



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
NOVEMBER 30, 2023

2127-2159 Dwight Way

Use Permit #ZP2023-0057 to demolish two of the existing four residential buildings (demolish eight units and retain eight units) and replace with a new 72,251 square foot, six-story (71-feet and five-inches) residential building with 58 new units, for a combined on-site total of 66 residential units, including seven Below Market Rate Units (three Extremely Low-Income units, two Very Low-Income units, and two Low-Income units), utilizing a State Density Bonus.

I. Background

A. Land Use Designations:

- General Plan: HDR– High Density Residential
- Zoning: C-SA – South Area Commercial District

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish and replace eight dwelling units
- Use Permit, under BMC Section 23.326.030(A) to demolish buildings with two or more dwelling units constructed before 1980
- Use Permit, under BMC Section 23.204.020(A) to create a multi-family dwelling in a Commercial District
- Use Permit, under BMC Section 23.204.030(A)(1) to create more than 3,000 square feet of new gross floor area in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to reduce minimum usable open space from 13,200 square feet to 1,654 square feet in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to increase the lot coverage from 35 percent to a maximum of 65.33 percent in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to increase the allowable height from 36 feet and three stories to 71 feet and 5 inches, and six stories in the C-SA District

- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural elements to exceed the zoning district height limit of 36 feet by 5 feet 6 inches
- Administrative Use Permit under BMC Section 23.304.080(A) to allow fences and entry gates to exceed 6-feet in height

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

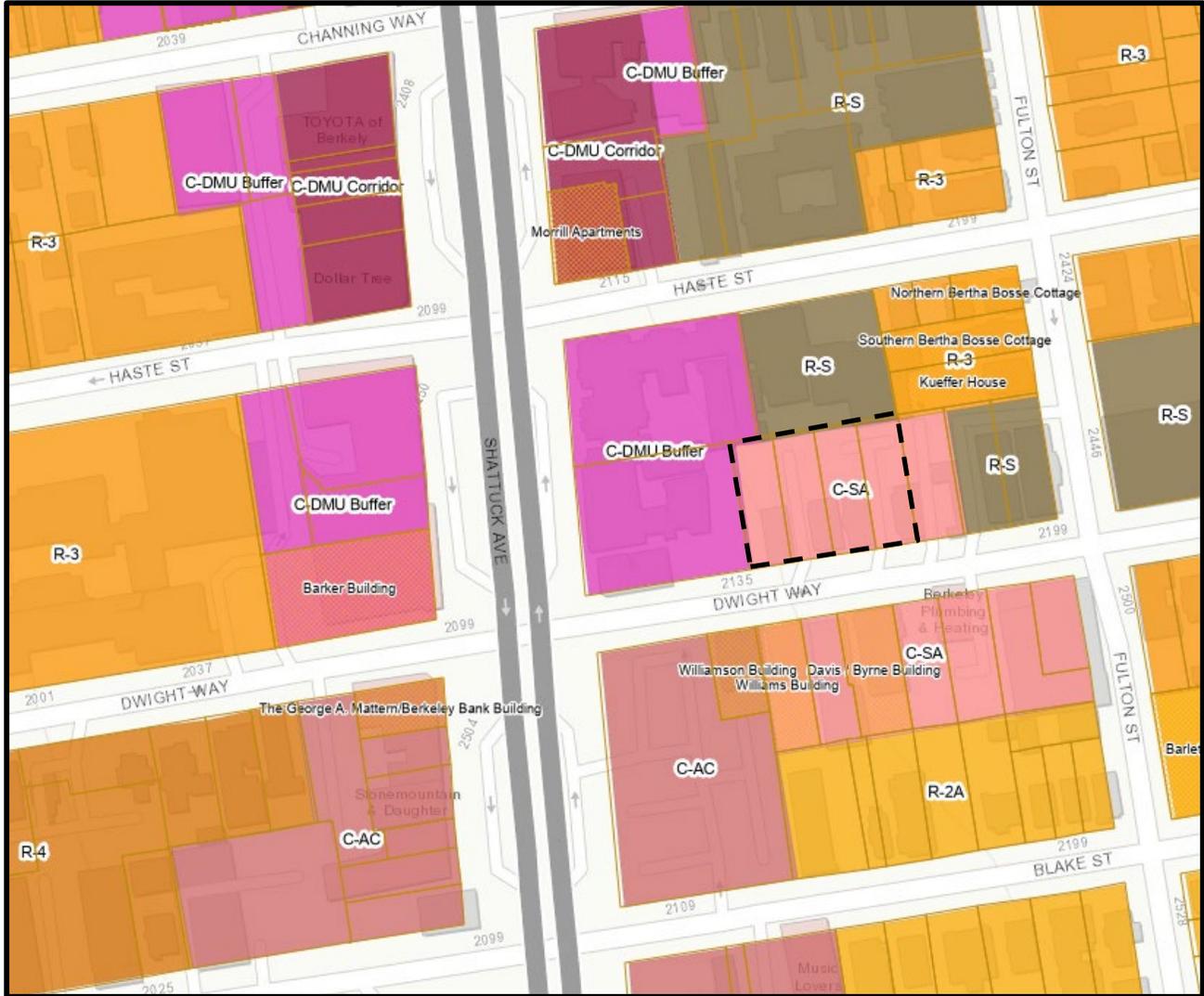
- Waiver of BMC Section 23.204.100(D)(1) to reduce front setbacks from 15 feet to 4 feet 10 inches
- Waiver of BMC Section 23.204.100(D)(1) to reduce rear setbacks from 15 feet to 5 feet
- Waiver of BMC Section 23.204.100(D)(1) to reduce building separation from 28 feet to 5 feet 11 inches

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 CEQA Guidelines Section 15332 ("Infill Development"). The determination is made by ZAB.

E. Parties Involved:

- Applicant Lisa Villhauer, Vice President, Riaz Capital, 2744 East 11th Street Oakland, CA 94601
- Property Owner 2129 Dwight Way LLC, 2744 East 11th Street Oakland, CA 94601

Figure 1: Zoning Map



Legend

-  Site Boundary
- C-AC: Adeline Corridor Commercial
- C-DMU: Downtown Mixed-Use
- C-SA: South Area Commercial
- R-2A: Restricted Multiple-Family Residential
- R-3: Multiple-Family Residential
- R-4: Multi-Family Residential
- R-S: Residential Southside

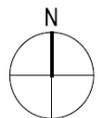


Figure 2: Vicinity Map

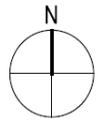


Figure 3: Proposed Site Plan/Ground Floor Plan

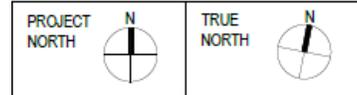
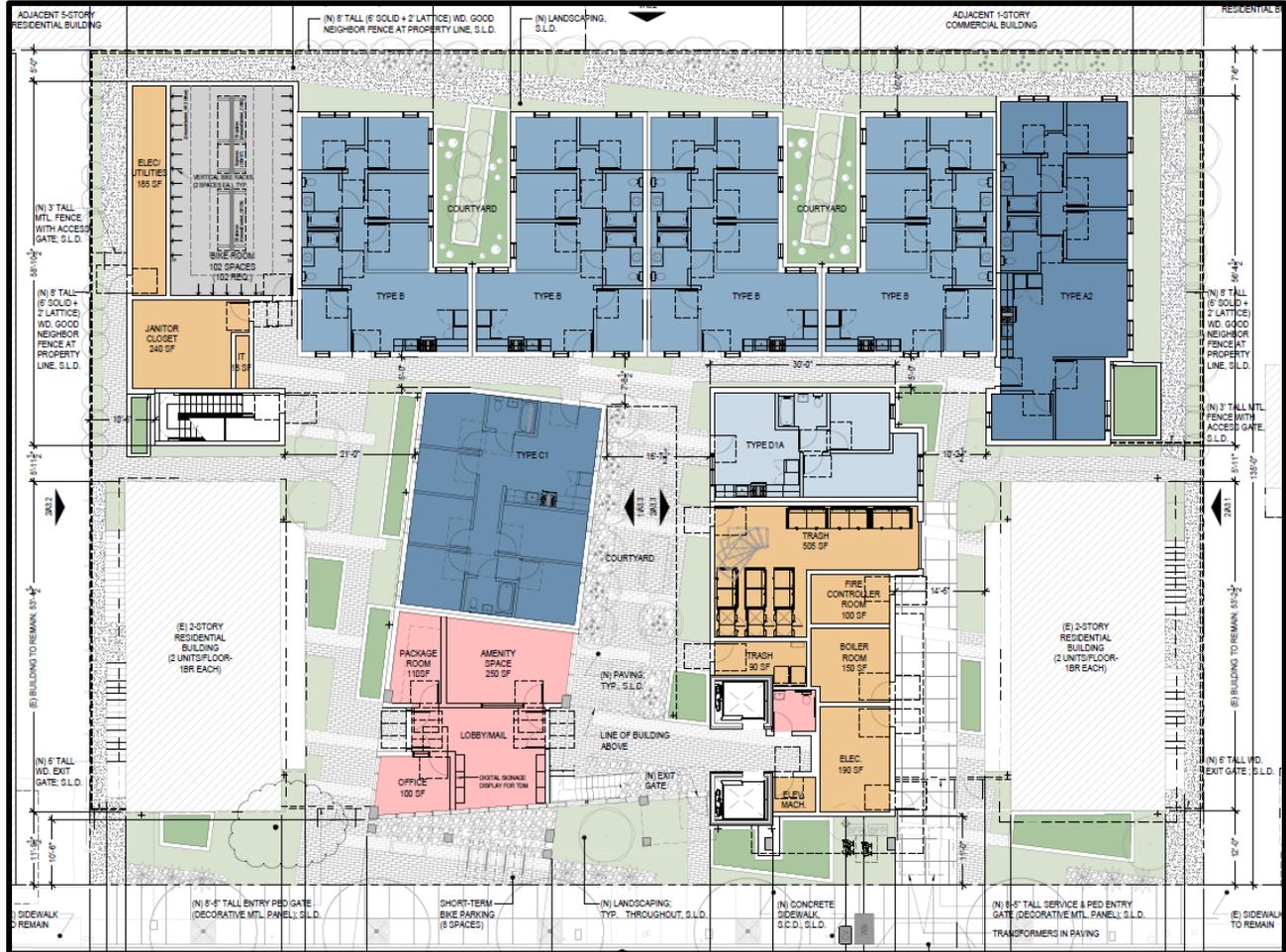


Figure 4: Project Rendering – Dwight Way Looking West



Figure 5: Project Rendering – Dwight Way Looking East



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Four 4-unit multi-family residential buildings	C-SA	HDR
Surrounding Properties	North	Mixed-use with multi-family residential and commercial (pharmacy, restaurant), animal clinic (Berkeley Dog and Cat Hospital)	C-DMU Buffer, R-S	Avenue Commercial (AC), HDR
	South	Commercial (restaurant, auto care, social services)	C-SA	AC
	East	Multi-family residential	C-SA	HDR
	West	Mixed-use with multi-family residential and commercial (bank, fitness center)	C-DMU Buffer	AC

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	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The proposed project is residential only; therefore, these fees do not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)	Yes	The project would provide seven Below Market Rate (BMR) units – three Extremely Low-Income (ELI), two Very Low-Income (VLI), and two Low-Income, to replace seven demolished units, and would be required to pay a fee to satisfy the requirements of BMC Section 22.20.065. The eighth replacement unit would be Market Rate.
Alcohol Sales/Service	No	The applicant is not proposing alcohol sales or service with this permit.
Creeks	No	The site is not near a mapped creek or a creek culvert.
Density Bonus	Yes	The project qualifies for a 25 percent density bonus under State Density Bonus law (See Section III.B for discussion below).
Historic Resources	No	According to the Historic Resource Evaluations completed by Connor Turnbull Preservation Consulting on February 3, 2023, the buildings on the subject properties do not meet the criteria for

Characteristic	Applies to Project?	Explanation
		the California Register or City of Berkeley Structure of Merit or Landmark.
Housing Accountability Act (Gov't Code Section 65589.5(j))	Yes	The project is an all-residential project that meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2) ¹ . The base project complies with applicable, objective, general plan, and zoning standards, and thus section (j) of the Housing Accountability Act applies. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB330)	Yes	The project is an all-residential project that meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). See Section V.A of this report for additional discussion on the sections of SB330 that apply to the project.
Natural Gas Prohibition (Per BMC 12.80.020)	Yes	This application is for new construction and was submitted after January 1, 2020, and is therefore subject to the Natural Gas Prohibition.
Oak Trees	Yes	There is one existing Coast Live Oak located on the project site. The tree will be retained and protected per BMC Chapter 6.52.
Rent Controlled Units	Yes	The project would involve the demolition of eight rent-controlled units at the center of the site.
Residential Preferred Parking (RPP)	No	The site is located in RPP zone I. BMC Section 14.72.080(C) provides that no new permits may be issued to residents in newly-constructed units.
Seismic Hazards (SHMA)	No	The site is not located within an area susceptible to liquefaction, fault rupture, or landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	No	The project site is located within the City's Environmental Management Area. The Phase I environmental site assessment (ESA) submitted by the applicant indicated that the Vapor Encroachment Screening identified no vapor encroachment conditions (VECs) for the subject site or that any potential nearby sites were considered a VEC. The exceedances of metals in subsurface soil discovered during the Phase II ESA represent a recognized environmental condition (REC). It is recommended that a soil management plan be developed to guide future subsurface work and that arsenic- and lead-impacted soils be removed and/or capped during site redevelopment to prevent surface exposure to future site occupants. Additionally, standard Conditions of Approval (Attachment 1) related to

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

Characteristic	Applies to Project?	Explanation
		soil management and hazardous materials would apply.
Transit	Yes	The Downtown Berkeley Bay Area Rapid Transit (BART) station is located to the northwest within walking distance from the project site (0.5 miles). In addition, bus service with 15-minute headways is available along Shattuck Avenue via Alameda-Contra Costa Transit (AC Transit) route 18 and the University of California (UC) Berkeley bus line route F.

Table 3: Project Chronology

Date	Action
November 15, 2022	SB 330 complete preliminary housing development project application submitted
April 26, 2023	Application submitted
June 5, 2023	Application deemed incomplete
June 30, 2023	Application resubmitted
July 25, 2023	Application deemed incomplete
July 27, 2023	Application resubmitted
August 9, 2023	Application deemed complete
October 19, 2023	Design Review Committee hearing
November 16, 2023	Public hearing notices mailed/posted
November 30, 2023	ZAB hearing

Table 4: Development Standards

Standard		Existing	Proposed	Permitted/ Required
BMC Sections 23.204.100				
Lot Area (sq. ft.)		24,300	No change	N/A
Gross Floor Area (sq. ft.)		10,660	72,251	N/A
Floor Area Ratio		0.44	2.97	N/A
Dwelling Units	Total	16	66	N/A
	Affordable	0	8	N/A
Building Height	Maximum (ft.)	27'-7"	71'-5"	36'-0" max (modifiable with Use Permit)
	Stories	2	6	3 max (modifiable with Use Permit)
Building Setbacks (ft.)	Front	11'-9"	4'-10"	15' min
	Rear	69'-9"	5'	15' min
	Left Side	5'-10"	Varies 5'-10" to 10'-6"	Varies 4' to 12' min
	Right Side	6'-2"	Varies 6'-2" to 11'-6"	Varies 4' to 12' min
Lot Coverage (%)		24.72%	65.33 %	35% max (modifiable with Use Permit)
Building Separation		n/a	5'-11"	28'
Usable Open Space (sq. ft.)		6,937	1,654	13,200 min (modifiable with Use Permit)
Parking	Automobile	20	0	N/A ^a
	Bicycle (long-term)	0	102	101
	Bicycle (short-term)	0	8	8
<p>^a = Waiver, pursuant to State Density Bonus Law, requested to modify the district standard.</p> <p>Notes: a. AB-2097, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most uses as long as the parcel is located within a half mile of a transit stop or high-quality transit corridor, as defined in Section 21155 of the Public Resources Code.</p> <p>Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")</p>				

II. Project Setting

A. Neighborhood/Area Description: The project site is located on the 2000 block of Dwight Way, bordered by Shattuck Avenue to the west and Fulton Street to the east.

The surrounding area consists of a mix of commercial and residential uses ranging from two-story multi-family residences and small-scale restaurants to a six-story mixed-use project with ground floor commercial. Directly north of the project site is the Berkeley Dog and Cat Hospital. The Downtown Berkeley BART station is located to the west within walking distance from the project site (0.5 miles). In addition, bus service with 15-minute headways is available along Shattuck Avenue via AC Transit route 18 and UC Berkeley bus line route F.

- B. Site Conditions:** The approximately 24,300-square-foot development site consists of four distinct parcels, which will be combined into one via a lot merger. The lot merger is currently under review by Public Works and cannot be approved until ZAB takes action on the project. The project site is relatively flat and is developed with four two-story residential buildings. Each building includes four units, for a total of 16 on-site residential units. Two surface parking lots are located to the north of each existing building that accommodate a total of 20 vehicular parking stalls (1.25 stalls per unit). There are two driveways that provide access to the parking lots located between 2127-2133 and 2137-2143 Dwight Way and between 2145- 2151 and 2153-2159 Dwight Way.

III. Project Description

- A. Proposed Project:** The project proposes to retain eight dwellings in the two exterior residential buildings, demolish the two interior residential buildings, both surface level parking lots, all existing landscaping with the exception of one protected Coast Live Oak, remove the southwest curb cut, and construct a new residential building with the following primary components:

- 58 dwelling units (three two-bedroom, five four-bedroom, 30 five-bedroom, and 20 six-bedroom), including eight replacement units;
- A bicycle storage room on the ground floor providing 102 long-term bicycle parking stalls and eight short-term bicycle racks located on-site near the building entrance;
- Residential amenities on the ground floor including a lobby and mail room, package room, residential courtyard, and unprogrammed amenity space;
- Trash chutes on each floor with a trash collection room and utilities on the ground floor;
- Five new street trees along Dwight Way;
- 4,616 square feet of new landscaping, including 1,654 square feet of usable open space on the ground floor and landscape screening along the rear property line and the rear portion of the right and left side property lines.

- B. Replacement of Demolished Units:** Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330) prohibits the demolition of occupied or vacant protected units (i.e., rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished and will replace them with at least as many residential dwelling units as the greatest number

of units that existed on the project site within the last five years. Further, if the income levels of the existing tenants or tenants within the last five years are unknown, they must be replaced with “equivalent” units of affordability levels that are the same or lower than the income distribution of renters for City of Berkeley according to the United States Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) database. Per the CHAS data, the affordability distribution of the eight replacement units for the proposed project shall include three Extremely Low-Income (ELI) units, two Very Low-Income (VLI) units, two Low-Income units, and one Market Rate unit. Occupants of protected units would be entitled to relocation benefits and a right of first refusal of a comparable unit in the new housing development. See V.D and Attachment 6 for discussion.

Base Project and Density Bonus: The applicant has requested a density bonus under the State Density Bonus Law. Under the City’s density bonus procedures, the “base project”² is 53 units and four stories. The Density Bonus calculations are provided in more detail, below and in Table 5.

Government Code Section 65915 (Density Bonus) does not include the ELI income category, so the required ELI replacement units may be counted as VLI units for the purpose of determining the qualifying units for the density bonus.

Table 5: Density Bonus

Base Project Units ¹	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ¹	Proposed Project Units ²
53	4 VLI (7% of base project)	25%	14 (13.25) (25%x53)	58 (Includes 5 additional units)

1. Pursuant to Gov’t Code 65915(q), all unit calculations are rounded up to the nearest whole number.
2. The number of proposed units does not include the eight existing units to remain on-site.

By providing four Very Low Income (VLI) Below Market Rate (BMR) units on site (7 percent of the 53-unit base density), the project is eligible for a 25 percent density bonus, or 14 additional units. Therefore, the applicant proposes 5 additional units above the base density for a total of 58 dwelling units.

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

- 1) reduce front setbacks from 15 feet to 4 feet 10 inches;
- 2) reduce rear setbacks from 15 feet to 5 feet;

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

- 3) reduce building separation from 28 feet to 5 feet;

IV. Community Discussion

- A. Neighbor/Community Concerns:** Prior to submitting the application to the City, the applicant invited the existing tenants, owners and occupants within 300 feet of the project site, and area neighborhood groups to a virtual neighborhood outreach meeting held on February 9, 2023 via Zoom. Seven members of the public attended, four of whom appeared to be residents of the subject site. The project team provided an overview of the proposed project, its design, and the anticipated process and schedule. Attendees asked questions about levels of affordability, the ability to remain in one of the two existing-to-remain buildings, along with questions about the project's design and its intended resident population. During the meeting, the project team invited current residents to reach out to the Applicant and/or Autotemp, the applicant's relocation consulting firm, to discuss each tenant's options and opportunities.

On November 15, 2023, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations, and posted notices within the neighborhood at three nearby locations (Attachment 3). At the time of writing this report, staff has received nine letters in support of the project (Attachment 4).

- B. Landmarks Preservation Commission:** The buildings proposed for demolition do not meet the criteria for California Register or City of Berkeley Structure of Merit or Landmark as noted in the Historic Resource Evaluations completed by Connor Turnbull Preservation Consulting on February 3, 2023. In accordance with BMC Section 23.326.070(C)(1), the project would not require an LPC referral because the site does not include a non-residential building or structure which is 40 or more years old.
- C. Design Review Committee:** The project was presented to the Design Review Committee (DRC) on October 19, 2023. The project received a favorable recommendation to the ZAB, and the DRC provided conditions and direction for Final Design Review (FDR) (Attachment 5).

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. A "housing development project" can include any of the following: residential units only; mixed use consisting of residential and nonresidential uses in which at least two-thirds of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

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

The project application was deemed complete on August 9, 2023. The DRC meeting on October 19, 2023, represents the first public hearing for the proposed project. The November 30, 2023, ZAB hearing represents the second public hearing. 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 in an historic resource evaluation prepared for the property in February of 2023, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. Therefore, it was determined that the site is not a historic resource. Further, standard conditions of approval have been included to halt work in case of any unanticipated discovery of archeological, paleontological, or tribal cultural resources.

3. Government Code §65950(a)(5) requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the California Environmental Quality Act. The project was deemed complete on August 9, 2023, and staff recommends that the project is categorically exempt pursuant to CEQA Guidelines Section 15332 (“Infill Development”). Should ZAB determine the application is categorically exempt from CEQA at the November 30, 2023, public hearing, the application must be approved or disapproved by January 29, 2024.

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 impact³ 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 includes Use Permits⁴ to modify the useable open space, height, and lot coverage, and complies with applicable, objective general plan and zoning standards. Further, Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the base project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above. Staff is aware of no specific adverse impacts that could occur with the construction of the base project or the density bonus units. Therefore, the City may not deny the base project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

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).

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

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

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

³ A “specific, adverse impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete”.

⁴ The City has determined that the “protections afforded by the HAA and the definition of a base project for density bonus calculations apply to a housing development project up to and including the maximum development allowed with use permits and/or administrative use permits”. Therefore, the use permits to allow height to 46 feet 6 inches and four stories are included in the Base Project for the purpose of determining the applicability of Section 65589.5(j).

Waivers: A waiver is a modification of a development standard that would otherwise physically preclude the construction of the project with the permitted density bonus and concessions. The applicant is requesting three waivers from the following development standards: (1) reduce front setbacks from 15 feet to 4 feet 10 inches, (2) reduce rear setbacks from 15 feet to 5 feet, (3) reduce building separation from 28 feet to 5 feet 11 inches. The waivers are requested because, according to the applicant, they are necessary to physically accommodate the additional five 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.⁵

- D. Eliminating Dwelling Units through Demolition:** BMC Section 23.326.020(B) allows the ZAB to approve a Use Permit to eliminate or demolish dwelling units upon finding that eliminating the dwelling unit would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley. The project would provide housing in proximity to regional transit, bicycle facilities, retail, and services, reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts. The increase in the number of housing units would also help meet the City's need for additional housing and Regional Housing Needs Allocation target. The proposed project, therefore, would not be materially detrimental to the housing needs and public interest of the affected neighborhood and the City and thus meet the Finding under BMC Section 23.326.020(B).

BMC Section 23.326.030(A)(3) allows the ZAB to approve a Use Permit to eliminate or demolish dwelling units that were constructed before June 1980 on a property containing two or more dwelling units if one of the following findings can be met: (a) the building containing the units is hazardous or unusable and is infeasible to repair; (b) the building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units; (c) the demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community; or (d) the demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

The finding pursuant to BMC Section 23.326.030(A)(3)(d) can be met because the project will provide "at least the same number of dwelling units." The project would retain eight existing dwelling units, demolish the other eight existing dwelling units, and

⁵ See Footnote 4.

construct 58 new dwelling units (including three ELI units, two VLI units, two Low-Income units, and one Market Rate replacement unit), for a combined total of 66 units. Pursuant to BMC Section 23.326.030(A)(2)(a), demolition of units is not allowed if the building was removed from the rental market under the Ellis Act during the preceding five years, or there have been verified cases of harassment or threatened or actual illegal eviction during the preceding five years. Rent Stabilization Board staff reviewed the property records and determined that the existing units have not been removed from the rental market under the Ellis Act at any time during the preceding five years, and there is no record of any verified cases of harassment or threatened or actual illegal evicting (Attachment 6).

Government Code Section 66300(d) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as will be demolished; prohibits the demolition of occupied or vacant protected units, unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes the retention of eight existing dwelling units, demolition of the other eight existing dwelling units, and construction of 58 new dwelling units (including three ELI units, two VLI units, two Low-Income units, and one Market Rate replacement units), for a combined total of 66 units. The existing units are considered “protected” units as defined in Section 66300(d) because they are subject to rent control (BMC Chapter 13.76). The project proponents will follow all requirements of the Berkeley demolition ordinance (BMC Section 23.326.030) and the Berkeley relocation ordinance (BMC Chapter 13.84) as well as Government Code 66300 (SB-330).

Occupying Tenant Protections: Five of the eight dwellings proposed to be demolished are occupied. Pursuant to BMC 23.326.030(A)(5), the following occupying tenant protections under this section are applicable when units to be demolished are occupied:

1. The applicant shall provide assistance with moving expenses equivalent to the amount identified in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households).
2. The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City.
3. Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building.
4. Tenants of units that are demolished shall have the right of first refusal to rent new below-market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.
5. Income restrictions do not apply to displaced tenants.

In addition, pursuant to Government Code Section 66300(d)(2)(C), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice. Conditions of approval will be included in the permit to ensure implementation of the forgoing tenant benefits.

VI. Other Considerations

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

A. Findings for Use Permits in the C-SA Zoning District: Pursuant to BMC Section 23.204.100(E), in order to approve any Use Permit in the C-SA zoning district, the ZAB must make the findings that the proposed use or structure:

- 1) Is compatible with the purposes of the district: The project site is located within the South Area Commercial District (C-SA) and is designated High Density Residential in the City's General Plan. The C-SA district is intended to serve as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue by encouraging community-serving businesses, development and amenities that support pedestrian-oriented uses, and residential or mixed-use development on appropriate sites.

The project is a higher-density development that is in close proximity to regional transit, shops and amenities. It would retain eight units from the existing development and construct 58 new dwelling units in a range of sizes from two-bedrooms to six-bedrooms. Seven of the 58 units would be deed restricted below market rate units (three ELI, two VLI, and two Low-Income).

- 2) Is compatible in design and character with the district and the adjacent residential neighborhoods: The project site currently includes four two-story multi-family buildings. The project will retain two of the existing residential buildings on-site. These buildings will serve to transition the site from the larger buildings along Shattuck Avenue into the more residential neighborhood to the East. The project would not introduce new land uses that do not already exist in the area.
- 3) Will not result in the domination of one type of commercial/retail use in any one area of the district: The project does not propose commercial/retail uses. The proposed development will increase the number of pedestrians within this area of the district, providing existing and future businesses with more potential customers. Such customers will help the district maintain its vibrancy and economic stability.

B. General Non-Detriment Finding: BMC Section 23.406.040 states that before the ZAB approves an application for a Use Permit, it must find that the proposed project or use will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of the persons residing or visiting in the area or neighborhood of the proposed

use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

Shadows: According to the shadow studies submitted for the project (See Attachment 2, Project Plans – Sheets G0.06A-G0.06J), new shadows would affect dwellings at the following locations:

- Haste Street, northwest of the site, casting new shadows on the winter solstice two hours after sunrise.
- Haste Street, northeast of the project site, casting new shadows on the winter solstice at noon.
- Haste Street and Fulton Street, northeast of the project site, casting new shadows on the winter solstice two hours before sunset.
- Dwight Way, west of the site, casting new shadows on the summer solstice two hours after sunrise.
- Dwight Way, east of the site, casting new shadows on the summer solstice two hours before sunset.

Shadow impacts on adjacent dwellings are to be expected, because the subject site is located in the C-SA district, which allows heights of up to 36 feet by right. In addition, a Use Permit to exceed this limit, to 46 feet 6 inches, is allowed to be included in the density bonus base project. The proposed building height of 71 feet 5 inches and six stories is allowed with a Use Permit. Staff finds that shadow impacts from the project on adjacent residential uses would be reasonable and not detrimental.

Non-Detriment: The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or visiting the area or neighborhood of the proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. These standard conditions would ensure that the project would satisfy this finding.

- C. Use Permits to Modify Development Standards for a Residential Project in the C-SA Zoning District:** Pursuant to BMC Section 23.204.100(D)(2), the ZAB may approve Use Permits to modify development standards for a residential-only project in the C-SA zoning district upon finding that: (a) the project encourages utilization of public transit and existing off-street parking facilities in the area of the proposed building; (b) the modification allows consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose; (c) the modification facilitates the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines; or (d) the modification provides consistency with the purposes of the zoning district as listed in BMC Section 23.204.100(A). The applicant is seeking to modify the following development standards for usable open space, lot coverage, and building height.

Usable Open Space: The minimum usable open space requirement for the project is 13,200 square feet (200 square feet per unit). The applicant is proposing 1,654 square feet (25 square feet per unit).

Lot Coverage: The maximum allowable lot coverage for six-story residential projects on an interior lot is 35 percent. The applicant is proposing a maximum lot coverage of 65.33 percent.

Building Height: The maximum allowable building height for residential projects in the C-SA zoning district subarea 1 is 36 feet and three stories. The applicant is proposing a maximum building height of 71 feet 5 inches and six stories.

