



Z O N I N G
A D J U S T M E N T S
B O A R D
S T A F F R E P O R T

FOR BOARD ACTION
APRIL 27, 2023

2800 Telegraph Avenue

Use Permit #ZP2022-0107 to demolish a one-story (18 feet), 3,290 square foot non-residential building and construct a six-story (70 feet and 5 inches), 19,936 square-foot residential building containing 16 dwelling units (1 Very Low-Income unit), utilizing State Density Bonus.

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial (A-C)
- Zoning: Corridor Commercial District (C-C)

B. Zoning Permits Required:

- **Use Permit** to demolish one non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a multifamily residential building, under BMC Section 23.204.020
- **Use Permit** to exceed lot coverage, under BMC Section 23.204.050(D)(1)
- **Use Permit** to reduce all setbacks, under BMC Section 23.204.050(D)(1)
- **Administrative Use Permit** for projections that exceed the maximum building height limit, under 23.304.050(A)

C. Concessions and Waivers – Pursuant to State Density Bonus Law (CA Gov't Code Section 65915)

- **Waiver** of BMC Section 23.204.050(D) to exceed the average building height of 35 feet with a height of 70 feet 5 inches
- **Waiver** of BMC Section 23.204.050(D) to exceed the number of stories (three) with six stories
- **Waiver** of BMC Section 23.204.050(D) to exceed the lot coverage limit of 45 percent with 93 percent lot coverage
- **Waiver** of BMC Section 23.204.050(D) to reduce the side setback (interior) from 4.5 feet to 6 inches
- **Waiver** of BMC Section 23.204.050(D) to reduce the side setback (street) from approximately 7 feet to 1.5 feet

- **Waiver** of BMC Section 23.204.050(D) to reduce the required rear setback from 15 feet to 6 feet
- **Waiver** of BMC Section 23.204.050(D) to reduce the required front setback from 15 feet to 0 feet
- **Waiver** of BMC Section 23.204.050(D) to reduce the open space from 3,200 square feet to 1,590 square feet
- **Concession** of BMC Section 23.204.050(D) to increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

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

The project meets all of the requirements of this exemption, as follows:

- The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
- The site can be adequately served by all required utilities and public services.

Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

D. Parties Involved:

- Applicant Isaiah Stackhouse, Berkeley CA
- Property Owner Adlaim Karim, Oakland, CA

Figure 1: Vicinity Map



*Map not to scale.

Map Key

C-C : Corridor Commercial
R-2: Restricted Two-Family Residential District

Figures 3: East Elevation



Figures 3: North Elevation



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial	Corridor Commercial (C-C)	Avenue Commercial (A-C)
Surrounding Properties	North	Hotel (Rose Garden Inn)		
	South	Commercial (vacant)		
	East	Medical practitioner office		
	West	Commercial		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net new nonresidential floor area over 7,500 square feet. The proposed project is 100 percent residential and is not subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project would provide one Below Market Rate (BMR) unit at the Very Low-Income (VLI) rate, and pay a fee to satisfy the requirements of BMC Section 22.20.065.
Creeks	No	The site is not near a mapped creek or a creek culvert.
Density Bonus	Yes	The proposed project qualifies for a 27.5 percent density bonus under State Density Bonus law.
Historic Resources	No	The project site is not designated as a Landmark by the City. Per a Historic Resource Evaluation completed by Preservation Architecture on August 11, 2022, the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark. See Section IV.B for additional discussion on the Landmarks review of this property.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). ¹ The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). See Section V.A of this

¹ Government Code Section 65589.5(h)(2) "Housing development project" means a use consisting of any of the following: (A) residential units only, (B) mixed-use developments consisting of residential and nonresidential uses in which at least two-thirds of the square footage is designated for residential use, and (C) transitional or supportive housing.

Characteristic	Applies to Project?	Explanation
		report for additional discussion on the sections of SB 330 that apply to the project.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	This project is an application for new construction and was submitted after January 1, 2020, and is therefore subject to the Natural Gas Prohibition.
Oak Trees	No	There are no oak trees on the property.
Rent Controlled Units	No	There are no existing dwelling units on site. No rent-controlled units will be demolished.
Residential Preferred Parking (RPP)	No	The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	Yes	The site is located within an Environmental Management Area and is therefore subject to standard conditions of approval.
Soil/Groundwater Contamination	No	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites pursuant to Government Code Section 65962.5).
Transit	Yes	The site is located at the corner of Stuart Street and Telegraph Avenue – a major thoroughfare in Berkeley. Telegraph Avenue is served by The Alameda-Contra Costa Transit District (AC) Transit line 6. Three blocks west of the site, along Shattuck Avenue, AC Transit Lines 18 and 800 are also accessible. There are several Bay Wheels bike-share stations located within a few blocks of the project site.

Table 3: Project Chronology

Date	Action
June 9, 2022	SB 330 Pre-Application submitted and deemed complete
August 18, 2022	Application submitted
September 16, 2022	Application deemed incomplete
October 7, 2022	Application resubmitted
November 7, 2022	Application deemed incomplete
November 17, 2022	Application resubmitted
December 16, 2022	Application deemed incomplete
December 20, 2022	Application resubmitted
December 23, 2022	Application deemed complete
March 2, 2023	Landmarks Preservation Commission (LPC) hearing
March 3, 2023	Revised SB 330 Pre-Application submitted and deemed complete
March 15, 2023	Design Review Committee (DRC) hearing
April 20, 2023	Public hearing notices mailed/posted
April 27, 2023	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed Total	Permitted/ Required
BMC Sections 23.204.050				
Lot Area (sq. ft.)		3,695	No change	5,000 min
Gross Floor Area (sq. ft.)		3,290	19,936	N/A
Floor Area Ratio		0.89	5.19	N/A
Dwelling Units	Total	0	16	N/A
	Affordable	0	1	N/A
Building Height	Average (ft.)	17'	70'-5"	N/A
	Maximum (ft.)	18'	70'-5"	35
	Stories	1	6	3 max
Building Setbacks (ft.)	Front	3'	0'	15 min
	Rear	1'-2"	6"	15 min
	Left Side (north)	9'-11"	0'	10 min
	Right Side (south)	0'	6"	6 min
Lot Coverage (%)		87	92	45 max
Usable Open Space (sq. ft.)		N/A	1,590	3,200 min
Parking	Automobile	0	1	0 min
	Bicycle	0	19	19 min
<p>■ = Waiver or Concession requested to modify the district standard Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent</p>				

II. Project Setting

- A. Neighborhood/Area Description:** The project site is located at the corner of Telegraph Avenue and Stuart Street in a commercial district characterized by an eclectic mix of educational, community, medical, automotive, and general retail uses. Although the site does not abut a residential district, the western portion of the block is primarily developed with single family – two family dwelling units. East of the project site, across Telegraph Avenue are general commercial services (i.e., café, yoga studio, etc.) and Willard Middle School and Park.
- B. Site Conditions:** The project site is an irregularly shaped lot, where the eastern property line tapers inward from north to south. The 3,695 square foot lot maintains about 64 feet of frontage along Stuart Street and about 37 feet of frontage along Telegraph Avenue. The site is currently developed with a one-story commercial building. The lot is accessed by a curb cut at the corner of Telegraph Avenue and Stuart Street.

III. Project Description

A. Proposed Project: The proposed project would demolish an existing commercial structure and construct a new six-story residential building with the following primary components:

- 1) 16 dwelling units (5 four-bedroom, 10 three -bedroom, and one studio) for a total of 51 bedrooms
- 2) 17 long-term bicycle parking spaces onsite and two short-term spaces
- 3) On-site laundry facilities on each floor
- 4) Communal space on the ground floor, facing Telegraph Avenue
- 5) 1,590 square feet of open space (roof deck)

Base Project and Density Bonus Project: The applicant has requested a density bonus under the State Density Bonus Law. Under the City’s density bonus procedures, the “base project”² includes 16 residential units and four stories. By providing one Very-Low Income (VLI) BMR units on site (27.5 percent of the 12-unit base density), the project is eligible for a 27.5 percent density bonus, or 4 units. Therefore, the applicant proposes eight additional units above the base density for a total of 16 dwelling units.

The Density Bonus calculations are provided in more detail, below:

Table 5: Density Bonus

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
12	1 VLI (8% of BP)	27.5%	4 (3.3) (27.5%x12)	16

*Per Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.
Abbreviations: % = percent; BP = base project

To accommodate the additional units, the project would use eight waivers/modifications:

- 1) Exceed the average building height of 35 feet with a height of 70 feet five inches
- 2) Exceed the number of stories (three) with six stories
- 3) Exceed the lot coverage limit of 45 percent and permit project with 93 percent lot coverage
- 4) Reduce the side setback (interior) from four and a half feet to six inches
- 5) Reduce the side setback (street) from about seven feet to one and a half feet
- 6) Reduce the required rear setback from 15 feet to six feet

² Per the City’s Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, Section 65915(f).

- 7) Reduce the required front setback from 15 feet to zero feet
- 8) Reduce the open space from 3,200 square feet to 1,590 square feet

The project is eligible for one concession which results in identifiable and actual cost reductions. The project uses the following concession:

- 1) Increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a preview meeting. The meeting was held on August 3, 2022, and attended by 3 people (meeting minutes are included as Attachment 4). Later, a pre-application poster was posted by the applicant on August 2022. On April 20, 2023, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations. The City also posted notices within the neighborhood in three locations. At the time of this writing, staff has received one (Attachment 5) any communication regarding the project.

B. Landmarks Preservation Commission (LPC): The project would demolish an existing commercial building that is over 40 years in age. Per the Historic Resource Evaluation prepared by Preservation Architecture on August 11, 2022, the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on March 2, 2022, and took no action.

C. Design Review Committee: The project is located in the non-residential district and therefore, requires design review, pursuant to BMC Section 23.406.070(B)(1)(a). On March 16, 2023, the Design Review Committee (DRC) reviewed the current project design for the project, gave a favorable recommendation on the design as presented, and provided the following conditions and recommendations for Final Design Review (FDR):

Conditions

- Provide window studies at FDR that recall the vertical window design initially proposed.
- Refine garage entry design, and reduce width if possible.
- Provide brick details and material samples at FDR.

Recommendations

- Consider a more rigorous study of the bays on Telegraph and better coordination between the ground floor and the upper floors.

- Recommend more detail at the pedestrian level.
- Provide more brick detail, including soldier courses, as shown in renderings.
- Recommend more color and detail overall, including the west façade.
- Recommend different window at the ground floor studio.
- Consider stucco finish for stair tower on Stuart.
- Recommend some artistic recall of bicycles from the street views in light of former business.
- Recommend skylight over bike storage.
- Recommend bird safe glass.
- Consider a curb at front planting areas, and taller plants in front of the ground floor studios.
- Explore options for more street trees.

ZAB / Public Works / Interior Plan Issues

- Consider a retail space at the ground floor corner.
- Consider an alternate tree for Telegraph.
- Reconsider location of bathrooms directly adjacent to the kitchen.

V. Issues and Analysis

A. Senate Bill (SB) 330 – Housing Crisis Act of 2019: The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. A “housing development project” can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential; and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

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

The April 27, 2023 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold up to two additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to

whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in an historic resource evaluation prepared for the project site on August 11, 2022, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. The demolition referral was heard at the March 2, 2023 Landmark Preservation Commission Agenda, and no action was taken. Therefore, it was determined the site is not a historic resource.

3. Government Code Section 65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA. Should ZAB determine the application is categorically exempt from CEQA at the April 27, 2023 public hearing, the application must be approved or disapproved by June 27, 2023.

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

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

The Base Project complies with applicable, objective general plan and zoning standards. Further, Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduced the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the Base Project or the density bonus units. All findings discussed below are subject to the requirements of Government Code Section 65589.5.

As described in Table 4 above, the project complies with the applicable general plan and zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings. The ZAB still has the discretion to approve, deny or modify the request according to the zoning findings, provided the

action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

- C. Density Bonus Concessions and Waivers:** The project is entitled to one concession (or incentive) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

Concessions: A concession is a modification of a development standard that reduces the cost of providing affordable housing. The applicant is requesting one concession increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law. Staff believes such a finding cannot be made.

Waivers: A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The applicant is requesting eight waivers from the following development standards shown in the table below:

- 1) Exceed the average building height of 35 feet with a height of 70 feet five inches
- 2) Exceed the number of stories (three) with six stories
- 3) Exceed the lot coverage limit of 45 percent and permit project with 93 percent lot coverage
- 4) Reduce the side setback (interior) from four and a half feet to six inches
- 5) Reduce the side setback (street) from about seven feet to one and a half feet
- 6) Reduce the required rear setback from 15 feet to six feet
- 7) Reduce the required front setback from 15 feet to zero feet
- 8) Reduce the open space from 3,200 square feet to 1,590 square feet

The waivers are requested because they are necessary to physically accommodate the additional eight units as allowed under the density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and

moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.³

VI. Other Considerations

The following analyses of conformance with several findings and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context.

A. Demolition of Non-Residential Buildings: Pursuant to BMC Section 23.326.070 the demolition of main non-residential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs of the impacted neighborhood and if the demolition is required to allow a proposed new building amongst other findings. Staff finds that the proposed demolition of the existing non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops an underutilized with a new multifamily building that is compatible with existing development patterns along Telegraph Avenue. Staff finds that the project is aligned with the district's objectives to promote development that is compatible with the commercial and residential areas within C-C district.

B. General Non-Detriment Findings: As required by BMC Section 23.406.040(E), the Zoning Adjustments Board (ZAB) must find that the proposed structure will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons and adjacent properties for any Use Permit in the C-C.

- 1) Views: The project does not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12)⁴.
- 2) Shadows: According to the shadow studies submitted for the project (see Attachment 1) new shadows shall be cast on primarily existing commercial buildings throughout the year. During the summer months new shadows will shade residential units located on the upper floors of existing mixed-use building east of the proposed project. New shadows shall also be cast on a portion of a residential dwelling unit located at 2347 Stuart street during the winter months after sunrise. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year.

Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-C district, which allows heights of up to 50 feet with a use permit and roof top projections beyond the base height with an administrative use permit. Development standards allowed by a discretionary permit may be

³ See Footnote 5.

⁴ View Corridor - A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.

included in the density bonus base project. The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff believes that shadow impacts from the project would be reasonable and not detrimental.

- 3) Privacy: The project may result in potential impacts to privacy given the scale of the scale of the infill development. Perceived impacts to privacy are subjective and cannot preclude the development of an HAA compliant project.
- 4) Also, the project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or 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.

C. Modifications to Standards – Residential Only Projects: To approve a Use Permit that modifies the coverage and setback standards for a residential only project, the ZAB must find that modification achieves one or more of the goals outlined in to BMC Section 23.204.050(D)(3). The proposed lot coverage of the project is consistent with one of these goals as it allows for a more residential units to be developed on the site and encourages the utilization of existing public transit networks by proposing one automobile parking space. Similarly, the proposed setbacks are consistent with existing setbacks with frontage along Telegraph Avenue, where a residential building setback would not be appropriate or continue the existing urban street wall.

D. C-C Specific Findings: Pursuant to BMC Section 23.204.050(E) to approve any AUP or Use Permit for a project in the C-C district, several findings concerning the compatibility of the proposed use with the commercial district must be made. Consistent with the purposes of the underlying district, the project redevelops underutilized area along Telegraph Avenue with multifamily building that is compatible existing and projected development patterns within this Avenue Commercial corridor. Although the project does not provide commercial services on the ground floor, it continues the existing street wall by locating residential services on the ground floor and stepping the massing along front property line on Telegraph Avenue, allowing for planting areas where the building pulls away from the property line and maintaining a sense of urban space.

E. Rooftop Projections: BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors, and cannot be used as habitable space or for commercial purposes. The project proposes a staircase/elevator penthouse, totaling 365 square feet that extends 10 feet 6 inches over 70-foot- 5 inches -tall height. The penthouse represents about 12

percent of the 3,064-square-foot average of all the floor areas. The projection is, therefore, permissible.

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

1. Policy LU-3 – Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City's share of regional housing needs.
3. Policy LU-7 – Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
4. Policy H-12 – Transit-Oriented New Construction: Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
5. Policy T-16 – Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.
6. Policy T-43 – Bicycle Network, Action C: Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.
7. Policy T-16-Access by Proximity: Improve access by increasing proximity of residents to services, goods, and employment centers.

Staff Analysis: The proposed project is consistent with the above general plan policies as it is a higher density infill development that proposes 16 new dwelling units that will count towards the City's share of regional housing needs. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

VI. Recommendation

Because of the project's consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board:

APPROVE Use Permit ZP2022-0107 pursuant to Section 23.406.040.D and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received November 17, 2022
3. Notice of Public Hearing
4. Neighborhood Meeting Notes (August 3, 2022)
5. Correspondence Received

Staff Planner: Katrina Lapira, klapira@cityofberkeley.info, (510) 981-7488

ATTACHMENT 1

FINDINGS AND CONDITIONS

APRIL 27, 2023

2800 Telegraph Avenue

Use Permit #ZP2022-0107 to demolish a one-story (18 feet), 3,290 square foot non-residential building and construct a six-story (70 feet and 5 inches), 19,936 square-foot residential building containing 16 dwelling units (1 Very Low-Income unit), utilizing State Density Bonus.

PERMITS REQUIRED

- **Use Permit** to demolish one non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a multifamily residential building, under BMC Section 23.204.020
- **Use Permit** to exceed lot coverage, under BMC Section 23.204.050(D)(1)
- **Use Permit** to reduce all setbacks, under BMC Section 23.204.050(D)(1)
- **Administrative Use Permit** for projections that exceed the maximum building height limit, under 23.304.050(A)

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- **Waiver** of BMC Section 23.204.050(D) to exceed the average building height of 35 feet with a height of 70 feet 5 inches
- **Waiver** of BMC Section 23.204.050(D) to exceed the number of stories (three) with six stories
- **Waiver** of BMC Section 23.204.050(D) to exceed the lot coverage limit of 45 percent with 93 percent lot coverage
- **Waiver** of BMC Section 23.204.050(D) to reduce the side setback (interior) from 4.5 feet to 6 inches
- **Waiver** of BMC Section 23.204.050(D) to reduce the side setback (street) from approximately 7 feet to 1.5 feet
- **Waiver** of BMC Section 23.204.050(D) to reduce the required rear setback from 15 feet to 6 feet
- **Waiver** of BMC Section 23.204.050(D) to reduce the required front setback from 15 feet to 0 feet
- **Waiver** of BMC Section 23.204.050(D) to reduce the open space from 3,200 square feet to 1,590 square feet
- **Concession** of BMC Section 23.204.050(D) to increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines (“Infill Development”).

The project meets all of the requirements of this exemption, as follows:

- A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.

- C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
 - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
 - E. The site can be adequately served by all required utilities and public services.
2. Furthermore, none of the exceptions in CEQA Guidelines Section 15300.2 apply, as follows: (a) the site is not located in an environmentally sensitive area, (b) there are no cumulative impacts, (c) there are no significant effects, (d) the project is not located near a scenic highway, (e) the project site is not located on a hazardous waste site pursuant to Government Code Section 65962.5, and (f) the project would not affect any historical resource.

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (A) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (B) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B. Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

III. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
- A. Under the City's methodology for implementing density bonuses, the "base project" consists of 12 units;
 - B. The project will provide at least one qualifying unit in the 12-unit "base project", as more fully set forth in Conditions 58 to 62;
 - C. The project is entitled to a density increase of 27.5 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus one concession or incentive. This equates to a density bonus of four units above the Base Project, for a total of 16-units.
2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
- A. Increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - A. **Waiver** of BMC Section 23.204.050(D) to exceed the average building height of 35 feet with a height of 70 feet 5 inches
 - B. **Waiver** of BMC Section 23.204.050(D) to exceed the number of stories (three) with six stories
 - C. **Waiver** of BMC Section 23.204.050(D) to exceed the lot coverage limit of 45 percent with 93 percent lot coverage
 - D. **Waiver** of BMC Section 23.204.050(D) to reduce the side setback (interior) from 4.5 feet to 6 inches
 - E. **Waiver** of BMC Section 23.204.050(D) to reduce the side setback (street) from approximately 7 feet to 1.5 feet
 - F. **Waiver** of BMC Section 23.204.050(D) to reduce the required rear setback from 15 feet to 6 feet
 - G. **Waiver** of BMC Section 23.204.050(D) to reduce the required front setback from 15 feet to 0 feet
 - H. **Waiver** of BMC Section 23.204.050(D) to reduce the open space from 3,200 square feet to 1,590 square feet
 - I. **Concession** of BMC Section 23.204.050(D) to increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.

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

IV. FINDINGS FOR APPROVAL

6. As required by Section 23.406.040.E(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons

residing or working in the neighborhood of such proposed use or 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 because:

- A. The project is a higher-density development in proximity to entitled and in-progress residential uses of a similar density along Telegraph Avenue, educational uses, transit, commercial districts, and amenities that is compatible with the purposes of the zoning district and the surrounding uses and buildings. The project site is located within the C-C commercial district. The project provides 16 new dwelling units sized from studios, three-bedrooms, and four-bedrooms. One of the units is deed restricted as affordable housing units for very-low-income residents. The proposal also includes a roof top deck that amounts to 1,590 square feet of useable open space. Located on the ground floor, a bike room will house 19 long-term bicycle parking spaces. Short-term bicycle parking is also provided outside the building within the public-right-of-way. The project site is well served by public transportation, with AC transit bus stops along Telegraph Avenue, several bus stops within a three block radius, and several bicycle share kiosks within a half-mile radius. The project adds additional dwelling units and supportive amenities, located on the ground floor, furthering the residential use that is compatible purposes of the district and not detrimental to neighborhood-serving commercial uses; and
- B. New shadows shade the existing mixed-use building to the east of the project primarily during the summer months, shadowing residential units two hours before the sun sets. New shadows are cast on an existing single-family dwelling unit to the north west during the winter months around noon time. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects are not found to be detrimental because limited in duration and will not persist for extended periods throughout the year; and
- C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or 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.

V. OTHER FINDINGS FOR APPROVAL

- 7. As required by Section 23.326.070(D) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the existing building at 2800 Telegraph Avenue will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and one of the following findings that the demolition of the structure: (1) is required to allow a proposed new building or other proposed new use; (2) will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses; (3) will remove a structure which represents an un-abatable attractive nuisance to the public; or (4) is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The proposed demolition of the existing non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops an underutilized with a new multifamily building that is compatible with existing development patterns along Telegraph Avenue. Staff finds that

the project is aligned with the district's objectives to promote development that is compatible with the commercial and residential areas within C-C district.

8. As required by BMC Section 23.204.050(D)(3), the Zoning Adjustments Board finds that the proposed modifications to lot coverage and setbacks is consistent with several goals outlined in the subject section as it allows for a more residential units to be developed on the site and encourages the utilization of existing public transit networks by proposing one automobile parking space. Similarly, the proposed setbacks are consistent with existing setbacks with frontage along Telegraph Avenue, where a residential building setback would not be appropriate or continue the existing urban street wall.
 9. As required by BMC Section 23.204.050(E), the Zoning Adjustments Board finds the project is compatible with several findings in the C-C district. Consistent with the purposes of the underlying district, the project redevelops underutilized area along Telegraph Avenue with multifamily building that is compatible existing and projected development patterns within this Avenue Commercial corridor. Although the project does not provide commercial services on the ground floor, it continues the existing street wall by locating residential services on the ground floor and stepping the massing along front property line on Telegraph Avenue, allowing for planting areas where the building pulls away from the property line and maintaining a sense of urban space.
 10. As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space.
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VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

The following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Compliance Required (BMC Section 23.102.050)

All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.

3. Approval Limited to Proposed Project and Replacement of Existing Uses (BMC Sections 23.404.060.B.1 and 2)

- A. This Permit authorizes only the proposed project described in the application. In no way does an approval authorize other uses, structures or activities not included in the project description.
- B. When the City approves a new use that replaces an existing use, any prior approval of the existing use becomes null and void when permits for the new use are exercised (e.g., building permit or business license issued). To reestablish the previously existing use, an applicant must obtain all permits required by the Zoning Ordinance for the use.

4. Conformance to Approved Plans (BMC Section 23.404.060.B.4)

All work performed under an approved permit shall be in compliance with the approved plans and any conditions of approval.

5. Exercise and Expiration of Permits (BMC Section 23.404.060.C)

- A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.
- B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.
- C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).
- D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit.

6. Permit Remains Effective for Vacant Property (BMC Section 23.404.060.D)

Once a Permit for a use is exercised and the use is established, the permit authorizing the use remains effective even if the property becomes vacant. The same use as allowed by the original permit may be re-established without obtaining a new permit, except as set forth in Standard Condition #5 above.

7. Permit Modifications (BMC Section 23.404.070)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board. The Zoning Officer may approve changes to plans approved by the Board, consistent with the Board's policy adopted on May 24, 1978, which reduce the size of the project.

8. Permit Revocation (BMC Section 23.404.080)

The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Zoning Officer, Zoning Adjustments Board (ZAB), or City Council referral.

9. Indemnification Agreement

The applicant shall hold harmless, defend, and indemnify the City of Berkeley and its officers, agents, and employees against any and all liability, damages, claims, demands, judgments or other losses (including without limitation, attorney's fees, expert witness and consultant fees and other litigation expenses), referendum or initiative relating to, resulting from or caused by, or alleged to have resulted from, or caused by, any action or approval associated with the project. The indemnity includes without limitation, any legal or administrative challenge, referendum or initiative filed or prosecuted to overturn, set aside, stay or otherwise rescind any or all approvals granted in connection with the Project, any environmental determination made for the project and granting any permit issued in accordance with the project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs shall include, without limitation, any attorney's fees, expert witness and consultant fees, court costs, and other litigation fees. City shall have the right to select counsel to represent the City at Applicant's expense in the defense of any action specified in this condition of approval. City shall take reasonable steps to promptly notify the Applicant of any claim, demand, or legal actions that may create a claim for indemnification under these conditions of approval.

VII. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.406.040.E, the Zoning Adjustments Board attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

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

12. Address Assignment. The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.

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

- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- E. Prohibit unnecessary idling of internal combustion engines.
- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.

- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.
14. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall
- establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
 - include written descriptions and photographs.

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

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

- 15. Fee Deferrals. All zoning project application fees that were deferred at the time of application submittal shall be paid in full.
- 16. Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work

is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

17. Construction Phases. The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
18. Demolition. Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.
19. Construction and Demolition Diversion. Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.
20. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
 - A. Environmental Site Assessments:
 - 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
 - B. Soil and Groundwater Management Plan:
 - 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants

and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.

- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

- 1) A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 shall be submitted electronically at <http://cers.calepa.ca.gov/> within 30 days if on-site hazardous materials exceed BMC 15.20.040. HMBP requirement can be found at <http://ci.berkeley.ca.us/hmr/>

Prior to Issuance of Any Building (Construction) Permit

21. Percent for Public Art: Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
22. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
23. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's

Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.

24. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
25. Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS). A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans.
26. Electric Vehicle (EV) Charging. At least 5 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations, at least 25 percent shall have installed low power Level 2 EV charging receptacles (20 amp), and at least 20 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions.
27. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
28. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
29. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
30. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.
31. Required Parking Spaces for Persons with Disabilities. Per BMC Section 23.322.040.H of the Zoning Ordinance, "If the number of required off-street parking spaces in a non-residential

district is reduced as allowed by this chapter, the number of required parking spaces for persons with disabilities shall be calculated as if there had been no reduction in required spaces.”

Prior to Demolition or Start of Construction:

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

During Construction:

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

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

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

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

36. Public Works - Implement BAAQMD-Recommended Measures during Construction. For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
- E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.

- F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 37. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- An equipment inventory summarizing the type of off-road equipment required for each phase of construction, including the equipment manufacturer, equipment identification number, engine model year, engine certification (tier rating), horsepower, and engine serial number. For all VDECS, the equipment inventory shall also include the technology type, serial number, make, model, manufacturer, CARB verification number level, and installation date.
- A Certification Statement that the Contractor agrees to comply fully with the Emissions Plan and acknowledges that a significant violation of the Emissions Plan shall constitute a material breach of contract. The Emissions Plan shall be submitted to the Public Works Department for review and approval prior to the issuance of building permits.

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

- 39. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 40. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 41. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.
- 42. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique

archaeological resources accidentally discovered during construction” should be instituted. Therefore:

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

43. Human Remains (Ongoing throughout demolition, grading, and/or construction). In the event that human skeletal remains are uncovered at the project site during ground-disturbing activities, all work shall immediately halt and the Alameda County Coroner shall be contacted to evaluate the remains, and following the procedures and protocols pursuant to Section 15064.5 (e)(1) of the CEQA Guidelines. If the County Coroner determines that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, and all excavation and site preparation activities shall cease within a 50-foot radius of the find until appropriate arrangements are made. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance and avoidance measures (if applicable) shall be completed expeditiously.

44. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

- 45. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).**
- A. *Qualified Paleontologist.* The project applicant shall retain a Qualified Paleontologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional paleontologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).
 - B. *Paleontological Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on paleontological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Paleontological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The Qualified Paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff. The Paleontological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a Qualified Paleontologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.
 - C. *Paleontological Monitoring.* The extent of required paleontological monitoring for the project shall be determined by the Qualified Paleontologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Paleontologist shall conduct an initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of microscreening or other inspections for fossil resources. If the paleontologist determines that geologic units exposed between 5-10 feet BGS have high paleontological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be paleontological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no paleontological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, paleontological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Paleontologist at that time.
 - D. In the event of a fossil discovery by the paleontological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Paleontologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Paleontologist shall complete the following conditions to mitigate impacts to significant fossil resources:
 - 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by

a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.

- 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.

- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

46. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

47. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:

- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
- B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

- C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. All loading areas must be designated to minimize "run-on" or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
 - J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 48. Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

49. Public Works. The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
50. Public Works. The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
51. Public Works. Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
52. Public Works. The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
53. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

54. Compliance with Conditions. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
55. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 17, 2022 except as modified by conditions of approval.
56. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.
 - A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s).
 - B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.

