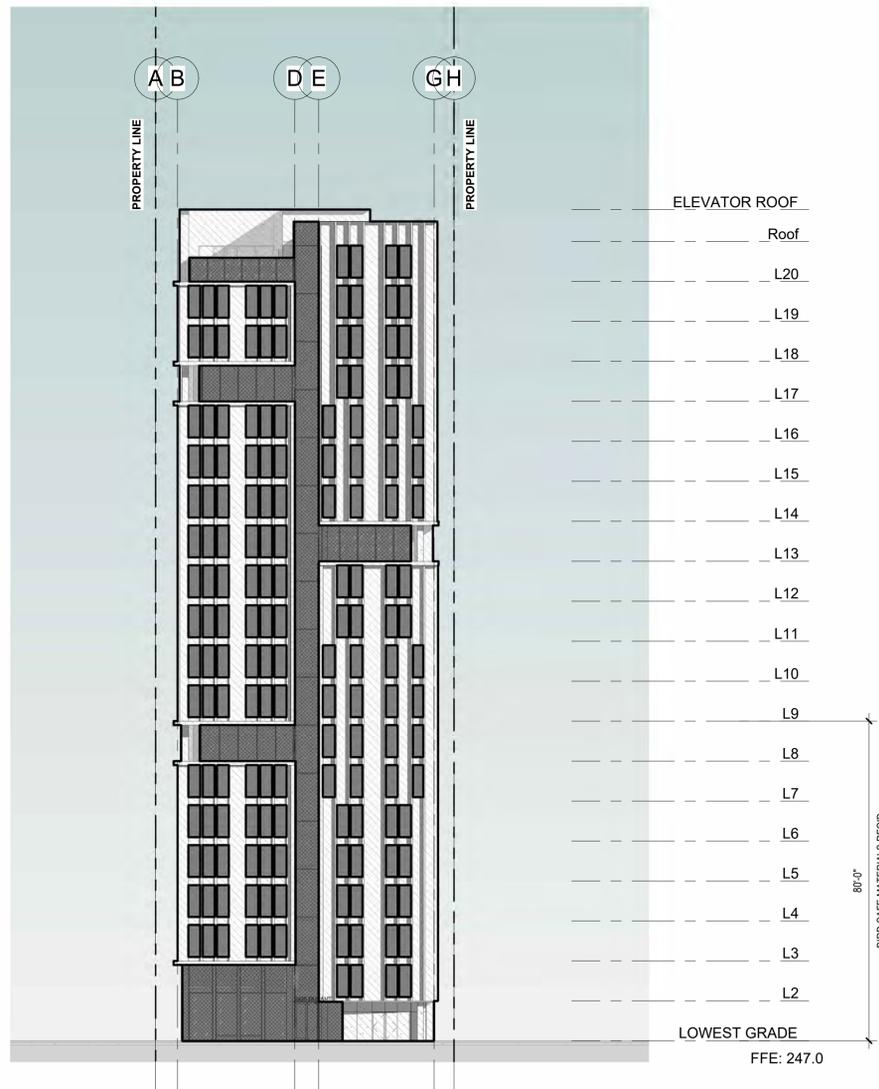
Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

Drawing Title
BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.
A3.9

Scale As indicated

DIAGONAL HATCH INDICATES OVERALL FACADE AREA
 GREY TONE INDICATES TRANSPARENT FACADE AREA
 CROSSHATCH INDICATES HIGH-RISK FEATURES



② ELEVATION - SOUTH (DURANT AVE)
 3/64" = 1'-0"

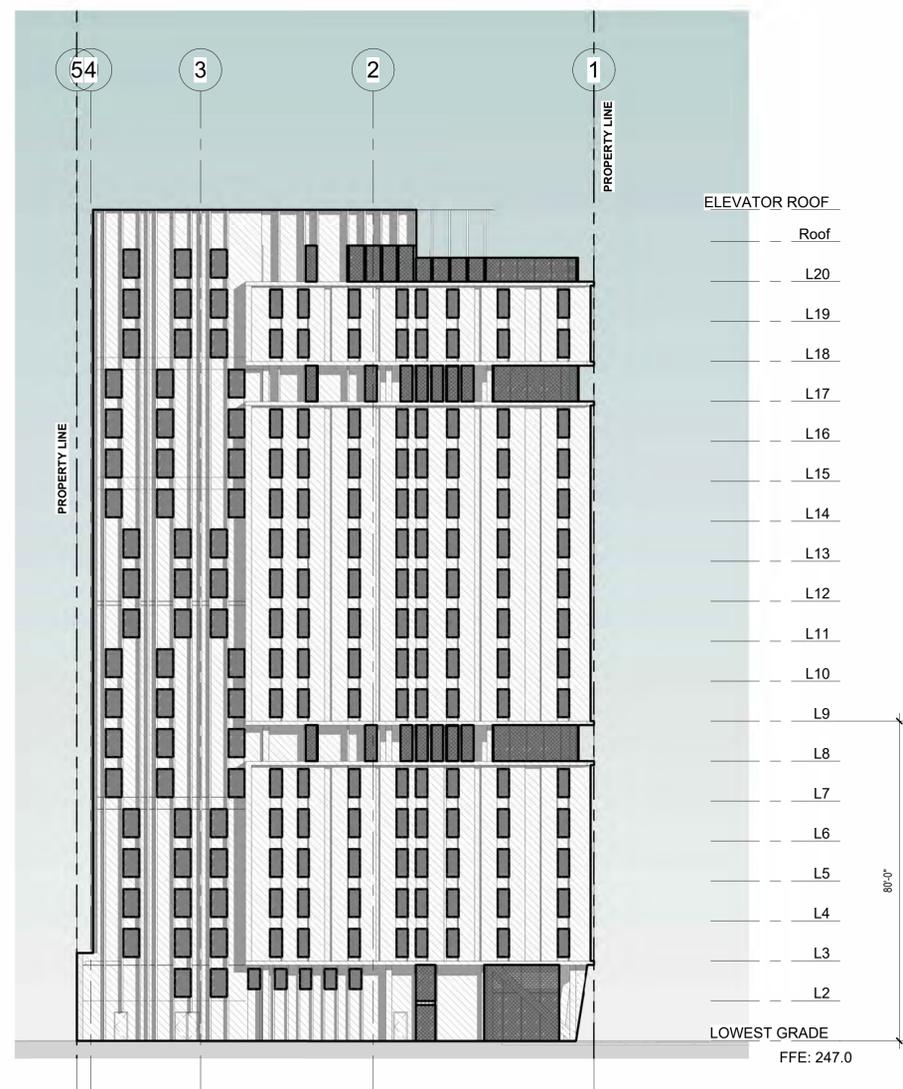
TRANSPARENT FACADE AREA: 6507.67 SF
 OVERALL FACADE AREA: 13505.41 SF

6507.67 SF / 13505.41 SF = .4819 * 100 = **48.19%**

48.19% > 30% = NOT A LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



① ELEVATION - WEST
 3/64" = 1'-0"

TRANSPARENT FACADE AREA: 5670.66 SF
 OVERALL FACADE AREA: 25462.6 SF

5670.66 SF / 25462.6 SF = .2227 * 100 = **22.27%**

22.7% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

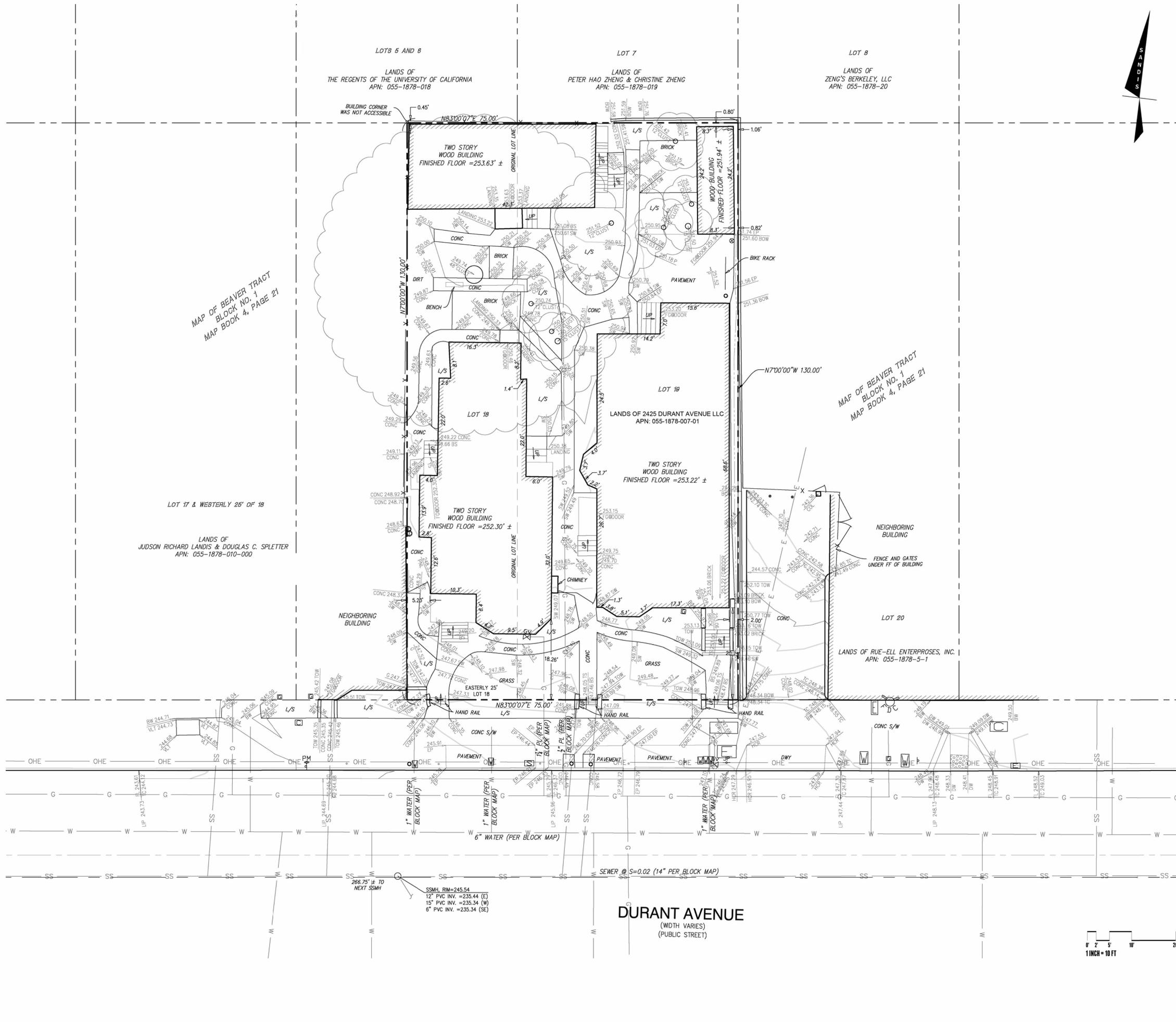
- ①
- ②
- ③

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.
A3.10

Scale As indicated



LEGEND

- BUILDING LINE
- BOUNDARY LINE
- LOT LINE
- CURB LINE
- FENCE LINE
- X UNDERGROUND ELECTRIC
- E UNDERGROUND GAS
- G UNDERGROUND SEWER
- SS UNDERGROUND WATER
- W

POINT, ELEVATION AND DESCRIPTION

CONTOURS (1-FT INTERVALS)

TREE (DIAMETER SIZE IN INCHES)

SYMBOLS & ABBREVIATIONS

- BLDC BUILDING CORNER
- BLDL BUILDING LINE
- BM BENCHMARK
- BOL BILLIARD
- BOW BOTTOM OF WALL
- BRICK
- BS BOTTOM OF STAIRS
- BW BACK OF WALK
- COM-PB COMMUNICATION PULLBOX
- CONC CONCRETE
- CONC S/W CONCRETE SIDEWALK
- DI DRAIN INLET
- DWY DRIVEWAY
- EP EDGE OF PAVEMENT
- EPB ELECTRIC PULLBOX
- FDC FIRE DEPARTMENT CONNECTION
- FF BUILDING FINISHED FLOOR
- FGDOOR FINISHED GRADE AT DOOR
- FL FLOW LINE
- G GROUND
- GM GAS METER
- GV GAS VALVE
- HCR ACCESSIBLE RAMP
- JP JOINT POLE
- LIP LIP OF GUTTER
- L/S LANDSCAPE
- P PAVEMENT
- PM PARKING METER
- SMH STORM DRAIN MANHOLE
- SMN SIGN
- SSMH SANITARY MANHOLE
- SW SIDEWALK
- SWALE SWALE
- TC TOP OF CURB
- TOW TOP OF WALL
- TREE TREE SYMBOL
- TS TOP OF STAIRS
- VLT ELEC VAULT
- WM WATER METER
- WV WATER VALVE
- UP INDICATION OF STAIRS GOING UP

BENCHMARK

THE ELEVATION REFERENCE FOR THIS SURVEY IS A CITY OF BERKELEY BENCHMARK, CUT SQUARE ON THE TOP BACK OF THE SOUTH CURB AT THE WEST SIDE OF THE DRIVEWAY TO 2450 DURANT AVENUE. ELEVATION= 247.91 FEET CITY OF BERKELEY DATUM

SITE BENCHMARK

SET CHISELED SOUTH ON CONCRETE WALK IN BACK AREA OF THE PROPERTY, 14' SOUTH OF THE SOUTH FACE OF BUILDING, AND 13' EAST OF THE WEST EDGE OF CONCRETE EDGE UNDER TREE.

ELEVATION=250.46 FEET CITY OF BERKELEY DATUM

SURVEY NOTES

- ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
- DATES OF FIELD SURVEY: 08/21/2024 & 08/23/2024

BASIS OF BEARING

THE BEARING SHOWN AS N83°00'07\"/>

BOUNDARY NOTE

THE PARCEL LINES SHOWN HEREON ARE BASED UPON RECORD INFORMATION AS SHOWN ON THAT CERTAIN TRACT MAP ENTITLED \"MAP OF BEAVER TRACT BLOCK NO. 1\", BOOK 4 OF MAPS, PAGE 21, AND GRANT DEED DOCUMENT NO. 2019078632, ALAMEDA COUNTY RECORDS.

UNDERGROUND UTILITY NOTE

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. UNDERGROUND UTILITY LOCATING WAS NOT PERFORMED BY SANDIS. OTHER UNDERGROUND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP. THERE WERE NO OBSERVABLE EVIDENCE OF STORM DRAIN UTILITIES ON THE ADJACENT DURANT STREET. NO STORM DRAIN UTILITIES INSTALLED ON THE ADJACENT DURANT STREET PER THE CITY OF BERKELEY.

OVERHEAD UTILITY NOTE

OVERHEAD UTILITY LINES SHOWN HEREON ARE FOR REFERENCE ONLY, DEPICTING THAT OVERHEAD LINES EXIST. ACTUAL ATTACHMENT, LOCATION, HEIGHT AND TYPE OF UTILITY SERVICE LINES SHALL BE VERIFIED BY THE USER.

MONUMENT PRESERVATION NOTICE

IF AT ANY TIME A SURVEY MONUMENT WILL BE DESTROYED OR COVERED DURING CONSTRUCTION PHASE OF THE PROJECT, IT MUST BE PERPETUATED IN ACCORDANCE WITH STATE LAW.

PURSUANT TO PROFESSIONAL LAND SURVEYOR'S ACT SECTION 8771(B), CONTROLLING MONUMENTS SHALL BE LOCATED AND REFERENCED BY OR UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR. UPON COMPLETION OF CONSTRUCTION, THESE MONUMENTS WILL HAVE TO BE RESET IN THE SURFACE OF THE NEW CONSTRUCTION IN ORDER TO PERPETUATE THEIR LOCATION. A CORNER RECORD OR A RECORD OF SURVEY SHALL BE FILED TO DOCUMENT THE REFERENCED MONUMENTS PRIOR TO CONSTRUCTION AND THEIR NEW POSITION AND CHARACTER AFTER THEY HAVE BEEN RESET.



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com
DATE _____, 2024



SANDIS MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

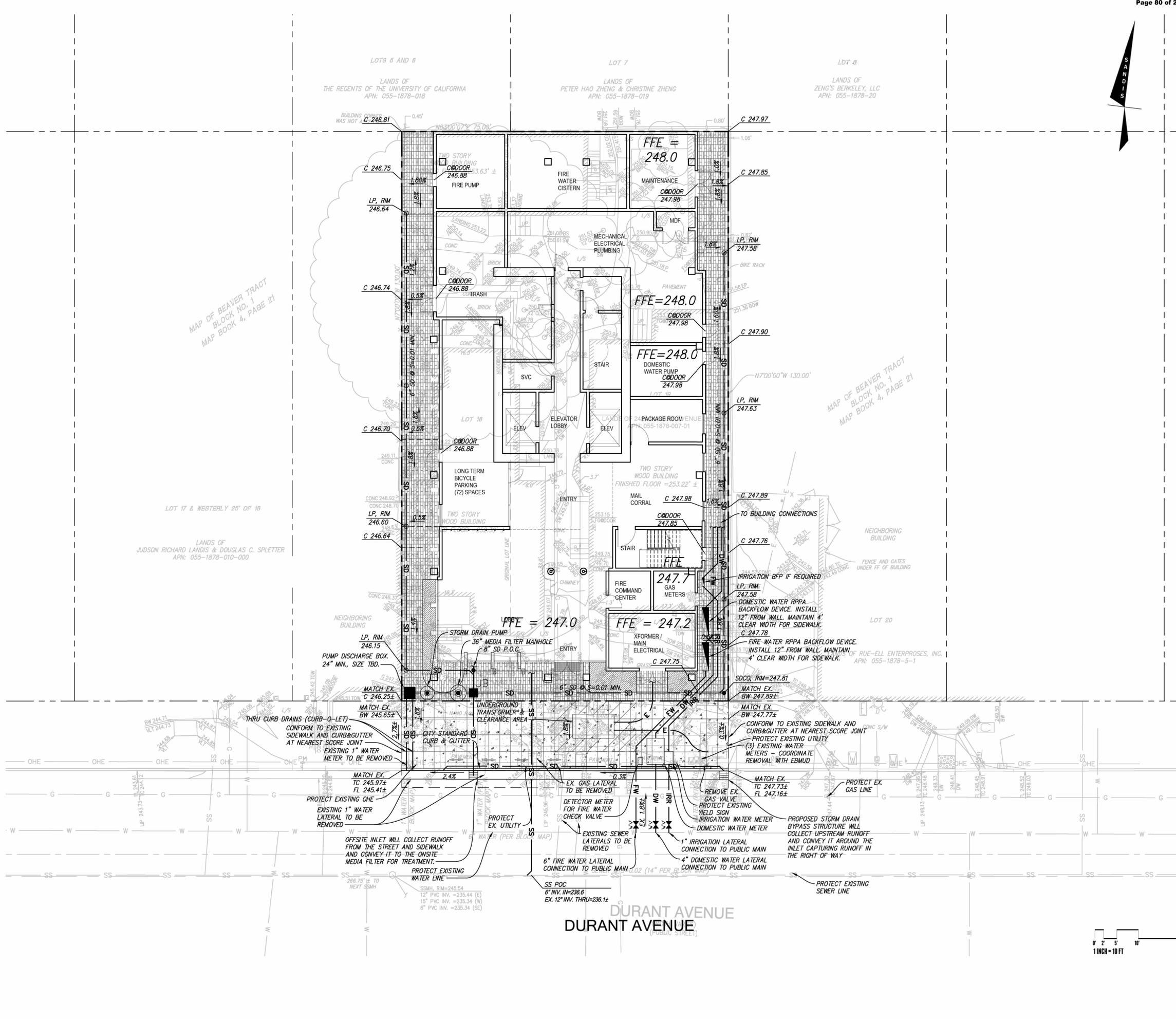
Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title
TOPOGRAPHIC SURVEY

Sheet No.
C0.1

Scale 1"=10'



LEGEND

- PROPERTY LINE
- OVERLAND RELEASE PATH
- CONCRETE SIDEWALK
- PERVIOUS PAVING

SITE AND GRADING NOTES

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND WITH THE AMERICANS WITH DISABILITIES ACT.
2. PATH OF TRAVEL TO BUILDING SHALL NOT EXCEED A SLOPE OF 1:20 (5%) UNLESS RAILINGS ARE SHOWN, IN WHICH CASE THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
3. A 2% MAXIMUM SLOPE LANDING SHALL BE PROVIDED AT PRIMARY ENTRANCES TO THE BUILDING. THE LANDINGS SHALL HAVE A MINIMUM WIDTH OF 60" AND A MINIMUM DEPTH OF 60" WHEN THE DOOR OPENS INTO THE BUILDING, AND 42" PLUS THE WIDTH OF THE DOOR WHEN THE DOORS OPEN ONTO THE LANDING.
4. MAXIMUM CROSS SLOPE ALONG SIDEWALK OR PATHWAY SHALL BE 2% MAXIMUM.
5. THE SIDEWALK SHALL HAVE A 4' MINIMUM CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

UTILITY NOTES

1. ALL AREA DRAINS AND CATCH BASINS GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
2. ALL UTILITY TRENCHES SHALL BE BACK FILLED PER THE SPECIFICATIONS WITH APPROPRIATE TESTS BY THE GEOTECHNICAL ENGINEER TO VERIFY COMPACTION VALUES.
3. POTHOLING IS STRONGLY RECOMMENDED FOR NEW GRAVITY FLOW SYSTEMS TO VERIFY THE DEPTH OF ALL EXISTING CROSSING UTILITIES. POTHOLING CAN ALSO VERIFY THE SIZE AND MATERIAL OF ANY OTHER UTILITIES THE PROJECT IS CONNECTING ONTO.
4. ALL SEWER WORK SHALL BE IN CONFORMANCE WITH THE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT STANDARDS.
5. ALL SEWER LATERALS SHALL HAVE A TWO WAY CLEANOUT AT FACE OF BUILDING.
6. ALL WATER SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE EBMUD STANDARDS.
7. ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER.
8. THRUST RESTRAINTS SHALL BE DESIGNED AND INSTALLED AT ALL TEES, CROSSSES, BENDS (HORIZONTAL AND VERTICAL), AND AT SIZE CHANGES.

STORMWATER MANAGEMENT DESIGN NOTES

1. ALL ROOF AND PAVEMENT RUNOFF IS CAPTURED VIA AREA/ROOF DRAINS AND PIPED TO MEDIA FILTER VAULT.
2. STORMWATER IS TREATED THROUGH THE MEDIA FILTERS DURING A WATER QUALITY RAIN EVENT (IE. 0.2 IN/HR RAINFALL INTENSITY). THE WATER SUBSEQUENTLY HEADS TOWARD THE OUTLET.
 - 2.1. LARGER STORM EVENTS WILL BYPASS THE MEDIA FILTERS AND HEAD DIRECTLY TO THE OUTLET.
3. STORMWATER LEAVES THE VAULT THROUGH THE OUTLET AND INTO A LIFT STATION SIZED FOR A 100 YEAR STORM EVENT WITH N+1 PUMP REDUNDANCY.
4. THE LIFT STATION FINALLY DISCHARGES INTO A THROUGH-CURB DRAIN WHICH THEN OUTFALLS INTO THE STREET GUTTER PAN.
5. THE NEW/REPLACED IMPERVIOUS SURFACES OFFSITE WILL BE CONVEYED TO THE ONSITE MEDIA FILTER FOR TREATMENT.
6. THERE WILL BE A PORTION OF NEW/REPLACED IMPERVIOUS SURFACE THAT WILL BE UNABLE TO BE TREATED GIVEN THE STREET SLOPE OFFSITE. THE PROJECT WILL TREAT EXISTING IMPERVIOUS AREAS OFFSITE IN THE STREET IN-LIEU OF TREATING THE NEW/REPLACED IMPERVIOUS AREA (ALTERNATIVE COMPLIANCE).
7. A BYPASS PIPE IS PROPOSED TO CARRY WATER THAT IS UPSTREAM IN THE WATERSHED THAT IS NOT REQUIRED TO BE TREATED. AROUND THE INLET THAT IS CAPTURING AND TREATING THE OFFSITE RUNOFF AND DISCHARGING IT DOWNSTREAM BACK INTO THE GUTTER PAN.



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com
 DATE _____, 2024



SANDIS MICHAEL A. KUYKENDALL
 R.C.E. NO. 70870, EXPIRES
 6-30-25

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

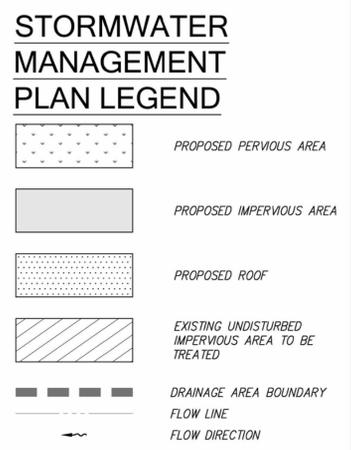
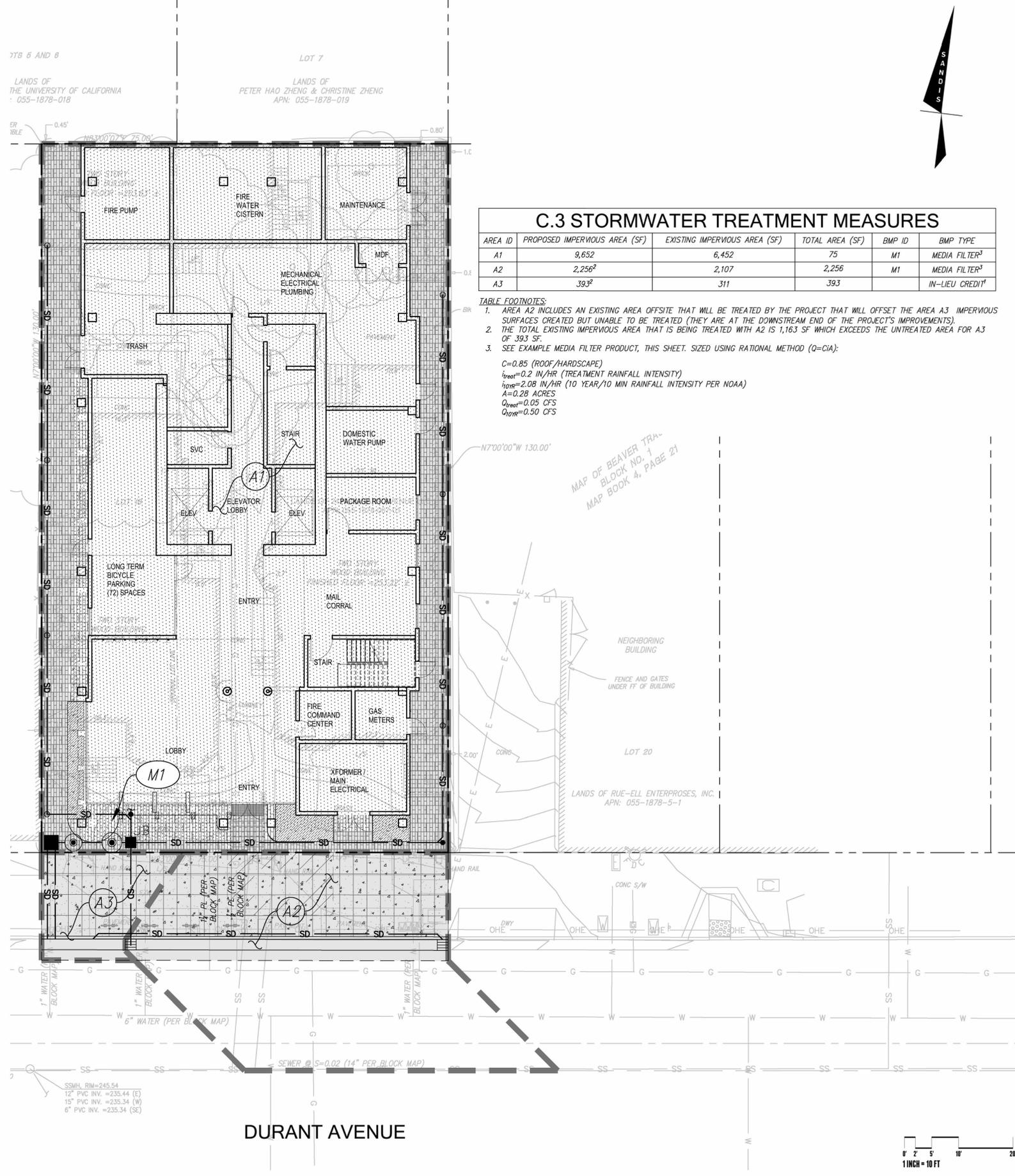
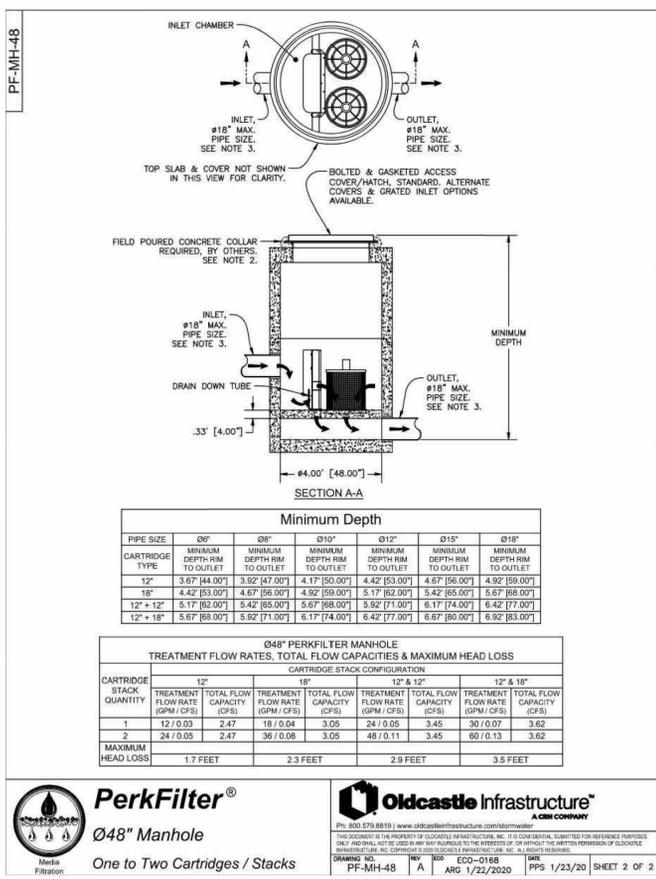
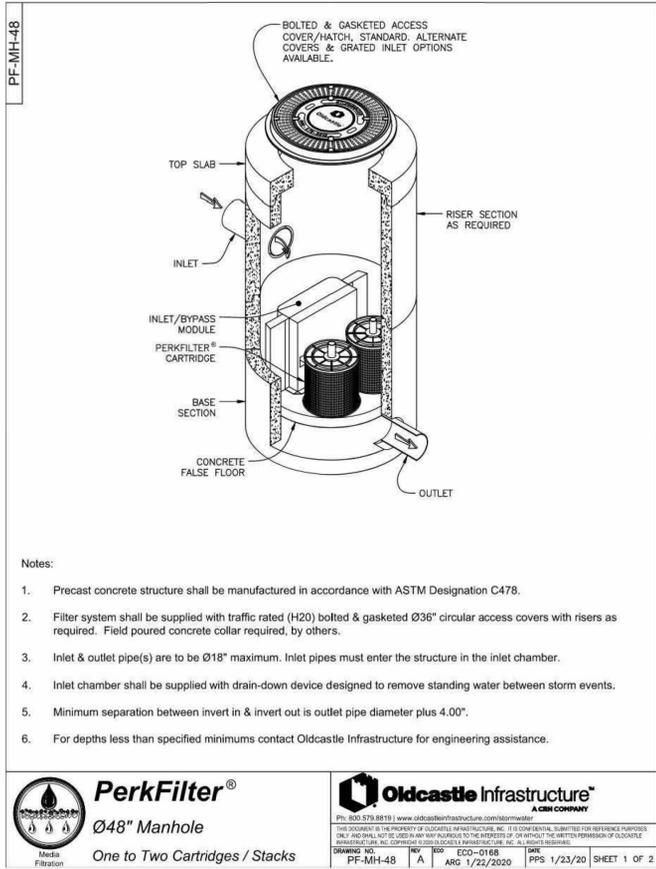
- 1
- 2
- 3

Date 08/06/2024
 Project No. 24001
 Drawn by SEC
 Checked by NOA

Drawing Title
**SITE, GRADING,
 AND UTILITY
 PLAN**

Sheet No.
C1.0

Scale 1"=10'



YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com
DATE _____, 2024

SANDIS MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

Date	06/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title
STORMWATER MANAGEMENT PLAN

Sheet No.
C2.0

Scale 1"=10'

SPECIAL PROJECTS WORKSHEET

Special Projects Worksheet. Project Name: 2425 Durant Ave. Project Address: 2425 Durant Ave, Berkeley, CA 94704. Applicant/Developer Name: YES DUFFY ARCHITECTS. 1. "Special Project" Determination (Check the boxes to determine if the project meets any of the following categories.)

Special Projects Worksheet (continued). 2. LID Treatment Reduction Credit Calculation (If more than one category applies, choose only one of the applicable categories and fill out the table for that category.)

Special Projects Worksheet (continued). 3. Narrative Discussion of the Feasibility/Infeasibility of 100% LID Treatment. 4. Select Certified Non-LID Treatment Measures.

Special Projects Worksheet (continued). Table 1 Affordable Housing Credit Table. Minimum Percentage of DUs. AMI categories: Moderate (<=120% of AMI), Low (<=80% of AMI), Very Low (<=50% of AMI), Extremely Low (<=30% of AMI).

SPECIAL PROJECT NARRATIVE

SPECIAL PROJECT NARRATIVE. 9/20/2024. Project #: 824069. City of Berkeley Public Works Department. 2180 Milvia St. #3. Berkeley, CA 94704. RE: 2425 Durant Ave. Narrative Discussion of Low Impact Development Feasibility/Infeasibility.

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist (MRP 3). I. Applicability C.3 Stormwater Requirements. I.A. Enter Project Data (Data for "C.3 Regulated Projects," will be reported in the municipality's stormwater Annual Report.)

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist (MRP 3). I.B. Is the project a "C.3 Regulated Project per MRP Provision C.3.b or a Small Project per MRP Provision C.3.I (cont'd)?"

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist (MRP 3). I.C. Previous Pavement Systems. I.D. Projects not regulated by C.3. I.E. C.3.I Small Projects. I.F. C.3.b Regulated Projects. II. Applicability C.6 Stormwater Requirements.



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com
DATE 10/30/2024



SANDIS MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6-30-25

2425 Durant Ave Housing

Issues / Revisions table with columns: Description, Date. Zoning Project Application 10/30/2024, Zoning Completeness 1 03/31/2025

1
2
3

Date 06/06/2024
Project No. 24001
Drawn by SEC
Checked by NOA

Drawing Title
STORMWATER SUPPLEMENTAL FORMS

Sheet No.
C2.1

Scale N.T.S.

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

III. Implementation of C.3 Stormwater Requirements			
C.3.b Regulated Projects must complete all of Section III.			
C.3.i Small Projects must complete Sections III.A and III.B			
Projects not regulated by C.3 must complete Sections III.A and III.B if directed by the municipality.			
III.A Select Appropriate Site Design Measures			
C.3.b Regulated Projects must implement appropriate and feasible site design measures.			
C.3.i Small Projects must implement at least one of site design measures listed in items a-f. Projects not regulated by C.3 are encouraged to implement appropriate site design measures and those directed by the municipality.			
Site Design Measure			
Plan Sheet #	Yes	No	
a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Direct roof runoff onto vegetated areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
e. Construct sidewalks, walkways, and/or patios with pervious pavement systems ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious pavement systems ²	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
g. Minimize land disturbance and impervious surface (especially parking lots)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
h. Maximize permeability by clustering development and preserving open space	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
i. Use micro-detention, including distributed landscape-based detention	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
k. Self-treating area (see Chapter 5 of the C.3 Technical Guidance)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
l. Self-retaining area (see Chapter 5 of the C.3 Technical Guidance)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

III.B Select Appropriate Source Control Measures			
C.3.b Regulated Projects must select and implement appropriate source control measures.			
C.3.i Small Projects and projects not regulated by C.3 are encouraged to select and implement appropriate source control measures and those directed by the municipality.			
Features in the project?		Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?
Yes	No		Yes
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Floor Drains	Plumb interior floor drains to sanitary sewer ¹ for prohibit.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Parking garage	Plumb interior parking garage floor drains to sanitary sewer. ¹
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscaping	<ul style="list-style-type: none"> Retain existing vegetation as practicable. Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. Minimize use of pesticides and quick-release fertilizers. Use efficient irrigation system; design to minimize runoff.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Pool/Spa/Fountain	Provide connection to the sanitary sewer to facilitate draining. ¹
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	<ul style="list-style-type: none"> Provide sink or other area for equipment cleaning, which is: Connected to a grease interceptor prior to sanitary sewer discharge.¹ Large enough for the largest mat or piece of equipment to be cleaned. Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off and signed to require equipment washing in this area.

¹ Use the specifications in the C.3 Technical Guidance or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to www.sandiswater.org and click on "Resources."

² Any connection to the sanitary sewer system is subject to sanitary district approval.