Staff Analysis: The requested development standard modifications are appropriate because the project would construct new residential units on a project site within a zoning district that is designated for high density residential development near commercial centers and transit corridors, such as Shattuck Avenue. The proposed project meets the findings required by BMC Section 23.204.100(D)(2) by: (a) encouraging utilization of public transit, (c) facilitating the construction of affordable housing as defined by HUD Guidelines, and (d) providing consistency with the purposes of the C-SA zoning district. The project encourages utilization of public transit by facilitating the construction of housing near a high transit corridor and providing a total of 110 secure bicycle parking spaces (short-term and long-term) on the ground floor within an enclosed storage room and outdoor bike rack. The project site is also well served by public transportation, including a BART station approximately 0.5 miles to the north. The project facilitates the construction of affordable housing since seven deed-restricted affordable housing units will be provided: three ELI units, two VLI units, and two Low-Income units. The surrounding commercial district includes retail sales, restaurants, personal services, multi-family residential and medical office uses. The project would complement these commercial and residential uses and add population to support these uses. Therefore, the proposed project is consistent with the purpose of the district as noted in Section VI.A.

It should be noted that the only objective standard within this list of findings is item (c). The project is designed as a Housing Development Project and is only subject to objective zoning standards and findings. Use Permit findings that include subjective regulations cannot be enforced, according to the City's August 2, 2021, Memo re: Housing Accountability Act & Density Bonus – Objective Standards.

- D. Administrative Use Permit for Roof-Top Projections:** BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors and cannot be used as habitable space or for commercial purposes. The project would include a stair penthouse on the west side of the project measuring 192 square feet, a 64 square-foot trash chute on the east side, and two elevator penthouses on the east side of the project measuring 89 square-

feet each. The proposed architectural elements would extend a maximum of 5 feet 6 inches feet over the 71-foot five-inch roof height. In total, the architectural elements measure 434 square feet and represent less than four percent (3.6 percent) of the 11,915 square-foot average floor area of all the buildings' floors. Therefore, the projections are permissible.

E. Administrative Use Permit for a Fence Exceeding 6 Feet: BMC Section 23.304.080(A) requires an Administrative Use Permit for fences more than 6 feet in height that are located on the lot line or within the required setbacks for the main building. The project would include new 8-foot 5-inch decorative pedestrian entry gates within the front setback and a new 8-foot wood fence along the rear and side property lines. The proposed fencing will provide privacy and safety for future residents and neighbors and is therefore permissible.

F. General Plan Consistency: The following is an analysis of conformance with the 2001 General Plan goals and policies, provided for informational purposes only:

1. Policy LU-3– Infill Development: Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. Policy LU-7– Neighborhood Quality of Life, Action A: Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
3. Policy LU-25– Affordable Housing Development: Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area, and other transit-oriented locations.
4. Policy UD-24– Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
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-4 – Bicycle Network, Action C: Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.
7. Policy UD-32– Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: As discussed, the project would improve utilization of the site with development that is of appropriate intensity, compatible with the existing surrounding

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

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

Staff Analysis: The project would be subject to standard conditions of approval that promote sustainable building design, including conditions for solar PV systems, electric vehicle charging, water efficient landscaping, and natural gas prohibitions.

G. 2023-2031 Housing Element Update: The Housing Element Update, adopted in January 2023, also contains several policies applicable to the project, including the following:

1. Policy H-1– Extremely Low, Very Low, Low, and Moderate-Income Housing: Increase the number of housing units affordable to current and future Berkeley residents, especially those with lower income levels.
2. Policy H-4– Economic Diversity: Encourage mixed income housing developments through both regulatory requirements and incentives.
3. Policy H-17– Transit-Oriented New Construction: Encourage construction of new 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.
4. Policy H-19 – Regional Housing Needs: Encourage adequate housing production to meet City needs and the City’s share of regional housing needs.

Staff Analysis: The mixed-income nature of the project will support several policies from the Housing Element. Also, the project is located near the Shattuck Avenue transit corridor and 0.5 miles from the Downtown Berkeley BART station. The project would help Berkeley meet its regional housing needs by adding 58 net new housing units, including three ELI units, two VLI units, and two Low-Income units.

VI. Recommendation

Because of the project’s consistency with the Zoning Ordinance and General Plan, and minimal impact on surrounding properties, staff recommends that the Zoning Adjustments Board: APPROVE Use Permit ZP2023-0057 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

ZONING ADJUSTMENTS BOARD
November 30, 2023

2127-2159 DWIGHT WAY
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Attachments:

1. Findings and Conditions
2. Project Plans, received October 19, 2023
3. Notice of Public Hearing
4. Correspondence Received
5. DRC Conditions and Direction for Final Design Review
6. Rent Stabilization Board Memorandums

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ATTACHMENT 1

FINDINGS AND CONDITIONS

NOVEMBER 30, 2023

2127-2159 Dwight Way

Use Permit #ZP2023-0057 to demolish two of the existing four residential buildings (demolish eight units and retain eight units) and replace with a new 72,251 square foot, six-story (71-feet and five-inches) residential building with 58 new units, for a combined on-site total of 66 residential units, including seven Below Market Rate Units (three Extremely Low-Income units, two Very Low-Income units, and two Low-Income units), utilizing a State Density Bonus.

PERMITS REQUIRED

- Use Permit, under Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish and replace eight dwelling units
- Use Permit, under BMC Section 23.326.030(A) to demolish buildings with two or more dwelling units constructed before 1980
- Use Permit, under BMC Section 23.204.020(A) to create a multi-family dwelling in a Commercial District
- Use Permit, under BMC Section 23.204.030(A)(1) to create more than 3,000 square feet of new gross floor area in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to reduce minimum usable open space from 13,200 square feet to 1,654 square feet in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to increase the lot coverage from 35 percent to a maximum of 65.33 percent in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to increase the allowable height from 36 feet and three stories to 71 feet and 5 inches, and six stories in the C-SA District
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural elements to exceed the zoning district height limit of 36 feet by 5 feet 6 inches
- Administrative Use Permit under BMC Section 23.304.080(A) to allow fences and entry gates to exceed 6-feet in height

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Waiver of BMC Section 23.204.100(D)(1) to reduce front setbacks from 15 feet to 4 feet 10 inches
- Waiver of BMC Section 23.204.100(D)(1) to reduce rear setbacks from 15 feet to 5 feet
- Waiver of BMC Section 23.204.100(D)(1) to reduce building separation from 28 feet to 5 feet 11 inches

I. CEQA FINDINGS

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

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

- 1) The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
- 2) The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
- 3) The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
- 4) The project would not result in any significant effects relating to traffic, noise, air quality or water quality. A Traffic Impact Analysis was not required because the project met the Vehicle Miles Traveled (VMT) screening criteria. Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.
- 5) The site can be adequately served by all required utilities and public services.

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

II. HOUSING ACCOUNTABILITY ACT FINDINGS

- A.** The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (A) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (B) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B.** Because the project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct, and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified. The project includes construction of a residential building with 58 dwelling units.

III. DENSITY BONUS FINDINGS

- A.** Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
- 1) Under the City's methodology for implementing density bonuses, the "base project" consists of 53 units;
 - 2) Four Very Low-Income qualifying units are provided in the "base project", as more fully set forth in the Below Market Rate Conditions. The project will provide at least three Extremely Low-Income (ELI), two Very Low-Income (VLI), two Low-Income, and one Market Rate unit as replacement for the eight demolished protected units. For purposes of determining the qualifying units for the density bonus, ELI and VLI units are combined to represent VLI units. See Condition #28;
 - 3) The project is entitled to a density increase of 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 one concession or incentive. This equates to a density bonus of 14 units above the Base

Project, for a total of 67-units. The applicant proposes 5 additional units above the base density for a total of 58 new dwelling units.

- B.** In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
- 1) Waiver of BMC Section 23.204.100(D)(1) to reduce front setbacks from 15 feet to 4 feet 10 inches; and
 - 2) Waiver of BMC Section 23.204.100(D)(1) to reduce rear setbacks from 15 feet to 5 feet; and
 - 3) Waiver of BMC Section 23.204.100(D)(1) to reduce building separation from 28 feet to 5 feet 11 inches.
- C.** 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 that (1) approval of waivers is required to construct the proposed project at the density permitted under State law; (2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and (3) approval of the requested waivers would not be contrary to State or Federal law.

IV. FINDINGS FOR APPROVAL

- A.** As required by Section 23.406.040(E)(1) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:
- 1) The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements as well as any other project specific conditions. These standard conditions will ensure the project will not be detrimental to adjacent properties, the surrounding area or neighborhood or to the general welfare of the City; and
 - 2) Shadow studies submitted by the applicant document the addition's projected shadow angles and lengths at three times throughout the day during the summer and winter solstice. New shadows would affect dwellings at the following locations:
 - Haste Street, northwest of the site, casting new shadows on the winter solstice two hours after sunrise.
 - Haste Street, northeast of the project site, casting new shadows on the winter solstice at noon.
 - Haste Street and Fulton Street, northeast of the project site, casting new shadows on the winter solstice two hours before sunset.
 - Dwight Way, west of the site, casting new shadows on the summer solstice two hours after sunrise.

- Dwight Way, east of the site, casting new shadows on the summer solstice two hours before sunset

Shadow impacts on adjacent dwellings are to be expected, because the subject site is located in the C-SA district, which allows heights of up to 36 feet by right. In addition, a Use Permit to exceed this limit, up to 46 feet 6 inches, is allowed to be included in the density bonus base project. The proposed building height of 71 feet 5 inches and six stories is allowed with a Use Permit. Because the impacts to neighboring properties will occur on limited areas and will only partially shade neighboring buildings for a few hours and limited time during the year, the project will not result in a significant loss of direct sunlight on abutting dwellings, and these shading impacts are therefore not deemed detrimental.

V. OTHER FINDINGS FOR APPROVAL

- A.** As required by Section 23.326.020(B) of the BMC, the Zoning Adjustments Board finds that the proposed demolition of dwelling units at 2127 Dwight Way will not be materially detrimental to the housing needs and public interest of the affected neighborhood or the city because the project will replace eight dwelling units with 58 dwelling units (at least three ELI, two VLI, two Low-Income, and one Market Rate unit, as more fully set forth in Condition #28). The increase in the number of housing units would help meet the City's need for additional housing.
- B.** As required by Section 23.326.020(B) of the BMC, the Zoning Adjustments Board finds that demolishing and replacing eight dwelling units with 58 dwellings would not be materially detrimental to the housing needs and public interest of the neighborhood and Berkeley because the project would provide housing in proximity to regional transit, bicycle facilities, retail, and services, reducing vehicle miles traveled, and air quality and greenhouse gas emission impacts, and the increase in the number of housing units would also help meet the City's need for additional housing and its Regional Housing Needs Allocation target.
- C.** As required by Section 23.326.030(A)(3)(d) of the BMC, the Zoning Adjustments Board finds that the demolition of a building constructed before June 1980 on a property containing two or more dwelling units is necessary to permit construction of at least the same number of dwelling units.
- D.** As required by Section 23.204.100(E) of the BMC, the Zoning Adjustments Board finds that the proposed use or structure:
- 1) Is compatible with the purposes of the district: The project site is located within the South Area Commercial District (C-SA) and is designated High Density Residential in the City's General Plan. The C-SA district is intended to serve as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue by encouraging community-serving businesses, development and amenities that support pedestrian-oriented uses, and residential or mixed-use development on appropriate sites.

Is a higher-density development that is in close proximity to regional transit, shops and amenities. It would retain eight units from the existing development and construct 58 new dwelling units in a range of sizes from two-bedrooms to six-bedrooms. Seven of the units would be deed restricted below market rate units (three ELI, two VLI, and two Low-Income).

- 2) Is compatible in design and character with the district and the adjacent residential neighborhoods: The project site currently includes four two-story multi-family buildings. The project will retain two of the existing residential buildings on-site. These buildings will serve to transition the site from the larger buildings along Shattuck Avenue into the more residential neighborhood to the East. The project would not introduce new land uses that do not already exist in the area.
- 3) Will not result in the domination of one type of commercial/retail use in any one area of the district: The project does not propose commercial/retail uses. The proposed development will increase the number of pedestrians within this area of the district, providing existing and future businesses with more potential customers. Such customers will help the district maintain its vibrancy and economic stability.

E. As required by Section 23.204.100(D)(2) of the BMC, the Zoning Adjustments Board finds that the proposed modifications to the usable open space, lot coverage, and building height are appropriate because the project provides new residential units in a zoning district that is designated for high density residential development near commercial centers and transit corridors. The proposed project meets the required findings by encouraging utilization of public transit, facilitating the construction of affordable housing as defined by HUD Guidelines, and providing consistency with the purposes of the C-SA zoning district. The project encourages utilization of public transit by acilitating the construction of housing near a high transit corridor and providing a total of 110 secure bicycle parking spaces (short-term and long-term) on the ground floor within an enclosed storage room and outdoor bike rack. The project site is also well served by public transportation, including a BART station approximately 0.5 miles to the north. The project facilitates the construction of affordable housing since seven deed-restricted affordable housing units will be provided: three ELI units, two VLI units, and two Low-Income units. The surrounding commercial district includes retail sales, restaurants, personal services, multi-family residential and medical office uses. The project would complement these commercial and residential uses and add population to support these uses. Therefore, the proposed project is consistent with the purpose of the district.

F. As required by Section 23.304.050(A) of the BMC, the Zoning Adjustments Board finds that the request to permit roof-top projections such as mechanical penthouses that exceed the maximum height limit is permissible because:

- 1) With a gross floor area of 72,251 square feet, the average floor area of all the buildings' floors is 11,915 square feet. The proposed features occupy 434 square feet, which complies with the 15 percent limit.

G. As required by Section 23.304.80(A) of the BMC, the Zoning Adjustments Board finds that the proposed fencing exceeding six feet in height provides privacy and safety for future residents and neighbors.

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

Prior to Submittal of Any Building Permit:

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

Project Liaison _____
Name Phone #

15. Tenant Protections and Relocation Assistance. Tenant protections and relocation assistance is required by both Berkeley’s Demolition Ordinance and SB 330. For any units with tenants that move in after the application was submitted only SB 330’s relocation requirements apply:

- A. Pursuant to BMC 23.326.030(A)(5)(d), (i) sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and (ii) tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues. (iii) Income restrictions do not apply to displaced tenants.
 - a. The maximum rent for such tenancies shall increase on January first of each year by no more than 65% of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelvemonth period ending the previous June 30.
 - B. Pursuant to Government Code Section 66300(d)(2)(C), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice.
 - C. Prior to issuance of the building permit, the applicant shall enter into a Regulatory Agreement to be reviewed, approved, and implemented by the Health, Housing and Community Services Department (HHCS), which will oversee and monitor the income qualification of returning tenants. The Regulatory Agreement will include the following provision for returning tenants: “Tenants who do not income-qualify for a below-market rate unit in the new building shall occupy a unit per the terms in Conditions of Approval 15 and 27-34 of ZP 2023-0057; at the end of their tenancy, the unit shall assume the affordability level specified in the Regulatory Agreement.”
 - D. Pursuant to BMC 23.326.030(A)(5)(c), (i) the applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and (ii) shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation that includes an overall building tenant relocation plan and relocation agreements all applicable tenant households prior to submittal for building permits.
16. Coast Live Oak Tree Protection. The Applicant shall submit plans that demonstrate implementation of the Tree Preservation Guidelines from the Arborist Report by HortScience/ Bartlett Consulting, dated January 26, 2023.
 17. Final Design Review. The Project requires approval of a Final Design Review application by the Design Review Committee.
 18. 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.
 19. 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.

- 20. 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.

21. Compliance with Conditions and Environmental Mitigations. The applicant shall be responsible for demonstrating compliance with all conditions of approval and mitigation measures per the timeline set forth by this use permit. The applicant shall deposit \$10,000 with the City, or less with the approval of the Zoning Officer, to pay for the cost of monitoring compliance with these Conditions of Approval and other applicable conditions and regulations. Should compliance-monitoring expenses exceed the initial deposit, the applicant shall deposit additional funds to cover such additional expenses upon the request of the Zoning Officer; any unused deposit will be refunded to the applicant.

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

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
- 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
- 3) If the Phase I is over 2 years old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

- 1) A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD for all non-residential projects, and residential or mixed-use projects with five or more dwelling units, that: (1) are in the Environmental Management Area (EMA) and (2) propose any excavations deeper than 5 feet below grade. The SGMP shall be site specific and identify procedures for soil and groundwater management including identification of pollutants and disposal methods. The SGMP will identify permits required and comply with all applicable local, state and regional requirements.
- 2) The SGMP shall require notification to TMD of any hazardous materials found in soils and groundwater during development. The SGMP will provide guidance on managing odors during excavation. The SGMP will provide the name and phone number of the individual responsible for implementing the SGMP and post the name and phone number for the person responding to community questions and complaints.
- 3) TMD may impose additional conditions as deemed necessary. All requirements of the approved SGMP shall be deemed conditions of approval of this Use Permit.

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey

shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

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

BELOW MARKET RATE UNITS

27. **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.
28. **Number of Below Market Rate Units**. The project shall provide **three Extremely Low-Income, two Very Low-Income, and two 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.
29. **Regulatory Agreement**. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low-income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development. The applicant shall submit the Regulatory Agreement to the Housing and Community Services Department (HHCS) via email to affordablehousing@cityofberkeley.info for review and approval.
30. **Affordable Housing: Below Market Rate Program**. In addition, the following provisions shall apply:
 - A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
 - B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost

of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.

C. BMR units will be provided for the life of the project under Section 22.20.065.

31. Determination of Area Median Income (AMI).

1. The “AMI” (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
2. 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

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

33. Affordable Housing. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC 23.328.

- A. Residential housing projects for the construction of five or more Dwelling Units;
- B. Residential housing projects for the construction of one to four new Dwelling Units, when such Units are added to an existing one to four-unit property, which has been developed after August 14, 1986, and the resulting number of units totals five or more. All Units in such a property are subject to the requirements of this chapter;
- C. Residential housing projects proposed on lots whose size and zoning designation is such to allow construction of five or more Dwelling Units.

34. 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. For purposes of determining the qualifying units for the density bonus, ELI and VLI units may be combined to represent four VLI units.

Prior to Issuance of Any Building (Construction) Permit

35. Parcel Merger. The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.

36. Percent for Public Art: Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
37. 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.
38. 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.
39. 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.)
40. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
41. 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).
42. 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).
43. Public Works ADA. Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility.

Prior to Demolition or Start of Construction:

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:
3. Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 4. Calendar and schedule of daily/weekly/monthly construction activities
 5. 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.
 - C. In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:
 - 1. 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.
 - 2. 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%. 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:

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

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 private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c)

Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

- H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.
 - I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - J. 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 dated October 19, 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 Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in Sections 23.334.030(C) and 23.322.090 are implemented shall be submitted to the Land Use Division prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is compliant with the applicable requirements in these sections.
- A. Consistent with Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.
- B. Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

- 69. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three

- years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
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 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. Required Bike Parking. Secure and on-site bike parking for at least 101 long-term and 8 short-term bicycles shall be provided for the life of the building.
 78. 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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2127 Dwight Way BERKELEY, CA



