



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

FOR BOARD ACTION
NOVEMBER 14, 2024

2530 Bancroft Way

Use Permit #ZP2023-0126 for the demolition of a one-story, 15,665 square foot commercial structure and construction of a 12-story (134.5 feet), 139,833 square-foot mixed use residential building with 110 dwelling units, including 11 Very Low-Income units, and 2,195 square feet of ground floor commercial space. The project applicant seeks a 50 percent Density Bonus (37 units) by providing 15 percent of the base project units as affordable to Very Low-Income households (11 VLI units).

I. Background

A. Land Use Designations:

- General Plan: Avenue Commercial (A-C), Southside Plan – Telegraph Commercial Subarea
- Zoning District: Telegraph Avenue Commercial¹ (C-T)

¹ The project site is located in the Telegraph Avenue Commercial (C-T) zone. The City Council approved updates to the C-T zone that went into effect on March 1, 2024. As noted in Table 3, the project applicant submitted a complete preliminary SB 330 application on August 14, 2023. The submittal of the complete preliminary SB 330 application vests the projects to the ordinances, policies and standards in effect at the time of filing. Therefore, the development standards from the C-T zone prior to the adoption of the updates have been applied to the project and that version of the code has been applied to determine the Zoning Permits required for the project.

B. Zoning Permits Required:

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

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

- Concession from 23.204.110(B)(5) "Allowed Land Uses" to allow for residential dwelling units on the ground floor when none are allowed
- Waiver from BMC 23.204.110(D)(1) to allow for an increase in building height – up to 134.5 feet, where 75 feet is the limit (with a use permit)
- Waiver from BMC 23.204.110(D)(1) to allow for an increase in the floor area ratio – up to 8.93, where a floor area ratio of 6 is allowed (with a use permit).

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 ("In-Fill Development Projects").

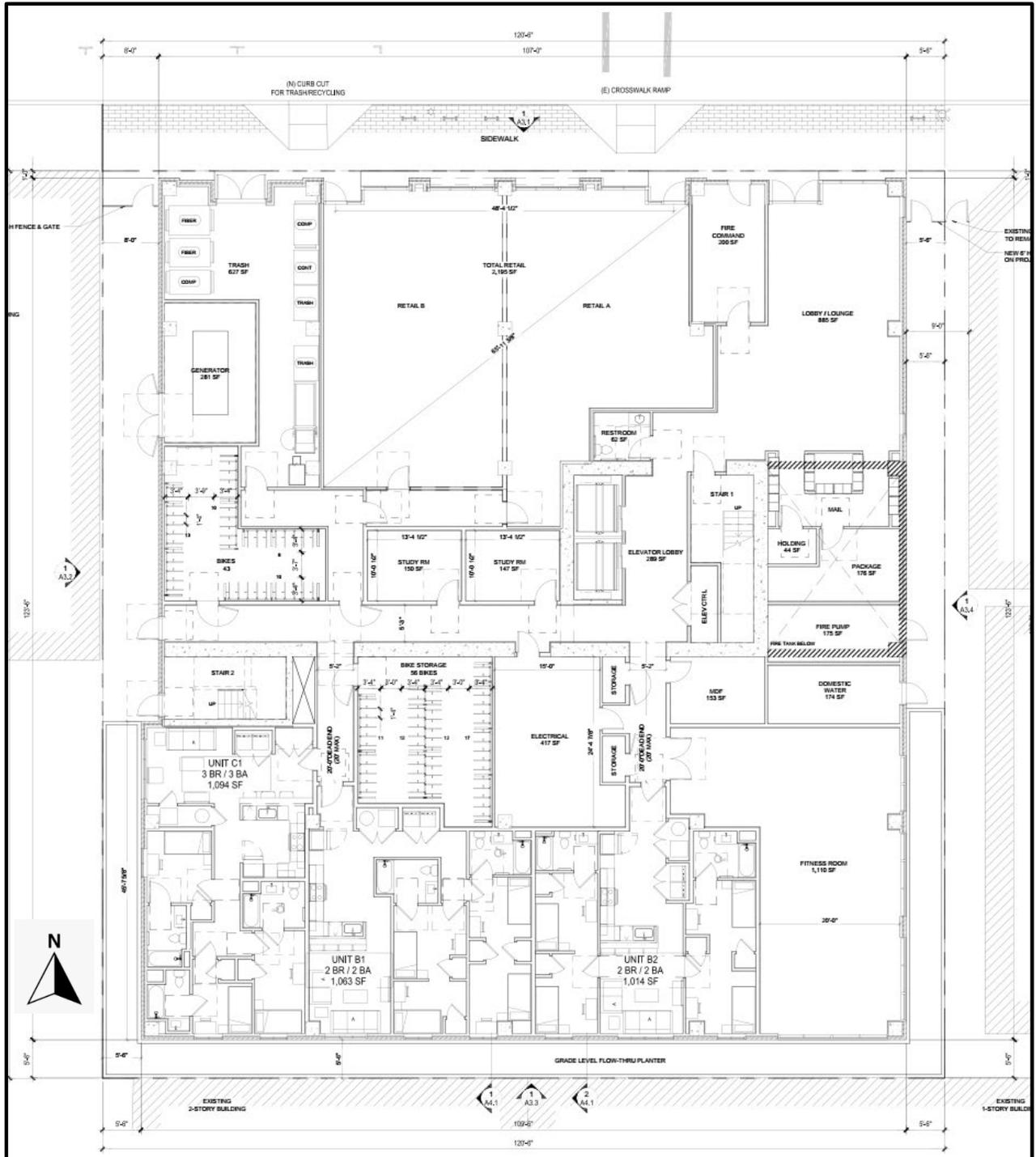
E. Parties Involved:

- Applicant: Isaiah Stackhouse, Trachtenberg Architects, 2421 Fourth Street, Berkeley
- Property Owner: Legacy Bancroft Property Owner, LLC (c/o Chris Hart), 315 Oconee Street, Athens, Georgia 30601

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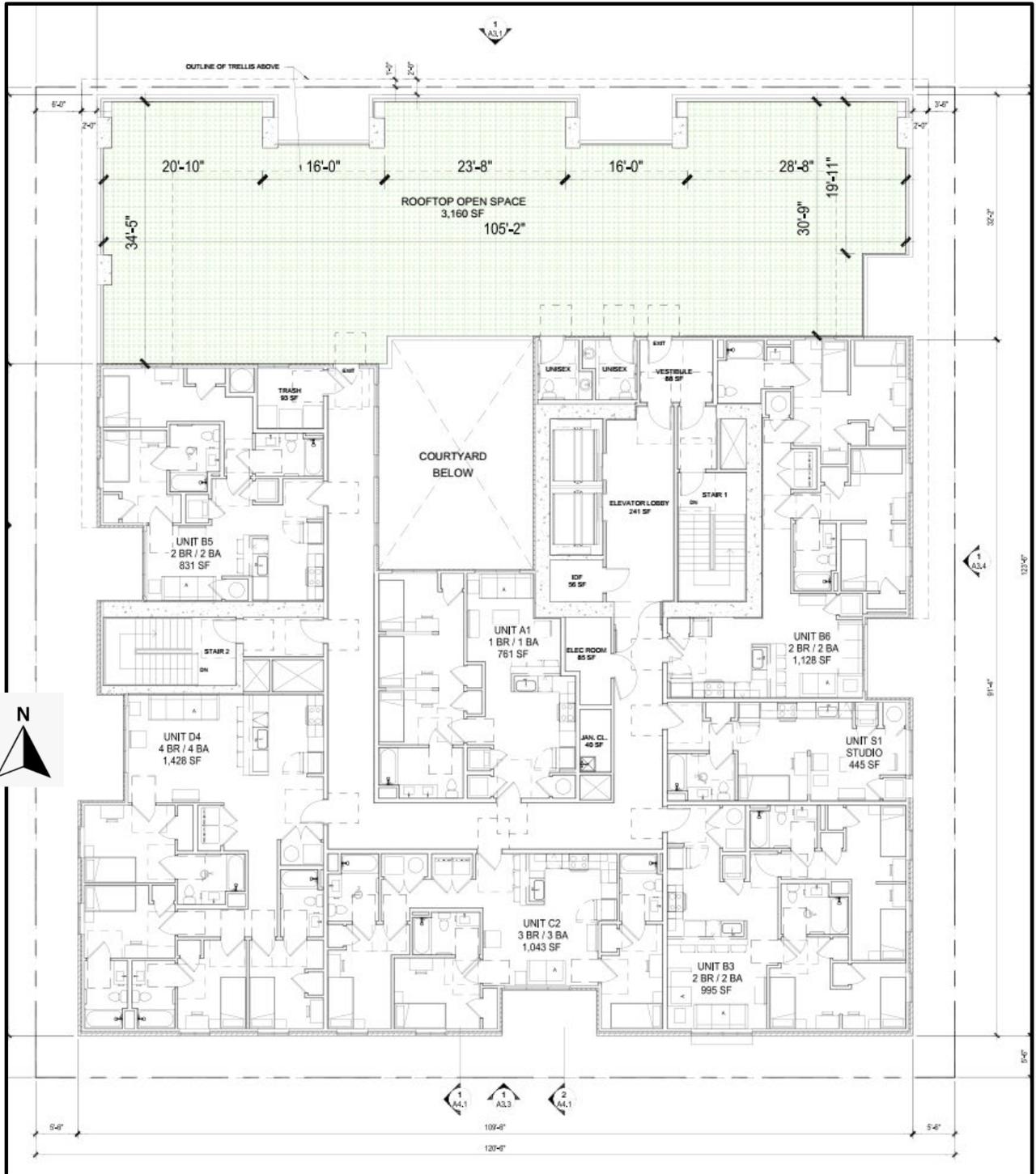
Figure 2: Site Plan



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Figure 3: Floor Plan Level 12 – Roof Deck



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Figure 4: North Elevation (Bancroft Way)

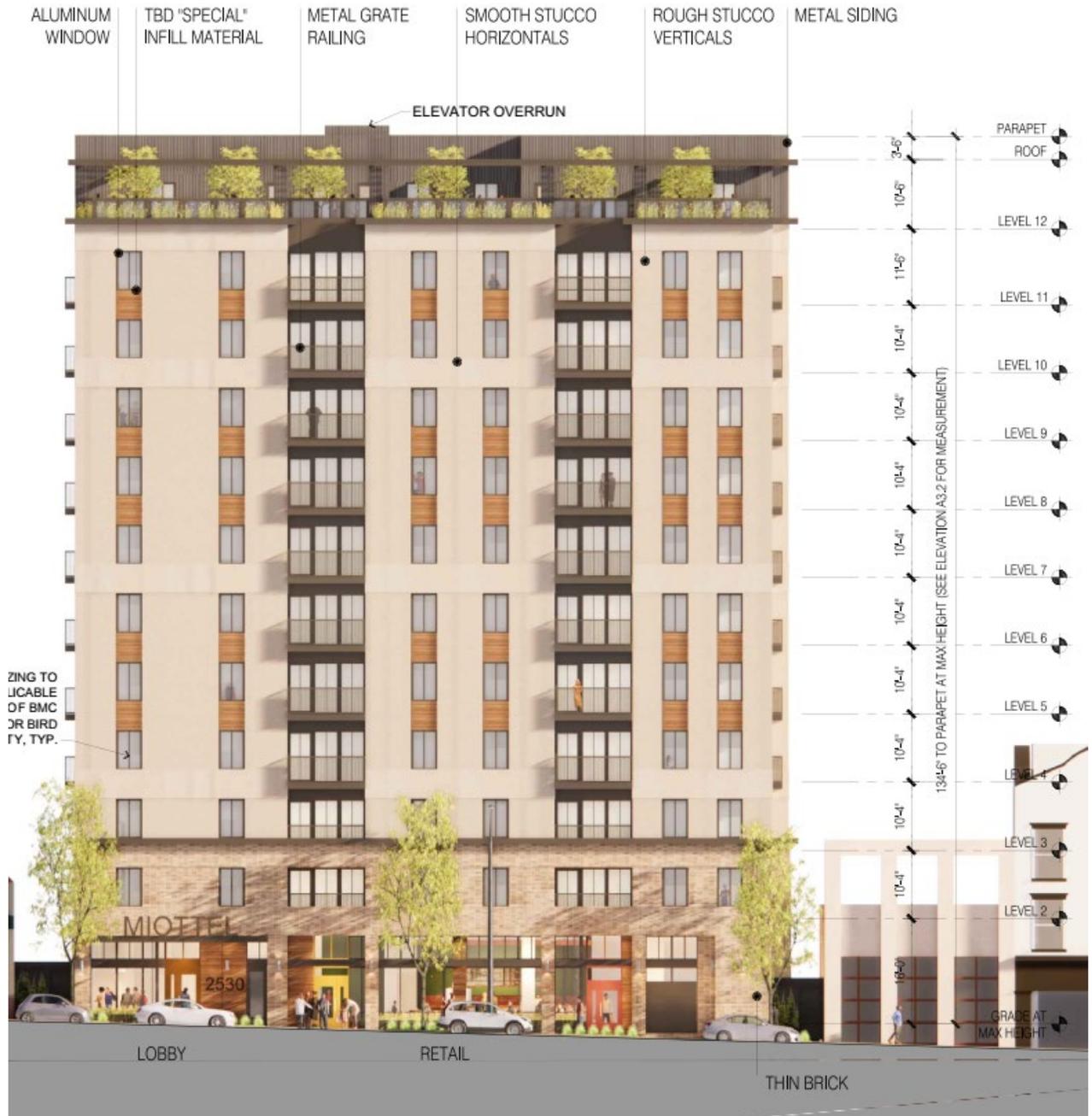


Figure 6: East Elevation (Side)



Figure 7: South Elevation (Rear)

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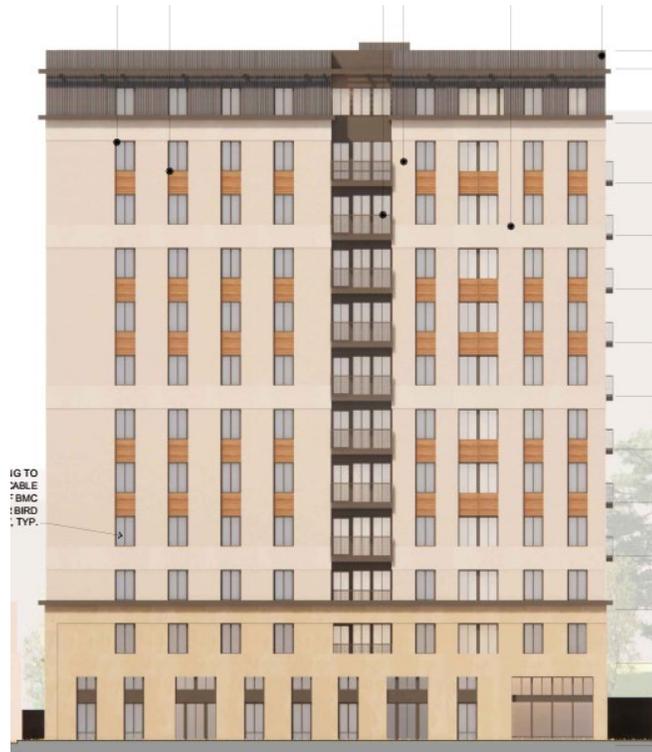


Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Bancroft Clothing Store (general retail)	C-T	AC, Southside Plan
Surrounding Properties	North	UC Berkeley Campus (Sproul Hall and Hearst Field Annex)	R-5	Institutional
	South	Restaurants, retail and apartments	C-T	AC, Southside Plan
	East	Panda Express (food service) and The Standard at Berkeley (apartments)		
	West	Restaurants and the Granada Apartments		

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 reduce the nonresidential gross floor area from approximately 15,000 to include 2,195 square feet of commercial space, and 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 ^a , 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 11 Below Market Rate units (Very Low-Income 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 the sale of alcohol.
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these requirements and a condition of approval to demonstrate compliance at building permit is included.
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 11 Very Low-Income units, or 15 percent of the Base Project units, and qualifies for a 50 percent density bonus, or 37 bonus units. See Section III.B for discussion.
Historic Resources	Yes	The existing nonresidential building is more than 40 years old. The CA Department of Parks and

Characteristic	Applicability	Explanation
		Recreation (DPR) forms dated May 2022, and updated 2023, and a Project Impact Analysis, prepared in August 2023 by Page & Turnbull, concluded that the building was not eligible for City Landmark or Structure of Merit status. The project was forwarded to the Landmarks Preservation Commission (LPC) for review (BMC Section 23.326.070(C)). On September 5, 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" pursuant to Government Code Section 65589.5(h)(2). ^b The base project does comply 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.A 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" pursuant to Government Code Section 65589.5(h)(2). ^b See Section V.B of this report for additional discussion on the sections of SB 330 that apply to the project.
Rent Controlled Units	No	There are no residential units on the site, therefore the project would not demolish rent controlled dwelling units.
Residential Preferred Parking (RPP)	Yes	The site is located in an RPP zone (Zone I). The project is not eligible for RPP permits pursuant to 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 State Seismic Hazard Zones Map . ^c
Soil/Groundwater Contamination	Yes	The project site not located within the City's Environmental Management Area (EMA), however it is adjacent to the EMA, and is not on the Cortese List ^d . The applicant has submitted a Phase I report. No further investigation is recommended. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is located on the south side of Bancroft Way, east of Telegraph Avenue, and is served by multiple bus lines (local and Transbay) and is 0.7 miles from the Downtown Berkeley BART Station.

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Characteristic	Applicability	Explanation
Notes:		
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		
b. 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.		
c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologic Hazards/		
d. 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
August 14, 2023 (vesting date)	SB 330 complete preliminary housing development project application submitted
September 6, 2023	SB 330 Use Permit Application submitted
October 6, 2023	Application deemed incomplete
November 1, 2023	Application resubmitted
December 1, 2023	Application deemed incomplete
December 20, 2023	Application resubmitted
January 19, 2024	Application deemed incomplete
February 12, 2024	Application resubmitted
March 12, 2024	Application deemed complete, Additional CEQA documentation requested
April 22, 2024	AB 1633 ² Notice submitted by applicant to City
July 18, 2024	AB 1633 90-day extension requested for CEQA determination requested by City
September 5, 2024	Landmarks Preservation Commission hearing (demo referral)

² On October 11, 2023, Governor Newsom signed into law AB 1633, a bill that gives the developer of a qualified infill project the ability to challenge a local government's decision to deny the use of an exemption under the California Environmental Quality Act ("CEQA") or to require further environmental analysis rather than adopt or certify the CEQA document. AB 1633 amends the Housing Accountability Act ("HAA") to provide an additional avenue for developers to challenge a local agency's decision to delay or block infill housing development under the California Environmental Quality Act ("CEQA"). Under the HAA, a local agency is prohibited from disapproving or reducing the density of a housing development project unless certain findings are made. AB 1633 expands the HAA's definition of disapproving a housing development project to include situations where the local agency (1) "fails to make a determination of whether the project is exempt from [CEQA]" or (2) "fails to adopt a negative declaration or addendum for the project, to certify an environmental impact report for the project, or to approve another comparable environmental document..." In either of these situations, AB 1633 provides the applicant with a statutory right to bring a lawsuit under the HAA if the applicant provides written notice to the agency of one of the above failures and the agency does not make a lawful determination within 90 days of the applicant's notice. The local agency may extend the 90-day timeframe by up to 90 additional days if an extension is necessary to determine whether there is substantial evidence in the record to support the applicant's contention.

Date	Action
September 19, 2024	Design Review Committee meeting
October 31, 2024	Public hearing notices mailed/posted
November 14, 2024	ZAB hearing

Table 4: C-T Zoning District (BMC Section 23.204.110) and BMC Chapter 23.322 Parking and Loading Standards

The project site is located in the Telegraph Avenue Commercial (C-T) zone. The City Council approved updates to the C-T zone in November 2023 that went into effect on March 1, 2024. As noted in Table 3, the project submitted a complete preliminary SB 330 application on August 14, 2023. The submittal of the complete preliminary SB 330 application vests the project to the ordinances, policies and standards, in effect at the time of filing. Therefore, the development standards from the C-T zone prior to the updates have been applied to the project and that version of the code has been utilized to determine the Zoning Permits required for the project.

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		15,665	no change	n/a
Gross Floor Area (sq. ft.)		15,665	139,833	n/a
Floor Area Ratio		1	8.93	6 with a use permit
Commercial Area		15,665	2,195	n/a
Bedrooms		0	292	n/a
Dwelling Units	Total	0	110	n/a
	Affordable	0	11 VLI	11 min to be eligible for 50% density bonus
Building Height	Maximum (ft.)	14	134'6"	75 with a use permit
	Stories	1	12	n/a
Building Setbacks (ft.)	Front	0	1'	10', reduced to 0' with a use permit
	Rear	0	5'6"	n/a
	Left Side	0	5'6"	n/a
	Right Side	0	Varies from 5'6" to 8'	n/a
Lot Coverage (%)		100	84	100 max

Usable Open Space (sq. ft.)		n/a	5,962	4,400 required (40 sq. ft. per dwelling unit)
Parking	Automobile	0	0	0 min 55 max
	Bicycle short term for residential	0	8	8, or 1 space per 40 bedrooms, whichever is greater
	Bicycle long term for residential	0	99	98, or 1 space per 3 bedrooms
	Bicycle for commercial space	27	2	1, or 1 per 2,000 sq. ft.
<small> [] = Concession or Waiver requested to modify the district standard Abbreviations: sq. ft. = square feet; max. = maximum; min. = minimum; n/a = not applicable; % = percent; avg. = average, ft = feet (') . in. = inches (") </small>				

II. Project Setting

A. Neighborhood/Area Description:

The project site is located on Bancroft Way south of the UC Berkeley campus (Sproul Hall and the Hearst Field Annex), east of Telegraph Avenue, west of Bowditch Street and north of Durant Avenue. The neighborhood is student oriented, with a mix of commercial and apartment buildings ranging in height from one-story (Durant Center/food hall directly to the south of the project site) to eight stories (The Standard apartments to the east of the site). A City of Berkeley Landmark, the Fred Turner Building, is located to the east of the site. The project site is located in an area where several modes of public transportation are available – multiple AC Transit bus lines, the University of California, Berkeley Shuttle, and the Downtown Berkeley BART station, which is located 0.7 miles to the northwest of the site. On-street parking is limited, and pedestrian traffic is heavy, especially when classes are in session.

B. Site Conditions:

The project site is associated with 2530 through 2538 Bancroft Way (Assessor’s Parcel Number 055-1877-16-1). The subject property is developed with a 15,665 square-foot commercial building that covers the entire site and fronts Bancroft Way. The project site is rectangular in shape, approximately 120 feet in width and 130 feet in length. Topography in the area is generally flat, sloping gently downward to the west along Bancroft Way. The property frontage includes a sidewalk from the face of the building to the curb and there are no existing street trees. Improvements associated with the Southside Complete Streets Project, such as raised medians, bike lanes, new striping and pedestrian islands, are under construction on Bancroft Way adjacent to the project site.

III. Project Description

A. Proposed Project Details: The proposed project would involve the demolition of the existing one-story commercial building on the site and the construction of a new mixed-use residential building with the following primary components:

- 12 stories, 134 feet 6 inches
- 110 dwelling units
- 11 Very Low Income (VLI) Units
- 292 bedrooms
 - a. 11 Studio
 - b. 11 One-bedroom
 - c. 35 Two-bedroom
 - d. 12 Three-bedroom
 - e. 41 Four-bedroom
- 2,195 square feet of ground floor commercial space
- 5,962 square feet of open space
 - a. 2,200 square feet of private patios
 - b. 602 square foot courtyard
 - c. 3,160 square foot roof deck
- No off-street parking is proposed
- 109 Bicycle Parking Spaces
 - a. 99 long-term
 - b. 8 short-term
 - c. 2 commercial
- Two curb ramps
 - a. One existing cross walk ramp
 - b. One new curb cut and ramp for trash/recycling pull-out

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"³ is 73 units, as the maximum allowable density for the site. The 7-story base project has an average unit size of 1,100 square feet and the resulting 12-story proposed project has an average unit size of 1,251 square feet, which is considered substantially consistent. By providing 11 Very Low Income (VLI) Below Market Rate (BMR) units on site (15 percent of the 73-unit base density), the project is eligible for a 50 percent density bonus, or 37 additional units.

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

Therefore, the applicant proposes 37 additional units above the base density for a total of 110 dwelling units. Table 5 below includes the Density Bonus calculations.

Table 5: Density Bonus

Base Project Units ^a	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units ^a	Proposed Project Units ^a
73	11 (15% of base project)	50%	37 (50% 73 units)	110
Notes: a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the nearest whole number. Abbreviations: % = percent				

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 virtual project preview meeting. The meeting was held on August 29, 2023, and attended by one individual (meeting minutes are included as Attachment 6). A pre-application poster was installed on site by the applicant on September 1, 2023. On October 31, 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 within the neighborhood at nearby three locations. At the time of writing this report, staff had not received any communications regarding the.

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.

