



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

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FOR BOARD ACTION  
MAY 30, 2024

## 2462 Bancroft Way

Use Permit #ZP2023-0107 to demolish an existing non-residential structure and construct at 40,086 square foot, eight-story (88 feet 6 inches) mixed use residential building containing 66 dwelling units (3 Very Low-Income units Density Bonus qualifying units), 1,312 square feet of commercial space, and 28 bicycle parking spaces.

### I. Background

#### A. Land Use Designations:

- General Plan: Avenue Commercial (A-C)
- Zoning District: Telegraph Avenue Commercial (C-T); North of Dwight
- Specific Plan: Southside Plan, Telegraph Commercial Subarea

#### B. Zoning Permits Required:

- **Use Permit** pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish non-residential buildings
- **Use Permit** pursuant to BMC Section 23.204.020 to establish a mixed-use residential building
- **Use Permit** pursuant to BMC Section 23.204.030(A) to create 1,500 square feet of new floor area in the Telegraph Avenue Commercial District
- **Use Permit** pursuant to BMC Section 23.204.110(D)(1) to increase FAR from 5.0 to 5.53 and to construct a building over 65 feet in height
- **Use Permit** pursuant to BMC Section 23.204.020 to establish two ATM machines on the exterior of the building, not attached to a bank
- **Administrative Use Permit** pursuant to BMC Section 23.304.050 for projections above the height limit

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

- Concession from BMC Section 23.204.110(D)(1) to reduce useable open space from 2,640 square feet to 910 square feet
- Waiver from BMC Section (23.204.110(D)(1) to increase the FAR from 6 to 6.17
- Waiver from BMC Section (23.204.110(D)(1) to increase the height from 75 feet to 88 feet and 6 inches

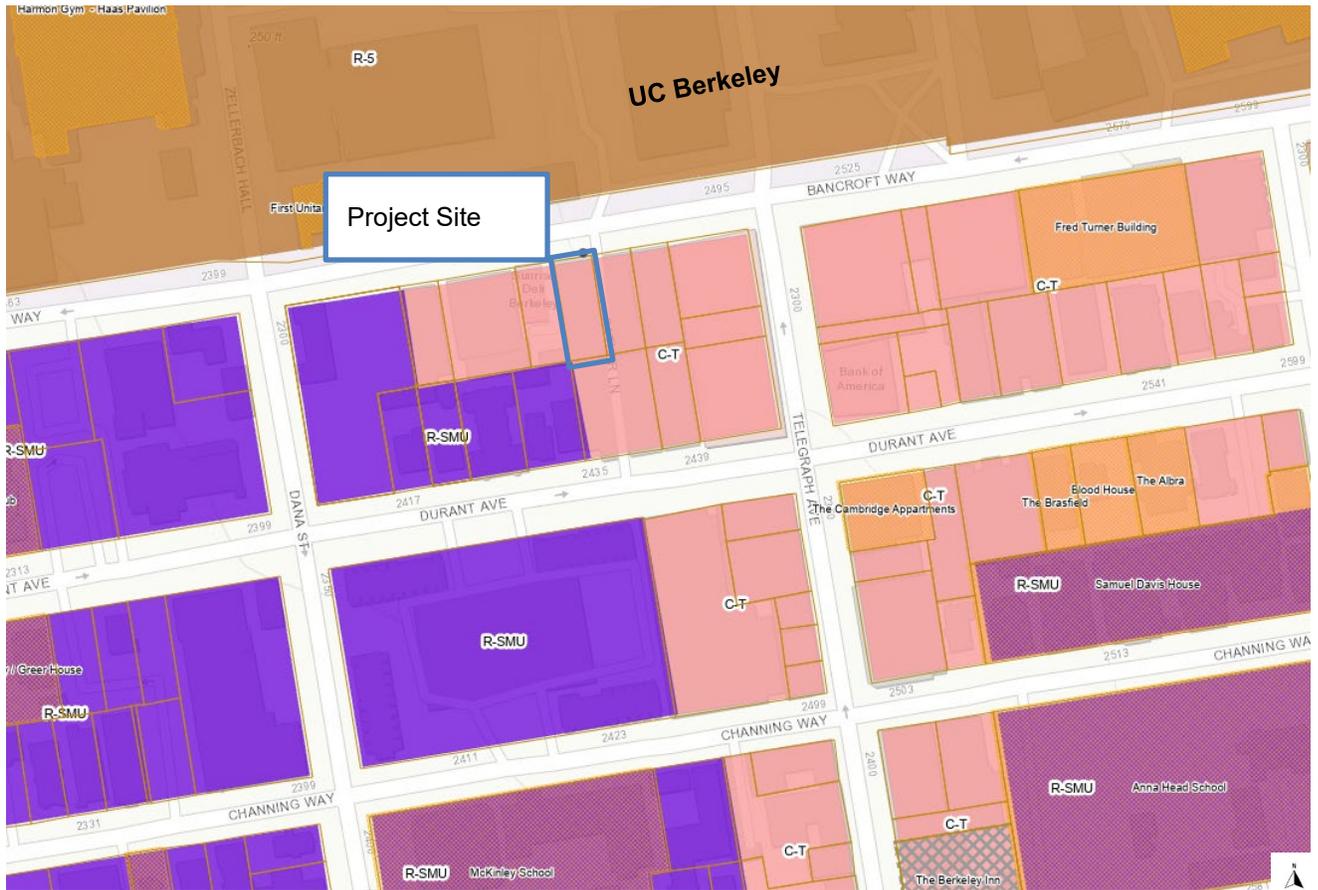
**D. CEQA Recommendation:**

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").

**E. Parties Involved:**

- Applicant - Isaiah Stackhouse, Trachtenberg Architects, Berkeley CA
- Property Owner – Zengs Berkeley LLC, San Leandro CA

Figure 1: Vicinity and Zoning Districts Map



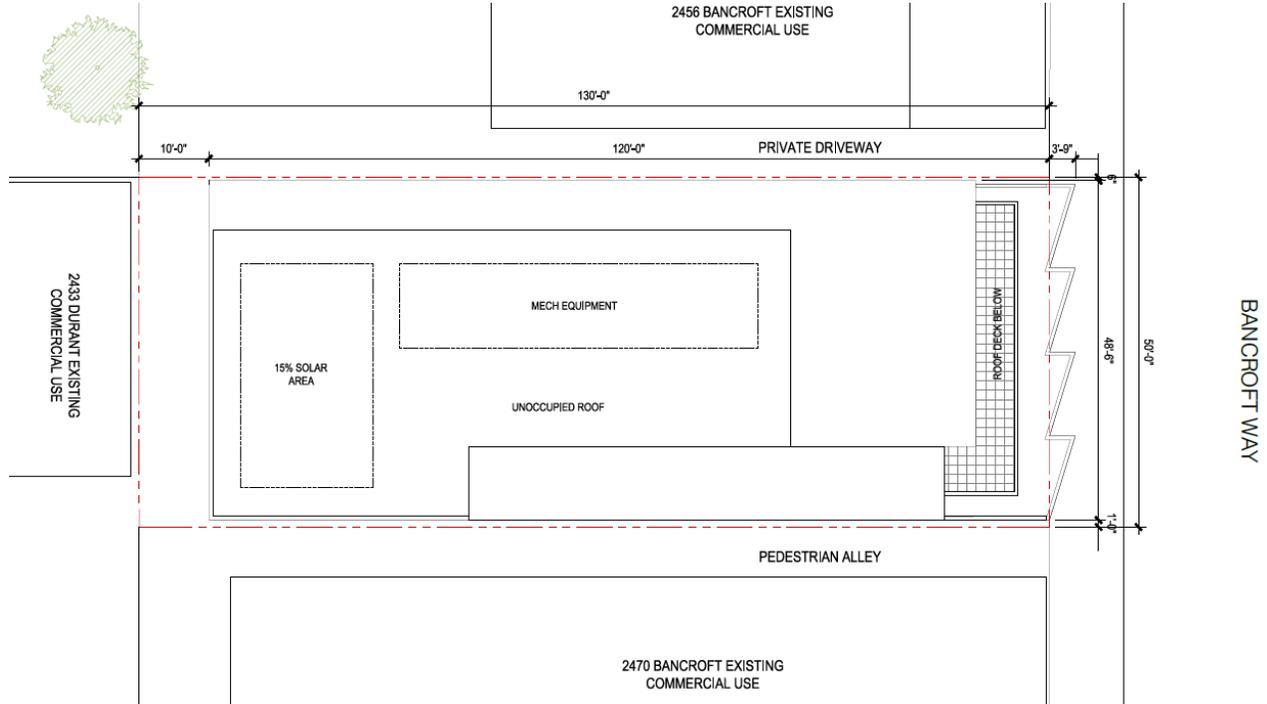
\*Map not to scale.

**Map Key**

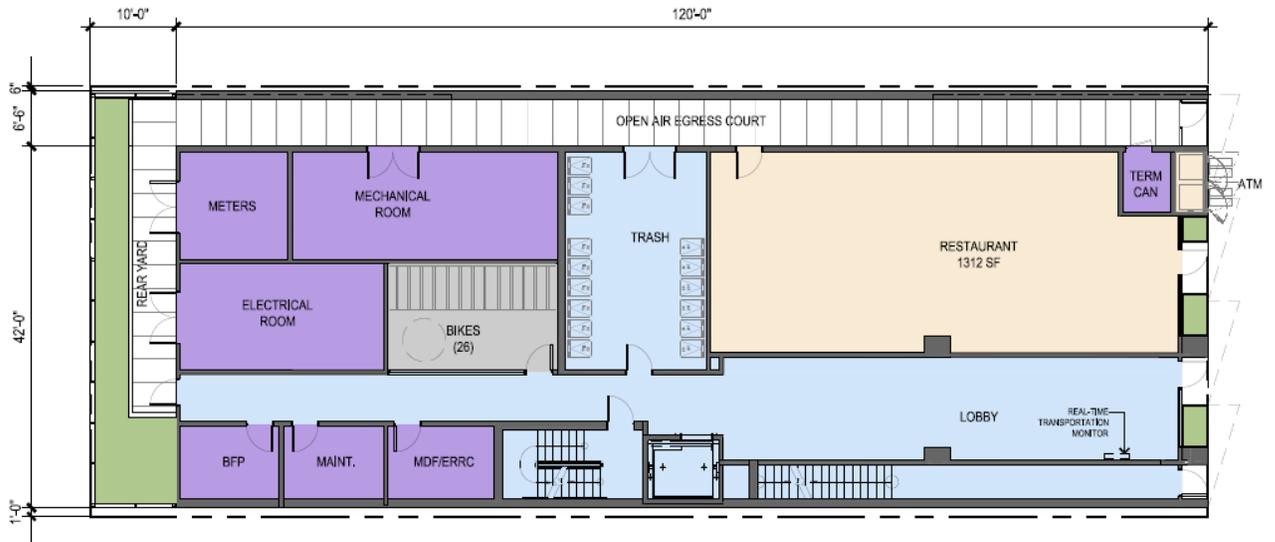
- C-T: Telegraph Commercial District
- R-SMU: Residential Southside Mixed Use District
- R-5: High Density Residential District

Figure 2: Site Plan / Ground Floor

Site Plan



Ground Floor Plan

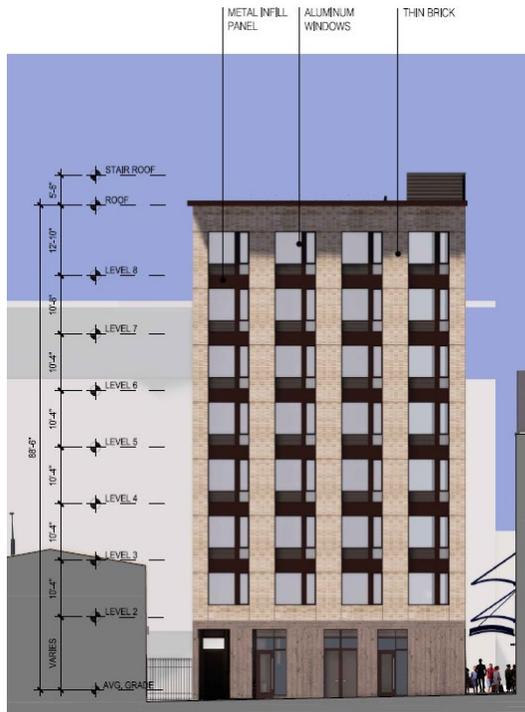


**Figure 4: Elevations**

*North Elevation*



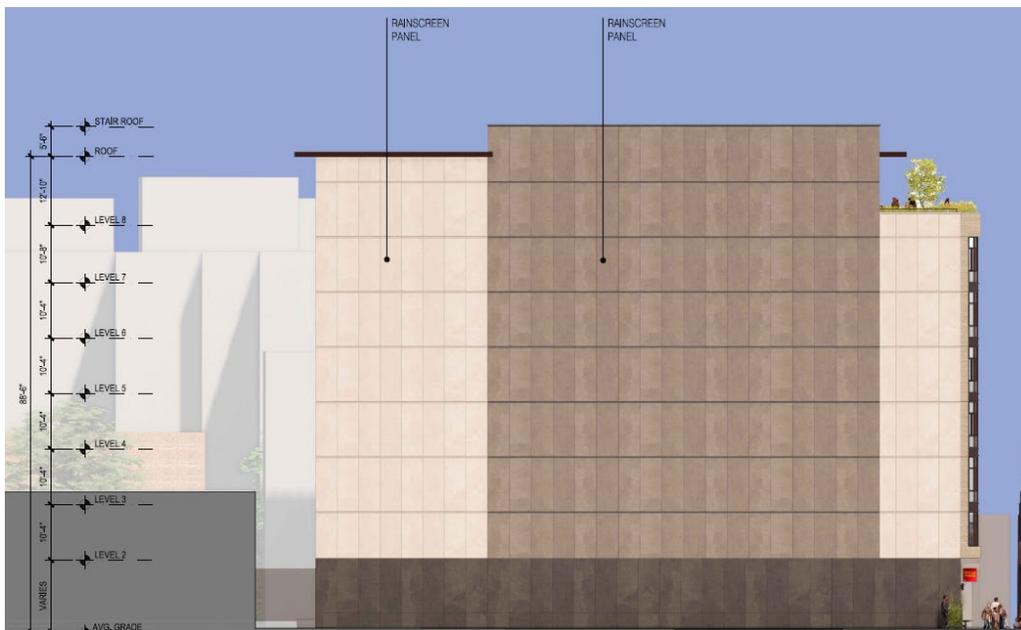
*South Elevation*



*West Elevation*



*East Elevation*



**Table 1: Land Use Information**

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial (Wells Fargo Bank, ATM)		
Surrounding Properties	West	Food service establishment	C-T	Avenue Commercial
	South	Food service establishments and commercial retail (Sather Lane Plaza)		
	East	Mixed-use building (Retail first two floors, residential located on upper floors)		
	North	UC Berkeley	R-5	High Density Residential

**Table 2: Special Characteristics**

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	This fee applies to net newly constructed nonresidential gross floor area over 7,500 square feet. The project would construct 1,312 square feet of nonresidential gross floor area; therefore, the fee does not apply.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The project is a housing development project, as defined in BMC 23.328.020 <sup>b</sup> , and would provide at least 20 percent of residential units, pay an in-lieu fee based on the residential unit floor area of the project, or a combination. The project would provide 3 Below Market Rate (BMR) units (Very Low-Income (VLI) rate) and would be required to pay an in-lieu fee to satisfy the remainder of the requirement.
Alcohol Sales/Service Public Convenience or Necessity	No	The project does not include alcohol sales or service.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak ( <i>Quercus agrifolia</i> ) trees on the project site.
Creeks	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30 feet of the project site.
Density Bonus	Yes	The project would provide 3 Very Low-Income units, or 5 percent of the Base Project units, and qualifies for a 20 percent density bonus, or 12 bonus units (7 of the 12 taken). See Section III.D for discussion.
Historic Resources		The existing building is more than 40 years old, and was forwarded to the Landmarks Preservation Commission (LPC) for review (BMC Section

Characteristic	Applicability	Explanation
		23.326.070(C)). On May 2, 2024, the LPC took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition. See Section IV.B for discussion.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). <sup>d</sup> The base project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act applies, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section V.B of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2). See Section V.C of this report for additional discussion on the sections of SB 330 that apply to the project.
Rent Controlled Units	No	The project would not demolish rent controlled dwelling units.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the <a href="#">State Seismic Hazard Zones map</a> . <sup>f</sup>
Soil/Groundwater Contamination	No	The project site is not located within the City's Environmental Management Area and is not on the Cortese List. <sup>g</sup> Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	Located across from the University of California (UC), Berkeley campus, the project site has access to several transit services located along the north side of Bancroft Way. This street is serviced by the Alameda-Contra Costa Transit District (AC) Transit Lines 6, 52, 7, 51B, 851, 36, 79, 604, 605, and F. The P Line (Bear Transit) is also offered along Bancroft Way. There are two bike share stations (Bay Wheels) proximate to the site.
<p>Notes:</p> <p>a. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p> <p>b. BMC 23.328.020(E) defines a "Housing Development Project" for purposes of inclusionary housing requirements as "a development project, including a Mixed-Use Residential project involving the new construction of at least one Residential Unit. Projects with one or more buildings or projects including multiple contiguous parcels under common ownership or control shall be considered as a sole Housing Development Project and not as individual projects.</p>		

Characteristic	Applicability	Explanation
d. 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.		
e. 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.		
f. California Department of Conservation. DOC Maps: Geologic Hazards. Available: <a href="https://maps.conservation.ca.gov/geologic Hazards/">https://maps.conservation.ca.gov/geologic Hazards/</a>		
g. The Cortese List is an annually updated list of hazardous materials sites compiled pursuant Government Code Section 65962.5.		

**Table 3: Project Chronology**

Date	Action
January 12, 2023	SB 330 (PLN2022-0104) complete preliminary housing development project application submitted
November 16, 2023	SB 330 (PLN2023-0080) complete preliminary housing development project application submitted to supersede the previous preliminary application
July 20, 2023	SB 330 Use Permit Application submitted
August 18, 2023	Application deemed incomplete
November 16, 2023	Application resubmitted
December 15, 2023	Application deemed incomplete
January 26, 2024	Application resubmitted
February 15, 2024	Application deemed complete
April 18, 2024	Design Review Committee meeting
May 2, 2024	Landmarks Preservation Commission hearing (demo referral)
May 16, 2024	Public hearing notices mailed/posted
May 21, 2024	Plans resubmitted
May 30, 2024	ZAB hearing

**Table 4: C-T and Southside Plan<sup>1</sup> Development Standards BMC Sections 23.204.110 and 23.322 Parking and Loading**

<sup>1</sup> The project vested before the Southside zoning changes took effect on March 1, 2024.

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		6,500	6,500	N/A
Gross Floor Area (sq. ft.)		6,040	40,086	N/A
Floor Area Ratio		0.93	6.13	6 max
Dwelling Units	Total	0	66	66 max
	Affordable	0	3 VLI	3 VLI min
Building Height (ft. - in.)	Maximum	24	88'-6"	75 max
	Stories	2	8	N/A
Building Setbacks (ft. - in.)	Front (Bancroft Way)	0	0	0 min
	Rear	0	10	0 min
	Left Side	0	0'-6"	0 min
	Right Side	0	1'	0 min
Lot Coverage (%)		91	85	100 max
Usable Open Space (sq. ft.)		0	910	2,640 min
Parking	Automobile	0	0	0 min <sup>a</sup>
	Bicycle	0	27 (25 long-term, 2 short-term)	27 min (25 long-term, 2 short-term)
<p>█ = Concession or Waiver requested to modify the district standard</p> <p>Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet ('), in. = inches (")</p> <p>Notes:</p> <p>a. <a href="#">AB-2097</a>, effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most non-residential uses.</p>				

## II. Project Setting

### A. Neighborhood/Area Description:

The project site is located within Southside Plan Area<sup>2</sup>, north of Dwight Way along on the southside portion of Bancroft Way. Located in the Telegraph Commercial Subarea, the commercial core of the Southside is developed with dense, mixed-use buildings that include housing above retail.

<sup>2</sup> [Southside Specific Plan \(2011\)](#)

The project site is located midblock along Bancroft Way, between Dana Street and Telegraph Avenue. Abutting UC Berkeley, the immediate area maintains a varied mix of commercial services (i.e., food service establishments, drug stores, clothing shops, etc.), amenities, and housing types for the university population and other users and age groups. The buildings along the middle section of Bancroft Way are about one to three stories in height and maintain commercial, mixed-use, office, and residential uses. Within the greater Southside neighborhood, there are several mixed-use and student residential buildings over six stories constructed within the last 10 years. The project site is proximate to several bus lines and about 0.5 mile from of the Downtown Berkeley Bart Station.

#### **B. Site Conditions:**

The 6,500 square foot site maintains about 50 square feet of frontage along Bancroft Way. The site abuts a pedestrian walkway that runs north to south through the block named Sather Lane. This pedestrian walkway is used to access a number of food service establishments and services located to the rear of the project site. The site is developed with a two-story, 6,040 square foot Wells Fargo bank and office building (commercial use). There are two automated teller machines (ATM) along the front of the building. The lot is accessed by two curb cuts- one to accommodate an existing crosswalk for pedestrian access and another located between 2462 and 2454 Bancroft Way.

### **III. Project Description**

**A. Proposed Project Details:** The proposed project would demolish the existing commercial structure and construct a new eight-story mixed-use building with the following primary components:

1. 66 dwelling units (7 two-bedroom, 59 studios) with a total of 73 bedrooms
2. 26 long-term bicycle parking spaces and 2 short-term spaces
3. 1,312 square foot ground floor commercial space
4. Two ATMs located along the front of the building
5. Residential amenities including a 910 square foot roof deck and a 485 square foot lounge space located on the eighth floor

#### **B. Base Project and Density Bonus:**

The applicant has requested a density bonus under the State Density Bonus Law. Under the City's density bonus procedures, the "base project"<sup>3</sup> is 59 units, as the maximum allowable density for the site. The 7-story base project and the resulting 8-story proposed project both have an average unit size of 587 square feet. By providing 3 Very Low Income (VLI) BMR units on site (5 percent of the 59 - unit base density), the project is eligible for a 20 percent density bonus, or 12 additional units. Therefore,

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

the applicant proposes 7 additional units above the base density for a total of 66 dwelling units. Table 5, below includes the Density Bonus calculations.

**Table 5: Density Bonus**

Base Project Units <sup>a</sup>	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units <sup>a</sup>	Proposed Project Units <sup>a</sup>
59	3 VLI (5 percent of Base Project)	20 percent	12 (20 percent x 59 units)	66 (7 units out of the 12 max. units allowed)
Notes:				
a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the nearest whole number.				

## IV. Community Discussion

### A. Neighbor/Community Concerns:

Prior to submitting this application to the City, the applicant invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting. The meeting was held on May 24, 2023, and attended by 3 individuals (meeting minutes are included as Attachment 3). A pre-application poster was installed on site by the applicant in June 2023. On May 16, 2024, the City mailed public hearing notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations. The City also posted notices on site and within the neighborhood at three nearby locations. At the time of writing this report, staff has received two communications regarding this project (Attachment 7). In two communications, adjacent property owners (2468 Bancraft and 2431 Durant) discuss noticing, access concerns to Sather Lane, and project design. The third communication is from the project applicant and responds to the property owners.

### B. Landmarks Preservation Commission:

The project involves demolition of one commercial building over 40 years in age. Pursuant to BMC Section 23.326.070(C)(1), the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review. A historic resources evaluation (HRE) of the property was conducted on August 29, 2023 by evaluator Page & Turnbull, Inc. The HRE recounts that the site was previously developed with an apartment building (date of construction unknown) prior to being redeveloped with the existing two-story bank building in 1961-62. The building was designed by architect John Carl Warnecke for owner Kenneth White and built by contractor F.P. Dutirsp Construction. Wells Fargo Bank is known to have been the tenant of the building from 1963 through at least 2017. At the LPC hearing on May 2, 2024, the Commission considered a demo referral and historic evaluation of the 1962 New Formalist Bank building and took no action towards initiating a process that would deem the property as a historic resource.

### **C. Design Review Committee:**

On April 18, 2024, the Design Review Committee (DRC) reviewed the project design for 2462 Bancroft Way, gave a favorable recommendation on the design as presented, and provided the following direction for Final Design Review (FDR):

#### **Conditions**

- Show rendering from Durant Avenue at ZAB hearing.
- For FDR, show rendering of wall without ATMs as future alternate design option.

#### **Recommendations**

- Explore more articulation on the commercial storefront.
- Consider ways to activate the storefront recess at the Public Right-of-way.
- Look at the color palette at FDR, including final brick and rainscreen selections; a darker base color may work better.
- Consider slight setback at Sather Lane to allow for art.
- The Committee continues to encourage street trees where possible.

## **V. Issues and Analysis**

### **A. CEQA Approach and Recommendation**

It is staff's recommendation that the project qualifies for a Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332 ("Infill Development Projects"). The determination is made by ZAB. Specifically:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place, over time would not be significant; there are no "unusual circumstances" at the project site that would result in significant environmental effects; there are no designated scenic highways in the City of Berkeley; therefore, the project site is not in view of a state scenic highway; the site is not included on a list compiled pursuant to Section 65962.5 of the Government Code; and the project would not result in a substantial adverse change in the significance of a historical resource.

## **B. Housing Accountability Act Analysis:**

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

1. The development would have a specific adverse impact on public health or safety<sup>4</sup> 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 project is a “housing development project” consisting of mixed-use building with at least two-thirds of the floor area in residential use. The Base Project includes Use Permits and/or Administrative Use Permits<sup>5</sup> to modify the height, floor area ratio, open space, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus “shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduced the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

As shown in Table 4 above, the project complies with the zoning standards. The ZAB has the discretion to approve, deny or modify the request according to the zoning findings, provided the action does not reduce the project density or effectively deny the project by making it infeasible, unless the ZAB is also able to make the required findings for denial set forth under Section 65589.5(j), above.

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

## **C. Housing Crisis Act of 2019 – Senate Bill (SB) 330:**

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

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<sup>4</sup> 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.”

<sup>5</sup> 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.”

of the square-footage is designated residential, and transitional or supportive housing. Sections of SB 330 that apply to the proposed project include the following:

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

The May 30, 2024 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold up to 2 additional public hearings on this project. One of those hearings must be reserved for any possible appeal to the City Council.

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

As discussed in an historic resource evaluation prepared for the project in August 2023, the property does/does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. The demolition referral was heard at the May 2, 2024 Landmark Preservation Commission Agenda, and no action was taken. Therefore, it was determined the site is not a historic resource.

3. **Government Code Section 65950(a)(5)** requires a public agency to approve or disapprove a project within 60 days from the determination that the project is exempt from the CEQA. Should ZAB determine the application is categorically exempt from CEQA at the May 30, 2024 public hearing, the application must be approved or disapproved by July 29, 2024.

#### **D. 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).

1. **Concessions:** A concession is a modification of a development standard that reduces the cost of providing affordable housing. The applicant is requesting one concession for the project to reduce the useable open space requirement from 2,640 square feet to 910 square feet.

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

2. **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 two waivers from the following development standards:

- Waiver from BMC Section 23.204.110(D)(1) to increase the FAR from 6 to 6.17
- Waiver from BMC Section 23.204.110(D)(1) to increase the height from 75 feet to 88 feet and 6 inches

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

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.<sup>6</sup>

#### **E. Demolition of Nonresidential Buildings and Structures:**

Pursuant to BMC Section 23.326.070, main nonresidential buildings may be demolished provided that the demolition will not be materially detrimental to the commercial needs and public interest of the impacted neighborhood and one of the following findings can be made: that the demolition of the structure is required to allow a proposed new building or other proposed new use; will remove a building which is unusable for activities which are compatible with the purposes of the District in which it is located or which is infeasible to modify for such uses; will remove a structure which represents an un-abatable attractive nuisance to the public; or is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The proposed project includes 40,086 square foot mixed-use building which would provide 66 new dwelling units and commercial space in this District, and thus would be

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<sup>6</sup> See Footnote 5.

compatible with adjacent and nearby commercial and residential uses.

The most recent use of the existing building was a bank and office building. The demolition of this building is proposed to allow the development of a new mixed-use residential building that includes 1,312 square feet of commercial area on the ground floor that would encourage a mix of goods and services provided for a range of different uses. The project site is currently being underutilized and the proposed new mixed-use building would provide existing and new residents in the area with additional access to housing and commercial services even with the demolition of the structures. The demolition of the commercial building and proposed construction of ground floor commercial area within the new mixed-use building would conform to the adjacent uses permitted in the C-T District along Bancroft Way and the greater Southside Plan Area.

## **VI. Other Considerations (Zoning and Land Use Considerations)**

The following analyses of conformance with district purposes, and the 2002 General Plan goals and policies are provided for informational purposes only, to provide context, because the proposed project is HAA-compliant. The following permits have been determined by the City to be included in the Base Project of the proposal, and are subject to Section 65589.5(j) of the HAA. See section V.B for discussion of the HAA. All permits are subject to the C-T District permit findings and General Non-Detriment findings discussed in sections VI.A-F.

### **A. General Non-Detriment Finding:**

BMC Section 23.406.040(E) states that before the ZAB approves an application for a Use Permit, it must find that the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City.

1. The project is a higher-density development in proximity to constructed and entitled mixed uses of a comparable density along Bancroft Way within the greater neighborhood area. The project site is located within the C-T commercial district, within the Southside Plan Area. The project provides 66 new dwelling units sized from studios to two-bedroom units. Three of the units will be restricted as affordable housing units for very-low-income residents. The ground floor along Bancroft Way would include 1,312 square feet of commercial space and two replacement ATM machines. The project also includes several residential amenities, including a 910 square foot roof deck, communal lounge, and bike room. The project site is well served by public transportation, with the intersection of several AC Transit and UC Berkeley transit lines located directly across the project site. The site is also located a little over 0.5 mile from the Downtown Berkeley BART station and several bicycle share kiosks. The project would add additional dwelling units and new commercial floor area, furthering the mixed-use uses that are compatible with the purposes of the district and development pattern in the surrounding area.

2. Shadows: According to the shadow studies submitted for the project (Attachment 2), the majority of the impacted area is shaded by existing development. During the summer months new shadows cast by the proposed development would shade existing commercial and mixed-use buildings located to the rear of the project site, along Telegraph Avenue and Durant Avenue. The project would also shade the pedestrian right-of-way along Bancroft Way and UC Berkeley buildings located north and north west of the project site. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban environment. The shadow impacts would not found to be detrimental because they would be limited in duration and would not persist for extended periods of time throughout the year.

Further, shadow impacts on adjacent commercial and mixed-use residential buildings are to be expected, because the project site is located in the C-T district, which allows heights of up to 75 feet with a Use Permit and roof top projections beyond the base height with an Administrative Use Permit. The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff believes that shadow impacts from the project would be reasonable and not detrimental.

3. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

## **B. C-T District Purpose**

BMC Section 23.204.110(E) states that before the ZAB approves an application for a Use Permit, they must find that the project is compatible with the purposes of the C-T district, the surrounding uses and buildings, and does not generate parking demand. The project would construct a mixed-use building with ground floor commercial space on an underutilized site and would activate the street frontage along Bancroft Way. The project is also consistent with the Southside Plan and C-T district because the proposed mixed-use building aligns with existing development patterns in area, would increase residential density, and provide neighborhood serving commercial space on the ground floor. The project is located in proximity to several public transit lines, and a short distance from the Downtown Berkeley BART station; therefore, the project would not increase automobile traffic, with respect to existing conditions.

## **C. Increase of Height and FAR**

BMC Section 23.204.110(D)(4) states that before ZAB must find that the project would not result in a significant reduction in sunlight on Telegraph Avenue sidewalks prior to approving the height increase and higher FAR. According to the shadow studies (Attachment 2), new shadows would be cast along Bancroft Way and shade confronting UC Berkeley campus buildings. Although the project would cast new

shadows on commercial and mixed-use buildings to located south or south east of the project, it would not create new shadows along Telegraph Avenue.

