



Office of the City Manager

**03b**

**Special Meeting Item**

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: 2029 University Avenue, Use Permit Application #ZP2024-0181 (Multi-Family)

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 #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units, including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.

SUMMARY

On November 13, 2025, the ZAB approved Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units. 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 December 1, 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 at Berkeley Municipal Code Sections 13.107.040 and 13.107.050, respectively) because these concessions are noncompliant 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 December 10, 2024, the applicant submitted Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069).

On December 19, 2024, the applicant submitted a Use Permit application (ZP#2024-0181).

On January 9, 2025, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069).

On May 22, 2025, the Use Permit application was deemed complete.

On September 4, 2025, Landmarks Preservation Commission (LPC) held a public hearing on the demolition referral of the existing building to be demolished, took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition.

On October 16, 2025, Design Review Committee (DRC) held a public meeting for the design review of the proposed project and provided a favorable recommendation to the ZAB with recommendations for Final Design Review.

On October 30, 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 November 13, 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 concessions, contending that these concessions pose specific adverse impact upon public health and safety. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and members of the public, the ZAB voted to approve the project with a 5-1-0-2 vote (Moved Sanderson, Second: Mae Palmatier.

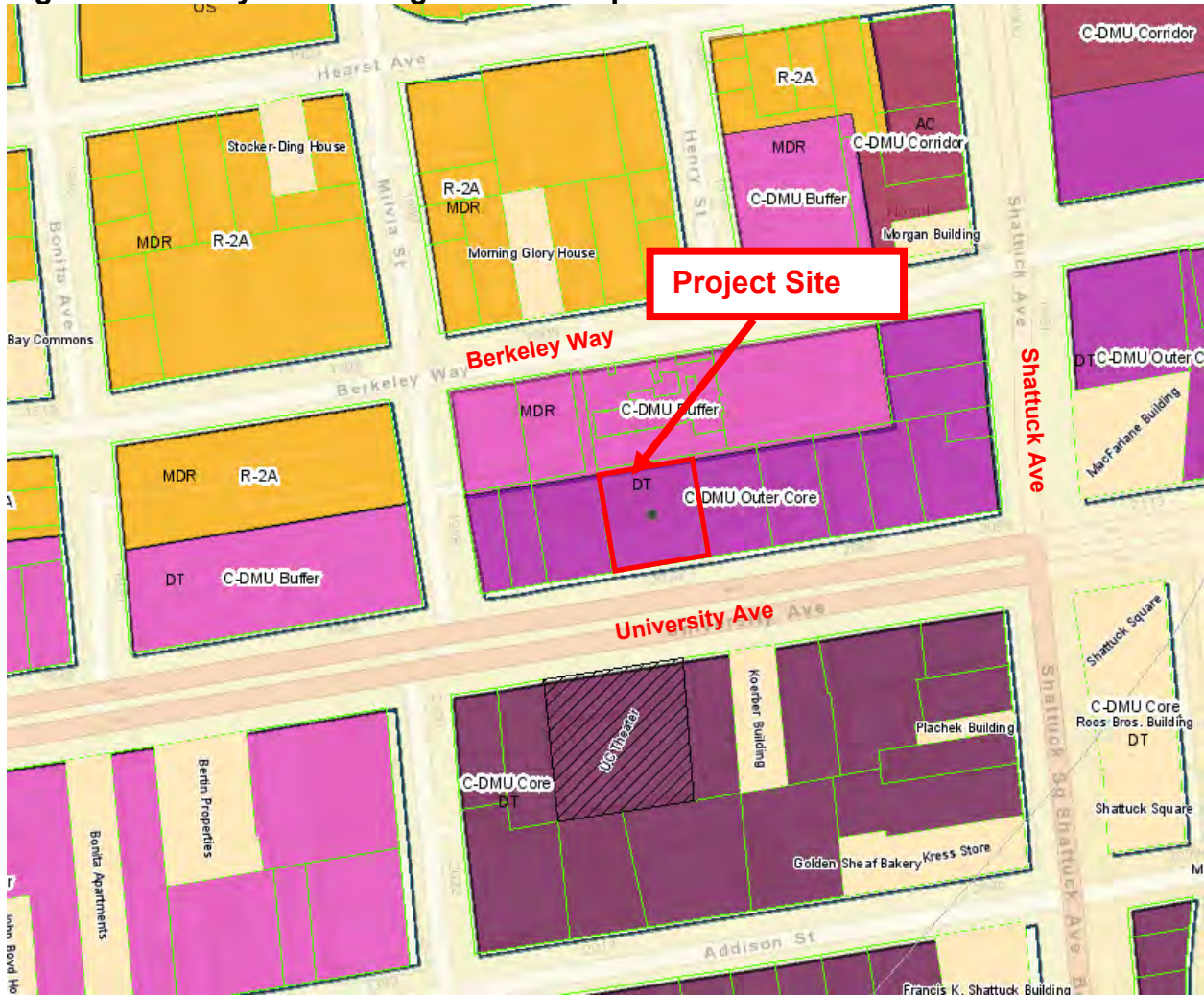
Ayes: Duffy, Mae Palmatier, Sanderson, Gaffney, Allen; Noes: Thompson; Abstain: None; Absent: Yung, Choi).

On December 1, 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 12,385-square-foot, interior lot on the north side of the 2000-block of University Avenue, between Shattuck Avenue and Milvia Street. It is a flat, rectangular-shaped parcel, 114- feet-deep, 108 feet-wide, with street frontage facing University Avenue to the south. It includes one 9,401-square-foot, two-story non-residential building containing five commercial spaces in the front and a detached ten-car garage structure in the rear of the lot, both proposed to be demolished. A covered driveway connects the curb cut on University Avenue to the garage building in the rear. The project site is located along University Avenue, west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City’s Downtown Area Plan (DAP; see Figure 1). The project site is surrounded primarily by commercial and multi-family residential/mixed-use buildings ranging in height from one story to eight stories. The project site is served by several modes of public transportation—including multiple AC Transit bus lines on University Avenue, and the Downtown Berkeley BART station, which is located 0.3 mile to the southeast of the site—as well as a nearby bike share station.

Figure 1: Vicinity and Zoning Districts Map



The proposed project involves demolishing an existing two-story commercial building and a ten-car garage structure to construct a 23-story residential building (256 feet tall plus a 5-foot parapet), totaling approximately 190,830 square feet. The building would contain 240 dwelling units, including 80 studios, 60 junior one-bedrooms, 60 one-bedrooms, and 40 two-bedrooms, for a total of 280 bedrooms. The project also includes 29 off-street parking spaces located on the second-floor garage, as well as a roof deck, fitness center, and lounge area on Level 23.

Figure 2: Existing Street View (University Avenue)



Figure 3: Typical Floor Plan



Figure 4:  
Proposed

The

## 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. 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 120 units. By proposing 18 very low-income (VLI) units and 18 Moderate Income (MI) units, 30% of the total base units, the project qualifies for a 100% density bonus, increasing the maximum allowable density to 120 additional units above the base density for a total of 240 dwelling units (See Table 1: Density Bonus).

**Table 1: Density Bonus**

Base Project Units <sup>a</sup>	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units <sup>a</sup>	Proposed Project Units <sup>a</sup>
120	36 [18 VLI (15% of Base) + 18 MI (15% of Base)]	100	120	240

Notes:  
<sup>a</sup> 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).

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 “**Bird Safe Building**” requirement as required by BMC 23.304.150.

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 nine waivers from the following development standards:

1. **Usable Open Space.** Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204.130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
9. **Projections Above Height Limits.** Waiver of BMC Section 23.304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP).

#### RATIONALE FOR RECOMMENDATION

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



**I. The HARDHATS Ordinance Is The Proper Subject of Concessions under the Density Bonus Law.**

As discussed above, State Density Bonus Law (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 or 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 “Bird Safe Building” as required by BMC Section 23.304.150

Appellants argue that the provisions regarding Apprenticeship Requirements (BMC Section 13.107.040) and Health Care Expenditures (BMC Section 13.107.050) 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 \$1,893,000.

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 \$2,839,000.

This results in total savings of \$4,732,000 for the developer. 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, November 13, 2025
  - Exhibit B: Conditions, November 13, 2025
  - Exhibit C: Project Plans, October 2, 2025
- 2: ZAB Decision Appeal Letter, received December 1, 2025
- 3: ZAB Packet (Staff Report and attachments), dated November 6, 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 #ZP2024-0181 TO DEMOLISH AN EXISTING TWO-STORY COMMERCIAL BUILDING AND A TEN-CAR GARAGE STRUCTURE ON A 12,385-SQUARE-FOOT LOT AND TO CONSTRUCT A 23-STORY (256-FEET-TALL PLUS A 5-FOOT PARAPET) APPROXIMATELY 190,830-SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING 240 DWELLING UNITS INCLUDING 18 VERY LOW-INCOME (VLI), AND 18 MODERATE INCOME (MI) UNITS FOR A 100% DENSITY BONUS. THE PROPOSED PROJECT PROVIDES 29 OFF-STREET PARKING SPACES, 167 LONG-TERM AND 8 SHORT-TERM BIKE PARKING SPACES

WHEREAS, on December 10, 2024, the applicant submitted Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069); and

WHEREAS, on December 19, 2024, the applicant submitted a Use Permit application (ZP#2024-0181); and

WHEREAS, on January 9, 2025, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069); and

WHEREAS, on May 22, 2025, the Use Permit application was deemed complete; and

WHEREAS, on September 4, 2025, Landmarks Preservation Commission (LPC) held a public hearing on the demolition referral of the existing building to be demolished and took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition; and

WHEREAS, on October 16, 2025, Design Review Committee (DRC) held a public meeting for the design review of the proposed project and provided a favorable recommendation to the ZAB with recommendations for Final Design Review; and

WHEREAS, on October 30, 2025, the City mailed 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; and

WHEREAS, on November 13, 2025, the ZAB held a public hearing for the Use Permit, received additional public comments and voted to approve the project with a 5-1-0-2 vote; and

WHEREAS, on December 1, 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 #ZP2024-0181; adopts the Findings in Exhibit A; the Conditions of Approval in Exhibit B; and adopts the project plans in Exhibit C.

Exhibits

- A: Findings, November 13, 2025
- B: Conditions of Approval, November 13, 2025
- C: Project Plans, dated October 2, 2025



# Zoning Adjustments Board Findings

**APP # ZP2024-0181**

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
<p><b>Applicant:</b> Rhoades Planning Group</p> <p><b>Property Owner:</b> Mohammad Talai &amp; Kokab Talai</p> <p><b>Project Address:</b> 2029 University Avenue</p> <p><b>General Plan:</b> DT (Downtown Mixed-Use)</p> <p><b>Area Plan:</b> Downtown Area Plan</p> <p><b>Zoning:</b> C-DMU Outer Core (Downtown Mixed-Use district)</p> <p><b>Site Size:</b> 12,385 square feet (0.28 acre)</p> <p><b>CEQA:</b> Section 15332 (“In-Fill Development Projects”)</p> <p><b>Application Submittal Date:</b> December 19, 2024</p>	<p><b>Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.</b></p>
	<p style="text-align: right;"><b>Zoning Permits Requested:</b></p>

<p><b>SB330 Pre-Application Vest Date:</b> December 10, 2024</p> <p><b>Use Permit Application Completion Date:</b> May 22, 2025</p> <p><b>Project Planner:</b> Nilu Karimzadegan</p>	<ol style="list-style-type: none"> <li>1. <b>Demolition.</b> BMC Section 23.326.070(A) “<b>Demolitions of Non-Residential Buildings</b>” to demolish a non-residential building (UPPH)*</li> <li>2. <b>New Construction.</b> BMC Section 23.204.020 (A) “<b>Allowed Land Uses</b>” to construct a new multi-family building (UPPH).</li> <li>3. <b>New Floor Area.</b> BMC Section 23.204.030(A)(1) “<b>Floor Area Permit Requirements</b>” to create any residential addition within the within the C-DMU (UPPH).</li> <li>4. <b>Height.</b> BMC Section 23.204.130(E)(1)(a) “<b>Height Limits</b>” to increase the maximum building height limit to 75’ (plus 5’ parapet, by right) (UPPH).</li> <li>5. <b>Setbacks.</b> BMC Section 23.204.130(E)(3)(b) “<b>Modifications to Standards</b>” to modify front, side, and rear setback requirements (UPPH).</li> <li>6. <b>Projections Above Height Limits.</b> BMC Section 23. 304.050 “<b>Allowed Projections Above Height Limit</b> “to allow for Projections Above Height Limit (AUP)</li> </ol>
	<p><b>Density Bonus:</b></p>
	<p><b>Waivers</b></p> <ol style="list-style-type: none"> <li>1. <b>Usable Open Space.</b> Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.</li> <li>2. <b>Landscaped Usable Open Space.</b> Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.</li> <li>3. <b>Height.</b> Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.</li> <li>4. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.</li> <li>5. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.</li> <li>6. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22,</li> </ol>



	<p>where 15 feet is the minimum, between 76 to 120 feet in height.</p> <ol style="list-style-type: none"> <li>7. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.</li> <li>8. <b>Building's width.</b> Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.</li> <li>9. <b>Projections Above Height Limits.</b> Waiver of BMC Section 23.304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP)</li> </ol> <p><b>Concessions</b></p> <ol style="list-style-type: none"> <li>1. <b>Concession.</b> Exemption from the "Apprenticeship Requirements" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040</li> <li>2. <b>Concession.</b> Exemption from the "Health Care Expenditures" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050</li> <li>3. <b>Concession.</b> Exemption from the "Bird Safe Building" requirement as required by BMC 23.304.150</li> </ol>
	<p><b>Staff Recommendation:</b></p>
	<p>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 ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.</p>

## 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:** Though the project is located within the City’s Environment Management Area (EMA), which are areas in the City of Berkeley known or suspected to have groundwater contamination, it 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.

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.

Historic Resource Evaluation prepared by Left Coast Architectural History, dated October 18, 2023 concluded that based on their evaluation, the property is not historically significant at either the local or State level and therefore does not qualify as a historic resource for the purposes of the California Environmental Quality Act.

## II. FINDINGS FOR APPROVAL

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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 C-DMU Outer Core District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

(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 Housing Opportunity Site with a new development consisting of 240 units. This includes a significant affordable housing component: 18 units for Very Low-Income (VLI) households, and 18 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.

**Sunlight:** The additional height above the district limits (75 feet with Use Permit 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 256-foot-tall (plus 5-foot parapet), 23-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 winter months in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north and in the hours of before sunset on the residential buildings on the north and north-east ; b) in the summer months in the hours of after sunrise on the residential buildings on the west, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the east and southeast; and c) at the time of application preparation (March) in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north, and in the hours of before sunset on the residential buildings on east. 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, Downtown Area plan that allows building heights up to 120 feet with 0 to 15-foot setbacks from property lines depending on the height and distance to lot frontage.

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:

- a) Pursuant to **BMC Section 23.326.070(D) “Demolition of Non-residential Buildings”** A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:
1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
  2. The demolition:
    - (a) Is required to allow a proposed new building or other proposed new use;
    - (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
    - (c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or
    - (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024; Ord. 7787-NS § 2 (Exh. A), 2021)

**Evidence:** The proposed demolition is necessary to facilitate the construction of a new residential development consisting of 240 units on a designated Opportunity Site. This new use supports the City of Berkeley’s housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).

- b) 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 120 units. The project will provide at least and 18 Very Low-Income (VLI) and 18 Moderate-Income (MI) BMR units on site qualifying units in the 120-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 120 units above the base project, for a total of up to 240 units.
- i. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:

- **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 “**Bird Safe Building**” requirement as required by BMC 23.304.150

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 rents, 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.

- ii. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.
  - **Usable Open Space.** Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
  - **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27(0.0014%) square feet where 7,680 square feet (40%) is required.
  - **Height.** Waiver of BMC Section 23.204.130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 ft. (plus 5-foot parapet by right) is the allowable height with a Use Permit.
  - **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 in height.
  - **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
  - **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
  - **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
  - **Building’s width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building’s width over 120 feet of height, to be 139’-6” at the widest point

(on the diagonal in plan review) where maximum width allowed is 120 feet.

- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 “**Allowed Projections Above Height Limit**” to allow for Projections Above Height Limit (AUP)

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.

- c) 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.

- 3) 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 Downtown Mixed-Use 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 three-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use

because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district.

- 4) 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 C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

- 5) 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 # ZP2024-0181**

November 13, 2025

## Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
<p><b>Applicant:</b> Rhoades Planning Group</p> <p><b>Property Owner:</b> Mohammad Talai &amp; Kokab Talai</p> <p><b>Project Address:</b> 2029 University Avenue</p> <p><b>General Plan:</b> DT (Downtown Mixed-Use)</p> <p><b>Area Plan:</b> Downtown Area Plan</p> <p><b>Zoning:</b> C-DMU Outer Core (Downtown Mixed-Use district)</p> <p><b>Site Size:</b> 12,385 square feet (0.28 acre)</p> <p><b>CEQA:</b> Section 15332 (“In-Fill Development Projects”)</p> <p><b>Application Submittal Date:</b> December 19, 2024</p>	<p><b>Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.</b></p>
	<p style="text-align: right;"><b>Zoning Permits Requested:</b></p>



<p><b>SB330 Pre-Application Vest Date:</b> December 10, 2024.</p> <p><b>Use Permit Application Completion Date:</b> May 22, 2025</p> <p><b>Project Planner:</b> Nilu Karimzadegan</p>	<ol style="list-style-type: none"> <li><b>1. Demolition.</b> BMC Section 23.326.070(A) “<b>Demolitions of Non-Residential Buildings</b>” to demolish a non-residential building (UPPH)*</li> <li><b>2. New Construction.</b> BMC Section 23.204.020 (A) “<b>Allowed Land Uses</b>” to construct a new multi-family building (UPPH).</li> <li><b>3. New Floor Area.</b> BMC Section 23.204.030(A)(1) “<b>Floor Area Permit Requirements</b>” to create any residential addition within the within the C-DMU (UPPH).</li> <li><b>4. Height.</b> BMC Section 23.204.130(E)(1)(a) “<b>Height Limits</b>” to increase the maximum building height limit to 75’ (plus 5’ parapet, by right) (UPPH).</li> <li><b>5. Setbacks.</b> BMC Section 23.204.130(E)(3)(b) “<b>Modifications to Standards</b>” to modify front, side, and rear setback requirements (UPPH).</li> <li><b>6. Projections Above Height Limits.</b> BMC Section 23.304.050 “<b>Allowed Projections Above Height Limit</b>” to allow for Projections Above Height Limit (AUP)</li> </ol>
<b>Density Bonus:</b>	
<p><b>Waivers:</b></p> <ol style="list-style-type: none"> <li><b>1. Usable Open Space.</b> Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.</li> <li><b>2. Landscaped Usable Open Space.</b> Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.</li> <li><b>3. Height.</b> Waiver of BMC Section 23.204.130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.</li> <li><b>4. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.</li> <li><b>5. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.</li> <li><b>6. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the</li> </ol>	

	<p>Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.</p> <p><b>7. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.</p> <p><b>8. Building’s width.</b> Waiver of BMC Section 23.204.130(E)(3)(d) for the building’s width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.</p> <p><b>9. Projections Above Height Limits.</b> Waiver of BMC Section 23. 304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)</p> <p><b>Concessions:</b></p> <p><b>1. Concession.</b> Exemption from the “<b>Apprenticeship Requirements</b>” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040</p> <p><b>2. Concession.</b> Exemption from the “<b>Health Care Expenditures</b>” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050</p> <p><b>3. Concession.</b> Exemption from the “<b>Bird Safe Building</b>” requirement as required by BMC 23.304.150</p>
	<b>Staff Recommendation:</b>
	<p>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 ZP2025-0181 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.</p>

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## I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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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 the Downtown 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. 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.

**17. 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

**18. 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 Downtown Area Plan Mitigation Monitoring and Reporting Program (Attachment 5 to Staff Report). 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)**

- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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.
- 23. 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 \(arcgis.com\)](https://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**

**24. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.

**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. Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along University Avenue to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

- 28. Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.
- 29. 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.)
- 30. Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations, and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)
- 31. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
- 32. 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](mailto:RecyclingProgram@berkeleyca.gov).

**33. 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**

**34. 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.

Below Market Rate Units. 18 Very-Low Income and 18 Moderate Income 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 if 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)	
Extremely Low-Income (30% AMI)	-	-	-
Very Low-Income (50% AMI)	18	18	18 <sup>1</sup>
Low-Income (80% AMI)	-	-	-

<sup>1</sup> These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

<b>Moderate-Income (x%)</b>	<b>18</b>	<b>-</b>	<b>18<sup>2</sup></b>
<b>Total</b>	<b>36</b>		

**35. 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.

**36. 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 \$985,488.55 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.

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<sup>2</sup> These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

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**Prior to Demolition or Start of Construction:**

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**37. 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.

**38. 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.

**39. 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.

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**During Construction:**

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**40. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

**41. 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.

**42. 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.

**43. 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.

**44. 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.
- 45. 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.
- 46. 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.)

**47. 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.

**48. 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.

- 49. 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.
- 50. 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.
- 51. Archeological Resources (Ongoing throughout demolition, grading, and/or construction).**
- A. *Qualified Archeologist.* The project applicant shall retain a qualified archeologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional archeologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- B. *Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on archeological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Archeological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying archeological staff should fossils be discovered by construction staff. The Archeological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a qualified archeologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training.

Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Archeological Monitoring.* The extent of required archeological monitoring for the project shall be determined by the qualified archeologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Archeologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the archeologist determines that geologic units exposed between 5-10 feet BGS have high archeological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be archeological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no archeological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, archeological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Archeologist at that time.
- D. In the event of a fossil discovery by the archeological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Archeologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Archeologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the archeological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead archeologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single archeologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within archeologically- sensitive Quaternary alluvial deposits.
  - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent archeological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Archeologist.
- E. *Final Archeological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Archeologist shall prepare a final report describing the results of the archeological monitoring efforts associated with the project. The

report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

- 52. 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.
- 53. 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 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.

- 54. 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.
- 55. 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.
- 56. 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.
- 57. 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.
- 58. 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.
- 59. 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.
- 60. 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:**

- 61. 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.
- 62.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 2, 2025.
- 63. 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.

**64. Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a \$1 to \$1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

**65. 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 Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 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 this section:

- A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
- B. For any new building with residential units or structures converted to a residential use, required parking spaces shall 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.
- C. the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.



- D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).
- 66. "(23.322.060 CDMU Only)" Car Sharing Spaces.** At least 1 car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:
- A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.
- B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.
- 67. Green Building Certification.** The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

**At All Times:**

- 68. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 69. 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.
- 70. 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 Permit Modification, subject to Board review and approval.
- 71. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 72. 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.
- 73. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.

- 74. 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.
- 75. 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.
- 76. Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.
- 77. Required Bike Parking.** Secure and on-site bike parking for at least 167 Long-term bicycles shall be provided for the life of the building.
- 78. Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)
- 79. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

**VIEW ALONG UNIVERSITY**



**STACKHOUSE  
DE LA PEÑA  
TRACHTENBERG  
ARCHITECTS**

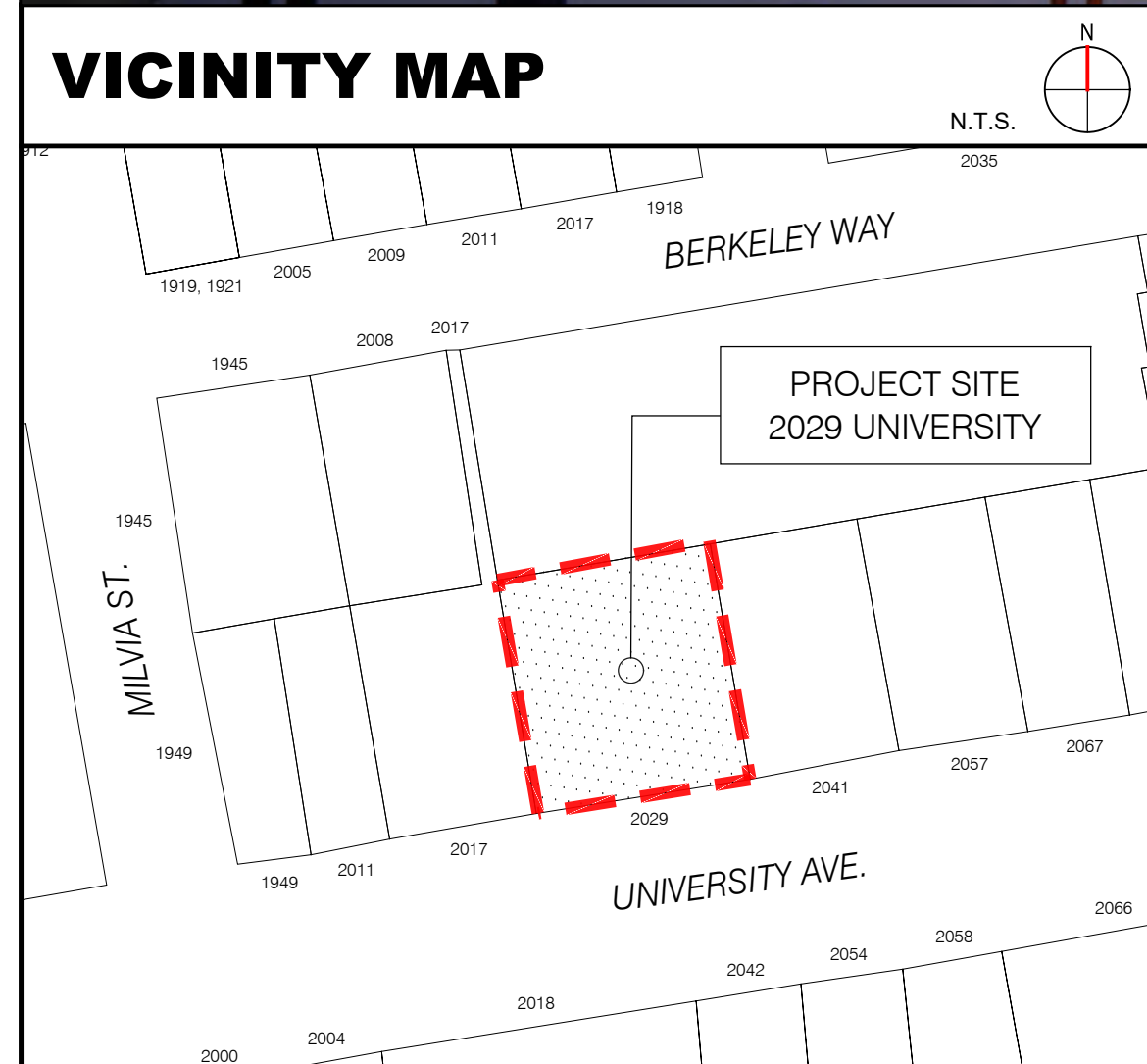
2421 Fourth Street  
Berkeley, California 94710  
510.649.1414  
www.sdtarch.com

**2029  
UNIVERSITY  
APARTMENTS**

2029 University Ave  
Berkeley, CA

- 12.10.2024 SB 330 SUBMISSION
- 12.19.2024 ZONING SUBMISSION
- 04.03.2025 ZONING RESUBMISSION
- 05.14.2025 ZONING RESUBMISSION
- 07.23.2025 AHMF FEE UPDATE

**VICINITY MAP**



**PROJECT DIRECTORY**

**OWNER/APPLICANT:**  
Laconia Development LLC  
1981 North Broadway, Suite 350  
Walnut Creek, CA 94596  
www.laconiallc.com  
(925) 937-4111

Rhoades Planning Group  
2140 Shattuck Ave, Suite 705  
Berkeley, CA 94704  
(510) 545-4341  
c/o: mia@rhoadesplanninggroup.com

**ARCHITECT:**  
ISAIAH STACKHOUSE, PRINCIPAL  
**STACKHOUSE | DE LA PEÑA |  
TRACHTENBERG ARCHITECTS**  
2421 FOURTH STREET  
BERKELEY, CA 94710  
510.649.1414  
www.trachtenbergarch.com

**LANDSCAPE ARCHITECT:**  
**JETT Landscape Architecture + Design**  
2 Orinda Theatre Square Suite 218  
Orinda, CA 94563  
(925) 254-5422  
https://jett.lamd/

**CIVIL ENGINEER:**  
**BKF ENGINEERS**  
2100 FRANKLIN STREET, SUITE 4C  
OAKLAND, CA 94612  
(510) 899-7300  
www.bkf.com

**PROJECT DESCRIPTION**

PROJECT ADDRESS: 2029 University Ave, Berkeley, CA 94704 (APN: 57-2053-8-1)

**SCOPE OF WORK:**  
THIS IS A ZONING APPLICATION FOR A HOUSING DEVELOPMENT, WHICH VESTS RIGHTS UNDER ZONING APPLICABLE AS OF THE SUBMITTAL DATE PER CALIFORNIA GOVERNMENT CODE SECTION 65941.1. THE PROJECT IS THE CONSTRUCTION OF A NEW 23-STORY (256'-0"), 240-UNIT HOUSING DEVELOPMENT WITH 190,830 SF OF NEW RESIDENTIAL USE AND PARKING GARAGE FOR UP TO 29 SPACES. THE PROJECT INCLUDES REMOVAL OF EXISTING NON-LANDMARKED 2-STORY COMMERCIAL STRUCTURE AND SURFACE PARKING. 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO VERY-LOW-INCOME HOUSEHOLDS, AND 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS, MAKING THE PROJECT ELIGIBLE FOR A 100% DENSITY BONUS, WAIVERS, AND UP TO 3 CONCESSIONS AS A STATE DENSITY BONUS LAW DEVELOPMENT PER CALIFORNIA GOVERNMENT CODE § 65915.

THE PROPOSED PROJECT WILL COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND THE BERKELEY GREEN CODE (BMC CHAPTER 19.37), INCLUDING PROVIDING A SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, AND LOW-CARBON CONCRETE REQUIREMENTS

**ZONING CODE SUMMARY**

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-DMU OUTER CORE

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

**DRAWING LIST**

SHEET NO. & TITLE		LANDSCAPE
<b>ARCHITECTURAL</b>		
A0.0 GENERAL INFORMATION	A3.1 BUILDING ELEVATIONS	L1.01 LANDSCAPE PLAN - GROUND LEVEL
A0.1 ZONING DATA	A3.2 BUILDING ELEVATIONS	L1.02 LANDSCAPE PLAN - PODIUM LEVEL
A0.2 DENSITY BONUS DIAGRAMS	A3.3 BUILDING ELEVATIONS	L1.03 LANDSCAPE PLAN - ROOF DECK
A0.3 PRELIMINARY AHCP DIAGRAMS	A3.4 BUILDING ELEVATIONS	L2.01 PRECEDENT IMAGES
A0.4A SHADOW STUDIES - DEC 21ST	A3.5 STREET STRIP ELEVATIONS	L3.01 PLANT IMAGES, NOTES & CALCULATIONS
A0.4B SHADOW STUDIES - JUNE 21ST	A3.6 PHOTO CONTEXT VIEWS	L4.01 PLANTING PLAN - GROUND FLOOR
A0.4C SHADOW STUDIES - MARCH 26TH	A3.7 CONCEPTUAL RENDERINGS	L4.02 PLANTING PLAN - PODIUM LEVEL
A0.5 SITE CONTEXT PHOTOS	A3.8 CONCEPTUAL RENDERINGS	L4.03 PLANTING PLAN - ROOF DECK
A0.6 VICINITY MAP	A3.9 CONCEPTUAL RENDERINGS	L5.01 IRRIGATION PLAN - GROUND FLOOR
A1.0 EXISTING SITE PLAN	A3.10 CONCEPTUAL RENDERINGS	L5.02 IRRIGATION PLAN - PODIUM LEVEL
A1.1 EXISTING SURVEY	A3.11 CONCEPTUAL RENDERINGS	L5.03 IRRIGATION PLAN - ROOF DECK
A2.0 PLAN AT BASEMENT LEVEL	MAT BUILDING MATERIALS	
A2.1 PLAN AT GROUND LEVEL	A4.1 SECTIONS	
A2.2 PLAN AT LEVEL 2		
A2.3 PLAN AT LEVEL 3		
A2.4 PLAN AT LEVELS 4-22	<b>CIVIL</b>	
A2.5 PLAN AT LEVEL 23	C1.0 PRELIMINARY GRADING AND DRAINAGE PLAN	
A2.6 PLAN AT ROOF LEVEL	C2.0 PRELIMINARY STORMWATER CONTROL PLAN	

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2327

SHEET:

**GENERAL  
INFORMATION**

**A0.0**

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Berkeley, California 94710  
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CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2327

SHEET:

ZONING DATA

A0.1

ZONING CODE DATA

ZONING SUMMARY TABLE				
ZONING	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING		C-DMU Outer Core		COMPLIES
TOTAL LOT SIZE (SQ. FT.)		12,385		COMPLIES
TOTAL LOT SIZE (ACRES)		0.28		COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	15.41	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	240	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	280	COMPLIES
HEIGHT - FEET	60'-0"	75'-0"	256'-0"	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES	NA	NA	23	COMPLIES
LOT COVERAGE	NA	NA	90%	COMPLIES
SETBACK - FRONT (UNIVERSITY)	0'-15'	0'	SEE TABLE	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - REAR (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	29	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	NA	NA	0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	94	94	167	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	7	7	8	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	NA	NA	0	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	19200	19200	2055	COMPLIES W/ SDB WAIVER
COMMERCIAL PRIVATELY OWNED OPEN SPACE	NA	NA	NA	COMPLIES

PARKING CALCULATIONS					
	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL (none per Table 23.322-2)	240	0	0	0	29

BICYCLE PARKING CALCULATIONS					
	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	280	1	3	94	167
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	280	1	40	7	8

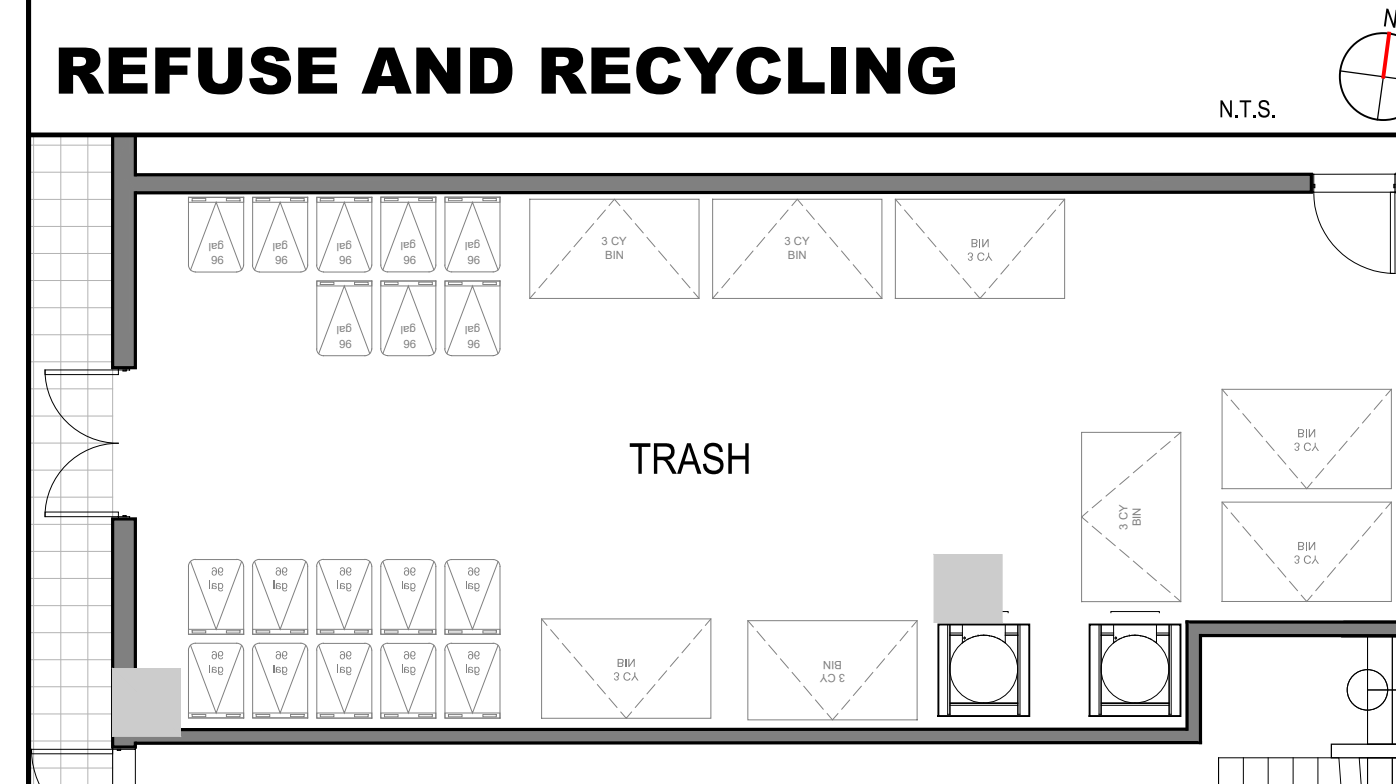
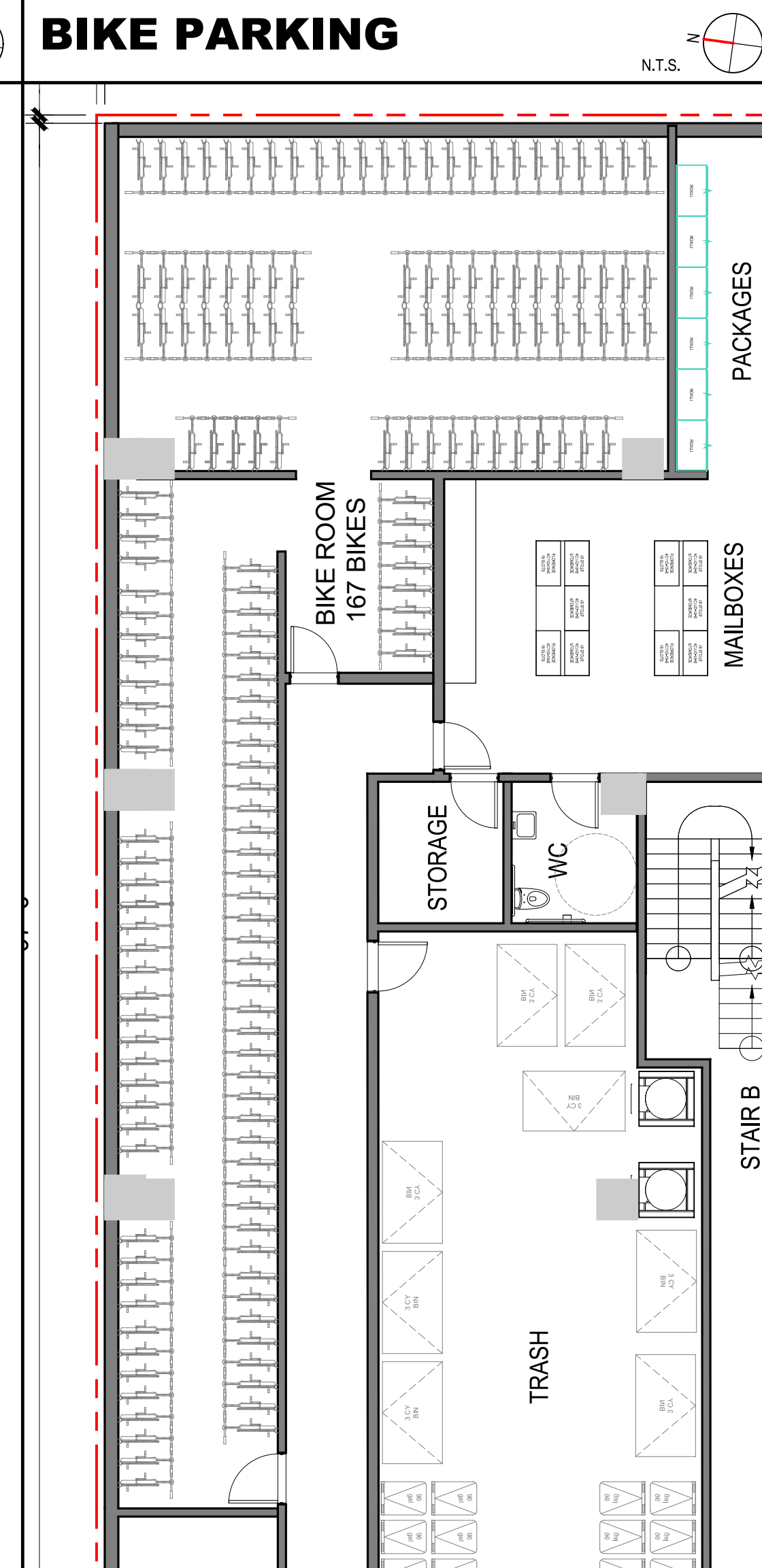
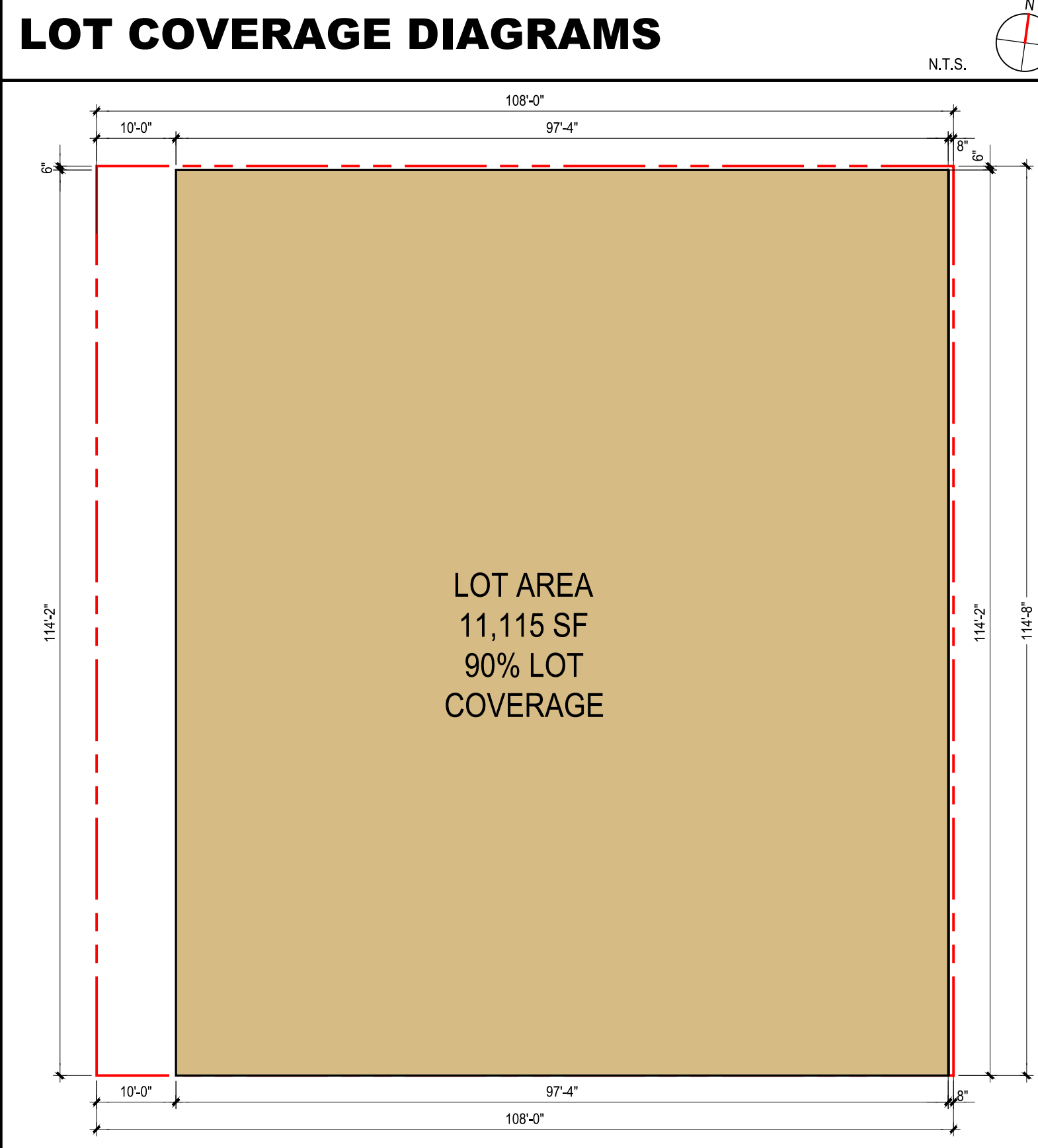
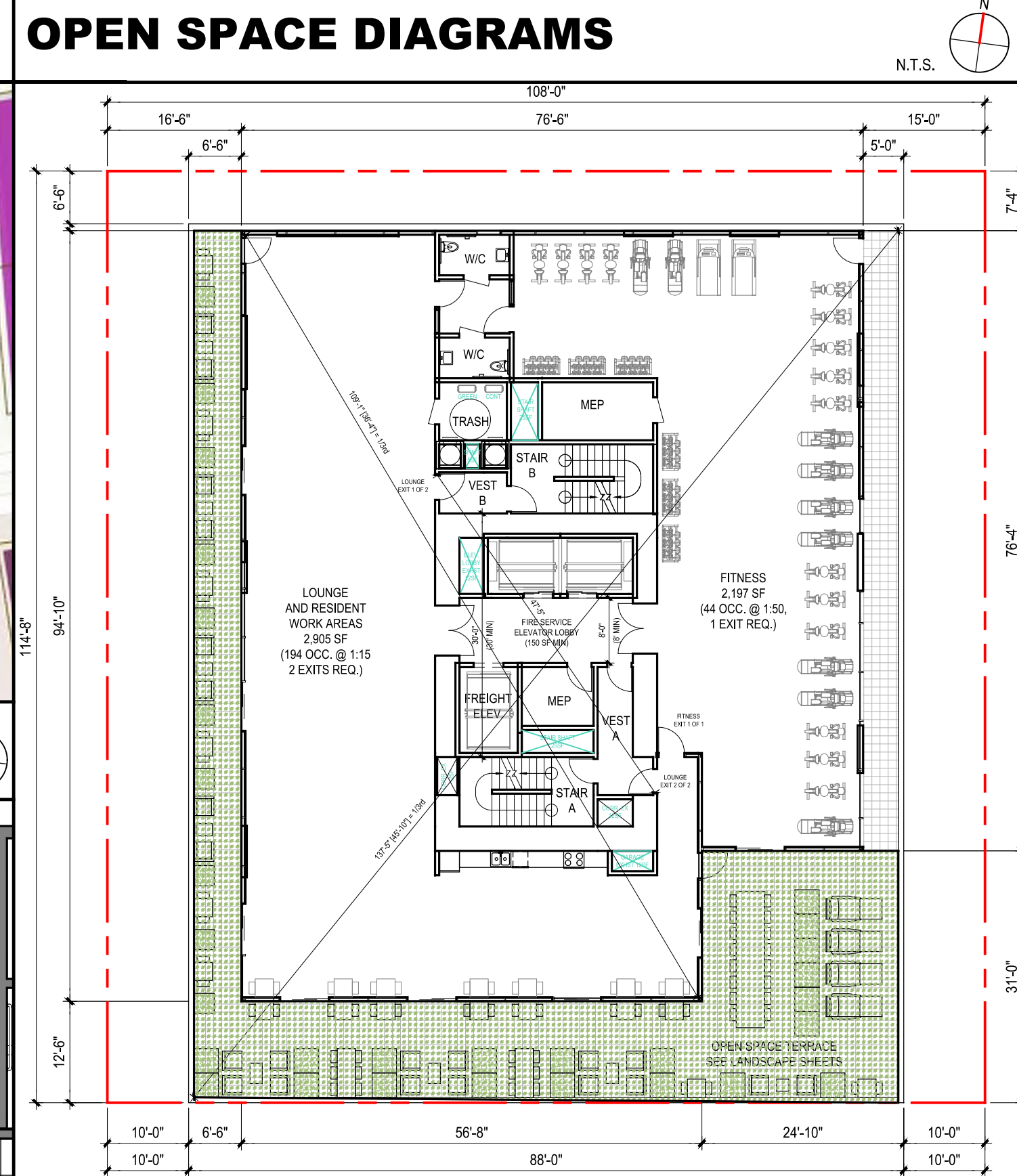
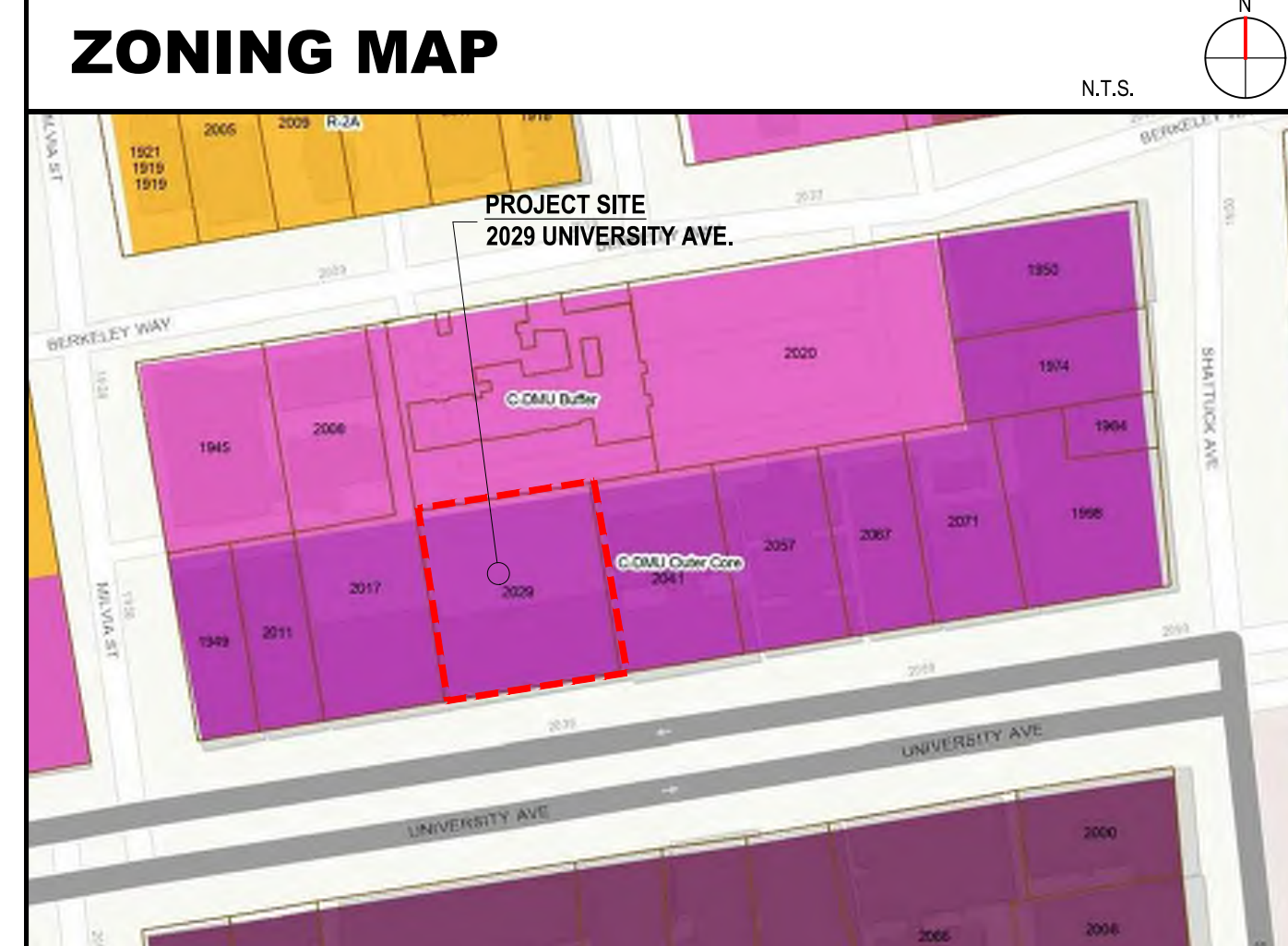
SETBACKS TABLE				
	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	0' TO 3'	COMPLIES
21'-75'	0'	0'	0' TO 6"	COMPLIES
76'-120'	15'	0'	0' TO 1'-4"	COMPLIES W/ UP
> 120'	15'	0'	0' TO 31'-0"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10'	COMPLIES
21'-75'	0'	0'	10' TO 11'-4"	COMPLIES
76'-120'	5'	0'	10' TO 11'-4"	COMPLIES
> 120'	15'	0'	15' TO 16'-6"	COMPLIES
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10'	COMPLIES
21'-75'	5'	0'	10' TO 11'-4"	COMPLIES
76'-120'	15'	0'	10' TO 11'-4"	COMPLIES W/ UP
> 120'	15'	0'	16'-6" TO 34'-10"	COMPLIES
SETBACK - REAR				
0'-20'	0'	0'	6"	COMPLIES
21'-75'	5'	0'	6'-6" TO 9'-6"	COMPLIES
76'-120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
> 120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
MAX. WIDTH DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER

OPEN SPACE CALCULATIONS				
	UNITS	SF / UNIT	TOTAL REQ'D	TOTAL PROVIDED
RESIDENTIAL UNITS	240	80	19,200	2,055
Landscape		40%	822	690

ROOFTOP ARCHITECTURAL ELEMENTS CALCS		
	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		8,218
AREA OF ROOFTOP ARCH. ELEMENTS	1,233	1,167
% AREA OF ROOFTOP ARCH. FEATURES	15.0%	14.2%

AREA TABLE	
	RESIDENTIAL
LEVEL 23	6,219
LEVEL 22	8,698
LEVEL 21	8,698
LEVEL 20	8,698
LEVEL 19	8,698
LEVEL 18	8,698
LEVEL 17	8,698
LEVEL 16	8,698
LEVEL 15	8,698
LEVEL 14	8,698
LEVEL 13	8,698
LEVEL 12	8,698
LEVEL 11	8,698
LEVEL 10	8,698
LEVEL 9	8,698
LEVEL 8	8,698
LEVEL 7	8,698
LEVEL 6	8,698
LEVEL 5	8,698
LEVEL 4	8,698
LEVEL 3	8,698
LEVEL 2	1,188
GROUND LEVEL	7,742
BASEMENT	3,023
<b>TOTAL</b>	<b>192,132</b>

DWELLING UNIT TABLE					
	STUDIO	JR-1 BD	1 BD	2 BD	
LEVEL 23					
LEVEL 22	4	3	3	2	
LEVEL 21	4	3	3	2	
LEVEL 20	4	3	3	2	
LEVEL 19	4	3	3	2	
LEVEL 18	4	3	3	2	
LEVEL 17	4	3	3	2	
LEVEL 16	4	3	3	2	
LEVEL 15	4	3	3	2	
LEVEL 14	4	3	3	2	
LEVEL 13	4	3	3	2	
LEVEL 12	4	3	3	2	
LEVEL 11	4	3	3	2	
LEVEL 10	4	3	3	2	
LEVEL 9	4	3	3	2	
LEVEL 8	4	3	3	2	
LEVEL 7	4	3	3	2	
LEVEL 6	4	3	3	2	
LEVEL 5	4	3	3	2	
LEVEL 4	4	3	3	2	
LEVEL 3	4	3	3	2	
LEVEL 2					
GROUND LEVEL					
<b>TOTAL UNITS</b>	<b>80</b>	<b>60</b>	<b>60</b>	<b>40</b>	<b>240</b>
<b>BEDROOMS / UNIT</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>	
<b>TOTAL BEDROOMS</b>	<b>80</b>	<b>60</b>	<b>60</b>	<b>80</b>	<b>280</b>



Waste and Recycling Calculation						
# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)	Waste (40%)	Recycling (20%)	Compost (20%)
280	1.00	280	23.33 cy	4,667 gal	9,333 cuft	1,867 gal

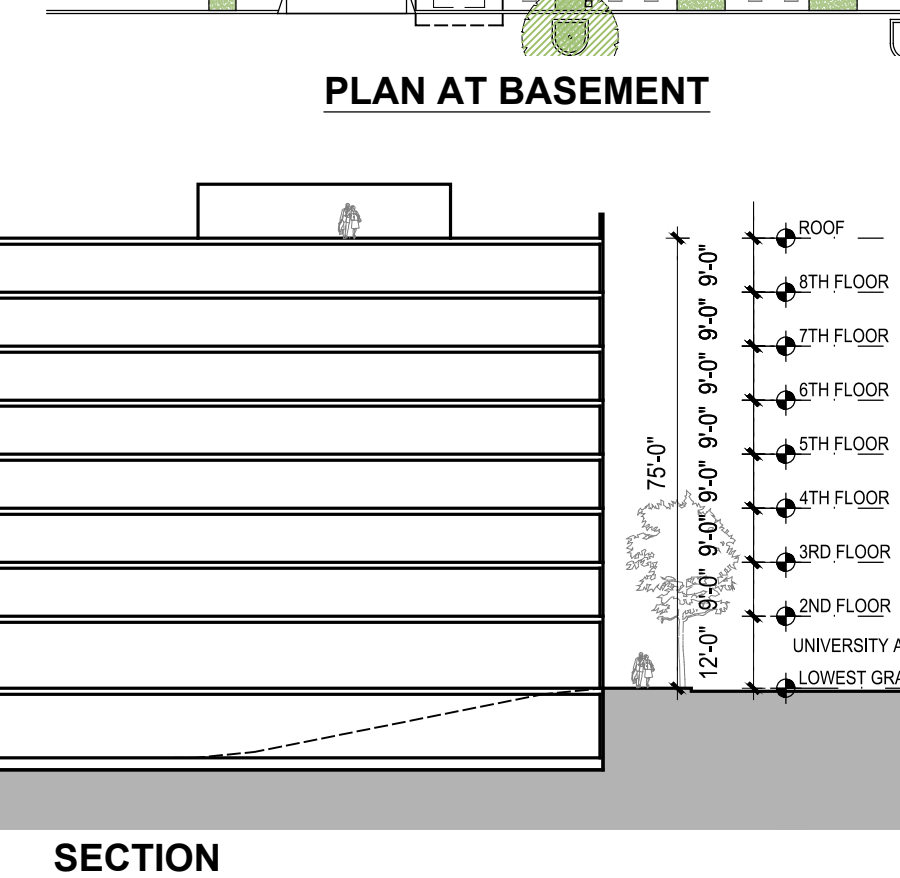
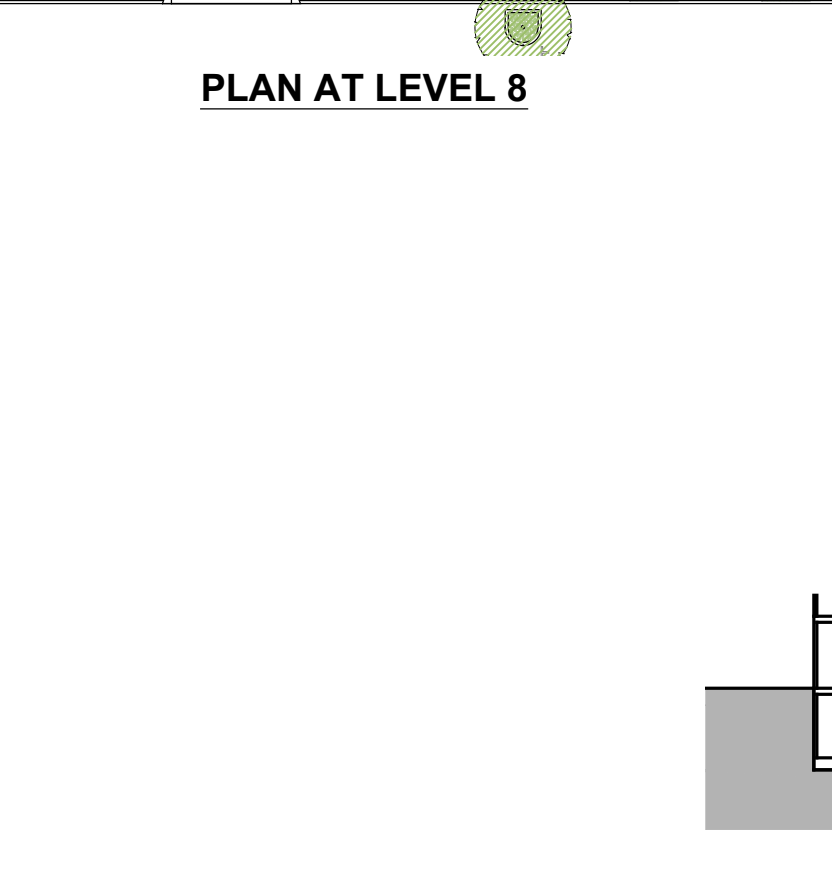
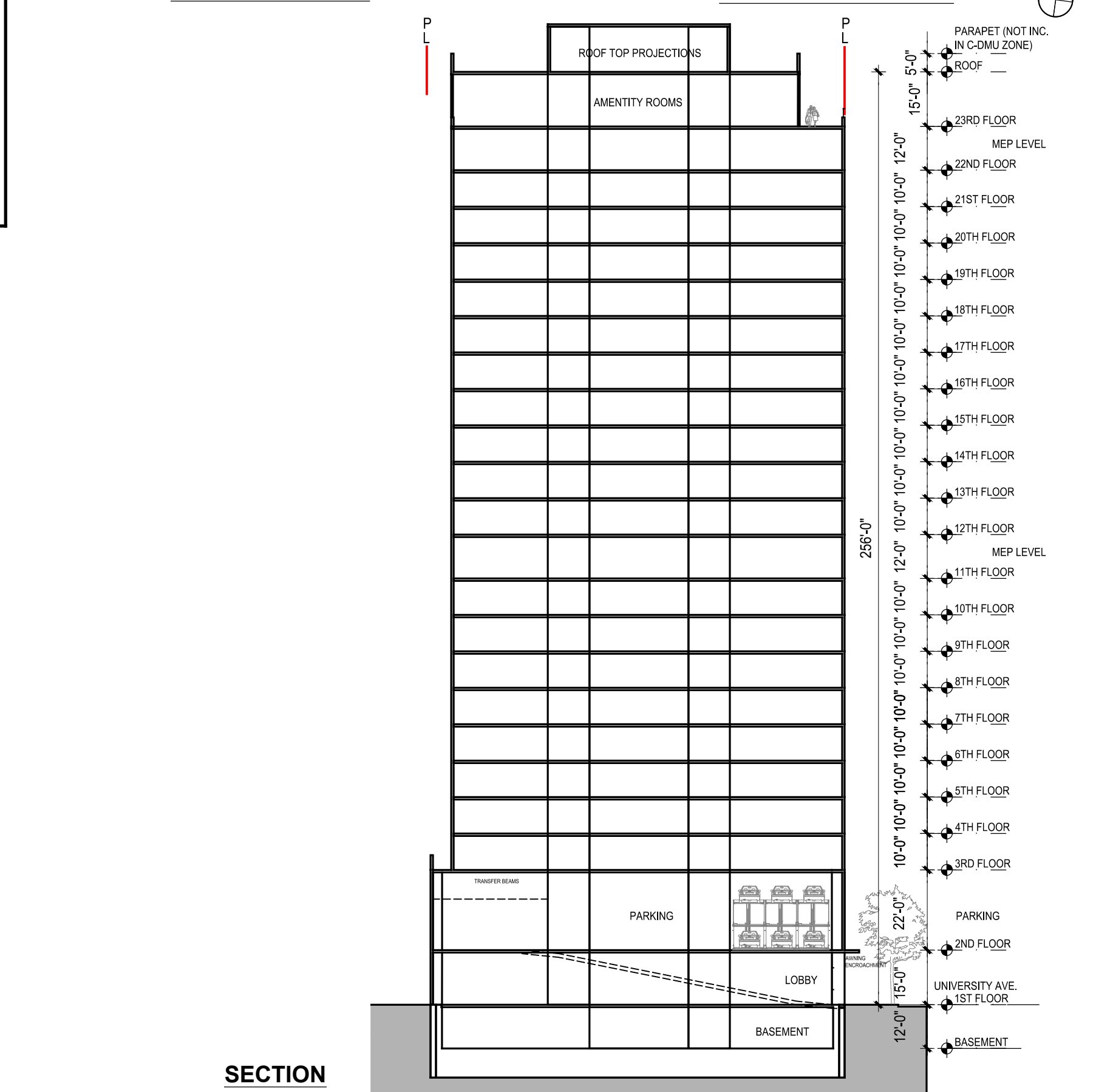
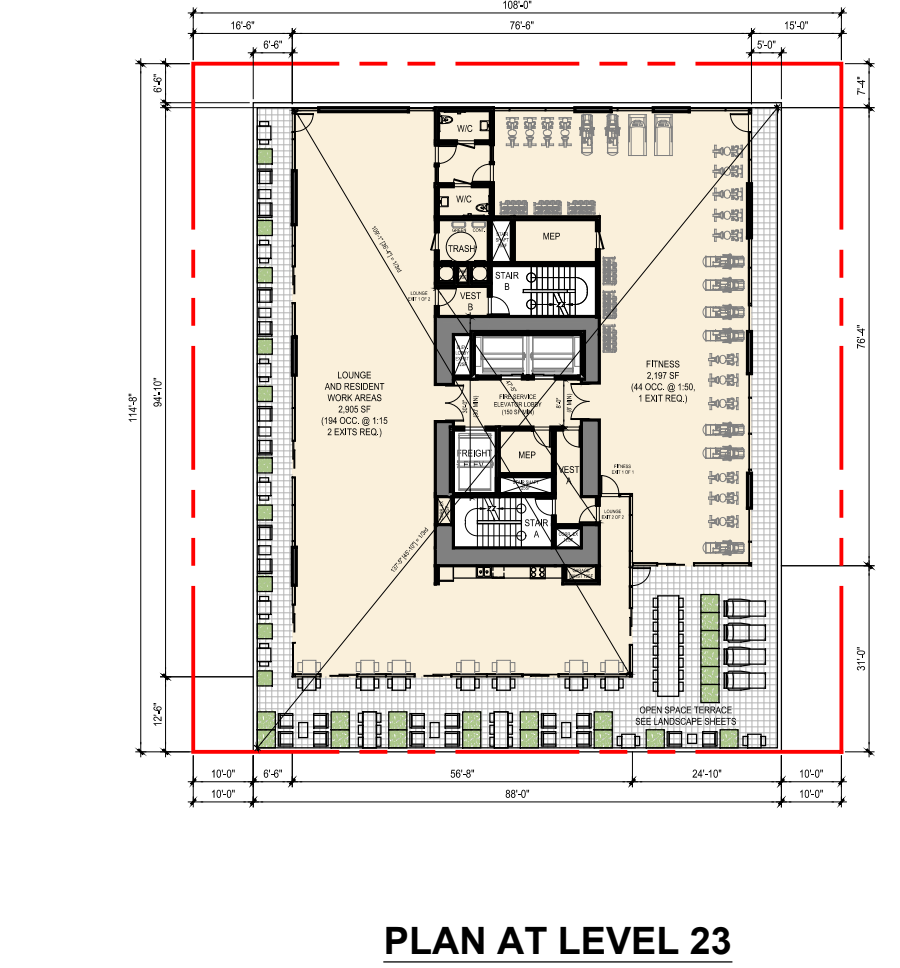
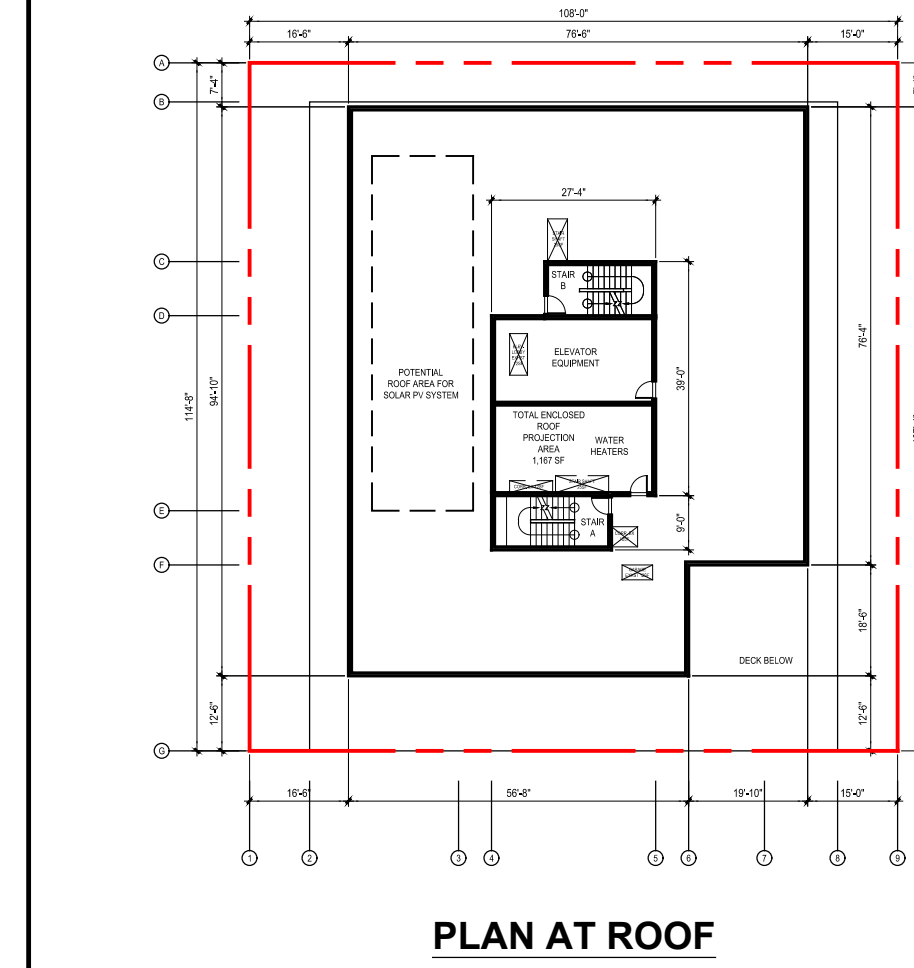
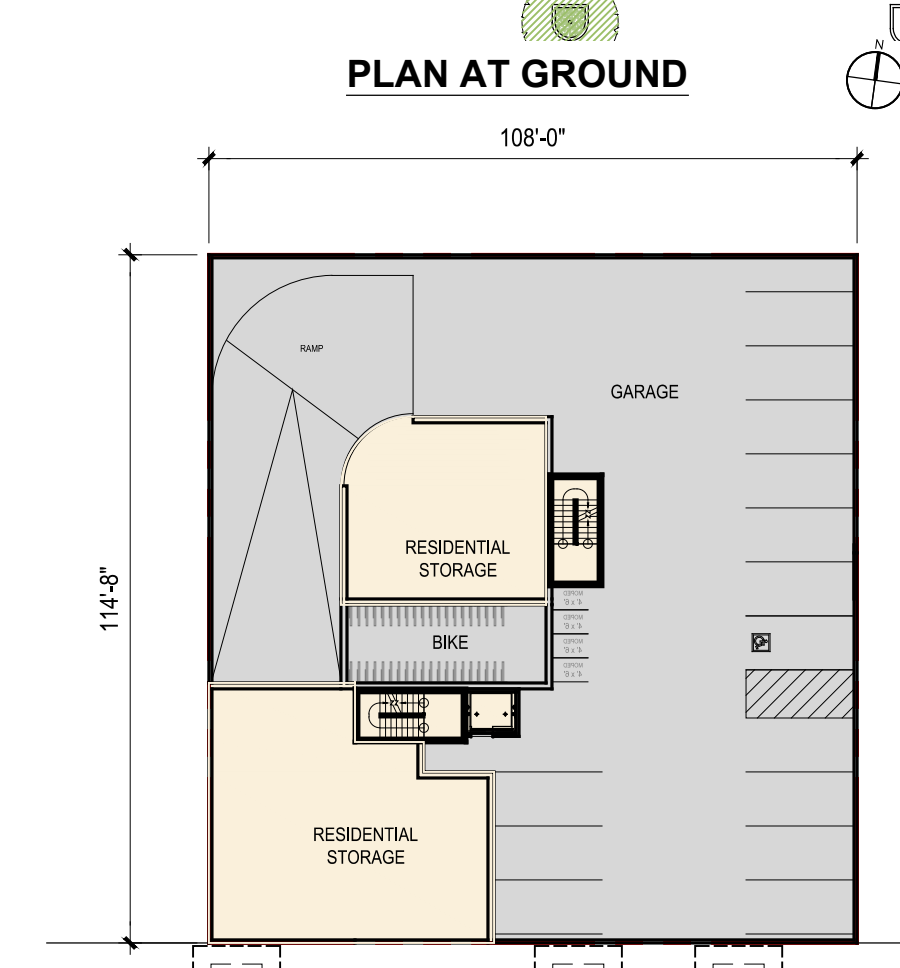
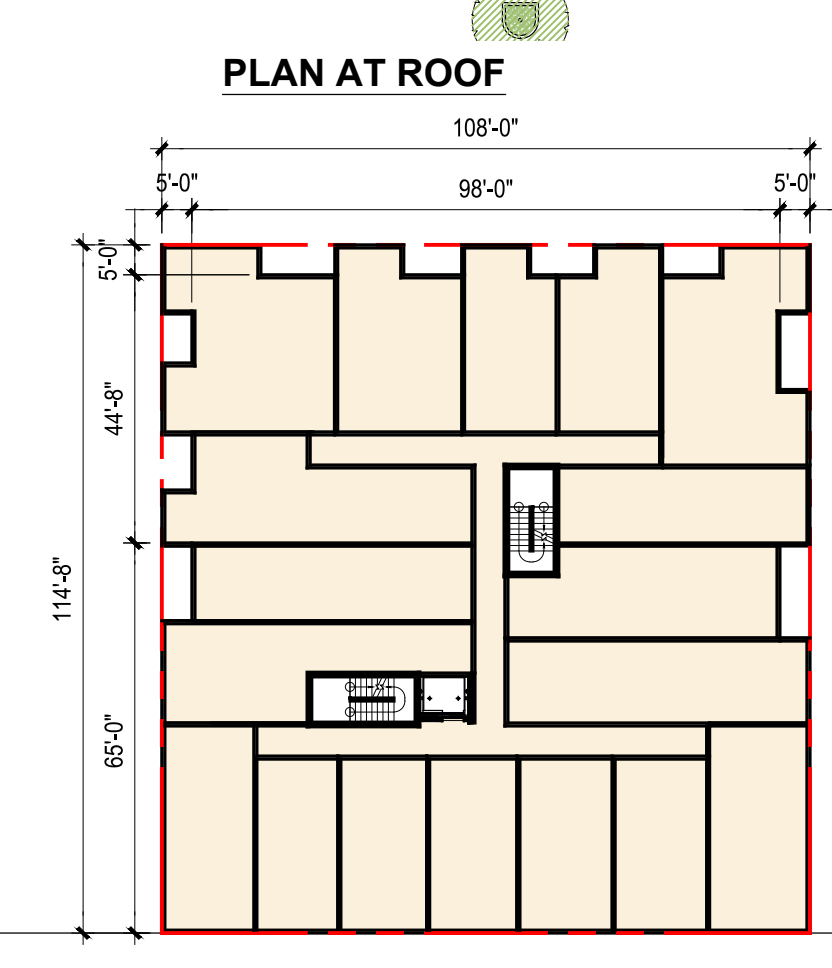
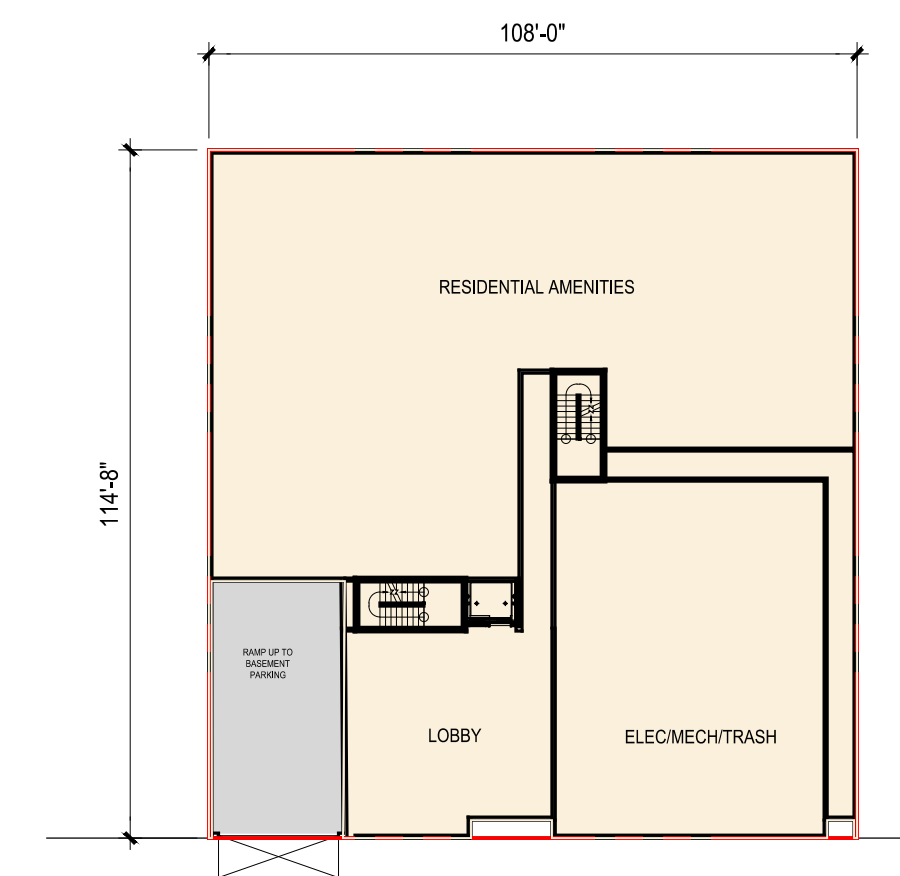
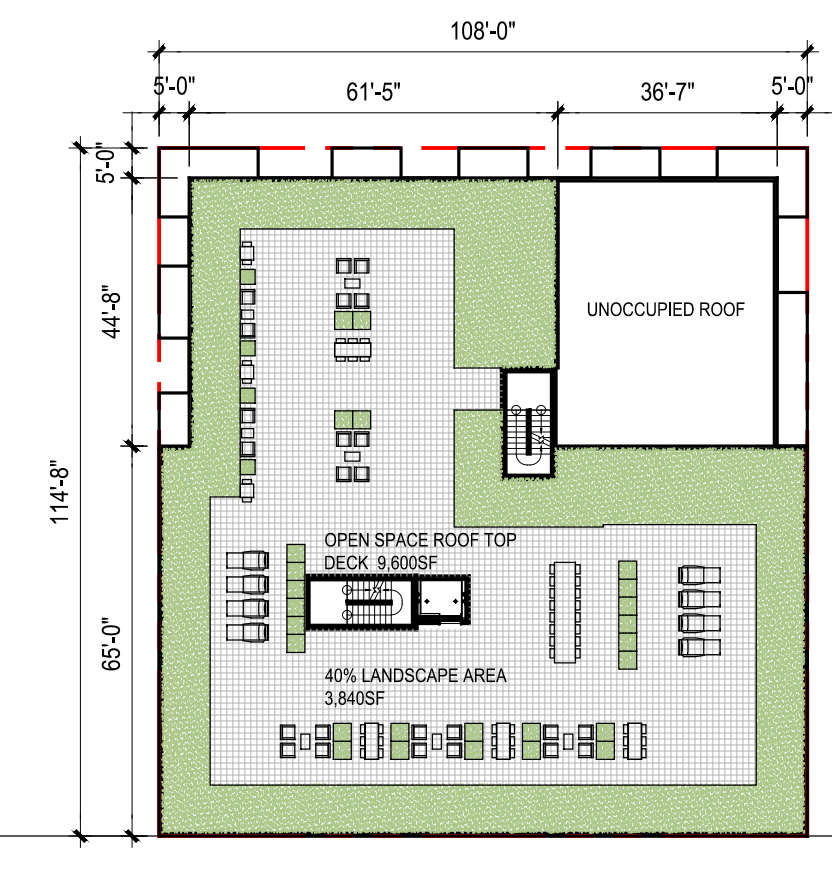
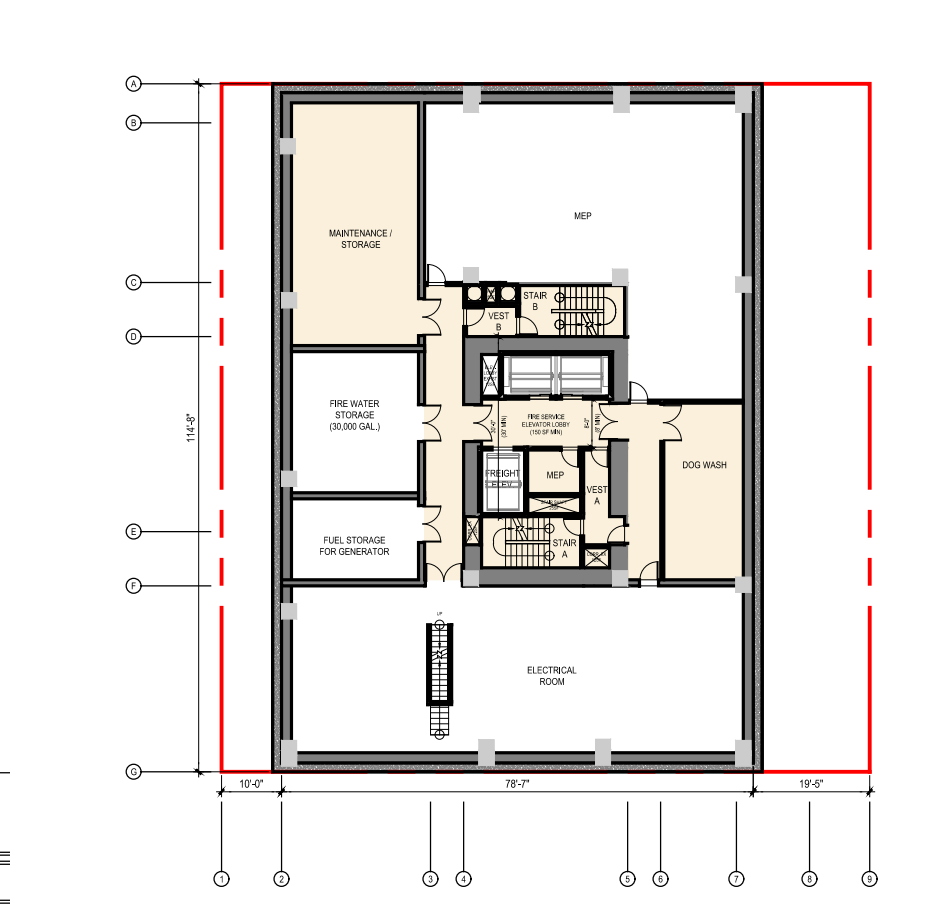
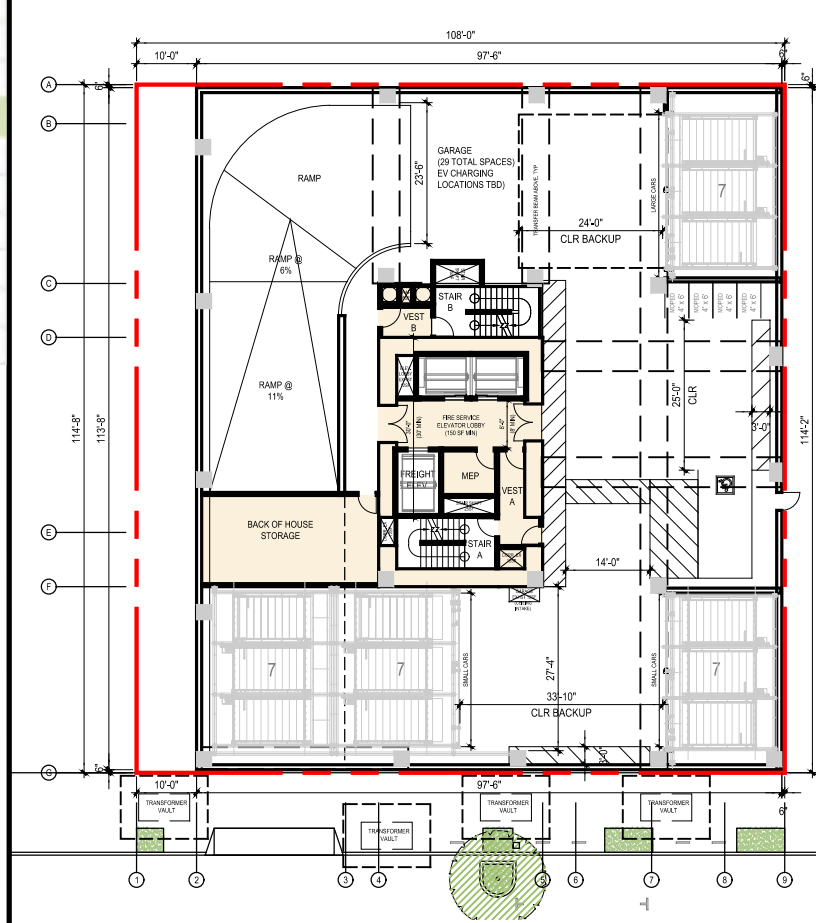
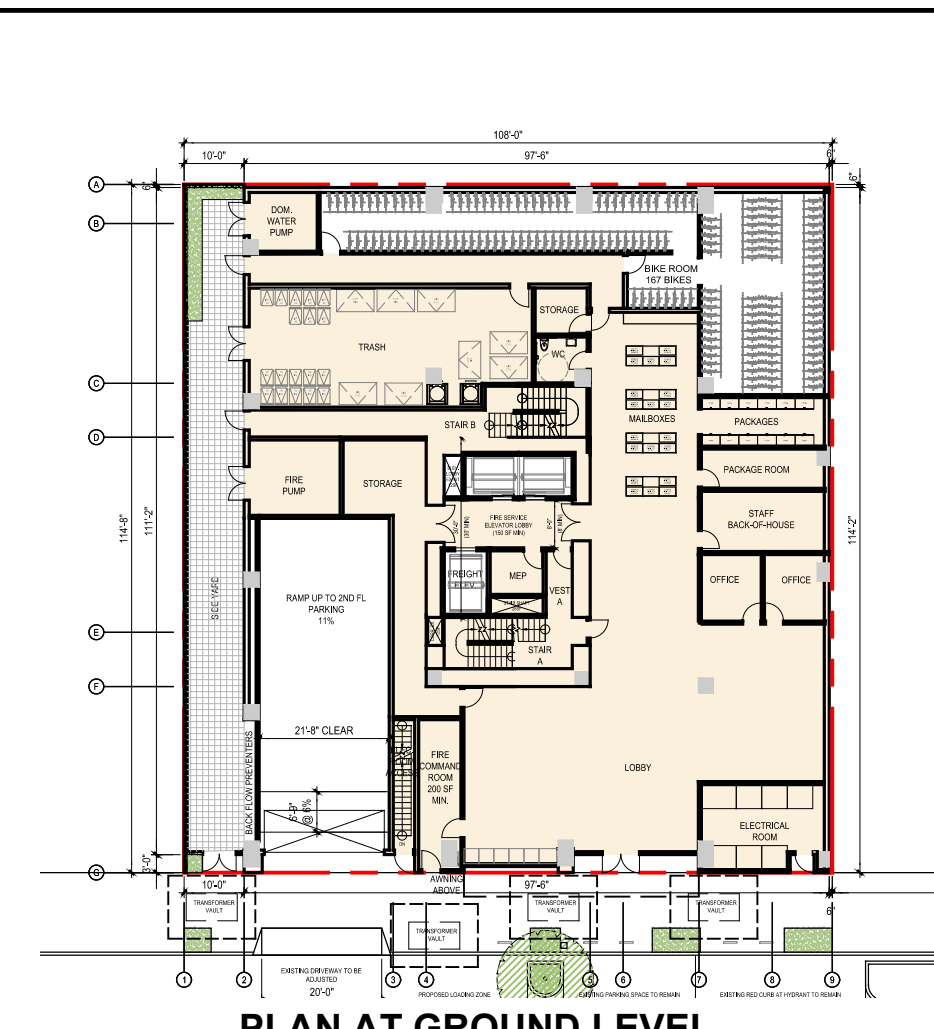
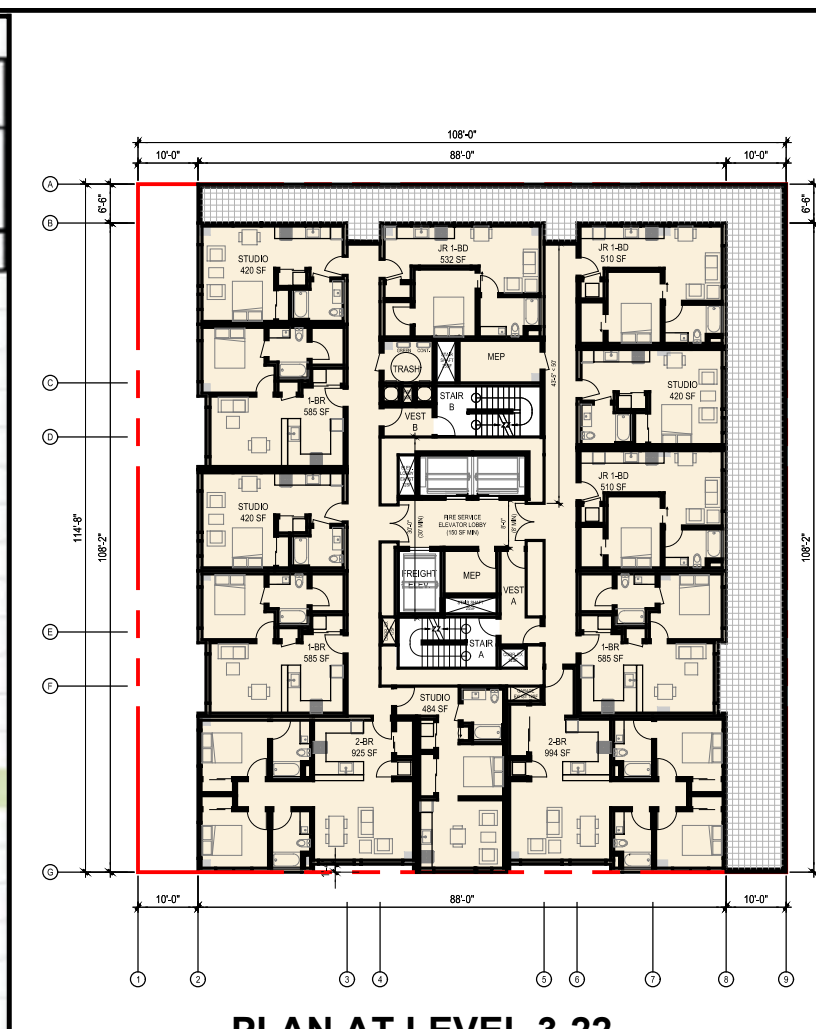
  

