



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
JUNE 8, 2023

3030 Telegraph Avenue

Use Permit #ZP2022-0170 to demolish

a one-story medical office building and two duplexes containing four units (2330 Webster Street and 2334-2336 Webster Street), and construct a five-story (63-foot) mixed-use building with 1,550 square feet of commercial area and 144 dwelling units, including eight Below Market Rate units (seven Very Low-Income units and one Low-Income unit), utilizing a State Density Bonus.

I. Background

A. Land Use Designations:

- General Plan: General Plan: AC – Avenue Commercial
- Zoning: C-C – Corridor Commercial District

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential main building
- Use Permit under BMC Section 23.326.030(A)(3) to demolish a building containing two or more units
- Use Permit under BMC Section 23.204.020(A) to construct a mixed-use residential development
- Use Permit under BMC Section 23.204.020(A) to construct multi-family dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 5,000 square feet or more
- Use Permit under BMC Section 23.204.050(D)(1) to increase the maximum main building height limit to 50 feet and 4 stories
- Use Permit under BMC Section 23.304.030(C)(2)(b) to reduce the rear setback on a commercially zoned lot that confronts a Residential District
- Use Permit under BMC Section 23.204.050(D)(3)(a) to reduce minimum open space for mixed-use projects

- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural features over the maximum height limit

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

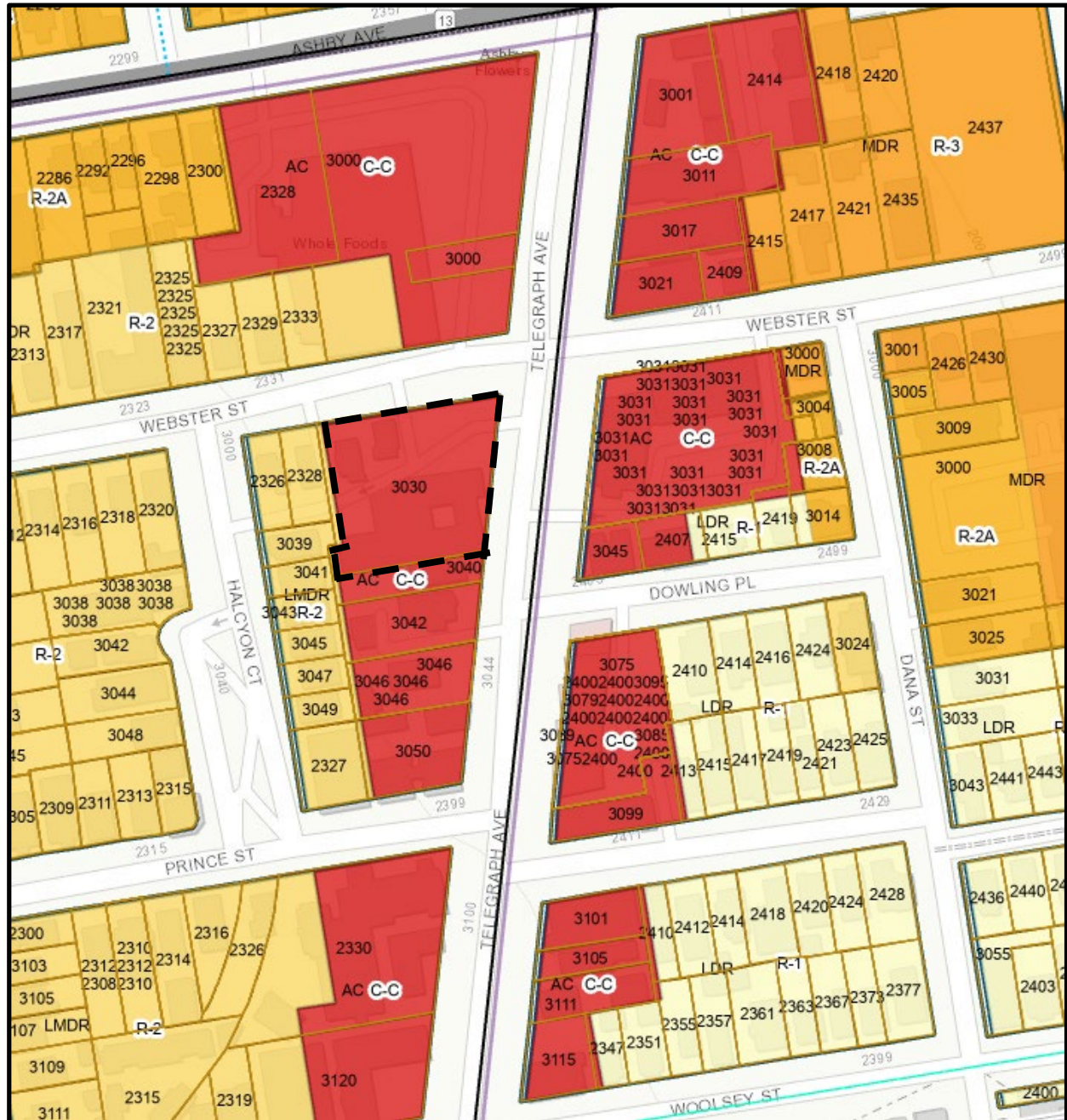
- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot and 4-stories building height limit and permit a 63-foot, 5-story building
- Waiver of BMC Section 23.304.030(C)(2)(a) to reduce the street side setback to 3.5 inches along Webster Street, where 10 feet is required
- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 3.5

D. CEQA Recommendation: It is staff's recommendation that the project is categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Infill Development"). The determination is made by the ZAB.

E. Parties Involved:

- Applicant Lisa Villhauer, Vice President, Riaz Capital, 2744 East 11th Street Oakland, CA 94601
- Property Owner 3030 Telegraph LLC, 2744 East 11th Street Oakland, CA 94601

Figure 1: Zoning Map



Legend

- C-C: Corridor Commercial
- R-1: Single-Family Residential
- R-2: Restricted Two-Family Residential
- R-2A: Restricted Multiple-Family Residential

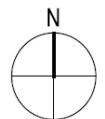


Figure 2: Vicinity Map



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Additional data provided by City of Berkeley, 2019.

22-13491 Project Location Maps
Fig X Vicinity Map

Figure 3: Proposed Site Plan/Ground Floor Plan

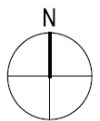


Figure 4: Project Rendering (SW Corner of Telegraph Avenue and Webster Street)



Figure 5: Project Rendering (Telegraph Avenue)



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Medical Offices and two duplexes	C-C	Avenue Commercial (AC)
Surrounding Properties	North	Commercial/Retail (Whole Foods) Single-family Residential	C-C and R-2	Avenue Commercial (AC) and Low-Medium Density Residential (MDR)
	South	Multi-family Residential	C-C	Avenue Commercial (AC)
	East	Medical office (Berkeley Central Medical Building)		
	West	Single family and multi-family residential	R-2	Low-Medium Density Residential (LMDR)

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	The proposed net new non-residential floor area is less than 7,500 square feet and therefore this project is not subject to these resolutions.
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) ¹	Yes	Project would provide eight Below Market Rate (BMR) units, seven Very Low-Income (VLI) rate and one Low-Income (LI) rate, and would be required to pay a discounted fee to satisfy the requirements of BMC Section 22.20.065(D) (See III. B discussion below).
Alcohol Sales/Service	No	The applicant is not proposing alcohol sales or service with this permit.
Creeks	No	The site is not near a mapped creek or a creek culvert.
Density Bonus	Yes	The project qualifies for a 20 percent density bonus under State Density Bonus law (See III.B discussion below).
Historic Resources	No	The subject property is not designated as a Landmark by the City and was previously surveyed individually as part of this application for historical significance under local, state, or federal historic significance criteria. See Section IV.C for additional discussion on the Landmarks review of this property.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project is a mixed-use building that meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ² . The base project complies with applicable, objective, general plan, and zoning standards, and thus section (j) of the Housing Accountability Act applies. See Section VI.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	The project is mixed-use building that meets the definition of a "Housing Development Project" per

¹ Project vested under SB 330 on/before March 31, 2023, prior to effective date of new inclusionary housing requirements and is therefore subject to the Affordable Housing Mitigations in BMC 22.20.065 that was in effect at the time of vesting.

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

		Government Code Section 65589.5(h)(2) ³ . See Section VI.A of this 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 application is 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 project site.
Percent for Art (BMC Chapter 23.316)	Yes	The project is subject to the City's Public Art on Private Projects ordinance. Applicants have indicated that they would submit an in-lieu fee equal to 0.8 percent of the total building permit valuation deposited to the City's Public Art Fund to satisfy this requirement.
Rent Controlled Units	No	The project would involve the demolition of four residential units at the northwest corner of the site; no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	No	The site is located in RPP zone M. BMC Section 14.72.080(C) provides that no new permits may be issued to residents in newly-constructed units.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, fault rupture, or landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is located within the City's Environmental Management Area. The Phase I environmental site assessment (ESA) submitted by the applicant indicated that the Vapor Encroachment Screening (VEC) did not identify VEC's or RECs for the subject site or that any potential nearby sites were considered a VEC or REC. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is located on the southwest corner of Telegraph Avenue and Webster Street, is served by multiple AC Transit bus lines (local, all-nighter) that operate along Telegraph Avenue and Ashby Avenue and is approximately seven blocks from the Ashby BART Station. In addition, nearby Deakin Street and Woolsey Street are signed bike routes.

³ See footnote 1

Table 3: Project Chronology

Date	Action
September 29, 2022	SB 330 complete preliminary housing development project application submitted
December 2, 2022	Application submitted
December 29, 2022	Application deemed incomplete
January 27, 2023	Application resubmitted
February 24, 2023	Application deemed complete
March 30, 2023	Landmark Preservation Commission hearing
May 18, 2023	Design Review Committee hearing
May 25, 2023	Public hearing notices mailed/posted
June 8, 2023	ZAB hearing

Table 4: Development Standards

Commercial Corridor (C-C) Standards BMC Sections 23.204050(D), 23.322.030		Existing	Proposed	Permitted/ Required
Lot Area (sq. ft.)		27,042	No change	N/A
Gross Floor Area (sq. ft.)		14,910	94,664	N/A
Floor Area Ratio		0.55	3.5	3.0
Dwelling Units	Total	4	144	N/A
	Affordable	0	8	N/A
Building Height	Maximum (ft.)	23	63 ¹	40' max 50' max with Use Permit
	Stories	1	5 ¹	3-stories max 4-stories max with Use Permit
Building Setbacks (ft.)	Front (Telegraph Ave.)	N/A	Varies 0'-4.5"	0' min
	Rear	N/A	Varies 6'-10' (Use Permit required)	10' min
	Left Side	N/A	8'	0' min
	Right Street Side (Webster St.)	N/A	Varies 0'-3.5"	10' min
Lot Coverage (%)		49	73	100
Usable Open Space (sq. ft.) per Dwelling Unit		N/A	5,226 (Use Permit required)	28,800 Min. (200 min/unit)
Bicycle Parking	Commercial (1,550 sq. ft.)	N/A	1	1 (1 space/2,000 sq. ft.)
	Residential (long-term)	N/A	75	74 (223 Bedrooms) (1 space/3 bedrooms)
	Residential (short-term)	N/A	7	6 (223 Bedrooms) (1 space/40 bedrooms, or 2)
	Total	N/A	82	81
¹ = Waiver, pursuant to State Density Bonus Law, requested to modify the district standard. ¹ The use permit to allow height up to 50 feet/4 stories is included in the Base Project for the calculation of the density bonus and is not a requested waiver. Additional height beyond 50 feet/ 4 stories is being requested as a waiver.				

II. Project Setting

A. Neighborhood/Area Description: The project site is located on the southwest corner of Telegraph Avenue and Webster Street. The surrounding area consists of a mix of both commercial and residential uses ranging from two-story single and multi-family

residences, a full-service grocery store, hospital, and medical offices. Directly north of the project site is Whole Foods Market and to the east is the Berkley Central Medical Building. The Ashby BART station located along Adeline Street between Ashby Avenue and Woolsey Street is located to the west within walking distance from the project site (0.7 miles). In addition, bus service is available via AC Transit routes 6 and 800 at stops along Telegraph Avenue and Ashby Avenue.

B. Site Conditions: The project site is located on the west side of the 3000 block of Telegraph Avenue. The approximately 27,000-square foot parcel is relatively flat and is developed with a one-story medical office building and two duplexes (four units total) that have been vacant for more than five years. A surface parking lot is located at the northeast corner of the site. There are three driveways located on Telegraph Avenue, Webster Street and Halcyon Court, respectively, with access to the parking lot. The project site currently has an access easement located off Halcyon Court which allows for commercial traffic access directly from Telegraph Avenue through the parking lot to the Halcyon Court neighborhood.

III. Project Description

A. Proposed Project: The project would involve demolition of the existing one-story medical office building, two duplexes (four residential units), and surface level parking lot, and removal of the access easement along Halcyon Court and the curb cuts and driveways on both Webster Street and Telegraph Avenue, and construction of a new mixed-use building with the following primary components:

- 144 dwelling units (95 studios, 34 two-bedroom, 15 four-bedroom) for a total of 223 bedrooms;
- Commercial space, 1,550 square feet in area, for one to two retail tenants on the ground floor at the northeast corner of the property with access from Telegraph Avenue. Tenants have not yet been selected for these spaces;
- A bicycle storage room for approximately 40 bicycles on the ground floor and an additional bicycle shed for another 40 bicycles located within the courtyard towards the rear of the site. A total of four off-site short-term bicycle racks would be located along Webster Street and Telegraph Avenue;
- A residential lobby with recessed entry, with access from Telegraph Avenue;
- Residential amenities on the ground floor including community lounge room, fitness center, property mail room, and commercial floor area;
- Laundry rooms on each floor;
- A total of seven new replacement street trees would be planted along Webster Street and Telegraph Avenue along with new landscape screening to be planted along the western (rear) site boundary;
- Useable open space totaling 5,226 square feet consisting of a “U” shaped ground floor courtyard situated towards the rear half-center of the site;
- Mini plaza with planter and seating located off Telegraph Avenue adjacent to the commercial tenant space.

B. Base Project and Density Bonus: The applicant has requested a density bonus under the State Density Bonus Law. Under the City’s density bonus procedures, the “base project”⁴ is 126 units and four stories. The Density Bonus calculations are provided in more detail, below and in Table 5.

Table 5: Density Bonus

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
126	7 VLI (5% of base project)	20%	26 (20%x126)	144

*Pursuant to Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.

By providing seven Very Low Income (VLI) Below Market Rate (BMR) units on site (5 percent of the 126-unit base density), the project is eligible for a 20 percent density bonus, or 26 additional units. Therefore, the applicant proposes 18 additional units (26 density bonus units allowed) above the base density for a total of 144 dwelling units.

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

- 1) exceed the height limit of 50 feet and 4 stories, and propose 63 feet in height and 5 stories;
- 2) to exceed the maximum floor area ratio (FAR) from 3.0 to 3.5; and
- 3) reduce the required street side setback from 10 feet to 3.5 inches.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, the applicant installed yellow *Proposed Development Project* signs at the project site and invited interested neighborhood organizations, as well as owners and occupants within 300 feet of the project site, to a virtual neighborhood outreach meeting on November 9, 2022 via Zoom conference call. Seven members of the public attended. On January 6, 2023 the applicant team met with five members of the Halcyon Neighborhood Association and discussed the project’s status, timeline, type of units (rental or condo), privacy, shading, parking, design details, setbacks, contribution to transit and bike/pedestrian improvements, and landscaping. YIMBY Law and Bike East Bay provided letters of support, and the Halcyon Neighborhood Association provided a

⁴ Pursuant to 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).

letter to the Design Review Committee with their concerns and suggestions. A neighbor on Telegraph Avenue provided a letter of support in May 2023 and indicated they would support a taller building with more units.

On May 25, 2023, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and posted notices within the neighborhood in three locations. At the time of this writing this report, staff has not received additional public communications regarding the project.

- B. Design Review Committee:** The project was presented to the Design Review Committee (DRC) on May 18, 2023. The project received a favorable recommendation to the ZAB, and the DRC provided conditions and direction for Final Design Review (FDR) (Attachment 3).
- C. Landmarks Preservation Commission (LPC):** The project involves the demolition of an existing commercial building that is over 40 years in age. As detailed in a Historic Resource Evaluation completed by Preservation Architecture, dated November 20, 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 30, 2023, and took no action. LPC members did recommend offering the residential buildings on the site for relocation, and Historic American Building Survey (HABS)-like documentation of the inside and outside of the mortuary building.

V. Issues and Analysis

- A. 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. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:
 - 1. Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in 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 §65920)).

The project application was deemed complete on February 24, 2023. The LPC demolition referral on March 30, 2023, represents the first public hearing. The DRC meeting on May 18, 2023, represents the second public hearing, and the June 8, 2023, ZAB hearing the third 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 §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 property in November of 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 30, 2023, Landmark Preservation Commission Agenda, and no action was taken. Therefore, it was determined the site is not a historic resource. Further, standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §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 California Environmental Quality Act. The project was deemed complete on February 24, 2023, and staff recommends that the project is categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“Infill Development”). Should ZAB determine the application is categorically exempt from CEQA at the June 8, 2023, public hearing, the application must be approved or disapproved by August 7, 2023.

B. Housing Accountability Act Analysis: The Housing Accountability Act (HAA), California Government Code Section 65589.5(j), requires that 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 impact⁵ 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, including the extension of height to 50 feet and four stories, allowed by use permits⁶, 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 reduce 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. Therefore, Section 65589.5(j) *does apply* to the Proposed Project. 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.

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

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).

⁵ A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete”.

⁶ The City has determined that the “protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits”. Therefore, the use permits to allow height to 50 feet and 4 stories are included in the Base Project for the purpose of determining the applicability of Section 65589.5(j).

Concessions. A concession is a modification of a development standard that reduces the cost of providing affordable housing. The project does not request any concessions.

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 three waivers from the following development standards: 1) exceed the height limit of 50 feet and 4 stories, and propose 63 feet in height and 5 stories; 2) exceed the maximum floor area ratio (FAR) from 3.0 to 3.5 and 3) reduce the street side setback from 10 feet to 3.5 inches. The waivers are requested because, according to the applicant, they are necessary to physically accommodate the additional 18 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.⁷

D. Demolition of Non-residential Buildings: BMC Section 23.326.070(D) allows the ZAB to approve a Use Permit for demolition of an existing commercial structure only if the demolition would not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and makes 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 most recent use of the existing building was a medical office building. The demolition of this building is proposed to allow the development of a new mixed-use residential building that includes 1,550 square feet of commercial area on the ground floor to be used as one to two retail tenant spaces. The project site is identified as a housing opportunity site in the City's 6th Cycle Housing Element and is currently being underutilized and the proposed new mixed-use building would provide existing and new residents in the area with additional access to housing and commercial services even with the demolition of the structures. The demolition of the commercial building and proposed construction of ground floor commercial area within the new mixed-use

⁷ See Footnote 4.

building would conform to the adjacent uses permitted in the C-C District along Telegraph Avenue.

Because the demolition of the non-residential structure is required in order to authorize construction of the proposed new building and new use, staff believes the ZAB can make finding #1 to approve the proposed demolition. As noted in Section IV.C above, the non-residential building is not eligible for the California Register or a City of Berkeley Landmark or Structure of Merit designation, and the LPC considered the referral and took no action. The proposed project includes a mixed-use building which would provide new dwelling units and commercial space in this District, and thus would be compatible with adjacent and nearby commercial and residential uses.

- E. Eliminating Dwelling Units through Demolition:** BMC Section 23.326.020(B) allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City. The project would replace four dwelling units with 144 dwelling units (seven units affordable to Very Low-Income households and one unit affordable to Low-Income households). The increase in the number of housing units would help meet the City's need for additional housing and Regional Housing Needs Assessment target, and thus the Finding under BMC Section 23.326.020(B) would be met.

Per BMC Section 23.326.030(A)(2)(a), demolition is not allowed if the building was removed from the rental market under the Ellis Act during the preceding five years, or there have been verified cases of harassment or threatened or actual illegal eviction during the preceding five years. Rent Stabilization Board staff reviewed the property records and determined that the existing units have not been removed from the rental market under the Ellis Act at any time during the preceding five years, and there is no record of any verified cases of harassment or threatened or actual illegal evicting (Attachment 4).

BMC Section 23.326.030(A)(3) allows the ZAB to approve demolition of a building constructed before June 1980 on a property containing two or more dwelling units if one of the following findings can be met: (1) The building containing the units is hazardous or unusable and is infeasible to repair; (2) The building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units; (3) The demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community; (4) The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units. Finding #4 can be met. The project would also provide housing in proximity to regional transit, bicycle facilities, retail, and services, therefore reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts. The proposed project would not be materially

detrimental to the housing needs and public interest of the affected neighborhood and the City.

Government Code Section 66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished; prohibits the demolition of occupied or vacant protected units, unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes replacing four demolished dwelling units with 144 new dwellings; the existing units are not considered "protected" units as defined in Section 66300(d) because they have not been occupied for more than five years and are not currently available for rent; and compliance with this section also satisfies the findings to approve the demolition of the dwelling unit under BMC Section 23.326.030. The dwellings proposed to be demolished are vacant, and are not subject to tenant displacement provisions pursuant to Section 66300(d).

VI. Other Considerations

The analyses of conformance with district purposes, use permit findings for non-detriment, and the General Plan goals and policies are provided for Board consideration and context. They are not required because the proposed project is HAA-compliant.

A. Findings for Use Permits in the C-C District: Pursuant to BMC Section 23.204.050(E), in order to approve any Use Permit in the C-C district, the Board must make the findings that the proposed use or structure is:

- 1) Is compatible with the purposes of the district: The project is a higher-density development in proximity to regional transit, shops 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 Corridor Commercial District (C-C) and is designated Avenue Commercial in the City's General Plan. It would create 144 new dwelling units in a range of sizes from studio, one-bedroom, and three-bedrooms. Eight of the units would be deed restricted as affordable housing units (seven-very-low-income and one low-income).

The proposal also includes 1,550 square feet of commercial space and a total of 82 secure bicycle parking spaces (short-term and long-term) on the ground floor within an enclosed storage room and outdoor shed. The project site is well served by public transportation, including a BART station approximately 0.7 miles to the west. The surrounding commercial district includes retail sales, restaurants, personal services, multi-family residential and medical office uses; the project would complement these commercial and residential uses and add population to support these uses.

- 2) Is compatible with the surrounding uses and buildings: The project site currently includes a medical office building and two duplexes; however, the residential uses are no longer occupied (vacant for more than five years). The proposed project would change uses on the site to ground-floor commercial and residential uses above, providing an underutilized site with a use that activates the Telegraph Avenue frontage. The project would not introduce new land uses that do not already exist in the area.
- 3) Does not interfere with the continuity of retail and service facilities at the ground level: The project includes 1,550 square feet of ground floor commercial space and would enhance and strengthen the continuity of retail and service facilities at the ground floor.
- 4) Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply: Pursuant to BMC Section 23.334 the project is required to comply with the City Transportation Demand Management (TDM) requirements. These requirements include real time transportation information monitors, transit passes to residents of the building, unbundled parking, and bicycle parking. Implementation of these measures would promote and incentivize alternative means of transportation and would create less of a burden on the traffic capacity and potential parking supply. Additionally, the Ashby BART station is located on Adeline Street, less than a mile (0.7) west of the project site. Bus services provided by AC Transit services are also available at the BART Station, and close to the project site along Telegraph Avenue and Ashby Avenue.

B. General Non-Detriment Finding: BMC Section 23.406.040 states that before the ZAB approves an application for a Use Permit, it must find that 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.

Shadows: According to the shadow studies submitted for the project (See Attachment 2, Project Plans – Sheets A-8.1-A-8.7), new shadows would affect dwellings at the following locations:

- Webster Street, northwest of the site, casting new shadows on the winter solstice two hours after sunrise.
- Webster Street and Halcyon Court, west of the project site, casting new shadows on the summer solstice two hours after sunrise.
- Telegraph Avenue, southeast of the project site, casting new shadows on the summer solstice two hours before sunset.

Shadow impacts on adjacent dwellings are to be expected, because the subject site is located in the C-C district, which allows heights of up to 40 feet by right. In addition, a Use Permit to exceed this limit, up to 50 feet, is allowed to be included in the density bonus base project. A waiver is allowed for height beyond 50 feet to accommodate the density bonus units (see Section V.C for a discussion of waivers), for a proposed building of 63 feet and five-stories. 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 finds that shadow impacts from the project would be reasonable and not detrimental.

Non-Detriment: 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. These standard conditions would ensure that the project would satisfy this finding.

C. Use Permit to Reduce the Rear Setback on a Commercial Lot that Abuts a Residential District: Pursuant to BMC Section 23.304.030(C)(2)(b) ZAB may approve a Use Permit to reduce setbacks on a commercially zoned lot that confronts a residential district upon finding that the reduced setback would provide greater privacy or improved amenities to a lot in the Residential District. The required rear setback is 10 feet. A setback of 6 feet is requested for the portion of the building east of 3041 Halcyon Court, and a setback of 8 feet 6 inches is requested for the bike storage shed. The 6-foot setback will be an improvement on the existing setback of 4 feet 9 ½ inches east of 3041 Halcyon Court. The existing access easement will be removed with the redevelopment of the site, and a 6-foot fence will be added along the rear property line, privacy and safety for the residents of Halcyon Court will increase as cars will not be able to drive directly to Halcyon Court from Telegraph Avenue, and the 11-foot-tall bike storage shed will act as a buffer between the residential open space at the ground level and the neighbors on Halcyon Court.

D. Use Permit to Reduce the Minimum Open Space for Mixed-Use Projects: Pursuant to BMC Section 23.204.050(D)(3)(a) ZAB may modify the minimum useable open space for mixed use projects, provided that the modification meets one of the four required findings of BMC Section 23.204.050(D)(3)(b). The modification must achieve one or more of the following:

- (a) Encourage use of the ground floor for commercial purposes where appropriate.
- (b) Encourage utilization of public transit and existing off-street parking facilities in the area of the proposed building.
- (c) Facilitate the construction of residential or tourist hotel uses where

appropriate.

- (d) Permit consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose.

The applicant would provide 5,226 square feet of useable open space at the ground floor, where 28,800 square feet is required. A commercial space will be located at the northeast corner of the building, which will help activate the street. Instead of locating additional useable open space at the roof, the roof will be used for solar panels and HVAC units.

E. Administrative Use Permit for Roof-Top 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 would include a staircase/elevator penthouse totaling 166 square feet that would extend four feet over the 63-foot roof height. The penthouses represent less than one percent (0.8) of the 18,932-square-foot average of all the floor areas. The projection is, therefore, permissible.

F. General Plan Consistency: The following is an analysis of conformance with the 2002 General Plan goals and policies, provided for informational purposes only:

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 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.
3. Policy LU-27-Avenue Commercial Areas: Encourage that pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.
4. Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City's share of regional housing needs.
5. Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
6. 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.
7. 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.

8. 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.
9. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

As discussed, the project would improve the utilization of the site with development that is of appropriate intensity, that is compatible with the existing surrounding development, and that would further improve the neighborhood character and quality of life by increasing existing street-level activity and bringing in new residents and new business patrons to a commercial corridor. The project site is served by multiple bus lines, and a nearby BART Station.

10. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.
11. Policy EM-5–“Green” Buildings: Promote and encourage compliance with “green” building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

The project would help Berkeley meet its regional housing needs by adding 140 net new housing units, including seven VLI units and one LI unit. The project would be subject to standard conditions of approval that promote sustainable building design, including conditions for solar PV systems, electric vehicle charging, water efficient landscaping, and natural gas prohibitions.

VII. 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:

- A. **APPROVE** Use Permit ZP2022-0170, pursuant to BMC Section 23.406.040 and subject to the attached Findings and Conditions (see Attachment 1, Exhibit A).

Attachments:

1. Findings and Conditions
2. Project Plans, received May 24, 2023
3. Design Review Committee Summary, May 18, 2023
4. Rent Stabilization Board Memorandum, dated March 17, 2023
5. Notice of Public Hearing
6. Correspondence Received

Staff Planner:

Allison Riemer, ariemer@berkeleyca.gov, (510) 981-7433

ATTACHMENT 1

FINDINGS AND CONDITIONS

JUNE 8, 2023

3030 Telegraph Avenue

Use Permit #ZP2022-0170 to demolish a one-story medical office building and two duplexes containing four units (2330 Webster Street and 2334-2336 Webster Street), and construct a five-story (63-foot) mixed-use building with 1,550 square feet of commercial area and 144 dwelling units, including eight-Below Market Rate units (seven Very Low-Income units and one Low-Income unit), utilizing a State Density Bonus.

PERMITS REQUIRED

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential main building
- Use Permit under BMC Section 23.326.030(A)(3) to demolish a building containing two or more units
- Use Permit under BMC Section 23.204.020(A) to construct a mixed-use residential development
- Use Permit under BMC Section 23.204.020(A) to construct multi-family dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 5,000 square feet or more
- Use Permit under BMC Section 23.204.050(D)(1) to increase the maximum main building height limit to 50 feet and 4 stories
- Use Permit under BMC Section 23.304.030(C)(2)(b) to reduce the rear setback on a commercially zoned lot that confronts a Residential District
- Use Permit under BMC Section 23.204.050(D)(3)(a) to reduce minimum open space for mixed-use projects
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural features over the maximum height limit

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot and 4-stories building height limit and permit a 63-foot, 5-story building
- Waiver of BMC Section 23.304.030(C)(2)(a) to reduce the street side setback to 3.5 inches along Webster Street, where 10 feet is required
- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 3.5

I. CEQA FINDINGS

- A.** The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant Section 15332 (“In-Fill Development Projects”) of the CEQA Guidelines.

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

1. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
2. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
3. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
4. 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.
5. The site can be adequately served by all required utilities and public services.

- B.** 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 significant cumulative impacts, (c) there are no significant effects due to unusual circumstances, (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 an 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. The project includes construction of a mixed-use building with 144 dwelling units.

III. DENSITY BONUS FINDINGS

- A.** Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
1. Under the City's methodology for implementing density bonuses, the "base project" consists of 126 units;
 2. The project will provide at least seven Very Low-Income (VLI) and one Low-Income (LI) qualifying units in the 126-unit "base project", as more fully set forth in Condition of Approval #26;
 3. The project is entitled to a density increase of 20 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 26 units above the Base Project, for a total of 152 units.

- B.** 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. No concessions requested as part of the project.
- C.** In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers in order to provide for affordable housing costs:
- A. Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot and 4-stories building height limit and permit a 63-foot, 5-story building; and
- B. Waiver of BMC Section 23.304.030(C)(2)(a) to reduce the street side setback to 3.5 inches along Webster Street, where 10 feet is required; and
- C. Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 3.5.

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.

- D.** 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 to 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

IV. FINDINGS FOR APPROVAL

- A.** 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:
1. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements as well as any other project specific conditions. These standard conditions will ensure the project will not be detrimental to adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.
 2. Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. New shadows would affect dwellings at the following locations:
 - Webster Street, northwest of the site, casting new shadows on the winter solstice two hours after sunrise.

- Webster Street and Halcyon Court, west of the project site, casting new shadows on the summer solstice two hours after sunrise.
- Telegraph Avenue, southeast of the project site, casting new shadows on the summer solstice two hours before sunset.

Because the impacts to neighboring properties will occur on limited areas, and will only partially shade neighboring buildings for a limited time during the year, and only for a few hours of the day, the project will not result in a significant loss of direct sunlight on abutting dwellings, and these shading impacts are not deemed detrimental.

V. OTHER FINDINGS FOR APPROVAL

1. 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 3030 Telegraph Avenue will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City because the demolition will allow the development of a new mixed-use residential building that includes 1,550 square feet of commercial area on the ground floor, and meets the finding that demolition is required to allow a proposed new building.
2. As required by Section 23.326.020(B) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the existing building at 3030 Telegraph Avenue will not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City because the project will replace four dwelling units with 144 dwelling units (seven units affordable to Very Low-Income households and one unit affordable to Low-Income households). The increase in the number of housing units would help meet the City's need for additional housing.
3. As required by Section 23.326.030(A)(3) of the BMC, the Zoning Adjustments Board finds that the demolition of a building constructed before June 1980 on a property containing two or more dwelling units is necessary to permit construction of at least the same number of dwelling units.
4. As required by Section 23.204.050(E) of the BMC, the Zoning Adjustments Board finds that the proposed use or structure:
 - A. Is compatible with the purposes of the district: The project is a higher-density development in proximity to regional transit, shops 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 Corridor Commercial District (C-C) and is designated Avenue Commercial in the City's General Plan. It would create 144 new dwelling units in a range of sizes from studio, one-bedroom, and three-bedrooms. Eight of the units would be deed restricted as affordable housing units (seven-very-low-income and one low-income). The proposal also includes 1,550 square feet of commercial space.
 - B. Is compatible with the surrounding uses and buildings: The project site currently includes a medical office building and two duplexes; however, the residential uses are no longer occupied (vacant for more than five years). The proposed project will change uses on the site to ground-floor commercial and residential uses above, providing an underutilized site with a use that activates the Telegraph Avenue frontage. The project would not introduce

new land uses that do not already exist in the area.

- C. Does not interfere with the continuity of retail and service facilities at the ground level: The project includes 1,550 square feet of ground floor commercial space and will enhance and strengthen the continuity of retail and service facilities at the ground floor.
 - D. Does not exceed the amount and intensity of use that can be served by the available traffic capacity and potential parking supply: Pursuant to BMC Section 23.334 the project is required to comply with the City Transportation Demand Management (TDM) requirements. These requirements include real time transportation information monitors, transit passes to residents of the building, unbundled parking, and bicycle parking. Implementation of these measures would promote and incentivize alternative means of transportation and would create less of a burden on the traffic capacity and potential parking supply. Additionally, the Ashby BART station is located on Adeline Street, less than a mile (0.7) west of the project site. Bus services provided by AC Transit services are also available at the BART Station, and close to the project site along Telegraph Avenue and Ashby Avenue.
5. As required by Section 23.304.030(C)(2)(b) of the BMC, the Zoning Adjustments Board finds that the 6-foot rear setback requested for the portion of the building east of 3041 Halcyon Court will be an improvement on the existing setback of 4 feet 9 inches east of 3041 Halcyon Court, and the 6-foot fence and the rear setback of 8 feet 6 inches for the bike storage shed will act as a buffer between the residential open space at the ground level and the neighbors on Halcyon Court.
 6. As required by Section 23.204.050(D)(3)(a) of the BMC, the Zoning Adjustments Board finds that the reduction in minimum useable open space will encourage use of the ground floor for commercial purposes where appropriate.
 7. As required by Section 23.304.050(A) of the BMC, the Zoning Adjustments Board finds that the request to permit building features such as mechanical penthouses that project about the height limit is permissible because:
 - A. With a gross floor area of 94,664 square feet, the average floor area for five floors is 18,932 square feet, and 15 percent of the average floor area is 2,223 square feet. The proposed features occupy 166 square feet, which complies with the 15 percent limit.
-

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. Pay Transparency Acknowledgement (BMC Section 13.104.030)

Prior to the issuance of a building permit for any Project subject to this Chapter:

- A. A Responsible Representative of the Permittee shall certify under penalty of perjury that: (1) the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code; and (2) the Permittee will be responsible for demonstrating compliance with this Chapter.
- B. The Permittee shall provide to the City a Contractor Pay Transparency Acknowledgment on a form approved by the City for this purpose. A Responsible Representative of the Permittee shall certify under penalty of perjury that the Contractor and all Qualifying Subcontractors performing work on the Project will comply with Chapter 13.104 of the Berkeley Municipal Code and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

10. Pay Transparency Attestations Following Project Completion (BMC Section 13.104.040)

Within 10 days of the approved final inspection of any Project subject to this Chapter, each Permittee shall provide to the City for each Contractor and Qualifying Subcontractor a Pay Transparency Attestation on a form approved by the City. On each Pay Transparency Attestation, a Responsible Representative of the Contractor or Qualifying Subcontractor shall attest under penalty of perjury that the Contractor or Qualifying Subcontractor complied with Chapter 13.104 of the Berkeley Municipal Code and Labor Code sections 226(a) and 2810.5 for each employee who performed work on the Project. The City will maintain Pay Transparency Attestation forms for period of at least three years after their date of receipt by the City.

11. Posting of Ordinance (BMC Section 13.104.050)

Each day work is performed on the Project, each Permittee shall post, and keep posted in a conspicuous location where it may be easily read by employees during the hours of the workday, a notice that: (A) contains the text of Chapter 13.104 of the Berkeley Municipal Code; (B) explains that workers can report violations of Labor Code sections 226 and 2810.5 to the Labor Commissioner of the State of California; and (C) provides current contact information, including

office address, telephone number, and email address of the Labor Commissioner of the State of California.

12. Conditions of Approval (BMC Section 13.104.060)

The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Section 23.404.080.

13. 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.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC 23.404.050, the Zoning Adjustments Board attaches the following additional conditions to this Permit.

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

15. Tenant Protections and Relocation Assistance. Should any unit at 2330-36 Webster Street be rented before the building demolished, all of the following conditions would apply:

- A. Pursuant to Government Code Section 66300(d)(2)(C), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice.
 - B. Pursuant to Government Code Section 66300(d)(2)(D)(i) and (ii), the developer shall provide occupants of protected units relocation benefits and a right of first refusal for a comparable unit.
 - C. Prior to issuance of the building permit, the applicant shall enter into a Regulatory Agreement to be reviewed, approved, and implemented by the Health, Housing and Community Services Department (HHCS), which will oversee and monitor the income qualification of returning tenants. For any tenant household qualifies for the additional tenant protections described in BMC Chapter 23.326, then the Regulatory Agreement will include the following provision for returning tenants: tenants who do not income qualify for a below-market-rate unit in the new building shall occupy a unit per the terms in Condition of Approval (enter number which describes Demolition Ordinance); at the end of their tenancy, the unit shall assume the affordability level specified in the Regulatory Agreement.
 - D. Pursuant to BMC 23.326.030(A)(5)(c), (i) the applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and (ii) shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation of the preceding prior to submittal for building permits. This condition only applies to tenant households that qualify for the additional tenant protections described in BMC Chapter 23.326.
- 16. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.
- 17. 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.
- 18. 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.
- 19. 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)

- 20. Construction Noise Management - Public Notice Required.** At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison will determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.
- 21. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
- 22. 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.
- 23. 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.
- 24. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. 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/>

BELOW MARKET RATE UNITS

25. **Affordable Housing Mitigation Fee (AHMF)**: Consistent with BMC 22.20.065 and fee resolution No. 68,074-N.S., 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, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,074-N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.

26. Number of Below Market Rate Units. The project shall provide **seven Very Low-Income and one 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.
27. 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.
28. Affordable Housing: Below Market Rate Program. 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.
29. 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

- 30. Affordable Housing.** Nothing in these conditions shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.
- 31. Affordable Housing.** Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328.
- A. Residential housing projects for the construction of five or more Dwelling Units;
 - B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four-unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
 - C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.
- 32. Affordable Housing – Density Bonus.** If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

Prior to Issuance of Any Building (Construction) Permit

- 33. Percent for Public Art:** Consistent with BMC 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
- 34. 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.
- 35. 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.
- 36. 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.
- 37. 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.
- 38. 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). The building permit plan set submission shall include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.
- 39. 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).
- 40. 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.

Prior to Demolition or Start of Construction:

41. 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:

42. 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.
43. 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.
44. 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.
45. 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.
- 46. 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.
- 47. 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.

- 48. 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.
- 49. 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.

- 50. 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.

- 51. 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:
- D. 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.
 - E. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional will 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.
 - F. 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.
 - G. 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.
 - H. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 52. 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.
- 53. 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.

- 54. 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.
- 55. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design

measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

- H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
 - K. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 56. 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.
- 57. 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.
- 58. 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.
- 59. 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.

60. 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.
61. 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:

62. 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.
63. 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 **May 24, 2023**, except as modified by conditions of approval.
64. Number of Below Market Rate Units. Should the Applicant elect to provide BMR units prior to receiving a building permit for the Project, they are entitled to eliminate or receive a proportional reduction in the AHMF consistent with BMC Section 22.20.065. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; 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. Any additional BMR units the applicant may choose to provide must also conform with these conditions.
65. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.
- A. Consistent with 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 adult monthly pass for unlimited local bus transit service monthly local bus pass.

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.

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

At All Times:

- 66. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 67. 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.
- 68. 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.
- 69. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review Committee approval.
- 70. 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.
- 71. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 72. 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.
- 73. 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.

- 74.** Bike Parking. Secure and on-site bike parking for at least 82 bicycles shall be provided for the life of the building.
- 75.** Tenant Notification. The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
-

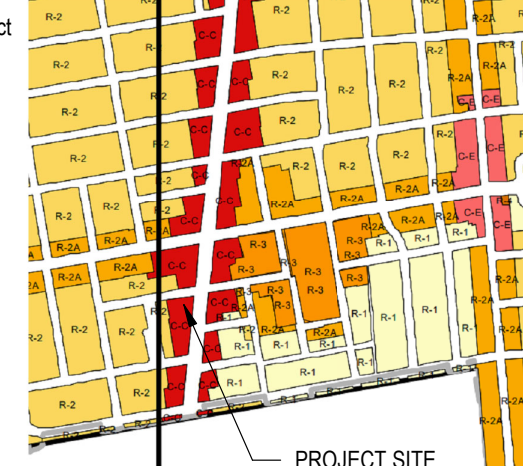
PROJECT DATA

CITY OF BERKELEY ZONING							
		PERMITTED / REQUIRED	PERMITTED WITH A USE PERMIT	CODE REFERENCE	PROVIDED IN BASE PROJECT	PROPOSED (W/20% DENSITY BONUS)	COMMENTS
BUILDING INFO.	NUMBER OF DWELLING UNITS:	N/A	N/A		126	144	*** PROPOSED COMMERCIAL AREA = 1,550 SF EXISTING COMMERCIAL AREA = 11,245 SF NET NEW COMMERCIAL AREA = -9,645 SF
	NUMBER OF BEDROOMS:	N/A	N/A		201	223	
	COMMERCIAL AREA:	N/A	N/A		804 SF	+/-1,550 SF***	
FLOOR AREA & COVERAGE	LOT AREA:	27,042 SF (6 acres)	27,042 SF (6 acres)		27,042 SF (6 acres)	27,042 SF (6 acres)	** DENSITY BONUS WAIVER / CONCESSION
	GROSS FLOOR AREA:	81,126 SF	N/A		81,126 SF	94,664 SF	
	RESIDENTIAL FLOOR AREA:	N/A	N/A		77,835 SF	90,387 SF	
	BUILDING FOOTPRINT:	27,024 SF	N/A		19,626 SF	19,811 SF	
	LOT COVERAGE:	100%	100%		72%	73%	
	PROJECT FAR:	MAXIMUM 3 : 1	N/A		3 : 1	3.5 : 1**	
SETBACKS & OPEN SPACE	FRONT YARD SETBACK: (TELEGRAPH AVENUE)	0 FT	0 FT	TABLE 23.204-3 & TABLE 23.204.020 (FRONT LINE DETERMINATION)	0 FT	4.5'	
	STREET SIDE YARD SETBACK: (WEBSTER STREET)	10 FT (SAME AS R-2)	10 FT (SAME AS R-2)	TABLE 23.204-3	10 FT	3.5'	
	INTERIOR SIDE YARD SETBACK:	0 FT	0 FT	TABLE 23.204-3	5 FT	8 FT	
	REAR YARD SETBACK:	10 FT OR 10% OF LOT DEPTH (WHICHEVER IF LOWER)	10 FT OR 10% OF LOT DEPTH (WHICHEVER IF LOWER)	TABLE 23.204-3	10 FT	6FT	
	BUILDING SEPARATION:	0 FT (NO MINIMUM)	N/A	TABLE 23.204-8	22'-3"FT	39'-1"FT	
	USABLE OPEN SPACE:	200 SF / UNIT	0	TABLE 23.204-8	25,200 SF (200 SF X 126 UNITS = 25,200 SF MIN)	5,226 SF (200 SF X 144 UNITS = 28,800 SF MIN)	
HEIGHT	BUILDING HEIGHT:	40 FT	50 FT*	TABLE 23.204-8	49 FT	63.0 FT**	* PER THE AUGUST 21, 2021 MEMORANDUM FROM STEVE BUCKLEY, CITY PLANNING MANAGER, APPROVAL OF THE UP (PH) MAXIMUM HEIGHT OF 50 FT IS ASSUMED UNDER THE "BASE PROJECT DENSITY." ** DENSITY BONUS WAIVER / CONCESSION
	BUILDING HEIGHTS:	3	4*	TABLE 23.204-8	4	5	
PARKING	RESIDENTIAL VEHICULAR NO MINIMUM	0 SPACES	0 SPACES	TABLE 23.322-2	0 SPACES	0 SPACES	
	NON-RESIDENTIAL VEHICULAR	0 SPACES	0 SPACES	TABLE 23.322-2	2 SPACES	0 SPACES	
	RESIDENTIAL BIKE LONG TERM: (1 SPACE PER 3 BEDROOMS)	X BEDROOMS / 3 = X SPACES	N/A	TABLE 23.322-10	201 BEDROOMS / 3 = 67 SPACES	223 BEDROOMS / 3 = 75 SPACES	
	SHORT TERM: (1 SPACE PER 40 BEDROOMS)	X BEDROOMS / 40 = X SPACES	N/A	TABLE 23.322-10	201 BEDROOMS / 40 = 5 SPACES	223 BEDROOMS / 40 = 6 SPACES	
	COMMERCIAL BIKE SHORT TERM: (1 SPACE PER 2,000SF)	X SF / 2,000 SF = X SPACES	0	TABLE 23.322-10	762 SF / 2,000 SF = 1 SPACE	1,550 SF / 2,000 SF = 1 SPACE	

RENDERING



SITE ZONING INFORMATION

ZONING DISTRICT:	C-C Corridor Commercial District (23.204.050)	
LOT AREA:	+/-27,042 sf (6 acres)	
DOWNTOWN ARTS DISTRICT OVERLAY:	NO	PROJECT SITE
EARTHQUAKE FAULT RUPTURE ZONE:	NO	
LANDSLIDE HAZARD ZONE:	NO	
LIQUEFACTION HAZARD ZONE:	NO	
FLOOD ZONE:	NO	
UN-REINFORCED MASONRY BUILDING:	NO	
LANDMARKS OR STRUCTURE OF MERIT:	NO	
FIRE ZONE:	1	
CREEK BUFFER:	NO	
FLOOD ZONE (100-YEAR OR 1%):	NO	
REDEVELOPMENT AREA:	NO	
COMMERCIAL DISTRICTS WITH USE QUOTAS:	NO	

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A-0.2	EXISTING SITE PLAN/DEMO PLAN
A-0.3	LOT COVERAGE CALCCS
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C2.0	UTILITY PLAN
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C4.0	SECTIONS & DETAILS
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L2	LANDSCAPE PRECEDENT IMAGES
L3	PRELIMINARY PLANT IMAGES, PLANTING & IRRIGATION NOTES
L4	PRELIMINARY PLANTING PLAN & EXISTING TREE MAP
L5	PRELIMINARY IRRIGATION PLAN & CALCULATIONS
L6	LANDSCAPE OPEN SPACE PLAN & CALCULATIONS
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A-1.2	2ND LEVEL FLOOR PLAN
A-1.3	3RD LEVEL FLOOR PLAN
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A-2.3	2ND LEVEL FLOOR PLAN
A-2.4	3RD LEVEL FLOOR PLAN
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A-3.3	EXTERIOR ELEVATIONS
A-3.4	EXTERIOR ELEVATIONS
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A-8.5	SHADOW STUDY (11/23)
A-8.6	3D SHADOW STUDY 11/23
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A-9.1	ARCHITECTURAL DETAILS

PROJECT INFORMATION

PROJECT SCOPE:
PROPOSED PROJECT INVOLVES DEMOLITION OF EXISTING 9,993 SQUARE FOOT MEDICAL OFFICE BUILDING AND 2 RESIDENTIAL BUILDINGS EACH WITH 2 VACANT APARTMENTS (4 UNITS TOTAL).

NEW CONSTRUCTION OF A 5-STORY, 94,664 SQUARE FOOT RESIDENTIAL APARTMENT BUILDING WITH 144 UNITS. THE PROJECT WILL UTILIZE THE STATE DENSITY BONUS AND INCLUDE 7 UNITS AT VERY LOW INCOME. THE PROJECT WILL INCLUDE 4 RESTRICTED UNITS AS REPLACEMENT OF THE EXISTING, PER SB330 GUIDELINES. THE PROJECT SEEKS ASSOCIATED WAIVERS AND CONCESSIONS FOR NON-RESIDENTIAL PARKING, OPEN SPACE, AND SETBACKS.

