



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
JULY 27, 2023

2480 Bancroft Way –

Use Permit #ZP2022-0148 to demolish a one-story retail building and construct a 37,492 square foot, eight-story (95 feet) mixed-use building with 2,066 square feet of commercial area and 28 dwelling units, including two Very Low-Income units.

I. Background

A. Land Use Designations:

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

B. Zoning Permits Required:

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish a non-residential main building
- Use Permit pursuant to BMC Section 23.204.020 to establish multi-family dwelling units
- Use Permit pursuant to BMC Section 23.204.020 to construct a mixed-use residential development
- Use Permit pursuant to BMC Section 23.204.030(A)(1) to construct 1,500 square feet of more of gross floor area
- Use Permit pursuant to BMC Section 23.204.110(D)(4) to increase the maximum height
- Use Permit pursuant to BMC Section 23.204.110(D)(4) to increase the maximum floor area ratio (FAR)
- Use Permit pursuant to BMC Section 23.304.030(C)(2)(b) to reduce setbacks on a commercially zoned lot that confronts a Residential District
- Use Permit pursuant to BMC Section 23.304.130(C) (1-4) to waive or reduce standards for non-residential district abutting or confronting a Residential District
- Administrative Use Permit pursuant to BMC Section 23.304.050 to allow for rooftop equipment projections above the height limit
- Administrative Use Permit pursuant to BMC Section 23.302.070(E)(2) to allow for a food service establishment exceeding 1,500 sq. ft. or more

C. Concessions and Waivers pursuant to State Density Bonus (California Government Code Section 65915):

- Concession to allow for an exemption from the Public Art Allocation in-lieu fee requirement, under BMC Section 23.316.
- Waiver to allow for an increase in building height - up to 95 feet, where 75 feet is the limit, under BMC Section 23.204.110(D)(4).

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

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

- The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- The project occurs within the Berkeley City limits on a project site of no more than five acres and is surrounded by urban uses.
- The project site has previously been developed and has no value as habitat for endangered, rare or threatened species.
- The project would not result in significant effects relating to traffic, noise, air quality or water quality. Standard conditions of approval would address potential impacts related to traffic, noise, air quality and water quality.
- The site can be adequately served by all required utilities and public services.

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

E. Parties Involved:

- Applicant Studio KDA, 1810 Sixth Street, Berkeley
- Property Owner Rue-ElI Enterprises, Inc., 2437 Durant Avenue, Suite 204, Berkeley

Figure 2: Proposed Site Plan



Figure 3: Proposed North Elevation Rendering



Figure 4: Proposed East Elevation



Figure 5: Proposed South Elevation

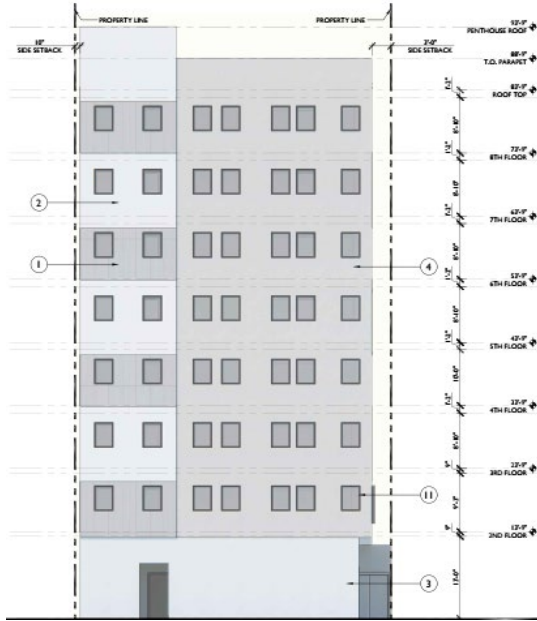


Figure 4: Proposed West Elevation



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Vacant 1-Story Retail Building	C-T	AC
Surrounding Properties	North	ASUC Student Union and Cal Student Store, Eshleman Hall	R-5H	Institutional
	South	Various restaurants, bar, coffee shop and 3-story apartment building	C-T	AC
	East	Walgreens and other retail shops		
	West	Fall Rush Retail Store		

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net new nonresidential floor area over 7,500 square feet. The proposed project includes 2,066 square feet of commercial space and is therefore not subject to this requirement.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065) ¹	Yes	The project would provide 2 Below Market Rate (BMR) units at the Very Low-Income (VLI) rate and pay a fee to satisfy the requirements of BMC Section 22.20.065 (See discussion below).
Alcohol Sales/Service	Yes	The applicant is proposing the sale of beer and wine as an incidental use to the proposed restaurant
Creeks	No	The site is not near a mapped creek or a creek culvert.
Density Bonus	Yes	The proposed project would provide 2 Very Low-income units, or 5 percent of the Base Project units (25), and qualifies for a 20 percent density bonus, or 5 bonus units (30 allowed, 28 proposed) under State Density Bonus Law.
Historic Resources	Yes	The existing building is more than 40 years old. Given its age, the project was forwarded to the Landmarks Preservation Commission (LPC) for review (BMC Section 23.326.070(C)). On July 6, 2023 the LPC took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition. See Section IV.B for discussion
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project is a mixed-use development in which at least two-thirds of the square footage is designated for residential use and meets the

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.

		definition of a “Housing Development Project” per Government Code Section 65589.5(h)(2) 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 III.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	The project is a project is a mixed-use project with at least two-thirds of the square-footage residential. See Section III.A of this report for additional discussion on the sections of SB330 that apply to the project.
Oak Trees	No	There are no oak trees on the project site
Rent Controlled Units	No	The project would involve the demolition of nonresidential structures; no rent-controlled units would be demolished.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. Also, newly constructed dwellings would not be eligible to participate in the RPP program.
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	Yes	The project site is not listed on the Cortese List (an annually updated list of hazardous materials sites). The project site is located directly adjacent to the City’s Environmental Management Area. The Toxics Management Division will refer this project during building permit review for sign off from the Regional Water Quality Control Board, Department of Toxic Substances Control, or the Alameda County Department of Environmental Health. Also, standard Conditions of Approval related to hazardous materials would apply (Refer to Attachment 1).
Transit	Yes	The project site is located on the south side of Bancroft Way west of Telegraph Avenue and is served by multiple bus lines (local and Transbay) and is 0.6 mile from the Downtown Berkeley BART Station.

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.

Table 3: Project Chronology

Date	Action
October 10, 2022	SB 330 complete preliminary housing development project application submitted and deemed complete
November 2, 2022	SB 330 Use Permit Application submitted
December 20, 2022	Application deemed incomplete
February 9, 2023	Revised application materials submitted
March 10, 2023	Application deemed complete
June 15, 2023	DRC hearing
July 6, 2023	LPC hearing
July 13, 2023	Public hearing notices mailed/posted
July 27, 2023	ZAB hearing

Table 4: Development Standards

Standard BMC Sections 23.204.110		Existin g	Propo sed Total	Permit ted/ Requir ed
Lot Area (sq. ft.)		6,500	Same	N/A
Gross Floor Area (sq. ft.)		5,863	37,492	N/A
Floor Area Ratio		.9	5.88	5 (6 with Use Permit)
Dwelling Units	Total	0	28	30 max (with DB)
	Affordabl e	0	2	2 min to qualify for DB
Building Height	Maximu m (ft.)	24'	95'	65' (75' with Use Permit – higher with DB)
	Stories	1 story with Mezza nine		max
Building Setbacks (ft.)		Front	0	15 min

Standard BMC Sections 23.204.110		Existin g	Propo sed Total	Permit ted/ Requir ed
	Rear	4'	5'	10' or 10% of lot depth, whiche ver is less
	Left (east) Side	0	5' for 1 st Floor 3' for 2 nd and Above	5 min
	Right (west) Side	0	10"	5 min
Lot Coverage (%)		91	82	100 max
Usable Open Space (sq. ft.)		0	1,873	40 min/uni t (1,120 s.f.)
Parking	Automob ile	0	0	0 min
	Bicycle	0	56	45 min
Abbreviations: s.f.= square feet; ft. = feet; DB = Density Bonus; min.=minimum; max.=maximum; % = percent				

II. Project Setting

A. Neighborhood/Area Description: The project site is located on Bancroft Way, south of the ASUC Student Union and Cal Student Store and Eshleman Hall, east of Dana Street, just west of Telegraph Avenue, and north of Durant Avenue. The neighborhood is campus oriented, with a mix of commercial uses located along Telegraph Avenue, Durant Avenue and Bancroft Way, predominantly located in one to two-story buildings. The area is also developed with four- to six-story multi-unit apartment buildings, dormitories/group living accommodations (GLAs), and institutional buildings. On-street parking is limited, and pedestrian traffic is heavy, especially when classes are in session.

B. Site Conditions: The project site is located on the south side of Bancroft way, one parcel to the west of Telegraph Avenue. The parcel is flat, 130 feet in depth and 50 feet wide. The 6,500 square foot site contains an existing 5,863 square foot retail building which is

currently unoccupied. The property does not currently contain any off-street parking and there is no vehicular access or driveways into the property.

III. Project Description

A. Proposed Project: The proposed project would demolish the existing commercial building on Bancroft Way and construct an eight-story 37,492 square foot mixed-use building with 28 units and 2,066 square-feet of ground floor commercial space. No parking spaces are proposed. The major components of the proposed mixed-use building are as follows:

- 28 dwelling units (1 one-bedroom, 14 four-bedroom, 12 five-bedroom, and 1 six-bedroom)
- 2,066 square feet of ground floor commercial space
- 1,873 square feet of useable open space provided as roof decks, lounge areas and private balconies
- 52 Long-Term and four Short-Term bike parking spaces

B. Base Project and Density Bonus Project: The applicant has requested a density bonus under the State Density Bonus Law. Under the City’s density bonus procedures, the “base project”³ includes 25 residential units and seven stories. By providing two Very-Low Income (VLI) units on site (5 percent of the 25-unit base density), the project is eligible for a 20 percent density bonus, or five units; however, the applicant chose to include three bonus units. The resulting proposed project would be an eight-story building with 28 dwelling units.

Table 5: Density Bonus – California Government Code 65915

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
25	2 VLI (5% of BP)	20%	5 allowed, 3 proposed	28
*Pursuant to Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number. Abbreviations: % = percent; BP = base project				

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting this application to the city, the applicant invited interested neighborhood organizations as well as owners and occupants within 300 feet of the project to a project preview meeting. The meeting was held on September 29, 2022, and attended by two people. The pre-application poster was

³ Per the City’s Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the maximum allowable density for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, §65915(f).

installed by the applicant on September 29, 2022. On July 13, 2023, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has not received any communications regarding the project.

- B. Landmarks Preservation Commission:** The project would demolish a commercial building that is over 40 years in age. As discussed in the Historic Resource Evaluation prepared by Preservation Architecture on June 13, 2022, the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on July 6, 2023, and took no action.
- C. Committee Review:** The Design Review Committee (DRC), conducted Preliminary Design Review at a meeting held on June 15 where it forwarded a favorable recommendation to the ZAB and provided the following direction for Final Design Review (FDR): MOTION: (Woo, Gaffney) VOTE (6-0-0-1) Kahn – recused himself.

Recommendations

- *Ground floor looks too stark.*
- *Develop more pedestrian-friendly details at the base; provide better delineation of lobby and commercial entries.*
- *Consider more detail – such as special glazing treatment on the 2nd level - to add emphasis.*
- *Consider bringing vertical accents down to the 2nd floor.*
- *Recommend more depth for the window details.*
- *Add more detail and interest, especially on the south and west elevations.*
- *Show material and color transitions at Final Design Review (FDR).*
- *Provide more details on all facades at FDR, including the west.*
- *Recommend bird safe glass.*
- *Recommend adding a take-out window.*

V. Issues and Analysis

- A. Senate Bill (SB) 330 – Housing Crisis Act of 2019:** The Housing Crisis Act, also known as SB 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 Section 65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in effect at the time an application is deemed complete, then the city shall not conduct more than five (5) hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The

city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

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

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in an historic resource evaluation prepared for the property in August of 2019, 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 July 6, 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 Section 65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from CEQA. The project was deemed complete on March 10, 2023. Should ZAB determine the application is categorically exempt from CEQA at the July 27, 2023 public hearing, the application must be approved or disapproved by September 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 impact on public health or safety unless disapproved, or approved at a lower density; and
2. There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval, or approval at a lower density.

The Base Project complies with applicable, objective general plan, and zoning standards. Further, Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request

or 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. 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 zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings. The ZAB still has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

C. Density Bonus Concessions and Waivers: The project is entitled to one concession (or incentive), under Government Code Section 65915(d) for providing at least 5 percent of total units to very low-income households, and an unlimited number of waivers, under Section 65915(e).

Concessions: A concession is a modification of a development standard that reduces the cost of providing affordable housing.

- **Concession** to allow for an exemption from the Public Art Allocation in-lieu fee requirement, under BMC Section 23.316

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

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

- **Waiver** to allow for an increase in building height - up to 95 feet, where 75 feet is the limit, under BMC Section 23.204.110(D)(4)

The waiver is requested because it is necessary to physically accommodate the additional three 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.

VI. Other Considerations

The following analyses of conformance with district purposes, use permit findings for non-detriment, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context; they are not required because the proposed project is HAA-compliant.

A. Demolition of Non-Residential Buildings: Pursuant to BMC Section 23.326.070 the demolition of main non-residential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs of the impacted neighborhood and if the demolition is required to allow a proposed new building amongst other findings. Staff finds that the proposed demolition of the existing nonresidential buildings will not be detrimental to the commercial needs of the neighborhood, as the project would redevelop an underdeveloped lot with a new mixed-use building with ground floor commercial that is compatible with existing development patterns along Bancroft Way. Staff finds that the project aligns with the General Plan and C-T district goals and objectives to promote appropriate new mixed-use infill development that is compatible with the area.

B. General Non-Detriment: Pursuant to BMC Section 23B.32.040(A) ZAB may approve an application for a Use Permit if the proposed project meets the findings of non-detriment. A discussion of the project's potential impact to sunlight, air or views follows:

1. The project approval 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.
2. Shadows: According to the shadow studies submitted for the project (see plans, Attachment 2), new shadows would be cast on existing residential and commercial buildings throughout the year. During the summer months new shadows would shade existing residential units and non-residential uses to the west, north, southeast, and east of the project (2452 Bancroft, 2460 Bancroft, 2468 Bancroft, 2486 Bancroft, 2312 Telegraph, 2334 Telegraph, and 2495 Bancroft).

New shadows would also be cast on existing commercial uses to the north, east and west (2452 Bancroft, 2460 Bancroft, 2468 Bancroft, 2486 Bancroft, 2312 Telegraph and 2457 Bancroft) of the project during the winter months. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These effects are not found to be detrimental because they are limited in duration and will not persist for extended periods throughout the year.

Shadow impacts on adjacent residential uses are to be expected because the subject site is located in the C-T district, which allows heights of up to 65 feet without a use

permit and roof top projections beyond the base height with an administrative use permit. 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 recommends that shadow impacts from the project would be reasonable and not detrimental.

3. Air: Staff believes the proposal would be consistent with the existing development and building-to-building separation pattern – or air – in this C-T neighborhood because the buildings would provide adequate setbacks and separation on front rear and sides of the building. The C-T zone does not require setbacks unless the project is abutting or confronting a residential district.
4. Views: The proposed project would not result in additional obstruction of significant views in the neighborhood because the area is generally flat, developed with two- to six-story buildings and there are limited significant views as defined in BMC Section 23.502.020 (Defined Terms) available to residences in the area.

C. Findings for Use Permits in C-T District: Pursuant to BMC 23.204.110(E), in order to approve any Use Permit in the district, the Board must find that the project:

1. Is compatible with the purposes of the district. The project is consistent with the following district purposes:

- Implement the General Plan’s designation of Avenue Commercial for this area;
- Implement the Southside Plan’s designation for the Telegraph Avenue Commercial Subarea;
- Regulate development in the Telegraph Avenue area to satisfy the needs of the population groups using the district, especially the University population and the surrounding resident population;
- Encourage the availability of a variety of goods and services which serve residents in the district and the University population but do not generate a high volume of vehicular traffic;
- Allow for uses which maintain the cultural quality of the district giving it its regional appeal without generating substantial vehicular traffic;
- Discourage uses which, because of size, the type of the products sold, vehicular traffic generated or other considerations, are more appropriately located elsewhere in the city;
- Encourage a mix of goods and services which will prevent the dominance of any one type of use and which will produce variations within the same category of uses;
- Encourage the establishment and maintenance of uses which will satisfy the needs of all age groups and attract a range of users and interests;
- Encourage the creation of additional housing in the district which is affordable, including housing for those who work or study nearby;
- Encourage those uses and structural architecture that reinforce, and discourage those uses and architecture that interrupt, the pedestrian orientation of the district;
- Encourage mixed commercial and residential uses;

- Encourage the redevelopment of single-story structures that are not historically significant resources with housing and mixed use development;
 - Protect and enhance historically and architecturally significant buildings by ensuring that new development and alterations complement their existing architectural character;
 - Encourage the establishment and survival of small, locally-owned businesses, thereby contributing to the vitality and diversity of the district;
 - Discourage the type of commercial use whose establishment will contribute to the displacement of businesses that supply neighboring residents with essential goods and services;
 - Ensure that new buildings, additions and renovations harmonize with and enhance the unique character of the district;
 - Provide environmental protection for the residents of mixed residential commercial structures and surrounding residents from such detriments as noise, fumes and litter;
 - Preserve the ethnic diversity of the resident population and users of the district and of the types of businesses providing ethnically diverse goods and services in the district;
 - Protect and encourage the development of properties accessible to the disabled for both residential and commercial use;
2. Encourages and maintains the present street frontage of the district;
 3. Does not interfere with the continuity of retail or compatible service facilities at the ground level;
 4. Does not interrupt a continuous wall of building facades;
 5. Is compatible in design and character with the district and the adjacent residential neighborhoods;
 6. Does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods; and
 7. Complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP). (Ord. 7810-NS § 6, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)

Staff Analysis: The proposed 28 new residential units (including two VLI units), and 2,066 square feet of commercial space would reinforce the City's effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities. The project would further the purposes of the district by increasing the neighborhood population with new residents of mixed income. The proposed ground floor commercial space would enhance the street level façade and extend the existing ground-level activation on Bancroft Way.

- D. Reduction of Setbacks:** The project site is located in the Telegraph Commercial District and is located across the street (Bancroft) from property within a Residential District. Therefore, the project is required to have a rear yard setback that is ten feet or ten percent of the lot depth (13 feet), whichever is less (10 feet), a front yard setback of 15 feet, and

side interior yard setbacks of 5 feet. The project proposes a five (5) foot rear yard setback, a one-foot front yard setback, an interior side yard setback of 10" on the west side and a varying setback of 5 feet to 3 feet on the east side. If the residential district was not across the street from the proposed project, the setbacks would be zero. In addition, the property in the Residential District is part of the UC Campus and includes Eshleman Hall and the Student Union Building, which are not residential uses. Modifications of setbacks in a Commercial District that abut or confront one or more lots in a Residential District can be reduced with approval of a Use Permit and upon finding that the reduced setback would provide greater privacy or improved amenities to a lot in the Residential District. The smaller setbacks provide improved amenities, as the project can incorporated additional retail space and attractive roof decks with landscaping which are in view to the lot in the abutting residential District (BMC Section 23.304.030(C)(2)(b)).

E. Reduction of Standards for Non-Residential Districts Abutting a Residential

District: The project site is located adjacent to property zoned R-5H (High Density Residential) to the north (across Bancroft Road). The front of the proposed mixed-use building faces the residentially zoned property and does not meet the standards for display window orientation or lot line screening. These standards require no display windows or customer entrances abutting lots in a Residential District and a solid wall along lot lines abutting a lot in a residential zone. The property in the Residential District is part of the UC Campus and includes Eshleman Hall and the Student Union Building, which are not residential uses. Since the residential district is across the street, separated from the mixed use building by Bancroft and the property in the Residential District is part of the UC Campus and includes Eshleman Hall and the Student Union Building, which are not residential uses, the requirements are unnecessary to minimize the effects of commercial uses on a lot in the Residential District (MBC Section 23.304.130(C)(1-4).

F. Rooftop Projections: The project would include a parapet covering mechanical equipment. Pursuant to BMC Section 23.304.050(A) mechanical penthouses, elevator equipment rooms, and cupolas, domes, turrets, and other architectural elements that exceed a District's height limit require approval of an Administrative Use Permit. For the ZAB to approve the Administrative Use Permit, these features cannot provide floor area that would represent 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 any commercial purpose. The total floor area of the project's stair and elevator shafts and water heaters are a total of approximately 582 square feet that would be approximately 12.5 percent of the average floor area of the project.

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

1. Policy LU-3–Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy 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 UD-16–Context: The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
4. 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.

Staff Analysis: The project is compatible with surrounding land uses, which includes apartments to the west and south, institutional uses to the north and a variety of commercial uses surrounding the site. The height of the building is consistent with other buildings in the area, which range from 1-story to 5-story, and there is a 4-story building directly to the west of the site and an approved but not-yet constructed 7-story building directly south of the site. The proposed project architecture is an improvement to the existing building and the design and scale are in keeping with the university buildings across the street. The project would reinforce the City’s effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities.

5. Policy UD-32–Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
6. Policy LU-23–Transit-Oriented Development: Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Staff Analysis: The project would help to encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, the university, jobs, and basic goods and services without providing vehicle parking. Several transit lines have stops directly across the street from the project and the Downtown Berkeley BART station is located 0.6 miles from the project site, which has connecting service throughout the Bay Area.

7. Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Staff Analysis: The project provides 2 dwelling units for very low-income households in addition to increasing the City’s housing supply by adding new dwelling units in close proximity to the university and transit.

8. 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.)
9. Policy UD-33–Sustainable Design: Promote environmentally sensitive and sustainable design in new buildings.

Staff Analysis: The proposed project will be constructed to the latest building codes which include green building standards. Roof-top solar will be provided and gas appliances will not be allowed.

H. Plan Consistency: The Southside Plan, adopted in 2011, also contains several policies applicable to the project, including the following:

1. Policy LU-A1.A: Encourage a variety of housing types to be built in the Southside, including houses, condominiums, townhouses, apartment buildings, group living quarters, and loft-style housing, and encourage owner-occupied housing, rental housing, cooperatives, and co-housing.
2. Policy LU-A1.B.: Require that new housing developments include units that are affordable to households that qualify as low income through the City's inclusionary housing ordinance or other regulatory mechanism in a manner consistent with State law.
3. Policy LU-F14: Mixed-use buildings with housing above retail uses are the preferred land use throughout this [Telegraph Commercial] subarea.
4. Policy LU-D1: Encourage development of infill buildings along the south side of Bancroft Way so that it becomes a more vital corridor serving students and other users of the Southside.
 - A. Encourage mixed-use buildings. (See Residential-Mixed Use Subarea and Commercial Subarea policy sections (under Objective LU-F) for recommended zoning changes and preferred land uses.)
 - B. Encourage pedestrian-oriented uses on ground floor street frontages.

Staff Analysis: The project would include redevelopment of an underutilized lot and construction of a mixed-use building which provides 28 dwelling units, including two units for very low-income households, and a commercial ground floor.

5. Policy LU-F18: Encourage and support transit and other alternatives to automobile use in the Southside.

Staff Analysis: Consistent with the policies of the Southside Plan the project would provide no off-street parking, thereby encouraging other modes of transportation including transit and cycling.

VI. Recommendation

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

- A. **FIND** that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill Development Project"); and

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

Attachments:

1. Findings and Conditions
2. Project Plans, received May 1, 2023
3. Notice of Public Hearing

Staff Planner: Lisa Gordon, lgordon@rinconconsultants.com (951) 202-9230 and Claudia Garcia, cgarcia@berkeleyca.gov, (510) 981-7412

ATTACHMENT 1

FINDINGS AND CONDITIONS

JULY 27, 2023

2480 Bancroft Way

Use Permit #ZP2022-0148 to demolish a one-story retail building and construct a 38,205 square foot eight-story (95 feet) mixed-use building with 2,066 square feet of commercial area and 28 dwelling units, including two Very Low-Income units.

PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish a non-residential main building
- Use Permit pursuant to BMC Section 23.204.020 to establish multi-family dwelling units
- Use Permit pursuant to BMC Section 23.204.020 to construct a mixed-use residential development
- Use Permit pursuant to BMC Section 23.204.030(A)(1) to construct 1,500 square feet of more of gross floor area
- Use Permit pursuant to BMC Section 23.204.110(D)(4) to increase the maximum height
- Use Permit pursuant to BMC Section 23.204.110(D)(4) to increase the maximum floor area ratio (FAR)
- Use Permit pursuant to BMC Section 23.304.030(C)(2)(b) to reduce setbacks on a commercially zoned lot that confronts a Residential District
- Use Permit pursuant to BMC Section 23.304.130(C) (1-4) to modify standards for non-residential district abutting or confronting a Residential District
- Administrative Use Permit pursuant to BMC Section 23.304.050 to allow for rooftop equipment projections above the height limit
- Administrative Use Permit pursuant to BMC Section 23.302.070(E)(2) to allow for a food service establishment exceeding 1,500 square feet or more

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession to allow for an exemption from the Public Art Allocation in-lieu fee requirement, under BMC Section 23.316.
- Waiver to allow for an increase in building height - up to 95 feet, where 75 feet is the limit, under BMC Section 23.204.110(D)(4).

I. CEQA FINDINGS

1. 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 to Section 15332 of the CEQA Guidelines (“In-Fill Development Projects”).

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

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

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

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
- A. Under the City's methodology for implementing density bonuses, the "base project" consists of 25 units;
 - B. The project will provide at least 2 very-low income qualifying units in the 25-unit "base project", as more fully set forth in Below Market Rate Conditions 53-57;
 - C. The project is entitled to a density increase of 20% 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 5 units above the Base Project, for a total of 30-units. The applicant chose to include 3 units for a total of 28 units.
2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
- A. Concession to allow for an exemption from the Public Art Allocation in-lieu fee requirement, under BMC Section 23.316.
3. In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession will result in identifiable and actual cost reduction; 2) approval of the concession 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) will not be contrary to State or Federal law.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waiver:
- A. Waiver to allow for an increase in building height - up to 95 feet, where 75 feet is the limit, under BMC Section 23.204.110(D)(4).

The waiver is 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 the waiver.

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

III. FINDINGS FOR APPROVAL

1. 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.

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 28 dwelling units.

2. As required by Section 23B.32.040(A) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
 - A. The project is consistent with all applicable C-T District standards and qualifies for waivers and concessions for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915;
 - B. Shadows: According to the shadow studies submitted for the project (see plans, Attachment 1), new shadows would be cast on existing residential and commercial buildings throughout the year. During the summer months new shadows would shade existing residential units and non-residential uses to the west, north, southeast, and east of the project (2452 Bancroft, 2460 Bancroft, 2468 Bancroft, 2486 Bancroft, 2312 Telegraph, 2334 Telegraph, and 2495 Bancroft).

New shadows would also be cast on existing commercial uses to the north, east and west (2452 Bancroft, 2460 Bancroft, 2468 Bancroft, 2486 Bancroft, 2312 Telegraph and 2457 Bancroft) of the project during the winter months. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These effects are not found to be detrimental because they are limited in duration and will not persist for extended periods throughout the year.

Shadow impacts on adjacent residential uses are to be expected, because the subject site is located in the C-T district, which allows heights of up to 65 feet without a use permit and roof top projections beyond the base height with an administrative use permit. 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. Therefore, shadow impacts from the project would be reasonable and not detrimental.

- C. Air: The proposal would be consistent with the existing development and building-to-building separation pattern – or air – in this C-T neighborhood because the buildings would provide adequate setbacks and separation on front rear and sides of the building. The C-T zone does not require setbacks unless the project is abutting or confronting a residential district.
- D. Views: The proposed project would not result in additional obstruction of significant views in the neighborhood because the area is generally flat, developed with two- to six-story buildings and there are limited significant views as defined in BMC Section 23F (Defined Terms) available to residences in the area.
- E. The project approval 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.

3. As required by Section 23.326.070 the Board finds that:

The demolition of main non-residential buildings will not be materially detrimental to the commercial needs of the impacted neighborhood and the demolition is required to allow a proposed new building. The proposed demolition of the existing nonresidential building will not be detrimental to the commercial needs of the neighborhood, as the project redevelops an underdeveloped lot with a new mixed-use building, with ground floor commercial that is compatible with existing development patterns along Bancroft Way. The project is aligned with the General Plan and C-T district goals and objectives to promote appropriate new mixed-use infill development that is compatible with the area.

IV. OTHER FINDINGS FOR APPROVAL

- 6. Pursuant to BMC Section 23.204.110(E), the Zoning Adjustments Board finds that the proposed project is:
 - A. Compatible with the purposes of the District in that it creates additional housing for those who work or study in the area. The project includes ground floor commercial space that, although unspecified as of yet, is expected to be food service, which should activate the street front and cater to the needs of the District's population, especially the University population and the surrounding resident population.
 - B. Encourages and maintains the present street frontage of the district; the existing building fronts Bancroft Way and does not include an existing driveway or vehicular access to Bancroft Way. The proposed project maintains the existing street frontage. The ground floor retail/restaurant will enhance the street level activity and the new building will improve the overall streetscape in the area. The project will, therefore, not interfere with the

- continuity of retail or compatible service facilities at the ground level and does not interrupt a continuous wall of building facades.
- C. Is compatible in design and character with the district and the adjacent residential neighborhoods; with eight stories one block west of Telegraph Avenue the project will reinforce the City's effort to redevelop underutilized sites in a way that will increase the quality of the built environment and provide new housing and commercial opportunities. DRC's favorable recommendation regarding the design demonstrates that the project is compatible with the adjacent commercial and residential development.
 - D. Does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods; located in a transit rich area across from the UC Berkeley campus, future project residents and clients are expected to not own vehicles. The proposed project is, therefore, not expected to generate traffic or parking demand significantly beyond the capacity of the Commercial District or significantly increase impacts on adjacent residential neighborhoods.
 - E. Complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP): This permit includes standard conditions of approval related to Archaeological and Cultural Resources and Public Works Conditions that ensures that the proposed project will comply with the Mitigation Monitoring Program adopted for the Southside Plan.
7. Pursuant to BMC Section 23.304.050(A), the ZAB finds that the architectural projections that exceed the height limit are permissible as they represent no more than 15% of the average floor area of all of the building's floors and no tower or similar structure will be used as habitable space or for any commercial purpose, other than that which may accommodate the mechanical needs of the building.
 8. Pursuant to BMC Section 23.304.030(C)(2)(b) the Board finds that the setbacks can be reduced because the smaller setbacks allow the project to provide improved amenities to a lot in a Residential District. The project site is located in the Telegraph Commercial District and is located across the street (Bancroft) from property within a Residential District. Therefore, the project is required to have a rear yard setback that is ten feet or ten percent of the lot depth (13 feet), whichever is less (10 feet), a front yard setback of 15 feet, and side interior yard setbacks of 5 feet. The project proposes a five (5) foot rear yard setback, a one-foot front yard setback, an interior side yard setback of 10" on the west side and a varying setback of 5 feet to 3 feet on the east side. If the residential district was not across the street from the proposed project, the setbacks would be zero. In addition, the property in the Residential District is part of the UC Campus and includes Eshleman Hall and the Student Union Building, which are not residential uses. Modifications of setbacks in a Commercial District that abut or confront one or more lots in a Residential District can be reduced with approval of a Use Permit and upon finding that the reduced setback would provide greater privacy or improved amenities to a lot in the Residential District. The smaller setbacks provide improved amenities, as the project can incorporated additional retail space and attractive roof decks with landscaping which are in view to the lot in the abutting residential District (BMC Section 23.304.030(C)(2)(b)).
 9. Pursuant to BMC Section 23.304.130(C)(1-4) the Board finds that standards for non-residential districts abutting a residential district can be waived because the requirements are unnecessary to minimize the effects of commercial uses on a lot in the Residential District. The project site is located adjacent to property zoned R-5H (High Density Residential) to the north (across Bancroft Road). The front of the proposed mixed-use building faces the residentially zoned property and does not meet the standards for display window orientation or lot line screening. These standards require no display windows or customer entrances abutting lots in a Residential District and a solid wall along lot lines abutting a lot in a residential

zone. The property in the Residential District is part of the UC Campus and includes Eshleman Hall and the Student Union Building, which are not residential uses. Since the residential district is across the street, separated from the mixed use building by Bancroft and the property in the Residential District is part of the UC Campus and includes Eshleman Hall and the Student Union Building, which are not residential uses, the requirements are unnecessary to minimize the effects of commercial uses on a lot in the Residential District (MBC Section 23.304.130(C)(1-4).

V. 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 and Mitigation Monitoring and Reporting Program for the Southside Plan 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 Chapter 23B.60.

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.

VI. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

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

16. 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.

- 17. 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.
- 18. 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.

19. Compliance with Conditions and Environmental Mitigations. The building permit application is subject to verification of compliance to the adopted Southside Mitigation Monitoring and Reporting Program (Staff Report Attachment 5). The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

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

Construction Noise Management - Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within **500 feet** of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

20. 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.
21. 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.

- 22. 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.
- 23. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Environmental Site Assessments:
- 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 2 years old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed-use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at: http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third-party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.
- B. Soil and Groundwater Management Plan:
- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
 - 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
 - 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.
- C. Building Materials Survey:
- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state

hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

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

Prior to Issuance of Any Building (Construction) Permit

24. Affordable Housing Mitigation Fee: Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
25. HVAC Noise Reduction. Prior to the issuance of building permits, the project applicant shall submit plans that show the location, type, and design of proposed heating, ventilation, and cooling (HVAC) equipment. In addition, the applicant shall provide product specification sheets or a report from a qualified acoustical consultant showing that operation of the proposed HVAC equipment will meet the City's exterior noise requirements in BMC Section 13.40.050. The City's Planning and Development Department shall review the submitted plans, including the selected HVAC equipment, to verify compliance with exterior noise standards.
26. Interior Noise Levels. Prior to issuance of a building permit, the applicant shall submit a report to the Building and Safety Division and the Zoning Officer by a qualified acoustic engineer certifying that the interior residential portions of the project will achieve interior noise levels of no more than 45 Ldn (Average Day-Night Levels). If the adopted Building Code imposes a more restrictive standard for interior noise levels, the report shall certify compliance with this standard.
27. 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.
28. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80).
29. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

- 30. Zero Waste Trash Collection.** The project applicant shall enroll in distance charge waste collection service through the City of Berkeley's Zero Waste Division. The path of travel from the waste room/area to roll bins out for service should be unobstructed, have clearance to maneuver the non-compacted waste bins and the pad should be relatively flat and paved. The Applicant shall be responsible for associated distance charges, stair surcharges, key/access code charges, and any future additional fees established by Zero Waste Division related to property waste collection.
- 31. 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:

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

During Construction:

- 33. Construction Hours.** Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 34. Construction Hours- Exceptions.** It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.
- 35. Project Construction Website.** The applicant shall establish a project construction website with the following information clearly accessible and updated monthly or more frequently as changes warrant:
- Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 - Calendar and schedule of daily/weekly/monthly construction activities
 - The final Conditions of Approval, Mitigation Monitoring and Reporting Program, Transportation Construction Plan, Construction Noise Reduction Program, and any other reports or programs related to construction noise, air quality, and traffic.
- 36. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:

- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 37. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

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

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

- 38. Construction and Demolition Diversion.** Divert debris according to your plan and collect required documentation. Get construction debris receipts from sorting facilities in order to verify diversion requirements. Upload recycling and disposal receipts if using [Green Halo](#) and submit online for City review and approval prior to final inspection. Alternatively, complete the second page of the original [Construction Waste Management Plan](#) and present it, along with your construction debris receipts, to the Building Inspector by the final inspection to demonstrate diversion rate compliance. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement.
- 39. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25%. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 40. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

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

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

- 41. Avoid Disturbance of Nesting Birds.** Initial site disturbance activities, including vegetation and concrete removal, shall be prohibited during the general avian nesting season (February 1 to August 30), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation and concrete removal. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be

allowed inside the buffer areas until a qualified biologist has determined that the nest is no longer active (e.g., the nestlings have fledged and are no longer reliant on the nest). No ground-disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and January 31.

42. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction). Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:

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

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

44. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction). In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before

construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval.

45. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).

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

- 1) *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or microvertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
 - 2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.
- E. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.
46. Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.
47. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of

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

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

BELOW MARKET RATE UNITS

54. Number of Below Market Rate Units. The project has elected to provide two (2) Very Low-Income Below Market Rate rental dwelling units ("BMR Units") pursuant to the State density Bonus Law (Government Code Section 65915) in exchange for certain concessions, incentives and bonuses as described in Section II, above. These BMR units shall also count towards the City's Affordable Housing Mitigation Fee ordinance provided they meet the requirements outlined in BMC Section 22.20.065 in addition to those requirements outlined in the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement; 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 shall 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.
55. 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 Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 22.20.065. 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.

56. 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.

57. 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

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

59. Compliance with Conditions and Environmental Mitigations. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.
60. 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 **click and enter date stamped 'received'**, except as modified by conditions of approval.

61. Transportation Demand Management. Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.

At All Times:

62. Transportation Demand Management Compliance. The property owner shall submit to the Planning Department periodic TDM Compliance Reports in accordance with Administrative Regulations, subject to the review and oversight of the Zoning Officer. Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
63. Exterior Lighting. All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
64. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
65. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
66. Drainage Patterns. The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
67. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
68. Loading. All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
69. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
70. Bike Parking. Secure and on-site bike parking for at least 52 long-term and 4 short-term bicycles shall be provided for the life of the building.

71. 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.
72. Transportation Demand Management. A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements.
 - A. The food service operation, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the "Guarantee Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager
73. Transit Subsidy Condition. The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
74. Periodic Review and Reporting. The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.

ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)

75. The Food Service Establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control (ABC).
76. Alcoholic beverage service shall be "incidental" to the primary food service use, as defined in Zoning Ordinance 23.502. An incidental use shall not exceed twenty-five percent (25%) of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of thirty-three percent (33%) of the gross receipts generated by the primary use.
77. Alcohol beverage service shall be only be allowed as part of a "bona fide eating place" making "actual and substantial sales of meals," and stringently enforces this requirement as determined and required by the ABC.
78. The service of alcohol shall be limited to normal meal hours (per ABC) during the restaurant's hours of operation. Patrons may only purchase food or finish drinks already purchased within the approved service hours. The Zoning Adjustments Board shall approve any change in the hours of restaurant operations and/or alcohol service (except decreased hours in compliance with applicable ABC regulations). Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.