The existing 1 story, 2-unit commercial building at 2530 Bancroft Way was designed by architects Miller & Warnecke and completed in 1948. It has been used as a retail store for most of the building's history. The original tenant was the Roos Bros. (later Roos-Atkins) clothing chain, which occupied the western portion of the building through the 1970s. A local chain, McCaulou's, operated in the 1980s, and the Bancroft Clothing Co. has been located in the building since 1989. Smaller specialty shops have occupied the eastern unit, including clothing stores, an audio equipment store, and a card and gift store. The building was altered in 1969 to remove most of its original glazed tile façade. The California Department of Parks and Recreation (DPR) forms dated May 2022, and updated 2023, and a Project Analysis, prepared in August 2023, prepared by Page &

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Turnbull, concluded that the existing building at 2530 Bancroft Way is not eligible for individual listing in the California Register under any criteria, nor eligible for designation as a City of Berkeley Landmark or Structure of Merit nor eligible for national listing.

The LPC reviewed the demolition referral on September 5, 2024 and took no action on the demolition referral; however, the motion included a recommendation that ZAB add a Condition of Approval to the Use Permit that the awning and pipe frame structure be removed as the first part of the exterior façade demolition, and that the condition under the awning be documented with HABS-like photographs, and that the photos be sent to local archives including the Environmental Design Archives, Warnecke Archives, Berkeley Historical Society, and Berkeley Architectural Heritage Association. The staff report is available here: [September 5, 2024 LPC](#)

The following condition, which has been refined with input from the applicant and staff to facilitate implementation, has been added to address the recommendation from the LPC:

Supplemental Historic Resource Documentation. As part of the planned demolition of the existing two-story commercial structure on site at 2530 Bancroft Way:

- a. The existing fabric awning and pipe canopy structure on the front (north) façade of the building shall be removed in the first phase of demolition to reveal the front façade to view.
- b. Upon removal of the awning, HABS-like documentation/recordation shall be conducted by a qualified party pre-approved by the City, on the front (north) elevation of the existing building, to include short format photographic documentation to archival quality, including a photo index and field notes.
- c. The final documentation must be promptly submitted to the City of Berkeley, Land Use Planning Division-for acceptance by the Zoning Officer or his/her designee.
- d. Copies of the documentation shall be offered to the following repositories: 1) Environmental Design Archives (EDA) at the College of Environmental Design (CED) at UC Berkeley; 2) Warnecke Architectural Archives; 3) Berkeley Historical Society; and 4) Berkeley Architectural Heritage Association (BAHA).

C. Design Review Committee:

September 19, 2024, the Design Review Committee (DRC) reviewed the project design for 2530 Bancroft Way, gave a favorable recommendation on the design as presented, and provided the following direction for Final Design Review (FDR):

Conditions

- Provide refinement of the trellis design at FDR; consider pulling it back and/or visually lightening it.
- Provide exterior building details at FDR, including for windows, material and color transitions, railings, and parapet; window details should support the shadow patterns in the renderings.

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- Provide accurate landscape information at FDR on the required light condition for plant selections; portray size and spacing of plants accurately in renderings and landscape plans.
- Provide a view of the Campanile and nearby buildings from Telegraph at FDR, and if this project is visible, provide color and material options that reduce its visual impact from that view.

Recommendations

- Recommend adding more interest and life on the north façade.
- Consider more brick details at the lower floors on the north façade for added interest and texture.
- Look at the window rhythms on the north façade as well as at the northwest corner of the west façade for further refinements.
- Railing design as shown does not contribute well to the overall design aesthetic.
- Consider a richer brick expression, as well as a livelier color and material palette. There was some concern that the subtle finish changes may not be enough.
- Accurately show the sidewalk width and adjacent bike lanes.
- Strongly recommend adding more local native selections to the proposed plant palette.
- Recommend using the courtyard elevator wall as an accent for the residents.
- DRC supports LPC's request that the existing retail awning be removed and the existing building photographed for archives before building demolition occurs.

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:

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- 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, and 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 safety⁴ 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 a 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 Permits⁵ to modify the height, floor area ratio and setbacks, 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

⁴ 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.”

⁵ 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.”

“shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision.” Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

As shown in Table 4 above, the project complies with the zoning standards. While the project may include other Use Permits or Administrative Use Permits to modify standards not associated with the base project, there are no objective criteria in the findings therefore the project still complies with the HAA. 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 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 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 affect at the time an application is deemed complete, then the city shall not conduct more than five hearings in connection with the approval of that housing development project. This includes all public hearings in connection with the approval of the housing development project and any continuances of such public hearings. The city must consider and either approve or disapprove the project at any of the five hearings consistent with applicable timelines under the Permit Streamlining Act (Chapter 4.5 (commencing with Section 65920)).

The November 14, 2024 ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold up to two additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.

2. Government Code Section 65913.10(a) requires that the City determine whether the proposed development project site is a historic site at the time the application for the housing development project is deemed complete. The determination as to whether the parcel is a historic site must remain valid during the pendency of the

housing development project, unless any archaeological, paleontological, or tribal cultural resources are encountered during any grading, site disturbance, or building alteration activities.

As discussed in an historic resource evaluation prepared for the project in August of 2023, the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. The demolition referral was heard at the September 5, 2024 Landmark Preservation Commission meeting, 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 November 14, 2024, public hearing, the application must be approved or disapproved by December 9, 2024.

D. Density Bonus Concessions and Waivers:

The project is entitled to three concessions (or incentives) 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 from 23.204.110(B)(5) "Allowed Land Uses" for the project to include residential dwelling units on the ground floor when none are allowed.

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 23.204.110(D)(1) to allow for an increase in building height – up to 134.5 feet, where 75 feet is the limit (with a use permit).
- Waiver from BMC 23.204.110(D)(1) to allow for an increase the floor area ratio – up to 8.93, where a floor area ratio of 6 is allowed (with a use permit).

The waivers are requested because they are necessary to physically accommodate the additional 37 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.⁶

E. Demolition of Nonresidential Buildings and Structures:

Pursuant to BMC Section 23.326.070, main nonresidential buildings may be demolished provided that the demolition would 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; would 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; would remove a structure which represents an unabatable 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 a mixed-use residential building which would provide 110 new dwelling units and 2,195 square feet of ground floor commercial space in this District, and thus would be compatible with adjacent and nearby commercial and residential uses. The most recent use of the existing building was as a clothing retail store. The demolition of this building is proposed to allow the development of a new mixed-use residential building that includes 2,195 square feet of commercial area on the ground floor to be used as one or two retail tenant spaces. The project site is currently being underutilized and the proposed new mixed-use residential building would provide existing and new residents in the area with additional access to housing and commercial services even with the demolition of the structure. An historic resource evaluation prepared for the project in August of 2023, determined that the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. A demolition referral was heard at the September 5, 2024 Landmark Preservation Commission meeting, and no action was taken. 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.

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

⁶ See Footnote 5.

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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 Telegraph Commercial (C-T) District permit findings and General Non-Detriment findings discussed below.

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 consistent with all applicable C-T District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.
2. Shadows: According to the shadow studies submitted for the project new shadows would be cast on existing residential and commercial buildings throughout the year. During the summer and spring months new shadows would shade existing residential units to the east during the hours around sunset and to the west during the hours around sunrise.

These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. Shadow impacts on adjacent residential uses are to be expected because the subject site is located in the C-T district, which allows heights of up to 65 feet without a use permit and roof top projections beyond the base height with an administrative use permit. The additional height above the district limits would cast shadows in the affected directions further than if the project were limited to the base district height standards. Staff recommends that shadow impacts from the project would be reasonable and not detrimental.

3. Air: Staff believes the proposal would be consistent with the existing development and building-to-building separation pattern – or air – in this C-T neighborhood because the buildings would provide adequate setbacks and separation on front rear and sides of the building. The C-T zone does not require setbacks unless the project is abutting or confronting a residential district and although property to the north of the site is located within a residential district, it is separated from the project site by Bancroft Way and contains UC Berkeley facilities, not residential uses.
4. Views: The proposed project would not result in additional obstruction of significant views in the neighborhood because the area is generally flat (with a gentle slope to the west), developed with one- to eight-story buildings and there are limited

significant views as defined in BMC Section 23.502.020 (Defined Terms) available to residences in the area.

5. 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. Use Permit for Increased Floor Area Ratio and Height

BMC Section 23.204.110(D)(1) requires a use permit for increases in floor area ratio (FAR) and height. Without a use permit, the maximum allowed FAR is 5 and the maximum allowed height is 65 feet. Pursuant to BMC Section 23.204.110(D)(4), projects with 50 percent or more of the total building floor area for residential use are eligible for increased building height (up to 75 feet) and FAR (up to 6). The ZAB may allow the increased height and FAR with a use permit upon finding that the project would not result in a significant reduction in sunlight on Telegraph Avenue sidewalks. The project is a mixed-use development, but more than 50 percent of the total building floor area is dedicated to residential use. As shown in the shadow study prepared for the proposed project, the building would result in some shadows on Telegraph Avenue in the summer months around sunrise. This increase in shadows is not considered to result in a significant reduction in sunlight on Telegraph Avenue sidewalks as the duration is limited.

- C. Reduction of Setbacks for Commercially Zoned Lot that Abuts or Confronts a Residential District:** The project site is located in the Telegraph Commercial District and is located across the street from property within a Residential District (R-5). Therefore, the project is required to have a 10-foot front setback. The project proposes a 1-foot front setback. If the residential district was not across the street from the proposed project, the setback would be zero. In addition, the property in the Residential District is part of the UC Campus and includes Sproul Hall and the Hearst Field Annex, which are not residential uses. Modifications of setbacks in a Commercial District that abut or confront one or more lots in a Residential District can be reduced with approval of a Use Permit and upon finding that the reduced setback would provide greater privacy or improved amenities to a lot in the Residential District. The smaller setbacks provide improved amenities, as the project can incorporate additional retail space and attractive roof decks with landscaping which are in view to the lot in the abutting residential District (BMC Section 23.304.030(C)(2)(b)).

- D. Waiver of Standards for Non-Residential Districts Abutting a Residential District:** The project site is located adjacent to property zoned R-5 (High Density Residential) to the north (across Bancroft Way). The front of the proposed mixed-use building faces the residentially zoned property and does not meet the standards for display window orientation or lot line screening. These standards require no display windows or

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customer entrances abutting lots in a Residential District and a solid wall along lot lines abutting a lot in a residential zone. The property in the Residential District is part of the UC Campus and includes Sproul Hall and the Hearst Field Annex, which are not residential uses. Since the residential district is across the street, separated from the mixed use building by Bancroft the requirements are unnecessary to minimize the effects of commercial uses on a lot in the Residential District (BMC Section 23.304.130(C)(1-4).

E. Administrative Use Permit for Rooftop Projections

BMC Section 23.304.050(A) requires an Administrative Use Permit for rooftop 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 rooftop elements totaling 1,748 square feet that would extend beyond the 134-foot, 6-inch roof height. The penthouses represent 15 percent of the 11,653-square-foot average of all the floor areas. The projection is, therefore, permissible.

F. C-T District Findings⁷:

Pursuant to BMC 23.204.110(E), in order to approve any Use Permit in the district, the Board must find that the project:

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

- Implement the General Plan's designation of Avenue Commercial for this area;
- Implement the Southside Plan's designation for the Telegraph Avenue Commercial Subarea;
- Regulate development in the Telegraph Avenue area to satisfy the needs of the population groups using the district, especially the University population and the surrounding resident population;
- Encourage the availability of a variety of goods and services which serve residents in the district and the University population but do not generate a high volume of vehicular traffic;
- Allow for uses which maintain the cultural quality of the district giving it its regional appeal without generating substantial vehicular traffic;

⁷ The project site is located in the Telegraph Avenue Commercial (C-T) zone. The City Council approved updates to the C-T zone that went into effect on March 1, 2024. As noted in Table 3, the project applicant submitted a complete preliminary SB 330 application on August 14, 2023. The submittal of the complete preliminary SB 330 application vests the projects to the ordinances, policies and standards in effect at the time of filing. Therefore, the development standards from the C-T zone prior to the adoption of the updates have been applied to the project and that version of the code has been applied to determine the Zoning Permits required for the project.

- Discourage uses which, because of size, the type of the products sold, vehicular traffic generated or other considerations, are more appropriately located elsewhere in the city;
 - Encourage a mix of goods and services which will prevent the dominance of any one type of use and which will produce variations within the same category of uses;
 - Encourage the establishment and maintenance of uses which will satisfy the needs of all age groups and attract a range of users and interests;
 - Encourage the creation of additional housing in the district which is affordable, including housing for those who work or study nearby;
 - Encourage those uses and structural architecture that reinforce, and discourage those uses and architecture that interrupt, the pedestrian orientation of the district;
 - Encourage mixed commercial and residential uses;
 - Encourage the redevelopment of single-story structures that are not historically significant resources with housing and mixed-use development;
 - Protect and enhance historically and architecturally significant buildings by ensuring that new development and alterations complement their existing architectural character;
 - Encourage the establishment and survival of small, locally-owned businesses, thereby contributing to the vitality and diversity of the district;
 - Discourage the type of commercial use whose establishment will contribute to the displacement of businesses that supply neighboring residents with essential goods and services;
 - Ensure that new buildings, additions and renovations harmonize with and enhance the unique character of the district;
 - Provide environmental protection for the residents of mixed residential commercial structures and surrounding residents from such detriments as noise, fumes and litter;
 - Preserve the ethnic diversity of the resident population and users of the district and of the types of businesses providing ethnically diverse goods and services in the district;
 - Protect and encourage the development of properties accessible to the disabled for both residential and commercial use;
2. Encourages and maintains the present street frontage of the district;
 3. Does not interfere with the continuity of retail or compatible service facilities at the ground level;
 4. Does not interrupt a continuous wall of building facades;
 5. Is compatible in design and character with the district and the adjacent residential neighborhoods;
 6. Does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods; and

7. Complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP).

Staff Analysis: The proposed 110 new residential units (including 11 VLI units) and 2,195 square feet of commercial space would reinforce the City's effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities. The project would further the purposes of the district by increasing the neighborhood population with new residents of mixed income. The proposed ground floor commercial space would enhance the street level façade and extend the existing ground-level activation on Bancroft Way. The project is near to several transit options including multiple bus lines (local and Transbay) and is 0.7 miles from the Downtown Berkeley BART Station. Therefore, the project is consistent with the district purposes of the C-T zone.

G. General Plan Consistency:

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

- 1. Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.
- 2. Policy LU-7 Neighborhood Quality of Life, Action A:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.
- 3. Policy UD-16 Context:** The design and scale of new or remodeled buildings should respect the built environment in the area, particularly where the character of the built environment is largely defined by an aggregation of historically and architecturally significant buildings.
- 4. Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

Staff Analysis: The project is compatible with surrounding land uses, which include apartments to the east, west and south, University institutional uses to the north and a variety of commercial uses surrounding the site. The height of the building is consistent with other buildings in the area, which range from 1-story to 8-story, and there is an 8-story building directly to the east of the site. The proposed project's architecture is an improvement to the existing building and the design and scale are in keeping with the surrounding buildings. The project would reinforce the City's effort to redevelop underutilized sites in a way that would increase the quality of the built environment and provide new housing and commercial opportunities.

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- 5. Policy LU-23 Transit-Oriented Development:** Encourage and maintain zoning that allows greater commercial and residential density and reduced residential parking requirements in areas with above-average transit service such as Downtown Berkeley.

Staff Analysis: The project would help to encourage transit use and reduce greenhouse gas emissions from motor vehicles by constructing additional housing in close proximity to transit, the university, jobs, and basic goods and services without providing vehicle parking. Several transit lines have stops directly across the street from the project and the Downtown Berkeley BART station is located 0.7 miles from the project site, which has connecting service throughout the Bay Area.

- 6. Policy H-19 Regional Housing Needs:** Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Staff Analysis: The project provides 11 dwelling units for very low-income households in addition to increasing the City's housing supply by adding new dwelling units in close proximity to the university and transit.

- 7. Policy EM-5 "Green" Buildings:** Promote and encourage compliance with "green" building standards. (Also see Policies EM-8, EM-26, EM-35, EM-36, and UD-6.)

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

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

H. Area Plan Consistency:

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

- 1. Policy LU-A1.A:** Encourage a variety of housing types to be built in the Southside, including houses, condominiums, townhouses, apartment buildings, group living quarters, and loft-style housing, and encourage owner-occupied housing, rental housing, cooperatives, and co-housing.
- 2. Policy LU-A1.B.:** Require that new housing developments include units that are affordable to households that qualify as low income through the City's inclusionary housing ordinance or other regulatory mechanism in a manner consistent with State law.
- 3. Policy LU-F14:** Mixed-use buildings with housing above retail uses are the preferred land use throughout this [Telegraph Commercial] subarea.

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4. Policy LU-D1: Encourage development of infill buildings along the south side of Bancroft Way so that it becomes a more vital corridor serving students and other users of the Southside.
 - a. Encourage mixed-use buildings. (See Residential-Mixed Use Subarea and Commercial Subarea policy sections (under Objective LU-F) for recommended zoning changes and preferred land uses.)
 - b. Encourage pedestrian-oriented uses on ground floor street frontages.

Staff Analysis: The project would include redevelopment of an underutilized lot and construction of a mixed-use building which provides 110 dwelling units, including 11 units for very low-income households, and a commercial ground floor.

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

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

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:

1. **FIND** that the project is categorically exempt from the provisions of the CEQA pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects"); and
2. **APPROVE** Use Permit #ZP2023-0126 pursuant to Section 23.406.040(D) and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Exhibit A: Southside Plan's adopted Mitigation, Monitoring, and Reporting Program
3. Project Plans, received November 1, 2023
4. [AB 1633 Notice, dated April 19, 2024](#)
5. Notice of Public Hearing
6. August 29, 2023 Neighborhood Meeting Notes

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

ATTACHMENT 1

FINDINGS AND CONDITIONS

NOVEMBER 14, 2024

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Use Permit #ZP2023-0126 for the demolition of an existing one-story, 15,665 square foot commercial structure and construction of a 12-story (134.5 feet), 139,833 square-foot mixed use residential building with 110 dwelling units, including 11 Very Low-Income units, and 2,195 square feet of ground floor commercial space. The project applicant seeks a 50 percent Density Bonus (37 units) by providing 15 percent of the base project units as affordable to Very Low-Income households (11 VLI units).

ZONING PERMITS REQUIRED

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

CONCESSIONS/WAIVERS UNDER GOVERNMENT CODE SECTION 65915-65918

- Concession from 23.204.110 (B)(5) "Allowed Land Uses" to allow for residential dwelling units on the ground floor when none are allowed
- Waiver from BMC 23.204.110 (D)(1) to allow for an increase in building height – up to 134.5 feet, where 75 feet is the limit (with a use permit)
- Waiver from BMC 23.204.110 (D)(1) to allow for an increase the floor area ration – up to 8.93, where a floor area ratio of 6 is allowed (with a use permit).

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 (“In-Fill Development Projects”).
- 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 ACCOUNTABILITY ACT FINDINGS

- A.** The Housing Accountability Act, Government Code Section 65589.5(j) requires that when a proposed housing development complies with applicable, objective general plan and zoning standards, a local agency may not deny the project or approve it with reduced density unless the agency makes written findings supported by substantial evidence that: (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 a “housing development project” consisting of a mixed-use building with at least two-thirds of the floor area in residential use. 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

- 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 73 units;
 2. The project will provide at least 11 Very Low Income (VLI) qualifying units in the 73-unit base project, as more fully set forth in Condition "Below Market Rate Units";
 3. The project is entitled to a density increase of 50 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 three concessions or incentives, and an unlimited number of waivers. This equates to a density bonus of up to 37 units above the base project, for a total of up to 110 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:
1. Concession from 23.204.110(B)(5) "Allowed Land Uses" to allow for residential dwelling units on the ground floor when none are allowed.
- 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 will result in identifiable and actual cost reduction; 2) approval of the concession will not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) will not be contrary to State or Federal law.
- 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 23.204.110(D)(1) to allow for an increase in building height – up to 134.5 feet, where 75 feet is the limit (with a use permit); and
 2. Waiver from BMC 23.204.110(D)(1) to allow for an increase the floor area ratio – up to 8.93, where a floor area ratio of 6 is allowed (with a use permi.t
- 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

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 consistent with all applicable C-T District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.
2. Shadows: The project will cast new shadows on existing residential and commercial buildings throughout the year. During the summer and spring months new shadows will shade existing residential units to the east during the hours around sunset and to the west during the hours around sunrise.

These changes in sunlight pattern are found to be reasonable given the orientation of these properties in relation to the subject building and their close proximity given the urban residential environment. Shadow impacts on adjacent residential uses are to be expected because the subject site is located in the C-T district, which allows heights of up to 65 feet without a use permit and roof top projections beyond the base height with an administrative use permit. The additional height above the district limits will cast shadows in the affected directions further than if the project were limited to the base district height standards. Shadow impacts from the project will be reasonable and not detrimental.

3. Air: The proposal will be consistent with the existing development and building-to-building separation pattern – or air – in this C-T neighborhood because the buildings will provide adequate setbacks and separation on front rear and sides of the building. The C-T zone does not require setbacks unless the project is abutting or confronting a residential district and although property to the north of the site is located within a residential district, it is separated from the project site by Bancroft Way and contains UC Berkeley facilities, not residential uses.
4. Views: The proposed project will not result in additional obstruction of significant views in the neighborhood because the area is generally flat (with a gentle slope to the west), developed with one- to eight-story buildings and there are limited significant views as defined in BMC Section 23.502.020 (Defined Terms) available to residences in the area.
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

- F. As required by BMC Section 23.326.070(D), the Zoning Adjustments Board finds that the proposed demolition of the non-residential building will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and that the demolition of the structures is required to allow a proposed new building or other proposed new use, will remove a building that which is unusable for activities completable with the purpose of the district or infeasible to modify for such uses, will remove a structure that is an inhabitable 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.
1. The proposed demolition of the non-residential buildings will not be detrimental needs of the neighborhood, as the project redevelops an underutilized commercial building with a new mixed-use residential building that is compatible with existing development patterns along Bancroft way. The project is aligned with the district's objectives to encouraged mixed commercial and residential uses and the creation of additional housing in the district which is affordable, including housing for those who work or study nearby. The proposed project includes a mixed-use building which will provide 110 new dwelling units, including 11 VLI units, and 2,195 square feet of ground floor 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 as a clothing retail store. The demolition of this building is proposed to allow the development of a new mixed-use residential building that includes 2,195 square feet of commercial area on the ground floor to be used as one or two retail tenant spaces.
 2. The project site is currently being underutilized and the proposed new mixed-use residential building will provide existing and new residents in the area with additional access to housing and commercial services even with the demolition of the structure. An historic resource evaluation prepared for the project in August of 2023, determined that the property does not appear to be historically significant and therefore is not eligible for listing on the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. A demolition referral was heard at the September 5, 2024 Landmark Preservation Commission meeting, and no action was taken. 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.

- G.** As required by BMC Section 23.204.110(E) the project is consistent with the findings for the C-T District. It is compatible with the district purposes, encourages and maintains the present street frontage of the district, does not interfere with the continuity of retail or compatible service facilities at the ground level, does not interrupt a continuous wall of building facades, is compatible in design and character with the district and the adjacent residential neighborhoods, does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods, and complies with the Southside Plan's adopted Mitigation Monitoring and Reporting Program because:
- 1.** The proposed 110 new residential units (including 11 VLI units), and 2,195 square feet of commercial space will reinforce the City's effort to redevelop underutilized sites in a way that will increase the quality of the built environment and provide new housing and commercial opportunities. The project will further the purposes of the district by increasing the neighborhood population with new residents of mixed income. The proposed ground floor commercial space will enhance the street level façade and extend the existing ground-level activation on Bancroft Way. The project is near to several transit options including multiple bus lines (local and Transbay) and is 0.7 miles from the Downtown Berkeley BART Station.
- 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. The project will include rooftop elements totaling 1,748 square feet that will extend beyond the 134-foot, 6-inch roof height. The penthouses represent 15 percent of the 11,653-square-foot average of all the floor areas. None of the equipment structures will be used as habitable or commercial space. The projection is, therefore, permissible.
- I.** As required by Section 23.204.110(D)(4) of the BMC, the Zoning Adjustments Board finds that the increased height and FAR will not result in a significant reduction in sunlight on Telegraph Avenue sides. The project is a mixed-use residential development with more than 50 percent of the total building floor area is dedicated to residential use. The building will result in some shadows on Telegraph Avenue in the summer months around sunrise. This increase in shadows does not result in a significant reduction in sunlight on Telegraph Avenue sidewalks as the duration is limited. The project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks. Therefore, the increased height and FAR is permissible.