1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit.
 2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.
- C. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

Property owners may be required to pay administrative fees associated with compliance with this Condition.

BELOW MARKET RATE UNITS

57. **Number of Below Market Rate Units.** The project shall provide one (Very Low-Income) below market rate rental dwelling units (“BMR Units”), which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.
58. **Regulatory Agreement.** Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.
59. In addition, the following provisions shall apply:
- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
 - C. BMR units will be provided for the life of the project under Section 22.20.065.

60. Determination of Area Median Income (AMI).

- The “AMI” (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
- The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one person household
One-bedroom unit	AMI for a two person household
Two-bedroom unit	AMI for a three person household
Three-bedroom unit	AMI for a four person household

61. Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, than are required in the foregoing provisions.

At All Times:

62. Transportation Demand Management Compliance. The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).

63. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

64. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

65. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

66. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.

67. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

68. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.

- 69. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
- 70. Transportation Demand Management.** A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements.

VIEW FROM TELEGRAPH AVENUE - CORNER

TRACHTENBERG
ARCHITECTS

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

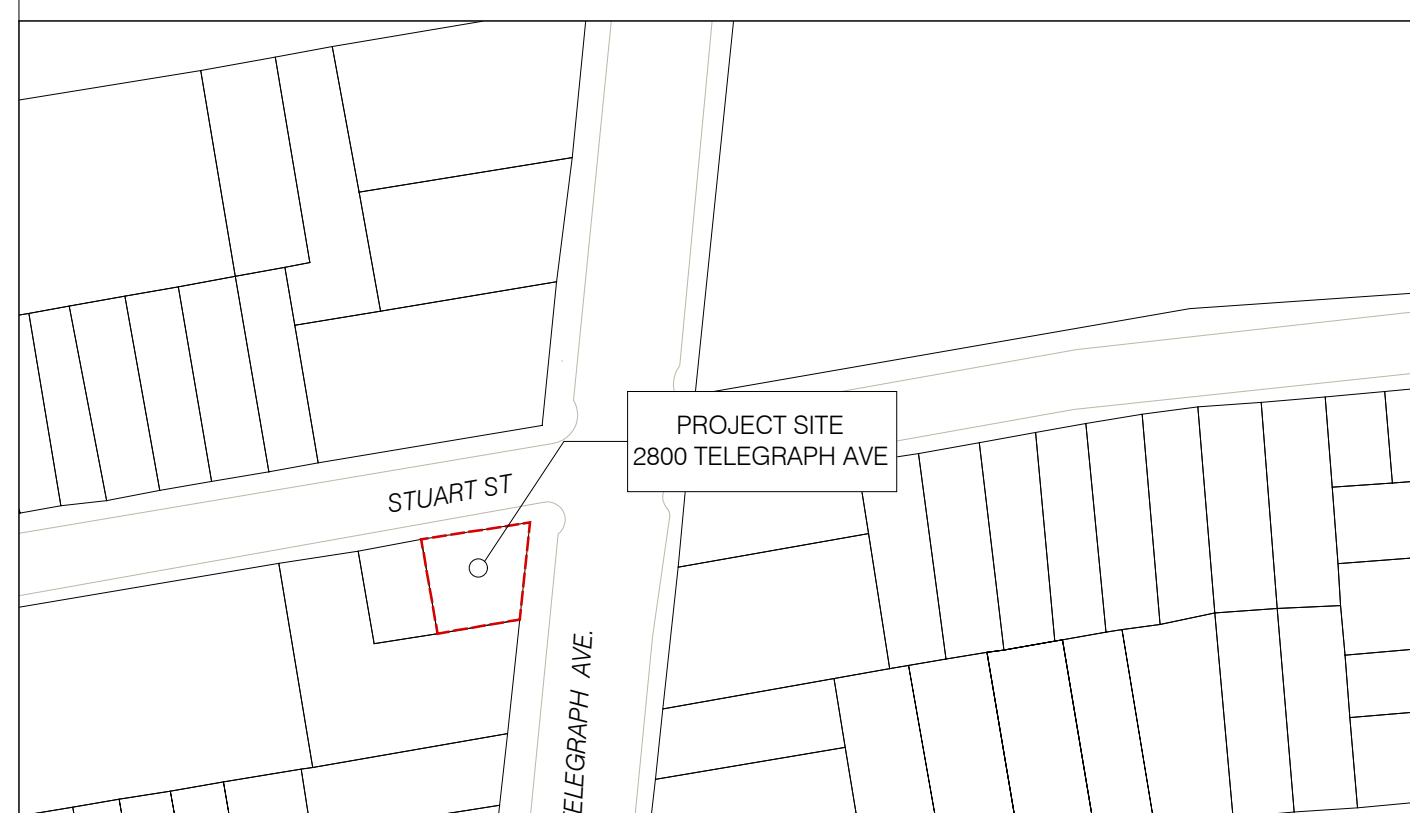
**PANORAMIC
2800
TELEGRAPH**

Berkeley, CA

08.05.2022 ZONING APPLICATION
10.07.2022 ZONING RESUBMISSION
11.11.2022 ZONING RESUBMISSION



VICINITY MAP



PROJECT DIRECTORY

OWNER/APPLICANT:
Adlaim Karim
3076 Virden Ave
Oakland, CA 94619
510.336.1852
teamkarim@gmail.com

ARCHITECT:
David Trachtenberg, Principal
TRACHTENBERG ARCHITECTS
2421 Fourth Street
Berkeley, CA 94710
510.649.1414
www.TrachtenbergArch.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2800 Telegraph Ave.
Berkeley, CA 94705 (APN: 053 168900100)

SCOPE OF WORK:
REMOVAL OF EXISTING 1 STORY COMMERCIAL STRUCTURE & CONSTRUCTION OF A
NEW 6-STORY RESIDENTIAL BUILDING WITH 16 DWELLING UNITS, GROUND LEVEL
LOBBY

ZONING CODE SUMMARY

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-C

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

SHEET NO. & TITLE	
ARCHITECTURAL	
A0.0 GENERAL INFORMATION	A3.1 BUILDING ELEVATIONS
A0.1 ZONING DATA	A3.2 BUILDING ELEVATIONS
A0.3 DENSITY BONUS	A3.3 BUILDING ELEVATIONS
A0.4A SHADOW STUDIES	A3.4 BUILDING ELEVATIONS
A0.4B SHADOW STUDIES	A3.5 STREET STRIP ELEVATIONS
A0.4C SHADOW STUDIES	A3.6 PHOTO CONTEXT VIEWS
A0.5 SITE CONTEXT PHOTOS	A3.7 PHOTO CONTEXT VIEWS
A0.6 VICINITY MAP	MAT BUILDING MATERIALS
A1.0 SURVEY	A3.8 CONCEPTUAL RENDERING
A2.0 EXISTING SITE PLAN	A3.9 CONCEPTUAL RENDERING
A2.1 GROUND FLOOR PLAN	A3.10 CONCEPTUAL RENDERING
A2.2 PLAN AT LEVELS 2-5	A5.1 GRADING PLAN
A2.3 ROOF PLAN	L1.0 LANDSCAPE PLAN AT STREETSCAPE
A2.4 SECTION	L2.0 LANDSCAPE PLAN AT ROOF DECK
	11.0 HYDROZONE PLAN AT ROOF DECK

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

JOB: 2140

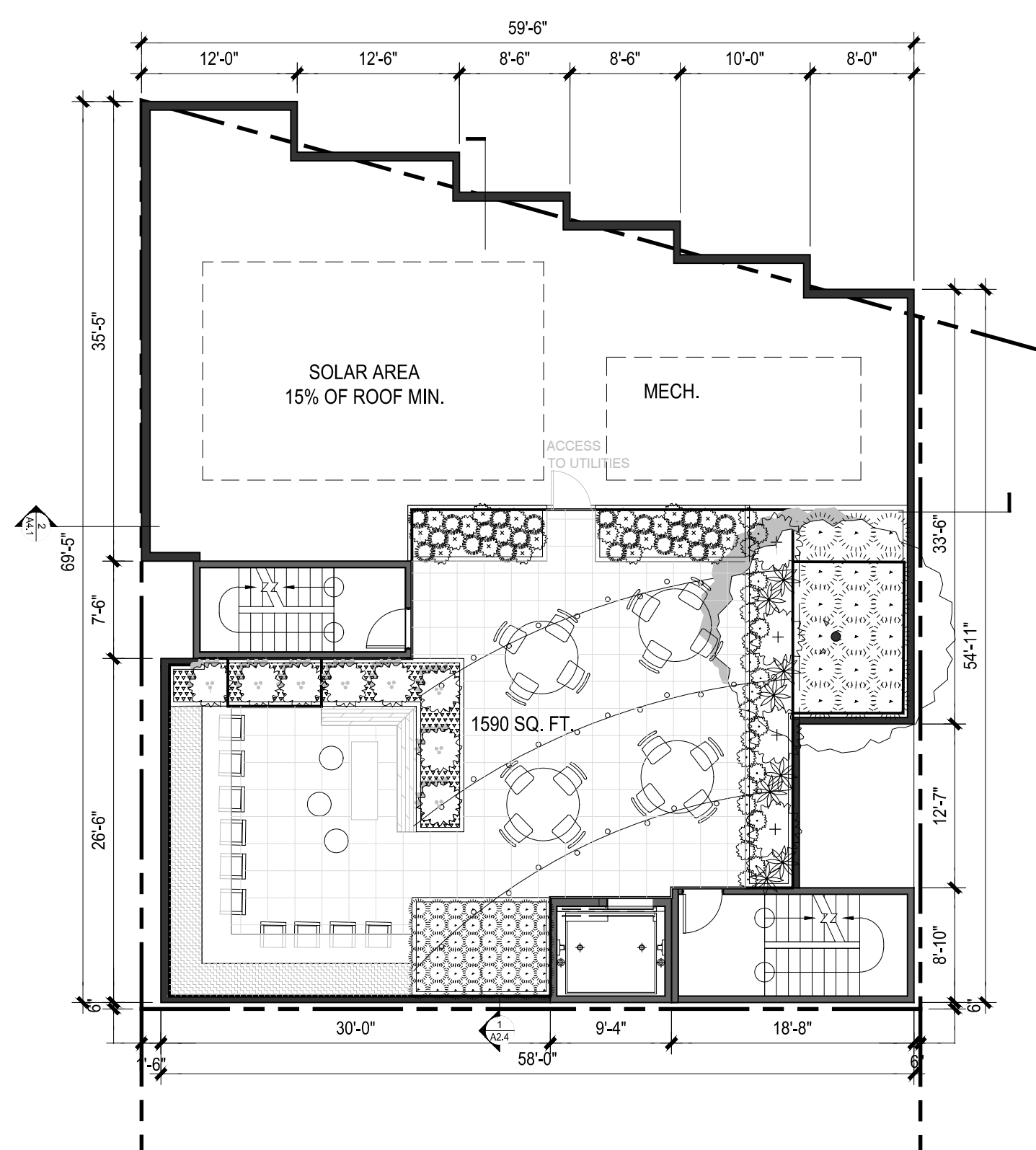
SHEET:

GENERAL
INFORMATION

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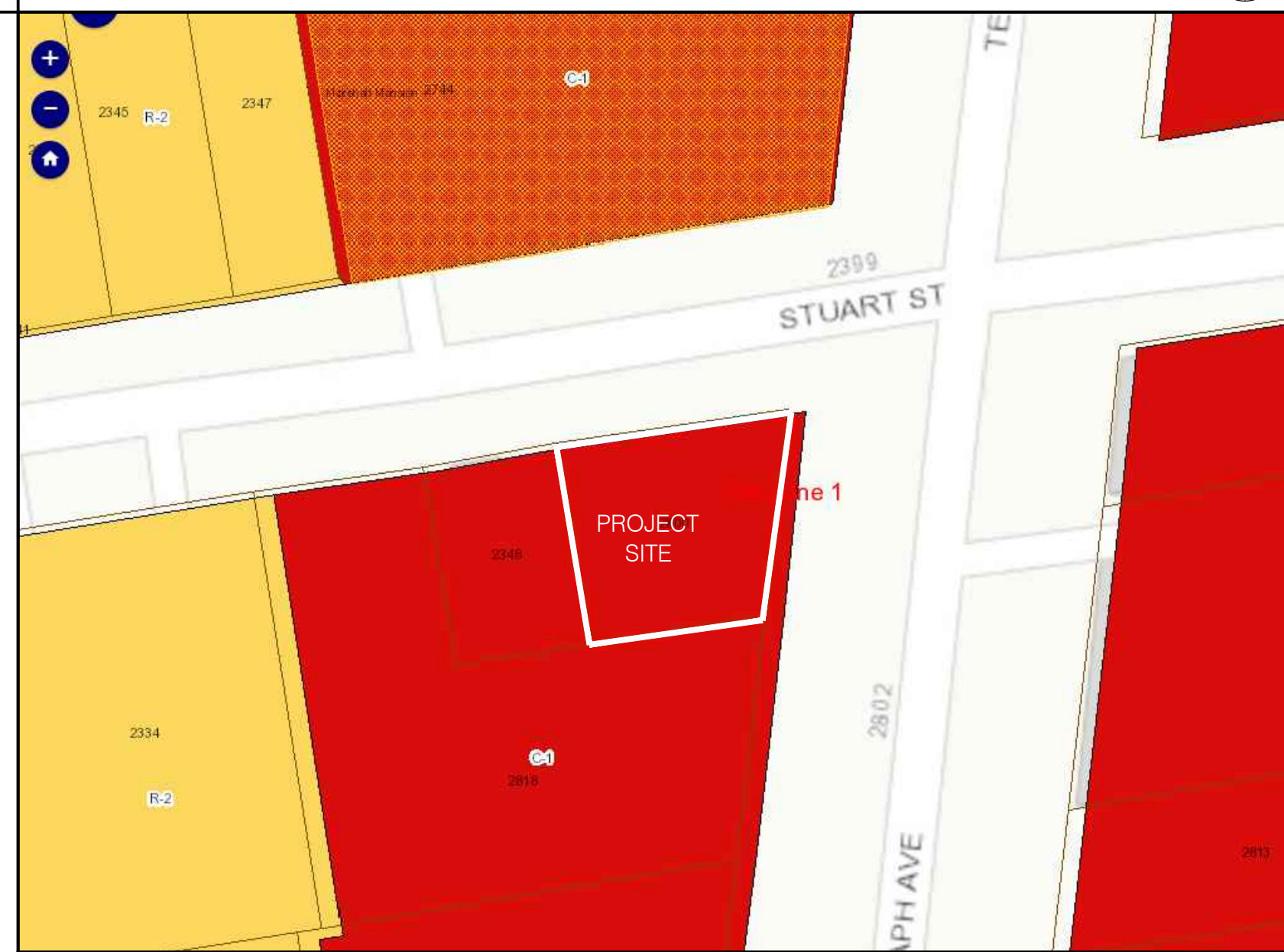
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ARCHITECTS

OPEN SPACE DIAGRAMS

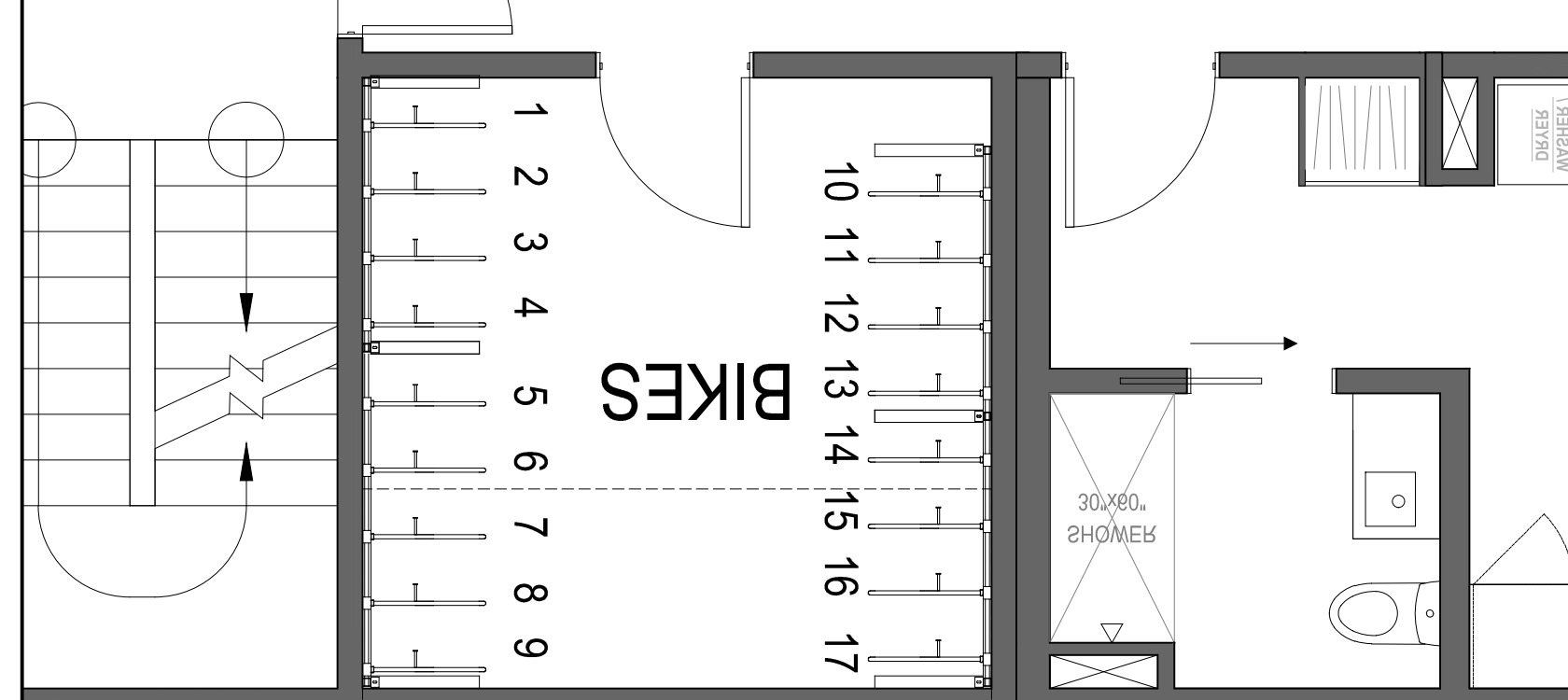


ROOF LEVEL

ZONING MAP



BIKE ROOM



Vertical Rack

Recommended Setbacks

Dimensions

Model #	Single Sided (SS) / Double Sided (DS)	Total # of Bikes Parked	Bike Spacing	Frame Width
B030V	SS	3	15-18"	44.5"
B030V	SS	3	24"	42.5"
B040V	SS	4	15-18"	42.5"
B040V	SS	4	24"	40.5"
B050V	SS	5	15-18"	40.5"
B050V	SS	5	15-18"	44.5"
B060V	SS	6	24"	42.5"
B060V	SS	6	15-18"	42.5"
B080V	SS	8	24"	40.5"
B080V	SS	8	15-18"	40.5"
B100V	SS	10	15-18"	40.5"

Downloadable product resources available online:
CAD Files | SketchUp Files | Written Specs | Photos

Our Saris Infrastructure representatives can assist with custom layout and spacing to meet your room dimensions and desired bike capacity.
Saris Infrastructure 800.783.7257 www.sarisinfrastructure.com

ZONING CODE DATA

CITY OF BERKELEY ZONING TABULATIONS

	BASE ZONING	ALLOWABLE W/ UP'S & AUP'S	PROPOSED W/ DENSITY BONUS	COMPLIANCE
ZONING	C-C			
LOT AREA	3,695	3,695	3,695	
LOT AREA (ACRES)	0.08	0.08	0.08	
NUMBER OF DWELLING UNITS	N/A	N/A	16	
SETBACK - FRONT (TELEGRAPH) 1ST - 3RD STORY	15'	No min.	0' to 3'-3"	COMPLIES W/UP
SETBACK - REAR 1ST - 3RD STORY	15'	No min.	6"	COMPLIES W/UP
SETBACK - INTERIOR SIDE 1ST - 2ND STORY	4'	No min.	6"	COMPLIES W/UP
SETBACK - INTERIOR SIDE 3RD STORY	6'	No min.	6"	COMPLIES W/UP
SETBACK - STREET SIDE (STUART ST) 1ST STORY	6'	No min.	0' to 1'-6"	COMPLIES W/UP
SETBACK - STREET SIDE (STUART ST) 2ND STORY	8'	No min.	0' to 1'-6"	COMPLIES W/UP
SETBACK - STREET SIDE (STUART ST) 3RD STORY	10'	No min.	0' to 1'-6"	COMPLIES W/UP
BUILDING SEPARATION 1ST STORY	8'	No min.	6"	COMPLIES W/UP
BUILDING SEPARATION 2ND STORY	12'	No min.	6"	COMPLIES W/UP
BUILDING SEPARATION 3RD STORY	16'	No min.	6"	COMPLIES W/UP
BUILDING HEIGHT	35'	35'	70'-5"	COMPLIES W/WAIVER
BUILDING STORIES	3	3	6	COMPLIES W/WAIVER
LOT COVERAGE (CORNER LOT, 3 STORIES)	45%	100%	93%	COMPLIES W/WAIVER
BUILDING FOOTPRINT	1,663	3,695	3,441	COMPLIES W/UP
FAR	2.7	no max.	5.19	COMPLIES
TOTAL GSF	9,811	NA	19,936	COMPLIES
USABLE OPEN SPACE (SEE TABLE)	200sf /unit	200sf /unit	SEE TABLE	COMPLIES W/ CONCESSION
PARKING	0	0	SEE TABLE	COMPLIES
BIKE PARKING	SEE TABLE	SEE TABLE	SEE TABLE	COMPLIES

PROPOSED FLOOR AREA WITH DENSITY BONUS

	RESIDENTIAL	TOTAL
LEVEL 6	3,140	3,140
LEVEL 5	3,140	3,140
LEVEL 4	3,140	3,140
LEVEL 3	3,140	3,140
LEVEL 2	3,140	3,140
GROUND LEVEL (EXCLUDES PARKING)	2,687	3,482
TOTAL FLOOR AREA W/ DENSITY BONUS	18,387	19,182

UNIT COUNTS

UNIT TYPE	STUDIO	3-BED	4-BED	TOTAL
LEVEL 6	0	2	1	3
LEVEL 5	0	2	1	3
LEVEL 4	0	2	1	3
LEVEL 3	0	2	1	3
LEVEL 2	0	2	1	3
GROUND LEVEL	1			1
TOTAL	1	10	5	16
PERCENT OF TOTAL	6%	62.5%	31.3%	
TOTAL BEDROOMS	1	30	20	51

OPEN SPACE TABLE

	UNITS	RATIO	TOTAL	LANDSCAPE AREA (40%)
REQUIRED OPEN SPACE	16	200	3,200	
TOTAL CONCESSION REQUESTED				1,610
TOTAL AREA PROVIDED				1,590
ROOF DECK				700

BICYCLE PARKING CALCULATIONS

	UNITS/SF	SPACES	PER	TOTAL REQ	PROPOSED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	51	1	3	17	17
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	51	1	40	2	2
TOTAL BICYCLE PARKING				19	19

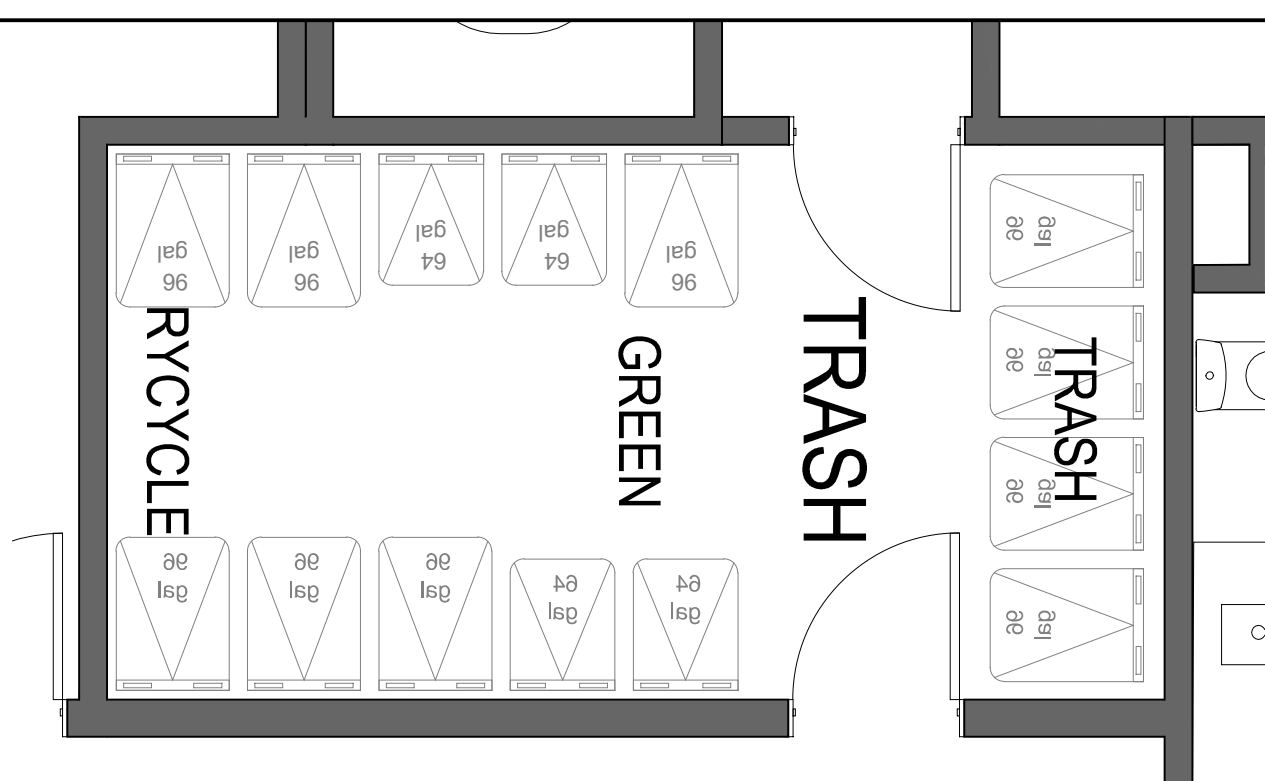
PARKING TABLE

	UNITS/SF	SPACES	PER	TOTAL REQ	PROPOSED
RESIDENTIAL (none required per Table 23.322-2)	16	0	0	0	1
TOTAL					1

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

AVERAGE AREA	3197
TOTAL AREA OF ROOFTOP ELEMENTS	299
% AREA OF ROOFTOP ARCH. FEATURES	9.4%
ALLOWABLE % (PER 23E.04.020C)	15.0%

REFUSE AND RECYCLING



Waste and Recycling Calculation

# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3)	Waste (40%)	Recycling (40%)	Organics (20%)
51	1.33	68	5.65 cy, 1,131 gal	2.26 cuft, 452 gal	452 gal	226 gal

Space Calculation

Container	Waste	Recycling	Organics	Factor/container	Space/Container	Required	Provided
3 cy bin (605 gal)					28 sf		
96 gallon cart	5	5			70 sf		
64 gallon cart			4		22 sf		
Total capacity	480 gal	480 gal	256 gal			92 sf	138 sf

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**PANORAMIC
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TELEGRAPH**

