PROCLAMATION
CALLING A SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

In accordance with the authority in me vested, I do hereby call the Berkeley City Council in special session as follows:

Monday, February 23, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. To request to speak, use the "raise hand" function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 227 1983**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@berkeleyca.gov.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream. All Council meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. "Disrupting" means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

***Government Code Section 84308 (Levine Act)** - Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over $500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than $500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.*

Preliminary Matters

Roll Call:

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by the appellant and applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

1. Zoning Adjustments Board Appeal: 2298 Durant, Use Permit Application #ZP2024-0126
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0126 to demolish an existing commercial building, a residential building with 7 rent-controlled dwelling units, and associated parking; merge two lots; and construct an eight story (92 foot), 80,0000 square-foot residential building, with 65 units (5 very low-income, 2 low-income), utilizing a State Density Bonus.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

2. Zoning Adjustments Board Appeal: 2425 Durant Avenue, Use Permit Application #ZP2024-0162
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0162, to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Public Hearings

3a. Zoning Adjustments Board Appeal: 2029 University Avenue, Use Permit Application #ZP2024-0182 (Student Housing-Oriented)
From: City Manager
Recommendation: Conduct a public hearing, and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0182, to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building, containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

3b. Zoning Adjustments Board Appeal: 2029 University Avenue, Use Permit Application #ZP2024-0181 (Multi-Family)
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units, including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.
Financial Implications: None
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Adjournment

I hereby request that the City Clerk of the City of Berkeley cause personal notice to be given to each member of the Berkeley City Council on the time and place of said meeting, forthwith.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the City of Berkeley to be affixed on February 11, 2026.

/s/ Adena Ishii, Mayor

Public Notice – this Proclamation serves as the official agenda for this meeting.

ATTEST:

Date: February 11, 2026.
Mark Numainville, City Clerk

***NOTICE CONCERNING YOUR LEGAL RIGHTS**: If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at: berkeleyca.gov/council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council 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 the City Council, 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 to the City Clerk Department at 2180 Milvia Street. 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 City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas
and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location.
To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

Communications

Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

Item #2: Zoning Adjustments Board Appeal: 2425 Durant Avenue, Use Permit Application #ZP2024-0162

1. Jesse Arreguin
2. Mark Rhoades on behalf of Applicant 2425 Durant LLC

Item #3a: Zoning Adjustments Board Appeal: 2029 University Avenue, Use Permit Application #ZP2024-0182 (Student Housing-Oriented)

Item #3b: Zoning Adjustments Board Appeal: 2029 University Avenue, Use Permit Application #ZP2024-0181 (Multi-Family)

3. Mark Rhoades on behalf of Laconia Development, LLC

Office of the City Manager

PUBLIC HEARING
February 23, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning & Development Department

Subject: Zoning Adjustments Board Appeal: 2298 Durant, Use Permit application #ZP2024-0126

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0126 to demolish an existing commercial building, a residential building with 7 rent-controlled dwelling units, and associated parking; merge two lots; and construct an eight story (92 foot), 80,0000 square-foot residential building, with 65 units (5 very low-income, 2 low-income), utilizing a State Density Bonus.

SUMMARY

On October 30, 2025, the ZAB approved Use Permit #ZP2024-0126 to demolish an existing commercial building, a residential building with 7 rent-controlled dwelling units, and associated parking; merge two lots; and construct an eight story (92 foot), 80,0000 square-foot residential building, with 65 units (5 Very low income, 2 Low-Income), using a State Density Bonus. Under State Density Bonus the project is entitled to two concessions and is requesting a concession from the healthcare coverage for construction workers requirements under BMC Section 13.107.050, and the prevailing wage requirements of the Southside Plan Area under BMC Section 13.108.030. The project approval was based on findings that the project would not be detrimental to the general welfare of the City, aligns with the purpose of the zoning district, encourages the use of public transit, and facilitates the construction of affordable housing.

On November 17, 2025, the ZAB's decision was appealed by Weinberg, Roger & Rosenfeld on behalf of the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"). The Appellants contend that approving a project that includes concessions to waive the City's "HARDHATS" ordinance—apprenticeship training and health care—and the Southside Plan Prevailing Wages requirements would result in a specific, adverse impact on Public Health and Safety as defined in Section 65589.5(d)(2) of state law.

As discussed further below, staff recommends that these concessions are appropriate and that the City cannot make the factual findings necessary to deny them.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On August 6, 2024, the City received an SB330 Preliminary Use Permit (PLN2024-0011) application pursuant to SB330.

On September 5, 2024, the City received an SB330 Use Permit application (ZP2024-0126) and the preliminary application was deemed complete and vested.

On October 4, 2024, the Use Permit application was deemed incomplete.

On October 21, 2024, the Use Permit application was deemed complete.

On February 7, 2025, the Use Permit Application was resubmitted.

On April 18, 2025, the Use Permit Application was resubmitted.

On June 23, 2025, the City mailed notices for the scheduled Landmarks Preservation Commission (LPC) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations for the landmark designation hearing.

On July 7, 2025, the LPC held a public hearing to consider the demolition referral for Use Permit #ZP2024-0126. Following deliberations, the LPC considered the evaluation and took no action.

On July 10, 2025, the Use Permit Application was resubmitted.

On September 11, 2025, the Use Permit Application was resubmitted.

On October 16, 2025, the City mailed notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On October 30, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. See Attachment 3 for the staff report submitted for ZAB consideration. Opponents raised concerns regarding the HARDHATS and Prevailing Wage concessions, contending that these concessions pose specific adverse impacts upon public health and safety. After considering the staff report and the administrative record, and hearing comments from staff, the applicant, and the members of the public,

the ZAB voted to approve the project with a 7-0-0-1 vote (Moved Gaffney, Second: Allen. Ayes: Duffy, Gaffney, Thompson, Mae Palmatier, Allen, Ruth, Yung, Sanderson; Noes: None; Abstain: None; Absent: Choi).

On October 28, 2025 the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"), filed an appeal of the ZAB's decision to approve the project.

BACKGROUND

The subject property includes two lots: 2298 Durant Avenue is approximately 8,460 square feet and 2360 Ellsworth Street is approximately 3,760 square feet. Both lots are relatively flat lots and are located in the R-SMU (Residential Southside Mixed-Use) Zoning District (Figure 1). 2298 Durant Avenue is currently a commercial office (Figure 2), and 2360 Ellsworth Street is a multi-family residential building with seven rent-controlled units (Figure 3). A parking lot is located along the western portion of 2298 Durant Avenue, and a garage is located underneath 2360 Ellsworth Street.

The surrounding area consists of a mix of both commercial and residential uses ranging from one-story commercial buildings to five-story residential buildings. The UC Berkeley campus is one block to the north, and downtown Berkeley is one block to the west. The Downtown Berkeley BART station is 0.4 miles to the northwest.

Figure 1. Zoning

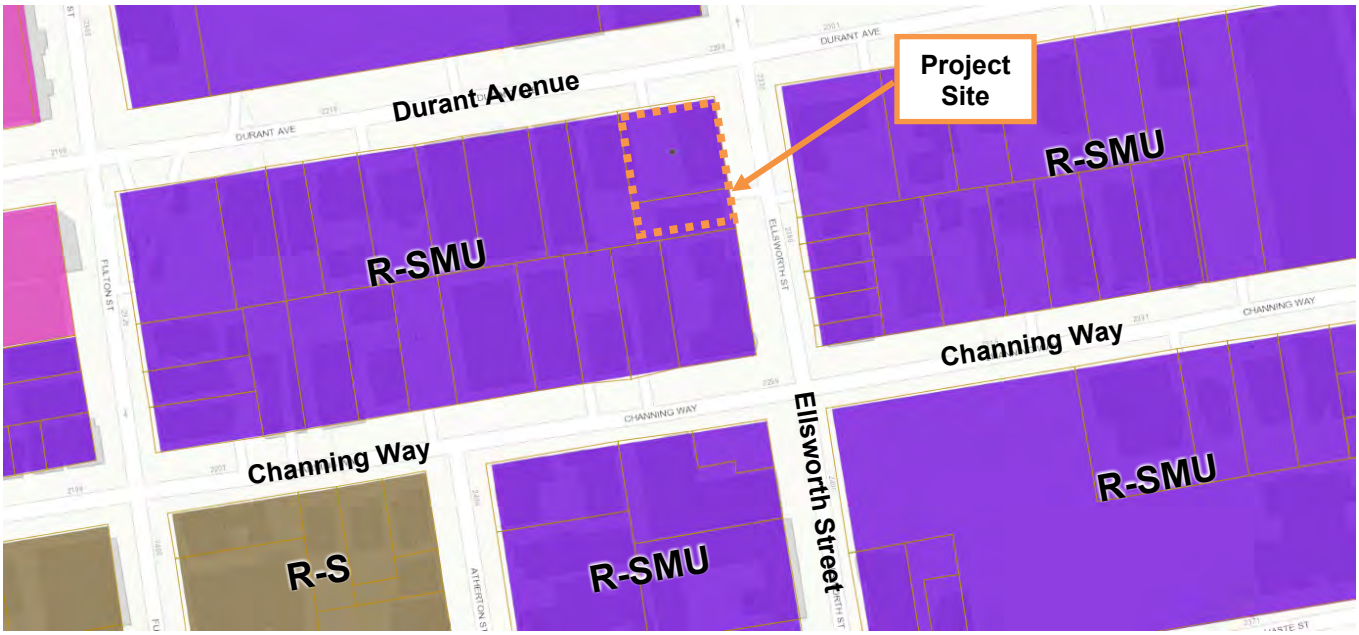

Figure 2. Street View (Durant Avenue)

Figure 3. Street View (Ellsworth Street)

Figure 4. Proposed Project Rendering

The proposed project would demolish the existing commercial building at 2298 Durant Avenue and the residential building with 7 rent-controlled dwelling units at 2360

Ellsworth Street, including the associated parking; merge both lots; and construct an eight-story (91 feet 6 inches), 80,046 square-foot residential building, with 65 units (5 very low-income, 2 low-Income), using State Density Bonus.

Senate Bill 330 (Housing Crisis Act of 2019) and State Density Bonus

The proposed project qualifies as a housing development project under SB 330 and is requesting a density bonus under the State Density Bonus law. The total density bonus is calculated based on the site's base density and the allowable bonus granted for providing affordable housing. The base density reflects the maximum number of units allowed on the site while fully complying with applicable district development standards, including height, setbacks, usable open space, and parking requirements. The density bonus is then determined by the percentage of total units dedicated as affordable and their affordability level. For this site, the base density is 49 units. By proposing 5 very low-income (VLI) units, 10% of the total base units, the project qualifies for a 32.5% density bonus, increasing the maximum allowable density to 65 units (see Table 1: Density Bonus).

Table 1: Density Bonus

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
49	5 VLI (10% of 49)	32.5	16 (32.5% of 49)	65
Notes: Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number. Abbreviations: % = percent				

Concessions are defined in the California Government Code Section 65915[1]. Pursuant to California Government Code Section 65915(d)(1), 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.

[1] Per California Government Code Section 65915(K)(3), concession or incentive also means regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c)

The project is entitled to two concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

- **Healthcare coverage for construction workers (BMC Section 13.107.050)** The applicant is requesting a concession from the healthcare requirement of the "HARDHATS" ordinance.

- **Prevailing wage for construction workers (BMC Section 13.108.030).** The applicant is requesting a concession from the prevailing wage requirements of the Southside Plan Area.

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 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.

The applicant is requesting five waivers from the following development standards:

1. **Usable Open Space: Southside**. Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required, and it will only consist of indoor amenity space (BMC Section 23.304.090(D) "Southside Plan Area Shared Indoor Residential Amenities").

2. **Usable Open Space.** Provide no landscaped Useable Open Space, where 40 percent of required outdoor Useable Open Space must be landscaped.

3. **Height.** Exceed the 85-foot height limit and permit a 92-foot building.

4. **Bicycle Parking.** Provide no long-term bicycle parking, where 99 long-term spaces are required.

5. **Tree Removal.** Remove the camphor street tree on Durant Avenue, where street tree removal requires the City Arborist's approval.

RATIONALE FOR RECOMMENDATION

The main issues raised in the Appellant's letter (Attachment 2) and staff responses are detailed below. For the sake of brevity, all the appeal issues are not re-stated in their entirety.

I. The HARDHATS Ordinance and the Prevailing Wage Ordinance Are Proper Concessions under the Density Bonus Law.

As discussed above, State Density Bonus Law (SDBL) requires municipalities to award a density bonus when a developer agrees to dedicate a certain percentage of the overall units in a development to affordable housing. Developers of these projects are entitled to request a certain number of incentives or concessions, which municipalities must grant absent limited exceptions. (Gov. Code § 65915(d).)

A concession or incentive is regulatory relief that a developer can use to reduce the costs of building affordable housing. (*See id.* § 65915(d)(1).) A concession under the SDBL can be a reduction in site development standards or a modification of zoning code requirements or architectural design requirements or approval of mixed-used zoning in compatible areas not already so zoned. (*Id.* § 65915(k)(1-2).) Another appropriate subject of a concession is any "other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs…" (Gov. Code § 65915(k)(3).)

As discussed above, the Applicant has requested the following two concessions:

(1) Exemption from the "Health Care Expenditures" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050

(2) Exemption from the "Prevailing Wage requirements" in the Southside Plan as required by BMC Section 13.108(A)

Appellants argue that these provisions are not the appropriate subject of a concession because they do not pertain to development standards. However, under the plain language of the SDBL, a concession need not be related to the physical characteristics of the development; rather, Section 65915(k)(3) is a catch-all provision that provides a concession may be a waiver of *any* regulation if such waiver results in identifiable and actual cost reductions to the Applicant. (*See* Gov. Code § 65915(k)(3).)

Therefore, each of the concessions requested here is appropriate because each requests relief from a regulation where such relief would result in identifiable and actual cost reductions to the Applicant.

BMC Section 13.107.050 requires developers to provide health care expenditures on behalf of each covered construction worker in addition to hourly wages. The Applicant has reported to the City that this concession would result in cost savings of $2,131,000.

BMC Section 13.108(A) requires developers to pay all covered construction workers the general prevailing rate of per diem wages as set forth in Section 1771 of the California Labor Code, which is typically higher than market wages. This provision also imposes administrative burdens such as payroll tracking and reporting requirements. The Applicant has reported to the City that this concession would result in cost savings of $7,707,000.

Accordingly, each of the requested concessions would result in "actual" and "identifiable" cost reductions to the Applicant.

II. None of the State Density Bonus Law Exceptions Apply.

The SDBL mandates that cities grant a requested concession or incentive, subject to the following very limited exceptions:

> (A) The concession or incentive does not result in identifiable and actual cost reductions…to provide for affordable housing costs…
>
> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety… for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law.

(Gov. Code, § 65915(d)(1) (emphasis added).) Notably, the City "bears the burden of proof for the denial of a requested concession or incentive." (Gov. Code § 65915(d)(4).)

The Appellant asserts both that the requested concessions would not result in identifiable and actual cost reductions and that the concessions would have a specific, adverse impact upon public health and safety.

A. The City cannot show that requested concessions would not result in identifiable and actual cost reductions.

As stated above, the City could permissibly reject any of the two requested concessions upon a finding based on substantial evidence that they would not result in "identifiable and actual cost reductions." (Gov. Code, § 65915(d)(1)(A).)

Staff advise, however, that the City cannot make this showing. Consistent with Section 65915(a)(2), subsequent to the filing of this Appeal the City requested reasonable documentation from the Applicant regarding the cost reductions that would accrue from each of the concessions at issue. As discussed above, the information from the Applicant confirms that each of the requested concessions would result in identifiable and actual cost reductions. The City has no information to make any findings otherwise and thus cannot make a finding based on substantial evidence that this exception applies.

B. The City cannot meet its statutory burden to show that the requested concessions would have a specific, adverse impact upon public health and safety.

Next, the City could permissibly deny the concessions if it made findings supported by substantial evidence that the concessions would have a "specific, adverse impact" upon public health and safety. (Gov. Code, § 65915(d)(1)(B).)

"Specific, adverse impact" is defined as "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." (Gov. Code, § 65589.5(d)(2).) "It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety…arise infrequently." (Gov. Code, § 65589.5, subd. (a)(3).

Staff advise that based on this standard, Appellants have not provided adequate evidence that the concessions at issue meet the criteria for a "specific, adverse impact," nor does the City have other sufficient evidence on which to make such a finding. Therefore, staff advise that the City cannot make a finding based on substantial evidence that this exception applies.

For these reasons, staff recommend that the appeal be dismissed.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. It 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, located within city limits on fewer than five acres and surrounded by urban uses, has no habitat value for endangered, rare, or

threatened species. Its approval would not cause significant impacts related to traffic, noise, air quality, or water quality, and the site can be adequately served by required utilities and public services. Furthermore, none of the CEQA Guidelines Section 15300.2 exceptions apply: the site is not in an environmentally sensitive area; cumulative impacts would not be significant; no unusual circumstances exist that would cause environmental effects; it is not near a designated scenic highway; it is not listed under Government Code Section 65962.5; and the project would not substantially affect any historical resource.

CONTACT PERSON
Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Robert Rivera, Senior Planner, (510) 981-7480

Attachments:
1: Draft Resolution
    Exhibit A: Findings, October 30, 2025
    Exhibit B: Conditions of Approval, October 30, 2025
    Exhibit C: Project Plans, May 28, 2025
2: ZAB Decision Appeal Letter, received November 17, 2025
3: ZAB Packet (Staff Report and attachments), dated October 30, 2025
4: Public Hearing Notice
5: Index to Administrative Record
6: Administrative Record

RESOLUTION NO. ##,###N.S.

DENY THE APPEAL AND AFFIRM THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE USE PERMIT #ZP2024-0126 TO DEMOLISH AN EXISTING COMMERCIAL BUILDING AND AN EXISTING RESIDENTIAL BUILDING, INCLUDING 7 RENT-CONTROLLED DWELLING UNITS, AND CONSTRUCT AN 8-STORY (92 FEET), APPROXIMATELY 80,000-SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING 65 DWELLING UNITS, INCLUDING 5 VERY LOW-INCOME (VLI), AND 2 LOW-INCOME (LI) UNITS.

WHEREAS, on August 6, 2024, the applicant submitted a Preliminary Use Permit application (PLN#2024-0011); and

WHEREAS, on September 5, 2024, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0011); and

WHEREAS, on September 5, 2024, the applicant submitted a Use Permit application (ZP#2024-0126); and

WHEREAS, on October 21, 2024, the Use Permit application was deemed complete; and

WHEREAS, on February 7, 2025, the Use Permit Application was resubmitted; and

WHEREAS, on April 18, 2025, the Use Permit Application was resubmitted; and

WHEREAS, on June 23, 2025, the City mailed public hearing notices for the scheduled Landmarks Preservation Commission (LPC) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations to consider the demolition referral; and

WHEREAS, on March 6, 2025, LPC held a public hearing on the demolition referral and received public comments. Following deliberations, the LPC considered the evaluation and took no action; and

WHEREAS, on July 10, 2025, the Use Permit Application was resubmitted; and

WHEREAS, on September 11, 2025, the Use Permit Application was resubmitted; and

WHEREAS, on October 16, 2025, the City mailed notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on October 30, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and the members of the public, the ZAB voted to approve the project with a 7-0-0-1 vote; and

WHEREAS, on October 28, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") filed an appeal of the ZAB's decision to approve the project; and

WHEREAS, on or before February 9, 2026, staff posted the public hearing notice at the site and three nearby locations and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal; and

WHEREAS, on February 23, 2026, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby affirms the decision made by ZAB to approve a Use Permit #ZP2024-0126; adopts the Findings in Exhibit A and Conditions of Approval in Exhibit B; and adopts the project plans in Exhibit C.

Exhibits
A: Findings, October 30, 2025
B: Conditions of Approval, October 30, 2025
C: Project Plans, dated May 28, 2025

LAND USE PLANNING

Zoning Adjustments Board Findings

APP # ZP2024-0126 **October 30, 2025**

Use Permit for a Project at 2298 Durant Avenue and 2360 Ellsworth Street

Quick Facts	Project Description:
Applicant: Austin Springer, Studio KDA **Project Address:** 2298 Durant Avenue **Site Size:** 12,220 sq. ft. **GP Land Use:** Residential Mixed Use (RMU) **Zoning:** Residential Southside Mixed Use (R-SMU **CEQA:** Section 15332 "In-Fill Development Projects" **Date Submitted:** September 5, 2024 **SB 330 Vesting Date:** August 6, 2024 **Date Deemed Complete:** October 21, 2024 **Project Planner:** Allison Riemer	The applicant is seeking approval to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot), 80,000 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus. **Permits Requested:** A Use Permit Public Hearing is required for the following permits: 1. **Demolition.** BMC Section 23.326.020(B) **"General Requirements"** to demolish a dwelling. * 2. **Demolition.** BMC Section 23.326.030(A)(3) **"Eliminating Dwelling Units through Demolition"** to demolish a building constructed before June 1980 on a property containing two or more dwelling units. * 3. **Demolition.** BMC Section 23.326.070(A) **"Main Non-Residential Building"** to demolish a non-residential building. * 4. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a multi-family use. 5. **Height Projection** BMC Section 23.304.050 (A) "**Projections Above Height Limits"** exceed height limit with a rooftop projection. 6. **Fence** BMC Section 23.304.080(A) "**Permits Required**" *Denotes required findings. **Density Bonus:** **Waivers** • Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required. • Provide no landscaped Useable Open Space. • Exceed the 85-foot height limit and permit a 92-foot building. • Provide no long-term bicycle parking. • Remove camphor tree on Durant Avenue. **Concessions** • Healthcare coverage for construction workers (BMC Section 13.107.050) • Prevailing wage for construction workers (BMC Section 13.108.030) **Staff Recommendation:** Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects") and approve ZP2024-0126 pursuant to Section 23.406.040(E) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval.

I. CEQA

The project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects").

Evidence: The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the 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.

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 significant cumulative impacts, (c) there are no significant effects due to unusual circumstances, (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 an historical resource.

II. FINDINGS FOR APPROVAL

1. As required by BMC Section 23.406.040(E)(1) "**Findings for Approval**," to approve a Use Permit, the ZAB shall find that the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

Evidence: The project will not be detrimental to the health safety, peace, morals, comfort or general welfare of persons residing or visiting in the area because the project will replace a commercial building and a residential building with seven units with a new residential building with 65 units, which is a use that already exists in the area. The setbacks will exceed what is required, the proposed Floor Area Ration (FAR) is 6.54 where 7 is the maximum, and the proposed lot coverage is 84.4 percent, where 100 percent is allowed. Waivers for an increased height, reduced useable open space, and no interior (long-term) bike parking are permissible pursuant to State Density Bonus Law.

(b) Will not 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.

Evidence: Findings can be made for adding a residential building with 65 units in the R-SMU District, where multi-family residential buildings are allowed:

Sunlight: According to the shadow studies submitted for the project, new shadows will affect dwellings in the existing single and multi-family buildings west, north, northeast, and southeast of the site, casting new shadows on the winter and summer solstice two hours after sunrise, at noon, and two hours before sunset.

Shadow impacts on adjacent dwellings are to be expected, because the subject site is in the R-SMU district, which allows heights of up to 85 feet by right. A waiver is allowed for a height beyond 85 feet to accommodate the density bonus units.

Based on the shadow analysis provided by the applicant, shadow impacts to neighboring residences will be limited to certain times of year, and during certain hours of the day, and shadow impacts will not be detrimental. Therefore, though the project will create new shadow impacts on neighboring residences, the projected impacts will be in line with what is expected within a built urban environment.

2. As required by BMC Section 23.406.040(E)(2) "**Findings for Approval**," to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

Density Bonus

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 49 units;
   2. The project will provide at least 5 qualifying units in the 49-unit base project, as more fully set forth in Condition 35;
   3. The project is entitled to a density increase of 32.5 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of up to 16 units above the base project, for a total of up to 65 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. Healthcare coverage for construction workers (BMC Section 13.107.050); and

   2. Prevailing wage for construction workers (BMC Section 13.108.030).

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 housing costs, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

D. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.

1. Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required.
2. Provide no landscaped Useable Open Space.
3. Exceed the 85-foot height limit and permit a 92-foot building.
4. Provide no long-term bicycle parking.
5. Remove the camphor tree on Durant Avenue.

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.

Housing Accountability Act

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.

Evidence: The project includes construction of 65 units. Because the base project complies with applicable, objective general plan and zoning standards, Section 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.

3. As required by BMC Section 23.406.040(E)(3) "**Findings for Approval**," when taking action on a Use Permit, the ZAB shall consider in its findings:

   (a) The proposed land use;

   Evidence: The proposed land use meets the findings for approval because the proposed multi-family residential use is consistent with the R-SMU District purposes. One of the purposes of the R-SMU District is to "implement General Plan and Southside Plan policy by encouraging high-density, multi-story residential development close to major shopping, transportation, and employment centers." The project provides a high-density multi-story residential development near the UC Berkeley campus, Downtown Berkeley, and the Downtown Berkeley BART station.

   (b) and the structure or addition that accommodates the use.

   Evidence: The proposed eight-story residential building meets the findings for approval because it meets the R-SMU District development standards, with waivers to allow for a State Density Bonus.

4. As required by BMC Section 23.406.040(E)(4) "**Findings for Approval**," required findings shall be made based on the circumstances existing at the time a decision is made on the application.

   Evidence: This finding is met because the application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, site context, and plans received September 11, 2025.

5. As required by BMC Section 23.406.040(E)(5) "**Findings for Approval**," the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings.

   Evidence: This finding does not apply because all required findings for approval can be made based on the submitted documents.

PLANNING AND DEVELOPMENT

USE PERMIT ZP2024-0126 CONDITIONS OF APPROVAL

October 30, 2025

2298 Durant Avenue and 2360 Ellsworth Street

Use Permit #ZP2024-0126 to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot), 80,000 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
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 BMC 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. **HARD HATS (BMC Section 13.107).** Pursuant to BMC Chapter 13.107 "Establishing Healthcare and Apprenticeship Standards for Private Development" projects within City limits consisting of construction of either a new building, addition to an existing building, alteration of existing floor area, or demolition of 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. The combination of alterations, additions and/or demolition that impacts 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. This includes compliance with the requirements contained in BMC Sections 13.107.040 - 13.107.090.

   A. Prior to Building Permit issuance and during project construction, the applicant shall comply with the following sections and submit the required document(s):

      i. BMC Section 13.107.040(a)-(d), Apprenticeship Requirements

      ~~ii. BMC Section 13.107.050(a)-(e), Health Care Expenditures~~

iii. Submit: Contractor Prequalification Questionnaire

B. At the time Building Permit Issuance, the applicant shall comply with the following section and submit the required document(s):
   i. BMC Section 13.107.060, Required Applicant and Contractor Statements
   ii. Submit: Applicant Declaration
   iii. Submit: Statement of Compliance seven days before contractor starts work

C. Within 30 Days of completing each contractor's respective work
   i. BMC Section 13.107.060, Required Applicant and Contractor Statements
   ii. Submit: Contractor Satisfaction Statement

D. Prior to Issuance of Certificate of Occupancy, or prior to approved final inspection for alterations, additions, or demolition projects that do not change the occupancy class of the structure or space:
   i. BMC Section 13.107.060, Required Applicant and Contractor Statements
   ii. Submit: Applicant Certification of Compliance

E. During Project Construction, the applicant shall comply with the following sections:
   i. BMC Section 13.107.070(a)-(b), Notice and Posting
   ii. BMC Section 13.107.080, Retaliation Prohibited

F. On-Going and at least three years after receiving approved Final Inspection, the applicant shall comply with the following section:
   i. BMC Section 13.107.090, Retention of Records

10. **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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

11. **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 BMC Chapter 13.104 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
12. **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 BMC Chapter 13.104; (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.
13. **Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060).** The requirements of BMC 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 BMC Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.
14. **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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

15. **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 #

16. **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 Section 16.28.030 Assignment and Installation of Numbers, 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.