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ABBREVIATIONS	LEGEND	GENERAL NOTES	PLANNING DATA	RENDERING																																																																																																																																																																																																																																																																																																																																													
<p>ADJ. ADJUSTABLE ABOVE FINISH FLOOR ALUM. ALUMINUM ALT. ALTERNATE ARCHITECT (URAL)</p> <p>BLDG. BUILDING BLDG. BLOCKING BOT. BOTTOM</p> <p>CL. CENTER LINE CAB. CABINET CLG. CEILING CLR. CLEAR C.M.U. COLUMN CONC. CONCRETE CONST. CONSTRUCTION CTR. CENTER</p> <p>DET. DETAIL DIM. DIMENSION DWG. DRAWING DS. DOWN SPOUT</p> <p>(E) EXISTING EA. EACH ELEC. ELECTRICAL EQ. EQUIPMENT EXT. EXTERIOR</p> <p>F.D. FLOOR DRAIN FIN. FINISH FL. FLOOR F.O.F. FACE OF FINISH F.O.S. FACE OF STUD</p> <p>GALV. GALVANIZED G.C. GENERAL CONTRACTOR GL. GLASS GR. GRADE GYP. BOARD</p> <p>H.B. HOSE BIB HDWR. HARDWARE HGT. HEIGHT H.W. HOT WATER</p> <p>JT. JOINT</p> <p>MAX. MAXIMUM M.D. MOTION DETECTOR MECH. MECHANICAL MIN. MINIMUM MTD. MOUNTED MTL. METAL</p> <p>(N) NEW N.I.C. NOT IN CONTRACT NO. NO. TO SCALE</p> <p>O.C. ON CENTER OPNG. OPENING OPP. OPPOSITE</p> <p>PR. PAIR PTD. PAINTED PLYWD. PLYWOOD</p> <p>R.D. ROOF DRAIN REQ. REQUIRED RM. ROOM RO. ROUGH OPENING</p> <p>S.C. SOLID CORE STOR. STORAGE SHT. SHEET SIM. SIMILAR STRL. STRUCTURAL</p> <p>T.O. TOP OF TYP. TYPICAL</p> <p>U.O.N. UNLESS OTHERWISE NOTED</p> <p>V.I.F. VERIFY IN FIELD</p> <p>WD. WOOD W.P. WATERPROOF</p>	<p># XXX DETAIL REFERENCE NUMBER</p> <p>XXX SHEET WHERE DETAIL IS LOCATED</p> <p>#XXX DIRECTION OF SECTION VIEW INTERIOR SECTION IDENTIFICATION/ SHEET WHERE SECTION IS LOCATED</p> <p>#XXX SHEET WHERE ELEVATION IS LOCATED</p> <p>#XXX ELEVATION REFERENCE NUMBER</p> <p>101 DOOR SYMBOL</p> <p>W-01 WINDOW SYMBOL</p> <p>XXX WALL / FLOOR TYPE SYMBOL</p> <p>X-X' ELEVATION DATUM</p> <p>X-X' CEILING HEIGHT</p> <p>REVISION SYMBOL</p> <p>WALL-MOUNTED INCANDESCENT SCIENCE LIGHT FIXTURE</p> <p>RECESSED INCANDESCENT LIGHT FIXTURE AT CEILING</p> <p>RECESSED COMPACT FLUORESCENT LIGHT FIXTURE AT CEILING</p> <p>SURFACE-MOUNTED COMPACT FLUORESCENT LIGHT FIXTURE AT CEILING</p> <p>COMBINATION EXHAUST FAN AND COMPACT FLUORESCENT LIGHT FIXTURE, RECESSED AT CEILING</p> <p>SURFACE-MOUNTED FLUORESCENT STRIP LIGHT FIXTURE, CEILING-MOUNTED (WITH LENGTH AS INDICATED)</p> <p>SURFACE-MOUNTED TRACK LIGHT FIXTURE, CEILING-MOUNTED (WITH LENGTH AS INDICATED)</p> <p>EMERGENCY LIGHT FIXTURE WITH BATTERY PACK, CEILING OR WALL-MOUNTED</p> <p>EXIT LIGHT FIXTURE WITH BATTERY BACK-UP CEILING OR WALL-MOUNTED (WITH DIRECTIONAL ARROWS AS REQUIRED)</p>	<p>GENERAL CONDITIONS: AIA DOCUMENT A201, GENERAL CONDITIONS FOR THE PERFORMANCE OF THE CONTRACT IS HEREBY INCORPORATED INTO THESE DRAWINGS AND SHALL BE CONSIDERED AS PART OF THE REQUIREMENTS FOR THE COMPLETION OF THE WORK.</p> <p>EXISTING CONDITIONS: CONDITIONS SHOWN OF THE DRAWINGS ARE AS SHOWN ON THE ORIGINAL DRAWINGS AND AS OBSERVED ON THE SITE, BUT THEIR ACCURACY IS NOT GUARANTEED. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS AT THE SITE. ANY DISCREPANCIES SHALL BE REPORTED TO ARCHITECT PRIOR TO PROCEEDING WITH THE WORK. NOTE: DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE OF THE DRAWINGS.</p> <p>PERMITS: THE CONTRACTOR SHALL OBTAIN AND PAY ALL CITY AND/OR COUNTY FEES RELATING TO PROJECT, EXCEPTING THE GENERAL PERMIT, WHICH IS THE RESPONSIBILITY OF THE OWNERS' AND IS REIMBURSABLE TO THE G.C.</p> <p>CODES: ALL WORK SHALL BE DONE IN COMPLIANCE WITH ALL APPLICABLE CODES, INCLUDING BUT NOT LIMITED TO: UNIFORM BUILDING CODES, NATIONAL ELECTRICAL, MECHANICAL, AND PLUMBING CODES, HEALTH DEPARTMENT REGULATIONS, FIRE AND SAFETY CODES, CITY AND/OR COUNTY ORDINANCES AND REGULATIONS AND OTHER CODES GOVERNING CONSTRUCTION.</p> <p>SITE RESPONSIBILITY: IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE SOLELY AND COMPLETELY RESPONSIBLE FOR CONDITIONS ON THE JOB SITE, INCLUDING HEALTH AND SAFETY OF ALL PERSONS AND PROPERTY DURING PERFORMANCE OF THE WORK. CONTRACTOR TO LIMIT TRAFFIC AND ACCESS TO THOSE AREAS WHERE WORK IS PERFORMED.</p> <p>CLEAN UP AND REPAIRS: THE CONSTRUCTION SITE SHALL BE MAINTAINED IN AN ORDERLY MANNER AT ALL TIMES WITH ALL DEBRIS REMOVED AT THE END OF THE EACH DAY. AT THE COMPLETION OF THE CONSTRUCTION REMOVE ALL EXCESS MATERIALS AND REFUSE FROM SITE. LEAVE ALL SURFACES WITHIN CONSTRUCTION SITE FREE FROM DUST, DIRT AND STAINS. THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT AND OWNER.</p> <p>PATCHING: PROPERLY PREPARE SURFACES FOR RECEIVING THE SPECIFIED FINISHES INCLUDING PATCHING OF SURFACES ALTERED BY CONSTRUCTION. ON PATCHED AREAS OR AREAS WHERE A FINISH IS NOT SPECIFIED, THE FINISH SHALL MATCH ADJACENT MATERIAL IN CONSTRUCTION, COLOR AND TEXTURE.</p> <p>ALL WORK NOTED "N.I.C." OR NOT IN CONTRACT IS TO BE PROVIDED BY A CONTRACTOR OTHER THAN THE GENERAL CONTRACTOR.</p> <p>"ALIGN" AS USED IN THESE DOCUMENTS SHALL MEAN TO ACCURATELY LOCATE FINISH FACES ON THE SAME PLANE.</p> <p>"TYPICAL" AS USED IN THESE DOCUMENTS SHALL MEAN THAT THE CONDITION IS THE SAME OR REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.</p> <p>DETAILS ARE USUALLY KEYS AND NOTED "TYPICAL" ONLY ONCE, WHEN THEY FIRST OCCUR, AND ARE REPRESENTATIVE FOR SIMILAR CONDITIONS THROUGHOUT, U.O.N.</p> <p>SCHEDULE: UPON SUBMITTAL OF THE FINAL CONSTRUCTION COSTS, THE CONTRACTOR SHALL ALSO SUBMIT A CONSTRUCTION SCHEDULE INDICATING THE REQUIRED CONSTRUCTION TIME FOR ALL SUBCONTRACTORS AND CONTRACTORS WORK AND A COST-BY-TRADE BREAKDOWN FOR USE IN SCHEDULING AND EVALUATING PAY REQUESTS.</p> <p>SUBSTITUTIONS: SUBSTITUTIONS, REVISIONS, OR CHANGES MUST HAVE APPROVAL BY THE ARCHITECT PRIOR TO PROCEEDING WITH THE WORK.</p> <p>DAMAGE: THE CONTRACTOR SHALL REPAIR OR REPLACE ANY SURFACES OR ITEMS DAMAGED BY CONSTRUCTION TO THE SATISFACTION OF THE ARCHITECT OR OWNER.</p> <p>GUARANTEES: THE CONTRACTOR SHALL GUARANTEE THAT THE PROJECT WILL BE FREE OF DEFECTS OF WORKMANSHIP AND MATERIALS FOR A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE BY THE OWNER. NO WORK DEFECTIVE IN CONSTRUCTION OR QUALITY DEFICIENT IN ANY REQUIREMENT OF THE DRAWINGS OR NOTES WILL BE ACCEPTABLE IN CONSEQUENCE OF THE OWNERS' OR ARCHITECTS FAILURE TO POINT OUT DEFECTS OR DEFICIENCIES DURING CONSTRUCTION. DEFECTS OF WORKMANSHIP OR MATERIALS REVEALED WITHIN A PERIOD OF ONE YEAR FROM THE DATE OF ACCEPTANCE SHALL BE REPLACED BY WORK CONFORMING WITH THE INTENT OF THE CONTRACT AT NO COST TO THE OWNER. NO PAYMENT, EITHER PARTIAL OR FINAL, SHALL BE CONSTRUED AS AN ACCEPTANCE OF DEFECTIVE WORK.</p> <p>COLUMN CENTERLINES (ALSO REFERRED TO AS GRIDLINES) ARE SHOWN FOR DIMENSIONAL PURPOSES. (REFER TO BASE BUILDING DRAWINGS FOR EXACT LOCATIONS).</p> <p>CONSTRUCTION HOURS: VERIFY WITH CITY OF BERKELEY FOR CONSTRUCTION HOURS</p> <p>ANY HIDDEN CONDITIONS THAT REQUIRE WORK TO BE PERFORMED BEYOND THE SCOPE OF THE BUILDING PERMIT ISSUED FOR THESE PLANS MAY REQUIRE FURTHER CITY APPROVALS INCLUDING REVIEW BY THE PLANNING COMMISSION. THE BUILDING OWNER, PROJECT DESIGNER AND/OR CONTRACTOR MUST SUBMIT A REVISION TO THE CITY FOR ANY WORK NOT GRAPHICALLY ILLUSTRATED ON THE JOB COPY OF THE PLANS PRIOR TO PERFORMING THE WORK.</p> <p>AN OSHA PERMIT TO BE OBTAINED FOR THE SHORING* AT THE EXCAVATION IN THE BASEMENT PER CAL/OSHA REQUIREMENTS. SEE CAL/OSHA HANDBOOK.</p> <p>*CONSTRUCTION SAFETY ORDERS: CHAPTER 4, SUBCHAPTER 4, ARTICLE 6, SECTION 1541.1.</p> <p>GRADING PERMIT, IF REQUIRED, TO BE OBTAINED FROM THE DEPARTMENT OF PUBLIC WORKS.</p> <p>WHEN PLANS ARE SUBMITTED FOR BUILDING CODE PLAN CHECK, THEY WILL INCLUDE A COMPLETE UNDERGROUND PLUMBING PLAN INCLUDING COMPLETE DETAILS FOR THE LOCATION OF ALL REQUIRED GREASE TRAPS AND CITY-REQUIRED BACKWATER PREVENTION DEVICES.</p>	<p>ADDRESS: 2127 DWIGHT WAY, BERKELEY, CA 94704</p> <p>PARCEL NUMBER: 55-1890-7, 55-1890-8, 55-1890-9, 55-1890-10</p> <p>CITY OF BERKELEY ZONING TABULATIONS</p> <table border="1"> <thead> <tr> <th></th> <th>PERMITTED/REQUIRED</th> <th>BASE PROJECT</th> <th>25% DENSITY BONUS ALLOWABLE</th> <th>PROPOSED PROJECT</th> </tr> </thead> <tbody> <tr> <td>ZONING</td> <td>C-SA</td> <td>C-SA</td> <td>C-SA</td> <td>C-SA</td> </tr> <tr> <td>NUMBER OF DWELLING UNITS</td> <td>N/A</td> <td>53</td> <td>67</td> <td>66</td> </tr> <tr> <td>NUMBER OF BEDROOMS</td> <td>N/A</td> <td>249</td> <td>N/A</td> <td>304</td> </tr> <tr> <td>LOT AREA (SQ. 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FT.)	24,300	24,300	24,300	24,300	LOT AREA (ACRES)	0.56	0.56	0.56	0.56	FLOOR AREA RATIO (FAR)	Unlimited	2.48	N/A	2.97	FLOOR AREA	N/A	60,240	75,300	72,251	BUILDING FOOTPRINT	8,505	17,632	N/A	15,875	LOT COVERAGE	35%	73%*	N/A	65.33%**	SETBACK					FRONT SIDE	15'-0"	15'-0"	N/A	4'-10"**	NEW BUILDING	4/4/6/8/10/12'	4/4/6/8'	N/A	6' (1st fl)/10'-6" (2nd-6th fl)	EXISTING BUILDING REAR	N/A	N/A	N/A	5'-10" (1st & 2nd fl)	BUILDING HEIGHT	15'-0"	15'-0"	N/A	5'-0"**	BUILDING STORIES	3	4*	N/A	6**	USABLE OPEN SPACE REQUIRED	200SF/UNIT	10,600	N/A	13,200	PROVIDED		5,720*		1,654**	BIKE PARKING					LONG-TERM REQUIRED	1 space/3BR	83	N/A	102	PROVIDED		83		102	SHORT-TERM REQUIRED	1 space/40BR	7	N/A	8	PROVIDED		7		8		BIKE PARKING	MECH. & STAIRS	RESIDENTIAL	TOTAL	GROUND FLOOR	675	1,803	11,531	14,009	FLOOR 02		115	13,654	13,769	FLOOR 03		115	11,051	11,166	FLOOR 04		115	11,051	11,166	FLOOR 05		115	11,051	11,166	FLOOR 06		115	10,860	10,975	TOTAL FLOOR AREA	675	2,378	69,198	72,251	UNIT TYPE	EXISTING 1-BED	2-BED	4-BED	5-BED	6-BED	TOTAL	GROUND FLOOR	4	1	0	4	2	11	FLOOR 02	4	0	1	6	3	14	FLOOR 03	0	1	5	4	10	10	FLOOR 04	0	1	5	4	10	10	FLOOR 05	0	1	5	4	10	10	FLOOR 06	2	1	5	3	11	11	TOTAL UNIT	8	3	5	30	20	66	PERCENT OF TOTAL	12%	5%	8%	45%	30%		TOTAL BEDROOM COUNT	8	6	20	150	120	304	TYPE I-A (CBC TABLE 601)	TYPE II-A (CBC TABLE 601)	PRIMARY STRUCTURAL FRAME: 3-HOUR (CBC TABLE 601)	PRIMARY STRUCTURAL FRAME: 1-HOUR (CBC TABLE 601)	BEARING EXTERIOR WALLS: 3-HOUR (CBC TABLE 601)	BEARING EXTERIOR WALLS: 1-HOUR (CBC TABLE 601)	BEARING INTERIOR WALLS: 3-HOUR (CBC TABLE 601)	BEARING INTERIOR WALLS: 1-HOUR (CBC TABLE 601)	NON-BEARING EXTERIOR WALLS: VARIES (CBC TABLE 601)	NON-BEARING EXTERIOR WALLS: NO RATING (CBC TABLE 601)	NON-BEARING INTERIOR WALLS: NO RATING (CBC TABLE 601)	NON-BEARING INTERIOR WALLS: NO RATING (CBC TABLE 601)	FLOOR CONSTRUCTION: 2-HOUR (CBC TABLE 601)	FLOOR CONSTRUCTION: 1-HOUR (CBC TABLE 601)	ROOF CONSTRUCTION: 1.5-HOUR (CBC TABLE 601)*	ROOF CONSTRUCTION: 1-HOUR (CBC TABLE 601)	LOCATION	BUILDING 01 (GROUND FLOOR)	BUILDING 02 (2ND-6TH FLOOR)	BUILDING 03 (2ND-6TH FLOOR)	PROPOSED OCCUPANCY	R-2 (RESIDENTIAL)	R-2 (RESIDENTIAL)	R-2 (RESIDENTIAL)	CONSTRUCTION*	TYPE I-A	TYPE II-A	TYPE II-A	SPRINKLERED	YES	YES	YES	AREA				ALLOWABLE AREA PER STORY (2022 CBC TABLE 506.2)	UNLIMITED	24,000 SF x 2 = 48,000 SF**	24,000 SF x 2 = 48,000 SF**	TOTAL PROPOSED AREA	SEE G0.06	SEE G0.06	SEE G0.06	HEIGHT & STOREYS				ALLOWABLE HEIGHT (2022 CBC TABLE 504.3)	UNLIMITED	85'-0" (S WITHOUT AREA INCREASE)**	85'-0" (S WITHOUT AREA INCREASE)**	PROPOSED HEIGHT	UNLIMITED	68'-0" TO T.O. 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PARAPET	ALLOWABLE STOREYS (2022 CBC TABLE 504.4)	UNLIMITED	5 (S WITHOUT AREA INCREASE)**	5 (S WITHOUT AREA INCREASE)**	PROPOSED STOREYS	1	5*	5*	<p>SUMMARY / SCOPE OF WORK</p> <p>2127 DWIGHT IS A PROPOSED PRIVATELY FUNDED (1) NEW 6 STORY BUILDING & (2) EXISTING RESIDENTIAL BUILDING, TO INCLUDE (58) NEW RESIDENTIAL UNITS, (6) EXISTING RESIDENTIAL UNITS, GROUND FLOOR AMENITY SPACES, AND OPEN SPACE.</p> <p>DRAWING INDEX</p> <table border="1"> <thead> <tr> <th>GENERAL</th> <th>ARCHITECTURAL</th> </tr> </thead> <tbody> <tr> <td>G0.00 COVER SHEET</td> <td>A1.00 SITE PLAN: DEMO</td> </tr> <tr> <td>G0.01 NOT USED</td> <td>A1.01 SITE PLAN: NEW</td> </tr> <tr> <td>G0.02 SITE CONTEXT</td> <td></td> </tr> <tr> <td>G0.03 LOT COVERAGE DIAGRAM</td> <td>A2.01 FLOOR PLAN: 1ST FLOOR</td> </tr> <tr> <td>G0.04 USABLE OPEN SPACE CALCULATIONS</td> <td>A2.02 FLOOR PLAN: 2ND FLOOR</td> </tr> <tr> <td>G0.05 DENSITY BONUS DATA</td> <td>A2.03 FLOOR PLAN: 3RD-5TH FLOOR</td> </tr> <tr> <td>G0.06 SHADOW STUDY</td> <td>A2.04 FLOOR PLAN: 6TH FLOOR</td> </tr> <tr> <td>G0.07 BUILDING AREA CALCULATIONS</td> <td>A2.06 ROOF PLAN</td> </tr> <tr> <td></td> <td>A3.00 RENDERINGS</td> </tr> <tr> <td></td> <td>A3.01 ELEVATIONS: BUILDING EXTERIOR</td> </tr> <tr> <td></td> <td>A3.02 ELEVATIONS: BUILDING EXTERIOR</td> </tr> <tr> <td></td> <td>A3.03 ELEVATIONS: BUILDING EXTERIOR</td> </tr> <tr> <td></td> <td>A3.04 STREET STRIP ELEVATION</td> </tr> <tr> <td></td> <td>A3.05 MATERIAL REFERENCE IMAGES</td> </tr> <tr> <td></td> <td>A6.01 EXTERIOR LIGHTING PLAN</td> </tr> </tbody> </table> <p>LANDSCAPE</p> <table border="1"> <thead> <tr> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>L1 ILLUSTRATIVE LANDSCAPE PLAN</td> <td></td> </tr> <tr> <td>L2 OPEN SPACE DIAGRAM</td> <td></td> </tr> <tr> <td>L3 CONCEPTUAL PLANTING PLAN</td> <td></td> </tr> <tr> <td>L4 PRELIMINARY IRRIGATION HYDROZONE DIAGRAM</td> <td></td> </tr> <tr> <td>L5 EXISTING PLANTING & TREE DISPOSITION PLAN</td> <td></td> </tr> </tbody> </table> <p>AREA MAP</p> <p>CONTACT LIST</p> <p>OWNER: RIAZ CAPITAL 2744 EAST 11TH STREET OAKLAND, CA 94601 TEL: 510982-0634 CONTACT: LISA VILHAUER, VP OF DESIGN & ENTITLEMENT</p> <p>ARCHITECT: LEVY DESIGN PARTNERS 90 SOUTH PARK SAN FRANCISCO, CA 94107 TEL: 415/777-0561 CONTACT: TOBY LEVY</p> <p>LANDSCAPE ARCHITECT: TGP PIER 9, THE EMBARCADERO, SUITE 115 SAN FRANCISCO, CA 94111 TEL: 415433-4672 CONTACT: PAUL LETTIERI</p> <p>CIVIL ENGINEER: CBG 2633 CAMINO RAMON, SUITE 350 SAN RAMON, CA 94583 TEL: 925/866-0222 CONTACT: ANGELO ORBELTELLO</p>	GENERAL	ARCHITECTURAL	G0.00 COVER SHEET	A1.00 SITE PLAN: DEMO	G0.01 NOT USED	A1.01 SITE PLAN: NEW	G0.02 SITE CONTEXT		G0.03 LOT COVERAGE DIAGRAM	A2.01 FLOOR PLAN: 1ST FLOOR	G0.04 USABLE OPEN SPACE CALCULATIONS	A2.02 FLOOR PLAN: 2ND FLOOR	G0.05 DENSITY BONUS DATA	A2.03 FLOOR PLAN: 3RD-5TH FLOOR	G0.06 SHADOW STUDY	A2.04 FLOOR PLAN: 6TH FLOOR	G0.07 BUILDING AREA CALCULATIONS	A2.06 ROOF PLAN		A3.00 RENDERINGS		A3.01 ELEVATIONS: BUILDING EXTERIOR		A3.02 ELEVATIONS: BUILDING EXTERIOR		A3.03 ELEVATIONS: BUILDING EXTERIOR		A3.04 STREET STRIP ELEVATION		A3.05 MATERIAL REFERENCE IMAGES		A6.01 EXTERIOR LIGHTING PLAN			L1 ILLUSTRATIVE LANDSCAPE PLAN		L2 OPEN SPACE DIAGRAM		L3 CONCEPTUAL PLANTING PLAN		L4 PRELIMINARY IRRIGATION HYDROZONE DIAGRAM		L5 EXISTING PLANTING & TREE DISPOSITION PLAN	
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PROVIDED		5,720*		1,654**																																																																																																																																																																																																																																																																																																																																													
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LONG-TERM REQUIRED	1 space/3BR	83	N/A	102																																																																																																																																																																																																																																																																																																																																													
PROVIDED		83		102																																																																																																																																																																																																																																																																																																																																													
SHORT-TERM REQUIRED	1 space/40BR	7	N/A	8																																																																																																																																																																																																																																																																																																																																													
PROVIDED		7		8																																																																																																																																																																																																																																																																																																																																													
	BIKE PARKING	MECH. & STAIRS	RESIDENTIAL	TOTAL																																																																																																																																																																																																																																																																																																																																													
GROUND FLOOR	675	1,803	11,531	14,009																																																																																																																																																																																																																																																																																																																																													
FLOOR 02		115	13,654	13,769																																																																																																																																																																																																																																																																																																																																													
FLOOR 03		115	11,051	11,166																																																																																																																																																																																																																																																																																																																																													
FLOOR 04		115	11,051	11,166																																																																																																																																																																																																																																																																																																																																													
FLOOR 05		115	11,051	11,166																																																																																																																																																																																																																																																																																																																																													
FLOOR 06		115	10,860	10,975																																																																																																																																																																																																																																																																																																																																													
TOTAL FLOOR AREA	675	2,378	69,198	72,251																																																																																																																																																																																																																																																																																																																																													
UNIT TYPE	EXISTING 1-BED	2-BED	4-BED	5-BED	6-BED	TOTAL																																																																																																																																																																																																																																																																																																																																											
GROUND FLOOR	4	1	0	4	2	11																																																																																																																																																																																																																																																																																																																																											
FLOOR 02	4	0	1	6	3	14																																																																																																																																																																																																																																																																																																																																											
FLOOR 03	0	1	5	4	10	10																																																																																																																																																																																																																																																																																																																																											
FLOOR 04	0	1	5	4	10	10																																																																																																																																																																																																																																																																																																																																											
FLOOR 05	0	1	5	4	10	10																																																																																																																																																																																																																																																																																																																																											
FLOOR 06	2	1	5	3	11	11																																																																																																																																																																																																																																																																																																																																											
TOTAL UNIT	8	3	5	30	20	66																																																																																																																																																																																																																																																																																																																																											
PERCENT OF TOTAL	12%	5%	8%	45%	30%																																																																																																																																																																																																																																																																																																																																												
TOTAL BEDROOM COUNT	8	6	20	150	120	304																																																																																																																																																																																																																																																																																																																																											
TYPE I-A (CBC TABLE 601)	TYPE II-A (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
PRIMARY STRUCTURAL FRAME: 3-HOUR (CBC TABLE 601)	PRIMARY STRUCTURAL FRAME: 1-HOUR (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
BEARING EXTERIOR WALLS: 3-HOUR (CBC TABLE 601)	BEARING EXTERIOR WALLS: 1-HOUR (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
BEARING INTERIOR WALLS: 3-HOUR (CBC TABLE 601)	BEARING INTERIOR WALLS: 1-HOUR (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
NON-BEARING EXTERIOR WALLS: VARIES (CBC TABLE 601)	NON-BEARING EXTERIOR WALLS: NO RATING (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
NON-BEARING INTERIOR WALLS: NO RATING (CBC TABLE 601)	NON-BEARING INTERIOR WALLS: NO RATING (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
FLOOR CONSTRUCTION: 2-HOUR (CBC TABLE 601)	FLOOR CONSTRUCTION: 1-HOUR (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
ROOF CONSTRUCTION: 1.5-HOUR (CBC TABLE 601)*	ROOF CONSTRUCTION: 1-HOUR (CBC TABLE 601)																																																																																																																																																																																																																																																																																																																																																
LOCATION	BUILDING 01 (GROUND FLOOR)	BUILDING 02 (2ND-6TH FLOOR)	BUILDING 03 (2ND-6TH FLOOR)																																																																																																																																																																																																																																																																																																																																														
PROPOSED OCCUPANCY	R-2 (RESIDENTIAL)	R-2 (RESIDENTIAL)	R-2 (RESIDENTIAL)																																																																																																																																																																																																																																																																																																																																														
CONSTRUCTION*	TYPE I-A	TYPE II-A	TYPE II-A																																																																																																																																																																																																																																																																																																																																														
SPRINKLERED	YES	YES	YES																																																																																																																																																																																																																																																																																																																																														
AREA																																																																																																																																																																																																																																																																																																																																																	
ALLOWABLE AREA PER STORY (2022 CBC TABLE 506.2)	UNLIMITED	24,000 SF x 2 = 48,000 SF**	24,000 SF x 2 = 48,000 SF**																																																																																																																																																																																																																																																																																																																																														
TOTAL PROPOSED AREA	SEE G0.06	SEE G0.06	SEE G0.06																																																																																																																																																																																																																																																																																																																																														
HEIGHT & STOREYS																																																																																																																																																																																																																																																																																																																																																	
ALLOWABLE HEIGHT (2022 CBC TABLE 504.3)	UNLIMITED	85'-0" (S WITHOUT AREA INCREASE)**	85'-0" (S WITHOUT AREA INCREASE)**																																																																																																																																																																																																																																																																																																																																														
PROPOSED HEIGHT	UNLIMITED	68'-0" TO T.O. PARAPET	68'-0" TO T.O. PARAPET																																																																																																																																																																																																																																																																																																																																														
ALLOWABLE STOREYS (2022 CBC TABLE 504.4)	UNLIMITED	5 (S WITHOUT AREA INCREASE)**	5 (S WITHOUT AREA INCREASE)**																																																																																																																																																																																																																																																																																																																																														
PROPOSED STOREYS	1	5*	5*																																																																																																																																																																																																																																																																																																																																														
GENERAL	ARCHITECTURAL																																																																																																																																																																																																																																																																																																																																																
G0.00 COVER SHEET	A1.00 SITE PLAN: DEMO																																																																																																																																																																																																																																																																																																																																																
G0.01 NOT USED	A1.01 SITE PLAN: NEW																																																																																																																																																																																																																																																																																																																																																
G0.02 SITE CONTEXT																																																																																																																																																																																																																																																																																																																																																	
G0.03 LOT COVERAGE DIAGRAM	A2.01 FLOOR PLAN: 1ST FLOOR																																																																																																																																																																																																																																																																																																																																																
G0.04 USABLE OPEN SPACE CALCULATIONS	A2.02 FLOOR PLAN: 2ND FLOOR																																																																																																																																																																																																																																																																																																																																																
G0.05 DENSITY BONUS DATA	A2.03 FLOOR PLAN: 3RD-5TH FLOOR																																																																																																																																																																																																																																																																																																																																																
G0.06 SHADOW STUDY	A2.04 FLOOR PLAN: 6TH FLOOR																																																																																																																																																																																																																																																																																																																																																
G0.07 BUILDING AREA CALCULATIONS	A2.06 ROOF PLAN																																																																																																																																																																																																																																																																																																																																																
	A3.00 RENDERINGS																																																																																																																																																																																																																																																																																																																																																
	A3.01 ELEVATIONS: BUILDING EXTERIOR																																																																																																																																																																																																																																																																																																																																																
	A3.02 ELEVATIONS: BUILDING EXTERIOR																																																																																																																																																																																																																																																																																																																																																
	A3.03 ELEVATIONS: BUILDING EXTERIOR																																																																																																																																																																																																																																																																																																																																																
	A3.04 STREET STRIP ELEVATION																																																																																																																																																																																																																																																																																																																																																
	A3.05 MATERIAL REFERENCE IMAGES																																																																																																																																																																																																																																																																																																																																																
	A6.01 EXTERIOR LIGHTING PLAN																																																																																																																																																																																																																																																																																																																																																
L1 ILLUSTRATIVE LANDSCAPE PLAN																																																																																																																																																																																																																																																																																																																																																	
L2 OPEN SPACE DIAGRAM																																																																																																																																																																																																																																																																																																																																																	
L3 CONCEPTUAL PLANTING PLAN																																																																																																																																																																																																																																																																																																																																																	
L4 PRELIMINARY IRRIGATION HYDROZONE DIAGRAM																																																																																																																																																																																																																																																																																																																																																	
L5 EXISTING PLANTING & TREE DISPOSITION PLAN																																																																																																																																																																																																																																																																																																																																																	
<p>APPLICABLE CODES AND REGULATIONS</p> <p>2022 CBC CHAPTER 35: PROVIDE ALL THE APPLICABLE/ADOPTED STANDARDS, WHERE A PARTICULAR STANDARD IS REFERENCED IN THE CODE BUT DOES NOT APPEAR AS AN ADOPTED STANDARD IT STILL MAY BE USED. APPLY ONLY THE PORTION OF THE STANDARD THAT IS APPLICABLE TO THE CODE SECTION WHERE STANDARD IS REFERENCED, NOT THE ENTIRE SECTION.</p> <p>APPLICABLE CODES</p> <ul style="list-style-type: none"> 2022 CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE, PART 1, TITLE 24, CCR 2022 CALIFORNIA BUILDING CODE, PART 2, TITLE 24, CCR 2022 CALIFORNIA ELECTRICAL CODE, PART 3, TITLE 24, CCR 2022 CALIFORNIA MECHANICAL CODE, PART 4, TITLE 24, CCR 2022 CALIFORNIA PLUMBING CODE, PART 5, TITLE 24, CCR 2022 CALIFORNIA ENERGY CODE, PART 6, TITLE 24, CCR 2022 CALIFORNIA SAFETY CODE FOR ELEVATORS AND ESCALATORS (ASME A17.1-2010) 2022 CALIFORNIA HISTORICAL BUILDING CODE, PART 8, TITLE 24, CCR 2022 CALIFORNIA FIRE CODE, PART 9, TITLE 24, CCR 2022 CALIFORNIA EXISTING BUILDING CODE, PART 10, TITLES 24 CCR 2022 CALIFORNIA "GREEN" BUILDING REQUIREMENTS, PART 11, TITLE 24 CCR 2022 CALIFORNIA REFERENCED STANDARDS, PART 12, TITLE 24 CCR TITLE 8 CCR CH. 4 SUB-CH. 9 - ELEVATOR SAFETY ORDERS TITLE 19 CCR, PUBLIC SAFETY - STATE FIRE MARSHAL REGULATIONS THIS DESIGN IS IN COMPLIANCE WITH THE FAIR HOUSING ACT DESIGN REFERENCE MANUAL. CALIFORNIA CODE OF REGULATIONS TITLE 8 ELEVATOR SAFETY ORDERS UNIFORM FEDERAL ACCESSIBILITY STANDARDS INCLUDING ANY AMENDMENTS AS ADOPTED IN ORDINANCE 1856-2010 AS WELL AS ANY OTHER APPLICABLE LOCAL AND STATE LAWS AND REGULATIONS <p>APPLICABLE STANDARDS</p> <ul style="list-style-type: none"> NFPA 10 STANDARD FOR PORTABLE FIRE EXTINGUISHERS, 2022 EDITION NFPA 13 AUTOMATIC SPRINKLER SYSTEMS, 2022 EDITION NFPA 14 STANDPIPE SYSTEMS, 2022 EDITION NFPA 17 DRY CHEMICAL EXTINGUISHING SYSTEMS, 2021 EDITION NFPA 17a WET CHEMICAL SYSTEMS, 2021 EDITION NFPA 20 STATIONARY PUMPS, 2022 EDITION NFPA 24 PRIVATE FIRE MAINS, 2022 EDITION NFPA 72 NATIONAL FIRE ALARM CODE, 2022 EDITION NFPA 253 CRITICAL RADIANT FLUX OF FLOOR COVERING SYSTEMS, 2023 EDITION NFPA 2001 CLEAN AGENT FIRE EXTINGUISHING SYSTEMS, 2022 EDITION ASME 17.1 ELEVATOR STANDARD, 2019 EDITION ASME/ANSI A18.1 SAFETY STANDARD FOR PLATFORM LIFTS AND STAIRWAY CHAIR LIFTS ADA STANDARDS FOR ACCESSIBLE DESIGN, ACCESSIBILITY GUIDELINES FOR BUILDINGS AND FACILITIES (ADAAG), (28 CFR PART 36, APPENDIX A) 	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>REV</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>04-24-2023</td> <td></td> <td>PLANNING SUBMITTAL</td> </tr> <tr> <td>06-30-2023</td> <td></td> <td>PLANNING RESUBMITTAL</td> </tr> <tr> <td>09-29-2023</td> <td></td> <td>PLANNING REV. 01</td> </tr> <tr> <td>10-19-2023</td> <td></td> <td>PLANNING REV. 02</td> </tr> </tbody> </table> <p>CONTACT: TOBY LEVY</p> <p>(415) 777-0561 P (415) 777-5117 F</p> <p>SCALE: AS NOTED</p> <p>COVER SHEET</p> <p>GO.00</p>	REV	DATE	DESCRIPTION	04-24-2023		PLANNING SUBMITTAL	06-30-2023		PLANNING RESUBMITTAL	09-29-2023		PLANNING REV. 01	10-19-2023		PLANNING REV. 02																																																																																																																																																																																																																																																																																																																																	
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2127 DWIGHT WAY
BERKELEY, CA



2127 DWIGHT WAY
BERKELEY, CA
PROJECT NO. 17-12-10



NOTICE:
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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	

CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

SCALE:
 AS NOTED

EXISTING SITE
 CONDITIONS

G0.02



1. SITE (LOOKING NORTH-WEST FROM DWIGHT WAY)



2. SITE (LOOKING NORTH FROM DWIGHT WAY)



3. SITE (LOOKING NORTH-EAST FROM DWIGHT WAY)



4. 2121 DWIGHT WAY



5. 2161, 2175, 2185 DWIGHT WAY



6. 2201 DWIGHT WAY



7. 2104 DWIGHT WAY



8. 2122, 2126 DWIGHT WAY



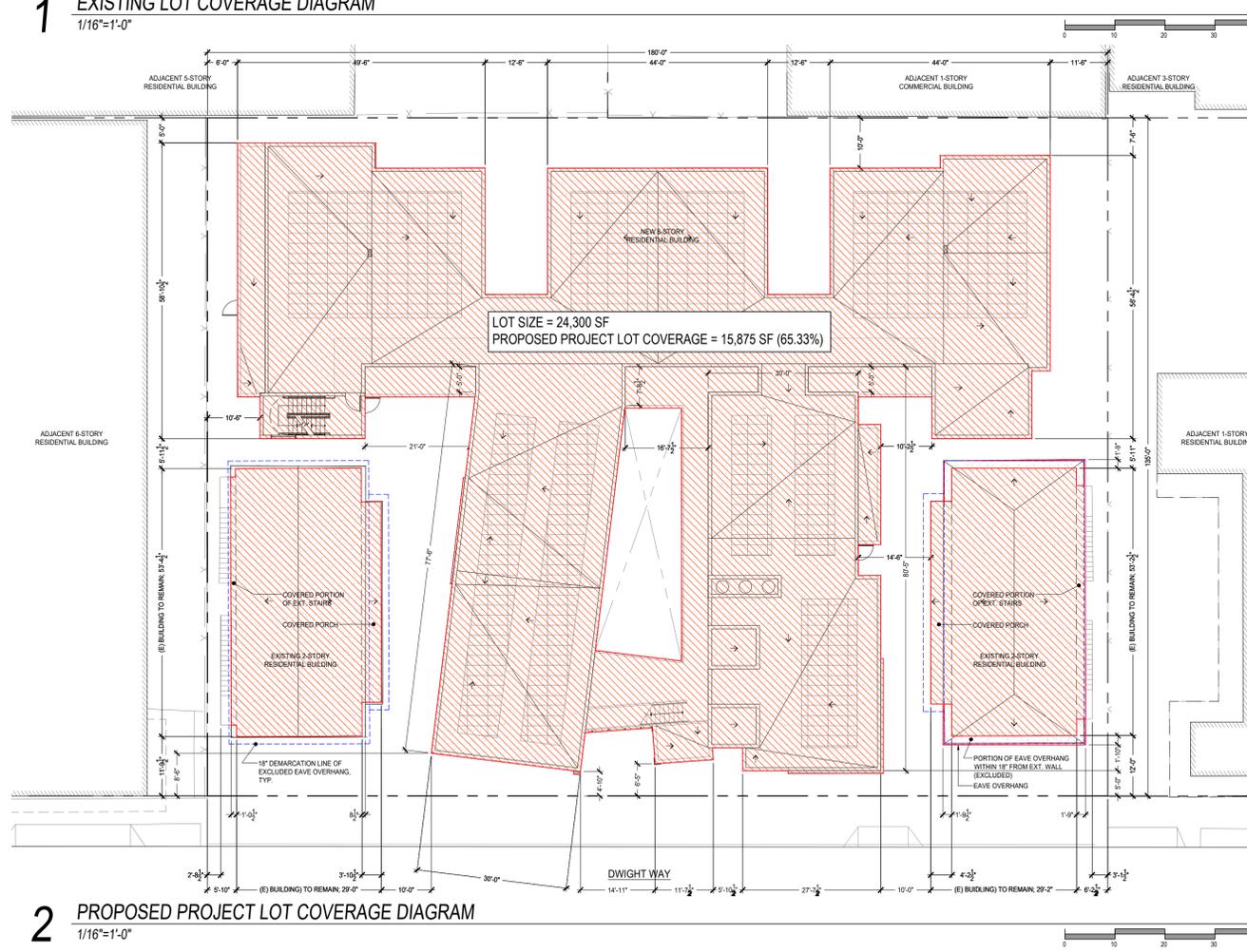
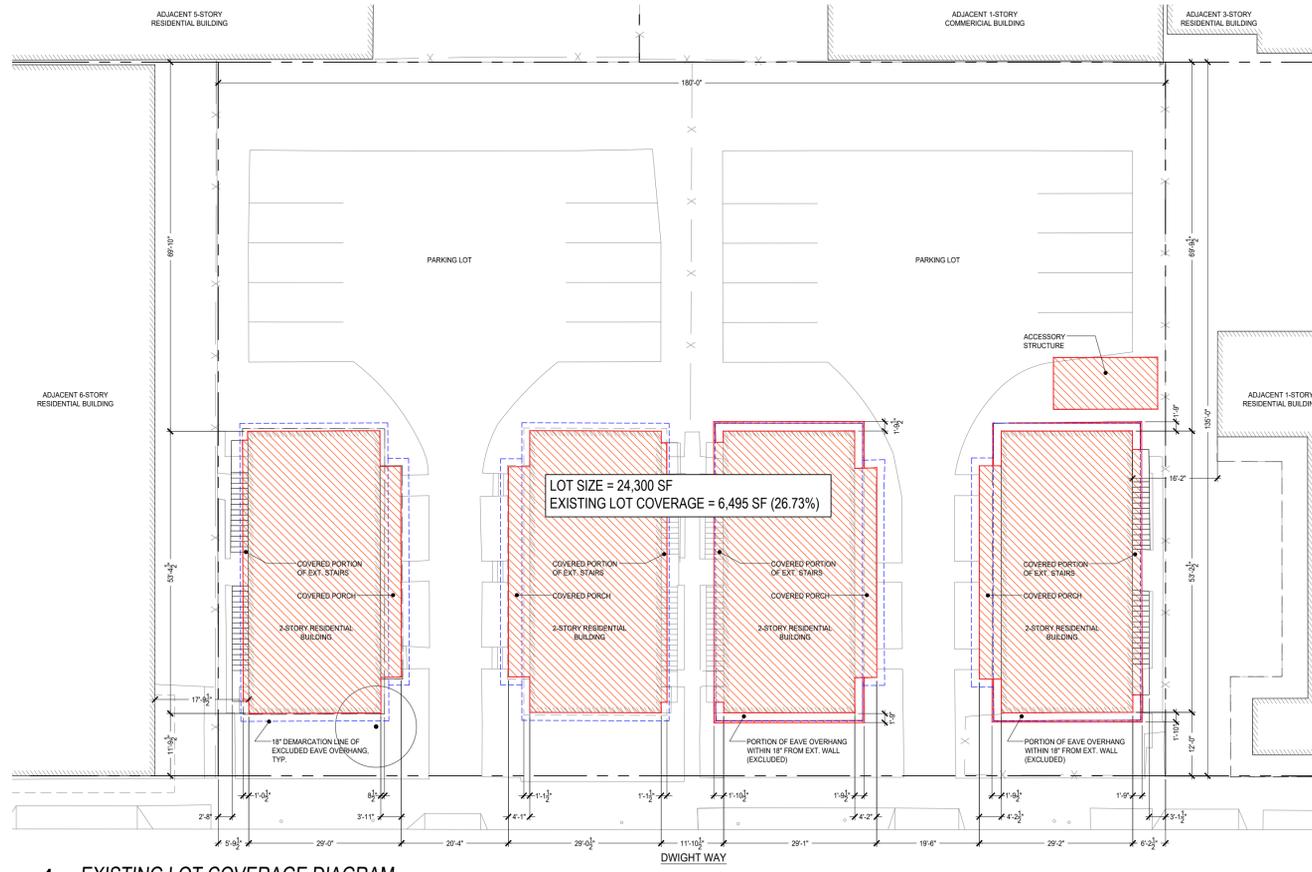
9. 2132, 2138 DWIGHT WAY