Berkeley, CA

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07.2022 ZONING RESUBMISSION
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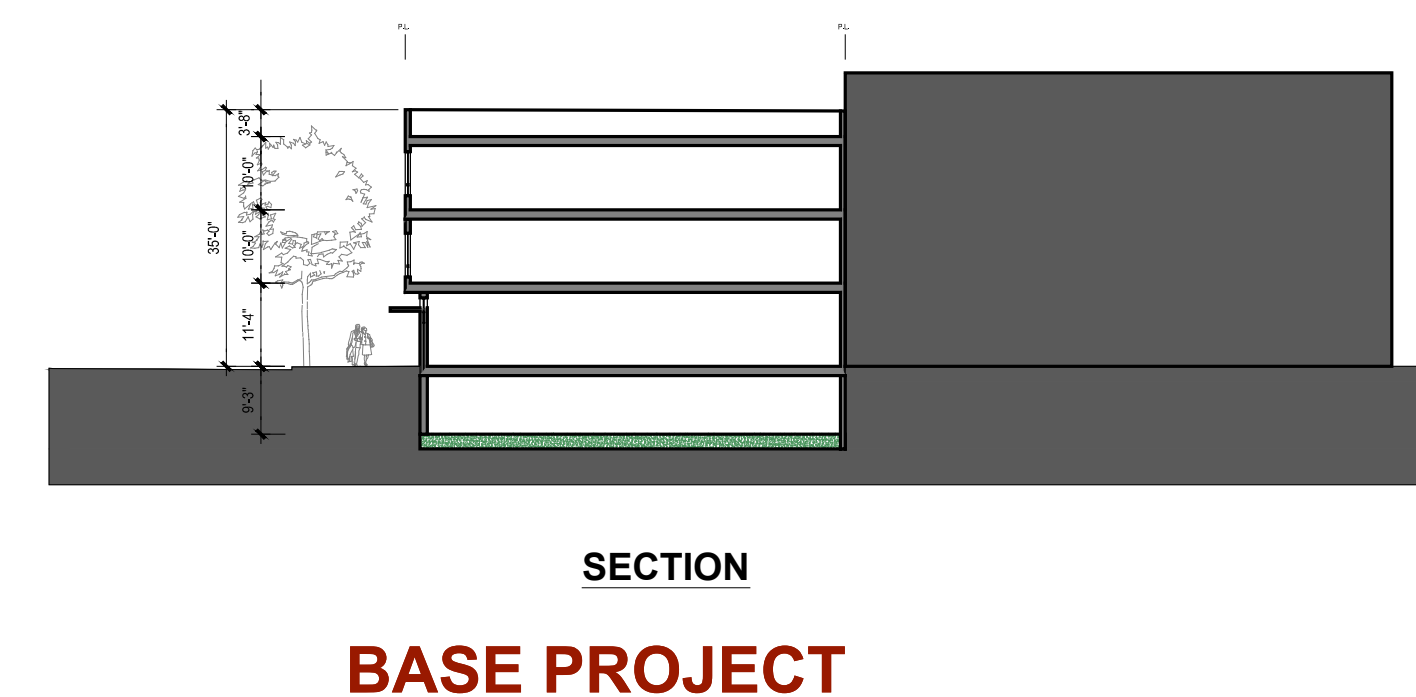
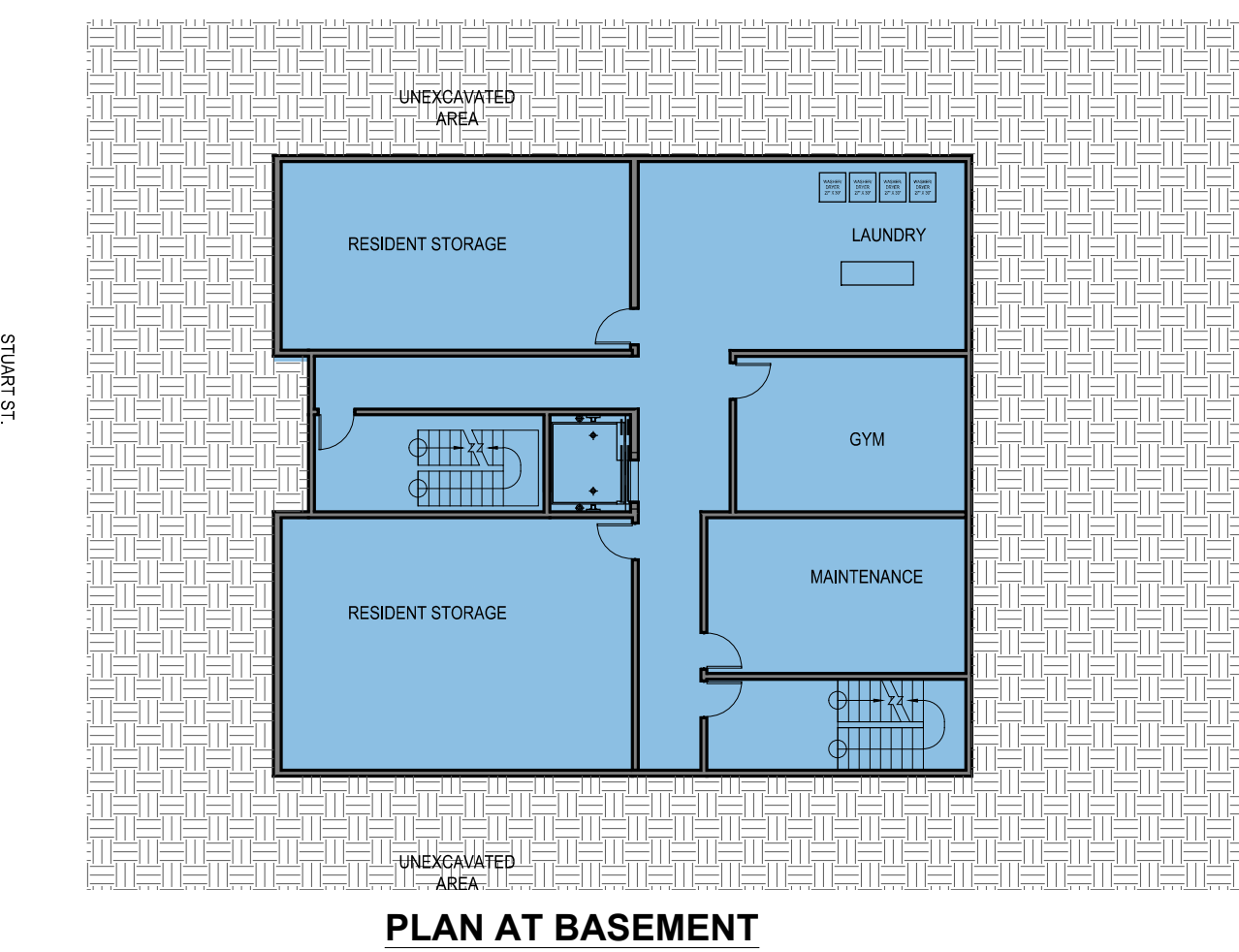
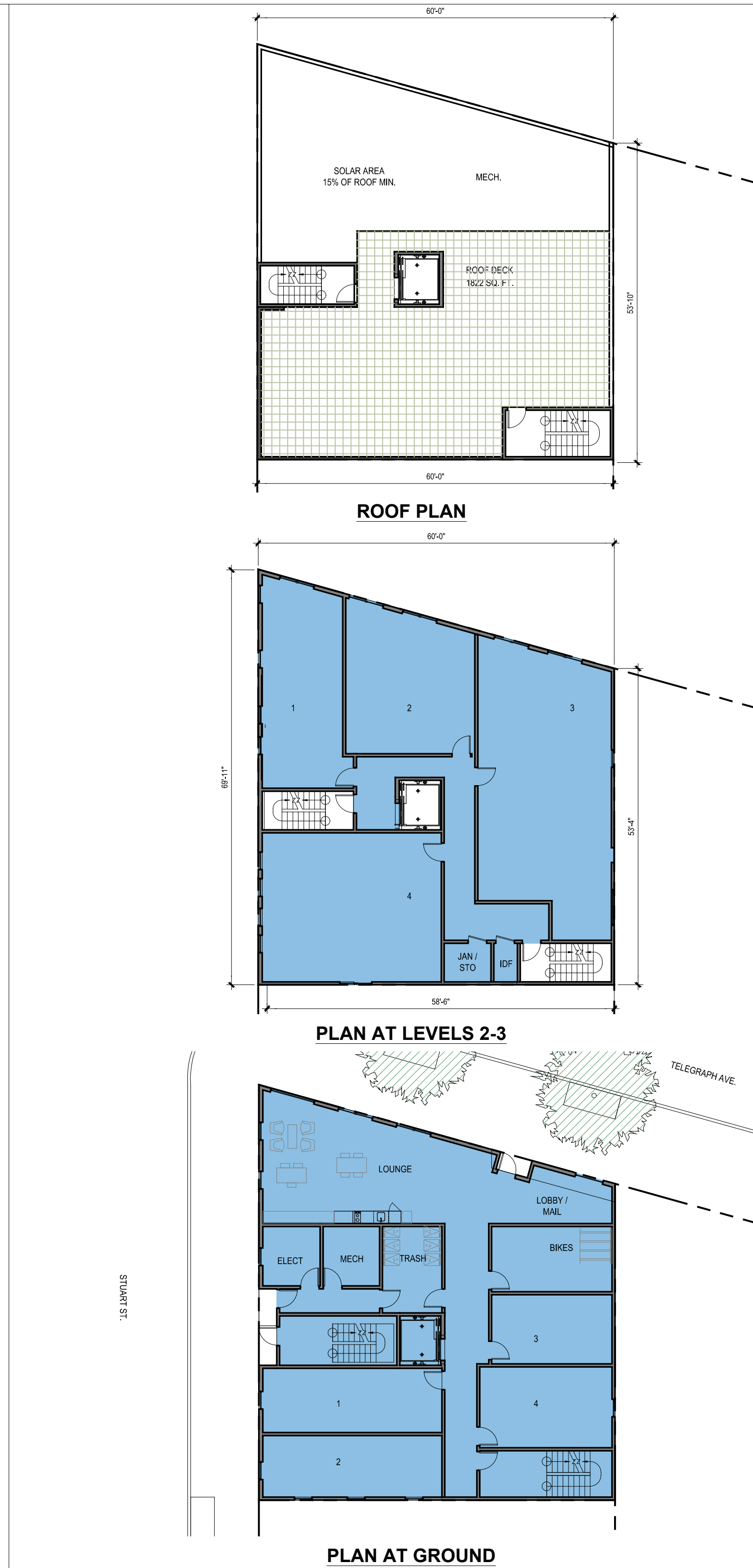
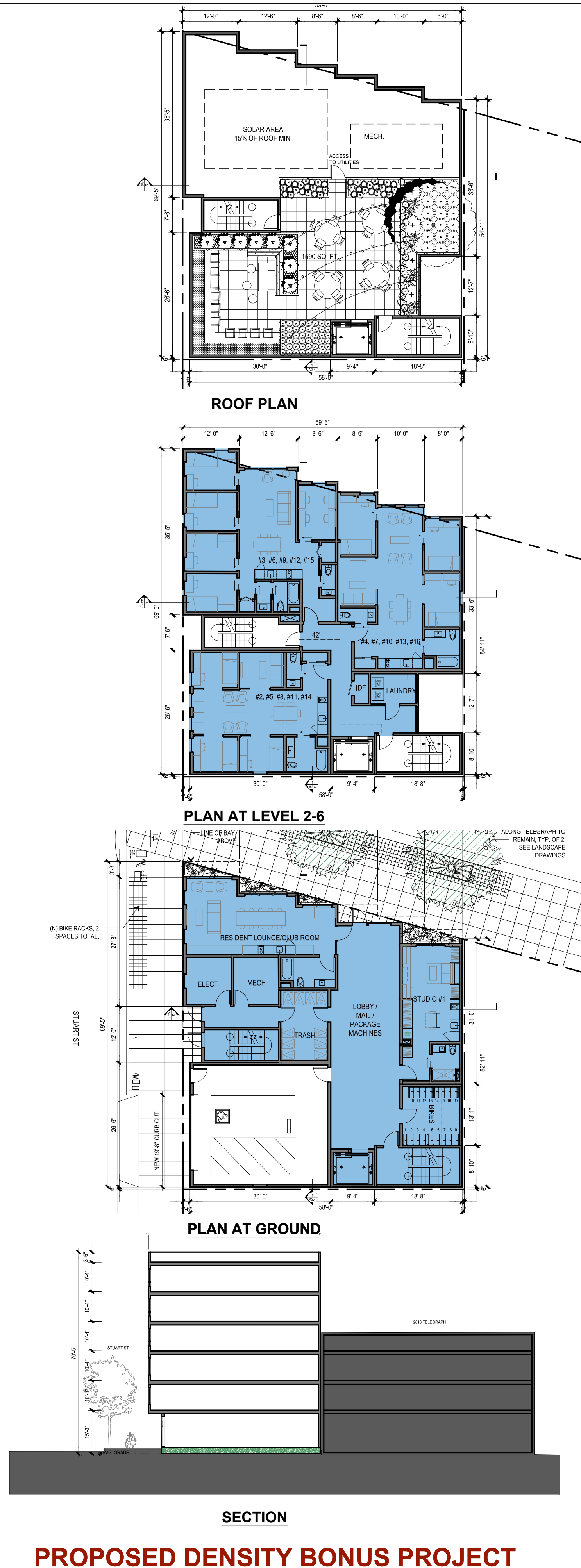
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EXISTING
DENSITY BONUS
DIAGRAMS

A0.3A



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SHEET:

EXISTING
DENSITY BONUS
DIAGRAMS

A0.3B

DENSITY BONUS TABLE									
Base Project	Base# Units	Base # Units (round up)	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units	%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)
13,748	11.96	12	8%	0.96	1.00	27.5%	3.3000	4	16

Base Project Res. Area	Floor	Proposed Project Res. Area	#VLI	%VLI	%DB	#DB	#Concessions
			1	5%	20.0%	15	1
			1	6%	22.5%	15	1
	Sixth	3140	1	7%	25.0%	15	1
	Fifth	3140	1	8%	27.5%	16	1
	Fourth	3140	2	9%	30.0%	16	1
3,445	Third	3140	2	10%	32.5%	16	2
3,445	Second	3140	2	11%	35.0%	17	2
3,643	Ground	2687	2	12%	38.75%	17	2
3,215	Basement		2	13%	42.5%	18	2
13,748		18,387	2	14%	46.3%	18	2
		1.34	2	15%	50.0%	18	3

Total Floor Area:

Base Project # of Units	Floor	Proposed Project # of Units	Concessions
	sixth	3	1 Usable Open Space
	Fifth	3	
	Fourth	3	
4	Third	3	
4	Second	3	
4	Ground	1	
12		16	
1,146	Avg. Unit Size	1,149	

Proposed Area: 18,387

Proposed Units: 16

Average Unit Size: 1,149

Base Project - FAR		
Res. Area	Total GFA	
GFA 13,748	13,748	
Site Area 3,695		
FAR 3.721		

Base Project - Stormwater				
Roof Area	%	Required	Provided	
Area 3,600	4%	144	144	

BASE PROJECT ZONING COMPLIANCE TABLE

ZONING	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	CODE SECTION	PROPOSED BASE PROJECT	ZONING COMPLIANCE
TOTAL LOT SIZE (SQ. FT.)			C-C 3,750		
TOTAL LOT SIZE (ACRES)			0.09		
LOT COVERAGE	45%	100%		91%	COMPLIES
FLOOR AREA RATIO (FAR)	No max.	No max.		2.87	COMPLIES
HEIGHT - FEET	35'-0"	35'-0"		35'-0"	COMPLIES
HEIGHT - STORIES	3	3		3	COMPLIES
SETBACK - FRONT (TELEGRAPH) 1ST - 3RD STORY	15'	No min.	23.204.050.D.3.	0' AND 3'	COMPLIES
SETBACK - REAR 1ST - 3RD STORY	15'	No min.	23.204.050.D.3.	0'	COMPLIES
SETBACK - INTERIOR SIDE 1ST - 2ND STORY	4'	No min.	23.204.050.D.3.	0'	COMPLIES
SETBACK - INTERIOR SIDE 3RD STORY	6'	No min.	23.204.050.D.3.	0'	COMPLIES
SETBACK - STREET SIDE (STUART ST) 1ST STORY	6'	No min.	23.204.050.D.3.	0'	COMPLIES
SETBACK - STREET SIDE (STUART ST) 2ND STORY	8'	No min.	23.204.050.D.3.	0'	COMPLIES
SETBACK - STREET SIDE (STUART ST) 3RD STORY	10'	No min.	23.204.050.D.3.	0'	COMPLIES
BUILDING SEPARATION 1ST STORY	8'	No min.	23.204.050.D.3.	0'	COMPLIES
BUILDING SEPARATION 2ND STORY	12'	No min.	23.204.050.D.3.	0'	COMPLIES
BUILDING SEPARATION 3RD STORY	16'	No min.	23.204.050.D.3.	0'	COMPLIES
RESIDENTIAL PARKING (SEE TABLE)	0	0	Table 23.322-2	1	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	8	8		8	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	1	1		1	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	1800	1800		1,822	COMPLIES

PARKING CALCULATIONS					
	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL (none required per Table 23.322-2)	0'			0	1

BICYCLE PARKING CALCULATIONS					
	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM)	24	1	3	8	8
RESIDENTIAL (SHORT TERM)	24	1	40	1	1

OPEN SPACE CALCULATIONS			
	UNITS	SF / UNIT	TOTAL
RESIDENTIAL REQUIREMENT	9	200	1,800
ROOF DECK			1,822
TOTAL PROVIDED			1,822

AREA TABLE (EXCLUDES PARKING)			
	RESIDENTIAL		TOTAL
ROOF			-
LEVEL 3	3,674		3,674
LEVEL 2	3,674		3,674
GROUND LEVEL	2,628		2,628
TOTAL	9,976	-	9,976

DWELLING UNIT TABLE				
	STUDIO	3-BR	4-BR	TOTAL
ROOF				
LEVEL 3	1	3		4
LEVEL 2	1	3		4
GROUND LEVEL			1	1
TOTAL UNITS	2	6	1	9
BEDROOMS / UNIT	1	3	4	
TOTAL BEDROOMS	2	18	4	24
BEDS / UNIT	1	3	4	
TOTAL BEDS	2	18	4	24

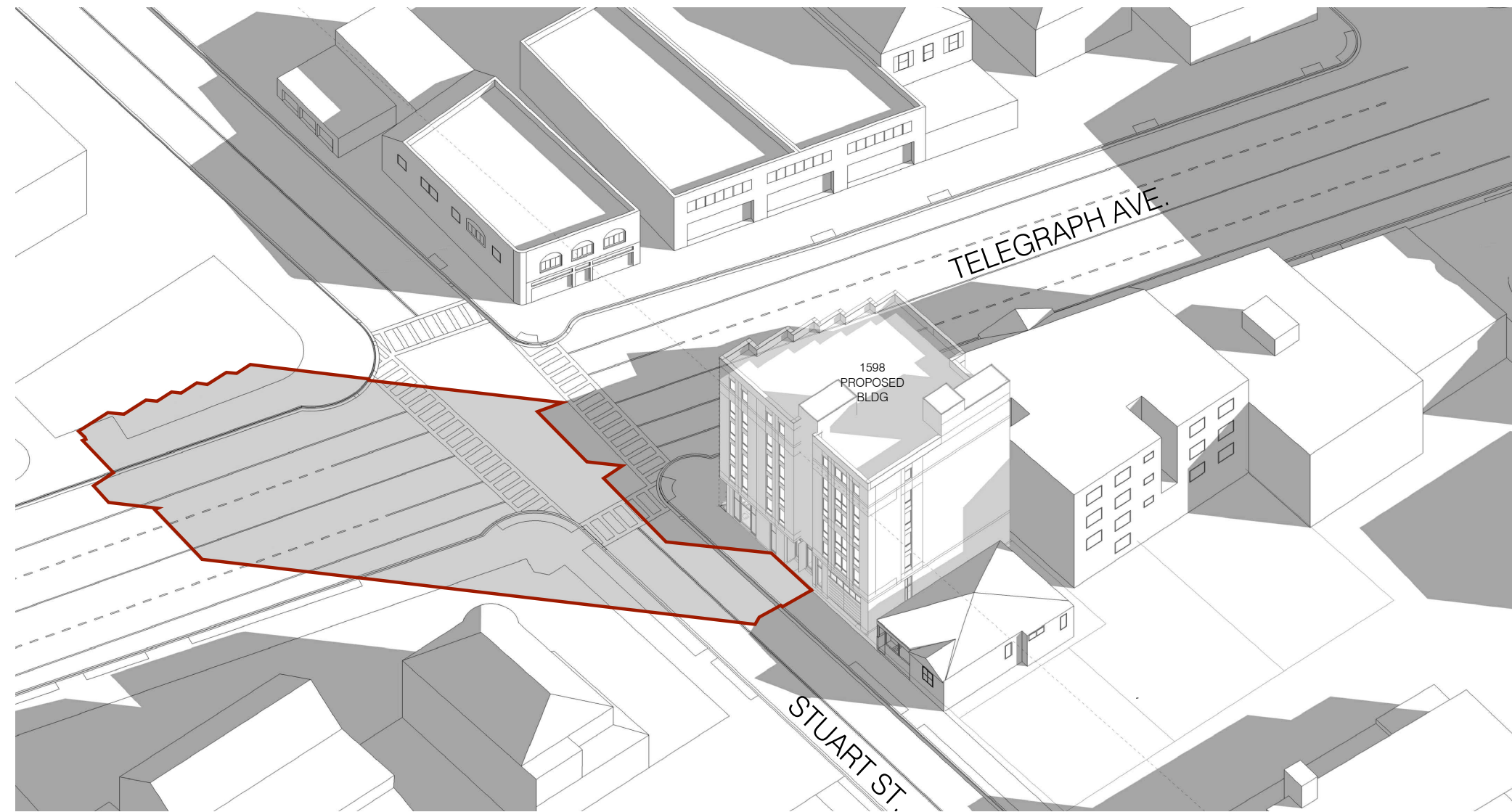
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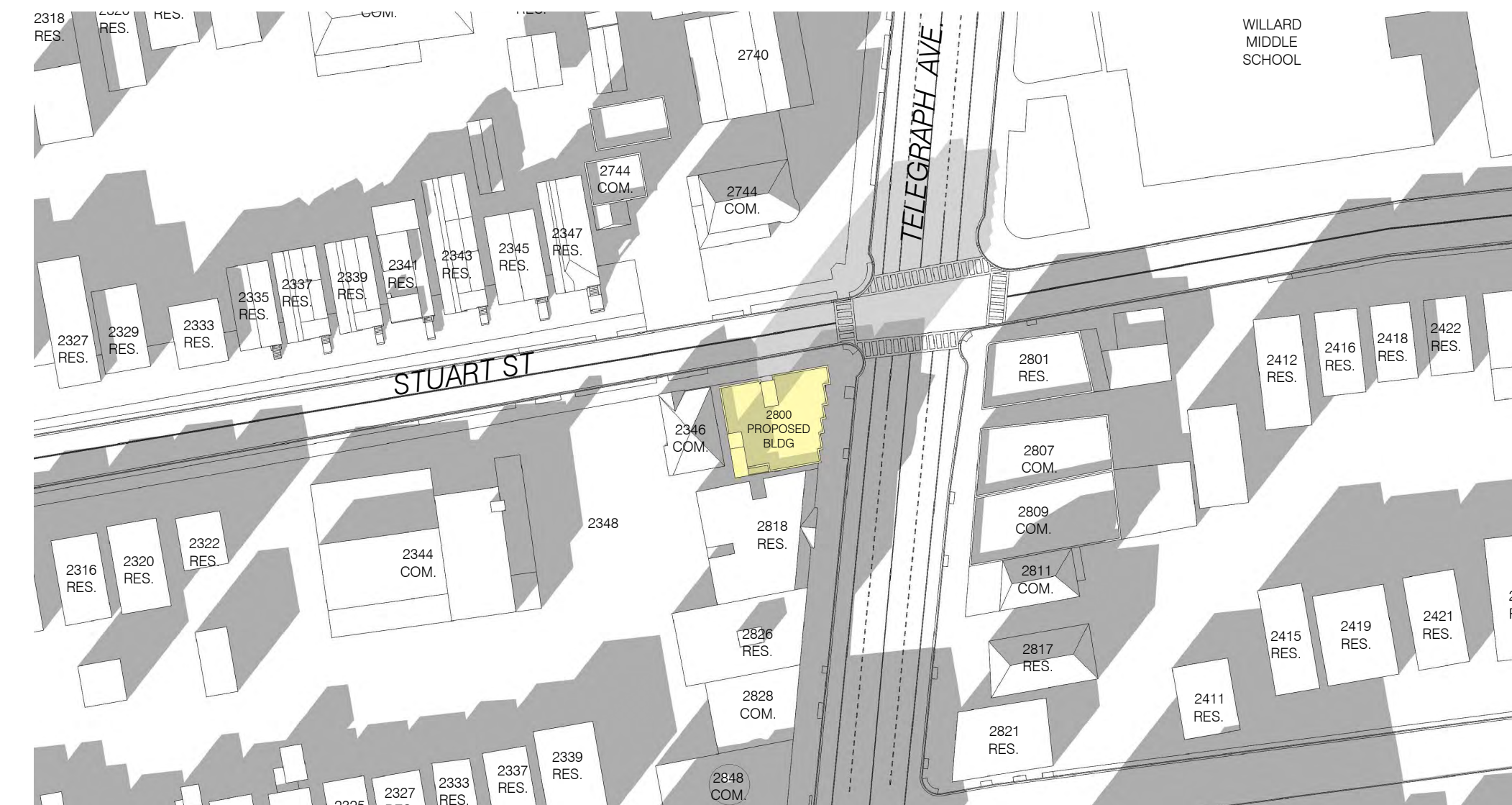
WINTER SOLSTICE
DEC 21ST:
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- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
- LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
- NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