SITE LOCATION:
3030 TELEGRAPH AVENUE, 2330, 2334 AND 2336 WEBSTER STREET BERKELEY, CA

SITE APN: 52-1576-27-1

PARCEL ID: 082 157602701

BUILDING INFORMATION:
OCCUPANCY: R-2 / A-2 / S-2
CONSTRUCTION TYPE: TYPE III-A
EXTERIOR WALLS: 2-HR
SPRINKLERED: YES
ELEVATOR: YES

PROJECT DIRECTORY

OWNER / DEVELOPER:
RIAZ CAPITAL
2744 11TH STREET
OAKLAND, CA 94601

CONTACT: LISA VILHAUER
PHONE: (925) 858-4724
EMAIL: lvilhaue@riazcapital.com

ARCHITECT:
LEFT COAST ARCHITECTURE INC.
3800 MOUNT DIABLO BLVD., SUITE 200
LAFAYETTE, CA 94549

CONTACT: SCOTT THOMSEN
PHONE: (925) 297-5688
EMAIL: scott@leftcoastarch.com

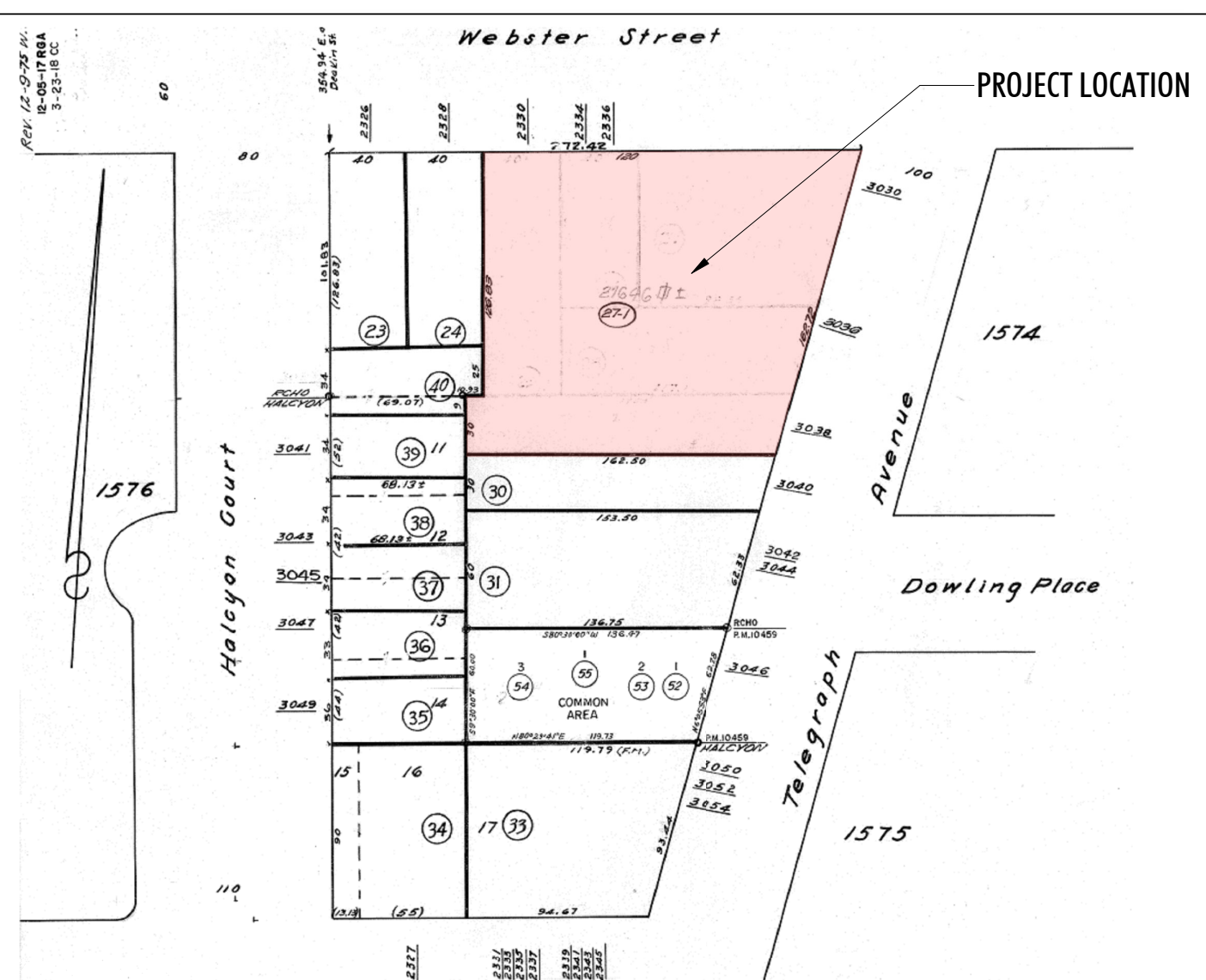
CIVIL:
CARLSON, BARBEE & GIBSON, INC.
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583

CONTACT: ANGELO OBERTELLO, P.E.
PHONE: (925) 866-0322 x268
EMAIL: aoberello@cbandg.com

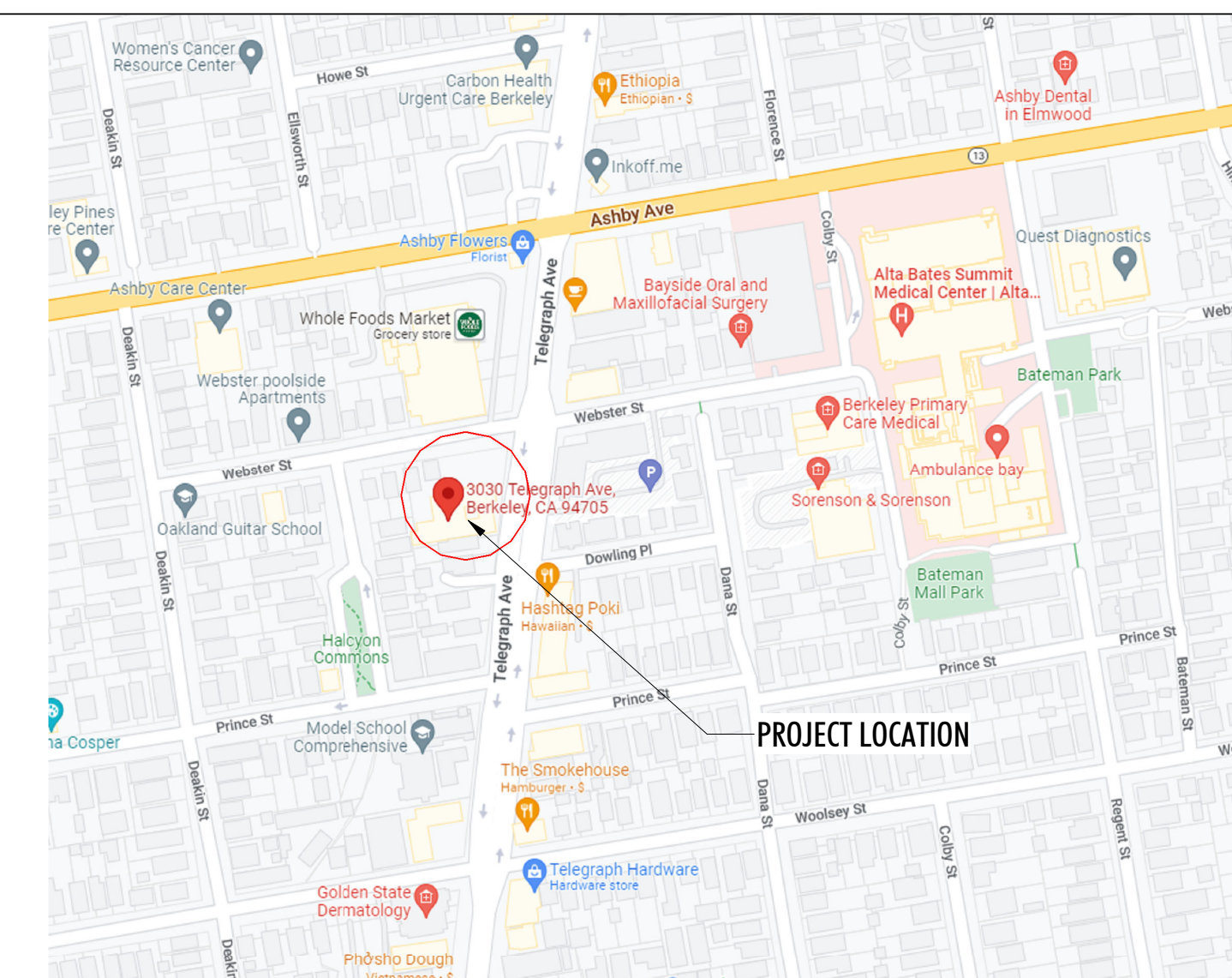
LANDSCAPE ARCHITECT:
JETT LANDSCAPE ARCHITECTURE + DESIGN
2 THEATRE SQUARE, SUITE 218
ORINDA, CA 94563

CONTACT: JESSE MARKMAN
PHONE: (925) 254-5422
EMAIL: jesse@jett.land

ASSESSORS PARCEL MAP



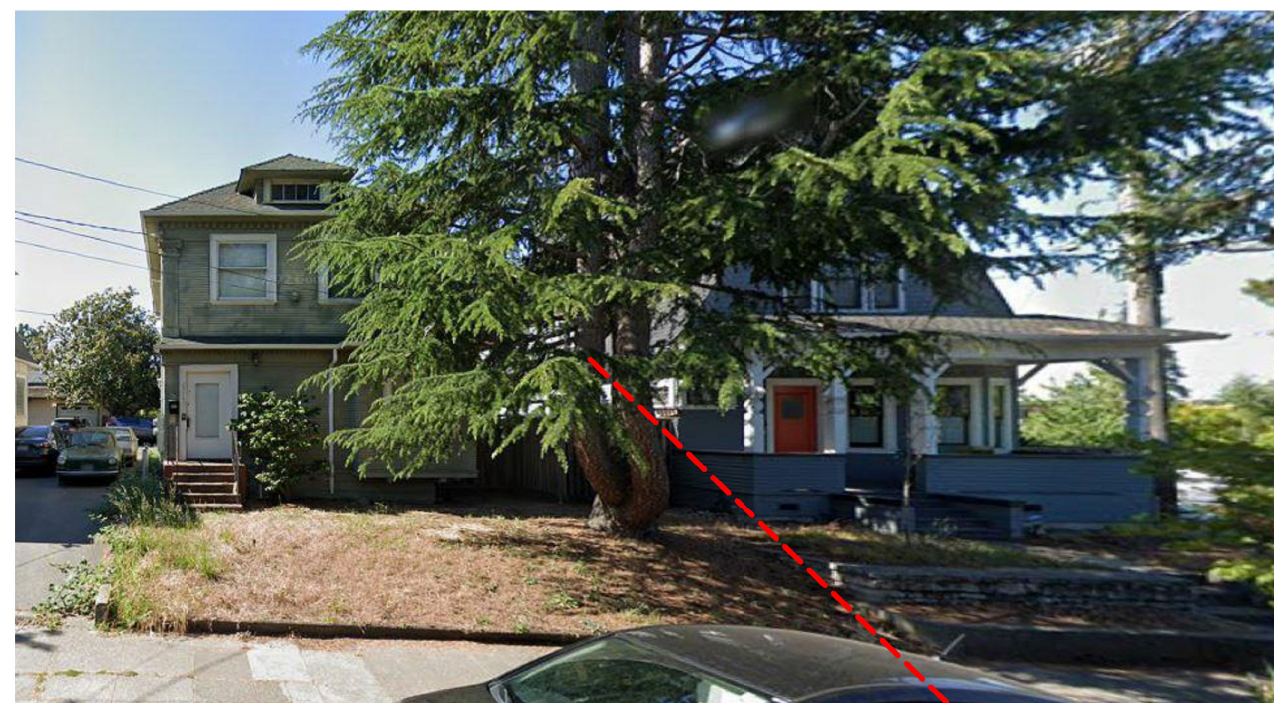
VICINITY MAP



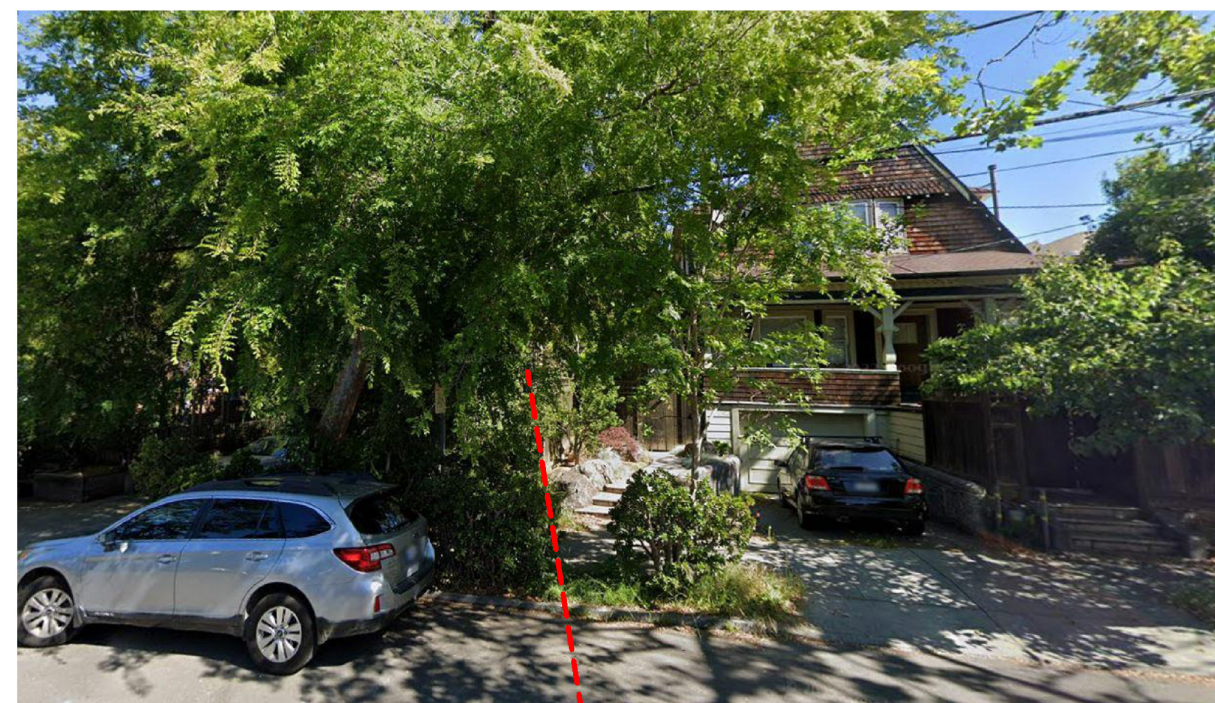
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C



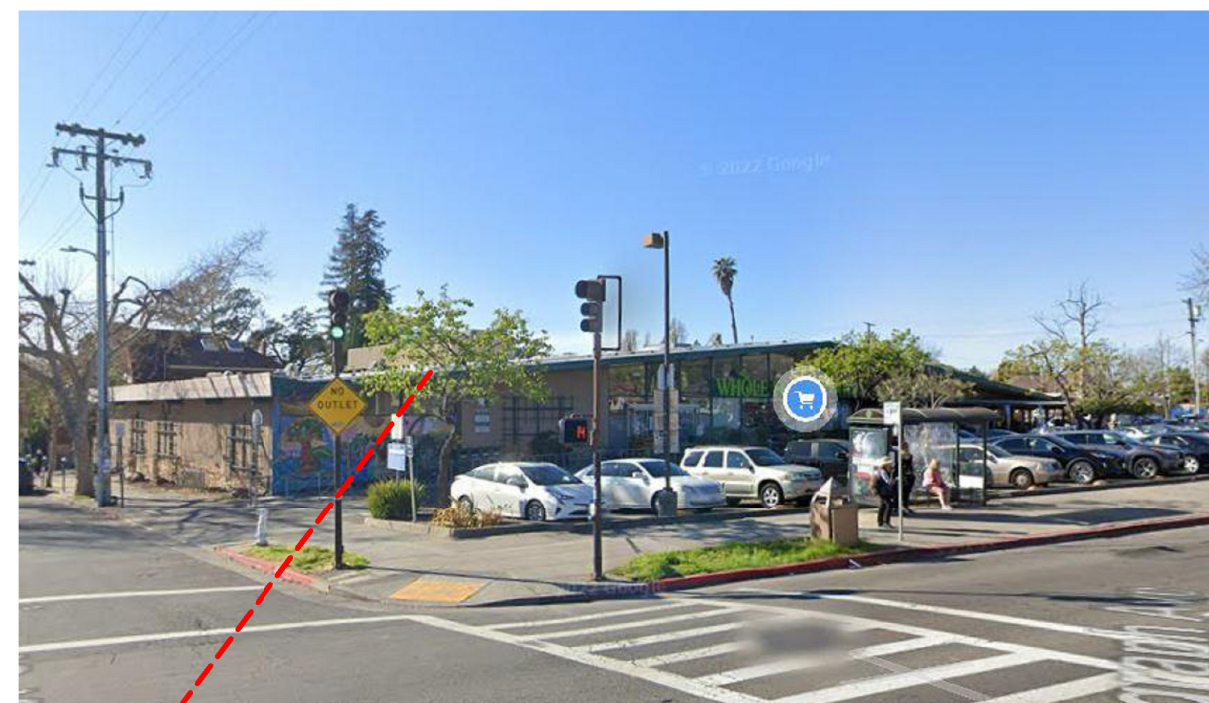
SHEET TITLE
GENERAL INFORMATION
DATE: MAY 24, 2023
SCALE: 12" = 1'-0"
PLANNING RESUBMISSION
A-0.0



2328 & 2326 WEBSTER ST. - RESIDENTIAL BUILDINGS



2329 & 2333 WEBSTER STREET - RESIDENTIAL BUILDINGS



3000 TELEGRAPH AVE. - COMMERCIAL BUILDING



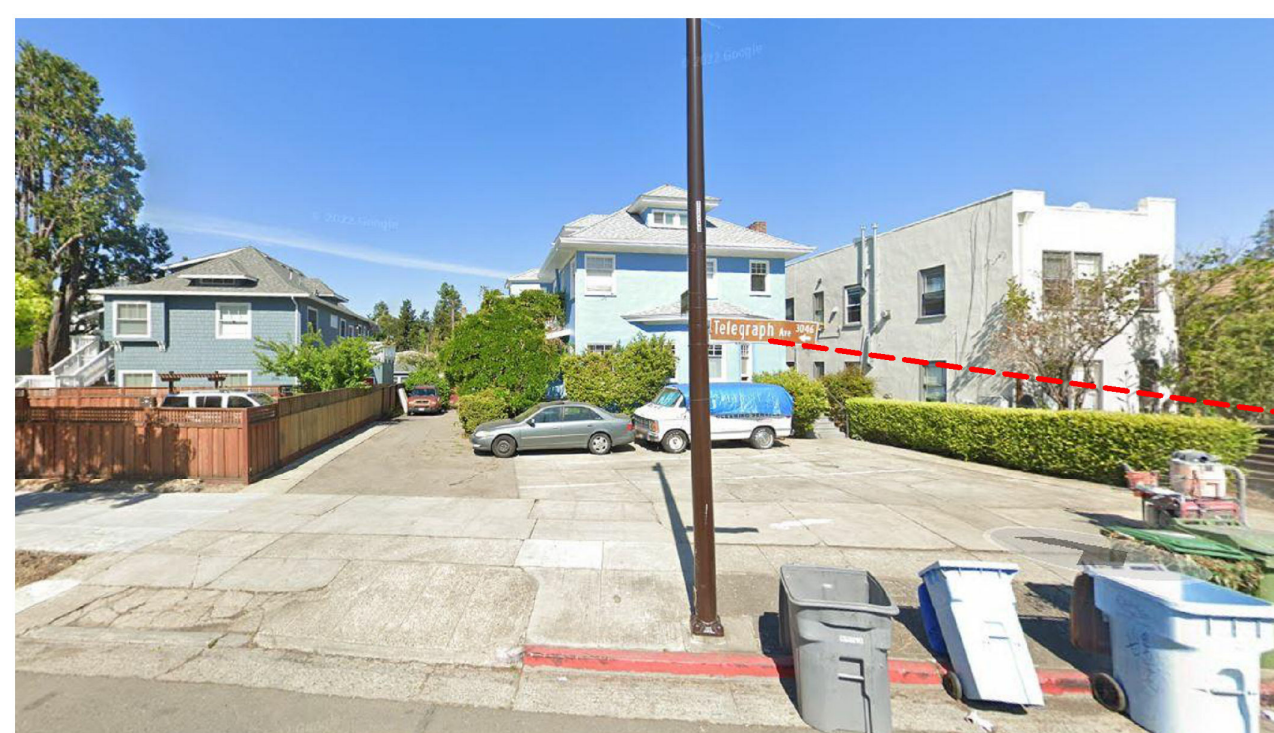
3021 & 3017 TELEGRAPH AVE. - COMMERCIAL BUILDINGS



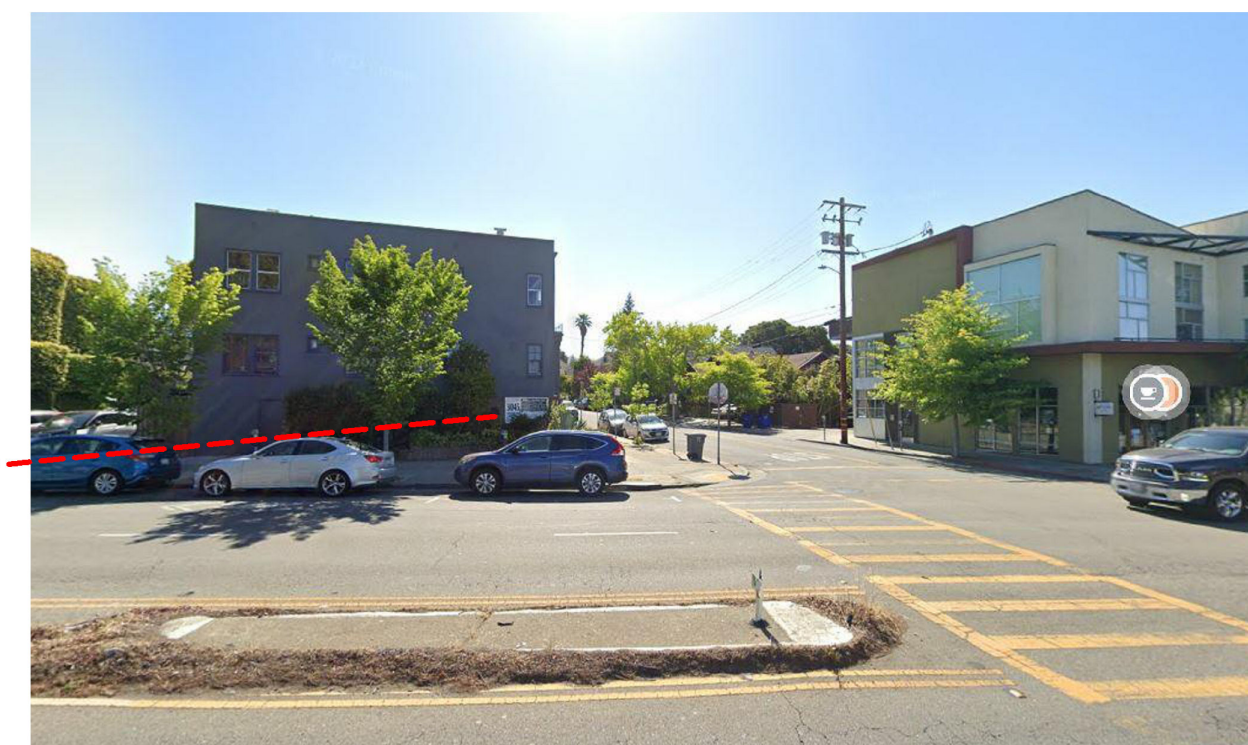
3039 & 3041 HALCYON COURT - RESIDENTIAL BUILDINGS



3031 TELEGRAPH AVE. - COMMERCIAL BUILDING



3040, 3042, & 3046 TELEGRAPH AVE. - RESIDENTIAL BUILDING



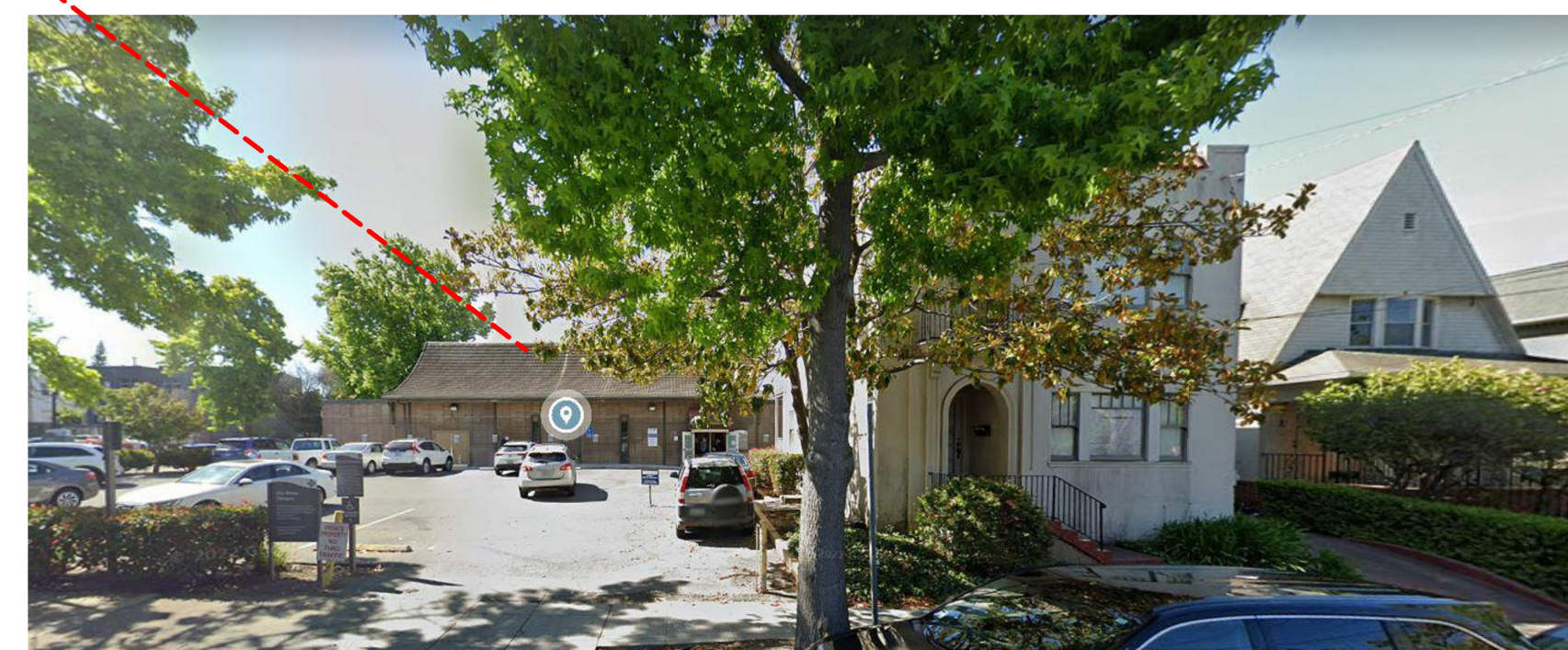
3045 & 3085 TELEGRAPH AVE. - RESIDENTIAL & MIXED-USE BUILDINGS



3030 TELEGRAPH AVE. - PROJECT SITE - VIEW FROM TELEGRAPH AVE.



3030 TELEGRAPH AVE. - PROJECT SITE - VIEW FROM CORNER OF WEBSTER



3030 TELEGRAPH AVE. - PROJECT SITE - VIEW FROM WEBSTER STREET

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C



3800 MT. DIABLO BLVD. SUITE 200
LAYFAYETTE, CA 94549
(925) 297-5688 leftcoastarch.com



2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322 cbandg.com



2 THEATRE SQUARE, SUITE 218
ORINDA, CA 94563
(925) 254-5422 jett.land.com

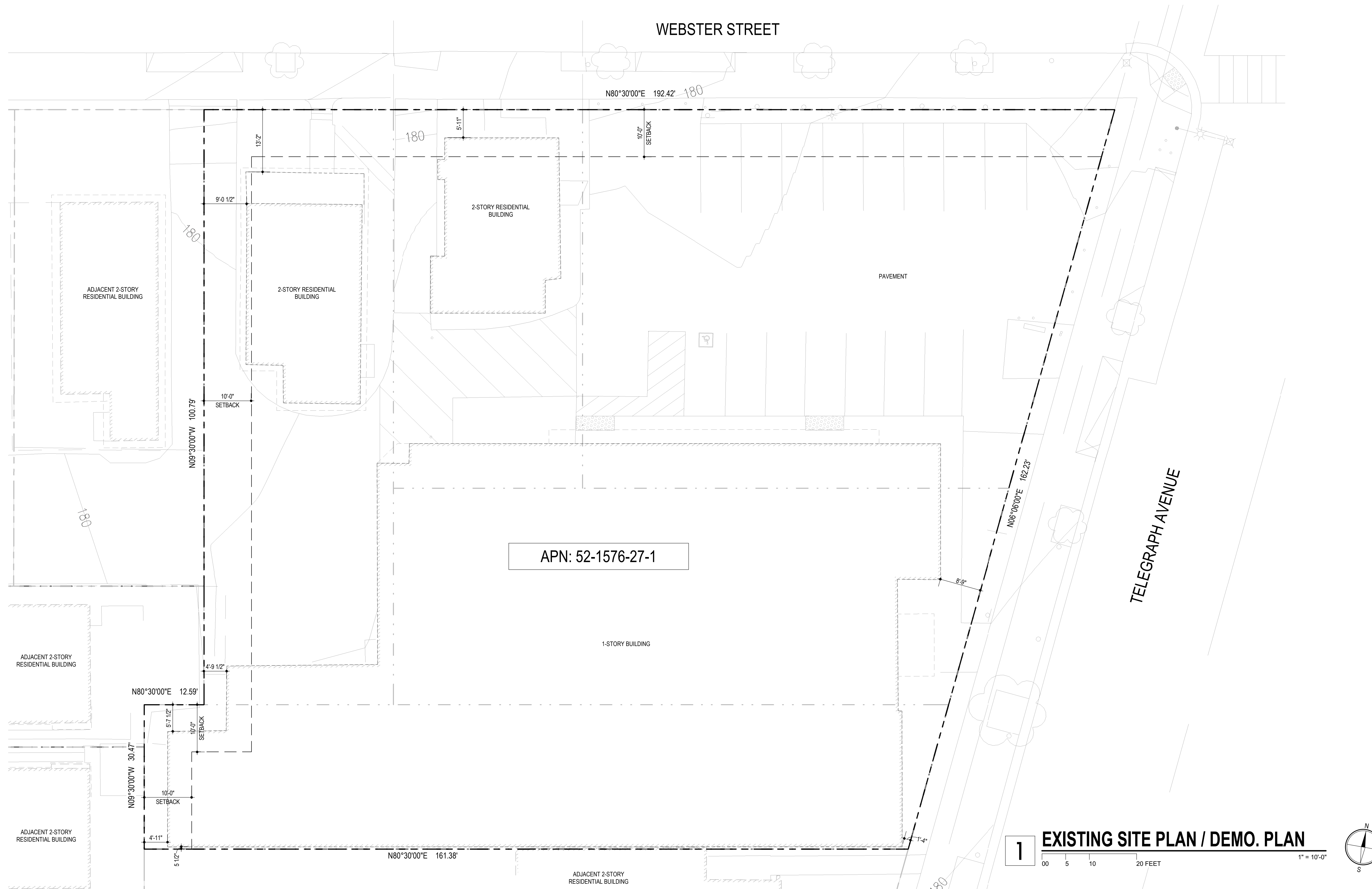


2744 E 11TH ST. OAKLAND, CA 94601
(510) 925-1908 riazcapital.com

SHEET TITLE
VICINITY MAP AND CONTEXT

DATE: MAY 24, 2023
SCALE: 12" = 1'-0"

PLANNING RESUBMISSION
A-0.1

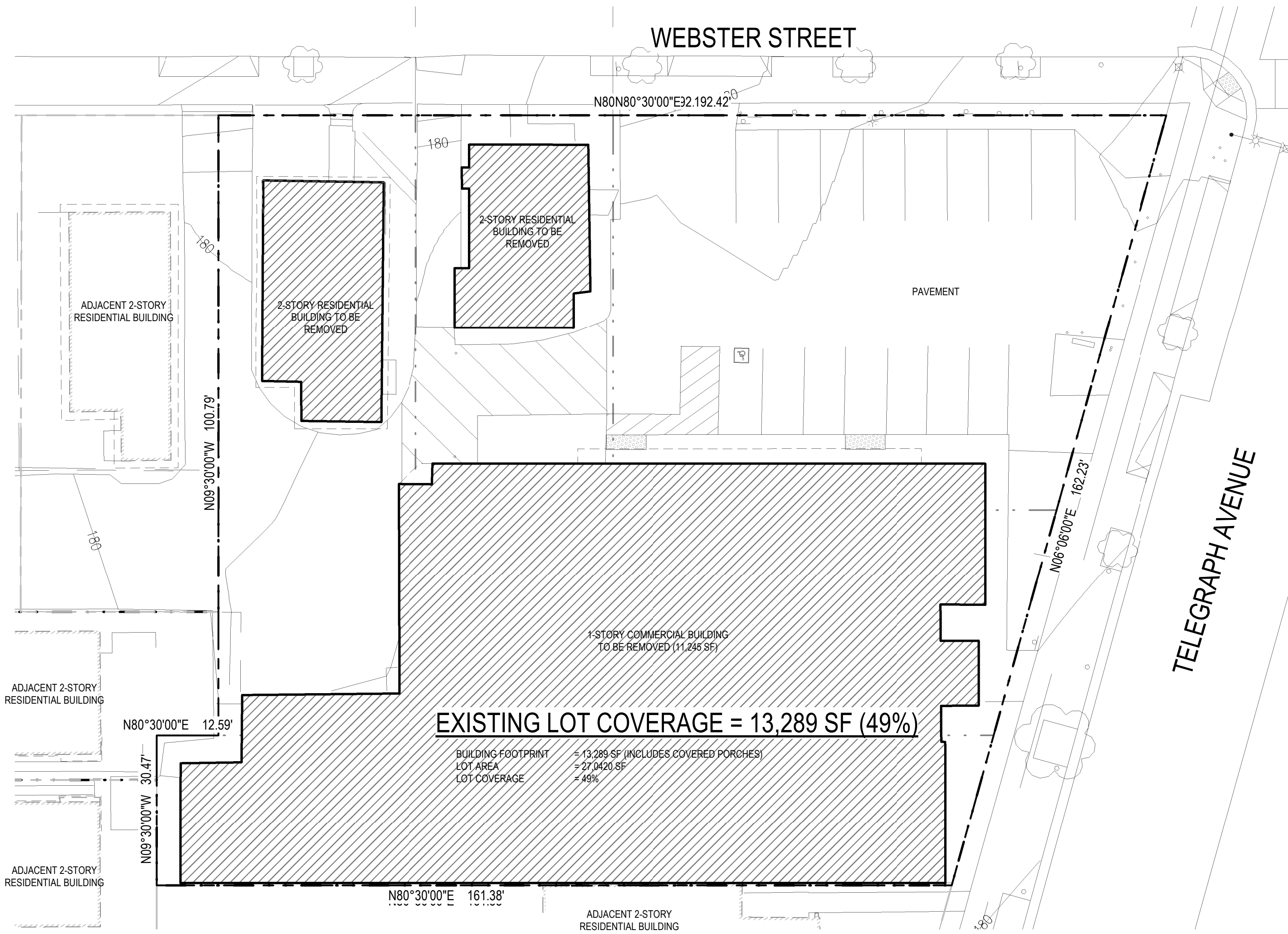


1 EXISTING SITE PLAN / DEMO. PLAN
00 5 10 20 FEET
1" = 10'-0"

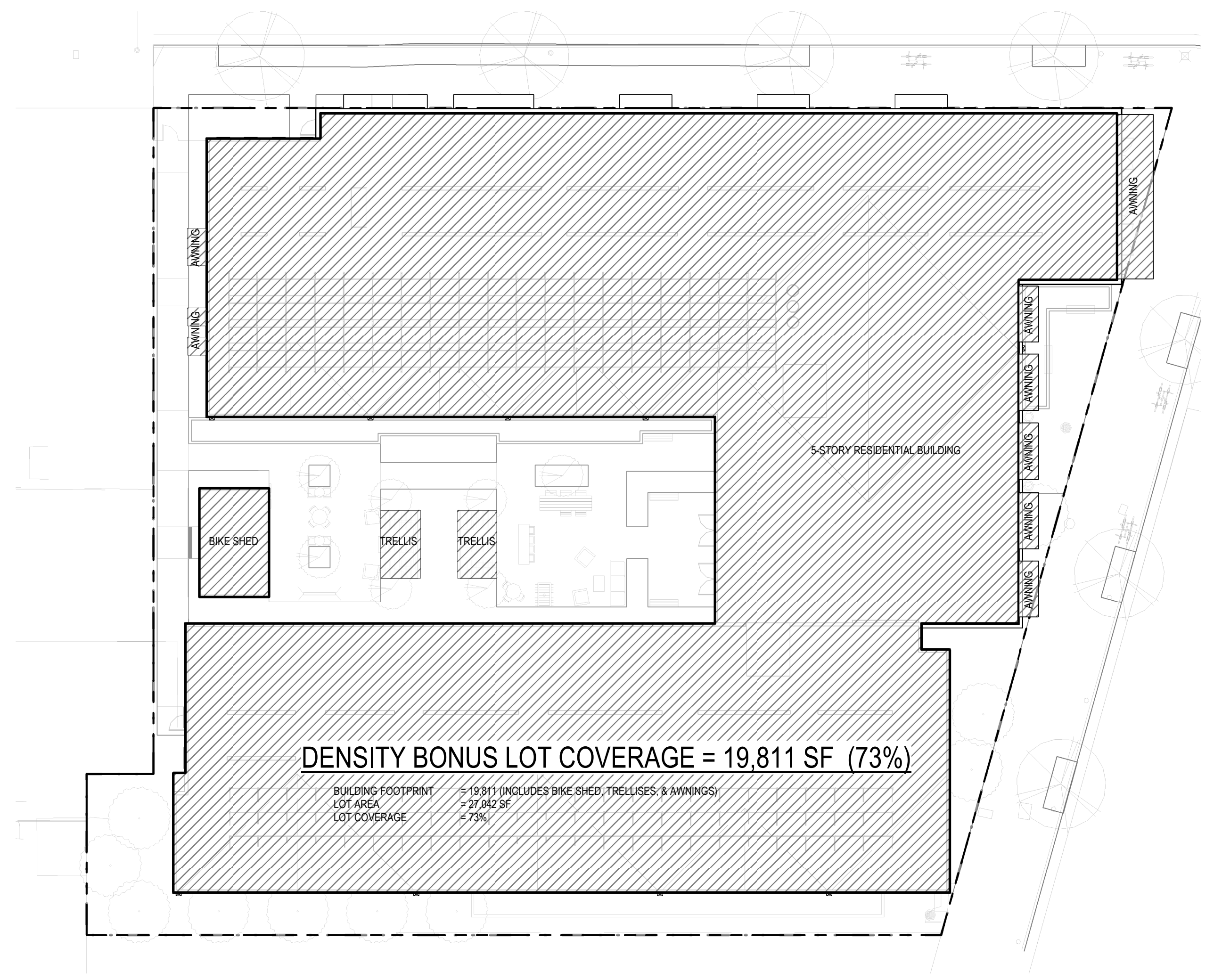
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C



SHEET TITLE
EXISTING SITE PLAN/DEMO PLAN
DATE: MAY 24, 2023
SCALE: 1" = 10'-0"
PLANNING RESUBMISSION
A-0.2



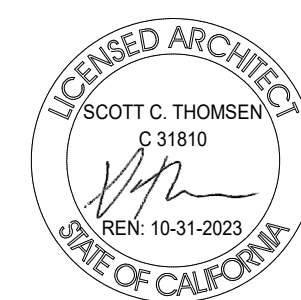
2 EXISTING LOT COVERAGE DIAGRAM
1/16" = 1'-0"
00 08 16 32 FEET



1 DENSITY BONUS LOT COVERAGE DIAGRAM
1/16" = 1'-0"
00 08 16 32 FEET

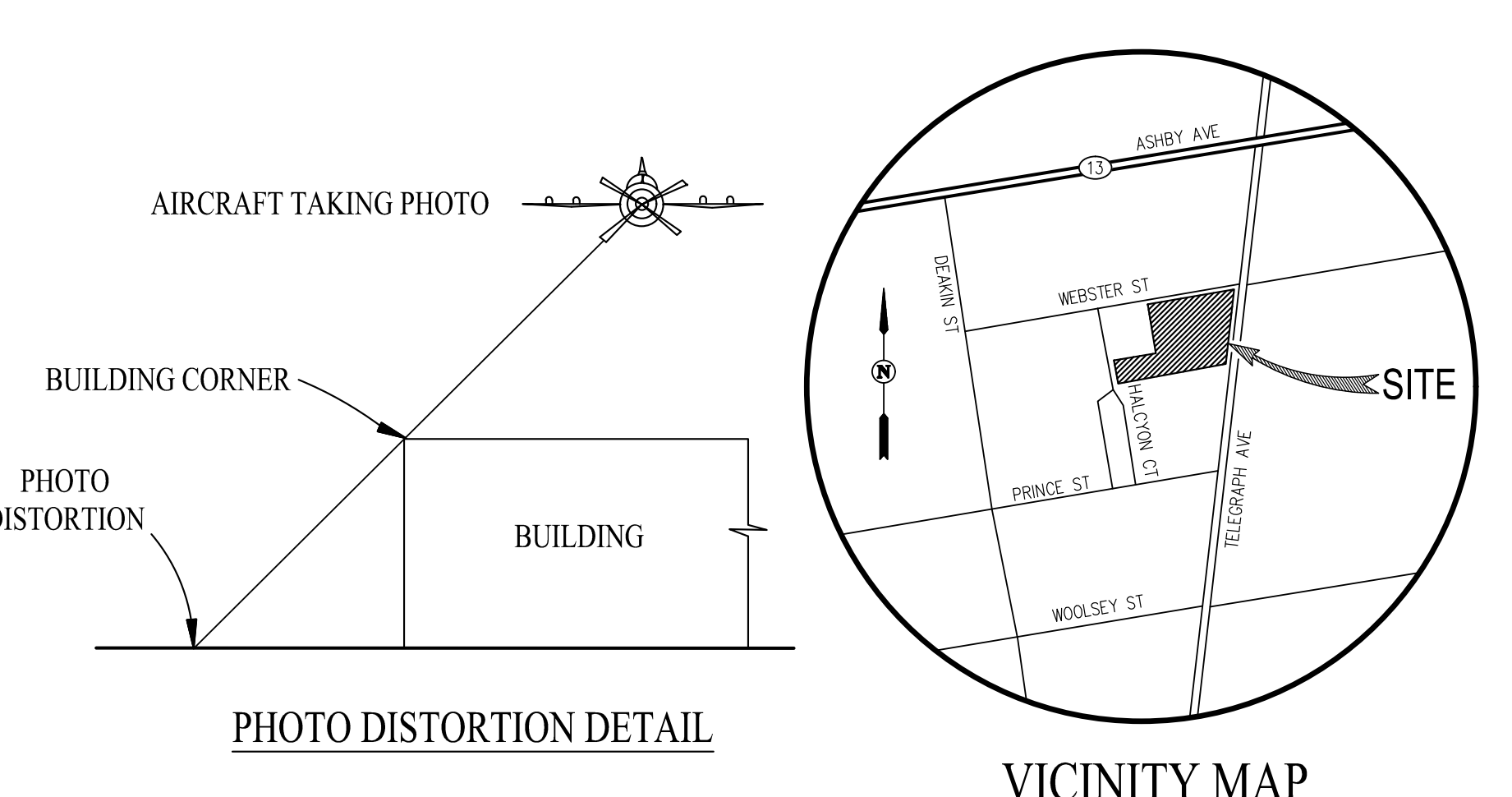
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE	
LOT COVERAGE CALCS	
DATE	SCALE
MAY 24, 2023	1/16" = 1'-0"
PLANNING RESUBMISSION	

A-0.3



BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS DETERMINED BY FOUND MONUMENTS IN PRINCE STREET, THE BEARING BEING N80°30'00"E PER PARCEL MAP 10459 (336 FM 78).

LEGEND:

(#)	INDICATES REFERENCE NUMBER
(1)	MAP OF HALCYON COURT (22 M 9)
(2)	PARCEL MAP 10459 (336 FM 78)
(3)	PARCEL MAP 9977 (318 FM 21)
(4)	RECORD OF SURVEY 2296 (34 RS 83)
(5)	CORNER RECORD 13029 (BOOK 129, PAGE 100)
(6)	CORNER RECORD 4742 (BOOK 42, PAGE 78)
(7)	CORNER RECORD 12799 (BOOK 128, PAGE 60)
(8)	TRACT 243 (17 M 83)
(9)	MAP OF WOODLEY TRACT (11 M 55)
(10)	CORNER RECORD 11449 (BOOK 110, PAGE 71)
(11)	CORNER RECORD 4747 (BOOK 42, PAGE 77)
(12)	CITY OF BERKELEY MONUMENT CARES FOR MONUMENTS 80067 AND 80827
(13)	CITY OF BERKELEY UNRECORDED SURVEYS 144-16, 119-17, 143-6, 158-6, 257-6, AND 7328
(14)	DEED (DN 83-072401)
(15)	DEED (DN 83-081535)
(16)	DEED (DN 87-208434)
(17)	DEED (DN 87-208435)
(18)	DEED (DN 79-220480)
(19)	DEED (DN 89-141607)
(20)	DEED (309 DEEDS 120)
(21)	DEED (931 DEEDS 129)
(22)	DEED (1169 DEEDS 239)
(23)	DEED (2221 DEEDS 298)
(24)	DEED (439 OF 177)
(25)	DEED (687 OF 34)
(26)	DEED (2535 OF 370)
(27)	DEED (2538 OF 313)
(28)	DEED (2587 OF 52)

REFERENCES:

BOUNDARY LINE	---
CENTERLINE	---
EASEMENT LINE	---
ADJACENT LINE	---
CHW	---
FENCE LINE	---
BUILDING LINE AT GROUND LEVEL	---
TOTAL	(T)
MONUMENT TO MONUMENT	(M-M)
MONUMENT TO PROPERTY LINE	(M-PL)
FOUND STANDARD STREET MONUMENT	*
FOUND MONUMENT AS NOTED	●
NORTHWEST	NW
SOUTHWEST	SE
BUILDING	BLDG
OVERHANG	OH
BACK FLOW PREVENTER	BFP
BACK OF WALK	BW
CONCRETE	CONC
CORNER	COR
DRIVEWAY	DW
ELECTRIC	ELEC
ELECTRIC METER	EM
EDGE OF PAVEMENT	EP
FIRE HYDRANT	FH
GAS METER	GM
MANHOLE	MH
PROPERTY LINE	PL
POINT OF BEGINNING	POB
OVERHANG	OH
RETAINING WALL	RW
STREET LIGHT	SL
STREET LIGHT VAULT	SLV
SANITARY SEWER CLEAN OUT	SSCO
TRAFFIC SIGNAL VAULT	TLV
WATER METER	WM

NOTES:

- RECORD INFORMATION AND PROPERTY DESCRIPTION ON THIS SURVEY IS PER TITLE REPORT LISTED HEREON. THE PREPARER HAS NOT PERFORMED, NOR HAS ACCEPTED RESPONSIBILITY TO PERFORM, ADDITIONAL RECORD RESEARCH.
- THE PROPERTY HAS DIRECT ACCESS TO TELEGRAPH AVENUE, WEBSTER STREET, AND HALCYON COURT.
- AERIAL PHOTOGRAPHY IS DATED MARCH 6, 2022 AND IS FOR VISUAL PURPOSES AND NOT SURVEY RECTIFIED AND IS INTENDED TO DISPLAY IMPROVEMENTS SUCH AS FENCES, CURBS, UTILITY BOXES AND POLES, AND OTHER PLANNING FEATURES AND THEIR RELATIONSHIP TO THE SUBJECT PROPERTY AS WELL AS TO EVALUATE THE SITE FOR EVIDENCE OF USE BY OTHER THAN THE OCCUPANTS OF THE PROPERTY.
- THERE IS NO VISIBLE EVIDENCE OF EASEMENTS ON THE PROPERTY.
- THIS SURVEY DOES NOT IDENTIFY SPRINGS, WATERS OF THE STATE, WATERS OF THE UNITED STATES OR JURISDICTIONAL WETLANDS.
- IT IS THE PREPARER'S OPINION THAT ALTA/NSPS PRECISION AND ACCURACY STANDARDS ARE INTENDED TO BE APPLIED SOLELY TO BOUNDARY PORTIONS OF THE SURVEY. OTHER MEASUREMENTS SHOWN ARE TO A PRECISION AND ACCURACY STANDARD JUDGED APPROPRIATE BY THE PREPARER.
- DISTANCES SHOWN ARE IN FEET AND ARE "GROUND" DISTANCES.
- IMPROVEMENTS WITHIN FIVE FEET MORE OR LESS OF THE PROPERTY BOUNDARY WERE LOCATED BY FIELD SURVEY AND SHOWN HEREON.
- PER MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS SECTION 8C.III, WITHOUT EXPRESSING A LEGAL OPINION AS TO THE OWNERSHIP OR NATURE OF POTENTIAL ENCROACHMENTS, THE EVIDENCE, LOCATIONS AND EXTENTS ARE SHOWN HEREON.
- UTILITIES SHOWN ARE BASED ON OBSERVED EVIDENCE AT THE TIME OF THE FIELD SURVEY. ADDITIONAL RESEARCH AND INVESTIGATION WOULD BE REQUIRED TO DETERMINE THE EXACT LOCATIONS OF UNDERGROUND UTILITIES; DO NOT RELY ON THIS SURVEY FOR SUCH LOCATIONS. SOME UTILITIES COULD BE COVERED BY STRUCTURES OR OBJECTS SUCH AS AUTOMOBILES, TRUCKS, CONTAINERS, ETC.
- THIS SURVEY DOES NOT DETERMINE OR REPRESENT THE LEGAL STATUS OF PARCELS, PARCELS ARE SHOWN PER TITLE REPORT.

SURVEYOR'S STATEMENT:
THIS IS TO CERTIFY THAT THIS MAP OR PLAN 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 2, 4, AND 5 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON APRIL 4, 2022.

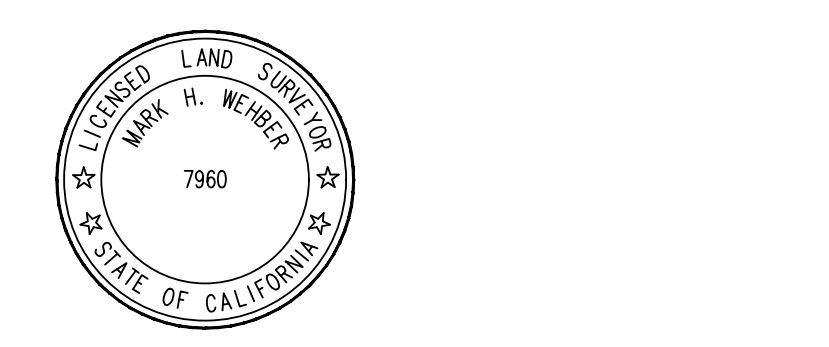
DATE OF PLAT OR MAP: APRIL 28, 2022

TO: 3030 TELEGRAPH, LLC, 3039 HALCYON, LLC, AND OLD REPUBLIC TITLE COMPANY

DATE: JUNE 27, 2022

MARK H. WEBER
REGISTERED L.S. NO. 7960

DATE SIGNED: JUNE 27, 2022



THE WORDS "CERTIFICATION" AND "CERTIFY" AS USED HEREON ARE DEFINED PURSUANT TO THE STATE OF CALIFORNIA BUSINESS AND PROFESSIONS CODE PROFESSIONAL LAND SURVEYOR'S ACT, SECTION 8770.6.

A.L.T.A. / N.S.P.S. LAND TITLE SURVEY
3030 TELEGRAPH AVENUE
& 3039 HALCYON COURT

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA
SCALE: 1" = 10' DATE: APRIL 28, 2022

AREA:
PARCEL 1 8,104 SF
PARCEL 2 5,657 SF
PARCEL 3 5,032 SF
PARCEL 4 3,202 SF
PARCEL 5 2,622 SF
PARCEL 6 2,622 SF
TOTAL 29,664 SF (0.68 AC)

ENCROACHMENT TABLE

ITEM	STRUCTURE	IMPROVEMENT ON
1	COR AWNING 0.3' NORTH OF PL	PROPERTY/ADJONER
2	2 STORY BLDG COR 0.36' NORTH OF PL	PROPERTY/ADJONER
3	2 STORY BLDG COR 0.13' NORTH OF PL	PROPERTY/ADJONER
4	EDGE STAR WELL WALL 0.4' NORTH OF PL	PROPERTY/ADJONER
5	EDGE STAR WELL WALL 0.5' NORTH OF PL	PROPERTY/ADJONER
6	EDGE STAR WELL WALL 0.4' NORTH OF PL	PROPERTY/ADJONER
7	COR TRELLIS 0.7' NORTH OF PL	PROPERTY/ADJONER
8	TRELLIS ON PL	PROPERTY/ADJONER
9	OVERHEAD WIRES CROSS PL	PROPERTY/ADJONER
10	HAND RAIL CROSSSES PL	PROPERTY/ADJONER
11	CONC WALL CROSSSES PL	PROPERTY/ADJONER
12	CONC DW CROSSSES PL	PROPERTY/ADJONER
13	CONC WALL CROSSSES PL	PROPERTY/ADJONER
14	END ROOF DRAIN PIPE 0.1' NORTH OF PL	PROPERTY/ADJONER
15	END CONC RW END CONC CURB 2.0' NORTH OF PL	ADJONER
16	END CONC RW 2.5' NORTH OF PL	ADJONER
17	END CONC CURB RW 2.3' NORTH OF PL	PROPERTY/ADJONER
18	END CONC DW 2.2' NORTH OF PL	ADJONER
19	CONC CURB, EP CROSSSES PL	PROPERTY/ADJONER
20	CONC CURB, EP CROSSSES PL	PROPERTY/ADJONER
21	EP CROSSSES PL	PROPERTY/ADJONER
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97	EP CROSSSES PL	PROPERTY/ADJONER
98	CONC CURB, EP CROSSSES PL	PROPERTY/ADJONER
99	EP CROSSSES PL	PROPERTY/ADJONER
100	CONC CURB, EP CROSSSES PL	PROPERTY/ADJONER

NOTE: THIS TABLE IS PROVIDED AT THE REQUEST OF THE CLIENT. PURSUANT TO ITEM 5.C.III OF THE ALTA/NSPS 2016 MINIMUM STANDARD DETAIL REQUIREMENTS, NO OPINION IS HEREBY EXPRESSED REGARDING THE OWNERSHIP OR NATURE/PURPOSE OF THESE STRUCTURES. OTHER STRUCTURES SHOWN HEREON MAY, IN THE OPINION OF OTHERS, ALSO BE CONSIDERED ENCROACHMENTS.