- J. As required by Section 23.304.040(C)(2)(b) of the BMC, the Zoning Adjustments Board finds that the reduced front setback will provide greater privacy or improved amenities to a lot in the Residential District. The project site is located in the Telegraph Commercial District and is located across the street from property within a Residential District (R-5). Therefore, the project is required to have a 10-foot front setback. The project proposes a 1- foot front setback. If the residential district was not across the street from the proposed project, the setback would be zero. In addition, the property in the Residential District is part of the UC Campus and includes Sproul Hall and the Hearst Field Annex, which are not residential uses. The smaller setbacks provide improved amenities, as the project can incorporate additional retail space and attractive roof decks with landscaping which are in view to the lot in the abutting Residential District.
- K. As required by Section 23.304.130(C)(1-4) of the BMC, the Zoning Adjustments Board finds that the requirements for display window orientation and lot line screening are unnecessary to minimize the effects of the commercial uses on a lot in the Residential District. The project site is located adjacent to property zoned R-5 (High Density Residential) to the north (across Bancroft Way). The front of the proposed mixed-use building faces the residentially zoned property and does not meet the standards for display window orientation or lot line screening. These standards require no display windows or customer entrances abutting lots in a Residential District and a solid wall along lot lines abutting a lot in a residential zone. The property in the Residential District is part of the UC Campus and includes Sproul Hall and the Hearst Field Annex, which are not residential uses. Since the residential district is across the street, separated from the mixed use building by Bancroft Way and the property in the Residential District is part of the UC Campus the requirements are unnecessary to minimize the effects of commercial uses on a lot in the Residential District

VI. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. **Conditions and Mitigation Monitoring and Reporting Program Shall be Printed on Plans.**
The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
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

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 Environmental Mitigations. The building permit application is subject to verification of compliance of these Conditions of Approval and the adopted Mitigation Monitoring and Reporting Program (Attachment 2- Exhibit A). 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. 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.

- 21. Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.
- 22. 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.
- 23. Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
- A. 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 \(arcgis.com\)](#)
 - 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

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

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.

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.

26. 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.

- 27. 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.
- 28. 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.)
- 29. Water Efficient Landscaping.** Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELO). MWELO-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
- 30. 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.
- 31. Public Works ADA.** Plans submitted for building permit shall include replacement of sidewalk, curb, gutter, and other streetscape improvements, as necessary to comply with current City of Berkeley standards for accessibility

AFFORDABLE HOUSING REQUIREMENTS – RESIDENTIAL PROJECTS

- 32. 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.
- 33. Below Market Rate Units.** Eleven 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).

34. 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.

35. 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 \$5,333,472.50 (based on residential unit floor area of 137,638 square feet) 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:

36. 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.

37. Supplemental Historic Resource Documentation. As part of the planned demolition of the existing two-story commercial structure on site at 2530 Bancroft Way:

- a. The existing fabric awning and pipe canopy structure on the front (north) façade of the building shall be removed in the first phase of demolition to reveal the front façade to view.
- b. Upon removal of the awning, HABS-like documentation/recordation shall be conducted by a qualified party pre-approved by the City, on the front (north) elevation of the existing building, to include short format photographic documentation to archival quality, including a photo index and field notes.
- c. The final documentation must be promptly submitted to the City of Berkeley, Land Use Planning Division-for acceptance by the Zoning Officer or his/her designee.
- d. Copies of the documentation shall be offered to the following repositories: 1) Environmental Design Archives (EDA) at the College of Environmental Design (CED) at

UC Berkeley; 2) Warnecke Architectural Archives; 3) Berkeley Historical Society; and 4) Berkeley Architectural Heritage Association (BAHA).

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:

- A. Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
- B. Storage of building materials, equipment, dumpsters, debris anywhere in the public ROW;
- C. Provision of exclusive contractor parking on-street; or
- D. 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:

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, 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. 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.
- 52. Stormwater Requirements.** The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A.** The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.

- B.** Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
- C.** Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
- D.** Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
- E.** All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
- F.** All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
- G.** All private or public projects that create and/or replace 5,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological). (Project required to meet applicable code at time of building permit application, if different from above.)
- H.** All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
- I.** Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

- J. 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.
- K. Restaurants, where deemed appropriate, must be designed with a contained area for cleaning mats, equipment and containers. This contained wash area shall be covered or designed to prevent run-on or run-off from the area. The area shall not discharge to the storm drains; wash waters should drain to the sanitary sewer, or collected for ultimate disposal to the sanitary sewer. Employees shall be instructed and signs posted indicating that all washing activities shall be conducted in this area. Sanitary connections are subject to the review, approval and conditions of the waste water treatment plant receiving the discharge.
- L. 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.
- M. 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.
- 53. 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.
- 54. 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.
- 55. 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.
- 56. 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.
- 57. 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.

58. 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.

59. 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:

60. Compliance with Conditions and Environmental Mitigations. The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit. Occupancy is subject to verification of compliance to the Mitigation Monitoring and Reporting Program.

61. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated November 1, 2023.

62. 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:

63. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit.

- 64. 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).
- 65. 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.
- 66. 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.
- 67. Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
- 68. 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.
- 69. Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
- 70. 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.
- 71. 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.
- 72. Required Bike Parking.** Secure and on-site bike parking for at least 98 long-term (residential) and 9 short-term (8 for residential and 1 for commercial space) bicycles shall be provided for the life of the building.
- 73. Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.
- 74. Guaranteed Ride Home.** If qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the "Guarantee Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager

- 75. Transit Subsidy Condition.** If 10 or more employees, the business operator shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
- 76. Periodic Review and Reporting.** The City may require periodic review of this approved project to verify compliance with permit requirements and conditions of approval. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement. This permit is subject to the provisions of BMC Section 23.404.080 (Permit Revocation) if violations of the permit requirements are found by the Zoning Officer.
- 77.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

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)
A. Land Use						
<i>There are no significant land use impacts.</i>						
B. Population, Employment and Housing						
<i>There are no significant population, employment and housing impacts</i>						
C. Transportation and Circulation						
TRANS-1: Potential new construction would significantly affect operations of the Parker Street/Warring Street intersection under Existing Plus Project Conditions.	S	TRANS-1: 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>	<p>S</p>	<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>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>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>	
<p><u>TRANS-6:</u> Potential new construction would cause a significant cumulative impact at the intersection of Parker Street/Warring Street.</p>	<p>S</p>	<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>	<p>SU</p>	<p>City of Berkeley Planning and Development and Public Works Department</p>	<p>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.</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>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	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
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"> • Water during demolition of structures and break-up of pavement to control dust generation; • Cover all trucks hauling demolition debris from the site; and • Use dust-proof chutes to load debris into trucks whenever feasible. <p><i>Construction.</i> The following controls shall be implemented at all construction sites:</p> <ul style="list-style-type: none"> • 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; • Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard; • 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; • 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; 	<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"> • Sweep streets daily (with water sweepers) if visible soil material is carried onto adjacent public streets; • Apply non-toxic soil stabilizers to inactive construction areas; • Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.); • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways; • Replant vegetation in disturbed areas as quickly as possible; • 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 • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph. • Implementation of this mitigation measure would reduce construction and demolition air quality impacts to a less-than-significant level. 				

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>E. Noise</p>						
<p><i>There are no significant noise impacts</i></p>						
<p>F. Public Facilities and Services</p>						
<p><i>There are no significant public facilities and services impacts</i></p>						
<p>G. Utilities and Infrastructure</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)
H. Paleontological and Cultural Resources						
<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>CULT-2: 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>CULT-2: 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><u>CULT-4</u>: 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><u>CULT-4</u>: 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.



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JOB: 2130

SHEET:

GENERAL
INFORMATION

A0.0

VICINITY MAP



PROJECT DIRECTORY

PROJECT SPONSOR:
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LANDMARK PROPERTIES
www.Landmark-Properties.com

DESIGN ARCHITECT:
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LANDSCAPE ARCHITECT:
Daniel Erlanson, Partner
HUMPHREYS & PARTNERS LANDSCAPE ARCHITECTS
www.hplastudio.com

CIVIL ENGINEER:
BKF ENGINEERS
www.bkf.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2530 Bancroft Way Berkeley, CA 94704
(APN: 056 187701601)

SCOPE OF WORK:
REMOVAL OF EXISTING COMMERCIAL STRUCTURE & NEW CONSTRUCTION OF A
12-STORY MIXED-USE HOUSING DEVELOPMENT WITH 110 DWELLING UNITS OVER
GROUND-LEVEL COMMERCIAL AND LOBBIES WITH STATE OF CALIFORNIA DENSITY
BONUS.

DRAWING LIST

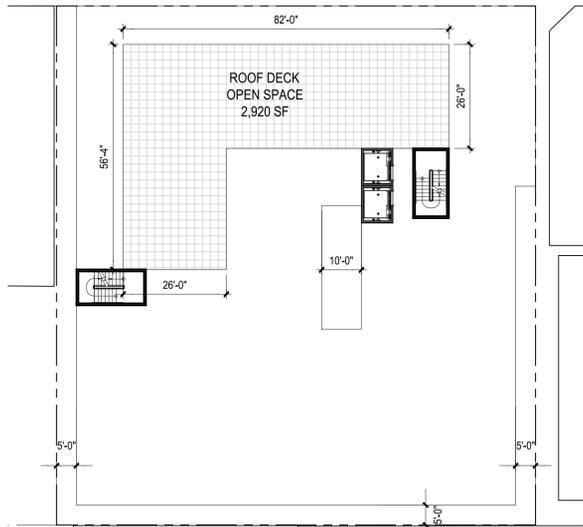
A0.0 GENERAL INFORMATION	A3.1 BUILDING ELEVATIONS	C3.0 GRADING PLAN
A0.1 ZONING INFORMATION & DIAGRAMS	A3.2 BUILDING ELEVATIONS	C4.0 UTILITY PLAN
A0.2 DENSITY BONUS DIAGRAMS	A3.3 BUILDING ELEVATIONS	C5.0 STORMWATER PLAN
A0.4A SHADOW STUDIES	A3.4 BUILDING ELEVATIONS	L1.00 LANDSCAPE PLANS
A0.4B SHADOW STUDIES	A3.5 STREET STRIP ELEVATION	L1.01 LANDSCAPE PLANS
A0.4C SHADOW STUDIES	A3.6 PHOTO CONTEXT VIEWS	L1.02 LANDSCAPE PLANS
A0.4D SHADOW STUDIES	A3.7 PHOTO CONTEXT VIEWS	L1.03 LANDSCAPE PLANS
A0.4E SHADOW STUDIES	A3.8 PERSPECTIVE VIEWS	
A0.5 SITE CONTEXT PHOTOS	A3.9 PERSPECTIVE VIEWS	
A1.0 SURVEY	A3.10 PERSPECTIVE VIEWS	
A2.0 EXISTING SITE PLAN	A3.11 PERSPECTIVE VIEWS	
A2.1 FLOOR PLANS	A3.12 PERSPECTIVE VIEWS	
A2.2 FLOOR PLANS	A4.1 BUILDING SECTIONS	
A2.3 FLOOR PLANS	MAT MATERIAL BOARD	
A2.4 FLOOR PLANS		
A2.5 FLOOR PLANS		
A2.6 FLOOR PLANS		
A2.7 ROOF PLAN		

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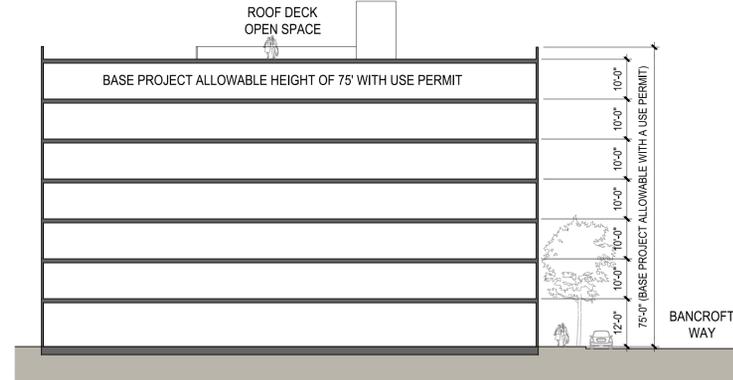
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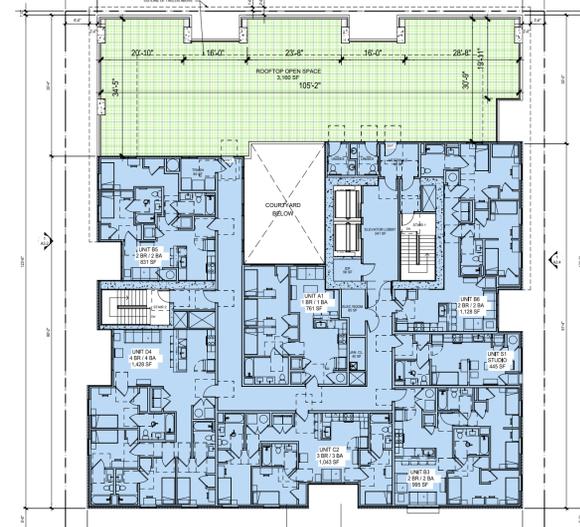
LANDMARK PROPERTIES



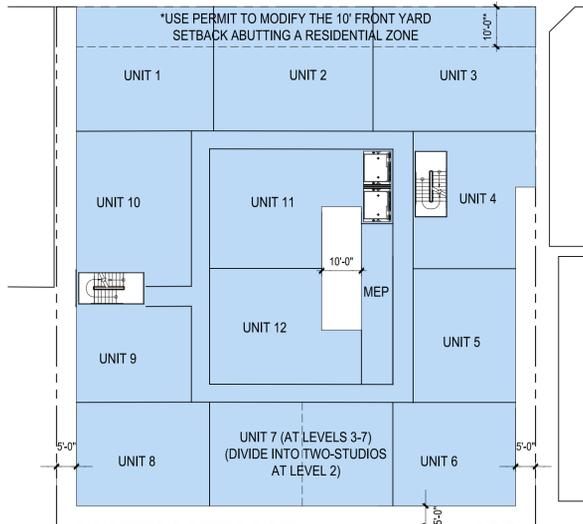
ROOF LEVEL OPEN SPACE PLAN



BASE PROJECT SECTION



PLAN AT LEVEL 12

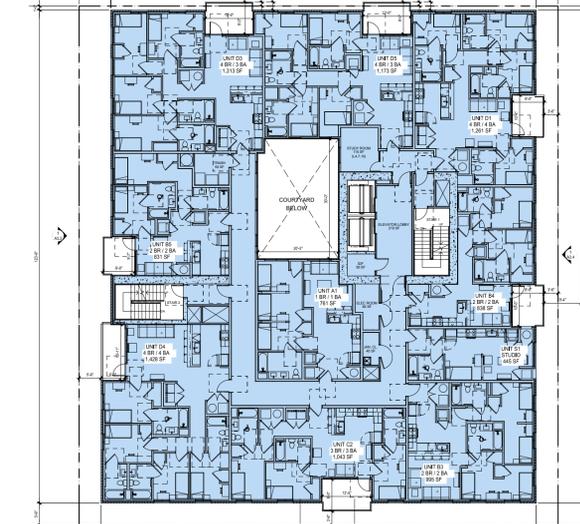


PLAN AT LEVELS 2-7

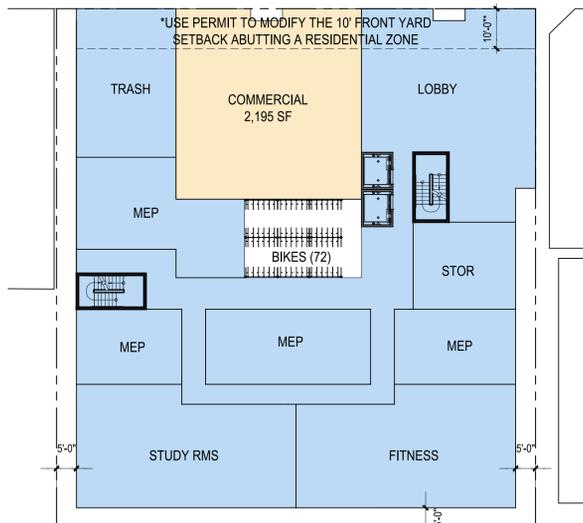
DENSITY BONUS TABLE										
	Base Project	Base Units (un-rounded)	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Maximum DB Project
	sq. ft. - see calculation below	base project area / avg. unit size	Base Units (rounds up)	VLI = Very Low Income <50 AMI	% VLI x Base # Units			%Bonus x Base # Units	%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)
	91,299	72.97	73	15%	10.95	11.00	50.0%	36.5000	37	110
	Base Project Res. Area	Floor	Proposed Project Res. Area			#VLI	%VLI	%DB	#DB	#Concessions
		Twelfth	8,475			4	5%	20.00%	88	1
		Eleventh	11,895			5	6%	22.50%	90	1
		Tenth	11,895			6	7%	25.00%	92	1
		Ninth	11,895			6	8%	27.50%	94	1
		Eighth	11,895			7	9%	30.00%	95	1
	13,343	Seventh	11,895			8	10%	32.50%	97	2
	13,343	Sixth	11,895			9	11%	35.00%	99	2
	13,343	Fifth	11,895			9	12%	38.75%	102	2
	13,343	Fourth	11,895			10	13%	42.50%	105	2
	13,343	Third	11,895			11	14%	46.25%	107	2
	13,343	Second	11,895			11	15%	50.00%	110	3
	11,241	Ground	10,213							
Total Floor Area:	91,299		137,638							
	Base Project # of Units	Floor	Proposed Project # of Units			Proposed Area:	137,638	#Concessions	1	
		Twelfth	7			Proposed Units:	110		2	
		Eleventh	10			Average Unit Size:	1,251		3	
		Tenth	10							
		Ninth	10							
		Eighth	10							
		Seventh	10							
		Sixth	10							
		Fifth	10							
		Fourth	10							
		Third	10							
		Second	10							
		Ground	3							
Total Units:	73		110							

BASE PROJECT ZONING COMPLIANCE CHECKS					
Base Project - Open Space					
	Units	Ratio	Total Area		
Base Units	73	40	2920		
Provided Open Space (Roof Deck)			2920		
Base Project - FAR					
	Res. Area	Commercial	Total GFA		
GFA	91,299	2195	93,494		
Site Area			15,665		
FAR			5.968		
Base Project - Bicycle Parking					
	Bedrooms/SF	Spaces	Per	Total Req.	Provided
New Commercial	2,195	1	2000	1	2
Residential (Long)	193	1	3	64	64
Residential (Short)	193	0.025	1	5	5
Base Project - Parking					
	Units/SF	Spaces	Per	Total Req.	Provided
Residential	73			0	0
Commercial (1st 1,000sf exempt)	1,195	0	1,000	0	0

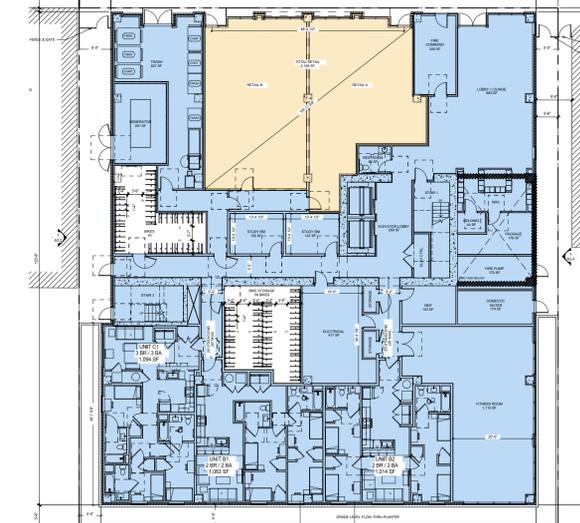
BASE PROJECT ZONING SUMMARY			
	BASE PROJECT REQ'S		BASE PROJECT SHOWN
	BASE REQ.	ALLOWABLE MODIFICATION	
FAR	5.0	6.0	6.0
HEIGHT	65'	75'	75'
SETBACK - FRONT	10'	0' w/ UP	0' w/ UP
SETBACK - REAR	0'	0'	5'-6"
SETBACK - SIDE	0'	0'	5'-6" TO 8'-0"
PARKING	NOT REQ'D	NOT REQ'D	NOT REQ'D
OPEN SPACE	SEE TABLE	SEE TABLE	SEE TABLE



PLAN AT LEVELS 2-11 (SIM)



PLAN AT GROUND LEVEL "BASE PROJECT" PLANS



PLAN AT GROUND LEVEL PROPOSED PLANS

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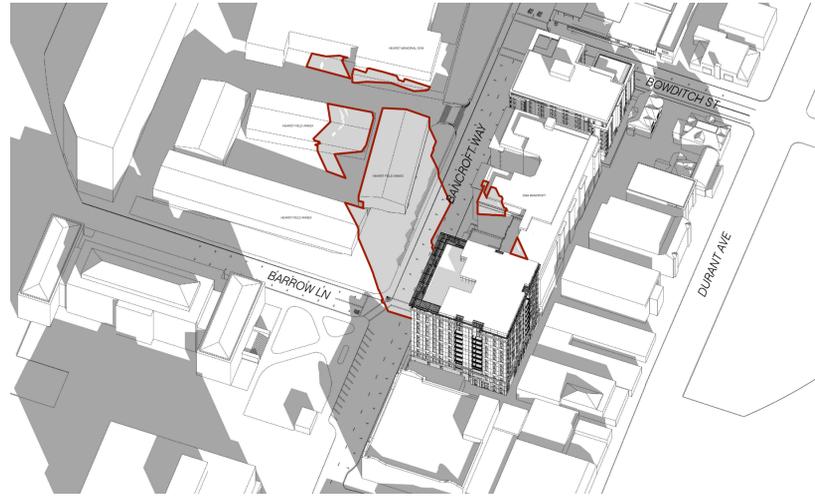
SHEET:

DENSITY BONUS CALCULATION

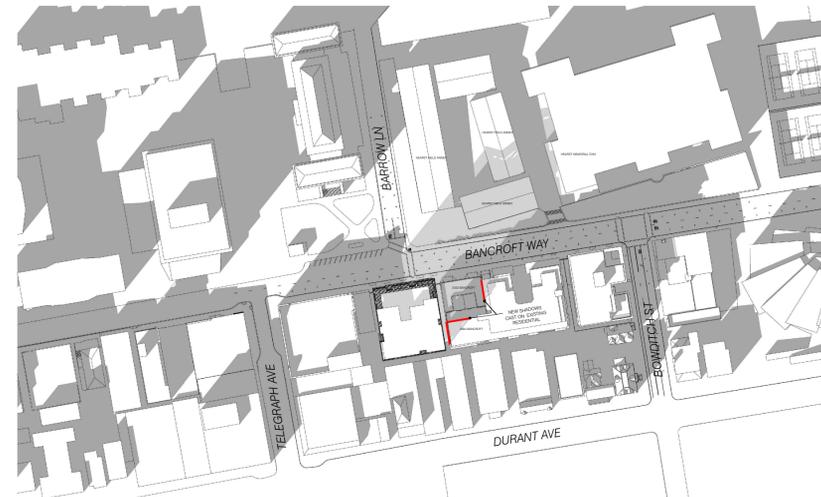
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WINTER SOLSTICE
 DEC 21ST:
 2-HRS BEFORE SUNSET (PM)

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



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



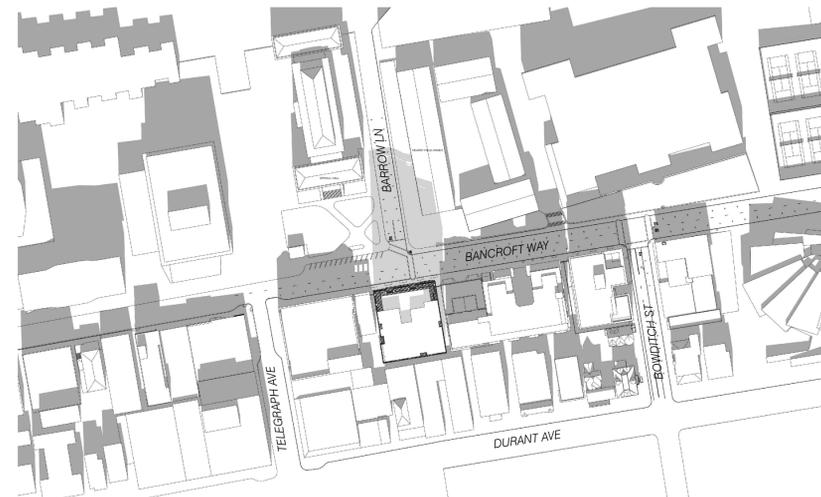
5 SHADOW STUDY - PM
 1:240 @ 11X17 1:120 @ 24X36

WINTER SOLSTICE
 DEC 21ST:
 NOON

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



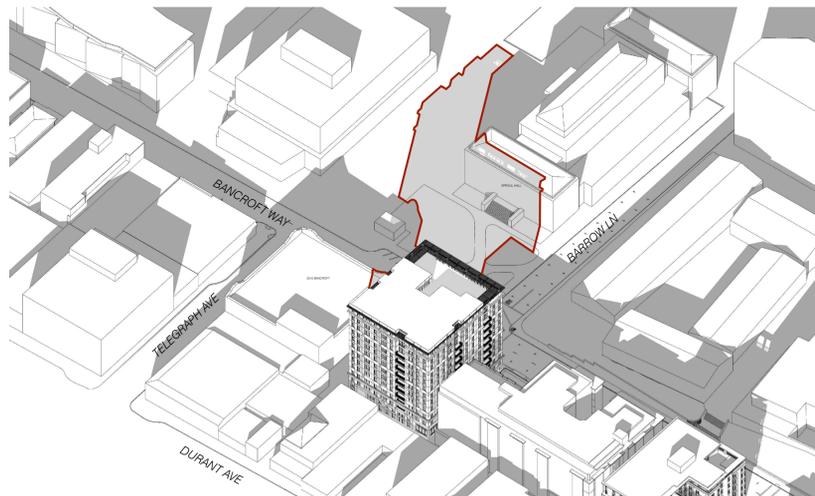
4 SHADOW STUDY AXONOMETRIC - NOON
 N.T.S.