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

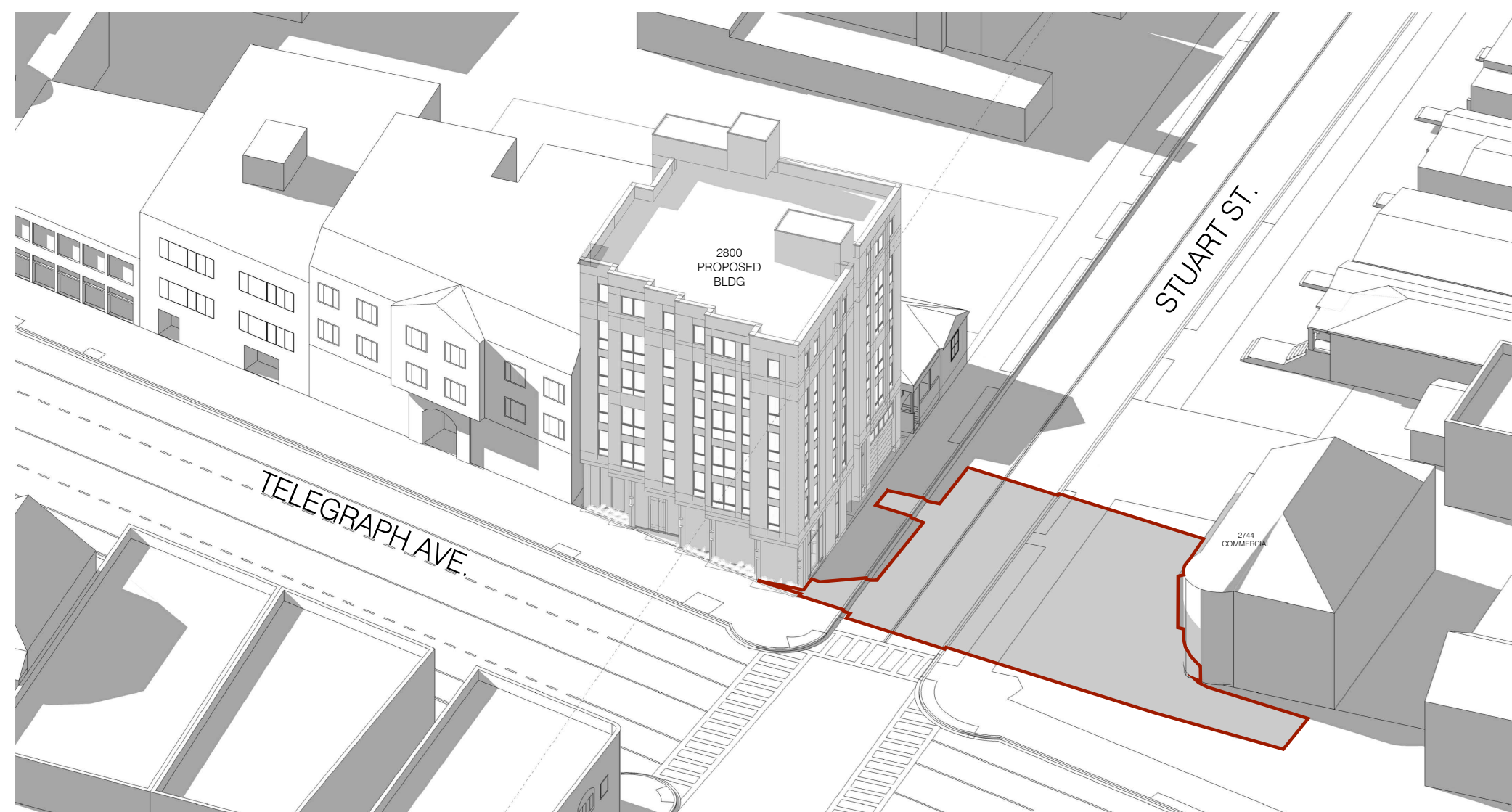


5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

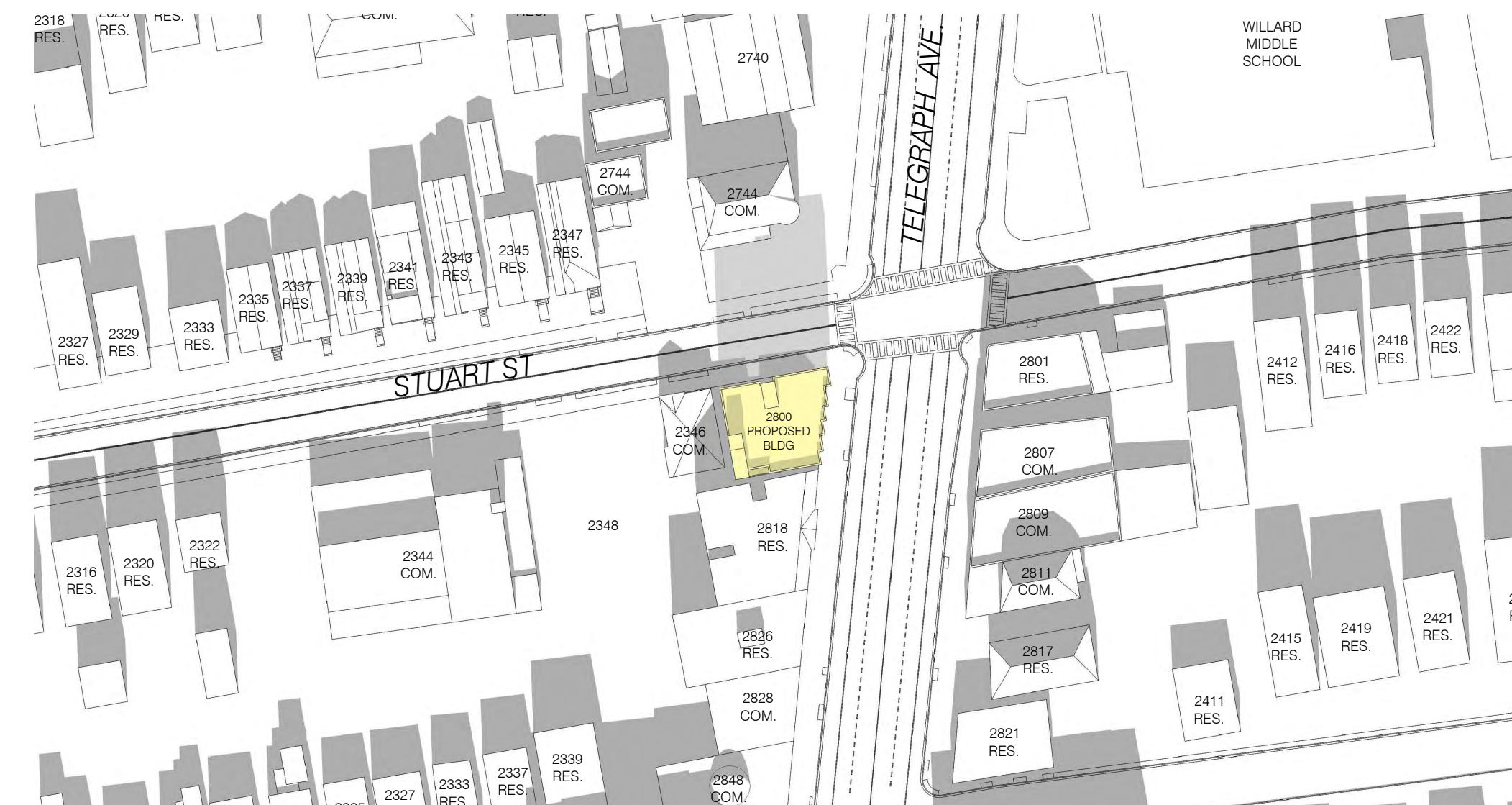
WINTER SOLSTICE
DEC 21ST:
NOON

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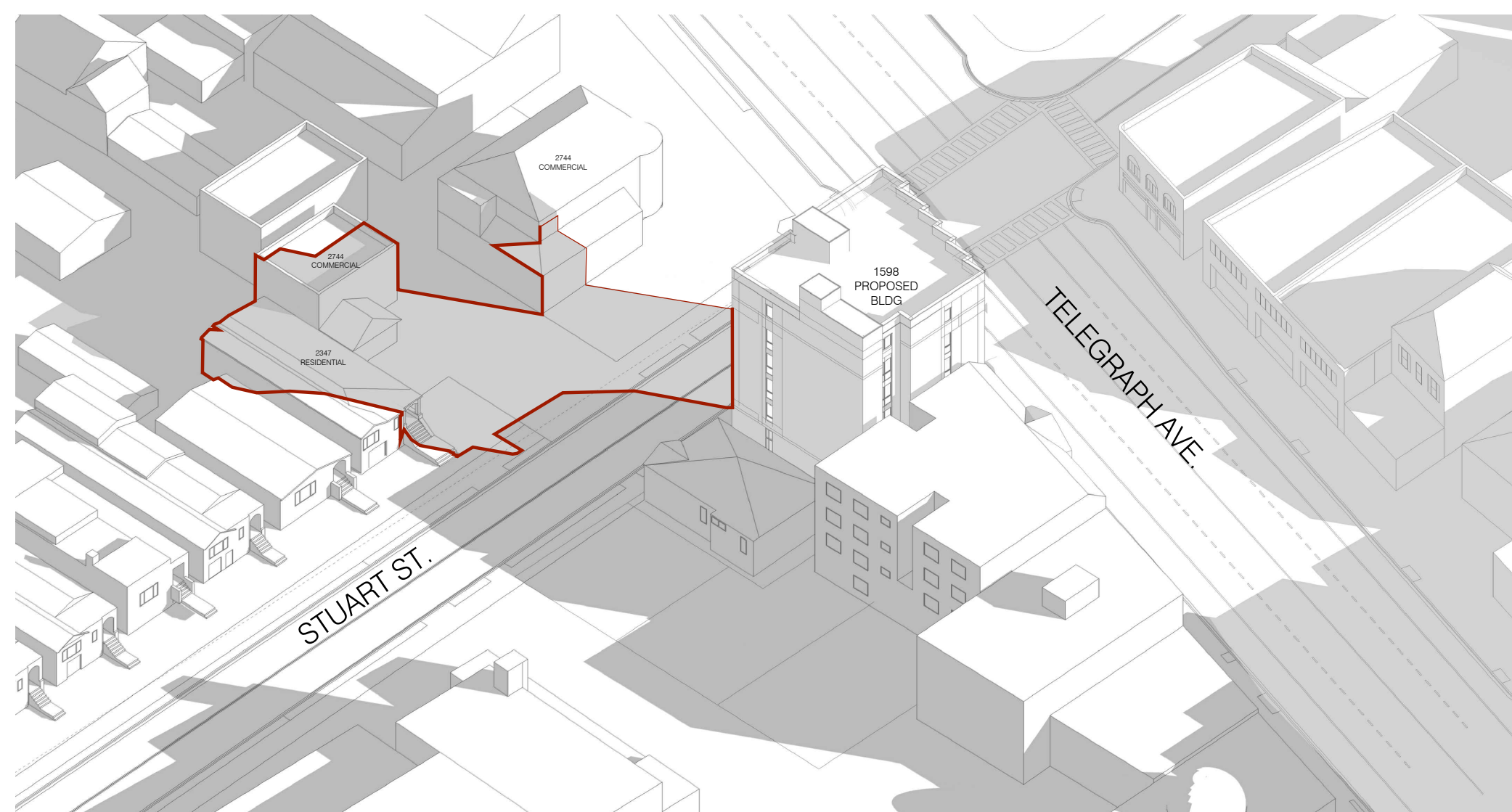


3 SHADOW STUDY - NOON
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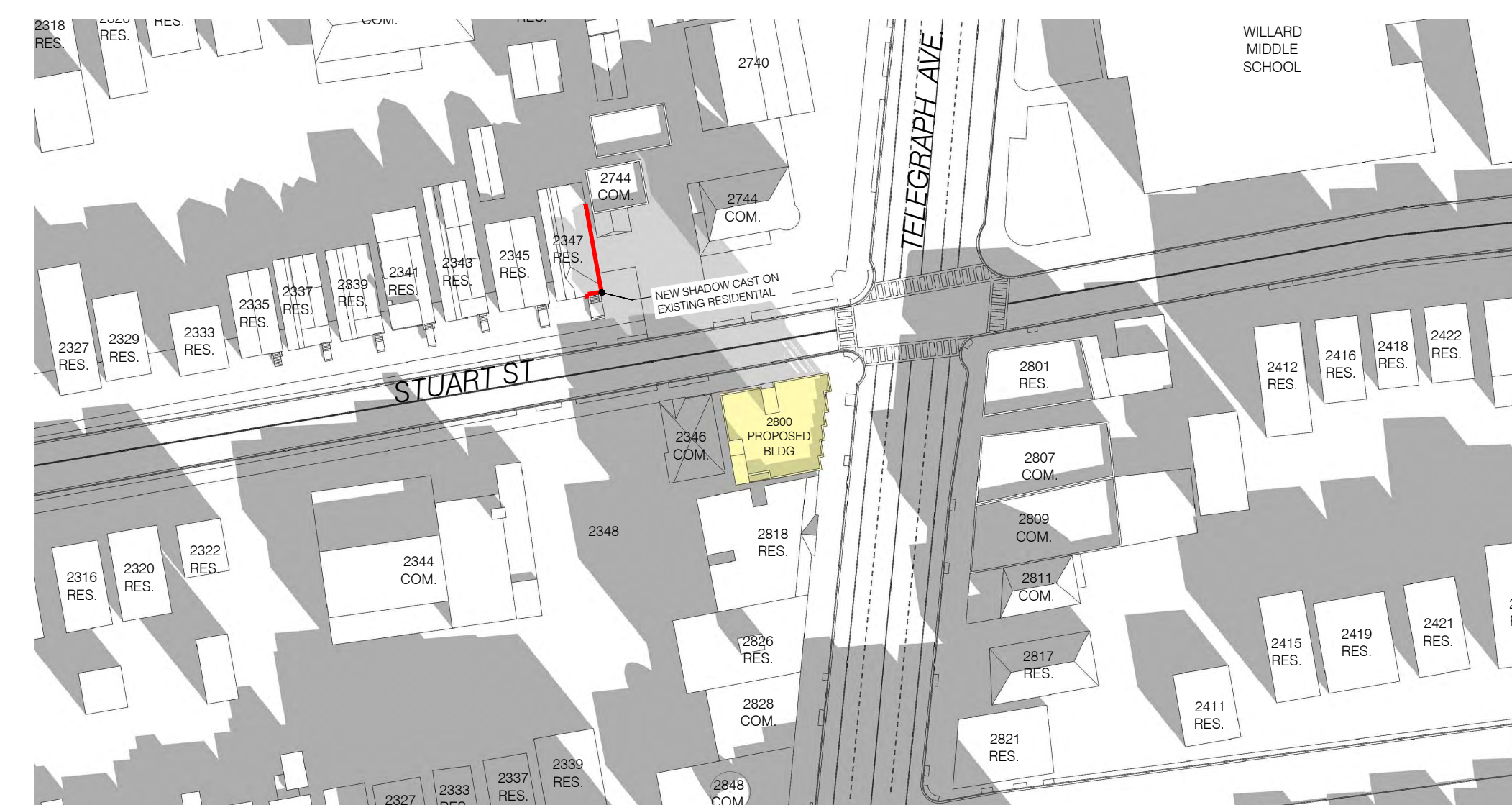
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DEC 21ST:
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2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



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

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SHADOW STUDIES
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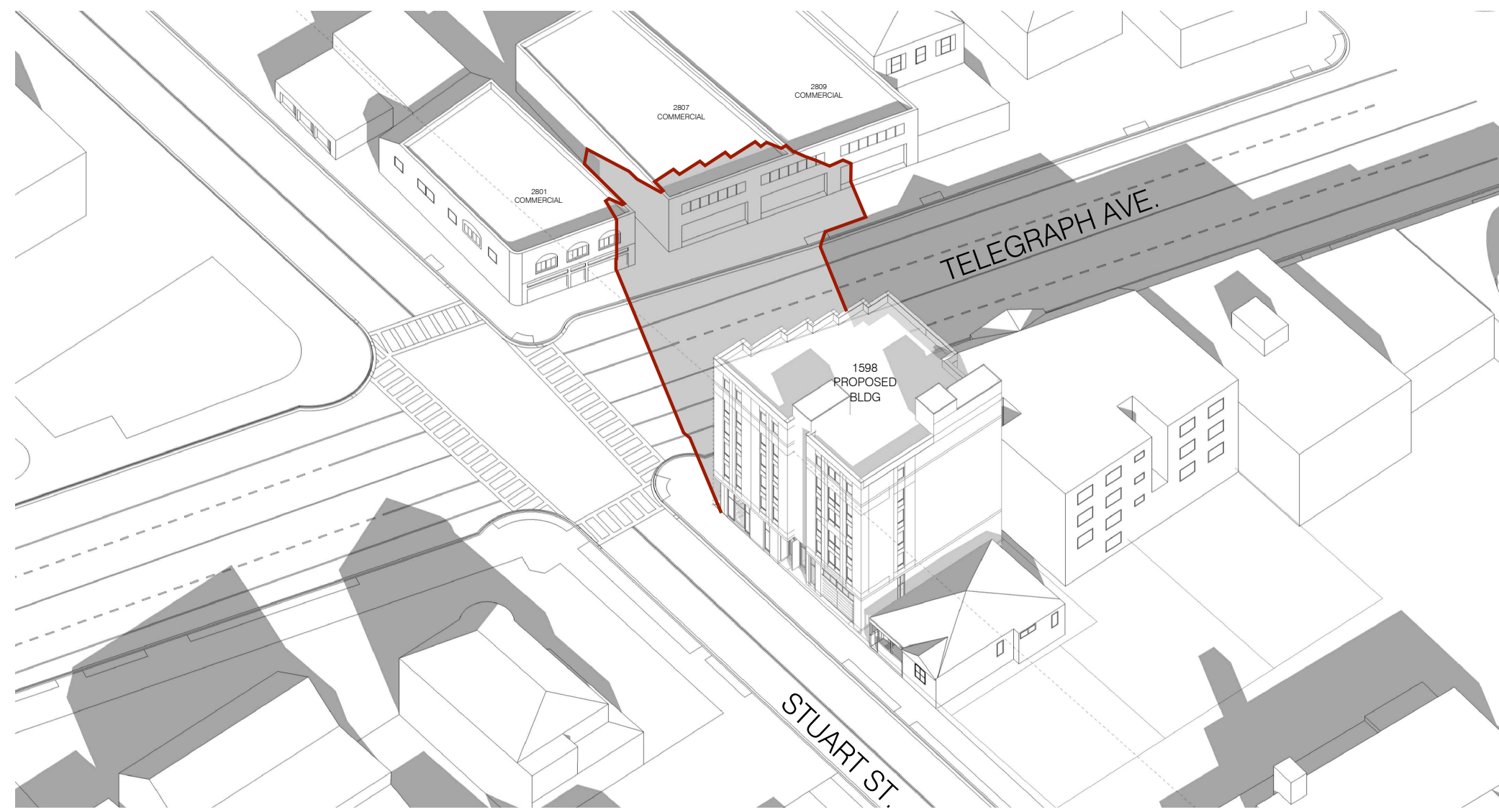
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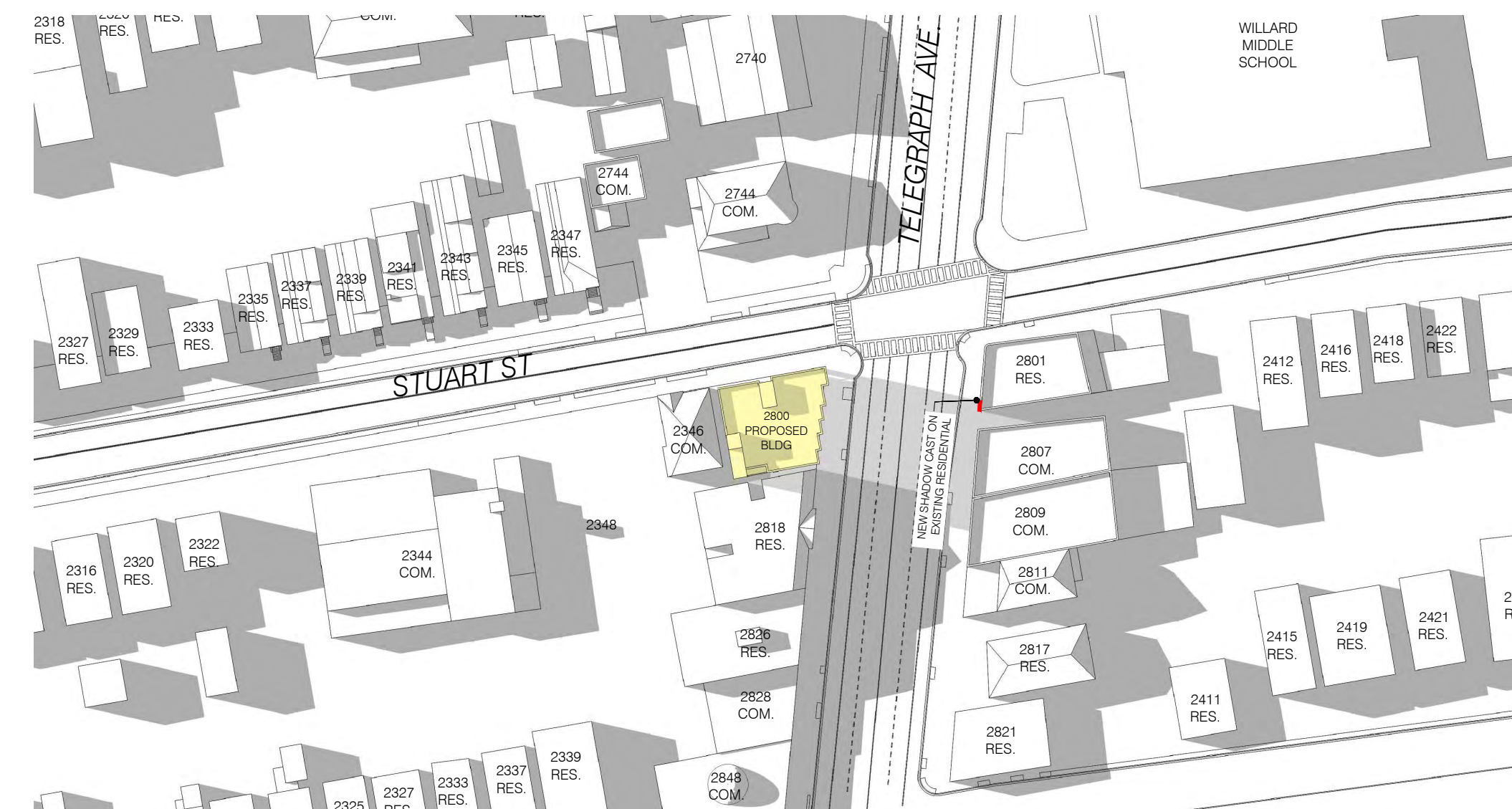
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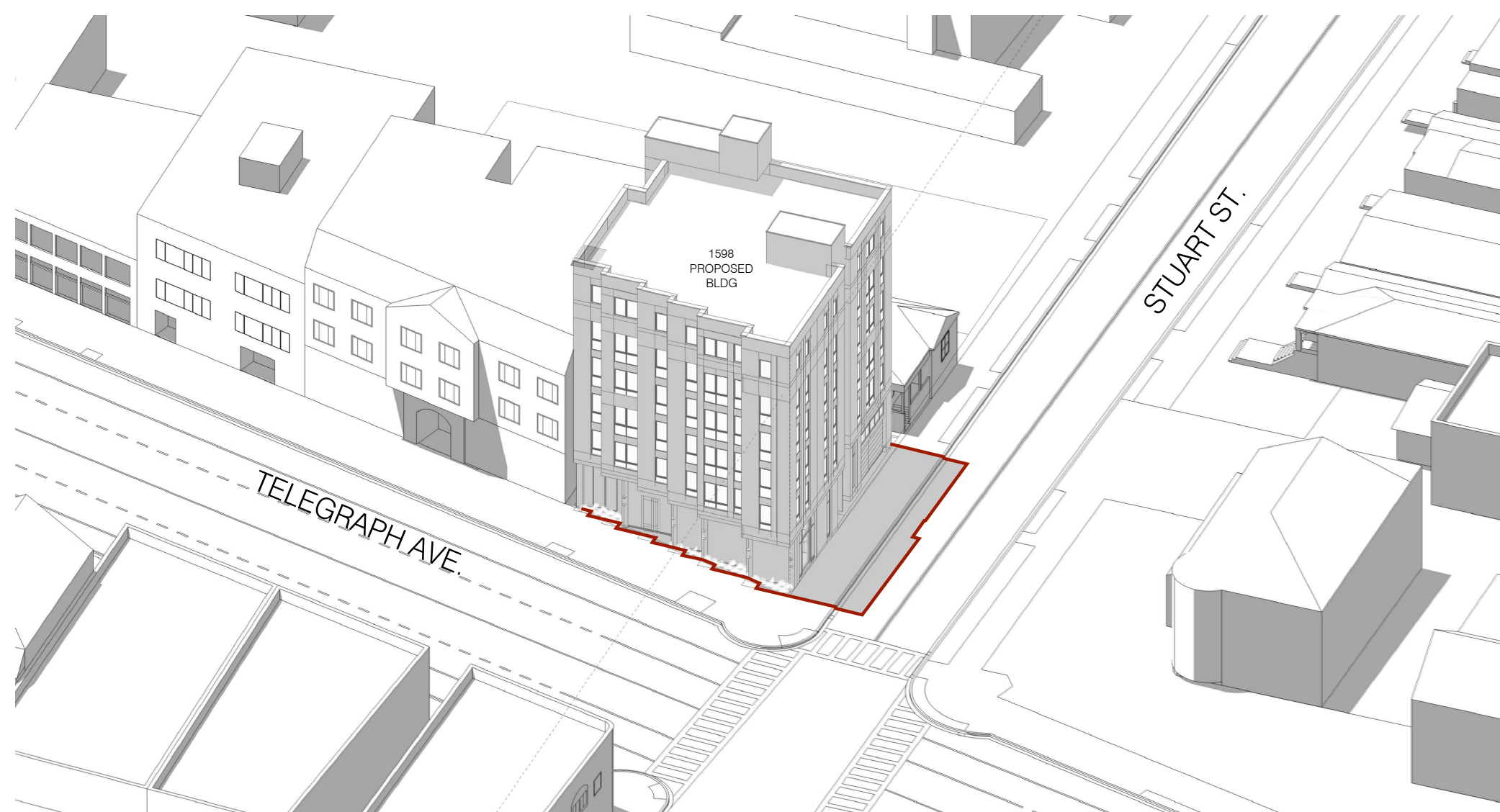


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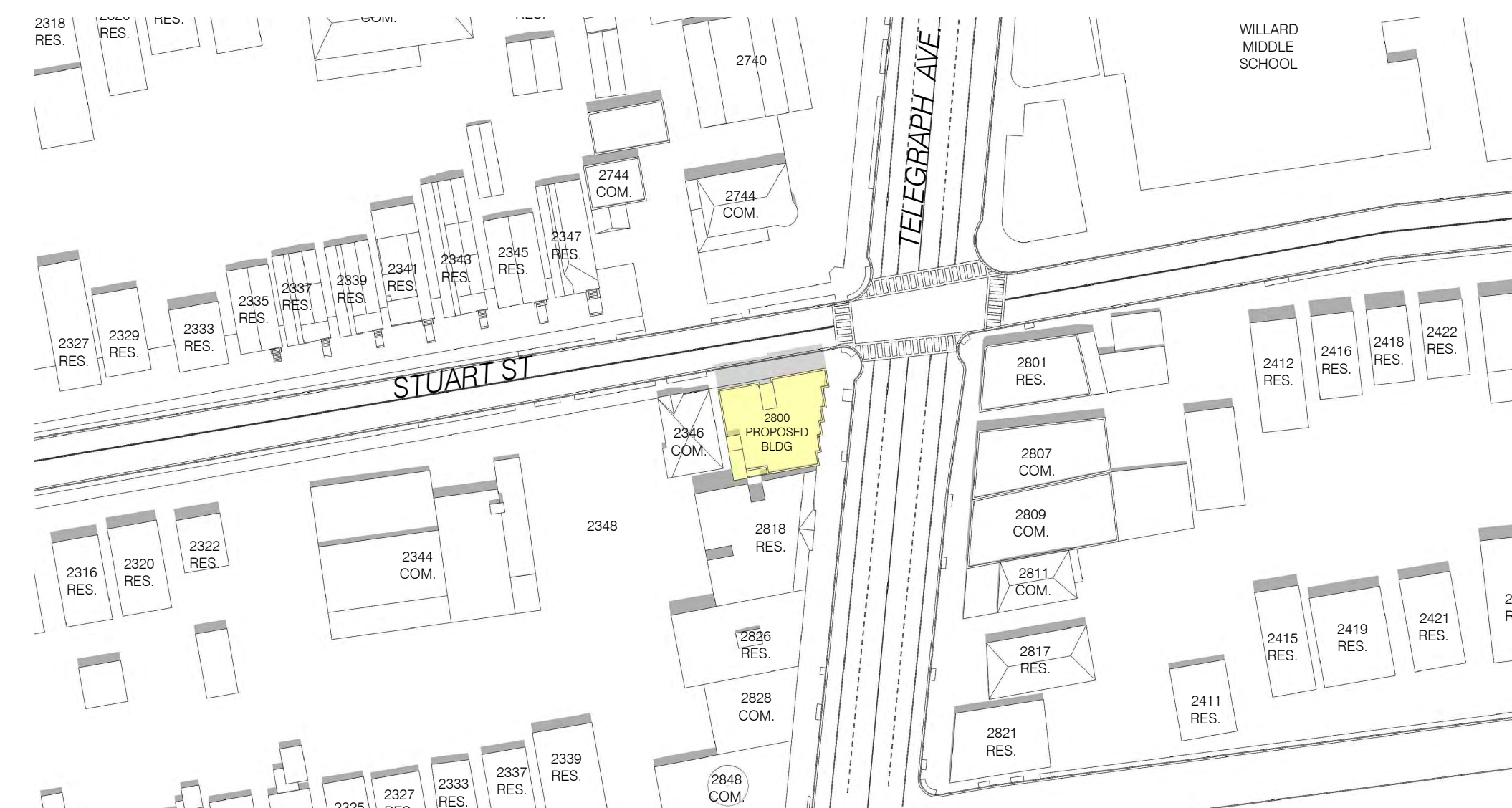
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JUN 21ST:
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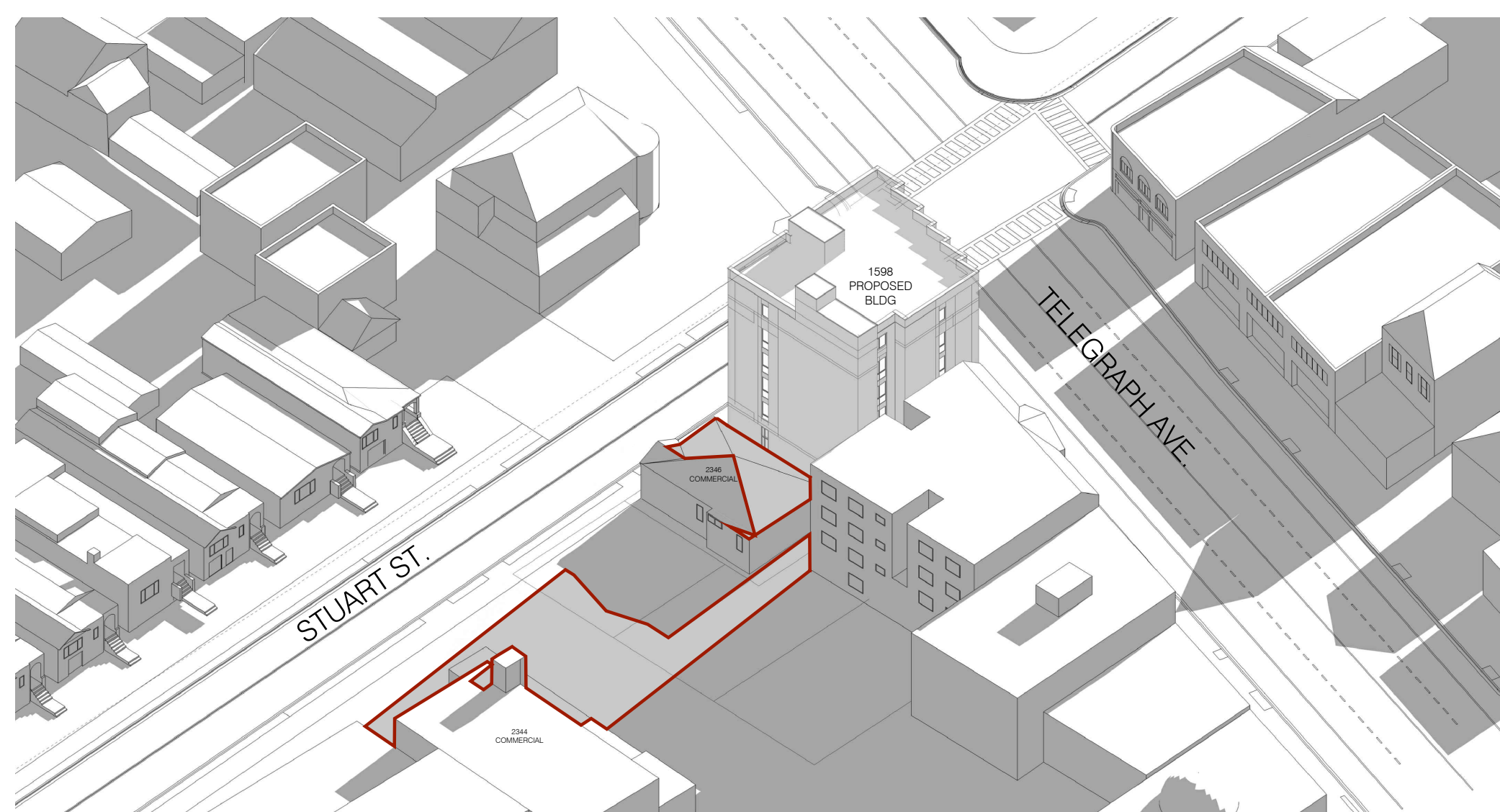