17. **Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

18. **Construction Noise Reduction Program.** The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070, Prohibited Acts. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

    A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.

    B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

    C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.

    D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.

E. Prohibit unnecessary idling of internal combustion engines.

F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.

H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

19. **Damage Due to Construction Vibration.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall 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

20. **Compliance with Conditions of Approval and Environmental Mitigations.** The building permit application is subject to verification of compliance of these Conditions of Approval. 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)

21. **Prior Rental Rate.** Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if asked to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

22. **Occupied Units- Requirement for Relocation Expenses.** Pursuant to BMC Section 23.326.030(A)(5)(c) (prior demolition ordinance):

    (i) The applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and

    (ii) Shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation that includes an overall building tenant relocation plan and relocation agreements all applicable tenant households prior to submittal for building permits.

23. **Sitting Tenants Rights.** Pursuant to BMC Section 23.326.030(A)(5)(d) (prior demolition ordinance):

    (i) Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and

    (ii) Tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.

    (iii) Income restrictions do not apply to displaced tenants.

24. **Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

25. **Construction 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.
26. **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.
27. **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.
28. **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

29. **Parcel Merger/Lot Line Adjustment.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.

30. **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.

31. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

32. **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 at RecyclingProgram@berkeleyca.gov.

33. **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

34. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

35. **Below Market Rate Units. Five** Very-Low Income, and **two** Low Income Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to Section II, Density Bonus, of the permit Findings 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)**,** BMC Section 23.328.030(A) Affordable Housing Requirements**,** and BMC Section 23.326.030 Eliminating Dwelling Units through Demolition **(previous ordinance).** All affordable units provided as replacement units pursuant to the Staff Report shall be designated as BMR Units. Any Extremely-Low Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Summary table of project BMR units			
Code Section	**Extremely-Low Income (30% AMI)**	**Very-Low Income (50% AMI)**	**Low Income (80% AMI)**
BMC Chapter 23.328 (Inclusionary Housing)		5	2
State Density Bonus Law (Gov. Code Section 65915)		5	
BMC Chapter 23.326 (Demolition, prior version)		5	2
Total		5	2

36. **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.

37. **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 $844,321,39. Any adjustments to the fee and the final fee amount 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:

38. **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.

39. **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.

40. **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:

41. **Construction Hours.** Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

42. **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.

43. **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.

44. **Public Works - Implement Bay Area Air District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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.

45. 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 BAAD 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.

46. **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.

47. **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.)

48. **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.

49. **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.

50. **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.

51. **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.

52. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

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

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

    B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

    C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be 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.

54. **Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

55. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

56. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

57. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

58. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

59. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.

60. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

61. **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 .

62. **Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

63. All landscape, site and architectural improvements shall be completed per the attached approved drawings received October 22, 2025.

64. **Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC 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 BMC 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 BMC Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

    C. Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

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

66. **Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
67. **Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
68. **Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
69. **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.
70. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
71. **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.
72. **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.
73. **Required Bike Parking.** Secure and on-site bike parking for at least 7 bicycles (exterior/short-term) shall be provided for the life of the building.

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NHAN NGUYEN LE
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3111 CASTRO VALLEY BLVD
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CASTRO VALLEY, CA 94546

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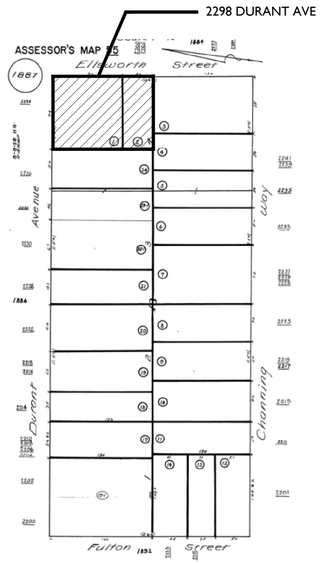
TEL: (707) 242-1939

CHRISTIAN MACKE
cmacke@122westdesign.com

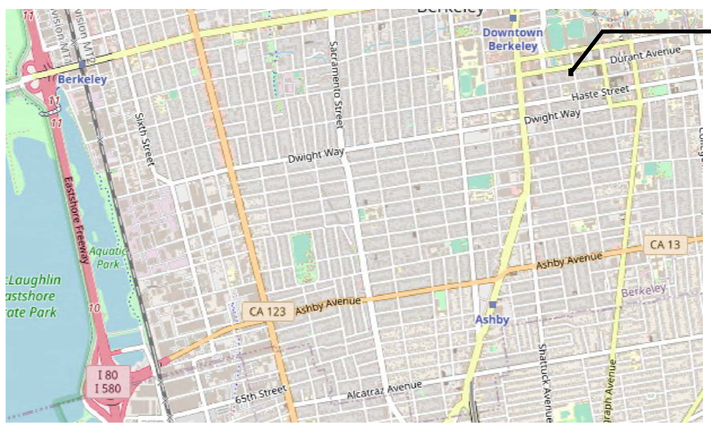
HENRY NARIGON
henry.narigon.la@gmail.com

7 PROJECT TEAM



3 ASSESSORS PARCEL MAP

5 LOCATION MAP
N.T.S.



4 VICINITY MAP
N.T.S.

THE SITE'S REDEVELOPMENT WILL INCLUDE THE DEMOLITION OF BOTH EXISTING BUILDINGS AT 2298 DURANT AVE (A 2-STORY COMMERCIAL BUILDING) AND AT 2360 ELLSWORTH STREET (A 3-STORY RESIDENTIAL BUILDING OVER A 1-STORY PARTIALLY SUBTERRANEAN PARKING GARAGE). THE TWO EXISTING LOTS WILL BE MERGED INTO ONE CONTIGUOUS LOT WHOSE FRONT IS ALONG DURANT AVE AND WILL TAKE THE ADDRESS OF 2298 DURANT AVE.

PROPOSED IS AN 8-STORY RESIDENTIAL BUILDING, CONSISTING OF 65 UNITS AND 80,046 GSF OF BUILDING AREA. UNITS INCLUDE 2, 5, & 6 BEDROOM UNITS - ALL WITH IN-UNIT LAUNDRY. THE GROUND FLOOR INCLUDES A GENEROUS LOBBY, TENANT AMENITY SPACES, AND BUILDING UTILITY SPACES FOR ELECTRICAL AND TRASH THAT EXIT DIRECTLY TO ELLSWORTH STREET. OTHER COMMON SPACES INCLUDE AN INDOOR AMENITY AT THE GROUND FLOOR AND A ROOF DECK AT THE 8TH FLOOR.

2 PROJECT DESCRIPTION

1 SHEET INDEX

SHEET NUMBER	SHEET TITLE	08/09/24 - SB330 APP.	09/05/24 - ENT APP.	02/07/25 - 1ST RESUB	04/16/25 - 2ND RESUB	05/28/25 - 3RD RESUB
	GENERAL SHEETS					
G-000	TITLE SHEET	•	•	•	•	•
G-100	SITE PHOTOS		•	•	•	•
G-101	STREET STRIP ELEVATIONS		•	•	•	•
G-102	STREET STRIP ELEVATIONS			•	•	•
G-200	SHADOW STUDY - EXISTING		•	•	•	•
G-201	SHADOW STUDY - PROPOSED		•	•	•	•
G-202	SHADOW STUDY - EXISTING - W/ SHADOWS			•	•	•
G-203	SHADOW STUDY - PROPOSED - W/ SHADOWS			•	•	•
G-210	SHADOW STUDY - ADJACENT BLDG IMPACTS		•	•	•	•
	CIVIL DRAWINGS					
C0.0	COVER SHEET	•	•	•	•	•
C0.1	ABBREVIATIONS & LEGEND		•	•	•	•
C0.2	NOTES			•	•	•
C1.0	TOPOGRAPHIC SURVEY & DEMO PLAN		•	•	•	•
C2.0	SITE PLAN		•	•	•	•
C3.0	UTILITY PLAN		•	•	•	•
C4.0	GRADING PLAN		•	•	•	•
C4.1	GRADING PLAN		•	•	•	•
C4.2	SECTIONS		•	•	•	•
C5.0	STORMWATER CONTROL PLAN		•	•	•	•
C5.1	STORMWATER CONTROL PLAN			•	•	•
C6.0	EROSION CONTROL PLAN			•	•	•
C7.0	DETAILS			•	•	•
C7.1	DETAILS			•	•	•
C7.2	DETAILS		•	•	•	•
C7.3	EROSION CONTROL DETAILS			•	•	•
C7.4	CITY OF BERKELEY DETAILS			•	•	•
1 of 2	ALTA SURVEY - 2298 DURANT	•	•	•	•	•
2 of 2	ALTA SURVEY - 2298 DURANT	•	•	•	•	•
1 of 2	ALTA SURVEY - 2360 ELLSWORTH	•	•	•	•	•
2 of 2	ALTA SURVEY - 2360 ELLSWORTH	•	•	•	•	•

SHEET NUMBER	SHEET TITLE	08/09/24 - SB330 APP.	09/05/24 - ENT APP.	02/07/25 - 1ST RESUB	04/16/25 - 2ND RESUB	05/28/25 - 3RD RESUB
	LANDSCAPE DRAWINGS					
L-1.0	LANDSCAPE PLAN - GROUND FLOOR		•	•	•	•
L-1.1	LANDSCAPE PLAN - 8TH FLOOR		•	•	•	•
L-3.0	PLANTING PLAN - GROUND FLOOR			•	•	•
L-3.1	PLANTING PLAN - 8TH FLOOR			•	•	•
L-3.2	PLANTING SCHEDULE			•	•	•
L-3.3	PLANTING DETAILS			•	•	•
L-4.0	IRRIGATION HYDRO PLAN - GROUND FLOOR			•	•	•
L-4.1	IRRIGATION HYDRO PLAN - 8TH FLOOR			•	•	•
L-4.2	IRRIGATION EQUIP - WELO CALCS		•	•	•	•
L-4.3	IRRIGATION DETAILS			•	•	•
L-4.4	IRRIGATION DETAILS			•	•	•
	ARCHITECTURAL DRAWINGS					
AS-101	ARCHITECTURAL SITE PLAN & BLDG INFO	•	•	•	•	•
AS-102	LOT COVERAGE DIAGRAMS		•	•	•	•
A-101	PROPOSED 1ST & TYPICAL FLOOR PLANS	•	•	•	•	•
A-102	PROPOSED 8TH FLOOR & ROOF PLANS	•	•	•	•	•
~~A-103~~	~~PROPOSED ROOF PLAN~~		•			
A-110	PROPOSED DB PLANS AND STATS	•	•	•	•	•
A-111	AFFORDABLE HOUSING FEE DIAGRAMS		•	•	•	•
A-120	USABLE OPEN SPACE DIAGRAMS		•	•	•	•
A-201	EXTERIOR ELEVATIONS - NORTH & SOUTH	•	•	•	•	•
A-202	EXTERIOR ELEVATIONS - WEST & PERSPECTIVE	•	•	•	•	•
A-203	EXTERIOR ELEVATIONS - EAST & PERSPECTIVE	•	•	•	•	•

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:	
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/25	1ST ENT. RESUB.
04/16/25	2ND ENT. RESUB.
05/28/25	3RD ENT. RESUB.

CITY PERMIT RECORD:	

PROJECT: VLC09

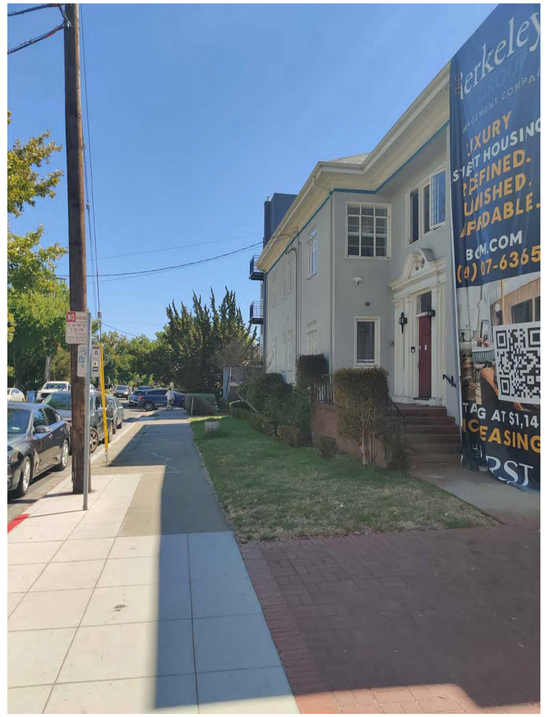
TITLE: GENERAL - COVER SHEET

SHEET: **G-000**

7 LOOKING SE FROM DURANT AT 2298 DURANT

6 LOOKING S AT N FACACDE OF 2241 CHANNING

5 LOOKING NW FROM 2360 ELLSWORTH AT ADJ. BLDGS.

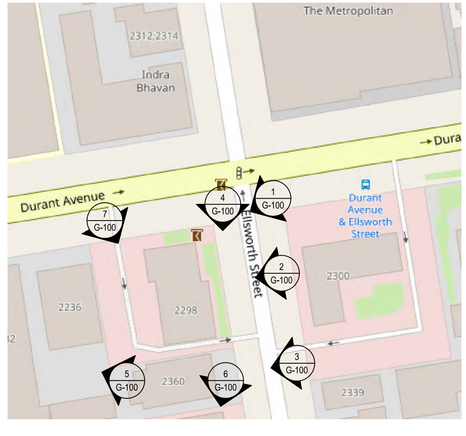


4 LOOKING S DOWN WEST ELLSWORTH SIDEWALK

3 LOOKING W FROM ELLSWORTH AT 2360 ELLSWORTH

2 LOOKING W FROM ELLSWORTH AT 2298 DURANT

1 LOOKING SW FROM STREET CORNER



KEY MAP

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09/05/24	ENTITLEMENT SUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: SITE PHOTOS

SHEET: **G-100**

2 DURANT STREET STRIP LOOKING SOUTH - PROPOSED

1 DURANT STREET STRIP LOOKING SOUTH - EXISTING

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PROJECT ISSUE RECORD:

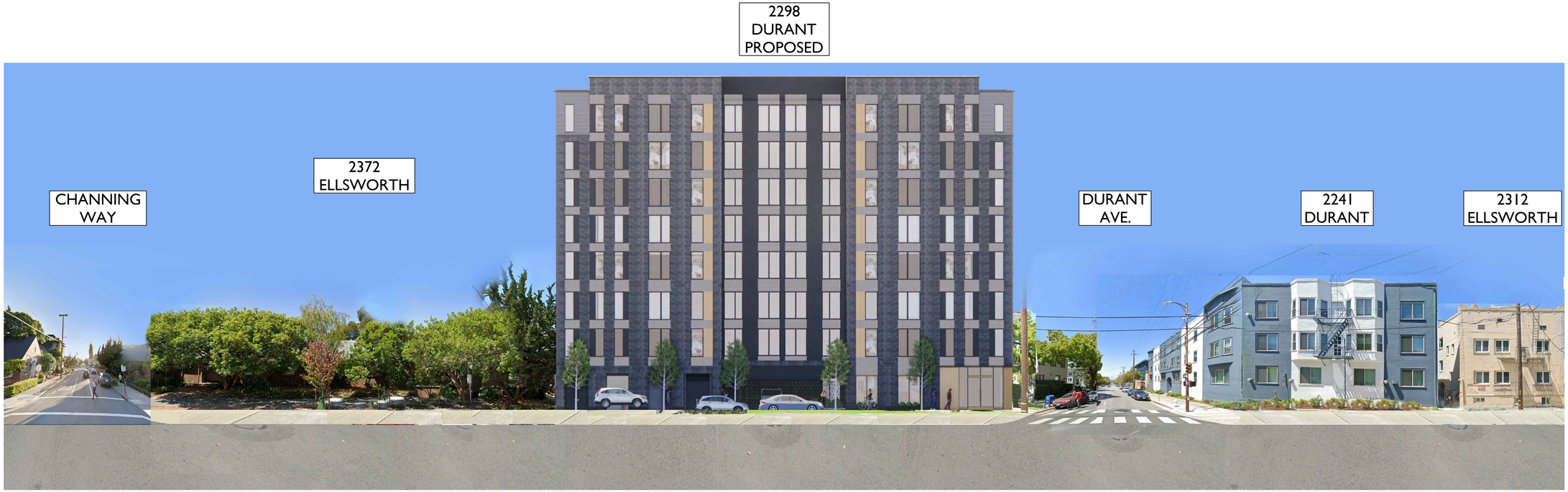
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: STREET STRIP ELEVATIONS

SHEET: G-101



2 ELLSWORTH STREET STRIP LOOKING WEST - PROPOSED

1 ELLSWORTH STREET STRIP LOOKING WEST - EXISTING

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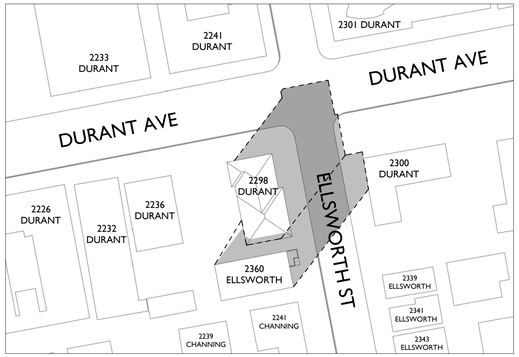
02/06/24	1ST ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
STREET STRIP ELEVATIONS

SHEET:
G-102



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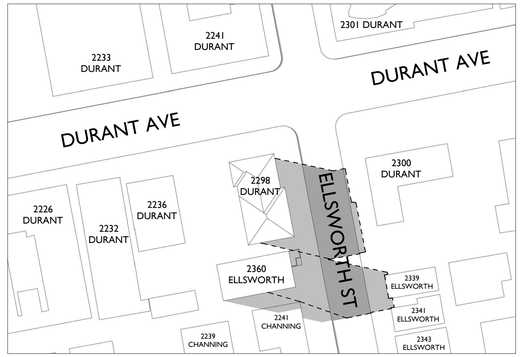

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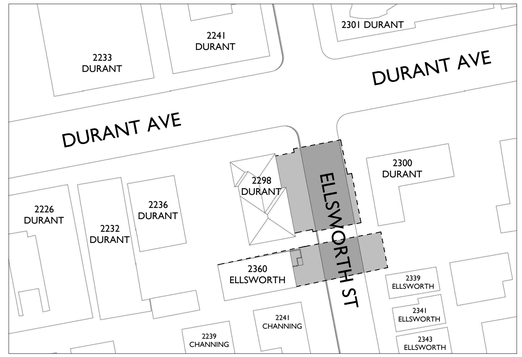

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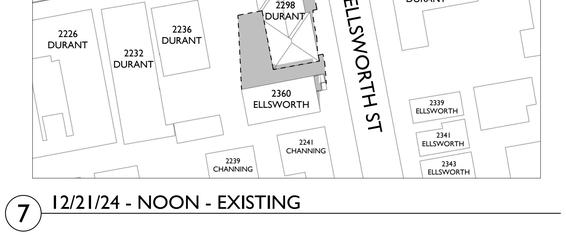

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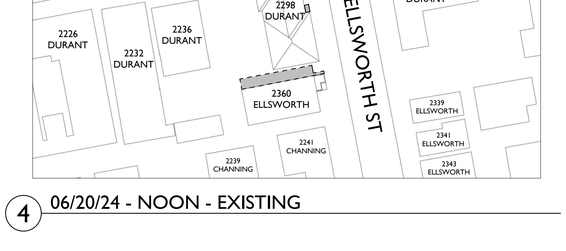

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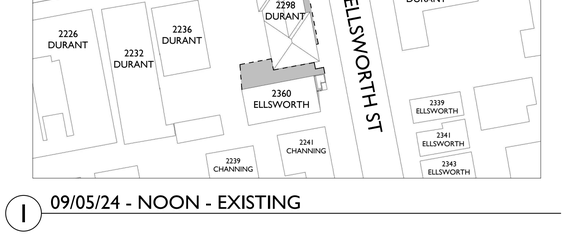

2 09/05/24 - 7:47 AM - EXISTING

7 12/21/24 - NOON - EXISTING

4 06/20/24 - NOON - EXISTING

1 09/05/24 - NOON - EXISTING

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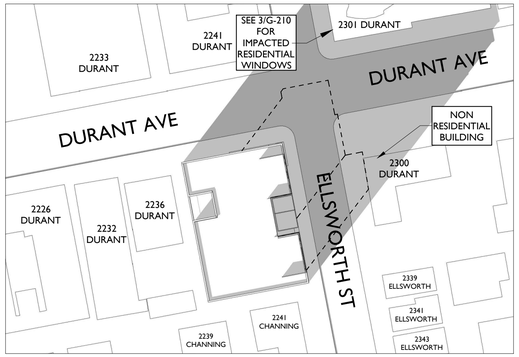
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: SHADOW STUDY EXISTING

SHEET: **G-200**



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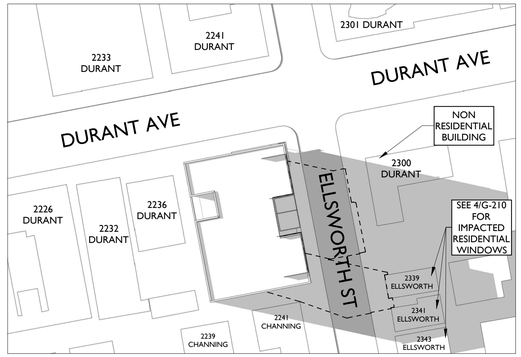

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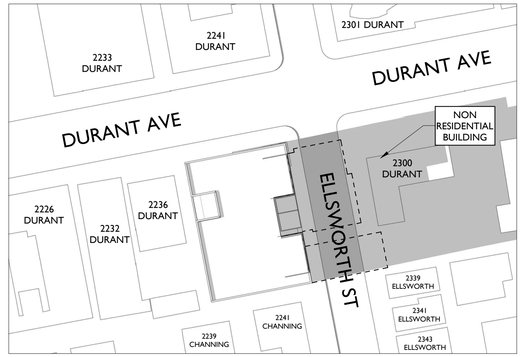

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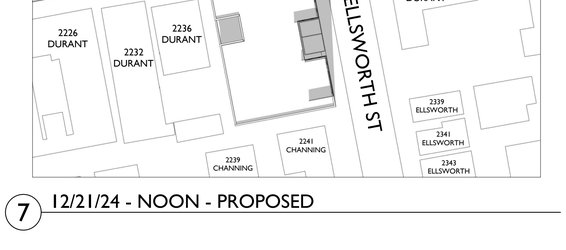

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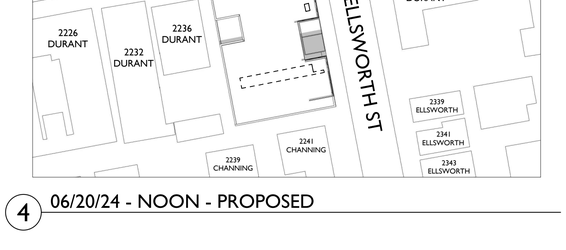

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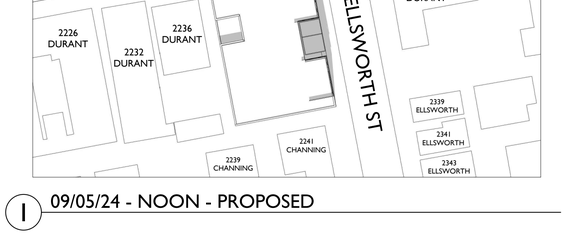

2 09/05/24 - 7:47 AM - PROPOSED

7 12/21/24 - NOON - PROPOSED

4 06/20/24 - NOON - PROPOSED

1 09/05/24 - NOON - PROPOSED

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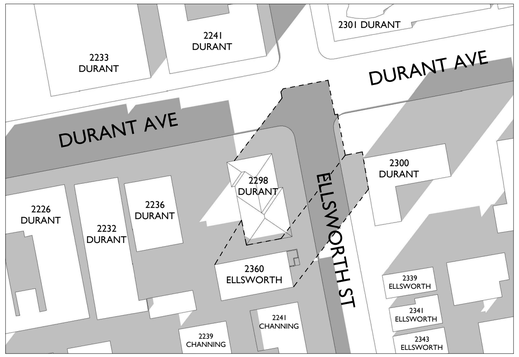
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: SHADOW STUDY PROPOSED

SHEET: **G-201**



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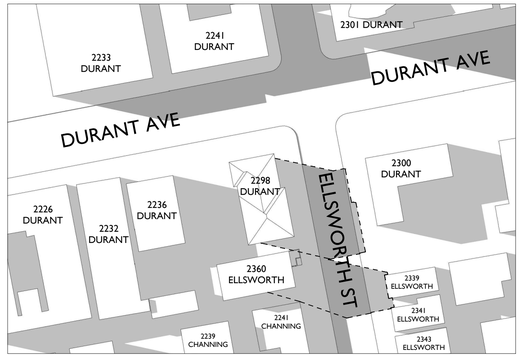

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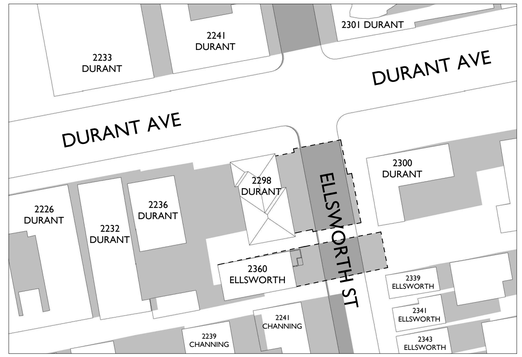

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8 12/21/24 - 9:26 AM - EXISTING

5 06/20/24 - 6:52 AM - EXISTING

2 09/05/24 - 7:47 AM - EXISTING

7 12/21/24 - NOON - EXISTING

4 06/20/24 - NOON - EXISTING

1 09/05/24 - NOON - EXISTING

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NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:

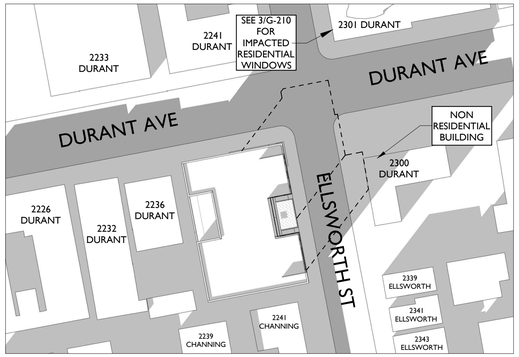
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
SHADOW STUDY
EXISTING
W/ NEIGHBOR SHADOWS

SHEET:
G-202



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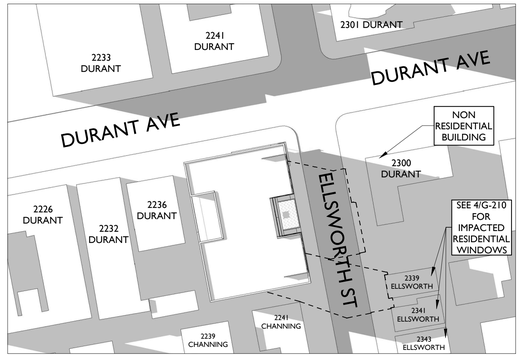

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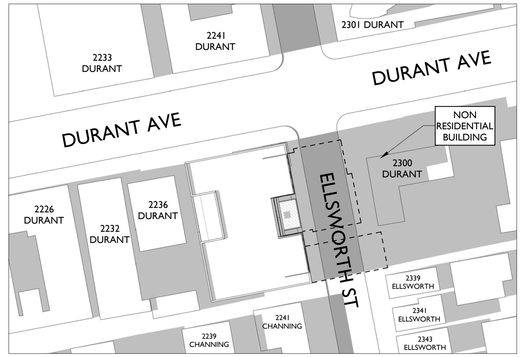

3 09/05/24 - 4:26 PM - PROPOSED

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4 06/20/24 - NOON - PROPOSED

1 09/05/24 - NOON - PROPOSED

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:

08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE:

SHADOW STUDY PROPOSED W/ NEIGHBOR SHADOWS

SHEET:

G-203

4 ELLSWORTH EAST-SIDE SHADOW IMPACTS - 6/20

2 DURANT NORTHWEST-SIDE SHADOW IMPACTS - 12/21

3 DURANT NORTHEAST-SIDE SHADOW IMPACTS - ALL STUDY DAYS

1 DURANT SOUTH-SIDE SHADOW IMPACTS - ALL STUDY DAYS

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PROJECT ISSUE RECORD:

08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: SHADOW STUDY ADJACENT BLDGS

SHEET: **G-210**

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VICINITY MAP

BASIS OF BEARINGS:

THE LINE IN DURANT AVENUE BETWEEN THE STANDARD CITY FOR BERKELEY MONUMENT FOUND AT ELLSWORTH STREET AND THE INTERSECTION OF THE REFERENCE POINTS AT FULTON STREET WAS TAKEN AS N83°00'00"E, PROJECTED AS SHOWN ON PARCEL MAP NO. 10100, FILED IN BOOK 320 OF MAPS, AT PAGES 96 THROUGH 100, ALAMEDA COUNTY RECORDS.