ORIGINAL SURVEY: MARCH 28, 2022

JOB NO.: 3636-000

San Ramon • (925) 866-0322
Roseville • (916) 788-4456
WWW.CBANDCO.COM

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SHEET NO. 1 OF 1 SHEETS

TITLE REPORT
OLD REPUBLIC TITLE COMPANY
ORDER NO.: 117024975-JS, 4TH UPDATE
DATED: APRIL 1, 2022

LEGAL DESCRIPTION:
ALL THAT CERTAIN REAL PROPERTY REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF ALAMEDA, CITY OF BERKELEY, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF WEBSTER STREET WITH THE WESTERN LINE OF TELEGRAPH AVENUE; THENCE WESTERLY ALONG SAID CENTER LINE OF WEBSTER STREET 120 FEET, 8-1/2 INCHES, MORE OR LESS, TO A POINT DISTANT THEREON EASTERLY 40 FEET FROM THE NORTHWESTERN CORNER OF SAID LAST NAMED LINE, 86.55 FEET, MORE OR LESS, TO THE WESTERN LINE OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN THE DEED FROM ANDREW DALZIEL, ET AL., TO FRED F. PARIS, ET AL., DATED MARCH 10, 1924, AND RECORDED IN BOOK 897 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 24; THENCE NORTH 117°16' FEET, THENCE EASTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 117.16 FEET, THENCE AT RIGHT ANGLES NORTHERLY 46 FEET, THENCE EASTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 126.55 FEET, MORE OR LESS, TO SAID LINE OF TELEGRAPH AVENUE; AND THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE 47.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 2: BEGINNING AT A POINT ON THE WESTERN LINE OF TELEGRAPH AVENUE, DISTANT THEREON 130.87 FEET SOUTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHERN LINE OF WEBSTER STREET; THENCE WESTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 117.16 FEET, THENCE AT RIGHT ANGLES NORTHERLY 46 FEET, THENCE EASTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 126.55 FEET, MORE OR LESS, TO SAID LINE OF TELEGRAPH AVENUE; AND THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE 47.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 3: A PORTION OF LOT 51, SHOWN ON KALLESCHBERGER'S MAP OF THE RANCHO OF VINCENTE AND DOMINGO PARILLA, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERN LINE OF TELEGRAPH AVENUE, DISTANT THEREON 130.87 FEET SOUTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHERN LINE OF WEBSTER STREET; THENCE WESTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 117.16 FEET, THENCE AT RIGHT ANGLES NORTHERLY 46 FEET, THENCE EASTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 126.55 FEET, MORE OR LESS, TO SAID LINE OF TELEGRAPH AVENUE; AND THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE 47.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

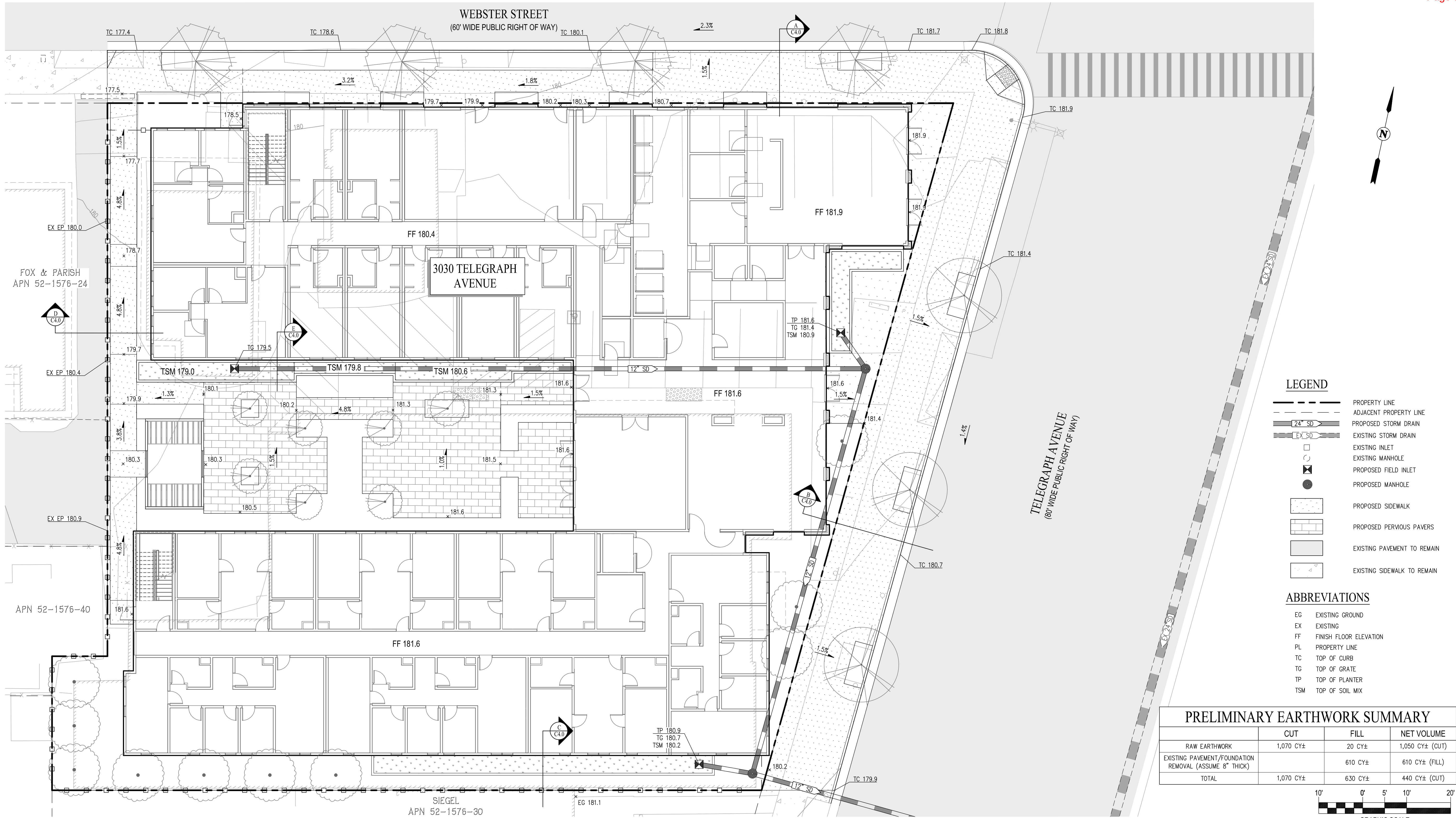
PARCEL 4: BEGINNING AT A POINT ON THE SOUTHERN LINE OF WEBSTER STREET, DISTANT THEREON EASTERLY 434.94 FEET FROM THE INTERSECTION THEREOF WITH THE EASTERN LINE OF DEAKIN STREET; THENCE AT RIGHT ANGLES SOUTHERLY 126.83 FEET, MORE OR LESS, TO THE NORTHERN LINE OF THE LANDS NOW, OR FORMERLY OF WALTER DEAKIN, AND WIFE, TO CHARLES B. CRANE, BY DEED DATED JUNE 21, 1906, AND RECORDED IN BOOK 1169 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 376; THENCE AT RIGHT ANGLES NORTHERLY ALONG SAID LAST MENTIONED LINE 30 FEET; THENCE AT RIGHT ANGLES EASTERLY 170 FEET, MORE OR LESS, TO THE SAID LINE OF TELEGRAPH AVENUE; THENCE SOUTHERLY ALONG SAID LINE OF SAID AVENUE 31.30 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 5: BEGINNING AT A POINT ON THE CENTER LINE OF WEBSTER STREET AT THE NORTHWESTERN CORNER OF A PARCEL OF LAND DESCRIBED IN A DEED FROM JAMES B. WOOLSEY, DATED AUGUST 11, 1896, AND RECORDED IN BOOK 309 OF DEEDS, PAGE 120, ALAMEDA COUNTY RECORDS SAID POINT BEING DISTANT WESTERLY ALONG SAID CENTER LINE OF WEBSTER STREET 160 FEET, 8-1/2 INCHES, MORE OR LESS, FROM ITS INTERSECTION WITH THE WESTERN LINE OF TELEGRAPH AVENUE; THENCE EASTERLY ALONG SAID CENTER LINE OF WEBSTER STREET 40 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 110 FEET, MORE OR LESS, TO THE NORTHERN LINE OF A PARCEL OF LAND DESCRIBED IN A DEED FROM HENRY EAST, ET AL., TO WILLIAM RED LOW, ET AL., DATED OCTOBER 29, 1903, AND RECORDED IN BOOK 930 OF DEEDS, PAGE 129, ALAMEDA COUNTY RECORDS; THENCE WESTERLY ALONG SAID LAST MENTIONED LINE 40 FEET TO THE EASTERN LINE OF SAID PARCEL OF LAND; THENCE NORTHERLY 46 FEET, THENCE EASTERLY PARALLEL WITH SAID LINE OF WEBSTER STREET 126.55 FEET, MORE OR LESS, TO SAID LINE OF TELEGRAPH AVENUE; AND THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE 47.72 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

PARCEL 6: BEGINNING AT THE POINT OF INTERSECTION OF THE CENTER LINE OF HALCYON COURT, AS THE SAME NOW EXISTS, ON AUGUST 18, 1967, WITH THE SOUTHERN LINE OF PROPERTY CONVEYED TO JOHN J. GEARY, BY DEED RECORDED MARCH 10, 1921 IN BOOK 2387 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, PAGE 22; THENCE SOUTHERLY ALONG SAID LINE OF HALCYON COURT 9 FEET; THENCE EASTERLY AND PARALLEL WITH WEBSTER STREET 68.13 FEET, MORE OR LESS, TO THE EASTERN

ENCROACHMENT TABLE

ITEM	STRUCTURE	IMPROVEMENT ON
1	COR AWNING 0.3' NORTH OF PL	PROPERTY/ADJONER
2	2 STORY BLDG COR 0.36' NORTH OF PL	PROPERTY/ADJONER
3	2 STORY BLDG COR 0.13' NORTH OF PL	PROPERTY/ADJONER
4	EDGE STAR WELL WALL 0.4' NORTH OF PL	PROPERTY/ADJONER
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10	HAND RAIL CROSSSES PL	PROPERTY/ADJONER
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94	CONC CURB, EP CROSSSES	



LEGEND

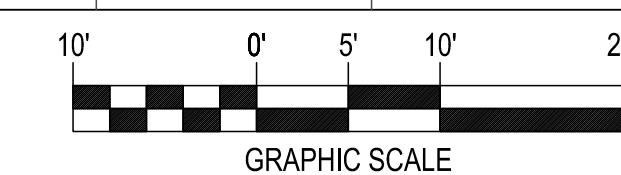
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- PROPOSED STORM DRAIN
- EXISTING STORM DRAIN
- EXISTING INLET
- EXISTING MANHOLE
- PROPOSED FIELD INLET
- PROPOSED MANHOLE
- PROPOSED SIDEWALK
- PROPOSED PERVIOUS PAVERS
- EXISTING PAVEMENT TO REMAIN
- EXISTING SIDEWALK TO REMAIN

ABBREVIATIONS

- EG EXISTING GROUND
- EX EXISTING
- FF FINISH FLOOR ELEVATION
- PL PROPERTY LINE
- TC TOP OF CURB
- TG TOP OF GRATE
- TP TOP OF PLANTER
- TSM TOP OF SOIL MIX

PRELIMINARY EARTHWORK SUMMARY

	CUT	FILL	NET VOLUME
RAW EARTHWORK	1,070 CY±	20 CY±	1,050 CY± (CUT)
EXISTING PAVEMENT/FOUNDATION REMOVAL (ASSUME 8" THICK)		610 CY±	610 CY± (FILL)
TOTAL	1,070 CY±	630 CY±	440 CY± (CUT)



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



LEFT COAST ARCHITECTURE
3800 MT. DIABLO BLVD. SUITE 200
LAFAYETTE, CA 94549
(925) 297-5688 leftcoastarch.com

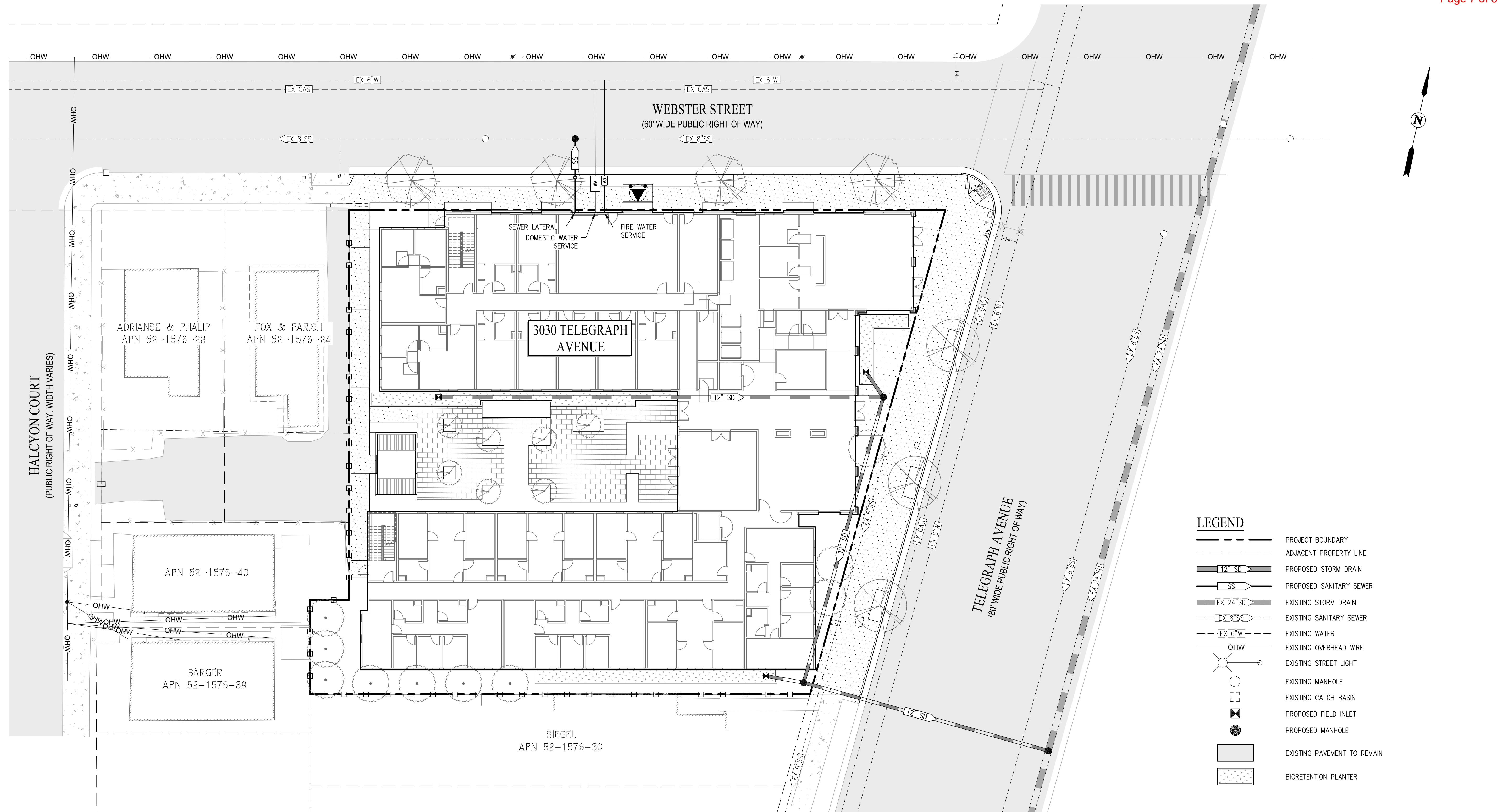
cbg
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322 cbandg.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
2 THEATRE SQUARE, SUITE 218
ORINDA, CA 94563
(925) 254-5422 jett.land.com

RIAZ CAPITAL
2744 E 11TH ST. OAKLAND, CA 94601
(510) 925-1908 riazcapital.com

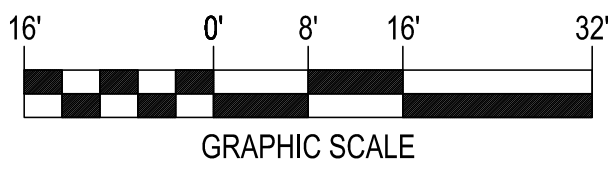
SHEET TITLE
GRADING & DRAINAGE PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1"=10'

C1.0



LEGEND

	PROJECT BOUNDARY
	ADJACENT PROPERTY LINE
	PROPOSED STORM DRAIN
	PROPOSED SANITARY SEWER
	EXISTING STORM DRAIN
	EXISTING SANITARY SEWER
	EXISTING WATER
	EXISTING OVERHEAD WIRE
	EXISTING STREET LIGHT
	EXISTING MANHOLE
	EXISTING CATCH BASIN
	PROPOSED FIELD INLET
	PROPOSED MANHOLE
	EXISTING PAVEMENT TO REMAIN
	BIORETENTION PLANTER



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



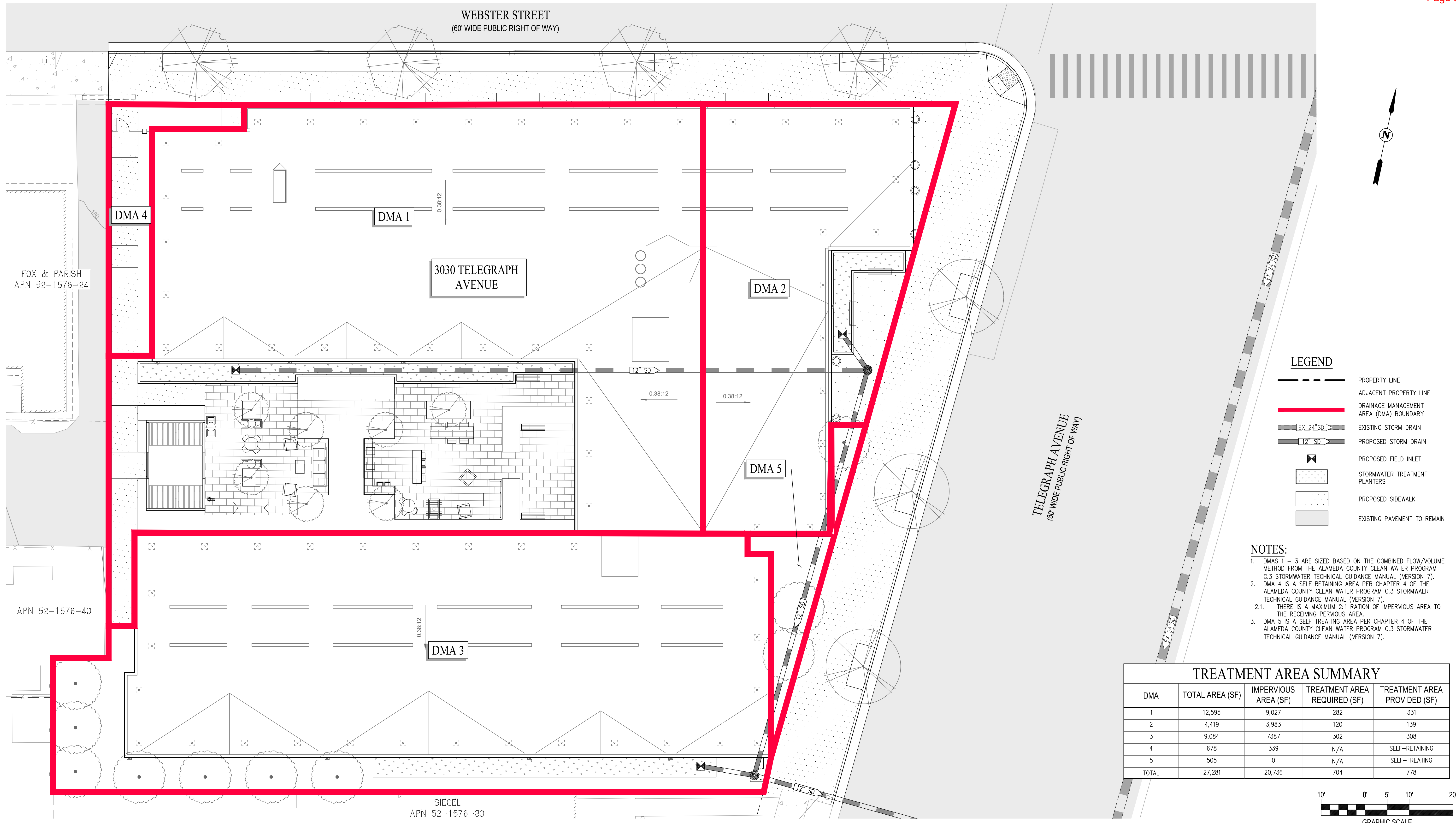
LEFTCOAST ARCHITECTURE
3800 MT. DIABLO BLVD, SUITE 200
LAYFAYETTE, CA 94549
(925) 297-5688 leftcoastarch.com

cbg
2633 CAMINO RAMON, SUITE 350
SAN RAMON, CA 94583
(925) 866-0322 cbandg.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
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ORINDA, CA 94563
(925) 254-5422 jett.land.com

RIAZ CAPITAL
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(510) 925-1908 riazcapital.com

SHEET TITLE
UTILITY PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1"=16'
C2.0



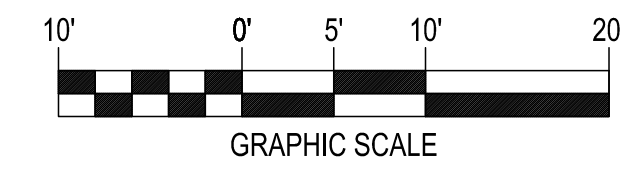
LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- DRAINAGE MANAGEMENT AREA (DMA) BOUNDARY
- EXISTING STORM DRAIN
- PROPOSED STORM DRAIN
- PROPOSED FIELD INLET
- STORMWATER TREATMENT PLANTERS
- PROPOSED SIDEWALK
- EXISTING PAVEMENT TO REMAIN

- NOTES:**
- DMAS 1 - 3 ARE SIZED BASED ON THE COMBINED FLOW/VOLUME METHOD FROM THE ALAMEDA COUNTY CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE MANUAL (VERSION 7).
 - DMA 4 IS A SELF RETAINING AREA PER CHAPTER 4 OF THE ALAMEDA COUNTY CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE MANUAL (VERSION 7).
 - THERE IS A MAXIMUM 2:1 RATION OF IMPERVIOUS AREA TO THE RECEIVING PERVIOUS AREA.
 - DMA 5 IS A SELF-TREATING AREA PER CHAPTER 4 OF THE ALAMEDA COUNTY CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE MANUAL (VERSION 7).

TREATMENT AREA SUMMARY

DMA	TOTAL AREA (SF)	IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)
1	12,595	9,027	282	331
2	4,419	3,983	120	139
3	9,084	7387	302	308
4	678	339	N/A	SELF-RETAINING
5	505	0	N/A	SELF-TREATING
TOTAL	27,281	20,736	704	778



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

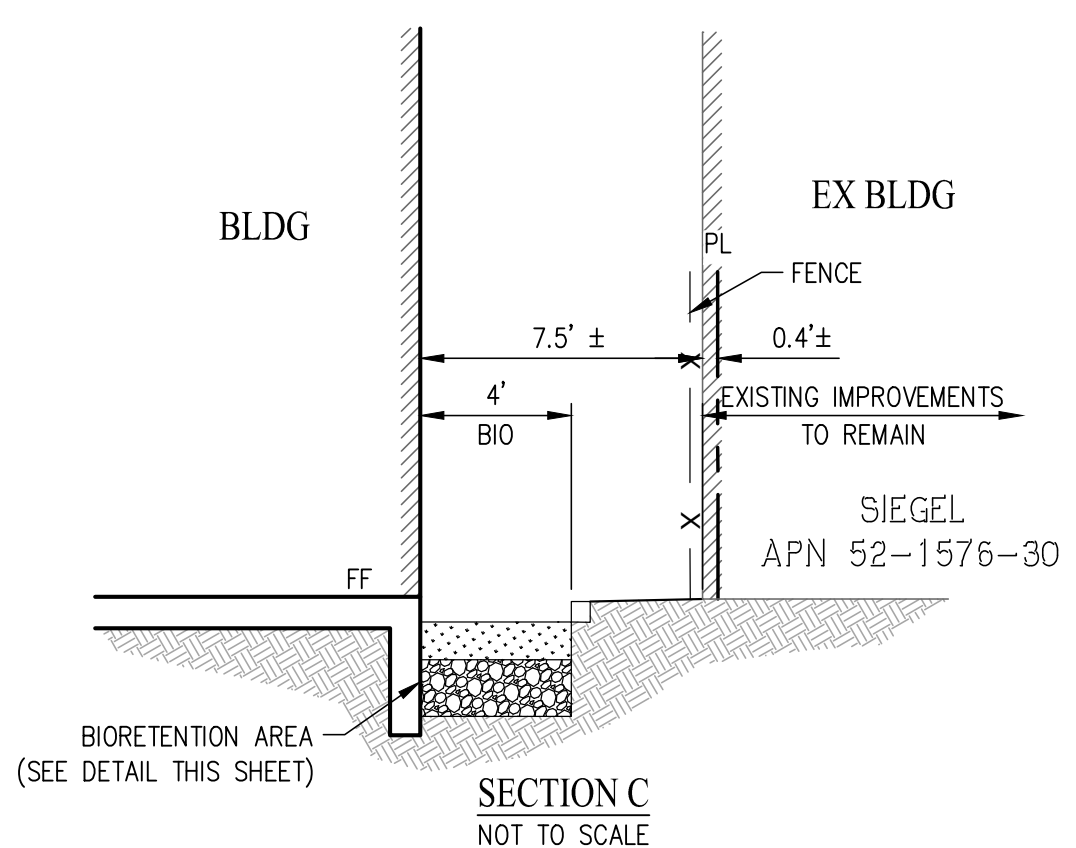
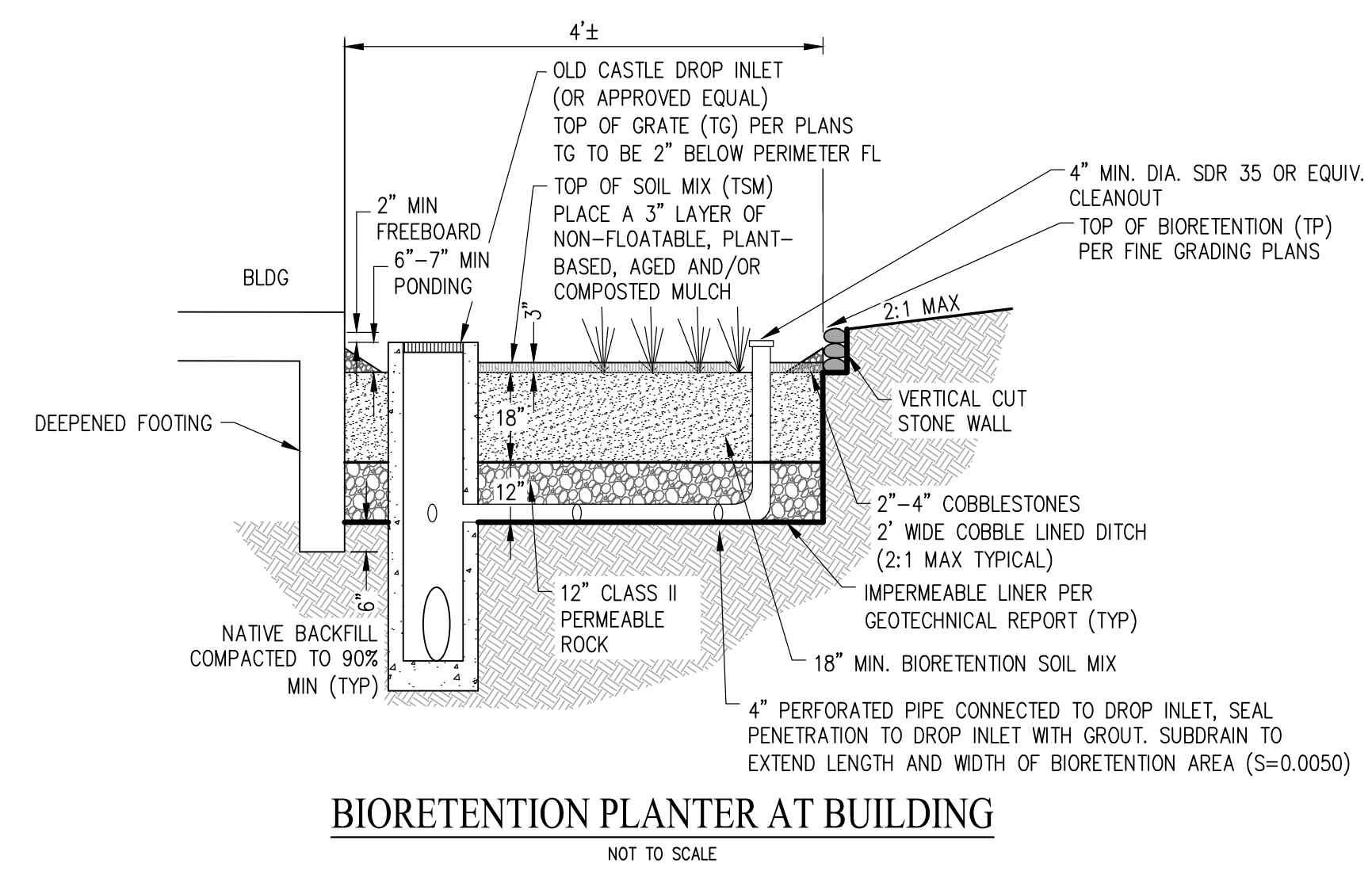
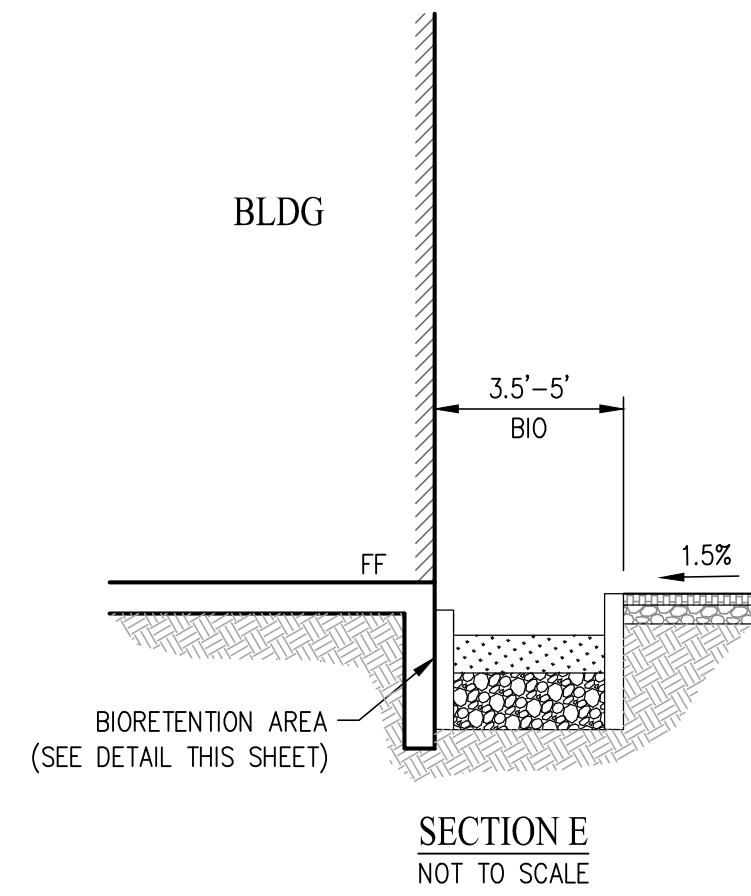
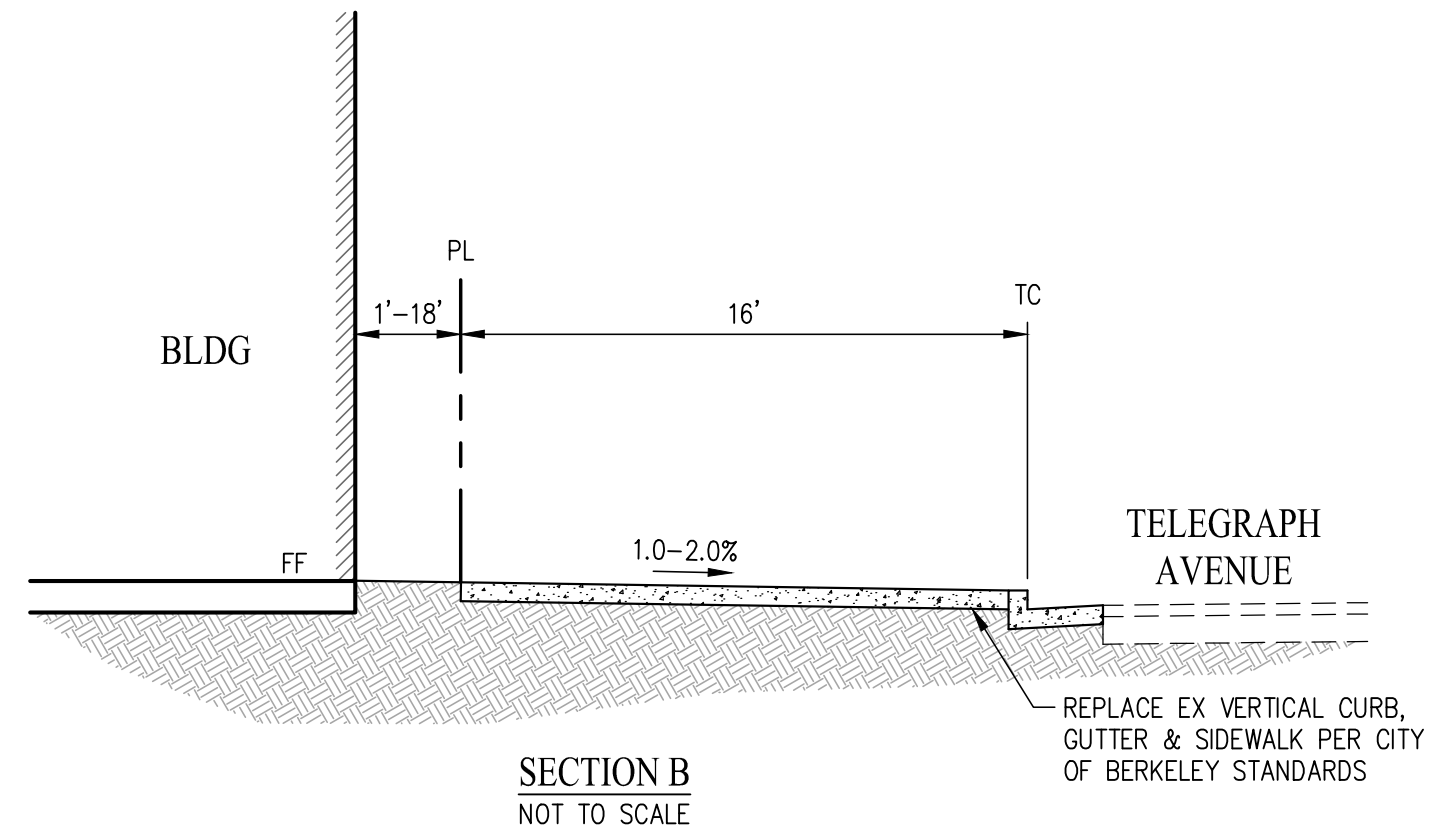
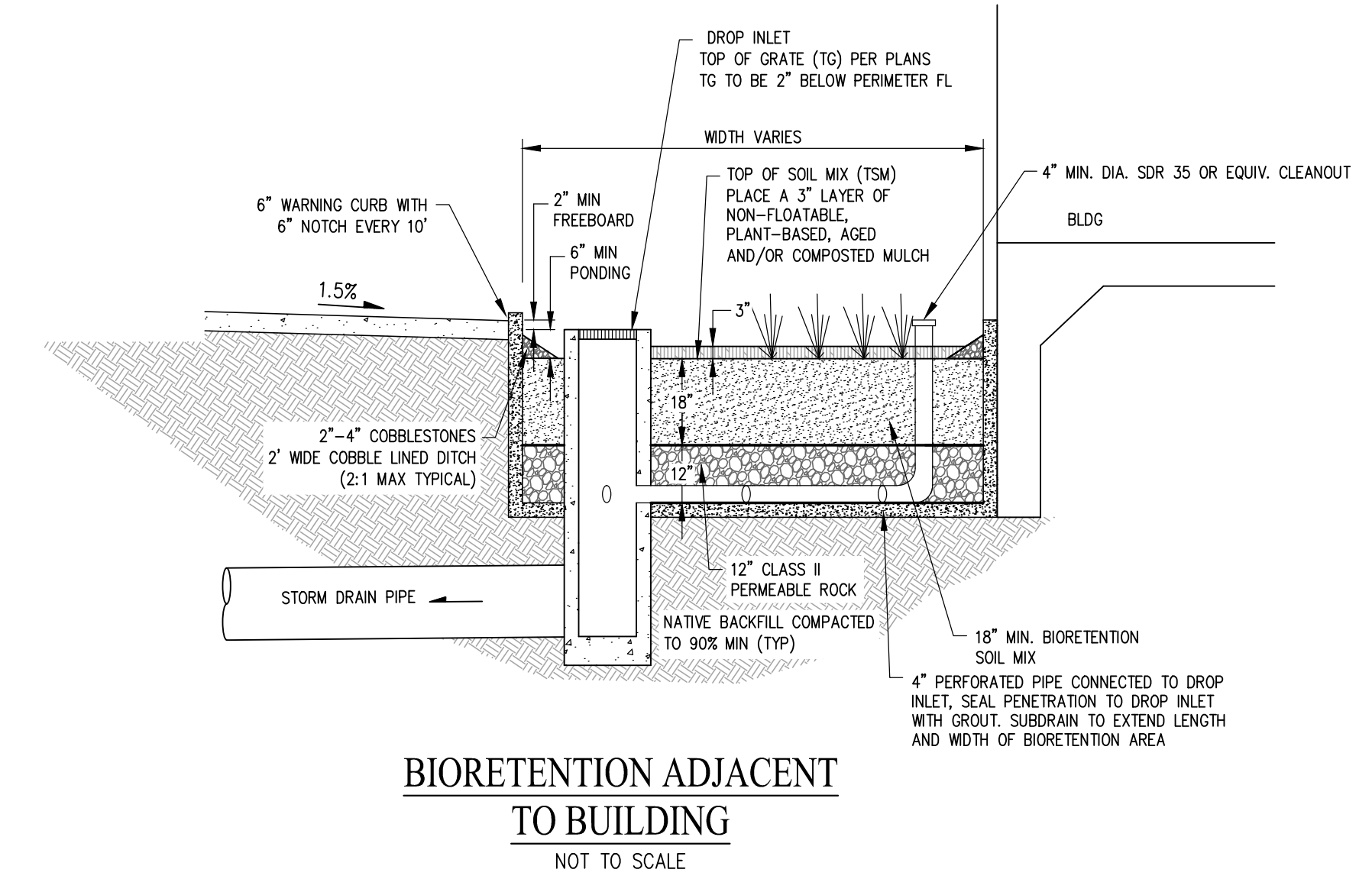
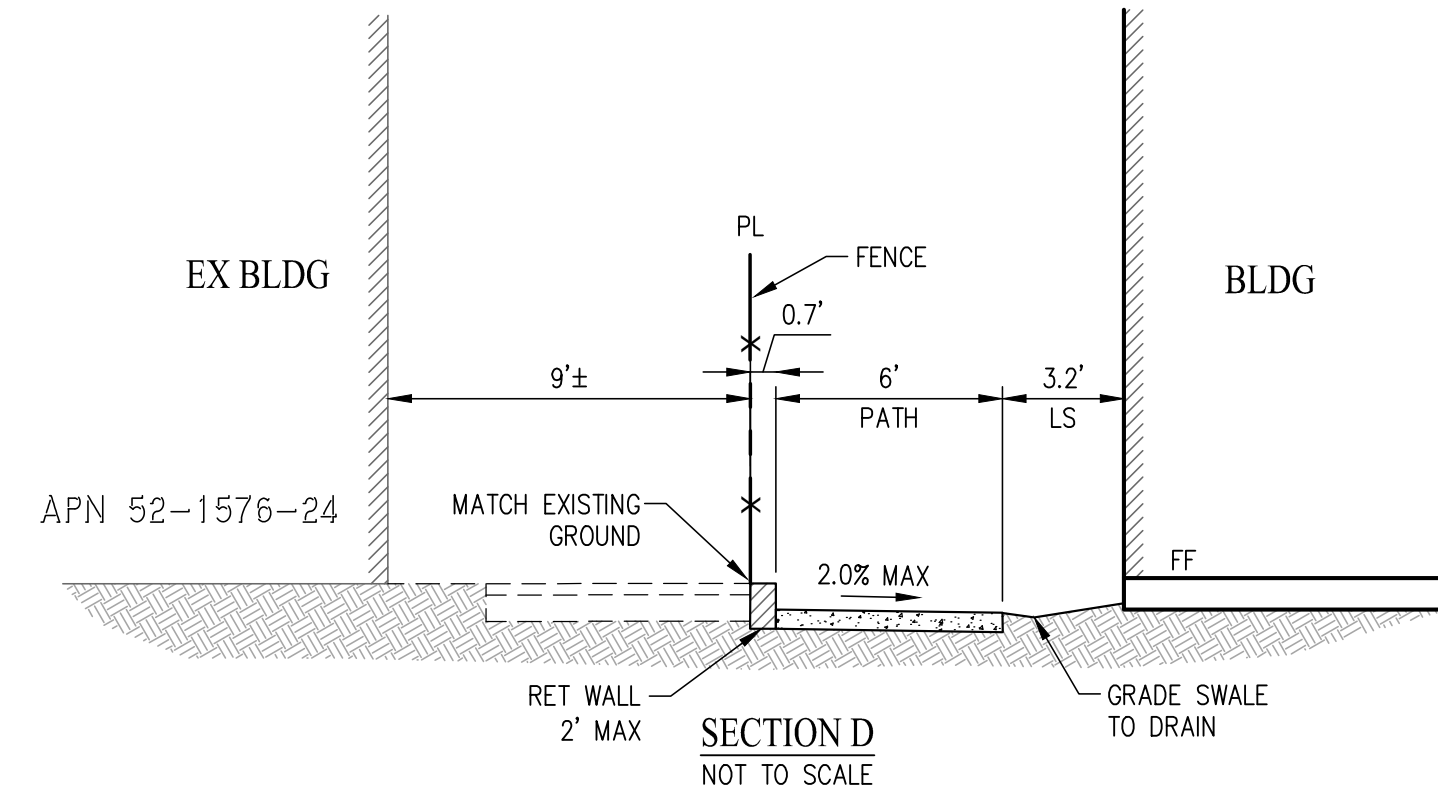
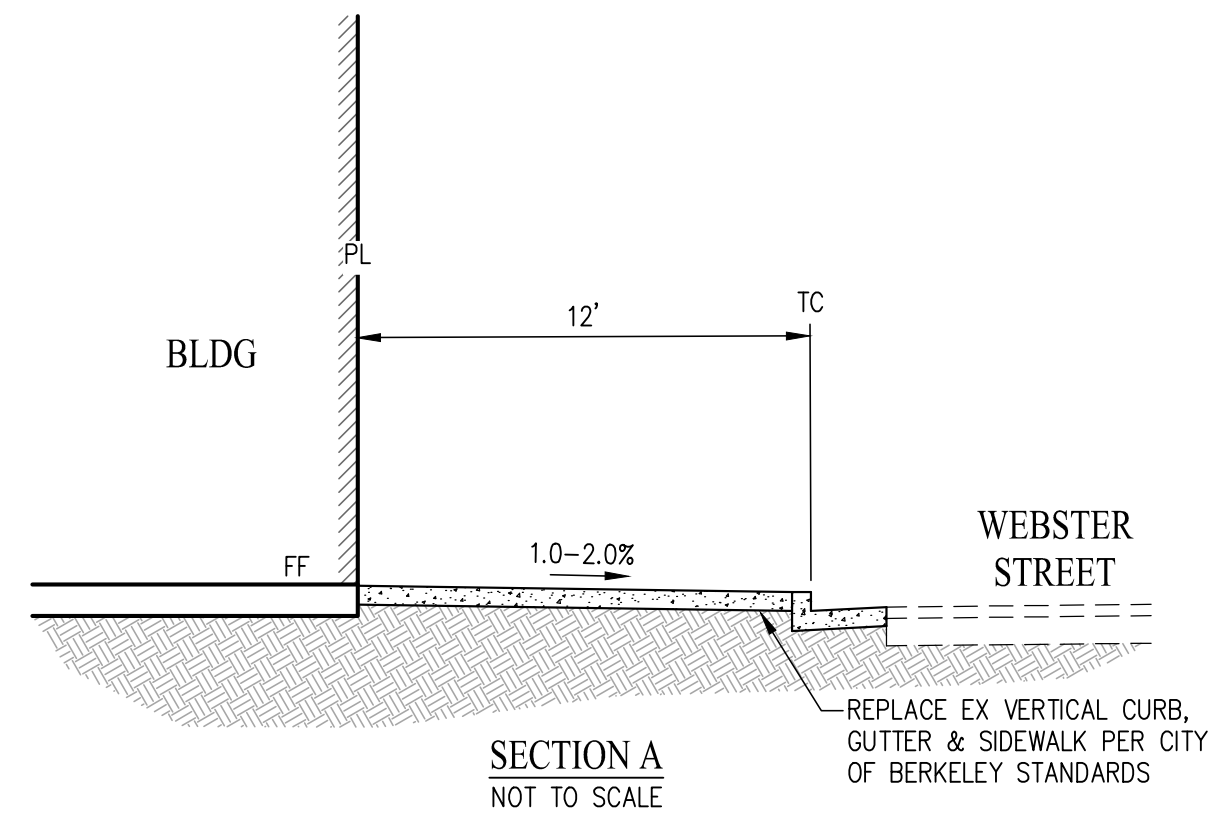


SHEET TITLE
STORMWATER CONTROL PLAN

DATE: MAY 24, 2023
PLANNING RESUBMISSION

SCALE: 1"=10'

C3.0



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
SECTIONS & DETAILS

DATE
MAY 24, 2023

SCALE
NOT TO SCALE

PLANNING RESUBMISSION

C4.0

LEGEND

- ① EXISTING STREET TREES, 7 TOTAL, REPLACE WITH (N) STREET TREES, SPECIES SELECTION TO BE APPROVED BY CITY URBAN FORESTRY UNIT, TYP. SEE SHEET L4 FOR ALL EXISTING TREES
- ② BIKE RACK PER CITY STANDARDS, TYP 4 TOTAL (8 BIKE PARKING SPACES)
- ③ (N) STREET TREE IN 4'X10' PLANTER, TYP, 4 TOTAL
- ④ (N) STREET TREE IN 4' WIDE PLANTER STRIP ALONG WEBSTER STREET, TYP, 3 TOTAL
- ⑤ MINI-PLAZA WITH PLANTER AND SEATING
- ⑥ ENHANCED CONCRETE AT BUILDING ENTRIES ALONG TELEGRAPH AVENUE
- ⑦ POTTED PLANTS, 6 TOTAL, TYP
- ⑧ MAINTENANCE GATE
- ⑨ STORMWATER PLANTER, TYP
- ⑩ 6-FOOT HIGH RESIDENT ACCESS & EGRESS GATE
- ⑪ 6-FOOT HIGH WOOD GOOD NEIGHBOR FENCE WITH 2-FOOT LATTICE, TYP
- ⑫ SCREEN PLANTING, TYP
- ⑬ OVERHEAD TRELLIS WITH COUCH, COFFEE TABLE, & LOUNGE CHAIRS
- ⑭ OVERHEAD TRELLIS WITH BBQ/KITCHEN AND BAR HEIGHT COUNTER
- ⑮ BIKE STORAGE, 40 BIKE PARKING SPACES
- ⑯ BIKE REPAIR STATION
- ⑰ PALM GROVE
- ⑱ PERMEABLE PAVERS IN COURTYARDS
- ⑲ GATHERING AREA WITH TABLES, COUCHES, & GAMES
- ⑳ OUTDOOR FITNESS ZONE
- ㉑ NEW SIDEWALK



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



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SAN RAMON, CA 94583
(925) 866-0322 cbandg.com



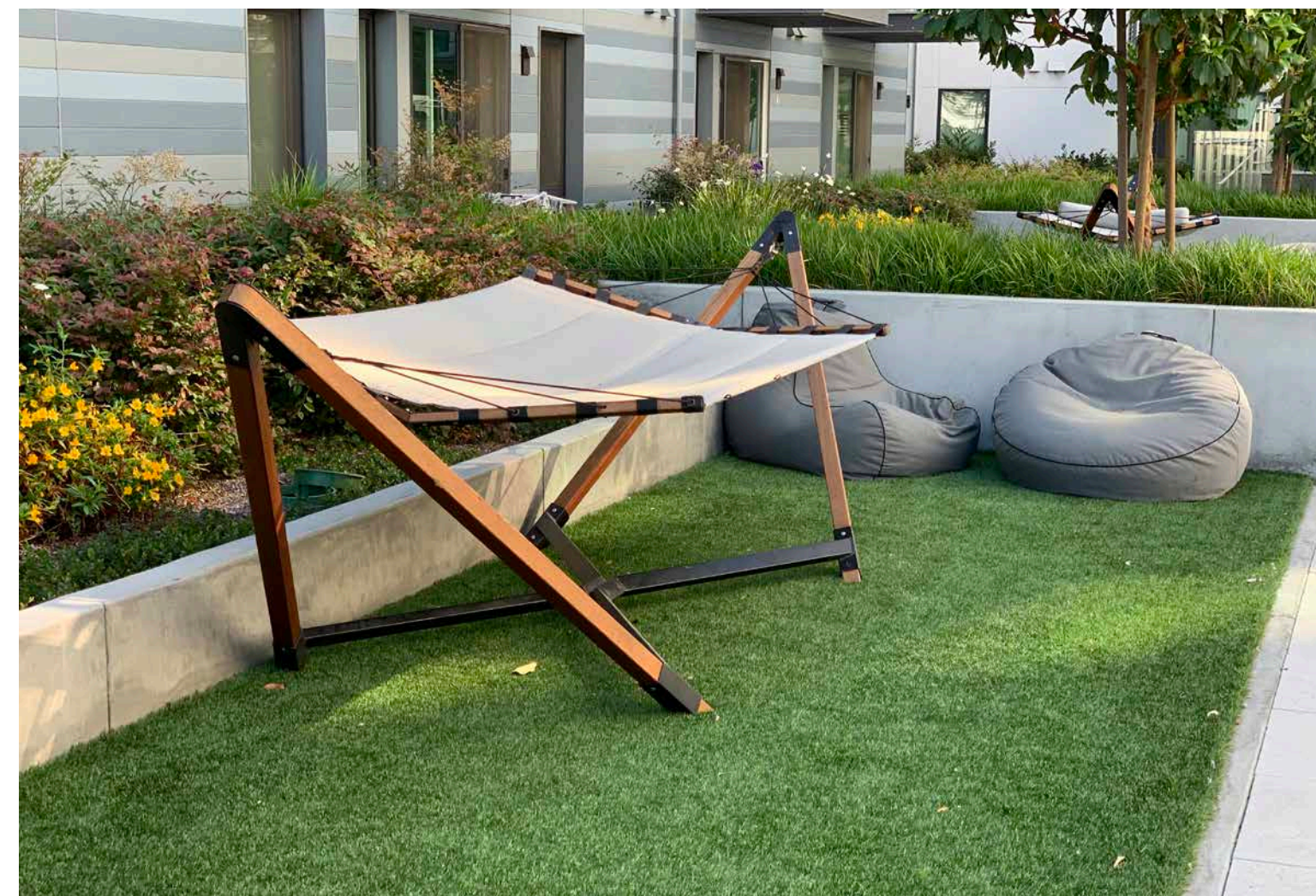
LANDSCAPE ARCHITECTURE + DESIGN
2 THEATRE SQUARE, SUITE 218
ORINDA, CA 94563
(925) 254-5422 jett.land.com



CAPITAL
2744 E 11TH ST. OAKLAND, CA 94601
(510) 925-1908 riazcapital.com

SHEET TITLE
SCHEMATIC LANDSCAPE PLAN
DATE
MAY 24, 2023
PLANNING RESUBMISSION

L1



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

LEFT COAST
ARCHITECTURE
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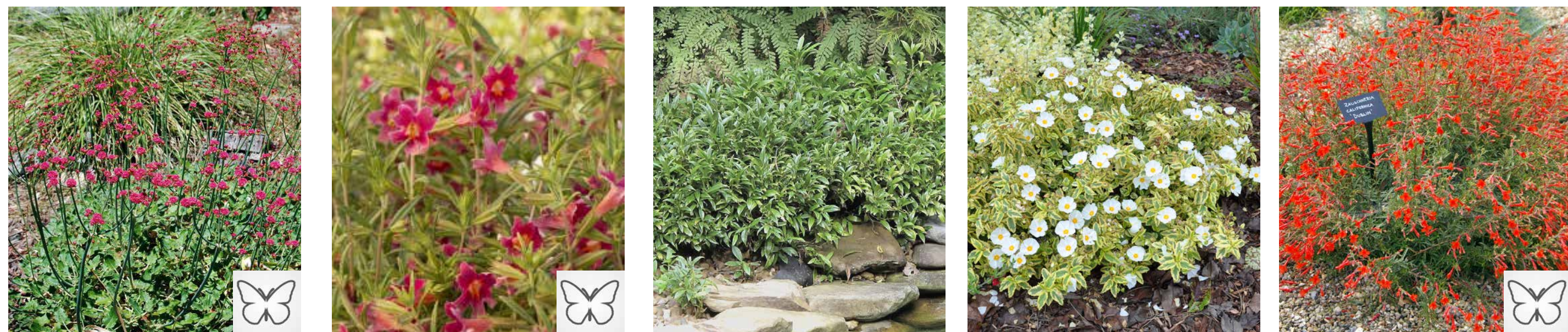
SHEET TITLE
LANDSCAPE PRECEDENT IMAGES

DATE: MAY 24, 2023
PLANNING RESUBMISSION

L2



TREES



SHRUBS



GROUNDCOVER

VINES

STORMWATER

GENERAL PLANTING AND IRRIGATION NOTES:

1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.
2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.
3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN-DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE.
4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.
5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.
6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.
7. 85% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD LIFE SUPPORTING

 DENOTES BUTTERFLY POLLINATED SPECIES

3030 TELEGRAPH AVE.
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ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



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2633 CAMINO RAMON, SUITE 350
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(925) 866-0322 cbandg.com



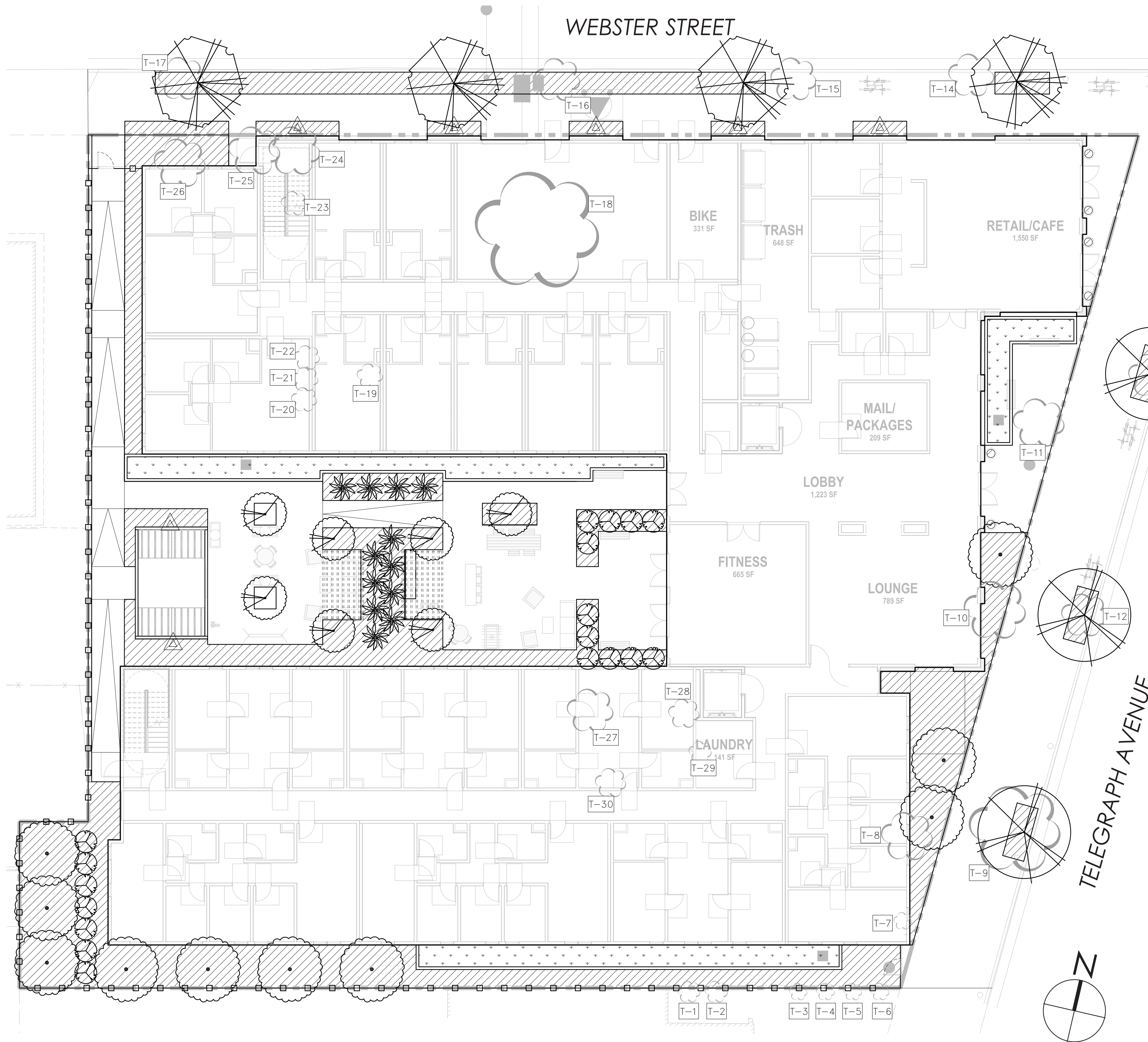
2 THEATRE SQUARE, SUITE 218
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(510) 925-1908 riazcapital.com

SHEET TITLE
PRELIMINARY PLANT IMAGES,
PLANTING & IRRIGATION NOTES
DATE MAY 24, 2023 SCALE
PLANNING RESUBMISSION

L3



EXISTING TREE LIST

TREE #	BOTANICAL NAME	COMMON NAME	TRUNK DIA.	CANOPY DIA.
T-1	FICUS	FICUS	4"	4'
T-2	FICUS	FICUS	4"	4'
T-3	PODOCARPUS	FERN PINE	4"	3'
T-4	PODOCARPUS	FERN PINE	4"	3'
T-5	PODOCARPUS	FERN PINE	4"	3'
T-6	PODOCARPUS	FERN PINE	19"	3'
T-7	CUPRESSUS	CYPRESS	3"	3'
T-8	ILEX OPACA	HOLLY	6"	8'
T-9	LIQUIDAMBAR	SWEETGUM	21"	20'
T-10	ACER	MAPLEM	20"	10'
T-11	ACER	APLE	12"	8'
T-12	LIQUIDAMBAR	SWEETGUM	14"	8'
T-13	ULMUS	ELM	9"	8'
T-14	ULMUS	ELM	6"	8'
T-15	LIQUIDAMBAR	SWEETGUM	15"	20'
T-16	LIQUIDAMBAR	SWEETGUM	18"	15'
T-17	PYRUS	CALLERY PEAR	12"	20'
T-18	MAGNOLIA	MAGNOLIA	31"	30'
T-19	PODOCARPUS	FERN PINE	23"	6'
T-20	FICUS	FICUS	20"	10'
T-21	FICUS	FICUS	6"	1'
T-22	FICUS	FICUS	14"	6'
T-23	FICUS	FICUS	8"	3'
T-24	LYCIANTHES	NIGHTSHADE	24"	8'
T-25	CAMELLIA	CAMELLIA	18"	8'
T-26	CAMELLIA	CAMELLIA	12"	8'
T-27	SCHIEFFLERA		18"	5'
T-28	JUNIPERUS	JUNIPER	6"	5'
T-29	JUNIPERUS	JUNIPER	3"	3'
T-30	JUNIPERUS	JUNIPER	10"	5'

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE
TREES						
	ACER BUERGERIANUM	TRIDENT MAPLE	24" BOX	PER PLAN		M
	ARBUTUS 'MARINA'	STRAWBERRY TREE	24" BOX	PER PLAN		L
	CERCIS CANADENSIS 'FOREST PANSY'	FOREST PANSY REDBUD	24" BOX	PER PLAN		L
	HOWEA FORSTERIANA	KENTIA PALM	24" BOX	PER PLAN		M
	LAURUS 'SARATOGA'	SARATOGA LAUREL	24" BOX	PER PLAN		L
	PLATANUS X ACERIFOLIA	LONDON PLANE TREE	24" BOX	PER PLAN		M
SHRUBS						
	ACHILLEA MILLEFOLIUM 'LA LUNA'	WHITE YARROW	1 GAL	2'-0" OC		L
	ACHILLEA MILLEFOLIUM 'CORONATION GOLD'	YELLOW YARROW	1 GAL	2'-0" OC		L
	ACHILLEA MILLEFOLIUM 'PAPRIKA'	PAPRIKA YARROW	1 GAL	2'-0" OC		L
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'-0" OC		L
	AGAVE ATTENUATA	FOXTAIL AGAVE	1 GAL	3'-0" OC		L
	CARYOPTERIS CLANDONENSIS 'BLUE MIST'	BLUEBEARD	5 GAL	3'-0" OC		M
	CYCUS REVOLUTA	SAGO PALM	5 GAL	3'-0" OC		M
	DIETES 'ORANGE DROP'	FORTNIGHT LILY	1 GAL	3'-0" OC		L
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'-0" OC		L
	IRIS PSEUDACORUS	YELLOW IRIS	1 GAL	2'-0" OC		L
	LOMANDRA LONGIFOLIA	MAT RUSH	5 GAL	3'-0" OC		L
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	1 GAL	3'-0" OC		L
	SALVIA 'MAY NIGHT'	SALVIA	1 GAL	2'-0" OC		L
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	1 GAL	2'-0" OC		L
	SARCOCOCCA HOOKERIA	SWEETBOX	1 GAL	2'-0" OC		L
	CISTUS 'LITTLE MISS SUNSHINE'	ROCK ROSE	1 GAL	3'-0" OC		M
	ZAUSCHNERIA	CA FUCHSIA	1 GAL	3'-0" OC		L
GROUNDCOVERS						
	ARCTOSTAPHYLOS 'EMERALD CARPET'	EMERALD CARPET MANZANITA	1 GAL	4'-0" OC		L
	LEYMUS TRITICOIDES 'LAGUNITA'	CREeping WILD RYE	1 GAL	2'-6" OC		L
VINES						
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE VINE LILAC	1 GAL	-		L
STORMWATER						
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'-0" OC		L
	CHONDROPETALUM TECTORUM	CAPE RUSH	1 GAL	3'-0" OC		L
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'-0" OC		L

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

LEFT COAST ARCHITECTURE
3800 MT. DIABLO BLVD. SUITE 200
LAFAYETTE, CA 94549
(925) 297-5688 leftcoastarch.com