#### **D. Administrative Use Permit for Rooftop Projections**

BMC Section 23.304.050(A) requires an Administrative Use Permit for roof-top projections, such as mechanical penthouses, elevator equipment rooms or stair towers, that would exceed the maximum height limit. Such projections are limited to no more than 15 percent of the average floor area of all of the building's floors and cannot be used as habitable space or for commercial purposes. The project would include a staircase/elevator penthouse totaling 713 square feet that would extend over five feet over the nearly 89-foot roof height. The penthouse represents 14.3 percent of the 4,978-square-foot average of all the floor areas. The projection is, therefore, permissible.

#### **E. General Plan Consistency:**

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

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
2. **Policy UD-32 Shadows:** New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.
3. **Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.
4. **Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.
5. **Policy T-16 – Access by Proximity, Action B:** Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.
6. **Policy T-43 – Bicycle Network, Action C:** Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.
7. **Policy T-16-Access by Proximity:** Improve access by increasing proximity of residents to services, goods, and employment centers.

Staff Analysis: The proposed project is consistent with the above general plan policies as it is a higher density infill development that proposes 66 new dwelling units that will count towards the City's share of regional housing needs. The project is proximate to public transit, bicycle boulevards, and commercial corridors that

offer various goods and services to residents, and would result in shading that is limited in duration and will not persist for extended periods throughout the year.

#### **F. Southside Plan Consistency:**

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

1. **Policy LU-D1:** Encourage development of infill buildings along the south side of Bancroft Way so that it becomes a more vital corridor serving students and other users of the Southside.
2. **Policy LU-E1:** Support neighborhood services by encouraging development of new housing at suitable locations within walking distance of the UC campus and as part of mixed-use developments in the Telegraph Commercial District and Downtown Berkeley.
3. **Policy LU-E3:** The specific location of land uses and the design of new buildings in each subarea should reinforce the pedestrian, bicycle, and transit orientation of the Southside.
4. **Policy LU-F14 (Telegraph Commercial (C-T) Subarea Policy):** Mixed-use buildings with housing above retail uses are the preferred land use throughout this subarea. Revise the C-T zoning to encourage the construction of new mixed-use buildings or additions to existing buildings.

Staff Analysis: The proposed project is consistent with the above Southside Plan policies as it is a higher density infill, mixed-use development that proposes 66 new dwelling units and ground floor commercial. The site is located within walking distance from the UC Berkeley campus and will redevelop an underutilized site with a mixed-use building. The project is proximate to public transit, bicycle boulevards, and commercial corridors that offer various goods and services to residents.

### **VII. Recommendation**

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

- **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15332 of the CEQA Guidelines ("Infill Development"); and
- **APPROVE** Use Permit #ZP2023-0107 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

#### **Attachments:**

1. Findings and Conditions
2. Project Plans, received May 21, 2024
3. Community Meeting Notes
4. C-T Zoning before March 1, 2024

ZONING ADJUSTMENTS BOARD

2462 BANCROFT WAY

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5. Southside Plan Mitigation Monitoring Program
6. Notice of Public Hearing
7. Correspondence Received

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



# ATTACHMENT 1

## FINDINGS AND CONDITIONS

MAY 30, 2024

### 2462 Bancroft Way

Use Permit #ZP2023-0107 to demolish an existing non-residential structure and construct at 40,086 square foot, eight-story (88 feet 6 inches) mixed use residential building containing 66 dwelling units (3 Very Low-Income units Density Bonus qualifying units), 1,312 square feet of commercial space, and 28 bicycle parking spaces.

#### ZONING PERMITS REQUIRED

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish non-residential buildings
- Use Permit pursuant to BMC Section 23.204.020 to establish a mixed-use residential building
- Use Permit pursuant to BMC Section 23.204.030(A) to create 1,500 square feet of new floor area in the Telegraph Avenue Commercial District
- Use Permit pursuant to BMC Section 23.204.110(D)(1) to increase FAR from 5.0 to 5.53 and to construct a building over 65 feet in height
- Use Permit pursuant to BMC Section 23.204.020 to establish two ATM machines on the exterior of the building, not attached to a bank
- Administrative Use Permit pursuant to BMC Section 23.304.050 for projections above the height limit

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

- Concession from BMC Section 23.204.110(D)(1) to reduce useable open space from 2,640 square feet to 910 square feet
- Waiver from BMC Section (23.204.110(D)(1) to increase the FAR from 6 to 6.17
- Waiver from BMC Section (23.204.110(D)(1) to increase the height from 75 feet to 88 feet and 6 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 Section 15332 of the CEQA Guidelines (“Infill Development”).
- B. 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 will not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions will 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.
- C. 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 will not affect any historical resource.

## **II. HOUSING ACCOUNTABILTY ACT FINDINGS**

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- A. The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (1) the development would have a specific adverse impact on public health or safety unless disapproved or approved at a lower density; and (2) there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact, other than the disapproval or approval at a lower density.
- B. The project includes construction of 66 units. Because the base project complies with applicable, objective general plan and zoning standards, §65589.5(j) does apply to this project. No significant, quantifiable, direct and unavoidable impacts, based on objective, identified written public health or safety standards, polices, or conditions, have been identified.

## **III. DENSITY BONUS FINDINGS**

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- 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 59 units;
  2. The project will provide at least 3 Very Low- Income units qualifying units in the 59-unit base project, as more fully set forth in Condition 35;
  3. The project is entitled to a density increase of 20 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus one concession or incentive. This equates to a density bonus of up to 12 units above the base project, for a total of up to 71 units.
- B.** In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concessions in order to provide for affordable housing costs:
4. Concession from BMC Section 23.204.110(D)(1) to reduce useable open space from 2,640 square feet to 910 square feet.
- C.** In accordance with Government Code Section 65915(d), in order to allow construction of the proposed project with the density permitted under State law, the Zoning Adjustments Board finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.
- D.** In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units:
1. Waiver from BMC Section (23.204.110(D)(1) to increase the FAR from 6 to 6.17; and
  2. Waiver from BMC Section (23.204.110(D)(1) to increase the height from 75 feet to 88 feet and 6 inches.
- E.** 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 the approval of waivers is required 1) to construct the proposed project at the density permitted under State law; 2) approval of requested waivers will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers will not be contrary to State or Federal law.

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

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- A.** As required by Section 23.406.040(E) of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, will 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 a higher-density development in proximity to constructed and entitled mixed uses of a comparable density along Bancroft Way within the greater neighborhood area. The project site is located within the C-T commercial district, within the Southside Plan Area. The project provides 66 new dwelling units sized from studios to two-bedroom units. Three of the units will be restricted as affordable housing units for very-low-income residents. The ground floor along Bancroft Way will include 1,312 square feet of commercial space and two replacement ATM machines. The project also includes several residential amenities, including a 910 square foot roof deck, communal lounge, and bike room. The project site is well served by public transportation, with the intersection of several AC Transit and UC Berkeley transit lines located directly across the project site. The site is also located a little over 0.5 mile from the Downtown Berkeley BART station and several bicycle share kiosks. The project will add additional dwelling units and new commercial floor area, furthering the mixed-use uses that are compatible with the purposes of the district and development pattern in the surrounding area; and

3. According to the shadow studies submitted for the project (Attachment 2), the majority of the impacted area is shaded by existing development. During the summer months new shadows cast by the proposed development will shade existing commercial and mixed-use buildings located to the rear of the project site, along Telegraph Avenue and Durant Avenue. The project will also shade the pedestrian right-of-way along Bancroft Way and UC Berkeley buildings located north and north west of the project site. These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban environment. The shadow impacts will not found to be detrimental because they will be limited in duration and will not persist for extended periods of time throughout the year; and
4. Shadow impacts on adjacent commercial and mixed-use residential buildings are to be expected, because the project site is located in the C-T district, which allows heights of up to 75 feet with a Use Permit and roof top projections beyond the base height with an Administrative Use Permit. The additional height above the district limits will cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff believes that shadow impacts from the project will be reasonable and not detrimental.
5. The project will be subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, which will ensure that the project will not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City.

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

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- F. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential building at 2462 Bancroft will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new mixed-use, residential building.

The proposed project includes the development of a 40,086 square foot mixed-use building which will provide 66 new dwelling units and commercial space in this District, and thus will be compatible with adjacent and nearby commercial and residential uses.

The most recent use of the existing building was a bank and office building. The demolition of this building is proposed to allow the development of a new mixed-use residential building that includes 1,312 square feet of commercial area on the ground floor that will encourage a mix of goods and services provided for a range of different uses. The project site is currently being underutilized and the proposed new mixed-use building will provide existing and new residents in the area with additional access to housing and commercial services even with the demolition of the structures. The demolition of the commercial building and proposed construction of ground floor commercial area within the new mixed-use building will conform to the adjacent uses permitted in the C-T District along Bancroft Way and the greater Southside Plan Area.

- G.** As required by BMC Section 23.204.110(E) the project is consistent with the purposes of the underlying with the purposes of the C-T district, the surrounding uses and buildings, and does not generate parking demand. The project will construct a mixed-use building with ground floor commercial space on an underutilized site and will activate the street frontage along Bancroft Way. The project is also consistent with the Southside Plan and C-T district because the proposed mixed-use building aligns with existing development patterns in area, will increase residential density, and provide neighborhood serving commercial space on the ground floor. The project is located in proximity to several public transit lines, and a short distance from the Downtown Berkeley BART station; therefore, the project will not increase automobile traffic, with respect to existing conditions.
- H.** As required by BMC Section 23.304.050(A), the Zoning Adjustments Board finds that the proposed rooftop equipment, which exceeds the district height limit, does not exceed 15 percent the average floor area of the building's floors. None of the equipment structures will be used as habitable or commercial space. The project will include a staircase/elevator penthouse totaling 713 square feet that will extend over five feet over the nearly 89-foot roof height. The penthouse represents 14.3 percent of the 4,978-square-foot average of all the floor areas.
- I.** As required by Section 23.204.110(D)(4) of the BMC, the Zoning Adjustments Board finds the increase of height and FAR up to 75 feet and 6.0, respectively, of the project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks. According to the shadow studies (Attachment 1), new shadows will cast create shadows along Bancroft Way and will shade confronting university buildings located on campus. Although the project will cast new shadows on commercial and mixed-use buildings to located south or south east of the project, it will not create new shadows along Telegraph Avenue.

## **VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS**

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

- 1. Conditions and Southside Mitigation Monitoring and Reporting Program Shall be Printed on Plans.** The conditions and the Southside Mitigation Monitoring and Reporting Program (Attachment 7) 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.
- 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 re-establish 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 comply 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 Wage Theft 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. Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060).** The requirements of Sections 13.104.030 through 13.104.050 shall be included as conditions of approval of any Use Permit or Zoning Certificate for any Project that is subject to this Chapter. Failure to comply with the requirements of any provision of this Chapter shall be grounds for issuance of an administrative citation under Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.**13. Hold Harmless.** The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney's fees and disbursements (collectively, "Claims") arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee's duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City.**VII. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD**

Pursuant to BMC 23.404.050(H), the Zoning Adjustments Board attaches the following additional conditions to this Permit:

**Prior to Submittal of Any Building Permit:**

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

**Project Liaison** \_\_\_\_\_

Name	Phone #
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**15. 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 in accordance with BMC 16.28.030, and, except for new buildings on vacant lots, entered into the City's database after the building permit is issued but prior to final inspection.

**16. 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.
17. **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 consider 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 study of existing conditions (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.

- 18. Compliance with Conditions of Approval and Southside Plan Mitigation Monitoring Reporting Program.** The building permit application is subject to verification of compliance of these Conditions of Approval and the Southside Plan Mitigation Monitoring and Reporting Program. 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)**

- 19. 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.
- 20. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee.
- 21. 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.

- 22. 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.
- 23. Construction and Demolition Diversion.** Applicant shall submit a [Construction Waste Management Plan](#) that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.
- 24. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: [City of Berkeley Community GIS Portal \(arcgis.com\)](http://arcgis.com)
  - B.** Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.
  - C. Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.
  - D. Soil and Groundwater Management Plan.** A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

The SGMP shall comply with the hazardous materials and waste management standards required by BMC Section 15.12.100, the stormwater pollution prevention requirements of San Francisco Bay Regional Water Quality Control Board's Order No. R2-2009-0074, California hazardous waste generator regulations (Title 22 California Code of Regulations (CCR) 66260 et seq.), and the East Bay Municipal Utility District's Ordinance 311, and shall include the following:

- i. procedures for soil and groundwater management including identification of pollutants and disposal methods;
- ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;
- iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and
- iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

TMD may require additional information or impose additional conditions as deemed necessary to protect human health and the environment. All requirements of the approved SGMP shall be deemed conditions of approval.

**E. Demolitions & Renovations – Building Materials Survey.** A hazardous materials survey for building materials and plans on hazardous materials and hazardous waste removal and disposal is required and must be prepared by qualified professionals, and submitted to the Toxics Management Division (TMD) prior to issuance of the building permit.

- i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.
- ii. 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. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)
- iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.
- iv. 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.

Please note, the PCB Screening Form required by Public Works, Engineering, is a separate requirement and does not address the PCB identification requirement of the Toxics Management Division.

**F. Hazardous Materials Business Plan.** A Hazardous Materials Business Plan (HMBP) in compliance with BMC Section 15.12.040 and California Health & Safety Code, Chapter 6.95 Div. 20, shall be submitted to the Toxics Management Division through the California Environmental Reporting System: <http://cers.calepa.ca.gov/> for chemicals used or stored on site during construction that exceed reporting thresholds. The reporting is required if your facility stores or handles hazardous materials in aggregate quantities equal to or greater than 55 gallons for liquids, 500 pounds for solids, or 200 cubic feet of compressed gases, or generates any quantity of hazardous waste. This includes welding gases, emergency generator fuel, paints, etc.

Additionally, the business occupant must submit an HMBP within 30 days of starting operations.

**G. Petroleum Storage.** An (SPCC) Plan is required to be prepared and implemented for facilities with any one of the following:

- i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or
- ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: <https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/>

The SPCC plan must be prepared prior to beginning operations and you must submit facility information to Toxics Management Division (TMD) through the California Environmental Reporting System: <http://cers.calepa.ca.gov/>. The SPCC plan will be reviewed during the site inspection and shall not be submitted in CERS or to the TMD.

### **Prior to Issuance of Any Building (Construction) Permit**

**25. Percent for Public Art.** Consistent with BMC Section 23.316, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.

**26. Affordable Housing Mitigation Fee.** Consistent with BMC Section 22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.

**27. 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.

- 28. 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.
- 29. 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.)
- 30. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET<sub>o</sub>) for Berkeley is 41.8.
- 31. Recycling and Organics Collection.** Applicant shall provide recycling and organics collection areas for occupants, clearly marked on plans, which comply with the Alameda County Organics Reduction and Recycling Ordinance (2021-02). Contact the Zero Waste Division's Recycling Program Manager, Julia A. Heath, at [jheath@berkeleyca.gov](mailto:jheath@berkeleyca.gov).
- 32. 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.

#### **AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS**

- 33. Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Department of Health, Housing, and Community Services prior to the issuance of Building Permit. Projects that receive approval from the Building Official for multiple phase construction permits must have the final AHCP certified prior to the issuance of the phase one building permit.
- 34. Below Market Rate Units.** Three Very Low Income Below Market Rate rental dwelling units ("BMR Units") shall be provided in the project. All affordable units provided pursuant to Section III of this permit shall be designated as BMR Units. All BMR units are required to comply with the stricter of the State Density Bonus Law (Government Code Section 65915) and BMC Section 23.328.030 (A).

- 35. Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915, BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915). The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.
- 36. Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is \$810,168.75, subject to proration to reflect any affordable units provided. Any adjustments to the fee will be determined prior to building permit issuance as part of the Affordable Housing Compliance Plan approval. The In-Lieu Fee shall be paid prior to the issuance of the first Certificate of Occupancy, or if no Certificate of Occupancy is required, prior to the final inspection of the Project.

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.

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

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- 37. 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.
- 38. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:
- H. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes). The pedestrian pathway, Sather Lane, must remain free and open, without closure or obstruction, and safe during business operating hours throughout demolition and the construction of the project;
  - I. Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;
  - J. Provision of exclusive contractor parking on-street; or
  - K. Significant truck activity.

Please contact the Office of Transportation at (510) 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 stamped and signed by a registered engineer prior to submittal. The TCP shall be consistent with any other requirements of the construction phase. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 39. Construction/No Parking Permits.** 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.

**During Construction:**

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- 40. 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.
- 41. 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.
- 42. 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.
- A. Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
  - B. Calendar and schedule of daily/weekly/monthly construction activities
  - C. The final Conditions of Approval, Southside 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.
- 43. Public Works - Implement Bay Area Air Quality Management District (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 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.
- 44. 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:

- i. 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.
  - ii. 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.
- 45. 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 [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.
- 46. Low-Carbon Concrete.** The project shall maintain compliance with the Berkeley Green Code (BMC Chapter 19.37) including use of concrete mix design with a cement reduction of at least 25 percent. Documentation on concrete mix design shall be available at all times at the construction site for review by City Staff. (Project required to meet applicable code at time of building permit application, if different from above.)
- 47. 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.
- 48. Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).** Pursuant to CEQA Guidelines section 15064.5(f), "provisions for historical or unique archaeological resources accidentally discovered during construction" should be instituted. Therefore:

- A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.
- B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.
- C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations.
- D. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.
- E. If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.
- 49. 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.
- 50. 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.
- 51. Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).**

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

- i. *Salvage of Fossils.* If fossils are discovered, the paleontological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead paleontologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single paleontologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within paleontologically- sensitive Quaternary old alluvial deposits.
- ii. *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent paleontological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Paleontologist.
- iii. *Final Paleontological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Paleontologist shall prepare a final report describing the results of the paleontological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

**52. 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.

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

- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

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

- K.** The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 54. Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
- 55. 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.
- 56. Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 57. 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.
- 58. 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.
- 59. 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.
- 60. Public Works / Building and Safety.** 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:**

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- 61. 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.
- 62.** All landscape, site and architectural improvements shall be completed per the attached approved drawings received May 21, 2024.

- 63. 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.
- 64. 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(A), all parking spaces provided for residents be leased or sold separate from the rental or purchase of dwelling units for the life of the dwelling units. The property owner shall notify all residents 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 Certificate of Occupancy or final inspection.
- B.** 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.
- C.** Property owners may be required to pay administrative fees associated with compliance with this Condition.

**At All Times:**

---

- 65. Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
- 66. Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
- 67. Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

- 68. Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
- 69. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 70. Drainage Patterns.** The applicant shall establish and maintain drainage patterns that do not adversely affect adjacent properties and rights-of-way. Drainage plans shall be submitted for approval of the Building & Safety Division and Public Works Department, if required.
- 71. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 72. Loading.** All loading/unloading activities associated with deliveries to all uses shall be restricted to the hours of 7:00 a.m. to 10:00 p.m. daily.
- 73. Residential Permit Parking.** No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The Finance Department, Customer Service Center shall 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.
- 74. Required Bike Parking.** Secure and on-site bike parking for at least 25 bicycles and 2 short-term bike parking spaces shall be provided for the life of the building.
- 75.** The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.
- 76.** This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.



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 Berkeley, California 94710  
 510.649.1414  
 www.TrachtenbergArch.com

**2462  
 BANCROFT  
 WAY**

Berkeley, CA

- 10.28.2022 SB330 SUBMITTAL
- 01.12.2023 SB330 RESUBMISSION
- 06.20.2023 ZONING SUBMITTAL
- 11.14.2023 ZONING RESUBMITTAL
- 01.23.2024 ZONING RESUBMITTAL
- 03.20.2024 ZONING RESUBMITTAL
- 05.20.2024 ZAB SUBMITTAL

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JOB: 2211

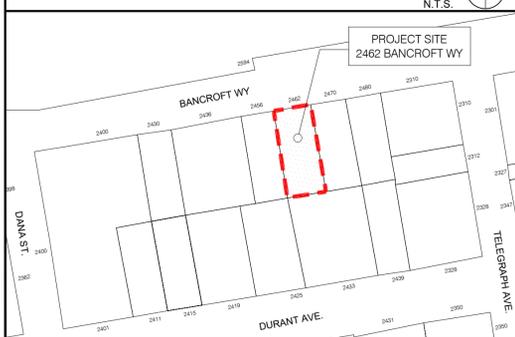
SHEET:

GENERAL  
 INFORMATION

**A0.0**



**VICINITY MAP**



**PROJECT DIRECTORY**

**OWNER:**  
 ZENG'S BERKELEY LLC  
 2311 W Ave 135th  
 San Leandro, CA 94577  
 510.207.6649

**ARCHITECT:**  
 Isaiah Stackhouse, Principal  
 TRACHTENBERG ARCHITECTS  
 2421 Fourth Street  
 Berkeley, CA 94710  
 510.649.1414  
 www.TrachtenbergArch.com

**LANDSCAPE ARCHITECT:**  
 Michael Ingram  
 MILLER COMPANY LANDSCAPE ARCHITECTS  
 2973 16th Street, Suite 200  
 San Francisco, CA 94103  
 415.252.7288  
 www.millercomp.com

**PROJECT DESCRIPTION**

PROJECT ADDRESS: 2462 Bancroft Way  
 Berkeley, CA 94704 (APN: 055 187802000)

SCOPE OF WORK:  
 REMOVAL OF EXISTING COMMERCIAL STRUCTURES & CONSTRUCTION OF A NEW  
 8-STORY MIXED-USE BUILDING WITH 66 DWELLING UNITS, GROUND LEVEL LOBBY,  
 AND COMMERCIAL SPACE WITH STATE OF CALIFORNIA DENSITY BONUS.

**ZONING CODE SUMMARY**

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-T

SEE SHEETS A.01 FOR COMPLETE ZONING DATA

**DRAWING LIST**

ARCHITECTURAL		
A0.0 GENERAL INFORMATION	A2.3 FLOOR PLANS	A3.11 CONCEPTUAL RENDERING
A0.1 ZONING DATA	A2.4 FLOOR PLANS	A3.12 CONCEPTUAL RENDERING
A0.2 DENSITY BONUS CALCULATIONS	A2.5 ROOF PLAN	A4.0 PRELIMINARY STORMWATER PLAN
A0.4A SHADOW STUDIES	A3.0 BUILDING SECTIONS	A4.1 PRELIMINARY GRADING PLAN
A0.4B SHADOW STUDIES	A3.1 BUILDING ELEVATIONS	A4.2 WALL SECTION
A0.4C SHADOW STUDIES	A3.2 BUILDING ELEVATIONS	
A0.5 SITE CONTEXT PHOTOS	A3.3 BUILDING ELEVATIONS	<b>LANDSCAPE</b>
A0.6 VICINITY MAP	A3.4 BUILDING ELEVATIONS	L100A NOTES & SCHEMATIC IRRIGATION
A0.7 AFFORDABLE HOUSING PLAN	A3.5 STREET STRIP ELEVATION	L100B PLANT PALETTE
A1.0 SURVEY	A3.6 PHOTO CONTEXT VIEWS	L101 GROUND LEVEL LANDSCAPE PLAN
A1.1 SURVEY	MAT MATERIAL BOARD	L102 EIGHTH LEVEL LANDSCAPE PLAN
A2.0A EXISTING SITE PLAN	A3.7 CONCEPTUAL RENDERING	L103 LANDSCAPE SECTIONS
A2.0B SITE PLAN	A3.8 CONCEPTUAL RENDERING	
A2.1 FLOOR PLANS	A3.9 CONCEPTUAL RENDERING	
A2.2 FLOOR PLANS	A3.10 CONCEPTUAL RENDERING	

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# 2462 BANCROFT WAY

Berkeley, CA

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ZONING DATA

# A0.1



3 ZONING MAP

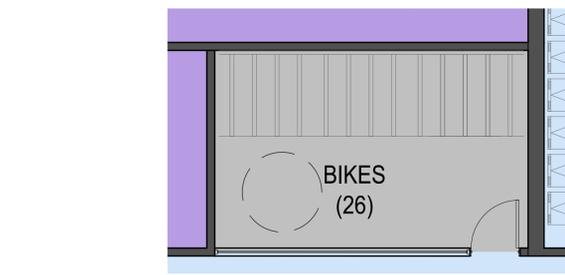
### Stack Rack

**Spacing and Dimensions**  
For a full list of dimensions and spacing requirements and recommendations, please see our technical specification document or installation manual.

**Single-Sided Layout**  
Parks 40 bikes in 18.8 x 18' area

**Double-Sided Layout**  
Parks 52 bikes in 22.57' x 18' area

Downloadable product resources available online:  
Saris Infrastructure 800.763.7257 www.sarisinfrastructure.com



2 BIKE PARKING

### CITY OF BERKELEY ZONING TABULATIONS

ZONING	ALLOWABLE BASE PROJECT		PROPOSED W/ DENSITY BONUS	COMPLIANCE
	BASE ZONING	ALLOWABLE W/UP'S		
ZONING		C-T		COMPLIES
LOT AREA		6,500		COMPLIES
LOT AREA (ACRES)		0.15		COMPLIES
NUMBER OF DWELLING UNITS	N/A	N/A	66	COMPLIES
COMMERCIAL AREA	N/A	N/A	1,312	COMPLIES
PARKING (SEE TABLE)	N/A	N/A	0	COMPLIES
BIKE PARKING (SEE TABLE)	27	27	28	COMPLIES
FRONT YARD SETBACK (BANCROFT)	0'	0'	0'	COMPLIES
SIDE YARD SETBACK	0'	0'	VARIES; 0'-6" to 1'-0"	COMPLIES
REAR YARD SETBACK	0'	0'	10'-0"	COMPLIES
BUILDING HEIGHT	65'	75'	88'-6"	COMPLIES W/ WAIVER
BUILDING STORIES	N/A	N/A	8	COMPLIES
PROJECT FAR	5.00	6.0	6.13	COMPLIES W/ WAIVER
GROSS FLOOR AREA (SEE TABLE)	N/A	N/A	40,086	COMPLIES
BUILDING FOOTPRINT	6,500	6,500	5,424	COMPLIES
LOT COVERAGE	100%	100%	83%	COMPLIES
USABLE OPEN SPACE (SEE TABLE)	SEE TABLE	SEE TABLE	SEE TABLE	COMPLIES W/ CONCESSION

### FAR CALCULATIONS

	BASE PROJECT ALLOWABLE	ALLOWABLE W/UP'S	PROPOSED W/ DENSITY BONUS
SITE AREA	6,500	6,500	6,500
FAR	5.00	6.00	6.13
FLOOR AREA	32,500	39,000	39,822

### PROPOSED FLOOR AREA WITH DENSITY BONUS

	COMMERCIAL	RESIDENTIAL	MECH.	TOTAL
LEVEL 8		4,132		4,132
LEVEL 7		5,169		5,169
LEVEL 6		5,169		5,169
LEVEL 5		5,169		5,169
LEVEL 4		5,169		5,169
LEVEL 3		5,169		5,169
LEVEL 2		5,169		5,169
GROUND LEVEL	1,312	2,041	1,323	4,676
TOTAL FLOOR AREA W/ DENSITY BONUS	1,312	37,187		39,822
FAR (FLOOR AREA RATIO)				6.13
PARKING			264	264
TOTAL WITH PARKING				40,086

### UNIT COUNTS

UNIT TYPE	STUDIO	2-BED	TOTAL
LEVEL 8	5	1	6
LEVEL 7	9	1	10
LEVEL 6	9	1	10
LEVEL 5	9	1	10
LEVEL 4	9	1	10
LEVEL 3	9	1	10
LEVEL 2	9	1	10
GROUND LEVEL			
TOTAL	59	7	66
PERCENT OF TOTAL	89%	11%	
TOTAL BEDROOM COUNT	59	14	73

### OPEN SPACE TABLE

	UNITS	RATIO	TOTAL	40% LANDSCAPE AREA
TOTAL UNITS	66	40	2,640	
TOTAL REQUIRED			2,640	
TOTAL CONCESSION REQUESTED			1,730	
TOTAL AREA PROVIDED			910	
LEVEL 8 ROOF DECK			910	364

### BIKE PARKING CALCULATIONS

	BEDROOMS/SF	RATIO	PER	TOTAL REQ	PROVIDED
NEW COMMERCIAL (SHORT TERM)	1,312	N/A	N/A	0	0
RESIDENTIAL (SHORT TERM)	73	1	40	2	2
RESIDENTIAL (LONG TERM)	73	1	3	25	26
TOTAL PARKING				27	28

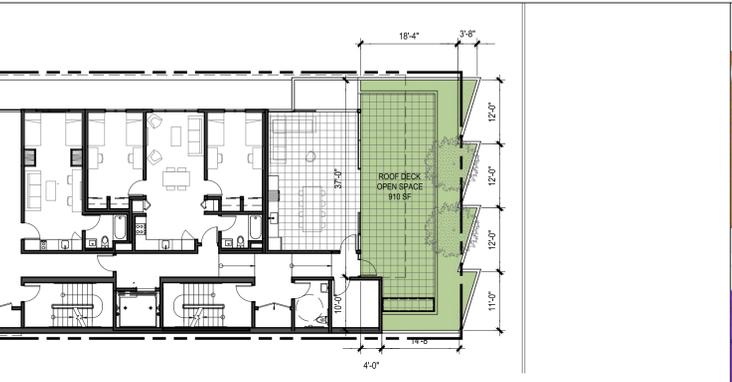
### PARKING TABLE

	UNITS/SF	MIN.	REQUIRED	PROPOSED
RESIDENTIAL	66	0	N/A	0
COMMERCIAL	1,312	0	N/A	0

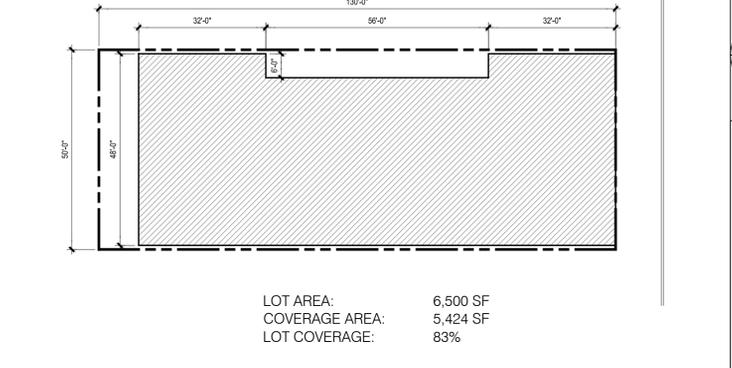
### ROOFTOP ARCHITECTURAL ELEMENTS CALCS

TOTAL FLOOR AREA W/ DENSITY BONUS	39,822
BUILDING STORIES	8
AVERAGE AREA PER FLOOR	4,978
TOTAL AREA OF ROOFTOP ELEMENTS	713
% AREA OF ROOFTOP ARCH. FEATURES	14.3%
ALLOWABLE % (PER 23.304.050A)	15.0%

1 ZONING SUMMARY



6 OPEN SPACE DIAGRAM - LEVEL 8



5 LOT COVERAGE DIAGRAM  
NOTE: BASE AND PROPOSED PROJECTS HAVE IDENTICAL LOT COVERAGE



### WASTE & RECYCLING CALCULATIONS

# OF BEDROOMS	FACTOR	OCCUPANTS	TOTAL CUFT REQD. (1.25CY OR 50 GAL / 3 OCCUPANTS)		WASTE (40%)		RECYCLING - CONTAINER (10%)		RECYCLING - PAPER (30%)		ORGANICS (20%)	
			CY	GAL	GAL	GAL	GAL	GAL	GAL			
73	1.00	73	6.08	1,217	487	122	365	243				

QUANTITY & SPACE CALCULATIONS		CONTAINER QUANTITIES				SPACE REQUIRED		PROVIDED SF
		WASTE	RECYCLING - CONTAINER	RECYCLING - PAPER	ORGANICS	SF FACTOR/CON	REQUIRED SF	
96 GAL CART	6	2	4	3	7		105	
TOTAL CAPACITY	576 gal	192 gal	384 gal	288 gal			105 sf	413 sf

4 REFUSE AND RECYCLING

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## DENSITY BONUS CALCULATIONS

# A0.2

### DENSITY BONUS TABLE

Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			% Bonus x Base # Units	% Bonus x Units (rounded up)	% Bonus x Base # Units (rounded up)
33,055	58.67	59	5%	2.95	3.00	20.0%	11,800	12	71