10. 2150, 2160, 2170 DWIGHT WAY



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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL
09-29-2023		PLANNING REV. 01

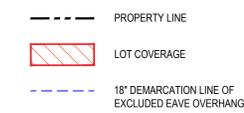
CONTACT: TOBY LEVY

(415) 777-0561 P
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SCALE:
 AS NOTED

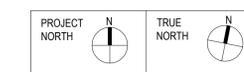
LOT COVERAGE
 DIAGRAM

G0.03



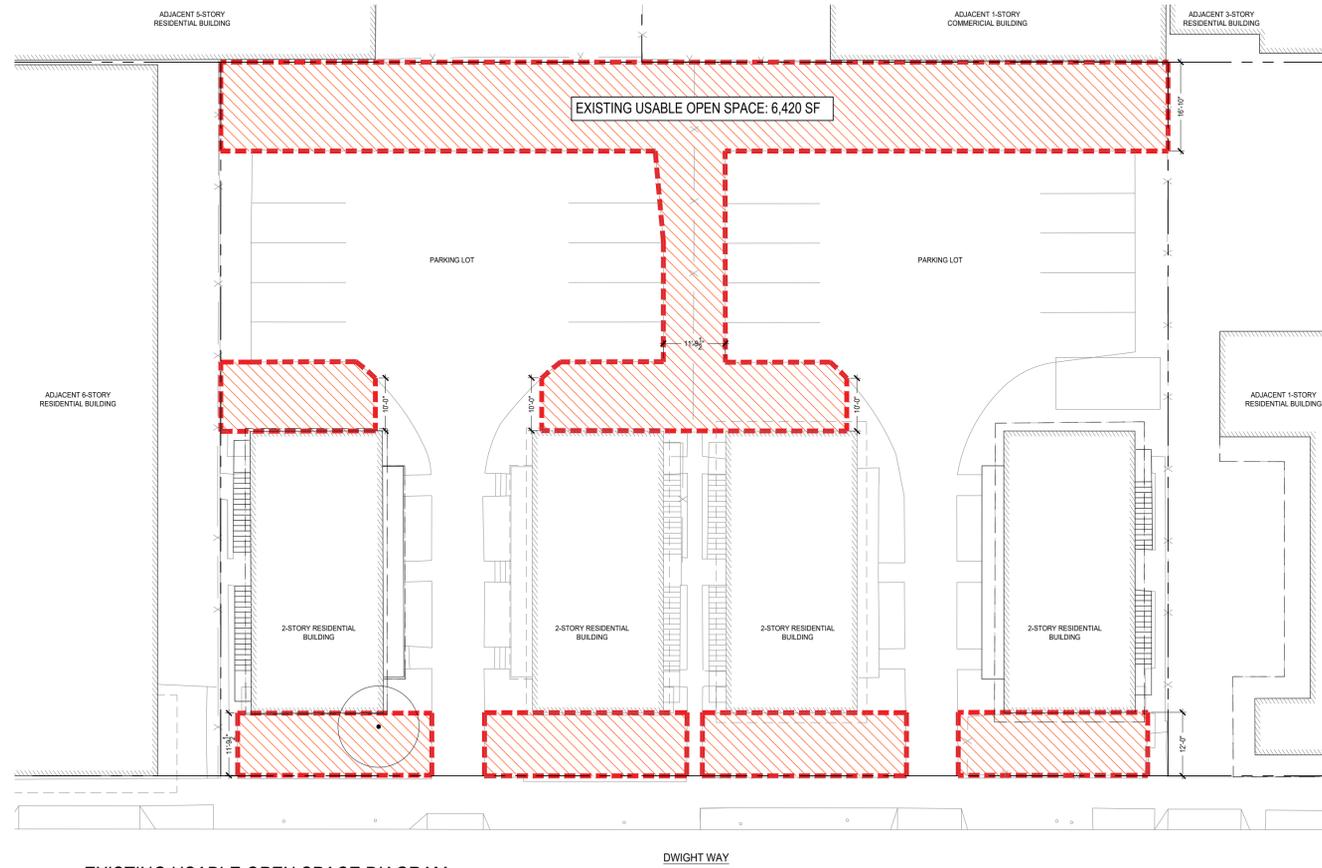
PER BMC 23.106.020, LOT COVERAGE INCLUDES ALL AREA OF A LOT, AS PROJECTED ON A HORIZONTAL PLANE, THAT ARE ENCLOSED BY EXTERIOR WALLS OF BUILDINGS OR ENCLOSED ACCESSORY STRUCTURES, OR COVERED BY DECKS, PORCHES, STAIRS AND/OR LANDINGS WHICH COVER AN ENCLOSED SPACE OR PAVED GROUND AREA.

- LOT COVERAGE CALCULATIONS EXCLUDES:
- UNCOVERED PORCHES, LANDINGS & STAIRS.
 - UNCOVERED DECKS, EXCEPT THAT A DECK ON THE ROOF OF A BUILDING OR ACCESSORY STRUCTURE OR OVER AN ENCLOSED SPACE OR PAVED GROUND AREA IS INCLUDED IN THE LOT COVERAGE CALCULATION.
 - THE AREA OF THE ROOF OF A SUBTERRANEAN STRUCTURE, WHEN SUCH A STRUCTURE IS NOT MORE THAN 3 FEET ABOVE FINISHED GRADE.





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1 EXISTING USABLE OPEN SPACE DIAGRAM
 1/16"=1'-0"



2 PROPOSED PROJECT USABLE OPEN SPACE DIAGRAM
 1/16"=1'-0"

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL
09-29-2023		PLANNING REV. 01

CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

SCALE:
 AS NOTED

USABLE
 OPEN SPACE
 CALCULATIONS

- PROPERTY LINE
- (N) LANDSCAPING; S.L.D.
- USABLE OPEN SPACE; S.L.D.

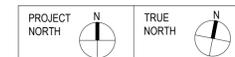
USABLE OPEN SPACE MEETS STANDARDS PER
 BMC 23.304.909:

1. ACCESSIBLE
2. MIN. DIMENSIONS OF 10'-0"
3. 75% OPEN TO THE SKY (EXCEPT FOR BALCONIES)
4. 40% SHALL BE LANDSCAPED & INCORPORATE AUTOMATIC IRRIGATION & DRAINAGE FACILITIES. SEE L-2 FOR CALC'S. EXCLUDE ACCESS FEATURES & REQUIRED WALKWAYS

PROPOSED PROJECT USABLE OPEN SPACE
 CALCULATIONS:
 • 200 SF/UNIT
 • REQUIRED: 66 UNITS x 200SF = 13,200 SF
 • PROVIDED: 1,654 SF **

** DENSITY BONUS WAIVER

SEE L-2 FOR LANDSCAPED AREA CALCULATIONS



G0.04



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2127 DWIGHT WAY
BERKELEY, CA



2127 DWIGHT WAY
BERKELEY, CA
PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL
09-29-2023		PLANNING REV. 01

CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

SCALE: AS NOTED

DENSITY BONUS DATA

G0.05

DENSITY BONUS CALCULATIONS

DENSITY BONUS TABLE				BASE PROJECT							PROPOSED DENSITY BONUS PROJECT								
(All Density Bonus Calculations exclude (E) to remain residential buildings)				BASE PROJECT RSF	BASE # UNITS	%VLI UNITS	%VLI UNITS (ROUND UP)	BONUS %	DB # UNITS (ROUND UP)	MAX DB # UNITS	PROPOSED DB # UNITS	BASE PROJECT RSF	BASE # UNITS	%VLI UNITS	%VLI UNITS (ROUND UP)	BONUS %	DB # UNITS (ROUND UP)	MAX DB # UNITS	PROPOSED DB # UNITS
SITE AREA	24,300	N/A	24,300	58,055	53	7%	4	25.00%	14	67	58,055	53	7%	4	25.00%	14	67	58	
BUILDING FOOTPRINT	17,632	N/A	12,370	see G0.03 for entire site Lot Coverage Calculation															
LOT COVERAGE	73%	N/A	50.91%																
GROSS FLOOR AREA	60,240	75,300	66,913																
FLOOR AREA RATIO (FAR)	2.48	N/A	2.75																
RESIDENTIAL FLOOR AREA	58,055	72,569	63,860																

GROSS FLOOR AREA				BASE PROJECT							PROPOSED DENSITY BONUS PROJECT						
(Includes Utilities, Common Residential Amenities, & Bike Parking, excludes shafts on upper floors)				NEW	FLOOR			TOTAL NO. OF UNITS	TOTAL UNIT AREA	TOTAL NO. OF BR	NEW	FLOOR			TOTAL NO. OF UNITS	TOTAL UNIT AREA	TOTAL NO. OF BR
GROUND FLOOR	17,632			17,632			7	6,440	35	11,340				5	4,625	25	
FLOOR 02	17,283			17,283			4	3,520	20	11,100				6	6,570	36	
FLOOR 03	16,865			16,865			2	1,680	10	11,166				24	21,120	120	
FLOOR 04	8,460			8,460			12	9,960	60	11,166				6	6,000	36	
							6	4,740	24	11,166				5	4,075	20	
							3	2,980	16	11,166				4	4,000	24	
							4	4,320	18	10,975				4	4,400	24	
							3	3,810	18	10,975				2	970	4	
							6	3,420	12	10,975				1	535	2	
							6	6,510	36	10,975				1	935	5	
TOTAL GSF	60,240	DB ALLOWABLE @25%	75,300	60,240	DB ALLOWABLE @25%	75,300	53	47,380	249	66,913	53	47,380	249	58	53,230	296	

RESIDENTIAL FLOOR AREA				BASE PROJECT							PROPOSED DENSITY BONUS PROJECT						
(Gross Floor Area excludes shafts on upper floors, Utilities, & Bike Parking)				NEW	FLOOR			TOTAL NO. OF UNITS	TOTAL UNIT AREA	TOTAL NO. OF BR	NEW	FLOOR			TOTAL NO. OF UNITS	TOTAL UNIT AREA	TOTAL NO. OF BR
GROUND FLOOR	15,702			15,702			7	6,440	35	8,862				5	4,625	25	
FLOOR 02	17,198			17,198			4	3,520	20	10,985				6	6,570	36	
FLOOR 03	16,780			16,780			2	1,680	10	11,051				24	21,120	120	
FLOOR 04	8,375			8,375			12	9,960	60	11,051				6	6,000	36	
							6	4,740	24	11,051				5	4,075	20	
							3	2,980	16	11,051				4	4,000	24	
							4	4,320	18	11,051				4	4,400	24	
							3	3,810	18	11,051				2	970	4	
							6	3,420	12	11,051				1	535	2	
							6	6,510	36	11,051				1	935	5	
TOTAL RSF	58,055	DB ALLOWABLE @25%	72,569	58,055	DB ALLOWABLE @25%	72,569	53	47,380	249	63,860	53	47,380	249	58	53,230	296	

UNIT COUNT												PROPOSED DENSITY BONUS PROJECT											
UNIT TYPE	DESCRIPTION	UNIT AREA (SF)	BASE PROJECT				TOTAL NO. OF UNITS	TOTAL UNIT AREA	TOTAL NO. OF BR	UNIT TYPE	DESCRIPTION	UNIT AREA (SF)	FLOOR						TOTAL NO. OF UNITS	TOTAL UNIT AREA	TOTAL NO. OF BR		
			FLOOR	01	02	03							04	01	02	03	04	05				06	
A	5 BD X 2 BA	920	3	4	-	7	6,440	35	A1	5 BD X 2 BA	925	-	1	1	1	1	5	4,625	25				
A1	5 BD X 2 BA	880	-	-	4	4	3,520	20	A2	6 BD X 2 BA	1,095	1	1	1	1	1	6	6,570	36				
A2	5 BD X 2 BA	840	-	-	2	2	1,680	10	B	5 BD X 2 BA	880	4	4	4	4	4	24	21,120	120				
B	5 BD X 2 BA	830	6	6	-	12	9,960	60	C1	6 BD X 2 BA	1,000	1	1	1	1	1	6	6,000	36				
B1	4 BD X 2 BA	790	-	-	6	6	4,740	24	C2	4 BD X 2 BA	815	-	1	1	1	1	5	4,075	20				
B2	4 BD X 2 BA	745	-	-	4	4	2,980	16	C3	6 BD X 2 BA	1,000	-	-	1	1	1	4	4,000	24				
C	6 BD X 2 BA	1,440	1	1	1	3	4,320	18	C4	6 BD X 2 BA	1,100	-	1	1	1	1	4	4,400	24				
D	6 BD X 2 BA	1,270	1	1	1	3	3,810	18	D1	2 BD X 1 BA	485	-	-	-	-	2	2	970	4				
E	2 BD X 1 BA	570	2	2	2	6	3,420	12	D1A	2 BD X 1 BA	535	1	-	-	-	1	535	2					
F	6 BD X 2 BA	1,085	-	2	2	2	6,510	36	E	5 BD X 2 BA	935	-	1	-	-	-	1	935	5				
TOTAL			13	16	16	8	53	47,380	249	TOTAL (NEW)		7	10	10	10	11	58	53,230	296				
DB ALLOWABLE @25%							67	N/A	N/A	AVERAGE UNIT AREA & BEDROOM							918	5.10					

OPEN SPACE CALCULATIONS				PROPOSED DENSITY BONUS PROJECT			
BASE PROJECT				GROUND FLOOR			
REQUIRED (200SF/UNIT)	10,600			REQUIRED (200SF/UNIT)	11,600		
PROVIDED*	5,720	5,720		PROVIDED**	981	981	see G0.04 for entire site Open Space Calculations

*Modified per BMC 23.204.100.D.2.
**Density Bonus Waiver

BIKE PARKING CALCULATIONS				PROPOSED DENSITY BONUS PROJECT						
BASE PROJECT				GROUND FLOOR						
LONG TERM	NO. OF BR	SPACES PER BR	REQUIRED	PROPOSED	LONG TERM	NO. OF BR	SPACES PER BR	REQUIRED*	PROPOSED*	*No. of Proposed Spaces is higher than Required as it includes the req. bike parking for (E) to remain
SHORT TERM	249	1 space/3br	83	83	SHORT TERM	296	1 space/3br	99	102	
TOTAL BIKE PARKING	249	1 space/40br	90	90	TOTAL BIKE PARKING	296	1 space/40br	107	110	units (8 BR: +3 spaces)

LEGENDS

- PROPERTY LINE
- BUILDING SEPARATION
- EXISTING BUILDING, NOT INCLUDED IN DB CALCULATIONS
- GROSS FLOOR AREA
- USABLE OPEN SPACE (SEE G0.04)
- RESIDENTIAL AMENITIES
- UTILITIES
- BIKE PARKING
- RESIDENTIAL

PROJECT NORTH
TRUE NORTH

SECTION DIAGRAM

BASE PROJECT - BUILDING SECTION

DENSITY BONUS - BUILDING SECTION

DENSITY BONUS AREA DIAGRAM



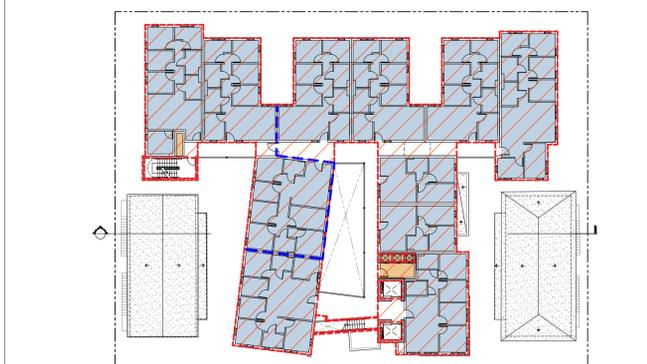
GROUND FLOOR



FLOOR 02

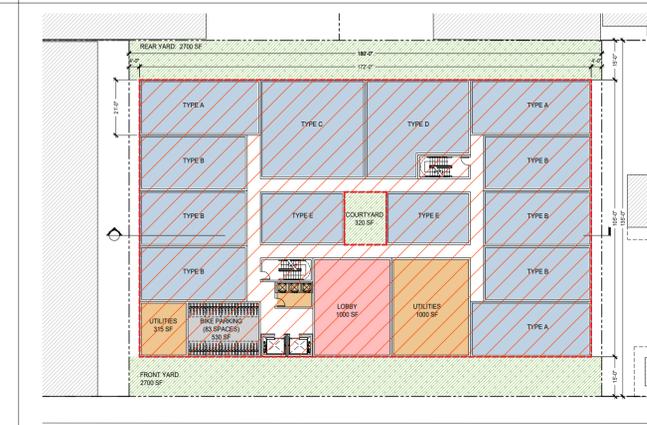


FLOOR 03-05

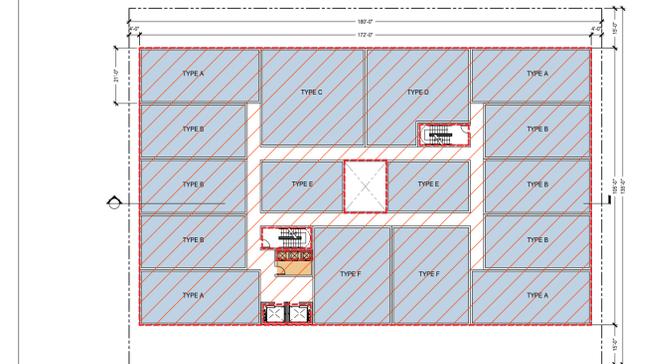


FLOOR 06

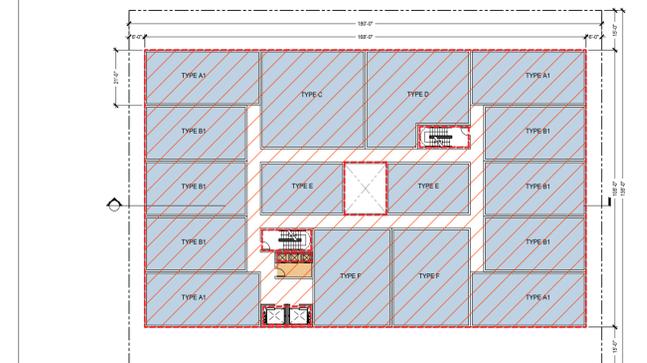
BASE PROJECT AREA DIAGRAM



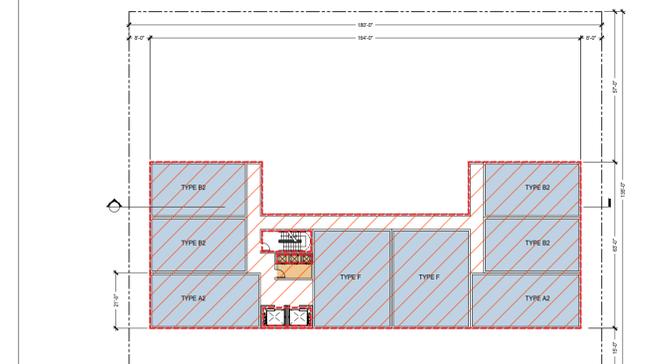
GROUND FLOOR



FLOOR 02



FLOOR 03



FLOOR 04



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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL

CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06A



2B SHADOW STUDY AXONOMETRIC: DECEMBER 21 - 2HR AFTER SUNRISE



2A SHADOW STUDY AXONOMETRIC: DECEMBER 21 - 2HR AFTER SUNRISE



2 SHADOW STUDY AXONOMETRIC: DECEMBER 21 - 2HR AFTER SUNRISE



1 SHADOW STUDY: DECEMBER 21 - 2HR AFTER SUNRISE

■ SHADOW CASTED BY PROPOSED BUILDING
 ● SHADOW ON RESIDENTIAL BEDROOM WINDOW*
 ● SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*
 * Assumed based on typical residential layout
 TRUE NORTH



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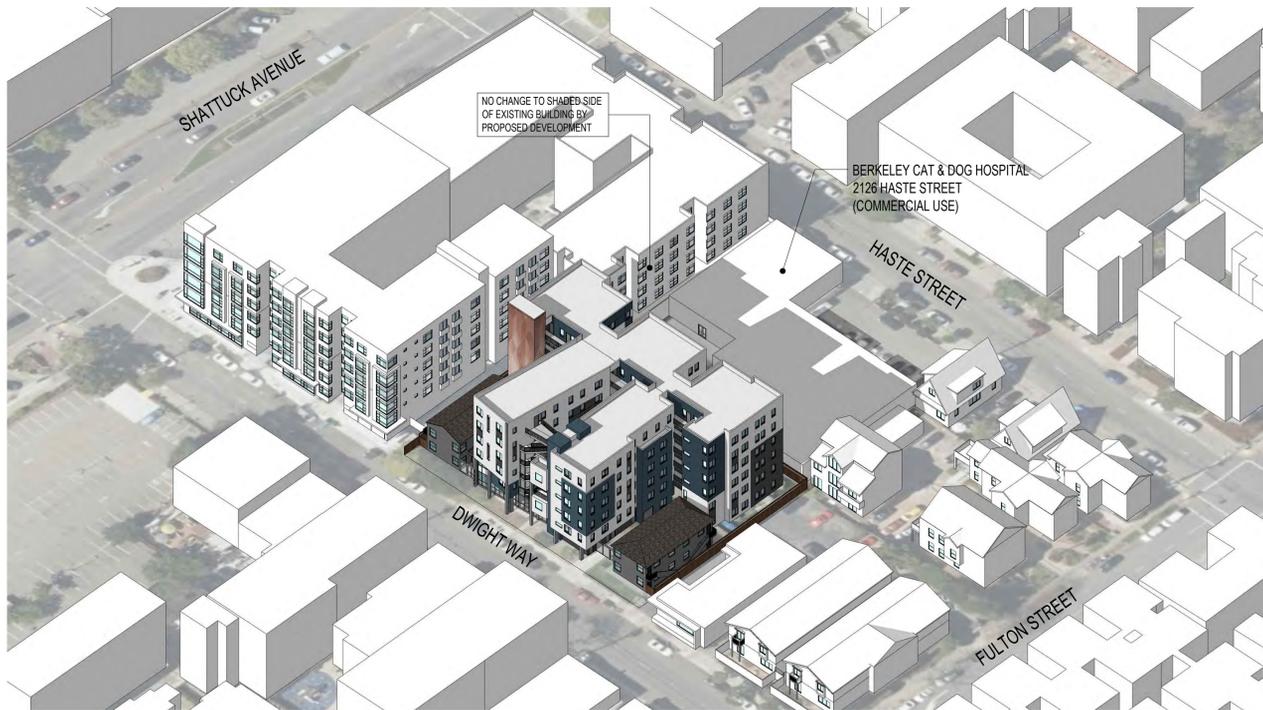
SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06B



2A SHADOW STUDY AXONOMETRIC: DECEMBER 21 - NOON



2 SHADOW STUDY AXONOMETRIC: DECEMBER 21 - NOON



1 SHADOW STUDY: DECEMBER 21 - NOON

- SHADOW CASTED BY PROPOSED BUILDING
- SHADOW ON RESIDENTIAL BEDROOM WINDOW*
- SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*

* Assumed based on typical residential layout

TRUE NORTH



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SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06C



2B SHADOW STUDY AXONOMETRIC: DECEMBER 21 - 2HR BEFORE SUNSET



2A SHADOW STUDY AXONOMETRIC: DECEMBER 21 - 2HR BEFORE SUNSET



2 SHADOW STUDY AXONOMETRIC: DECEMBER 21 - 2HR BEFORE SUNSET



1 SHADOW STUDY: DECEMBER 21 - 2HR BEFORE SUNSET

SHADOW CASTED BY PROPOSED BUILDING
 SHADOW ON RESIDENTIAL BEDROOM WINDOW*
 SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*
* Assumed based on typical residential layout

TRUE NORTH



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06-30-2023		PLANNING RESUBMITTAL

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SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06D



2A SHADOW STUDY AXONOMETRIC: JUNE 21 - 2HR AFTER SUNRISE



2 SHADOW STUDY AXONOMETRIC: JUNE 21 - 2HR AFTER SUNRISE



1 SHADOW STUDY: JUNE 21 - 2HR AFTER SUNRISE

- SHADOW CASTED BY PROPOSED BUILDING
- SHADOW ON RESIDENTIAL BEDROOM WINDOW*
- SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*

* Assumed based on typical residential layout



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REV	DATE	DESCRIPTION
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06-30-2023		PLANNING RESUBMITTAL

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SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06E



2A SHADOW STUDY AXONOMETRIC: JUNE 21 - NOON



2 SHADOW STUDY AXONOMETRIC: JUNE 21 - NOON



1 SHADOW STUDY: JUNE 21 - NOON

SHADOW CASTED BY PROPOSED BUILDING
 SHADOW ON RESIDENTIAL BEDROOM WINDOW*
 SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*
* Assumed based on typical residential layout

TRUE NORTH



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 BERKELEY, CA

PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL

CONTACT: TOBY LEVY

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SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06F



2B SHADOW STUDY AXONOMETRIC: JUNE 21 - 2HR BEFORE SUNSET



2A SHADOW STUDY AXONOMETRIC: JUNE 21 - 2HR BEFORE SUNSET



2 SHADOW STUDY AXONOMETRIC: JUNE 21 - 2HR BEFORE SUNSET



1 SHADOW STUDY: JUNE 21 - 2HR BEFORE SUNSET

SHADOW CASTED BY PROPOSED BUILDING
 SHADOW ON RESIDENTIAL BEDROOM WINDOW*
 SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*
* Assumed based on typical residential layout

TRUE NORTH



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PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
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06-30-2023		PLANNING RESUBMITTAL

CONTACT: TOBY LEVY

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SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06G



2B SHADOW STUDY AXONOMETRIC: APRIL 28 - 2HR AFTER SUNRISE



2A SHADOW STUDY AXONOMETRIC: APRIL 28 - 2HR AFTER SUNRISE



2 SHADOW STUDY AXONOMETRIC: APRIL 28 - 2HR AFTER SUNRISE



1 SHADOW STUDY: APRIL 28 - 2HR AFTER SUNRISE

■ SHADOW CASTED BY PROPOSED BUILDING
 ● SHADOW ON RESIDENTIAL BEDROOM WINDOW*
 ● SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*
* Assumed based on typical residential layout

TRUE NORTH



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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
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PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	

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SCALE:
 AS NOTED

SHADOW
 STUDY

GO.06H



2A SHADOW STUDY AXONOMETRIC: APRIL 28 - NOON



2 SHADOW STUDY AXONOMETRIC: APRIL 28 - NOON



1 SHADOW STUDY: APRIL 28 - NOON

- SHADOW CASTED BY PROPOSED BUILDING
- SHADOW ON RESIDENTIAL BEDROOM WINDOW*
- SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*

* Assumed based on typical residential layout

TRUE NORTH



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2B SHADOW STUDY AXONOMETRIC: APRIL 28 - 2HR BEFORE SUNSET



2A SHADOW STUDY AXONOMETRIC: APRIL 28 - 2HR BEFORE SUNSET



2 SHADOW STUDY AXONOMETRIC: APRIL 28 - 2HR BEFORE SUNSET



1 SHADOW STUDY: APRIL 28 - 2HR BEFORE SUNSET

- SHADOW CASTED BY PROPOSED BUILDING
- SHADOW ON RESIDENTIAL BEDROOM WINDOW*
- SHADOW ON RESIDENTIAL LIVING ROOM WINDOW*

* Assumed based on typical residential layout

TRUE NORTH

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
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PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL

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SCALE: AS NOTED

SHADOW STUDY

GO.061



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2HR AFTER SUNRISE

3 EXISTING SHADOW STUDY: APRIL 28



NOON



2HR BEFORE SUNSET



2HR AFTER SUNRISE

2 EXISTING SHADOW STUDY: JUNE 21



NOON



2HR BEFORE SUNSET



2HR AFTER SUNRISE

1 EXISTING SHADOW STUDY: DECEMBER 21



NOON



2HR BEFORE SUNSET

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
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PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	

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SCALE:
 AS NOTED

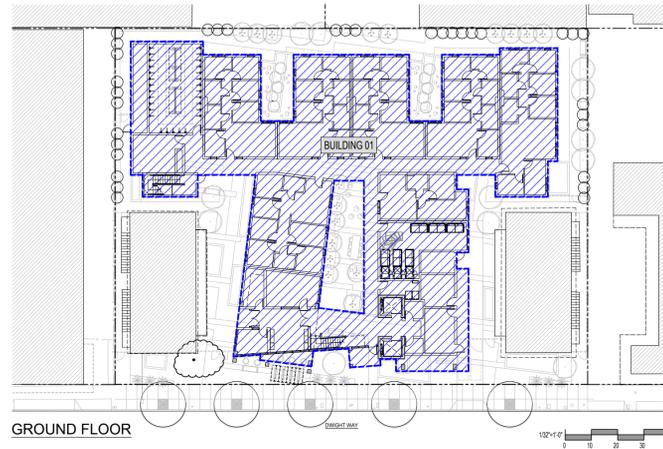
SHADOW
 STUDY:
 EXISTING

G0.06J

SHADOW CASTED BY
 EXISTING BUILDING



BUILDING AREA DIAGRAM



BUILDING AREA CALCULATIONS

New Building (Type IA)	BUILDING 01
Allowed Area per 2022 CBC	
$Aa=[At+(NSxIf)] \times Sa$	Unlimited
Proposed Area	GSF
1st Floor	12,625 SF
Total Bldg. Area	12,625 SF
Building Area < Aa	YES

New Building (Type IIIA)	BUILDING 02
Allowed Area per 2022 CBC	
Frontage Increase	0
Building Area Modification	
Area (At), SM w/o height (T506.2)	24,000 SF
NS (T506.2)	24,000 SF
Sprinkler Increase (Sa)	2
$Aa=[At+(NSxIf)] \times Sa$	48,000 SF
Proposed Area	GSF
1st Floor	SEE BLDG 01
2nd Floor	8,920 SF
3rd Floor	8,920 SF
4th Floor	8,920 SF
5th Floor	8,835 SF
6th Floor	7,790 SF
Total Bldg. Area	43,385 SF
Building Area < Aa	YES

