



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  
OCTOBER 12, 2023

## 2712 Telegraph Avenue

Use Permit #ZP2022-0179 to demolish two non-residential structures and construct a 41,065 square-foot, six-story (70 feet) mixed-use residential building containing 40 dwelling units (4 Very Low-Income) and 590 square foot commercial space, with two automobile parking spaces and 46 bicycle parking spaces, utilizing State Density Bonus.

### I. Background

#### A. Land Use Designations:

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

#### B. Zoning Permits Required:

- **Use Permit** to demolish non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- **Use Permit** to establish a mixed-use residential building, under BMC Section 23.204.020
- **Use Permit** to establish a residential use, under BMC Section 23.204.020
- **Use Permit** to create over 5,000 square feet of new floor area, under BMC Section 23.204.030(A)
- **Use Permit** to establish a mixed-use project with a height of 50 feet and four stories
- **Administrative Use Permit** for projections above the height limit, under BMC Section 23.304.050(A)

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

- **Waiver** of BMC Section 23.204.050(D) to exceed the maximum building height of 50 feet with a height of 69 feet, 10 inches
- **Waiver** of BMC Section 23.204.050(D) to exceed four stories with six stories
- **Waiver** of BMC Section 23.204.050(D) to exceed the floor area ratio (FAR) limit of 3 with an FAR of 4.4

- **Waiver** of BMC Section 23.204.050(D) to reduce the open space from 8,000 square feet to 2,277 square feet

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

**E. Parties Involved:**

- Applicant                      Brian Carter, StudioKDA, Berkeley CA
- Property Owner                2712 Telegraph LLC, Berkeley CA

**Figure 1: Vicinity Map**



*\*Map not to scale.*

**Map Key**

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

Figure 2: Site Plan



Figure 3: Proposed South + East Elevations



Figure 4: Proposed West + East Elevations



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial	C-C	Avenue Commercial
Surrounding Properties	North	Multifamily residential		
	South	Commercial		
	East	City of Berkeley Recreation Administration Office, Willard Middle School (Across Telegraph Avenue)	C-C; R-2	Low Medium Residential; Avenue Commercial
	West	Two-family residential		

**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 newly constructed nonresidential gross floor area over 7,500 square feet. The project would decrease the non-residential gross floor area, therefore, the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (BMC 22.20.065) <sup>1</sup>	Yes	The project would provide 4 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.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the site.
Density Bonus	Yes	The project would provide 14 percent of the Base Project units (4 units) as affordable to Very Low - Income households, which qualifies it for a 46.25 percent density bonus. The project is requesting five waivers/modifications, pursuant to the Density Bonus regulation. See section II.B for discussion.
Historic Resources	No	The two existing buildings on the site (2712 and 2714 Telegraph) are more than 40 years old. Given their age and non-residential use, the project was forwarded to the Landmarks Preservation Commission (LPC) for review prior to demolition (per BMC Section 23.326.070(C)). On August 3, 2023 the LPC took no action to initiate a Landmark or Structure of Merit designation. Alternatively, the LPC forwarded recommended conditions of approval for the Use Permit. See

<sup>1</sup> 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.

		Section IV.B for discussion and COA# 16, 20-21 for the proposed conditions of approval.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>2</sup> . The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. 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 meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) <sup>3</sup> . See Section III.A of this report for additional discussion on the sections of SB330 that apply to the project.
Natural Gas Prohibition (Per BMC 12.80)	Yes	This project includes new construction, and is therefore subject to the Natural Gas Prohibition.
Oak Trees (BMC 6.52.010)	No	There are no oak trees on the site.
Rent Controlled Units	No	There are no existing dwelling units on the site. No rent-controlled units will be demolished.
Residential Preferred Parking (RPP)	No	Pursuant to BMC Section 14.72.080(C)( 1), no RPP permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. Because the applicant is not requesting a variance for parking, the project is ineligible for 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 <a href="#">State Seismic Hazard Zones</a> <sup>4</sup> map.
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area, but is not on the Cortese List <sup>5</sup> . The applicant submitted a Phase I report, reviewed by the City's Toxics Management Division, which concludes that no further site investigation is required. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site has frontage on Telegraph Avenue, which is served by The Alameda-Contra Costa Transit District (AC) Transit line 6, and is located five blocks from the Ashby transit corridor,

<sup>2</sup> 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.

<sup>3</sup> See footnote 2

<sup>4</sup> California Department of Conservation. DOC Maps: Geologic Hazards. Available: <https://maps.conservation.ca.gov/geologichazards/>

<sup>5</sup> The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.

	<p>which is served by AC Transit lines 80 and 800 (All-Nighter line). A bus stop is currently located in front of the lot along the east side of Telegraph. As part of the AC Transit Telegraph Rapid Corridors project, the existing stop may be removed or consolidated. AC Transit in the process of awarding the contract for this project within the next few months. The project site is located about 1.3 miles away from both the Ashby and Downtown Berkeley BART Stations. There are several designated bikeways within five blocks.</p>
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**Table 3: Project Chronology**

Date	Action
June 28, 2022	SB 330 Preliminary Housing Development Application (PLN2022-0061) submitted
July 27, 2022	SB 330 Preliminary Housing Development Application deemed incomplete
August 8, 2022	SB 330 Preliminary Housing Development Application resubmitted and deemed complete
December 29, 2022	SB 330 Use Permit Application submitted
January 27, 2023	Application deemed incomplete
February 17, 2023	Application resubmitted
March 20, 2023	Application deemed incomplete
March 29, 2023	<p>Complete Preliminary Housing Development Application (PLN2023-0018) submitted</p> <p>Use Permit application resubmitted with changes that exceeded 20%;</p>
April 28, 2023	Application deemed incomplete
May 8, 2023	Application resubmitted
May 9, 2023	Application deemed complete
May 18, 2023	Design Review Committee hearing
August 3, 2023	Landmarks Preservation hearing
September 7, 2023	Plans resubmitted
September 28, 2023	Public hearing notices mailed/posted
October 12, 2023	ZAB hearing

**Table 4: Development Standards**

C-C Standards BMC Sections 23.204.070-080	Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)	9,273	No change	n/a
Gross Floor Area (sq. ft.)	5,606	41,065	27,819

Floor Area Ratio		1.95	4.4	3 max
Dwelling Units	Total	0	40	n/a
	Affordable	0	4	4 <sup>1</sup> min
Building Height	Maximum (ft.)	36	75	40 ft. max (50 ft. w/ Use Permit)
	Stories	2	6	3 max (4 w/ Use Permit)
Building Setbacks (ft.)	Front	15'-4"	0	n/a
	Rear	15'-5"	8'-4"	n/a
	Left Side (South)	8'-7"	5'-7"	n/a
	Right Side (North)	2'-2"	9'-11"	n/a
Lot Coverage (%)		33	82	100 max
Usable Open Space (sq. ft.)		n/a	2,277	8,000 min (200 sq. ft./ unit)
Parking	Automobile	0	2	20 max
	Bicycle	0	46	46 min
<p>■ = Waiver requested to modify the district standard.  <sup>1</sup> 4 Very-Low Income units are required to qualify for the maximum 46.25% density bonus per Government Code section 65915.                  Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent</p>				

## II. Project Setting

- A. Neighborhood/Area Description:** The project site is located mid-block along Telegraph Avenue, between Derby Street (North) and Ward Street (South) in a commercial district characterized by an eclectic mix of educational, community, medical, automotive, and general retail uses. The western portion of the block is split zoned as both commercial and residential, and is primarily developed with multifamily dwelling units. Commercial uses adjacent to the site are located in buildings that architecturally resemble single-family dwelling units. East of the project site, across Telegraph Avenue is the City of Berkeley Recreation Administration Office and Willard Middle School and Park.
- B. Site Conditions:** The project site is an irregularly shaped, interior lot, where the eastern property line tapers inward from north to south. The northern portion of the western property line jogs inward about 10 feet, creating staggered rear setback area. The 9,695 square foot lot maintains about 93 feet of frontage along Telegraph Avenue. The site is currently developed with two, two-story commercial buildings, including the Pacific Center, an LGBTQIA+ resource center. The lot is accessed by two curb cuts along Telegraph Avenue.

## III. Project Description

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

- 1) Forty dwelling units (21 four-bedroom, 3 three-bedroom, and 16 two-bedroom) for a total of 125 bedrooms
- 2) Forty-two long-term bicycle parking spaces onsite and four short-term spaces in the public right-of-way
- 3) On-site laundry facilities on each floor
- 4) Open space consisting of a 1,245 square foot roof deck and 1,032 square feet on the ground floor

**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”<sup>6</sup> includes 28 residential units and four stories. By providing four Very-Low Income (VLI) BMR units on site (14 percent of the 28-unit base density), the project is eligible for a 46.25 percent density bonus, or 13 units. Therefore, the applicant proposes 12 additional units above the base density for a total of 40 dwelling units.

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

**Table 5: Density Bonus**

Base Project Units*	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units*	Proposed Project Units
28	4 VLI (14% of BP)	46.25%	13 (12.95) (46.25%x28)	40 (12 used)
*Per Gov't Code 65915(q), all unit calculations are rounded up to the nearest whole number. Abbreviations: % = percent; BP = base project				

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

- 1) Exceed the average building height of 50 feet with a height of 75 feet
- 2) Exceed the number of stories (four) with six stories
- 3) Exceed the floor area ratio (FAR) limit of 3 with a FAR of 4.4
- 4) Reduce the open space from 8,000 square feet to 2,277 square feet

<sup>6</sup> Per the City’s Density Bonus Procedures (DBP), the Base Project is the largest project allowed on the site that is fully compliant with district development standards (i.e. height, setbacks, usable open space, parking, etc.), or, the *maximum allowable density* for the site. The City uses the DBP to calculate the maximum allowable density for a site where there is no density standard in the zoning district, and to determine the number of units in the Proposed Project, which is the number of Base Project units plus the number of density bonus units that can be added according to the percentage of BMR units proposed, per Government Code, Section 65915(f).

The project is eligible for two concessions which results in identifiable and actual cost reductions. No concessions are requested as part of this 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 December 30, 2022 and attended by eight people (meeting minutes are included as Attachment 5. Later, a pre-application poster was erected by the applicant in December 2022. On September 28, 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 two existing commercial buildings that are over 40 years in age, including the building occupied by the Pacific Center, a long-standing organization supporting the LGBTQIA+ communities. According to the applicant's Historic Resource Evaluation (HRE) completed by Preservation Architecture on November 22, 2022, the buildings proposed for demolition do not meet the criteria for the California Register or City of Berkeley Landmark or Structure of Merit status. 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. On August 3, 2023, the Landmarks Preservation Commission (LPC) received the demolition referral for the extant buildings at 2712 and 2714 Telegraph Avenue. The LPC Action Minutes are provided as Attachment 5 of this report. The Commission discussed the property and its history, did not initiate the site for City Landmark or Structure of Merit designation, but unanimously concluded that a more robust historical study should occur prior to demolition of the existing buildings.

The applicant's historical resource evaluation for this property does not align with the guidance from the National Park Service (NPS) and omits an investigation of the Pacific Center, a 40-year tenant of the subject property. The Center's legacy of service to the LGBTQIA+ communities appears to warrant a deliberate and thorough inquiry according to the NPS *LGBTQ Heritage Theme Study* (2016). Due to the limited number of meetings that are permitted under SB330, LPC could not continue their August 3 demolition referral and ask for additional information about Pacific Center at a subsequent meeting. Alternatively, in order to ensure that the appropriate documentation occurs prior to demolition, LPC recommends that ZAB require a Supplemental HRE as a condition of project approval so that an adequate study can accurately and correctly capture information about Berkeley's LGBTQIA+ community and history that have yet to be archived.

Staff has prepared the following draft Conditions of Approval reflecting LPC's recommendations for a supplemental HRE and photographic documentation of the extant buildings prior to any permitted demolition or construction activity. These have

been incorporated into the draft Conditions of Approval (Attachment 1) for the project.

COA 16. Supplemental Historic Resource Evaluation (HRE). Prior to submittal of any building permit for this project, the applicant shall submit a short list of historians and/or architectural historians to complete the Supplemental HRE. The qualified historic professional shall meet the Secretary of the Interior's Professional Qualifications Standards in addition to demonstrating professional experience in documentation of the history of marginalized communities or LGBTQIA+ history. Final selection shall occur in consultation with the Zoning Officer.

COA 20. Supplemental Historic Resource Evaluation. Prior to issuance of any demolition or building permit for this project, the applicant shall provide Historic American Buildings Survey (HABS)-like short format photographic documentation of the buildings at 2712 and 2714 Telegraph Avenue. The documentation shall be offered to repositories such as Berkeley Architectural Heritage Association (BAHA), UC Berkeley Environmental Design Archives (EDA) at the College of Environmental Design (CED), and the GLBT Historical Society of San Francisco. The documentation shall be completed to the satisfaction of the Zoning Officer.

COA 21. Supplemental Historic Resource Evaluation. Prior to issuance of any building permit for this project, the applicant shall submit a supplemental HRE documenting the Pacific Center's tenure at the project site, its historical context and cultural significance, and role within LGBTQIA+ community in Berkeley and the greater Bay Area. The documentation shall be offered to repositories such as Berkeley Architectural Heritage Association (BAHA) and the GLBT Historical Society of San Francisco. The supplemental HRE shall be completed to the satisfaction of the Zoning Officer.

**C. Design Review Committee:** The project is located in a non-residential district and therefore requires design review, pursuant to BMC Section 23.406.070(B)(1)(a). On May 18, 2023, the Design Review Committee (DRC) reviewed the project plans submitted May 9, 2023. A summary from that meeting, including an unfavorable recommendation on the design as presented, follows below. The DRC provided the following recommendations for Final Design Review (FDR), and Staff has included these recommendations in the draft Condition of Approval #15, Final Design Review (Attachment 1), as shown below.

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

COA 15. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee. The following DRC

recommendations shall be responded to and presented at Final Design Review for review and final resolution by the DRC.

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

On September 7, 2023, the applicant submitted revised project plans (Attachment 2) and a cover letter in response to DRC's comments (Attachment 6). The DRC Secretary was able to review the most recent plans, and believes that the revisions are responsive to DRC's recommendations. These revisions will be fully evaluated by the DRC during Final Design Review.

## V. Issues and Analysis

**A. SB 330 – Housing Crisis Act of 2019:** The Housing Crisis Act, also known as Senate Bill 330, seeks to boost homebuilding throughout the State with a focus on urbanized zones by expediting the approval process for and suspending or eliminating restrictions on housing development. Housing development is defined as a project that is: all residential; a mixed-use project with at least two-thirds of the square-footage residential; or for transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

1. Government Code §65905.5(a) states that if a proposed housing development project complies with the applicable, objective general plan and zoning standards in affect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the

approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with §65920)).

The October 12, 2023 ZAB hearing represents the second public hearing for the proposed project since the project was deemed complete. The City can hold up to three additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

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

As discussed above, an historic resource evaluation was prepared for the property in November of 2022 and the demolition referral was heard at the August 3, 2023 LPC meeting. Although the LPC took no action on the demolition referral and determined that the site is not a historic resource, they directed staff to draft additional conditions of approval that requires the applicant to provide more information about the Pacific Center, an LGBTQIA+ non-profit, for archival purposes. Additionally, standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on June 6, 2023. Should ZAB determine the application is categorically exempt from CEQA at the October 12, 2023 public hearing, the application must be approved or disapproved by December 11, 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 reduced the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the Base Project or the density bonus units. All findings discussed below are subject to the requirements of Government Code Section 65589.5.

As described in Table 4 above, the project complies with the applicable general plan and zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the Base Project, there are no objective criteria in the findings. The ZAB still has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

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

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

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 four waivers from the following development standards:

- 1) Exceed the average building height of 50 feet with a height of 75 inches
- 2) Exceed the number of stories (four) with six stories
- 3) Allow for an FAR of 4.4 where the requirement is 3
- 4) Reduce the open space from 8,000 square feet to 2,277 square feet

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

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

moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.<sup>7</sup>

Concessions: A concession is a modification of a development standard that reduces the cost of providing affordable housing. No concessions are requested as part of this project.

- D. Demolition of Non-Residential Buildings:** Pursuant to BMC Section 23.326.070 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. The proposed demolition of the existing non-residential buildings would not be detrimental needs of the neighborhood, as the project redevelops an underutilized site with a new mixed-use, multifamily building that is compatible with existing development patterns along Telegraph Avenue. The project would align with the district's objectives to promote development that is compatible with the commercial and residential areas within C-C district.

#### IV. Other Considerations (Zoning and Land Use Considerations)

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because the proposed project is HAA-compliant. The Use Permit for additional height, stories, FAR, and a reduction in open space has been determined by the City to be included in the Base Project of the proposal, and are subject to Section 65589.5(j) of the HAA. See section V.B for discussion of the HAA. All permits are subject to the C-C District permit findings and General Non-Detriment findings discussed in sections IV.E.

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

- 1) Views: The project does not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12)<sup>8</sup>.
- 2) Shadows: According to the shadow studies submitted for the project (see Attachment 1) new shadows would be cast on primarily existing commercial buildings throughout the year. During the summer months new shadows will shade residential units located on the upper floors of existing mixed-use building east of the proposed project. New shadows would also be cast on residential dwelling units located to the north and west throughout the year. These changes in sunlight pattern are found to be reasonable given the orientation of these

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<sup>7</sup> See Footnote 5.

<sup>8</sup> View Corridor - A significant view of the Berkeley Hills, San Francisco Bay, Mt. Tamalpais, or a significant landmark such as the Campanile, Golden Gate Bridge, and Alcatraz Island or any other significant vista that substantially enhances the value and enjoyment of real property.

properties in relation to the subject building and their close proximity given the urban residential environment. These affects would not be detrimental because limited in duration and will not persist for extended periods throughout the year.

Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-C district, which allows heights of up to 50 feet with a use permit and roof top projections beyond the base height with an administrative use permit. Development standards allowed by a discretionary permit may be included in the density bonus base project. The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff believes that shadow impacts from the project would be reasonable and not detrimental.

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

**F. C-C Specific Findings:** Pursuant to BMC Section 23.204.050(E) to approve any AUP or Use Permit for a project in the C-C district, several findings concerning the compatibility of the proposed use with the commercial district must be made. Consistent with the purposes of the underlying district, the project redevelops underutilized area along Telegraph Avenue with mixed-use, multifamily building that is compatible existing and projected development patterns within this Avenue Commercial corridor. The project provides 580 square foot commercial space on the ground floor and creates a street wall that along the approaches the Telegraph Avenue property line, which is consistent with new mixed-use development within this corridor.

**G. Rooftop Projections:** BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors, and cannot be used as habitable space or for commercial purposes. The project proposes a staircase/elevator penthouse, totaling 612 square feet that extends over 6 feet 6 inches over 68-foot- 5 1/16 inches -tall height. The penthouse represents about 9 percent of the 6,746-square-foot average of all the floor areas. The projection is, therefore, permissible.

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

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

Staff Analysis: The proposed project is consistent with the above general plan policies as it is a higher density infill development that proposes 40 new dwelling units that will count towards the City’s share of regional housing needs. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

## VI. Recommendation

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

- A. **APPROVE** Use Permit #ZP2022-0179 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (Attachment 1).