Space Calculation						
	Container Quantities		Space Required		150% Additional Increase	
	Waste	Recycling	Compost	Factor/container	Space/Container	Required
3cy bin (605 gal)	2	2		28 sf	112 sf	
2cy bin (404 gal)	1	1		28 sf	56 sf	
96 gallon cart	3	3	10	7 sf	112 sf	
64 gallon cart				6 sf		
<b>Total capacity</b>	<b>1902 gal</b>	<b>1902 gal</b>	<b>960 gal</b>		<b>280 sf</b>	<b>420 sf</b>

LEVEL 23 USABLE OPEN SPACE PLAN  
2,055sf

DENSITY BONUS TABLE										
Base Project	Base Units Calculation	Base # Units	% VLI units	# VLI Units	% MI units	# MI Units	Bonus %	# DB Units	Maximum DB Project	Proposed Project
sq. ft. - see calculation below	base project area / avg unit size	base project units (rounded up)		% VLI x Base # Units (rounded up)		% MI x Base # Units (rounded up)		% Bonus x Base # Units (rounded up)	% Bonus x Base # Units (rounded up)	
95,417	119,19	120	15%	18	15%	18	100.0%	120	240	240
Base Project Res. Area	Floor	Proposed Project Res. Area	Base Project # of Units	Floor	Proposed Project # of Units	#VLI	%VLI	%DB	#DB	
	Level 23	6,219		Level 23		6	5%	20.0%	144	
	Level 22	8,698		Level 22	12	8	6%	22.5%	147	
	Level 21	8,698		Level 21	12	10	8%	27.5%	153	
	Level 20	8,698		Level 20	12	11	9%	30.0%	156	
	Level 19	8,698		Level 19	12	12	10%	32.5%	159	
	Level 18	8,698		Level 18	12	14	11%	35.0%	162	
	Level 17	8,698		Level 17	12	15	12%	38.75%	167	
	Level 16	8,698		Level 16	12	16	13%	42.5%	171	
	Level 15	8,698		Level 15	12	17	14%	46.3%	176	
	Level 14	8,698		Level 14	12	18	15%	50.0%	180	
	Level 13	8,698		Level 13	12					
	Level 12	8,698		Level 12	12					
	Level 11	8,698		Level 11	12	6	5%	20.0%	204	
	Level 10	8,698		Level 10	12	8	6%	22.5%	207	
	Level 9	8,698		Level 9	12	9	7%	25.0%	210	
	Level 8	8,698	18	Level 8	12	10	8%	27.5%	213	
	Level 7	8,698	17	Level 7	12	11	9%	30.0%	216	
	Level 6	8,698	17	Level 6	12	12	10%	32.5%	219	
	Level 5	8,698	17	Level 5	12	14	11%	35.0%	222	
	Level 4	8,698	17	Level 4	12	15	12%	38.75%	227	
	Level 3	8,698	17	Level 3	12	16	13%	42.5%	231	
	Level 2	1,188	17	Level 2	12	17	14%	46.3%	236	
	Ground	7,742		Ground		18	15%	50.0%	240	
	Basement	3,023		Basement						
	<b>Total</b>	<b>192,132</b>	<b>120</b>	<b>Total</b>	<b>240</b>					
Proposed Area:		192,132								
Proposed Units:		240								
Average Unit Size:		801								

BASE PROJECT ZONING COMPLIANCE CHECKS					
ALLOWABLE BASE PROJECT WITH AVAILABLE AUP AND UP					
	UNMODIFIED REQUIREMENT	ALLOWABLE MODIFICATION	CODE SECTION	BASE PROJECT	COMPLIANCE CHECK
ZONING			C-DMU Outer Core		
TOTAL LOT SIZE (SQ. FT.)			12,385		
TOTAL LOT SIZE (ACRES)			0.28		
DWELLING UNITS	NA	NA		120	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		120	COMPLIES
HEIGHT - FEET	60'	75'	Table 23.204-37	75'	COMPLIES W/ UP
SETBACK - FRONT	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - REAR	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - INTERIOR SIDE	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
HEIGHT - STORIES		NOT LIMITED		8	
FAR		NOT LIMITED		NA	
OPEN SPACE		80 SF/UNIT		9,600	COMPLIES
OPEN SPACE LANDSCAPE		40% OF 9,600SF		3,840	COMPLIES
PARKING - RESIDENTIAL	NONE REQ'D	NONE REQ'D	Table 23.322-2	0	COMPLIES
RES. BIKE PARKING LONG TERM	1/3 BED ROOMS			40	COMPLIES
RES. BIKE PARKING SHORT TERM	1/40 BED ROOMS			3	COMPLIES
STORMWATER	4% OF ROOF AREA = 455SF			455	COMPLIES



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SHEET:

DENSITY BONUS  
DIAGRAMS

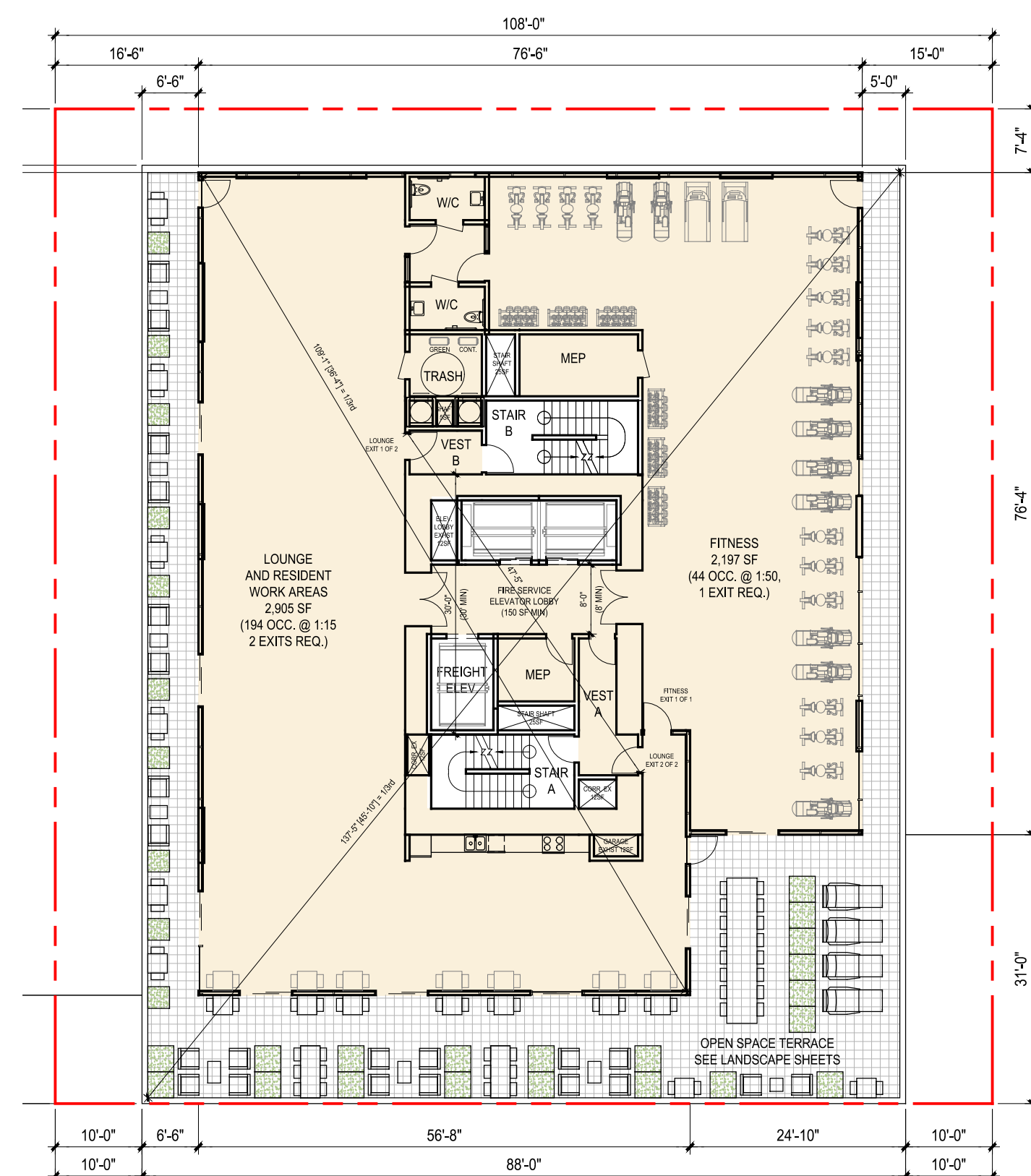
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BASE PROJECT

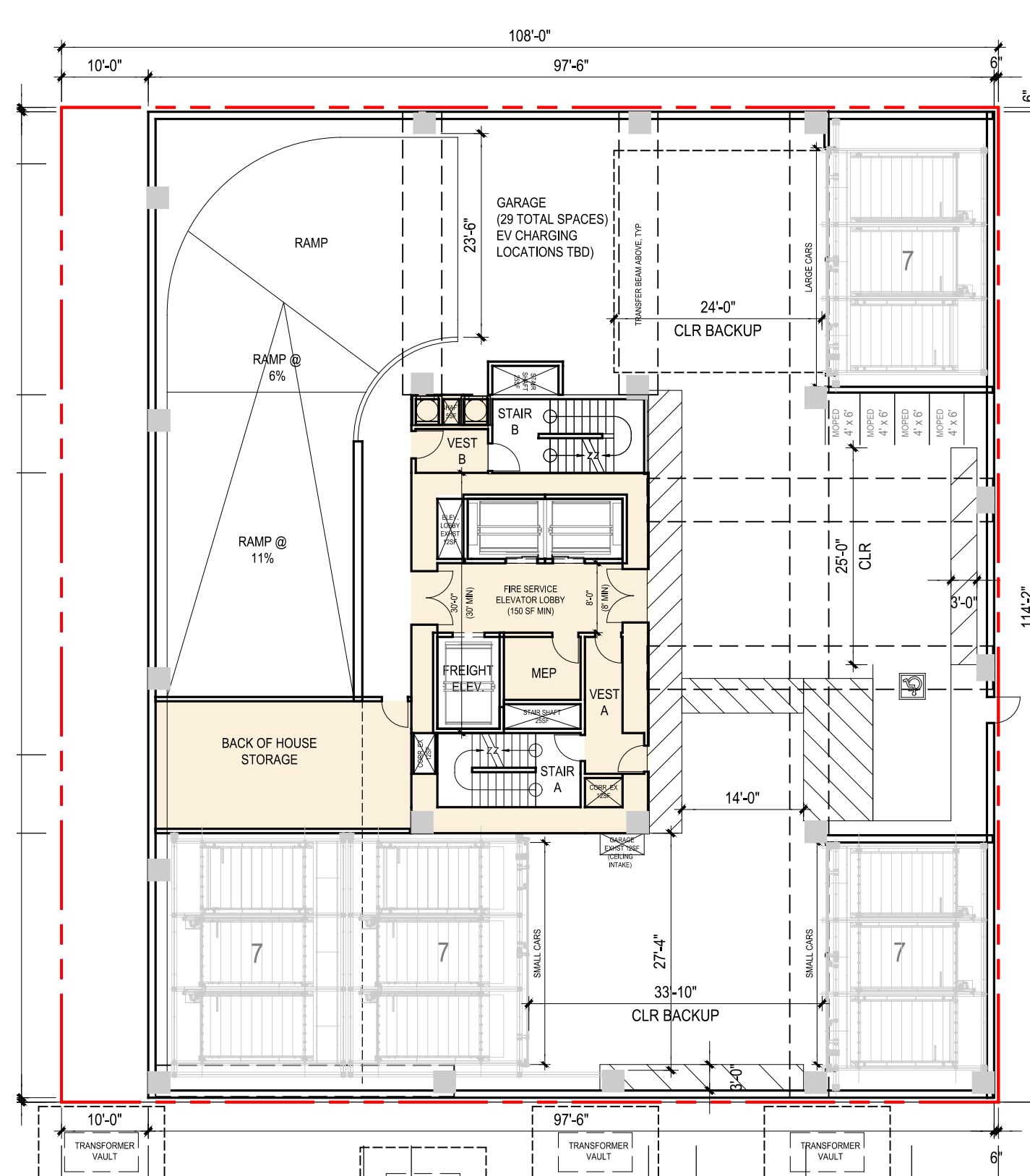
PROPOSED DENSITY BONUS PROJECT

### PROPOSED PROJECT RESIDENTIAL UNIT FLOOR AREA DIAGRAM

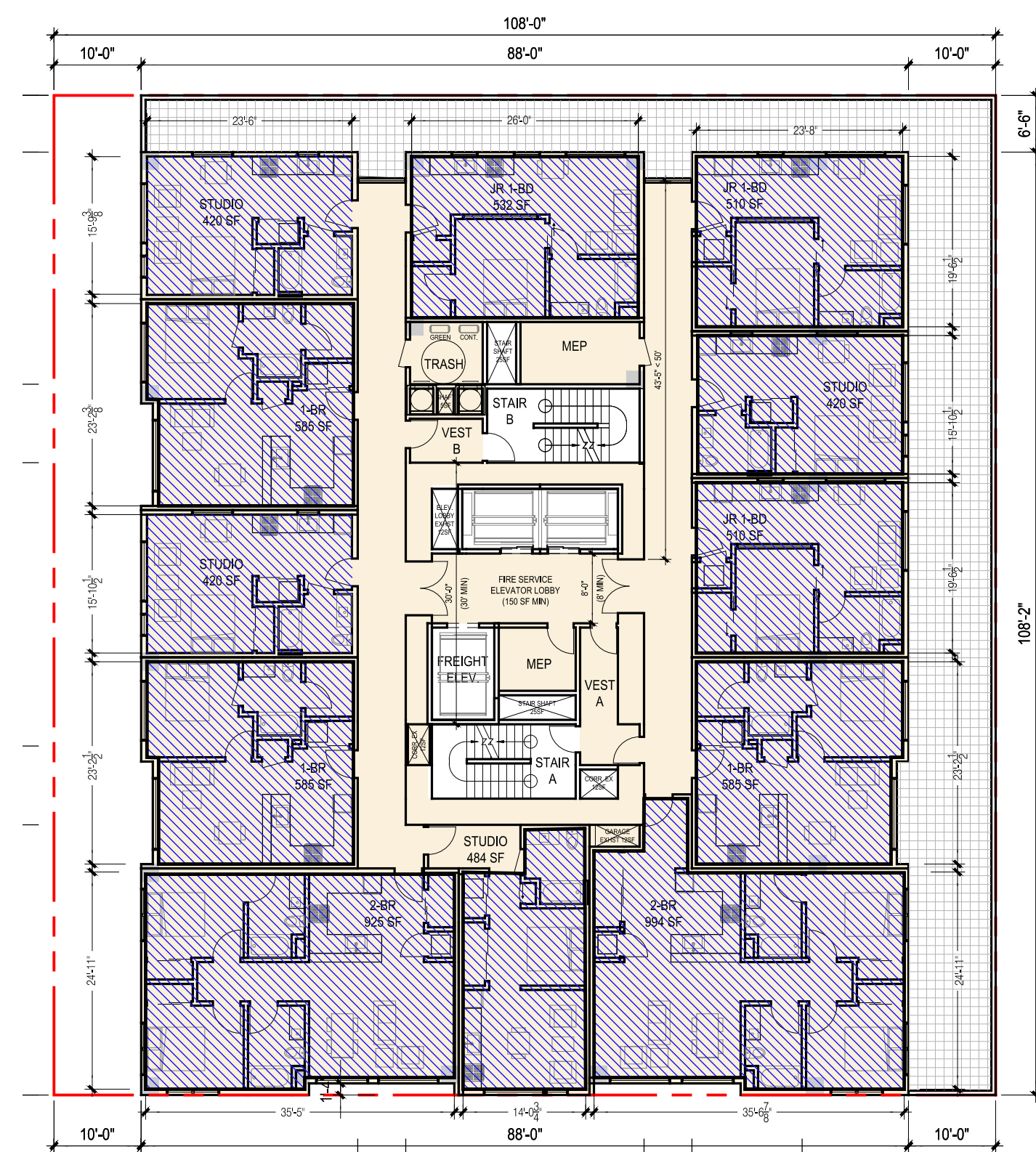
- LEGEND**
- DWELLING UNIT RUFA
  - RESIDENTIAL AMENITY (NOT RUFA)



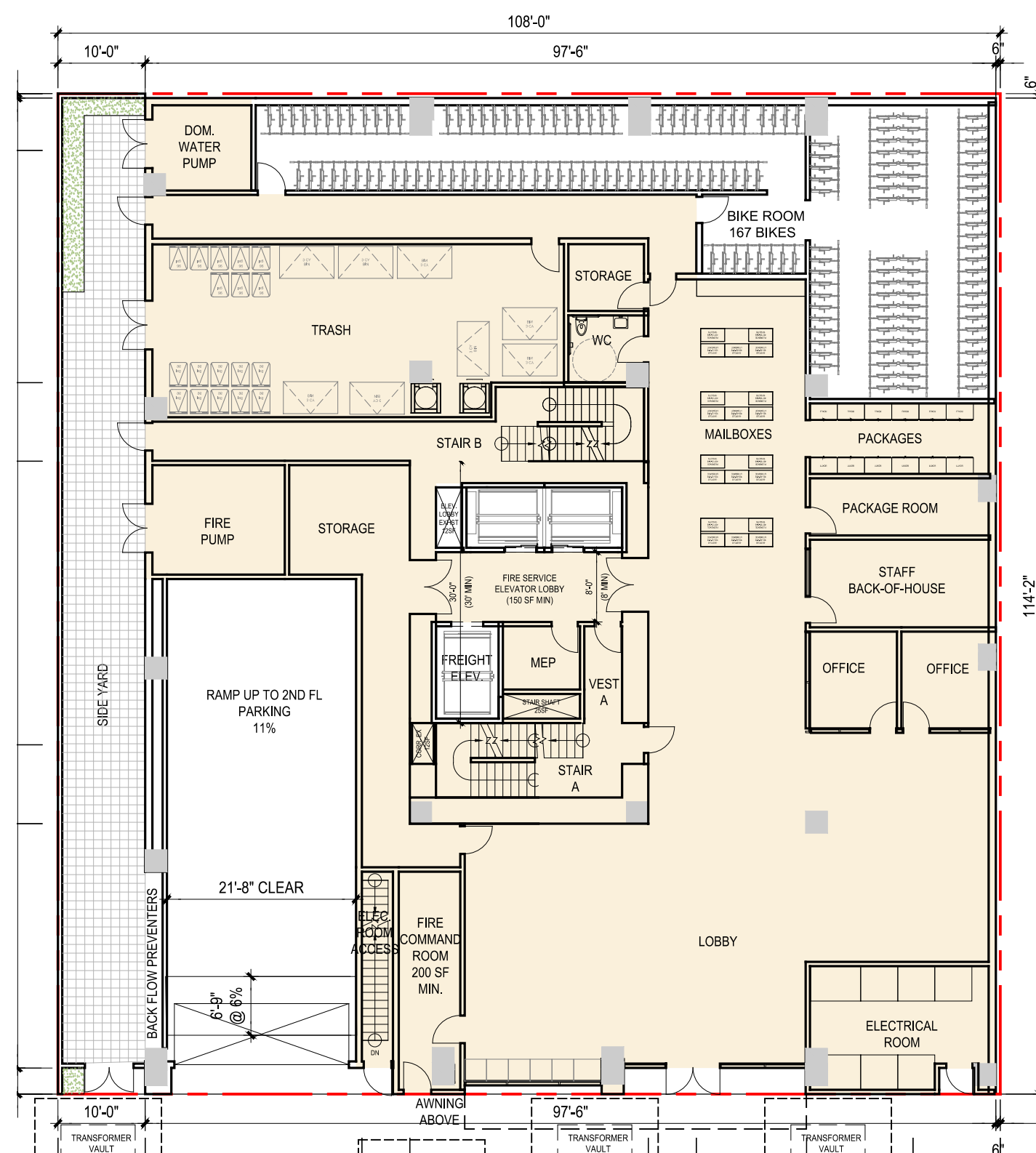
PLAN AT LEVEL 23



PLAN AT LEVEL 2



PLAN AT LEVELS 3-22



PLAN AT GROUND

### PROPOSED PROJECT AREA AND UNIT CALCULATIONS

Calculation of the Final Proposed Residential Unit Floor Area:

Floor	Proposed Project Res. Unit Area	Proposed Project Residential Units
23rd		
22nd	6,274	12
21st	6,274	12
20th	6,274	12
19th	6,274	12
18th	6,274	12
17th	6,274	12
16th	6,274	12
15th	6,274	12
14th	6,274	12
13th	6,274	12
12th	6,274	12
11th	6,274	12
10th	6,274	12
9th	6,274	12
8th	6,274	12
7th	6,274	12
6th	6,274	12
5th	6,274	12
4th	6,274	12
3rd	6,274	12
2nd		
1st		
<b>Final Proposed Residential Unit Floor Area</b>	<b>125,480</b>	<b>240</b>

Calculation of Base Project Residential Floor Area:

Final Proposed DB Residential Unit Floor Area	125,480
One plus the DB % (1 + 100%)	/ 2 =
Base Project Residential Unit Floor Area	62,740

Calculation of the Affordable Housing Fee:

A Total Base Project Residential Unit Floor Area	62,740
B Total Base Project Units	120
C Total BMR Requirements (20% of Base)	24
D Total BMR Units Proposed	18
Fee per Square Foot	\$62.83
Total Base Project Residential Unit Floor Area	62,740
In Lieu Fee Percentage Calculation (C-D)/C	25.00%
Total Fee Due	\$985,488.55

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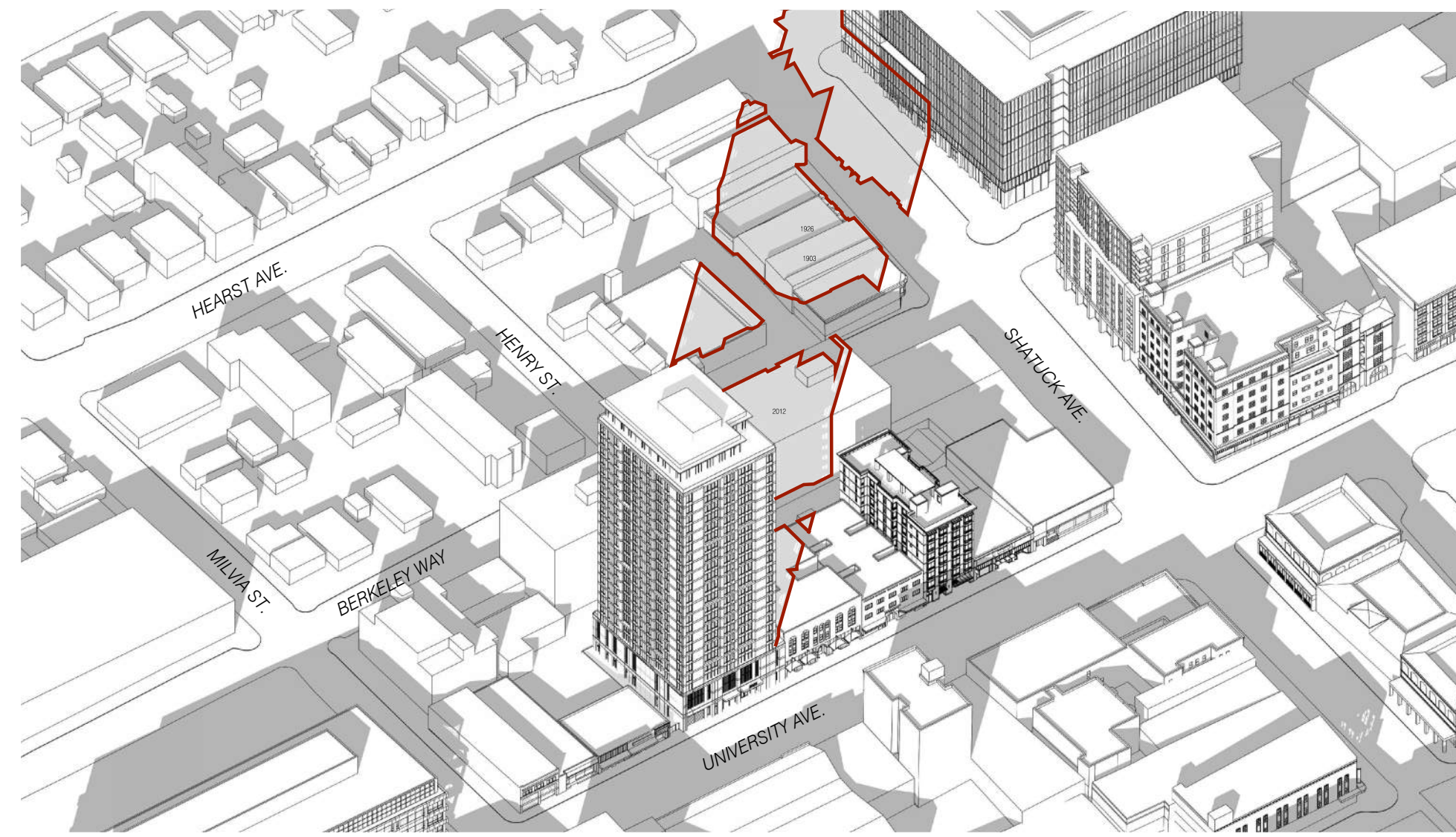
PRELIMINARY AHCP  
DIAGRAMS

# A0.3

**WINTER SOLSTICE**  
**DEC 21ST:**  
**2-HRS BEFORE SUNSET (PM)**

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

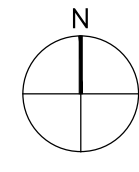
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



5 SHADOW STUDY - PM  
 1:160 @ 11X17 1:80 @ 24X36



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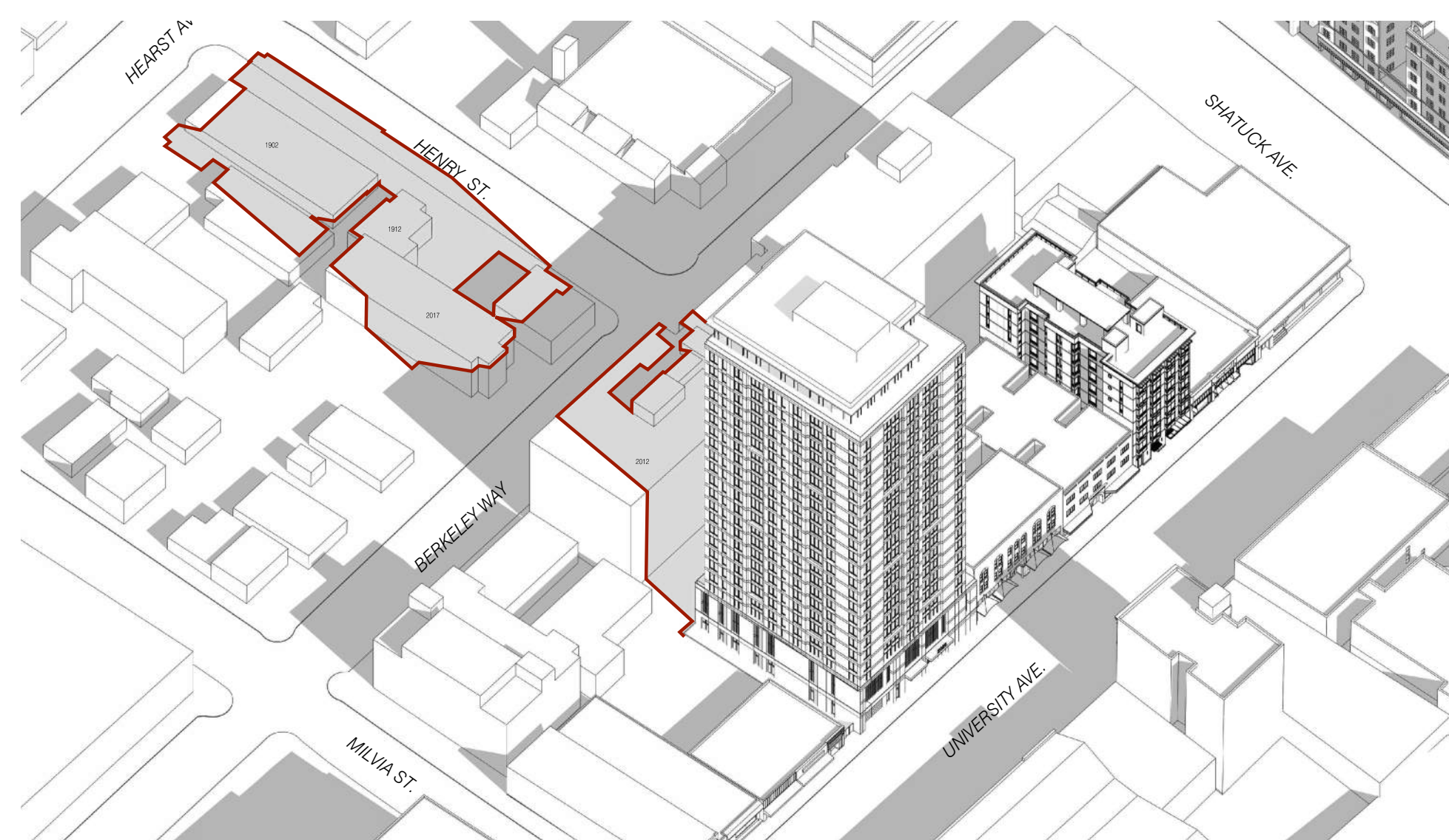
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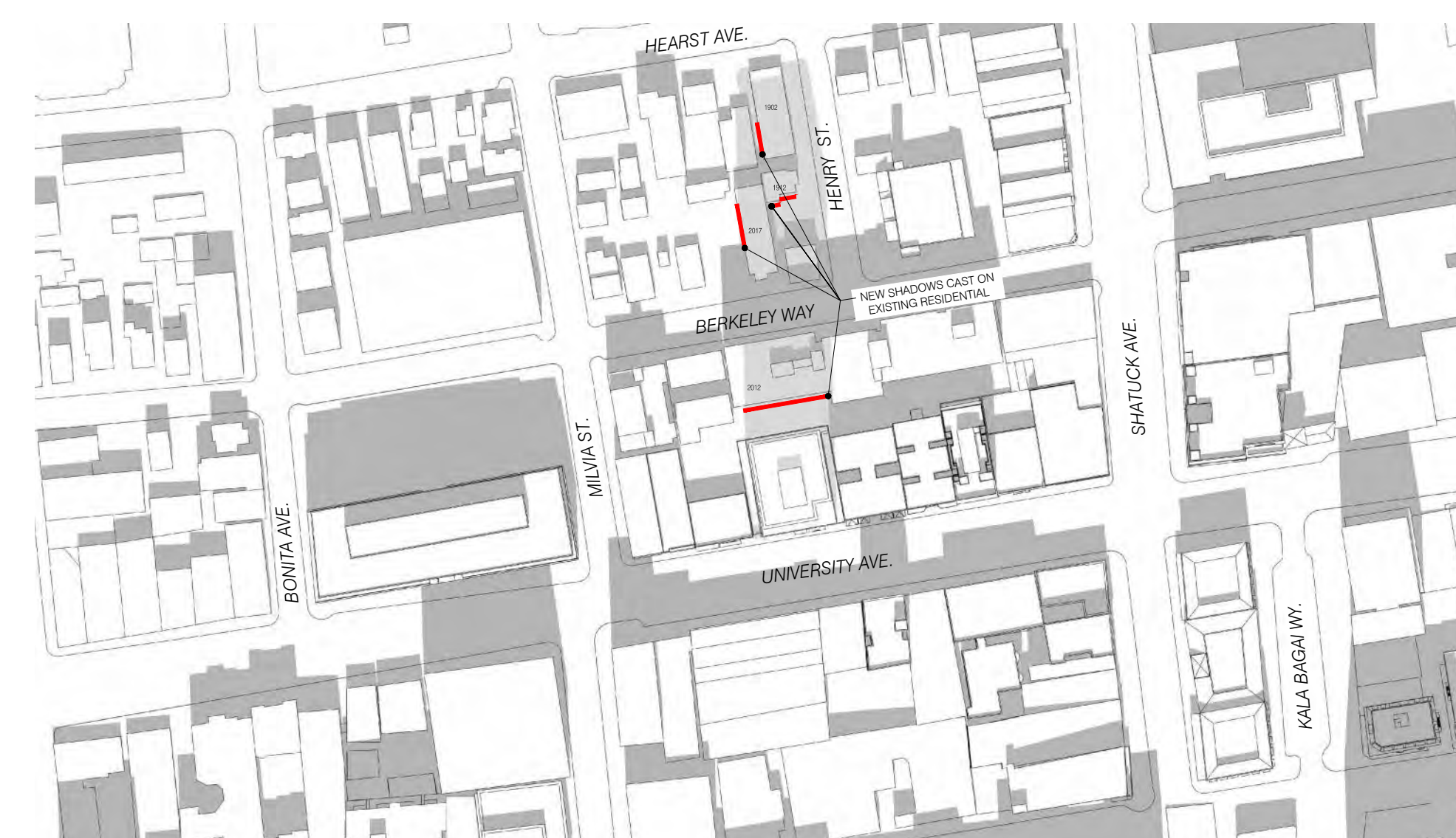
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**DEC 21ST:**  
**NOON**

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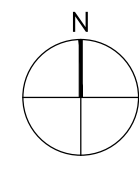
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4 SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.



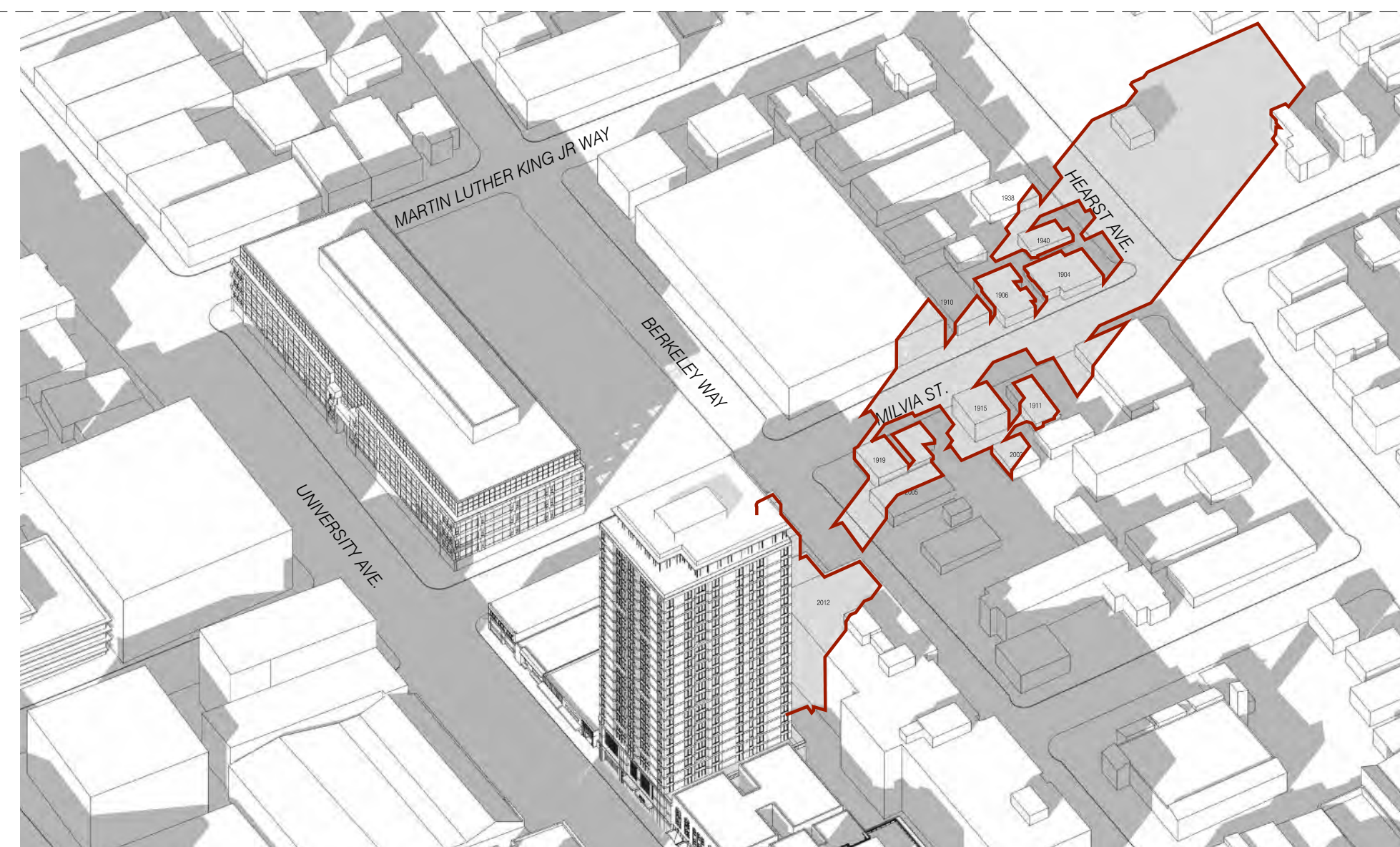
3 SHADOW STUDY - NOON  
 1:160 @ 11X17 1:80 @ 24X36



**WINTER SOLSTICE**  
**DEC 21ST:**  
**2-HRS AFTER SUNRISE (AM)**

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
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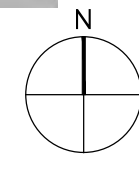
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2 SHADOW STUDY AXONOMETRIC - AM  
 N.T.S.



1 SHADOW STUDY - AM  
 1:160 @ 11X17 1:80 @ 24X36



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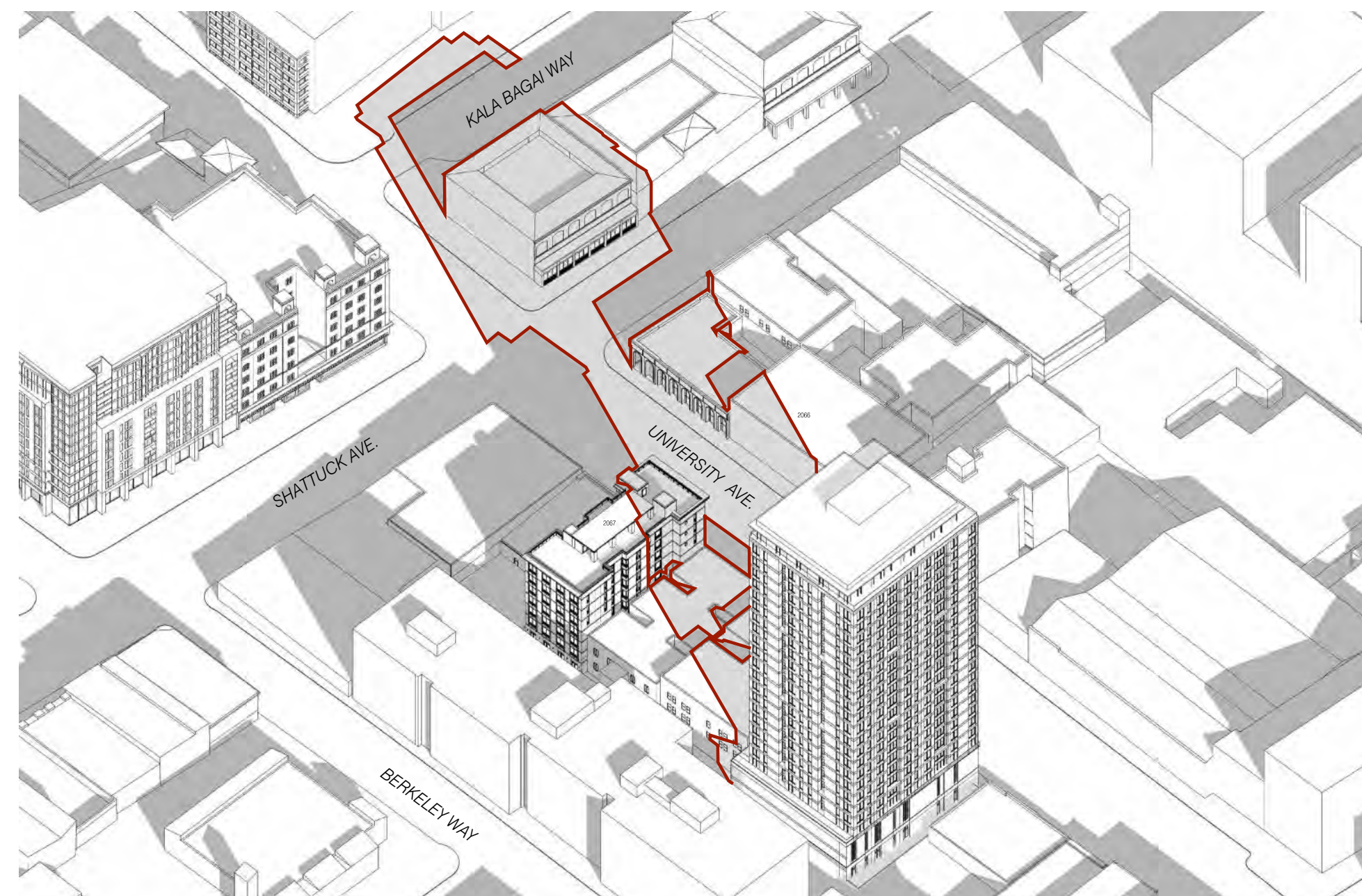
SHADOW STUDIES  
 DECEMBER 21ST

**A0.4A**

**SUMMER SOLSTICE**  
**JUN 21ST:**  
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■ DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS  
 ■ LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING  
 — NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM  
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5 SHADOW STUDY - PM  
 1:160 @ 11X17 1:80 @ 24X36

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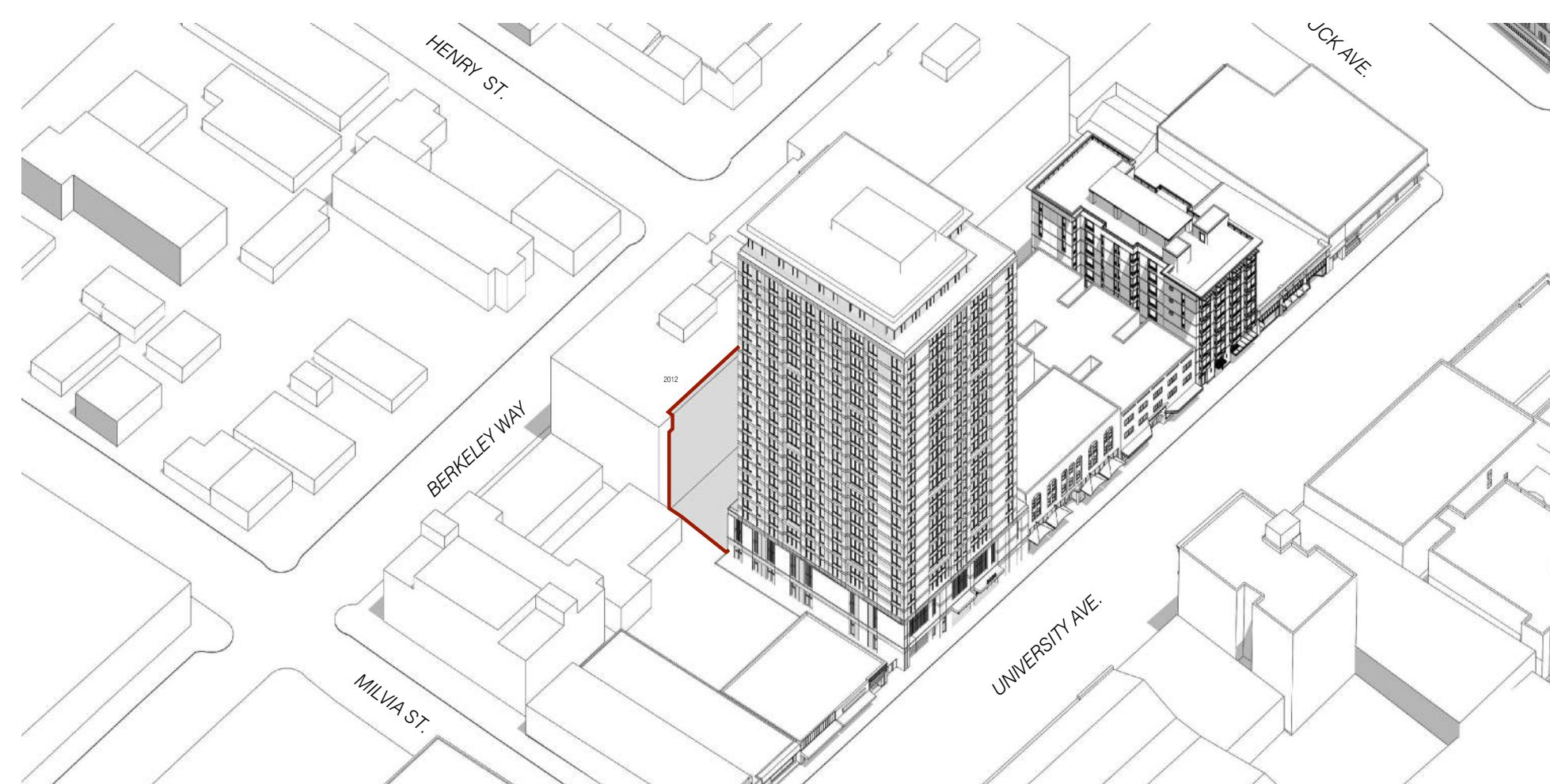
SHEET:  
 SHADOW STUDIES  
 JUNE 21ST

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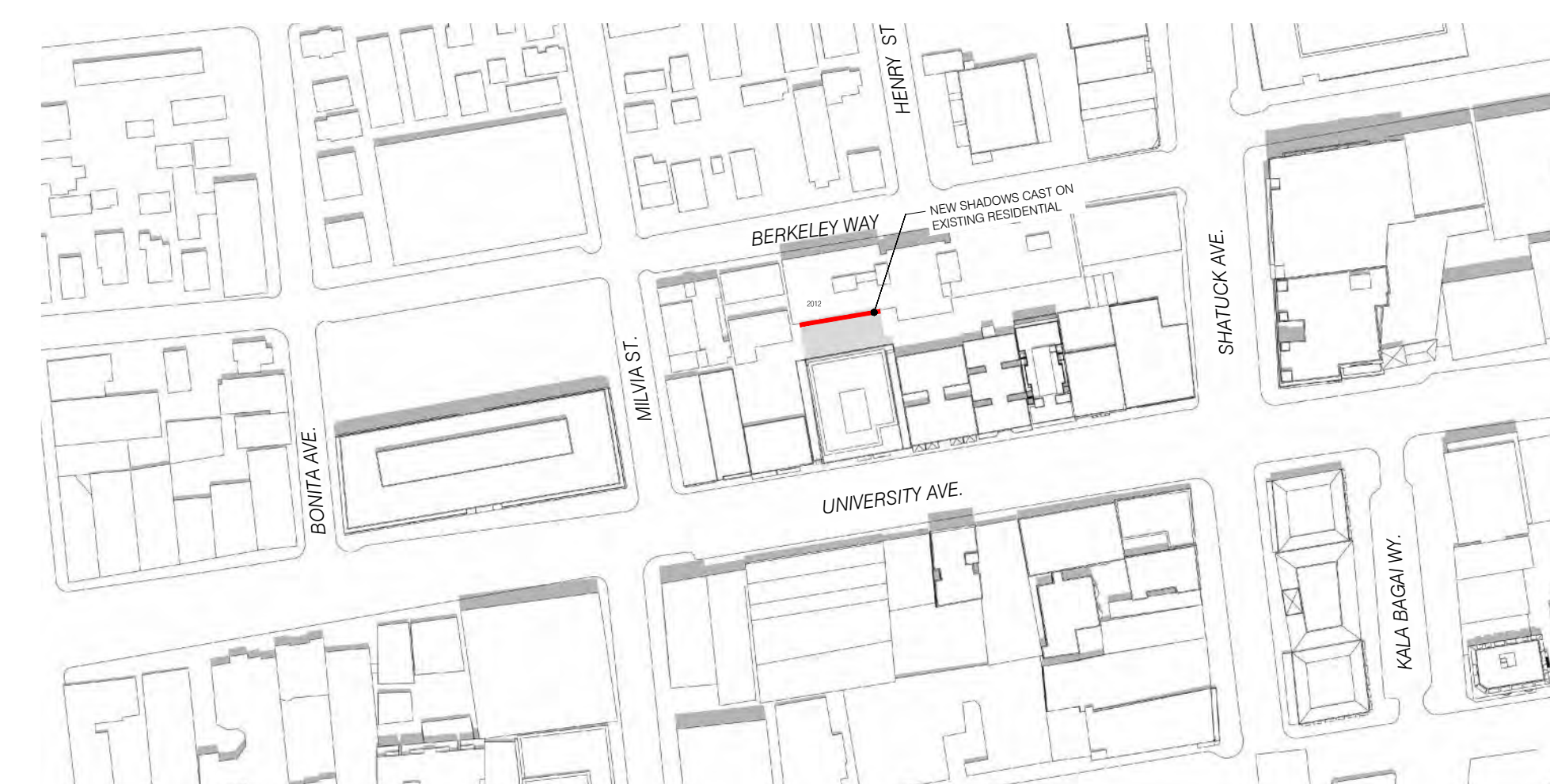
**SUMMER SOLSTICE**  
**JUN 21ST:**  
**NOON**

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4 SHADOW STUDY AXONOMETRIC - NOON  
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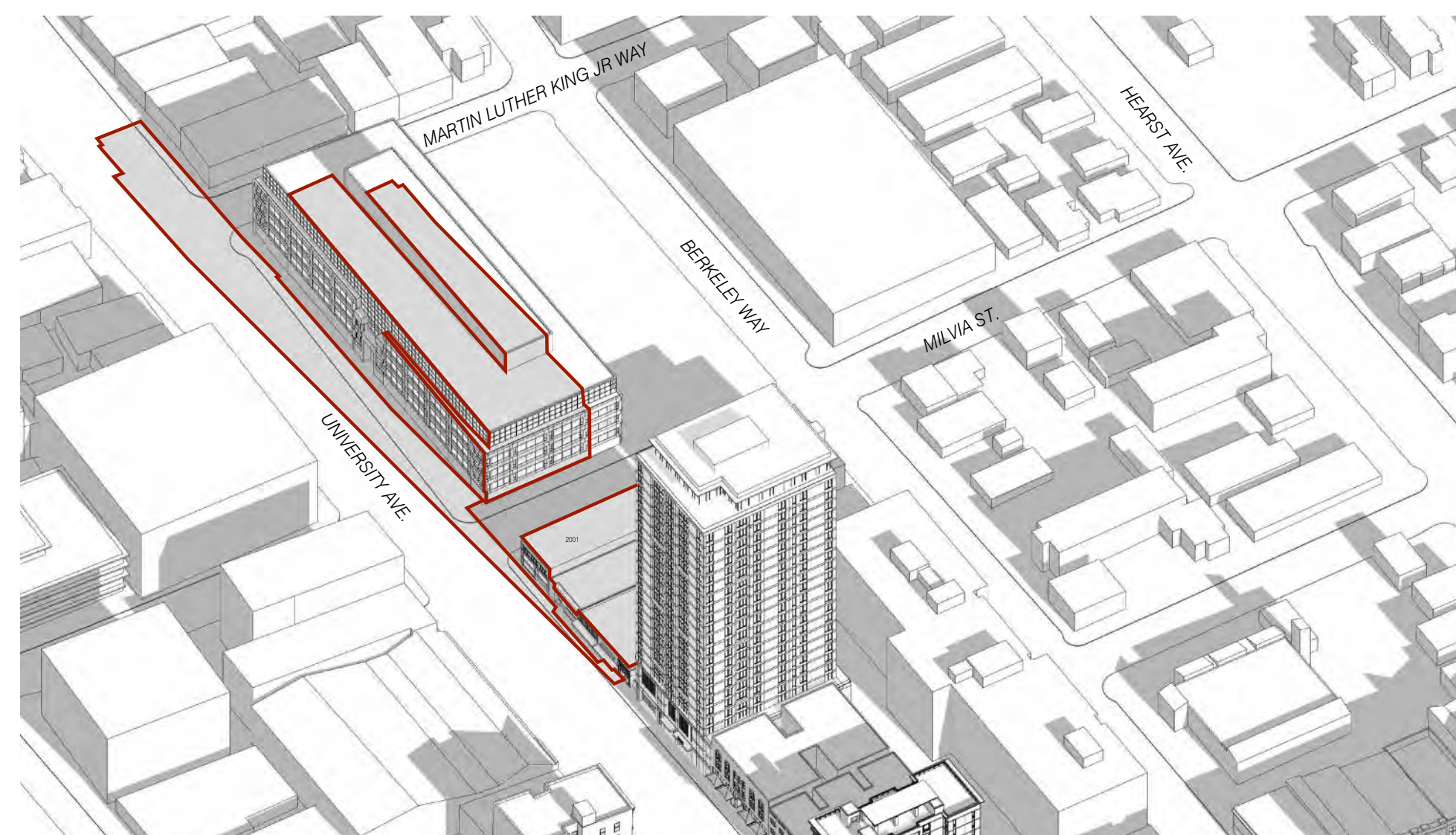


3 SHADOW STUDY - NOON  
 1:160 @ 11X17 1:80 @ 24X36

**SUMMER SOLSTICE**  
**JUN 21ST:**  
**2-HRS AFTER SUNRISE (AM)**

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2 SHADOW STUDY AXONOMETRIC - AM  
 N.T.S.



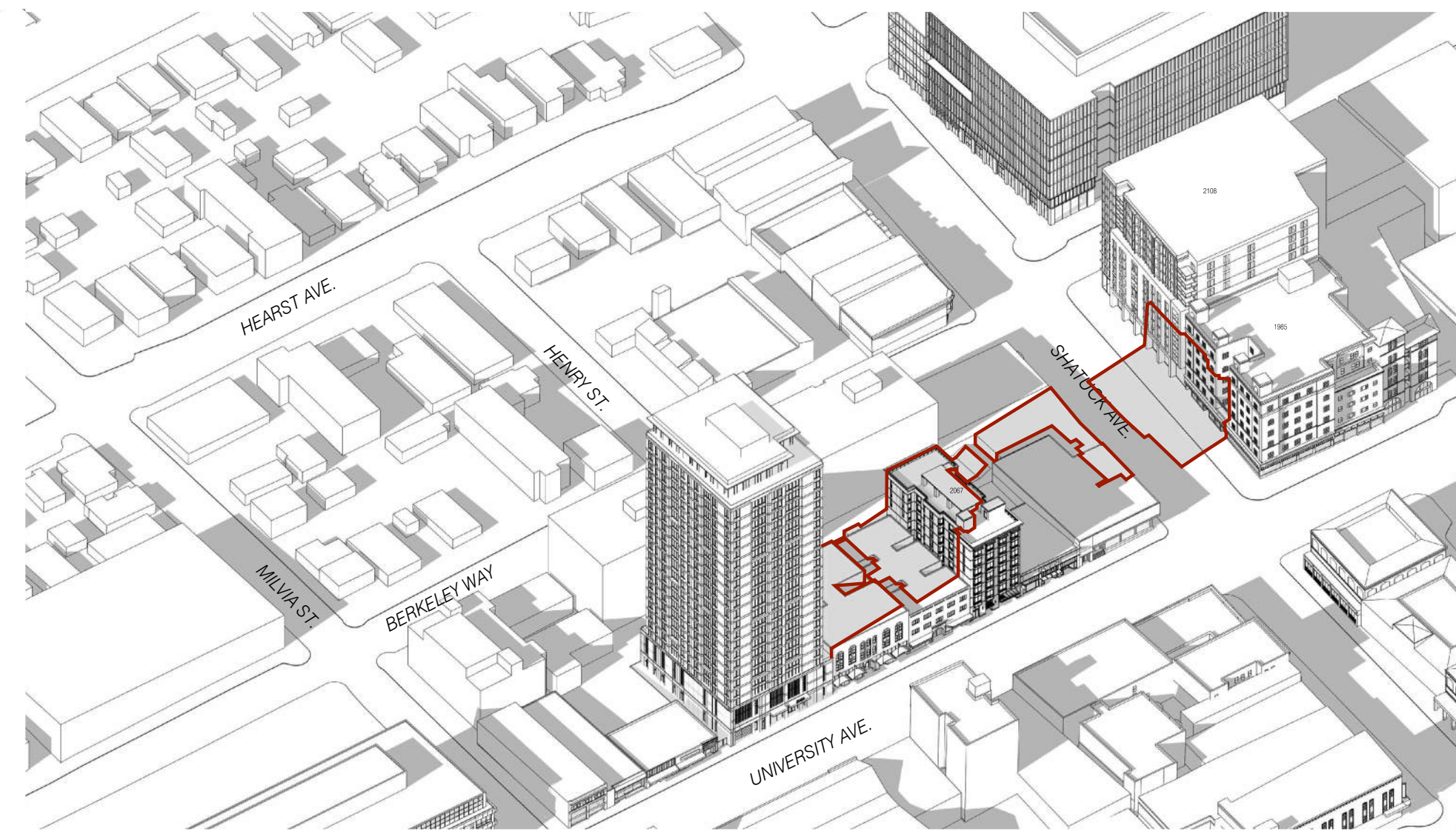
1 SHADOW STUDY - AM  
 1:160 @ 11X17 1:80 @ 24X36



**CURRENT**  
MAR 26TH:  
2-HRS BEFORE SUNSET (PM)

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

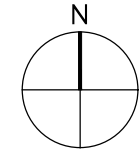
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6 SHADOW STUDY AXONOMETRIC - PM  
N.T.S.