79. During operating hours, 100% of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.
80. The sale of alcoholic beverages for consumption off the premises is prohibited.
81. There shall be no service or consumption of alcohol on the public right-of-way, unless authorized by a Public Works sidewalk seating permit.
82. All alcoholic beverages served to patrons must be served in durable restaurant tableware (i.e. cups or glasses). No beer or wine may be distributed in its original bottle or can, or in any other potentially disposable container.
83. There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption.
84. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.
85. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.
86. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.
87. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.
88. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.
89. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
90. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
91. At no time shall the operator rent the restaurant space to a third-party promoter.
92. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding

patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

- 93.** This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.
 - 94.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
 - 95.** All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
-

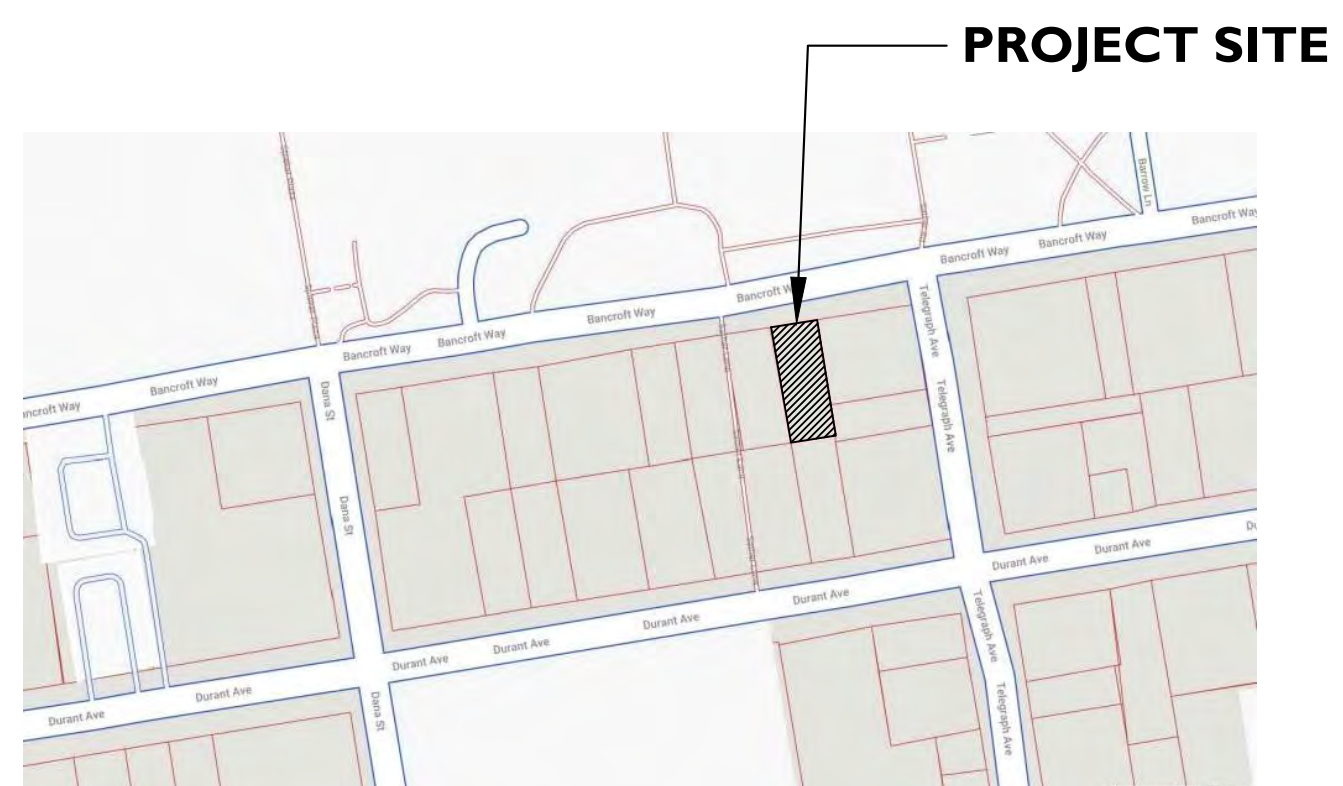


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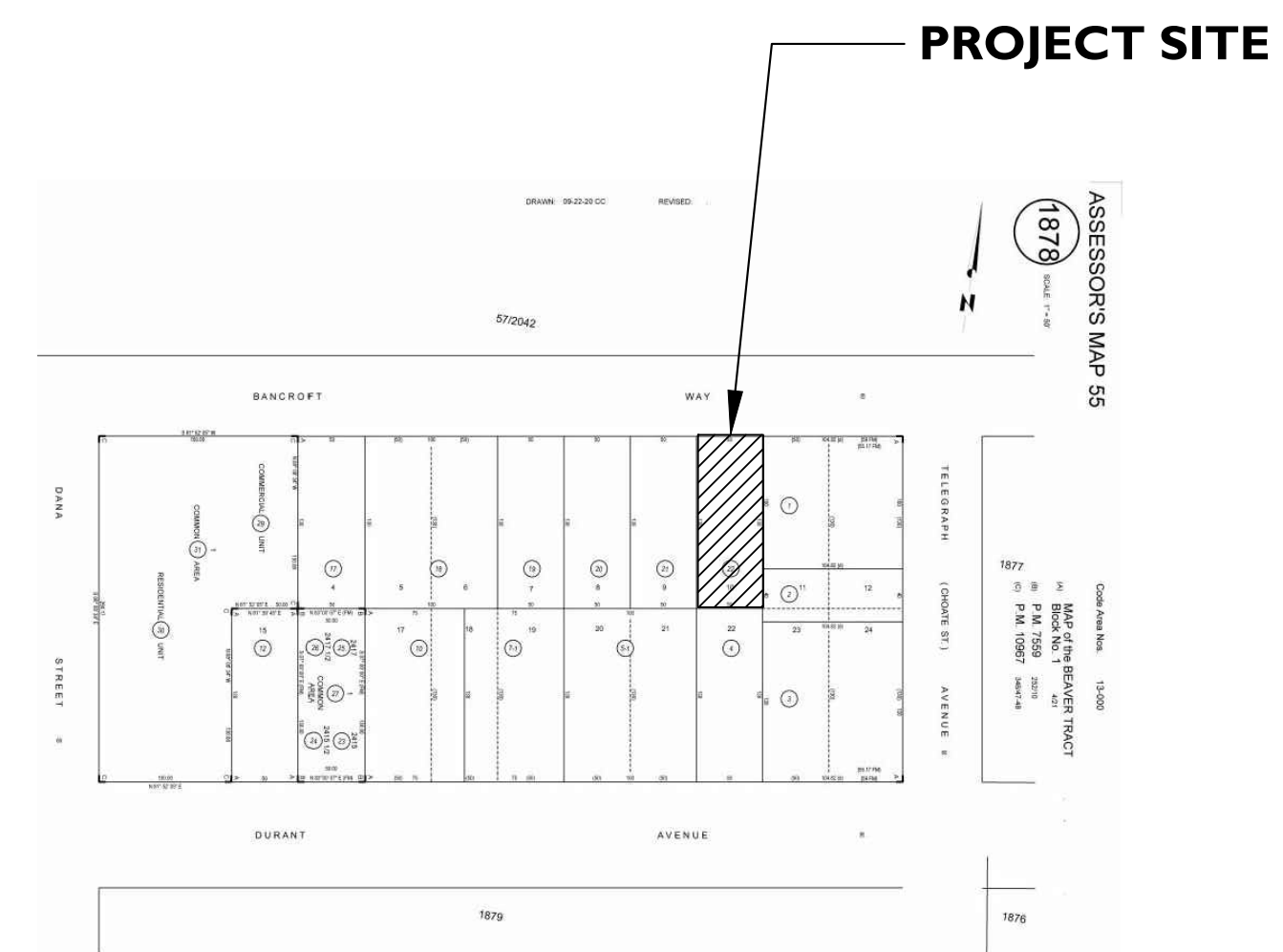
2480 BANCROFT WAY
BERKELEY, CALIFORNIA 94704



9 VICINITY MAP
NTS



8 LOCATION MAP
NTS



7 ACCESSOR'S PARCEL MAP
NTS

CODE REQUIREMENTS:

- 2019 CALIFORNIA BUILDING CODE
- 2019 CALIFORNIA ENERGY CODE
- 2019 CALIFORNIA CALGREEN
- 2019 CALIFORNIA ELECTRICAL CODE
- 2019 CALIFORNIA PLUMBING CODE
- 2019 CALIFORNIA MECHANICAL CODE
- 2019 CALIFORNIA FIRE CODE

LOCAL CODES:

BERKELEY MUNICIPAL CODE



7 RENDERING

BUILDING SUMMARY					
UNIT TYPE / NAME	SQUARE FOOTAGE	UNIT COUNT	BEDROOMS	BATHROOMS	BALCONY / U.O.S.
A1	900	10	4	2	-
A2	902	4	4	2	-
B	1,234	7	5	2	-
C1	1,328	2	5	2	106
C2	1,434	1	6	2	-
C3	1,275	3	5	2	159
D1	367	1	3	1	-
PODIUM DECK	-	-	-	-	302
ROOF DECK	-	-	-	-	882
TOTAL UNIT S.F.	29,718	28	129	95	
RES. SUPPORT	3,120				
EXT. CIRCULATION	2,588				
TOTAL U.O.S.	1,873				(40 SF / UNIT = 1,120 S.F. U.O.S. REQUIRED) - APPROXIMATELY 475 S.F. OF LANDSCAPING WILL BE PROVIDED TO COMPLY WITH 40% OF NON-BALCONY U.O.S. VEGETATION
TOTAL RES. SF.	35,426				
TOTAL RETAIL	2,065				
TOTAL GROSS S.F.	37,492				
TOTAL 1A GSF	14,751				
TOTAL 3A GSF	22,741				

6 BUILDING SUMMARY STATS

- | | | | |
|--|--|---|--|
| <p>BUILDING OWNER:
RUE ELL ENTERPRISES, INC.
2437 DURANT AVE.
BERKELEY, CA 94704 SUITE 204</p> <p>DANA ELLSWORTH, PRESIDENT
TEL (510) 548-3900 EXT. 14
CA BRE #00993519</p> <p>STEVE RUEGG
TEL (510) 548-3900 EXT. 22
CELL (925) 997-4558
CA BRE #00988991</p> <p>ARCHITECT:
STUDIO KDA
1810 SIXTH STREET
BERKELEY, CA 94710
TEL (510) 841-3555</p> <p>ARCHITECT/HISTORIAN:
PRESERVATION ARCHITECTURE
446 17TH STREET, #302
OAKLAND, CA 94612</p> <p>BUDDY WILLIAMS
BUDDY@STUDIOKDA.COM</p> <p>AUSTIN SPRINGER
AUSTIN@STUDIOKDA.COM</p> | <p>LANDSCAPE:
122 WEST LANDSCAPE
ARCHITECTURE</p> <p>CHRISTIAN MACKE, PRINCIPAL
TEL (510) 922-3122
CELL (949) 813-1995</p> <p>ARCHITECTURAL HISTORIAN:
MARK HULBERT
TEL (510)-418-0285</p> | <p>ENVIRONMENTAL ENGINEER:
TERRACON
50 GOLDENLAND CRT., STE 100
SACRAMENTO, CA 95834</p> <p>KRISTEN STOUT, SR. MANAGER
KRISTEN.STOUT@TERRACON.COM
TEL (916) 246-5098
CELL (949) 280-3301</p> <p>CIVIL ENGINEER:
BFK ENGINEERS
1646 N. CALIFORNIA BLVD. STE 400
WALNUT CREEK, CA 94596</p> <p>MELINDA THOMAS, EIT
MELINDATHOMAS@BFK.COM
TEL (925) 940-2202
CELL (510) 776-8185</p> | <p>TRAFFIC ENGINEER:
FEHR & PEERS
2201 BROADWAY, STE 602
OAKLAND, CA 94612</p> <p>SAM TABIBNIA, P.E. SR.
TEL (510) 835-1943</p> |
|--|--|---|--|

5 PROJECT TEAM

**2480 BANCROFT WAY
BERKELEY, CA, 94706**

ZONING CODE INFORMATION						
SITE INFORMATION						
PROJECT ADDRESS: 2480 BANCROFT WAY						
APN: 55-1878-22						
SEISMIC SAFETY						
EARTHQUAKE FAULT RUPTURE ZONE:	NO					
LANDSLIDE ZONE:	NO					
LEVEE ZONE:	NO					
UNREINFORCED MASONRY BLDG INVENTORY:	NO					
HISTORICAL PRESERVATION						
LANDMARK OR STRUCTURE OF MERIT:	NO					
STRUCTURE GREATER THAN 40 YEARS OLD:	YES					
ENVIRONMENTAL SAFETY						
CREEK BUFFER:	NO					
ENVIRONMENTAL AREA:	NO					
FIRE ZONE:	1					
FLOOD ZONE (100-YEAR OR 1%):	NO					
PARCEL CONDITIONS						
ZONING DISTRICT:	C-T					
GENERAL PLAN LAND AREA:	AVENUES COMMERCIAL					
SPECIAL ZONING OVERLAYS:	SOUTHSIDE PLAN					
ZONING ADJACENCIES						
	NORTH	EAST	SOUTH	WEST		
	R-SH	C-T	C-T	C-T		
AREAS						
	EXISTING	BASE PROJECT	PROPOSED PROJECT	PERMITTED/REQUIRED	W/USE PERMIT	
TOTAL LOT AREA (SQ.FT.):	6,500	6,500	6,500	N/A	N/A	
LOT COVERAGE % (1ST-2ND):	91%	82%	82%	40%	N/A	
FLOOR AREA RATIO (FAR):	0	0.04	0.77	0	0	
MAX. BUILDING HEIGHT (FT.):	24'	28'	30'	40'	28'	
# STOREYS:	1	7	8	N/A	N/A	
SETBACKS						
FRONT	1ST	0	1'-0"	1'-0"	15'-0"	
	2ND & ABOVE	N/A	0	0	10'-0"	
REAR		0	0	0	10'-0"	
(WEST) INTERIOR SIDE:		0	10'	10'	3'-0"	
(EAST) INTERIOR SIDE:	1ST	0	0	0	0'-0"	
	2ND & ABOVE	N/A	2'	2'	0'-0"	

4 ZONING CODE INFORMATION

DEMOLITION OF AN EXISTING SINGLE STORY COMMERCIAL BUILDING.

CONSTRUCTION OF A NEW, 8-STORY, ~37,500 S.F. MULTI-FAMILY MIXED USE BUILDING AT 2480 BANCROFT WAY. THE PROJECT CONSISTS 28 UNITS (5% AFFORDABLE), A RETAIL SPACE OF ~2,000 S.F. AND COVERED/SECURE PARKING FOR AT LEAST 42 BICYCLES.

3 SCOPE OF WORK

- | | |
|------------------------------|---|
| PROJECT INFORMATION: | A.P.N. : 55-1878-22 |
| | ZONING DISTRICT : C-T |
| BUILDING INFORMATION: | EXISTING |
| OCCUPANCY GROUP | : M |
| CONSTRUCTION TYPE | : TYPE III-B |
| NUMBER OF STOREYS: | : 1 + MEZZ. |
| BLDG HEIGHT | : ~25' -0" |
| FIRE SPRINKLERS | : NO |
| BUILDING AREA | : ~6,000 SF |
| | PROPOSED |
| | : A-2/B, R-2 |
| | : TYPE III-A OVER 1-A |
| | : 8 |
| | : 95'-0" (75'-0" TO HIGHEST OCCUPIED WALKING SURFACE) |
| | : YES |
| | : SEE BUILDING SUMMARY STATS |

2 PROJECT INFORMATION

SHEET NUMBER	SHEET NAME	PERMIT SUBMITTAL 09/26/22	ZONING REV. #1 02/08/23	ROOF DECK #2 04/28/23
GENERAL SHEETS				
G000	COVER SHEET & PROJECT INFO	✓	✓	✓
G001	SITE ELEVATION	✓	✓	✓
G002	SITE CONTEXT ELEVATION	✓		
G011	SITE CONTEXT PHOTOS	✓		
G012	PERSPECTIVE CONTEXT RENDERINGS	✓	✓	✓
G013	PERSPECTIVE CONTEXT RENDERINGS	✓	✓	✓
G020	SHADOW STUDY - JUNE 21	✓		
G021	SHADOW STUDY - SEPTEMBER 21	✓		
G022	SHADOW STUDY - DECEMBER	✓		
G030	USABLE OPEN SPACE CALCULATIONS	✓	✓	✓
G031	DENSITY BONUS CALCULATIONS AND PLANS	✓	✓	✓
CIVIL SHEETS				
C100	EXISTING CONDITIONS PLAN	✓		
C400	GRADING PLAN	✓		
C600	STORMWATER CONTROL PLAN	✓		
LANDSCAPE SHEETS				
L-1	LANDSCAPE PLAN	✓		
L-2	PLANTING AND IRRIGATION PLAN	✓		
ARCHITECTURAL SHEETS				
A010	SITE PLAN - EXISTING (REFERENCE ONLY)	✓		
A011	LOT COVERAGE DIAGRAMS	✓	✓	✓
A100	SITE PLAN - PROPOSED	✓	✓	✓
A101	PROPOSED GROUND AND 2ND FLOOR PLANS	✓	✓	✓
A102	PROPOSED 3RD, 4TH, 5TH, 6TH, & 7TH FLOOR PLANS	✓	✓	✓
A103	PROPOSED 8TH & ROOF TOP FLOOR PLANS	✓	✓	✓
A200	PROPOSED ELEVATIONS & MATERIALS	✓	✓	✓
A201	PROPOSED ELEVATIONS & MATERIALS	✓	✓	✓

1 TABLE OF CONTENTS

PROJECT ISSUE RECORD:

03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:

09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:

RUE03

TITLE:
COVER SHEET &
PROJECT INFO

SHEET:

G000

5 APPLICABLE CODES



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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704



2486 BANCROFT WAY

2310 TELEGRAPH AVE

SITE LOCATION:
2480 BANCROFT WAY

2470 BANCROFT WAY

SATHER LANE

2462 BANCROFT WAY

2460 BANCROFT WAY

2456 BANCROFT WAY

PROJECT ISSUE RECORD:

DATE	DESCRIPTION
03/07/2023	MAT. SCHEME REV.

CITY PERMIT RECORD:

DATE	DESCRIPTION
09/26/2022	DRAFT ENT. SET
02/08/2023	ZONING REV. I
04/27/2023	ROOF DECK REV.

PROJECT:

RUE03

TITLE:

SITE ELEVATION

SHEET:

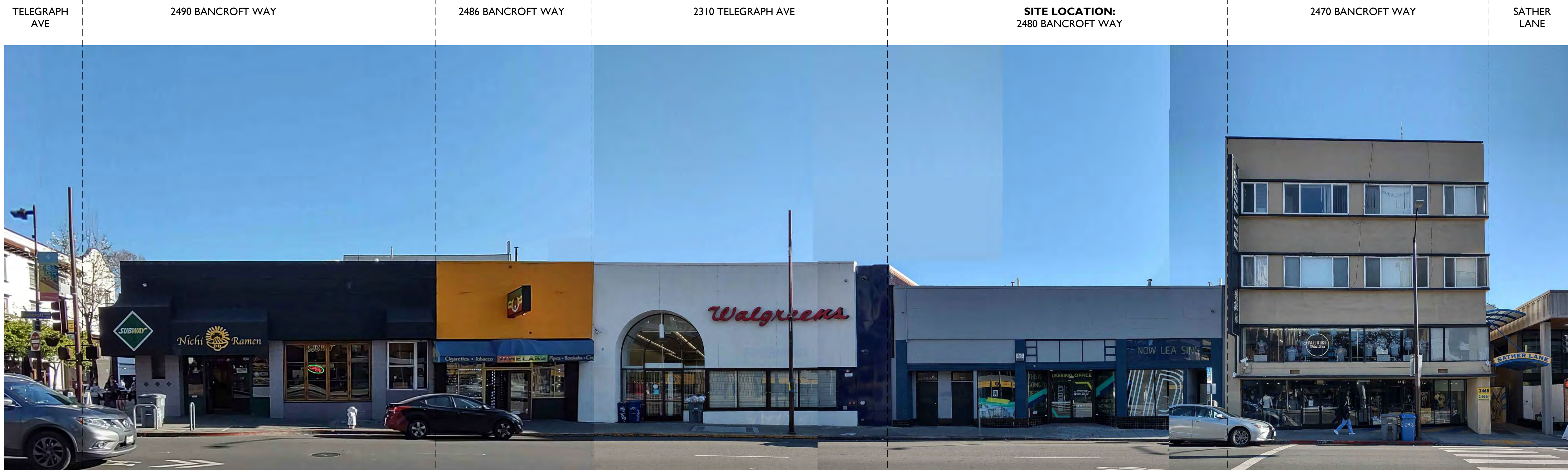
G001



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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704



PROJECT ISSUE RECORD:

DATE	DESCRIPTION
03/07/2023	MAT. SCHEME REV.

CITY PERMIT RECORD:

DATE	DESCRIPTION
09/26/2022	DRAFT ENT. SET
02/08/2023	ZONING REV. I
04/27/2023	ROOF DECK REV.

PROJECT:
RUE03
TITLE:
SITE CONTEXT
ELEVATION

SHEET:
G002



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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704

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03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03
TITLE:
RENDERINGS

SHEET:

G010

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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704



3 VIEW OF EXISTING CONTEXT FACING EAST FROM BANCROFT WAY



2 VIEW OF EXISTING SITE FACING SOUTHWEST FROM INTERSECTION OF BANCROFT WAY AND TELEGRAPH AVE



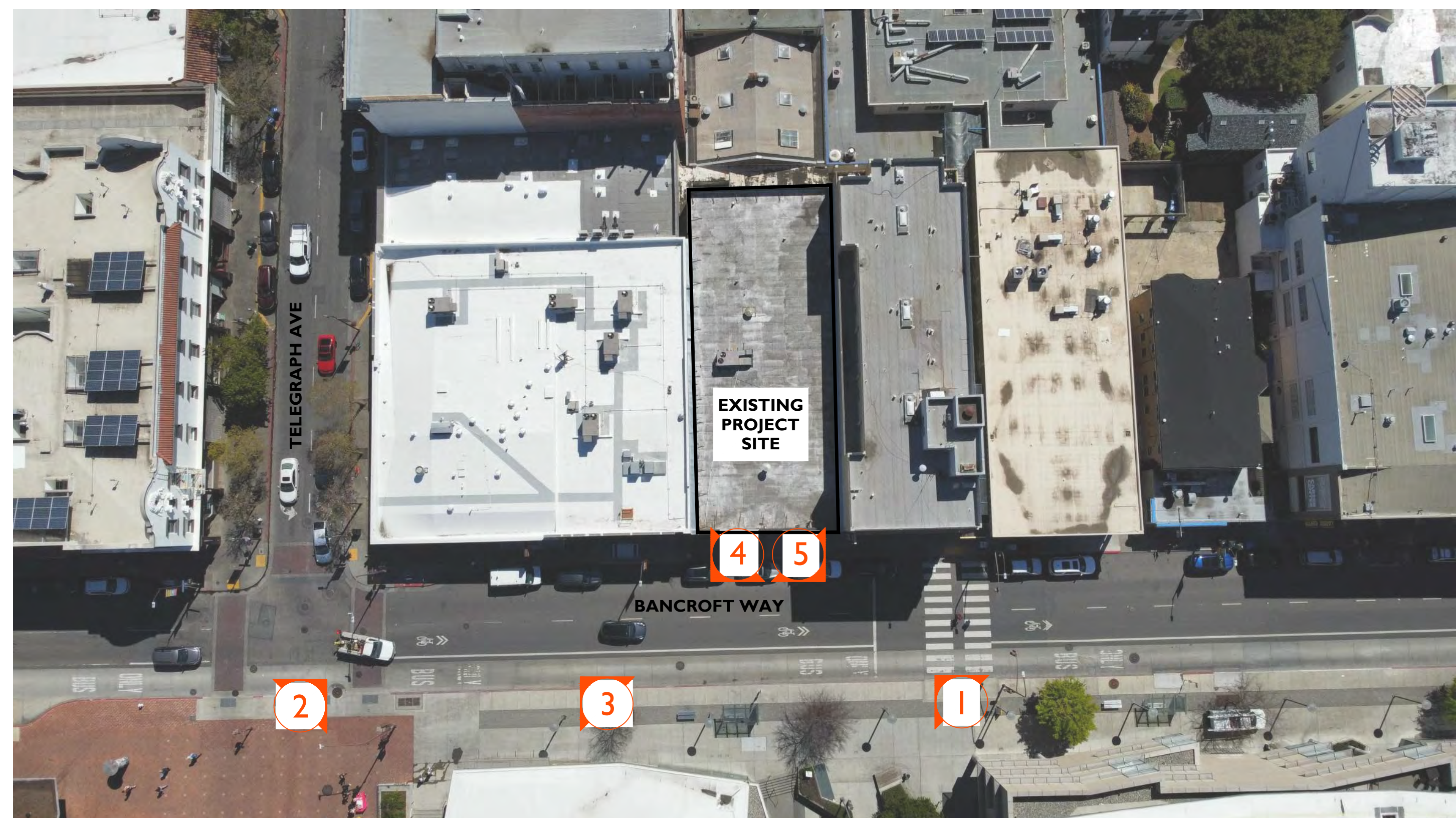
1 VIEW OF EXISTING SITE FACING SOUTHEAST FROM BANCROFT WAY



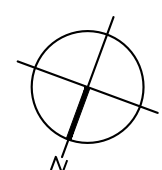
4 VIEW OF EXISTING CONTEXT FACING NORTHEAST FROM PROJECT SITE



5 VIEW OF EXISTING CONTEXT FACING NORTHWEST FROM PROJECT SITE



KEY MAP
1/32" = 1'-0"



PROJECT ISSUE RECORD:

03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:

09/26/2022 DRAFT ENT. SET

02/08/2023 ZONING REV. I

04/27/2023 ROOF DECK REV.

PROJECT:

RUE03

TITLE:

SITE

CONTEXT

PHOTOS

SHEET:

G011



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2480 BANCROFT WAY

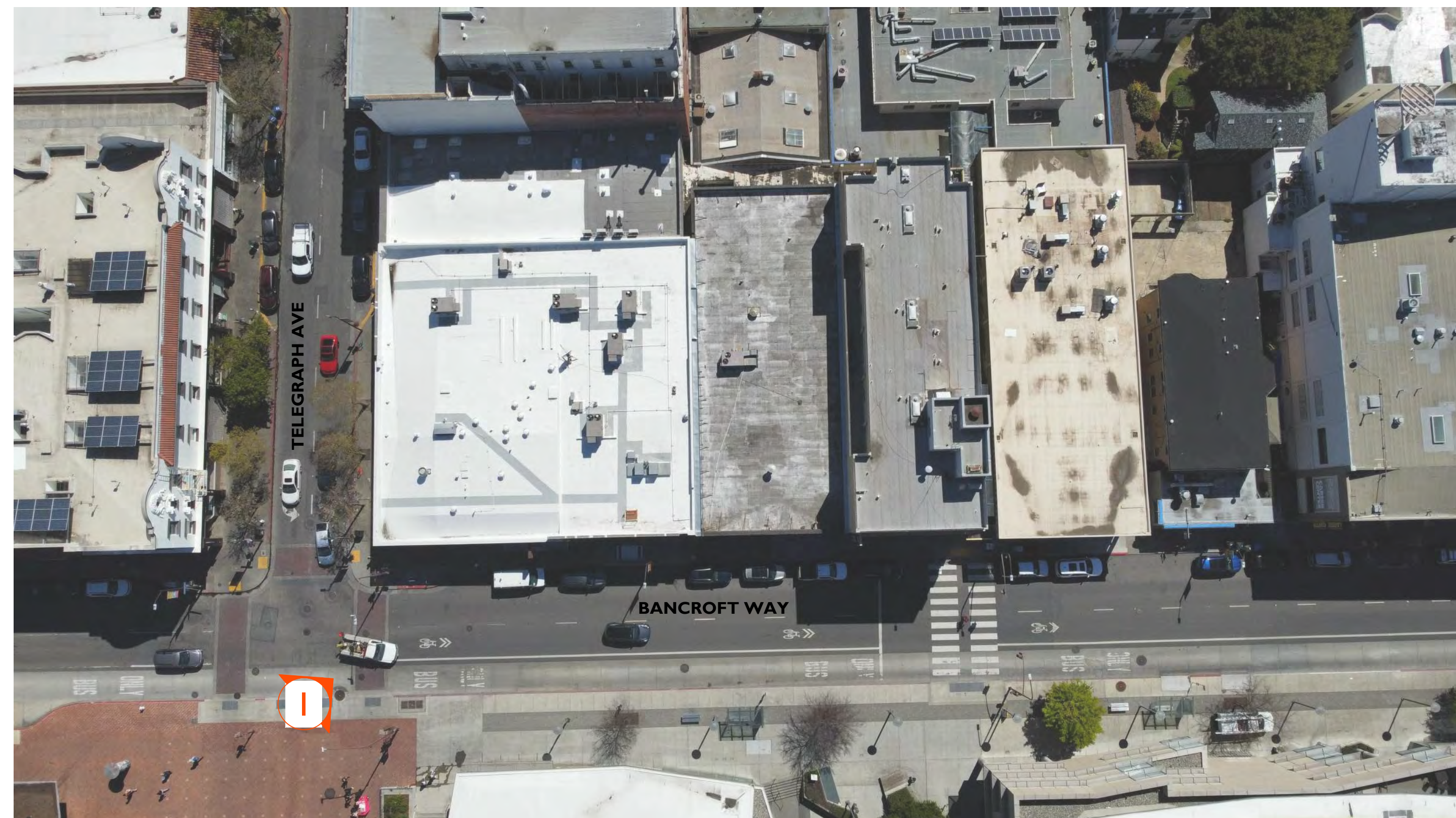
BERKELEY, CALIFORNIA 94704



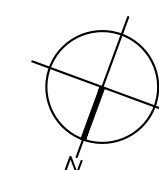
① VIEW OF EXISTING SITE FACING SOUTHWEST FROM INTERSECTION OF BANCROFT WAY AND TELEGRAPH AVE - EXISTING



① VIEW OF EXISTING SITE FACING SOUTHWEST FROM INTERSECTION OF BANCROFT WAY AND TELEGRAPH AVE - PROPOSED



○ KEY MAP
1/32" = 1'-0"



PROJECT ISSUE RECORD:	
03/07/2023	MAT. SCHEME REV.
CITY PERMIT RECORD:	
09/16/2022	DRAFT ENT. SET
02/08/2023	ZONING REV. I
04/27/2023	ROOF DECK REV.

PROJECT:
RUE03

TITLE:
PERSPECTIVE
CONTEXT
RENDERINGS

SHEET:
G012



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2480 BANCROFT WAY

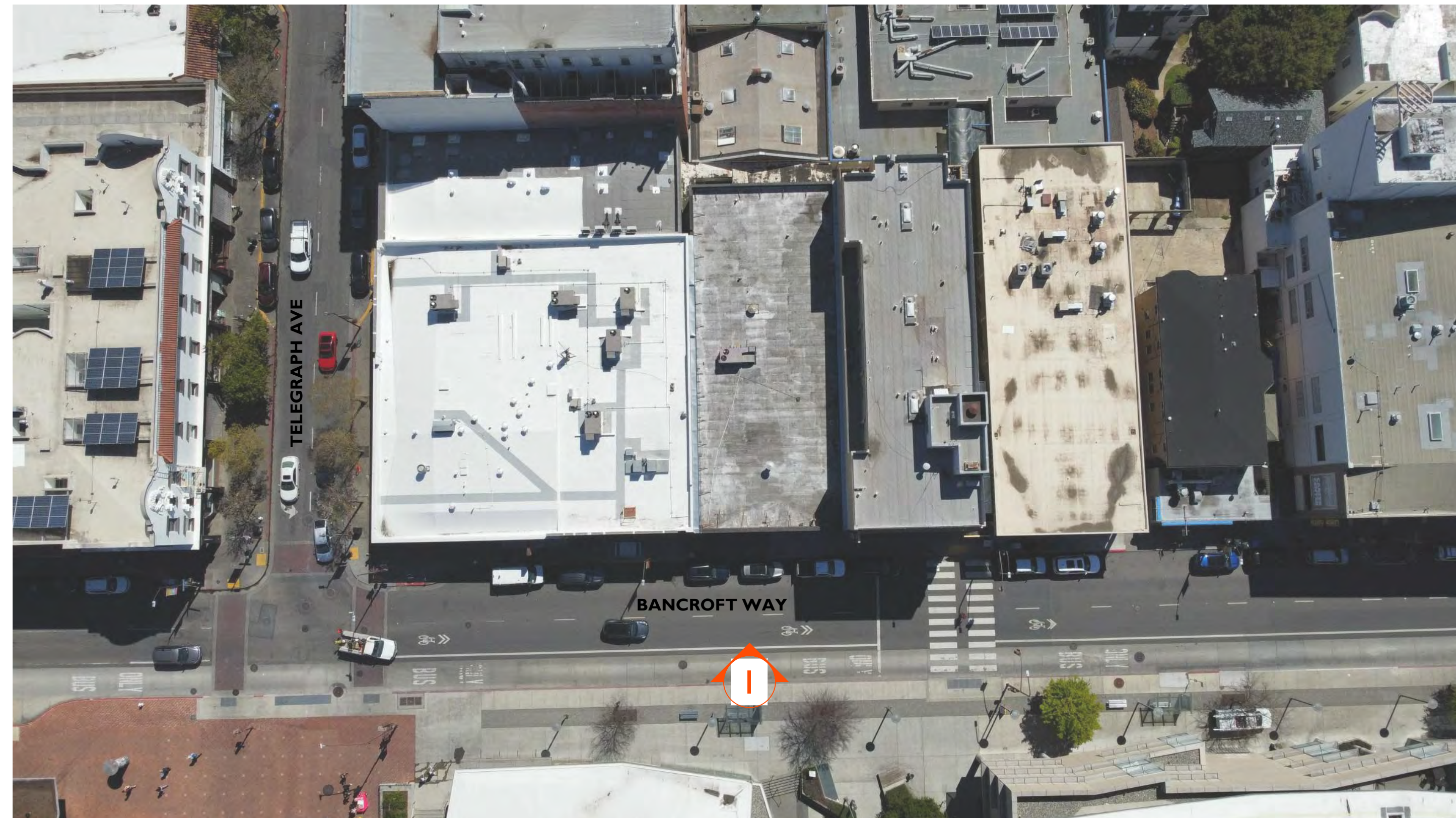
BERKELEY, CALIFORNIA 94704



1 VIEW OF SITE FACING SOUTH FROM BANCROFT WAY - EXISTING



1 VIEW OF SITE FACING SOUTH FROM BANCROFT WAY - PROPOSED



KEY MAP
1/32" = 1'-0"

PROJECT ISSUE RECORD:

03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:

09/16/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03

TITLE:
PERSPECTIVE
CONTEXT
RENDERINGS

SHEET:

G013

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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704



1 VIEW OF SITE FACING WEST FROM INTERSECTION OF BANCROFT WAY AND TELEGRAPH AVE. - PROPOSED



1 VIEW OF SITE FACING WEST FROM INTERSECTION OF BANCROFT WAY AND TELEGRAPH AVE. - EXISTING



KEY MAP
1/32" = 1'-0"

PROJECT ISSUE RECORD:
03/07/2023 MAT. SCHEME REV.

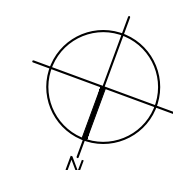
CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. 1
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03

TITLE:
PERSPECTIVE
CONTEXT
RENDERINGS

SHEET:

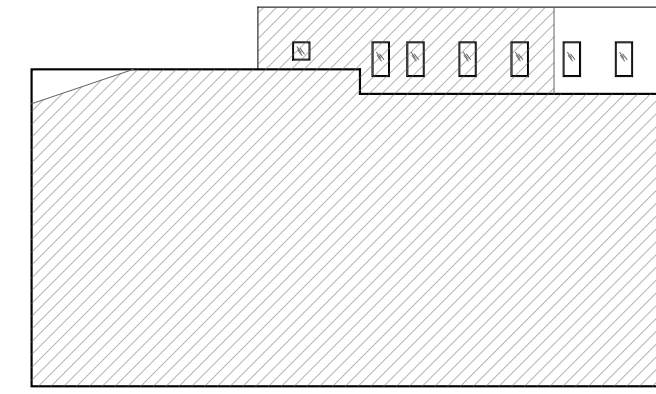
G014



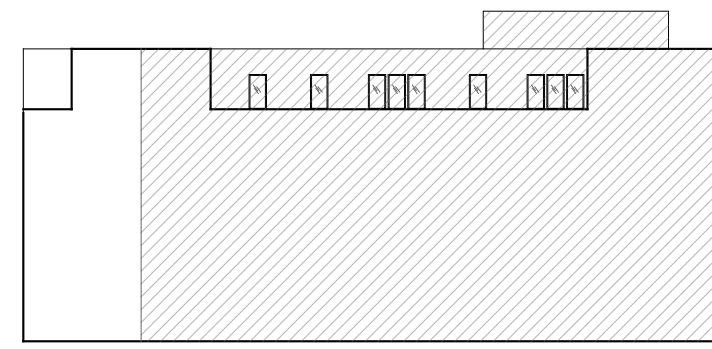


LEGEND

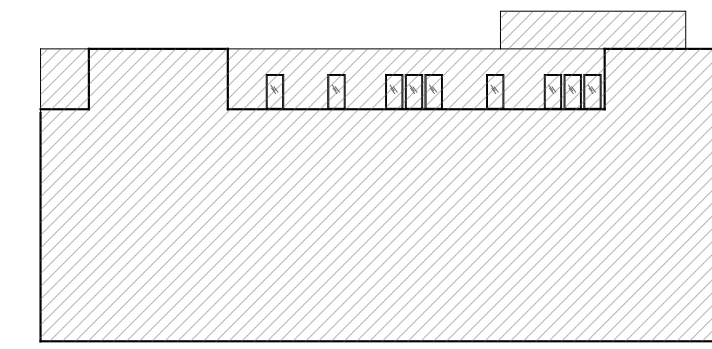
- NEW SHADOW
- EXISTING SHADOW
- SITE LOCATION



9 2332-2340 TELEGRAPH NORTH ELEVATION, 6/21 @ 6:35PM
1/32" = 1'-0"

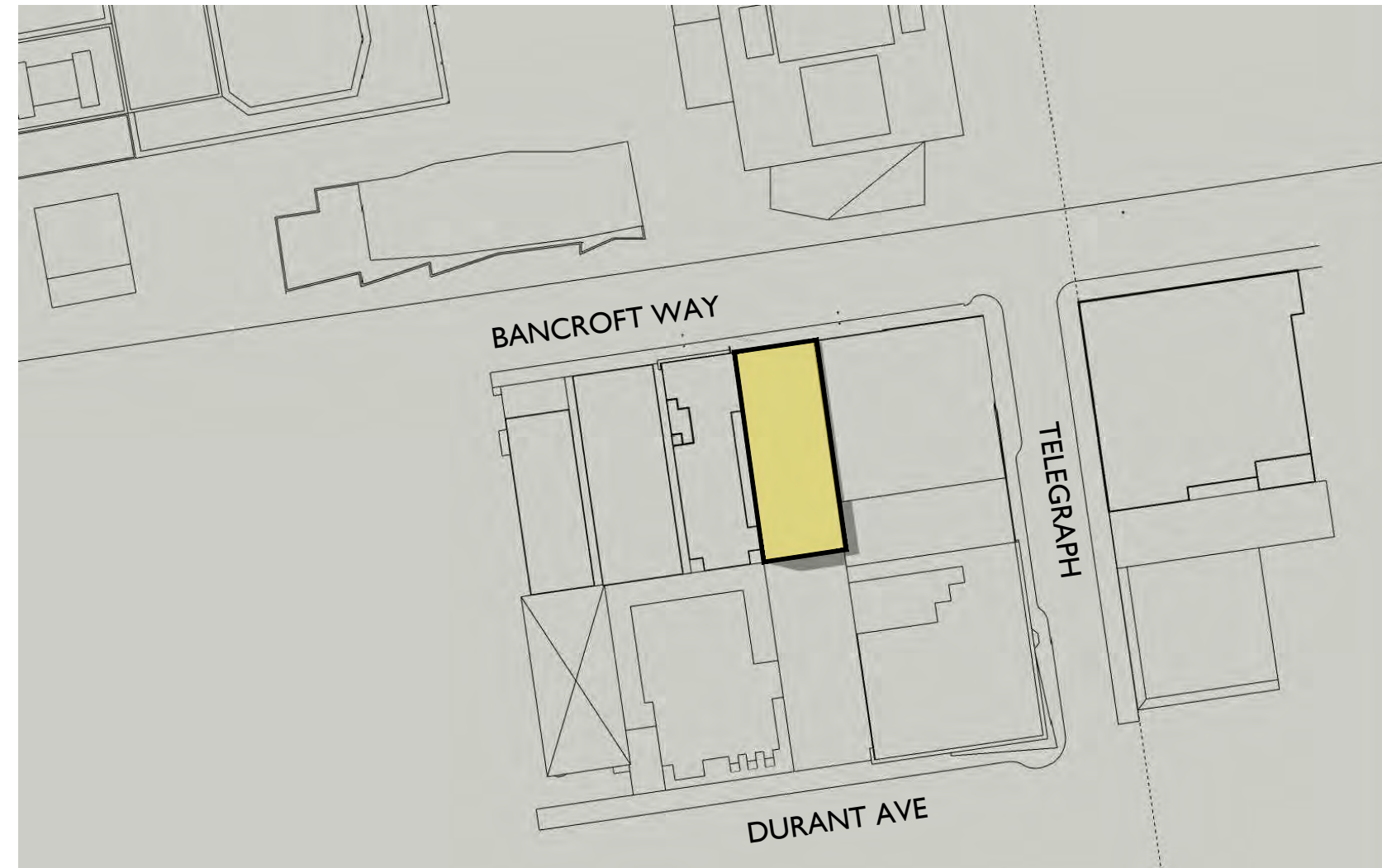


8 2468 BANCROFT EAST ELEVATION, 6/21 @ 12PM
1/32" = 1'-0"

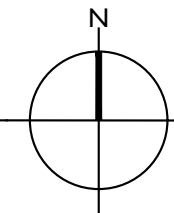


7 2468 BANCROFT EAST ELEVATION, 6/21 @ 7:47AM
1/32" = 1'-0"

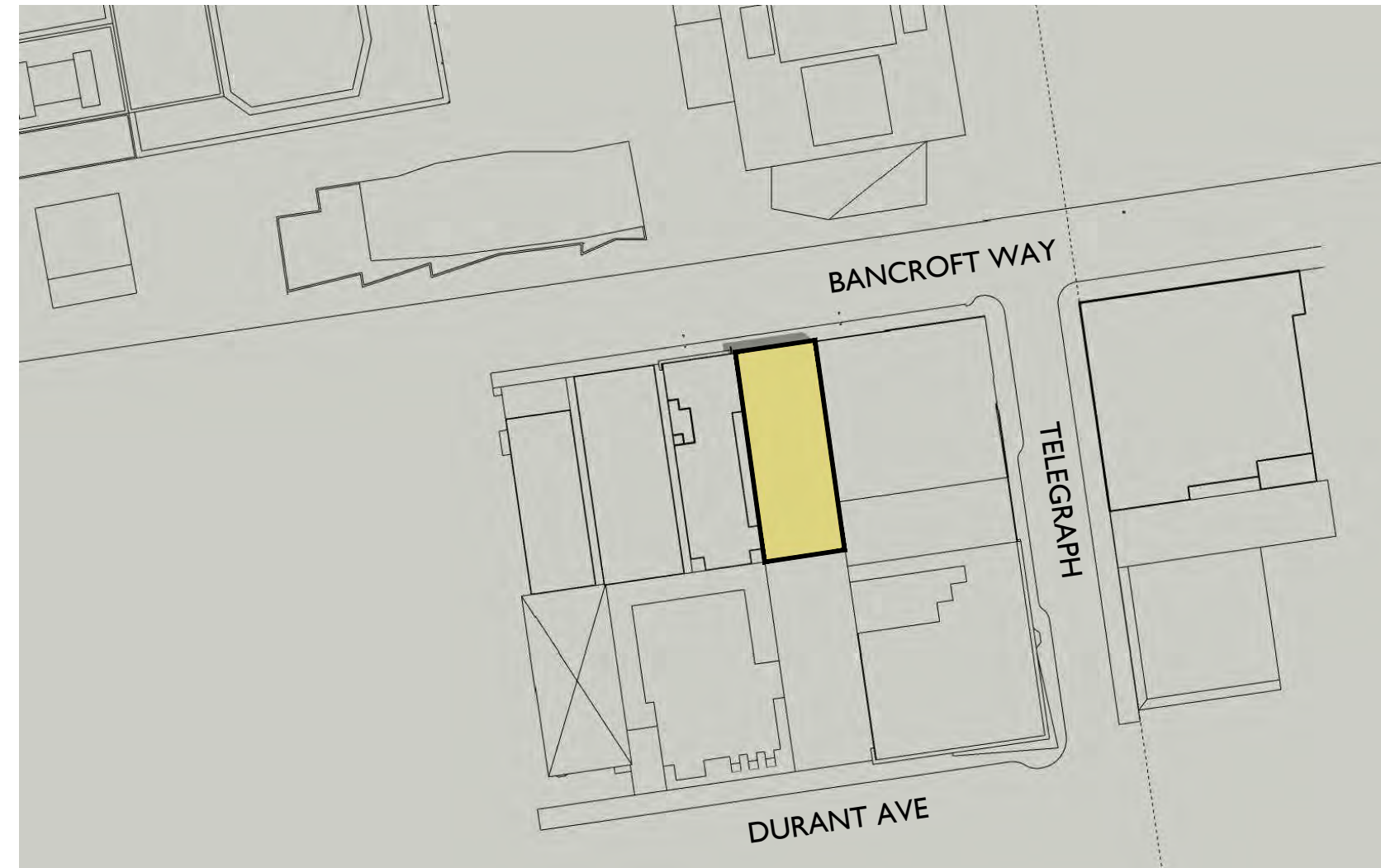
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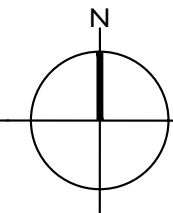
6 06/21 - 6:35 PM SHADOW STUDY
N.T.S.