VERTICAL DATUM / BENCHMARK:

ELEVATIONS FOR THIS SURVEY ESTABLISHED BY HOLDING THE ELEVATION OF 211.60' ON THE TOP OF A 3/8^{THS} INCH BRASS PIN IN A MONUMENT WELL FOUND AT THE INTERSECTION OF ELLSWORTH STREET AND DURANT AVENUE, AS SHOWN ON THIS MAP. THIS MONUMENT WAS TAKEN AS CITY OF BERKELEY MONUMENT B0401, HELD PER CORNER RECORD 7052 AND CITY SURVEYOR'S NOTES AS CITY OF BERKELEY DATUM.
ELEVATION = 211.60' COB DATUM

TITLE REPORT NOTE:

THE INFORMATION REGARDING EXISTING EASEMENTS OR OTHER ENCUMBRANCES SHOWN ON THIS SURVEY IS BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORTS PROVIDED TO THE SURVEYOR, THE FIRST HAVING ORDER NUMBER NCS-1183023-CC, DATED MAY 31, 2023, AND THE SECOND HAVING ORDER NUMBER NCS-1177686, AMENDED, DATED APRIL 11, 2023. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES OF RECORD THAT EXIST BUT ARE NOT DELINEATED HEREON.

UTILITIES NOTE:

INFORMATION SHOWN ON THIS SURVEY REGARDING EXISTING UTILITIES IS APPROXIMATE ONLY, IS BASED ON VISUAL OBSERVATIONS AND/OR UTILITY COMPANY RECORDS, AND HAS NOT BEEN VERIFIED AS BEING COMPLETE OR CORRECT. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE EXISTING UTILITY INFORMATION SHOWN HEREON, NOR FOR THE PRESENCE OF OTHER UTILITIES WHICH MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY.

REFERENCES:

(1) --- PARCEL MAP 10100, FILED BOOK 320 OF MAPS AT PAGES 96-100 ON OCTOBER 8TH, 2012, ALAMEDA COUNTY RECORDS (ACR).
(2) --- PARCEL MAP 9152, FILED BOOK 300 OF MAPS AT PAGES 25-26 ON JULY 18TH, 2007, ACR.
(3) --- CORNER RECORD 7052, FILED BOOK 67 OF CORNER RECORDS AT PAGE 20 ON MAY 8TH, 2015, ACR.
(4) --- CORNER RECORD 10921, FILED BOOK 105 OF CORNER RECORDS AT PAGE 22 ON NOVEMBER 7TH, 2017, ACR.
(5) --- CORNER RECORD 12003, FILED BOOK 114 OF CORNER RECORDS AT PAGE 5 ON SEPTEMBER 24TH, 2018, ACR.
(6) --- CORNER RECORD 7857, FILED BOOK 75 OF CORNER RECORDS AT PAGE 24 ON DECEMBER 23RD, 2015, ACR.
(7) --- MAP OF COLLEGE HOMESTEAD, FILED LIBER - "1" OF DEEDS AT PAGE 799 ON MAY 15, 1866, ACR.
(8) --- GRANT DEED INSTRUMENT NO. 2024000008, RECORDED JANUARY 2ND, 2024.
(9) --- GRANT DEED INSTRUMENT NO. 2013122970, RECORDED APRIL 5TH, 2013.

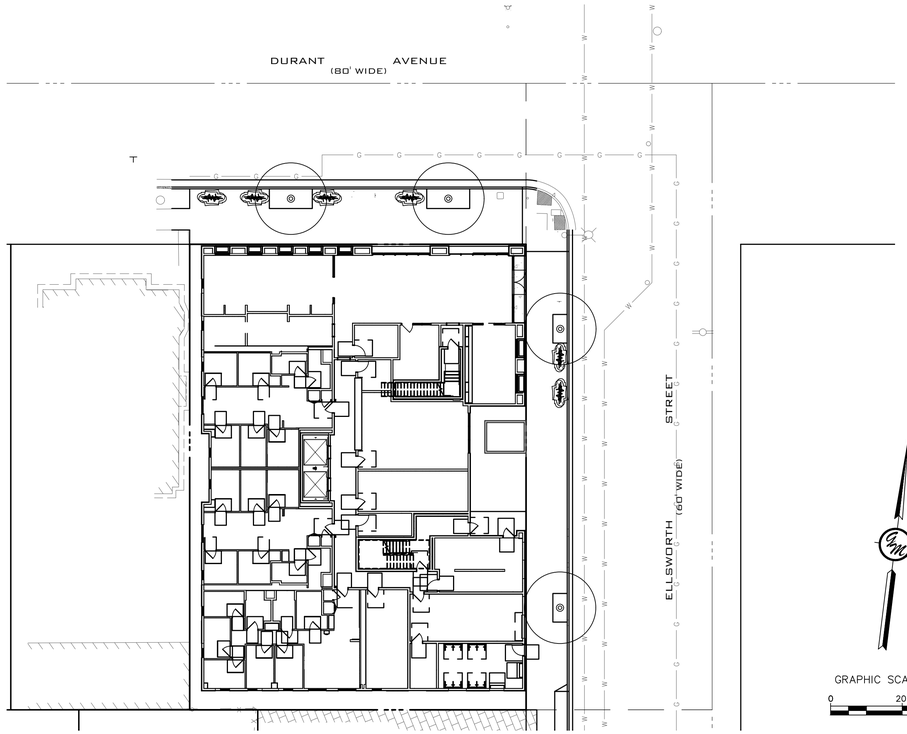
BOUNDARY NOTE:

ALL BEARINGS AND DISTANCES SHOWN ARE COMPILED OR CALCULATED FROM RECORD INFORMATION AS SHOWN ON RECORDS OF ALAMEDA COUNTY, CA., AND ARE NOT INTENDED TO REPRESENT FINAL SURVEYED VALUES.

CONTACT 811 BEFORE YOU DIG
811
SAFE DIGGING PARTNER

TOPOGRAPHIC SURVEY & BENCHMARK INFORMATION

IMPROVEMENT PLANS
2298 DURANT AVE BERKELEY, CA
APN: 055-1887-001 & 055-1887-002



SITE

MUNICIPALITY STAMPS

ENGINEER:
GREENWOOD & MOORE, INC.
JEFFERY MOORE
3111 CASTRO VALLEY BLVD,
CASTRO VALLEY, CA 94546
(510) 581-2772

OWNER/APPLICANT:
VALIANCE CAPITAL
NHAN NGUYEN LE
2425 CHANNING WAY,
STE B, PMB #820
BERKELEY, CA 94705

PROPERTY ADDRESS:
2298 DURANT AVE.
BERKELEY, CA

ASSESSOR'S PARCEL NO:
APN: 055-1887-001 &
055-1887-002

SANITARY SEWER BY:
CITY OF BERKELEY

WATER SERVICE BY:
EAST BAY MUNICIPAL UTILITY DISTRICT

GAS & ELECTRIC SERVICE BY:
PACIFIC GAS & ELECTRIC COMPANY

FIRE PROTECTION BY:
BERKELEY FIRE DEPARTMENT

PROJECT INFORMATION

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REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

COVER SHEET

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=20'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C0.0

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AB	AGGREGATE BASE
ABAG	ASSOCIATION OF BAY AREA GOVERNMENTS
ABS	ACRYLONITRILE BUTADIENE STYRENE
AC	ASPHALTIC CONCRETE
ACWD	ALAMEDA COUNTY WATER DISTRICT
AD	AREA DRAIN
ADA	AMERICAN DISABILITIES ACT
AE	ACCESS EASEMENT
AL	AREA LIGHT
ANC	ANCHOR
ANG PT	ANGLE POINT
AP	ANCHOR POLE
ARV	AIR RELIEF VALVE
ASB	AGGREGATE SUB-BASE
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
BC	BEGINNING OF CURVE
BLDG	BUILDING
BOC	BACK OF CURB
BOW	BACK OF SIDEWALK
BM	BENCH MARK
BO	BLOWOFF
BPD	BACKFLOW PREVENTION DEVICE
BVC	BEGINNING OF VERTICAL CURVE
BVCE	BEGINNING OF VERTICAL CURB ELEVATION
BVCS	BEGINNING OF VERTICAL CURB STATION
BW	BOTTOM OF WALL
CATV	CABLE TELEVISION
C&G	CURB AND GUTTER
CB	CATCH BASIN
CCCSD	CENTRAL CONTRA COSTA SANITARY DISTRICT
CFS	CUBIC FEET PER SECOND
CIP	CAST IRON PIPE
CL	CENTERLINE
CL II	CLASS 2
CLR	CLEAR
CMP	CORRUGATED METAL PIPE
CO	CLEANOUT
CONF	CONFORM
CONC	CONCRETE
COTG	CLEANOUT TO GRADE
CVSAN	CASTRO VALLEY SANITARY DISTRICT
CY	CUBIC YARDS
DI	DROP INLET/DRAIN INLET
DIP	DUCTILE IRON PIPE
DMA	DRAINAGE MANAGEMENT AREA
DWG	DRAWING
DWY	DRIVEWAY
(E)	EXISTING
EA	EACH
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EC	END OF CURVE
EG	EXISTING GRADE
ELEC	ELECTRIC
ELECTRO	ELECTROLIER
ELEV	ELEVATION
EP	EDGE OF PAVEMENT
EQ	EQUAL DISTANCE
EV	ELECTRIC VEHICLE
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EVC	END OF VERTICLE CURVE
EVCE	END OF VERTICAL CURB ELEVATION
EVCS	END OF VERTICAL CURB ELEVATION
EW	EACH WAY
FM	FORCE MAIN
FC	FACE OF CURB
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FI	FIELD INLET
FL	FLOWLINE
FS	FINISH SURFACE
G	GAS MAIN
GAS V	GAS VALVE
GB	GRADE BREAK
GM	GAS METER
GR	GRATE ELEVATION
GV	GATE VALVE
G&M	GREENWOOD & MOORE
HC	HANDICAP
HGL	HYDRAULIC GRADE LINE
HOR	HORIZONTAL
HP	HIGH POINT
INT	INTERSECTION
INV	INVERT ELEVATION
ISA	INTERNATIONAL SYMBOL OF ACCESSIBILITY
JP	JOINT POLE
JT	JOINT TRENCH
L	LENGTH
LAT	SEWER LATERAL
LBS	POUND
LF	LENGTH IN FEET
LP	LOW POINT
LS	LENGTH IN FEET
LT	LEFT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MON	MONUMENT
(N)	NEW
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
P	PAVEMENT
PCC	PORTLAND CONCRETE CEMENT
PCF	POUNDS PER CUBIC FOOT
PG&E	PACIFIC GAS & ELECTRIC COMPANY
PI	POINT OF INTERSECTION
PIV	POST INDICATOR VALVE
POC	POINT OF CURVE
PRC	POINT OF REVERSE CURVATURE
PSDE	PRIVATE STORM DRAIN EASEMENT
PSI	POUND PER SQUARE INCH
PL	PROPERTY LINE
PT	POINT OF TANGENCY
PUE	PUBLIC UTILITY EASEMENT
PV	PAVEMENT
PVC	POLY VINYL CHLORIDE
PVI	POINT OF VERTICAL INTERSECTION
R	RADIUS
(R)	RADIAL LINE
RL	RIDGE LINE
RCP	REINFORCED CONCRETE PIPE
RIM	RIM ELEVATION
RT	RIGHT
ROW	RIGHT OF WAY
S	SLOPE
SD	STORM DRAIN
SDCO	STORM DRAIN CLEANOUT
SDE	STORM DRAIN EASEMENT
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SHT	SHEET
SIM	SIMILAR
SL	STREET LIGHT
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEANOUT/RISER
SSMH	SANITARY SEWER MANHOLE
STA	STATION
STD	STANDARD
SW	SIDEWALK
SWC	STORM UNDER CONTROL
T	TELEPHONE LINE
TBO	TEMPORARY BLOWOFF
TC	TOP OF CURB
TCM	TREATMENT CONTROL MEASURE
TELE	TELEPHONE
TH	THRESHOLD
TS	TRAFFIC SIGNAL
TW	TOP OF WALL
TYP	TYPICAL
UNO	UNLESS NOTED OTHEWISE
USD	UNION SANITARY DISTRICT
VAR	VARIES
VC	VERTICAL CURVE
VCP	VITRIFIED CLAY PIPE
VERT	VERICAL
VIF	VERIFY IN FIELD
W	WATER
W/	WITH
W/O	WITHOUT
WM	WATER METER
WV	WATER VALVE
YL	YARD LIGHT

ABBREVIATIONS

PROPOSED	EXISTING	DESCRIPTION
		AREA DRAIN
		AREA LIGHT
		BLOWOFF
		BRUSH LINE
		BUILDING
	CTV	CABLE TV
		CLEANOUT
		CONCRETE
		CURB
		CURB & GUTTER
		CURB, GUTTER & SIDEWALK
		CUT/FILL LINE
		DAYLIGHT LINE
		DROP INLET
E	E	ELECTRIC LINE
		ELECTROLIER
FDC		FDC
X X X	X X X	FENCE
		FIRE HYDRANT
F		FIRE MAIN
G	G	GAS MAIN/SERVICE
		GAS VALVE
GM	GM	GAS METER
UPA	UPA	GUY ANCHOR
		ACCESSIBLE SPACE
		INLET
JT	JT	JOINT TRENCH
		MONUMENT
		OVERLAND RELEASE
R		RIDGE LINE
		SANITARY SEWER CLEANOUT
SS	SS	SANITARY SEWER LINE
		SAWCUT LINE
		SIGN
3.0%		SLOPE
		STORM DRAIN MANHOLE
SD	SD	STORM DRAIN LINE
		SANITARY SEWER MANHOLE
		SWALE
	T	TELEPHONE LINE
		TRAFFIC SIGNAL
		TRANSFORMER
		TREE
		JOINT POLE
		VALLEY GUTTER
		WALL
W	W	WATER MAIN
	WM	WATER METER
		WATER VALVE

LEGEND

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GENERAL NOTES:

1. THESE PLANS AND SPECIFICATIONS ARE SUBJECT TO MODIFICATION DURING CONSTRUCTION WHEN CONDITIONS DEVELOP THAT WERE NOT APPARENT DURING THE DESIGN AND PREPARATION OF THESE PLANS. ALL MODIFICATIONS MUST BE APPROVED BY THE CITY ENGINEER PRIOR TO CONSTRUCTION AND/OR IMPLEMENTATION.
2. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BERKELEY STANDARD SPECIFICATIONS AND DETAILS SUBJECT TO THE INSPECTION AND APPROVAL OF THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT. ALL REVISIONS MUST BE APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
3. PRIOR TO COMMENCEMENT OF CONSTRUCTION, A PRE–JOB CONFERENCE SHALL BE REQUESTED BY THE DEVELOPER THROUGH THE CITY ENGINEER,
4. BEFORE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS AND THE JOB SITE. THE CONTRACTOR WILL NOTIFY THE OWNER, THE ENGINEER WHO PREPARED THE PLANS, AND THE CITY ENGINEER OF ANY DISCREPANCIES THAT MAY REQUIRE MODIFICATION TO THESE PLANS OR OF ANY FIELD CONFLICTS.
5. APPROVAL OF THESE PLANS BY THE CITY ENGINEER SHALL NOT RELIEVE THE DEVELOPER OR THE ENGINEER FROM THE RESPONSIBILITY FOR THE DESIGN OF THE IMPROVEMENTS AND FOR ANY DEFICIENCIES RESULTING FROM THE DESIGN THEREOF.
7. ALL LANDSCAPING IS SUBJECT TO CITY INSPECTION. ANY CHANGE IN THE APPROVED LANDSCAPE PLAN MUST BE APPROVED BY THE CITY'S DESIGN REVIEW STAFF.
8. SHOULD IT APPEAR THAT THE WORK TO BE DONE OR ANY MATTER RELATIVE THERETO IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
9. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE CITY, THE OWNER, AND DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.
10. THE CONTRACTOR'S ATTENTION IS DIRECTED TO THE REQUIREMENTS OF THE DIVISION OF INDUSTRIAL SAFETY PERTAINING TO "CONFINED SPACES". ANY MANHOLE, CULVERT, DROP INLET OR TRENCH WHICH COULD CONTAIN AIR WHICH IS NOT READILY VENTILATED MAY BE CONSIDERED A "CONFINED SPACE". THE CONTRACTOR SHALL PROVIDE THE NECESSARY SAFETY OR TESTING EQUIPMENT AND PERSONNEL.
11. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING STRUCTURES AND/OR UTILITIES DURING CONSTRUCTION, PROPER REPAIR SHOULD BE DONE TO THE SATISFACTION OF THE REPRESENTATIVE OF THE CITY ENGINEER.
12. TO THE EXTENT FEASIBLE, SCHEDULE THE NOISIEST CONSTRUCTION ACTIVITIES DURING TIMES THAT WOULD HAVE THE LEAST IMPACT ON ADJACENT PROPERTIES. THIS WOULD INCLUDE RESTRICTING TYPICAL DEMOLITION AND EXTERIOR CONSTRUCTION ACTIVITIES TO STANDARD HOURS OF 7:00 AM TO 5:30 PM MONDAY THROUGH FRIDAY AND 8:00 AM TO 4:30 PM ON SATURDAY. THE CONTRACTOR SHALL ENSURE THAT ALL EQUIPMENT POWERED BY INTERNAL COMBUSTION ENGINES ARE FITTED EFFECTIVELY WITH MUFFLERS IN GOOD OPERATING CONDITION. WHERE FEASIBLE, NOISE GENERATING EQUIPMENT SHOULD BE STAGED AS FAR AWAY FROM EXISTING RESIDENCES, AND MOBILE EQUIPMENT SHOULD NOT BE ALLOWED TO IDLE UNNECESSARILY NEAR THE RESIDENTIAL OR CHILD CARE USES. THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES THAT GENERATE NOISE WITH THE OWNER.
13. CONTRACTOR SHALL OBTAIN ENCROACHMENT PERMITS FROM THE CITY OF BERKELEY PUBLIC WORKS PRIOR TO COMMENCING CONSTRUCTION INVOLVING THEIR RIGHT–OF–WAY, AND FOR THE CONSTRUCTION, MODIFICATION, OR CONNECTION TO DEPARTMENT OR DISTRICT–MAINTAINED FACILITIES. ALL WORKMANSHIP, EQUIPMENT AND MATERIALS SHALL CONFORM TO DEPARTMENT STANDARDS AND SPECIFICATIONS.
14. THE FORMS FOR CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS THAT ARE TO BE CONSTRUCTED TO CONFORM TO EXISTING ROADS SHALL BE INSTALLED TO THE GRADES SHOWN UPON THESE PLANS. PRIOR TO PLACING CONCRETE, THE FORMS SHALL BE INSPECTED AND APPROVED BY THE CITY ENGINEER FOR CONFORMANCE TO EXISTING ROAD IMPROVEMENTS. GRADES OF NEW IMPROVEMENTS ARE SUBJECT TO FIELD ADJUSTMENT TO FIT CONDITIONS.
15. THE PROPOSED STREET STRUCTURAL SECTION IS TO BE DESIGNED BY A REGISTERED CIVIL ENGINEER AND APPROVED BY THE CITY ENGINEER.
16. IN CONFORM AREAS, IF FULL STRUCTURAL SECTION IS NOT FOUND AT THE APPARENT EDGE OF PAVEMENT, FURTHER STREET EXCAVATION WILL BE REQUIRED UNTIL THE FULL SECTION IS ENCOUNTERED.
17. TEMPORARY REPAIRS TO ALL TRENCHES WITHIN THE TRAVELED WAY ON EXISTING ROADS SHALL BE MADE WITHIN TWENTY–FOUR (24) HOURS OF TRENCH OPENING. MINIMUM TEMPORARY REPAIRS SHALL CONSIST OF BACKFILLING AND COMPACTING 6" OF AGGREGATE BASE AND 1" OF TEMPORARY ASPHALTIC SURFACING. PERMANENT REPAIRS, INCLUDING RESTORATION OF THE EXISTING STRUCTURAL SECTION SHALL BE MADE WITHIN FIFTEEN (15) DAYS OF TRENCH OPENING.
18. IN THE EVENT OF ANY DISCREPANCY BETWEEN ANY DRAWING AND THE FIGURES WRITTEN THEREON, THE FIGURES SHALL BE TAKEN AS CORRECT.
19. THE CONTRACTOR SHALL POST EMERGENCY TELEPHONE NUMBERS AT THE JOB SITE FOR THE CONTRACTOR AND PUBLIC WORKS AGENCY.
20. THE CONTRACTOR SHALL PROVIDE FOR INGRESS AND EGRESS TO PRIVATE PROPERTY ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
21. THE CONTRACTOR SHALL NOT DISTURB ANY PERMANENT SURVEY POINTS WITHOUT THE CONSENT OF THE CITY ENGINEER. ANY POINTS DESTROYED SHALL BE REPLACED BY A LICENSED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
22. THE CONTRACTOR IS RESPONSIBLE FOR MATCHING EXISTING FACILITIES TO AVOID ANY ABRUPT OR APPARENT CHANGES IN GRADES OR CROSS SLOPES, LOW SPOTS, OR HAZARDOUS CONDITIONS.
23. CONTRACTOR SHALL SALVAGE AND RELOCATE EXISTING STREET SIGNS AND INSTALL NEW SIGNS PER CITY OF BERKELEY SPECIFICATIONS AS REQUIRED.
24. WHERE UNSTABLE OR UNSUITABLE MATERIALS ARE ENCOUNTERED DURING SUB–GRADE PREPARATION, THE AREA IN QUESTION SHALL BE OVER EXCAVATED AND REPLACED BY SELECT BACKFILL MATERIAL AS DIRECTED IN THE FIELD BY THE ENGINEER.
25. ALL TRENCH EXCAVATION AND BACKFILL SHALL BE IN ACCORDANCE WITH THE TRENCH BACKFILL DETAIL, SHOWN ON THESE PLANS.
26. ALL TREES LOCATED WITHIN THE ROADWAY PRISM OR SHOWN TO BE REMOVED IN THE STREET RIGHT–OF–WAY OR EASEMENTS SHALL BE REMOVED COMPLETELY, INCLUDING ROOTS, AND HAULED AWAY.
27. THE CONTRACTOR SHALL NOT REMOVE, DISTURB, OR HARM, IN ANY WAY, ANY TREE NOT SPECIFICALLY DESIGNATED AND APPROVED BY THE INSPECTOR FOR REMOVAL.
28. COMPACTION TESTS SHALL BE PERFORMED ON ALL TRENCHES AND STREET WORK TO VERIFY THAT COMPACTION CONFORMS TO CITY STANDARDS. ALL TESTING WILL BE AT THE DEVELOPER OR CONTRACTOR'S EXPENSE.
29. THE DUTIES OF THE CITY ENGINEER AND PROJECT ENGINEER DO NOT INCLUDE THE ADEQUACY OF THE CONTRACTOR'S SAFETY IN, ON, OR NEAR THE CONSTRUCTION SITE.
30. THE CONTRACTOR SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE STATE CONSTRUCTION SAFETY ORDERS. ALL TRENCHES OVER FIVE FEET IN DEPTH SHALL BE SHORED IN ACCORDANCE WITH CAL–OSHA "CONSTRUCTION SAFETY ORDERS" CURRENT EDITION. CONTRACTOR MUST HAVE VALID TRENCH SHORING PERMIT ISSUED BY CAL–OSHA.
31. TRAFFIC CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH CALTRANS "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES" CURRENT EDITION AND THESE PLANS. A TRAFFIC CONTROL PLAN WILL BE REQUIRED AND A PERMIT WILL BE REQUIRED TO IMPLEMENT IT. CONTRACTOR SHALL MEET WITH TRAFFIC AND PUBLIC WORKS TO DISCUSS PROJECT NEEDS AND PREPARE TRAFFIC CONTROL PLANS.
32. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY. SUBMIT LANE CLOSURE AND TRAFFIC CONTROL PLANS PRIOR TO BEGINNING WORK TO THE CITY ENGINEER FOR APPROVAL.
33. ALL UNDERGROUND UTILITIES WITHIN THE RIGHT–OF–WAY OR ACCESS EASEMENT, INCLUDING MAINS AND LATERALS, SHALL BE INSTALLED AND BACKFILL COMPLETED PRIOR TO THE START OF CURB, SIDEWALK AND PAVING CONSTRUCTION.
34. ALL TRENCH BACKFILL WITHIN THE RIGHT–OF–WAY SHALL BE COMPACTED AS SHOWN IN CITY'S STANDARD PLANS OR AS RECOMMENDED BY THE ENGINEER. IF TESTS SHOW THAT THE ACTUAL COMPACTION HAS NOT EQUALED OR SURPASSED THAT WHICH IS RECOMMENDED, THE ENGINEER SHALL PROVIDE THE PROPOSED ACTION TO BE TAKEN.
35. ALL NEW STORM DRAIN INLETS SHALL BE STENCILED OR STAMPED WITH CITY'S CLEAN WATER PROGRAM STANDARD LOGO, "NO DUMPING — DRAINS TO BAY," PRIOR TO THE ACCEPTANCE OF THE SITE IMPROVEMENTS OR THE FINAL BUILDING INSPECTION, WHICHEVER OCCURS FIRST.
36. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (USA) AT LEAST TWO WORKING DAYS PRIOR TO ANY EXCAVATION.
37. AN ENGINEERING PERMIT WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT–OF–WAY, INCLUDING BUT NOT LIMITED TO CONSTRUCTION STAGING, CONSTRUCTION PARKING, SIDEWALK, DRAINAGE, OR SEWER WORK. THE ENGINEERING PERMIT CAN BE ISSUED AFTER THE BUILDING PERMIT IS APPROVED AND ISSUED. APPROVAL OF THIS BUILDING PERMIT DOES NOT AUTHORIZE WORK IN THE PUBLIC RIGHT–OF–WAY.