5 SHADOW STUDY - PM  
1:160 @ 11X17 1:80 @ 24X36



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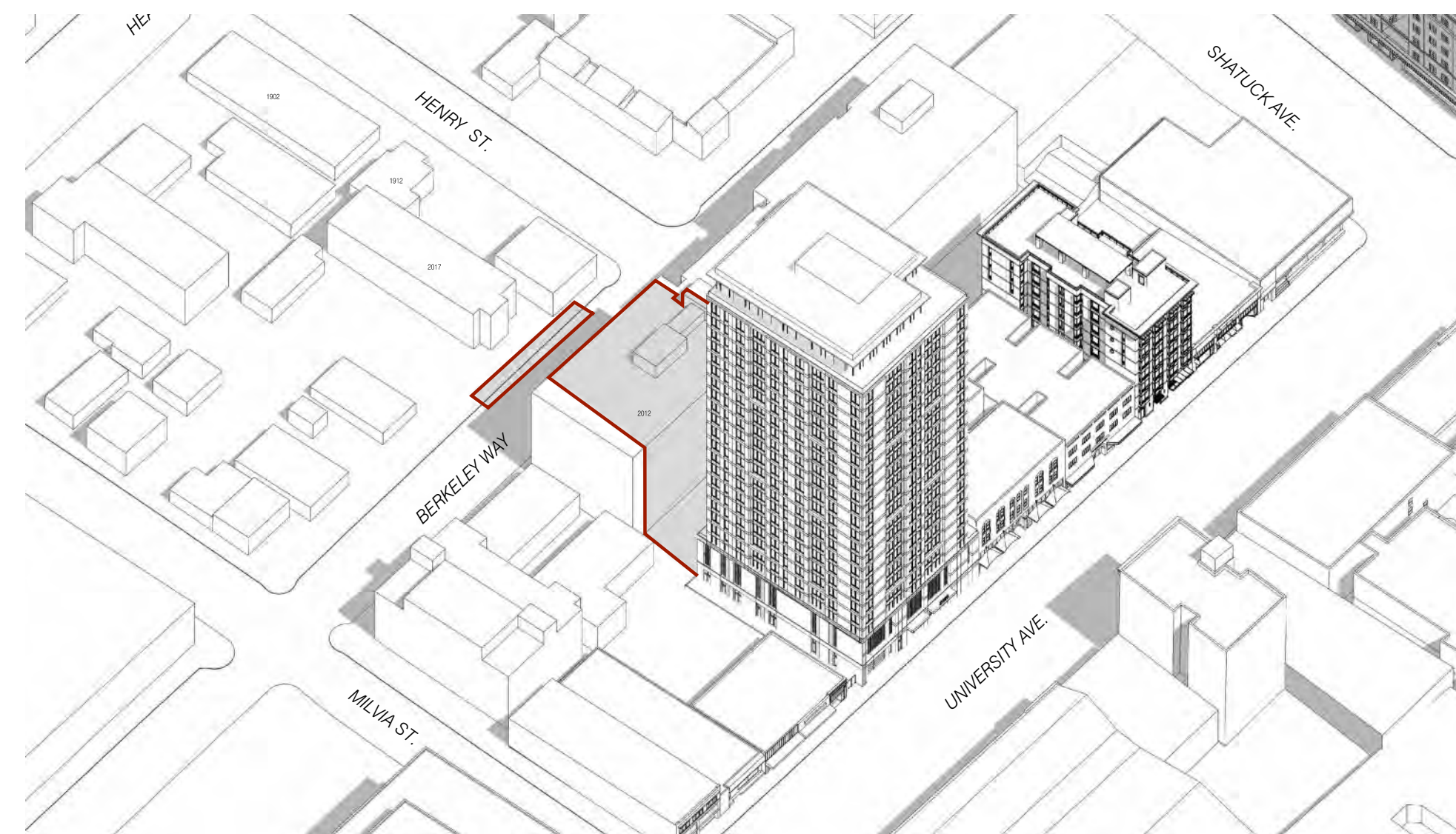
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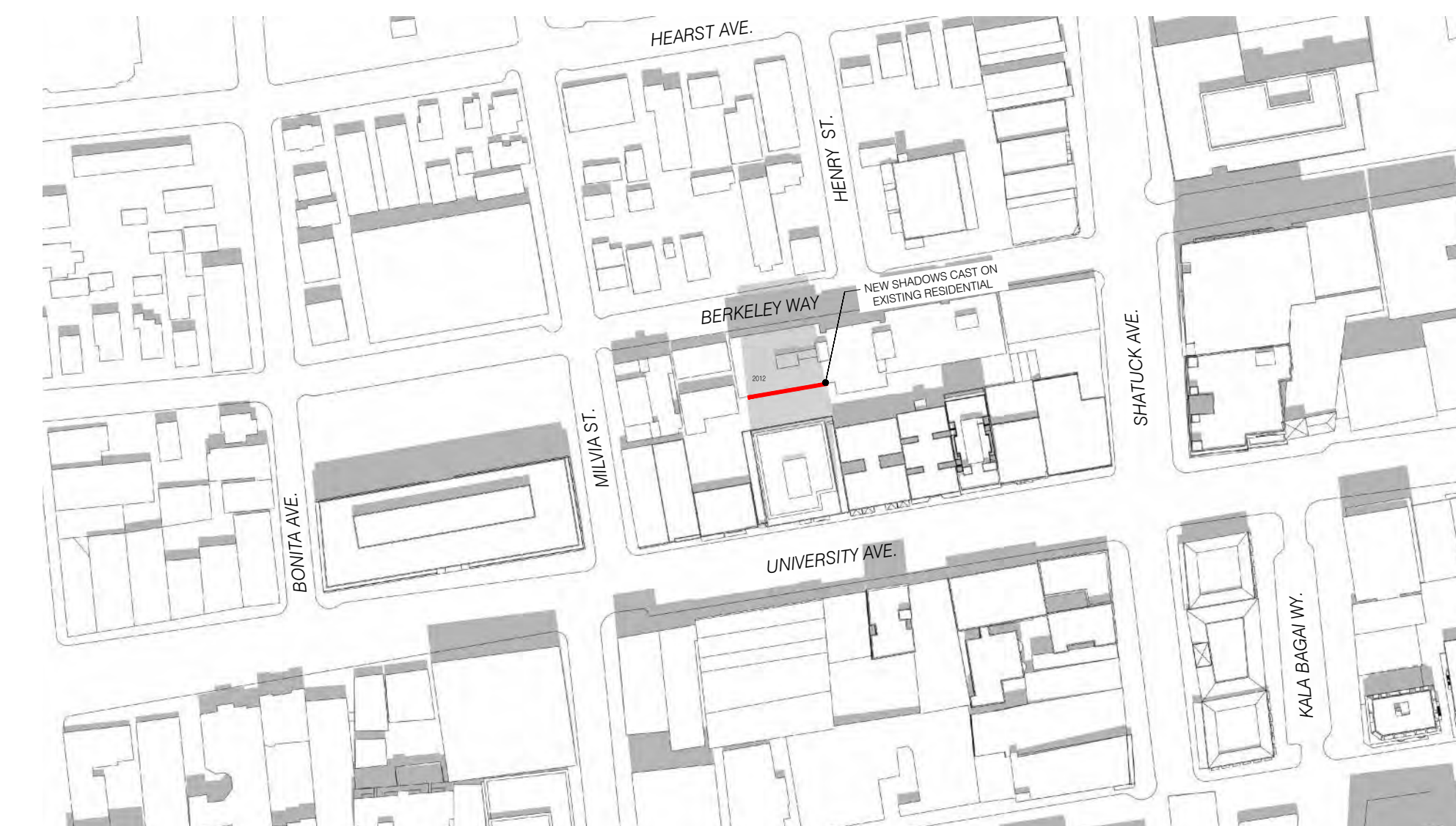
**CURRENT**  
MAR 26TH:  
NOON

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

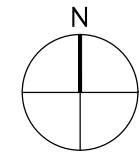
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS






4 SHADOW STUDY AXONOMETRIC - NOON  
N.T.S.



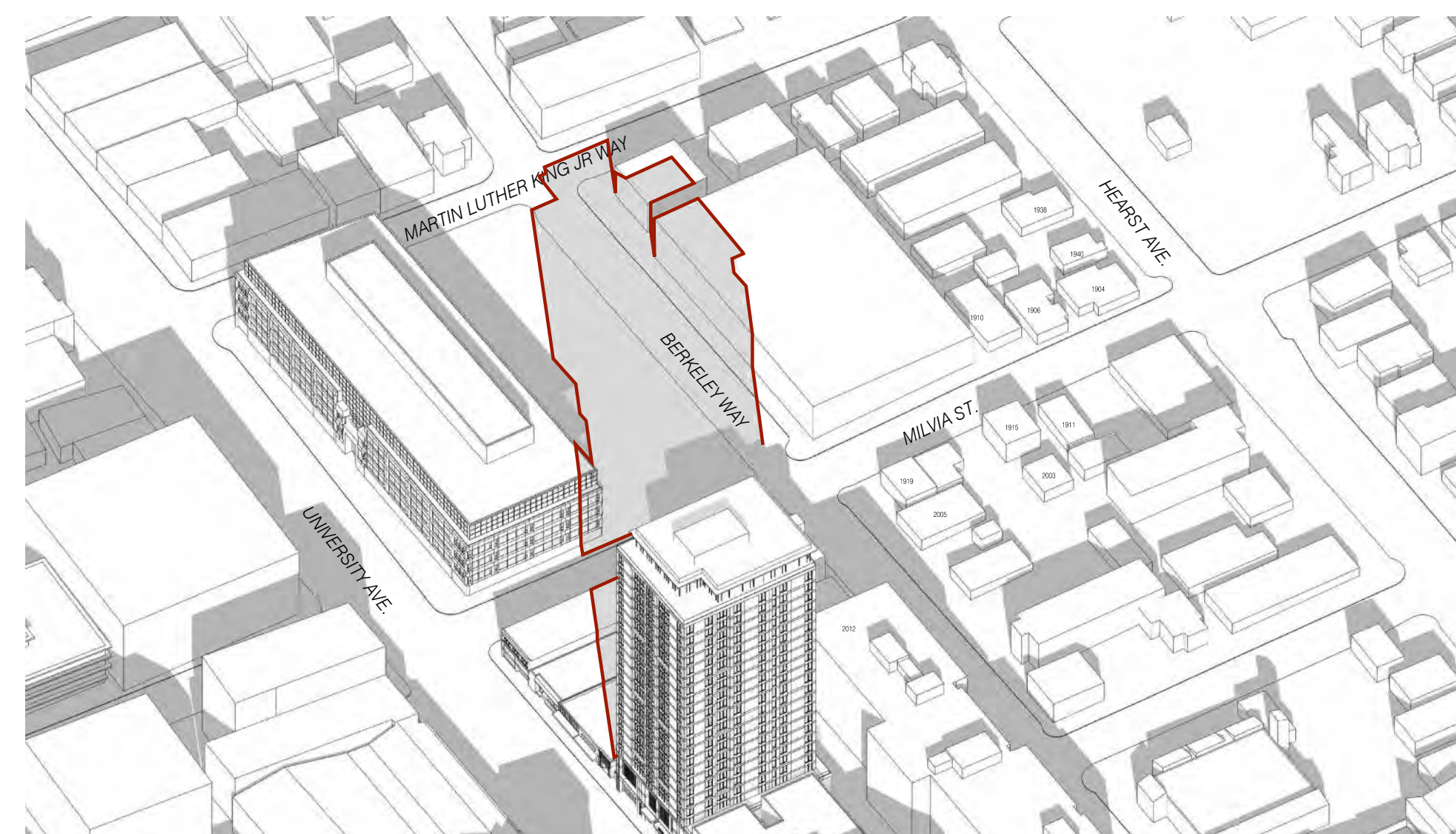
3 SHADOW STUDY - NOON  
1:160 @ 11X17 1:80 @ 24X36



**CURRENT**  
MAR 26TH:  
2-HRS AFTER SUNRISE (AM)

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

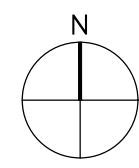
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



2 SHADOW STUDY AXONOMETRIC - AM  
N.T.S.



1 SHADOW STUDY - AM  
1:160 @ 11X17 1:80 @ 24X36



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JOB: 2327

SHEET:

SHADOW STUDIES  
MARCH 26TH:

**A0.4C**

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JOB: 2327

SHEET:

SITE CONTEXT  
PHOTOS

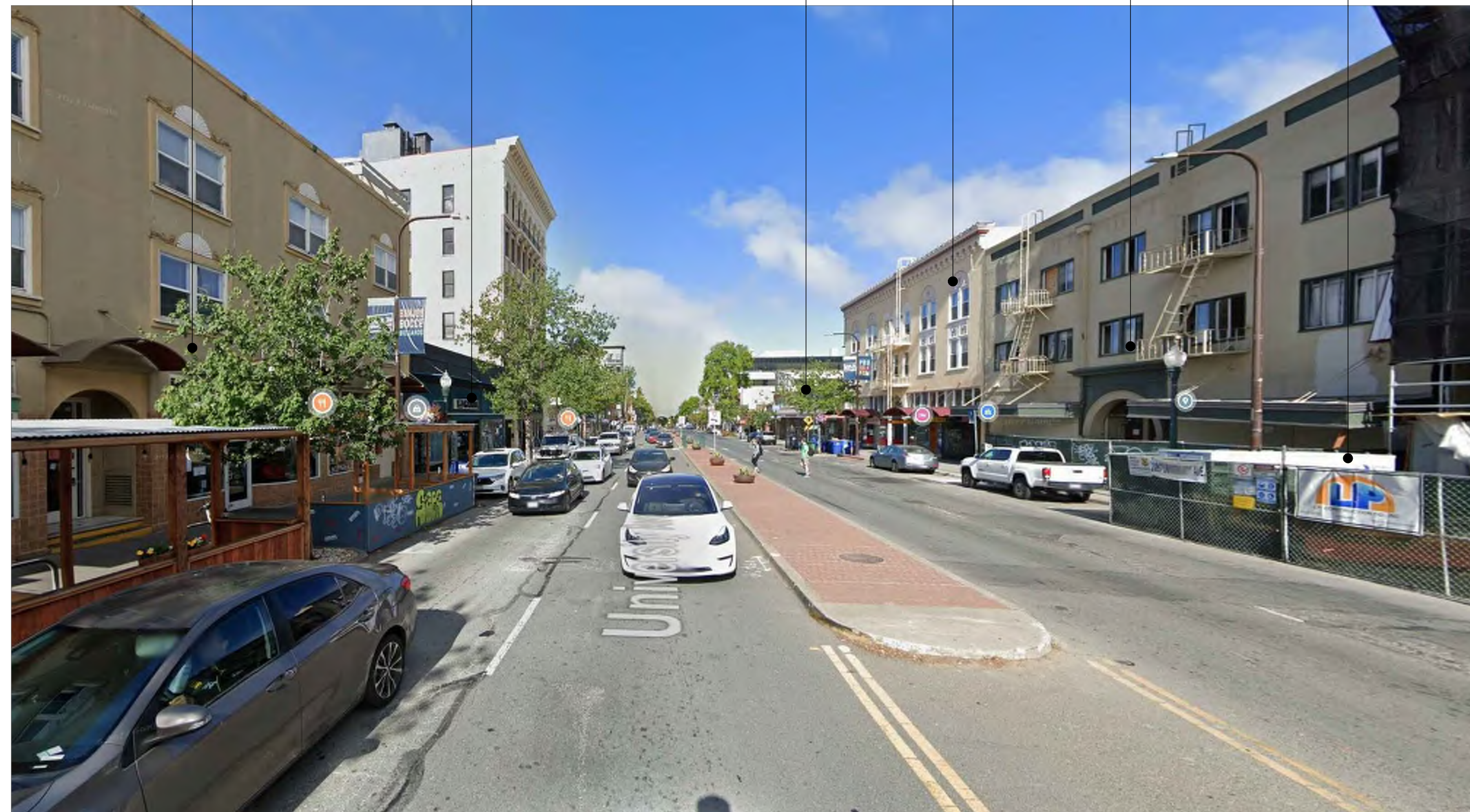
**A0.5**

2001 UNIVERSITY (2-STORY COMMERCIAL)      2017 UNIVERSITY (1-STORY COMMERCIAL)      2029 UNIVERSITY PROJECT SITE      2054 UNIVERSITY (6-STORY COMMERCIAL)      2022 UNIVERSITY (2 STORY MIXED-USE)      2004 UNIVERSITY (5-STORY MIXED-USE)



2 - VIEW FROM UNIVERSITY AVE. LOOKING EAST

2072 UNIVERSITY (3-STORY MIXED USE)      2058 UNIVERSITY (1-STORY COMMERCIAL)      2029 UNIVERSITY PROJECT SITE      2045 UNIVERSITY (3-STORY COMMERCIAL)      2057 UNIVERSITY (3-STORY MIXED-USE)      2067 UNIVERSITY (7-STORY MIXED-USE)



3 - VIEW FROM UNIVERSITY AVE. LOOKING WEST

PROJECT SITE  
2029 UNIVERSITY AVE



1 - AERIAL CONTEXT VIEW



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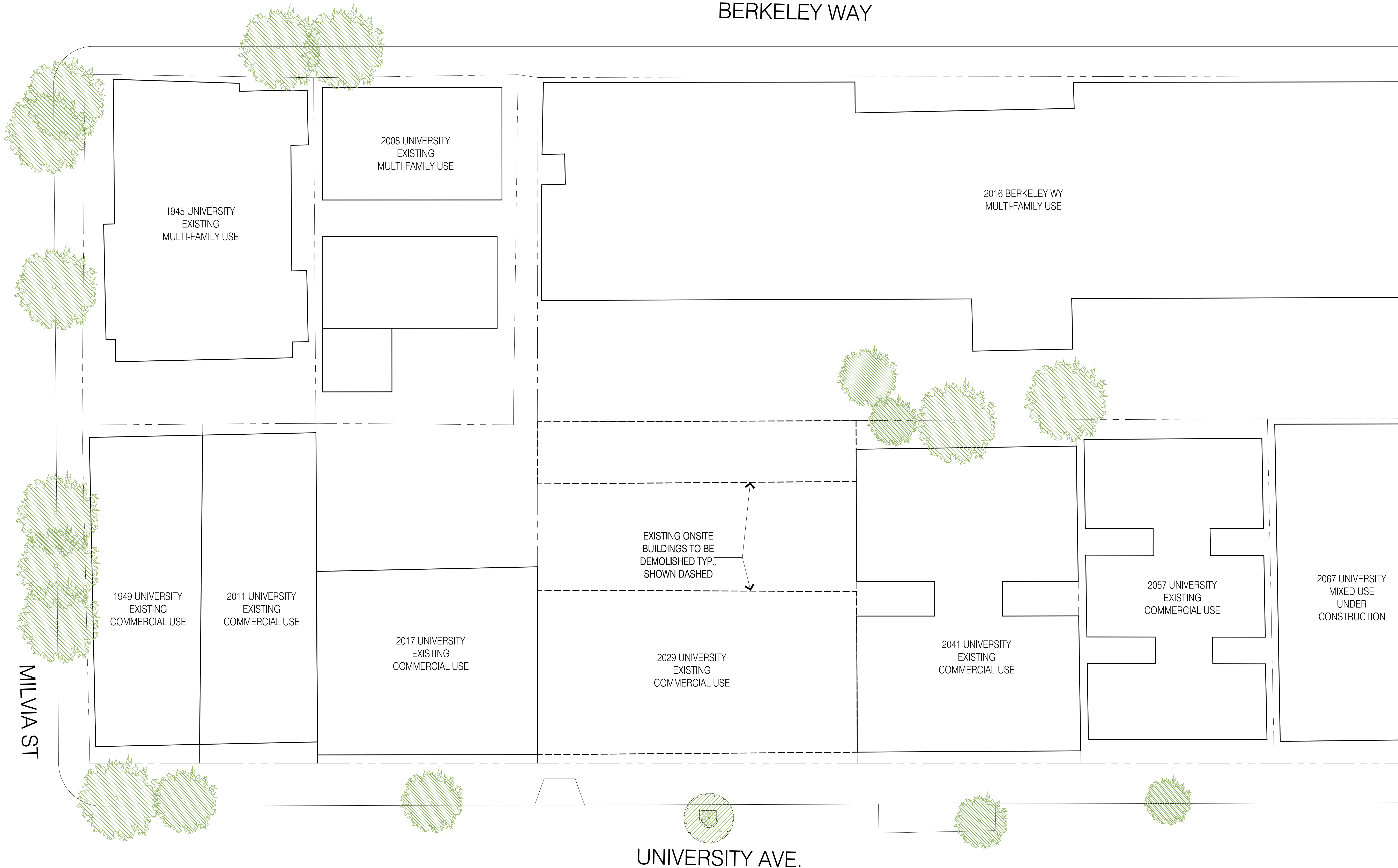
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JOB: 2327

SHEET:

EXISTING  
SITE PLAN

# A1.0



1  
-  
EXISTING SITE PLAN  
1/32"=1'-0" @ 11x17 1/16"=1'-0" @ 24x36



ANNOTATION AND LEGEND

- AC = ASPHALT CONCRETE
- BOL = BOLLARD
- CAB = CABLE/TELEVISION BOX
- CD = CURB DRAIN
- CLDR = CENTERLINE OF DOOR
- COL = COLUMN
- CONC = CONCRETE
- CR = CURB RAMP
- DI = DRAIN INLET
- EB = ELECTRICAL BOX
- ELEC = ELECTRICAL
- EV = ELECTRICAL VAULT
- FF = FINISH FLOOR
- MTL = METAL
- PG&E = PAVEMENT GAS AND ELECTRIC CO.
- PLNTR = PLANTER
- RD = ROOF DRAIN
- SD = STORM DRAIN
- SLB = STREET LIGHT BOX
- SSCO = SANITARY SEWER CLEANOUT
- SSMH = SANITARY SEWER MANHOLE
- T = TELEPHONE
- UB = TOP OF GRADE
- UB = UTILITY BOX
- WB = WATER BOX
- WB = WALL BOTTOM
- W-T = WALL TOP
- W-T = BENCHMARK
- W-T = ELECTRICAL MANHOLE
- W-T = FIRE HYDRANT
- W-T = GAS VALVE
- W-T = SANITARY SEWER CLEANOUT
- W-T = SANITARY SEWER MANHOLE
- W-T = SITE LIGHT
- W-T = STREET LIGHT
- W-T = WATER VALVE

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE VERTICAL DATUM OF 1988 AND WERE ESTABLISHED USING LEICA RTK NETWORK SMARTNET. A TEMPORARY/SITE BENCHMARK IS SHOWN HEREON.

BASIS OF BEARINGS

THE COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, USING LEICA RTK NETWORK SMARTNET.

TOPOGRAPHIC NOTES

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

THE LOCATIONS OF EXISTING UNDERGROUND FACILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE AND ARE BASED ON OBSERVED TOPOGRAPHIC SURFACE FEATURES AND AVAILABLE INFORMATION. THE PROFESSIONAL PREPARING THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THESE FACILITIES OR FOR THE INADVERTENT OMISSION OF RELATED INFORMATION.

TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM GROUND SURVEY CONDUCTED ON SEPTEMBER AND OCTOBER, 2023.


TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48").

SURVEYOR'S STATEMENT

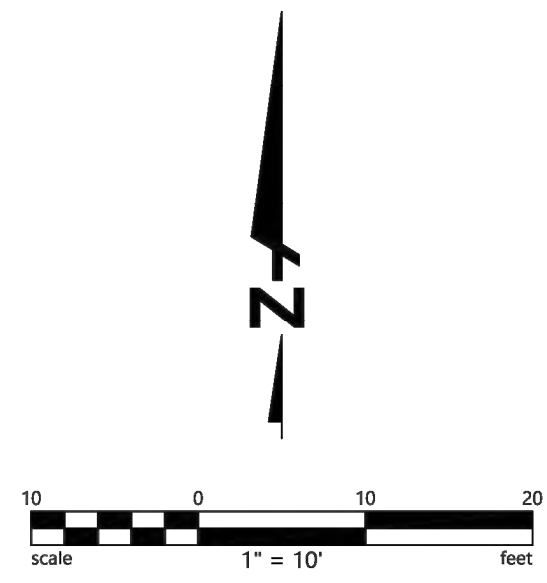
THIS TOPOGRAPHIC SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

11/3/2023  
DATE

DAVIS THRESH, P.L.S. NO. 6668



- SS = BUILDING
- SS = SANITARY SEWER LINE
- SS = STORM DRAIN LINE
- SS = SUBJECT SITE BOUNDARY LINE
- SS = LOT LINES



2144817.040  
N  
6050297.989  
E  
183.24  
X

2144792.761  
N  
6050212.279  
E  
186.45  
X  
SITE BENCHMARK - X IN BRICK

SSMH  
RIM 183.02  
INV 174.72 6" VCP IN (N)  
INV 174.42 8" VCP IN (E)  
INV 174.42 8" VCP OUT (W)

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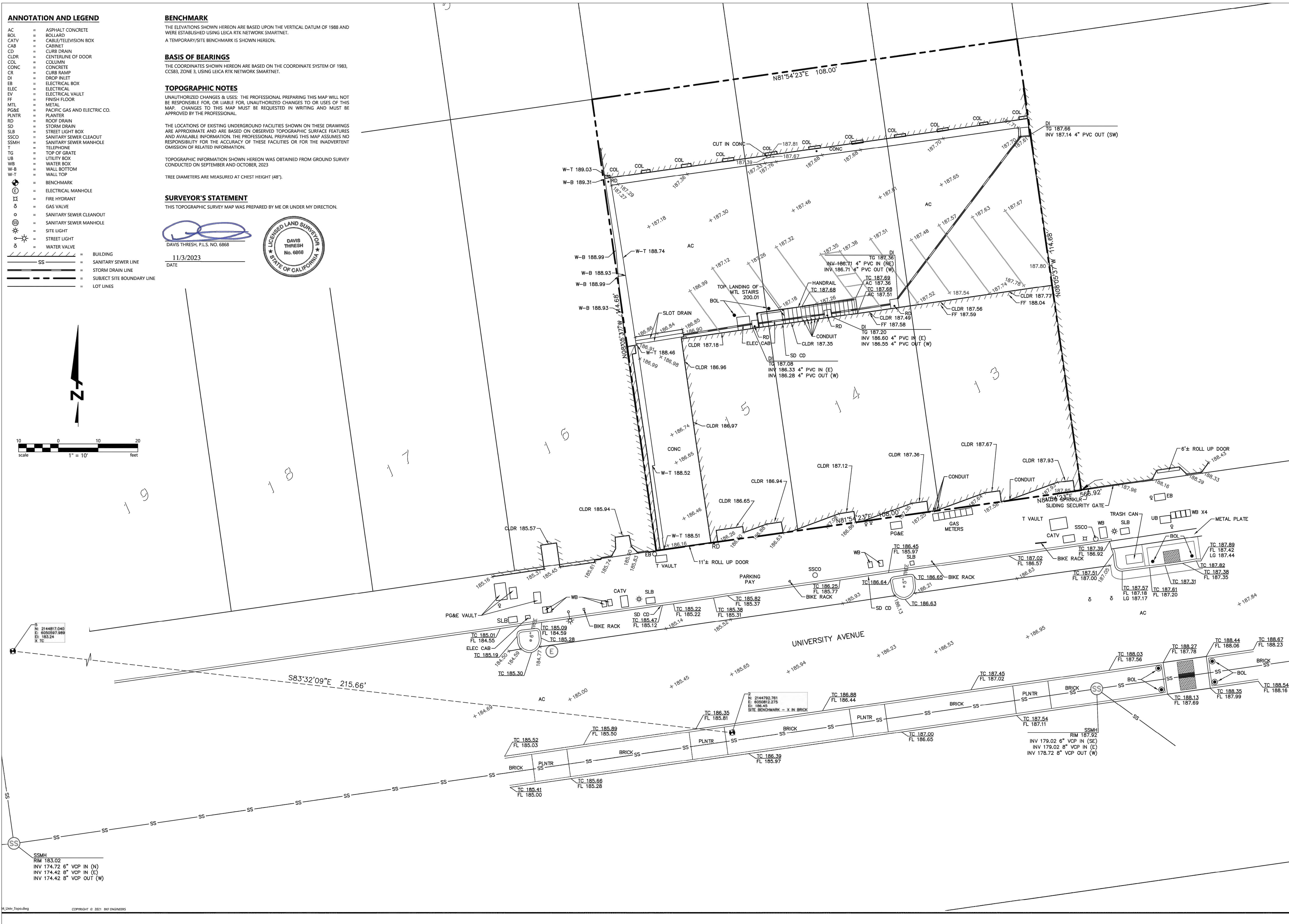
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JOB: 2327

SHEET:

EXISTING  
SURVEY

A1.1



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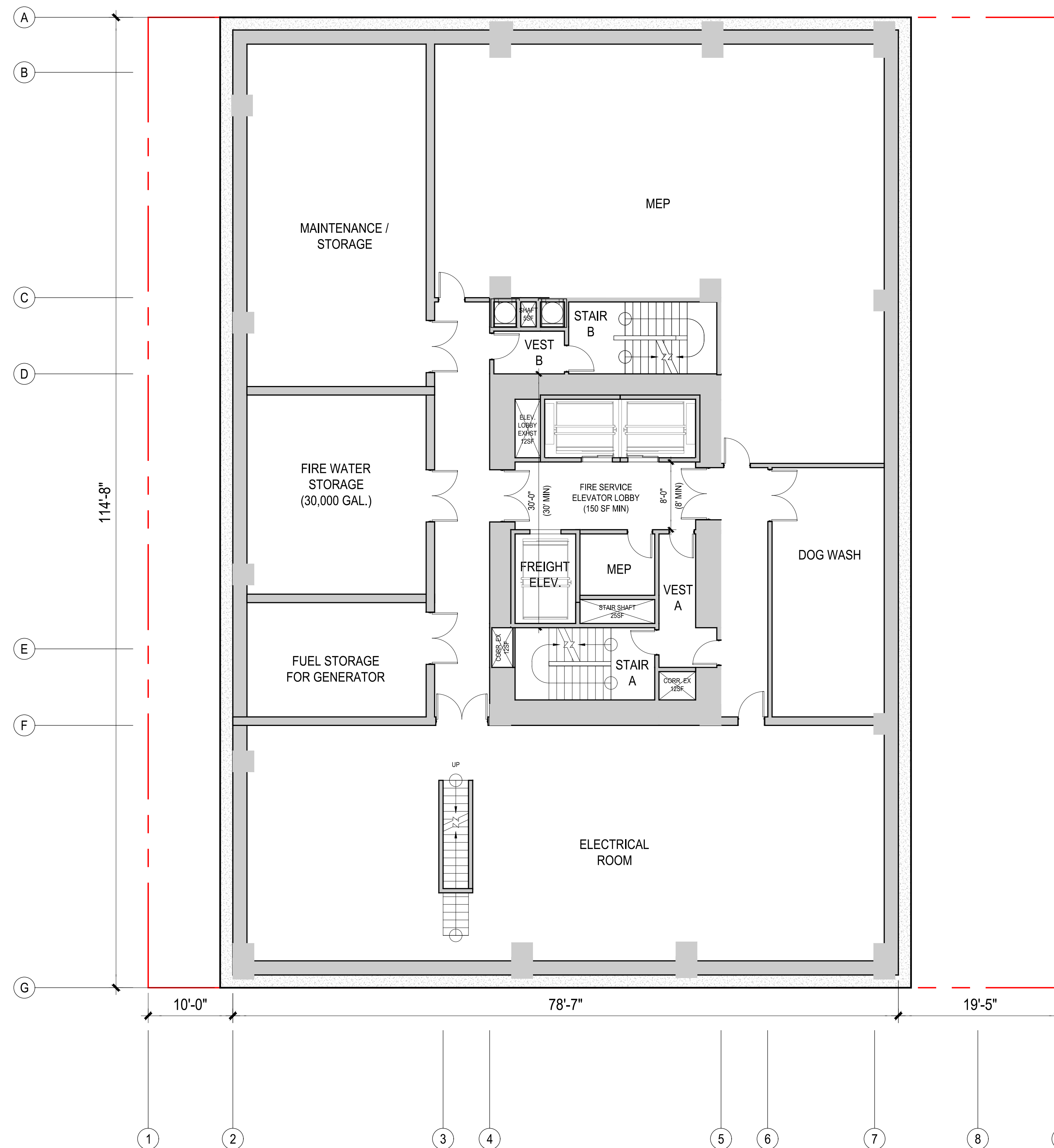
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JOB: 2327

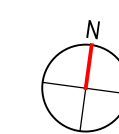
SHEET:

PLAN AT  
BASEMENT LEVEL

A2.0



1 PLAN AT BASEMENT LEVEL  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



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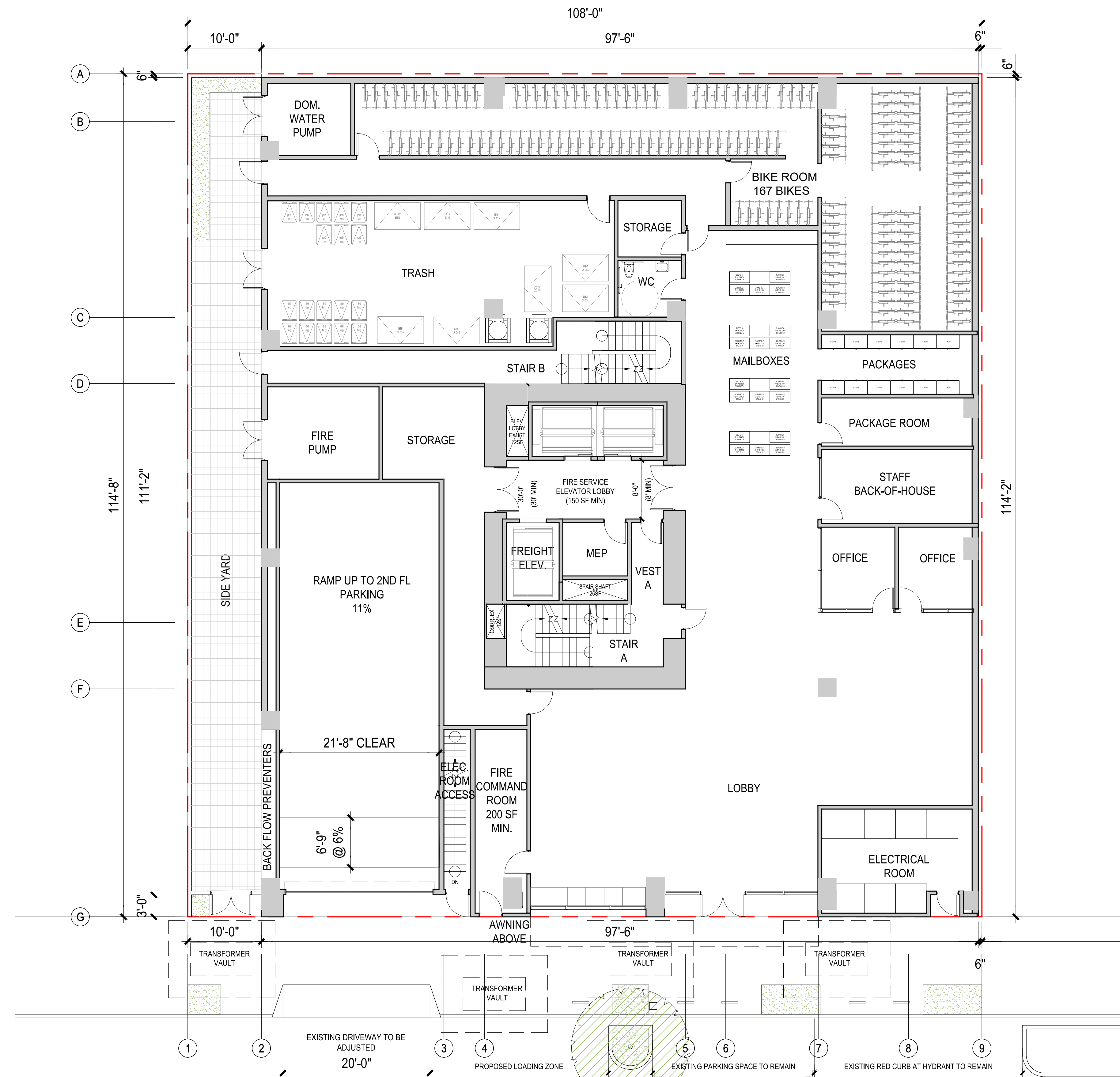
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JOB: 2327

SHEET:

PLAN AT  
GROUND LEVEL

**A2.1**



1 GROUND LEVEL PLAN  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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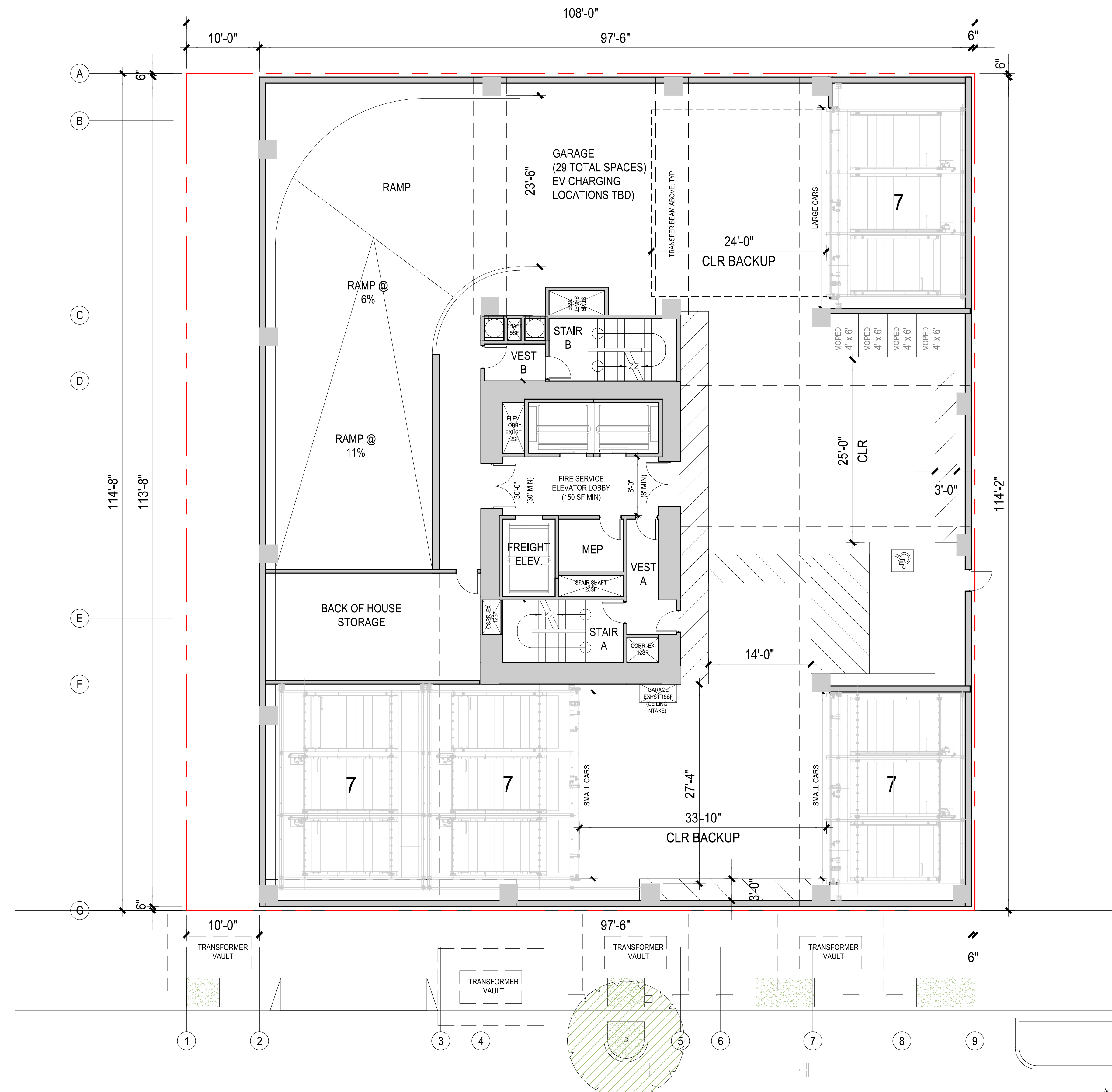
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JOB: 2327

SHEET:

PLAN AT  
LEVEL 2

**A2.2**



1 PLAN AT LEVEL 2  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



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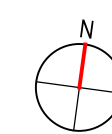
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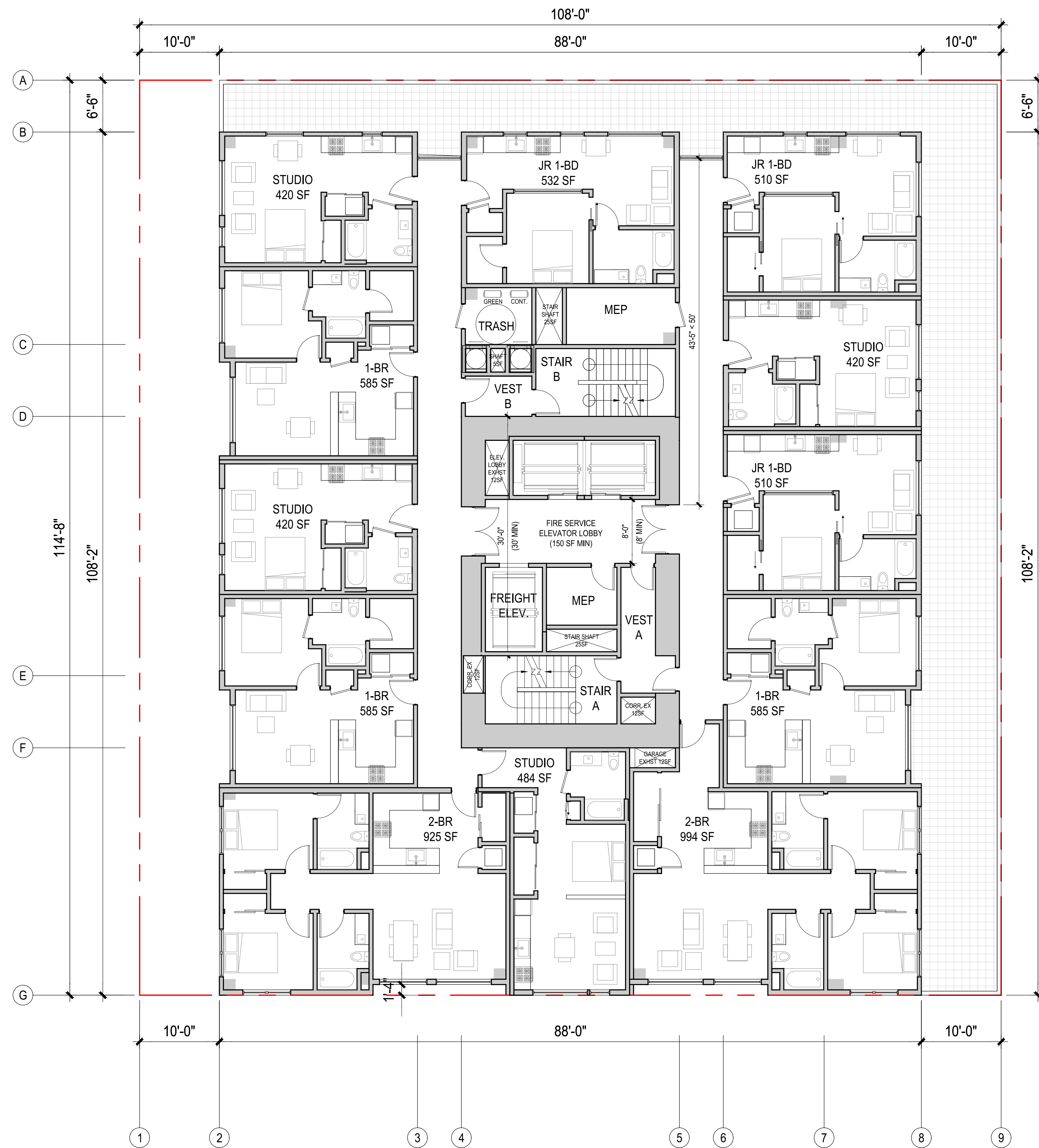
JOB: 2327

SHEET:

PLAN AT  
LEVEL 3



**A2.3**



1 PLAN AT LEVEL 3  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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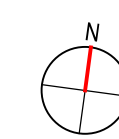
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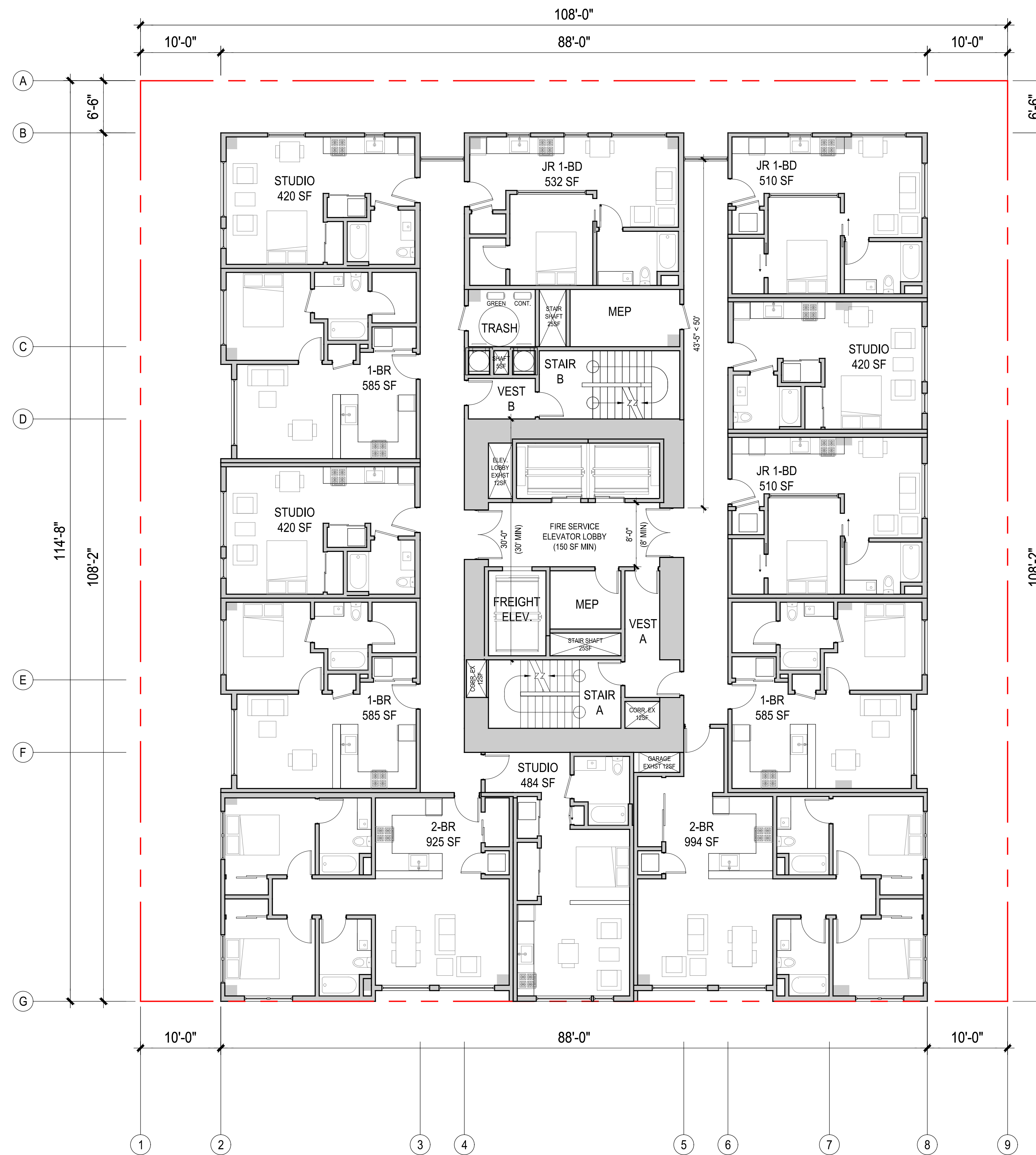
JOB: 2327

SHEET:

PLAN AT  
LEVELS 4-22



A2.4



1 PLAN AT LEVELS 4-22  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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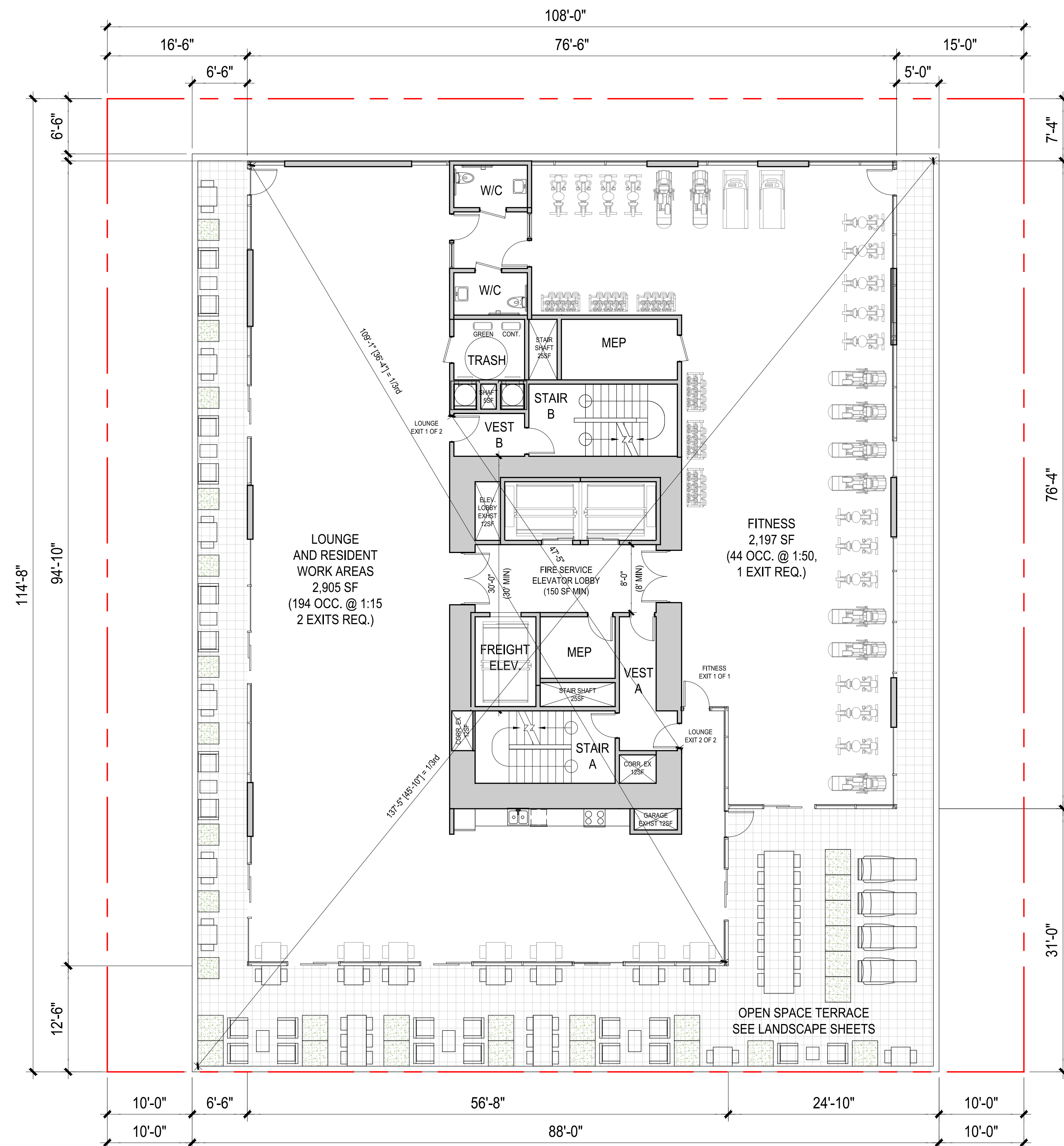
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JOB: 2327

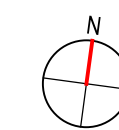
SHEET:

PLAN AT  
LEVEL 23

A2.5



1 PLAN AT LEVEL 23  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



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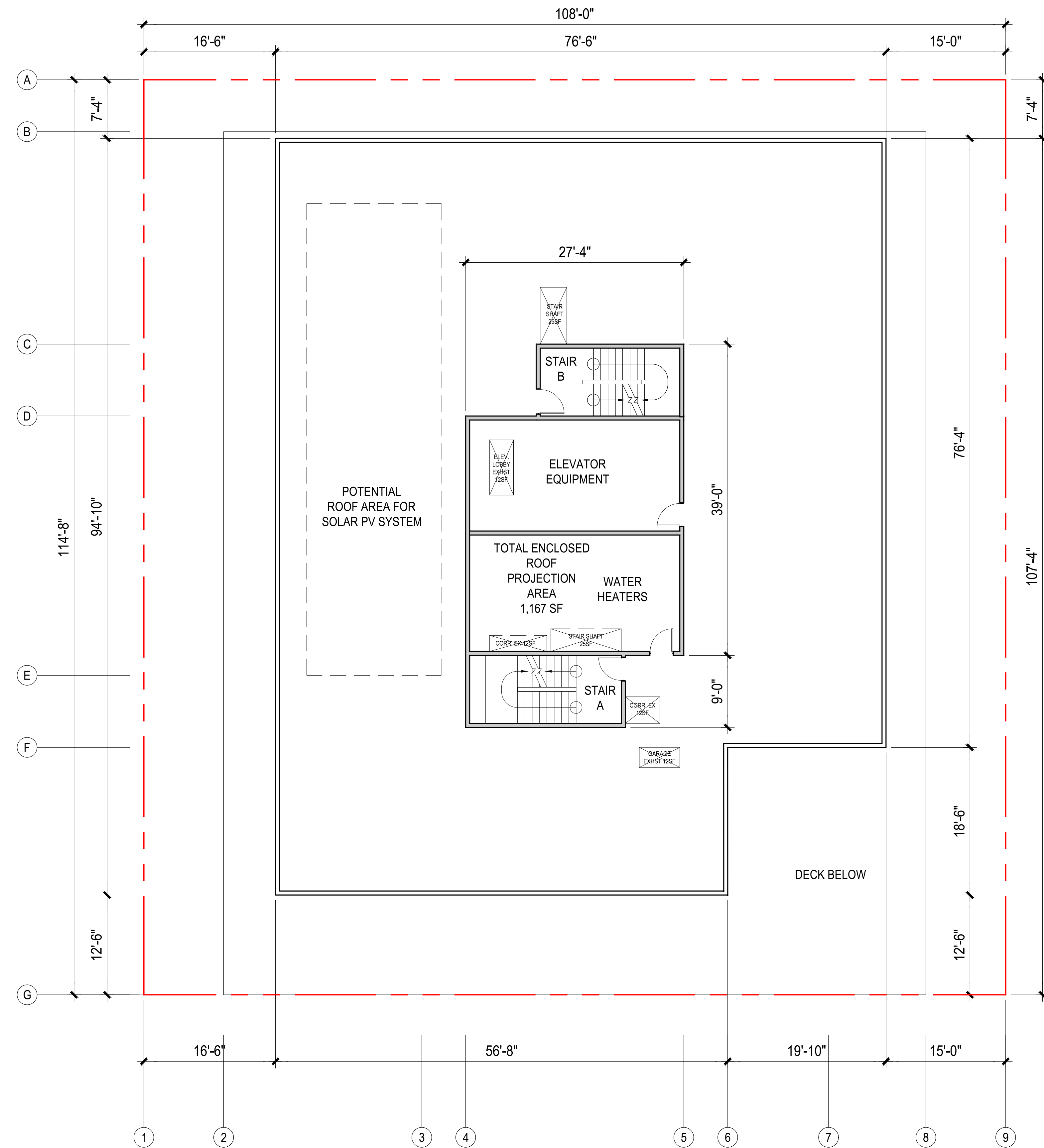
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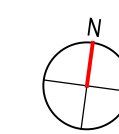
SHEET:

PLAN AT  
ROOF LEVEL

**A2.6**



1 PLAN AT ROOF LEVEL  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

A3.1



WINDOW AREA PERCENTAGE: 27%

256'-0" PROPOSED DENSITY BONUS PROJECT MAX. BLDG HT

PARAPET (NOT INC. IN C-DMU ZONE)

ROOF

5'-0"

15'-0"

23RD FLOOR

MEP LEVEL

12'-0"

22ND FLOOR

10'-0"

21ST FLOOR

10'-0"

20TH FLOOR

10'-0"

19TH FLOOR

10'-0"

18TH FLOOR

10'-0"

17TH FLOOR

10'-0"

16TH FLOOR

10'-0"

15TH FLOOR

10'-0"

14TH FLOOR

10'-0"

13TH FLOOR

10'-0"

12TH FLOOR

MEP LEVEL

12'-0"

11TH FLOOR

10'-0"

10TH FLOOR

10'-0"

9TH FLOOR

10'-0"

8TH FLOOR

10'-0"

7TH FLOOR

10'-0"

6TH FLOOR

10'-0"

5TH FLOOR

10'-0"

4TH FLOOR

10'-0"

3RD FLOOR

22'-0"

GARAGE

2ND FLOOR

16'-0"

PL

PL

(MILVIA ST)

1 SOUTH ELEVATION

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

A3.2



1 WEST ELEVATION

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36



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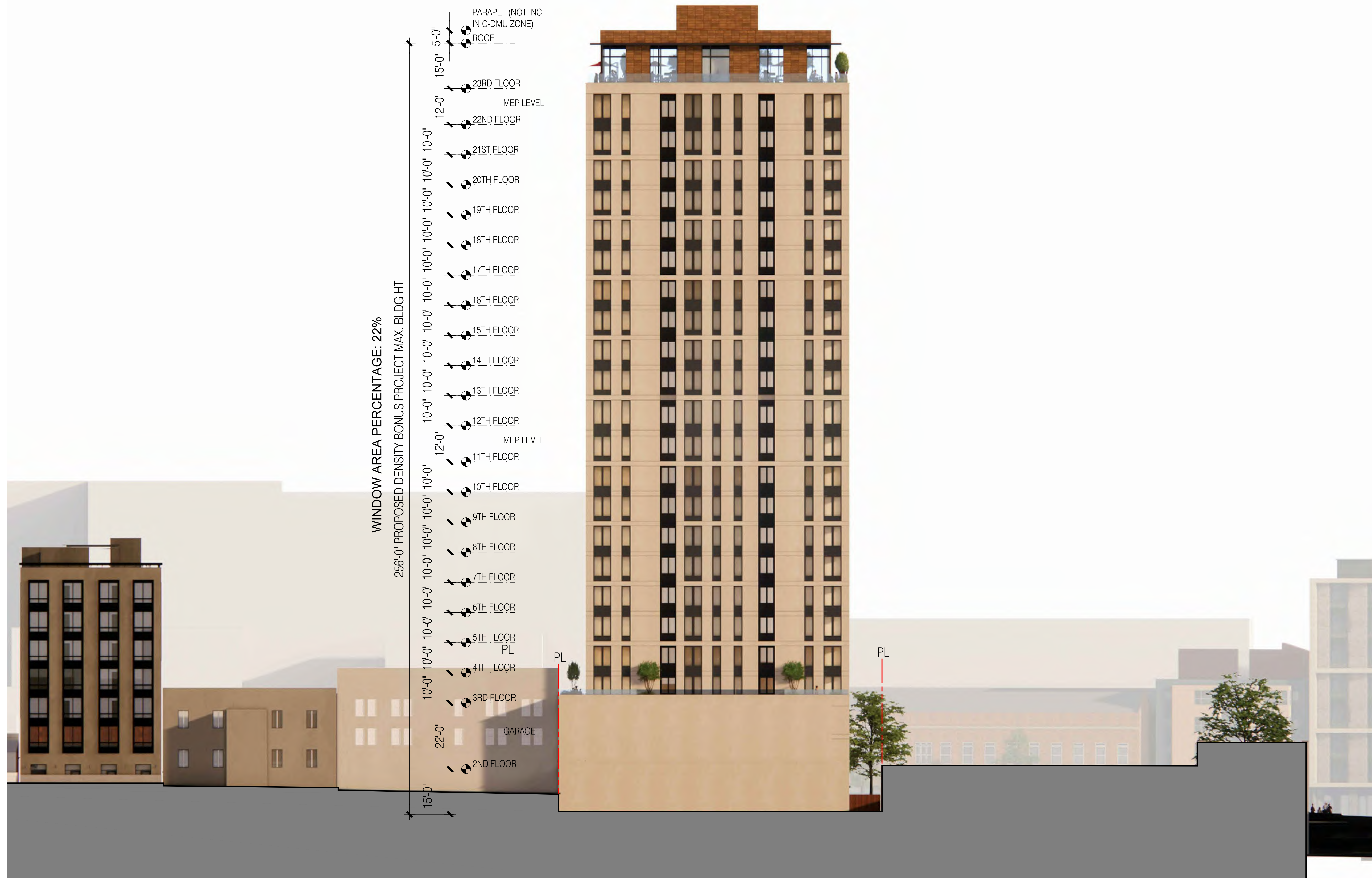
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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

**A3.3**



1 NORTH ELEVATION  
1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36



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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

**A3.4**



1 EAST ELEVATION

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36





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JOB: 2327

SHEET:

STREET STRIP  
ELEVATIONS

# A3.5



1  
-

### STREET STRIP ELEVATION @ UNIVERSITY AVE.

1/2" = 50'-0" @ 11X17    1" = 50'-0" @ 24X36

0 10 20 40 80



4 UNIVERSITY LOOKING EAST - AFTER  
A3.6



2 UNIVERSITY LOOKING WEST - AFTER  
A3.6



3 UNIVERSITY LOOKING EAST - BEFORE  
A3.6



1 UNIVERSITY LOOKING WEST - BEFORE  
A3.6

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- 05.14.2025 ZONING RESUBMISSION
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JOB: 2327

SHEET:

PHOTO CONTEXT  
VIEWS

# A3.6

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.7**



1 PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHWEST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.8**



1 SIDEWALK VIEW - UNIVERSITY LOOKING NORTHWEST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.9**



1 PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHEAST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.10**



1 SIDEWALK VIEW - UNIVERSITY LOOKING NORTHEAST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.11**



1 EVENING VIEW - UNIVERSITY LOOKING NORTHEAST



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SHEET:

BUILDING  
MATERIALS

**MAT**



1 SOUTH ELEVATION  
MAT 3/64"=1'-0" @ 11X17 3/32"= 1'-0" @ 24X36





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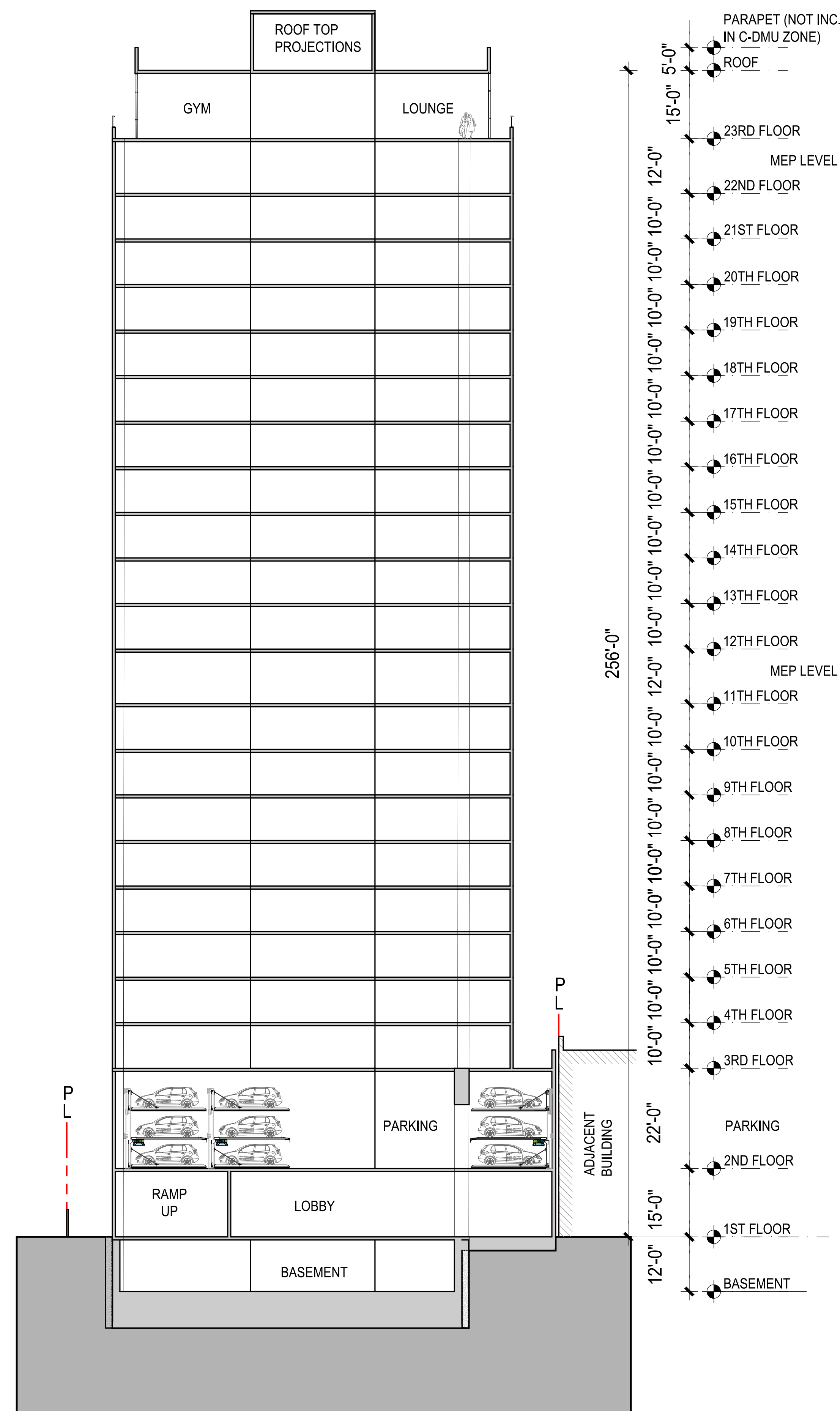
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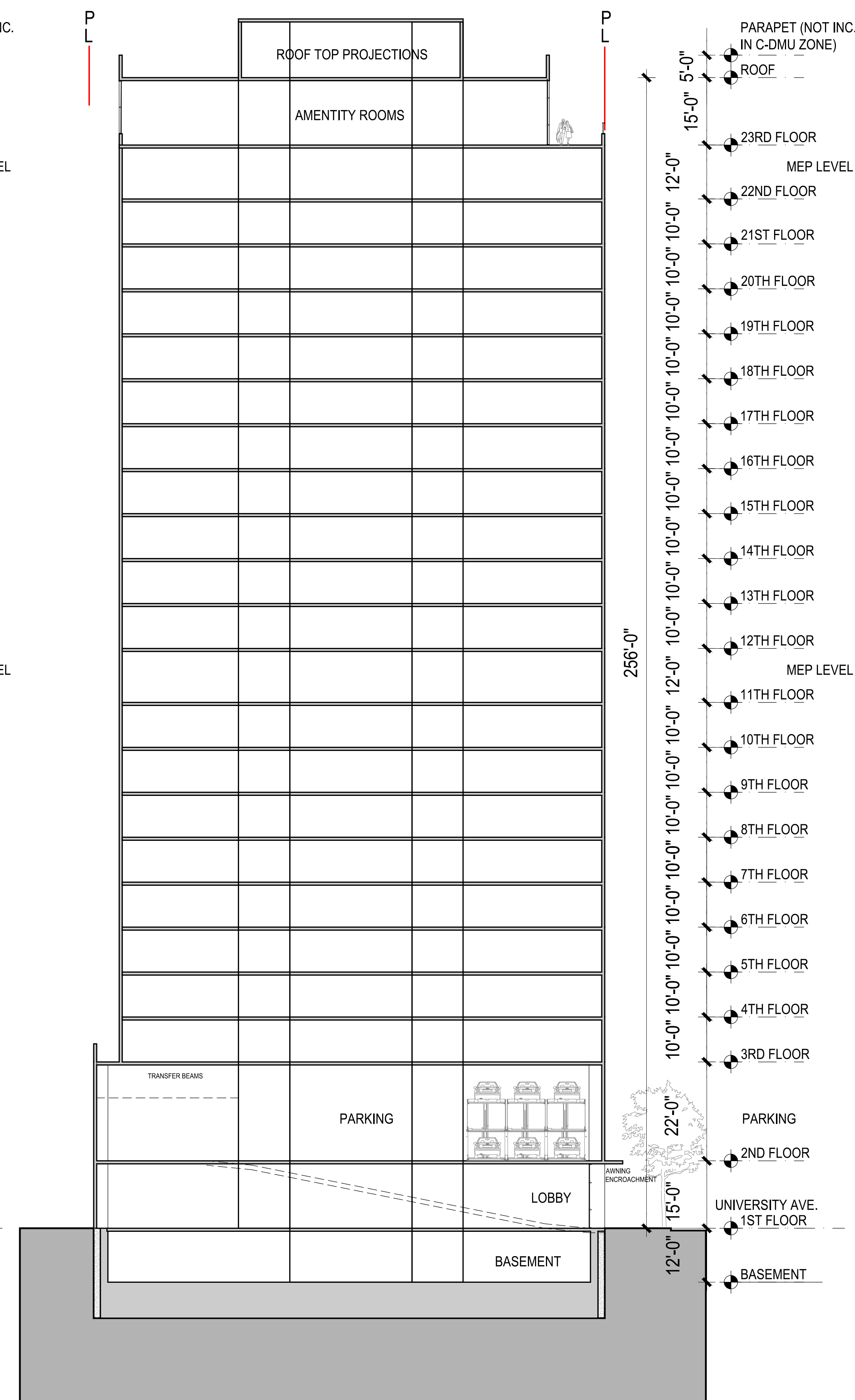
SHEET:

SECTIONS

# A4.1



2 EAST WEST SECTION  
1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36



1 NORTH SOUTH SECTION  
1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36



**STORMWATER TREATMENT TABLE**

	LOCATION	IMPERVIOUS (SF)	PERVIOUS (SF)	TOTAL AREA (SF)	REQ. TREATMENT AREAS (SF) <sup>(1)</sup>	TREATMENT PROVIDED (SF)		NOTES
DMA1	ROOF LVL	6,900	-	6,900	475	720	IMP1	
DMA2	23RD LVL ROOF DECK	2,600	-	2,600				
DMA3	GROUND LVL SIDE YARD	2,600	300	2,900	145	150	IMP2	
	TOTALS	12,100	300	12,400	620	870 <sup>(3)</sup>		

<sup>1</sup> REQUIRED TREATMENT IS PRELIMINARY PROGRAMMED AT 1% OF IMPERVIOUS AREA WITHIN EACH DRAINAGE MANAGEMENT AREA (DMA).  
<sup>2</sup> THIS (2) AREA OFFERS ROOM ON LEVEL 3 UNOCCUPIED PORTION OF DMA2, COULD BE DIRECT TO AREAS SHOWN IN MAPS IF NECESSARY TO ALIGN WITH BUILDING OPEN SPACE PROGRAMMING.  
<sup>3</sup> AVAILABLE SPACE FOR TREATMENT. AREAS CAN BE INTERCHANGEABLE, AS NECESSARY.

