

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
MARCH 16, 2023

2538 Durant Avenue

PRELIMINARY DESIGN REVIEW

Design Review #DRCP2022-0007 to demolish an existing 4-story residential building including 12 dwelling units and construct an 80,829 square foot, 8-story mixed-use building with 1,641 square feet of ground floor commercial space and 83 dwellings, including 5 Very Low-Income units.

I. Introduction

This mixed-use building is proposed on the South side of Durant Avenue between Bowditch and Telegraph in the C-T Telegraph Commercial District.

This project is applying under the Housing Crisis Act, SB 330, which 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 and limiting the number of public meetings. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing.

The project is tentatively scheduled for a public hearing on the April 27th ZAB agenda and is before the Design Review Committee this month for Preliminary Design Review.

II. Background

The project proposes to construct an 80,829 square foot, 8-story mixed-use building that includes a ground commercial space.

The major components of the new building include:

- 83 dwellings, including 5 Very Low-Income units;
- 1,641 square feet ground floor commercial space;

- Dwelling units consist of: 8 one-bedroom, 15 two-bedroom, 14 three-bedroom, 6 four-bedroom and 14 five-bedroom;
- 2,109 square feet of useable open space provided on a roof deck; and
- 1,641 square feet of ground level commercial space.

Consistent with the Southside Plan objectives, the project proposes to formally eliminate the five off-street automobile parking spaces that serve the existing apartment building and proposes no new automobile parking for the new dwellings. This would allow the removal of the two existing curb cuts in front of the project site. The existing driveway area near the western property line of the site would be used as secure bicycle parking for a minimum of 32 bicycles.

III. Project Setting

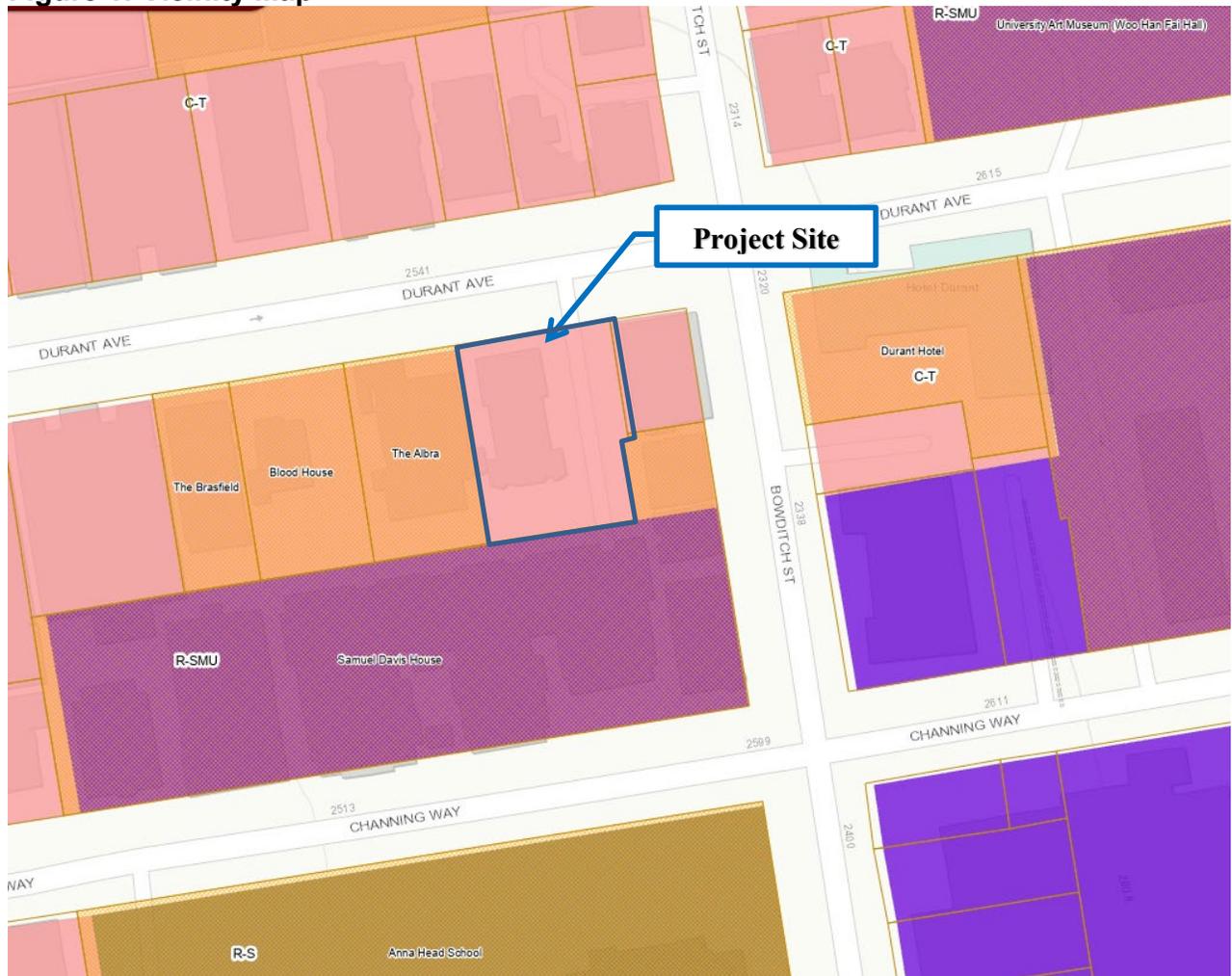
A. Neighborhood/Area Description:

The property is located one block to the east of the Telegraph Commercial Corridor, one block west of College Avenue and one block south of UC Berkeley campus and Bancroft Way. The neighborhood is campus oriented, with a mix of commercial uses located along Telegraph Avenue, Durant Avenue and Bancroft Way, predominantly located in lower one- to two-story buildings. Numerous four- to six-story multi-unit apartment buildings, dormitories (GLAs), and institutional buildings are spread out throughout the neighborhood. On-street parking is limited, and pedestrian traffic is heavy, especially during the school year.

B. Site Conditions:

The subject site is located on the south side of Durant Avenue, one parcel to the west of Bowditch Street. This parcel is flat, 130' deep lots with 100' frontages. The subject lot is the result of merging a commercial surface parking lot formerly known as 2542 Durant Avenue on the east side and a parcel including a three-story, 12-unit apartment building on the west side (2538 Durant Avenue). There are 30 existing commercial spaces on the surface parking lot with an approximately 18-foot wide curb cut on the eastern parcel. An approximately 8-foot wide curb cut and covered driveway are located near the west side of the parcel. The driveway runs through the building to the rear of the lot that and serves as off-street parking for five vehicles on record. However, at 6.6 feet in width at its narrowest, the access way is too narrow for most automobile passage; it is currently not used as off-street parking.

Figure 1: Vicinity Map



Legend

- C-T: Telegraph Avenue Commercial District
- R-SMU: Residential Southside Mixed-Use District
- R-S: Residential Southside District

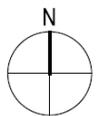


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Multi-Family Residential & Parking Lot	C-T	Avenue Commercial
Surrounding Properties	North	Multi-Family Residential & Church	C-T	Avenue Commercial
	South	UC Berkeley Student Housing	R-SMU	High Density Residential
	East	Food Service	C-T	Avenue Commercial
	West	Mixed Use Building	C-T	Avenue Commercial

Table 2: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required	
BMC Sections 23.204.110					
Lot Area (sq. ft.)		12,792	Same	N/A	
Gross Floor Area (sq. ft.)		14,780	80,829	N/A	
Floor Area Ratio		1.1	6.3	6 max	
Dwelling Units	Total	12	83	max	
	Maximum (ft.)	52'-0"	88'-8"	75 max	
	Stories	4	8	6 max	
Building Setbacks (ft.)	Front	0	0	0 min	
	Rear	37'-11"	5	10' or 10% of lot depth. Whichever less	
	Left Side	50'-4"	5	0 min	
	Right Side	0	5	0 min	
Lot Coverage (%)		30.5	86	100 max	
Usable Open Space (sq. ft.)		-	2,109	40 min/unit	
Parking	Automobile		35	0	0 min
	Bicycle	Long-Term	41	52	67 min (1 space per 3 bedroom)
		Short-Term	3	4	5 min (2 or 1 per 40 bedrooms whichever greater)

IV. Project Description

A. Requested Use Permits

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.020(A)(1) to establish a Mixed-Use Residential Use
- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.030(B)(1)(a) to create 1,500 square feet or more of new floor area
- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.204.060(B)(3)(a) to establish Ground Floor Residential Use
- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.020(A) to eliminate dwelling units through demolition
- Administrative Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.304.050(A) to construct rooftop projections which exceed the maximum height limit for the district
- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.322.040(G) to remove existing off-street parking spaces for main buildings

B. CEQA Determination

It is staff's recommendation to ZAB that the project is categorically exempt pursuant to §15332 ("In-Fill Development Projects") of the CEQA Guidelines. The determination is made by ZAB.

C. Density Bonus Information

- Waiver to reduce the Usable Open Space requirement—to be 2,109 square feet where 3,320 square feet is required
- Waiver to exceed FAR—to be 6.3 where a maximum of 6 is allowed upon making required findings.
- Waiver to exceed Building Height—to be 88 feet where a maximum of 75 feet is allowed upon making required findings.
- Waiver to reduce the rear setback— to 5 feet where 10 feet is required.
- Concession to reduce the residential long-term bike parking ratio from one space per three bedrooms to one space per 3.84 bedrooms, yielding 52 spaces, instead of a requirement of 67 spaces and reduce the residential short-term bike parking ratio from one space per 40 bedrooms to one space per 50 bedrooms yielding 4 spaces, instead of a requirement of 5 spaces.

V. Design Review Guidelines

The project is located within the Telegraph Commercial subarea of the Berkeley South Side plan. Our Southside Design Guidelines – Mixed Use Subarea applies to this project and can be found on the City's website.

The design guidelines for this subarea are intended to ensure that new construction respects the existing architectural context of this subarea and complements the scale and character of the rest of the Southside. The design

should help unify the neighborhood and create consistent architectural character within the subarea. New construction can be creative but should complement existing buildings. Additionally, large underused sites create opportunities for contemporary design that respects the historical context.

The following are several key guidelines from our commercial subarea guidelines which relate closely to this project.

Building Mass and Height

- Building heights should respect the general heights in the Commercial Subareas.
- New construction in the Telegraph Commercial Subarea should reflect the scale and massing established by the older three to five story buildings in the subarea.
- During the design phase of project development in the Commercial Subareas, evaluate impacts of proposed buildings exceeding three stories to determine wind corridor and shadow impacts on the shadow impacts on the public sidewalk.
- Maintain a continuous zero front setback at the ground floor except to provide recessed storefront entrances, a special corner feature, or usable open space.

Building Design and Facades

- The proportions, rhythm, and attention to detailing established by the facades of older historic buildings should be reflected and reinforced in new construction.
- Street facades in general and the ground-floor level in particular should include elements of pedestrian scale and interest.
- Architecturally distinguish the floors to form a defined hierarchy of base, middle, and top. Architecturally distinguish the top of the building to provide a visual termination.

Storefronts

- Reflect the traditional storefront rhythm and proportion found throughout the Commercial Subareas. Emulate traditional elements such as large display windows of clear glass, bulkheads below the storefront windows and clerestory windows above, recessed front entries, and appropriate locations for signs and awnings.
- Clearly distinguish entrances to upper floors from storefront entrances through differentiated architectural treatment and materials.

Roof Shape and Lines

- On new buildings, there should be some form of articulation or detailing where the roof meets the wall.

Materials

- Utilize materials that provide a sense of continuity with the existing area structures, such as brick, smooth-faced cement plaster, finished concrete, tile and stone.
- Use high quality durable materials that convey a sense of permanence, are easily cleaned, and cannot be permanently damaged by graffiti or heavy cleaning.

The complete Southside Design Guidelines can be found online at:

<https://berkeleyca.gov/sites/default/files/2021-03/04-11%20Southside%20Plan%20Design%20Guidelines%20-%20FINAL.pdf>

VI. Issues and Analysis

A. Design Review Issues:

Neighborhood Context The project site is on the south side of Durant Avenue between Telegraph Avenue and Bowditch Street. The site is flanked by two single-story structures, with a five story mixed use project one parcel over to the West and the 6-story Graduate hotel across Bowditch to the East. 2538 Durant is approximately 500 feet south of the University of California's Berkeley campus and 5 blocks east of downtown Berkeley. The site is very accessible via public transit in that it is well served by multiple bus routes and is 0.8 miles from the Downtown Berkeley BART station.

Massing/ Building Design The building design features a single floor base and storefront bays. The residential floors utilize fenestration detailing and material variation to break up the massing, with a vertical frame element at the center of the elevation that contains recessed patios and a covered outdoor patio at the roof level. The building is capped with a trellis on the top floor. The eighth floor of the building facing Durant Avenue is stepped back approximately 25' for a roof deck and helps to reduce the mass of the building along Durant while also providing an outdoor amenity area featuring prominent views of the campus.

Ground Floor Plan The project is located mid-block and fronts Durant. A commercial space is proposed at the Northwest corner with the residential lobby located at the Northeast corner. The lobby includes a work lounge, office space, bike room and package room. The trash room is located adjacent to the commercial space and is accessible by residents via a corridor that connects to the West side yard. Six residential units are proposed at the rear of the floor.

Streetscape Improvements to the public right of way include two at-grade planting areas with raised curbs and three new street trees with concrete pavers adjacent to

the curb. A parklet is proposed in front of the commercial space and a loading zone is proposed in front of the lobby entrance.

Setbacks The project has a 0'-0" setback at the North property line along the sidewalk edge. The building is set back 5'-0" from the West, East and South property lines.

Encroachment The project proposes one encroachment with the vertical frame element at the center of the North façade. The applicant will work with Public Works to obtain an Encroachment Permit.

Open Space/ Amenity Spaces The roof deck provides 2109 square feet of useable space and 887 square feet of planting area with metal trellis. Communal amenity spaces are proposed at the center of the North elevation at the 2nd, 4th, and 6th floors. An additional communal space is proposed adjacent to the roof deck at the 8th floor. Private balconies are proposed at the 3rd and 5th floors, as well as an additional private deck proposed at the rear of the roof deck space along the West edge and on the 2nd floor adjacent to a flow through planter.

Colors and Materials The project proposes a vertical board-formed concrete base along Durant with aluminum storefront. The residential floors include a patterned array of cement panels on the north side of the project and cement plaster finishes on the south side of the project, aluminum frame at center bay, and resin panels at the balconies.

B. Issues for Discussion:

- Neighborhood Context
- Massing/Building Design
- Streetscape
- Open space
- Colors and Materials

VII. Recommendation

Staff recommends that the DRC discuss the above issues and forward a favorable recommendation to ZAB with any conditions if necessary and specific direction for Final Design Review.

Attachments:

1. Project Plans, received March 2, 2023
2. Applicant Statement, received March 2, 2023

Staff Planner: Anne Burns, aburns@ci.berkeley.ca.us, (510) 981-7410

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2538 DURANT
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BERKELEY, CA 94704

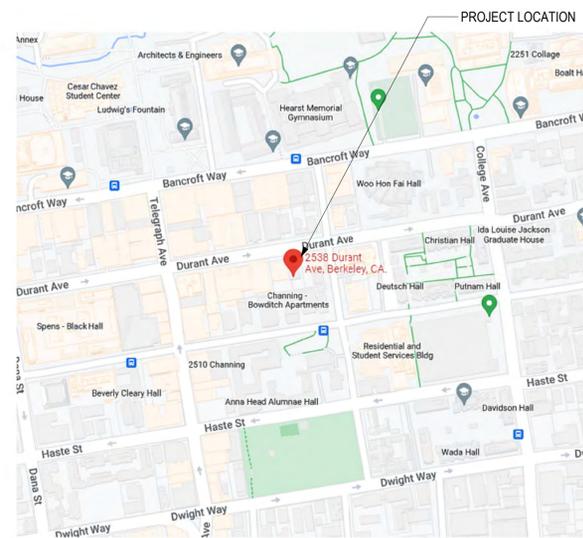


PLANNING
REVISION

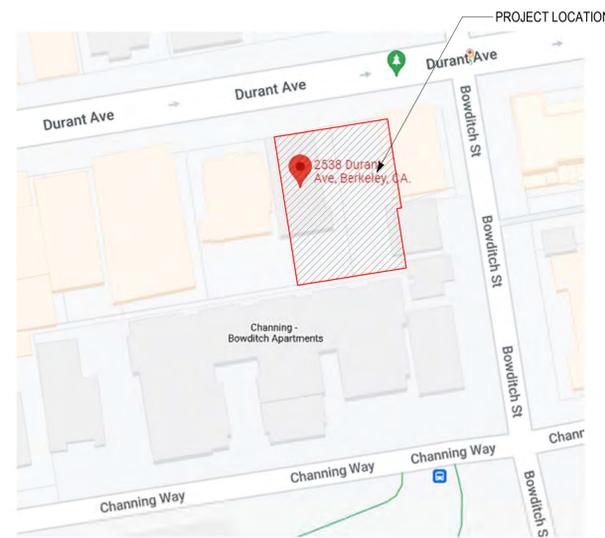
2538 DURANT AVE

2538 DURANT AVE
BERKELEY, CA 94704

PLANNING REVISION - 02/28/2023

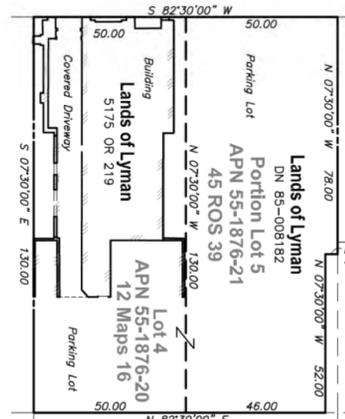


5 VICINITY MAP



4 LOCATION MAP

Durant Avenue
(80 FEET WIDE)



3 ASSESSOR'S PARCEL MAP

ZONING CODE INFORMATION					
SITE INFORMATION					
ADDRESS 2538 DURANT AVE, BERKELEY, CA					
APN 055187602101					
ZONING DISTRICT C-T					
GENERAL PLAN AC					
COMMERCIAL DISTRICT W/ QUOTAS YES					
SEISMIC SAFETY					
ALQUIST PRIORLO		LIQUEFACTION ZONE NO			
LANDSLIDE ZONE NO		UNREINFORCED MASONRY NO			
ENVIRONMENTAL SAFETY					
CREEK BUFFER NONE		FIRE ZONE 1			
ENVIRONMENTAL MGMT AREA		FLOOD ZONE NO			
BUILDING DATA PER PLANNING CODE					
	EXISTING	NEW BASE	PROPOSED	PERMITTED / REQUIRED	NOTES / CODE REFERENCE
BUILDING / LOT INFO					
LOT AREA	12,792 SF	NO CHANGE	NO CHANGE	-	
BUILDING FOOTPRINT	3,907 SF	10,539 SF	10,935 SF	-	
LOT COVERAGE	30.5%	82%	86%	100%	BMC TABLE 23.204-32
					BMC TABLE 23.204-33
					DENSITY BONUS WAIVER REQUESTED
MAX FLOOR AREA RATIO	1.2	5.5	6.3	6.0	
AREAS					
COMMERCIAL FLOOR AREA	N/A	5592 SF	1641 SF		
RESIDENTIAL FLOOR AREA	14,780 SF	64,551 SF	79,054 SF		
GROSS FLOOR AREA	14,780 SF	70,143 SF	80,829 SF		
USABLE OPEN SPACE	-	3,753 SF	2,109 SF	40 SF/UNIT	BMC TABLE 23.204-32
					DENSITY BONUS WAIVER REQUESTED
IMPERVIOUS SURFACE AREA	1,655 SF	1,384 SF	889 SF		
HEIGHT					
# STORIES	4	7	8	6	BMC TABLE 23.204-32
AVERAGE BLDG HEIGHT	38'	73'-11"	87'-5"		BMC TABLE 23.204-32
					DENSITY BONUS WAIVER REQUESTED
MAX BLDG HEIGHT	52'	75'	88'-8"	75'-0"	
SETBACKS					
FRONT YARD SETBACK	0'-0"	0'-0"	0'-0"	0'-0"	BMC TABLE 23.204-32
SIDE YARD SETBACKS					
INTERIOR WEST	0'-0"	5'-0"	5'-0"	0'-0"	BMC TABLE 23.204-32
INTERIOR EAST	50'-4"	5'-0"	5'-0"	0'-0"	BMC TABLE 23.204-32
REAR YARD SETBACK	37'-11"	10'-0"	5'-0"	10'-0" OR 10% OF LOT DEPTH, WHICHEVER IS LESS	BMC TABLE 23.304-3
					DENSITY BONUS WAIVER REQUESTED
UNITS					
RESIDENTIAL DENSITY (UNIT COUNT)					
UNIT COUNT					
STUDIO	2	30	26		
1-BEDROOM	8	-	8		
2-BEDROOM	2	25	15		
3-BEDROOM	-	6	14		
4-BEDROOM	-	6	6		
5-BEDROOM	-	-	14		
TOTAL	12	68	83		
BELOW MARKET RATE UNITS	-	5	5		6% OF BASE PROJECT UNITS ARE AFFORDABLE FOR VLI = ELIGIBLE 22.5% DENSITY BONUS (SEE SHEET G001)
PARKING					
CAR PARKING	35	-	-	0	BMC 23.322.30
ADA PARKING	-	-	-	0	
NON-RESIDENTIAL BIKE PARKING					
	-	-	-	0	BMC TABLE 23.322-10
BIKE PARKING (SHORT TERM)	-	3	4		2, OR 1 PER 40 BEDROOMS, WHICHEVER IS GREATER
BIKE PARKING (LONG TERM)	-	41	52	67	BIKE PARKING WAIVER REQUESTED (REDUCE REQUIRED PARKING BY 15)

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UNIT COUNT		
UNIT DESC.	UNIT COUNT	Nº OF BEDROOMS
STUDIO UNIT	26	26
UNIT 1 BD	8	8
UNIT 2 BD	15	30
UNIT 3 BD	14	42
UNIT 4 BD	6	24
UNIT 5 BD	14	70
	83	200

RESIDENTIAL FLOOR AREA	
FLOOR	GROSS FLR AREA
GROUND LEVEL	9118 SF
SECOND FLR	10317 SF
THIRD FLR	10400 SF
FOURTH FLR	10403 SF
FIFTH FLR	10374 SF
SIXTH FLR	10382 SF
SEVENTH FLR	10352 SF
EIGHTH FLR	7708 SF
	79054 SF

SHEET LIST		
SHEET #	SHEET NAME	USE PERMIT
GENERAL		
G000	PROJECT INFORMATION	.
G001	DENSITY BONUS CALC	.
G002	LOT COVERAGE, USABLE OPEN SPACE DIAGRAMS & VICINITY MAP	.
G003	STREET STRIP ELEVATIONS	.
G004	PERSPECTIVE RENDERERS	.
G005	SHADOW STUDIES- DEC 22	.
G006	SHADOW STUDIES- JUN 22	.
G007	SHADOW STUDIES- JUL 22	.
G008	SHADOW STUDIES- ELEVATIONS	.
G009	CALGreen CHECKLIST	.
CIVIL SHEETS		
C0.0	COVER SHEET	.
C1.0	TOPOGRAPHIC SURVEY	.
C2.0	SITE PLAN	.
C3.0	UTILITY PLAN	.
C4.0	GRADING PLAN	.
C4.1	GRADING PLAN	.
C4.2	SECTIONS	.
C5.0	STORMWATER CONTROL PLAN	.
C7.0	DETAILS	.
C7.1	CITY OF BERKELEY'S BMP'S	.
LANDSCAPE		
L100	PLANTING & IRRIGATION NOTES, LAYOUT & PRELIMINARY ABRIDGED SCHEDULE	.

SHEET LIST		
SHEET #	SHEET NAME	USE PERMIT
L101	GROUND FLOOR LANDSCAPE PLAN	.
L102	SECOND FLOOR LANDSCAPE PLAN	.
L108	EIGHT FLOOR LANDSCAPE PLAN	.
ARCHITECTURAL		
A100	SITE PLAN	.
A101	GROUND FLOOR PLAN	.
A102	LEVEL 2 FLOOR PLAN	.
A103	LEVEL 3 FLOOR PLAN	.
A104	LEVEL 4 FLOOR PLAN	.
A105	LEVEL 5 FLOOR PLAN	.
A106	LEVEL 6 FLOOR PLAN	.
A107	LEVEL 7 FLOOR PLAN	.
A108	LEVEL 8 FLOOR PLAN	.
A109	ROOF PLAN	.
A200	NORTH ELEVATION	.
A201	EAST ELEVATION	.
A202	SOUTH ELEVATION	.
A203	WEST ELEVATION	.
A204	NORTH ELEVATION	.
A205	EAST ELEVATION	.
A206	SOUTH ELEVATION	.
A207	WEST ELEVATION	.
A210	PACADE LIGHTING AND SIGNAGE	.
A301	BUILDING SECTIONS	.
A302	BUILDING SECTIONS	.