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

III.C Stormwater Treatment Measures			
C.3.b Regulated Projects must select and implement stormwater treatment measures to manage the C.3.d numeric sizing criteria. Complete the applicable sections below.			
Features in the project?		Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?
Yes	No		Yes
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refuse Areas	<ul style="list-style-type: none"> Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.¹
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities ^{1*}	Perform process activities either indoors or on a roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer. ¹
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<ul style="list-style-type: none"> Cover the area of design to avoid pollutant contact with stormwater runoff. Locate area only on paved and contained areas. Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer¹, and contain by berms or similar.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Cleaning	<ul style="list-style-type: none"> Roofed, pave and berm wash area to prevent stormwater run-on and runoff; plumb to the sanitary sewer.² and sign as a designated wash area. Commercial car wash facilities shall discharge to the sanitary sewer.²
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle/Equipment Repair and Maintenance	<ul style="list-style-type: none"> Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. No floor drains unless pretreated prior to discharge to the sanitary sewer.¹ Connect containers or sinks used for parts cleaning to the sanitary sewer.¹
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<ul style="list-style-type: none"> Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<ul style="list-style-type: none"> Cover and/or grade to minimize run-on and runoff from the loading area. Position downspouts to direct stormwater away from the loading area. Drain water from loading dock areas to the sanitary sewer.¹ Install door skirts between the trailers and the building.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer. ¹
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<ul style="list-style-type: none"> Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.¹ Roof drains shall drain to unpaved area where practicable. Drain boiler drain lines, roof top equipment, all wash water to sanitary sewer.¹
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	Discharge rinse water to sanitary sewer ¹ or collect and dispose properly offsite. See Flyer Requirements for Architectural Copper.

¹ Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

III.D Stormwater Treatment Measures			
C.3.b Regulated Projects must select and implement stormwater treatment measures to manage the C.3.d numeric sizing criteria. Complete the applicable sections below.			
Features in the project?		Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?
Yes	No		Yes
<input checked="" type="checkbox"/>	<input type="checkbox"/>	III.C.1 Is the project a Special Project? (See Appendix J of the C.3 Technical Guidance for Special Project criteria.)	<ul style="list-style-type: none"> If YES, complete the Special Projects Worksheet and consult with municipal staff about the need to prepare a discussion of the feasibility and feasibility of 100% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method¹, and percentage of the amount of runoff specified in Provision C.3.d that is treated.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.2 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.3 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.4 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.5 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.6 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.7 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.8 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.9 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.10 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.11 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.12 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.13 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.14 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.15 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.16 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.17 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.18 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.19 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.20 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.21 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.22 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.23 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.24 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.25 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.26 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.27 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.28 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.29 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.30 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.31 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.32 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.33 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.34 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.35 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.36 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.37 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.38 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.39 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.40 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.41 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.42 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.43 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.44 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.45 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.46 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.47 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.48 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.49 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.50 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.51 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.52 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.53 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.54 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.55 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.56 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.57 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.58 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.59 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.60 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.61 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.62 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.63 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.64 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.65 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and use of stormwater.)	<ul style="list-style-type: none"> If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method (See Note 1.)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	III.C.66 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting ¹ and	

LANDSCAPE SITE PLAN NOTES:

PLANT TREES IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6)-2012, PLANTING AND TRANSPLANTING WHICH OUTLINES ITEMS SUCH AS PLANTING IN PLANTING PITS TWICE THE SIZE OF THE ROOT BALL, LEAVING THE TREE 1 INCH HIGHER THAN NATURAL GRADE, BACK FILLING THE HOLE WITH NATIVE SOIL.

IRRIGATION IS REQUIRED.

REMOVE THE NURSERY STAKE AND REPLACING WITH A TWO-STAKE SYSTEM THAT ENCOURAGES TREE MOVEMENT.

TREES SHOULD BE PLANTED IN THE 24-INCH BOX SIZE.

NO ROOT BARRIER, PAVERS, OR TREE GRATES SHOULD BE USED.

PLEASE USE FLEXI-PAVE IN THE TREE WELLS.

NEW LANDSCAPE PLANTING	
PERENNIAL PLANTING	29 SF
PERENNIAL PLANTING	201 SF
SHRUB PLANTING	29 SF
SHRUB PLANTING	51 SF
GRASS PLANTING	50 SF
GRASS PLANTING	50 SF
TOTAL NEW LANDSCAPE PLANTING	410 SF

WELO CALCULATIONS NOT REQUIRED FOR NEW LANDSCAPE PLANTING BELOW 500 SF



LEGEND

- PROPERTY LINE
- CAST IN PLACE CONCRETE PAVING
- PLANTING AREA
- PERVIOUS PAVING
Eco Promenade
by UniLock
3" x 12" precast concrete paver

PLANTING PALETTE

- Street Tree**
Quercus Gravesii
Grave's Oak
- deciduous
- Grass**
Carex tumulicola
Foothill Sedge
- native
- evergreen
- low water
- low maintenance
- Shrub**
Mahonia aquifolium
California Barberry
- native
- evergreen
- low water
- low maintenance
- Groundcover**
Asarum caudatum
Western Wild Ginger
- native
- evergreen
- low water
- low maintenance
- Perennial**
Heuchera maxima
Alum Root
- native
- evergreen
- low water
- low maintenance
- Vine**
Ficus pumila
Creeping Fig
- clinger to concrete columns
- low water
- low maintenance (easily trimmed)



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

N W NICOLAUS WRIGHT
L A LANDSCAPE ARCHITECT
510 CLAYTON AVE
EL CERRITO, CA 94530
510.264.1010
nicolauswright@gmail.com

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

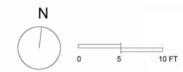
- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	NW
Checked by	NW

Drawing Title
LANDSCAPE SITE PLAN

Sheet No.
L1.0

Scale As indicated





1375 55th Street
Emeryville, California 94608
TELEPHONE: (510) 337-1001
FACSIMILE: (510) 337-1023
Jolene Kramer (jkramer@unioncounsel.net)
Andrea Matsuoka (amatsuoka@unioncounsel.net)

October 27, 2025

Via Email and Hand Delivery

Mayor Adena Ishii and City
Councilmembers Rashi Kesarwani, Terry
Taplin, Ben Bartlett, Igor Tregub, Shoshana
O’Keefe, Brent Blackaby, Cecilia
Lunaparra, and Mark Humbert
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
council@berkeleyca.gov

City Clerk Mark Numainville
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
clerk@berkeleyca.gov

Re: Appeal to City Council of 2425 Durant Avenue Use Permit #ZP2024-0162

Dear Mayor Ishii, City Councilmembers Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby,
Lunaparra, and Humbert, and City Clerk Numainville:

Our law office represents the Building and Construction Trades Council of Alameda County, AFL-CIO (“Trades Council”) and the Northern California Carpenters Regional Council (“Carpenters”). We are writing on behalf of the Trades Council and Carpenters to appeal the approval by the City of Berkeley (“City”) Zoning Adjustment Board (“ZAB”) of Use Permit #ZP2024-0162 for the 2425 Durant Avenue project (“Project”).¹ The Trades Council submitted comments to the ZAB ahead of its October 9, 2025 hearing and appeared at the hearing to oppose approval of the Use Permit as presented.²

The Project is proposed by Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 (“Applicant”). The Applicant applied for Use Permits from the City to demolish three existing residential buildings, including 19 rent-controlled dwelling units, and construct an approximately 148,940-square-foot residential building containing 169 dwelling units, including extremely low income, very low income, low income, and moderate income units on a 9750-square-foot lot.

¹ City of Berkeley Zoning Adjustments Board Notice of Decision, 2425 Durant Avenue, Date of Board Decision October 9, 2025, Date Notice Mailed October 14, 2025, Appeal Period Expiration October 28, 2025 (“Notice of Decision”).

² Letter from Trades Council to ZAB re Application for Approval of 2425 Durant Project dated October 9, 2025.

STEWART WEINBERG
DAVID A. ROSENFELD
WILLIAM A. SOKOL
LINDA BALDWIN JONES
ALAN G. CROWLEY
KRISTINA L. HILLMAN
BRUCE A. HARLAND
CAREN P. SENCER
ANNE I. YEN
MANUEL A. BOIGUS
KERIANNE R. STEELE
GARY P. PROVENCHER
EZEKIEL D. CARDER
LISL R. SOTO
JOLENE KRAMER
CAITLIN E. GRAY
TIFFANY L. GRAIN
DAVID W.M. FUJIMOTO
ANDREA C. MATSUOKA
ALEXANDER S. NAZAROV
SEAN W. McDONALD
KATHARINE R. McDONAGH
MAXIMILLIAN D. CASILLAS
WILLIAM T. HANLEY

BISMA SHAHBAZ
MICHAELA F. POSNER
ALEXANDER M. MILNE
WINNIE WIEN
NOREY L. NAVARRO
R. MAXWELL SINCLAIR
MIRANDA MAMMEN
ARDALAN “ARDY” RAGHIAN
SHANE M. REED
DOMINIQUE ARMSTRONG
MATTHEW C. FERNANDES
JONATHAN S. EZELL
MAX KOHN

OF COUNSEL

ROBERTA D. PERKINS
ROBERT E. SZYKOWNY
ANDREA K. DON
ANTONIO RUIZ
MICHAEL J. HAYES
ASHLEY K. IKEDA
JANNAH V. MANANSALA

LABOR EDUCATOR

NINA FENDEL (Retired Attorney)

Admitted in California, unless
otherwise noted
Admitted in Hawaii
Also admitted in Nevada
Also admitted in New York and
Alaska
Admitted in Nevada and
Washington
Also admitted in Idaho
Also admitted in New York
Admitted in New York

This appeal is timely filed within fourteen (14) days of the City's October 14, 2025 mailing of the Notice of Decision, pursuant to Berkeley Municipal Code ("BMC") section 23.410.020. This appeal is accompanied by payment of the requisite fee of \$3000.³

In particular, this appeal pertains to the Applicant's requested "Concessions" under the California State Density Bonus Law, Cal. Gov. Code § 65915 *et. seq.* ("SDBL"), which are as follows:

1. Concession from the "**Apprenticeship Requirements**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040.
2. Concession from the "**Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050.
3. Concession from the "**Prevailing Wage Requirements**" in the Southside Plan as required by BMC Section 13.108(A).

Items 1 and 2 above are part of the City's HARD HATS Ordinance, which was adopted on May 2, 2023 and became effective on January 1, 2024. Item 3 above is part of the City's Southside Plan, as amended and adopted in November of 2023. For the reasons that follow, the concessions requested by the Applicant are improper under the SDBL and City policy and should be denied.

I. The City Should Not Grant Concessions that Waive Local Labor Standards

The City should not grant concessions under the SDBL that waive local labor standards. The Applicant is pursuing a novel and unorthodox strategy of using SDBL concessions to avoid three construction labor standards, namely, the requirement to participate in an apprentice training program, the requirement to provide health care, and the requirement to pay a living wage. The Trades Council and Carpenters have never encountered such concession requests before and are not aware of any project that has received similar concessions from the City (or any city). The requested concessions are an attempted misuse of the SDBL to avoid important labor standards that the City enacted to protect public health and safety.

During the October 9, 2025 ZAB meeting, a Commissioner stated that another project – or perhaps multiple projects – received concessions as to the HARD HATS Ordinance. After the meeting, we attempted to verify this with City staff and were told that was not the case (note that the projects referenced during the meeting predated the HARD HATS Ordinance).⁴

Subsection 65915(d)(1) of the SDBL provides:

(d)(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and

³ Notice of Decision, page 3; BMC section 23.410.030.

⁴ On October 21, 2024, our office made California Public Records Act request to the City seeking all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the City's HARD HATS Ordinance. We will supplement this letter in the event a response is received.

county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.⁵

Subsection 65915(k) of the SDBL defines a “concession or incentive” as either (1) a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards commission, for example, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces; (2) approval of mixed-use zoning; or (3) other regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs or for rents to be set at the statutory rate.⁶

By providing these examples, the Legislature clearly contemplated that concessions under the SDBL should relate to the physical characteristics of the development such as the location, number of units, design, or site improvements, or other aspects of the development that would “result in identifiable and actual cost reductions.”

This is supported by the legislative intent of the SDBL, which is focused on allowing developers to include more total units in affordable housing projects than would otherwise be allowed by local zoning ordinances, and to cover some of the financing gap in affordable housing.⁷ Notably, the Legislature also intended to “ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing.”⁸ In other words, the Legislature was mindful of the need to balance housing density with social benefits.

The requested prevailing wage concession is doubly in conflict with the intent of the SDBL because, in addition to threatening the health and safety of construction workers, the concession would reduce their wages and make the very housing they are building less affordable to them. This outcome would be antithetical to the intent and policy of the SDBL, which is ultimately to make housing more affordable.

⁵ Cal. Gov. Code § 65915(d)(1).

⁶ Cal. Gov. Code § 65915(k).

⁷ Cal. Gov. Code § 65915(u)(1)

⁸ Cal. Gov. Code § 65915(u)(2).

Historically speaking, the SDBL waivers and concessions that have been granted by the City over the years have not posed this problem.

The SDBL should not be misused to allow developers to avoid minimum labor standards or other social benefits, especially where there has been no demonstration of an actual financial benefit that would result in more affordable housing.

II. The City Should Request Reasonable Documentation to Support the Concessions

The SDBL “does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus.”⁹ This includes incentives or concessions.¹⁰ Moreover, the local government is also tasked with “provid[ing] the applicant with a determination as to the following matters:

- (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.
- (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.
- (III) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

In the case of *Schreiber v. City of Los Angeles (Schreiber)*, the Court of Appeal recognized that “[a] city or county is not prohibited from requesting or considering information relevant to cost reductions.”¹¹ This is the case even though the statute places the ultimate burden of proof on the local government.¹² Accordingly, the City can and should take the position that the Applicant has not yet provided adequate information for the City to make a determination as to its requested concessions, and require the Applicant to provide reasonable documentation in support of same.

Here, the Applicant has not provided any evidence or information whatsoever to substantiate its requested concessions. The section of the application relating to the concessions reads as follows, in its entirety:

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law.

⁹ Cal. Gov. Code § 65915(a)(2).

¹⁰ Cal. Gov. Code § 65915(b)(1).

¹¹ *Schreiber*, 69 Cal.App.5th at 557.

¹² Cal. Gov. Code § 65915(d)(4); *Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 556-557 (“This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), or waivers or reductions of development standards, as described in subdivision (e).”)

The project is entitled to 3 concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

1. **Concession.** Exemption from the “Apprenticeship Requirements” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2.
2. **Concession.** Exemption from the “Health Care Expenditures” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3.
3. **Concession.** Exemption from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108(A)

The ZAB findings similarly do not provide any rationale whatsoever that would link the requested concessions to cost savings. Instead, the ZAB makes summary conclusions by referencing back to the law without any analysis or explanation.¹³ Therefore, the Trades Council and Carpenters respectfully request that the City remand this matter to the ZAB to request reasonable documentation from the Applicant in support of the requested concessions, so the City can determine whether they should be granted.

III. The Requested Concessions Would Not Result In Identifiable and Actual Cost Reductions

The SDBL provides that when an applicant for a density bonus submits a proposal for specific incentives or concessions, the local government shall grant such incentives or concessions unless the local government makes a written finding based on substantial evidence that “the concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs...”¹⁴

As explained above, the Applicant has not provided any information at all regarding how the requested concessions would result in identifiable and actual cost reductions. Even though the law places the ultimate burden of proof on the City, the City may request information from the Applicant to make an initial *prima facie* showing of how the concessions would, in some way, actually save development costs. Here, given the importance of the labor standards in the HARD HATS Ordinance and the Southside Plan, the City should exercise this option.

IV. The Requested Concessions Would Have a Specific, Adverse Impact Upon Public Health and Safety

The SDBL also provides that when an applicant for a density bonus submits a proposal for specific incentives or concessions, the local government shall grant such incentives or concessions unless the local government makes a written finding based on substantial evidence that “the concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety... and for which there is no feasible method to satisfactorily mitigate or avoid the

¹³ ZAB 2025-10-09 Findings, Page 6 of 11.

¹⁴ Cal. Gov. Code § 65915(d)(1)(A).

specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households...”¹⁵

Working in construction is a particularly dangerous occupation. The construction industry is responsible for roughly 20% of all workplace fatalities in the U.S. despite employing only 10% of the U.S. workforce. Unfortunately, in recent years, there has been a disproportionately high number of construction worker fatalities in Berkeley specifically.¹⁶

This is, in large part, why the City of Berkeley adopted the HARD HATS ordinance requiring health care expenditures and apprenticeship participation. Section 13.107.020 of the ordinance states that it was adopted to ensure apprentices are competently trained, to enhance the good health of construction workers working in the City, and to promote retention and growth of a skilled labor pool in the City. The staff report recommending adoption of the ordinance echoed these concerns.

Waiving the requirement to participate in an apprentice training program, the requirement to provide health care, and the requirement to pay a living wage would therefore have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety.

(a) Health Care:

The construction industry has one of the highest injury rates among all occupations due to the nature of the work, which involves manual labor, working at heights, and exposure to hazardous materials. According to the Bureau of Labor Statistics, the construction industry accounted for 1,008 fatal work injuries in 2020, the highest of any industry sector.¹⁷

Research underscores the additional dangers faced by workers without health coverage. A recent publication from the UC Berkeley Labor Center found that California construction workers were 2.6 times more likely than other California workers to be uninsured, and that California construction workers and/or their dependents account for a disproportionately high percentage of spending on Medicaid/CHIP.¹⁸ In addition, the Center for Construction Research & Training’s analysis of nationwide data found that the high uninsured construction worker rate is driven by non-union-signatory employers.¹⁹ Finally, a 2009 study conducted by Harvard Medical School and Cambridge Health Alliance found that uninsured, working-age Americans have a 40% higher risk of death compared to those with insurance.²⁰ For construction workers, whose jobs already involve elevated hazards, the absence of health coverage magnifies these risks.

¹⁵ Cal. Gov. Code § 65915(d)(1)(B); see also, Cal. Gov. Code § 65915(d)(3) (“This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”)

¹⁶ See, <https://www.berkeleyside.org/2019/06/17/family-files-wrongful-death-lawsuit-after-construction-worker-fatality-in-berkeley>.

¹⁷ See, <https://www.bls.gov/opub/ted/2022/a-look-at-workplace-deaths-injuries-and-illnesses-on-workers-memorial-day.htm>.

¹⁸ See, <https://laborcenter.berkeley.edu/the-public-cost-of-low-wage-jobs-in-californias-construction-industry/>.

¹⁹ See, https://public.tableau.com/shared/KXZ6KK49F?:display_count=n&origin=viz_share_link.

²⁰ See, <https://news.harvard.edu/gazette/story/2009/09/new-study-finds-45000-deaths-annually-linked-to-lack-of-health-coverage/>.

This is precisely why the City of Berkeley adopted health care expenditure requirements in the HARD HATS Ordinance, to ensure that contractors in the City are not shirking their responsibility to address the health care needs of workers and their families. Allowing the Applicant to avoid this requirement would undermine the City's protective framework and place workers' health at greater risk.

(b) Apprenticeship:

State and federal oversight of apprenticeship programs extends back more than 80 years. In California, construction apprenticeship program standards require several years of on-the-job training for specific work processes, a ratio of apprentices to journey-level employees, hours of classroom training, including health and safety training, and a living wage. Notably, construction employers are less likely in the absence of a collective bargaining agreement to invest in employee training than is the case in other industries.²¹

The HARD HATS Ordinance attempts to level this playing field by requiring all contractors working on the Project to participate in either a joint labor-management apprenticeship program or a program that meets minimum graduation standards. By doing so, the City is ensuring that all apprentices on large development projects in the City are well trained and competently supervised, which is of utmost importance to public health and safety.

(c) Prevailing Wages

There is a robust statistical connection between wage rates – including living wage and prevailing wage rates – and job safety. In California, this is reflected in our “dual wage” workers compensation system, where higher-paid employees have a lower workers' compensation insurance rate than lower-paid employees. This is because higher-paid employees are less likely to produce adverse workers' compensation losses, because their superior training and experience results in safer job sites.

A 2019 study in the publication *Public Works Management & Policy* found that repealing state prevailing wage laws actually contributed to workplace hazards.²² Doing so increased construction injury rates across various types of injuries, from 11.6% to 13.1% as the seriousness of injuries increased. Disabilities also increased by 7.5% to 8.2%.

By requiring prevailing wages to be paid in the Southside Plan, the City is promoting the use of a skilled, stable workforce – one less prone to accidents and workers' compensation claims. This not only protects workers but incentivizes responsible contractors who maintain high safety standards. Exempting the Project from the Southside Plan's prevailing wage requirement would directly undermine these protections.

For the reasons set forth in sections (a), (b), and (c) above, allowing contractors working on the Project to avoid the City's health care expenditure, apprenticeship participation, and prevailing wage requirements would have a specific, adverse impact upon public health and safety, and the Applicant's request for these concessions should be denied.

²¹ Waddoups, C. Jeffrey. 2014. “Union Coverage and Work-Related Training in the Construction Industry.” *Industrial & Labor Relations Review*. 67:2 (532-555).

²² Li, Z., Zorigtbaatar, C., Pleités, G., Fenn, A., & Philips, P. (2019). The Effect of Prevailing Wage Law Repeals and Enactments on Injuries and Disabilities in the Construction Industry. *Public Works Management & Policy*, 24(4), 368-384. <https://doi.org/10.1177/1087724X18822600> (Original work published 2019).

V. Conclusion

The Trades Council and Carpenters respectfully request that City Council either reverse the ZAB decision approving the Use Permit with the proposed concessions, reverse the ZAB decision with respect to the proposed concessions but approve the remainder of the Use Permit, or remand the matter to the ZAB to reconsider the application in light of the foregoing.²³ Additionally, the Trades Council and Carpenters request that City Council direct staff to request supporting documentation from the Applicant and confer with the Applicant regarding the grounds for its requested concessions, and, if appropriate, request that the Applicant voluntarily agree to rescind its request in order to promote health and safety and the public benefits that would otherwise derive from the Project.

The Trades Council and Carpenters request that the City schedule a hearing on this appeal before the City Council at the earliest feasible date.²⁴ The Trades Council and Carpenters reserve the right to submit additional correspondence and evidence concerning this appeal prior to the hearing date.²⁵

Thank you for your consideration of this appeal. Feel free to contact the undersigned with any questions or concerns.

Sincerely,



Jolene Kramer



Andrea Matsuoka

cc. City of Berkeley Planning Department, via e-mail only (planning@berkeleyca.gov)

²³ BMC section 23.410.040(G).

²⁴ BMC section 23.410.040(A).

²⁵ BMC section 23.410.040(F).



Zoning Adjustments Board Staff Report

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue



Project Facts	Project Description:
<p>Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702</p> <p>Property Owner: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563</p> <p>Project Address: 2425 Durant Avenue</p> <p>General Plan: RMU (Residential Mixed-Use)</p> <p>Area Plan: Southside Area Plan</p> <p>Zoning: R-SMU (Residential Southside Mixed Use District)</p> <p>Site Size: 9,750 square feet (0.22 acre)</p> <p>CEQA: Section 15332 (“In-Fill Development Projects”)</p> <p>Date Submitted: November 15, 2024</p> <p>Vesting Date: November 21, 2024</p>	<p>Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.</p> <p style="text-align: center;">Zoning Permits Requested:</p> <ol style="list-style-type: none"> 1. Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) 2. New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new Multi-Family building (UPPH). 3. New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). 4. Projections Above Height Limits. BMC Section 23. 304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)
	<p>Density Bonus</p>



Zoning Adjustments Board Staff Report

Date Deemed Complete: March 13, 2025

Project Planner: Nilu Karimzadegan

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height)
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required

Concessions:

1. Concession from the **“Apprenticeship Requirements”** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **“Health Care Expenditures”** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **“Prevailing Wage requirements”** in the Southside Plan as required by BMC Section 13.108(A)

Staff Recommendation:

Staff recommends that the Zoning Adjustments Board (ZAB) determine that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to CEQA Guidelines Section 15332 (“In-Fill Development Projects”) and approve ZP2024-0162 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.

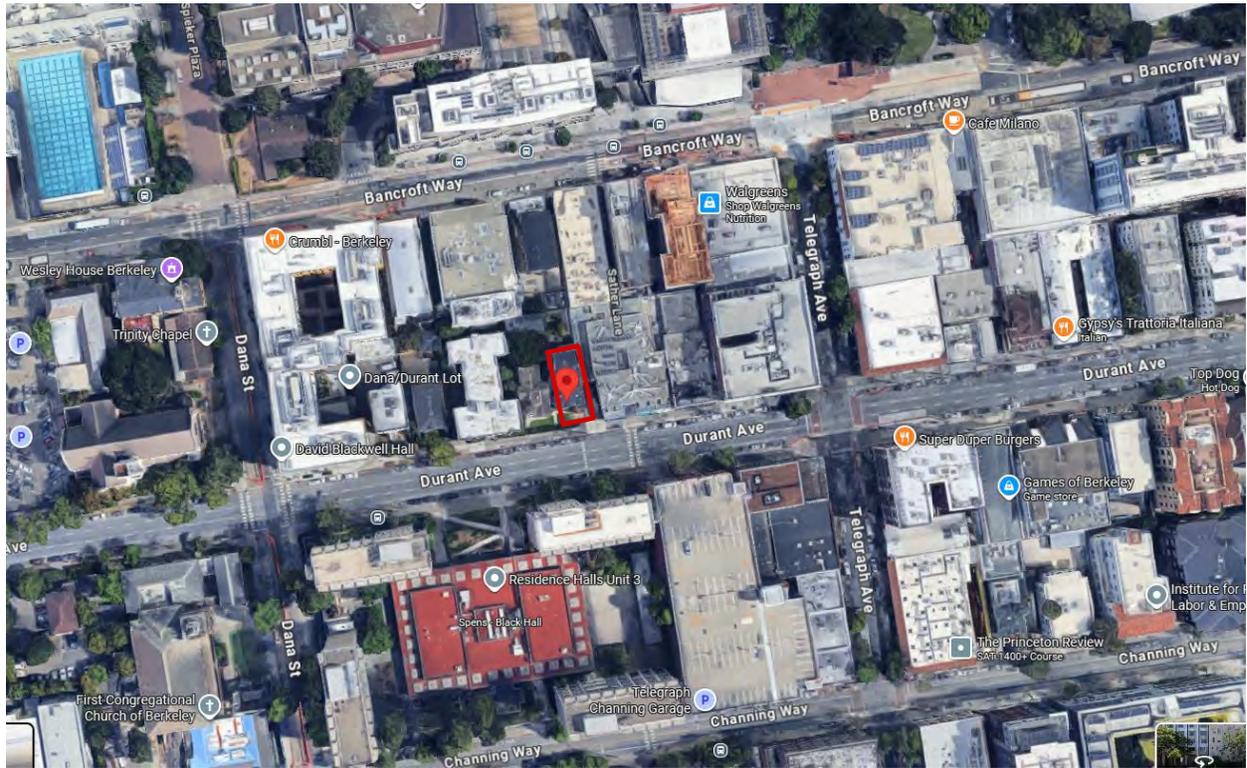
ZONING MAP

Figure 1: Vicinity and Zoning Districts Map



Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
Subject Property	Residential Mixed-Use (RMU)	Residential Southside Mixed Use District (R-SMU)	Multi-family Residential
North	Avenue Commercial (AC)	Telegraph Avenue Commercial District (C-T)	Food Service, Personal Service & Office
South	Residential Mixed-Use (RMU)	Residential Southside Mixed Use District (R-SMU)	Student Housing
East	Avenue Commercial (AC)	Telegraph Avenue Commercial District (C-T)	Shops and restaurants
West	Residential Mixed-Use (RMU)	Residential Southside Mixed Use District (R-SMU)	Multi-family Residential

AERIAL VIEW



Existing Site Plan



EXISTING STREET VIEW (DURANT AVENUE)



PROPOSED STREET VIEW (DURANT AVENUE)



BACKGROUND

Subject Site

The subject property is approximately 9,750-square. foot, interior lot on the north side of the 2400-block of Durant Avenue, between Telegraph Avenue and Dana Streets. It is a flat rectangular parcel, 130 feet deep and 75 feet wide that is oriented north-to-south with street frontage facing Durant Avenue to the south. It includes three, two-story residential buildings containing 19 existing (rent-controlled) dwelling units and a shed building, all proposed to be demolished. In the rear, at the northwest corner of the lot, there is a two-story simple Craftsman style cottage (2423 Durant Avenue) constructed in 1906 that includes two units. The shed is located in the rear, at the northeast corner of the lot. In the front, at the south-east part of the lot, the building at 2421 Durant Avenue includes six units. It is a two-story, over basement Victorian constructed in 1886, with a tower roof, rectangular footprint and wood siding and shingle exterior. At the southwest corner of the lot, the building at 2425-2427 Durant Avenue includes 11 units. It is a two-story plus attic Revival style building constructed in 1905 with a rectangular footprint, hipped roof, and wood shingle exterior.

The subject property, 2421 Durant Avenue, is located within Berkeley's first subdivision, to generate funds for the construction of the University of California campus. In 1886, the area was further subdivided into Beaver Tract with 2421 Durant Avenue being the third home constructed within this tract. In 1906, architect William Wharff, designed a set of flats at 2425 Durant Avenue. A two-story cottage (2432 Durant Avenue) was also constructed on the property that same year and was later converted into a duplex in 1925.

Neighborhood/Area Description:

The neighborhood is primarily university-oriented, featuring a diverse mix of commercial establishments along Telegraph Avenue, Durant Avenue, and Bancroft Way. These commercial uses are predominantly housed in one- to two-story buildings. Additionally, the neighborhood includes four- to six-story multi-unit apartment buildings, dormitories (GLAs), and various institutional buildings. On-street parking is limited, and pedestrian traffic is notably heavy, particularly when classes are in session.

Community Meeting

Prior to submitting this application, the applicant installed a pre-application poster on site in November 2024 and invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting on September 23, 2024, and attended by two individuals. The attendees had questions regarding construction timeline, tenants' accommodations and relocations.

On September 25, 2025, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices within the neighborhood at nearby three locations.

No additional comments have been received in response to the public hearing notice at this time.

ANALYSIS

Project Scope

The proposed project would demolish the existing residential buildings containing 19 dwellings, to construct a 20-story, 208 feet, 148,940-square-foot residential building with 169 units. The major components of this multifamily building are as follows:

- 169 dwellings (105 Studios, 1 one-bedroom, 46 two-bedroom, 17 three-bedroom)
- 1,012 square feet of useable open space as roof deck connected to covered outdoor and indoor lounge provided on Level 20.
- 249 Bedrooms (a net increase of 150 units and 227 bedrooms)
- Ground floor residential amenities including the lobby, mail corral/package room, and secure bicycle parking, as well as back-of-house residential support spaces Indoor lounge space with associated resident amenities on Level 8
- Community spaces including private study areas and social zones on Level 13
- Additional resident lounge and gathering spaces on Level 17

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Base Project and Density Bonus

The applicant has requested a Density Bonus under the State Density Bonus Law (Govt. Code Section [65915](#)). Under the City's Density Bonus procedures, the "base project"¹ is 85 units, as the maximum allowable density for the site. The base project and the resulting 20-story proposed project both have an average unit size of 775 square feet. By providing 13 Very Low Income and 13 Moderate Income units on site (30% percent of the 85-unit base density), the project is eligible for a 100 percent density bonus, or 86 additional units for a total of 171 units. However, the applicant proposes 84 additional units above the base density for a total of 169 dwelling units.

¹ Per the [City's Density Bonus Procedures \(DBP\)](#), the base project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the proposed project, which is the number of base project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, Section 65915(f).

Base Project Units ^a	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ^a	Proposed Project Units ^a
85	26 [13 VLI (15% of Base) + 13 MI (15% of Base)]	100	84 (86 possible)	169 (171 possible)
Notes: ^a Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number. Abbreviations: % = percent				

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law.

The project is entitled to 3 concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

- 1. Concession.** Exemption from the “Apprenticeship Requirements” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- 2. Concession.** Exemption from the “Health Care Expenditures” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- 3. Concession.** Exemption from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108(A)

A **waiver** is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law.

The applicant is requesting six waivers from the following development standards:

- 1.** Waiver of BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
- 2.** Waiver of BMC Section 23.202.140(E)(1)(a) for providing 1,012 square-feet of Usable Open Space, where 5,239 square feet. is required.
- 3.** Waiver of BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.

4. Waiver of BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. Waiver of BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. Waiver of BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. Waiver of BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Environmental Review

It is staff's recommendation to the Zoning Adjustments Board (ZAB) that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. The determination is made by ZAB. Specifically:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time would not be significant; there are no "unusual circumstances" at the project site that would result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and the project site is not in view of a state scenic highway; the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code; and the project would not result in a substantial adverse change in the significance of a historical resource.

ADVISORY BODY REVIEW

Design Review Committee (DRC) Review: Preliminary Design Review

This project is not subject to review by the Design Review Committee because it is an all-residential project in a residential/mixed-use district (R-SMU). There is no commercial or mixed-use component to the project. Therefore, the project does not fall within any of the categories requiring design review as described in BMC 23.406.070(B)(1) Design Review, When Required.

Landmarks Preservation Commission Review: Demolition Referral

The subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). However, Several City Landmarks and Structures of Merit are located nearby, including the Cambridge Apartments (1914) at 2500 Durant Avenue, the Fred Turner Building (1940) at 2546

Bancroft Way, the Brasfield (1911) at 2520 Durant Avenue, and the Albra (1921) at 2530 Durant Avenue. Additionally, the subject property is located in Berkeley's first subdivision, College Homestead Tract, established in 1866 by the trustees of the College of California. Created to raise funds for the construction of the University campus, it was further subdivided in 1886. The new subdivision, the Beaver Tract, included houses built by the Berkeley Improvement Association. 2421 Durant Avenue was the third home built in the Beaver Tract by the Berkeley Improvement Association, led by prominent Berkeley citizen James L. Barker. Barker was instrumental in the development of Berkeley, having introduced the Central Pacific Railway to Berkeley in 1876. In 1906, the property owner commissioned prominent architect William Wharff to design the flats at 2425 Durant Avenue. That same year, a two-story cottage was also constructed on the property at 2432 Durant Avenue. The cottage was later converted to a duplex in 1925.

The residential buildings proposed for demolition are over 40 years in age, but because they are not commercial buildings, they do not fall under Landmarks Preservation Commission (LPC) review pursuant to BMC Section 23.326.070(C)(1).

On December 31, 2024, Berkeley Architectural Heritage Association (BAHA) submitted a Landmark or Structure of Merit application petition for 2425 Durant Avenue (2421-2427 Durant Avenue) also known as Laura Tull Property to initiate consideration of the property for designation status. On March 6, 2025, LPC voted to designate the subject property as a City Landmark. The designation was later reversed by the City Council on July 23, 2025.

City Council Review:

On April 15, 2025, Qian Wang LLC, the applicant for Use Permit #ZP2024-0162, filed an appeal of the LPC's decision. The appellant (Qian Wang LLC) contended that landmark designation of the subject property would conflict with the provisions of SB 330 and the Housing Accountability Act (HAA) and adversely impact the proposed housing development project, which vested (non) historic resource status with an SB 330 Preliminary Application on November 21, 2024. On July 23, 2025, City Council adopted Resolution NO. 71,904-N.S. to reverse the LPC decision to designate the subject property at 2421 Durant Avenue as a City Landmark.

POLICY CONSISTENCY

Demolition of Residential Units

BMC Section 23.326.030(B) allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City.

The project would replace 19 protected units with 169 new units, including a mix of affordable housing for extremely low-, very low-, low-, and moderate-income households. This substantial increase in housing supports the City's goals to address its housing shortage and meet Regional Housing Needs Assessment (RHNA) targets. Additionally, the project's location near transit, bike infrastructure, retail, and services promotes sustainable transportation, helping to reduce vehicle miles traveled, air pollution, and greenhouse gas emissions. The project is not expected to negatively impact the housing needs or public interest of the neighborhood or the broader city.

Replacement of Demolished Unit

Per Berkeley Municipal Code Section 23.326.030(D), any demolished Protected Units must be replaced with Comparable Units subject to specific Conditions of approval ensuring that the replacement housing maintains affordability and tenant protection. Per these conditions:

- The 19 Protected Units proposed for demolition would be replaced in the project with units that comply with the maximum allowable rent requirements outlined in Chapters 23.328 (Affordable Housing Requirements) and 23.330 (Density Bonus).
- Since all 19 units are currently subject to rent or price controls under BMC Chapter 13.76, and the income levels of the displaced households are unknown, the replacement units in the project would be designated as Affordable Units as defined in Chapter 23.328.

Requirements for Occupied Units

Tenant protections shall be provided pursuant to BMC Section 23.326.030(E) “Requirements for Occupied Units” As a Condition of Approval for this permit, the applicant would provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date a demolition application is submitted to the City. Additionally, conditions of approval related to moving and relocation assistance and Sitting Tenants Rights would be required per BMC Section 23.326.030(E).

The Housing Crisis Act of 2019 and Demolition of Units

The Housing Crisis Act of 2019 (Government Code Sections 66300-66301) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years; prohibits the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units), unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes replacing 19 demolished dwelling units with 169 new dwelling units. The existing unit(s) are considered “protected” units as defined in Section 66300(d) because they were rent-controlled within the last five years.