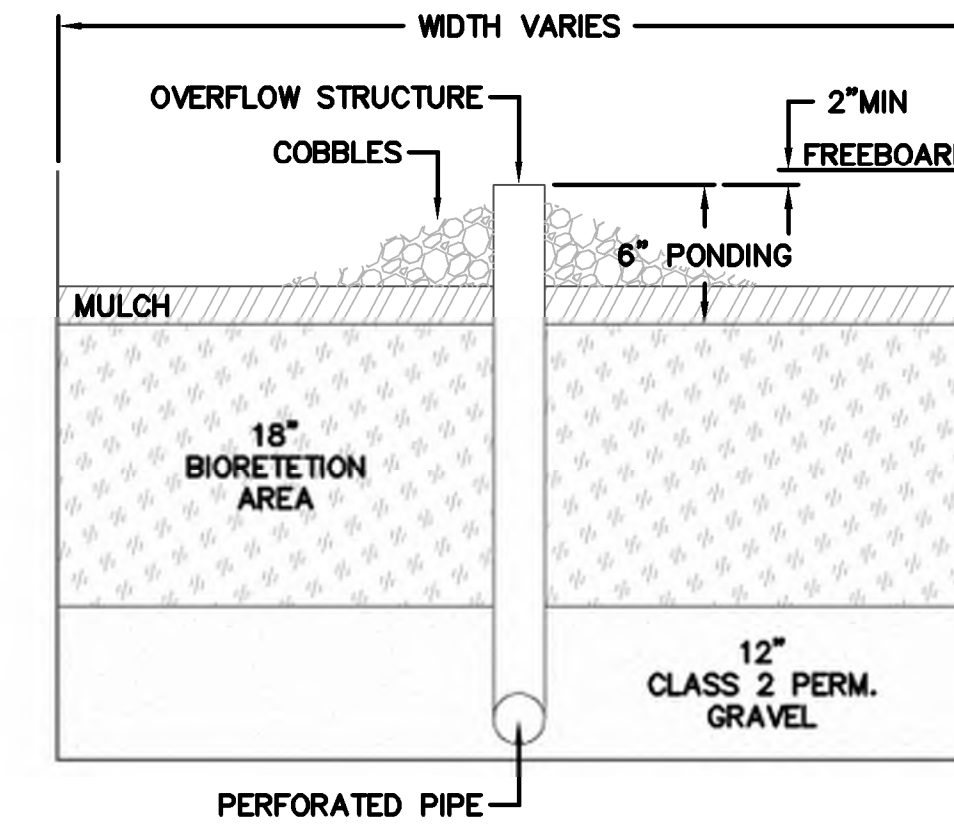
**LEGEND**

--- DRAINAGE MANAGEMENT AREAS (DMA)

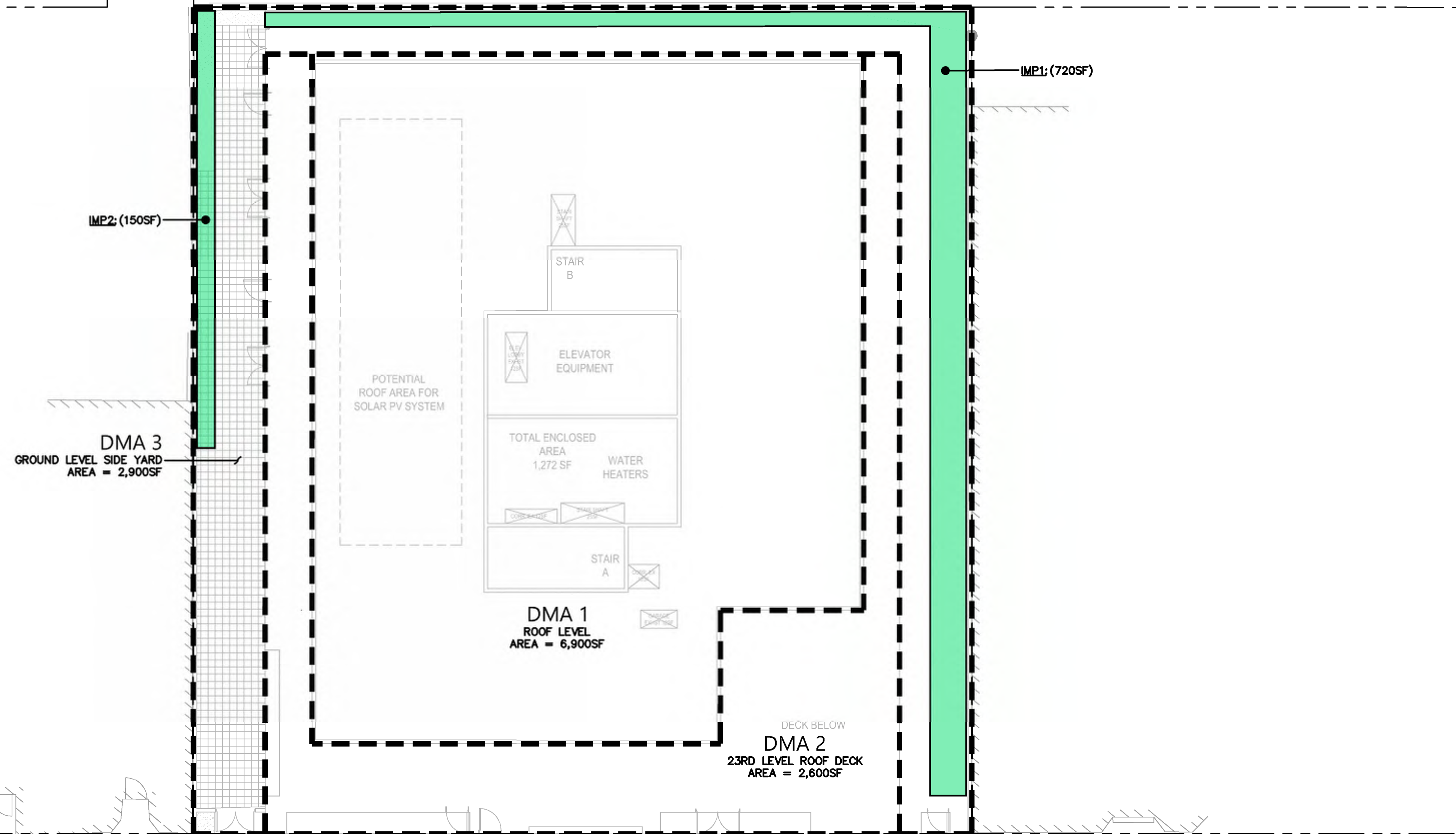
IMP AREA

**ABBREVIATIONS**

DMA DRAINAGE MANAGEMENT AREA  
 IMP INTEGRATED MANAGEMENT PLAN  
 LVL LEVEL  
 SF SQUARE FOOT

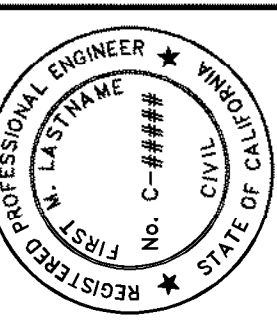
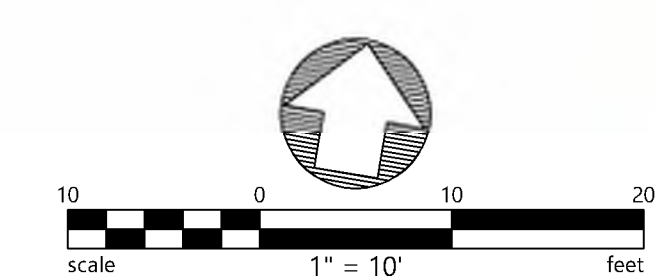


**TYPICAL BIORETENTION SECTION**  
 (ABOVE OR BELOW GRADE)  
 NOT TO SCALE



UNIVERSITY AVENUE

SSMH  
 RIM 182.25  
 INV 173.35 6" VCP (E)  
 INV 173.35 6" VCP (SE)  
 INV 173.05 8" VCP (W)



**PRELIMINARY**  
 NOT FOR CONSTRUCTION  
 DATE: 03/28/2025  
 FIRST M. LASTNAME C-####

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 APN 57-2025-8-1  
 2029 UNIVERSITY AVENUE, BERKELEY, CA  
**PRELIMINARY STORMWATER CONTROL PLAN**

No.	Revisions

Date: 03/28/2025  
 Scale: AS SHOWN  
 Design: S. LA  
 Drawn: S. LA  
 Approved: J. YOUNG  
 Job No: 20231754

Drawing Number:

**C2.0**

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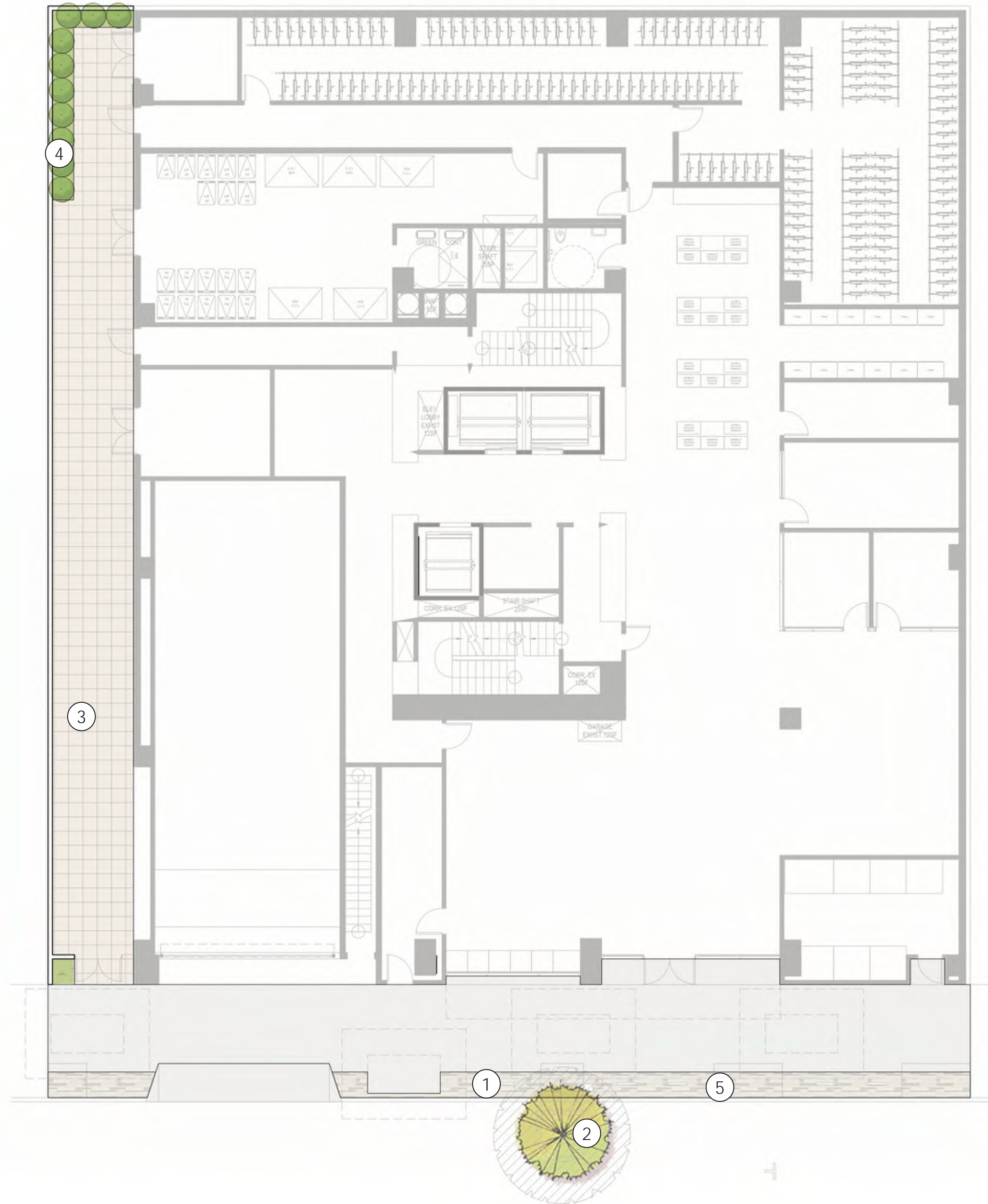
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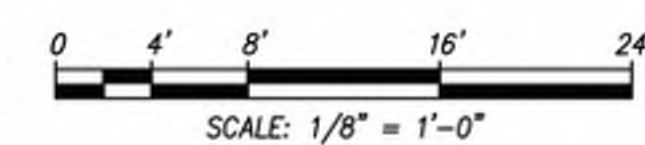
LANDSCAPE PLAN - GROUND FLOOR

# L1.01



#### LEGEND

- ① BIKE RACK 5 TOTAL (10 BIKE PARKING SPACES)
- ② EXISTING TRIDENT MAPLE STREET TREE TO REMAIN. PROTECT IN PLACE. SEE SHEET L3.01 FOR TREE PROTECTION FENCING DETAIL AND GUIDELINES.
- ③ CONCRETE PAVING AT SIDE YARD
- ④ NATIVE SHRUB PLANTING
- ⑤ 3-FOOT WIDE CITY STANDARD PAVER BAND



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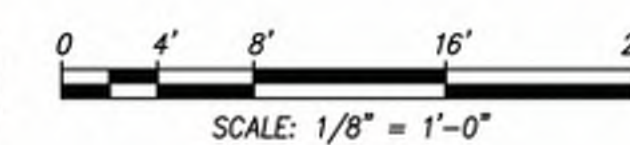
LANDSCAPE PLAN -  
PODIUM LEVEL

## L1.02



### LEGEND

- ① CMU STORMWATER PLANTERS, TYP - 634 SF TOTAL
- ② MAINTENANCE WALKWAY



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SHEET:

LANDSCAPE PLAN - ROOF DECK

## L1.03

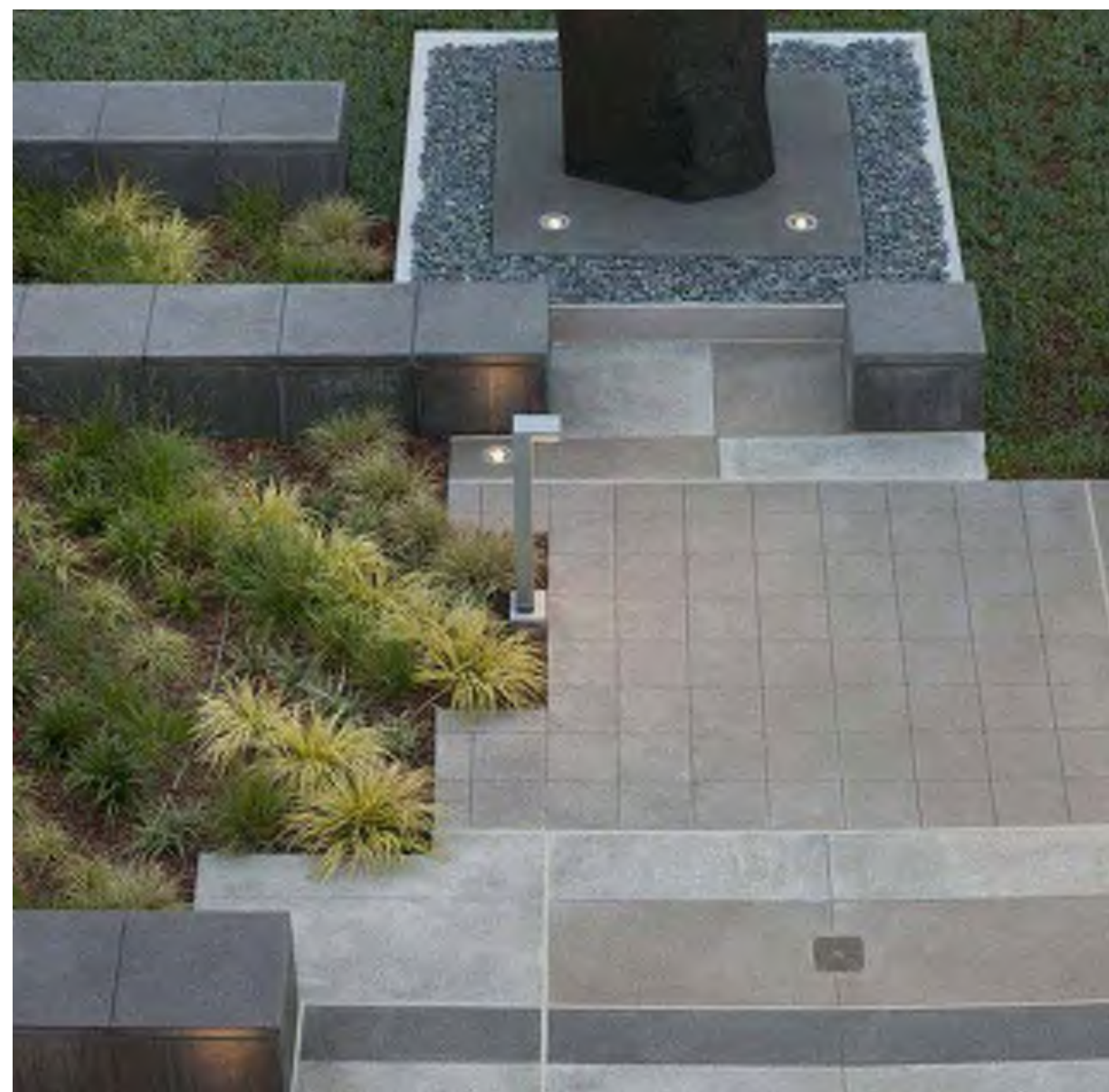


### LEGEND

- ① FAMILY STYLE DINING TABLE
- ② GREEN ROOF PLANTING
- ③ TABLE WITH CHAIRS
- ④ LOUNGE FURNISHING



0 4' 12' 24' 48'  
SCALE: 3/16" = 1'-0"



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LANDSCAPE ARCHITECTURE + DESIGN  
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PRECEDENT IMAGES

# L2.01



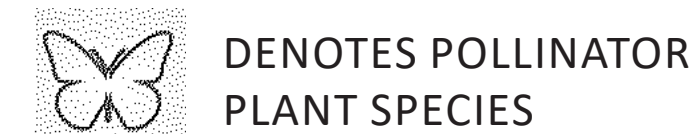
**NATIVE SCREENING SHRUBS**



**SHRUBS**



**GROUNDCOVER**



DENOTES POLLINATOR PLANT SPECIES

**GENERAL PLANTING AND IRRIGATION NOTES**

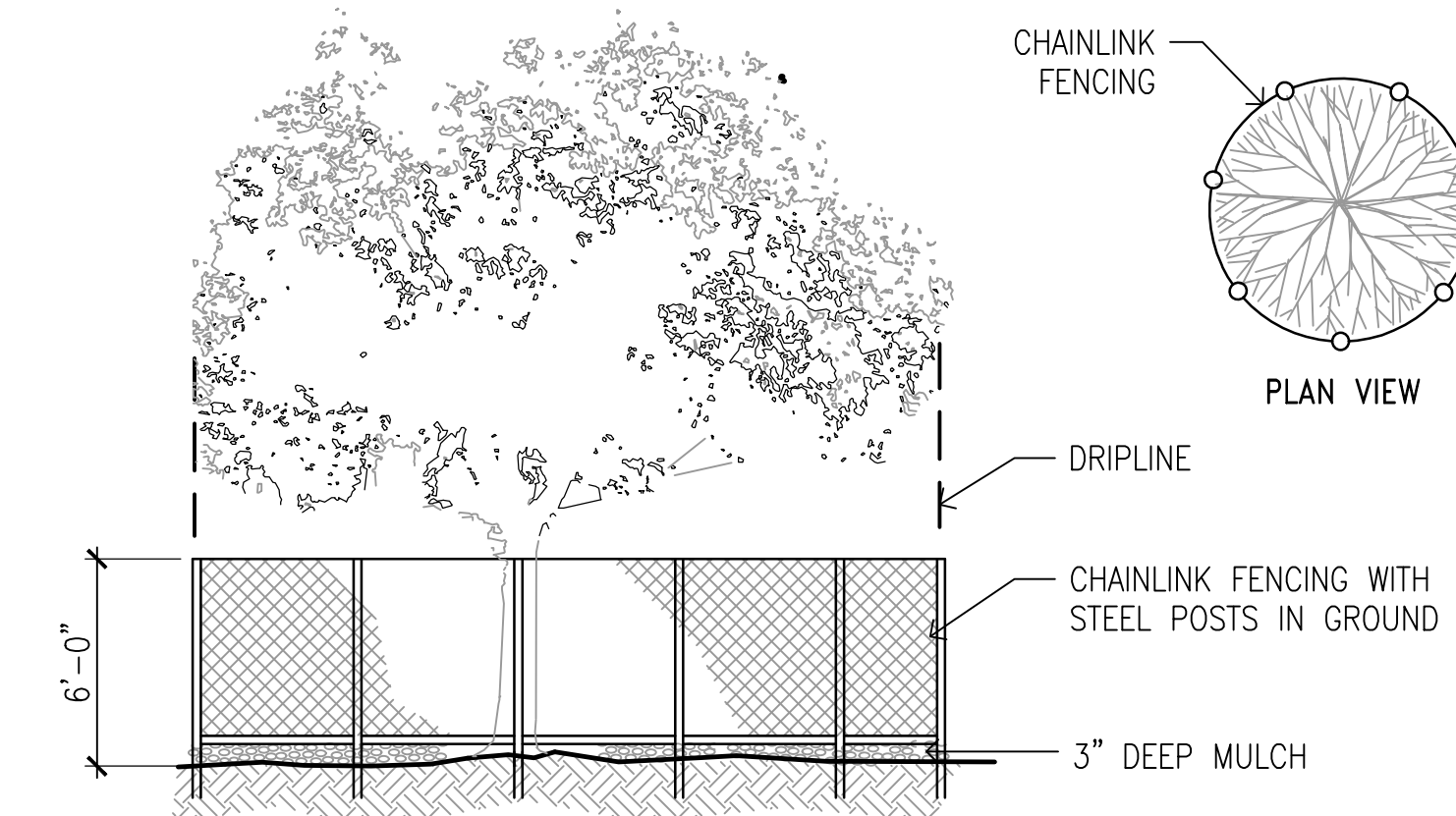
1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.
3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN-DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE. COMPOST APPLICATION TO ACHIEVE A MINIMUM OF 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON MWEO SPECIFIED SOIL ANALYSIS RESULTS FOR THE SITE SOIL PER [CGBSC 4.304].
4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.
5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.
6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.
7. 58% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD-LIFE SUPPORTING.
8. PLANT SELECTION AND DESIGN TO COMPLY WITH BAY-AREA FRIENDLY BASICS LANDSCAPE CHECKLIST.

**IRRIGATION SYSTEM DESIGN INTENT**

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWEO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE, RAIN SENSOR AND FLOW SENSING CAPABILITY CONNECTED TO THE IRRIGATION CONTROLLER WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.
7. COLOR CODED HYDROZONE LANDSCAPING HYDROZONE MAP WITH GROUPING AND COLLOCATING PLANTING MATERIAS BY WUCOLS WATER USE CATEGORY VL, L, M, OR H, PER [CGBSC 4.304], TO BE PROVIDED IN PERMIT DRAWINGS.
8. RAIN SENSOR AND CONTROLLER LOCATION TO BE PROVIDED IN PERMIT DRAWINGS.

**EXISTING TREE PROTECTION NOTES**

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, THE EXISTING TREE ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.
2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.
3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."
4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.
5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.
6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. CONTRACTOR TO NOTIFY AND COORDINATE WITH CERTIFIED ARBORIST AT LEAST 72 HOURS PRIOR TO ANY WORK BEING DONE IN DRIPLINE. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.
8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.
9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES, SHRUBS AND TURF TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.
11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST.



- NOTES**
1. NO EXISTING TREE MAY BE PRUNED WITHOUT PRIOR APPROVAL BY THE CITY ARBORIST.
  2. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
  3. NO OIL, GASOLINE, CHEMICALS, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED OR DISPOSED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE.
  4. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

**LANDSCAPE AREA CALCULATION:**

	LANDSCAPE AREA
GROUND LEVEL:	- 77 SF
PODIUM LEVEL:	- 634 SF
ROOF DECK LEVEL:	- 237 SF
TOTAL:	- 948 SF

**STORMWATER TREATMENT AREA:**

REQUIRED STORMWATER TREATMENT AREA= 455  
 4% OF THE BUILDING FOOTPRINT (- PROPOSED STORMWATER TREATMENT AREA= - 634 SF

**BIKE PARKING CALCULATIONS:**

TOTAL SHORT TERM BIKE PARKING STALLS PROVIDED: 10 STALLS (5 BIKE RACKS)

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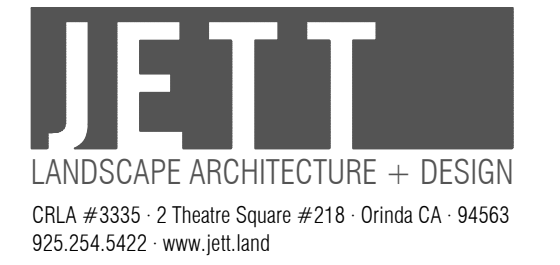
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**PLANT IMAGES, NOTES & CALCULATIONS**

**L3.01**



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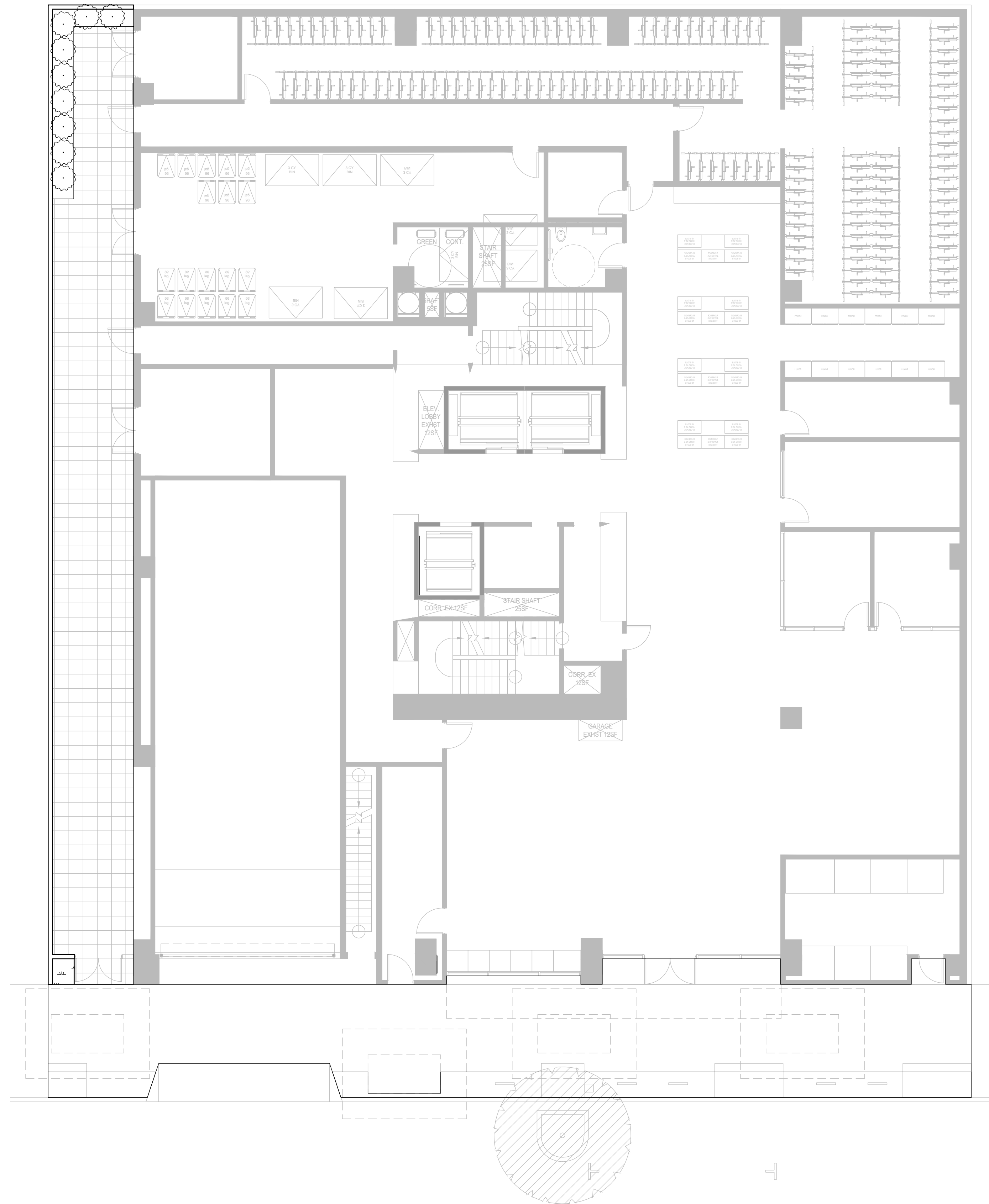
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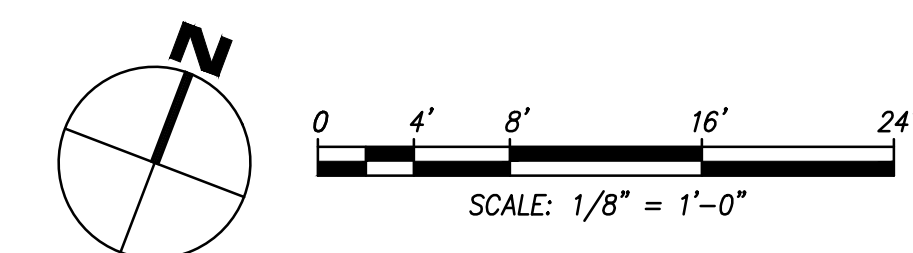
JOB: 2327

SHEET:

**PLANTING PLAN -  
GROUND FLOOR**

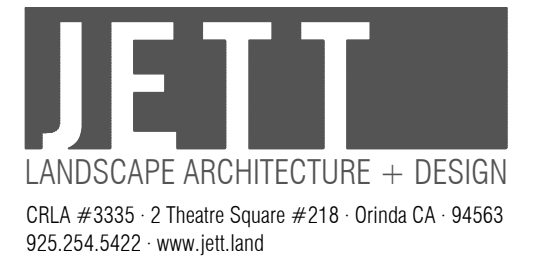


PLANT LIST							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
<b>SHRUBS - LARGE - NATIVE</b>							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
<b>SHRUBS - SMALL/MEDIUM</b>							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'-0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'-0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'-0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'-0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'-0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'-0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'-0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'-0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'-0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'-0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'-0" OC		L	Y
<b>GROUNDCOVERS</b>							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'-0" OC		L	Y
<b>STORMWATER</b>							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'-0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'-0" OC		L	Y



**L4.01**

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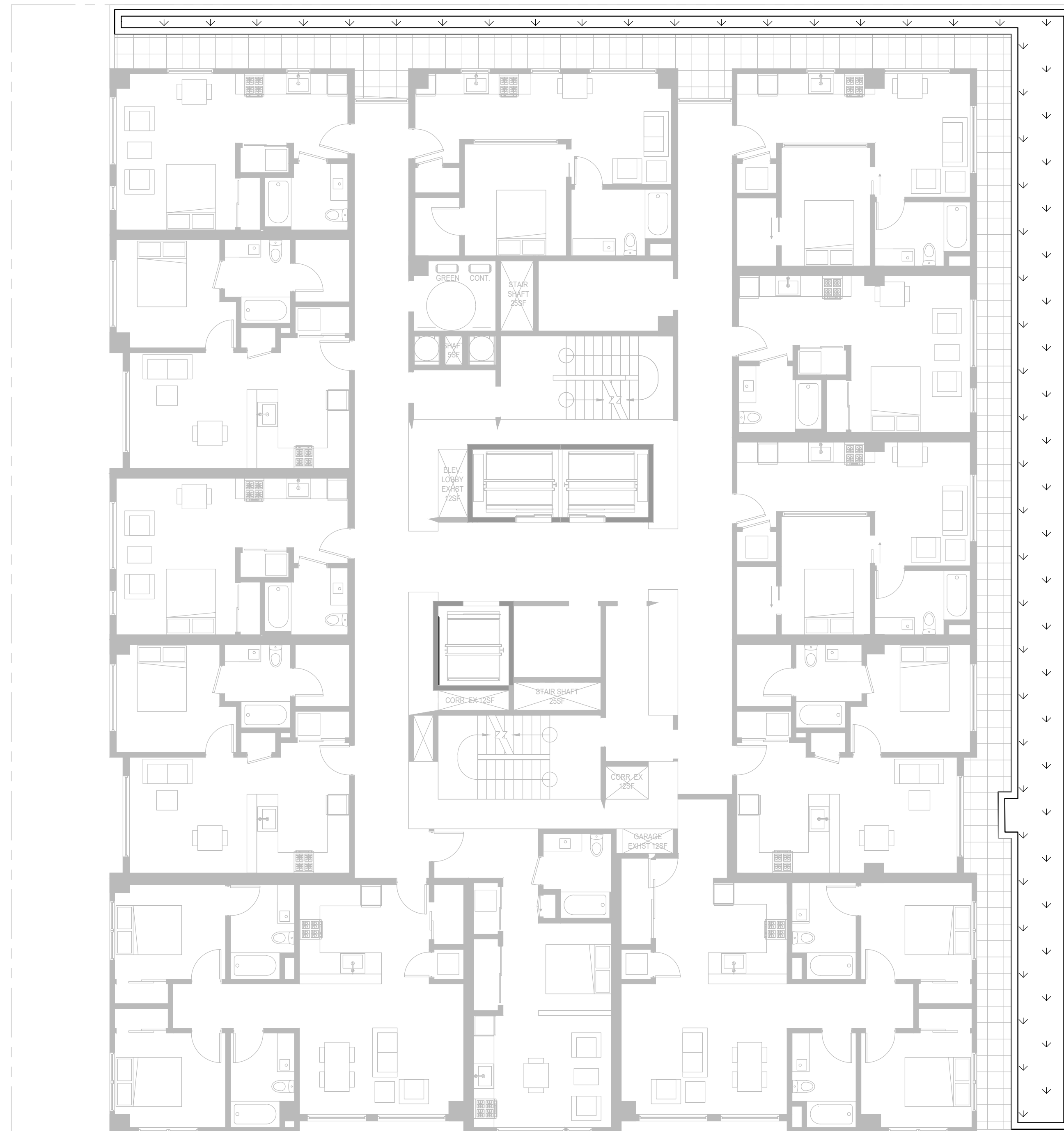
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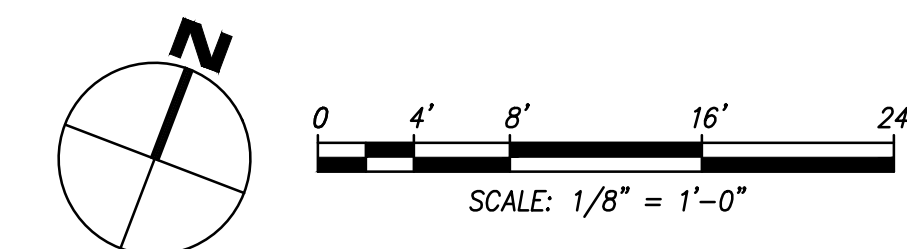
JOB: 2327

SHEET:

**PLANTING PLAN - PODIUM LEVEL**

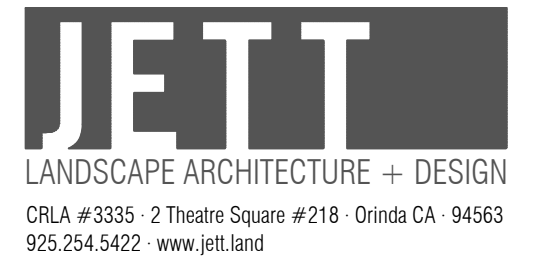


PLANT LIST									
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?		
<b>SHRUBS - LARGE - NATIVE</b>									
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y		
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	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'-0" OC		L	N		
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	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'-0" OC		L	Y		
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'-0" OC		L	Y		
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'-0" OC		L	Y		
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'-0" OC		L	Y		
<b>GROUNDCOVERS</b>									
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'-0" OC		L	Y		
<b>STORMWATER</b>									
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC		L	N		
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'-0" OC		L	N		
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'-0" OC		L	Y		



**L4.02**

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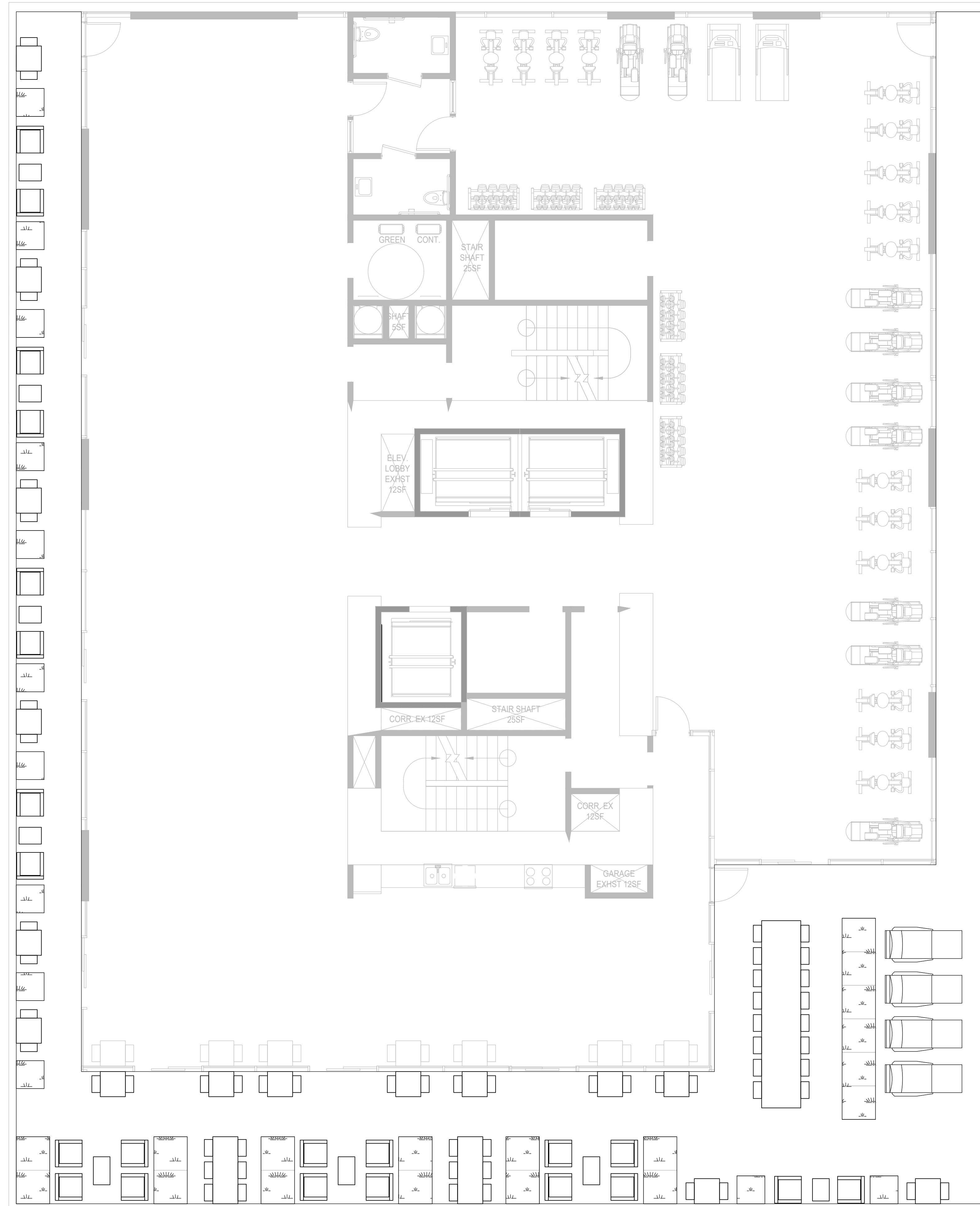
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JOB: 2327

SHEET:

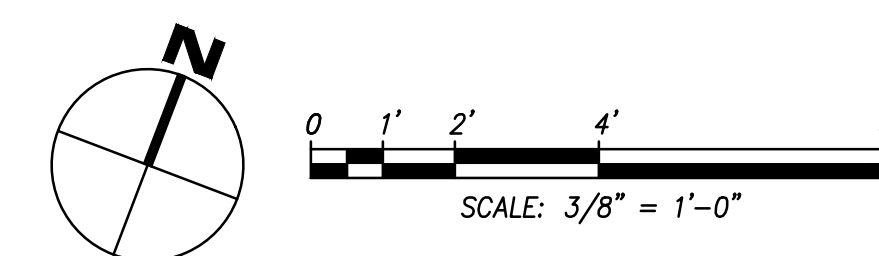
PLANTING PLAN - ROOF DECK

L4.03



### PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
<b>SHRUBS - LARGE - NATIVE</b>							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
<b>SHRUBS - SMALL/MEDIUM</b>							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'-0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'-0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'-0" OC		L	Y
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	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'-0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'-0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'-0" OC		L	Y
<b>GROUNDCOVERS</b>							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'-0" OC		L	Y
<b>STORMWATER</b>							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC		L	N
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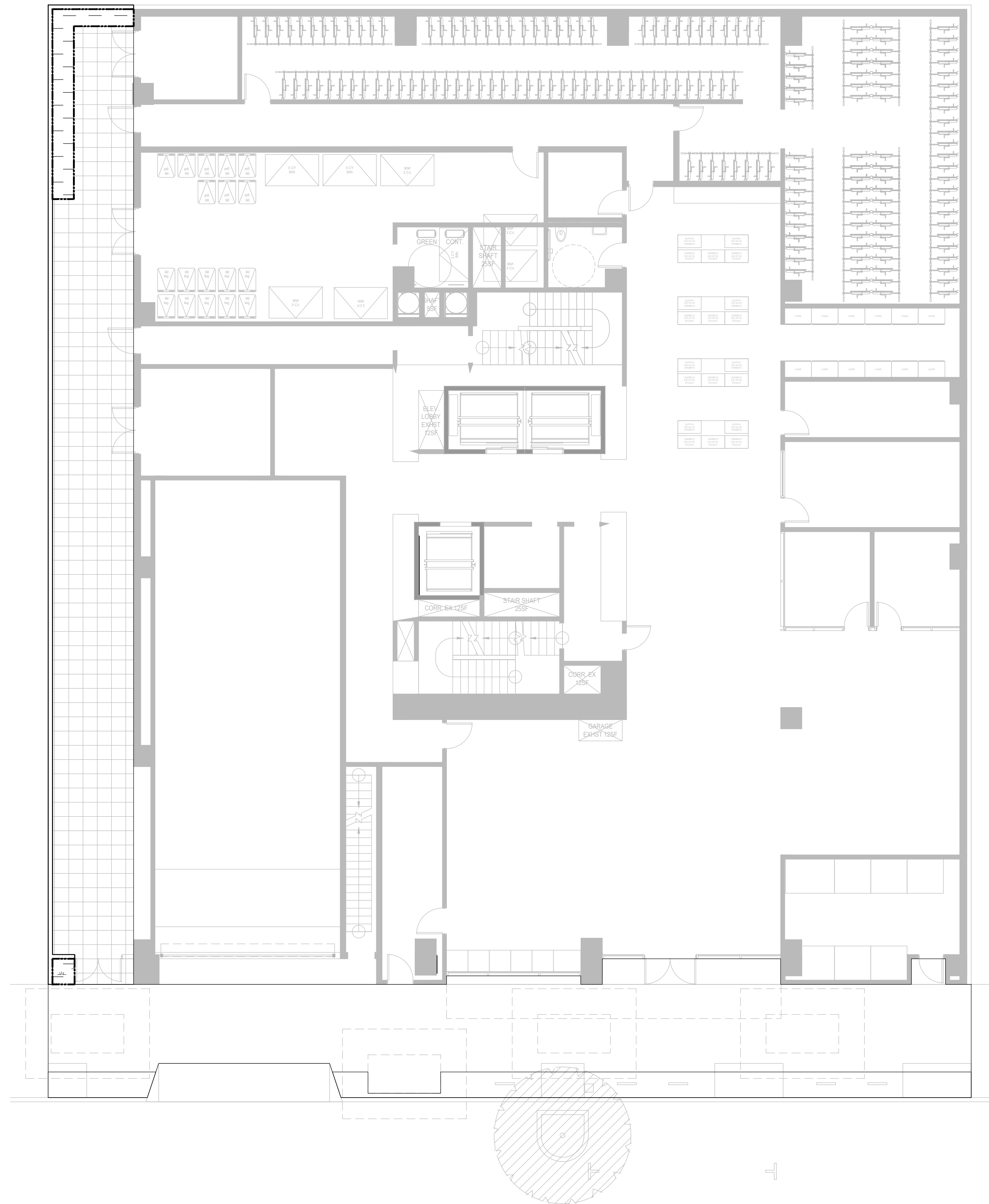
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JOB: 2327

SHEET:

**IRRIGATION PLAN - GROUND FLOOR**

**L5.01**



**HYDROZONE LEGEND**

SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
---	1	LOW WATER USE	SHRUB & GROUND COVER	DRIP	895	895.0	94%
---	2	LOW WATER USE	TREES	BUBBLER	0		
...	3	MODERATE WATER USE	SHRUB & GROUND COVER	DRIP	54	54	6%
...	4	MODERATE WATER USE	TREES	BUBBLER	0		
TOTAL						949.0	100%

**HYDROZONE INFORMATION TABLE**

REFERENCE ANNUAL ET<sub>0</sub> FOR: BERKELEY (MWELO REF. ET TABLE) 41.8

ET ADJUSTMENT FACTOR	ET ADJ FACTOR PER MWELO:	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF)	ETAF
0.55	0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL, 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	0.45	0.45

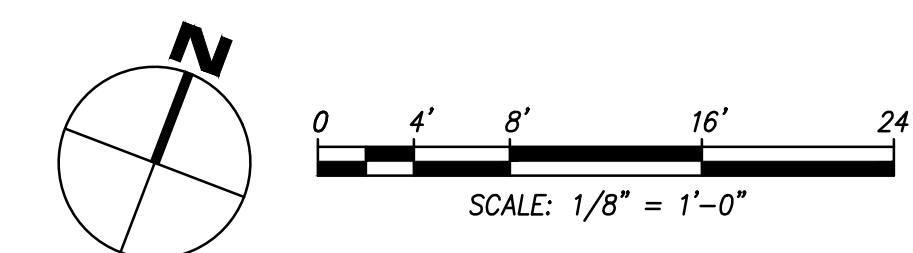
HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB.: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	ETAF <sub>2</sub> (PF/IE)	LANDSCAPE AREA (SQ FT)	ETAF <sub>2</sub> x AREA	ESTIMATED TOTAL WATER USE (ETWU)	
1	0.3	D	0.81	0.37	77	28.52	739.09	
2	0.3	B	0.81	0.37	634	234.81	6085.46	
3	0.3	D	0.81	0.37	183	67.78	1756.53	
4	0.6	B	0.81	0.74	54	40.00	1036.64	
-	0	D	.81	0.00	0	0.00	0.00	
-	0	D	.81	0.00	0	0.00	0.00	
TOTAL						948.00	371.11	9,617.72
SPECIAL LANDSCAPE AREAS								
S				1	0	0.00	0.00	
---				0	0	0.00	0.00	
TOTAL						0	0.00	0.00
TOTAL LANDSCAPE AREA (LA + SLA)						948.00		

TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)	TOTAL ETWU
9,617.72	9,617.72	9,617.72
MAWA	(ANNUAL ET <sub>0</sub> )(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)(SLA)]	MAWA
13,512.60	13,512.60	13,512.60

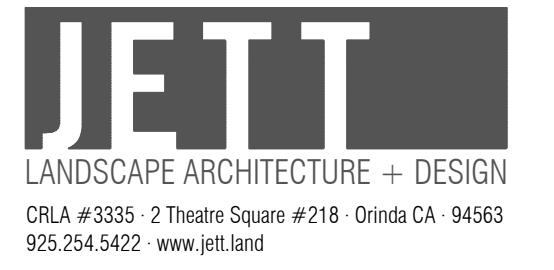
AVERAGE ETAF SITEWIDE ETAF	SUM(ETAF <sub>2</sub> X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA <sub>2</sub> )	0.39
0.39	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA <sub>2</sub> )	0.39

**IRRIGATION DESIGN INTENT**

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE AND FLOW SENSING CAPABILITY WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.



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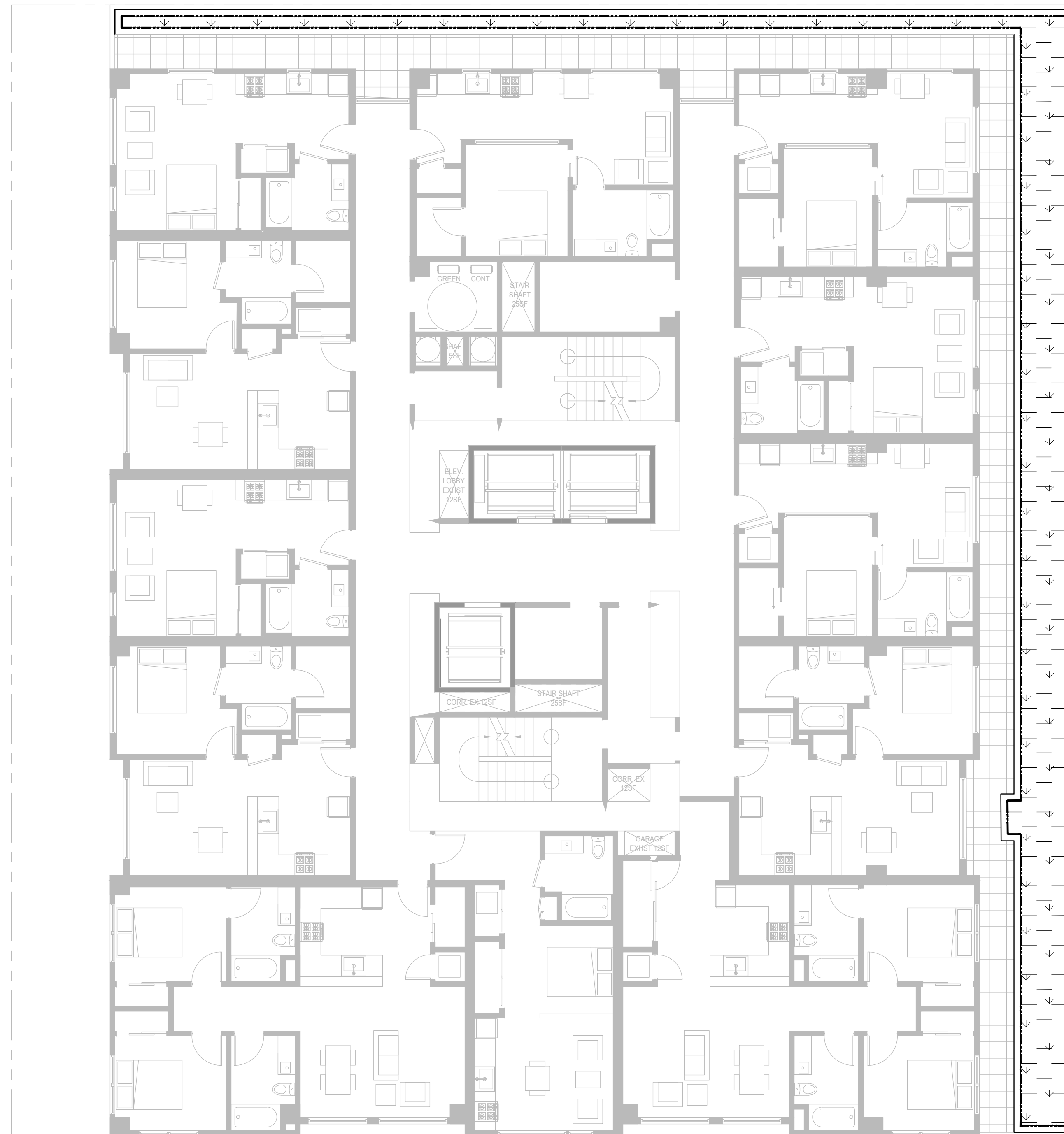
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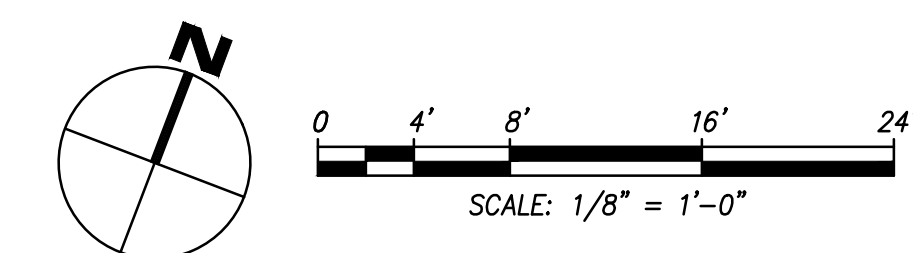
JOB: 2327

SHEET:

## IRRIGATION PLAN - PODIUM LEVEL

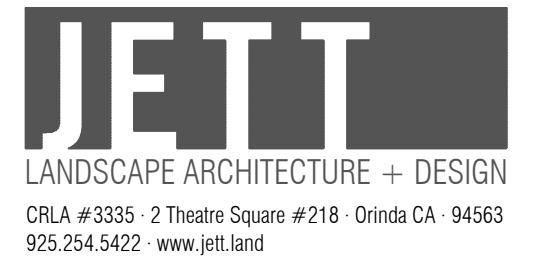


SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION



# L5.02

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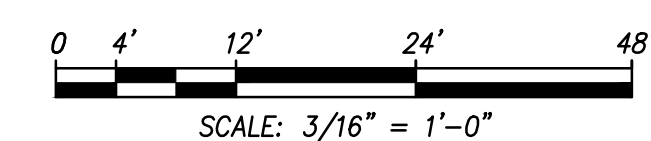
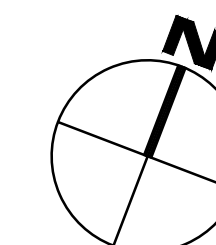
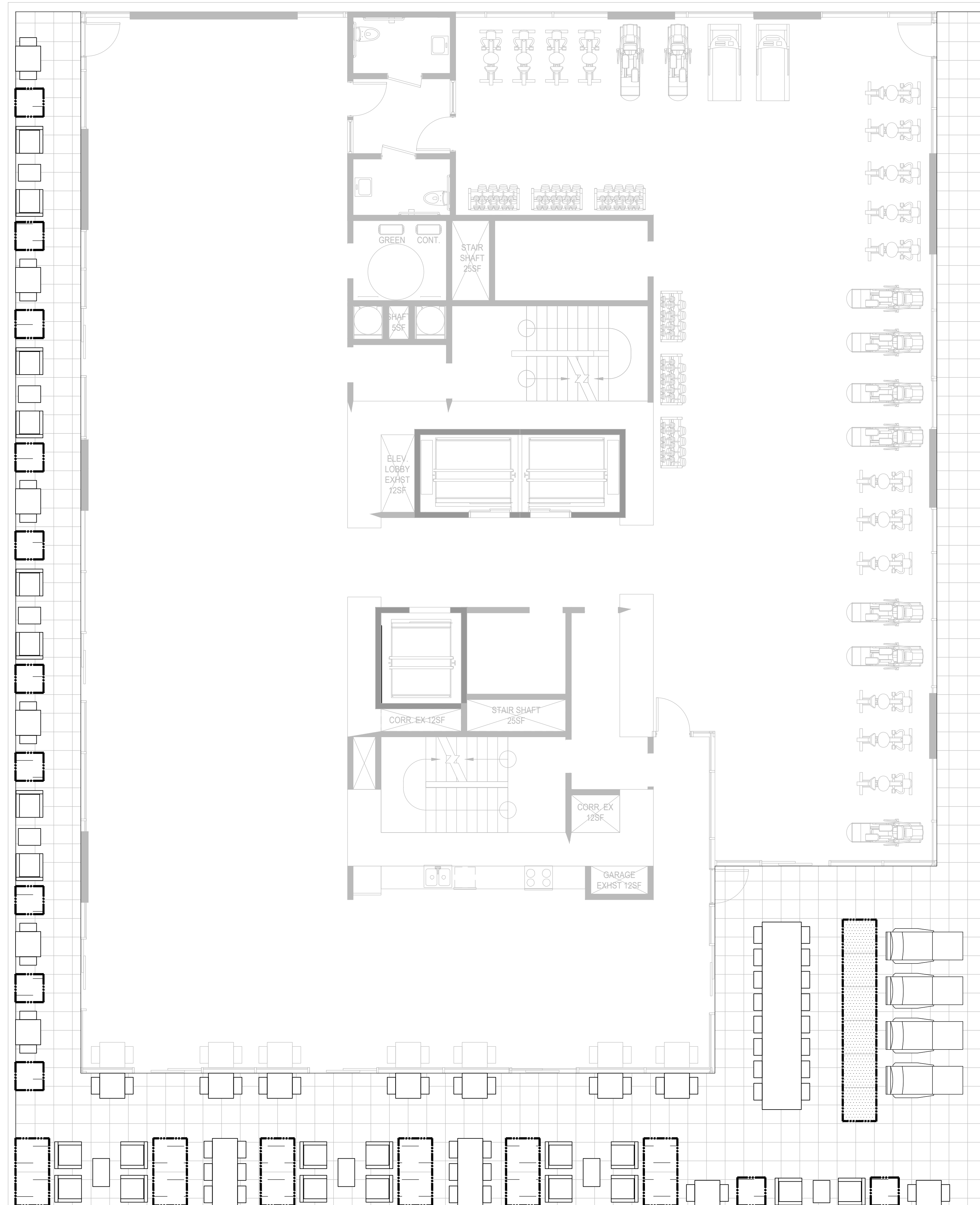
JOB: 2327

SHEET:

## IRRIGATION PLAN - ROOF DECK

# L5.03

SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION





431 I Street, Suite 201  
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Andrea Matsuoka  
amatsuoka@unioncounsel.net

December 1, 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](mailto:council@berkeleyca.gov)

City Clerk Mark Numainville  
2180 Milvia Steet, 1st Floor  
Berkeley, CA 94704  
[clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov)

**Re: Appeal to City Council of 2029 University Avenue Use Permits #ZP2024-0181,  
#ZP2024-0182**

Dear Mayor Ishii, City Council Members 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 also known as the Nor Cal Carpenters Union (“Carpenters”). We write on behalf of the Trades Council and Carpenters to appeal the approval by the City of Berkeley (“City”) Zoning Adjustment Board (“ZAB”) of Use Permits #ZP2024-0181 and #ZP2024-0182 for the 2029 University Avenue project (“Project”).<sup>1</sup> The Trades Council appeared at the November 13, 2025 ZAB hearing to oppose approval of the Use Permits as presented.

The Project is proposed by Laconia Development (“Applicant”). Applicant applied for Use Permits for two alternative housing development projects at 2029 University Avenue in the City. Both Project alternatives proposed to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story residential building, but one alternative proposed the creation of 240 multifamily apartment units (18 moderate income and 18 very low-income) while the other proposed the creation of 160 student housing units (12 moderate income and 12 very low-income).

<sup>1</sup> City of Berkeley Zoning Adjustments Board Notices of Decision, 2029 University Avenue (Multifamily) and 2029 University Avenue (Student-Oriented), Date of Board Decision November 13, 2025, Date Notice Mailed November 17, 2025, Appeal Period Expiration December 1, 2025 (“Notices of Decision”).

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. BOIGUES  
KERIANNE R. STEELE  
GARY P. PROVENCHER  
EZEKIEL D. CARDER  
LISL R. SOTO  
JOLENE KRAMER  
CAITLIN E. GRAY  
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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  
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JONATHAN S. EZELL  
MAX KOHN

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ANTONIO RUIZ  
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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 of Use Permits #ZP2024-0181 and #ZP2024-0182 for the Project is timely filed within fourteen (14) days of the City's November 17, 2025 mailing of the Notices of Decision, pursuant to Berkeley Municipal Code ("BMC") section 23.410.020. This appeal is accompanied by payment of the requisite fee of \$3000.<sup>2</sup>

This appeal pertains to Applicant's requested "concessions" under the Density Bonus Law (Gov. Code, § 65915, et seq. or "DBL"), which are as follows:

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 "Bird Safe Building" requirement as required by BMC section 23.304.150.

In particular, this appeal pertains to the first two requested concessions above, which refer to the City's HARD HATS Ordinance (BMC § 13.107.010 et seq. or "HARD HATS"), which was adopted on May 2, 2023 and took effect on January 1, 2024. For the reasons that follow, these two requested concessions are improper under the DBL and should be denied.

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

The City should not grant concessions under the DBL that waive local labor standards. The Applicant is pursuing a novel and unorthodox strategy of using DBL concessions to avoid two construction labor standards, namely, the requirement to provide health care and apprenticeship training. Until very recently, the Trades Council and Carpenters were not aware of any project that had received similar concessions from the City (or any city). The requested concessions are an attempted misuse of the DBL to avoid important labor standards that the City enacted to protect public health and safety.

On October 21, 2025, our office made a 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. The City responded that the only project that has received such concessions is the 2425 Durant project, which the Trades Council and the Carpenters appealed and will be heard by City Council on February 10, 2026.<sup>3</sup>

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<sup>2</sup> Notice of Decisions, page 4; BMC § 23.410.030. The Trades Council and Carpenters believe a single appeal is proper pursuant to BMC §§ 23.410.030(A) "(Appeals shall be filed and processed consistent with Chapter 23.404 (Common Permit Requirements) except as otherwise specified in this chapter)" and 23.404.020(F) ("An applicant shall request City approval of all required permits as part of a single application. . ."). Since the Berkeley Municipal Code establishes that all permits for a project be filed as part of the same application and that appeals be filed consistent with permit applications, it follows that appeals of two different use permits for a single project should be filed as one appeal. That should especially be true where, as here, the appellant's reasons for appealing both permits are identical. In an abundance of caution, however, the Trades Council and Carpenters are prepared to file two copies of this letter and two filing fees in case the City believes this appeal should be filed and processed as two separate appeals.

<sup>3</sup> The response received from the City of Berkeley Planning and Development Department was previously submitted to City Council in relation to the Trades Council and Carpenters' 2298 Durant & 2360 Ellsworth ZAB appeal and can be provided again upon request.



## II. The City Cannot Waive HARD HATS' Healthcare and Apprenticeship Standards Because Such Waiver Does Not Constitute a Concession or Incentive Under DBL

The DBL, Government Code section 65915(k), establishes that a “concession or incentive means any of the following”: “(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 . . . including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions . . . .”; “(2) [a]pproval of mixed-use zoning in conjunction with the housing project . . . .”; or “(3) [o]ther regulatory incentives or concessions proposed by the developer or the city. . . that result in identifiable and actual cost reductions to provide for affordable housing costs . . . .”<sup>4</sup>

As used in the DBL, “development standard” means a:

. . . site or construction condition, including but not limited to a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.<sup>5</sup>

Here, the City cannot waive HARD HATS' apprenticeship or health care expenditure requirements on the Project because such waiver would not qualify as a “concession or incentive” under the DBL.

Contrary to Applicant's argument, HARD HATS' labor requirements are not “site development standards” and therefore not subject to reduction via “concession or incentive” pursuant to Government Code section 65915(k)(1).

As stated above, under the DBL, a “development standard” is either a “site” or “construction” development standard depending on whether it is “a site or construction condition,” and only “site development standards” can be reduced by concession or incentive under Government Code section 65915(k)(1). The three examples of “site development standards” the DBL lists are: “setback . . . requirements,” “square footage requirements,” and “the ratio of vehicular parking spaces that would otherwise be required.” Under the statutory construction principle of *ejusdem generis*, by which courts “interpret a general or collective term” in a list of items “in light of any common attributes shared by the specific items,”<sup>6</sup> “site development standards” should be interpreted as relating to physical characteristics of a development as situated on its site because all three examples do. Here, HARD HATS' labor requirements are plainly not “site development standards” because they do not amount to physical conditions of how a project is situated on a site. Instead, the requirements are workers' rights protections that relate only to how contractors working on the project should treat their workers.<sup>7</sup> Moreover, HARD HATS' requirements are also procedurally unlike the DBL's examples of “development standards” even more broadly—“a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement,

<sup>4</sup> Gov. Code § 65915, subs. (k)(1)-(3).

<sup>5</sup> *Id.*, § 65915, subd. (o)(2).

<sup>6</sup> *Southwest Airlines Co. v. Saxon* (2022) 596 U.S. 450, 458 (quotation marks removed).

<sup>7</sup> BMC § 13.107.030.

or a parking ratio”—in that, unlike all these examples, they have extra enforcement mechanisms outside of any zoning code in order to benefit the workers they seek to protect, namely a private right of action whereby an affected worker or representative may bring a civil suit against a contractor employer who fails to abide by the wage and expenditure requirements.<sup>8</sup> For these reasons, HARD HATS’ labor requirements do not meet the definition of development standards, let alone the more narrow category of site development standards subject to reduction via concession or incentive under the DBL.<sup>9</sup>

Finally, the legislative intent of the DBL demonstrates the waiver of HARD HATS’ labor requirements is not a DBL concession or incentive. The stated intent of the DBL is to allow developers “to include more total units in affordable housing projects than would otherwise be allowed by local zoning ordinances,” and to “cover at least some of the financing gap of affordable housing.”<sup>10</sup> 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.”<sup>11</sup> In other words, the Legislature was mindful of the need to balance housing density with social benefits, not disregard social benefits like labor standards.

The requested health care expenditure concession is doubly in conflict with the intent of the DBL because, in addition to threatening the health and safety of construction workers, the concession would suppress their total compensation and make the very housing they are building less affordable to them. This outcome would be antithetical to the intent and policy of the DBL, which is ultimately to make housing more affordable. Historically speaking, the DBL waivers and concessions that have been granted by the City over the years have not posed this problem. The DBL should not be misused to allow developers to avoid minimum labor standards or other social benefits.

For the reasons set forth above, the City cannot waive HARD HATS’ health care expenditures and apprenticeship requirements because such waiver does not constitute a concession or incentive under the DBL.

### **III. Even if the Waiver of HARD HATS’ Health Care & Apprenticeship Requirements Were Concessions or Incentives Under the DBL, the City Should Not Grant Them Because the Waiver Would Have Specific, Adverse Impacts Upon Public Health and Safety**

The DBL provides that a city shall grant an applicant’s proposal for a concession or incentive unless it “makes a written finding, based on substantial evidence, of any of the following: . . . 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-

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<sup>8</sup> *Id.* § 13.107.111.

<sup>9</sup> Additionally, no other DBL definition of “concession or incentive” applies. Government Code 65915(k)(2), relating to approval of “mixed-use zoning,” is inapplicable to the entirely residential Project. Government Code section 65915(k)(3) is largely redundant with (k)(1) and k(2) already discussed: in defining “concession or incentive” the paragraph circularly refers to “incentives or concessions,” thereby referring to the prior paragraphs defining the term, and only serves to clarify which entities may propose concessions or incentives.

<sup>10</sup> Gov. Code, § 65915, subd. (u)(1)

<sup>11</sup> Gov. Code, § 65915, subd. (u)(2).

income households.”<sup>12</sup> An impact is a “specific, adverse impact” when it is “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.”<sup>13</sup> “Feasible” is defined as “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors,”<sup>14</sup> and a “feasible method to satisfactorily mitigate or avoid the specific, adverse impact” includes “any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit.”<sup>15</sup>

As explained below, waiving HARD HATS’ health care and the apprenticeship requirements would have a specific, adverse impact upon public health and safety, namely a blatant difference in health care expenditures for construction workers and a measurably increased likelihood of health and safety hazards on jobsites, which could not be feasibly mitigated or avoided.

### (a) Health Care

Waiving HARD HATS’ health care requirements would have a specific, adverse impact upon public health and safety that cannot be feasibly mitigated or avoided.

First, waiving these requirements would have a significant, quantifiable, direct, and unavoidable impact on public health and safety based on the policies of the HARD HATS ordinance itself as well as written public health safety conditions identified in research by the UC Berkeley Labor Center and Harvard Medical School and Cambridge Health Alliance.

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.<sup>16</sup> Additionally, a 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.<sup>17</sup>

The City adopted the health care expenditure requirement in HARD HATS precisely to “enhance the good health of construction workers working in the City” and thereby combat these public health and safety

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<sup>12</sup> Gov. Code, § 65915, subd. (d)(1)(B); see also, Gov. Code, § 65915, subd. (d)(3) (“[t]his 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.”)

<sup>13</sup> Gov. Code, § 65589.5, subd. (d)(2).

<sup>14</sup> *Id.*, § 65589.5, subd. (h)(1).

<sup>15</sup> See Health & Saf. Code, § 17959.1, subd. (e)(1). Like the DBL, Health and Safety Code section 17959.1 concerns government permitting and feasible alternatives and uses identical language. It explains in relevant part, “a city or county may not deny an application . . . to install a solar energy system unless it makes written findings based upon substantial evidence . . . the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.”

<sup>16</sup> See <https://laborcenter.berkeley.edu/the-public-cost-of-low-wage-jobs-in-californias-construction-industry/>.

<sup>17</sup> See <https://news.harvard.edu/gazette/story/2009/09/new-study-finds-45000-deaths-annually-linked-to-lack-of-health-coverage/>.

harms that result from uninsured construction workers.<sup>18</sup> Granting Applicant a waiver of this requirement would directly, unavoidably and significantly undermine the City’s protective framework and place the health of workers on the Project at greater risk by exempting all contractors on the Project from having to contribute to their workers’ health care costs, leaving many workers without any health care coverage or dedicated funds to spend on their health care. Additionally, this impact would be quantifiable because the City could ask each contractor working on the Project whether, in the absence of HARD HATS, they would make health care expenditures for their workers and, if so, how much those expenditures would be. The City could then determine how much higher those expenditures would be under HARD HATS’ statutory formula, which is simple math.

Finally, there is no “feasible” method to avoid or mitigate the specific, adverse impact on workers’ health care coverage or other costs that waiving HARD HATS’ health care expenditure requirement would produce. Most future Project workers will not be eligible for government-sponsored healthcare because their incomes exceed Medi-Cal eligibility thresholds, they do not have “Satisfactory Immigration Status”<sup>19</sup> or are otherwise not Medi-Cal eligible.<sup>20</sup> Given this country has not evolved to the point where it has passed universal health care, and is highly unlikely to do so “within a reasonable period of time,” there is no feasible alternative to contractor employers on the Project contributing to their workers’ health care costs.

### **(b) Apprenticeship Requirements**

Waiving HARD HATS’ apprenticeship requirements would also have a specific, adverse impact upon public health and safety that cannot be feasibly mitigated or avoided.

First, waiving the apprenticeship requirements would have a significant, quantifiable, direct, and unavoidable impact on public health and safety based on the policies of the HARD HATS ordinance itself as well as written public health safety conditions identified in a study of the construction industry by the Illinois Economic Policy Institute (“ILEPI”) and the Washington State Department of Labor & Industries (“L&I”).

L&I’s 2023 study found that an “apprenticeship program is associated with fewer work injuries”; even controlling for variables, workers with apprenticeship training had a 46% lower rate of accepted workers’ compensation claims compared to workers in the same field with no apprenticeship training.<sup>21</sup> Additionally, ILEPI’s study found that in 2019 alone, jobsites participating in joint management apprenticeship programs— were 19% less likely to have health and safety violations and had an average of 34% fewer violations per inspection” than those that did not.<sup>22</sup>

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<sup>18</sup> BMC § 13.107.020.

<sup>19</sup> The Migration Policy Institute estimates that over 84,000 construction workers in northern California counties are “unauthorized” immigrants. See <https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles>.

<sup>20</sup> A family of four with an income above \$44,367 is ineligible. For definitions of Unsatisfactory Immigration Status, see <https://www.dhcs.ca.gov/Medi-Cal/Pages/immigration-status-categories.aspx>.

<sup>21</sup> See <https://www.sciencedirect.com/science/article/pii/S0022437522001451>. Study of journey level plumbers. Variables controlled include “controlling for differences in year . . . worker age . . . number of employers . . . size of employer, license for plumbing specialty other than [journey level plumber], and workers’ compensation claim rate in the five years prior to [journey level plumber] certification.”

<sup>22</sup> See <https://theconstructionbroadsheet.com/report-union-construction-jobsites-significantly-safer-than-nonunion-site-p547-175.htm>.

This is precisely why the City adopted apprenticeship requirements in HARD HATS: to ensure contractors in the City invest in apprenticeship and thereby ensure workers are “competently trained” on City projects.<sup>23</sup> HARD HATS requires each contractor on covered projects to participate in an approved apprenticeship program.<sup>24</sup> Allowing Applicant to avoid apprenticeship requirements would directly, unavoidably and significantly undermine the City’s protective framework and place workers’ health and safety at greater risk by exempting all contractors on the Project from participating in apprenticeship programs that decrease health and safety violations. This impact is also quantifiable. The City could ask contractors how many apprentices they would have on the Project in the absence of HARD HATS. The answer is likely to be zero or close to zero for non-union contractors because, in the absence of HARD HATS, contractors typically only employ apprentices when required to by the Labor Code or by a collective bargaining agreement with a union. The City could then conclude that waiving HARD HATS’ apprenticeship requirements on the Project would lead to a significant drop in apprenticeship participation and determine the projected increase in safety violations and workers’ compensation claims according to the studies above. Finally, no feasible alternatives exist because research has shown that in the absence of either collective bargaining agreements or government regulation, apprenticeship training is unlikely to occur and worksite injuries are therefore more likely to occur.<sup>25</sup> As it is beyond the scope of local governments’ powers to regulate collective bargaining, and dedicating a sufficient number of City employees to monitor all of Berkeley’s major construction sites for safety regulation compliance is fiscally infeasible, the HARD HATS regulation is the sole available, feasible alternative.

For the reasons described above, waiving HARD HATS’ health care and apprenticeship requirements would have a specific, adverse impact upon public health and safety that could not be feasibly mitigated or avoided. Thus, even if the waiver of HARD HATS’ requirements qualified as concessions or incentives under the DBL—which they do not—the City should make a written finding about this specific, adverse impact and decline to grant the concessions or incentives.

#### **IV. Alternatively, the City Could Request Reasonable Documentation to Support the Concessions and/or Remand the Matter Back to ZAB For Further Consideration**

The DBL “does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus.”<sup>26</sup> This includes incentives or concessions.<sup>27</sup> Moreover, the local government is also tasked with “provid[ing] the applicant with a determination as to the following matters:

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<sup>23</sup> BMC § 13.107.020.

<sup>24</sup> BMC § 13.107.040. A contractor may also make contributions to the California Apprenticeship Council (BMC § 13.107.040), which would fulfill the same purposes of participating in apprenticeship programs given the California Apprenticeship Council is exclusively dedicated to supporting state-approved apprenticeship programs and would spend all funds received accordingly, which would in turn improve worker safety as described in the studies above.

<sup>25</sup> Waddoups, Jeff, “Union Coverage and Work-Related Training in the Construction Industry,” *Industrial & Labor Relations Review* Vol. 67, No. 2, April 2014, pp. 532-54; The Effect of Prevailing Wage Law Repeals and Enactments on Injuries and Disabilities in the Construction Industry - Zhi Li, Chimedlkham Zorigtbaatar, Gabriel Pleités, Ari Fenn, Peter Philips, 2019; APPRENTICESHIP TRAINING IN THE US CONSTRUCTION SECTOR (Bilginsoy, 2003).

<sup>26</sup> Gov. Code, § 65915, subd. (a)(2).

<sup>27</sup> *Id.*, § 65915, subd. (b)(1).

- (I) The amount of density bonus, calculated pursuant to subdivision (f), 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.
- (II) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards.”<sup>28</sup>

In the case *Schreiber v. City of Los Angeles*, the Court of Appeal recognized that “[a] city or county is not prohibited from requesting or considering information relevant to cost reductions.”<sup>29</sup> This is the case even though the statute places the ultimate burden of proof on the local government.<sup>30</sup> Accordingly, the City can and should take the position that Applicant has not yet provided adequate information for the City to make a determination as to its requested concessions, and require Applicant to provide reasonable documentation in support of same.

Here, Applicant has not provided the City evidence to substantiate its requested concessions. It simply claimed cost-reduction impacts.<sup>31</sup> The ZAB findings similarly do not provide any rationale whatsoever that the requested concessions do not have a specific, adverse impact on public health or safety.<sup>32</sup> Instead, the ZAB makes summary conclusions by referencing back to the law without any analysis or explanation.<sup>33</sup> Thus, if the City disagrees with the Trades Council and Carpenters and is inclined to treat the HARD HATS waiver as concessions, the Trades Council and Carpenters respectfully request that the City at least remand this matter to the ZAB to request reasonable documentation from Applicant in support of the requested concessions, so the City can determine whether they should be granted.

## V. Conclusion

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<sup>28</sup> *Id.*, § 65915, subd (i).

<sup>29</sup> *Schreiber v. City of L.A.* (2021) 69 Cal.App.5th 549, 557.

<sup>30</sup> Gov. Code, § 65915, subd. (d)(4); *Schreiber* at p. 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).”)

<sup>31</sup> See Rhoades Planning Group Nov. 13, 2025 Memorandum. The Memorandum asserted dollar costs but did not provide any clues as to the data or methodology used to arrive at the claimed costs. Simple math suggests that the Applicant’s consultant assumed Project contractors will employ construction trades workers for an unreasonably high average number of work hours per unit: (\$1,893,000 claimed “Apprenticeship Project Cost Reduction” ÷ 240 units) ÷ \$3.10 (plumber apprentice contribution rate) = 2,544 trades work hours per unit. Carpenters research into other Alameda County multifamily residential projects’ total construction trades work hours suggests the Applicant’s implicit assumption regarding Project work hours is inflated by 50% before considering the likelihood the Project will include at least some unionized construction trades contractors, with or without the requested concessions.

<sup>32</sup> See Gov. Code, § 65915, subd. (d)(1)(B).

<sup>33</sup> Notices of Decision, p. 7.

The Trades Council and Carpenters respectfully request City Council reverse the ZAB decision approving Use Permits #ZP2024-0181 and #ZP2024-0182 for the Project with the HARD HATS concessions or reverse the ZAB decision with respect to the HARD HATS concessions but approve the remainder of the Use Permits. In the alternative, if the City disagrees and is inclined to treat the HARD HATS waiver as concessions, the Trades Council and Carpenters request the City Council at least remand the matter to ZAB to reconsider the application in light of the foregoing<sup>34</sup> and direct staff to request supporting documentation from Applicant and confer with Applicant regarding the grounds for its requested concessions. The City may also, if appropriate, request that the Applicant voluntarily agree to rescind its requested concessions 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.<sup>35</sup> The Trades Council and Carpenters reserve the right to submit additional correspondence and evidence concerning this appeal prior to the hearing date.<sup>36</sup>

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

Sincerely,



Andrea Matsuoka



Jolene Kramer

ACM:

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

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<sup>34</sup> BMC § 23.410.040(G).

<sup>35</sup> BMC § 23.410.040(A).

<sup>36</sup> BMC § 23.410.040(F).



## Zoning Adjustments Board Staff Report

APP # ZP2024-0181

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)



Project Facts	Project Description:
<p><b>Applicant:</b> Rhoades Planning Group</p> <p><b>Property Owner:</b> Mohammad Talai &amp; Kokab Talai</p> <p><b>Project Address:</b> 2029 University Avenue</p> <p><b>General Plan:</b> DT (Downtown Mixed-Use)</p> <p><b>Area Plan:</b> Downtown Area Plan</p> <p><b>Zoning:</b> C-DMU Outer Core (Downtown Mixed-Use district)</p> <p><b>Site Size:</b> 12,385 square feet (0.28 acre)</p> <p><b>CEQA:</b> Section 15332 (“In-Fill Development Projects”)</p> <p><b>Application Submittal Date:</b> December 19, 2024</p> <p><b>SB330 Pre-Application Vest Date:</b> January 9, 2025</p>	<p><b>Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.</b></p>
	<p><b>Zoning Permits Requested:</b></p>





## Zoning Adjustments Board Staff Report

<p><b>Use Permit Application Completion Date:</b> May 22, 2025</p> <p><b>Project Planner:</b> Nilu Karimzadegan</p>	<ol style="list-style-type: none"> <li>1. <b>Demolition.</b> BMC Section 23.326.070(A) “<b>Demolitions of Non-Residential Buildings</b>” to demolish a non-residential building (UPPH)*</li> <li>2. <b>New Construction.</b> BMC Section 23.204.020 (A) “<b>Allowed Land Uses</b>” to construct a new multi-family building (UPPH).</li> <li>3. <b>New Floor Area.</b> BMC Section 23.204.030(A)(1) “<b>Floor Area Permit Requirements</b>” to create any residential addition within the within the C-DMU (UPPH).</li> <li>4. <b>Height.</b> BMC Section 23.204.130(E)(1)(a) “<b>Height Limits</b>” to increase the maximum building height limit to 75’ (plus 5’ parapet, by right) (UPPH).</li> <li>5. <b>Setbacks.</b> BMC Section 23.204.130(E)(3)(b) “<b>Modifications to Standards</b>” to modify front, side, and rear setback requirements (UPPH).</li> <li>6. <b>Projections Above Height Limits.</b> BMC Section 23. 304.050 “<b>Allowed Projections Above Height Limit</b> “to allow for Projections Above Height Limit (AUP)</li> </ol>
	<p><b>Density Bonus:</b></p>
	<p><b>Waivers:</b></p> <ol style="list-style-type: none"> <li>1. <b>Usable Open Space.</b> Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.</li> <li>2. <b>Landscaped Usable Open Space.</b> Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.</li> <li>3. <b>Height.</b> Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.</li> <li>4. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.</li> <li>5. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.</li> <li>6. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.</li> </ol>



## Zoning Adjustments Board Staff Report

	<p><b>7. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.</p> <p><b>8. Building’s width.</b> Waiver of BMC Section 23.204.130(E)(3)(d) for the building’s width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.</p> <p><b>9. Projections Above Height Limits.</b> Waiver of BMC Section 23.304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)</p> <p><b>Concessions:</b></p> <ol style="list-style-type: none"> <li><b>1. Concession.</b> Exemption from the “<b>Apprenticeship Requirements</b>” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040</li> <li><b>2. Concession.</b> Exemption from the “<b>Health Care Expenditures</b>” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050</li> <li><b>3. Concession.</b> Exemption from the “<b>Bird Safe Building</b>” requirement as required by BMC 23.304.150</li> </ol>
	<b>Staff Recommendation:</b>
	<p>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 ZP2025-0181 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.</p>

**ZONING MAP**

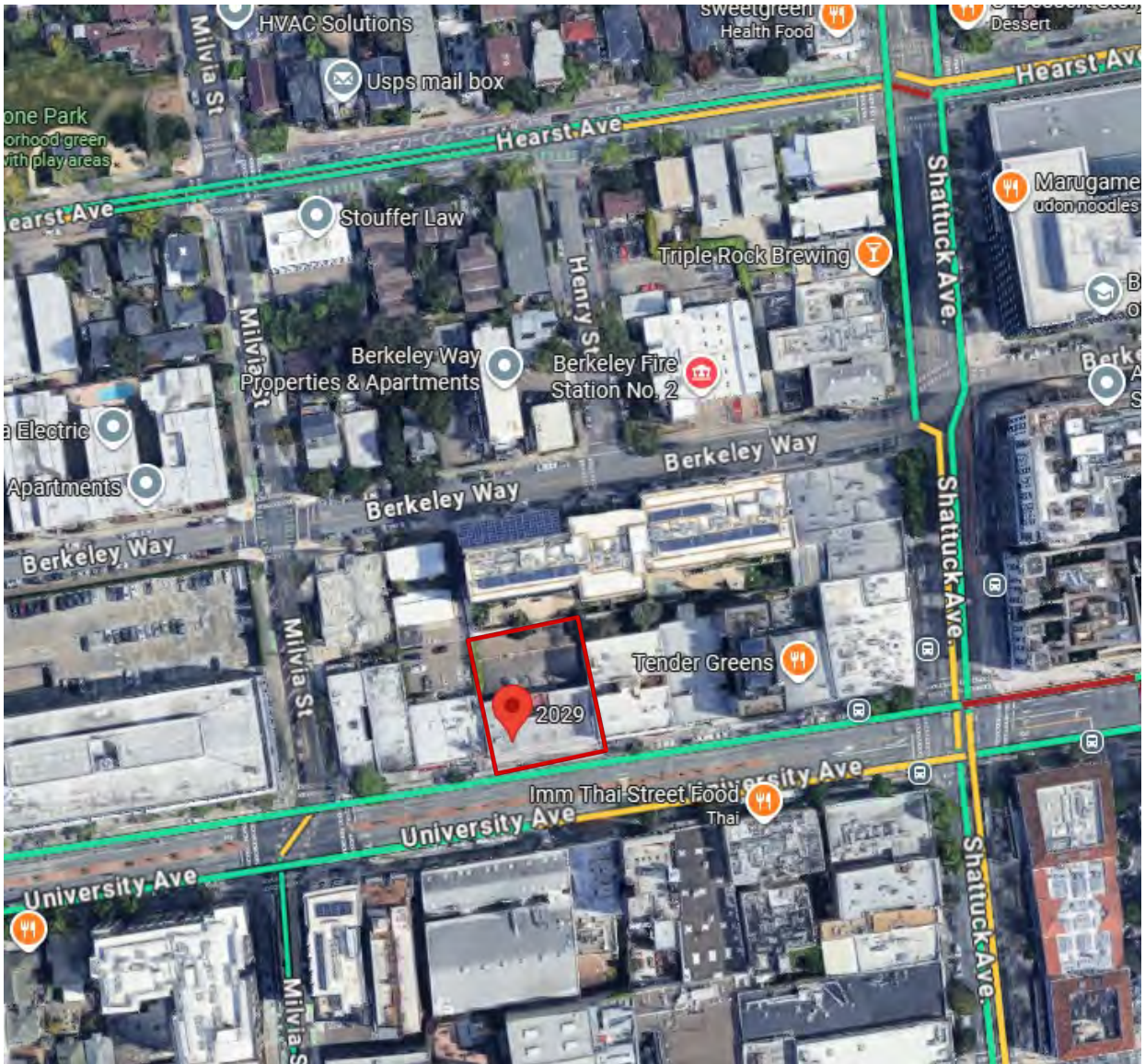
**Figure 1: Vicinity and Zoning Districts Map**



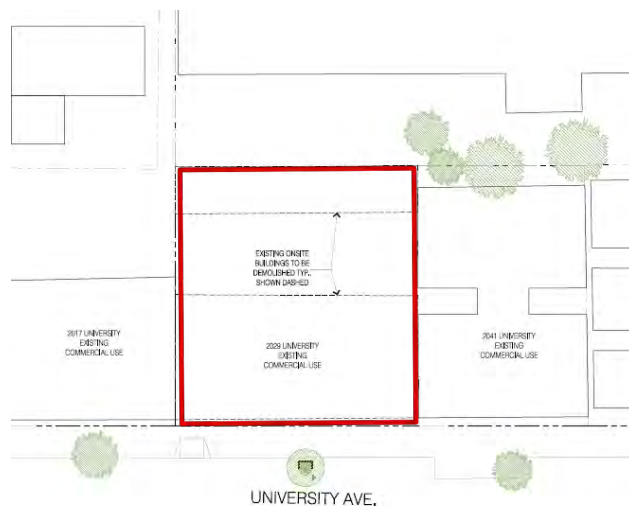
Comparison of Adjacent Properties			
Vicinity	GP Land Use	Zoning	Current Use
Subject Property	Downtown Mixed-Use (DT)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Retail spaces and parking lot
North	Medium Density Residential (MDR)	Downtown Mixed-Use District, Buffer Sub-Area (C-DMU Buffer)	Residential Building/ Hope Center
South	Downtown Mixed-Use (DT)	Downtown Mixed-Use District, Core Sub-Area (C-DMU)	Food Service, Retail, Theater

		Core)	
East	Downtown Mixed-Use (DT)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Tourist Hotel
West	Avenue Commercial (AC)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Retail

**AERIAL VIEW**



**Existing Site Plan**



**EXISTING STREET VIEW (UNIVERSITY AVENUE)**



**PROPOSED STREET VIEW (DURANT AVENUE)**



## **BACKGROUND**

### **Subject Site**

The subject property is an approximately 12,385-square-foot, interior lot on the north side of the 2000-block of University Avenue, between Shattuck Avenue and Milvia Street. It is a rectangular flat, 114-foot-deep, 108-foot-wide parcel, with street frontage facing University Avenue to the south. It includes one, 9,401-square-foot, two-story non-residential building containing five commercial spaces in the front and a detached ten-car garage structure in the rear of the lot, both proposed to be demolished. A covered driveway connects the curb cut on University Avenue to the garage building in the rear.