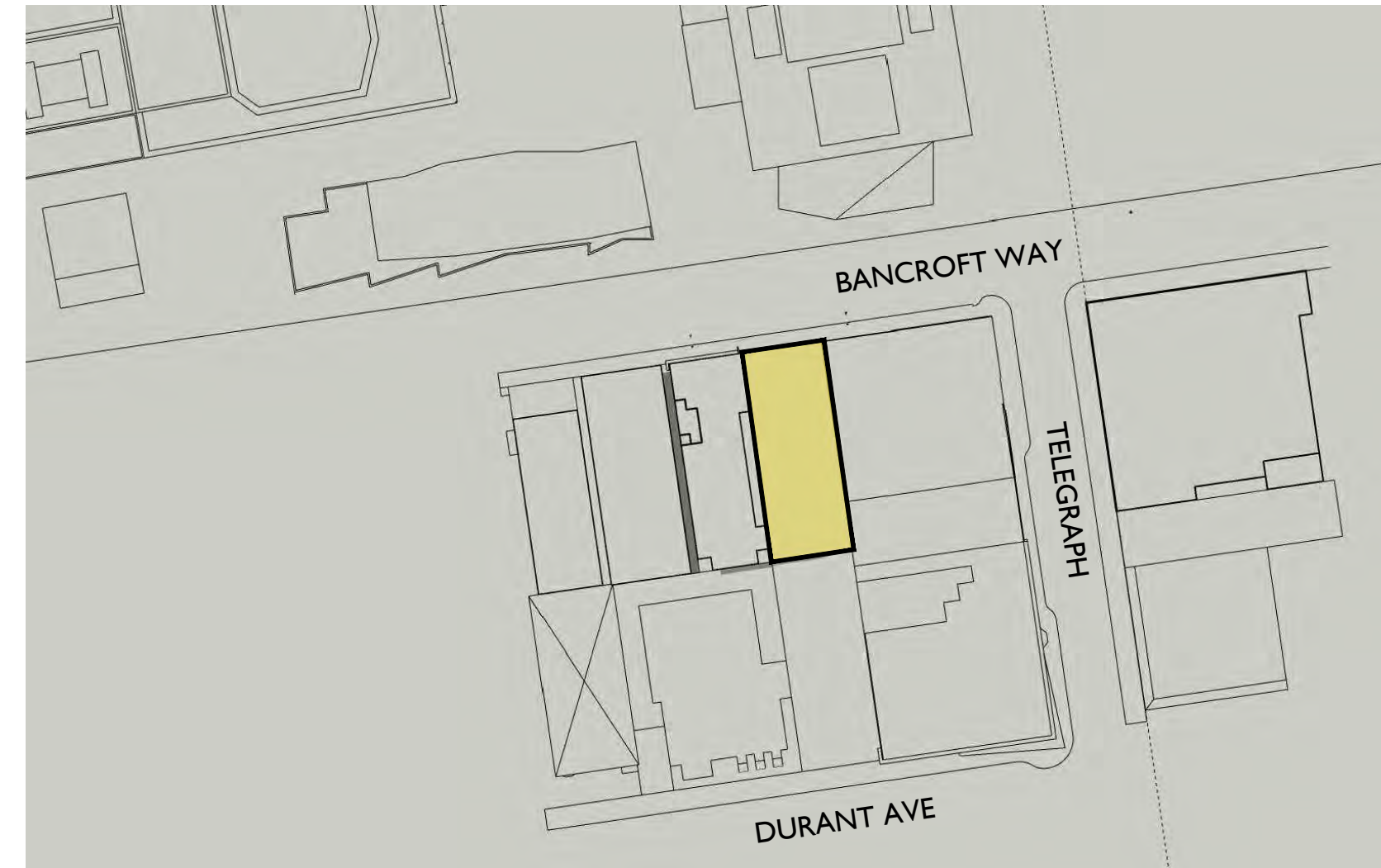
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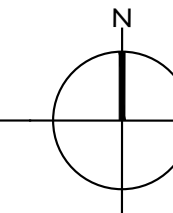
5 06/21 - 12:00 PM SHADOW STUDY
N.T.S.



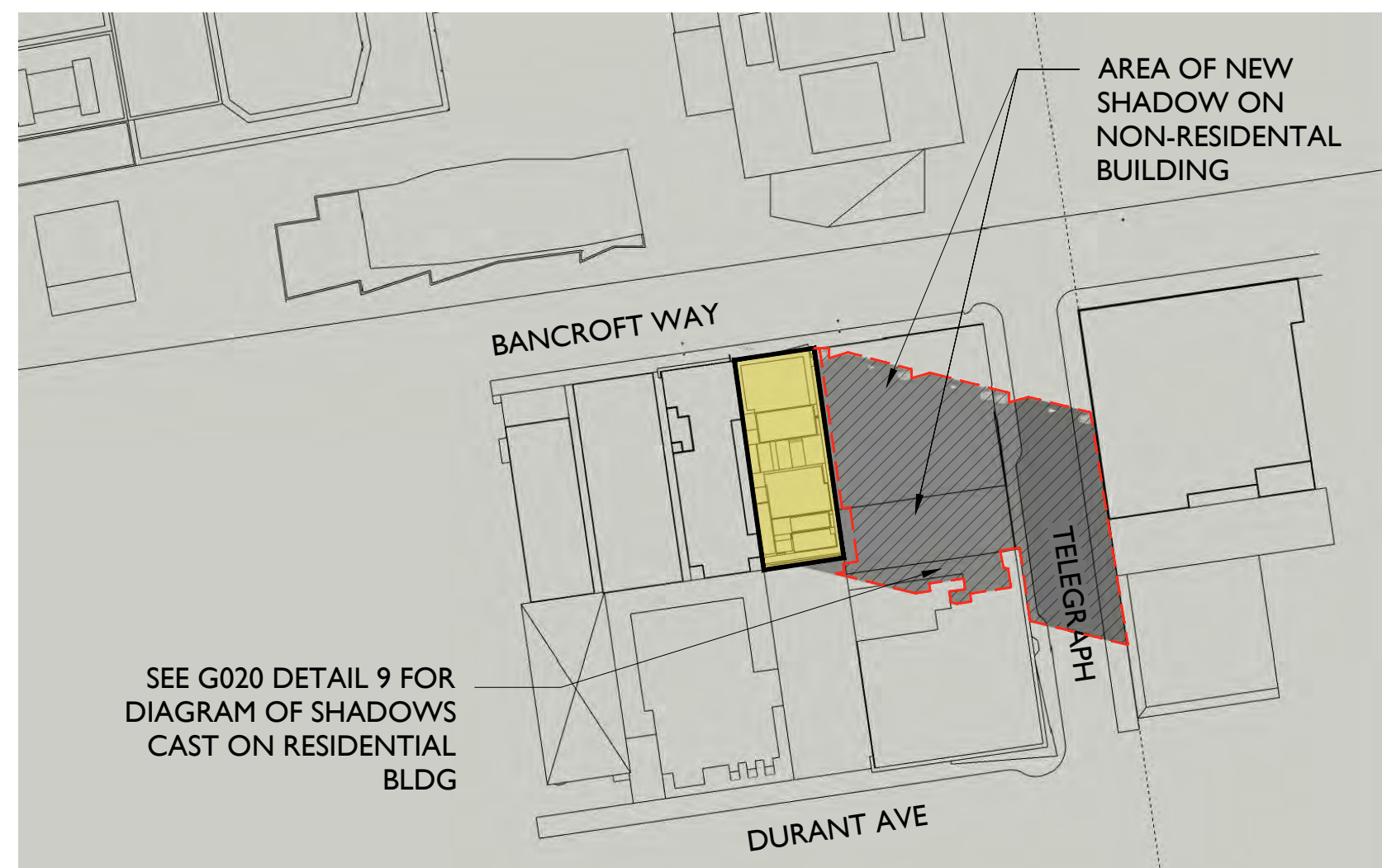
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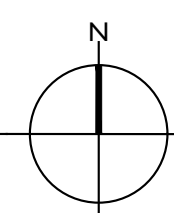
4 06/21 - 7:47 AM SHADOW STUDY
N.T.S.



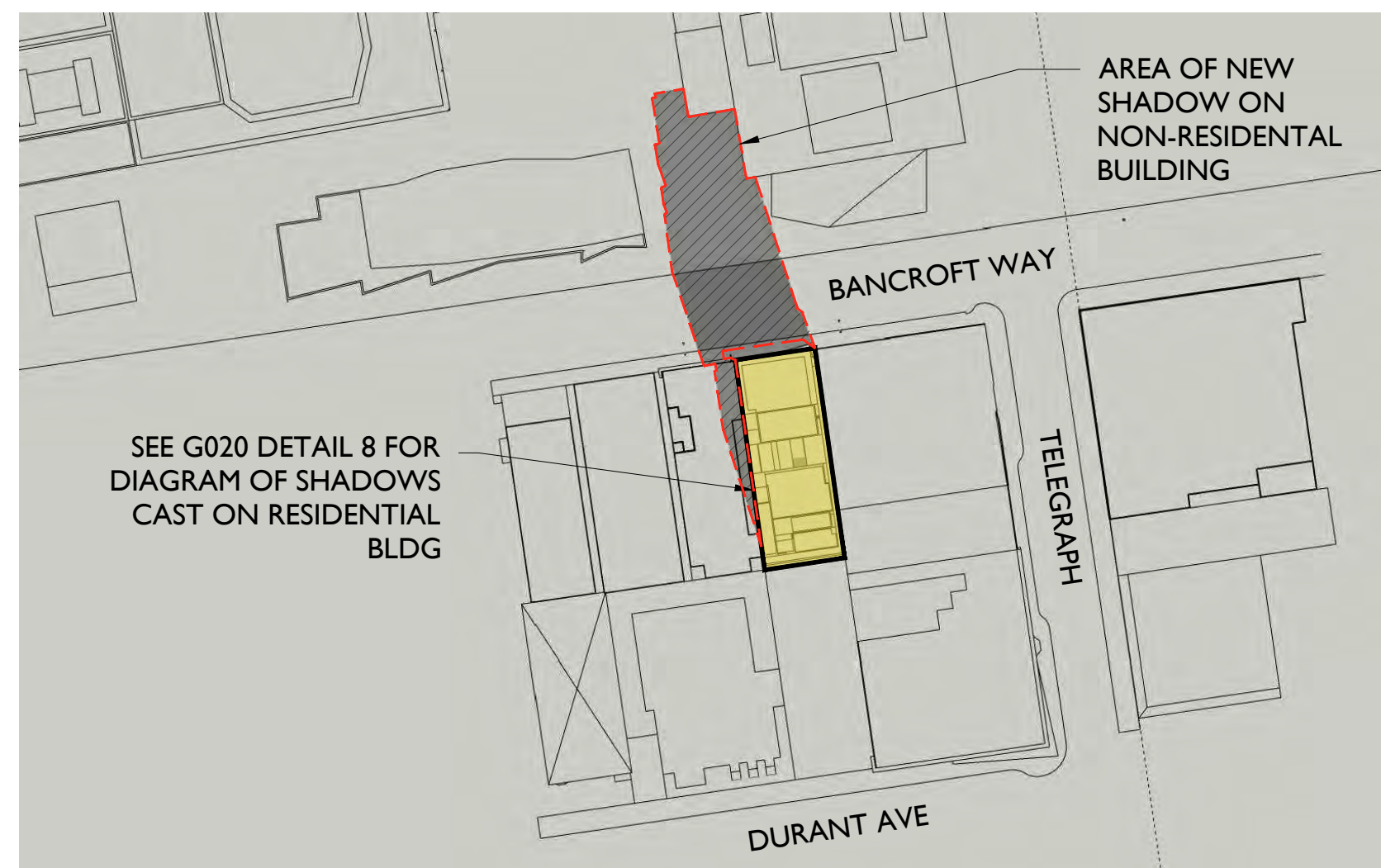
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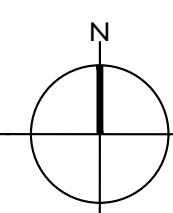
3 06/21 - 6:35 PM SHADOW STUDY
N.T.S.



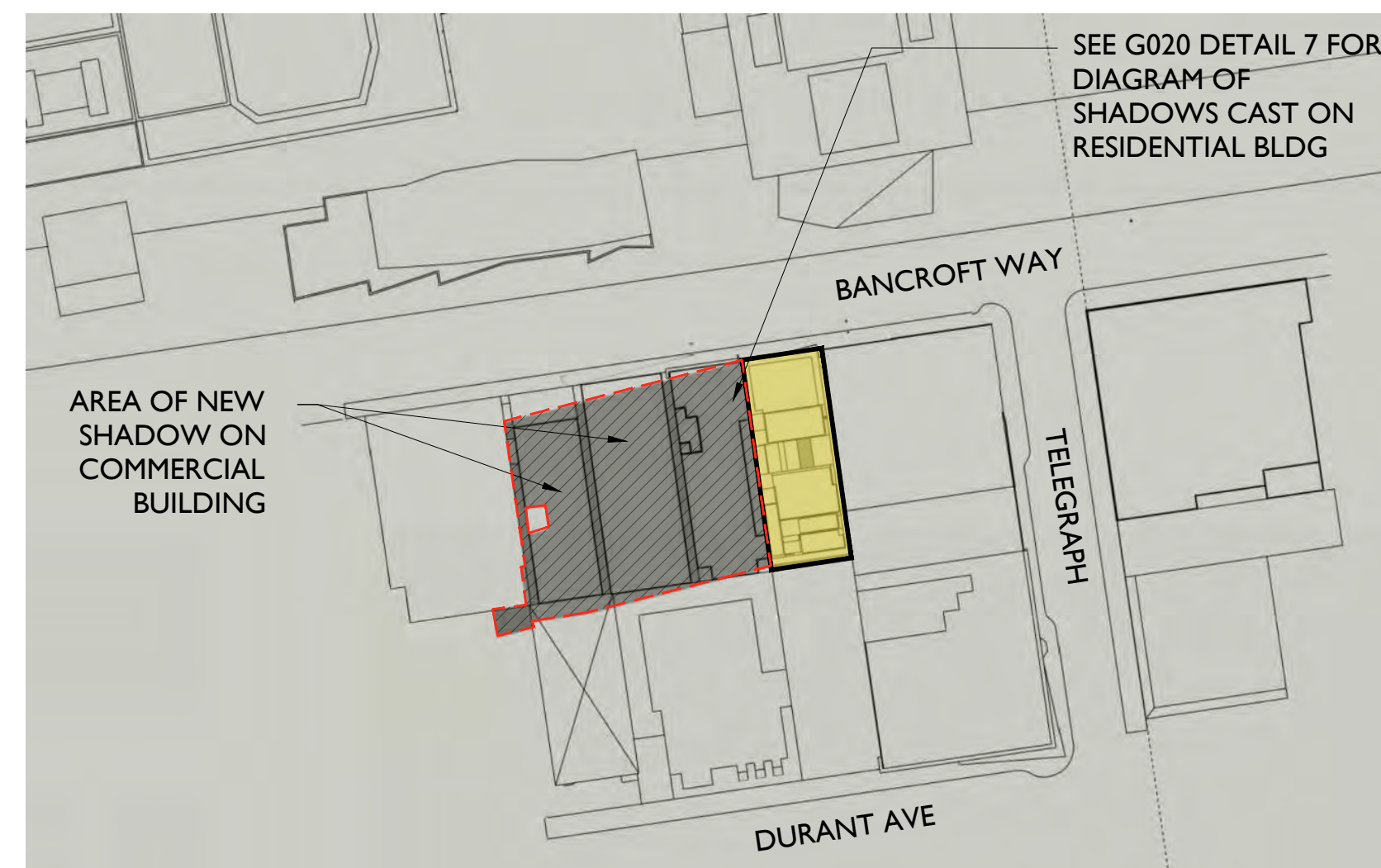
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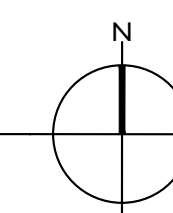
2 06/21 - 12:00 PM SHADOW STUDY
N.T.S.



PROPOSED



1 06/21 - 7:47 AM SHADOW STUDY
N.T.S.



PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

09/26/2022 DRAFT ENT. SET

PROJECT: RUE03

TITLE: SHADOW STUDIES - JUNE 21

SHEET:

G020



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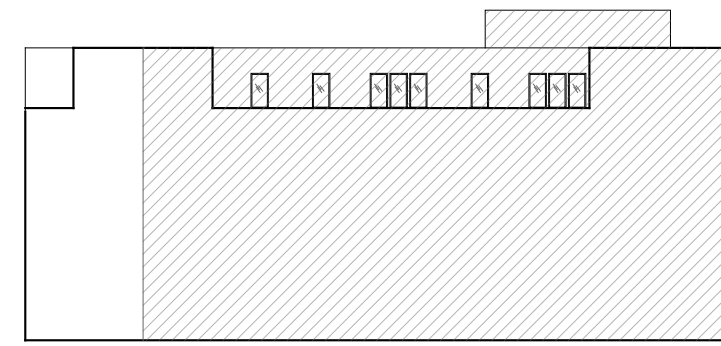
2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704

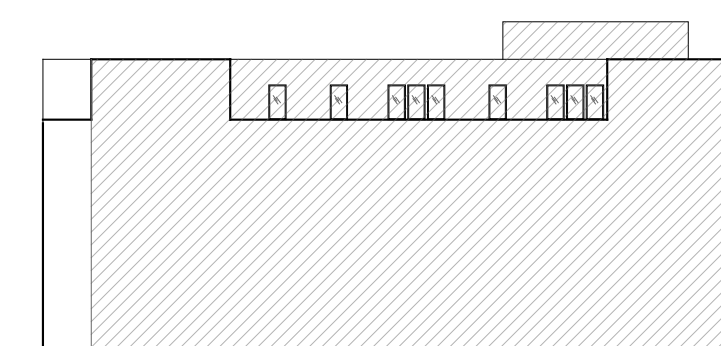


LEGEND

- NEW SHADOW
- EXISTING SHADOW
- SITE LOCATION

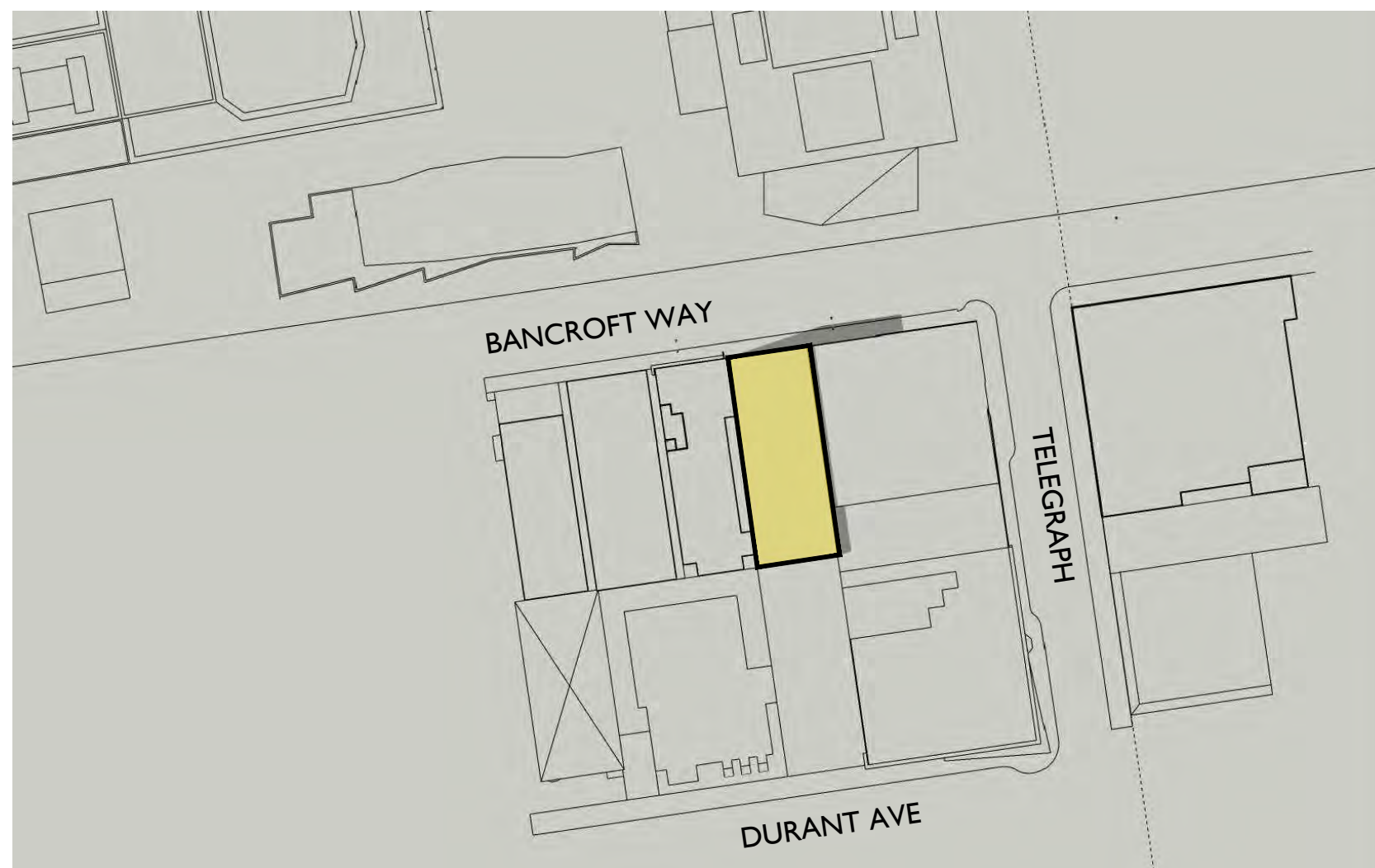


8 2468 BANCROFT EAST ELEVATION, 9/21 @ 12PM
1/32" = 1'-0"

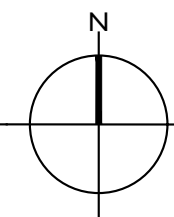


7 2468 BANCROFT EAST ELEVATION, 9/21 @ 8:56AM
1/32" = 1'-0"

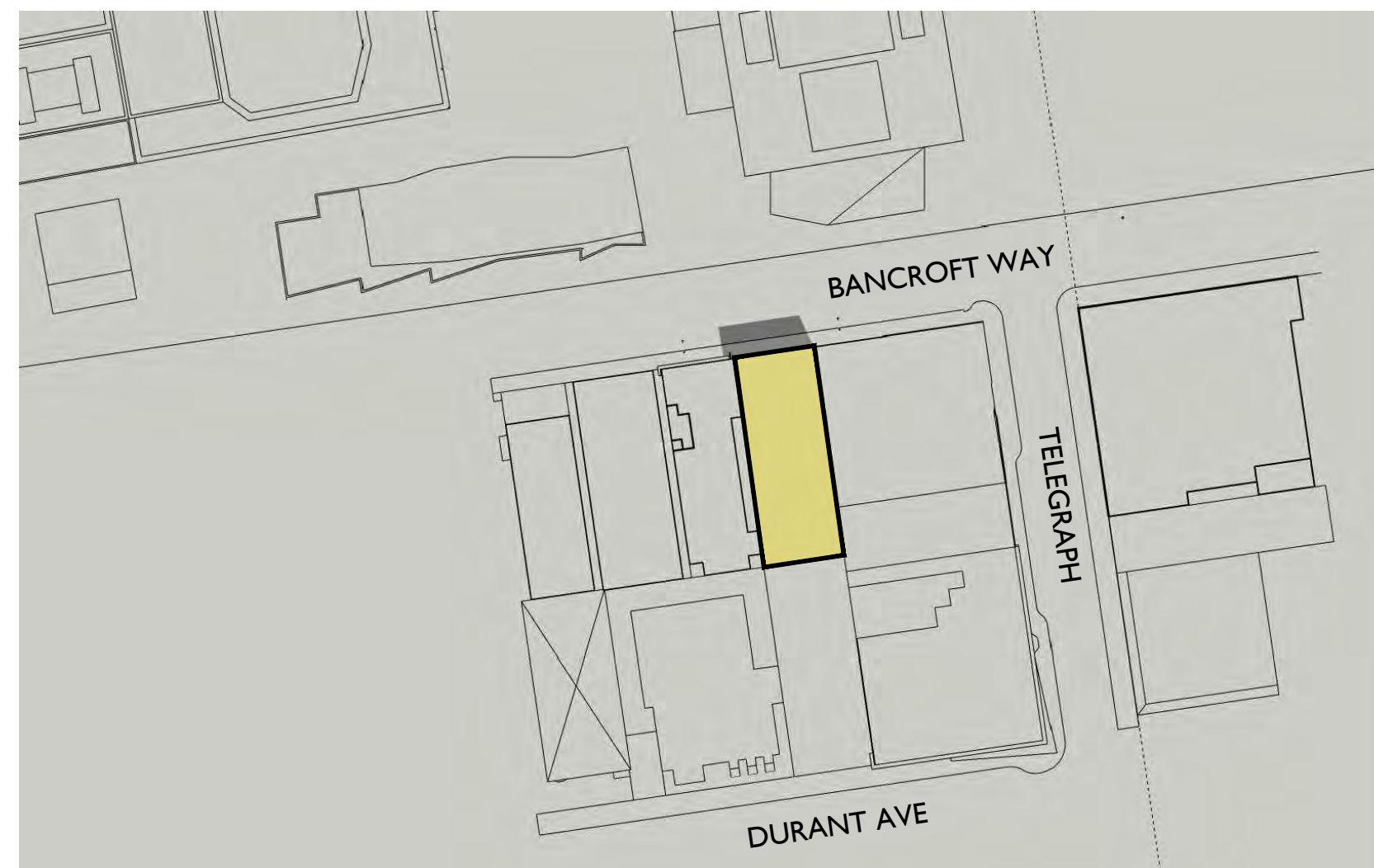
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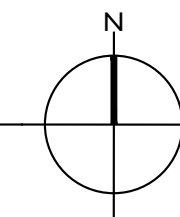
6 09/21 - 5:07 PM SHADOW STUDY
N.T.S.



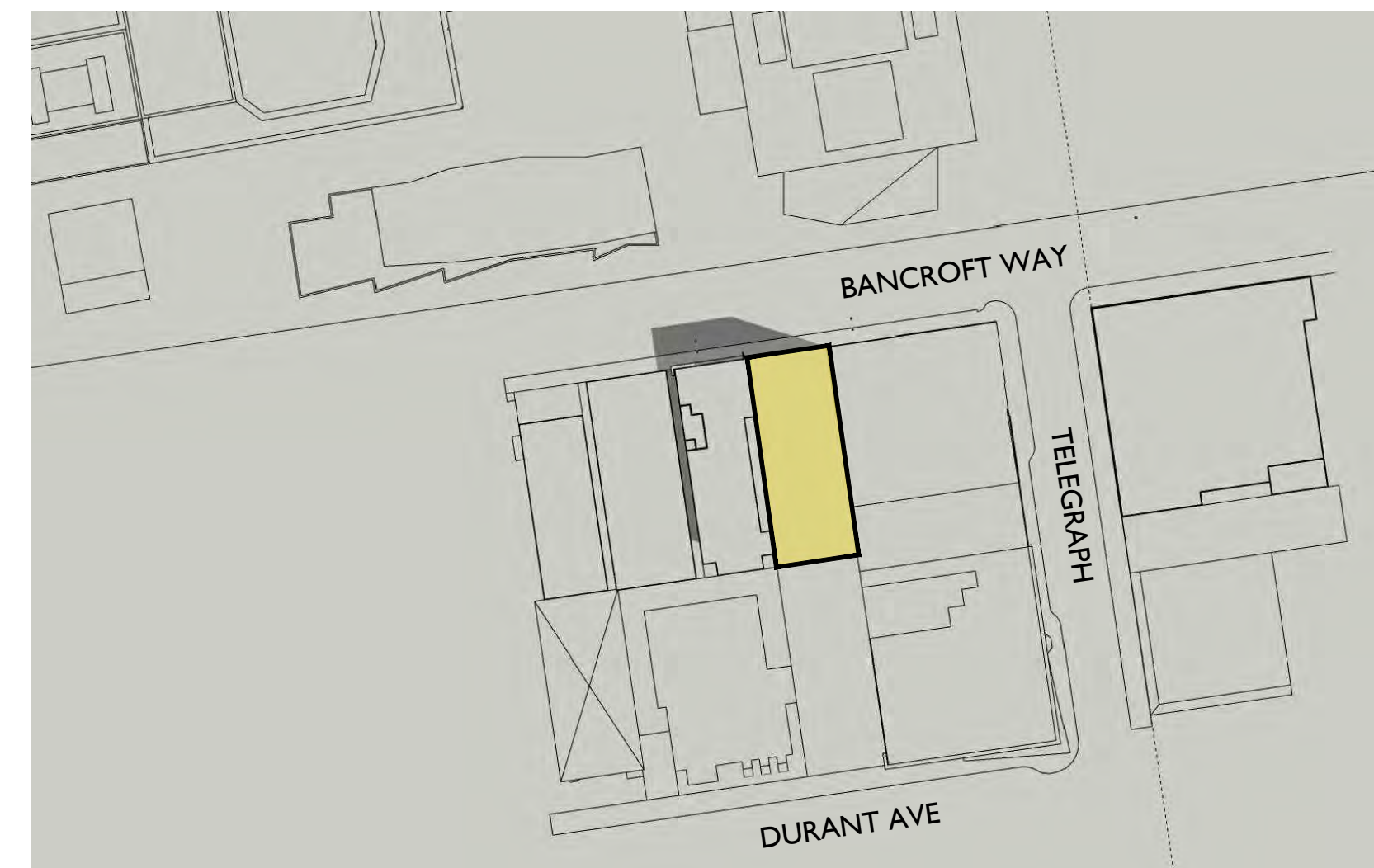
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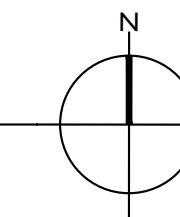
5 09/21 - 12:00 PM SHADOW STUDY
N.T.S.



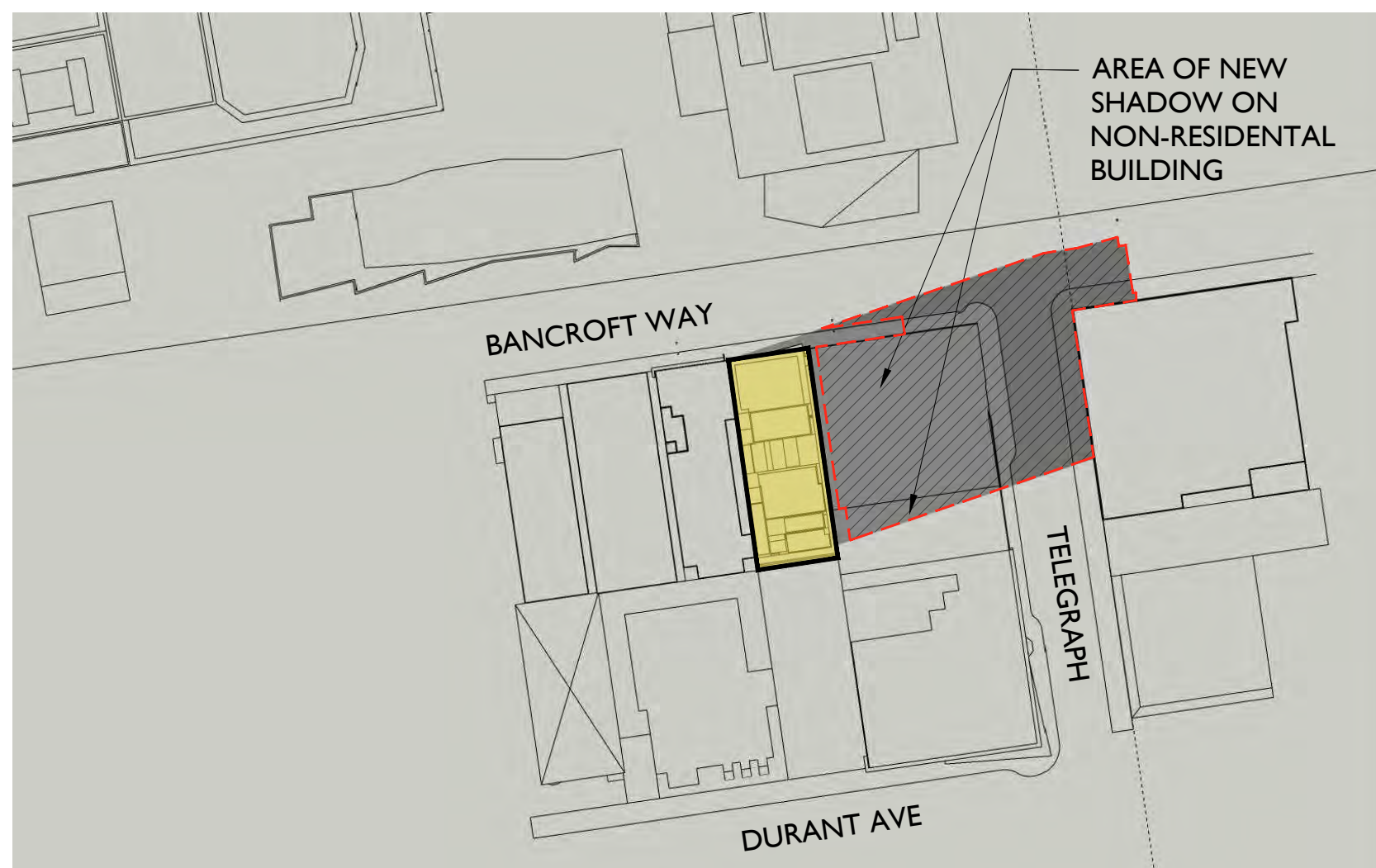
EXISTING



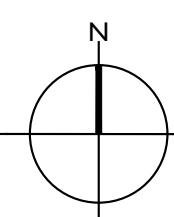
4 09/21 - 8:56 AM SHADOW STUDY
N.T.S.



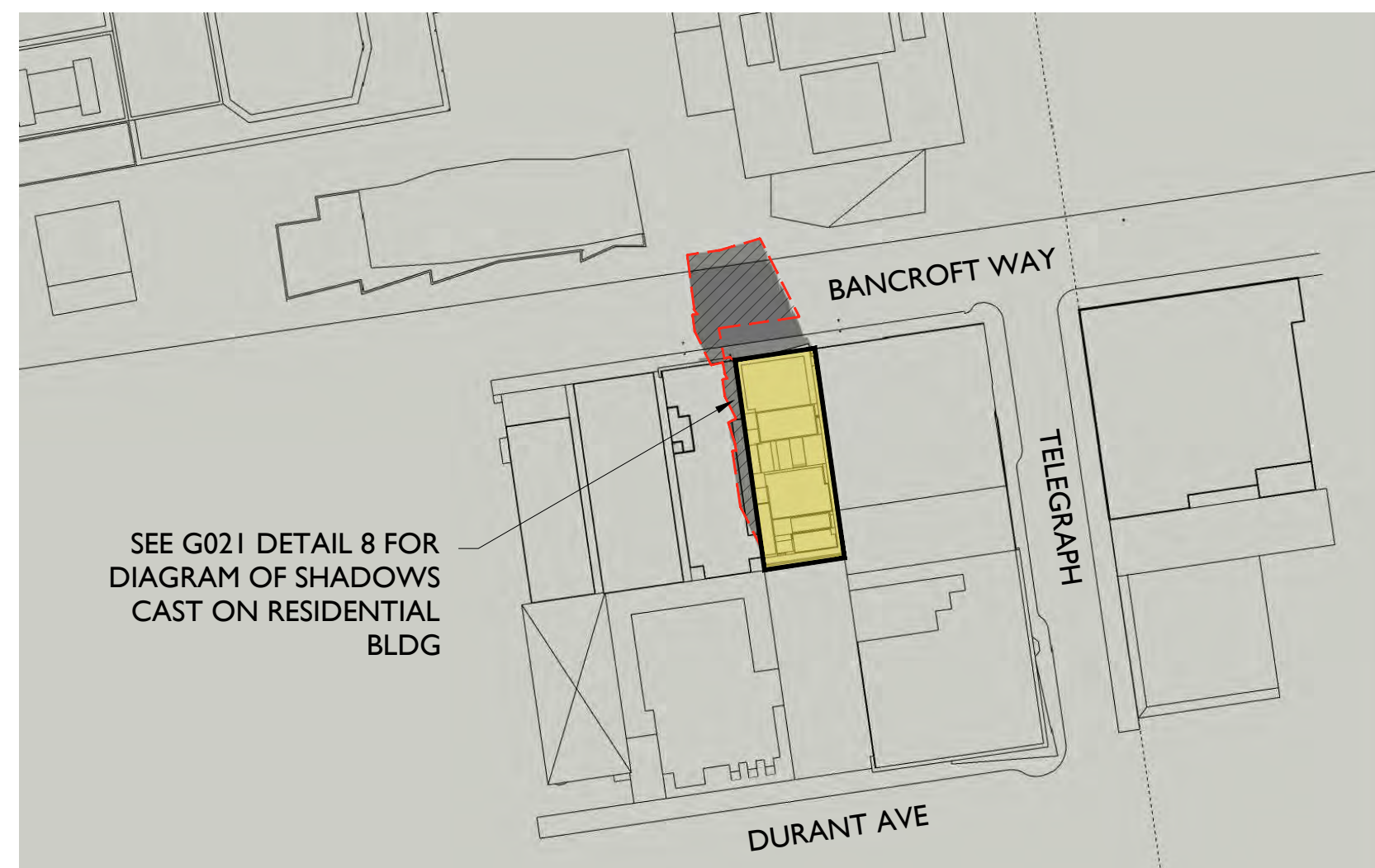
PROPOSED



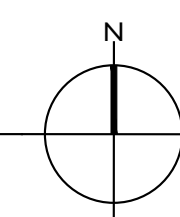
3 09/21 - 5:07 PM SHADOW STUDY
N.T.S.



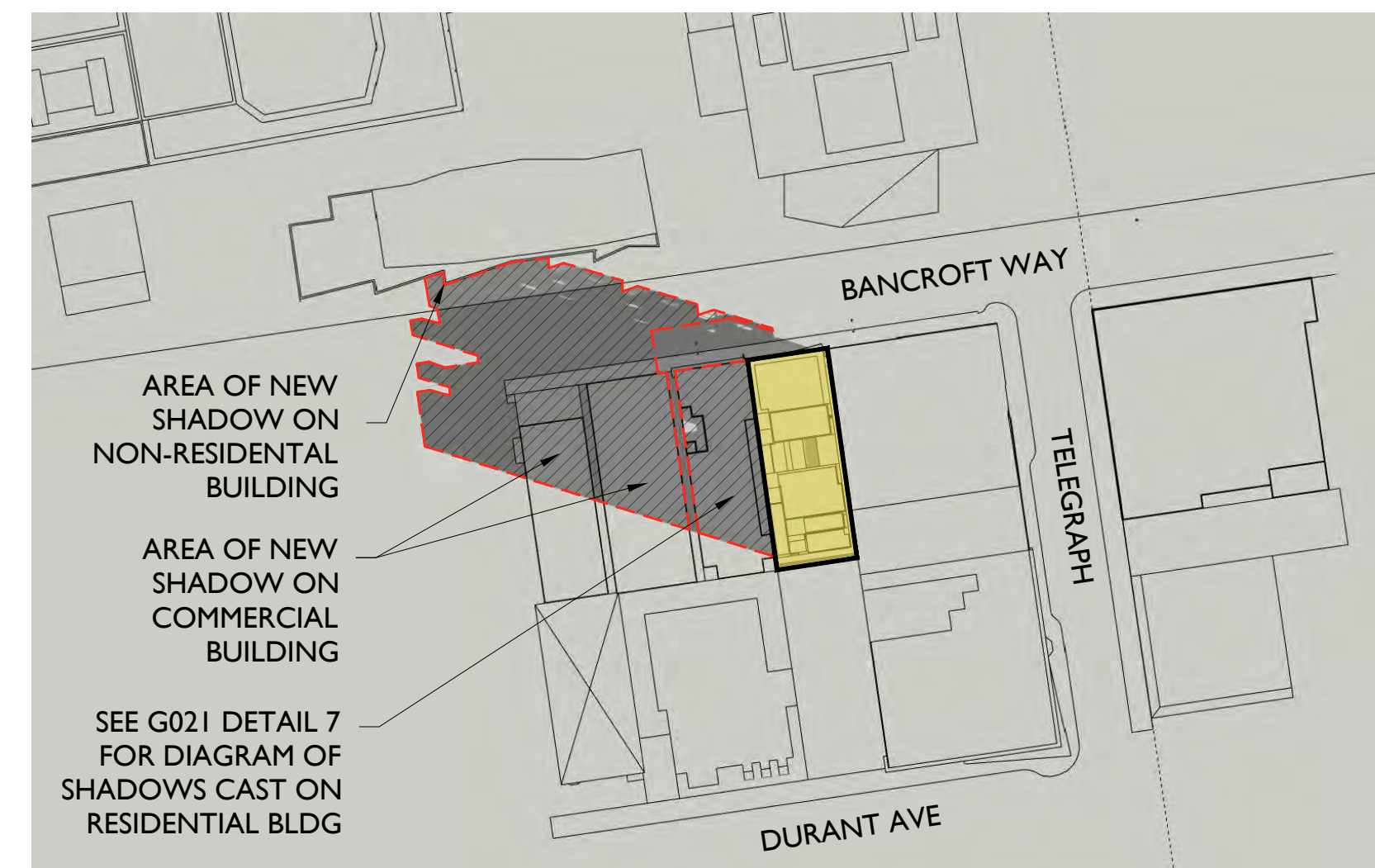
PROPOSED



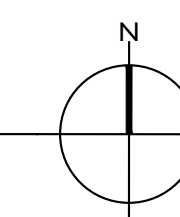
2 09/21 - 12:00 PM SHADOW STUDY
N.T.S.



PROPOSED



1 09/21 - 8:56 AM SHADOW STUDY
N.T.S.