New Building (Type IIIA)	BUILDING 03
Allowed Area per 2022 CBC	
Frontage Increase	0
Building Area Modification	
Area (At), SM w/o height (T506.2)	24,000 SF
NS (T506.2)	24,000 SF
Sprinkler Increase (Sa)	2
$Aa=[At+(NSxIf)] \times Sa$	48,000 SF
Proposed Area	GSF
1st Floor	SEE BLDG 01
2nd Floor	3,505 SF
3rd Floor	3,505 SF
4th Floor	3,505 SF
5th Floor	3,496 SF
6th Floor	3,375 SF
Total Bldg. Area	17,386 SF
Building Area < Aa	YES

LEGENDS

- PROPERTY LINE
- ▨ EXISTING BUILDING
- ▨ BUILDING 01 (TYPE I-A)
- ▨ BUILDING 02 (TYPE III-A)
- ▨ BUILDING 03 (TYPE III-A)



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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA

PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL
09-29-2023		PLANNING REV. 01

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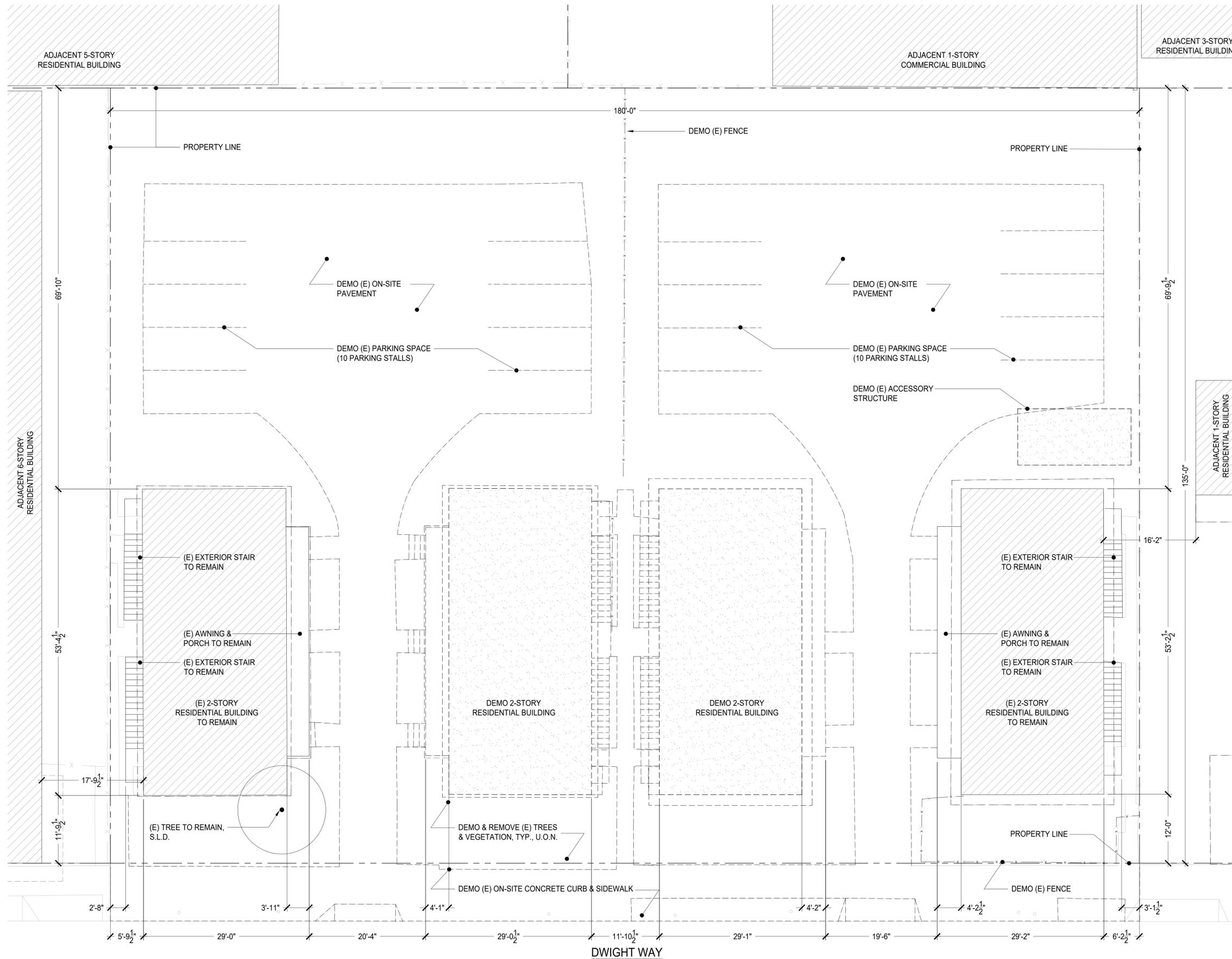
SCALE:
 AS NOTED

BUILDING AREA
 CALCULATIONS

G0.07



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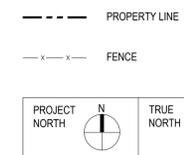
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 AS NOTED

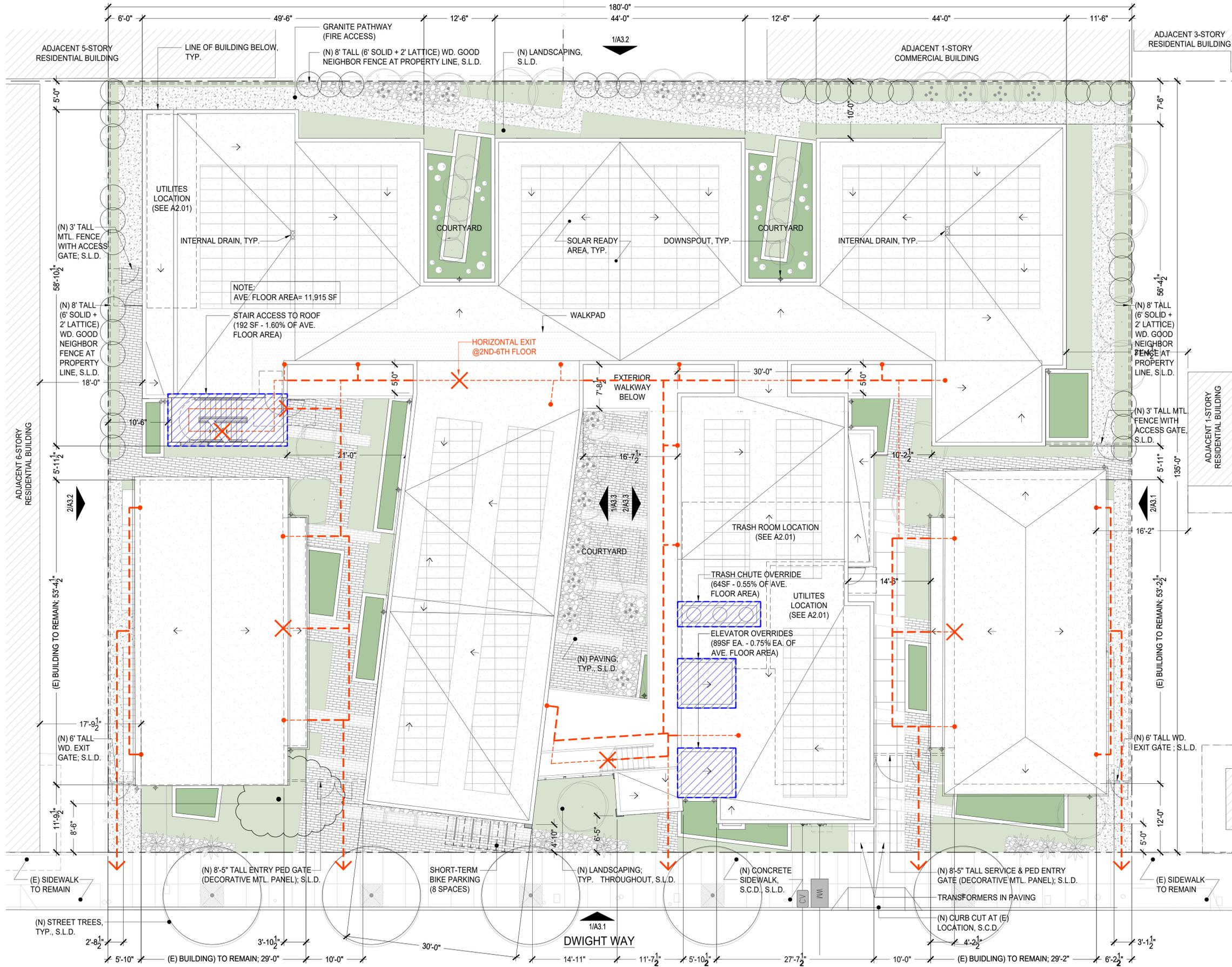
SITE PLAN:
 DEMO

A1.00





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2127 DWIGHT WAY
 BERKELEY, CA

NOT FOR
 CONSTRUCTION

2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12-10

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	
09-29-2023	PLANNING REV. 01	
10-19-2023	PLANNING REV. 02	

CONTACT: TOBY LEVY
 (415) 777-0561 P
 (415) 777-5117 F
 SCALE: AS NOTED

SITE PLAN:
 NEW

A1.01

1 SITE PLAN: NEW
 1/8"=1'-0"



- PATH FROM RESIDENTIAL TO PUBLIC RIGHT OF WAY
- PROPERTY LINE
- NON-OCCUPIABLE ROOF
- ROOF SLOPE (MIN. 1:48)
- STRUCTURES ABOVE HEIGHT LIMIT (3.65% OF AVG. FLOOR AREA)
- (N) LANDSCAPING; S.L.D.



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2127 DWIGHT WAY
BERKELEY, CA

NOT FOR CONSTRUCTION

2127 DWIGHT WAY
BERKELEY, CA
PROJECT NO. 17-12-10

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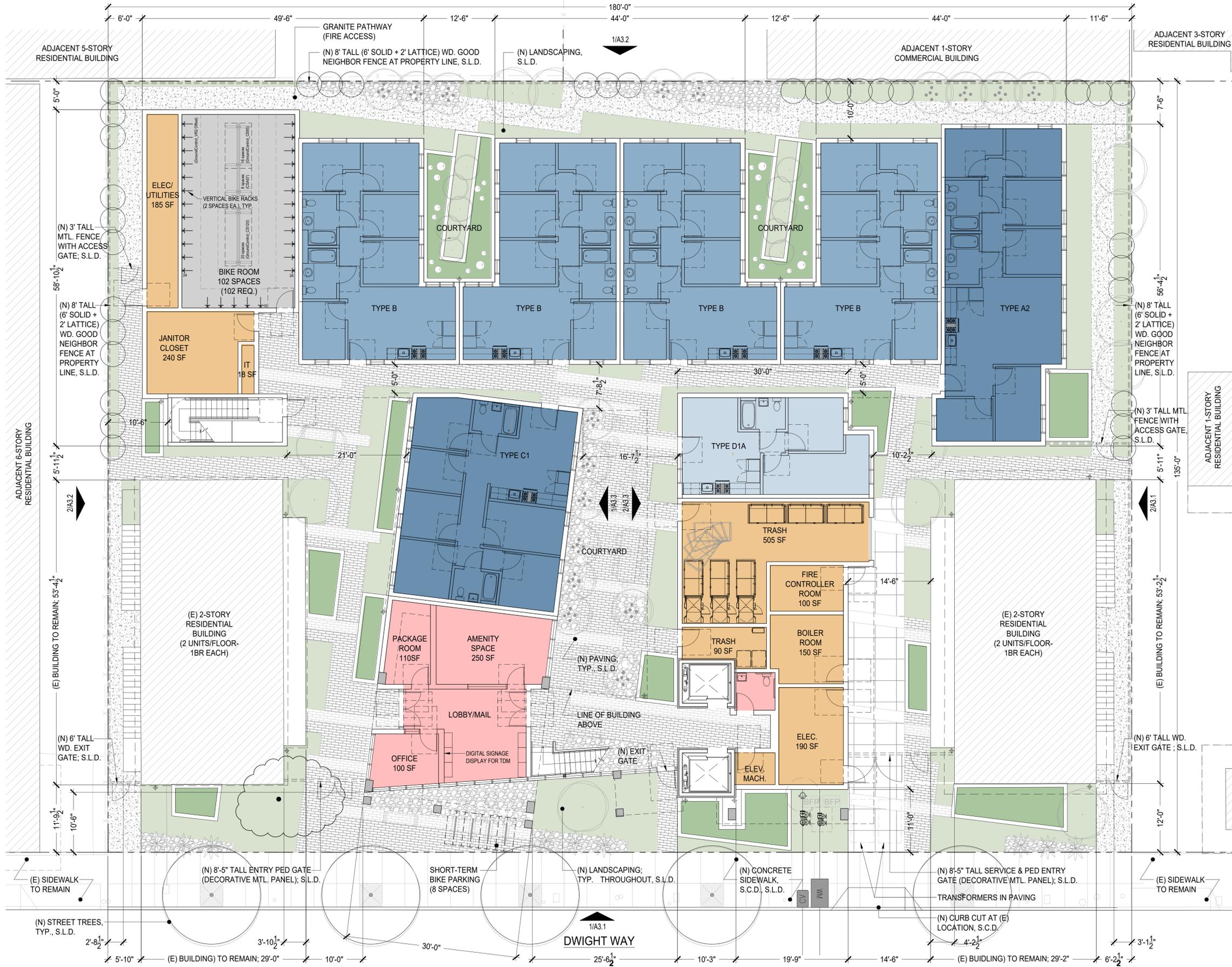
CONTACT: TOBY LEVY

(415) 777-0561 P
(415) 777-5117 F

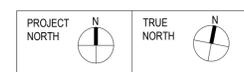
SCALE: AS NOTED

FLOOR PLAN:
GROUND FLOOR

A2.01



- PROPERTY LINE
- NON-OCCUPIABLE ROOF
- ROOF SLOPE (MIN. 1:48)
- ▨ STRUCTURES ABOVE HEIGHT LIMIT (3.65% OF AVG. FLOOR AREA)
- (N) LANDSCAPING; S.L.D.
- RESIDENTIAL AMENITIES
- UTILITIES
- BIKE PARKING
- 2 BEDROOM
- 4 BEDROOM
- 5 BEDROOM
- 6 BEDROOM



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



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2127 DWIGHT WAY
 BERKELEY, CA



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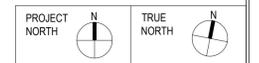
SCALE:
 AS NOTED

FLOOR PLAN:
 FLOOR 02

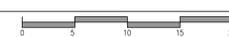
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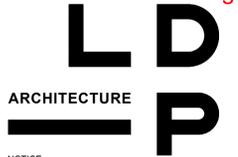


- PROPERTY LINE
- NON-OCCUPIABLE ROOF
- ROOF SLOPE (MIN. 1:48)
- ▨ STRUCTURES ABOVE HEIGHT LIMIT (3.65% OF AVG. FLOOR AREA)
- ▨ (N) LANDSCAPING; S.L.D.
- ▨ RESIDENTIAL AMENITIES
- ▨ UTILITIES
- ▨ BIKE PARKING
- ▨ 2 BEDROOM
- ▨ 4 BEDROOM
- ▨ 5 BEDROOM
- ▨ 6 BEDROOM



1 PLAN: FLOOR 02
 1/8"=1'-0"





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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
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06-30-2023	PLANNING RESUBMITTAL	
09-29-2023	PLANNING REV. 01	

CONTACT: TOBY LEVY

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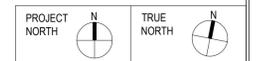
SCALE:
 AS NOTED

FLOOR PLAN:
 FLOOR 03-05

A2.03



- PROPERTY LINE
- NON-OCCUPIABLE ROOF
- ROOF SLOPE (MIN. 1:48)
- ▨ STRUCTURES ABOVE HEIGHT LIMIT (3.65% OF AVG. FLOOR AREA)
- ▭ (N) LANDSCAPING; S.L.D.
- ▭ RESIDENTIAL AMENITIES
- ▭ UTILITIES
- ▭ BIKE PARKING
- ▭ 2 BEDROOM
- ▭ 4 BEDROOM
- ▭ 5 BEDROOM
- ▭ 6 BEDROOM



1 PLAN: FLOOR 03-05
 1/8"=1'-0"



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 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
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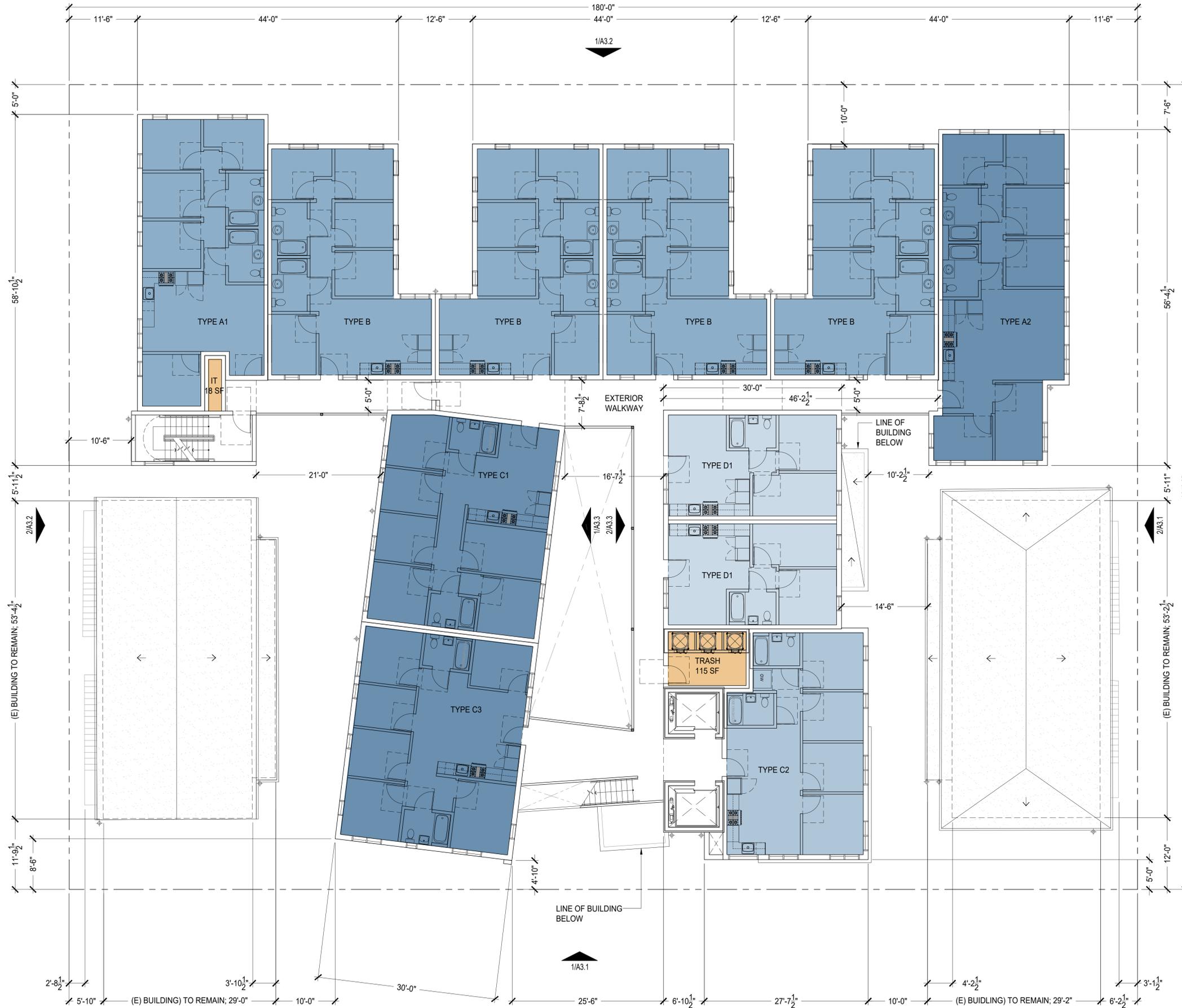
CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

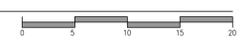
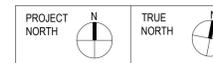
SCALE:
 AS NOTED

FLOOR PLAN:
 FLOOR 06

A2.04



- PROPERTY LINE
- NON-OCCUPIABLE ROOF
- ROOF SLOPE (MIN. 1:48)
- ▨ STRUCTURES ABOVE HEIGHT LIMIT (3.65% OF AVG. FLOOR AREA)
- ▭ (N) LANDSCAPING; S.L.D.
- ▭ RESIDENTIAL AMENITIES
- ▭ UTILITIES
- ▭ BIKE PARKING
- ▭ 2 BEDROOM
- ▭ 4 BEDROOM
- ▭ 5 BEDROOM
- ▭ 6 BEDROOM



1 PLAN: FLOOR 06
 1/8"=1'-0"



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2127 DWIGHT WAY
 BERKELEY, CA

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2127 DWIGHT WAY
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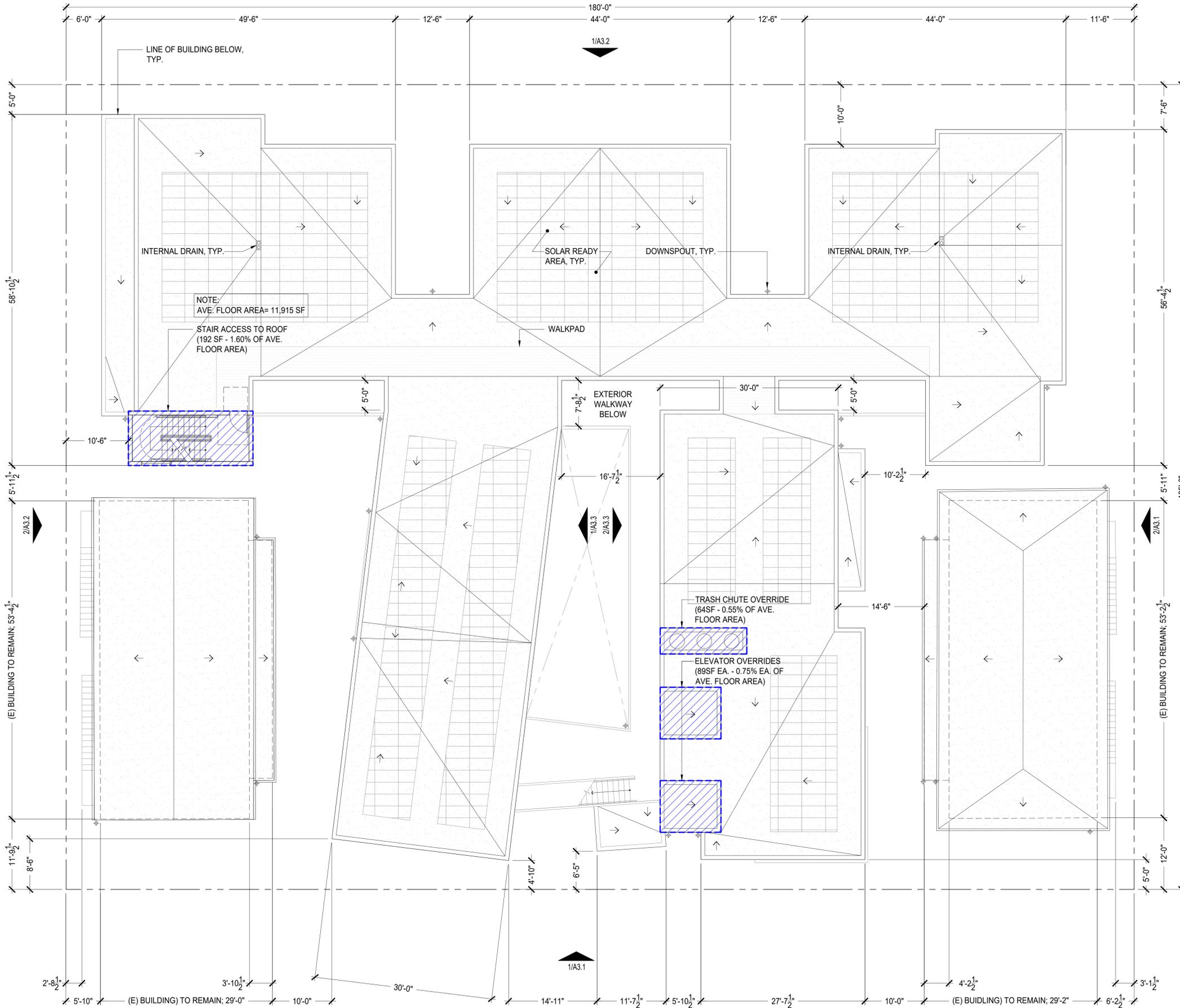
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SCALE:
 AS NOTED

ROOF PLAN

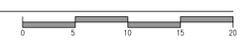
A2.05



- PROPERTY LINE
- NON-OCCUPIABLE ROOF
- ROOF SLOPE (MIN. 1:48)
- STRUCTURES ABOVE HEIGHT LIMIT (3.65% OF AVG. FLOOR AREA)
- (N) LANDSCAPING; S.L.D.
- RESIDENTIAL AMENITIES
- UTILITIES
- BIKE PARKING
- 2 BEDROOM
- 4 BEDROOM
- 5 BEDROOM
- 6 BEDROOM

PROJECT NORTH

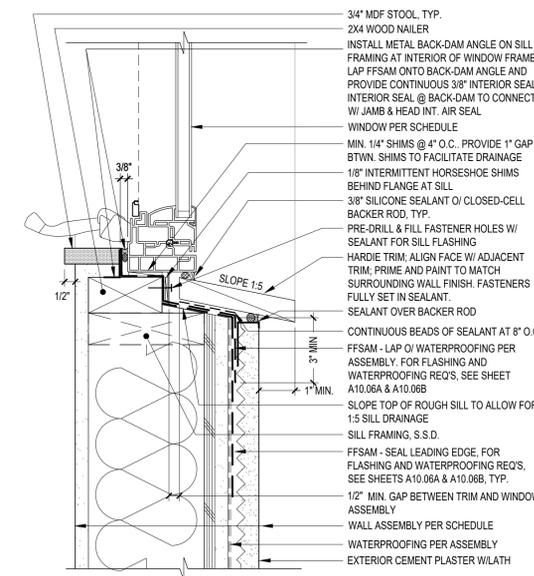
TRUE NORTH



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



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3 TYPICAL WINDOW DETAIL @ SILL
 3=1'-0" CEMENT PLASTER

LEGENDS

---	PROPERTY LINE
1A	CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 01: DUNN-EDWARDS SILVER SPOON (DE6366)
1B	CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 02: BENJAMIN MOORE IRON MOUNTAIN (2134-30)
1C	CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 03: BENJAMIN MOORE GENTLEMANS GRAY (2062-20)
1D	CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 04: BENJAMIN MOORE OVERCOAT (CC-544)
2	HARDIE HORIZONTAL LAPSIDING; SEE 2/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR: EVENING BLUE
3	VPI VINYL WINDOW COLOR: STEEL GRAY EXTERIOR / WHITE INTERIOR
4	M/NICHOLS EXPANDED METAL PANEL; SEE 3/G1.52 FOR MATERIAL REFERENCE IMAGES
5	CUSTOM METAL RAILING; SEE 4/G1.52 FOR MATERIAL REFERENCE IMAGES
6	GLAZING

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12.10

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10-19-2023		PLANNING REV. 02

CONTACT: TOBY LEVY

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SCALE: AS NOTED

RENDERING

A3.00



1 3D VIEW (DWIGHT WAY - LOOKING WEST)



2 3D VIEW (DWIGHT WAY - LOOKING EAST)



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2127 DWIGHT WAY
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10-19-2023		PLANNING REV. 02

CONTACT: TOBY LEVY

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 (415) 777-5117 F

SCALE: AS NOTED

ELEVATIONS

A3.01



LEGENDS

	PROPERTY LINE
	1A CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 01: DUNN-EDWARDS SILVER SPOON (DE6366)
	1B CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 02: BENJAMIN MOORE IRON MOUNTAIN (2134-30)
	1C CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 03: BENJAMIN MOORE GENTLEMANS GRAY (2062-20)
	1D CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 04: BENJAMIN MOORE OVERCOAT (CC-544)
	2 HARDIE HORIZONTAL LAPSIDING; SEE 2/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR: EVENING BLUE
	3 VPI VINYL WINDOW COLOR: STEEL GRAY EXTERIOR / WHITE INTERIOR
	4 M/NICHOLS EXPANDED METAL PANEL; SEE 3/G1.52 FOR MATERIAL REFERENCE IMAGES
	5 CUSTOM METAL RAILING; SEE 4/G1.52 FOR MATERIAL REFERENCE IMAGES
	6 GLAZING

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



1 SOUTH ELEVATION (DWIGHT WAY)
 1/8"=1'-0"



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2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
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10-19-2023		PLANNING REV. 02

CONTACT: TOBY LEVY

(415) 777-0561 P
 (415) 777-5117 F

SCALE: AS NOTED

ELEVATIONS

A3.02



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



1 NORTH ELEVATION (REAR)
 1/8"=1'-0"

LEGENDS

	PROPERTY LINE
	1A CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 01: DUNN-EDWARDS SILVER SPOON (DE6366)
	1B CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 02: BENJAMIN MOORE IRON MOUNTAIN (2134-30)
	1C CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 03: BENJAMIN MOORE GENTLEMAN'S GRAY (2062-20)
	1D CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR 04: BENJAMIN MOORE OVERCOAT (CC-544)
	2 HARDIE HORIZONTAL LAPSIDING; SEE 2/G1.52 FOR MATERIAL REFERENCE IMAGES COLOR: EVENING BLUE
	3 VPI VINYL WINDOW COLOR: STEEL GRAY EXTERIOR / WHITE INTERIOR
	4 M/NICHOLS EXPANDED METAL PANEL; SEE 3/G1.52 FOR MATERIAL REFERENCE IMAGES
	5 CUSTOM METAL RAILING; SEE 4/G1.52 FOR MATERIAL REFERENCE IMAGES
	6 GLAZING