PROJECT ISSUE RECORD:		
07/13/22	ENTITLEMENT SUBMITTAL	
09/09/22	PLANNING RESPONSE 1	
11/04/22	PLANNING RESPONSE 2	
1/22/23	PLANNING REVISION	

PROJECT #: _____
ISSUE DATE: 02/28/23
PROJECT INFORMATION

G000

1 PROJECT DESCRIPTION
THE PROPOSED PROJECT WILL REPLACE AN EXISTING 4-STORY RESIDENTIAL BUILDING AT 2538 DURANT AVE WITH A 8-STORY MIXED USE APARTMENT BUILDING. THE PROPOSED BUILDING WILL INCLUDE GROUND FLOOR RETAIL SPACE, (83) DWELLING UNITS AND AMENITY SPACES FOR THE RESIDENTS WITH 8TH FLOOR / ROOF TOP USABLE OPEN SPACE.

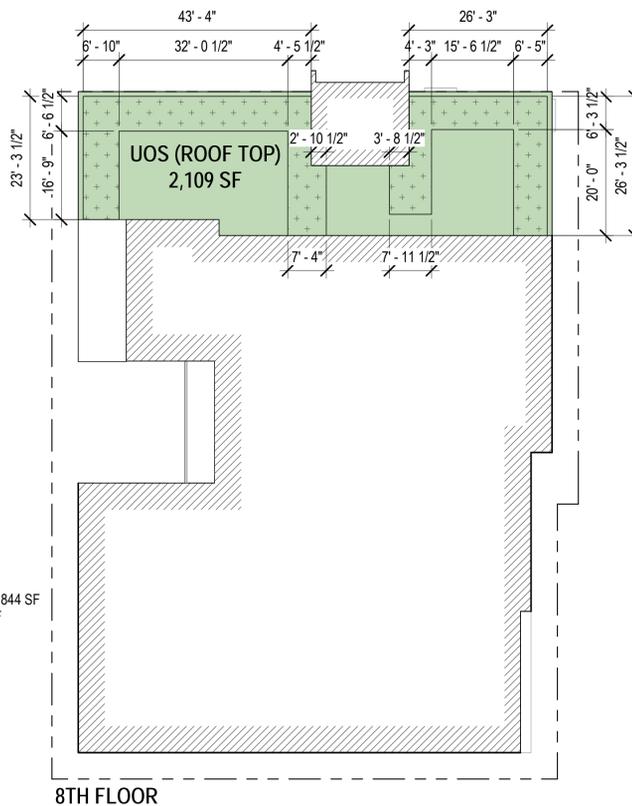


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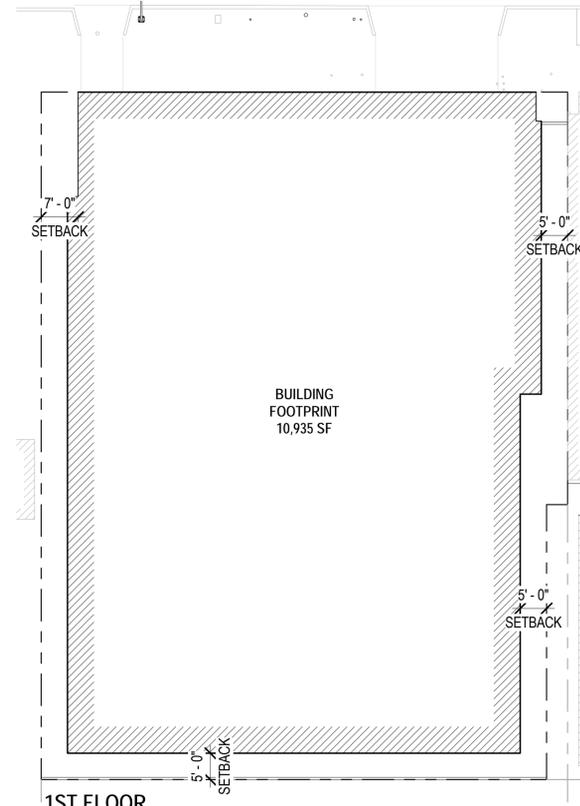
**2538 DURANT
AVE**
2538 DURANT AVE
BERKELEY, CA 94704



**PLANNING
RESPONSE**



3 PROPOSED BUILDING ROOF DECK - OPEN SPACE DIAGRAM
G002 1/16" = 1'-0"



2 PROPOSED BUILDING - LOT COVERAGE DIAGRAM
G002 1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)

UOS PROPOSED BUILDING LEGEND:

AREA CALCULATIONS:

LOT AREA: 12,792 SF
BUILDING FOOTPRINT: 10,935 SF

LOT COVERAGE: 85%

USABLE OPEN SPACE:

REQUIRED: 83 UNITS X 40 SF= 3,320 SF
PROPOSED BUILDING UOS: 2,109 SF
WITH DENSITY BONUS WAIVER

LANDSCAPE AREA:

REQUIRED = 40% OF PROPOSED UOS= 844 SF
PROPOSED LANDSCAPE AREA = 921 SF

DIAGRAM LEGEND:

- BUILDING FOOTPRINT
- USEABLE OPEN SPACE
- LANDSCAPE AREA OF USEABLE OPEN SPACE

UOS BASE BUILDING LEGEND:

AREA CALCULATIONS:

LOT AREA: 12,792 SF
BUILDING FOOTPRINT: 10,465 SF

LOT COVERAGE: 82%

USABLE OPEN SPACE:

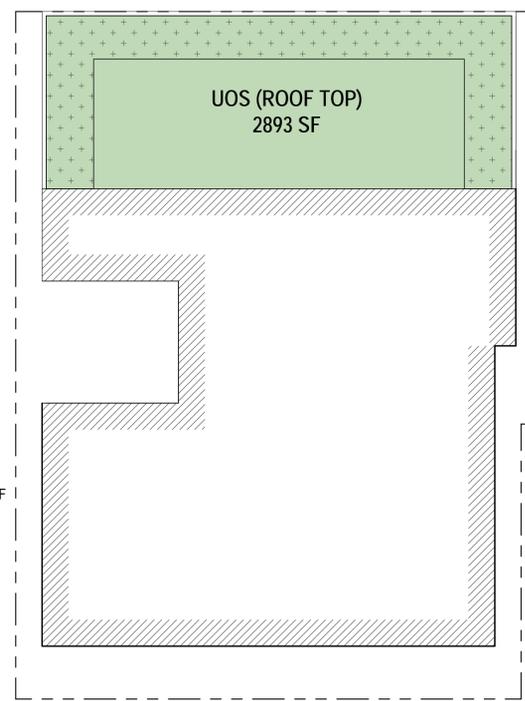
REQUIRED: 67 UNITS X 40 SF= 2,680 SF
BASE BUILDING UOS: 2,893 SF

LANDSCAPE AREA:

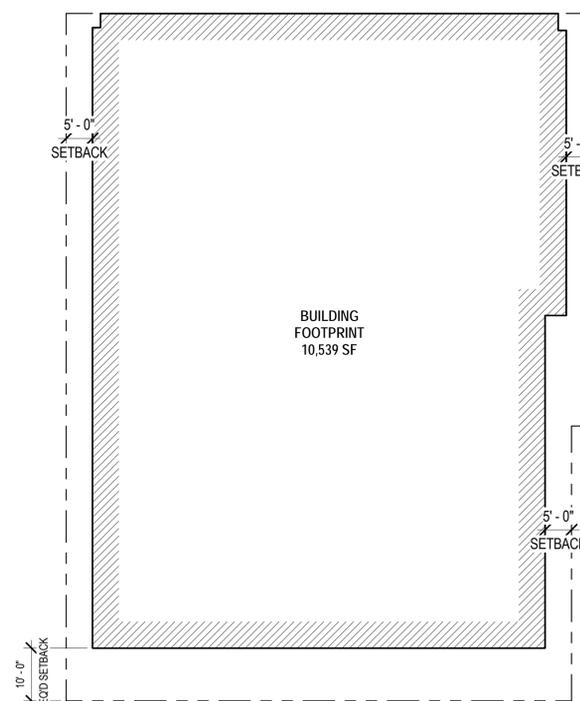
REQUIRED = 40% OF PROPOSED UOS= 1,157 SF
PROPOSED LANDSCAPE AREA = 1,164 SF

DIAGRAM LEGEND:

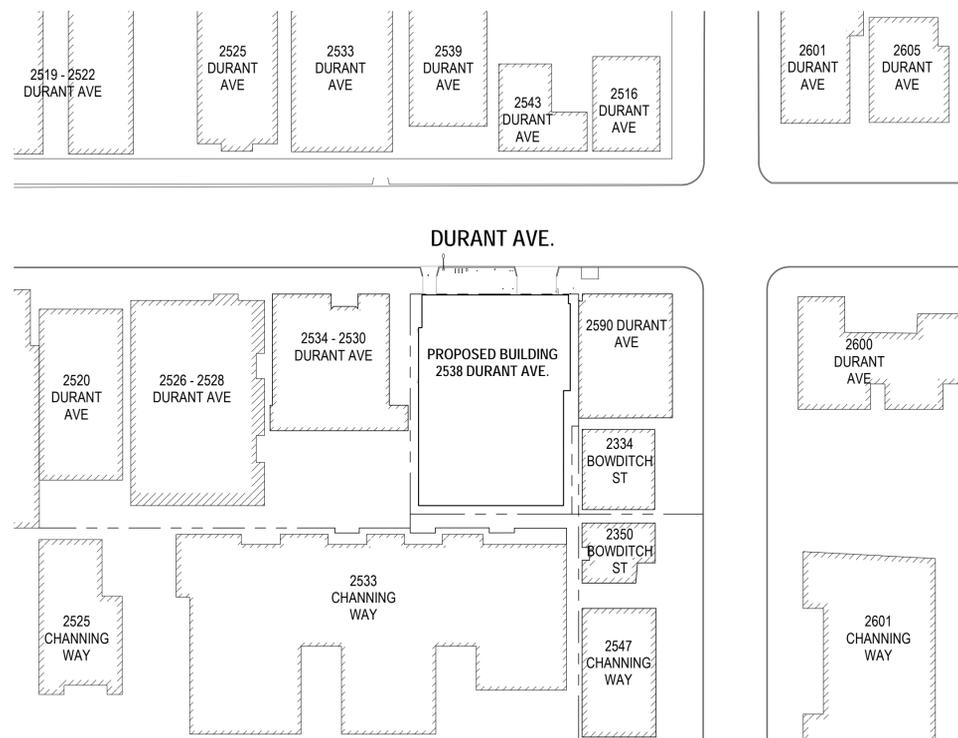
- BUILDING FOOTPRINT
- USEABLE OPEN SPACE
- LANDSCAPE AREA OF USEABLE OPEN SPACE



1 BASE BUILDING OPEN SPACE DIAGRAMS
G002 1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)



2 PROPOSED BUILDING - LOT COVERAGE DIAGRAM



4 VECINITY MAP
G002 1" = 50'-0"

PROJECT ISSUE RECORD:	
07/13/22	ENTITLEMENT SUBMITTAL
09/09/22	PLANNING RESPONSE 1
11/04/22	PLANNING RESPONSE 2

PROJECT #: 11/04/22
ISSUE DATE: 11/04/22

LOT COVERAGE, USABLE OPEN SPACE DIAGRAMS & VICINITY MAP

G002

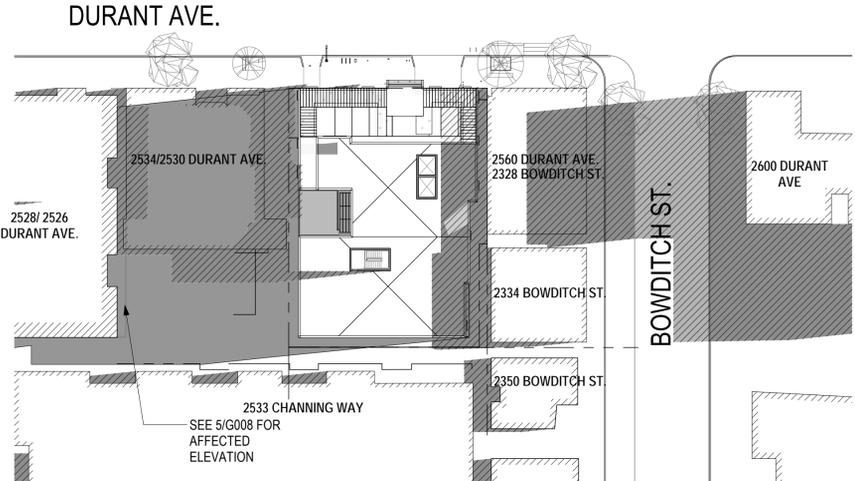
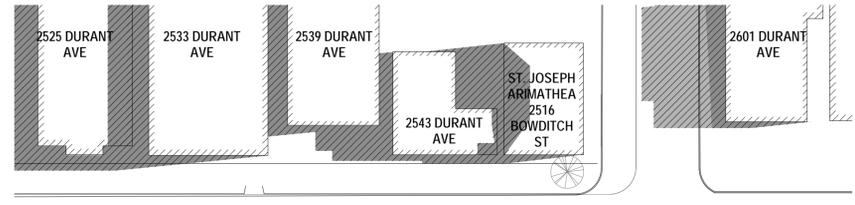


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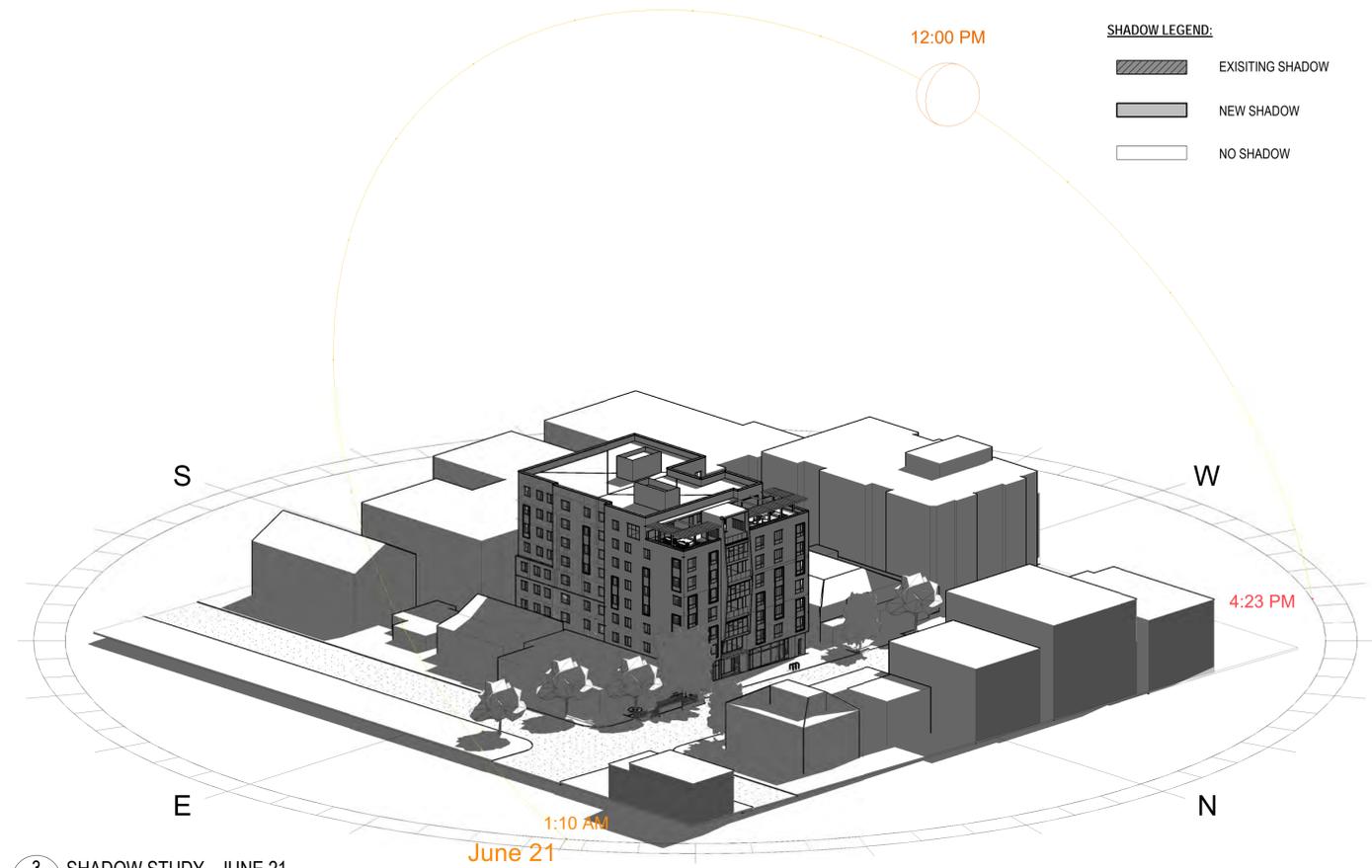
2538 DURANT AVE
 2538 DURANT AVE
 BERKELEY, CA 94704



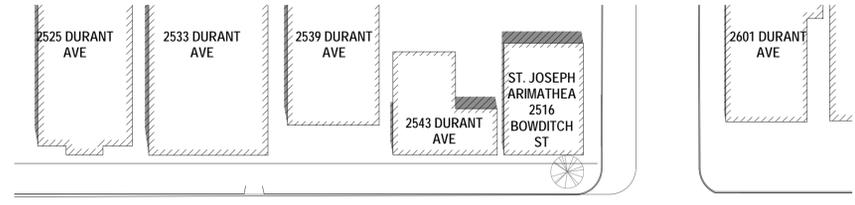
PLANNING RESPONSE



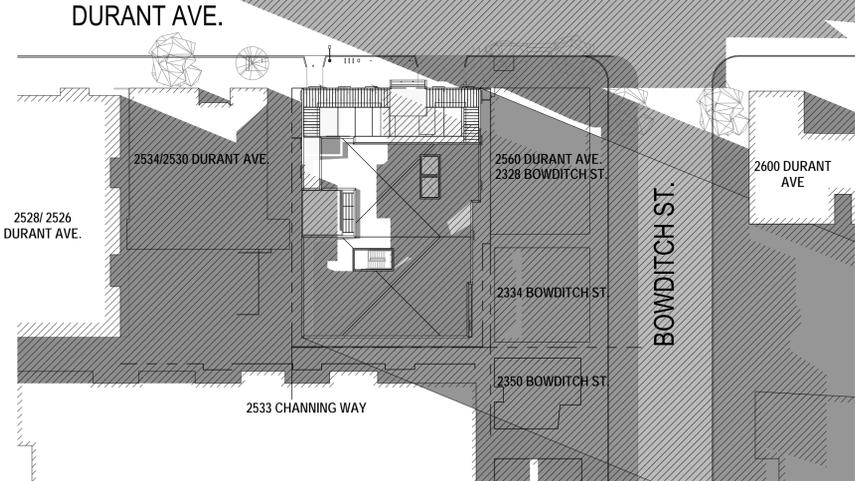
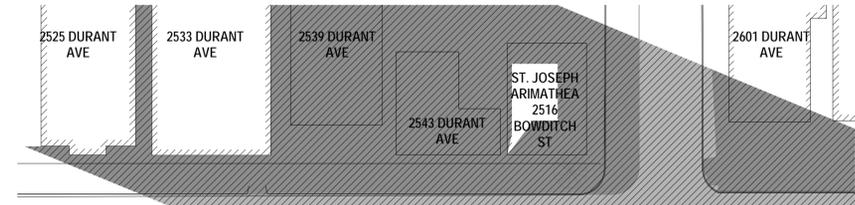
1 6/21 PROPOSED - 7 47 AM
 G006 1" = 40'-0" ON 24X36 (1"=80'-0" ON 12X18)



3 SHADOW STUDY - JUNE 21
 G006



2 6/21 PROPOSED - NOON
 G006 1" = 40'-0" ON 24X36 (1"=80'-0" ON 12X18)



4 6/21 PROPOSED 6 35 PM
 G006 1" = 40'-0" ON 24X36 (1"=80'-0" ON 12X18)

PROJECT ISSUE RECORD:	
07/13/22	ENTITLEMENT SUBMITTAL
08/09/22	PLANNING RESPONSE 1
11/04/22	PLANNING RESPONSE 2

PROJECT #:
 ISSUE DATE: 11/04/22
 SHADOW STUDIES- JUN 22

G006

11/02/22 2:58:34 PM

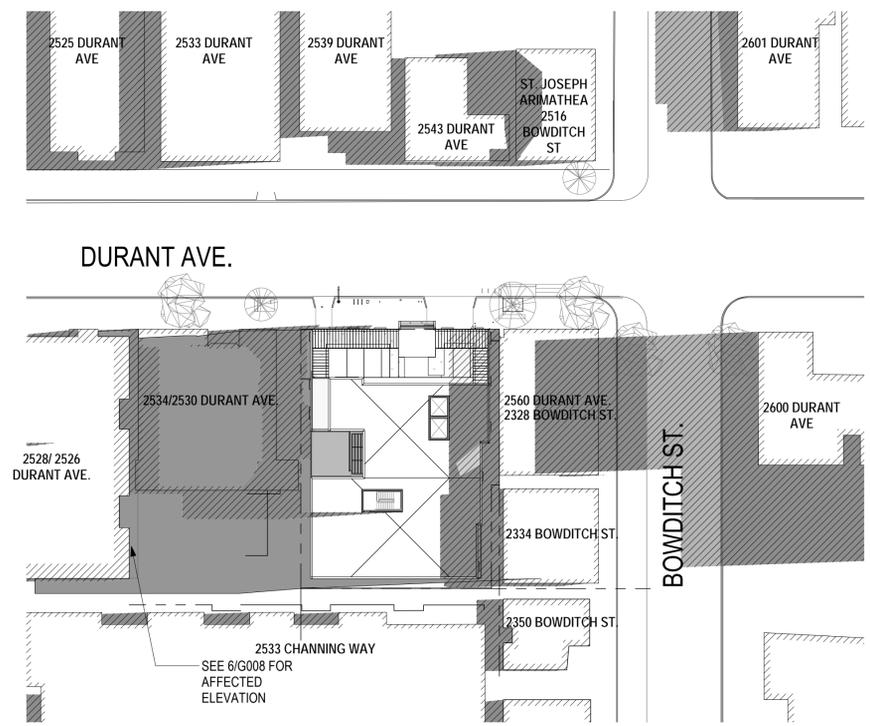


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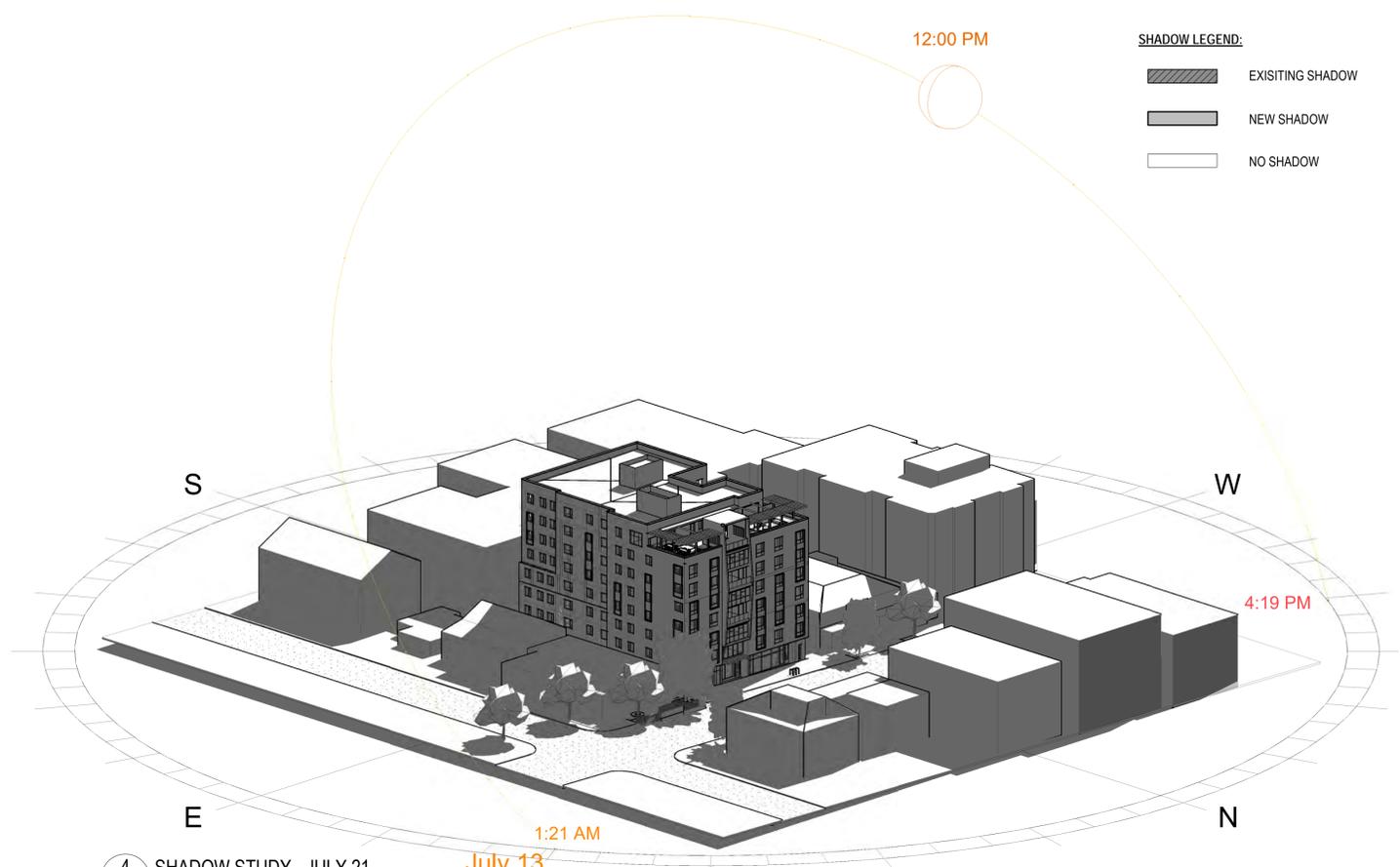
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BERKELEY, CA 94704