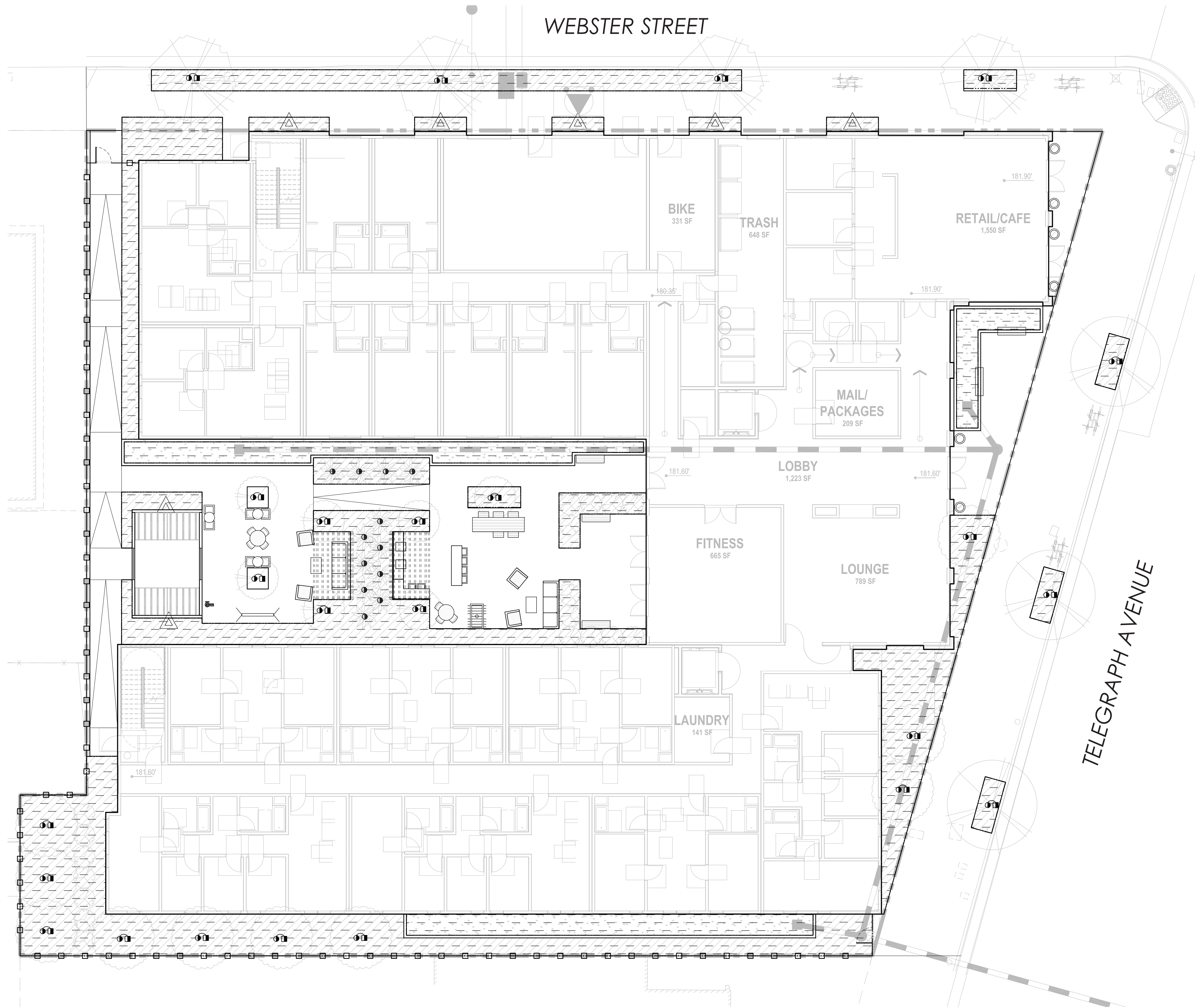
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SHEET TITLE: PRELIMINARY PLANTING PLAN & EXISTING TREE MAP
DATE: MAY 24, 2023
SCALE: PLANNING RESUBMISSION
L4

WEBSTER STREET

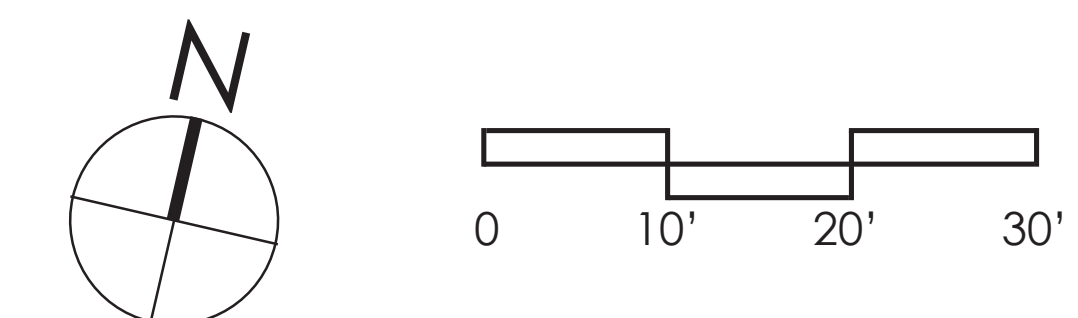


IRRIGATION DESIGN INTENT

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

HYDROZONE INFORMATION TABLE								
REFERENCE ANNUAL ET ₀ FOR:	BERKELEY (OAKLAND; MWELO REF. ET TABLE)			41.8				
ET ADJUSTMENT FACTOR	0.55	ET ADJ FACTOR PER MWELO & CALGREEN: 0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF)	0.45				
HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB.: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	ETAF ₂ (PF/IE)	LANDSCAPE AREA (SQ FT)	ETAF ₂ x AREA	ESTIMATED TOTAL WATER USE (ETWU)	
1	0.3	D	0.81	0.37	4700	1740.74	45113.04	
2	0.3	B	0.81	0.37	64	23.70	614.31	
3	0.3	D	0.81	0.37	76	28.15	729.49	
--	0	--	0.00	0.00	0	0.00	0.00	
--	0	--	0.00	0.00	0	0.00	0.00	
--	0	--	0.00	0.00	0	0.00	0.00	
SPECIAL LANDSCAPE AREAS					1	0	0.00	0.00
					1	0	0.00	0.00
					TOTAL	0	0.00	0.00
TOTAL LANDSCAPE AREA (LA + SLA)						4,840.00		
TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)					TOTAL ETWU	46,456.83	
MAWA	(ANNUAL ET ₀)(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)*SLA]]					MAWA	68,988.39	
AVERAGE ETAF	SUM(ETAF ₂ X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA _S)						0.37	
SITEWIDE ETAF	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA _S)						0.37	

HYDROZONE LEGEND							
SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
	1	LOW WATER USE	SHRUB/G.COVER	DRIP	4,700	4,764.0	98%
	2	LOW WATER USE	TREES	BUBBLER	64		
	3	MODERATE WATER USE	TREES	BUBBLER	76	76	2%
					TOTAL	4,840.0	100%



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C DENSITY BONUS PROJECT



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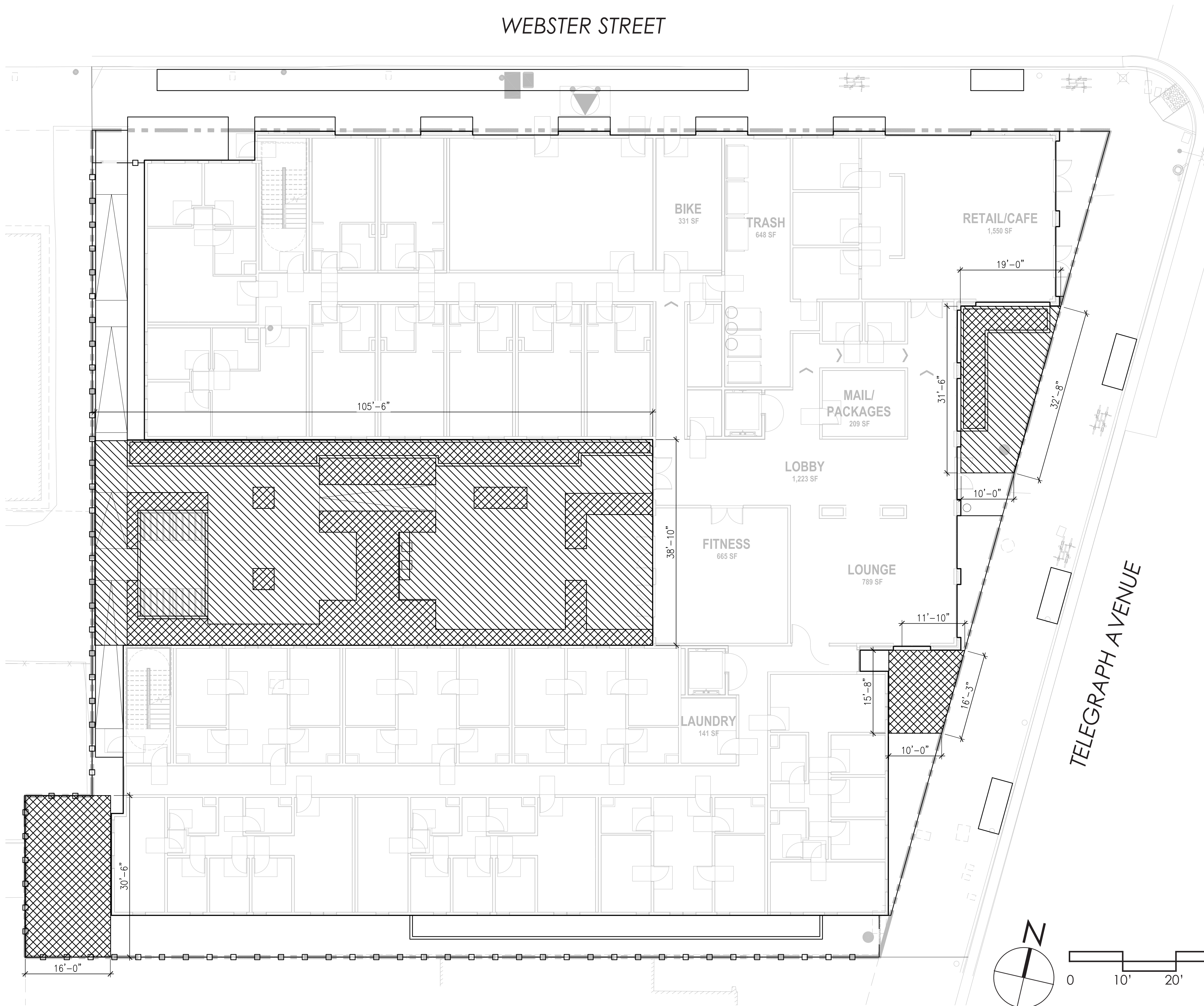


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SHEET TITLE
PRELIMINARY IRRIGATION PLAN & CALCULATIONS
DATE: MAY 24, 2023 SCALE:
PLANNING RESUBMISSION

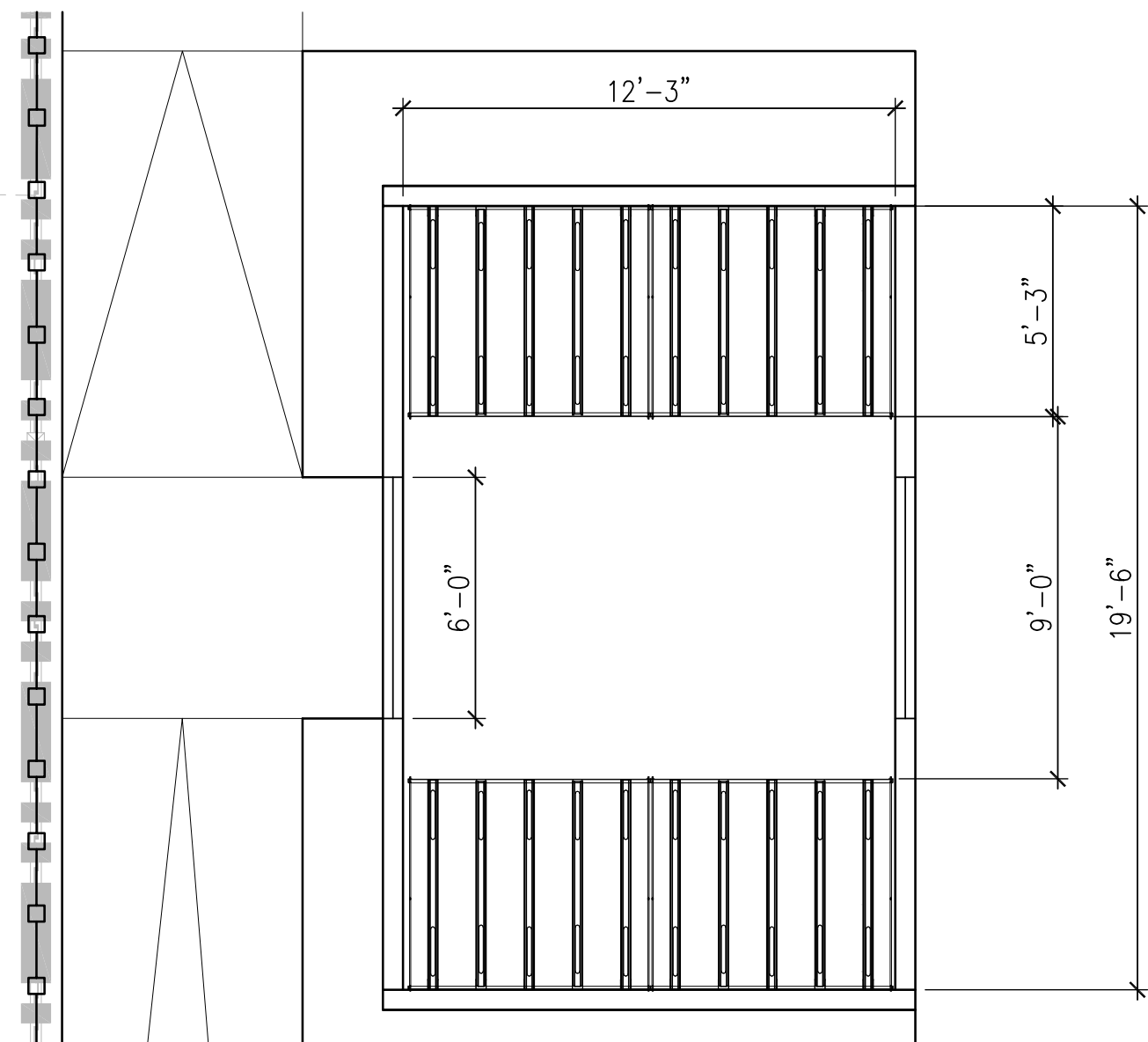
L5

WEBSTER STREET



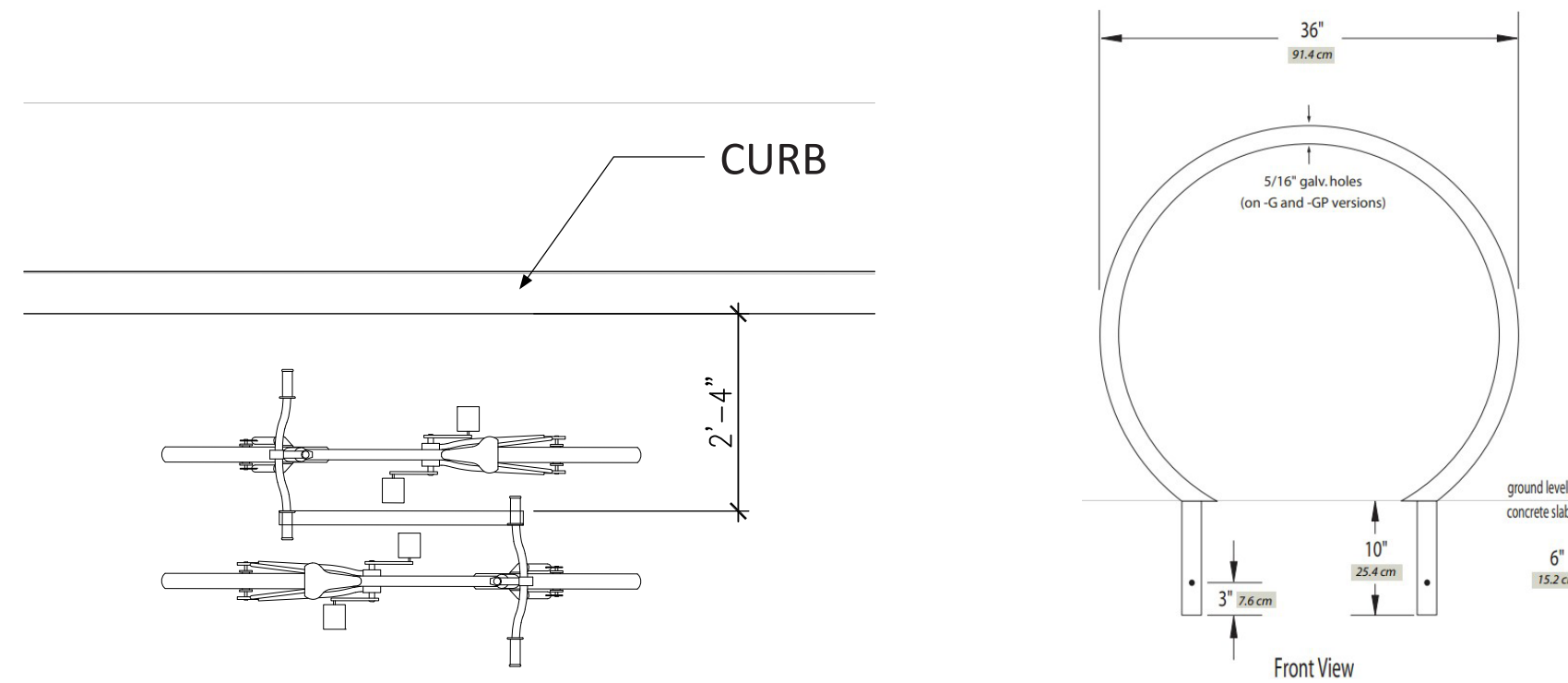
LANDSCAPE OPEN SPACE CALCULATIONS				
SYMBOL	TITLE	REQUIRED	PROVIDED	TOTAL %
	USABLE OPEN SPACE	28,800 SF	5,226 SF	-
	LANDSCAPED USABLE OPEN SPACE	40% OF USABLE OPEN SPACE	2,171 SF	42%

AT LEAST 40 PERCENT OF THE TOTAL REQUIRED USABLE OPEN SPACE AREA, EXCLUSIVE OF BALCONIES ABOVE THE GROUND FLOOR, SHALL BE LANDSCAPED PER CODE 23.304.090



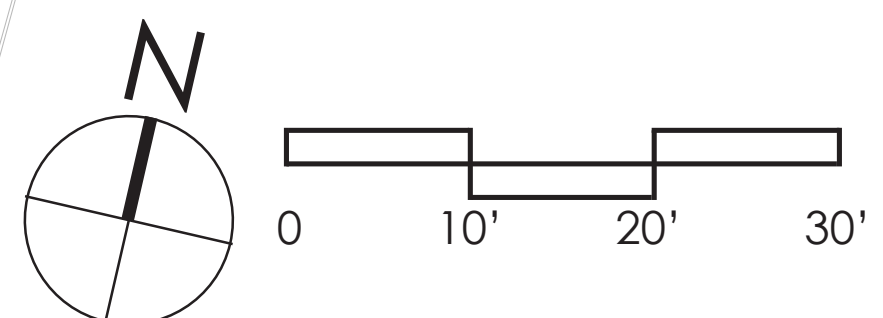
BIKE STORAGE - 40 LONG-TERM BIKE PARKING SPACES
SCALE: 1/4"=1'-0"

NOTE:
BIKE STORAGE TO HOLD HORIZONTAL, TWO TIERED PARKING RACKS, NON-LIFT ASSISTED. BIKE STORAGE SHALL CONFORM TO CITY'S BICYCLE FACILITY DESIGN TOOLBOX, APPENDIX F-120.



R.O.W. SHORT-TERM BIKE PARKING - CITY STANDARD BIKE RACK
SCALE: 1/2"=1'-0"

NOTE: BIKE RACKS AT CURB SHOULD BE LOCATED A MINIMUM OF 24" FROM THE CURB



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C DENSITY BONUS PROJECT

LEFT COAST ARCHITECTURE
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(925) 297-5688 leftcoastarch.com

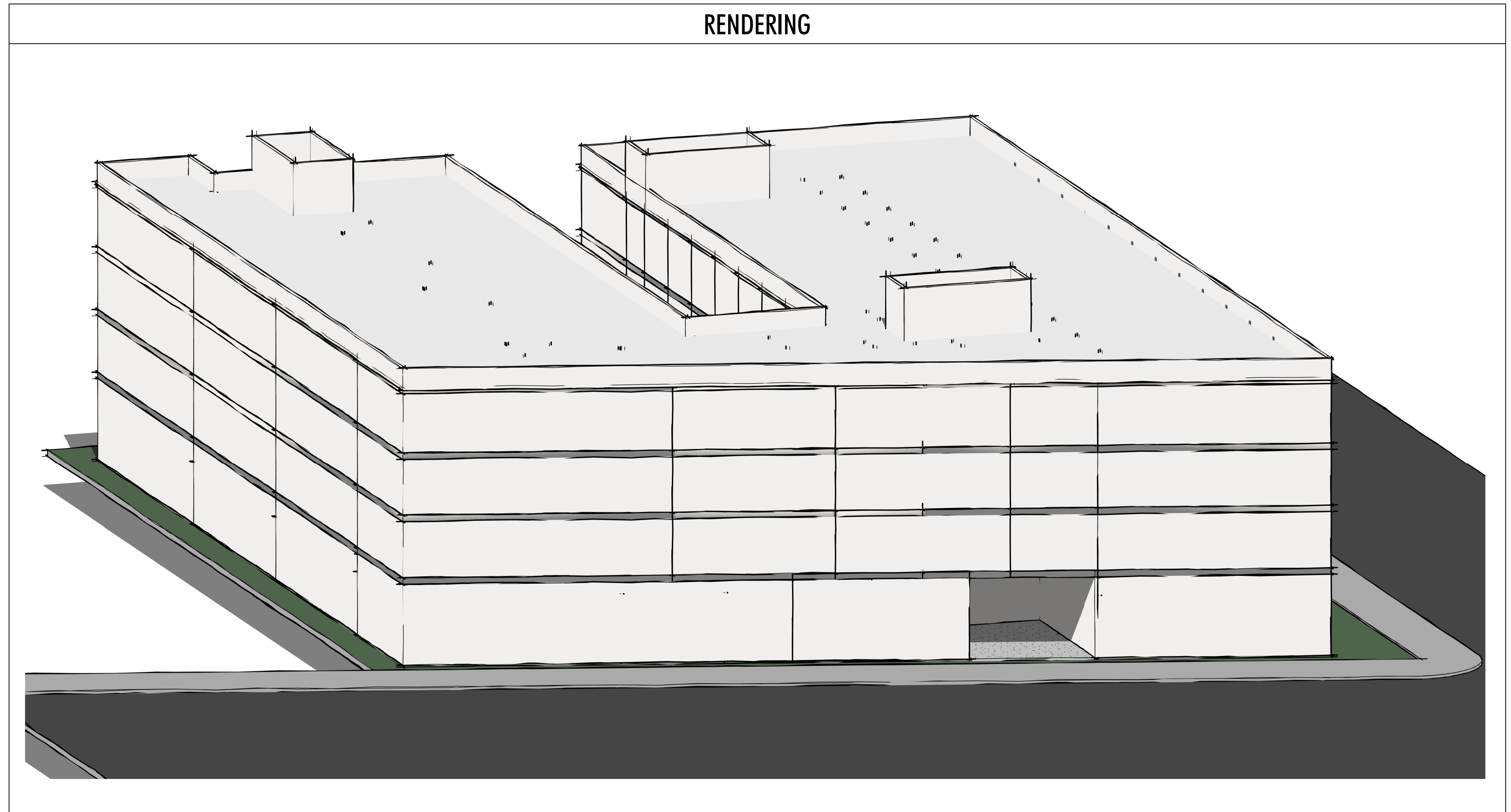
cbg
2633 CAMINO RAMON, SUITE 350
S A N R A M O N, C A 9 4 5 8 3
(925) 866-0322 cbandg.com

JETT
LANDSCAPE ARCHITECTURE + DESIGN
2 THEATRE SQUARE, SUITE 218
O R I N D A, C A 9 4 5 6 3
(925) 254-5422 jett.land.com

RIAZ CAPITAL
2744 E 11TH ST. OAKLAND, CA 94601
(510) 925-1908 riazcapital.com

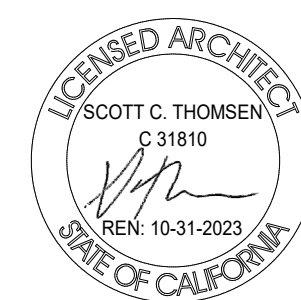
SHEET TITLE
LANDSCAPE OPEN SPACE PLAN & CALCULATIONS
DATE
MAY 24, 2023
PLANNING RESUBMISSION
SCALE
L6

BASE PROJECT DATA						
BASE PROJECT CALCULATIONS						
FLOOR AREA & COVERAGE	SITE AREA:	27,042 SF (6 acres)				
	GROSS FLOOR AREA:	81,126 SF				
PROPOSED FLOOR AREA	RESIDENTIAL FLOOR AREA:	77,835 SF				
	COMMERCIAL AREA:	804 SF				
	BUILDING FOOTPRINT:	19,626 SF				
	LOT COVERAGE:	72% SF				
	PROJECT FAR:	3.1				
DWELLING UNIT COUNTS		RESIDENTIAL SF	GROSS SF			
	LEVEL 1:	18,600SF*	19,626 SF			
	LEVEL 2:	19,745 SF**	20,500 SF			
	LEVEL 3:	19,745 SF**	20,500 SF			
	LEVEL 4:	19,745 SF**	20,500 SF			
TOTAL FLOOR AREA:	77,835 SF	81,126 SF				
	* DOES NOT INCL. BIKE STORAGE, PARKING OR RETAIL SPACE ** DOES NOT INCLUDE STAIRS OR ELEVATOR					
OPEN SPACE		STUDIO	2 BEDROOM (TYPE A)	2 BEDROOM (TYPE B)	4 BEDROOM	TOTAL
	LEVEL 1:	18	2	4	3	25
	LEVEL 2:	21	3	5	4	31
	LEVEL 3:	21	3	5	4	31
	LEVEL 4:	21	3	5	4	31
TOTAL UNIT TYPE:	81	11	19	15	126	
PERCENTAGE OF TOTAL:	64%	9%	15%	12%	100%	
	TOTAL UNITS (200 SF / UNIT)	126 x 200 SF = 25,200 SF				
	TOTAL OPEN SPACE	25,200 SF 2,690 SF COURTYARD, 18,980 SF ROOF DECK, AND 3,960 SF REAR / SIDE YARDS				



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

BASE PROJECT



3800 MT. DIABLO BLVD. SUITE 200
LA Y F A Y E T T E, C A 9 4 5 4 9
(925) 297-5688 leftcoastarch.com



2633 CAMINO RAMON, SUITE 350
S A N R A M O N, C A 9 4 5 8 3
(925) 866-0322 cbandg.com



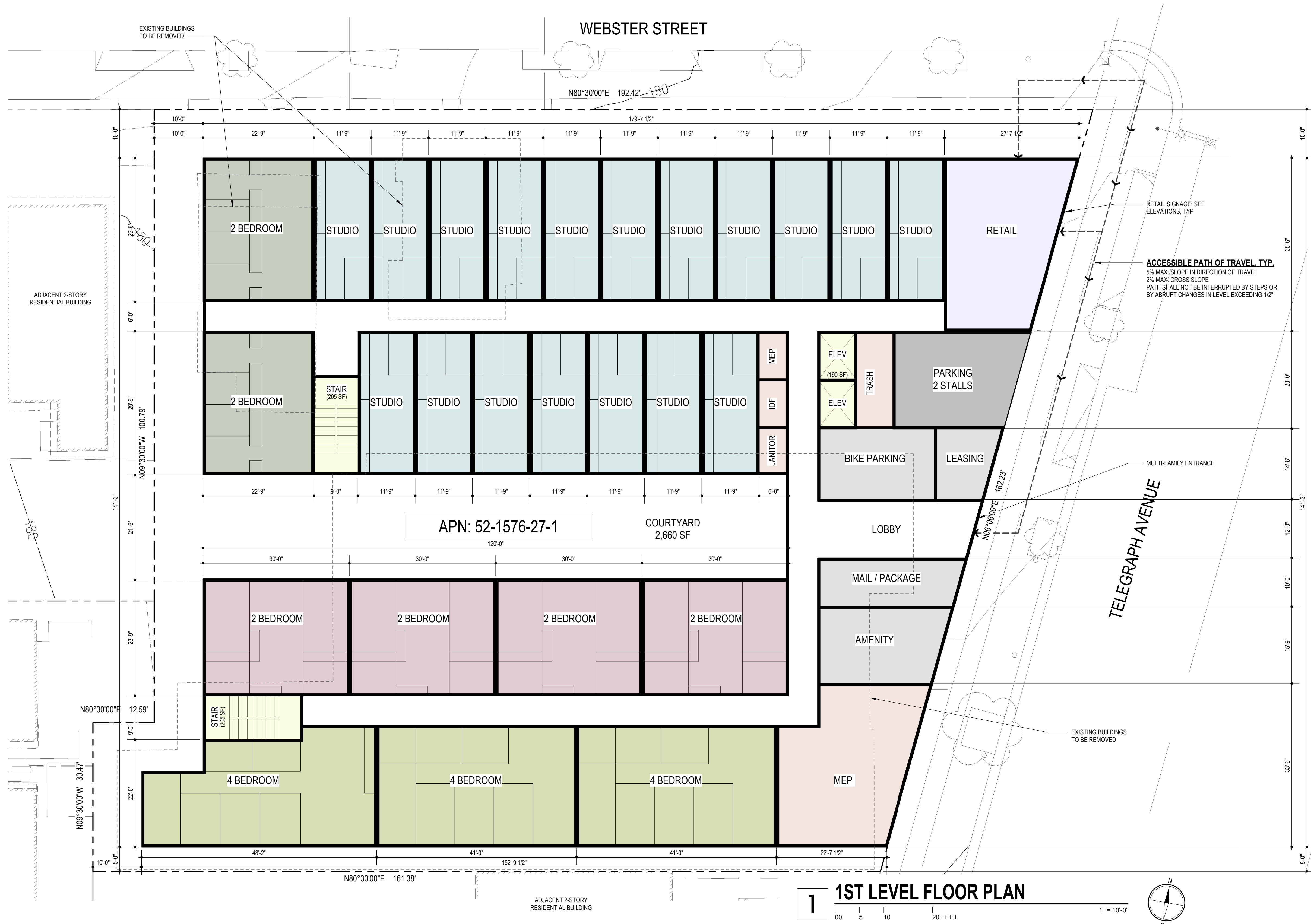
2 THEATRE SQUARE, SUITE 218
O R I N D A, C A 9 4 5 6 3
(925) 254-5422 jett.land.com



2744 E 11TH ST. OAKLAND, CA 94601
(510) 925-1908 riazcapital.com

SHEET TITLE
BASE PROJECT INFO.
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 12" = 1'-0"

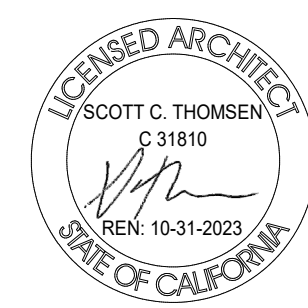
A-1.0



1 1ST LEVEL FLOOR PLAN

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

BASE PROJECT



SHEET TITLE	
1ST LEVEL FLOOR PLAN	
DATE	SCALE
MAY 24, 2023	1" = 10'-0"
PLANNING RESUBMISSION	

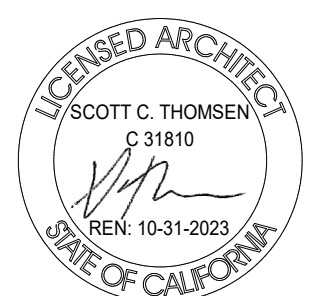
A-1.1



1 2ND LEVEL T.O. PLYWD.
00 5 10 20 FEET
1" = 10'-0"

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

BASE PROJECT



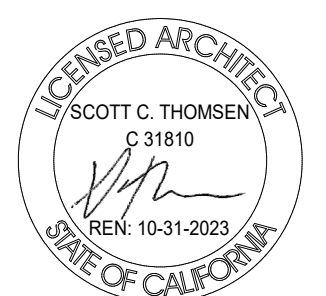
SHEET TITLE
2ND LEVEL FLOOR PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"
A-1.2



1 3RD LEVEL T.O. PLYWD.
00 5 10 20 FEET
1" = 10'-0"

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

BASE PROJECT



SHEET TITLE	
3RD LEVEL FLOOR PLAN	
DATE	SCALE
MAY 24, 2023	1" = 10'-0"
PLANNING RESUBMISSION	

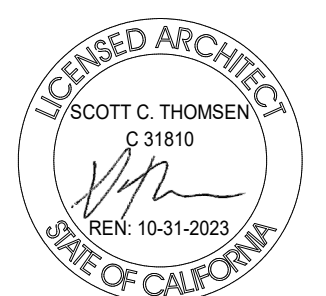
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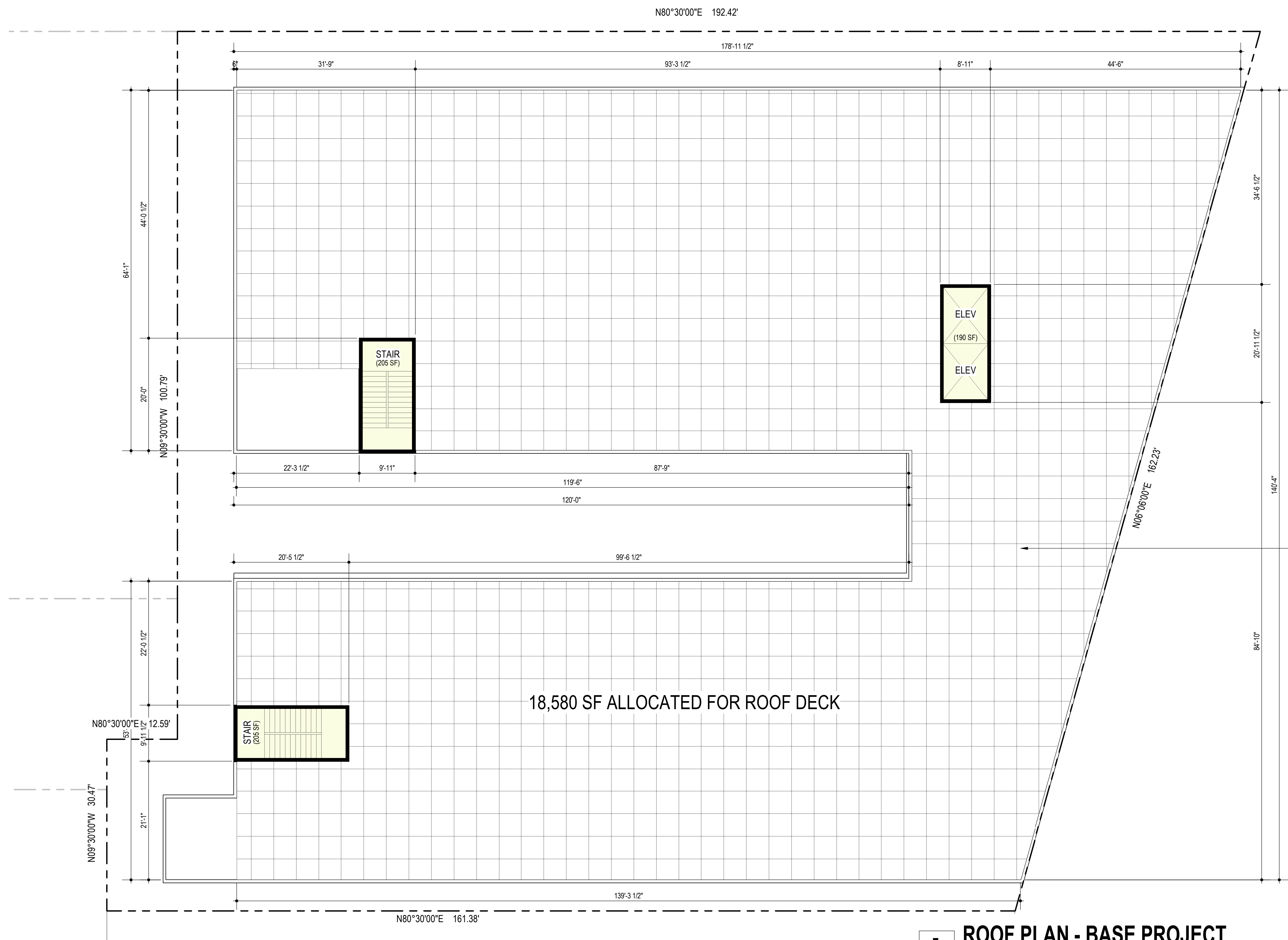
1 4TH LEVEL T.O. PLYWD.
00 5 10 20 FEET
1" = 10'-0"
N
S

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

BASE PROJECT



SHEET TITLE
4TH LEVEL FLOOR PLAN
DATE: MAY 24, 2023
SCALE: 1" = 10'-0"
PLANNING RESUBMISSION
A-1.4



ROOF PROJECTIONS OVER HEIGHT LIMIT CALCULATION (MAX 15%):
 PROJECTIONS OVER HEIGHT LIMIT = 600 SF (ELEVATOR PENTHOUSE & STAIR SHAFTS)
 AVERAGE FLOOR AREA = 20,281 SF
 PERCENTAGE OF PROJECTIONS = 2.9% (COMPLIES)

1 ROOF PLAN - BASE PROJECT
 00 5 10 20 FEET
 1" = 10'-0"

3030 TELEGRAPH AVE.
 BERKELEY, CA
 ZONING DISTRICT: C-C

BASE PROJECT



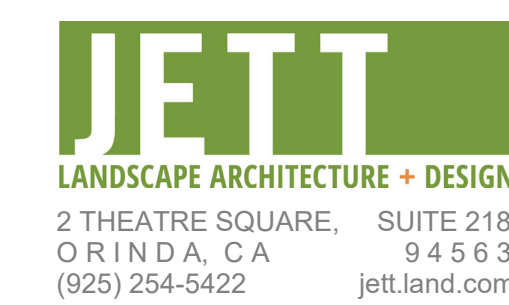
SHEET TITLE
 ROOF PLAN
 DATE: MAY 24, 2023
 PLANNING RESUBMISSION
 SCALE: 1" = 10'-0"
A-1.5

20% DENSITY BONUS PROJECT DATA						
DENSITY BONUS PROJECT CALCULATIONS						
FLOOR AREA & COVERAGE	SITE AREA:	27,042 SF (6 acres)				
	GROSS FLOOR AREA:	94,664SF (includes exterior bike shed)				
PROPOSED FLOOR AREA	RESIDENTIAL FLOOR AREA:	90,387 SF	RESIDENTIAL SF	GROSS SF		
	COMMERCIAL FLOOR AREA:	+/-1,550 SF				
	BUILDING FOOTPRINT:	19,811 SF (see sheet A-0.3)				
	LOT COVERAGE:	73% (see sheet A-0.3)				
	PROJECT FAR:	3.5 : 1				
	LEVEL 1:	17,007 SQ FT*	19,152 SQ FT (includes exterior bike shed)			
	LEVEL 2:	18,345 SQ FT**	18,878 SQ FT			
LEVEL 3:	18,345 SQ FT**	18,878 SQ FT				
LEVEL 4:	18,345 SQ FT**	18,878 SQ FT				
LEVEL 5:	18,345 SQ FT**	18,878 SQ FT				
TOTAL FLOOR AREA:	90,387 SQ FT	94,664 SQ FT				
		* DOES NOT INCL. BIKE STORAGE, PARKING OR RETAIL SPACE. INCLUDES STAIR & ELEVATOR. ** DOES NOT INCLUDE STAIRS OR ELEVATOR				
UNIT COUNTS		A1: STUDIO	B1 & B2: 2 BEDROOM	C1: 2 BEDROOM	D1 & D2: 4 BEDROOM	TOTAL
	LEVEL 1:	7	2	4	3	16
	LEVEL 2:	22	3	4	3	32
	LEVEL 3:	22	3	4	3	32
	LEVEL 4:	22	3	4	3	32
	LEVEL 5:	22	3	4	3	32
	TOTAL UNIT TYPE:	95	14	20	15	144
PERCENTAGE OF TOTAL:	66%	10%	14%	10%	100%	
OPEN SPACE	TOTAL UNITS (200 SF / UNIT)	144 x 200 SF = 28,800 SF (REQUIRED)				
	TOTAL OPEN SPACE (COURTYARD)	5,226 SQ FT				

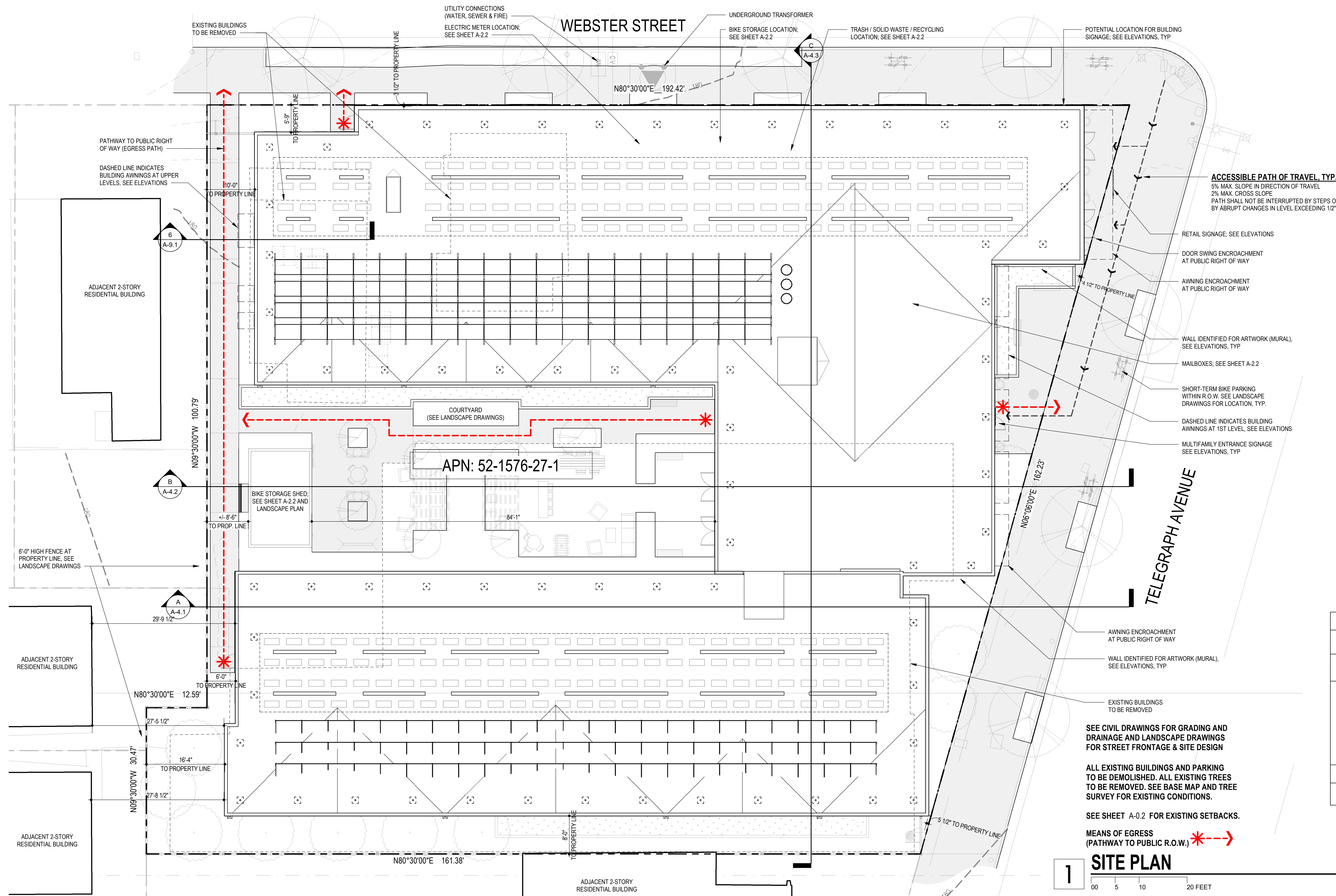


3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
DENSITY BONUS INFO.
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 12" = 1'-0"
A-2.0



ACCESSIBLE PATH OF TRAVEL, TYP.
5% MAX. SLOPE IN DIRECTION OF TRAVEL
2% MAX. CROSS SLOPE
PATH SHALL NOT BE INTERRUPTED BY STEPS OR BY ABRUPT CHANGES IN LEVEL EXCEEDING 1/2"

BERKELEY ZONING DISTRICT
C-C CORRIDOR COMMERCIAL DISTRICT (23.204.050)
NATURAL GAS PROHIBITION, BERKELEY ENERGY CODE, AND BERKELEY GREEN CODE:
THE PROPOSED PROJECT WILL NOT INCLUDE ANY NATURAL GAS INFRASTRUCTURE IN COMPLIANCE WITH BMC CHAPTER 12.80.
THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND BERKELEY GREEN CODE (BMC CHAPTER 19.37), ADOPTED BY CITY COUNCIL ON DECEMBER 3RD, 2019, INCLUDING SOLAR PV SYSTEM AND LOW-CARBON CONCRETE REQUIREMENTS. BUILDING DESIGN WILL INCORPORATE ALL-ELECTRIC SYSTEMS.
GREEN BUILDING REQUIREMENTS
GREEN POINT RATED (GPR) CHECKLIST: N/A

SEE CIVIL DRAWINGS FOR GRADING AND DRAINAGE AND LANDSCAPE DRAWINGS FOR STREET FRONTAGE & SITE DESIGN

ALL EXISTING BUILDINGS AND PARKING TO BE DEMOLISHED. ALL EXISTING TREES TO BE REMOVED. SEE BASE MAP AND TREE SURVEY FOR EXISTING CONDITIONS.

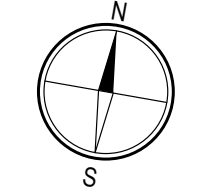
SEE SHEET A-0.2 FOR EXISTING SETBACKS.

MEANS OF EGRESS (PATHWAY TO PUBLIC R.O.W.) *--->

1 SITE PLAN

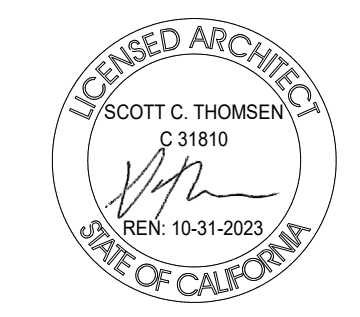
00 5 10 20 FEET

1" = 10'-0"



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

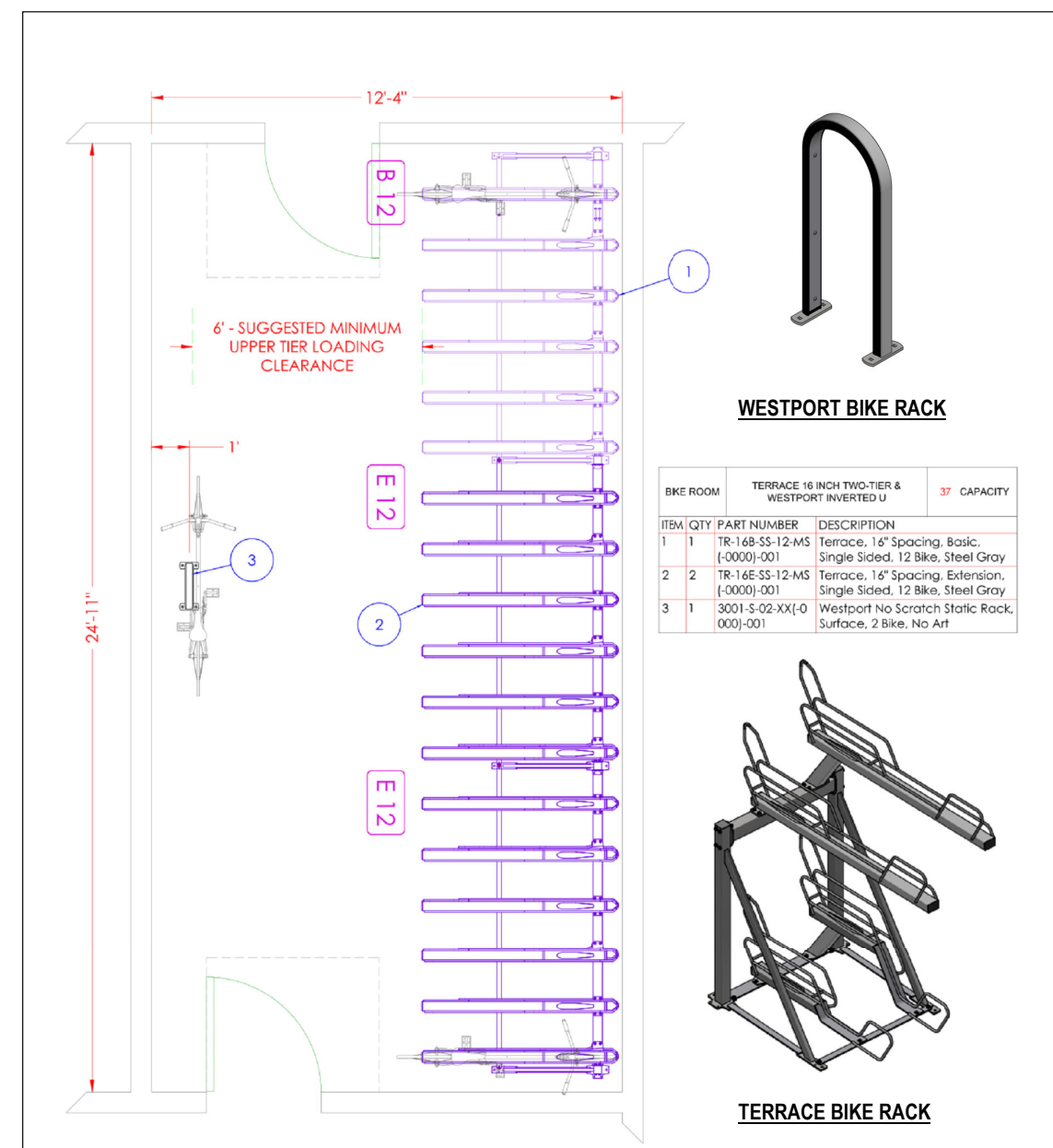


SHEET TITLE
SITE PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: As indicated

A-2.1



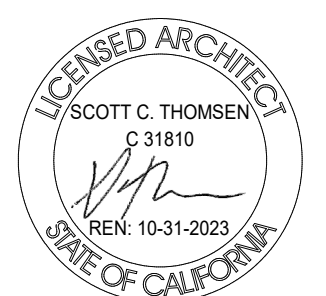
1 1ST LEVEL FLOOR PLAN
00 5 10 20 FEET
1" = 10'-0"
N



2 ENLARGED BIKE ROOM LAYOUT
(BIKE STORAGE SHED SIM.)
N.T.S.

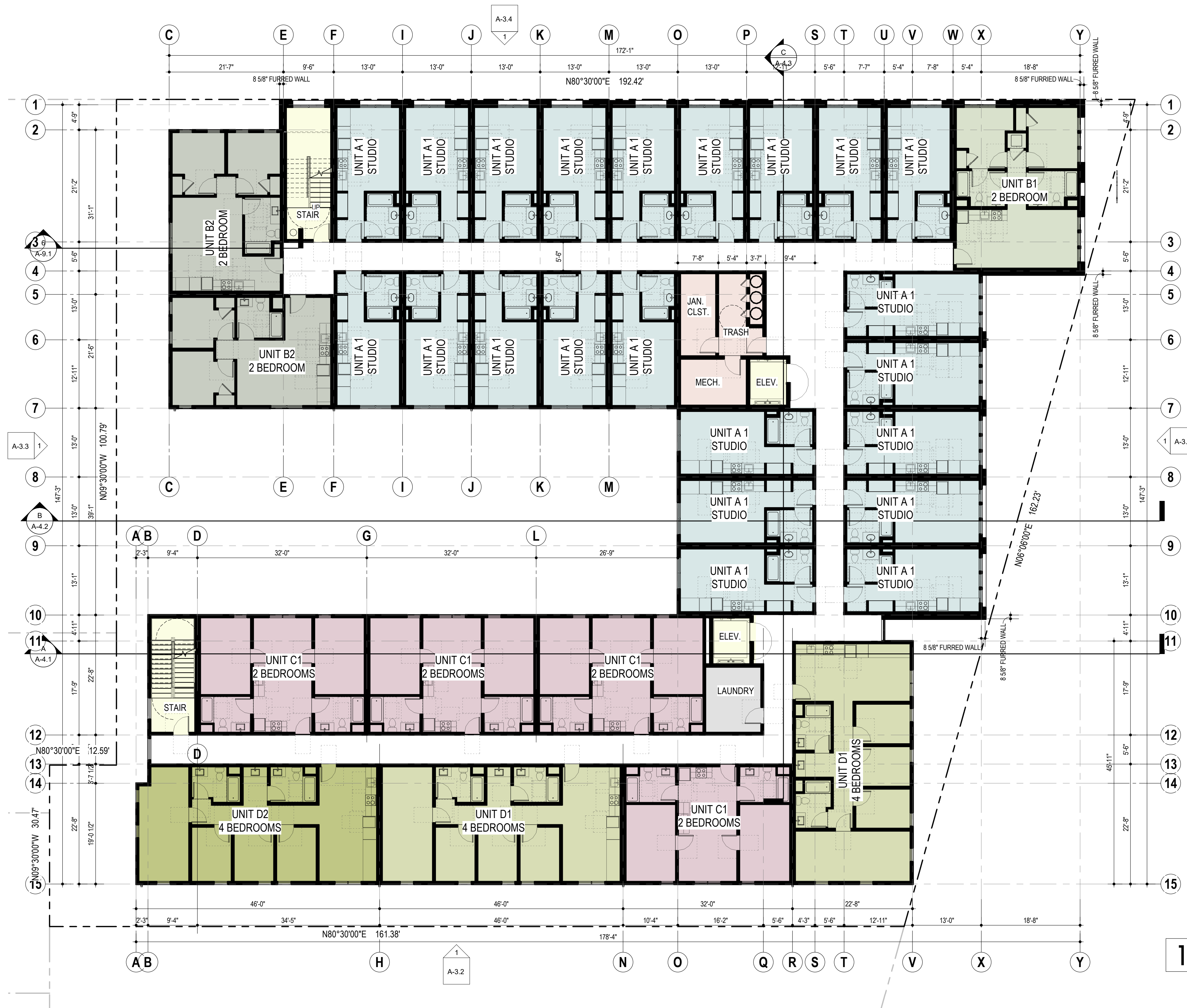
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
1ST LEVEL FLOOR PLAN
DATE: MAY 24, 2023
SCALE: As indicated
PLANNING RESUBMISSION

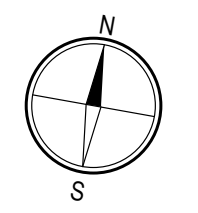
A-2.2



1 2ND LEVEL T.O. PLYWD.