Further, if the income levels of the existing tenants or tenants within the last five years are unknown, the units are presumed to be occupied according to the income distribution data for City of Berkeley in the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) database. The units presumed to be occupied by lower income households must be replaced with “equivalent” units in the same or greater proportion of lower income renter households to all renter households in the City. The project proposes replacement units according to the following distribution: 6 Extremely Low Income (ELI), 7 Very Low Income (VLI), and 6 Low Income (LI).

Pursuant to the Housing Crisis Act of 2019, lower income occupants of protected units that are proposed to be demolished are subject to local tenant relocation provisions in BMC Chapter 23.326.

Housing Accountability Act

Pursuant to the Housing Accountability Act (HAA), California Government Code Section 65589.5(j), when a proposed housing development complies with the applicable, objective general plan and zoning standards, but a local agency proposes to deny the project or approve it only if the density is reduced, the agency must base its decision on written findings supported by substantial evidence that:

1. The development would have a specific adverse impact on public health or safety² unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than disapproval, or approval at a lower density.

The project is a “housing development project” consisting of a residential building. The Base Project includes Use Permits and/or Administrative Use Permits to modify height, setbacks and rooftop equipment allowances, etc., and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings therefore the project still complies with the HAA. The ZAB has the discretion to approve, deny, or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

Staff is not aware of specific adverse impacts that could occur with the construction of the project.

Housing Crisis Act of 2019 – Senate Bill (SB) 330

The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. **Government Code Section 65905.5(a)** states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

² A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.”

The October 9, 2025 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold four additional public hearings on this project, if needed including any possible appeal to the City Council.

2. **Government Code Section 65913.10(a)** requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

On November 21, 2024, the City received SB 330 Preliminary Application #PLN2024-0064 to vest local ordinances, policies, and standards, as well as the historic resource status of the site. The Use Permit Application was deemed complete on March 13, 2025, therefore eligible for streamlined review per SB 330. The housing development was vested under the provisions of SB 330 with no historical designation status under the local register and therefore, the City will be precluded from imposing preservation-related conditions on the housing development project if it is approved.

3. **Government Code Section 65950(a)(5)** requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA. The application presented at the October 9, 2025 public hearing must receive a final decision—approval or denial—by December 8, 2025.

The project is scheduled for review by the Zoning Adjustments Board (ZAB) on October 9, 2025, at which time the Board may take action to approve, deny, or continue the application. If the Board votes to approve or deny the project, that decision will become final at the end of the 14-day appeal period, which begins once the ZAB Notice of Decision is issued—typically within one week of the hearing. If no appeal is filed during that period, the decision becomes effective and final. This timeline ensures that a final determination is made prior to the 60-day deadline, by December 8, 2025 deadline.

General Plan Consistency

The 2002 General Plan contains several policies applicable to the project, including the following:

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

Evidence: The project would be compliant with the General Plan’s Infill Development policy because it would repurpose an underutilized Site, with a residential project in a neighborhood that consists of both residential and commercial uses and designed to not conflict with the existing architectural character.

2. **Policy LU-7 Neighborhood Commercial Areas:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

Evidence: The project would be compatible with the General Plan’s Neighborhood Commercial Area policy because the proposed residential use is compatible with the existing uses in the neighborhood, and a building design that does not conflict with scale or the historic character of the neighborhood.

3. **Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Evidence: The project would be compatible with surrounding land uses, which consists primarily of campus-oriented, featuring a diverse mix of commercial buildings containing various retail and dining establishments. The surrounding neighborhoods consist of a mix of single and multi-family residences and commercial establishments. The project would reinforce the City's effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing. The project would further improve the neighborhood character and quality of life by bringing in new residents and new business patrons along Durant Avenue in an area served by transit.

4. **Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as the Elmwood District.

Evidence: The project would help to encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, jobs, and basic goods and services without providing vehicle parking.

5. **Policy LU-26 Neighborhood Quality of Life:** Maintain and improve High Density Residential and Avenue Commercial areas, such as Telegraph and Durant Avenues as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

Evidence: The construction of new high-density residential buildings in these areas provide much-needed housing while maintaining the character and vibrancy of the neighborhood.

6. **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Evidence: The Housing Element identified the project site as a location where additional housing should be supported, although the project is not identified as a Regional Housing Needs Assessment (RHNA) site. The project would provide 169 dwelling units, increasing the City's housing supply by adding new dwelling units in close proximity to goods, services and transit.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans dated April 11, 2025
5. Rent Stabilization Memo, dated September 9, 2025
6. Southside Area Plan MMRP
7. Notice of Public Hearing
8. Notice of Community outreach on September 12, 2024

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
November 15, 2024	Use Permit Application submitted
November 21 2024	SB 330 Preliminary Application deemed Complete
December 13,2024	Use Permit Application deemed Incomplete
December 31, 2024	Landmark Initiation Application submitted
February 13, 2025	Use Permit Application resubmitted
March 6, 2025	LPC hearing/LPC voted to designate 2425 Durant Avenue as a City Landmark or Structure of Merit
March 13, 2025	Use Permit Application deemed Complete
April 11, 2025	Use Permit Application resubmitted
April 14, 2025	City Council Appeal Application to reverse LPC's decision to designate the property as Landmark or Structure of Merit submitted
July 17, 2025	Use Permit Application resubmitted
July 23, 2025	City Council Appeal Hearing/LPC decisions to designate the Property as Landmark or Structure of Merit was reversed
September 26, 2025	Public hearing notices for ZAB Hearing on October 09, 2025 mailed/posted
October 9, 2025	ZAB Hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project does not include nonresidential gross floor area therefore, this fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The project would provide more than 5,000 square feet of residential unit floor area and is part of a larger housing development project, therefore inclusionary housing provisions would apply. The project is a housing development project ^a , as defined in BMC 23.328.020a, and would provide at least 20 percent Below Market Rate (BMR) residential units. The project as a whole would provide 32 Below Market Rate (BMR) units including 6 Extremely-low Income, 7 Very Low-Income (VLI), 6 Low-Income (LI) and 13 Moderate-Income (MI) units.
Alcohol Sales/Service	No	The project is residential only and does not proposing Alcoholic Beverage Service of distilled spirits, beer and wine.
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these provisions because the proposed building meet the building size (10,000 square feet or greater) or height requirements (average of 35) which would trigger these requirements. A condition of approval to demonstrate compliance at building permit is included.
Coast Live Oak Trees (BMC Chapter 6.52)	Yes	There is a Coast Live Oak (<i>Quercus agrifolia</i>) tree on the project site that will be removed as one of the waivers allowed per the State Density Bonus.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	Yes	The project would provide 7 Very Low-Income units, 6 Extremely Low-Income units, and 13 Moderate Income units or 30 percent of the Base Project units, and qualifies for a 100 percent density bonus, or 86 bonus units (84 taken). See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	Yes	These provisions apply to this project because the project proposes less than 50,000 square feet and the project is located within the Southside Area

Characteristic	Applicability	Explanation
		Plan. However, the application utilizes two of the three concessions that the project is entitled to, to be exempt from the two provisions of this requirement.
Historic Resources	No	The existing building is more than 40 years old. A demolition referral is not required because the existing buildings on the site are residential only. On March 6, 2025, the LPC voted to designate the property as a City Landmark or Structure of Merit. The City Council reversed this designation on July 23, 2025.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ^b . The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act does apply, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section V.D of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ^b See Section V.C of this report for additional discussion on the sections of SB 330 that apply to the project.
Public Art	Yes	Per BMC Chapter 23.316.020(B)(1), Percentage For Public Art On Private Projects applies to new multifamily residential projects of five or more dwelling units.
Rent Controlled Units	Yes	The project would involve demolition of 19 rent controlled dwelling units. These demolished units are being replaced with 6 ELI, 7 VLI units, 6 LI and 13 MI units. See project findings in Attachment 2.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "I". The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map ^c .
Soil/Groundwater Contamination	No	The project site is not on the Cortese List ^d , and Phase I report was prepared. standard Conditions of Approval related to hazardous materials would apply.

Characteristic	Applicability	Explanation
Transit	Yes	The project site is located less than 100 feet to bus stops with service to several intersecting major bus routes, including AC Transit Lines 22, 27, 36, 51B, 604
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/</p> <p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

Table 3: R-SMU (Residential Mixed-Use) Development Standards BMC Sections 23.202.140(E) and 23.322.090(A)(2) Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		9,750	Same	N/A
Gross Floor Area (sq. ft.)		9,782	148,940	N/A
Commercial Floor Area		0	0	N/A
Residential Floor Area		9,782	130,972	N/A
Floor Area Ratio		1	14.9	7
Dwelling Units	Total	19	169	150 (du/acre) min. No max.
Building Height (ft. - in.)	Maximum	30'	208'	85 ft. max. + 5 ft. by-right for parapet in R-SMU
Building Setbacks (ft. - in.)	Front (south) Durant Avenue	14'-10"	4'-8"	0 min
	Interior Side (west)	2'-10"	7' -6"	0 min

Standard		Existing	Proposed Total	Permitted/ Required
	Interior Side (east)	2'-1"	5' -4"	0 min
	Rear (north)	0	0 to 5	4' min
Usable Open Space (sq. ft.)		4,937	1,012	40 sq. ft. per 1,000 sq. ft. of gross residential floor area
Lot Coverage (%)		46	85	100 max
Automobile Parking				
Parking	Residential Automobile	0	0	0 min
	Residential Bike Short Term	0	8	7 (1 space/40 bedrooms)
	Residential Bike Long Term	0	72	83 (1 space per 3 bedrooms)
[Grey Box] = Concession or Waiver requested to modify the district standard Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")				



Zoning Adjustments Board Findings

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:				
<p>Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702</p> <p>Property Owner: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563</p> <p>Project Address: 2425 Durant Avenue</p> <p>General Plan: RMU (Residential Mixed-Use)</p> <p>Area Plan: Southside Area Plan</p> <p>Zoning: R-SMU (Residential Southside Mixed Use District)</p> <p>Site Size: 9,750 square feet (0.22 acre)</p> <p>CEQA: Section 15332 (“In-Fill Development Projects”)</p> <p>Application Submitted: November 15, 2024</p> <p>Vesting Date: November 21, 2024</p> <p>Date Deemed Complete: March 13, 2025</p> <p>Project Planner: Nilu Karimzadegan</p>	<p>Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate-Income (MI) units, on a 9,750 square-foot lot.</p> <tr> <td colspan="2" data-bbox="639 1045 1424 1087" style="text-align: center;">Zoning Permits Requested:</td> </tr> <tr> <td colspan="2" data-bbox="639 1087 1424 1856"> <ol style="list-style-type: none"> Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new multi-family building (UPPH). New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). Projections Above Height Limits. BMC Section 23. 304.050 “Allowed Projections Above Height Limit” to allow for Projections Above Height Limit (AUP) </td> </tr>	Zoning Permits Requested:		<ol style="list-style-type: none"> Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new multi-family building (UPPH). New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). Projections Above Height Limits. BMC Section 23. 304.050 “Allowed Projections Above Height Limit” to allow for Projections Above Height Limit (AUP) 	
Zoning Permits Requested:					
<ol style="list-style-type: none"> Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new multi-family building (UPPH). New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). Projections Above Height Limits. BMC Section 23. 304.050 “Allowed Projections Above Height Limit” to allow for Projections Above Height Limit (AUP) 					

Density Bonus

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Concessions:

1. Concession from the **“Apprenticeship Requirements”** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **“Health Care Expenditures”** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **“Prevailing Wage requirements”** in the Southside Plan as required by BMC Section 13.108(A)

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 3 of 11

I. CEQA FINDINGS

As required by **CEQA Section 15332 (“Infill Development Project”)** of the CEQA Guidelines, the ZAB finds that this project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) because:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project.

Evidence: The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time will not be significant; there are no “unusual circumstances” at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and the project site is not in view of a state scenic highway; the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code; and the project would not result in a substantial adverse change in the significance of a historical resource.

Historic Resource Evaluation prepared by Preservation Architecture dated October 4, 2024 concluded that based on their evaluation of the City’s historical criteria, the residential buildings at 2421, 2423 and 2425-2427 Durant Avenue in Berkeley are not eligible as City of Berkeley Landmarks and are not eligible as Structures of Merit. Additionally, the subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). Though the LPC designated the site a City Landmark based on their analysis that the property appears to meet the City’s Landmarks Preservation Ordinance criteria for historical significance, City Council determined otherwise and revoked the designation.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis; and 4) City Council’s determination to revoke the Landmark designation status application at the public meeting held on July 23, 2025.

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 4 of 11

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1) “Findings for Approval”**, the ZAB finds that the the proposed project or use:

a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use

Evidence: The project is consistent with all applicable R-SMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

Sunlight: The additional height above the district limits (85 feet plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 208-foot-tall (plus 5-foot parapet), 20-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the fall months in the hours of after sunrise on the residential buildings on the west and northwest and around noon, on the residential buildings on the northeast; b) in the winter months in the hours of after sunrise on the residential buildings on the west and northwest of the site, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the northeast; and c) in the summer months in the hours of after sunrise and around noon on the neighbor buildings to the west and northwest of the site. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site’s adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Southside Area plan that allows building heights up to 90 feet including the parapet, with 0 to 4-foot setbacks from property lines, by right.

Air: The proposed project will be consistent with the existing development and building-to-building separation pattern, or air, in this R-SMU District neighborhood. 5 to 8 feet setback is provided for the side setbacks where a zero setback is allowed. 0 to 4 feet setback is provided in the rear where a minimum of 4 feet is required, however the proposed building is separated from the rear non-residential buildings by over 40 feet. Therefore, the project will not unreasonably obstruct air.

Views: Because the project site is located on a relatively flat lot and significant views are generally not available in this neighborhood due to grade, current development patterns, and mature vegetation in a neighborhood with one to two-story and four- to six-story buildings, the proposed project would not create detrimental impacts to views

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 5 of 11

and it will not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12)¹;

b) Will not be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized site including 19-unit residential with a new development consisting of 169 units. This includes a significant affordable housing component: 6 for Extremely Low-Income (ELI), 7 units for Very Low-Income (VLI) households, 6 for Low-Income (LI), and 13 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

- 2) As required by **BMC Section 23.406.040 (E)(2) “Findings for Approval”**, to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:
- 3) As required by **Government Code Section 65915 (State Density Bonus)**, the Zoning Adjustments Board finds that:

Under the City’s methodology for implementing density bonuses, the base project consists of 85 units. The project will provide at least 6 Extremely Low-Income (ELI) and 7 Very Low-Income (VLI), 6 Low-Income (LI) and 13 Moderate-Income (MI) BMR units on site qualifying units in the 85-unit base project, as more fully set forth in Condition “Number of Below Market Rate Units”. The project is entitled to a density increase of 100 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus three concessions or incentives. This equates to a density bonus of up to 100% or 86 units above the base project, for a total of up to 171 units of which the applicant has chosen to build 169 units.

¹ View Corridor - A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 6 of 11

a) In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board grants the following concessions and finds that the approval of the concessions is required to provide for affordable housing costs, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

- **Concession 1.** Exemption from the “**Apprenticeship Requirements**” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession 2.** Exemption from the “**Health Care Expenditures**” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession 3.** Exemption from the “**Prevailing Wage requirements**” in the Southside Plan as required by BMC Section 13.108(A)

b) In accordance with Government Code Section 65915(e), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

- **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
- **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
- **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
- **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
- **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
- **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
- **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 7 of 11

4) As required by **BMC Section 23.326.030, “Demolition of Residential Units”** the ZAB finds that the demolition of existing residential units is allowed because:

- a) As required by **BMC Section 23.326.030(A)(1)**, the Residential Unit(s) eliminated or demolished were not removed from the rental market through a no-fault eviction during the preceding five years

Evidence: According to a memorandum issued by the City’s Rent Stabilization Board on May 13, 2025, the buildings addressed 2421, 2425, 2423, and 2427 have not been removed from the rental market under the Ellis Act or any other no-fault eviction at any time during the preceding five (5) years.

- b) As required by **BMC Section 23.326.030(A)(2)**, there is no substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

Evidence: According to a memorandum issued by the City’s Rent Stabilization Board on May 13, 2025, The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2421, 2425, or 2427 Durant.

- c) As required by **BMC Section 23.326.030(B)(1)(C)**, the demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units.

Evidence: The proposed project includes 169 units, ensuring no net loss of units at this site.

- d) As required by **BMC Section 23.326.030(C)**, the existing buildings to be demolished are not Landmarks and Structures of Merit. Demolition of a designated landmark or structure of merit, or of a structure in a designated historic district, must be approved by the Landmarks Preservation Commission, pursuant to Chapter [3.24](#).

Evidence: The project was vested under SB330 on November 21, 2024 prior its designation as a City Landmark or Structure of Merit on March 6, 2025. This City Landmark or Structure of Merit designation was later reversed by the City Council on July 23, 2025. Therefore, the existing buildings are not designated as a City Landmark or Structure of Merit.

- e) As required by **BMC Section 23.326.030(D)**, the protected units on the subject site that are demolished will be replaced with a Comparable Unit that complies with the maximum allowable rent requirements for Affordable Units in Chapter [23.328](#) [Affordable Housing Requirements] and Chapter [23.330](#) [Density Bonus] as they may be amended from time to time and the following conditions will apply:

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 8 of 11

1. In the event that a displaced household has an income below 50% AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30% of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable Unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter [23.328](#).
2. In the event that a demolished Residential Unit is not a Protected Unit and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter [23.328](#).
3. In the event that a Protected Unit was subject to rent or price controls under BMC Chapter [13.76](#), and the income level of the displaced household is unknown, the unit shall be replaced with an Affordable Unit as defined in Chapter [23.328](#).

Evidence: According to a memorandum provided by the City's Rent Stabilization Board issued on May 13, 2025, all 19 Residential Units at 2421-2427 Durant are subject to rent control under the Rent Ordinance and are therefore considered Protected Units. Per the Demolition Ordinance, any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus]. As a Condition of Approval for this project, all 19 of the existing units proposed for demolition must be replaced with units that are available to either Very Low Income or Lower Income households (or deeper affordability) in perpetuity.

- f) As required by **BMC Section 23.326.030(E)(2), "Requirements for Occupied Units²"**, the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter [13.76](#) (Rent Stabilization and Eviction for Good Cause Program), Chapter [13.77](#) (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), [13.79](#) (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and [13.84](#) (Relocation Services and Payments for Residential Tenant Households).

Evidence: As a Condition of Approval for this permit, the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date a demolition application is submitted to the City.

² The *Requirements for Occupied Units* do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 9 of 11

- g) As required by **BMC Section 23.326.030(E)(3), “Requirements for Occupied Units”**, the applicant will provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter [13.84](#) (Relocation Services and Payments for Residential Tenant Households) or Government Code section [66300.6\(b\)\(4\)\(A\)](#), whichever requires greater relocation assistance to displaced tenants, not subject to the limitations in section [13.84.070.B.3\(a\)](#). The applicant will subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants will be notified in writing that the units will be ready for move-in on a date specified. Tenants will confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential will be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government will be subject to applicable provisions of the California Relocation Act (Government Code section [7260](#) et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (~~42~~ U.S.C. sections ~~4601- 4655~~).

Evidence: moving and relocation assistance is a condition of approval for this permit per the Ordinance.

- h) As required by **BMC Section 23.326.030(E)(4), “Sitting Tenants Rights”**, the following are required:
1. Any tenant of a Protected Unit that is permitted to be demolished under this section will have the right of first refusal to rent a Comparable Unit in the new project.
 2. In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit will be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.
 3. Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy will be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.
 4. *Exceptions.*
 - ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements. (Ord. 7924-NS § 1, 2024; Ord. 7810-NS § 1, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 10 of 11

Evidence: Sitting Tenants Rights (a) to (d) will be conditions of approval for this permit.

- 5) As required by the **Housing Accountability Act, Government Code Section 65589.5(j)**, when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.

Evidence: The project includes construction of “housing development project” with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

- 6) **Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330)** prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished; will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years, and replace “protected” units as specified in these sections.
- a) The project is demolishing 19 (“protected”) units (the greatest number of units that existed on the project site within the last five years), and is constructing 169 units, in compliance with state law.
 - b) The project will replace 19 removed protected dwelling units with equivalent units – 6 units affordable to Extremely Low-Income households, 7 units affordable to Very Low-Income households, 6 units affordable to Low-Income households, 13 unit affordable to Moderate-Income households subject to a recorded affordability restriction of at least 55 years and 137 Market Rate units.

- 7) As required by **BMC Section 23.406.040 (E)(3) “Findings for Approval”**, the ZAB considers the following (a and b) in making findings:

- a) The proposed land use:

Evidence: The proposed land use meets the findings for approval because the project’s residential use is consistent with the purposes of the High Density Residential and the surrounding Avenue Commercial areas as outlined in the General Plan’s Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

2424 DURANT AVENUE- USE PERMIT #ZP2024-0162

FINDINGS

October 9, 2025

Page 11 of 11

b) The structure or addition that accommodates the use:

Evidence: The proposed construction of a twenty-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because and will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the R-SMU zoning districts.

8) As required by **BMC Section 23.406.040 (E)(4) “Findings for Approval”**, the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the R-SMU zone. Surrounding land uses and structures surrounding the site are based on current information.

9) As required by **BMC Section 23.406.040 (E)(5) “Findings for Approval”**, the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.



Conditions of Approval

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
<p>Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702</p> <p>Property Owner: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563</p> <p>Project Address: 2425 Durant Avenue</p> <p>General Plan: RMU (Residential Mixed-Use)</p> <p>Area Plan: Southside Area Plan</p> <p>Zoning: R-SMU (Residential Southside Mixed Use District)</p> <p>Site Size: 9,750 square feet (0.22 acre)</p> <p>CEQA: Section 15332 (“In-Fill Development Projects”)</p>	<p>Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.</p>
	Zoning Permits Requested:
	<ol style="list-style-type: none"> Demolition. BMC Section 23.326.030(B)(1)(c) “Demolition of Residential Units” to demolish residential units (UPPH) New Construction. BMC Section 23.202.020 (A) “Allowed Land Uses” to construct a new Multi-Family building (UPPH). New Floor Area. BMC Section 23.204.030(A)(1) “Floor Area Permit Requirements” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). Projections Above Height Limits. BMC Section 23.304.050 “Allowed Projections Above Height Limit” to allow for Projections Above Height Limit (AUP)
	Density Bonus

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162
October 9, 2025

USE PERMIT CONDITIONS
Page 2 of 24

<p>Date Submitted: November 15, 2024</p> <p>Vesting Date: November 21, 2024</p> <p>Date Deemed Complete: March 13, 2025</p> <p>Project Planner: Nilu Karimzadegan</p>	<p>Waivers:</p> <ol style="list-style-type: none"> Removal of Coast Live Oak. Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree Usable Open Space. Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required. FAR. Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR. Height. Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height). Setbacks. Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback Landscaped Usable Open Space. Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required. Long-Term Residential Bike Parking. Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required. <p>Concessions:</p> <ol style="list-style-type: none"> Concession from the “Apprenticeship Requirements” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 Concession from the “Health Care Expenditures” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 Concession from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108(A)
---	---

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 3 of 24

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

- 1. Conditions and Mitigation Monitoring and Reporting Program Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
- 2. Compliance Required (BMC Section 23.102.050).** All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.
- 3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060(B)(1) and (2)):**
 - A.** This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
 - B.** When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To re-establish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.
- 4. Conformance to Approved Plans (BMC Section 23.404.060(B)(4)).**

All work performed under an approved permit shall comply with the approved plans and any conditions of approval.
- 5. Exercise and Expiration of Permits (BMC Section 23.404.060(C)):**
 - A.** A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
 - B.** A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
 - C.** The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with BMC Chapter 23.410, Appeals and Certification.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 4 of 24

- D.** A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.
- 6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060(D)).** Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.
- 7. Permit Modifications (BMC Section 23.404.070).** No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.
- 8. Permit Revocation (BMC Section 23.404.080).** The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.
- 9. Pay Transparency Acknowledgement (BMC Section 13.104.030).** Prior to the issuance of a building permit for any Project subject to this Chapter:
- A.** A Responsible Representative of the Permittee shall certify under penalty of perjury that the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and will be responsible for demonstrating compliance with this Chapter.
- B.** The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with BMC Chapter 13.104 and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 5 of 24

- 10. Pay Transparency Attestations following Project Completion (BMC Section 13.104.040).** Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with BMC Chapter 13.104 and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City
- 11. Posting of Wage Theft Ordinance (BMC Section 13.104.050).** Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of BMC Chapter 13.104; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including office address, telephone number, and email address of the Labor Commissioner of the State of California.
- 12. Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060).** The requirements of BMC Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under BMC Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.
- 13. Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 6 of 24

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

14. Project Liaison. The applicant shall include in all building permit plans and post onsite the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual’s name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis. Please designate the name of this individual below:

Project Liaison _____
Name Phone #

15. Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned in accordance with BMC Section 16.28.030 Assignment and Installation of Numbers, and, except for new buildings on vacant lots, entered into the City’s database after the building permit is issued but prior to final inspection.

16. Bird Safe Buildings. Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

17. Construction Noise Reduction Program. The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070, Prohibited Acts. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- C. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 7 of 24

- D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- E. Prohibit unnecessary idling of internal combustion engines.
- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

18. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall consider project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake study of existing conditions (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage.

This study shall establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and include written descriptions and photographs.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 8 of 24

The study shall be reviewed and approved by the Building and Safety Division and the Zoning Officer prior to issuance of a grading permit. Upon completion of the project, the structures (or, in case of large buildings, of the portions of the structures) previously inspected will be resurveyed, and any new cracks or other changes shall be compared to pre-construction conditions and a determination shall be made as to whether the proposed project caused the damage. The findings shall be submitted to the Building and Safety Division and the Zoning Officer for review. If it is determined that project construction has resulted in damage to the structure, the damage shall be repaired to the pre-existing condition by the project sponsor, provided that the property owner approves of the repair

- 19. Compliance with Conditions of Approval and Environmental Mitigations.** The building permit application is subject to verification of compliance of these Conditions of Approval and the adopted Southside Area Plan Mitigation Monitoring and Reporting Program (Staff Report Attachment 6). The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

Prior to Issuance of Any Building & Safety Permit (Demolition or Construction)

- 20. Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
- 21. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
- 22. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 9 of 24

- 23. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
- 24. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](#)
- B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
- C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
- D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 10 of 24

- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

E. Demolitions & Renovations – Building Materials Survey. A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
- ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 11 of 24

F. Hazardous Materials Business Plan. A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

G. Petroleum Storage. An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

Prior to Issuance of Any Building (Construction) Permit

25. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

26. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 12 of 24

- 27. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)
- 28. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division at RecyclingProgram@berkeleyca.gov.
- 29. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS

- 30. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan (“AHCP”) must be certified by the Zoning Officer and the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.
- 31. Below Market Rate Units.** 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), and 6 Low-Income (LI) and 13 Moderate Income (MI) Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings shall be designated as BMR Units. All BMR units are required to comply with the stricter of the State Density Bonus Law (Government Code Section 65915), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination of Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162
 October 9, 2025

USE PERMIT CONDITIONS
 Page 13 of 24

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements				Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	BMC Chapter 23.326 (Demolition)	State Bill 330/CHAS	
Extremely Low-Income (30% AMI)	-	-	-	6	6*
Very Low-Income (50% AMI)	13	13	10	3	7*
Low-Income (80% AMI)	-	6	9	3	6*
Moderate-Income (x%)	13	-	-	-	13**1
Total					32

*These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

**1 These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 14 of 24

32. Regulatory Agreement. If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915) The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

33. Payment of Affordable Housing In-Lieu Fee. The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is \$0[zero] Any adjustments to the fee and the final fee amount will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.

34. Tenant Protection Conditions:

A. First Right of Refusal. Pursuant to BMC 23.326.030(E)(4)(a), any tenant of a Protected Unit that is permitted to be demolished shall have the right of first refusal to rent a Comparable Unit in the new project. Prior to building permit issuance, the applicant shall provide documentation that confirms that previous tenants have been made aware of their right of first refusal in the new building.

B. Sitting Tenants Rights. Pursuant to BMC 23.326.030(E)(4)), ((b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar years.

The sitting tenants' rights do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 15 of 24

C. Rental Rate – Known Income. Pursuant to 23.326.030(D)(1), in the event that a displaced household has an income below 50 percent AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30 percent of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328. Prior to building permit issuance, the applicant shall, for previous tenants whose income is known that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit in the and supporting documents that verify tenant income.

D. Rental Rate – Unknown Income. Pursuant to BMC 23.326.030(D)(3), in the event the income level of the displaced household is unknown, the unit shall be replaced as an Affordable Unit per BMC Section 23.328.020 – a unit that is affordable in perpetuity as a Very Low-Income or Lower -Income Unit. Prior to building permit issuance, the applicant shall, for previous tenants whose income is unknown that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit.

E. Prior Rental Rate. Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if compelled to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

F. Requirement for Relocation Expenses. Pursuant to BMC 23.326.030(E)(3) the applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a specified date. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655). The Requirements for Relocation Expenses do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction unless otherwise required by California law.

G. Rental Registry. Prior to issuance of a Certificate of Occupancy register all the new units with forms provided by the Rent Stabilization Board. Provide confirmation from the Rent Stabilization Board (rentregistry@berkeleyca.gov) that the new units have been registered.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 16 of 24

Prior to Demolition or Start of Construction:

35. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

36. Transportation Construction Plan. The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

- A.** Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- B.** Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;
- C.** Provision of exclusive contractor parking on-street; or
- D.** Significant truck activity.

Please contact the Office of Transportation at (510) 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

37. Construction/No Parking Permits. Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood.

During Construction:

38. Construction Hours. Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

39. Construction Hours- Exceptions. It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 17 of 24

40. Project Construction Website. The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant.

- A. Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
- B. Calendar and schedule of daily/weekly/monthly construction activities
- C. The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.

41. Public Works - Implement Bay Area Air District (BAAD)-Recommended Measures during Construction. For all proposed projects, BAAD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer specifications. All equipment shall be checked by a certified visible emissions evaluator.
- H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

42. Air Quality - Diesel Particulate Matter Controls during Construction. All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with one of the following measures:

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 18 of 24

- A.** The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
- B.** All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.
- C.** In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
- i.** An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
 - ii.** A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

43. Construction and Demolition Diversion. Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.

44. Low-Carbon Concrete. The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 19 of 24

45. Avoid Disturbance of Nesting Birds. Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

46. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A.** In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B.** If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C.** In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D.** If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E.** If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 20 of 24

- 47. Human Remains (Ongoing throughout demolition, grading, and/or construction).** In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.
- 48. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).** In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995, 1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.
- 49. Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
- 50. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 21 of 24

- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All private or public projects that create and/or replace 5,000 square-feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (Project required to meet applicable code at time of building permit application, if different from above.)
- H.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 22 of 24

- I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge of soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
- K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 51. Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- 52. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
- 53. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 54. Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
- 55. Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
- 56. Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City’s Public Works Department for the relocation of the fire hydrant during construction.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 23 of 24

57. Public Works / Building and Safety. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

58. Compliance with Conditions and Environmental Mitigations. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.

59. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated April 11, 2025.

60. Percent for Public Art. Consistent with BMC Section 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

61. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.

- A.** Consistent with BMC Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of Certificate of Occupancy or final inspection.
- B.** Consistent with BMC Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- C.** Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

62. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit.

2425 DURANT AVENUE- USE PERMIT #ZP2024-0162

USE PERMIT CONDITIONS

October 9, 2025

Page 24 of 24

- 63. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 64. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
- 65. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use **Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 66. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 67. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 68. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts.
- 69. Required Bike Parking.** Secure and on-site bike parking for at least 72 Long-Term and 8 Short-Term bicycles shall be provided for the life of the building.



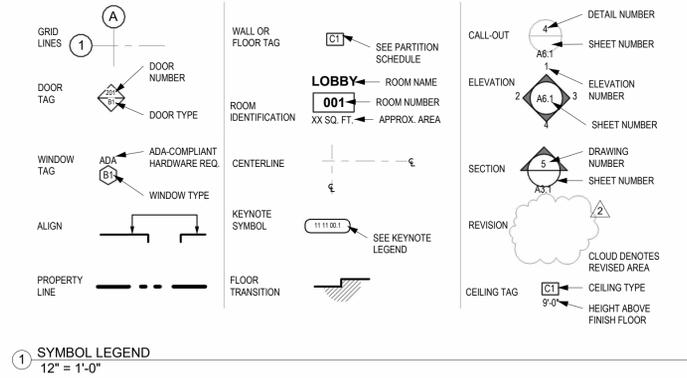
CONCEPTUAL VIEW LOOKING UP DURANT AVE

PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

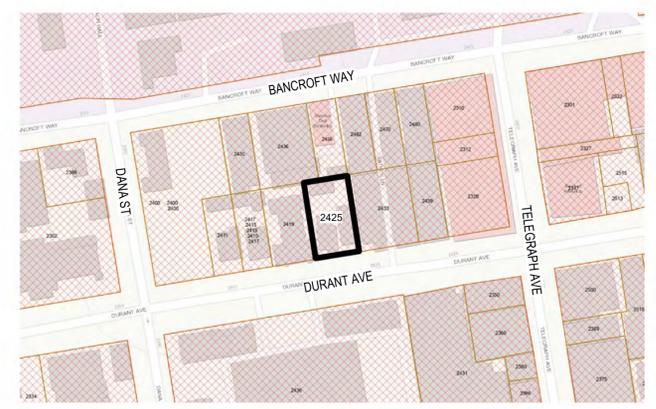
Seamus King **October 14, 2025**

SIGNATURE _____ DATE _____

***Approve Findings and Conditions attached**



LOCATION MAP



PROJECT DESCRIPTION

PROJECT ADDRESS:
2425 DURANT AVE, BERKELEY, CA 94704

APN: 55-1878-7-1

SCOPE OF WORK:
REMOVAL OF ALL EXISTING STRUCTURES AND NEW CONSTRUCTION OF A 20 STORY HOUSING DEVELOPMENT WITH 169 DWELLING UNITS, WITH STATE OF CALIFORNIA DENSITY BONUS.

BUILDING SUMMARY:
CONSTRUCTION TYPE: TYPE I
OCCUPANCY: RESIDENTIAL GROUP R-2

CODE COMPLIANCE

THE PROPOSED PROJECT SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, ELECTRICAL, PLUMBING, ENERGY, FIRE, EXISTING AND GREEN BUILDING STANDARDS CODE AS AMENDED BY THE CITY OF BERKELEY, AS APPLICABLE.

THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND BERKELEY GREEN CODE (BMC CHAPTER 19.37)

PROJECT SPONSOR:
2425 DURANT AVENUE LLC

DESIGN ARCHITECT:
YES COMMUNITY ARCHITECTS INC
1250 ADDISON ST UNIT 105
BERKELEY CA 94702
(510)214-3676
YES@YESCOMMUNITYARCHITECTS.COM

DEVELOPMENT CONSULTANT:
RHOADES PLANNING GROUP
2140 SHATTUCK AVE SUITE 705
BERKELEY CA 94704
(510)545-4341
GENEVA HESNER GENEVA@RHOADESPANNINGGROUP.COM
MARK RHOADES MARK@RHOADESPANNINGGROUP.COM

CIVIL ENGINEER:
SANDIS
636 9TH ST, OAKLAND, CA 94607
408.636.0900
WWW.SANDIS.NET

LANDSCAPE ARCHITECT:
NICOLAUS WRIGHT
513 CLAYTON AVE.
EL CERRITO, CA 94530
503.754.7078

DRAWING LIST

A0.0	GENERAL INFORMATION
A0.1	ZONING CODE DATA
A0.2	DENSITY BONUS TABLE
A0.2A	BASE PROJECT DIAGRAMS
A0.2B	DENSITY BONUS + OPEN SPACE DIAGRAMS
A0.2C	AFFORDABLE HOUSING COMPLIANCE PLAN
A0.3A	SHADOW STUDIES - OCT 21
A0.3B	SHADOW STUDIES - JUN 21
A0.3C	SHADOW STUDIES - DEC 21
A0.4	SITE PHOTOGRAPHS
A0.5	SOUTHSIDE CONTEXT MAP
A1.0	SURVEY / EXISTING SITE PLAN
A1.1	SITE PLAN
A2.0	FLOOR PLAN - BASEMENT LEVEL
A2.1	FLOOR PLAN - LEVEL 1 & 2
A2.2	FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L3 - L7
A2.3	FLOOR PLAN - AMENITY LEVELS L8, L13, L17
A2.4	FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L9-L12, L14-L16, L18-L19
A2.5	FLOOR PLAN - LEVEL 20 & ROOF
A3.1	BUILDING ELEVATIONS
A3.2	BUILDING ELEVATIONS
A3.3	SECTION DRAWINGS
A3.4	STREET STRIP ELEVATION
A3.5	PERSPECTIVE RENDERINGS
A3.6	PERSPECTIVE RENDERINGS
A3.7	PHOTO SIMULATIONS
A3.8	PHOTO SIMULATIONS
A3.9	BIRD SAFETY EXTERIOR DIAGRAMS
A3.10	BIRD SAFETY EXTERIOR DIAGRAMS
C0.1	TOPOGRAPHIC SURVEY
C1.0	SITE, GRADING, AND UTILITY PLAN
C2.0	STORMWATER MANAGEMENT PLAN
C2.1	STORMWATER SUPPLEMENTAL FORMS
C2.2	STORMWATER SUPPLEMENTAL FORMS
L1.0	LANDSCAPE SITE PLAN



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
GENERAL INFORMATION

Sheet No.
A0.0

Scale 12" = 1'-0"

ZONING SUMMARY TABLE				
	BASE ZONING ALLOWABLE / REQUIRED	BASE PROJECT	PROPOSED W/ DENSITY BONUS	ZONING COMPLIANCE
ZONING		R-SMU		COMPLIES
TOTAL LOT SIZE (SQFT)		9,750		COMPLIES
TOTAL LOT SIZE (ACRES)		.223 AC		COMPLIES
FLOOR AREA RATIO (FAR)	7 MAX	6.99	15.28	COMPLIES W/ DB WAIVER
RESIDENTIAL FLOOR AREA	N/A	65,869	130,972	COMPLIES
GROSS FLOOR AREA	68,250	68,170	148,940	COMPLIES
HEIGHT - FEET	85'	84'-6"	208'	COMPLIES W/ DB WAIVER
HEIGHT - STORIES	N/A	9	20	COMPLIES
LOT COVERAGE	100% MAX	78%	85%	COMPLIES
FOOTPRINT	<9,750 PER LOT COVERAGE	7,581	8,334	COMPLIES
SETBACKS				
FRONT	NO MIN.	0'	VARIES (0' TO 8'-11")	COMPLIES
SIDE	NO MIN.	VARIES (3'-6" TO 4'-6")	VARIES (5' TO 11")	COMPLIES
REAR	4 FT.	4 FT.	VARIES (0' TO 5')	COMPLIES W/ DB WAIVER
PARKING	NONE REQUIRED	0	0	COMPLIES
USABLE OPEN SPACE	MIN. 40 SF PER 1000 SF OF RFA	3,400	1,012	COMPLIES W/ DB WAIVER
LANDSCAPED OPEN SPACE	MIN. 40% OF REQ'D USABLE OPEN SPACE	1,200 PROVIDED	0	COMPLIES W/ DB WAIVER
ROOFTOP MECHANICAL AREA	MAY NOT EXCEED 15% OF THE AVERAGE FLOOR AREA OF ALL THE BUILDING'S STORIES		REQUEST FOR DB WAIVER	COMPLIES W/ DB WAIVER

Base Project Zoning Compliance Checks

Open Space	RFA	Ratio	Total Area Req'd	Base Project Provided
	65,869	40%	2635	3400

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Base Project Provided
	2635	40%	1054	1200

FAR	Residential	Commercial
GFA	68,170	0
Site Area	9750	0
FAR	6.99	

Bike Parking	Bedroom Count	Ratio	Total Req	Rounded up
Res (Long)	124	0.33	41.33	42
Res (Short)	124	0.025	3.1	4

Proposed Project Zoning Compliance Checks

Open Space	RFA	Ratio	Total Area Req'd	Proposed
	130,972	40%	5239	1012

FAR	Residential	Commercial
GFA	148,940	0
Site Area	9750	0
FAR	15.28	

Bike Parking	Bedroom Count	Ratio	Total Req	Provided
Res (Long)	249	0.33	83	72
Res (Short)	249	0.025	7	8

AREA TABLE

Floor	Base Project Res Area	Residential Support / Back of House Area	Proposed Project Res Area	Residential Support / Back of House Area
20			5726	432
19			7088	389
18			7088	389
17			6672	389
16			7088	389
15			7088	389
14			7088	389
13			6769	389
12			7088	389
11			7088	389
10			7088	389
9		7355	7088	389
8		7355	6672	389
7		7355	7088	389
6		7355	7088	389
5		7355	7088	389
4		7355	7088	389
3		7355	7088	389
2		7355	2516	389
1		7029	3363	2864
Basement	0	1740	n/a	7670
Total Floor Area	65,869	2301	130,972	17,968

	Base Project GFA	Proposed Project GFA
Gross Floor Area	68,170	148,940

DWELLING UNIT TABLE

Units	Studio	2BR	3BR	1BR
Level 1	0			
Level 2	1			1
Level 3	10	6	3	1
Level 4	10	6	3	1
Level 5	10	6	3	1
Level 6	10	6	3	1
Level 7	10	6	3	1
Level 8	7	5	1	1
Level 9	10	6	3	1
Level 10	10	6	3	1
Level 11	10	6	3	1
Level 12	10	6	3	1
Level 13	8	6	2	
Level 14	10	6	3	1
Level 15	10	6	3	1
Level 16	10	6	3	1
Level 17	7	5	1	1
Level 18	10	6	3	1
Level 19	10	6	3	1
Level 20	6	5		1
Total Units	169	105	46	17

Bedrooms / Unit	1	2	3	1
Total Bedrooms	249	105	92	51



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
ZONING CODE DATA

Sheet No.

A0.1

Scale



YES COMMUNITY ARCHITECTS
 yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date: 01/31/2025
 Project No.: 24001
 Drawn by: JO
 Checked by: YD

Drawing Title
DENSITY BONUS TABLE

Sheet No.
A0.2

Scale

Density Bonus Table

Base Project	Avg. Unit Size	Base	Base # Units	%VLI Units	#VLI Units	#VLI Units	Bonus %	#DB Units	#DB Units	
sq.ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	VLI = Very Low Income	%VLI x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75		13	50.00%	42.5	43

Base Project	Avg. Unit Size	Base	Base # Units	%MOD Units	#MOD Units	#MOD Units	Bonus %	#DB Units	#DB Units	Max DB project
sq.ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	MOD = Moderate Income	%MOD x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75		13	50.00%	42.5	43

Floor	Base Project Residential Floor Area	Base Project Units	Proposed Project Residential Floor Area	Proposed Project Units
Roof Deck			1012(outdoor:N/A)	
20			5726	6
19			7088	10
18			7088	10
17			6672	7
16			7088	10
15			7088	10
14			7088	10
13			6769	8
12			7088	10
11			7088	10
10			7088	10
9	7355	10	7088	10
8	7355	10	6672	7
7	7355	10	7088	10
6	7355	10	7088	10
5	7355	10	7088	10
4	7355	10	7088	10
3	7355	10	7088	10
2	7355	10	2518	1
1	7029	5	3383	0
			Proposed DB Square Footage	
Total Floor Area	65,869	85	130,972	169

Proposed Project Residential Floor Area:	<input type="text" value="130,972"/>	Base Project Residential Floor Area:	<input type="text" value="65,869"/>
Proposed Project Units:	<input type="text" value="169"/>	Base Project Units:	<input type="text" value="85"/>
AVG Unit Size:	<input type="text" value="775"/>	AVG Unit Size:	<input type="text" value="775"/>



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

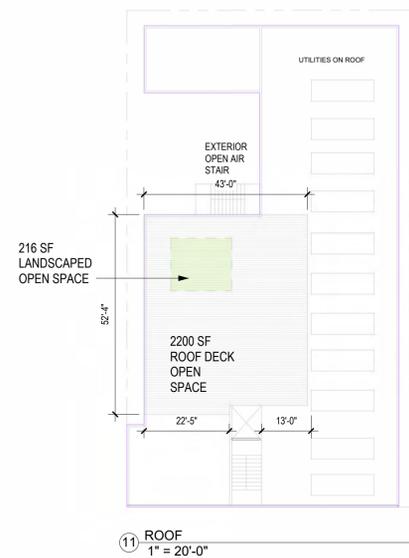
- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

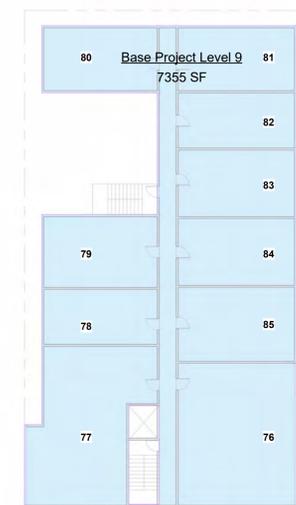
Drawing Title
BASE PROJECT DIAGRAMS

Sheet No.
A0.2A

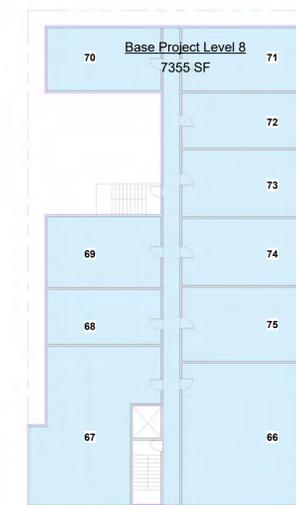
Scale 1" = 20'-0"



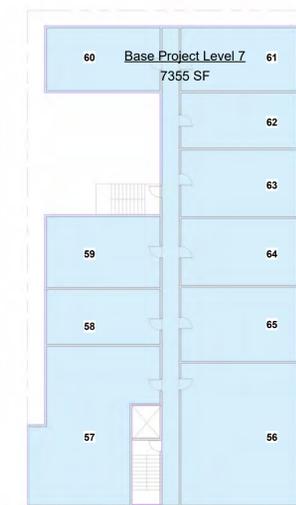
11 ROOF
1" = 20'-0"



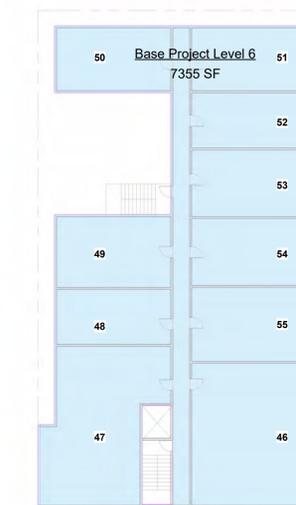
10 LEVEL 9
1" = 20'-0"



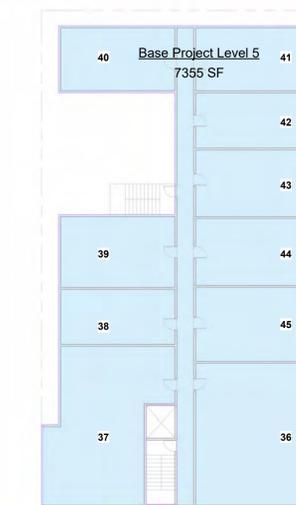
9 LEVEL 8
1" = 20'-0"



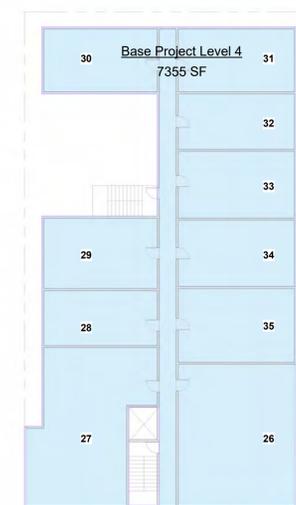
8 LEVEL 7
1" = 20'-0"



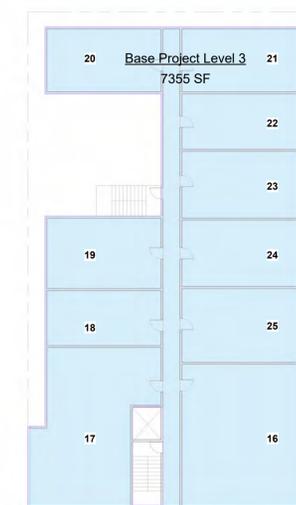
7 LEVEL 6
1" = 20'-0"



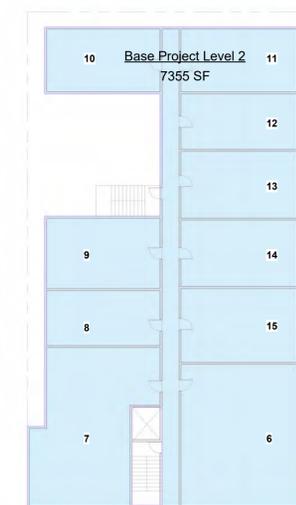
6 LEVEL 5
1" = 20'-0"



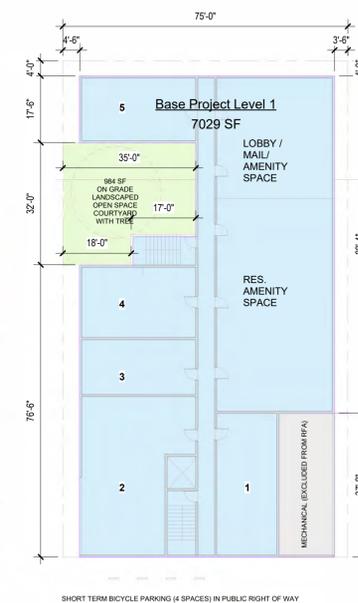
5 LEVEL 4
1" = 20'-0"



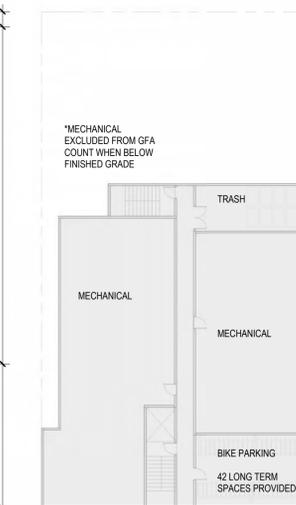
4 LEVEL 3
1" = 20'-0"



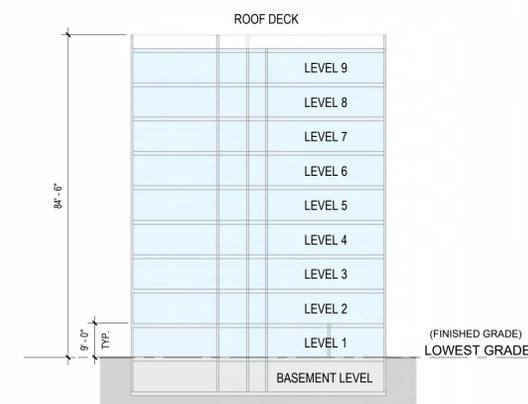
3 LEVEL 2
1" = 20'-0"



2 LEVEL 1
1" = 20'-0"

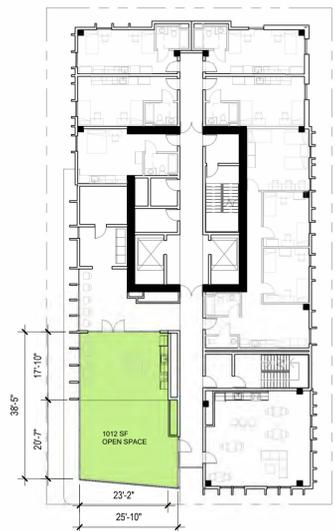


1 BASEMENT LEVEL
1" = 20'-0"

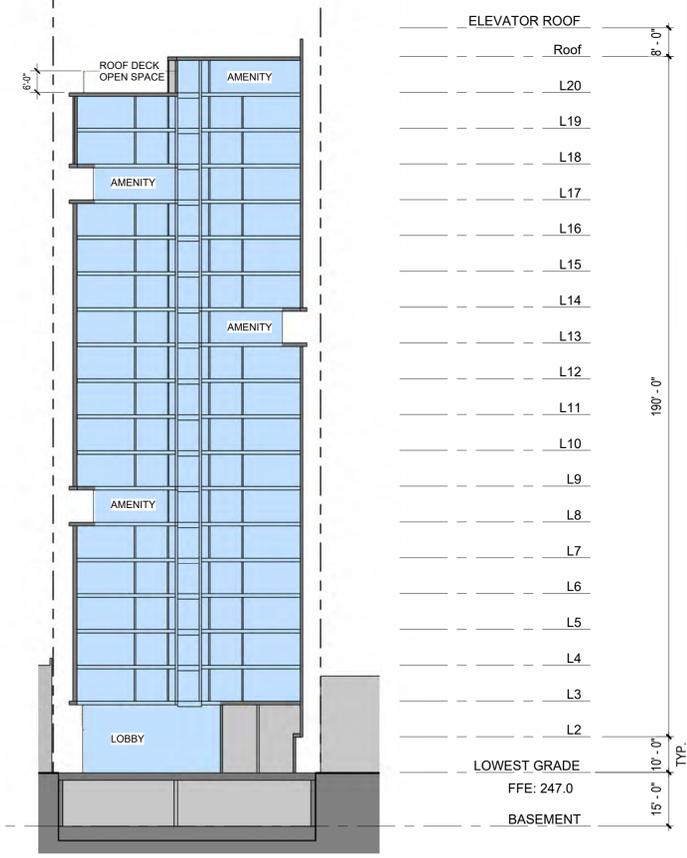


12 BASE PROJECT SECTION
1" = 20'-0"

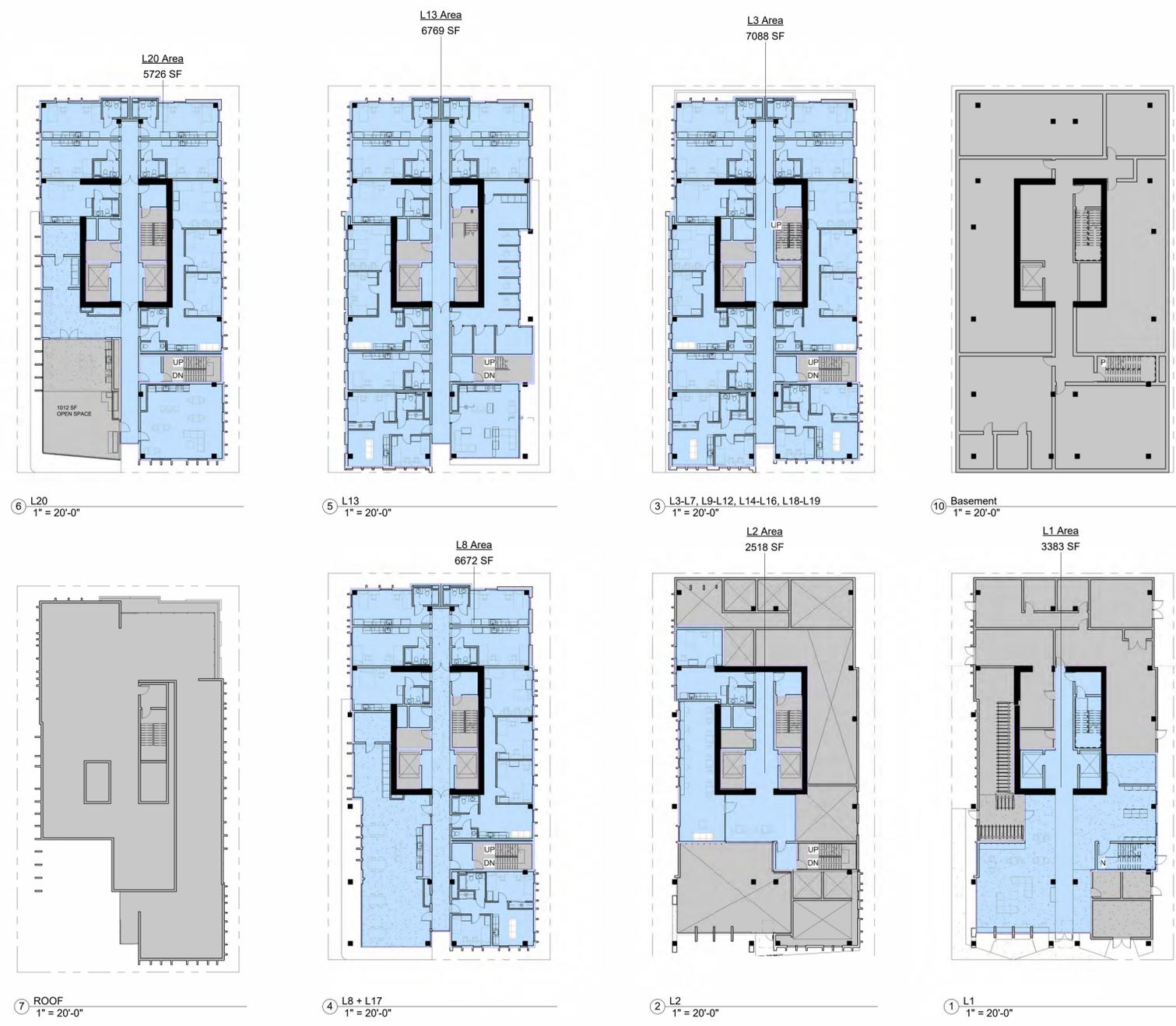
OPEN SPACE DIAGRAM



⑧ L20 - OPEN SPACE DIAGRAM
1" = 20'-0"



⑨ PROPOSED DENSITY BONUS SECTION
3/64" = 1'-0"



⑥ L20
1" = 20'-0"

⑤ L13
1" = 20'-0"

③ L3-L7, L9-L12, L14-L16, L18-L19
1" = 20'-0"

⑩ Basement
1" = 20'-0"

⑦ ROOF
1" = 20'-0"

④ L8 + L17
1" = 20'-0"

② L2
1" = 20'-0"

① L1
1" = 20'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- ①
- ②
- ③

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**DENSITY BONUS
+ OPEN SPACE
DIAGRAMS**

Sheet No.
A0.2B

Scale As indicated



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
AFFORDABLE HOUSING COMPLIANCE PLAN

Sheet No.
A0.2C

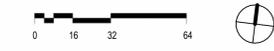
Scale As indicated

TOTAL NUMBER OF RESIDENTIAL UNITS IN BASE PROJECT:

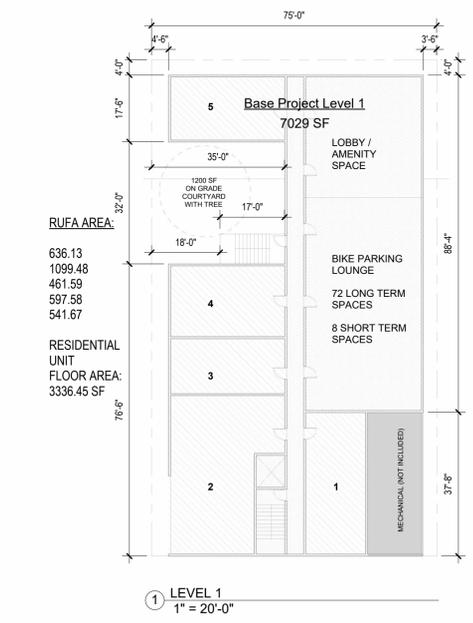
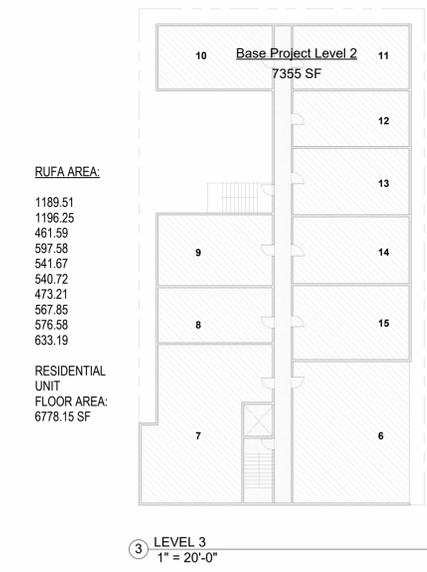
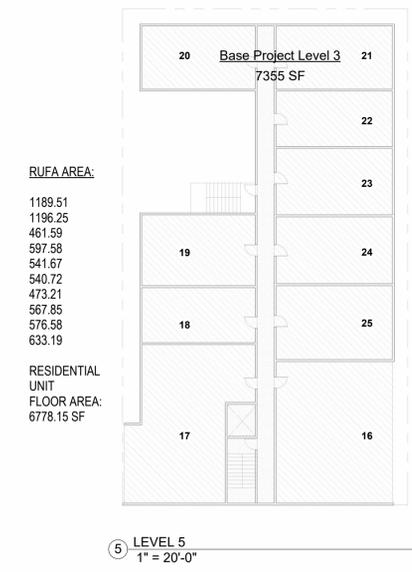
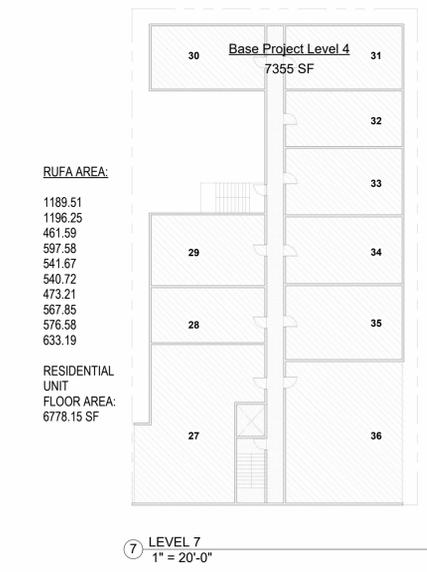
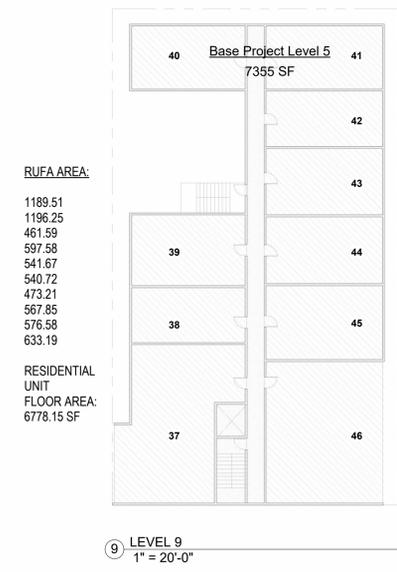
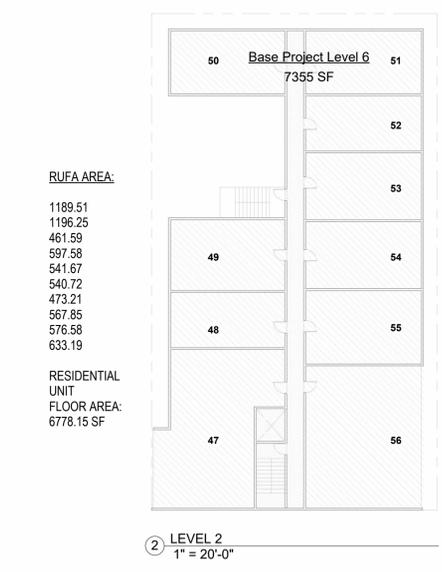
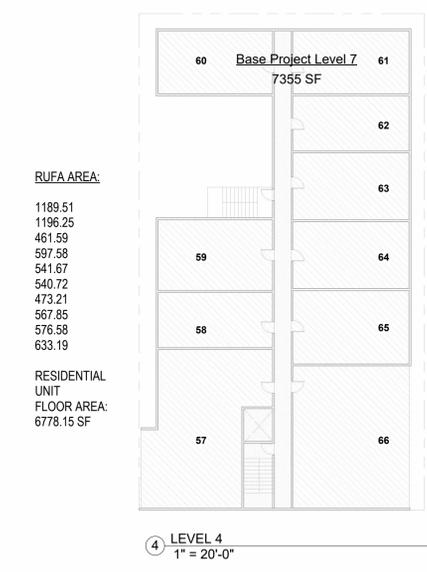
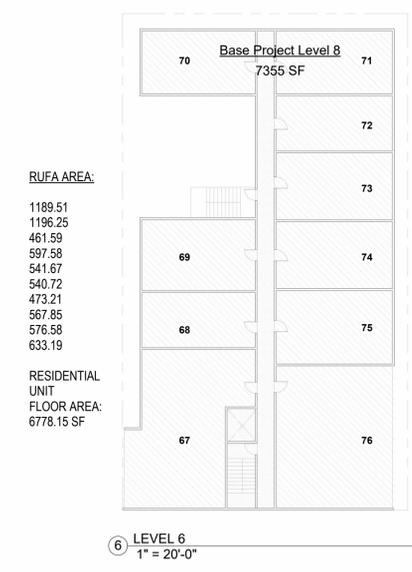
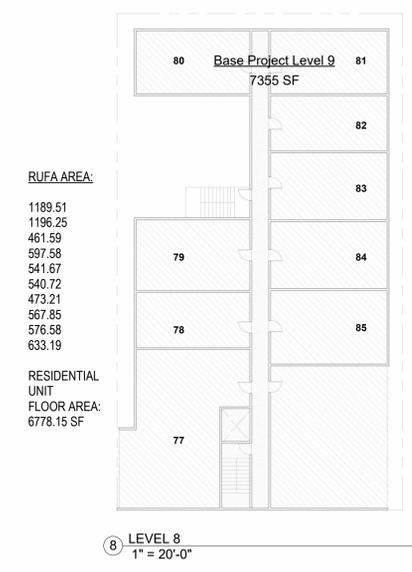
$5+10+10+10+10+10+10+10+10= 85$ BASE PROJECT RES. UNITS

TOTAL RUFA IN THE BASE PROJECT:

$3,336.45+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15 = 57,561$ SF



DIAGONAL HATCH INDICATES RESIDENTIAL UNIT FLOOR AREA
 GREY TONE INDICATES MISC.
 CROSSHATCH INDICATES RESIDENTIAL AMENITIES



DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 NEW SHADOW AT RESIDENTIAL BUILDING
 ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - OCT 21: 2 HRS AFTER SUNRISE



SHADOW STUDY - OCT 21: NOON



SHADOW STUDY - OCT 21: 2 HRS BEFORE SUNSET



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	VD

Drawing Title
SHADOW STUDIES - OCT 21

Sheet No.
A0.3A

Scale As indicated

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
 - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
 - NEW SHADOW AT RESIDENTIAL BUILDING
- ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - DEC 21: 2 HRS AFTER SUNRISE



SHADOW STUDY - DEC 21: NOON



SHADOW STUDY - DEC 21: 2 HRS BEFORE SUNSET



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676

yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

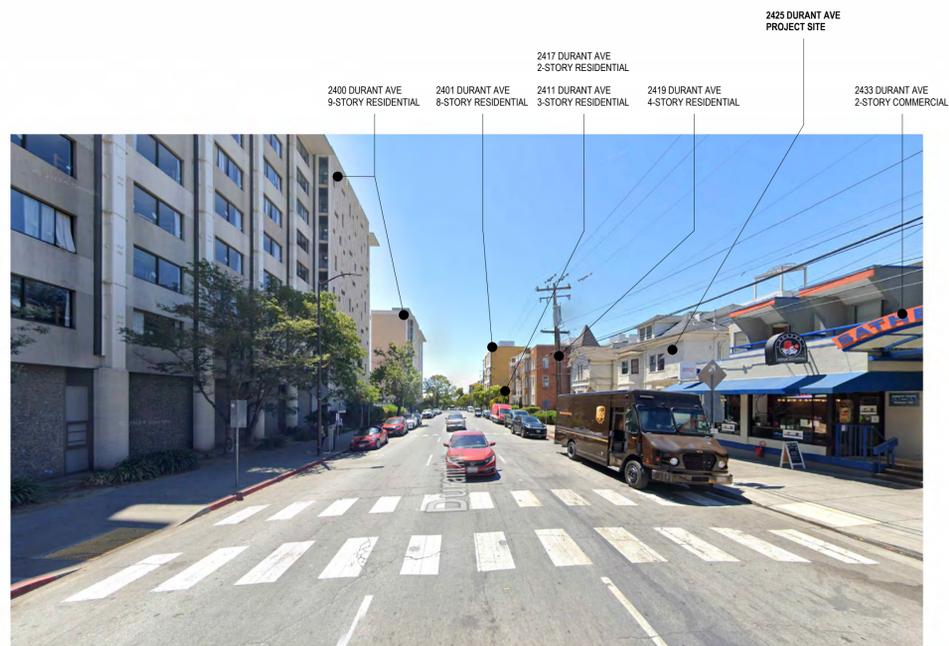
- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

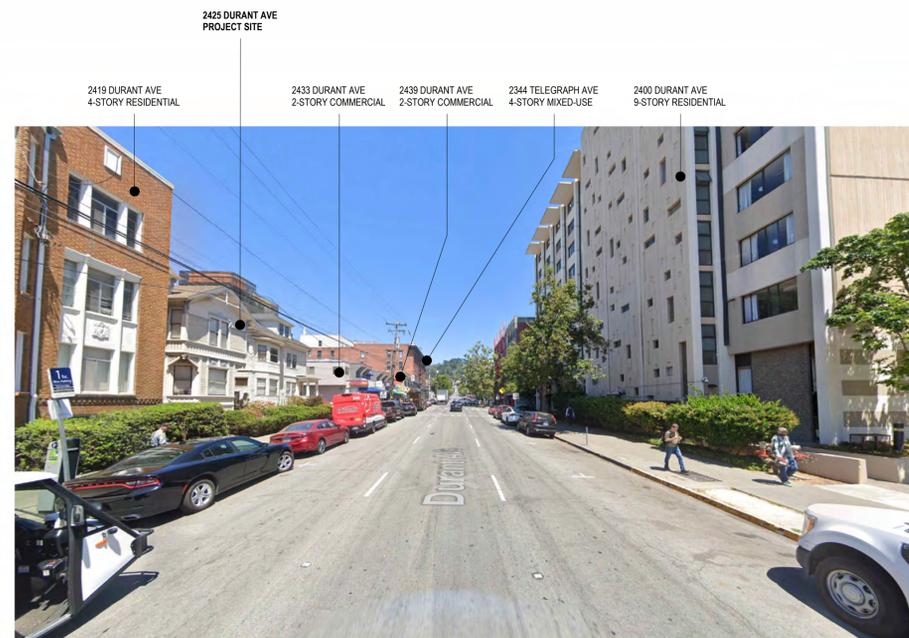
Drawing Title
SHADOW STUDIES - DEC 21

Sheet No.
A0.3C

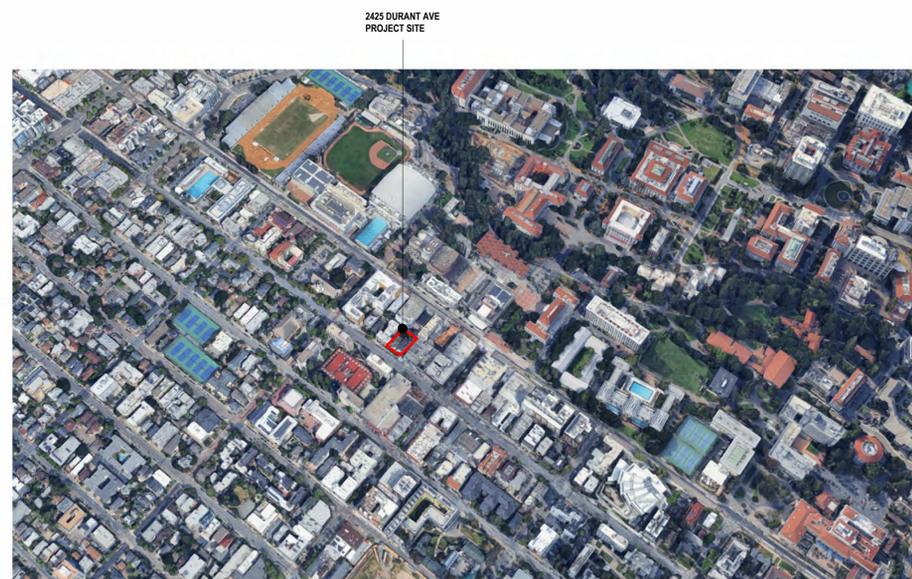
Scale As indicated



VIEW FROM DURANT LOOKING WEST



VIEW FROM DURANT LOOKING EAST



BIRD'S EYE VIEW



**YES COMMUNITY
ARCHITECTS**

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**SITE
PHOTOGRAPHS**

Sheet No.
A0.4

Scale



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	VD

Drawing Title
SOUTHSIDE CONTEXT MAP

Sheet No.
A0.5

Scale

2660 - 2680 BANCROFT

CAMPANILE

2530 BANCROFT

2480 BANCROFT
UNDER CONSTRUCTION

2462 BANCROFT

2425 DURANT (SITE)

2350 TELEGRAPH

2298 DURANT

2300 ELLSWORTH

2435 HASTE

PEOPLE'S PARK
HOUSING

2587 TELEGRAPH
UNDER
CONSTRUCTION

2442 HASTE

2302 CHANNING



FUTURE SOUTHSIDE PROJECTS



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**SURVEY /
EXISTING SITE
PLAN**