PROJECT ISSUE RECORD:

CITY PERMIT RECORD:

09/26/2022	DRAFT ENT. SET

PROJECT:
RUE03

TITLE:
SHADOW STUDIES -
SEPTEMBER 21

SHEET:
G021



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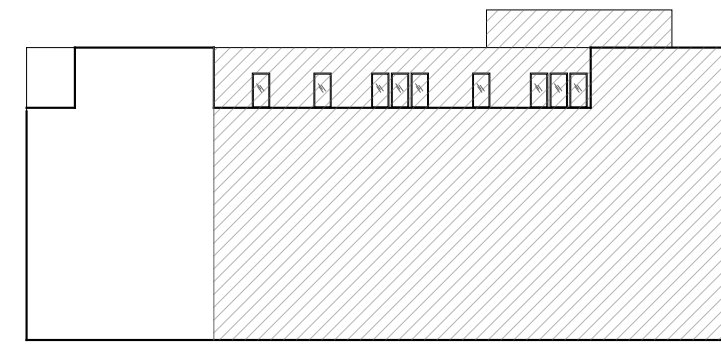
2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704

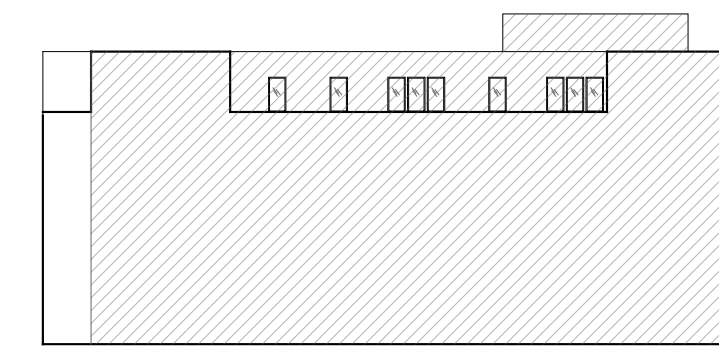


LEGEND

- NEW SHADOW
- EXISTING SHADOW
- SITE LOCATION

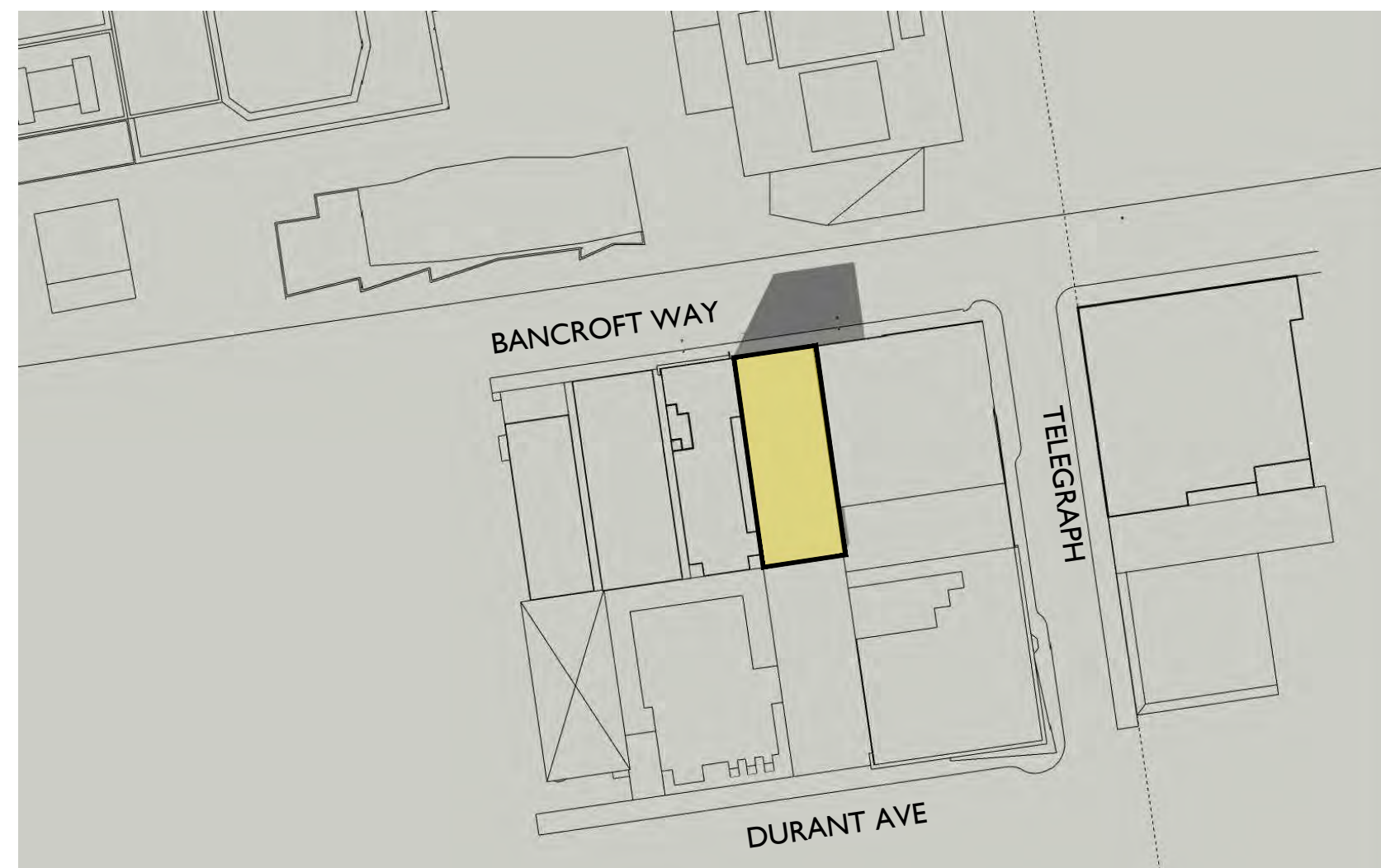


8 2468 BANCROFT EAST ELEVATION, 12/21 @ 12PM
1/32" = 1'-0"

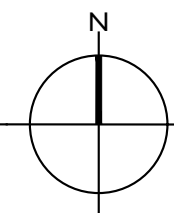


7 2468 BANCROFT EAST ELEVATION, 12/21 @ 12PM
1/32" = 1'-0"

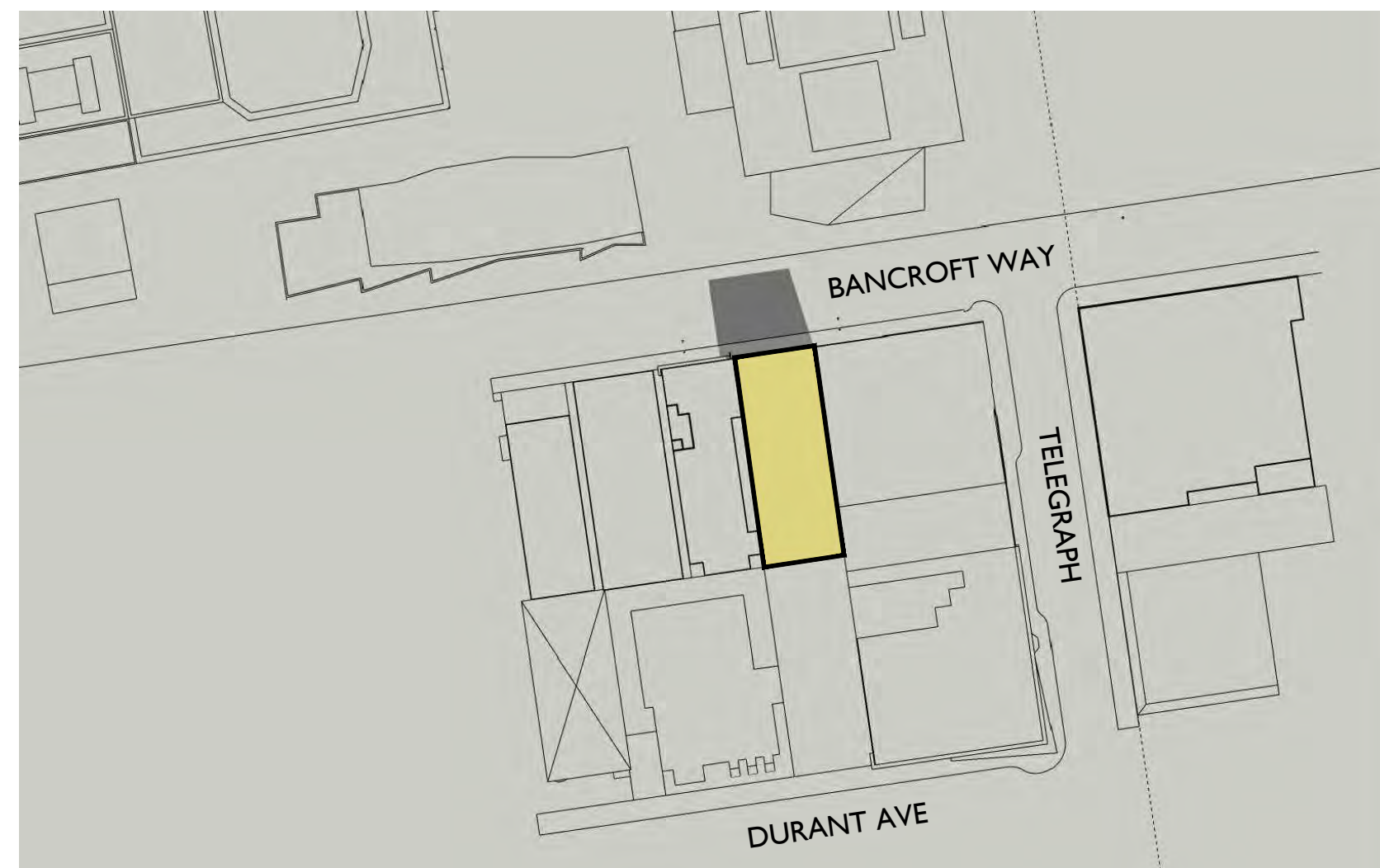
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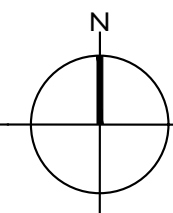
6 12/21 - 2:53 PM SHADOW STUDY
N.T.S.



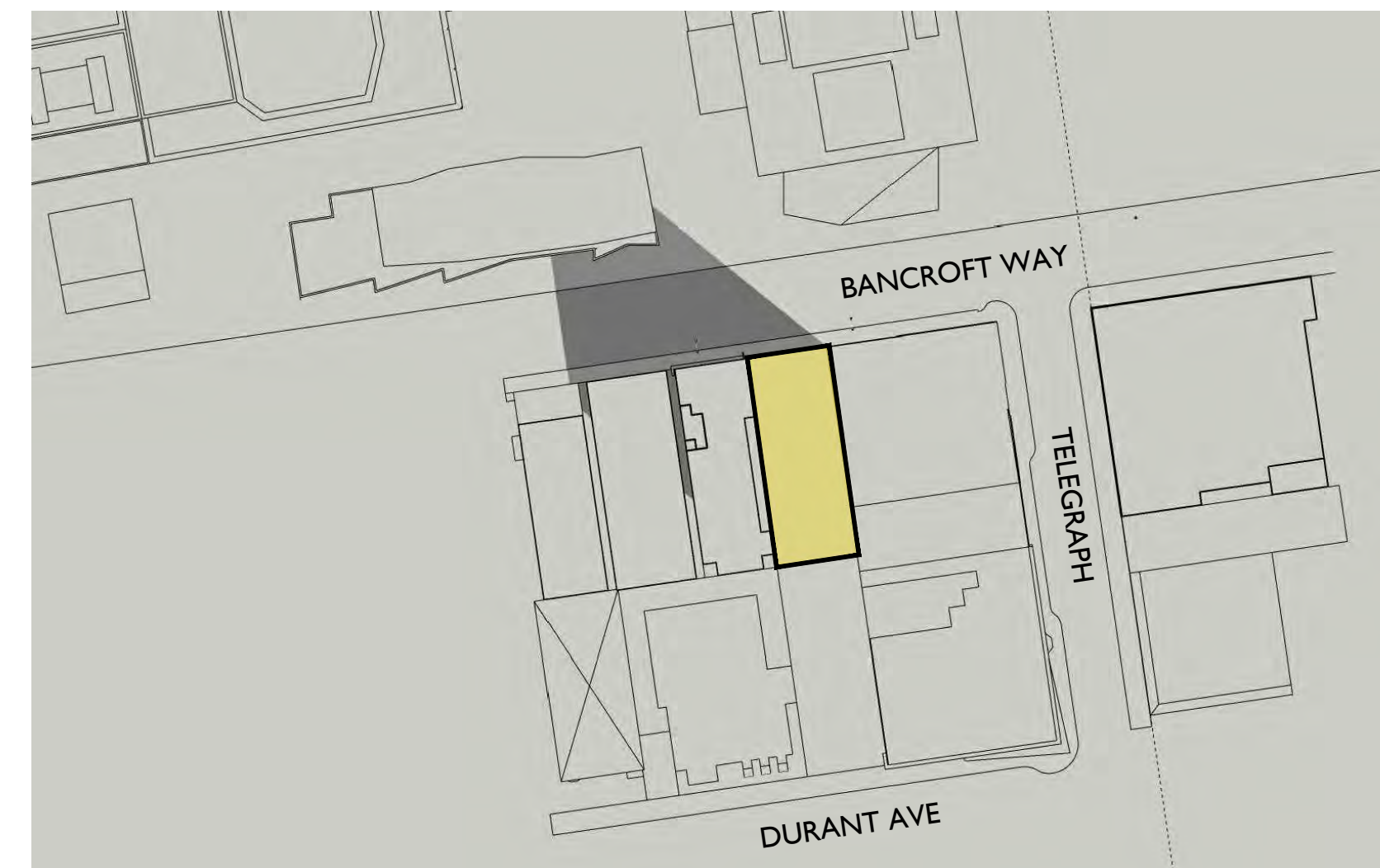
EXISTING



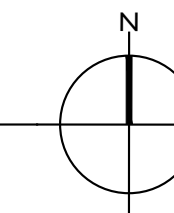
5 12/21 - 12:00 PM SHADOW STUDY
N.T.S.



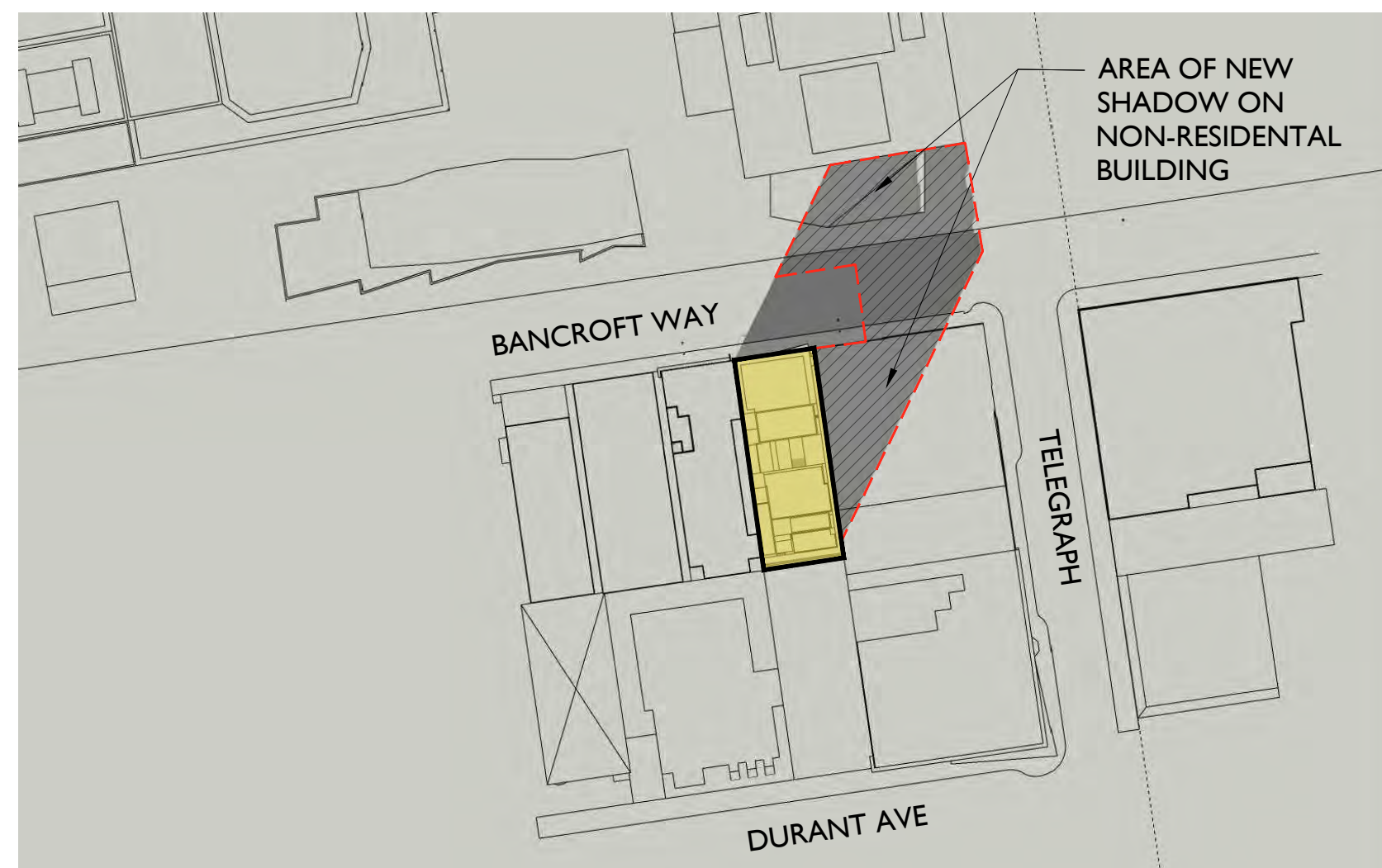
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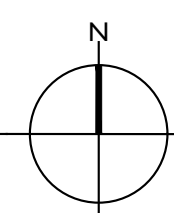
4 12/21 - 9:21 AM SHADOW STUDY
N.T.S.



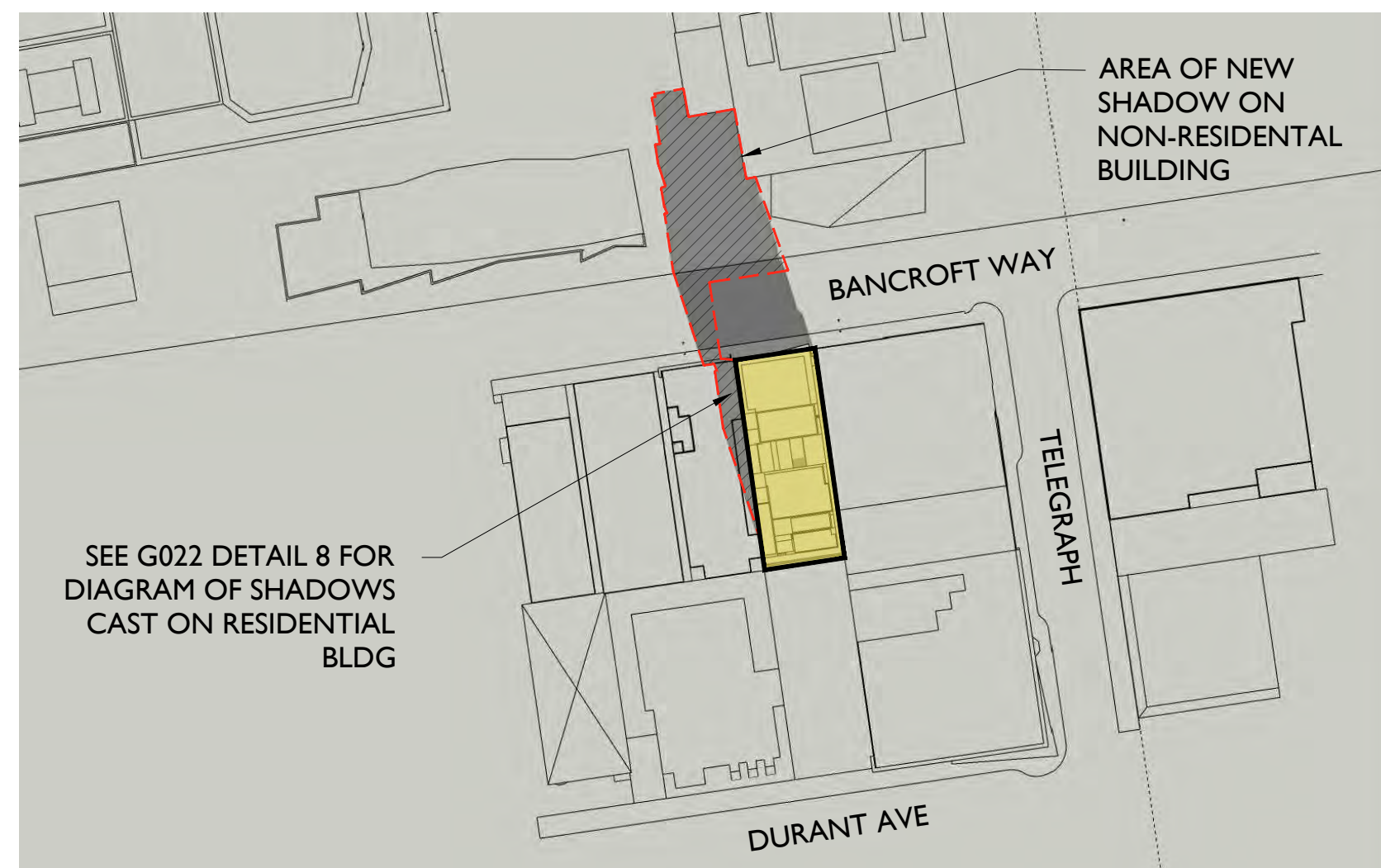
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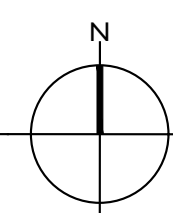
3 12/21 - 2:53 PM SHADOW STUDY
N.T.S.



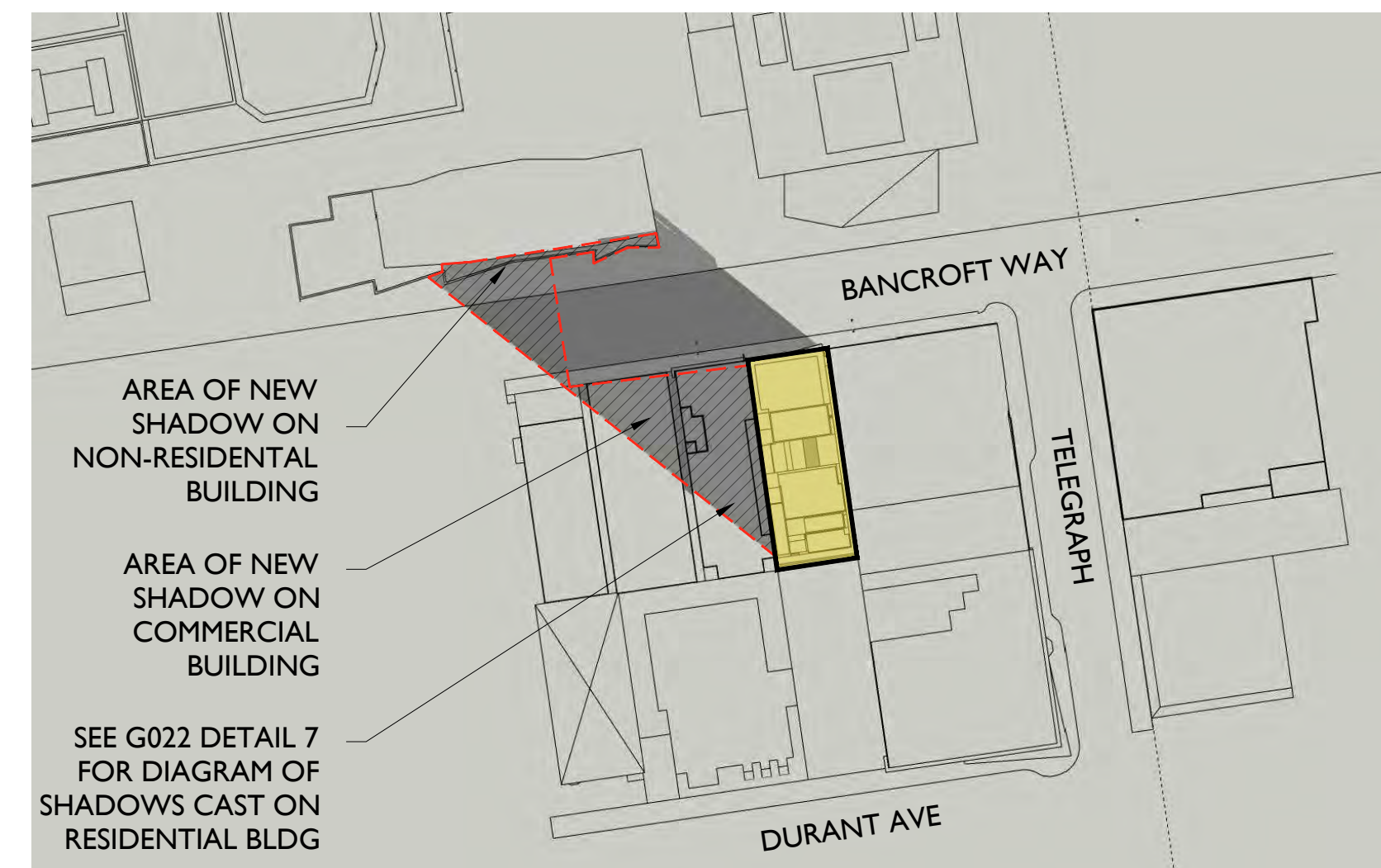
PROPOSED



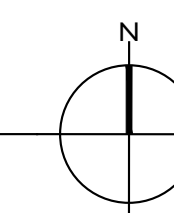
2 12/21 - 12:00 PM SHADOW STUDY
N.T.S.



PROPOSED



1 12/21 - 9:21 AM SHADOW STUDY
N.T.S.



PROJECT ISSUE RECORD:

NO.	DATE	DESCRIPTION

CITY PERMIT RECORD:

09/26/2022 DRAFT ENT. SET

NO.	DATE	DESCRIPTION

PROJECT: RUE03

TITLE: SHADOW STUDIES - DECEMBER 21

SHEET: **G022**



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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704

Usable Open Space Summary		
Floor	Sq. Ft	Names/Locations
1	0	N/A
2	302	Second Floor Common Balconies
3	159	Unit C3 Balcony
4	106	Unit C1 Balcony
5	159	Unit C3 Balcony
6	106	Unit C1 Balcony
7	159	Unit C3 Balcony
8	882	Roof Deck
Total	1,873	<i>40 SF / Unit = 1,120 SF required for Residential</i>
Per Unit	67	<i>~475 S.F. Vegetated area will be Provided (~40% Non-Balc)</i>

7 USABLE OPEN SPACE SUMMARY
N.T.S.



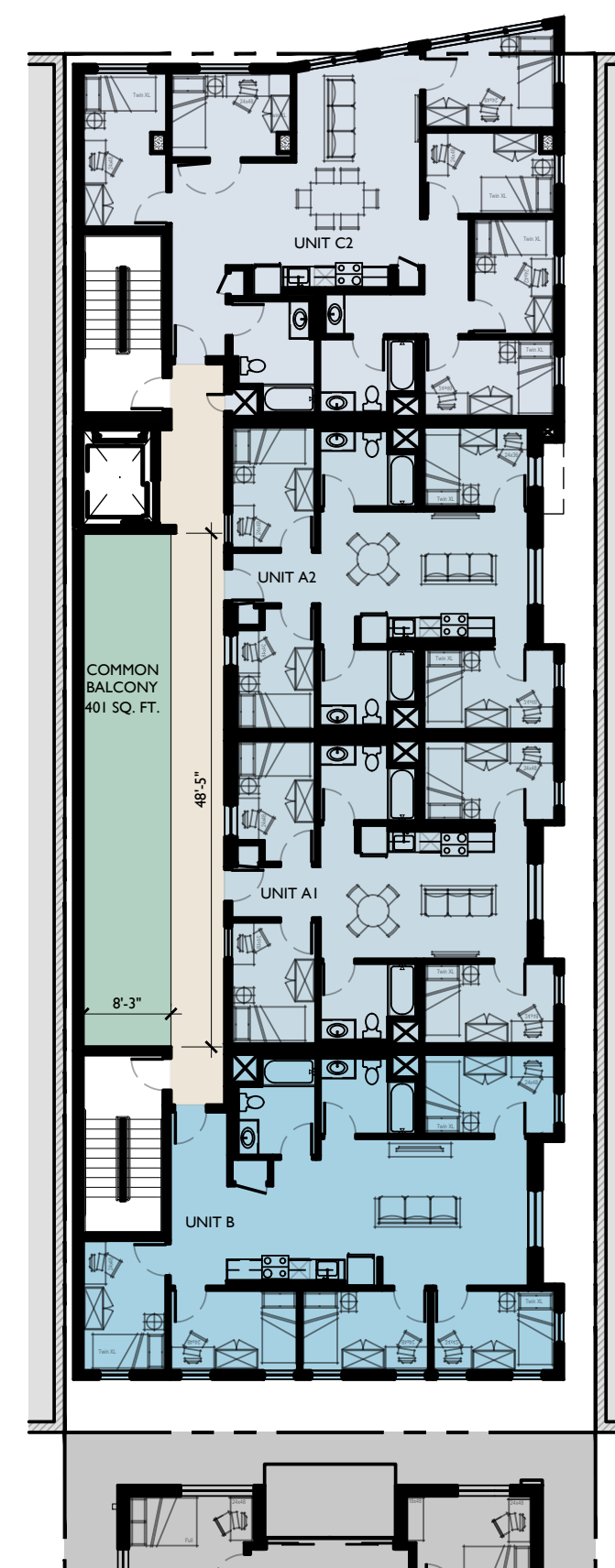
5 EIGHTH FLOOR PLAN
1/16"=1'-0"



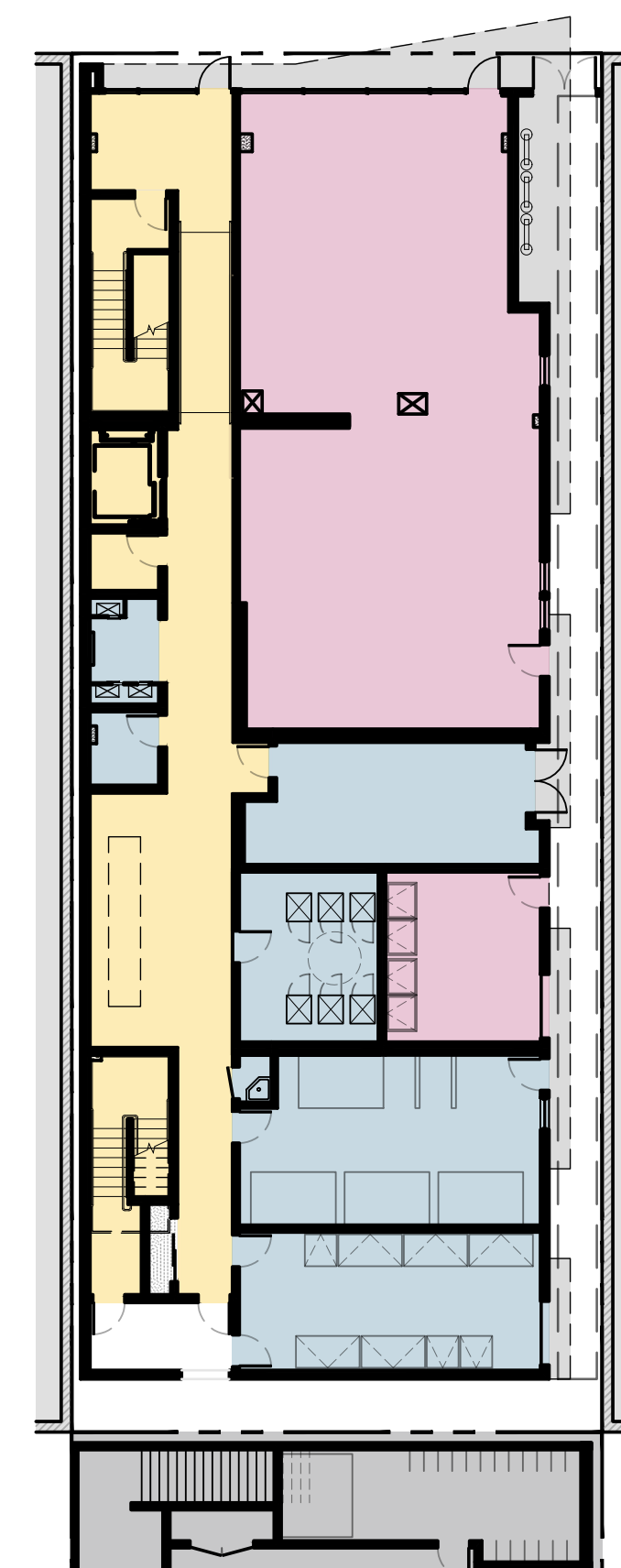
4 TYPICAL PLAN - FLOORS 6 + 4
1/16"=1'-0"



3 TYPICAL PLAN - FLOORS 7, 5, 3
1/16"=1'-0"



2 SECOND FLOOR PLAN
1/16"=1'-0"



1 GROUND FLOOR PLAN
1/16"=1'-0"

PROJECT ISSUE RECORD:
03/07/2023 MAT. SCHEME REV.

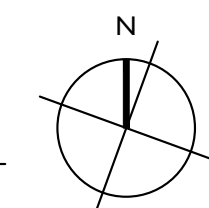
CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03

TITLE:
USABLE OPEN SPACE
CALCULATIONS

SHEET:

G030





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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704

ZONING CODE INFORMATION						
SITE INFORMATION						
PROJECT ADDRESS:		2480 BANCROFT WAY				
APN:		55-1878-22				
SEISMIC SAFETY						
EARTHQUAKE FAULT RUPTURE ZONE:		NO				
LANDSLIDE ZONE:		NO				
LIQUEFACTION ZONE:		NO				
UN-REINFORCED MASONRY BLDG INVENTORY:		NO				
HISTORICAL PRESERVATION						
LANDMARK OR STRUCTURE OF MERIT:		NO				
STRUCTURE GREATER THAN 40 YEARS OLD:		YES				
ENVIRONMENTAL SAFETY						
CREEK BUFFER:		NO				
ENVIRONMENTAL AREA:		NO				
FIRE ZONE:		1				
FLOOD ZONE (100-YEAR OR 1%):		NO				
PARCEL CONDITIONS						
ZONING DISTRICT:		C-T				
GENERAL PLAN LAND AREA:		AVENUES COMMERCIAL				
SPECIAL ZONING OVERLAYS:		SOUTHSIDE PLAN				
ZONING ADJACENCIES:						
		NORTH	EAST	SOUTH	WEST	
		R-SH	C-T	C-T	C-T	
		EXISTING	BASE PROJECT	PROPOSED PROJECT	PERMITTED / REQUIRED	W/USE PERMIT*
AREAS		TOTAL LOT AREA (SQ.FT.):	6,500	6,500	6,500	N/A
		LOT COVERAGE % (1ST-2ND):	91%	82%	82%	40%
		FLOOR AREA RATIO (FAR):	0	5.04	5.77	5
		MAX. BUILDING HEIGHT (FT.):	24'	75'	90'	65'
		# STORIES:	1	7	8	N/A
		1ST	0	1'-0"	1'-0"	N/A
		2ND & ABOVE	N/A	0	0	15'-0"
SETBACKS		FRONT	4'	5'	5'	10'-0"
		REAR	0	10'	10'	5'-0"
		(WEST) INTERIOR SIDE:	0	5'	5'	5'-0"
		(EAST) INTERIOR SIDE:	0	5'	5'	5'-0"
		2ND & ABOVE	N/A	3'	3'	NONE
BUILDING AREA INFORMATION:						
		EXISTING	BASE PROJECT	PROPOSED PROJECT	PERMITTED / REQUIRED	
BUILDING FOOTPRINT:		5,883	5,308	5,308	REPRESENTS LOT COVERAGE, NOT GROUND FLOOR ENCLOSED SPACE	
COMMERCIAL (RETAIL/RESTAURANT):		5,883	2,066	2,066	N/A	
RESIDENTIAL:		0	30,714	35,426	N/A	
TOTAL GSF:		0	32,780	37,492	39,000	
EXISTING BUILDING:						
	UNITS	RESIDENTIAL USE	COMMERCIAL USE	PARKING USE	TOTAL	
LEVEL 1	0	0	5,883	0	5,883	
TOTAL:	0	0	5,883	0	5,883	
PROPOSED BUILDING (BASE PROJECT IS THE SAME AS FLOORS 1-7):						
	UNITS	RESIDENTIAL USE	COMMERCIAL USE	NON-GSF	TOTAL	
LEVEL 1	0	3,120	2,066	0	5,186	
LEVEL 2	4	4,853	0	554	4,853	
LEVEL 3	4	4,712	0	554	4,712	
LEVEL 4	4	4,747	0	554	4,747	
LEVEL 5	4	4,712	0	554	4,712	
LEVEL 6	4	4,747	0	554	4,747	
LEVEL 7	4	4,712	0	554	4,712	
LEVEL 8	4	3,823	0	554	3,823	
TOTAL:	28	35,426	2,066	3,878	37,492	
OPEN SPACE CALCULATIONS:						
	UNITS	RATIO	U.O.S. REQUIRED	U.O.S. IN BASE	U.O.S. IN PROPOSED	
RESIDENTIAL UNITS	28	40 SF / UNIT	1,120	1,720	1,873	
LANDSCAPED AREA		40%	446	560	~475	
PARKING REQUIREMENTS:						
EXISTING OFF-STREET PARKING		RESIDENTIAL USE				
# OF SPACES		0				
BICYCLE PARKING:						
RESIDENTIAL		NONE REQUIRED FOR COMMERCIAL				
	UNITS	BEDS	RATIO	REQUIRED	PROVIDED	
SHORT TERM	28	123	1 PER 40 BDRMS	3	4	
LONG TERM	28	123	1 PER 3 BDRMS	41.00	52	
TOTAL:				44	56	

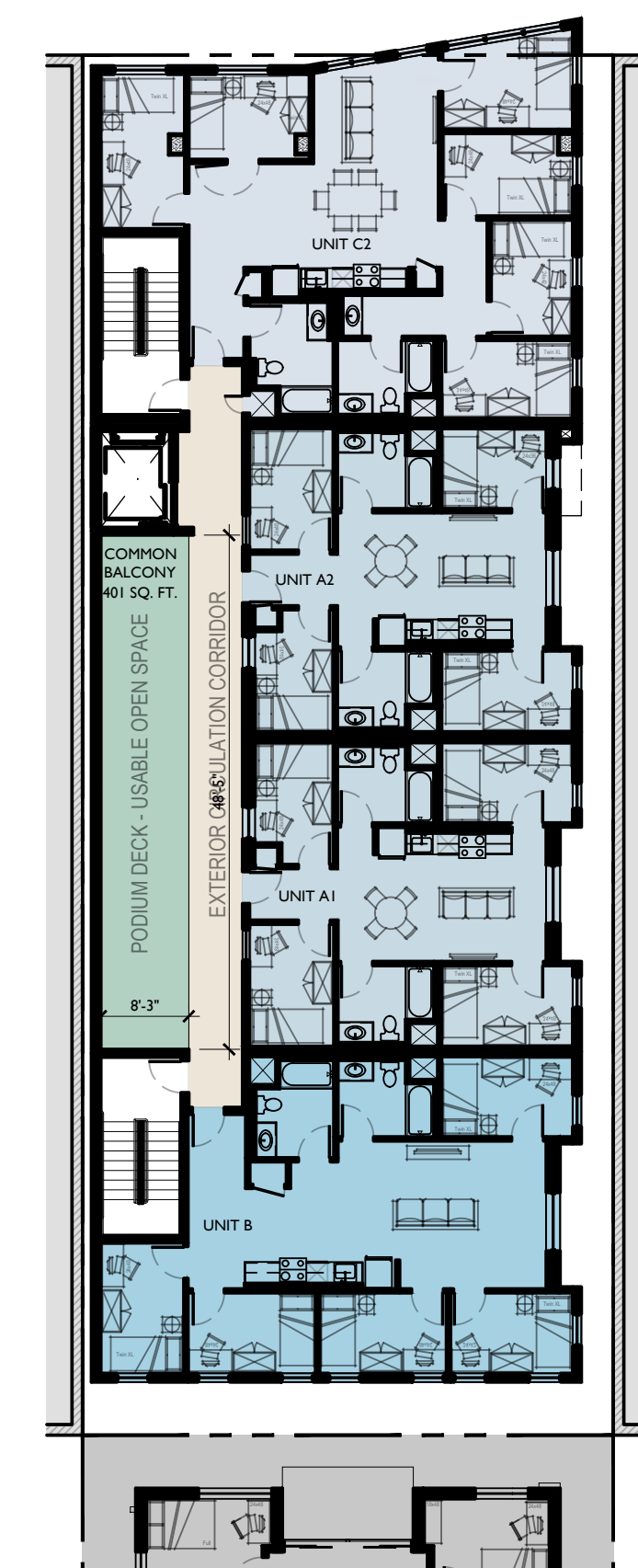
9 ZONING CODE INFORMATION
N.T.S.

Density Bonus Statistics											
Project Address:		2480 Bancroft									
Project Code:		RUE03									
Date:		4/28/2023									
Base Project	Base # Units	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units Allowed	Total Units Allowed		
sq. ft. - see calculation below	base project/avg. unit size	Base Units/Max. Residential Density (rounded up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units	% VLI x Base # Units (round-up)	%DB	%Bonus x Base # Units	%Bonus x Base # Units (rounded up)	base unit + DB Units (rounded up)		
30,714	24.28	25.00	5%	1.25	2.00	20.0%	5.00	5	30		
Base Project Residential Square Footage	Floor	Residential Sq. Footage Proposed	%VLI		%DB						
3,120	first	3,120	1-bd	4-bd	5-bd	6-bd					
4,853	second	4,853	2	1	1						
4,712	third	4,712	2	2	2						
4,747	fourth	4,747	2	2	2						
4,712	fifth	4,712	2	2	2						
4,747	sixth	4,747	2	2	2						
3,823	seventh	4,712	2	2	2						
	eighth	3,823	1	2	1						
30,714	TOTAL	35,426	1	14	12	1	Total				
			Units	1	56	60	6	28			
			Beds	1	56	60	6	123			
Total Res Square Footage:		35,426		6%		22.5%					
Proposed Units:		28		7%		25.0%					
Average Unit Size:		1,265		8%		27.5%					
				9%		30.0%					
				10%		32.5%					
				11%		35.0%					
				12%		38.7%					
				14%		46.3%					
				15%		50.0%					

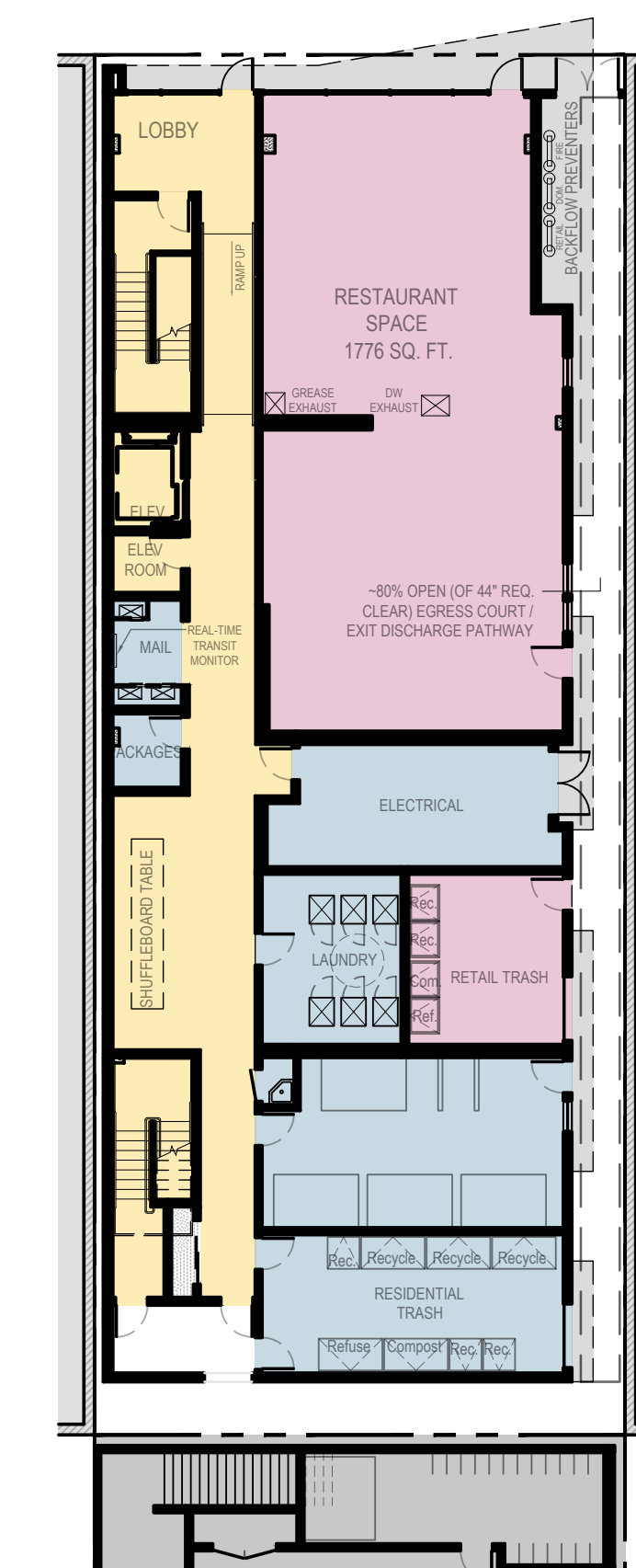
8 DENSITY BONUS STATISTICS
N.T.S.