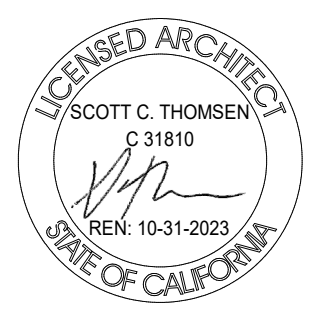
00 5 10 20 FEET

1" = 10'-0"



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
2ND LEVEL FLOOR PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"

A-2.3

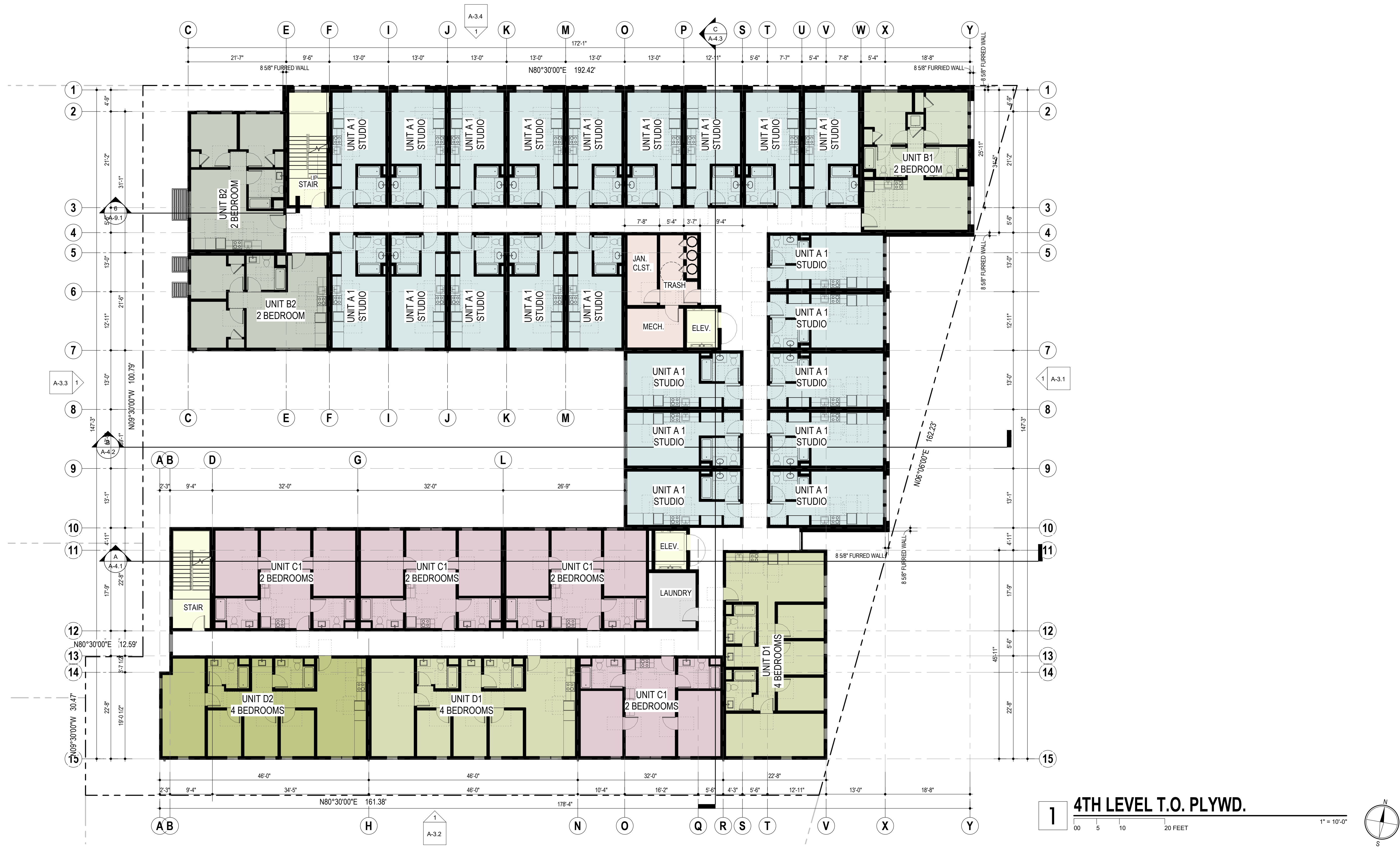


1 3RD LEVEL T.O. PLYWD.
00 5 10 20 FEET
1" = 10'-0"
N
S

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C **DENSITY BONUS PROJECT**

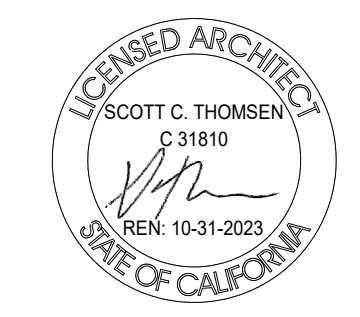


SHEET TITLE
3RD LEVEL FLOOR PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"
A-2.4

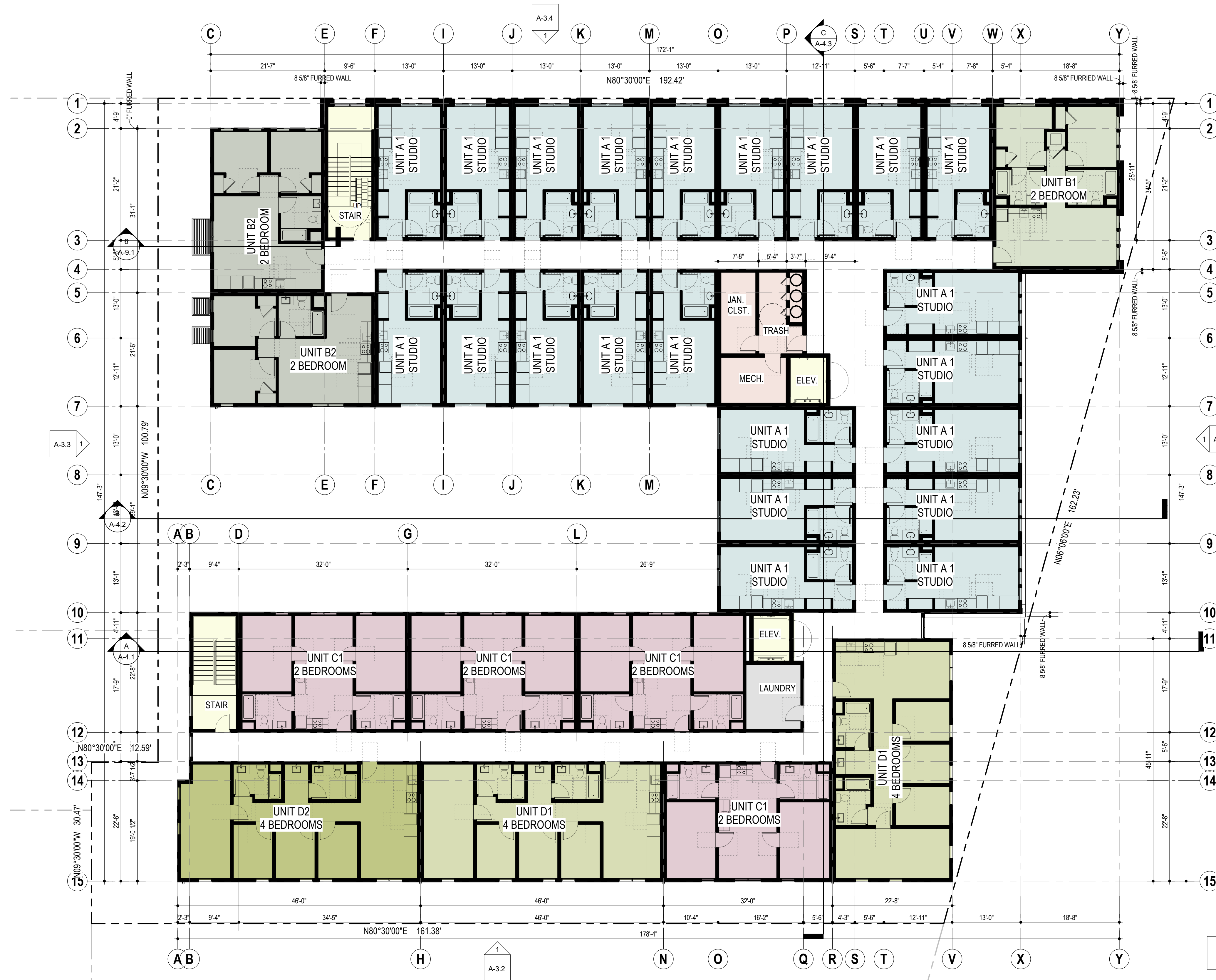


1 4TH LEVEL T.O. PLYWD.
00 5 10 20 FEET
1" = 10'-0"
N
S

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C **DENSITY BONUS PROJECT**



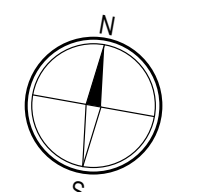
SHEET TITLE
4TH LEVEL FLOOR PLAN
DATE: MAY 24, 2023 SCALE: 1" = 10'-0"
PLANNING RESUBMISSION
A-2.5



1 5TH LEVEL T.O. PLYWD.

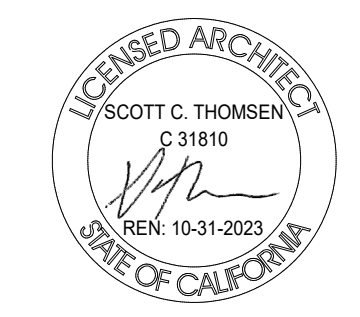
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1" = 10'-0"



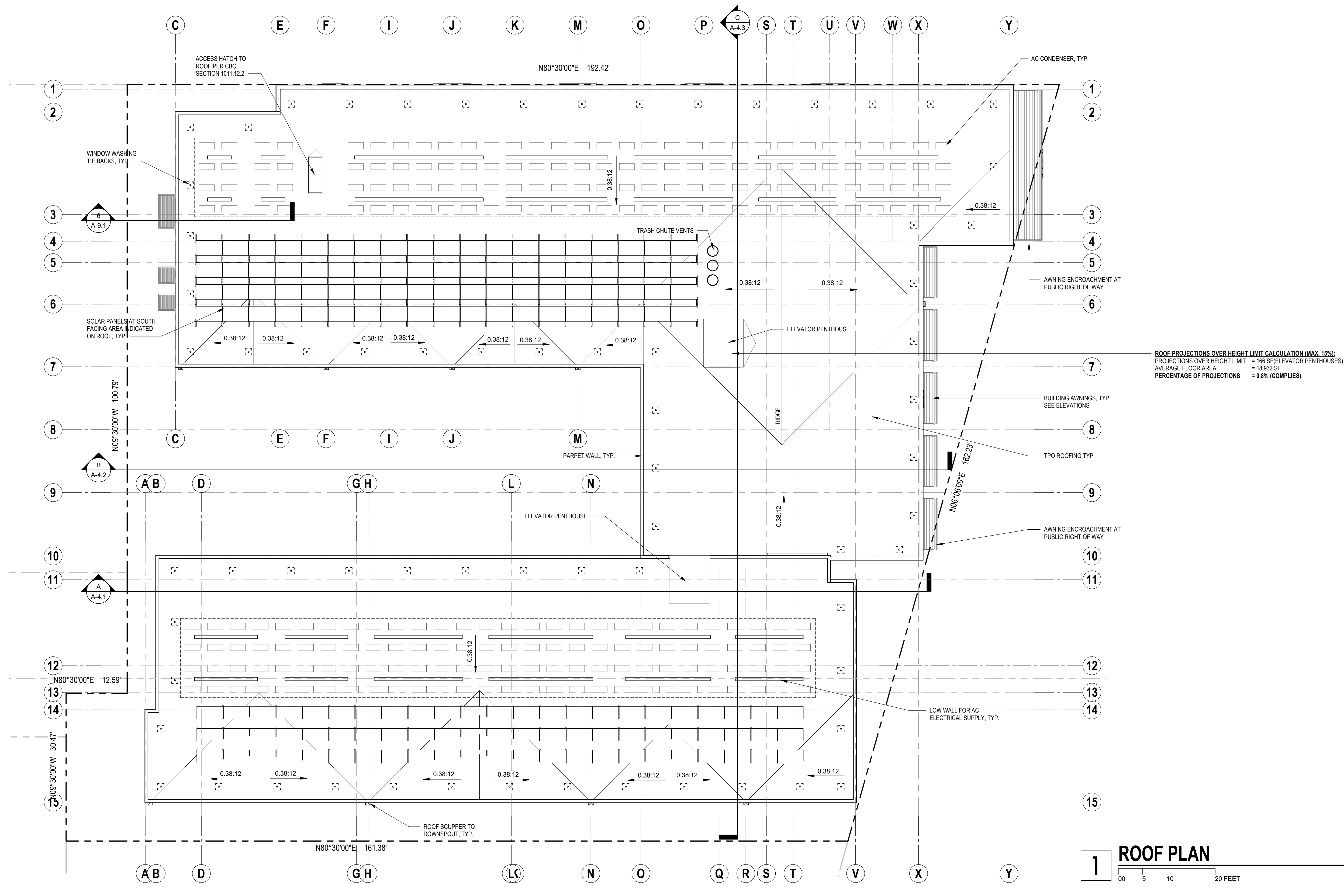
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
5TH LEVEL FLOOR PLAN
DATE: MAY 24, 2023
SCALE: 1" = 10'-0"
PLANNING RESUBMISSION

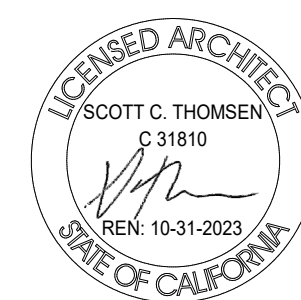
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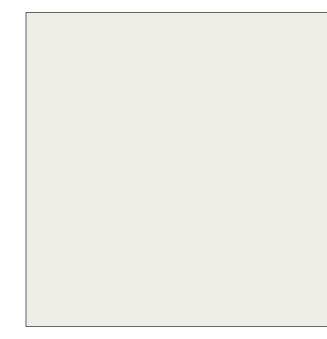

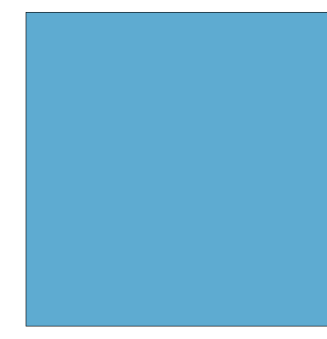



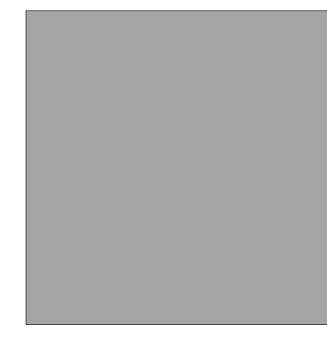


1 ROOF PLAN
00 5 10 20 FEET
1" = 10'-0"
N
S

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

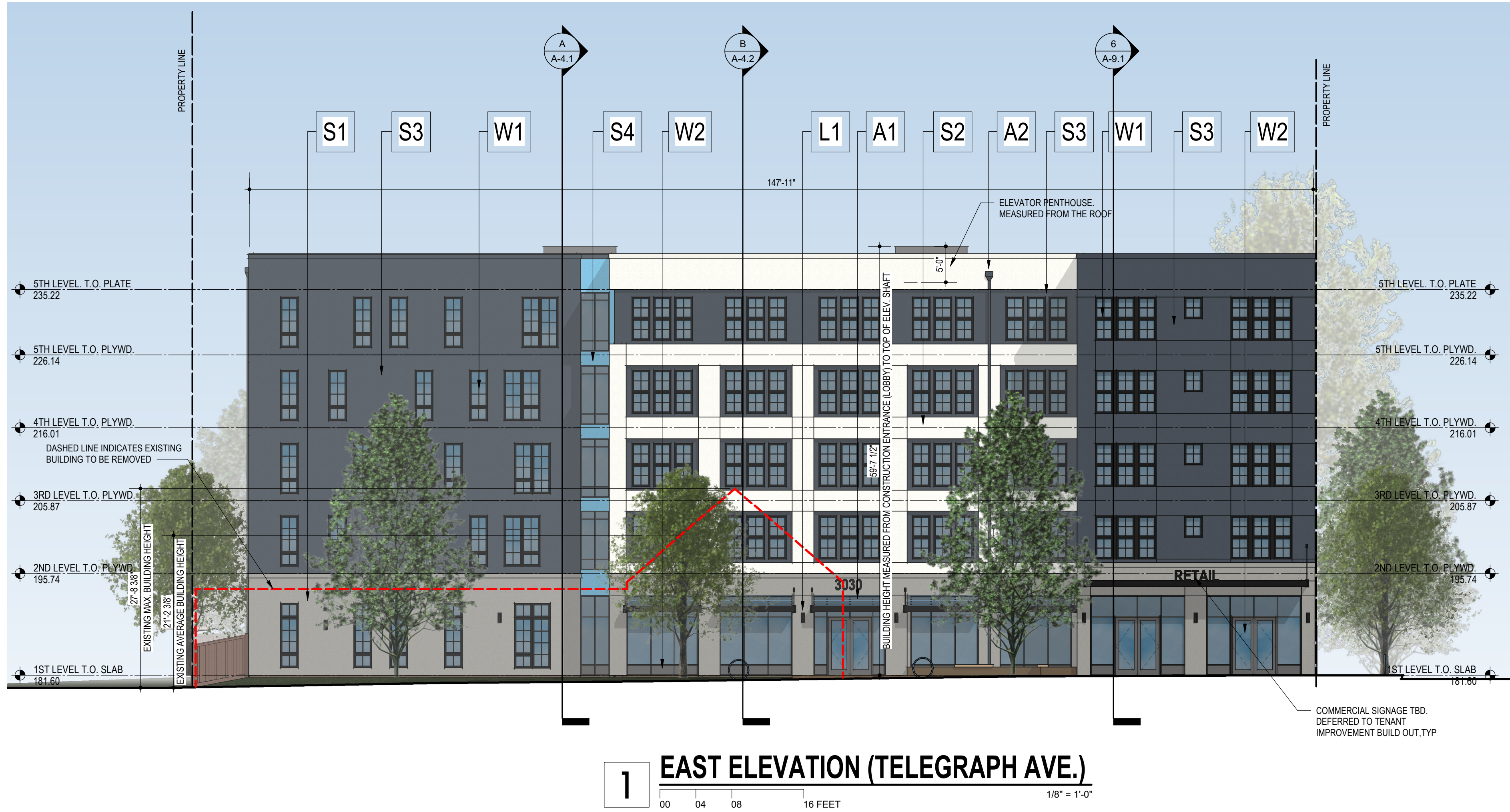


SHEET TITLE
ROOF PLAN
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"
A-2.7

<p>S1 SIDING 1 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: SECRET (AF-710)</p> 	<p>S2 SIDING 2 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: WHITE DOVE (OC-17)</p> 
<p>S3 SIDING 3 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: POLO BLUE (2062-10)</p> 	<p>S4 SIDING 4 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: BLUE BELL ISLAND (782)</p> 
<p>A1 ARCHITECTURAL ELEMENTS COLOR: BM BLUE BELL ISLAND (782)</p> 	<p>A2 DOWNSPOUT PAINTED METAL COLOR: POLO BLUE (2062-10)</p> 
<p>W1 WINDOWS & DOORS 1 VPI QUALITY WINDOWS COLOR: BLACK</p> 	<p>W2 WINDOWS & DOORS 2 STOREFRONT SYSTEM COLOR: ALUMINUM</p> 
<p>L1 LIGHTING HINKLEY ATLANTIS WALL SCONCE 36" TALL COLOR: BLACK</p> 	<p>L2 LIGHTING PHILIPS GARDCO LIGHTING 104 LED WALL SCONCE COLOR: BLACK</p> 

COLORS AND MATERIAL LEGEND

N.T.S.



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT


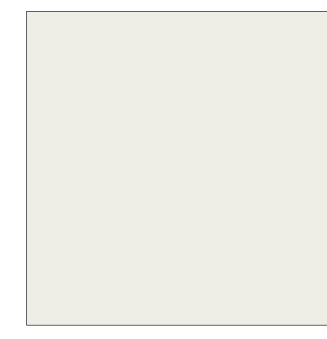










SHEET TITLE
EXTERIOR ELEVATIONS

DATE: MAY 24, 2023
PLANNING RESUBMISSION

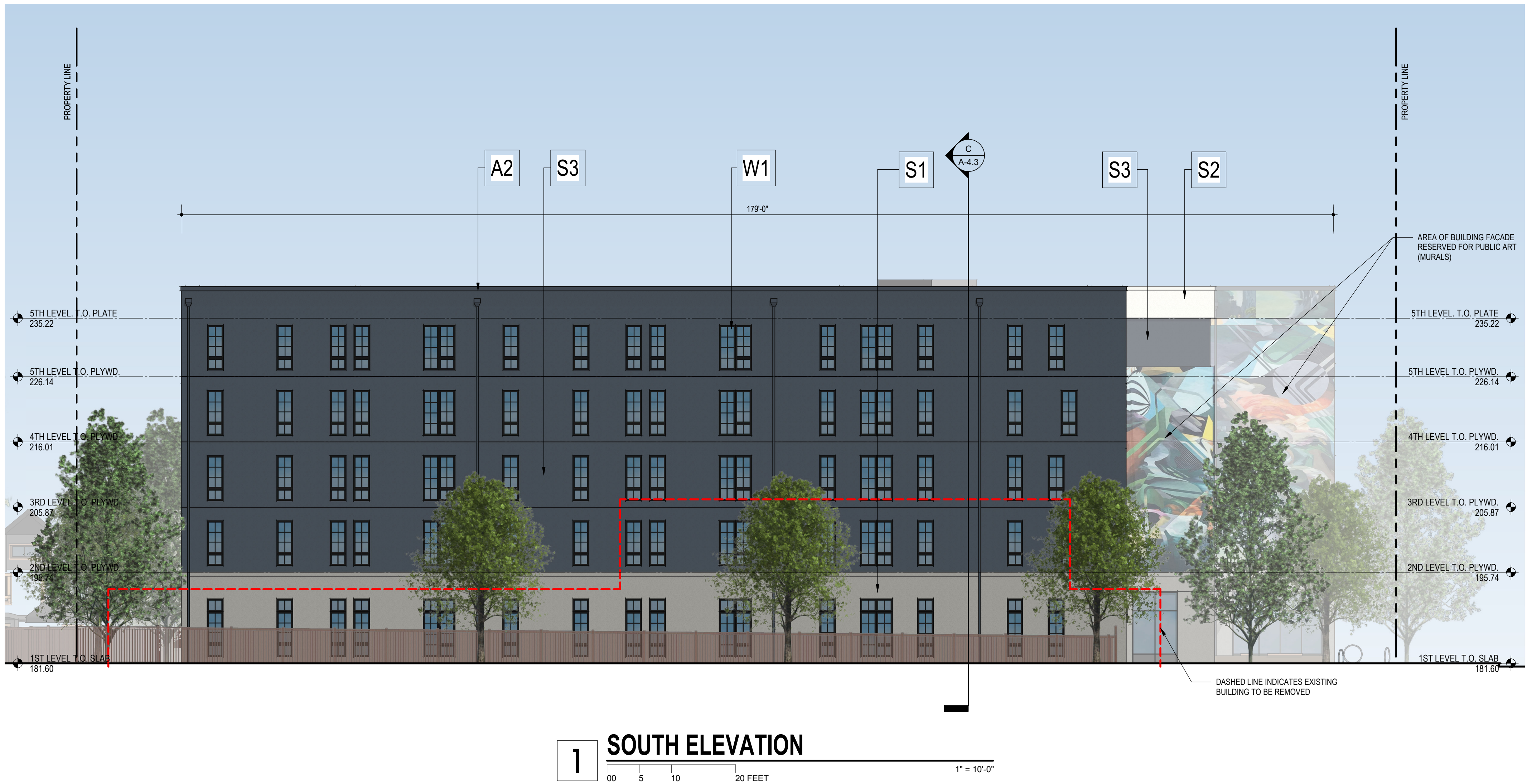
SCALE: As indicated

A-3.1

<p>S1 SIDING 1 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: SECRET (AF-710)</p> 	<p>S2 SIDING 2 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: WHITE DOVE (OC-17)</p> 
<p>S3 SIDING 3 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: POLO BLUE (2062-10)</p> 	<p>S4 SIDING 4 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: BLUE BELL ISLAND (782)</p> 
<p>A1 ARCHITECTURAL ELEMENTS COLOR: BM BLUE BELL ISLAND (782)</p> 	<p>A2 DOWNSPOUT PAINTED METAL COLOR: POLO BLUE (2062-10)</p> 
<p>W1 WINDOWS & DOORS 1 VPI QUALITY WINDOWS COLOR: BLACK</p> 	<p>W2 WINDOWS & DOORS 2 STOREFRONT SYSTEM COLOR: ALUMINUM</p> 
<p>L1 LIGHTING HINKLEY ATLANTIS WALL SCONCE 36" TALL COLOR: BLACK</p> 	<p>L2 LIGHTING PHILIPS GARDCO LIGHTING 104 LED WALL SCONCE COLOR: BLACK</p> 

COLORS AND MATERIAL LEGEND

N.T.S.



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT


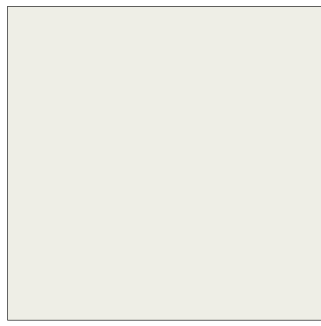

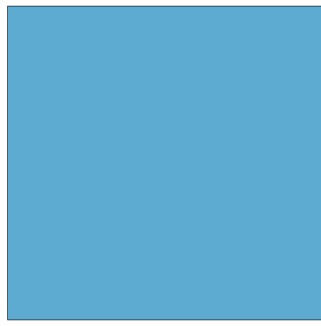








SHEET TITLE
EXTERIOR ELEVATIONS

DATE: MAY 24, 2023
PLANNING RESUBMISSION

SCALE: As indicated

A-3.2

<p>S1 SIDING 1 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: SECRET (AF-710)</p> 	<p>S2 SIDING 2 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: WHITE DOVE (OC-17)</p> 
<p>S3 SIDING 3 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: POLO BLUE (2062-10)</p> 	<p>S4 SIDING 4 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: BLUE BELL ISLAND (782)</p> 
<p>A1 ARCHITECTURAL ELEMENTS COLOR: BM BLUE BELL ISLAND (782)</p> 	<p>A2 DOWNSPOUT PAINTED METAL COLOR: POLO BLUE (2062-10)</p> 
<p>W1 WINDOWS & DOORS 1 VPI QUALITY WINDOWS COLOR: BLACK</p> 	<p>W2 WINDOWS & DOORS 2 STOREFRONT SYSTEM COLOR: ALUMINUM</p> 
<p>L1 LIGHTING HINKLEY ATLANTIS WALL SCONE 36" TALL COLOR: BLACK</p> 	<p>L2 LIGHTING PHILIPS GARDCO LIGHTING 104 LED WALL SCONE COLOR: BLACK</p> 

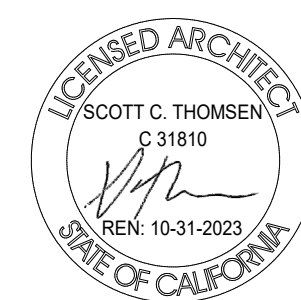
COLORS AND MATERIAL LEGEND

N.T.S.




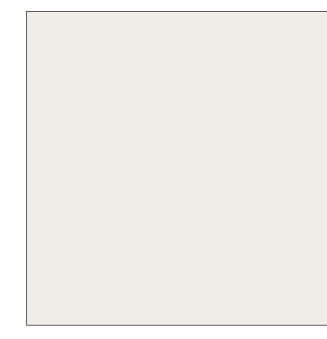








3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



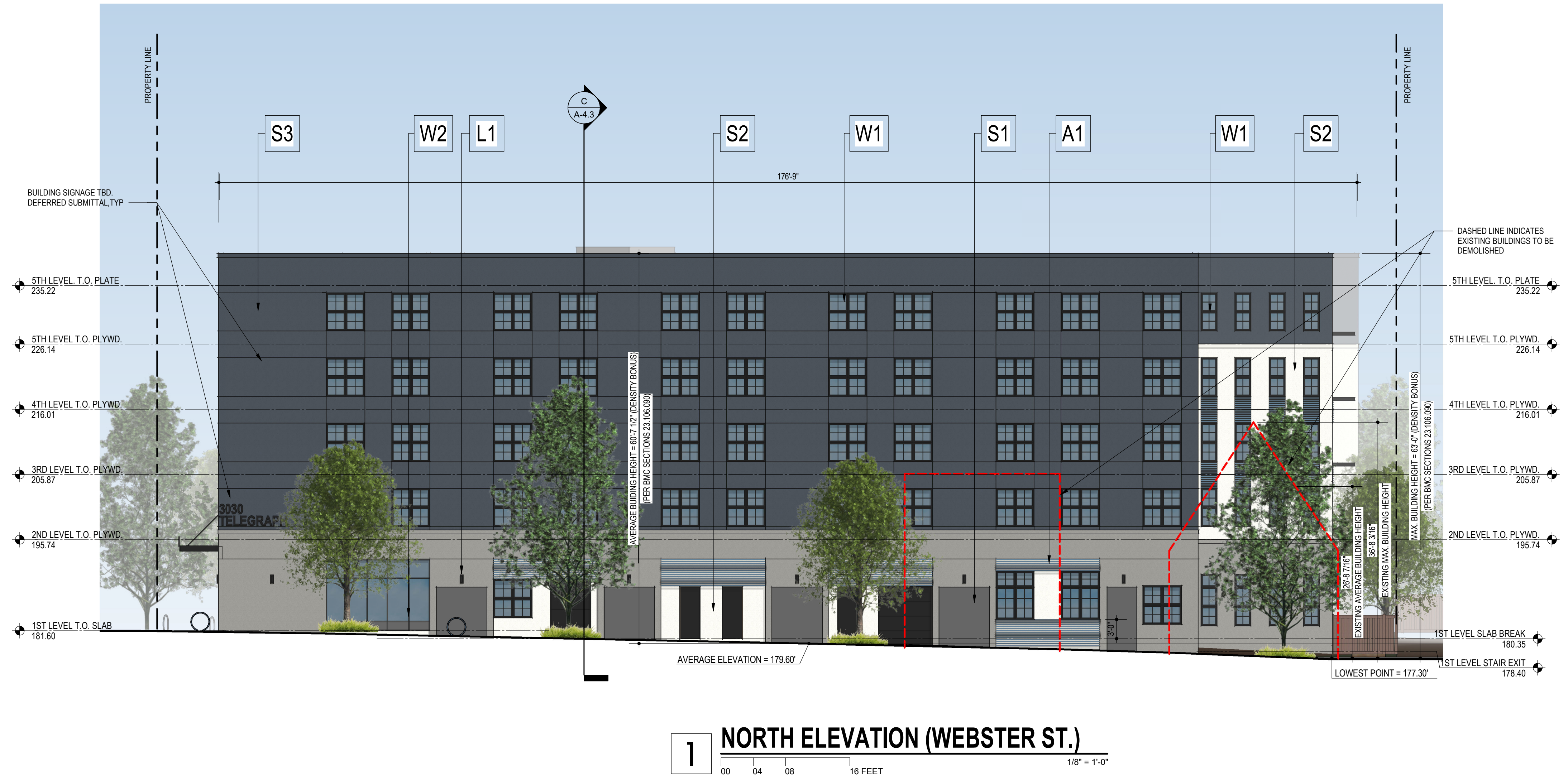
SHEET TITLE
EXTERIOR ELEVATIONS
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: As indicated

A-3.3

<p>S1 SIDING 1 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: SECRET (AF-710)</p> 	<p>S2 SIDING 2 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: WHITE DOVE (OC-17)</p> 
<p>S3 SIDING 3 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: POLO BLUE (2062-10)</p> 	<p>S4 SIDING 4 STUCCO SIDING SYSTEM PAINT: BENJAMIN MOORE COLOR: BLUE BELL ISLAND (782)</p> 
<p>A1 ARCHITECTURAL ELEMENTS COLOR: BM BLUE BELL ISLAND (782)</p> 	<p>A2 DOWNSPOUT PAINTED METAL COLOR: POLO BLUE (2062-10)</p> 
<p>W1 WINDOWS & DOORS 1 VPI QUALITY WINDOWS COLOR: BLACK</p> 	<p>W2 WINDOWS & DOORS 2 STOREFRONT SYSTEM COLOR: ALUMINUM</p> 
<p>L1 LIGHTING HINKLEY ATLANTIS WALL SCONCE 36" TALL COLOR: BLACK</p> 	<p>L2 LIGHTING PHILIPS GARDCO LIGHTING 104 LED WALL SCONCE COLOR: BLACK</p> 

COLORS AND MATERIAL LEGEND

N.T.S.



3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
EXTERIOR ELEVATIONS

DATE: MAY 24, 2023
PLANNING RESUBMISSION

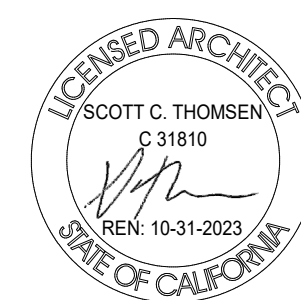
SCALE: As indicated

A-3.4



3030 TELEGRAPH AVE.
 BERKELEY, CA
 ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
 RENDERINGS
 DATE MAY 24, 2023
 SCALE
 PLANNING RESUBMISSION
 A-3.5



3030 TELEGRAPH AVE.
 BERKELEY, CA
 ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



3800 MT. DIABLO BLVD. SUITE 200
 L A Y F A Y E T T E , C A 9 4 5 4 9
 (925) 297-5688 leftcoastarch.com



2633 CAMINO RAMON, SUITE 350
 S A N R A M O N , C A 9 4 5 8 3
 (925) 866-0322 cbandg.com



2 THEATRE SQUARE, SUITE 218
 O R I N D A , C A 9 4 5 6 3
 (925) 254-5422 jett.land.com



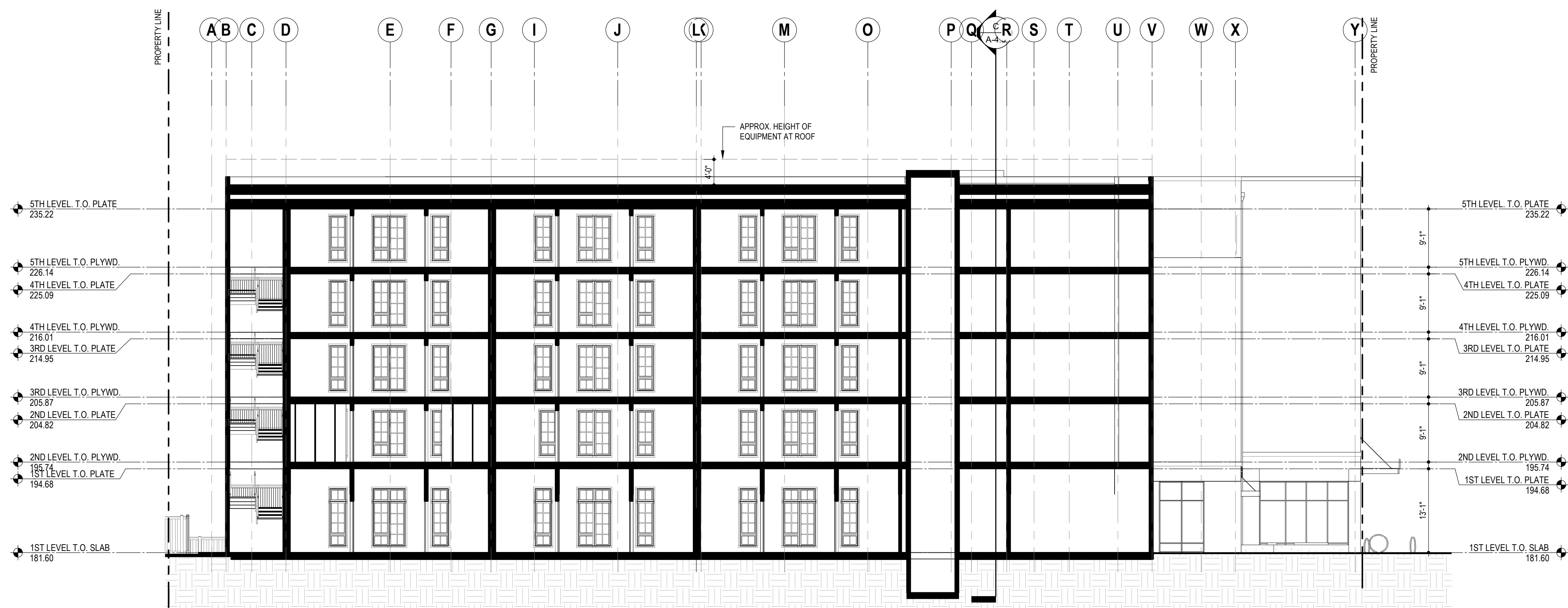
2744 E 11TH ST. OAKLAND, CA 94601
 (510) 925-1908 riazcapital.com

SHEET TITLE
 RENDERINGS

DATE MAY 24, 2023
 PLANNING RESUBMISSION

SCALE

A-3.6



A SECTION A
00 05 10 20 FEET

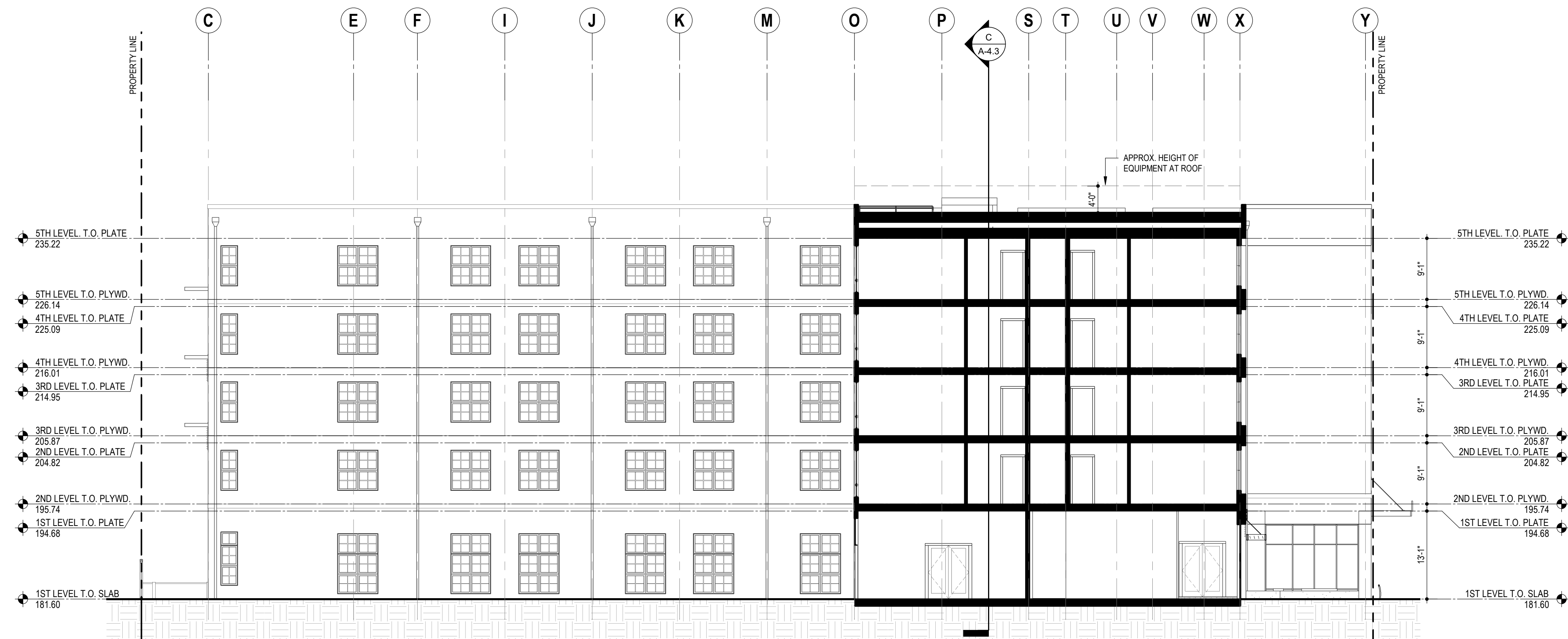
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
BUILDING SECTION
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"

A-4.1



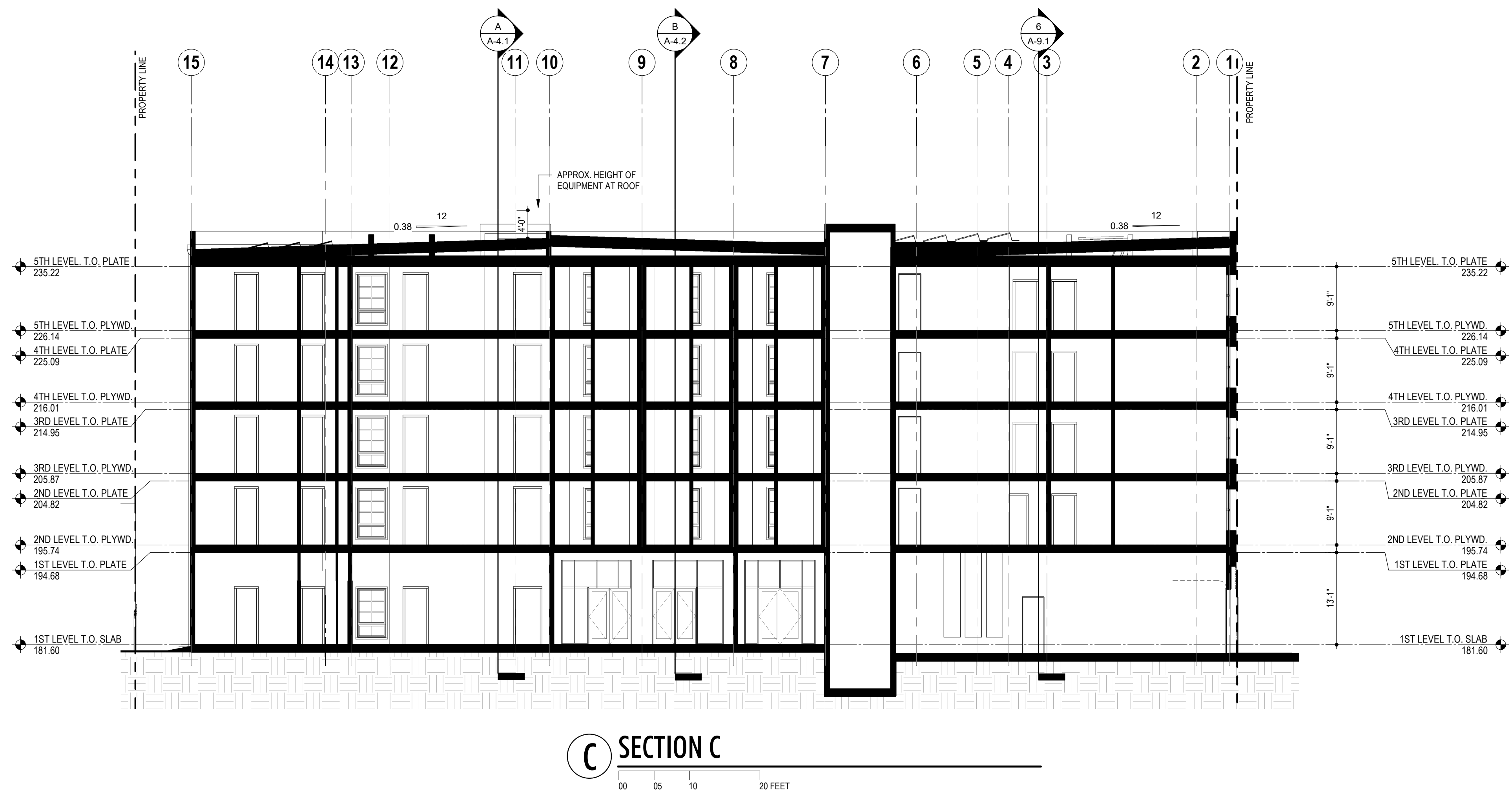
B SECTION B
00 05 10 20 FEET

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
BUILDING SECTION
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"
A-4.2



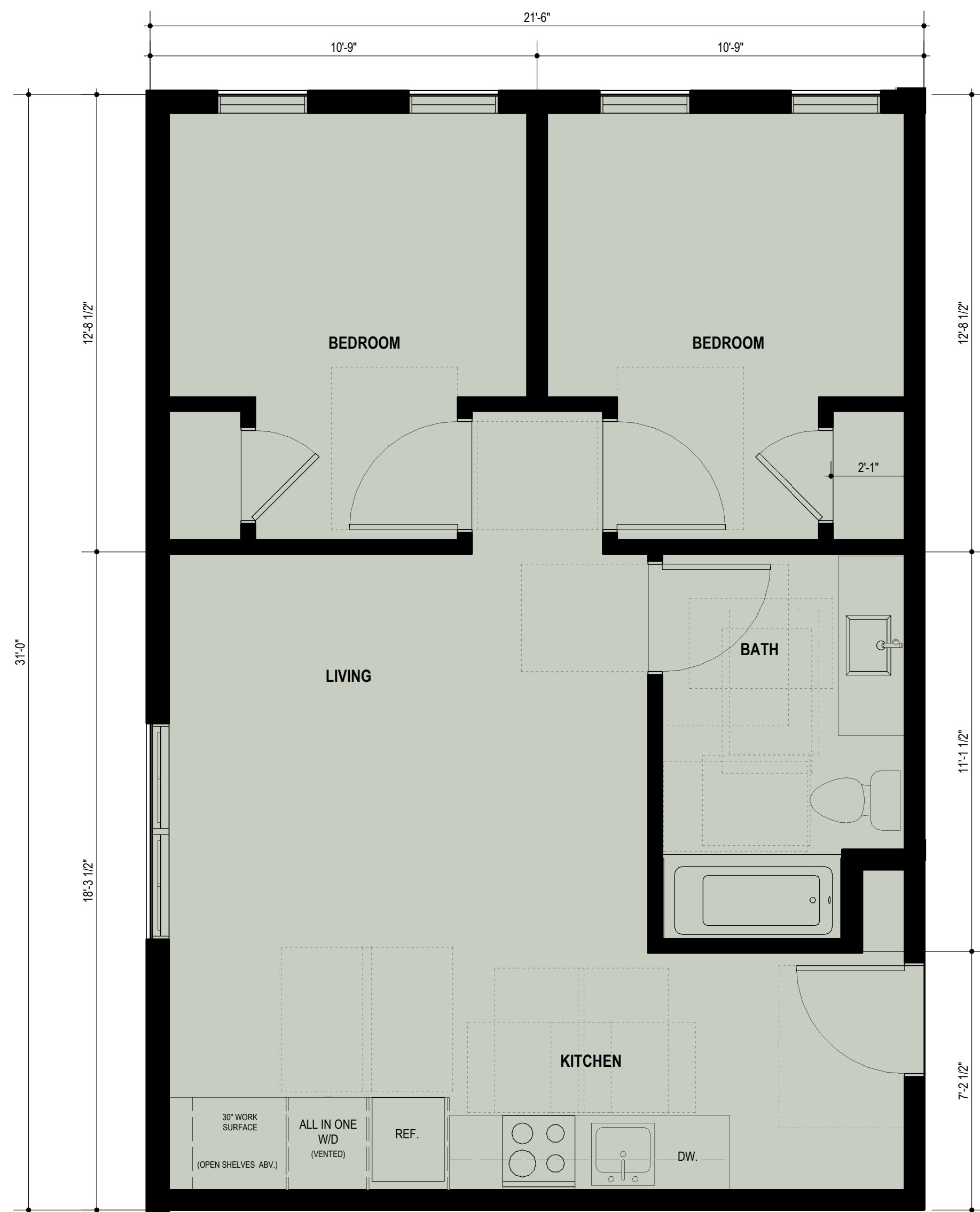
C SECTION C

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

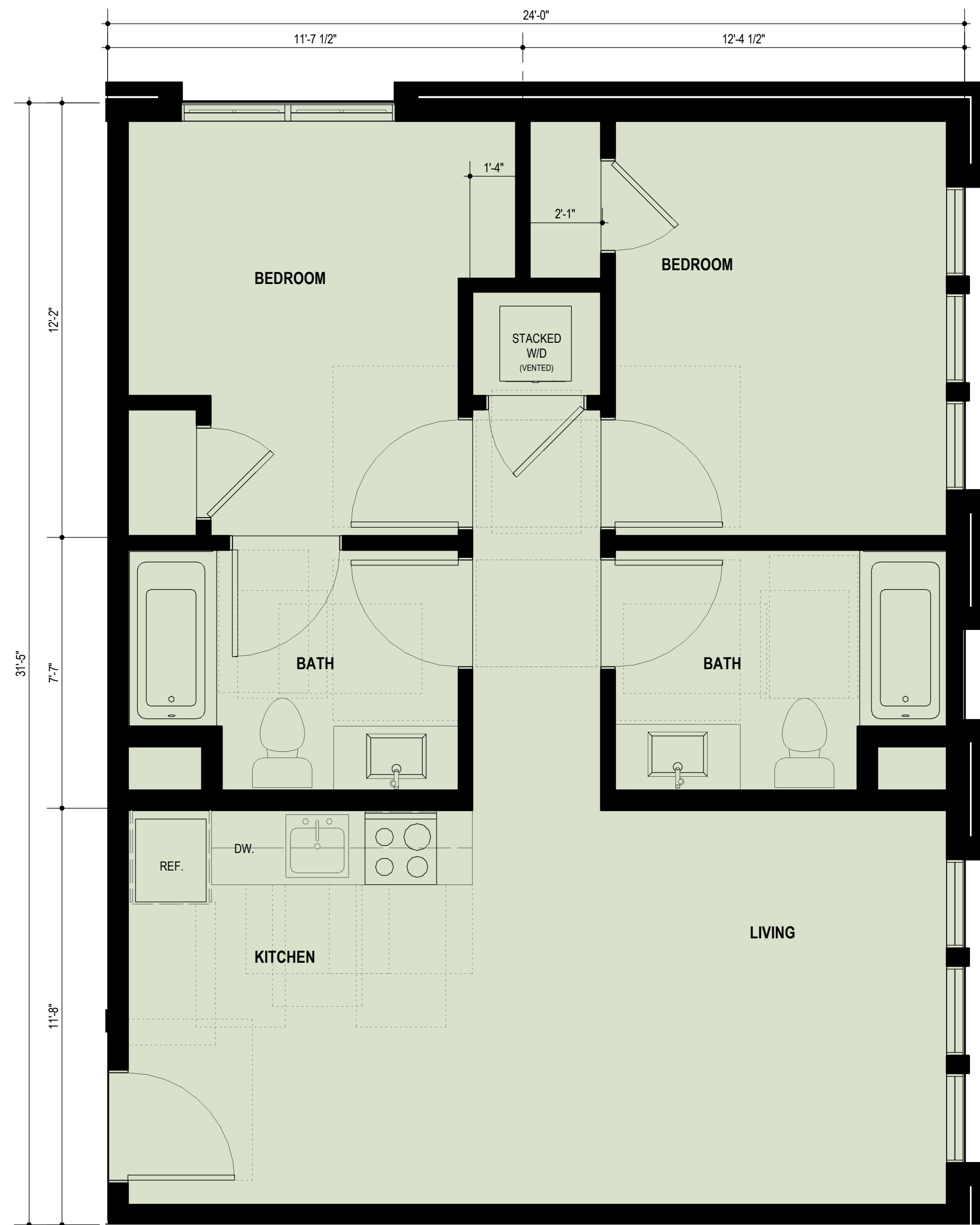
DENSITY BONUS PROJECT



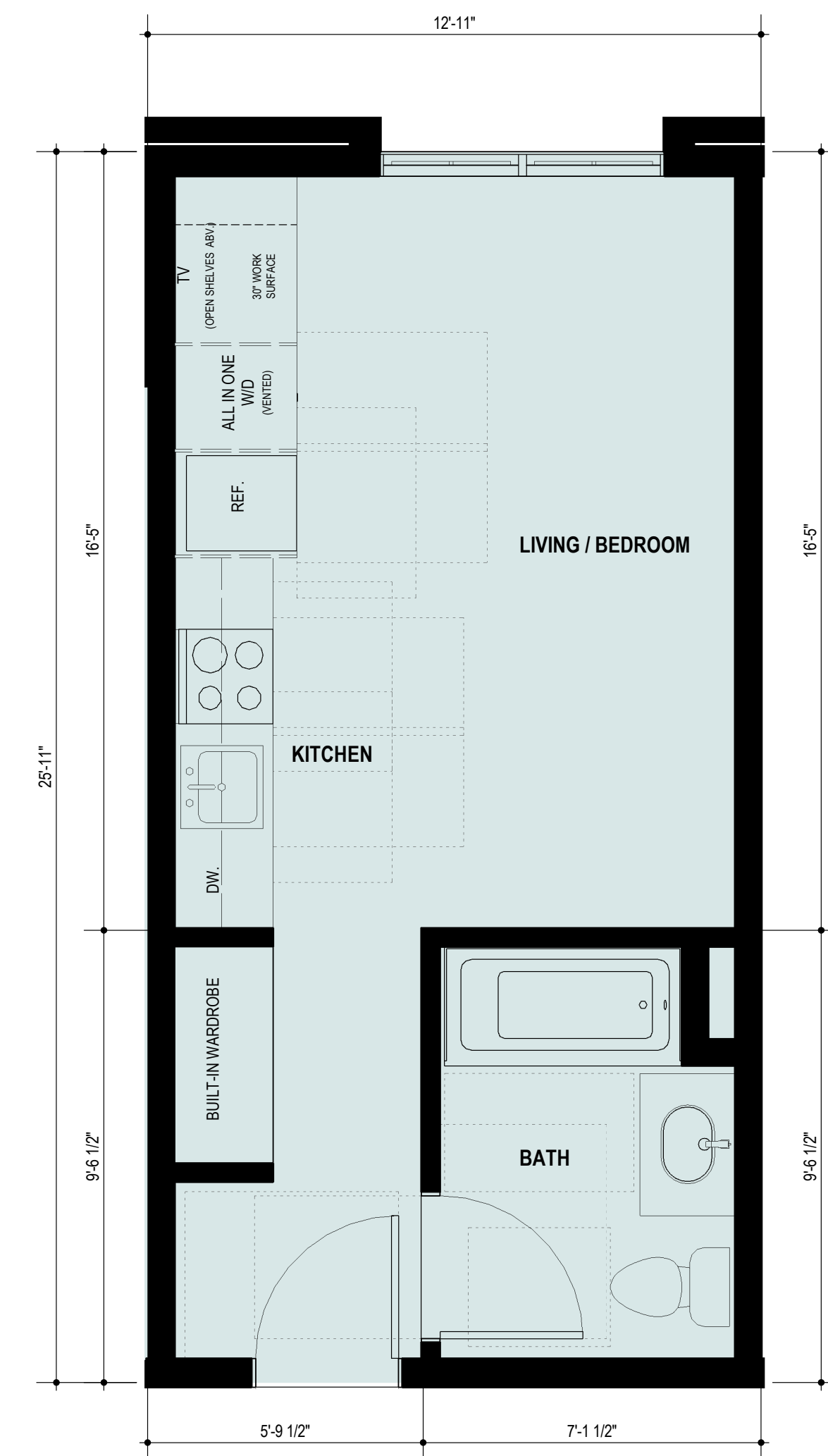
SHEET TITLE
BUILDING SECTION
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 10'-0"
A-4.3



B2 ENLARGED PLAN B2 - 2 BDRM.
00 01 02 04 8 FEET 3/8" = 1'-0"



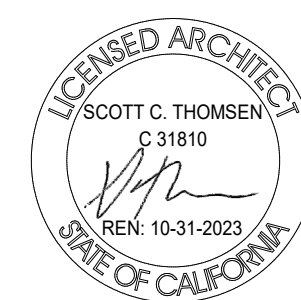
B1 ENLARGED PLAN B1- 2 BDRM.
00 01 02 04 8 FEET 3/8" = 1'-0"