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CONTACT: TOBY LEVY

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 (415) 777-5117 F

SCALE:
 AS NOTED

ELEVATIONS

A3.03



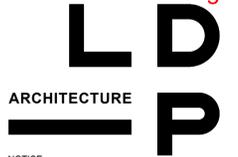
LEGENDS

- PROPERTY LINE
- 1A CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES
COLOR 01: DUNN-EDWARDS SILVER SPOON (DE6366)
- 1B CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES
COLOR 02: BENJAMIN MOORE IRON MOUNTAIN (2134-30)
- 1C CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES
COLOR 03: BENJAMIN MOORE GENTLEMAN'S GRAY (2062-20)
- 1D CEMENT PLASTER; SEE 1/G1.52 FOR MATERIAL REFERENCE IMAGES
COLOR 04: BENJAMIN MOORE OVERCOAT (CC-544)
- 2 HARDIE HORIZONTAL LAPSIDING; SEE 2/G1.52 FOR MATERIAL REFERENCE IMAGES
COLOR: EVENING BLUE
- 3 VPI VINYL WINDOW
COLOR: STEEL GRAY EXTERIOR / WHITE INTERIOR
- 4 M/NICHOLS EXPANDED METAL PANEL; SEE 3/G1.52 FOR MATERIAL REFERENCE IMAGES
- 5 CUSTOM METAL RAILING; SEE 4/G1.52 FOR MATERIAL REFERENCE IMAGES
- 6 GLAZING

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



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



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 BERKELEY, CA



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 (415) 777-5117 F

SCALE: AS NOTED

STREET STRIP ELEVATION

A3.04A



2 STREET STRIP ELEVATION (DWIGHT WAY) - PROPOSED
 1/16"=1'-0"



1 STREET STRIP ELEVATION (DWIGHT WAY) - EXISTING
 1/16"=1'-0"



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1B STREET STRIP ELEVATION (DWIGHT WAY) - EXISTING
 1/8"=1'-0"



1A STREET STRIP ELEVATION (DWIGHT WAY) - EXISTING
 1/8"=1'-0"

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
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SCALE:
 AS NOTED

STREET STRIP
 ELEVATION:
 EXISTING

A3.04B



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1B STREET STRIP ELEVATION (DWIGHT WAY) - PROPOSED
 1/8"=1'-0"



1A STREET STRIP ELEVATION (DWIGHT WAY) - PROPOSED
 1/8"=1'-0"

2127 DWIGHT WAY
 BERKELEY, CA



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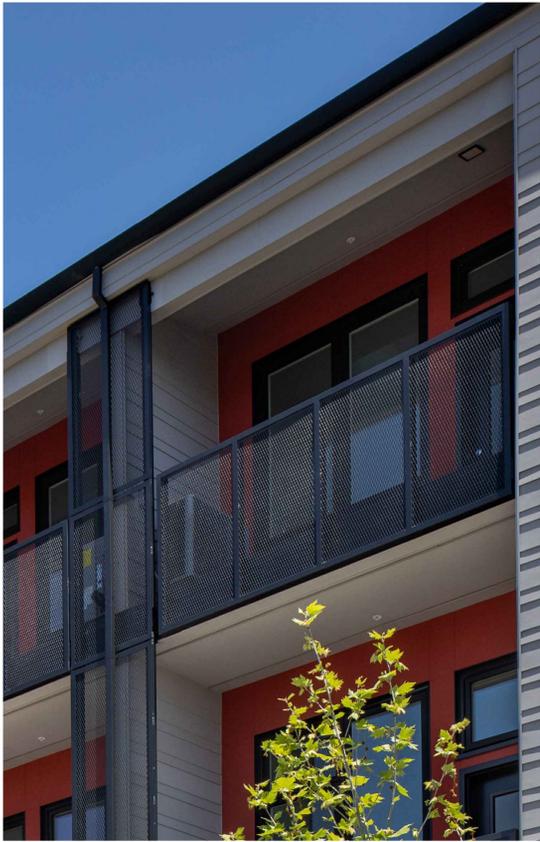
SCALE:
 AS NOTED

STREET STRIP
 ELEVATION:
 PROPOSED

A3.04C



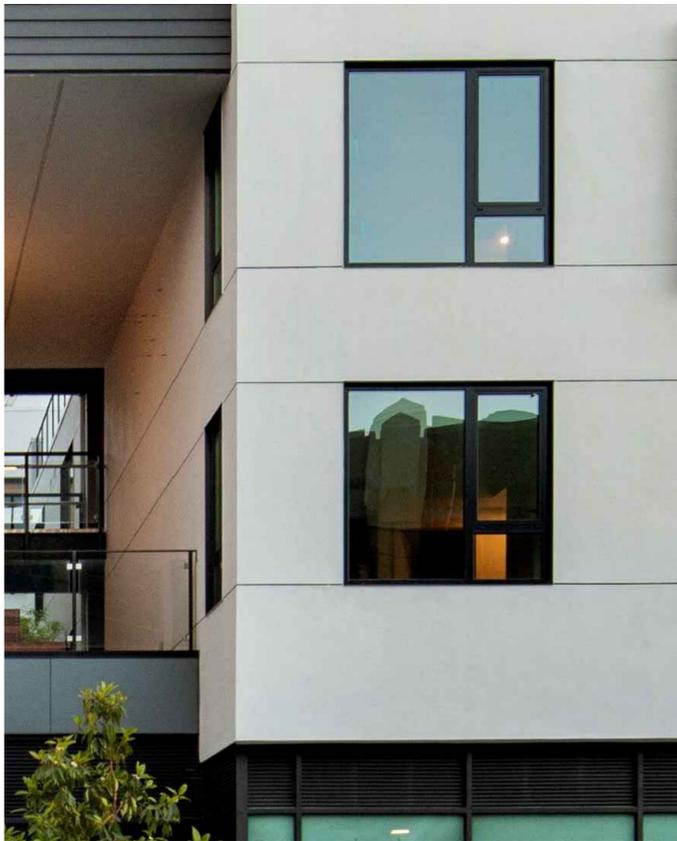
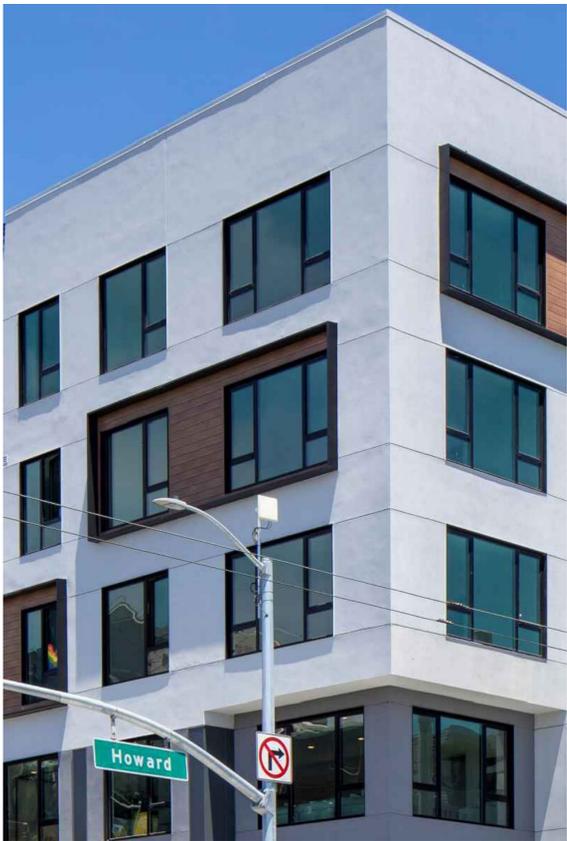
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3 McNICHOLS EXPANDED METAL PANEL



4 CUSTOM METAL RAILING



1 CEMENT PLASTER



2 HARDIE HORIZONTAL LAPSIDING

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA
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SCALE:
 AS NOTED

MATERIAL
 REFERENCE
 IMAGES

A3.05



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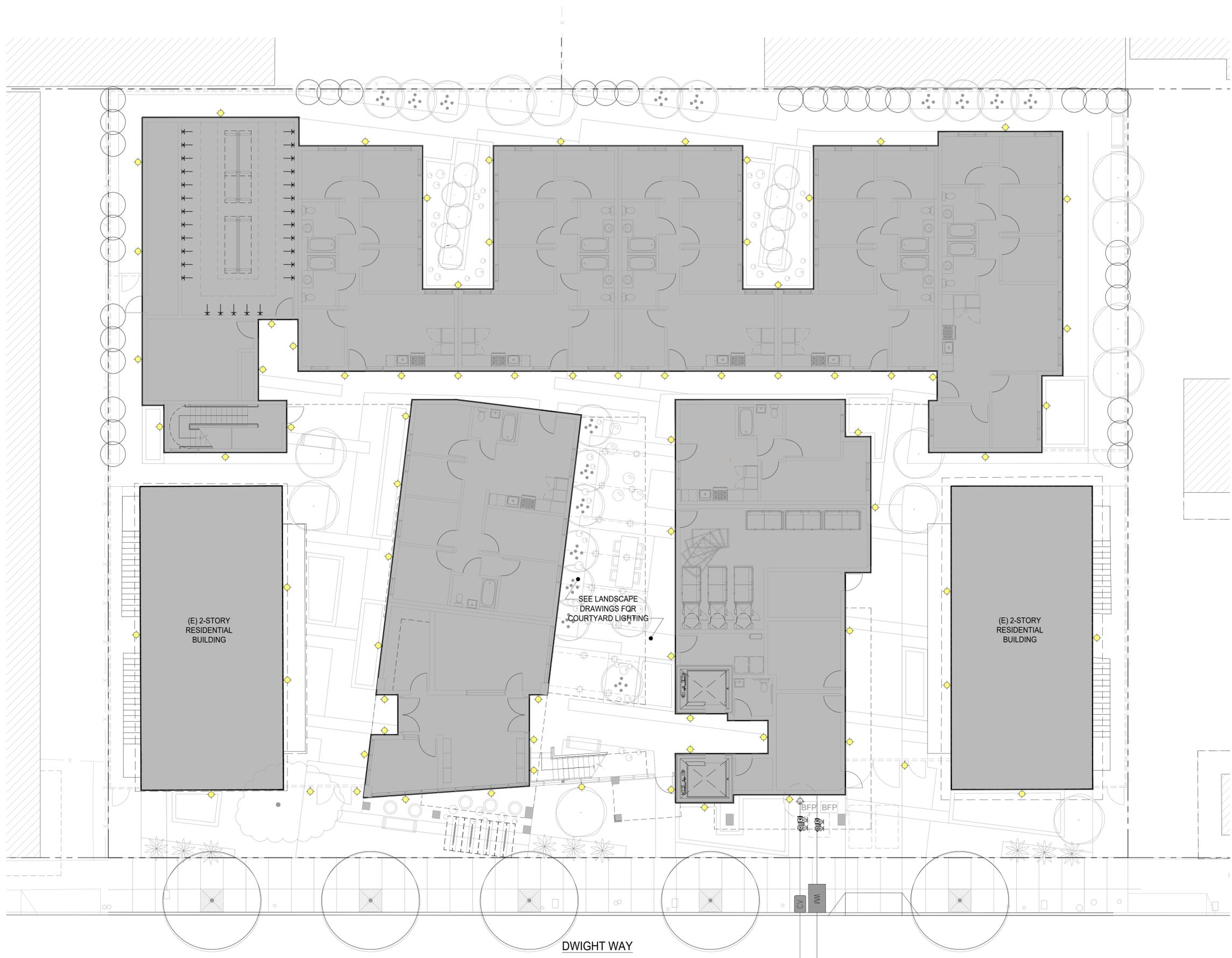
CONTACT: TOBY LEVY

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SCALE: AS NOTED

EXTERIOR LIGHTING PLAN

A6.01



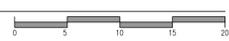
--- PROPERTY LINE

◆ WALL-MOUNTED LIGHT FIXTURE, TYP.

Manufacturer: Lithonia Lighting
 Model: WDGE2 LED
 Size:
 Depth 1: 7"
 Depth 2: 1.5"
 Height: 9"
 Width: 11.5"
 Color: Black
 Lamp Type: LED
 Listing: CSA & PIR listed for wet location

PROJECT NORTH

TRUE NORTH



1 EXTERIOR LIGHTING PLAN: GROUND FLOOR
 1/8"=1'-0"



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LEGEND

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

ABBREVIATIONS

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

PRELIMINARY EARTHWORK SUMMARY

	CUT	FILL	NET VOLUME
RAW EARTHWORK	830 CY±	50 CY±	780 CY± (CUT)
EXISTING CONCRETE/FOUNDATION REMOVAL (ASSUME 8" THICK)		280 CY±	280 CY± (FILL)
TOTAL	830 CY±	330 CY±	500 CY± (CUT)



2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 3617-000

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	

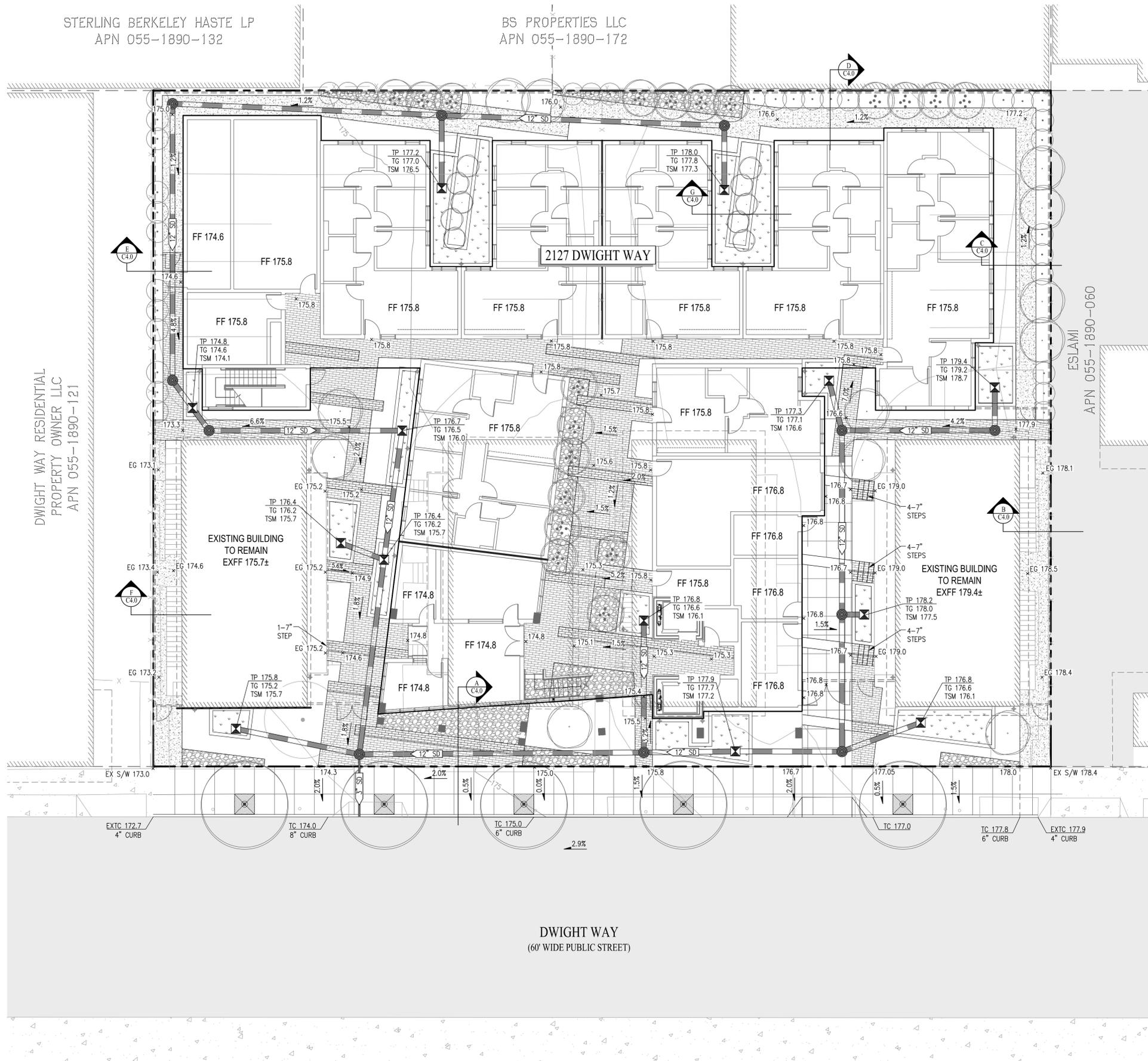
CONTACT: ANGELO OBTELLO

(925) 866-0322 P

SCALE: 1"=10'

GRADING &
 DRAINAGE PLAN

C1.0



STERLING BERKELEY WASTE LP
 APN 055-1890-132

BS PROPERTIES LLC
 APN 055-1890-172

2127 DWIGHT WAY

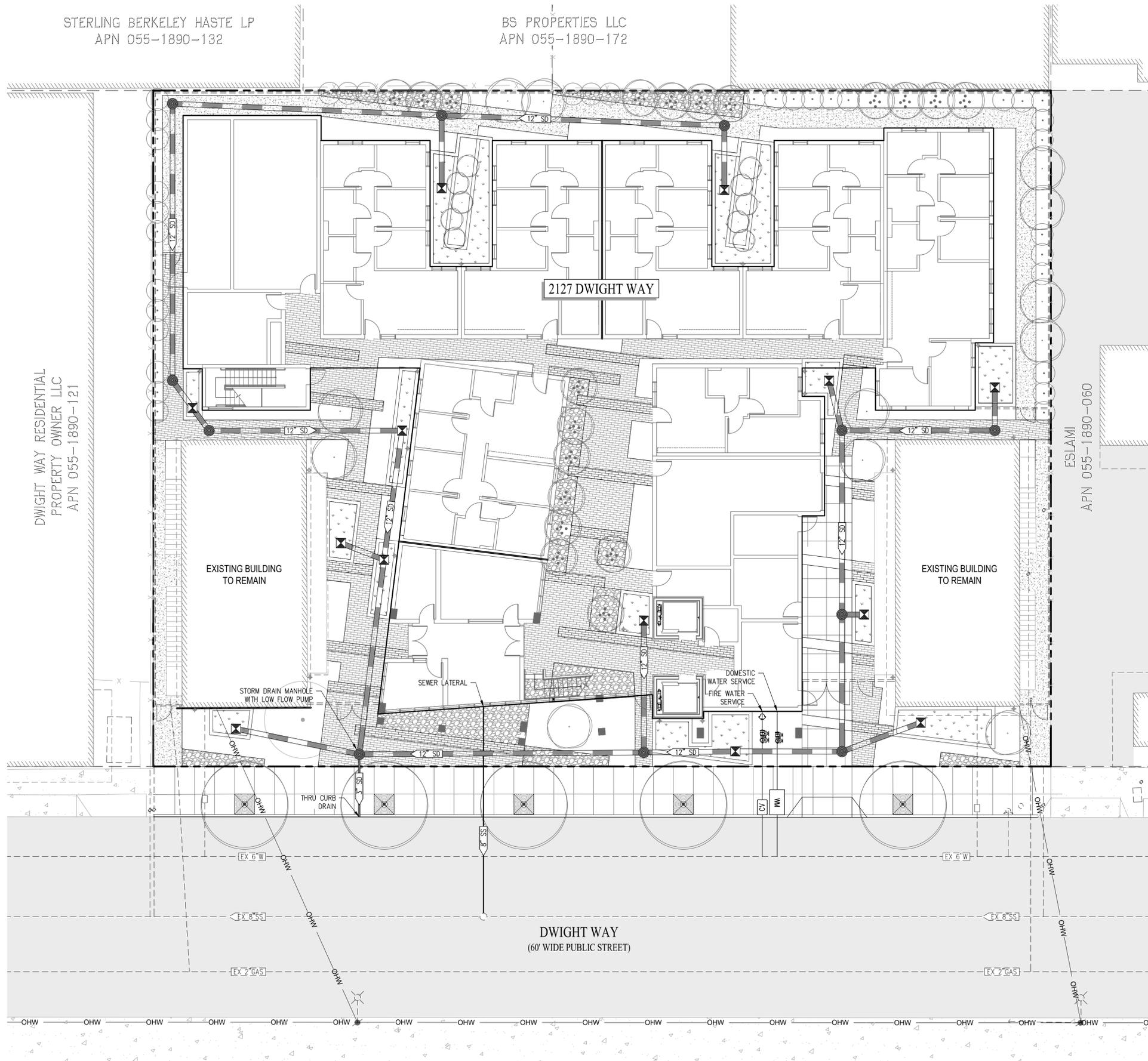
ESLAMI
 APN 055-1890-060

DWIGHT WAY RESIDENTIAL
 PROPERTY OWNER LLC
 APN 055-1890-121

DWIGHT WAY
 (60' WIDE PUBLIC STREET)



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LEGEND

- PROJECT BOUNDARY
- ADJACENT PROPERTY LINE
- PROPOSED STORM DRAIN
- PROPOSED SANITARY SEWER
- EXISTING SANITARY SEWER
- EXISTING WATER
- EXISTING OVERHEAD WIRE
- EXISTING STREET LIGHT
- EXISTING MANHOLE
- PROPOSED FIELD INLET
- PROPOSED MANHOLE
- BIORETENTION PLANTER
- PROPOSED SIDEWALK
- PROPOSED PERVIOUS PAVERS
- PROPOSED DECOMPOSED GRANITE
- EXISTING PAVEMENT TO REMAIN
- EXISTING SIDEWALK TO REMAIN

NOTE

EXISTING UTILITY LOCATIONS ARE APPROXIMATE AND BASED UPON RECORD INFORMATION

2127 DWIGHT WAY
 BERKELEY, CA



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 PROJECT NO. 3617-000

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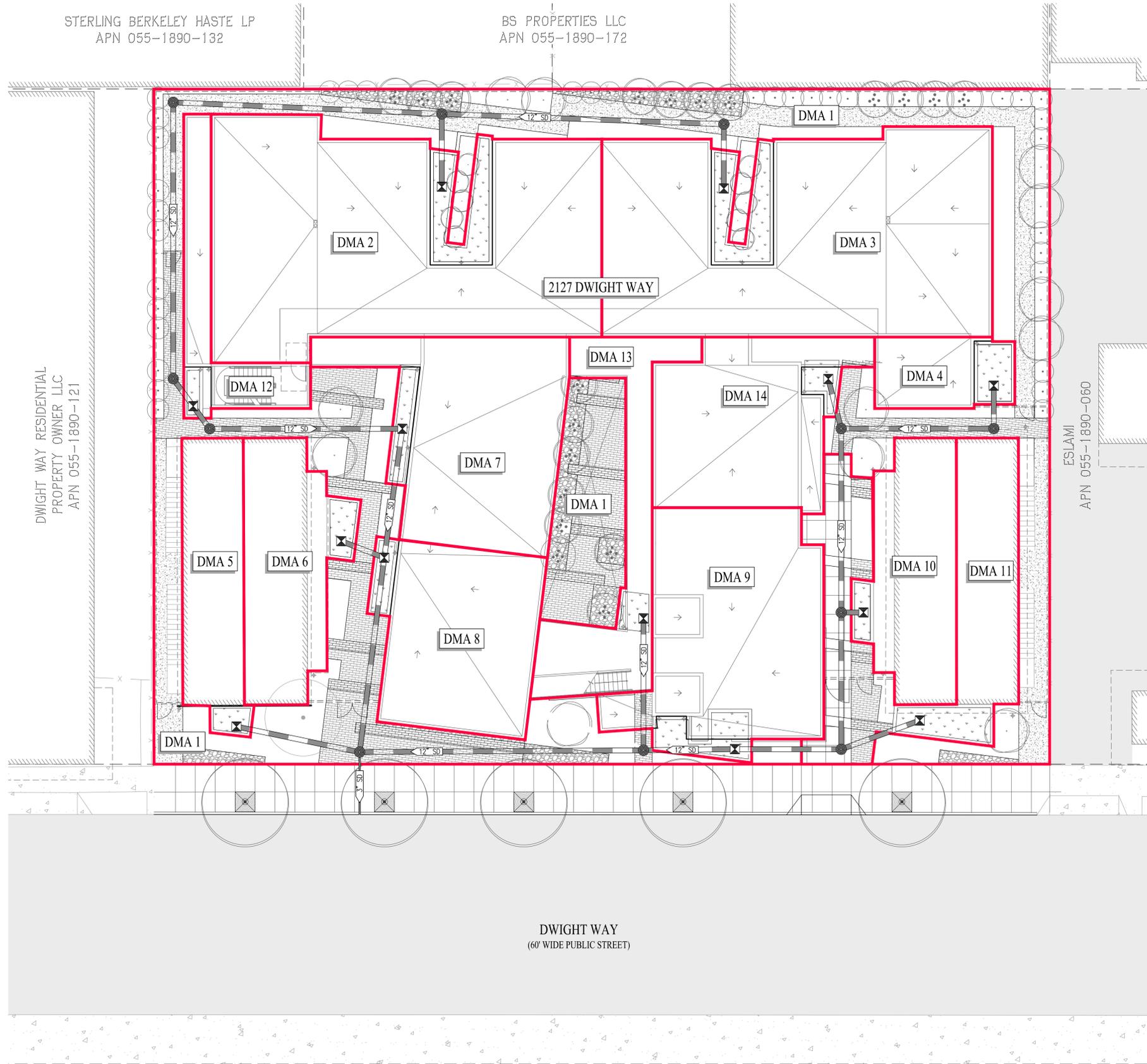
CONTACT: ANGELO OBERTELLO

(925) 866-0322 P

SCALE: 1"=10'

UTILITY PLAN

C2.0



- LEGEND**
- PROPERTY LINE
 - ADJACENT PROPERTY LINE
 - DRAINAGE MANAGEMENT AREA (DMA) BOUNDARY
 - PROPOSED STORM DRAIN
 - PROPOSED FIELD INLET
 - BIORETENTION PLANTERS
 - PROPOSED SIDEWALK
 - PROPOSED PERVIOUS PAVERS
 - PROPOSED DECOMPOSED GRANITE
 - EXISTING PAVEMENT TO REMAIN
 - EXISTING SIDEWALK TO REMAIN

- NOTES:**
- DMA 1 IS A SELF-TREATING AREA PER CHAPTER 4 OF THE ALAMEDA COUNTY CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE MANUAL (VERSION 7).
 - DMA 2 - 14 ARE SIZED BASED ON THE VOLUME METHOD FROM THE ALAMEDA COUNTY CLEAN WATER PROGRAM C.3 STORMWATER TECHNICAL GUIDANCE MANUAL (VERSION 7).

TREATMENT AREA SUMMARY				
DMA	TOTAL AREA (SF)	IMPERVIOUS AREA (SF)	TREATMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)
1	6,701	0	N/A	SELF-TREATING
2	3,239	3,079	124	160
3	3,079	2,921	117	158
4	392	315	13	77
5	711	678	27	33
6	914	860	35	54
7	1,506	1,446	58	60
8	1,171	1,126	45	45
9	1,715	1,616	65	113
10	890	855	34	35
11	1,447	1,054	44	110
12	517	495	20	22
13	794	752	30	42
14	1,224	1,170	47	47
TOTAL	24,300	16,367	660	956



2127 DWIGHT WAY
 BERKELEY, CA



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 BERKELEY, CA
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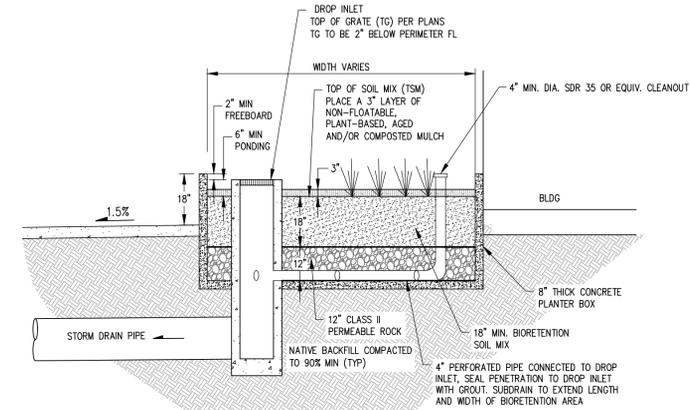
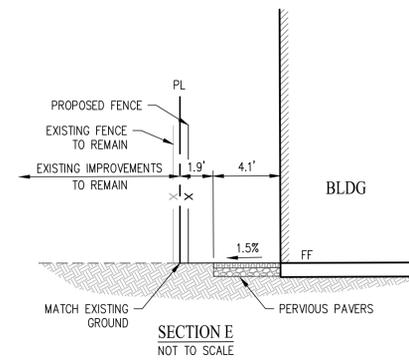
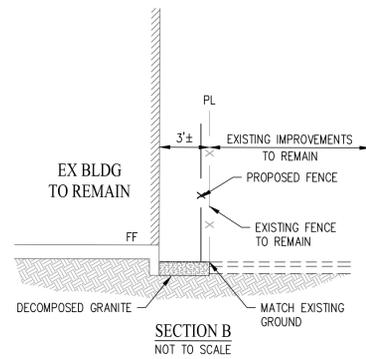
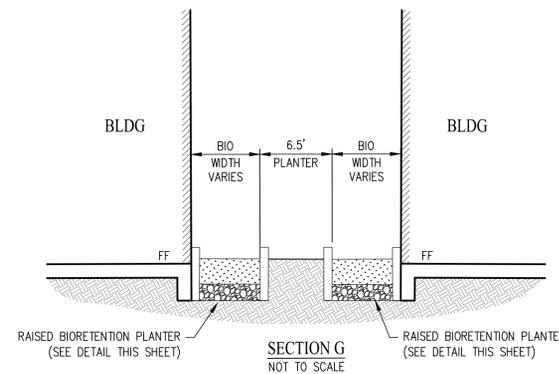
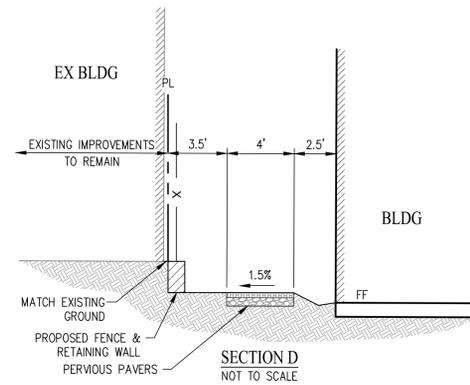
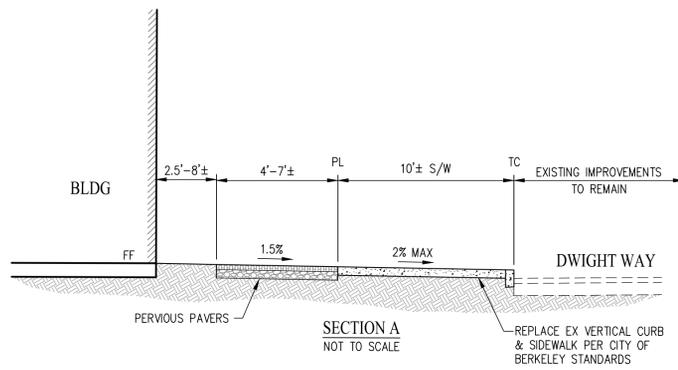
(925) 866-0322 P
 SCALE: 1"=10'