### Attachments:

1. Findings and Conditions
2. Project Plans, received September 7, 2023
3. Notice of Public Hearing
4. Project Community Meeting Notes – December 29, 2022
5. LPC Final Action Minutes – August 3, 2023
6. Resubmittal Design Cover Letter (and Plans – see Attachment 2) – September 7, 2023
7. Correspondence Received

**Staff Planner:** Katrina Lapira, [klapira@berkeleyca.gov](mailto:klapira@berkeleyca.gov), (510) 981-7488

# ATTACHMENT 1

## FINDINGS AND CONDITIONS

OCTOBER 12, 2023

### 2712 Telegraph Avenue

**Use Permit #ZP2022-0179 to demolish two non-residential structures and construct a 41,065 square-foot, six-story (70 feet) mixed-use residential building containing 40 dwelling units (4 Very Low-Income) and 590 square foot commercial space, with two automobile parking spaces and 46 bicycle parking spaces, utilizing State Density Bonus.**

#### PERMITS REQUIRED

- Use Permit to demolish non-residential buildings, under Berkeley Municipal Code (BMC) Section 23.326.070
- Use Permit to establish a mixed-use residential building, under BMC Section 23.204.020
- Use Permit to establish a residential use, under BMC Section 23.204.020
- Use Permit to create over 5,000 square feet of new floor area, under BMC Section 23.204.030(A)
- Use Permit to establish a mixed-use project with a height of 50 feet and four stories
- Administrative Use Permit for projections above the height limit, under BMC Section 23.304.050(A)

#### CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Waiver of BMC Section 23.204.050(D) to exceed the maximum building height of 50 feet with a height of 69 feet, 10 inches
- Waiver of BMC Section 23.204.050(D) to exceed four stories with six stories
- Waiver of BMC Section 23.204.050(D) to exceed the floor area ratio (FAR) limit of 3 with an FAR of 4.4
- Waiver of BMC Section 23.204.050(D) to reduce the open space from 8,000 square feet to 2,277 square feet

#### 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 (“Infill 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 parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant

impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.

E. The site can be adequately served by all required utilities and public services.

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

## **II. HOUSING ACCOUNTABILITY ACT FINDINGS**

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

B. The project includes construction of 40 dwelling units. Because the base project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

## **III. DENSITY BONUS FINDINGS**

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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 28 units;
  - B. The project will provide at least 4 Very-Low Income qualifying units in the 28 -unit "base project", as more fully set forth in Condition 38;
  - C. The project is entitled to a density increase of 46.25 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of 13 units above the Base Project, for a total of 40-units. The project will utilize 12 density bonus units.
2. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
  - A. Waiver of BMC Section 23.204.050(D) to exceed the average building height of 50 feet with a height of 75 feet;
  - B. Waiver of BMC Section 23.204.050(D) to Exceed the number of stories (four) with six stories;
  - C. Waiver of BMC Section 23.204.050(D) Exceed the floor area ratio (FAR) limit of 3 with a FAR of 4.4; and
  - D. Waiver of BMC Section 23.204.050(D) Reduce the open space from 8,000 square feet to 2,277 square feet

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

3. 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 will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

#### **IV. FINDINGS FOR APPROVAL**

4. As required by Section 23.406.040(E) 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 does not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12);
  - B. New shadows will be cast on residential dwelling units located to the north and west throughout the year. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. These affects will be limited in duration and will not persist for extended periods throughout the year. Shadow impact on adjacent dwellings are to be expected, because the subject site is located in the C-C district, which allows heights of up to 50 feet with a use permit and roof top projections beyond the base height with an administrative use permit. The additional height to accommodate the density bonus units above the district limits will cast shadows in the affected directions further than if the project were limited to the base district height standards.
  - C. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

#### **V. OTHER FINDINGS FOR APPROVAL**

5. As required by Section 23.326.070(D) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the non-residential buildings at 2712 Telegraph Avenue will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new building or other proposed new use.

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

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

6. As required by BMC Section 23.204.050(E) the project is consistent with the purposes of the underlying district. The project redevelops underutilized area along Telegraph Avenue with mixed-use, multifamily building that is compatible existing and projected development patterns within this Avenue Commercial corridor. The project provides 580 square foot commercial space on the ground floor and creates a street wall that along the approaches the Telegraph Avenue property line, which is consistent with new mixed-use development within this corridor.
  7. As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space.
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## **VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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

### **1. Conditions Shall be Printed on Plans**

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

### **2. Compliance Required (BMC Section 23.102.050)**

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

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

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

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

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

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

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

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

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

**7. Permit Modifications (BMC Section 23.404.070)**

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

**8. Permit Revocation (BMC Section 23.404.080)**

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

**9. 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.

**VII. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23.404.050(H), 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. The following DRC recommendations shall be responded to and presented at Final Design Review for review and final resolution by the DRC.

- A. Study alternate detailing on the windows, especially on the bay windows. Look at a more generous proportion of window to wall area.
  - B. Provide more detail and interest on the ground floor, on the exterior walls, and on the building top. There should be more consistency between the front and rear walls.
  - C. Ground floor street elevation should be better integrated with the overall building design and the floors above. Consider removing the columns and the trellis, and providing other details that are better integrated.
  - D. Reconsider material palette, particularly the brown colors and natural wood materials. Provide an option to the green tile that works better with the upper floors. Colors in the rendering looked more successful than samples. Explore a quieter patterning.
  - E. Consider removing the garage to allow for more common space, bike parking, and a more pedestrian street edge. Alternately, garage door design should be more carefully designed.
  - F. Reconsider the deep overhang on the North side. If north planted area is to be usable open space, it should be more carefully thought out.
  - G. Consider an evergreen species in the rear yard for added privacy.
  - H. Consider adding privacy screens to windows facing residential district to the west.
  - I. Work with neighbors on fence design.
- 16. Supplemental Historic Resource Evaluation (HRE).** Prior to submittal of any building permit for this project, the applicant shall submit a short list of historians and/or architectural historians to complete the Supplemental HRE. The qualified historic professional shall meet the Secretary of the Interior's Professional Qualifications Standards in addition to demonstrating professional experience in documentation of the history of marginalized communities or LGBTQIA+ history. Final selection shall occur in consultation with the Zoning Officer.
- 17. Address Assignment.** The applicant shall file an "Address Assignment Request Application" with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City's database prior to the applicant's submittal of a building permit application.
- 18. Construction Noise Reduction Program.** The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
  - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
  - C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
  - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
  - E. Prohibit unnecessary idling of internal combustion engines.

- F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

19. Damage Due to Construction Vibration. The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall take into account project specific information such as the composition of the structures, location of the various types of equipment used during each phase of the project, as well as the soil characteristics in the project area, in order to determine whether project construction may cause damage to any of the structures identified as potentially impacted in the screening level analysis. If the assessment finds that the project may cause damage to nearby structures, the structural engineer or other appropriate professional shall recommend design means and methods of construction that to avoid the potential damage, if feasible. The assessment and its recommendations shall be reviewed and approved by the Building and Safety Division and the Zoning Officer. If there are no feasible design means or methods to eliminate the potential for damage, the structural engineer or other appropriate professional shall undertake an existing conditions study (study) of any structures (or, in case of large buildings, of the portions of the structures) that may experience damage. This study shall:
- Establish the baseline condition of these structures, including, but not limited to, the location and extent of any visible cracks or spalls; and
  - Include written descriptions and photographs.

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

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

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20. Supplemental Historic Resource Evaluation. Prior to issuance of any demolition or building permit for this project, the applicant shall provide Historic American Buildings Survey (HABS)-like short format photographic documentation of the buildings at 2712 and 2714 Telegraph Avenue. The documentation shall be offered to repositories such as Berkeley Architectural Heritage Association (BAHA), UC Berkeley Environmental Design Archives (EDA) at the College

of Environmental Design (CED), and the GLBT Historical Society of San Francisco. The documentation shall be completed to the satisfaction of the Zoning Officer.

21. Supplemental Historic Resource Evaluation. Prior to issuance of any building permit for this project, the applicant shall submit a supplemental HRE documenting the Pacific Center's tenure at the project site, its historical context and cultural significance, and role within LGBTQIA+ community in Berkeley and the greater Bay Area. The documentation shall be offered to repositories such as Berkeley Architectural Heritage Association (BAHA) and the GLBT Historical Society of San Francisco. The supplemental HRE shall be completed to the satisfaction of the Zoning Officer.
22. 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.
23. 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.
24. 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.
25. 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.
26. 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](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**

- 27. Percent for Public Art:** Consistent with BMC Section 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
- 28. Affordable Housing Mitigation Fee:** Consistent with BMC Section 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.
- 29. 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.
- 30. 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.
- 31. 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. (Project required to meet applicable code at time of building permit application, if different from above.)
- 32. Electric Vehicle (EV) Charging.** Electric Vehicle (EV) Charging. At least 5 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations, at least 25 percent shall have installed low power Level 2 EV charging receptacles (20 amp), and at least 20 percent shall be "EV Capable" equipped with raceway, electrical panel service capacity, and an electrical system to support future Level 2 (40 amp) EV charging stations, or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)
- 33. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation

including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.

34. Prohibition of Natural Gas Infrastructure in New Buildings. The project shall comply with the City of Berkeley Prohibition of Natural Gas Infrastructure in New Buildings (BMC Chapter 12.80). The building permit plan set submission shall include a cover sheet declaration: 'Natural Gas-Free Design as required by BMC Chapter 12.80.
35. 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).
36. 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.

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### **BELOW MARKET RATE UNITS**

37. Affordable Housing Mitigation Fee (AHMF): Consistent with BMC 22.20.065 and fee resolution No. 68,074-N.S., the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, or provide an alternative to the fee payment as permitted by the BMC. Payment of the AHMF may be reduced if paid prior to the building permit per resolution No. 68,074-N.S., and shall be paid no later than prior to the issuance of a certificate of occupancy for the project.
38. Number of Below Market Rate Units. The project shall provide 4 (Very Low-Income) below market rate rental dwelling units ("BMR Units"), which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.
39. Affordable Housing: 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 should they elect to provide BMR units to avoid or reduce their AHMF obligation. The Regulatory Agreement shall include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for very low income BMR Units shall be 50 percent of Area Median Income (AMI), and their maximum housing payment shall be 30 percent of 50 percent of AMI. The maximum qualifying household income for Low Income BMR units shall be 80 percent of Area Median Income (AMI), and their maximum housing payment shall be 30 percent of 80 percent of AMI for Low-Income households, as set forth in the following paragraphs of this condition. If the BMR units are occupied by Very Low-Income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for

comparable units in the development. The applicant shall submit the Regulatory Agreement to the Department of Health, Housing and Community Services (HHCS) via email to [affordablehousing@cityofberkeley.info](mailto:affordablehousing@cityofberkeley.info) for review and approval.

40. Affordable Housing: Below Market Rate Program. In addition, affordable units must adhere to the administrative guidelines for the City's Below Market Rate program. These guidelines can be found online at <https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/below-market-rate-rental-information-owners-and>. The guidelines are updated annually by HHCS and posted online. Please note the following key provisions from the guidelines:
- 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.
  - D. Determination of Area Median Income (AMI):
    - The AMI 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

41. Affordable Housing. Nothing in conditions # 37-43 shall be interpreted to prohibit, or to require modification of the Use Permit or Regulatory Agreement to allow, the provision of additional BMR units, or additional affordability, then are required in the foregoing provisions.
42. Affordable Housing. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328 in effect on March 31, 2023. (A) Residential housing projects for the construction of five or more Dwelling Units; (B) Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four-unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this

chapter; (C) Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

- 43. Affordable Housing – Density Bonus.** If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

**Prior to Demolition or Start of Construction:**

- 44. 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:**

- 45. 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.
- 46. 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.
- 47. 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.
- 48. 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.
- 49. 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.
- 50. 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.

- 51. 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 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff.
- 52. 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.

- 53. 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.

- 54. 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.
- 55. 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.
- 56. 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.

- 57. 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.
- 58. 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. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.
  - J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
  - K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 59.** 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.
- 60.** 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.
- 61.** 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.
- 62.** 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.
- 63.** 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.
- 64.** Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

**Prior to Final Inspection or Issuance of Occupancy Permit:**

- 65. Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.
- 66. 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 received on September 7, 2023, except as modified by conditions of approval.
- 67. Number of Below Market Rate Units.** Should the Applicant elect to provide BMR units prior to receiving a building permit for the Project, they are entitled to eliminate or receive a proportional reduction in the AHMF consistent with BMC Section 22.20.065. The BMR Units shall be designated in the Regulatory Agreement; comply with the City's BMR administrative guidelines; shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City. Any additional BMR units the applicant may choose to provide must also conform with these conditions.
- 68. Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that the physical improvements required in Section 23.334.030(C) and 23.322.090 (bike parking) have been installed. The property owner shall also provide documentation that the programmatic measures required in 23.334.030(A) and 23.334.030(B) will be implemented.
- A. Consistent with Section 23.334.030(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units, such that potential renters or buyers shall have the option of renting or buying a dwelling unit at a price lower than would be the case if there were a single price for both the dwelling unit and the parking space(s).
- B. Consistent with Section 23.334.030(B), at least one of the following transit benefits shall be offered, at no cost to the resident, for a period of ten years after the issuance of a Certificate of Occupancy. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.
1. One monthly pass for unlimited local bus transit service for every bedroom in each dwelling unit, up to a maximum of two benefits per dwelling unit.
  2. Subject to the review and approval of the Zoning Officer in consultation with the Transportation Division Manager, a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass.
- C. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- D. Property owners may be required to pay administrative fees associated with compliance with this Condition.

**At All Times:**

69. 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).
70. 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.
71. 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.
72. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review Commission approval.
73. 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.
74. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
75. 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.
76. 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.
77. Bike Parking. Secure and on-site bike parking for at least 46 bicycles shall be provided for the life of the building.
78. Residential Electric Vehicle (EV) Charging. Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use.
79. 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







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**2712  
 TELEGRAPH**

2712 TELEGRAPH AVE  
 BERKELEY, CA

**ENTITLEMENT  
 SET**



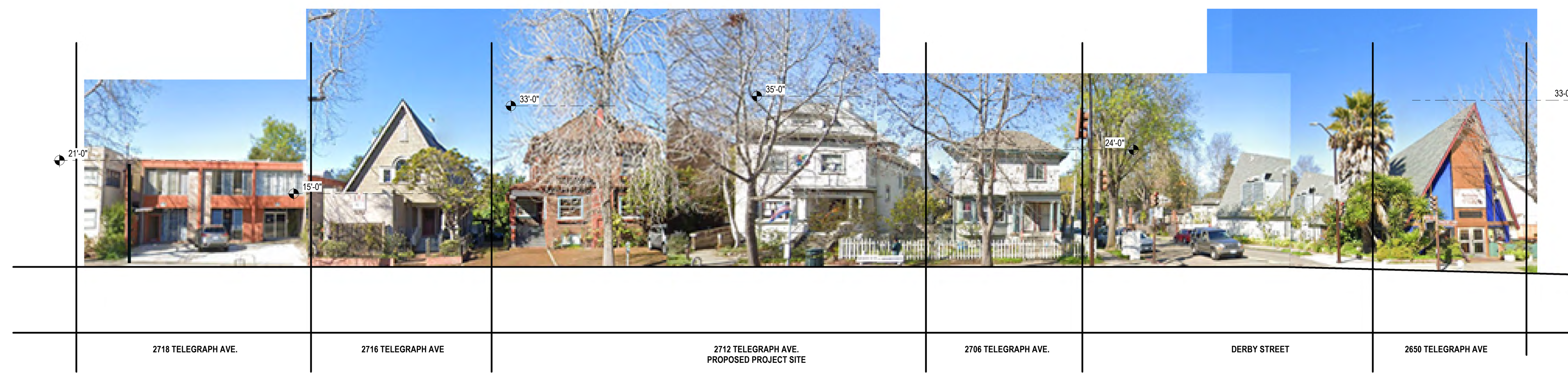
**2 STREET STRIP ELEVATION PROPOSED**  
 G002 3/32" = 1'-0"

PROJECT ISSUE RECORD:	
2	03/21/23 ZONING COMMENTS RESPONSE #2
3	05/09/23 ZONING COMMENTS RESPONSE #3

PROJECT #: KEN01  
 ISSUE DATE: 12/09/22

STREET STRIP ELEVATION

**G002**



**1 STREET STRIP ELEVATION**  
 G002 3/32" = 1'-0"

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**2712  
 TELEGRAPH**

2712 TELEGRAPH AVE  
 BERKELEY, CA

**ENTITLEMENT  
 SET**



1 South View  
 G003 1" = 1'-0"



3 Storefront  
 G003 1" = 1'-0"



2 North View  
 G003 1" = 1'-0"

PROJECT ISSUE RECORD:			
#	DATE	ZONING COMMENTS	RESPONSE #2
2	03/21/23		

PROJECT #: KEN01  
 ISSUE DATE: 12/09/22

PHOTO SIMULATION

**G003**







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**2712  
 TELEGRAPH**

2712 TELEGRAPH AVE  
 BERKELEY, CA

**ENTITLEMENT  
 SET**

**SETBACK REDUCTION REQUESTED VIA DENSITY BONUS WAIVER**

**USABLE OPEN SPACE**

**REQUIRED:**  
 40 PROPOSED UNITS (200 SF PER UNIT)  
 200 SF x 40 UNITS = 8,000 SF  
 40% LANDSCAPED of 8,000 SF = 3,200 SF REQ

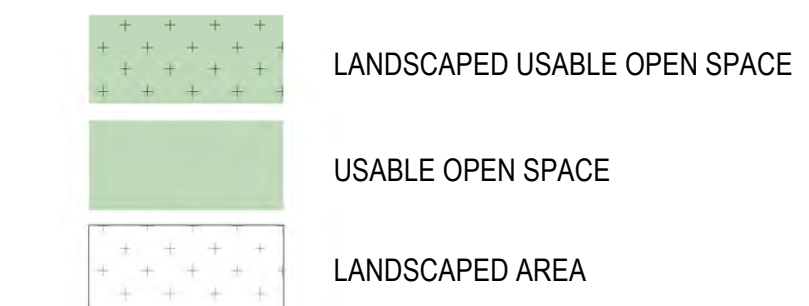
**REQUESTING REDUCTION OF REQUIRED USABLE OPEN SPACE  
 AND 40% REQUIRED LANDSCAPED AREA VIA DENSITY BONUS  
 WAIVER**

**PROPOSED:**  
 AREA 1: ROOF DECK (1,245 SF)  
 AREA 2: SIDE YARD (1,032 SF LANDSCAPED)  
 TOTAL USABLE OPEN SPACE: 2,277 SF

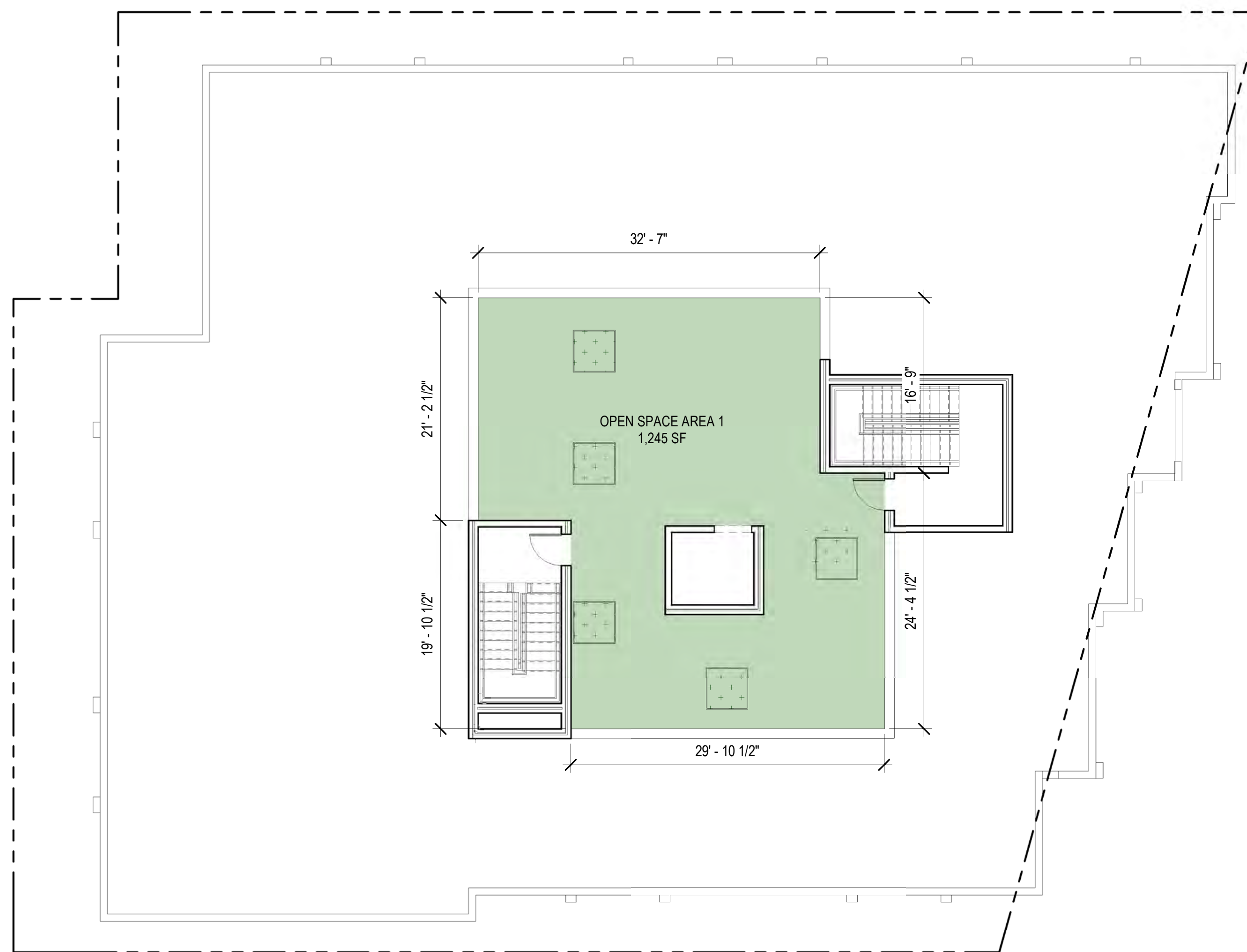
**USABLE OPEN SPACE**  
 8,000 SF REQUIRED - 2,277 SF PROVIDED = **5,923 SF REDUCTION**