Sheet No.
A1.0

Scale As indicated



2 SURVEY / EXISTING SITE PLAN
3/32" = 1'-0"





YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

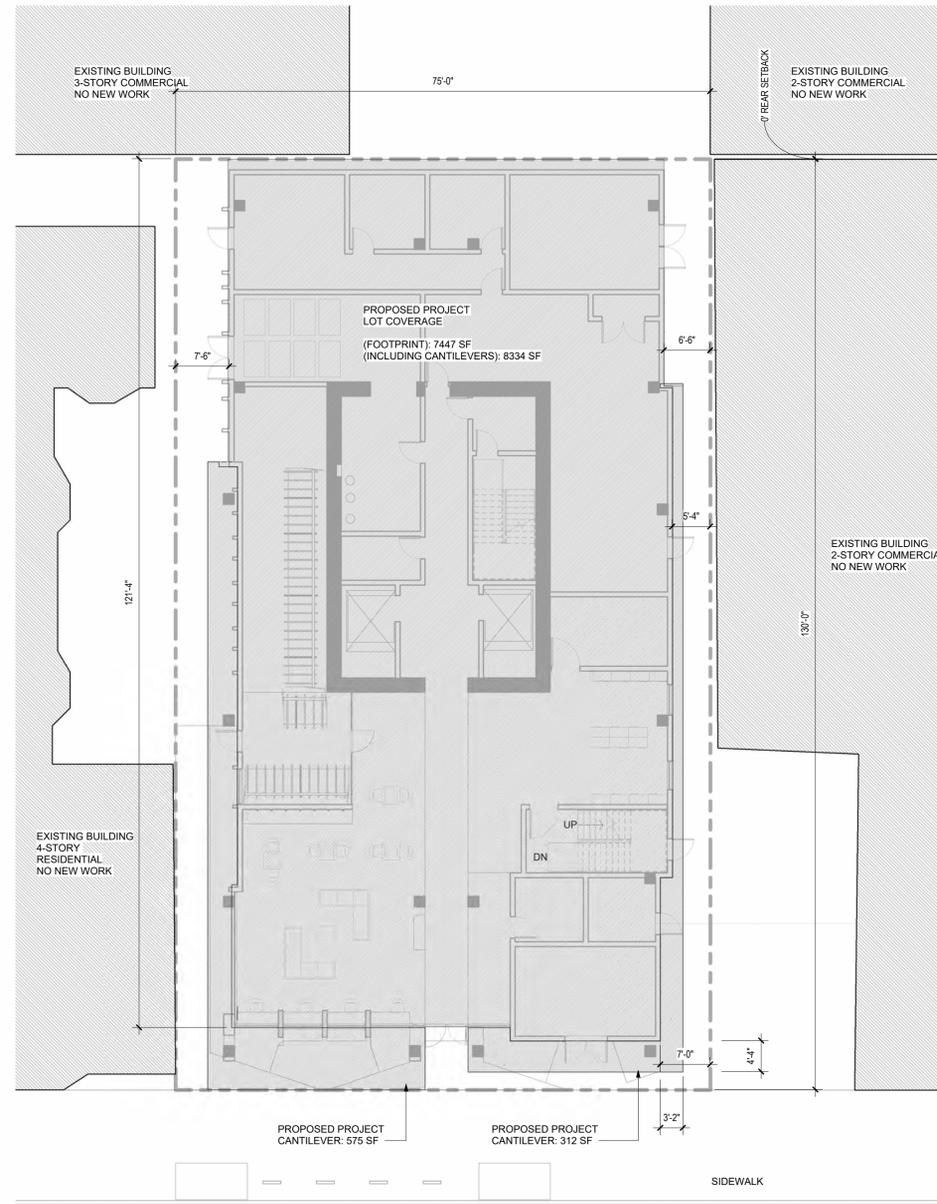
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
SITE PLAN

Sheet No.
A1.1

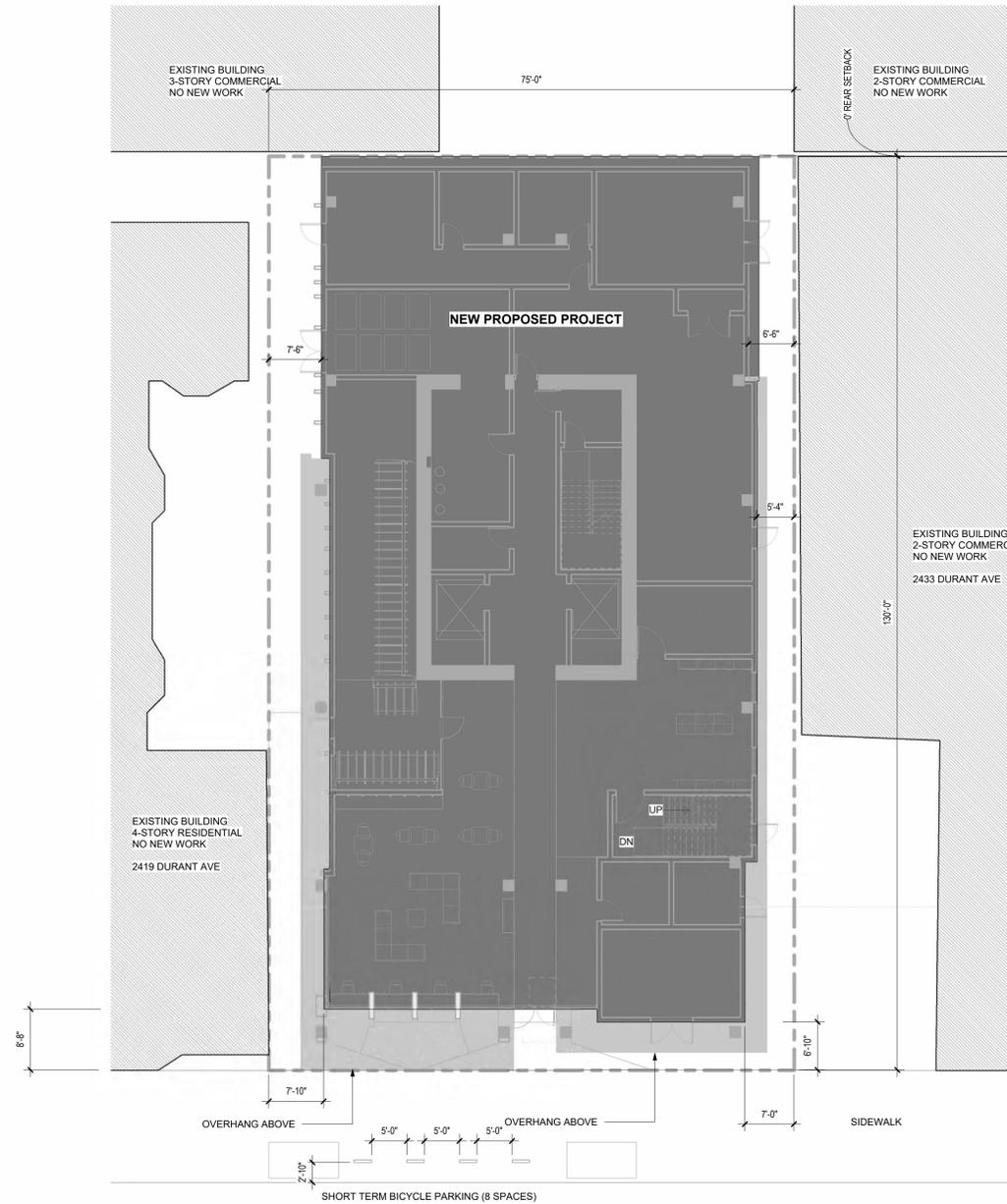
Scale As indicated

INDICATES LOT COVERAGE



DURANT AVE

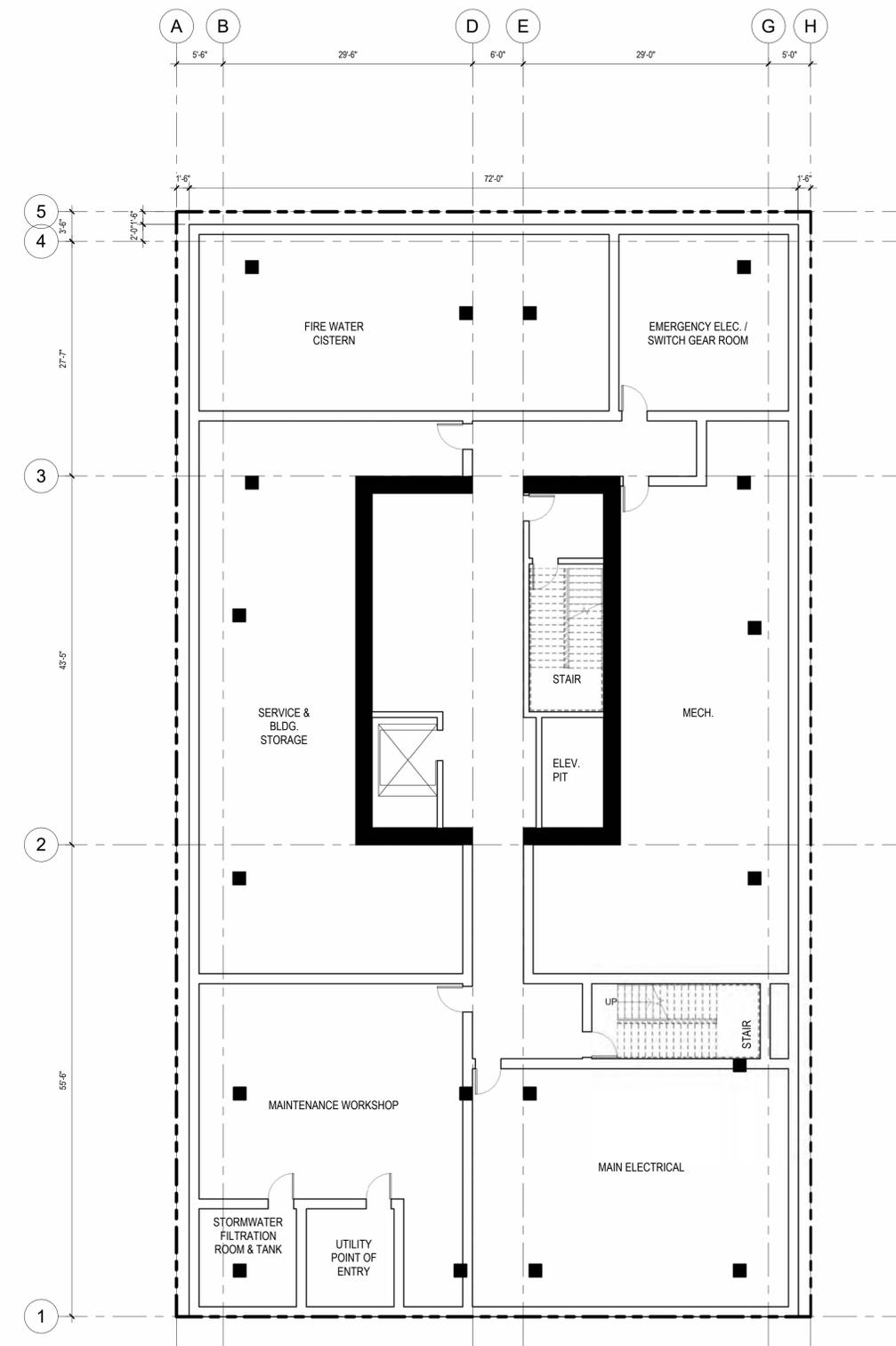
2 SITE PLAN - LOT COVERAGE DIAGRAM
3/32" = 1'-0"



DURANT AVE

1 SITE PLAN - PROPOSED
3/32" = 1'-0"





1 BASEMENT PLAN
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

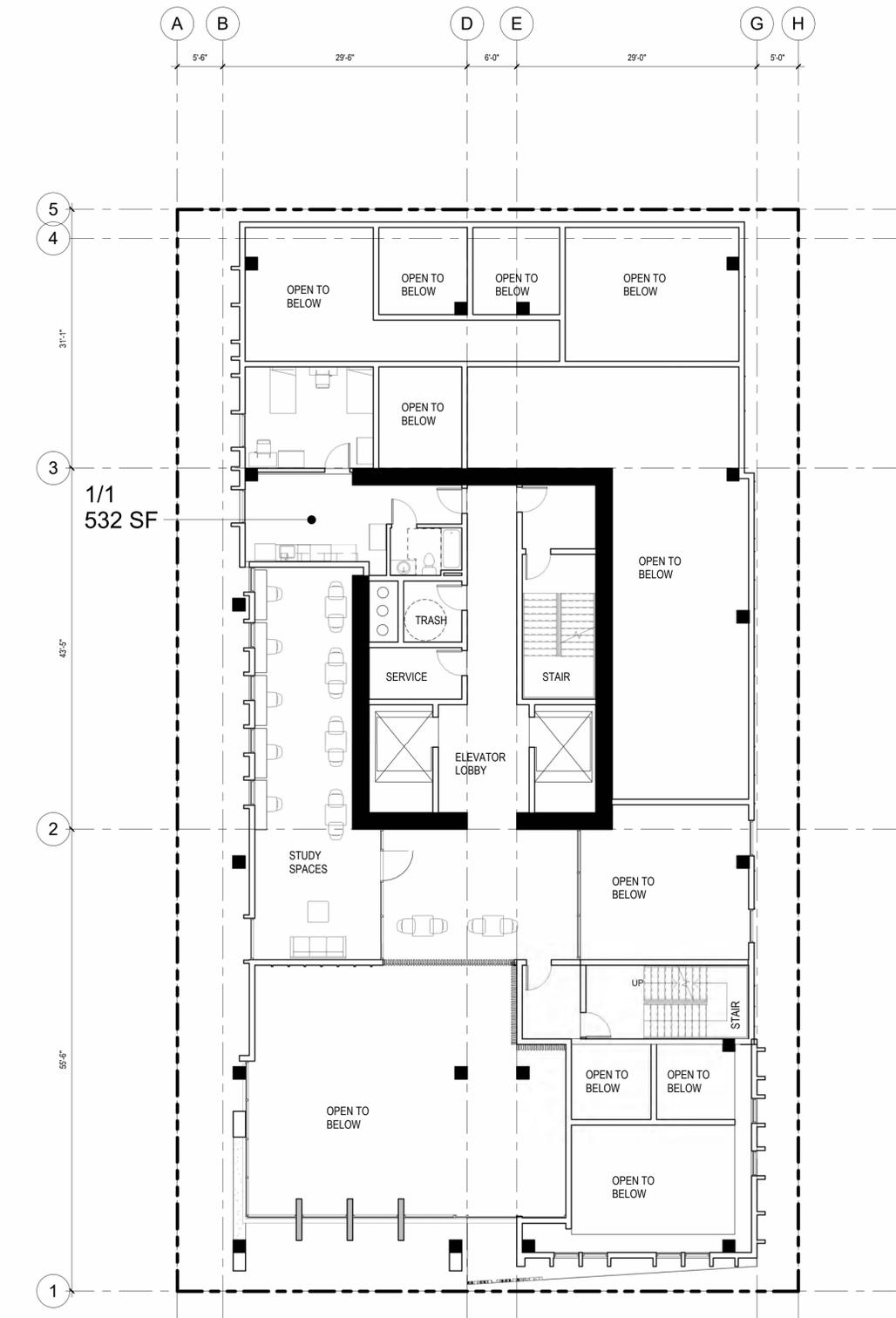
- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

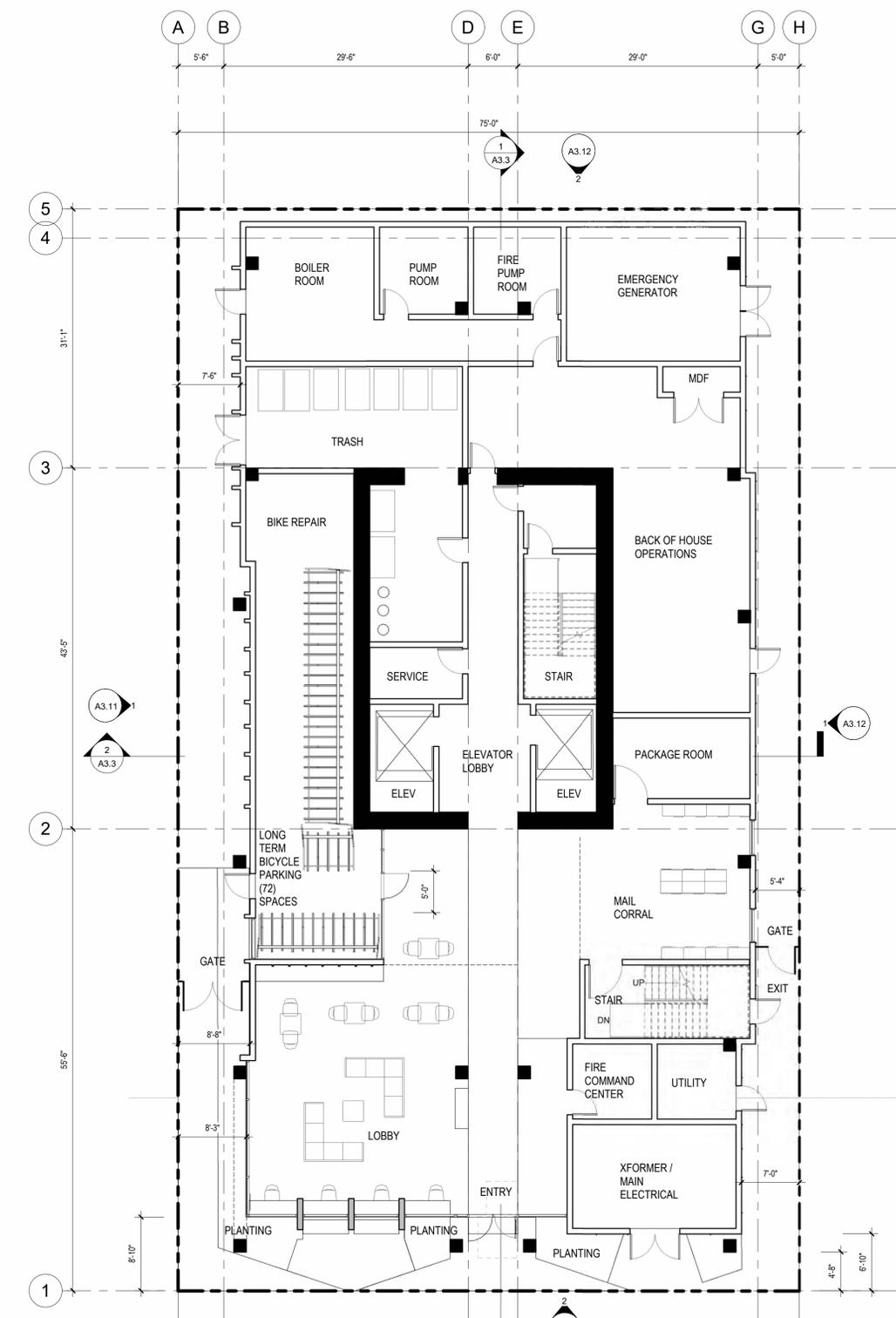
Drawing Title
FLOOR PLAN - BASEMENT LEVEL

Sheet No.
A2.0

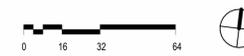
Scale As indicated



2 PLAN - LEVEL 2
1/8" = 1'-0"



1 PLAN - LEVEL 1 - GROUND FLOOR
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

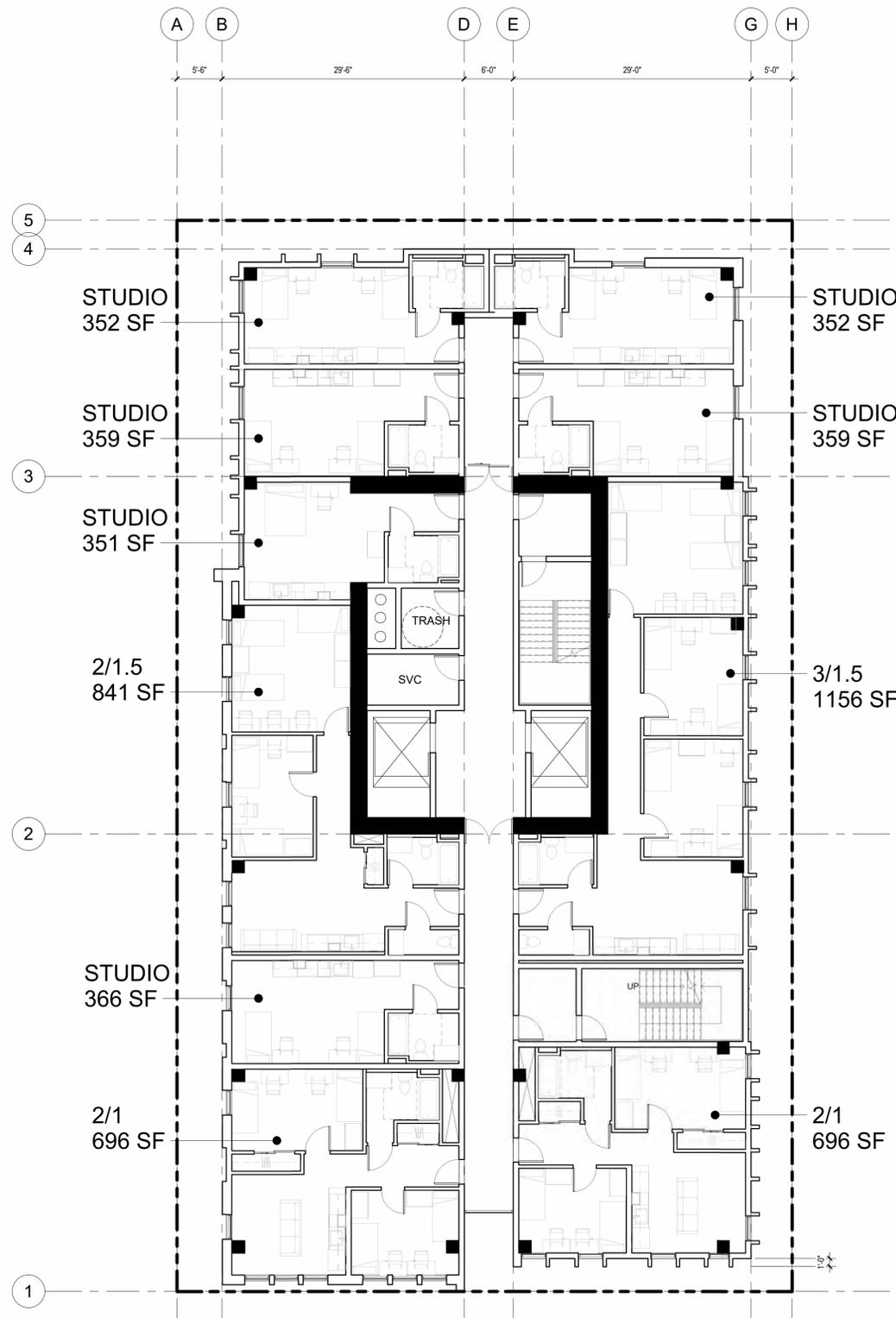
- 1
- 2
- 3

Date 01/31/2025
 Project No. 24001
 Drawn by JO
 Checked by YD

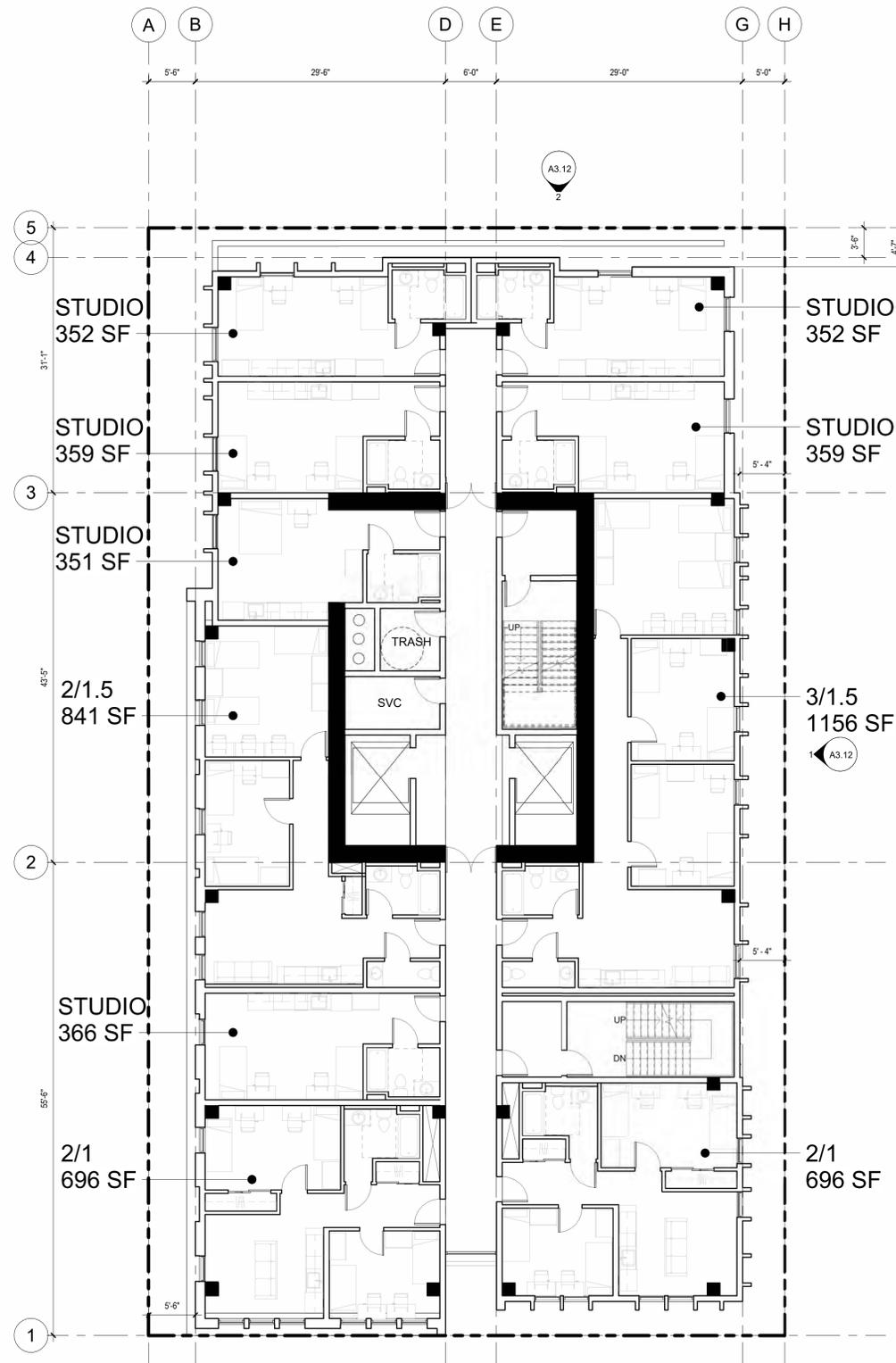
Drawing Title
FLOOR PLAN - LEVEL 1 & 2

Sheet No.
A2.1

Scale As indicated



② PLAN - LEVEL 7 - TYP. RES. LEVEL
1/8" = 1'-0"



① PLAN - LEVEL 3 - TYP. RES. LEVEL
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

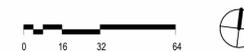


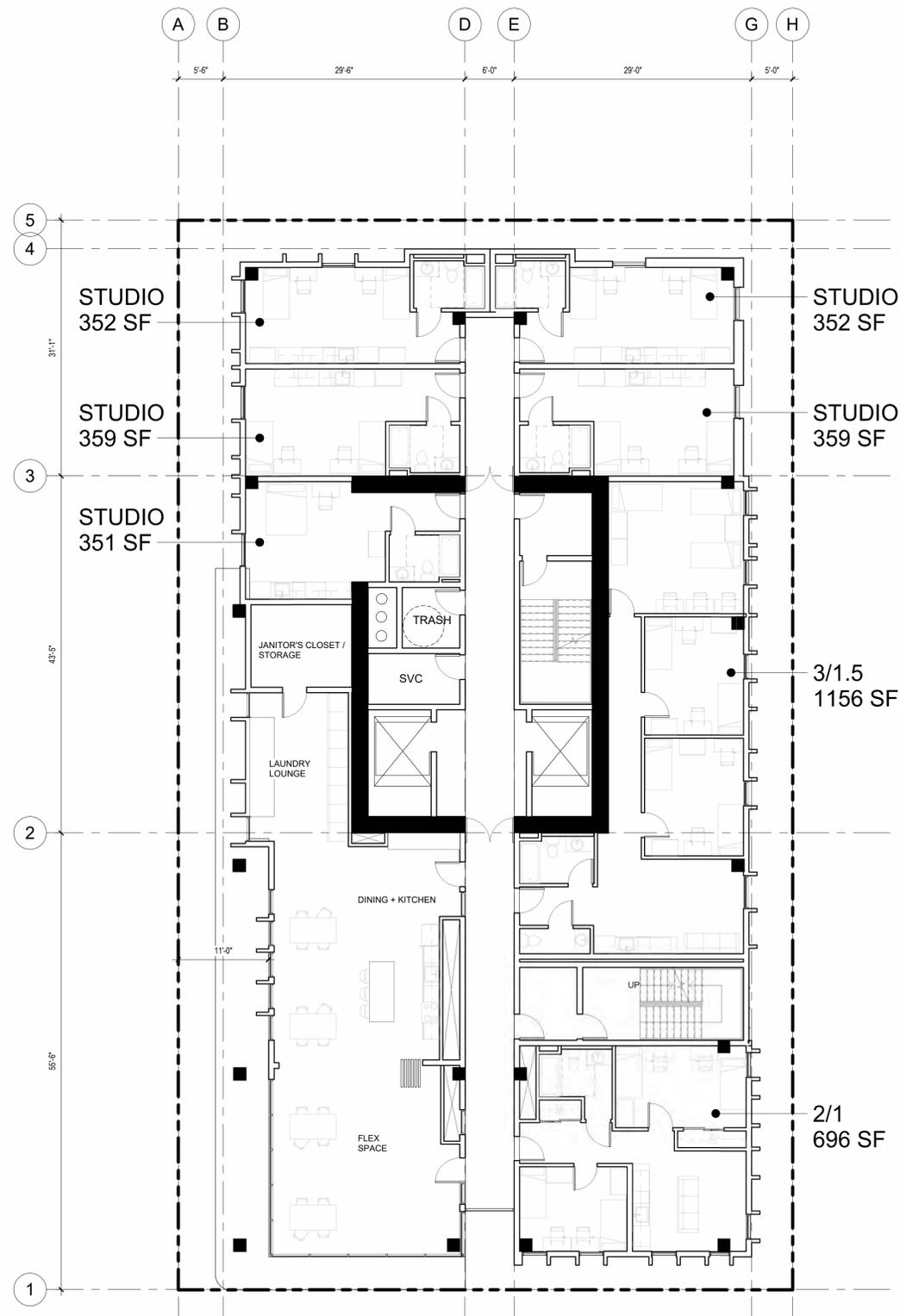
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
FLOOR PLAN -
TYPICAL
RESIDENTIAL
LEVEL L3 - L7

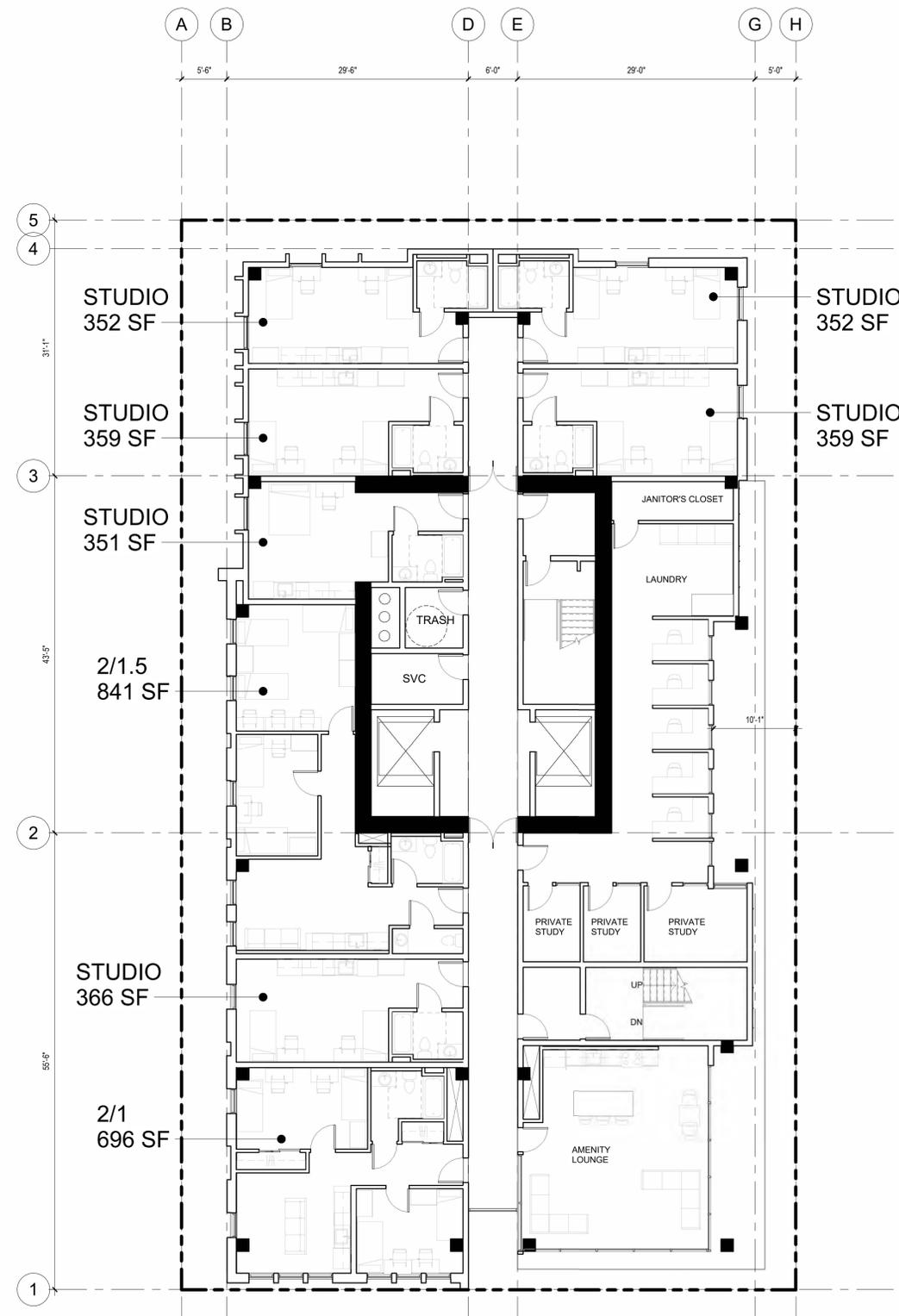
Sheet No.
A2.2

Scale As indicated





② PLAN - LEVEL 8 + LEVEL 17
1/8" = 1'-0"