Base Project Res. Area	Floor	Proposed Project Res. Area
	Eighth	4,132
	Seventh	5,169
5,169	Sixth	5,169
5,169	Fifth	5,169
5,169	Fourth	5,169
5,169	Third	5,169
5,169	Second	5,169
2,041	Ground	2,041
<b>Total Floor Area:</b>		<b>37,187</b>

Base Units	# VLI	% VLI	% DB	Total DB	#Concessions
59	3	5%	20.00%	71	1
59	4	6%	22.50%	73	1
59	5	7%	25.00%	74	1
59	5	8%	27.50%	76	1
59	6	9%	30.00%	77	1
59	6	10%	32.50%	79	2
59	7	11%	35.00%	80	2
59	8	12%	38.75%	82	2
59	8	13%	42.50%	85	2
59	9	14%	46.25%	87	2
59	9	15%	50.00%	89	3

Base Project # of Units	Floor	Proposed Project # of Units
	Eighth	6
	Seventh	10
	Sixth	10
	Fifth	10
	Fourth	10
	Third	10
	Second	10
	Ground	0
<b>Total Units:</b>		<b>66</b>
<b>Average Unit Size</b>		<b>563</b>

### BASE PROJECT ZONING COMPLIANCE CHECKS

ZONE C-T	ALLOWABLE BASE PROJECT	PROPOSED BASE PROJECT	COMPLIANCE
NUMBER OF DWELLING UNITS	N/A	N/A	59
COMMERCIAL AREA	N/A	N/A	1,312
PARKING (SEE TABLE)	N/A	N/A	0
BIKE PARKING (SEE TABLE)	22	22	COMPLIES
FRONT YARD SETBACK (BANCROFT)	0'	0'	COMPLIES
SIDE YARD SETBACK	0'	0'	VARIES; 0'-6" to 1'-0"
REAR YARD SETBACK	0'	0'	10'-0" COMPLIES
BUILDING HEIGHT	65'	75'	COMPLIES W/ UP
BUILDING STORIES	N/A	N/A	7 COMPLIES
LOT AREA	6,500	6,500	
LOT AREA (ACRES)	0.15	0.15	
GROSS FLOOR AREA (SEE TABLE)	N/A	N/A	35,690
BUILDING FOOTPRINT	6,500	6,500	COMPLIES
LOT COVERAGE	100%	100%	COMPLIES
USABLE OPEN SPACE (SEE TABLE)	2,360	2,360	COMPLIES
PROJECT FAR	5.00	6.0	COMPLIES W/ UP

### BASE PROJECT - FAR

	BASE	ALLOWABLE W/UP'S	PROPOSED BASE
SITE AREA	6,500	6,500	6,500
FAR	5.00	6.00	5.49
FLOOR AREA	32,500	39,000	<b>35,690</b>
RESIDENTIAL			33,055
COMMERCIAL			1,312
MEP			1,323

### BASE PROJECT - OPEN SPACE

	UNITS	RATIO	TOTAL AREA
BASE UNITS	59	40	2,360
PROVIDED OPEN SPACE (ROOF DECK)			2,360

### BASE PROJECT - PARKING

	QNTY	RATIO	PER	TOTAL REQ.	PROVIDED
RESIDENTIAL	59	N/A	N/A	0	0
COMMERCIAL	1,312	N/A	N/A	0	0

### BASE PROJECT - BICYCLE PARKING

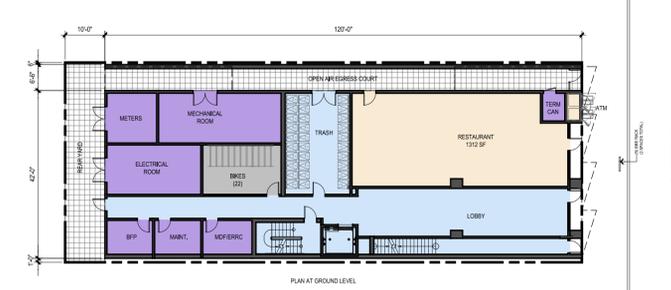
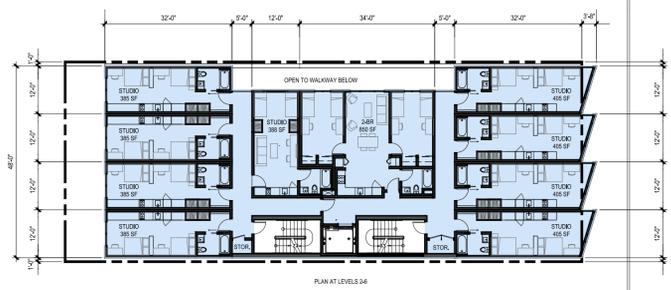
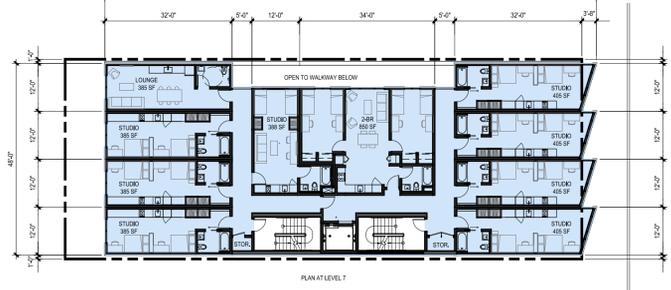
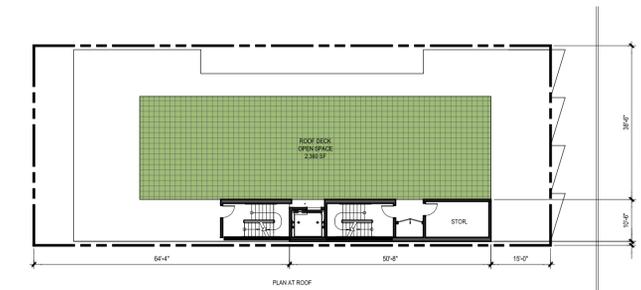
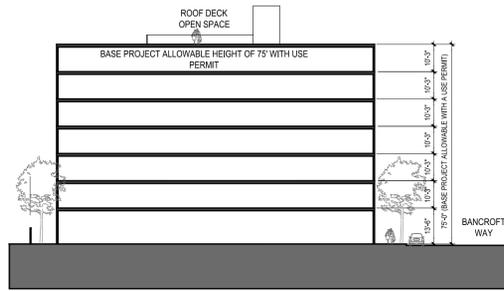
	QNTY	RATIO	PER	TOTAL REQ.	PROVIDED
NEW COMMERCIAL (SHORT TERM)	1,312	N/A	N/A	0	0
RESIDENTIAL (SHORT TERM)	59	1	40	1	2
RESIDENTIAL (LONGTERM)	59	1	3	20	20

### PROJECT DATA AND DENSITY BONUS CALCS

Base Project Res. Area	Floor	Proposed Project Res. Area
	Eighth	4,132
	Seventh	5,169
5,169	Sixth	5,169
5,169	Fifth	5,169
5,169	Fourth	5,169
5,169	Third	5,169
5,169	Second	5,169
2,041	Ground	2,041
<b>Total Floor Area:</b>		<b>37,187</b>

### 3 HYPOTHETICAL "BASE PROJECT" SECTION

1/32" = 1'-0" @ 24X36 1/64" = 1'-0" @ 11X17

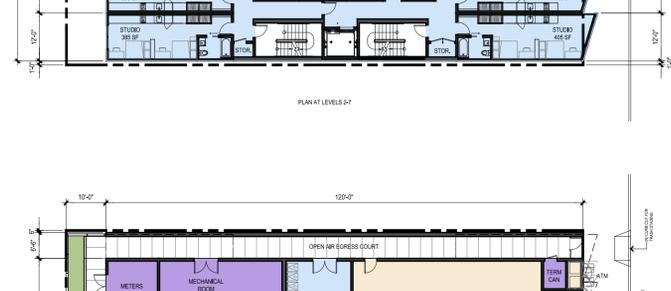
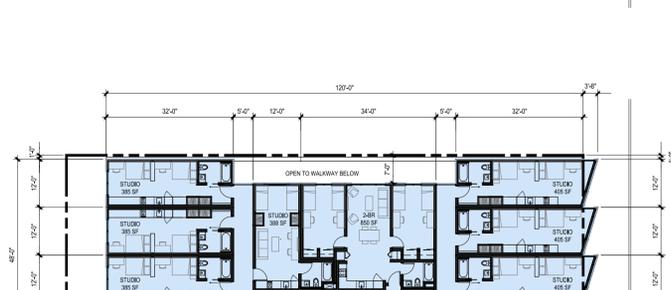
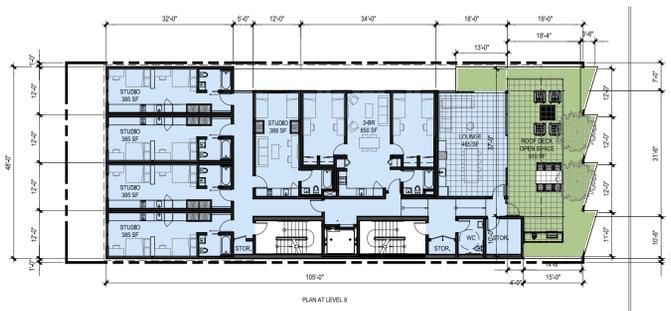
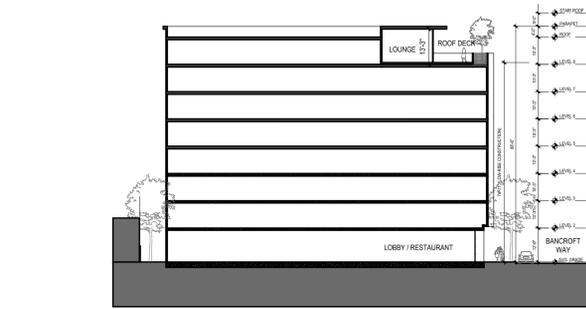


### 2 HYPOTHETICAL "BASE PROJECT" PLANS

3/64" = 1'-0" @ 24X36 3/128" = 1'-0" @ 11X17

### 5 PROPOSED DENSITY BONUS PROJECT SECTION

1/32" = 1'-0" @ 24X36 1/64" = 1'-0" @ 11X17



### 4 PROPOSED DENSITY BONUS PROJECT PLANS

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

Base Project Res. Area	Floor	Proposed Project Res. Area
	Eighth	4,132
	Seventh	5,169
5,169	Sixth	5,169
5,169	Fifth	5,169
5,169	Fourth	5,169
5,169	Third	5,169
5,169	Second	5,169
2,041	Ground	2,041
<b>Total Floor Area:</b>		<b>37,187</b>

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- 05.20.2024 ZAB SUBMITTAL

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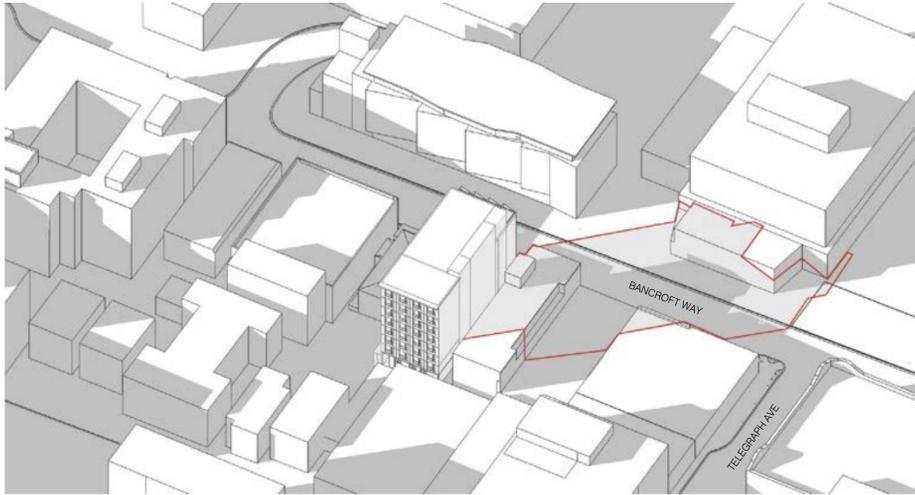
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SHADOW STUDIES  
 DECEMBER 21ST

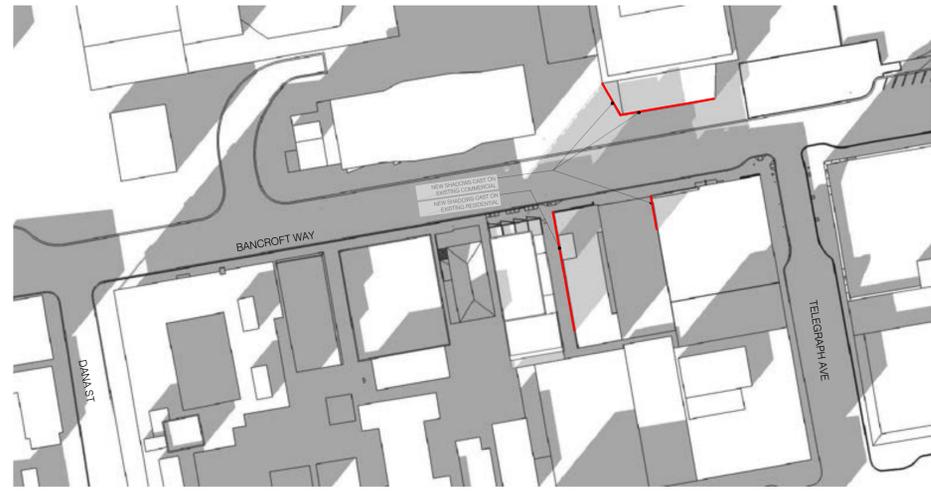
**A0.4A**

**WINTER SOLSTICE  
 DEC 21ST:  
 2-HRS BEFORE SUNSET (PM)**

-  DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  -  LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
  -  NEW SHADOW AT ADJACENT BUILDING
- ALL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



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

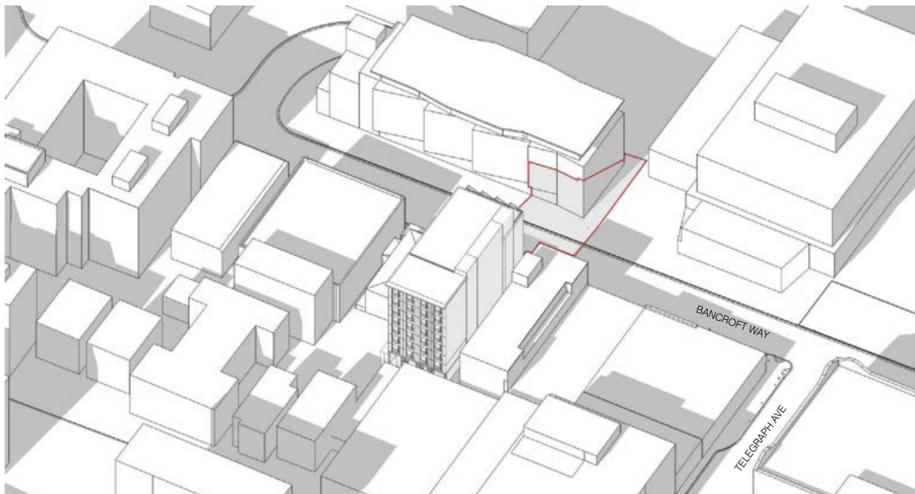


5 SHADOW STUDY - PM  
 1:200 @ 11X17 1:1000 @ 24X36

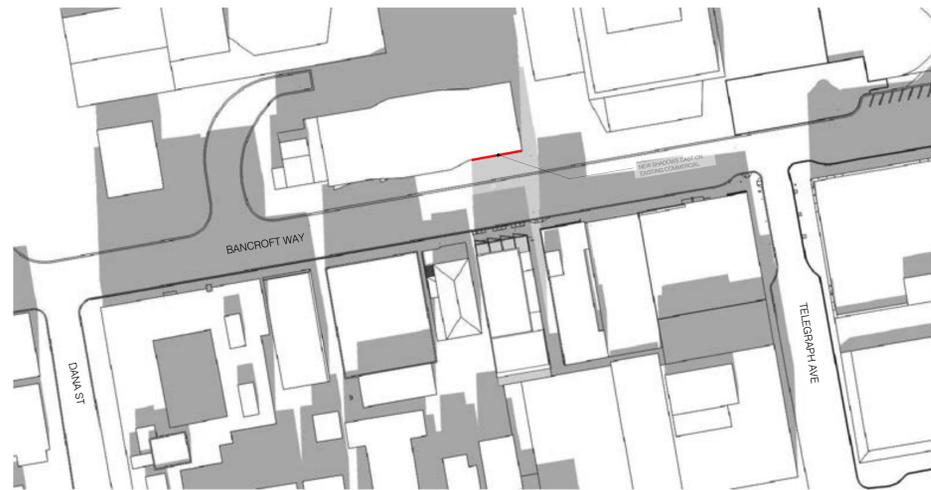


**WINTER SOLSTICE  
 DEC 21ST:  
 NOON**

-  DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  -  LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
  -  NEW SHADOW AT ADJACENT BUILDING
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4 SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.

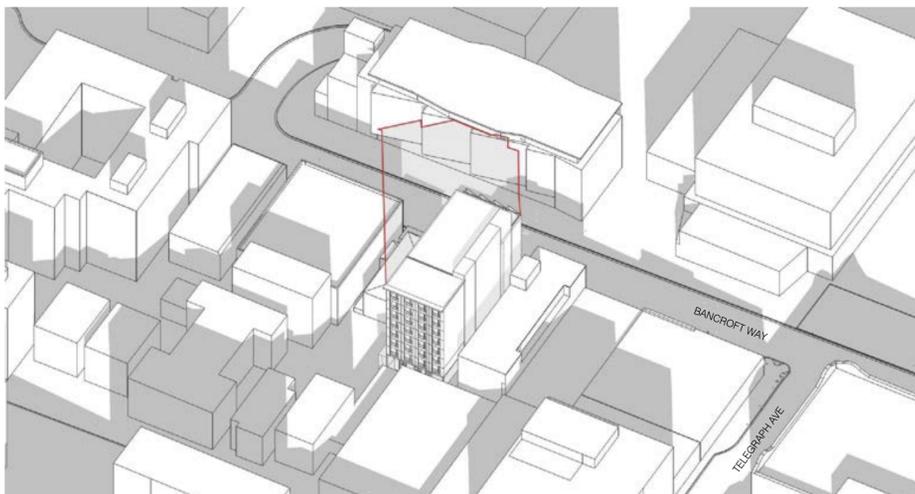


3 SHADOW STUDY - NOON  
 1:200 @ 11X17 1:1000 @ 24X36

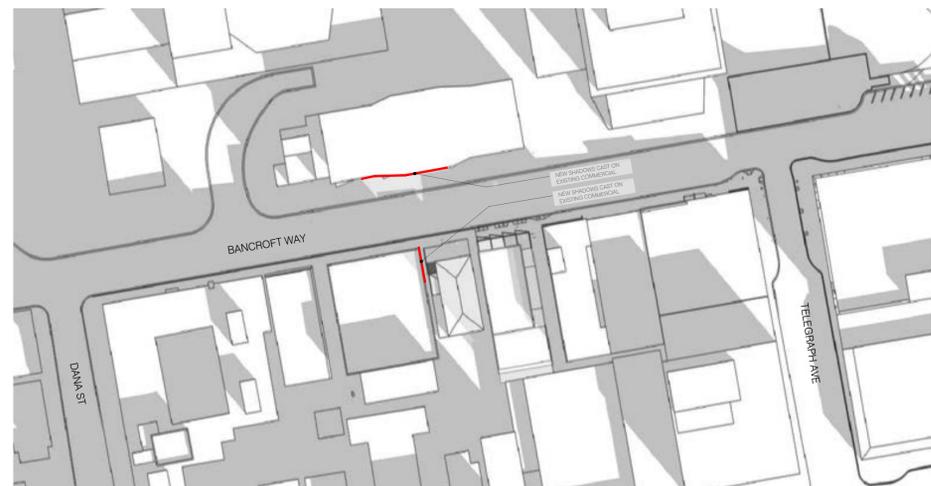


**WINTER SOLSTICE  
 DEC 21ST:  
 2-HRS AFTER SUNRISE (AM)**

-  DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  -  LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
  -  NEW SHADOW AT ADJACENT BUILDING
- ALL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



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



1 SHADOW STUDY - AM  
 1:200 @ 11X17 1:1000 @ 24X36



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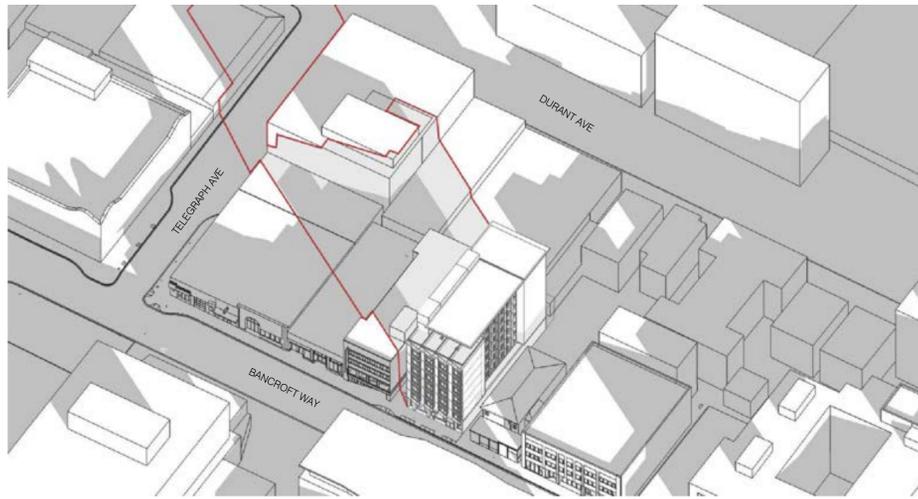
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SHEET:  
 SHADOW STUDIES  
 JUNE 21ST

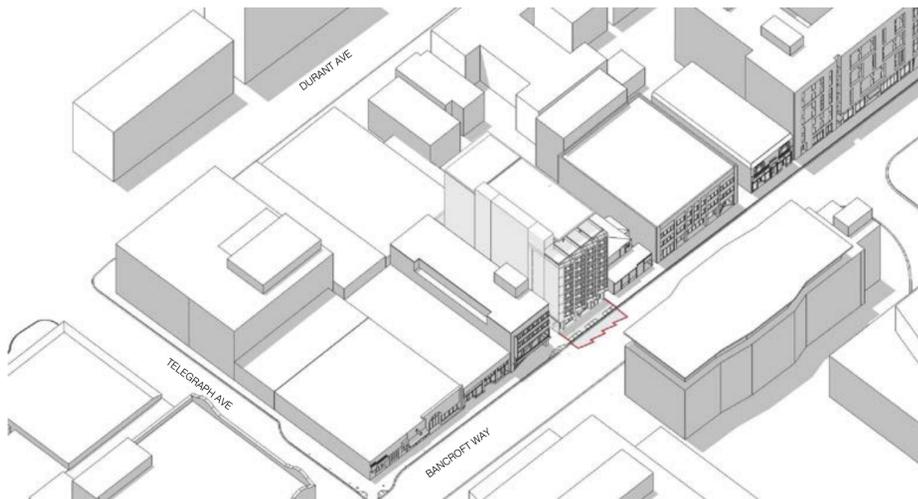
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6 SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



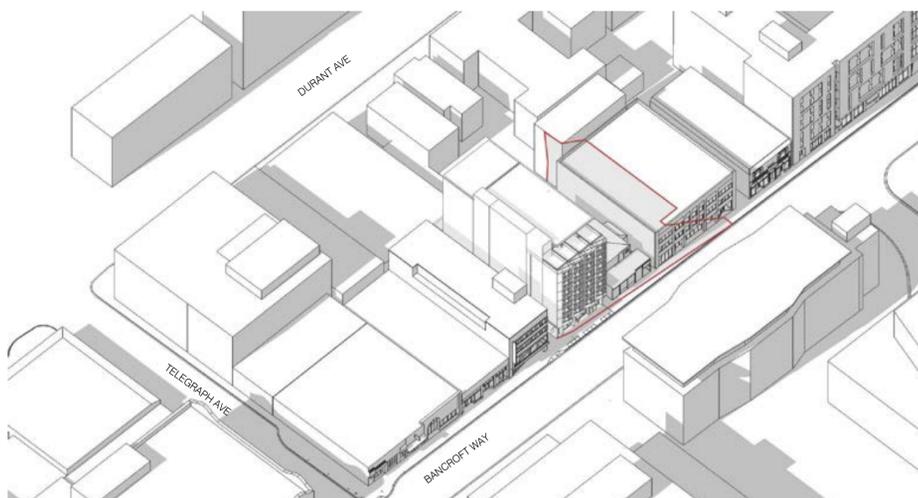
5 SHADOW STUDY - PM  
 1:200 @ 11X17 1:1000 @ 24X36



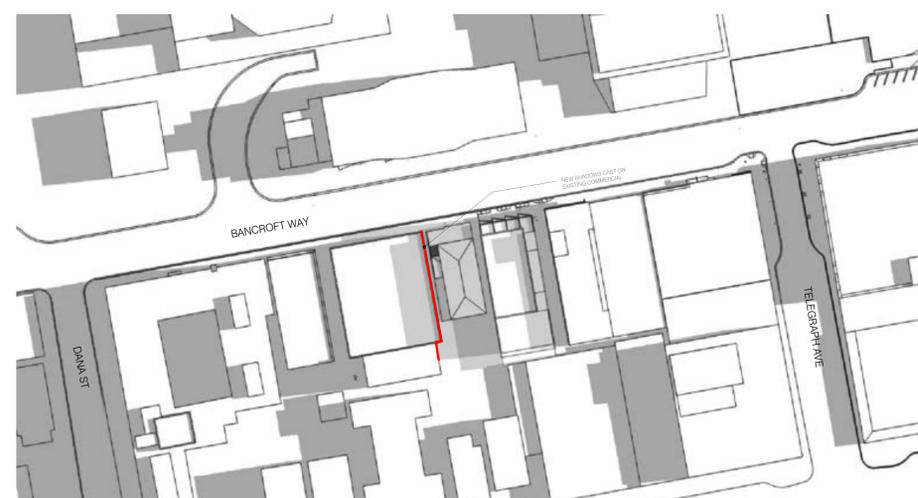
4 SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.



3 SHADOW STUDY - NOON  
 1:200 @ 11X17 1:100 @ 24X36



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



1 SHADOW STUDY - AM  
 1:200 @ 11X17 1:100 @ 24X36

**SUMMER SOLSTICE  
 JUN 21ST:  
 2-HRS BEFORE SUNSET (PM)**

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
  - NEW SHADOW AT ADJACENT BUILDING
- ALL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS

**SUMMER SOLSTICE  
 JUN 21ST:  
 NOON**

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
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**SUMMER SOLSTICE  
 JUN 21ST:  
 2-HRS AFTER SUNRISE (AM)**

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
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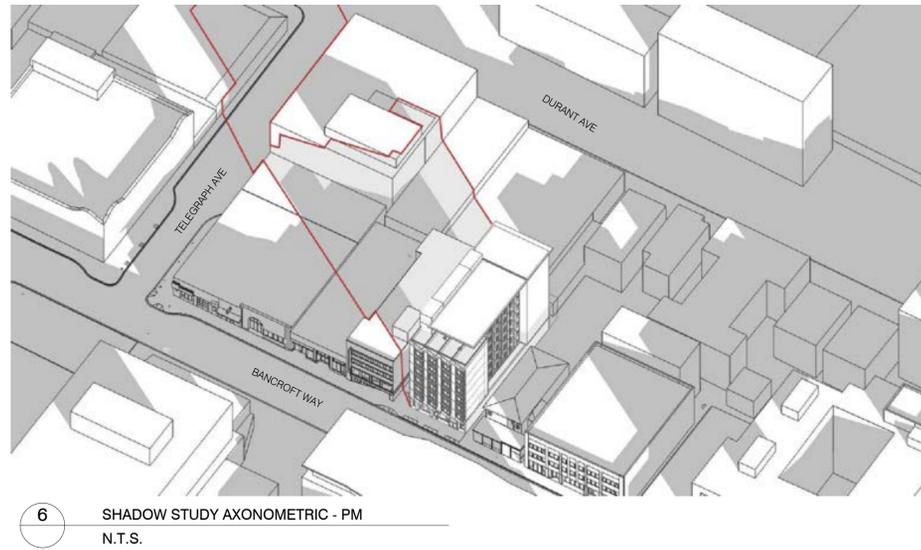
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SHEET:

SHADOW STUDIES  
 CURRENT (JUN 14TH)

**A0.4C**



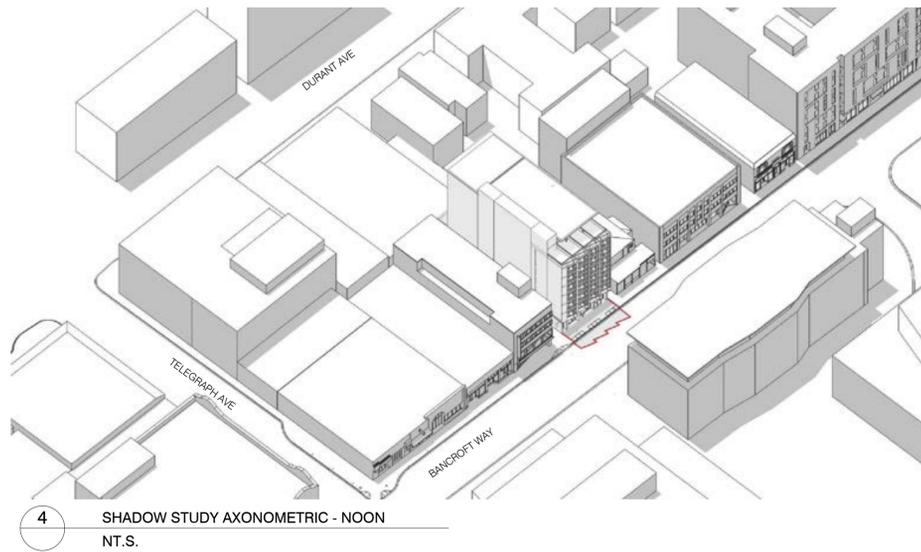
**CURRENT**  
 JUN 14:  
 2-HRS BEFORE SUNSET (PM)

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
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6 SHADOW STUDY AXONOMETRIC - PM  
 N.T.S.