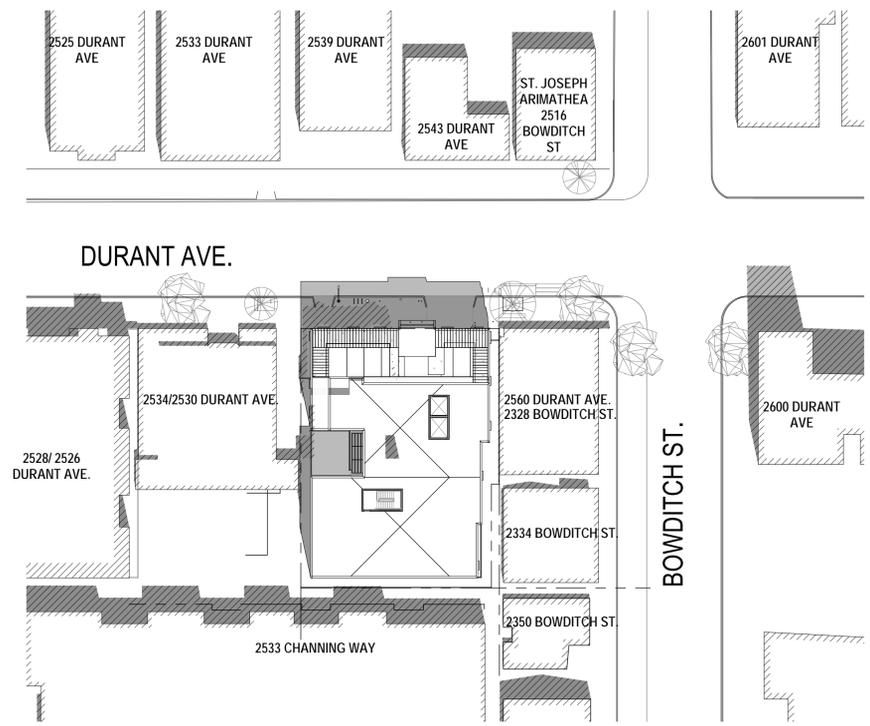
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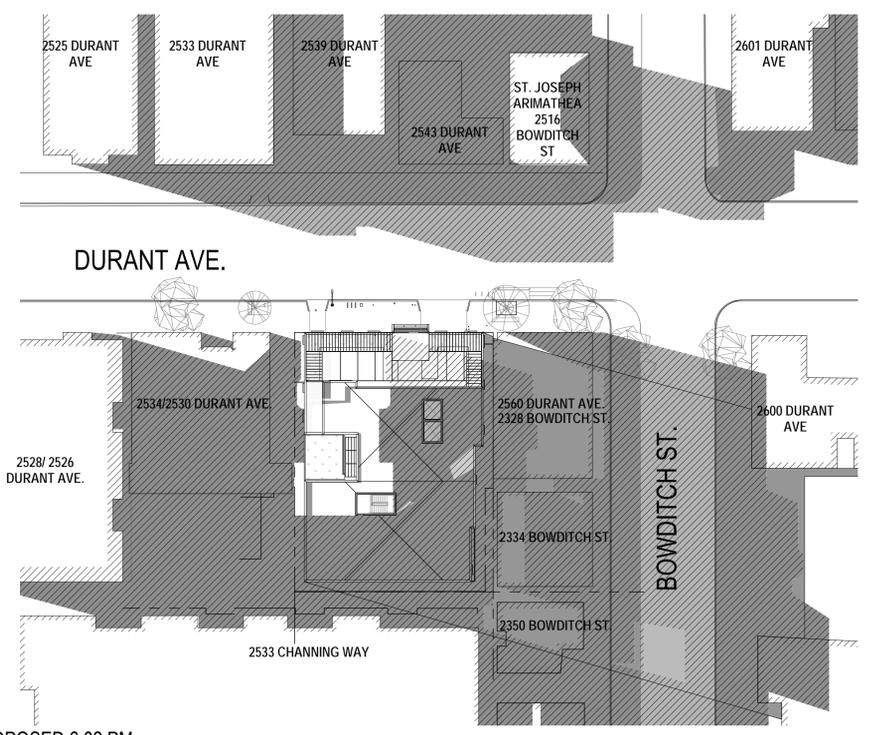
1 7/13 PROPOSED - 7 57 AM
G007 1" = 40'-0" ON 24X36 (1"=80'-0" ON 12X18)



4 SHADOW STUDY - JULY 21
G007 July 13



2 7/13 PROPOSED - NOON
G007 1" = 40'-0" ON 24X36 (1"=80'-0" ON 12X18)



3 7/13 PROPOSED 6 02 PM
G007 1" = 40'-0" ON 24X36 (1"=80'-0" ON 12X18)

PROJECT ISSUE RECORD:	
07/13/22	ENTITLEMENT SUBMITTAL
08/09/22	PLANNING RESPONSE 1
11/04/22	PLANNING RESPONSE 2

PROJECT #:
ISSUE DATE: 11/04/22

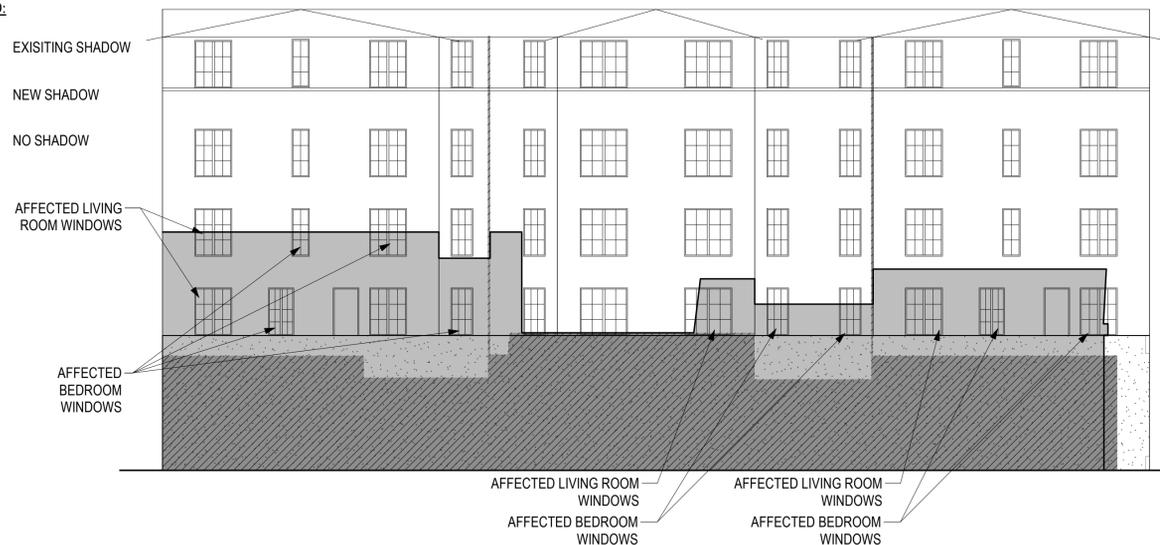
SHADOW STUDIES- JUL 22

G007

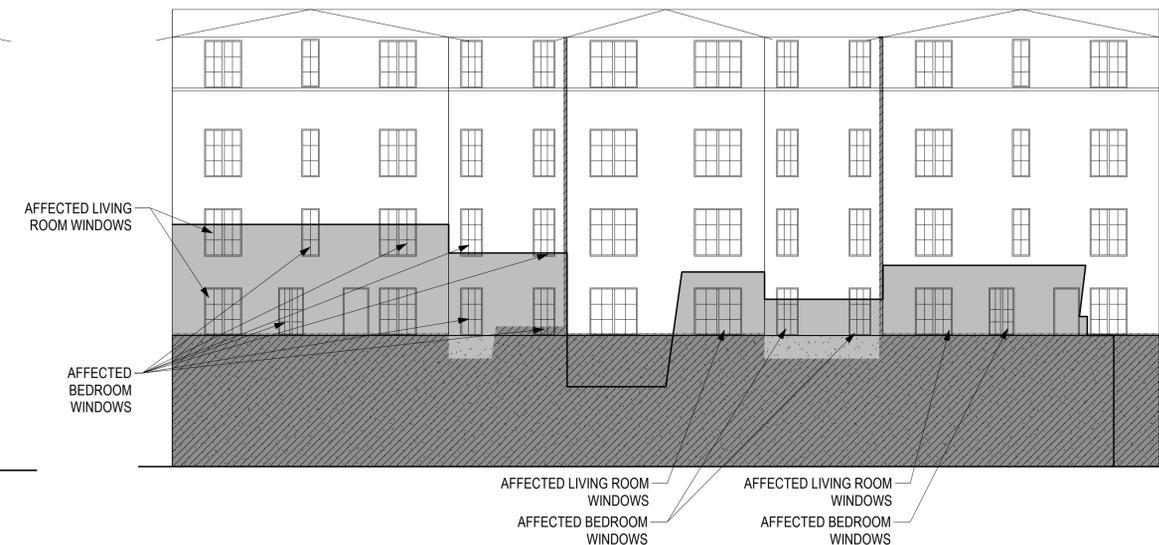


SHADOW LEGEND:

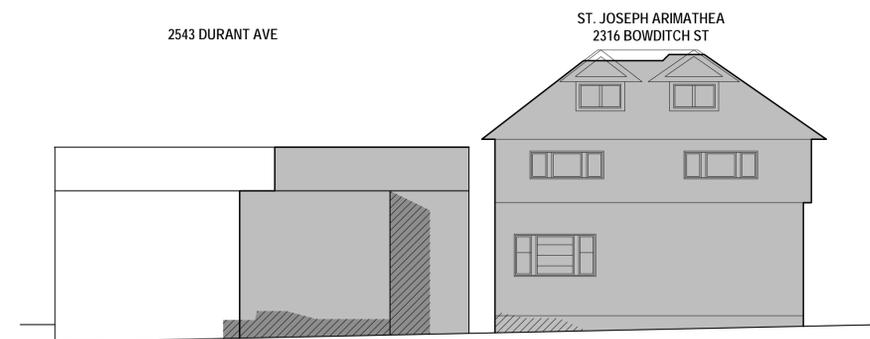
- EXISTING SHADOW
- NEW SHADOW
- NO SHADOW



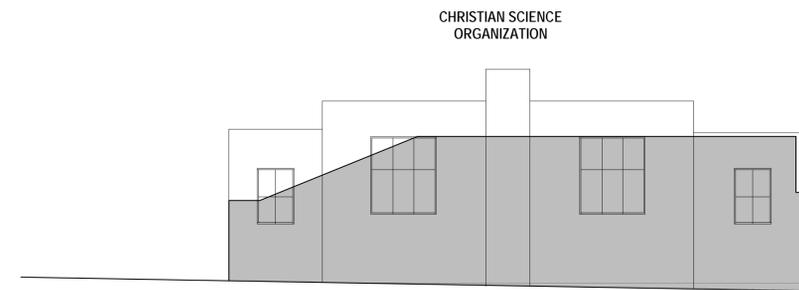
6 SHADOW CAST ON 2528/2526 - 2543 DURANT AVE - 7 47 ON 07/13
G008 3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



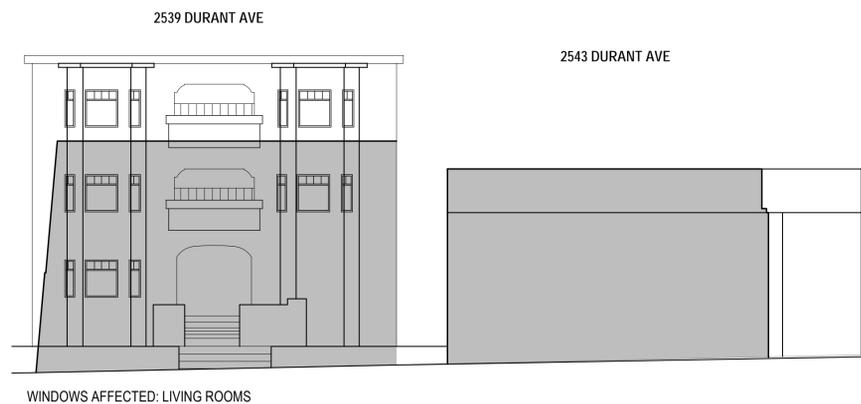
5 SHADOW CAST ON 2528/2526 - 2543 DURANT AVE - EAST ELEVATION - 7 47 ON 06/21
G008 3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



4 SHADOW CAST ON 2539 - 2543 DURANT AVE -SOUTH ELEVATION - 2 54 ON 12/21
G008 3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



3 SHADOW CAST ON 2601 DURANT AVE- WEST ELEVATION- 2 45 ON 12/21
G008 3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



2 SHADOW CAST ON 2539 - 2543 DURANT AVE - SOUTH ELEVATIONS - NOON ON 12/21
G008 3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)



1 SHADOW CAST ON 2539 - 2533 - SOUTH ELEVATIONS - 2525 DURANT AVE - 9 21 ON 12/21
G008 3/32" = 1'-0" ON 24X36 (3/64"=1'-0" ON 12X18)

PROJECT ISSUE RECORD:	
07/13/22	ENTITLEMENT SUBMITTAL
09/09/22	PLANNING RESPONSE 1
11/04/22	PLANNING RESPONSE 2

PROJECT #:

ISSUE DATE: 11/04/22

SHADOW STUDIES-
ELEVATIONS

G008

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AB	AGGREGATE BASE	PVC	POLY VINYL CHLORIDE
AC	ASPHALTIC CONCRETE	PVIC	POINT OF VERTICAL INTERSECTION
AD	AREA DRAIN	PL	PROPERTY LINE
AL	AREA LIGHT	R	RADIUS
ANC	ANCHOR	(R)	RADIAL LINE
ANG PT	ANGLE POINT	RCP	REINFORCED CONCRETE PIPE
AP	ANCHOR POLE	RIM	RIM ELEVATION
ARV	AIR RELIEF VALVE	RT	RIGHT
ASB	AGGREGATE SUB-BASE	ROW	RIGHT OF WAY
BC	BEGINNING OF CURVE	S	SLOPE
BOC	BACK OF CURB	SD	STORM DRAIN
BOW	BACK OF SIDEWALK	SDM	STORM DRAIN MANHOLE
BM	BENCH MARK	SF	SQUARE FEET
BO	BLOWOFF	SHT	SHEET
BPD	BACKFLOW PREVENTION DEVICE	SL	STREET LIGHT
BVC	BEGINNING OF VERTICAL CURVE	SS	SANITARY SEWER
BW	BOTTOM OF WALL	SSCO	SANITARY SEWER CLEANOUT/RISER
CATV	CABLE TELEVISION	SSMH	SANITARY SEWER MANHOLE
C&G	CURB AND GUTTER	STA	STATION
CB	CATCH BASIN	STD	STANDARD
CIP	CAST IRON PIPE	SW	SIDEWALK
CL	CENTERLINE	T	TELEPHONE LINE
CMP	CORRUGATED METAL PIPE	TBO	TEMPORARY BLOWOFF
CO	CLEANOUT	TC	TOP OF CURB
CONF	CONFORM	TELE	TELEPHONE
CONC	CONCRETE	TS	TRAFFIC SIGNAL
COTG	CLEANOUT TO GRADE	TW	TOP OF WALL
DDCV	DOUBLE DETECTOR CHECK VALVE	TYP	TYPICAL
CY	CUBIC YARDS	UNO	UNLESS NOTED OTHERWISE
DI	DROP INLET	VAR	VARIES
DIP	DUCTILE IRON PIPE	VC	VERTICAL CURVE
DWG	DRAWING	VCP	VITRIFIED CLAY PIPE
DWY	DRIVEWAY	VERT	VERTICAL
(E)	EXISTING	W	WATER
EA	EACH	W/	WITH
EC	END OF CURVE	W/O	WITHOUT
EG	EXISTING GRADE	WM	WATER METER
ELEC	ELECTRIC	WW	WATER VALVE
ELECTRO	ELECTROLIER	YL	YARD LIGHT
ELEV	ELEVATION		
EP	EDGE OF PAVEMENT		
EVC	END OF VERTICAL CURVE		
FM	FIELD MEASUREMENT		
FC	FACE OF CURB		
FF	FINISH FLOOR		
FG	FINISH GRADE		
FH	FIRE HYDRANT		
FI	FIELD INLET		
FL	FLOW LINE		
G	GAS MAIN		
GAS V	GAS VALVE		
GM	GAS METER		
GB	GRADE BREAK		
GR	GRATE ELEVATION		
GV	GATE VALVE		
HC	HANDICAP		
HGL	HYDRAULIC GRADE LINE		
HOR	HORIZONTAL		
HP	HIGH POINT		
INT	INTERSECTION		
INV	INVERT ELEVATION		
JP	JOINT POLE		
LP	LOW POINT		
LS	LANDSCAPING		
LT	LEFT		
MAX	MAXIMUM		
MH	MANHOLE		
MIN	MINIMUM		
MON	MONUMENT		
(N)	NEW		
NTS	NOT TO SCALE		
OD	OUTSIDE DIAMETER		
P	PAVEMENT		
PCC	PORTLAND CONCRETE CEMENT		
PI	POINT OF INTERSECTION		
PIV	POST INDICATOR VALVE		
POC	POINT OF CURVE		
PRC	POINT OF REVERSE CURVATURE		
PUE	PUBLIC UTILITY EASEMENT		



EXISTING	PROPOSED	DESCRIPTION
	AL	AREA LIGHT
BO	BO	BLOWOFF
	BL	BRUSH LINE
CITV	CITV	BUILDING CABLE TV LINE
	CB	CATCH BASIN
	C&G	CURB & GUTTER
	C&G	CURB, GUTTER & SIDEWALK
	CL	CUT/FILL LINE
	DL	DAYLIGHT LINE
E	E	ELECTRIC LINE
E	E	ELECTROLIER
X	X	FENCE
F	F	FIRE HYDRANT
F	F	FIRE MAIN
G	G	FLAG POLE
G	G	GAS MAIN
GM	GM	GAS METER
GM	GM	GUY ANCHOR
JT	JT	JOINT TRENCH
⊙	⊙	MONUMENT
○	○	SANITARY SEWER CLEANOUT
SS	SS	SANITARY SEWER LINE
SSMH	SSMH	SANITARY SEWER MANHOLE
○	○	SIGN
▲	▲	SLOPE
SD	SD	STORM DRAIN LINE
○	○	STORM DRAIN MANHOLE
T	T	TELEPHONE LINE
		TELEPHONE VAULT
⊠	⊠	TRANSFORMER
○	○	UTILITY POLE
		VALLEY GUTTER
		WALL
		WATER GATE VALVE
W	W	WATER MAIN
WM	WM	WATER METER
W	W	WATER VALVE

SITE

BASIS OF BEARINGS:
THE MONUMENT LINE IN BOWDITCH STREET BETWEEN STANDARD CITY OF BERKELEY STREET MONUMENTS LOCATED IN THE INTERSECTION OF CHANNING WAY AND AT THE INTERSECTION OF BOWDITCH STREET AND DURANT AVENUE, WAS TAKEN AS N 07° 30' 00"W, AS SHOWN ON RECORD OF SURVEY NO. 2821 (R1), ALAMEDA COUNTY RECORDS.

VERTICAL DATUM / BENCHMARK:
CITY OF BERKELEY VERTICAL DATUM BASED ON A 2" BRASS DISC IN A MONUMENT WELL LOCATED AT THE INTERSECTION OF COLLEGE AVE AND DURANT AVE, BEING CITY OF BERKELEY BM# B0397, ELEVATION = 300.31 FEET. (R2)

REFERENCES:
(R1) --- RECORD OF SURVEY NUMBER 2821, FILED DECEMBER 14, 2018, IN BOOK 45 PAGE 39, ALAMEDA COUNTY RECORDS.
(R2) --- CORNER RECORD NUMBER 7836, FILED DECEMBER 23, 2015, IN BOOK 75 PAGE 3, ALAMEDA COUNTY RECORDS.
(R3) --- LOT MERGER INSTRUMENT NUMBER 2020254664, RECORDED SEPTEMBER 30, 2020, ALAMEDA COUNTY RECORDS.
(R4) --- VESTING DEED INSTRUMENT NUMBER 2021371968, RECORDED NOVEMBER 15, 2021, ALAMEDA COUNTY RECORDS.

BOUNDARY NOTE:
ALL BEARINGS AND DISTANCES SHOWN ARE COMPILED OR CALCULATED FROM RECORD INFORMATION AS SHOWN ON (R1)-(R4), RECORDS OF ALAMEDA COUNTY, CA., AND ARE NOT INTENDED TO REPRESENT SURVEYED VALUES.

TITLE REPORT NOTE:
AS OF THE DATE OF THIS SURVEY A CURRENT TITLE REPORT FOR THE SUBJECT PROPERTY HAS NOT BEEN PROVIDED TO THE SURVEYOR FOR EXAMINATION. THEREFORE, THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES ON OR APPURTENANT TO THE SURVEYED PROPERTY THAT EXIST OF RECORD BUT ARE NOT DELINEATED HEREON.

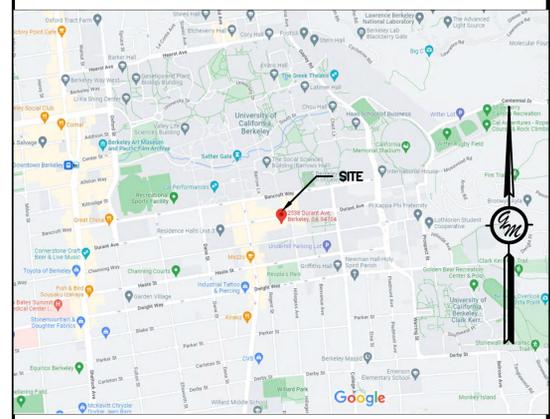
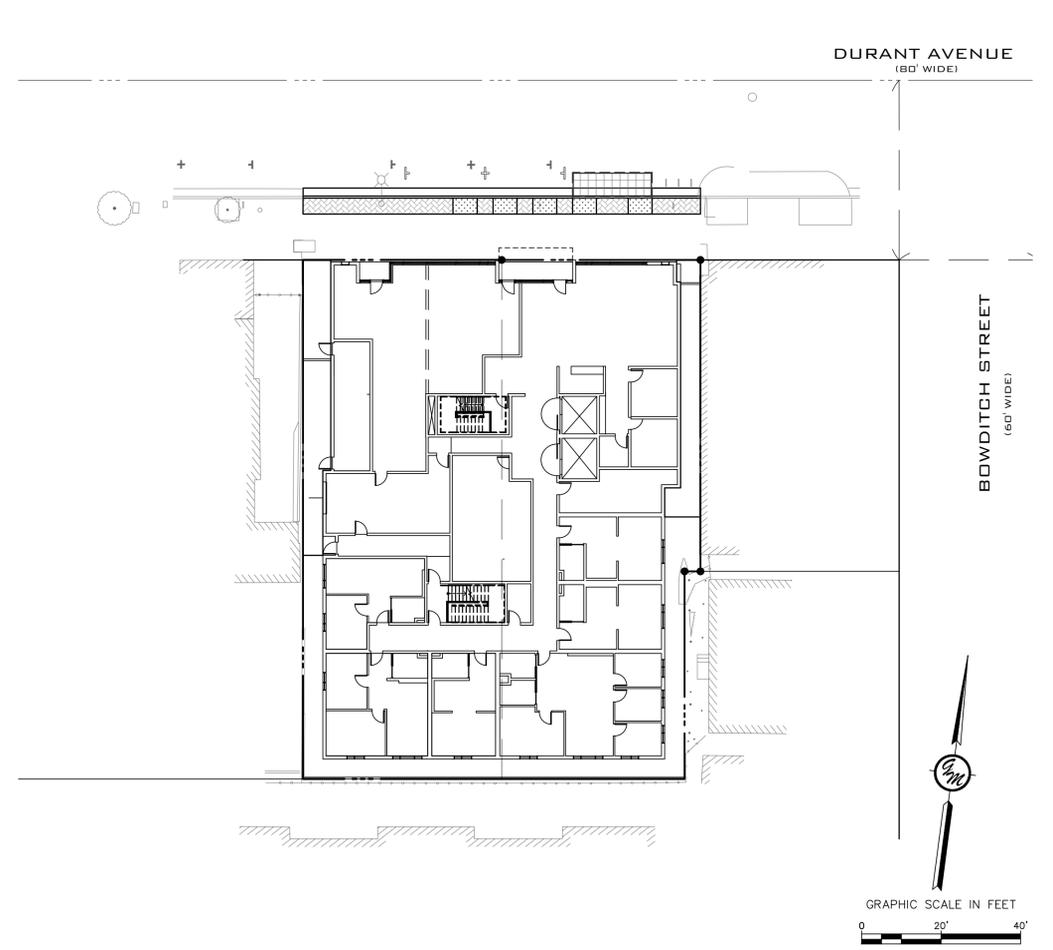
UTILITIES NOTE:
INFORMATION SHOWN ON THIS SURVEY REGARDING EXISTING UTILITIES IS APPROXIMATE ONLY, IS BASED ON VISUAL OBSERVATIONS AND/OR UTILITY COMPANY RECORDS, AND HAS NOT BEEN VERIFIED AS BEING COMPLETE OR CORRECT. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE EXISTING UTILITY INFORMATION SHOWN HEREON, NOR FOR THE PRESENCE OF OTHER UTILITIES WHICH MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY.