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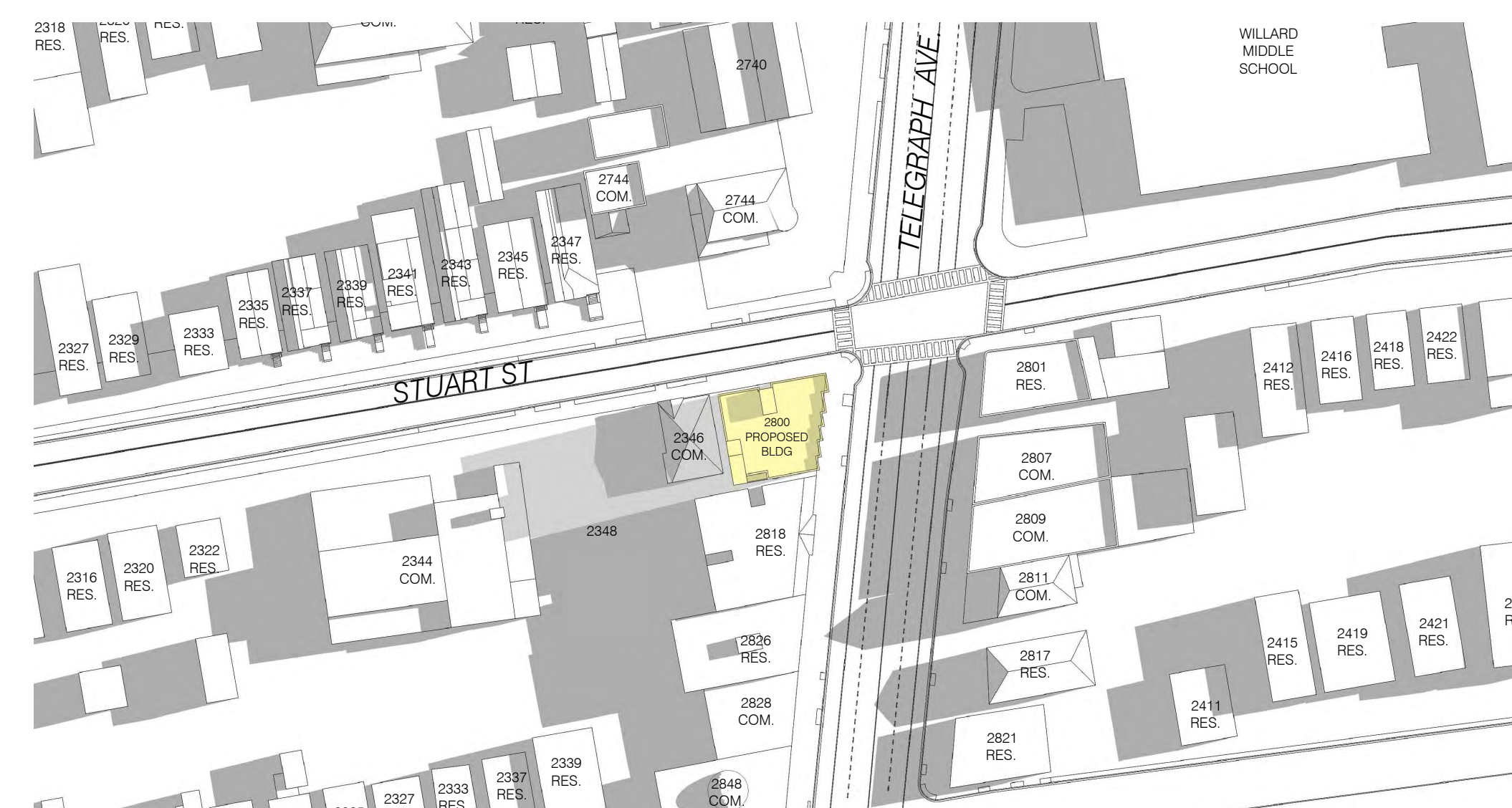
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JUNE 21ST

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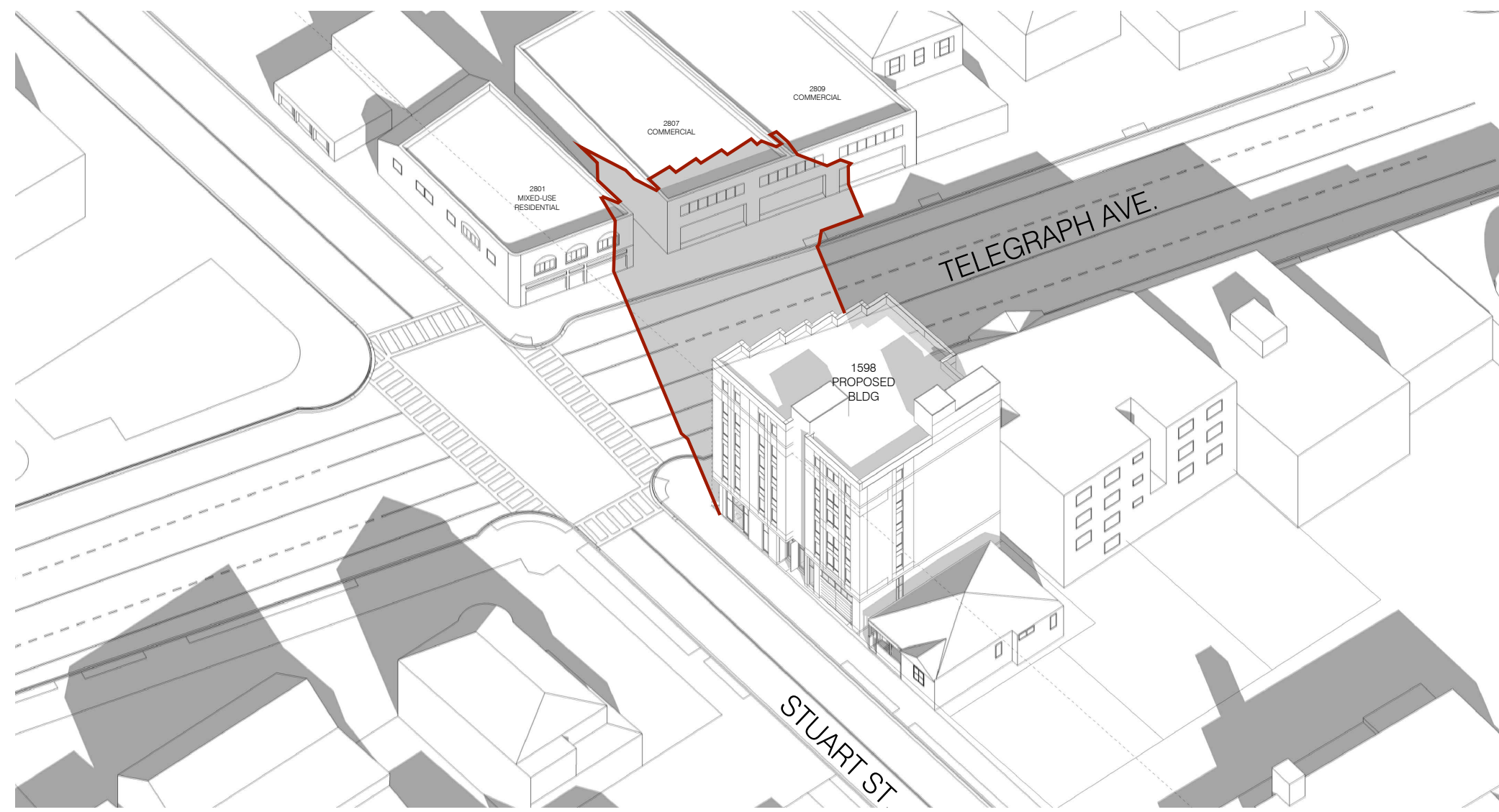
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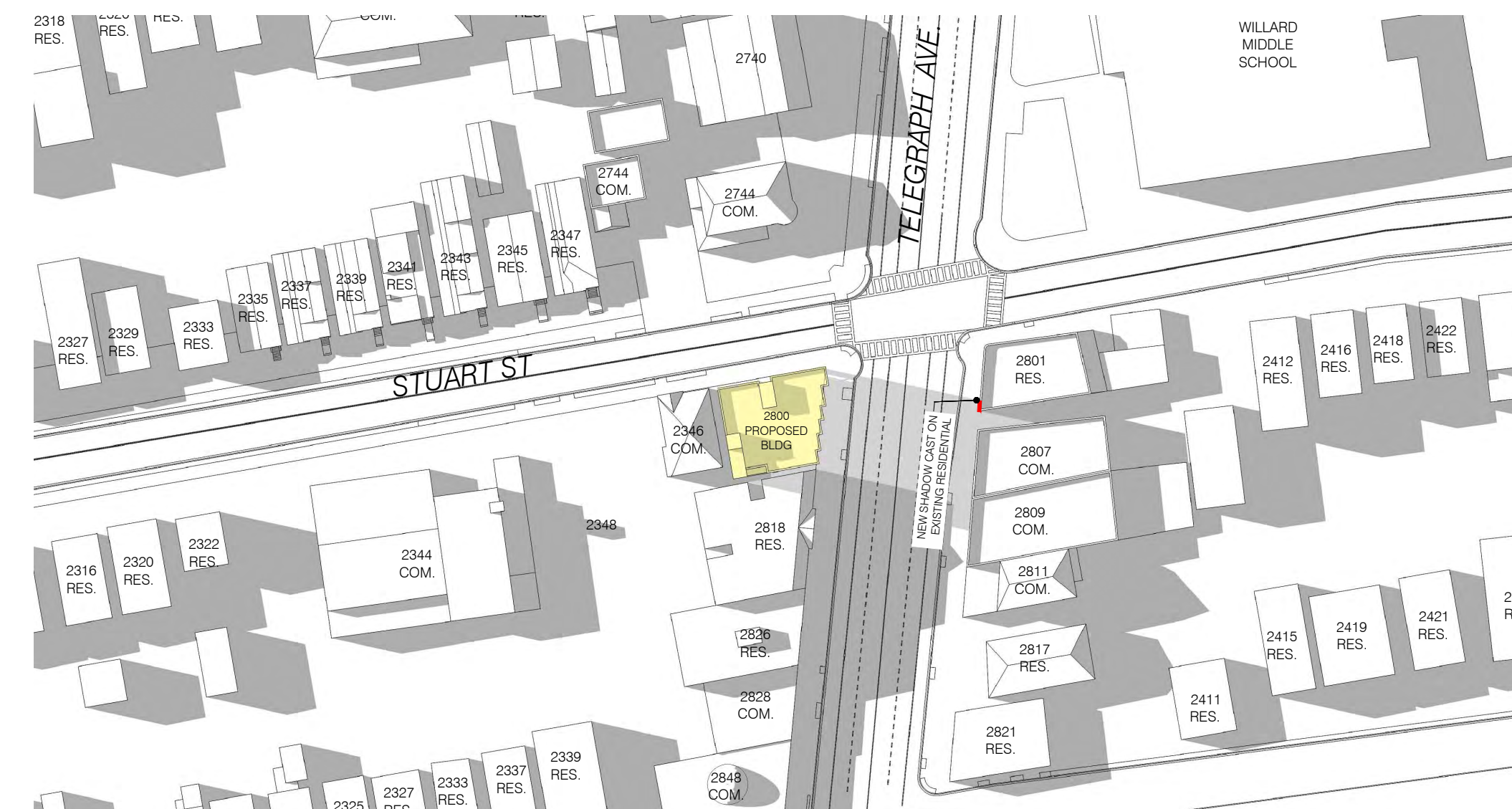
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JULY 29:
2-HRS BEFORE SUNSET (PM)

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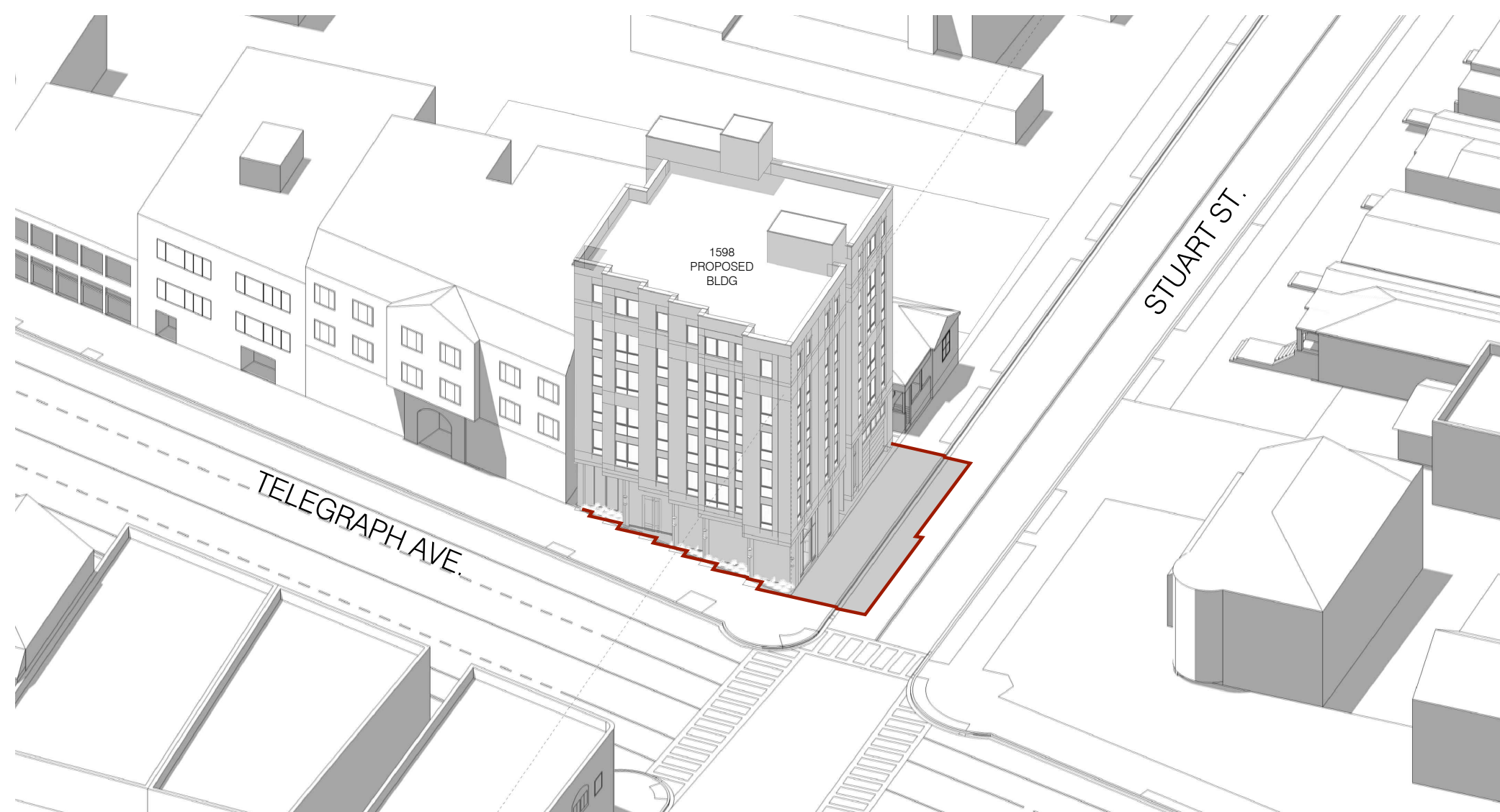


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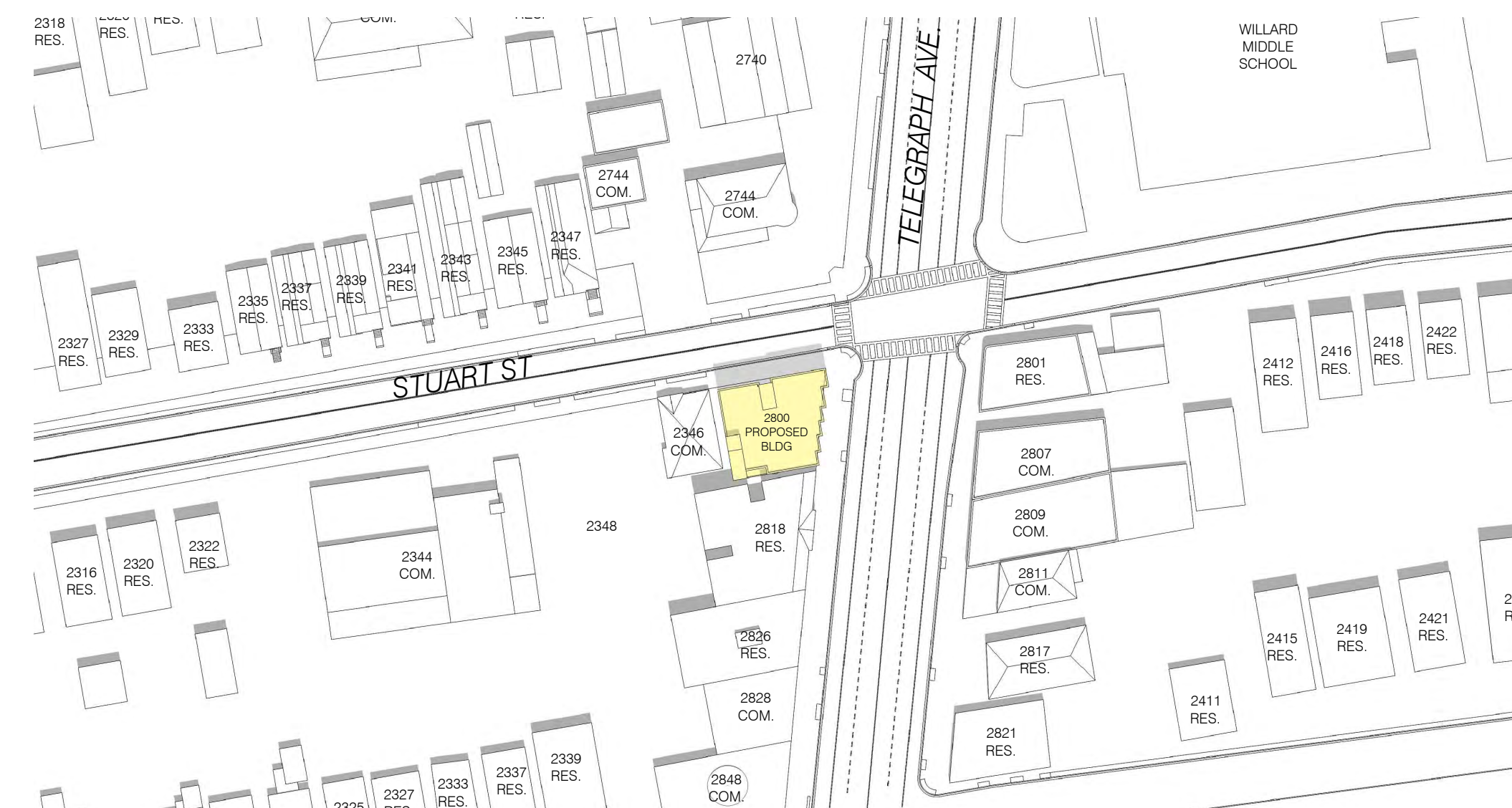
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N.T.S.

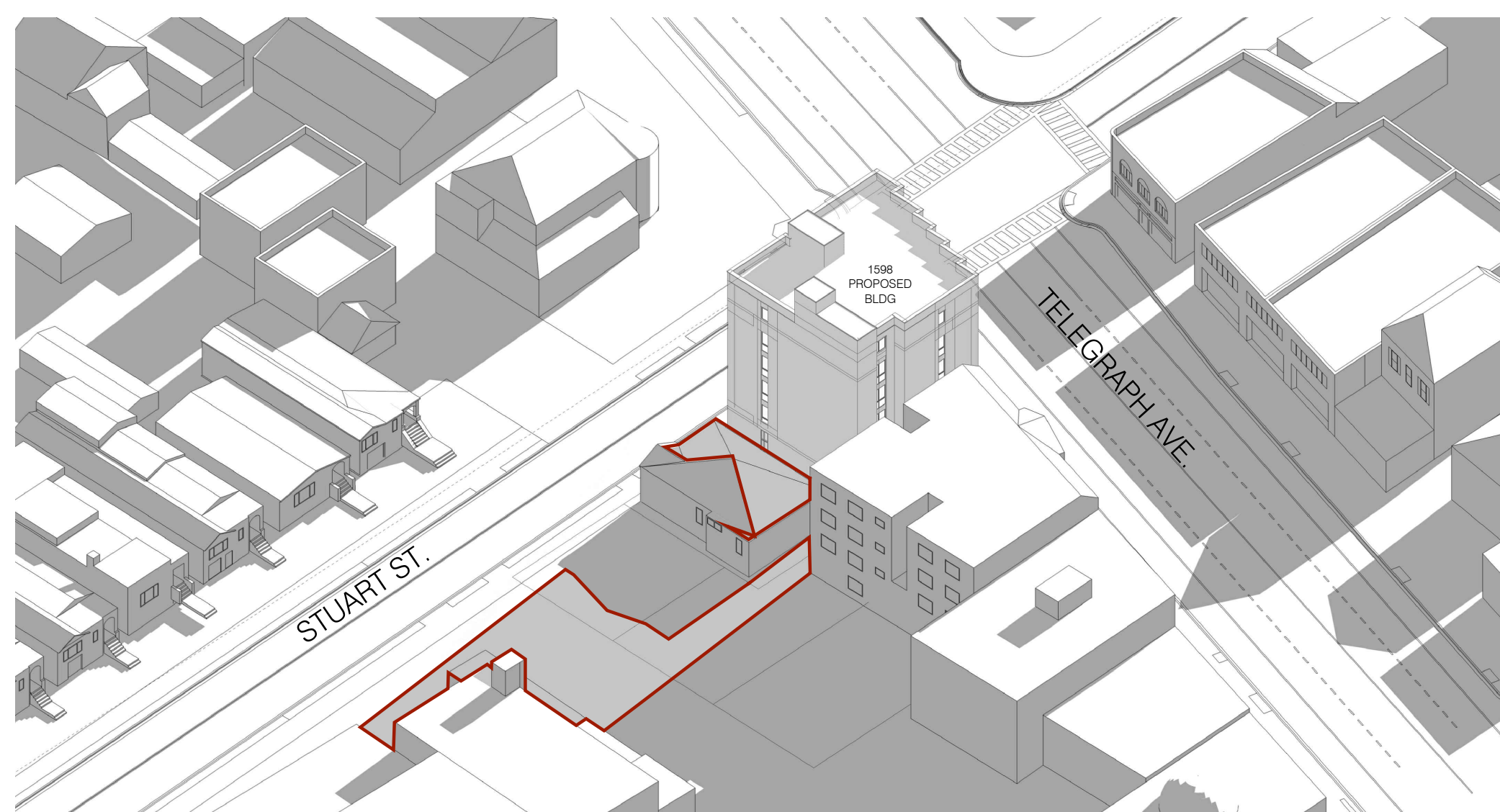


3 SHADOW STUDY - NOON
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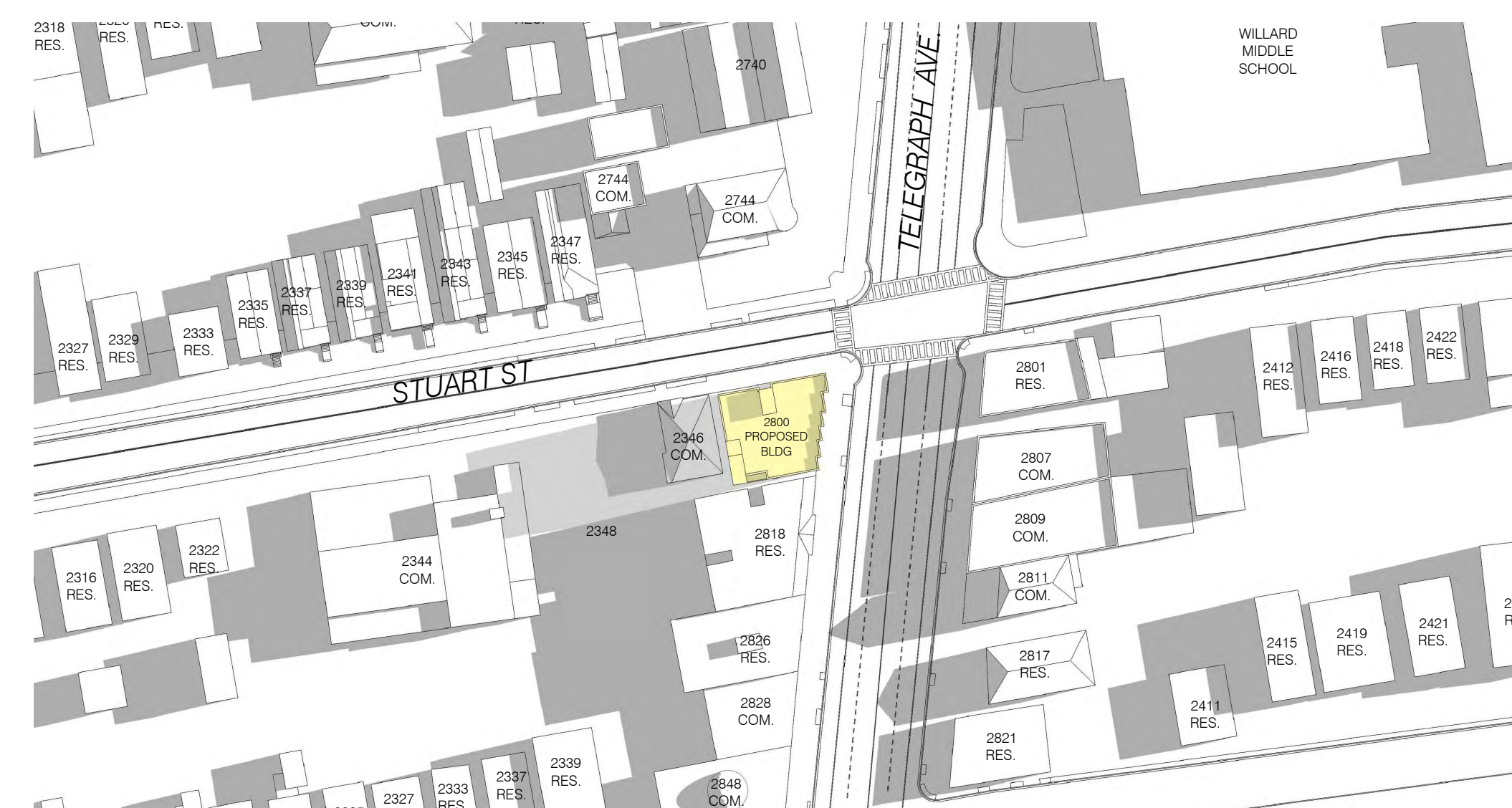
CURRENT
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- LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
- NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



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



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

PANORAMIC 2800 TELEGRAPH

Berkeley, CA

08.05.2022 ZONING APPLICATION
10.07.2022 ZONING RESUBMISSION
11.11.2022 ZONING RESUBMISSION

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JOB: 2140

SHEET:

SHADOW STUDIES
JULY 29

A0.4C

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JOB: 2140

SHEET:

SITE CONTEXT
PHOTOS

A0.5

2801 TELEGRAPH AVE (2-STORY COMMERCIAL) 2800 TELEGRAPH PROJECT SITE 2744 TELEGRAPH AVE (3-STORY COMMERCIAL)



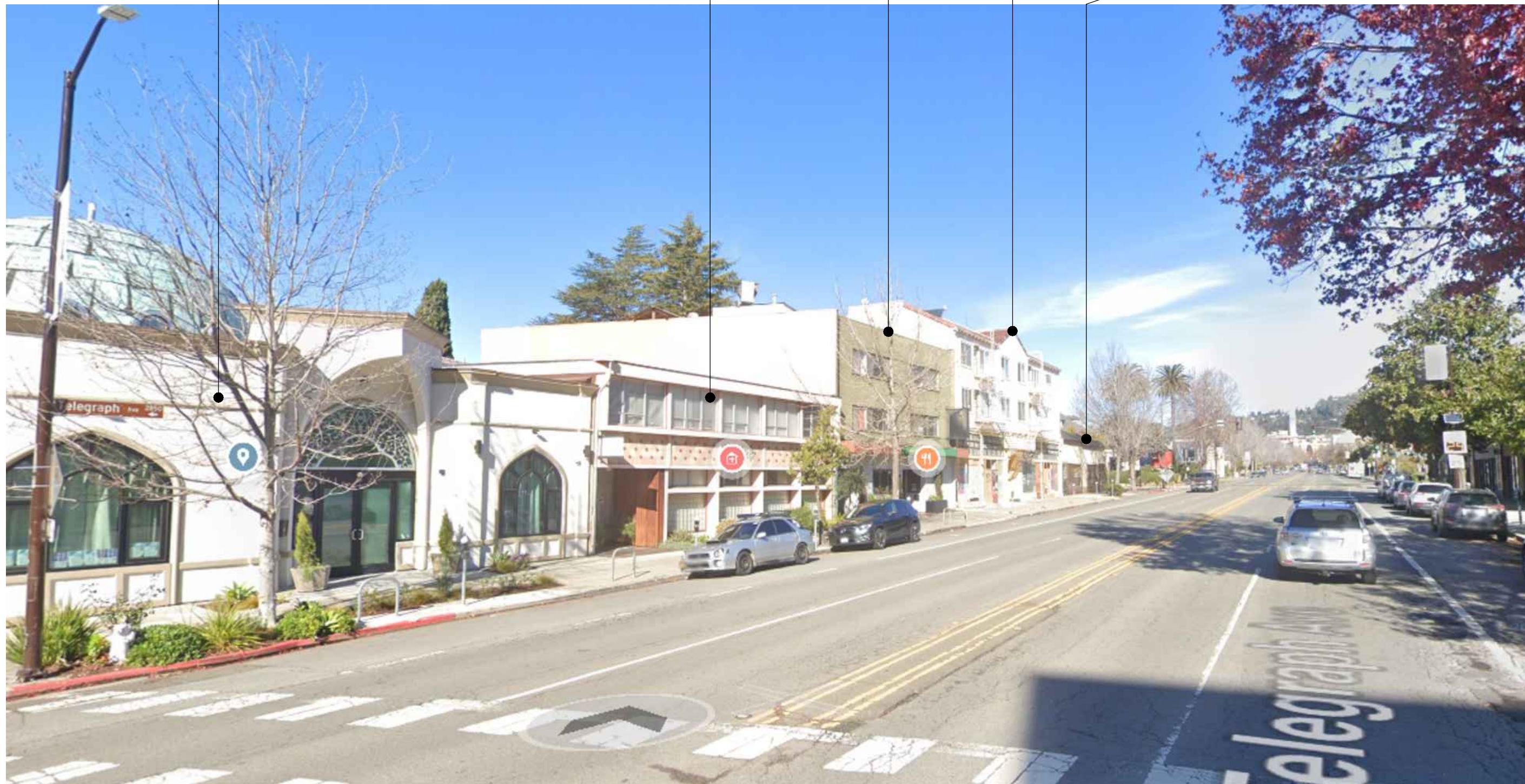
4 VIEW FROM STUART LOOKING WEST
A0.5

2744 TELEGRAPH AVE (3-STORY COMMERCIAL) 2425 TELEGRAPH AVE (2-STORY SCHOOL) 2800 TELEGRAPH PROJECT SITE 2348 STUART ST (2-STORY RESIDENTIAL)