**PROPOSED LANDSCAPED AREA:**  
 AREA 1: ROOF DECK (90 SF)  
 AREA 2: SIDE YARD (898 SF)  
 TOTAL LA AREA PROVIDED: 988 SF  
 43% LANDSCAPED AREA

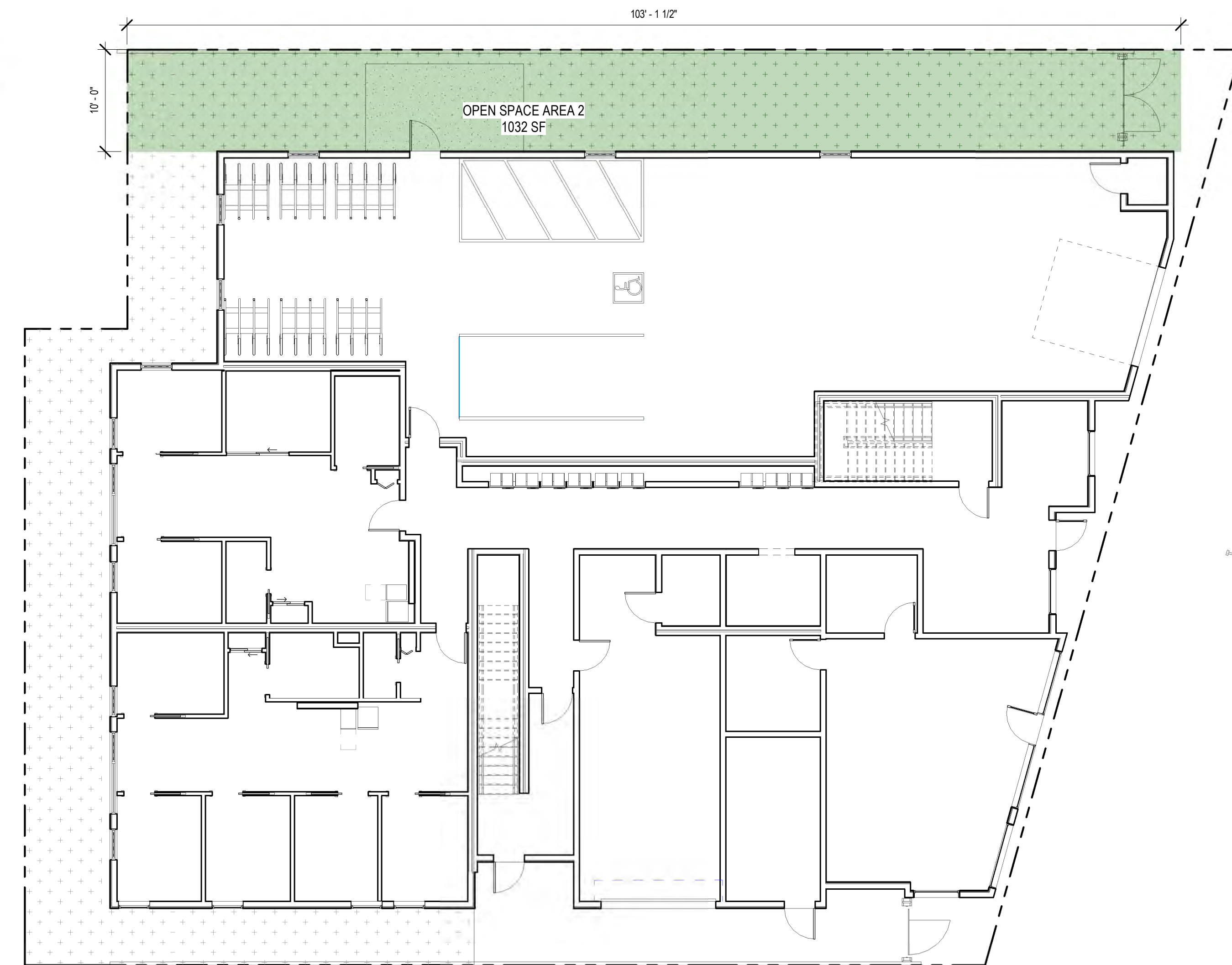
**LANDSCAPED AREA**  
 3,200 SF REQUIRED - 988 SF PROVIDED = **2,212 SF REDUCTION**



**USABLE OPEN SPACE DIAGRAM**  
 NOT TO SCALE



**3** PROPOSED ROOF USABLE OPEN SPACE  
 G009 1/8" = 1'-0"



**1** PROPOSED GROUND FLOOR USABLE OPEN SPAE  
 G009 1/8" = 1'-0"

PROJECT ISSUE RECORD:		
1	02/12/23	ZONING COMMENTS RESPONSE #1
2	03/21/23	ZONING COMMENTS RESPONSE #2

PROJECT #: KEN01

ISSUE DATE: 07/11/17

USABLE OPEN SPACE

**G009**



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**2712  
 TELEGRAPH**

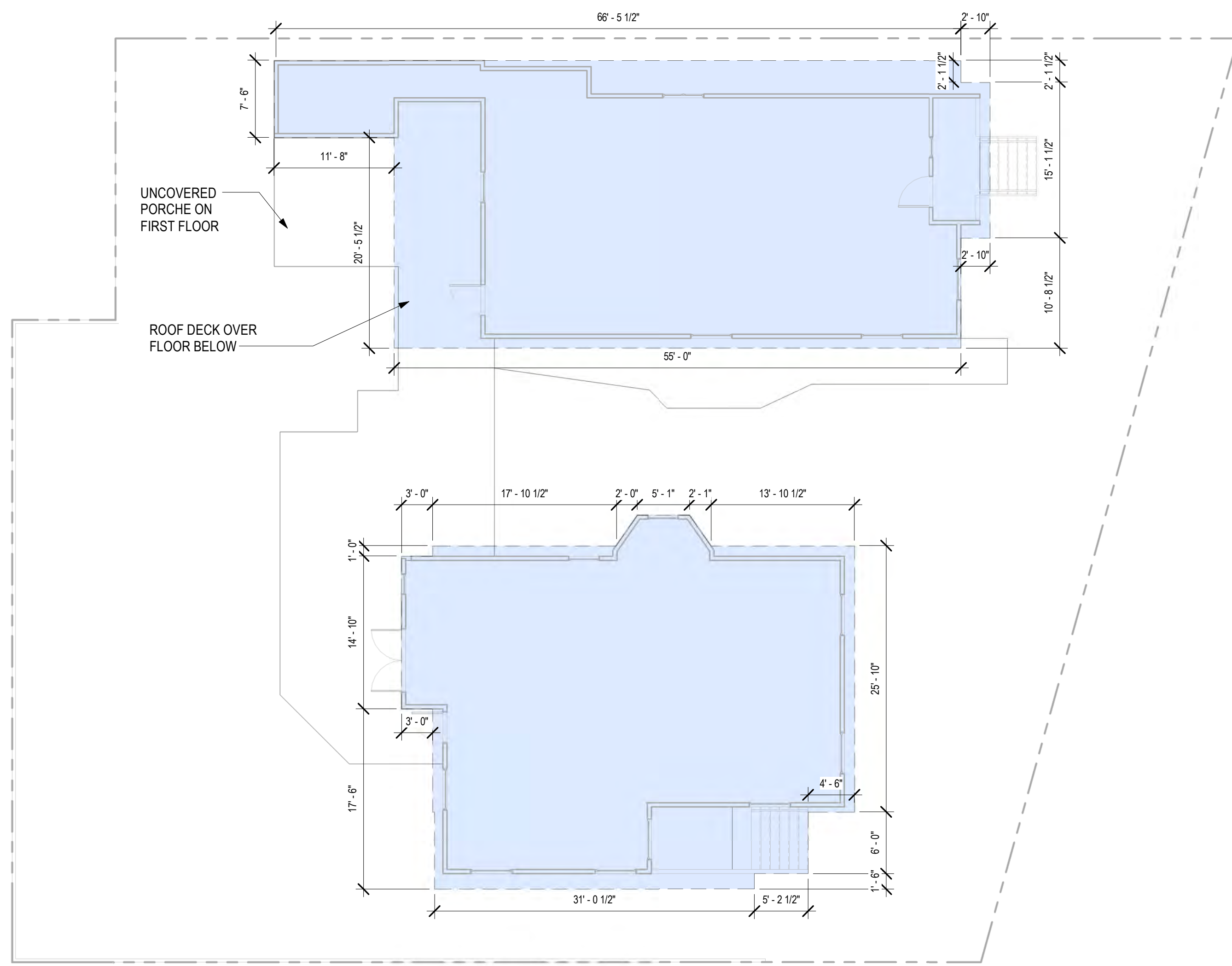
2712 TELEGRAPH AVE  
 BERKELEY, CA

**ENTITLEMENT  
 SET**

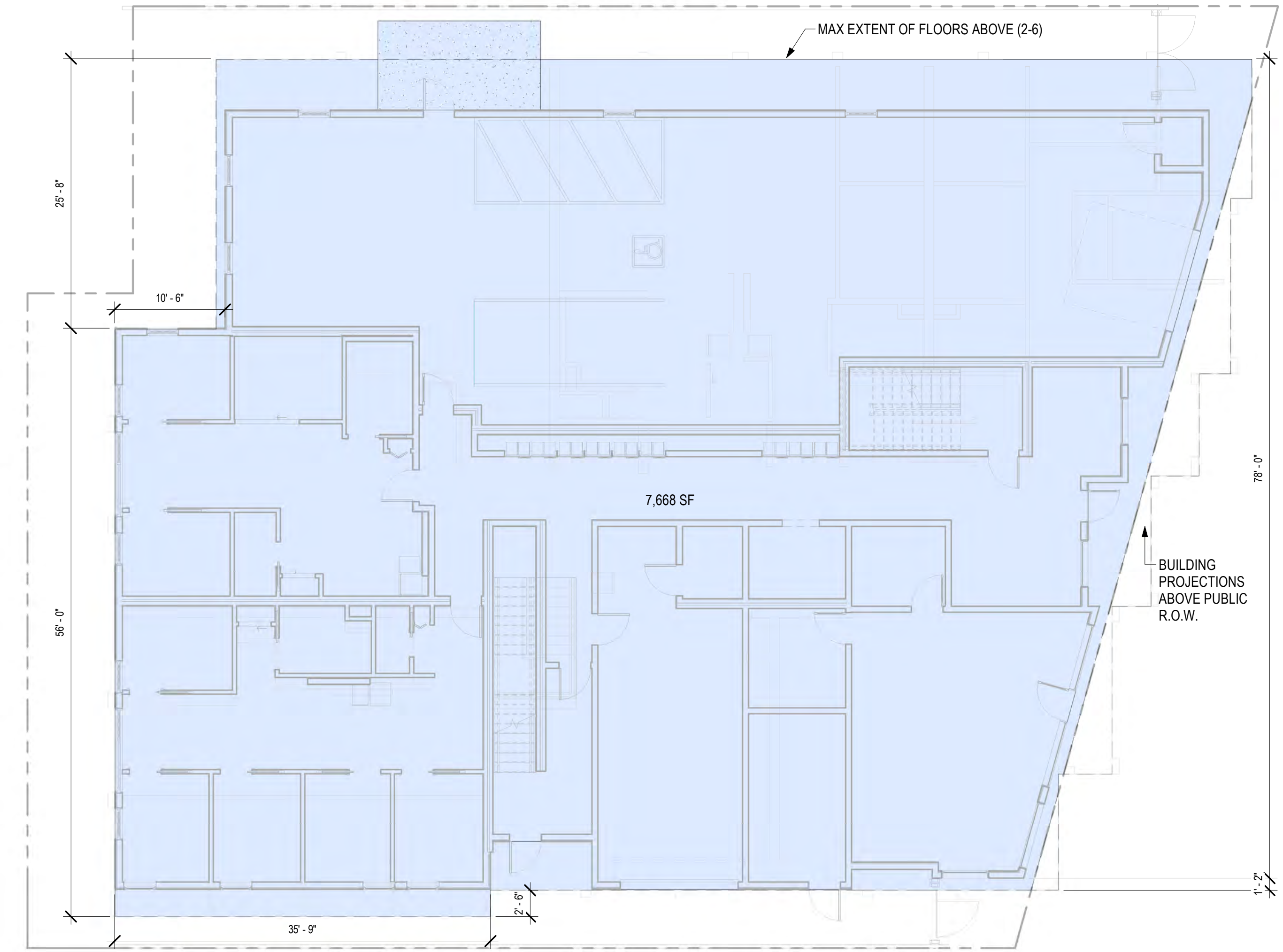
**LOT COVERAGE**  
 LOT AREA = 9,273 9,273 SF (100%) COVERAGE PERMITTED PER TABLE 23.204-8  
 EXISTING LOT COVERAGE = 3,054 SF (33%)  
 PROPOSED LOT COVERAGE = 7,668 SF (82%)

AREA COUNTING AS LOT COVERAGE

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



**3 EXISTING LOT COVERAGE**  
 G010 1/8" = 1'-0"



**1 PROPOSED LOT COVERAGE**  
 G010 1/8" = 1'-0"

PROJECT ISSUE RECORD:		
1	02/12/23	ZONING COMMENTS RESPONSE #1
2	03/21/23	ZONING COMMENTS RESPONSE #2
3	05/09/23	ZONING COMMENTS RESPONSE #3

PROJECT #: KEN01  
 ISSUE DATE: 07/11/17

LOT COVERAGE  
 DIAGRAM

**G010**





**TITLE REPORT**

THE TITLE REPORT USED IN THIS SURVEY WAS ISSUED BY CHICAGO TITLE COMPANY, PRELIMINARY REPORT ORDER NO. 36200416-362-LE4-DP, EFFECTIVE DATE JANUARY 24, 2022 AT 7:30 A.M.

**TITLE TO SAID ESTATE IS VESTED IN:**

BERNARD SPIRO, A SINGLE MAN

**THE ESTATE OR INTEREST IN THE LAND IS:**

A FEE

**LEGAL DESCRIPTION**

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

**PARCEL ONE:**

COMMENCING AT A POINT ON THE WESTERN LINE OF TELEGRAPH AVENUE DISTANT THEREON 46.54 FEET SOUTHERLY FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHERN LINE OF DERBY STREET; RUNNING THENCE SOUTHERLY ALONG SAID LINE OF TELEGRAPH AVENUE 46.54 FEET THENCE WESTERLY AND PARALLEL WITH DERBY STREET 106.46 FEET; THENCE NORTHERLY AND PARALLEL WITH DANA STREET 17.5 FEET; THENCE EASTERLY AND PARALLEL WITH DERBY STREET 10 FEET; THENCE NORTHERLY AND PARALLEL WITH DANA STREET 27.33 FEET; THENCE EASTERLY AND PARALLEL WITH DERBY STREET 108.92 FEET TO THE POINT OF COMMENCEMENT.

BEING A PORTION OF LOTS NUMBERED 4 AND 5, IN BLOCK LETTERED "N", MAP OF THE LEONARD TRACT, FILED SEPTEMBER 17, 1875, MAP BOOK 5, PAGE 11, ALAMEDA COUNTY RECORDS.

**PARCEL TWO:**

BEGINNING AT A POINT ON THE WESTERN LINE OF TELEGRAPH AVENUE DISTANT THEREON SOUTHERLY 33.08 FEET FROM THE POINT OF INTERSECTION THEREOF WITH THE SOUTHERN LINE OF DERBY STREET; RUNNING THENCE WESTERLY PARALLEL WITH DERBY STREET 106.46 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 44.83 FEET; THENCE AT RIGHT ANGLES EASTERLY 94 FEET TO THE WESTERN LINE OF TELEGRAPH AVENUE; AND THENCE NORTHERLY ALONG SAID LAST NAMED LINE 46.54 FEET TO THE POINT OF BEGINNING.

BEING A PORTION OF LOT 4 IN BLOCK "N" MAP OF THE LEONARD TRACT, FILED SEPTEMBER 17, 1875, MAP BOOK 5, PAGE 11, ALAMEDA COUNTY RECORDS.

APN: 054-1714-005-01

**EXCEPTIONS TO TITLE**

- THE LAND LIES WITHIN THE BOUNDARIES OF THE MELLO-ROOS COMMUNITY FACILITIES AS FOLLOWS, CFD NO. 2014-1, FOR COUNTY OF ALAMEDA CALIFORNIA HOME FINANCE AUTHORITY COMMUNITY FACILITIES DISTRICT (CLEAN ENERGY), DISCLOSED BY MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS IN MAP BOOK 18, PAGE 65, FILING DATE AUGUST 24, 2015, RECORDING DATE AUGUST 24, 2015, RECORDING NO. 2015235594, OF OFFICIAL RECORDS (EXC. 6 - NOT PLOTTABLE).
- THE HEREIN DESCRIBED PROPERTY LIES WITHIN THE BOUNDARIES OF A MELLO-ROOS COMMUNITY FACILITIES DISTRICT (CFD) AS FOLLOWS, CFD NO. COMMUNITY FACILITIES DISTRICT NO. A/C-3, FOR EAST BAY REGIONAL PARK DISTRICT, DISCLOSED BY NOTICE OF SPECIAL TAX LIEN, RECORDING DATE JANUARY 31, 2019, RECORDING NO. 2019-15593, OFFICIAL RECORDS (EXC. 7 - NOT PLOTTABLE).
- A PENDING ASSESSMENT FOR MELLO-ROOS COMMUNITY FACILITIES FOR CITY OF BERKELEY SPECIAL DISTRICT NO. 2008-1 (SUSTAINABLE ENERGY FINANCING DISTRICT) DISCLOSED BY MAP FILED JULY 31, 2008, BOOK 17 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS, PAGE 19, ALAMEDA COUNTY RECORDS (EXC. 8 - NOT PLOTTABLE).