VLC05

2538 DURANT AVE

BERKELEY, CA

APN: 055-1876-9-1



VICINITY MAP

ENGINEER:
GREENWOOD & MOORE, INC.
3111 CASTRO VALLEY BLVD.
CASTRO VALLEY, CA 94546
CONTACT: JEFFREY R. MOORE
PHONE: (510) 581-2772

OWNER/APPLICANT:
2538 DURANT LP
2425 CHANNING WAY, SUITE B, PMB#820
BERKELEY, CA 94704

PROPERTY ADDRESS:
2538-2542 DURANT AVE
CASTRO VALLEY, CA 94546

ASSESSOR'S PARCEL NO.:
055-1876-9-1

PROJECT INFORMATION

Sheet Number	Sheet Title
C0.0	COVER SHEET
C1.0	TOPOGRAPHIC SURVEY & DEMOLITION PLAN
C2.0	SITE PLAN
C3.0	UTILITY PLAN
C4.0	GRADING PLAN
C4.1	SECTION 1
C4.2	SECTION 2
C5.0	STORMWATER CONTROL PLAN
C7.0	DETAILS
C7.1	CITY OF BERKELEY BMP'S

ABBREVIATIONS

LEGEND

SHEET INDEX

GREENWOOD & MOORE, INC.
Civil Engineers • Designers
Land Surveyors • Planners
3111 Castro Valley Blvd., Ste. 200, Castro Valley, California, 94546
Tel: 510-581-2772 Fax: 510-581-6813 www.greenwoodmoore.com

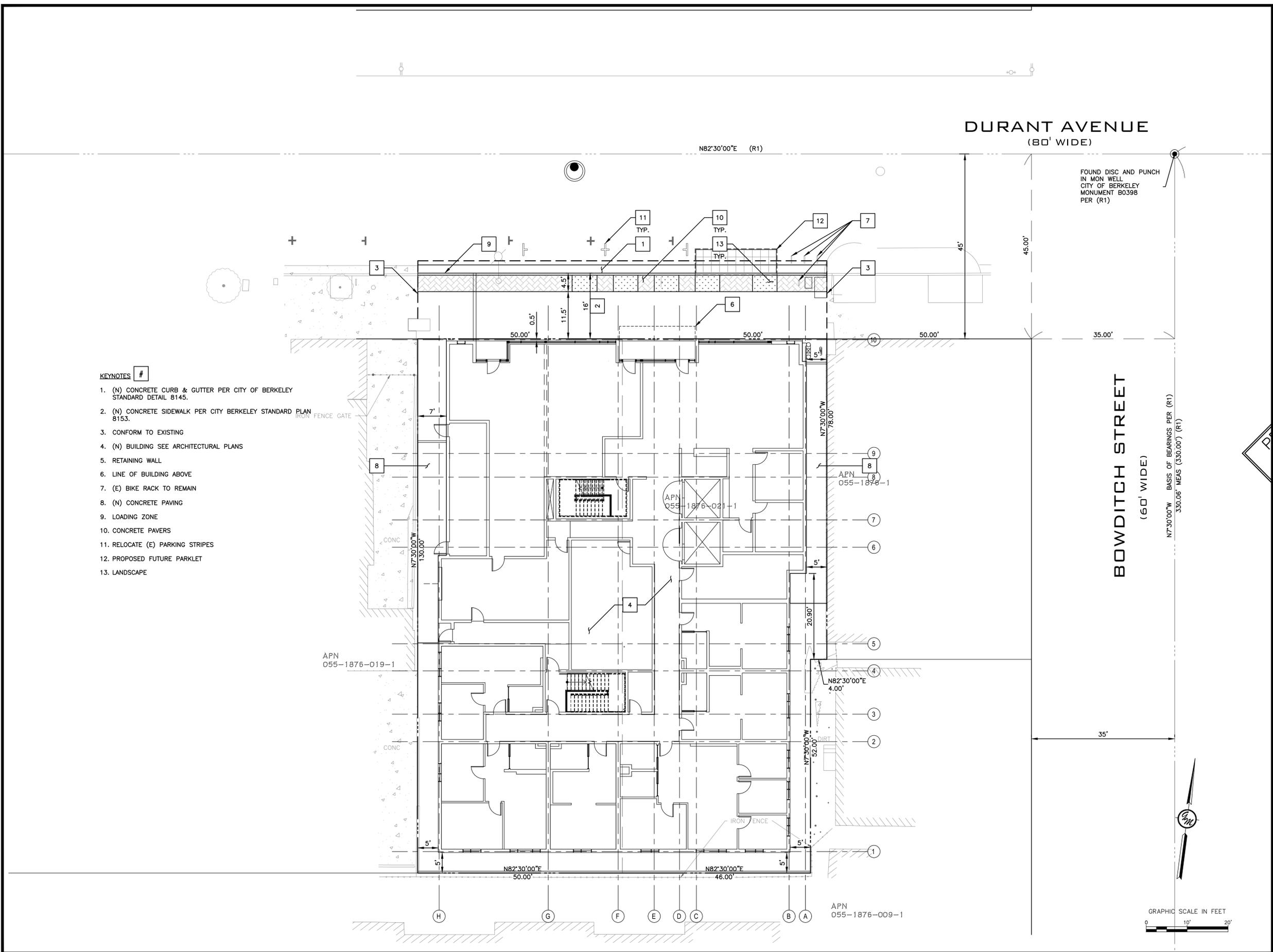
REGISTERED PROFESSIONAL ENGINEER
COMMITTEE FOR PROFESSIONAL ENGINEERS
JEFFREY R. MOORE
No. 10358
EX. 03/15/2022
STATE OF CALIFORNIA

VLC05
2538 DURANT AVE
BERKELEY, CA 94704
APN: 055-1876-9-1

COVER SHEET

CHECKED BY: **BD**
DRAWN BY: **ST**
SCALE: **1"=20'**
DATE: **11/11/2022**
PROJECT NO.: **2022.031**
PHASE NO.: **XX**
SHEET NO.: **C0.0**

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- KEYNOTES #**
- (N) CONCRETE CURB & GUTTER PER CITY OF BERKELEY STANDARD DETAIL 8145.
 - (N) CONCRETE SIDEWALK PER CITY BERKELEY STANDARD PLAN 8153.
 - CONFORM TO EXISTING
 - (N) BUILDING SEE ARCHITECTURAL PLANS
 - RETAINING WALL
 - LINE OF BUILDING ABOVE
 - (E) BIKE RACK TO REMAIN
 - (N) CONCRETE PAVING
 - LOADING ZONE
 - CONCRETE PAVERS
 - RELOCATE (E) PARKING STRIPES
 - PROPOSED FUTURE PARKLET
 - LANDSCAPE

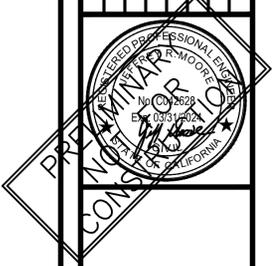
DURANT AVENUE
 (80' WIDE)

FOUND DISC AND PUNCH
 IN MON WELL
 CITY OF BERKELEY
 MONUMENT B0398
 PER (R1)

BOWDITCH STREET
 (60' WIDE)

N7°30'00"W BASIS OF BEARINGS PER (R1)
 330.06' MEAS (330.00') (R1)

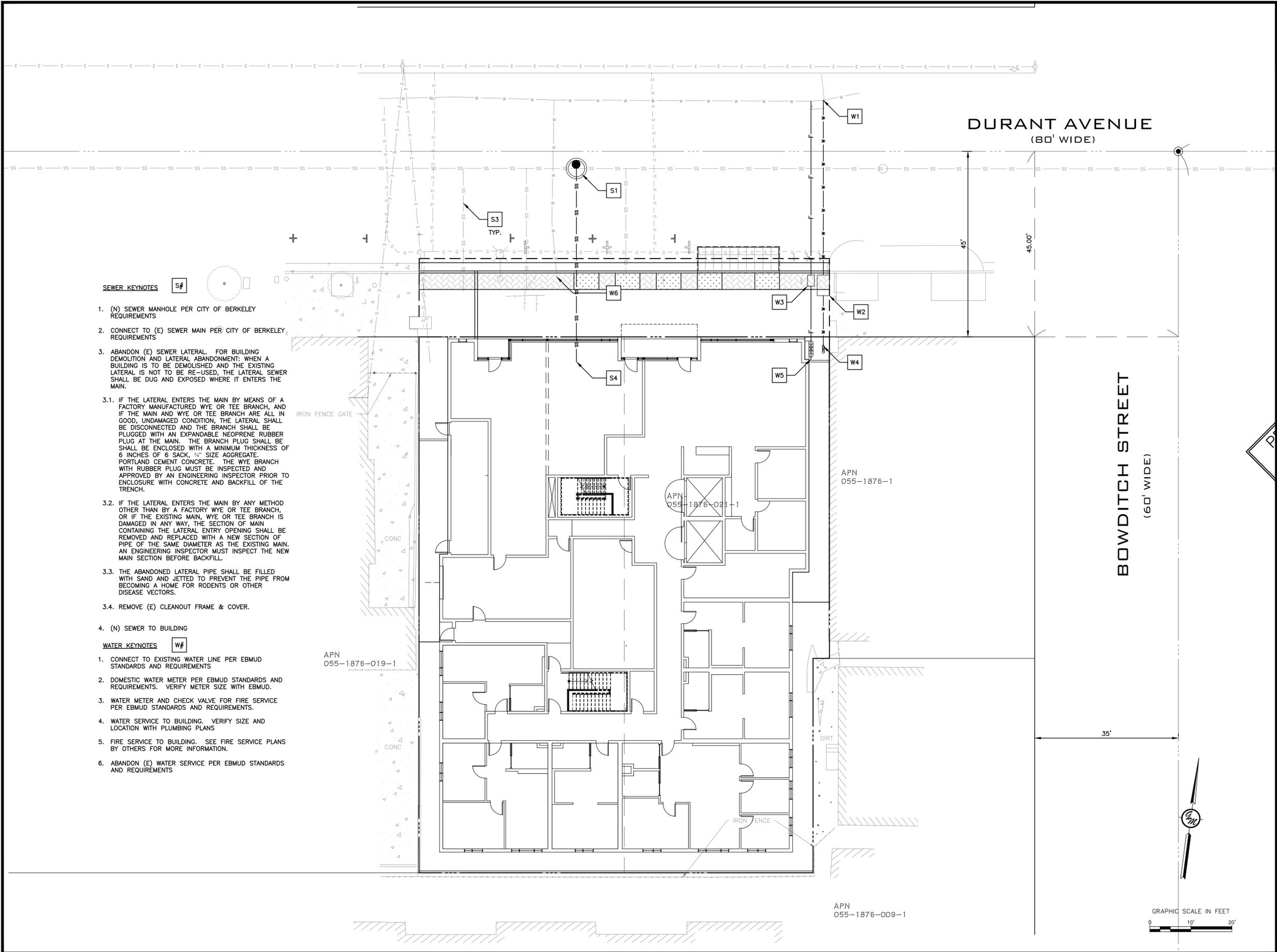
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2538 DURANT AVE
BERKELEY, CA 94704
APN: 055-1876-9-1

SITE PLAN
CHECKED BY: BD
DRAWN BY: ST
SCALE: 1"=10'
DATE 11/11/2022
PROJECT NO. 2022.031
PHASE NO. XX
SHEET NO. C2.0

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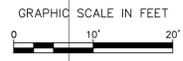


SEWER KEYNOTES S#

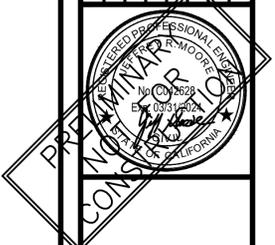
1. (N) SEWER MANHOLE PER CITY OF BERKELEY REQUIREMENTS
2. CONNECT TO (E) SEWER MAIN PER CITY OF BERKELEY REQUIREMENTS
3. ABANDON (E) SEWER LATERAL. FOR BUILDING DEMOLITION AND LATERAL ABANDONMENT: WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE-USED, THE LATERAL SEWER SHALL BE DUG AND EXPOSED WHERE IT ENTERS THE MAIN.
- 3.1. IF THE LATERAL ENTERS THE MAIN BY MEANS OF A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND IF THE MAIN AND WYE OR TEE BRANCH ARE ALL IN GOOD, UNDAMAGED CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED WITH AN EXPANDABLE NEOPRENE RUBBER PLUG AT THE MAIN. THE BRANCH PLUG SHALL BE ENCLOSED WITH A MINIMUM THICKNESS OF 6 INCHES OF 6 SACK, 3/4" SIZE AGGREGATE PORTLAND CEMENT CONCRETE. THE WYE BRANCH WITH RUBBER PLUG MUST BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO ENCLOSURE WITH CONCRETE AND BACKFILL OF THE TRENCH.
- 3.2. IF THE LATERAL ENTERS THE MAIN BY ANY METHOD OTHER THAN BY A FACTORY WYE OR TEE BRANCH, OR IF THE EXISTING MAIN, WYE OR TEE BRANCH IS DAMAGED IN ANY WAY, THE SECTION OF MAIN CONTAINING THE LATERAL ENTRY OPENING SHALL BE REMOVED AND REPLACED WITH A NEW SECTION OF PIPE OF THE SAME DIAMETER AS THE EXISTING MAIN. AN ENGINEERING INSPECTOR MUST INSPECT THE NEW MAIN SECTION BEFORE BACKFILL.
- 3.3. THE ABANDONED LATERAL PIPE SHALL BE FILLED WITH SAND AND JETTED TO PREVENT THE PIPE FROM BECOMING A HOME FOR RODENTS OR OTHER DISEASE VECTORS.
- 3.4. REMOVE (E) CLEANOUT FRAME & COVER.

WATER KEYNOTES W#

1. CONNECT TO EXISTING WATER LINE PER EBMUD STANDARDS AND REQUIREMENTS
2. DOMESTIC WATER METER PER EBMUD STANDARDS AND REQUIREMENTS. VERIFY METER SIZE WITH EBMUD.
3. WATER METER AND CHECK VALVE FOR FIRE SERVICE PER EBMUD STANDARDS AND REQUIREMENTS.
4. WATER SERVICE TO BUILDING. VERIFY SIZE AND LOCATION WITH PLUMBING PLANS
5. FIRE SERVICE TO BUILDING. SEE FIRE SERVICE PLANS BY OTHERS FOR MORE INFORMATION.
6. ABANDON (E) WATER SERVICE PER EBMUD STANDARDS AND REQUIREMENTS



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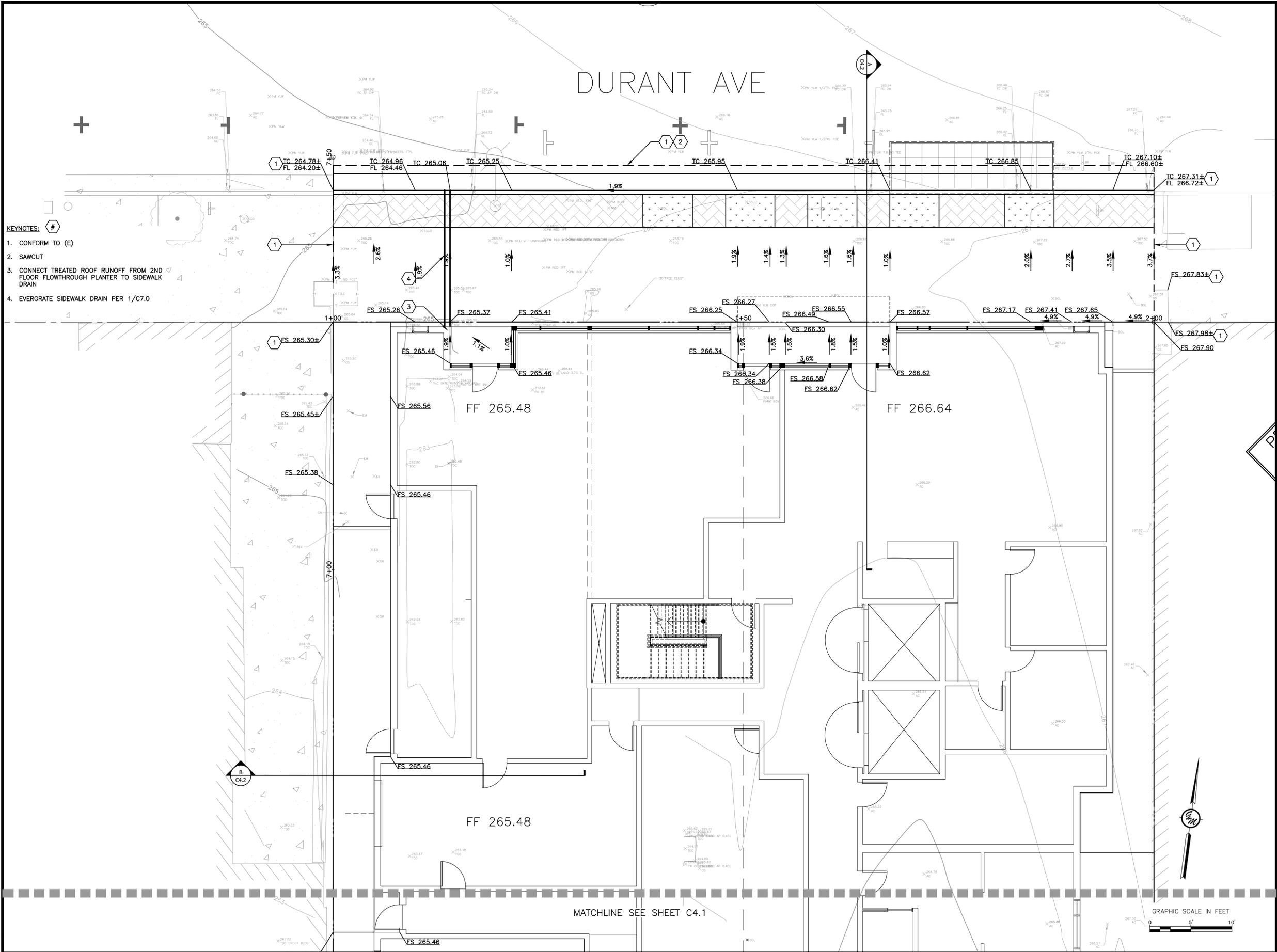


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 APN: 055-1876-9-1

UTILITY PLAN

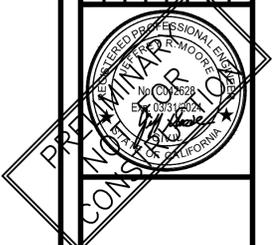
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 SCALE: **1"=10'**
 DATE: **11/11/2022**
 PROJECT NO.: **2022.031**
 PHASE NO.: **XX**
 SHEET NO.: **C3.0**

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- KEYNOTES:**
1. CONFORM TO (E)
 2. SAWCUT
 3. CONNECT TREATED ROOF RUNOFF FROM 2ND FLOOR FLOWTHROUGH PLANTER TO SIDEWALK DRAIN
 4. EVERGRATE SIDEWALK DRAIN PER 1/C7.0

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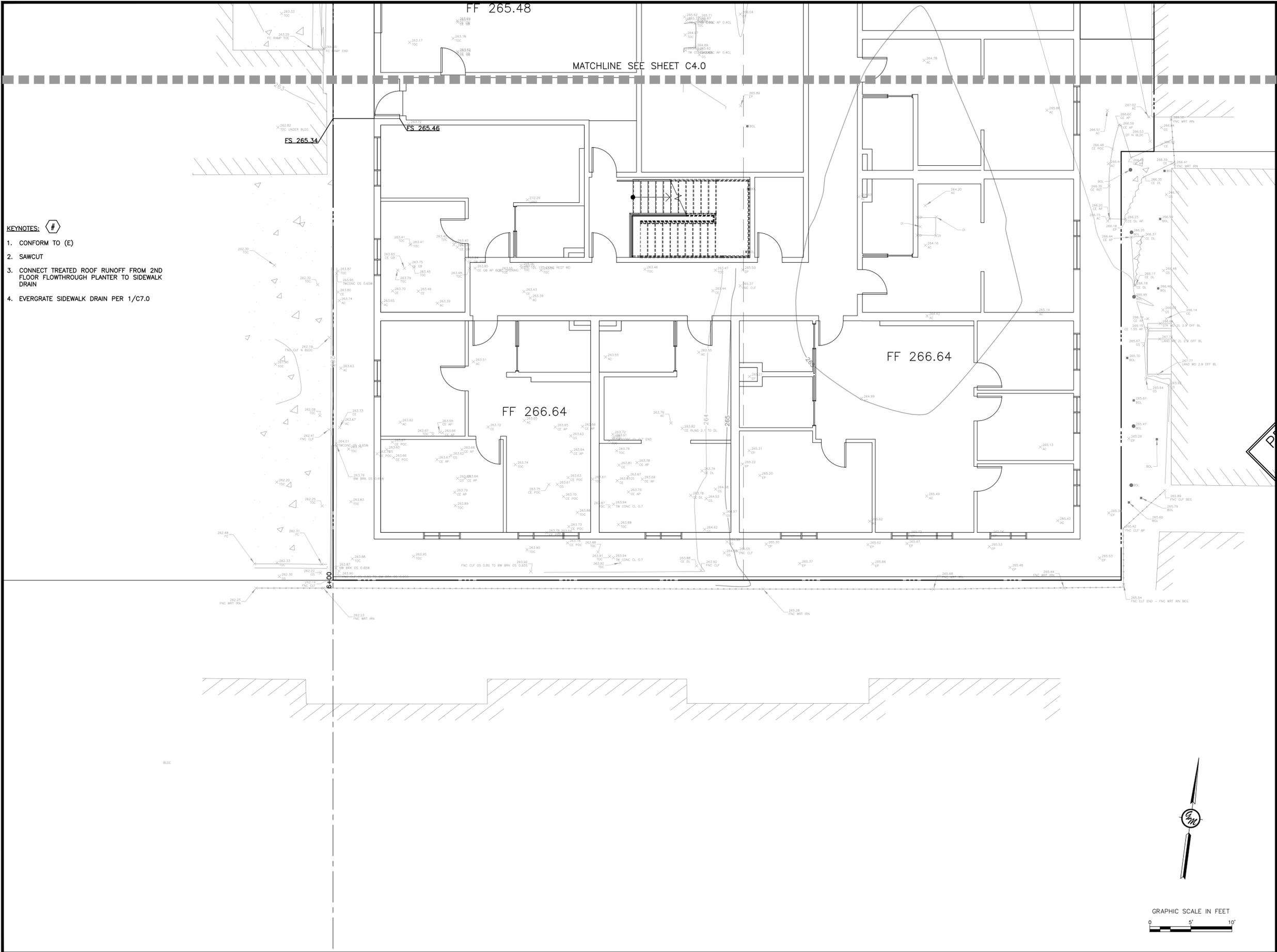
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GRADING PLAN

CHECKED BY: **BD**
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 DATE: **11/11/2022**
 PROJECT NO.: **2022.031**
 PHASE NO.: **XX**
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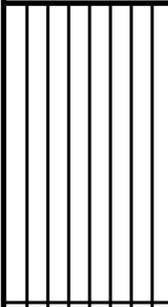
C4.0

