

D E S I G N
R E V I E W
C O M M I T T E E
S T A F F R E P O R T

For Committee Decision
FEBRUARY 16, 2023

3031 TELEGRAPH AVENUE PRELIMINARY DESIGN REVIEW MODIFICATION

Design Review #MODDRCP2022-0003 to demolish an existing commercial building and construct a six-story, 98,338 square-foot mixed-use building with 127 units (including 9 Very Low-Income units), including 1,921 square feet of commercial space, 7,622 square feet of usable open space, as well as 64 bicycle parking spaces and 19 vehicular parking spaces at the ground level.

I. Introduction

This project is located on the Southeast corner of Telegraph and Webster in the General Commercial (C-1) Zoning District.

The Landmarks Preservation Commission considered the demolition on November 5, 2020 and took no action to initiate a Landmark or Structure-of-Merit designation.

It was before this Committee in December for Preliminary Design Review in February of 2021, where it received a favorable recommendation to ZAB with direction for Final Design Review. The project received its Use Permit from ZAB on April 21, 2021.

It is returning to DRC this month for Preliminary Design Review Modification.

II. Background

The proposed project would involve the demolition of the existing commercial building and the construction of a mixed-use building with the following main components:

- Six stories, 70' 6" height
- 127 dwelling units – 54 studios; 54 one-bedroom; 19 two-bedroom;
- 1146 bedrooms total
- 9 Very Low Income (VLI) units
- 1,921 square feet of ground-floor commercial space (retail)

- 7,622 square feet of usable open space – strolling garden, private balconies, second-floor courtyard, and roof deck
- 19 vehicle parking spaces
- 64 bicycle parking spaces

III. Project Setting

A. Neighborhood/Area Description: The subject property is located on the east side of Telegraph Avenue, between Webster Street and Dowling Place, about three blocks from the southern border of the city. The subject property is located approximately one block south of the Ashby Avenue corridor, one block west of the Alta Bates Summit Medical Center campus, one mile south of the U.C. Berkeley campus, and four blocks east of Shattuck Avenue. This area of Telegraph Avenue is developed with various commercial uses, including medical offices, as well as a high-density mixed-use building located at the corner of Telegraph and Ashby. Many of the commercial buildings in the vicinity are flush with the property line and have active, pedestrian-oriented uses on the ground floor, with the exception of the Whole Foods, which is set back from the front property line, separated from Telegraph Avenue by a surface parking lot.

The surrounding area to the east and west of Telegraph Avenue is developed with medium and low-density residential uses, consisting mainly of two- to three-story buildings (See Figure 1: Zoning Map). Immediately adjacent land uses are noted in Table 1. The subject property is located approximately one mile east of the Ashby BART station and is served by a local bus line (AC Transit) that operates along Telegraph Avenue. There are several bike ways and boulevards within four blocks of Telegraph Avenue and a bike share station is located across Telegraph in front of Whole Foods.

B. Site Conditions: The 31,604-square-foot project site (0.72-acre) is an irregular corner lot with 158'-6" of frontage on Telegraph Avenue and 185'-4" of frontage on Webster Street. The rear portion of the parcel is zoned R-2A. The site contains an approximately 24,500 sq. ft. two-story medical office building situated on the northwestern portion of the parcel, constructed in 1954 in a style that reflects institutional buildings from the Midcentury Modern period. The parcel also includes a paved parking lot with 44 off-street parking spaces with vehicle access from both Telegraph Avenue and Webster Street, nine trees located within the parking lot, two and trees with drip lines over the rear (east) property line. A traffic signal and bus stop are located at the Telegraph Avenue at Webster Street intersection.