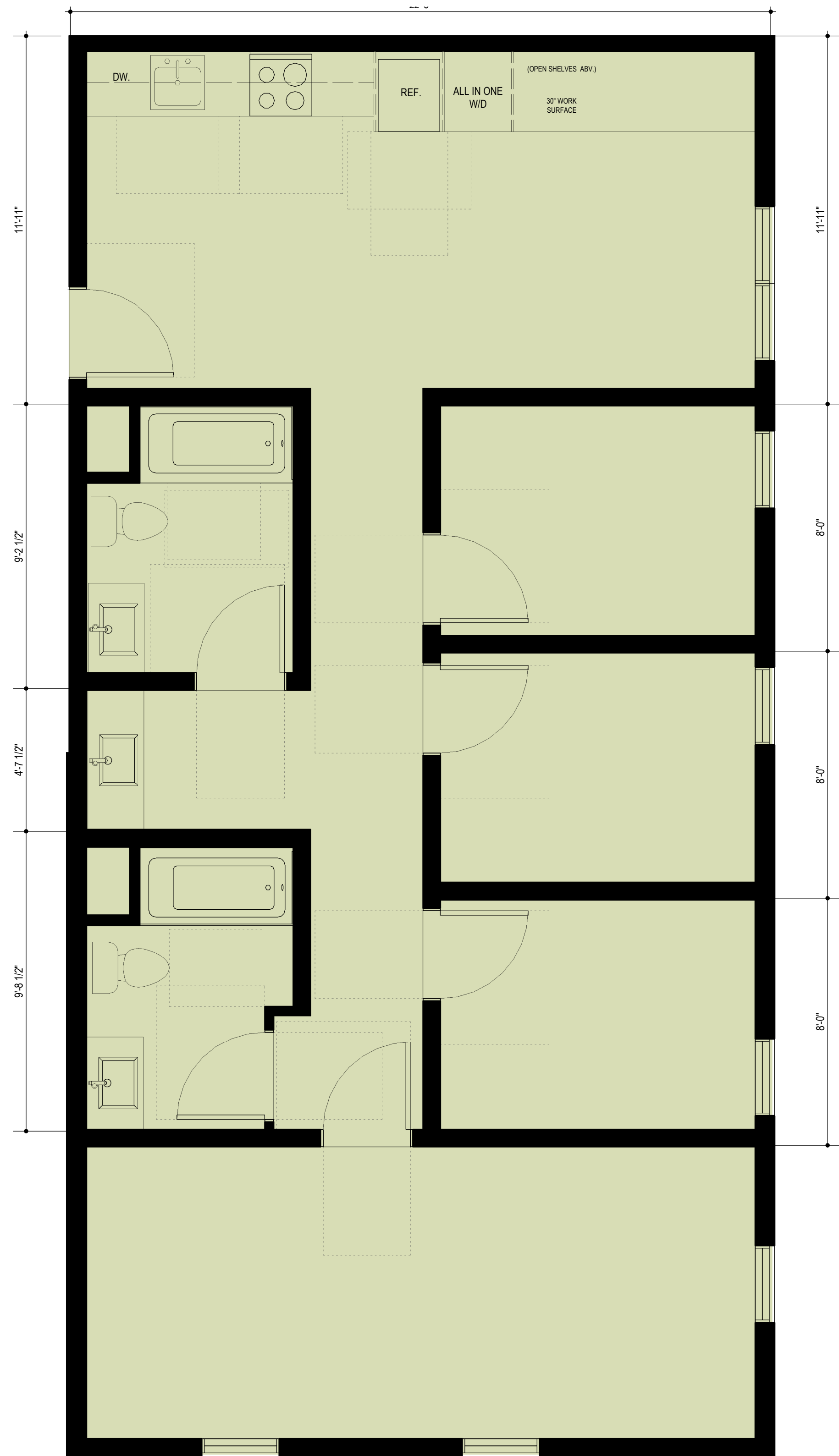
A1 ENLARGED PLAN A1- STUDIO
00 01 02 04 8 FEET 3/8" = 1'-0"

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

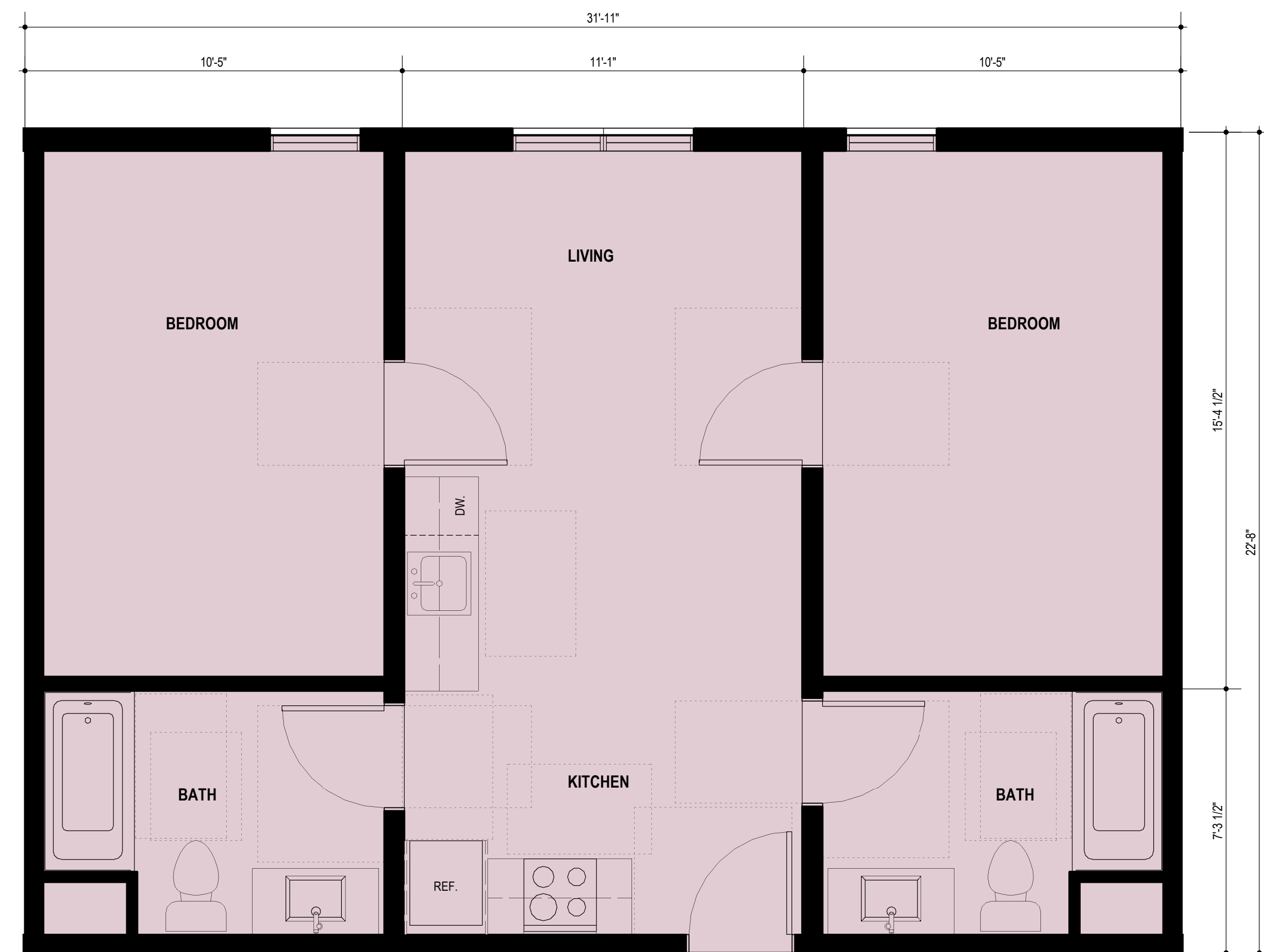
DENSITY BONUS PROJECT



SHEET TITLE
ENLARGED UNIT PLANS
DATE
MAY 24, 2023
PLANNING RESUBMISSION
SCALE
3/8" = 1'-0"
A-5.1



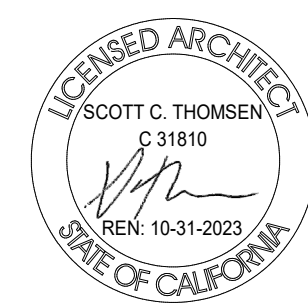
D1 ENLARGED PLAN D1- 4 BDRM.
00 01 02 04 8 FEET 3/8" = 1'-0"



C1 ENLARGED PLAN C1 - 2 BDRM.
00 01 02 04 8 FEET 3/8" = 1'-0"

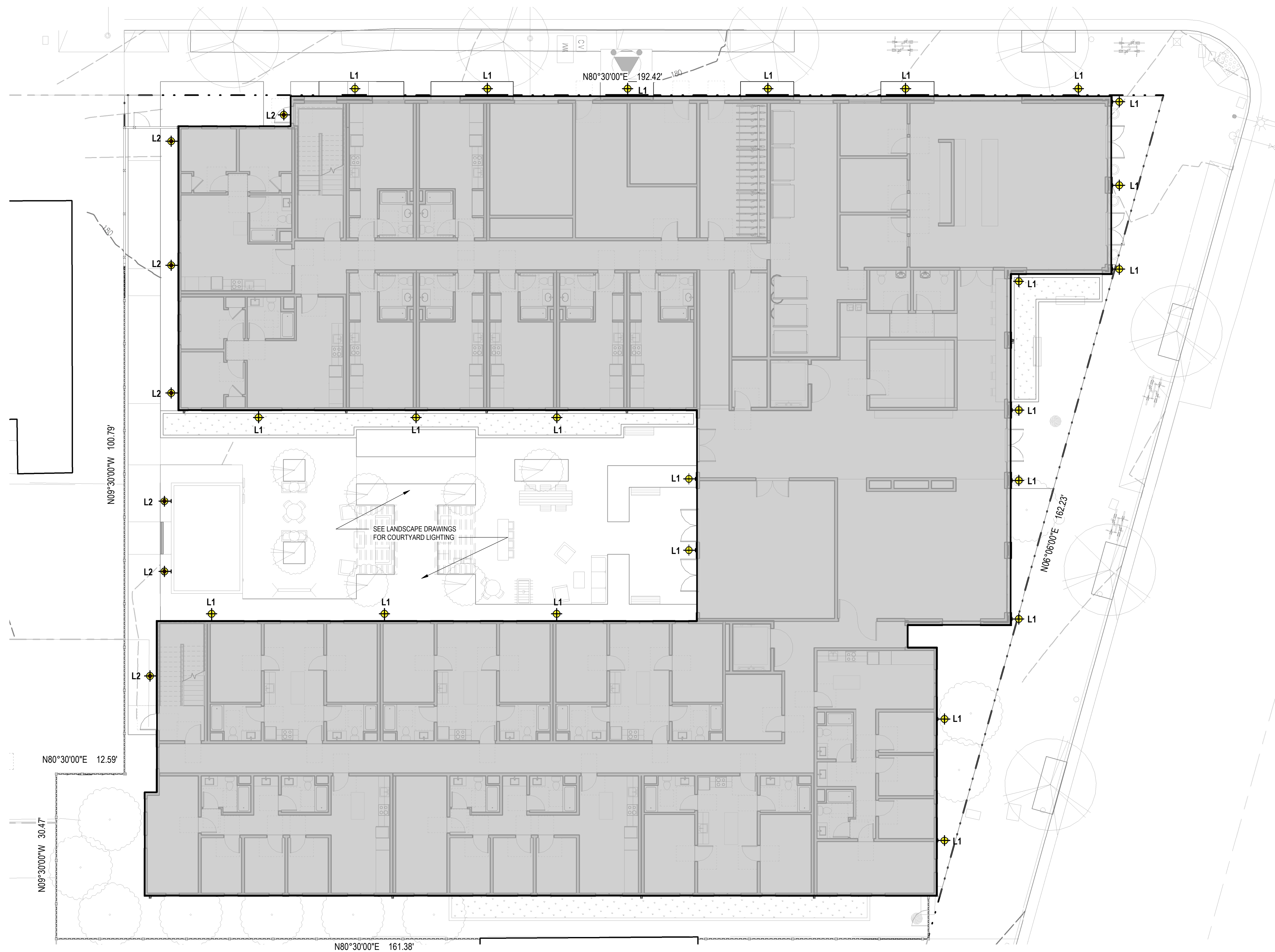
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
ENLARGED UNIT PLANS
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 3/8" = 1'-0"

A-5.2



1 LIGHTING PLAN
00 04 08 16 FEET
1/8" = 1'-0"

#	SYMBOL	DESCRIPTION
L1		WALL MOUNTED (TYPICAL) Manufacture: Hinkley Model: Atlantis Shade Size: 12"W X 36"H Color: Satin Black Lamp Type: LED Listing: ETL & cETL listed for wet locations
L2		WALL MOUNTED (AT EGRESS COURT) Manufacture: Philips Gardco Lighting Model: 104 LED Wall Sconce Shade Size: 18.25"x9"x7.25" Color: Black Lamp Type: LED Wet Listed: Yes



ATLANTIS
EXTRA LARGE WALL MOUNT LANTERN
 FINISH: Satin Black
 GLASS: Etched Lens
 HEIGHT: 36"
 DEPTH: 9"
 LIGHT SOURCE: LED Lamp
 WATTAGE: 34.5W GU10 LED Product

HINKLEY
 1500001 Oak Parkway
 Ruston, LA, LA 70472
 PHONE: (409) 853-5500
 Fax: (409) 845-5500



PHILIPS GARDCO
 Wall Mount
 LED Wall Sconce 104L

Philips Gardco 104 LED wall sconces feature a low-profile design that provides wide flexibility in high performance exterior wall illumination. Full cutoff performance, usable illumination patterns, and powerful wattages combine into a compact and aesthetically pleasing design. 104L sconces are available in Type 2, 3, and 4 configurations, and provide output of up to 9500 lumens. Energy saving control options increase energy savings and offer California Title 24 compliance. Emergency Battery Backup option available for path of egress.

Ordering guide

Part	Number	Description	Quantity	Notes
104L	104L	104 LED Wall Sconce	1	

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



LEFT COAST ARCHITECTURE
 3800 MT. DIABLO BLVD. SUITE 200
 LAYFAYETTE, CA 94549
 (925) 297-5688 leftcoastarch.com

cbg
 2633 CAMINO RAMON, SUITE 350
 SAN RAMON, CA 94583
 (925) 866-0322 cbandg.com

JETT
 LANDSCAPE ARCHITECTURE + DESIGN
 2 THEATRE SQUARE, SUITE 218
 ORINDA, CA 94553
 (925) 254-5422 jett.land.com

RIAZ CAPITAL
 2744 E 11TH ST. OAKLAND, CA 94601
 (510) 925-1908 riazcapital.com

SHEET TITLE
LIGHTING PLAN
 DATE: MAY 24, 2023
 SCALE: As indicated
A-6.1



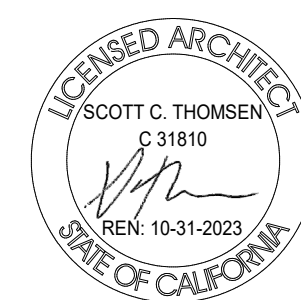
1 EXISTING EAST ELEVATION (TELEGRAPH)
00 08 16 32 FEET 1/16" = 1'-0"



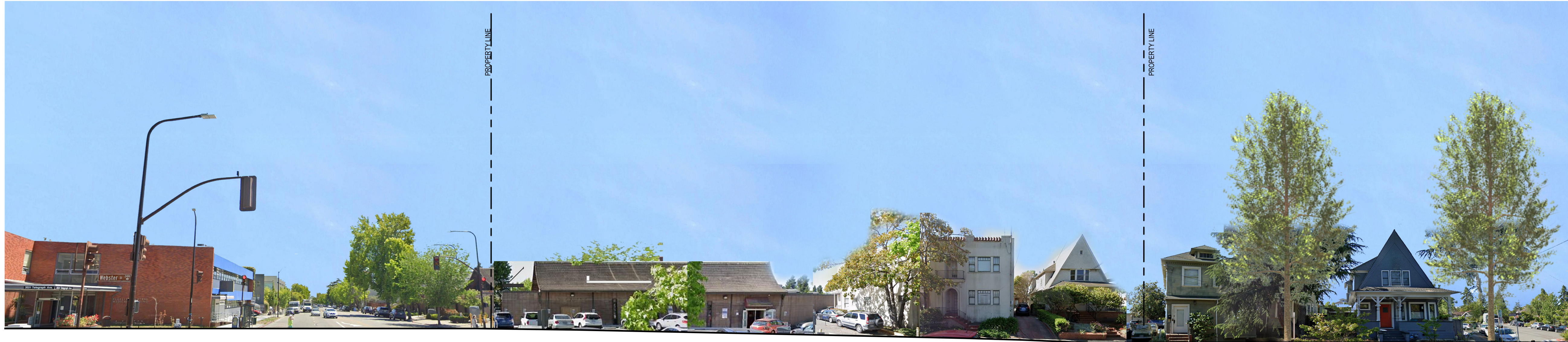
2 PROPOSED EAST ELEVATION (TELEGRAPH)
00 08 16 32 FEET 1/16" = 1'-0"

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
STREET STRIP ELEVATIONS
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1/16" = 1'-0"
A-7.1



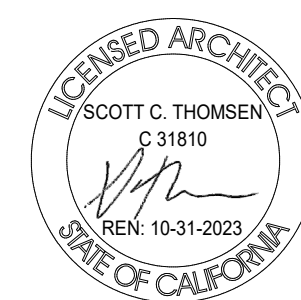
1 EXISTING NORTH ELEVATION (WEBSTER)
00 08 16 32 FEET 1/16" = 1'-0"



2 PROPOSED NORTH ELEVATION (WEBSTER)
00 08 16 32 FEET 1/16" = 1'-0"

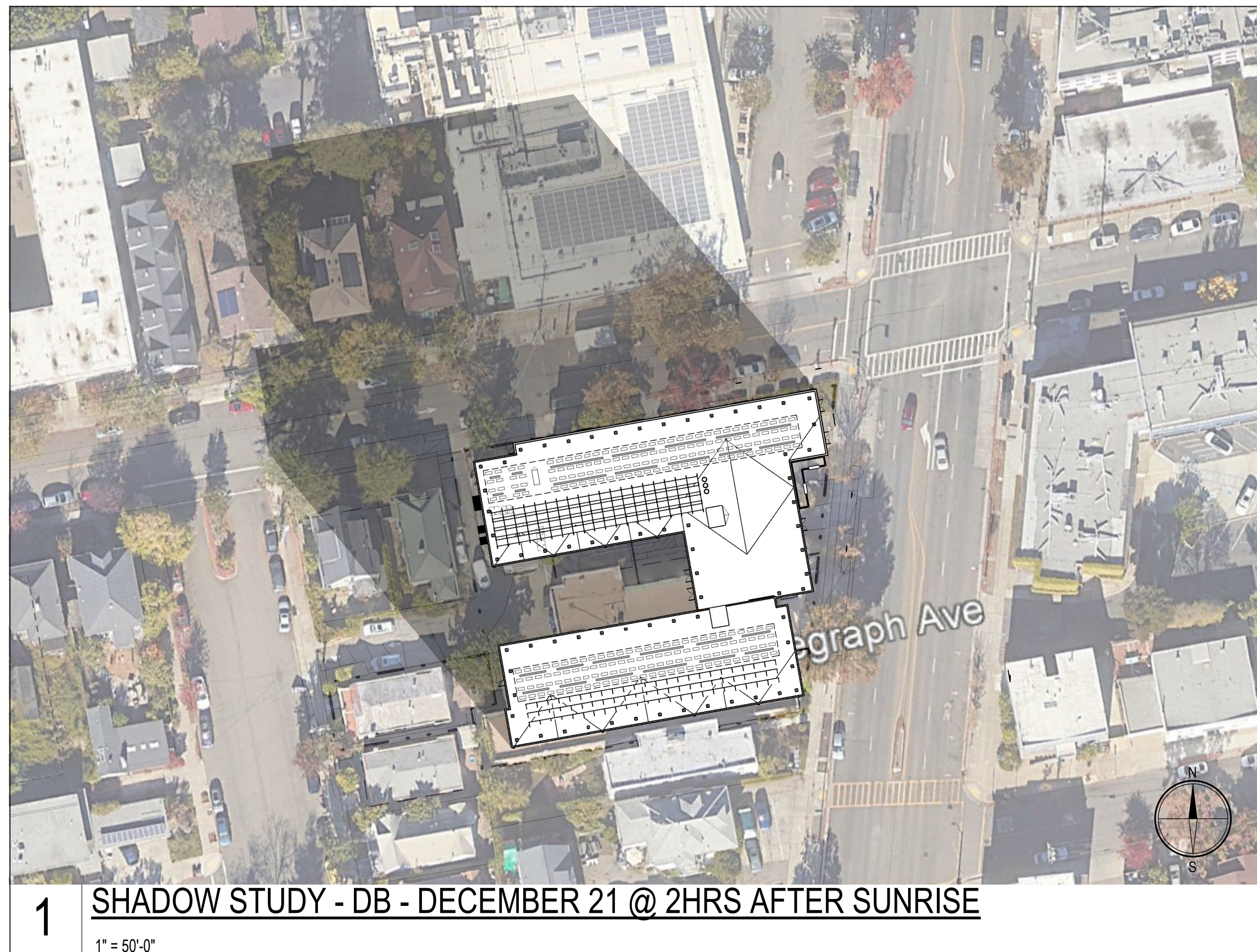
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

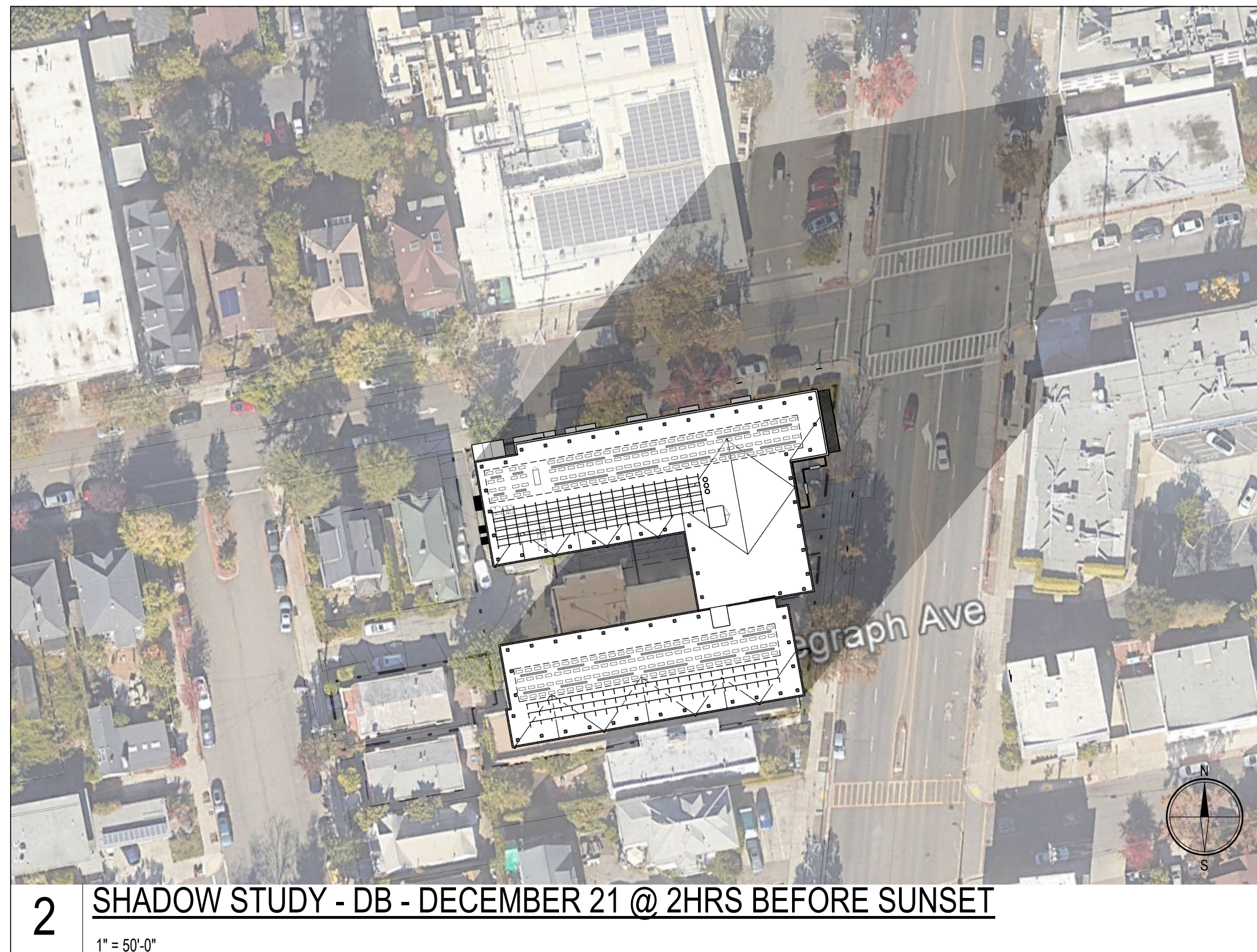


SHEET TITLE
STREET STRIP ELEVATIONS
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1/16" = 1'-0"

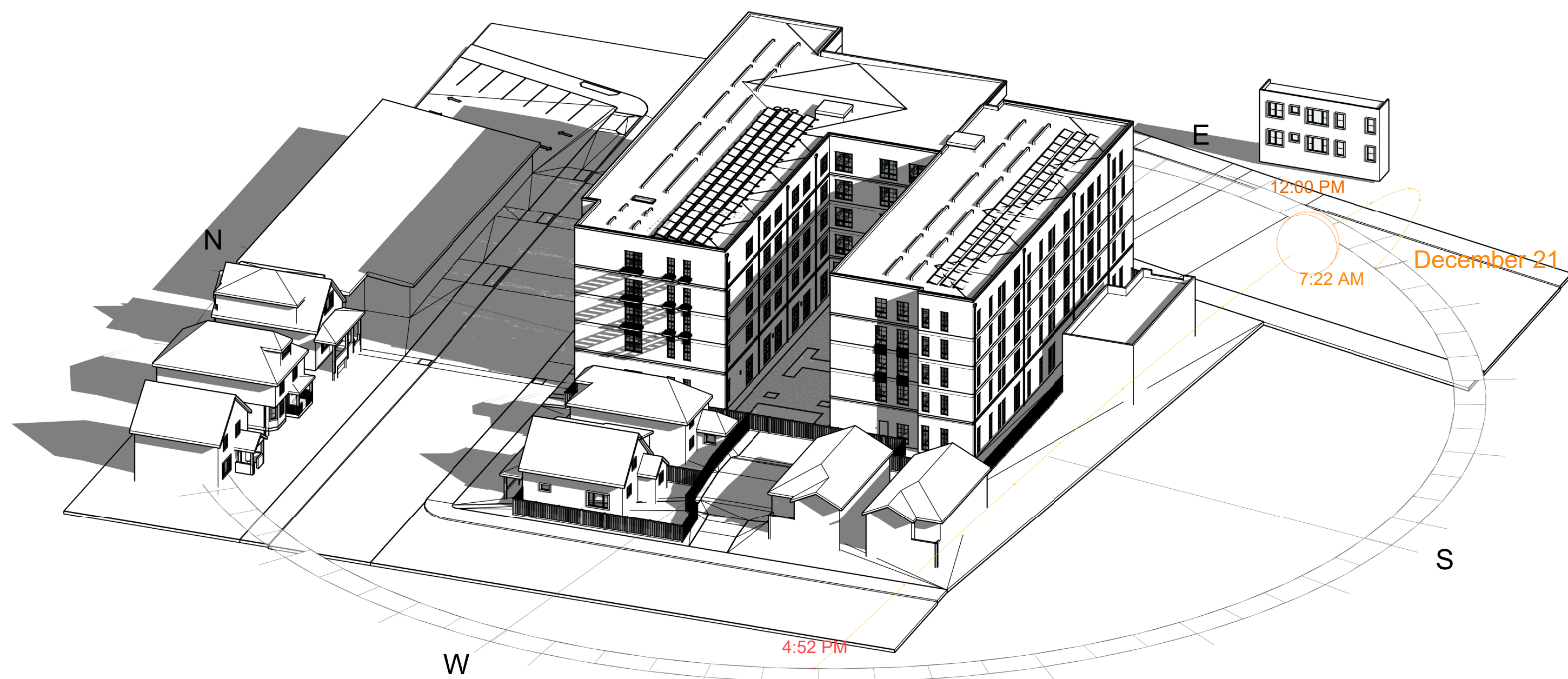
A-7.2



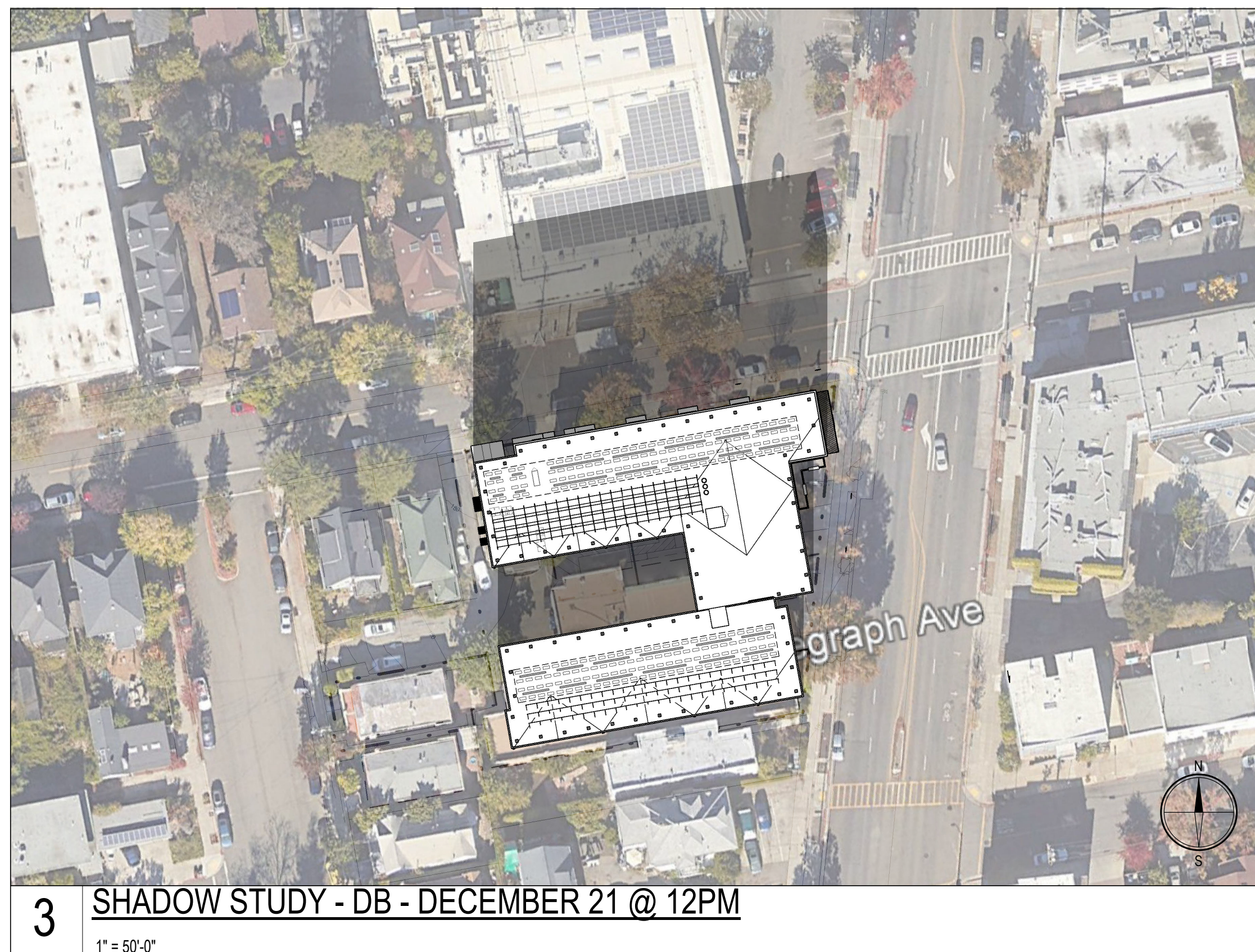
1 SHADOW STUDY - DB - DECEMBER 21 @ 2HRS AFTER SUNRISE
1" = 50'-0"



2 SHADOW STUDY - DB - DECEMBER 21 @ 2HRS BEFORE SUNSET
1" = 50'-0"



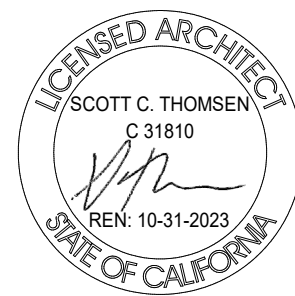
3D - SHADOW STUDY - 12/21 12PM



3 SHADOW STUDY - DB - DECEMBER 21 @ 12PM
1" = 50'-0"

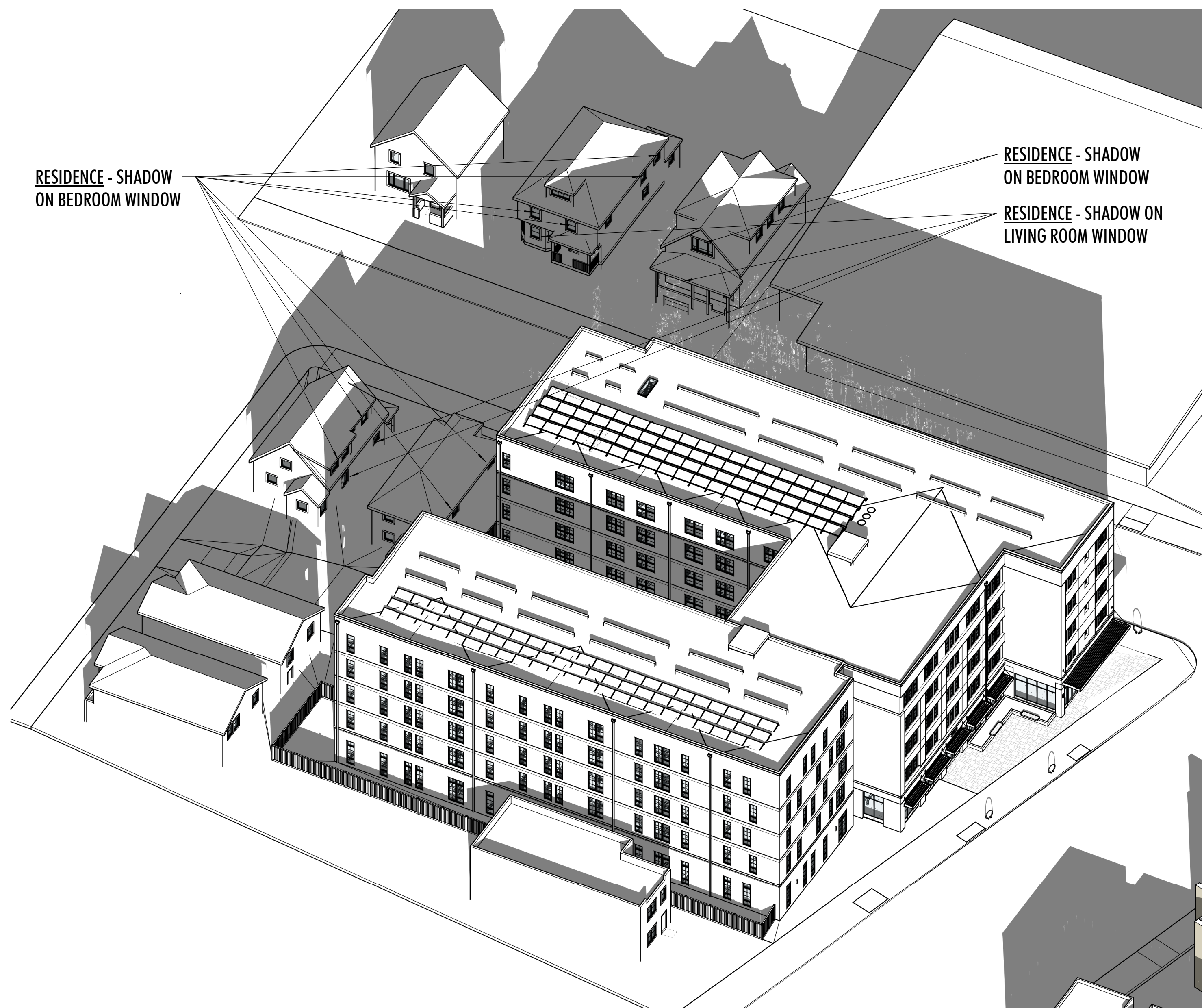
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

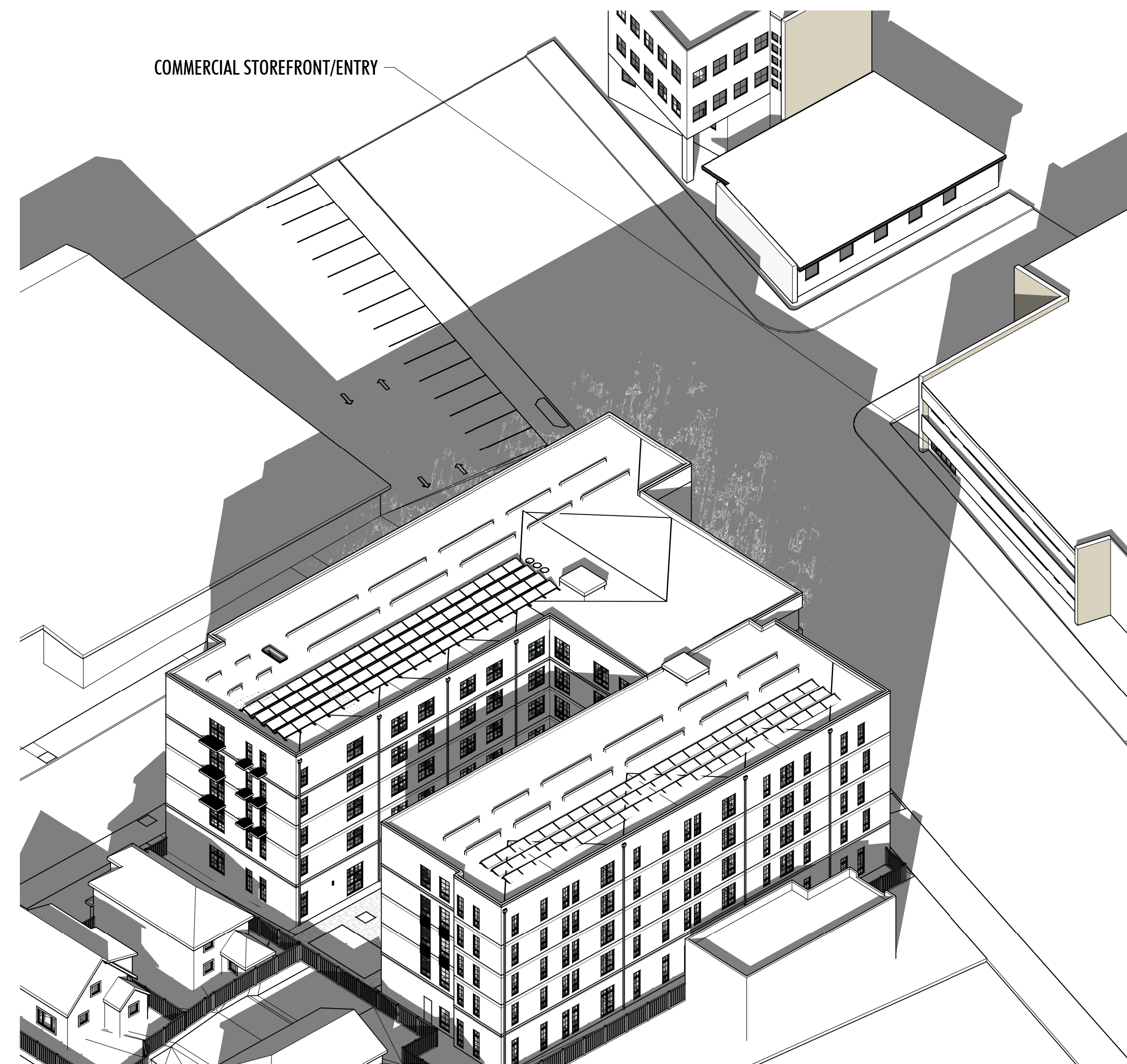


SHEET TITLE
SHADOW STUDY (12/21)
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 50'-0"

A-8.1



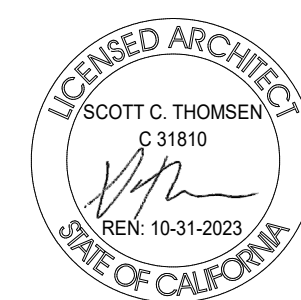
**3D - SHADOW STUDY - 12/21
2HRS AFTER SUNRISE**



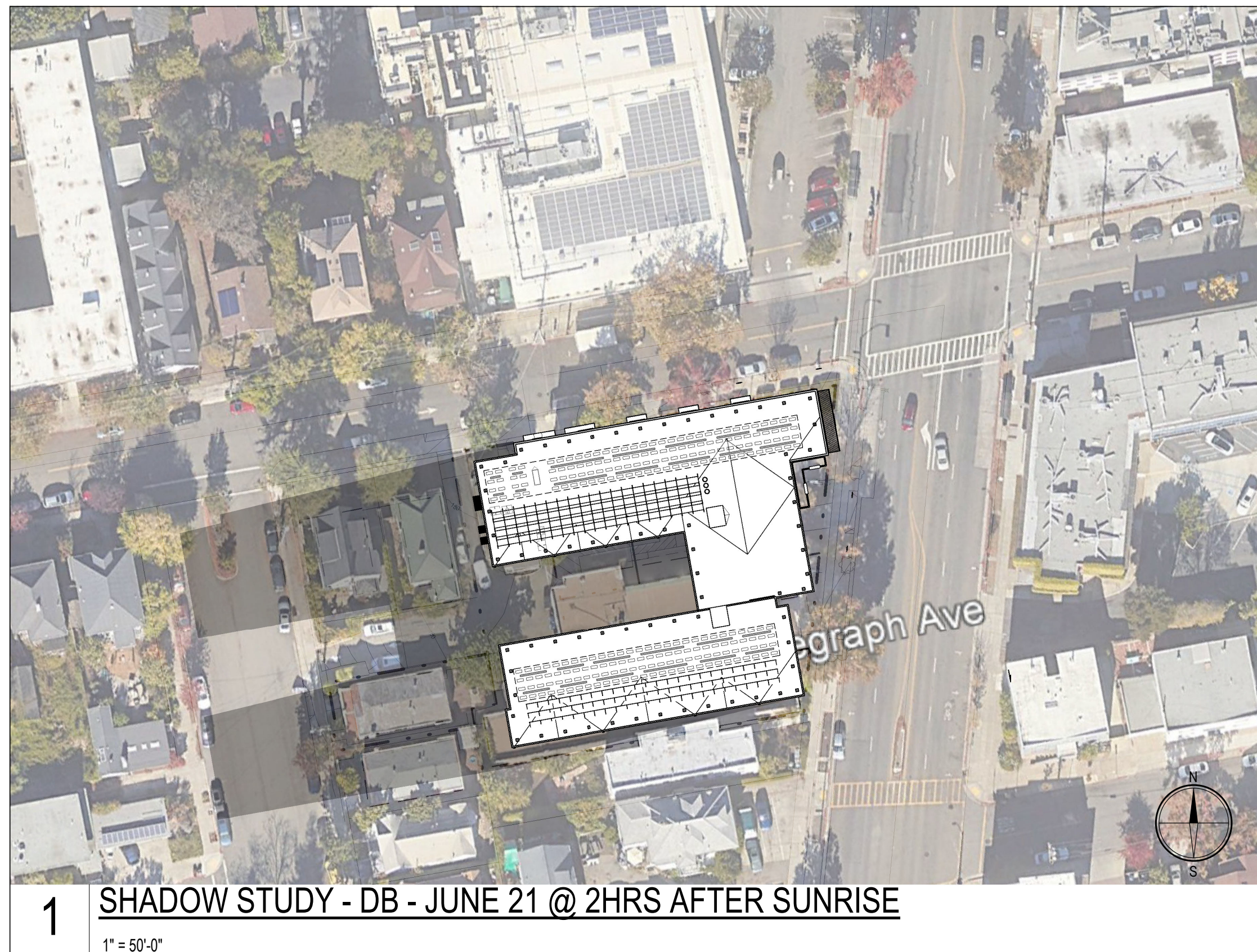
**3D - SHADOW STUDY - 12/21
2HRS BEFORE SUNSET**

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



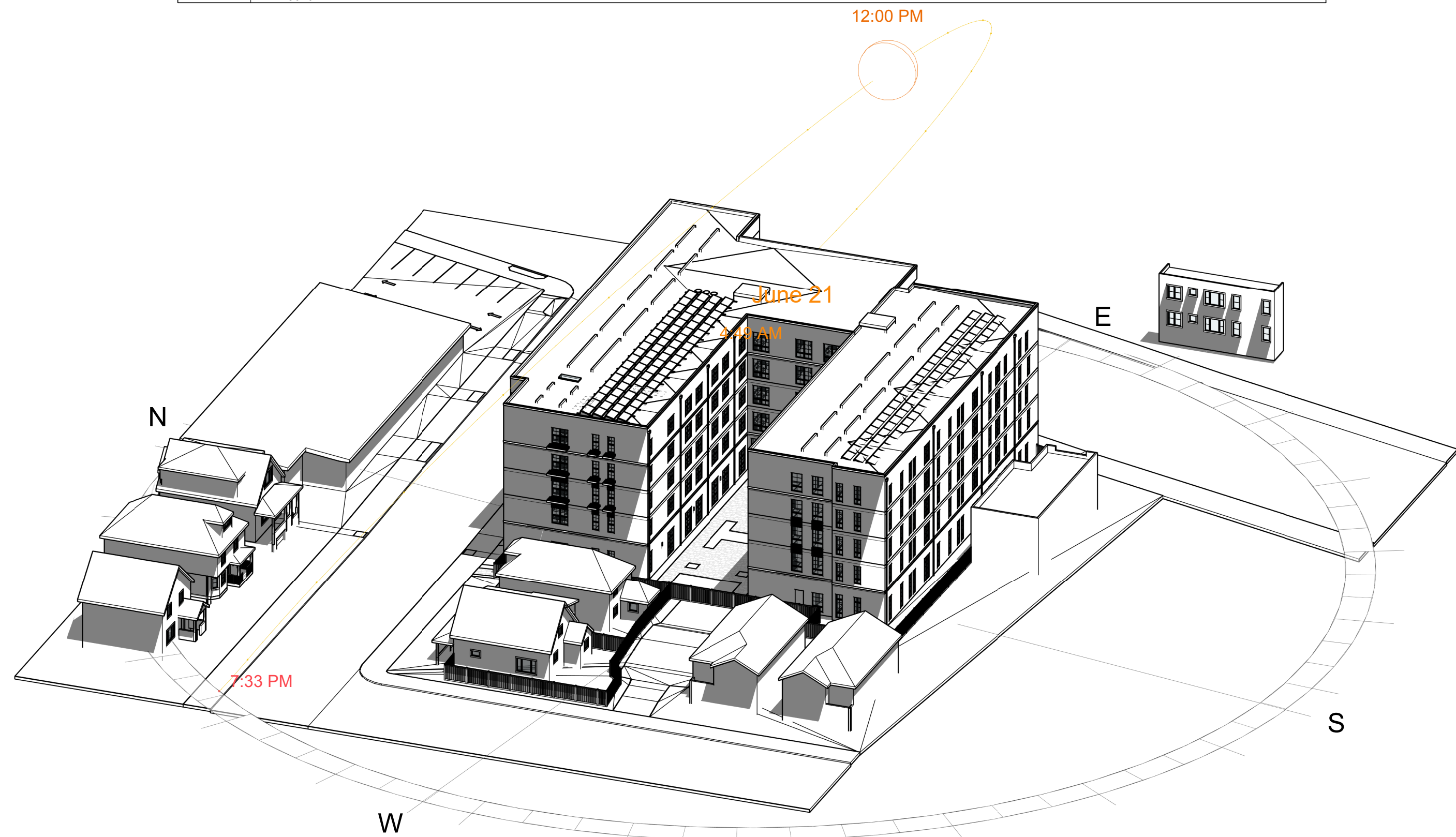
SHEET TITLE
3D SHADOW STUDY 12/21
DATE: MAY 24, 2023 SCALE:
PLANNING RESUBMISSION
A-8.2



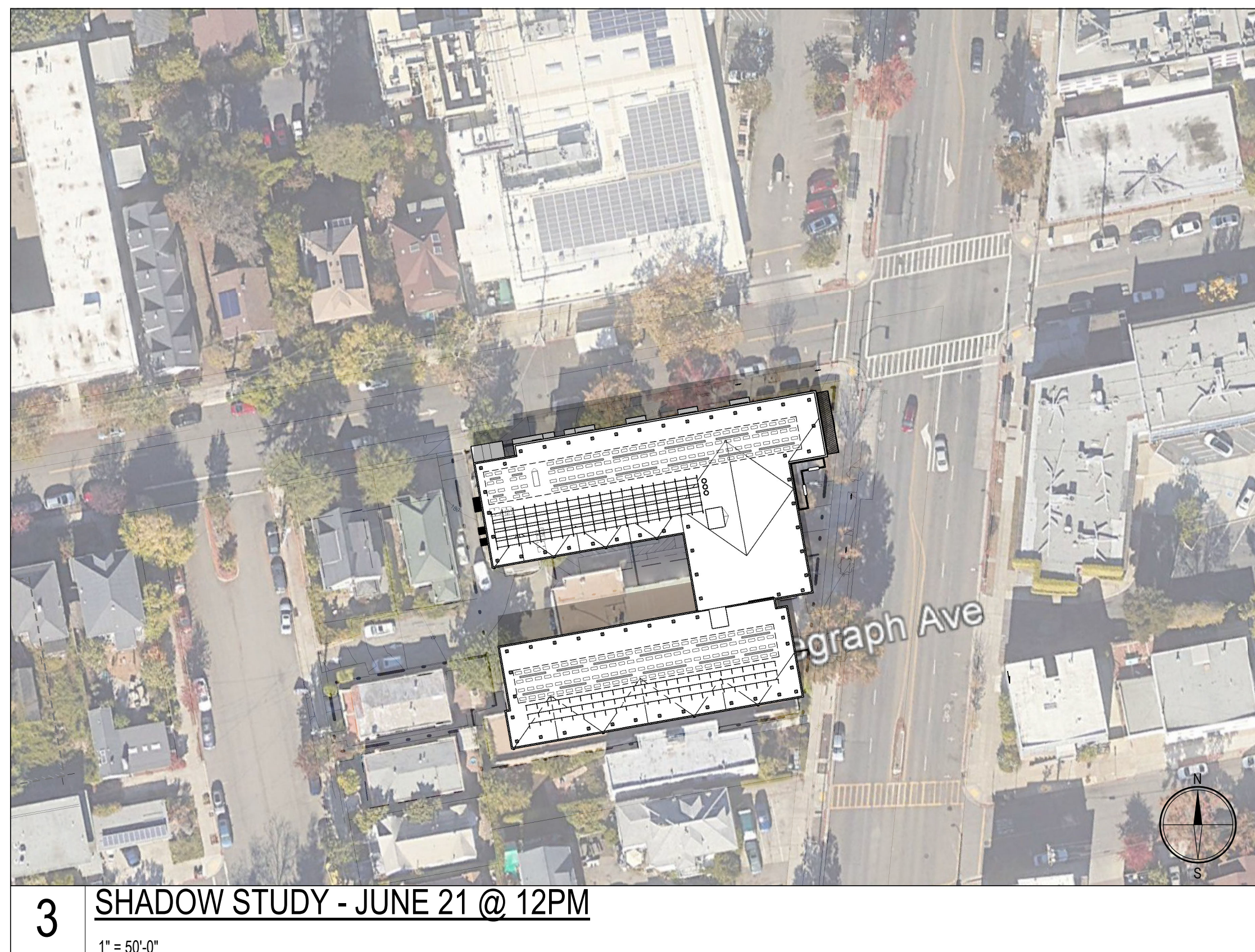
1 SHADOW STUDY - DB - JUNE 21 @ 2HRS AFTER SUNRISE
1" = 50'-0"



2 SHADOW STUDY - JUNE 21 @ 2HRS BEFORE SUNSET
1" = 50'-0"



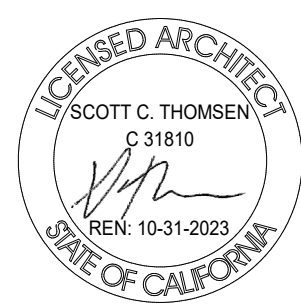
3D - SHADOW STUDY - 6/21 12PM



3 SHADOW STUDY - JUNE 21 @ 12PM
1" = 50'-0"

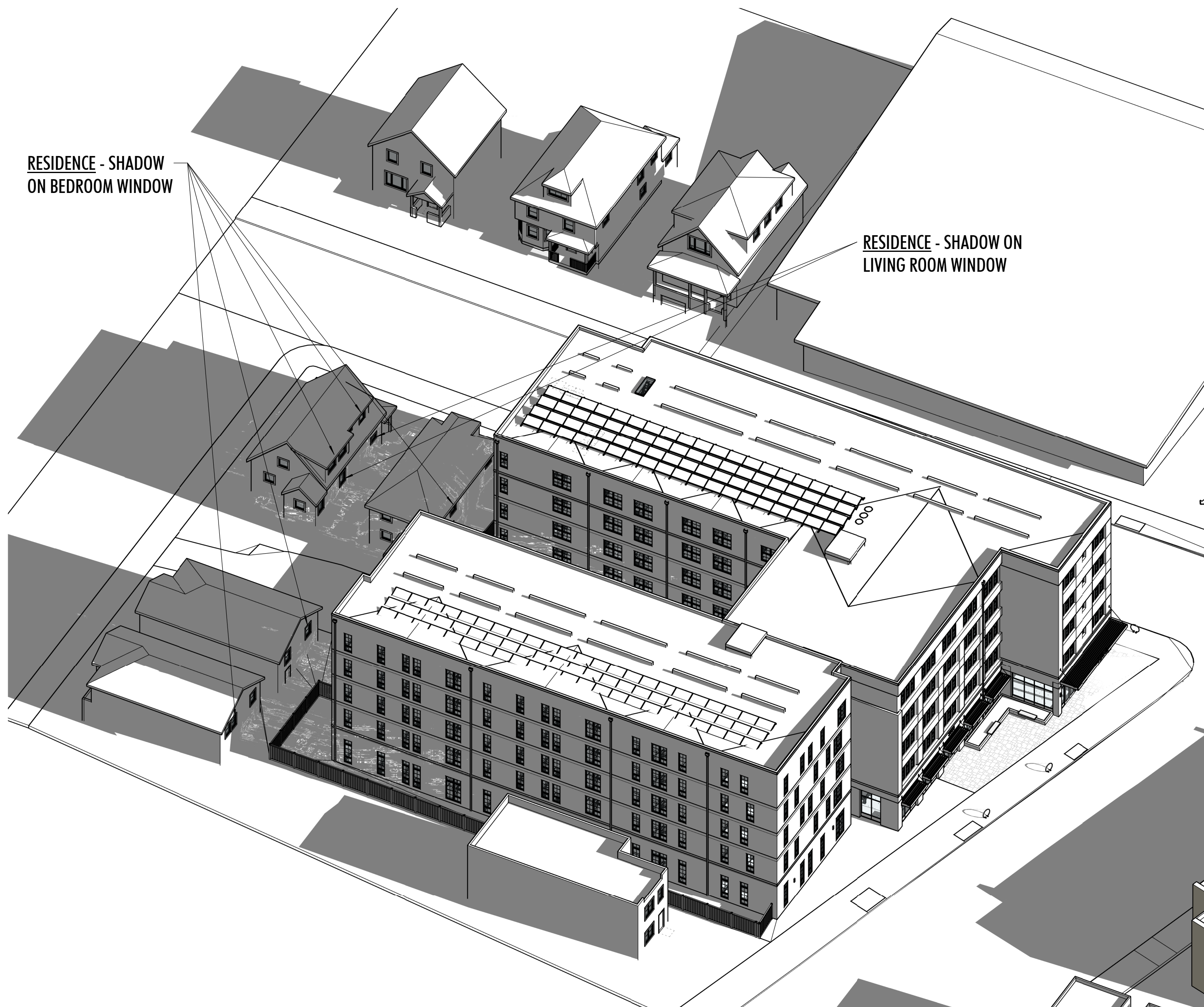
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