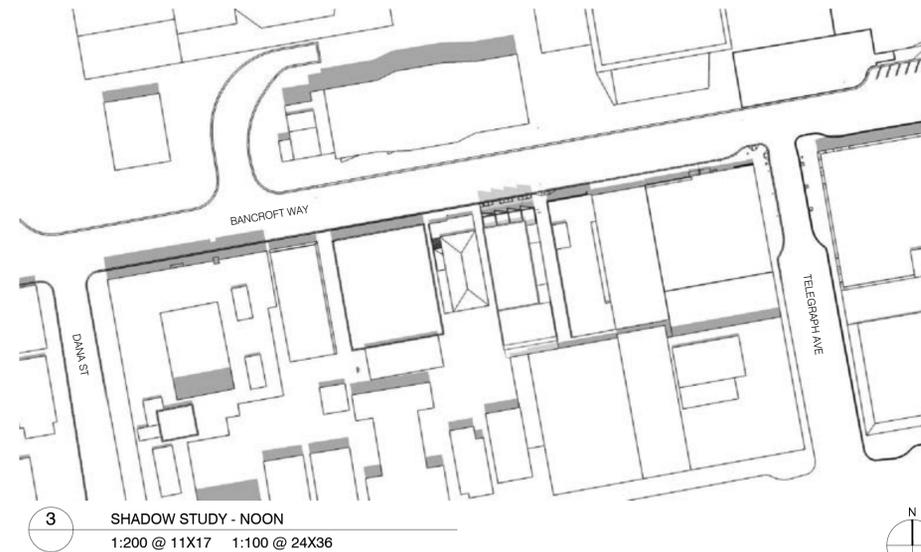
5 SHADOW STUDY - PM  
 1:200 @ 11X17 1:100 @ 24X36



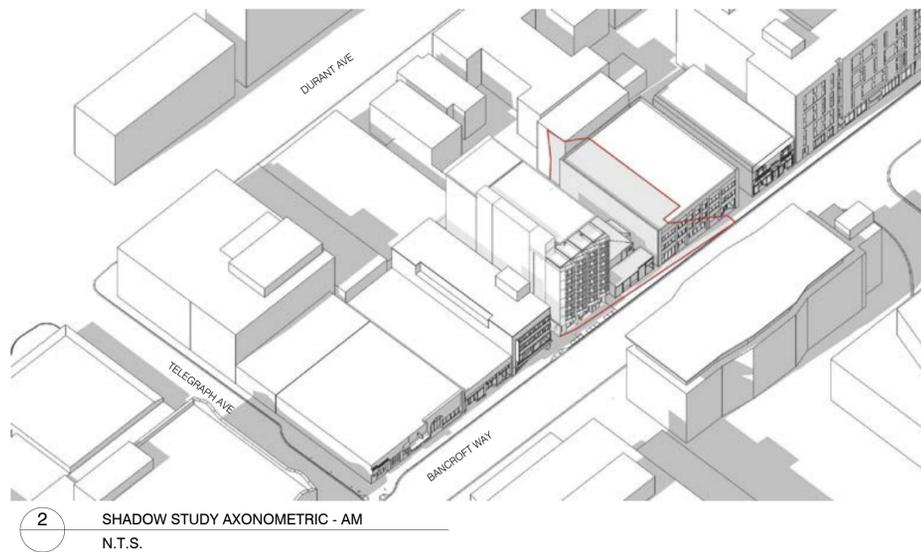
**CURRENT**  
 JUN 14TH:  
 NOON

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
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4 SHADOW STUDY AXONOMETRIC - NOON  
 N.T.S.



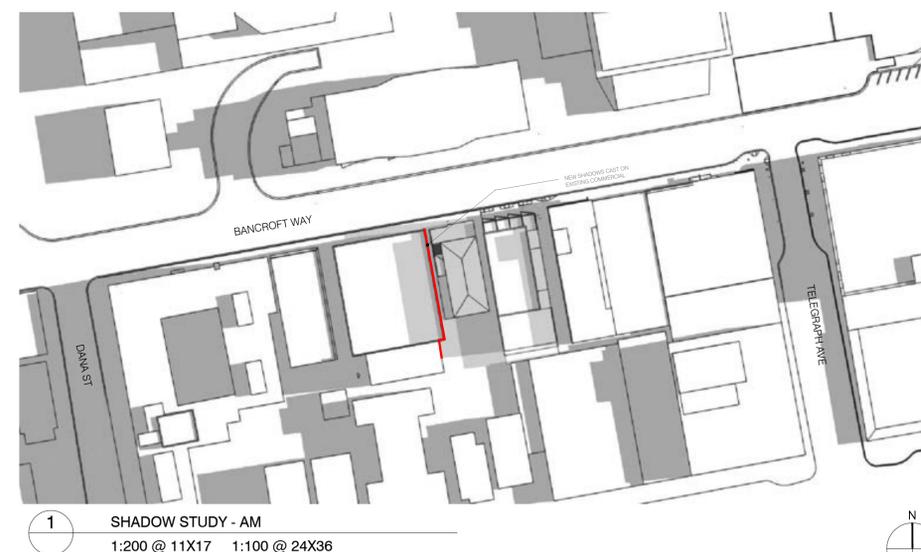
3 SHADOW STUDY - NOON  
 1:200 @ 11X17 1:100 @ 24X36



**CURRENT**  
 JUN 14TH:  
 2-HRS AFTER SUNRISE (AM)

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
  - LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
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2 SHADOW STUDY AXONOMETRIC - AM  
 N.T.S.



1 SHADOW STUDY - AM  
 1:200 @ 11X17 1:100 @ 24X36

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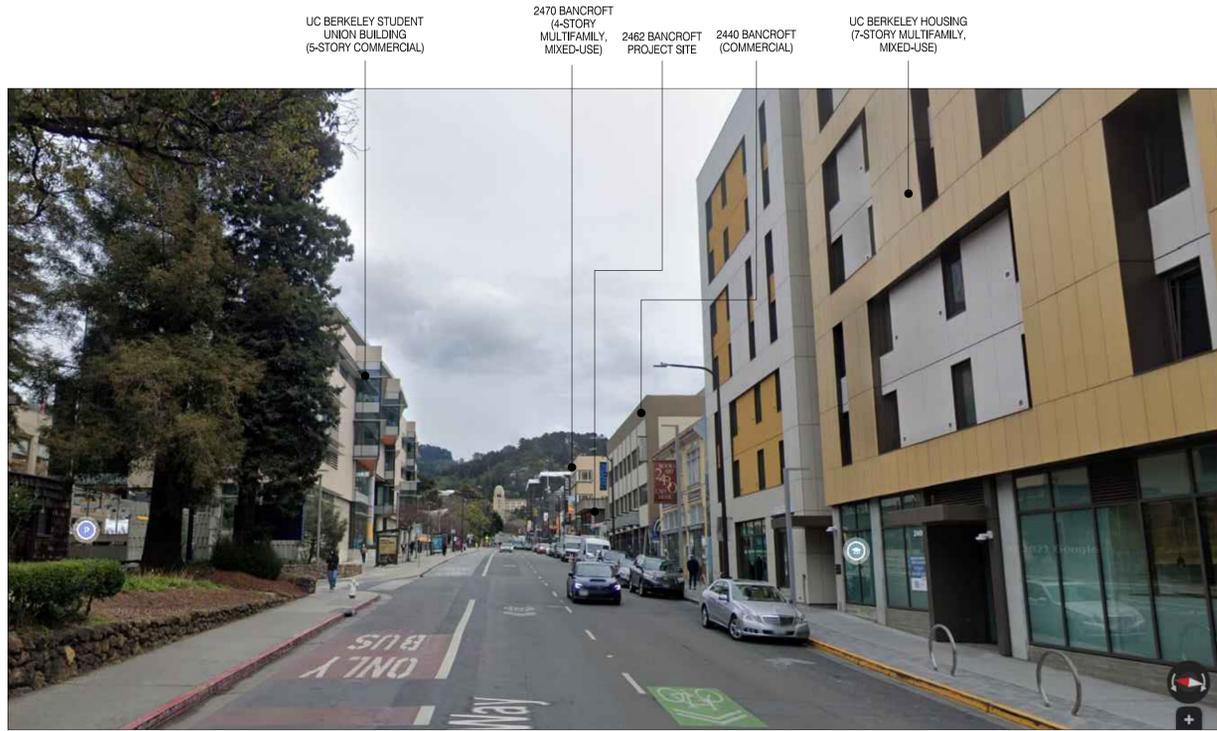
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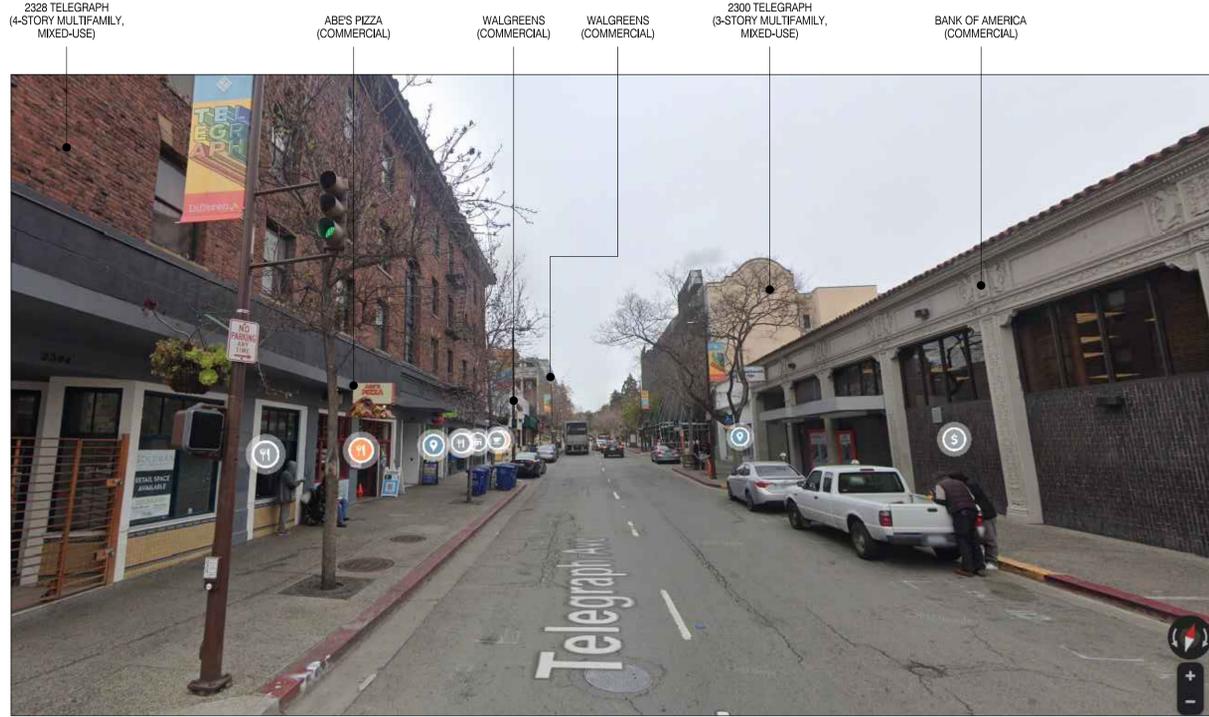
SHEET:

SITE CONTEXT  
 PHOTOS

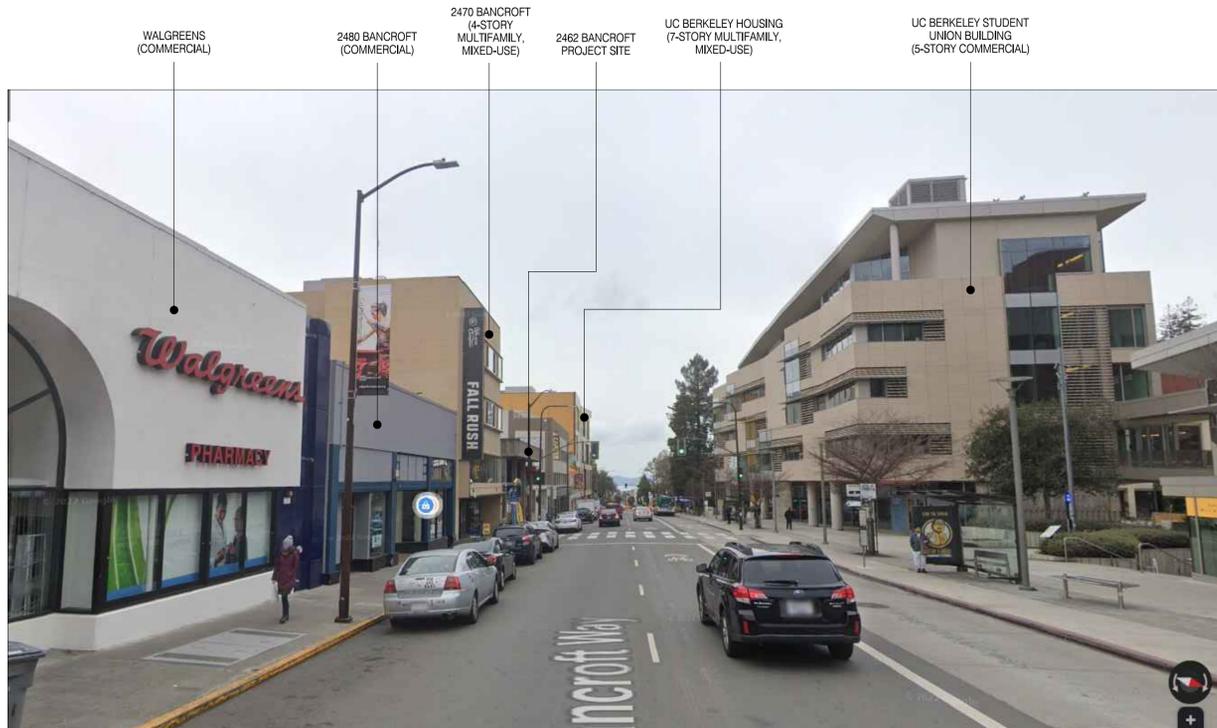
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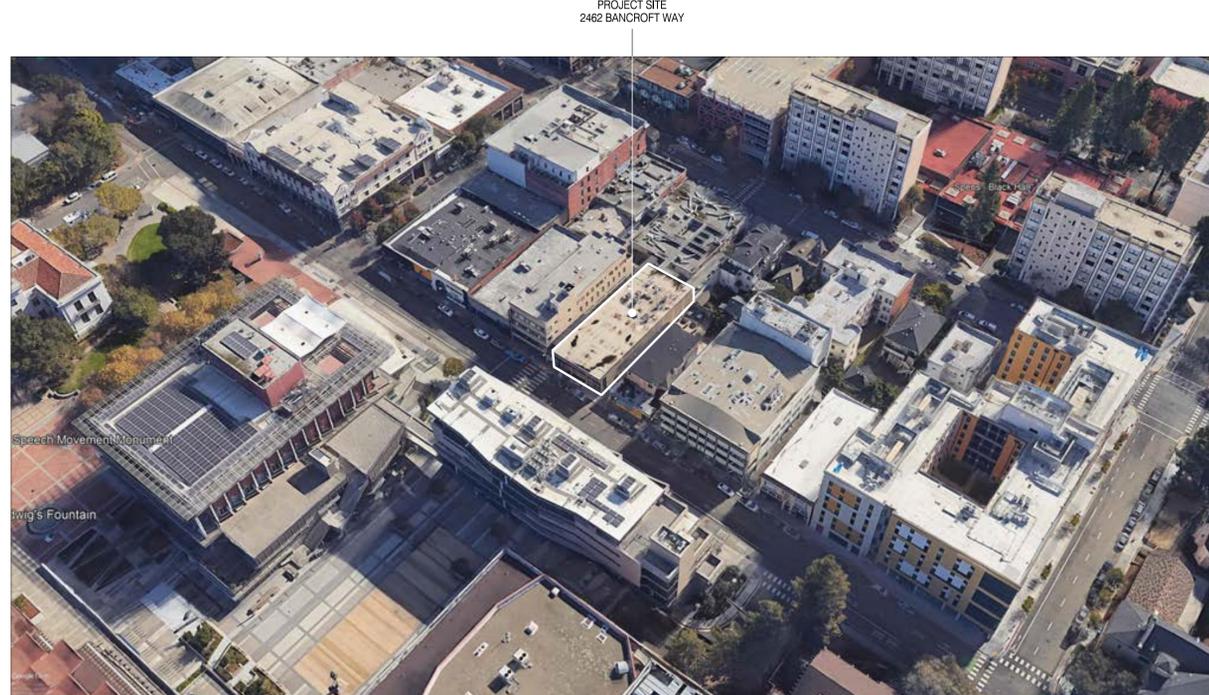
4 - VIEW FROM BANCROFT LOOKING EAST



2 - VIEW FROM TELEGRAPH LOOKING NORTH



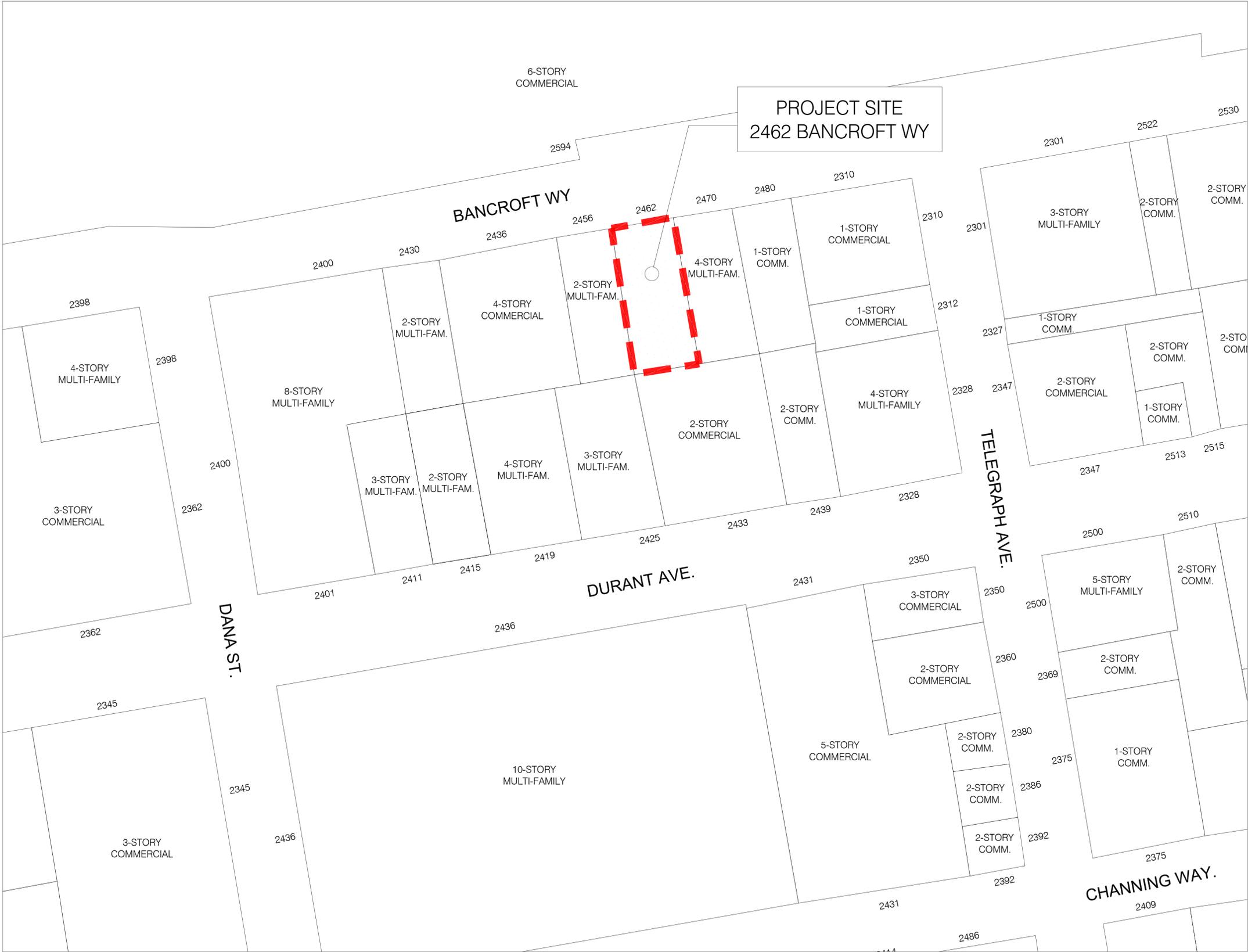
3 - VIEW FROM BANCROFT LOOKING WEST



1 - GOOGLE EARTH BIRD'S EYE CONTEXT VIEW



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PROJECT SITE  
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SHEET:

VICINITY MAP

**A0.6**



1  
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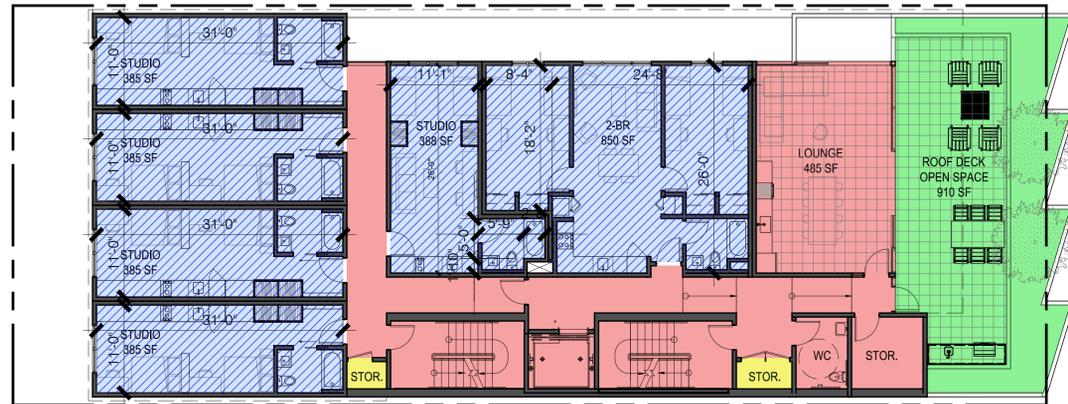
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JOB: 2211

SHEET:

**AFFORDABLE  
 HOUSING PLAN**

**A0.7**



EIGHTH FLOOR

RESIDENTIAL UNIT FLOOR AREA:  
 MIDDLE UNITS: (26' x 24'-8") + (18'-2 x 8'-4") + (26' x 11'-1") +  
 (5' x 9'-5") + (1'-10" x 5'-9") = **1,134 SF**  
 REAR UNITS: (31' x 11') x 4 = **1,364 SF**  
**TOTAL = 2,498 SF**

TOTAL RESIDENTIAL UNIT FLOOR AREA:  
 LEVEL 2: 3,932 SF  
 LEVEL 3: 3,932 SF  
 LEVEL 4: 3,932 SF  
 LEVEL 5: 3,932 SF  
 LEVEL 6: 3,932 SF  
 LEVEL 7: 3,932 SF  
 LEVEL 8: 2,498 SF

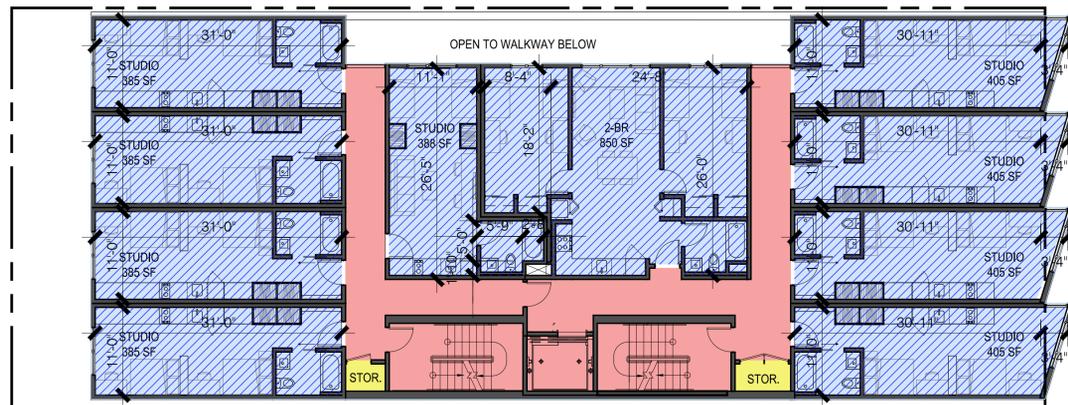
**TOTAL: 26,090 SF**  
**BASE PROJECT RUFA: 26,090 / 1.20 = 21,742 SF**

AFFORDABLE HOUSING REQUIREMENTS:  
 TOTAL NUMBER OF DWELLING UNITS: 59  
 TOTAL RUFA: 21,742 SF

OPTION I: PROVIDING THE REQUIRED NUMBER OF BMR UNITS (NO IN-LIEU FEE)  
 TOTAL NUMBER OF AFFORDABLE UNITS: 11.8

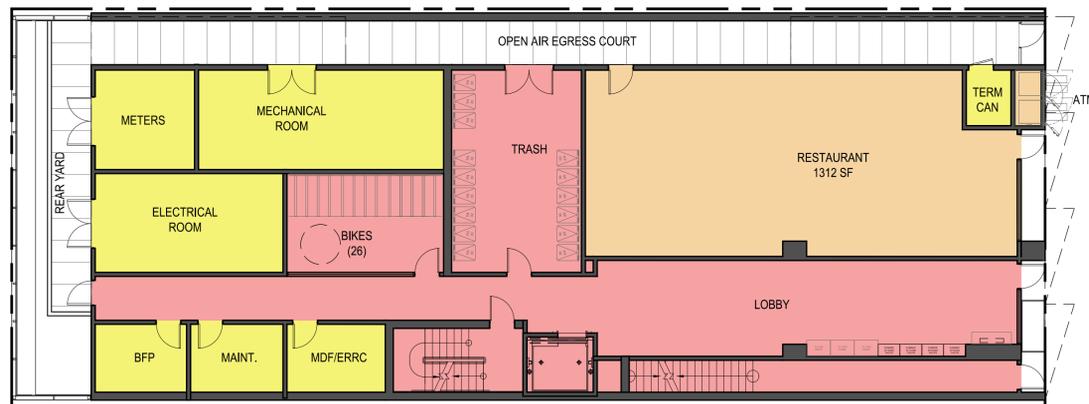
OPTION II: PROVIDING FULL IN-LIEU PAYMENT  
 21,742 SF (RUFA) x \$56.25 = \$1,222,987.5

OPTION III: PROVIDING A COMBINATION OF BMR UNITS AND IN-LIEU FEE  
 12 (BMR UNITS REQ) - 3 (BMR UNITS PROP.) / 12 (BMR UNITS REQ) = 75%  
 75% x 21,742 SF (RUFA) = 16,306.5 SF  
 16,306.5 SF x \$56.25 = \$917,240.63



FLOORS 2 - 7

RESIDENTIAL UNIT FLOOR AREA:  
 FRONT UNITS: ((30'-11" x 11') + (3'-4" X 11' / 2)) x 4 = **1,434 SF**  
 MIDDLE UNITS: (26' x 24'-8") + (18'-2 x 8'-4") + (26' x 11'-1") +  
 (5' x 9'-5") + (1'-10" x 5'-9") = **1,134 SF**  
 REAR UNITS: (31' x 11') x 4 = **1,364 SF**  
**TOTAL = 3,932 SF**



FIRST FLOOR

**KEY**

- RESIDENTIAL UNIT FLOOR AREA
- DWELLING UNITS
- COMMERCIAL
- RESIDENTIAL AMENITY
- MEP / MISC.
- USABLE OPEN SPACE

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- 05.20.2024 ZAB SUBMITTAL

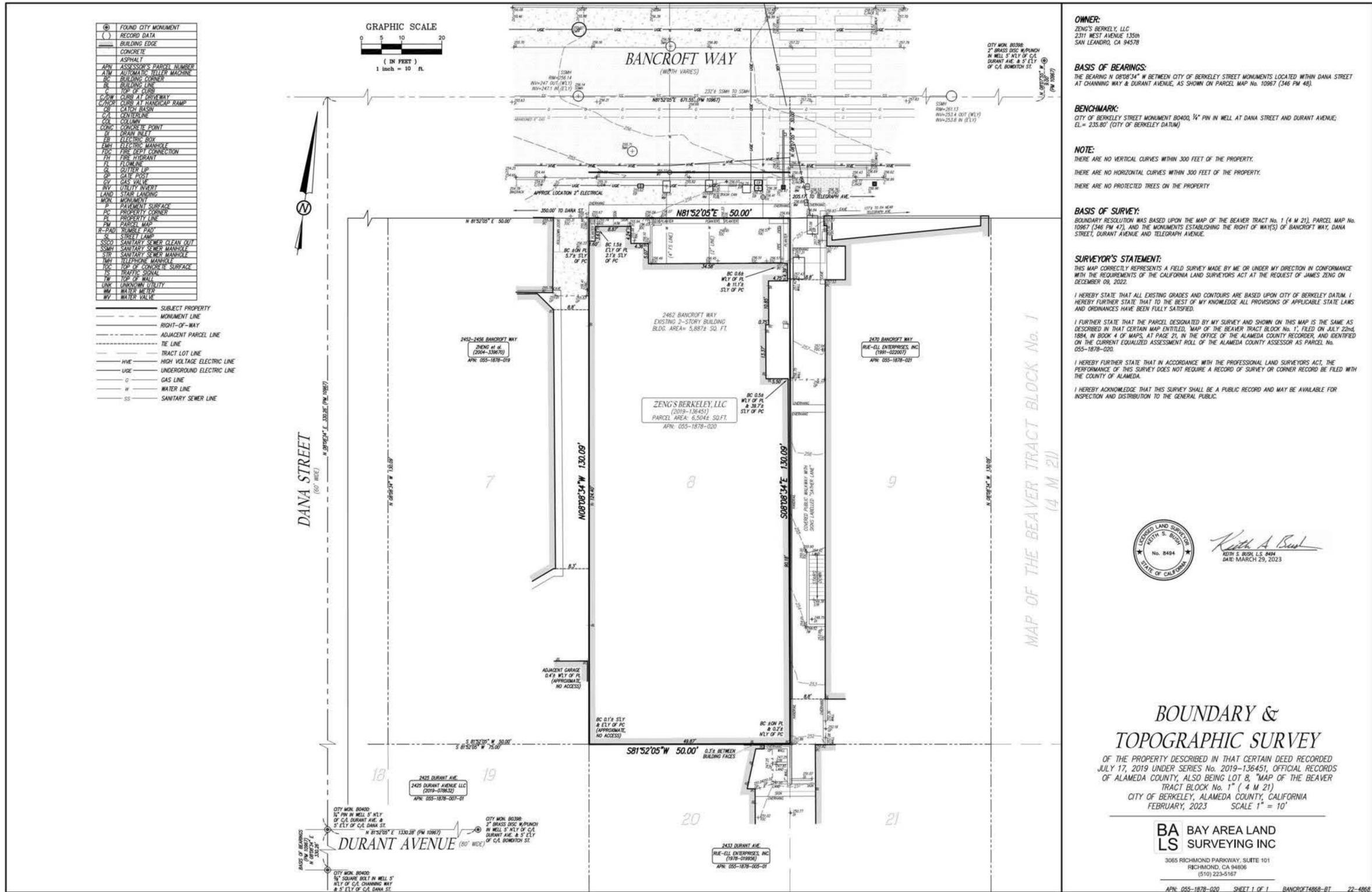
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JOB: 2211

SHEET:

SURVEY

# A1.1



**OWNER:**  
ZENG'S BERKELEY, LLC  
2311 WEST AVENUE 135th  
SAN LEANDRO, CA 94578

**BASIS OF BEARINGS:**  
THE BEARING N 08°08'34" W BETWEEN CITY OF BERKELEY STREET MONUMENTS LOCATED WITHIN DANA STREET AT CHANNING WAY & DURANT AVENUE, AS SHOWN ON PARCEL MAP No. 10967 (346 PM 48).

**BENCHMARK:**  
CITY OF BERKELEY STREET MONUMENT B0400, 1/4" PIN IN WELL AT DANA STREET AND DURANT AVENUE, EL = 235.80' (CITY OF BERKELEY DATUM)

**NOTE:**  
THERE ARE NO VERTICAL CURVES WITHIN 300 FEET OF THE PROPERTY.  
THERE ARE NO HORIZONTAL CURVES WITHIN 300 FEET OF THE PROPERTY.  
THERE ARE NO PROTECTED TREES ON THE PROPERTY.

**BASIS OF SURVEY:**  
BOUNDARY RESOLUTION WAS BASED UPON THE MAP OF THE BEAVER TRACT No. 1 (4 M 21), PARCEL MAP No. 10967 (346 PM 47), AND THE MONUMENTS ESTABLISHING THE RIGHT OF WAY(S) OF BANCROFT WAY, DANA STREET, DURANT AVENUE AND TELEGRAPH AVENUE.