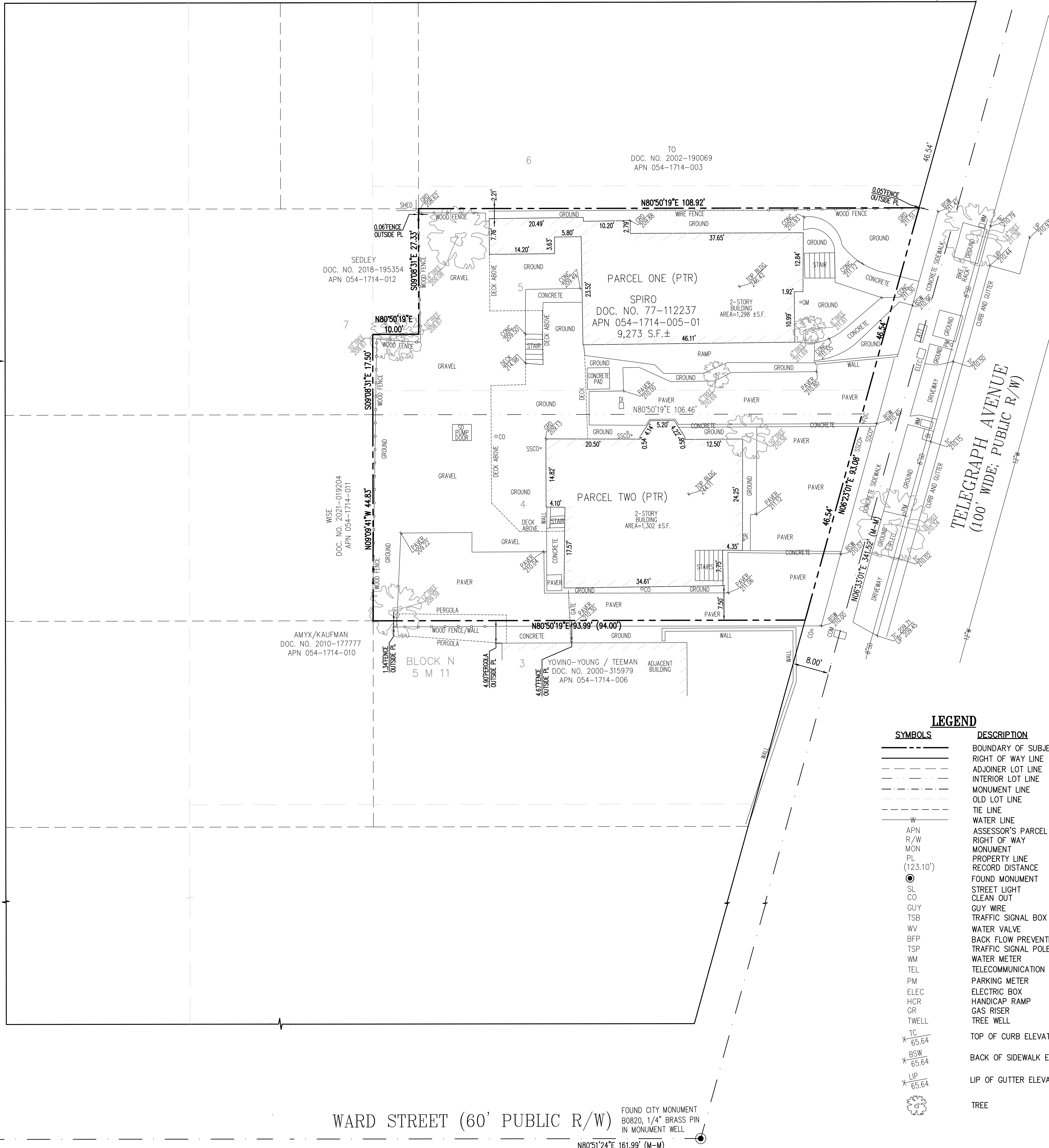
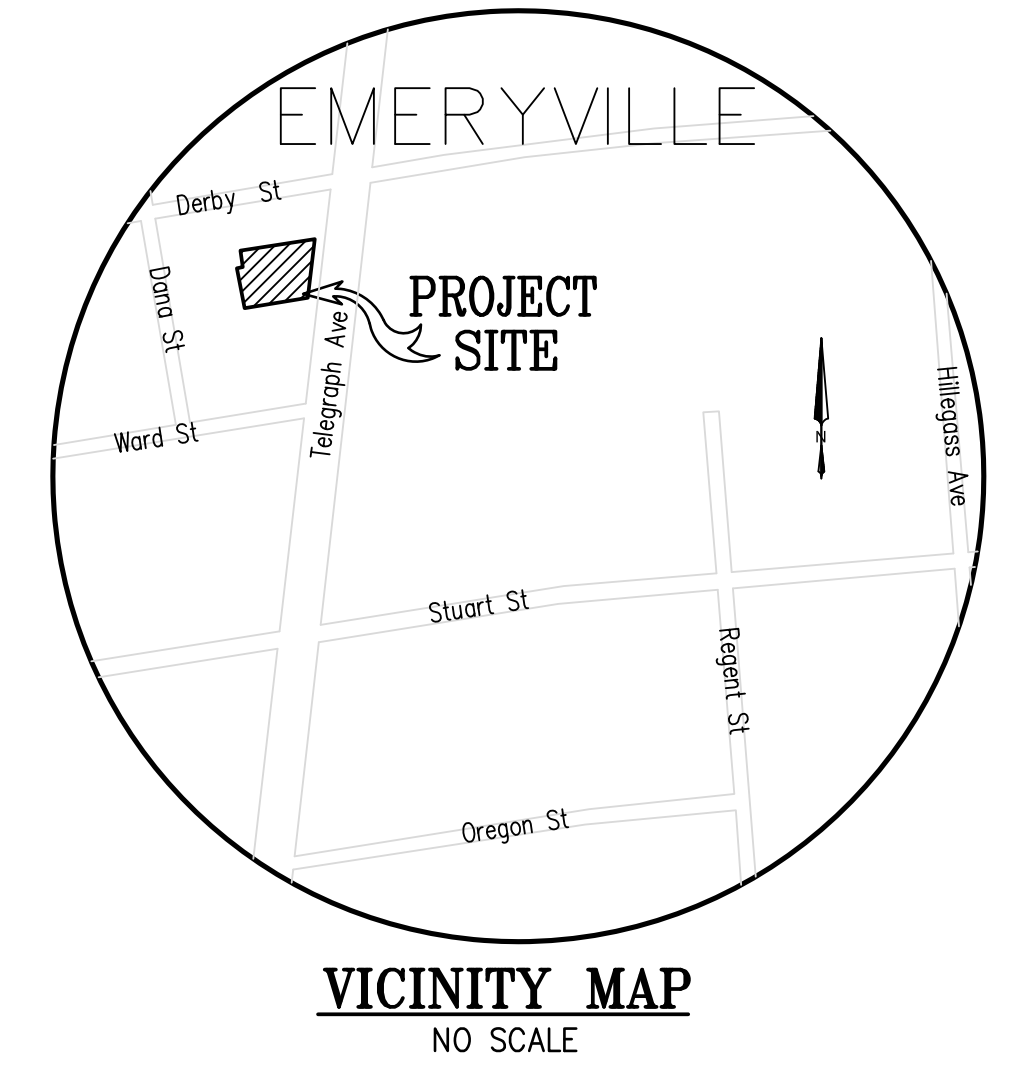
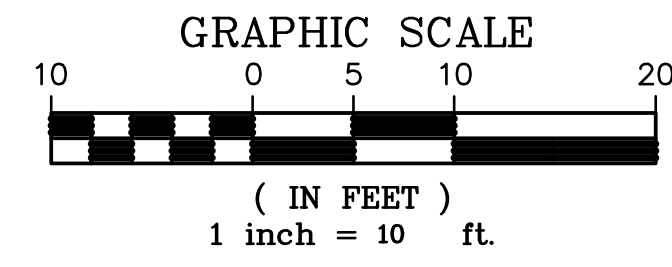
**TABLE A NOTES**

- FOUND MONUMENTS ARE SHOWN ON THIS SHEET OF THE SURVEY.
- THE STREET ADDRESS OF THE PROPERTY IS 2712-2714 TELEGRAPH AVENUE, BERKELEY, CA
- FLOOD ZONE DESIGNATION: THE PREMISES ARE LOCATED IN ZONE "X" (NON-SHADED) DEFINED AS "AREAS OF MINIMAL FLOOD," PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 0600100576, EFFECTIVE DATE: AUGUST 3, 2009.
- THE TOTAL GROSS LAND AREA IS: 9,273 SQUARE FEET +/- OR 0.213 ACRES MORE OR LESS.
- (A/B) ZONING REQUIREMENTS: PER THE CITY OF BERKELEY PLANNING AND ZONING DEPARTMENT, THE PROPERTY IS ZONED "C-C" DEFINED AS "CORRIDOR COMMERCIAL DISTRICT."

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

**SETBACKS**  
 MINIMUM FRONT: 15 FEET  
 MINIMUM INTERIOR SIDE: 4 FEET  
 MINIMUM STREET SIDE: 6 FEET  
 MINIMUM REAR: 15 FEET  
  
**MAXIMUM HEIGHT:** 35 FEET AND 3 STORIES  
**MINIMUM PARKING REQUIREMENTS:** NONE REQUIRED

- (A/B)(C) EXTERIOR DIMENSIONS AND SQUARE FOOTAGE OF BUILDING AT GROUND LEVEL, AND NUMBER OF STORIES ARE SHOWN ON THIS OF THE SURVEY.
- SUBSTANTIAL IMPROVEMENTS OBSERVED IN THE PROCESS OF CONDUCTING THE SURVEY ARE SHOWN.
- THERE ARE NO PARKING SPACES LOCATED ON THE SUBJECT PROPERTY.
- THERE ARE NO DIVISIONS OR PARTY WALLS LOCATED ON THE SUBJECT PROPERTY WITH RESPECT TO ADJOINING PROPERTIES.
- (A) LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE TOGETHER WITH EVIDENCE FROM PLAN OBTAINED FROM UTILITY COMPANIES OR PROVIDED BY CLIENT ARE SHOWN ON THIS SHEET.
- GOVERNMENTAL AGENCY SURVEY-RELATED REQUIREMENTS ARE SHOWN.
- NAMES OF ADJOINING OWNERS OF PLATTED LANDS ARE SHOWN ON THIS SHEET OF THE SURVEY.
- DISTANCE TO THE NEAREST INTERSECTING STREET IS SHOWN ON THIS SHEET OF THE SURVEY.
- THERE IS NO OBSERVABLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- THERE IS NO OBSERVED EVIDENCE OF RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIRS.
- THERE ARE NO OFFSITE EASEMENTS TO THE SUBJECT PROPERTY.
- PROFESSIONAL LIABILITY INSURANCE IN THE AMOUNT OF \$2,000,000 IS HELD BY THE SURVEYOR.



**NOTES**

- DATE OF FIELD SURVEY: MAY 2 AND 4, 2022 AS TO THE BOUNDARY AND TOPOGRAPHIC SURVEY OF THE SUBJECT PROPERTY.
- THE UTILITIES SHOWN HEREON ARE BY SURFACE OBSERVATION AND RECORD INFORMATION ONLY AND NO WARRANTY IS GIVEN HEREIN AS TO THEIR EXACT LOCATION. IT IS THE RESPONSIBILITY OF THE DEVELOPER AND/OR CONTRACTOR TO VERIFY THE EXACT LOCATION OF THE UTILITIES WITH THE APPROPRIATE UTILITY COMPANY OR AGENCY.
- UTILITY JURISDICTIONS / PROVIDERS ARE AS FOLLOWS:  
 STORM DRAINS: CITY OF BERKELEY  
 SANITARY SEWER: CITY OF BERKELEY  
 WATER: EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD)  
 ELECTRICITY: PACIFIC GAS & ELECTRIC CO.  
 NATURAL GAS: PACIFIC GAS & ELECTRIC CO.  
 TELEPHONE: AT&T
- THERE ARE NO CEMETRIES ON OR WITHIN 100 FEET OF THE SUBJECT PROPERTY.
- THE LEGAL DESCRIPTION OF THE SUBJECT PROPERTY IS THE SAME AS THE PROPERTY DESCRIBED IN THE PRELIMINARY REPORT DATED JANUARY 24, 2022, ISSUED BY CHICAGO TITLE COMPANY.
- THE LEGAL DESCRIPTION AS SHOWN IN THE TITLE REPORT MATHEMATICALLY CLOSES.
- THERE IS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- THERE ARE NO WETLAND AREAS IN THE SUBJECT PROPERTY.
- THE SUBJECT PROPERTY HAS DIRECT ACCESS TO AND FROM TELEGRAPH AVENUE, A PUBLIC RIGHT OF WAY.

**BASIS OF BEARINGS**

FOUND MONUMENTS ON DANA STREET BETWEEN DERBY & WARD STREETS, TAKEN AS NORTH 09°08'31" WEST, AS SHOWN ON PARCEL MAP 7978, FILED 12/23/2002 IN BOOK 288 OF PARCEL MAPS, PAGES 73-74, ALAMEDA COUNTY RECORDS.

**BENCHMARK**

B0192 BEING A 2" DIAMETER BRASS DISC CITY WELL MONUMENT STAMPED B2184 L57893, LOCATED AT OREGON ST/FULTON ST, RESET IN 2015. ELEVATION = 162.74 FEET, CITY OF BERKELEY DATUM.

**SURVEYOR'S CERTIFICATE**

TO BERNARD SPIRO, A SINGLE MAN; AND CHICAGO TITLE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 6(A), 6(B), 7(A), 7(B), 7(C), 8, 9, 10, 11(A), 12, 13, 14, 16, 17, 18, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON MAY 2 AND 4, 2022.

*Jacqueline Luk*  
 JACQUELINE LUK P.L.S. 8934  
 FOR LUK & ASSOCIATES, INC. DATE MAY 11, 2022



**LEGEND**

SYMBOLS	DESCRIPTION
---	BOUNDARY OF SUBJECT PROPERTY
- - - -	RIGHT OF WAY LINE
- . - . -	ADJOINER LOT LINE
- - - -	INTERIOR LOT LINE
- - - -	MONUMENT LINE
- - - -	OLD LOT LINE
- - - -	TIE LINE
W	WATER LINE
APN	ASSESSOR'S PARCEL NUMBER
R/W	RIGHT OF WAY
MON	MONUMENT
PL	PROPERTY LINE
(123.10')	RECORD DISTANCE
●	FOUND MONUMENT
SL	STREET LIGHT
CO	CLEAN OUT
GUY	GUY WIRE
TSB	TRAFFIC SIGNAL BOX
WV	WATER VALVE
BFP	BACK FLOW PREVENTER
TSP	TRAFFIC SIGNAL POLE
WM	WATER METER
TEL	TELECOMMUNICATION BOX
PM	PARKING METER
ELEC	ELECTRIC BOX
HCR	HANDICAP RAMP
GR	GAS RISER
TWELL	TREE WELL
TC	TOP OF CURB ELEVATION
BSW	BACK OF SIDEWALK ELEVATION
LIP	LIP OF GUTTER ELEVATION
TREE	TREE

**ALTA/NSPS LAND TITLE SURVEY**

OF  
 2712-2714 TELEGRAPH AVENUE  
 CITY OF BERKELEY, ALAMEDA COUNTY, CALIFORNIA  
 MAY 2022  
 PREPARED BY  
**LUK AND ASSOCIATES**  
 CIVIL ENGINEER - LAND PLANNERS - LAND SURVEYORS  
 738 ALFRED NOBEL DRIVE  
 HERCULES, CALIFORNIA 94547  
 (510) 724-3388







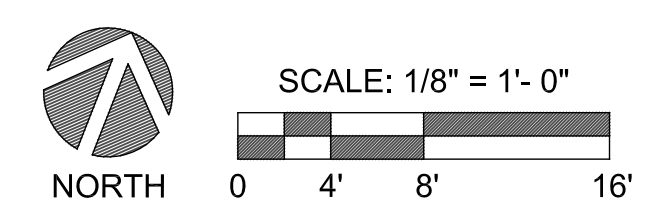
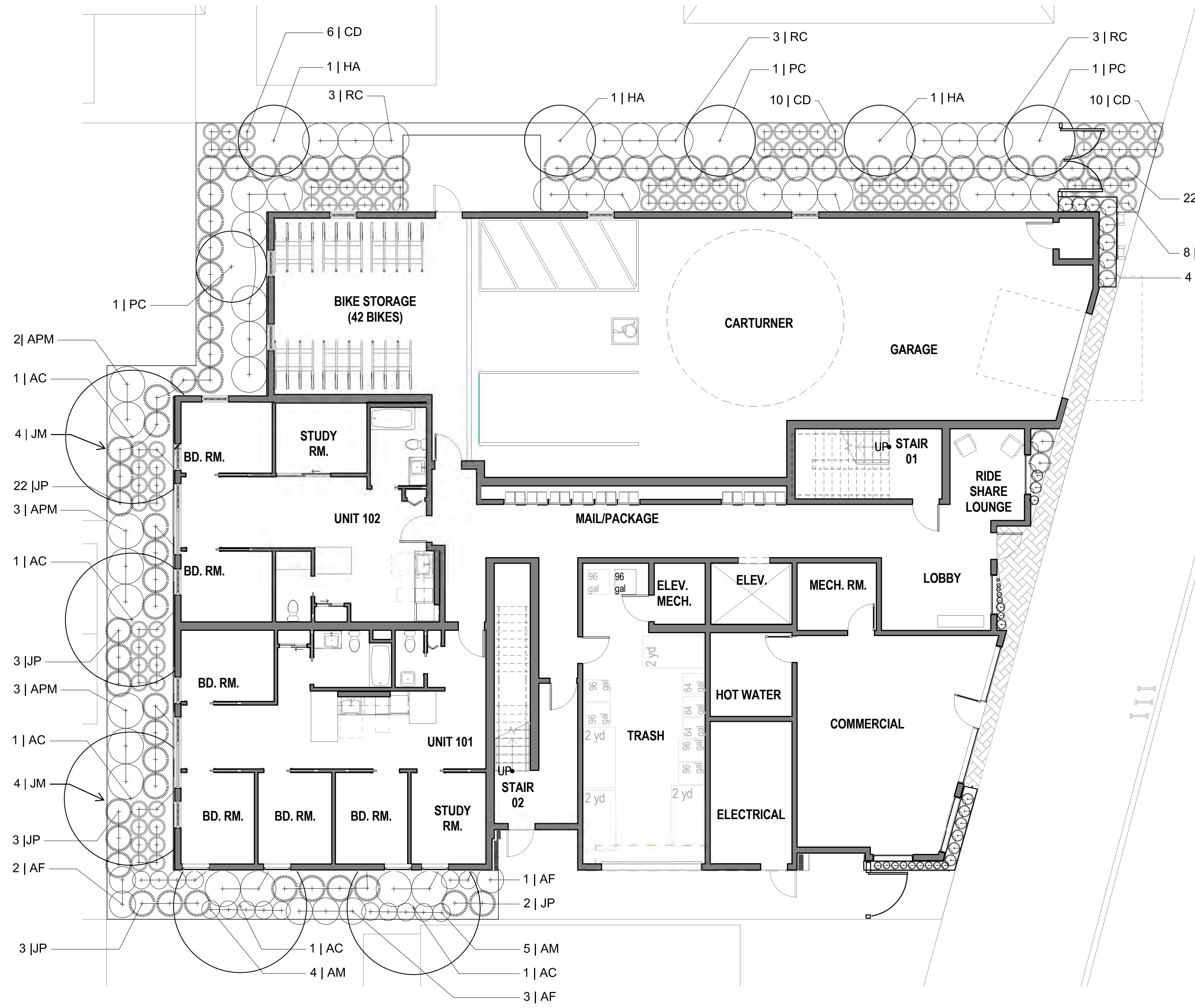
I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE  
 PRESCRIPTIVE COMPLIANCE OPTION TO THE MWEO

TOTAL LANDSCAPE AREA: 1,863 SF  
 TOTAL LAWN AREA: 0 SF

**TOTAL PLANTS WITH WULCOLS PLANT FACTOR <=0.3: (100%)**

PLANT SCHEDULE

GROUND LEVEL								
SYMBOL	BOTANICAL NAME	COMMON NAME	TYPE	QU	SIZE	HEIGHT X WIDTH	WATER USE	NATIVE
AC	AESCULUS CALIFORNICA	CALIFORNIA BUCKEYE	TREE	5	15 GAL	15'X15'	L (0.3)	X
JM	JASMINUM MULTIFLORUM	STAR JASMINE	VINING FLOWER	14	15 GAL	12'	L	
APM	ARCTOPSTAPHYLUS 'PACIFIC MIST'	PACIFIC MIST MANZANITA SHRUB		12	1 GAL	2'X6'	L (0.3)	X
AF	ASCLEPIAS FASCICULARIAS	MILKWEED	PERENNIAL	6	1 GAL	3'X3'	L (0.3)	X
JP	JUNCUS PATENS	CALIFORNIA RUSH	PERENNIAL	67	1 GAL	3'X3'	L (0.3)	X
AM	ACHILLEA MILLIFOLIUM 'WHITE'	YARROW	PERENNIAL	15	1 GAL	2'X2'	L (0.3)	X
HA	HETEROMELES ARBUTIFOLIA	TOYON	SHRUB	3	5 GAL	8'X8'	L (0.3)	X
PC	PHYSOCARPUS CAPITATUS	NINEBARK	SHRUB	3	5 GAL	8'X8'	L (0.3)	X
RC	RHAMNUS CALIFORNICA 'MOUND SAN BRUNO'	COFFEE BERRY	SHRUB	24	5 GAL	4'X4'	L (0.3)	X
CD	CAREX DIVULSA	BERKELEY SEDGE	GRASS	94	1 GAL	2'X2'	L (0.3)	X
PERCENTAGE OF LOW WATER USE PLANTS (WUCOLS PLANT FACTOR 0.3)				100%				



REVISION:	DATE:

THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECT'S SEAL AND WET SIGNATURE ALONG WITH THE GOVERNING AGENCY'S REVIEW SEAL OF APPROVAL AND WET SIGNATURE. GARDEN ARCHITECTURE EXPRESSLY RESERVES COMMON LAW COPYRIGHT AND OTHER PROPRIETARY RIGHTS TO ALL DESIGN AND REVISIONS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION OF GARDEN ARCHITECTURE.