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- KEYNOTES:** #
1. CONFORM TO (E)
 2. SAWCUT
 3. CONNECT TREATED ROOF RUNOFF FROM 2ND FLOOR FLOWTHROUGH PLANTER TO SIDEWALK DRAIN
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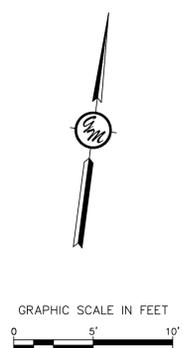
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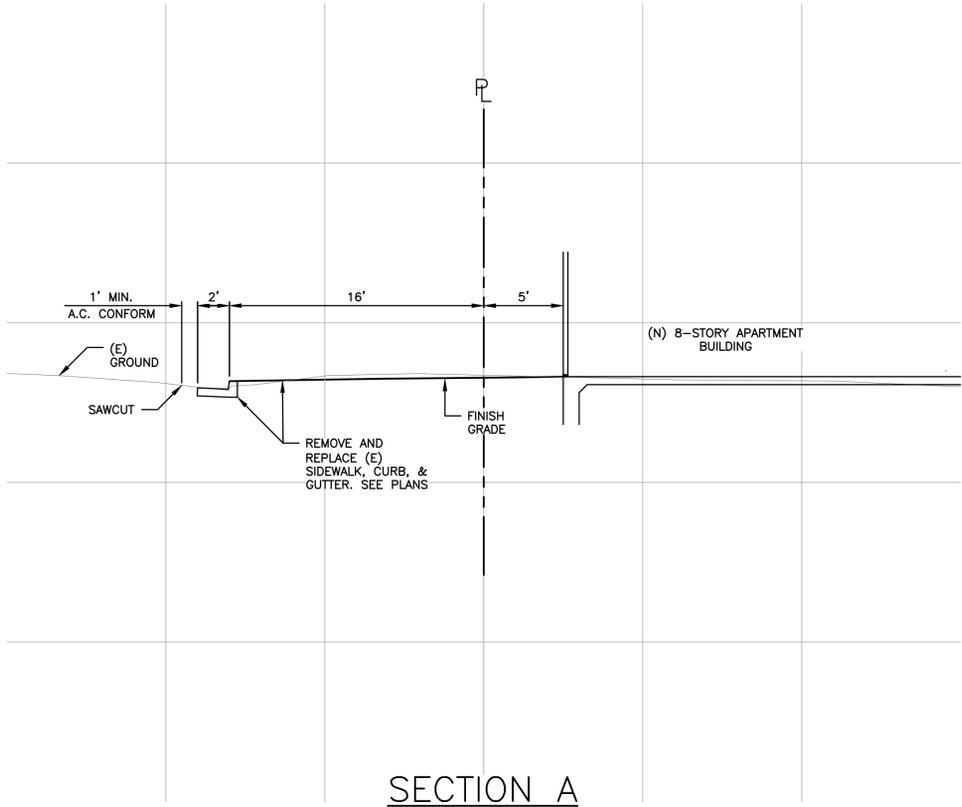
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 CONSULTING ENGINEER
 GREENWOOD & MOORE, INC.
 50515
 STATE OF CALIFORNIA

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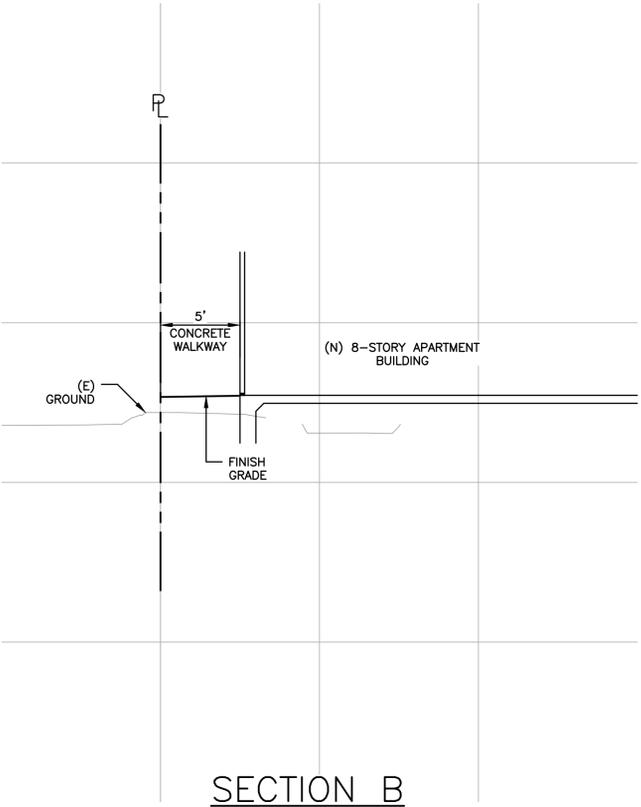
GRADING PLAN
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DATE 11/11/2022
PROJECT NO. 2022.031
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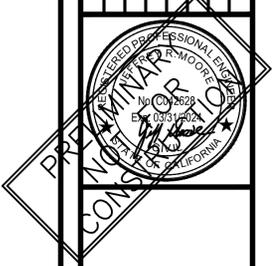
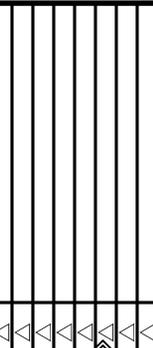


SECTION A
 SCALE: 1"=5'



SECTION B
 SCALE: 1"=5'

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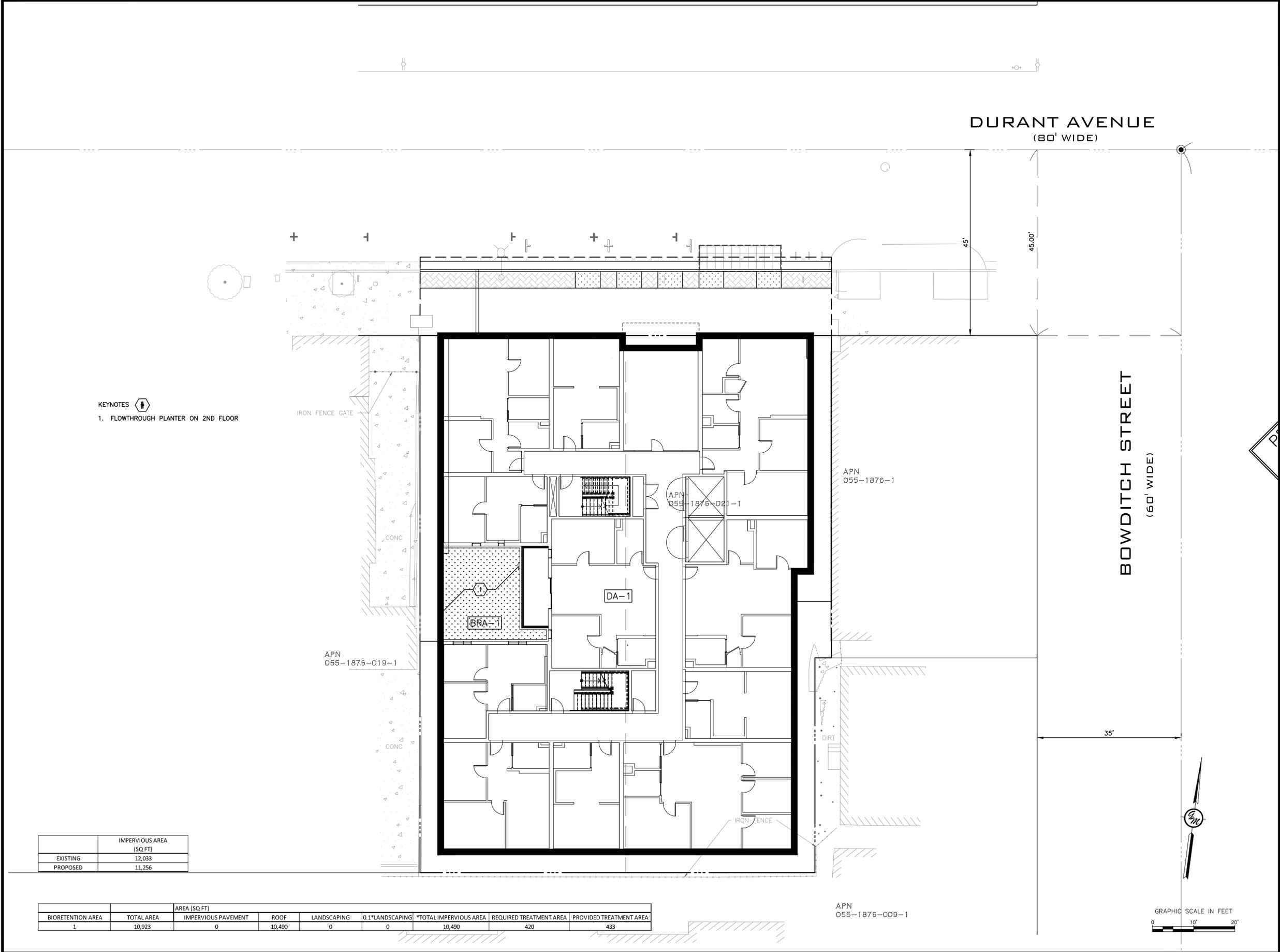
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SECTIONS

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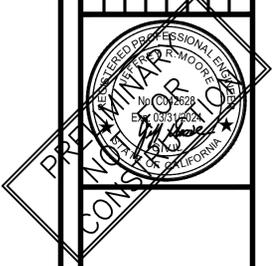


KEYNOTES
 1. FLOWTHROUGH PLANTER ON 2ND FLOOR

	IMPERVIOUS AREA (SQ.FT)
EXISTING	12,033
PROPOSED	11,256

BIORETENTION AREA	TOTAL AREA	AREA (SQ.FT)					*TOTAL IMPERVIOUS AREA	REQUIRED TREATMENT AREA	PROVIDED TREATMENT AREA
		IMPERVIOUS PAVEMENT	ROOF	LANDSCAPING	0.1*LANDSCAPING				
1	10,923	0	10,490	0	0	10,490	420	433	

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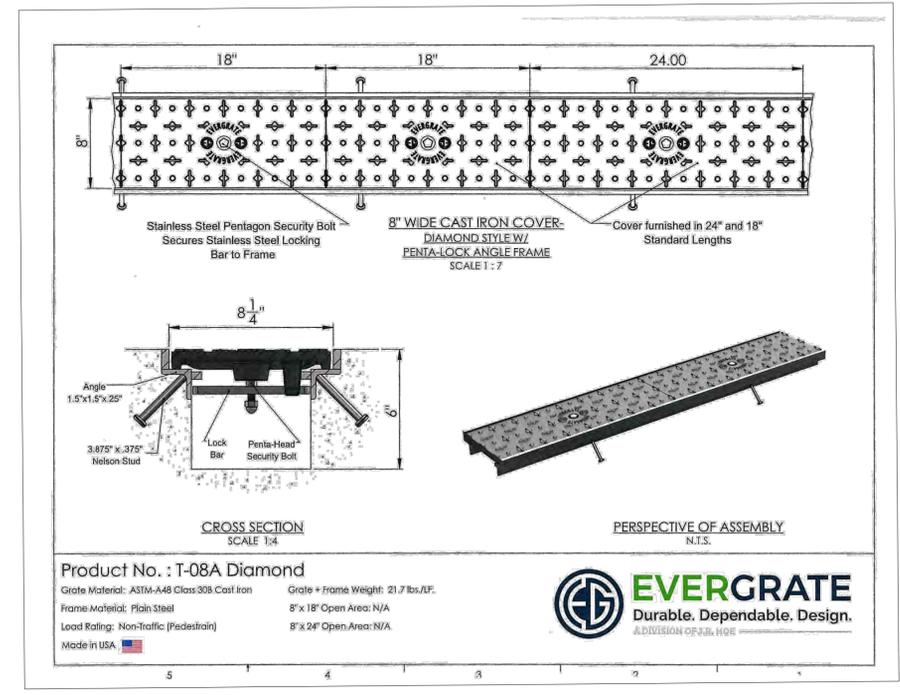


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STORMWATER CONTROL PLAN

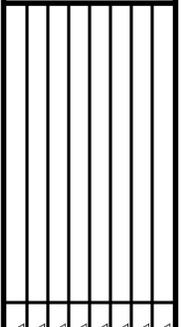
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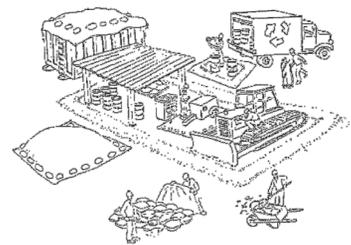
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City of Berkeley's Pollution Prevention - It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with City of Berkeley requirements.

Materials storage & spill cleanup

- Non-hazardous materials management**
- ✓ Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
 - ✓ Use (but don't overuse) reclaimed water for dust control as needed.
 - ✓ Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
 - ✓ Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with City of Berkeley Ordinances for recycling construction materials, wood, gyp board, pipe, etc.
 - ✓ Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
 - ✓ Cover all dumpsters with a tarp at the end of every work day or during wet weather.

- Hazardous materials management**
- ✓ Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
 - ✓ Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
 - ✓ Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
 - ✓ Be sure to arrange for appropriate disposal of all hazardous wastes.

- Spill prevention and control**
- ✓ Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
 - ✓ When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
 - ✓ Dispose of all containment and cleanup materials properly.
 - ✓ Report any hazardous materials spills immediately! Dial 911 or the City of Berkeley's Public Works Department by dialing 311

- Construction Entrances and Perimeter**
- ✓ Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
 - ✓ Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

Vehicle and equipment maintenance & cleaning

- ✓ Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- ✓ Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- ✓ If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- ✓ Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



Earthwork & contaminated soils

- ✓ Keep excavated soil on the site where it will not collect in the street.
- ✓ Transfer to dump trucks should take place on the site, not in the street.
- ✓ Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.
- ✓ Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
- ✓ Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- ✓ If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- ✓ If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.



Dewatering operations

- ✓ Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- ✓ Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- ✓ Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- ✓ In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.



Saw cutting

- ✓ Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- ✓ Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- ✓ If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- ✓ Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- ✓ Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- ✓ Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- ✓ Do not use water to wash down fresh asphalt concrete pavement.



Concrete, grout, and mortar storage & waste disposal

- ✓ Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- ✓ Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.
- ✓ Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.



Painting

- ✓ Never rinse paint brushes or materials in a gutter or street!
- ✓ Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- ✓ Paint out excess oil-based paint before cleaning brushes in thinner.
- ✓ Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



Landscape Materials

- ✓ Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- ✓ Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

Storm drain polluters may be liable for fines of \$10,000 or more per day!

For references and more detailed information:
www.cleanwaterprogram.org
www.cabmphandbooks.com

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REGISTERED PROFESSIONAL ENGINEER
 CIVIL
 STATE OF CALIFORNIA
 No. 50525
 Exp. 03/31/2024

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BERKELEY, CA 94704
APN: 055-1876-9-1

CITY OF BERKELEY BMP'S

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 DATE: **11/11/2022**
 PROJECT NO.: **2022.031**
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GROUND LEVEL - ABRIDGED PLANT PALETTE



Trident Maple (AB)
Acer buergerianum



California Fuchsia (EC)
Epilobium canum

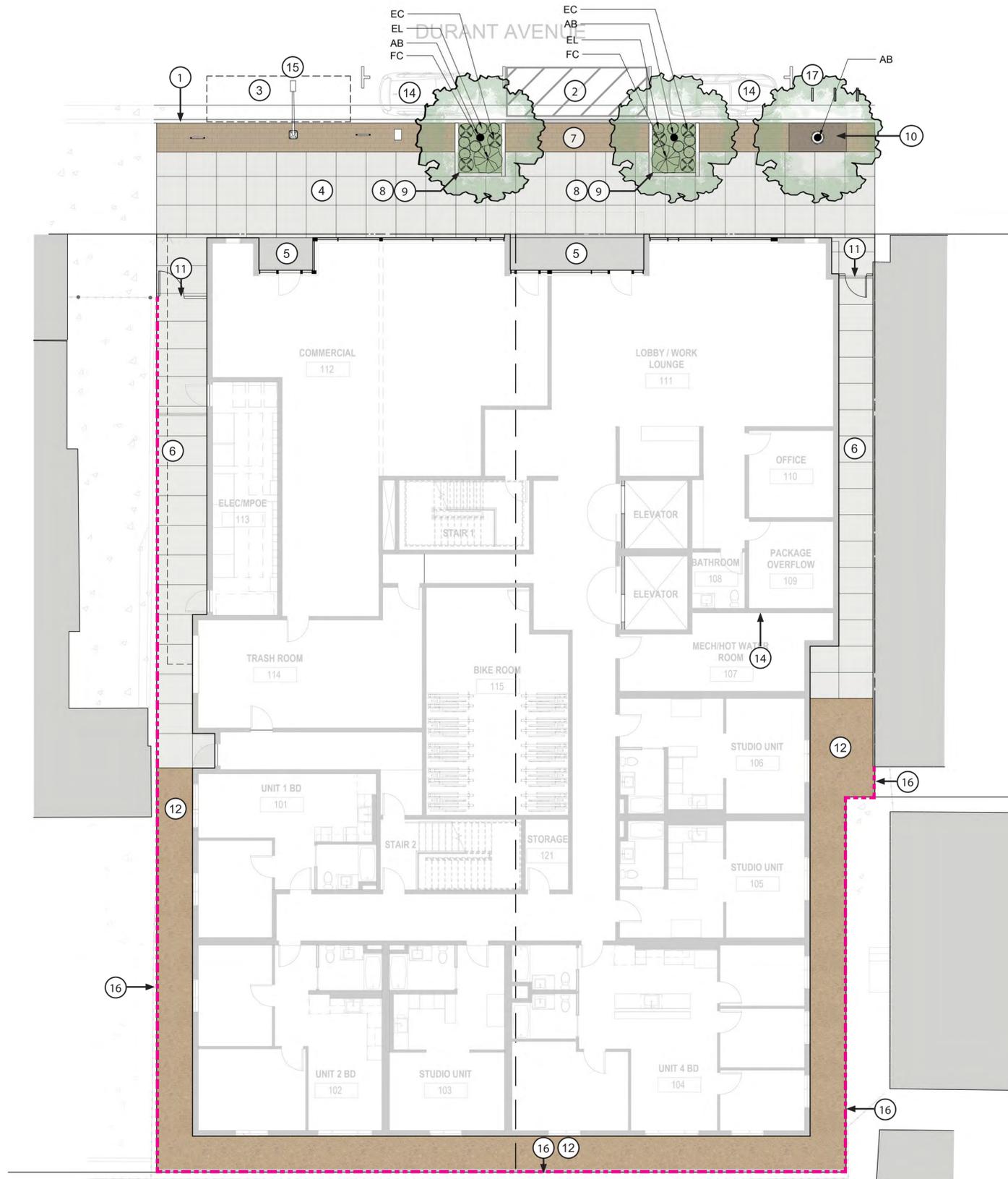


Seaside Buckwheat (EL)
Eriogonum latifolium



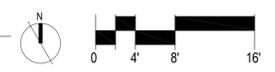
Seaview Coffeeberry (RC)
Rhamnus californica 'Seaview'

Indicates native plant species



KEY NOTES	
1	NEW CONCRETE CURB AND GUTTER
2	PICK-UP/DROP OFF ZONE
3	PROPOSED PARKLET
4	CONCRETE SIDEWALK PAVING
5	CONCRETE PAVING
6	CONCRETE WALK
7	CONCRETE UNIT PAVERS ON GRADE
8	AT GRADE PLANTING AREA
9	RAISED CURB
10	FLEXI PAVE SURFACE AT TREE WELL
11	ACCESS GATE
12	GRAVEL SURFACE
13	NEW BICYCLE RACK
14	RECONFIGURED PARKING SPACES
15	EXISTING STREET LIGHT TO REMAIN
16	LOT LINE SCREEN; 6' H. SOLID FENCE
17	EXISTING BICYCLE RACKS TO REMAIN

1 GROUND FLOOR LANDSCAPE PLAN
 L101 1/8" = 1'-0" ON 24X36 (1/16" = 1'-0" ON 12X18)



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 PERMIT

MILLER COMPANY
 landscape architects

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PROJECT #: VLC05
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GROUND FLOOR
 LANDSCAPE PLAN

L101

SECOND LEVEL - ABRIDGED PLANT PALETTE



Dr. Hurd Manzanita (AD)
Arctostaphylos manzanita 'Dr. Hurd'



Canyon Prince Wildrye (LC)
Leymus condensatus 'Canyon Prince'



Monkeyflower (MR)
Mimulus aurantiacus



Seaview Coffeeberry (RC)
Rhamnus californica 'Seaview'

Indicates native plant species



KEY NOTES	
1	WOOD DECK TILES
2	34" HIGH CONCRETE PLANTER WALL
3	FLOW THROUGH PLANTER

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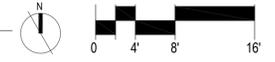
PROJECT ISSUE RECORD:	
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PROJECT #: VLC05
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SECOND FLOOR
 LANDSCAPE PLAN

L102

1 SECOND FLOOR LANDSCAPE PLAN
 L102 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



EIGHTH LEVEL - ABRIDGED PLANT PALETTE



Dr. Hurd Manzanita (AD)
Arctostaphylos manzanita 'Dr. Hurd'



Ray Hartman Wild Lilac (CR)
Ceanothus 'Ray Hartman'



Beach Strawberry (FC)
Fragaria chiloensis



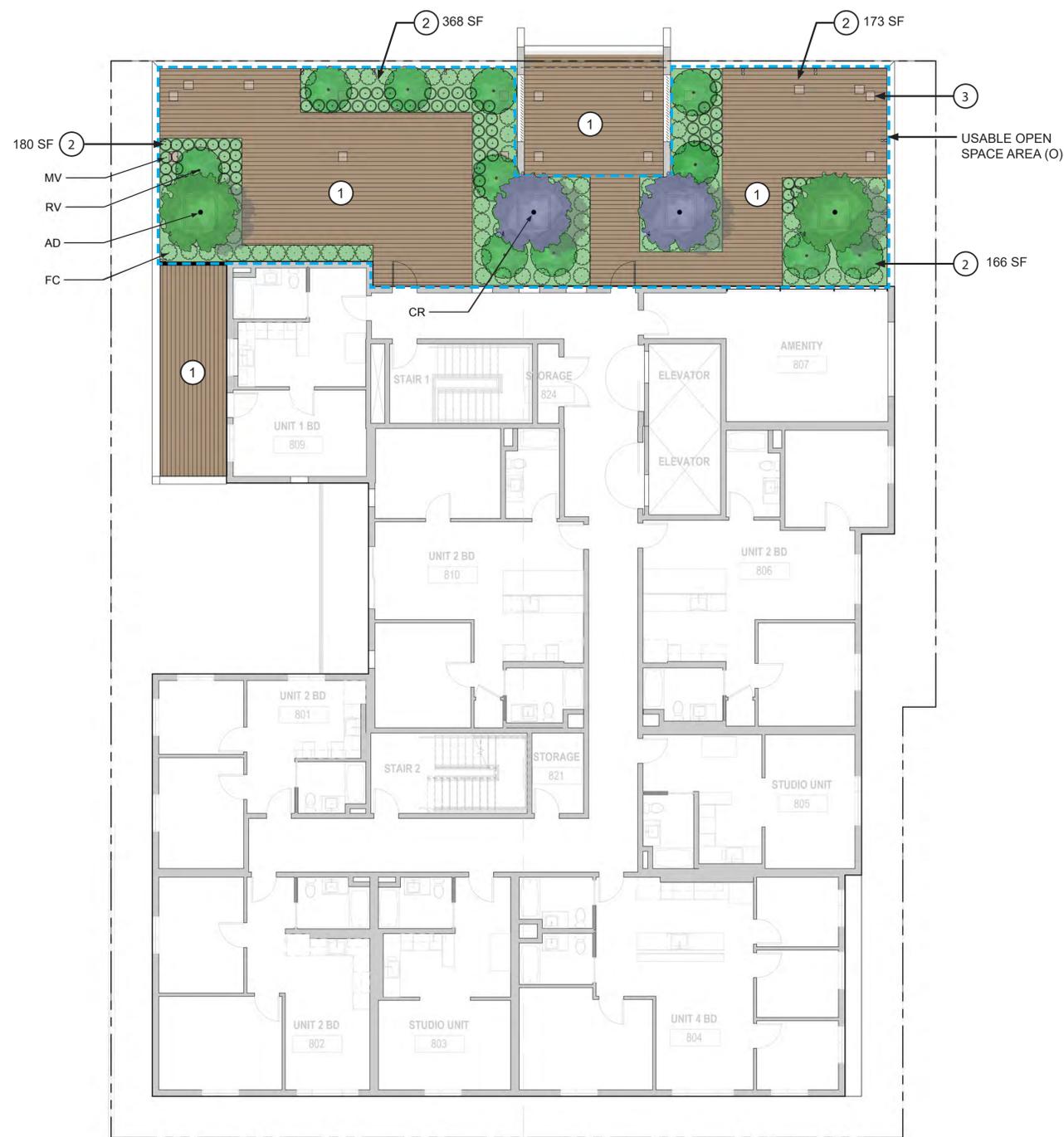
Coyote Mint (MV)
Monardella villosa



Catalina Currant (RV)
Ribes viburnifolium

Indicates native plant species

1 EIGHTH FLOOR LANDSCAPE PLAN
 L108 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



KEY NOTES	
1	WOOD DECK TILES
2	LANDSCAPE AREA
3	OUTRIGGER CONNECTION, TYPICAL

LANDSCAPE AREA CALCULATION	
USABLE OPEN SPACE AREA (O)	2109 SF
LANDSCAPE AREA (L)	887 SF
$(L/O) \times 100 = 887/2109 = 0.421(100) = 42\%$	