### **Neighborhood/Area Description:**

The project site is located along University Avenue, west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). The project site is surrounded primarily by commercial and multi-family residential/mixed-use buildings ranging in height from one story (2013 University Avenue) to eight stories (2067 University Avenue). The project site is located in an area where several modes of public transportation are available – multiple AC Transit bus lines on University Avenue, bike share station, and the Downtown Berkeley BART station, which is located 0.3 mile to the southeast of the site.

### **Community Meeting**

Prior to submitting this application, the applicant installed a pre-application poster on site in December 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 December 13, 2024 and attended by 9 individuals. At the conclusion of the presentation, one member of the public—the owner of Red Tomato Pizza at 2017 University Avenue, raised questions regarding traffic control during construction. The project team responded by explaining the standard Conditions of Approval associated with the Use Permit application.

On October 17, 2025, October 20, 2025 and October 30, 2025 staff received three emails from Christopher Kroll (Attachment 7) expressing concerns regarding the applicant's request for a concession from the City's Bird Safe Ordinance. In his email, Mr. Kroll emphasized the importance of bird safe glass, particularly for high rise developments such as the one proposed, and questioned the City's rationale for allowing an exemption from this requirement. In response, staff explained that State law supersedes local ordinances, and the California Department of Housing and Community Development (HCD) has advised that Density Bonus Law (DBL) concessions apply to City requirements that could increase project costs. Staff added that this HCD guidance is interpreted to include provisions such as the bird safe requirement. Under State law, the City cannot deny a housing project unless specific findings—can be made and Staff is not able to make those findings.

On October 30, 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 commercial building, to construct a 23-story, 256 feet, approximately 190,830-square-foot residential building with 240 units. The major components of this multifamily building are as follows:

- 240 dwellings (80 Studios, 60 Junior one-bedroom, 60 one-bedroom, 40 two-bedroom)
- 280 Bedrooms
- Ground Floor residential program includes the lobby, bike room, mail room, as well as the trash room, back of house service areas and utilities
- 2,905-square-foot Community spaces lounge/work area on Level 23
- 2,197-square-foot Fitness center on Level 23
- 2,055-square-foot roof deck Useable Open Space on Level 23
- 29 off-street parking spaces on Second Floor garage
- 167 Long-Term and 8 Short-Term Bicycle parking spaces

### 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"<sup>1</sup> is 120 units, as the maximum allowable density for the site. The base project and the resulting 23-story proposed project both have an average unit size of 801 square feet. By providing 18 Very Low Income and 18 Moderate Income units on site (30% percent of the 120-unit base density), the project is eligible for a 100 percent density bonus, or 120 additional units for a total of 240 units.

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<sup>1</sup> 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 <sup>a</sup>	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units <sup>a</sup>	Proposed Project Units <sup>a</sup>
120	36 [18 VLI (15% of Base) + 18 MI (15% of Base)]	100	120	240
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)**

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).

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The applicant is requesting three concessions for the project: exemption from the “Apprenticeship Requirements” and from the “Health Care Expenditures” in the Establishing Healthcare and Apprenticeship Standards for Private Development ordinance, and Bird Safe Building requirements.

The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety<sup>2</sup>, 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. Staff believe such a finding cannot be made.

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 applicant is requesting waivers from the following development standards: Setbacks, Usable Open Space, Usable Open Space landscaped area, building height, building’s width over 120 feet in height and Projection Above Height Limit.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety<sup>3</sup>, 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. Staff believe such a finding cannot be made.

**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

<sup>2</sup> 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.”

<sup>3</sup> See footnote 2.

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**

The Design Review Committee (DRC), conducted Preliminary Design Review at a meeting held on October 16, 2025 where it forwarded a favorable recommendation to the ZAB and provided the following direction for Final Design Review (FDR): *MOTION (Muszynski, Woo) VOTE (5-0-0-2) Gaffney, Tam - absent.*

### **Recommendations**

#### ***Site Design / Neighborhood Context***

- *West facade is most visible when traveling east on University Avenue - continue to develop this facade so not so static.*
- *Recommend some ground floor commercial space with some reorganization of the lobby space.*
- *Ground floor facade needs more warmth and interest and should feel more local.*

#### **Exterior Finishes**

- *Continue to develop color palette for FDR and consider adding more color. Terra cotta color proposed appears to be successful.*

#### **Landscaping**

- *Consider an additional outdoor area on roof at northwest corner, partially covered for more variety.*

- *Vary seating in lounge area and outdoor open space.*
- *Recommend more street trees where possible.*

#### **Building Design / Details**

- *Consider windows in bedrooms wherever possible.*
- *Minimize noise with parking lifts. Report on this at FDR.*
- *Consider parapet wall with a smaller glass segment for a stronger visual top.*
- *Consider thinner band at top of facade, not bottom, for a stronger presence.*
- *There was a strong objection to a concession to waive bird safe requirements.*
- *Recommend amenity space throughout floors, not just on the roof and ground floor.*
- *Glass railing at roof should be bird safe.*
- *Recommend operable windows, and larger where possible*

#### **Landmarks Preservation Commission Review: Demolition Referral**

The project would demolish two commercial buildings that are over 40 years old. The Historic Resource Evaluation (HRE) for the subject property was completed by Left Coast Architectural History on November 6, 2024 and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 4, 2024, and took no action.

#### **POLICY CONSISTENCY**

##### **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 safety<sup>4</sup> 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.

The project is a “housing development project” consisting of a residential only building. The Base Project includes Use Permits and/or Administrative Use Permits to modify height, setbacks and rooftop equipment allowances, 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

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<sup>4</sup> See footnote 2.

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)).

November 13, 2025, ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold two 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. Based on the conclusion provided on the Historic Resource Analysis prepared by Left Coast Architectural History dated November 6, 2024, the property at 2029-2039 University Avenue does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. Therefore, it does not qualify as a historic resource for the purposes of the California Environmental Quality Act (CEQA).

The project’s SB 330 Preliminary Application(#PLN2024-0069) which vests local ordinances, policies, and standards, as well as the historic resource status of the site was complete on January 9, 2025. This means the housing development is vested under the provisions of SB330 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. At the November 13, 2025 public hearing, the application must be approved or disapproved by January 12, 2026.

The project is scheduled for review by the Zoning Adjustments Board (ZAB) on November 13, 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 January 12, 2026 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 Avenue Commercial and Downtown Mixed-use uses, featuring a diverse mix of commercial buildings containing various retail, dining establishments and residential uses. The surrounding neighborhoods consist of a mix of 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 University 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 by constructing additional housing in close proximity to transit, jobs, and basic goods and services.

5. **Policy LU-26 Neighborhood Quality of Life:** Maintain and improve High Density Residential and Avenue Commercial areas 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 underutilized Housing Opportunity Site provides 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 project would provide 240 dwelling units, increasing the City's housing supply by adding new dwelling units in close proximity to goods, services and transit.

#### Attachments

1. Tables: Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans dated October 2, 2025
5. Downtown Area Plan MMRP
6. Notice of Public Hearing
7. Public Correspondence



**Attachment 1**

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

**Table 1: Project Chronology**

Date	Action
December 10, 2024	SB330 Preliminary Application Submitted
December 19, 2024	Use Permit Application submitted
January 9, 2025	SB330 Preliminary Application Complete
May 22, 2025	Use Permit Application Complete
May 22 to July 31, 2025	Application Processing
September 4, 2025	LPC demolition referral hearing/LPC took no action
October 16, 2025	Design Review Committee (DRC) review
October 30, 2025	Public hearing notices for ZAB Hearing on November 13, 2025 mailed/posted
November 13, 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, as defined in BMC 23.328.020, and would provide at least 20 percent Below Market Rate (BMR) residential units. The project as a whole would provide 36 Below Market Rate (BMR) units including 18 Very Low-Income (VLI) and 18 Moderate-Income (MI) units.
Alcohol Sales/Service	No	The project is residential only and does not offer Alcoholic Beverage Service of distilled spirits, beer and wine.




Characteristic	Applicability	Explanation
Bird Safe Buildings (BMC Section 23.304.150)	No	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. However, as one of the three Concession this project is entitled to, it is requesting an Exemption from the Bird Safe Building requirements in BMC Section 23.304.150.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There is no Coast Live Oak ( <i>Quercus agrifolia</i> ) tree on the project site.
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 18 Very Low-Income units, 18 Moderate Income units or 30 percent of the Base Project units, and qualifies for a 100 percent density bonus, or 120 bonus units. See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	No	Pursuant to BMC Chapter 13.107 "Establishing Healthcare and Apprenticeship Standards for Private Development" projects within City limits consisting of construction of either a new building, addition to an existing building, alteration of existing floor area, or demolition of 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. However, the application utilizes two out of the three concessions that the project is entitled to, to be exempt from the two provisions of this requirement (Healthcare and Apprenticeship Standards for Private Development).
Historic Resources	No	The existing building is more than 40 years old. The historic resource evaluation (HRE) for the subject property was completed by Left Coast Architectural History on November 6, 2024 and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 4, 2024, and took no action.

Characteristic	Applicability	Explanation
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) <sup>b</sup> . 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.
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). <sup>b</sup> See Housing Crisis Act of 2019 – Senate Bill (SB) 330 of this report for additional discussion on the sections of SB 330 that apply to the project.
Opportunity Sites	Yes	2029 University Avenue is a 0.28 acre lot currently developed with a 2-story 9,401 square-foot non-residential building and a parking structure. It was identified as an opportunity site and is listed in the 2023-2031 Housing Element Update.
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	No	The project would not involve demolition of rent controlled dwelling units.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "E". However, 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 <a href="#">State Seismic Hazard Zones map</a> <sup>c</sup> .
Soil/Groundwater Contamination	No	The project site is not on the Cortese List <sup>d</sup> , and Phase I report was prepared. Standard Conditions of Approval related to hazardous materials would apply.
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 27, 51B, 52, 604, 88, 800

Characteristic	Applicability	Explanation
<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><sup>b</sup> 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. Government Code Section 65905.5(b)(3)(C) "Housing development project" includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5.</p> <p>c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: <a href="https://maps.conservation.ca.gov/geologichazards/">https://maps.conservation.ca.gov/geologichazards/</a></p> <p>d. Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.</p>		

**Table 3: C-DMU (Downtown Mixed-Use District) Development Standards BMC  
Sections 23.204.130(E) and 23.322.090(A)(2) Parking and Loading**

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		12,385	Same	N/A
Gross Floor Area (sq. ft.)		9,401	190,830	N/A
Commercial Floor Area		9,401	0	N/A
Residential Floor Area		0	190,830	N/A
Floor Area Ratio		0.92	15.41	N/A
Dwelling Units	Total	0	240	N/A
Building Height (ft. - in.)	Maximum	21	256 + 5-foot parapet	75 ft. + 5 ft. 40' min./60' max. (75' max. w/use permit, 5' max. parapet by right)
	Stories	1	23	N/A
Building Setbacks (ft. - in.)	Front (south) University Avenue	0	0	0'-5' (bldg. ht.≤20') 0' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
	Interior Side (west) from 0'-65' from frontage	0	10'	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bldg. ht.>120')
	Interior Side (west) above 65'	0	10'	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bldg. ht.>120')
	Interior Side (east) from 0'-65' from frontage	0	0'-10'	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bldg. ht.>120')
	Interior Side (east) above 65'	0	10'	0' (bldg. ht.≤75') 5' (bldg. ht.>75' ≤120') 15' (bldg. ht.>120')
	Rear (north)	0	0'-10'	0' (bldg. ht.≤20') 5' (bldg. ht.>20' ≤75') 15' (bldg. ht.>75')
Diagonal Dimension		N/A	139'-6"	120'(bldg. ht.>120')
Usable Open Space (sq. ft.)		0	2,055	80 sq. ft. per unit (19,200 sq. ft.)
Lot Coverage (%)		54	91	N/A
Commercial Automobile Parking		10	0	N/A <sup>3</sup>
Residential Automobile Parking		0	29	0 min./120 max.
	Residential Bike Short Term	0	8	7 (1 space/40 bedrooms)

Standard		Existing	Proposed Total	Permitted/ Required
	Residential Bike Long Term	0	167	94 (1 space per 3 bedrooms)
<p><sup>1</sup> Use permits to allow height up to 75 feet are included in the Base Project for the calculation of the density bonus, and are not requested waivers. Additional height beyond 75 feet is being requested as a waiver.</p> <p><sup>2</sup> The use permit to allow reduced setbacks up to 75 feet building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 75 feet is being requested as a waiver.</p> <p><sup>3</sup> AB2097: , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most projects within 0.5 mile of a Major Transit Stop.</p> <p> = Concession or Waiver requested to modify the district standard</p> <p>Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")</p>				



## Zoning Adjustments Board Findings

**APP # ZP2024-0181**

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
<p><b>Applicant:</b> Rhoades Planning Group</p> <p><b>Property Owner:</b> Mohammad Talai &amp; Kokab Talai</p> <p><b>Project Address:</b> 2029 University Avenue</p> <p><b>General Plan:</b> DT (Downtown Mixed-Use)</p> <p><b>Area Plan:</b> Downtown Area Plan</p> <p><b>Zoning:</b> C-DMU Outer Core (Downtown Mixed-Use district)</p> <p><b>Site Size:</b> 12,385 square feet (0.28 acre)</p> <p><b>CEQA:</b> Section 15332 (“In-Fill Development Projects”)</p> <p><b>Application Submittal Date:</b> December 19, 2024</p>	<p><b>Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.</b></p>
	<p><b>Zoning Permits Requested:</b></p>

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<p><b>SB330 Pre-Application Vest Date:</b> January 9, 2025</p> <p><b>Use Permit Application Completion Date:</b> May 22, 2025</p> <p><b>Project Planner:</b> Nilu Karimzadegan</p>	<ol style="list-style-type: none"> <li>1. <b>Demolition.</b> BMC Section 23.326.070(A) “<b>Demolitions of Non-Residential Buildings</b>” to demolish a non-residential building (UPPH)*</li> <li>2. <b>New Construction.</b> BMC Section 23.204.020 (A) “<b>Allowed Land Uses</b>” to construct a new multi-family building (UPPH).</li> <li>3. <b>New Floor Area.</b> BMC Section 23.204.030(A)(1) “<b>Floor Area Permit Requirements</b>” to create any residential addition within the within the C-DMU (UPPH).</li> <li>4. <b>Height.</b> BMC Section 23.204.130(E)(1)(a) “<b>Height Limits</b>” to increase the maximum building height limit to 75’ (plus 5’ parapet, by right) (UPPH).</li> <li>5. <b>Setbacks.</b> BMC Section 23.204.130(E)(3)(b) “<b>Modifications to Standards</b>” to modify front, side, and rear setback requirements (UPPH).</li> <li>6. <b>Projections Above Height Limits.</b> BMC Section 23. 304.050 “<b>Allowed Projections Above Height Limit</b> “to allow for Projections Above Height Limit (AUP)</li> </ol>
	<p><b>Density Bonus:</b></p>
	<p><b>Waivers</b></p> <ol style="list-style-type: none"> <li>1. <b>Usable Open Space.</b> Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.</li> <li>2. <b>Landscaped Usable Open Space.</b> Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.</li> <li>3. <b>Height.</b> Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.</li> <li>4. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.</li> <li>5. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.</li> <li>6. <b>Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.</li> </ol>

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	<p><b>7. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.</p> <p><b>8. Building’s width.</b> Waiver of BMC Section 23.204.130(E)(3)(d) for the building’s width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.</p> <p><b>9. Projections Above Height Limits.</b> Waiver of BMC Section 23.304.050 “Allowed Projections Above Height Limit “to allow for Projections Above Height Limit (AUP)</p> <p><b>Concessions</b></p> <p><b>1. Concession.</b> Exemption from the “<b>Apprenticeship Requirements</b>” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040</p> <p><b>2. Concession.</b> Exemption from the “<b>Health Care Expenditures</b>” in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050</p> <p><b>3. Concession.</b> Exemption from the “<b>Bird Safe Building</b>” requirement as required by BMC 23.304.150</p>
	<b>Staff Recommendation:</b>
	<p>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 ZP2025-0181 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.</p>



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## 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:** Though the project is located within the City’s Environment Management Area (EMA), which are areas in the City of Berkeley known or suspected to have groundwater contamination, it 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.

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.

Historic Resource Evaluation prepared by Left Coast Architectural History, dated October 18, 2023 concluded that based on their evaluation, the property is not historically significant at either the local or State level and therefore does not qualify as a historic resource for the purposes of the California Environmental Quality Act.

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## II. FINDINGS FOR APPROVAL

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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 C-DMU Outer Core District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

(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 Housing Opportunity Site with a new development consisting of 240 units. This includes a significant affordable housing component: 18 units for Very Low-Income (VLI) households, and 18 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.

**Sunlight:** The additional height above the district limits (75 feet with Use Permit 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 256-foot-tall (plus 5-foot parapet), 23-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 winter months in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north and in the hours of before sunset on the residential buildings on the north and north-east ; b) in the summer months in the hours of after sunrise on the residential buildings on the west, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the east and southeast; and c) at the time of application preparation (March) in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north, and in the hours of before sunset on the residential buildings on east. 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, Downtown Area plan that allows building heights up to 120 feet with 0 to 15-foot setbacks from property lines depending on the height and distance to lot frontage.

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- 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:
- a) Pursuant to **BMC Section 23.326.070(D) “Demolition of Non-residential Buildings”** A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:
1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
  2. The demolition:
    - (a) Is required to allow a proposed new building or other proposed new use;
    - (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;
    - (c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or
    - (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024; Ord. 7787-NS § 2 (Exh. A), 2021)
- Evidence:** The proposed demolition is necessary to facilitate the construction of a new residential development consisting of 240 units on a designated Opportunity Site. This new use supports the City of Berkeley’s housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).
- b) As required by **Government Code Section 65915 (State Density Bonus)**, the Zoning Adjustments Board finds that:

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Under the City's methodology for implementing density bonuses, the base project consists of 120 units. The project will provide at least and 18 Very Low-Income (VLI) and 18 Moderate-Income (MI) BMR units on site qualifying units in the 120-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 120 units above the base project, for a total of up to 240 units.

- i. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
  - **Concession 1.** Exemption from the Healthcare and Apprenticeship Standards for Private Development as required by BMC Section 13.107
  - **Concession 2.** Exemption from the Prevailing Wage requirements as required by BMC Section 13.108A
  - **Concession 3.** Exemption from the Bird Safe Building reequipments as required by BMC 23.304.150

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 rents, 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.

- ii. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.
  - **Usable Open Space.** Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
  - **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27(0.0014%) square feet where 7,680 square feet (40%) is required.
  - **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 ft. (plus 5-foot parapet by right) is the allowable height with a Use Permit.

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- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
- **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139'-6" at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP)

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.

- c) 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.

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

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- (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 Downtown Mixed-Use 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 three-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district.

- 4) 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 C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

- 5) 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 # ZP2024-0181**

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### Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
<p><b>Applicant:</b> Rhoades Planning Group</p> <p><b>Property Owner:</b> Mohammad Talai &amp; Kokab Talai</p> <p><b>Project Address:</b> 2029 University Avenue</p> <p><b>General Plan:</b> DT (Downtown Mixed-Use)</p> <p><b>Area Plan:</b> Downtown Area Plan</p> <p><b>Zoning:</b> C-DMU Outer Core (Downtown Mixed-Use district)</p> <p><b>Site Size:</b> 12,385 square feet (0.28 acre)</p> <p><b>CEQA:</b> Section 15332 (“In-Fill Development Projects”)</p> <p><b>Application Submittal Date:</b> December 19, 2024</p>	<p><b>Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-foot-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.</b></p>
	<p><b>Zoning Permits Requested:</b></p>



<p><b>SB330 Pre-Application Vest Date:</b> January 9, 2025</p> <p><b>Use Permit Application Completion Date:</b> May 22, 2025</p> <p><b>Project Planner:</b> Nilu Karimzadegan</p>	<ol style="list-style-type: none"> <li><b>1. Demolition.</b> BMC Section 23.326.070(A) <b>“Demolitions of Non-Residential Buildings”</b> to demolish a non-residential building (UPPH)*</li> <li><b>2. New Construction.</b> BMC Section 23.204.020 (A) <b>“Allowed Land Uses”</b> to construct a new multi-family building (UPPH).</li> <li><b>3. New Floor Area.</b> BMC Section 23.204.030(A)(1) <b>“Floor Area Permit Requirements”</b> to create any residential addition within the within the C-DMU (UPPH).</li> <li><b>4. Height.</b> BMC Section 23.204.130(E)(1)(a) <b>“Height Limits”</b> to increase the maximum building height limit to 75’ (plus 5’ parapet, by right) (UPPH).</li> <li><b>5. Setbacks.</b> BMC Section 23.204.130(E)(3)(b) <b>“Modifications to Standards”</b> to modify front, side, and rear setback requirements (UPPH).</li> <li><b>6. Projections Above Height Limits.</b> BMC Section 23. 304.050 <b>“Allowed Projections Above Height Limit “</b>to allow for Projections Above Height Limit (AUP)</li> </ol> <p style="text-align: center;"><b>Density Bonus:</b></p> <p><b>Waivers:</b></p> <ol style="list-style-type: none"> <li><b>1. Usable Open Space.</b> Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.</li> <li><b>2. Landscaped Usable Open Space.</b> Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.</li> <li><b>3. Height.</b> Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.</li> <li><b>4. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.</li> <li><b>5. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.</li> <li><b>6. Setbacks.</b> Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22,</li> </ol>
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	<b>Staff Recommendation:</b>
	<p>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 ZP2025-0181 pursuant to Section 23.406.040(D) “Use Permits” and subject to the attached Findings and Conditions of Approval.</p>

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USE PERMIT CONDITIONS

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**I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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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 the Downtown 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. 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.

**17. 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

**18. 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 Downtown Area Plan Mitigation Monitoring and Reporting Program (Attachment 5 to Staff Report). 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)**

- 19. 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.
- 20. 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.
- 21. 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.
- 22. 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.
- 23. 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 \(arcgis.com\)](https://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:

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- 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**

- 24. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.
- 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. Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along University Avenue to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

- 28. Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.
- 29. 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.)
- 30. Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations; and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)
- 31. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
- 32. 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](mailto:RecyclingProgram@berkeleyca.gov).

**33. 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**

**34. 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.

Below Market Rate Units., 18 Very-Low Income and 18 Moderate Income 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 if 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)	
Extremely Low-Income (30% AMI)	-	-	-
Very Low-Income (50% AMI)	18	18	18 <sup>1</sup>
Low-Income (80% AMI)	-	-	-

<sup>1</sup> These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

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<b>Moderate-Income (x%)</b>	<b>18</b>	<b>-</b>	<b>18<sup>2</sup></b>
<b>Total</b>	<b>36</b>		

**35. 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.

**36. 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 \$985,488.55 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.

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<sup>2</sup> These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

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**Prior to Demolition or Start of Construction:**

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**37. 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.

**38. 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.

**39. 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:**

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**40. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

**41. 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.

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**42. 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.

**43. 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.

**44. 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:



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- 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.

**45. 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.

**46. 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.)

**47. 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.

**48. 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.

- 49. 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.
- 50. 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.
- 51. Archeological Resources (Ongoing throughout demolition, grading, and/or construction).**
- A. *Qualified Archeologist.* The project applicant shall retain a qualified archeologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional archeologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
- B. *Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on archeological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Archeological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying archeological staff should fossils be discovered by construction staff. The Archeological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a qualified archeologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training.

Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

- C. *Archeological Monitoring.* The extent of required archeological monitoring for the project shall be determined by the qualified archeologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Archeologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the archeologist determines that geologic units exposed between 5-10 feet BGS have high archeological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be archeological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no archeological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, archeological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Archeologist at that time.
- D. In the event of a fossil discovery by the archeological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Archeologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Archeologist shall complete the following conditions to mitigate impacts to significant fossil resources:
- 1) *Salvage of Fossils.* If fossils are discovered, the archeological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead archeologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single archeologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within archeologically- sensitive Quaternary alluvial deposits.
  - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent archeological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Archeologist.
- E. *Final Archeological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Archeologist shall prepare a final report describing the results of the archeological monitoring efforts associated with the project. The

report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

- 52. 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.
- 53. 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 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.

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- 54. 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.
- 55. 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.
- 56. 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.
- 57. 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.
- 58. 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.
- 59. 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.
- 60. 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:**

- 61. 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.
- 62.** All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 2, 2025.
- 63. 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.

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**64. Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a \$1 to \$1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

**65. 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 Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 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 this section:

- A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.
- B. For any new building with residential units or structures converted to a residential use, required parking spaces shall 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.
- C. the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.



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- D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).
- 66. "(23.322.060 CDMU Only)" Car Sharing Spaces.** At least   1   car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:
- A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.
- B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.
- 67. Green Building Certification.** The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

**At All Times:**

- 68. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 69. 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.
- 70. 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 Permit Modification, subject to Board review and approval.
- 71. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 72. 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.
- 73. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.

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- 74. 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.
- 75. 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.
- 76. Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.
- 77. Required Bike Parking.** Secure and on-site bike parking for at least 167 Long-term bicycles shall be provided for the life of the building.
- 78. Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)
- 79. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.



**VIEW ALONG UNIVERSITY**



**STACKHOUSE  
DE LA PEÑA  
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ARCHITECTS**

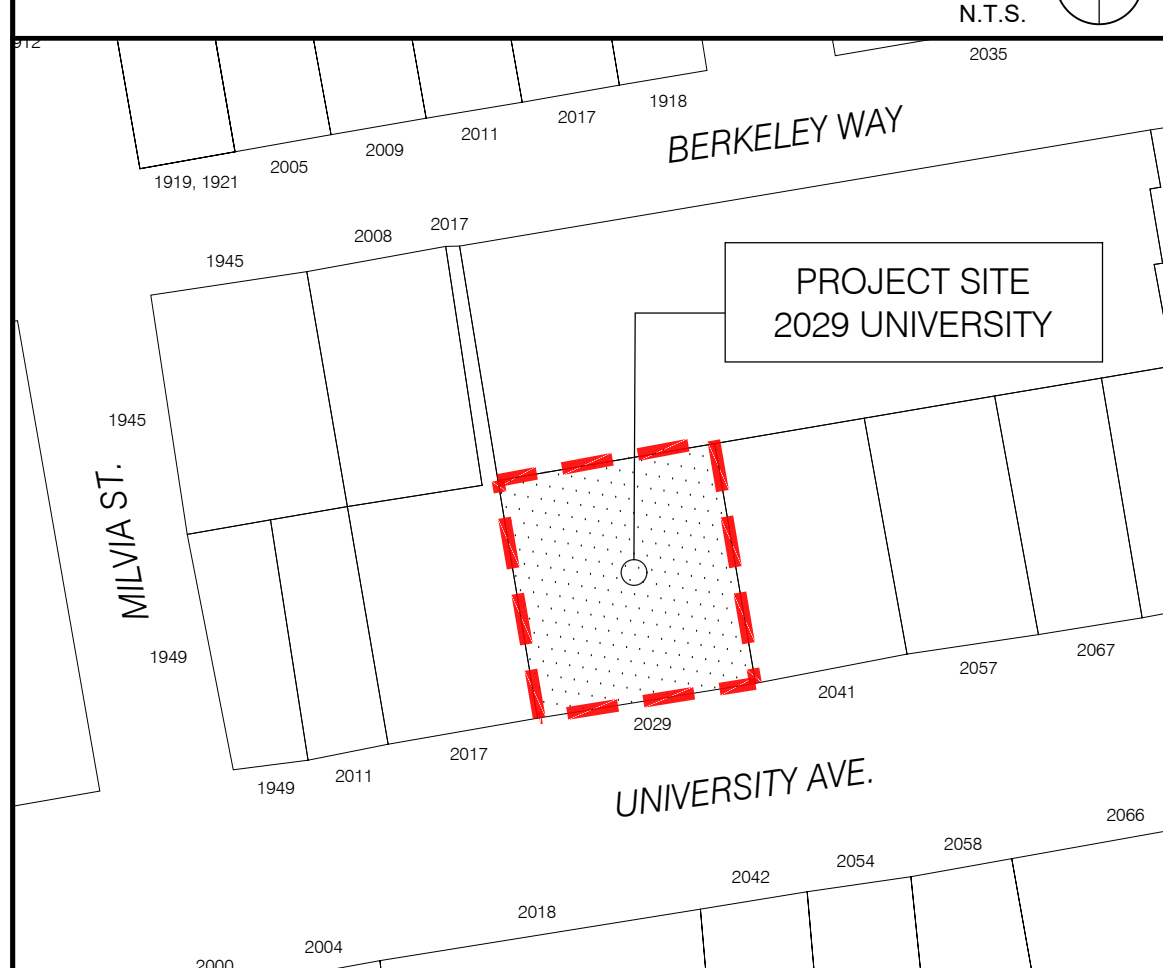
2421 Fourth Street  
Berkeley, California 94710  
510.649.1414  
www.sdarch.com

**2029  
UNIVERSITY  
APARTMENTS**

2029 University Ave  
Berkeley, CA

- 12.10.2024 SB 330 SUBMISSION
- 12.19.2024 ZONING SUBMISSION
- 04.03.2025 ZONING RESUBMISSION
- 05.14.2025 ZONING RESUBMISSION
- 07.23.2025 AHMF FEE UPDATE

**VICINITY MAP**



**PROJECT DIRECTORY**

**OWNER/APPLICANT:**  
Laconia Development LLC  
1981 North Broadway, Suite 350  
Walnut Creek, CA 94596  
www.laconiallc.com  
(925) 937-4111

**ARCHITECT:**  
ISAIAH STACKHOUSE, PRINCIPAL  
**STACKHOUSE | DE LA PEÑA |  
TRACHTENBERG ARCHITECTS**  
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**LANDSCAPE ARCHITECT:**  
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**CIVIL ENGINEER:**  
BKF ENGINEERS  
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www.bkf.com

Rhodes Planning Group  
2140 Shattuck Ave, Suite 705  
Berkeley, CA 94704  
(510) 545-4341  
c/o: mia@rhodesplanninggroup.com

**PROJECT DESCRIPTION**

PROJECT ADDRESS: 2029 University Ave. Berkeley, CA 94704 (APN: 57-2053-8-1)

**SCOPE OF WORK:**  
THIS IS A ZONING APPLICATION FOR A HOUSING DEVELOPMENT, WHICH VESTS RIGHTS UNDER ZONING APPLICABLE AS OF THE SUBMITTAL DATE PER CALIFORNIA GOVERNMENT CODE SECTION 65941.1. THE PROJECT IS THE CONSTRUCTION OF A NEW 23-STORY (256'-0"), 240-UNIT HOUSING DEVELOPMENT WITH 190,830 SF OF NEW RESIDENTIAL USE AND PARKING GARAGE FOR UP TO 29 SPACES. THE PROJECT INCLUDES REMOVAL OF EXISTING NON-LANDMARKED 2-STORY COMMERCIAL STRUCTURE AND SURFACE PARKING. 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO VERY-LOW-INCOME HOUSEHOLDS, AND 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS, MAKING THE PROJECT ELIGIBLE FOR A 100% DENSITY BONUS, WAIVERS, AND UP TO 3 CONCESSIONS AS A STATE DENSITY BONUS LAW DEVELOPMENT PER CALIFORNIA GOVERNMENT CODE § 65915.

THE PROPOSED PROJECT WILL COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND THE BERKELEY GREEN CODE (BMC CHAPTER 19.37), INCLUDING PROVIDING A SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, AND LOW-CARBON CONCRETE REQUIREMENTS

**ZONING CODE SUMMARY**  
(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-DMU OUTER CORE

**SEE SHEET A0.1 FOR COMPLETE ZONING DATA**

**DRAWING LIST**

SHEET NO. & TITLE		LANDSCAPE	
<b>ARCHITECTURAL</b>			
A0.0 GENERAL INFORMATION	A3.1 BUILDING ELEVATIONS	L1.01 LANDSCAPE PLAN - GROUND LEVEL	
A0.1 ZONING DATA	A3.2 BUILDING ELEVATIONS	L1.02 LANDSCAPE PLAN - PODIUM LEVEL	
A0.2 DENSITY BONUS DIAGRAMS	A3.3 BUILDING ELEVATIONS	L1.03 LANDSCAPE PLAN - ROOF DECK	
A0.3 PRELIMINARY AHCP DIAGRAMS	A3.4 BUILDING ELEVATIONS	L2.01 PRECEDENT IMAGES	
A0.4A SHADOW STUDIES - DEC 21ST	A3.5 STREET STRIP ELEVATIONS	L3.01 PLANT IMAGES, NOTES & CALCULATIONS	
A0.4B SHADOW STUDIES - JUNE 21ST	A3.6 PHOTO CONTEXT VIEWS	L4.01 PLANTING PLAN - GROUND FLOOR	
A0.4C SHADOW STUDIES - MARCH 26TH	A3.7 CONCEPTUAL RENDERINGS	L4.02 PLANTING PLAN - PODIUM LEVEL	
A0.5 SITE CONTEXT PHOTOS	A3.8 CONCEPTUAL RENDERINGS	L4.03 PLANTING PLAN - ROOF DECK	
A0.6 VICINITY MAP	A3.9 CONCEPTUAL RENDERINGS	L5.01 IRRIGATION PLAN - GROUND FLOOR	
A1.0 EXISTING SITE PLAN	A3.10 CONCEPTUAL RENDERINGS	L5.02 IRRIGATION PLAN - PODIUM LEVEL	
A1.1 EXISTING SURVEY	A3.11 CONCEPTUAL RENDERINGS	L5.03 IRRIGATION PLAN - ROOF DECK	
A2.0 PLAN AT BASEMENT LEVEL	MAT BUILDING MATERIALS		
A2.1 PLAN AT GROUND LEVEL	A4.1 SECTIONS		
A2.2 PLAN AT LEVEL 2			
A2.3 PLAN AT LEVEL 3			
A2.4 PLAN AT LEVELS 4-22	<b>CIVIL</b>		
A2.5 PLAN AT LEVEL 23	C1.0 PRELIMINARY GRADING AND DRAINAGE PLAN		
A2.6 PLAN AT ROOF LEVEL	C2.0 PRELIMINARY STORMWATER CONTROL PLAN		

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JOB: 2327

SHEET:

**GENERAL  
INFORMATION**

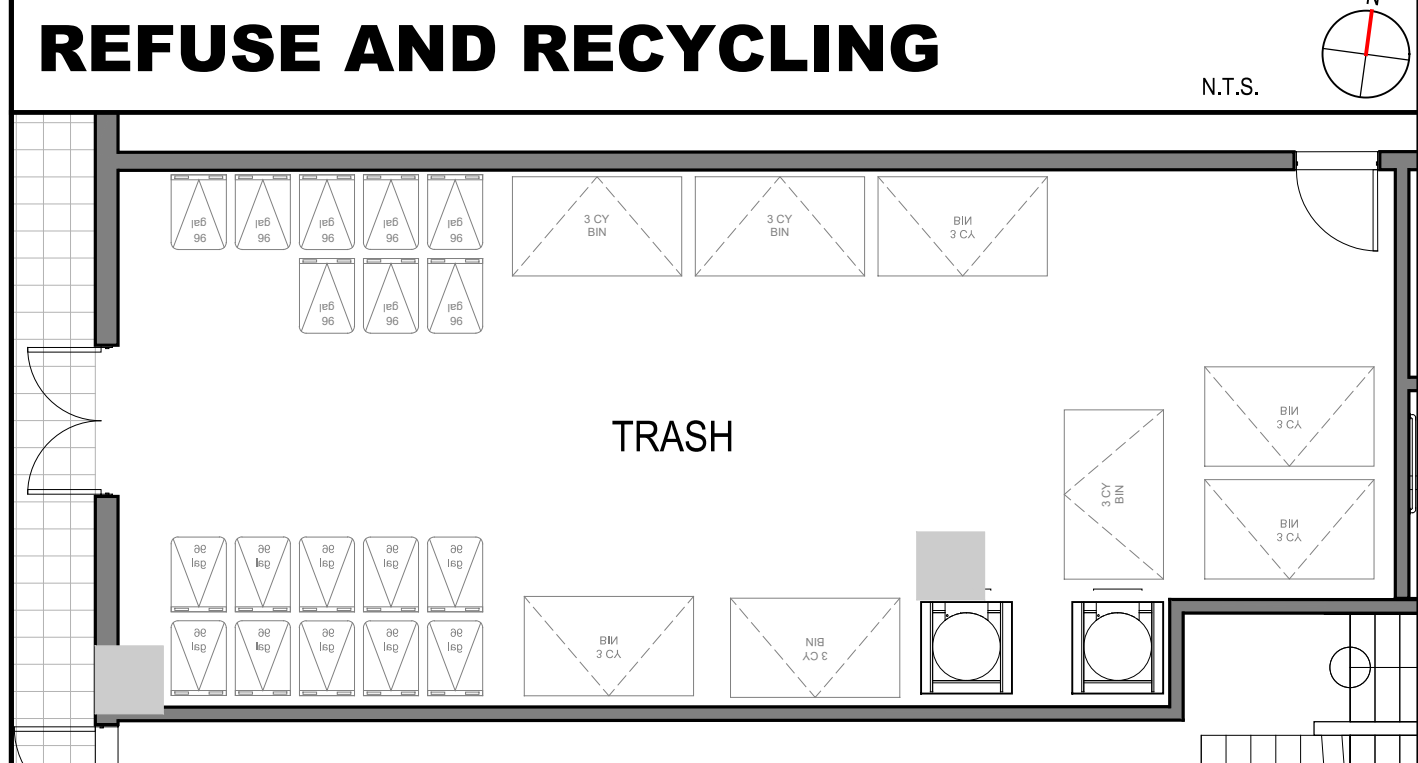
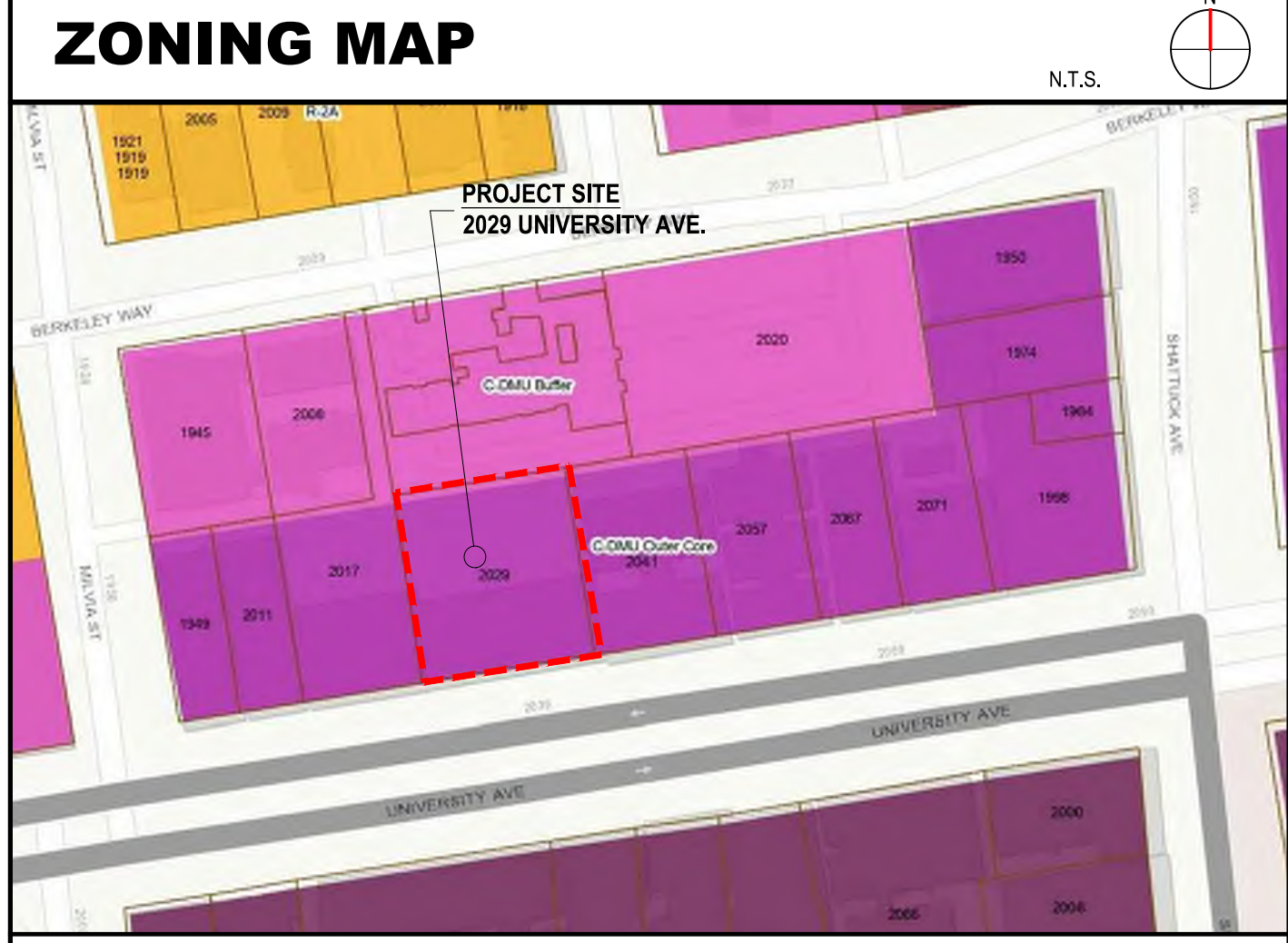
**A0.0**

### ZONING CODE DATA

ZONING	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING	C-DMU Outer Core			COMPLIES
TOTAL LOT SIZE (SQ. FT.)	12,385			COMPLIES
TOTAL LOT SIZE (ACRES)	0.28			COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	15.41	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	240	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	280	COMPLIES
HEIGHT - FEET	60'-0"	75'-0"	256'-0"	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES	NA	NA	23	COMPLIES
LOT COVERAGE	NA	NA	90%	COMPLIES
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - REAR (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	29	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	NA	NA	0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	94	94	167	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	7	7	8	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	NA	NA	0	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	19200	19200	2055	COMPLIES W/ SDB WAIVER
COMMERCIAL PRIVATELY OWNED OPEN SPACE	NA	NA	NA	COMPLIES

PARKING CALCULATIONS						
	QNTY	CARS	PER	REQ'D	PROVIDED	
RESIDENTIAL (none per Table 23.322-2)	240	0	0	0	29	

BICYCLE PARKING CALCULATIONS						
	QNTY	BIKES	PER	REQ'D	PROVIDED	
RESIDENTIAL (LONG TERM) (PER BEDROOM)	280	1	3	94	167	
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	280	1	40	7	8	



Waste and Recycling Calculation						
# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)	Waste (40%)	Recycling (40%)	Compost (20%)
280	1.00	280	23.33 cy	4,667 gal	9,333 cuft	1,867 gal
				1,867 gal	1,867 gal	933 gal
Space Calculation						
Container Quantities			Space Required			
Waste	Recycling	Compost	Factor/container	Space/Container	Required	Provided
3cy bin (605 gal)	2	2		28 sf	112 sf	
2cy bin (404 gal)	1	1		28 sf	56 sf	
96 gallon cart	3	3	10	7 sf	112 sf	
64 gallon cart				6 sf	sf	
Total capacity	1902 gal	1902 gal	960 gal	280 sf	420 sf	375

SETBACKS TABLE				
	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	0' TO 3'	COMPLIES
21'-75'	0'	0'	0' TO 6"	COMPLIES
76'-120'	15'	0'	0' TO 1'-4"	COMPLIES W/ UP
> 120'	15'	0'	0' TO 31'-0"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10"	COMPLIES
21'-75'	0'	0'	10' TO 11'-4"	COMPLIES
76'-120'	5'	0'	10' TO 11'-4"	COMPLIES
> 120'	15'	0'	15' TO 16'-6"	COMPLIES
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10"	COMPLIES
21'-75'	5'	0'	10' TO 11'-4"	COMPLIES
76'-120'	15'	0'	10' TO 11'-4"	COMPLIES W/ UP
> 120'	15'	0'	16'-6" TO 34'-10"	COMPLIES
SETBACK - REAR				
0'-20'	0'	0'	6"	COMPLIES
21'-75'	5'	0'	6'-6" TO 9'-6"	COMPLIES
76'-120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
> 120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
MAX. WIDTH DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER

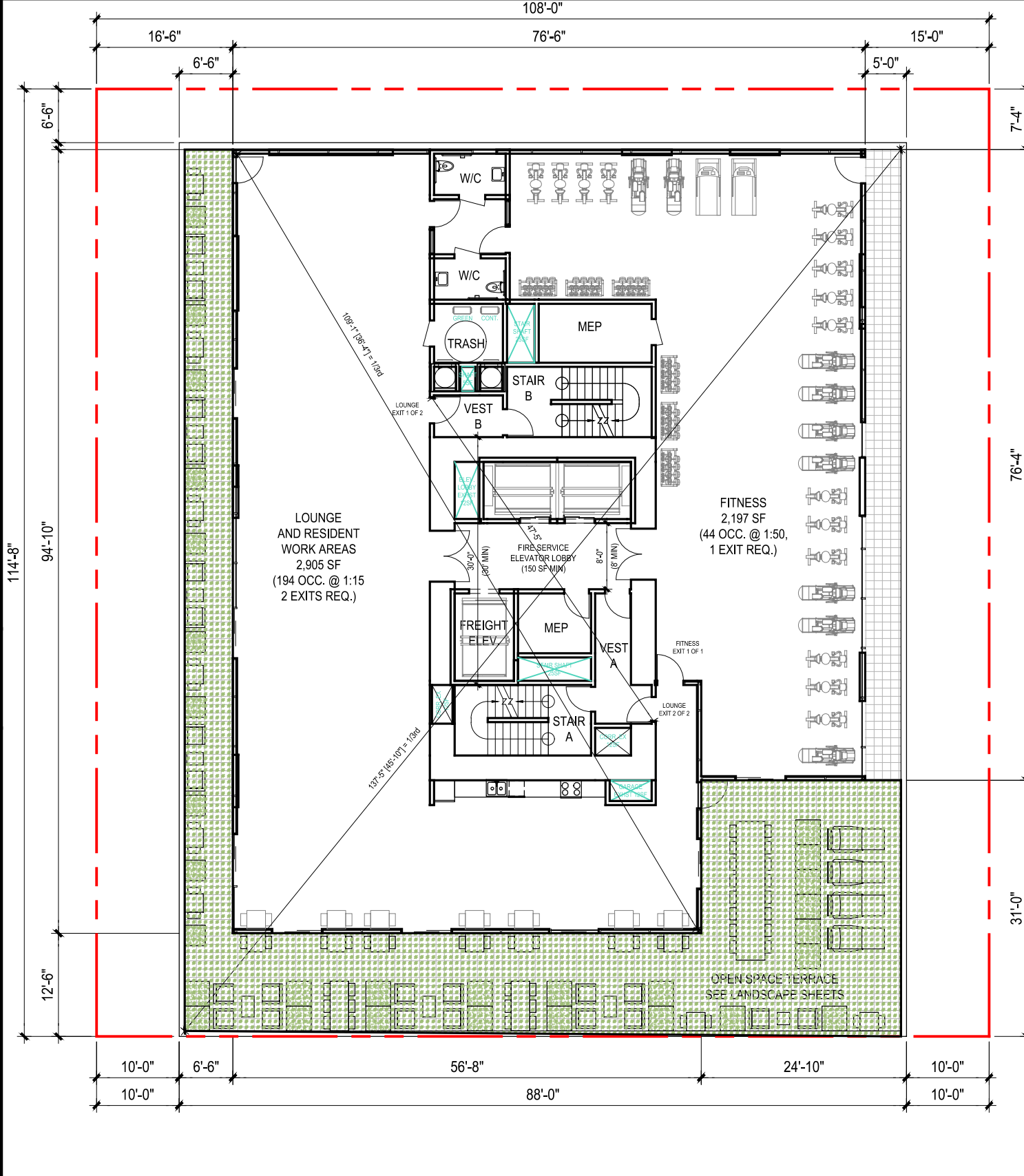
OPEN SPACE CALCULATIONS					
	UNITS	SF / UNIT	TOTAL REQ'D	23RD FLOOR TERRACE	TOTAL PROVIDED
RESIDENTIAL UNITS	240	80	19,200	2,055	2,055
Landscape		40%	822	690	690

ROOFTOP ARCHITECTURAL ELEMENTS CALCS		
	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		8,218
AREA OF ROOFTOP ARCH. ELEMENTS	1,233	1,167
% AREA OF ROOFTOP ARCH. FEATURES	15.0%	14.2%

AREA TABLE	
	RESIDENTIAL
LEVEL 23	6,219
LEVEL 22	8,698
LEVEL 21	8,698
LEVEL 20	8,698
LEVEL 19	8,698
LEVEL 18	8,698
LEVEL 17	8,698
LEVEL 16	8,698
LEVEL 15	8,698
LEVEL 14	8,698
LEVEL 13	8,698
LEVEL 12	8,698
LEVEL 11	8,698
LEVEL 10	8,698
LEVEL 9	8,698
LEVEL 8	8,698
LEVEL 7	8,698
LEVEL 6	8,698
LEVEL 5	8,698
LEVEL 4	8,698
LEVEL 3	8,698
LEVEL 2	1,188
GROUND LEVEL	7,742
BASEMENT	3,023
<b>TOTAL</b>	<b>192,132</b>

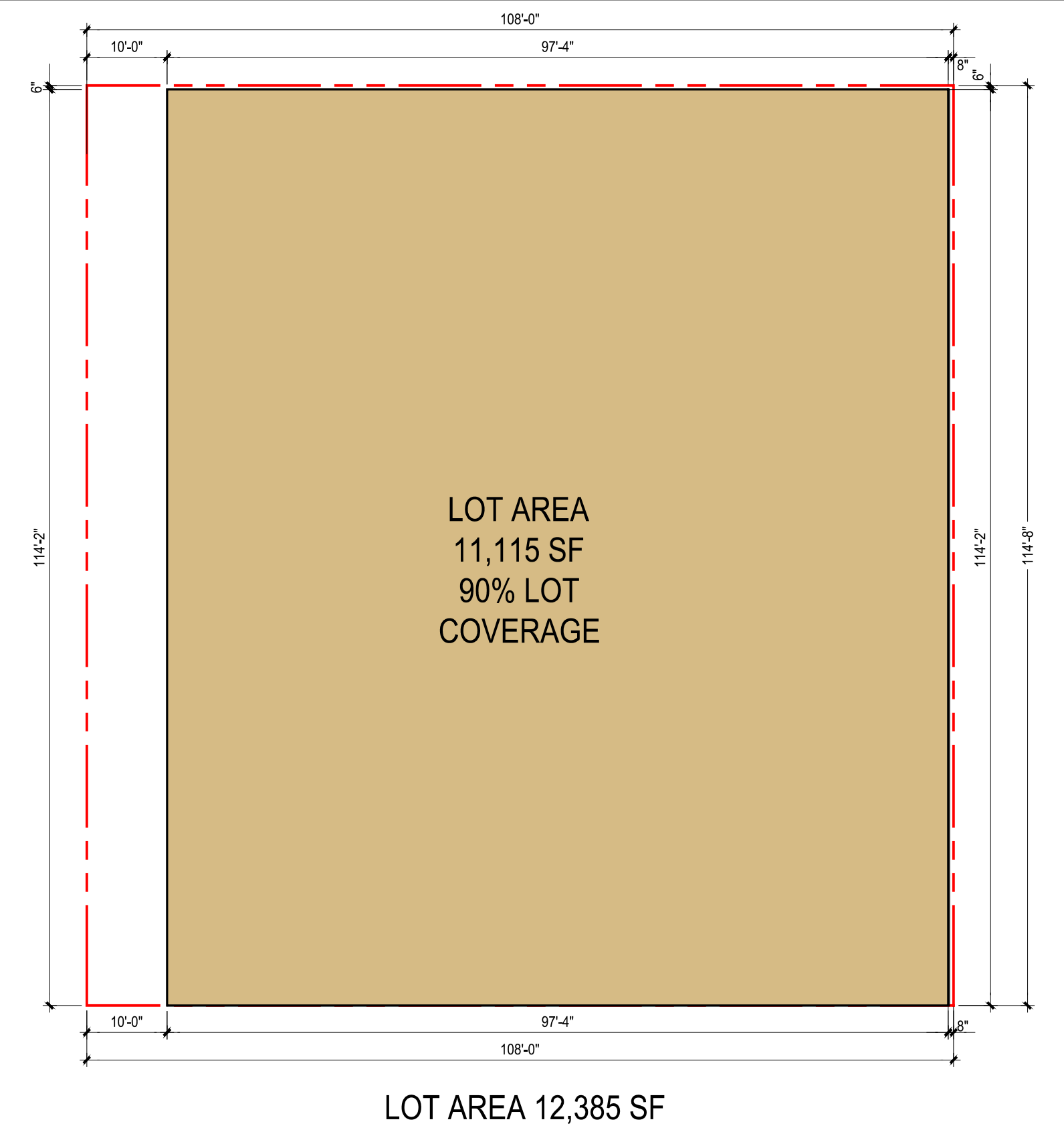
DWELLING UNIT TABLE				
	STUDIO	JR-1 BD	1 BD	2 BD
LEVEL 23				
LEVEL 22	4	3	3	2
LEVEL 21	4	3	3	2
LEVEL 20	4	3	3	2
LEVEL 19	4	3	3	2
LEVEL 18	4	3	3	2
LEVEL 17	4	3	3	2
LEVEL 16	4	3	3	2
LEVEL 15	4	3	3	2
LEVEL 14	4	3	3	2
LEVEL 13	4	3	3	2
LEVEL 12	4	3	3	2
LEVEL 11	4	3	3	2
LEVEL 10	4	3	3	2
LEVEL 9	4	3	3	2
LEVEL 8	4	3	3	2
LEVEL 7	4	3	3	2
LEVEL 6	4	3	3	2
LEVEL 5	4	3	3	2
LEVEL 4	4	3	3	2
LEVEL 3	4	3	3	2
LEVEL 2				
GROUND LEVEL				
<b>TOTAL UNITS</b>	<b>80</b>	<b>60</b>	<b>60</b>	<b>40</b>
<b>TOTAL BEDROOMS / UNIT</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>2</b>
<b>TOTAL BEDROOMS</b>	<b>80</b>	<b>60</b>	<b>60</b>	<b>80</b>

### OPEN SPACE DIAGRAMS



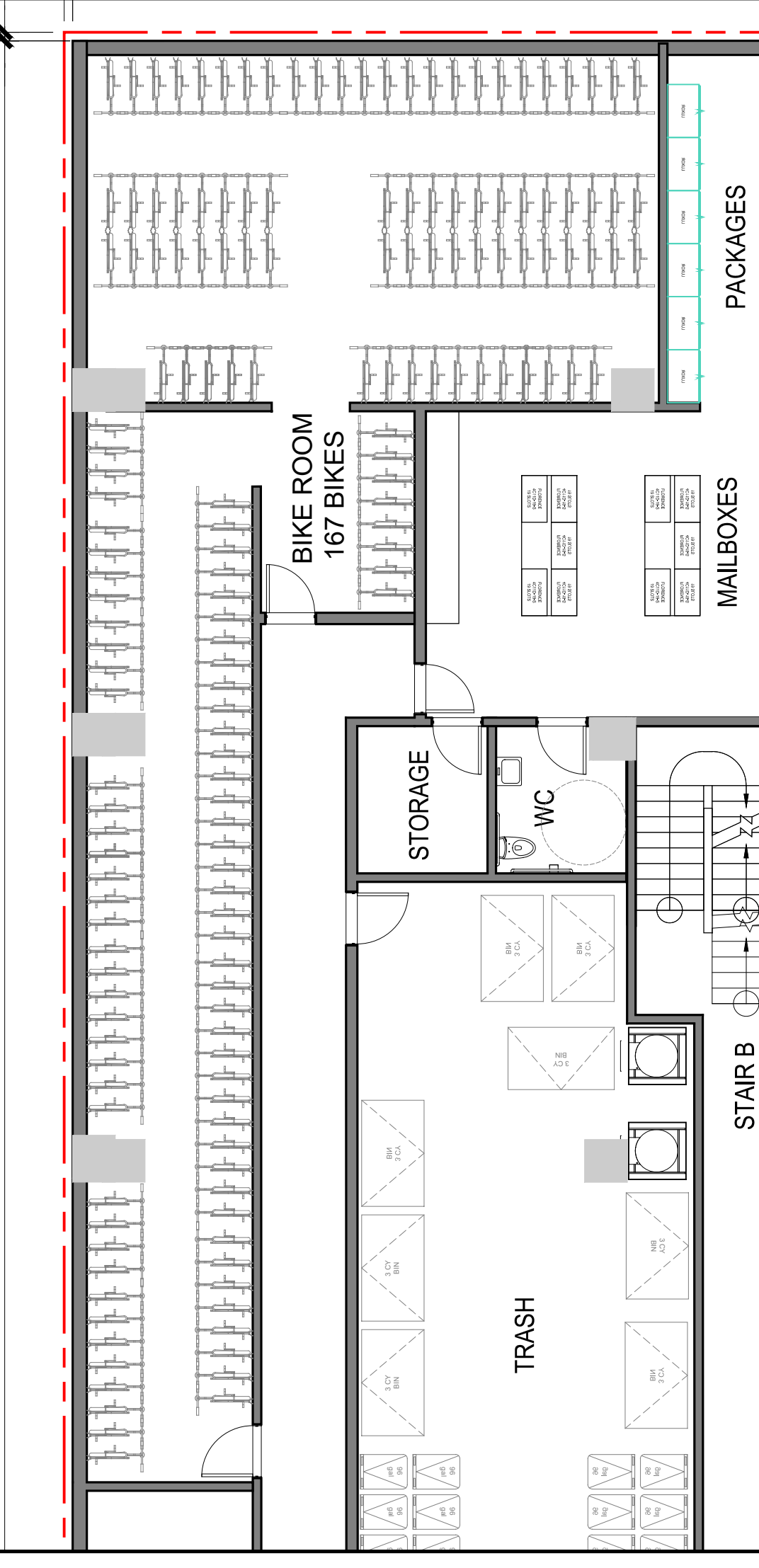
**LEVEL 23 USABLE OPEN SPACE PLAN**  
**2,055sf**

### LOT COVERAGE DIAGRAMS



**LOT AREA 11,115 SF**  
**90% LOT COVERAGE**

### BIKE PARKING



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ZONING DATA

# A0.1

DENSITY BONUS TABLE										
Base Project	Base Units Calculation	Base # Units	% VLI Units	# VLI Units	% MI Units	# MI Units	Bonus %	# DB Units	Maximum DB Project	Proposed Project
sq. ft. - see calculation below	base project area / avg unit size	base project units (rounded up)		% VLI x Base # Units (rounded up)		% MI x Base # Units (rounded up)		% Bonus x Base # Units (rounded up)	% Bonus x Base # Units (rounded up)	
95,417	119.19	120	15%	18	15%	18	100.0%	120	240	240

Base Project Res. Area	Floor	Proposed Project Res. Area	Base Project # of Units	Floor	Proposed Project # of Units	#VLI	%VLI	%DB	#DB
	Level 23	6,219		Level 23		6	5%	20.0%	144
	Level 22	8,698		Level 22	12	8	6%	22.5%	147
	Level 21	8,698		Level 21	12	9	7%	25.0%	150
	Level 20	8,698		Level 20	12	10	8%	27.5%	153
	Level 19	8,698		Level 19	12	11	9%	30.0%	156
	Level 18	8,698		Level 18	12	12	10%	32.5%	159
	Level 17	8,698		Level 17	12	14	11%	35.0%	162
	Level 16	8,698		Level 16	12	15	12%	37.5%	167
	Level 15	8,698		Level 15	12	16	13%	42.5%	171
	Level 14	8,698		Level 14	12	17	14%	46.3%	176
	Level 13	8,698		Level 13	12	18	15%	50.0%	180
	Level 12	8,698		Level 12	12				
	Level 11	8,698		Level 11	12	6	5%	20.0%	204
	Level 10	8,698		Level 10	12	8	6%	22.5%	207
	Level 9	8,698		Level 9	12	9	7%	25.0%	210
	Level 8	8,698	18	Level 8	12	10	8%	27.5%	213
	Level 7	8,698	17	Level 7	12	11	9%	30.0%	216
	Level 6	8,698	17	Level 6	12	12	10%	32.5%	219
	Level 5	8,698	17	Level 5	12	14	11%	35.0%	222
	Level 4	8,698	17	Level 4	12	15	12%	37.5%	227
	Level 3	8,698	17	Level 3	12	16	13%	42.5%	231
	Level 2	1,188	17	Level 2	12	17	14%	46.3%	236
	Ground	7,742		Ground		18	15%	50.0%	240
	Basement	3,023		Basement					
95,417	Total	192,132	120	Total	240				

Proposed Area:	192,132
Proposed Units:	240
Average Unit Size:	801

BASE PROJECT ZONING COMPLIANCE CHECKS					
ALLOWABLE BASE PROJECT WITH AVAILABLE AUP AND UP					
	UNMODIFIED REQUIREMENT	ALLOWABLE MODIFICATION	CODE SECTION	BASE PROJECT	COMPLIANCE CHECK
ZONING			C-DMU Outer Core		
TOTAL LOT SIZE (SQ. FT.)			12,385		
TOTAL LOT SIZE (ACRES)			0.28		
DWELLING UNITS	NA	NA		120	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		120	COMPLIES
HEIGHT - FEET	60'	75'	Table 23.204-37	75'	COMPLIES W/ UP
SETBACK - FRONT	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - REAR	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - INTERIOR SIDE	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
HEIGHT - STORIES		NOT LIMITED		8	
FAR		NOT LIMITED		NA	
OPEN SPACE		80 SF/UNIT		9,600	COMPLIES
OPEN SPACE LANDSCAPE		40% OF 9,600SF		3,840	COMPLIES
PARKING - RESIDENTIAL	NONE REQ'D	NONE REQ'D	Table 23.322-2	0	COMPLIES
RES. BIKE PARKING LONG TERM	1/3 BED ROOMS			40	COMPLIES
RES. BIKE PARKING SHORT TERM	1/40 BED ROOMS			3	COMPLIES
STORMWATER	4% OF ROOF AREA = 455SF			455	COMPLIES



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DENSITY BONUS DIAGRAMS

# A0.2

PROPOSED DENSITY BONUS PROJECT

BASE PROJECT

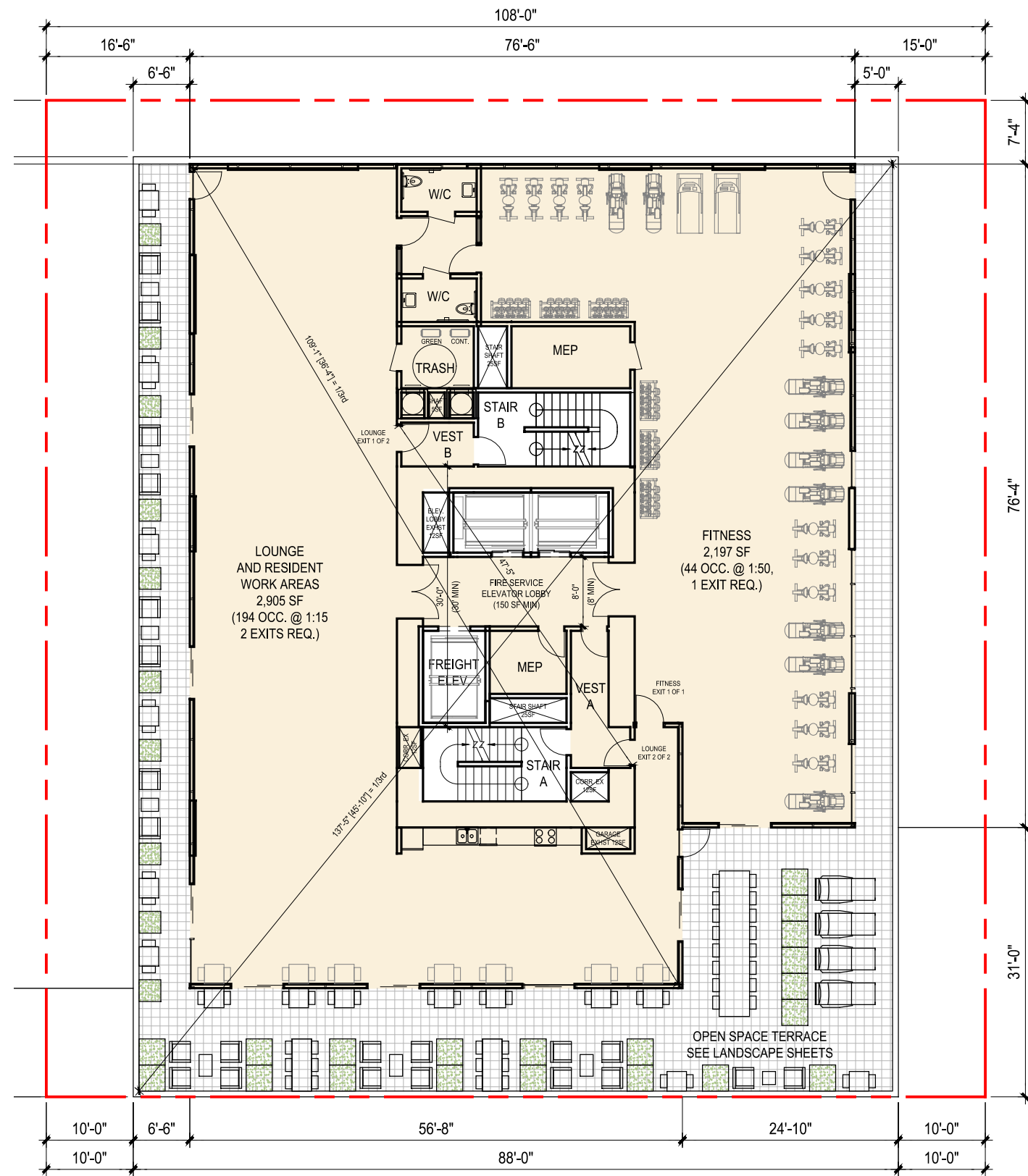
**PROPOSED PROJECT RESIDENTIAL UNIT FLOOR AREA DIAGRAM**

**PROPOSED PROJECT AREA AND UNIT CALCULATIONS**

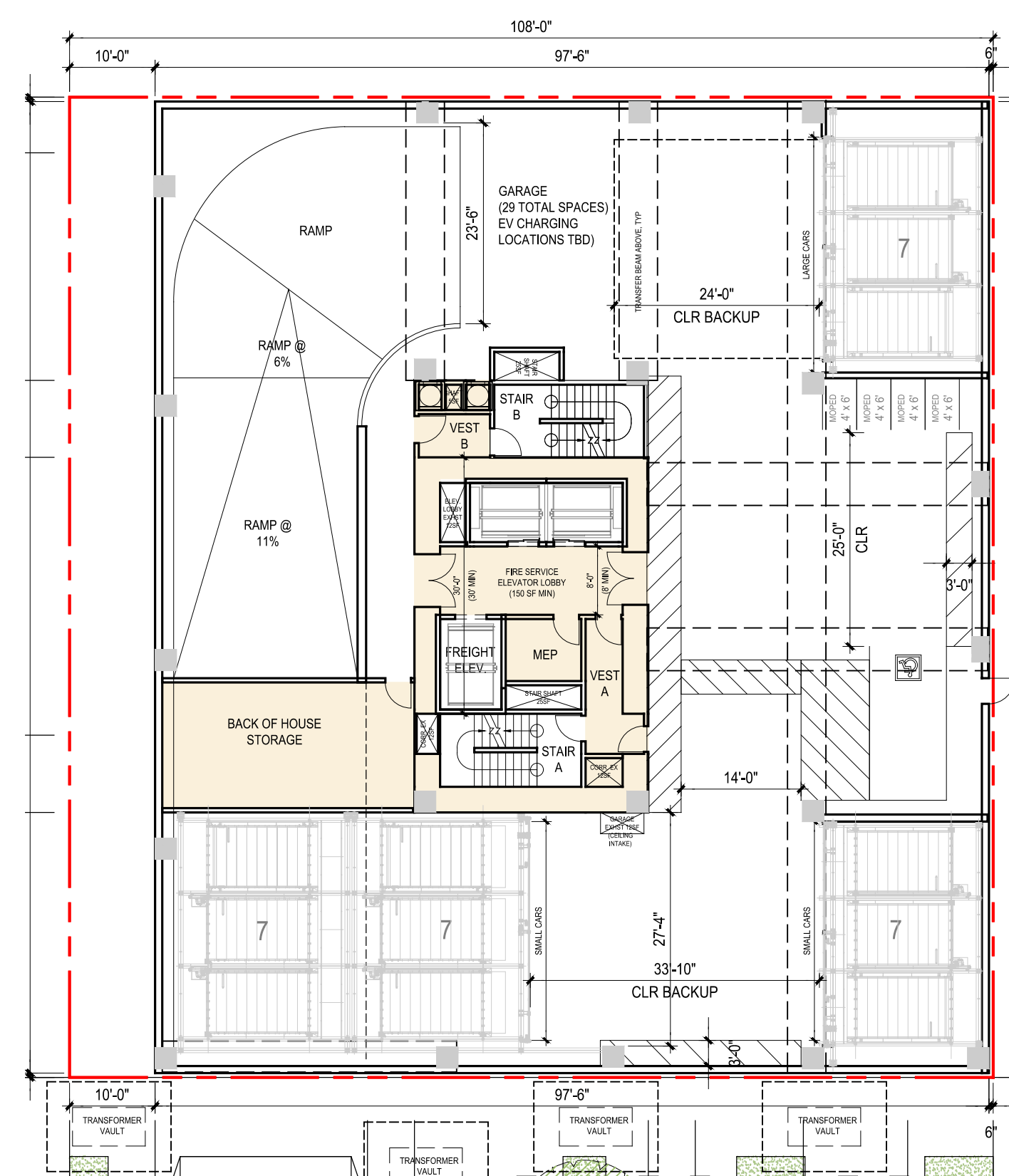
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**LEGEND**

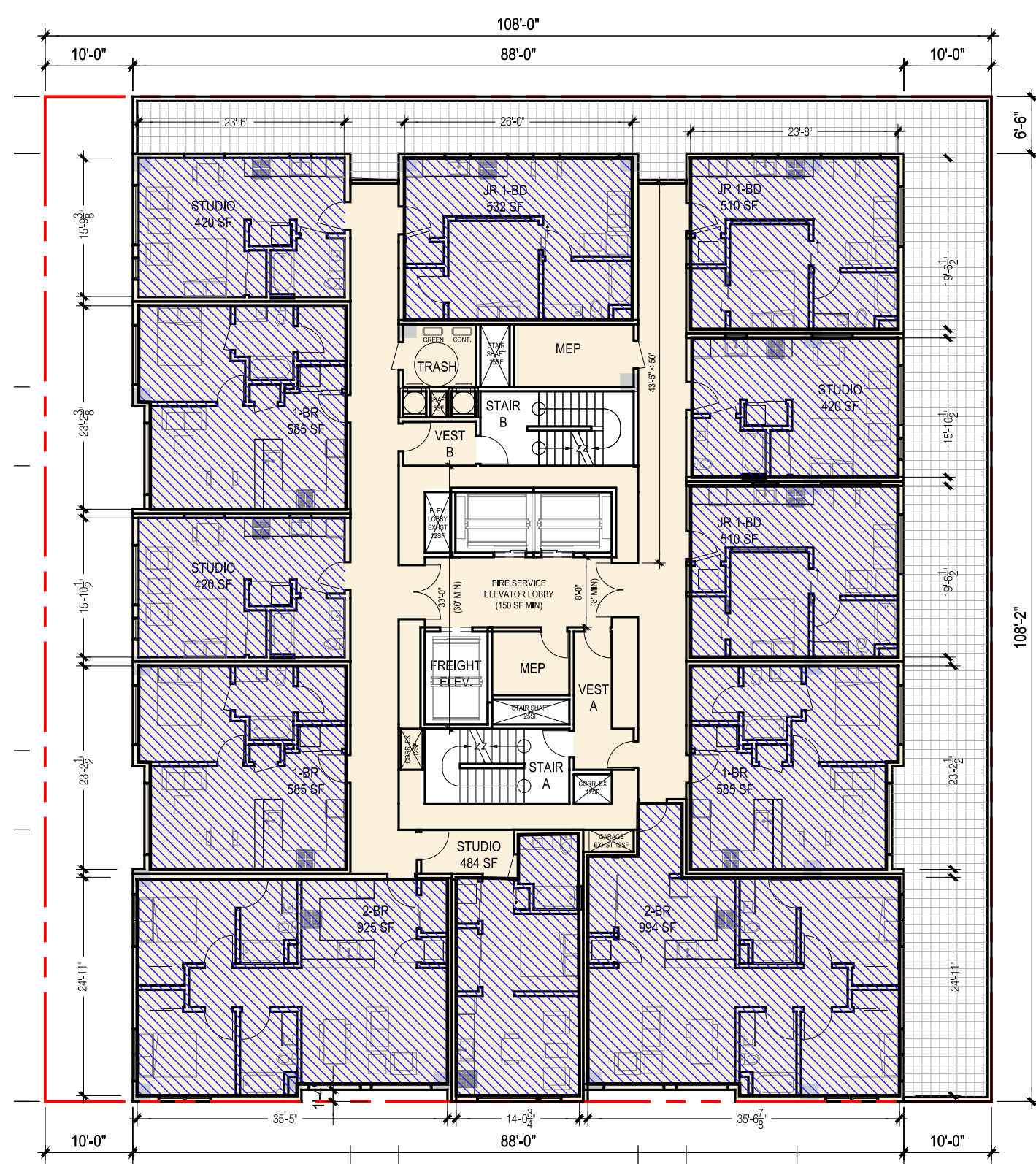
- DWELLING UNIT RUFA
- RESIDENTIAL AMENITY (NOT RUFA)