**SURVEYOR'S STATEMENT:**  
THIS MAP CORRECTLY REPRESENTS A FIELD SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA LAND SURVEYORS ACT AT THE REQUEST OF JAMES ZENG ON DECEMBER 09, 2022.  
I HEREBY STATE THAT ALL EXISTING GRADES AND CONTOURS ARE BASED UPON CITY OF BERKELEY DATUM. I HEREBY FURTHER STATE THAT TO THE BEST OF MY KNOWLEDGE ALL PROVISIONS OF APPLICABLE STATE LAWS AND ORDINANCES HAVE BEEN FULLY SATISFIED.  
I FURTHER STATE THAT THE PARCEL DESIGNATED BY MY SURVEY AND SHOWN ON THIS MAP IS THE SAME AS DESCRIBED IN THAT CERTAIN MAP ENTITLED, "MAP OF THE BEAVER TRACT BLOCK No. 1", FILED ON JULY 22nd, 1984, IN BOOK 4 OF MAPS, AT PAGE 21, IN THE OFFICE OF THE ALAMEDA COUNTY RECORDER, AND IDENTIFIED ON THE CURRENT EQUALIZED ASSESSMENT ROLL OF THE ALAMEDA COUNTY ASSESSOR AS PARCEL No. 055-1878-020.  
I HEREBY FURTHER STATE THAT IN ACCORDANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT, THE PERFORMANCE OF THIS SURVEY DOES NOT REQUIRE A RECORD OF SURVEY OR CORNER RECORD TO BE FILED WITH THE COUNTY OF ALAMEDA.  
I HEREBY ACKNOWLEDGE THAT THIS SURVEY SHALL BE A PUBLIC RECORD AND MAY BE AVAILABLE FOR INSPECTION AND DISTRIBUTION TO THE GENERAL PUBLIC.

PROFESSIONAL LAND SURVEYOR  
KEITH S. BUSH  
No. 8494  
KEITH S. BUSH, L.S. 8494  
DATE MARCH 29, 2023

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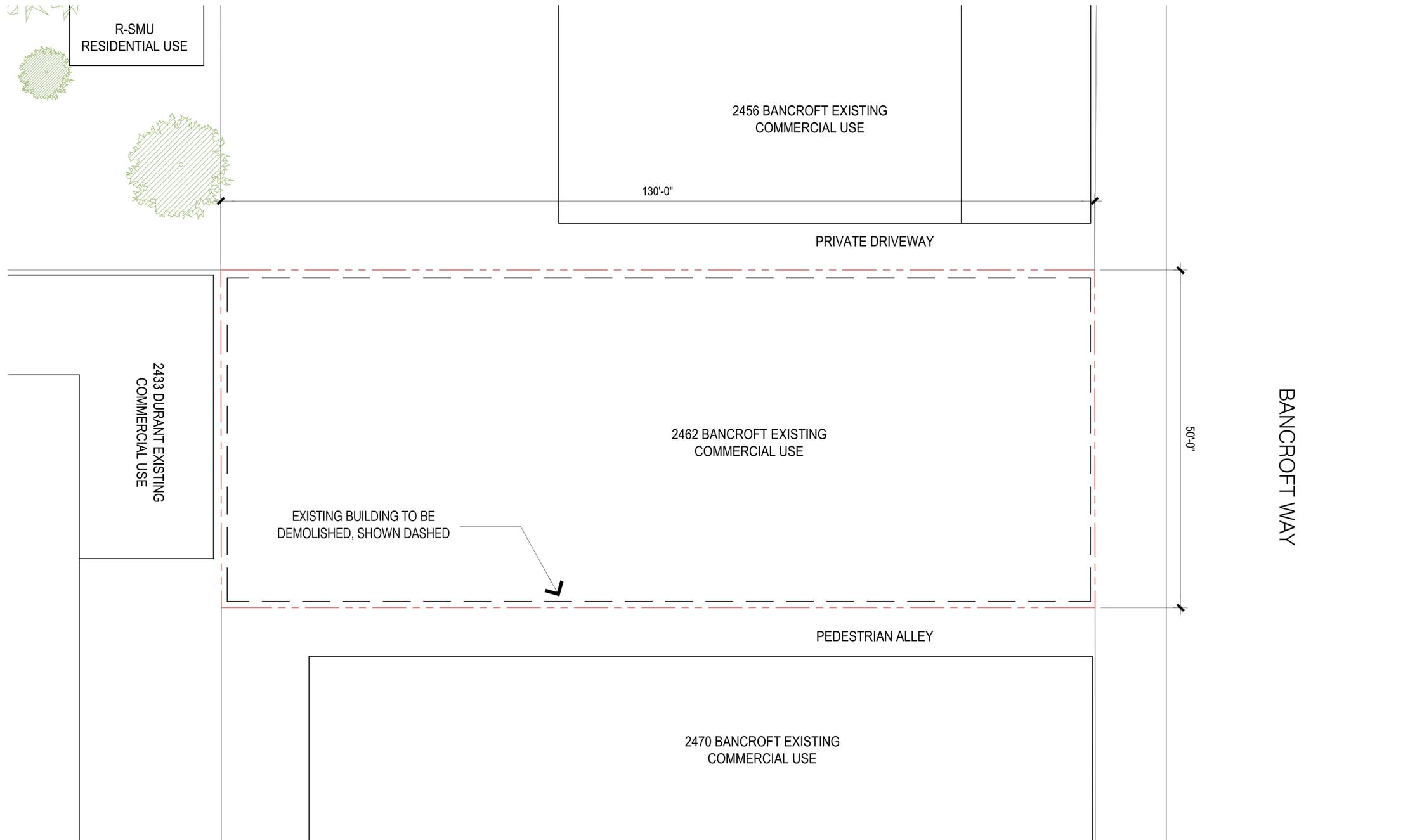
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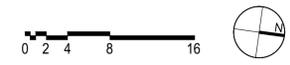
SHEET:

EXISTING  
 SITE PLAN

**A2.0A**



**1**  
 -  
**EXISTING SITE PLAN**  
 1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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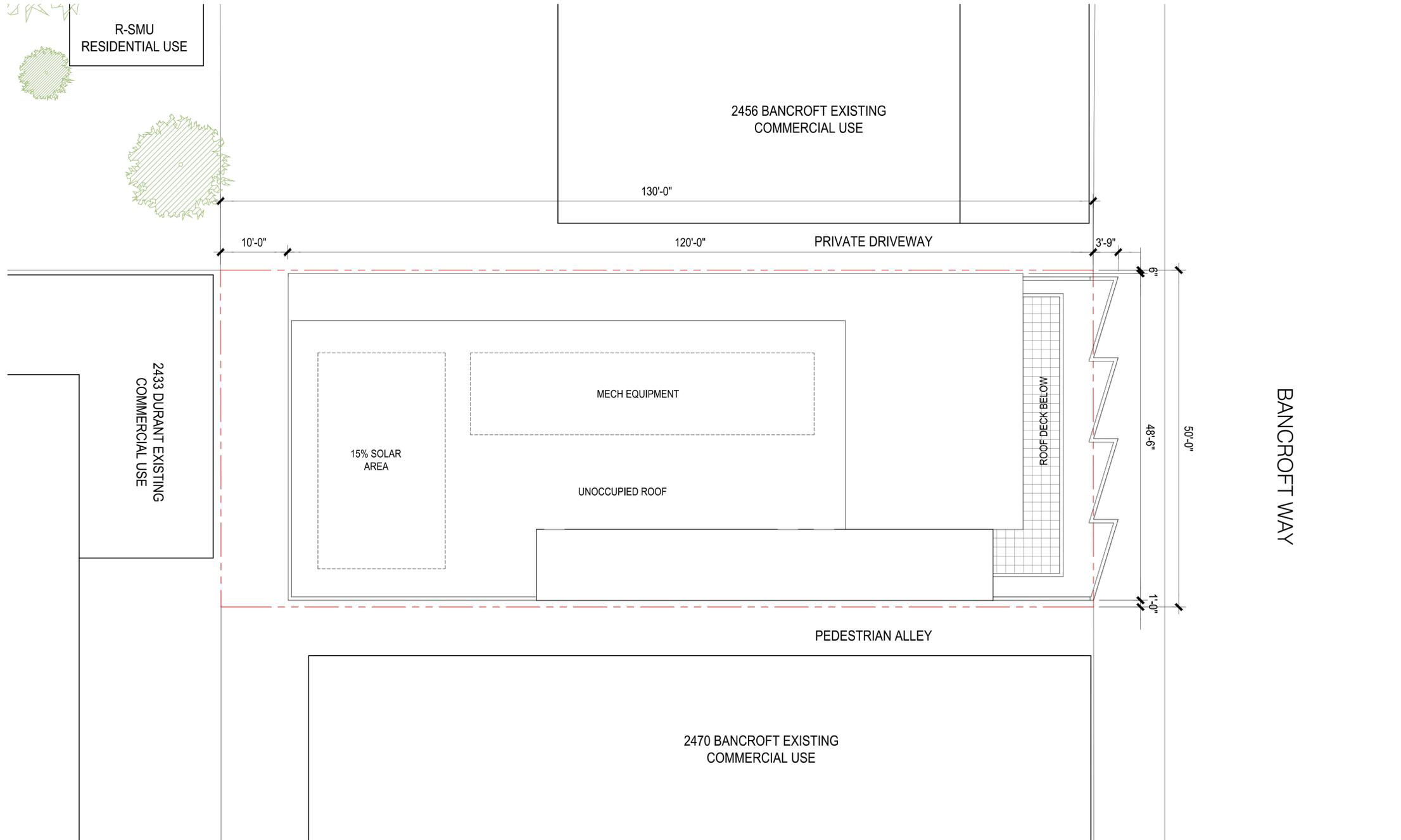
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JOB: 2211

SHEET:

SITE PLAN

**A2.0B**



**SITE PLAN**

1/16"=1'-0" @ 11x17    1/8"=1'-0" @ 24x36



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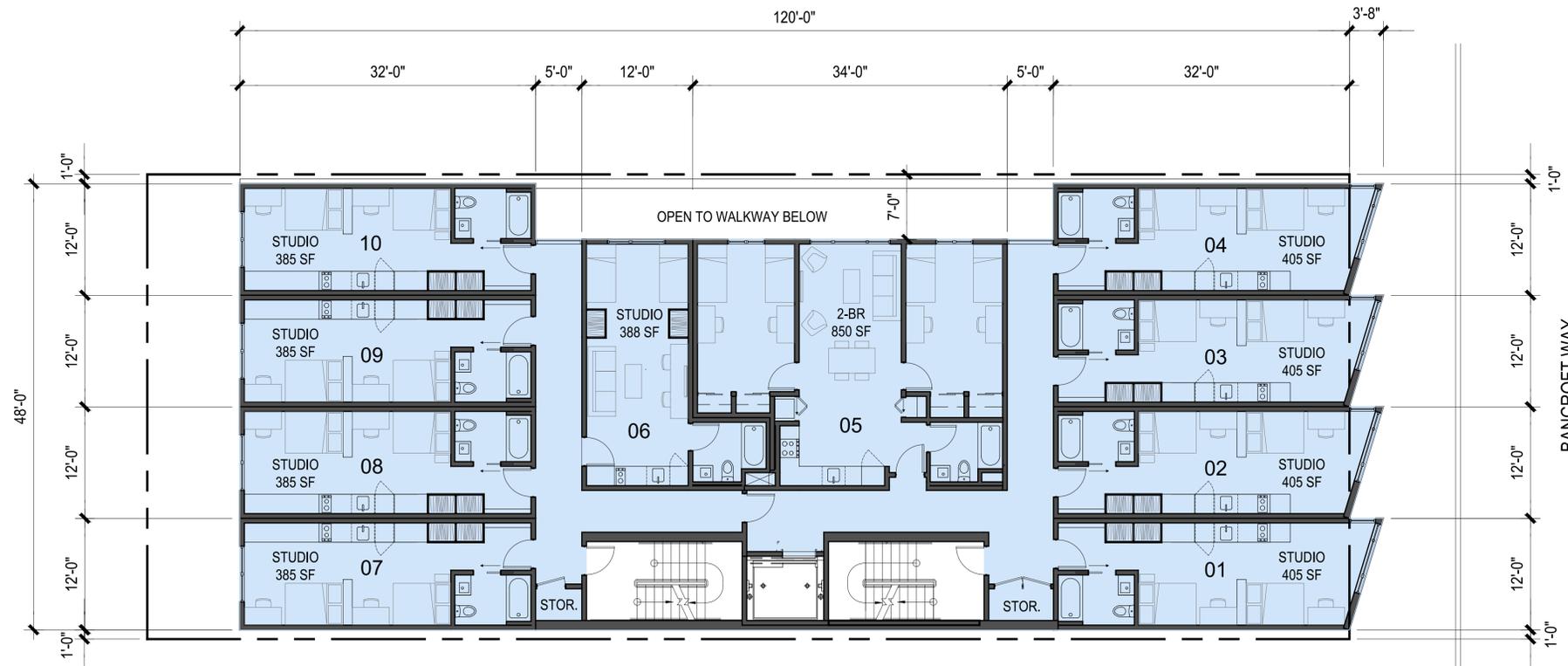
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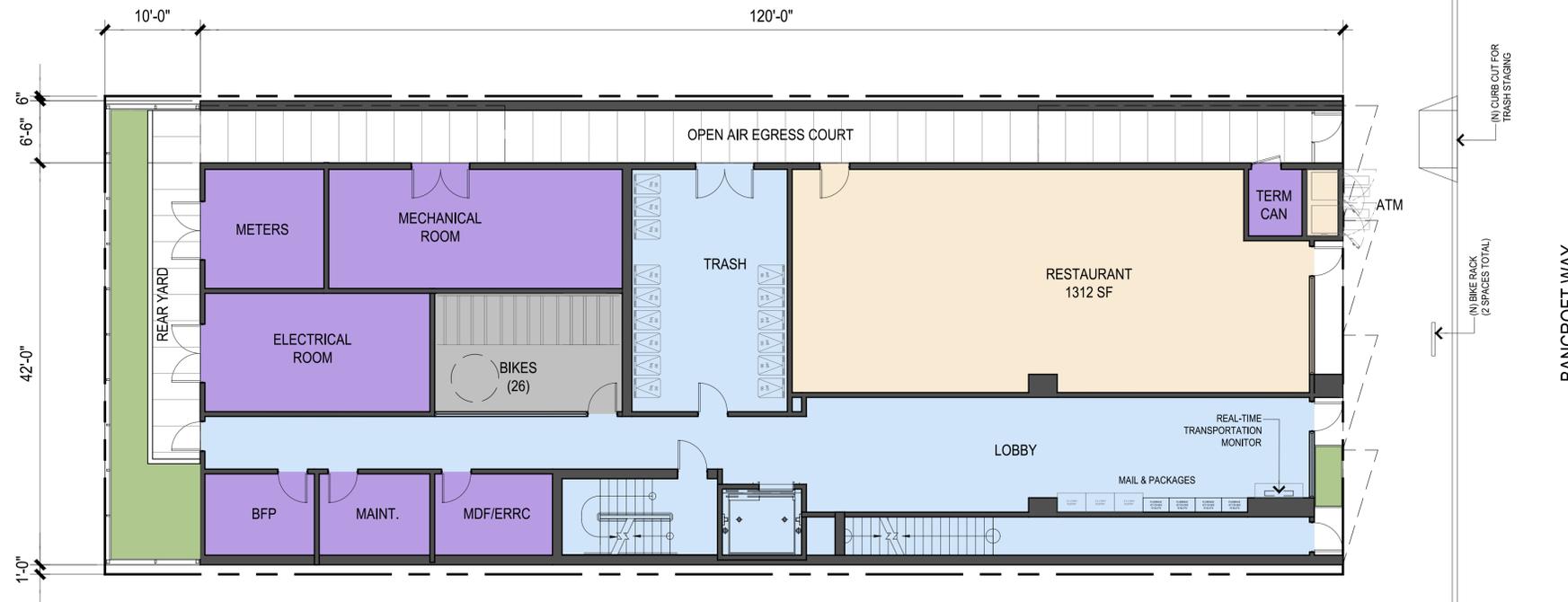
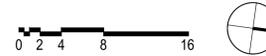
SHEET:

FLOOR PLANS

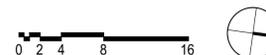
**A2.1**



**2 SECOND LEVEL FLOOR PLAN**  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



**1 GROUND LEVEL FLOOR PLAN**  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



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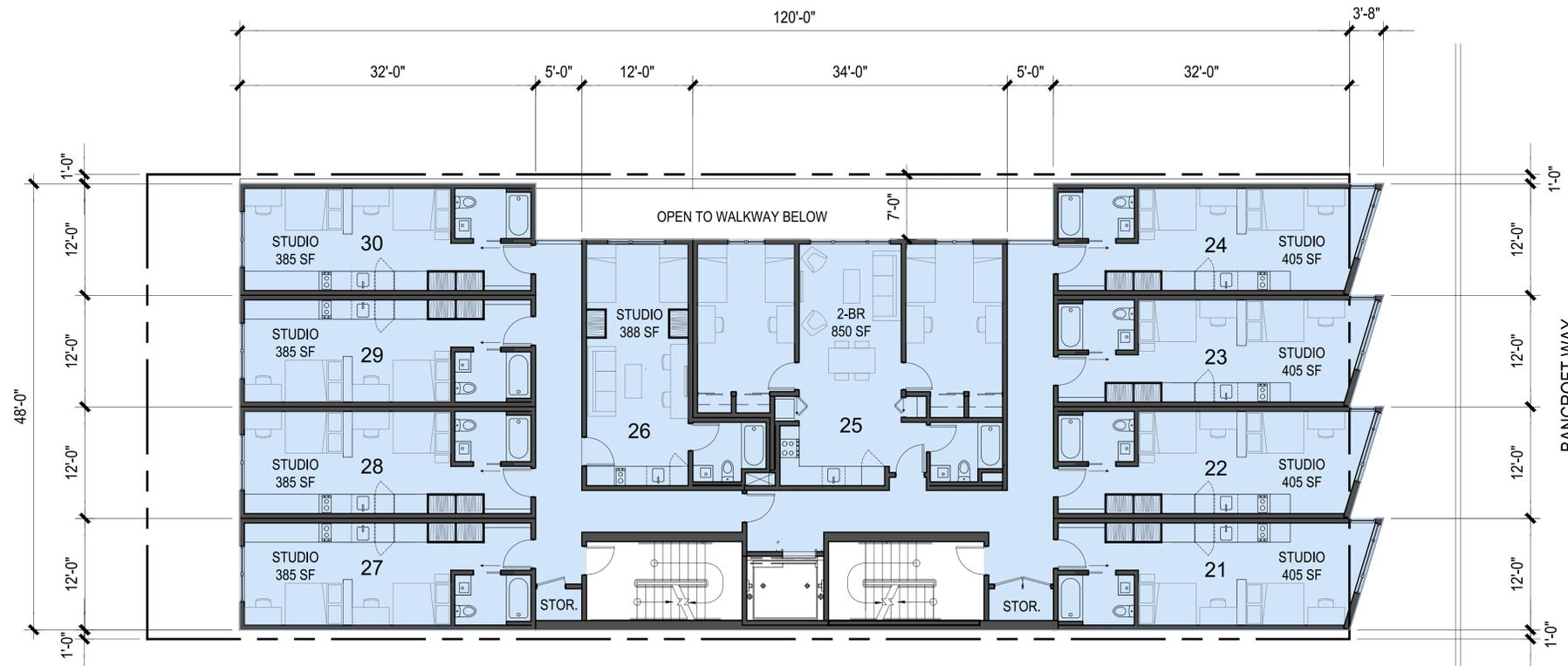
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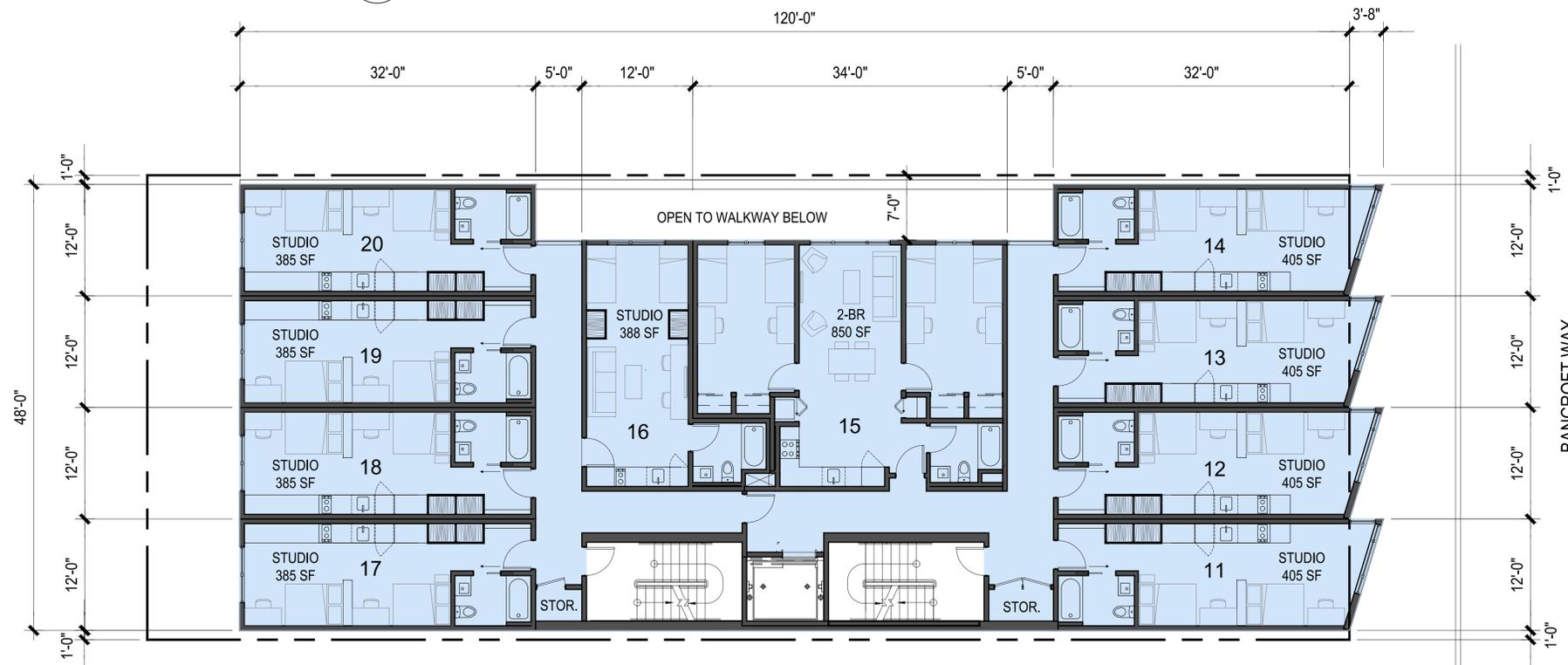
SHEET:

FLOOR PLANS

**A2.2**



**2** FOURTH LEVEL FLOOR PLAN  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36  
 0 2 4 8 16



**1** THIRD LEVEL FLOOR PLAN  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36  
 0 2 4 8 16

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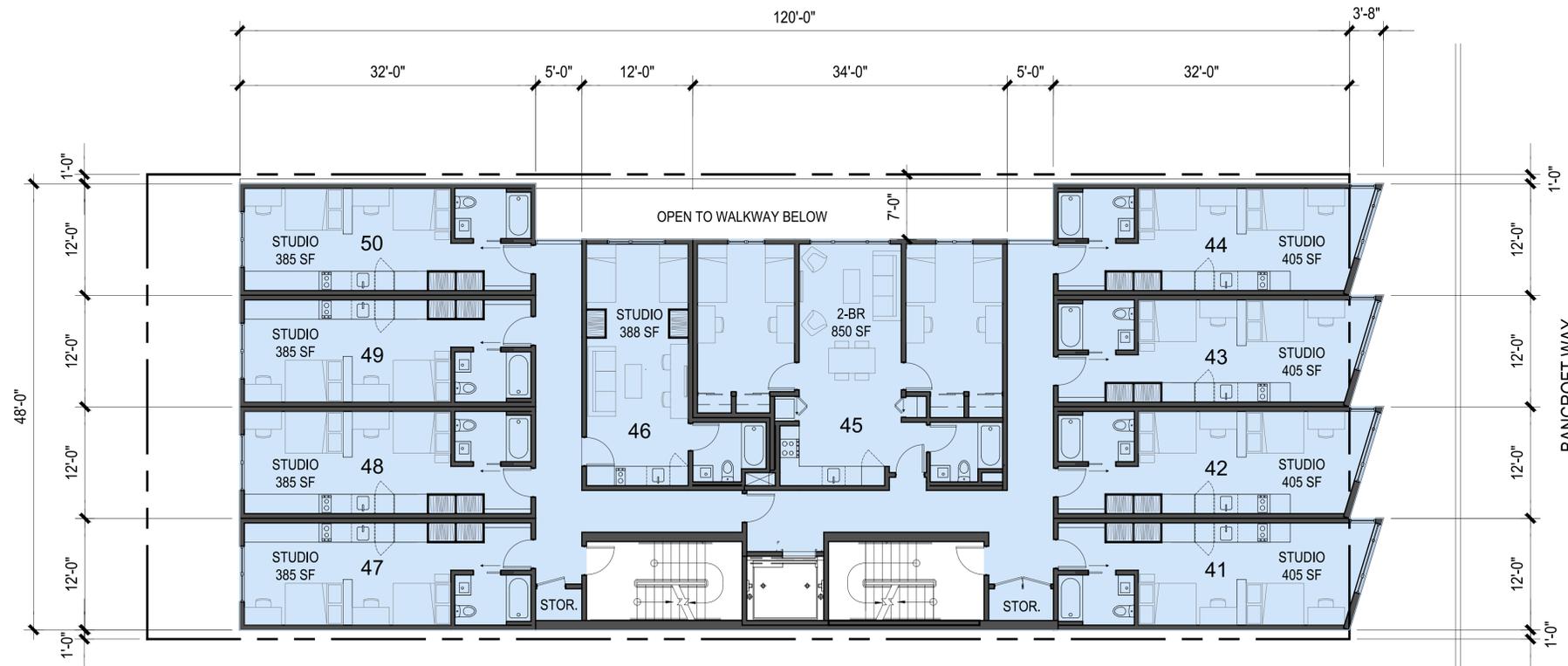
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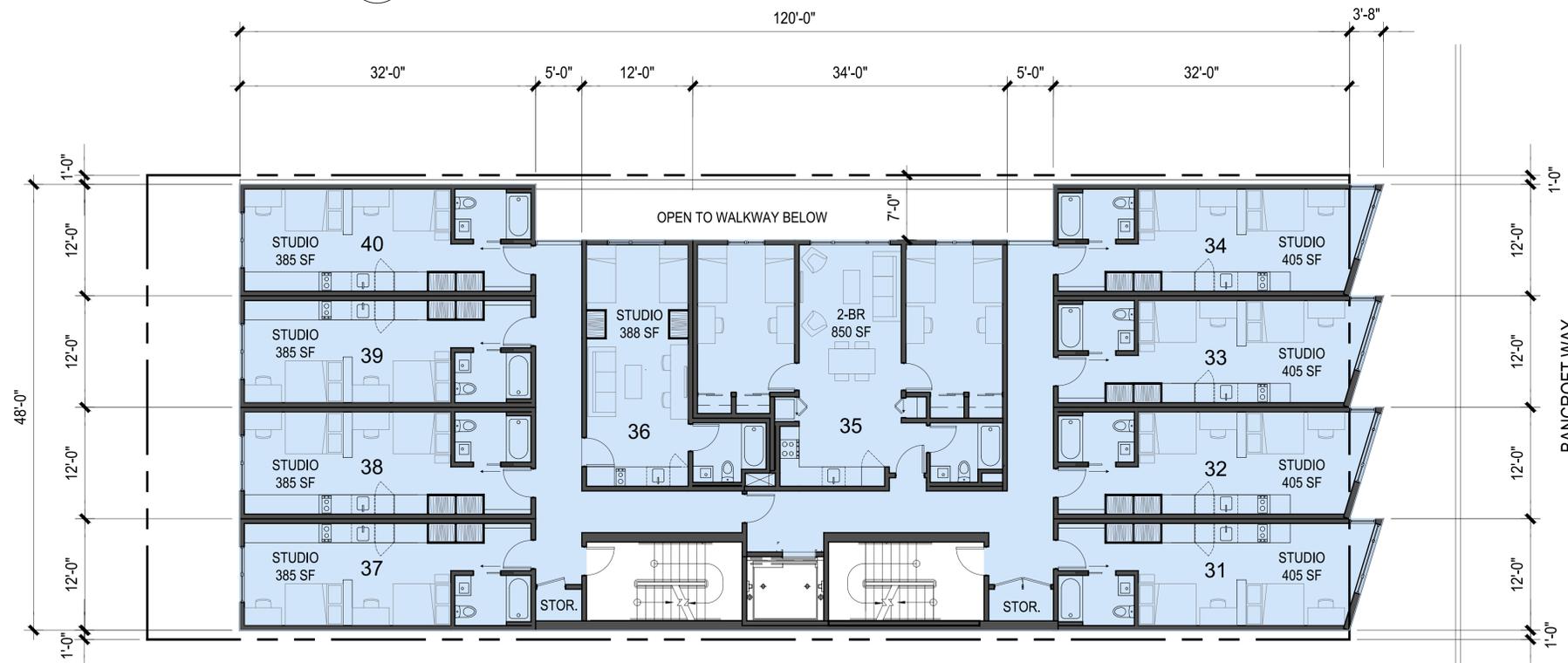
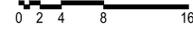
SHEET:

FLOOR PLANS

**A2.3**



**2**  
 SIXTH LEVEL FLOOR PLAN  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



**1**  
 FIFTH LEVEL FLOOR PLAN  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36





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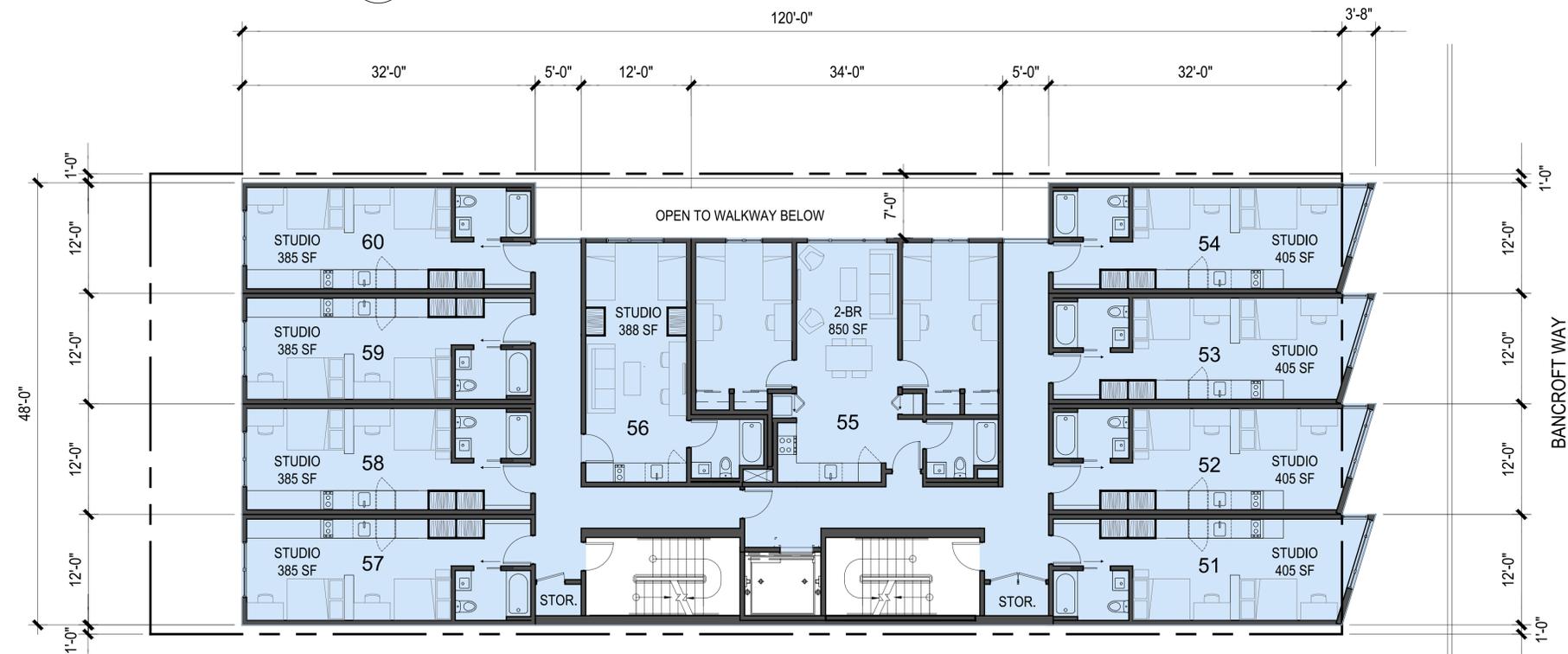
SHEET:

FLOOR PLANS

**A2.4**



**2**  
 EIGHTH LEVEL FLOOR PLAN  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36  
 0 2 4 8 16



**1**  
 SEVENTH LEVEL FLOOR PLAN  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36  
 0 2 4 8 16

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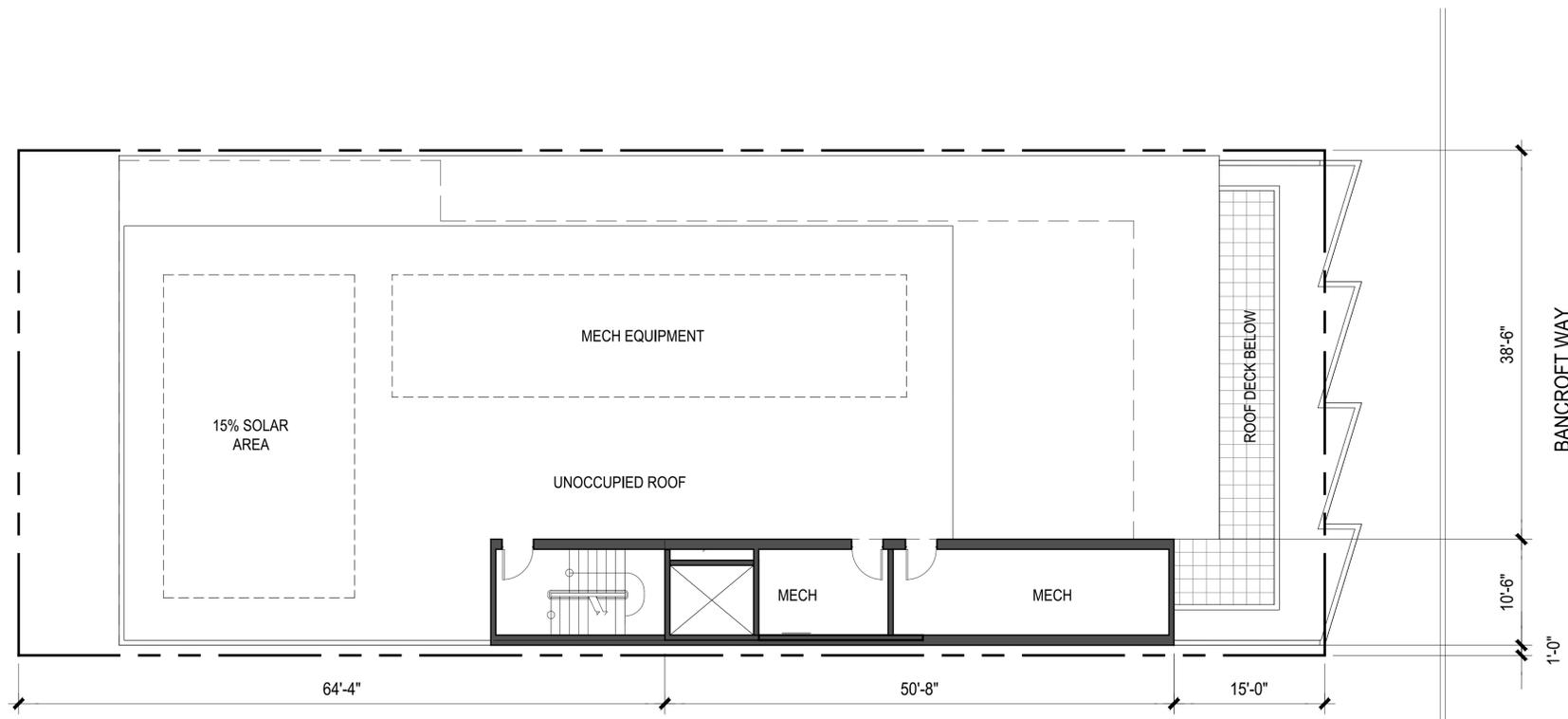
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JOB: 2211

SHEET:

ROOF PLAN

**A2.5**



**1 ROOF PLAN**

1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36





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JOB: 2211

SHEET:

**BUILDING  
 ELEVATIONS**

**A3.1**



CORRUGATED METAL SIDING | METAL INFILL PANEL | THIN BRICK | ALUMINUM WINDOWS

STAIR ROOF  
 5'-6"  
 ROOF  
 12'-10"  
 LEVEL 8  
 10'-8"  
 LEVEL 7  
 10'-4"  
 LEVEL 6  
 10'-4"  
 LEVEL 5  
 88'-6"  
 10'-4"  
 LEVEL 4  
 10'-4"  
 LEVEL 3  
 10'-4"  
 LEVEL 2  
 10'-4"  
 VARIES  
 AVG. GRADE

**1** NORTH ELEVATION  
 1/16"=1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



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JOB: 2211

SHEET:

**BUILDING  
 ELEVATIONS**

**A3.2**



THIN BRICK      METAL INFILL  
 PANEL      ALUMINUM  
 WINDOWS      CORRUGATED  
 METAL SIDING

STAIR ROOF  
 5'-6"  
 ROOF  
 12'-10"  
 LEVEL 8  
 10'-8"  
 LEVEL 7  
 10'-4"  
 LEVEL 6  
 10'-4"  
 LEVEL 5  
 88'-6"  
 10'-4"  
 LEVEL 4  
 10'-4"  
 LEVEL 3  
 10'-4"  
 LEVEL 2  
 10'-4"  
 VARIES  
 (BANCROFT WAY)  
 AVG. GRADE

**1** WEST ELEVATION  
 1/16" = 1'-0" @ 11X17    1/8" = 1'-0" @ 24X36



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SHEET:

**BUILDING  
 ELEVATIONS**

**A3.3**



**1** SOUTH ELEVATION  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



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SHEET:

**BUILDING  
 ELEVATIONS**

**A3.4**



**1** EAST ELEVATION  
 1/16"=1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



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SHEET:

**STREET STRIP  
ELEVATIONS**

# A3.5



2486 BANCROFT

2476 BANCROFT

2468 BANCROFT

2462 BANCROFT  
(SUBJECT PROPERTY)

2454 BANCROFT

2440 BANCROFT

1  
-

## STREET STRIP ELEVATION @ BANCROFT WAY

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



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SHEET:

PHOTO CONTEXT  
VIEWS

**A3.6**



4  
BANCROFT LOOKING WEST - AFTER



2  
BANCROFT LOOKING EAST - AFTER



3  
BANCROFT LOOKING WEST - BEFORE



1  
BANCROFT LOOKING EAST - BEFORE

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5. ALUMINUM WINDOWS /  
 METAL INFILL PANEL



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JOB: 2211

SHEET:

**MATERIAL  
 BOARD**

**MAT**

1 NORTH ELEVATION  
 1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



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SHEET:

**CONCEPTUAL  
RENDERING**



1 PERSPECTIVE VIEW - AERIAL VIEW

**A3.7**

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SHEET:

**CONCEPTUAL  
RENDERING**

**A3.8**



1 PERSPECTIVE VIEW - BANCROFT LOOKING SOUTHEAST

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SHEET:

**CONCEPTUAL  
RENDERING**

**A3.9**



1 PERSPECTIVE VIEW - BANCROFT LOOKING SOUTH

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SHEET:

**CONCEPTUAL  
RENDERING**

**A3.10**



1 PERSPECTIVE VIEW - BANCROFT LOOKING SOUTHWEST

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SHEET:

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**A3.11**

PROPOSED NEW BUILDING



1 PERSPECTIVE VIEW - DURANT LOOKING NORTH

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SHEET:

CONCEPTUAL  
RENDERING

**A3.12**



1 PERSPECTIVE VIEW - DURANT AERIAL LOOKING NORTH

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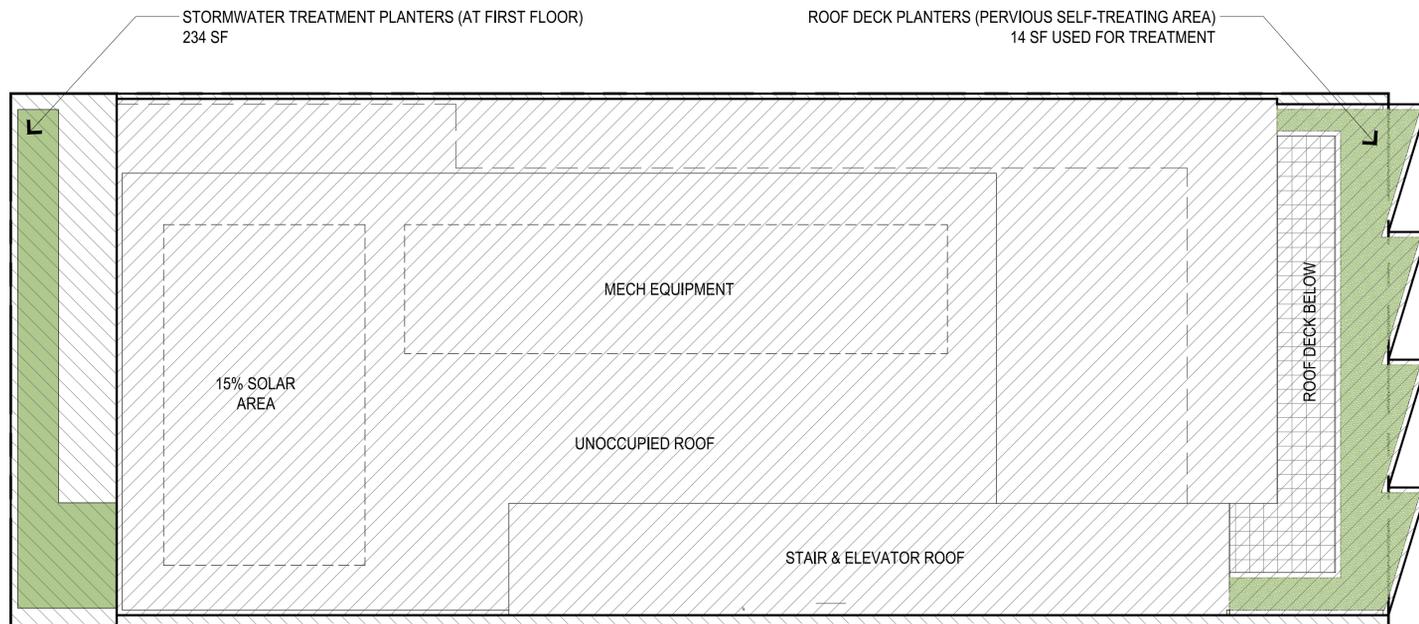
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SHEET:

PRELIMINARY  
STORMWATER  
PLAN

**A4.0**

STORMWATER CALCULATIONS											
<b>C3 APPLICABILITY</b>											
TOTAL SITE AREA	6,500 (0.15 ACRES)										
C3 THRESHOLD	10,000										
C3 REGULATED PROJECT	NO										
<b>REQUIRED FLOW-THROUGH PLANTERS</b>											
LOCATION	TOTAL GROSS SF	PERVIOUS SELF-TREATING AREA	IMPERVIOUS TREATMENT AREA	%	TOTAL REQ'D TREATMENT AREA	TOTAL PROVIDED PLANTER AREA	PERVIOUS PAVING	FILTER VAULT			
STAIR & ELEVATOR ROOF	714	0	714	4%	29						
MAIN ROOF AREA	4549	0	4549	4%	182						
LEVEL 8 ROOF DECK	640	312	328	4%	13	14					
LEVEL 1	685	86	599	4%	24	234					
<b>TOTAL</b>	<b>6588</b>	<b>398</b>	<b>6190</b>		<b>248</b>	<b>248</b>					
<b>PROVIDED TREATMENT PLANTERS</b>											
LEVEL	PLANTER AREA										
ROOF DECK PLANTER	14										
LEVEL 1 PLANTER	234										
<b>TOTAL PLANTERS</b>	<b>248</b>										
<b>SPECIAL PROJECTS</b> (Appendix K)											
<b>CRITERIA FOR CATEGORY A: Small Infill Projects</b>											
1. Be built as part of the municipality's stated objective to preserve or enhance a pedestrian-oriented type of urban design. <span style="float: right;">Yes</span>											
2. Be located in the municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian oriented commercial district, or historic preservation site and/or district. <span style="float: right;">Yes</span>											
3. Create and/or replace one half acre or less of impervious surface area. <span style="float: right;">Yes</span>											
4. Include no surface parking, except for incidental surface parking. Incidental surface parking is allowed only for emergency vehicle access, Americans with Disabilities Act (ADA) accessibility, and passenger and freight loading zones. <span style="float: right;">Yes</span>											
5. Have at least 85% coverage for the entire project site by permanent structures. The remaining 15% portion of the site is to be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment. <span style="float: right;">Yes</span>											
<b>LID TREATMENT REDUCTION FOR CATEGORY A (SMALL INFILL) SPECIAL PROJECTS</b>											
Any Category A Special Project may qualify for 100% LID Treatment Reduction Credit, which would allow the Category A Special Project to treat up to 100% of the amount of stormwater runoff specified by Provision C.3.d with either one or a combination of the two types of non-LID treatment systems identified in Section J.1. Prior to receiving the LID treatment reduction credits, the applicant must demonstrate, to the satisfaction of municipal staff, that LID treatment is infeasible, as described in Section J.6.											
1. Be characterized as a non auto-related land use project. That is, Category C specifically excludes any Regulated Project that is a stand-alone surface parking lot; car dealership; auto and truck rental facility with onsite surface storage; fast-food restaurant, bank or pharmacy with drive-through lanes; gas station, car wash, auto repair and service facility; or other auto-related project unrelated to the concept of Transit-Oriented Development. <span style="float: right;">Yes</span>											
2. If a commercial, achieve at least an FAR of 2:1. <span style="float: right;">N/A</span>											
3. If a residential development project, achieve at least a density of 25 DU/Ac. <span style="float: right;">N/A</span>											
4. If a mixed use development project, achieve at least an FAR of 2:1 or a gross density of 25 DU/Ac. <span style="float: right;">Yes</span>											
<b>LOCATION CREDITS</b>											
% of the C.3.d Amount of Runoff that MayReceive Non-LID		Project Site Location						QUALIFIES			
50%		50% or more of the site is located within a ½ mile radius of an existing or planned transit hub									
25%		50% or more of the site is located within a ½ mile radius of an existing or planned transit hub						Yes			
25%		100% of the site is located within a PDA						N/A			
<b>DENSITY CREDITS</b>											
% of the C.3.d Amount of Runoff that MayReceive Non-LID		Land Use Type		Density Required to Obtain the Density Credit		PROPOSED		QUALIFIES			
10%		Commercial		2 FAR		440		N/A			
10%		Residential or Mixed Use		30 DU/Acre		440		YES			
20%		Commercial		4 FAR		440		N/A			
20%		Residential or Mixed Use		60 DU/Acre		440		YES			
30%		Commercial		6:1 FAR		440		N/A			
30%		Residential or Mixed Use		100 DU/Acre		440		YES			
<b>MINIMIZED SURFACE PARKING CREDITS</b>											
To qualify for any Minimized Surface Parking Credits, a Category C Special Project must first qualify for one of the Location Credits listed in Provision C.3.e.ii.(9)(c) above. (i) A Category C Special											
% of the C.3.d Amount of Runoff that MayReceive Non-LID		Percentage of the Total Post-Project Impervious Surface Dedicated to At-Grade, Surface Parking						PROPOSED		QUALIFIES	
10%		10% or less						0		YES	
20%		0% (except for emergency vehicle access, ADA accessibility and passenger and freight loading zones)						0		YES	
<b>TOTAL CREDITS</b>		<b>75%</b>									
LOCATION CREDITS		25%									
DENSITY CREDITS		30%									
MINIMIZED SURFACE PARKING CREDITS		20%									



1

PRELIMINARY STORMWATER PLAN

1/16" = 1'-0" @ 11X17 1/8" = 1'-0" @ 24X36



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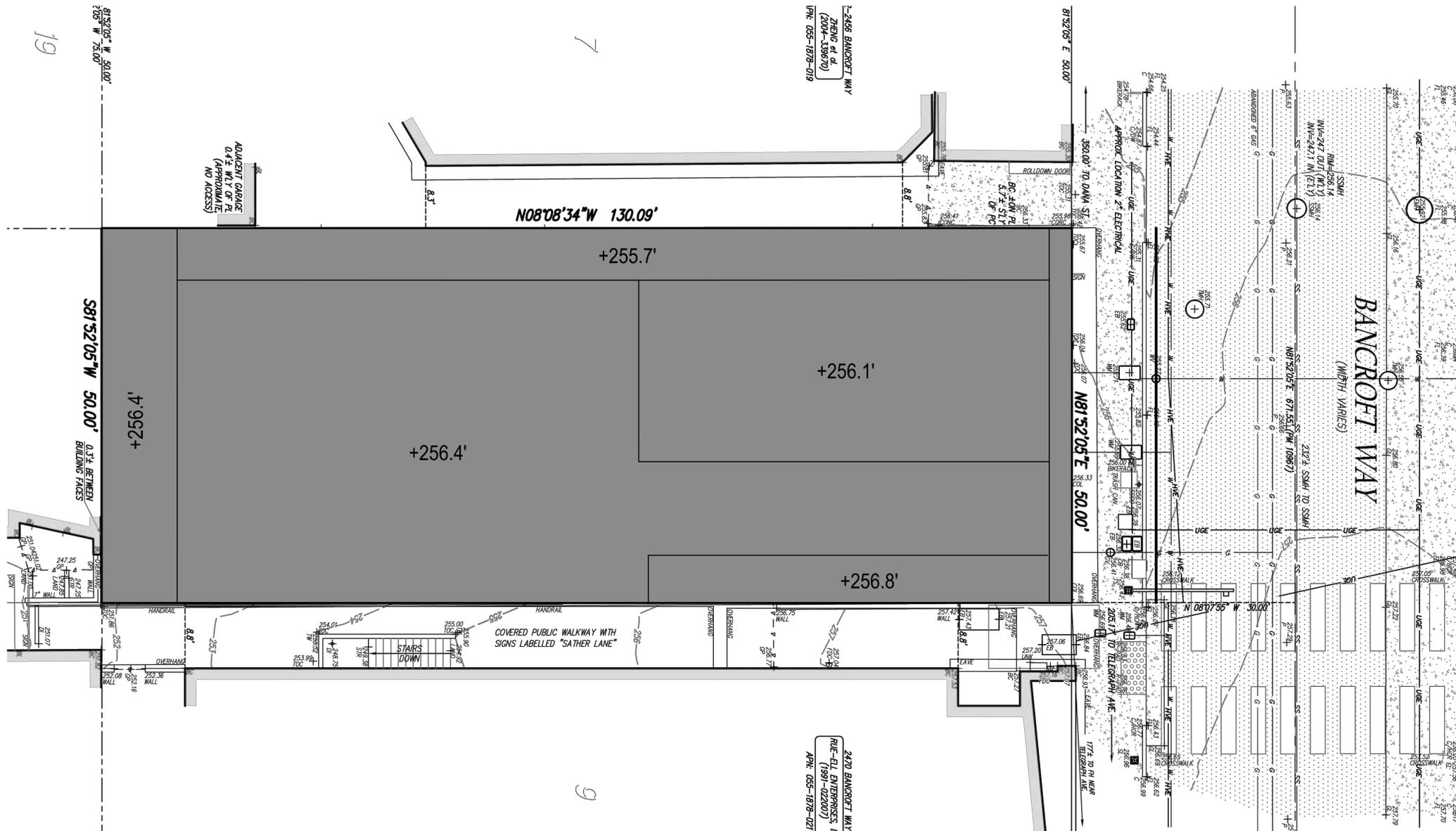
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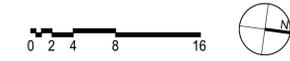
PRELIMINARY  
 GRADING  
 PLAN

**A4.1**

ESTIMATED CUT AND FILL CALCULATIONS			
	CUT / FILL AREA	CUT / FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING	6,500	2	481
		24" mat slab foundation assumed	



**1** PRELIMINARY GRADING PLAN  
 1/16" = 1'-0" @ 11X17    1/8" = 1'-0" @ 24X36





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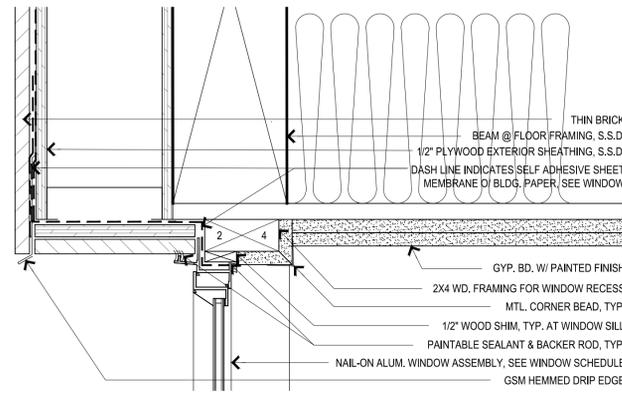
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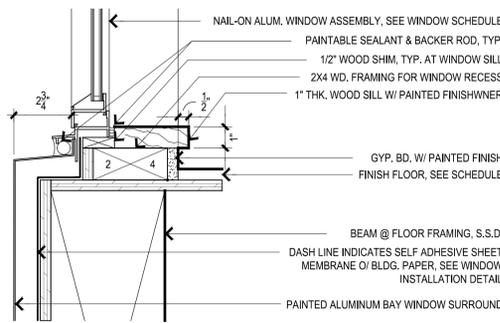
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WALL SECTION

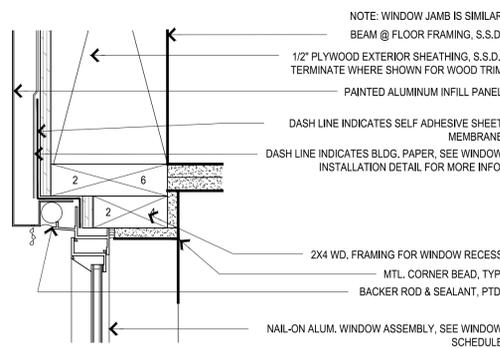
**A4.2**



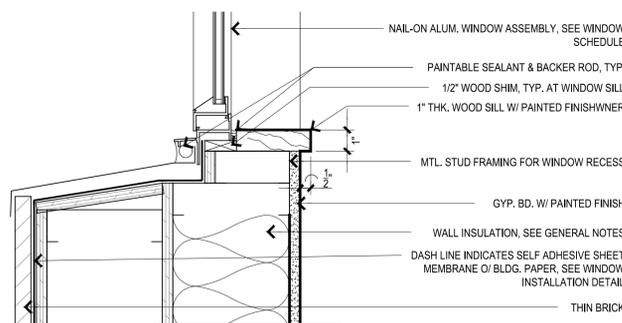
**5 TYP. HEAD @ T.O. SURROUND**  
 A4.2 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



**6 TYP. SILL AT FILL PANEL**  
 A4.2 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



**7 HEAD @ FILL PANEL**  
 A4.2 3"=1'-0"



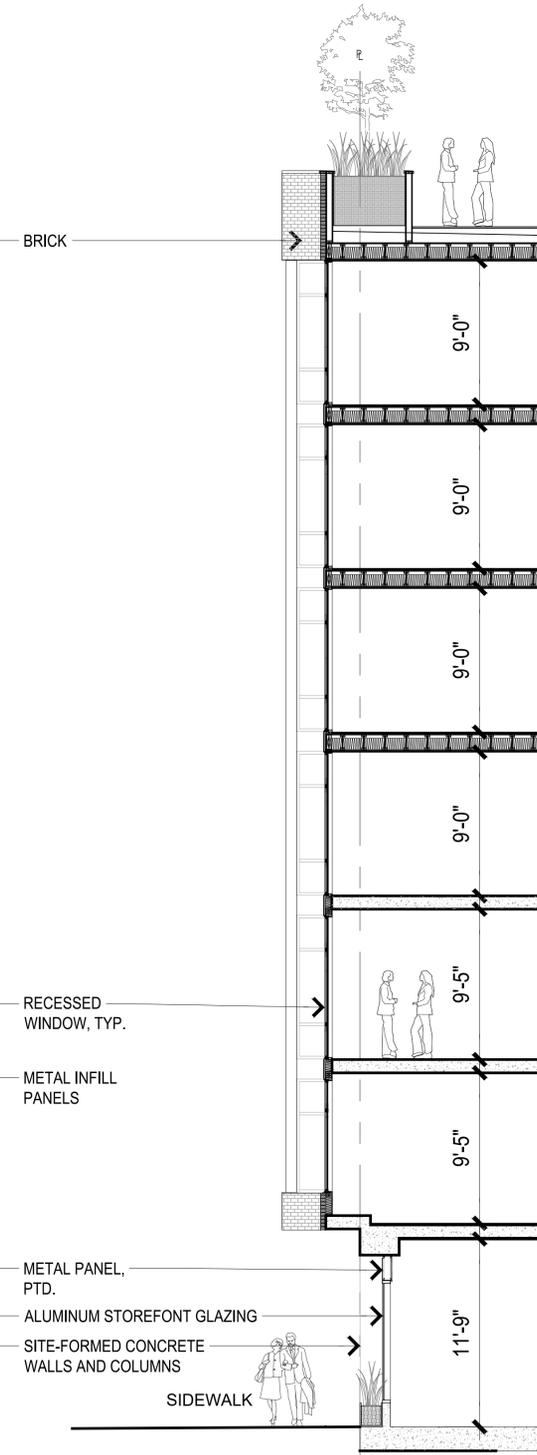
**8 TYP. SILL @ B.O. WINDOW SURROUND**  
 A4.2 6"=1'-0" @ 11X17 3"=1'-0" @ 24X36



**3 PLAN DETAIL**  
 3/16" = 1'-0" @ 24x36 3/32" = 1'-0" @ 11x17



**2 NORTH ELEVATION DETAIL**  
 3/16" = 1'-0" @ 24x36 3/32" = 1'-0" @ 11x17



**1 SECTION @ NORTH FACADE**  
 3/16" = 1'-0" @ 24x36 3/32" = 1'-0" @ 11x17

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LANDSCAPE NOTES AND  
SCHEMATIC IRRIGATION

**L100A**

Select Correct ETo for the Site	41.80	ETo (inches per year)
Enter Total Landscape Area	514	square feet
MAWA with no SLA (auto-fills from MAWA Calculator sheet)	6,214	gallons per year
MAWA with SLA (auto-fills from MAWA with SLA sheet)	0	gallons per year
		8.3 CCF
		0.0 CCF

Reference Table of Plant Water Use	
Plant Factor	Value*
Very low	0.05
Low	0.20
Medium	0.50
High	0.85

\*Expressed as a percentage of ETo

Hydrozones Irrigated with Drip or Subsurface Application				
Enter Irrigation Efficiency (Value must equal or exceed 0.81)				
Irrigation Efficiency Default Value		0.81		
Hydrozone	Plant Factor	Value	Hydrozone Area (ft <sup>2</sup> )	PF x HA (ft <sup>2</sup> )
Zone 1	Medium	0.5	34	17.0
Zone 2	Low	0.2	86	17.2
Zone 3	Low	0.2	50	10.0
Zone 4	Low	0.2	344	68.8
SLA - total drip	100%	1		
				113
Total area irrigated by drip			514	
Drip gallons used each year			3,616	
Estimated Total Water Use (ETWU)			3,616	gallons per year
			4.8	CCF per year

**PLANTING NOTES**

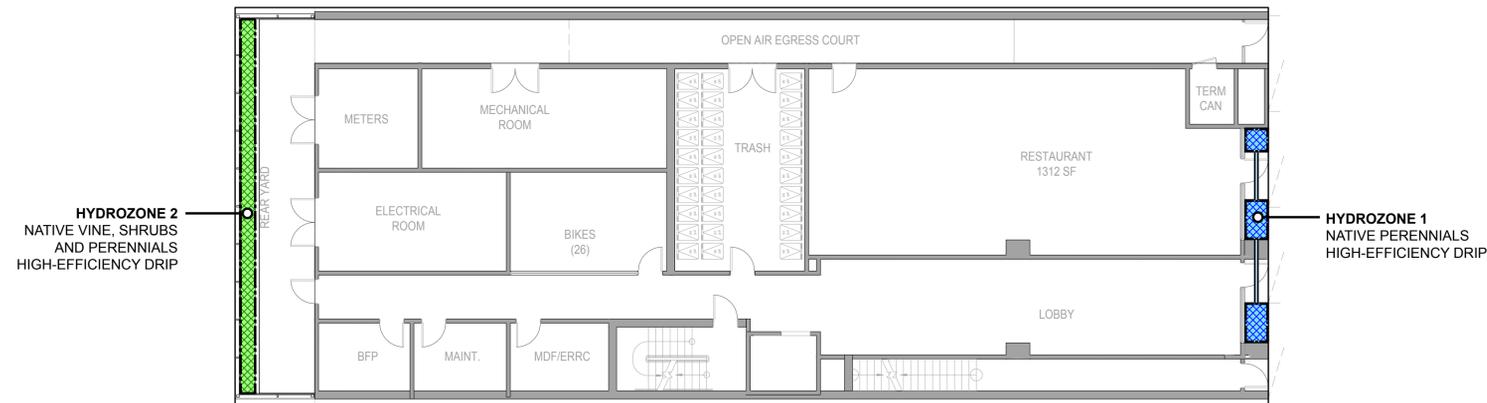
- ALL TREES SHALL BE OF UNIFORM HEIGHT AND FORM FOR THE SPECIES AND CONTAINER SIZE.
- FINAL PLACEMENT OF PLANTS SHALL BE REVIEWED AT THE SITE BY THE LANDSCAPE ARCHITECT.
- INSTALL ALL PLANTING AFTER IRRIGATION SYSTEM IS COMPLETED, FULLY OPERATIONAL, AND HAS BEEN REVIEWED BY THE LANDSCAPE ARCHITECT.
- MULCH ALL NEWLY PLANTED AREAS WITH 3" OF SPECIFIED MULCH.
- REMOVE NURSERY STAKES AND TAGS FROM TREES AND SHRUBS AT TIME OF PLANTING.
- THE CONTRACTOR IS RESPONSIBLE FOR TAKING SOIL SAMPLES OF THE TOPSOIL TO BE USED AS PLANTING MEDIUM FOR THE PROJECT. THIS INCLUDES SITE SOIL AND IMPORTED TOPSOILS. LAB TEST RESULTS AND RECOMMENDATIONS TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO SOIL DELIVERY TO SITE. THE LANDSCAPE ARCHITECT MAY REQUEST RE-TESTING OF DELIVERED IMPORT TOPSOIL TO VERIFY ITS CONFORMANCE TO THE APPROVED SAMPLE. REFER TO SPECIFICATIONS FOR SOIL TESTING METHODOLOGY.
- PLANT SCHEDULE IS SUBJECT TO CHANGE BASED ON PLANT AVAILABILITY AND EXISTING SOIL CONDITIONS.
- LISTED WATER REQUIREMENTS ARE BASED ON WATER USE CLASSIFICATION OF LANDSCAPE SPECIES AS PER WUCOLS III, AUGUST 2000, AND EBMUD - PLANTS AND LANDSCAPES FOR SUMMER-DRY CLIMATES OF THE SAN FRANCISCO BAY REGION, 2004

**IRRIGATION NOTES**

- ALL NEW PLANTING AREAS SHALL HAVE A NEW IRRIGATION SYSTEM. THE IRRIGATION SYSTEM SHALL BE INSTALLED IN CONFORMANCE WITH ALL APPLICABLE STATE AND LOCAL CODES AND ORDINANCES BY LICENSED CONTRACTORS AND EXPERIENCED WORKMEN. CONTRACTOR SHALL OBTAIN AND PAY FOR ALL REQUIRED PERMITS AND FEES RELATING TO HIS WORK. INSTALL ALL PLANTING AFTER IRRIGATION SYSTEM IS COMPLETED, FULLY OPERATIONAL, AND HAS BEEN REVIEWED BY THE LANDSCAPE ARCHITECT.
- THE LANDSCAPE IRRIGATION SYSTEM SHALL COMPLY WITH EBMUD WATER EFFICIENT LANDSCAPE REQUIREMENTS.
- THE IRRIGATION SHALL BE FULLY AUTOMATED WITH A SMART CONTROLLER, WEATHER SENSOR, AND WILL IRRIGATE ALL PLANTING AREAS. THE IRRIGATION SYSTEM SHALL INCLUDE A RAIN SENSOR WHOSE SIGNAL IS COMPATIBLE WITH THE MASTER CONTROL VALVE. A SEPARATE WATER SUB-METER SHALL BE INSTALLED THAT SERVES ONLY THE IRRIGATION SYSTEM.
- REFER TO IRRIGATION PLANS AND DETAILS FOR INFORMATION ON POINT OF CONNECTION AND ALL COMPONENTS.
- CONTRACTOR TO HIRE A CERTIFIED IRRIGATION AUDITOR AFTER COMPLETING THE INSTALLATION OF THE IRRIGATION SYSTEM. ADJUST ANY IRRIGATION COMPONENTS PER IRRIGATION AUDITOR'S CORRECTIONS UNTIL PROJECT PASSES THE AUDIT. PROVIDE LANDSCAPE ARCHITECT WITH THE IRRIGATION AUDIT REPORT ONCE THE CORRECTIONS ARE COMPLETE. FINAL CERTIFICATION SHALL BE SUBMITTED TO EBMUD BY CONTRACTOR OR OWNER'S REPRESENTATIVE.