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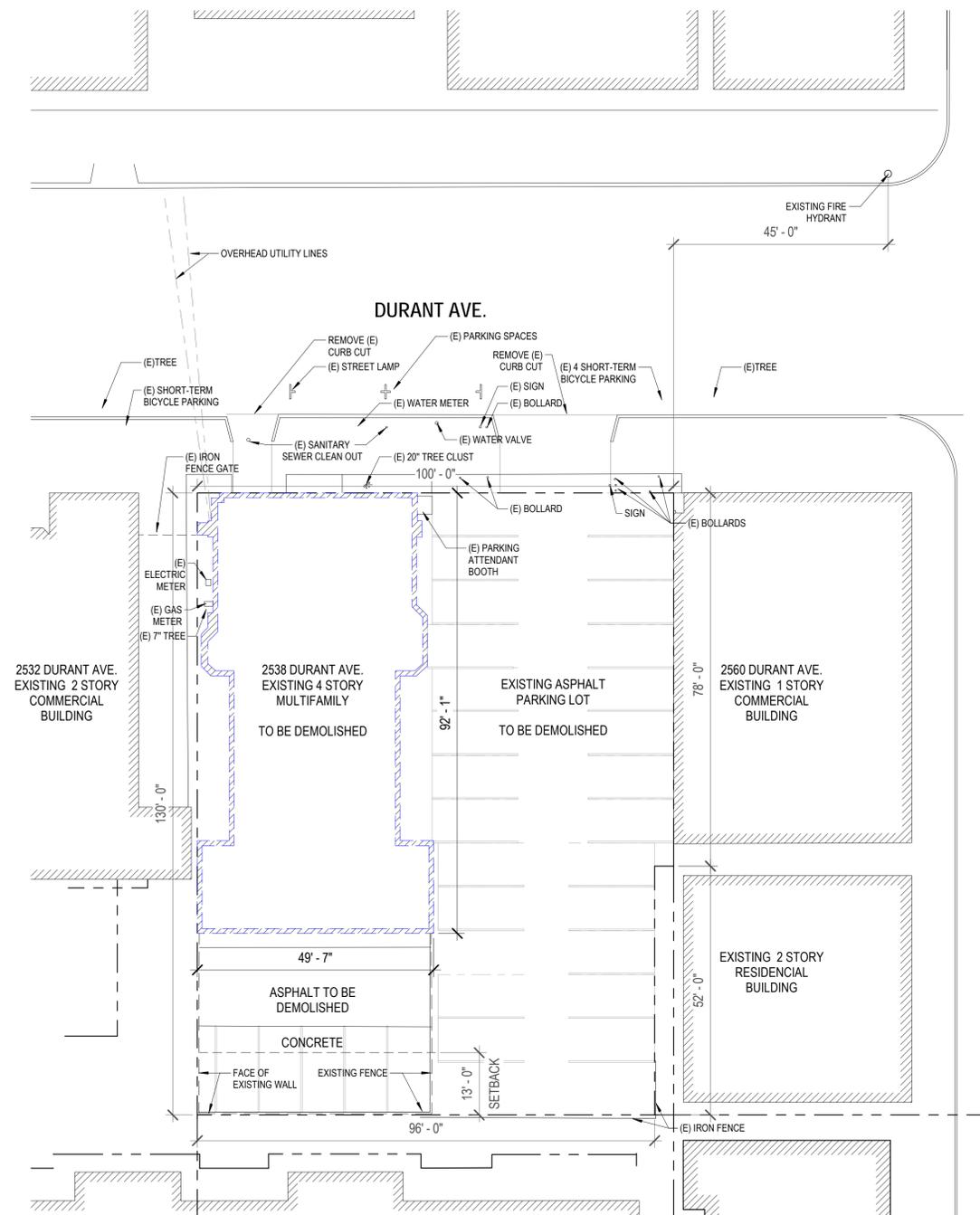
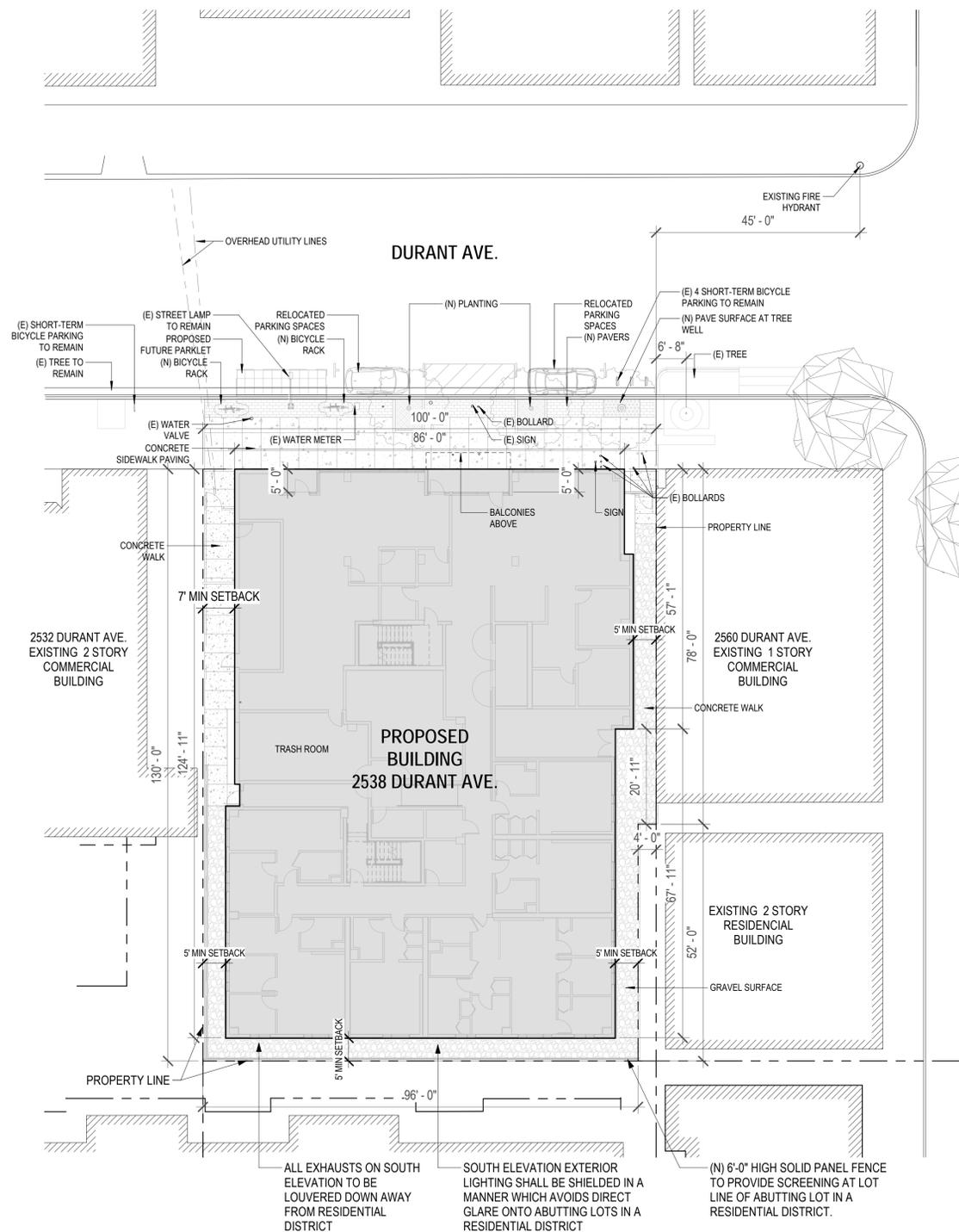
MILLER COMPANY
 landscape architects

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07/13/22	USE PERMIT

PROJECT #: VLC05
 ISSUE DATE: 11/12/21

EIGHTH FLOOR
 LANDSCAPE PLAN

L108

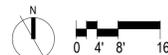


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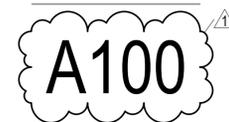
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PROJECT #:
ISSUE DATE: 02/28/23
SITE PLAN

2 PROPOSED SITE PLAN
A100 1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)



1 EXISTING SITE PLAN
A100 1/16" = 1'-0" ON 24X36 (1/32"=1'-0" ON 12X18)



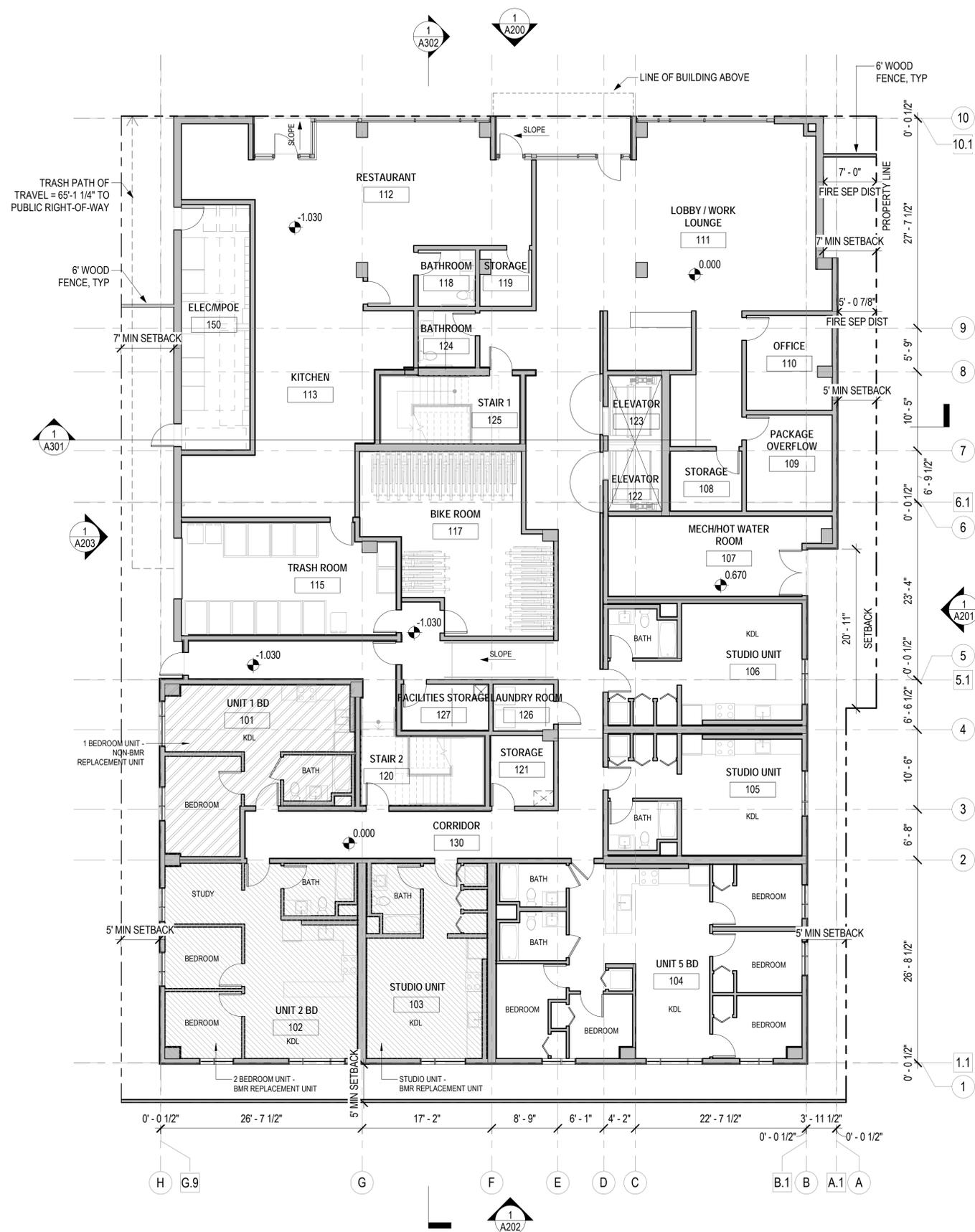


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 2. SEE _____ FOR GRIDLINE DIMENSIONS.
 3. SEE _____ FOR FIRE RATED WALL, EMERGENCY SIGNAGE, AND FIRE EXTINGUISHER LOCATIONS.

- FLOOR PLAN LEGEND:**
- 1i WALL TAG. SEE A500 & A502.
 - | | |
|-------|------|
| FLOOR | BASE |
| WALL | CLG |

 ROOM FINISH TAG. SEE A_____
 - ###A DOOR TAG. SEE A_____
 - BB WINDOW TAG. SEE A_____
 - ? KEYNOTE TAG. SEE LEGEND FOR RELATED NOTE
 - CHANGE IN CEILING OVERHEAD, SEE RCPs.
 - GRIDLINE ALIGNED TO FACE OF METAL FRAMING
 - GRIDLINE ALIGNED TO FACE OR CENTERLINE OF WOOD FRAMING

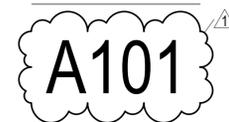
1 GROUND FLOOR PLAN
A101 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

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GROUND FLOOR PLAN



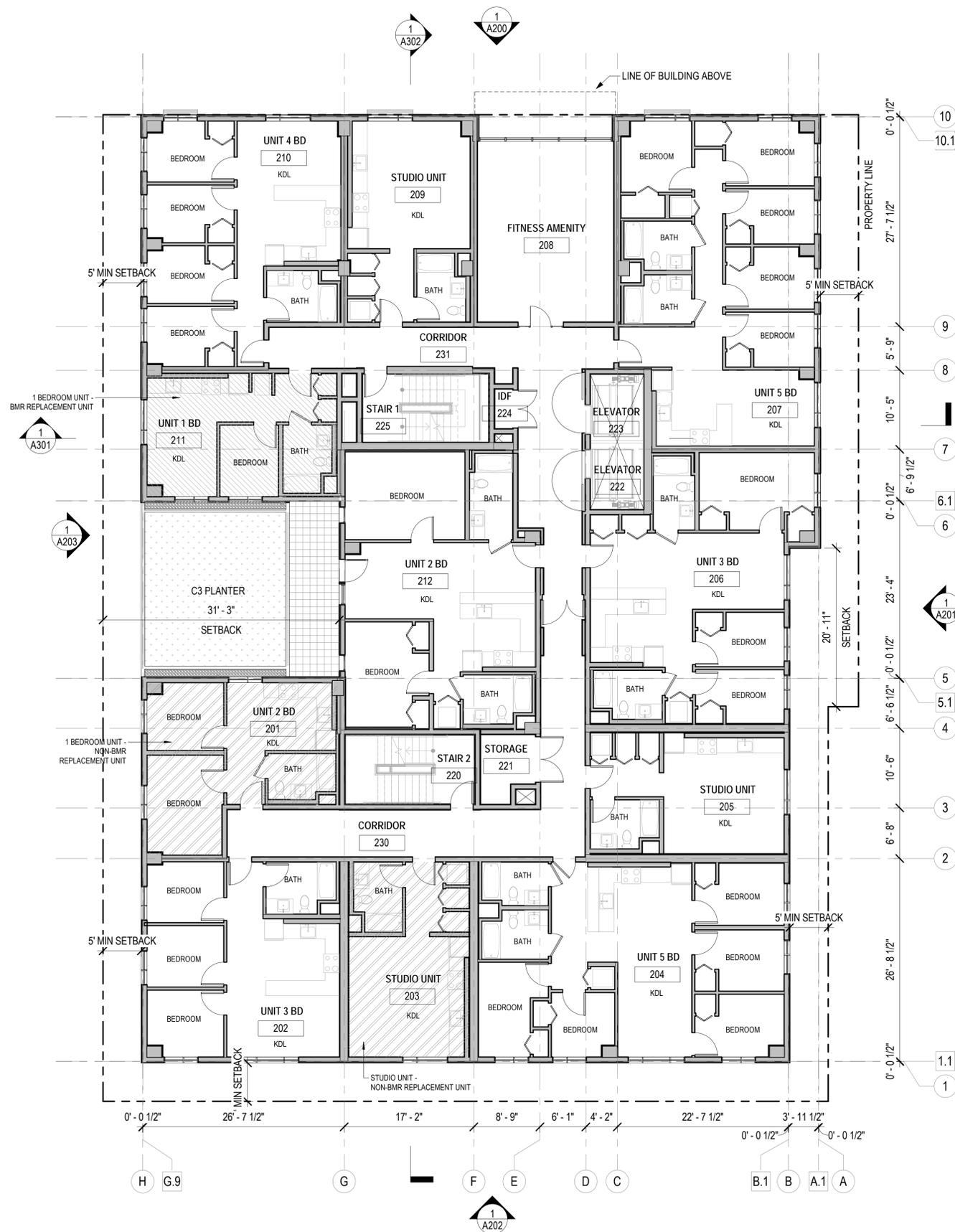


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FLOOR PLAN LEGEND:

- 1i WALL TAG. SEE A500 & A502.
- FLOOR BASE ROOM FINISH TAG. SEE A____
- WALL CLG
- ### DOOR TAG. SEE A____
- BB WINDOW TAG. SEE A____
- ? KEYNOTE TAG. SEE LEGEND FOR RELATED NOTE
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PROJECT #:

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LEVEL 2 FLOOR PLAN



1 LEVEL 2 FLOOR PLAN
A102 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



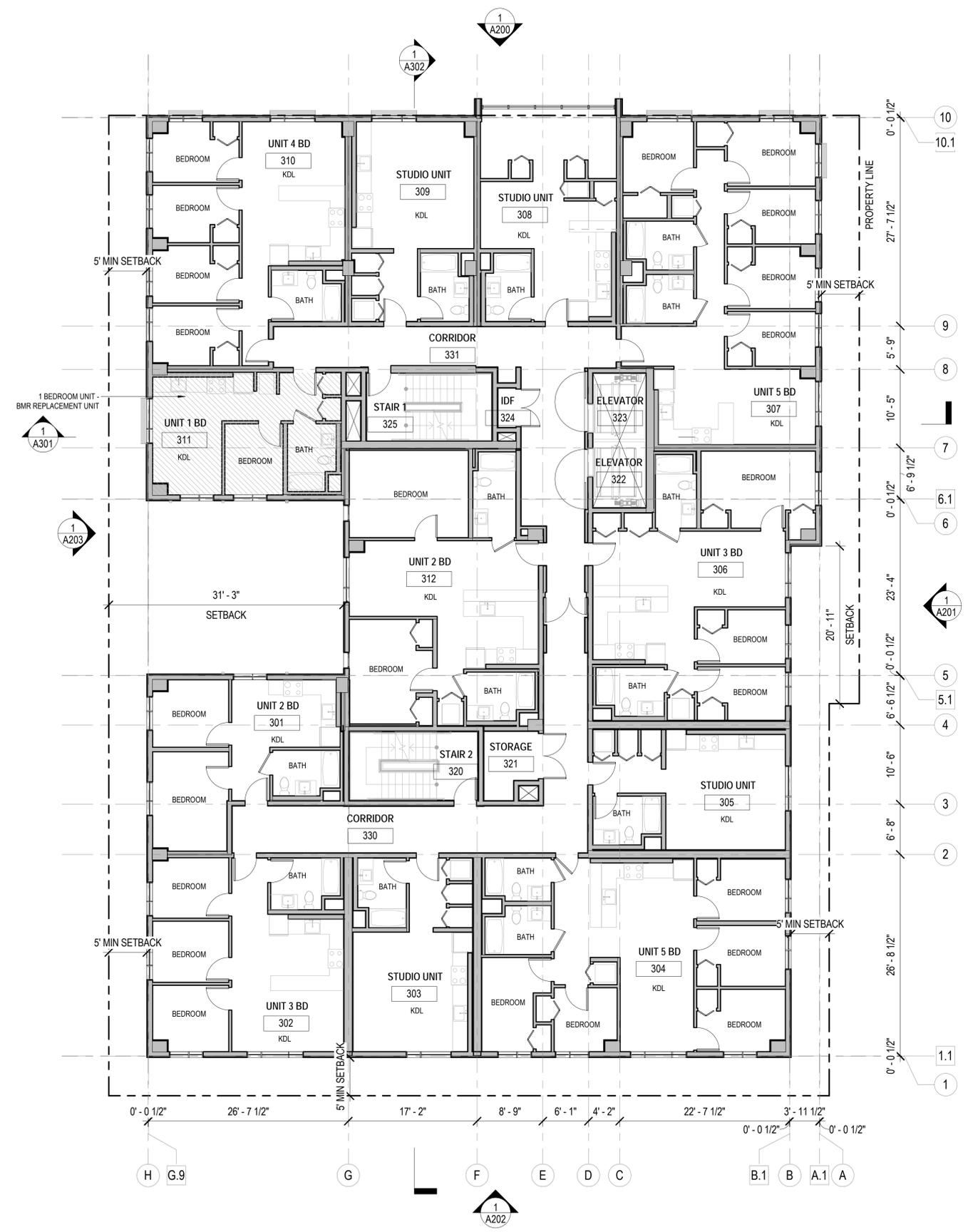


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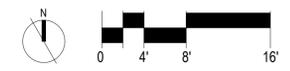
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PROJECT #:
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LEVEL 3 FLOOR PLAN



1 LEVEL 3 FLOOR PLAN
A103 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



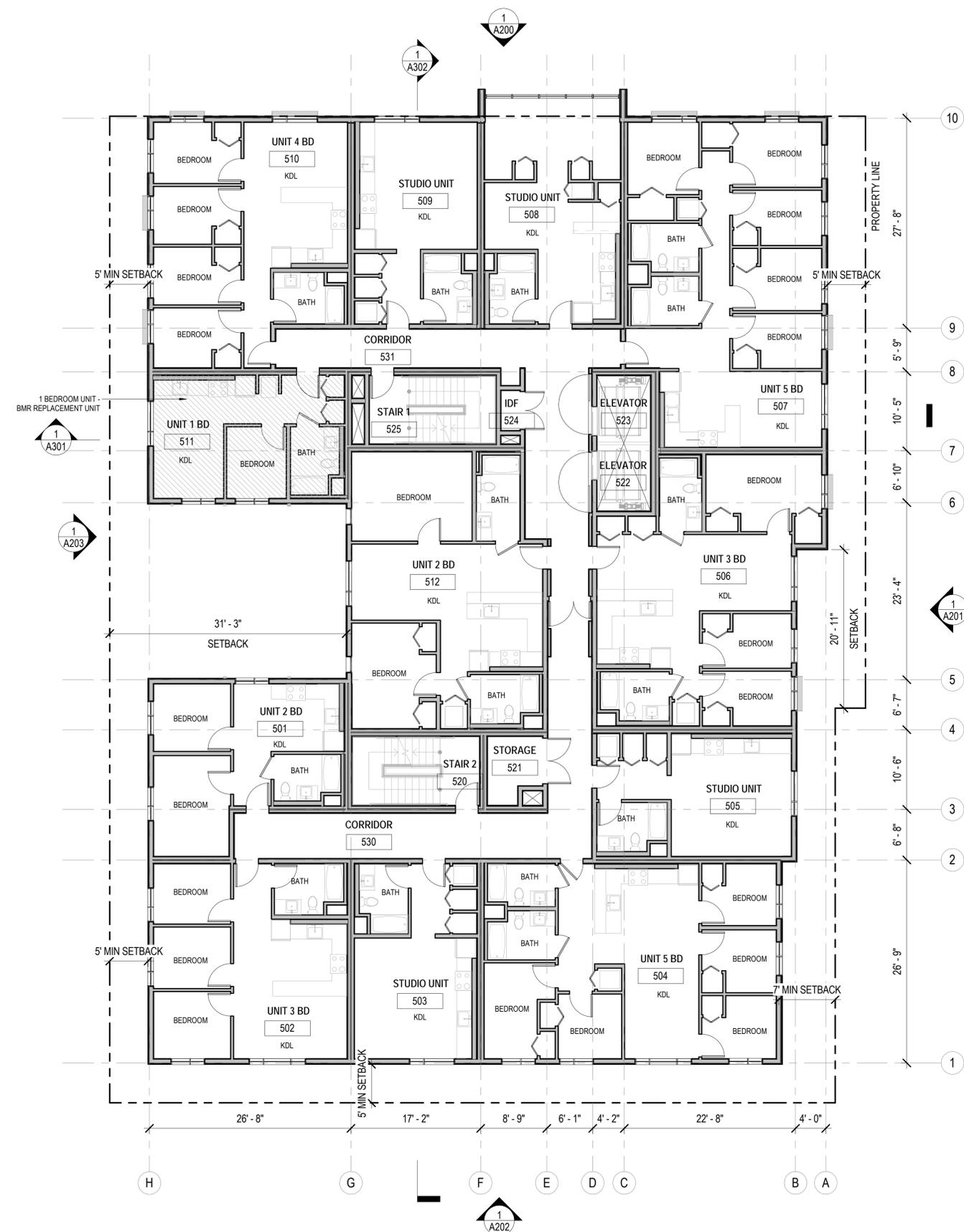


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 - FLOOR BASE ROOM FINISH TAG. SEE A _____
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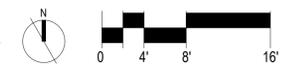
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1 02/28/23	PLANNING REVISION

PROJECT #:
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LEVEL 5 FLOOR PLAN