*Robert Trachtenberg*  
 Robert Trachtenberg, Garden Architect  
 C27 License # 713583

**GARDEN ARCHITECTURE**  
 Robert Trachtenberg | Lic. # 713583  
 831 Parada Street | Berkeley, CA 94710  
 510-525-9517 | www.gardenarchitecture.biz

2712 TELEGRAPH AVE  
 BERKELEY, CA

LANDSCAPE PLAN  
 GROUND

SCALE: AS NOTED  
 DRAWN BY: TK  
 DATE: 02-14-23  
 SHEET

**L1.0**  
 © GARDEN ARCHITECTURE 2012

I AGREE TO COMPLY WITH THE REQUIREMENTS OF THE  
 PRESCRIPTIVE COMPLIANCE OPTION TO THE MWEL0

TOTAL LANDSCAPE AREA: 1,863 SF  
 TOTAL LAWN AREA: 0 SF

**TOTAL PLANTS WITH WULCOLS PLANT FACTOR <=0.3: (100%)**

PLANT SCHEDULE

ROOF DECK								
SYMBOL	BOTANICAL NAME	COMMON NAME	TYPE	QU	SIZE	HEIGHT X WIDTH	WATER USE	NATIVE
ABF	AGAVE 'BLUE FLAME'	BLUE FLAME AGAVE	SUCCULENT	5	5 GAL	3'X3'	L (0.3)	
LB	LOTUS BERTHELOTTI	PARROTS BEAK	PERENNIAL	20	1 GAL	12"X 3'	L (0.3)	
<b>PERCENTAGE OF LOW WATER USE PLANTS (WUCOLS PLANT FACTOR 0.3)</b>				<b>100%</b>				

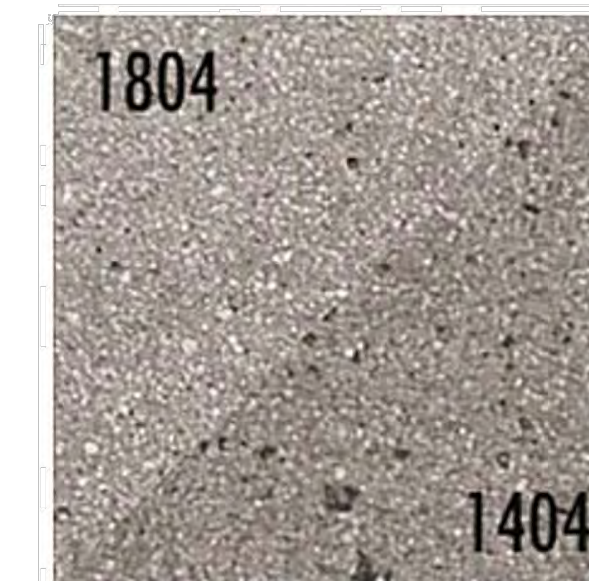


ABF



LB

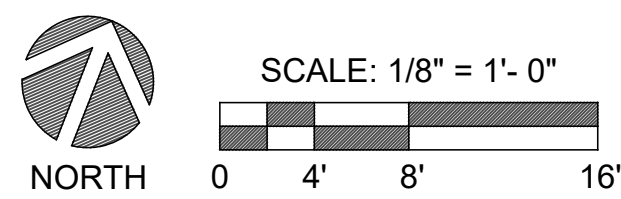
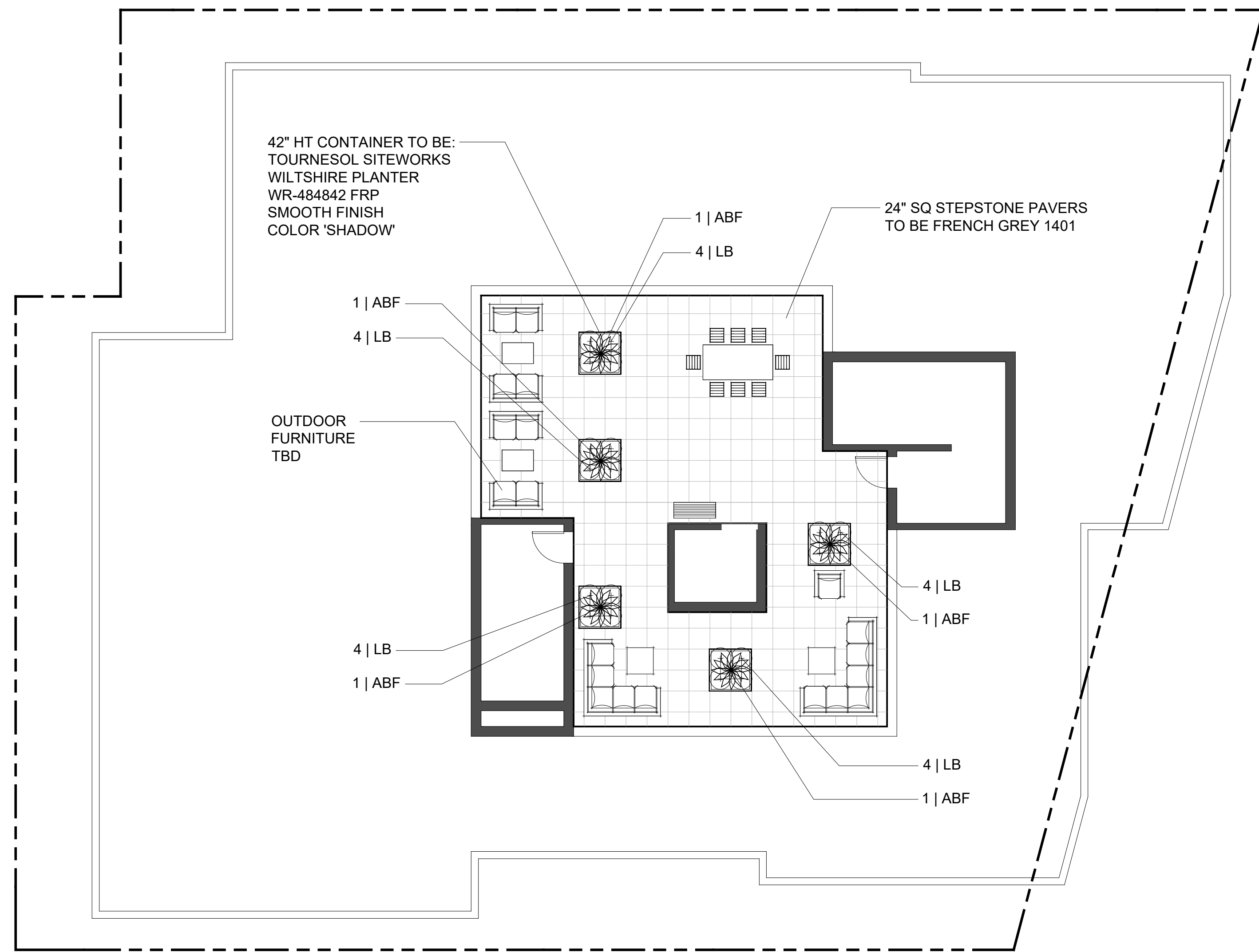
LANDSCAPE MATERIALS



Stepstone Paver French Grey  
 Light Sandblast Finish 1404



Tournesol Wilshire Planters  
 See plan for model numbers  
 -Smooth finish  
 -Color to be shadow



THESE PLANS ARE CONSIDERED PRELIMINARY  
 AND NOT FOR CONSTRUCTION UNLESS THEY BEAR  
 THE ARCHITECT'S SEAL AND WET SIGNATURE  
 ALONG WITH THE GOVERNING AGENCY'S  
 REVIEW SEAL OF APPROVAL AND WET SIGNATURE.  
 GARDEN ARCHITECTURE EXPRESSLY RESERVES  
 COMMON LAW COPYRIGHT AND OTHER PROPRIETARY  
 RIGHTS TO ALL DESIGNS AND INFORMATION IN THESE  
 PLANS. THESE PLANS ARE NOT TO BE REPRODUCED,  
 CHANGED OR COPIED IN ANY FORM OR MANNER  
 WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY  
 THIRD PARTY WITHOUT FIRST OBTAINING THE EXPRESS  
 WRITTEN PERMISSION OF GARDEN ARCHITECTURE.

*Robert Trachtenberg*  
 Robert Trachtenberg, Owner/Architect  
 C27 License # 713583

**GARDEN ARCHITECTURE**  
 Robert Trachtenberg | Lic. # 713583  
 931 Pardee Street | Berkeley, CA 94710  
 510-525-9517 | www.gardenarchitecture.biz

2712 TELEGRAPH AVE  
 BERKELEY, CA

LANDSCAPE PLAN  
 ROOF DECK

SCALE: AS NOTED

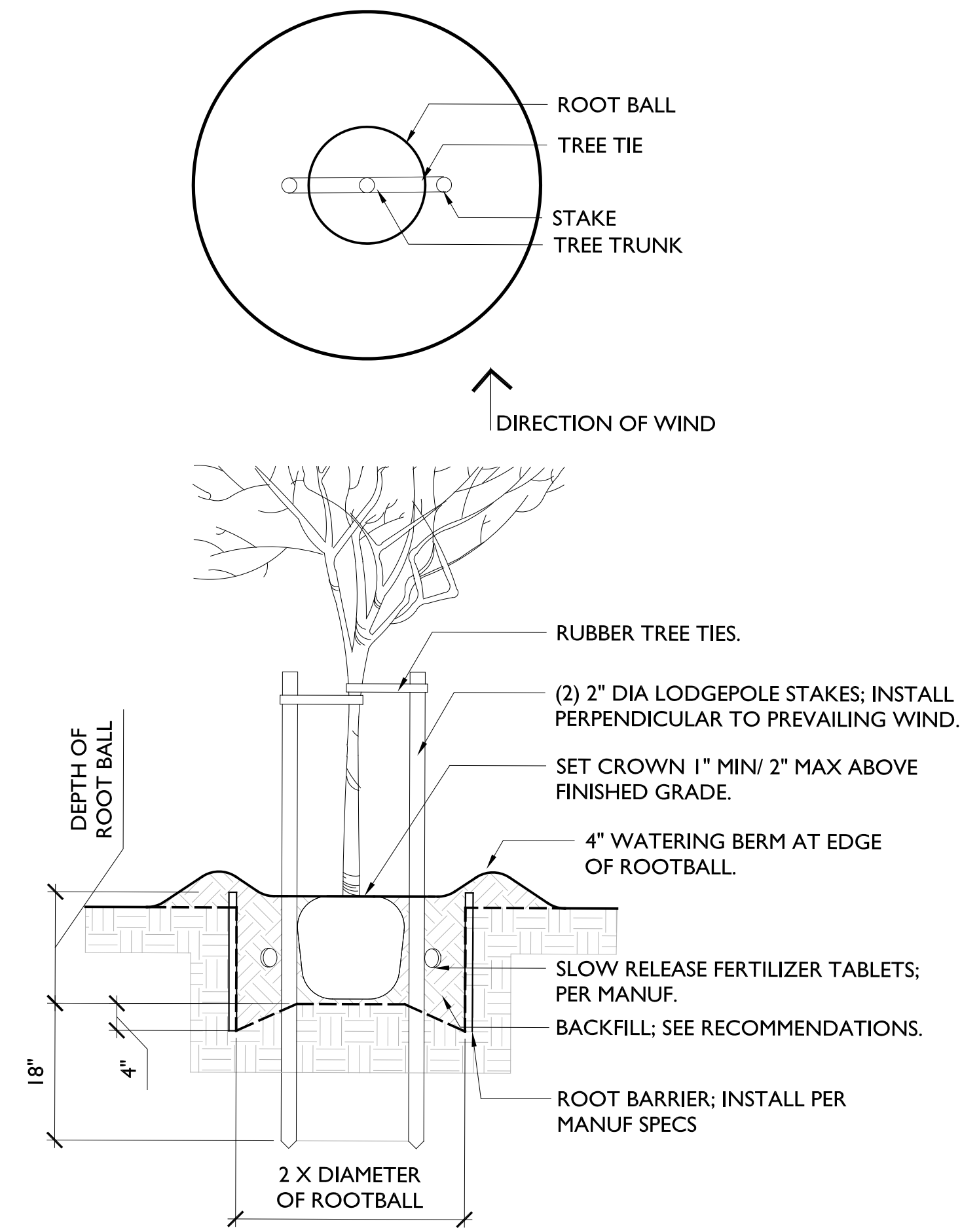
DRAWN BY: TK

DATE: 02-14-23

SHEET

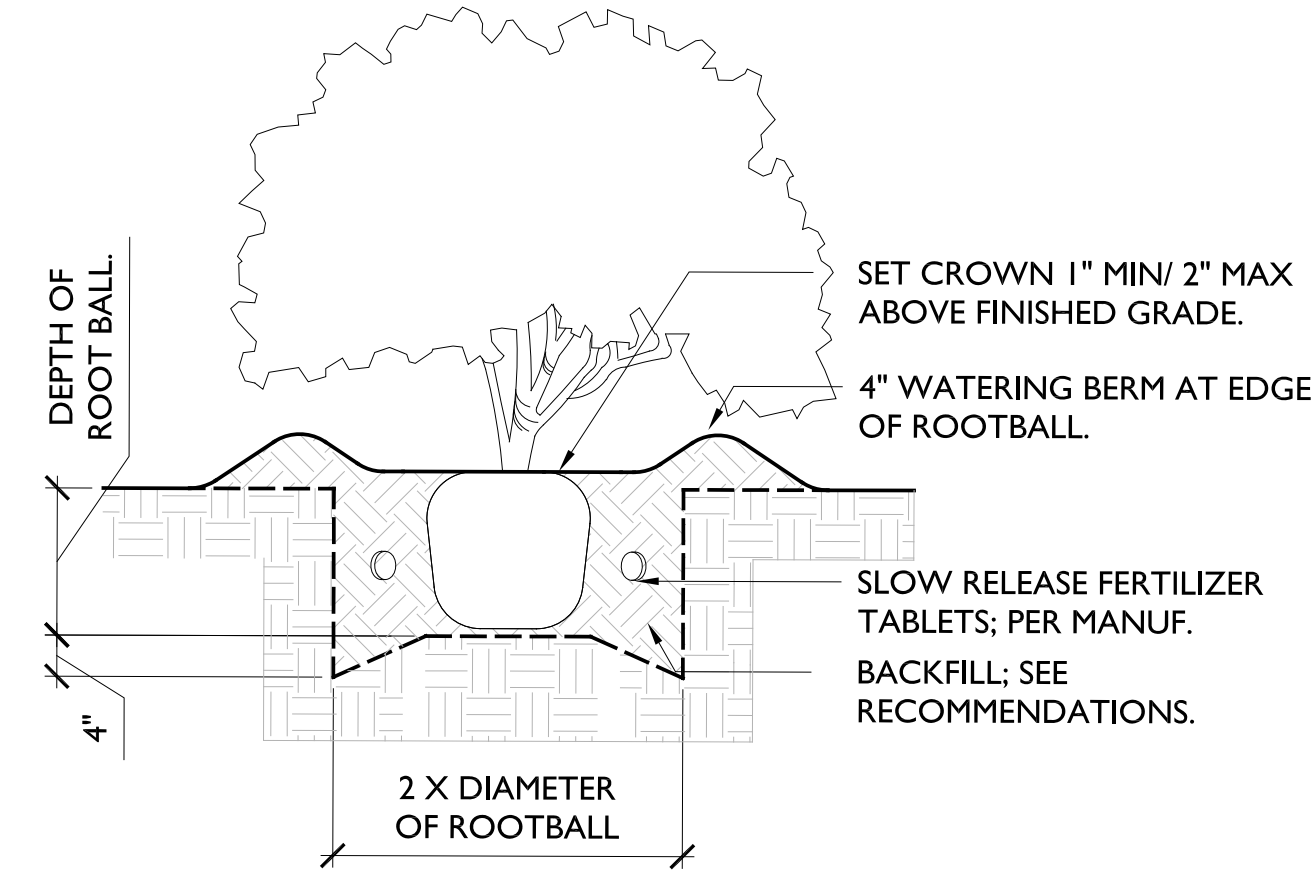
**L1.1**

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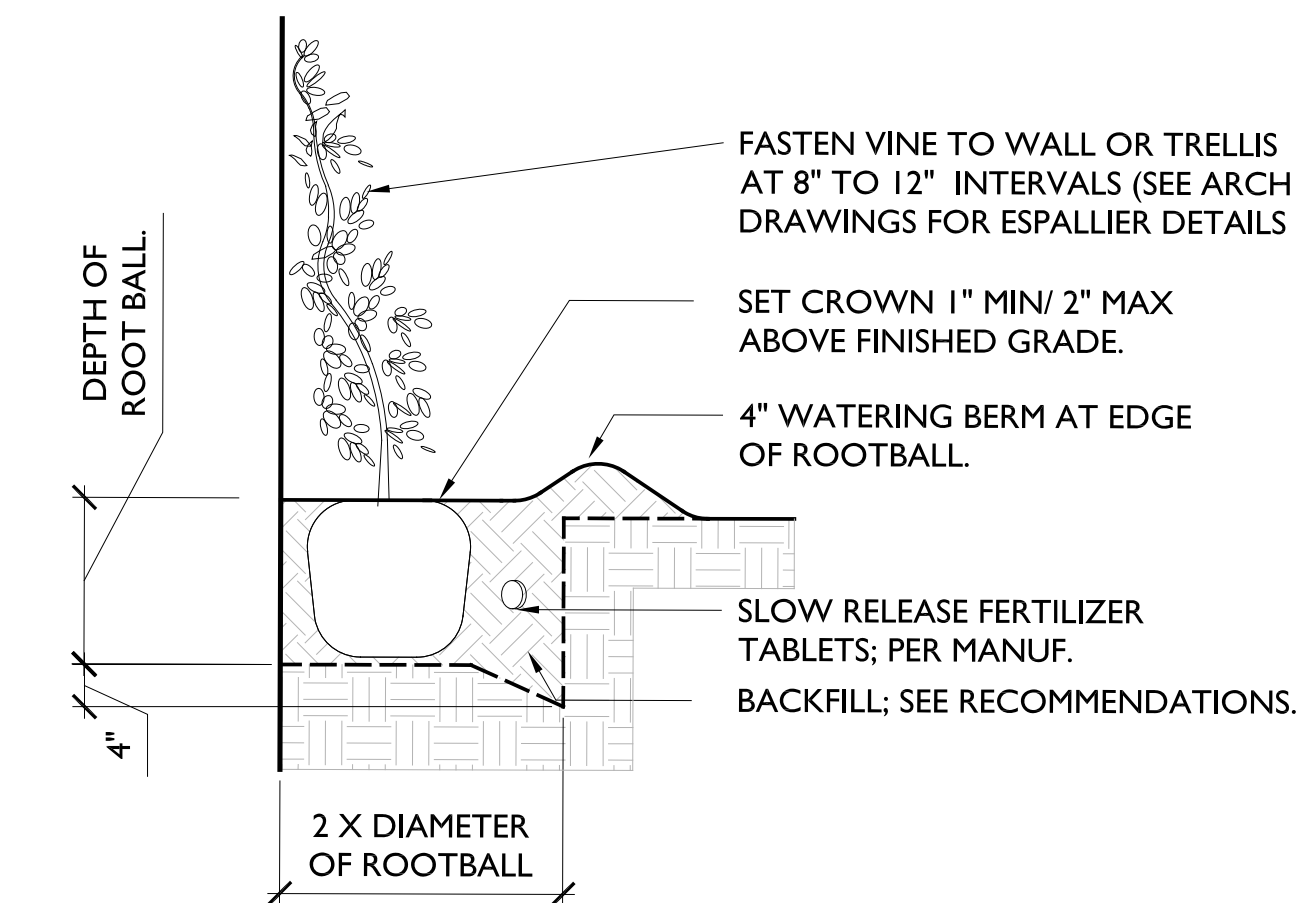
1

