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Planning & Development
Land Use Planning Division

February 26, 2026

Staff Response to the Project Details for 2145 Grant Street (Use Permit #ZP2024-0138)

Background

After publication of the ZAB packet on February 19, 2026, supplemental comments were received with concerns for the proposed project and the status of the culverted creek on the property at 2145 Grant Street among other general concerns. This letter provides clarification for ZAB's consideration.

Analysis and Responses

Creek:

- **My understanding is that this property is very close to the path of Strawberry Creek. I'd like to know the current condition of the creek culvert in the vicinity of that property AND a clarification of the policy of the city in building close to the creek. [J. Kurzweil; February 22, 2026]**
- **I question the wisdom of intensifying development on this parcel without also addressing the failure occurring in the Strawberry Creek Culvert. A December 2023 report prepared for the City identifies a twenty foot length of the culvert on this parcel with significant invert (floor) failure that has undermined the culvert wall. The culvert wall is cracked and rotating outward. I find this to be a public safety concern. For those members unaware of the size of this culvert, it is 8 feet wide and 6.5 feet high and I have been told by Public Works that it does flow full during significant rainfall events. [J. Korte; February 24, 2026]**
- **The required construction to support the new stairway would be adjacent to the existing culvert. Would the stair be outside the prohibited area of influence of the culvert? [J. Scanlin; February 25, 2026]**

Staff Response: As prepared in the Boundary and Topographic Survey (Sheet A009) for the property, the Culverted Creek is identified to be along the southern portion of the property. As outlined in the City's procedures Creek Protection and Creek Permit requirements ([Berkeley Municipal Code Chapter 17.08 'Preservation and Restoration of Natural Watercourses'](#)):

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If your property is near a culverted creek, the Creeks Ordinance may apply to new construction located within 25 feet of the culverted creek centerline (measured horizontally). The Creeks Ordinance regulates construction of new structures or construction that expands either the mass or footprint of an existing building within 15 feet of the centerline of a culverted creek. Public Works Department staff will review the application to determine the appropriate setback distance that will both promote safety and allow access for maintenance and repair.

As depicted in the site plan as referenced by the survey, the proposed expansion of the building footprint is not within 15 feet of the centerline of the culverted creek. Thus, no Creek Permit or additional creek protection measures were required during the Zoning Permit. The structural evaluation for the culvert is under the jurisdiction of the Department of Public Works. A survey will also be required during the project's Building Permit phase for further engineering review.

The proposed project does not include structural work within the culvert creek setbacks that would trigger a Creek Permit. All above information was confirmed by the City's Civil Engineer.

General Communications:

- **The current new proposed project would exceed the allowable lot coverage. The request to exceed lot coverage should not be allowed.** [*J. Scanlin; February 25, 2026*]

Staff Response: The project is not proposing to exceed the lot coverage and will not increase the existing nonconformity. The proposal will reduce lot coverage from 45.1 percent to 44.8 percent. Although the lot coverage is still nonconforming, the project satisfies the required finding under Berkeley Municipal Code Section 23.324.050(D)(3), which states that:

The ZAB may approve the Use Permit only if the project does not:

- i. Increase or exacerbate the nonconformity; or
 - ii. Exceed the height limit.
- **The stair to access the proposed new second floor addition would occupy part of the off-street parking area currently used by the occupants of the existing dwellings.** [*J. Scanlin; February 25, 2026*]

Staff Response: As reflected in the proposed site plans (Sheet A102), the proposed addition and expansion of the building footprint will not impact the off-street parking spaces currently on the lot.

Please feel free to reach out to me directly at bfu@berkeleyca.gov for any additional questions.

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