Figure 1: Zoning Map



Legend

- C-1: General Commercial District
- R-1: Single-Family Residential District
- R-2: Restricted Two-Family Residential District
- R-2A: Restricted Multiple-Family Residential District
- R-3: Multiple-Family Residential District

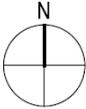


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial, Medical Office	C-C and R-2A	Avenue Commercial (AC)
	North	Commercial, Medical Office		
Surrounding Adjacent Properties	East	Residential, Single and Multi-Family	R-3 and R-2A	Medium-Density Residential (MDR) and Low-Density Residential (LDR)
	South	Commercial, Medical Office and Residential, Multi-family	C-C and R-1	Avenue Commercial (AC) and Low-Density Residential (LDR)
	West	Commercial, Medical Office	C-C	Avenue Commercial (AC)

C-C Standards <u>BMC Sections 23.204.050</u>		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		31,604	No change	n/a
Gross Floor Area (sq. ft.)		24,500	100,992	94,812 max.
FAR		0.60	3.1	3.0 max.
Dwelling Units	Total	0	127	n/a
	Affordable (VLI)	0	9	9 ¹
Building Height	Average	30'	67'	n/a
	Maximum	30'	70'-6"	40' max. (50' w/ Use Permit)
	Stories	2	6	3 max. (4 w/ Use Permit)
Building Setbacks	Front (Telegraph)	4'-1/2"	0'	n/a
	Rear (East)	28'	Varies 5' to 20'	20' (10 ft. or 10% of lot depth, whichever is greater, per BMC Section 23E.04.050.C)
	First		Varies 5' to 20'	
	Second		Varies 5' to 20'	
	Third		Varies 5' to 20'	
	Fourth		Varies 5' to 20'	
	Fifth		Varies 80' to 176'	
	Sixth	Varies 80' to 176'		
	Left (Street) Side (Webster Street)	6'	0'	n/a
Right (Interior) Side	31'	5'	5' (Per BMC Section 23E.04.050.B)	
Lot Coverage (%)		35	86	n/a
Usable Open Space (sq. ft.)		n/a	7,622	22,000 min. (200 sq. ft. per dwelling unit) ²
Parking	Commercial (5,666 sq. ft.)	44	9	11 min. (2 spaces/1000 sq. ft.)

	Residential	n/a	10	90 min. (1 space/1000 sq.ft.)
	Total	17	19	101 ³
	Bicycle	0	64 (long term)	3 ⁴ (1 space/2,000 sq.ft. retail)

 = Waiver requested to modify the district standard.

¹ 9 Very Low Income units are required to qualify for the maximum 35% density bonus per Government Code section 65915.

² Off-street Parking requirements for the Residential Use portion of a mixed use building shall be as set forth in the R-3 District requirements (BMC Section 23E.36.070.D).

³ Usable Open Space requirements for the Residential Use portion of a mixed use building shall be as set forth in the R-3 District requirements (BMC Section 23E.36.070.D).

⁴ Currently there is no bicycle parking requirement for residential use. However, the Transportation Division provides recommended bike parking ratios of 1 long term space per 3 bedrooms (151 bedrooms/3 = 50 spaces) and 1 short term space per 40 bedrooms (151 bedrooms/40 = 4 spaces), which yields 54 spaces. The applicant has elected to exceed the recommended ratio by 58 spaces.

IV. Project Description

A. Requested Use Permits

- Use Permit Modifications to increase the number of employees, beds, rooms or entrance, pursuant to BMC Section 23.404.070(B)(4).

B. Waivers Pursuant to Government Code Sections 65915-65918:

Development Standard	Requirement	Proposed
Building Height	50 feet	70.5 feet
Stories	4	6
Side Setback (street)	5 feet	0
FAR	3	3.1
Useable open space	22,800 square feet	7,622 square feet

The application requests 0 concessions.

- C. **CEQA Determination:** It is staff's recommendation to ZAB that the project is Categorically exempt pursuant to Section 15332 (In-Fill Development Projects) of the CEQA Guidelines. The determination is made by ZAB.

D. Density Bonus Information

The applicant has requested a density bonus under the State Density Bonus Law. Under the City’s density bonus procedures, the “base project” is 16 units and four stories. The Density Bonus calculations are provided in more detail, below:

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
98	9 VLI (9% of BP)	30%	29 (50%x16)	127
*Per Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.				