1 LEVEL 5 FLOOR PLAN
A105 1/8" = 1'-0" ON 24X36 (1/16" = 1'-0" ON 12X18)



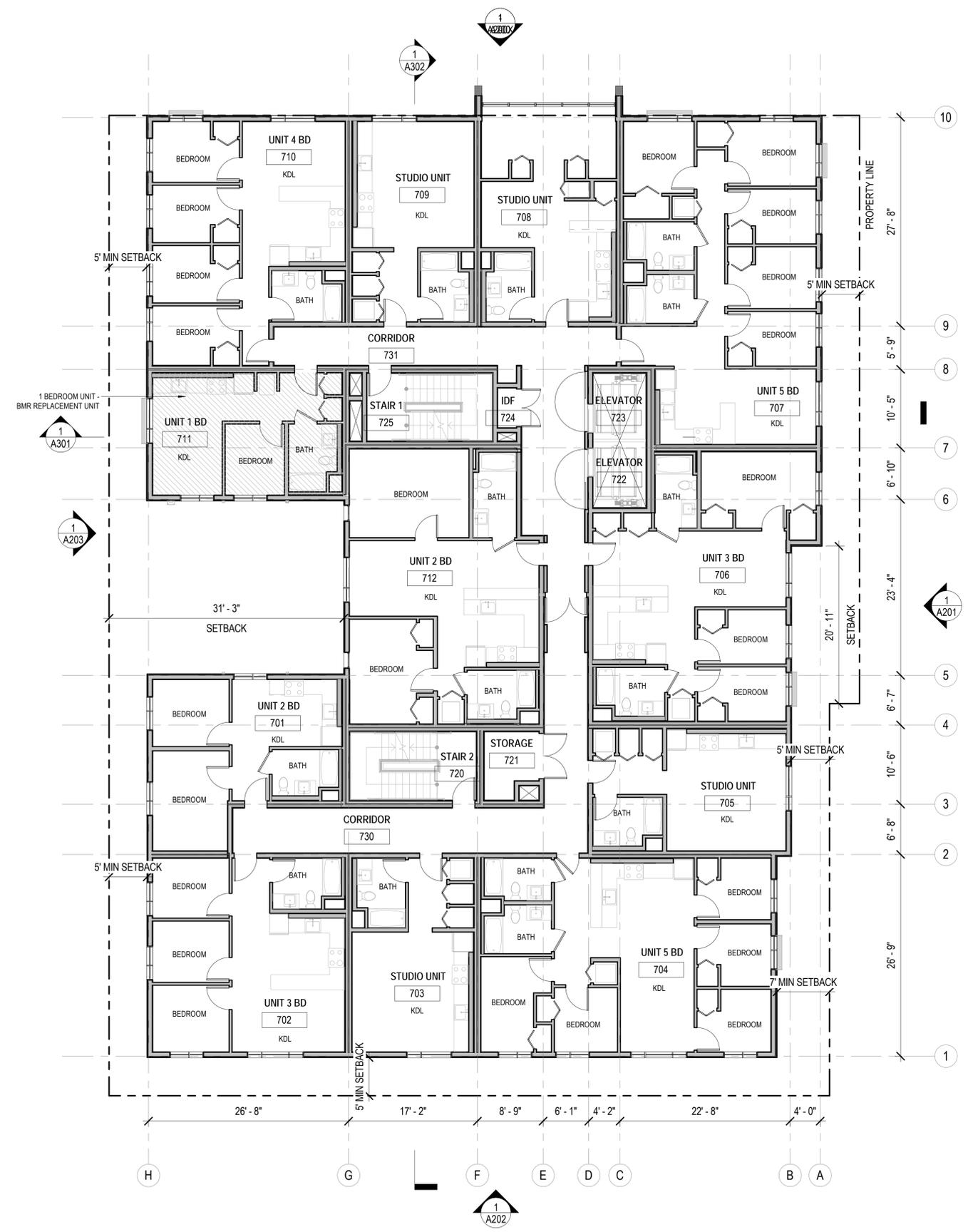


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PROJECT #:
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LEVEL 7 FLOOR PLAN



1 LEVEL 7 FLOOR PLAN
A107 1/8" = 1'-0" ON 24X36 (1/16" = 1'-0" ON 12X18)



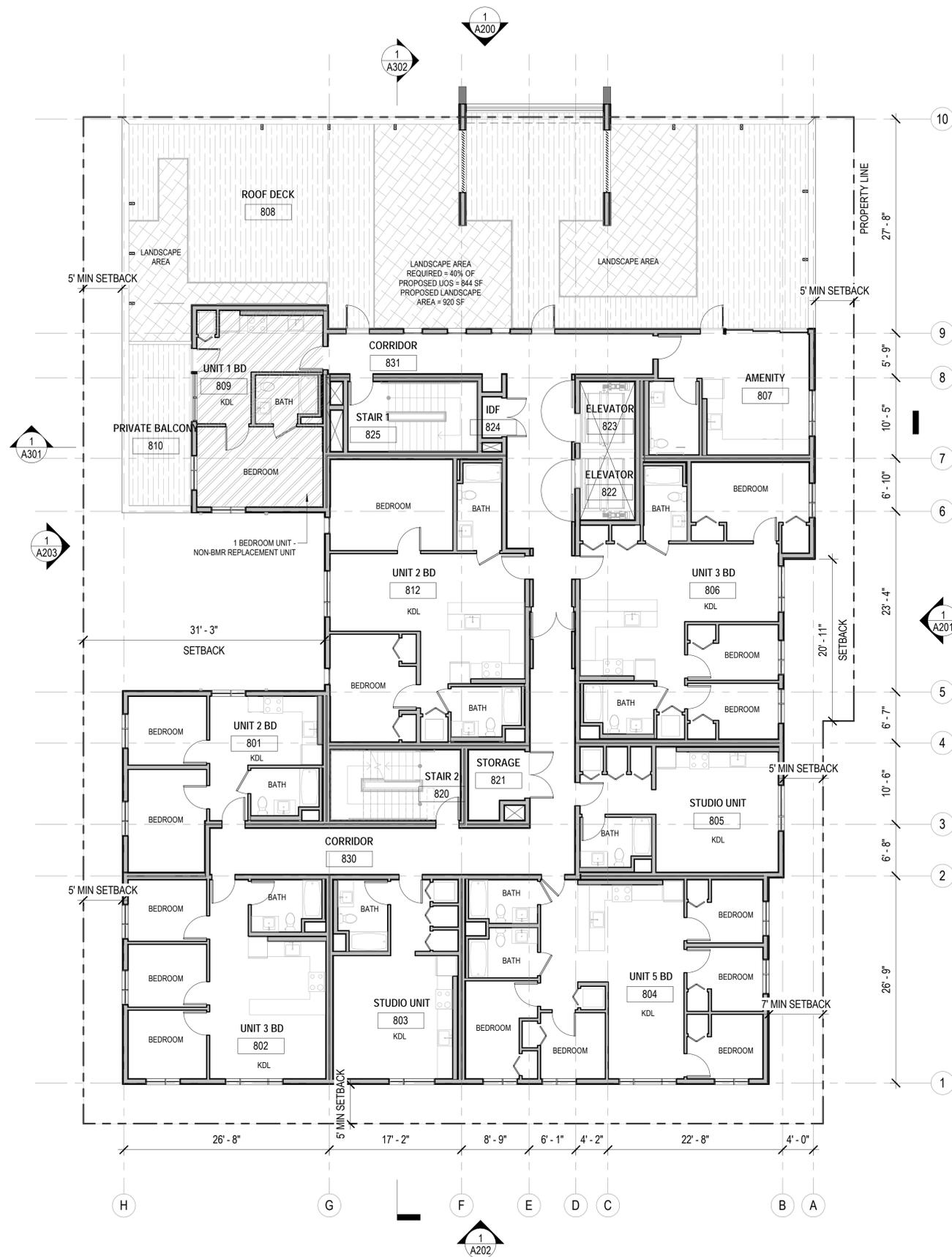


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- ###A DOOR TAG. SEE A _____
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PROJECT #:
ISSUE DATE: 02/28/23
LEVEL 8 FLOOR PLAN

1 EIGHTH FLOOR PLAN
A108 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



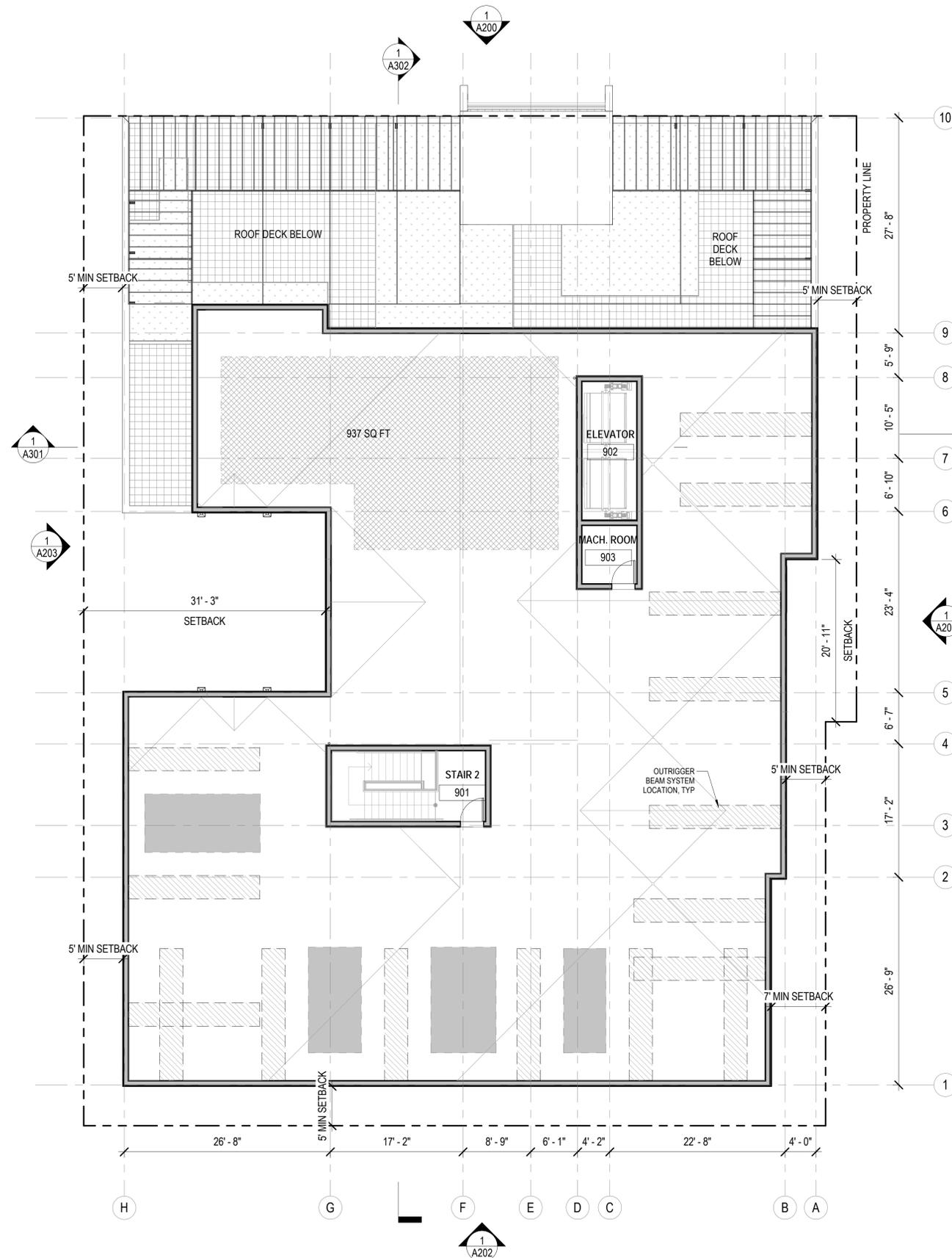


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ISSUE DATE: 02/28/23
ROOF PLAN

1 T.O. ROOF
A109 1/8" = 1'-0" ON 24X36 (1/16" = 1'-0" ON 12X18)





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1 NORTH ELEVATION
 A200 1/8" = 1'-0" ON 24X36 (1/16" = 1'-0" ON 12X18)



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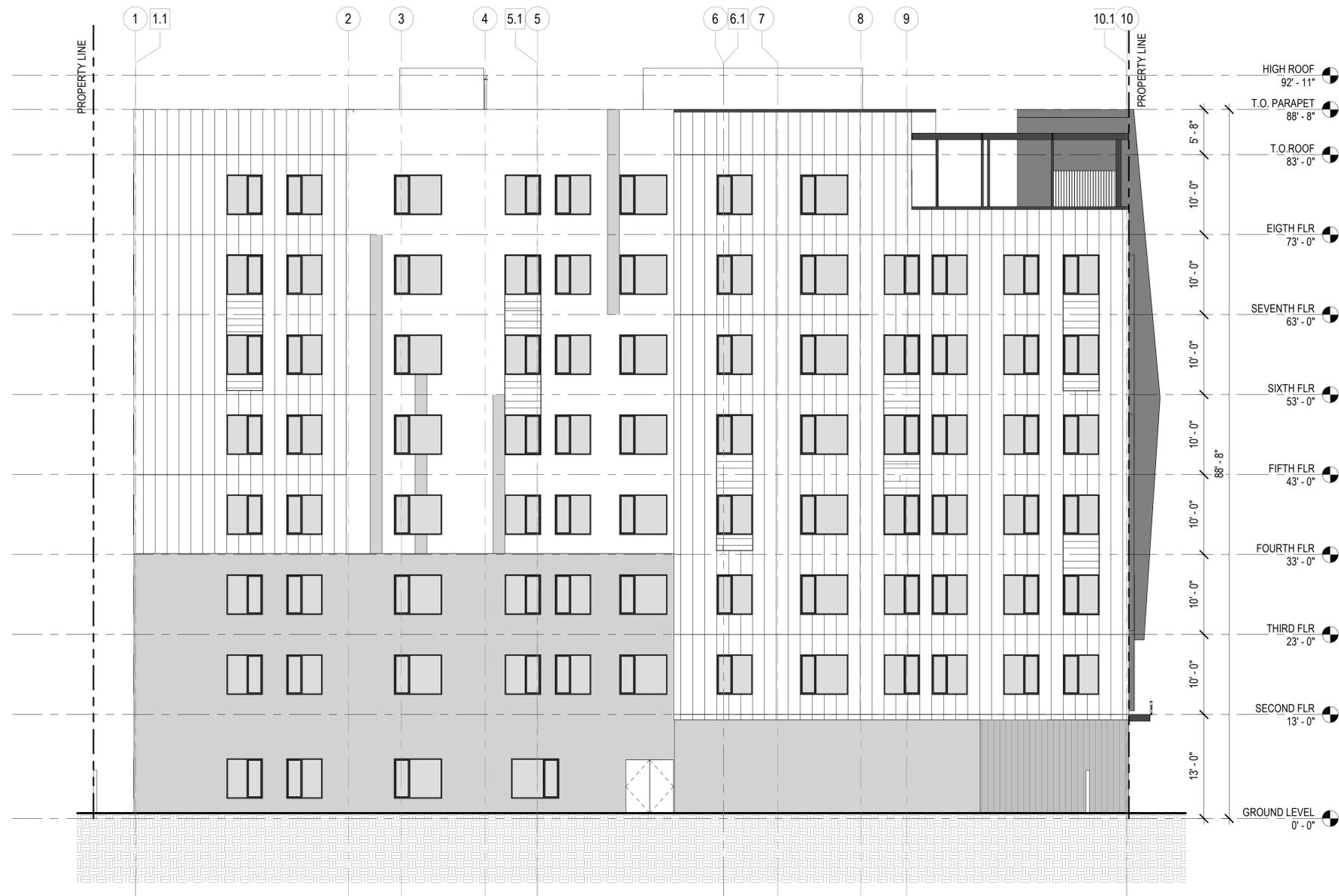
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09/09/22	PLANNING RESPONSE 1
11/04/22	PLANNING RESPONSE 2
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PROJECT #:
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 NORTH ELEVATION

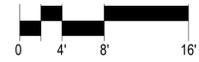
A200



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1 EAST ELEVATION
 A201 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



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EAST ELEVATION

A201

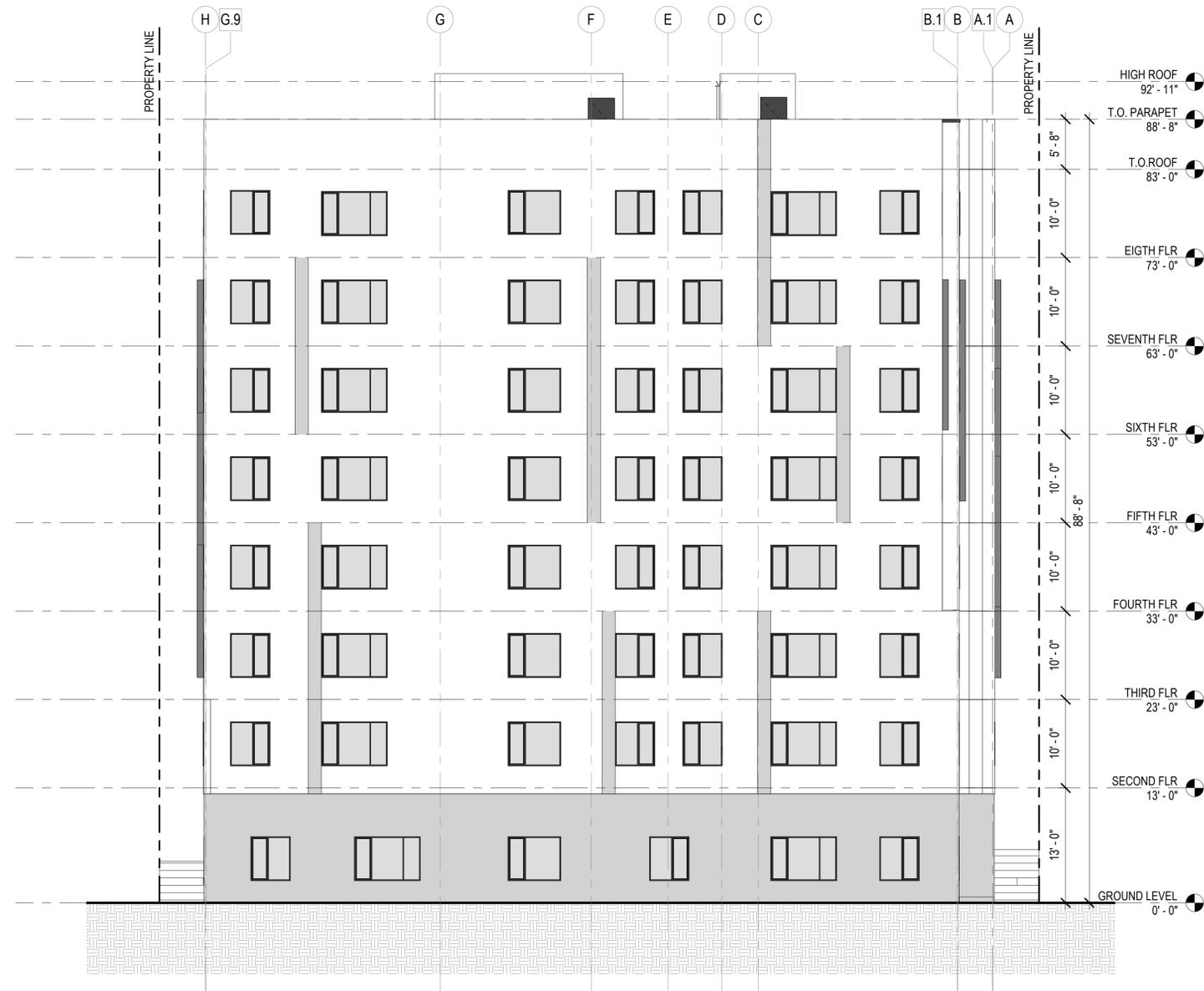


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1 SOUTH ELEVATION
 A202 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



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 SOUTH ELEVATION





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1 WEST ELEVATION
 A203 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)

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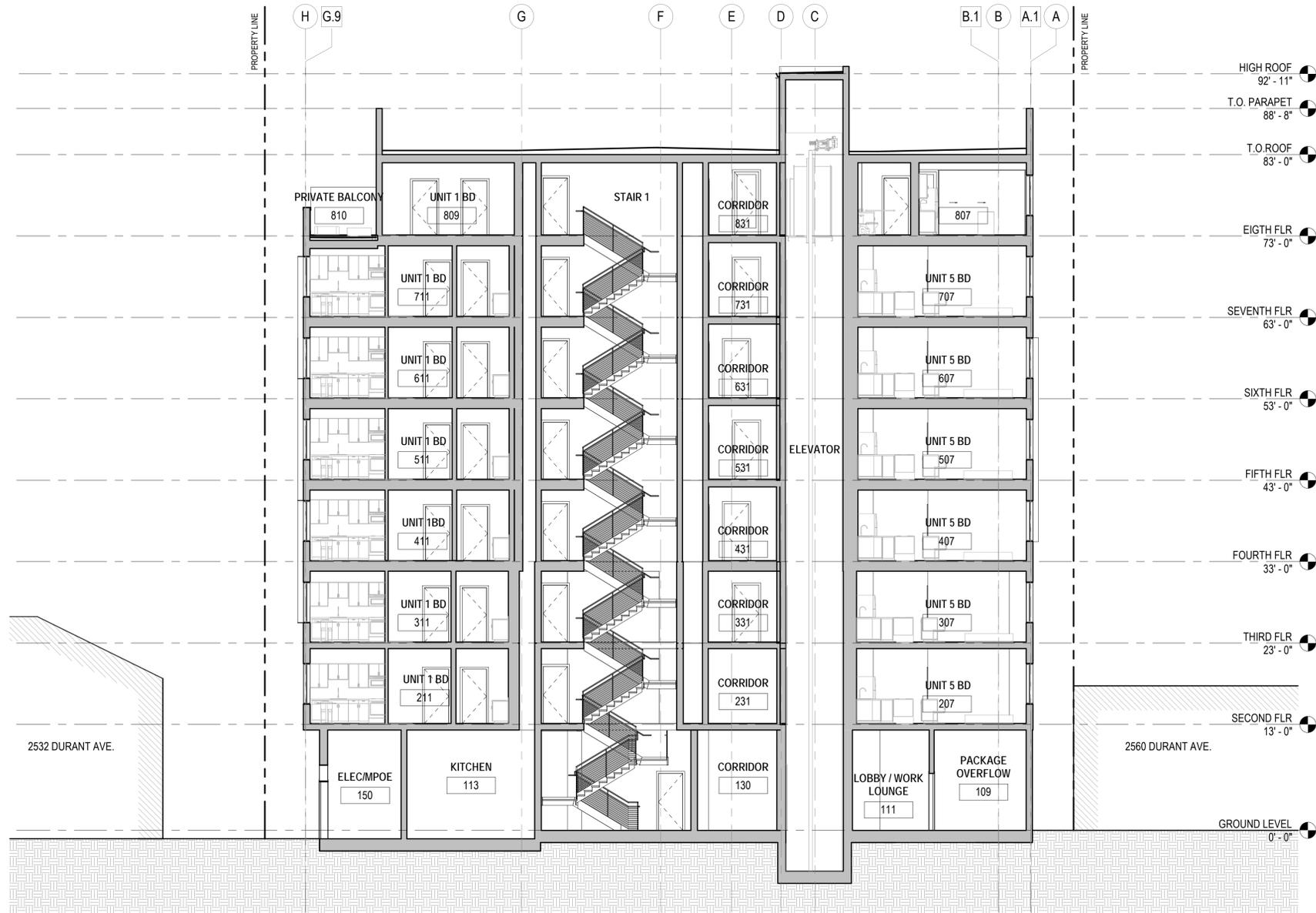
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11/04/22	PLANNING RESPONSE 2
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 WEST ELEVATION

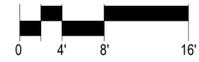




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1 WEST / EAST SECTION
 A301 1/8" = 1'-0" ON 24X36 (1/16" = 1'-0" ON 12X18)



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 BUILDING SECTIONS





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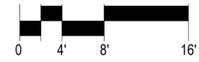
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1 NORTH / SOUTH SECTION
 A302 1/8" = 1'-0" ON 24X36 (1/16"=1'-0" ON 12X18)



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 BUILDING SECTIONS



2538 Durant Avenue Revised Applicant Statement

Overview and Project Introduction

The applicant team is pleased to submit this application package for a new 83-unit multifamily residential infill project at 2538 Durant Avenue in Berkeley. This applicant statement includes:

1. Project Description
2. Project Background
3. Compliance with General Plan and Zoning Code
4. Project Analysis
5. CEQA Analysis and Legislative Context
6. Required Findings
7. Project Team Contact Information

1. Project Description

The proposed project includes the demolition of the existing building with 12 dwelling units to construct 83 dwelling units in a new 80,829 square foot mixed-use building. The project will include a 1,641 square foot commercial space along the Durant Avenue frontage. The project includes five units of affordable housing for Very Low-Income (VLI) households earning not more than 50% of the Area Median Income (AMI) and the requisite number of affordable replacement units per the HUD Comprehensive Housing Affordability Strategy (CHAS) data (see enclosed CHAS data worksheet). The A preliminary application was submitted under Senate Bill 330 (Gov. Code § 66300) and the proposed development project is consistent with demolition and replacement requirements under SB 330 as well as Berkeley Municipal Code Sections 23.326.030.A.5 and 13.84. It is also subject to the modifications and protections of State Density Bonus Law (Gov. Code § 65915) and the Housing Accountability Act (Gov. Code § 65589.5). The proposed project's inclusion of Very Low-Income units entitles the project to a 22.5% density bonus for a total of 83 units. An Affordable Housing Mitigation Fee will apply to the project and be paid to the City of Berkeley. The project site is a 12,792 square foot lot that is zoned Telegraph Avenue Commercial District (C-T), a designation that encourages the development of mixed commercial and residential uses. The new residential development will have (14) 5-bedroom units, (6) 4-bedroom units, (14) 3-bedroom units, (15) 2-bedroom units, (8) 1-bedroom units, and (26) studio units. The proposed project will add 200 bedrooms to the Berkeley's housing stock to help alleviate the housing pressure near downtown and by the Cal campus.