STORMWATER CONTROL PLAN

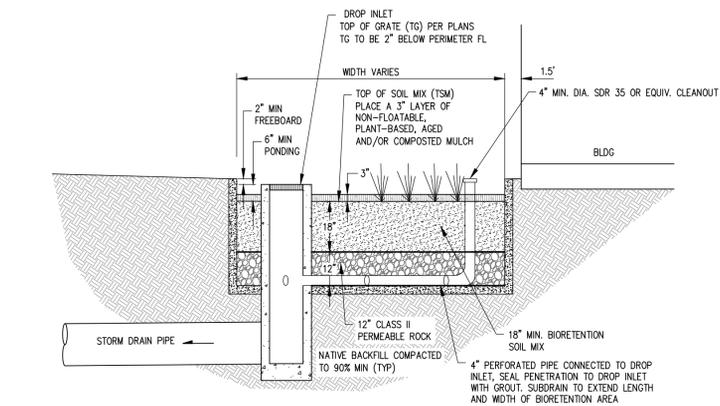
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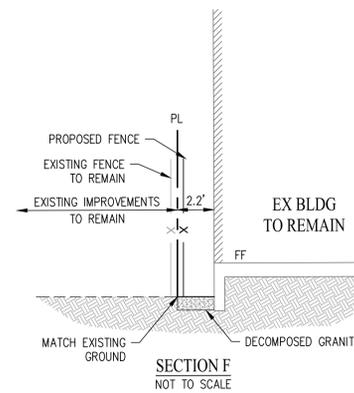
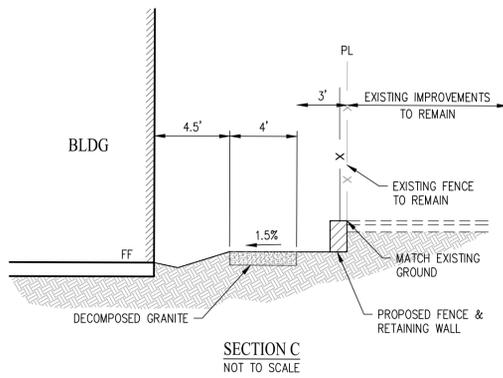
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RAISED BIORETENTION PLANTER
 NOT TO SCALE



IN-GROUND BIORETENTION PLANTER
 NOT TO SCALE



2127 DWIGHT WAY
 BERKELEY, CA



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 BERKELEY, CA
 PROJECT NO. 3617-000

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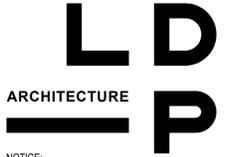
CONTACT: ANGELO OBERTELLO

(925) 866-0322 P

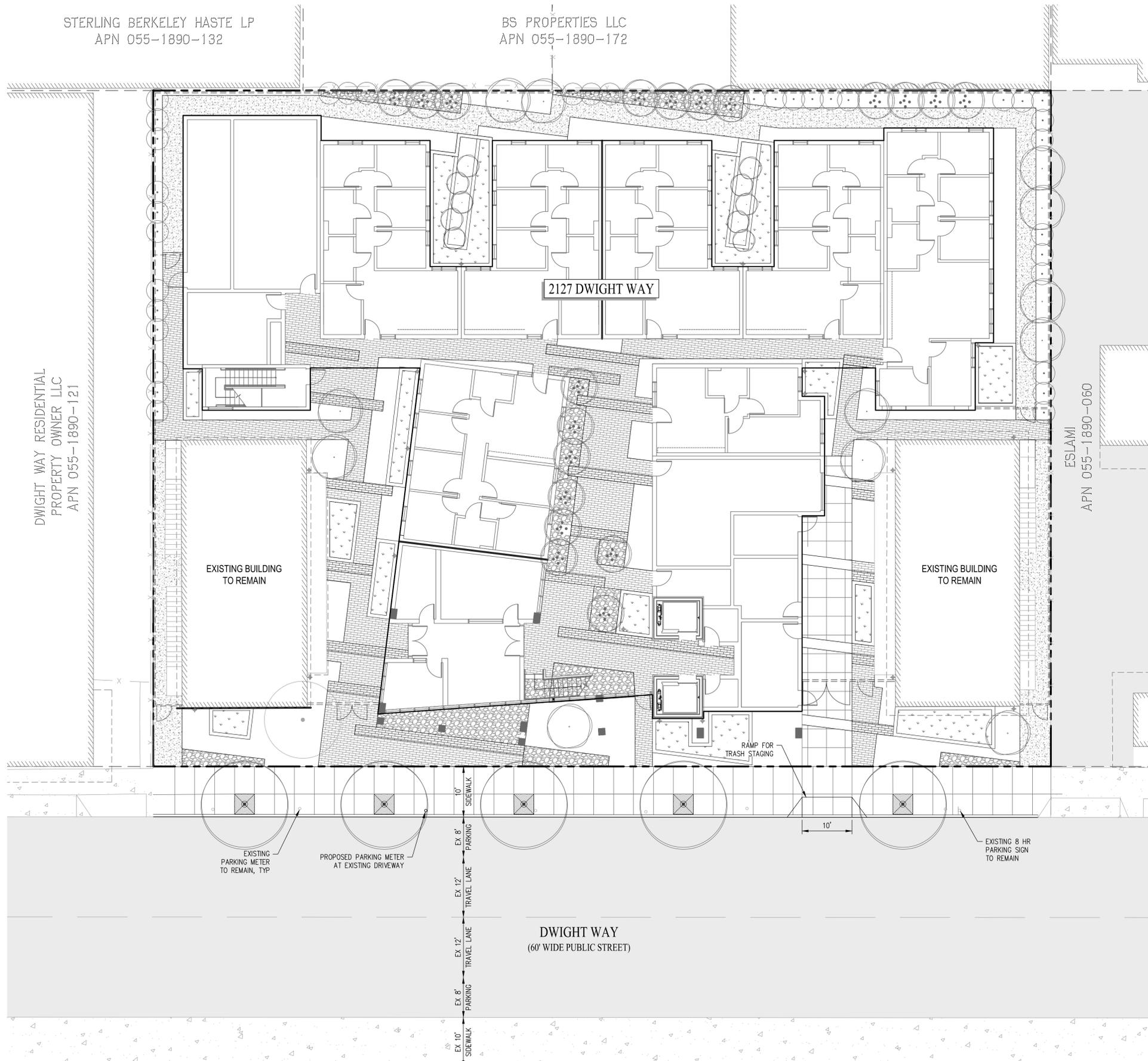
SCALE: 1"=10'

SECTIONS &
 DETAILS

C4.0



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LEGEND

- PROJECT BOUNDARY
- ADJACENT PROPERTY LINE
- BIORETENTION PLANTER
- PROPOSED SIDEWALK
- PROPOSED PERVIOUS PAVERS
- PROPOSED DECOMPOSED GRANITE
- EXISTING PAVEMENT TO REMAIN
- EXISTING SIDEWALK TO REMAIN

NOTES

1. EXISTING PARKING METERS ALONG PROJECT FRONTAGE ARE TO REMAIN.
2. THE CITY OF BERKELEY OR THEIR CONTRACTOR SHALL INSTALL PARKING PAY STATIONS AND/OR PARKING METER HEADS. COORDINATION IS REQUIRED FOR THIS WORK AND FEES WILL BE ASSESSED BY THE CITY OF BERKELEY TO COMPLETE THIS WORK. COORDINATE INSTALLATION OF PARKING PAY STATION AND PARKING METER HEADS WITH SAMANTHA BAKER. COORDINATE PAYMENT OF PARKING PAY STATION INSTALLATION FEES AND/OR PARKING METER HEAD INSTALLATION FEES WITH SAMANTHA BAKER (510) 981-6472 / SBAKER@CITYOFBERKELEY.INFO. THE APPROXIMATE FEE TO INSTALL ONE PAY STATION IS \$950. PARKING METER HEAD INSTALLATION SHALL BE CHARGED AT A RATE OF APPROXIMATELY \$150/HOUR PER CITY STAFFER.
3. TRASH BINS TO BE STAGED WITHIN THE STREET IN FRONT OF THE TRASH RAMP ON COLLECTION DAYS. BINS WILL NOT BLOCK PARKING SPACES.

2127 DWIGHT WAY
 BERKELEY, CA



2127 DWIGHT WAY
 BERKELEY, CA

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06-30-2023	PLANNING RESUBMITTAL	

CONTACT: ANGELO OBERTELLO

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SCALE: 1"=10'

SITE PLAN

C5.0



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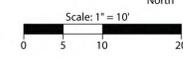
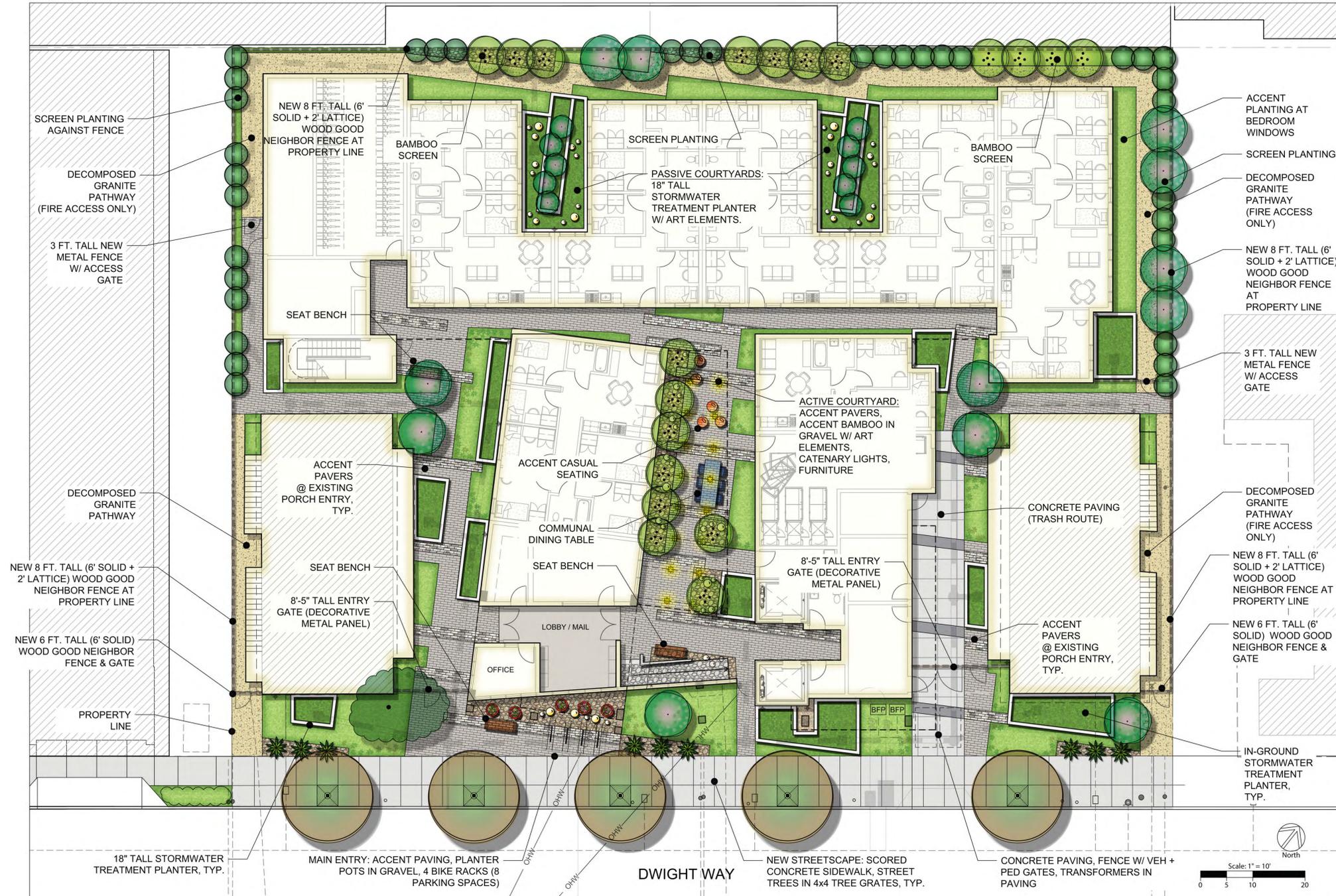
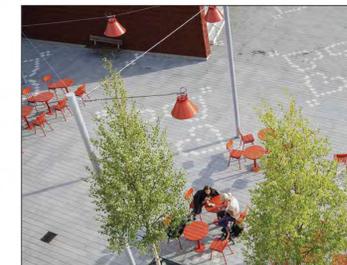
2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12-10

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	

CONTACT:

SCALE:

ILLUSTRATIVE
 LANDSCAPE
 PLAN





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2127 DWIGHT WAY
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2127 DWIGHT WAY
 BERKELEY, CA
 PROJECT NO. 17-12.10

REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL

CONTACT:

SCALE:

OPEN SPACE
 DIAGRAM

OPEN SPACE AREA TABULATION:

Existing Open Space: 6,420 SF

Proposed Open Space: 1,654 SF



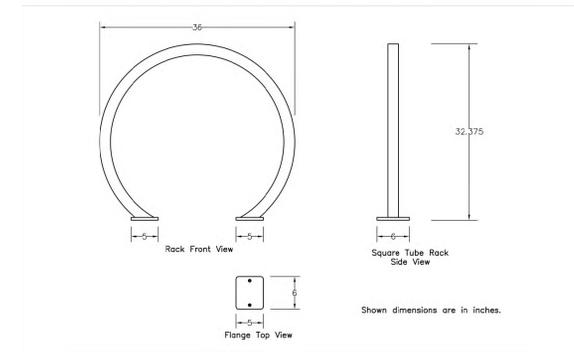
Landscaped Area within
 Proposed Open Space: 1,599 SF (96.7%)

NOTES:

1. Refer to Sheet L-5 for existing landscaping and existing tree disposition information.
2. Refer to Sheet L-1 for proposed paved areas and surface treatment.
3. There is no significant natural features within the project scope.
4. Refer to Architectural Sheet G0.04. for Existing Open Space diagram.
5. This plan provides 1,599SF (96.7%) of landscaped area within the proposed usable open space (1,654SF).

Appendix F: Bike Parking

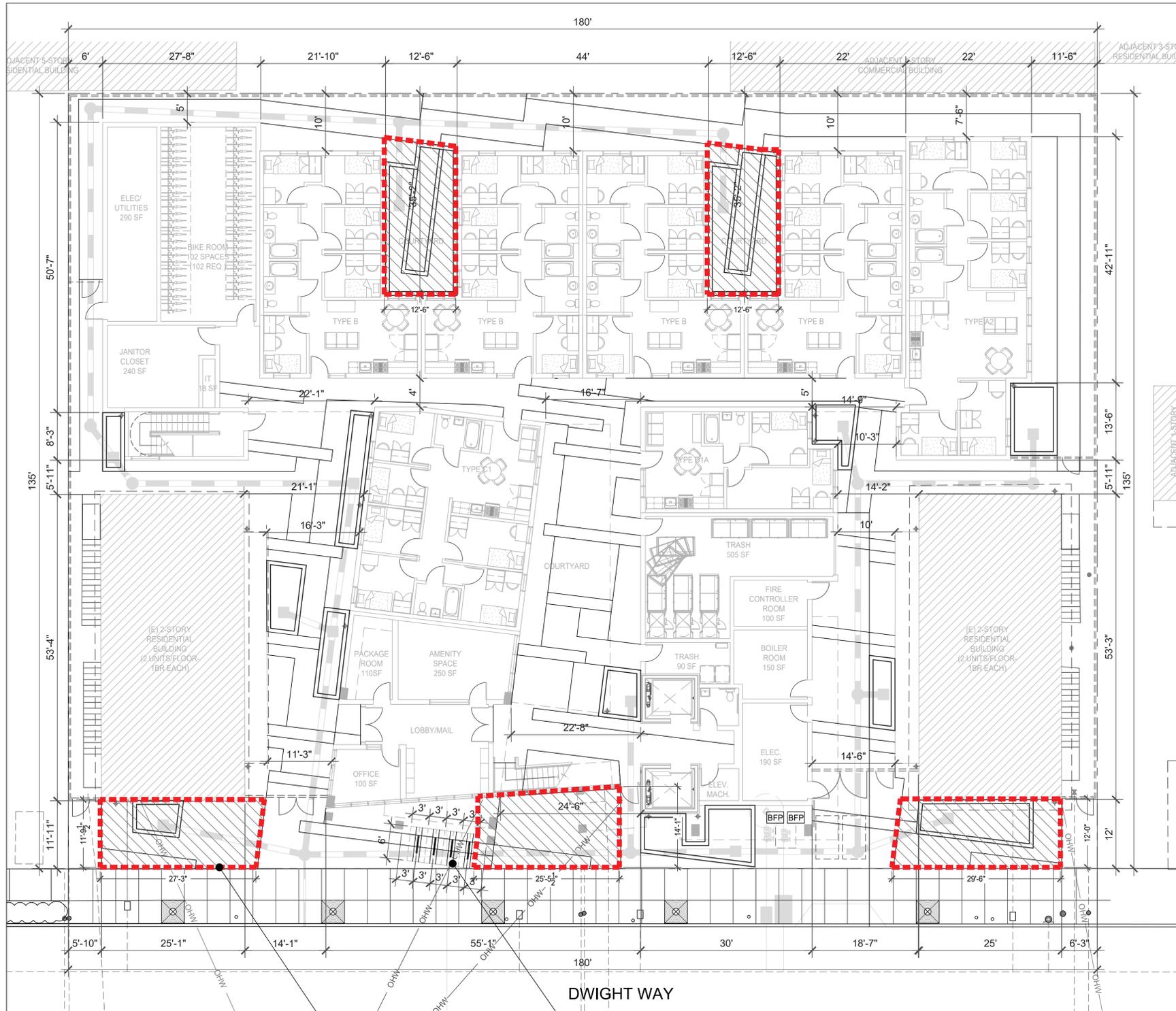
CITY OF BERKELEY SURFACE MOUNTED SINGULAR CIRCULAR RACK SPECIFICATIONS



Surface Mounted Single Circular Rack

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

FACILITY DESIGN TOOLBOX

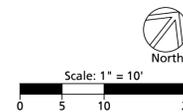


PROPOSED OPEN SPACE DIAGRAM

PROPOSED OPEN SPACE
 BOUNDARY, TYP.

CITY OF BERKELEY SURFACE MOUNTED
 SINGULAR CIRCULAR RACK; QTY: 4
 (FOR 8 SHORT TERM BIKE SPACES)

PROPOSED BIKE RACK IS CONSISTENT WITH
 2017 BERKELEY BICYCLE PLAN (APPENDIX F);
 SEE SPECIFICATION CUTSHEET TO THE RIGHT.





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PROJECT NO. 17-1210

REV	DATE	DESCRIPTION
04-24-2023	PLANNING SUBMITTAL	
06-30-2023	PLANNING RESUBMITTAL	

CONTACT:

SCALE:

CONCEPTUAL
PLANTING PLAN

PLANT PALETTE

TREES							
KEY	QTY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	WUCOLS	CA native
ARB MAR	13	24"box	Arbutus 'Marina'	Marina Strawberry Tree		Low	YES
ACE RUB	5	24"box	Acer rubrum 'Armstrong'	Red Maple	standard	Medium	
CYC REV	-	15 gal	Cycas revoluta	Sygo Palm		Low	
CER OCC	-	24"box	Cercis occidentalis	Western Redbud		Low	YES
BAM GOL	-	24"box	Bambusa multiplex 'Golden Goddess'	Golden Goddess Bamboo		Medium	
POD MAK	15 gal		Podocarpus macrophyllus 'Maki'	Yew	60" o.c.	Low	
PRU ILL	15 gal		Prunus ilicifolia ssp. lyonii	Catalina Cherry		Low	YES

SHRUBS							
KEY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	WUCOLS	CA native	
APM	5 gal	Arctostaphylos 'Pacific Mist'	Pacific Mist Manzanita	48" o.c.	Low	YES	
AST	5 gal	Aspidistra elatior 'Spek-tacular'	Spek-tacular Cast Iron Plant	30" o.c.	Low		
BPI	5 gal	Baccharis pilularis	Dwarf Coyote Bush	30" o.c.	Low	YES	
COC	5 gal	Cephalanthus occidentalis	Buttombush	48" o.c.	Low	YES	
CCO	5 gal	Ceanothus 'Centennial'	California Lilac	48" o.c.	Low	YES	
CCA	5 gal	Cornus californica	California Dogwood	36" o.c. (wt)	Low	YES	
DLD	5 gal	Diets 'Lemon Drops'	Fortnight Lily	30" o.c.	Low		
DHA	5 gal	Dendromecon harfordii	Island Bush Poppy	60" o.c.	Low	YES	
HEA	15 gal	Heteromeles arbutifolia	Toyon	60" o.c.	Low	YES	
FPS	15 gal	Fremontodendron 'Pacific Sunset'	Flannel Bush	60" o.c.	Low	YES	
GEE	15 gal	Garrya elliptica 'Evie'	Coast Silktassel	60" o.c.	Low	YES	
LHS	15 gal	Leucadendron 'Hawaii Sunrise'	Sunrise Royal Hawaiian Cone Bush	30" o.c.	Low		
LCS	5 gal	Loropetalum chinense 'Suzanne'	Suzanne Fringe Flower	36" o.c.	Low		
MCA	5 gal	Myrica californica	Pacific Wax Myrtle	60" o.c.	Low	YES	
PRM	5 gal	Phormium 'Rainbow Maiden'	'Rainbow Maiden' New Zealand Flax	30" o.c.	Low		
PRQ	5 gal	Phormium 'Rainbow Queen'	'Rainbow Queen' New Zealand Flax	36" o.c.	Low		
RAU	5 gal	Ribes aureum	Golden Currant	36" o.c. (wt)	Low	YES	
RCA	5 gal	Rhamnus californica	Coffeeferry	36" o.c.	Low	YES	

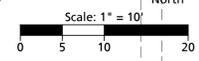
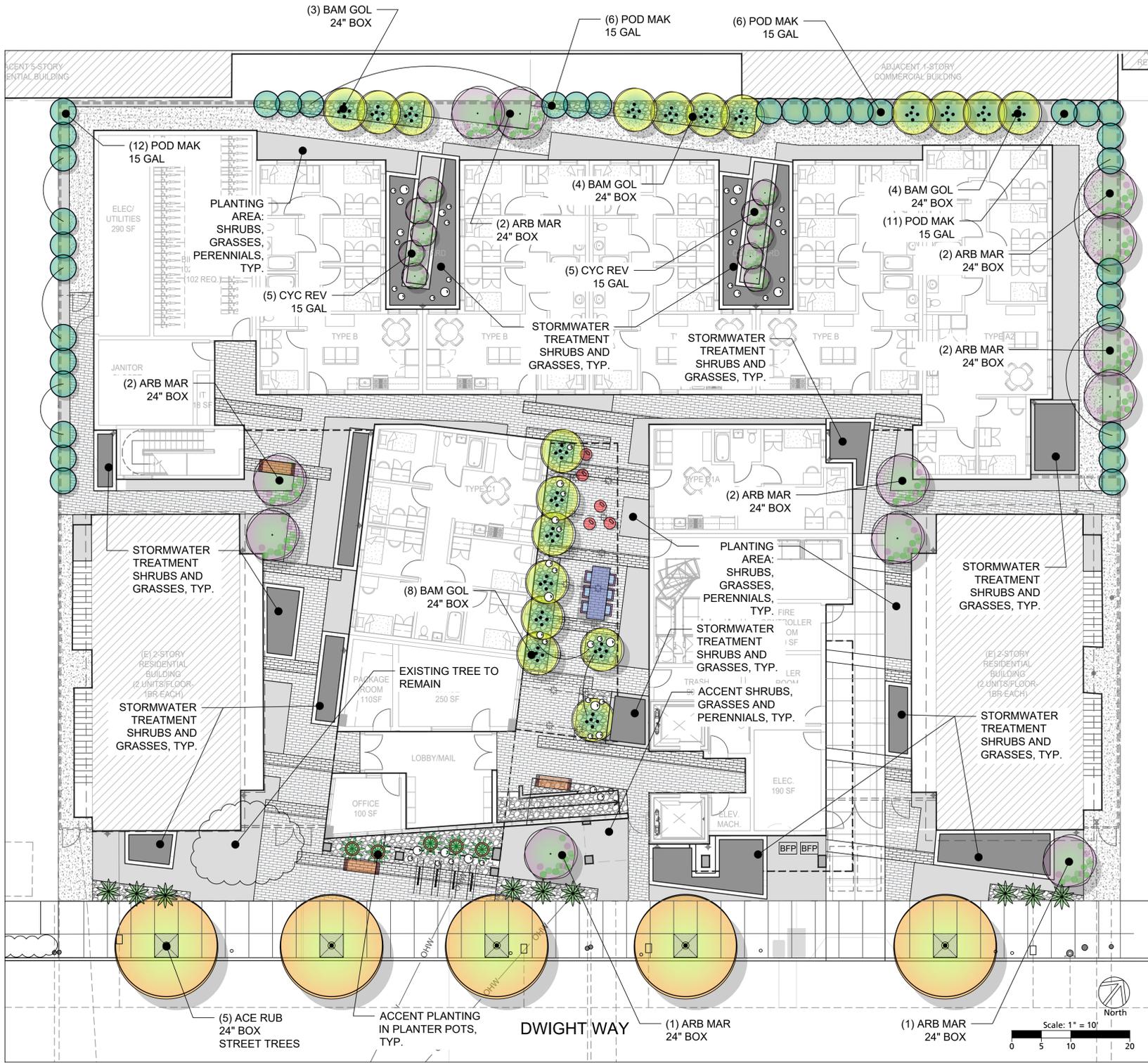
GRASSES / PERENNIALS							
KEY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	WUCOLS	CA native	
ABG	5 gal	Anigozanthos 'Bush Gold'	Yellow Kangaroo Paw	18" o.c.	Low		
AMI	1 gal	Achillea millefolium 'Sonoma Coast'	Yarrow	18" o.c.	Low	YES	
CPR	1 gal	Carex praegracilis	California Field Sedge	18" o.c. (wt)	Low	YES	
HCA	1 gal	Helianthella californica	California helianthella	18" o.c.	Low	YES	
IDO	5 gal	Iris douglasiana	Douglas Iris	18" o.c. (wt)	Low	YES	
JPA	5 gal	Juncus patens	California Gray Rush	18" o.c. (wt)	Low	YES	
ESC	1 gal	Epilobium 'Schieffelin's Choice'	California Fushia	24" o.c. (wt)	Low	YES	
ECA	5 gal	Epilobium canum 'Catalina'	California Fushia	36" o.c. (wt)	Low	YES	
LLT	5 gal	Lomandra longifolia 'Lime Tuff'	Dwarf Mat Rush	24" o.c.	Low		
LUA	5 gal	Lupinus albus	Silver Bush Lupine	36" o.c.	Low	YES	
MRI	5 gal	Muhlenbergia rigens	Deer Grass	30" o.c. (wt)	Low	YES	
MRM	5 gal	Muhlenbergia c. 'Regal Mist'	Pink Muhly	30" o.c.	Low		
SSO	5 gal	Salvia clevelandii 'Winnifred Gilman'	Fragrant Sage	36" o.c. (wt)	Low	YES	

GROUNDCOVERS							
KEY	SIZE	BOTANICAL NAME	COMMON NAME	COMMENTS	WUCOLS	CA native	
LBE	3 gal	Lotus berthelotii	'Amazon Sunset' Parrot's Beak	18" o.c.	Low		
ROP	5 gal	Rosmarinus o. 'Prostratus'	Prostrate Rosemary	30" o.c.	Low		
SBB	5 gal	Salvia leucantha 'Bees' Bliss'	Creeping Sage	48" o.c.	Low	YES	
SBE	3 gal	Sisyrinchium bellum	Blue-eyed Grass	18" o.c. (wt)	Low	YES	

(ca) - California Native Plants
(wt) - Stormwater treatment plants (bioretention and flow-through planters, per SWPPP guidelines)

- NOTES:
- The above plants have been selected as being representative of the overall planting design intent. This plant palette is suggested for use, but does not preclude use of other appropriate plant material. Water-conserving plants and other climate appropriate varieties of trees, shrubs and ground covers have been selected to complement the character of the project.
 - All planted areas are to be watered with an approved automatic underground irrigation system. The system shall be designed to make efficient use of water through conservation techniques, and be in compliance with the State and Water District's water conservation ordinance. Rain sensor shall be specified whose signal is compatible with the master control valve (CGBSC 4.304).
 - The final construction documents will provide the contractor with an understanding of the design intent for the maintenance of the planting areas regarding care and pruning of the site. The maintenance contractor shall furnish all labor, equipment, materials and supervision required to properly maintain the landscaped areas in an attractive condition and as described in the project maintenance specifications.
 - Full planting plan & plant quantity will be provided in the design development/construction document phase of the project. Final planting plan will include more than 75% low-water use/drought tolerant plant count to satisfy Bay-Friendly Landscape Design Checklist requirement.
 - WUCOLS value (Water Use Classification of Landscape Species) per WUCOLS IV, 2014 edition.
 - No invasive plant species are specified per Cal-IPC Inventory. Source: cal-ipc.org/plants/inventory
 - All planting areas shall be top-dressed with a 3" layer of mulch depth and compost application to achieve a minimum 6% organic matter in soil composition based on a MWELO specified soil analysis results for the site soil. (CGBSC 4.304).
 - This project will provide a minimum of 25%, and up to 75% maximum CA Low Water Use Native plantings. (AB-1573).

WELO Landscape Requirement Compliance Note:
Final WELO-compliant landscape documentation including planting, fine grading (per Civil Engineer), irrigation plan, and water budget calculations will be provided in the Construction documentation phase of the project and will be submitted at Building Permit review.