E. SB 330 – Housing Crisis Act of 2019

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 projects. A “housing development project” means a use that is: all residential; mixed use with at least two-thirds of the square footage as residential; or transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code §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 §65920)).

V. Design Review Guidelines

The City’s Design Guidelines are applicable for this project. Excerpts from the City-wide Design Review Guidelines are included below for your reference:

- **Setbacks:** The street façade of commercial streets should be respected, in order to create or maintain the sense of urban space.
- **Parking and Driveways:** Conflict with pedestrian circulation should be prevented by the proper location and design of auto entrances.
- **Harmony with Surroundings:** The proposed design should be in harmony with its surroundings through the coordination of such design elements as cornice lines, eaves, and setbacks with those of existing neighborhood buildings.
- **Articulation:** Street facades in general and the ground floor level in particular should include elements of pedestrian scale and three-dimensional interest.

- **Lighting:** Lighting for circulation, security, building/sign identification should be non-obtrusive, except for lighting fixtures which are themselves decorative additions to the streetscape.
- **Walls and Fences:** Large, unarticulated expanses of any particular wall material that deaden the pedestrian environment should be avoided. The use of clear windows for ground floor retail projects is encouraged. Walls designed to allow sitting areas for pedestrian or space for landscaping and artwork are encouraged, especially in areas of heavy pedestrian use. Landscaping and/or art work should be maximized if large expanses of wall must be left devoid of openings.
- **Landscape and Open Space:** Sidewalk areas should include landscaping that is coordinated with the neighborhood design.
- **Building Entrances:** Entrance points should be clearly defined and easily identifiable by pedestrians by appropriate locations and by elements such as awnings, signage, artwork or changes in paving material to define the entry point.

VI. Summary from February 18, 2020 DRC Meeting

Preliminary Design Review received a favorable recommendation to ZAB with the following conditions and direction for Final Design Review (FDR): MOTION (Kahn, Clarke) VOTE (6-0-0-0)

Conditions:

- *Provide renderings for ZAB of the podium courtyard that are consistent with the design, including window frames.*
- *Further develop the podium courtyard's south wall at FDR. Consider adding more windows and balconies where possible and creating view connections from elevator lobby to the courtyard.*
- *Provide final colors and materials at FDR, and a lighter alternate to the black brick; provide brick details at FDR.*
- *Provide further detail of the roof trellis over the main entry considering this as an opportunity for a design statement.*
- *Further develop the fence at the southwest corner as a design element for review at FDR.*
- *If consistent with Public Works direction, provide alternative patterns to the sidewalk at FDR that express the communal aspect of the Public Right of Way.*
- *Clearly show fiber cement panel joints at FDR.*
- *Consider small water element in pollinator garden at FDR.*

Recommendations:

- *Forward recommendation to Public Works for permeable pavers between the street trees along the curb.*

- *Recommend including native birds in the podium courtyard mural.*
- *Recommend making rear patios larger for each unit if possible.*
- *Consider eliminating one of the colors. The facade includes too many materials as designed.*

VII. Issues and Analysis

- A. Design Changes Proposed:** while key changes are listed below, we also include approved Use Permit select pages for your reference (see Attachment 2).

Ground Floor Design

- Residential lobby has been expanded to include leasing office space, package room with break room and bike storage directly adjacent to the back of the lobby area.
- Fitness room added at the West edge of the project adjacent to the residential lobby.
- Parking has been reduced from 29 to 19 spaces.
- Dog wash added at the South edge of the garage on the ground floor.

Building Design

- Main building stair in the Southwest corner of the building has been relocated to the south elevation.

Other changes

- Color palette has been refined consistent with recommendations from the Committee
- Amenity space added adjacent to podium courtyard space.