**TREE PLANTING**  
 NO SCALE



2

**SHRUB PLANTING**  
 NO SCALE



3

**VINE PLANTING DETAIL**  
 NO SCALE

REVISION:	DATE:

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*Robert Trachtenberg*  
 Robert Trachtenberg, Garden Architect  
 C27 License # 713583

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2712 TELEGRAPH AVE  
 BERKELEY, CA

**PLANTING NOTES AND DETAILS**

SCALE: AS NOTED  
 DRAWN BY: TK  
 DATE: 02-14-23  
 SHEET

**L1.2**  
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REVISION:	DATE:

THESE PLANS ARE CONSIDERED PRELIMINARY AND NOT FOR CONSTRUCTION UNLESS THEY BEAR THE ARCHITECT'S SEAL AND WET SIGNATURE ALONG WITH THE GOVERNING AGENCY'S REVIEW SEAL OF APPROVAL AND WET SIGNATURE. GARDEN ARCHITECTURE EXPRESSLY RESERVES ALL RIGHTS TO ALL DESIGNS AND INFORMATION IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, COPIED, OR COPIED IN ANY FORM OR MANNER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY WITHOUT FIRST OBTAINING THE WRITTEN PERMISSION OF GARDEN ARCHITECTURE.

*Robert Trachtenberg*  
Robert Trachtenberg, Designer/Architect  
C27 License # 713583

**GARDEN ARCHITECTURE**  
Robert Trachtenberg | Lic. # 713583  
931 Pardee Street | Berkeley, CA 94710  
510-525-9517 | www.gardenarchitecture.biz

2712 TELEGRAPH AVE  
BERKELEY, CA

MWEO CHECKLIST CALCS  
SCALE: AS NOTED  
DRAWN BY: TK  
DATE: 02-14-23  
SHEET  
**L1.4**  
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2712 TELEGRAPH AVENUE MWEO PRESCRIPTIVE COMPLIANCE CHECKLIST	
ITEM	NOTES
<b>LANDSCAPE DESIGN PLAN</b>	
1. Attach a landscape plan indicating the following:	SEE PLANTING PLANS ON SHEET L1.0 AND L1.1
a. Turf areas	NA
b. High water use planting areas	NA
c. Moderate water use planting areas	NA
d. Low water use planting areas	100% LANDSCAPE AREA
e. Water features including swimming pools	NA
f. Edible planting areas	NA
g. Areas irrigated with recycled water	NA
<b>SOIL</b>	
1. Incorporate compost at a rate of at least 4 cubic yards per 1,000 square feet to a depth of 6 inches into the landscape area (unless contra-indicated by a soil test).	SEE PLANTING NOTE 13 ON SHEET L1.3
This project will apply 7.45 cubic yards of compost	
2. A minimum 3-inch layer of recycled mulch shall be applied on all exposed soil surfaces of planting areas except turf areas, or direct seeding applications where mulch is contra-indicated	SEE PLANTING NOTE 19 ON SHEET L1.3
<b>PLANTS</b>	
1. Plant material shall comply with the following:	
a. Residential projects only:	
I. 75% of landscape area shall consist of plants that use little or no summer water (WUCOLS plant factor of 0.3 or lower), excluding edibles or areas using recycled water.	NA
II. No more than 25% of the landscape area will be planted with high watering plants	NA
b. Non-residential projects only (including multifamily residential):	
I. 100% of the landscape area shall consist of plants that use little or no summer water (WUCOLS plant factor of 0.3 or lower), excluding edibles or areas using recycled water	SEE PLANT SCHEDULES ON SHEET L1.0 AND L1.1
c. No invasive plants are planted. No plant species listed by the California Invasive Plant Council's "Don't Plant a Pest" brochure as invasive in the San Francisco Bay Area shall be planted.	SEE PLANT SCHEDULES ON SHEET L1.0 AND L1.1
2. The use of turf shall comply with all of the following:	
a. In nonresidential areas, turf is not used	NO TURF IS SPECIFIED
b. In residential areas:	
I. Turf, high water use plants, and water features shall, combined, not exceed 25% of the landscape area	NA
II. Turf shall not be planted on slopes which exceed a slope of 1 foot vertical elevation change for every 4 feet or horizontal length	NA
III. Turf is prohibited in parkways less than 10 feet wide. Exception: Parkway adjacent to a parking strip and used to exit and enter vehicles AND turf is irrigated with subsurface irrigation	NA
WUCOLS plants database can be found online at: <a href="http://ucanr.edu/sites/WUCOLS/">http://ucanr.edu/sites/WUCOLS/</a>	
"Don't Plant a Pest" brochure can be found at <a href="http://cal-ipc.org/landscaping/dpp/">http://cal-ipc.org/landscaping/dpp/</a>	
<b>IRRIGATION</b>	
1. Automatic irrigation controllers are required and must use evapotranspiration or soil moisture data and utilize a rain sensor.	SEE IRRIGATION NOTES ON SHEET L1.3
2. Irrigation controllers should be the type which does not lose programming data in the event the primary power source is interrupted	SEE IRRIGATION NOTES ON SHEET L1.3
3. Pressure regulators are installed on the irrigation system to ensure dynamic pressure of the components are within the manufacturer's recommended pressure range.	SEE IRRIGATION NOTES ON SHEET L1.3
4. Manual-shut-off valves (such as gate, ball or butterfly valves) are installed as close as possible to the point of connection of the water supply.	SEE IRRIGATION NOTES ON SHEET L1.3
5. All irrigation emission devices must meet the requirements set in the ANSI standard ASABE/CC 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed must have a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/CC 802-2014.	SEE IRRIGATION NOTES ON SHEET L1.3
6. Areas less than 10 feet in width in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.	SEE IRRIGATION NOTES ON SHEET L1.3
7. For non-residential projects with landscape areas of 1,000 sf or more, a private submeter(s) to measure landscape water use shall be installed.	SEE IRRIGATION NOTES ON SHEET L1.3
I certify the above information and agree to comply with these Prescriptive Compliance requirements for the Water Efficient Landscape Plan Review.	
Applicant Signature: <i>Teresa Kennedy</i>	
Teresa Kennedy, Garden Architecture	
Date: 2/14/2023	

PROJECT NAME: 2712 TELEGRAPH AVENUE  
PROJECT ADDRESS: 2712 TELEGRAPH AVENUE  
PREPARED BY: Teresa Kennedy  
Garden Architecture  
931 Pardee Street  
Berkeley, CA 94710  
510-525-9517  
[teresa@gardenarchitecture.org](mailto:teresa@gardenarchitecture.org)  
"I agree to comply with the requirements of the prescriptive compliance option to the MWEO"  
Signed: *Teresa Kennedy*

PART ONE MAXIMUM APPLIED WATER ALLOWANCE (MAWA)	
MAWA = Eto x .62 x [(ETAF x HA) + ((1-ETAF) X SLA)]	
Yearly Eto	41.8
CONVERSION FACTOR	0.62
ETAF	0.45
TOTAL IRRIGATED LANDSCAPE AREA	1,863 SQUARE FEET
SPECIAL LANDSCAPE AREA (SLA)	0 SQUARE FEET
LANDSCAPE WATER ALLOWANCE	21,727 GALLONS PER YEAR
TOTAL ACRE FEET	0.07 ACRE FEET

PART TWO ESTIMATED TOTAL WATER USE (ETWU)	
*AVERAGE ETAF AND ETWU CALCULATED PER WATER EFFICIENT LANDSCAPE WORKSHEET	
AVERAGE ETAF FOR REGULAR LANDSCAPE AREAS (TOTAL ETAF X AREA / TOTAL AREA)	0.24
ETWU FOR REGULAR LANDSCAPE AREAS	17,882 GALLONS PER YEAR
SITE WIDE ETAF	0.24
ETWU FOR ALL LANDSCAPE AREAS	17,882 GALLONS PER YEAR
TOTAL ACRE FEET	0.05 ACRE FEET

2712 TELEGRAPH AVENUE PRELIMINARY WATER EFFICIENT LANDSCAPE WORKSHEET										
Reference Evapotranspiration (Eto)		41.8								
ZONE NO.	PLANT TYPE	HYDROZONE * (PLANT WATER USE)	PLANT FACTOR	IRRIGATION METHOD **	IRRIGATION EFFICIENCY (IE)	ETAF (PF/IE)	HYDROZONE AREA (square feet) (HA)	ETAF x HA	ESTIMATED TOTAL WATER USE (ETWU)	% LANDSCAPE AREA
<b>REGULAR LANDSCAPE AREA</b>										
TBD	TBD	LW	0.3	DRIP	0.81	0.243	1,863	453	17,882	100%
<b>TOTALS (REGULAR LANDSCAPE AREAS)</b>							1,863	453	17,882	100%
<b>SPECIAL LANDSCAPE AREA</b>										
NA	NA	NA	NA	NA	NA	1	0	0	0	0%
<b>TOTALS (SPECIAL LANDSCAPE AREAS)</b>							0	0	0	0%

HYDROZONE SUMMARY		
Hydrozone Description *	Total Square Feet	% of Landscape
Cool Season Turf (CST)	0	0%
Warm Season Turf (WST)	0	0%
High Water Use Plants (HW)	0	0%
Bioretention Plants (BR)	0	0%
Medium Water Use Plants (MW)	0	0%
Low Water Use Plants (LW)	1863	100%
Very Low Water Use Plants (VLW)	0	0%
Water Feature	0	0%
Special Landscape Area (SLA)	0	0%
<b>TOTAL</b>	<b>1863</b>	<b>100%</b>

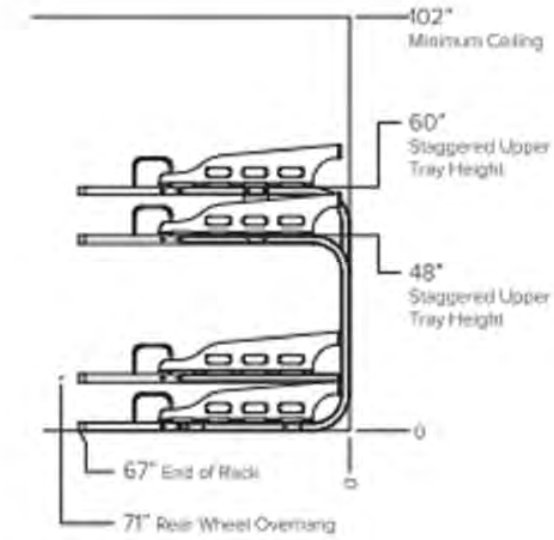
Hydrozone Description *	Total Square Feet	% of Landscape
Rotor (FC-R, PC-R)	0	0%
Multi-Stream Rotor (MR)	0	0%
Spray (S)	0	0%
Bubbler (B)	0	0%
Drip (D)	1863	100%
In-Line Drip (DL)	0	0%
Micro Spray (MS)	0	0%
Other (O)	0	0%
<b>TOTAL</b>	<b>1863</b>	<b>100%</b>







Submittal Sheet



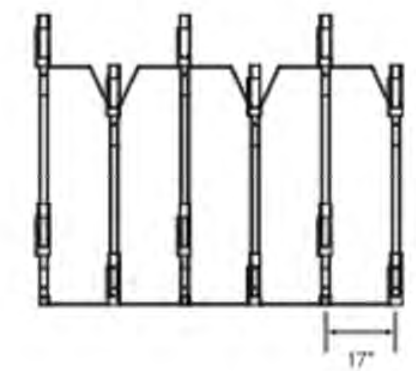
**CAPACITY** Varies per configuration  
Minimum 6 bike system required for stability

**MATERIALS** Main frame tube: 2" sq square tube  
Connector plates: 1/4" plate  
Bike trays: 1/4" plate

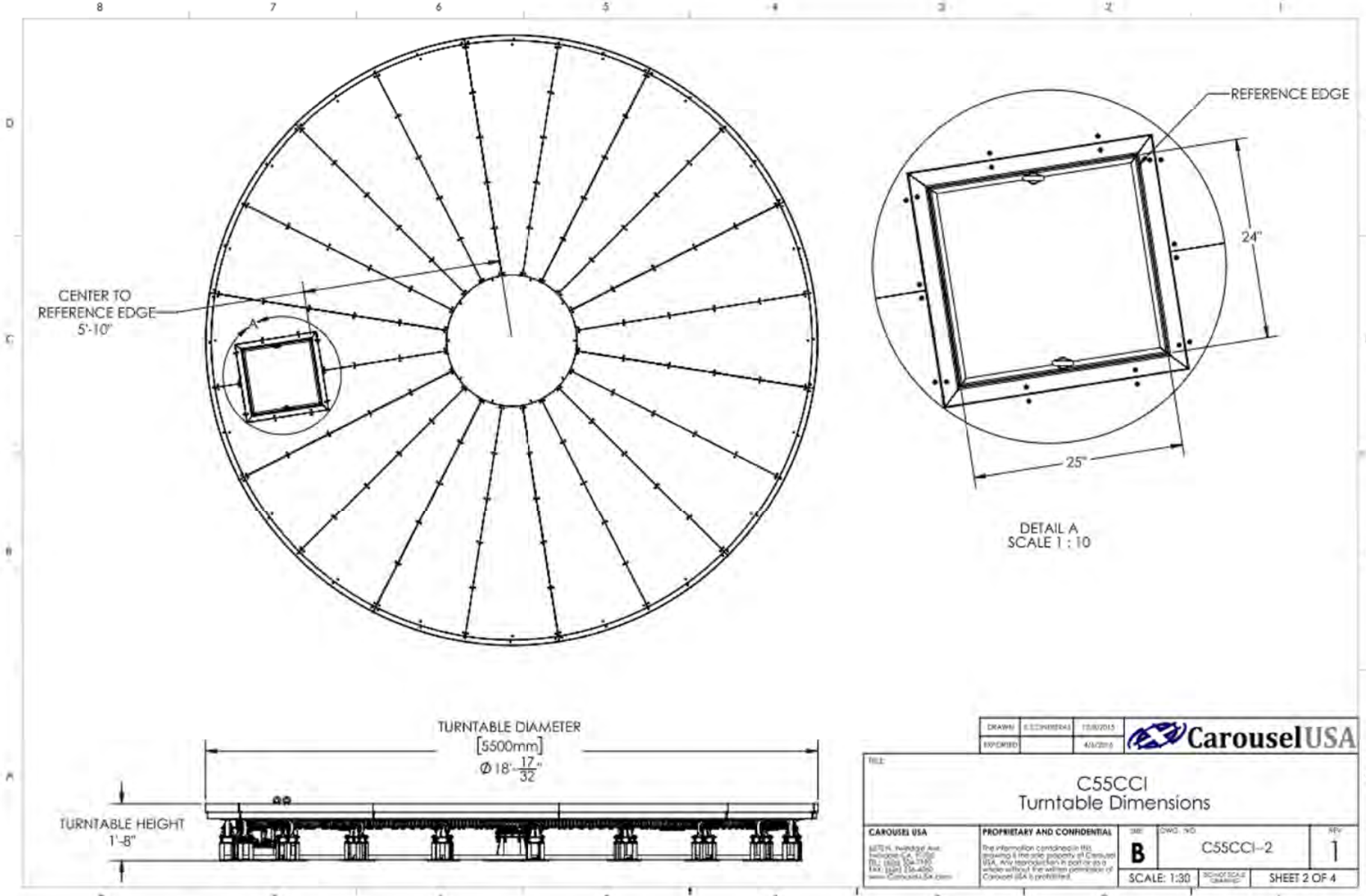
**FINISHES**

- Galvanized**  
An after fabrication hot dip galvanized finish is our standard option.
- Powder Coat**  
Our powder coat finish assures a high level of adhesion and durability by following these steps:  
1. Sandblast  
2. Epoxy primer electrostatically applied  
3. Final track TPOC polyester powder coat.
- Stainless**  
304 grade stainless steel material with external surfaces polished to a satin finish. All surfaces passivated.