Figure 2: Proposed Project Site

Table 1: Unit Mix	
Unit Type	Unit Count
Studio	26
1 Bedroom	8
2 Bedroom	15
3 Bedroom	14
4 Bedroom	6
5 Bedroom	14
Total	83

2538 Durant Avenue
Revised Applicant Statement
March 1, 2023
Page 2 of 14

The existing building has only 12 units and the proposed project will construct 83 units for a net increase of 71 units. The project will replace these 12 units being demolished in the new project by pricing the dwelling units at current income levels to maintain affordability. The project will be able to add 5 units to the City of Berkeley's deed-restricted affordable housing stock as well as increasing the density onsite.

There will be six residential units on the ground floor and eight units on the top floor (Level 8). On Levels 2 through 7, there are 11 units on the even floors and 12 units on the odd floors. This floor plan allows the project to provide a resident amenity space on nearly every floor. Levels 3, 5 and 7 have a studio unit instead of amenity space so the project can offer a few more units. The proposed project will satisfy the majority of its open space requirements with a 2,109 square foot rooftop deck. The ground floor of the project includes a lobby and work lounge, ground floor units, a bike room, a package room, and back of house service areas.

The project site is on the south side of Durant Avenue between Telegraph Avenue and Bowditch Street. 2538 Durant is approximately 500 feet south of the University of California's Berkeley campus (UCB). Durant Avenue is one block away from campus and 5 blocks east of downtown Berkeley. The location of this project will provide future residents with excellent access to the campus and the downtown area.



Figure 3: Vicinity Map of Site

The site is very accessible via public transit or active transit. It is well served by multiple bus routes and is 0.8 miles from the Downtown Berkeley BART station. The project will not provide any vehicle parking because the site is so well served by transit, bicycle facilities, and nearby services and amenities. The project will provide ample bicycle parking with 49 long term spaces for residents and 4 short term spaces for their guests. This proposed urban infill project is exceptionally well-suited for future residents to rely solely on sustainable modes of transportation, and the building itself will be powered sustainably as well. Solar equipment will be housed on the roof to power the 2538 Durant Avenue building with clean energy.

Key elements of the project include:

- 83 total units in 8 stories,
- 5 units affordable to very low-income households @ <50% AMI, and an Affordable Housing Mitigation Fee paid to the City of Berkeley's Affordable Housing Trust Fund,
- 52 LT & 4 ST bicycle parking spaces, 0 vehicle parking spaces,
- Rooftop deck and amenity spaces/work lounges, and
- Replacement of previously occupied units onsite, with rents at current income levels.

2. Project Background

Property Information

- APN: 055187602101
- Parcel Area: 12,792 sq. ft./0.293 acres
- General Plan Designation: Avenue Commercial (AC)
- Zoning District: Telegraph Avenue Commercial District (C-T)

Existing Conditions

The existing four-story building located at 2538 Durant Avenue will be demolished and replaced with an eight-story mixed building. Approximately half of the site is currently operating as Douglas Parking Lot #3597.

Direction	Uses	Zoning
Project Site	Multi-Family Residential & Parking Lot	C-T
North	Multi-Family Residential	C-T
East	Commercial (Artichoke Bastille’s Pizza & Dumpling Express)	C-T
South	Multi-Family Residential (Channing-Bowditch Apartments)	R-SMU
West	Commercial (Top Dog & La Burrita)	C-T

The proposed project seeks to increase the density onsite from the current density of 41 dwelling units per acre to the proposed project’s density of 283 dwelling units per acre. With 83 dwelling units proposed, the 12 existing units will be replaced and there is a net gain of 71 dwelling units at this well-located site. Some of existing units onsite are currently occupied. The building owners and management company have been working with the tenants and the Berkeley Rent Board to create individual plans and will continue to work closely with them through this process. See the Project Analysis section below for more information on tenant re-location plans.

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Environmental Conditions

A Historic Resource Evaluation (HRE) was completed for this project in May 2022. The evaluation was conducted by Mark Hulbert, Preservation Architect. The HRE concluded that “In sum, per the City of Berkeley’s Landmarks Preservation Ordinance (LPO), the subject property and building are not eligible for designation as a City of Berkeley Landmark or Structure of Merit.” The HRE is included in this project application.



Figure 4: View of Existing Site Conditions

The project site does not contain any hazardous materials onsite. The project does not appear on the California Environmental Protection Agency’s (CalEPA) Cortese Lists. Refer to the Hazardous Waste and Substances Statement included as part of this project application packet.

The project site does not have any protected, culverted, or historic creek beds on the property. As such, the Creek Protection Documentation required as part of the City of Berkeley’s Zoning Project Application is not applicable to this project.

3. Project Compliance with General Plan and Zoning Code

The City of Berkeley General Plan designates this project site as Avenue Commercial (AC). The AC designation is characterized by pedestrian-friendly, visually attractive areas of pedestrian scale and commercial spaces that fully serve neighborhood needs as well as a broader spectrum of needs.

This site is not subject to any of the City’s Area Plans or Specific Plans. Though the site is located blocks from the Downtown, it is not within the Downtown Area Plan.



Figure 5: General Plan Map

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The proposed project site is zoned Telegraph Avenue Commercial District (C-T), which encourages a mix of goods and services for residents and the University population. The C-T district is also meant to “encourage the construction of new housing in mixed use development on vacant properties and surface parking lots.”

The project will meet all of the zoning district development standard requirements except as modified pursuant to SDBL. Table 3 identifies the applicable development standards and how the proposed project complies with them.



Figure 6: Zoning Map

Table 4: Zoning Code Major Development Standards				
DEVELOPMENT STANDARD		EXISTING	PROPOSED	PERMITTED/REQUIRED
Lot Area (SF) – total		12,792 SF	-	-
Gross Floor Area (SF)		14,780 SF	80,829 SF	-
Floor Area Ratio		1.2	6.3	6 [Density Bonus Waiver Requested]
Building Footprint (SF)		3,907 SF	10,935 SF	-
Lot Coverage		30.5%	86%	100%
Vehicle Parking		35	0	0
Bicycle Parking		0	52 LT & 4 ST	67 [Density Bonus Waiver Requested]
Height	Max.	52'	88'-8"	75' [Density Bonus Waiver Requested]
	Stories	4	8	-
Building Setback	Front (N)	0'	0'	0'
	Side (E)	50'-4"	5'-0"	0'
	Side (W)	0'	5'-0"	0'
	Rear (S)	37'-11"	5'-0"	10'-0" or 10% of Lot Depth, whichever is less. [Density Bonus Waiver Requested]
Usable Open Space (SF)		0	2,109 SF	3,320 SF (@ 40 SF per unit) [Density Bonus Waiver Requested]

4. Project Analysis

Density Bonus

The proposed project is eligible for the State Density Bonus because it:

- Meets all objective development standards, and
- Provides a sufficient number of units as affordable housing.

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The base project that meets all objective standards includes 68 dwelling units. For the proposed density bonus project, 6% of the base project (or 5 units) are identified for very low-income households (less than 50% AMI). Per State Density Bonus Law, that makes this project eligible for a 22.5% density bonus. With this density bonus, the project is entitled to use an unlimited number of waivers and one concession for development standards that impede the project’s ability to utilize the density bonus. The average unit size for the base project and density bonus project is 952 square feet. The following Table 5 shows the waivers that are requested to be granted to accommodate the project. Without these waivers being granted, the proposed project could not be constructed as designed.

Standard	Required	Proposed
Floor Area Ratio (FAR) Maximum	6.0	6.3
Useable Open Space	3,320 square feet	2,109 square feet
Building Height Maximum	75 feet	88 feet-8 inches
Rear Yard Setback	10 feet	5 feet
Bicycle Parking	67	52 LT, 4 ST

The project requests the waivers listed above in order to accommodate the density bonus provided to the project through State Density Bonus Law. By waiving the development standards for setbacks, height, and FAR, the project is able to provide the density of dwelling units it is entitled to under SDBL.

To comply with the height limit, the project would have to eliminate the top floor at the least and lose the eight units there. To comply with the FAR maximum, the project would have to eliminate 4,077 square feet, or 4 average sized units. The maximum FAR development standard of 6 would limit the building to 76,752 square feet, which would only accommodate approximately 79 units. Accommodating the rear yard setback would require pulling back the building by 5 feet. With a facade length of 85 ½ feet, this would lose approximately 427 square feet per floor, which is the approximate size of a studio unit. Complying with this standard would effectively eliminate one studio unit on floors 2 through 7, for a total loss of 6 studio units.

The proposed design provides 2,109 square feet of the project’s required 3,320 square feet of open space. To provide this much open space, the project would have to pull back the building in front to create ground-level open space. This would result in the loss of dwelling units in the project design. The other option would be expanding the rooftop deck to provide more open space but doing so would also result in the loss of one or two dwelling units.

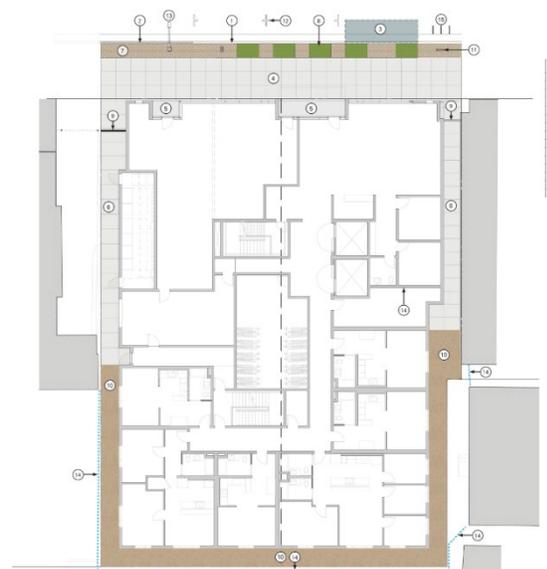


Figure 7: Ground Level Landscape Plan

Housing Affordability Statement

This project is also subject to the City of Berkeley’s inclusionary housing requirement under Berkeley Municipal Code § 23C.12.030 that requires the project to provide at least 20% of the total number of

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dwelling units as inclusionary units with the option of paying an in-lieu fee instead of providing the units on-site per Berkeley Municipal Code Section 22.20.065.

This project proposes to provide 6% of the base project units onsite, 5 units, for very low-income households. The project will enter in a regulatory agreement with the City of Berkeley that ensures that these proposed affordable dwelling units remain deed-restricted for at least 55 years.

The project will replace the 12 existing units that will be demolished by letting tenants return at income levels commensurate with the U.S. Department of Housing and Urban Development Comprehensive Housing Affordability Strategy (CHAS) requirements (see attached worksheet for required CHAS BMR levels), consistent with SB 330 requirements and all requirements of Berkeley Municipal Code Sections 23.236.030.A.5 and 13.84, the demolition and relocation ordinances. The 5 Very-Low-income units proposed as part of the Density Bonus project are included in the 12 replacement units. The replacement units are necessary because 2538 Durant Avenue is legally permitted as a multi-family residential building

Project Design

This proposed project transforms a parking lot and an existing 12-unit apartment building into an 83-unit, mixed-use apartment building. Because of its location one block south of campus, this project will likely be appealing to students, so was designed with students in mind. The proposed building will include ground floor retail space which would serve the general public and contribute to the pedestrian-oriented Durant Avenue corridor. The proportions at the ground floor are in keeping with an intimate pedestrian scale of adjacent spaces.

The building design has a classic façade arrangement with a solid base and storefront bays. The middle section of the building has a pattern of windows and material variation that makes the residential portion of the building stand out as well. The building is capped with a cornice and trellis on the top floor. The architectural treatments on the roofline of this mid-block building will add visual interest to this section of Durant Avenue. The overall scale and orderly window composition reinforces the scale and rhythm of the existing Graduate Berkeley Hotel across the street. The architectural projections and material changes add dynamic elements to the facades.

The vertical frame element centered on the front facade was crafted for form and function. It will break up the facade plane, create a visual play of light and shadow, and it will create a covered outdoor gathering space on the 8th floor rooftop deck. The botanic rooftop floor of the building facing Durant Avenue is stepped back approximately 25' to reduce the mass along Durant Ave. and provide an outdoor amenity area featuring prominent views of the campus.



Figure 8: View from Durant Avenue

Current Tenant Re-Location Plans

The ownership and current management of this project has been operating the 2538 Durant Avenue multi-family residential building and has existing relationships with the current tenants. The project developer is providing relocation assistance and rights to return once the development is completed, consistent with SB 330 requirements and Berkeley Municipal Code Sections 23.236.030.A.5 and 13.84, the demolition and relocation ordinances. As such, the project team is willing and able to assist the existing tenants throughout this process and is confident that their re-location and potential return will be as seamless as possible.

The project developer has already been in contact with the current tenants and have been transparent about the development project plans. The project team has also been in contact with Lief Bursell from Berkeley's Rent Stabilization Board about this project. The owners have initiated contact with existing tenants to create individualized re-location assistance plans. The tenants will receive the re-location financial assistance and then will get the option to return to the new project once constructed.

Replacement of Dwelling Units

The project will replace the 12 units being demolished by including 12 equivalent units (in terms of size and affordability levels) in the new project. This application includes a spreadsheet attachment ('BMR Replacement Unit Requirements') that calculates the affordability levels and unit sizes of the current units, which will match the size and rents of the new replacement units in the proposed project. The affordability levels were determined using the U.S. Department of Housing and Urban Development's (HUD) Comprehensive Housing Affordability Strategy (CHAS) Data. The proposed project's replacement units will mirror the mix of units currently onsite: 2 studios, 8 1-beds, and 2 2-bed units. The replacement unit affordability mix for the proposed project is as follows: 4 units for Extremely Low Income households, 2 for Very Low Income households, 1 unit for Low Income households, 1 unit for a Moderate Income household earning less than 100% AMI, and 4 units for Moderate Income households earning less than 120% AMI.

Community Meeting

On July 6, 2022, the project team held a community meeting to provide information about the project and request feedback from community members. The team invited all owners and occupants within 300 feet of the site, as well as neighborhood groups, based on a list provided by City staff. The meeting was held at 5:30pm virtually over Zoom. There were two attendees, including tenants of the subject site and a nearby businessperson. The project team provided an overview of the project proposal, design, and anticipated process and timeline. Attendees asked questions about the timeline, relocation and move-back options, and the design of the building and commercial spaces. The tenant of the subject site requested as much notice as possible regarding relocation timing.

Statement Regarding Natural Gas Prohibition, Berkeley Energy Code and Berkeley Green Code

The proposed new building will not include any natural gas infrastructure in compliance with BMC Chapter 12.80. The proposed project is designed to comply with the Berkeley Energy Code (BMC Chapter 19.36) and Berkeley Green Code (BMC Chapter 19.37), adopted by the City Council on December 3, 2019, including a solar PV system as well as energy and water efficiency measures in an all-

electric building. The Applicant will not be requesting any exemptions to the natural gas prohibition under the Berkeley Municipal Code.

5. CEQA Analysis and Legislative Context

The housing crisis continues to have a significant impact on Californians across the state. The Government Code sections discussed below are state legislative efforts that recognize the severity of California's housing crisis and the difficulties associated with developing new housing at appropriately zoned, transit-oriented, and urbanized locations. These pieces of legislation are applicable to the proposed project:

- California Environmental Quality Act Categorical Exemption (CEQA Guideline § 15332)
- State Density Bonus Law (Gov. Code § 65915)
- Housing Crisis Act of 2019 (Gov. Code § 66300)

CEQA

This project is eligible for a categorical exemption from CEQA. Because the proposed project is located in an urbanized area and because it is an infill development project, the CEQA Class 32 "Infill" Categorical Exemption may apply. The project meets each of criteria A through E of that section. In terms of CEQA, this project is environmentally benign as it will not result in any significant traffic, noise, air quality, or water quality impacts. This proposed infill project is consistent with the City of Berkeley's objective design and development standards with the use of State Density Bonus Law, so it is eligible for categorical exemption under CEQA.

Housing Crisis Act/SB 330

The Housing Crisis Act (Gov. Code § 66300) prohibits a local agency from disapproving, or conditioning approval in a manner that renders infeasible, a housing development project that provides affordable housing. The act also requires that a development project must comply with applicable, objective general plan and zoning standards and criteria that were in effect at the time the application was deemed to be complete. The law also requires the city or county to consider and either approve or disapprove the housing development project within the 5 allowable public hearings under HCA, and consistent with the applicable timelines under the Permit Streamlining Act.

6. Required Findings

This section outlines the proposed project's compliance with the required findings for approval of the requested Use Permits for this project.

1. Use Permit, under BMC § 23.204.020(A), Table 23.204-1 to construct a new mixed-use building.
2. Use Permit, under BMC § 23.204.030(B)(1), Table 23.204-2 to construct new floor area over 1,500 sq. ft.
3. Use Permit, under BMC § 23.204.110(E), Use Permit in the C-T Zone.
4. Use Permit, under BMC § 23.204.110(D)(4) Table 23.202-33, C-T Allowed Height and FAR Increases.
5. Use Permit, under BMC § 23.326.030(A)(2)(b), to demolish a building with two or more units.
6. Use Permit, under BMC § 23.406.040(E) to issue a Use Permit.

Use Permit Findings

1. BMC § 23.204.020(A), Table 23.204-1: Allowed Land Uses in Commercial Districts

A. Allowed Uses in the Commercial Districts identifies allowed land uses and required permits in the Commercial Districts.

Response: Because this Use Permit does not have any objective standards in the required findings, the density bonus project assumes the Use Permit to allow construction of a new multi-family building.

2. BMC § 23.204.030(B)(1), Table 23.204-2: Additional Permit Requirements

B. New Floor Area.

1. When Permit is Required. A project that creates new floor area for any use requires permits as shown in Table 23.204-2: New Floor Area Permit Requirements.

Table 23.204-2: C-T

1,500 sq. ft. or more = UP(PH)

Response: Because this Use Permit does not have any objective standards in the required findings for the C-T district, the density bonus project assumes the Use Permit to allow construction of the new floor area.

3. BMC § 23.204.110(E): C-T Permit Findings

E. Permit Findings. To approve an AUP or Use Permit for a project in the C-T district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:

- 1. Is compatible with the purposes of the district;*
- 2. Encourages and maintains the present street frontage of the district;*
- 3. Does not interfere with the continuity of retail or compatible service facilities at the ground level;*
- 4. Does not interrupt a continuous wall of building facades;*
- 5. Is compatible in design and character with the district and the adjacent residential neighborhoods;*
- 6. Does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods; and*
- 7. Complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP). (Ord. 7787-NS § 2 (Exh. A), 2021)*

Response: This mixed-use residential building is compatible with the purposes of the C-T district to support the residential and commercial needs of residents and the University. The building design will continue the 'street wall' along Durant Avenue with its pedestrian scale and transparent frontage. This project will add to the continuity of retail because it is replacing a residential-only building and a parking lot. The site is mostly surrounded by C-T zone, but there is an adjacent residential zone to the south (R-SMU). To the south of the project site are the Channing-Bowditch Apartments that are four stories in height.

This proposed project is designed to minimized vehicle trip generation because it provides no vehicle parking and 56 total bicycle parking spaces. The project is in close proximity to a wide range of goods and services, and the project will add a new commercial space to the area. The project will comply with the Southside Plan's MMP.

4. BMC § 23.204.110(D)(4) Table 23.202-33, C-T Allowed Height and FAR Increases.

4. Height and FAR Increases.

(a) Projects with 50 percent or more of the total building floor area for residential use are eligible for increased building height and FAR as shown in Table 23.204-33.

(b) The ZAB may allow the increased height and FAR with a Use Permit upon finding that the project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks.

Table 23.204-33. C-T ALLOWED HEIGHT AND FAR INCREASES

- North of Dwight Way
 - o Height Allowed Increase: up to 75 feet & 6 stories
 - o FAR Allowed Increase: up to 6.0

Response: The project is eligible for this Use Permit because more than 50% of the floor area is dedicated to residential use. The ZAB may allow this increased height and FAR with a Use Permit because the project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks.

5. BMC § 23.326.020(B): Demolition or Elimination of Dwelling Units

2. Findings. The ZAB may approve a Use Permit to demolish a building constructed before June 1980 on a property containing two or more dwelling units if any of the following are true:

(a) The building containing the units is hazardous or unusable and is infeasible to repair.

(b) The building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units.

(c) The demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community.

(d) The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

3. Fee Required.

(a) The applicant shall pay a fee for each unit demolished to mitigate the impact of the loss of affordable housing in Berkeley.

(b) The amount of the fee shall be set by resolution of the City Council.

(c) In Lieu of a Fee.

i. In lieu of paying the impact fee, the applicant may provide a designated unit in the new project at a below market rate to a qualifying household in perpetuity.

ii. The affordability level of the below market rent and the income level of the qualifying household shall be set by resolution of the City Council.

iii. The applicant shall enter into a regulatory agreement with the City of Berkeley to provide the in lieu units.

4. Occupied Units.

(a) Applicability.

i. The requirements in this subsection apply if units to be demolished are occupied.

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

(b) Notice. The applicant shall provide all sitting tenants notice of the application to demolish the building no later than the date it is submitted to the City, including notice of their rights under Municipal Code § 13.76(Rent Stabilization and Eviction for Good Cause Program).

(c) General Requirements.

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- i. The applicant shall provide assistance with moving expenses equivalent to in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households).*
 - ii. The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City.*
 - iii. Exception. An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with this subsection but must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and the California Relocation Act (Government Code sections 7260 et seq.).*
- (d) Sitting Tenants Rights.*
- i. Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building.*
 - ii. Tenants of units that are demolished shall have the right of first refusal to rent new below-market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.*
 - iii. Income restrictions do not apply to displaced tenants.*
 - iv. Exception.*
 - (1) An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with BMC §23.326.030(A)(4)(a) and (b) and (c), but must comply with the following requirement.*
 - (2) Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed building will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements when the new units are ready for occupancy.*

Response: The proposed project will have at least the same number of dwelling units as the existing building. The project will replace the 12 dwelling units it will demolish as part of the proposed project design and will provide 83 new units. The project will not be required to pay an in-lieu fee for the demolished units because it will replace the units and enter into a regulatory agreement with the City to preserve the affordability of those units. The owners have been in close contact with the sitting tenants about this project and provided notice well in advance of this application submission. One of the existing tenants joined the community meeting hosted on July 6, 2022.

The developers of this project/owners of the existing building, Valiance Capital, will provide assistance with moving expenses and subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. These sitting tenants will all be provided with the right of first refusal to move into the new building. These sitting tenants will also have the right of first refusal to rent the new below-market rate units designated to replace the units that were demolished.

4. BMC § 23.406.040(E) to issue a Use Permit.

E. *Findings for Approval.*

1. *To approve a Use Permit, the ZAB shall find that 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;*
 - and*

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- (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.*
2. *To approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.*
 3. *When taking action on a Use Permit, the ZAB shall consider in its findings:*
 - (a) The proposed land use; and*
 - (b) The structure or addition that accommodates the use.*
 4. *Required findings shall be made based on the circumstances existing at the time a decision is made on the application.*
 5. *The ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings. (Ord. 7787-NS § 2 (Exh. A), 2021)*

Response: The construction, establishment, maintenance, and operation of the proposed project will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the neighborhood or the City as a whole. The project is located within the Telegraph Avenue Commercial District, which the City of Berkeley envisioned to support mixed use developments near regional transit, shops, and amenities that the Downtown and campus areas provide.

Mixed-use housing projects are a permitted use in the C-T district and the proposed structure is appropriate for the district in that it makes housing available in a convenient location proximate to downtown and campus. Future residents will also enjoy a reasonable amount of open space on the rooftop deck. The future residents of the proposed housing project will also enjoy amenities designed for the urban lifestyle or student lifestyle, such as study rooms, social spaces and ample bike parking.

The project will replace the existing 12 units with 83 new units that have a high-quality and sustainable design. The efficient project design will offer 200 bedrooms to help meet the demand for apartment living and student housing. The housing crisis is felt acutely here in Berkeley, with people paying extremely high rents to be able to live near campus or downtown because there are so few options available. The project at 2538 Durant Avenue will be able to offer 5 of the proposed units as affordable housing for those who are very low income, earning less than 50% of AMI. This project will supply some of the desperately needed housing at market rate and below market rate, offering enriching amenities tailored to quality living for its residents. UC Berkeley plans to grow their student body by 3,000 students for the upcoming school year bringing the total student population in Berkeley to 45,000. The proposed project at 2538 Durant Avenue will assist in housing Cal's growing student population.

This is a true infill development project, which will re-develop an underutilized parcel containing older residential units and a surface parking lot into a vibrant residential address with an attractive pedestrian atmosphere. This infill project is especially sustainable in its provision of housing nearby good and services as well as public transportation. Surrounding land uses include other multi-family residential developments of similar scale to the proposed project, and mixed-use or commercial developments.

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7. Project Team

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