B. Issues for Discussion:

- Façade Changes
- Ground Floor Design
- Main Residential Lobby
- Colors and Materials

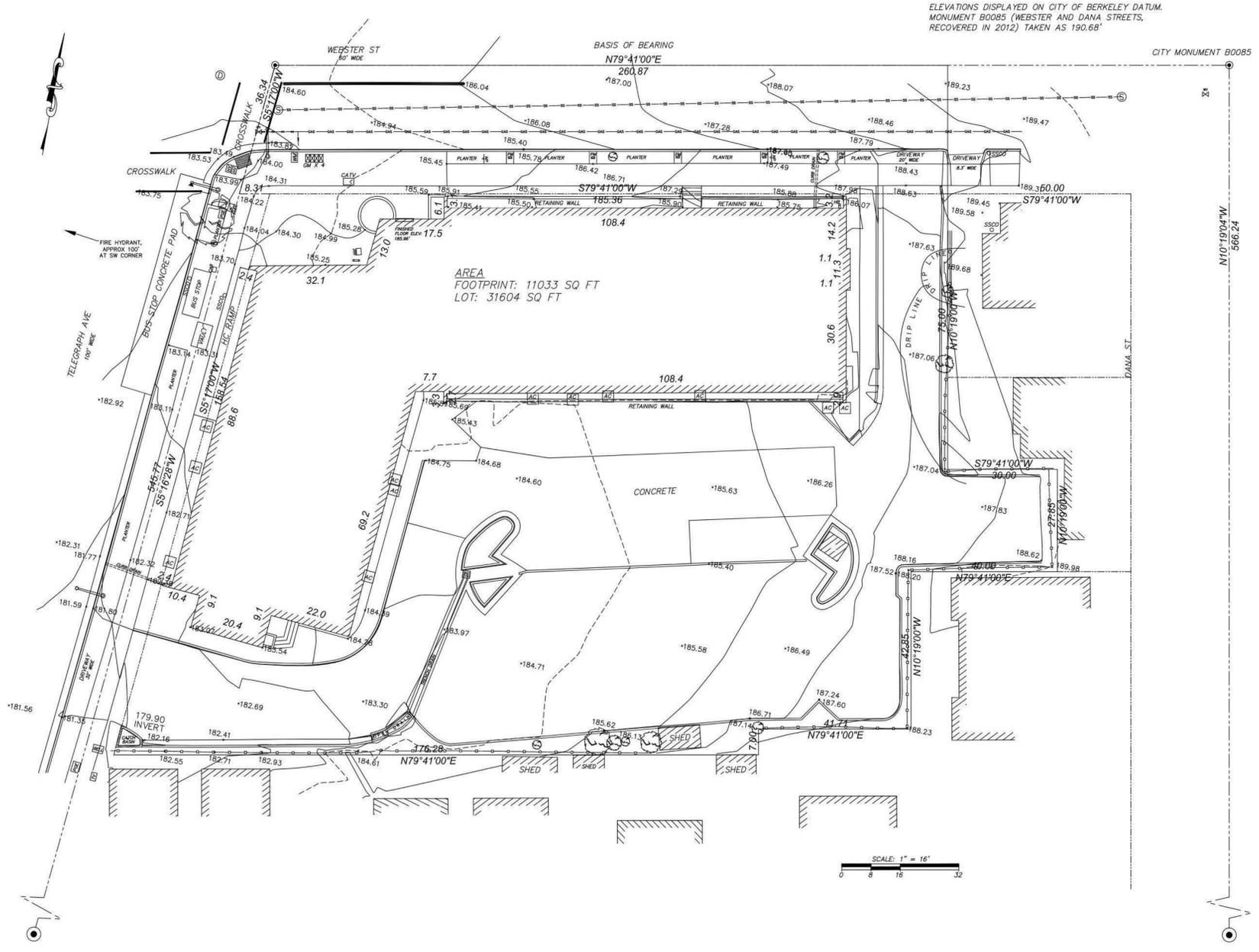
VIII. Recommendation

Staff recommends that the Committee discuss the issues outlined above and forward a favorable recommendation to ZAB with direction for Final Design Review.