3 BASE PROJECT FLOORS 3&5 PROPOSED PLAN - FLOORS 3,5,7
1/16"=1'-0"



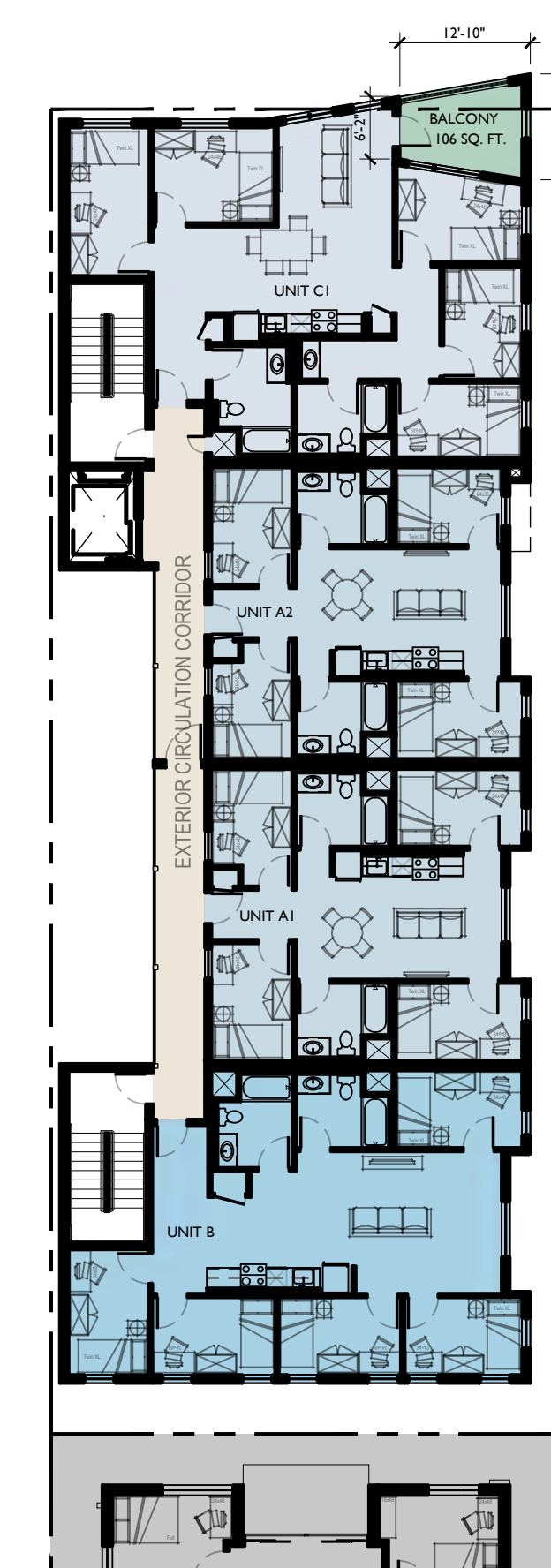
2 BASE PROJECT 2ND FLOOR PROPOSED 2ND FLOOR PLAN
1/16"=1'-0"



1 BASE PROJECT GROUND FLOOR PROPOSED GROUND FLOOR
1/16"=1'-0"



7 BASE PROJECT FLOOR 7 PROPOSED PLAN - FLOOR 8
1/16"=1'-0"



5 BASE PROJECT FLOORS 4&6 PROPOSED PLAN - FLOORS 4&6
1/16"=1'-0"

PROJECT ISSUE RECORD:

03/07/2023 MAT. SCHEME REV.

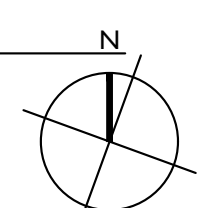
CITY PERMIT RECORD:

09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT: RUE03

TITLE: DENSITY BONUS CALCULATIONS & PLANS

SHEET: G03 I

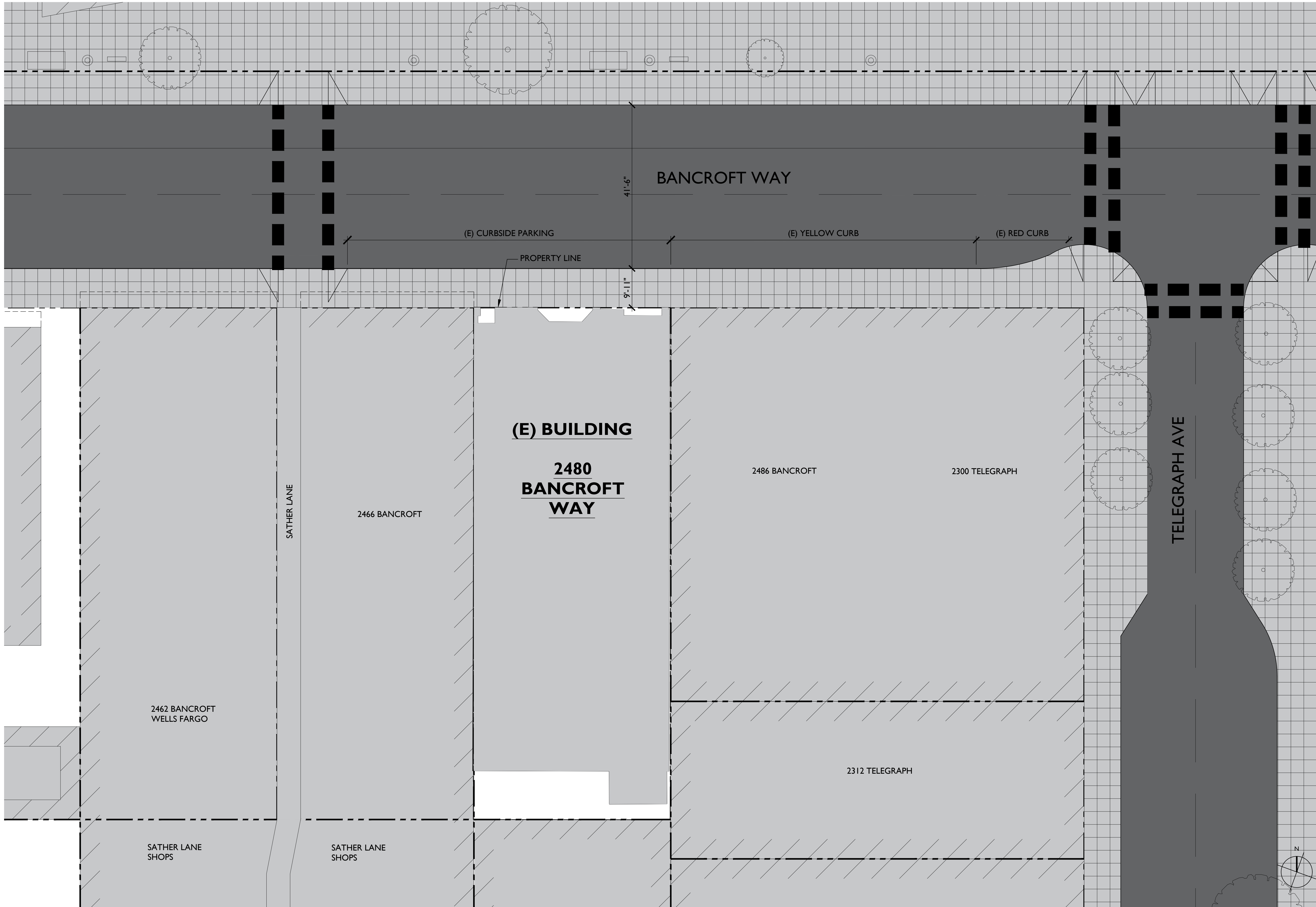




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2480 BANCROFT WAY

BERKELEY, CALIFORNIA 94704



1 EXISTING SITE PLAN
 3/32"=1'-0"

PROJECT ISSUE RECORD:	
03/07/2023	MAT. SCHEME REV.
CITY PERMIT RECORD:	
09/26/2022	DRAFT ENT. SET
02/08/2023	ZONING REV. I
04/27/2023	ROOF DECK REV.

PROJECT:
 RUE03

TITLE:
 SITE PLAN -
 EXISTING

SHEET:
A010



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BERKELEY, CALIFORNIA 94704

PROJECT ISSUE RECORD:

03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:

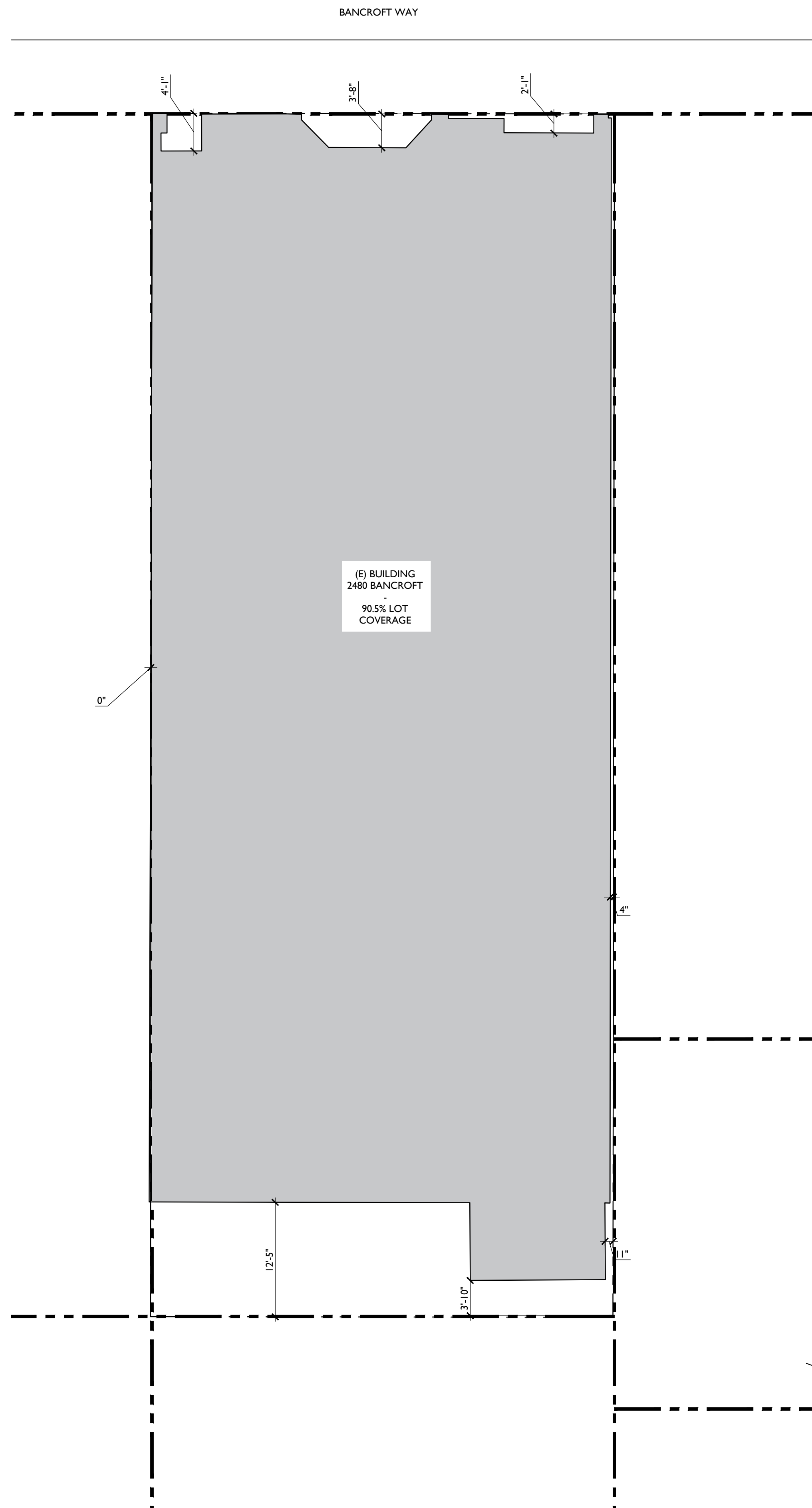
09/24/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03

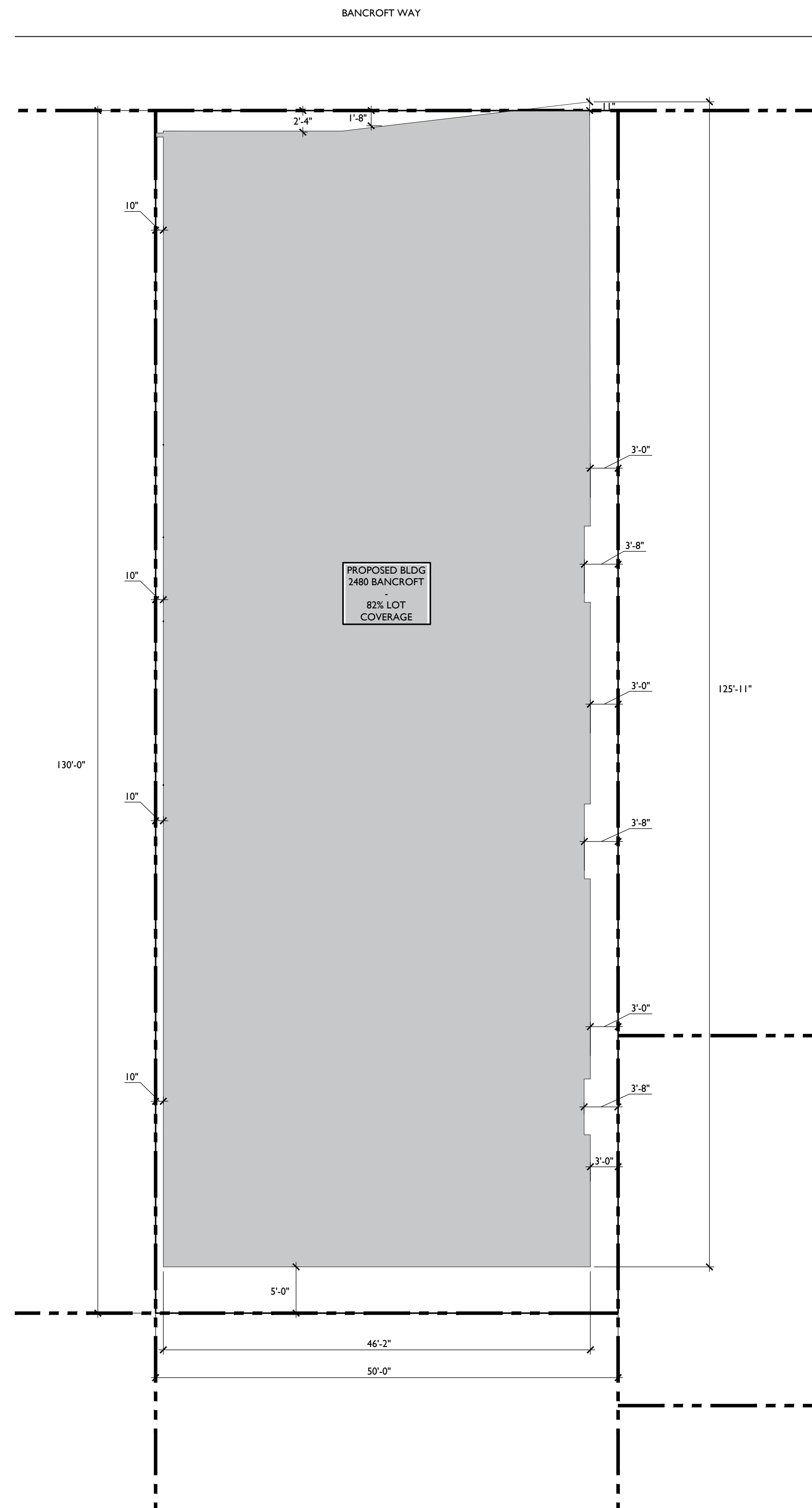
TITLE:
LOT COVERAGE
DIAGRAMS

SHEET:

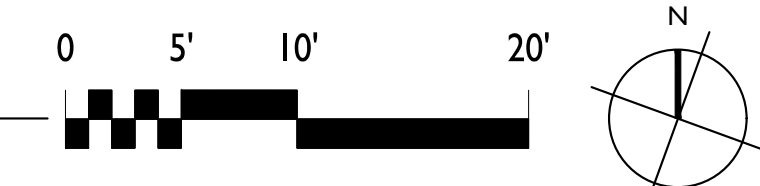
A011



2 LOT COVERAGE DIAGRAM - EXISTING
1/8"=1'-0"



1 LOT COVERAGE DIAGRAM - PROPOSED
1/8"=1'-0"

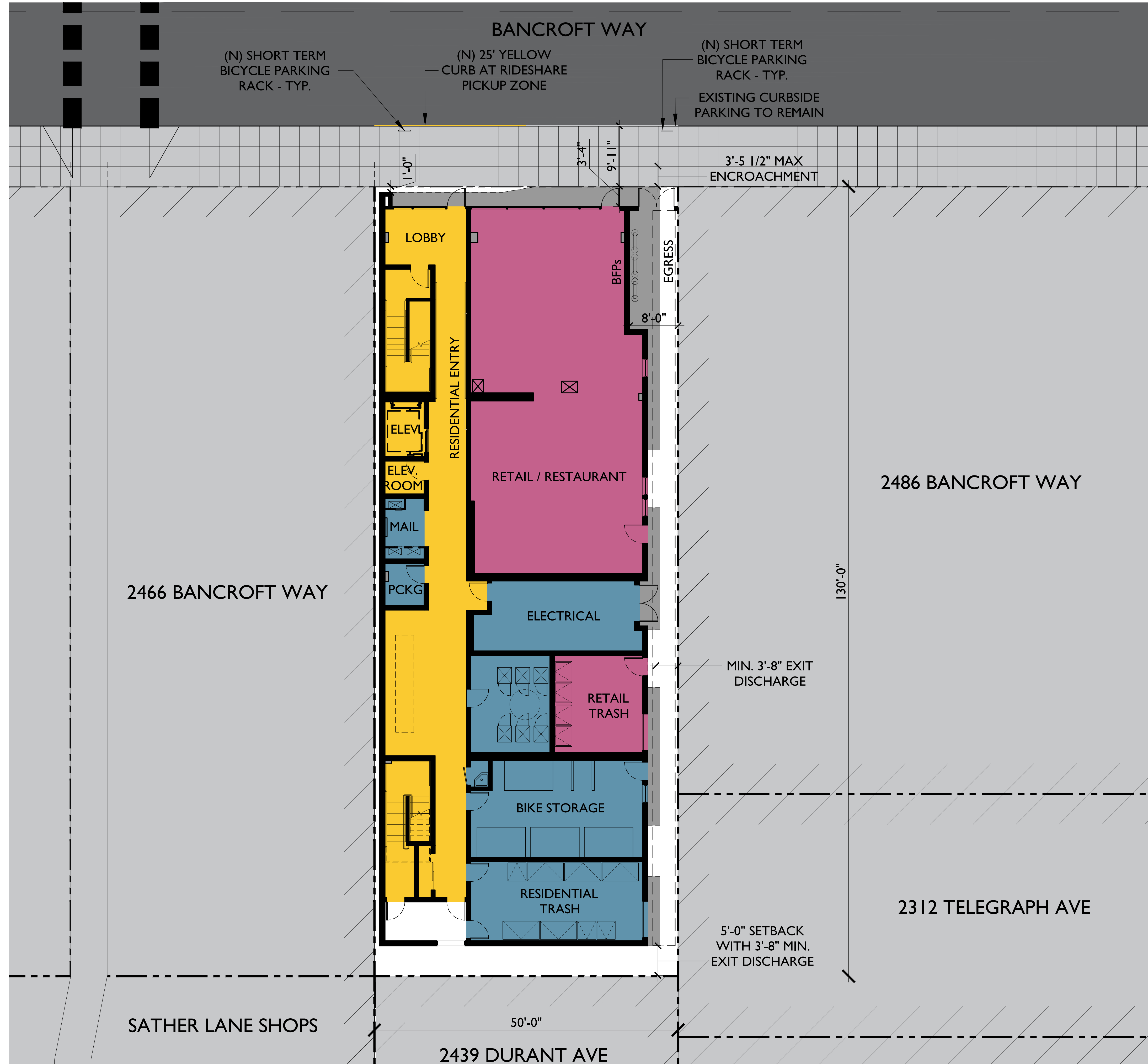




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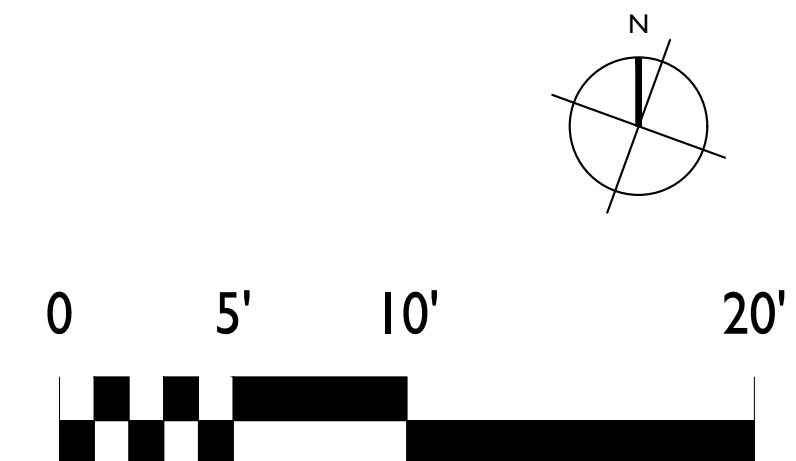


PROJECT ISSUE RECORD:	
03/07/2023	MAT. SCHEME REV.
CITY PERMIT RECORD:	
09/26/2022	DRAFT ENT. SET
02/08/2023	ZONING REV. I
04/27/2023	ROOF DECK REV.

PROJECT:
RUE03

TITLE:
SITE PLAN -
PROPOSED

SHEET:
A100





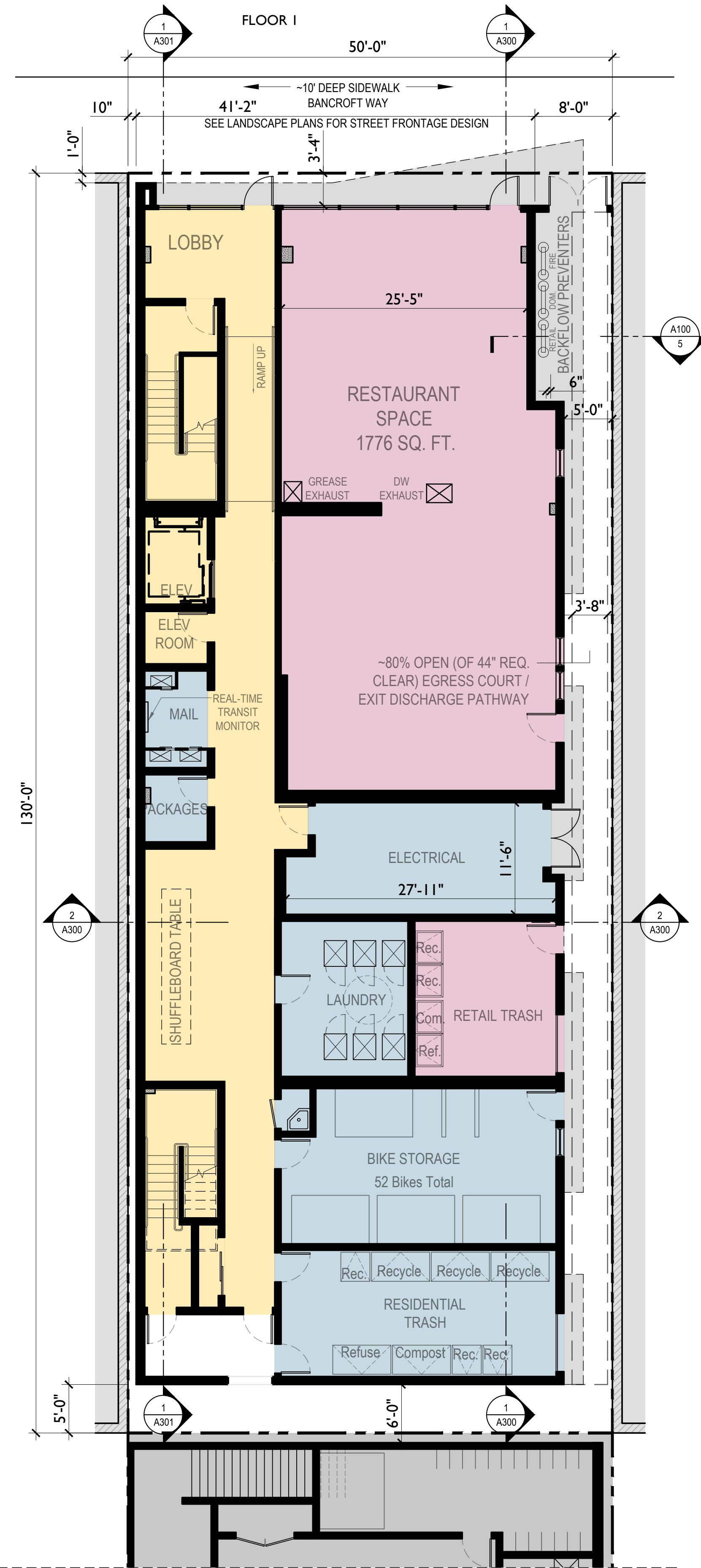
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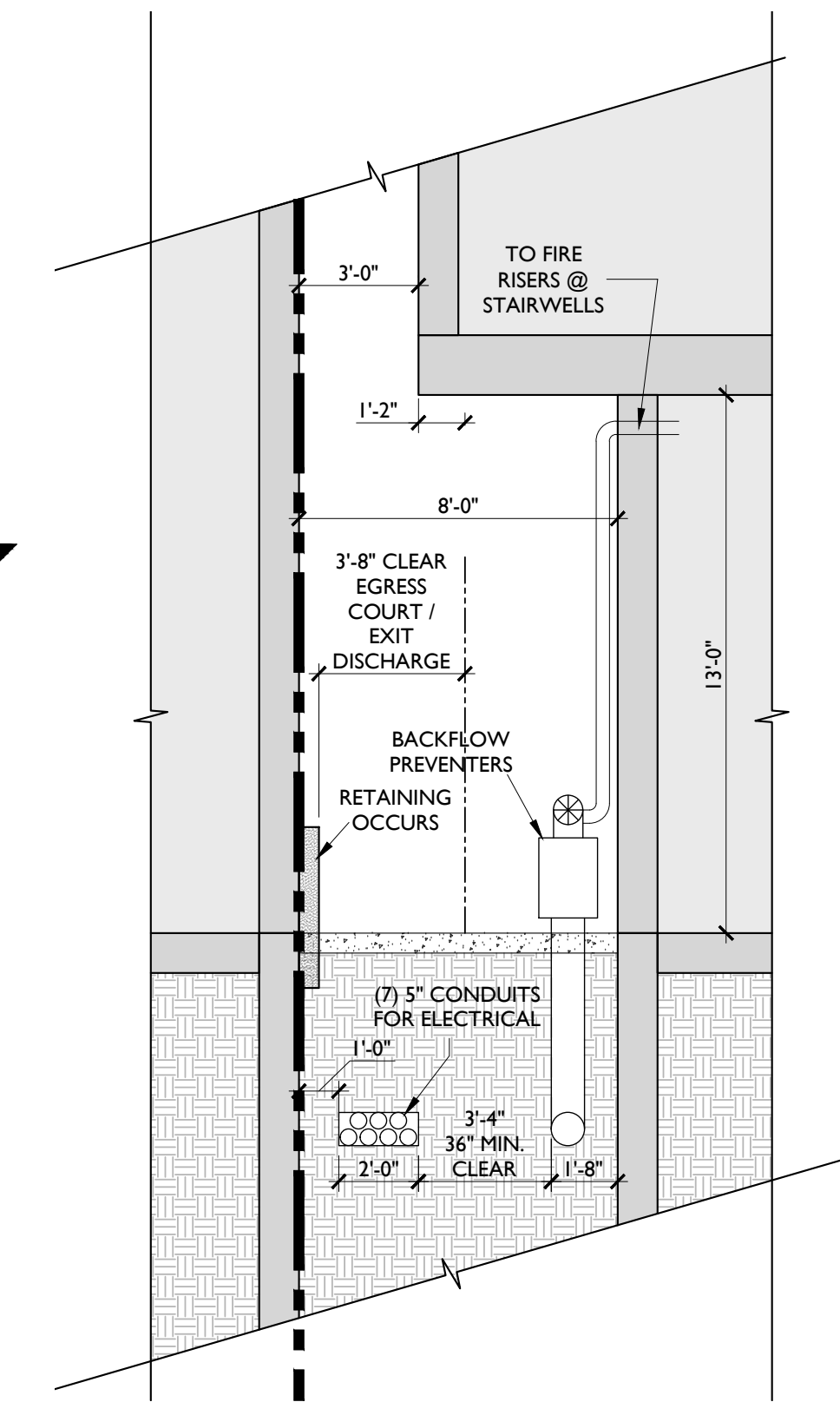
SECOND FLOOR SUMMARY					
UNIT TYPE / NAME	SQUARE FOOTAGE	BEDROOMS	BATHROOMS	BALCONY / U.O.S.	NOTES
A1	920	4	2	-	
A2	902	4	2	-	
B	1,234	5	2	-	
C2	1,434	6	2	-	
PODIUM DECK	0	-	-	401	UNCOVERED - DOES NOT COUNT TOWARD G.S.F., PER BMC DEFINITIONS
EXT. CORRIDOR	363	-	-	302	
STAIRS / ELEVATOR	480	-	-	-	DOES NOT COUNT TOWARD G.S.F., PER BMC DEFINITIONS
TOTAL GROSS S.F.	4,893	19	8	703	

5 2ND FLOOR PLAN
1/8" : 1' 0"

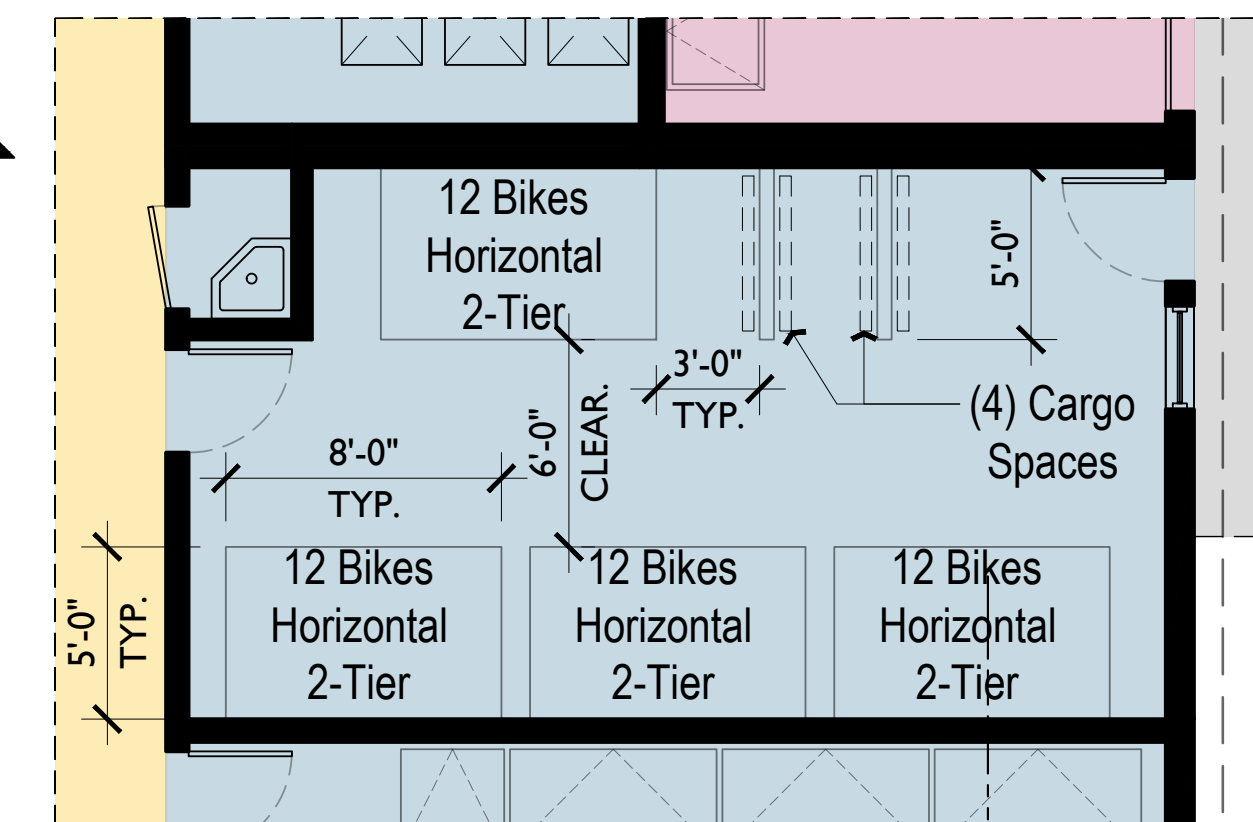


GROUND FLOOR SUMMARY					
UNIT TYPE / NAME	SQUARE FOOTAGE	BEDROOMS	BATHROOMS	BALCONY / U.O.S.	NOTES
RESIDENTIAL	3,120	-	0	-	INCLUDES CIRCULATION & ELEVATOR
RESTAURANT	2,066	-	2	-	INCLUDES RETAIL TRASH
TOTAL GROSS S.F.	5,186	-	2	-	

4 GROUND FLOOR PLAN
1/8" : 1' 0"



3 EGRESS COURT SECTION
1/4" : 1' 0"



2 ENLARGED BIKE STORAGE PLAN
3/16" : 1' 0"

- UNIT A / RES. SUPPORT
- UNIT B
- UNIT C / D
- RETAIL
- U.O.S.
- INTERIOR CIRCULATION
- EXTERIOR CIRCULATION

1 FLOOR PLAN LEGEND



PROJECT ISSUE RECORD:	
03/07/2023	MAT. SCHEME REV.

CITY PERMIT RECORD:	
09/26/2022	DRAFT ENT. SET
02/08/2023	ZONING REV. 1
04/27/2023	ROOF DECK REV.

PROJECT:
RUE03
TITLE:
PROPOSED
GROUND FLOOR &
2ND FLOOR PLANS

SHEET:
A101



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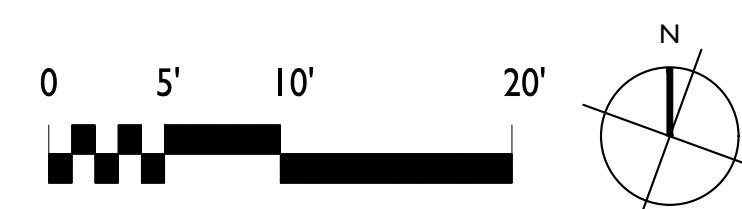
4TH + 6TH FLOOR PLANS					
UNIT TYPE / NAME	SQUARE FOOTAGE	BEDROOMS	BATHROOMS	BALCONY / U.O.S.	NOTES
A1	920	4	2	-	
A2	902	4	2	-	
B	1,234	5	2	-	
C1	1,328	5	2	106	
EXT. CORRIDOR	383	-	-	-	DOES NOT COUNT TOWARD G.S.F., PER BMC DEFINITIONS
STAIRS / ELEVATOR	480	-	-	-	
TOTAL GROSS S.F.	4,747	18	8	106	



3RD, 5TH, 7TH FLOOR PLANS					
UNIT TYPE / NAME	SQUARE FOOTAGE	BEDROOMS	BATHROOMS	BALCONY / U.O.S.	NOTES
A1	920	4	2	-	
A1	920	4	2	-	
B	1,234	5	2	-	
C3	1,275	5	2	159	
EXT. CORRIDOR	383	-	-	-	DOES NOT COUNT TOWARD G.S.F., PER BMC DEFINITIONS
STAIRS / ELEVATOR	480	-	-	-	
TOTAL GROSS S.F.	4,712	18	8	159	

- UNIT A / RES. SUPPORT
- UNIT B
- UNIT C / D
- RETAIL
- U.O.S.
- INTERIOR CIRCULATION
- EXTERIOR CIRCULATION

1 FLOOR PLAN LEGEND



PROJECT ISSUE RECORD:
03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03
TITLE:
PROPOSED 3RD,
4TH, 5TH, 6TH & 7TH
FLOOR PLANS

SHEET:
A102

3 4TH + 6TH FLOOR PLAN
1/8" = 1' 0"