① PLAN - LEVEL 13
1/8" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

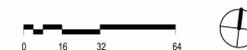


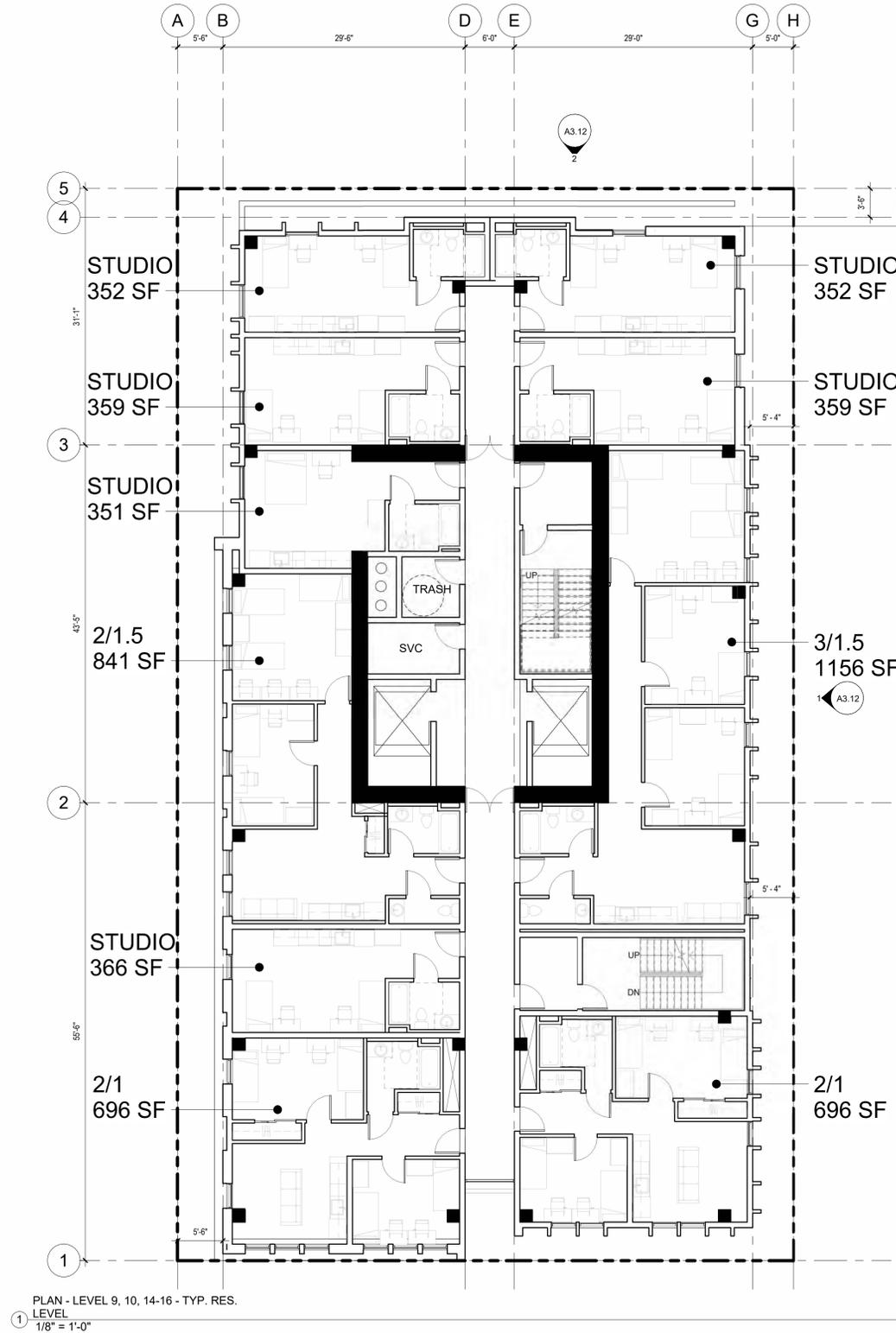
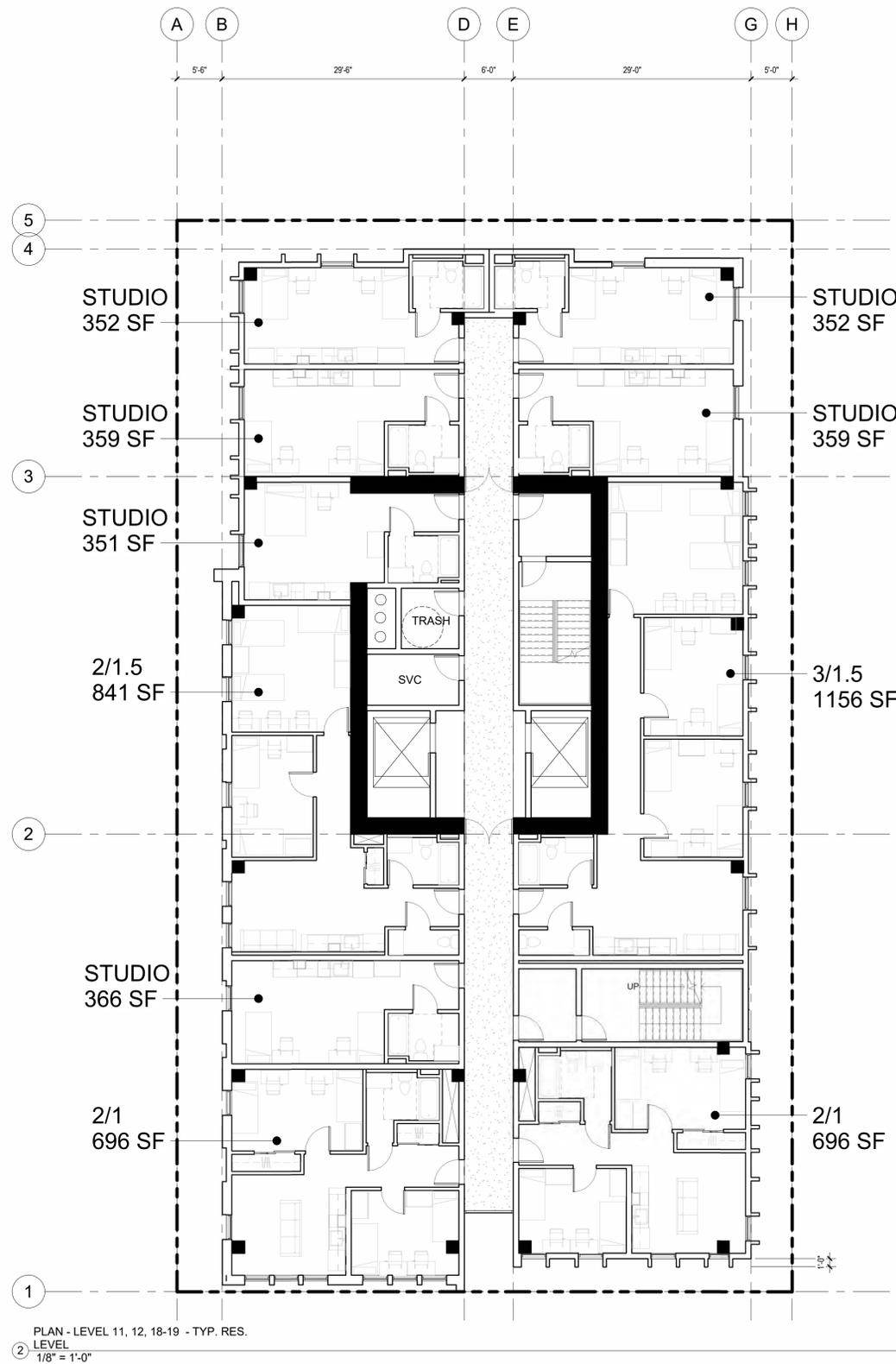
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
FLOOR PLAN - AMENITY LEVELS L8, L13, L17

Sheet No.
A2.3

Scale As indicated





YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

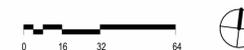
- 1
- 2
- 3

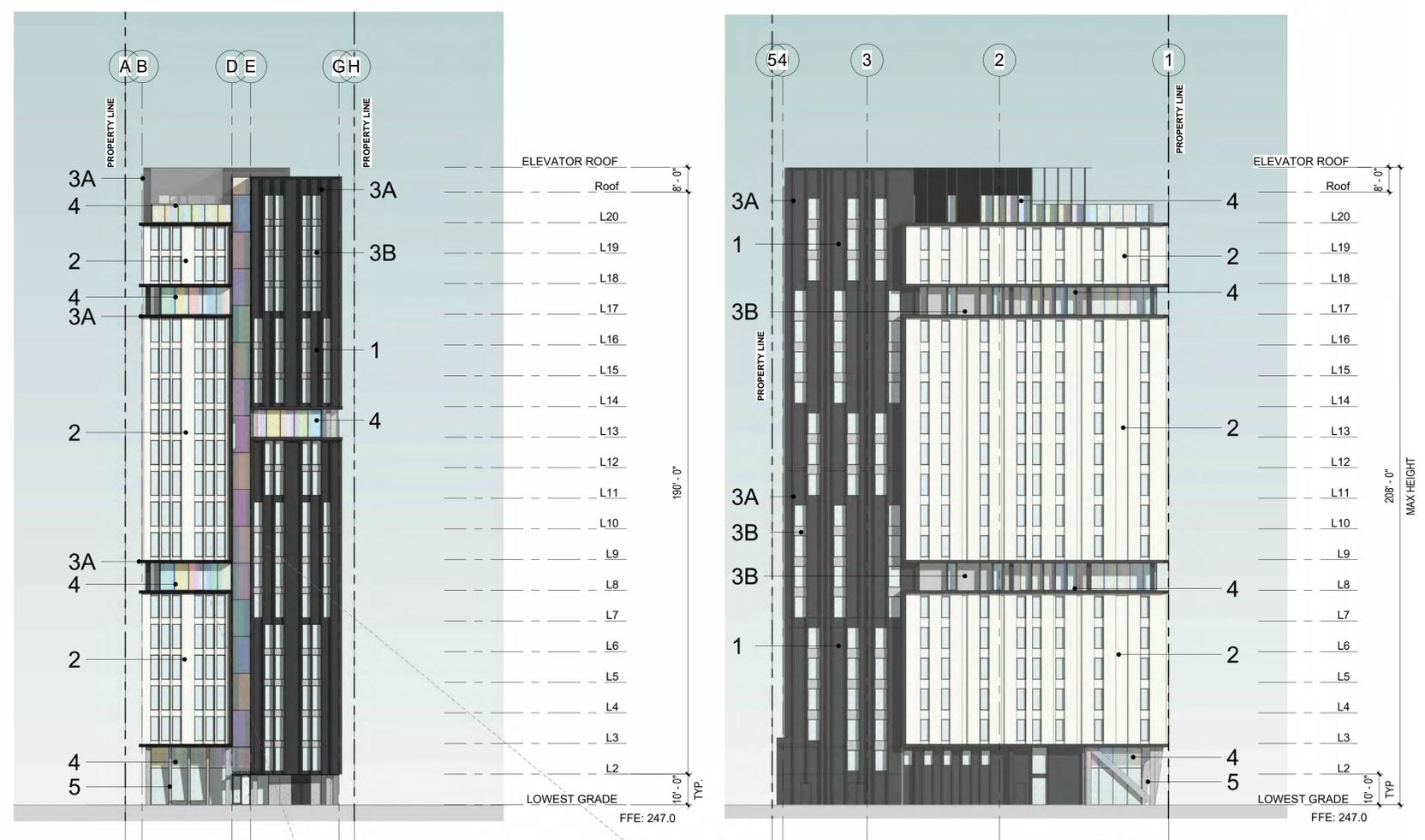
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**FLOOR PLAN -
 TYPICAL
 RESIDENTIAL
 LEVEL L9-L12,
 L14-L16, L18-L19**

Sheet No.
A2.4

Scale As indicated





EXTERIOR MATERIALS KEY

<p>02-20</p>	<p>1) DARK GREY CLARK PACIFIC INFINITE SERIES</p>
<p>01-01</p>	<p>2) LIGHT WHITE CLARK PACIFIC INFINITE SERIES</p>
	<p>3A) DARK ALUMINUM METAL PANEL</p>
	<p>3B) LIGHT ALUMINUM METAL PANEL</p>
	<p>4) ALUMINUM AND GLASS STOREFRONT WITH DICHOIC FILM</p>
	<p>5) EXPOSED CONCRETE</p>



YES COMMUNITY ARCHITECTS
 yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

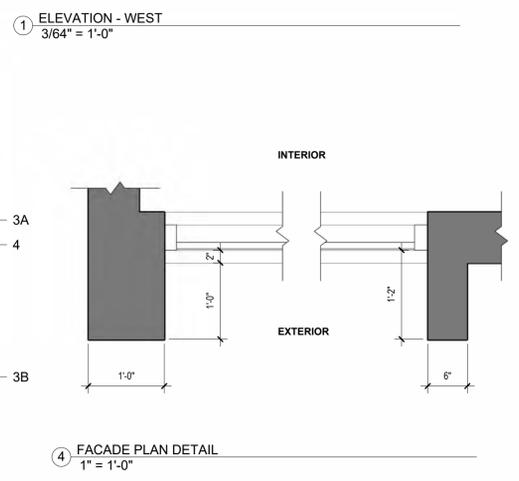
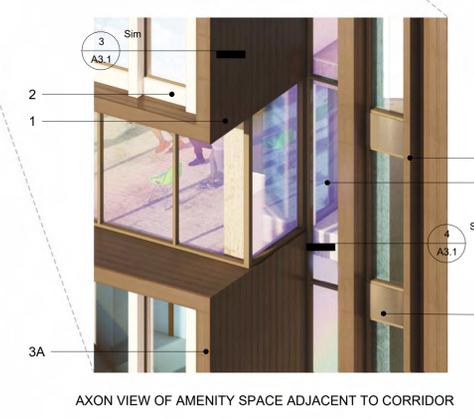
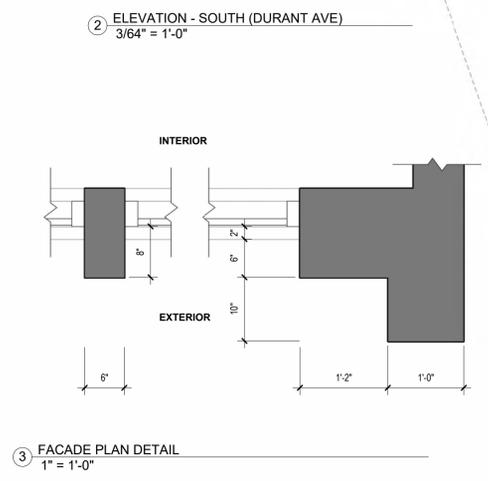
- 1
- 2
- 3

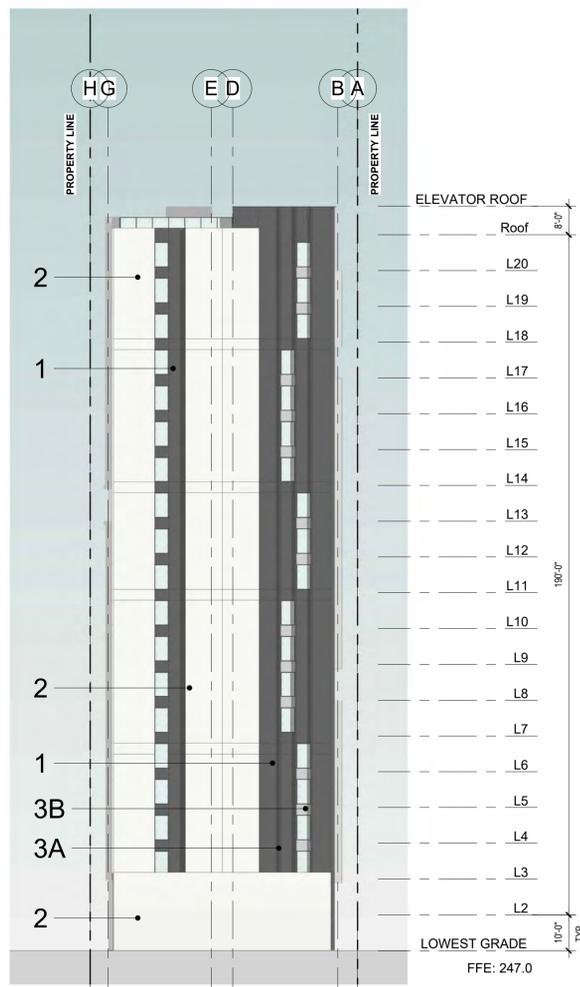
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	VD

Drawing Title
BUILDING ELEVATIONS

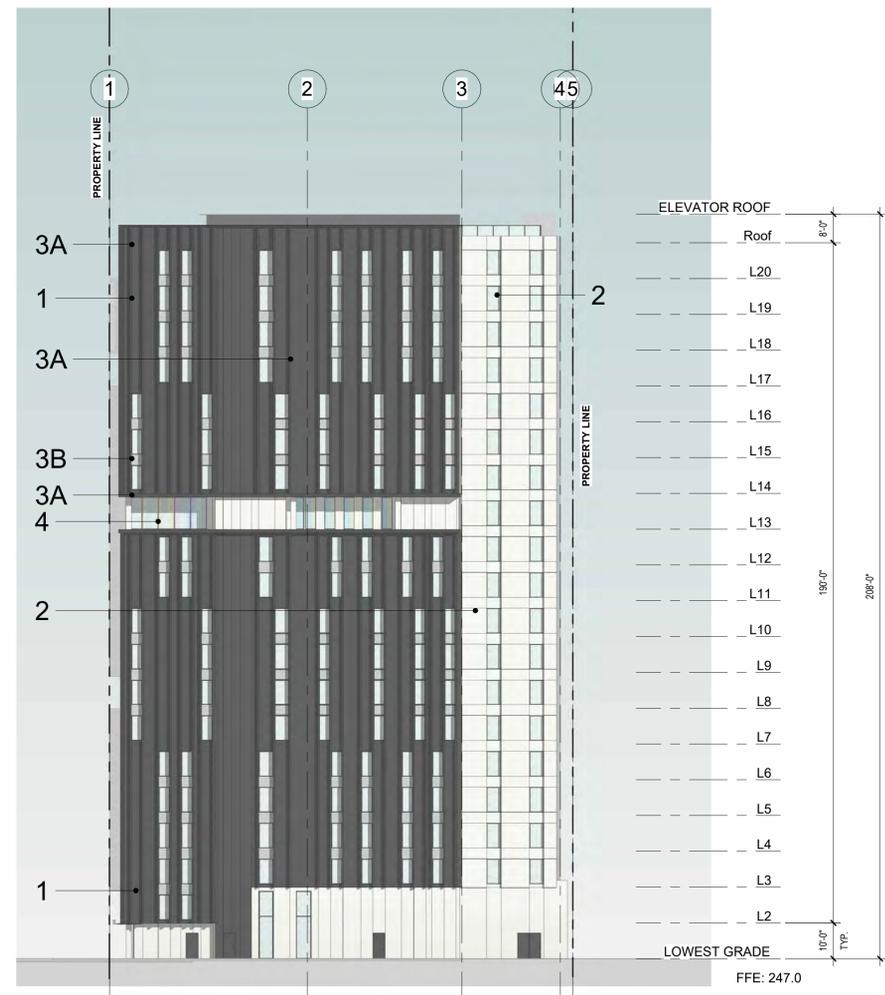
Sheet No.
A3.1

Scale As indicated





② ELEVATION - NORTH
3/64" = 1'-0"



① ELEVATION - EAST
3/64" = 1'-0"

EXTERIOR MATERIALS KEY

02-20

1) DARK GREY
CLARK PACIFIC
INFINITE SERIES

01-01

2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES

3A) DARK ALUMINUM METAL PANEL

3B) LIGHT ALUMINUM METAL PANEL

4) ALUMINUM AND GLASS
STOREFRONT WITH DICHOIC FILM

5) EXPOSED CONCRETE



YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

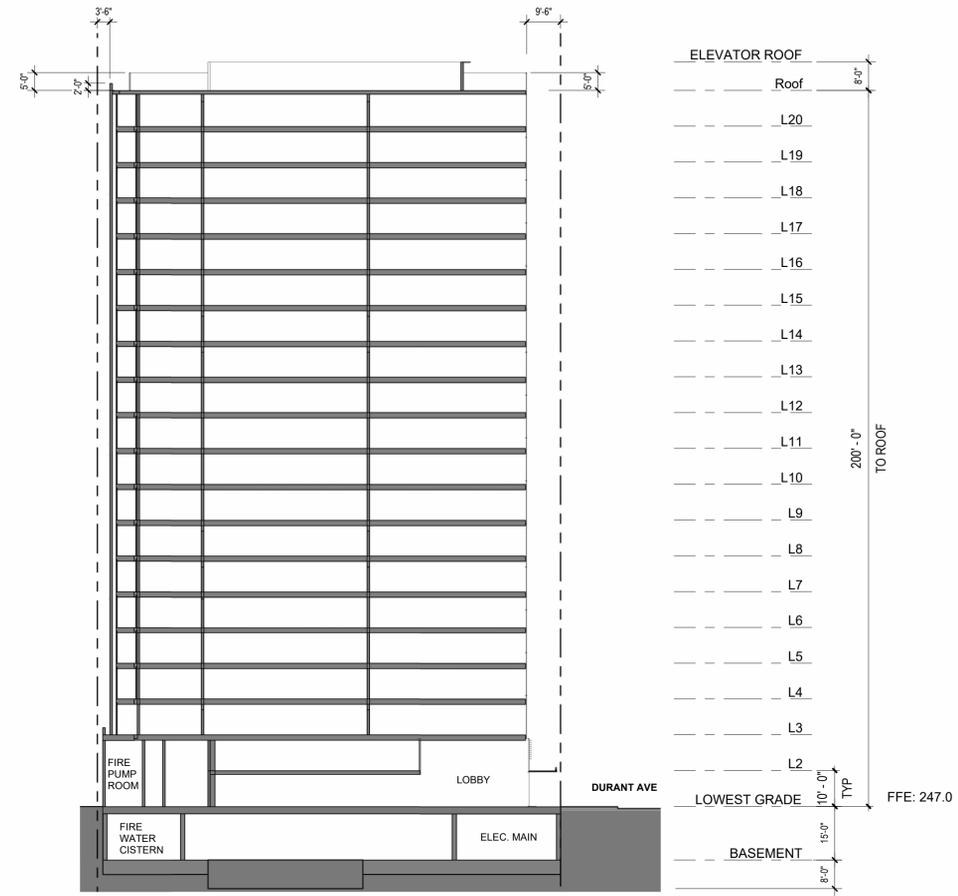
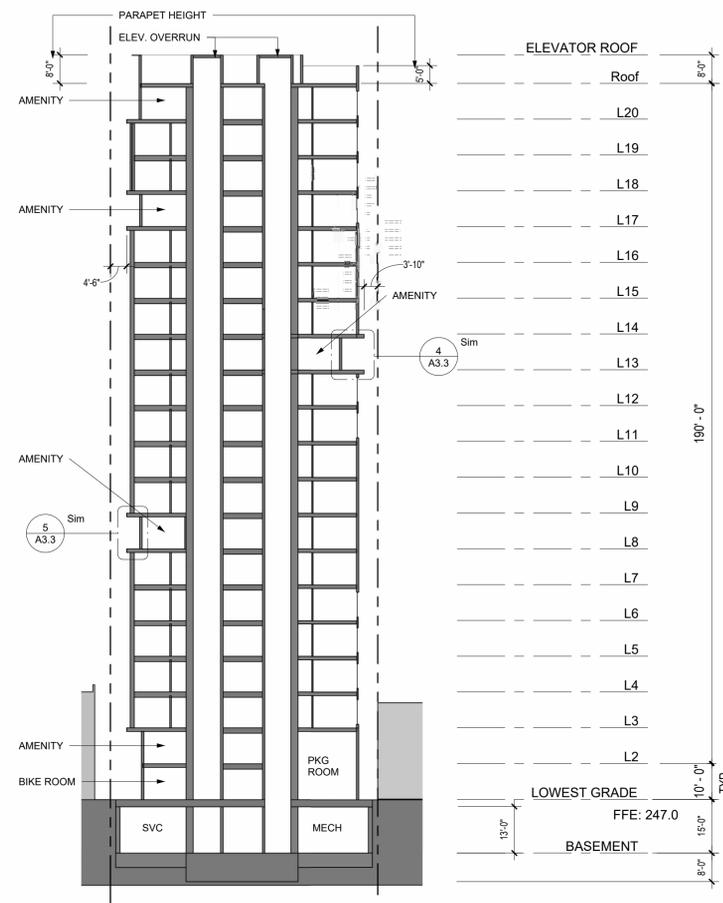


Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
BUILDING ELEVATIONS

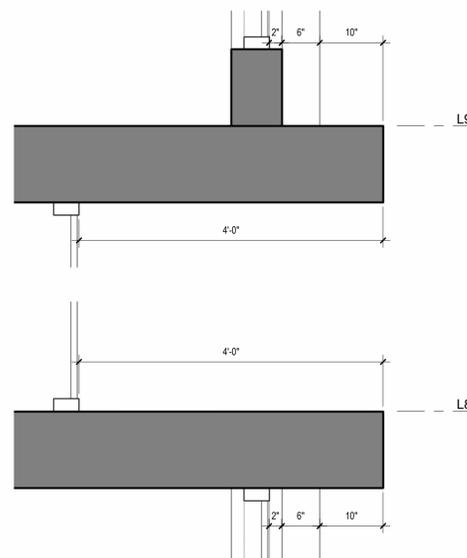
Sheet No.
A3.2

Scale 3/64" = 1'-0"

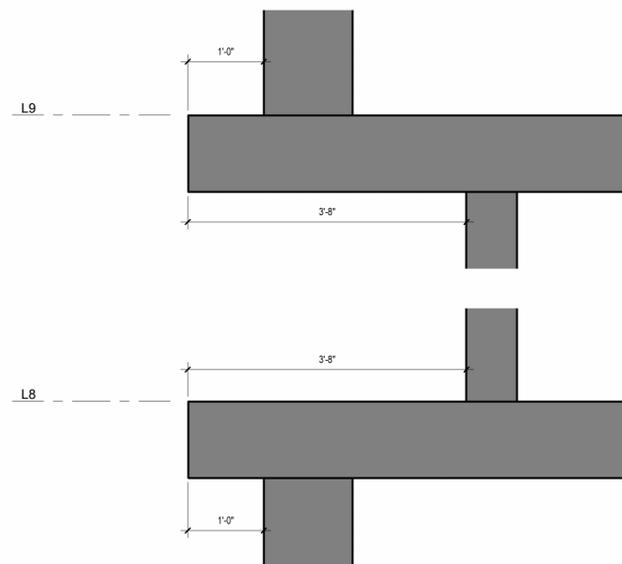


2 BUILDING SECTION - E/W
3/64" = 1'-0"

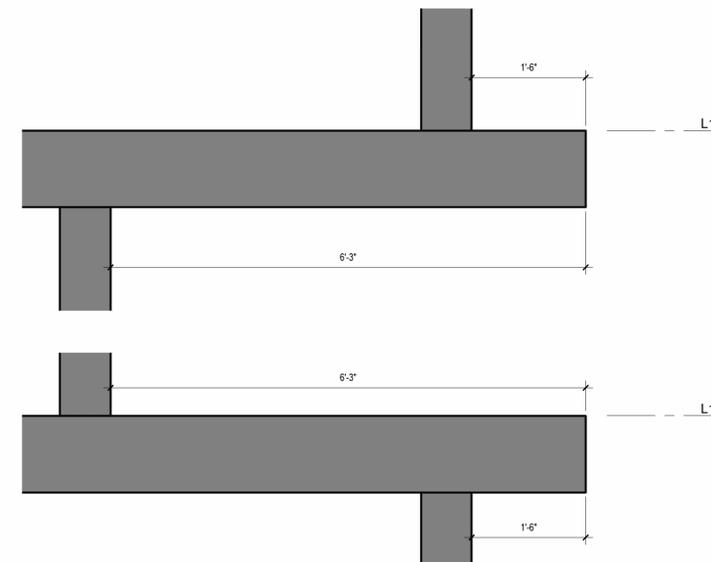
1 BUILDING SECTION - N/S
3/64" = 1'-0"



3 ENLARGED SECTION - TYP. FACADE DEPTH - AMENITY LEVEL
1" = 1'-0"



5 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"



4 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
SECTION DRAWINGS

Sheet No.
A3.3

Scale As indicated



**YES COMMUNITY
ARCHITECTS**

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing



① STREET STRIP ELEVATION
1" = 20'-0"

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- △
- △
- △

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**STREET STRIP
ELEVATION**

Sheet No.
A3.4

Scale 1" = 20'-0"



**YES COMMUNITY
ARCHITECTS**

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**PERSPECTIVE
RENDERINGS**

Sheet No.
A3.5

Scale



VIEW ALONG DURANT AVE LOOKING NORTH EAST



**YES COMMUNITY
ARCHITECTS**

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	VD

Drawing Title
**PERSPECTIVE
RENDERINGS**

Sheet No.
A3.6

Scale



VIEW OF ENTRY ALONG DURANT AVE LOOKING NORTH WEST

PERSPECTIVE VIEW
UP DURANT AVE
TOWARDS
TELEGRAPH AVE



BEFORE



AFTER (SIMULATED)



**YES COMMUNITY
ARCHITECTS**

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**PHOTO
SIMULATIONS**

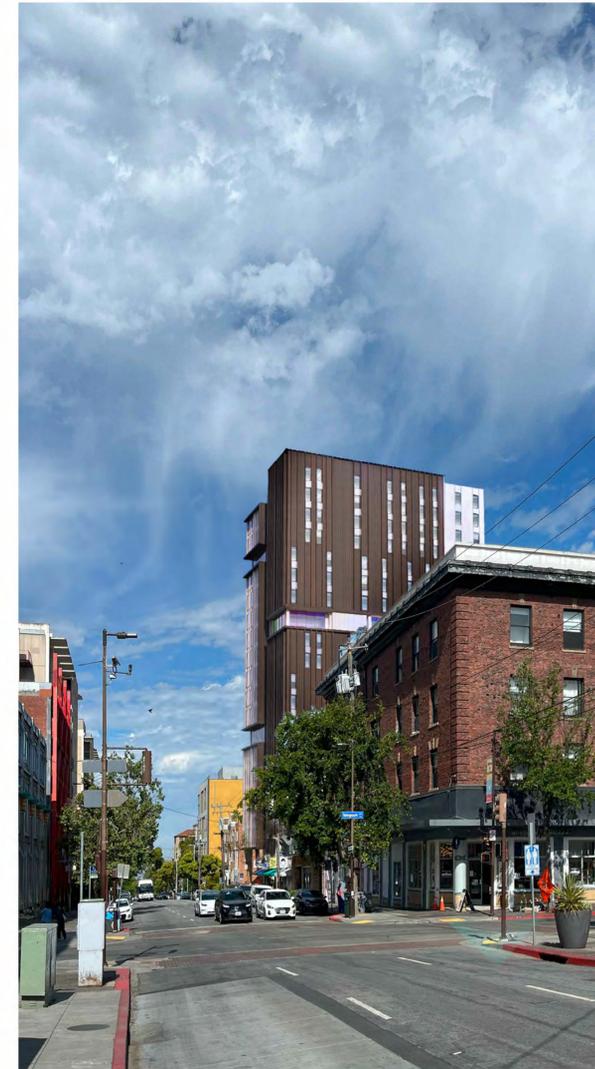
Sheet No.
A3.7

Scale

PERSPECTIVE VIEW
DOWN DURANT AVE
TOWARDS DANA ST



BEFORE



AFTER (SIMULATED)



**YES COMMUNITY
ARCHITECTS**

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

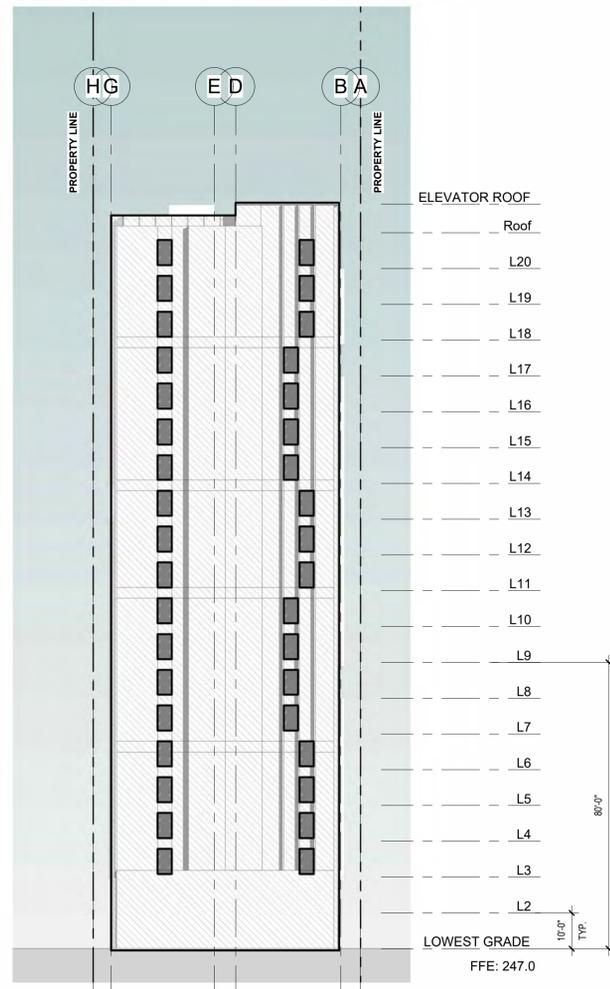
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
**PHOTO
SIMULATIONS**

Sheet No.
A3.8

Scale

 DIAGONAL HATCH INDICATES OVERALL FACADE AREA
 GREY TONE INDICATES TRANSPARENT FACADE AREA
 CROSSHATCH INDICATES HIGH-RISK FEATURES



② ELEVATION - NORTH
3/64" = 1'-0"

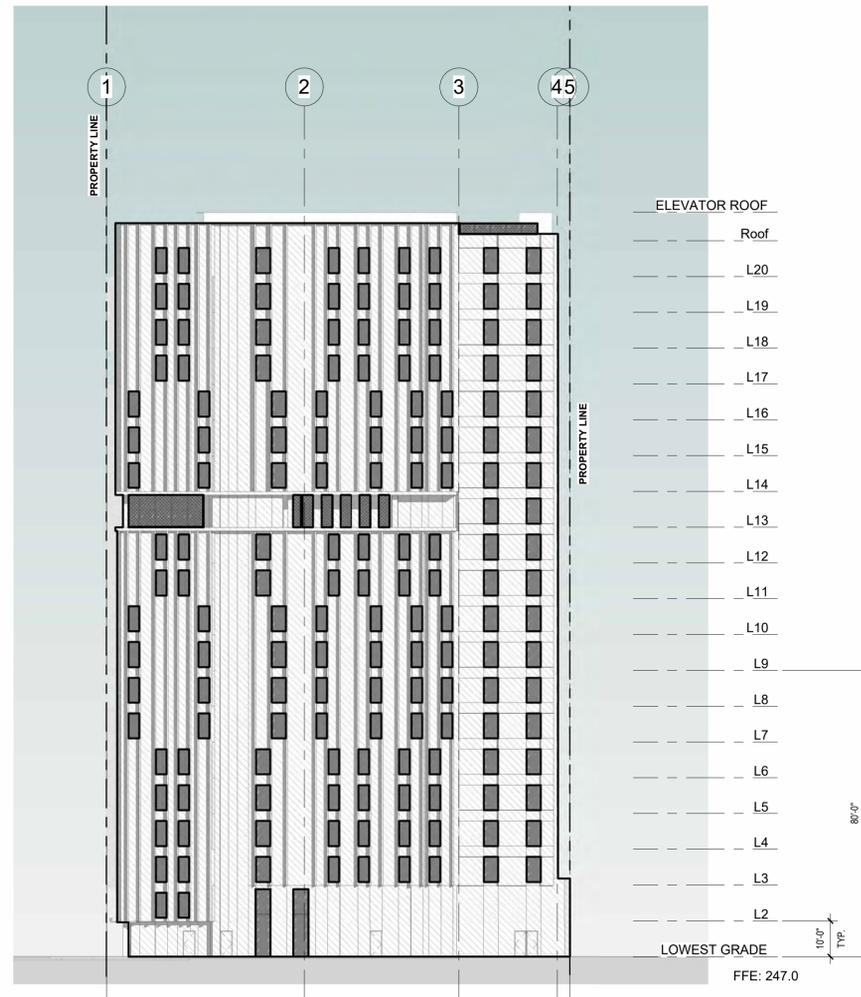
TRANSPARENT FACADE AREA: 1008.00 SF
OVERALL FACADE AREA: 13253.50 SF

$1008.00 \text{ SF} / 13253.5 \text{ SF} = .0761 * 100 = 7.61\%$

7.61% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



① ELEVATION - EAST
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 4240.47 SF
OVERALL FACADE AREA: 25342.99 SF

$4240.47 \text{ SF} / 25342.99 \text{ SF} = .1673 * 100 = 16.73\%$

16.73% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

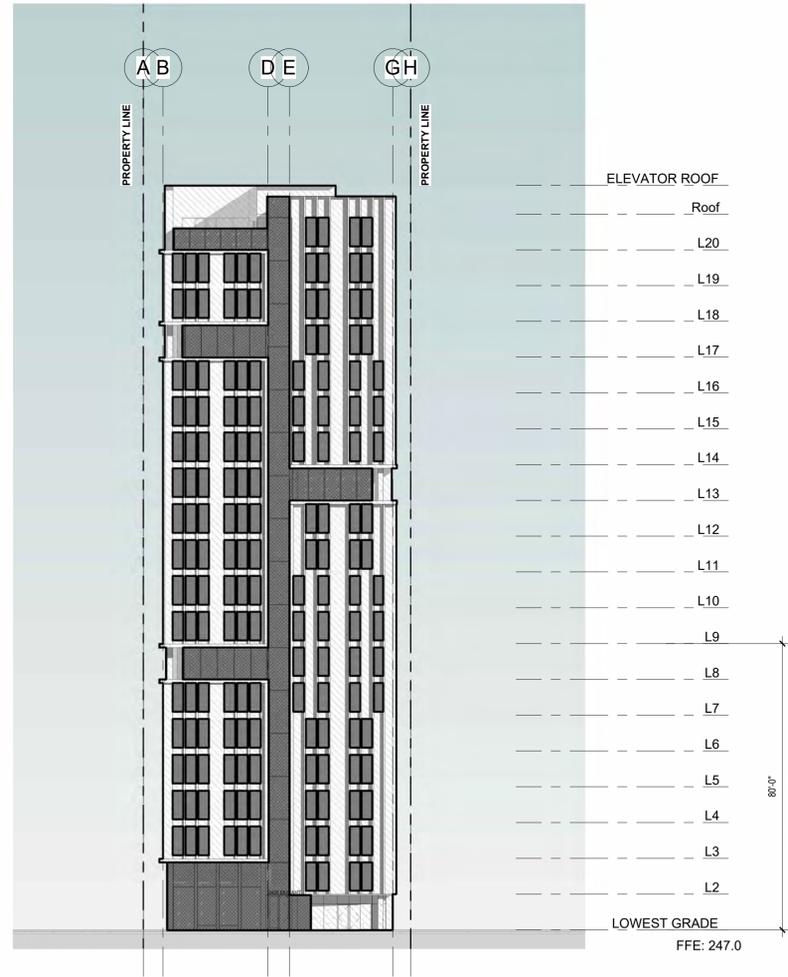
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.
A3.9

Scale As indicated

DIAGONAL HATCH INDICATES OVERALL FACADE AREA
GREY TONE INDICATES TRANSPARENT FACADE AREA
CROSSHATCH INDICATES HIGH-RISK FEATURES



2 ELEVATION - SOUTH (DURANT AVE)
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 6507.67 SF
OVERALL FACADE AREA: 13505.41 SF

6507.67 SF / 13505.41 SF = .4819 * 100 = 48.19%

48.19% > 30% = NOT A LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



1 ELEVATION - WEST
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 5670.66 SF
OVERALL FACADE AREA: 25462.6 SF

5670.66 SF / 25462.6 SF = .2227 * 100 = 22.27%

22.7% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES AS WELL AS FIRST 75' ABOVE GRADE TRANSPARENT FACADE TO FOLLOW OPTION 2 BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com



2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



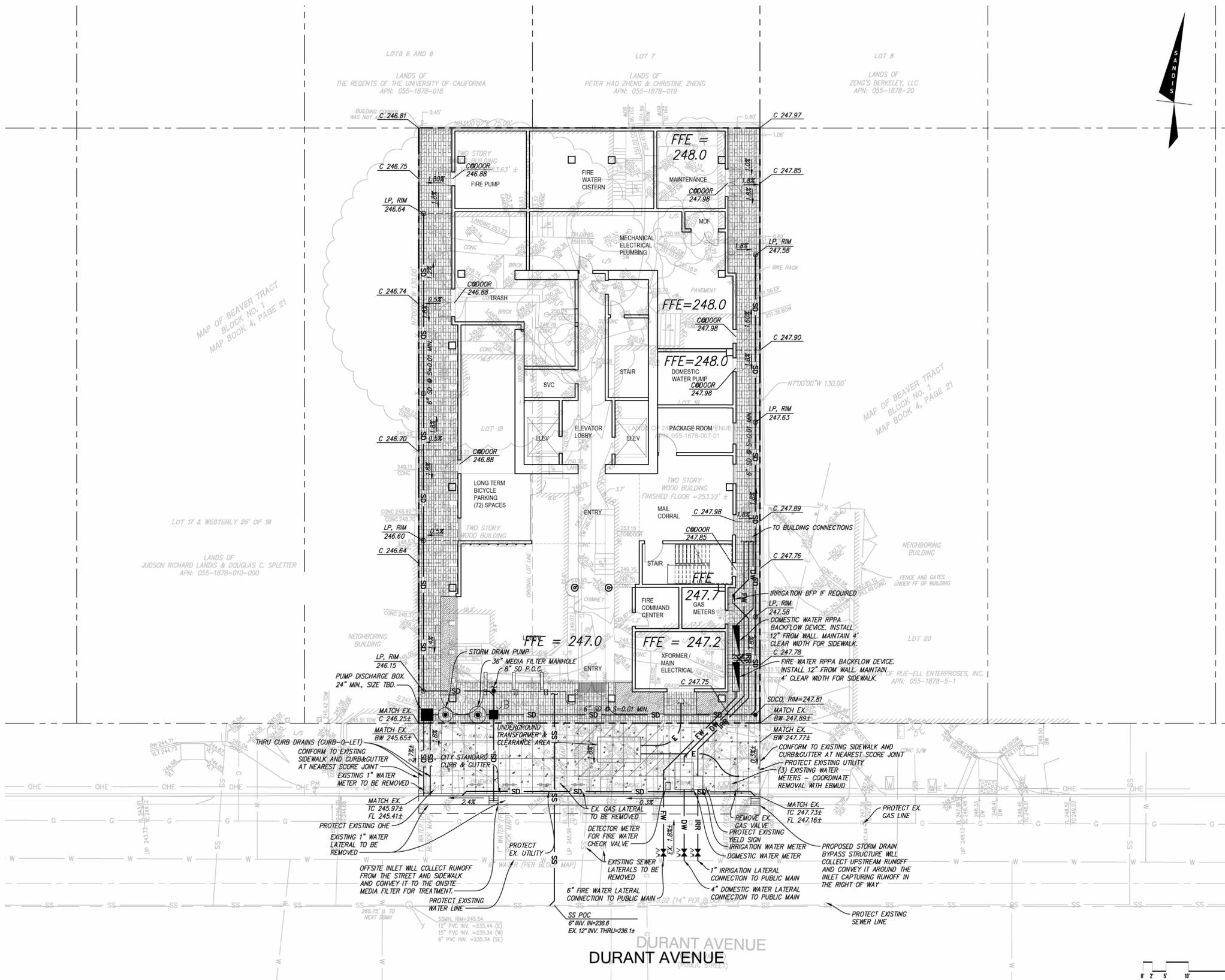
Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title
BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.