**SOIL PREPARATION NOTES**

- LANDSCAPE ARCHITECT TO REVIEW AND APPROVE ALL BULK-SUPPLIED SOIL AND MULCH PRODUCTS. SUBMIT PRODUCT DATA AND PHYSICAL SAMPLES IN A SEALED 1-QUART CONTAINER FOR EACH BULK-SUPPLIED MATERIAL NOTED ON SCHEDULES AND PLANS.
- A QUALIFIED TESTING AGENCY SHALL BE ENGAGED TO PERFORM ANALYSIS ON IMPORTED SOILS BEFORE INSTALLATION OF PLANT MATERIALS. PROVIDE SAMPLES OF BULK SOIL TO TESTING AGENCY PER LABORATORY STANDARDS.
- SOIL TESTING SHALL ENCOMPASS PHYSICAL AND CHEMICAL PROPERTIES, ORGANIC MATTER CONTENT, AND VALUE FOR SATURATED BULK DENSITY.
- THE TESTING AGENCY SHALL BE NOTIFIED OF PROPOSED PLANT MATERIAL AND PROVIDE RECOMMENDATIONS FOR APPLICATION OF COMPOST IN SUFFICIENT AMOUNTS TO SUPPORT THE HEALTH OF THE PROPOSED PLANT PALETTE. SUBMIT TESTING REPORTS, AMENDMENT RECOMMENDATIONS AND PRODUCT DATA FOR EACH AMENDMENT TO LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL.
- ONLY COMPOST OR OTHER SOIL AMENDMENTS CERTIFIED BY OMRI WILL BE ACCEPTED.
- PLACE SOIL AS NOTED IN PLANS AND DETAILS. VERIFY NO FOREIGN OR DELETERIOUS MATERIALS ARE PRESENT. PROCEED WITH SOIL PLACEMENT AND PLANTING ONLY AFTER UNSATISFACTORY CONDITIONS HAVE BEEN CORRECTED.
- MULCH DEPTH SHALL BE 3" MINIMUM IN PLANTING AREAS.
- COMPOST APPLICATION SHALL ACHIEVE MINIMUM 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON A MWELO SPECIFIED SOIL ANALYSIS RESULT FOR THE SITE SOIL.



**1 GROUND LEVEL SCHEMATIC IRRIGATION PLAN**  
SCALE: 1/16" = 1'-0"



**2 EIGHTH LEVEL SCHEMATIC IRRIGATION PLAN**  
SCALE: 1/16" = 1'-0"



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PLANT PALETTE

**L100B**

SIDEWALK PLANTERS



Wild Ginger  
*Asarum caudatum*



Bigflower Tellima  
*Tellima grandiflora*



Western Swordfern  
*Polystichum munitum*

REAR BOUNDARY



Western Columbine  
*Aquilegia formosa*



Virgin's Bower  
*Clematis ligusticifolia*



Hummingbird Sage  
*Salvia spathacea*



Berkeley Sage  
*Carex tumulicola*



June Grass  
*Koeleria macrantha*



Bee Plant  
*Scrophularia californica*

ROOF DECK TREES



Austin Griffiths Manzanita  
*Arctostaphylos 'Austin Griffiths'*



Coast Silk Tassel  
*Garrya elliptica*

ROOF DECK PLANTING



Moonshine Yarrow  
*Achillea 'Moonshine'*



Gumweed  
*Grindelia stricta*



California Buckwheat  
*Eriogonum fasciculatum*



California Melic Grass  
*Melica californica*



Golden Yarrow  
*Eriophyllum confertifolium*



California Buttercup  
*Ranunculus californica*



Seaview Coffeeberry  
*Rhamnus californica 'Seaview'*

*All Proposed Plant  
 Species Originate  
 from within the  
 California Floristic  
 Provenance.*





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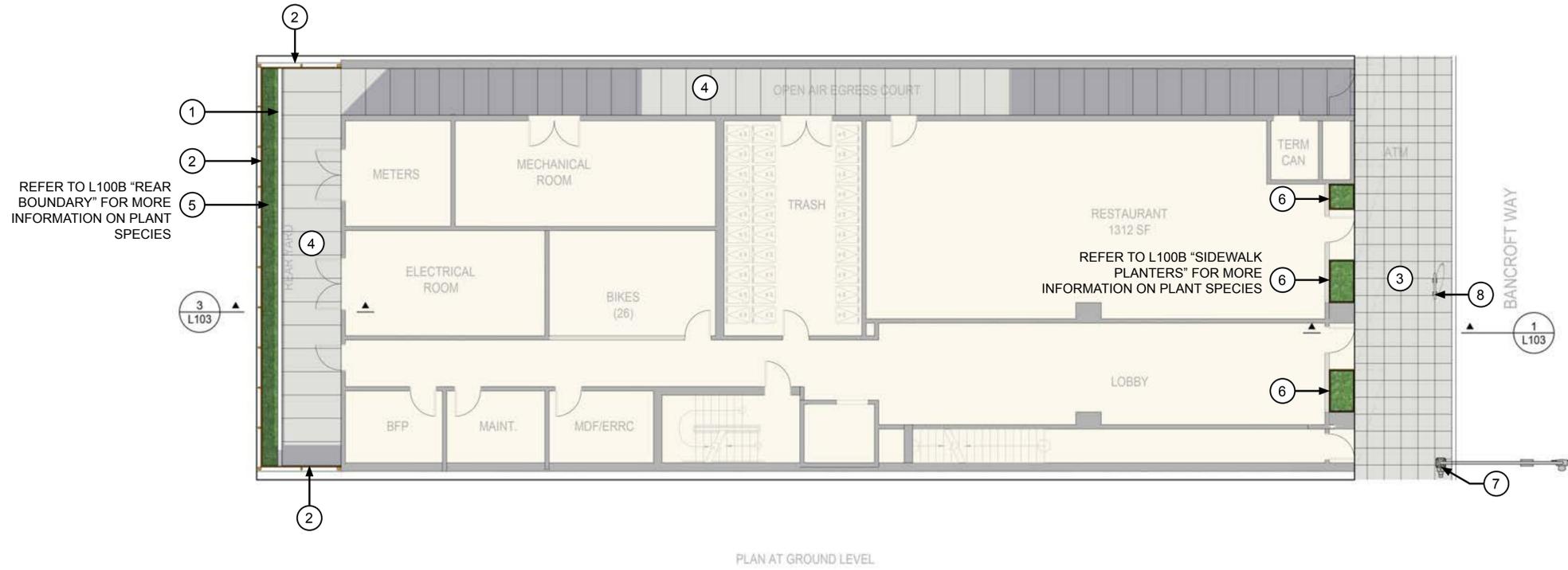
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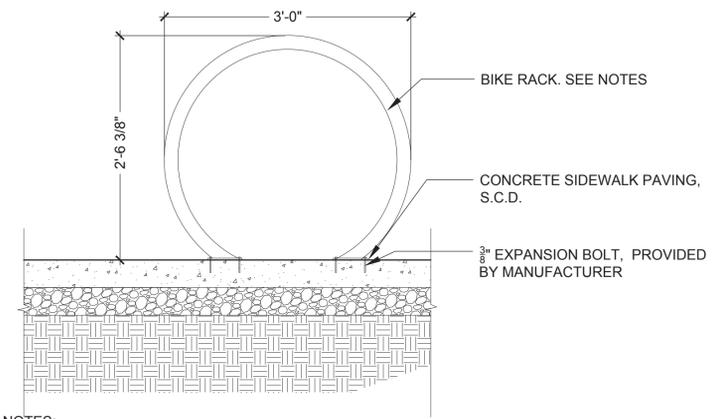
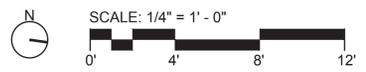
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05.20.2024 ZAB SUBMITTAL



1 GROUND LEVEL LANDSCAPE PLAN  
SCALE: 1/8" = 1'-0"



BIKE RACK

KEY NOTES	
1	NEW 6" CONCRETE CURB WITH SCUPPERS
2	8' H FENCE ON 8" CONCRETE CURB
3	CONCRETE SIDEWALK PAVING
4	CONCRETE PAVING
5	AT GRADE PLANTING AREA
6	30" HIGH FRP PLANTER
7	EXISTING STREET LIGHT
8	NEW BICYCLE RACK

NOTES:  
1. CONTACT SFMTA AT bikeparking@sfmta.com FOR THE LOCATION AND INSTALLATION OF BIKE RACKS.  
2. BIKE RACK: 'WELLE' CIRCULAR, SQUARE TUBE, HOT-DIPPED GALVANIZED FINISH SURFACE MOUN, MODEL: WCR02-SQ-SF-G. AVAILABLE FROM www.bikeparking.com

BIKE RACK DETAIL

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JOB: 2212

SHEET:



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

**MILLER COMPANY**  
 landscape architects

2973 16TH ST. SAN FRANCISCO, CA 94103  
 415.252.7288 www.millercomp.com



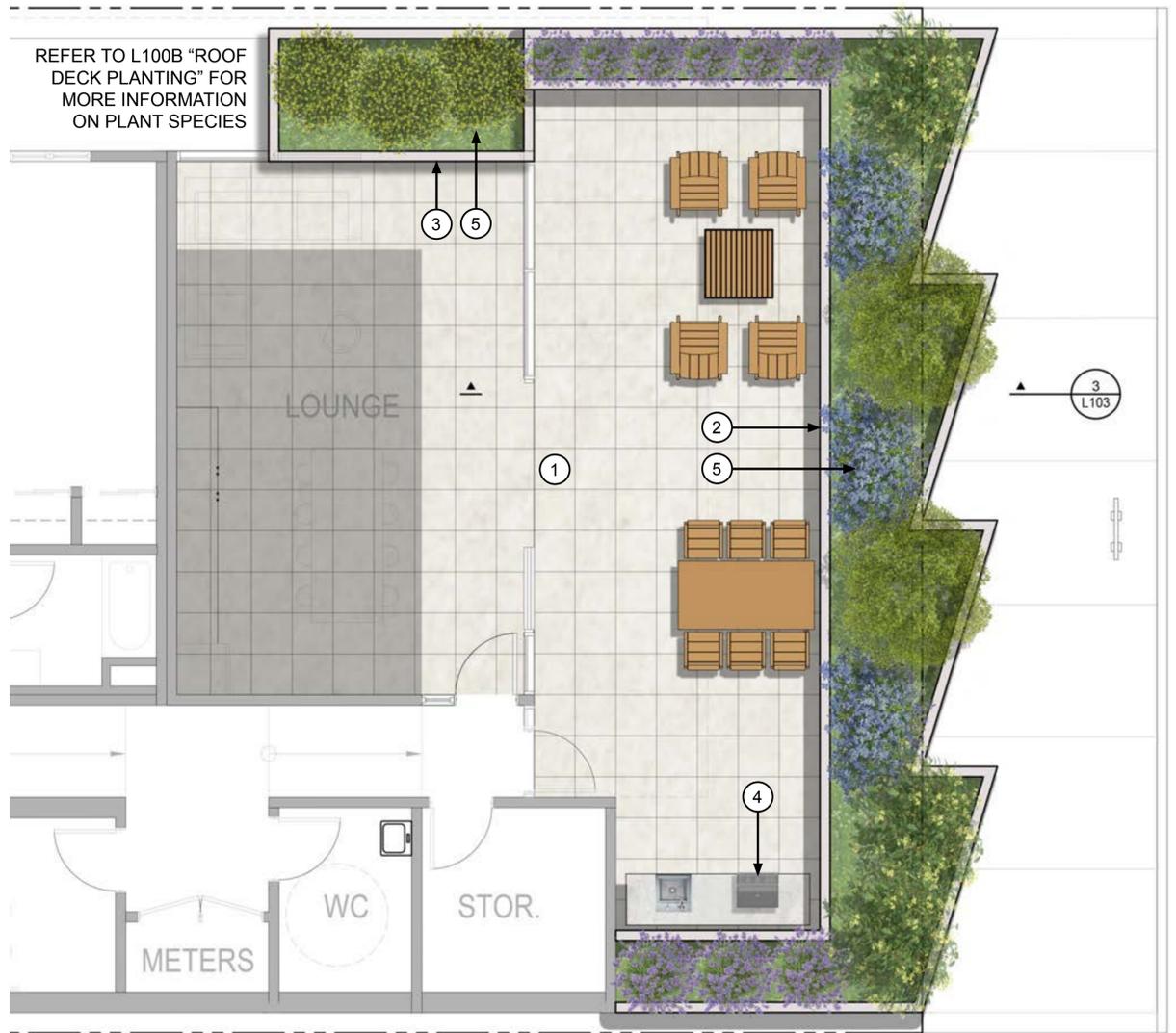
**2462  
 BANCROFT  
 WAY**

Berkeley, CA

03.01.2023 ENTITLEMENT SUBMITTAL

09.05.2023 ZONING COMPLETENESS

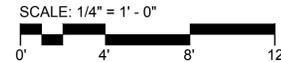
05.20.2024 ZAB SUBMITTAL



REFER TO L100B "ROOF  
 DECK PLANTING" FOR  
 MORE INFORMATION  
 ON PLANT SPECIES

BANCROFT WAY

**1** EIGHTH LEVEL LANDSCAPE PLAN  
 SCALE: 1/4" = 1'-0"



KEY NOTES	
1	UNIT PAVING ON PEDESTALS
2	42" HIGH PLANTER WALL
3	18" HIGH PLANTER WALL
4	BBQ COUNTER
5	INTENSIVE PLANTING AREA ON STRUCTURE

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JOB: 2212

SHEET:

EIGHTH LEVEL  
 LANDSCAPE PLAN

**L102**



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**2462  
 BANCROFT  
 WAY**

SECTIONS  
 Berkeley, CA

03.01.2023 ENTITLEMENT SUBMITTAL

09.05.2023 ZONING COMPLETENESS

05.20.2024 ZAB SUBMITTAL

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JOB: 2212

SHEET:

LANDSCAPE SECTIONS

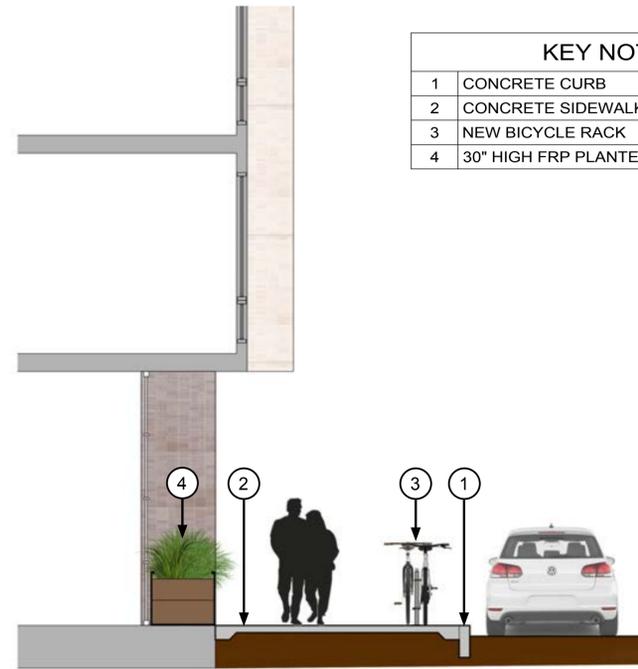
**L103**

KEY NOTES	
1	UNIT PAVING ON PEDESTALS
2	42" HIGH PLANTER
3	METAL FRAMING
4	TREE
5	PLANTING
6	INTENSIVE ROOF PLANTING



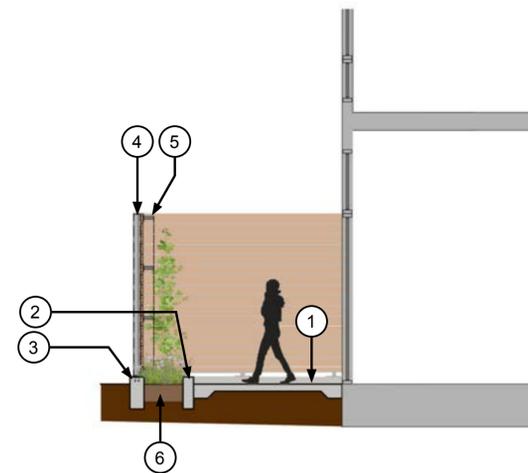
**3 SECTION AT EIGHTH LEVEL**  
 SCALE: 1/4" = 1'-0"

KEY NOTES	
1	CONCRETE CURB
2	CONCRETE SIDEWALK PAVING
3	NEW BICYCLE RACK
4	30" HIGH FRP PLANTER



**1 SECTION AT STREET WITH BIKE RACK**  
 SCALE: 1/4" = 1'-0"

KEY NOTES	
1	CONCRETE PAVING
2	6" CONCRETE CURB
3	8" CONCRETE CURB
4	8' H FENCE
5	STAINLESS STEEL CABLE TRELLIS SYSTEM
6	PLANTING AREA



**2 SECTION AT REAR PROPERTY LINE**  
 SCALE: 1/4" = 1'-0"

## TRACHTENBERG ARCHITECTS

2421 Fourth Street Berkeley, CA 94710  
phone: 510.649.1414  
www.TrachtenbergArch.com

### Neighborhood Meeting Notes (Online)

#### 2462 Bancroft Way

Berkeley, CA 94703

May 24, 2023

#### Attendance List (with names, addresses and email addresses as provided by attendees):

Hosts: Andy Pittman and Isaiah Stackhouse of Trachtenberg Architects

#### Attendees

- Dana Ellsworth, [dana.ellsworth@clire.com](mailto:dana.ellsworth@clire.com)
- Steve Ruegg, [steve@clire.com](mailto:steve@clire.com)
- Janette Reid, [jreid@berkeley.edu](mailto:jreid@berkeley.edu)

#### Notes

- The owner of the parcel to the East is concerned about the safety of pedestrians and viability of commercial tenants at the private alley. They asked about how the East wall will be constructed and finished as it is 10" away from the property line. They oppose allowing scaffolding to encroach or overhang their property. They are also concerned with safety around demolishing the existing building.
  - Response: At this stage in the project we do not have a contractor on board to discuss the constructability of the East wall and its proximity to the property line. We would like to have nice level finishes on this wall, but tilt up concrete walls would be an option to not encroach. We can discuss with the owner to see if we can get a contractor on board sooner to discuss the options, and then can set up a coordination meeting with the immediate neighbors to discuss.
- A neighbor asked about window setbacks along the west side and the group reviewed the applicable building code requirements.
- A neighbor asked how many units and what size. The group discussed the 66 units are proposed in a mix of studios and 2-bedroom apartments.



## C-T Telegraph Avenue Commercial District – Prior to March 1, 2024

### 23.102.010 – C-T Telegraph Avenue Commercial District

- A. **District Purpose.** The purpose of the Telegraph Avenue Commercial (C-T) district is to:
1. Implement the General Plan's designation of Avenue Commercial for this area;
  2. Implement the Southside Plan's designation for the Telegraph Avenue Commercial Subarea;
  3. Regulate development in the Telegraph Avenue area to satisfy the needs of the population groups using the district, especially the University population and the surrounding resident population;
  4. Encourage the availability of a variety of goods and services which serve residents in the district and the University population but do not generate a high volume of vehicular traffic;
  5. Allow for uses which maintain the cultural quality of the district giving it its regional appeal without generating substantial vehicular traffic;
  6. Discourage uses which, because of size, the type of the products sold, vehicular traffic generated or other considerations, are more appropriately located elsewhere in the city;
  7. Encourage a mix of goods and services which will prevent the dominance of any one type of use and which will produce variations within the same category of uses;
  8. Encourage the establishment and maintenance of uses which will satisfy the needs of all age groups and attract a range of users and interests;
  9. Encourage the creation of additional housing in the district which is affordable, including housing for those who work or study nearby;
  10. Encourage those uses and structural architecture that reinforce, and discourage those uses and architecture that interrupt, the pedestrian orientation of the district;
  11. Encourage mixed commercial and residential uses;
  12. Encourage the construction of new housing in mixed use development on vacant properties and surface parking lots;
  13. Encourage the redevelopment of single-story structures that are not historically significant resources with housing and mixed use development;
  14. Protect and enhance historically and architecturally significant buildings by ensuring that new development and alterations complement their existing architectural character;

**C-T Telegraph Avenue Commercial District – Prior to March 1, 2024**

15. Encourage the establishment and survival of small, locally-owned businesses, thereby contributing to the vitality and diversity of the district;
16. Discourage the type of commercial use whose establishment will contribute to the displacement of businesses that supply neighboring residents with essential goods and services;
17. Ensure that new buildings, additions and renovations harmonize with and enhance the unique character of the district;
18. Provide environmental protection for the residents of mixed residential commercial structures and surrounding residents from such detriments as noise, fumes and litter;
19. Preserve the ethnic diversity of the resident population and users of the district and of the types of businesses providing ethnically diverse goods and services in the district;
20. Protect and encourage the development of properties accessible to the disabled for both residential and commercial use;
21. Discourage uses which are widely available in other shopping districts throughout the Bay Area and detract from the unique type and mix of goods and services available in the district.

**B. Allowed Land Uses.**

1. **General.** See **Error! Reference source not found..**
2. **Bar/Cocktail Lounge/Taverns.** Service of distilled alcoholic beverages in the C-T district is allowed only when incidental to seated food service.
3. **Drug Paraphrenia Stores.** Any use involving the sale or distribution of drug paraphrenia is not permitted in the C-T district.
4. **Fuel Stations.** Alternative fuel and gasoline stations are allowed with Use Permit when located in a parking structure.
5. **Residential-Only Buildings.** Residential-only buildings are not permitted in the C-T district. Dwelling units and group living accommodations are allowed only above the ground floor in a mixed-use building.
6. **Office Uses.**
  - a. Table **Error! No text of specified style in document.-1** shows permits required for office uses in the C-T district.

**TABLE ERROR! NO TEXT OF SPECIFIED STYLE IN DOCUMENT.-1: C-T OFFICE PERMIT REQUIREMENTS**

Building Location	Permit Required
-------------------	-----------------

**C-T Telegraph Avenue Commercial District – Prior to March 1, 2024**

	<b>First and Second Story</b>	<b>Above Second Story</b>
Adjacent to Bancroft Way	As required by <b>Error! Reference source not found.</b>	AUP
Not adjacent to Bancroft Way		UP(PH)

- b. When office uses are located on the ground floor adjacent to street frontage, the storefront windows must either:
  - i. Include a window display; or
  - ii. Be transparent and provide pedestrian viewing at least 10 feet into the storefront area.

**7. Upper Story Uses.**

- a. Floor area above the ground floor may be occupied only by a residential or office uses.
- b. A commercial use that is an integral part of a ground floor establishment is permitted on the second story if the use:
  - i. Has no entrances or exits, other than required fire exits, outside of the ground floor space; and
  - ii. Does not exceed the ground-floor area of the use.

**C. Additional Permit Requirements.** See Section **Error! Reference source not found.** (Additional Permit Requirements).

**D. Development Standards.**

- 1. **Basic Standards.** See Table **Error! No text of specified style in document.-2:** C-T Development Standards.

**TABLE ERROR! NO TEXT OF SPECIFIED STYLE IN DOCUMENT.-2: C-T DEVELOPMENT STANDARDS**

<b>BASIC STANDARDS</b>		<b>SUPPLEMENTAL STANDARDS</b>
Lot Area Minimum		<b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b>
New Lots	No minimum	
Per Group Living Accommodation Resident	350 sq. ft. [1]	

**C-T Telegraph Avenue Commercial District – Prior to March 1, 2024**

Usable Open, Minimum		<b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b>
Space Per Dwelling Unit	40 sq. ft. [4]	
Per Group Living Accommodation Resident	No minimum	
Floor Area Ratio, Maximum		
South of Dwight Way	4.0	
North of Dwight Way	5.0 [2]	
Telegraph/Channing Parking Garage [3]	No maximum	
Main Building Height, Minimum	35 ft.	
Main Building Height, Maximum		<b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b>
South of Dwight Way	50 ft. [2]	
North of Dwight Way	65 ft. [2]	
Telegraph/Channing Parking Garage [3]	85 ft. and 7 stories	
Lot Line Setbacks, Minimum		<b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b>
Abutting/Confronting a Non-residential District	No minimum	
Abutting/Confronting a Residential District	See <b>Error! Reference source not found..C.2</b>	
Building Separation, Minimum	No minimum	<b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b>
Lot Coverage, Maximum	100%	<b>Error! Reference source not found.</b> <b>Error! Reference source not found.</b>

**C-T Telegraph Avenue Commercial District – Prior to March 1, 2024**

Notes:

- [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.
- [2] Increased FAR and height allowed with Use Permit. See Table Error! **No text of specified style in document.**-3.
- [3] APN 55-1879-6-1.
- [4] No dimension may be less than 6 feet.

2. **Lots Abutting or Confronting a Residential District.** See **Error! Reference source not found.** (Non-residential Districts Abutting a Residential District) for additional building feature requirements for lots that abut or confront a Residential District.

3. **Increased Group Living Density.**

- a. Projects with group living accommodations occupying 50 percent or more of the total building floor area are eligible for increased density.
- b. To approve a Use Permit to increase the density of a group living accommodation the ZAB must make the following findings:
  - i. The increase in density will not be detrimental to the immediate neighborhood; and
  - ii. The project meets the purposes of the district.

4. **Height and FAR Increases.**

- a. Projects with 50 percent or more of the total building floor area for residential use are eligible for increased building height and FAR as shown in Table Error! **No text of specified style in document.**-3.

**TABLE ERROR! NO TEXT OF SPECIFIED STYLE IN DOCUMENT.-3: C-T ALLOWED HEIGHT AND FAR INCREASES**

Project Location	Allowed Increase	
	Height	FAR
South of Dwight Way	65 ft. and 5 stories	No increase allowed
North of Dwight Way	75 ft. and 6 stories	6.0

- b. The ZAB may allow the increased height and FAR with a Use Permit upon finding that the project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks.

5. **Shade Studies.**

**C-T Telegraph Avenue Commercial District – Prior to March 1, 2024**

- a. A shade study is required for all proposed buildings exceeding three stories or 40 feet.
  - b. Based on the findings of the shade study, the ZAB may require the fourth or higher story of a building to be set back to minimize shade impacts on adjacent properties or the public right-of-way.
6. **Environmental Impacts.** Projects that may create environmental impacts as described in the Southside Plan Final EIR shall be subject to the adopted Mitigation Monitoring Program (MMP).
- E. **Permit Findings.** To approve an AUP or Use Permit for a project in the C-T district, the review authority must make the findings in Section **Error! Reference source not found.** (Use Permits) and find that the proposed use or structure:
1. Is compatible with the purposes of the district;
  2. Encourages and maintains the present street frontage of the district;
  3. Does not interfere with the continuity of retail or compatible service facilities at the ground level;
  4. Does not interrupt a continuous wall of building facades;
  5. Is compatible in design and character with the district and the adjacent residential neighborhoods;
  6. Does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods; and
  7. Complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP).

## **MITIGATION MONITORING PROGRAM**

This Draft Mitigation Monitoring Program (MMP) has been formulated based upon the findings of the Environmental Impact Report (EIR) prepared for the City of Berkeley Draft Southside Plan. The MMP, which is provided in Table 1 of this section, lists mitigation measures recommended in the EIR for the proposed project and identifies mitigation monitoring requirements. The Final MMP must be adopted when the City Council makes a final decision on the project.

This MMP has been prepared to comply with the requirements of State law (Public Resources Code Section 21081.6). State law requires the adoption of an MMP when mitigation measures are required to avoid significant impacts. The MMP is intended to ensure compliance during implementation of the project.

The MMP is organized in a matrix format. The first column identifies the impact and the second column identifies the level of significance of the impact without mitigation. The third column identifies the mitigation measure that would be implemented for each project impact and the fourth column identifies the level of significance of the impact with the mitigation measure. The fifth column, entitled "Monitoring Responsibility," refers to the agency responsible for oversight or ensuring that the mitigation measure is implemented. The sixth column, entitled "Monitoring Timing," refers to when the monitoring will occur to ensure that the mitigation action is completed. The seventh column, entitled "Verification," is for the lead agency to provide verification that the measures have been implemented. These mitigation measures include any minor revisions made as a result of the Response to Comments Document.