DEMOLITION NOTES:

1. THE EXTENT OF DEMOLITION WORK IS TO BE AS SHOWN ON THIS PLAN. DEMOLITION INCLUDES COMPLETE WRECKING, REMOVAL AND DISPOSAL OF STRUCTURES, BURIED DEBRIS, FOUNDATIONS, PAVEMENT, CURBS, TREES & SHRUBS (INCLUDING ROOT SYSTEMS), DRAINAGE STRUCTURES, UTILITIES, SIGNAGE, LANDSCAPING AND/OR IRRIGATION SYSTEM, UNLESS OTHERWISE INDICATED ON THIS PLAN OR OTHERWISE DIRECTED BY THE OWNER OR HIS REPRESENTATIVE. EXISTING PERIMETER FENCES ARE TO REMAIN UNLESS OTHERWISE DIRECTED BY THE OWNER OR HIS REPRESENTATIVE
2. THIS DEMOLITION PLAN IS NOT INTENDED TO DETERMINE THE METHOD, DETAILS AND/OR MEANS OF PERFORMING THE DEMOLITION WORK. THIS PLAN MAKES NO INQUIRY OR DETERMINATION AS TO THE EXISTENCE OF HAZARDOUS OR TOXIC MATERIALS EXISTING ON SITE. IT IS RECOMMENDED THAT AN INDEPENDENT INQUIRY BE PERFORMED PRIOR TO DEMOLITION WORK TO DETERMINE THE EXISTENCE OF ANY POTENTIAL HAZARDOUS OR TOXIC RISK.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT, PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK.
4. ALL EXISTING UTILITIES AND APPURTENANCES THERETO SERVING ANY EXISTING STRUCTURE OR BUILDINGS AND THOSE IN THE PUBLIC RIGHT OF WAY SERVING PUBLIC UTILITIES ARE TO REMAIN AND SHALL BE PROTECTED IN PLACE UNLESS DIRECTED TO BE REMOVED AND REPLACED ELSEWHERE ON THESE PLANS.
5. THE CONTRACTOR SHALL CONTACT ALL ASSOCIATED UTILITY SUPPLIERS PRIOR TO DEMOLITION TO COORDINATE THE DISCONNECTION AND REMOVAL OR ABANDONMENT OF UTILITIES (I.E. TELEPHONE, ELECTRICAL, WATER, SEWER, ETC.) SERVING THE STRUCTURE TO BE DEMOLISHED.
6. THE CONTRACTOR SHALL OBTAIN A LIST OF ITEMS TO BE SALVAGED FROM THE OWNER PRIOR TO COMMENCING THE DEMOLITION WORK.
7. THE FINISHED GROUND SURFACE SHALL BE LEFT IN A SMOOTH, UNIFORM GRADED CONDITION.
8. DEMOLITION OPERATIONS AND REMOVAL OF DEBRIS SHALL BE CONDUCTED IN A MANNER TO INSURE MINIMUM INTERFERENCE WITH STREETS, SIDEWALKS AND OTHER ADJACENT OCCUPIED OR UTILIZED FACILITIES.
9. THE CONTRACTOR SHALL INSURE THE SAFE PASSAGE OF PERSONS AROUND THE DEMOLITION AREA. CONDUCT OPERATIONS TO PREVENT DAMAGE TO ADJACENT BUILDINGS, STRUCTURES AND OTHER FACILITIES.
10. THE CONTRACTOR SHALL PROMPTLY REPAIR ANY DAMAGE CAUSED TO ADJACENT FACILITIES BY DEMOLITION OPERATIONS AT NO COST TO THE OWNER.
11. USE WATER SPRINKLING, TEMPORARY ENCLOSURES AND OTHER SUITABLE METHODS TO LIMIT DUST AND DIRT SCATTERING AND RISING IN AIR TO LOWEST PRACTICAL LEVEL. COMPLY WITH GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION. CONTRACTOR IS RESPONSIBLE FOR CLEANLINESS OF ADJACENT STRUCTURES AND IMPROVEMENTS. SUCH IMPROVEMENTS SHALL BE KEPT FREE OF DUST, DIRT AND DEBRIS CAUSED BY DEMOLITION OPERATIONS. RETURN ADJACENT AREAS TO CONDITIONS EXISTING PRIOR TO START OF WORK.
12. DUST CONTROLS SHALL BE IMPLEMENTED DURING ALL DEMOLITION AND GRADING OPERATIONS. PUBLIC STREETS SHALL BE SWEPT CLEAN AS NECESSARY.
13. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED TRAFFIC CONTROL AND SAFETY ISSUES.
14. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION WITH ALL ADJACENT PROPERTY OWNERS FOR WORK TO BE PERFORMED ON THEIR PROPERTIES.
15. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL REQUIRED TEMPORARY ACCESS DEVICES (TRENCH PLATES, FENCES, ETC) AS REQUIRED TO ALLOW ACCESS DURING THE COURSE OF CONSTRUCTION.
16. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH CITY SPECIFICATIONS AND STANDARDS.
17. FIELD VERIFY ALL UTILITY TERMINATION POINTS, SIZES AND LOCATIONS PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE CAPPED, ABANDONED OR MODIFIED SHOULD BE "POTHOLED" TO CONFIRM THEIR SIZE, LOCATION AND CONFIGURATION PRIOR TO CONSTRUCTION.
18. GENERAL CONTRACTOR SHALL PROVIDE A UTILITY REMOVAL/RELOCATION PLAN FOR CLIENT'S REVIEW PRIOR TO CONSTRUCTION.

GRADING NOTES:

1. THE DEVELOPER SHALL, AT HIS SOLE EXPENSE, MAKE TESTS OVER THE SOIL ON WHICH THE ROAD SURFACING AND BASE IS TO BE CONSTRUCTED.
2. A REPRESENTATIVE OF THE SOILS ENGINEER SHALL BE ON THE SITE DURING GRADING OPERATIONS AND SHALL OBSERVE THE GRADING AND IDENTIFY ANY CONDITIONS THAT SHOULD BE CORRECTED AND RECOMMEND CORRECTIVE MEASURES TO THE CONTRACTOR AND THE CITY ENGINEER.
3. GRADING AT THE BOUNDARIES OF THIS PROJECT SHALL BE DONE SO AS NOT TO OBSTRUCT THE RUNOFF OF STORM WATERS FROM ADJACENT PROPERTIES. ALL GRADING SHALL BE DONE TO PROVIDE STABLE SLOPES WHICH SHALL DRAIN ONTO THIS PROJECT, WHICH IN TURN SHALL BE GRADED TO STREETS OR DRAINAGE DITCHES OR ACROSS LAND WITHIN THIS PROJECT, WHICH IN TURN SHALL BE GRADED TO STREETS OR TO DRAINAGE FACILITIES SHOWN ON THESE PLANS. GRADING SHALL BE DONE IN SUCH A MANNER THAT ALL NEW SLOPES SHALL DIRECT STORM WATER TO THE STREETS OR INTERCEPTION DITCHES OR ACROSS LAND WITHIN THIS PROJECT AND SHALL NOT DIVERT OR CREATE A MEANS FOR STORM WATER TO FLOW ONTO ADJACENT PROPERTIES, EXCEPT AS INDICATED ON THE PLANS.
4. GRADING SHALL NOT BE PERMITTED ON THE SITE UNTIL A GRADING PERMIT IS ISSUED IN ACCORDANCE WITH THE CITY OF BERKELEY GENERAL ORDINANCE AND CODES FOR GRADING, EROSION AND SEDIMENT CONTROLS.
5. ALL GRADING, EROSION AND SEDIMENTATION CONTROL AND RELATED WORK UNDERTAKEN ON THIS SITE IS SUBJECT TO ALL TERMS AND CONDITIONS OF THE GRADING ORDINANCE AND APPLICATION FOR GRADING.
6. IF GRADING ON THE SITE IS STARTED, CONTINUED OR ABANDONED BETWEEN OCTOBER FIRST AND APRIL FIFTEENTH OF ANY YEAR OF CONSTRUCTION, ALL EROSION AND SEDIMENT CONTROL IMPROVEMENTS AND PLANTING SHALL BE COMPLETED PRIOR TO OCTOBER FIRST.
7. CONTRACTOR SHALL KEEP EXISTING STREETS FREE FROM DIRT AND DEBRIS DURING ALL PHASES OF CONSTRUCTION TO THE SATISFACTION OF THE CITY ENGINEER. ALL TRASH, CONSTRUCTION DEBRIS, AND MATERIALS WILL BE CONTAINED ON SITE UNTIL DISPOSAL OFF–SITE CAN BE ARRANGED.
8. DUST CONTROL MEASURES AS APPROVED BY THE CITY ENGINEER SHALL BE FOLLOWED IN ALL AREAS UNDERGOING GRADING AND OTHER CONSTRUCTION ACTIVITIES.

THE GRADING WORK DEPICTED HEREON SHALL CONFORM TO THE RECOMMENDATIONS CONTAINED IN THE SOIL INVESTIGATION TITLED "GEOTECHNICAL INVESTIGATION PROPOSED RESIDENTIAL BUILDING 2298 DURANT AVENUE BERKELEY, CALIFORNIA."

PREPARED BY:
ROCKRIDGE GEOTECHNICAL
1350 OCEAN AVE.
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9. WHERE SOIL OR GEOLOGIC CONDITIONS ENCOUNTERED IN GRADING OPERATIONS ARE DIFFERENT FROM THOSE ANTICIPATED IN THE SOIL AND GEOLOGIC INVESTIGATION REPORT, OR WHERE CONDITIONS WARRANT CHANGES TO THE RECOMMENDATIONS CONTAINED THEREIN, A REVISED SOIL OR GEOLOGIC REPORT SHALL BE SUBMITTED FOR APPROVAL AND SHALL BE ACCOMPANIED BY AN ENGINEERS OPINION AS TO THE SAFETY OF THE SITE FROM THE POSSIBILITY OF LAND SLIPPAGE, SETTLEMENT AND SEISMIC ACTIVITY.
10. THE PROJECT ENGINEER AND GEOLOGIST SHALL PROVIDE A DECLARATION STATING THAT ALL WORK WAS DONE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS CONTAINED IN THE SOIL AND GEOLOGIC REPORT.
11. THE SOILS ENGINEER SHALL BE NOTIFIED AT LEAST TWO (2) WORKING DAYS PRIOR TO PLACEMENT OF FILL SO THAT ARRANGEMENTS FOR INSPECTION CAN BE MADE.
12. THE CONTRACTOR SHALL ARRANGE A PRE–CONSTRUCTION MEETING WITH THE CITY ENGINEER BEFORE THE START OF CONSTRUCTION. THE CONTRACTOR SHALL CONTACT THE REVIEW ENGINEER AT (510) 581–2772 TO ARRANGE A TIME FOR THE MEETING.
13. OPERATIONS SHALL CEASE IN THE VICINITY OF ANY SUSPECTED ARCHAEOLOGICAL RESOURCE UNTIL AN ARCHAEOLOGIST IS CONSULTED AND HIS OR HER RECOMMENDATIONS FOLLOWED, SUBJECT TO APPROVAL BY THE PLANNING DIRECTOR. IF EVIDENCE OF HUMAN REMAINS IS DISCOVERED ON THE SITE, THE COUNTY CORONER SHALL BE NOTIFIED IMMEDIATELY.
14. ANY WATER WELL, CATHODIC PROTECTION WELL OR EXPLORATORY BORING THAT IS SHOWN ON THESE PLANS, IS KNOWN TO EXIST, IS PROPOSED OR IS LOCATED DURING THE COURSE OF FIELD OPERATIONS MUST BE PROPERLY DESTROYED, BACKFILLED OR MAINTAINED IN ACCORDANCE WITH THECITY OF BERKELEY REGULATIONS.
15. EXISTING UNDERGROUND FACILITIES AS SHOWN ARE APPROXIMATE ONLY AND WERE OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PROJECT ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF EXISTING UTILITY INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL LOCAL UTILITIES AND TO HAVE ALL FACILITIES LOCATED AND EXPOSED TO VERIFY THE CLEARANCE AT NEW PIPE CROSSINGS PRIOR TO THE START OF NEW PIPELINE CONSTRUCTION.

FIRE PROTECTION AND DOMESTIC WATER NOTES:

1. ALL DOMESTIC WATER LINES 4" AND LARGER SHALL BE C900, CLASS 200 PIPE. DOMESTIC WATER LINES SMALLER THAN 4" SHALL BE PVC SCHEDULE 80.
2. EBMUD SPECIFICATIONS AND STANDARDS ARE INCORPORATED HEREON BY REFERENCE. ALL DOMESTIC AND FIRE WATER LINE CONSTRUCTION FROM THE CONNECTION TO THE MAIN TO THE BACKFLOW/DOUBLE DETECTOR CHECK VALVE SHALL BE INSTALLED PER EBMUD STANDARDS AND SPECIFICATIONS.
3. AN EBMUD PERMIT IS REQUIRED FOR CONNECTIONS TO EBMUD FACILITIES.
4. ALL EXISTING WATER SERVICES TO BE ABANDONED SHALL BE DONE PER EBMUD STANDARDS AND SPECIFICATIONS.
5. INSTALL LOCATOR WIRE DIRECTLY ON TOP OF THE PIPE AND MAGNETIC TAPE WITHIN 12" ABOVE ALL PLASTIC WATER PIPES.
6. THE FIRE SYSTEM DESIGN SHOWN ON THESE PLANS ARE FOR GENERAL PURPOSES ONLY. REFER TO FIRE SYSTEM SHOP DRAWINGS AND SPECIFICATIONS, BY GENERAL CONTRACTOR, FOR ADDITIONAL INFORMATION.

UTILITY NOTES:

1. FIELD VERIFY ALL UTILITY TERMINATION POINTS, SIZES AND LOCATIONS PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE CAPPED, ABANDONED OR MODIFIED SHOULD BE "POTHOLED" TO CONFIRM THEIR SIZE, LOCATION AND CONFIGURATION PRIOR TO CONSTRUCTION.
2. GENERAL CONTRACTOR SHALL PROVIDE A UTILITY REMOVAL/RELOCATION PLAN FOR CLIENT'S REVIEW PRIOR TO CONSTRUCTION.
3. IT IS RECOMMENDED THAT ALL EXISTING UTILITIES THAT ARE TO BE REMOVED, RELOCATED, MODIFIED OR IMPACTED BY THE PROPOSED CONSTRUCTION BE FIELD LOCATED BY THE GENERAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. THE INTENT OF THE UTILITY DESIGN IS TO CONTINUE TO USE THE MAJORITY OF THE EXISTING UTILITIES. THE LOCATION OF MOST OF THE UTILITIES ARE UNKNOWN OR UNVERIFIED. IF THE EXISTING UTILITIES ARE NOT LOCATED AS INDICATED ON THE PLAN, SUBSTANTIAL REDESIGN WORK MAY BE REQUIRED. THE GENERAL CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN THE PLANS.
4. DEMOLISH AND REMOVE ALL EXISTING UTILITIES AND SUPPORT STRUCTURES AT BUILDINGS TO BE REMOVED.
5. ALL EXISTING UTILITY BOXES, LIDS, VALVE COVERS, VAULTS, ETC. THAT ARE TO REMAIN SHALL BE ADJUSTED TO MEET THE NEW FINISHED GRADES (AS REQUIRED). RE–USE EXISTING BOXES, LIDS, VALVE COVERS, VAULTS (IF POSSIBLE), OR INSTALL NEW PER COUNTY REQUIREMENTS. REPLACE ALL DAMAGED ITEMS. MATCH EXISTING SIZES. INSTALL/REPLACE TRAFFIC RATED BOXES WHERE REQUIRED. FIELD VERIFY THE EXTENT OF WORK.
6. REMOVE OR ABANDON ALL UNUSED SITE UTILITIES PER LOCAL REQUIREMENTS. FIELD VERIFY EXTENT OF REMOVAL.
7. THE CONTRACTOR IS RESPONSIBLE TO NOTIFY ALL UTILITIES AND UNDERGROUND SERVICE ALERT AT (800) 227–2600 48 HOURS PRIOR TO ANY EXCAVATION SO THAT THEIR LINES CAN BE MARKED.
8. ABANDONED UNDERGROUND STRUCTURES ENCOUNTERED IN THE STREET AREAS SHALL BE REMOVED TO SUFFICIENT DEPTH TO ALLOW UNDERGROUND LINES TO CROSS. EXCAVATED AREAS SHALL BE FILLED AND COMPACTED DURING ROUGH GRADING. THE COUNTY INSPECTOR MAY REQUIRE ADDITIONAL WORK BE DONE IF VISUAL INSPECTION INDICATES IT IS NECESSARY.
9. EXISTING UNDERGROUND FACILITIES AS SHOWN ARE APPROXIMATE ONLY AND WERE OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PROJECT ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF EXISTING UTILITY INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL LOCAL UTILITIES AND TO HAVE ALL FACILITIES LOCATED AND EXPOSED TO VERIFY THE CLEARANCE AT NEW PIPE CROSSINGS PRIOR TO THE START OF NEW PIPELINE CONSTRUCTION.
10. ANY RELOCATION OF THE PUBLIC UTILITIES SHALL BE DONE IN ACCORDANCE WITH ANY AND ALL REQUIREMENTS OF THE UTILITY COMPANY AND WITH REGARD TO THE REQUIRED FEES, BONDS, PERMITS. WORKING CONDITIONS, ETC. OF SAID COMPANY. THIS WORK SHALL BE DONE AT NO EXPENSE TO THE COUNTY OF ALAMEDA. THE SUBDIVIDER SHALL PAY THE COST OF ALL SAID FEES. BONDS, PERMITS, ETC.
11. MINIMUM COVER FOR CONDUITS SHALL BE 36" UNLESS OTHERWISE SHOWN OR NOTED ON THESE PLANS OR ON UTILITY PLANS (BY OTHERS).

SANITARY SEWER NOTES:

1. CITY OF BERKELEY SPECIFICATIONS ARE INCORPORATED HEREON BY REFERENCE. SANITARY SEWER MAINS AND LATERALS SHALL BE INSTALLED AT THE LOCATIONS SHOWN HEREIN OR AS SPECIFIED IN THE FIELD BY DEVELOPER.
2. ALL SANITARY SEWER MAINS AND LATERALS SHALL BE CONSTRUCTED USING HDPE SDR–17 UNLESS OTHERWISE NOTED ON THE PLANS.

STORM DRAIN NOTES:

1. ALL STORM DRAIN PIPES SHALL BE HDPE SDR–17 OR BETTER, UNLESS OTHERWISE NOTED ON THE PLANS.
2. ALL ONSITE STORM DRAIN INLETS SHALL BE CLEARLY MARKED WITH THE WORDS "NO DUMPING! FLOWS TO BAY." OR EQUIVALENT.

TREE PRESERVATION NOTES:

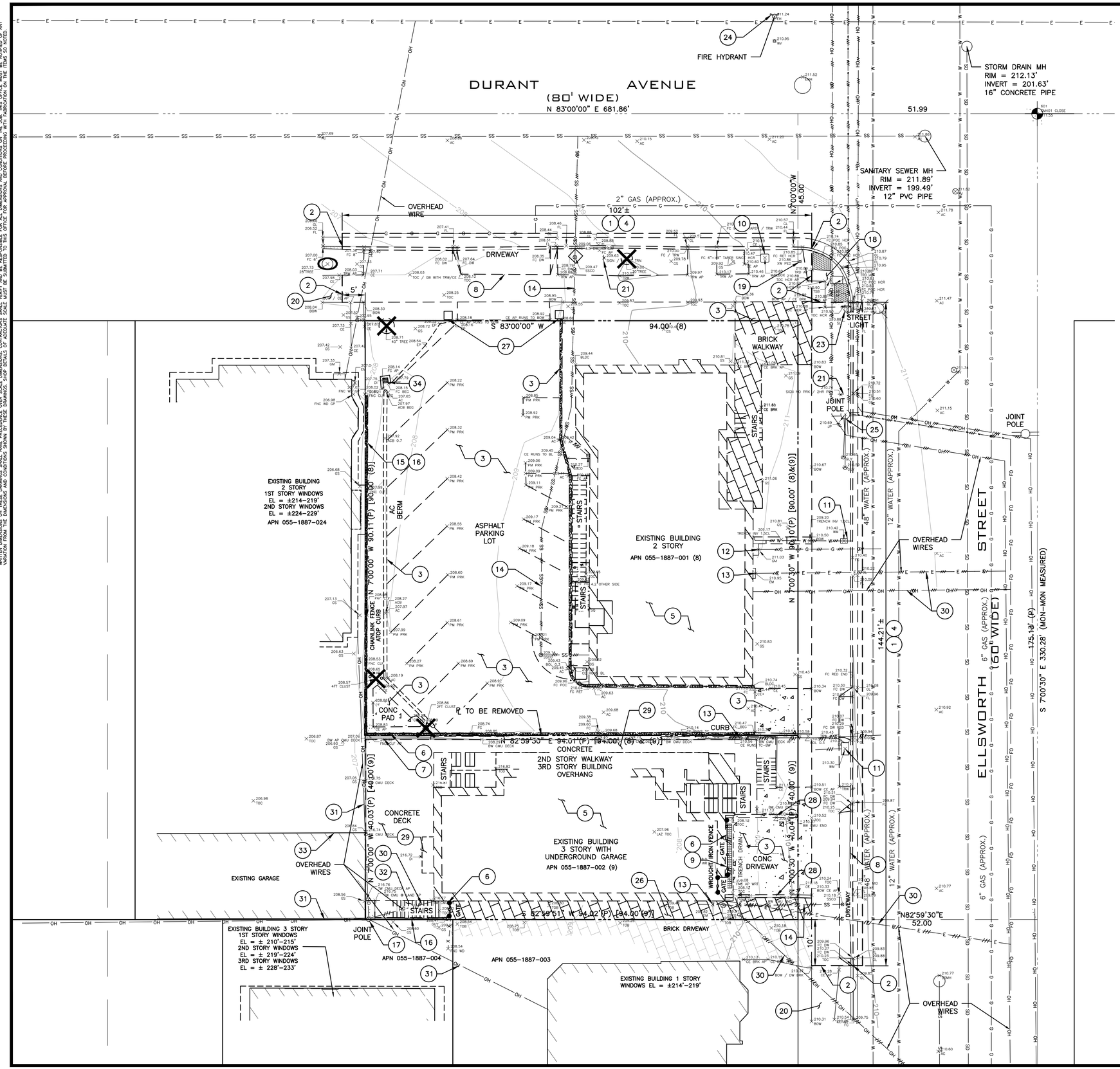
1. ALL TRENCHING WITHIN 5' OF AN EXISTING TREE MUST BE DONE USING AN AIRSPADE PNEUMATIC EXCAVATION TOOL BY A TREE SERVICES CONTRACTOR WITH A D–49 STATE CONTRACTORS LICENSE. THE CITY'S ARBORIST SHALL INSPECT EXCAVATION PRIOR TO ANY ROOTS BEING CUT. CALL (510) 981–6660 TO SCHEDULE AN INSPECTION. ROOTS OVER 2" IN DIAMETER MAY REQUIRE PRESERVATION. ONLY A LICENSED AND INSURED TREE SERVICES CONTRACTOR MAY PRUNE THE TREE ROOTS. ROOTS ARE TO BE CUT WITH A SHARP AXE OF SAW. THE EXCAVATION SHALL NOT BE LEFT OPEN AND ROOTS EXPOSED TO AIR FOR MORE THAN 24 HOURS.

DEMOLITION NOTES:

SEE SHEET C2.0 FOR ADDITIONAL INFORMATION NOT SHOWN

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT, PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK.
2. ALL EXISTING UTILITIES AND APPURTENANCES THERETO SERVING ANY EXISTING STRUCTURE OR BUILDINGS AND THOSE IN THE PUBLIC RIGHT OF WAY SERVING PUBLIC UTILITIES ARE TO REMAIN AND SHALL BE PROTECTED IN PLACE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RELOCATING OR REMOVING ALL UTILITIES I

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON - AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC.
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS BEFORE WORK IS STARTED OR SUBSTITUTIONS ARE MADE. SHOP DRAWINGS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION. WRITTEN DIMENSIONS SHALL GOVERN.