Attachments:

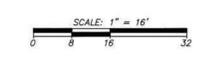
1. Project Plans, received February 7, 2023
2. Approved Use Permit Selected Pages, approved by ZAB on April 21, 2021

Staff Planner: Anne Burns, aburns@cityofberkeley.info, (510) 981-7410



ELEVATIONS DISPLAYED ON CITY OF BERKELEY DATUM.
MONUMENT B0085 (WEBSTER AND DANA STREETS,
RECOVERED IN 2012) TAKEN AS 190.68'

AREA
FOOTPRINT: 11033 SQ FT
LOT: 31604 SQ FT



LEGEND

	CATCH BASIN		PACBELL VAULT
	HIGH VOLTAGE MANHOLE		TELEVISION VAULT/BOX
	UNKNOWN MANHOLE		POLE VAULT/BOX
	SANITARY SEWER MANHOLE		UNSPECIFIED VAULT
	STORM DRAIN MANHOLE		STREET LIGHT VAULT
	FIRE HYDRANT		WATER METER
	MONUMENT COVER		CURB
	WATER VALVE		SIDEWALK EDGE
	GAS VALVE		TREE
	PEDESTRIAN SIGNAL		GUY WIRE
	BACK FLOW VALVE		SIGN, NO PARKING
	ELECTROLINER		OVERHEAD WIRE
	TRAFFIC SIGNAL POLE		AT&T MARKINGS
	AT&T VAULT		GAS LINE MARKINGS
	COMMUNICATIONS VAULT		CABLE TV MARKINGS
	SBC VAULT		UNDERGROUND UTILITY
			SIDEWALK EDGE
			CYCLONE FENCE
			WOOD FENCE

SURVEYOR'S STATEMENT:
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE LAND SURVEYOR'S ACT AT THE REQUEST OF: STEVEN CHO ON MAY 30, 2018.
I HEREBY STATE THAT ALL GRADES AND ELEVATIONS SHOWN ARE BASED UPON THE CITY OF BERKELEY DATUM.
I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND LOCAL ORDINANCES HAVE BEEN COMPLIED WITH.
I HEREBY FURTHER STATE THAT THE PARCEL DESIGNATED BY MY SURVEY AND SHOWN ON THIS MAP IS THE SAME AS THAT SHOWN ON: THAT CERTAIN MAP TITLED "TRACT 5614" FILED ON MAY 22, 1987, IN BOOK NO. 169, PAGE NO. 42, ALAMEDA COUNTY RECORDER'S OFFICE.
I HEREBY FURTHER STATE THAT IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT, THE PERFORMANCE OF THIS SURVEY: REQUIRES THAT A CORNER RECORD BE FILED AND WHICH WILL BE FILED IN A TIMELY MANNER.
DATE: _____
JOSEPH M BRAJKOVICH, PLS 5254

BASIS OF SURVEY:
(1) TRACT MAP 5614, "OFFICE CONDOMINIUMS AT 3031 TELEGRAPH AVE" FILED MARCH, 1987 IN BOOK 169, PAGE 42, BY THE ALAMEDA COUNTY RECORDER
(2) LOT LINE ADJUSTMENT MAP, FILE NO. 403-A-60, FILED WITH CITY OF BERKELEY, DEPT. OF PUBLIC WORKS
(3) PM 10459, "A 3 UNIT SUBDIVISION FOR CONDOMINIUM PURPOSES" FILED IN BOOK 336, PAGE 79, ON SEPTEMBER 13, 2017 BY THE ALAMEDA COUNTY RECORDER
(4) CITY OF BERKELEY MONUMENT RECORDS, FIELD NOTES (AMENDED 2012), INCLUDING ELEVATIONS ON CITY DATUM) FOR WEBSTER AND DANA STREETS, AVAILABLE FROM CITY SURVEYOR'S OFFICE
(5) "SMILE TRACT" BOOK 21, PAGE 90 OF ALAMEDA COUNTY RECORDS
(6) OLD REPUBLIC TITLE COMPANY ORDER NO. 0224035483-AN, JUNE 24, 2015
BASIS OF BEARING:
THE MONUMENT LINE ON WEBSTER STREET BETWEEN TELEGRAPH AVE AND DANA ST TAKEN AS N71°41'00"E PER (1) AND (2)

NOTES:
EXISTING FIRE HYDRANT LOCATED ACROSS TELEGRAPH AVE, APPROXIMATELY 100' FROM THE WEST PROPERTY LINE.