**Table 1: Mitigation Monitoring Program**

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<b>A. Land Use</b>						
<i>There are no significant land use impacts.</i>						
<b>B. Population, Employment and Housing</b>						
<i>There are no significant population, employment and housing impacts</i>						
<b>C. Transportation and Circulation</b>						
<u>TRANS-1</u> : Potential new construction would significantly affect operations of the Parker Street/Warring Street intersection under Existing Plus Project Conditions.	S	<u>TRANS-1</u> : Remove the stop signs on Warring Street while maintaining stop signs on Parker Street at the Clark Kerr Campus exit. This action will reduce long southbound queues along Warring Street. The side street approach would operate at LOS F; however, the minor street volumes are low and would not meet the peak hour signal warrant. Install a high visibility crosswalk system on the north side of the Clark Kerr exit driveway to permit pedestrians to alert drivers to pedestrian crossings.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will cause delays at the intersection of more than two seconds from 2007 conditions (as shown in the DEIR) while continuing to operate at an LOS E. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-3</u>: Potential new construction would cause a significant cumulative impact at the intersection of Bancroft Way/Piedmont Avenue.</p>	S	<p><u>TRANS-3</u>: Re-stripe the existing cross section for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. The additional lanes will prevent through traffic from being blocked by turning movements. Provide crosswalks only on the north and west sides of the intersection to eliminate pedestrian conflicts with vehicles on the south approach. Relocate the existing northbound bus zone to the north of the intersection to accommodate the second moving traffic lane, and eliminate parking north of Bancroft Way. With implementation of this mitigation measure the intersection would operate at LOS C.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will exacerbate LOS F conditions at the intersection during the AM peak hour and/or cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	
<p><u>TRANS-4</u>: Potential new construction would cause a significant cumulative impact at the intersection of Durant Avenue/Piedmont Avenue.</p>	S	<p><u>TRANS-4</u>: Re-stripe the existing cross section for north and south bound traffic on Piedmont Avenue to accommodate two lanes of traffic in each direction. The additional lanes will prevent through traffic from being blocked by turning movements. To accommodate two lanes of traffic during the PM peak period, parking would have to be prohibited along Piedmont Avenue between Bancroft Way and 100 feet south of Durant Avenue. With implementation of this mitigation measure the intersection would operate at LOS C.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will exacerbate LOS F conditions at the intersection during the AM peak hour and/or cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-5</u>: Potential new construction would cause a significant cumulative impact at the intersection of Channing Way/Fulton Street.</p>	S	<p><u>TRANS-5</u>: Signalize the Channing Way/Fulton Street intersection. With implementation of this mitigation measure the intersection would operate at LOS C. The traffic signal shall provide pedestrian countdown signal indications, bicycle and emergency vehicle detection and necessary equipment capable of transit priority operations.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	
<p><u>TRANS-6</u>: Potential new construction would cause a significant cumulative impact at the intersection of Parker Street/Warring Street.</p>	S	<p><u>TRANS-6</u>: Implementation of Mitigation Measure TRANS-1 (Remove the stop signs on Warring Street while maintaining stop signs on Parker Street at the Clark Kerr Campus exit) would reduce the cumulative impact on the Parker Street/Warring Street intersection to the less-than-significant level.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will exacerbate LOS E operations at the intersection by more than 3 seconds from 2007 conditions (as shown in the DEIR) and/or exacerbate LOS F operations at the intersection by increasing the volume-to-capacity ratio by more than 0.01. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-7:</u> Construction on development sites in the Southside area can disrupt pedestrian sidewalks at the vehicle access interface when either driveways or curb-cuts are introduced.</p>	S	<p><u>TRANS-7:</u> The City shall require all new development to design the vehicle access points to new development sites as driveways. A 6-foot sidewalk width, or 6 feet of clearance on sidewalks, shall be maintained across each new driveway that is in line with the primary walking corridor along the street.</p>	LTS	City of Berkeley Planning and Development and Public Works Department	Prior to design approval.	
<p><u>TRANS-8:</u> Vehicles and bicycles currently encroach into crosswalks, which may increase as new development allowed pursuant to the Project generates additional trips.</p>	S	<p><u>TRANS-8:</u> At all signalized intersections and mid-block locations within the Southside area the City shall install limit lines five feet in advance of the crosswalks and install “Turning Traffic Must Yield to Pedestrians” signage consistent with the <i>California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA’s MUTCD 2003 Edition, as amended for use in California)</i>.</p>	LTS	City of Berkeley Planning and Development and Public Works Department	To be implemented within 5 years through the City’s CIP process	
<p><u>TRANS-9:</u> Certain elements of the Southside area’s pedestrian facilities are in disrepair or require upgrade to be ADA compliant, which may worsen as development resulting from the Project generates additional pedestrian trips.</p>	S	<p><u>TRANS-9:</u> The City shall implement Policy T-C4 of the Draft Southside Plan and develop a program for sidewalk and intersection repairs and upgrades. Such a plan should inventory the existing system, identify deficiencies, and prioritize necessary improvements, including ongoing maintenance.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when City confirms that conditions warrant its implementation	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>TRANS-10:</u> The Project will increase bicycle activity, including along the Bancroft Way and Durant Avenue corridors where there are no bicycle facilities, which can create unsafe conditions.</p>	S	<p><u>TRANS-10:</u> The City shall install Class II bike lanes on Bancroft Way between Dana Street and Fulton Street and on Durant Avenue west of College Avenue. The City shall install shared roadway markings on Bancroft Way west of Fulton Street and east of Dana Street as well as on Durant Avenue east of College Avenue. The shared roadway markings shall be located 11 feet from the face of curb to highlight the preferred bicycle travel path to avoid open vehicle doors.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when City confirms that conditions warrant its implementation	
<p><u>TRANS-14:</u> The Project will bring additional activity to the Southside, including increased vehicular trips. There is a limited amount of short-term parking in the Southside area, which is needed to minimize drivers having to recirculate through the Southside area in search of available parking.</p>	S	<p><u>TRANS-14:</u> The City shall implement Policy T-F1 of the Draft Southside Plan to improve short term parking opportunities. The City shall explore increasing parking fees to promote use of off-street lots and short-term on-street parking, upgrading its parking enforcement technology to capture long term parkers who move their cars every two hours to avoid ticketing, and pricing parking based on demand.</p>	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when City confirms that conditions warrant its implementation	

<b>Impact Statement</b>	<b>Level of Significance Without Mitigation</b>	<b>Mitigation Measures</b>	<b>Level of Significance With Mitigation</b>	<b>Monitoring Responsibility</b>	<b>Monitoring Timing</b>	<b>Verification (Date and Initials)</b>
D. Air Quality						

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>AIR-1</u>: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.</p>	<p>S</p>	<p><u>AIR-1</u>: Consistent with guidance from the BAAQMD, the following actions shall be required of construction contracts and will be incorporated into standard conditions of approval for future development projects.</p> <p><i>Demolition.</i> The following controls shall be implemented during demolition:</p> <ul style="list-style-type: none"> <li>• Water during demolition of structures and break-up of pavement to control dust generation;</li> <li>• Cover all trucks hauling demolition debris from the site; and</li> <li>• Use dust-proof chutes to load debris into trucks whenever feasible.</li> </ul> <p><i>Construction.</i> The following controls shall be implemented at all construction sites:</p> <ul style="list-style-type: none"> <li>• Water all active construction areas at least twice daily and more often during windy periods; active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers to control dust;</li> <li>• Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard;</li> <li>• Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites;</li> <li>• Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites; water sweepers shall vacuum up excess water to avoid runoff-related impacts to water quality;</li> </ul>	<p>LTS</p>	<p>City of Berkeley Building and Safety Division</p>	<p>Throughout demolition and construction period</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
AIR-1 <i>Continued</i>		<ul style="list-style-type: none"> <li>• Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets;</li> <li>• Apply non-toxic soil stabilizers to inactive construction areas;</li> <li>• Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.);</li> <li>• Limit traffic speeds on unpaved roads to 15 mph;</li> <li>• Install sandbags or other erosion control measures to prevent silt runoff to public roadways;</li> <li>• Replant vegetation in disturbed areas as quickly as possible;</li> <li>• Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and</li> <li>• Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.</li> <li>• Implementation of this mitigation measure would reduce construction and demolition air quality impacts to a less-than-significant level.</li> </ul>				

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>AIR-2</u>: Project operational emissions would exceed the BAAQMD thresholds of significance for ozone precursors.</p>	S	<p><u>AIR-2</u>: Changes in land use and zoning and policies in the Draft Southside Plan encourage mixed uses, transit use, pedestrian, and bicycle accessibility, and the provision of limited parking (e.g., LU-D1, LU-E1, LU-F8, LU-F10, LU-F14, T-A1, T-A2, T-A3, T-A4, T-A5, T-C1, T-C4, T-C5, T-C6, T-E1, T-E3, T-E4, T-G3, T-H1). These Plan features would help to reduce new construction-related trips and lower regional emissions. However, even with these reductions, the regional emissions associated with development anticipated to occur with implementation of the Plan would exceed BAAQMD significance thresholds. Additional measures to reduce this impact are not available; therefore, the Project's regional air quality impacts would remain significant and unavoidable.</p>	SU	City of Berkeley Planning and Development and Public Works Department	The changes to land use and zoning policies will be implemented with the adoption of the Southside Plan. The impact will continue to be Significant and Unavoidable because adoption of these mitigation measures will still not mitigate the air quality within the San Francisco Bay Area air basin.	
<p><b>E. Noise</b></p>						
<p><i>There are no significant noise impacts</i></p>						
<p><b>F. Public Facilities and Services</b></p>						
<p><i>There are no significant public facilities and services impacts</i></p>						
<p><b>G. Utilities and Infrastructure</b></p>						
<p><i>There are no significant utilities and infrastructures impacts</i></p>						

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<b>H. Paleontological and Cultural Resources</b>						
<p><u>CULT-1</u>: Ground-disturbing activities associated with new construction and associated underground utility installation could result in the destruction of paleontological resources.</p>	S	<p><u>CULT-1</u>: Should fossils be encountered during construction or site preparation activities, such works shall be halted in the vicinity of the find. A qualified paleontologist shall be contacted to evaluate the nature of the find and determine if mitigation is necessary. All feasible recommendations of the paleontologist shall be implemented. Mitigation may include, but is not limited to, in-field documentation and recovery of the specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collections facility.</p>	LTS	City of Berkeley Planning and Development Department	During demolition, grading, and construction activity	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-2</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unidentified subsurface archaeological deposits.</p>	<p>S</p>	<p><u>CULT-2</u>: During project-specific environmental review for individual development projects within the Southside area, the City shall apply the conditions of approval and the criteria for determining archaeological impacts required by the City of Berkeley General Plan. If such a system of review is not yet in place, the City shall, prior to the approval of any development pursuant to the Project involving ground disturbance, establish a development process with comparable conditions of approval and safeguards against potential impacts to archaeological deposits. Such conditions and safeguards may include, but are not limited to, archaeological sensitivity assessments, site-specific investigations, intensive surface surveys, and/or subsurface archaeological testing prior to project clearance.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>Prior to approval</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><u>CULT-3</u>: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unanticipated archaeological discoveries.</p>	<p>S</p>	<p><u>CULT-3</u>: If unanticipated deposits of prehistoric or historical archaeological materials are encountered during construction activities, all work within 50 feet of the discovery shall be redirected until a qualified archaeologist can be contacted to evaluate the situation, determine if the deposit qualifies as a historical or archaeological resource, and provide recommendations. If the deposit does not qualify as a historical or archaeological resource, then no further protection or study is necessary. If the deposit does qualify as a historical or archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposits cannot be avoided, adverse impacts to the deposit must be mitigated. Mitigation may include, but is not limited to, archaeological data recovery. Upon completion of the archaeological assessment, a report should be prepared documenting methods, findings, and recommendations. The report should be submitted to the City, the project proponent, and the NWIC.</p>	<p>LTS</p>	<p>City of Berkeley Planning and Development Department</p>	<p>During construction activity</p>	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
<p><b>CULT-4:</b> Ground-disturbing activities associated with new construction and associated utility installation could result in destruction or disturbance of human remains, including those interred outside of formal cemeteries.</p>	S	<p><b>CULT-4:</b> If human remains are encountered during construction activities, all work within 50 feet of the remains should be redirected and the County Coroner notified immediately. At the same time, an archaeologist shall be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. The archaeologist shall recover scientifically-valuable information, as appropriate and in accordance with the recommendations of the MLD. Upon completion of the archaeological assessment, a report should be prepared documenting methods and results, as well as recommendations regarding the treatment of the human remains and any associated archaeological materials. The report should be submitted to the City, the project proponent, and the NWIC.</p>	LTS	City of Berkeley Planning and Development Department	During construction activity	

Source: LSA Associates, Inc., 2009.



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

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NOTICE OF PUBLIC HEARING

## 2462 Bancroft Way

Use Permit #ZP2023-0107 to demolish an existing non-residential structure and construct at 40,086 square foot, eight-story (88 feet 6 inches) mixed use residential building containing 66 dwelling units (3 Very Low-Income units Density Bonus qualifying units), 1,312 square feet of commercial space, and 28 bicycle parking spaces.

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, May 30, 2024, 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: Avenue Commercial (A-C)
- Zoning: Telegraph Avenue Commercial (C-T); North of Dwight (Prior to March 1, 2024)

**B. Zoning Permits Required:**

- Use Permit pursuant to Berkeley Municipal Code (BMC) Section 23.326.070 to demolish non-residential buildings
- Use Permit pursuant to BMC Section 23.204.020 to establish a mixed-use residential building
- Use Permit pursuant to BMC Section 23.204.030(A) to create 1,500 square feet of new floor area in the Telegraph Avenue Commercial District
- Use Permit pursuant to BMC Section 23.204.110(D)(1) to increase FAR from 5.0 to 5.53 and to construct a building over 65 feet in height
- Use Permit pursuant to BMC Section 23.204.020 to establish two ATM machines on the exterior of the building, not attached to a bank
- Administrative Use Permit pursuant to BMC Section 23.304.050 for projections above the height limit

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

- Concession from BMC Section 23.204.110(D)(1) to reduce useable open space from 2,640 square feet to 910 square feet
- Waiver from BMC Section (23.204.110(D)(1) to increase the FAR from 6 to 6.17
- Waiver from BMC Section (23.204.110(D)(1) to increase the height from 75 feet to 88 feet and 6 inches

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

**E. Parties Involved:**

- Applicant                      Isaiah Stackhouse, Trachtenberg Architects, Berkeley CA
- Property Owner              Zengs Berkeley LLC, San Leandro CA

**Further Information:**

All application materials are available online at:

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

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

Questions about the project should be directed to the project planner, Katrina Lapira, at (510) 981-7448 or [klapira@berkeleyca.gov](mailto:klapira@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](mailto: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](mailto: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@berkeleyca.gov) 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 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 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 90-day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, the following requirements apply:
  - a. That this belief is a basis of your appeal.
  - b. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - c. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

**Jacob, Melinda**

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: 2462 Bancroft Way  
**Attachments:** 2462 Bancroft ltr 05132024.pdf

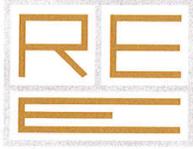
**From:** Jeff Anhalt <jeff@clire.com>  
**Sent:** Monday, May 13, 2024 2:55 PM  
**To:** David Trachtenberg <david@trachtenbergarch.com>  
**Cc:** Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Burns, Anne M <ABurns@berkeleyca.gov>; Dana Ellsworth <dana.ellsworth@clire.com>; Steve Ruegg <steve.ruegg@clire.com>  
**Subject:** 2462 Bancroft Way

**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.

David:

Please see letter from Dana Ellsworth and Steve Ruegg re: 2462 Bancroft

**Jeffrey Anhalt**  
Vice President  
Rue-Ell Enterprises, Inc.  
2437 Durant Ave, Suite 204  
Berkeley, CA 94704  
415.515.7305



**RUE-ELL ENTERPRISES, INC.**

2437 DURANT AVENUE, SUITE 204 • BERKELEY, CA 94704-1610  
(510) 548-3900 • FAX (510) 548-3904

Trachtenberg Architects  
David Trachtenberg  
2421 Fourth Street  
Berkeley, CA 94710

May 13, 2024

david@trachtenbergarch.com

RE 2462 Bancroft Way (DRCP2023-0013)

Dear David:

As you are aware, we are the owners of properties immediately adjacent to 2462 Bancroft, on the east and south sides (2468/2466 Bancroft and 2431/2433/2437 Durant). Our properties are highlighted in blue on the attached page, with 2462 Bancroft outlined in red. Our Sather Lane pedestrian passageway immediately abuts the intended project.

We learned that the design of 2462 Bancroft was approved at the Design Review committee meeting recently. We learned this by reading YIMBY. We did not receive prior notice of this meeting despite communications with your team about our concerns about the project construction, and our desire to be notified about any upcoming meetings. (Copies of those emails are attached). We have not received any notices from the City of Berkeley regarding the proposed project.

We have several areas of concern all of which center around how the monolithic, windowless, eight-story wall that will be no more than 12 inches from our pedestrian passageway will be constructed while protecting our adjacent properties, tenants and pedestrians. We understand that the Design Review Commission did express similar concerns during the meeting in which the project received approval.

The Sather Lane walkway serves as the entry for an apartment building and also provides important foot traffic for retail tenants at 2433 Durant Avenue. There are people walking through the area 24 hours a day. The lane cannot be closed for this project .

Your team has previously suggested that contractors will likely need to enter onto our property in order to install the proposed exterior building cladding, and possibly to cantilever over our walkway to address the upper floors. We have requested to meet your team onsite to see if there is a way to allow some access; you declined, stating a contractor had not been hired.

Therefore, we assume that the current design of the wall facing Sather Lane can be constructed in a manner that does not require use of our property or airspace. However, if that is not the case, we do understand from Anne Burns that if you need to make an exterior material change, your team would not have to apply for a project Modification.

Finally, we would appreciate your informing us how we can be notified prior to any future meetings about 2462 Bancroft, other than scanning the agendas on the City's website.

Thank you for your consideration.

RUE-ELL ENTERPRISES



Dana Ellsworth



Steven Ruegg

Cc: Zoning Adjustments Board  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704  
zab@berkeleyca.gov

Design Review Committee  
Anne Burns  
Planning and Development  
1947 Center Street, 2nd Floor  
Berkeley, CA 94704  
aburns@berkeleyca.gov





Dana Ellsworth <dana.ellsworth@clire.com>

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## 2462 Bancroft Neighborhood meeting comments

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David Trachtenberg <david@trachtenbergarch.com>

Thu, Dec 21, 2023 at 3:09 PM

To: Dana Ellsworth <dana.ellsworth@clire.com>

Cc: Andy Pittman <andy@trachtenbergarch.com>, Steve Ruegg <steve.ruegg@clire.com>, Isaiah Stackhouse <isaiah@trachtenbergarch.com>, Dave Dejong <ddejong@buildwest.net>

Hello Dana,

We are still in the entitlements process and at this point, we are still waiting to be scheduled for hearings. Our best guess is that we'll start to be calendared for hearings for this project in the spring.

No GCs have been interviewed or hired and as such we have no one to discuss the constructability issues vis a vis the blind wall finish.

By the time we're in front of the DRC we expect to have an understanding of how we can finish the blind wall.

Our client is a neophyte developer who may or may not build the project. It is easy to imagine that the client may try to sell the entitled land.

All of this is to say that we're still very early in the process and are not, at this time, able to offer you any specifics about what the finish of the property line wall will ultimately be.

Please don't hesitate to reach out to me if you have further questions.

Kind regards

[Quoted text hidden]



Dana Ellsworth <dana.ellsworth@clire.com>

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## 2462 Bancroft Neighborhood meeting comments

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Dana Ellsworth <dana.ellsworth@clire.com>

Thu, May 25, 2023 at 9:21 PM

To: Andy Pittman <andy@trachtenbergarch.com>

Cc: David Trachtenberg <david@trachtenbergarch.com>, Steve Ruegg <steve.ruegg@clire.com>, Isaiah Stackhouse <isaiah@trachtenbergarch.com>, Dave Dejong <ddejong@buildwest.net>

Andy and Isaiah,

I am writing to summarize our points of conversation during the neighborhood zoom meeting regarding the planned project at 2462 Bancroft last night.

Steve Ruegg and I were on the Zoom along with you and Janette Reid of UC Berkeley

Steve and I expressed our concerns about construction of the eight story building just 10 inches away from our private pedestrian walkway known as Sather Lane. We are concerned that construction materials and tools falling from the project could injure pedestrians. We also had questions about any need for access over our walkway during construction which we had already expressed to David. Additionally, we have concerns about the viability of our commercial tenants if the walkway is disturbed during such a process.

Previously David had the following replies to our concerns that our property would be needed for construction:

there may be some need for workman to plaster the east wall standing on the ground as well as from a hanging scaffold to access areas above the first floor level.

There will not be an encroachment on your property for construction, but there may be scaffolding overhanging above depending on the methods used by the contractor.

The details of this would be worked out in a written agreement between you and the property owner before construction starts.

However, he was not able to give specifics or provide a meeting with a contractor at the site and told us these discussions were too preliminary. We understand that normally that would be the case. However, as we explained to David we should discuss now whether we could make an agreement or we cannot support the project due to safety concerns. Therefore you may be proposing a project that cannot be built and would have to be modified if we cannot make an agreement. This could cause your project to be delayed.

You did explain, as David did, that currently your client has not hired a GC for the project.

Isaiah said it is possible to construct the wall adjacent to the Lane entirely from within the property limits of 2462 Bancroft by using the concrete tilt up method. He said that doing so would mean the wall would not have the same brick look finishes. We suggest that if you are not willing to discuss what access you would need from our side, then you should show the concrete tilt up as your design to the ZAB and Design Review and not include those finish elements on the side that abuts our property.

At the end of our discussions you said you would discuss the issue with your client and see if he was open to talking to contractors about construction methods and then meeting with us.

Please keep us informed with your application process and hearing dates.

We look forward to hearing from you.

Sincerely,

2 of 5

Dana Ellsworth  
President  
Rue-Ell Enterprises, Inc.  
2437 Durant Ave. Suite 204  
Berkeley CA 94704  
(510) 548-3900 Ext.14  
CA BRE #00993519

On Tue, May 9, 2023 at 9:28 AM Andy Pittman <[andy@trachtenbergarch.com](mailto:andy@trachtenbergarch.com)> wrote:

Good morning Dana,  
Our neighborhood meeting is scheduled for May 24th at 5pm. Please see the postcard attached for meeting info.

Thank you,  
Andy

**Andy Pittman** | Project Architect  
TRACHTENBERG ARCHITECTS  
2421 Fourth Street Berkeley, CA 94710  
510.649.1414 ext. 111  
[TrachtenbergArch.com](http://TrachtenbergArch.com)

On Tue, Apr 4, 2023 at 7:23 PM Dana Ellsworth <[dana.ellsworth@clire.com](mailto:dana.ellsworth@clire.com)> wrote:

David,

We did not know where you were in your process. We understand that it could be awkward to talk to any particular contractor at this point. However, our concern is that if your project requires us to allow an encroachment onto our property for construction and we do not allow that, it could lead to a delay in your project. You might need to obtain a modification to move the wall further away from the property line or make other modifications. We would appreciate it if you would email us the date of your neighborhood meeting and also ZAB meeting when they are scheduled. Postcards do not always arrive.

Sincerely

Dana Ellsworth  
President  
Rue-Ell Enterprises, Inc.  
2437 Durant Avenue  
Berkeley, CA 94704  
(510) 548-3900 x 14  
CA BRE #00993519  
Direct (510) 548-3900 14

On Apr 3, 2023, at 4:59 PM, David Trachtenberg <[david@trachtenbergarch.com](mailto:david@trachtenbergarch.com)> wrote:

Dana,

The issues that you are raising below are things that we don't begin to address until we're well into the Construction Documents phase - that's likely a year and a half away. I reached out to Dave DeJong at West Builders for advice about your questions but the fact is that the building owner has never met with West and the discussion about GC selection hasn't even occurred.

Given that we haven't received zoning approvals yet and the financial feasibility of the project has not yet been determined it feels premature to be trying to address these questions any more than we have already.

Best,

**David Trachtenberg** | Principal  
TRACHTENBERG ARCHITECTS  
2421 Fourth Street Berkeley, CA 94710  
510 649 1414 x112  
[TrachtenbergArch.com](http://TrachtenbergArch.com)

On Mon, Apr 3, 2023 at 4:02 PM Dana Ellsworth <dana.ellsworth@clire.com> wrote:  
David,

We appreciate your quick response. Our reply below in purple.  
Dana Ellsworth  
President  
Rue-ElI Enterprises, Inc.  
2437 Durant Ave. Suite 204  
Berkeley CA 94704  
(510) 548--3900 Ext.14  
CA BRE #00993519

On Mon, Apr 3, 2023 at 3:30 PM David Trachtenberg <david@trachtenbergarch.com> wrote:  
Hello Dana and Steve,  
Please see my responses below in blue.  
Best,

**David Trachtenberg** | Principal  
TRACHTENBERG ARCHITECTS  
2421 Fourth Street Berkeley, CA 94710  
510-649-1414 x112  
[TrachtenbergArch.com](http://TrachtenbergArch.com)

From: **Dana Ellsworth** <dana.ellsworth@clire.com>  
Date: Mon, Apr 3, 2023 at 9:59 AM  
Subject: 2462 Bancroft questions  
To: David Trachtenberg <david@trachtenbergarch.com>  
CC: Steve Ruegg >

David, thank you for your offer to allow us to call you anytime to discuss your proposed project at 2462 Bancroft. The project is adjacent two properties we own. 2437 Durant and 2468 Bancroft and the walkway connecting them; "Sather Lane".

We have tried to catch you a couple of times without success. If you could give us a time to call you today that would be great. In the meantime, here's essentially what current concerns are:

We noticed there is only 10 inches of space between our property at 2468 Bancroft and the 8 foot exterior wall.

1) What is the exterior wall to be constructed of? Please confirm that this can be constructed without any encroachment on or over 2468 Bancroft.

The structure of the East wall will be cast in place concrete, and the finish of that wall is still to be determined. The likely choices are plaster, thin brick veneer, or metal panels. There will be an 8' tall steel and wood fence at the rear yard of the property. There will not be an encroachment on your property for construction, but there may be scaffolding overhanging above depending on the methods used by the contractor. This would meet all the OSHA requirements for safety with protection fabric. The details of this would be worked out in a written agreement between you and the property owner before construction starts.

It is unlikely we will agree to any scaffolding over Sather Lane.

2) Please confirm exterior building maintenance can be performed without any encroachment on or over 2468 Bancroft.

Since there are no windows on the east elevation, we would anticipate little or no need for facade maintenance. Any maintenance that would be performed would be from our roof downward, overhanging above but not on to your property. Another agreement can be drafted to address maintenance.

3) We would like to see your proposed traffic management plan when available.

We do not have a traffic study available due to the size and location of the project not requiring one from the city. The project does not have on site parking which is in compliance with city requirements due to proximity to public transit. The building is targeted toward student tenants given its walkability to the UC campus.

4 of 5

We are asking about construction traffic management.

We are concerned about the vitality of our tenant's businesses and the safety of pedestrians and apartment tenants in the Lane.

We raised this issue with West Builders who say that they will be able to maintain safe pedestrian access through the alley during construction. In order to create a finished surface on the east wall of our building there may be some need for workman to plaster the east wall standing on the ground as well as from a hanging scaffold to access areas above the first floor level.

We understand they will have to place a scaffold over the sidewalk at the entrance to the Lane. However, we are not comfortable with any scaffold over or in the Lane itself. Of course we want to encourage our neighbors' development and are willing to meet with West to see what they would propose. Therefore if your plans depend on our allowing encroachment on or over our property we should have that discussion right away. We would also like to hear their plans for demolition of the current structure.

Safety of the public and immediate neighbors is of high importance to our team as well and we think a meeting with you and West would be useful to work out the details of how this will be achieved.

We understand that you will have a construction crane plan for the project that will swing over our property during the project, and that is not a concern here.

Thank you, Dana. Please don't hesitate to contact me if you have further questions

David Trachtenberg | Principal  
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510-649-1414-x112 [www.TrachtenbergArch.com](http://www.TrachtenbergArch.com)

Dana Ellsworth  
President  
Rue-Ell Enterprises, Inc.  
2437 Durant Avenue  
Berkeley, CA 94704  
(510) 548-3900 x 14  
CA BRE #00993519  
Direct (510) 548-3900 14

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**Jacob, Melinda**

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**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: 2462 Bancroft Way  
**Attachments:** 2462 Bancroft Itr 05132024.pdf

**From:** David Trachtenberg <david@trachtenbergarch.com>  
**Sent:** Tuesday, May 14, 2024 3:57 PM  
**To:** Jeff Anhalt <jeff@clire.com>  
**Cc:** Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Burns, Anne M <ABurns@berkeleyca.gov>; Dana Ellsworth <dana.ellsworth@clire.com>; Steve Ruegg <steve.ruegg@clire.com>; Isaiah Stackhouse <isaiah@trachtenbergarch.com>; Mauricio De la Peña <mauricio@trachtenbergarch.com>; Andy Pittman <andy@trachtenbergarch.com>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Klap@cityofberkeley.info  
**Subject:** Re: 2462 Bancroft Way

**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 Dana and Steve,

We understand and appreciate the concerns that you have raised in your letter (attached) of May 13, 2024 .

As we have written to you previously, there are various ways in which the zero lot line east-facing elevation could be constructed. If you were to grant permission to access the airspace above the pedestrian walkway, that would allow for a wide range of possible options for cladding that wall. If access is not granted, fewer options will be available, but we are confident that we can still construct the east wall entirely from within the boundaries of the construction site.

We are diligently progressing through the schematic design phase of the project. However, as is typical for this early stage of the project, no contractor has been engaged, and as such, we are unable to provide detailed information about the precise means and methods of constructing the east wall.

I would note that maintaining pedestrian access on sidewalks adjacent to the construction of an eight-story building is commonplace—we see this all over town. We do not believe that protecting the Sather Gate pedestrian access represents an obstacle to construction. That said, the specifics of such questions are beyond our expertise and will need to be resolved once a GC is on board.

You write that "we have requested to meet with your team onsite to see if there is a way to allow some access; you declined, stating a contractor has not been hired." I take issue with your assertion that we declined to meet with you on the site to discuss the project. Our team would be happy to meet with you at the site at any time to discuss the project. However, as stated above, the constructability items that you are understandably eager to address are issues about which our team has neither the expertise nor the authority to opine upon. If and when the project progresses beyond the Entitlements Phase and moves into the Construction Documents Phase, we will certainly want to engage with your team to resolve these issues in the best possible way for all parties.

As we mentioned in our email of 6 May, this project will be the subject of a ZAB hearing on May 30.

Sincerely,

**David Trachtenberg** | Principal  
TRACHTENBERG ARCHITECTS  
2421 Fourth Street Berkeley, CA 94710

**Jacob, Melinda**

---

**From:** Zoning Adjustments Board (ZAB)  
**Subject:** FW: 2462 Bancroft Way  
**Attachments:** IMG\_6822.jpg; IMG\_6820.jpg; IMG\_6819.jpg; IMG\_6817.jpg

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**From:** Dana Ellsworth <dana.ellsworth@clire.com>  
**Sent:** Wednesday, May 22, 2024 12:08 PM  
**To:** David Trachtenberg <david@trachtenbergarch.com>  
**Cc:** Jeff Anhalt <jeff@clire.com>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Burns, Anne M <ABurns@berkeleyca.gov>; Steve Ruegg <steve.ruegg@clire.com>; Isaiah Stackhouse <isaiah@trachtenbergarch.com>; Mauricio De la Peña <mauricio@trachtenbergarch.com>; Andy Pittman <andy@trachtenbergarch.com>; Zoning Adjustments Board (ZAB) <Planningzab@berkeleyca.gov>; Klap@cityofberkeley.info  
**Subject:** Re: 2462 Bancroft Way

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David:

Thank you for your response. We continue to believe that it is critical that we meet to get a sense of how the demolition and construction of your designed building would not interfere with the safety and operation of the Sather Lane mall. Our private walkway has tenants, is the pathway for garbage removal, and is 12 inches from your intended 8 story wall. While we understand that the chosen contractor would be the one to determine the actual method of construction, it is important that we see some alternatives. We are pro-development and look forward to seeing this new building next door, but absent any proposal for providing safe passage and uninterrupted operation of that lane, we are obligated to object to the project as designed.

You stated that maintaining pedestrian access on a sidewalk adjacent to construction of an eight story building is commonplace and that you see it all over town. However, what we see in Berkeley is that the area adjacent to the construction project is protected from pedestrians by a large separation of space, and by a distance larger than the entire width of the Sather Lane walkway. Pedestrians do not walk within inches of construction. The attached pictures taken today, which include our own construction site on Bancroft, are typical.

Specifically, we need to see: (1) Draft plans for overhead protection for pedestrians. The existing cover over the Lane is thin plastic for weather. Netting or some minimal plywood structure would obviously not be sufficient; (2) How you would keep the Sather Lane walkway clear and unobstructed for pedestrians entering from Bancroft during construction and also demolition. (3) Further, we would need a comprehensive indemnity and insurance arrangement with the owner that accounts for the very close proximity of construction to a pedestrian walkway.

We are not opposed to your project, but we are concerned about the safety and vitality of the Sather Lane mall, its tenants and visitors during demolition and construction. We continue to request that you meet with us, and now to do so prior to the May 30, 2024 ZAB meeting to demonstrate that this could be accomplished.

Dana Ellsworth  
President  
Rue-Ell Enterprises, Inc.  
2437 Durant Ave. Suite 204  
Berkeley CA 94704

(510) 548--3900 Ext.14  
CA BRE #00993519

On Tue, May 14, 2024 at 3:57 PM David Trachtenberg <[david@trachtenbergarch.com](mailto:david@trachtenbergarch.com)> wrote:

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As we mentioned in our email of 6 May, this project will be the subject of a ZAB hearing on May 30.

Sincerely,

**David Trachtenberg** | Principal  
TRACHTENBERG ARCHITECTS  
2421 Fourth Street Berkeley, CA 94710  
510 649 1414 x112  
[TrachtenbergArch.com](http://TrachtenbergArch.com)

On Mon, May 13, 2024 at 2:54 PM Jeff Anhalt <[jeff@clire.com](mailto:jeff@clire.com)> wrote:

David:

Please see letter from Dana Ellsworth and Steve Ruegg re: 2462 Bancroft

**Jeffrey Anhalt**  
Vice President  
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2437 Durant Ave, Suite 204

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415.515.7305