KEYNOTES:

1. SAWCUT
2. LIMIT OF REMOVAL
3. REMOVE (E) CONCRETE/ASPHALT/BRICK
4. REMOVE (E) SIDEWALK, CURB, & GUTTER
5. (E) BUILDING & FOUNDATION TO BE DEMOLISHED, REMOVE (E) ASSOCIATED RETAINING WALLS AND FOUNDATION. PG&E TO DISCONNECT ELECTRIC AND GAS SERVICE PRIOR TO DEMOLITION OF THE (E) BUILDING.
6. REMOVE (E) FENCE AND/OR GATE
7. REMOVE (E) RETAINING WALL
8. REMOVE (E) DRIVEWAY
9. REMOVE (E) TRENCH DRAIN
10. REMOVE & REINSTALL (E) MAILBOX. COORDINATE REMOVAL & REINSTALLATION WITH UNITED STATES POSTAL SERVICE.
11. REMOVE (E) WATER METER. CAP AND ABANDON (E) WATER LATERAL PER EBMUD STANDARDS (BY EBMUD)
12. PG&E TO REMOVE (E) GAS METER AND GAS LATERAL PRIOR TO DEMOLITION OF THE BUILDING. CONTRACTOR TO VERIFY LOCATION IN FIELD. CAP & ABANDON PER PG&E STANDARDS & REQUIREMENTS.
13. PG&E TO REMOVE (E) ELECTRIC METERS AND ASSOCIATED ELECTRIC LINE PRIOR TO DEMOLITION OF THE BUILDING. COORDINATE REMOVAL WITH OWNER AND PG&E.
14. ABANDON (E) SEWER LATERAL PER CITY OF BERKELEY REQUIREMENTS. FOR BUILDING DEMOLITION AND LATERAL ABANDONMENT: WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE–USED, THE LATERAL SEWER SHALL BE DUG AND EXPOSED WHERE IT ENTERS THE MAIN.
    A. IF THE LATERAL ENTERS THE MAIN BY MEANS OF A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND IF THE MAIN AND WYE OR TEE BRANCH ARE ALL IN GOOD, UNDAMAGED CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED WITH AN EXPANDABLE NEOPRENE RUBBER PLUG AT THE MAIN. THE BRANCH PLUG SHALL BE SHALL BE ENCLOSED WITH A MINIMUM THICKNESS OF 6 INCHES OF 6 SACK, ½" SIZE AGGREGATE. PORTLAND CEMENT CONCRETE. THE WYE BRANCH WITH RUBBER PLUG MUST BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO ENCLOSURE WITH CONCRETE AND BACKFILL OF THE TRENCH.
    B. IF THE LATERAL ENTERS THE MAIN BY ANY METHOD OTHER THAN BY A FACTORY WYE OR TEE BRANCH, OR IF THE EXISTING MAIN, WYE OR TEE BRANCH IS DAMAGED IN ANY WAY, THE SECTION OF MAIN CONTAINING THE LATERAL ENTRY OPENING SHALL BE REMOVED AND REPLACED WITH A NEW SECTION OF PIPE OF THE SAME DIAMETER AS THE EXISTING MAIN. AN ENGINEERING INSPECTOR MUST INSPECT THE NEW MAIN SECTION BEFORE BACKFILL.
    C. THE ABANDONED LATERAL PIPE SHALL BE FILLED WITH SAND AND JETTED TO PREVENT THE PIPE FROM BECOMING A HOME FOR RODENTS OR OTHER DISEASE VECTORS.
    D. REMOVE (E) CLEANOUT FRAME & COVER.
15. REMOVE (E) CONCRETE WALL. COORDINATE REMOVAL WITH ADJACENT PROPERTY OWNER.
16. REMOVE (E) FENCE. COORDINATE REMOVAL WITH ADJACENT PROPERTY OWNER.
17. (E) JOINT POLE WITH GUY WIRE TO REMAIN
18. (E) ACCESSIBLE RAMP TO REMAIN
19. (E) CROSSWALK BUTTON/BOLLARD TO REMAIN
20. (E) CONCRETE TO REMAIN
21. (E) SIGN TO REMAIN
22. (E) CURB & GUTTER TO REMAIN
23. (E) LIGHT POLE TO REMAIN
24. (E) FIRE HYDRANT TO REMAIN
25. REMOVE (E) JOINT POLE & UNDERGROUND (E) OVERHEAD UTILITIES (BY OTHERS)
26. REMOVE (E) BRICK PAVERS TO PROPERTY LINE
27. REMOVE (E) BRICK POST
28. REMOVE (E) RETAINING WALL AND FOUNDATION.
29. REMOVED (E) CONCRETE DECK, WALLS AND FOUNDATION.
30. REMOVE (E) OVERHEAD UTILITY LINE TO BUILDING. COORDINATE REMOVAL WITH APPROPRIATE UTILITY MUNICIPALITY.
31. (E) OVERHEAD UTILITY LINE TO REMAIN.
32. REMOVE (E) CONCRETE STEPS.
33. PROTECT (E) BUILDING ON ADJACENT PROPERTY DURING DEMOLITION.
34. (E) DRAIN INLET AND STORM DRAIN TO REMAIN DURING DEMOLITION. REMOVE (E) DRAIN INLET AND STORM DRAIN PRIOR TO CONSTRUCTION OF (N) BUILDING FOUNDATION.

X REMOVE (E) TREE AND/OR (E) STUMP

O (E) TREE TO REMAIN. PROTECT TREE DURING CONSTRUCTION

GRAPHIC SCALE IN FEET
0 10' 20'

GREENWOOD & MOORE, INC
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Tel: 510-581-7272 Fax: 510-581-8613 www.greenwoodmoore.com

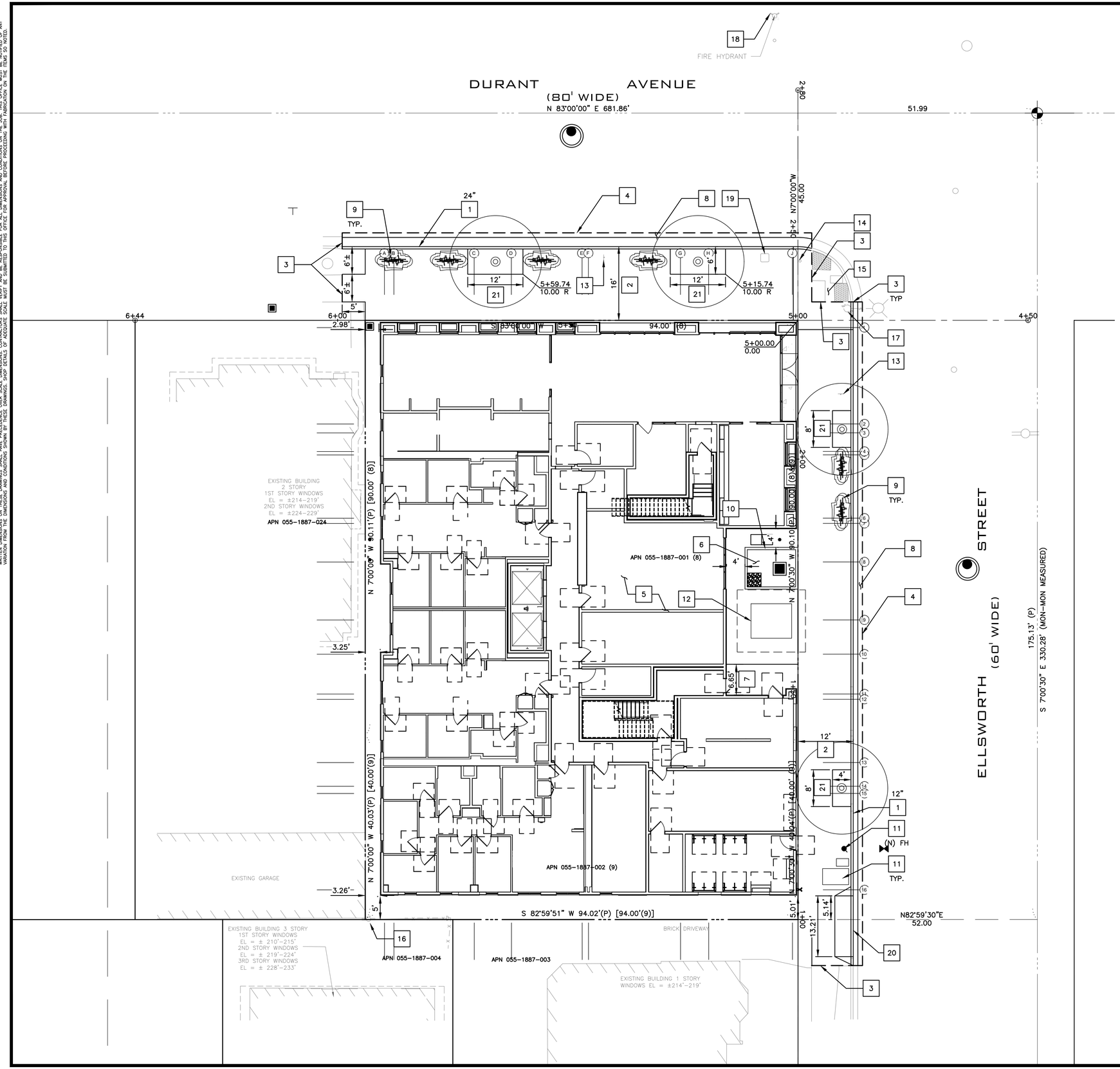
REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

TOPOGRAPHIC SURVEY & DEMOLITION PLAN

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C1.0

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON , AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC.
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS AND MUST BE GIVEN THE OPPORTUNITY TO VERIFY SUCH VARIATIONS BEFORE PROCEEDING WITH THE WORK. IF ANY DISCREPANCY IS DISCOVERED, WORK SHALL BE STOPPED IMMEDIATELY AND NOTIFICATION GIVEN TO THIS OFFICE. FOR ADDITIONAL SERVICES PROVIDED IN WORKING FROM INCOMPLETE OR INCORRECT DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS, SUCH ADDITIONAL SERVICES SHALL BE CHARGED AT HOURLY RATES AND MUST BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH THE WORK.



KEYNOTES

1. (N) CONCRETE CURB & GUTTER PER CITY OF BERKELEY STANDARD DETAIL 8145. SEE DETAIL 1/C7.4
2. (N) CONCRETE SIDEWALK PER CITY BERKELEY STANDARD DETAIL 8153. SEE DETAIL 2/C7.4.
3. CONFORM TO EXISTING SAWCUT LINE
4. SAWCUT LINE. CONFORM TO (E) AC PER DETAIL 1/C7.0
5. (N) BUILDING. SEE ARCHITECTURAL PLANS
6. FLOW THROUGH PLANTER
7. (N) PRIVATE CONCRETE PAVING PER DETAIL 2/C7.0 TYPE 1.
8. (N) AC PAVING. MATCH (E) PAVEMENT SECTION OR AS DIRECTED BY CITY ENGINEER/INSPECTOR.
9. (N) BIKE RACK
10. RETAINING WALL AT FLOWTHROUGH PLANTER
11. (N) WATER METER
12. (N) ABOVE GROUND TRANSFORMER
13. (E) SIGN TO REMAIN
14. (E) CROSSWALK POLE TO REMAIN
15. (E) ACCESSIBLE RAMP TO REMAIN
16. (E) JOINT POLE TO REMAIN
17. (E) STREETLIGHT TO REMAIN
18. (E) FIRE HYDRANT TO REMAIN
19. REMOVE AND REINSTALL (E) MAILBOX (BY OTHERS)
20. (N) DRIVEWAY PER CITY OF BERKELEY STANDARD DETAIL 8151. SEE 5/C7.4.
21. (N) TREE WELL
22. DIMENSION TO GRIDLINE. SEE PLAN FOR GRIDLINE NUMBER/LETTER
23. 1/2" GAP BETWEEN CONCRETE EDGE & BUILDING. FILL WITH BACKER ROD & CAULK.
24. (N) FIRE HYDRANT

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IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

SITE PLAN

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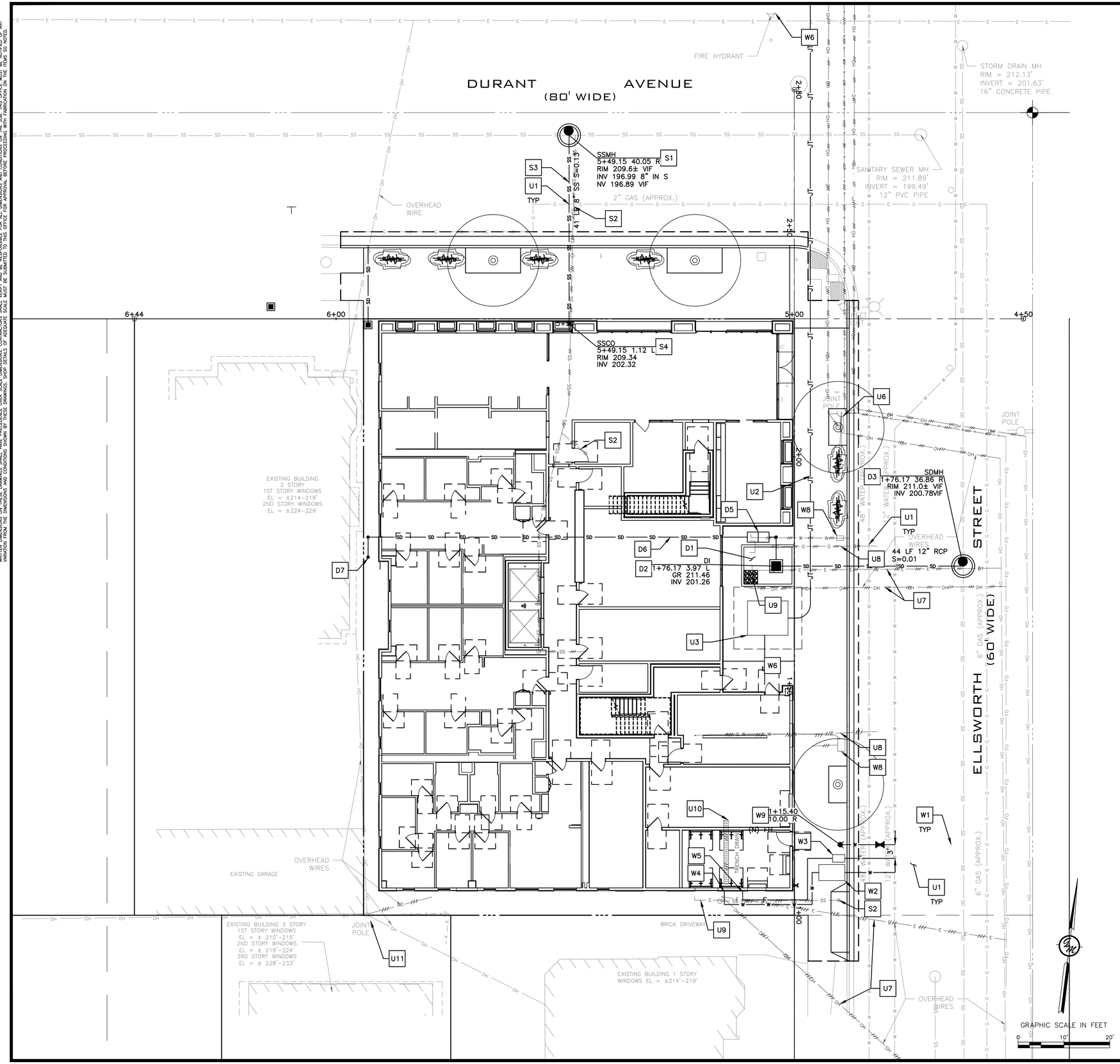

STORM DRAINAGE KEYNOTES D#

1. FLOW THROUGH PLANTER
2. DRAIN INLET. GRATE TO BE 6" ABOVE FLOW THROUGH PLANTER FINISH GRADE. DRAIN INLET TO BE CP2424 PER DETAIL 1/C7.1 & 2/C7.1
3. STORM DRAIN MANHOLE PER CITY OF BERKELEY STANDARD DETAIL 7895. VERIFY EXISTING SEWER SIZE AND INVERT ELEVATION IN FIELD. SEE 4/C7.4.
4. APPROXIMATE LOCATION OF RAIN WATER DOWNSPOUT TO OUTFALL INTO BIORETENTION AREA AT COBBLE DISSIPATOR
5. BELOW GROUND CONTECH CARTRIDGE CATCH BASIN STORMFILTER TO TREAT ROOFTOP. CONNECT 6" STORM DRAIN OUTLET TO DRAIN INLET. SEE DETAIL 4/C7.1.
6. STORM DRAIN THROUGH BUILDING. COORDINATE WITH PLUMBING CONSULTANT.
7. CONNECT DOWNSPOUT TO STORM DRAIN THAT IS CONNECTED TO FILTER VAULT.

SEWER KEYNOTES S#

1. SSMH PER CITY OF BERKELEY STANDARD DETAIL 7895. VERIFY EXISTING SEWER SIZE AND INVERT ELEVATION IN FIELD. SEE 4/C7.4.
2. ABANDON (E) SEWER LATERAL. FOR BUILDING DEMOLITION AND LATERAL ABANDONMENT: WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE–USED, THE LATERAL SEWER SHALL BE DUG AND EXPOSED WHERE IT ENTERS THE MAIN.

A. IF THE LATERAL ENTERS THE MAIN BY MEANS OF A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND IF THE MAIN AND WYE OR TEE BRANCH ARE ALL IN GOOD, UNDAMAGED CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED WITH AN EXPANDABLE NEOPRENE RUBBER PLUG AT THE MAIN. THE BRANCH PLUG SHALL BE SHALL BE ENCLOSED WITH A MINIMUM THICKNESS OF 6 INCHES OF 6 SACK, ¾" SIZE AGGREGATE. PORTLAND CEMENT CONCRETE. THE WYE BRANCH WITH RUBBER PLUG MUST BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO ENCLOSURE WITH CONCRETE AND BACKFILL OF THE TRENCH.

B. IF THE LATERAL ENTERS THE MAIN BY ANY METHOD OTHER THAN BY A FACTORY WYE OR TEE BRANCH, OR IF THE EXISTING MAIN, WYE OR TEE BRANCH IS DAMAGED IN ANY WAY, THE SECTION OF MAIN CONTAINING THE LATERAL ENTRY OPENING SHALL BE REMOVED AND REPLACED WITH A NEW SECTION OF PIPE OF THE SAME DIAMETER AS THE EXISTING MAIN. AN ENGINEERING INSPECTOR MUST INSPECT THE NEW MAIN SECTION BEFORE BACKFILL.

C. THE ABANDONED LATERAL PIPE SHALL BE FILLED WITH SAND AND JETTED TO PREVENT THE PIPE FROM BECOMING A HOME FOR RODENTS OR OTHER DISEASE VECTORS.

D. REMOVE (E) CLEANOUT FRAME & COVER.

3. 8" HDPE SDR 17
4. 2 WAY SEWER CLEANOUT WITH CAST IRON TRAFFIC RATED COVER. COORDINATE SEWER CONNECTION TO BUILDING LOCATION AND ELEVATION WITH PLUMBING PLANS.

WATER KEYNOTES W#

1. CONNECT TO EXISTING WATER LINE PER EBMUD STANDARDS AND REQUIREMENTS
2. RESIDENTIAL APARTMENT DOMESTIC WATER METER PER EBMUD STANDARDS AND REQUIREMENTS. VERIFY METER SIZE WITH EBMUD AND PLUMBING PLANS.
3. WATER METER AND CHECK VALVE FOR FIRE SERVICE PER EBMUD STANDARDS AND REQUIREMENTS.
4. 2" WATER SERVICE TO APARTMENT BUILDING. VERIFY SIZE AND LOCATION WITH PLUMBING PLANS. PROVIDE BACKFLOW DEVICE AT BUILDING PER EBMUD STANDARDS AND REQUIREMENTS.
5. X" FIRE SERVICE TO BUILDING. SEE FIRE SERVICE PLANS BY OTHERS FOR MORE INFORMATION. PROVIDE BACKFLOW DEVICE AT BUILDING PER EBMUD STANDARDS AND REQUIREMENTS.
6. (E) FIRE HYDRANT
7. FIRE DEPARTMENT CONNECTION. SEE PLANS BY OTHERS.
   7.1. THE FDC SHALL BE INSTALLED NO HIGHER THAN 3–FEET FROM FINISHED GRADE, AND SHALL BE LOCATED SO THAT FIRE APPARATUS AND HOSE CONNECTED TO SUPPLY THE SYSTEM WILL NOT OBSTRUCT ACCESS TO THE BUILDINGS FOR OTHER FIRE APPARATUS.
   7.2. THE FDC SUPPLYING WATER TO THE STANDPIPE SYSTEM MUST CONSIST OF A THREE (3) 2–1/2–INCH INLET CONNECTION AND ONE (1) 5–INCH STORZ CONNECTION WITH A BUILT–IN DEBRIS SCREEN.
8. REMOVE (E) WATER METER. CAP AND ABANDON (E) WATER LATERAL PER EBMUD STANDARDS (BY EBMUD)
9. (N) FIRE HYDRANT PER EBMUD AND CITY OF BERKELEY STANDARDS, REQUIREMENTS AND SPECIFICATIONS.

UTILITY KEYNOTES U#

1. CONTRACTOR FIELD LOCATE (E) UTILITIES. NOTIFY ENGINEER OF ANY CONFLICTS WITH (E) UTILITIES.
2. JOINT TRENCH BY OTHERS. SEE JOINT TRENCH PLANS
3. (N) ABOVE GROUND TRANSFORMER (BY OTHERS)
4. ALL TRENCHING IN THE CITY RIGHT OF WAY TO BE PER CITY OF BERKELEY STANDARD DETAIL 8136.
5. PROVIDE 1' MINIMUM CLEARANCE AT UTILITY CROSSING. VIF
6. REMOVE (E) JOINT POLE AND UNDERGROUND EXISTING OVERHEAD UTILITIES (BY OTHERS)
7. REMOVE (E) OVERHEAD LINES
8. PG&E TO REMOVE (E) GAS METER AND GAS LATERAL PRIOR TO DEMOLITION OF THE BUILDING. CONTRACTOR TO VERIFY LOCATION IN FIELD. CAP & ABANDON PER PG&E STANDARDS & REQUIREMENTS.
9. PG&E TO REMOVE (E) ELECTRIC METERS AND ASSOCIATED ELECTRIC LINE PRIOR TO DEMOLITION OF THE BUILDING. COORDINATE REMOVAL WITH OWNER AND PG&E.
10. REMOVE (E) TRENCH DRAIN. ABANDON EXISTING STORM DRAIN LINE.
11. (E) JOINT POLE TO REMAIN.

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UTILITY PLAN

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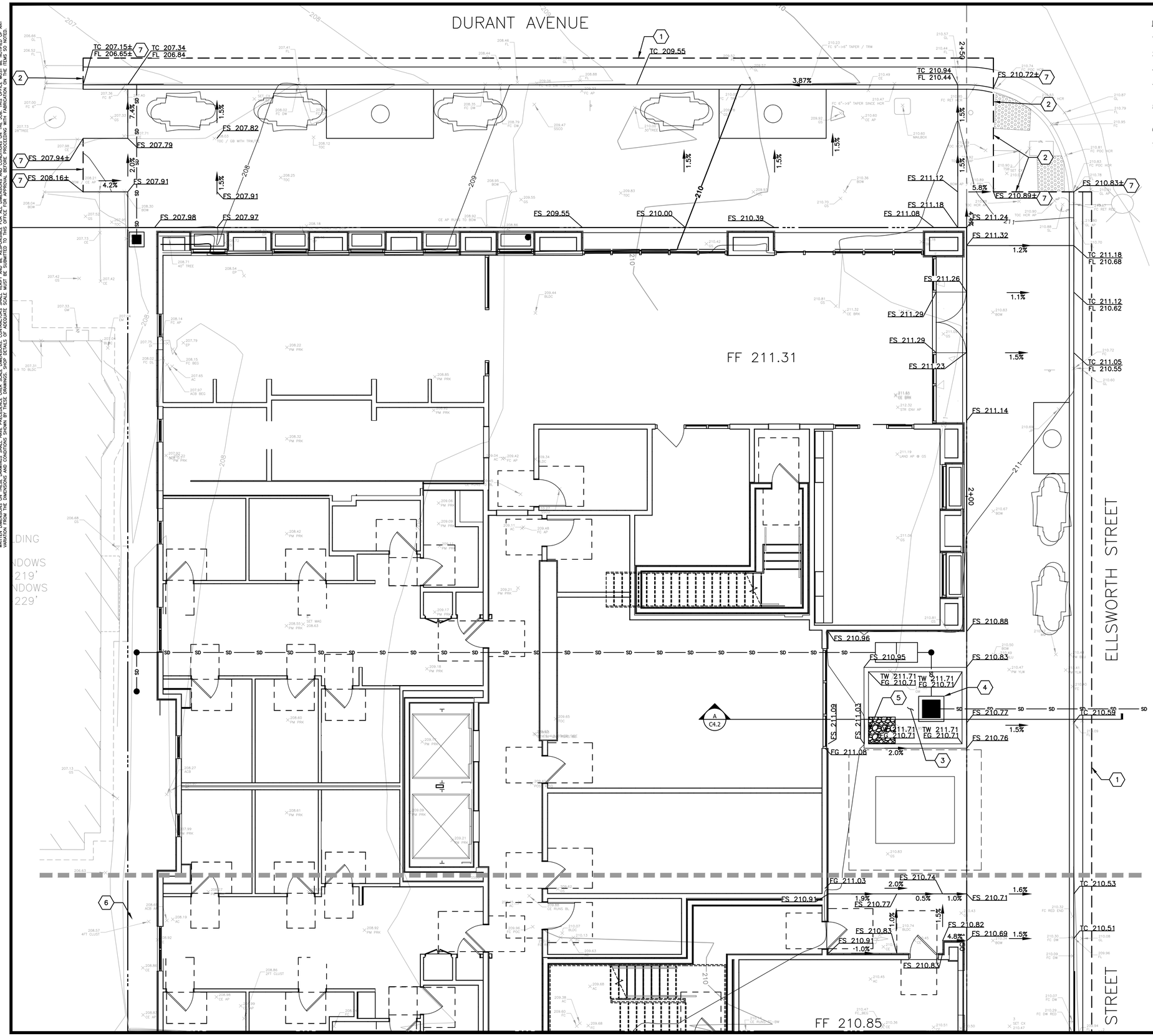

KEYNOTES:

1. CONFORM TO (E) AC AT SAWCUT LINE
2. SAWCUT LINE CONFORM TO EXISTING
3. FLOWTHROUGH PLANTER
4. OVERFLOW DRAIN INLET. GRATE TO BE 6" ABOVE FINISH GRADE ELEVATION OF FLOW THROUGH PLANTER.
5. DISCHARGE ROOF STORM WATER RUNOFF FROM DOWNSPOUT INTO BIORETENTION AREA AT COBBLE OUTFALL
6. 1' WIDE CONCRETE VALLEY GUTTER FOR DRAINAGE.
7. CONFORM TO (E) ELEVATION

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IMPROVEMENT PLAN
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GRADING PLAN

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SCALE:	1"=10'
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PHASE NO.	XX
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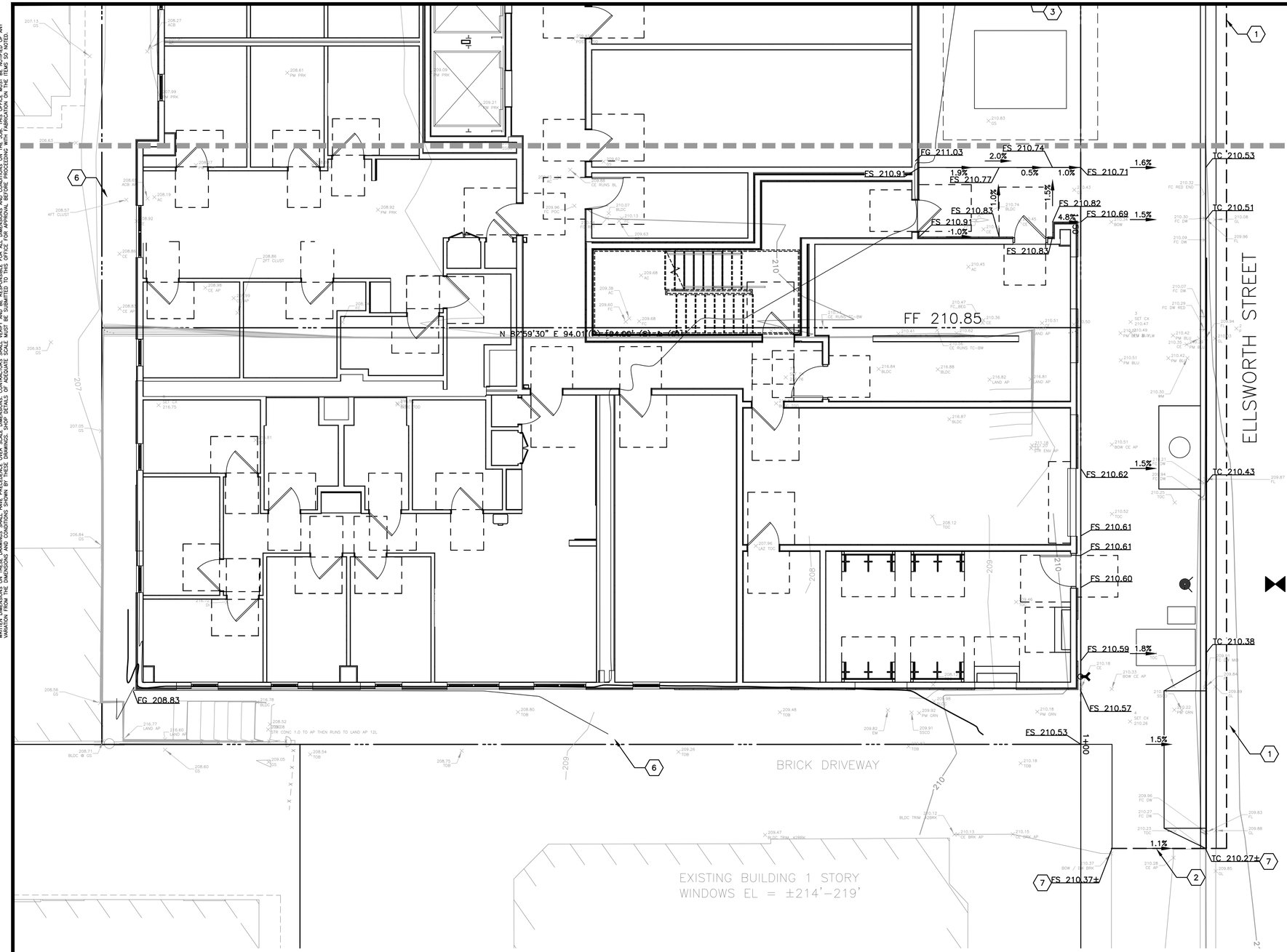