NO.	REVISION

BOUNDARY AND TOPOGRAPHIC SURVEY OF 3031 TELEGRAPH AVE
PORTIONS OF LOTS 1 AND 3
"SMILE TRACT", BOOK 21, PAGE 90 AND
TRACT MAP 5614, BOOK 169, PAGE 43
A.P.N. 052-1574-104
BERKELEY CALIFORNIA

PLS Surveys, Inc.
LAND & HYDROGRAPHIC SURVEYORS
2220 Livingston Street, Suite 202
Oakland, California 94606-5203
510.261.0900 FAX 510.261.3303
e-mail: pilsurv@pacbell.net

DATE	6/19/2018
SCALE	1" = 16'
DESIGNER	GDM
JOB NO.	18060
SHEET	1
OF	1 SHEET



**LINK APARTMENTS®
ASTER**

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APN
052-157408200

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(704) 372 5616

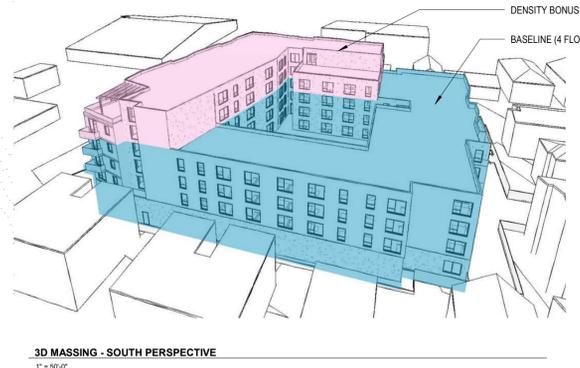
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submissions

date	Issue
2020.05.29	Zoning Submittal
2020.09.23	Zoning Resubmittal
2021.02.04	Design Review
2021.03.04	ZAB Set
2022.09.07	Zoning Resubmittal



UNITS AVERAGE AREAS

LEVEL	UNIT TYPE	# OF UNITS	AVG AREA
1	STUDIO	9	607.7
	1 BEDROOM	1	620.0
2	STUDIO	11	370.7
	1 BEDROOM	13	563.8
3	2 BEDROOM	5	910.0
	STUDIO	11	370.7
4	1 BEDROOM	14	564.6
	2 BEDROOM	5	910.0
5	STUDIO	11	370.7
	1 BEDROOM	14	564.6
6	2 BEDROOM	5	883.6
	STUDIO	7	364.9
5	1 BEDROOM	7	548.0
	2 BEDROOM	2	872.5
6	STUDIO	5	350.0
	1 BEDROOM	5	548.4
6	2 BEDROOM	2	872.5

DENSITY BONUS TABLE

Base Project	Base # Units	Base # Units	% BMR units	# BMR units	# BMR units	Bonus %	#DB Units	#DB Units	# DB Units Proposed	Total Units
residential area (sf)	avg unit size	base Units / Max Residential Density	VLI = BelowMarketRate	% VLI x Base #Units	% Bonus x Base #Units (rounded up)	# DB Units Proposed	use permit units + DB Units (rounded up)			
72128	736	98	9%	8.82	9	30%	29.4	30	29	127

STEP BY STEP CALCULATION METHOD

TOTAL		TOTAL		TOTAL	
1.A Determine the Base Project Area		1.B Determine the Proposed Project's Avg Unit Size		1.D Base Project # of Units	
Ground	8735	First	10823	1.A Base project Floor Area	72244
Second	21370	Second	21475	1.B Proposed Project Avg Unit Size	736
Third	21070	Third	21175	1.D Base Project # of Units (rounds up)	98
Fourth	20953	Fourth	21058	2.A Number of Affordable Units	9
Fifth	0	Fifth	10564	% of Affordable Units	9%
Sixth	0	Sixth	8405	2.B % Granted to Density Bonus	30%
1.A Base Project Residential Floor area	72128	Proposed Project Residential Floor Area	93500	2.C # of Density Bonus Units (rounds up)	30
		Proposed Project # of Units	127	2.C Density Bonus # of Units Proposed	29
		1.B Proposed Project's Average Unit Size	736		