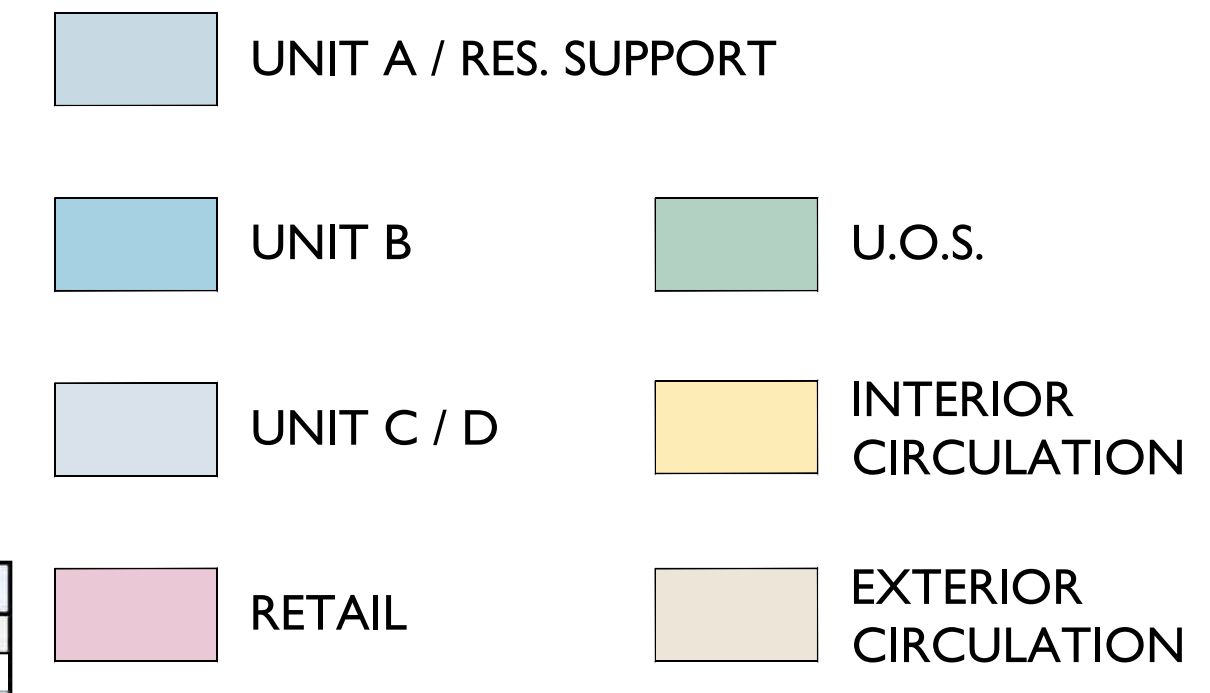
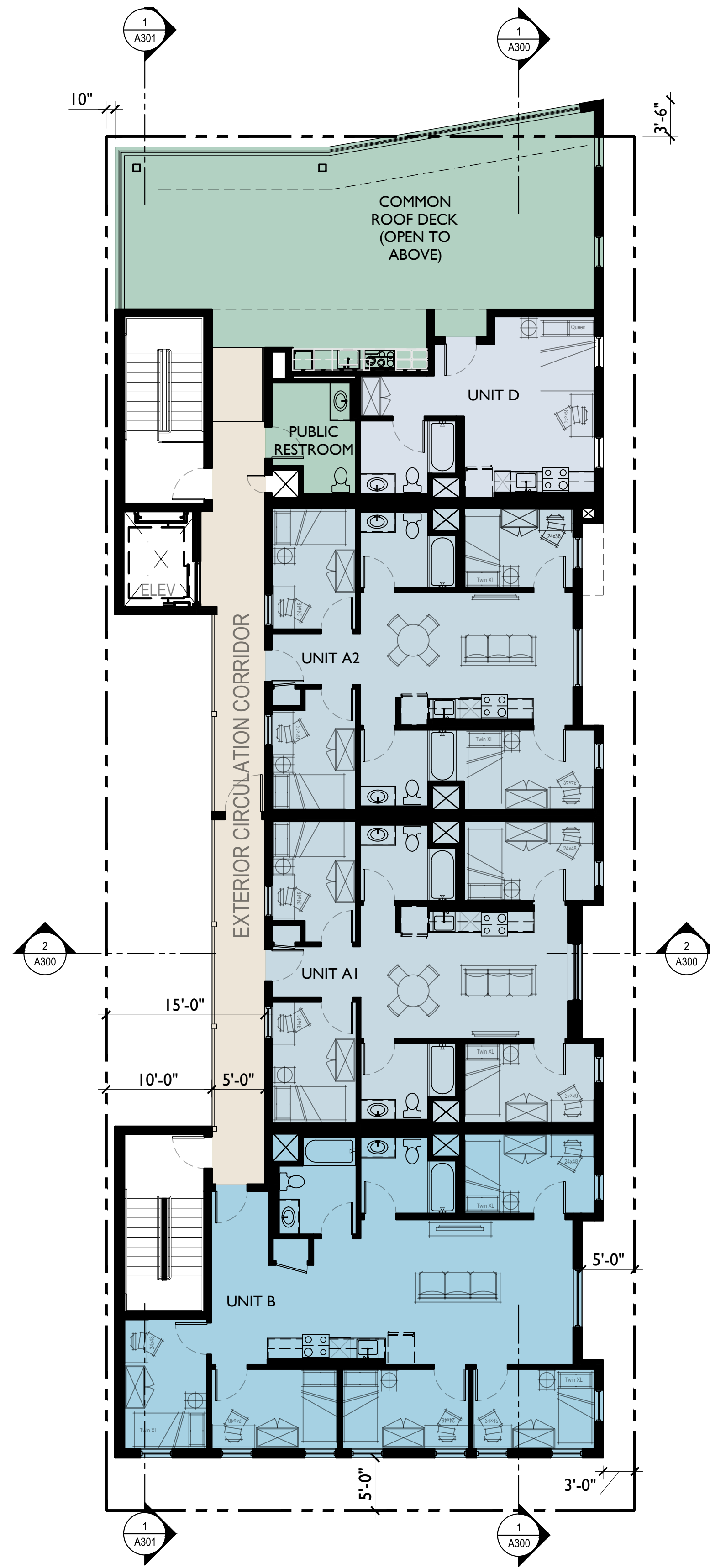
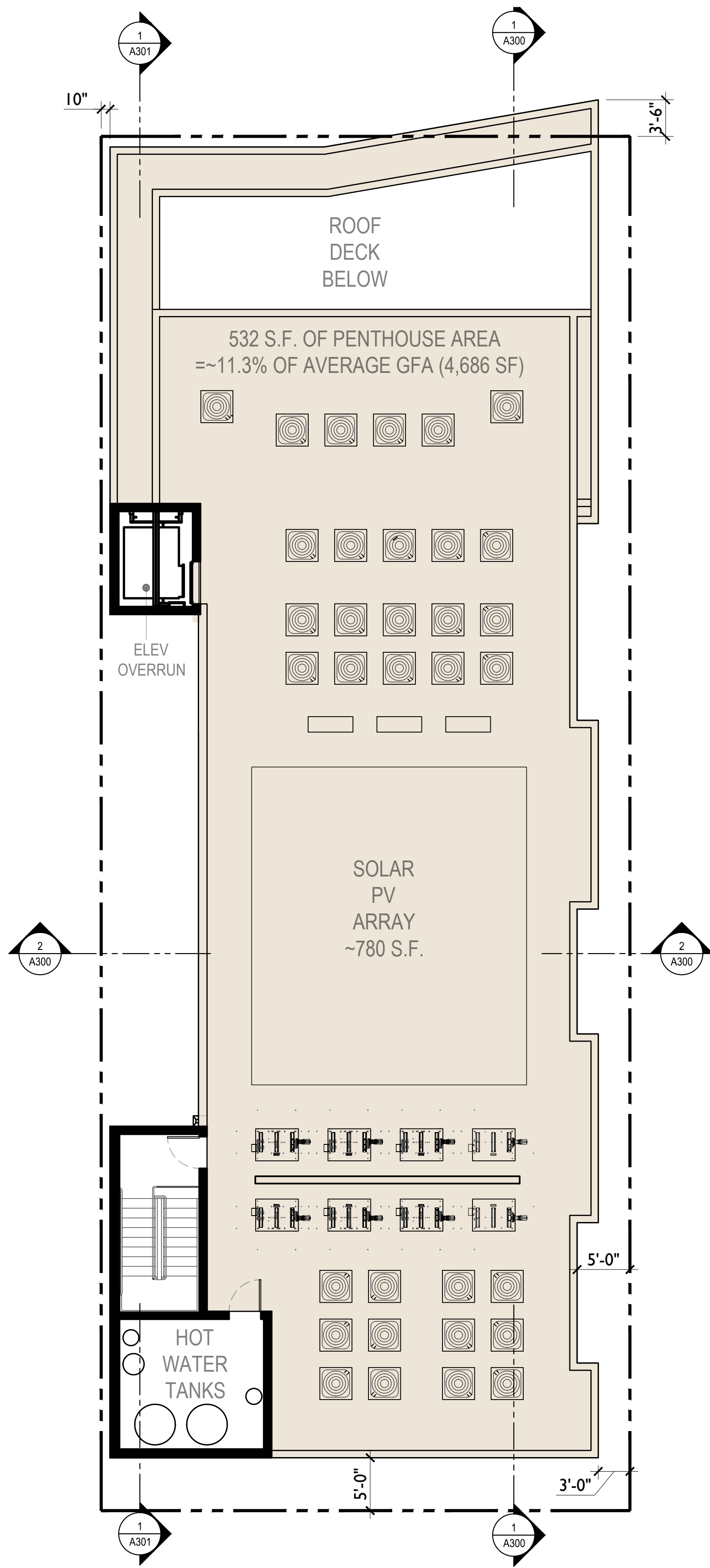
2 3RD, 5TH, 7TH FLOOR PLAN
1/8" = 1' 0"



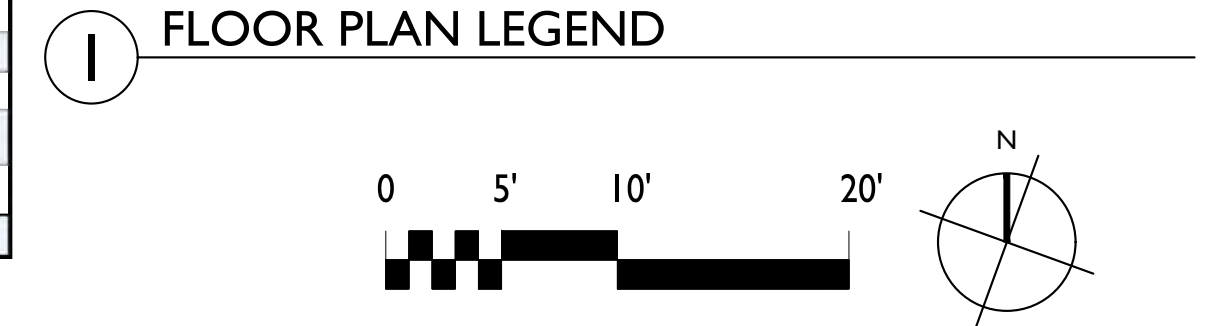
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8TH FLOOR PLAN					
UNIT TYPE / NAME	SQUARE FOOTAGE	BEDROOMS	BATHROOMS	BALCONY / U.O.S.	NOTES
A1	920	3	1	-	
A2	902	3	1	-	
B	1,234	5	2	-	
D	357	1	1	-	
EXT. CORRIDOR	410	-	-	-	
ROOF TOP DECK	-	-	-	882	MOSTLY UNCOVERED - DOES NOT COUNT TOWARD G.S.F. PER BMC DEFINITIONS
STAIRS / ELEVATOR	480	-	-	-	DOES NOT COUNT TOWARD G.S.F. PER BMC DEFINITIONS
TOTAL GROSS S.F.	3,823	12	5	882	



PROJECT ISSUE RECORD:
03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03
TITLE:
PROPOSED ROOF & 8TH FLOOR PLANS

SHEET:
A103

3 ROOF PLAN
1/8" = 1' 0"

2 8TH FLOOR PLAN
1/8" = 1' 0"



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7 **ACCENT**
SHERWIN WILLIAMS
9059 SILKEN PEACOCK



8 **ACCENT**
SHERWIN WILLIAMS
9057 AQUITAINE



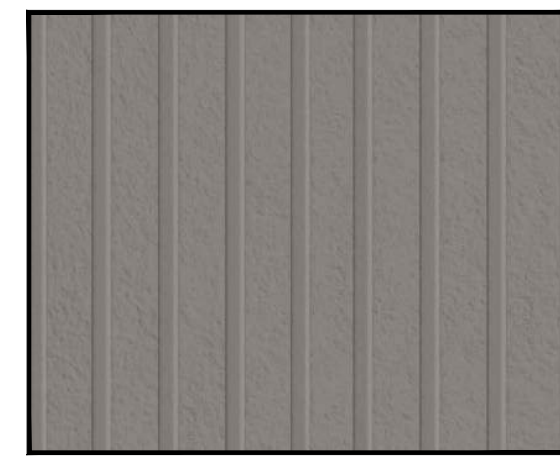
9 **ACCENT**
SHERWIN WILLIAMS
6498 BYTE BLUE



10 **COMPOSITE PANEL - MAIN BAND**
TRESPA - METEON
PASTEL GREY - SATIN FINISH



11 **WINDOW FRAMES**
INTUS
BLACK



1 **EXTERIOR CEMENTITIOUS RAINSCREEN PANELS - MAIN BODY**
CERAACLAD - 8 MID GRAY



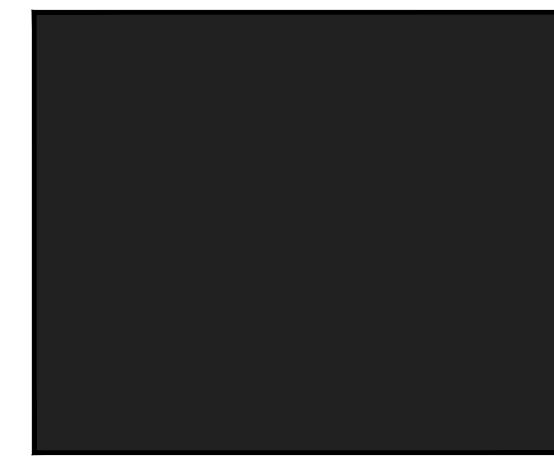
2 **STUCCO - REAR BODY**
BENJAMIN MOORE
BABY'S BREATH 873



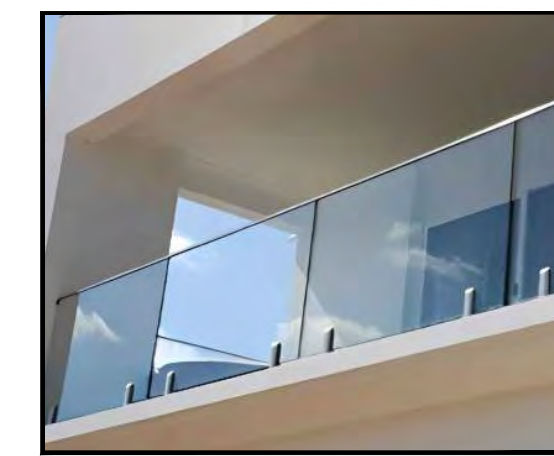
3 **STUCCO - SIDE BODY**
BENJAMIN MOORE
2124-50 BUNNY GRAY



4 **STUCCO - SIDE BODY**
BENJAMIN MOORE
AC-29 SAN ANTONIO GRAY



5 **RAILINGS - METAL**
PAINTED BLACK (TO MATCH WINDOW FRAMES)



6 **GLASS RAILINGS**
BRUSHED ALUMINUM FINISH RAIL
ALL-GLASS - BUTT JOINTED

3 **MATERIAL KEY**



2 **NORTH ELEVATION**
1/8" = 1'-0"

1 **EAST ELEVATION**
1/8" = 1'-0"

PROJECT ISSUE RECORD:
03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03

TITLE:
PROPOSED
ELEVATIONS
AND MATERIALS

SHEET:

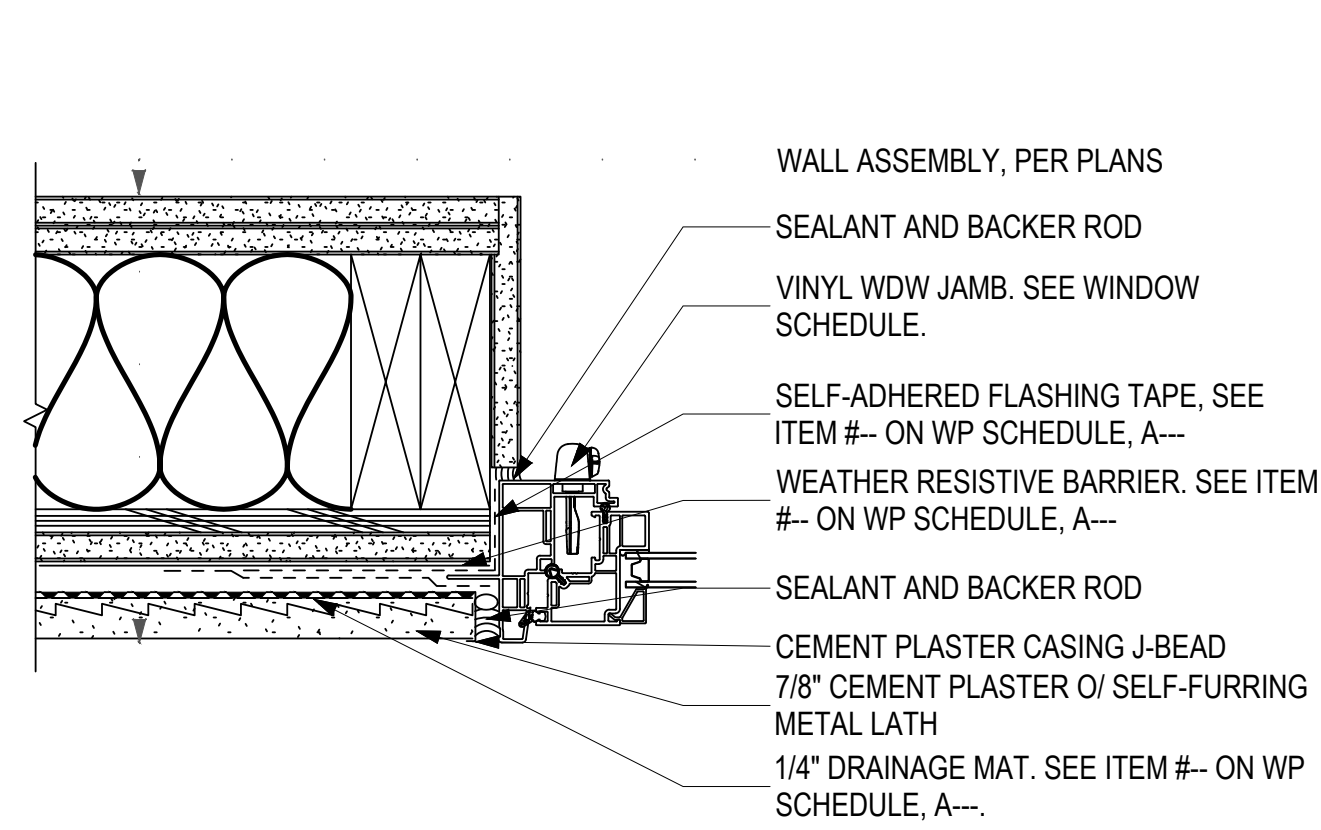
A200



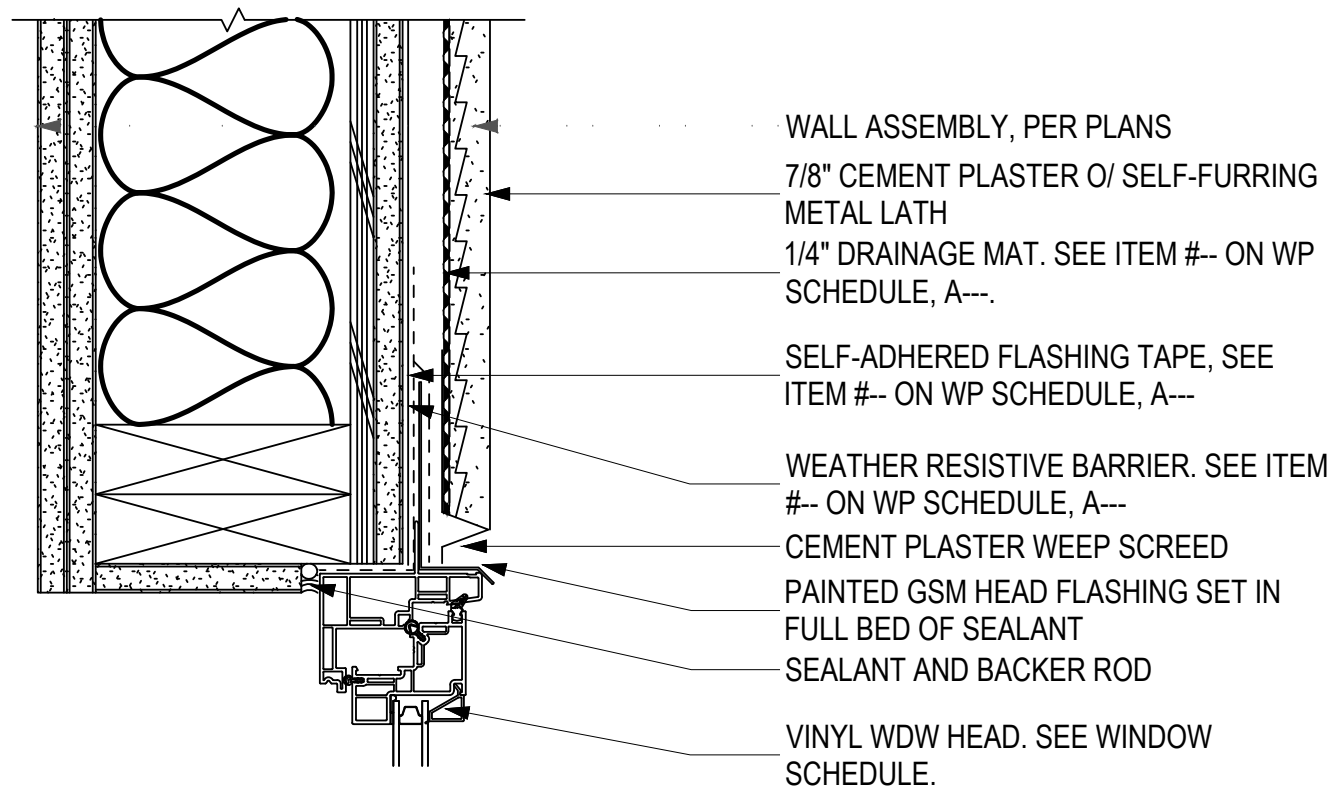
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2480 BANCROFT WAY

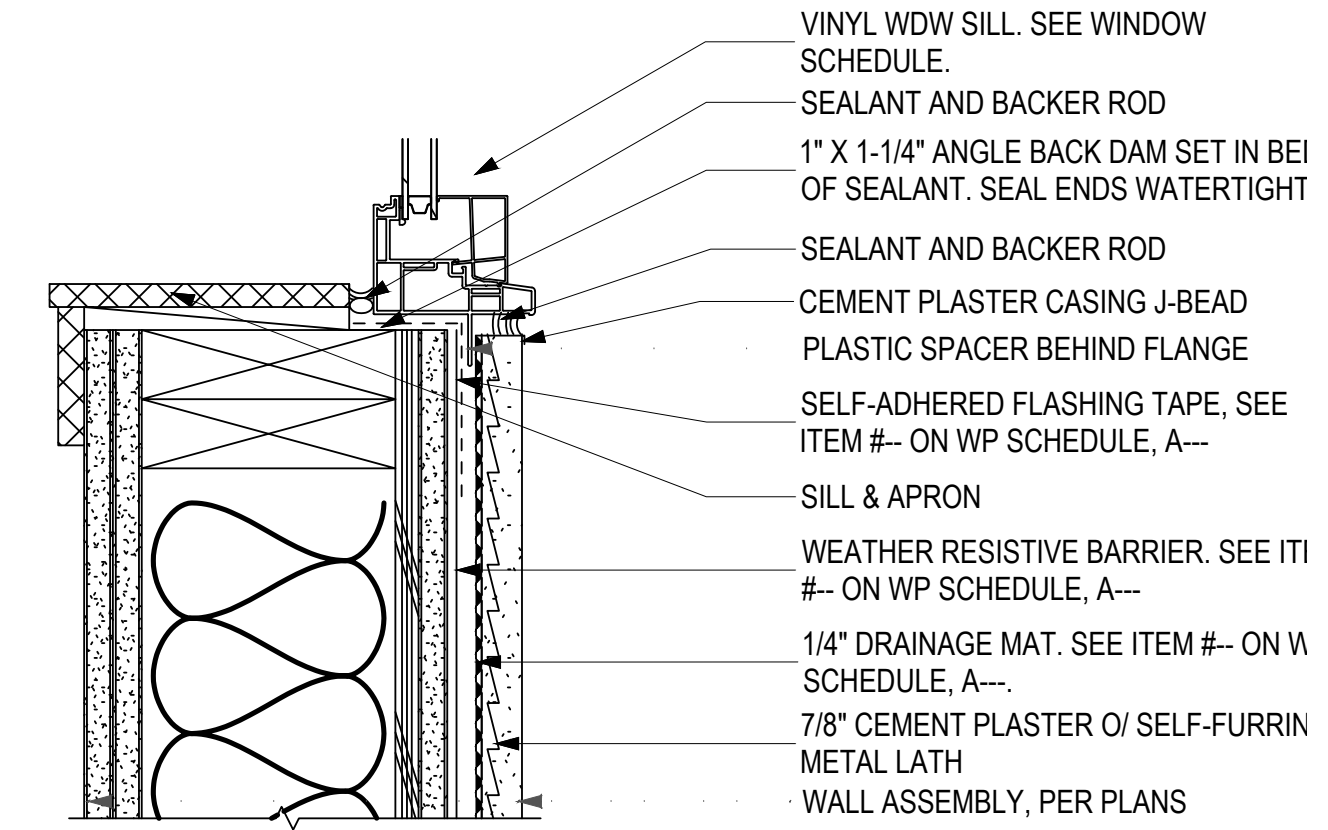
BERKELEY, CALIFORNIA 94704



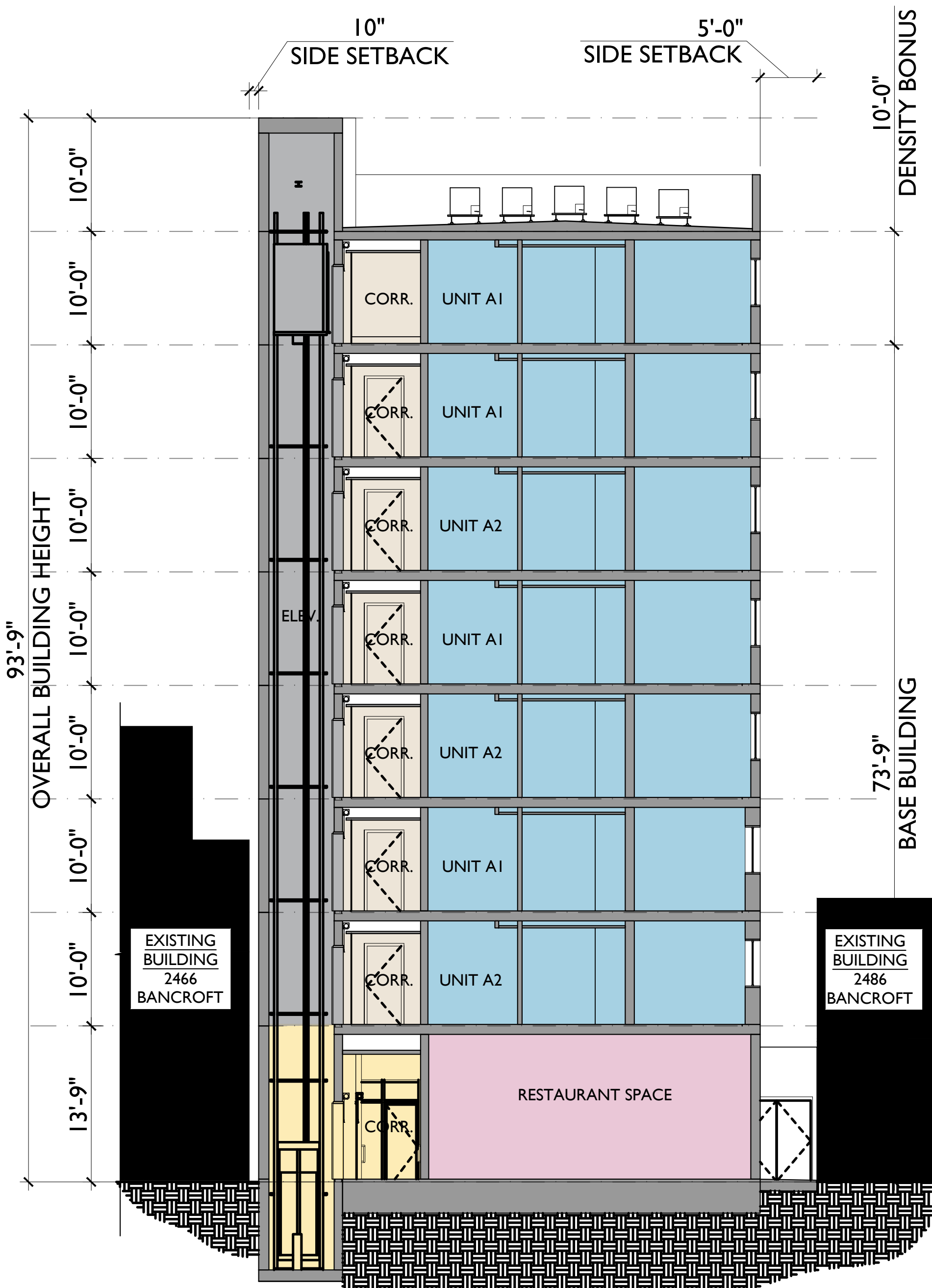
5 WDW JAMB @ CEMENT PLASTER (METAL FRAME SIM)
3" : 1'-0"



4 WDW HEAD @ CEMENT PLASTER (METAL FRAME SIM)
3" : 1'-0"



3 WDW SILL @ CEMENT PLASTER (METAL FRAME SIM)
3" : 1'-0"



2 TRANSVERSE SECTION I
1/8" : 1' 0"



1 LONGITUDINAL SECTION I
1/8" : 1' 0"

PROJECT ISSUE RECORD:
03/07/2023 MAT. SCHEME REV.

CITY PERMIT RECORD:
09/26/2022 DRAFT ENT. SET
02/08/2023 ZONING REV. I
04/27/2023 ROOF DECK REV.

PROJECT:
RUE03

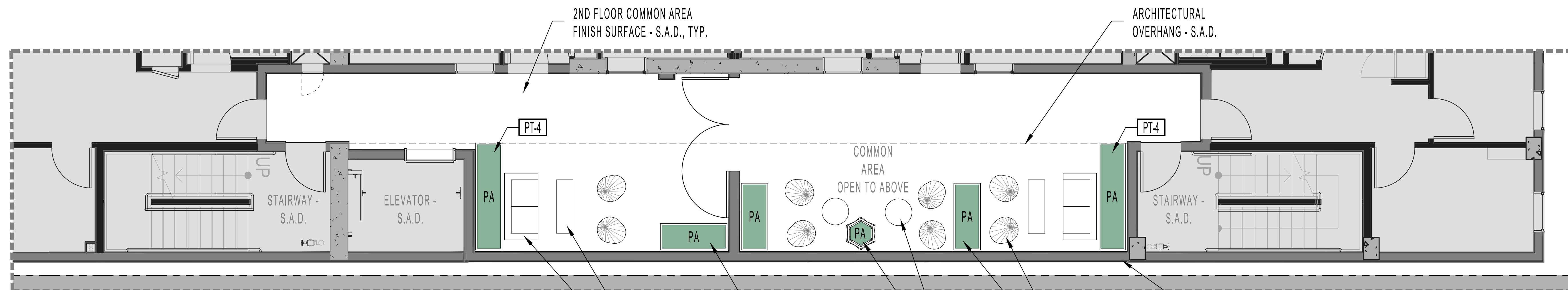
TITLE:
PROPOSED BUILDING SECTIONS

SHEET:
A300



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510.992.3122

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2ND FLOOR COMMON SPACE PLAN

LANDSCAPE MATERIALS SCHEDULE

SITE FURNISHINGS

DESCRIPTION	MANUFACTURER	COLOR	NOTES
SF-1 EXTERIOR COFFEE TABLE	WEST ELM	TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-2 WOVEN LOUNGE CHAIR	INNIT DESIGNS	WEAVE: TBD FRAME: TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-3 EXTERIOR LOUNGE SEATING	WEST ELM	WEAVE: TBD CUSHIONS: TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-4 METAL BISTRO TABLE & CHAIR SET	FERMOB	TBD	PER CITY STANDARDS
SF-5 SIDE TABLE	LOLL	TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-6 CITY APPROVED SHORT TERM BIKE RACK	DERO, INC.	GALVANIZED STEEL	PER CITY STANDARDS

PLANTER POTS

DESCRIPTION	TYPE	MANUFACTURER	MODEL	COLOR, FINISH
PT-1 FRP 36"x30"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-482430	TBD
PT-2 FRP 60"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-602442	TBD
PT-3 FRP 72"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-722442	TBD
PT-4 FRP 96"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-962442	TBD
PT-5 FRP 120"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WCR-1202442	TBD
PT-6 ACCENT PLANTER - HS-2400	FRP	TOURNESOL	TOURNESOL / MODEL #HS-2400	TBD
PT-7 ACCENT PLANTER - HS-3000	FRP	TOURNESOL	TOURNESOL / MODEL #HS-2400	TBD

NOTES:

1. PLANTERS TO BE PLUMBED FOR IRRIGATION AND DRAINAGE FROM BELOW. SEE DETAIL ON SHEET L-2.0
2. TOURNESOL CONTACT: RANA SEHRAI - TOURNESOL - PH: 925-286-1784.

PAVING

DESCRIPTION	MANUFACTURER	MODEL & SIZE	COLOR	NOTES
P-1 CIP CONCRETE				PER CITY STANDARDS
T-2A PORCELAIN TILES	BELGARD	NOON - PLANK 12" X 48" X 3/4"	HONEY	ON PEDESTALS, S.A.D.
T-2B		GLOCAL - 24" x 48" x 3/4"	IDEAL	

LIGHTING

DESCRIPTION	MANUFACTURER	MODEL & SIZE	COLOR	NOTES
LT-1 STRING LIGHTS	TIVOLI	LITESPHERE 2.0 LED #LSL-BLACK-24-WW-C-12-PSU	BLACK	

NOTES:

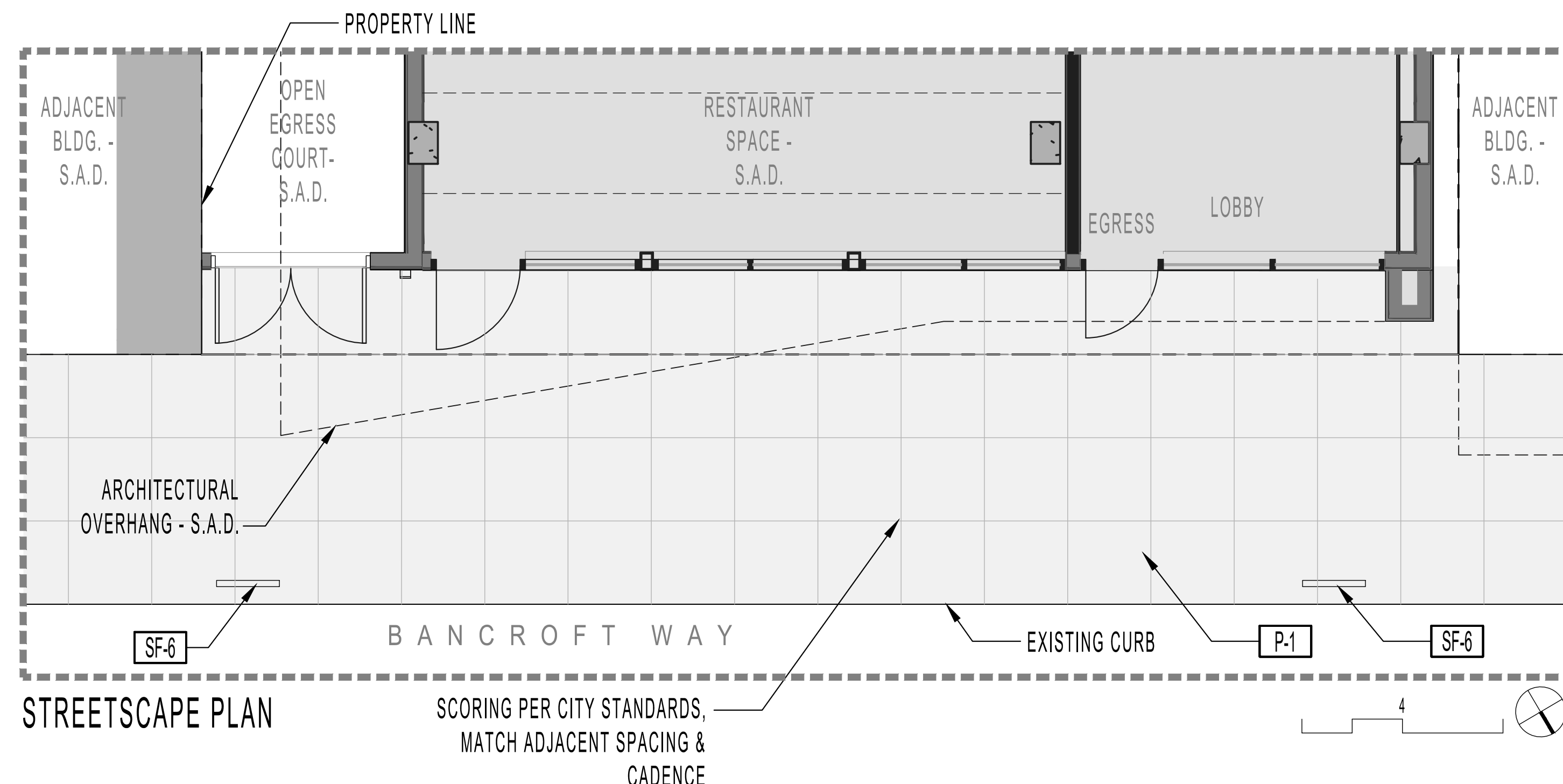
1. 1/4" BRAIDED STEEL CABLE WITH TENSIONERS AND FASTENERS AS REQUIRED.
2. PROVIDE POWER TO LIGHTS.

SHEET INDEX

- L-1.0 LANDSCAPE PLAN - STREET & 2ND LEVEL PLAN
- L-1.1 LANDSCAPE PLAN - 8TH LEVEL ROOFDECK
- L-2.0 PLANTING PLAN - STREET & 2ND LEVEL
- L-2.5 PLANTER POT - PLANT LAYOUT
- L-3.0 PLANTING PLAN & DETAILS - STREET & 2ND LEVEL
- L-3.1 PLANTING PLAN - 8TH LEVEL ROOFDECK
- L-3.5 IRRIGATION DETAILS

ABBREVIATIONS

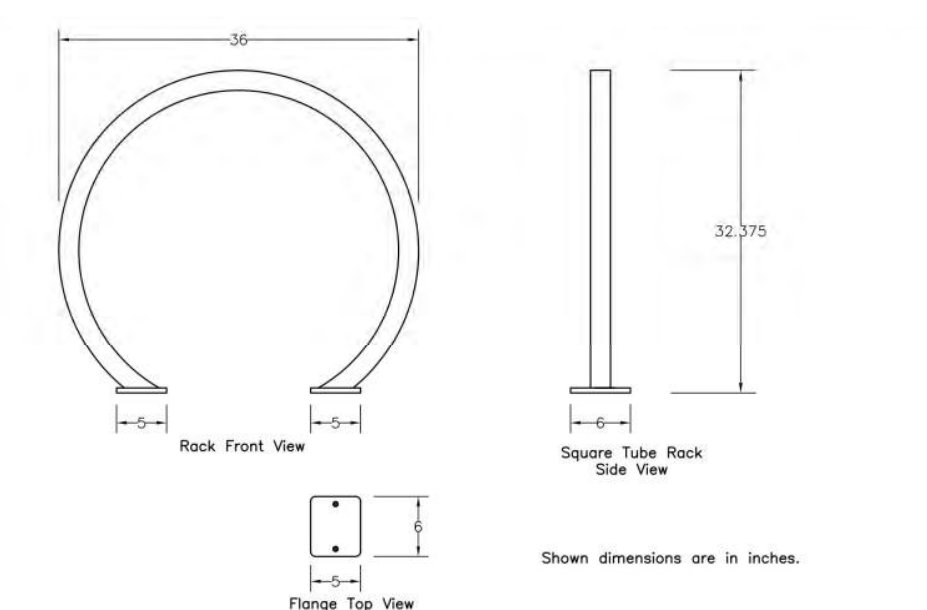
- S.A.D. - SEE ARCHITECT DRAWINGS
- S.C.D. - SEE CIVIL DRAWINGS
- P.A. - PLANTING AREA
- TYP. - TYPICAL



STREETSCAPE PLAN

CITY APPROVED SHORT TERM BIKE RACK

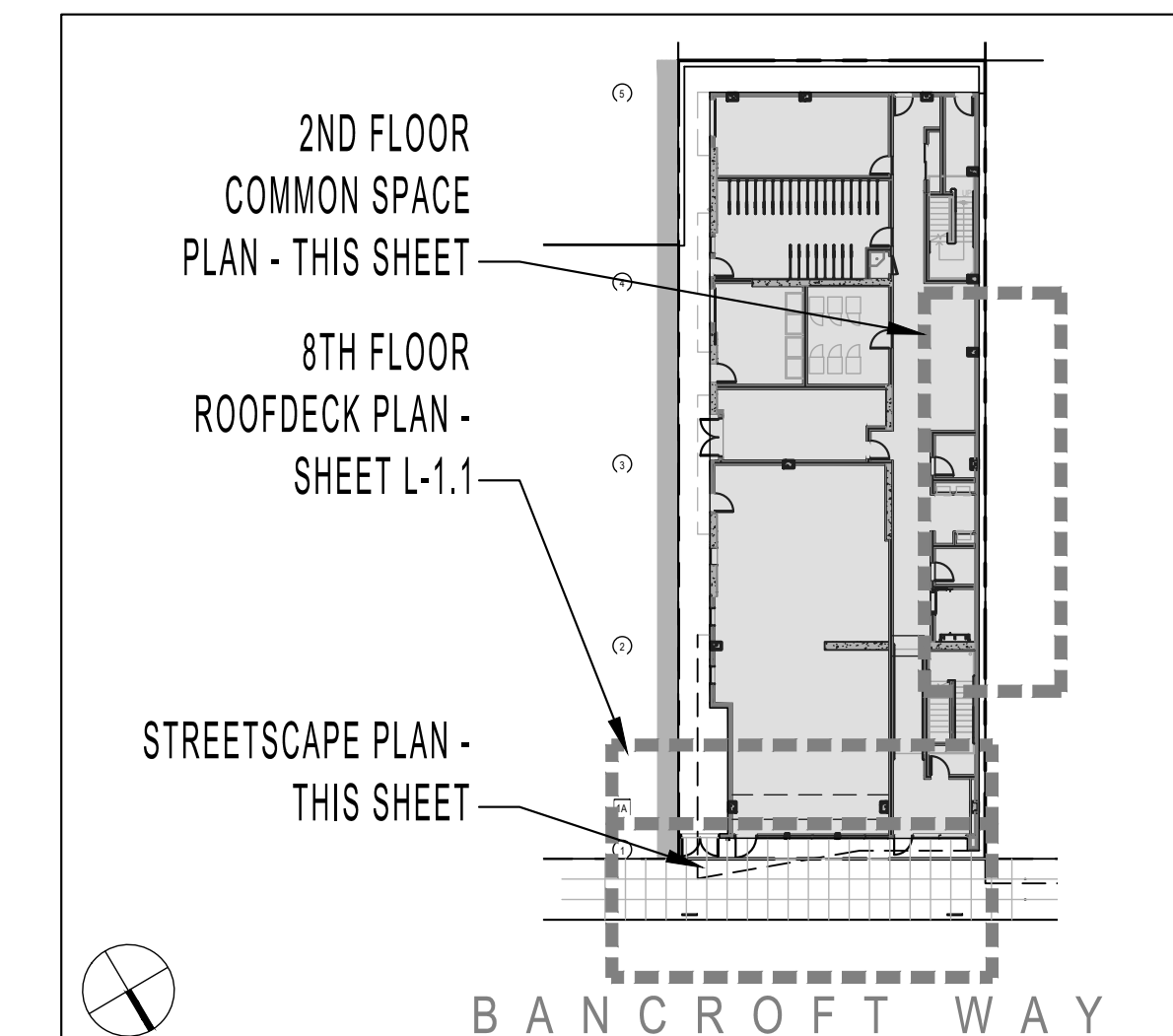
CITY OF BERKELEY SURFACE MOUNTED SINGULAR CIRCULAR RACK SPECIFICATIONS. TO BE INSTALLED PER MANUFACTURERS RECOMMENDATIONS.



Surface Mounted Single Circular Rack

- Height: 32.375"
- Width: 36"
- Flanges: 5" x 6" x 3/8"
- Mounting Holes: (4) 9/16" dia.
- Mounting Bolts: 1/2" x 3.75" Wedge Anchor Bolt, or 1/2" x 3.75" Anchor Rawl Spike
- Hoop: 2" x 2" x 0.188" Square tube
- Finish: Hot-dipped Galvanized (-G), Powder-coated (-P), Stainless #4 Brush Finish (-S5)

KEY MAP



NOTES

1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS DATED 05/08/2023.