**MOUNT OPTIONS** Surface only  
Each connector plate accepts 3/8" wedge anchors.

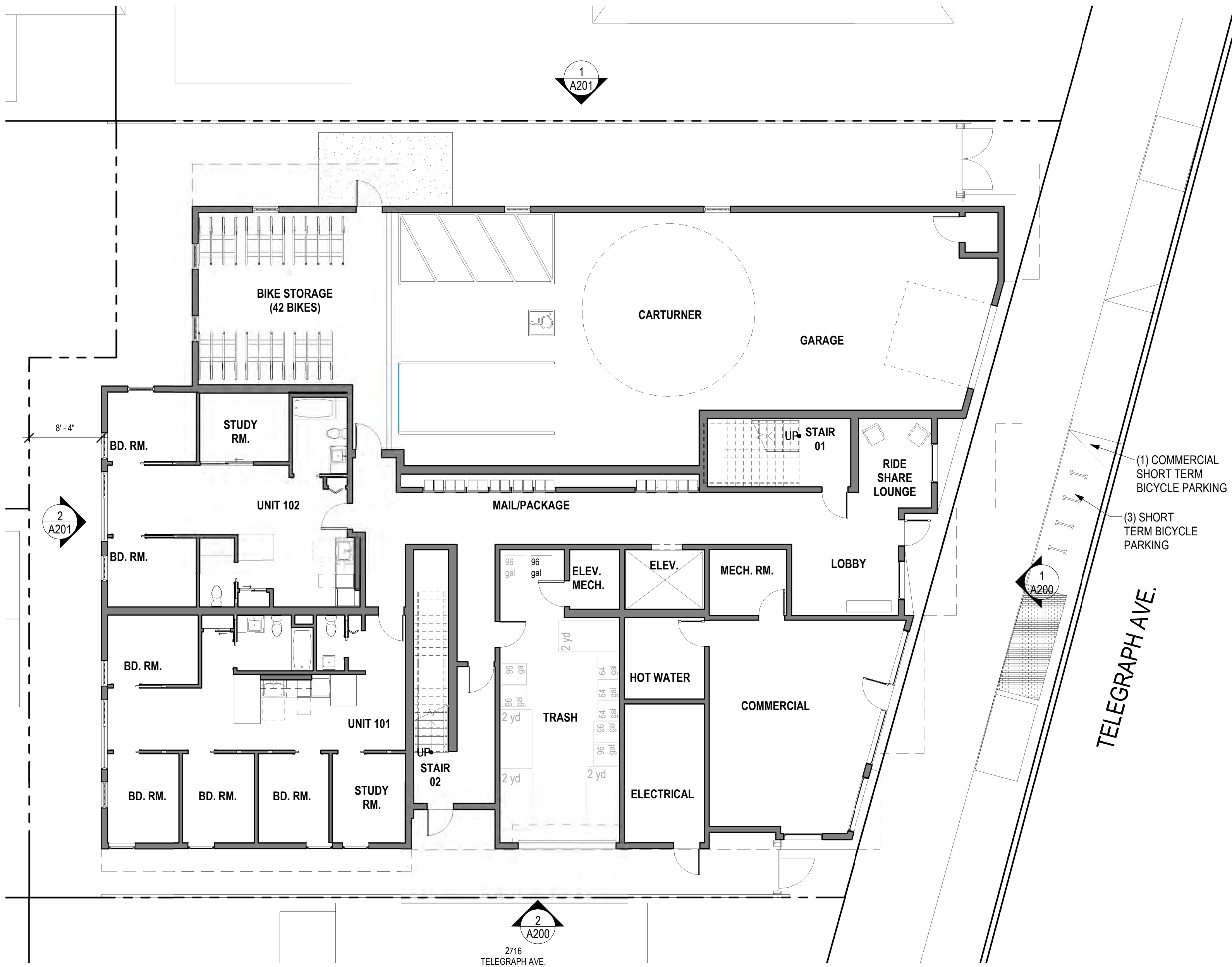


3 BIKE RACK SPEC

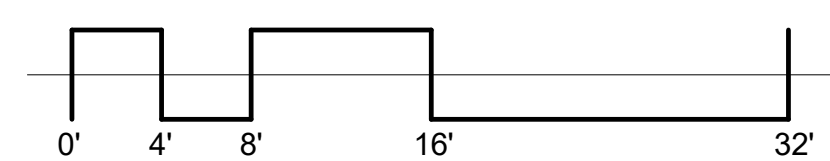


2 TURNTABLE SPEC

Carouse|USA  
CS5CCI Turntable Dimensions  
B CS5CCI-2 1  
SCALE: 1/32" = 1'-0" SHEET 2 OF 4



1 GROUND FLOOR PLAN  
1/8" = 1'-0"



(1) COMMERCIAL SHORT TERM BICYCLE PARKING  
(3) SHORT TERM BICYCLE PARKING

PROJECT ISSUE RECORD:		
1	02/12/23	ZONING COMMENTS RESPONSE #1
2	03/21/23	ZONING COMMENTS RESPONSE #2
3	05/09/23	ZONING COMMENTS RESPONSE #3

PROJECT #: KEN01  
ISSUE DATE: 05/06/14  
GROUND FLOOR PLAN



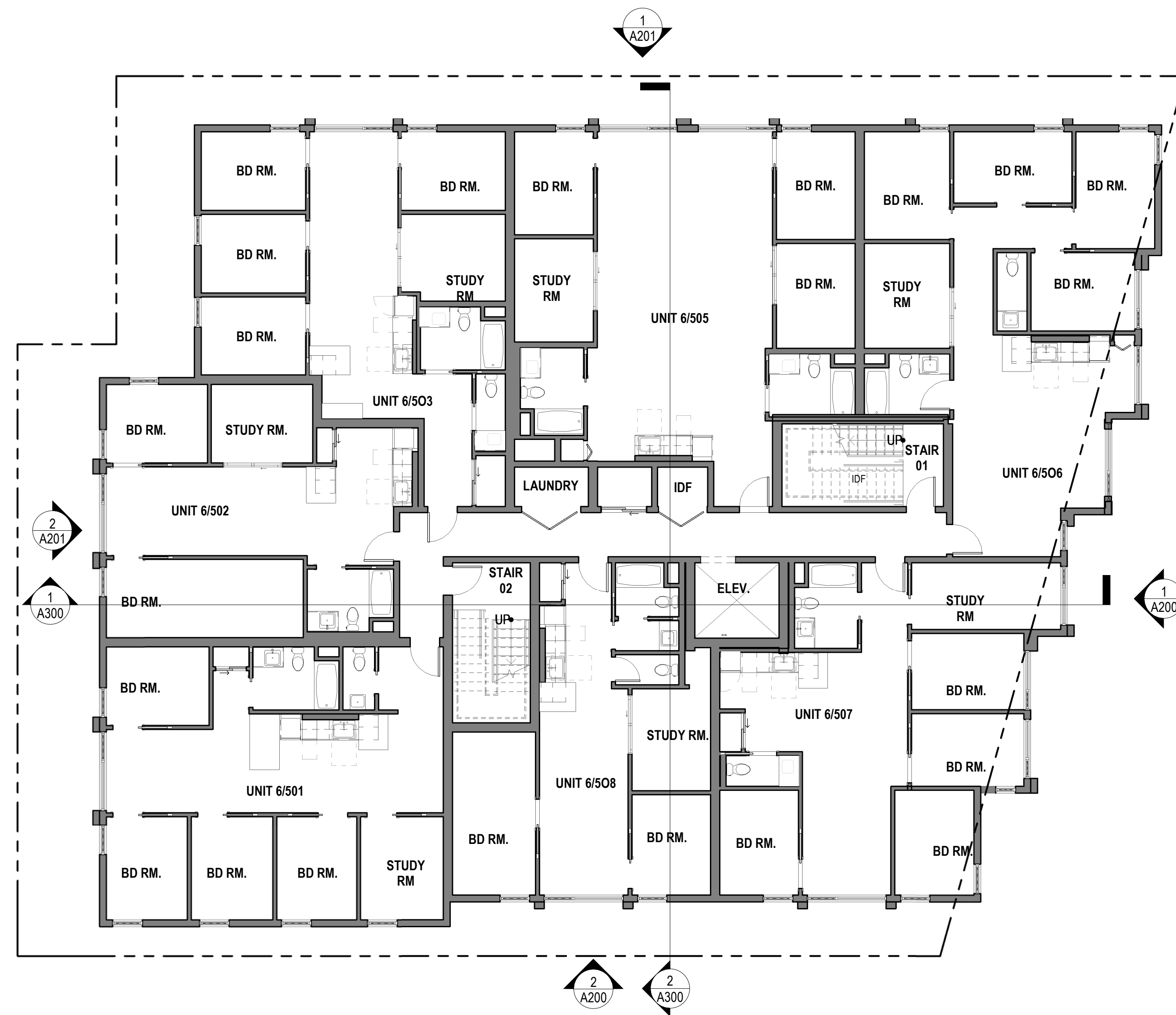
studioKDA  
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2712  
 TELEGRAPH

2712 TELEGRAPH AVE  
 BERKELEY, CA

ENTITLEMENT  
 SET

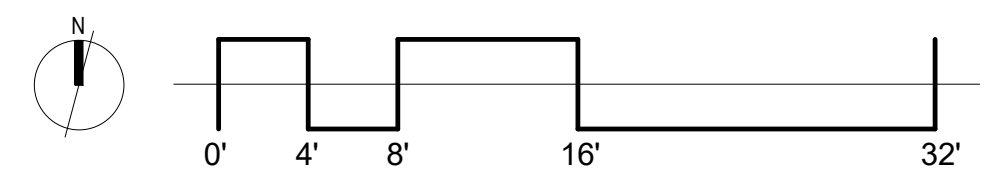


PROJECT ISSUE RECORD:		
#	DATE	COMMENTS
3	05/09/23	ZONING COMMENTS RESPONSE #3

PROJECT #: KEN01  
 ISSUE DATE: 06/18/21

5TH-6TH FLOOR PLANS

1 FIFTH & SIXTH FLOOR PLAN  
 A103 1/8" = 1'-0"



A103

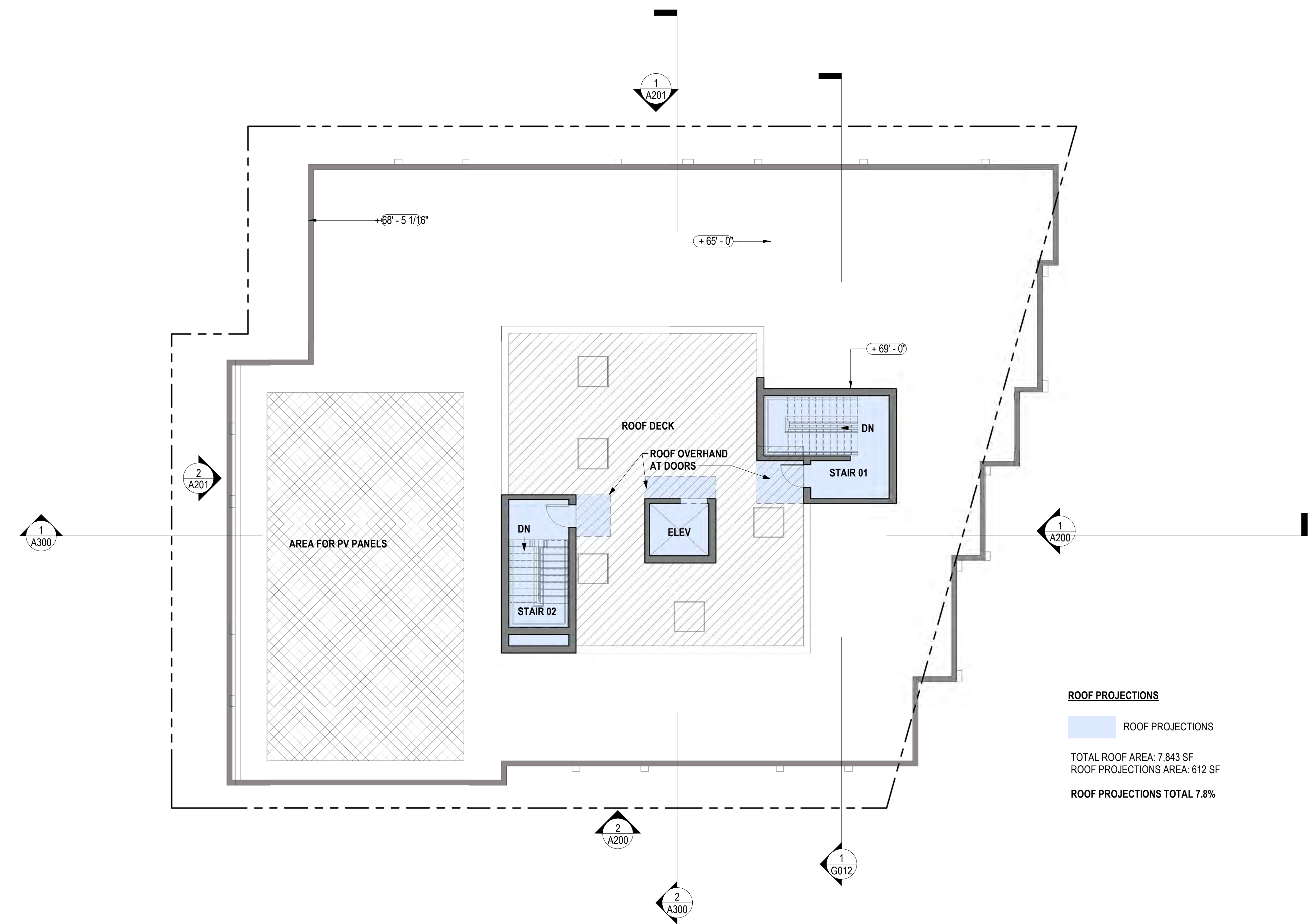


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**2712  
 TELEGRAPH**

2712 TELEGRAPH AVE  
 BERKELEY, CA

**ENTITLEMENT  
 SET**



**ROOF PROJECTIONS**  
 [Blue shaded area] ROOF PROJECTIONS  
 TOTAL ROOF AREA: 7,843 SF  
 ROOF PROJECTIONS AREA: 612 SF  
 ROOF PROJECTIONS TOTAL 7.8%

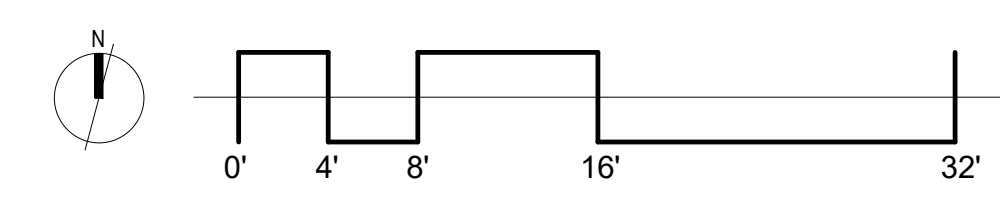
PROJECT ISSUE RECORD:

#	DATE	ZONING COMMENTS	RESPONSE #
2	03/21/23	ZONING COMMENTS	RESPONSE #2
3	05/09/23	ZONING COMMENTS	RESPONSE #3

PROJECT #: KEN01  
 ISSUE DATE: 06/18/21

ROOF PLAN

**1 ROOF**  
 A104 1/8" = 1'-0"



**A104**



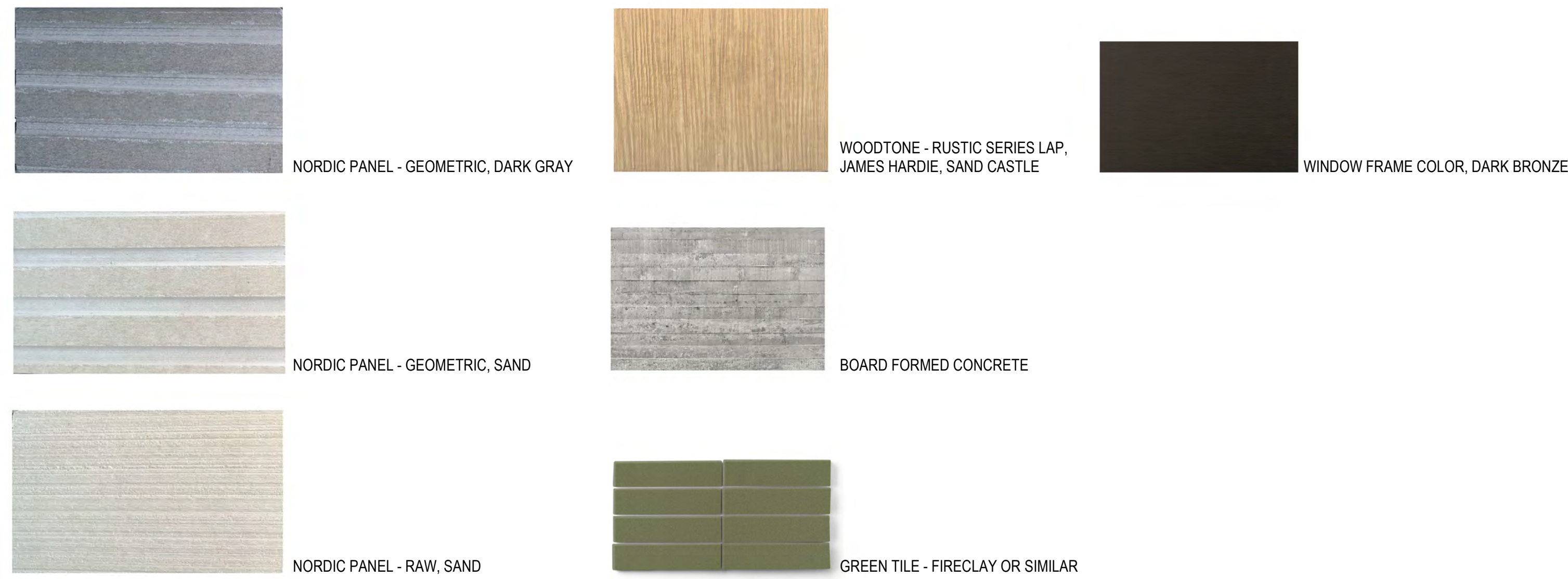


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2712  
TELEGRAPH

2712 TELEGRAPH AVE  
BERKELEY, CA

ENTITLEMENT  
SET



- NP-1 NORDIC PANEL - GEOMETRIC, DARK GRAY
- NP-2 NORDIC PANEL - GEOMETRIC, SAND
- NP-3 NORDIC PANEL - RAW, SAND
- W-1 WOODTONE - RUSTIC SERIES LAP, JAMES HARDIE, SAND CASTLE
- C-01 BOARD FORMED CONCRETE
- M-01 WINDOW FRAME - DARK BRONZE
- M-02 PAINTED SHEET METAL
- M-03 ALUMINUM STOREFRONT
- F-01 FIRECLAY TILE - CLOVER

MATERIAL KEY  
1/2" = 1'-0"

3 MATERIAL BOARD  
A201 1/4" = 1'-0"



2 WEST ELEVATION  
A201 1/8" = 1'-0"



1 NORTH ELEVATION  
A201 1/8" = 1'-0"

PROJECT ISSUE RECORD:

NO.	DATE	DESCRIPTION
1	02/12/23	ZONING COMMENTS RESPONSE #1
2	03/21/23	ZONING COMMENTS RESPONSE #2
3	05/09/23	ZONING COMMENTS RESPONSE #3