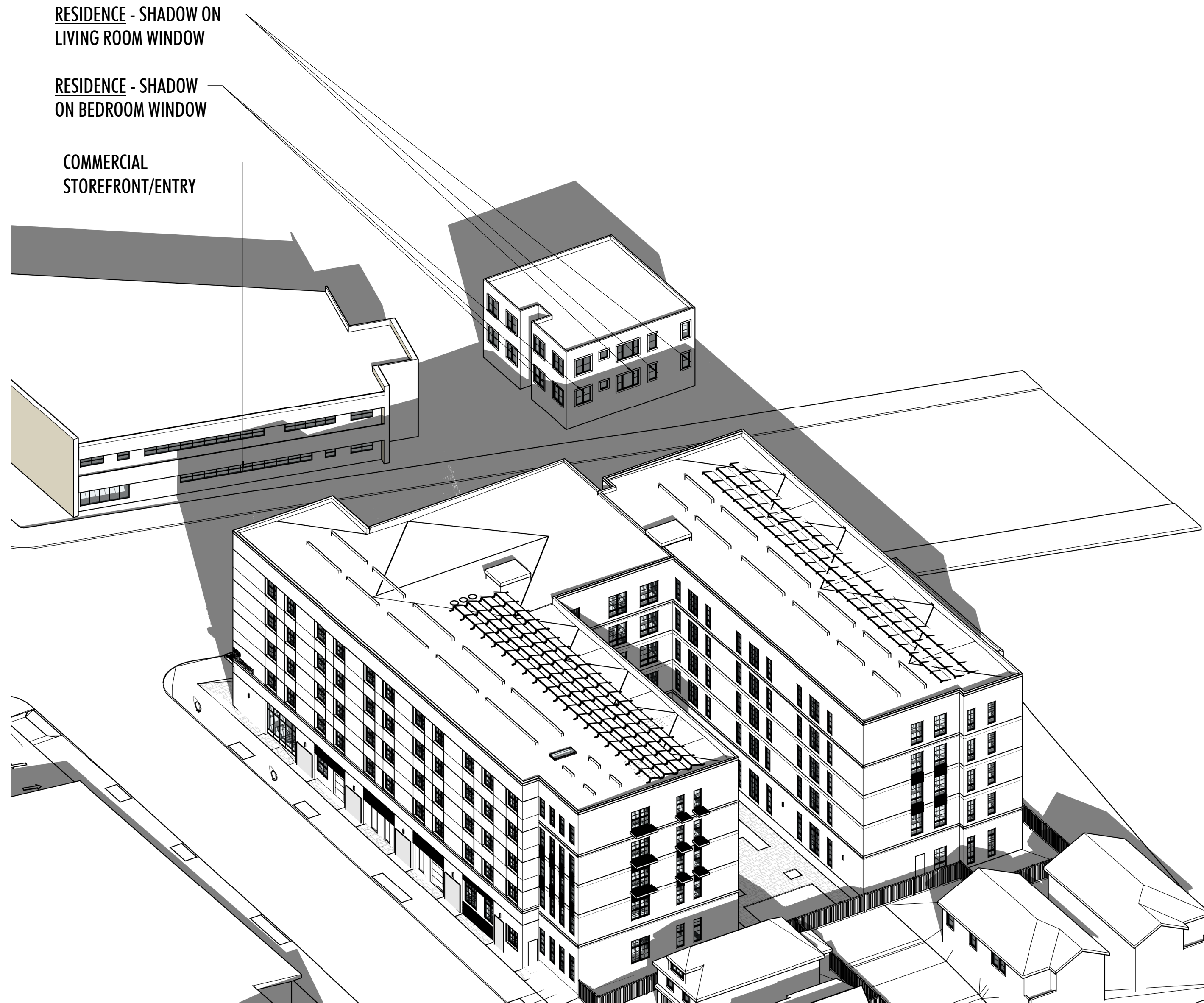


SHEET TITLE
SHADOW STUDY (6/21)
DATE
MAY 24, 2023
PLANNING RESUBMISSION
SCALE
1" = 50'-0"

A-8.3



**3D - SHADOW STUDY - 6/21
2HRS AFTER SUNRISE**



**3D - SHADOW STUDY - 6/21
2HRS BEFORE SUNSET**

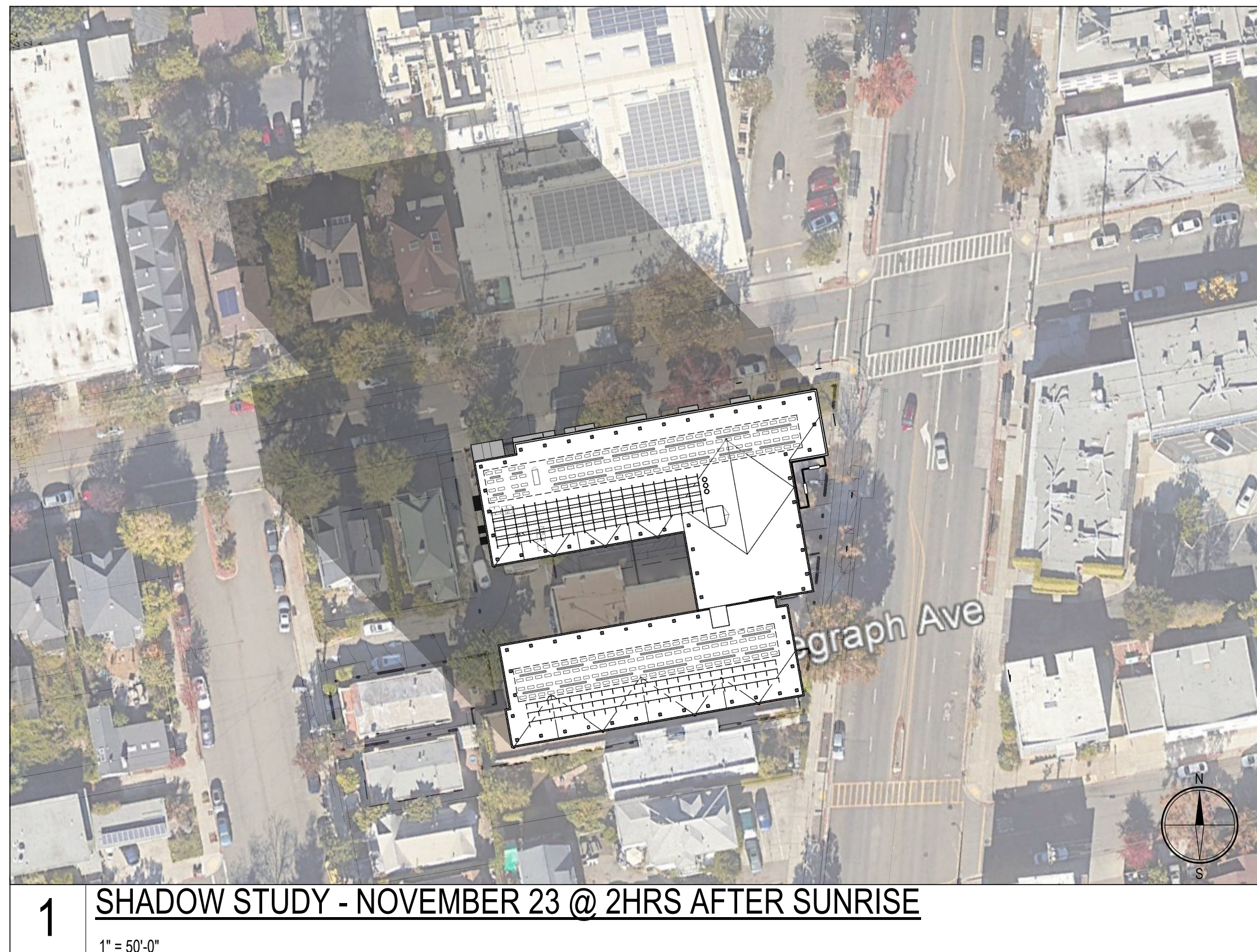
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
3D SHADOW STUDY 6/21
DATE
MAY 24, 2023
PLANNING RESUBMISSION

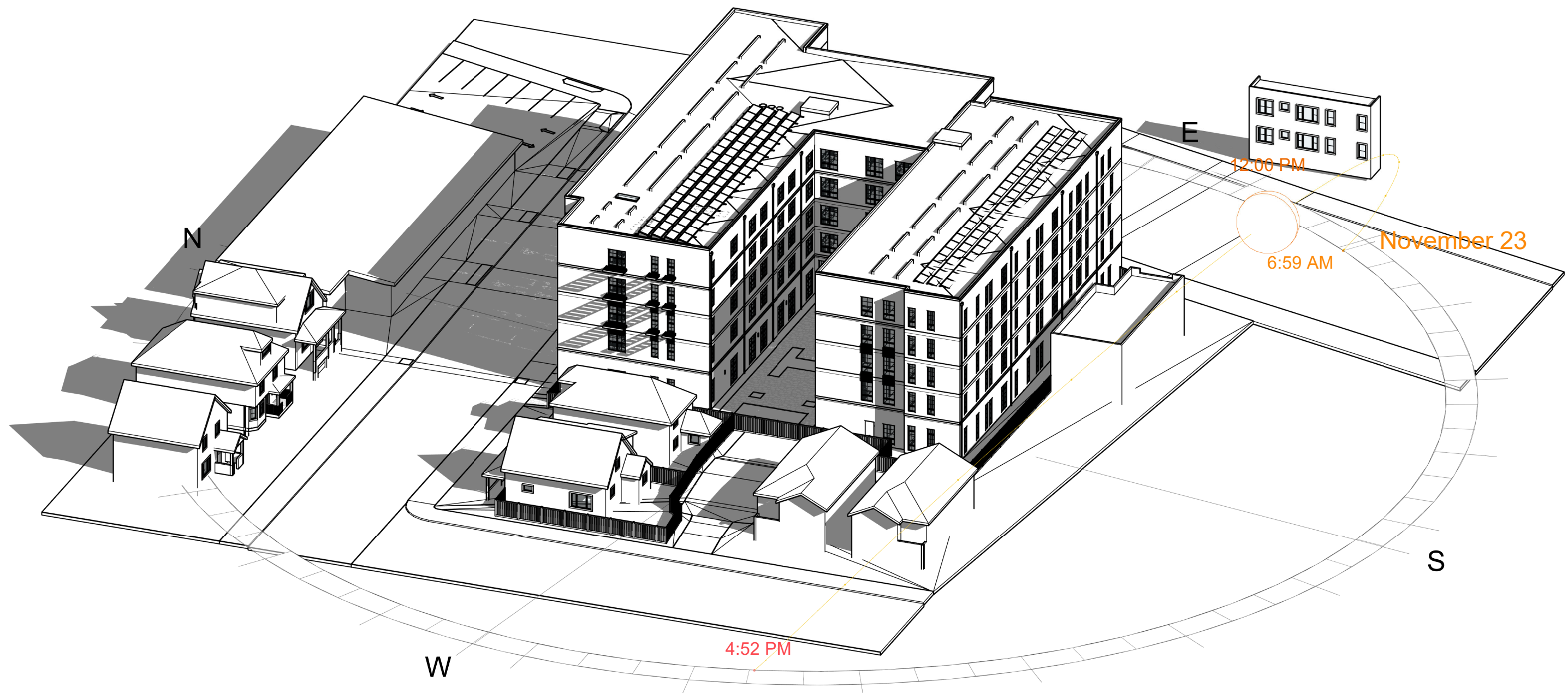
A-8.4



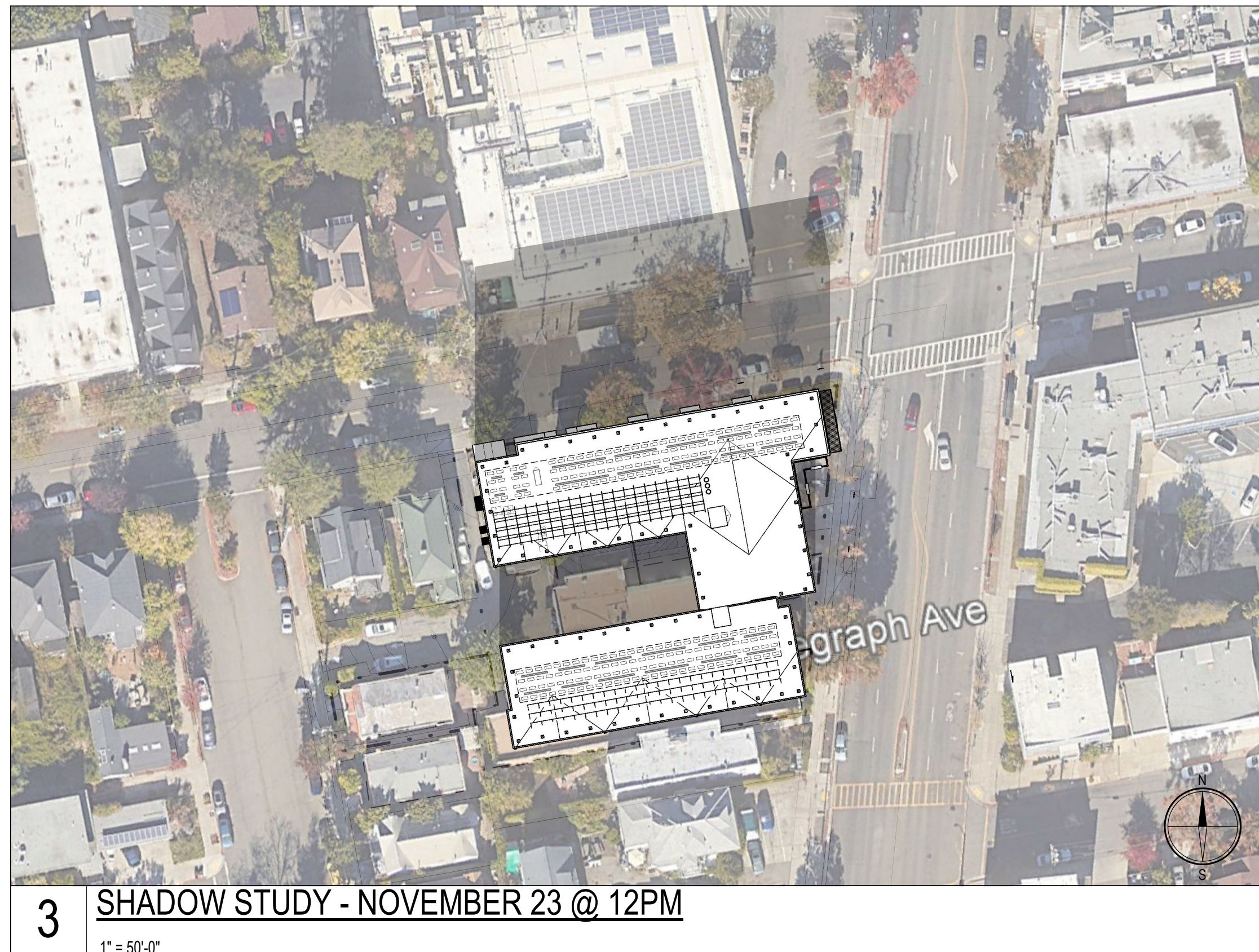
1 SHADOW STUDY - NOVEMBER 23 @ 2HRS AFTER SUNRISE
1" = 50'-0"



2 SHADOW STUDY - NOVEMBER 23 @ 2HRS BEFORE SUNSET
1" = 50'-0"



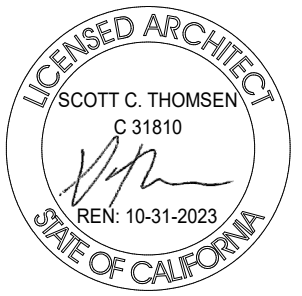
3D - SHADOW STUDY - 11/23 12PM



3 SHADOW STUDY - NOVEMBER 23 @ 12PM
1" = 50'-0"

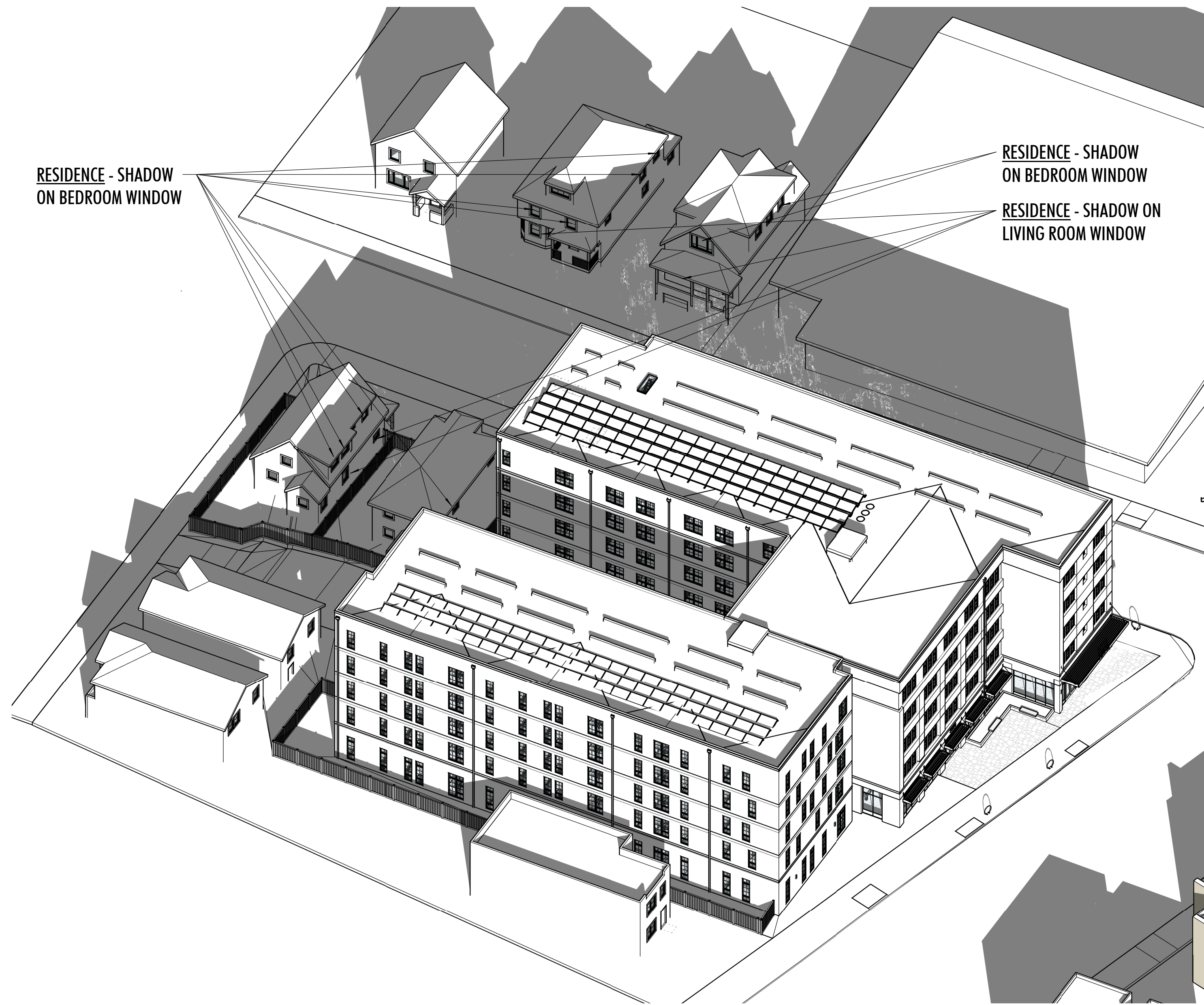
3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT

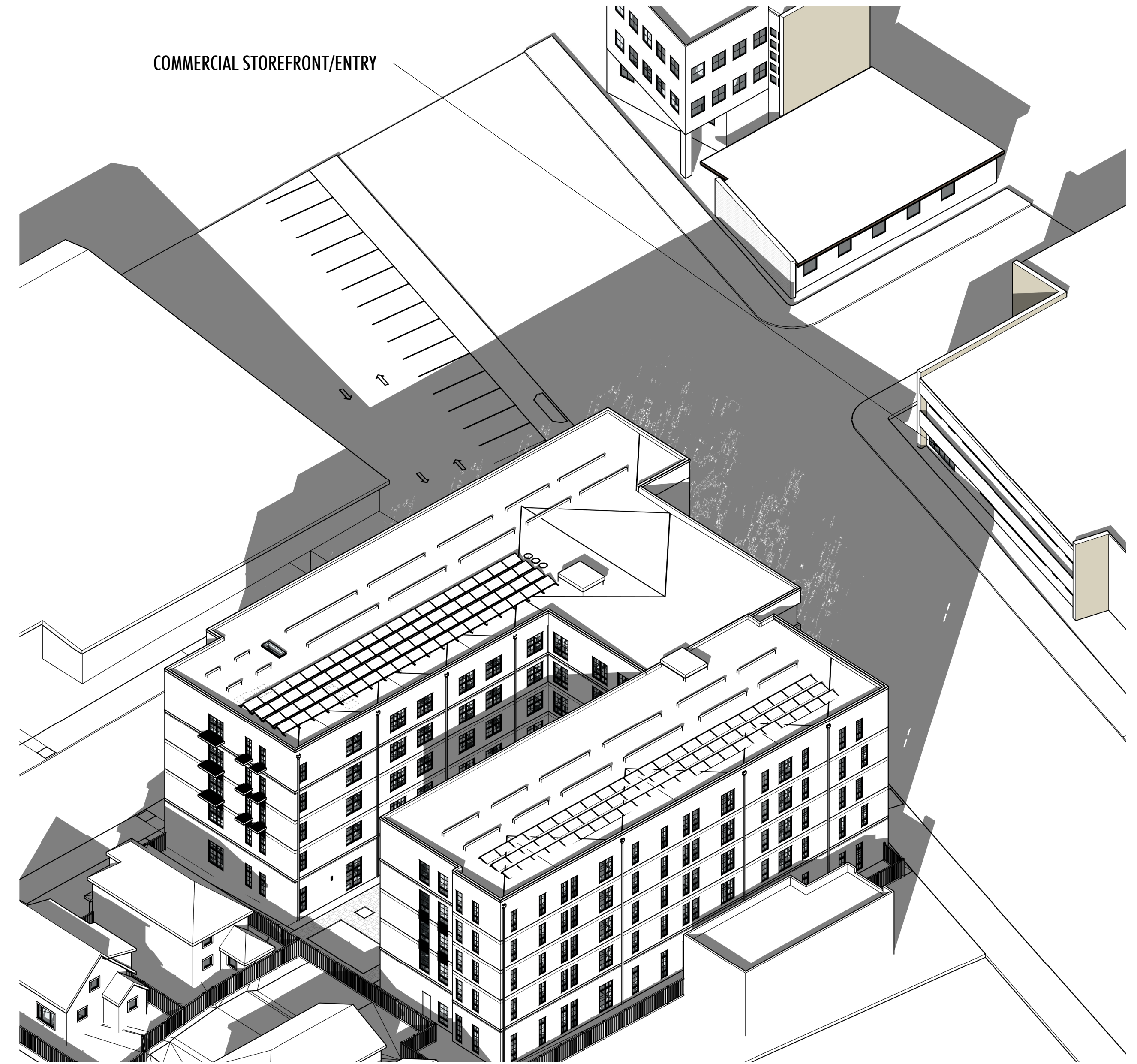


SHEET TITLE
SHADOW STUDY (11/23)
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: 1" = 50'-0"

A-8.5



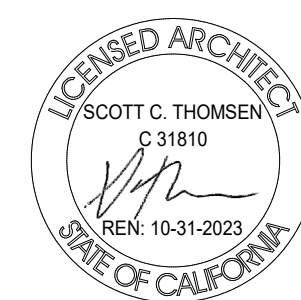
3D - SHADOW STUDY - 11/23
2HRS AFTER SUNRISE



3D - SHADOW STUDY - 11/23
2HRS BEFORE SUNSET

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

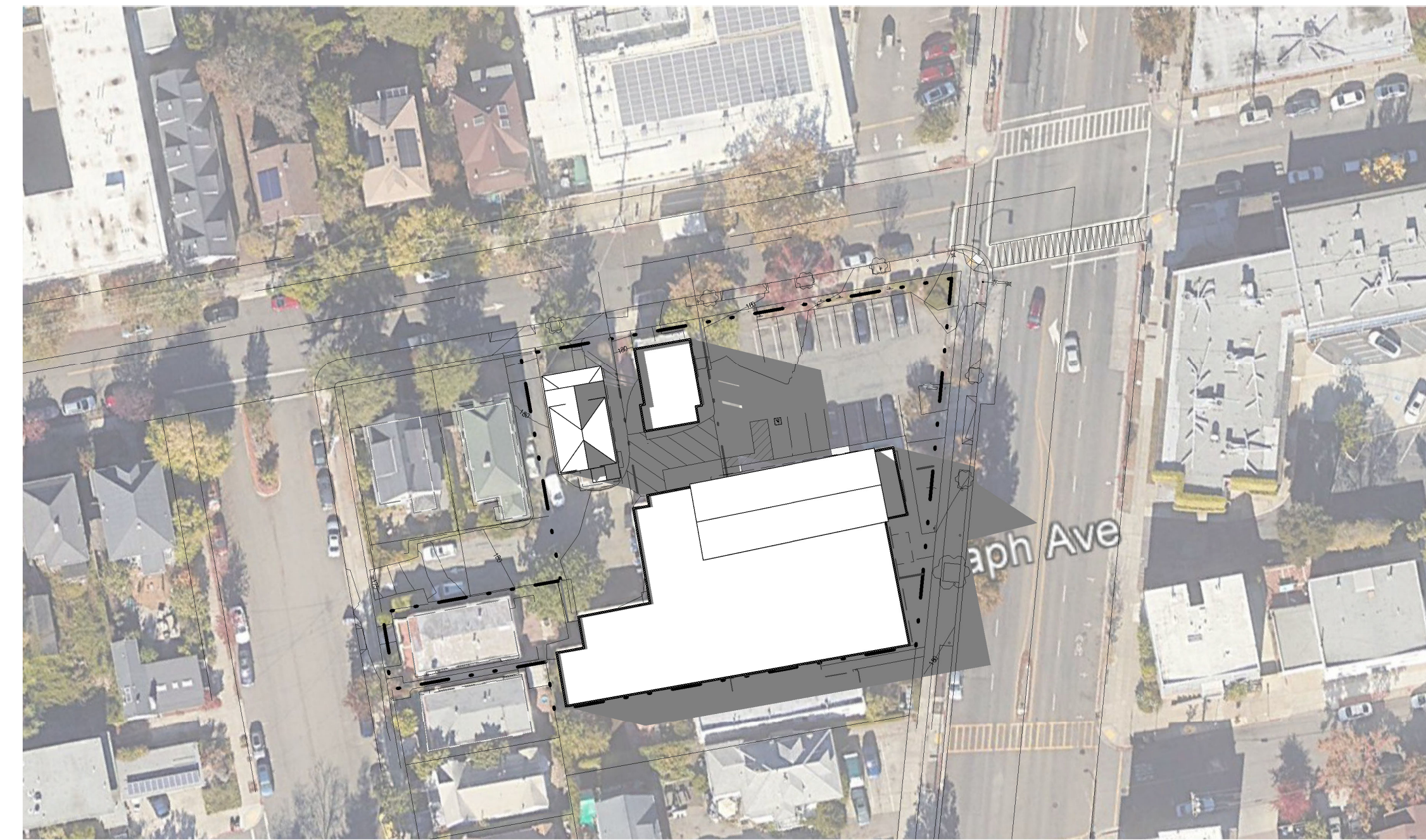
DENSITY BONUS PROJECT



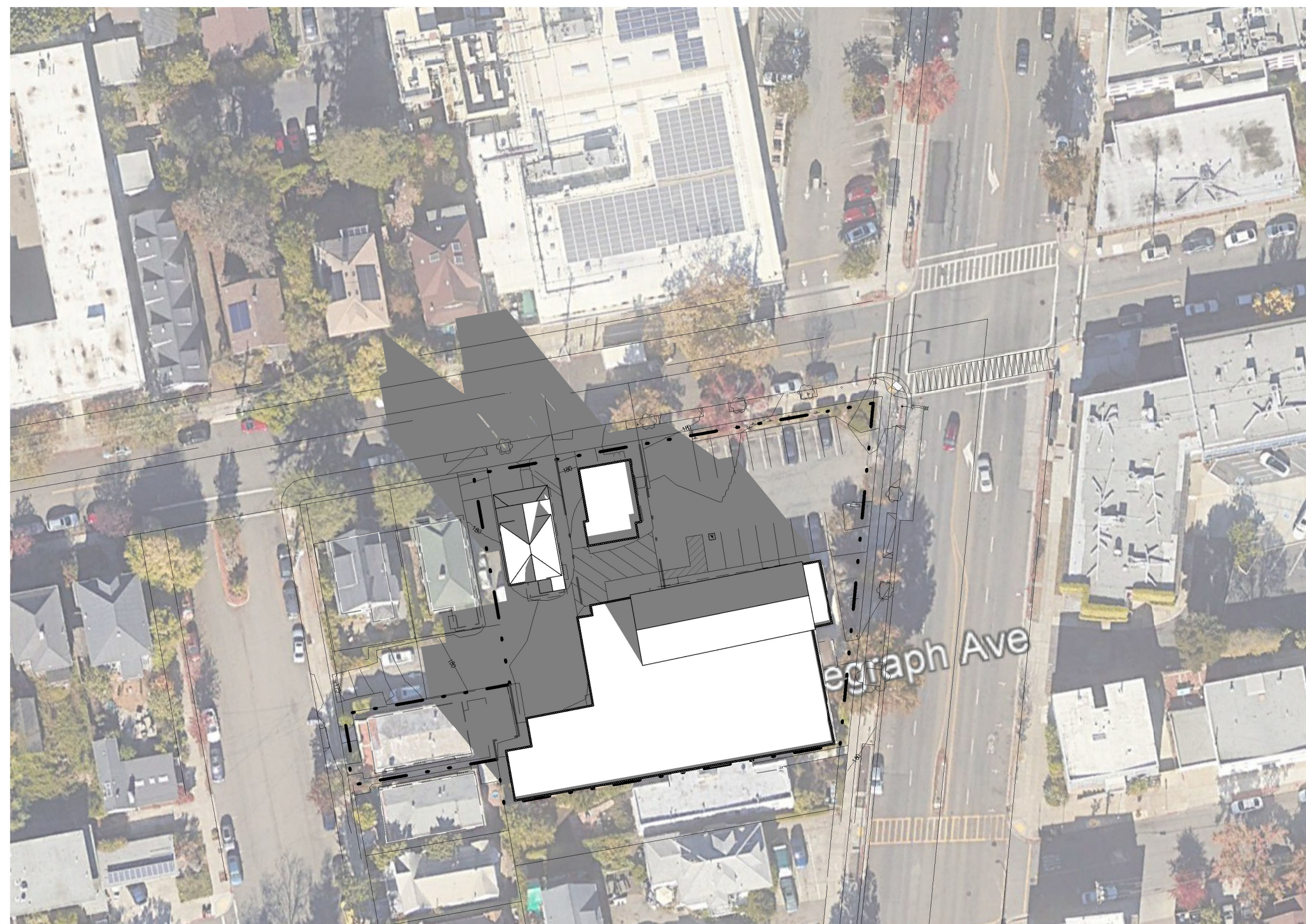
SHEET TITLE
3D SHADOW STUDY 11/23
DATE MAY 24, 2023
PLANNING RESUBMISSION
SCALE
A-8.6



**SHADOW STUDY - EXISTING - JUNE 21
 2HRS AFTER SUNRISE**



**SHADOW STUDY - EXISTING - JUNE 21
 2HRS BEFORE SUNSET**



**SHADOW STUDY - EXISTING - DECEMBER 21
 2HRS AFTER SUNRISE**



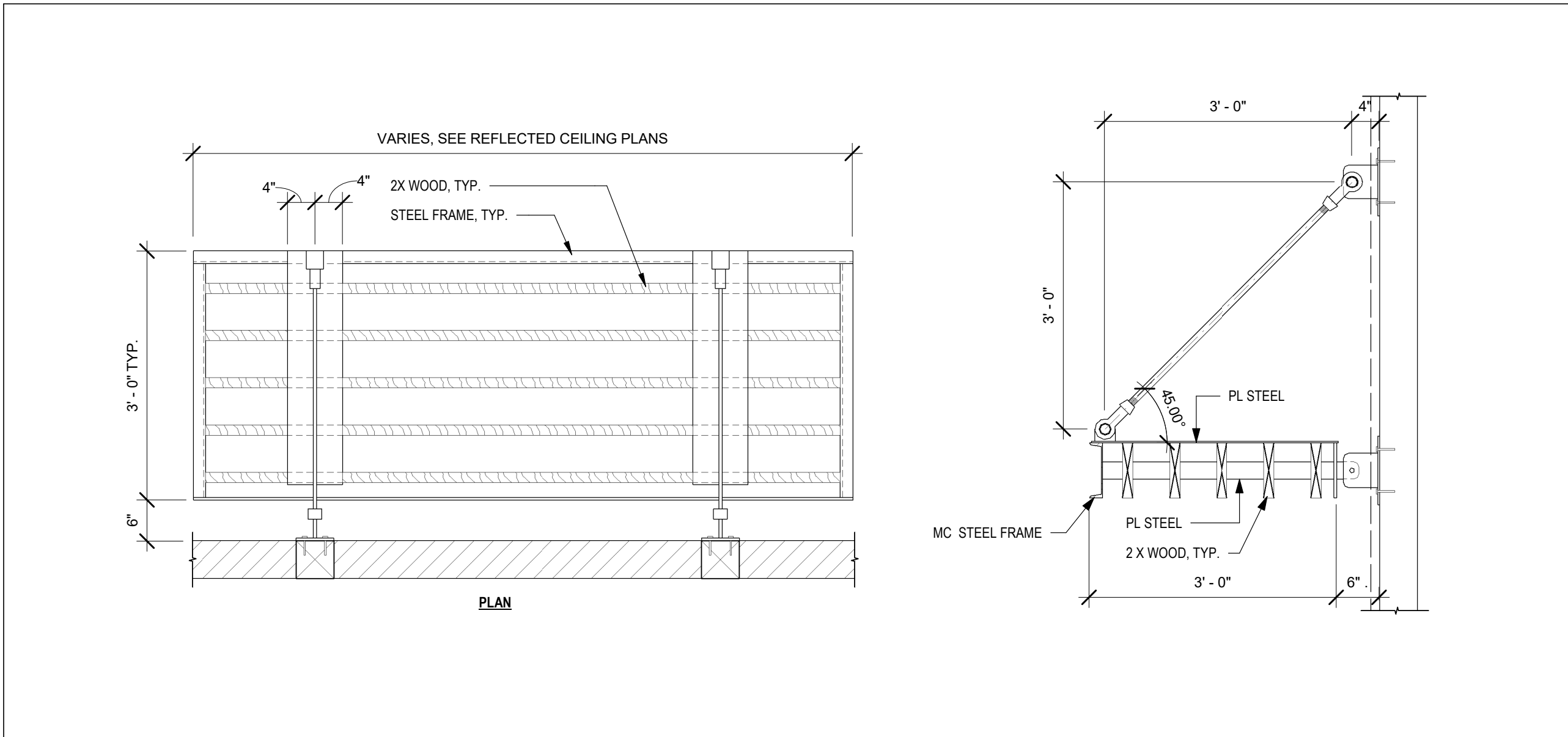
**SHADOW STUDY - EXISTING - DECEMBER 21
 2HRS BEFORE SUNSET**

3030 TELEGRAPH AVE.
 BERKELEY, CA
 ZONING DISTRICT: C-C

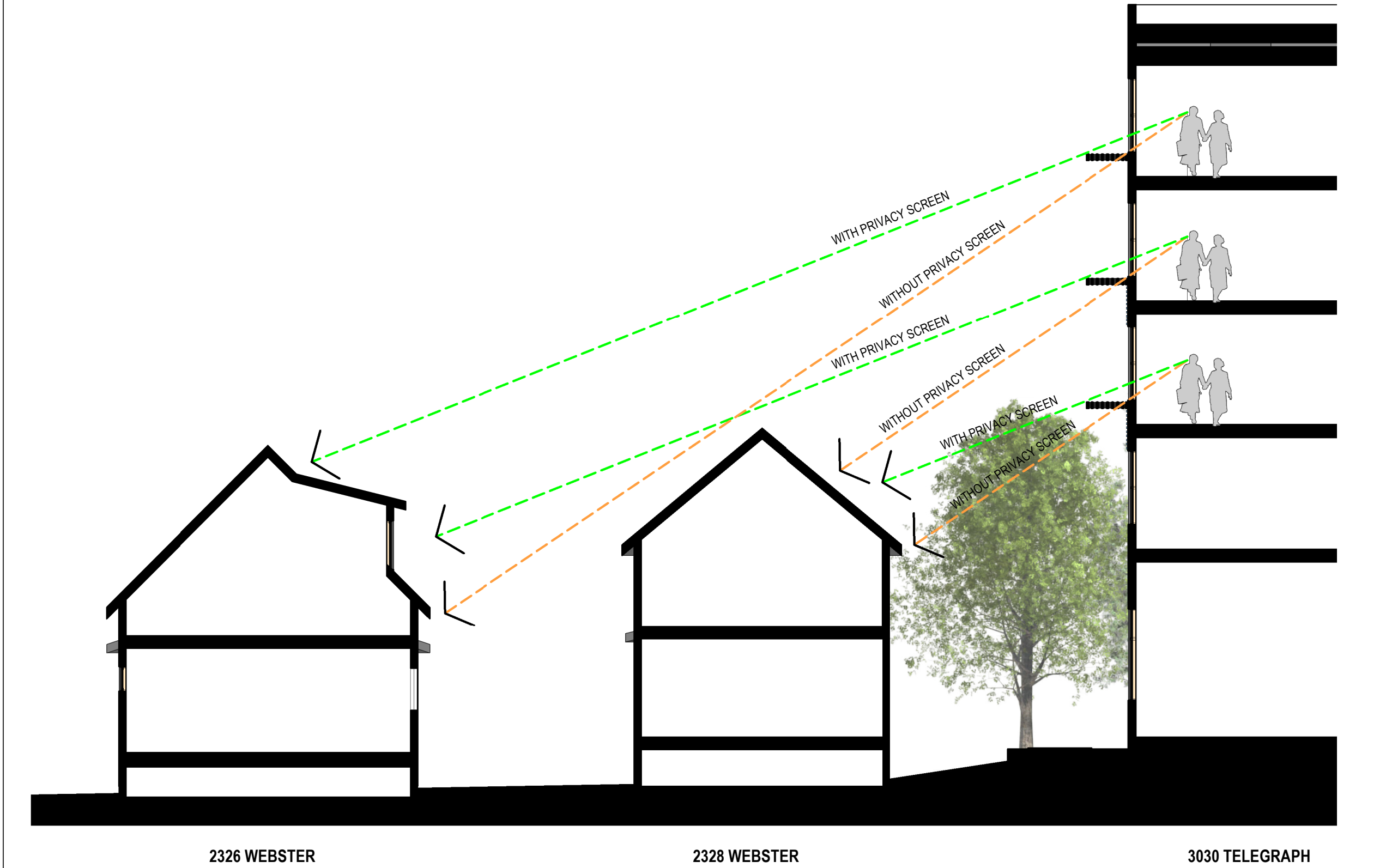
DENSITY BONUS PROJECT



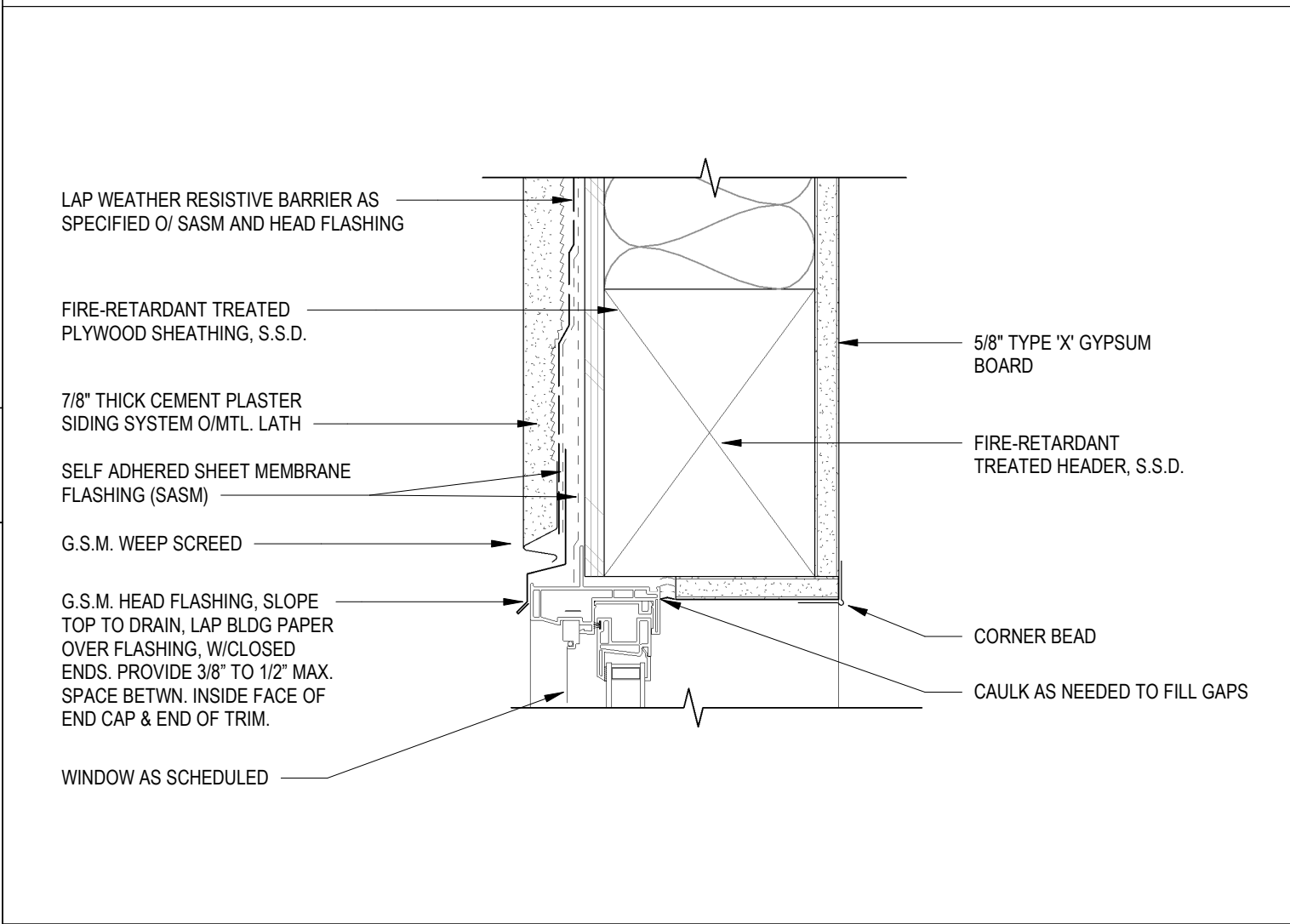
SHEET TITLE
EXISTING SHADOW STUDY
 DATE: MAY 24, 2023
 PLANNING RESUBMISSION
 SCALE: 1" = 50'-0"
A-8.7



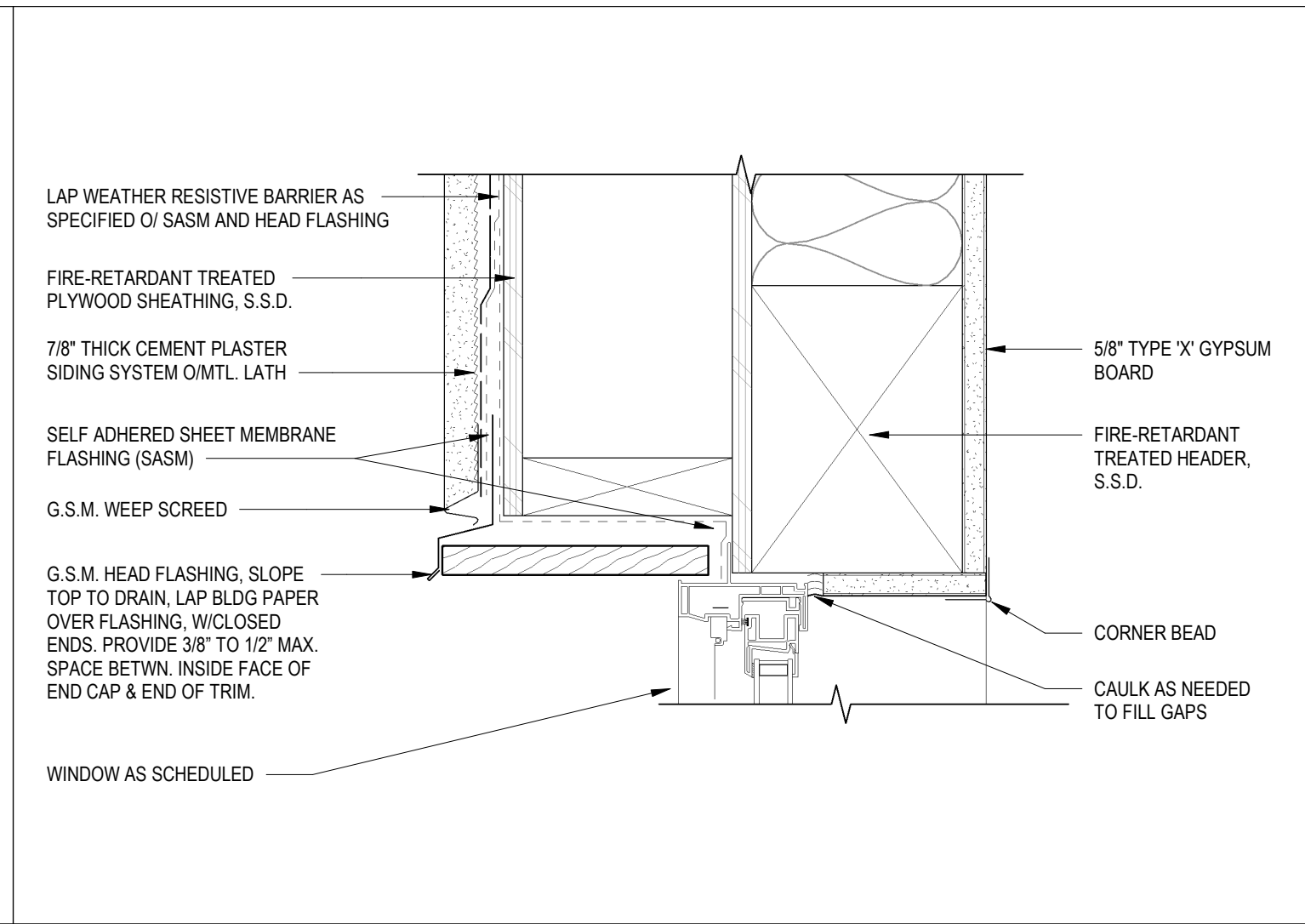
5 TYP. TRELLIS DETAIL
3/4" = 1'-0"



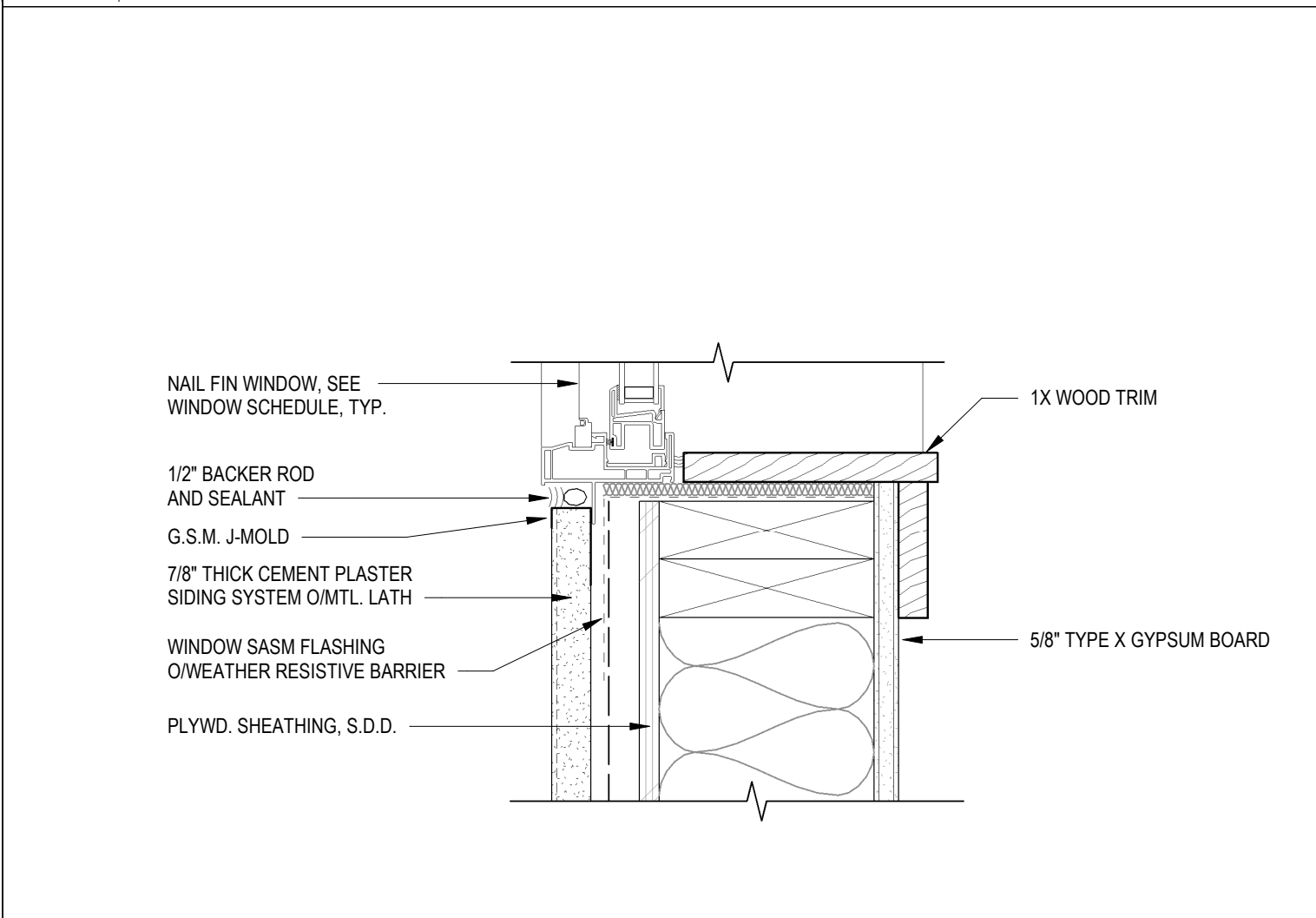
6 SECTION B
1/8" = 1'-0"



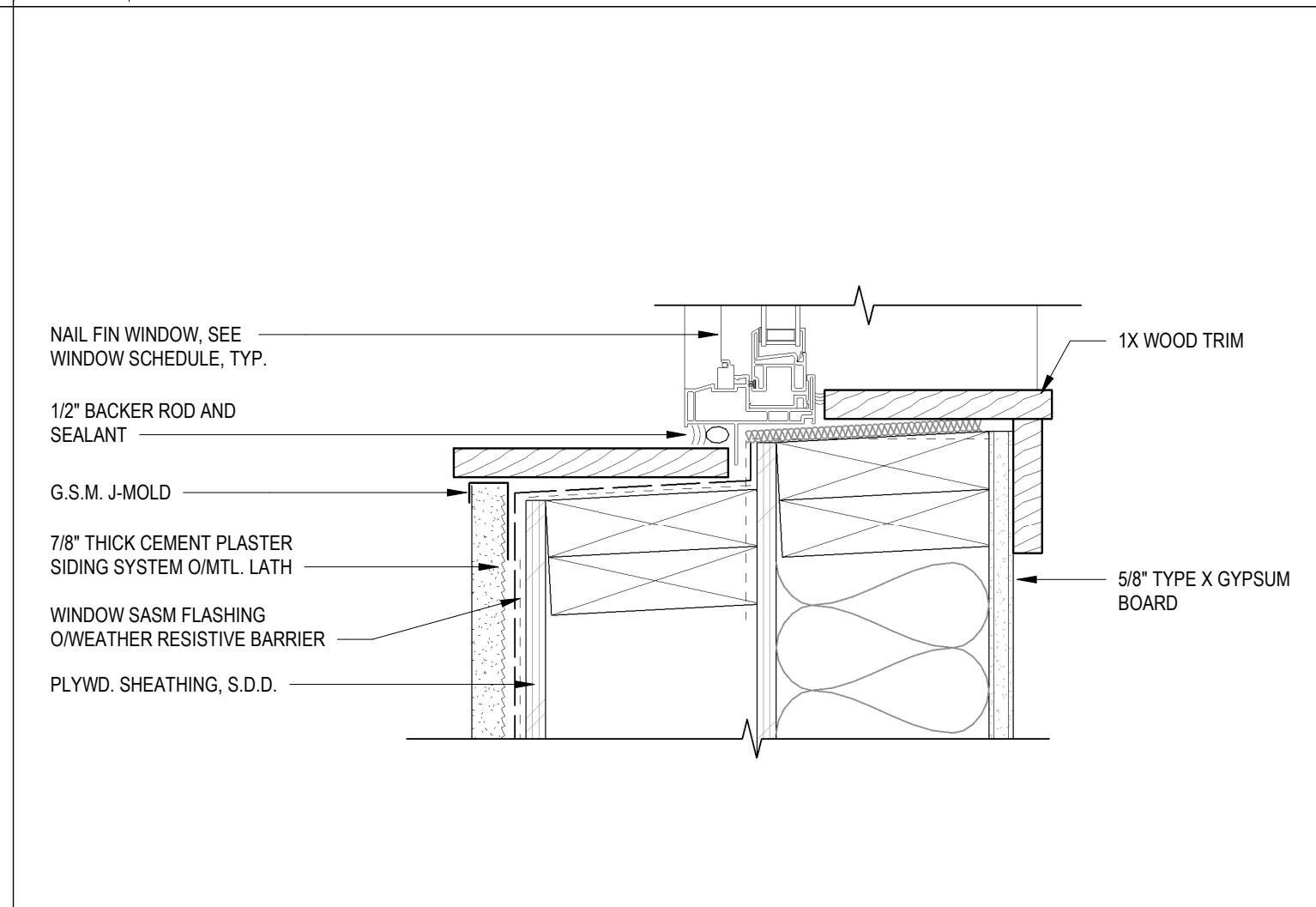
4 TYP. WINDOW HEAD DETAIL
3" = 1'-0"



2 TYP. WINDOW HEAD DETAIL - DBL WALL
3" = 1'-0"



3 TYP. WINDOW SILL DETAIL
3" = 1'-0"



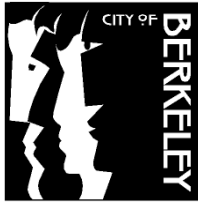
1 TYP. WINDOW SILL DETAIL - DBL WALL
3" = 1'-0"

3030 TELEGRAPH AVE.
BERKELEY, CA
ZONING DISTRICT: C-C

DENSITY BONUS PROJECT



SHEET TITLE
ARCHITECTURAL DETAILS
DATE: MAY 24, 2023
PLANNING RESUBMISSION
SCALE: As indicated
A-9.1



Planning and Development
Department
Land Use Planning Division

**DRAFT ACTION SUMMARY FOR
DESIGN REVIEW COMMITTEE MEETING
May 18, 2023 7:00 PM**

I. Roll Call:

Committee Members Present:

Janet Tam, Chair (*Appointed by Zoning Adjustments Board*)
Kimberly Gaffney, Vice-Chair (*Zoning Adjustments Board*)
Steve Finacom (*Landmarks Preservation Commission*)
Charles Kahn (*Zoning Adjustments Board*)
Lillian Mitchell (*Appointed by Zoning Adjustments Board*)
Diana Pink (*Appointed by Zoning Adjustments Board*)
Cameron Woo (*Civic Arts Commission*)

Committee Members Absent: None

Staff Present: Burns, Dougherty

II. PROJECTS

- 1. 3030 TELEGRAPH AVENUE [at Webster] (DRCP2022-0020): Preliminary Design Review** to demolish an existing one-story 10,000 square-foot medical office building and two duplexes and construct a new five-story mixed-use building with approximately 1,550 square feet of commercial area and 144 dwelling units, including eight-below market rate units.

Preliminary Design Review received a favorable recommendation to ZAB with the following recommendations for Final Design Review (FDR): MOTION: (Kahn, Gaffney) VOTE (7-0-0-0)

Conditions

- *Provide more detail on the North façade, including at the sidewalk edge.*
- *Provide alternate color and material palette for FDR with samples.*
- *Refine entrance with richer plant palette and more residential feel.*
- *Add privacy shelf to all windows facing West.*

Recommendations

- *Recommend a more residential feel to the building design, rather than industrial.*
- *Consider a warmer color palette with the lighter colors at the top of the building and darker colors at the base.*
- *Add more detail and articulation at windows, as well as at the street level.*
- *Further develop the detailing at the building parapet.*
- *Consider a raised planter at the ground floor units.*

Design Review Committee
Draft Action Summary for May 18, 2023

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- Consider rotating 2bdrm unit adjacent to the courtyard to allow for taller trees and more screening as a buffer for the neighbors.
- Consider wrapping the building color to create a frame for the murals.
- Consider more pockets for plantings on the north edge.
- Work with the neighbors on the fence design.
- Strongly recommend bird safe glass measures.
- Recommend permeable pavers at curb between street trees, if approved by Public Works.