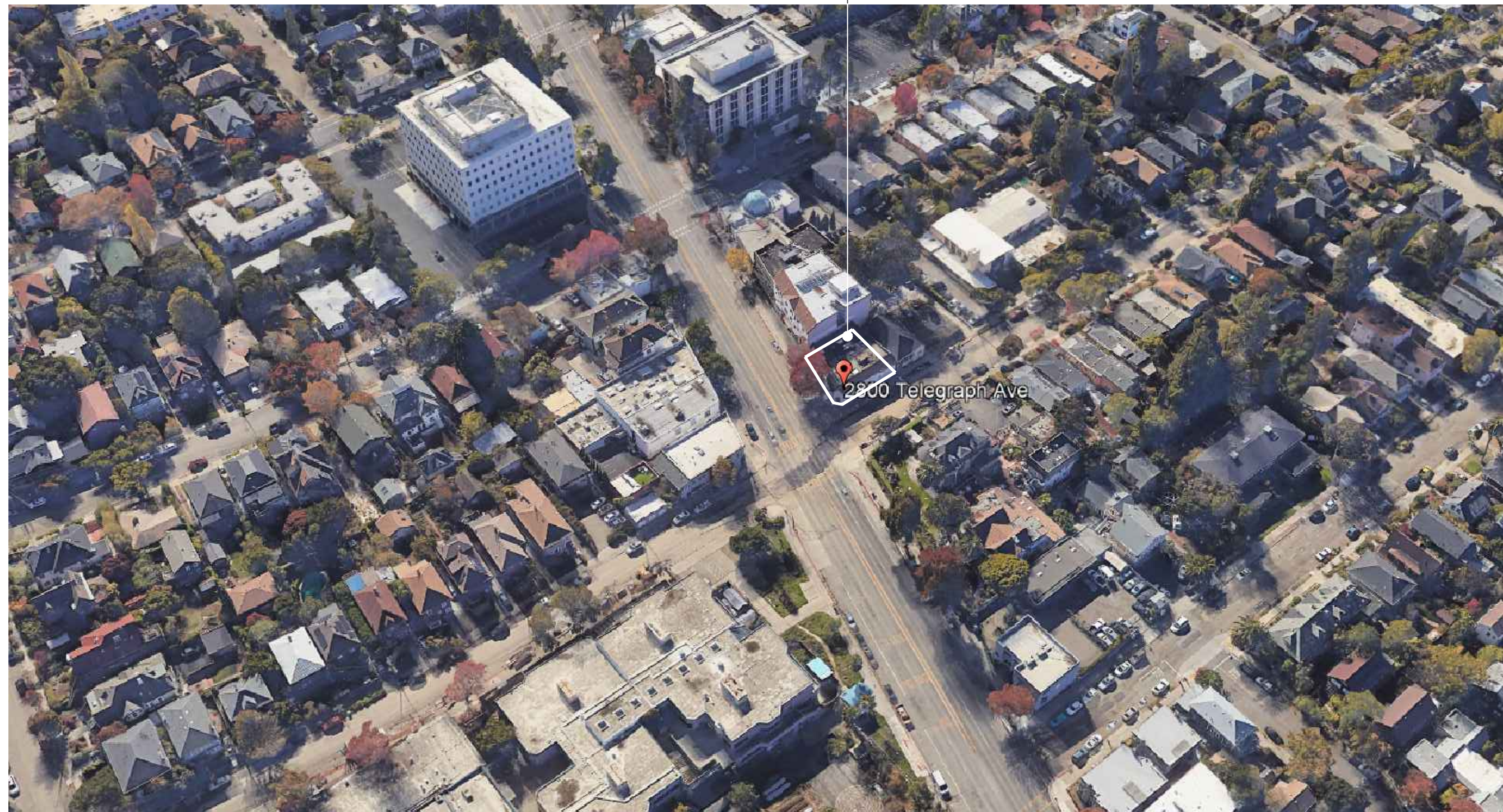
2 VIEW FROM STUART LOOKING EAST
A0.5

2848 TELEGRAPH AVE (1-STORY COMMERCIAL) 2828 TELEGRAPH AVE (2-STORY COMMERCIAL) 2826 TELEGRAPH AVE (3-STORY MIXED-USE) 2818 TELEGRAPH AVE (3-STORY MIXED-USE) 2800 TELEGRAPH PROJECT SITE



3 VIEW FROM TELEGRAPH LOOKING NORTH
A0.5

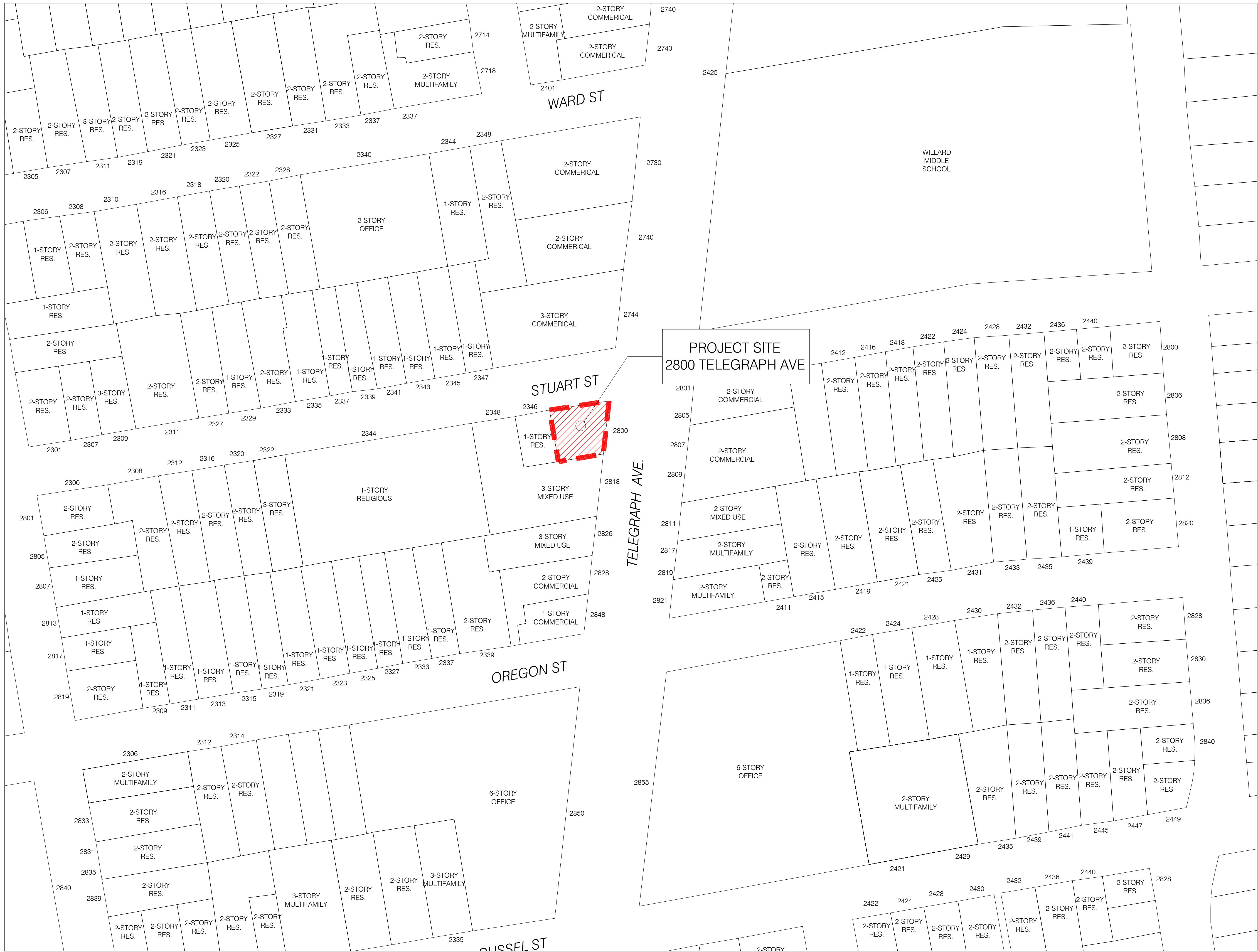
2800 TELEGRAPH PROJECT SITE



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW
A0.5



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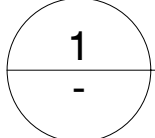
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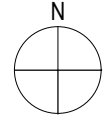
JOB: 2140

SHEET:

VICINITY MAP



1
-
VICINITY MAP
NTS



A0.6

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JOB: 2140

SHEET:

SURVEY

A1.0

TITLE REPORT

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY OLD REPUBLIC TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 0227027545-MN, EFFECTIVE DATE JANUARY 12, 2022 AT 7:30 A.M.

TITLE TO SAID ESTATE IS VESTED IN:

ADLAI M. KARIM, AN UNMARRIED MAN, SUBJECT TO PROCEEDINGS PENDING IN U.S. BANKRUPTCY COURT OF THE NORTHERN CALIFORNIA COURT DISTRICT OF CALIFORNIA, ENTITLED "ADLAI MONTAZ KARIM, DEBTOR, CASE NO. 18-40667, WHEREIN A PETITION FOR A RELIEF WAS FILED ON THE DATED OF 03/20/2018 CHAPTER 13; CONVERTED ON 05/09/2018 TO CHAPTER 11

THE ESTATE OR INTEREST IN THE LAND IS:

FEE

LEGAL DESCRIPTION

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

A PORTION OF LOTS 5 AND 6, IN BLOCK "G", MAP OF THE LEONARD TRACT, BERKELEY, FILED SEPTEMBER 17, 1875, MAP BOOK 5, PAGE 11, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERN LINE OF STUART STREET WITH THE WESTERN LINE OF TELEGRAPH AVENUE, FORMERLY HUMBOLDT AVENUE, AS SAID STREET AND AVENUE ARE SHOWN ON THE MAP HEREIN REFERRED TO; RUNNING THENCE WESTERLY ALONG SAID LINE OF STUART STREET 70 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 60 FEET; THENCE EASTERLY PARALLEL WITH SAID LINE OF STUART STREET 55 FEET, MORE OR LESS, TO THE WESTERN LINE OF TELEGRAPH AVENUE; THENCE NORTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE 62 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

APN: 053-1689-001

EXCEPTIONS TO TITLE

- PROVISIONS OF THE BANKRUPTCY REFORM ACT OF 1978, AS AMENDED, AND OF THE TERMS, CONDITIONS AND PROVISIONS OF ANY ORDER WHICH MAY BE ENTERED IN THE FOLLOWING CASE NO. 18-40667, DISTRICT NORTHERN, DEBTOR ADLAI MONTAZ KARIM, CHAPTER CHAPTER 11 (EXC. 6 - NOT PLOTTABLE).
- MATTERS AS CONTAINED OR REFERRED TO IN AN INSTRUMENT ENTITLED ORDER GRANTING MOTION TO MODIFY PLAN, RECORDED FEBRUARY 18, 2021 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 2021069777 (EXC. 7 - NOT PLOTTABLE).

TABLE A NOTES

- FOUND MONUMENTS ARE SHOWN ON THIS SHEET OF THE SURVEY.
- THE STREET ADDRESS OF THE PROPERTY IS 2800 TELEGRAPH AVENUE, BERKELEY, CA 94705.
- FLOOD ZONE DESIGNATION: THE PREMISES ARE LOCATED IN ZONE "X" (NON-SHADED) DEFINED AS "AREAS OF MINIMAL FLOOD," PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 06001C0057G, EFFECTIVE DATE: AUGUST 3, 2009.
- THE TOTAL GROSS LAND AREA IS: 3,694 SQUARE FEET +/- OR 0.085 ACRES MORE OR LESS.
- (A/B) ZONING REQUIREMENTS: PER THE CITY OF BERKELEY PLANNING AND ZONING DEPARTMENT, THE PROPERTY IS ZONED "C-C" DEFINED AS "CORRIDOR COMMERCIAL DISTRICT."

REFERENCE FOR "C-C" ZONING IS MADE HERE TO THE CITY OF BERKELEY CODE, CHAPTER 23.204.050, REGARDING PROPERTY DEVELOPMENT STANDARDS, BUILDING HEIGHT LIMITATION, BUILDING SETBACK AND PARKING REQUIREMENTS ARE AS FOLLOWS:

MINIMUM FRONT YARD: NONE REQUIRED
MINIMUM INTERIOR SIDE YARD: NONE REQUIRED
MINIMUM REAR YARD: NONE REQUIRED

MAXIMUM HEIGHT: 40 FEET

MINIMUM PARKING REQUIREMENTS: NONE REQUIRED

- (A/B1/C) EXTERIOR DIMENSIONS AND SQUARE FOOTAGE OF BUILDING AT GROUND LEVEL, AND NUMBER OF STORIES ARE SHOWN ON THIS SHEET OF THE SURVEY.

- SUBSTANTIAL IMPROVEMENTS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN.

- THERE ARE NO PARKING SPACES LOCATED ON THE SUBJECT PROPERTY.

- THERE ARE NO DIVISIONS OR PARTY WALLS LOCATED ON THE SUBJECT PROPERTY WITH RESPECT TO ADJOINING PROPERTIES.

- (A) LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLAN OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT ARE SHOWN ON THIS SHEET.

- NAMES OF ADJOINING OWNERS OF PLATTED LANDS ARE SHOWN ON THIS SHEET OF THE SURVEY.

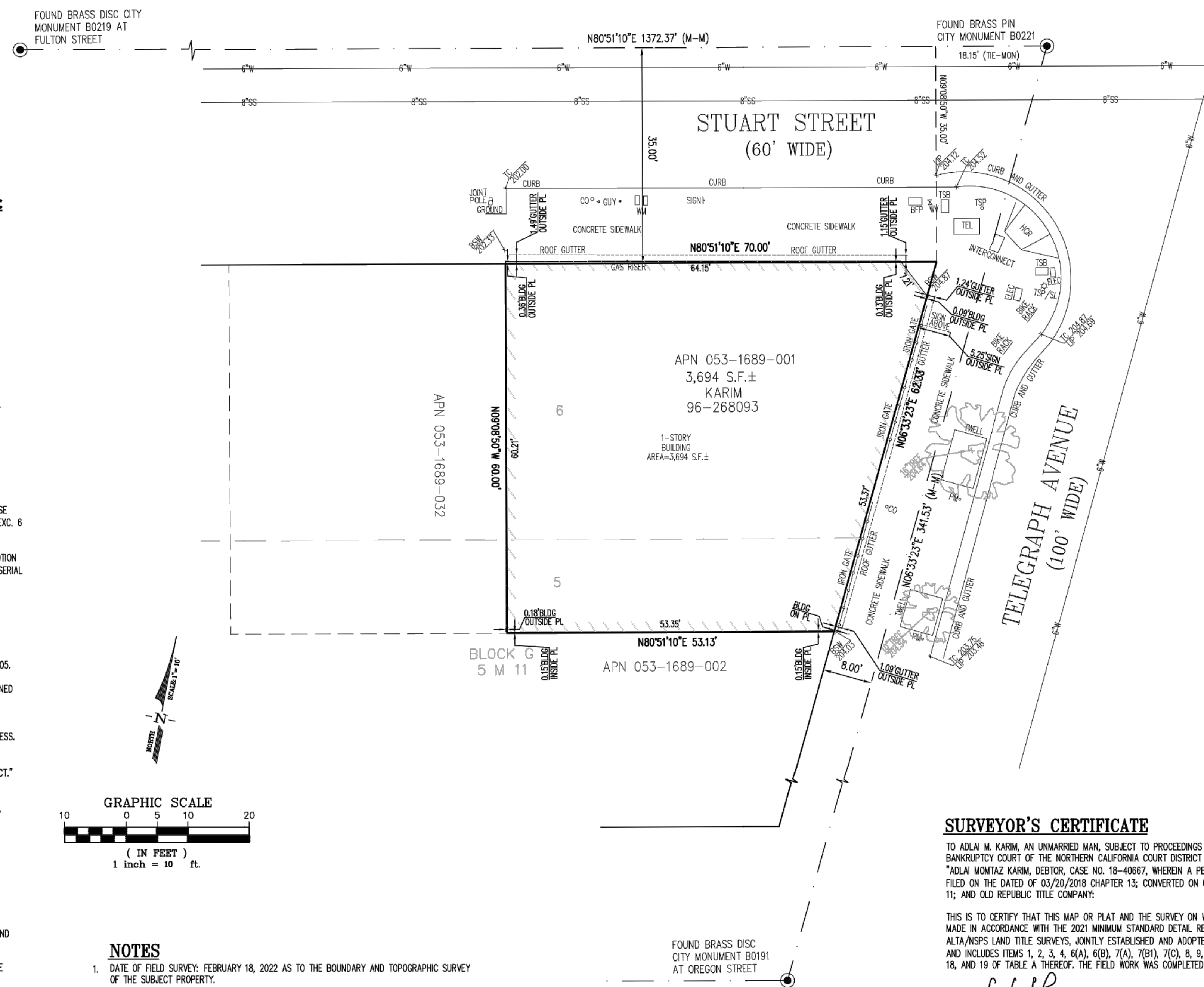
- DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON THIS SHEET OF THE SURVEY.

- THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.

- THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.

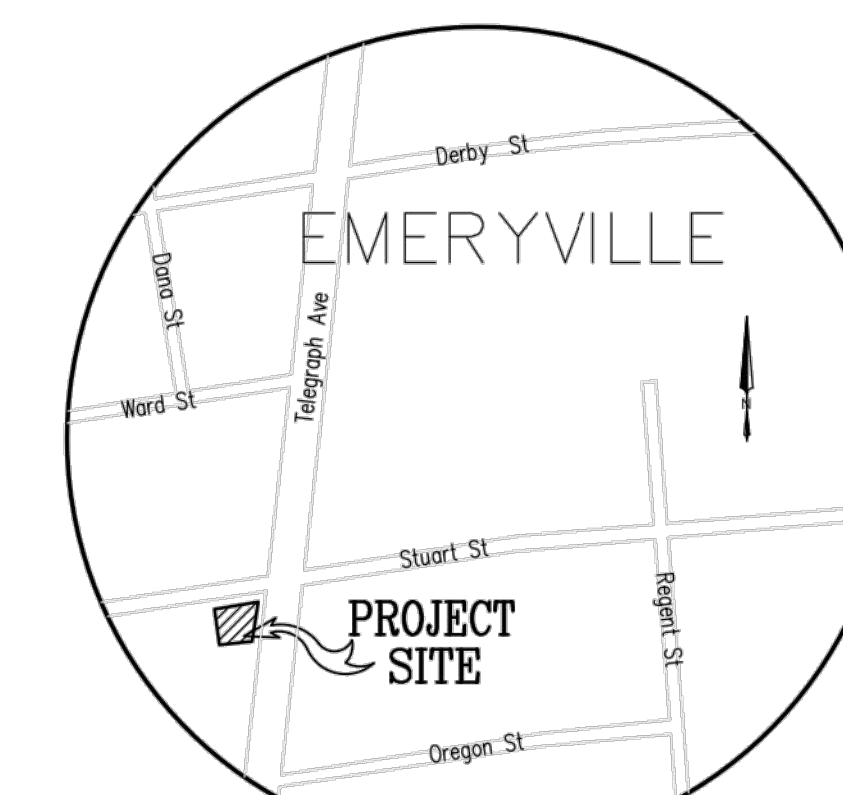
- THERE ARE NO OFFSITE EASEMENTS TO THE SUBJECT PROPERTY.

- PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 IS HELD BY THE SURVEYOR.



FOUND BRASS DISC CITY
MONUMENT B0219 AT
FULTON STREET

FOUND BRASS PIN
CITY MONUMENT B0221
18.15' (TIE-MON)



VICINITY MAP
NO SCALE

LEGEND

SYMBOLS	DESCRIPTION
---	BOUNDARY OF SUBJECT PROPERTY
---	RIGHT OF WAY LINE
---	ADJACENT LOT LINE
---	MONUMENT LINE
---	TIE LINE
---	OLD LOT LINE
---	ASSESSOR'S PARCEL MAP
---	RIGHT OF WAY
---	TIE LINE TO MONUMENT
---	MONUMENT TO MONUMENT
---	STREET LIGHT
---	CLEAN OUT
---	GUY WIRE
---	TRAFFIC SIGNAL BOX
---	WATER VALVE
---	BACK FLOW PREVENTER
---	TRAFFIC SIGNAL POLE
---	WATER METER
---	TELECOMMUNICATION BOX
---	PARKING METER
---	ELECTRIC BOX
---	HANDICAP RAMP
---	TREE WELL
X TC	TOP OF CURB ELEVATION
X BS	BACK OF SIDEWALK ELEVATION
X LP	LIP OF GUTTER ELEVATION
---	TREE

SURVEYOR'S CERTIFICATE

TO ADLAI M. KARIM, AN UNMARRIED MAN, SUBJECT TO PROCEEDINGS PENDING IN U.S. BANKRUPTCY COURT OF THE NORTHERN CALIFORNIA COURT DISTRICT OF CALIFORNIA, ENTITLED "ADLAI MONTAZ KARIM, DEBTOR, CASE NO. 18-40667, WHEREIN A PETITION FOR A RELIEF WAS FILED ON THE DATED OF 03/20/2018 CHAPTER 13; CONVERTED ON 05/09/2018 TO CHAPTER 11; AND OLD REPUBLIC TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B), 7(C), 8, 9, 10, 11(A), 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON FEBRUARY 18, 2022.

JACQUELINE LUK
FOR LUK & ASSOCIATES, INC.

DATE MARCH 11, 2022



ALTA/NSPS
LAND TITLE SURVEY
OF
2800 TELEGRAPH AVENUE
CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA
MARCH 2022
PREPARED BY
LUK AND ASSOCIATES
CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS
738 ALFRED NOBEL DRIVE
HERCULES, CALIFORNIA 94547
(510) 724-3388

SHEET 1 OF 1

JOB NO: 22048A10 PLOT DATE: MARCH 11, 2022

\\FILE2022\22048A10\ALTA-22048A10.dwg

1 SURVEY

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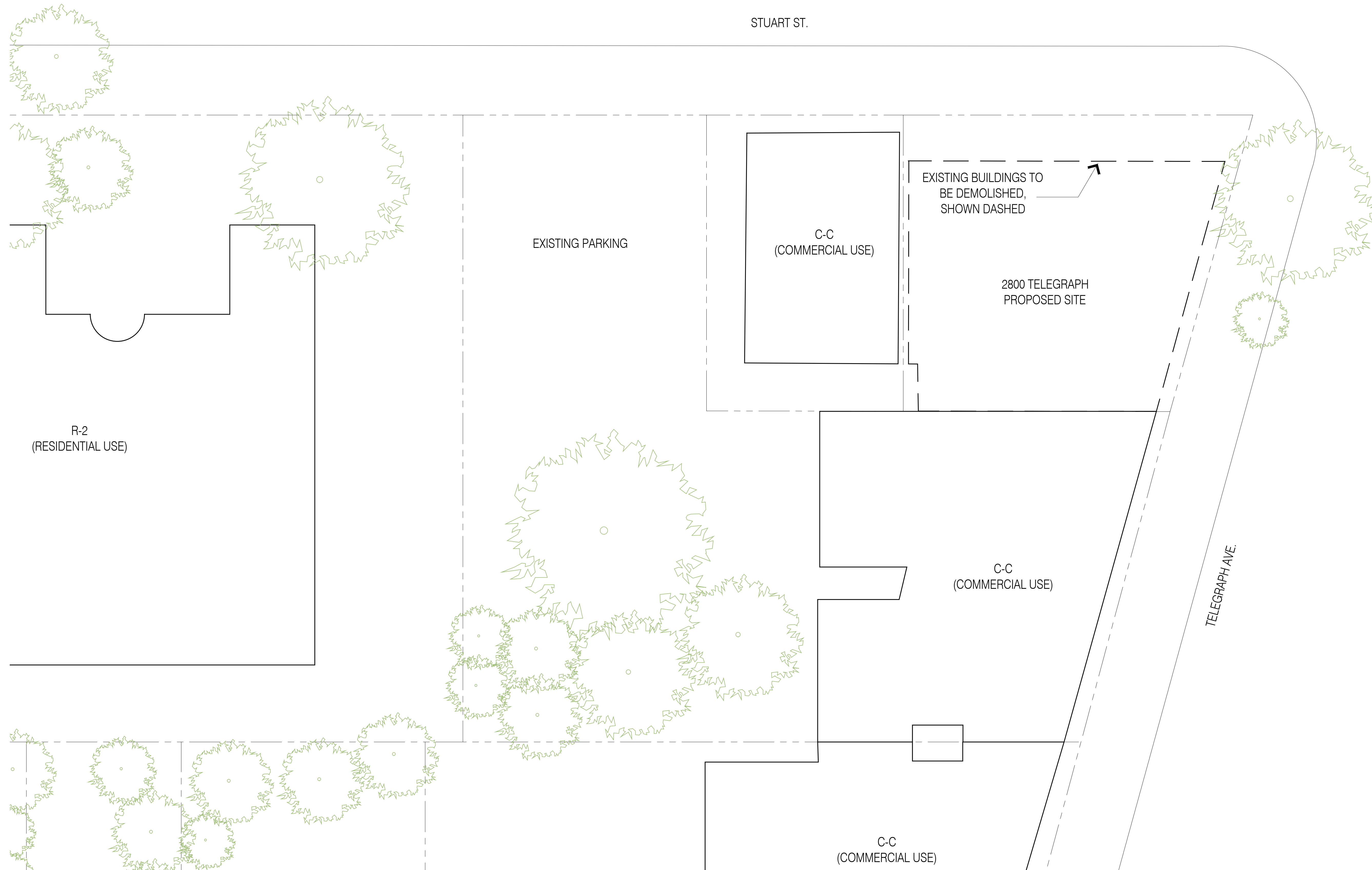
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JOB: 2140

SHEET:

EXISTING
SITE PLAN

A2.0



1 EXISTING SITE PLAN
3/64"=1'-0" @ 11x17 3/32"=1'-0" @ 24x36

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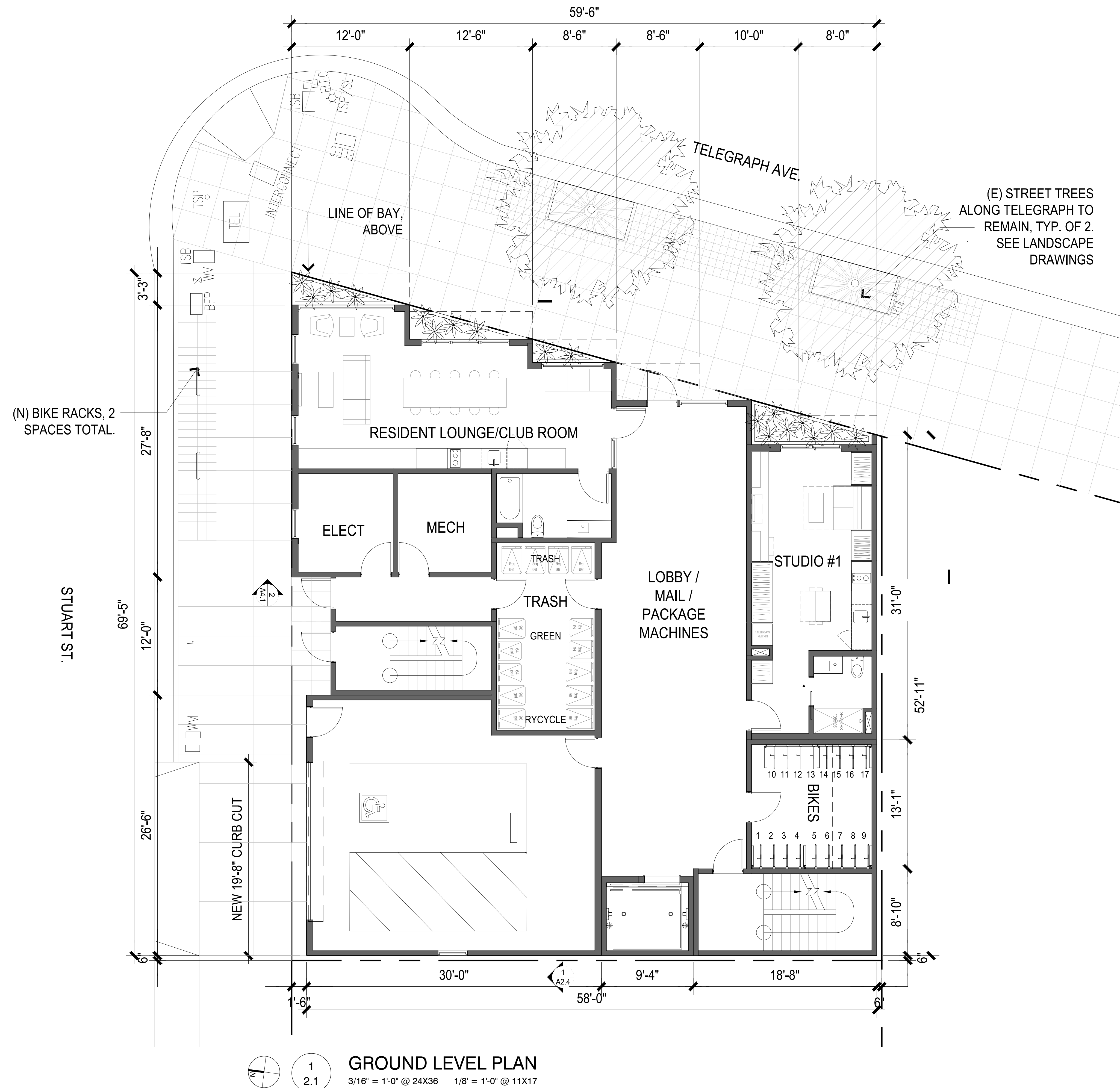
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JOB: 2140

SHEET:

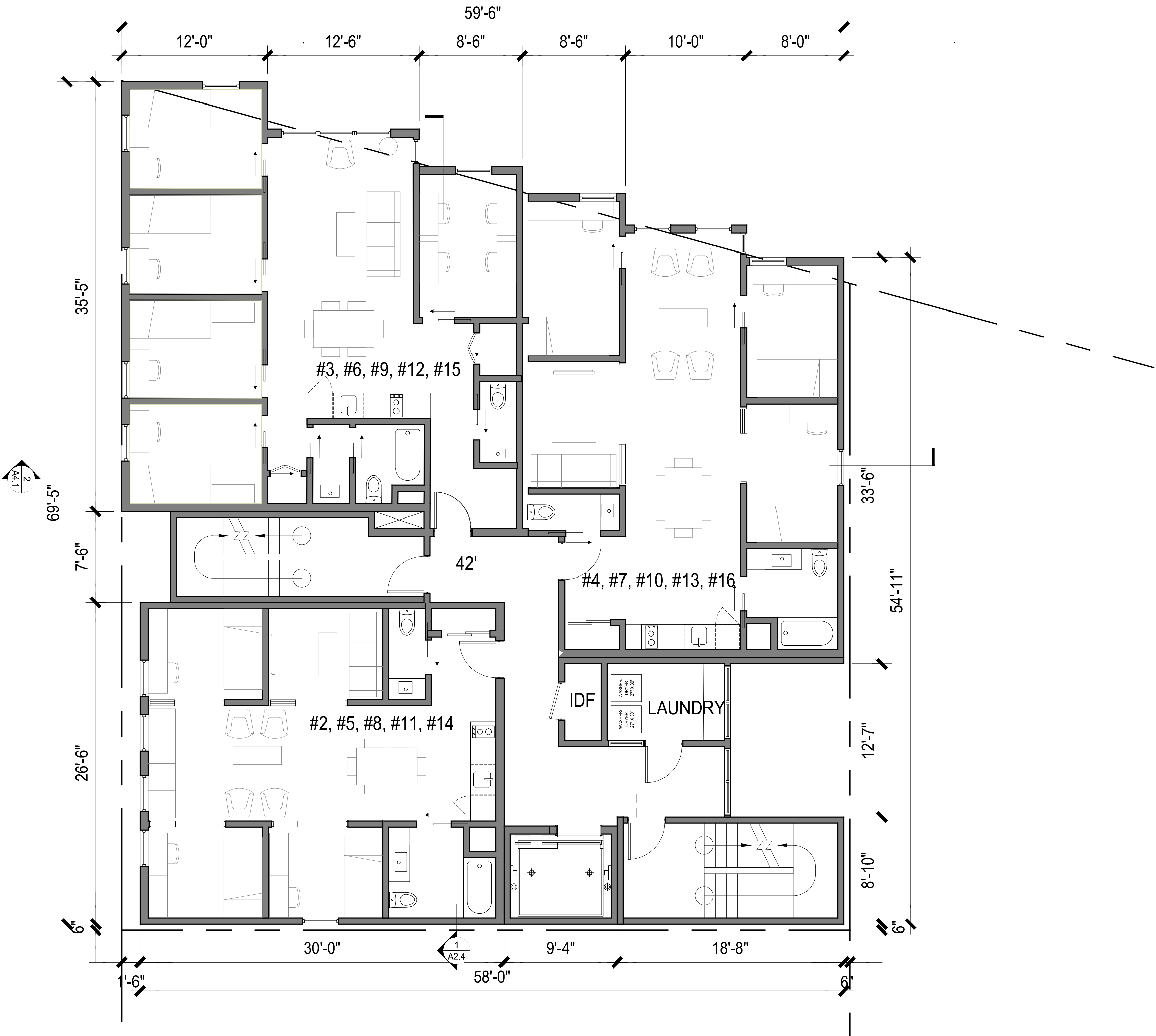
GROUND FLOOR PLAN

A2.1





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JOB: 2140

SHEET:

PLAN AT LEVELS 2-6

A2.2

1 PLAN AT LEVELS 2-6
 2.1 3/16" = 1'-0" @ 24X36 3/32" = 1'-0" @ 11X17



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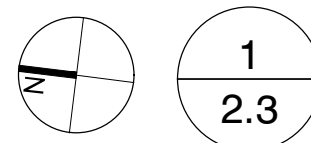
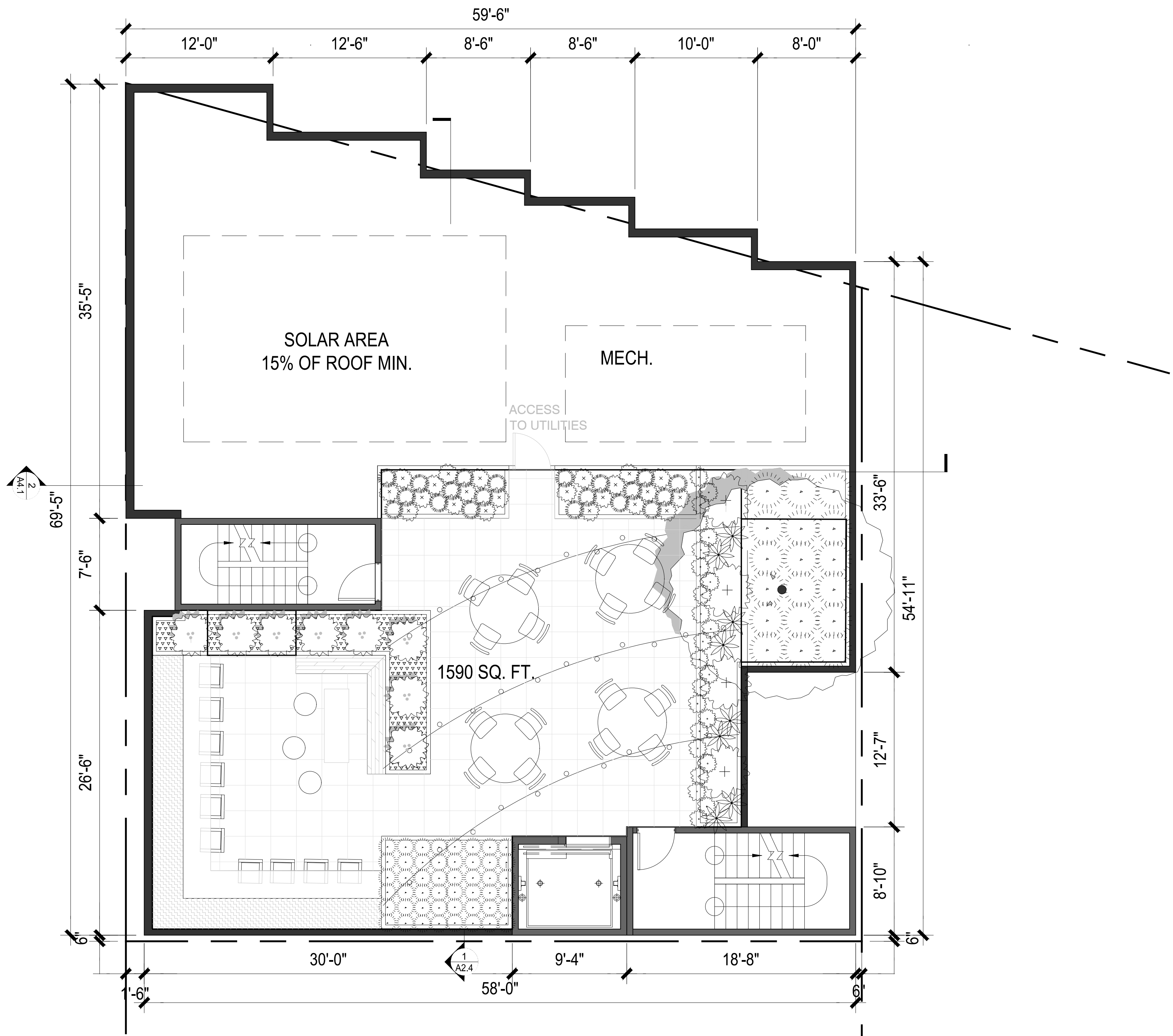
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SHEET:

ROOF PLAN

A2.3

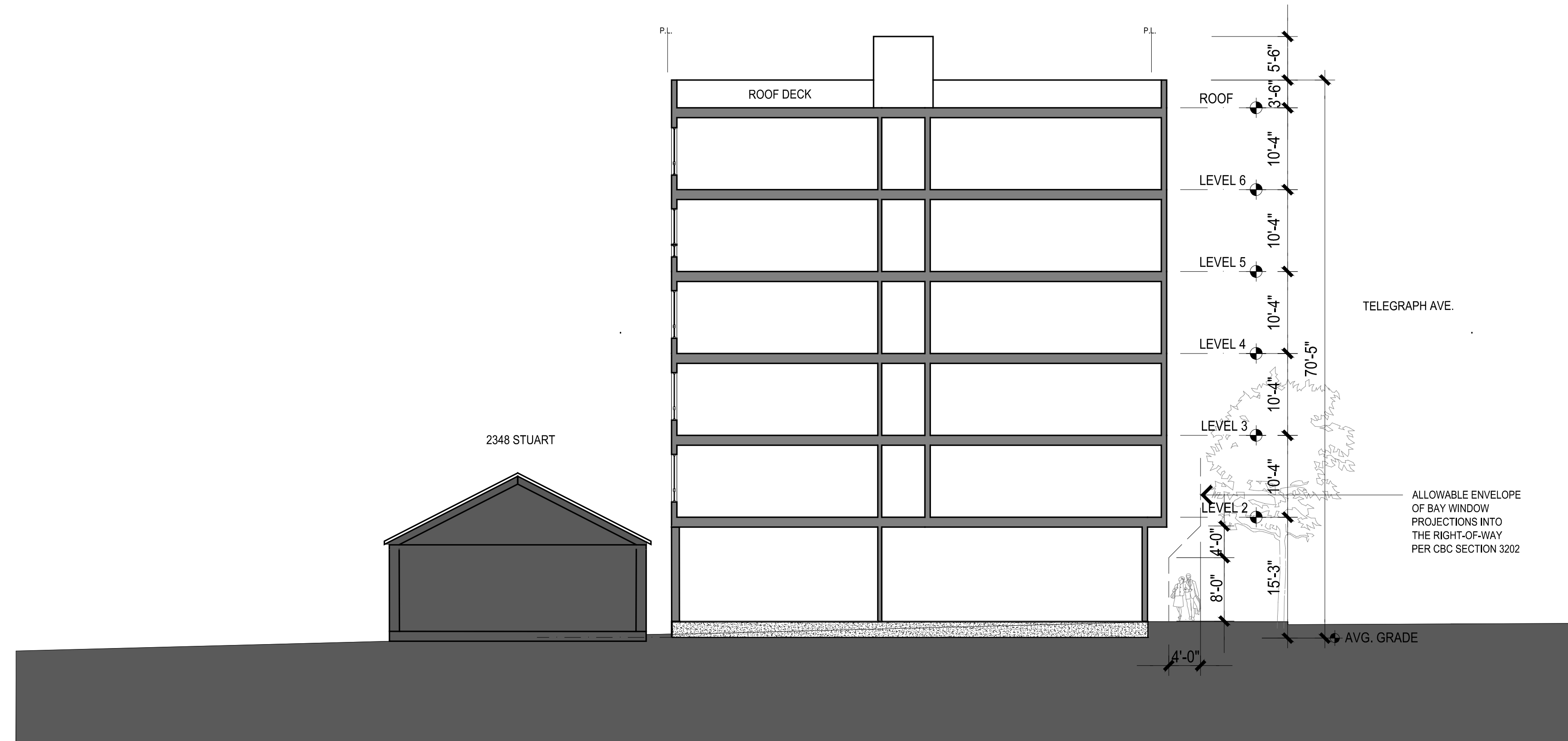


ROOF PLAN

3/16" = 1'-0" @ 24X36 3/32" = 1'-0" @ 11X17

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1 EAST WEST SECTION
 2.4 3/32" = 1'-0" @ 24X36 3/64" = 1'-0" @ 11X17

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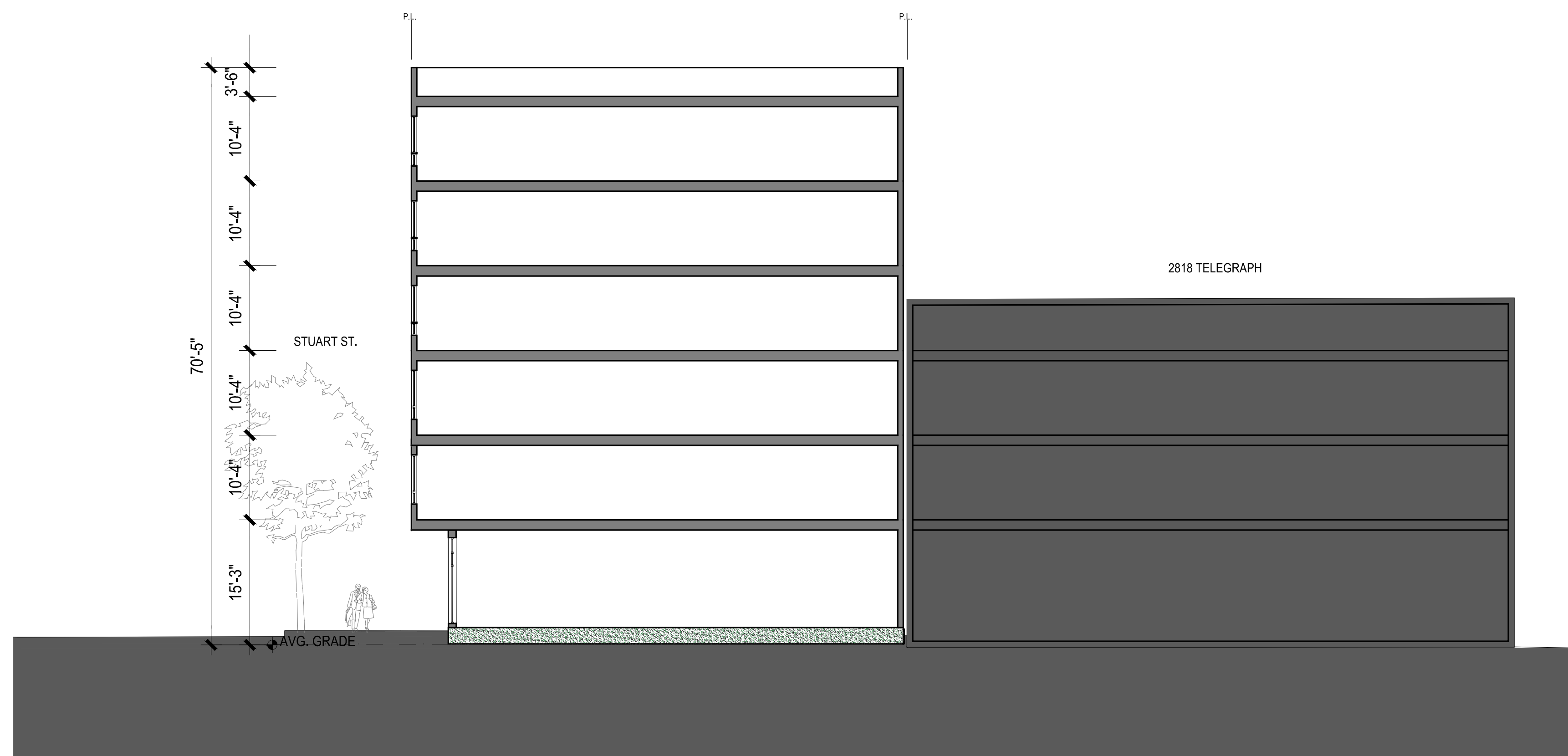
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JOB: 2140

SHEET:

SECTIONS

A2.4



2 NORTH SOUTH SECTION
 2.4 3/32" = 1'-0" @ 24X36 3/64" = 1'-0" @ 11X17

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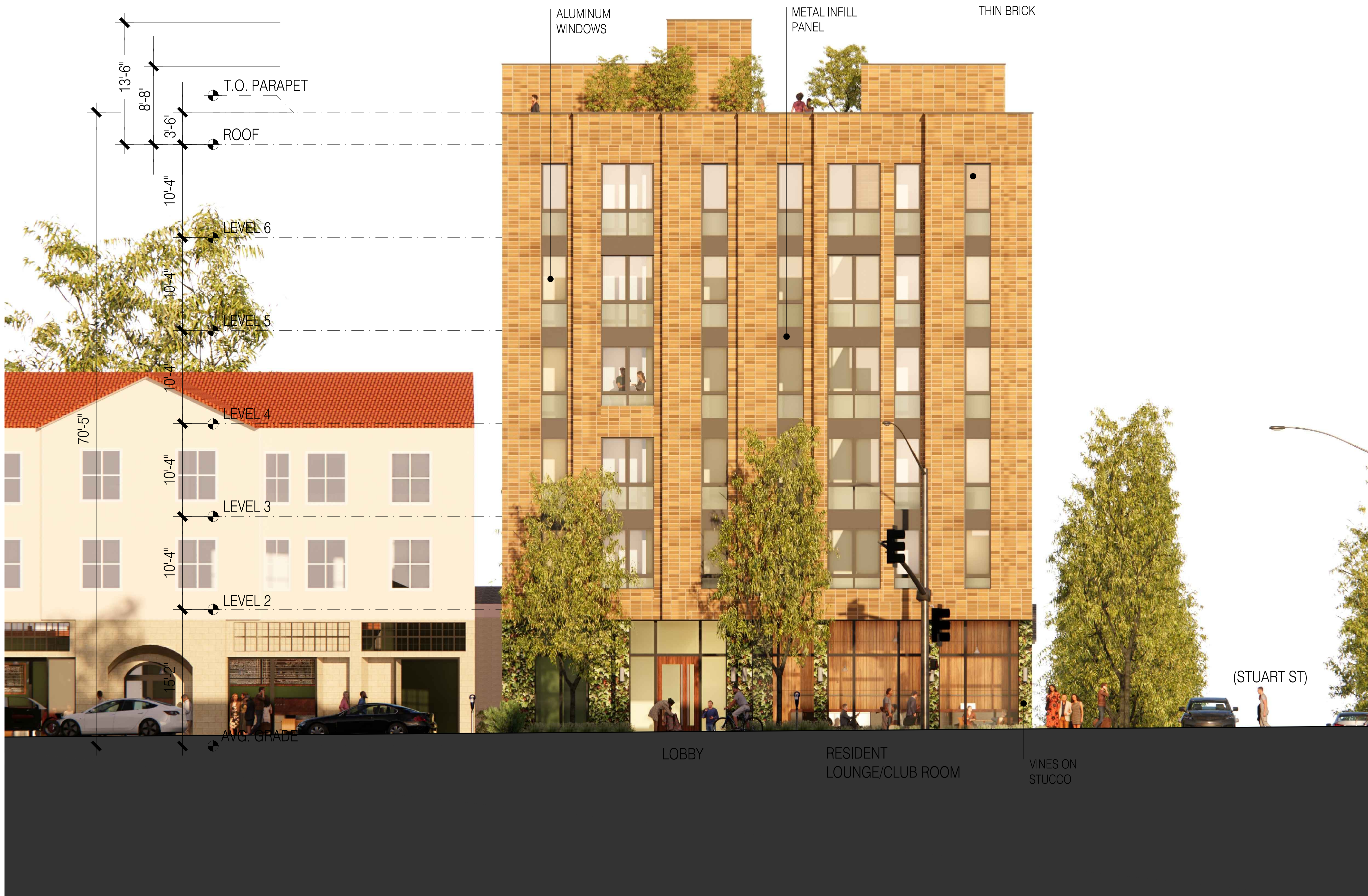
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JOB: 2140

SHEET:

BUILDING
ELEVATIONS

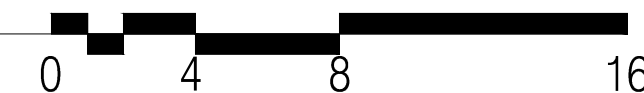
A3.1



1
A3.1

EAST ELEVATION

3/32"=1'-0" @ 11X17 3/16" = 1'-0" @ 24X36



16

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JOB: 2140

SHEET:

BUILDING
ELEVATIONS

A3.2



ALUMINUM
WINDOWS

METAL INFILL
PANEL

THIN BRICK

VINES ON
STUCCO

GARAGE ENTRY

13'-6"
8'-8"
T.O. PARAPET

3'-6"
ROOF

10'-4"
LEVEL 6

10'-4"
LEVEL 5

10'-4"
LEVEL 4

10'-4"
LEVEL 3

10'-4"
LEVEL 2

10'-4"
LEVEL 1

10'-4"
LEVEL 0

10'-4"
LEVEL -1

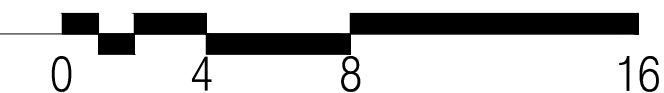
15'-2"
AVG. GRADE

(TELEGRAPH AVE)

AVG. GRADE

1 NORTH ELEVATION

A3.2 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36



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JOB: 2140

SHEET:

BUILDING
ELEVATIONS

A3.3



1 WEST ELEVATION
A3.3 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36 0 4 8 16

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JOB: 2140

SHEET:

BUILDING
ELEVATIONS

A3.4



1 SOUTH ELEVATION
A3.4 3/32"=1'-0" @ 11X17 3/16"=1'-0" @ 24X36 0 4 8 16

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2
A3.5 STREET STRIP ELEVATION @ STUART ST
1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36

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JOB: 2140

SHEET:

STREET STRIP
ELEVATIONS

A3.5



1
A3.5 STREET STRIP ELEVATION @ TELEGRAPH AVENUE
1/32" = 1'-0" @ 11X17 1/16" = 1'-0" @ 24X36





4 TELEGRAPH LOOKING NORTH - AFTER



2 TELEGRAPH LOOKING SOUTH - AFTER



3 TELEGRAPH LOOKING NORTH - BEFORE



1 TELEGRAPH LOOKING SOUTH - BEFORE

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JOB: 2140

SHEET:

PHOTO CONTEXT
VIEWS

A3.6

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**PANORAMIC
2800
TELEGRAPH**

Berkeley, CA

08.05.2022 ZONING APPLICATION
10.07.2022 ZONING RESUBMISSION
11.11.2022 ZONING RESUBMISSION

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SHEET:

PHOTO CONTEXT
VIEWS

A3.7



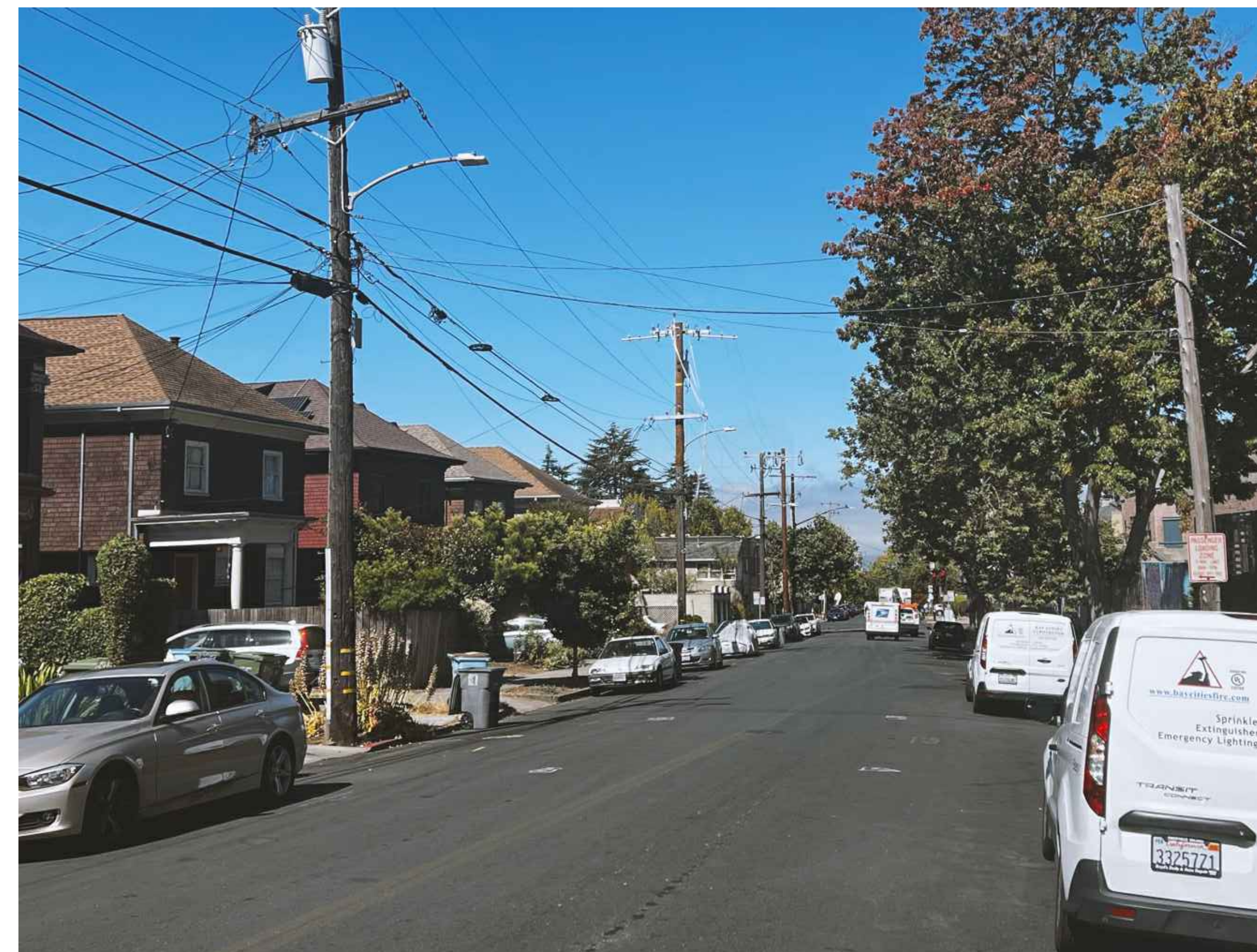
4 STUART LOOKING EAST - AFTER



2 STUART LOOKING WEST - AFTER



3 STUART LOOKING EAST - BEFORE



1 STUART LOOKING WEST - BEFORE

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SHEET:

CONCEPTUAL
RENDERING

A3.8



1 PERSPECTIVE VIEW - TELEGRAPH LOOKING SOUTH WEST

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JOB: 2140

SHEET:

CONCEPTUAL
RENDERING

A3.10



1 PERSPECTIVE VIEW - TELEGRAPH LOOKING NORTH WEST

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**PANORAMIC
 2800
 TELEGRAPH**

Berkeley, CA

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JOB: 2140

SHEET:

BUILDING
 MAT

MAT



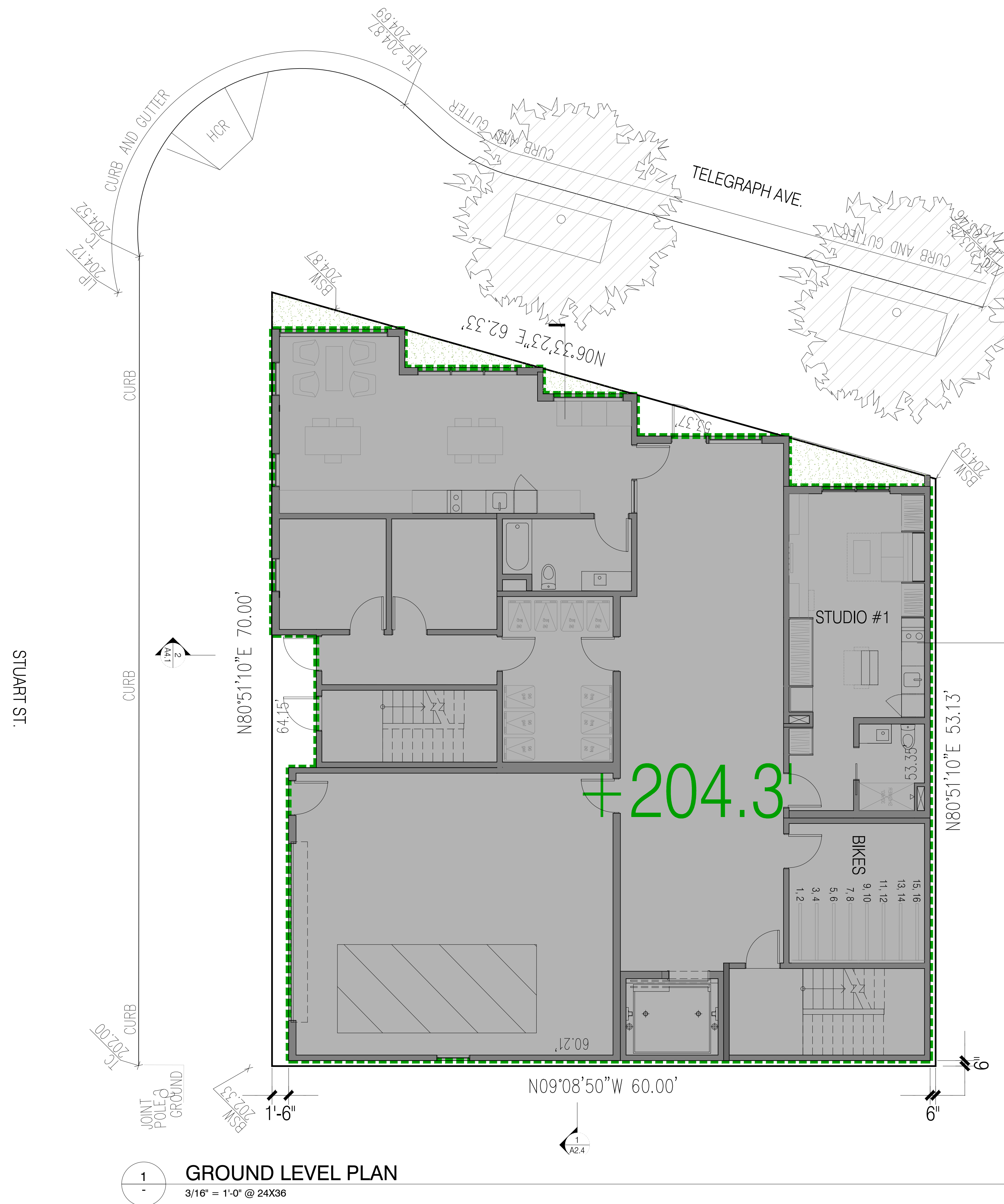
1 EAST ELEVATION
 MAT 3/32" = 1'-0" @ 11X17 3/16" = 1'-0" @ 24X36 0 4 8 16

CUT AND FILL CALCULATIONS

	CUT/FILL AREA	AVERAGE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING	3,411	2	253

EARTHWORK NOTES:

1. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON A BUILDING PAD ELEVATION 12" BELOW FF OF GROUND FLOOR LEVEL. QUANTITIES MAY VARY DUE TO FINAL STRUCTURAL FOUNDATIONS AND PAVEMENT THICKNESS.
2. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS.