PROJECT #: KEN01

ISSUE DATE: 12/12/22

ELEVATIONS

A201

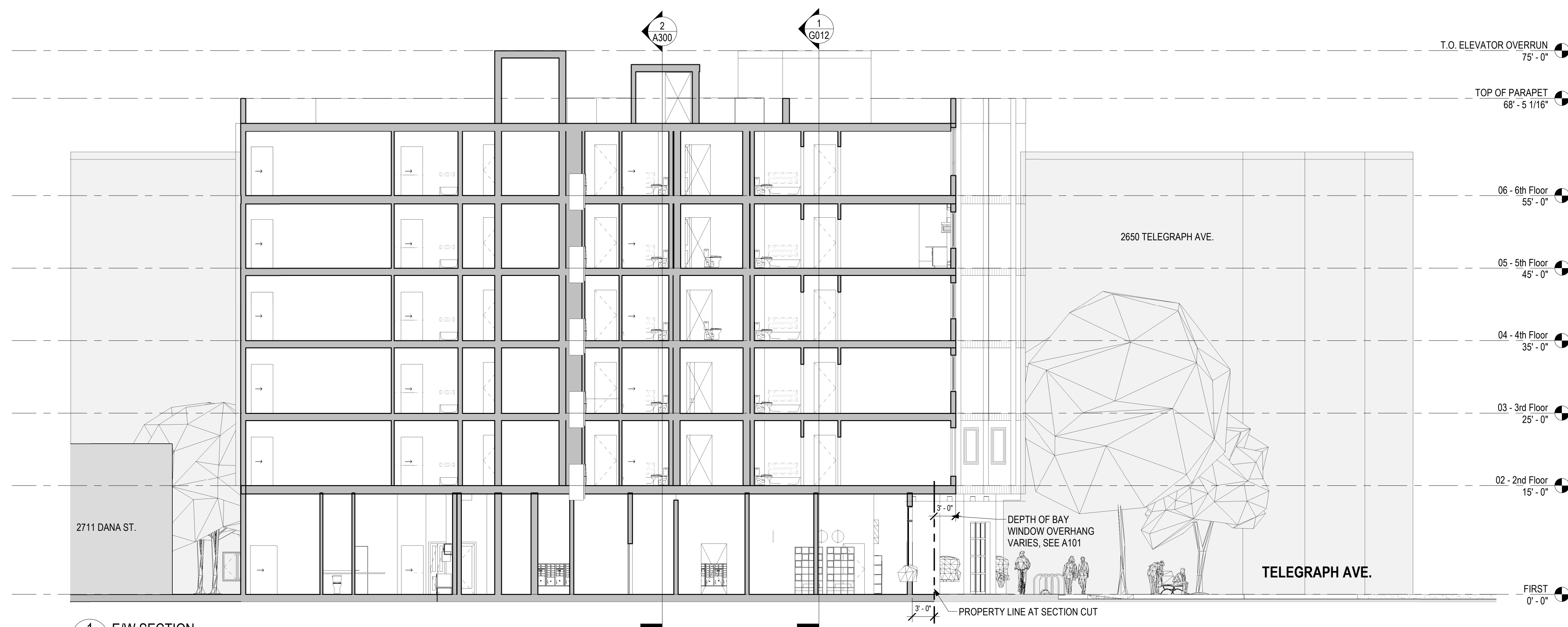


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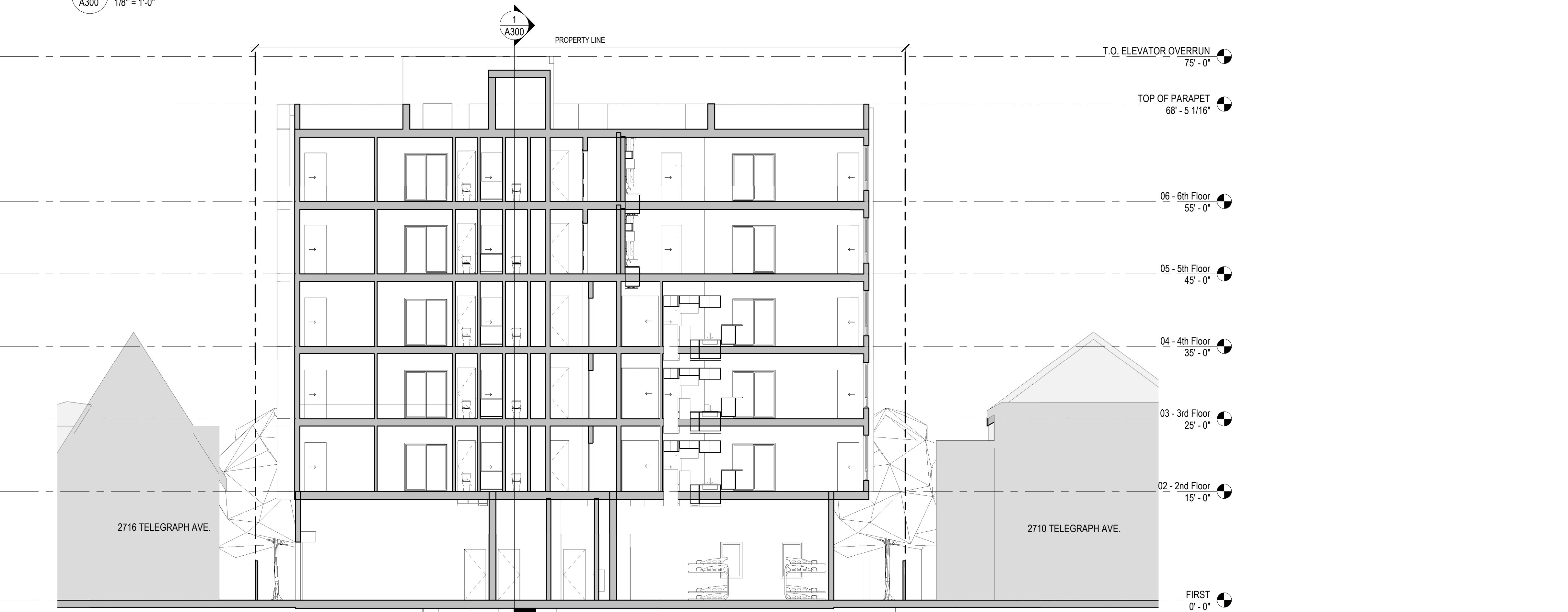
**2712  
 TELEGRAPH**

2712 TELEGRAPH AVE  
 BERKELEY, CA

**ENTITLEMENT  
 SET**



**1 E/W SECTION**  
 A300 1/8" = 1'-0"



**2 N/S SECTION**  
 A300 1/8" = 1'-0"

PROJECT ISSUE RECORD:

NO.	DATE	COMMENTS
2	03/21/23	ZONING COMMENTS RESPONSE #2
3	05/09/23	ZONING COMMENTS RESPONSE #3

PROJECT #: KEN01  
 ISSUE DATE: 12/12/22

**BUILDING SECTIONS**

**A300**



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

## 2712 Telegraph Avenue

**Use Permit #ZP2022-0179 to demolish two non-residential structures and construct a 41,065 square-foot, six-story (67 feet – 6 inches) mixed-use residential building containing 40 dwelling units (4 Very Low-Income) and 590 square foot commercial space, with two automobile parking spaces and 46 bicycle parking spaces, utilizing State Density Bonus.**

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

**When:** Thursday, October 12, 2023, 7:00 PM.

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

**Please see the Agenda for details:**

[https://berkeleyca.gov/sites/default/files/documents/2023-04-27\\_ZAB%20Agenda.pdf](https://berkeleyca.gov/sites/default/files/documents/2023-04-27_ZAB%20Agenda.pdf)

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

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

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

**A. Land Use Designations:**

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

**B. Zoning Permits Required:**

- Use Permit to demolish one non-residential buildings, under Berkeley Municipal Code

(BMC) Section 23.326.070

- Use Permit to establish a mixed-use residential building, under BMC Section 23.204.020
- Use Permit to establish a residential use, under BMC Section 23.204.020
- Use Permit to create over 5,000 square feet of new floor area, under BMC Section 23.204.030(A)
- Use Permit to establish a mixed- use project with a height of 50 feet and four stories
- Administrative Use Permit for projections above the height limit, under BMC Section 23.304.050(A)

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

- Waiver of BMC Section 23.204.050(D) to exceed the maximum building height of 50 feet with a height of 69 feet, 10 inches
- Waiver of BMC Section 23.204.050(D) to exceed four stories with six stories
- Waiver of BMC Section 23.204.050(D) to exceed the floor area ratio (FAR) limit of 3 with an FAR of 4.4
- Waiver of BMC Section 23.204.050(D) to reduce the open space from 8,000 square feet to 2,277 square feet

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

**E. Parties Involved:**

- Applicant Brian Carter, Studio KDA, Berkeley, CA
- Property Owner 2712 Telegraph LLC, Berkeley, CA

**Further Information:**

All application materials are available online at:

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

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

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

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

**Communication Disclaimer:**

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

**Written Comments, Communications, and Reports:**

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

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

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

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



**Accessibility Information / ADA Disclaimer:**

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

**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division ([zab@cityofberkeley.info](mailto: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.
-

## Community Meeting Notes

---

**From:** Brian Carter <brian@studiokda.com>  
**Sent:** Tuesday, September 12, 2023 11:33 AM  
**To:** Lapira, Katrina  
**Cc:** Layla Tahan; Darshan Amrit; Michael Thomas  
**Subject:** 2712 Telegraph - Neighbor meeting notes

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

Hi Katrina,

Please see the list of neighbor attendees and the points of discussion below. The meeting was held Friday, December 30th at 5:30pm.

### Attendees:

Dave and Melanie Wise  
Tamara Spokane  
Diana Yovino-Young  
Michael Yovino-Young  
Alison Teeman  
Christopher Stemborowski

### Discussion Points:

- 1) number of floors, height of building
- 2) number of units (including questions about the number of affordable units)
- 3) amount of parking being provided
- 4) landscaping at sides and rear (desire for screening)
- 5) retention of existing street trees (neighbors in favor of keeping them)
- 6) property management plan
- 7) entitlement process (i.e next steps)

Thanks,  
BC

--

Brian Carter, Architect





PLANNING AND DEVELOPMENT DEPARTMENT  
LAND USE PLANNING DIVISION

# LANDMARKS PRESERVATION COMMISSION ACTION MINUTES

**Date:** Thursday August 3, 2023  
**Time:** 7:00 PM  
**Place:** 1901 Hearst Avenue, North Berkeley Senior Center

**Staff:** Fatema Crane, Principal Planner/LPC Secretary  
Reina Kapadia, Senior Planner

## 1. ROLL CALL

Kathleen Crandall  
Steven Finacom  
Luke Leuschner  
Christopher Linvill  
Denise Montgomery  
Paul Schwartz  
Alfred Twu, Chairperson

Christopher Adams – *Absent*  
Charles Enchill – *Leave Absence*

## 2. EX-PARTE COMMUNICATIONS

## 3. LAND ACKNOWLEDGEMENT STATEMENT

## 4. PUBLIC COMMENT on Non-Agenda and Information Items

Speakers: 3

## 5. AGENDA CHANGES

**A. Consent Calendar** – the Commission may consider adding Items 7 and 10.

Motion: Adopt a Consent Calendar, include Item 10 and take recommended action.  
M/S/C: Montgomery/Crandall  
Vote: 7-0-0-2

**B. Other Changes**

## ACTION AND DISCUSSION ITEMS

### 6. 2138-2140 Dwight Way – Davis-Byrne Building

Receive an advisory referral on proposed paint colors for a City Landmark building and provide guidance and advice, in accordance with BMC Section 3.24.310.

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Motion: Advise the project proponent to: request a City tree in the vacant tree well and then protect both trees during project construction; preserve the existing historic sign; select paint colors that are medium-to-dark for the building body, light for the trim, and dark for the sashes.

M/S/C: Finacom/Leuschner

Vote: 7-0-0-2

**7. 2428 Shattuck Avenue – Demolition Referral (Use Permit #ZP2022-0149)**

Consider the proposal to demolish a commercial building that is more than 40 years old, in accordance with BMC Section 23.326.070(C).

No action.

**8. 2712 Telegraph Avenue – Demolition Referral (Use Permit #ZP2022-0179)**

Consider the proposal to demolish two commercial buildings that are more than 40 years old, in accordance with BMC Section 23.326.070(C).

Speakers: 2

Motion: Initiate property for Landmark or Structure of Merit consideration.

M/S/F: Schwartz/Finacom

Vote: 3-4-0-2

Yes: Finacom, Linvill, Schwartz; No: Crandall, Leuschner, Montgomery, Twu; Abstain: none; Absent: Adams, Enchill.

Motion: Add property to the List of Potential Initiations.

M/S/F: Schwartz/Finacom

Vote: 3-2-2-2

Yes: Finacom, Linvill, Schwartz; No: Leuschner, Montgomery; Abstain: Crandall, Twu; Absent: Adams, Enchill.

Motion: Forward comments to ZAB noting that the HRE omits worthwhile information and recommending a Use Permit requirement for study of the Pacific Center and its historical LBGTQIA+ context to be completed by a professional with expertise in the study of marginalized communities as explained by the NPS prior to demolition of the buildings.

M/S/C: Finacom/Twu

Vote: 7-0-0-2

Motion: Forward a recommendation to ZAB to require HABS-like photo documentation prior to demolition as a Use Permit Condition of Approval.

M/S/C: Finacom/Crandall

Vote: 7-0-0-2

**9. AD HOC Subcommittees and Liaison Comments**

Receive opportunity reports on status of projects for which the LPC has established a subcommittee or liaison. (Note: Sites will come off the list annually or upon approval of a Certificate of Occupancy)

	Members	Established	Annual Expiration
<b>ZAB Design Review Committee</b>	SF	-	-
<b>2234 Haste Avenue SAP</b>	SF, DM	Feb 2023	Jan 2024
<b>Grants</b>	CE, SF	Feb 2023	Jan 2024

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	<b>Members</b>	<b>Established</b>	<b>Annual Expiration</b>
Berkeley Rose Garden	CA, PS	Feb 2023	Jan 2024
Landmarks Policies & Procedures	SF, CE	Feb 2023	Jan 2024
City Projects for Landmarks and Structure of Merit Sites	SF, CE	Feb 2023	Jan 2024
University of California	SF, PS	Feb 2023	Jan 2024

**10. ACTION: Approval of Action Minutes**

Draft Action Minutes for July 6, 2023.

*Approve via Consent Calendar.*

**11. INFORMATION REPORTS** Commissioners may ask for discussion to be scheduled on a future agenda (per Brown Act, no deliberation or final action may be taken).

**12. CORRESPONDENCE**

**13. COMMISSIONER ANNOUNCEMENTS**

**14. STAFF ANNOUNCEMENTS**

**15. FUTURE COUNCIL CALENDAR ITEMS**

- A. 1960 San Antonio Avenue** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2022-0005, date pending
- B. 803 Delaware Street** – Information Agenda Item re: Approval of Structural Alteration Permit #LMSAP2023-0002, September 12, 2023
- C. 60 Panoramic Way** – Information Agenda Item re: Structure of Merit Designation #LMIN-2023-0001, September 12, 2023

**16. POTENTIAL INITIATIONS**

The Commission may establish and maintain an ongoing list of structures, sites and areas having a special historical, architectural or aesthetic interest or value. After public hearings, the Commission may initiate landmark and historic district designations from the list.

- A.** 2362 Bancroft Way-Trinity United Methodist Church (3/1/99)
- B.** Berkeley High School, Building C, 1920; W. C. Hayes (LE 9/13/99)
- C.** John Galen Howard Power Station, UC Campus (CO 4/3/00)
- D.** H.C. Macaulay Foundry, 811 Carleton Street (4/3/00)
- E.** UC Storage Station, James Plachek, Architect (4/3/00)
- F.** “Kittredge Street Historic District” - 2124 Kittredge Street (Elder House and storefront)
- G.** 2138 Kittredge Street (Fitzpatrick House and storefront), and 2117 Kittredge Street (A.H. Broad House and storefront) (JK 11/5/2001)
- H.** 1842-1878 Euclid Avenue (CO 9-14-07)
- I.** Berkeley High School Campus Historic District (SW 1/3/08)
- J.** 2746 Garber Street (SW 3/5/09)
- K.** 1901 Bonita Avenue (CO 11/16/10)
- L.** 1920 Bonita Avenue (CO 11/16/10)
- M.** 1940 Channing Way (CO 11/16/10)
- N.** 1920 Haste Street (CO 11/16/10)
- O.** 2414 Shattuck Avenue (CO 11/16/10)

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- P. Terminal Place (alley) (CO 11/16/10)
- Q. 2041 University Avenue (CO 11/16/10)
- R. 2482-2498 Telegraph Avenue And 2445-2449 Dwight Way (CO 12/7/11)
- S. 2301-2315 Telegraph Avenue / 2510-2516 Bancroft Way (CO 12/7/11)
- T. 2328-2346 Telegraph Avenue / 2441-2447 Durant Avenue (CO 12/7/11)
- U. 2400-2402 Telegraph Avenue / 2486-2498 Channing Way (CO 12/7/11)
- V. 2410-2422 Telegraph Avenue (CO 12/7/11)
- W. 3049 Adeline Street (CO 3/12/12)
- X. "Manoa Historic District"- 2530 [sic] Way, 2524 Dwight Way, 2503 Regent Street, 2509 Regent Street, 2511 Regent Street, 2515 Regent Street, 2517 Regent Street, 2506 Dwight Way, 2502 Dwight Way/2501 Telegraph Avenue, 2512-2516 Regent Street/2525 Telegraph Avenue (CO 3/12/12)
- Y. 1400 Sixth Street (CO 6/7/13)
- Z. 1409 Scenic Avenue (CO 9/3/15)
- AA. 1301 Shattuck Avenue, Live Oak Park (CO 2/2/17)
- BB. 2750-2770 Marin Avenue, Pacific Lutheran Theological Seminary (LPC 5/4/17)
- CC. 100 Berkeley Square (SF 6/1/17)
- DD. 741 Cedar Street (CO 7/6/17)
- EE. 745 Cedar Street (CO 7/6/17)
- FF. 749 Cedar Street (CO 7/6/17)
- GG. 2212 Fifth Street (CO 7/6/17; initiation failed 6/6/21)
- HH. 837 Folger Avenue (CO 7/6/17)
- II. 1517 Fourth Street (CO 7/6/17)
- JJ. 808 Gilman Street (CO 7/6/17)
- KK. 830 Gilman Street (CO 7/6/17)
- LL. 832 Gilman Street (CO 7/6/17)
- MM. 836 Gilman Street (CO 7/6/17)
- NN. 1018 Pardee Street (CO 7/6/17)
- OO. 1336 Sixth Street (CO 7/6/17)
- PP. 1345 Sixth Street (CO 7/6/17)
- QQ. 601 Ashby Avenue (PA 2/1/18)
- RR. 1013 Pardee (BO 9/6/18)
- SS. 1940 Haste Street (LPC 10/04/18; upon relocation of historic building)
- TT. 2222 Fifth Street (LPC 12/6/18)
- UU. 1631-33 Walnut Street (LPC 7/2/19)
- VV. 1601 California Street (PA 11/7/19)
- WW. 2235 Channing Way, 2240 and 2300 Durant Avenue, 2372 Ellsworth Street (LPC 11/5/20)
- XX. 2501, 2510, 2514, 2530 and 2551 San Pablo Avenue (LPC 4/1/21)
- YY. 2132-2154 Center Street (LPC 5/4/23)

**17. CURRENT LAND USE PROJECTS**

**18. ADJOURN – 9:36PM**

Motion: Adjourn.  
M/S/C: Crandall/Leuschner  
Vote: 7-0-0-2

ATTEST:   
Fatema Crane, LPC Secretary



To: Katrina Lapira  
From Brian Carter, Studio KDA

Date: September 7, 2023

**RE: 2712 Telegraph – Exterior Updates for ZAB hearing**

Dear Katrina,

We have submitted an updated drawing package to the Box link provided. These updates are only related to the exterior materials, fenestration, and articulation modifications in response to input from the DRC meeting in May. We have not made any changes to the areas, heights, etc. that would affect the Tabulation form. Please see an outlines of the enhancements below:

1. Material Palette:
  - a. Modified exterior materials in response to DRC input.
2. Colors:
  - a. The colors have also been modified based on DRC feedback
3. Fenestration
  - a. Greatly increased the area of glazing on the bay windows along Telegraph ave
4. Articulation of the Façade
  - a. Additional depth to create “frames” around window bays
5. Roofline
  - a. Created more variation at the roofline with alternating parapet heights
6. Ground Floor at Telegraph Ave.
  - a. Material and landscaping adjustments to enhance the pedestrian experience. Integration of the ground floor design with the rest of the building per DRC input.
7. Neighbor interface
  - a. Increases the height of the fence at the rear of the property to provide additional privacy screening for residential neighbors. Adding of flowering vining elements to enhance the privacy screen.

We appreciate all the helpful input from you, Anne and the DRC. The exterior building design has substantially improved and I look forward to sharing the hard work we have put into the design with ZAB. I hope you are as excited about the building as we are.

Please Let me know if you have any questions.

Sincerely,  
Brian

[www.studiokda.com](http://www.studiokda.com)



June 7, 2023

To Whom It May Concern,

My name is Lasara Firefox Allen, and I am the Executive Director for the Pacific Center for Human Growth, the current tenant at 2712 Telegraph Avenue.

We met the development team at Panoramic Interests over a year ago when they purchased our current location, and have built a good relationship with them. They listened to our needs, and were open to working with us toward solutions that will serve our community.

Later this summer we will be moving into a new office space on Center Street that Panoramic Interests owns. The new location will serve the organization in robust ways; not only is the new space centrally located near BART, UC Berkeley, and the high school, it is far more accessible for community members with disabilities.

While there is some sadness about losing the history of our current home, Panoramic Interest intends to memorialize Pacific Center in their new build, and this will go a long way toward assuaging the community's sense of loss.

In addition to our new office, Panoramic Interests also provided the location for our 50th anniversary gala on their rooftop deck. The space was lovely, and the event was a smashing success.

We are thankful for the partnership.

Sincerely,

A handwritten signature in black ink, appearing to be "Lasara Firefox Allen". The signature is fluid and cursive, with a large initial "L" and "A".

Lasara Firefox Allen (they/them/Mx.)  
Pacific Center for Human Growth

2712 Telegraph Ave, Berkeley, CA 94705

lasara@pacificcenter.org | 707-293-5153