2480 BANCROFT WAY
LANDSCAPE PLANS
2480 BANCROFT WAY, BERKELEY, CA

PHASE Agency Review
DATE 05-15-2023

REVISIONS

No.	Description	Date
1	100% DD Set	10-06-2022
2	90% CD's / Agency Review	12-12-2022
3	PLAN CHECK #1	04-10-2023
4	PLAN CHECK #2	05-15-2023

LANDSCAPE
PLAN - STREET &
2ND LEVEL

L-1.0



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LANDSCAPE MATERIALS SCHEDULE

SITE FURNISHINGS

	DESCRIPTION	MANUFACTURER	COLOR	NOTES
SF-1	EXTERIOR COFFEE TABLE	WEST ELM	TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-2	WOVEN LOUNGE CHAIR	INNIT DESIGNS	WEAVE: TBD FRAME: TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-3	EXTERIOR LOUNGE SEATING	WEST ELM	WEAVE: TBD CUSHIONS: TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-4	METAL BISTRO TABLE & CHAIR SET	FERMOB	TBD	PER CITY STANDARDS
SF-5	SIDE TABLE	LOLL	TBD	COLOR PENDING FINAL MATERIALS SELECTION
SF-6	CITY APPROVED SHORT TERM BIKE RACK	DERO, INC.	GALVANIZED STEEL	PER CITY STANDARDS

PLANTER POTS

	DESCRIPTION	TYPE	MANUFACTURER	MODEL	COLOR, FINISH
PT-1	FRP 36"x30"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-482430	TBD
PT-2	FRP 60"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-602442	TBD
PT-3	FRP 72"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-722442	TBD
PT-4	FRP 96"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WR-962442	TBD
PT-5	FRP 120"x24"x42" PLANTER	FRP	TOURNESOL	TOURNESOL / MODEL #WCR-1202442	TBD
PT-6	ACCENT PLANTER - HS-2400	FRP	TOURNESOL	TOURNESOL / MODEL #HS-2400	TBD
PT-7	ACCENT PLanter - HS-3000	FRP	TOURNESOL	TOURNESOL / MODEL #HS-2400	TBD

NOTES:

1. PLANTERS TO BE PLUMBED FOR IRRIGATION AND DRAINAGE FROM BELOW. SEE DETAIL ON SHEET L-2.0
2. TOURNESOL CONTACT: RANA SEHRAI - TOURNESOL - PH: 925-286-1784.

PAVING

	DESCRIPTION	MANUFACTURER	MODEL & SIZE	COLOR	NOTES
P-1	CIP CONCRETE				PER CITY STANDARDS
T-2A	PORCELAIN TILES	BELGARD	NOON - PLANK 12" X 48" X 3/4"	HONEY	ON PEDESTALS, S.A.D.
T-2B			GLOCAL - 24" x 48" x 3/4"	IDEAL	

LIGHTING

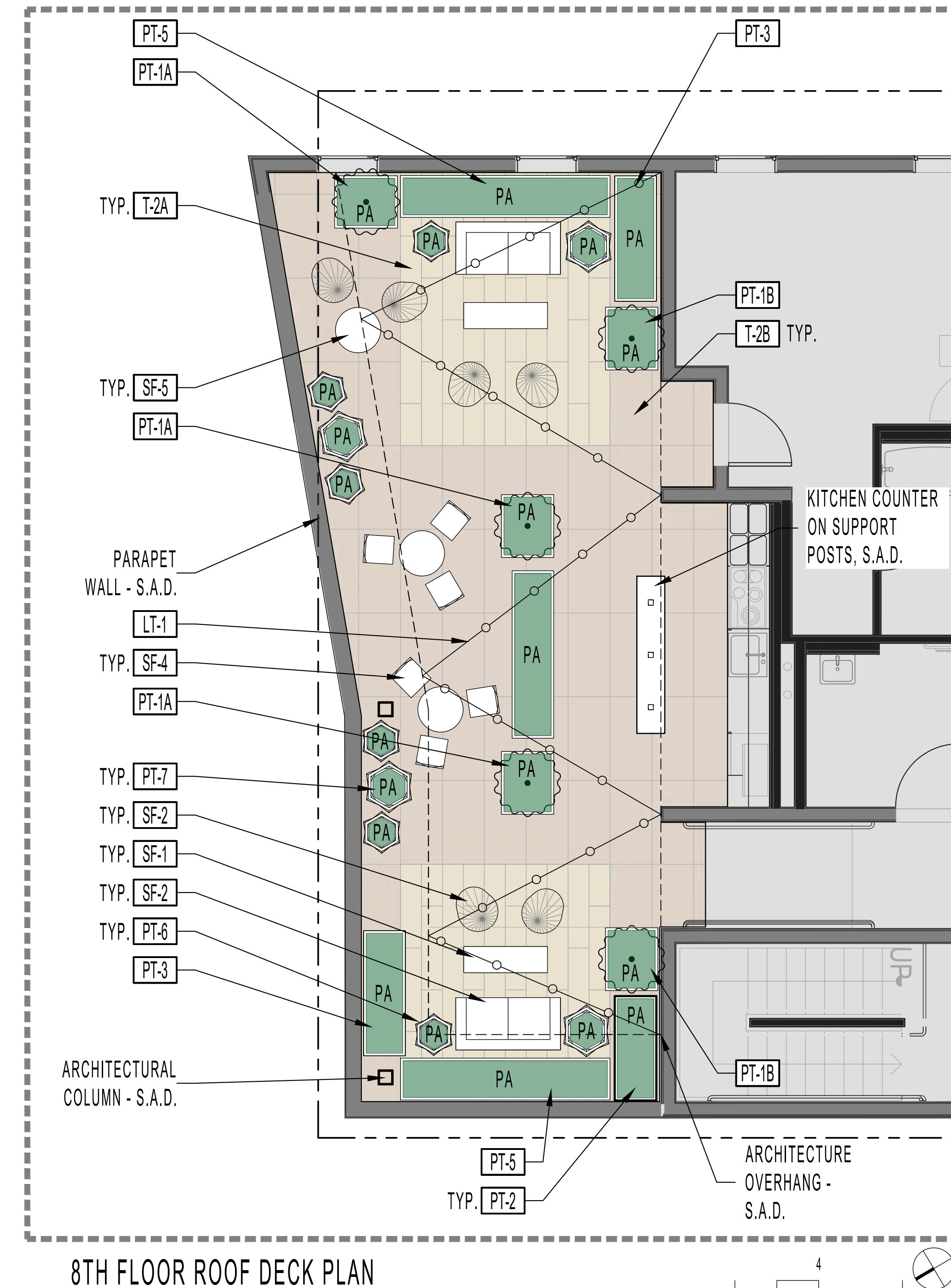
	DESCRIPTION	MANUFACTURER	MODEL & SIZE	COLOR	NOTES
LT-1	STRING LIGHTS	TIVOLI	LITESPHERE 2.0 LED #LSL-BLACK-24-WW-C-12-PSU	BLACK	

NOTES:

1. 1/4" BRAIDED STEEL CABLE WITH TENSIONERS AND FASTENERS AS REQUIRED.
2. PROVIDE POWER TO LIGHTS.

ABBREVIATIONS

S.A.D. - SEE ARCHITECT DRAWINGS
S.C.D. - SEE CIVIL DRAWINGS
P.A. - PLANTING AREA
TYP. - TYPICAL



8TH FLOOR ROOF DECK PLAN

2480 BANCROFT WAY
LANDSCAPE PLANS
2480 BANCROFT WAY, BERKELEY, CA

PHASE Agency Review
DATE 05-15-2023

REVISIONS

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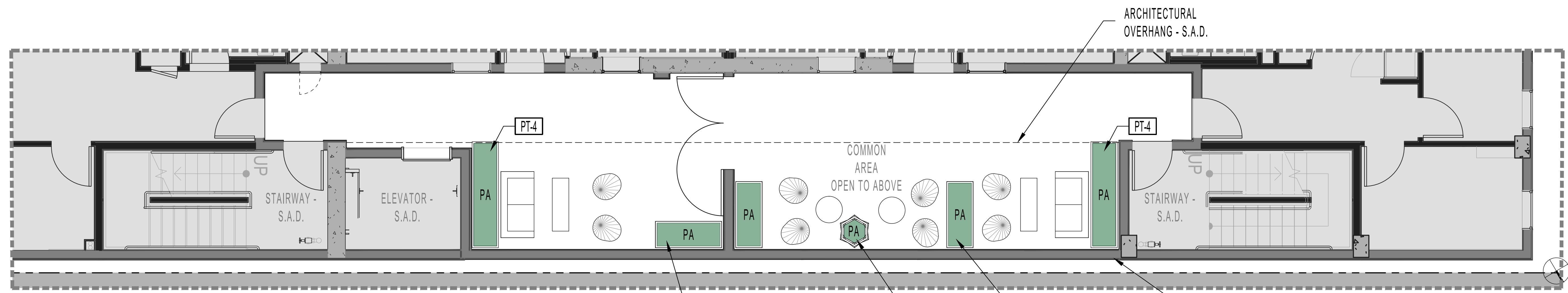
LANDSCAPE
PLAN - 8TH FLOOR
ROOF DECK

L-1.1

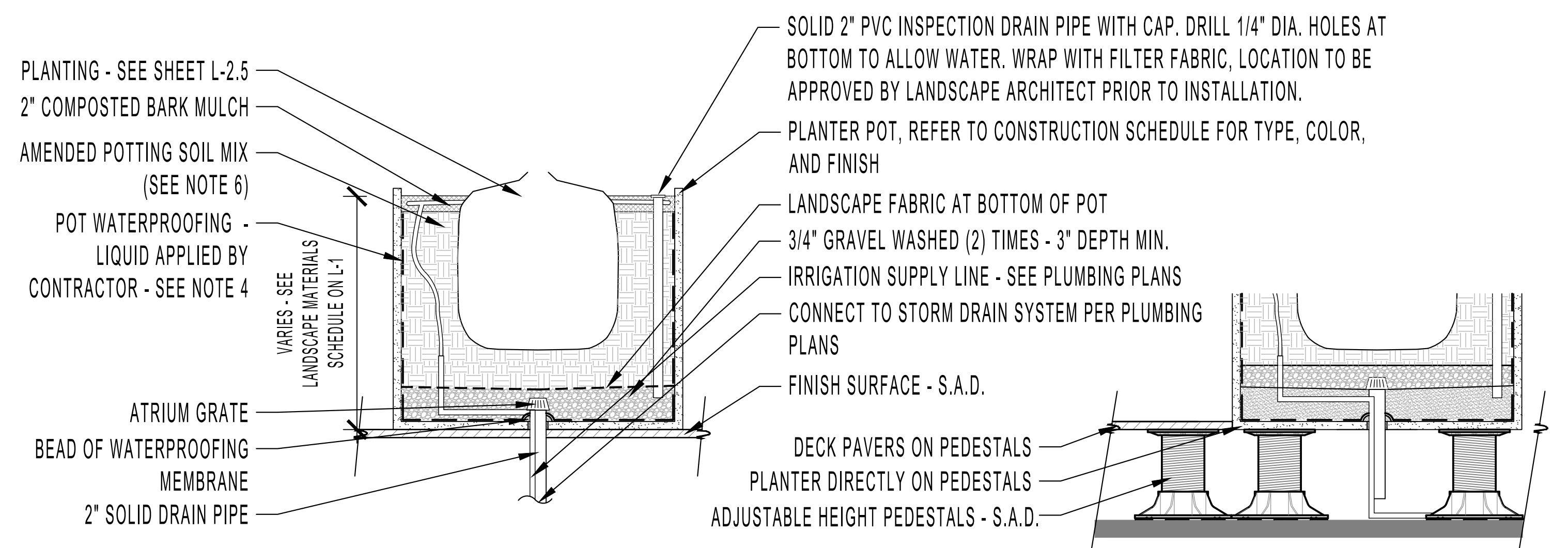


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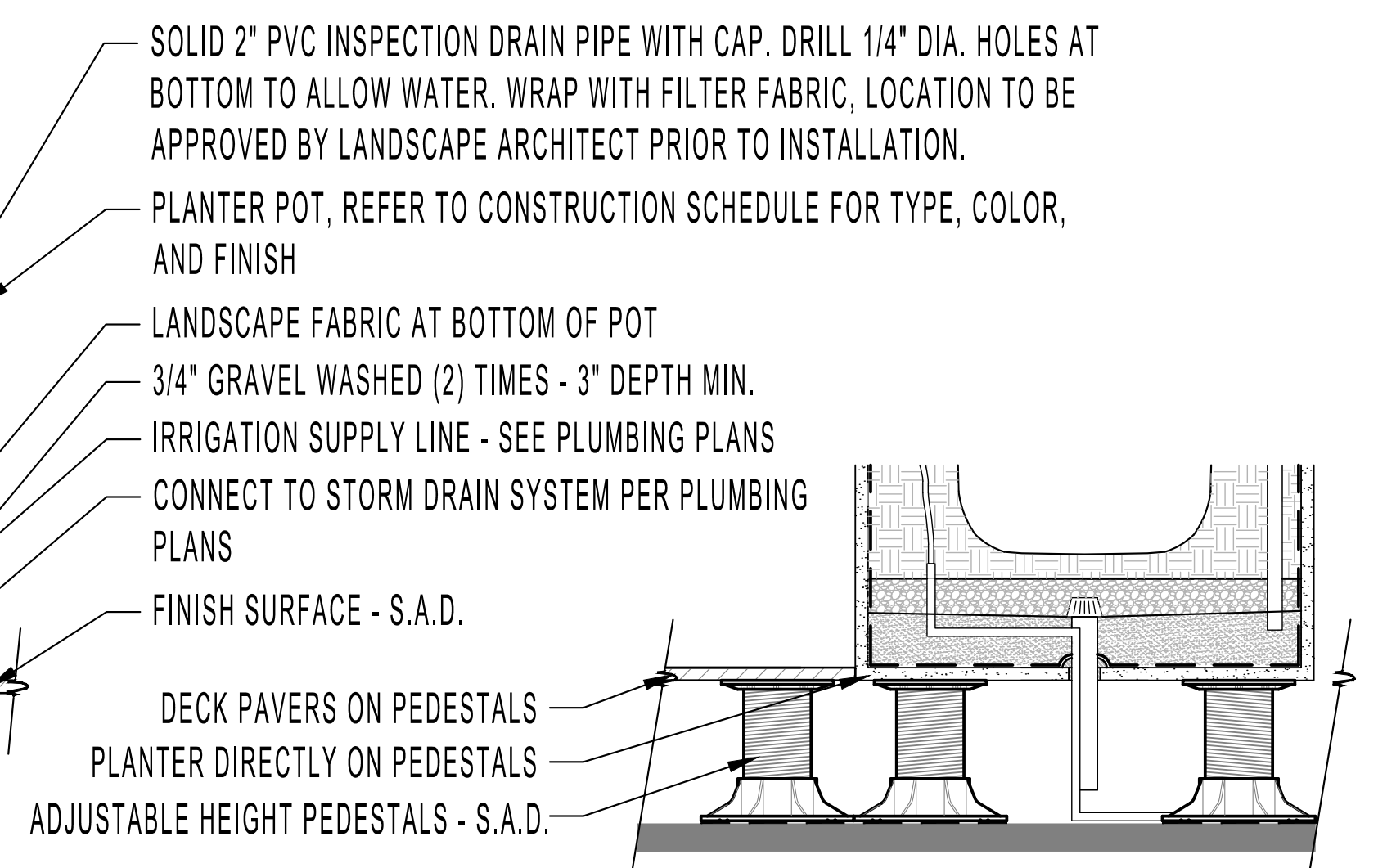
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2ND FLOOR COMMON SPACE PLAN



TYPICAL - SECTION ON SLAB



TYPICAL - SECTION ON PEDESTALS

NOTES

1. CONTRACTOR TO STAKE / MARK LOCATION OF ALL PLANTER POTS TO BE REVIEWED BY LANDSCAPE ARCHITECT, PRIOR TO INSTALLATION.
2. DRILL HOLE IN POT TO CLOSEST TOLERANCE OF PIPE - NO MORE THAN 1/4" GAP.
3. ROUGHEN PIPE AT PENETRATION WITH SANDPAPER SO WATERPROOF MATERIAL CAN ADHERE.
4. APPLY TREMCO 'VULKEM' 250 G.C. (2) 60ML. COATS SHALL BE APPLIED THROUGHOUT INTERIOR OF POT. TREMCO SEALANTS AVAILABLE FROM: LOWRY'S INC. 800-252-2449.
5. PLANTER SOIL - 'POTTING SOIL MIX' (AVAILABLE FROM TMT ENTERPRISES, INC. - CONTACT 408.432.9040. NO ON-SITE SOIL TO BE USED IN POTS.
6. NO FERTILIZER TABLETS TO BE USED WITH POTTING SOIL MIX.
7. CONTRACTOR PROVIDE CUT-SHEETS AND MATERIAL SAMPLES OF POTTERY, GRAVEL AND PLANT MATERIAL FOR REVIEW AND APPROVAL PRIOR TO ORDERING.
8. CONTRACTOR TO COORDINATE WITH IRRIGATION AND DRAINAGE CONTRACTORS TO FIELD VERIFY STUBBED LOCATIONS AND FIELD ADJUST POT PENETRATIONS INTO POT, AS NECESSARY.

TYPICAL RAISED PLANTER 1

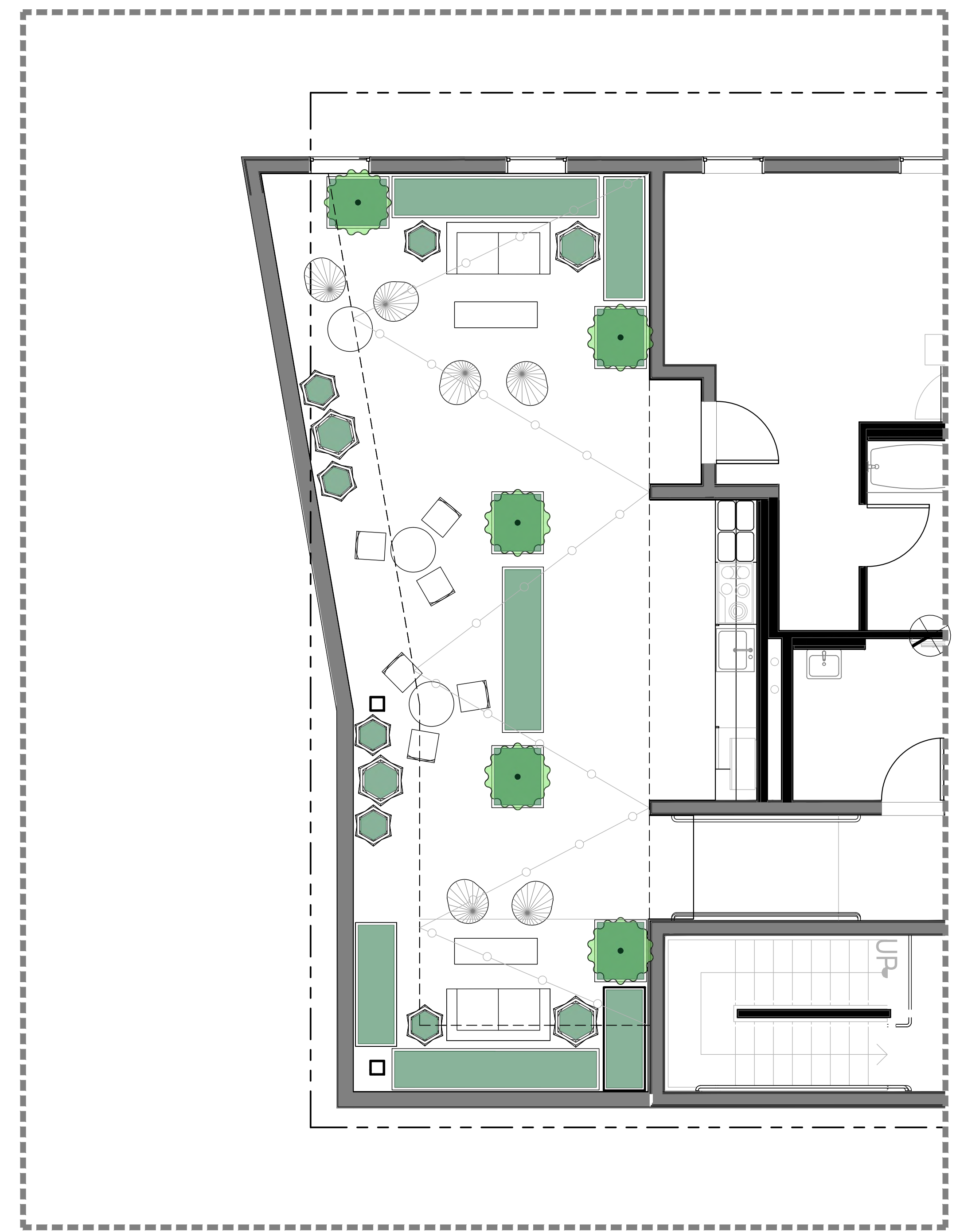
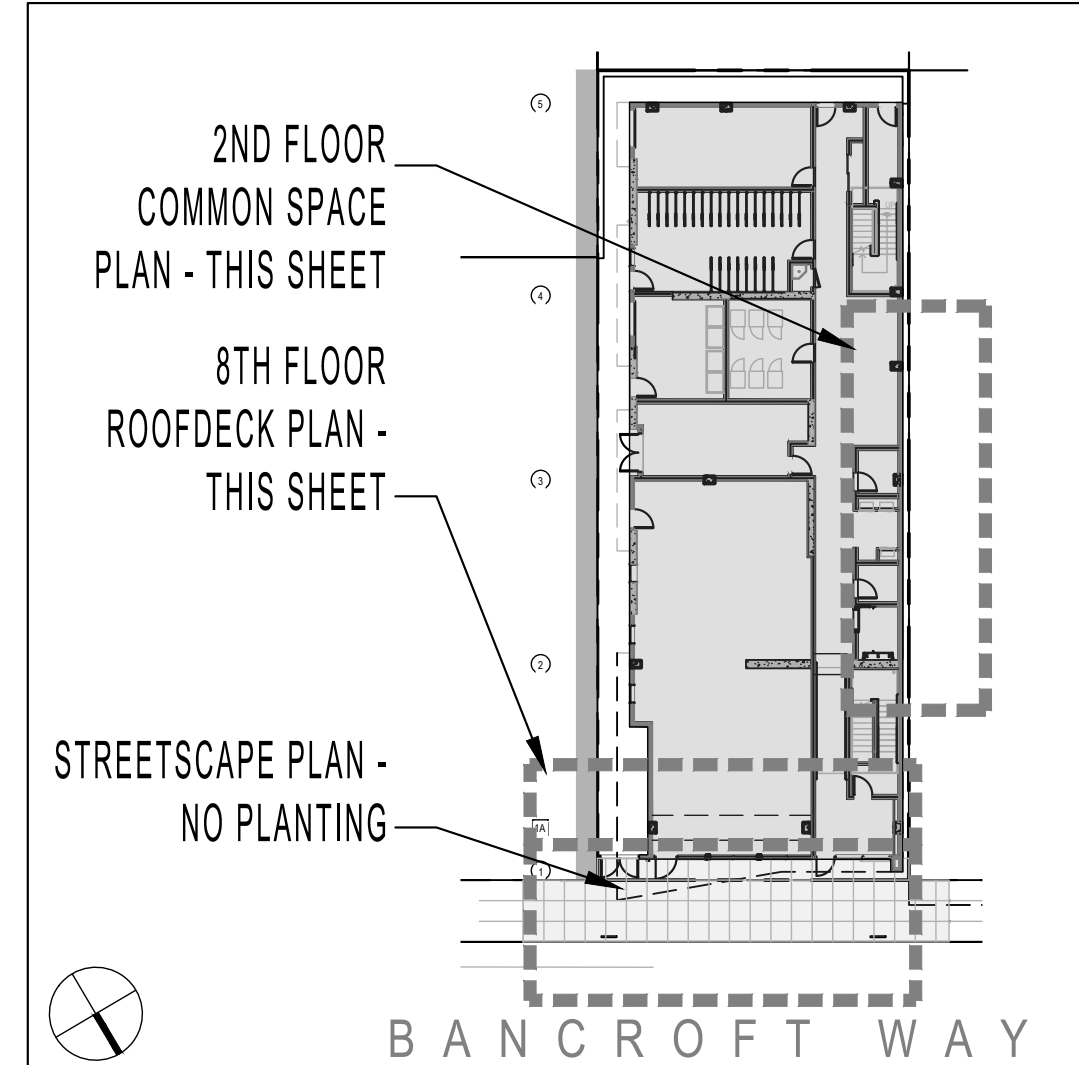
NOTES

1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS AND VISUAL OBSERVATION. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

ABBREVIATIONS

- S.A.D. - SEE ARCHITECT DRAWINGS
- S.C.D. - SEE CIVIL DRAWINGS
- P.A. - PLANTING AREA
- TYP. - TYPICAL

KEY MAP



8TH FLOOR ROOF DECK PLAN

2480 BANCROFT WAY
LANDSCAPE PLANS
2480 BANCROFT WAY, BERKELEY, CA

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PLANTING
PLAN & DETAILS

L-2.0



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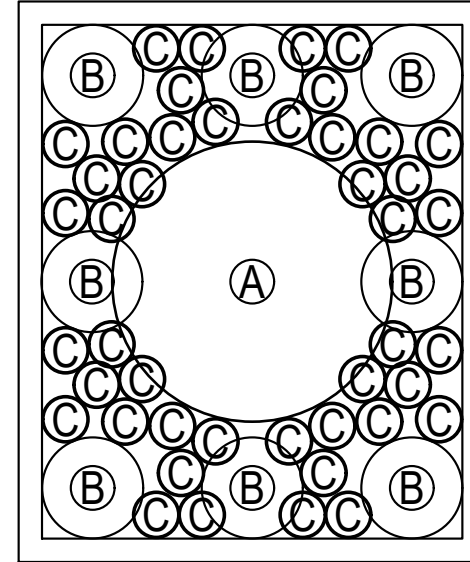
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NOTES

1. Confirm plant material / layout and quantities with Landscape Architect prior to ordering.
2. Any proposed substitutions are to be made in writing for review and approval prior to ordering.

PLANT SCHEDULE - 'PT-1A'

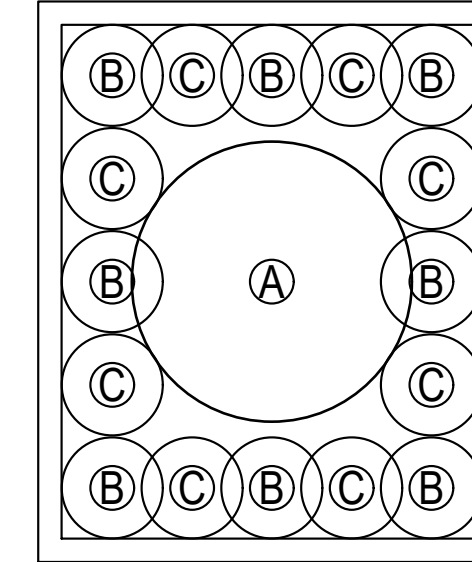
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Citrus 'Improved Meyer'</i>	Citrus - Lemon	#20/25	1	MODERATE
(B)	<i>Rosmarinus officinalis 'Huntington Carpet'</i>	Cascading Rosemary	#1	-	LOW
(C)	<i>Fragaria var. TBD*</i>	Everbearing Strawberry	4" Pots	-	MODERATE



PLAN - 'PT-1A'

PLANT SCHEDULE - PT1B

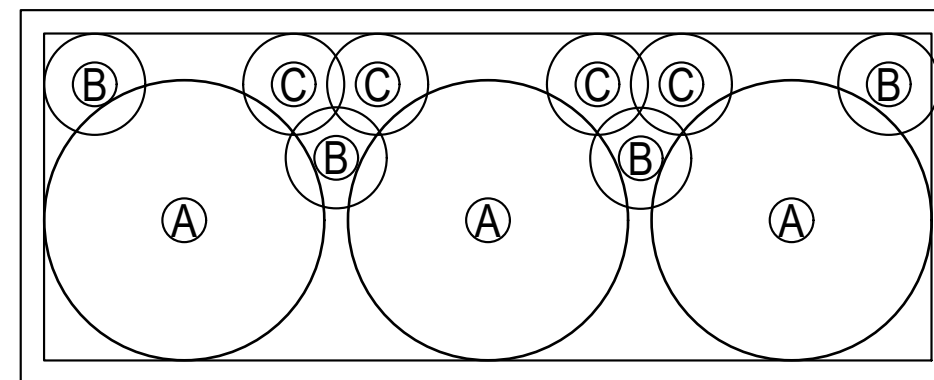
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Rhapis excelsa</i>	Lady Palm	#20/25	1	MODERATE
(B)	<i>Liriope spicata</i>	Creeping Lily Turf	#1	-	LOW
(C)	<i>Tradescantia pallida</i>	Purple Heart	#1	-	MODERATE



PLAN - PT1B

PLANT SCHEDULE - 'PT-2'

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Chamaedorea seifrizii</i>	Bamboo Palm	#20/25	1	MODERATE
(B)	<i>Polystichum polyblepharum</i>	Tassel Fern	#1	-	MODERATE
(C)	<i>Geranium 'Rozanne'</i>	Cranesbill	#1	-	MODERATE

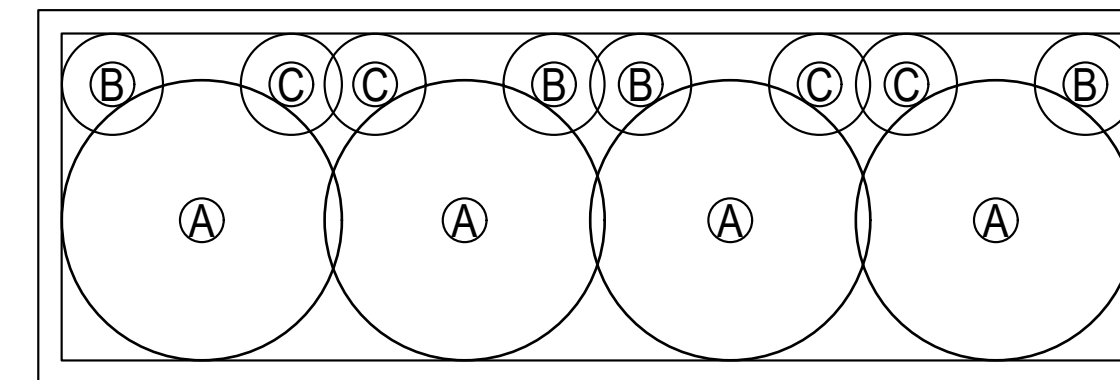


PLAN - 'PT-2'

VERTICAL SURFACE

PLANT SCHEDULE - 'PT-3'

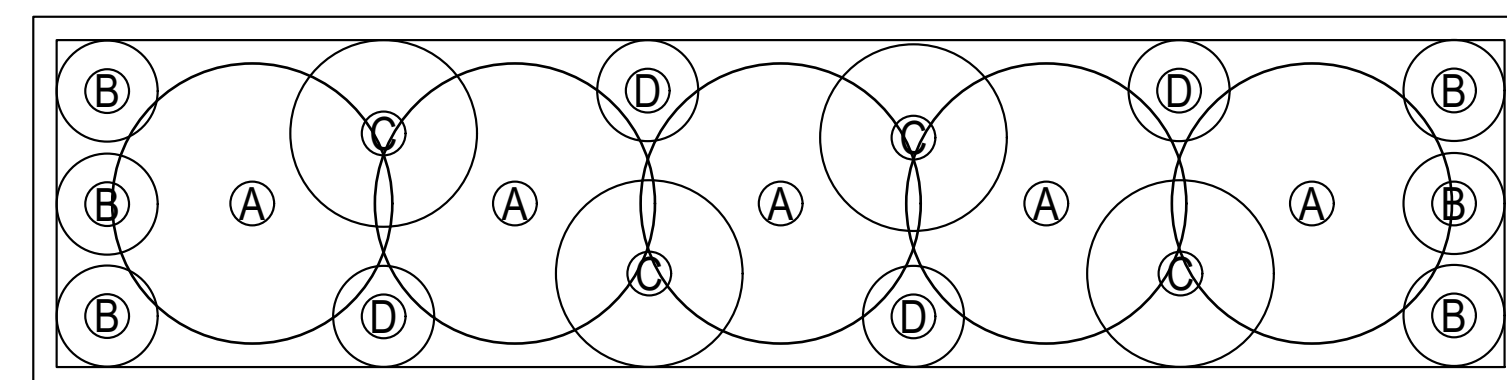
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Chamaedorea seifrizii</i>	Bamboo Palm	#20/25	1	MODERATE
(B)	<i>Polystichum polyblepharum</i>	Tassel Fern	#1	-	MODERATE
(C)	<i>Geranium 'Rozanne'</i>	Cranesbill	#1	-	MODERATE



PLAN - 'PT-3'

PLANT SCHEDULE - 'PT-4'

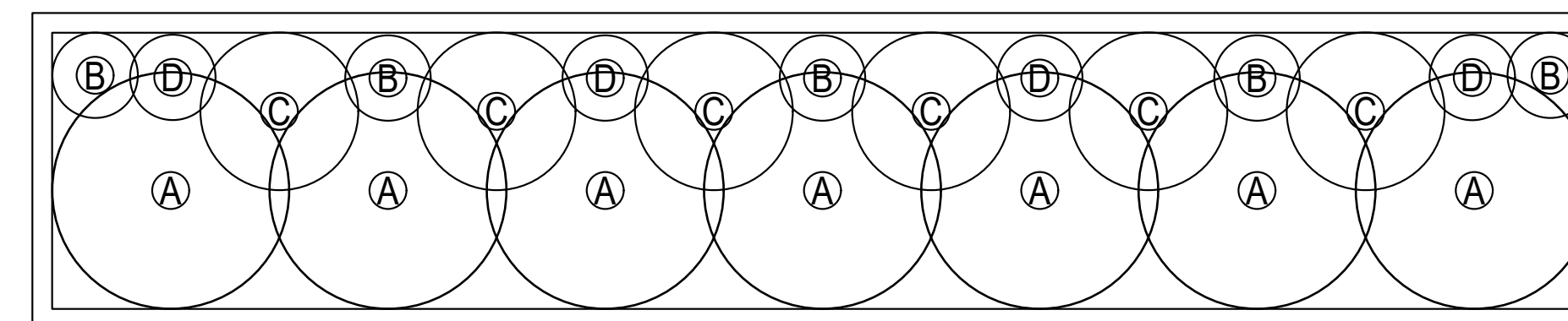
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Chamaedorea seifrizii</i>	Bamboo Palm	#20/25	5	MODERATE
(B)	<i>Polystichum polyblepharum</i>	Tassel Fern	#1	-	MODERATE
(C)	<i>Woodwardia fimbriata*</i>	Giant Chain Fern	#5	-	MODERATE
(D)	<i>Liriope spicata</i>	Creeping Lily Turf	#1	-	LOW



PLAN - 'PT-4'

PLANT SCHEDULE - 'PT-5'

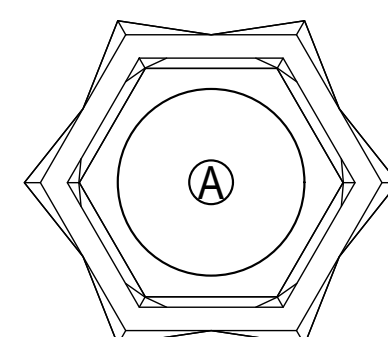
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Chamaedorea seifrizii</i>	Bamboo Palm	#20/25	5	MODERATE
(B)	<i>Polystichum polyblepharum</i>	Tassel Fern	#1	-	MODERATE
(C)	<i>Woodwardia fimbriata*</i>	Giant Chain Fern	#5	-	MODERATE
(D)	<i>Liriope spicata</i>	Creeping Lily Turf	#1	-	LOW



VERTICAL SURFACE

PLANT SCHEDULE - 'PT-6'

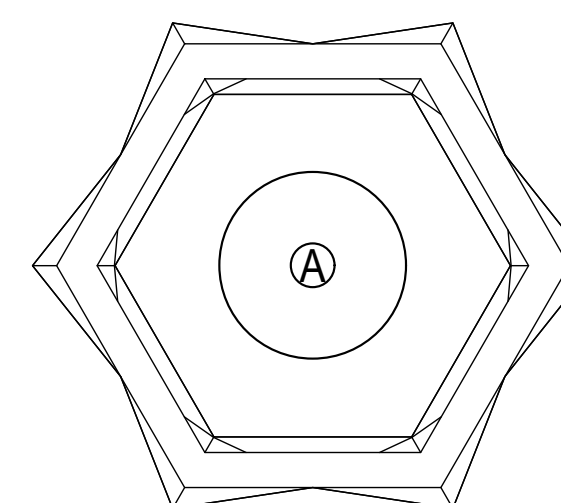
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Woodwardia fimbriata*</i>	Giant Chain Fern	#5	1	MODERATE



PLAN - 'PT-6'

PLANT SCHEDULE - 'PT-7'

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	QTY (EACH POT)	WATER USE
(A)	<i>Philodendron 'Xanadu'</i>	Philodendron	#5	1	MODERATE



PLAN - 'PT-6'

2480 BANCROFT WAY
LANDSCAPE PLANS
2480 BANCROFT WAY, BERKELEY, CA

PHASE Agency Review
DATE 05-15-2023

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PLANTER POT -
PLANTING LAYOUT

L-2.5



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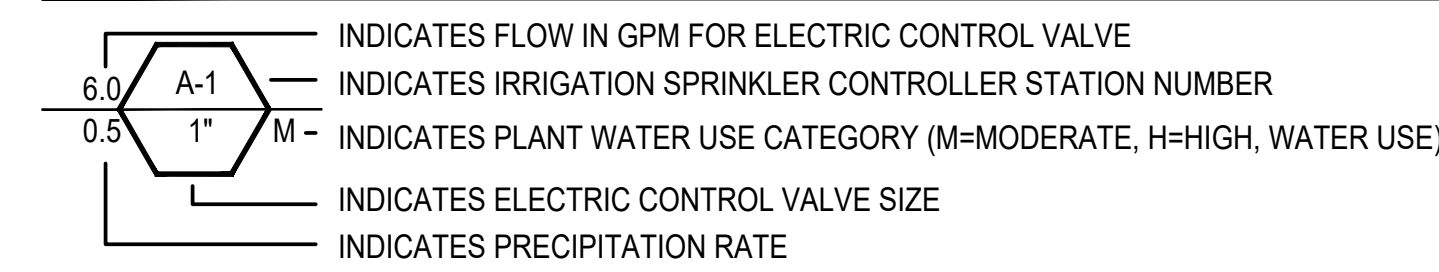
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HYDROZONES - 2ND FLOOR COMMON SPACE

SYMBOL	WATER-USE DESIGNATION	AREA	PLANTING & IRRIGATION TYPE
[Green Box]	MODERATE	54 SF	PLANTER POTS - DRIP

NOTES
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
2. IRRIGATION SYSTEM SHALL EMPLOY A 'SMART' ET

VALVE CALLOUT LEGEND



IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

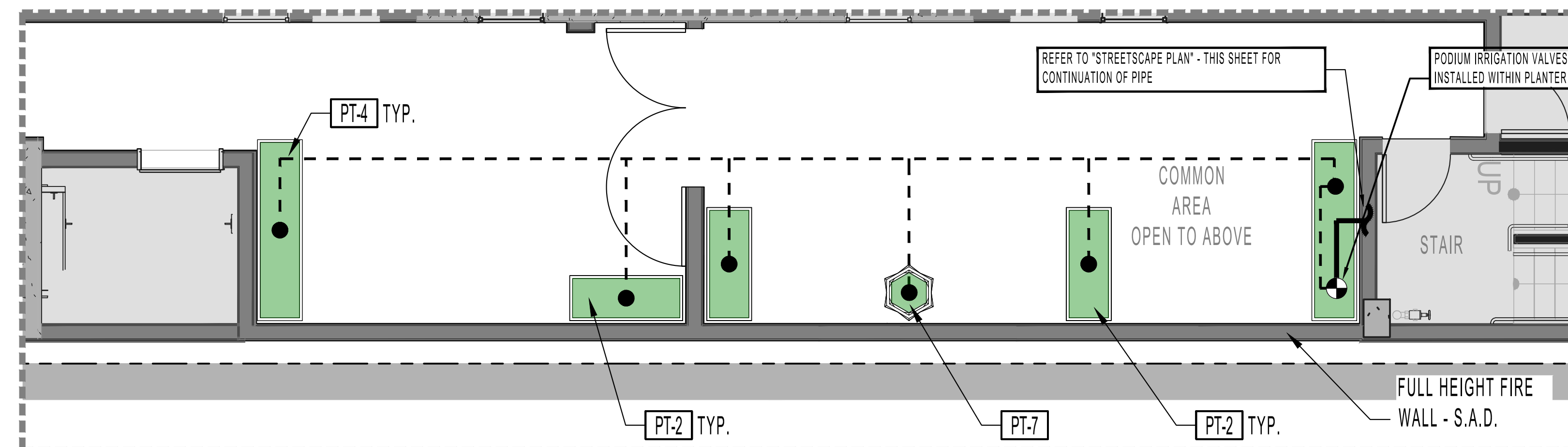
PEAK IRRIGATION DEMAND: 6.1 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: 176 SF OVER ENTIRE SITE

IRRIGATION EQUIPMENT

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	[X]	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	[A]	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	HC HYDRAWISE WITH WIFI
FLOW METER	[F]	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY - REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR	[S]	SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR	[R]	RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE	[M]	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION	[D]	DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH 140 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE	[C]	QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE	[A]	AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT - INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 2 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY	[B]	SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT	[Line]	DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALVE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE	[Dashed Line]	SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		

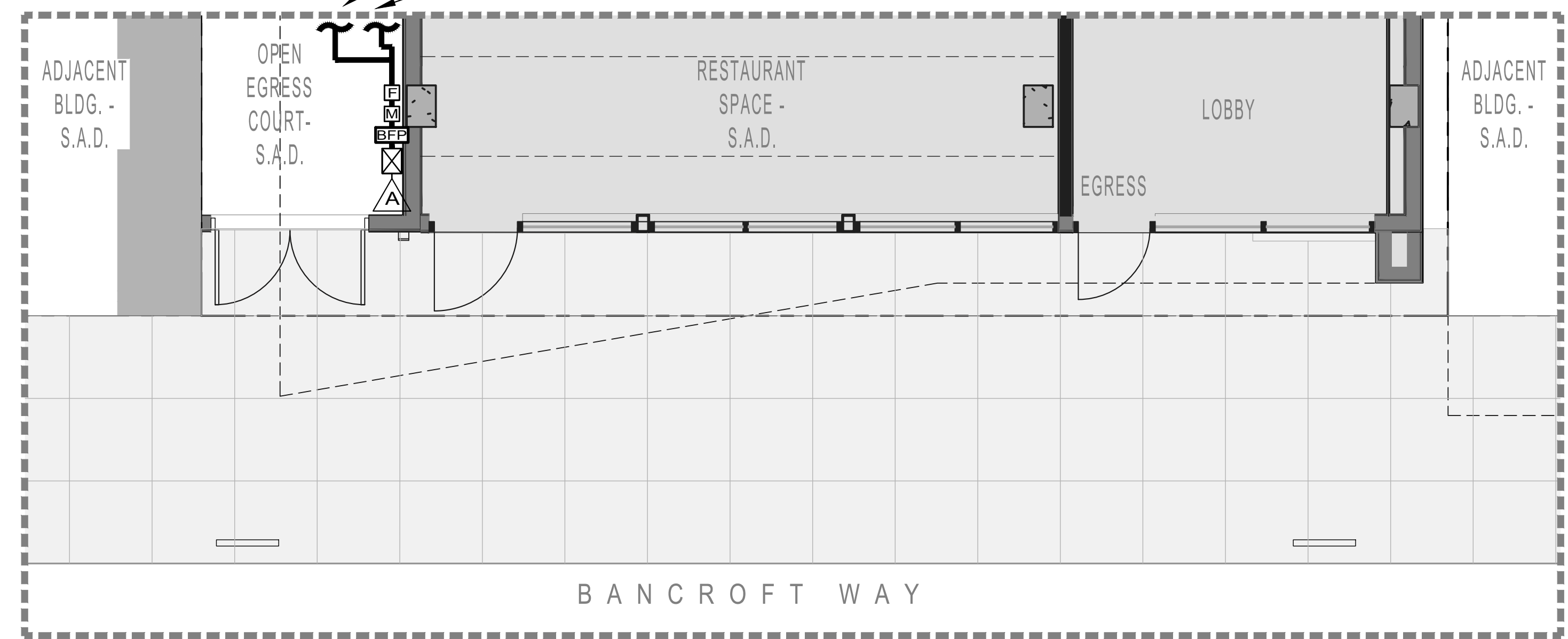
IRRIGATION NOTES

- IRRIGATION TO CONNECT TO WATER SUPPLY WITH BACKFLOW PREVENTION DEVICE INSTALLED PER AGENCY REQUIREMENTS.
- IRRIGATION SYSTEM SHALL EMPLOY AN ELECTRONIC 'SMART' CONTROLLER WITH WEATHER-SENSING CAPABILITIES, 6 MIN. VALVES, SINGLE WIRE TYPE.
- PLANTING HAS BEEN DESIGNED IN 'HYDROZONES' - WITH VALVES GROUPED ACCORDING TO LOCATION AND PLANT TYPE.
- WATER EMITTERS SHALL BE USED TO DELIVER THE WATER IN THE MOST EFFICIENT MANNER POSSIBLE. USE, IN ORDER: IN-LINE DRIP, MICRO SPRAY, POINT-SOURCE. PROVIDE SEPARATE SYSTEMS FOR TREE POPUP STREAM BUBBLERS WITH PCS.
- REFER TO PLUMBING PLANS FOR IRRIGATION WATER POINT-OF-CONNECTION LOCATION.
- REFER TO ELECTRICAL ENGINEERING PLANS FOR IRRIGATION CONTROLLER CONNECTION LOCATION.