1
GROUND LEVEL PLAN
3/16" = 1'-0" @ 24X36

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TELEGRAPH**

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SHEET:

CONCEPTUAL
GRADING PLAN

A5.1

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landscape architecture
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www.aboutinsideout.com

2800 Telegraph Ave

Berkeley, CA

10.07.2022 CITY SUBMITTAL

LANDSCAPE SHEET INDEX

- L1.0 LANDSCAPE PLAN AT STREETSCAPE
- L2.0 LANDSCAPE PLAN AT ROOF DECK
- 11.0 HYDROZONE PLAN AT ROOF DECK

NOTES

1. CONTRACTOR SHALL VERIFY ALL GRADES, EXISTING CONDITIONS AND DIMENSIONS IN THE FIELD PRIOR TO COMMENCING WORK. ALL DISCREPANCIES OR QUESTIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR RESOLUTION. REDIRECT WORK TO AVOID DELAY.
2. ALL CURVES AND ALL TRANSITIONS BETWEEN CURVES AND STRAIGHT EDGES SHALL BE SMOOTH
3. TAKE ALL DIMENSIONS PERPENDICULAR TO ANY REFERENCE LINE, WORK LINE, FACE OF BUILDING, FACE OF WALL OR CENTERLINE.
4. S.A.D. FOR ALL INFORMATION ON WATERPROOFING, DRAINAGE & GRADING ON STRUCTURES.

SEE L2 FOR GENERAL PLANTING NOTES

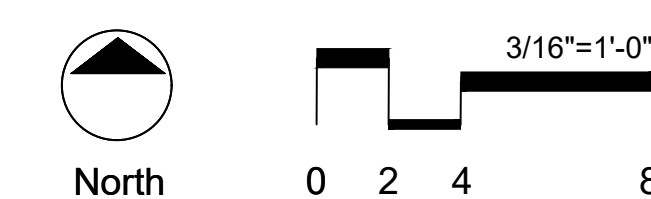
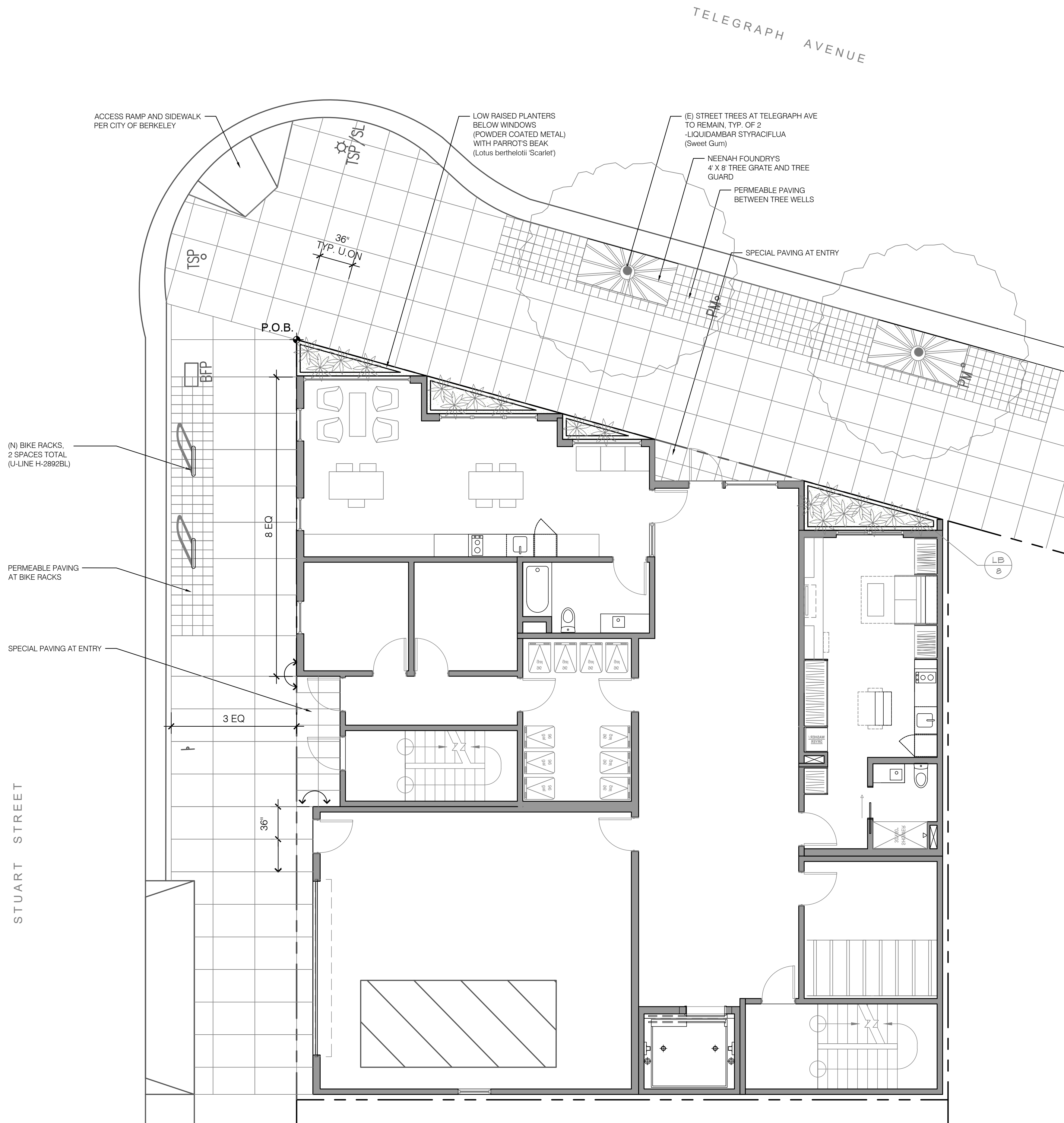
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JOB:

SHEET:

LANDSCAPE PLAN
AT STREETSCAPE

L1.0



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JOB:

SHEET:

LANDSCAPE PLAN
AT ROOF DECK

L2.0



Burgundy Desert Willow (*Chilopsis linearis* 'Burgundy')



Jelly Bean Gold Monkeyflower (*Mimulus* spp.)



California White Sage (*Salvia apiana*)



Canyon Prince Wild Rye (*Leymus condensatus*)



Western Redbud (*Cercis occidentalis*)



Little Moonshine Yarrow (*Achillea millefolium*)



Yellow Bush Lupine (*Lupinus arboreus*)



Scarlet Parrot's Beak (*Lotus berthelotii* 'Scarlet')



Blonde Ambition Blue Grama (*Bouteloua gracilis*)



Dining and seating areas framed by raised planters

Plant List

Index	Latin Name	Common Name	Size	Quantity	Unit	Spacing	WELO	CN
Trees								
AH	Arctostaphylos 'Dr. Hurd'	Dr. Hurd Manzanita	24" box	1	ea	13' o.c.	L	X
CL	Chilopsis linearis 'Burgundy'	Burgundy Desert Willow	15 gal	7	ea	as shown	VL	X
CO	Cercis occidentalis	Western Redbud	36" box MT	1	ea	18' o.c.	VL	X
Shrubs								
LA	Lupinus arboreus	Yellow Bush Lupine	1 gal	4	ea	5'0" o.c.	L	X
SA	Salvia apiana	California White Sage	1 gal	22	ea	18" o.c.	VL	X
Groundcovers								
AL	Achillea millefolium 'Little Moonshine'	Little Moonshine Yarrow	1 gal	24	ea	18" o.c.	L	X
BG	Bouteloua gracilis 'Blonde Ambition'	Blonde Ambition Blue Grama Grass	1 gal	18	ea	3'0" o.c.	L	X
CF	Calamagrostis foliosa	Mendocino Reed Grass	1 gal	48	ea	2'0" o.c.	M	X
LB	Lotus berthelotii 'Scarlet'	Scarlet Parrot's Beak	1 gal	8	ea	2'6" o.c.	L	X
LC	Leymus condensatus 'Canyon Prince'	Canyon Prince Wild Rye	1 gal	20	ea	18" o.c.	L	X
MG	Mimulus - Jelly Bean Series 'Gold'	Jelly Bean Gold Monkeyflower	1 gal	12	ea	2'6" o.c.	VL	X
SC	Sedum carpet mix	Sedum carpet mix	trays	192 sf	sf	trays	L	

Note: all plantings will be watered by an automated irrigation system compliant with the City of Berkeley code.

Note: approximately 80% of specified plants are California native (CN) and wildlife-supporting.

Note: all landscape lighting will comply with the City of Berkeley Dark Skies ordinance and Bird Safe requirements.

GENERAL PLANTING NOTES

6. SOIL PREPARATION: The Landscape Contractor shall be responsible for finish grading and all planting area drainage. Positive drainage away from the building as per city codes shall be maintained. No low spots which hold standing water will be accepted.

The Landscape Contractor shall incorporate soil preparation amendment into planting areas as noted below. Where roto-tilling is not possible, incorporate soil amendments into top 6 inches with hand tools. After installation of irrigation system, all planting areas are to be fine graded to within 2 inches and slightly mounded away from edges of top of planter, curb, walk, header, etc. and raked smooth with all rocks and debris over 1-inch in diameter removed.

7. SOIL PREPARATION AMENDMENTS AND BACKFILL MIX: The Landscape Contractor shall amend existing soil per the soils report.

8. TREE PLANTING: Trees shall be planted per detail on plan. Trees shall typically be located a minimum of 3 1/2 feet from curbs, walks, headers, buildings, and overhead structures within the project. Backfill per soils report. Thoroughly water trees immediately after planting.

9. SHRUB PLANTING: The shrubs shall be spotted as per plan, spotted at the shown locations, and approved by Landscape Architect prior to the digging of the holes. Shrub backfill shall be per soils report. Thoroughly water shrubs immediately after planting. Do not plant any shrub within 2 feet of any building wall.

10. MAINTENANCE: The Contractor shall maintain the project for 90 days (or as requested by owner) following the approval to begin the maintenance period. During the entire maintenance period, watering, cultivating, weeding, mowing, repair/lightening of stakes and ties, restoration of basins, provision of supplemental water by hand in addition to irrigation system is required as

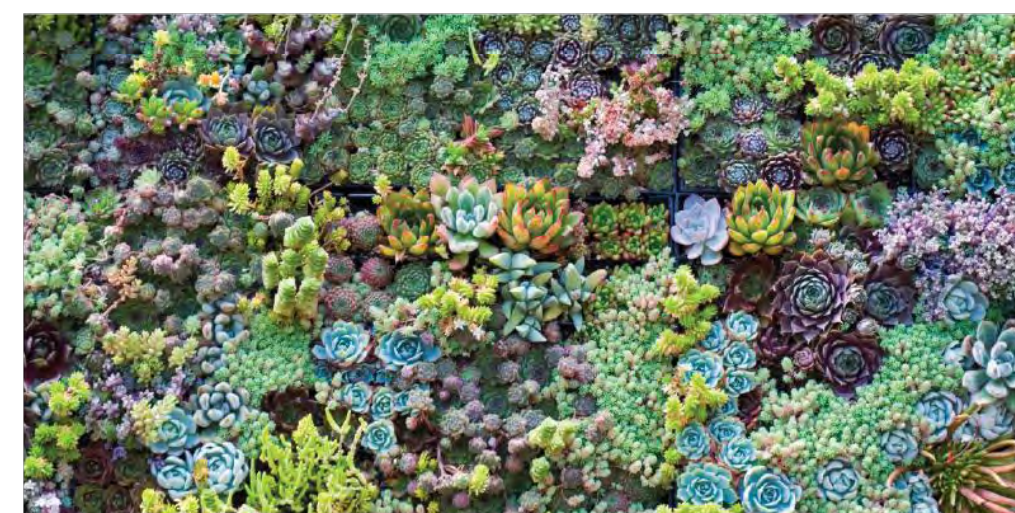
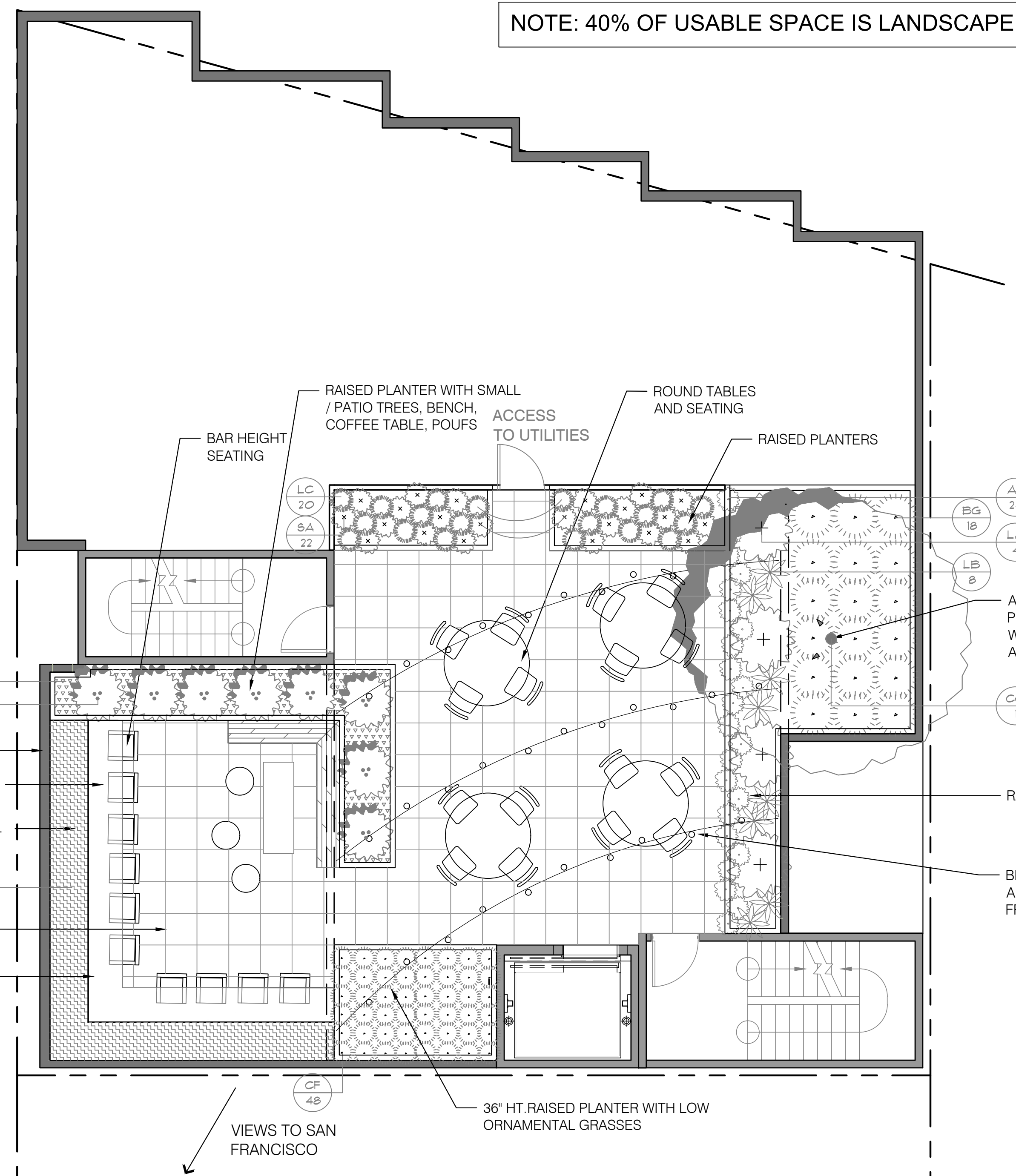
necessary. No pre-emergence herbicides shall be applied - hand remove weeds. Only organic fertilizers shall be applied such as those specified. Install per manufacturer's recommendations. At the end of the 90 day maintenance period all areas are to be weed free and all plant material shall be in a healthy, thriving condition. Integrated pest management practices shall be implemented.

11. SUBSTITUTIONS: Requests for plant substitutions shall be made to the Landscape Architect within 15 days after signing of contract.

12. GUARANTEE: All construction, trees and shrubs by the Landscape Contractor and/or subcontractors shall be guaranteed for (1) one year after start of maintenance period. The contractor shall replace, at no expense to the Owner, any and all landscape materials that are in an unacceptable condition for time of use, and trees or shrubs that are dead or not in a vigorous, healthy growing condition, within two weeks of notification of such condition. Replacement shall be of the same kind and size as the originally specified item and shall be replaced as originally described on the drawings. The Contractor shall not be held liable for loss of plant materials during the guarantee period due to vandalism, accidental causes or acts of neglect by others than the Contractor, his agents and employees.

13. CLEAN UP: At the end of each work day, at the inspection for substantial completion, and before acceptance of project - clean paved areas that are dirtied or stained by construction operations by sweeping or washing, and remove defacements and stains. Remove construction equipment, excess materials and tools. Haul from Owners property any debris resulting from construction, and dispose of it legally. Remove remaining temporary protection at time of acceptance by Owner unless otherwise agreed.

14. FERTILIZERS: Available from California Organic Fertilizers, Inc. 1-800-269-5690 www.organicag.com.



Sedum carpet behind rail with seating and views to SF



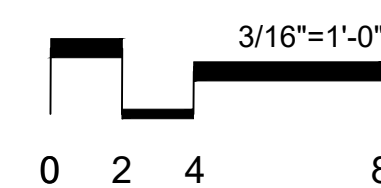
Select path and up lights, Dark Skies / Bird Safe compliant



Bar height seating and round moveable table seating



L-shaped bench seating with planting behind



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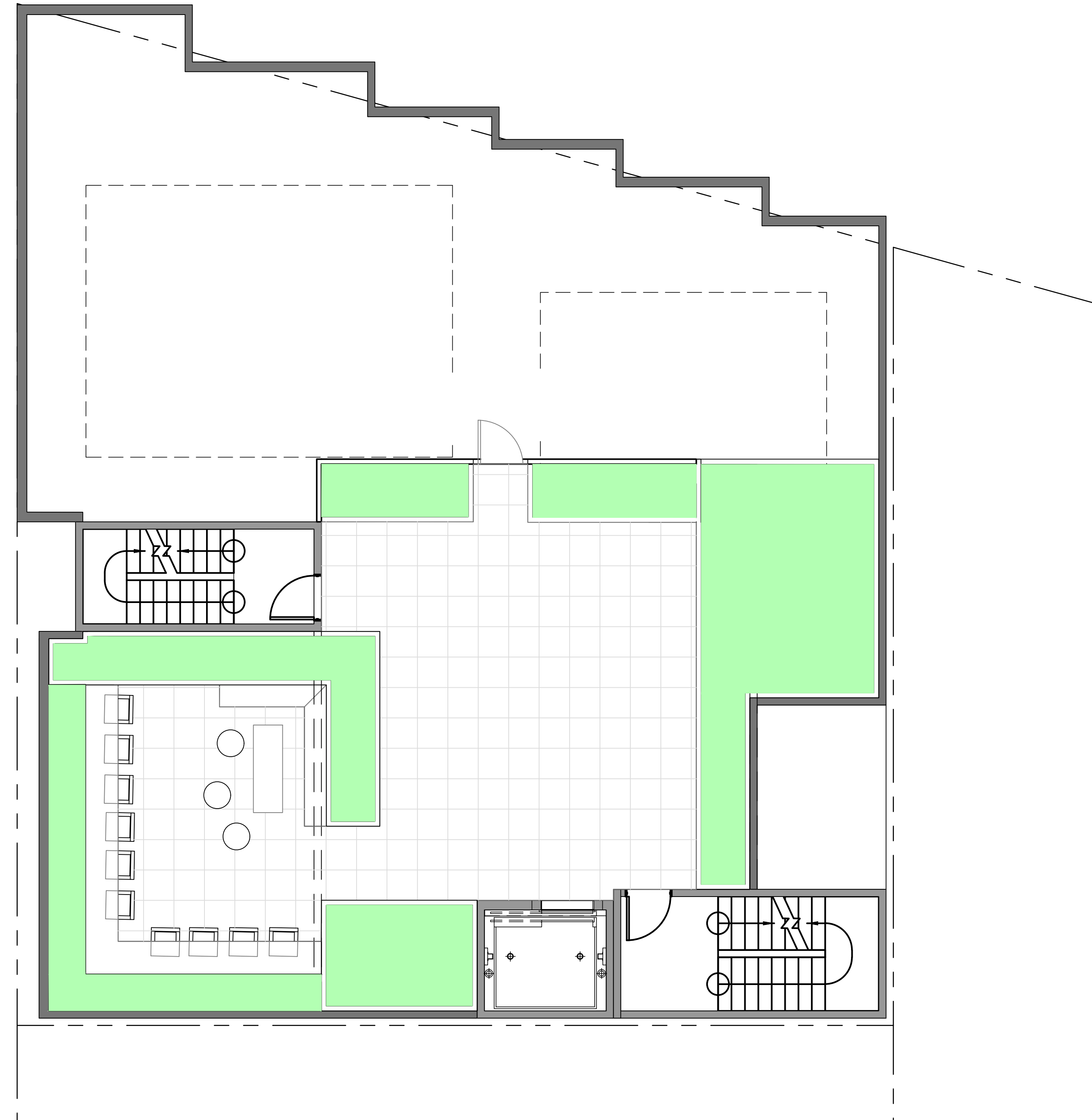
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JOB:

SHEET:

HYDROZONE PLAN
AT ROOF DECK

11.0



Hydrozone Legend

HZ 1 - Shrub/GC - Sunny - Low

Water Efficient Landscape Worksheet

California Water Efficient Landscape Worksheet - 2800 Telegraph						
Reference Evapotranspiration (ET _r)	41.8		Project Type		Residential	
Hydrozone # / Planting Description ^a	Plant Factor (PF)	Irrigation Method ^b	Irrigation Efficiency (IE) ^c	ETAF (PF/IE) ^d	Landscape Area (Sq. Ft.)	ETAF x Area
					Estimated Total Water Use (ETWU) ^e	4083
Regular Landscape Areas						
HZ 1 - Shrub/GC - Sunny - L	0.2	Drip	0.81	0.25	638	158
			0.75	0.00		0
Totals					638	158
Special Landscape Areas						
				1		0
				1		0
				1		0
				1		0
Totals					0	0
					ETWU Total	
					4083	
					Maximum Allowed Water Allowance (MAWA)^f	
					9094	

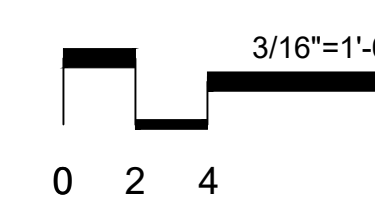
ETAF Calculations

Regular Landscape Areas	
Total ETAF x Area	158
Total Area	638
Average ETAF	0.25

Average ETAF for Regular Landscape Areas must be 0.55 or below for residential areas, and 0.45 or below for non-residential areas.

Total Landscape Area: 638 SQ. FT.

All Landscape Areas	
Total ETAF x Area	158
Total Area	638
Average ETAF	0.25





Z O N I N G
A D J U S T M E N T S
B O A R D

NOTICE OF PUBLIC HEARING

2800 Telegraph Avenue

Use Permit #ZP2022-0107 to demolish a one-story (18 feet), 3,290 square foot non-residential building and construct a six-story (70 feet and 5 inches), 19,936 square-foot residential building containing 16 dwelling units (1 Very Low-Income unit), utilizing State Density Bonus.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section 23.404.

When: Thursday, April 27, 2023, 7:00 PM.

Where: Berkeley Unified School District meeting room, 1231 Addison Street, (wheelchair accessible) with remote/hybrid option (via Zoom).

Please see the Agenda for details:

https://berkeleyca.gov/sites/default/files/documents/2023-04-27_ZAB%20Agenda.pdf

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED IN A HYBRID MODEL WITH BOTH IN-PERSON ATTENDANCE AND VIRTUAL PARTICIPATION AVAILABLE FOR MEMBERS OF THE PUBLIC.

For in-person attendees, face coverings or masks that cover both the nose and mouth are encouraged. If you're feeling sick, please do not attend the meeting in-person as a public health precaution.

Currently, there are no physical distancing requirements in place by the State of California or the Local Health Officer for an indoor event similar to a Commission meeting. However, all attendees are requested to be respectful of the personal space of other attendees. An area of the public seating area will be designated as "distanced seating" to accommodate persons that need to distance for personal health reasons.

A. Land Use Designations:

- General Plan: Avenue Commercial (A-C)
- Zoning: Corridor Commercial District (C-C)

B. Zoning Permits Required:

- Use Permit to demolish one non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- Use Permit to establish a multifamily residential building, under BMC Section

23.204.020

- Use Permit to exceed lot coverage, under BMC Section 23.204.050(D)(1)
- Use Permit to reduce all setbacks, under BMC Section 23.204.050(D)(1)
- Administrative Use Permit for projections that exceed the maximum building height limit, under 23.304.050(A)

C. Concessions and Waivers – Pursuant to State Density Bonus Law (California Government Code Section 65915)

- Waiver of BMC Section 23.204.050(D) to exceed the average building height of 35 feet with a height of 70 feet 5 inches
- Waiver of BMC Section 23.204.050(D) to exceed the number of stories (three) with six stories
- Waiver of BMC Section 23.204.050(D) to exceed the lot coverage limit of 45 percent with 93 percent lot coverage
- Waiver of BMC Section 23.204.050(D) to reduce the side setback (interior) from 4.5 feet to 6 inches
- Waiver of BMC Section 23.204.050(D) to reduce the side setback (street) from approximately 7 feet to 1.5 feet
- Waiver of BMC Section 23.204.050(D) to reduce the required rear setback from 15 feet to 6 feet
- Waiver of BMC Section 23.204.050(D) to reduce the required front setback from 15 feet to 0 feet
- Waiver of BMC Section 23.204.050(D) to reduce the open space from 3,200 square feet to 1,590 square feet
- Concession of BMC Section 23.204.050(D) to increase the height limit to allow for the basement in the base project to move to the ground level of the proposed project, thereby eliminating the cost of constructing the basement.

D. CEQA Recommendation: Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation, Monitoring, and Reporting Program (MMRP) prepared pursuant to Article 6 of the California Environmental Quality Act (CEQA) Guidelines.

E. Parties Involved:

- Applicant Isaiah Stackhouse (Trachtenberg Architects), Berkeley, CA
- Property Owner Adlaim Karim, Oakland, CA

Further Information:

All application materials are available online at:

<https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx>.

The Zoning Adjustments Board final agenda and staff reports will be available online 6 days prior to this meeting at: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>.

Questions about the project should be directed to the project planner, Katrina Lapira, at (510) 981-7488 or klapira@cityofberkeley.info.

Written comments or a request for a Notice of Decision should be directed to the Zoning Adjustments Board Secretary at zab@cityofberkeley.info.

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

Written comments must be directed to the ZAB Secretary at the Land Use Planning Division (Attn: ZAB Secretary), or via e-mail to: zab@cityofberkeley.info. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

All persons are welcome to attend the hearing and will be given an opportunity to address the Board. Comments may be made verbally at the public hearing and/or in writing before the hearing. The Board may limit the time granted to each speaker.

Correspondence received by 5:00 PM, eight days before this public hearing, will be provided with the agenda materials provided to the Board. Note that if you submit a hard copy document of more than 10 pages, or in color, or with photos, you must provide 15 copies. Correspondence received after this deadline will be conveyed to the Board in the following manner:

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, which is released around noon one day before the public hearing; or
- **Correspondence received after 5:00 PM two days before** this public hearing will be saved in the project administrative record.



Accessibility Information / ADA Disclaimer:

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6342 (V) or 981-6345 (TDD) at least three business days before the meeting date.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@cityofberkeley.info) to request hard-copies or electronic copies.

Notice Concerning Your Legal Rights:

If you object to a decision by the Zoning Adjustments Board regarding a land use permit project, the following requirements and restrictions apply:

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section

- 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
 5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
 - A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
-

2800 TELEGRAPH AVE. NEIGHBORHOOD MEETING NOTES

8/03/2022

- Existing building on site is not vacant as stated, it is still being used by Karim's business
- Parking - only one spot available. "City is trying to encourage a bike friendly city, however that is not the reality."
- Aesthetics – "The brick looks nice and fits in well, but it feels weird being suspended without any surrounds. The bricks will look glued on. I can provide drawings that illustrate some design ideas if you want me to send it to you formally" – Alex
- "Clinic next door is concerned that new construction will obstruct two of the neighboring acupuncture studio windows. Please contact business owner Sean Hall who was unable to attend the zoom meeting." – Phil Jones

Contacts

Alex Bergtraun;

Alex@studiobergtraun.com

Phil Jones:

fillup145@yahoo.com (707) 203-9007

Sean Hall:

seanmichaelhall@gmail.com Personal: (510) 325-1324 Clinic: (510) 457-8886