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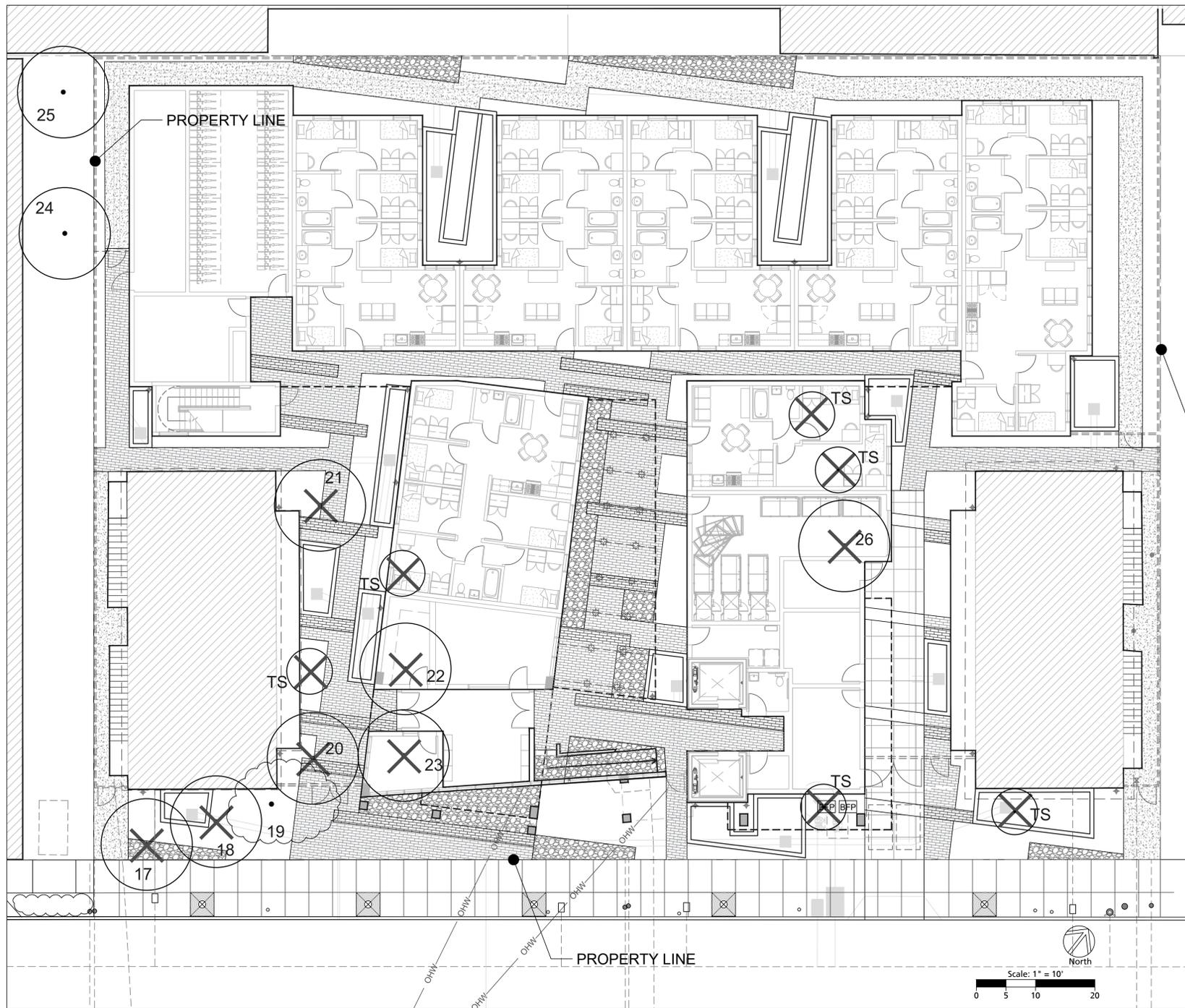
REV	DATE	DESCRIPTION
04-24-2023		PLANNING SUBMITTAL
06-30-2023		PLANNING RESUBMITTAL

CONTACT:

SCALE:

EXISTING
PLANTING & TREE
DISPOSITION
PLAN

L-5



- Tree Disposition Plan Notes:**
1. Tree assessment is provided by HortScience | Bartlett Consulting, arborist report dated January 26, 2023. Project Arborist Contact: Amber Graves Alvares WE-13131A.
 2. Refer to Arborist report page 7-8 for tree preservation and tree protection guidelines.
 3. All on-site existing trees & shrubs, (except for Tree #19 Coast Live Oak), to be removed.
 4. Tree #24 & 25 are off-site trees to remain.

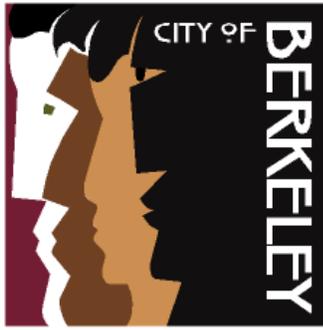
TREE DISPOSITION LEGEND

-  19 Tree to remain (On property)
-  24, 25 Tree to remain (Off property)
-  TS - Too small (Tree less than 6" in diameter)
Not included in assessment
-  Tree to be removed
(Refer to Arborist report for assessment)

TREE REMOVAL TABULATION

TOTAL # OF EXISTING TREES:	10
TREES TO BE REMOVED:	7
TREES TO REMAIN (OFF PROPERTY; TREE #24, 25):	2
TREES TO REMAIN (ON PROPERTY; TREE #19):	1
TOTAL # OF PROTECTED TREE PER CITY OF BERKELEY ORDINANCE (COAST LIVE OAK) - TO REMAIN (#19)	1

TREE NUMBER	SPECIES (BOTANICAL NAME)	COMMON NAME	TRUNK DIAMETER (INCHES)	NOTES
17	Pittosporum undulatum	Victorian Box	19	
18	Prunus ilicifolia	Hollyleaf Cherry	9,8,8	
19	Quercus agrifolia	Coast Live Oak	18	Berkeley Ordinance Protected Species
20	Melaleuca citrinus	Lemon Bottlebrush	8,7,6	
21	Melaleuca citrinus	Lemon Bottlebrush	12	
22	Persea americana	Avocado	9	
23	Jacaranda mimosifolia	Jacaranda	11,9	
24	Lophostemon confertus	Brisbane Box	6	
25	Acer rubrum	Red Maple	6	
26	Persea americana	Avocado	8	



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

2127-2159 Dwight Way

Use Permit #ZP2023-0057 to demolish two of the existing four residential buildings (demolish eight units and retain eight units) and replace with a new 72,251 square foot, six-story (71-feet and five-inches) residential building with 58 new units, for a combined on-site total of 66 residential units, including eight Below Market Rate Units (three Extremely Low-Income units, two Very Low-Income units, two Low-Income units, and one Moderate-Income Unit), utilizing a State Density Bonus.

The Zoning Adjustments Board of the City of Berkeley will hold a public hearing on the above matter, pursuant to Zoning Ordinance Section [23.404.050 \(Public Hearings and Decisions\)](#).

When: Thursday, November 30, 2023, 7:00 pm

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

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

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

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

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

A. Land Use Designations:

- General Plan: High Density Residential (HDR)
- Zoning: South Area Commercial District (C-SA)

B. Zoning Permits Required:

- Use Permit, under Berkeley Municipal Code (BMC) Section 23.326.020(B) to demolish and replace eight dwelling units
- Use Permit, under BMC Section 23.326.030(A) to demolish buildings with two or more dwelling units constructed before 1980
- Use Permit, under BMC Section 23.204.020(A) to create a multi-family dwelling in a Commercial District
- Use Permit, under BMC Section 23.204.030(A)(1) to create more than 3,000 square feet of new gross floor area in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to reduce minimum usable open space from 13,200 square feet to 1,654 square feet in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to increase the lot coverage from 35 percent to a maximum of 65.33 percent in the C-SA District
- Use Permit, under BMC Section 23.204.100(D)(2) to increase the allowable height from 36 feet and three stories to 71 feet and 5 inches, and six stories in the C-SA District
- Administrative Use Permit under BMC Section 23.304.050(A) to allow architectural elements to exceed the zoning district height limit of 36 feet by 5 feet 6 inches
- Administrative Use Permit under BMC Section 23.304.080(A) to allow fences and entry gates to exceed 6-feet in height

C. Waivers Pursuant to State Density Bonus Law (Government Code Section 65915):

- Waiver of BMC Section 23.204.100(D)(1) to reduce front setbacks from 15 feet to 4 feet 10 inches
- Waiver of BMC Section 23.204.100(D)(1) to reduce rear setbacks from 15 feet to 5 feet
- Waiver of BMC Section 23.204.100(D)(1) to reduce building separation from 28 feet to 5 feet 11 inches

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

E. Parties Involved:

- Applicant Lisa Villhauer, Vice President, Riaz Capital, 2744 East 11th Street Oakland, CA 94601
- Property Owner 2129 Dwight Way LLC, 2744 East 11th Street Oakland, CA 94601

Further Information:

All application materials are available online at:

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

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

Questions about the project should be directed to the project planner, Allison Riemer, at (510) 981-7433 or ariemer@berkeleyca.gov.

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

Communication Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City’s electronic records, which are accessible through the City’s website. **Please note: e-**

mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the

2127-2159 DWIGHT WAY
Page 4 of 4

NOTICE OF PUBLIC HEARING
Posted NOVEMBER 15, 2023

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.
-

YIMBY Law

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



YIMBY LAW

12/15/2022

Berkeley Planning Department
1947 Center Street
Berkeley, CA 94704

planning@cityofberkeley.info
Via Email

Re: 2127-2159 Dwight Way
55-1890-7; 55-1890-8; 55-1890-9; 55-1890-10

Dear Berkeley Planning Department,

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

The project consists of a six-story multifamily residential building with roughly 60 units. Of those, one will be affordable at the Low Income level, and seven will be affordable at the Very Low Income level. The project also proposes the removal of 16 existing units; support offered in this letter is, of course, conditional upon the City following the law and ensuring that there is an SB-330 protected unit analysis done and that existing tenants are offered a right of return.

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

The above captioned proposal is zoning compliant and general plan compliant, therefore, your local agency must approve the application, or else make findings to the effect that the proposed project would have an adverse impact on public health and safety, as described above. Should the City fail to comply with the law, YIMBY Law will not hesitate to take legal action to ensure that the law is enforced.

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

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a prominent flourish at the end of the last name.

Sonja Trauss
Executive Director
YIMBY Law

September 27, 2023

City of Berkeley

Land Use Planning Division

Re: Support New Housing Development at 2127-2159 Dwight Way

To Whom It May Concern:

On behalf of the Berkeley Chamber of Commerce, I write to urge your support for the proposed development at 2127-2159 Dwight Way by Riaz Capital. The project will provide 58 new units of housing and will advance our goals of providing support to our business members as well as provide greater success and growth to the business community and economy.

On September 20, 2023 our board of directors received a presentation by the development team and offered their support for the project. The design aligns with and compliments important land-use goals set by the City of Berkeley, which seek to increase the supply of dense and walkable student housing in the Southside Area.

We support Riaz Capital's commitment to develop attainable and attractive residences. The project also includes 5 below market rate units, retains 8 of the existing units on the site and provides 8 replacement units within the new building for existing residents to return if needed. The project is located just off Shattuck Avenue south of Downtown Berkeley and the UC Berkeley Campus. Both of which are accessible by a 10 minute walk. The revitalization of this site will also serve to enhance the public realm with new and improved landscaping, sidewalks and pedestrian lighting.

The Chamber of Commerce is excited to see this project move forward and bring needed housing to Berkeley. We ask for the City's support to ensure the project's timely and successful completion and thank you for your commitment to promoting greater equity, inclusion, and sustainability in Berkeley.

Sincerely,

Beth Roessner

CEO

Riemer, Allison

From: Rachel Johnson <rachel@therjcollective.com>
Sent: Friday, October 6, 2023 10:32 AM
To: Riemer, Allison
Subject: Support for 2127-2159 Dwight Way

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms. Riemer,

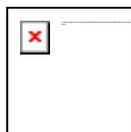
I am writing to express my support for the proposed residential development at 2127-2159 Dwight Way in Berkeley, CA. The project will provide 58 new residential units and will bring more residents to support the Downtown's businesses and alleviate the housing crisis felt most acutely by the City's students and other low-income residents. The design aligns with and compliments important land-use goals set by the City of Berkeley, which seek to increase the supply of dense and walkable housing in the Downtown and Southside Area neighborhoods.

The development is indicative of Riaz Capital's commitment to develop attainable and attractive residences. The project includes 5 below market rate units and retains 8 of the existing units on the site. Two existing buildings will be demolished to accommodate the new building. Eight units within the new building will be designated as replacement units and available to existing residents should they wish to return.

The project is located just off Shattuck Avenue, south of Downtown Berkeley and the UC Berkeley Campus. Both destinations are accessible by a 10 minute walk. The revitalization of this site will also serve to enhance the public realm with new and improved landscaping, sidewalks and pedestrian lighting.

California is currently experiencing a housing crisis. Failure to approve new housing projects will exacerbate the crisis: crippling California's social, economic, and environmental future. I urge you to support this project without delay.

Sincerely,
Rachel Johnson



rachel johnson
founder & ceo,
The RJ Collective, LLC

 + 1 512 423 8737

 rachel@therjcollective.com



The content of this email is confidential and intended for the recipient specified in message only. It is strictly forbidden to share any part of this message with any third party, without a written consent of the sender. If you received this message by mistake, please reply to this message and follow with its deletion, so that we can ensure such a mistake does not occur in the future.

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

Dear Ms. Riemer,

I am writing to express my support for the proposed residential development at 2127-2159 Dwight Way in Berkeley, CA. The project will provide 58 new residential units and will bring more residents to support the Downtown's businesses and alleviate the housing crisis felt most acutely by the City's students and other low-income residents. The design aligns with and compliments important land-use goals set by the City of Berkeley, which seek to increase the supply of dense and walkable housing in the Downtown and Southside Area neighborhoods.

The development is indicative of Riaz Capital's commitment to develop attainable and attractive residences. The project includes 5 below market rate units and retains 8 of the existing units on the site. Two existing buildings will be demolished to accommodate the new building. Eight units within the new building will be designated as replacement units and available to existing residents should they wish to return.

The project is located just off Shattuck Avenue, south of Downtown Berkeley and the UC Berkeley Campus. Both destinations are accessible by a 10 minute walk. The revitalization of this site will also serve to enhance the public realm with new and improved landscaping, sidewalks and pedestrian lighting.

California is currently experiencing a housing crisis. Failure to approve new housing projects will exacerbate the crisis: crippling California's social, economic, and environmental future. I urge you to support this project without delay.

Sincerely,

Emily Suurs

Riemer, Allison

From: Ashley Combes <ashleycombes1@gmail.com>
Sent: Tuesday, October 10, 2023 2:54 PM
To: Riemer, Allison
Subject: Support for 2127-2159 Dwight Way in Berkeley, CA.

Follow Up Flag: Follow up
Flag Status: Flagged

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.

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

Dear Ms. Riemer,

I am writing to express my endorsement for the proposed residential development at 2127-2159 Dwight Way in Berkeley, CA. This project will introduce 58 fresh residential units, contributing to an increase in Downtown's vibrancy. It will also address the acute housing shortage, particularly impacting the City's students and low-income residents. The project's design aligns seamlessly with and complements the City of Berkeley's crucial land-use objectives, which aim to expand the availability of compact and pedestrian-friendly housing in the Downtown and Southside Area neighborhoods.

This development exemplifies Riaz Capital's dedication to creating accessible and appealing residences. It encompasses 5 units below the market rate and preserves 8 of the existing units on the premises. To accommodate the new structure, two current buildings will be dismantled. Furthermore, within the new building, eight units will be earmarked as replacements, available to existing residents if they choose to return.

The project is situated just off Shattuck Avenue, south of Downtown Berkeley and the UC Berkeley Campus, both of which are reachable within a 10-minute walk. The rejuvenation of this site will also enrich the public space with fresh and enhanced landscaping, sidewalks, and pedestrian lighting.

California is presently grappling with a housing crisis. Failing to greenlight new housing initiatives will only worsen this predicament, adversely affecting California's social, economic, and environmental prospects. We need more affordable units on the market, please approve this project.

Thank you for your consideration.
Ashley Combes

Riemer, Allison

From: Yoseli Conti <contiym@gmail.com>
Sent: Wednesday, October 11, 2023 1:37 PM
To: Riemer, Allison
Subject: Support Letter for 2127-2159 Dwight Way in Berkeley, CA Project

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

Dear Ms. Riemer,

I am writing to express my support for the proposed residential development at 2127-2159 Dwight Way in Berkeley, CA. The project will provide 58 new residential units and will bring more residents to support the Downtown's businesses and alleviate the housing crisis felt most acutely by the City's students and other low-income residents. The design aligns with and complements important land-use goals set by the City of Berkeley, which seek to increase the supply of dense and walkable housing in the Downtown and Southside Area neighborhoods.

The development is indicative of Riaz Capital's commitment to develop attainable and attractive residences. Two existing buildings will be demolished to accommodate the new building. Eight units within the new building will be designated as replacement units and available to existing residents should they wish to return.

The project is located just off Shattuck Avenue, south of Downtown Berkeley and the UC Berkeley Campus. Both destinations are accessible by a 10 minute walk. The revitalization of this site will also serve to enhance the public realm with new and improved landscaping, sidewalks and pedestrian lighting.

California is currently experiencing a housing crisis. Failure to approve new housing projects will exacerbate the crisis: crippling California's social, economic, and environmental future. I urge you to support this project without delay.

Sincerely,
Yoseli Conti

Riemer, Allison

From: Christopher Desponds <christopher.desponds@gmail.com>
Sent: Wednesday, October 11, 2023 6:49 PM
To: Riemer, Allison
Subject: 2127-2159 Dwight Way in Berkeley, CA | Housing Development Support

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms. Riemer,

I am writing to express my support for the proposed residential development located at 2127-2159 Dwight Way in Berkeley, CA. As a UC Berkeley graduate student and local resident, I can attest to the dire need for additional housing in Berkeley. Finding an affordable place to live near campus has been extremely difficult. In fact, it has dictated my decision to continue living in San Francisco, despite the costs associated with commuting to class in Wurster Hall three times a week.

The project is located just off Shattuck Avenue, south of Downtown Berkeley and the UC Berkeley Campus, both of which are accessible via a 10-minute walk. The project will provide 58 new residential units, generating additional support for Downtown businesses, while alleviating the housing crisis felt most acutely by the City's students and other low-income residents. Furthermore, the design aligns with and complements important land-use goals set by the City of Berkeley, which seek to increase the supply of dense and walkable housing in the Downtown and Southside Area neighborhoods.

The project is indicative of Riaz Capital's commitment to developing attainable and attractive residences. Two existing buildings will be demolished to accommodate the new development. Eight units within the new development will be designated as replacement units and available to existing residents should they wish to return. The project supports community needs and will certainly help relieve some of the housing pressures felt by the local student population. The revitalization of this site will also serve to enhance the public realm with new and improved landscaping, sidewalks, and pedestrian lighting.

As you know, California is experiencing a housing crisis. Failure to approve new housing projects such as this one will only exacerbate the crisis: crippling California's social, economic, and environmental future. I urge you to support this project without delay.

Sincerely,

--

Christopher Desponds
(808) 551 - 6042

From: [Brett Thomas](#)
To: [Riemer, Allison](#)
Subject: Letter of Support for 2127-2159 Dwight Way
Date: Tuesday, October 17, 2023 2:42:21 PM

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.

Allison,

I hope this email finds you well.

I am sending over this note to illustrate my strong support for the proposed residential building at 2127-2159 Dwight Way.

First and foremost, the creation of 58 new housing units in our community will help alleviate the impact that the housing crisis has on the people and students of Berkeley. On top of that, the project will further activate our streets and in doing so will assist in neighborhood safety and support the local businesses that make Berkeley such a great place to live.

The proposed project not only abides by the zoning standards set by the Berkeley Planning Department but it also fits in extremely well with the context of the neighborhood. The reactivation of this site will ultimately only provide benefits to the area and get us one step closer to our goal of creating more attainable, thoughtful, and walkable housing options for our community.

Given the severe lack of housing options here and across the state of California, I sincerely hope you do everything in your power to support this project.

Sincerely,

Brett

--

Brett Thomas
e: Brettthomasp@gmail.com
t: (330)-591-1472

Rierner, Allison

From: Andrew Wedvick <awedvick@gmail.com>
Sent: Wednesday, October 18, 2023 6:26 PM
To: Rierner, Allison
Subject: 2127-2159 Dwight way

Follow Up Flag: Follow up
Flag Status: Flagged

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

Dear Ms. Rierner,

I am writing to express my support for the proposed residential development at 2127-2159 Dwight way, Berkeley. The project will provide 58 new units in a desirable, urban infill location. These are the kinds of developments that help Berkeley grow in a sustainable and equitable way by providing relief to the housing crisis that burdens many renters. The project also promotes alternative modes of transportation which helps Berkeley lower its carbon footprint. Finally, the project includes restricted low income units which further helps Berkeley tackle the housing affordability crisis.

Thank you for your consideration,
Andrew Wedvick

Sent from my iPhone



Downtown Berkeley Association
2230 Shattuck Ave., Suite C
Berkeley CA 94704
510.549.2230
downtownberkeley.com

VIA EMAIL
November 6, 2023

Zoning Adjustments Board
Land Use Planning Division
2120 Milvia Street
Berkeley CA 94704

Re: 2127-2159 Dwight Way project

Dear Zoning Adjustment Board,

I am writing to express the Downtown Berkeley Association's enthusiastic support of the 2127-2159 Dwight Way project.

This project is highly consistent with our mission of creating and sustaining a vibrant, welcoming and prosperous City Center, as well as our support of Downtown Area Plan that was passed twice by an overwhelming margin by Berkeley voters. The project will have the following positive impacts for the Downtown and the entire Berkeley community:

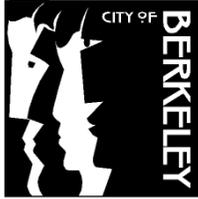
- Provide 58 desperately needed housing units, including five affordable housing units, near to UC Berkeley campus.
- Provide transit-oriented housing located near Downtown Berkeley BART station and AC transit hub.
- With over 300 new residents the project will bring increased economic and cultural vitality to our local businesses and nonprofits.
- And finally, the project will contribute significantly to the Berkeley tax base, helping support services and programs for all citizens, and particularly those in need.

We hope that the ZAB will move quickly to approve this project, so we can all benefit from the increased housing, improved retail space, larger tax base, and revitalization of Downtown Berkeley.

Sincerely,

A handwritten signature in black ink that reads "John Caner". The signature is fluid and cursive, with a long horizontal stroke at the end.

John Caner, CEO



Planning and Development
Department
Land Use Planning Division

**ACTION SUMMARY FOR
DESIGN REVIEW COMMITTEE MEETING
October 19, 2023 6:30 PM**

I. Roll Call:

Committee Members Present:

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

Committee Members Absent: None

Staff Present: Burns, Dougherty

II. PROJECTS

- 1. 2420 SHATTUCK AVENUE [between Channing and Haste] (DRCP2023-0018)** to demolish two existing commercial buildings, merge two lots, and construct a 17-story, mixed-use building with 132 dwelling units and a 2,314 SF of commercial space.

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

Conditions

- Provide more color and detail, to be reviewed at FDR.*
- Provide horizontal striping or alternate material on the roof deck railing for bird safety and be more consistent with the building.*
- Show consideration of functional sun shading on the west side.*
- Consider reduced height on the southeast tower.*
- Show east elevation of lower floors with and without the vines.*
- Study windows on the south facade, at least on top 8 floors.*
- Vines planted in the ground with irrigation, not in pots, and show how they are going to be cared for. Clarify wall finish behind vines at FDR.*
- Consider proportion and final details of windows so that they are more residential.*

Recommendations

Design Review Committee
Action Summary for October 19, 2023

Page 2 of 3

- *Introduce some additional warm color(s), maybe the window shades or in the recesses. Warm glow on the underside of the canopies is successful.*
- *Consider enlarging the commercial garden at the ground floor.*
- *Strongly recommend that you consider bird safety on the 17th floor windows, when resolving the glass railing.*
- *Look at additional delineation of parapet on Northeast stair tower.*
- *Consider a trellis in the podium open space and more variation on the window cut outs.*
- *Consider alternate material on the lower floors (more durable), but similar color as now shown in the current design.*
- *Consider larger graphic or pattern on wall areas without windows, since a Downtown site and not adjacent to smaller residences.*
- *Consider an interior trash door.*

2. **2127 DWIGHT WAY [between Shattuck and Fulton] (DRCP2023-0004)** to demolish two of the existing four residential buildings (demolish eight units and retain eight units) and replace with a new six-story residential building featuring 58 new units, for a combined total of 66 residential units.

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

Conditions

- *Refine main residential entry, including gate design, so it is more prominent.*
- *Look further at the east wing and resolve how it meets the street and works as a composition with the west wing.*
- *Refine elevations, and simplify and unify where possible.*
- *Program courtyard open space and present at FDR.*
- *Consider landscape in front yard with more height and presence.*
- *Integrate two existing buildings into final color and material palette.*
- *Consider more native plants, including pollinators.*

Recommendations

- *Central courtyard should be more active and side courtyards should be more passive.*
- *Gate could be an artistic element, in lieu of the murals.*
- *Study rooms could be an accent color, in lieu of a mural.*
- *Look at the study rooms and integrate into main entry design.*
- *DRC recommends larger tree wells, permeable pavers, and a reduction of concrete where possible. Staff will pass this on to Public Works.*
- *Strongly recommend no irrigated plants under the oak tree.*

I. BUSINESS MATTERS

- Approval of Previous Meeting Minutes.
 - A. Minutes from 9/21/23 DRC Meeting.
MOTION (Finacom, Woo) VOTE (7-0-0-0).

Design Review Committee
Action Summary for October 19, 2023

Page 3 of 3

II. ADJOURN

- Meeting adjourned: 9:40 pm

Members of the Public:

Present: 17

Speakers:6



Rent Stabilization Board

November 8, 2023

To: Allison Riemer, Associate Planner, Planning & Development Department
Erika Lindstrom, Associate II, PlaceWorks

From: Matt Brown, General Counsel

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

Subject: **2137-43 Dwight Way**

On May 5, 2023, you wrote to Mr. Bursell informing him of a new application to demolish an existing four-unit residential building at 2137-43 Dwight. This project would also demolish a nearby existing four-unit residential building at 2145-51 Dwight (addressed in a separate memo). The owner will retain two existing residential buildings with 8 units at 2127-33 Dwight and 2153-59 Dwight and will construct a new 6-story mixed-use residential development with 58 new dwelling units (66 units total) at 2127 Dwight Way. You requested that we provide information related to the property's rental history and status under the Rent Stabilization and Eviction for Good Cause Ordinance ("Ordinance").

Property History

Alameda County records show that 2129 Dwight Way LLC owned the property as of April 15, 2022. City of Berkeley records indicate that the building was constructed in 1944.

Rent Stabilization Board records and microfiche records indicate that 2137-43 Dwight currently contains four residential units.

Rental History and Rent Control Status

Rent Stabilization Board records reflect four residential units at 2137-43 Dwight Way, all of which are claimed as "rented or available for rent." Two units (2139 and 2143 Dwight Way) are currently rented and under rent control. Two units (2137 and 2141 Dwight Way) are currently vacant and are fully subject to the Ordinance when rented. All the units have been registered with the Rent Stabilization Board since 1983.

Ellis Act

The building at 2137-43 Dwight Way have not been removed from the rental market under the Ellis Act at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring at 2137-43 Dwight Way.

BMC 23.326 and SB 330

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

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent a new replacement unit at the rent level that would have applied if they remained in their former unit. SB 330 requires replacement units contain at least the same number of bedrooms as the units they are replacing.

Recommendation

Rent Stabilization Board staff recommends the ZAB adopt Use Permit conditions of approval that enforce the tenant protections and relocation assistance required by both Berkeley's Demolition Ordinance and SB 330. For any units with tenants that move in after the application is submitted only SB 330's relocation requirements will be referenced, assuming the property owner has informed all prospective tenants about the proposed demolition and that demolition constitutes good cause for eviction.

- Pursuant to BMC 23.326.030(A)(5)(d), (i) sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and (ii) tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues. (iii) Income restrictions do not apply to displaced tenants.
- The maximum rent for such tenancies shall increase on January first of each year by no more than 65% of the percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending the previous June 30.
- Pursuant to Government Code Section 66300(d)(2)(C), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice.
- Prior to issuance of the building permit, the applicant shall enter into a Regulatory Agreement to be reviewed, approved, and implemented by the Health, Housing and Community Services Department (HHCS), which will oversee and monitor the income qualification of returning tenants. The Regulatory Agreement will include the following provision for returning tenants: "Tenants who do not income-qualify for a below-market-

rate unit in the new building shall occupy a unit per the terms in Condition of Approval (specify appropriate condition number); at the end of their tenancy, the unit shall assume the affordability level specified in the Regulatory Agreement.”

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

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

Sincerely,

A handwritten signature in blue ink that reads "Matt Brown". The signature is written in a cursive style with a horizontal line underneath it.

Matt Brown
General Counsel



Rent Stabilization Board

November 8, 2023

To: Allison Riemer, Associate Planner, Planning & Development Department
Erika Lindstrom, Associate II, PlaceWorks

From: Matt Brown, General Counsel
By: Lief Bursell, Senior Planner
Be Tran, Associate Planner

Subject: **2145-51 Dwight Way**

On May 5, 2023, you wrote to Mr. Bursell informing him of a new application to demolish an existing four-unit residential building at 2145-51 Dwight. This project would also demolish a nearby existing four-unit residential building at 2137-43 Dwight (addressed in a separate memo). The owner will retain two existing residential buildings with 8 units at 2127-33 Dwight and 2153-59 Dwight and will construct a new 6-story mixed-use residential development with 58 new dwelling units (66 units total) at 2127 Dwight Way. You requested that we provide information related to the property's rental history and status under the Rent Stabilization and Eviction for Good Cause Ordinance ("Ordinance").

Property History

Alameda County records show that 2129 Dwight Way LLC owned the property as of January 13, 2023. City of Berkeley records indicate that the building was constructed in 1944.

Rent Stabilization Board records and microfiche records indicate that 2145-51 Dwight currently contains four residential units.

Rental History and Rent Control Status

Rent Stabilization Board records reflect four residential units at 2145-51 Dwight Way, all of which are claimed as "rented or available for rent." All four units are currently rented and under rent control. All the units have been registered with the Rent Stabilization Board since 1982.

Ellis Act

The buildings at 2145-51 Dwight Way have not been removed from the rental market under the Ellis Act at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring at 2145-51 Dwight Way.

BMC 23.326 and SB 330

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

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent a new replacement unit at the rent level that would have applied if they remained in their former unit. SB 330 requires replacement units contain at least the same number of bedrooms as the unit's they are replacing. According to Rent Board records, there are four existing one-bedroom units at this property. Any tenant households that return to a larger replacement unit with more than one-bedroom would still have the right to pay the rent level that would have applied had they remained in their former one-bedroom unit.

Recommendation

Rent Stabilization Board staff recommends the ZAB adopt Use Permit conditions that enforce the tenant protections and relocation assistance required by both Berkeley's Demolition Ordinance and SB 330. For any units with tenants that move in after the application is submitted only SB 330's relocation requirements will be referenced, assuming the property owner has informed all prospective tenants about the proposed demolition and that demolition constitutes good cause for eviction.

- Pursuant to BMC 23.326.030(A)(5)(d), (i) sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and (ii) tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues. (iii) Income restrictions do not apply to displaced tenants.
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Community Services Department (HHCS), which will oversee and monitor the income qualification of returning tenants. The Regulatory Agreement will include the following provision for returning tenants: “Tenants who do not income-qualify for a below-market-rate unit in the new building shall occupy a unit per the terms in Condition of Approval (specify appropriate condition number); at the end of their tenancy, the unit shall assume the affordability level specified in the Regulatory Agreement.”

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

Sincerely,

A handwritten signature in blue ink that reads "Matt Brown". The signature is written in a cursive style and is positioned above the printed name and title.

Matt Brown
General Counsel