KEYNOTES:

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7. CONFORM TO (E) ELEVATION

GRAPHIC SCALE IN FEET
0 10' 20'

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GRADING PLAN

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SHEET NO. C4.1

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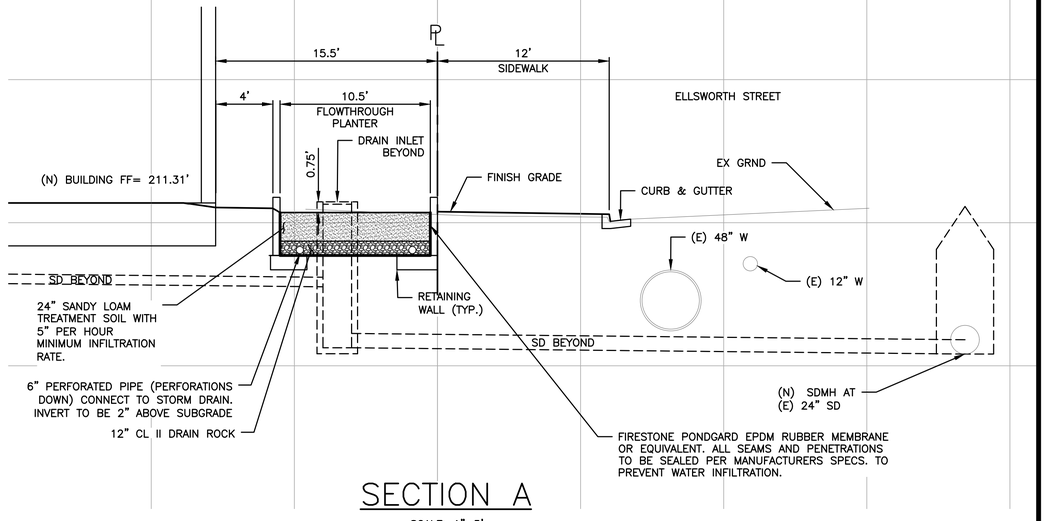

SECTION A

SCALE: 1"=5'

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SECTIONS

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PHASE NO.	XX
SHEET NO.	C4.2

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TABLE A
IMPERVIOUS AREA SUMMARY

	IMPERVIOUS AREA (SQ FT)	PERVIOUS PAVEMENT/GRAVEL (SQ FT)	LANDSCAPE (SQ FT)
EXISTING	10,604	0	1,631
PROPOSED	10,878	0	1,357

TABLE B
FLOWTHROUGH PLANTER DESIGN

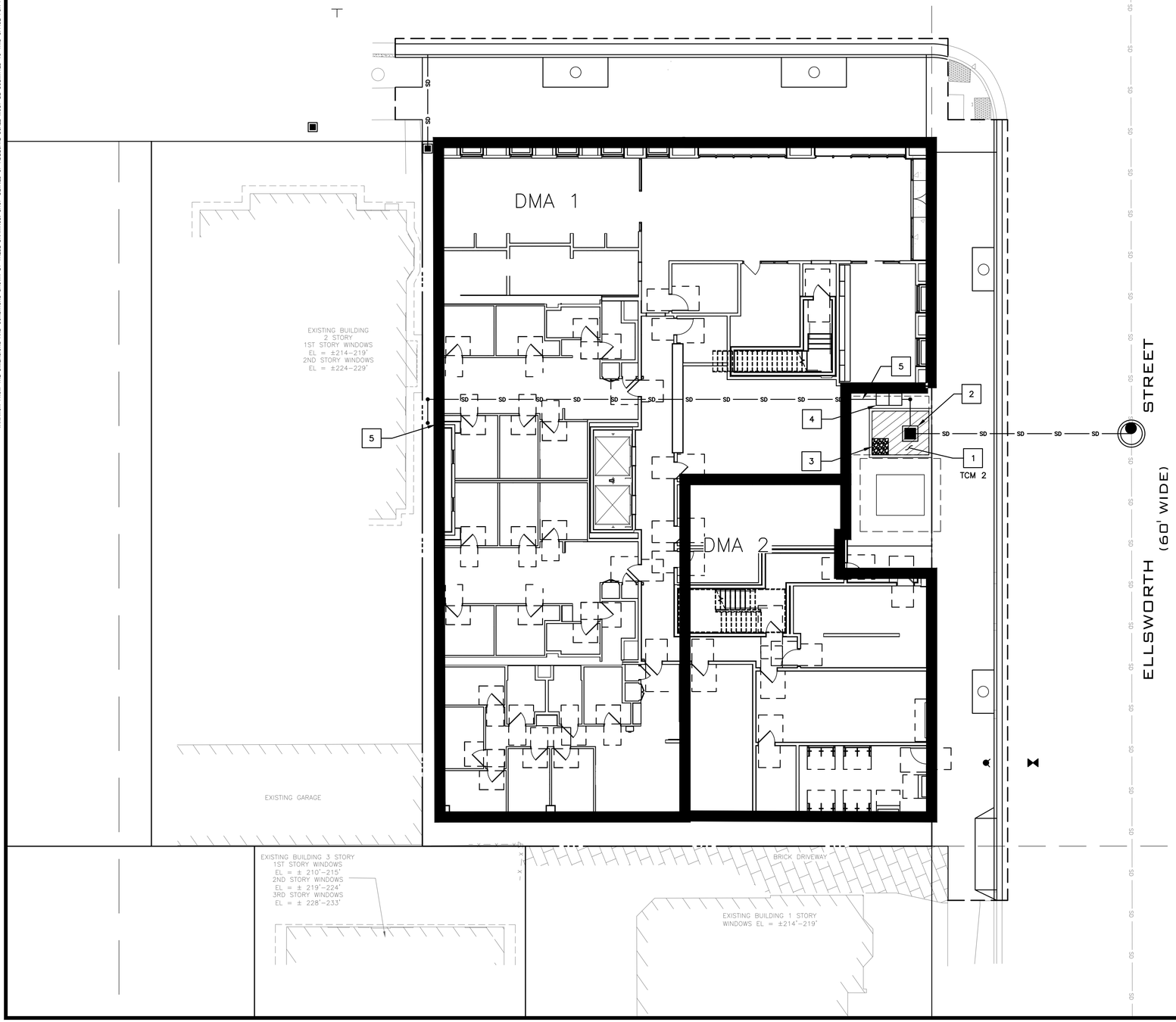
		a	b		c	d	e	f				
DRAINAGE MANAGEMENT AREA (DMA)	TREATMENT CONTROL MEASURE (TCM)	TOTAL DRAINAGE AREA (SF)	LANDSCAPING AREA (SF)	PERVIOUS PAVEMENT AREA (SF)	TOTAL PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATEMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	DEPTH OF PONDING (INCHES)	TREATMENT TYPE	SIZING METHOD
2	2	2,636	85	0	85	2,551	2,560	80	85	9	BIORETENTION	AREA METHOD*

TABLE C
CONTECH FILTER VAULT DESIGN

		a	b		c	d	e	f			
DRAINAGE MANAGEMENT AREA (DMA)	TREATMENT CONTROL MEASURE (TCM)	TOTAL DRAINAGE AREA (SF)	LANDSCAPING AREA (SF)	PERVIOUS PAVEMENT AREA (SF)	TOTAL PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT FLOW REQUIRED (CFS)	PROVIDED TREATMENT VAULT (CFS)	TREATMENT TYPE	SIZING METHOD
1	1	8,207	0	0	0	8,207	8,207	0.0339	0.0558	FILTER VAULT	RATIONAL METHOD*

KEYNOTES #

1. FLOWTHROUGH PLANTER AT GRADE
2. OVERFLOW DRAINAGE INLET GRATE ON DROP INLET TO BE 6" ABOVE FINISH GRADE ELEVATION OF BIORETENTION AREA
3. DISCHARGE ROOF STORM WATER RUNOFF FROM DOWNSPOUT INTO BIORETENTION AREA AT COBBLE OUTFALL
4. CONTECH FILTER VAULT. SEE UTILITY PLAN SHEET C3.0 FOR MORE INFORMATION. TWO FILTERS.
5. CONNECT DOWNSPOUT TO STORMDRAIN CONNECTED TO FILTER VAULT.



GRAPHIC SCALE IN FEET
0 10' 20'

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STORMWATER CONTROL PLAN

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DRAWN BY: ST
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DATE 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C5.0

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Worksheet for Calculating the Combination Flow and Volume Method

These calculations are based on the combination flow and volume hydraulic sizing method provided in the Alameda, San Mateo, and Santa Clara County C.3 Technical Guidance Manuals. The steps presented below are explained in Chapter 5, Section 5.1 of the gui

1.0 Project Information

1-1	Project Name:	2298 DURANT AVE	
1-2	City application ID:	BERKELEY	
1-3	Site Address or APN:	0	
1-4	Tract or Parcel Map No:	0	
1-5	Site Mean Annual Precip. (MAP)[1]	23.0	Inches
	Refer to the Mean Annual Precipitation Map in Appendix D of the C.3 Technical Guidance to determine the MAP, in inches, for the site.		Click here for map
1-6	Applicable Rain Gauge[2]	Oakland Airport (CWPAC)	
	MAP adjustment factor is automatically calculated as:	1.25	
	(The "Site Mean Annual Precipitation (MAP)" is divided by the MAP for the applicable rain gauge, shown in Table 5.2, below.)		

2.0 Calculate Percentage of Impervious Surface for Drainage Management Area (DMA)

2-1	Name of DMA:	DMA-2

For items 2-2 and 2-3, enter the areas in square feet for each type of surface within the DMA.

	Type of Surface	Area of surface type within DMA (Sq. Ft)	Adjust Pervious Surface	Effective Impervious Area
2-2	Impervious Surface	5,312	1.0	5,312
2-3	Pervious Surface	165	0.1	17
	Total DMA Area (square feet) =	5,477		
2-4	***Total Effective Impervious Area (EIA)***			5,329 Square feet

3.0 Calculate Unit Basin Storage Volume in Inches

Table 5-2: Unit Basin Storage Volumes (in inches) for 80 Percent Capture Using 48-Hour Drawdowns

Applicable Rain Gauge	Mean Annual Precipitation (in)	Unit Basin Storage Volume (in) for Applicable Runoff Coefficients (Calculated for 100% Imperviousness)
San Jose Airport (SCVURPPP)	13.9	0.58
Palo Alto (SCVURPPP)	13.7	0.62
Palo Alto (SMCWPPP)	14.6	0.64
Gilroy (SCVURPPP)	18.2	1.00
Morgan Hill (SCVURPPP)	19.5	1.00
Boulder Creek (SMCWPPP)	55.9	2.04
La Honda (SMCWPPP)	24.4	0.86
Half Moon Bay (SMCWPPP)	25.92	0.82
San Francisco (SMCWPPP)	21	0.73
San Francisco Airport (SMCWPPP)	20.1	0.85
San Francisco Oceanside (SMCWPPP)	19.3	0.72
Oakland Airport (CWPAC)	18.35	1.00

3-1	***Unit basin storage volume from Table 5.2:***	1.00	Inches
	(The coefficient for this method is 1.00, due to the conversion of any landscaping to effective impervious area)		
3-2	***Adjusted unit basin storage volume:***	1.25	Inches
	(The unit basin storage volume is adjusted by applying the MAP adjustment factor.)		
3-3	***Required Capture Volume (in cubic feet):***	557	Cubic feet
	(The adjusted unit basin sizing volume [inches] is multiplied by the size of the DMA and converted to feet)		

4.0 Calculate the Duration of the Rain Event

4-1	Rainfall intensity	0.2	Inches per hour
4-2	Divide Item 3-2 by Item 4-1	6.27	Hours of Rain Event Duration

5.0 Preliminary Estimate of Surface Area of Treatment Measure

5-1	4% of DMA impervious surface	213	Square feet
5-2	Area 25% smaller than item 5-1	160	Square feet
5-3	Volume of treated runoff for area in Item 5-2	417	Cubic feet (Item 5-2 * 5 inches per hour * 1/12 * Item 4-2)

6.0 Initial Adjustment of Depth of Surface Ponding Area

6-1	Subtract Item 5-3 from Item 3-3	139	Cubic feet (Amount of runoff to be stored in ponding area)
6-2	Divide Item 6-1 by Item 5-2	0.9	Feet (Depth of stored runoff in surface ponding area)
6-3	Convert Item 6-2 from ft to inches	10.4	Inches (Depth of stored runoff in surface ponding area)
6-4	If ponding depth in Item 6-3 meets your target depth of 6"-12", then Item 7-1 is equal to Item 5-2. If not, continue to Step 7-1.		

7.0 Optimize Size of Treatment Me 25

7-1	Enter an area larger or smaller than Item 5-2	165	Sq.ft. (enter larger area if you need less ponding depth; smaller for more depth.)
7-2	Volume of treated runoff for area in Item 7-1	431	Cubic feet (Item 7-1 * 5 inches per hour * 1/12 * Item 4-2)
7-3	Subtract Item 7-2 from Item 3-3	126	Cubic feet (Amount of runoff to be stored in ponding area)
7-4	Divide Item 7-3 by Item 7-1	0.76	Feet (Depth of stored runoff in surface ponding area)
7-5	Convert Item 7-4 from feet to inches	9.14	Inches (Depth of stored runoff in surface ponding area)
7-6	If the ponding depth in Item 7-5 meets target, stop here. If not, repeat Steps 7-1 through 7-5 until you obtain target depth. If the slope of the drainage area > 1%, then 11" will be the max ponding depth (slopes >1% will increase the ponding depth by 0.		

GREENWOOD & MOORE, INC
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REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

STORMWATER CONTROL PLAN
COMBINATION CALCULATIONS

CHECKED BY: BD
DRAWN BY: ST
SCALE: 1"=10'
DATE: 04/10/2025
PROJECT NO.: 2024.030
PHASE NO.: XX
SHEET NO.: C5.1

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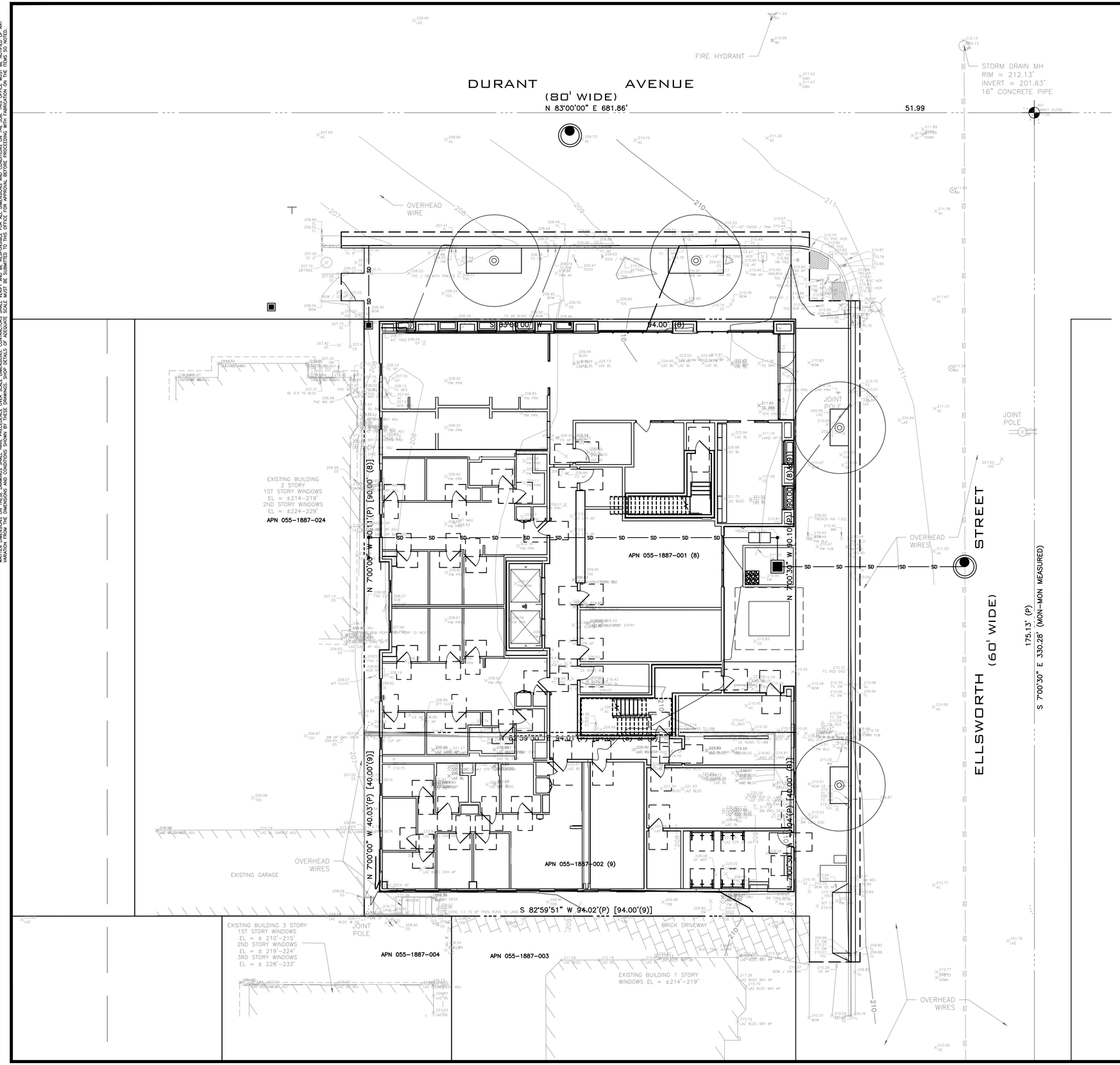

GRAPHIC SCALE IN FEET
0 10' 20'

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IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

EROSION CONTROL PLAN

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C6.0

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BIORETENTION TREATMENT SOIL SPECIFICATIONS

1. BIORETENTION TREATMENT SOIL SHALL ACHIEVE A LONG TERM, IN-PLACE INFILTRATION RATE BETWEEN 5 IN/HR AND 10 IN/HR, CAPABLE OF SUPPORTING VIGOROUS PLAN GROWTH AND CONSIST OF 60%-70% SAND AND 30%-40% COMPOST.
   - 1.1. THE APPLICANT TO SUBMIT TO THE MUNICIPALITY FOR APPROVAL:
     - 1.1.a. A SAMPLE OF MIXED BIORETENTION SOIL.
     - 1.1.b. CERTIFICATION FROM THE SOIL SUPPLIER OR AN ACCREDITED LABORATORY THAT THE BIORETENTION SOIL MEETS THE REQUIREMENTS OF THIS GUIDELINE SPECIFICATION.
     - 1.1.c. GRAIN SIZE ANALYSIS RESULTS OF THE FINE SAND COMPONENT PERFORMED IN ACCORDANCE WITH ASTM D 422, STANDARD TEST METHOD FOR PARTICLE SIZE ANALYSIS OF SOILS.
     - 1.1.d. QUALITY ANALYSIS RESULTS FOR COMPOST PERFORMED IN ACCORDANCE WITH SEAL OF TESTING ASSURANCE (STA) STANDARDS, AS SPECIFIED SECTION 1.4.
     - 1.1.e. ORGANIC CONTENT TEST RESULTS OF MIXED BIORETENTION SOIL. ORGANIC CONTENT TEST SHALL BE PERFORMED IN ACCORDANCE WITH TESTING METHODS FOR EXAMINATION OF COMPOST AND COMPOSTING (TMECC) 05.07A, "LOSS-ON-IGNITION ORGANIC MATTER METHOD.
     - 1.1.f. GRAIN SIZE ANALYSIS RESULTS OF THE COMPOST COMPONENT IN ACCORDANCE WITH ASTM D422, STANDARD TEST METHOD FOR PARTICLE SIZE ANALYSIS OF SOILS.
     - 1.1.g. A DESCRIPTION OF THE EQUIPMENT AND METHODS USED TO MIX THE SAND AND COMPOST TO PRODUCE BIORETENTION SOIL.
     - 1.1.h. PROVIDE THE FOLLOWING INFORMATION ABOUT THE TESTING LABORATORY(IES): CONTACT PERSON(S), ADDRESS(ES), PHONE CONTACTS(S), EMAIL ADDRESS(ES) AND QUALIFICATIONS OF LABORATORY(IES) AND PERSONNEL INCLUDING DATE OF CURRENT CERTIFICATION BY STA, ASTM, OR APPROVED EQUAL.
   - 1.2. SAND FOR BIORETENTION SOIL:
     - 1.2.a. SAND SHALL BE FREE OF WOOD, WASTE COATING SUCH AS CLAY, STONE, DUST, CARBONATE, ETC., OR ANY OTHER DELETERIOUS MATERIAL. ALL AGGREGATE PASSING THE NO. 200 SIEVE SHALL BE NON-PLASTIC.
     - 1.2.b. SAND FOR BIORETENTION AREA SHALL BE ANALYZED BY AN ACCREDITED LAB USING #200, #100, #40, #30 #8, #4, AND 3/8" SIEVES (ASTM D 422 OR AS APPROVED BY MUNICIPALITY), AND MEET THE FOLLOWING GRADATION.

SIEVE SIZE	PERCENT PASSING (BY WEIGHT) MIN	MAX.
3/8"	100	100
NO. 4	90	100
NO. 8	70	100
NO. 16	40	95
NO. 30	15	70
NO. 40	5	55
NO. 100	0	15
NO. 200	0	5

NOTE: ALL SANDS COMPLYING WITH ASTM C33 FOR FINE AGGREGATE COMPLY WITH THE ABOVE GRADATION REQUIREMENTS.

1.3 COMPOSTED MATERIAL
COMPOST SHALL BE A WELL DECOMPOSED, STABLE, WEED FREE ORGANIC MATTER SOURCE DERIVED FROM WASTE MATERIALS INCLUDING YARD DEBRIS, WOOD WASTES OR OTHER ORGANIC MATERIALS NOT INCLUDING MANURE OR BIOSOLIDS MEETING THE STANDARDS DEVELOPED BY THE US COMPOSTING COUNCIL (USCC). THE PRODUCT SHALL BE CERTIFIED THROUGH THE USCC SEAL OF TESTING ASSURANCE (STA) PROGRAM (A COMPOST TESTING AND INFORMATION DISCLOSURE PROGRAM).

A. COMPOST QUALITY ANALYSIS: BEFORE DELIVERY OF THE SOIL, THE SUPPLIER SHALL SUBMIT A COPY OF LAB ANALYSIS PERFORMED BY A LABORATORY THAT IS ENROLLED IN THE US COMPOSTING COUNCIL'S COMPOST ANALYSIS PROFICIENCY (CAP) PROGRAM USING APPROVED TEST METHODS FOR THE EVALUATION OF COMPOSTING AND COMPOST (TMECC). THE LAB REPORT SHALL VERIFY:

1. FEEDSTOCK MATERIALS SHALL BE SPECIFIED AND INCLUDE ONE OF THE FOLLOWING: LANDSCAPE/YARD TRIMMINGS, GRASS CLIPPINGS, FOOD SCRAPS AND AGRICULTURE CROP RESIDUES.
2. ORGANIC MATTER CONTENT: 35%-75% BY DRY WEIGHT.
3. CARBON AND NITROGEN RATIO: C:N < 25:1 AND C:N > 15:1
4. MATURITY AND STABILITY SHALL HAVE A DARK BROWN COLOR AND A SOIL LIKE ODOR. COMPOST EXHIBITING A SOUR OR PUTRID SMELL, CONTAINING RECOGNIZABLE GRASS OR LEAVES, OR IS HOT (120F) UPON DELIVERY IS NOT ACCEPTABLE. IN ADDITION ANY ONE OF THE FOLLOWING IS REQUIRED TO INDICATE STABILITY:
   - 4.a. OXYGEN TEST < 1.3 02/UNIT TS/HR
   - 4.b. SPECIFIC OXY. TEST < 1.5 02/UNIT BVS/
   - 4.c. RESPIRATION TEST < 8 C/UNIT VS/DAY
   - 4.d. DEWAR TEST < 20 TEMP. RISE (DEGREES C) E.
   - 4.e. SOLVITA > 5 INDEX VALUE
5. TOXICITY: ANY OF THE FOLLOWING MEASURES IS SUFFICIENT TO INDICATE NON-TOXICITY:
   - 5.a. NH4- :NO3 < 3
   - 5.b. AMMONIUM < 500PPM, DRY BASIS
   - 5.c. SEED GERMINATION > 80% OF CONTROL
   - 5.d. PLANT TRIALS > 80% OF CONTROL
   - 5.e. SOLVITA > 5 INDEX VALUE
6. NUTRIENT CONTENT: PROVIDE ANALYSIS DETAILING NUTRIENT CONTENT INCLUDING N-P-K, CA, NA, MG AND B.
   - 6.a. TOTAL NITROGEN CONTENT 0.9% OR ABOVE PREFERRED
   - 6.b. BORON: TOTAL SHALL BE < 80PPM: SOLUBLE SHALL BE < 2.5 PPM
7. SALINITY: MUST BE REPORTED: < 6.0 MMHOS/CM
8. PH SHALL BE BETWEEN 6.5 AND 8. MAY VARY WITH PLANT SPECIES.

B. COMPOST FOR BIORETENTION SOIL TEXTURE
COMPOST FOR BIORETENTION SOILS SHALL BE ANALYZED BY AN ACCREDITED LAB USING #200, 1/4", 1/2" AND 1" SIEVES (ASTM D422 OR AS APPROVED BY MUNICIPALITY), AND MEET THE FOLLOWING GRADATION.