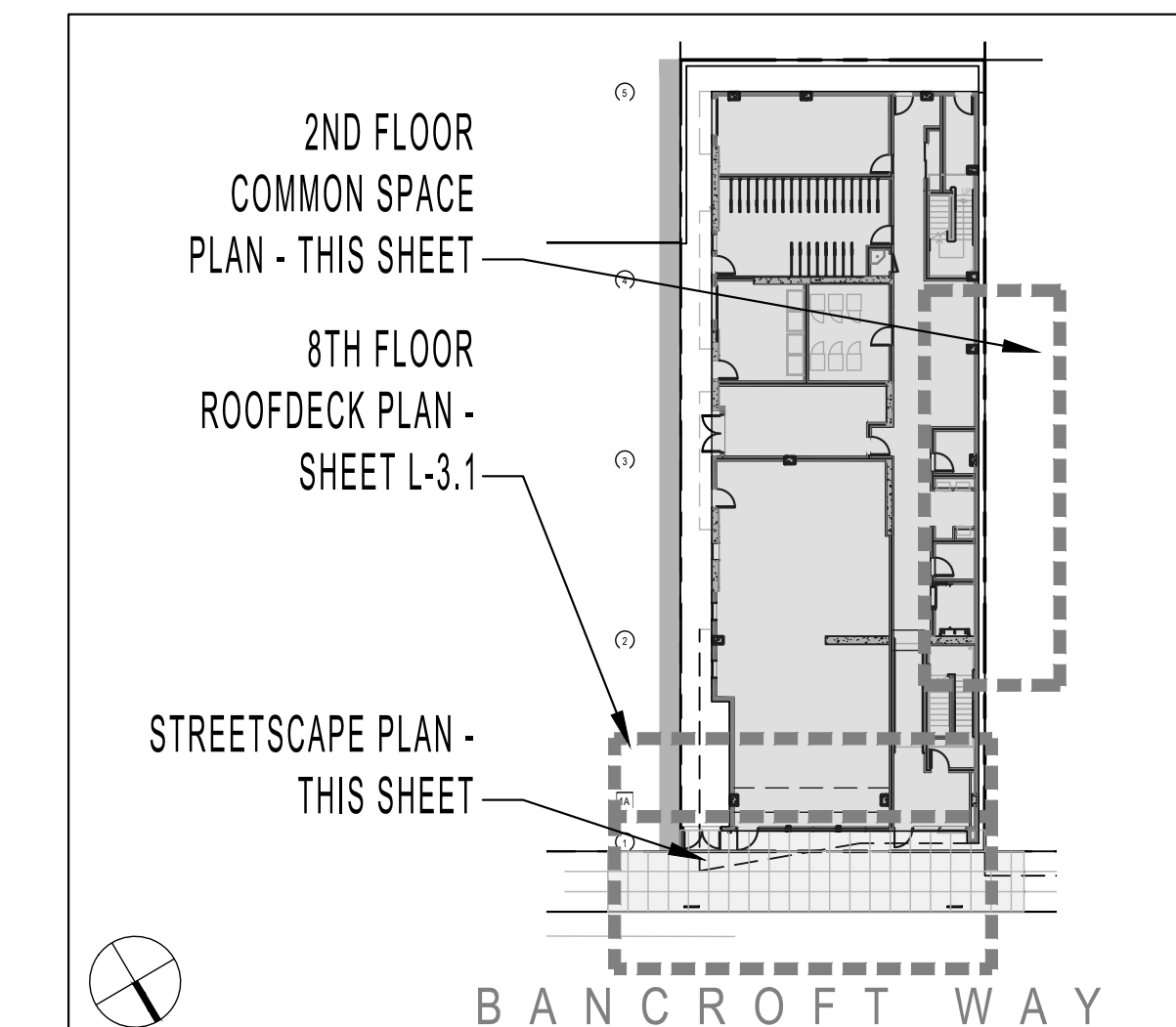
2ND FLOOR COMMON SPACE PLAN

3/4" DIA. 8TH FLOOR IRRIGATION MAINLINE - SEE PLUMBING PLANS FOR ROUTING - REFER TO 8TH FLOOR COMMON SPACE PLAN, THIS SHEET, FOR CONTINUATION OF PIPE.
3/4" DIA. 2ND FLOOR IRRIGATION MAINLINE - SEE PLUMBING PLANS FOR ROUTING - REFER TO 2ND FLOOR COMMON SPACE PLAN, THIS SHEET, FOR CONTINUATION OF PIPE.



STREETSCAPE PLAN

KEY MAP



NOTES
1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS AND VISUAL OBSERVATION. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

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LANDSCAPE PLANS
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IRRIGATION PLAN -
STREET & 2ND LEVEL

L-3.0



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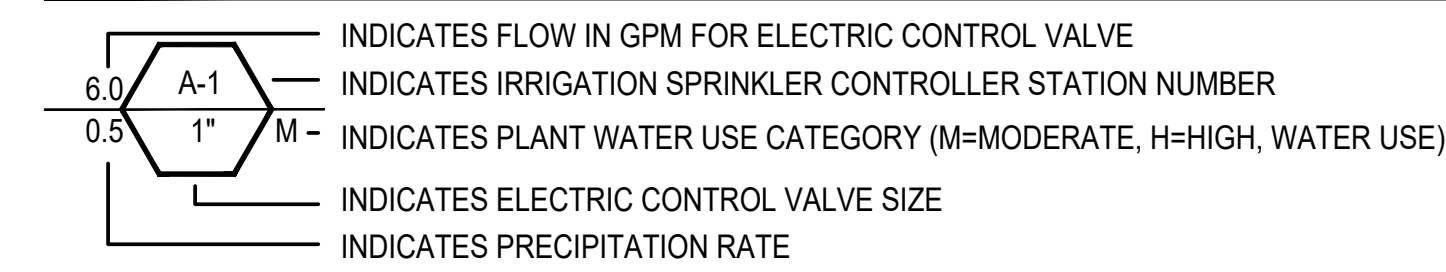
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HYDROZONES - 8TH FLOOR ROOF DECK

SYMBOL	WATER-USE DESIGNATION	AREA	PLANTING & IRRIGATION TYPE
	MODERATE	122 SF	PLANTER POTS - DRIP

NOTES
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
2. IRRIGATION SYSTEM SHALL EMPLOY A 'SMART' ET

VALVE CALLOUT LEGEND



IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

PEAK IRRIGATION DEMAND: 6.1 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: 176 SF OVER ENTIRE SITE

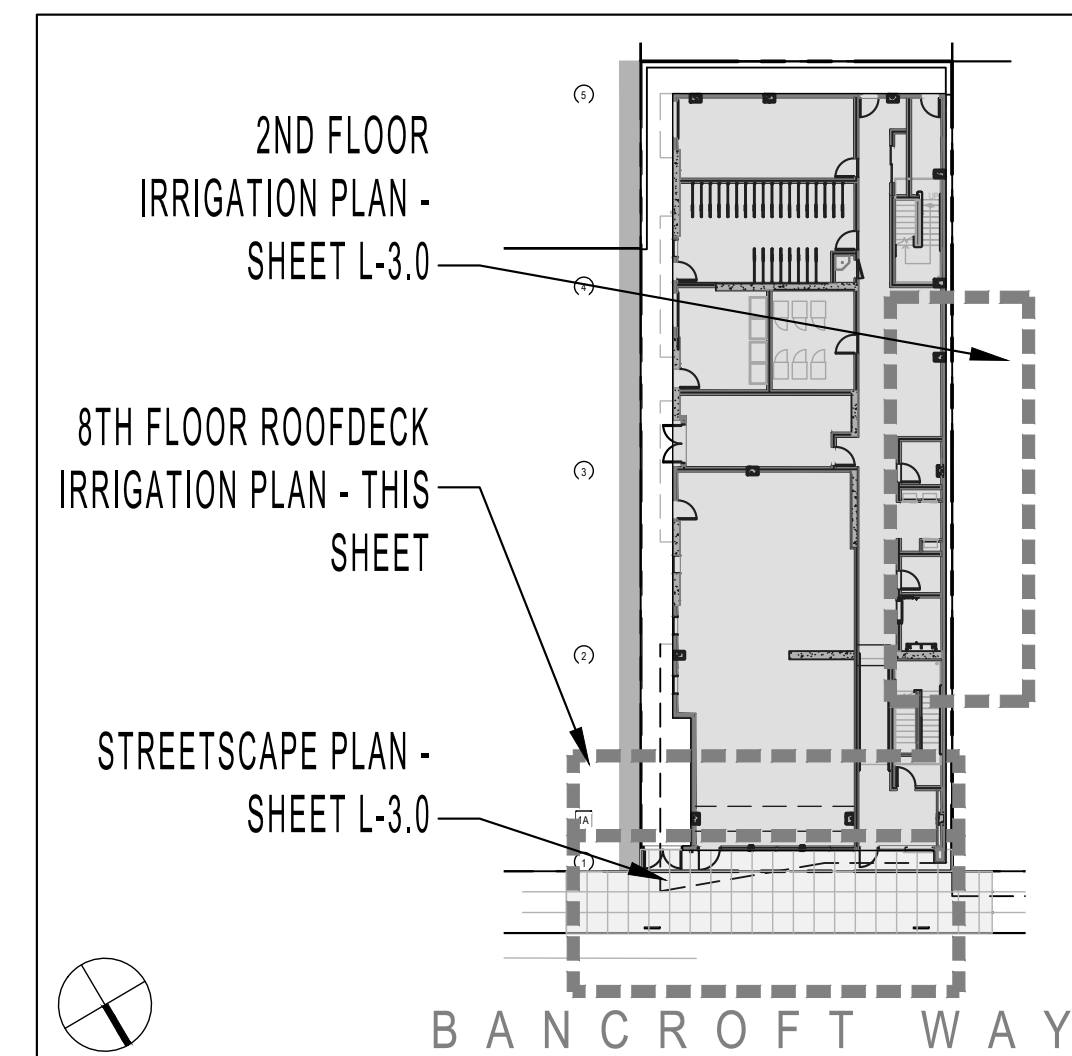
IRRIGATION EQUIPMENT

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION		REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER		IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	HC HYDRAWISE WITH WIFI
FLOW METER		HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY - REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR		RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE		MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH 140 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE		AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT - INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 2 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY		SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT		DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALVE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE		SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		

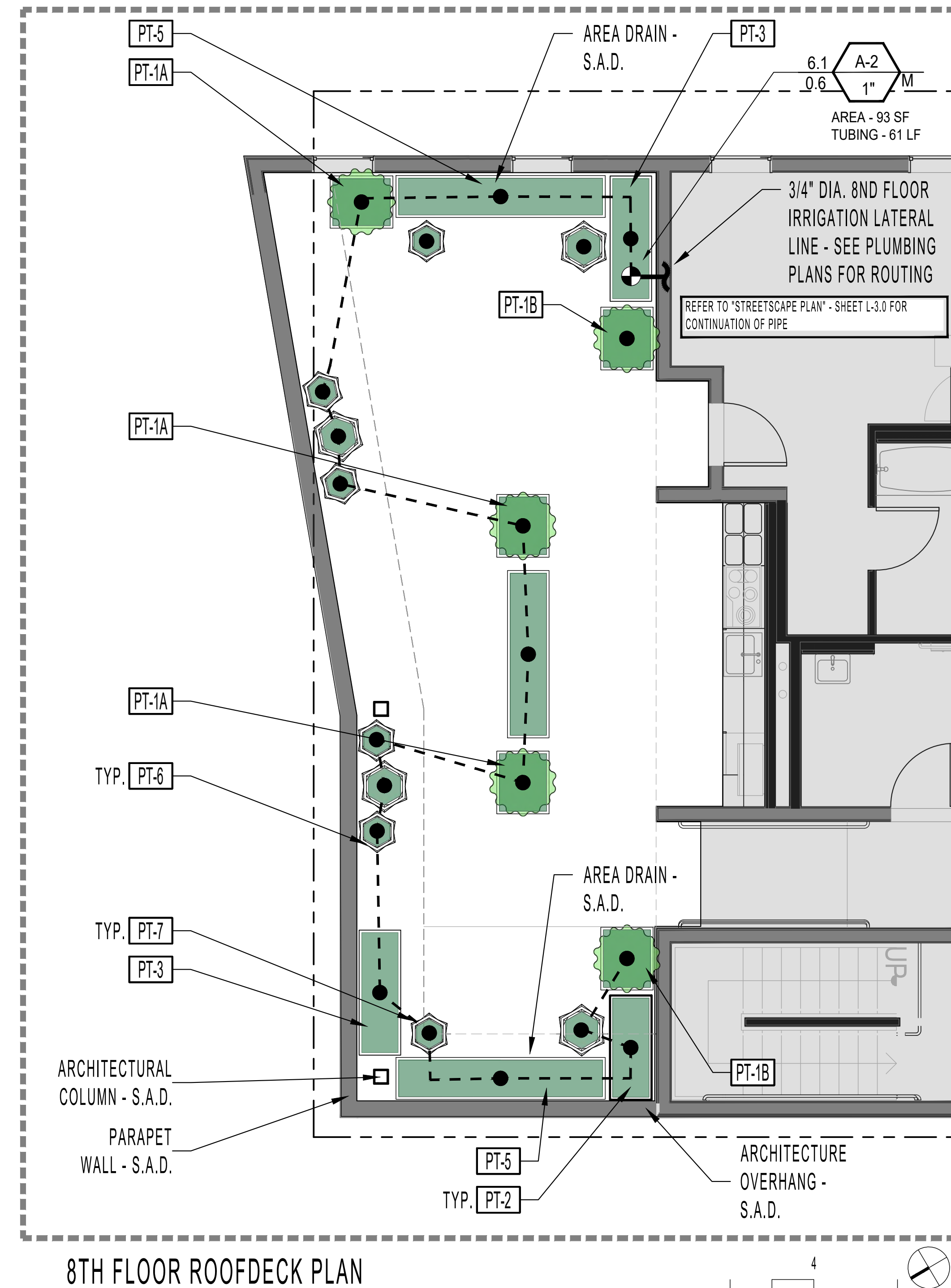
IRRIGATION NOTES

- IRRIGATION TO CONNECT TO WATER SUPPLY WITH BACKFLOW PREVENTION DEVICE INSTALLED PER AGENCY REQUIREMENTS.
- IRRIGATION SYSTEM SHALL EMPLOY AN ELECTRONIC 'SMART' CONTROLLER WITH WEATHER-SENSING CAPABILITIES, 6 MIN. VALVES, SINGLE WIRE TYPE.
- PLANTING HAS BEEN DESIGNED IN 'HYDROZONES' - WITH VALVES GROUPED ACCORDING TO LOCATION AND PLANT TYPE.
- WATER EMITTERS SHALL BE USED TO DELIVER THE WATER IN THE MOST EFFICIENT MANNER POSSIBLE. USE, IN ORDER: IN-LINE DRIP, MICRO SPRAY, POINT-SOURCE. PROVIDE SEPARATE SYSTEMS FOR TREE POPUP STREAM BUBBLERS WITH PCS.
- REFER TO PLUMBING PLANS FOR IRRIGATION WATER POINT-OF-CONNECTION LOCATION.
- REFER TO ELECTRICAL ENGINEERING PLANS FOR IRRIGATION CONTROLLER CONNECTION LOCATION.

KEY MAP



NOTES
1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS AND VISUAL OBSERVATION. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.



ABBREVIATIONS

S.A.D. - SEE ARCHITECT DRAWINGS
S.C.D. - SEE CIVIL DRAWINGS
P.A. - PLANTING AREA
TYP. - TYPICAL

2480 BANCROFT WAY
LANDSCAPE PLANS
2480 BANCROFT WAY, BERKELEY, CA

PHASE Agency Review
DATE 05-15-2023

No.	Description	Date
1	100% DD Set	10-06-2022
2	80% CD's / Agency Review	12-12-2022
3	PLAN CHECK #1	04-10-2023
4	PLAN CHECK #2	05-15-2023

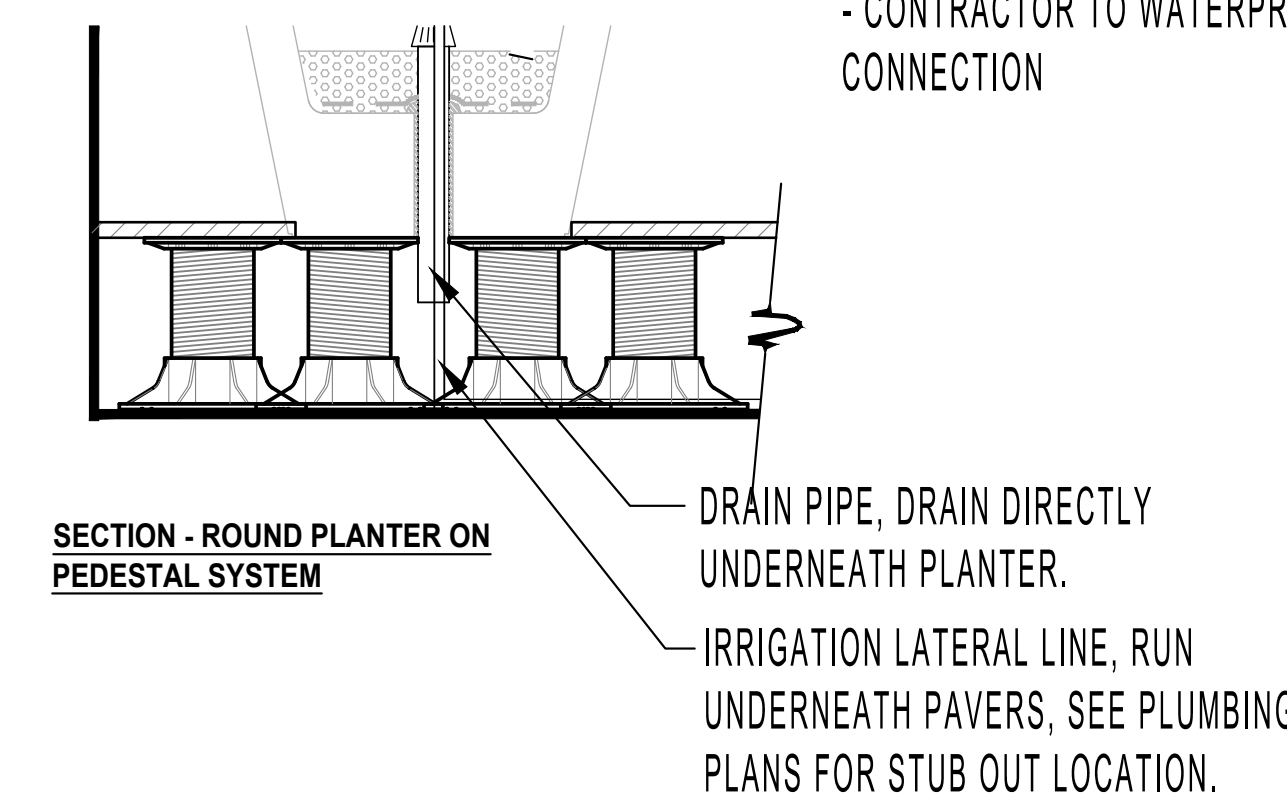
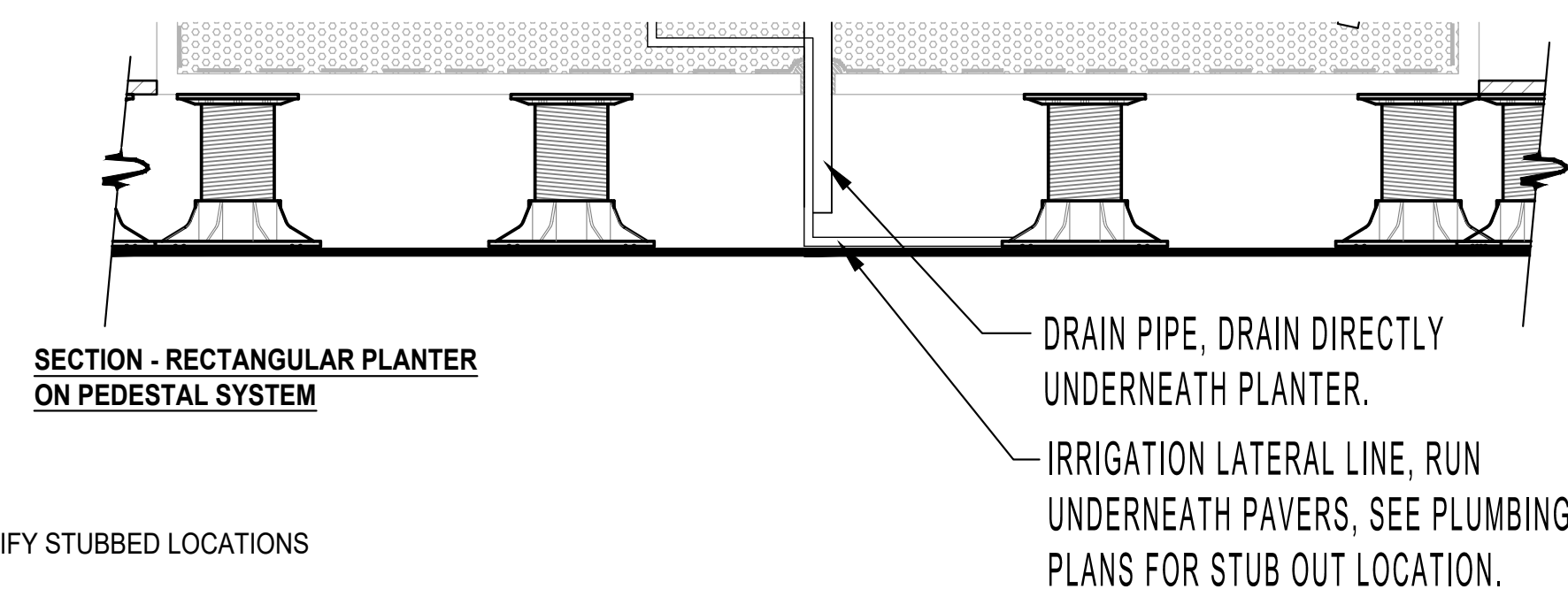
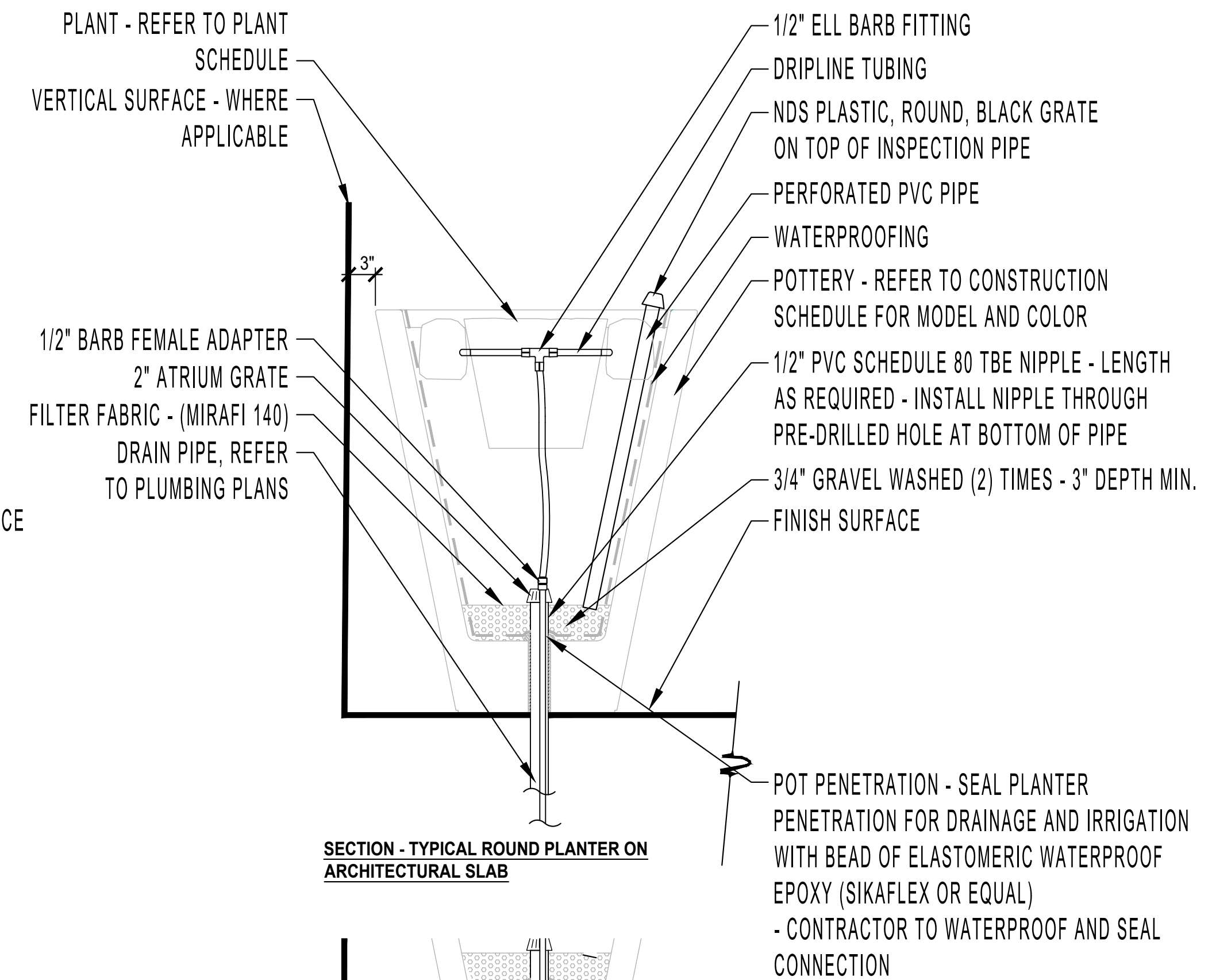
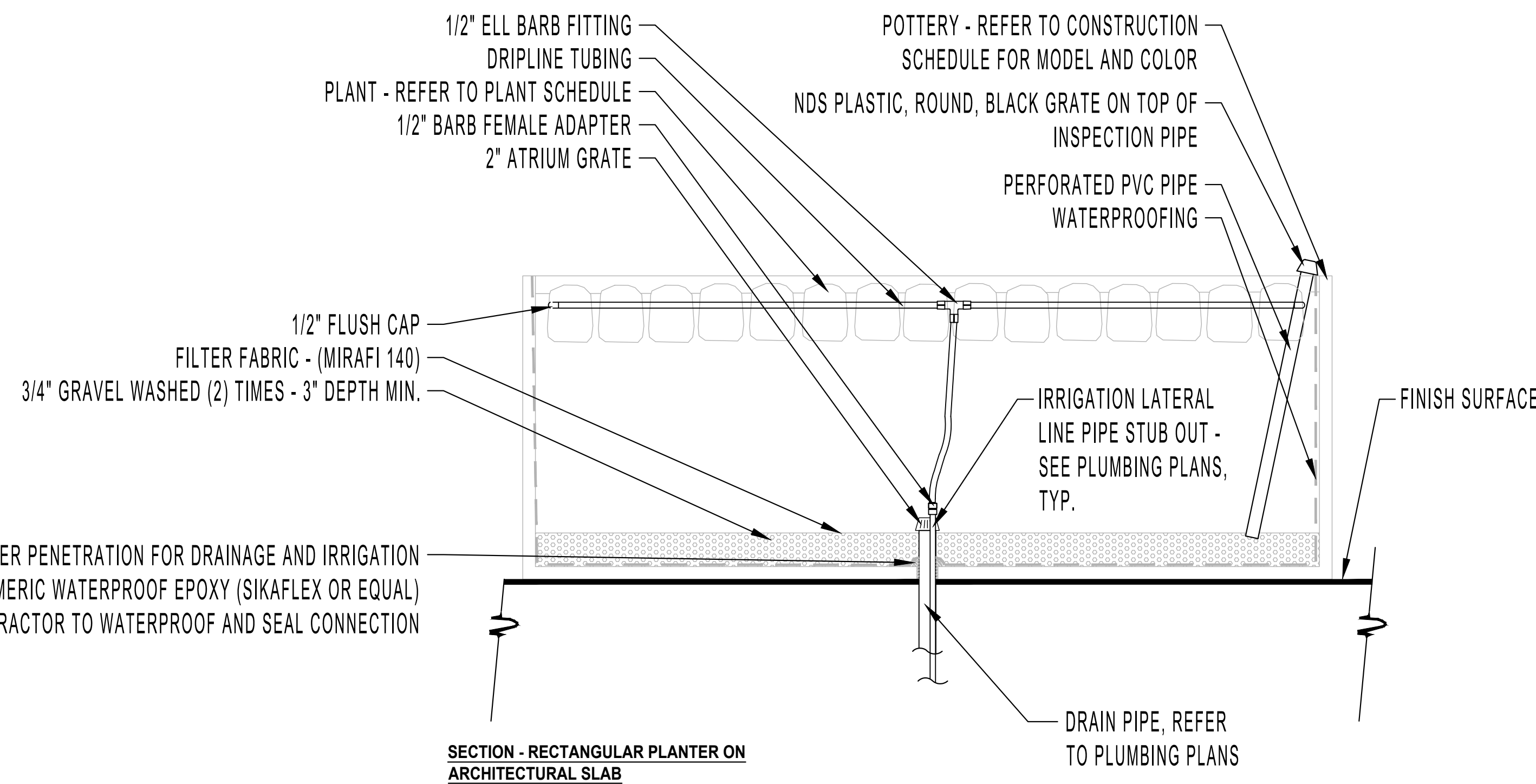
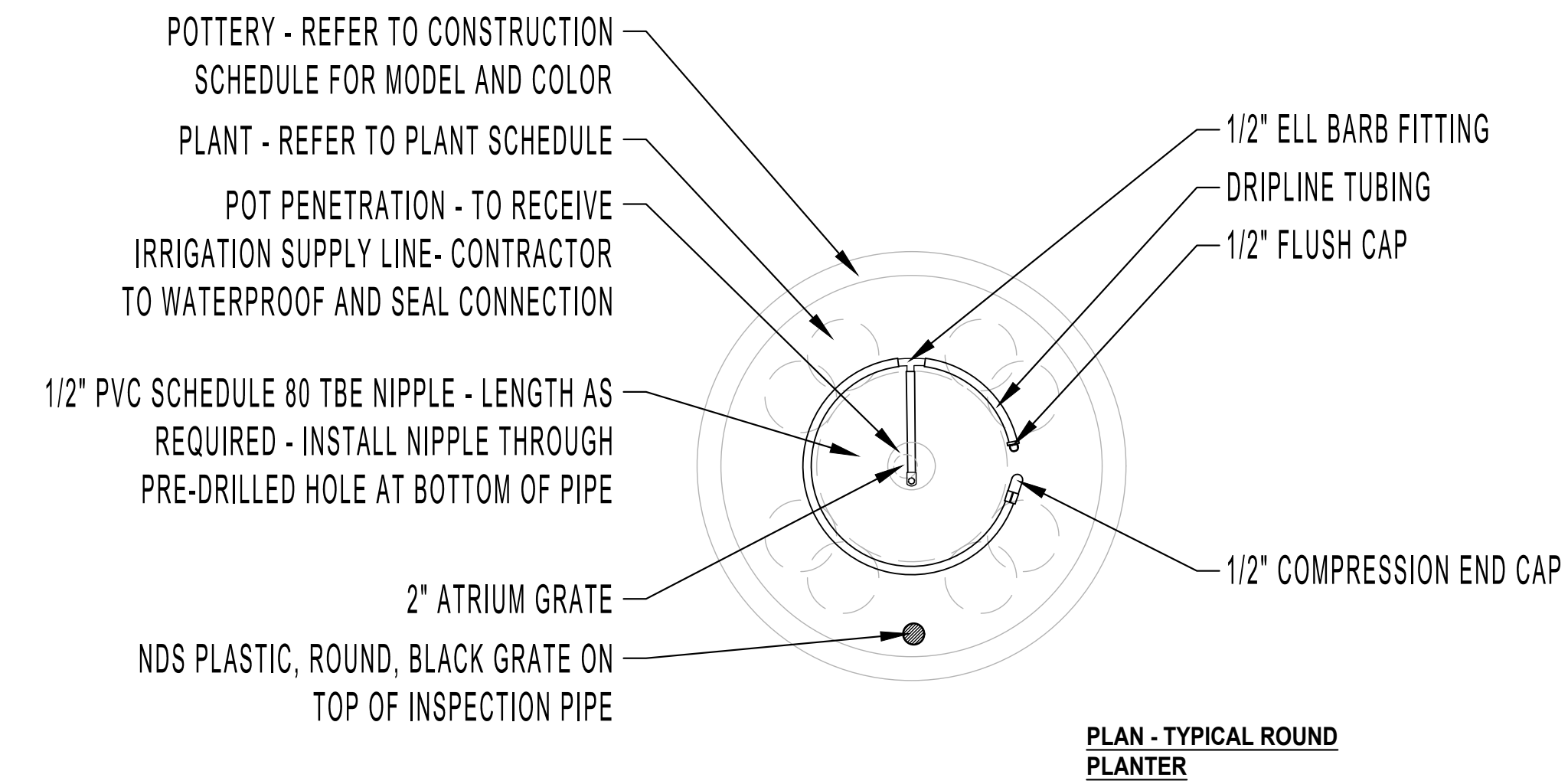
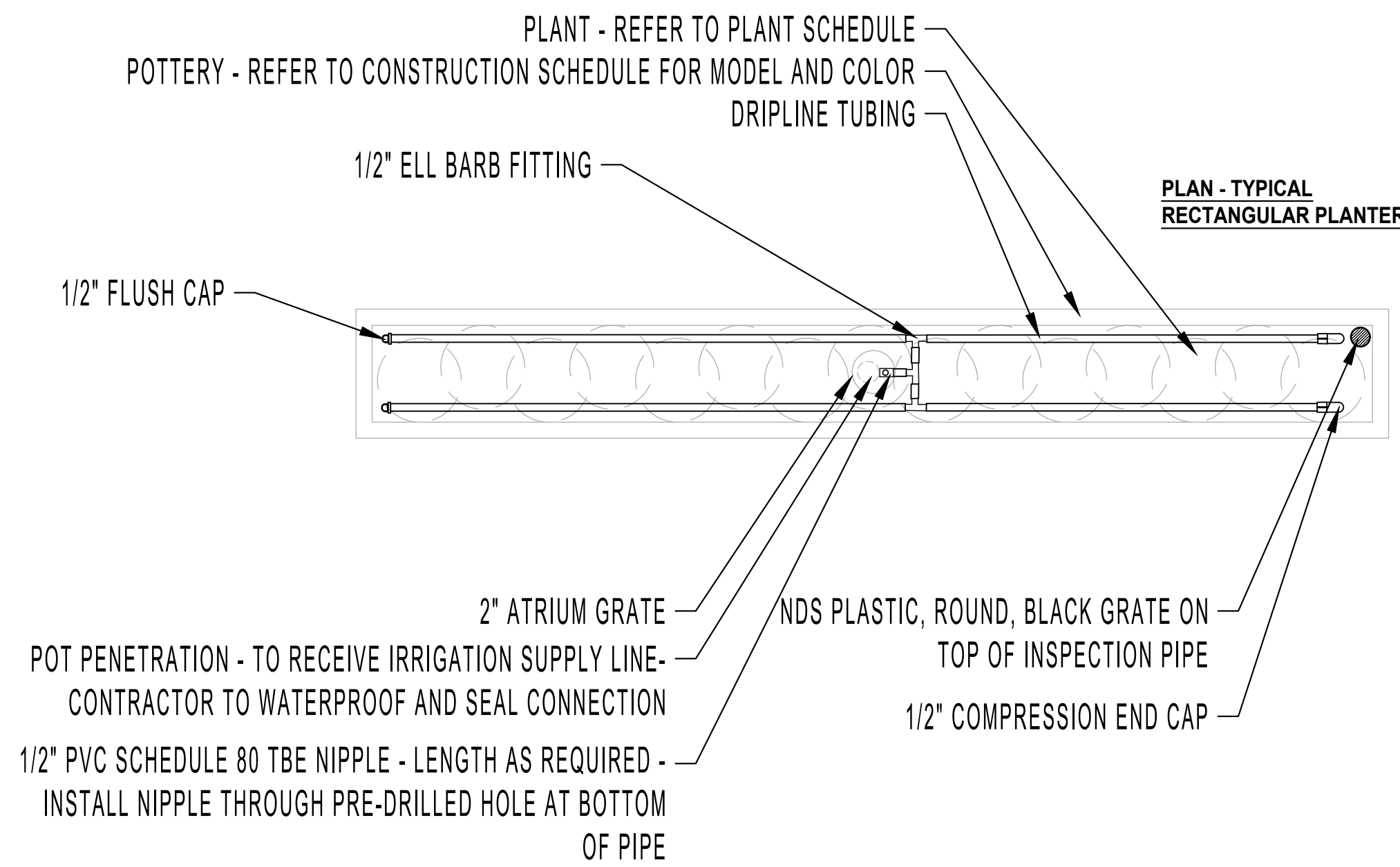
IRRIGATION PLAN - 8TH FLOOR ROOF DECK

L-3.1



www.122westdesign.com
510.992.3122

The use of these plans and specifications shall be restricted to the original site and owner for which they were prepared. No other reproduction or publication is expressly limited only to the original use without the express written consent of 122 West Landscape Architecture. Title to all plans remains the sole property of 122 West Landscape Architecture.



NOTES

1. CONTRACTOR TO COORDINATE IRRIGATION WITH DRAINAGE AND PLUMBING CONTRACTORS TO FIELD VERIFY STUBBED LOCATIONS AND FIELD ADJUST POT PENETRATIONS INTO POT AS NECESSARY.
2. CONTRACTOR SHALL COORDINATE ALL PIPING WITH OTHER TRADES PRIOR TO CONSTRUCTION.
3. COORDINATE THE WATER SUPPLY LINE STUB OUT LOCATIONS WITH THE INSTALLATION OF PLANTER POTS.

2480 BANCROFT WAY
LANDSCAPE PLANS
2480 BANCROFT WAY, BERKELEY, CA

PHASE Agency Review
DATE 05-15-2023

REVISIONS

No.	Description	Date
1	100% DD Set	10-06-2022
2	90% CD's / Agency Review	12-12-2022
3	PLAN CHECK #1	04-10-2023
4	PLAN CHECK #2	05-15-2023

IRRIGATION DETAILS



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

2480 Bancroft Way

Use Permit #ZP2022-0148 to demolish a one-story retail building and construct a 38,205 square foot, eight-story (95 feet) mixed-use building with 2,066 square feet of commercial area and 28 dwelling units, including two Very Low-Income units.

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, July 27, 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-T - Telegraph Avenue Commercial District

B. Zoning Permits Required:

- Use Permit pursuant to BMC Section 23.326.070 to demolish a non-residential main building
- Use Permit pursuant to BMC Section 23.204.020 to establish multi-family dwelling units

- Use Permit pursuant to BMC Section 23.204.020 to construct a mixed-use residential development
- Use Permit pursuant to BMC Section 23.204.030(A)(1) to construct 1,500 square feet of more of gross floor area
- Use Permit pursuant to BMC Section 23.204.110(D)(4) to increase the maximum height
- Use Permit pursuant to BMC Section 23.204.110(D)(4) to increase the maximum floor area ratio (FAR)
- Use Permit pursuant to BMC Section 23.304.030(C)(2)(b) to reduce setbacks on a commercially zoned lot that confronts a Residential District
- Use Permit pursuant to BMC Section 23.304.130(C) (1-4) to waive or reduce standards for non-residential district abutting or confronting a Residential District
- Administrative Use Permit pursuant to BMC Section 23.304.050 to allow for rooftop equipment projections above the height limit
- Administrative Use Permit pursuant to BMC Section 23.302.070(E)(2) to allow for a food service establishment exceeding 1,500 sq. ft. or more

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

D. Parties Involved:

- Applicant Studio KDA, 1810 Sixth Street, Berkeley
- Property Owner Rue-Ell Enterprises, Inc., 2437 Durant Avenue, Suite 204, Berkeley

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, Lisa Gordon at (951) 202-9230 or lgordon@rinconconsultants.com and Principal Planner, Claudia Garcia, at (510) 981-7412 or cgarcia@berkeleyca.gov.

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

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@berkeleyca.gov. All materials will be made available via the Zoning Adjustments Board Agenda page online at this address: <https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board>

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

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

- **Correspondence received by 5:00 PM two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports, 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.