Base Project (Including Use permit)	Floor	Proposed Project Area
8851	First	10823
21370	Second	21475
21070	Third	21175
20953	Fourth	21058
	Fifth	10564
	Sixth	8405
Total 72244		93500

Proposed Area: **93500**
Proposed Units: **127**
Average Unit Size: **736.2**

BASE PROJECT ZONING COMPLIANCE CHECKS

Base Project - FAR

	Res. Area	Commercial Area	Non Residential Area	Total Area	Parking
Ground	8851	3948	4095	16894	
Second	21370			21370	
Third	21070			21070	
Fourth	20953				
Total	72244	3948	4095	80287	
Site Area (C-1 ZONE)				30769	
Proposed FAR					2.6
Allowable FAR (C-1 ZONE)					3 N/A

Base Project - Open Space

	Number of Units	Ratio	Total Area required	Area provided
Open Space	98	200	19600	20287

REVISION SCHEDULE

NO.	DATE	DESCRIPTION
1	12.09.2022	REVISION 1

drawing scale: **As indicated**

sheet title: **DENSITY BONUS DIAGRAM**

sheet number:

A0.1

All drawings and written material appearing herein constitute the original and unpublished work of the architect and the same may not be duplicated, used or disclosed without the written consent of the architect.

3031 TELEGRAPH AVENUE

3031 TELEGRAPH AVENUE
 BERKELEY, CA 94705

APN
 052-157408200

OWNER
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submissions

date	issue
2020.05.29	Zoning Submittal
2020.09.23	Zoning Resubmittal
2021.02.04	Design Review
2021.03.04	ZAB Set

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

drawing scale
 1/8" = 1'-0"

sheet title
 LEVEL 6

sheet number
 A1.6

All drawings and written records, including but not limited to the original and calculated work of the architect and the terms may not be duplicated, used, or disclosed without the written consent of the architect.



- UNIT TYPE LEGEND
- STUDIO
 - 1 BEDROOM
 - 2 BEDROOM
 - 3 BEDROOM



1 NORTH ELEVATION - WEBSTER STREET
 3/32" = 1'-0"



2 WEST ELEVATION - TELEGRAPH AVENUE
 3/32" = 1'-0"

- MATERIALS LEGEND**
- LIGHT GREY BRICK VENEER
 - DARK GREY BRICK VENEER
 - WHITE TILES
 - FIBER CEMENT SIDING - GREEN
 - CEMENT PLASTER - LIGHT GREY
 - DARK GREY AND ORANGE COLOR PERFORATED METAL PANEL
 - GLASS BLOCK WALL

3031 TELEGRAPH AVENUE

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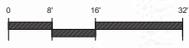
submissions

date	Issue
2020.05.29	Zoning Submittal
2020.09.23	Zoning Resubmittal
2021.02.04	Design Review
2021.03.04	ZAB Set

REVISION SCHEDULE

NO.	DATE	DESCRIPTION

Drawing scale: 3/32" = 1'-0"
 sheet title: NORTH & WEST ELEVATIONS
 sheet number: A3.1



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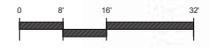
- MATERIALS LEGEND**
-  LIGHT GREY BRICK VENEER
 -  DARK GREY BRICK VENEER
 -  WHITE TILES
 -  FIBER CEMENT SIDING - GREEN
 -  CEMENT PLASTER - LIGHT GREY
 -  DARK GREY AND ORANGE COLOR PERFORATED METAL PANEL
 -  GLASS BLOCK WALL



1 EAST ELEVATION
 3/32" = 1'-0"



2 SOUTH ELEVATION
 3/32" = 1'-0"



3031 TELEGRAPH AVENUE

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REVISION SCHEDULE

NO.	DATE	DESCRIPTION

Drawing scale: 3/32" = 1'-0"

Sheet title: EAST & SOUTH ELEVATIONS

Sheet number: A3.2

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