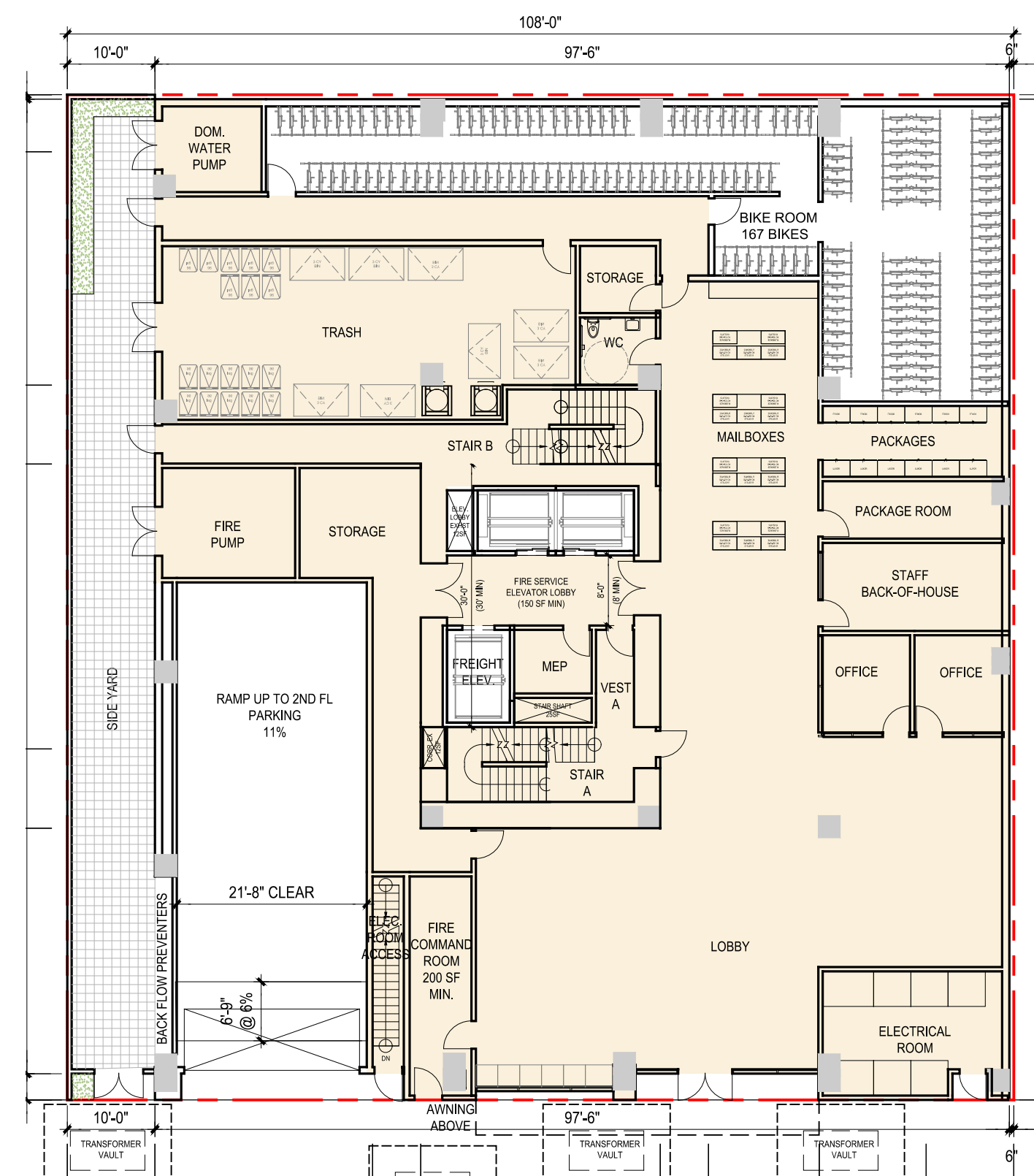
PLAN AT LEVEL 23



PLAN AT LEVEL 2



PLAN AT LEVELS 3-22



PLAN AT GROUND

**Calculation of the Final Proposed Residential Unit Floor Area:**

Floor	Proposed Project Res. Unit Area	Proposed Project Residential Units
23rd		
22nd	6,274	12
21st	6,274	12
20th	6,274	12
19th	6,274	12
18th	6,274	12
17th	6,274	12
16th	6,274	12
15th	6,274	12
14th	6,274	12
13th	6,274	12
12th	6,274	12
11th	6,274	12
10th	6,274	12
9th	6,274	12
8th	6,274	12
7th	6,274	12
6th	6,274	12
5th	6,274	12
4th	6,274	12
3rd	6,274	12
2nd		
1st		
<b>Final Proposed Residential Unit Floor Area</b>	<b>125,480</b>	<b>240</b>

**Calculation of Base Project Residential Floor Area:**

Final Proposed DB Residential Unit Floor Area	125,480	/
One plus the DB % (1 + 100%)	2	=
<b>Base Project Residential Unit Floor Area</b>	<b>62,740</b>	

**Calculation of the Affordable Housing Fee:**

A Total Base Project Residential Unit Floor Area	62,740	
B Total Base Project Units	120	
C Total BMR Requirements (20% of Base)	24	
D Total BMR Units Proposed	18	
Fee per Square Foot	\$62.83	X
Total Base Project Residential Unit Floor Area	62,740	X
In Lieu Fee Percentage Calculation (C-D)/C	25.00%	=
<b>Total Fee Due</b>	<b>\$985,488.55</b>	

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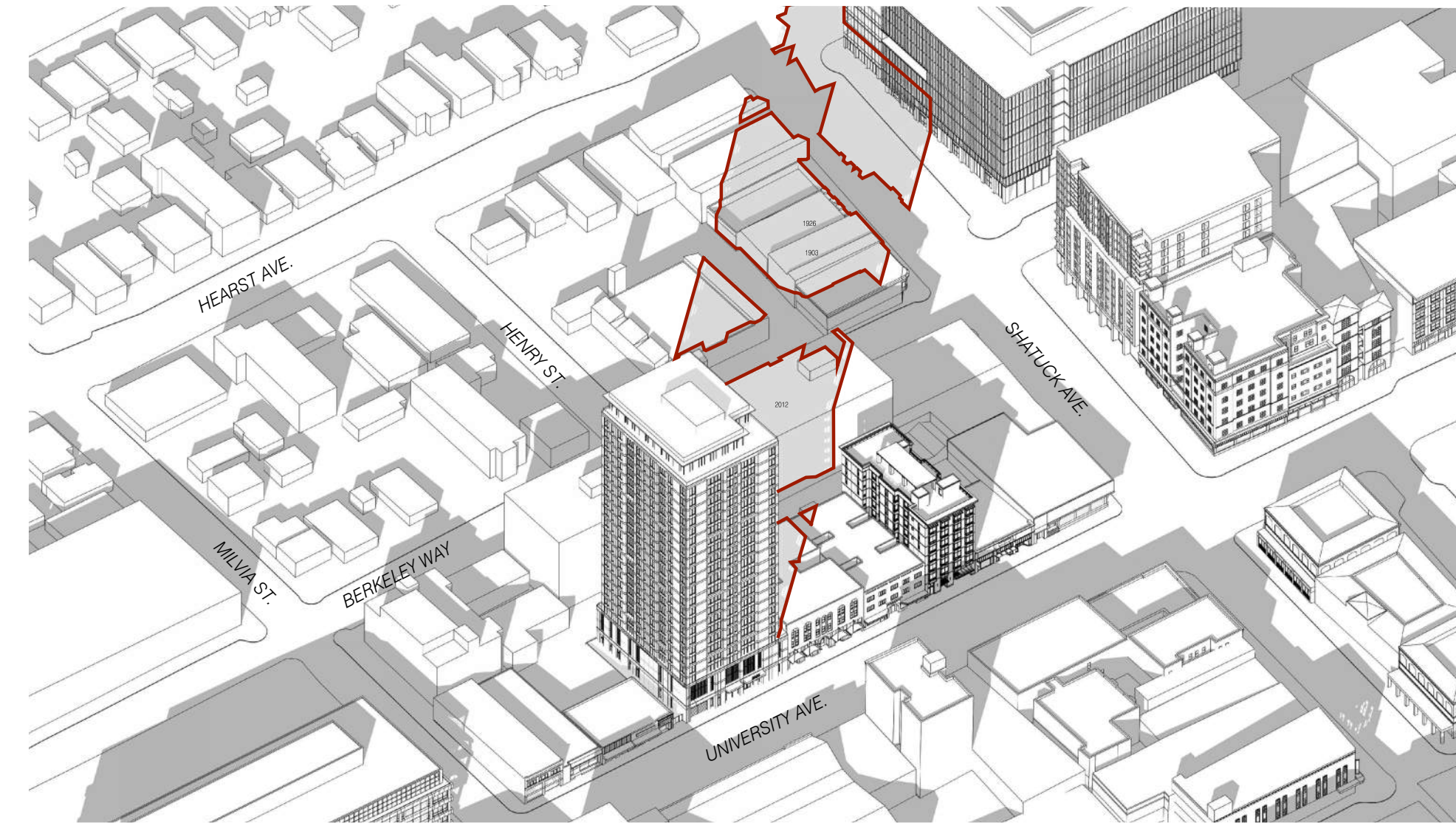
PRELIMINARY AHCP DIAGRAMS

**A0.3**

**WINTER SOLSTICE**  
 DEC 21ST:  
 2-HRS BEFORE SUNSET (PM)

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

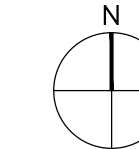
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



5 SHADOW STUDY - PM  
 1:160 @ 11X17 1:80 @ 24X36



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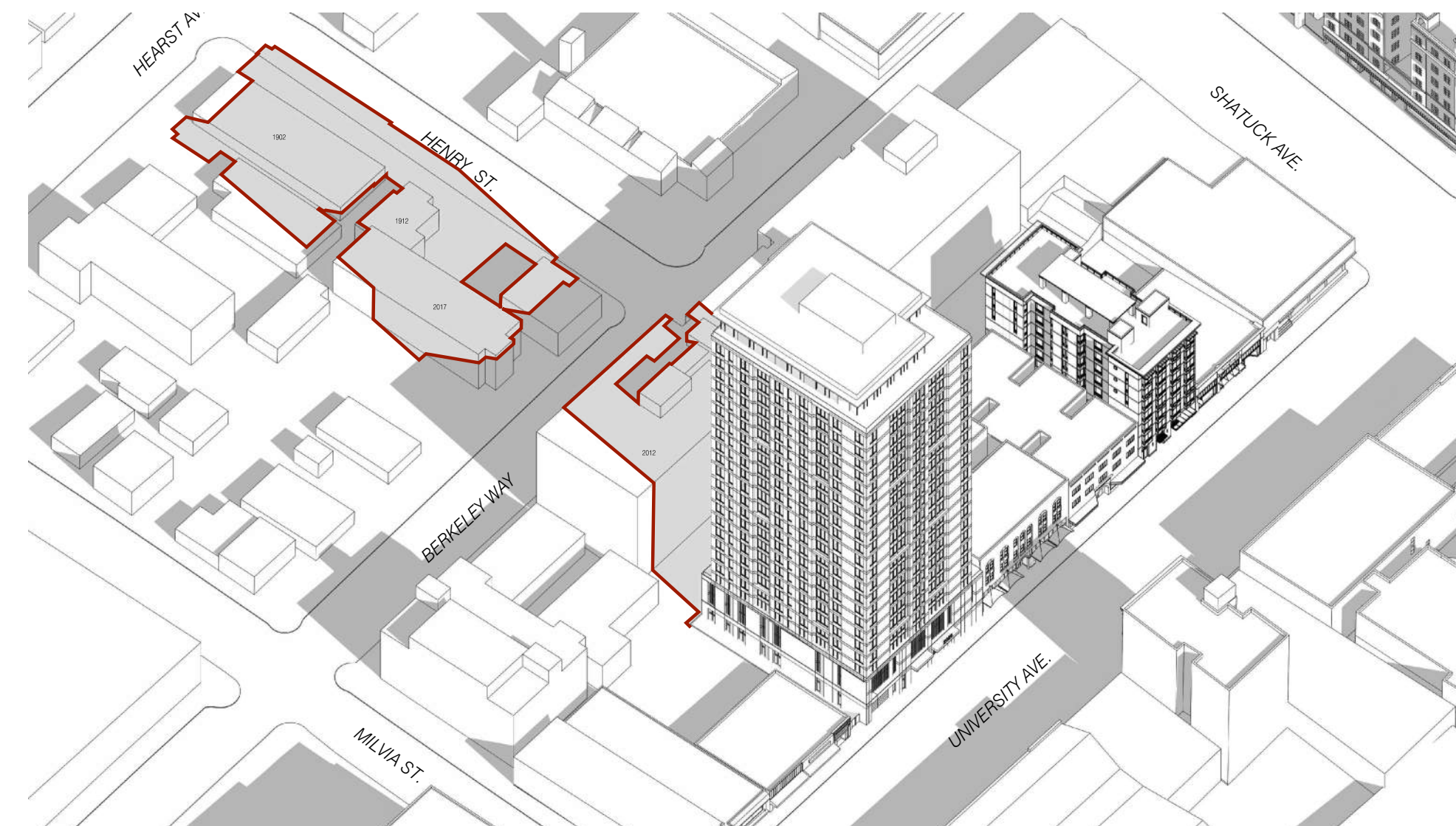
SHADOW STUDIES  
 DECEMBER 21ST

**A0.4A**

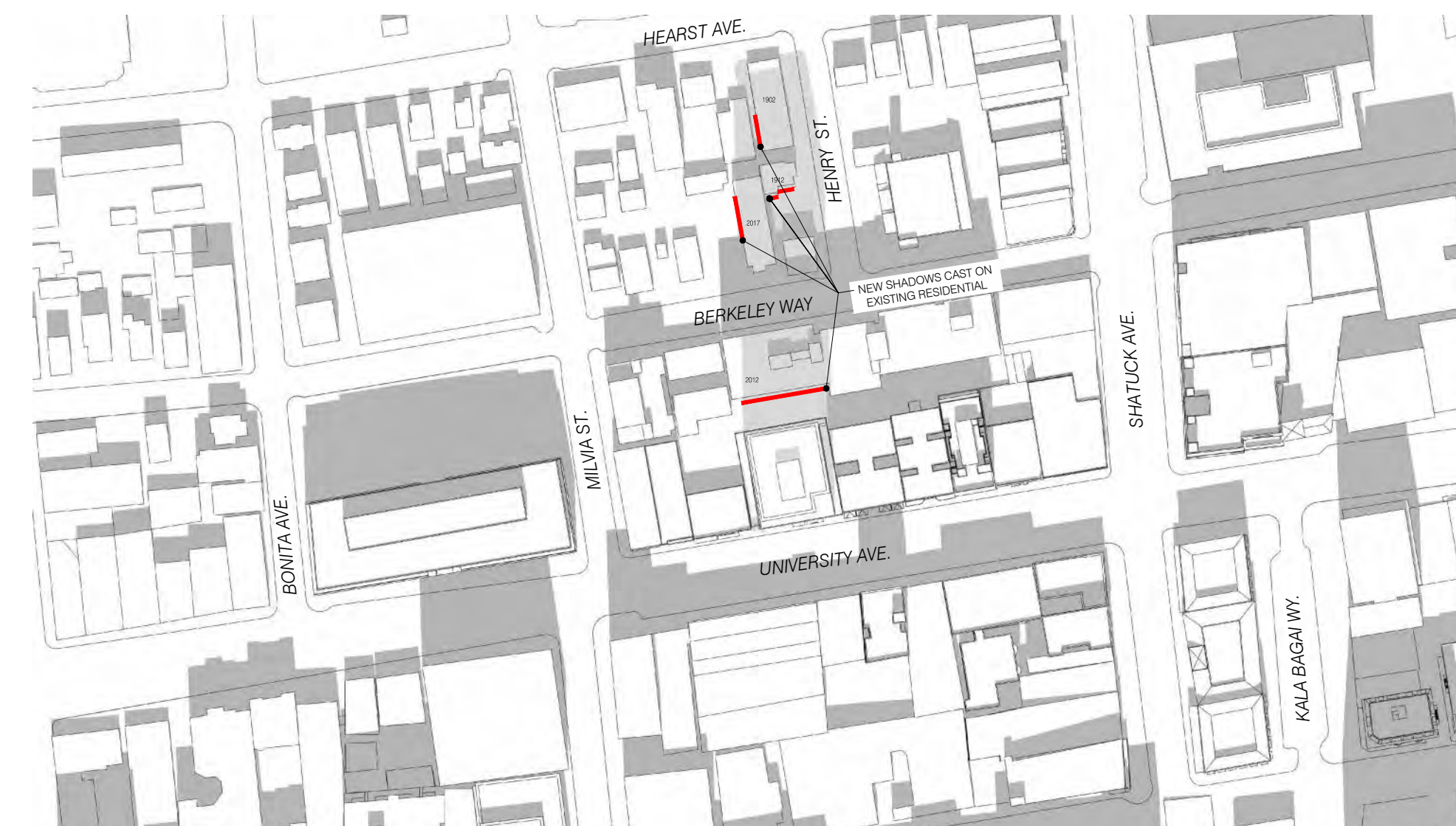
**WINTER SOLSTICE**  
 DEC 21ST:  
 NOON

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

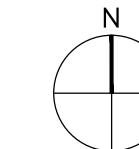
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.



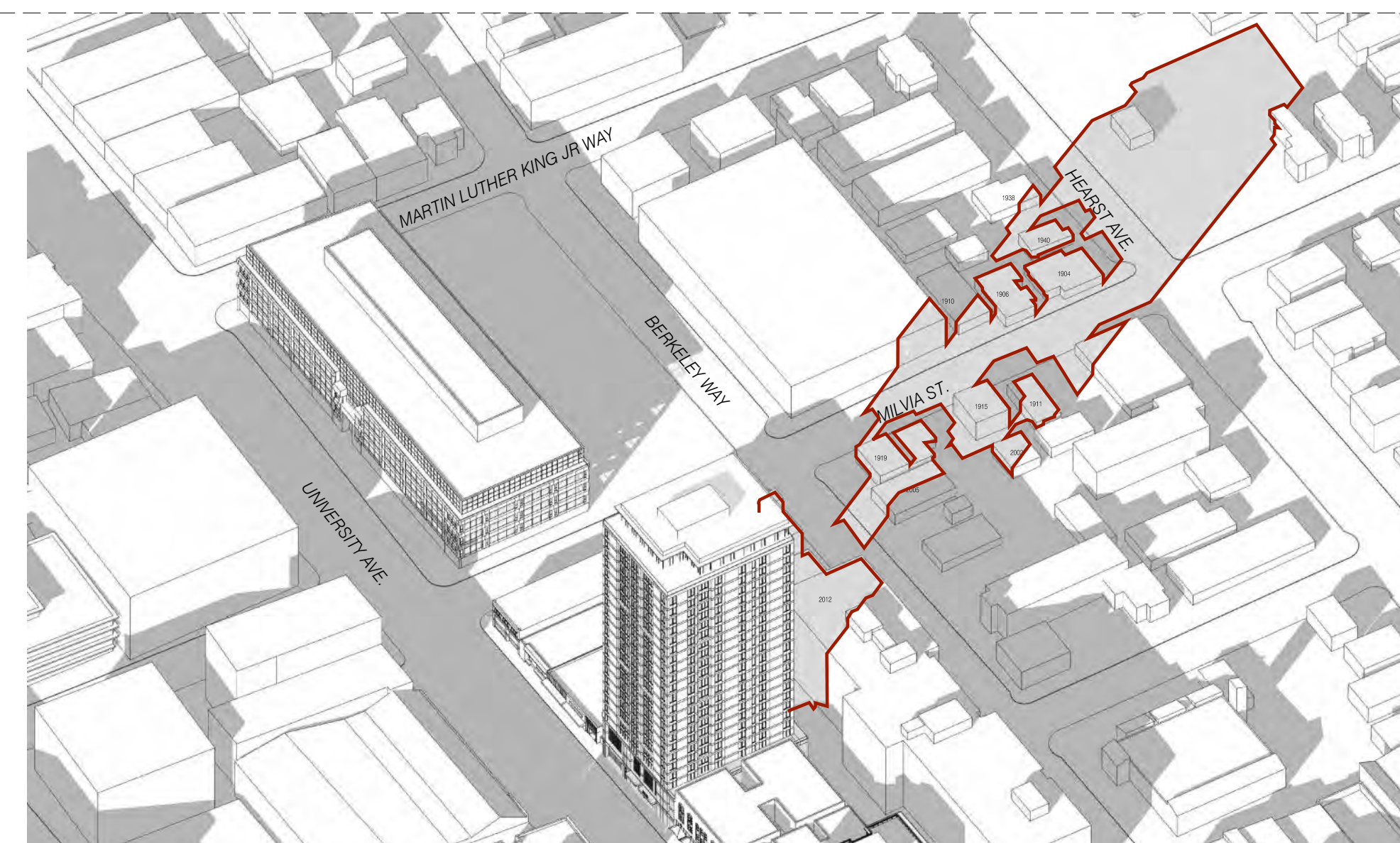
3 SHADOW STUDY - NOON  
 1:160 @ 11X17 1:80 @ 24X36



**WINTER SOLSTICE**  
 DEC 21ST:  
 2-HRS AFTER SUNRISE (AM)

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

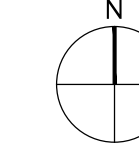
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



2 SHADOW STUDY AXONOMETRIC - AM  
 N.T.S.



1 SHADOW STUDY - AM  
 1:160 @ 11X17 1:80 @ 24X36

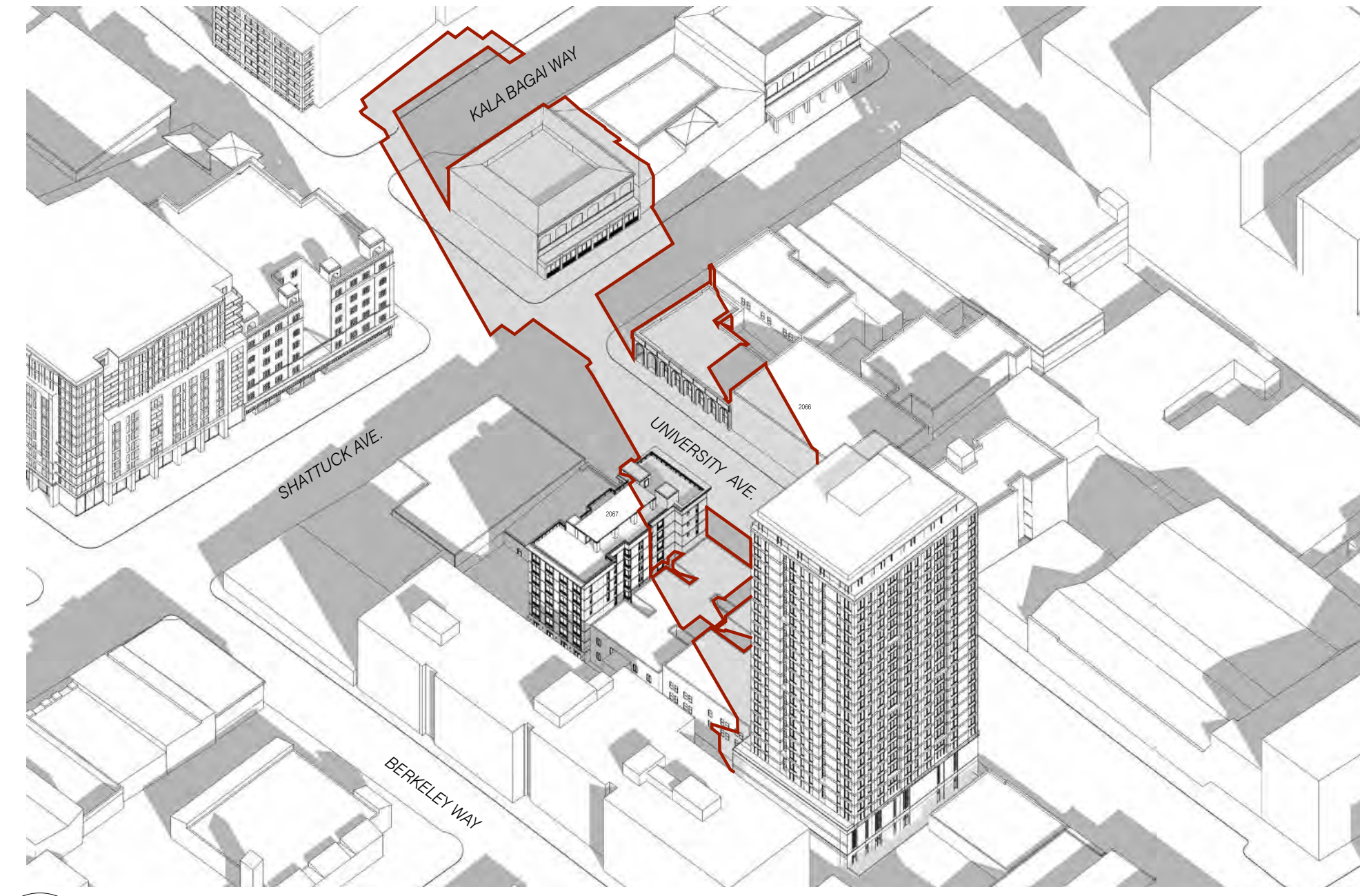




**SUMMER SOLSTICE**  
 JUN 21ST:  
 2-HRS BEFORE SUNSET (PM)

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

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



6 SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



5 SHADOW STUDY - PM  
 1:160 @ 11X17 1:80 @ 24X36

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SHEET:

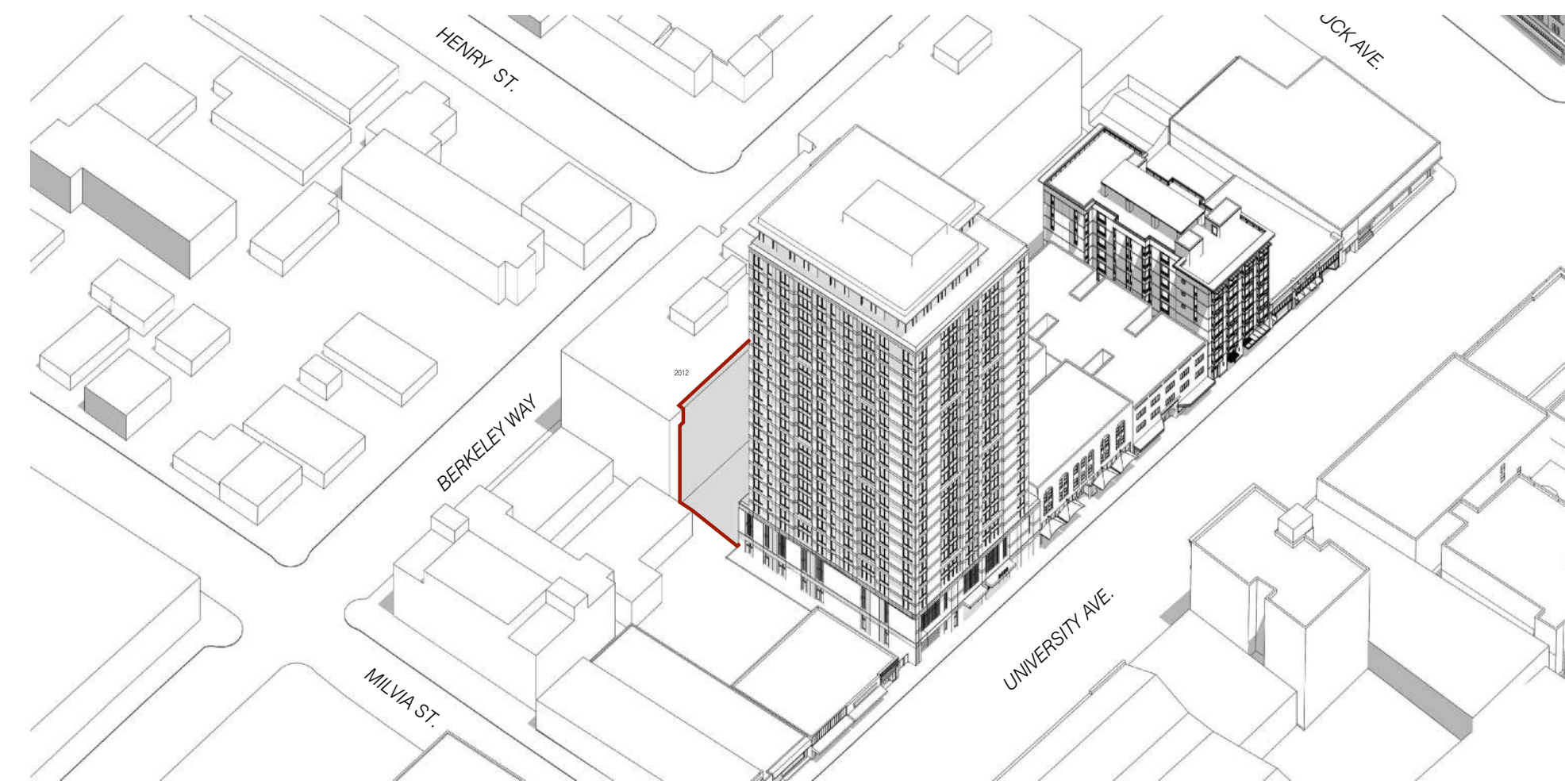
SHADOW STUDIES  
 JUNE 21ST

**A0.4B**

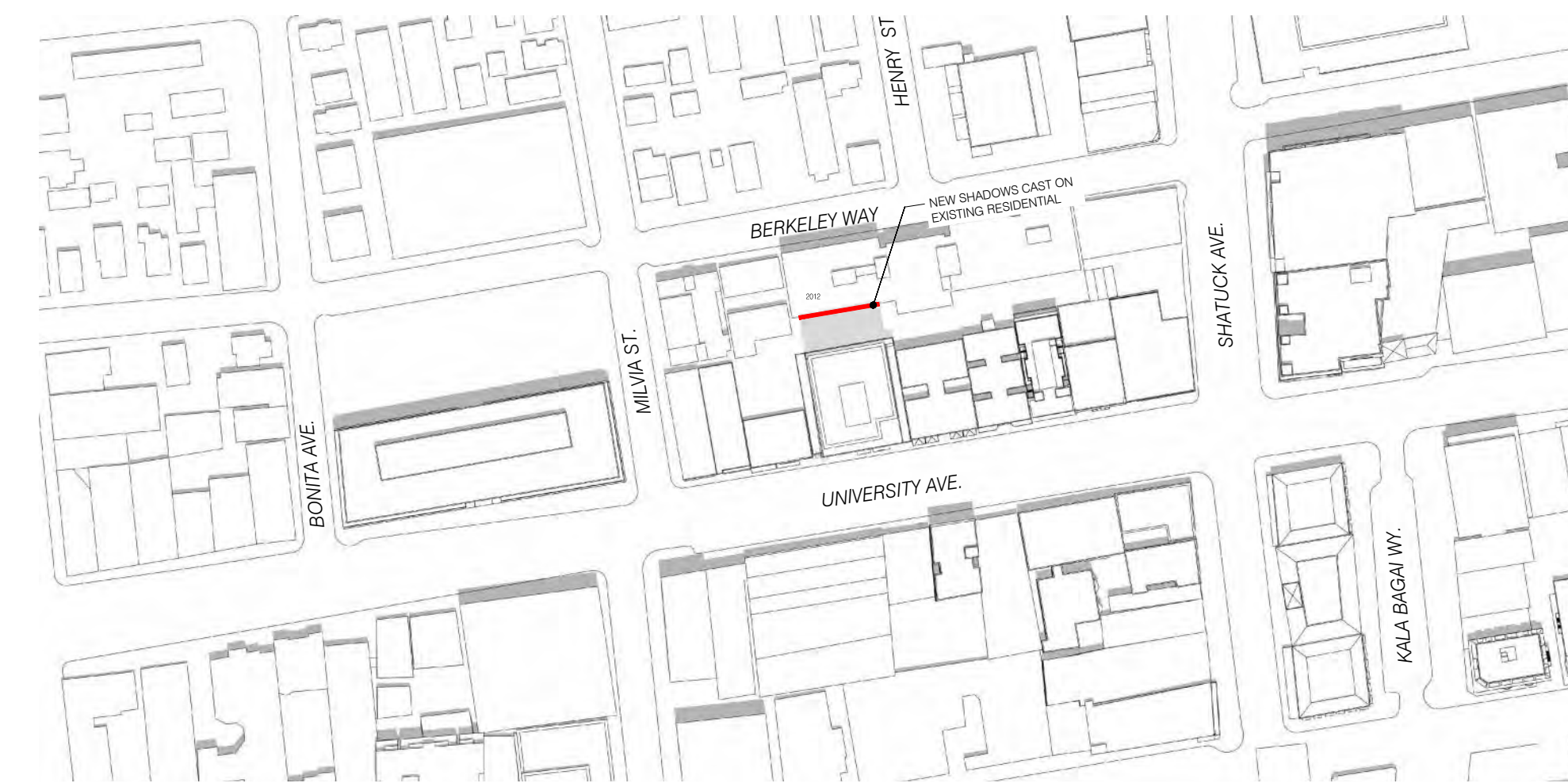
**SUMMER SOLSTICE**  
 JUN 21ST:  
 NOON

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

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.

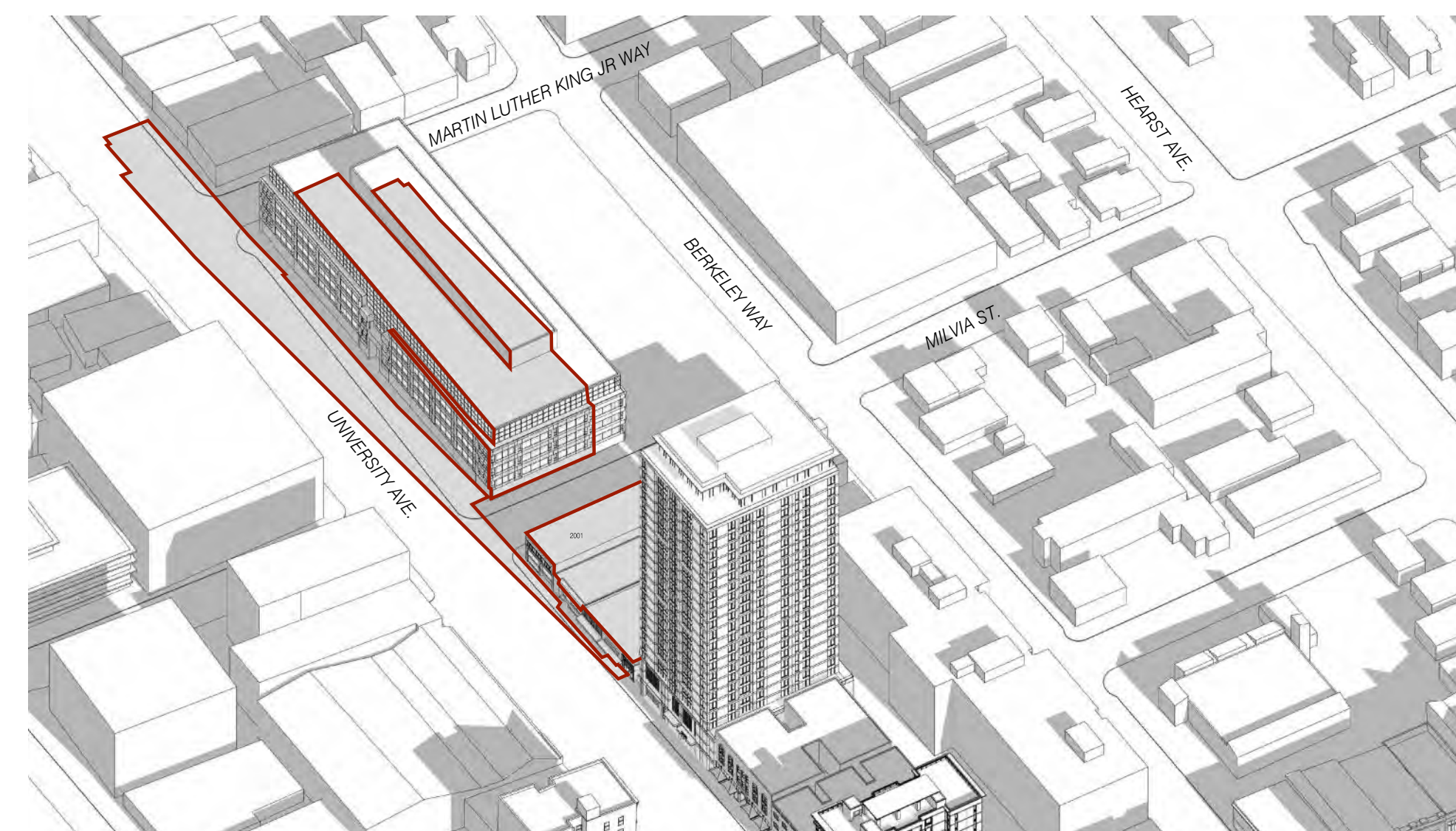


3 SHADOW STUDY - NOON  
 1:160 @ 11X17 1:80 @ 24X36

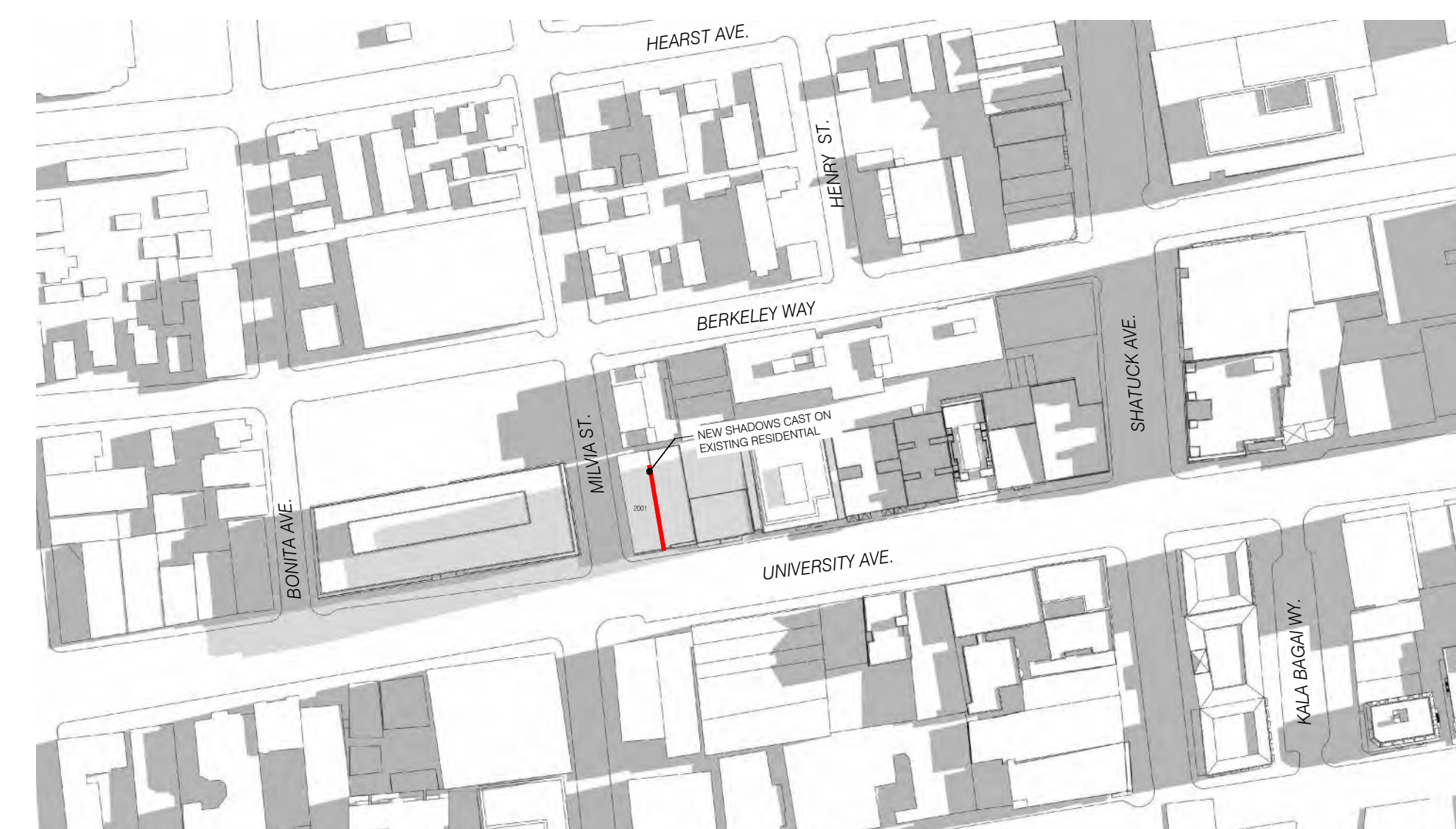
**SUMMER SOLSTICE**  
 JUN 21ST:  
 2-HRS AFTER SUNRISE (AM)

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

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS






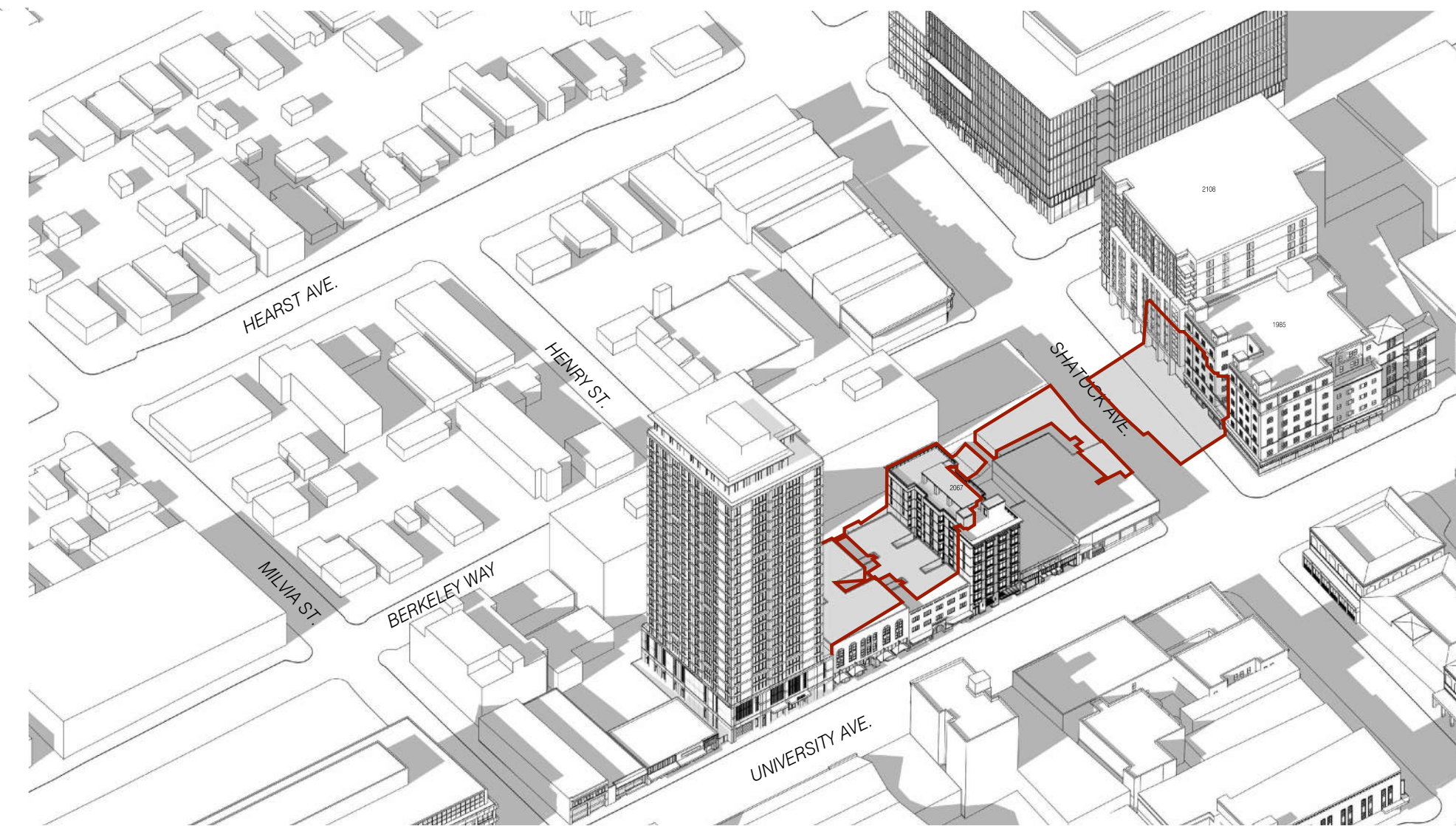
2 SHADOW STUDY AXONOMETRIC - AM  
 N.T.S.



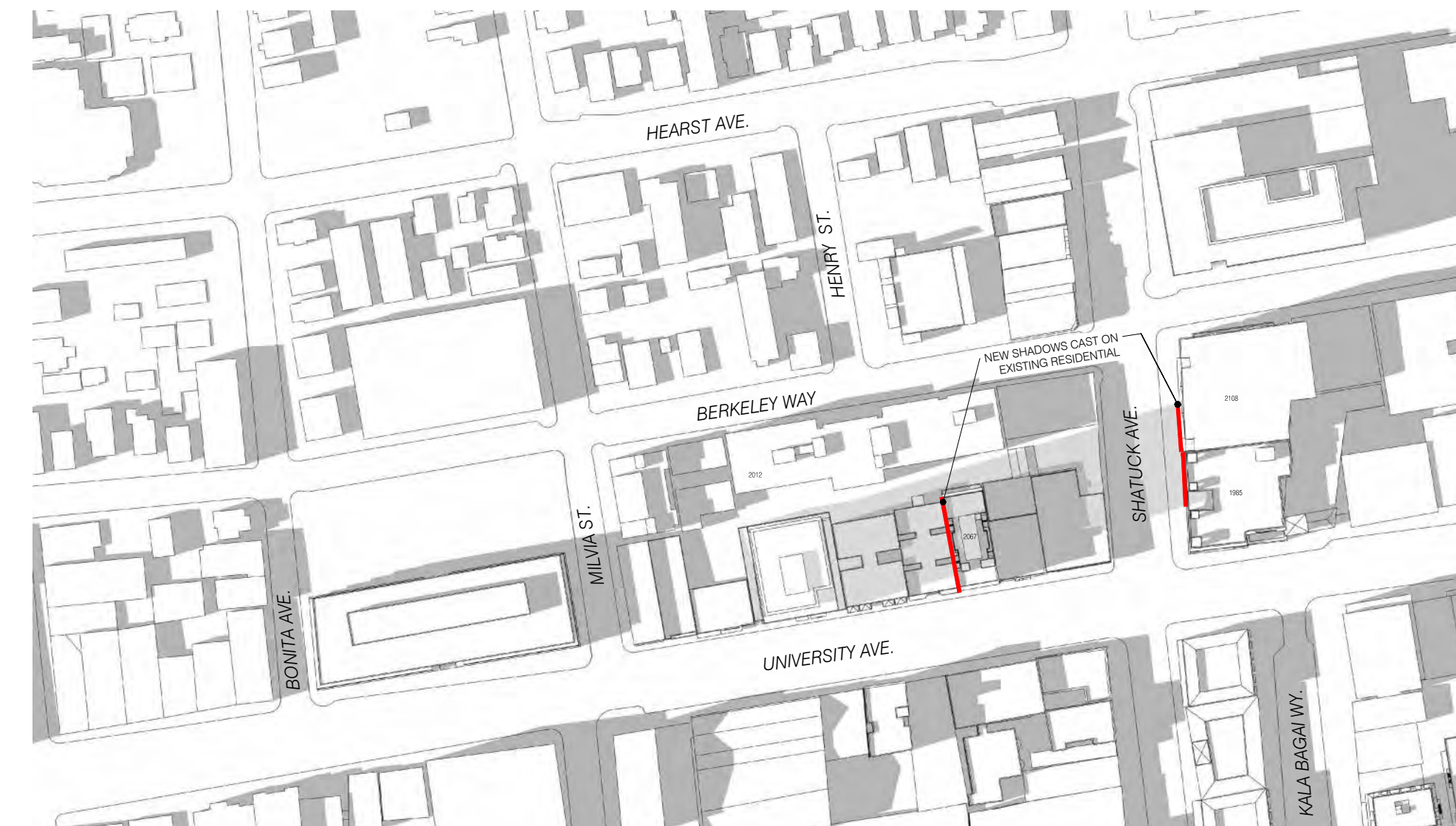
1 SHADOW STUDY - AM  
 1:160 @ 11X17 1:80 @ 24X36

**CURRENT**  
MAR 26TH:  
2-HRS BEFORE SUNSET (PM)

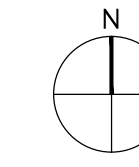
-  DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
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6 SHADOW STUDY AXONOMETRIC - PM  
N.T.S.



5 SHADOW STUDY - PM  
1:160 @ 11X17 1:80 @ 24X36



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JOB: 2327

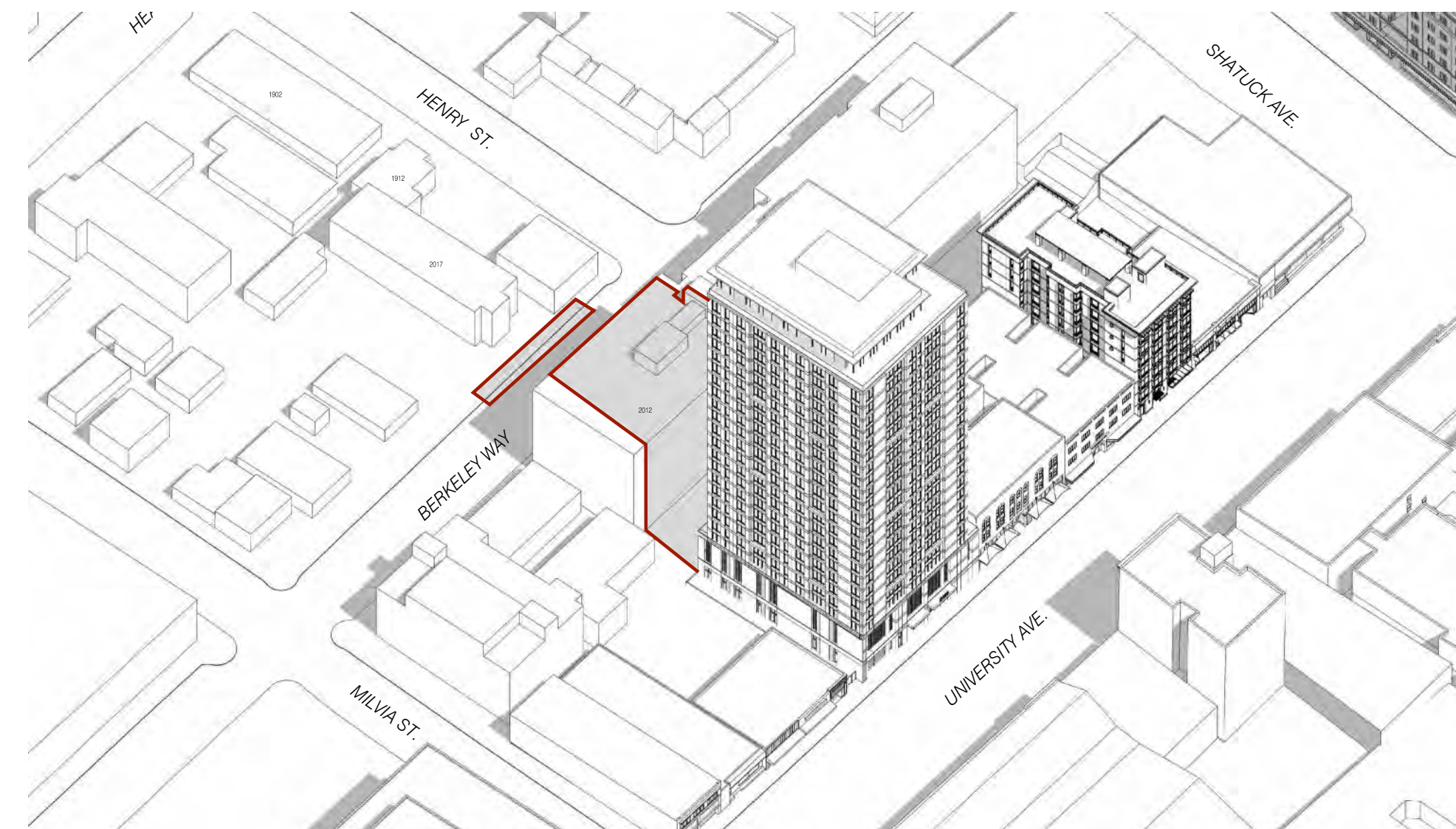
SHEET:

SHADOW STUDIES  
MARCH 26TH:

**A0.4C**

**CURRENT**  
MAR 26TH:  
NOON

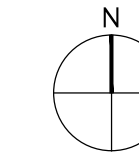
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4 SHADOW STUDY AXONOMETRIC - NOON  
N.T.S.

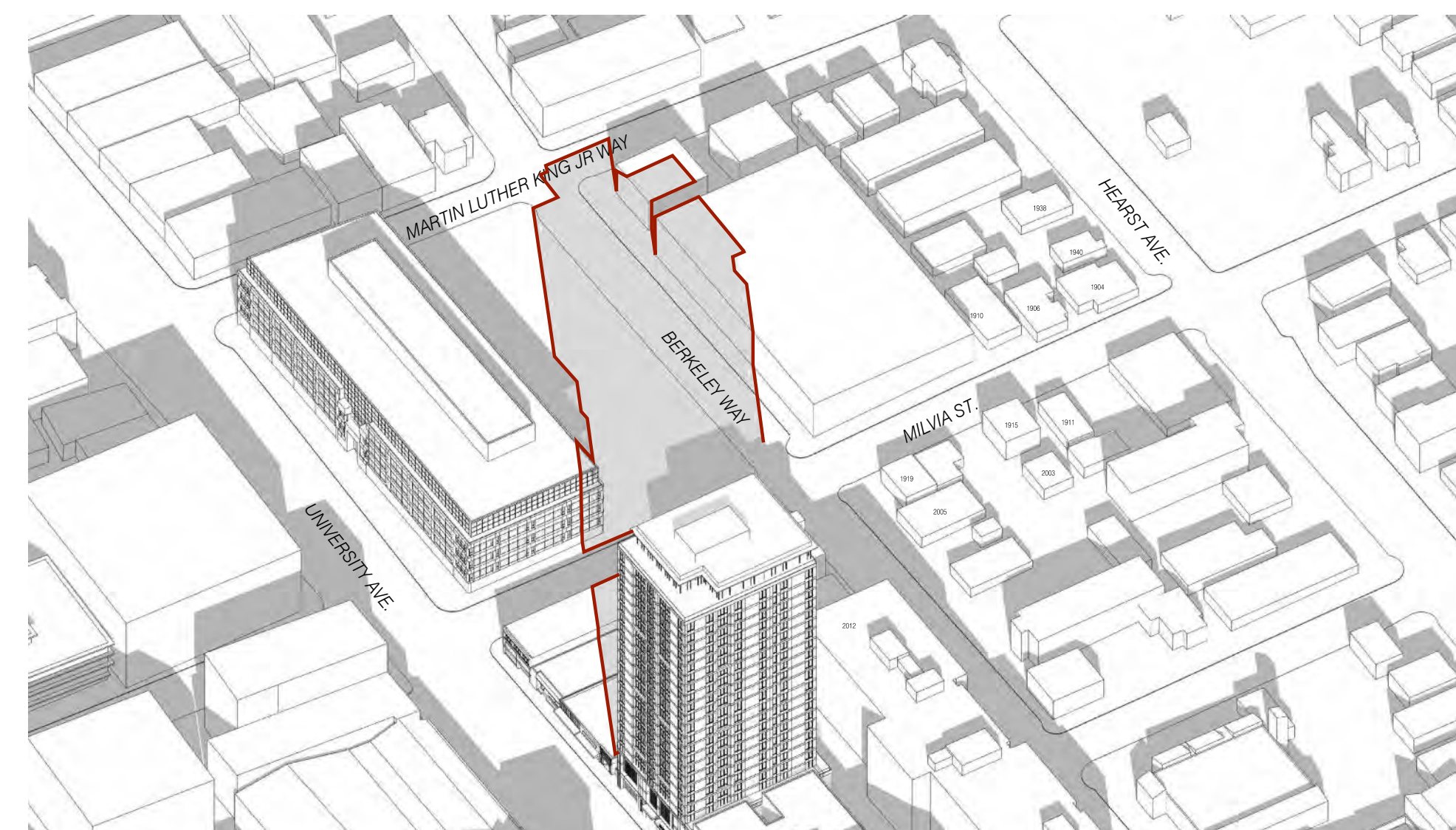


3 SHADOW STUDY - NOON  
1:160 @ 11X17 1:80 @ 24X36



**CURRENT**  
MAR 26TH:  
2-HRS AFTER SUNRISE (AM)

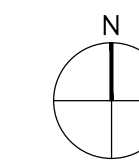
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2 SHADOW STUDY AXONOMETRIC - AM  
N.T.S.



1 SHADOW STUDY - AM  
1:160 @ 11X17 1:80 @ 24X36



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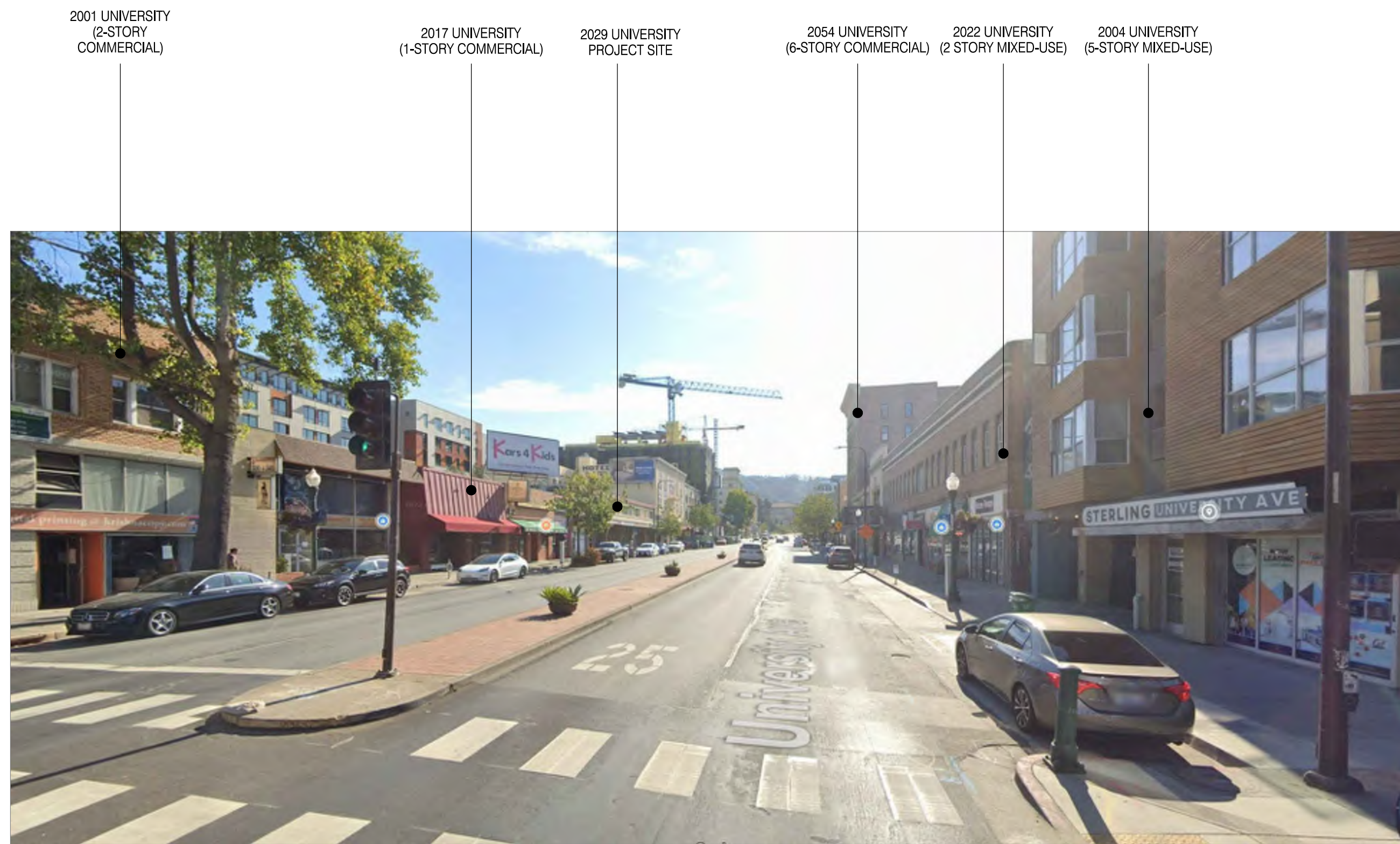
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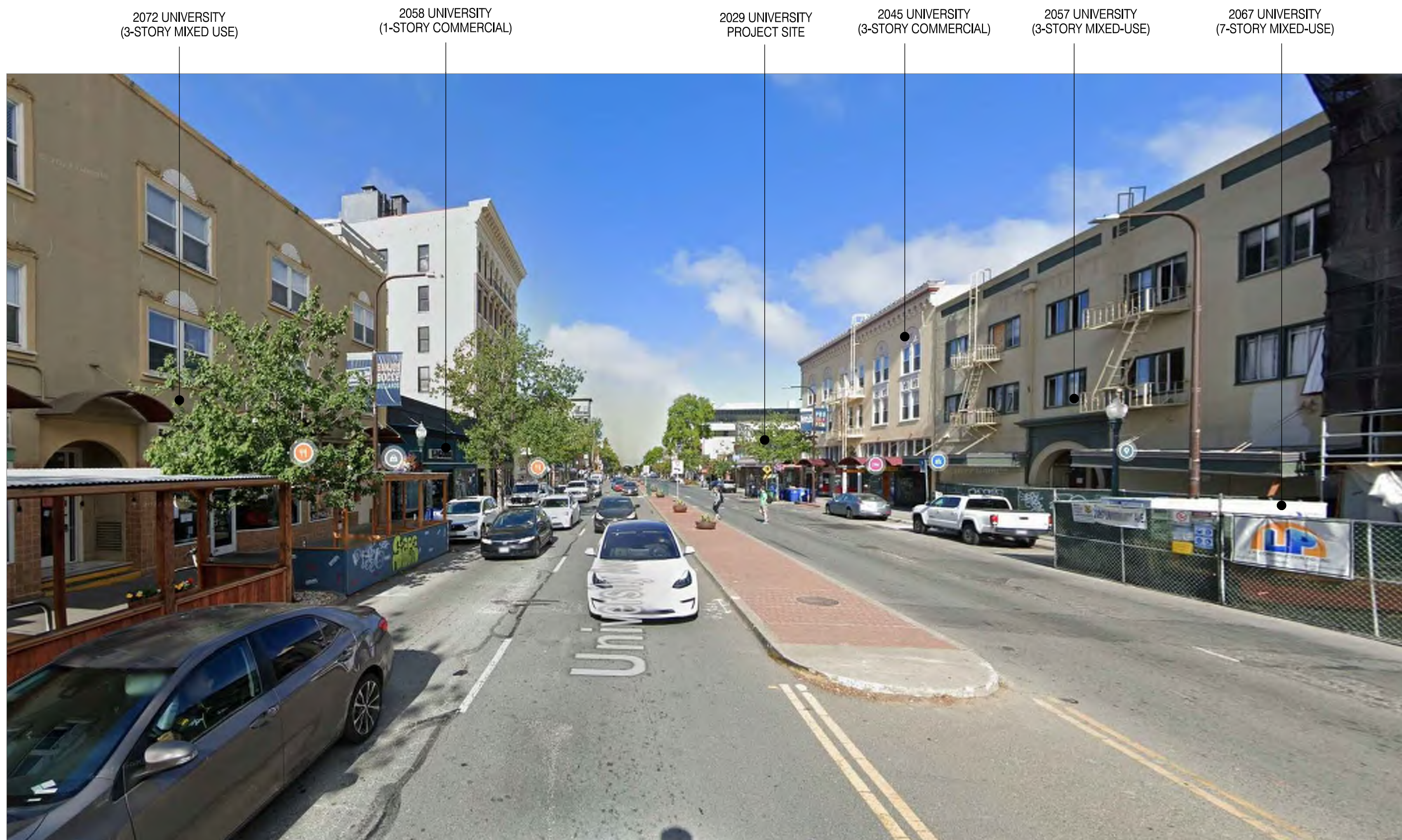
SHEET:

SITE CONTEXT  
PHOTOS

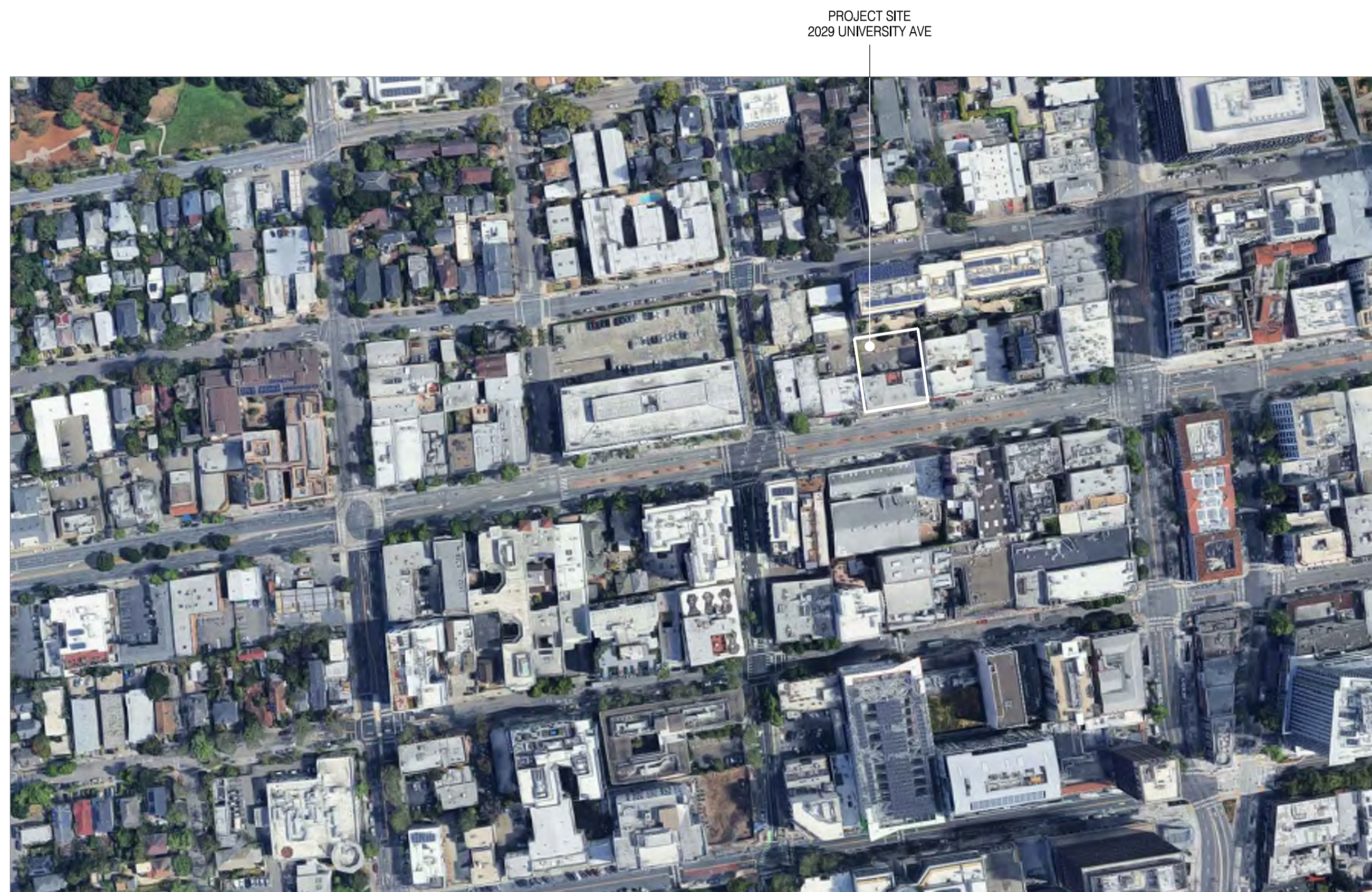
**A0.5**



2 - VIEW FROM UNIVERSITY AVE. LOOKING EAST



3 - VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 - AERIAL CONTEXT VIEW

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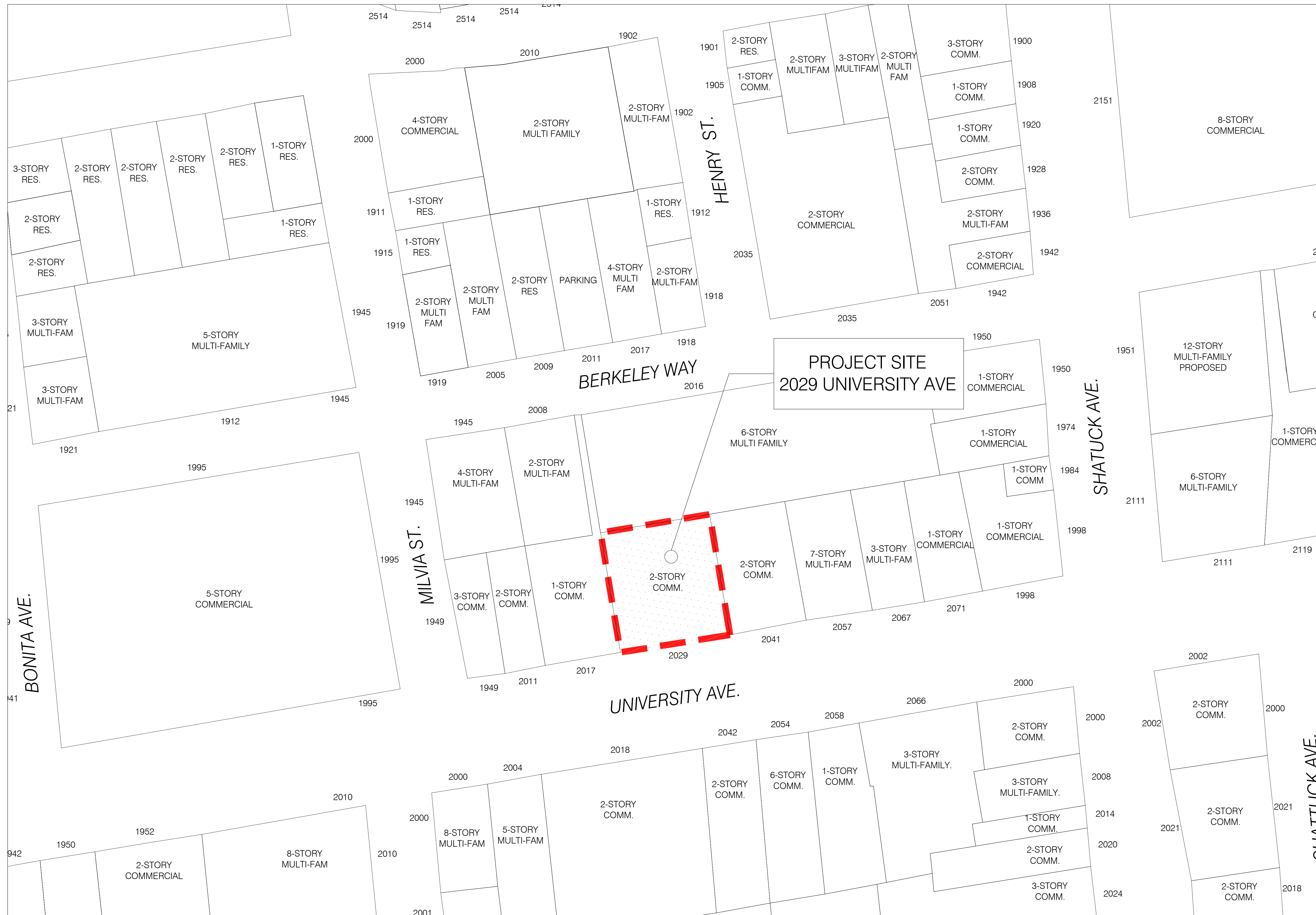
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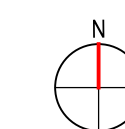
SHEET:

VICINITY MAP

# A0.6



1  
-  
NTS  
VICINITY MAP



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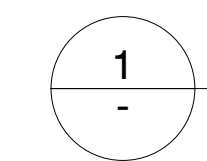
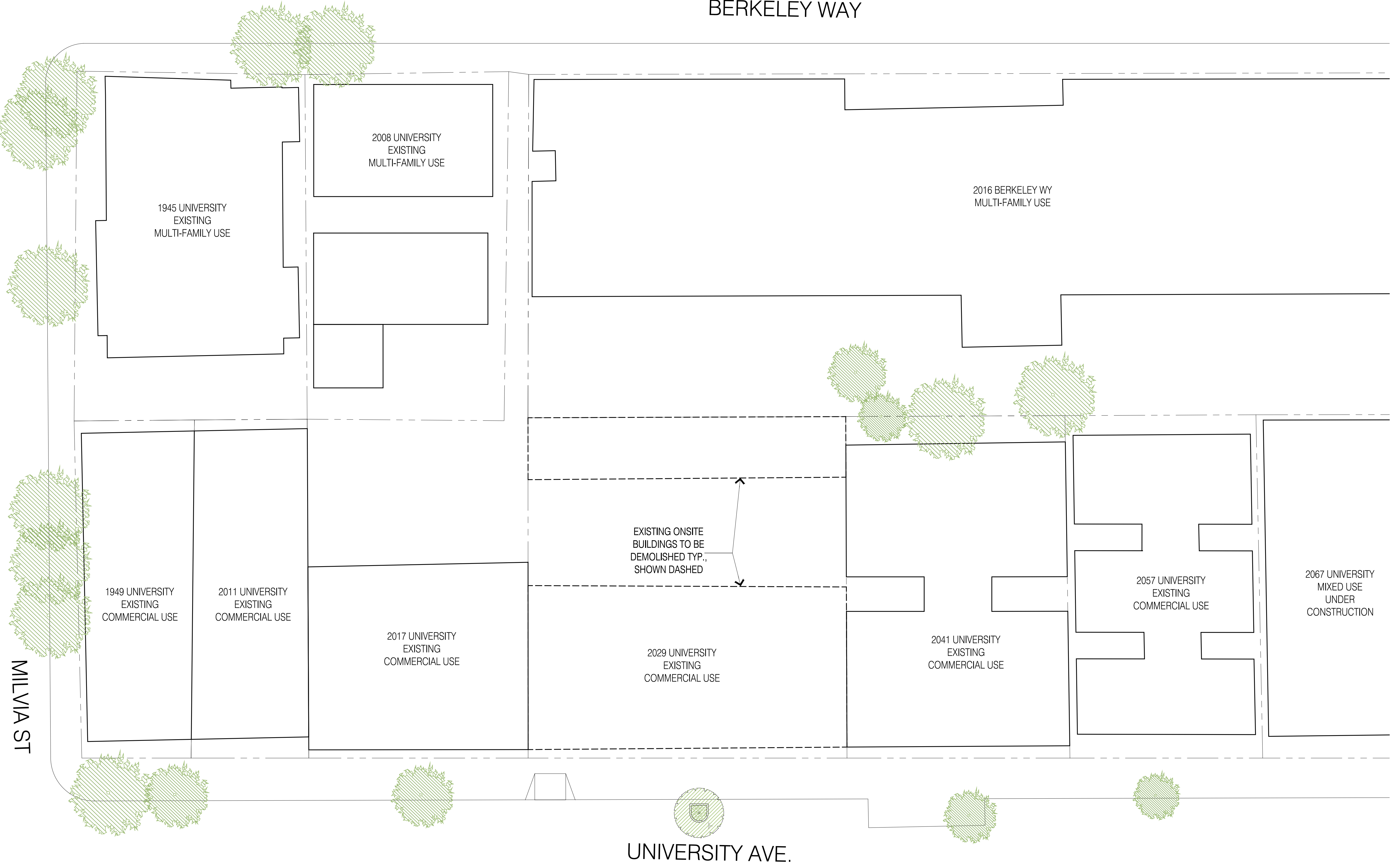
JOB: 2327

SHEET:

EXISTING  
SITE PLAN

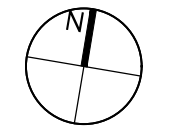
# A1.0

BERKELEY WAY



EXISTING SITE PLAN

1/32"=1'-0" @ 11x17 1/16"=1'-0" @ 24x36



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SHEET:

EXISTING  
SURVEY

A1.1

ANNOTATION AND LEGEND

- AC = ASPHALT CONCRETE
- BOL = BOLLARD
- CATV = CABLE/TELEVISION BOX
- CAB = CABINET
- CD = CURB DRAIN
- CLDR = CENTERLINE OF DOOR
- COL = COLUMN
- CONC = CONCRETE
- CR = CURB RAMP
- DI = DROP INLET
- EB = ELECTRICAL BOX
- ELEC = ELECTRICAL
- EV = ELECTRICAL VAULT
- FF = FINISH FLOOR
- MTL = METAL
- PG&E = PACIFIC GAS AND ELECTRIC CO.
- PLNTR = PLANTER
- RD = ROOF DRAIN
- SD = STORM DRAIN
- SLB = STREET LIGHT BOX
- SSCO = SANITARY SEWER CLEANOUT
- SSMH = SANITARY SEWER MANHOLE
- T = TELEPHONE
- TOP OF GRATE
- UB = UTILITY BOX
- WB = WATER BOX
- WB-B = WALL BOTTOM
- W-T = WALL TOP
- = BENCHMARK
- ⊙ = ELECTRICAL MANHOLE
- ⊕ = FIRE HYDRANT
- ⊖ = GAS VALVE
- ⊗ = SANITARY SEWER CLEANOUT
- ⊘ = SANITARY SEWER MANHOLE
- ⊙ = SITE LIGHT
- ⊙ = STREET LIGHT
- ⊙ = WATER VALVE
- ▭ = BUILDING
- SS = SANITARY SEWER LINE
- = STORM DRAIN LINE
- = SUBJECT SITE BOUNDARY LINE
- = LOT LINES

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE VERTICAL DATUM OF 1988 AND WERE ESTABLISHED USING LEICA RTK NETWORK SMARTNET. A TEMPORARY/SITE BENCHMARK IS SHOWN HEREON.