A3.10

Scale As indicated



LEGEND

- PROPERTY LINE
- OVERLAND RELEASE PATH
- CONCRETE SIDEWALK
- PERVIOUS PAVING

- ### SITE AND GRADING NOTES
- ALL SITE WORK SHALL BE IN CONFORMANCE WITH TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND WITH THE AMERICANS WITH DISABILITIES ACT.
 - PATH OF TRAVEL TO BUILDING SHALL NOT EXCEED A SLOPE OF 1:20 (5%) UNLESS RAILINGS ARE SHOWN, IN WHICH CASE THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
 - A 2% MAXIMUM SLOPE LANDING SHALL BE PROVIDED AT PRIMARY ENTRANCES TO THE BUILDING. THE LANDINGS SHALL HAVE A MINIMUM WIDTH OF 60" AND A MINIMUM DEPTH OF 60" WHEN THE DOOR OPENS INTO THE BUILDING, AND 42" PLUS THE WIDTH OF THE DOOR WHEN THE DOORS OPEN ONTO THE LANDING.
 - MAXIMUM CROSS SLOPE ALONG SIDEWALK OR PATHWAY SHALL BE 2% MAXIMUM.
 - THE SIDEWALK SHALL HAVE A 4' MINIMUM CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

- ### UTILITY NOTES
- ALL AREA DRAINS AND CATCH BASINS GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
 - ALL UTILITY TRENCHES SHALL BE BACK FILLED PER THE SPECIFICATIONS WITH APPROPRIATE TESTS BY THE GEOTECHNICAL ENGINEER TO VERIFY COMPACTION VALUES.
 - POTHOLING IS STRONGLY RECOMMENDED FOR NEW GRAVITY FLOW SYSTEMS TO VERIFY THE DEPTH OF ALL EXISTING CROSSING UTILITIES. POTHOLING CAN ALSO VERIFY THE SIZE AND MATERIAL OF ANY OTHER UTILITIES THE PROJECT IS CONNECTING ONTO.
 - ALL SEWER WORK SHALL BE IN CONFORMANCE WITH THE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT STANDARDS.
 - ALL SEWER LATERALS SHALL HAVE A TWO WAY CLEANOUT AT FACE OF BUILDING.
 - ALL WATER SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE EBMUD STANDARDS.
 - ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER.
 - THRUST RESTRAINTS SHALL BE DESIGNED AND INSTALLED AT ALL TEES, CROSSES, BENDS (HORIZONTAL AND VERTICAL), AND AT SIZE CHANGES.

STORMWATER MANAGEMENT DESIGN NOTES

- ALL ROOF AND PAVEMENT RUNOFF IS CAPTURED VIA AREA/ROOF DRAINS AND PIPED TO MEDIA FILTER VAULT.
- STORMWATER IS TREATED THROUGH THE MEDIA FILTERS DURING A WATER QUALITY RAIN EVENT (E. 0.2 IN/HR RAINFALL INTENSITY). THE WATER SUBSEQUENTLY HEADS TOWARD THE OUTLET.
 - LARGER STORM EVENTS WILL BYPASS THE MEDIA FILTERS AND HEAD DIRECTLY TO THE OUTLET.
- STORMWATER LEAVES THE VAULT THROUGH THE OUTLET AND INTO A LIFT STATION SIZED FOR A 100 YEAR STORM EVENT WITH N+1 PUMP REDUNDANCY.
- THE LIFT STATION FINALLY DISCHARGES INTO A THROUGH-CURB DRAIN WHICH THEN OUTFALLS INTO THE STREET GUTTER PAN.
- THE NEW/REPLACED IMPERVIOUS SURFACES OFFSITE WILL BE CONVEYED TO THE ONSITE MEDIA FILTER FOR TREATMENT.
- THERE WILL BE A PORTION OF NEW/REPLACED IMPERVIOUS SURFACE THAT WILL BE UNABLE TO BE TREATED GIVEN THE STREET SLOPE OFFSITE. THE PROJECT WILL TREAT EXISTING IMPERVIOUS AREAS OFFSITE IN THE STREET IN-LIEU OF TREATING THE NEW/REPLACED IMPERVIOUS AREA (ALTERNATIVE COMPLIANCE).
- A BYPASS PIPE IS PROPOSED TO CARRY WATER THAT IS UPSTREAM IN THE WATERSHED THAT IS NOT REQUIRED TO BE TREATED, AROUND THE INLET THAT IS CAPTURING AND TREATING THE OFFSITE RUNOFF AND DISCHARGING IT DOWNSTREAM BACK INTO THE GUTTER PAN.



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676

yes@yescommunityarchitects.com
DATE: _____, 2024



SANDIS MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6-30-25

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

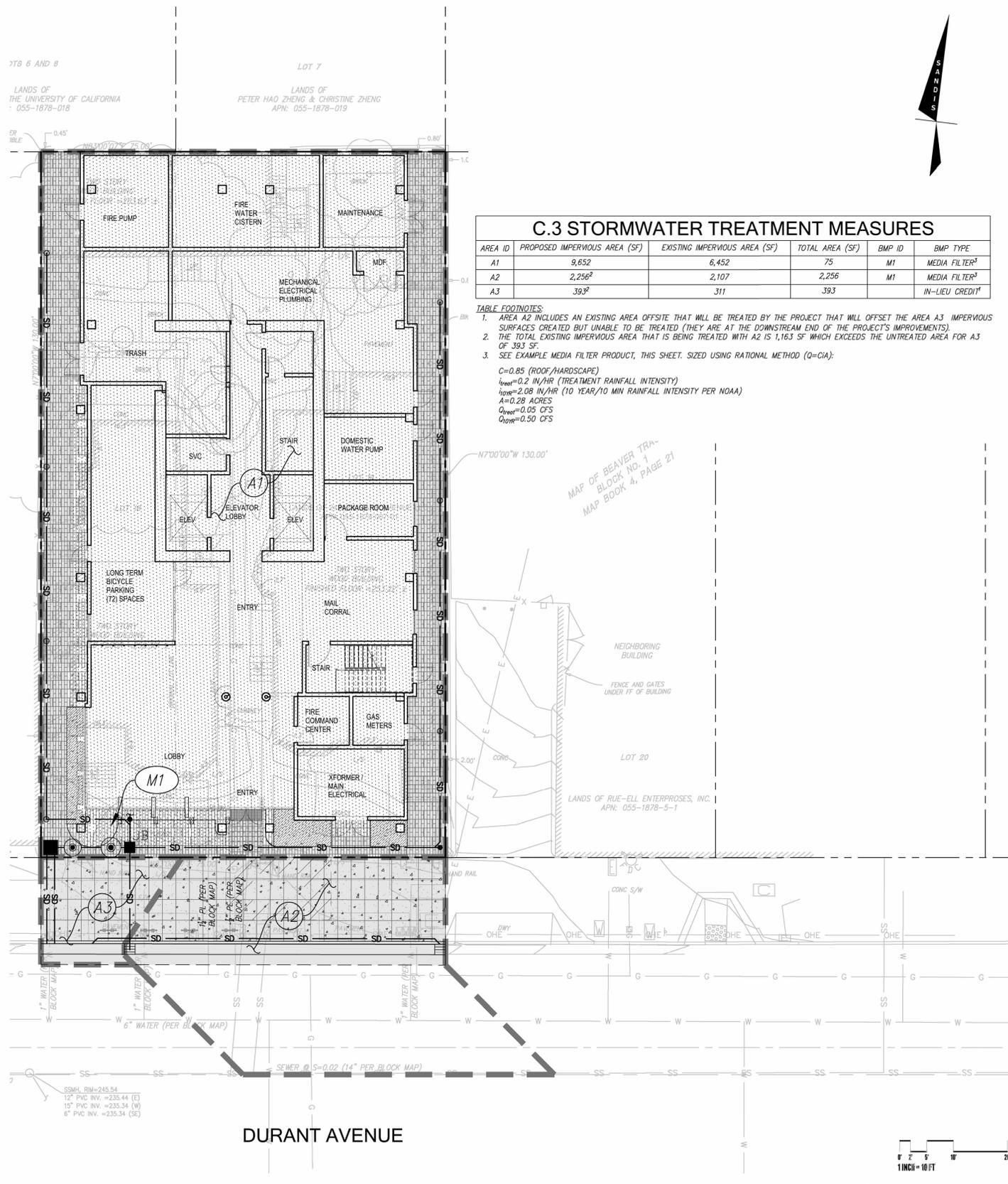
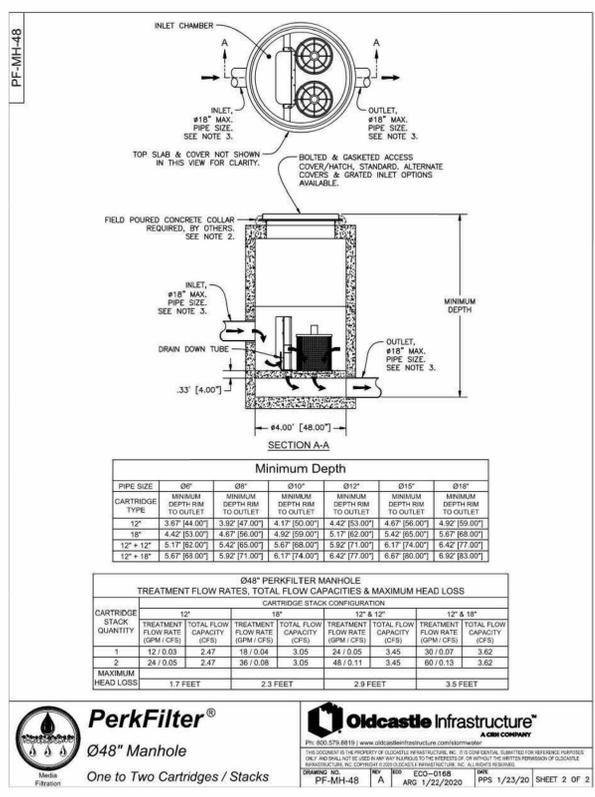
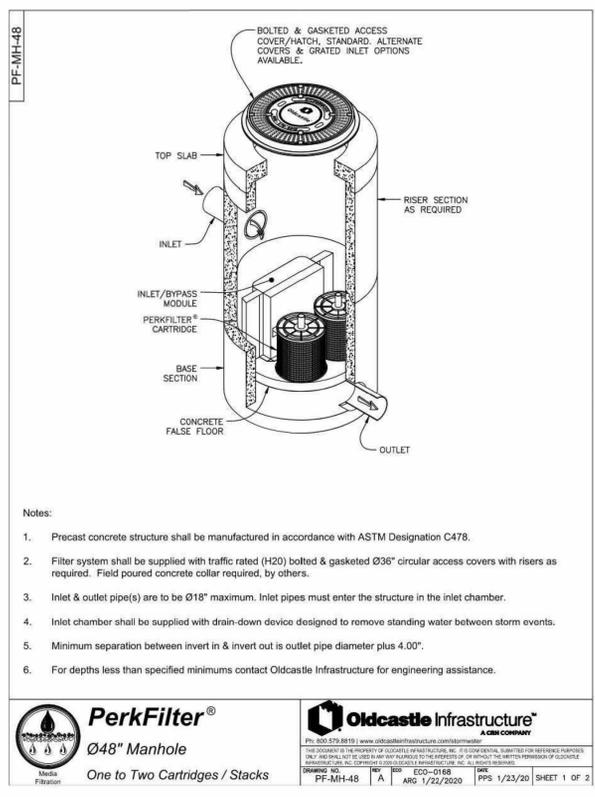


Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NOA

Drawing Title
**SITE, GRADING,
AND UTILITY
PLAN**

Sheet No.
C1.0

Scale 1"=10'



2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NOA

Drawing Title
STORMWATER MANAGEMENT PLAN

Sheet No.
C2.0

Scale 1"=10'

SPECIAL PROJECTS WORKSHEET

Special Projects Worksheet

Complete this worksheet for projects that appear to meet the definition of "Special Project", per Provision C.3.a of the Municipal Regional Stormwater Permit (MRP). The form assists in determining whether a project meets Special Project criteria, and the percentage of low impact development (LID) treatment reduction credit. Special Projects that implement less than 100% LID treatment must provide a narrative discussion of the feasibility or infeasibility of 100% LID treatment. See Appendix J of the C.3 Technical Guidance (downloaded at <https://www.ciwater.org/portal/0>) for more information.

Project Name: 2425 Durant Ave.
 Project Address: 2425 Durant Ave, Berkeley, CA 94704
 Applicant/Developer Name: YES DUFFY ARCHITECTS

1. "Special Project" Determination (Check the boxes to determine if the project meets any of the following categories.)

Special Project Category "A"
 Does the project have ALL of the following characteristics?
 Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district;
 Creates and/or replaces 0.5 acre or less of impervious surface;
 Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones.
 Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment.

No (continue) Yes - complete Section 2A of the Special Project Worksheet

Special Project Category "B"
 Does the project have ALL of the following characteristics?
 Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district;
 Creates and/or replaces an area of impervious surface that is greater than 0.5 acre, and no more than 2.0 acres of impervious surface;
 Includes no surface parking, except for incidental parking for emergency access, ADA access, and passenger or freight loading zones;
 Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment;
 Minimum density of either 50 dwelling units per acre (DU/ac) (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

No (continue) Yes - complete Section 2B of the Special Project Worksheet

Special Project Category "C"
 Does the project have ALL of the following characteristics?
 Must have affordable housing deed restrictions running a minimum of 55 years that limit the rent/mortgage rates (including utilities) to be no greater than 30 percent of the total household income and meet the income levels specified by the Federal Department of Housing and Urban Development's affordable housing in metropolitan areas: Extremely Low: 0-30 percent of area median household income (AMI); Very Low: 31-50 percent of AMI; Low: 51-80 percent of AMI; and Moderate 81-120 percent of AMI.
 Is primarily a residential development.
 Minimum gross density of 40 DU/ac.

No Yes - complete Section 2C of the Special Project Worksheet

* And built as part of a municipality's stated objective to preserve/enhance a pedestrian-oriented type of urban design.
 Updated March 3 2023

Special Projects Worksheet (continued)

2. LID Treatment Reduction Credit Calculation (If more than one category applies, choose only one of the applicable categories and fill out the table for that category.)

Category	Impervious Area Created/Replaced (sq. ft.)	Site Coverage (%)	Project Density or FAR	Density/Criteria	Allowable Credit (%)	Applied Credit (%)
A			NA	NA	100%	100%
B				Res ≤ 50 DU/ac or FAR ≥ 2:1	50%	
				Res ≤ 75 DU/ac or FAR ≥ 3:1	75%	
				Res ≤ 100 DU/ac or FAR ≥ 4:1	100%	
C ¹				Affordable Housing credit (select one):		
				The minimum percentage of the DUs meet the 70% credit requirements listed in Table 1.	70%	
				The minimum percentage of the DUs meet the 50% credit requirements listed in Table 1.	50%	
				The minimum percentage of the DUs meet the 25% credit requirements listed in Table 1.	25%	
				Location credit (select one):		
				Within 1/4 mile of transit hub	5%	
				Within a planned Priority Development Area (PDA) ⁴	10%	
				Density credit (select one):		
				Gross density ≥ 40 DU/ac	5%	
				Gross density ≥ 60 DU/ac	10%	
				Gross density ≥ 100 DU/ac	15%	
				Parking credit (select one):		
				Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones	5%	
TOTAL CATEGORY C CREDIT =					100%	

¹ For any Category C Special Project, the total maximum LID Treatment Reduction Credit allowed is the sum of four different types of credits that the Category C Special Project may qualify for: namely, Affordable Housing + Location + Density + Minimized Surface Parking Credits. A Category C Special Project must at least qualify for an Affordable Housing credit before it can earn any credits in the other categories.
² To qualify for a Location Credit, 100% of the Category C Special Project's site must be located within the 1/4-mile radius of an existing or planned transit hub.
³ A "planned Priority Development Area" is an infill development area formally designated by the Association of Bay Area Governments' Metropolitan Transportation Commission's FOCUS regional planning program.
 Updated March 2023

Special Projects Worksheet (continued)

3. Narrative Discussion of the Feasibility/Infeasibility of 100% LID Treatment:
 If project will implement less than 100% LID, prepare a discussion of the feasibility or infeasibility of 100% LID treatment, as described in Appendix J of the C.3 Technical Guidance.

4. Select Certified Non-LID Treatment Measures:
 If the project will include non-LID treatment measures, select a treatment measure certified for "Basic" General Use Level Designation (GULD) by the Washington State Department of Ecology's Technical Assessment Protocol - Ecology (TAPE). Guidance is provided in Appendix J of the C.3 Technical Guidance.⁵

Special Projects Worksheet Completed by:
 Signature: Gregory Trela Date: 1/29/2025

Print or Type Name: Gregory Trela

Table 1 Affordable Housing Credit Table

AMI	Minimum Percentage of DUs		
	70% credit	50% credit	25% credit
Moderate (≥120% of AMI)	100	75	50
Low (≤80% of AMI)	75	50	25
Very Low (≤50% of AMI)	50	25	15
Extremely Low (≤30% of AMI)	25	15	5

⁵ TAPE certification is used in order to satisfy Special Project's reporting requirements in the MRP.
 Updated March 2023

SPECIAL PROJECT NARRATIVE

SANDIS

9/20/2024
 Project #: 624069

City of Berkeley Public Works Department
 2180 Hiviva St. #3
 Berkeley, Ca 94704

RE: 2425 Durant Ave.
Narrative Discussion of Low Impact Development Feasibility/Infeasibility

To Whom It May Concern:

This letter provides a narrative discussion of the feasibility or infeasibility of providing 100 percent low impact development (LID) treatment for 2425 Durant Ave., which has been identified as a potential Special Project, based on Special Project criteria provided in Provision C.3.a.ii of the Municipal Regional Stormwater Permit (MRP). This letter is prepared in accordance with the requirement in MRP Provision C.3.a.vi(2) to include in Special Projects reporting a narrative discussion of the feasibility or infeasibility of 100 percent LID treatment onsite or offsite.

Feasibility/Infeasibility of Onsite LID Treatment

The project site was reviewed with regard to the feasibility and infeasibility of onsite LID treatment. The results of this review showed that it was infeasible to treat 100 percent of the C.3.d amount of runoff with LID treatment. The findings of this review are presented below:

a. **On-site Drainage Conditions.** The project site will be occupied by a proposed high rise building. The entire site will be contained in one drainage management area which will outfall into one treatment device (i.e. media filter).

b. **Constraints to Providing On-site LID.** The drainage management area that is proposed to drain to a vault-based high flow rate media filter includes some areas that are not covered by buildings. However, these areas make up 15% of the property area due to the building footprint which takes up 85% of the property. The at-grade areas are being used for access and therefore are not physically able to contain bioretention areas. With the inclusion of setbacks from the building foundation, this severely precludes the project from accommodating pervious surfaces at grade or other forms of LID treatment.

Feasibility/Infeasibility of Off-Site LID Treatment. The possibility of providing off-site LID treatment was found to be infeasible. The owner does not own or control land within the same watershed of the project site which can accommodate in perpetuity off-site bioretention facilities adequately sized to treat the runoff volume of the primary project. The project team is also unaware of any regional LID stormwater mitigation program available to the project for in-lieu C.3 compliance.

Regards,
SANDIS
 Nathan Allen
 Project Manager

BUILD ON 11

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist
 Municipal Regional Stormwater Permit (MRP 3)
 Stormwater Controls for Development Projects

I. Applicability C.3 Stormwater Requirements
 All projects must complete Section I.

I.A. Enter Project Data (Data for "C.3 Regulated Projects," will be reported in the municipality's stormwater Annual Report.)

I.A.1 Project Name: 2425 DURANT AVE. HOUSING
 I.A.2 Project Address: 2425 DURANT AVE, BERKELEY, CA 94704 (MIDBLOCK BETWEEN DANA ST & TELEGRAPH AVE.)
 I.A.3 Project APNs: 55-1878-7-1
 I.A.4 Project Watershed: POTTER AND DERBY CREEKS WATERSHED
 I.A.5 Applicant Name: YES DUFFY ARCHITECTS
 I.A.6 Date Submitted: 01/31/2025
 I.A.7 Applicant Address: 1250 ADDISON ST. UNIT 105, BERKELEY, CA 94702
 I.A.8 Applicant Phone: 510.214.3676 I.A.9 Applicant E-mail Address: YES@YESDUFFY.COM

I.A.10 Development Type (check all that apply): Residential Commercial Industrial Mixed-Use Streets, Roads, etc. Detached Single Family Home Redevelopment

I.A.11 Project Description (include any past or future phases of the project): HIGH RISE RESIDENTIAL BUILDING

I.A.12 Total Project Area: 11,235 SF I.A.13 % Slope on Site: 9%

I.A.14 Total Land Disturbance Area (include all areas to be cleared, excavated, graded, and borrow and stockpile areas): 11,500 SF

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b or a Small Project per MRP Provision C.3.i

I.B.1. Complete the Impervious and Pervious Surfaces Table

Type of Impervious Surface ¹	a. Pre-Project Impervious Area (sq. ft.)	b. Existing Impervious Area to be Replaced (sq. ft.)	c. New Impervious Area to be Created (sq. ft.)	d. Post-Project Pervious Area (sq. ft.)
a. Impervious roof area(s) ²	5,195	6,210	1,675	
b. Impervious sidewalks, patios, paths, driveways ³	3,430	2,375	925	
c. Uncovered parking ⁴	0	0	0	NA
d. Streets (public)	1,310	150	0	
e. Streets (private)	0	0	0	
Totals	9,935	8,735	2,600	100

¹ Watershed is defined by the maps from the Alameda County Flood Control District at <http://aefloodcontrol.org/resources/explorer-watersheds>.
² As defined by MRP, creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred.
³ A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater.
⁴ Replaced impervious area means any impervious area that is removed and replaced in kind or upgraded. See Chapter 2 of the C.3 Technical Guidance.
⁵ Exclude green roof.
⁶ A gravel surface is an impervious surface, except when it is constructed as part of appropriately designed pervious pavement system.
⁷ Uncovered parking includes top level of a parking structure unless drainage from the uncovered portion is connected to the sanitary sewer along with the covered portions of the parking structure.

Page 1 of 9 May 2024

Stormwater Requirements Checklist

Stormwater Requirements Checklist
 Municipal Regional Stormwater Permit (MRP 3)
 Stormwater Controls for Development Projects

Existing Impervious Area to remain in place: NA
 Total New/Replaced Impervious Area (sum columns b and c): 11,335

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b or a Small Project per MRP Provision C.3.i (cont'd)

I.B.2 Is your project a single family detached home? If Yes go to I.B.2.a; if NO go to I.B.3. Yes No NA
 I.B.2.a Is the Total New/Replaced Impervious Area in I.B.1 ≥ 10,000 sq. ft.? Yes No
 If YES, your project is a C.3.b Regulated Project. (See I.D.) If NO go to I.B.3.
 I.B.3 Is your project a road reconstruction project? If YES go to I.B.3.a; if NO go to I.B.4. Yes No
 I.B.3.a Is the Total New/Replaced Impervious Area in I.B.1 ≥ 11 acres (43,560 sq. ft.)? Yes No
 If YES, your project is a C.3.b Regulated Project. (See I.D.)
 I.B.4 Is the Total New/Replaced Impervious Area in I.B.1 ≥ 5,000 sq. ft.? Yes No
 If YES, your project is a C.3.b Regulated Project. If NO go to I.B.5.
 I.B.5 Is the Total New/Replaced Impervious Area in I.B.1 2,500 to <5,000 sq. ft. or for single family detached home 2,500 to <10,000 sq. ft.? Yes No
 If YES, your project is a C.3.i Small Project.

I.C. Pervious Pavement Systems
 I.C.1 Will your project install 3,000 sq ft or more of pervious pavement systems (not including private use patios at residences)? Yes No
 If YES, stormwater treatment system inspection requirements (C.3.h) apply. (Municipal staff - add this site to your list of sites needing a final inspection at the end of construction and ongoing O&M inspections.)

I.D. Projects not regulated by C.3
 If your project is not regulated by C.3.b or C.3.i you are not subject to stormwater treatment requirements, however you are encouraged to incorporate site design and source control measures. The municipality may determine that source controls and site design measures are required for your project, if so, you must complete Section II and if required by the municipality, complete Sections II.A and II.B.

I.E. C.3.i Small Projects
 If your project is regulated by C.3.i you are considered a "Small Project" and must implement site design (See III.A) and source control requirements (See III.B). You are not required to implement stormwater treatment requirements. You must complete Sections III.A and III.B.

I.F. C.3.b Regulated Projects
 If your project is a C.3.b regulated project, the project must include appropriate site design measures and source controls AND hydrologically-sized stormwater treatment measures. Hydro-modification management may also be required. Complete Sections II, III, and V.

II. Applicability C.6 Stormwater Requirements
 All projects must complete Section II.

II.A Does the project disturb one acre or more of land? Yes No
 If YES you are required to obtain coverage under the State Construction Stormwater Permit, see https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html. You must submit your WQID number and Stormwater Pollution Prevention Plan to the municipality before a building or grading permit will be issued. You do not need to complete Section IV.

II.B Does the project disturb less than one acre of land? Yes No
 If NO, you are subject to MRP C.6 requirements. Complete Section IV to identify best management practices (BMPs) that will be in the erosion control plan and implemented during construction.

II.C. Priority Inspection Factors

II.C.1 Is the project 1 acre or more?	II.C.2 Does the project require a grading permit?	II.C.3 Is the project adjacent to a creek or waterway?	II.C.4 Is the project on a municipality defined hillside development area or meet local hillside criteria?	II.C.5 Does the project site have a slope of >15% and disturb ≥ 5,000 sq. ft.?	II.C.6 Does the project involve demolition of a structure subject to the PCBs Building Demolition WQIP/NMUT requirements? If yes the completion of the PCBs Building Material Demolition is required.
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			

(Municipal staff - refer projects answering "YES" to any questions in section II.C to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30) and other times of the year as appropriate.)

Page 2 of 9 May 2024

Stormwater Requirements Checklist

Stormwater Requirements Checklist
 Municipal Regional Stormwater Permit (MRP 3)
 Stormwater Controls for Development Projects

III. A. Source Control
 III.A.1 Does the project include any of the following source control measures?
 Yes No

III. B. Source Control
 III.B.1 Does the project include any of the following source control measures?
 Yes No

III. C. Source Control
 III.C.1 Does the project include any of the following source control measures?
 Yes No

III. D. Source Control
 III.D.1 Does the project include any of the following source control measures?
 Yes No

III. E. Source Control
 III.E.1 Does the project include any of the following source control measures?
 Yes No

III. F. Source Control
 III.F.1 Does the project include any of the following source control measures?
 Yes No

III. G. Source Control
 III.G.1 Does the project include any of the following source control measures?
 Yes No

III. H. Source Control
 III.H.1 Does the project include any of the following source control measures?
 Yes No

III. I. Source Control
 III.I.1 Does the project include any of the following source control measures?
 Yes No

III. J. Source Control
 III.J.1 Does the project include any of the following source control measures?
 Yes No

III. K. Source Control
 III.K.1 Does the project include any of the following source control measures?
 Yes No

III. L. Source Control
 III.L.1 Does the project include any of the following source control measures?
 Yes No

III. M. Source Control
 III.M.1 Does the project include any of the following source control measures?
 Yes No

III. N. Source Control
 III.N.1 Does the project include any of the following source control measures?
 Yes No

III. O. Source Control
 III.O.1 Does the project include any of the following source control measures?
 Yes No

III. P. Source Control
 III.P.1 Does the project include any of the following source control measures?
 Yes No

III. Q. Source Control
 III.Q.1 Does the project include any of the following source control measures?
 Yes No

III. R. Source Control
 III.R.1 Does the project include any of the following source control measures?
 Yes No

III. S. Source Control
 III.S.1 Does the project include any of the following source control measures?
 Yes No

III. T. Source Control
 III.T.1 Does the project include any of the following source control measures?
 Yes No

III. U. Source Control
 III.U.1 Does the project include any of the following source control measures?
 Yes No

III. V. Source Control
 III.V.1 Does the project include any of the following source control measures?
 Yes No

III. W. Source Control
 III.W.1 Does the project include any of the following source control measures?
 Yes No

III. X. Source Control
 III.X.1 Does the project include any of the following source control measures?
 Yes No

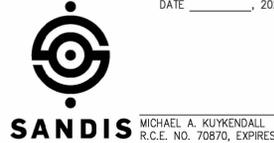
III. Y. Source Control
 III.Y.1 Does the project include any of the following source control measures?
 Yes No

III. Z. Source Control
 III.Z.1 Does the project include any of the following source control measures?
 Yes No

Page 3 of 9 May 2024



YES COMMUNITY ARCHITECTS
 yescommunityarchitects.com
 1250 Addison St Unit 105
 Berkeley CA 94702
 510-214-3676
 yes@yescommunityarchitects.com
 DATE _____, 2025



SANDIS MICHAEL A. KUYKENDALL
 R.C.E. NO. 70870, EXPIRES
 6-30-25

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

Date: 08/06/2024
 Project No.: 24001
 Drawn by: SEC
 Checked by: NOA

Drawing Title
STORMWATER SUPPLEMENTAL FORMS

Sheet No.
C2.1
 Scale: N.T.S.

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

III. Implementation of C.3 Stormwater Requirements
C.3.b Regulated Projects must complete all of Section III.
C.3.c Small Projects must complete Sections II.A and III.B.
Projects not regulated by C.3 must complete Sections II.A and III.B if directed by the municipality.

III.A Select Appropriate Site Design Measures
C.3.b Regulated Projects must implement appropriate and feasible site design measures.
C.3.c Small Projects must implement at least one of site design measures listed in items a-f.
Projects not regulated by C.3 are encouraged to implement appropriate site design measures and those directed by the municipality.

Site Design Measure

Plan Sheet #	Yes	No
a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Direct roof runoff onto vegetated areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Construct sidewalks, walkways, and/or patios with pervious pavement systems. ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious pavement systems. ¹	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Minimize land disturbance and impervious surface (especially parking lots).	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Maximize permeability by clustering development and preserving open space.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Use micro-detention, including distributed landscape-based detention.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Self-treating areas (see Chapter 5 of the C.3 Technical Guidance).	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l. Self-retaining areas (see Chapter 5 of the C.3 Technical Guidance).	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III.B Select Appropriate Source Control Measures
C.3.b Regulated Projects must select and implement appropriate source control measures.
C.3.c Small Projects and projects not regulated by C.3 are encouraged to select and implement appropriate source control measures and those directed by the municipality.

Features in the project?	Features requiring source controls	Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?	Plan Sheet #
Yes	No		Yes	No
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Storm Drain	<input type="checkbox"/>	WILL INCL. W/PERMIT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Floor Drains	<input type="checkbox"/>	WILL INCL. W/PERMIT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Parking garage	<input type="checkbox"/>	WILL INCL. W/PERMIT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Landscaping	<input type="checkbox"/>	WILL INCL. W/PERMIT
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Pool/spa/fountain	<input type="checkbox"/>	WILL INCL. W/PERMIT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Food Service Equipment (non-residential)	<input type="checkbox"/>	WILL INCL. W/PERMIT

¹ Use the specifications in the C.3 Technical Guidance or for small projects see the BASMAA Pervious Paving Factsheet. For these documents and others go to <https://dam.assets.adobe.com> and click on "Resources."
² Any connection to the sanitary sewer system is subject to sanitary district approval.

Page 4 of 9 May 2024

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

Features in the project?	Features requiring source controls	Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?	Plan Sheet #
Yes	No		Yes	No
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Refuse Areas	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Process Activities ¹¹	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Outdoor Equipment/Materials Storage	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle Equipment Cleaning	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vehicle Equipment Repair and Maintenance	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Fuel Dispensing Areas	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Loading Docks	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Fire Sprinklers	<input type="checkbox"/>	WILL INCL. W/PERMIT
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Miscellaneous Drain or Wash Water	<input type="checkbox"/>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architectural Copper	<input type="checkbox"/>	

¹¹ Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

Page 5 of 9 May 2024

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

III.C Stormwater Treatment Measures
C.3.b Regulated Projects must select and implement stormwater treatment measures to manage the C.3.c numeric sizing criteria. Complete the applicable sections below.

III.C.1 Is the project a Special Project? (See Appendix J of the C.3 Technical Guidance for Special Project criteria.)
 YES NO

If YES, complete the Special Projects Worksheet and consult with municipal staff about the need to prepare a discussion of the feasibility and "feasibility" of 100% LD treatment. Indicate the type of non-LD treatment to be used, the hydraulic sizing method,¹² and percentage of the amount of runoff specified in Provision C.3.d that is treated.

Non-LD Treatment	Hydraulic Sizing Method (See Note 1)	% of C.3.c Amount of Runoff Treated
<input checked="" type="checkbox"/> Media filter		100%
<input type="checkbox"/> Tree well filter		

III.C.2 Is the project using biotreatment to treat the C.3.d amount of runoff? (See the C.3 Technical Guidance for information on infiltration and rainwater harvesting¹² and use of stormwater.)
 YES NO

If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method. (See Note 1.)

Biotreatment Measures	Hydraulic Sizing Method (See Note 1)
<input type="checkbox"/> Boreation area	
<input type="checkbox"/> Flow-through planter	
<input type="checkbox"/> Other (specify):	

Note 1. Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used:
1. Volume based approaches - Refer to Provision C.3.d.i.(1):
1a) Urban Runoff Quality Management approach, or
1b) 80% capture approach (recommended volume-based approach).
2. Flow-based approaches - Refer to Provision C.3.d.i.(2):
2a) 10% of 50-year peak flow approach.
2b) Percentile rainfall intensity approach, or
2c) 0.2-inch per hour intensity approach (this is recommended flow-based approach AND the basis for the 4% rule of thumb described in Section 7.1 of the C.3 Technical Guidance).
3. Combination hydraulic sizing approach - Refer to Provision C.3.d.i.(3).
If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

III.D Hydromodification Management (HM) Requirements
C.3.b Regulated Projects must complete this section.