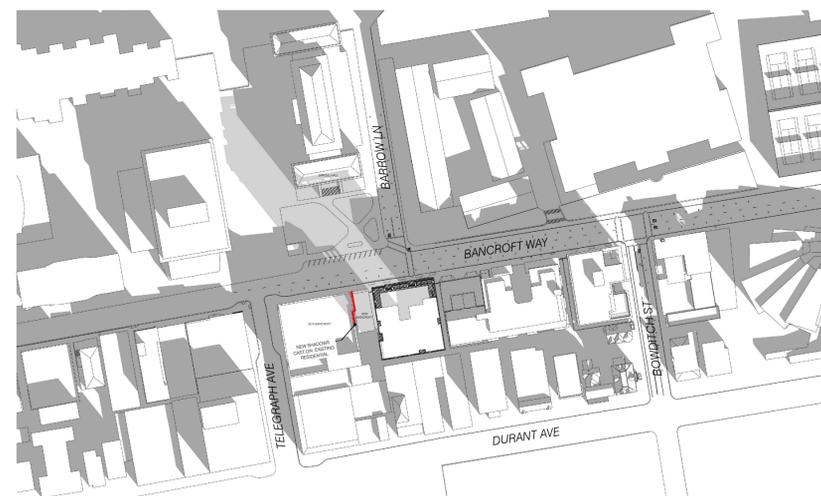
3 SHADOW STUDY - NOON
 1:240 @ 11X17 1:120 @ 24X36

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 RESIDENTIAL BUILDING
 ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



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



1 SHADOW STUDY - AM
 1:240 @ 11X17 1:120 @ 24X36

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LANDMARK
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SHEET:

SHADOW STUDIES
 DECEMBER 21ST

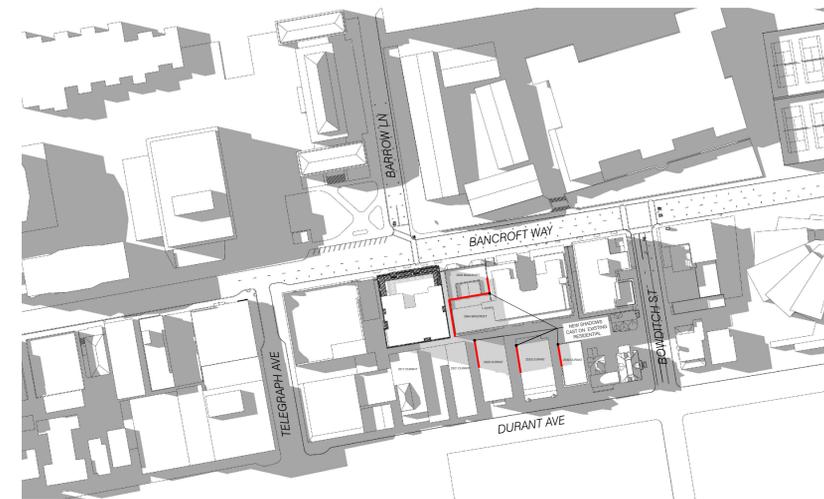
A0.4A

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 RESIDENTIAL BUILDING
- ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



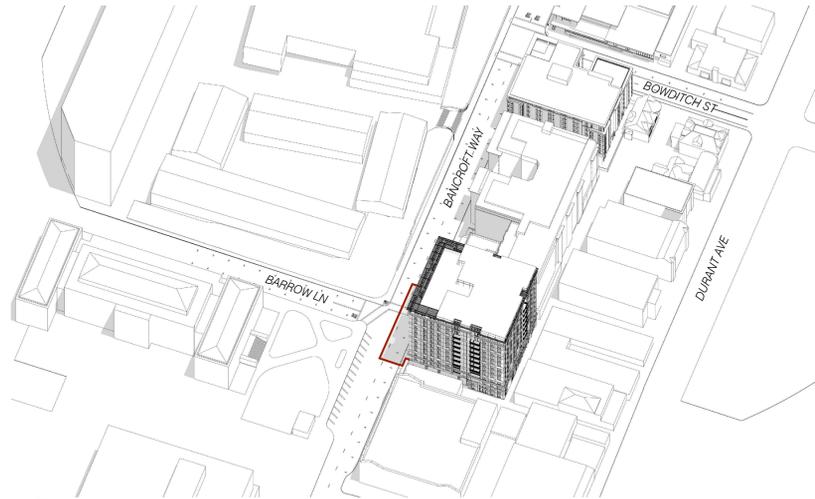
6 SHADOW STUDY AXONOMETRIC - PM
 N.T.S.



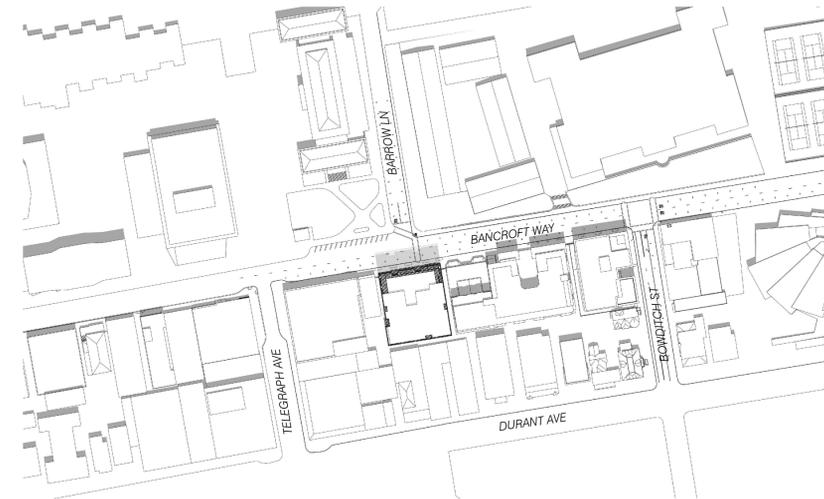
5 SHADOW STUDY - PM
 1:240 @ 11X17 1:120 @ 24X36

SUMMER SOLSTICE
 JUN 21ST:
 NOON

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



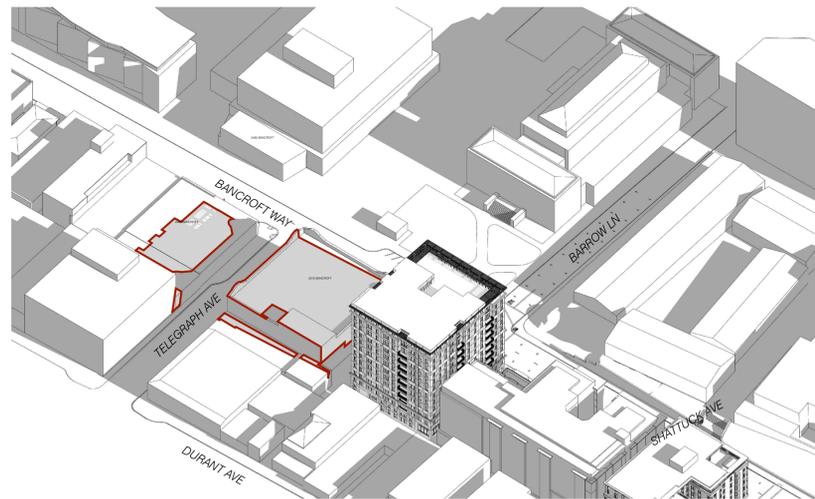
4 SHADOW STUDY AXONOMETRIC - NOON
 N.T.S.



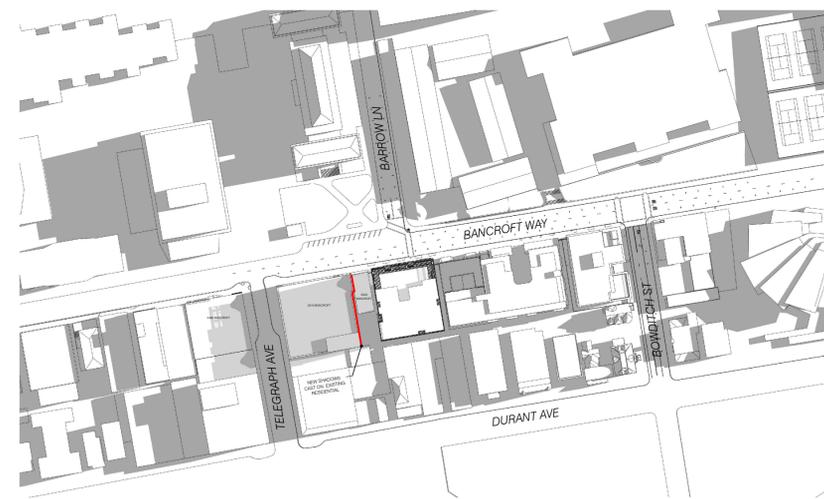
3 SHADOW STUDY - NOON
 1:240 @ 11X17 1:120 @ 24X36

SUMMER SOLSTICE
 JUN 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 RESIDENTIAL BUILDING
- ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



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



1 SHADOW STUDY - AM
 1:240 @ 11X17 1:120 @ 24X36



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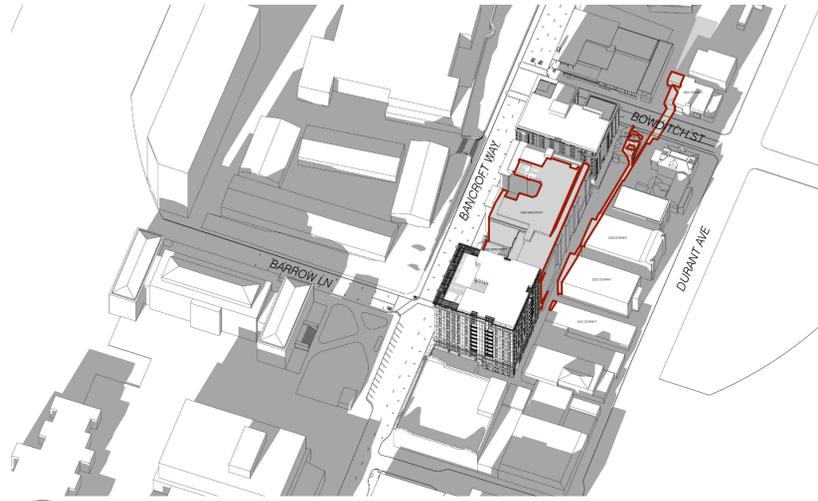
SHEET:

SHADOW STUDIES
 JUNE 21ST

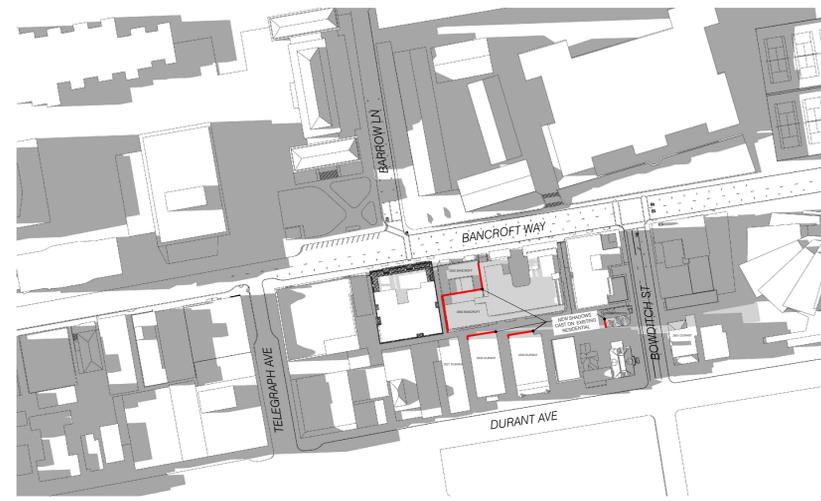
A0.4B

CURRENT
 SEPTEMBER 6TH:
 2-HRS BEFORE SUNSET (PM)

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



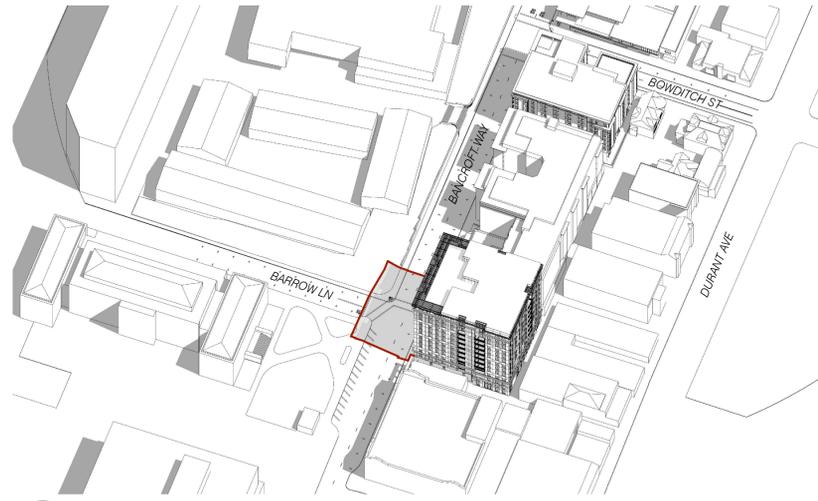
6 SHADOW STUDY AXONOMETRIC - PM
 N.T.S.



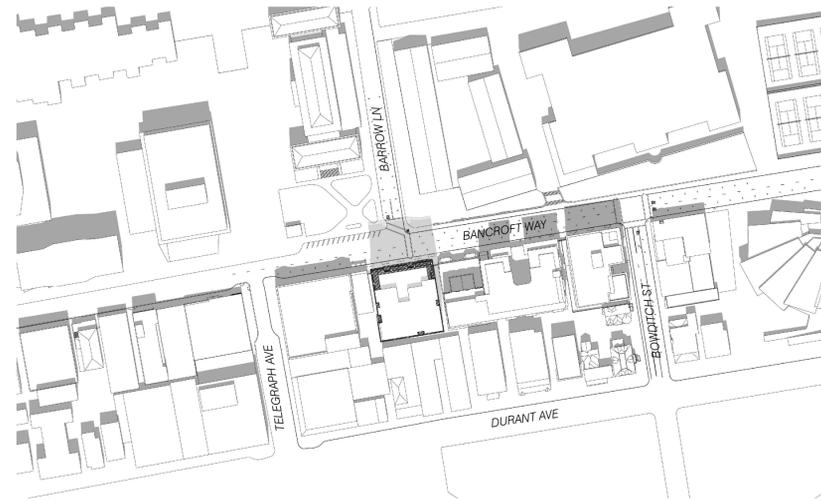
5 SHADOW STUDY - PM
 1:240 @ 11X17 1:120 @ 24X36

CURRENT
 SEPTEMBER 6TH:
 NOON

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



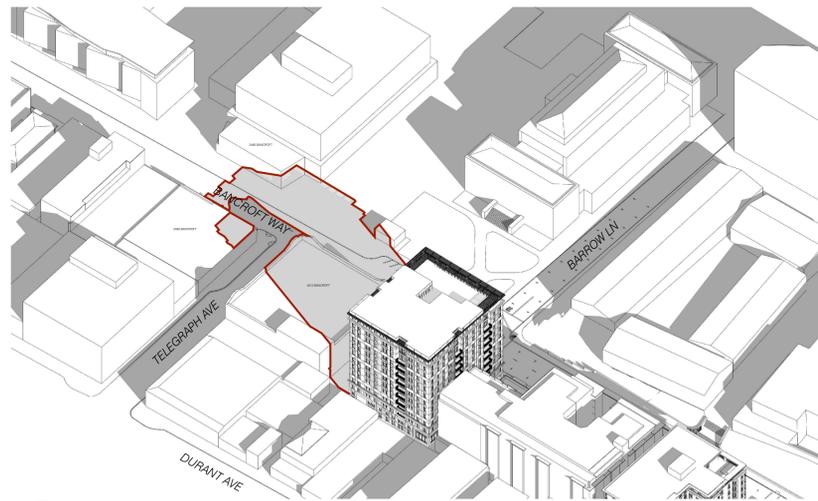
4 SHADOW STUDY AXONOMETRIC - NOON
 N.T.S.



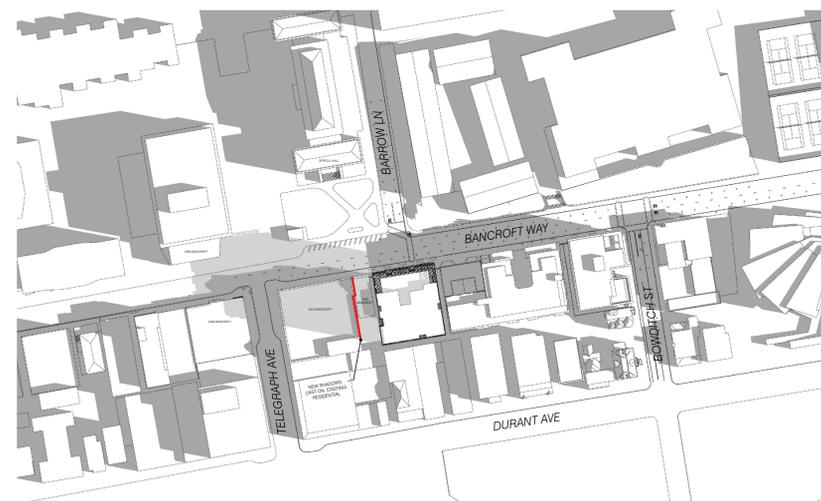
3 SHADOW STUDY - NOON
 1:240 @ 11X17 1:120 @ 24X36

CURRENT
 SEPTEMBER 6TH:
 2-HRS AFTER SUNRISE (AM)

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



1 SHADOW STUDY - AM
 1:240 @ 11X17 1:120 @ 24X36

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JOB: 2130

SHEET:

SHADOW STUDIES
 SEPTEMBER

A0.4C

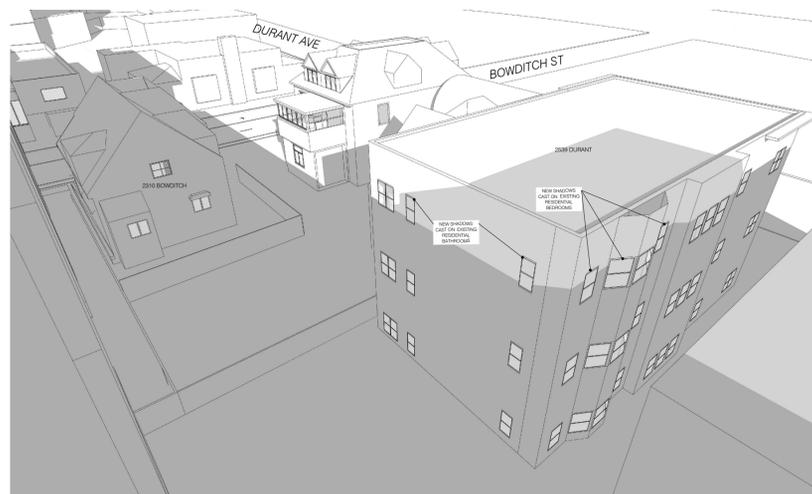
WINTER SOLSTICE
DEC 21ST:
CLOSEUP SHADOW STUDIES

- DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS
- LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING
- NEW SHADOW AT RESIDENTIAL BUILDING

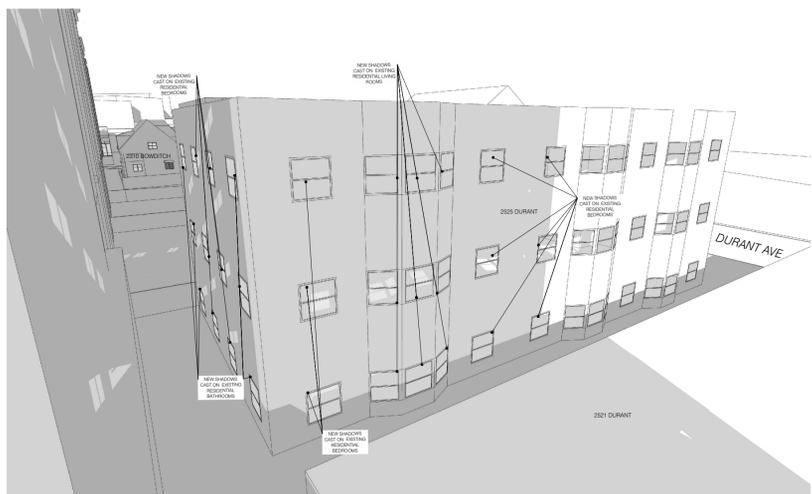
ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 CLOSEUP AXONOMETRIC - SEPT 6TH - PM
N.T.S



5 CLOSEUP AXONOMETRIC - DEC 21ST - AM
N.T.S



3 CLOSEUP AXONOMETRIC - SEPT 6TH - PM
N.T.S



2 CLOSEUP AXONOMETRIC - SEPT 6TH - PM
N.T.S



1 CLOSEUP AXONOMETRIC - SEPT 6TH - AM
N.T.S



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SHEET:

SHADOW STUDIES
DETAIL VIEWS

A0.4E

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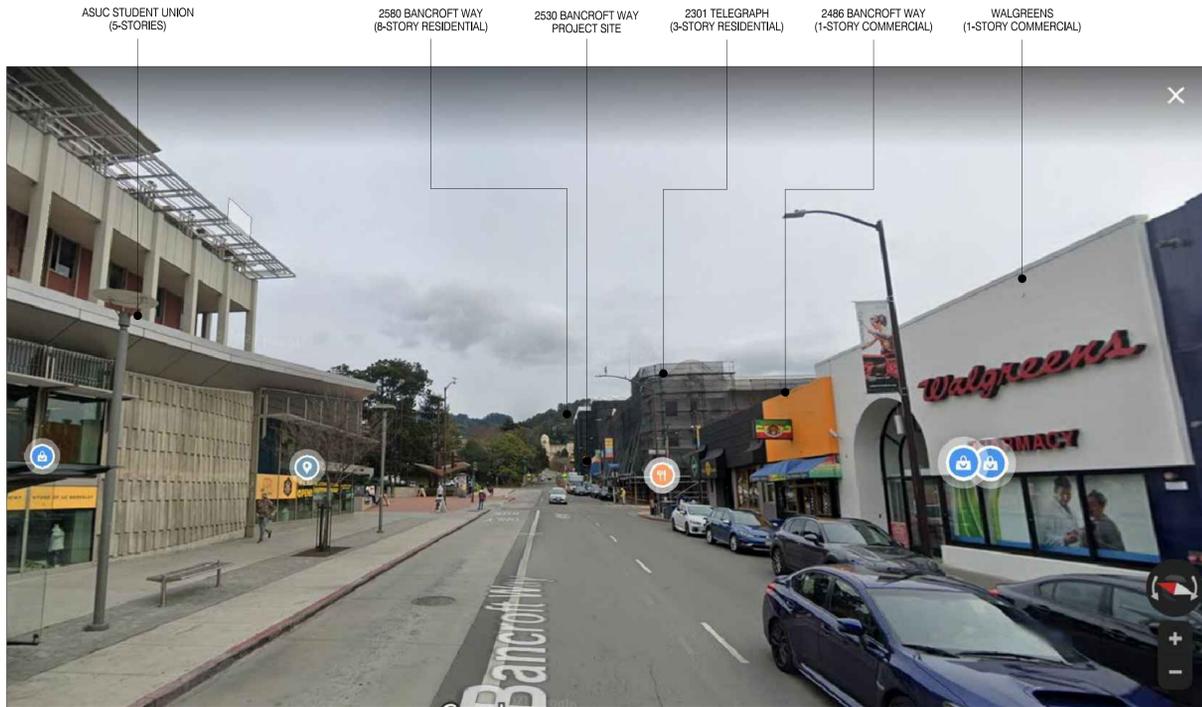
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SHEET:

SITE CONTEXT
 PHOTOS

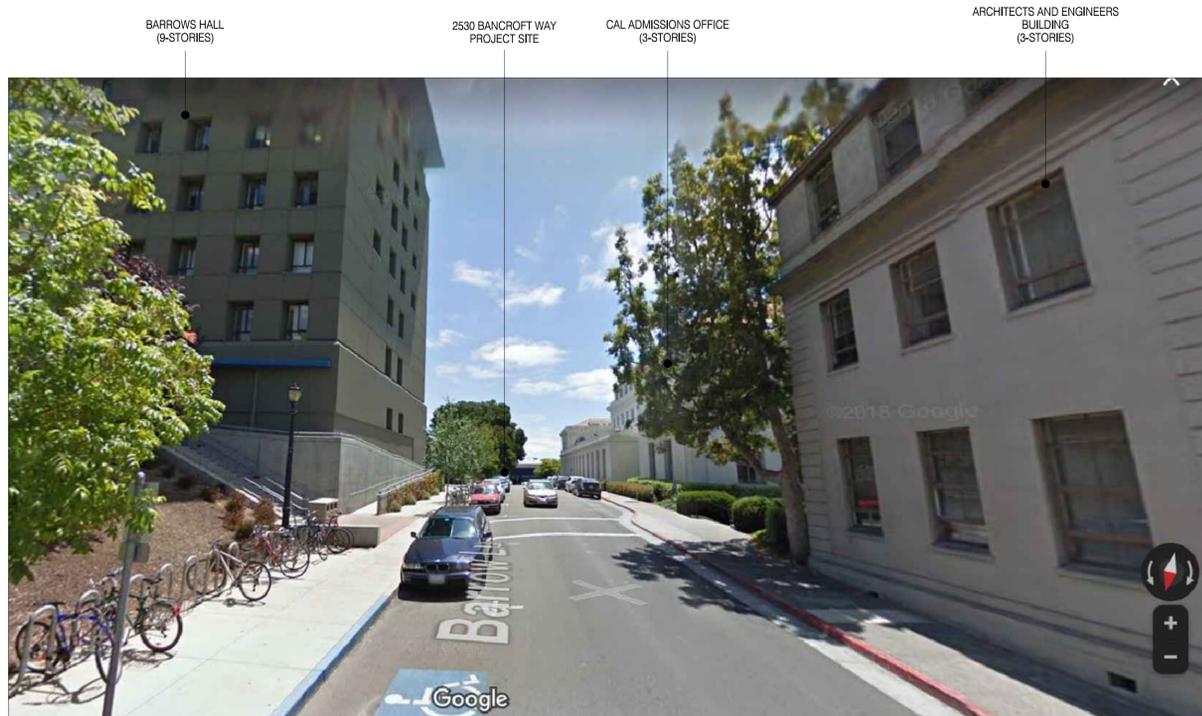
A0.5



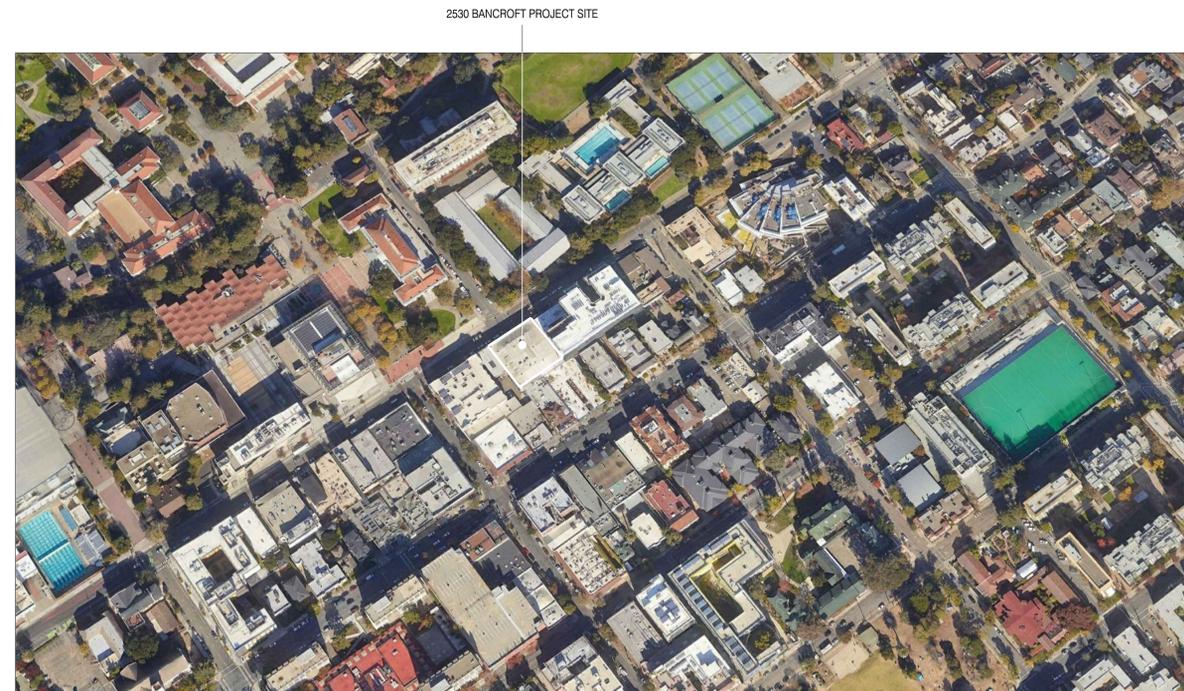
4
 A0.5 VIEW FROM BANCROFT LOOKING EAST



2
 A0.5 VIEW FROM BANCROFT LOOKING WEST



3
 A0.5 VIEW FROM BARROW LOOKING SOUTH



1
 A0.5 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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SHEET:

SURVEY

A1.0

ALTA/NSPS LAND TITLE SURVEY

A PORTION OF BLOCK 10, PROPERTY OF THE COLLEGE HOMESTEAD ASSOCIATION FILED IN BOOK T OF DEEDS, PAGE 799,
AS DESCRIBED IN THE TITLE REPORT



VICINITY MAP
NOT TO SCALE

LEGEND

- FOUND STANDARD CITY MONUMENT
- VAULT
- WM WATER METER
- G GAS VAULT
- TS TRAFFIC SIGNAL BOX
- CATV CABLE TV BOX
- PAY PARKING PAY STATION
- PGE PGE VAULT
- ⊕ FIRE HYDRANT
- SD ⊕ STORM DRAIN LINE AND MANHOLE
- SS ⊕ SANITARY SEWER LINE AND MANHOLE
- W WATER LINE AND VALVE
- GL GAS LINE AND VALVE
- OH OVERHEAD LINE AND POWERPOLE
- UN UNKNOWN
- TV TV LINE
- TEL TELEPHONE LINE
- SL STREET LIGHT LINE
- E ELECTRICAL LINE
- FW WATER FOR FIRE LINE
- ⊗ CLEANOUT
- ☆ STREET LIGHT
- OLD METER POLE
- ⊗ BIKE RACK
- ⊕ PAC BELL MAINHOLE

BOUNDARY NOTE:

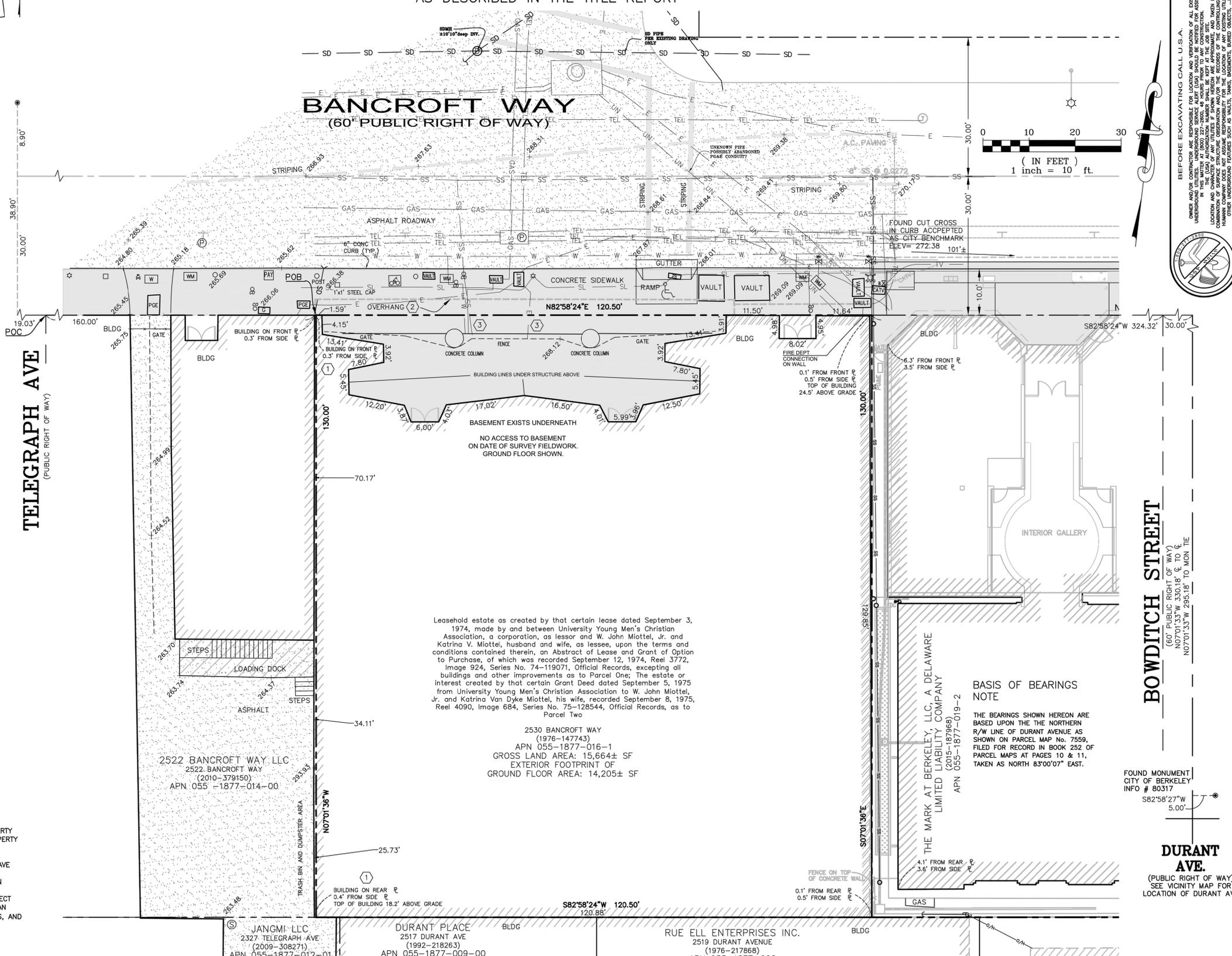
THE MONUMENT AT DURANT AVENUE AND BOWDITCH STREET WAS USED, PER CITY OF BERKELEY RECORD INFORMATION (#80317), ALONG WITH THE CURB SPLITS ON BOWDITCH STREET AND BANCROFT WAY. THE FULL BANCROFT WAY BLOCK LENGTH WAS USED PER THE CITY OF BERKELEY RECORD INFORMATION (#96462) AND ADJACENT GRANT DEEDS.

BENCHMARK:

THE ELEVATIONS SHOWN ARE BASED ON THE CITY OF BERKELEY BENCHMARK, AS SHOWN. CUT CROSS IN CURB 2 FT EAST OF DRIVEWAY AT 2558 BANCROFT WAY ELEVATION = 272.38

ENCROACHMENTS

- ① THE BUILDING ENCLOSES ONTO THE PROPERTY TO THE WEST ALL ALONG THE WESTERN PROPERTY LINE, AS NOTED
- ② THE BUILDING ON THE SUBJECT PROPERTY HAVE ROOF OVERHANGS THAT ENCLOSE ONTO THE NORTHERLY PUBLIC RIGHT OF WAY, AS SHOWN
- ③ THERE EXIST UTILITY FACILITIES ON THE SUBJECT PROPERTY THAT ARE NOT ENCOMPASSED BY AN EASEMENT OF RECORD (ELECTRIC, WATER, GAS, AND SANITARY SEWER)



Leasehold estate as created by that certain lease dated September 3, 1974, made by and between University Young Men's Christian Association, a corporation, as lessor and W. John Mittel, Jr. and Katrina V. Mittel, husband and wife, as lessee, upon the terms and conditions contained therein, an Abstract of Lease and Grant of Option to Purchase, of which was recorded September 12, 1974, Reel 3772, Image 924, Series No. 74-119071, Official Records, excepting all buildings and other improvements as to Parcel One; The estate or interest created by that certain Grant Deed dated September 5, 1975 from University Young Men's Christian Association to W. John Mittel, Jr. and Katrina Van Dyke Mittel, his wife, recorded September 8, 1975, Reel 4090, Image 684, Series No. 75-128544, Official Records, as to Parcel Two

2530 BANCROFT WAY
(1975-147743)
APN 055-1877-016-1
GROSS LAND AREA: 15,664± SF
EXTERIOR FOOTPRINT OF
GROUND FLOOR AREA: 14,205± SF

2522 BANCROFT WAY, LLC
2522 BANCROFT WAY
(2010-379150)
APN 055-1877-014-00

THE MARK AT BERKELEY, LLC, A DELAWARE
LIMITED LIABILITY COMPANY
(2015-187988)
APN 055-1877-019-2

BASIS OF BEARINGS
NOTE

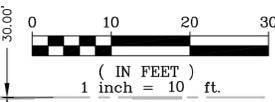
THE BEARINGS SHOWN HEREON ARE
BASED UPON THE THE NORTHERN
R/W LINE OF DURANT AVENUE AS
SHOWN ON PARCEL MAP No. 7559,
FILED FOR RECORD IN BOOK 252 OF
PARCEL MAPS AT PAGES 10 & 11,
TAKEN AS NORTH 83°00'07" EAST.

FOUND MONUMENT
CITY OF BERKELEY
INFO # 80317

DURANT
AVE.

(PUBLIC RIGHT OF WAY)
SEE VICINITY MAP FOR
LOCATION OF DURANT AVE

BEFORE EXCAVATING CALL U.S.A.
CITY OF BERKELEY
UNDERGROUND UTILITIES DEPARTMENT
IN THIS MATTER AT (510) 227-2000, 48 HOURS PRIOR TO ANY CONSTRUCTION.
LOCATION AND CHARACTER OF ANY UTILITIES IF SHOWN HEREON ARE APPROXIMATE AND TAKEN FROM A
COMPARISON OF RECORD MAPS AND FIELD SURVEY. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR
OTHER UNDERGROUND FEATURES SUCH AS VAULTS, TANKS, BASEMENTS, BURIED OBJECTS, ETC.



JANGMI-LLC
2327 TELEGRAPH AVE
(2009-308271)
APN 055-1877-012-01

DURANT PLACE
2517 DURANT AVE
(1992-218263)
APN 055-1877-009-00

RUE ELL ENTERPRISES INC.
2519 DURANT AVENUE
(1976-217868)
APN 055-1877-008

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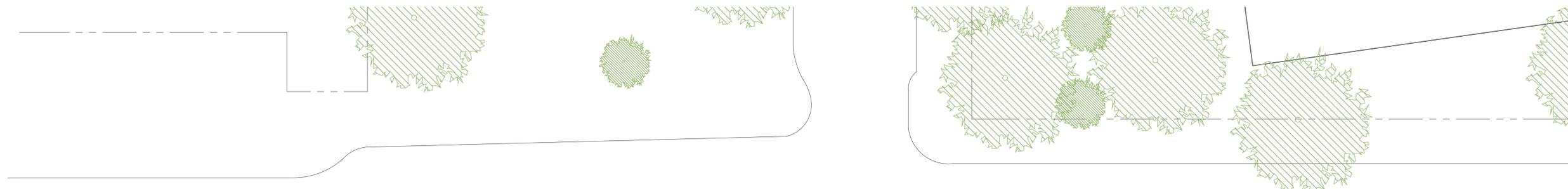
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SHEET:

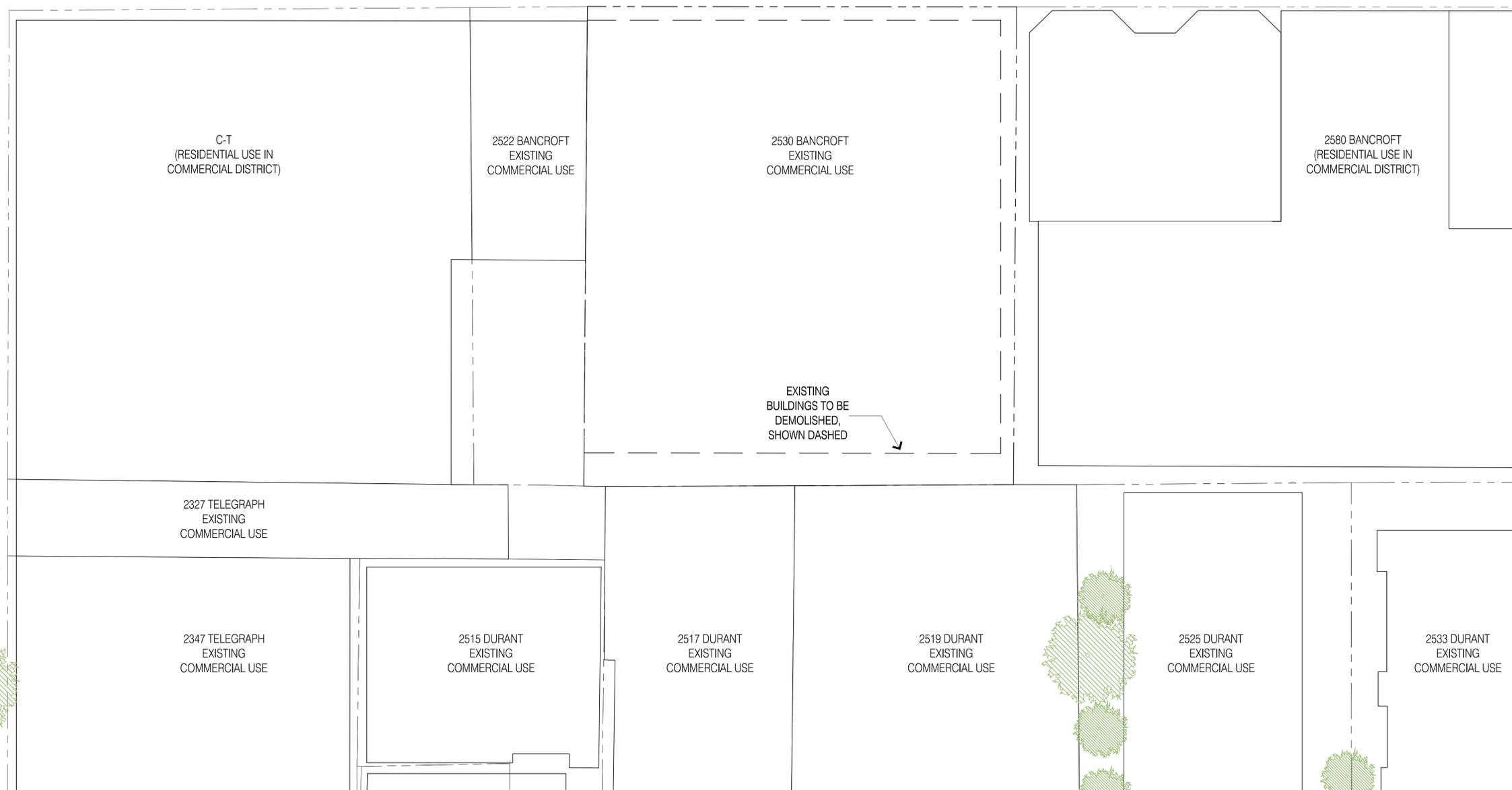
EXISTING
 SITE PLAN

A2.0



BANCROFT WAY

TELEGRAPH AVE.



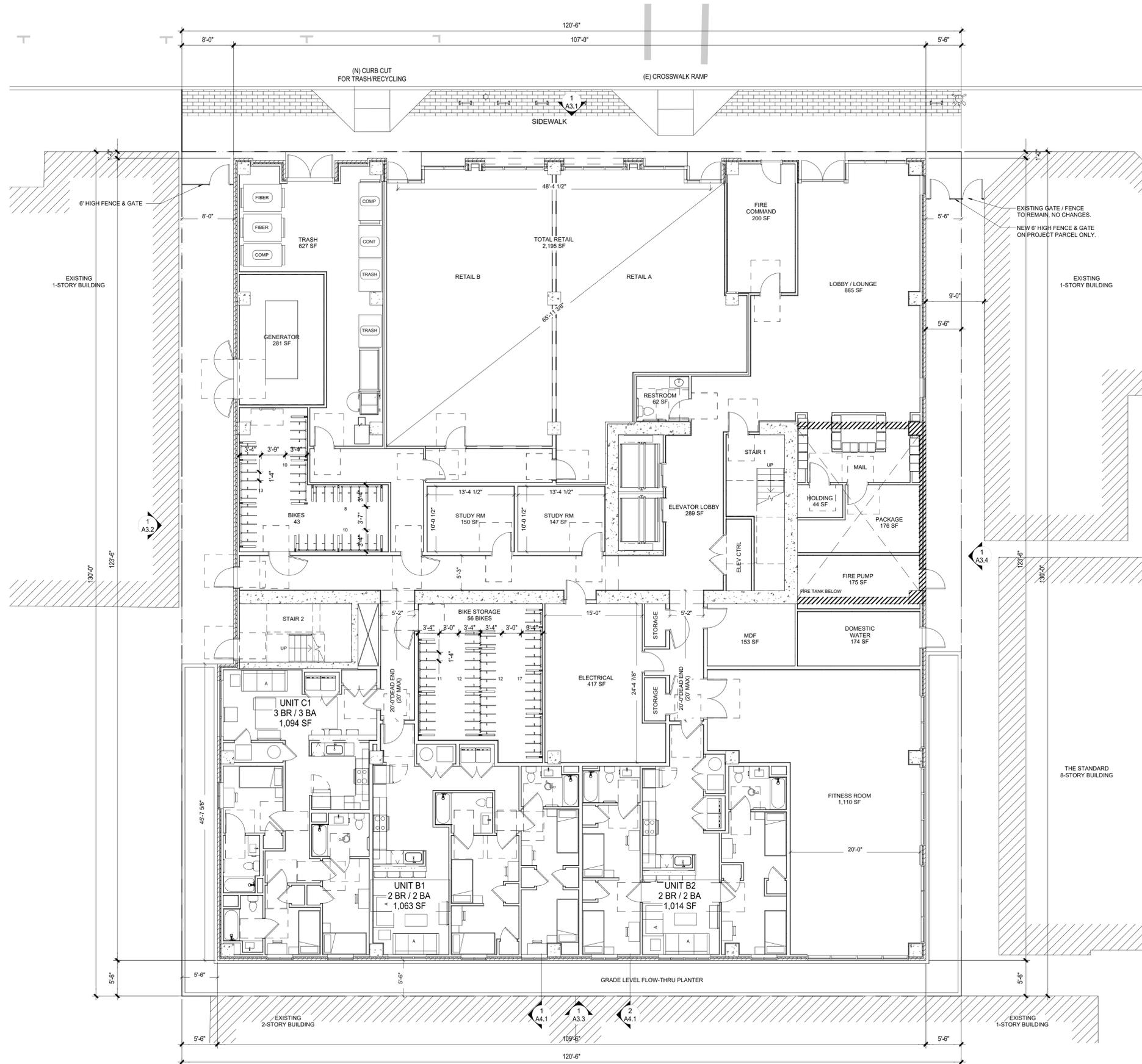
EXISTING
 BUILDINGS TO BE
 DEMOLISHED,
 SHOWN DASHED

1
 A2.0

EXISTING SITE PLAN

1/32"=1'-0" @ 11x17 1/16"=1'-0" @ 24x36





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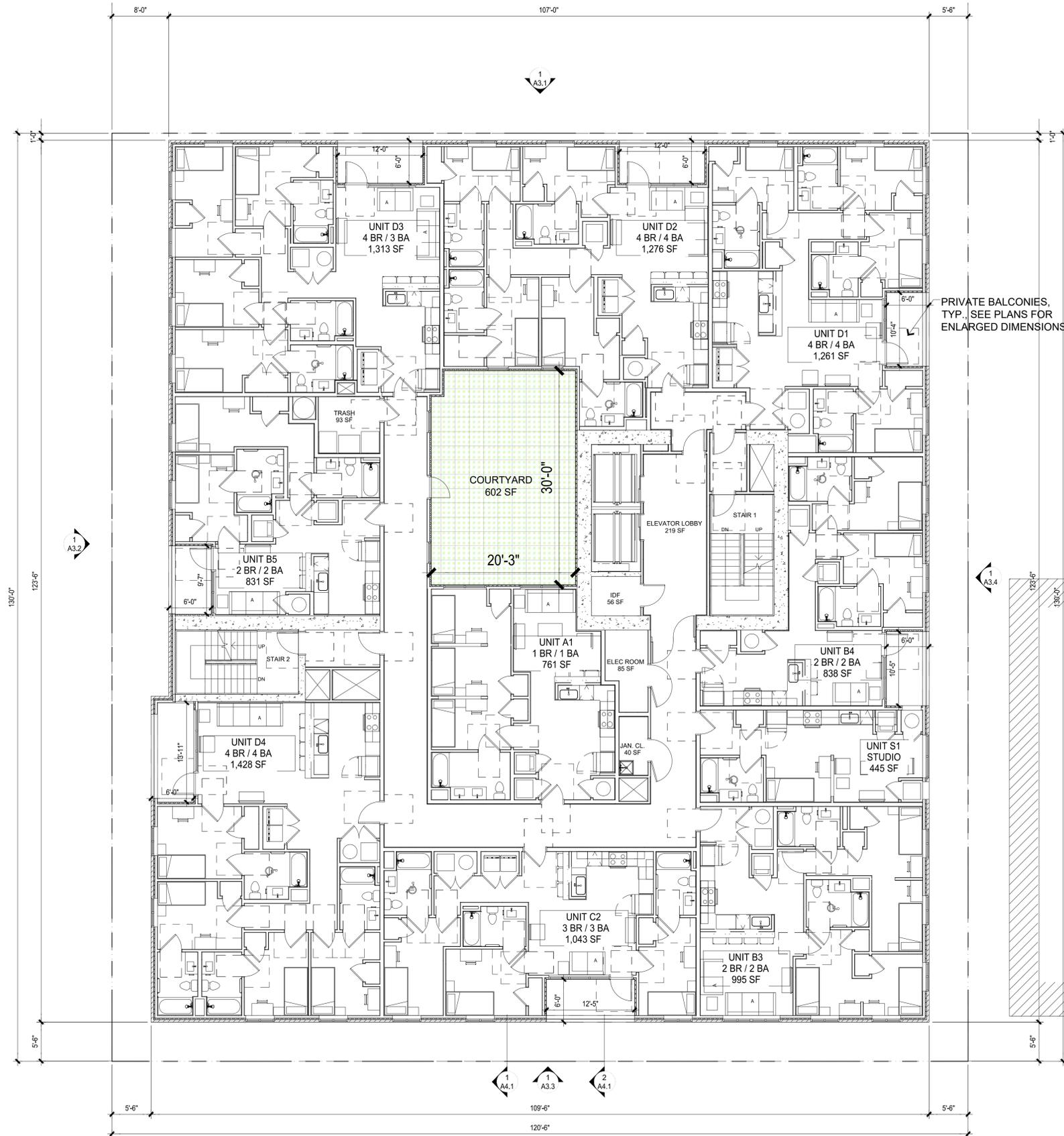
SHEET:

**SITE PLAN /
 PLAN AT
 GROUND LEVEL**

A2.1

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





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JOB: 2130

SHEET:

PLAN AT
 LEVEL 2

A2.2

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



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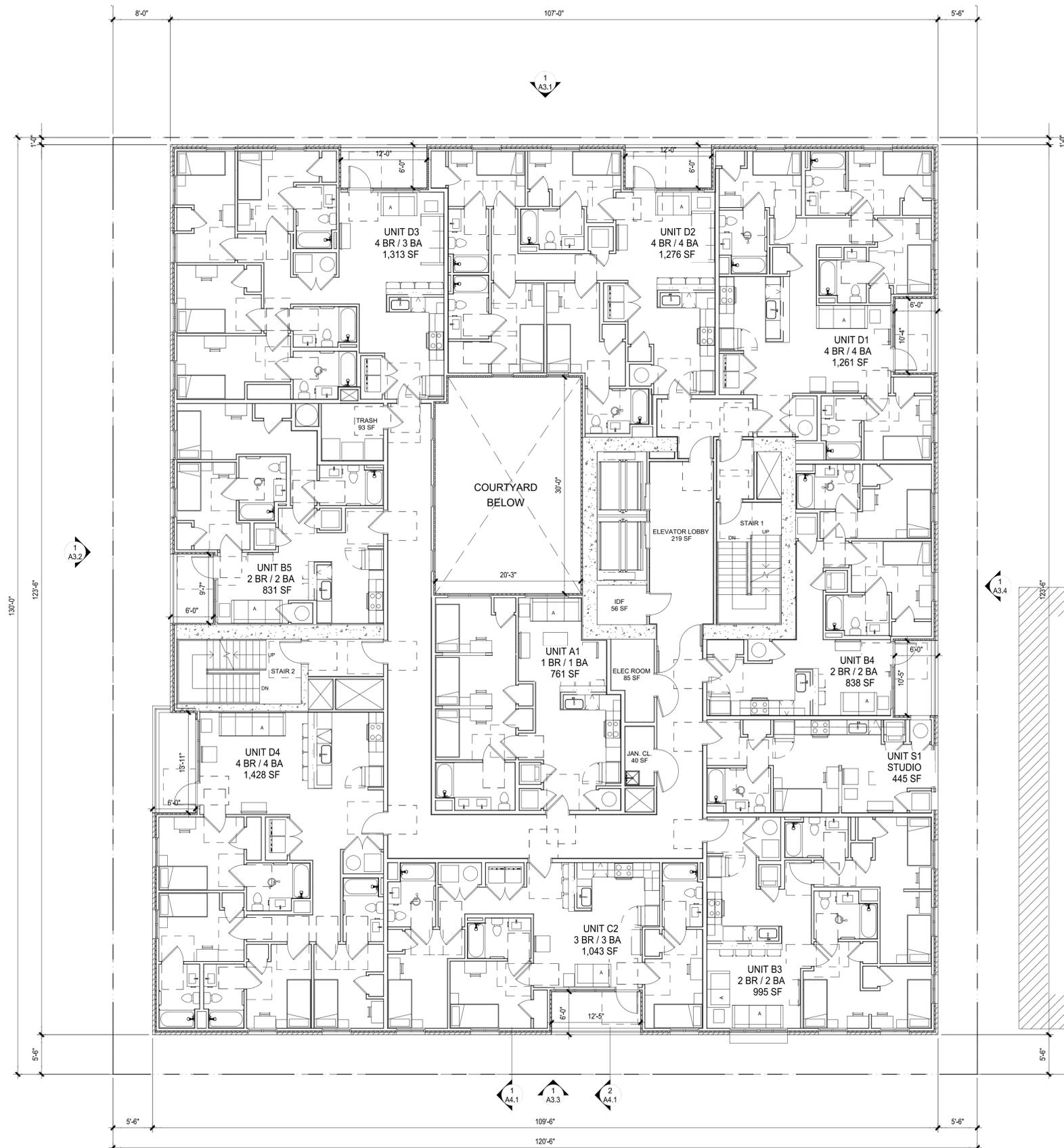
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JOB: 2130

SHEET:

PLAN AT
 LEVEL 3

A2.3



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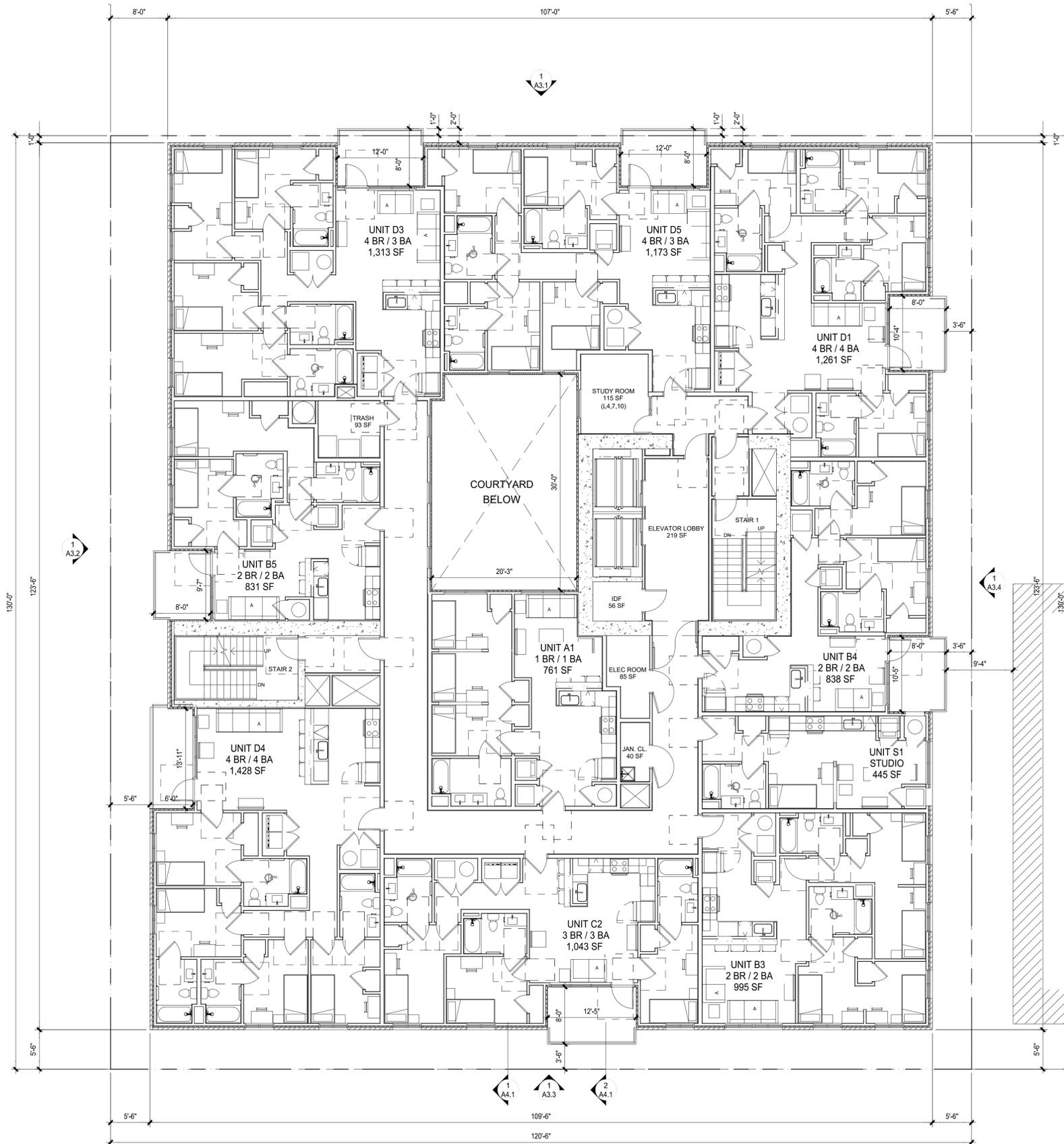
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SHEET:

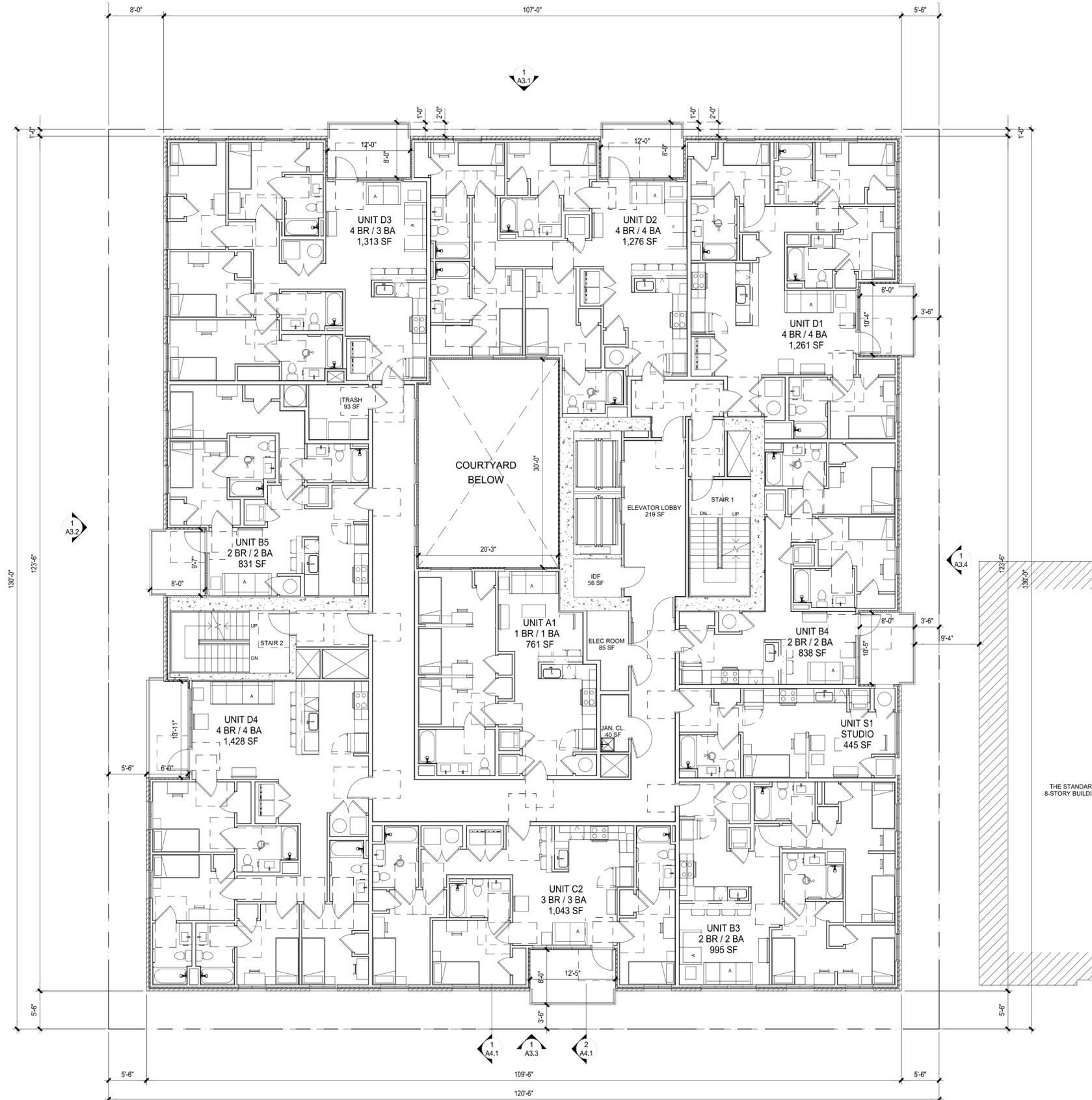
PLAN AT
 LEVELS 4, 7, 10

A2.4



1 PLAN AT LEVELS 4, 7, 10
 1/16"=1'-0" @ 11X17 1/8"=1'-0" @ 24X36





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JOB: 2130

SHEET:

PLAN AT LEVELS
 5, 6, 8, 9, 11

A2.5

1 PLAN AT LEVELS 5, 6, 8, 9, 11
 1/16"=1'-0" @ 11X17 1/8"=1'-0" @ 24X36



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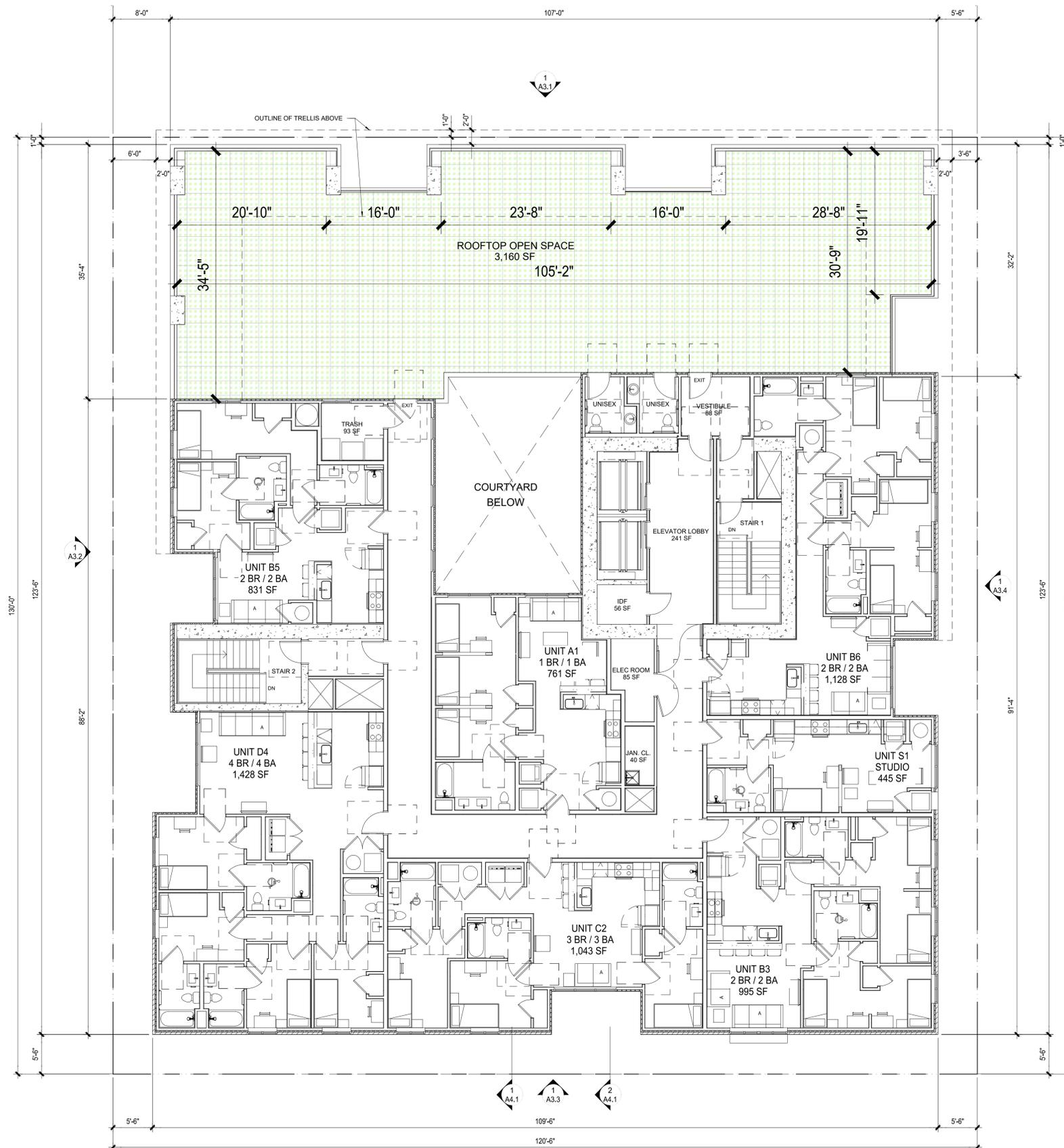
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JOB: 2130

SHEET:

LEVEL 12
 FLOOR PLAN

A2.6



1
 PLAN AT LEVEL 12
 1/16"=1'-0" @ 11X17 1/8"=1'-0" @ 24X36



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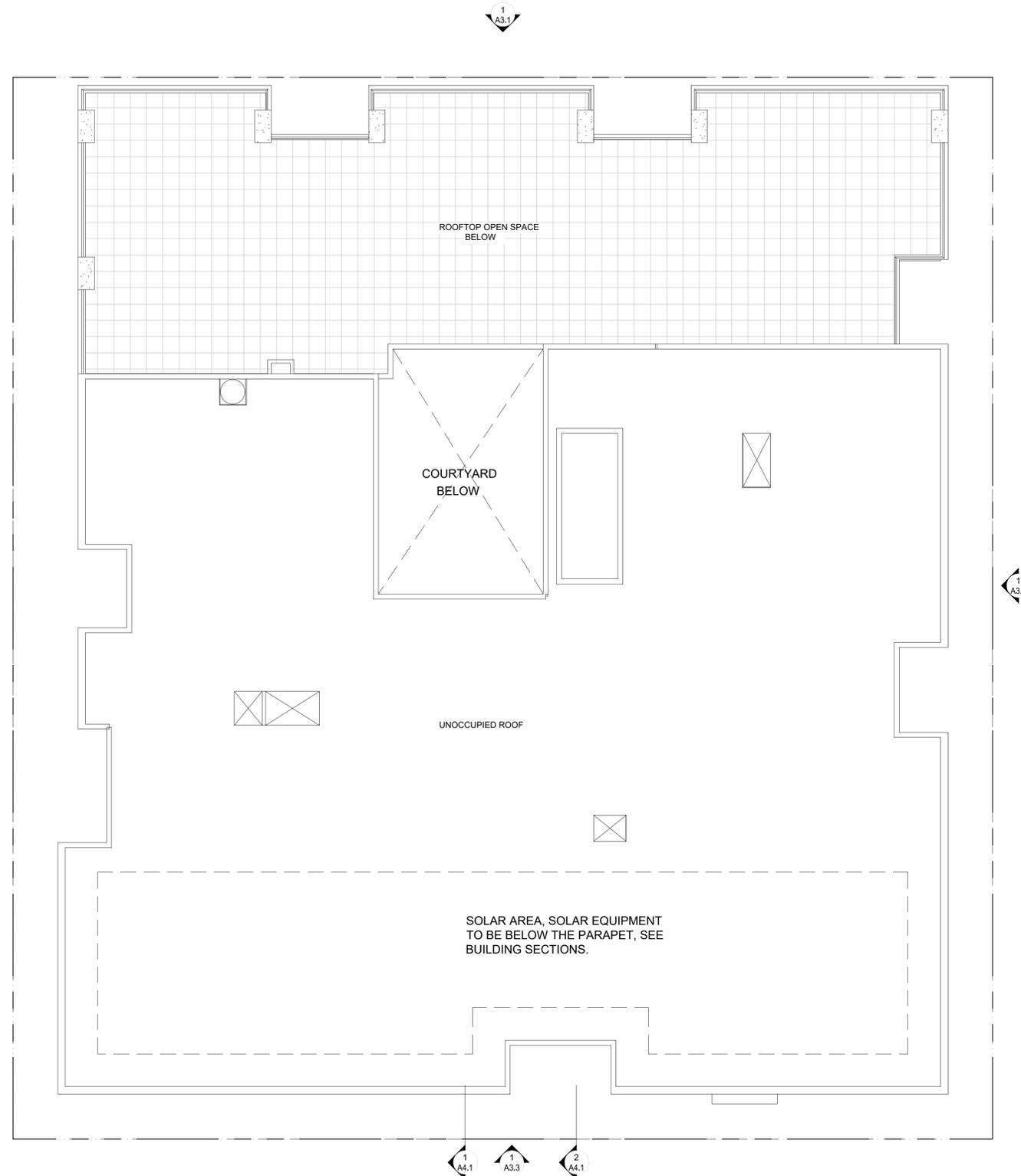
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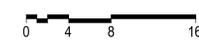
SHEET:

ROOF PLAN

A2.7



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



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SHEET:

BUILDING
 ELEVATIONS

A3.1



1 NORTH ELEVATION
 A3.1 3/64" = 1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



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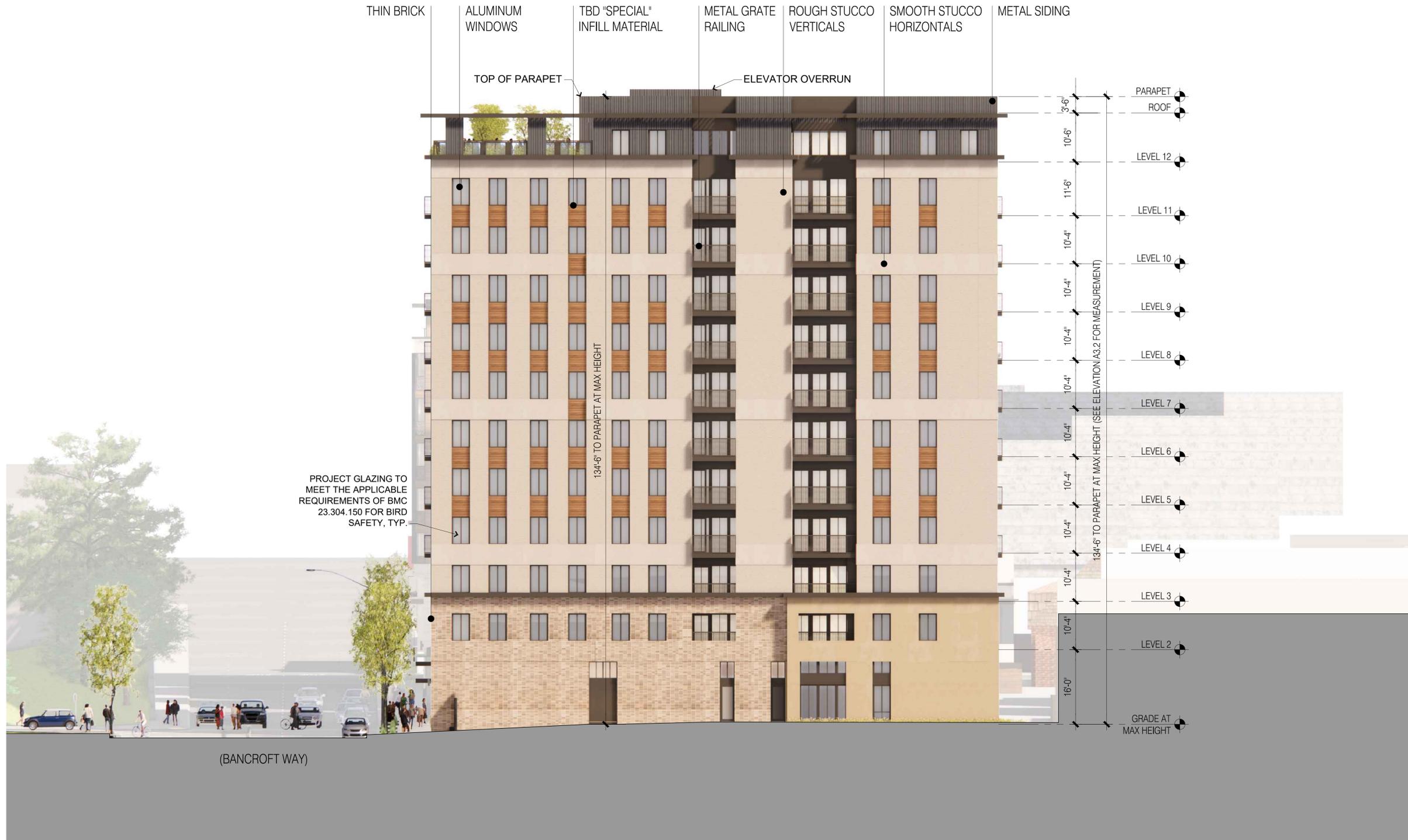
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SHEET:

BUILDING
 ELEVATIONS

A3.2



1
 A3.2

WEST ELEVATION

3/64" = 1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



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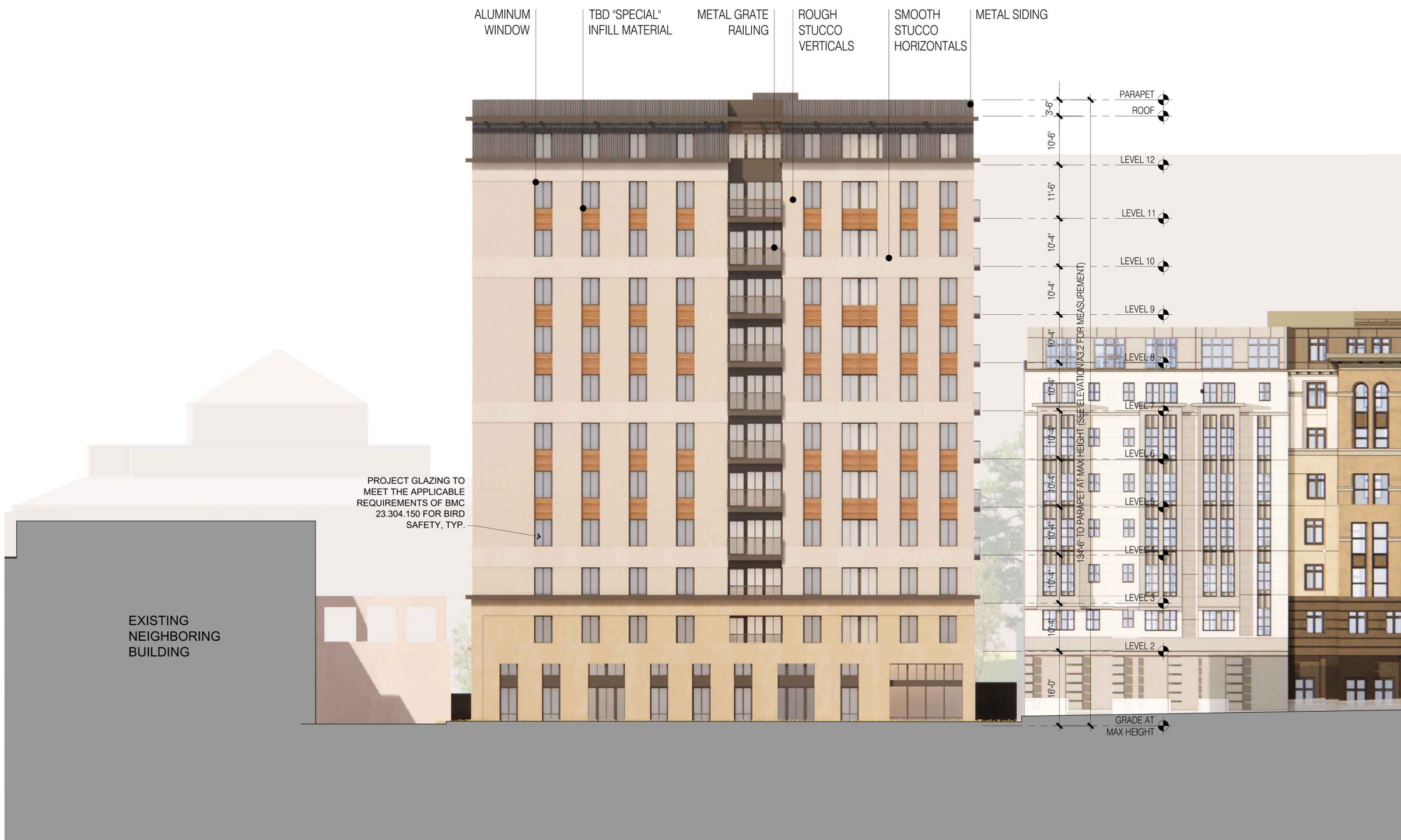
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JOB: 2130

SHEET:

BUILDING
 ELEVATIONS

A3.3



1 SOUTH ELEVATION
 A3.3 3/64"=1'-0" @ 11X17 3/32"=1'-0" @ 24X36



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SHEET:

BUILDING
 ELEVATIONS

A3.4



(BANCROFT WAY)

1
 A3.4

EAST ELEVATION

3/64" = 1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



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JOB: 2130

SHEET:

STREET STRIP
ELEVATIONS

A3.5



2580 BANCROFT

2560 BANCROFT

2554 BANCROFT

2552 BANCROFT

2530 BANCROFT

2522 BANCROFT

2510 BANCROFT

1
A3.5

STREET STRIP ELEVATION @ BANCROFT WAY

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





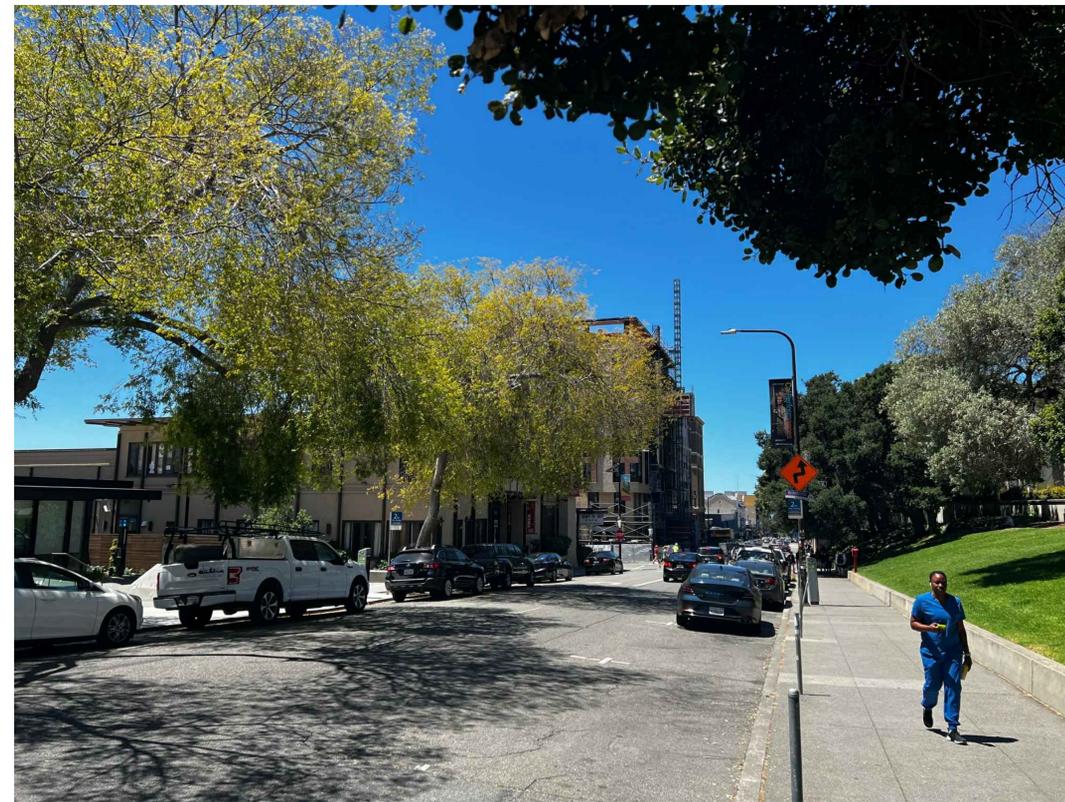
4 BANCROFT LOOKING EAST - AFTER



2 BANCROFT LOOKING WEST - AFTER



3 BANCROFT LOOKING EAST - BEFORE



1 BANCROFT LOOKING WEST - BEFORE

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LANDMARK
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JOB: 2130

SHEET:

PHOTO CONTEXT
VIEWS

A3.6



2
-
BARROW LOOKING SOUTH - AFTER



1
-
BARROW LOOKING SOUTH - BEFORE

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JOB: 2130

SHEET:

PHOTO CONTEXT
VIEWS

A3.7

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SHEET:
**PERSPECTIVE
VIEWS**

A3.8



1

PERSPECTIVE LOOKING SOUTH AT BANCROFT ELEVATION

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SHEET:

PERSPECTIVE
VIEWS

A3.9



1 VIEW LOOKING WEST ALONG BANCROFT

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SHEET:

PERSPECTIVE
VIEWS

A3.10



1 VIEW LOOKING EAST ALONG BANCROFT

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SHEET:

PERSPECTIVE
VIEWS

A3.11



1 VIEW OF STREET LEVEL ALONG BANCROFT

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SHEET:

PERSPECTIVE
VIEWS

A3.12



1

SIDEWALK VIEW ALONG BANCROFT LOOKING EAST

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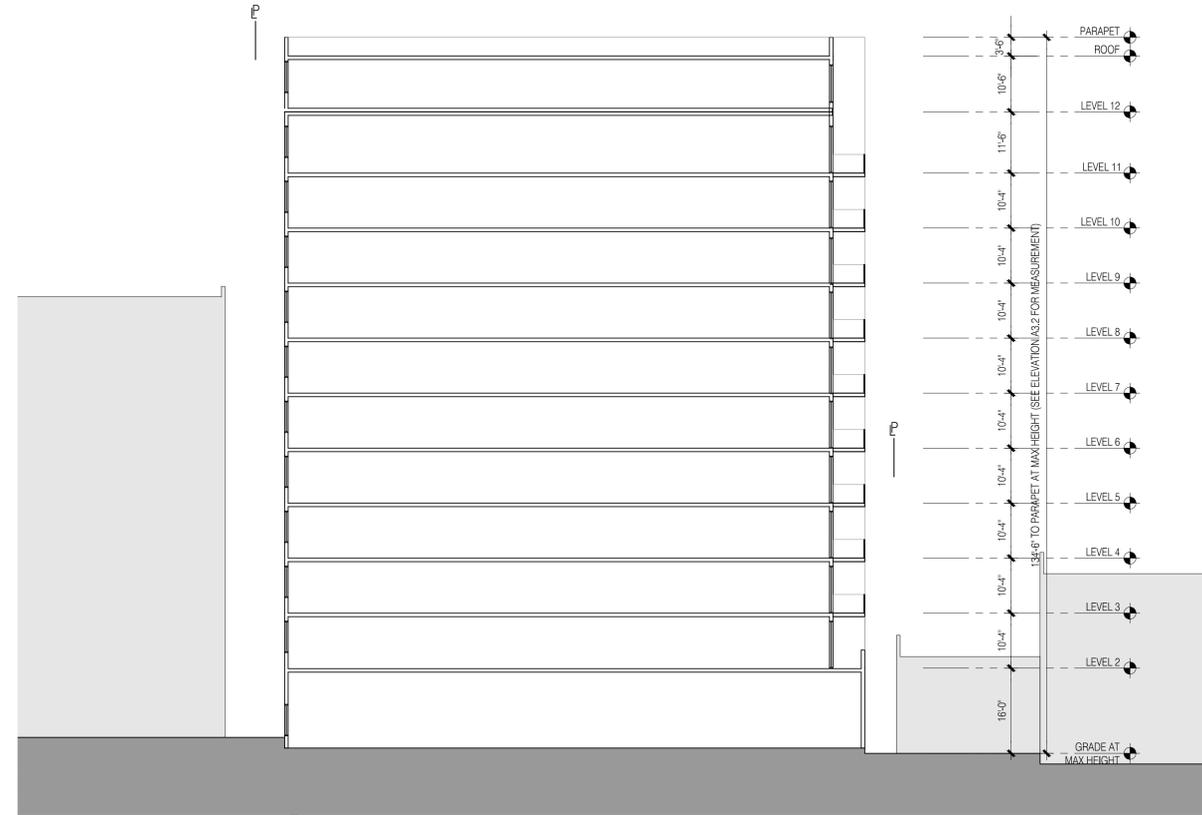
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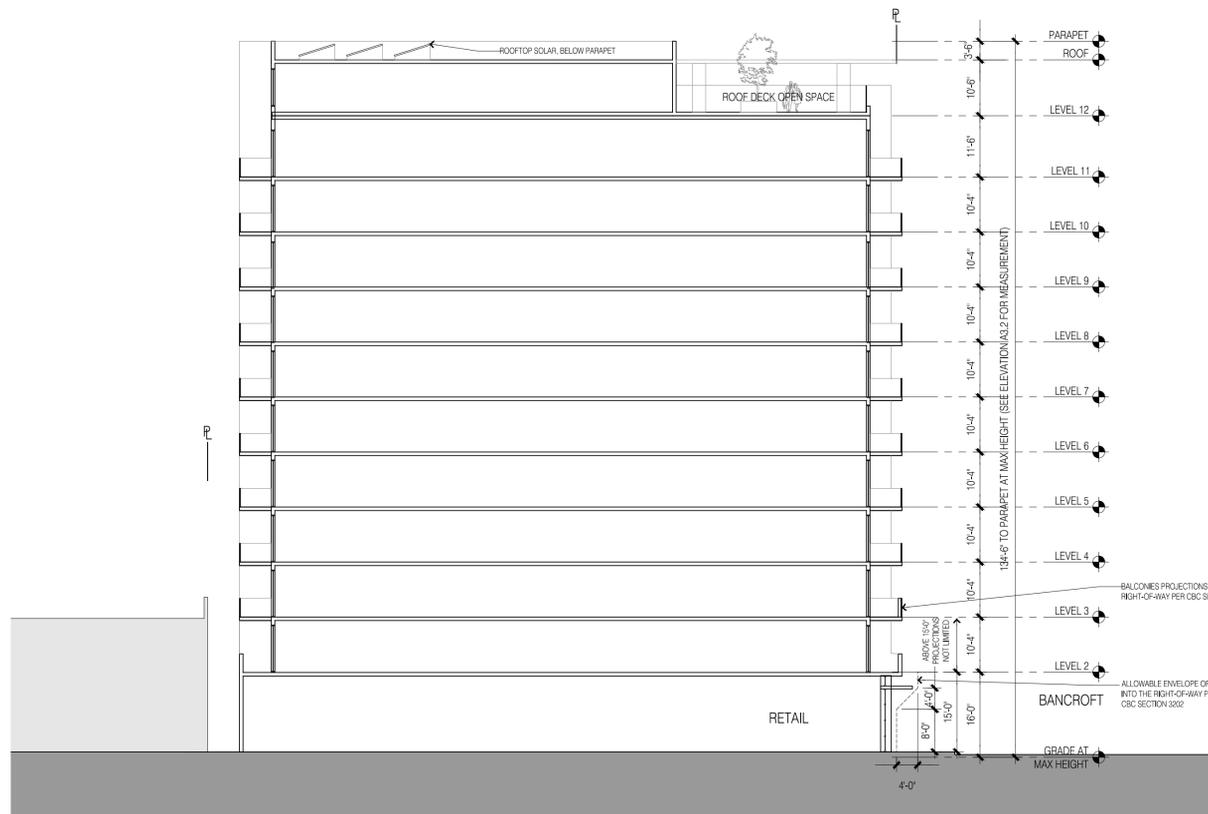
SHEET:

BUILDING
 SECTIONS

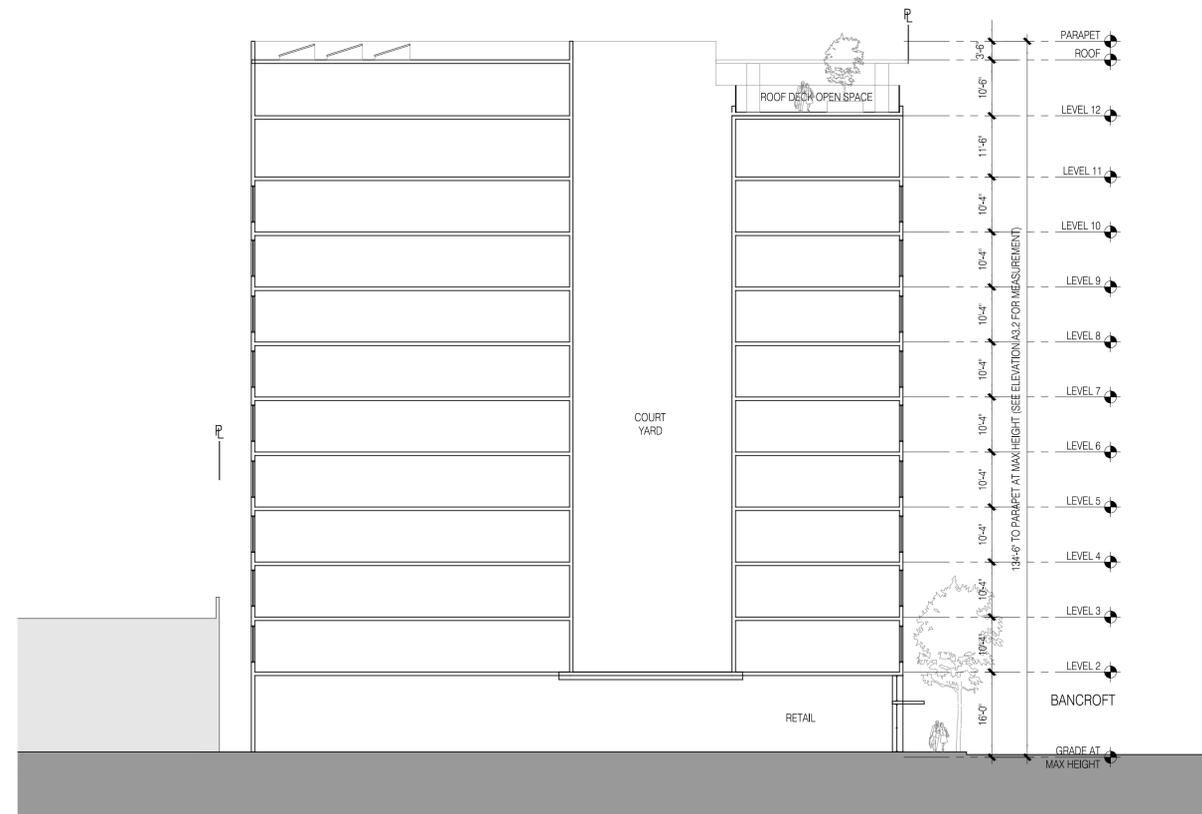
A4.1



3 E-W BUILDING SECTION LOOKING SOUTH
 1/8"=1'-0" @ 11X17 1/16" = 1'-0" @ 24X36



2 BUILDING SECTION AT BALCONIES
 1/8"=1'-0" @ 11X17 1/16" = 1'-0" @ 24X36



1 BUILDING SECTION AT COURTYARD
 1/8"=1'-0" @ 11X17 1/16" = 1'-0" @ 24X36





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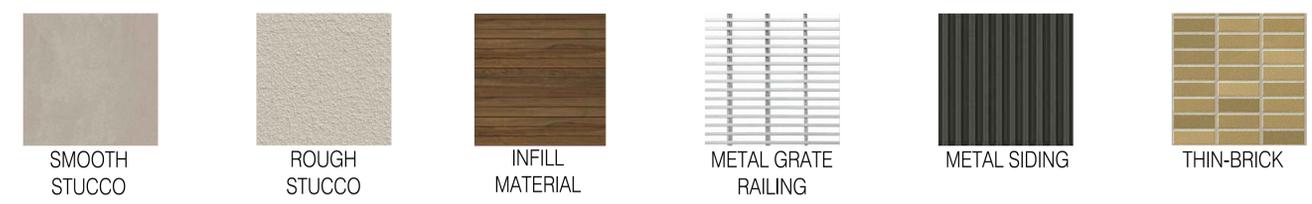
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JOB: 2130

SHEET:
 BUILDING MATERIALS

MAT



ALUMINUM WINDOW TBD "SPECIAL" INFILL MATERIAL METAL GRATE RAILING SMOOTH STUCCO HORIZONTALS ROUGH STUCCO VERTICALS METAL SIDING



1 NORTH ELEVATION
 MAT 3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36



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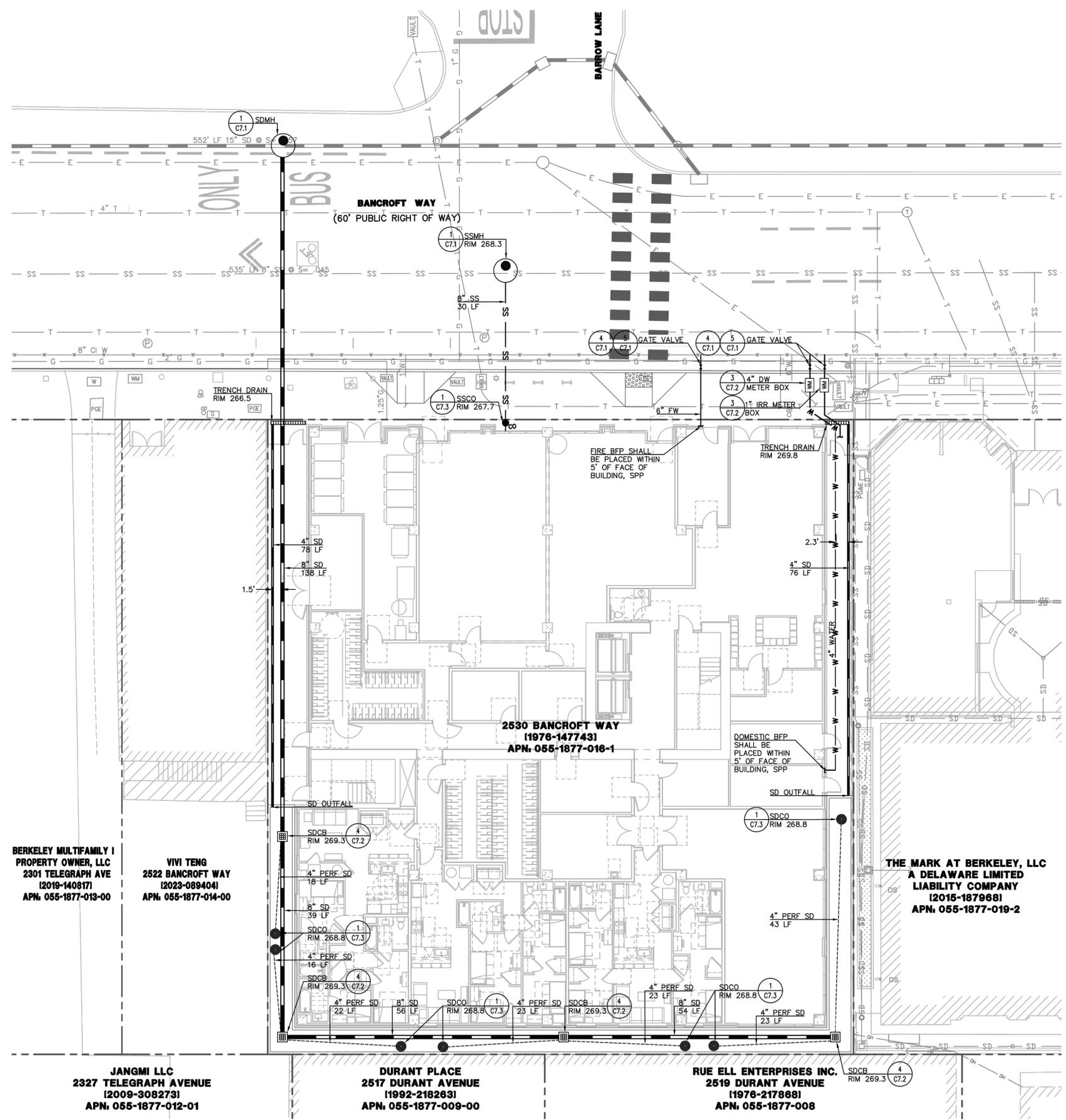
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SHEET:

UTILITY
 PLAN

C4.0



- ABBREVIATIONS:**
- BFP BACK FLOW PREVENTER
 - CB CATCH BASIN
 - CO CLEANOUT
 - DW DOMESTIC WATER
 - FW FIRE WATER
 - IRR IRRIGATION
 - MH MANHOLE
 - PERF PERFORATED
 - SD STORM DRAIN
 - SPP SEE PLUMBING PLANS
 - SS SANITARY SEWER

**BERKELEY MULTIFAMILY I
 PROPERTY OWNER, LLC**
 2301 TELEGRAPH AVE
 (2019-140817)
 APN: 055-1877-013-00

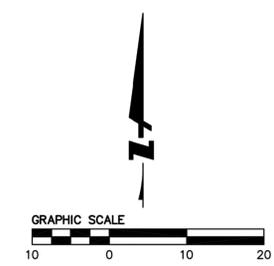
VIVI TENG
 2522 BANCROFT WAY
 (2023-089404)
 APN: 055-1877-014-00