BASIS OF BEARINGS

THE COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, USING LEICA RTK NETWORK SMARTNET.

TOPOGRAPHIC NOTES

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

THE LOCATIONS OF EXISTING UNDERGROUND FACILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE AND ARE BASED ON OBSERVED TOPOGRAPHIC SURFACE FEATURES AND AVAILABLE INFORMATION. THE PROFESSIONAL PREPARING THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THESE FACILITIES OR FOR THE INADVERTENT OMISSION OF RELATED INFORMATION.

TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM GROUND SURVEY CONDUCTED ON SEPTEMBER AND OCTOBER, 2023.

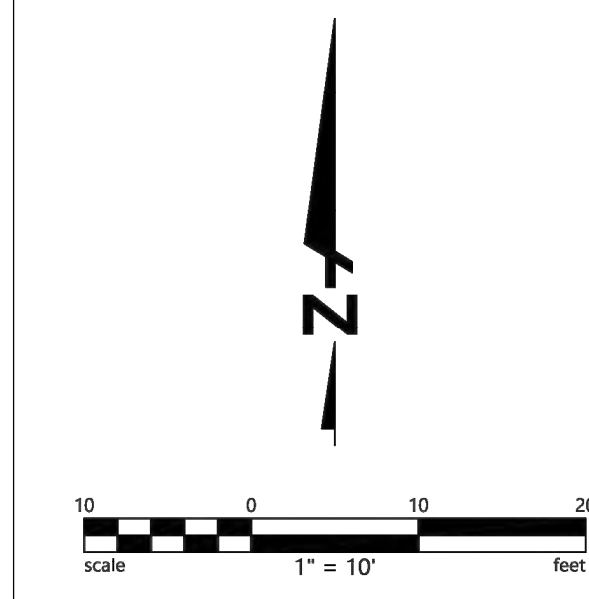
TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48").

SURVEYOR'S STATEMENT

THIS TOPOGRAPHIC SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

DAVIS THRESH, P.L.S. NO. 6868

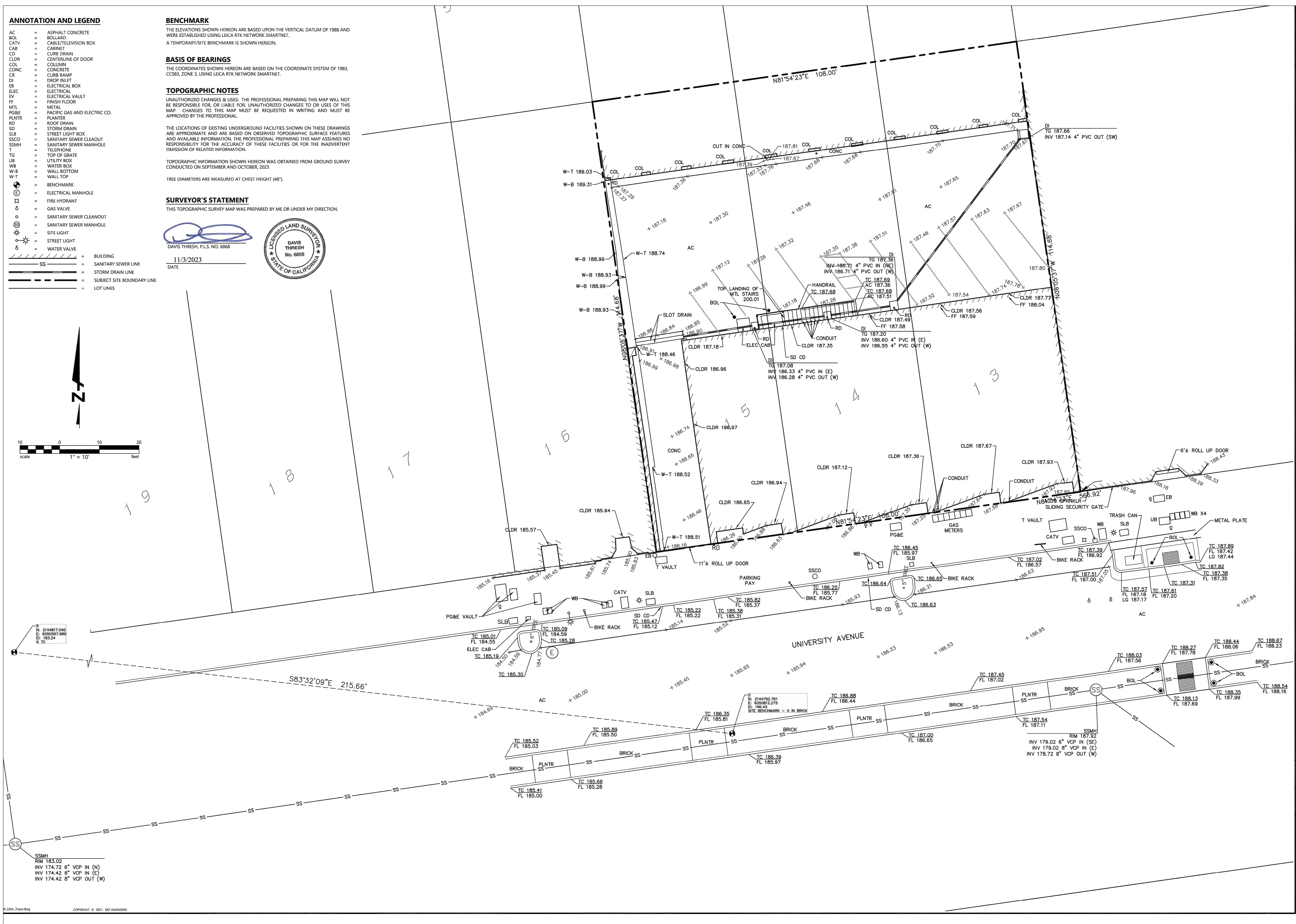
11/3/2023  
DATE



N 2144877.040  
E 4000079.999  
E 183.24  
X TC

S83°32'09"E 215.66'

SSMH  
RIM 183.02  
INV 174.72 6" VCP IN (N)  
INV 174.42 8" VCP IN (C)  
INV 174.42 8" VCP OUT (W)



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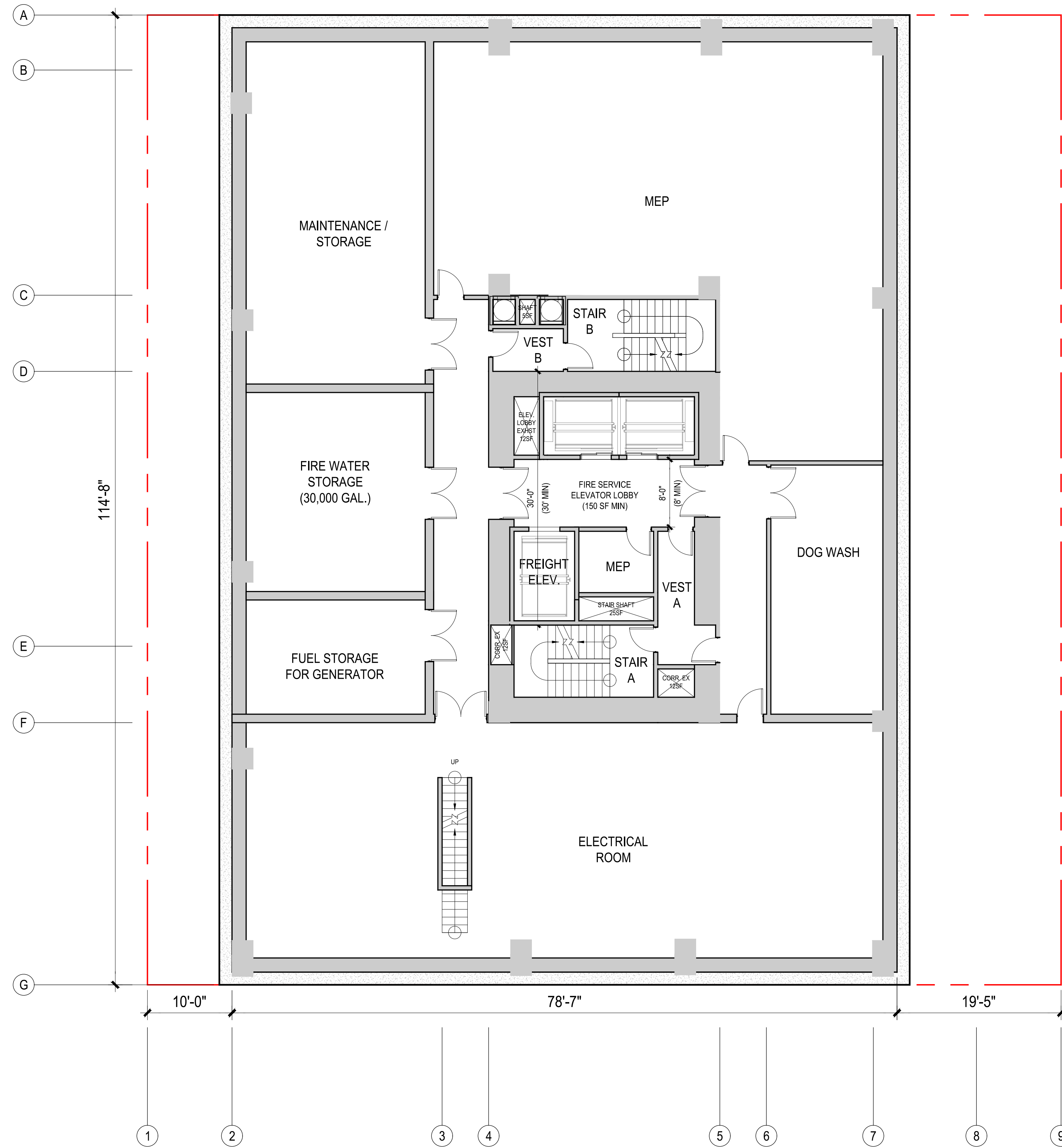
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SHEET:

PLAN AT  
BASEMENT LEVEL



1 PLAN AT BASEMENT LEVEL  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



A2.0

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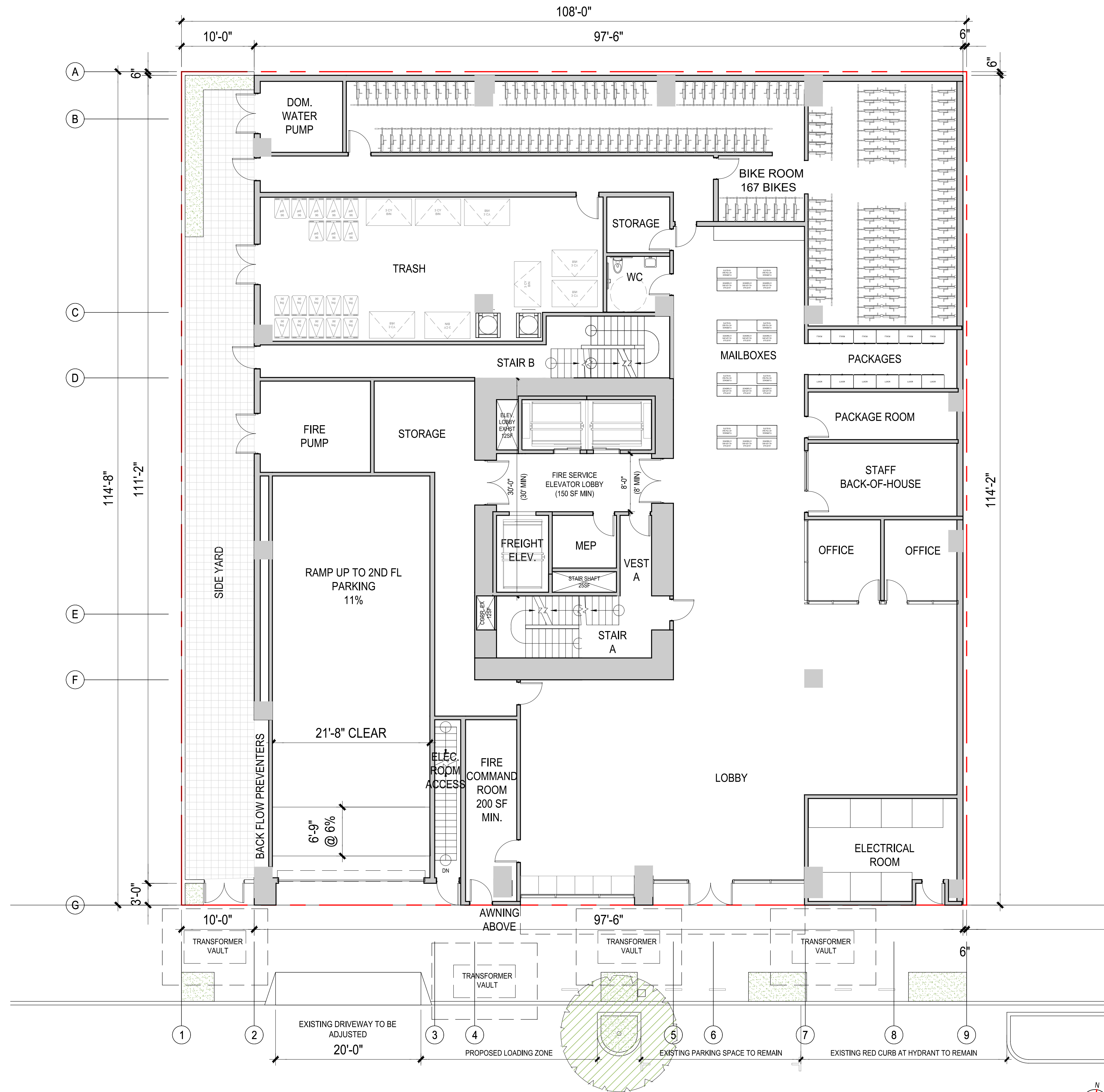
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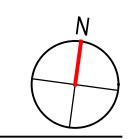
SHEET:

PLAN AT  
GROUND LEVEL

# A2.1



**1** GROUND LEVEL PLAN  
 1/16" = 1' @ 11 X 17    1/8" = 1' @ 24 X 36





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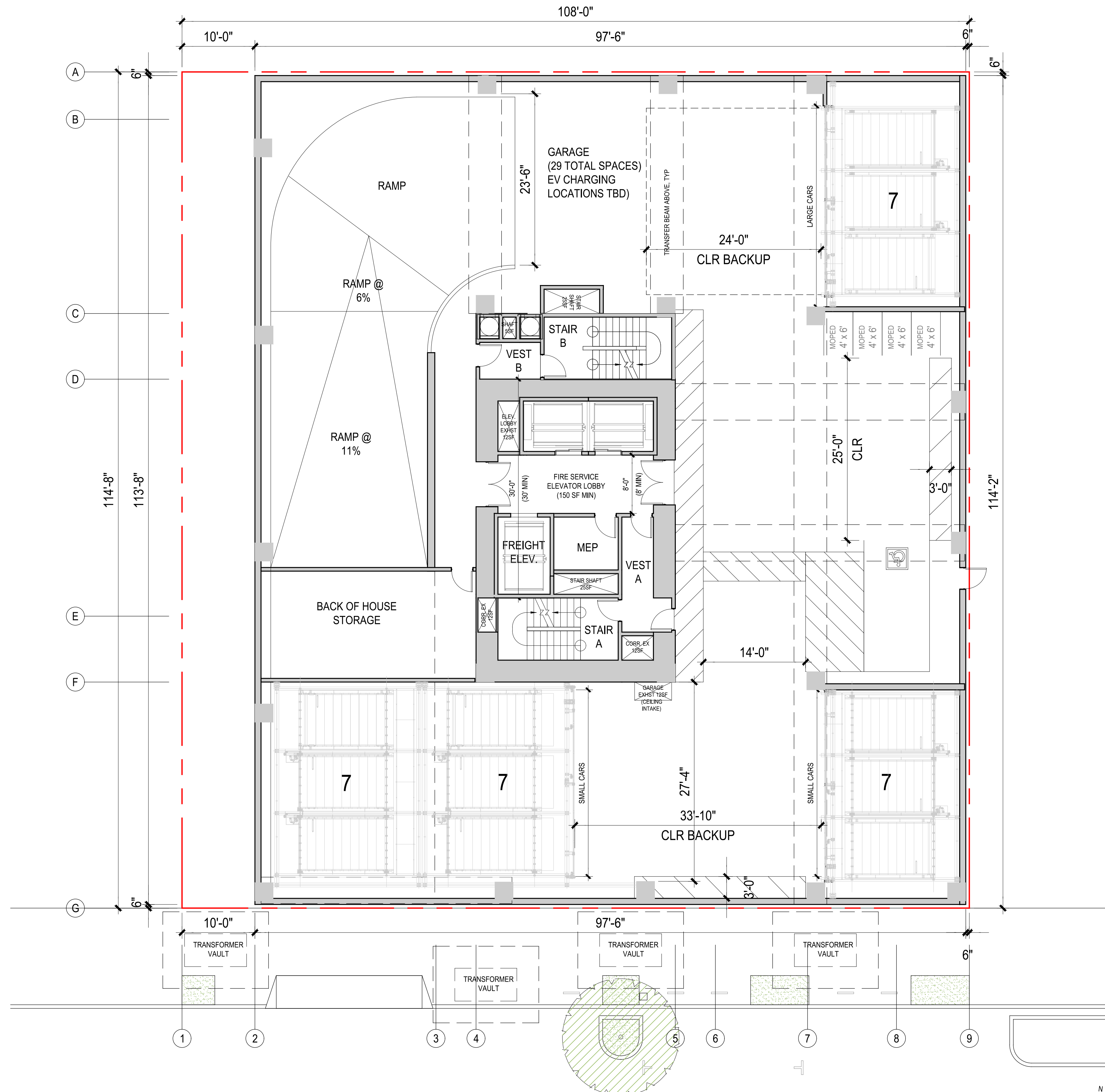
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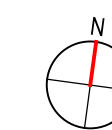
SHEET:

PLAN AT  
LEVEL 2

A2.2



1 PLAN AT LEVEL 2  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



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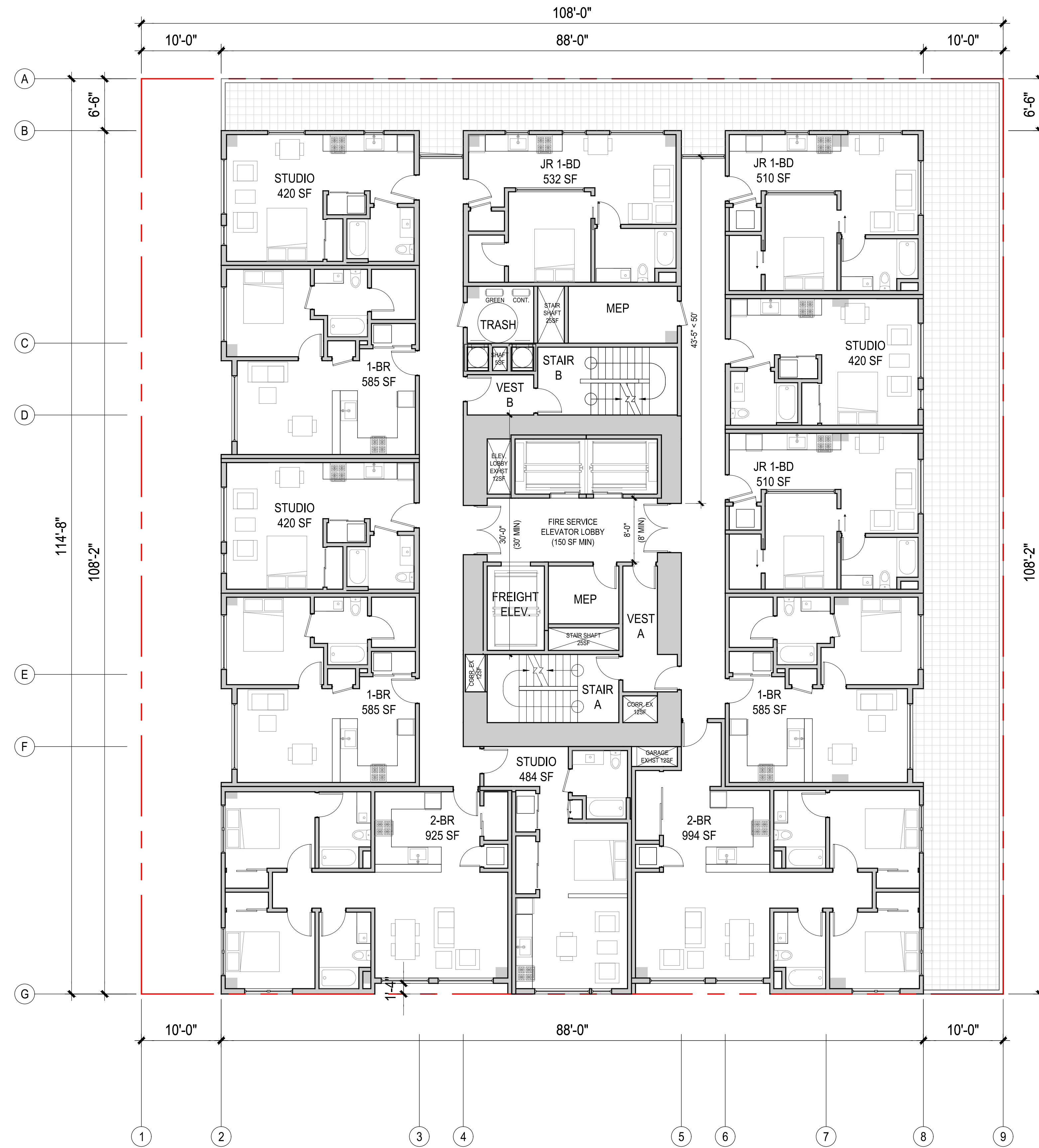
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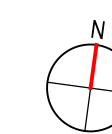
JOB: 2327

SHEET:

PLAN AT  
LEVEL 3



1 PLAN AT LEVEL 3  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



A2.3

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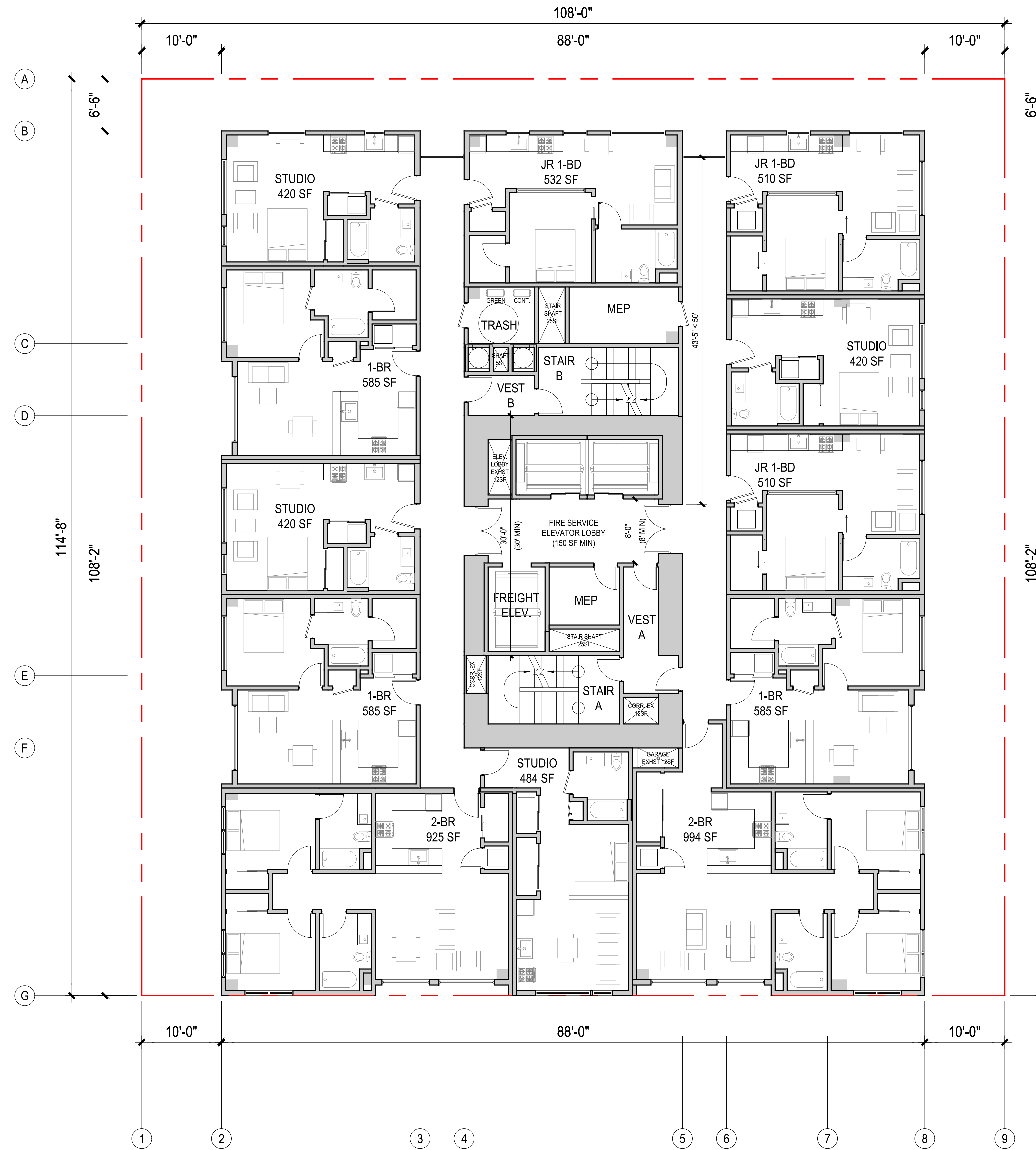
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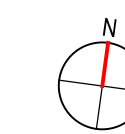
JOB: 2327

SHEET:

PLAN AT  
LEVELS 4-22



**1** PLAN AT LEVELS 4-22  
1/16" = 1' @ 11 X 17    1/8" = 1' @ 24 X 36



**A2.4**

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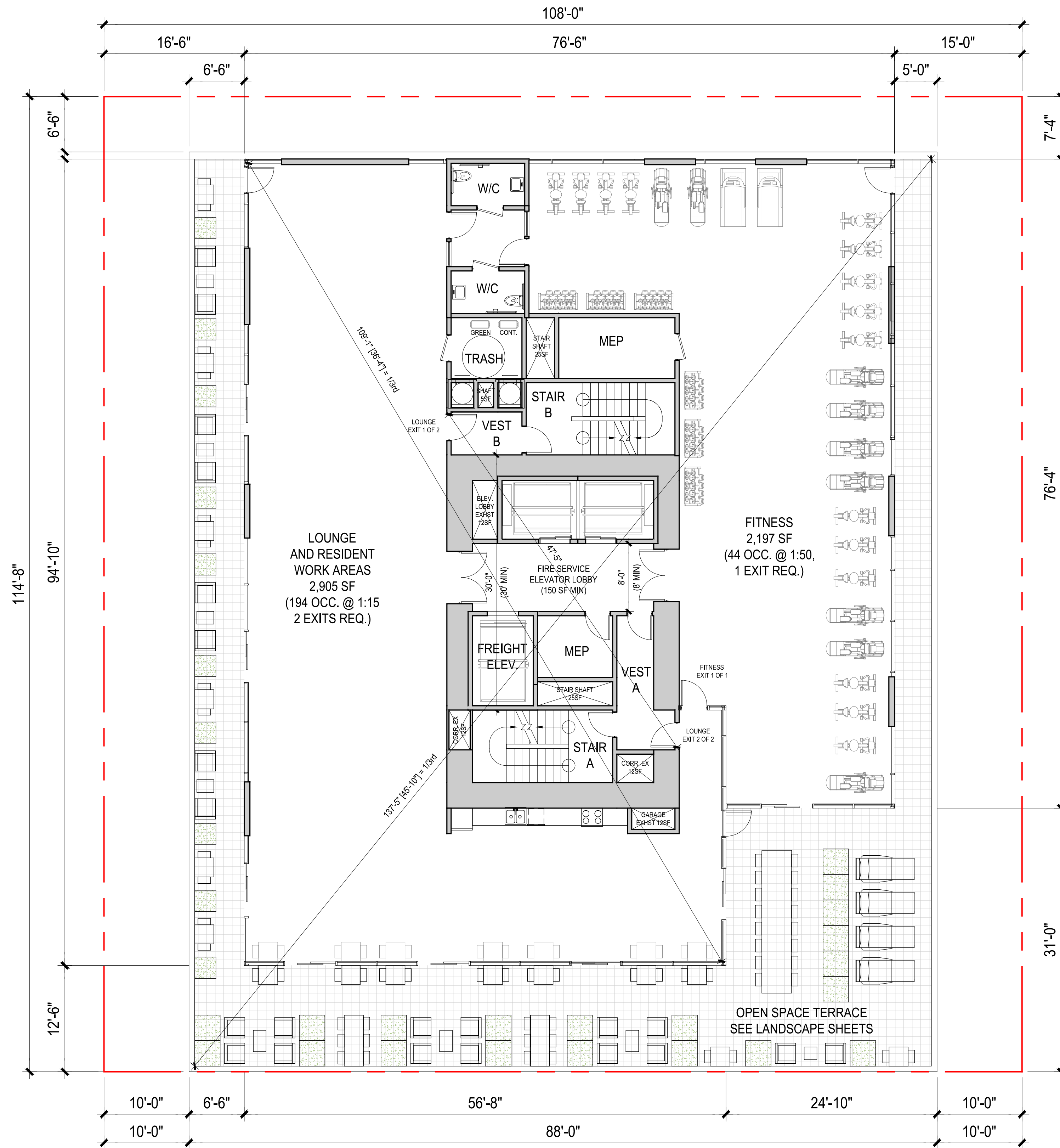
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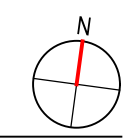
SHEET:

PLAN AT  
LEVEL 23

# A2.5



1 PLAN AT LEVEL 23  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



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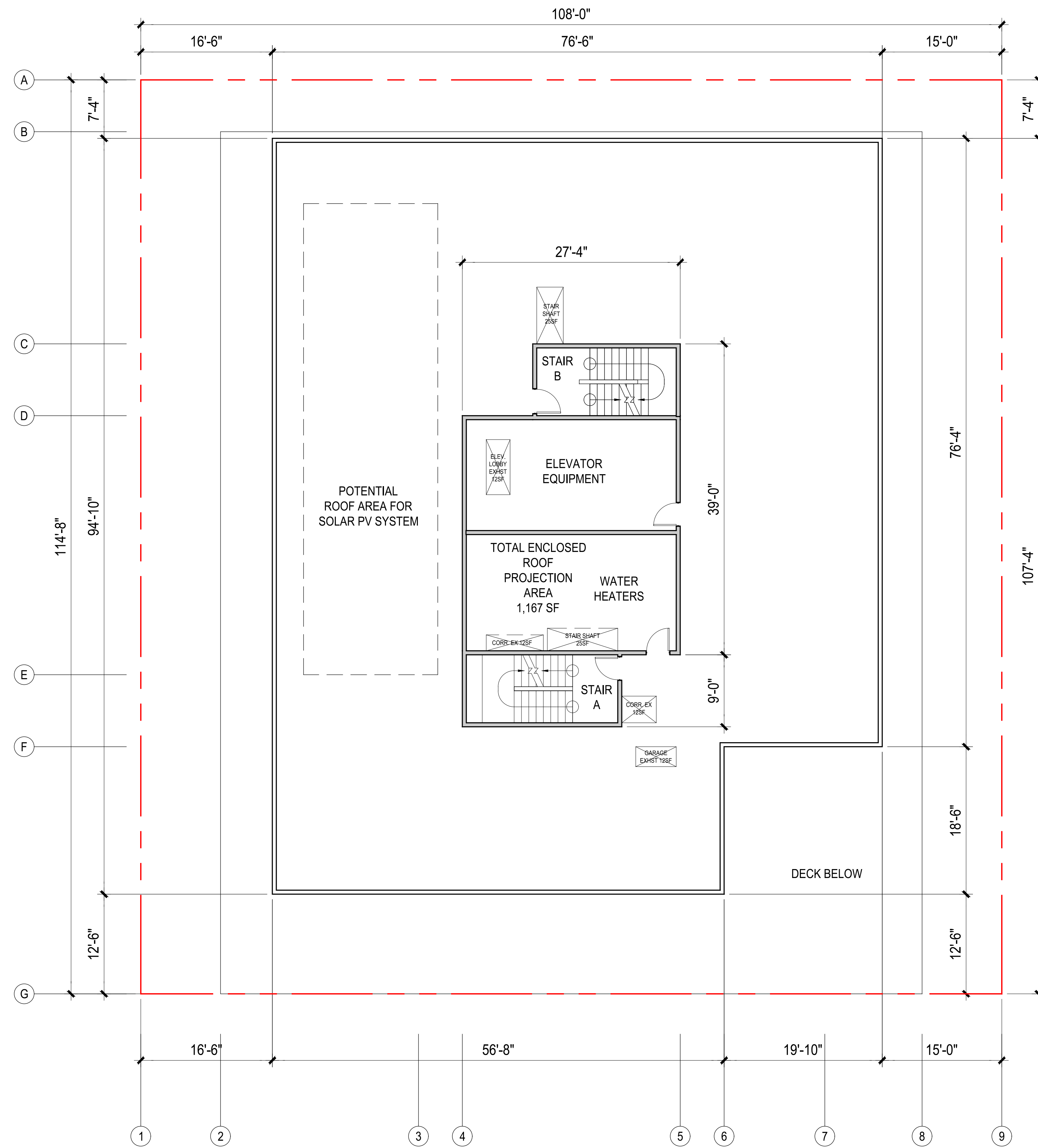
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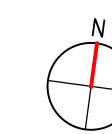
JOB: 2327

SHEET:

PLAN AT  
ROOF LEVEL



1 PLAN AT ROOF LEVEL  
1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36



# A2.6

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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

# A3.1



WINDOW AREA PERCENTAGE: 27%

256'-0" PROPOSED DENSITY BONUS PROJECT MAX. BLDG HT

- 5'-0" PARAPET (NOT INC. IN C-DMU ZONE)
- ROOF
- 15'-0" 23RD FLOOR
- 12'-0" MEP LEVEL
- 22ND FLOOR
- 10'-0" 21ST FLOOR
- 10'-0" 20TH FLOOR
- 10'-0" 19TH FLOOR
- 10'-0" 18TH FLOOR
- 10'-0" 17TH FLOOR
- 10'-0" 16TH FLOOR
- 10'-0" 15TH FLOOR
- 10'-0" 14TH FLOOR
- 10'-0" 13TH FLOOR
- 10'-0" 12TH FLOOR
- 12'-0" MEP LEVEL
- 11TH FLOOR
- 10'-0" 10TH FLOOR
- 10'-0" 9TH FLOOR
- 10'-0" 8TH FLOOR
- 10'-0" 7TH FLOOR
- 10'-0" 6TH FLOOR
- 10'-0" 5TH FLOOR
- 10'-0" 4TH FLOOR
- 10'-0" 3RD FLOOR
- 22'-0" GARAGE
- 15'-0" 2ND FLOOR

PL

PL

(MILVIA ST)

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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

# A3.2



1  
-

## WEST ELEVATION

1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36



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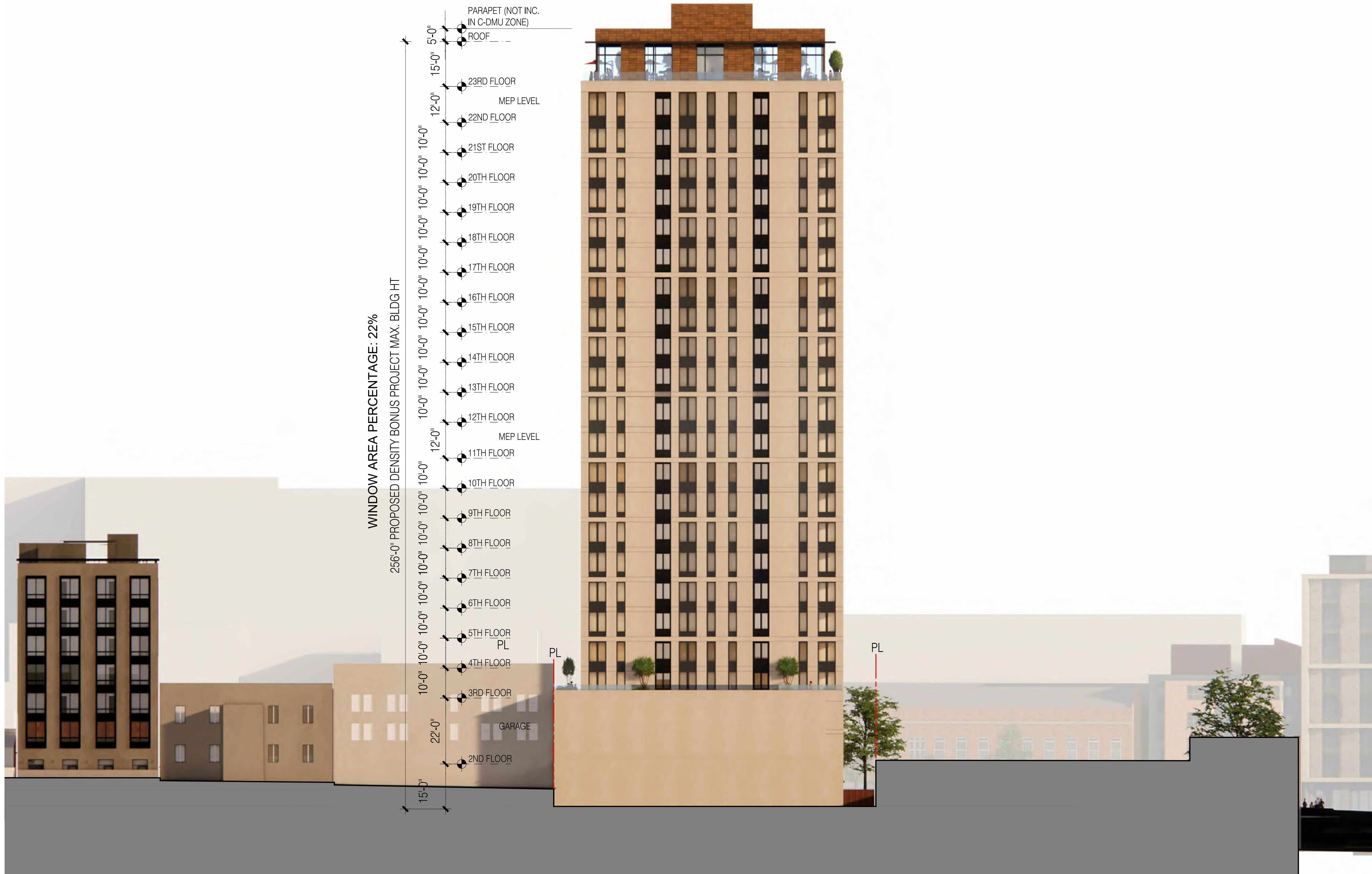
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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

# A3.3



WINDOW AREA PERCENTAGE: 22%

256'-0" PROPOSED DENSITY BONUS PROJECT MAX. BLDG HT

5'-0" PARAPET (NOT INC. IN C-DMU ZONE)

15'-0" ROOF

12'-0" MEP LEVEL

23RD FLOOR

22ND FLOOR

21ST FLOOR

20TH FLOOR

19TH FLOOR

18TH FLOOR

17TH FLOOR

16TH FLOOR

15TH FLOOR

14TH FLOOR

13TH FLOOR

12TH FLOOR

12'-0" MEP LEVEL

11TH FLOOR

10TH FLOOR

9TH FLOOR

8TH FLOOR

7TH FLOOR

6TH FLOOR

5TH FLOOR PL

4TH FLOOR PL

3RD FLOOR

22'-0" GARAGE

2ND FLOOR

15'-0"



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JOB: 2327

SHEET:

BUILDING  
ELEVATIONS

# A3.4



WINDOW AREA PERCENTAGE: 23%

256'-0" PROPOSED DENSITY BONUS PROJECT MAX. BLDG HT

1  
-

EAST ELEVATION

1/32"=1'-0" @ 11X17 1/16"=1'-0" @ 24X36

0 4 8 16 32

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JOB: 2327

SHEET:

STREET STRIP  
ELEVATIONS

# A3.5



1

## STREET STRIP ELEVATION @ UNIVERSITY AVE.

1/2" = 50'-0" @ 11X17 1" = 50'-0" @ 24X36

0 10 20 40 80



4 UNIVERSITY LOOKING EAST - AFTER  
A3.6



2 UNIVERSITY LOOKING WEST - AFTER  
A3.6



3 UNIVERSITY LOOKING EAST - BEFORE  
A3.6



1 UNIVERSITY LOOKING WEST - BEFORE  
A3.6

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SHEET:

PHOTO CONTEXT  
VIEWS

**A3.6**

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.7**



1 PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHWEST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.8**



1 SIDEWALK VIEW - UNIVERSITY LOOKING NORTHWEST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.9**



1 PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHEAST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.10**



1 SIDEWALK VIEW - UNIVERSITY LOOKING NORTHEAST

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JOB: 2327

SHEET:

CONCEPTUAL  
RENDERING

**A3.11**



1 EVENING VIEW - UNIVERSITY LOOKING NORTHEAST



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JOB: 2327

SHEET:

BUILDING  
MATERIALS

# MAT



(MILVIA ST)

1  
MAT

## SOUTH ELEVATION

3/64" = 1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



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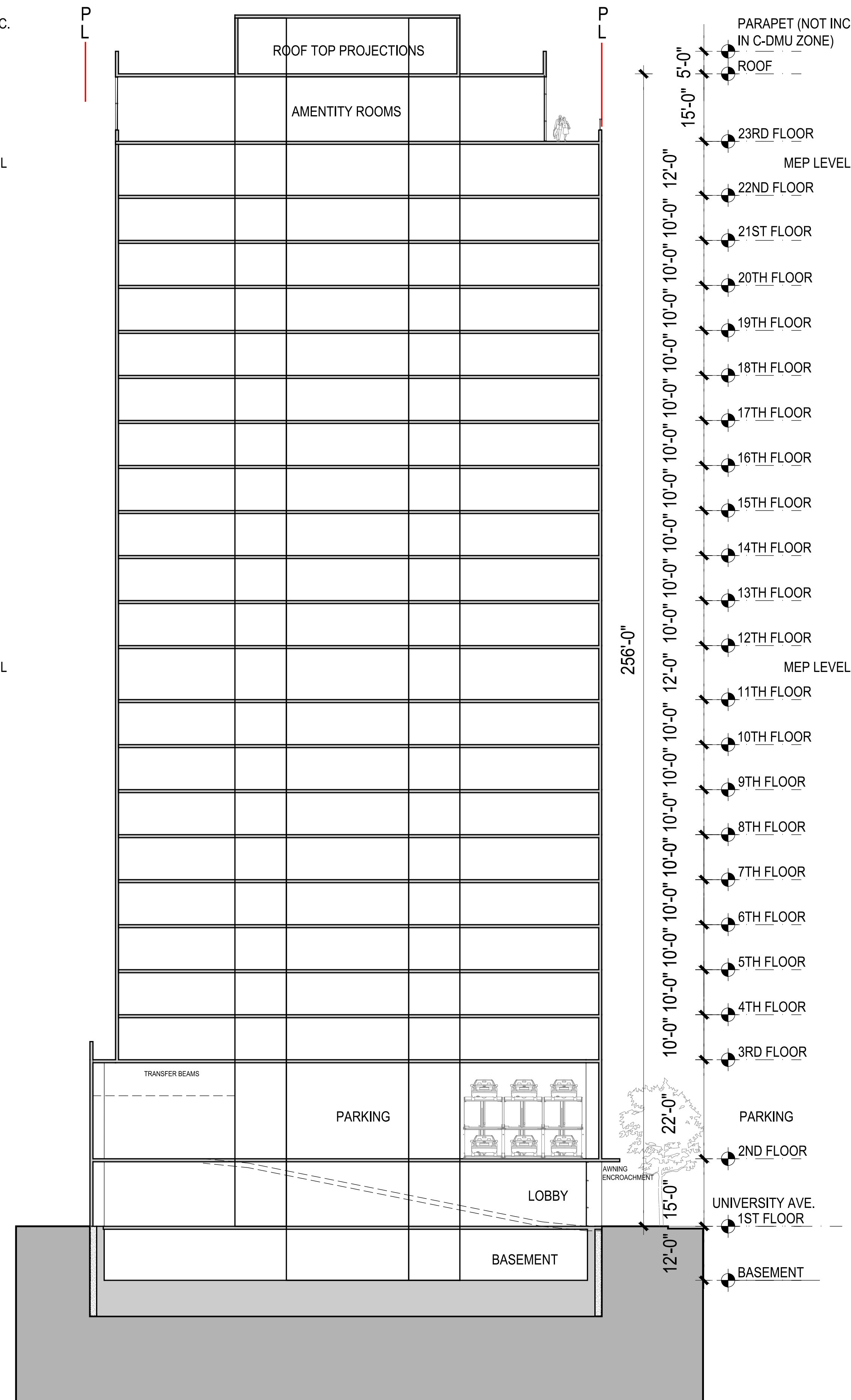
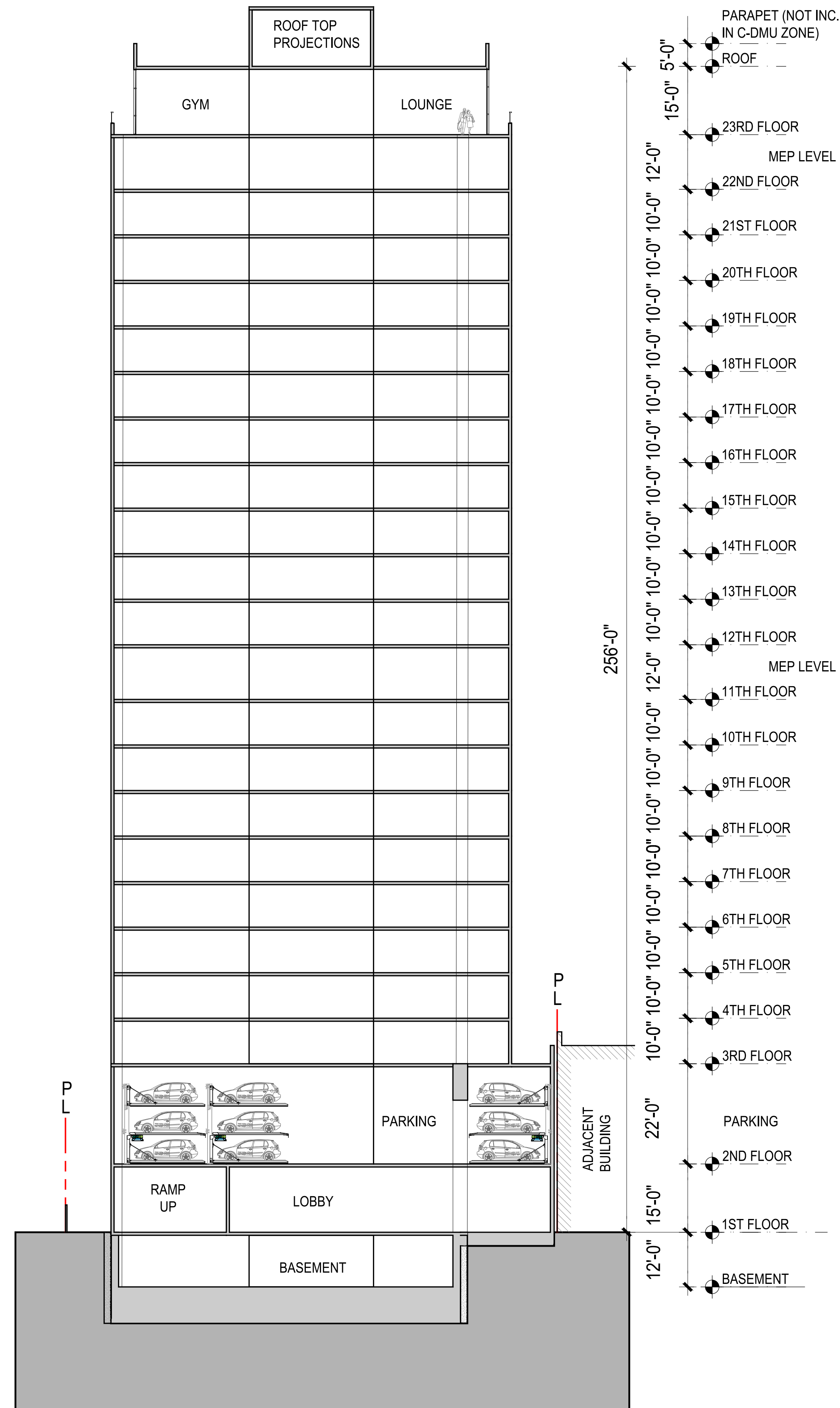
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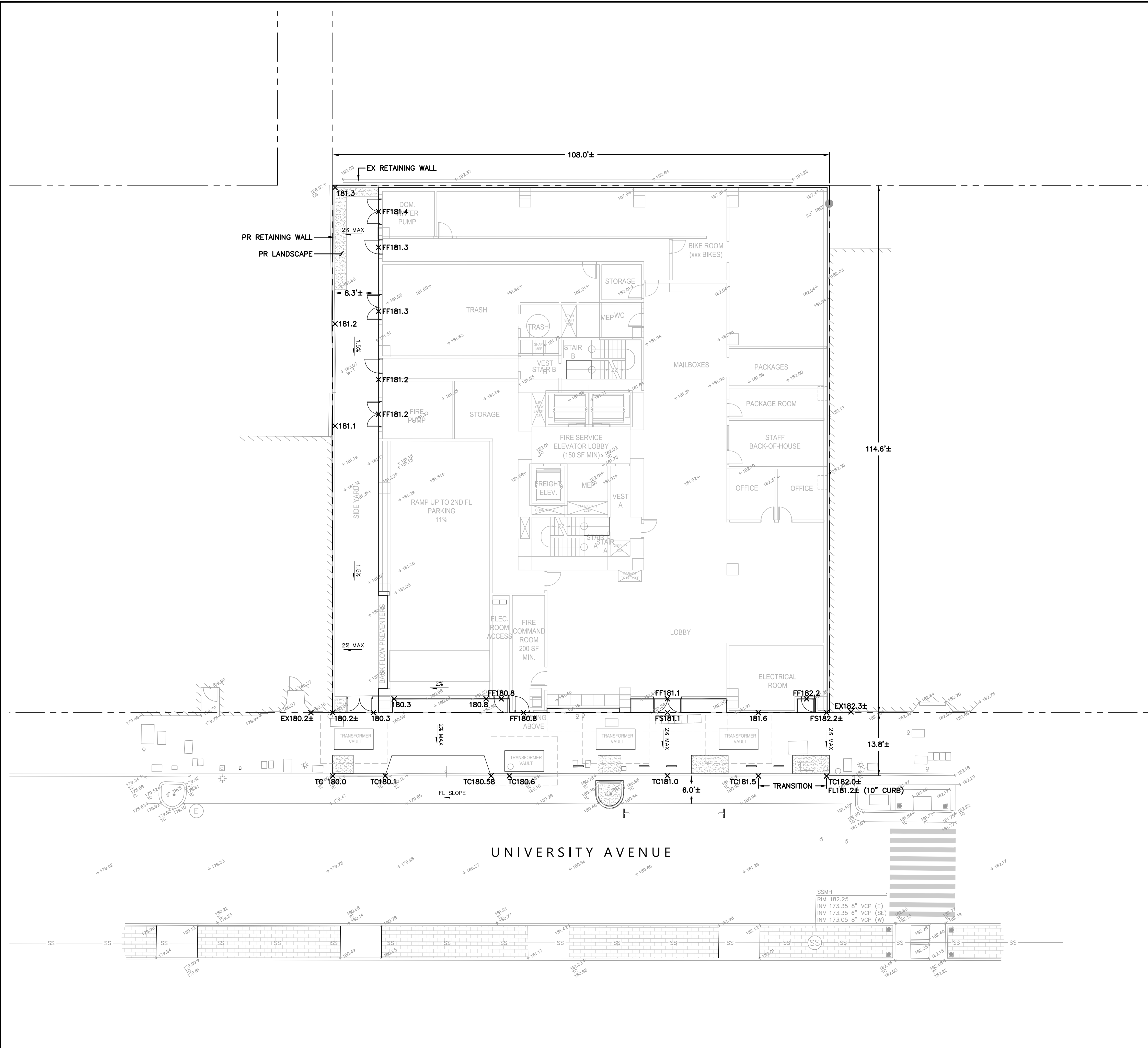
SECTIONS

**A4.1**



**2 EAST WEST SECTION**  
 1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36

**1 NORTH SOUTH SECTION**  
 1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36



- GENERAL NOTES**
- UTILITIES AND UNDERGROUND FACILITIES INDICATED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH WITH APPROPRIATE AGENCIES. NEITHER THE OWNER NOR THE CITY NOR THE DESIGN PROFESSIONAL ASSUMES RESPONSIBILITY THAT THE UTILITIES AND UNDERGROUND FACILITIES INDICATED WILL BE THE UTILITIES AND UNDERGROUND FACILITIES ENCOUNTERED.
  - BOUNDARY INFORMATION SHOWN ACCORDING TO A FIELD SURVEY PERFORMED BY BKF ENGINEERS ON JULY 26, 2024.
  - BASIS OF BEARINGS:** THE BEARING OF N05°35'30"W BETWEEN FOUND CITY OF BERKELEY MONUMENTS ON SHATTUCK AVENUE AT THE INTERSECTIONS OF UNIVERSITY AVENUE AND ADDISON STREET AS SHOWN ON PARCEL MAP 6772 FILED ON JANUARY 18, 1995, IN BOOK 216 PAGE 41, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.
  - BENCHMARK:** THE ELEVATIONS SHOWN HEREON ARE BASED ON A FOUND CITY OF BERKELEY BENCHMARK, MONUMENT B0490, A 2" CITY OF BERKELEY BRASS DISK WITH PUNCH IN A MONUMENT WELL. ELEVATION 187.09 FEET (DATUM = CITY OF BERKELEY).
  - FIELD SURVEY DATE: JULY 24, 2024 BY BKF ENGINEERS
  - ALL GRADING SHALL BE PERFORMED IN SUCH A MANNER AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
  - ALL THE GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTOR'S EXPENSE.

**ABBREVIATIONS**

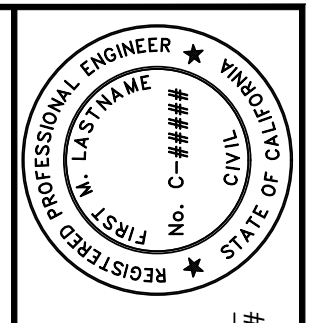
- EX EXISTING
- FF FINISHED FLOOR
- FS FINISHED SURFACE
- PR PROPOSED
- TC TOP OF CURB

**CUT AND FILL CALCULATIONS**

	CUT/FILL AREA (SF)	APPROXIMATE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING & SITE	12,380	20	9,200

- THE EARTHWORK TABLE WAS PREPARED FOR THE PURPOSE OF DETERMINING THE ROUGH ORDER OF MAGNITUDE FOR PRELIMINARY COST, AND PLANNING PHASE. THIS DOES NOT REFLECT THE FINAL DESIGN. ALL ASSUMPTIONS ARE PRELIMINARY AND SUBJECT TO BE ALTERED UNTIL FINAL PERMIT AND APPROVAL.
- EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.
- BASEMENT LEVEL BASED ON SHEET A4.1.
- EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS, OR ANY OTHER GEOTECHNICAL RECOMMENDATIONS.

05.14.2025 ZONING RESUBMISSION



**PRELIMINARY**  
NOT FOR CONSTRUCTION  
DATE: 03/27/2025  
C ####  
FIRST M. LASTNAME

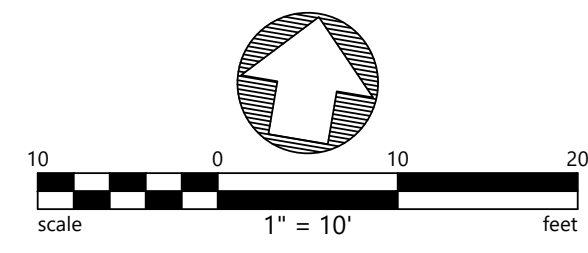
**BKF ENGINEERS**  
2100 FRANKLIN STREET  
SUITE 4C  
OAKLAND, CA 94612  
(510) 899-7300  
www.bkf.com



**2029 UNIVERSITY APARTMENTS**  
APN 57-2025-8-1  
2029 UNIVERSITY AVENUE, BERKELEY, CA  
**PRELIMINARY GRADING AND DRAINAGE PLAN**

Revisions	No.	Date	By	Check
		03/28/2025	S. L. A.	

Drawing Number: **C1.0**



STORMWATER TREATMENT TABLE

	LOCATION	IMPERVIOUS (SF)	PERVIOUS (SF)	TOTAL AREA (SF)	REQ. TREATMENT AREAS (SF) <sup>(1)</sup>	TREATMENT PROVIDED (SF)		NOTES
DMA1	ROOF LVL	6,900	-	6,900	475	720	IMP1	
DMA2	23RD LVL ROOF DECK	2,600	-	2,600				
DMA3	GROUND LVL SIDE YARD	2,600	300	2,900	145	150	IMP2	
TOTALS		12,100	300	12,400	620	870 <sup>(2)</sup>		

<sup>1</sup> REQUIRED TREATMENT IS PRELIMINARY PROGRAMMED AT 5% OF IMPERVIOUS AREA WITHIN EACH DRAINAGE MANAGEMENT AREA (DMA)  
<sup>2</sup> THE 5% AREA OF IMPERVIOUS SURFACE OR LESS, UNOCCUPIED PORTION OF GRADE COULD BE DIRECT TO AREAS SHOWN IN SHIP IF NECESSARY TO ALIGN WITH BUILDING OPEN SPACE PROGRAMS.  
<sup>3</sup> AVAILABLE SPACE FOR TREATMENT AREAS CAN BE REDUCED, AS NECESSARY.

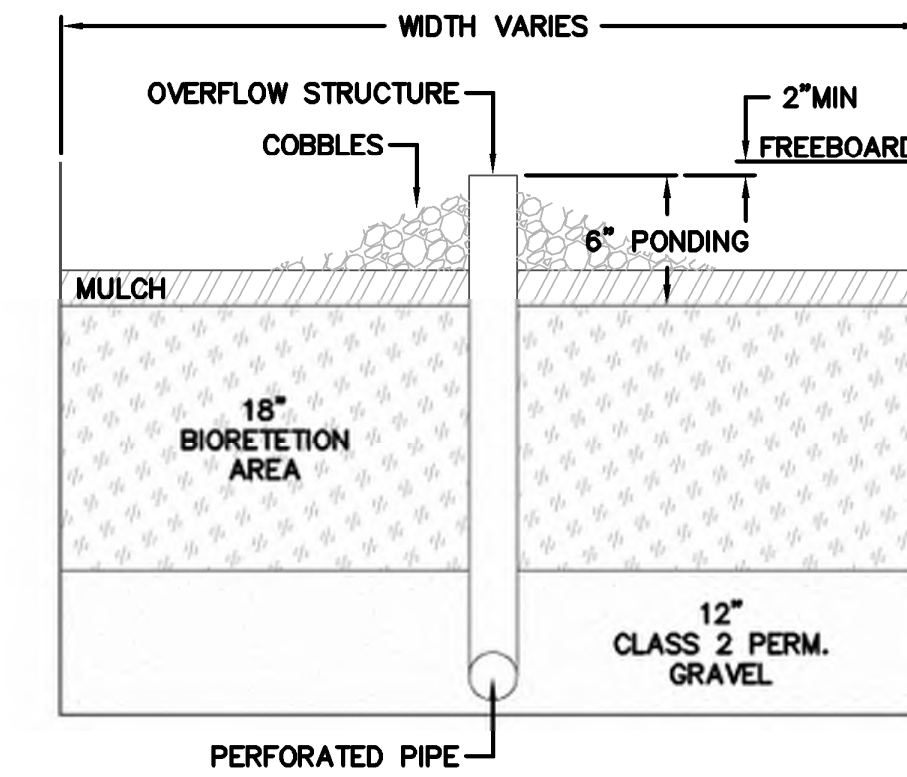
LEGEND

--- DRAINAGE MANAGEMENT AREAS (DMA)

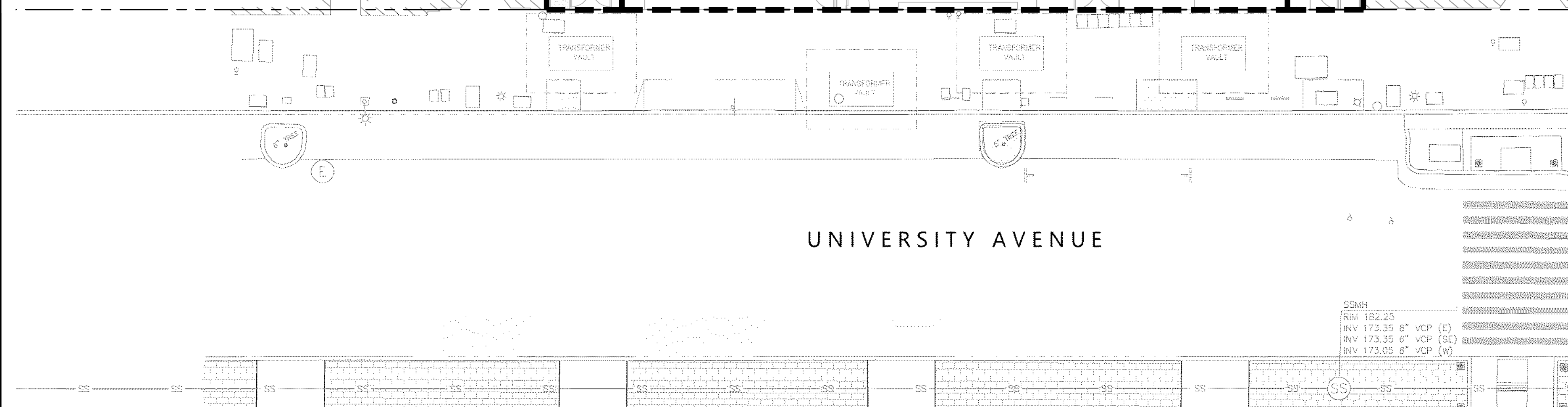
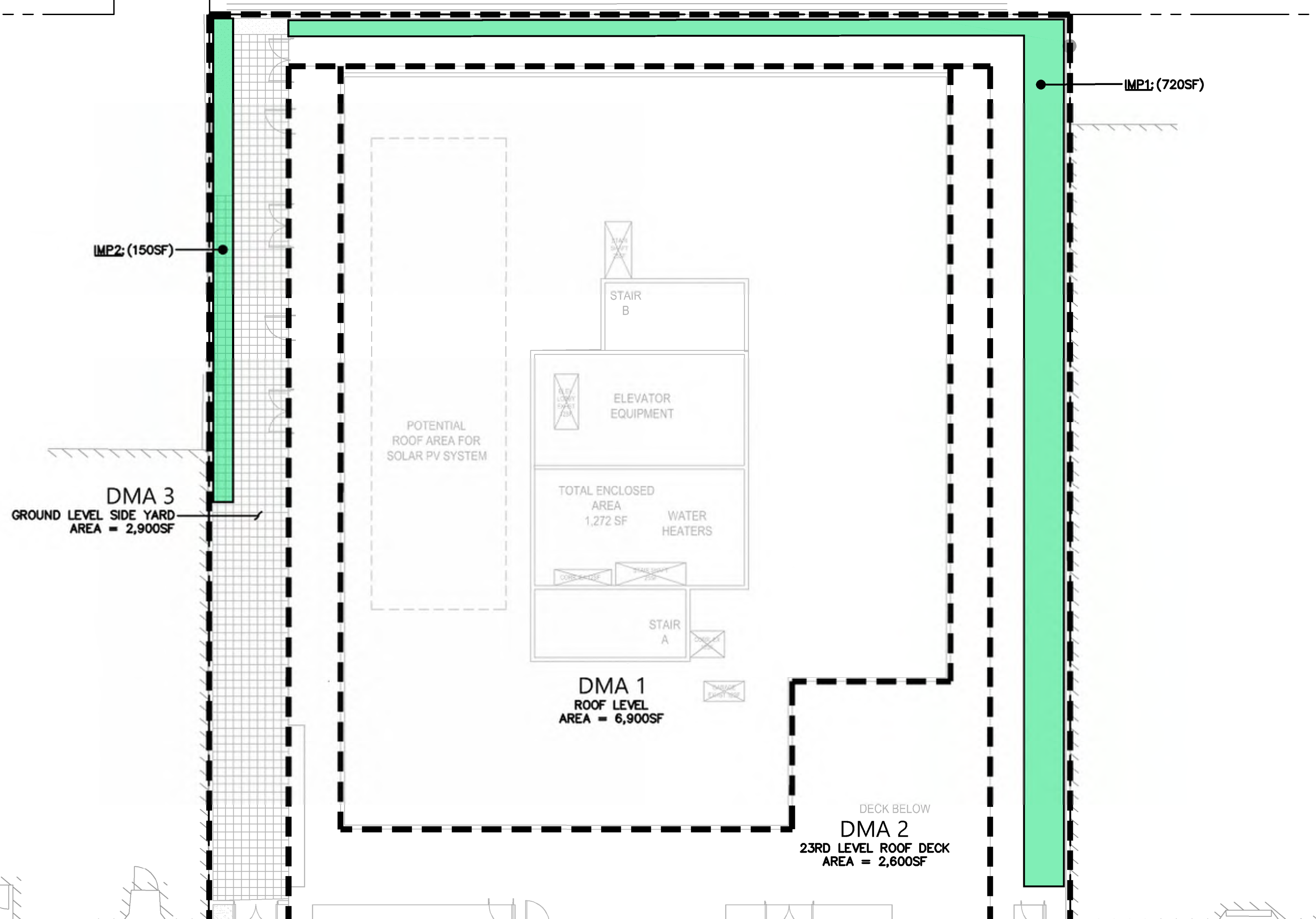
IMP AREA

ABBREVIATIONS

DMA DRAINAGE MANAGEMENT AREA  
 IMP INTEGRATED MANAGEMENT PLAN  
 LVL LEVEL  
 SF SQUARE FOOT

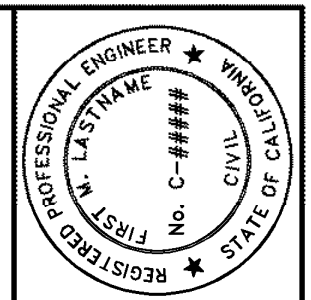
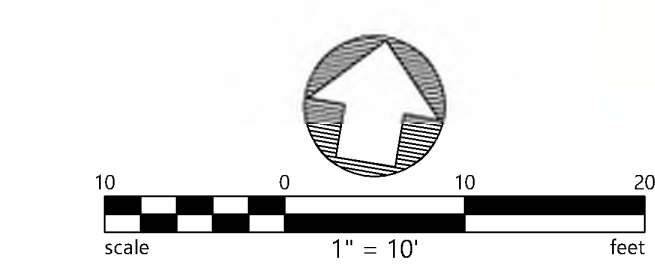


TYPICAL BIORETENTION SECTION  
(ABOVE OR BELOW GRADE)  
NOT TO SCALE



UNIVERSITY AVENUE

SSMH  
 R/W 182.25  
 INV 173.35 8" VCP (E)  
 INV 173.35 8" VCP (SE)  
 INV 173.05 8" VCP (W)



PRELIMINARY  
 NOT FOR CONSTRUCTION  
 DATE: 03/28/2025  
 FIRST M. LASTNAME C ####

BKF ENGINEERS  
 2100 FRANKLIN STREET  
 SUITE 400  
 OAKLAND, CA 94612  
 (510) 899-7300  
 www.bkf.com



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 PRELIMINARY STORMWATER CONTROL PLAN

Revisions	No.	Date	By	Checked
		03/28/2025	S. L. A.	S. L. A.

Drawing Number: C2.0

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05.14.25 ZONING RESUBMISSION  
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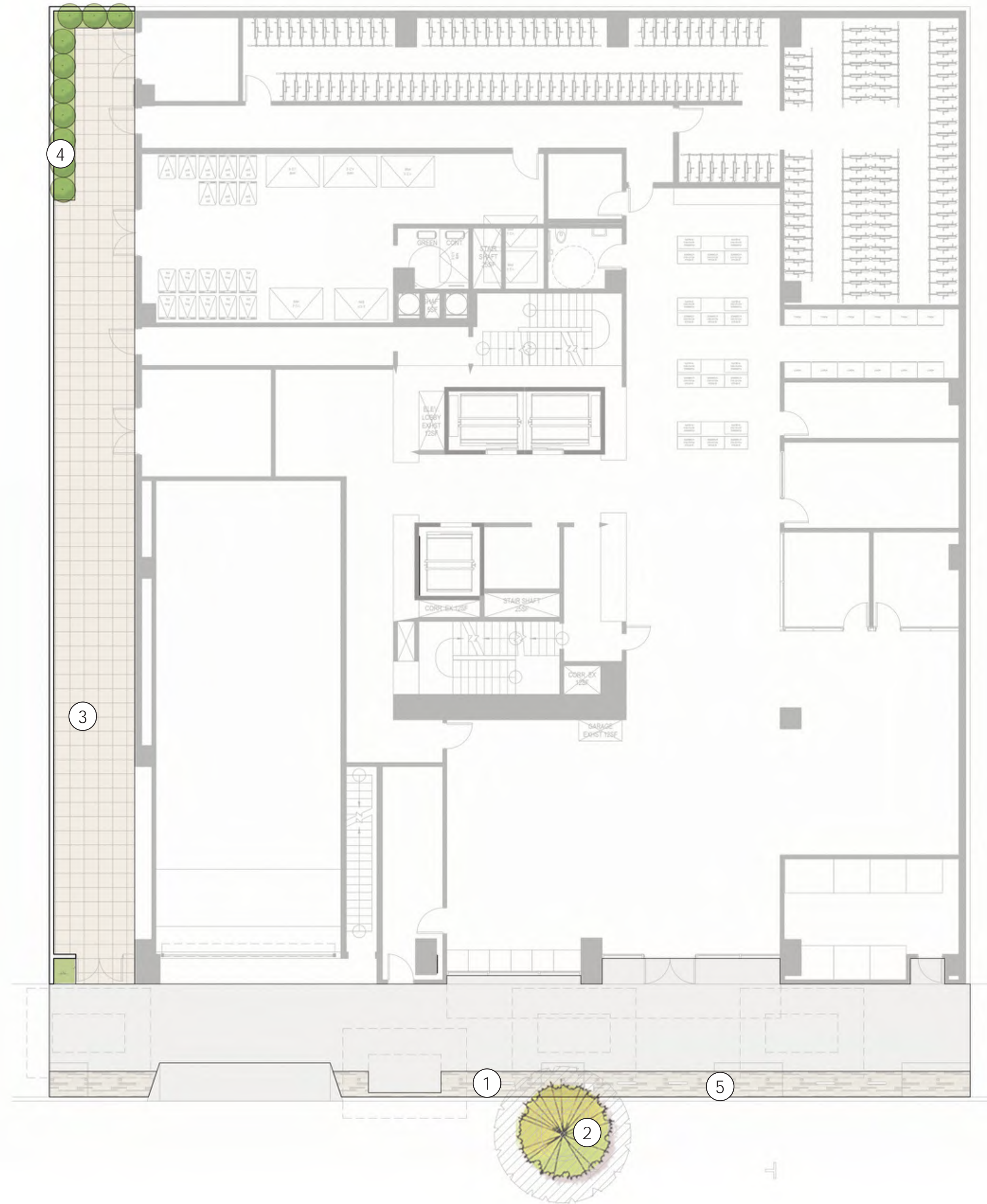
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JOB: 2327

SHEET:

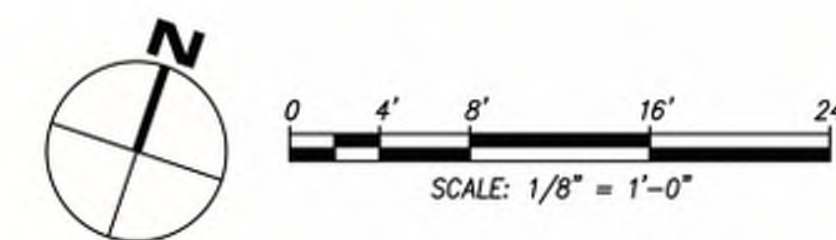
#### LANDSCAPE PLAN - GROUND FLOOR

## L1.01



#### LEGEND

- ① BIKE RACK 5 TOTAL (10 BIKE PARKING SPACES)
- ② EXISTING TRIDENT MAPLE STREET TREE TO REMAIN. PROTECT IN PLACE. SEE SHEET L3.01 FOR TREE PROTECTION FENCING DETAIL AND GUIDELINES.
- ③ CONCRETE PAVING AT SIDE YARD
- ④ NATIVE SHRUB PLANTING
- ⑤ 3-FOOT WIDE CITY STANDARD PAVER BAND



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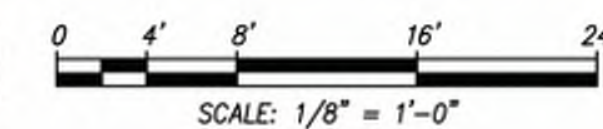
SHEET:

LANDSCAPE PLAN -  
PODIUM LEVEL



#### LEGEND

- ① CMU STORMWATER PLANTERS, TYP - 634 SF TOTAL
- ② MAINTENANCE WALKWAY



## L1.02



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### LEGEND

- ① FAMILY STYLE DINING TABLE
- ② GREEN ROOF PLANTING
- ③ TABLE WITH CHAIRS
- ④ LOUNGE FURNISHING

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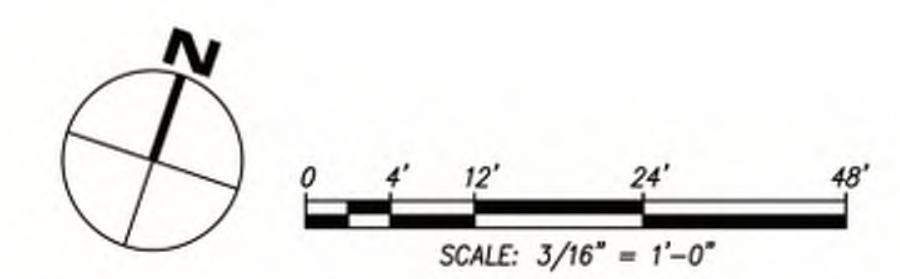
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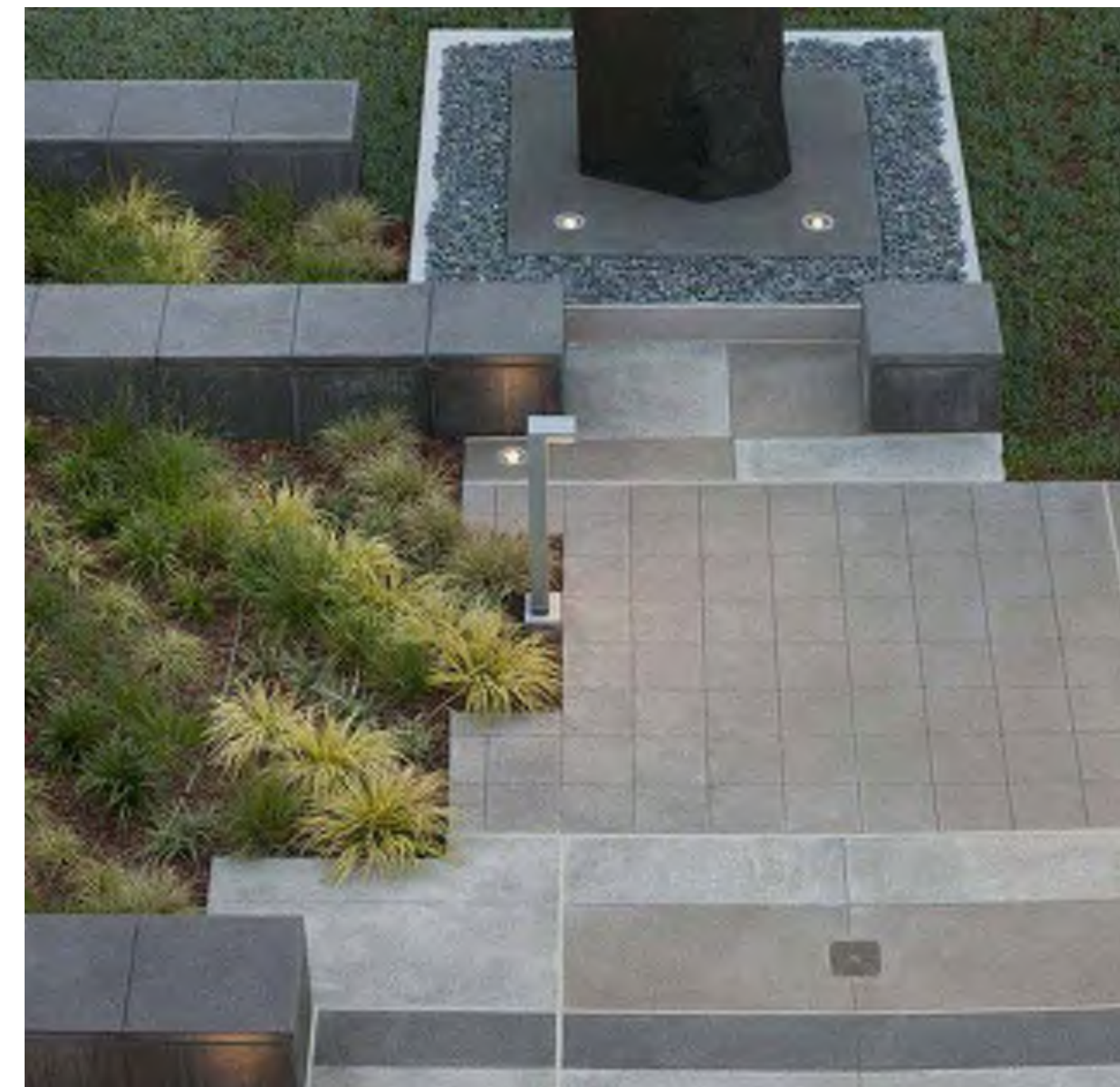
JOB: 2327

SHEET:

LANDSCAPE PLAN -  
ROOF DECK

# L1.03





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SHEET:

PRECEDENT IMAGES

# L2.01





**NATIVE SCREENING SHRUBS**



**SHRUBS**



**GROUNDCOVER**

**GENERAL PLANTING AND IRRIGATION NOTES**

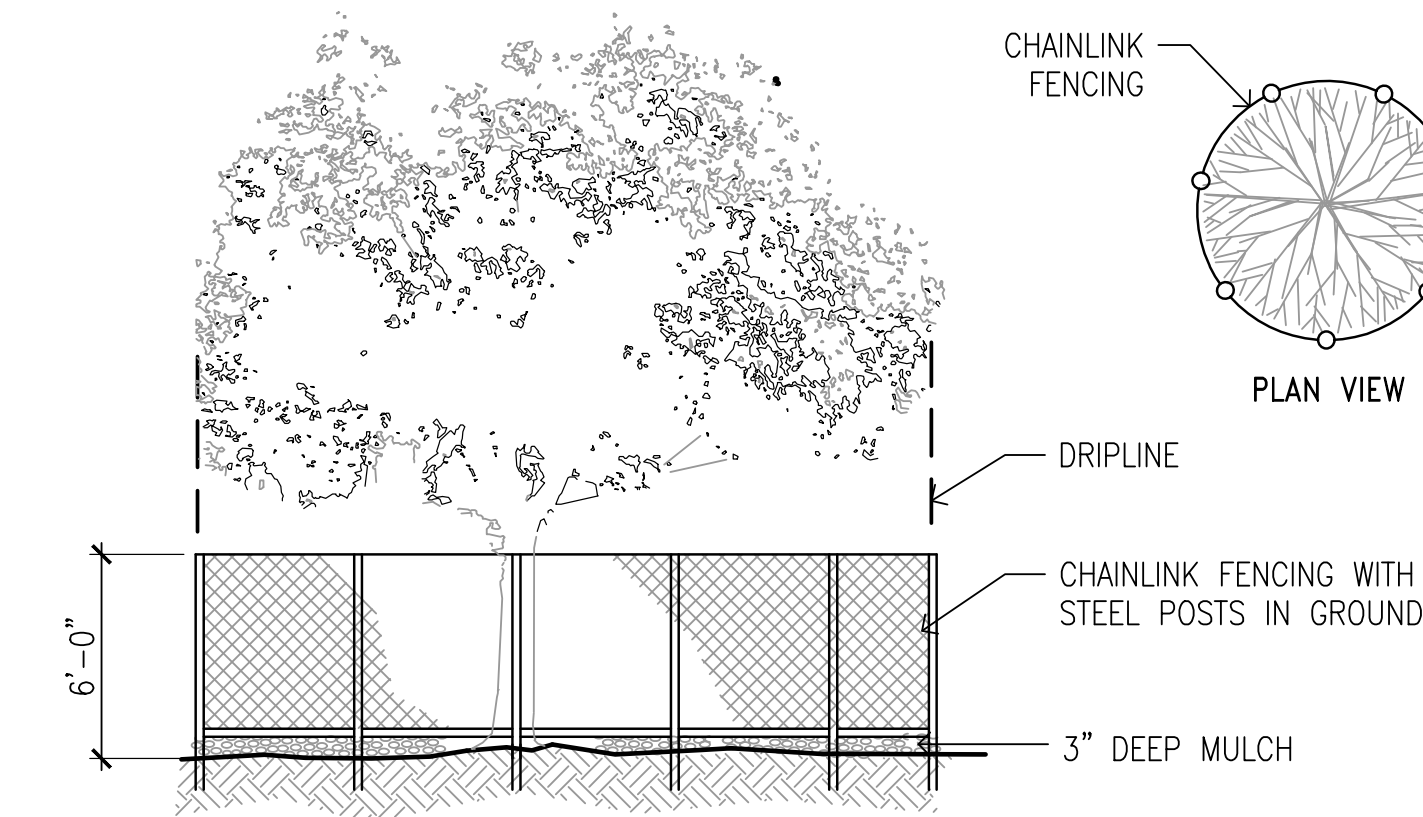
1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.
3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN-DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE. COMPOST APPLICATION TO ACHIEVE A MINIMUM OF 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON MWEO SPECIFIED SOIL ANALYSIS RESULTS FOR THE SITE SOIL PER [CGBSC 4.304].
4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.
5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.
6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.
7. 58% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD-LIFE SUPPORTING.
8. PLANT SELECTION AND DESIGN TO COMPLY WITH BAY-AREA FRIENDLY BASICS LANDSCAPE CHECKLIST.