III.D.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious area?	YES	NO
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If YES, continue to item III.D.2. If NO, this project is not subject to the HM requirements.

III.D.2 Is the total impervious area increased from the pre-project condition?
If YES, continue to item III.D.3. If NO, this project is not subject to the HM requirements.

III.D.3 Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? (See HMP Susceptibility Map.)

If NO, continue to item III.D.4. If YES, the project is exempt from HM requirements. Attach map indicating project location. Skip to III.D.6 and check "NO".

III.D.4 Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map?
If YES, Project is subject to HM requirements. Attach map indicating project location. Skip to III.D.6 and check "YES". If NO, continue to III.D.5.

III.D.5 For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?

¹² The MRP no longer requires that a feasibility analysis of infiltration and rainwater harvesting be conducted. However, applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow. If feasible and desired, infiltration and rainwater harvesting may be cost effective solutions depending on the project.

Page 6 of 9 May 2024

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

III.D.6 Is the project a Hydromodification Management Project?
 YES NO

If YES, the project is exempt from HM requirements. Attach signed statement by qualified professional. Go to III.D.6 and check "NO." If NO, the project is subject to HM requirements. Attach map indicating project location. Go to item G.6 and check "YES".

III.D.6 Is the project a Hydromodification Management Project?
 YES NO

If YES, the project is subject to the HM requirements in MRP Provision C.3.g.
 NO: The project is not subject to the HM requirements.

If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See <https://www.dwater.org/solutions/ebahm/>. Guidance is provided in the C.3 Technical Guidance.

IV. Implementation of C.6 Construction Phase Requirements
All projects must complete Section IV.

IV.A Select Appropriate Construction Phase BMPs¹²

BMP	Plan Sheet #	Yes	No
Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the site sheet.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Implement temporary erosion controls to stabilize all disturbed areas until permanent erosion controls are established.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Delimitate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Provide notes, specifications, or attachments describing: • Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; • Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; • Specifications for vegetative cover and mulch, include methods and schedules for planting and fertilization; • Provisions for temporary and/or permanent irrigation.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Perform clearing and earth moving activities only during dry weather.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.		<input type="checkbox"/>	<input checked="" type="checkbox"/>
Protect all storm drain inlets in vicinity of site using drop inlet protection.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, erosion control blankets, covers for soil stock piles, etc.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
No clearing, felling, or maintaining vehicles on-site, except in a designated area where wash water is contained for proper management and spill controls are in place.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.	WILL INCL. W/PERMIT	<input checked="" type="checkbox"/>	<input type="checkbox"/>

¹² Additional information on Construction Phase BMPs can be found in MRP Provision C.6 and the California Stormwater Quality Association's Construction BMP Handbook.

Page 7 of 9 May 2024

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

V. Stormwater Treatment Measure and/or HM Control Owner or Operator's Information
C.3.b Regulated Projects must complete Section V. WILL INCL. W/PERMIT SUBMITTAL.

Name	2425 Durant Avenue LLC
Address	29 Orinda Way, #2060, Orinda, CA 94563
Phone	510.306.4619
Email	qian.wang@coabhome.io

¹³ Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.

Name of Applicant Completing Form: Gregory Trela
Signature: 
Date: 1/29/2025

Page 8 of 9 May 2024

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

VI. For Completion by Municipal Staff
(This section is only applicable for C.3.b Regulated Projects)

VI.1 Alternative Certification
Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?

VI.2 Confirm Operations and Maintenance (O&M) Submittal
Complete for C.3.b Regulated Projects and HM Projects.
VI.2.a Was the maintenance plan submitted?

VI.3 HM Controls (if required)
Are the applicable items for HM compliance included in the plan submittal?

Documentation for HM Compliance	YES	NO	NA
Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Soils report or other site-specific document showing soil types at all parts of site	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (pre-project, post-project, and post-project with HM controls curves), goodness of fit, and (if available) low flow rate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If project uses the Impairability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

¹³ Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.

Page 9 of 9 May 2024



YES COMMUNITY ARCHITECTS

yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676

yes@yescommunityarchitects.com

DATE _____, 2025



MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6-30-25

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025



Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NOA

Drawing Title
STORMWATER SUPPLEMENTAL FORMS

Sheet No.
C2.2

Scale N.T.S.

LANDSCAPE SITE PLAN NOTES:

PLANT TREES IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6) 2012. PLANTING AND TRANSPLANTING WHICH OUTLINES ITEMS SUCH AS PLANTING IN PLANTING PITS TWICE THE SIZE OF THE ROOT BALL, LEAVING THE TREE 1 INCH HIGHER THAN NATURAL GRADE, BACK FILLING THE HOLE WITH NATIVE SOIL.

IRRIGATION IS REQUIRED.

REMOVE THE NURSERY STAKE AND REPLACING WITH A TWO-STAKE SYSTEM THAT ENCOURAGES TREE MOVEMENT.

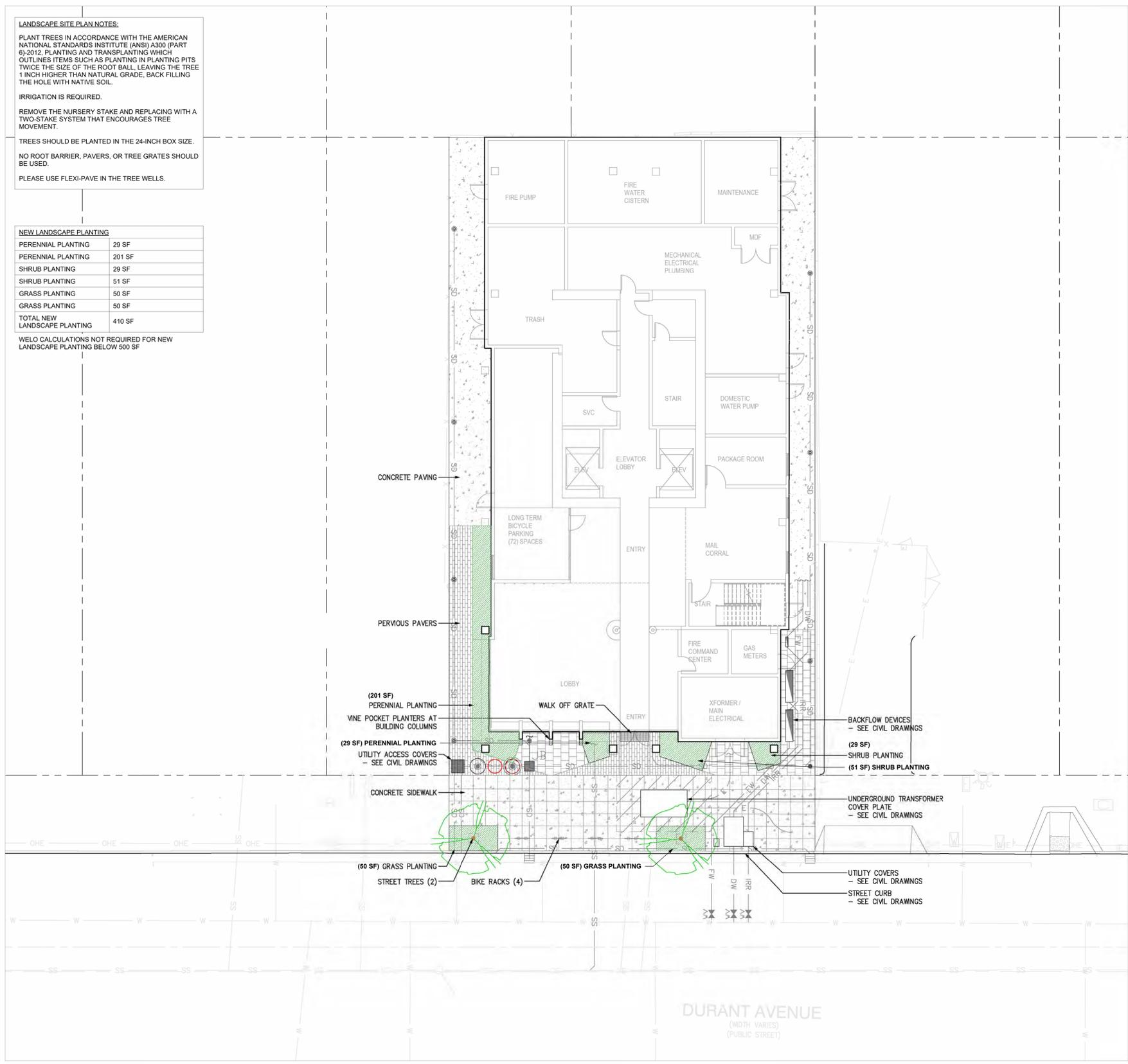
TREES SHOULD BE PLANTED IN THE 24-INCH BOX SIZE.

NO ROOT BARRIER, PAVERS, OR TREE GRATES SHOULD BE USED.

PLEASE USE FLEXI-PAVE IN THE TREE WELLS.

NEW LANDSCAPE PLANTING	
PERENNIAL PLANTING	29 SF
PERENNIAL PLANTING	201 SF
SHRUB PLANTING	29 SF
SHRUB PLANTING	51 SF
GRASS PLANTING	50 SF
GRASS PLANTING	50 SF
TOTAL NEW LANDSCAPE PLANTING	410 SF

WELO CALCULATIONS NOT REQUIRED FOR NEW LANDSCAPE PLANTING BELOW 500 SF



LEGEND

- PROPERTY LINE
- CAST IN PLACE CONCRETE PAVING
- PLANTING AREA
- PERVIOUS PAVING
Eco Promenade
by Unilock
3" x 12" precast concrete paver

PLANTING PALETTE



Street Tree
Quercus Gravesii
Grave's Oak
- deciduous



Grass
Carex tumulicola
Foothill Sedge
- native
- evergreen
- low water
- low maintenance



Shrub
Mahonia aquifolium
California Barberry
- native
- evergreen
- low water
- low maintenance



Groundcover
Asarum caudatum
Western Wild Ginger
- native
- evergreen
- low water
- low maintenance



Perennial
Heuchera maxima
Alum Root
- native
- evergreen
- low water
- low maintenance



Vine
Ficus pumila
Creeping Fig
- clinger to concrete columns
- low water
- low maintenance (easily trimmed)



YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

NW LANDSCAPE ARCHITECT
NICOLAUS WRIGHT
100 QUARTER AVENUE
EL CERRILLO, CA 94538
510-214-3676
nicolauswright@gmail.com

2425 Durant Ave Housing

Issues / Revisions	
Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

- 1
- 2
- 3

Date	01/31/2025
Project No.	24001
Drawn by	NW
Checked by	NW

Drawing Title
LANDSCAPE SITE PLAN

Sheet No.
L1.0

Scale As indicated



Rent Stabilization Board

September 9, 2025

To: Nilu Karimzadegan, Planner, Planning & Development Department

From: Matt Brown, General Counsel

By: Katrina Lapira, Associate Planner

Subject: **2425 Durant Avenue (2421-27 Durant Avenue)**

On December 6, 2024, a message was sent to Lief Bursell informing him of a new application to demolish two existing buildings with 19 units at 2421, 2423, 2425, and 2427 Durant Avenue as part of the zoning application addressed at 2425 University Avenue. The project would create a new 20-story residential building with 169 new dwelling units, 32 units of which are identified as below-market rate (BMR) units. Land Use Planning requested information related to the property’s rental history and status under the Rent Stabilization and Eviction for Just Cause Ordinance (“Rent Ordinance”) that are relevant to Berkeley Municipal Code (BMC) Chapter 23.326 (“Demolition Ordinance”).

Property History

Alameda County records show that 2421-27 Durant Avenue is owned by 2425 Durant LLC as of April 30, 2019. City of Berkeley records indicate that the property was originally developed with two duplexes and two single-family dwelling units that were later converted into residential apartment buildings. As a result of these conversions, there are 19 dwelling units permitted on the lot.

Rent Stabilization Board records confirm that 2421-27 Durant Avenue contains a total of 19 dwelling units.

Rental History and Rent Control Status

Rent Stabilization Board records show that all 19 units are currently rented and registered with the Rent Board. Sixteen of the 19 tenancies began between the calendar years 2021 to 2024. There is one long-term tenancy that has been in place since 2013. All units are rent-controlled and are fully covered by the Rent Ordinance.

Current Tenancies (as of December 19, 2024):

Unit Address	Occupancy Status	Current Tenancy Start Date
2421 Durant #1	Rented	12/31/2019
2421 Durant #2	Rented	7/31/2024
2421 Durant #3	Rented	7/1/2023
2421 Durant #4	Rented	6/1/2023

2421 Durant #5	Rented	11/3/2017
2421 Durant #6	Rented	5/31/2024
2423 Durant #A	Rented	6/1/2022
2423 Durant #B	Rented	6/1/2023
2425 Durant #1	Rented	5/31/2024
2425 Durant #2	Rented	5/31/2024
2425 Durant #3	Rented	6/1/2021
2427 Durant #4	Rented	5/31/2024
2427 Durant #5	Rented	5/31/2024
2427 Durant #6	Rented	7/15/2024
2427 Durant #7	Rented	6/30/2024
2427 Durant #8	Rented	5/30/2013
2427 Durant #9	Rented	6/30/2024
2427 Durant #10	Rented	6/1/2023
2427 Durant #11	Rented	5/31/2024

No Fault Evictions

The buildings addressed 2421, 2425, 2423, and 2427 have not been removed from the rental market under the Ellis Act or any other no fault eviction at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2421, 2425, or 2427 Durant.

Demolition Ordinance (BMC 23.326) and SB 330

Both Berkeley Municipal Code (BMC) Chapter 23.326 and Housing Crisis Act of 2019 Senate Bill (SB) 330 apply to this project. Both regulations require certain tenant protections, such as the right of first refusal and relocation assistance. However, SB 330 does not supersede local ordinances with greater restrictions on the demolition of residential dwelling units or local ordinances that require greater relocation assistance to displaced households (Cal. Gov. Code 66300.6(c)). For instance, tenant relocation protections in BMC 23.326 are greater than those provided by SB 330, but they only apply to sitting tenants at the time the application for demolition is submitted to the City. Tenants who move in after the application is submitted would qualify for the less protective relocation requirements in SB 330 if the owner informed them about the proposed demolition and that demolition constitutes good cause for eviction.

On November 21, 2024, a complete Housing Crisis Act of 2019 Senate Bill (SB) 330 application was submitted for the subject development project and is therefore vested in the ordinances in effective at the time of application. Since a complete preliminary application was received after August 10, 2024, the effective date of the updated Berkeley Municipal Code (BMC) Chapter 23.326 (Demolition Ordinance), the application is subject to the provisions of the current Demolition Ordinance.

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent the new replacement unit at the rent level that would have applied if they remained in their former unit. Landlords may petition the Board for a rent adjustment on the new unit pursuant to the rules associated with the addition of space/services.

Demolition Ordinance Unit Status and Replacement Requirements

The City of Berkeley Demolition Ordinance has different replacement requirements for residential units that qualify as “Protected Units”. Per BMC Section 23.326.020(A)(5), “Protected Units” are residential units that meet one of the following criteria:

- A low-income deed restriction within the last five years
- Rent or price control under BMC Chapter 13.76 (Rent Stabilization and Eviction for Just Cause Program)
- Rented by a household at 80 percent Area Median Income or lower within the last five years

All 19 Residential Units at 2421-2427 Durant are subject to rent control under the Rent Ordinance and are therefore considered Protected Units. Per the Demolition Ordinance, any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus]. In other words, all 19 of the existing units proposed for demolition must be replaced with units that are available to either VLI or LI households in perpetuity.

Although more information is needed regarding the size and location of the replacement units, the project replaces the 19 units with 6 Extremely Low Income (ELI), 7 VLI, 6 LI units, and 13 Moderate Income (MI) units is therefore consistent with the Demolition Ordinance requirements. A total of 32 BMR units are provided in the proposed project.

Recommendation

Rent Stabilization Board staff recommend the following:

1. Per the Demolition Ordinance, the project must include at least 19 below market rate units to mitigate the loss of existing rent-control units.
2. That the applicant includes in their application the number, size (bedroom), and affordability rate of units to be considered replacement units.
3. The project materials submitted on July 17, 2025, indicate that the project would include 32 below market rate units and would adequately mitigate the loss of existing rent-controlled housing units. Confirm that subsequent revisions to the project would include at least 19 below market rate units to replace the loss of existing rent-control units, consistent with Recommendation #1 of this memorandum.
4. That the ZAB adopt the following Use Permit conditions to fulfill the requirements of Berkeley’s Demolition Ordinance and state law:
 - a. **First Right of Refusal.** Pursuant to BMC 23.326.030(E)(4)(a), any tenant of a Protected Unit that is permitted to be demolished shall have the right of first refusal to rent a Comparable Unit in the new project. Prior to building permit issuance, the applicant shall provide documentation that confirms that previous tenants have been made aware of their right of first refusal in the new building.

- b. **Sitting Tenants Rights.** Pursuant to BMC 23.326.030(E)(4),
(b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.
- (c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar years.
- The sitting tenants' rights do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.
- c. **Rental Rate – Known Income.** Pursuant to 23.326.030(D)(1), in the event that a displaced household has an income below 50 percent AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30 percent of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328. Prior to building permit issuance, the applicant shall, for previous tenants whose income is known that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit in the and supporting documents that verify tenant income.
- d. **Rental Rate – Unknown Income.** Pursuant to BMC 23.326.030(D)(3), in the event the income level of the displaced household is unknown, the unit shall be replaced as an Affordable Unit per BMC Section 23.328.020 – a unit that is affordable in perpetuity as a Very Low-Income or Lower - Income Unit. Prior to building permit issuance, the applicant shall, for previous tenants whose income is unknown that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit.
- e. **Prior Rental Rate.** Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if compelled to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.
- f. **Requirement for Relocation Expenses.** Pursuant to BMC 23.326.030(E)(3) the applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant

Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a specified date. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655). The Requirements for Relocation Expenses do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction unless otherwise required by California law.

- g. **Rental Registry.** Prior to issuance of a Certificate of Occupancy register all the new units with forms provided by the Rent Stabilization Board. Provide confirmation from the Rent Stabilization Board (rentregistry@berkeleyca.gov) that the new units have been registered.

Please contact Katrina Lapira with any further questions regarding this matter.

Sincerely,



Matt Brown
General Counsel

MITIGATION MONITORING PROGRAM

This Draft Mitigation Monitoring Program (MMP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the City of Berkeley Draft Southside Plan. The MMP, which is provided in Table 1 of this section, lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. The Final MMP must be adopted when the City Council makes a final decision on the project.

This MMP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMP when mitigation measures are required to avoid significant impacts. The MMP is intended to ensure compliance during implementation of the project.

The MMP is organized in a matrix format. The first column identifies the impact and the second column identifies the level of significance of the impact without mitigation. The third column identifies the mitigation measure that would be implemented for each project impact and the fourth column identifies the level of significance of the impact with the mitigation measure. The fifth column, entitled "Monitoring Responsibility," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The sixth column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is completed. The seventh column, entitled "Verification," is for the lead agency to provide verification that the measures have been implemented. These mitigation measures include any minor revisions made as a result of the Response to Comments Document.

Table 1: Mitigation Monitoring Program

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
A. Land Use						
<i>There are no significant land use impacts.</i>						
B. Population, Employment and Housing						
<i>There are no significant population, employment and housing impacts</i>						
C. Transportation and Circulation						
TRANS-1: Potential new construction would significantly affect operations of the Parker Street/Warring Street intersection under Existing Plus Project Conditions.	S	TRANS-1: Remove the stop signs on Warring Street while maintaining stop signs on Parker Street at the Clark Kerr Campus exit. This action will reduce long southbound queues along Warring Street. The side street approach would operate at LOS F; however, the minor street volumes are low and would not meet the peak hour signal warrant. Install a high visibility crosswalk system on the north side of the Clark Kerr exit driveway to permit pedestrians to alert drivers to pedestrian crossings.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will cause delays at the intersection of more than two seconds from 2007 conditions (as shown in the DEIR) while continuing to operate at an LOS E. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	

LSA ASSOCIATES, INC.
DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-3</u>: Potential new construction would cause a significant cumulative impact at the intersection of Bancroft Way/Piedmont Avenue.</p>	<p>S</p>	<p><u>TRANS-3</u>: Re-stripe the existing cross section for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. The additional lanes will prevent through traffic from being blocked by turning movements. Provide crosswalks only on the north and west sides of the intersection to eliminate pedestrian conflicts with vehicles on the south approach. Relocate the existing northbound bus zone to the north of the intersection to accommodate the second moving traffic lane, and eliminate parking north of Bancroft Way. With implementation of this mitigation measure the intersection would operate at LOS C.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will exacerbate LOS F conditions at the intersection during the AM peak hour and/or cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	
<p><u>TRANS-4</u>: Potential new construction would cause a significant cumulative impact at the intersection of Durant Avenue/Piedmont Avenue.</p>	<p>S</p>	<p><u>TRANS-4</u>: Re-stripe the existing cross section for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. The additional lanes will prevent through traffic from being blocked by turning movements. To accommodate two lanes of traffic during the PM peak period, parking would have to be prohibited along Piedmont Avenue between Bancroft Way and 100 feet south of Durant Avenue. With implementation of this mitigation measure the intersection would operate at LOS C.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will exacerbate LOS F conditions at the intersection during the AM peak hour and/or cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	

LSA ASSOCIATES, INC.
DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-5</u>: Potential new construction would cause a significant cumulative impact at the intersection of Channing Way/Fulton Street.</p>	<p>S</p>	<p><u>TRANS-5</u>: Signalize the Channing Way/Fulton Street intersection. With implementation of this mitigation measure the intersection would operate at LOS C. The traffic signal shall provide pedestrian countdown signal indications, bicycle and emergency vehicle detection and necessary equipment capable of transit priority operations.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	
<p><u>TRANS-6</u>: Potential new construction would cause a significant cumulative impact at the intersection of Parker Street/Warring Street.</p>	<p>S</p>	<p><u>TRANS-6</u>: Implementation of Mitigation Measure TRANS-1 (Remove the stop signs on Warring Street while maintaining stop signs on Parker Street at the Clark Kerr Campus exit) would reduce the cumulative impact on the Parker Street/Warring Street intersection to the less-than-significant level.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when it is determined that a project or projects will exacerbate LOS E operations at the intersection by more than 3 seconds from 2007 conditions (as shown in the DEIR) and/or exacerbate LOS F operations at the intersection by increasing the volume-to-capacity ratio by more than 0.01. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.</p>	

LSA ASSOCIATES, INC.
 DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
 MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-7:</u> Construction on development sites in the Southside area can disrupt pedestrian sidewalks at the vehicle access interface when either driveways or curb-cuts are introduced.</p>	<p>S</p>	<p><u>TRANS-7:</u> The City shall require all new development to design the vehicle access points to new development sites as driveways. A 6-foot sidewalk width, or 6 feet of clearance on sidewalks, shall be maintained across each new driveway that is in line with the primary walking corridor along the street.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>Prior to design approval.</p>	
<p><u>TRANS-8:</u> Vehicles and bicycles currently encroach into crosswalks, which may increase as new development allowed pursuant to the Project generates additional trips.</p>	<p>S</p>	<p><u>TRANS-8:</u> At all signalized intersections and mid-block locations within the Southside area the City shall install limit lines five feet in advance of the crosswalks and install “Turning Traffic Must Yield to Pedestrians” signage consistent with the <i>California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA’s MUTCD 2003 Edition, as amended for use in California)</i>.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented within 5 years through the City’s CIP process</p>	
<p><u>TRANS-9:</u> Certain elements of the Southside area’s pedestrian facilities are in disrepair or require upgrade to be ADA compliant, which may worsen as development resulting from the Project generates additional pedestrian trips.</p>	<p>S</p>	<p><u>TRANS-9:</u> The City shall implement Policy T-C4 of the Draft Southside Plan and develop a program for sidewalk and intersection repairs and upgrades. Such a plan should inventory the existing system, identify deficiencies, and prioritize necessary improvements, including ongoing maintenance.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when City confirms that conditions warrant its implementation</p>	

LSA ASSOCIATES, INC.
DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-10:</u> The Project will increase bicycle activity, including along the Bancroft Way and Durant Avenue corridors where there are no bicycle facilities, which can create unsafe conditions.</p>	<p>S</p>	<p><u>TRANS-10:</u> The City shall install Class II bike lanes on Bancroft Way between Dana Street and Fulton Street and on Durant Avenue west of College Avenue. The City shall install shared roadway markings on Bancroft Way west of Fulton Street and east of Dana Street as well as on Durant Avenue east of College Avenue. The shared roadway markings shall be located 11 feet from the face of curb to highlight the preferred bicycle travel path to avoid open vehicle doors.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when City confirms that conditions warrant its implementation</p>	
<p><u>TRANS-14:</u> The Project will bring additional activity to the Southside, including increased vehicular trips. There is a limited amount of short-term parking in the Southside area, which is needed to minimize drivers having to recirculate through the Southside area in search of available parking.</p>	<p>S</p>	<p><u>TRANS-14:</u> The City shall implement Policy T-F1 of the Draft Southside Plan to improve short term parking opportunities. The City shall explore increasing parking fees to promote use of off-street lots and short-term on-street parking, upgrading its parking enforcement technology to capture long term parkers who move their cars every two hours to avoid ticketing, and pricing parking based on demand.</p>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>To be implemented when City confirms that conditions warrant its implementation</p>	

LSA ASSOCIATES, INC.
DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
D. Air Quality						

LSA ASSOCIATES, INC.
DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>AIR-1</u>: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.</p>	<p>S</p>	<p><u>AIR-1</u>: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and will be incorporated into standard conditions of approval for future development projects.</p> <p><i>Demolition.</i> The following controls shall be implemented during demolition:</p> <ul style="list-style-type: none"> • Water during demolition of structures and break-up of pavement to control dust generation; • Cover all trucks hauling demolition debris from the site; and • Use dust-proof chutes to load debris into trucks whenever feasible. <p><i>Construction.</i> The following controls shall be implemented at all construction sites:</p> <ul style="list-style-type: none"> • Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites; • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality; 	<p>LTS</p>	<p>City of Berkeley Building and Safety Division</p>	<p>Throughout demolition and construction period</p>	

LSA ASSOCIATES, INC.
 DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
 MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
AIR-1 <i>Continued</i>		<ul style="list-style-type: none"> • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Apply non-toxic soil stabilizers to inactive construction areas; • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible; • Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. • Implementation of this mitigation measure would reduce construction and demolition air quality impacts to a less-than-significant level. 				

LSA ASSOCIATES, INC.
DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>AIR-2</u>: Project operational emissions would exceed the BAAQMD thresholds of significance for ozone precursors.</p>	S	<p><u>AIR-2</u>: Changes in land use and zoning and policies in the Draft Southside Plan encourage mixed uses, transit use, pedestrian, and bicycle accessibility, and the provision of limited parking (e.g., LU-D1, LU-E1, LU-F8, LU-F10, LU-F14, T-A1, T-A2, T-A3, T-A4, T-A5, T-C1, T-C4, T-C5, T-C6, T-E1, T-E3, T-E4, T-G3, T-H1). These Plan features would help to reduce new construction-related trips and lower regional emissions. However, even with these reductions, the regional emissions associated with development anticipated to occur with implementation of the Plan would exceed BAAQMD significance thresholds. Additional measures to reduce this impact are not available; therefore, the Project's regional air quality impacts would remain significant and unavoidable.</p>	SU	City of Berkeley Planning and Development and Public Works Department	The changes to land use and zoning policies will be implemented with the adoption of the Southside Plan. The impact will continue to be Significant and Unavoidable because adoption of these mitigation measures will still not mitigate the air quality within the San Francisco Bay Area air basin.	
<p>E. Noise</p>						
<p><i>There are no significant noise impacts</i></p>						
<p>F. Public Facilities and Services</p>						
<p><i>There are no significant public facilities and services impacts</i></p>						
<p>G. Utilities and Infrastructure</p>						
<p><i>There are no significant utilities and infrastructures impacts</i></p>						

LSA ASSOCIATES, INC.
 DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
 MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
H. Paleontological and Cultural Resources						
<p><u>CULT-1</u>: Ground-disturbing activities associated with new construction and associated underground utility installation could result in the destruction of paleontological resources.</p>	<p>S</p>	<p><u>CULT-1</u>: Should fossils be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of the specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collections facility.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>During demolition, grading, and construction activity</p>	

LSA ASSOCIATES, INC.
 DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
 MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p>CULT-2: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unidentified subsurface archaeological deposits.</p>	<p>S</p>	<p>CULT-2: During project-specific environmental review for individual development projects within the Southside area, the City shall apply the conditions of approval and the criteria for determining archaeological impacts required by the City of Berkeley General Plan. If such a system of review is not yet in place, the City shall, prior to the approval of any development pursuant to the Project involving ground disturbance, establish a development process with comparable conditions of approval and safeguards against potential impacts to archaeological deposits. Such conditions and safeguards may include, but are not limited to, archaeological sensitivity assessments, site-specific investigations, intensive surface surveys, and/or subsurface archaeological testing prior to project clearance.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>Prior to approval</p>	

LSA ASSOCIATES, INC.
 DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
 MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-3</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unanticipated archaeological discoveries.</p>	<p>S</p>	<p><u>CULT-3</u>: If unanticipated deposits of prehistoric or historical archaeological materials are encountered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as a historical or archaeological resource, and provide recommendations. If the deposit does not qualify as a historical or archaeological resource, then no further protection or study is necessary. If the deposit does qualify as a historical or archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposits cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeological assessment, a report should be prepared documenting methods, findings, and recommendations. The report should be submitted to the City, the project proponent, and the NWIC.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>During construction activity</p>	

LSA ASSOCIATES, INC.
 DECEMBER 2012

BERKELEY DRAFT SOUTHSIDE PLAN EIR
 MITIGATION MONITORING PROGRAM

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-4</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction or disturbance of human remains, including those interred outside of formal cemeteries.</p>	<p>S</p>	<p><u>CULT-4</u>: If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD.</p> <p>Upon completion of the archaeological assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent, and the NWIC.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>During construction activity</p>	

Source: LSA Associates, Inc., 2009.



Z O N I N G
A D J U S T M E N T S
B O A R D
NOTICE OF PUBLIC HEARING

2425 Durant Avenue

Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance, Section [23.404.050 \(Public Hearings and Decisions\)](#)

When: Thursday, October 9, 2025, 7:00 pm

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: RMU– Residential Mixed-Use; Southside Area Plan
- Zoning: R-SMU (Residential Southside Mixed Use District)

2425 Durant Avenue
Page 2 of 4

NOTICE OF PUBLIC HEARING
Posted September 25, 2025

B. Zoning Permits Required:

1. **Demolition.** BMC Section 23.326.030(B)(1)(c) “**Demolition of Residential Units**” to demolish residential units (UPPH)
2. **New Construction.** BMC Section 23.202.020 (A) “**Allowed Land Uses**” to construct a new multi-family building (UPPH).
3. **New Floor Area.** BMC Section 23.204.030(A)(1) “**Floor Area Permit Requirements**” to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH).
4. **Projections Above Height Limits.** BMC Section 23. 304.050 “**Allowed Projections Above Height Limit**” to allow for Projections Above Height Limit (AUP)

C. Concessions and Waivers Requested Pursuant to State Density Bonus Law (California Government Code Section 65915):

Concessions:

1. Concession from the “**Apprenticeship Requirements**” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the “**Health Care Expenditures**” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the “**Prevailing Wage requirements**” in the Southside Plan as required by BMC Section 13.108(A)

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing 14.86 FAR
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height)
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces are required

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).

E. Project Recommendation: Approve Use Permit #ZP2024-0162 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Yes Duffy Architects
- Property Owner 2425 Durant Avenue LLC

2425 Durant Avenue
Page 3 of 4

NOTICE OF PUBLIC HEARING
Posted September 25, 2025

Further Information:

All application materials are available online at:
<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Nilu Karimzadegan at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@berkeleyca.gov.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

**Accessibility Information / ADA Disclaimer:**

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within 14 days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than 90 days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - a. That this belief is a basis of your appeal.
 - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

2425 Durant Community Meeting

Pre-Application Neighborhood Contact Meeting

September 23, 2024 from 5:30-6:30pm

Virtual Meeting held over Zoom

Attendees:

1. Current Tenant (Bonnie)
2. Current Tenant (Anonymous)

General Questions:

- When will the demo permit be approved?
 - Earliest = Summer 2026
- Rent Board has sent a letter to tenants that they cannot be evicted without good cause
- Who is responsible for tenant accommodation & re-locations during the construction?
 - CollabHome will be responsible for tenant accommodations and re-locations during the construction phase of the proposed project. CollabHome has initiated conversations with tenants about their interest in future tenancy at this site, re-location accommodations, and right of first refusal for the 19 below-market-rate units that will be replaced in the proposed project.
 - Tenant Notification Letters from project received by some tenants.
 - There will be a second Tenant Notification Letter sent in the coming weeks that will provide more information.
 - Tenant Notification Letters will be posted to apartment unit doors before the Use Permit application is submitted to the City.

Community Meeting: *2425 Durant Avenue Project*

Date & Time: Monday, September 23rd, 2024, at 5:30 PM

Meeting Location: via Zoom (www.zoom.com)

Meeting ID: 529 370 2335

Passcode: 2425

Please join the project team for an update regarding the progress of the proposed project located at 2425 Durant Avenue. This will be a virtual meeting, held exclusively over Zoom. Please go to www.zoom.com and use the following information to login: Meeting ID: 529 370 2335, Passcode: 2425. The meeting can also be accessed with the following phone numbers: 1 (408) 638-0968 or 1 (669) 444-9171 and then enter the Meeting ID and Passcode above. We look forward to speaking with you on September 23rd.

Sincerely,

2425 Durant Avenue, LLC | 510-545-4341 | info@rhoadesplanninggroup.com

Krishna
copy center
A full service state of the art digital print bureau.
| Large Format Output | |Media Duplication Services|
| Custom Printing | |Variable Data Printing | |Direct Mail|
2123 University Avenue
Berkeley, CA 94704
T 510 540 5959 F 510 540 5095
www.krishnacopy.com
orders@krishnacopy.com

Date In 9/12/24
Time In 10:50 pm
Date Due 9/13/24
Time Due 3:38 am
files/filetype Mac PC
Name/ Geneva Hesner
Company Name Rhoades Planning Group
Address _____
City _____ State _____ Zip _____
Tel# _____ Fax# _____
Account # _____ Email _____
 Customer Pickup Delivery Drop Ship/ Method: USPS

Business cards Post Cards
Specifications/Instructions: # of sides originals Size Quantity Total Sides Rate
 digital color digital b/w black and white xeroxing oversize b/w Large format Color/Posters
Proof N Due 7/13/24 @ 9:20 am/pm

Specifications/Instructions	# of sides originals	Size	Quantity	Total	Sides	Rate
2425 Durant Ave 4 1/2 x 5 1/2 postcards mailer 4 1/2 x 5 1/2 Community Meeting print, postage, cut deliver to post office	2	4 1/2 x 5 1/2	340	680	1 2 (2)	
Community Meeting 2425 Durant Avenue	2	4 1/2 x 5 1/2	340			

Community Meeting:
2425 Durant Avenue Project

Date & Time: Monday, September 23rd, 2024, at 5:30 PM
Meeting Location: via Zoom (www.zoom.com)
Meeting ID: 529 370 2335, Passcode: 2425
Passcode: 2425

Please join the project team for an update regarding the progress of the proposed project located at 2425 Durant Avenue. This will be a virtual meeting, held exclusively over Zoom. Please go to www.zoom.com and use the following information to login: Meeting ID: 529 370 2335, Passcode: 2425. The meeting can also be accessed with the following phone numbers: 1 (408) 638-0968 or 1 (669) 444-9171 and then enter the Meeting ID and Passcode above. We look forward to speaking with you on September 23rd.

Sincerely,
2425 Durant Avenue, LLC | 510-545-4341 | info@rhoadesplanninggroup.com

Paper stock: 20lb 24lb 60lb 67lb 80lb 100lb (130#) 12pt
Paper size: 8.5x11 8.5x14 11x17 Other
Color: (White) Other
 Tabbing
 Collating
 Stapling Saddle stitch
 Cutting 1/2 1/3 1/4 other: 4 1/2 x 5 1/2
 Folding 1/2 ltr Z other:
 Binding sp velo wire tape coil perfect
Clear Vinyl Card Color:
f/c b/c

Description
Rhoades Planning Group 2140 Shattuck Avenue, Suite 705 Berkeley, CA 94704
OCCUPANT(S) 2433 DURANT AV Berkeley, CA 94704

Additional notes/comments:

have read and authorized this order web/email 9/12/24
Customer Signature Date
Sub-total
Tax
Total
Less Deposit Paid
Balance Due

have received this order Deliver to Postoffice 9/13/24
Customer Signature Date
 Cash Check# Account Bill to Credit Card
Taken by: Done by Checked by Cashier: wa

NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

ZAB APPEAL: 2425 Durant Avenue, Use Permit #ZP2024-0162

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **Monday, February 23, 2026 at 6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board approving Use Permit ZP#2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Nilu Karimzadegan, Senior Planner at (510) 981-7430.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of February 11, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Mark Numainville, City Clerk

Mailed by: February 9, 2026

Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

Attachment 4

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Board or Commission decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Board or Commission decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.



Administrative Record

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
<http://www.berkeleyca.gov>