JANGMI LLC
 2327 TELEGRAPH AVENUE
 (2009-308273)
 APN: 055-1877-012-01

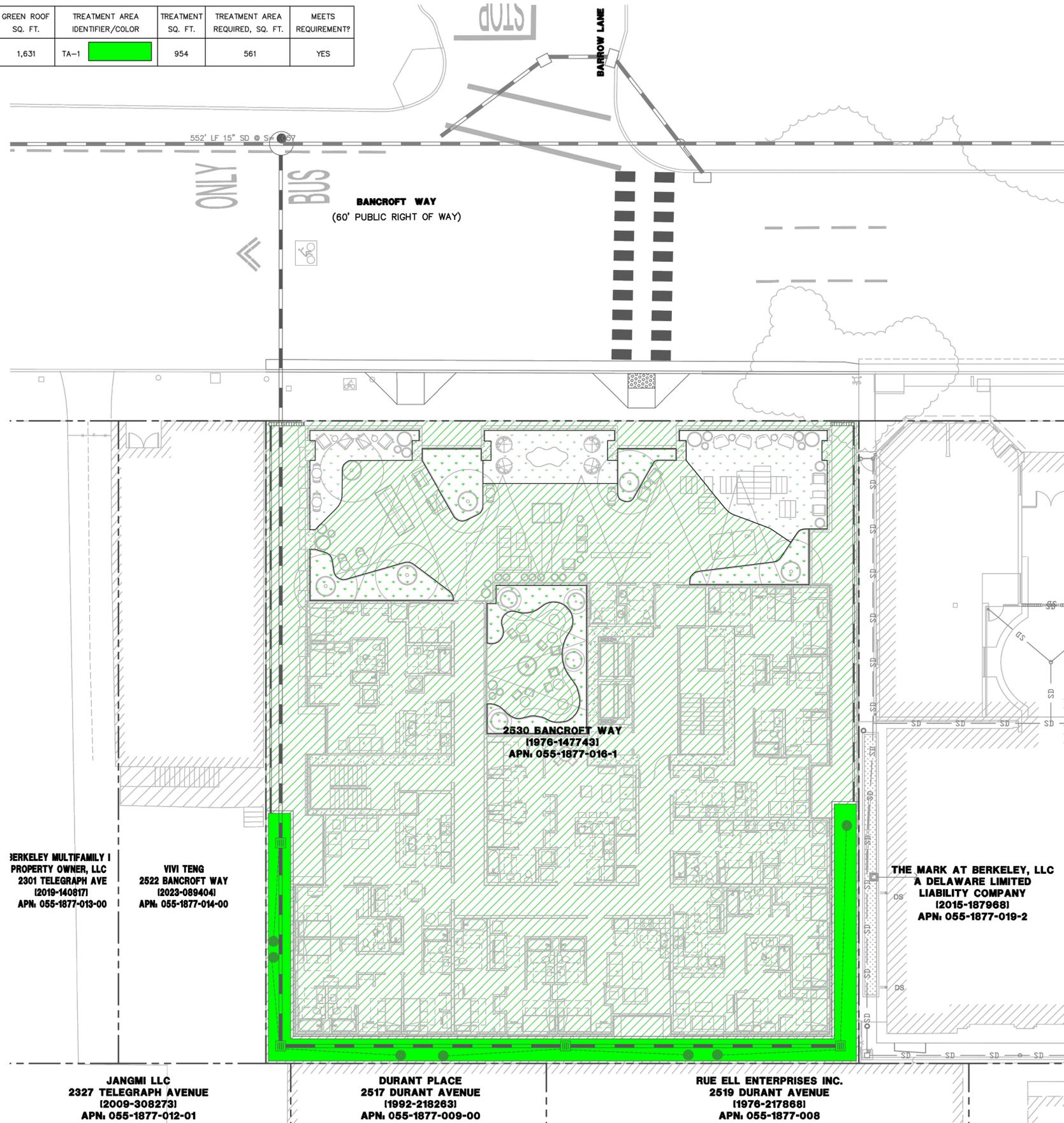
DURANT PLACE
 2517 DURANT AVENUE
 (1992-218263)
 APN: 055-1877-009-00

RUE ELL ENTERPRISES INC.
 2519 DURANT AVENUE
 (1976-217868)
 APN: 055-1877-008

**THE MARK AT BERKELEY, LLC
 A DELAWARE LIMITED
 LIABILITY COMPANY**
 (2015-187968)
 APN: 055-1877-019-2



CATCHMENT AREA IDENTIFIER/COLOR	IMPERVIOUS SQ. FT.	GREEN ROOF AREA	GREEN ROOF SQ. FT.	TREATMENT AREA IDENTIFIER/COLOR	TREATMENT SQ. FT.	TREATMENT AREA REQUIRED, SQ. FT.	MEETS REQUIREMENT?
CA-1 	14,022		1,631	TA-1 	954	561	YES



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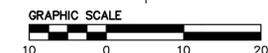
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SHEET:

STORMWATER PLAN

C5.0



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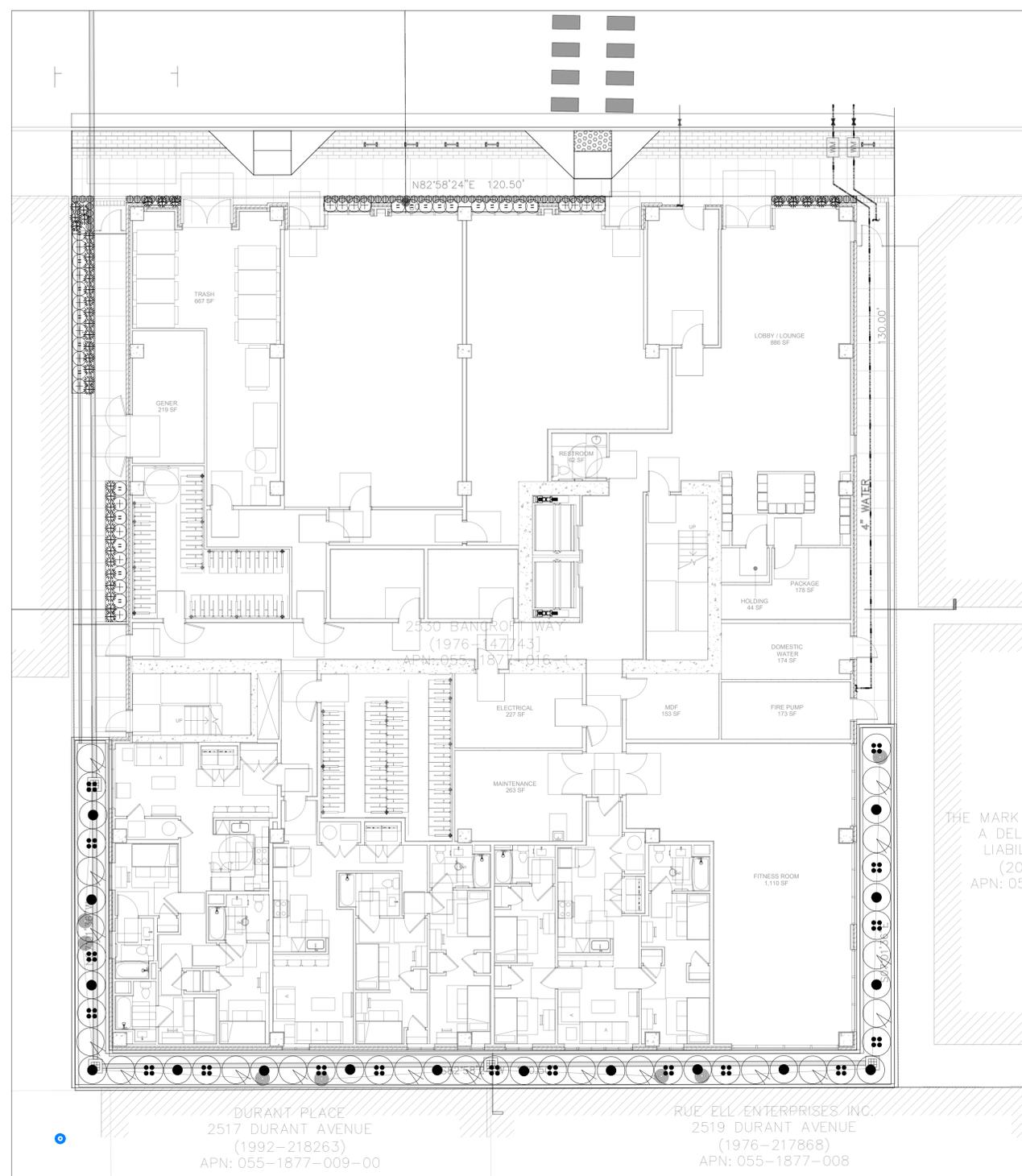
SHEET:

LANDSCAPE
PLAN

L1.00

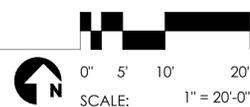
PLANT PALETTE - GROUND LEVEL

SHRUBS							
NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
<i>Salvia greggii</i> 'Red Star' RED STAR AUTUMN SAGE	21	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
<i>Nepeta grandiflora</i> CATMINT	19	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
LID PLANTER							
NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
<i>Baccharis pilularis</i> 'Twin Peaks' DWARF COYOTE BUSH	17	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:6'	36" O.C.	LOW
<i>Erigeron karvinskianus</i> SANTA BARBARA DAISY	17	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:4'	36" O.C.	LOW
<i>Muhlenbergia rigens</i> DEERGRASS	16	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:5'	36" O.C.	LOW
ACCENTS							
NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
<i>Escholzia californica</i> CALIFORNIA POPPY	41	1 GAL	12" HT.	-	H:12" x W:12"	12" O.C.	VERY LOW
GROUNDCOVERS							
NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
<i>Ceanothus hearstiorum</i> CEANOTHUS	66	1 GAL	12" HT.	-	H:6" x W:60"	60" O.C.	LOW
SURFACE MATERIALS:							
NAME							
	SHREDDED HARDWOOD MULCH 3" DEPTH MIN.						



LANDSCAPE PLAN

GROUND LEVEL



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SHEET:

LANDSCAPE
 PLAN

L1.01

PLANT PALETTE - LEVEL 2

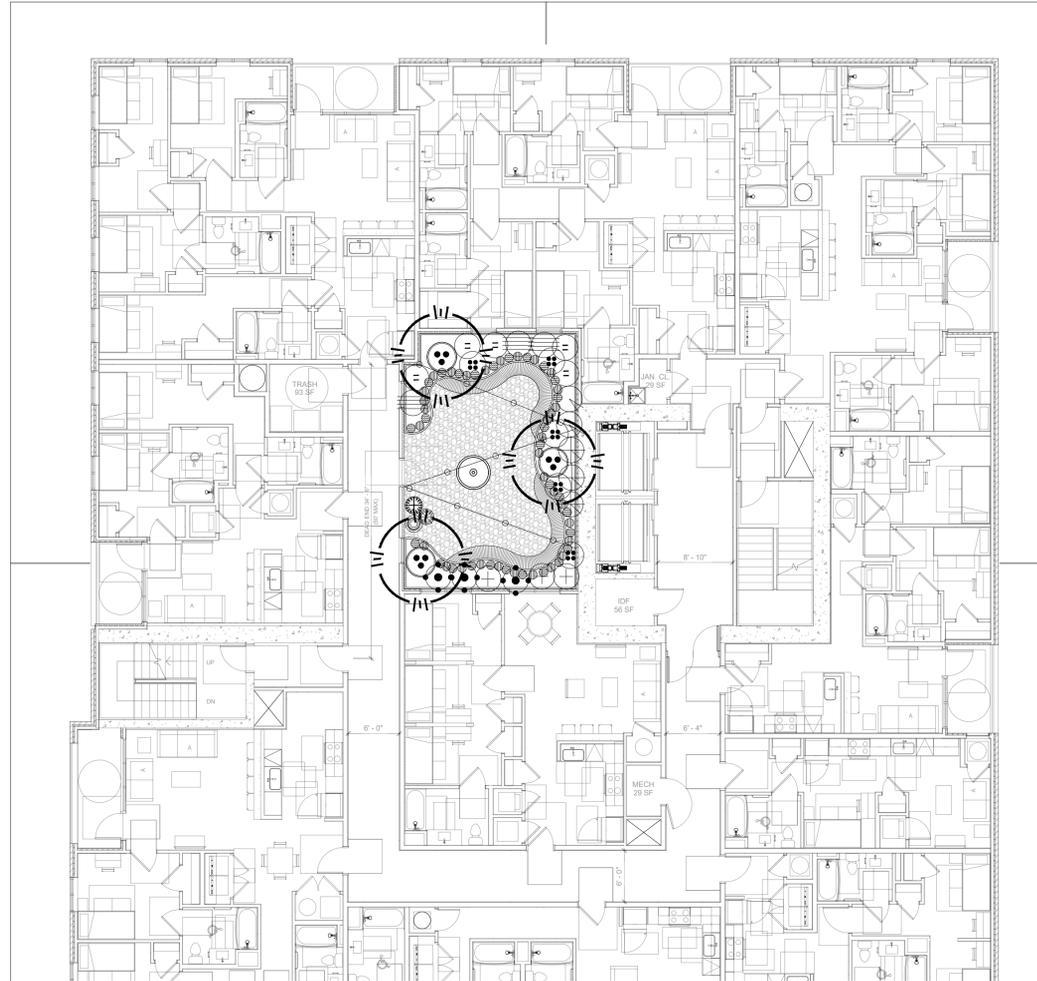
TREES	NAME	QTY.	SIZE	CALIPER	COMMENTS	MATURE	SPACING	WATER REQ.
	<i>Ceanothus velutinus</i> TOBACCO BRUSH	03	24" BOX	3" CAL. MIN.	10' HT. STANDARD	H:12' x W:12'	AS SHOWN	LOW

SHRUBS	NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
	<i>Salvia greggii</i> 'Red Star' RED STAR AUTUMN SAGE	05	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
	<i>Nepeta grandiflora</i> CATMINT	03	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
	<i>Rosmarinus officinalis</i> 'Tuscan Blue' TUSCAN BLUE ROSEMARY	03	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:6'	72" O.C.	LOW
	<i>Salvia clevelandii</i> CLEVELAND SAGE	03	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:6'	60" O.C.	LOW
	<i>Salvia leucantha</i> 'Santa Barbara' SANTA BARBARA SAGE	02	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
	<i>Muhlenbergia lindheimeri</i> LINDHEIMER'S MUHLY	03	5 GAL	24" HT.	HEAVY SPECIMENS	H:4' x W:3'	36" O.C.	LOW
	<i>Lavandula x intermedia</i> LAVENDER	05	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:4'	36" O.C.	LOW

ACCENTS	NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
	<i>Escholzia californica</i> CALIFORNIA POPPY	01	1 GAL	12" HT.	-	H:12" x W:12"	12" O.C.	VERY LOW
	<i>Aristida purpurea</i> PURPLE THREE AWN	01	3 GAL	24" HT.	-	H:36" x W:24"	36" O.C.	LOW
	<i>Deschampsia cespitosa</i> TUFTED HAIRGRASS	01	3 GAL	24" HT.	-	H:36" x W:24"	24" O.C.	LOW

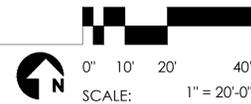
GROUNDCOVERS	NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
	<i>Ceanothus hearstiorum</i> CEANOTHUS	30	1 GAL	12" HT.	-	H:6" x W:60"	60" O.C.	LOW
	<i>Thymus x 'Archer's Gold Lemon'</i> ARCHER'S GOLD LEMON THYME	30	1 GAL	12" HT.	-	H:6" x W:24"	24" O.C.	LOW

SURFACE MATERIALS:	NAME	QTY.
	SHREDDED HARDWOOD MULCH 3" DEPTH MIN.	237 SF



LANDSCAPE PLAN

LEVEL 2



TRACHTENBERG
 ARCHITECTS

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



LANDMARK BANCROFT WAY

2530 Bancroft Way
 Berkeley, CA

09.01.2023 ZONING SUBMITTAL

10.27.2023 ZONING RE-SUBMITTAL

ALL DRAWINGS AND WRITTEN MATERIAL APPEARING
 HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED
 WORK OF THE ARCHITECT AND MAY NOT BE
 DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
 CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2130

SHEET:

LANDSCAPE
 PLAN

L1.02

TREES

NAME	QTY.	SIZE	CALIPER	COMMENTS	MATURE	SPACING	WATER REQ.
 <i>Ceanothus 'Ray Hartman'</i> CALIFORNIA LILAC (CL)	03	24" BOX	3" CAL. MIN.	10' HT. STANDARD	H:16' x W:20'	AS SHOWN	LOW
 <i>Malus floribunda 'Prairie Fire'</i> FLOWERING CRABAPPLE (CA)	03	24" BOX	3" CAL. MIN.	10' HT. STANDARD	H:20' x W:20'	AS SHOWN	MODERATE

SHRUBS

NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
 <i>Salvia greggii 'Red Star'</i> RED STAR AUTUMN SAGE	04	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
 <i>Nepeta grandiflora</i> CATMINT	03	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
 <i>Rosmarinus officinalis 'Tuscan Blue'</i> TUSCAN BLUE ROSEMARY	03	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:6'	72" O.C.	LOW
 <i>Salvia clevelandii</i> CLEVELAND SAGE	03	5 GAL	18" HT.	HEAVY SPECIMENS	H:3' x W:6'	60" O.C.	LOW
 <i>Salvia leucantha 'Santa Barbara'</i> SANTA BARBARA SAGE	04	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:3'	36" O.C.	LOW
 <i>Muhlenbergia lindheimeri</i> LINDHEIMER'S MUHLY	05	5 GAL	24" HT.	HEAVY SPECIMENS	H:4' x W:3'	36" O.C.	LOW
 <i>Lavandula x intermedia</i> LAVENDER	07	5 GAL	30" HT.	HEAVY SPECIMENS	H:3' x W:4'	36" O.C.	LOW

ACCENTS

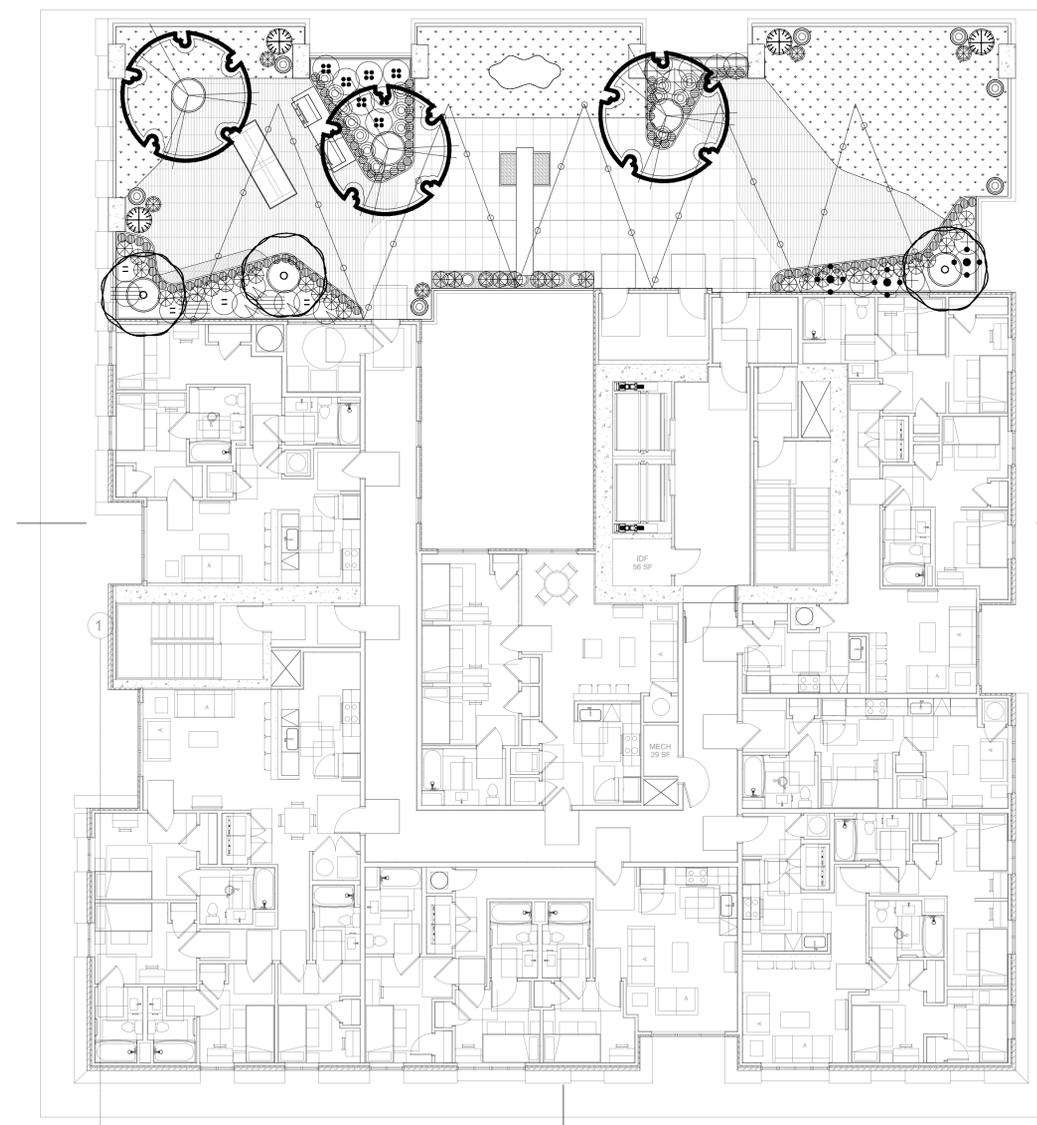
NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
 <i>Escholzia californica</i> CALIFORNIA POPPY	04	1 GAL	12" HT.	-	H:12" x W:12"	12" O.C.	VERY LOW
 <i>Aristida purpurea</i> PURPLE THREE AWN	40	3 GAL	24" HT.	-	H:36" x W:24"	36" O.C.	LOW
 <i>Deschampsia cespitosa</i> TUFTED HAIRGRASS	22	3 GAL	24" HT.	-	H:36" x W:24"	24" O.C.	LOW

GROUNDCOVERS

NAME	QTY.	SIZE	HEIGHT	COMMENTS	MATURE	SPACING	WATER REQ.
 <i>Ceanothus hearstiorum</i> CEANOTHUS	59	1 GAL	12" HT.	-	H:6" x W:60"	60" O.C.	LOW
 <i>Thymus x 'Archer's Gold Lemon'</i> ARCHER'S GOLD LEMON THYME	47	1 GAL	12" HT.	-	H:6" x W:24"	24" O.C.	LOW

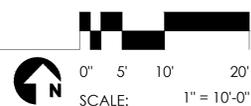
SURFACE MATERIALS:

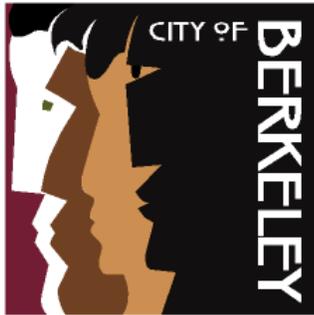
NAME	QTY.
 SHREDDED HARDWOOD MULCH 3" DEPTH MIN.	587 SF



LANDSCAPE PLAN

ROOF LEVEL





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

NOTICE OF PUBLIC HEARING

2530 Bancroft Way

Use Permit #ZP2023-0126 for the demolition of an existing one-story, 15,665 square foot commercial structure and construction of a twelve-story (134.5 feet), 139,833 square-foot mixed use building with 110 dwelling units, including eleven (11) Very Low-Income units and 2,195 square feet of ground floor commercial space. The project applicant seeks a 50 percent Density Bonus (37 units) by providing fifteen (15) percent of the base project units as affordable to Very Low-Income households (11 VLI units)

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

When: Thursday, November 14, 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), Southside Plan – Telegraph Commercial Subarea
- Zoning: Telegraph Avenue Commercial (C-T)

B. Zoning Permits Required:

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

C. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines (“In-fill Development Projects”).

D. Parties Involved:

- Applicant Isaiah Stackhouse, Trachtenberg Architects, Berkeley
- Property Owner Legacy Bancroft Property Owner, LLC (c/o Chris Hart), Athens, Georgia

Further Information:

All application materials are available online at:

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

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

Questions about the project should be directed to the project planner, Lisa Gordon, at (805) 324-7207 or lgordon@rinconconsultants.com or Claudia Garcia, at (510) 981-7412 or cgarcia@berkeleyca.gov.

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

Communication Disclaimer:

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

Written Comments, Communications, and Reports:

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

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

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

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



Accessibility Information / ADA Disclaimer:

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

SB 343 Disclaimer:

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

Notice Concerning Your Legal Rights:

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

1. If you challenge the decision of the City in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice.
2. You must appeal to the City Council within fourteen (14) days after the Notice of Decision of the action of the Zoning Adjustments Board is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States

Constitutions, the following requirements apply:

- A. That this belief is a basis of your appeal.
 - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
 - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above. If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.
-

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

2530 BANCROFT WAY
Berkeley, CA 94704

Neighborhood Meeting Notes
August 29, 2023, 5pm

There were no attendees from 5:00 to 5:25 pm. At 5:25, one person signed on but stayed muted, kept their camera off, and did not provide their name. We were able to communicate through the chat feature and then gave the presentation.

After the presentation, the person asked through the chat how many units there would be, what size the units would be, and how much they would cost. We reviewed the number and sizes of units, that the units are expected to be rentals, and that the rental amounts are not yet known.

We then concluded the meeting at around 6 pm.