**IRRIGATION SYSTEM DESIGN INTENT**

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWEO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE, RAIN SENSOR AND FLOW SENSING CAPABILITY CONNECTED TO THE IRRIGATION CONTROLLER WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.
7. COLOR CODED HYDROZONE LANDSCAPING HYDROZONE MAP WITH GROUPING AND COLLOCATING PLANTING MATERIAS BY WUCOLS WATER USE CATEGORY VL, L, M, OR H, PER [CGBSC 4.304], TO BE PROVIDED IN PERMIT DRAWINGS.
8. RAIN SENSOR AND CONTROLLER LOCATION TO BE PROVIDED IN PERMIT DRAWINGS.

**EXISTING TREE PROTECTION NOTES**

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, THE EXISTING TREE ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.
2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.
3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."
4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.
5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.
6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. CONTRACTOR TO NOTIFY AND COORDINATE WITH CERTIFIED ARBORIST AT LEAST 72 HOURS PRIOR TO ANY WORK BEING DONE IN DRIPLINE. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.
8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.
9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES, SHRUBS AND TURF TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.
11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST.



- NOTES**
1. NO EXISTING TREE MAY BE PRUNED WITHOUT PRIOR APPROVAL BY THE CITY ARBORIST.
  2. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
  3. NO OIL, GASOLINE, CHEMICALS, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED OR DISPOSED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE.
  4. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

**LANDSCAPE AREA CALCULATION:**

	LANDSCAPE AREA
GROUND LEVEL:	- 77 SF
PODIUM LEVEL:	- 634 SF
ROOF DECK LEVEL:	- 237 SF
TOTAL:	- 948 SF

**STORMWATER TREATMENT AREA:**

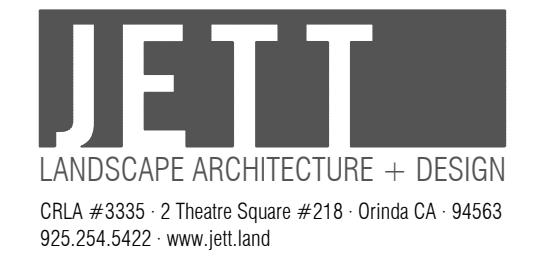
REQUIRED STORMWATER TREATMENT AREA= 455  
4% OF THE BUILDING FOOTPRINT (- PROPOSED STORMWATER TREATMENT AREA= - 634 SF

**BIKE PARKING CALCULATIONS:**

TOTAL SHORT TERM BIKE PARKING STALLS PROVIDED: 10 STALLS (5 BIKE RACKS)



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SHEET:

**PLANT IMAGES, NOTES & CALCULATIONS**

**L3.01**



DENOTES POLLINATOR PLANT SPECIES

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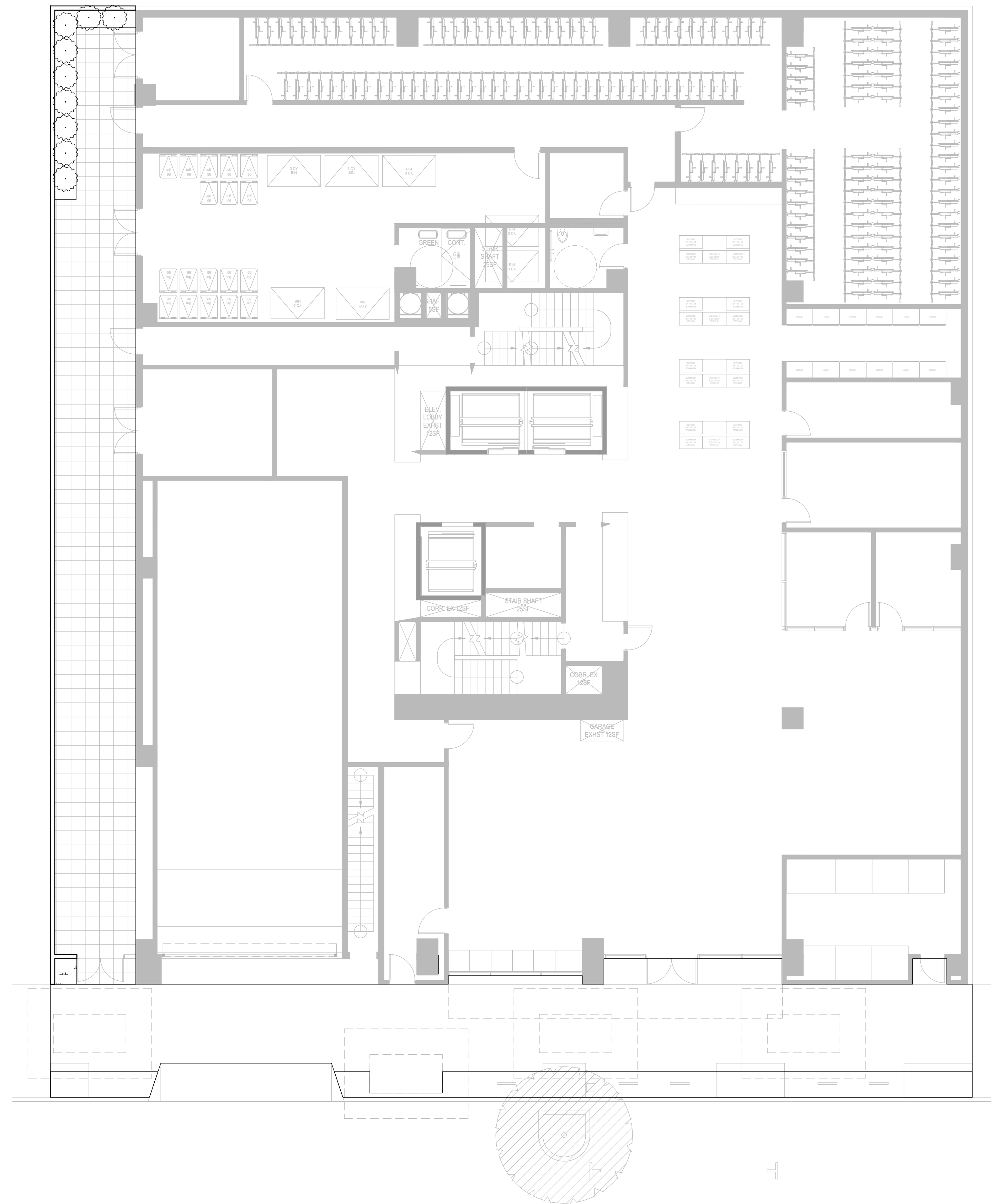
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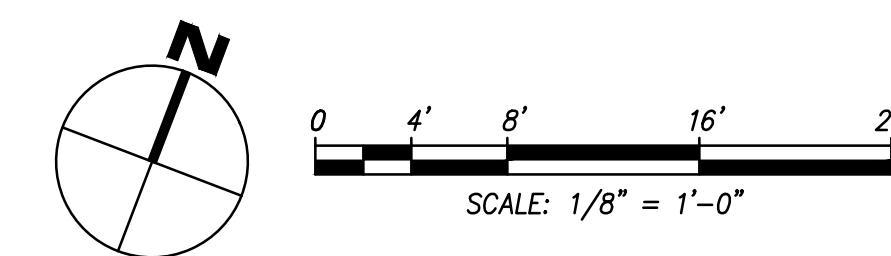
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**PLANTING PLAN -  
GROUND FLOOR**



PLANT LIST							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
<b>SHRUBS - LARGE - NATIVE</b>							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
<b>SHRUBS - SMALL/MEDIUM</b>							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'-0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'-0" OC		L	N
	AGASTACHE 'BARBERI'	HUMMINGBIRD MINT	1 GAL	2'-0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'-0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'-0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'-0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'-0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'-0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'-0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'-0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'-0" OC		L	Y
<b>GROUNDCOVERS</b>							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'-0" OC		L	Y
<b>STORMWATER</b>							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'-0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'-0" OC		L	Y



**L4.01**

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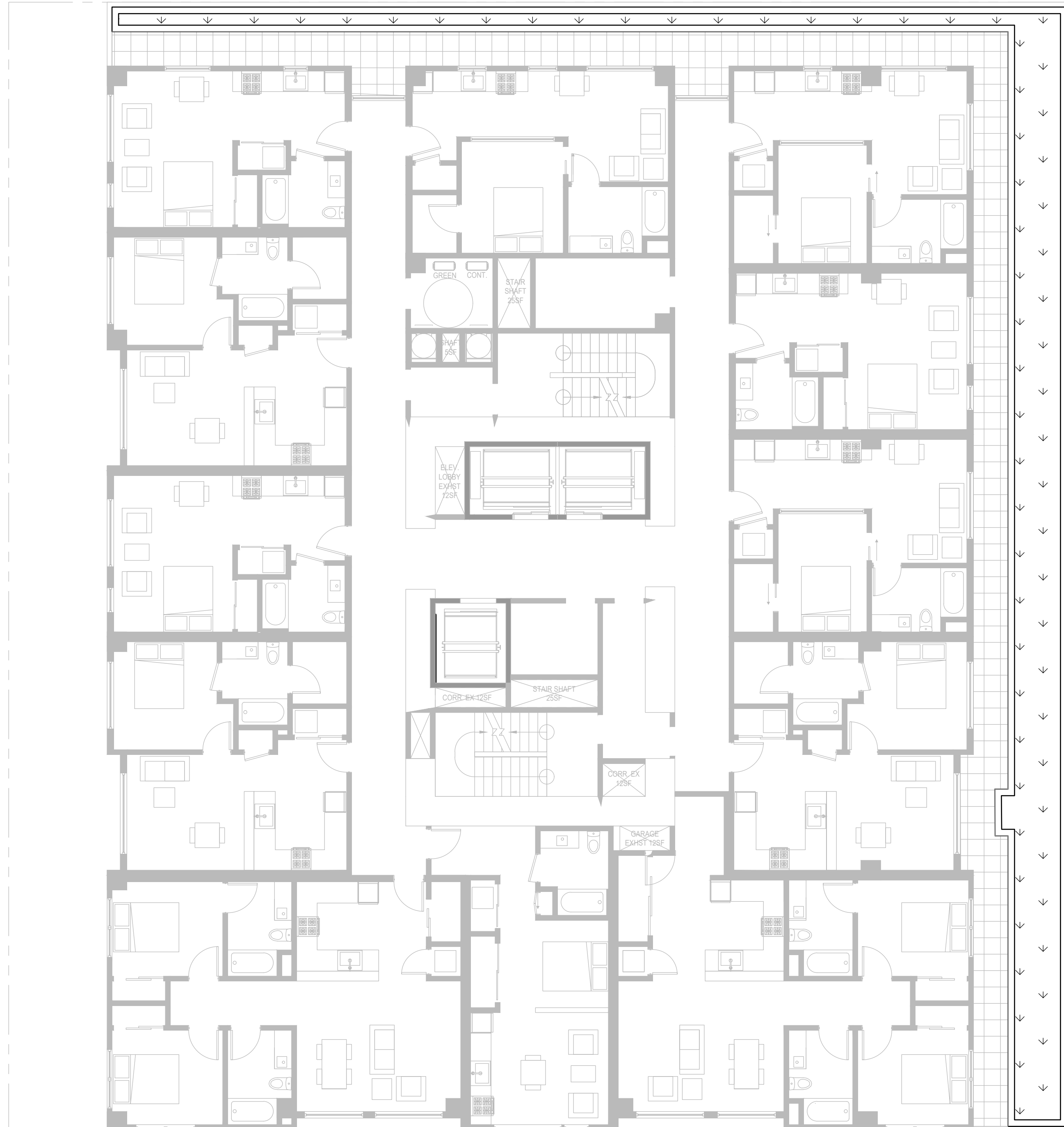
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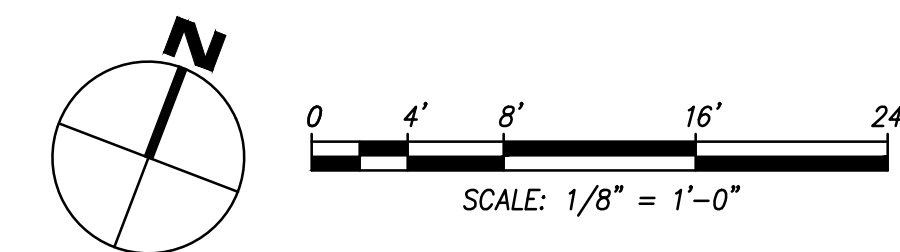
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**PLANTING PLAN -  
PODIUM LEVEL**

**L4.02**



PLANT LIST							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
<b>SHRUBS - LARGE - NATIVE</b>							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
<b>SHRUBS - SMALL/MEDIUM</b>							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'-0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'-0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'-0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'-0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'-0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'-0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'-0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'-0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'-0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'-0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'-0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'-0" OC		L	Y
<b>GROUNDCOVERS</b>							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'-0" OC		L	Y
<b>STORMWATER</b>							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'-0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'-0" OC		L	Y





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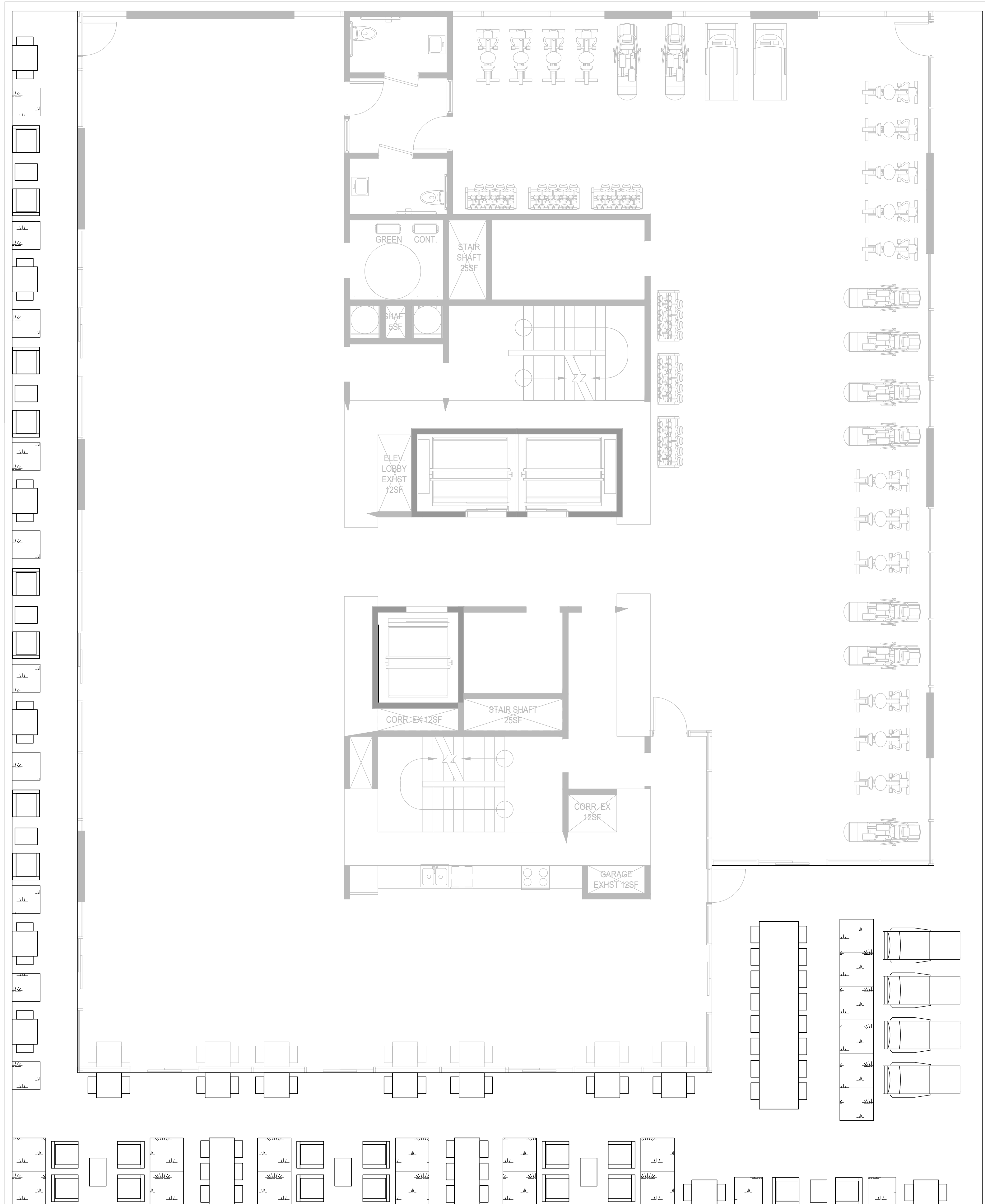
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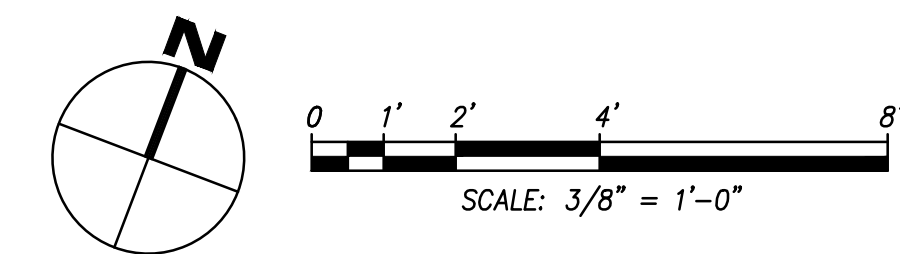
### PLANTING PLAN - ROOF DECK

# L4.03



#### PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
<b>SHRUBS - LARGE - NATIVE</b>							
⊙	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
<b>SHRUBS - SMALL/MEDIUM</b>							
⊙	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'-0" OC		L	N
⊙	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'-0" OC		L	N
⊙	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'-0" OC		L	Y
⊙	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'-0" OC		L	Y
⊙	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'-0" OC		L	Y
⊙	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'-0" OC		L	N
⊙	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'-0" OC		L	N
⊙	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'-0" OC		L	Y
⊙	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'-0" OC		L	Y
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⊙	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'-0" OC		L	Y
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<b>GROUNDCOVERS</b>							
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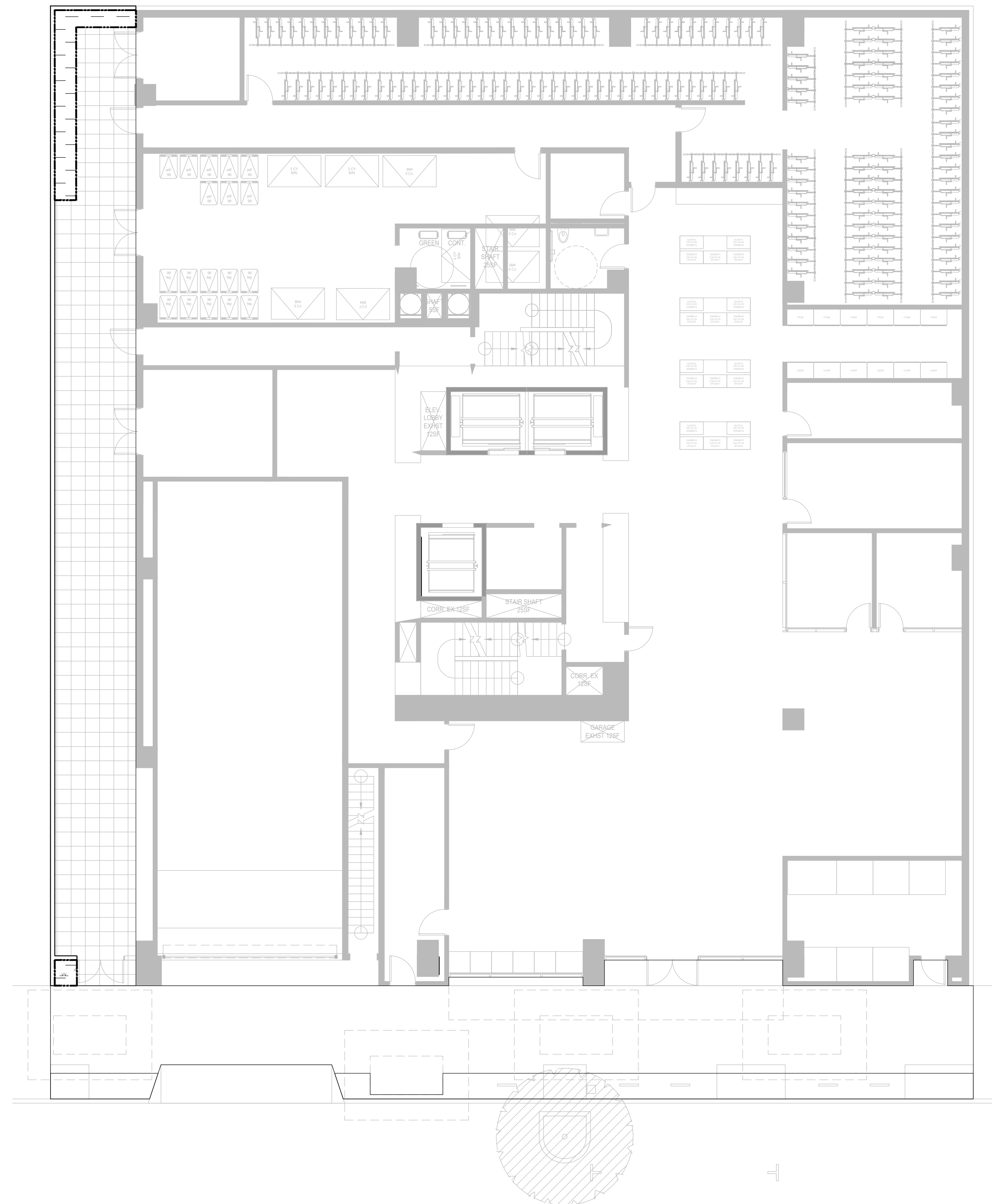
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SHEET:

**IRRIGATION PLAN -  
GROUND FLOOR**

**L5.01**



**HYDROZONE LEGEND**

SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
[Symbol]	1	LOW WATER USE	SHRUB & GROUNDCOVER	DRIP	895	895.0	94%
[Symbol]	2	LOW WATER USE	TREES	BUBBLER	0		
[Symbol]	3	MODERATE WATER USE	SHRUB & GROUNDCOVER	DRIP	54	54	6%
[Symbol]	4	MODERATE WATER USE	TREES	BUBBLER	0		
TOTAL						949.0	100%

**HYDROZONE INFORMATION TABLE**

REFERENCE ANNUAL ET<sub>0</sub> FOR: BERKELEY (MWELO REF. ET TABLE) 41.8

ET ADJUSTMENT FACTOR	0.55	ET ADJ FACTOR PER MWELO: 0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL, 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF)	0.45
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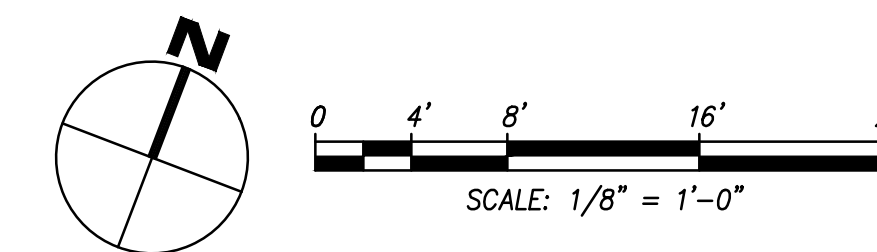
HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	ETAF <sub>2</sub> (PF/IE)	LANDSCAPE AREA (SQ FT)	ETAF <sub>2</sub> x AREA	ESTIMATED TOTAL WATER USE (ETWU)
1	0.3	D	0.81	0.37	77	28.52	739.09
2	0.3	B	0.81	0.37	634	234.81	6085.46
3	0.3	D	0.81	0.37	183	67.78	1756.53
4	0.6	B	0.81	0.74	54	40.00	1036.64
-	0	D	.81	0.00	0	0.00	0.00
-	0	D	.81	0.00	0	0.00	0.00
TOTAL					948.00	371.11	9,617.72
SPECIAL LANDSCAPE AREAS							
5				1	0	0.00	0.00
---				0	0	0.00	0.00
TOTAL					0	0.00	0.00
TOTAL LANDSCAPE AREA (LA + SLA)					948.00		

TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)	TOTAL ETWU	9,617.72
MAWA	(ANNUAL ETO)(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)*SLA]]	MAWA	13,512.60

AVERAGE ETAF	SUM(ETAF <sub>2</sub> X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA <sub>5</sub> )	0.39
SITEWIDE ETAF	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA <sub>5</sub> )	0.39

**IRRIGATION DESIGN INTENT**

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE AND FLOW SENSING CAPABILITY WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.



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CRLA #3335 · 2 Theatre Square #218 · Orinda CA · 94563  
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# 2029 UNIVERSITY RESIDENTIAL

2029 University Ave.  
Berkeley, CA

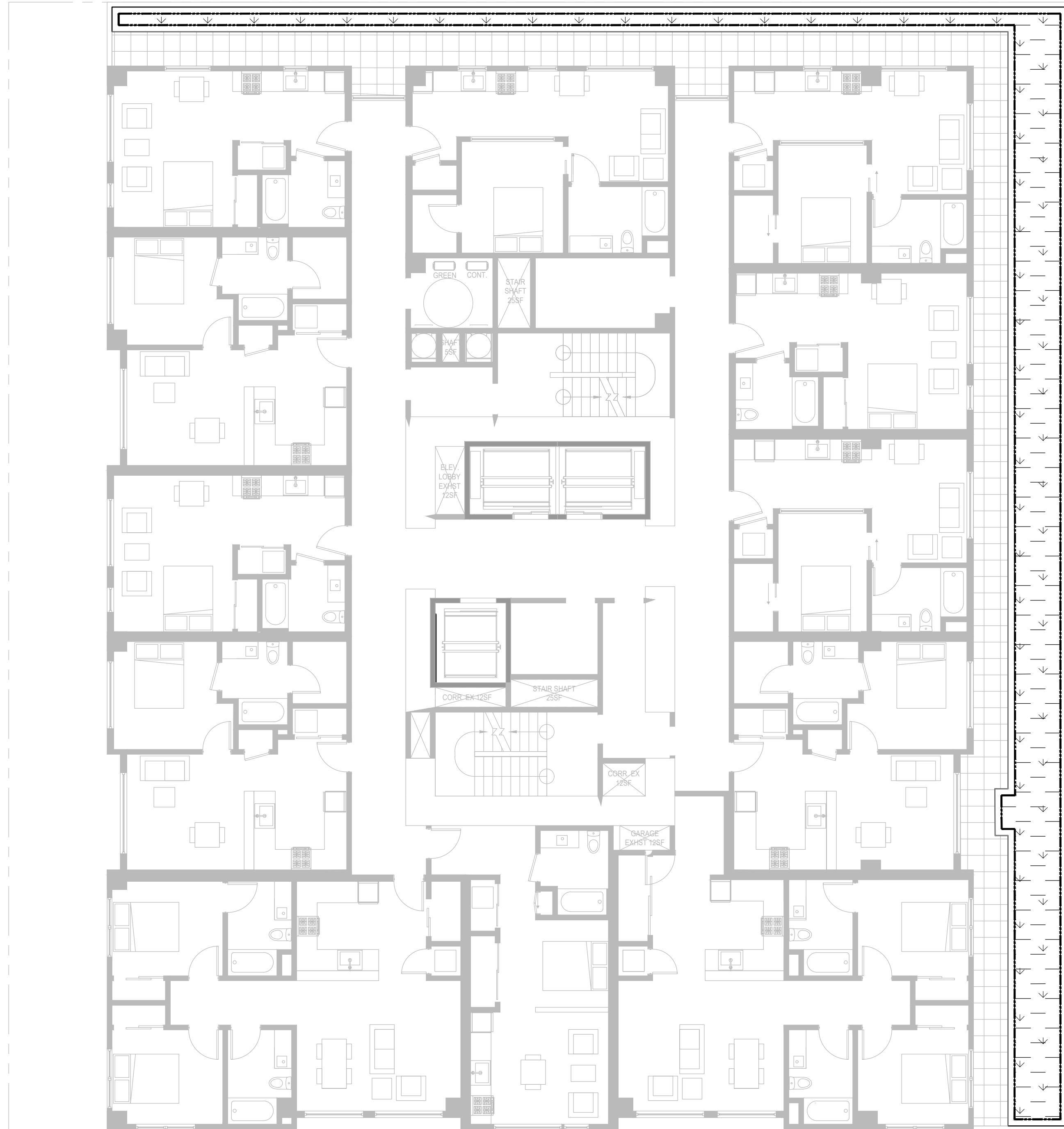
- 12.19.24 ZONING APPLICATION SUBMISSION
- 03.28.25 ZONING RESUBMISSION
- 05.14.25 ZONING RESUBMISSION
- 07.23.2025 AHMF FEE UPDATE

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING  
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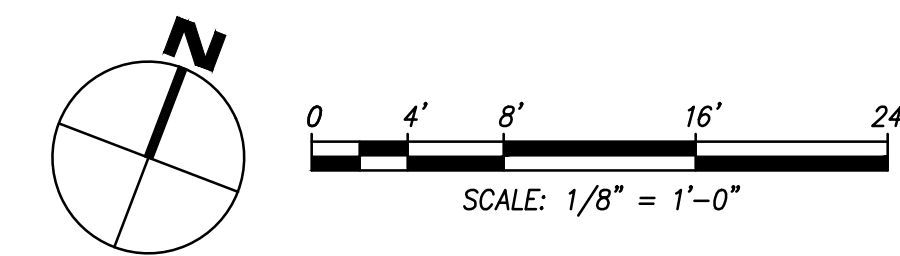
JOB: 2327

SHEET:

## IRRIGATION PLAN - PODIUM LEVEL



SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION



# L5.02

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JOB: 2327

SHEET:

IRRIGATION PLAN -  
ROOF DECK

## L5.03

SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

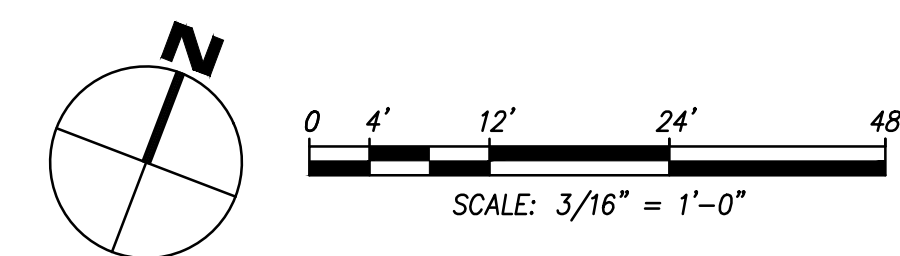
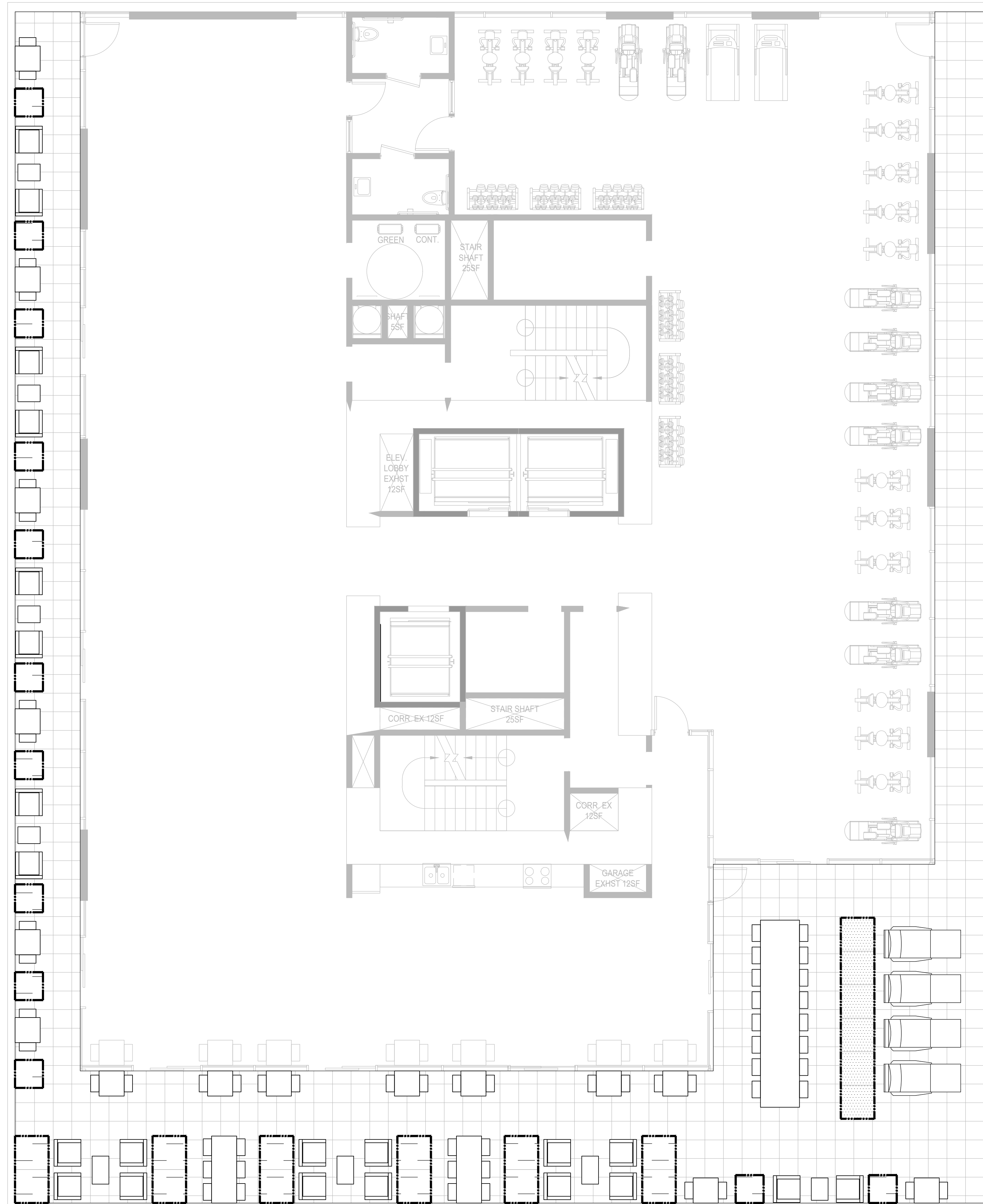


EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<b><i>Aesthetics &amp; Visual Quality</i></b>			
DAP MM AES-1: Conduct Site-Specific Visual Analysis for Buildings Proposed between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area, the City should require site-specific visual analysis for proposed buildings that have the potential to affect existing view corridors to determine the extent to which such structures may interfere with existing views of the Berkeley Hills, and should consider whether stepping back such buildings is feasible and would result in a substantial reduction in impact. <i>(Significant Unavoidable Impact<sup>1</sup>)</i>	<ul style="list-style-type: none"> <li>a) Has the project conducted site-specific visual analysis for buildings proposed between Shattuck Avenue and Oxford Street as required by the zoning and green pathway regulations, as applicable, in order to reduce development-related impacts on existing views of the Berkeley Hills?</li> <li>b) Has the project considered whether stepping back such buildings is feasible and would result in a substantial reduction in impact; have the plans been modified to reduce the impact to the satisfaction of the City?</li> </ul>	CoB	P
DAP MM AES-2: Evaluate Shadow Effects for Proposed Structures near the Eastern Edge of the Downtown Area. The extent of the impact on the Crescent will depend on the location, height and bulk of structures to the southwest. While the impact may be significant, it is not possible to determine with any certainty the level of impact. Accordingly, all structures with a proposed height of 85 feet or more to be located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall be evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent. Modifications to building heights, bulk or location should be considered as a way to reduce such shadowing. <i>(Significant Unavoidable Impact)</i>	<ul style="list-style-type: none"> <li>a) Has the proposed structure with a proposed height of 85 feet or more located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west been evaluated in a site-specific basis to determine the extent to which it may cast shadows within the Crescent?</li> <li>b) Have modifications to building heights, bulk or location been considered as a way to reduce such shadowing; have the plans been modified to reduce the impact to the satisfaction of the City?</li> </ul>	CoB	P

<sup>1</sup> When the Checklist indicates that Significant and Unavoidable Impacts shall be reduced or appropriately mitigated to the satisfaction of the City, it is recognized that while the impact may still be Significant and Unavoidable, the project meets the standards of the zoning ordinance and is otherwise acceptable.

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P=Planning; O=Operations; W=Working Drawings; C=Construction



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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<b>Air Quality</b>			
DAP MM AIR-1: None listed in draft DAP ( <i>Significant Unavoidable Impact</i> ) <u>Impact AIR-1</u> : Conflict with Clean Air Plan (CAP). Development anticipated under the Downtown Area Plan would increase population and employment at a greater rate than assumed when preparing the latest update to the CAP. This could lead to greater regional emissions of nonattainment air pollutants (or their precursors) than assumed in the CAP.	N/A		
DAP MM AIR-2: Buffer Toxics Air Contaminants (TAC) and Odor Emission Sources and Sensitive Land Uses. Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive residential and other pollution-sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts, such as air filtration systems or other technologies. ( <i>Significant Unavoidable Impact</i> )	a) Have the potential impacts on surrounding uses been considered when a project that may emit pollution and/or odors, including but not limited to restaurants, parking garage vents and diesel generators, is proposed? b) Has the project taken into consideration potential air pollution and odor impacts, including but not limited to restaurants, parking garage vents and diesel generators, when locating residential and other pollution-sensitive land users in the vicinity of air pollution sources? c) If buffering is not feasible, have appropriate mitigation measures been incorporated into the project to reduce the impact on sensitive receptors?	CoB	P
DAP MM AIR-3: Implement BAAQMD Recommended Measures to Control PM10 Emissions during Construction. Measures to reduce diesel particulate matter and PM10 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided.  <u>Dust (PM10) Control Measures:</u> <ul style="list-style-type: none"> <li>Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times.</li> <li>Cover all hauling trucks or maintain at least two feet of freeboard.</li> <li>Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas.</li> <li>Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads.</li> <li>Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more).</li> <li>Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles.</li> <li>Limit traffic speeds on any unpaved roads to 15 mph.</li> <li>Replant vegetation in disturbed areas as quickly as possible.</li> <li>Suspend construction activities that cause visible dust plumes to extend beyond the construction site.</li> </ul>	Do conditions of approval, if applicable, and construction plans or related agreements require that the specified BAAQMD recommended measures to control particulate matter PM (10) and diesel emissions during construction will be implemented?	CoB	P W C

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<p><u>Measures to Reduce Diesel Particulate Matter and PM2.5</u></p> <ul style="list-style-type: none"> <li>• Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site.</li> <li>• Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately.</li> <li>• The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors).</li> <li>• Properly tune and maintain equipment for low emissions.</li> </ul> <p><i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i></p>			
<p><b>Cultural &amp; Historic Resources</b></p>			
<p>DAP MM CUL-1: None listed in draft DAP (<i>Significant Unavoidable Impact</i>)</p> <p><u>Impact CUL-1:</u> Demolition of Historic Resources. Despite the substantial protections in place in City policy, it is possible that development anticipated under the Project could result in the demolition of historic resources located within the Downtown Area. Were demolition of historic resources to occur, this would represent a significant and unavoidable impact associated with the Project.</p>	N/A		
<p>DAP MM CUL-2: Establish Parameters for Compatible Infill Development in the Downtown Area within Updated Design Guidelines. Using the Secretary of the Interior's "Standards" as a starting point (in compliance with DAP Policy HD-1-1a), the Design Guidelines for future development in the Downtown Area should be updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts. Specific guidelines that could be added for this purpose include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Consider the difference in character of individual blocks. The scale of buildings change within the potential historic district(s) and new construction should reflect the appropriate scale per block.</li> <li>• Priorities for new construction and additions include: build-to-the-street, particularly at corners; construct infill buildings at vacant or underutilized sites along major streets; and modify non-historic buildings so that they contribute visual interest and quality.</li> <li>• Construct new buildings, of compatible design with the surrounding neighborhood.</li> </ul>	<p>a) Do the approved Downtown Design Guidelines address the suggested issues to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts?</p> <p>b) Is the proposed project consistent with the Guidelines and mitigation?</p>	CoB	P

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Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<ul style="list-style-type: none"> <li>Encourage creative and innovative contemporary designs for new buildings in the downtown.</li> <li>Streetscape plays an important role in drawing individuals to a particular area of the city. Use signage, lighting, and paving to improve the pedestrian experience.</li> <li>Build consistently with the street wall, particularly at corner sites. Continue dominant rhythms for structural bays, bay windows, large pilasters, and other repeating vertical elements. Also, continue dominant cornice lines, such as between ground floors and upper stories, and at the top of facades that meet a street.</li> <li>Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design.</li> <li>Set back upper floors where taller buildings are permitted, so that dominant roof and cornice lines remain generally consistent in the Downtown, as seen from the street.</li> <li>Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate.</li> <li>Provide multi-tenant retail space and other active publicly-accessible uses at the street level. These should be accessible directly from the sidewalk, rather than through common interior lobbies.</li> <li>Provide easy-to-locate building entrances on all street-facing facades. Where a building extends through an entire block or is located at a corner, connect its entrances with signage and lighting to distinguish them from storefronts</li> <li>Use vertically proportioned windows. Group such windows in sets where a horizontally proportioned window opening is desired, especially for the expression of structural bays.</li> </ul> <p><i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i></p>	<p>a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with the mitigation measure?</p> <p>b) Have archaeological resources been uncovered during construction activities? If yes:</p> <ul style="list-style-type: none"> <li>Has all work within 50 feet of the discovery been redirected until a qualified archaeologist could be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations?</li> <li>If the deposit does qualify as an archaeological resource, have impacts to the deposit been avoided or mitigated by project activities?</li> <li>Was the archaeologist's assessment or report documenting the methods, findings and recommendations prepared and submitted to the City, the project proponent and NWIC?</li> </ul>	CoB	W C

DAP MM CUL-3: Halt Work/Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered 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 an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit 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 archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC.

*(Impact Avoided or Mitigated to a Less Than Significant Level)*

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Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<p>DAP MM CUL-4: Halt Work/Paleontological Evaluation/Site-Specific Mitigation. Should paleontological resources 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 specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility.</p> <p><i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i></p>	<p>a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures?</p> <p>b) Was work halted if paleontological resources were discovered during construction? If yes:</p> <ul style="list-style-type: none"> <li>- was a qualified paleontologist contacted to evaluate the find and determine if further mitigation is necessary?</li> <li>- If mitigations were deemed necessary by the paleontologist, were all feasible measures implemented?</li> </ul>	CoB	W C
<p>DAP MM CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations. 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 any associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeologist's 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><i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i></p>	<p>a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures?</p> <p>b) Was work halted if any human remains were found at the construction site? If yes:</p> <ul style="list-style-type: none"> <li>- was the county coroner notified immediately and an archaeologist contacted to assess the situation?</li> <li>- If the human remains were of Native American origin, was an archaeologist's report prepared and submitted to the City, the Project Proponent and the NWIC?</li> </ul>	CoB	W C

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<i>Noise</i>			
<p>DAP MM NOI-1: Site-Specific Noise Studies, Site Planning, Noise Control Treatments. Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 L<sub>dn</sub> and indoor levels in excess of 45 L<sub>dn</sub>, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an L<sub>dn</sub> of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following:</p> <ul style="list-style-type: none"> <li>Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible.</li> <li>The California Building Code and the City of Berkeley require project-specific acoustical analyses to achieve interior noise levels of 45 dBA L<sub>dn</sub> or lower in residential units exposed to exterior noise levels greater than 60 dBA L<sub>dn</sub>. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA L<sub>dn</sub> so that windows could be kept closed at the occupant's discretion to control noise.</li> <li>Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L<sub>dn</sub>. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit.</li> </ul> <p>Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L<sub>dn</sub> or lower. (<i>Significant Unavoidable Impact</i>)</p>	<p>In areas where residential development would be exposed to L(dn) exceeding 60 dBA, were site specific noise studies conducted to determine the area of impact and to present mitigation measures, and were appropriate mitigation measures incorporated into the proposed project to reduce noise levels?</p>	CoB	P W
<p>DAP MM NOI-2: Site-Specific Noise Studies, Activities Scheduling. The following measures should be implemented to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities:</p> <ul style="list-style-type: none"> <li>Noise levels at residential property lines from commercial development should be maintained not in excess of the Berkeley Municipal Code Limits. The approvals of the commercial development should require a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet, and be consistent with, the City's noise standards.</li> <li>Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM.</li> </ul> <p>(<i>Impact Avoided or Mitigated to a Less Than Significant Level</i>)</p>	<p>a) As needed, have proposed commercial projects provided a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet the City's noise standards?</p> <p>b) Are noise levels at residential property lines from commercial development maintained so as not to exceed Berkeley Municipal Code limits?</p> <p>c) Have noise generating activities, such as maintenance, refuse collection and loading dock functions been limited to the hours of 7:00 AM to 9:00 PM?</p>	CoB	P O

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Project Name: All (\*)      Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<p>DAP MM NOI-3: Site-Specific Noise Analysis, Noise Barriers, Pavement Modifications, Traffic Calming, Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate Project-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. The Project no longer includes reduction of lanes on Shattuck to one through lane in each direction.</p> <p>However, closure of Center Street is included in the DAP 2012 (see Figure AC-3). If the proposed Center Street modification takes place, additional noise reduction methods could include the following:</p> <ul style="list-style-type: none"> <li>• Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction.</li> <li>• Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.</li> </ul> <p><i>(Significant Unavoidable Impact)</i></p>	<p>If Center Street is closed and noise levels along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street are expected to exceed COB standards for interior noise, have impacts been studied and mitigations provided to reduce noise levels?</p>	CoB	P W C
<p>DAP MM NOI-4: Site-Specific Noise Analysis, Noise Barriers, Pavement Modifications, Traffic Calming, Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate Project-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed in the EIR, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. The DAP 2012 no longer includes reducing Shattuck to one through lane in each direction; however, it does include the potential closure of Center Street to most traffic. At the time a proposed project for closing Center Street is developed, noise reduction methods could include the following:</p> <ul style="list-style-type: none"> <li>• Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction.</li> <li>• Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces.</li> </ul> <p><i>(Significant Unavoidable Impact)</i></p>	<p>If Center Street is closed and noise levels along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue are expected to exceed COB standards for interior noise, have impacts been studied and mitigations provided to reduce noise levels?</p>	CoB	P W C

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P=Planning; O=Operations; W=Working Drawings; C=Construction

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<p>DAP MM NOI-5: Develop Site-Specific Noise Reduction Programs and Implement Noise Abatement Measures during Construction. Prior to the issuance of building permits, 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 appropriate times limits for construction (7 AM to 7 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. 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.</p> <ul style="list-style-type: none"> <li>• Construction equipment should be well maintained and used judiciously to be as quiet as practical.</li> <li>• Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.</li> <li>• 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.</li> <li>• 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.</li> <li>• Prohibit unnecessary idling of internal combustion engines. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.</li> <li>• 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.</li> <li>• 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.</li> <li>• Route construction related traffic along major roadways and away from sensitive receptors where feasible.</li> <li>• Businesses, residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site.</li> </ul> <p><i>(Significant Unavoidable Impact)</i></p>	<p>a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures, including provision of a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts?</p> <p>b) Has a construction liaison been identified to address local complaints?</p>	CoB	W/C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*)      Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<p>DAP MM NOI-6 Avoidance of Pile-Driving/Site-Specific Vibration Studies/Monitoring/Contingency Planning. The following measures are recommended to reduce vibration from construction activities:</p> <ul style="list-style-type: none"> <li>• Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use.</li> <li>• Avoid using vibratory rollers and tampers near sensitive areas.</li> <li>• In areas where project construction is anticipated to include vibration-generating activities, such as pile-driving in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following:                         <ul style="list-style-type: none"> <li>- Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task.</li> <li>- Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions.</li> <li>- Construction contingencies would be identified for when vibration levels approached the limits.</li> <li>- At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements.</li> <li>- When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures.</li> <li>- Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.</li> </ul> </li> </ul> <p><i>(Significant Unavoidable Impact)</i></p>	<p>a) Does the project avoid the use of pile driving?</p> <p>b) Does the project avoid the use of vibratory rollers and tampers near sensitive areas?</p> <p>c) In areas where vibration inducing activities cannot be avoided, has a site specific vibration study been conducted to present appropriate mitigation measures and have mitigations been provided to minimize impacts to the satisfaction of the City?</p>	CoB	W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<b>Transportation &amp; Traffic</b>			
DAP MM TRA-I: Modify Lane Configuration at Martin Luther King Jr. Way/Hearst Avenue Intersection. A lane should be added for left turns in the westbound direction, changing the right lane to throughright. Implementation of this mitigation would still result in LOS F in the PM peak hour, but delay would be reduced to 131.2s, eliminating the significant DAP-related impact. The implementation of this mitigation measure requires re-striping of Hearst Avenue east of Martin Luther King Jr. Way to accommodate the new lane, eliminating the bike lane in part of the block; or the acquisition of additional right-of-way on this segment of Hearst Avenue to accommodate the new lane and maintain the bike lane. This measure is not anticipated to cause significant impacts to pedestrian traffic. <i>(Significant Unavoidable Impact)</i>	Has lane reconfiguration been implemented at MLK and Hearst Ave intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-10: Modify Lane Configurations at Oxford Street/University Avenue Intersection. The existing eastbound lane configuration should be maintained. This mitigation measure will result in change of LOS to D in the AM peak hour, with delay of 40.2s. Proposed lane reduction on University could be maintained west of the intersection. The implementation of this mitigation measure requires the maintenance of the eastbound lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic. <i>(Significant Unavoidable Impact)</i>	Has lane reconfiguration been implemented at University Ave. and Oxford St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-II: Modify Lane Configurations at Oxford Street/Allston Way Intersection and Alter Signal Cycle Timing. One lane should be added in the southbound direction, changing the lane configuration to two through and one right turn lane. One lane should be added to the northbound direction, changing the configuration to one left turn and two through lanes. One lane should be added in the eastbound direction, changing the configuration to one left turn lane and one right turn lane. Cycle length should be increased to 25s and to provide a protected left turn signal phase in the northbound direction. This mitigation measure would result in change of LOS to C in the Pm peak hour, with delay of 33.6s. On Oxford Street, the implementation of this mitigation measure would require the removal of 5 of the parking spaces in the southbound direction and the restriping of the segment in the block north of Allston Way. In the northbound direction there is the need to use the median space, as well as re-stripe the roadway. On Allston Way, the addition of the extra lane would require the loss of 4 on-street parking spaces on the south side of the street, as well as re-striping. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of onstreet parking spaces on Oxford Street and Allston Way is not anticipated to generate significant impacts. <i>(Significant Unavoidable Impact)</i>	a) Has lane reconfiguration been implemented at Oxford St. and Allston Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?  b) Has signal cycle timing been altered to meet LOS level standards?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-13: Incorporate Emergency Access Lane in Design for Center Street Pedestrian Corridor. In order to maintain adequate emergency access to buildings located along Center Street between Shattuck Avenue and Oxford Street, the design of the proposed Center Street pedestrian corridor shall be required to incorporate a clear area, a minimum of 20 feet in width, where permanent and temporary structures, landscaping, and other physical features are prohibited. This area shall be designated as an emergency access lane, and must be accessible from both Shattuck Avenue and Oxford Street. <i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i>	Have emergency access lanes been incorporated in the design for the Center St. pedestrian corridor?	CoB	O
DAP MM TRA-14a: Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street parking stalls along Milvia Street in order to accommodate the bike lanes. Up to 35 on-street parking stalls could be impacted by this mitigation measure. As noted in the parking demand/discussion, sufficient public parking capacity is anticipated in the Year 2030 With Project condition, so the loss of these parking stalls would not be anticipated to cause a significant impact. This mitigation measure would also not preclude the implementation of the traffic mitigation measures at the University Avenue/Milvia Street intersection and the Center Street/Milvia Street intersection. <i>(Significant Unavoidable Impact)</i>	Have Class 2 bike lanes been installed on Milvia St between University Ave. and Allston Way? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-14b: Install Traffic Calming Devices. Traffic calming devices should be installed on Milvia Street either between University Avenue and Allston Way or immediately north and south of this segment to discourage through vehicle traffic from traveling on this section of the roadway. Traffic calming devices could include speed humps, turn restrictions/prohibitions, or other measures determined by the City of Berkeley. <i>(Significant Unavoidable Impact)</i>	Have traffic calming devices been installed on Milvia St. between University Ave and Allston Way to discourage through traffic? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-2: Modify Lane Configuration at Martin Luther King Jr. Way/Allston Way Intersection. The eastbound lane configuration should be changed, turning the existing through-left lane to left turn only and the right lane to a throughright. A right turn lane to Martin Luther King Jr. Way in the southbound direction should be added, changing the through-right lane to through only. This mitigation measure would result in changing the LOS to D, with delay of 49.8s. The implementation of this mitigation measure requires re-striping of Allston Way west of Martin Luther King Jr. Way to accommodate the lane changes, and the acquisition of right-of-way north of Allston Way to accommodate the southbound right turn lane. This measure is not anticipated to cause significant impacts to pedestrian traffic. <i>(Significant Unavoidable Impact)</i>	Has lane reconfiguration been implemented at MLK and Allston Way Intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-3: Modify Lane Configuration at Milvia Street/University Avenue Intersection. A right turn lane should be added to University Avenue to the eastbound direction and one left turn lane should be added to University Avenue in the westbound direction. In the eastbound direction, the configuration of lanes would be one through-left lane, one through and one right turn lane. In the westbound direction, the configuration of lanes would be one left turn lane, one through lane and one through-right lane. This mitigation measure would change LOS to B, with delay of 14.9s in the AM peak hour, and to LOS C with delay of 25.8s in the PM peak hour. The implementation of this mitigation measure requires the removal of the median east of the intersection in order to accommodate the extra lane, and the restriping of University Avenue on both sides of Milvia Street. This measure is not anticipated to cause significant impacts to pedestrian traffic, but a right turn on green only with an advance stop bar can be implemented on University Avenue to avoid conflicts with pedestrians crossing Milvia Street. This measure would increase pedestrian safety and does not change the LOS of the intersection. The implementation of a bicycle waiting area placed ahead of the cars waiting to turn right can reduce the conflicts through bicycle flows and right-turn vehicle movements on Milvia Street in the southbound direction. This measure requires restriping of Milvia Street. <i>(Significant Unavoidable Impact)</i>	Has lane reconfiguration been implemented at Milvia St. and University Ave. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-4: Modify Lane Configuration at Milvia Street/Center Street Intersection. One left turn lane should be added to Milvia Street in the northbound and southbound directions, changing the lane configuration to one through-right and one left turn lane. This mitigation measure would result in change of LOS to C, with delay of 24.0s in the PM peak hour. The implementation of this mitigation measure requires the removal of onstreet parking spaces in the northbound and southbound directions to accommodate the left turn, and the re-striping of Milvia Street on both sides of Center Street. This measure is not anticipated to cause significant impacts to pedestrian traffic. Milvia Street would remain a Bicycle Boulevard and sufficient traffic lane width would be provided for bicycles and vehicles to make through movements at this intersection. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking. <i>(Significant Unavoidable Impact)</i>	Has lane reconfiguration been implemented at Milvia St. and Center St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*)      Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-5: Modify Lane Configuration at Shattuck Avenue/Center Street. The significant impact at this intersection can only be mitigated by restoring Shattuck Avenue to provide two traffic lanes in the northbound direction. The proposed mitigation measure would add one lane to Shattuck Avenue in the northbound direction, changing lane configuration to one left turn lane and two through lanes. This mitigation measure would result in change of LOS to D, with delay of 42.6s in the PM peak hour. The implementation of this mitigation measure would require the removal of the parking spaces in the northbound direction of Shattuck Avenue, the reconfiguration of the southeast sidewalk, and the re-striping of Shattuck Avenue in the block south of Center Street. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking. <i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i>	Has lane reconfiguration been implemented at Shattuck Ave. and Center St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	0
DAP MM TRA-6: Modify Lane Configurations at Shattuck Avenue/Allston Way Intersection. The existing number of lanes (three) in the northbound and southbound directions should be maintained, changing lane configurations to one left turn lane, one through lane and one right turn lane. One right turn lane should be added to the westbound direction, changing the existing lane to a through-left only. This mitigation measure would change the forecast LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would maintain the single through lane concept of the Shattuck Boulevard plan, but would widen the street cross section by providing a right turn lane in the northbound and southbound directions. On Allston Way, the implementation of the proposed mitigation measure requires the removal of on-street parking to accommodate the new lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic. The anticipated loss of six on-street parking spaces on Alston Way and none spaces on Shattuck Avenue is not expected to generate significant impacts. <i>(Significant Unavoidable Impact)</i>	Has lane reconfiguration been implemented at Shattuck Ave and Allston Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	0
DAP MM TRA-7: Modify Lane Configurations at Shattuck Avenue/Bancroft Way Intersection. The existing number of lanes in the southbound direction should be maintained, changing lane configuration to one through lane and one through-right lane. This mitigation measure would result in change of LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would not maintain the single through concept of the Shattuck Boulevard plan. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the southbound direction and the restriping of the segment of the block north of Bancroft Way. This measure is not anticipated to cause significant impacts to pedestrian traffic. <i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i>	Has lane reconfiguration been implemented at Shattuck Ave and Bancroft Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	0

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MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (\*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-8: Modify Lane Configurations at Shattuck Avenue/Durant Avenue Intersection. The existing number of lanes in the northbound direction should be maintained, changing the lane configuration to one left turn lane, one through and one right turn lane. This mitigation measure will result in change of LOS to B in the AM peak hour (17.8s delay). LOS C is achieved in the PM peak hour (21.6s delay) applying the mitigation measures described above plus a20s increase in cycle time. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the northbound direction and the re-striping of the segment in the block south of Durant Avenue. This measure is not anticipated to cause significant impacts to pedestrian traffic. <i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i>	Has lane reconfiguration been implemented at Shattuck Ave. and Durant Ave intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-9: Maintain Existing Lane Geometry in the Westbound Direction. The DAP-proposed lane reduction on Hearst Avenue would be maintained to the west of the intersection, with the lane reduction occurring in a transition to the west of the intersection. Add one lane in southbound direction, changing lane configuration to one left-turn, one through and one through-right lane. Change the eastbound direction lane configuration to one through-left lane one through-right lane. Maintain split signal phasing for eastbound and westbound directions. Add a right turn only lane to the northbound direction and provide right turn overlap signal phasing for this movement. The right turn only lane would not be a free-right turn, but a striped, exclusive right turn lane adjacent to the northbound through lanes. Change northbound and southbound signal phasing to protected + permitted for left turns. This mitigation measure would change LOS to D in the AM peak hour (54.9 seconds delay). In the PM peak hour, the 2030 LOS is improved to LOS D, with delay reduced from 166.4 seconds With Project to 54.4 seconds. On Oxford Street, the implementation of this mitigation measure requires the removal of seven parking spaces in the southbound direction and the re-striping of the segment in the block north of Hearst Avenue. On Hearst Avenue, existing configuration should be maintained in both directions. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of on-street parking spaces on Oxford is not anticipated to generate significant impacts. <i>(Significant Unavoidable Impact)</i>	<p>a) Has lane reconfiguration been implemented at Oxford St. and Hearst Ave. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?</p> <p>b) Has signal cycle timing been adjusted to meet LOS AM and PM peak hour targets?</p>	CoB	O

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Project Name: All (\*)      Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
<b><i>Utilities &amp; Service Systems</i></b>			
DAP MM USS-1: Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer conveyance System/Project-Related Contribution to Necessary Capacity Expansion. As individual development projects are proposed in the Downtown Area, each project will be subject to site-specific analysis by the City of Berkeley to determine whether the development proposed would exceed the capacity of the sanitary sewer conveyance system that directly serves the project. In the event that existing sanitary sewer modeling demonstrates that sanitary sewer conveyance system capacity would be exceeded by the proposed project, then the project proponents and the City shall enter into negotiations to determine the financial contribution required from the project proponents to enable the City to expand sanitary sewer conveyance capacity as necessary to accommodate the project as proposed. <i>(Impact Avoided or Mitigated to a Less Than Significant Level)</i>	a) Has a project/site specific analysis been conducted to determine whether the project would exceed the sanitary sewer system capacity that directly serves the project?  b) If modeling demonstrates that sewer capacity will be exceeded, have negotiations between the project proponents and City been held to determine the financial contribution necessary to expand the sewer system to accommodate the project, and have fair-share contributions been provided by the proponent?	CoB	P W

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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

## 2029 University Avenue

Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.

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, November 13, 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.*



2029 University Avenue (ZP2024-0181)  
Page 2 of 5

NOTICE OF PUBLIC HEARING  
Posted October 30, 2025

### A. Land Use Designations:

- General Plan: DT– Downtown Mixed-Use
- Zoning: C-DMU Outer Core (Downtown Mixed-Use district)

### B. Zoning Permits Required:

1. **Demolition.** BMC Section 23.326.070(A) “**Demolitions of Non-Residential Buildings**” to demolish a non-residential building (UPPH)\*
2. **New Construction.** BMC Section 23.204.020 (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 C-DMU (UPPH).
4. **Height.** BMC Section 23.204.130(E)(1)(a) “**Height Limits**” to increase the maximum building height limit to 75’ (plus 5’ parapet, by right) (UPPH).
5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) “**Modifications to Standards**” to modify front, side, and rear setback requirements (UPPH).
6. **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.** 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 “**Bird Safe Building**” requirement as required by BMC 23.304.150

#### Waivers:

1. **Usable Open Space.** Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.

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6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP)

**D. CEQA Recommendation:** Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

**E. Project Recommendation:** Approve Use Permit #ZP2024-0181 pursuant to BMC Section 23.406.040(D)

**F. Parties Involved:**

- Applicant                      Rhoades Planning Group
- Property Owner              Mohammad Talai & Kokab Talai

**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](mailto: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](mailto: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:**

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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](mailto: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.



**From:** [Karimzadegan, Niloufar](#)  
**To:** [christopher kroll](#)  
**Subject:** RE: 2029 University Avenue DRC Meeting 10/16/2025  
**Date:** Tuesday, November 4, 2025 5:59:00 PM

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Hi Chris,  
Thanks for your patience on this!

Please see my responses in red below.

Sincerely,  
Nilu

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**From:** christopher kroll <quercus40@gmail.com>  
**Sent:** Thursday, October 30, 2025 9:03 PM  
**To:** Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>  
**Cc:** Burns, Anne M <ABurns@berkeleyca.gov>  
**Subject:** Re: 2029 University Avenue DRC Meeting 10/16/2025

Thanks so much for getting back to me. And I will watch the video at some time but it is a long video.

I would appreciate your saving me some time by telling me:

- where in state law it says that the City must concede to a developer's request to remove conditions on a permit? **Concessions: Government Code Section 65915(d) and (k)**  
what part of the law is the density bonus contained within? **Government Code Section 65915 ( Codes Display Text)**

**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]**  
**DIVISION 1. PLANNING AND ZONING [65000 - 66342]**  
**CHAPTER 4.3. Density Bonuses and Other Incentives**  
**[65915 - 65918]**

- you refer to HCD guidance -- but what state law section requires local governments to agree to developer requests on concessions based on "project costs"? **Concessions: Government Code Section 65915(d) and (k)**
- Is the developer required to prove his/her contention that bird safe glass, etc would

make the project "not pencil out" or whatever term is used? If not, why not? A Court of Appeal held that the state's density bonus law (Gov't Code § 65915) does not require applicants to submit financial information to support requests for incentives or waivers and preempted a city ordinance that required such financial documentation to show that a project would not be "economically feasible" without the requested incentives. *Schreiber v. City of Los Angeles*, 69 Cal. App. 5th 549 (2021).

- can the City choose which concessions to give the developer when concessions are requested for density bonus projects? If not, why not? No, per Government Code Section 65915(d)

Thanks so much for your help so I can understand why tall buildings can be approved in Berkeley without even the minimum bird safe glass provisions included within the recently adopted BSG ordinance.

Christopher Kroll

On Mon, Oct 20, 2025 at 4:12 PM Karimzadegan, Niloufar <[NKarimzadegan@berkeleyca.gov](mailto:NKarimzadegan@berkeleyca.gov)> wrote:

Hi Christopher,

I appreciate your thoughtful reasoning and the time you took to communicate your points with Staff.

However, this matter is beyond the City's control, as State law supersedes local ordinances. The California Department of Housing and Community Development (HCD) has advised that Density Bonus Law (DBL) concessions apply to City requirements that could increase project costs. This HCD guidance is interpreted to include provisions such as the bird-safe building standards. Under State law, the City cannot deny a housing project unless specific findings—can be made. Staff has not been able to make those findings.

I recommend watching the ZAB hearing for the project at 2425 Durant Avenue, which took place last Thursday, October 9. Similar concerns were raised regarding the concessions associated with that project. Viewing the video of the meeting would be worthwhile, as it provides helpful context and insight into staff recommendations and ZAB members' reasoning behind these decisions.

Agenda: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

(Staff Report for this project has a Density Bonus Section including a waiver and concession section)

Video: [https://berkeley.granicus.com/player/clip/5518?publish\\_id=5c02a586-a957-11f0-8df7-005056a89546&redirect=true](https://berkeley.granicus.com/player/clip/5518?publish_id=5c02a586-a957-11f0-8df7-005056a89546&redirect=true)

2029 University Avenue is tentatively schedule for the ZAB meeting of 11/13/25. Staff reports will be available on the ZAB agenda page on 11/6/25.

I hope this is helpful and let me know if you have other questions,

Sincerely,

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**Nilu Karimzadegan** (She/Her)  
Senior Planner  
City of Berkeley | Land Use Planning  
[NKarimzadegan@berkeleyca.gov](mailto:NKarimzadegan@berkeleyca.gov)

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**From:** christopher kroll <[quercus40@gmail.com](mailto:quercus40@gmail.com)>  
**Sent:** Monday, October 20, 2025 3:38 PM  
**To:** Karimzadegan, Niloufar <[NKarimzadegan@berkeleyca.gov](mailto:NKarimzadegan@berkeleyca.gov)>  
**Cc:** Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)>  
**Subject:** Re: 2029 University Avenue DRC Meeting 10/16/2025

Hello Nilu

Thanks for the response. I understand that because of the low income units this building gets a density bonus.

What I don't understand is why the City would choose to give one of the largest new buildings proposed for construction downtown a pass on complying with the bird safe glass ordinance. The City talks about new tall buildings promoting sustainability but we are experiencing a massive die off of animal species across the globe. Bird species are among the heaviest hit and have declined in large numbers in recent decades. Tall buildings in downtown areas play a major role in the deaths of migrating birds.

A recent study coauthored by the Audubon chapter NYC Bird Alliance found



that over one billion birds in the U.S. die each year from window collisions due to reflective glass and artificial light at night.

The builder has already received the benefit of additional floors to make money from this building. Does the Planning Department believe that the alleged financial viability of this building is more important than implementing an existing ordinance to aid in the protection of migrating birds at a time of ever increasing massive die offs. Were there not other "concessions" that could have been offered to the developer?

What is the value of the City's commitment to the bird safe glass ordinance if it can so easily be avoided with the City's blessing? This is not sustainable development.

Finally I assume this will all be discussed in the staff report. Which ZAB meeting is this proposed development now scheduled for?

Christopher Kroll

On Mon, Oct 20, 2025 at 8:38 AM Karimzadegan, Niloufar

<[NKarimzadegan@berkeleyca.gov](mailto:NKarimzadegan@berkeleyca.gov)> wrote:

Good morning,

This project includes 15% Very-Low Income and 15% Moderate-Income units, in accordance with the State's Density Bonus Law, making it eligible for three concessions. These concessions are granted to support the financial feasibility of the project and do not require the applicant to provide a detailed rationale to the City. In their statement, the applicant simply notes that the concessions are necessary to ensure the project's financial viability.

I hope this helps.

Sincerely,

Nilu

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**From:** christopher kroll <[quercus40@gmail.com](mailto:quercus40@gmail.com)>

**Sent:** Friday, October 17, 2025 8:51 PM

**To:** Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)>

**Cc:** Karimzadegan, Niloufar <[NKarimzadegan@berkeleyca.gov](mailto:NKarimzadegan@berkeleyca.gov)>

**Subject:** Re: 2029 University Avenue DRC Meeting 10/16/2025

Thank you Anne. I look forward to hearing back next week.

Chris Kroll

On Fri, Oct 17, 2025 at 6:40 PM Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)> wrote:

Hello, Christopher: I'm sorry to hear that you had trouble reading the agenda and meeting materials on-line. When I opened the agenda on-line to check, I also saw that it was smaller as it is formatted to fit the page. I needed to increase the size before reading it. I can check in with our admin staff on this next Tuesday and see what version is best to direct you toward.

I'm copying Nilu Karimzadegan on my response, as she is the Use Permit Planner who will be preparing the staff report and meeting materials for when these projects come to ZAB. I believe that she is already intending to go into more information about the requested concession in her ZAB report, but she might also be able to give you some information before that.

Thank you. - Anne Burns

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**From:** christopher kroll <[quercus40@gmail.com](mailto:quercus40@gmail.com)>

**Sent:** Friday, October 17, 2025 2:05 PM

**To:** Burns, Anne M <[ABurns@berkeleyca.gov](mailto:ABurns@berkeleyca.gov)>

**Subject:** Fwd: 2029 University Avenue DRC Meeting 10/16/2025

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Date: Fri, Oct 17, 2025 at 2:01 PM

Subject: 2029 University Avenue DRC Meeting 10/16/2025

To: <[aburns@berkeleyca.gov](mailto:aburns@berkeleyca.gov)>

I was not able to attend the DRC meeting last night. And I am unable to read the staff report for this project when I click on the link in the agenda. The text is too small to read.

I have two requests:

1) Please send me a link to a version where the document is legible i.e. text is large enough to be easily read on a computer.

2) Please explain the rationale for excusing this building from conforming to the bird safe glass ordinance. It seems that bird safe glass is most important for high rises like the proposed building. So what is the rationale to not require for this building.

Thank you

Christopher Kroll  
West Berkeley

## NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

### ZAB APPEAL: 2029 University Avenue (Multi-Family) Use Permit #ZP2024-0181

**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#2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units, including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.

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](mailto: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](mailto:clerk@berkeleyca.gov) for further information.

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Mark Numainville, City Clerk

**Mailed by:** February 9, 2026

Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

**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>