ZAB Issues

- Consider more bike parking; spaces for scooters in the bike storage room.
- Recommend photo documentation of the existing structures.

- 2. 2712 TELEGRAPH AVENUE [between Derby and Ward] (DRCP2022-0021): Preliminary Design Review** to demolish two existing non-residential structures and construct a 41,065 square-foot, six-story residential building containing 40 dwelling units and a commercial space.

Preliminary Design Review received an unfavorable recommendation to ZAB with the following recommendations and direction for Final Design Review (FDR): MOTION: (Finacom, Woo) VOTE (6-0-0-1) Kahn – recused himself.

Recommendations

- Study alternate detailing on the windows, especially on the bay windows. Look at a more generous proportion of window to wall area.
- Provide more detail and interest on the ground floor, on the exterior walls, and on the building top. There should be more consistency between the front and rear walls.
- Ground floor street elevation should be better integrated with the overall building design and the floors above. Consider removing the columns and the trellis, and providing other details that are better integrated.
- Reconsider material palette, particularly the brown and natural wood materials. Provide an option to the green tile that works better with the upper floors. Colors in the rendering looked more successful than samples. Explore a quieter patterning.
- Consider removing the garage to allow for more common space, bike parking, and a more pedestrian street edge. Alternately, garage door design should be more carefully designed.
- Reconsider the deep overhang on the North side. If north planted area is to be usable open space, it should be more carefully thought out.
- Consider an evergreen species in the rear yard for added privacy.
- Consider adding privacy screens to windows facing residential district to the west.
- Work with neighbors on fence design.

ZAB Issues

- Consider a use permit condition to ensure that the studies will not be used as bedrooms.

Design Review Committee
Draft Action Summary for May 18, 2023

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- *Recommend showing furniture layouts in the unit designs.*

II. DISCUSSION ITEMS

- Southside Zoning Modification Project
 - *Recommend using an average, rather than a continuous setback area adjacent to the sidewalk.*
 - *Concern that 10' minimum setback is too much – look at a smaller dimension that may be more feasible.*
 - *Consider specific sidewalk width when recommending a setback – 2' may be fine on some, while 5' may be needed on others.*
 - *Recommends an in-lieu fee be allowed for reduction of open space.*
 - *85' height limit already puts the project in a high rise designation – 75' may work better.*
 - *Show charts, lists, and graphics with the maximum allowed, including with a density bonus.*
 - *Study impact on historic resources.*

III. BUSINESS MATTERS

- Approval of Previous Meeting Minutes.
 - A. Minutes from 4/20/23 DRC Meeting.
MOTION (Pink, Kahn) VOTE (7-0-0-0).
- Subcommittee Recommendation on Prospective Candidates for DRC Landscape Architect; Continued.

IV. COMMISSION COMMENTS

- Discuss DRC Meeting length and how this could support better design projects.

V. ADJOURN

- Meeting adjourned: 10:00 pm

Members of the Public:

Present: 17

Speakers: 12



Rent Stabilization Board

March 17, 2023

To: Allison Riemer, Associate Planner, Planning & Development Department

From: Matt Brown, General Counsel

By: Lief Bursell, Senior Planner
Be Tran, Associate Planner

Subject: **2330-36 Webster Street**

On December 8, 2022, you wrote to Mr. Bursell informing him of a new application to demolish four existing residential units at 2330-36 Webster Street. The project will merge five parcels and create a new 5-story mixed-use residential development with 144 dwelling units at 3030 Telegraph Avenue. You requested that we provide information related to the property's rental history and status under the Rent Stabilization and Eviction for Good Cause Ordinance ("Ordinance").

Property History

Alameda County records show that 3030 Telegraph LLC owned the property as of June 23, 2022. City of Berkeley records indicate that the property contains three buildings with addresses of 2330, 2334, 2336 Webster and 3030 Telegraph. The building at 2330 Webster was constructed in 1907 as a dwelling unit. In 1953 it was converted to a dentist's office with dwelling unit on top and in 1964 the dentist office was converted to a dwelling unit. The building at 2334-36 Webster was constructed in 1924 as a duplex. The building at 3030 Telegraph was constructed in 1964 as a funeral home but is currently used as a medical office.

Rent Stabilization Board records and microfiche records indicate that 2330-36 Webster currently contains four residential units.

Rental History and Rent Control Status

Rent Stabilization Board records reflect four residential units at 2330-36 Webster Street, all of which are claimed as "not available for rent." When any of the units are rented, they are under rent control and fully subject to the Ordinance. All four units have been registered with the Rent Stabilization Board since 1981.

Ellis Act

The buildings at 2330-36 Webster Street have not been removed from the rental market under the Ellis Act at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring at 2330-36 Webster Street.

BMC 23.326 and SB 330

Both Berkeley Municipal Code (BMC) Chapter 23.326 and Housing Crisis Act of 2019 Senate Bill (SB) 330 apply to this project. Both regulations require certain tenant protections, such as the right of first refusal and relocation assistance. However, SB 330 does not supersede local ordinances with greater restrictions on the demolition of residential dwelling units or local ordinances that require greater relocation assistance to displaced households (Cal. Gov. Code 66300(d)(3)). For instance, tenant relocation protections in BMC 23.326 are greater than those provided by SB 330, but they only apply to sitting tenants at the time the application for demolition is submitted to the City. Tenants who move in after the application is submitted would qualify for the less protective relocation requirements in SB 330 as long as the owner informed them about the proposed demolition and that demolition constitutes good cause for eviction.

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent the new replacement unit at the rent level that would have applied if they remained in their former unit. Landlords may petition the Board for a rent adjustment on the new unit pursuant to the rules associated with the addition of space/services.

Recommendation

Rent Stabilization Board staff recommends the ZAB adopt Use Permit conditions related to tenant protections and relocation assistance that are similar to what was approved for the project at 2435 Haste Street. The following Use Permit conditions related to tenant protections and relocation assistance. Should any unit at 2330-36 Webster Street be rented before the building demolished, all of the following conditions would apply:

- Pursuant to Government Code Section 66300(d)(2)(C), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice.
- Pursuant to Government Code Section 66300(d)(2)(D)(i) and (ii), the developer shall provide occupants of protected units relocation benefits and a right of first refusal for a comparable unit.
- Prior to issuance of the building permit, the applicant shall enter into a Regulatory Agreement to be reviewed, approved, and implemented by the Health, Housing and Community Services Department (HHCS), which will oversee and monitor the income qualification of returning tenants. For any tenant household qualifies for the additional tenant protections described in BMC Chapter 23.326, then the Regulatory Agreement will include the following provision for returning tenants: tenants who do not income-qualify for a below-market-rate unit in the new building shall occupy a unit per the terms in Condition of Approval (enter number which describes Demolition Ordinance); at the end of their tenancy, the unit shall assume the affordability level specified in the Regulatory Agreement.

- Pursuant to BMC 23.326.030(A)(5)(c), (i) the applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and (ii) shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation of the preceding prior to submittal for building permits. This condition only applies to tenant households that qualify for the for the additional tenant protections described in BMC Chapter 23.326.

Please feel free to contact Mr. Bursell with any further questions regarding this matter.

Sincerely,



Matt Brown
General Counsel



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

3030 Telegraph Avenue

Use Permit #ZP2022-0170 to demolish a one-story medical office building and two duplexes containing four units (2330 Webster Street and 2334-2336 Webster Street), and construct a five-story (63-foot) mixed-use building with 1,550 square feet of commercial area and 144 dwelling units, including eight Below Market Rate units (seven Very Low-Income units and one Low-Income unit), utilizing a 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, June 8, 2023, 7:00 pm

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

Please visit: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board> and click on the hearing date to access the most up-to-date meeting information, or call the Land Use Planning division (510) 981-7410.

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

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

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

A. Land Use Designations:

- General Plan: AC – Avenue Commercial
- Zoning: C-C – Corridor Commercial District

B. Zoning Permits Required:

- Use Permit under Berkeley Municipal Code (BMC) Section 23.326.070(A) to demolish a non-residential main building
- Use Permit under BMC Section 23.326.030(A)(3) to demolish a building containing two or more units
- Use Permit under BMC Section 23.204.020(A) to construct a mixed-use residential development
- Use Permit under BMC Section 23.204.020(A) to construct multi-family dwelling units
- Use Permit under BMC Section 23.204.030(A)(1) to create new floor area of 5,000 square feet or more
- Use Permit under BMC Section 23.204.050(D)(1) to increase the maximum main building height limit to 50 feet and 4 stories
- Use Permit under BMC Section 23.304.030(C)(2)(b) to reduce the rear setback on a commercially zoned lot that confronts a Residential District
- Use Permit under BMC Section 23.204.050(D)(3)(a) to reduce minimum open space for mixed-use projects
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural features over the maximum height limit

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

- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum 50-foot and 4-stories building height limit and permit a 63-foot, 5-story building
- Waiver of BMC Section 23.304.030(C)(2)(a) to reduce the street side setback to 3.5 inches along Webster Street, where 10 feet is required
- Waiver of BMC Section 23.204.050(D)(1) to exceed the maximum floor area ratio (FAR) from 3.0 to 3.5

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“Infill Development”).

E. Parties Involved:

- Applicant Lisa Villhauer, Riaz Capital, 2744 East 11th Street, Oakland
- Property Owner 3030 Telegraph LLC, 2744 East 11th Street, Oakland

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, Allison Riemer, at (510) 981-7433 or ariemer@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.
-

Riemer, Allison

From: Chris Batson <cbatson@riazinc.com>
Sent: Wednesday, January 11, 2023 12:58 PM
To: Julien Phalip
Cc: Lisa Vilhauer; Seth Lang; Jean Eisberg; Stephanie Adrianse Phalip; John Steere; Shael Barger; Nancy Carleton; Michael Rocque; Riemer, Allison
Subject: Riaz Capital-Halcyon Neighborhood Association Meeting on 1/6/2023, re: 3030 Telegraph Avenue
Attachments: Halcyon Neighborhood Association Meeting Notes with Responses (1.6.2023).pdf; Halcyon Neighbor Agenda - Riaz Capital Responses (1.6.2023).pdf

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

Hello all,

Thank you for taking the time to meet with us last Friday, January 6th. As promised I am circulating a copy of your agenda with our initial responses. I have also attached a copy of my meeting minutes along with responses to the items discussed.

Please note I have included Allison Riemer, an Associate Planner with the City of Berkeley, and Michael Rocque, a Senior Planner with Rincon Consultants, to this email for their reference.

We will keep this group updated on our planning proceedings. In the interim, please feel free to reach out with any questions.

Best,
Chris



Chris Batson
Development Associate, Riaz Capital
cbatson@riazcapital.com | t: (978) 549-0432

Riaz Capital
2744 E 11th St, Oakland, CA 94601
www.riazcapital.com

Check out our latest leasing website: [Artthaus](#)

Although the sender has taken measures to ensure that this email including any attachments is error and virus-free, full security of this email message cannot be guaranteed. Therefore, the recipient should check the email and any attachments for security threats using appropriate security software.

**3030 Telegraph Neighborhood Input Meeting
Friday January 6th, 2023**

Participants:

Neighbors: Julien & Stephanie Phalip, Nancy Carleton (HNA Co-Chair), Shael Barger, John Steere (HNA Co-Chair)

Riaz Capital: Lisa Vilhauer – VP of Entitlement & Design, Seth Lang – Senior VP of Development, Chris Batson – Development Associate; Jean Eisberg (Rhoades Planning Group)

Stated goals of residents: We are not opposing the project; however, we would like to address some concerns with the current plans and find reasonable solutions that accommodate the adjacent neighbors, and improve the relationship of the new development with the neighborhood context that it will be part of.

Draft Agenda:

1. Provide project's status update:
 - What stage is the project currently at? What has been done so far?
 - We have submitted for planning and have received our first comments. We plan on resubmitting by the end of January.
 - What is the projected timeline?
 - Planning Approval: October 2023
 - Construction Start: October 2024
 - Construction Completion: May 2026
 - Are the units going to be rentals or condos?
 - Rentals
 - Do you have a target market(s)? (UC students; young professionals, etc.)
 - Our traditional business model is to build housing for the missing middle or people that make between \$60,000-\$120,000. Our typical tenant is what can be considered essential workers: nurses, city employees, teachers, first responders, restaurant workers. Sometimes they will be young professionals. We also do not want to limit the market and would be open to UC Berkeley students, specifically graduate students.
 - Will a historic/cultural resources study be conducted?
 - A historic resource study was conducted and was submitted to the City with our first submittal. None of the existing buildings on the property were found to have any historic or cultural value.
 - How will the developer be contributing to transit and bike/ped improvements and incentives to encourage their use in place of cars and mitigate for lack of car parking?
 - We will be providing one bus pass (AC Transit) per bedroom in the project. We will also be providing a transit screen that will allow residents to see the upcoming transit in the area. We also typically propose to the City to do pick up/drop spaces in front of the project (on Telegraph).
 - We have spoken to Bike East Bay and Walk Bike Berkeley both of who are supportive of our project as it is designed.
2. Discuss concerns:
 - Personal concerns from Shael Barger & the Phalips (adjacent neighbors):
 - Privacy

- Shading
 - Noise
 - Please see revised western elevation that has reduced the number and size of windows.
 - Broader concerns from HNA/community
 - Parking (commercial parking requirements should not be waived; dedicated spaces should be provided for some GIG/ZIP/other carshare options for tenants on-site and for Lyft/Uber pickup; at least one bicycle parking space should be provided for each unit).
 - We see this commercial space as a neighborhood commercial space that will be used by the tenants of the building and would be used by neighbors that would walk to the location.
 - As mentioned above, we work with the City on every project in order to do a pick up/drop off for ride share.
 - We are currently showing 82 bike parking spaces. We can explore how we can add more bike parking spaces, potentially in each unit.
 - Design/Aesthetics (see below)
 - Contribution to greening neighborhood (more trees; contribution to park that will receive added impacts)
 - We will be installing all new street trees around the project. We are also adding 30 plus trees inside the courtyard.
3. Address design requests
- Increase setbacks
 - Where the project is adjacent to neighboring buildings the setback is 10' at the Fox's home and 16'4" at the Barger's home. The zoning ordinance requires a 10' rear setback.
 - Add step backs, especially behind residences on Webster and Halcyon.
 - The project has been reduced from the original design of a 6 story building to a 5 story building.
 - For both the setbacks and setbacks we can not reduce any of the building massing as it would reduce the number of units that we are providing and make the project infeasible.
 - Different color scheme (earth/rich tones, not pale, not gray, not superbright, not pastel); consider impact viewed from residences on Webster St. , Halcyon Court and Halcyon Commons park
 - We will explore different color scheme options.
 - More design details needed (echo design elements from small houses on east side of Halcyon Court and from Halcyon Commons park)
 - The architecture is designed in a different style than the homes that are on Halcyon Ct. adding details from the Halcyon Ct would be inauthentic to the style.
 - See 3001 Telegraph (SE corner at Ashby) as excellent example of what we're looking for (variety of materials, such as tiles, interesting metal used for balconies, different sky-tone color for top two floors)
 - We appreciate the design of 3001 Telegraph but this is done in a different style than the design for 3030 Telegraph.

- Consider possibility of more of the open space in form of rooftop garden and less in courtyard (to allow for step backs and noise control)
 - As mentioned any step backs in the building massing would render the project infeasible.

4. Other items:

- Easement status and timeline
- Coordination of 3030 Telegraph project with 3031 Telegraph (proposed 122 unit housing)

5. Next steps/action items

- Furthering Community input into design
- Target dates for DRC/ZAB
- Meeting with Mark Rhoades/developer

Halcyon Neighborhood Association Meeting
1/6/22

Halcyon Neighborhood Association's Overall Position

- The group is concerned with how the nature of their neighborhood will change with the addition of two large apartment buildings in the next 2-3 years.
- The neighborhood is not opposed to the density of the project. They address Berkeley needs more housing and fewer car trips.
- They intend to be supportive of our project, however they wanted to review some concerns primarily related to the design of the building.

Specific Concerns

- Parking
 - The Halcyon Neighborhood Association (HNA) is concerned about new residents parking in their neighborhood. HNA states that their neighborhood is already overparked due to current residents not being able to park their cars in their garages and Whole Foods employees parking here.
 - **Response:** Per Allison Reimer's email on November 20, 2022, Riaz Capital will not seek residential parking permit privileges for its residents.
 - HNA believes our development will bring additional GIG/Zipcars into their neighborhood, and these vehicles are not subject to permit restrictions.
 - **Response:** With the removal of four driveways onto the property, Riaz Capital intends to work with the City of Berkeley to reconfigure the on-street parking immediately adjacent to the property. The proposed changes would include space for resident and retail loading; trash removal; rideshare pickup/drop off; and dedicated GIG/Zipcar parking. Our civil engineer will draft a plan once we've met with the Roundtable and understand any additional considerations from the City of Berkeley.
 - HNA believes we should have commercial parking if we want our retail space to be successful.
 - **Response:** AB2097 does not require us to provide commercial parking.
 - HNA believes if we are going to be firm on no automotive parking, we should have one bike parking space per unit and have dedicated parking spaces for GIG/ Zipcar
 - **Response:** Riaz Capital will study adding bike parking stalls to the building and/or to the individual units. Per the comment above, we intend to provide dedicated car share spaces along Webster St or Telegraph Ave. Riaz Capital is also exploring relationships with adjacent parking garages and lots where we could offer our residents a parking option. As with our other properties, we believe our residents will be self-selecting and will not elect to live in our building if the lack of on-site parking presents an issue.

- Noise
 - HNA is glad there are no balconies on the project.
 - **Response:** Riaz Capital is glad this pleases the neighbors.
 - HNA states that the western and southern elevations will get very hot in the summer and residents will likely open their windows for relief. They are concerned this will increase the general noise of the neighborhood.
 - **Response:** The project will feature air conditioning, which will likely discourage window opening in warmer weather.
 - HNA is concerned activities in the courtyard will echo into the neighborhood.
 - **Response:** Riaz Capital will study how additional plantings could buffer the courtyard from the adjacent neighbors.
 - HNA is concerned about the proximity of the resident windows to neighbors.
 - **Response:** Windows will be energy-efficient and have a high sound rating. We do not believe this will be an issue. Further, Riaz Capital removed 19 windows from the rear of the building to reduce noise impacts and improve neighbor privacy.



Figure 1. The rendering on the left shows the building's design as presented to the community on November 9, 2022. The rendering on the right shows the building's design as of January 6, 2023, which eliminates 19 windows facing west over the Halcyon Neighborhood Association.

- Given the proximity to UC Berkeley HNA believes it is likely students will live here. In their experience students generate more noise than typical residents. Shael Barger who lives at 3041 Halcyon Court is particularly attentive to this.
 - **Response:** As described above, the units will have well-insulated windows. Riaz Capital will study how to add additional plantings to buffer our building from 3041 Halcyon Court. Riaz Capital notes that the new building will be 11' further away from the Barger property line than the current building.

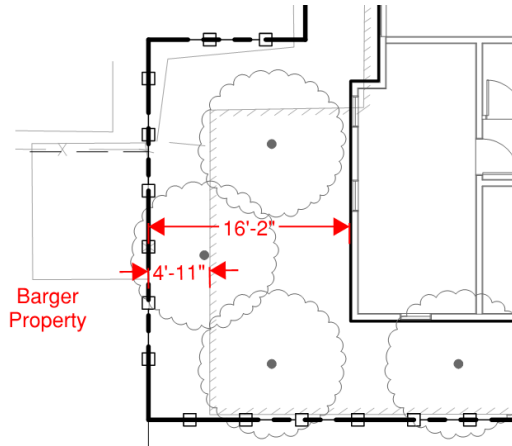


Figure 2. The above image shows the distance of the existing and proposed buildings from the Barger property line. The existing building is shown with a hash-marked line.

Overall Design Feedback

- HNA expressed that they do not like the design of this project. They would prefer we consider an aesthetic similar to that of 3001 Telegraph.
 - **Response:** 3001 Telegraph Avenue is not consistent with our design intent. However, our design does feature many of the same elements, such as:
 - Design elements that distinguish a clear bottom, middle, and top of the building.
 - Traditional storefront elements, including transom and display windows, lintels, and awnings
 - Colors, materials, and windows that create different volumes and visual interest from different perspectives.
 - Windows arranged to create a visually pleasing pattern on the facades.
 - Organizing the building as a cluster of distinct masses to reduce the appearance of its overall volume.
 - Massing steps along Telegraph that provide opportunities for seating and landscaping.
- HNA appreciates that we removed 19 windows from the western face of the building, however Julien and Stephanie Phalip would like us to consider even more privacy measures.
 - **Response:** Riaz Capital will explore awnings or sunshades to prevent our tenants from looking directly into neighbors' backyards.
- HNA believes the northern (Webster Street) and western elevations are inappropriate for a transition from a commercial corridor into a residential neighborhood.
 - **Response:** Riaz Capital will explore ways to soften these two elevations, e.g. landscaping and/or awnings.



Figure 3. 3001 Telegraph Avenue (above) and 3030 Telegraph (below) both feature design elements to create a residential building that is appropriate for the Telegraph Avenue Commercial Corridor and the adjacent residential neighborhoods.

Other Items

- HNA requested that we consider constructing bike lanes on Telegraph
 - **Response:** Riaz Capital supports cyclists and encourages cycling as a means of environmentally friendly urban transportation. However, this item seems best addressed by the City of Berkeley than by an individual developer. Riaz Capital understands the City of Berkeley and the City of Oakland are both working to improve bike facilities on Telegraph Avenue. Riaz Capital is in favor of these efforts.
- In the future, the HNA would like us to include more information on our mailers so residents can better understand the nature of our Community Meetings.
 - **Response:** Riaz Capital will include more project-specific information in our communications moving forward.

Rierner, Allison

From: Julien Phalip <jphalip@gmail.com>
Sent: Tuesday, January 17, 2023 12:42 PM
To: Chris Batson
Cc: Lisa Vilhauer; Seth Lang; Jean Eisberg; Stephanie Adriane Phalip; John Steere; Shael Barger; Nancy Carleton; Michael Rocque; Rierner, Allison
Subject: Re: Riaz Capital-Halcyon Neighborhood Association Meeting on 1/6/2023, re: 3030 Telegraph Avenue
Attachments: Design ideas and suggestions – 3030 Telegraph project.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

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Hi Chris and all,

Thank you for sending the meeting notes.

Please find attached a PDF document with design ideas suggestions collected by some neighbors. We hope this informs some updates to the project's design. Please let us know your thoughts. We would be happy to discuss those ideas in more detail either over email or in future in-person meetings.

Thank you,

Julien

On Wed, Jan 11, 2023 at 12:58 PM Chris Batson <cbatson@riazinc.com> wrote:

Hello all,

Thank you for taking the time to meet with us last Friday, January 6th. As promised I am circulating a copy of your agenda with our initial responses. I have also attached a copy of my meeting minutes along with responses to the items discussed.

Please note I have included Allison Rierner, an Associate Planner with the City of Berkeley, and Michael Rocque, a Senior Planner with Rincon Consultants, to this email for their reference.

We will keep this group updated on our planning proceedings. In the interim, please feel free to reach out with any questions.

Best,
Chris



Chris Batson
Development Associate, Riaz Capital
cbatson@riazcapital.com | t: (978) 549-0432

Riaz Capital
2744 E 11th St, Oakland, CA 94601
www.riazcapital.com

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3030 Telegraph project: Design ideas and suggestions

This document lists a few design ideas and suggestions collected by some neighbors who live near the 3030 Telegraph project's location.

Please note: These ideas (like other suggestions and concerns raised at our in-person meeting on January 6th, 2023) should be described as being from “Halcyon neighbors,” **not** “Halcyon Neighborhood Association/HNA.” HNA’s role thus far is to help facilitate communication from immediate neighbors and to pass on views in the larger neighborhood to the developer and their reps. Items in this document should not be interpreted to reflect official positions of HNA.

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Privacy

Fixed louver screens

Could cover only the bottom half of the window for resident units. The horizontal panels would be angled in order to allow sunlight to come in from above but prevent residents from looking

down into the neighboring properties. The privacy effectiveness could be checked via 3D simulation to determine the proper placement and dimensions.

Benefits:

- Protects privacy of not only the adjacent neighbors but also of the building occupants.
- Provides opportunities for different designs and color treatments.

Examples ([Link](#)):







Window casings and screens

Strategic and aesthetic window casings and screens. Inspired by Left Coast's Architecture's [Fresh Connection](#); [Véolia Environnement Centre](#); [Saint Martial Housing](#); [Ash](#); [Shimigiah Residential Apartment](#).

Advantages:

- Adds privacy from the sides. Could be combined with louver screens described above for added privacy vertically as well.
- Casts small shadows on the building itself, which contributes to adding visual detail to the building's face.









Shading

One important concern is the significant amount of extra shading that the current design would cast over adjacent neighbors on Halcyon Court and Webster St., as shown in the shadow studies performed for 3030 Telegraph. For example, the houses at 2326, 2328, 2327, 2329, and 2331 Webster St. would be shaded almost the entire morning every day, and direct sunlight would be entirely eliminated on East facing rooms at 2326 Webster (including kitchen and bathroom).

We understand that the developer is working with tight space constraints to fit their desired number of units. However, we would greatly appreciate any efforts to limit the amount of shading given the negative impacts on the quality of life (and energy costs) to this portion of the Halcyon neighborhood. Increasing setbacks and adding some stepbacks on the West side of the building

would make a significant difference and should be considered if at all possible. Perhaps this could be achieved by reducing the size of some of the largest units.

Aesthetics and landscaping

We appreciate that the current building design has variety and attention to detail on the Telegraph Avenue front. However, the other sides of the building, especially the Western and Northern sides, which have the greatest visual impact on our neighborhood, comparatively and conspicuously lack detail and interesting features. This is particularly concerning as these sides will be visible from ground level and have a direct impact on the views from the surrounding neighborhood.

While some neighbors would have preferred a less modernistic design to fit in with the neighborhood (closer to 3001 Telegraph), we understand that isn't this developer's aesthetic. Nevertheless, it's important that 3030 Telegraph, which is a large and imposing structure that would entirely fill the parcel area, be more congruous to the neighborhood into which it is being built. This could be achieved by utilizing building materials, colors, textures, and features on the Western and Northern walls that relate better to its residential surroundings.

The community has been dedicated to improving the area over the past three decades (creation of Halcyon Commons park, landscaped islands/barriers on Webster, Halcyon at Webster, and Prince at Deakin, and planting of nearly two hundred street trees in the larger neighborhood). Therefore, it would be respectful and valued for greater attention to be given to the design of the neighborhood-facing buildings and features to enable it to have a better transition into its neighborhood landscape.

As a reference, here are some examples of prior projects from both Riaz and Left Coast Architecture that include more design features. We are not suggesting a specific design, but believe that by incorporating more features on the North and West (and, to some degree South) sides of the building; this will help the building better integrate into the adjacent residential community.

- Riaz's previous projects:
 - [Artthaus Studios](#)
 - [Hannah Park](#)
 - [The Rose on Bond](#)
 - [The Linden](#)
- Left Coast Architecture's previous projects:
 - [The Mill](#)
 - [San Pablo](#)

Below we present some ideas and suggestions that we have collected.

Landscaping, greening and rain gardens

Creeping vines

Advantage: Does not require much real estate. Can grow either bottom up or top down.





Tall Trees

Redwoods, cypress, poplars are examples of tall, narrow trees. One nearby example of such trees in front of an apartment building can be found on the NE corner of Halcyon and Prince, where redwoods were used to soften the exterior of the apartment building and blend in better with the neighborhood.

Arbor/Trellis

Arbors or trellis with wisteria, jasmine, or similar. These could be located on the Northern and Western sides of the project, perhaps on the Western side in relation to bicycle parking.

Advantages:

- Softens impact of unrelieved five-story walls on Halcyon, Webster, and SW corner of new building.

Rain Gardens (especially on Northern side)

LID/rain gardens are required to mitigate for the impervious surfaces being created by new development by way of the C.3 requirements of the Clean Water Act's NPDES Municipal Regional Permit. These requirements, illustrated below in 2 examples from SF, encourage

developers/applicants to integrate their bioretention basins into the overall site design, as well as to serve as aesthetic landscape features where resident stewards can help maintain them as occurs in San Francisco (through SFPUC sponsorship). In addition, the SFPUC headquarters at 525 Golden Gate Ave., SF, provides an excellent illustration of rain gardens being integrated into building design.





Sidewalk on Webster

Expanding the green gateway to the community would be more beneficial to the community than creating wider sidewalks on Webster.

Advantages:

- Provides additional area for landscaping and the possibility of taller trees and/or arbors.
- Respects the greening priorities of the Halcyon neighborhood.

Exterior paint

Some suggestions:

- Minimal additional expense; does not affect building's footprint.
- Earth tones would better suit and respect the greening efforts of the neighborhood.
- Possibility of window frames in complementary color
- Consider greens and earth tones in first 3 floors and lighter tones including pale blue, pale teal, or off-white for upper two to "lighten" its facade and be suggestive of sky as suggested by the 2 photos below depicting the façade treatment of the Maximo Martinez Commons, which combines wood strips/panels with dull white metallic façade in this manner.

- Varied colors for the two main building blocks visible on the Halcyon side could be considered (see Trader Joe's project at MLK/University for example of creating the appearance of separate buildings rather than one large bulky mass).

Advantages:

- Does not require additional space or investment
- Demonstrates effort to relate facade to surrounding older neighborhood, which has many arts and crafts influences

Mixed Textures

The Maximo Martinez Commons on Channing St., Berkeley, across from People's Park, provides an example of varied facade textures that create a relationship in color and scale with the surrounding arts and crafts buildings to their East by using the wood paneling on the first 2-3 floors and light colored metal panels for the upper 3-4 stories. It also creates both visual variation and interest by extending and recessing "blocks" of its overall south-facing facade. This kind of approach could also be appropriate for the northern wall of 3030 Telegraph Ave.





Murals on Western and Northern walls

Consider naturalistic murals on portions of the Northern facade (20-30' wide) closest to Telegraph, and the Southern portion of Western wall. Including neighbors and community members along with building residents in the design could help deepen connections between the project and the larger community.

Advantages:

- Insignificant costs, big community payoff.
- Could solicit community input and collaborative design on the northern side and allow for better integration with the neighborhood and its history.
- The neighborhood organization, Halcyon Neighborhood Association, has an extensive history helping organize such efforts with a partnership approach.

Riemer, Allison

From: John Steere <john@johnsteere.com>
Sent: Wednesday, May 10, 2023 11:12 PM
To: Burns, Anne M
Cc: Riemer, Allison; Nancy Carleton; Stephanie Adrianse Phalip; Shael Barger; Ariel Haney; Josh Sopher; Julien Phalip
Subject: Re: Neighbor feedback for 3030 Telegraph DRC

Hello Anne,

Thank you for this letting us know about the DRC meeting at the N. Berkeley Senior Center, next Thursday. I'll be attending as resident of 2329 Webster St. Across the street from the proposed development... I am also the co-author of the letter from the Halcyon Neighborhood Association that was delivered yesterday.

I am surprised that none of the neighbors who are copied above, or other immediate neighbors (within 300 feet of the proposed development), received either an email or written notice regarding this important public meeting prior to your email. In addition, there was only one notice of the proposed project that was sent during the prior application period that began last November (2022) and that was from the applicant. As you probably know, we made considerable effort to meet with and make suggestions similar to those who are providing here to the applicant's architect and communicated with them about our design and façade concerns. Julien and I have also met personally with Mark Rhoades to discuss our design review issues regarding the project.

It would be helpful for you or Allison to share with us the recommended parameters for public comment to the DRC. Please advise. Thank you.

Sincerely yours,

John

John Steere, AICP
Environmental and Sustainability Planning
2329 Webster Street
Berkeley, CA 94705
Ph: 510-847-0575
<http://www.linkedin.com/in/johnsteere>

From: Burns, Anne M <ABurns@cityofberkeley.info>
Date: Tuesday, May 9, 2023 at 5:44 PM
To: Julien Phalip <jphalip@gmail.com>
Cc: Riemer, Allison <ARiemer@cityofberkeley.info>, Nancy Carleton <nancy94705@gmail.com>, Stephanie Adrianse Phalip <sadrianse@gmail.com>, John Steere <john@johnsteere.com>, Shael Barger <dakotahdog@gmail.com>
Subject: RE: Neighbor feedback for 3030 Telegraph DRC

Hello, Julien: I received the documents and will include your correspondence in the upcoming May 18th packet for the Design Review Committee (DRC).

The meeting will be in-person starting at 7 pm, but not in the 1947 Center basement, but the North Berkeley Senior Center. The agenda should be on-line by this Friday and I will email you a link to that once available. A link on the project address will take you to the staff report, and any attachments. We will include your correspondence there on-line as well.

Thank you, Allison, for mentioning the meeting. This is a public meeting, but not a public hearing. The DRC is a committee that makes recommendations to the Zoning Adjustments Board (ZAB). The ZAB meeting will be a Public hearing and noticed accordingly. As a courtesy, we will be putting posters on and nearby the project site with the meeting announcement, but no mailing as the Public hearing does. We will look through the Use Permit files and let anyone who has submitted correspondence know about the meeting agenda link.

Thank you for the correspondence. - Anne

From: Julien Phalip <jphalip@gmail.com>
Sent: Tuesday, May 09, 2023 2:36 PM
To: Burns, Anne M <ABurns@cityofberkeley.info>
Cc: Riemer, Allison <ARiemer@cityofberkeley.info>; Nancy Carleton <nancy94705@gmail.com>; Stephanie Adrianse Phalip <sadrianse@gmail.com>; John Steere <john@johnsteere.com>; Shael Barger <dakotahdog@gmail.com>
Subject: Neighbor feedback for 3030 Telegraph DRC

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Hi Anne,

My name is Julien Phalip from 2326 Webster St, Berkeley. I've just dropped some documents with Desiree to leave on your desk for the 3030 Telegraph project's design review.

The documents include (10 copies each):

- Letter from myself and my wife Stephanie.
- Letter from the Halcyon Court Association (HNA).
- Letter co-signed by some neighbors: Shael Barger, John Steere, Nancy Carleton, Stephanie and myself (all Cc'ed)

Please let us know if you've received them.

Could you please also confirm that the in-person meeting will be held on May 18th, 7pm at 1947 Center St in the basement multipurpose room?

Lastly, we were only aware of the upcoming design review as Allison Riemer (Cc'ed) mentioned it to us a few weeks ago. We haven't yet received any official invitations or notifications so I'm not sure how many neighbors are in fact aware. Is that expected?

Many thanks. Regards,

Julien

Rierner, Allison

From: Riana Hensel <rianahensel@gmail.com>
Sent: Tuesday, May 16, 2023 12:20 PM
To: Rierner, Allison
Subject: 3030 Telegraph - Let's get some new neighbors!!

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

Dear Ms. Rierner,

I'm a Berkeley resident living in a condo on Telegraph Avenue, just a couple doors down from the site at 3030 Telegraph that is under consideration for a new apartment building. In advance of the Design Review Committee meeting on May 18, I write to share my strong support for this project, which I hope the city will do everything in its power to approve and expedite. Our neighborhood is suffering from a severe housing shortage at all income levels, which a project of this scale can help to mitigate. If anything, the proposed capacity of 144 units seems regrettably low for an apartment building on a transit-adjacent commercial corridor like ours; I would like to see an even taller, larger building that would welcome even more new neighbors to our housing-constrained neighborhood.

I urge you to expedite the approvals of this project without delay.

Respectfully,
Riana Hensel

--

If you relegate the fight for justice to activists little will change. But if justice is part of being a teacher, a mother, a doctor, a business person, and a human, things will change radically.

YIMBY Law

57 Post St, Suite 908
San Francisco, CA 94104
hello@yimbylaw.org



YIMBY LAW

12/9/2022

Berkeley Design Review Committee
2180 Milvia St
Berkeley, CA 94704

aburns@cityofberkeley.info
Via Email

Re: 3030 Telegraph Avenue
52-1576-27-1

Dear Berkeley Design Review Committee,

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Accountability Act (HAA). As you know, the Design Review Committee has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the City fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

The project consists of a 144-unit, five-story mixed-use apartment building on Telegraph Avenue. Seven units will be affordable at the Extremely Low Income level and one will be affordable at the Very Low Income level. It will have 64 bicycle parking spaces and a bike repair station, and will not feature any car parking.

California Government Code § 65589.5, the Housing Accountability Act, prohibits localities from denying housing development projects that are compliant with the locality's zoning ordinance or general plan at the time the application was deemed complete, unless the locality can make findings that the proposed housing development would be a threat to public health and safety.

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. The City must also determine that there are no SB 330/SB 8 eligible units on the property; if there are, then their replacement under the law must be ensured. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style.

Sonja Trauss
Executive Director
YIMBY Law



May 4, 2023

Allison Riemer, Associate Planner
Planning & Development Department, City of Berkeley
1947 Center St 3rd Floor, Berkeley, CA 94704

Dear Ms. Riemer,

On behalf of Bike East Bay, I write to express our support for the proposed residential development at 3030 Telegraph Avenue in Berkeley.

Bike East Bay is a 501c3 non-profit bicycle advocacy organization that has been promoting healthy, sustainable communities throughout Contra Costa and Alameda Counties for over 50 years, with the goal of making bicycling safe, fun, and accessible. This work includes promoting infill development to help create more sustainable and bike-friendly communities.

Riaz Capital proposes the construction of 144 residential units in the Elmwood neighborhood, close to retail and transit along the Telegraph Avenue corridor. The project does not include any auto parking spaces and will instead offer 80 on-site, long-term bike parking spaces. Additional short-term bike parking spaces will be available along the street, for use by the building's residents as well as guests and patrons of the proposed retail space. We have been in discussion with Riaz's Development Team to ensure the bike facilities will serve residents' needs.

With the existing Woolsey St east-west bicycle route to the south, the Russell Street east-west bicycle boulevard to the north, and the existing Telegraph Ave bicycle lanes north-south with plans in both Berkeley and Oakland for upgrades to high-quality protected bikeways, this site is uniquely situated for excellent bicycling connectivity. The site is also one block from a Bay Wheels bike share station, less than one mile from Ashby BART, and with immediate access to AC Transit Line 6 and Line 800 bus stops, as well as a stop for the upcoming Line 7 extension.

Riaz Capital's decision to construct a car-free facility in such a bike and transit-oriented location answers our collective call to build much needed housing, while minimizing greenhouse gas emissions and living in the most sustainable fashion possible.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Prinz', is written over a white background.

Robert Prinz
Advocacy Director
Bike East Bay

**Halcyon Neighborhood Association (HNA)
3044 Halcyon Court
Berkeley CA 94705**

May 8, 2023

Dear members of the Design Review Committee:

We are writing to you as co-chairs of Halcyon Neighborhood Association (HNA) to address issues of design compatibility of the proposed 3030 Telegraph Project with the Halcyon neighborhood. HNA was founded in 1992 and includes over 800 households from Telegraph to Adeline and Ashby to Woolsey in South Berkeley. From our inception, we have aimed to bring neighbors together to build community and improve our shared neighborhood. Unlike some neighborhood organizations, we have steered clear of fights over development density, where there are strongly held opposing opinions among neighbors, and instead focused on areas of common agreement, such as greening our neighborhood, planting street trees, disaster preparedness, community potlucks, and work parties to make our neighborhood more beautiful. While HNA does not take positions on issues of density in development proposals, we have occasionally passed on ideas about design elements in projects that have an impact on our neighborhood.

With regard to the current proposal for 3030 Telegraph, we appreciate that the current building design has variety and attention to detail on the Telegraph Avenue front, even though many of us would have preferred a less modernistic design to better fit in with the neighborhood (more like 3001 Telegraph at Ashby, a recent building we admire). The other sides of the 3030 Telegraph proposal, especially the Western and Northern sides, which have the greatest visual impact on our neighborhood, comparatively lack detail and interesting features and do not resonate well with the greening impetus we have now worked for three decades to bring to this neighborhood. This is particularly concerning, as these sides will be visible from the ground level, as well as from nearby homes and apartments, and have a direct impact on the views from the surrounding neighborhood, including on Webster Street, the gateway to our neighborhood, and on Halcyon Court, where we would prefer a design that better complements our neighborhood park, Halcyon Commons, which we worked for four years (1992-1996) to create where there was once a parking lot.

It's important to us that 3030 Telegraph, which is a large and imposing structure that would almost entirely fill the parcel area and remove two houses with it, be more congruous to the neighborhood into which it is being built. As currently proposed, the building and the façade appear to ignore its context of the neighborhood's visual qualities/features and greenery and existing housing textures and instead juxtapose an imposing scale, cold colors, and an absence of façade treatments on its neighbors. A more neighborhood-friendly design could be achieved by simply utilizing building materials, colors, textures, and features on the Western and Northern walls that relate better to its residential surroundings, as are discussed in the **3030 Telegraph Project: Design Ideas and Recommendations** document (Julien Phalip et al.) that several immediate neighbors (including us in our individual capacities) separately furnished to the applicant and to the Design Review Committee.

The issue of compatibility with the organized Halcyon neighborhood is significant. Neighbors working with HNA have done much to enhance it including: (1) designing and building Halcyon Commons park and subsequent improvements to it (see photo on page 3 of this letter and <https://berkeleyca.gov/community-recreation/parks-recreation/parks/halcyon-commons-park>);

(2) installing four landscaped islands/barriers, including on Webster, Halcyon at Webster, Prince at Deakin, and Woolsey at Wheeler; and (3) planting 200 street trees in the larger neighborhood. The applicant is benefiting from these community investments, including a more green, attractive, and walkable neighborhood, and including a park that new residents will use. The question is: What will 3030 Telegraph give back to the neighborhood in which it is being built? How will its very real impacts be mitigated? At the very least, modifying the façade and design of the Northern and Western sides of the building will enable it to have a better transition into its neighborhood landscape. For some excellent ideas, again please see the *Design Ideas and Recommendations* document submitted by Julien Phalip, et al.

One key example: The northern side of the new development could build upon the long-established green gateway to the neighborhood (a transition from the commercial frontage of Whole Foods to the Halcyon neighborhood), which was created by the existing street trees and the landscaped island on Webster St. (see photo on page 3), built by neighborhood activists in 1995. We envision something more neighborhood-fitting and compatible than making a very wide (ten to twelve feet) sidewalk on Webster St., as is currently proposed. Instead of widening the existing five-foot-wide sidewalk along the entire Webster St. frontage of the 3030 Telegraph structure, which only adds to hardscape in the neighborhood, such widening should only be permitted on the very corner (i.e., up to the point opposite the driveway into Whole Foods Market, where it might serve well for outdoor seating for a corner cafe), but should not extend into the neighborhood proper (across from the two houses being removed).

Instead, please explore expanding the width of the streetside strip and landscaping section adjacent to the new building on both sides of the five-foot sidewalk, perhaps to include LID/rain gardens in the strip adjacent to the building and shade-tolerant street trees and shrubs on the strip beside the street. This, along with possible vines on the building itself, and perhaps a naturalistic mural, would serve to soften the harsh, flat edge of a new structure adjacent to the Halcyon neighborhood. These proposed landscape and green infrastructure features would also serve as nominal green space, adding visual texture and charm, and would help mitigate for the loss of the greenery in the front yard setbacks of the two houses that will be demolished and replaced by a 5-story building currently proposed to be built almost up to the edge of the sidewalk.

On the Halcyon Court (Western) side, features such as more natural paint colors, tall trees, and/or naturalistic murals and vines and arbors could again soften the impact of the building's footprint as seen from the park (see photo) and the rest of this parklike court neighbors have worked so hard to create.

Finally, we encourage Design Review members to take the time to visit our neighborhood, especially the Webster Street and Halcyon Court vantage points, and consider ways the developer could better integrate the project into this greening-oriented neighborhood.

Sincerely yours,



John Steere
Co-Chair, HNA
(Environmental and Sustainability Planner)



Nancy Carleton
Co-Chair, HNA



View of landscaped island on Webster St. across from 3030 Telegraph, where 2 houses are now.



View of Halcyon Commons park (Halcyon Court between Webster and Prince).

Re: 3030 Telegraph Project – Design Ideas and Recommendations

May 8th, 2023.

Dear members of the Design Review Committee,

This document provides design ideas and recommendations collected by neighbors who live in close proximity to the 3030 Telegraph project's location. We kindly ask for those items to be considered as part of the design review.

Sincerely yours,

The neighbors:

Julien Phalip
(2326 Webster St)

Stephanie Phalip
(2326 Webster St)

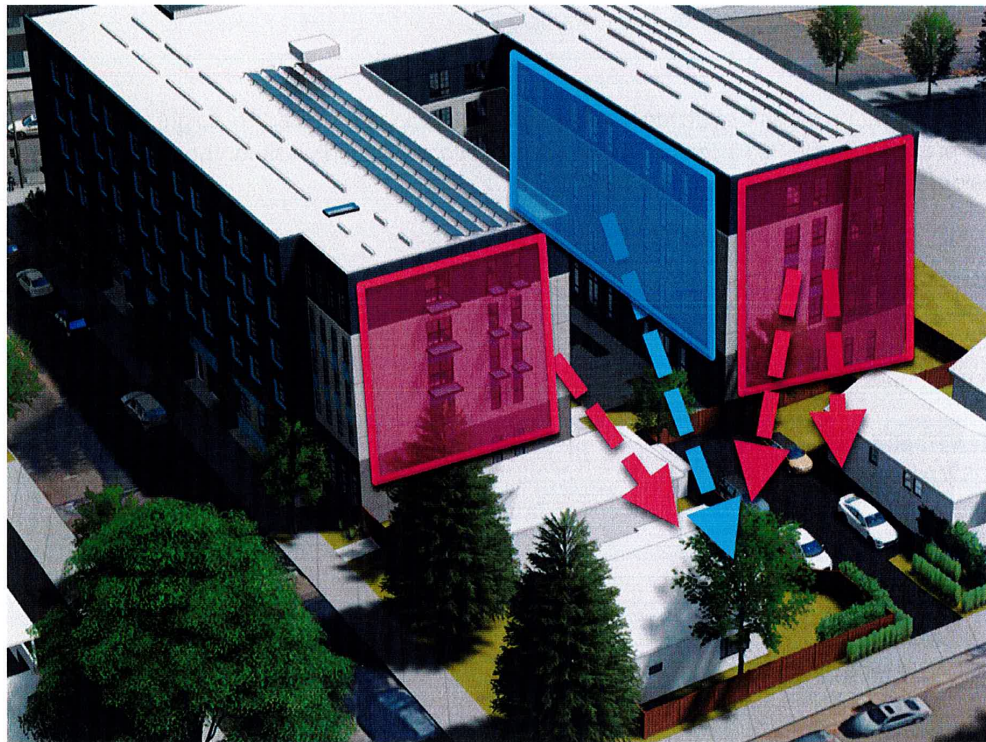
John Steere
(2329 Webster St)

Shael Barger
(3041 Halcyon Ct)

Nancy Carleton
(3044 Halcyon Ct)

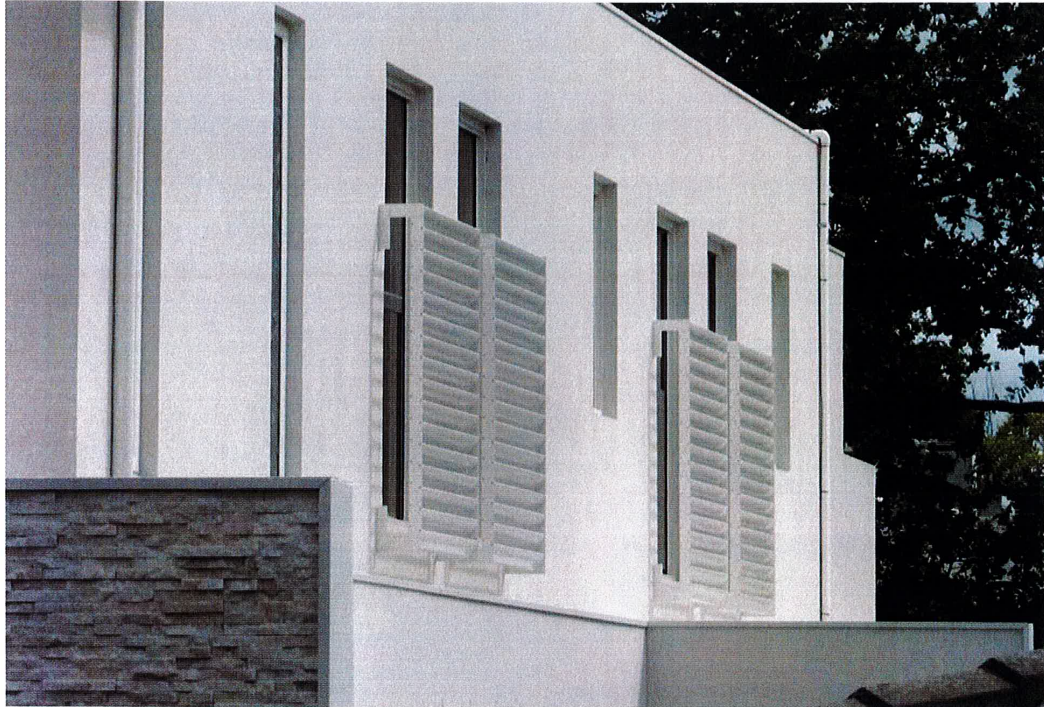
Privacy

- Install window treatments to prevent the building's occupants from overlooking the neighbors' windows and backyards.
- Include window casings on the courtyard windows (highlighted in blue below) and awnings and louvers on the west-facing windows (highlighted in pink).
- A 3D simulation could be conducted to determine the ideal placement and dimensions of these treatments to ensure maximum privacy.



Fixed louver screens

- Covers only the bottom half of the window for resident units, with angled horizontal panels to allow sunlight in from above while maintaining privacy from neighboring properties.
- Protects the privacy of both adjacent neighbors and building occupants.
- Offers possibilities for various designs and color treatments.



Window casings and screens

- Adds privacy from the sides. Could be combined with louver screens described above for added privacy vertically.
- Casts small shadows on the building itself, which contributes to adding visual detail to the building's face.



Aesthetics and landscaping

The building design has good detail on the Telegraph Ave side but lacks interesting features on the Western and Northern sides, which will have the greatest visual impact on the surrounding neighborhood. While some neighbors wanted a design that better fit in with the neighborhood, it is important that the building be more congruous with the surrounding residential area.

The community has worked hard to improve the neighborhood over the years — especially in terms of greening the area with addition of Halcyon Commons park, landscaped traffic islands, and street trees — and would appreciate more attention given to the design of the building's neighborhood-facing features to create a better transition into the neighborhood landscape.

Creeping vines

- Doesn't require a lot of space.
- Plants can be grown either in planter boxes on the first floor or on the roof, allowing for vertical growth.



Tall Trees

- Tall and narrow trees such as redwoods, cypress, and poplars.
- A great example of this can be found at 2327 Prince St (NE corner of Halcyon and Prince) where redwoods were planted in front of an apartment building to enhance its exterior appearance and better integrate it with the neighborhood.



2327 Prince St apartment building with tall redwoods

Arbors and Trellis

- Softens the impact of the five-story walls on Halcyon Court, Webster St, and the SW corner of the new building.
- Arbors or trellises could be installed on the Northern and Western sides.
- Wisteria, jasmine, or similar plants could be grown on the Western side in proximity to the bicycle parking area.
- Helps mitigate loss of greenery and open space resulting from the demolition of the two houses and the Alta Bates Rehab Center.



Rain gardens

- The Clean Water Act's NPDES Municipal Regional Permit (MRP) for District 2 of the RWQCB mandates the use of Low Impact Development (LID) rain gardens to mitigate impervious surfaces created by new development.
- Maintain the 5'-wide sidewalk and increase the width of the sidewalk strips on either side to incorporate LID/rain gardens and shade-tolerant street trees and shrubs.
- LID should serve as both stormwater treatment facilities and landscaping features for residents and the community and are best located therefore on Northern Webster St. side.



Exterior paint

- Use earth tones like terracotta, burgundy, tans, greens, and mustards/yellows to paint the northern and western sides of 3030 Telegraph, respecting the neighborhood's green efforts and visual character.
- Consider window frames in complementary colors.
- Use greens and earth tones for the first three floors, and lighter tones like pale blue or pale teal for the upper two floors to suggest the sky. This approach is similar to Maximo Martinez Commons, which uses wood strips/panels with dull white metallic facade. See also the mixed-use building at the SE corner of Telegraph/Ashby, which successfully minimizes the impact of the top floor through teal paint.
- Use warm colors to create the appearance of separate buildings for the two main blocks on the western side. Look at the Trader Joe's project at MLK/University as an example, or consider the tones of small homes on the Halcyon Court side.

Mixed Textures

- Using mixed textures can create visual variation and interest by extending and recessing its "blocks". This concept could also be applied to the northern wall of 3030 Telegraph Ave.
- Maximo Martinez Commons off Telegraph on Channing in Berkeley exemplifies creating a relationship in color and scale with surrounding arts and crafts buildings. The building uses wood paneling on the lower floors and light-colored metal panels on the upper floors.



Maximo Martinez Commons off Telegraph on Channing in Berkeley

Murals

- Consider using naturalistic murals for the Northern facade (20-30' wide) near Telegraph and the Southern part of the Western wall. Involving neighbors, community members, and building residents in the design process of the murals could strengthen connections between the project and the larger community.
- Naturalistic murals proposal has low costs and high community benefit.
- Murals reflect a more neighborhood-friendly approach to the facade design near an established neighborhood.
- Naturalistic murals improve visual compatibility of the modernist structure with surrounding homes in terms of color and texture. Current design appears flat and harsh against mostly arts and crafts era houses on Webster St. and Halcyon Court.
- Halcyon Neighborhood Association has a 30-year history of collaborative efforts, including mural painting on Whole Foods' front wall and street tree planting throughout the neighborhood, and could be approached to help facilitate community input.

Re: Design review for the 3030 Telegraph project

May 8, 2023

Dear members of the Design Review Committee,

We are writing to you as owners and residents at 2326 Webster St, directly adjacent to the project at 3030 Telegraph. Of note, we have co-signed with other neighbors a separate letter titled "*3030 Telegraph Project: Design Ideas and Recommendations*", which contains a number of shared ideas. We are also submitting this particular letter to address topics that are relevant specifically to our own property: shading, noise, and privacy.

Shading

One of the most important considerations that we would like to address is the **significant impact of shading** on our house by the proposed design. As evidenced by the shadow studies, the current design would cast an excessive amount of shading on our property along with neighboring properties on Halcyon Court and Webster St. This will have the effect of **completely eliminating direct sunlight during the morning hours year round** on our property, resulting in higher energy consumption and negative impacts on quality of life.

While we understand that the developer is faced with space constraints in trying to accommodate the desired number of units, we strongly urge them to take measures to limit the amount of shading produced by the building.

We believe that **increasing setbacks and adding setbacks on the West side** of the building would make a substantial difference in minimizing the impact on neighboring properties. If possible, we would encourage the developer to consider options such as reducing the size of some of the larger units to achieve this goal.

Noise

We have concerns regarding potential **noise levels in the courtyard and from West-facing windows**. We believe that adding trees and bushes by the fence could be a potential solution that would not only provide a natural barrier, but also enhance the aesthetics of the area.

Covering the fence with **sheets of Mass Loaded Vinyl or other sound-absorbing materials** could also be a viable solution that would effectively reduce noise levels in the courtyard.

Increasing the setbacks of the west side of the building would help address the noise as well as help address privacy issues.

Privacy

We would like to reiterate our **concerns about privacy issues** inherent to a 5-story building that will be significantly higher than all surrounding buildings, including those that are being replaced by the project which are only 1-2 stories with greater setbacks.

Fixed louver screens and window casings are two ways to help address this issue and would also contribute to a more neighborhood friendly design aesthetic than the stark industrial one currently being proposed. Please see the separate letter titled "*3030 Telegraph Project: Design Ideas and Recommendations*" for further details on feedback and suggestions.

We appreciate you taking our concerns into consideration as you review this project.

Sincerely,

Julien and Stephanie Phalip

2326 Webster St, Berkeley.