SIEVE SIZE	PERCENT PASSING (BY WEIGHT) MIN	MAX.
1"	99	100
1/2"	90	100
1/4"	40	90
NO. 200	2	10

C. BULK DENSITY SHALL BE BETWEEN 500 AND 1100 DRY LBS/CUBIC YARD
D. MOISTURE CONTENT SHALL BE BETWEEN 30%-55% OF DRY SOLIDS.
E. INERTS: COMPOST SHALL BE RELATIVELY FREE OF INERT INGREDIENTS, INCLUDING GLASS, PLASTIC AND PAPER, <1% BY WEIGHT OR VOLUME.
F. WEED SEED/PATHOGEN DESTRUCTION: PROVIDE PROOF OF PROCESS TO FURTHER REDUCE PATHOGENS (PFRP). FOR EXAMPLE, TURNED WINDROWS MUCH REACH MIN. 55C FOR 15 DAYS WITH AT LEAST 5 TURNINGS DURING THAT PERIOD.
G. SELECT PATHOGENS: SALMONELLA < 3 MPN/4 GRAMS OF TS, OR COLIFORM BACTERIA < 1000MPN/GRAM
H. TRACE CONTAMINANTS METALS (LEAD, MERCURY, ETC.) PRODUCT MUST MEET US EPA, 40 CFR 503 REGULATIONS.
I. COMPOST TESTING: THE COMPOST SUPPLIER WILL TEST ALL COMPOST PRODUCTS WITHIN 120 CALENDAR DAYS PRIOR TO APPLICATION. SAMPLES WILL BE TAKEN USING THE STA SAMPLE COLLECTION PROCESS PROTOCOL. (THE SAMPLE COLLECTION PROTOCOL CAN BE OBTAINED FROM THE U.S. COMPOSTING COUNCIL, 4250 VETERANS MEMORIAL HIGHWAY, SUITE 275, HOLBROOK, NY 11741 PHONE: 631-737-4931, (WWW.COMPOSTINGCOUNCIL.ORG) THE SAMPLE SHALL BE SENT TO AN INDEPENDENT STA PROGRAM APPROVED LAB. THE COMPOST SUPPLIER WILL PAY FOF THE TEST.

TREATMENT SOIL NOTES 14

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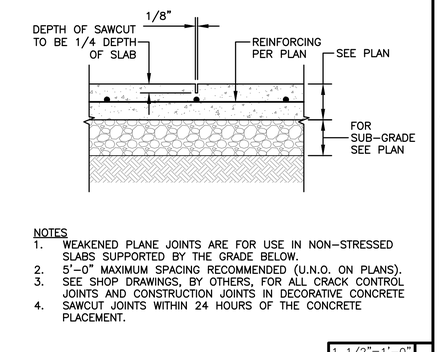
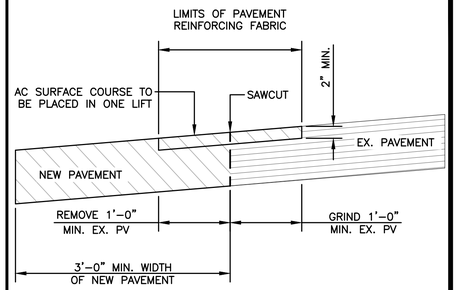


NOTES
1. WEAKENED PLANE JOINTS ARE FOR USE IN NON-STRESSED SLABS SUPPORTED BY THE GRADE BELOW.
2. 5'-0" MAXIMUM SPACING RECOMMENDED (U.N.O. ON PLANS).
3. SEE SHOP DRAWINGS, BY OTHERS, FOR ALL CRACK CONTROL JOINTS AND CONSTRUCTION JOINTS IN DECORATIVE CONCRETE
4. SAWCUT JOINTS WITHIN 24 HOURS OF THE CONCRETE PLACEMENT.

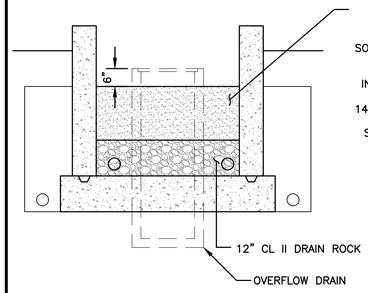
1 1/2"=1'-0"

CRACK CONTROL 4



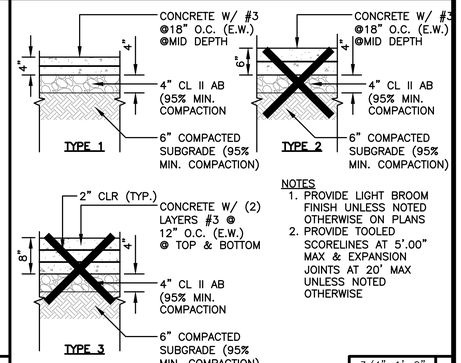
1"=1'-0"

SAWCUT 1



1/2"=1'-0"

FLOWTHROUGH PLANTER 5

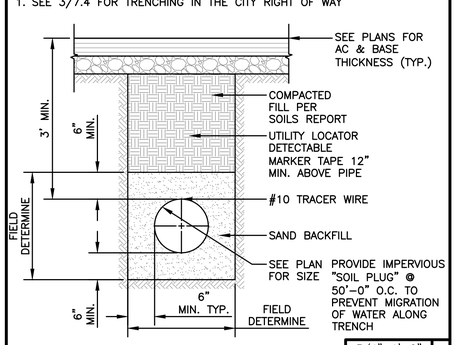


NOTES
1. PROVIDE LIGHT BROOM FINISH UNLESS NOTED OTHERWISE ON PLANS
2. PROVIDE TOOLED SCORELINES AT 5'.00" MAX & EXPANSION JOINTS AT 20' MAX UNLESS NOTED OTHERWISE

3/4"=1'-0"

CONCRETE SLAB 2

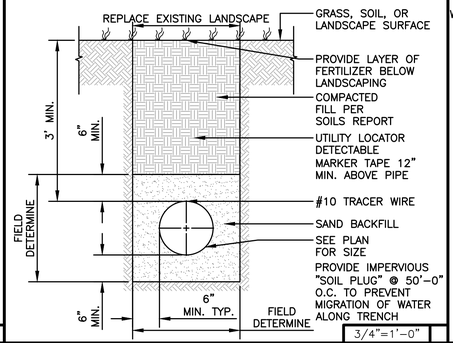
NOTES
1. SEE 3/7.4 FOR TRENCHING IN THE CITY RIGHT OF WAY



3/4"=1'-0"

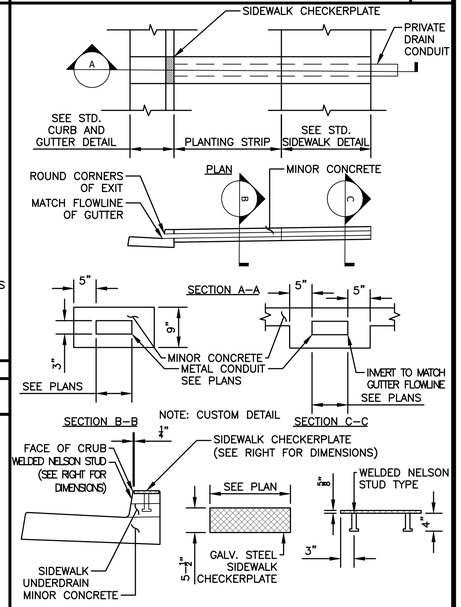
ASPHALT TRENCH 6

NOTES
1. SEE 1/8.1 FOR TRENCH DETAIL AT ALL SANITARY SEWERS.



3/4"=1'-0"

TRENCH & LANDSCAPE 7



SIDEWALK UNDERDRAIN CHECKERPLATE SHALL BE GALVANIZED STEEL WITH AN EMBOSSED NONSKID PATTERN

SIDEWALK CHECKERPLATE DETAIL

NOTES:
1. WHERE SIDEWALK UNDERDRAINS ARE INSTALLED AT LOCATIONS WHERE CURB, GUTTER, AND SIDEWALK IS EXISTING, REMOVE 24" OF CURB AND SIDEWALK SHALL BE SAWCUT AND REMOVED BETWEEN SCORELINES.
2. MULTIPLE PARALLEL SIDEWALK UNDERDRAINS SHALL HAVE 4" CLEAR BETWEEN EDGE OF PIPES.
3. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

SIDEWALK DRAIN CONDUIT 3

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DETAILS

CHECKED BY: BD
DRAWN BY: ST
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DATE 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C7.0

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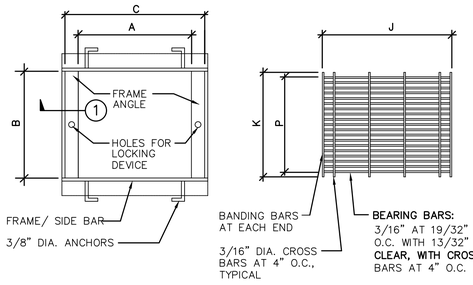
Central Precast

Title:	Date:	Dwg. No.
"ADA" WHEEL CHAIR PROOF FRAME AND GRATE DETAIL FOR DROP INLETS	05/15/03	CM
	Rev.	Page No. 1–10



FRAME PLAN GRATE PLAN

MODEL	FRAMES A IN	B IN	C IN	BEARING ANGLE IN	SIDE BAR IN	GRATE J IN	K IN	P IN	BEARING BARS IN	BAND BAR IN	# BARS
CP1212 S/H	12–3/8	12–3/8	15	1–1/2X1–1/2	1–1/2x1/4	14–3/4	12–1/8	12–1/16	1–1/4X3/16	1x3/16	21
CP1818 S/H	18–3/8	18–3/8	21	1–1/2X1–1/2 2X1–1/2	1–1/2x1/4 2x1/4	20–5/8	18–1/8	18	1–1/4x3/16 1–3/4x3/16	1x3/16 1–1/2x3/16	31
CP1824 S/H	18–3/8	24–3/8	21	1–1/2X1–1/2 2X1–1/2	1–1/2x1/4 2x1/4	20–5/8	18–1/8	18	1–1/4x3/16 1–3/4x3/16	1x3/16 1–1/2x3/16	31
CP2424 S/H	24–3/8	24–3/8	27	1–1/2X1–1/2 2–1/2X1–1/2	1–1/2x1/4 2–1/2x1/4	26–3/4	24–1/8	23–15/16	1–1/4x3/16 2–1/4x3/16	1x3/16 2x3/16	41

S = SIDEWALK LOADS (300PSF)
H = HEAVY TRAFFIC LOADS (H20)

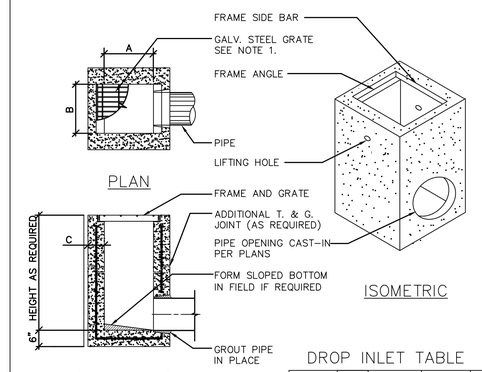
NOTES :

1. FRAME AND GRATES ARE HOT–DIPPED GALVANIZED AFTER FABRICATION PER ASTM SPEC. A–123.
2. FOR OPTIONAL GRATE LOCKING DEVICE SEE DWG. NO. LOCK, PAGE 1–7.
3. DETAIL–1 SEE PAGES 1–8, 1–9.

OR APPROVED EQUAL | 3

Central Precast

Title:	Date:	Dwg. No.
CUSTOM PRECAST CONCRETE DROP INLETS	05/15/03	DI
	Rev.	Page No. 1–2



TYPICAL SECTION

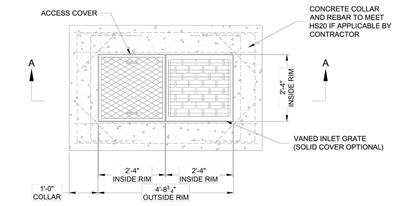
DROP INLET TABLE

MODEL No.	OPC MODEL NAME	A IN	A MM	B IN	B MM	C IN	C MM
CP1212	EK	12	300	12	300	4	100
CP1818	CK	18	450	18	450	5	125
CP1824	1K*	18	450	24	600	5	125
CP2424	2K	24	600	24	600	5	125
CP2430	3K	24	600	30	750	5	125
CP3030	5K	30	750	30	750	6	150
CP2436	1L	24	600	36	900	6	150
CP3636	1M	36	900	36	900	6	150
CP2448	3L	24	600	48	1200	6	150
CP3648	3M	36	900	48	1200	6	150
CP4848	1R	48	1200	48	1200	6	150

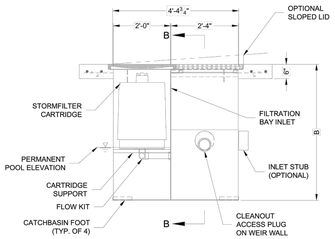
NOTES :

1. FRAMES AND GRATES MAY BE SPECIFIED FOR PEDESTRIAN OR H20 TRAFFIC LOADING. ALL GRATES ARE BICYCLE PROOF. OPTIONAL GRATE LOCKING DEVICE AVAILABLE ON REQUEST SEE DRAWING "LOCK" ON PAGE 1–7. CLOSED–MESH GRATES OR CAST IRON FRAME AND GRATES ARE AVAILABLE ON REQUEST.
2. FOR SURFACE AND DISCHARGE OPTIONS AVAILABLE SEE DRAWING NO. "DI–SO" PAGE 1–6 AND "DI–DO" PAGE 1–5.
3. FRAMES AND GRATES DETAILS SEE PAGES 1–8, 1–9, AND 1–10.
4. WALL THICKNESSES ON ALL D.I.S. CAN BE CHANGED UPON REQUEST.
5. 18" WIDE D.I.'S REPLACE THE OLD 16" WIDE BOX BK & 1K.

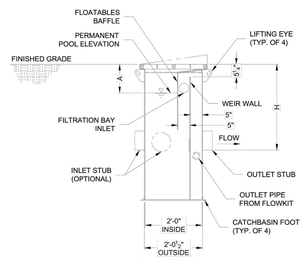
OR APPROVED EQUAL | 1



PLAN VIEW



SECTION A-A



SECTION B-B

STORMFILTER STEEL CATCHBASIN DESIGN NOTES

STORMFILTER TREATMENT CAPACITY IS A FUNCTION OF THE CARTRIDGE SELECTION AND THE NUMBER OF CARTRIDGES. 1 CARTRIDGE CATCHBASIN HAS A MAXIMUM OF ONE CARTRIDGE. SYSTEM IS SHOWN WITH A 27" CARTRIDGE, AND IS ALSO AVAILABLE WITH AN 18" CARTRIDGE. STORMFILTER CATCHBASIN CONFIGURATIONS ARE AVAILABLE WITH A DRY INLET BAY FOR VECTOR CONTROL. PEAK HYDRAULIC CAPACITY PER TABLE BELOW. IF THE SITE CONDITIONS EXCEED PEAK HYDRAULIC CAPACITY, AN UPSTREAM BYPASS STRUCTURE IS REQUIRED.

CARTRIDGE SELECTION

CARTRIDGE HEIGHT	27"			18"			18" DEEP		
RECOMMENDED HYDRAULIC DROP (H)	3.05'			2.3'			3.3'		
SPECIFIC FLOW RATE (gpm/sf)	2 gpm/sf	1.67* gpm/sf	1 gpm/sf	2 gpm/sf	1.67* gpm/sf	1 gpm/sf	2 gpm/sf	1.67* gpm/sf	1 gpm/sf
CARTRIDGE FLOW RATE (gpm)	22.5	18.79	11.25	15	12.53	7.5	15	12.53	7.5
PEAK HYDRAULIC CAPACITY	1.0			1.0			2.25		
INLET PERMANENT POOL LEVEL (A)	1'-0"			1'-0"			2'-0"		
OVERALL STRUCTURE HEIGHT (B)	4'-9"			3'-9"			4'-9"		

* 1.67 gpm/sf SPECIFIC FLOW RATE IS APPROVED WITH PHOSPHOSORB® (PSORB) MEDIA ONLY

GENERAL NOTES
1. CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
2. FOR SITE SPECIFIC DRAWINGS WITH DETAILED STORMFILTER CATCHBASIN STRUCTURE DIMENSIONS AND WEIGHTS, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE. www.contechES.com
3. STORMFILTER CATCHBASIN WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING.
4. INLET SHOULD NOT BE LOWER THAN OUTLET. INLET (IF APPLICABLE) AND OUTLET PIPING TO BE SPECIFIED BY ENGINEER AND PROVIDED BY CONTRACTOR.
5. MANUFACTURER TO APPLY A SURFACE BEAD WELD IN THE SHAPE OF THE LETTER "O" ABOVE THE OUTLET PIPE STUB ON THE EXTERIOR SURFACE OF THE STEEL SFCB.
6. STORMFILTER CATCHBASIN EQUIPPED WITH 4 INCH (APPROXIMATE) LONG STUBS FOR INLET (IF APPLICABLE) AND OUTLET PIPING. STANDARD OUTLET STUB IS 8 INCHES IN DIAMETER. MAXIMUM OUTLET STUB IS 15 INCHES IN DIAMETER. CONNECTION TO COLLECTION PIPING CAN BE MADE USING FLEXIBLE COUPLING BY CONTRACTOR.
7. STEEL STRUCTURE TO BE MANUFACTURED OF 1/4 INCH STEEL PLATE. CASTINGS SHALL MEET AASHTO M306 LOAD RATING. TO MEET HS20 LOAD RATING ON STRUCTURE, A CONCRETE COLLAR IS REQUIRED. WHEN REQUIRED, CONCRETE COLLAR WITH #4 REINFORCING BARS TO BE PROVIDED BY CONTRACTOR.
8. FILTER CARTRIDGES SHALL BE MEDIA-FILLED, PASSIVE, SIPHON ACTUATED, RADIAL FLOW, AND SELF CLEANING. RADIAL MEDIA DEPTH SHALL BE 7-INCHES. FILTER MEDIA CONTACT TIME SHALL BE AT LEAST 38 SECONDS.
9. SPECIFIC FLOW RATE IS EQUAL TO THE FILTER TREATMENT CAPACITY (gpm) DIVIDED BY THE FILTER CONTACT SURFACE AREA (sq ft).

INSTALLATION NOTES
A. ANY SUB-BASE, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
B. CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE CATCHBASIN (LIFTING CLUTCHES PROVIDED).
C. CONTRACTOR TO TAKE APPROPRIATE MEASURES TO PROTECT CARTRIDGES FROM CONSTRUCTION-RELATED EROSION RUNOFF.

1-CARTRIDGE CATCHBASIN STORMFILTER DATA

STRUCTURE ID		XXX
WATER QUALITY FLOW RATE (cfs)		X.XX
PEAK FLOW RATE (<1 cfs)		X.XX
RETURN PERIOD OF PEAK FLOW (yrs)		XXX
CARTRIDGE HEIGHT (27", 18", 18" DEEP)		XX
CARTRIDGE FLOW RATE (gpm)		XX
MEDIA TYPE (PERLITE, ZPG, PSORB)		XXXXX
RIM ELEVATION		XXX.XX'
PIPE DATA:	I.E.	DIAMETER
INLET STUB	XXX.XX'	XX"
OUTLET STUB	XXX.XX'	XX"
CONFIGURATION	OUTLET / INLET	OUTLET / INLET
SLOPED LID		YES\NO
SOLID COVER		YES\NO
NOTES/SPECIAL REQUIREMENTS:		

The Technology in Use is StormFilter®
THIS PRODUCT MAY BE PROTECTED BY ONE OR MORE OF THE FOLLOWING U.S. PATENTS: 5,322,629; 5,707,527; 5,759,415; 6,027,639; 6,350,374; 6,406,605; 6,649,048; 6,991,724; 7,186,333; 7,296,692; 7,297,266; 7,390,408; 7,425,262; 7,470,369; 7,563,363; 7,625,486; 7,857,966; 7,905,367; 8,025,794; 8,277,648; 8,431,008; 8,501,014; 8,512,561; 8,517,185; 8,517,186; 8,523,000; 8,540,873; 8,557,110; 8,562,824; 8,673,151; 8,673,152; 8,679,338; 8,679,339; 8,685,249; 8,715,496; 8,741,151; 8,741,152; 8,747,655; 8,758,607; 8,758,608; 8,764,977; 8,771,511; 8,790,515; 8,790,516; 8,840,778; 8,840,779; 8,840,780; 8,845,894; 8,858,795; 8,858,796; 8,864,988; 8,894,858; 8,894,859; 8,894,860; 8,900,460; 8,900,461; 8,906,232; 8,920,644; 8,945,394; 8,945,395; 8,945,396; 8,945,397; 8,945,398; 8,945,399; 8,945,400; 8,945,401; 8,945,402; 8,945,403; 8,945,404; 8,945,405; 8,945,406; 8,945,407; 8,945,408; 8,945,409; 8,945,410; 8,945,411; 8,945,412; 8,945,413; 8,945,414; 8,945,415; 8,945,416; 8,945,417; 8,945,418; 8,945,419; 8,945,420; 8,945,421; 8,945,422; 8,945,423; 8,945,424; 8,945,425; 8,945,426; 8,945,427; 8,945,428; 8,945,429; 8,945,430; 8,945,431; 8,945,432; 8,945,433;

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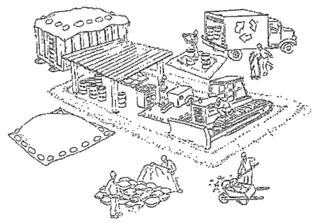
City of Berkeley's Pollution Prevention - It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with City of Berkeley requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Use (but don't overuse) reclaimed water for dust control as needed.
- Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
- Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with City of Berkeley Ordinances for recycling construction materials, wood, gyp board, pipe, etc.
- Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
- Cover all dumpsters with a tarp at the end of every work day or during wet weather.

Hazardous materials management

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
- Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- Dispose of all containment and cleanup materials properly.
- Report any hazardous materials spills immediately! Dial 911 or the City of Berkeley's Public Works Department by dialing 311

Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

Vehicle and equipment maintenance & cleaning

- Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- Keep excavated soil on the site where it will not collect in the street.
- Transfer to dump trucks should take place on the site, not in the street.
- Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.

- Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
- Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of cntaminated soil according to their instructions.

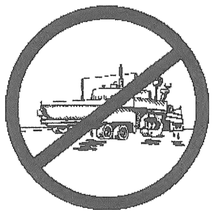
Dewatering operations

- Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work



- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.

- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.

Painting

- Never rinse paint brushes or materials in a gutter or street!
- Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- Paint out excess oil-based paint before cleaning brushes in thinner.
- Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

Landscape Materials

- Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

Storm drain polluters may be liable for fines of $10,000 or more per day!

For references and more detailed information:
www.cleanwaterprogram.org
www.cabmphandbooks.com

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Land Surveyors • Planners
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REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

DETAILS

CHECKED BY: BD
DRAWN BY: ST
SCALE: NO SCALE
DATE: 04/10/2025
PROJECT NO.: 2024.030
PHASE NO.: XX
SHEET NO.: C7.2

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EROSION CONTROL NOTES

TEMPORARY EROSION CONTROL MEASURES EFFECTIVE DURING RAINY SEASON – OCTOBER 1 TO APRIL 30

1. TEMPORARY EROSION CONTROL DEVICES SHOWN ON GRADING PLAN WHICH INTERFERE WITH THE WORK SHALL BE RELOCATED OR MODIFIED WHEN THE INSPECTOR SO DIRECTS AS THE WORK PROGRESSES.
2. EXCEPT AS OTHERWISE DIRECTED BY THE INSPECTOR, ALL DEVICES SHOWN ON THE EROSION CONTROL PLAN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY DURING THE RAINY SEASON AND MAINTAINED DURING THE RAINY SEASON (OCTOBER 1 TO APRIL 30).
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) "MANUAL OF STANDARDS FOR EROSION AND SEDIMENT CONTROL MEASURES" UNLESS OTHERWISE STATED WITHIN THESE GENERAL NOTES. CONTROL MEASURES ARE SUBJECT TO THE INSPECTION AND APPROVAL OF THE ENGINEERING DIVISION OF THE PUBLIC SERVICES DEPARTMENT. SCHEDULE AN ENGINEERING INSPECTION AT LEAST 48 HOURS PRIOR TO THE START OF ANY WORK.
4. ALL LOOSE SOIL AND DEBRIS SHALL BE REMOVED FROM THE STREET AREAS UPON STARTING OPERATIONS AND PERIODICALLY THEREAFTER AS DIRECTED BY THE INSPECTOR. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LADEN RUNOFF TO ANY STORM DRAIN SYSTEM.
5. THE CONTRACTOR SHALL PLACE 3"–4" FRACTURED STONE AGGREGATE AS A GRAVEL ROADWAY (6" MINIMUM THICKNESS FOR THE FULL WIDTH AND 50 FEET LONG) AT EACH ROAD ENTRANCE TO THE SITE. ANY MUD THAT IS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED THE SAME DAY AS REQUIRED BY THE COUNTY ENGINEER. MINIMUM WIDTH OF GRAVEL ROADWAY IS 10 FEET.
6. A CONCRETE WASHOUT IS REQUIRED FOR ALL CONCRETE WORK. THE WASHOUT SHALL CONSIST OF A CONTAINMENT AREA ENCLOSED BY AN EARTHEN DIKE. PLASTIC TARP, COVERING THE CONTAINMENT AREA AND EARTHEN DIKE, SHALL BE STAKED IN AT OUTSIDE EDGE OF EARTHEN DIKE.
7. ADDITIONAL CONTAINMENT METHODS MUST BE PROVIDED FOR ANY WASTE STORAGE AREA, STOCKPILE/MATERIAL STORAGE AREA AND/OR CONSTRUCTION TOILET AREA.
8. THE PERSON RESPONSIBLE IMPLEMENTING, INSPECTING AND MAINTAINING THE EROSION AND SEDIMENT CONTROL MEASURES IS:

   CONTACT PERSON'S NAME: XXXX
   TELEPHONE NUMBER: XXXX

9. STAND–BY CREWS SHALL BE ALERTED BY THE PERMITTEE OR CONTRACTOR FOR EMERGENCY WORK DURING RAINSTORMS.
10. AFTER OCTOBER 1, ALL EROSION CONTROL MEASURES WILL BE INSPECTED DAILY AND AFTER EACH STORM. AFTER OCTOBER 1, BREACHES IN DIKES AND SWALES WILL BE REPAIRED AT THE CLOSE OF EACH DAY AND WHENEVER RAIN IS FORECAST.
11. AS A PART OF THE EROSION CONTROL MEASURES, UNDERGROUND STORM DRAIN FACILITIES AND CONCRETE SHALL BE INSTALLED COMPLETE AS SHOWN ON THE IMPROVEMENT PLANS.
12. ALL STORM DRAIN INLET STRUCTURES GREATER THAN FOUR FEET IN DEPTH SHALL HAVE STEPS INSTALLED PER THE LATEST ACCEPTED SAFETY STANDARDS. A 6" CONCRETE COVER SLAB SHALL BE INSTALLED OVER PIPE WITH LESS THAN 2.5 FEET OF COVER TO SUBGRADE. ALL PIPE TO BE CLASS III UNLESS OTHERWISE NOTED.
13. ALL GRADED AREAS, INCLUDING, BUT NOT LIMITED TO, CUT AND FILL SLOPES, STREETS, PARKING AREAS, AND BUILDING PADS SHALL BE HYDROSEEDED PER ABAG. IN ADDITION TO HYDROSEEDING, APPLICATION OF STRAW WITH A TACKIFIER OR MULCH MAY BE REQUIRED BY THE COUNTY ENGINEER.
14. IF ANY GRADING OPERATIONS, OTHER THAN LOT FINISH GRADING, ARE TO BE PERFORMED DURING THE RAINY SEASON, OCTOBER 1 THROUGH APRIL 30, AN EROSION CONTROL PLAN MUST BE SUBMITTED BY SEPTEMBER 1 AND THE PLAN MUST BE APPROVED BY THE COUNTY OF ALAMEDA PRIOR TO THE COMMENCEMENT OF ANY SUCH GRADING OPERATIONS.
15. TO MINIMIZE EROSION OF GRADED BANKS, ALL GRADED BANKS STEEPER THAN 2% AND HIGHER THAN 3 FEET, SHALL BE HYDROSEEDED, LANDSCAPED, OR SEALED. IN ADDITION TO HYDROSEEDING, APPLICATION OF STRAW WITH A TACKIFIER OR MULCH MAY BE REQUIRED BY THE COUNTY ENGINEER. IF THE PERMANENT STORM DRAIN SYSTEM IS NOT INSTALLED BY OCTOBER 1, TEMPORARY DITCHES SHALL BE CONSTRUCTED TO CONTAIN THE STORM WATER AND DIRECT IT, IN A MANNER THAT AVOIDS EROSION OF THE BANKS, TO THE EROSION AND SEDIMENT CONTROL FACILITIES.
16. ALL CUT AND FILL SLOPES ARE TO BE PROTECTED TO PREVENT OVERBANK FLOW USING 4" EARTH BERMS OR SILT FENCES.
17. ALL GRADED AREAS, INCLUDING, BUT NOT LIMITED TO, CUT AND FILL SLOPES, STREETS, PARKING AREAS, AND BUILDING PADS SHALL BE HYDROSEEDED PER COUNTY'S REQUIREMENT. SUGGESTED MIX DESIGN FOLLOWS:

'BLANDO' BROME	40 LBS/ACRE
ZORRO FESCUE	10 LBS/ACRE
HYKON ROSE CLOVER	9 LBS/ACRE
SUB CLOVER	5 LBS/ACRE
CALIFORNIA NATIVE WILDFLOWER	8 LBS/ACRE
FERTILIZER	300 LBS/ACRE
ORGANIC BINDER	100 LBS/ACRE
STRAW MULCH	4000 LBS/ACRE

18. BORROW AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE COUNTY ENGINEER.
19. SANDBAGS, STRAW WATTLES AND/OR STRAW BALES SHALL BE STOCKPILED ON SITE AND PLACED AT INTERVALS SHOWN ON EROSION CONTROL PLANS, WHEN THE RAIN FORECAST IS 40% OR GREATER, OR WHEN DIRECTED BY THE INSPECTOR.
20. SANDBAGS REFERRED TO IN THE PRECEDING ITEMS MUST BE FULL. APPROVED SANDBAG FILL MATERIALS ARE DECOMPOSED GRANITE AND/OR GRAVEL, OR OTHER MATERIALS APPROVED BY THE INSPECTOR.
21. WHEN DIRECTED BY THE INSPECTOR, A 12–INCH BERM SHALL BE MAINTAINED ALONG THE TOP OF THE SLOPE OF THOSE FILLS ON WHICH GRADING IS NOT IN PROGRESS.
22. WHEN PAD ELEVATIONS OF ADJACENT LOTS OR ELEVATIONS BETWEEN THE STREET AND THE LOT ARE SEPARATED BY MORE THAN 6 FEET, A MINIMUM 12" BERM SHALL BE MAINTAINED ALONG THE PROPERTY LINE SEPARATING THE LOTS, AND THE BERM SHALL DIRECT THE WATER TO THE OUTLET. VELOCITY CHECK DAMS SHALL BE INSTALLED BETWEEN THE OUTLET ON THE LOT AND THE STREET.
23. PROVIDE VELOCITY CHECK DAMS IN ALL UNPAVED STREETS AT THE INTERVALS INDICATED BELOW IN NOTE #24. VELOCITY CHECK DAMS MAY BE CONSTRUCTED OF STRAW BALES, SANDBAGS OR OTHER EROSION RESISTANT MATERIALS APPROVED BY THE INSPECTOR, AND SHALL EXTEND COMPLETELY ACROSS THE STREET OR CHANNEL AT RIGHT ANGLES TO THE CENTERLINE. EARTH DIKES MAY NOT BE USED AS VELOCITY CHECK DAMS.
24. PROVIDE VELOCITY CHECK DAMS IN ALL UNPAVED GRADED CHANNELS AT THE INTERVALS INDICATED BELOW:

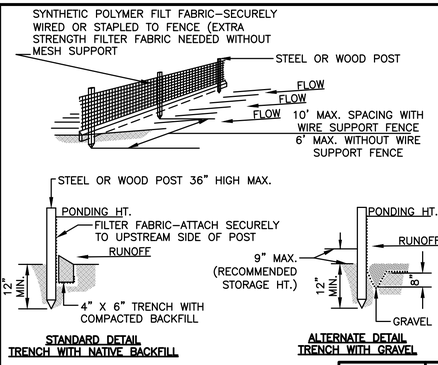
GRADE OF CHANNEL	INTERVAL
LESS THAN 3%	100 FEET
3% TO 6%	50 FEET
OVER 6%	25 FEET

25. SEWER OR STORM DRAIN TRENCHES THAT ARE OUT THROUGH BASIN DIKES OR BASIN INLET DIKES, SHALL BE PLUGGED WITH SANDBAGS FROM TOP OF PIPE TO TOP OF DIKE. SEWER LINES SHALL FIRST BE ENCASED IN CONCRETE BEFORE SANDBAGS ARE PLACED.
26. ALL OPEN UTILITY TRENCHES SHALL BE BLOCKED AT THE PRESCRIBED INTERVALS FROM THE BOTTOM TO TOP WITH A DOUBLE ROW OF SANDBAGS PRIOR TO BACKFILL. SEWER TRENCHES SHALL BE BLOCKED AT THE PRESCRIBED INTERVALS WITH A DOUBLE ROW OF SANDBAGS EXTENDING DOWNWARD, TWO SANDBAGS FROM THE GRADED SURFACE OF THE STREET. SANDBAGS ARE TO BE PLACED WITH ALTERNATE HEADER AND STRETCHER COURSES. THE INTERVALS PRESCRIBED BETWEEN SANDBAG LOCKING SHALL DEPEND ON THE SLOPE OF THE GROUND SURFACE, BUT NOT EXCEED THE FOLLOWING:

GRADE OF THE STREET	INTERVAL
LESS THAN 2%	AS REQUIRED
2% TO 4%	100 FEET
4% TO 10%	50 FEET
OVER 10%	25 FEET

27. AFTER STORM DRAIN, SANITARY SEWER AND UTILITY TRENCHES ARE BACKFILLED AND COMPACTED, THE SURFACES OVER SUCH TRENCHES SHALL BE MOUNDED SLIGHTLY TO PREVENT CHANNELING OF WATER IN THE TRENCH AREA. CARE SHOULD BE EXERCISED TO PROVIDE FOR CROSS FLOW AT FREQUENT INTERVALS WHERE TRENCHES ARE NOT ON THE CENTER LINE OF A CROWNED STREET.
28. SEDIMENT TRAPS SHALL BE CLEANED OUT PER INSPECTOR'S DIRECTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CLEAN THE DESILTING BASINS AND THE SEDIMENT TRAPS.
29. THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS MAY BE MADE TO THESE PLANS IN THE FIELD, SUBJECT TO APPROVAL OF THE COUNTY ENGINEER.
30. EROSION CONTROL STRUCTURES SHALL BE ADJUSTED BY THE CONTRACTOR TO REFLECT ALL CHANGES IN DRAINAGE AS STREETS AND BUILDING PADS ARE BEING INSTALLED.
31. INSTALL EXCELSIOR CURLEX II EROSION CONTROL BLANKET OR APPROVED EQUAL ON GRADED SLOPES STEEPER THAN 3:1. INSTALL PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.

EROSION CONTROL NOTES | 10

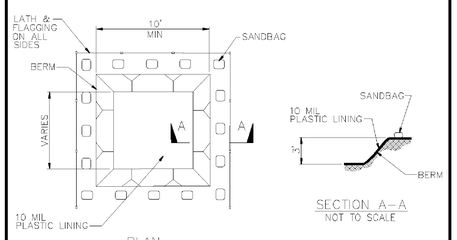


STANDARD DETAIL TRENCH WITH NATIVE BACKFILL

ALTERNATE DETAIL TRENCH WITH GRAVEL

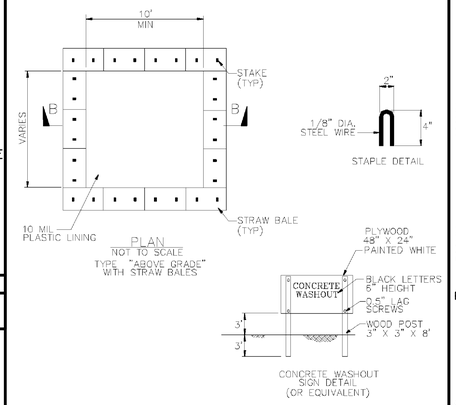
1/2"=1'–0"

SILT FENCE | 9



NOTES
1. ACTUAL LAYOUT DETERMINED IN FIELD.
2. THE CONCRETE WASHOUT SIGN SHALL BE INSTALLED WITHIN 30 FT. OF THE TEMPORARY CONCRETE WASHOUT FACILITY.

WM–8 CONCRETE WASTE MANAGEMENT | 7



NOTES
1. ACTUAL LAYOUT DETERMINED IN FIELD.
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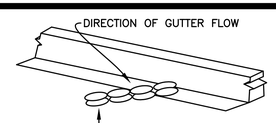
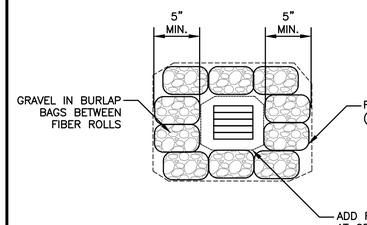
CONCRETE WASTE MANAGEMENT WM–8 | 8



NOTES
1. THICKNESS OF FILLED BAGS WHEN LAID FLAT SHALL NOT EXCEED 4".
2. ENSURE THERE ARE NO GAPS BETWEEN THE BAGS AND THE FACE OF CURB.
3. REMOVE ACCUMULATED SILT, DIRT, AND DEBRIS BEFORE IT EXCEEDS A THICKNESS OF 2" IN THE GUTTER.
4. INSPECT INLET PROTECTION DAILY DURING EXTENDED RAINFALL PERIODS AND BEFORE AND AFTER EACH RAIN EVENT.

1/2"=1'–0"

GRAVEL BAG CHECK DAM | 4

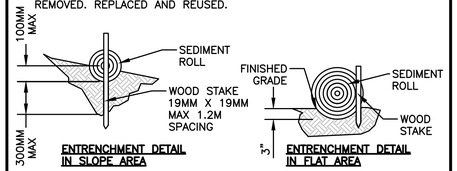


1/2"=1'–0"

INLET PROTECTION (UNPAVED AREAS) | 5

LIMITATIONS:
–DESIGNED FOR LOW SURFACE FLOWS NOT TO EXCEED 1 CFS FOR SMALL AREAS.
–DESIGNED FOR SHORT SLOPED OR SLOPES FLATTER THAN 3:1
– PRIMARY PURPOSE IS NOT SEDIMENT CONTROL, ALTHOUGH DO PROVIDE SOME SEDIMENT REMOVAL.

INSPECTION AND MAINTENANCE:
– REPAIR OR REPLACE SPLIT, TORN, UNRAVELING, OR SLUMPING FIBER ROLLS.
–INSPECT FIBER ROLLS WHEN RAIN IS FORECAST, FOLLOWING RAIN EVENTS AND AT LEAST DAILY DURING PROLONGED RAINFALL. PERFORM REQUIRED MAINTENANCE.
–IN MOST CASES, FIBER ROLLS DO NOT REQUIRE REMOVAL AND CAN BE ABANDONED IN PLACE. IF NOTE EXCESSIVELY SOILED, ROLLS MAY BE REMOVED. REPLACED AND REUSED.



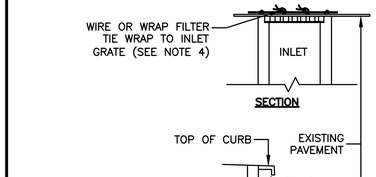
PURPOSE:
FIBER ROLLS (SEDIMENT LOGS OR WATTLES), COMPOSED OF BIO–DEGRADABLE FIBERS STUFFED IN A PHOTO–DEGRADEABLE OPEN WEAVE NETTING, ARE DESIGNED TO REDUCE SEDIMENT RUNOFF FROM DISTURBED SOILS INTO THE STORM DRAIN SYSTEM OR WATER–COURSES. FIBER ROLLS ARE POROUS AND ALLOW WATER TO FILTER THROUGH FIBERS AND TRAP SEDIMENT, INCREASE FILTRATION RATES, SLOW RUNOFF AND REDUCE SHEET AND HILL EROSION. WATTLES ALSO CREATE A FAVORABLE ENVIRONMENT FOR PLANT ESTABLISHMENT.

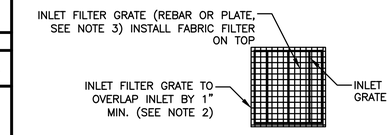
APPLICATION:
–ALONG THE FACE OF EXPOSED AND ERODIBLE SLOPES TO SHORTEN SLOPE LENGTH.
–AT GRADE BREAKS WHERE SLOPES TRANSITION TO A STEEPER SLOPE
–IN DRAINAGE SWALES TO SLOW FLOWS
–ALONG STREAMBANKS TO ASSIST STABILIZATION AND REVEGETATION

INSPECTION AND MAINTENANCE:
FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION. IN GENERAL, THESE WILL BE AS FOLLOWS:
–FINE GRADE THE SUBGRADE BY HAND DRESSING WHERE NECESSARY TO REMOVE LOCAL DEVIATIONS AND TO REMOVE LARGER STONES OR DEBRIS THAT WILL INHIBIT INTIMATE CONTACT OF THE FIBER ROLL WITH THE SUBGRADE.
–PRIOR TO ROLL INSTALLATION, CONTOUR A CONCAVE KEY TRENCH 50 TO 100MM (2 TO 4 INCHES) DEEP ALONG THE PROPOSED INSTALLATION ROUTE.
–SOIL EXCAVATION IN TRENCHING SHOULD BE PLACED ON THE UPHILL OR FLOW SIDE OF THE ROLL TO PREVENT WATER FROM UNDERCUTTING THE ROLL.
–PLACE FIBER ROLLS INTO THE KEY TRENCH AND STAKE ON BOTH SIDES OF THE ROLL WITHIN 6 FEET OF EACH END AND THEN EVERY SIX INCHES WITH 1" X 2" X 23" STAKES.
–STAKE ARE TYPICALLY DRIVEN IN ON ALTERNATING SIDES OF THE ROLL. WHEN MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHOULD BE BUTTED SECURELY TO ONE ANOTHER TO PROVIDE A TIGHT JOINT, NOT OVERLAPPED.

1/2"=1'–0"

STRAW WATTLE | 6

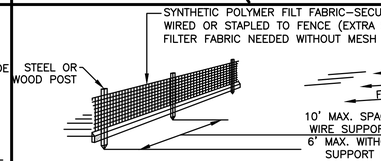


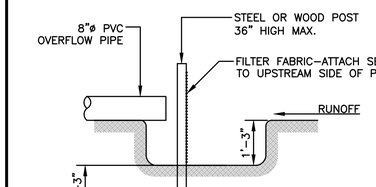


NOTES:
1. FILTER FABRIC SHALL MEET CAL–TRANS OR HAY BAG SPECIFICATIONS.
2. FILTER MATERIAL AND GRATE SHALL OVERLAP INLET ON ALL SIDES BY A MINIMUM OF 1"
3. INLET FILTER GRATE SHALL BE MADE OF RE–BARS, CRISS CROSSED AT 6" (WELDED NUMBERED 3 OR TIED TOGETHER WITH WIRE) OR A PLATE WITH MINIMUM OF 75% OPEN AREA, BOTH OF SUFFICIENT STRENGTH TO PREVENT BENDING WHEN DRIVEN OVER BY A VEHICLE.
4. INLET FILTER GRATE SHALL BE SECURELY ATTACHED TO DRAIN INLET BY WIRE OR TIE–WRAPS (BEND OVER).
5. FILTERS SHALL BE INSPECTED WEEKLY AND AFTER EACH RAINFALL. REPAIRS, SEDIMENT/ DEBRIS REMOVAL SHALL BE MADE TO ASSURE EFFICIENCY OF FILTER SYSTEM.

1/2"=1'–0"

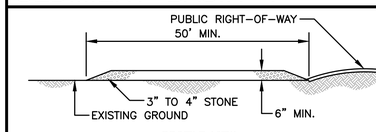
INLET PROTECTION (PAVED AREAS) | 1

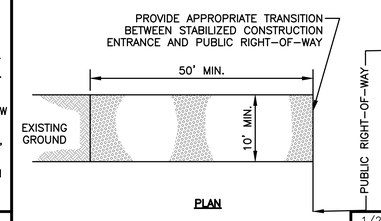




1/2"=1'–0"

SEDIMENT BASIN 1 | 2





1/2"=1'–0"

CONSTRUCTION ENTRANCE | 3

GREENWOOD & MOORE, INC
Civil Engineers • Designers
Land Surveyors • Planners
3111 Castro Valley Blvd. Ste. 200, Castro Valley, California, 94546
Tel: 510-581-7272 Fax: 510-581-6913 www.greenwoodmoore.com

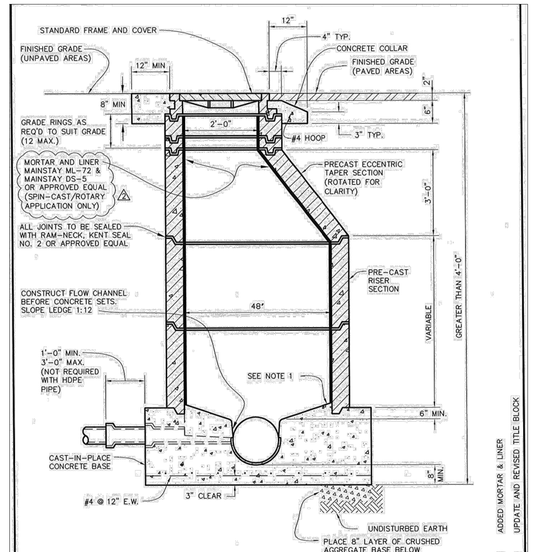
REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

EROSION CONTROL DETAILS

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C7.3

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON , AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC.
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS BEFORE ANY WORK IS STARTED OR CHANGES SHALL NOT BE MADE OR BE BASED ON UNCONFIRMED DIMENSIONS. ANY REQUESTED SUBSTITUTIONS SHALL BE SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH FABRICATION. DRAWINGS NOT BEARING ORIGINAL SIGNATURE SHALL BE CONSIDERED UNOFFICIAL.

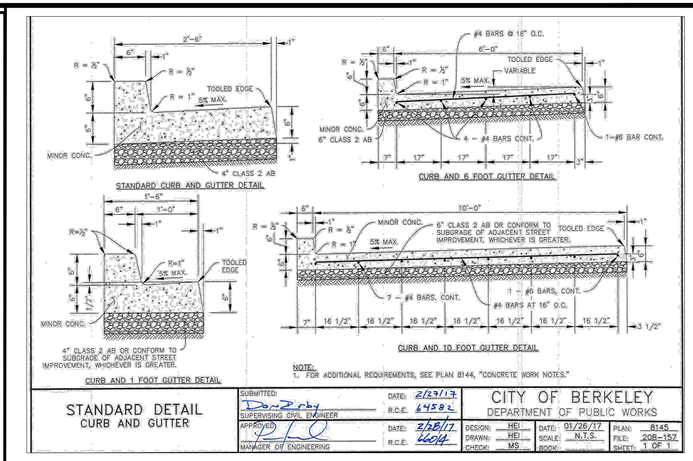


NOTES:
1. SET RISER SECTION IN 1:3 MORTAR MIX AND IN GROOVE FORMED IN BASE, OR POUR MONOLITHICALLY WITH BASE.
2. CAST-IN-PLACE CONCRETE FOR MANHOLE BASES AND CONCRETE COLLARS SHALL CONFORM TO SPEC. SECTION 201-1.1.2 AND BE CLASS 560-B-3250.

ADDED MORTAR & LINER 4/21/15
UPDATE AND REVISED TITLE BLOCK 10/9/08
PMHEC

CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS					
STANDARD DETAIL PRECAST MANHOLE ECCENTRIC CONE					
SUBMITTED:	DATE: 5/12/15	DESIGN: JR	DATE: 1/02	PLAN: 7895	
SUPERVISING CIVIL ENGINEER	R.C.E. 49437 EXP. 6/30/16	DRAWN: MS	SCALE: N.T.S.	FILE: 20-B-147	
APPROVED:	DATE: 5/12/15	CHECK:	BOOK:		
MANAGER OF ENGINEERING	R.C.E. 64314 EXP. 6/30/15				

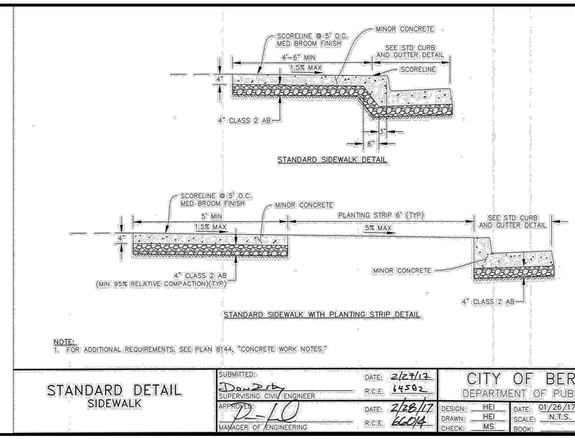
COB PRECAST MANHOLE **4**



NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL CURB AND GUTTER					
SUBMITTED:	DATE: 2/27/17	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS			
SUPERVISING CIVIL ENGINEER	R.C.E. 64582				
APPROVED:	DATE: 2/28/17	DESIGN: HEI	DATE: 01/26/17	PLAN: 8145	
MANAGER OF ENGINEERING	R.C.E. 66014	DRAWN: HEI	SCALE: N.T.S.	FILE: 20B-157	
		CHECK: MS	BOOK:	SHEET: 1 OF 1	

COB STANDARD CURB & GUTTER **1**



NOTE:
1. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

STANDARD DETAIL SIDEWALK					
SUBMITTED:	DATE: 2/27/17	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS			
SUPERVISING CIVIL ENGINEER	R.C.E. 64582				
APPROVED:	DATE: 2/28/17	DESIGN: HEI	DATE: 01/26/17	PLAN: 8153	
MANAGER OF ENGINEERING	R.C.E. 66014	DRAWN: HEI	SCALE: N.T.S.	FILE: 20B-165	
		CHECK: MS	BOOK:	SHEET: 1 OF 1	

COB STANDARD SIDEWALK **2**

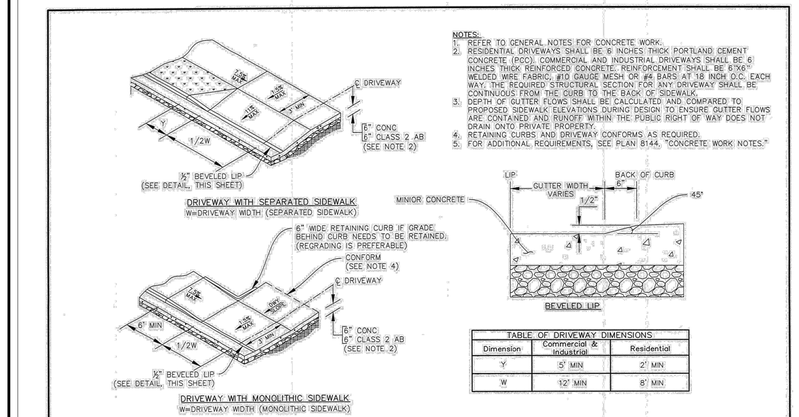
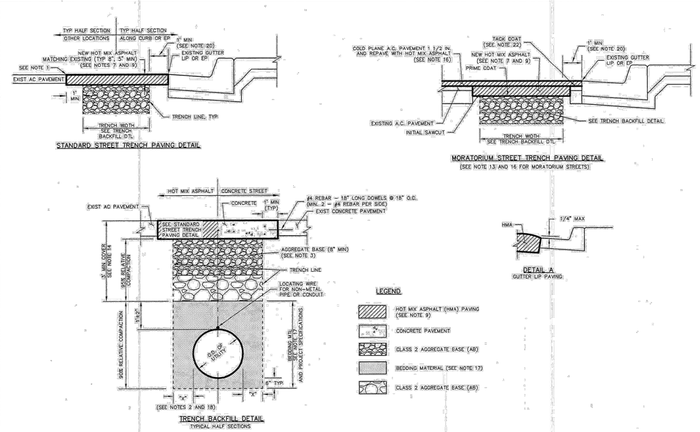


TABLE OF DRIVEWAY DIMENSIONS		
Dimension	Commercial & Industrial	Residential
Y	5' MIN	2' MIN
W	12' MIN	8' MIN

STANDARD DETAIL DRIVEWAY					
SUBMITTED:	DATE: 2/27/17	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS			
SUPERVISING CIVIL ENGINEER	R.C.E. 64582				
APPROVED:	DATE: 2/28/17	DESIGN: HEI	DATE: 01/26/17	PLAN: 8151	
MANAGER OF ENGINEERING	R.C.E. 66014	DRAWN: HEI	SCALE: N.T.S.	FILE: 20B-163	
		CHECK: MS	BOOK:	SHEET: 1 OF 1	

COB DRIVEWAY **5**



STANDARD DETAIL TRENCH EXCAVATION AND SURFACE RESTORATION					
SUBMITTED:	DATE: 7/6/16	CITY OF BERKELEY DEPARTMENT OF PUBLIC WORKS			
SUPERVISING CIVIL ENGINEER	R.C.E. 64582				
APPROVED:	DATE: 7/6/16	DESIGN: HEI	DATE: 06/2016	PLAN: 8136	
MANAGER OF ENGINEERING	R.C.E. 66014	DRAWN: HEI	SCALE:	FILE: 20-B-155	
		CHECK:	BOOK:	SHEET: 1 OF 2	

COB TRENCH EXCAVATION **3**

GREENWOOD & MOORE, INC
Civil Engineers • Designers
Land Surveyors • Planners
3111 Castro Valley Blvd., Ste. 200, Castro Valley, 94546
Tel: 510-581-7272 Fax: 510-581-8913 www.greenwoodmoore.com

REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

CITY OF BERKELEY DETAILS

CHECKED BY: BD
DRAWN BY: ST
SCALE: 1"=10'
DATE: 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C7.4

VICINITY MAP

BASIS OF BEARING

THE BEARING OF N80°51'12"E ALONG THE MONUMENT LINE OF CHANNING WAY AS SHOWN ON RECORD OF SURVEY NO. 2769, FILED IN BOOK 42 OF RECORD OF SURVEYS AT PAGE 46, RECORDS OF ALAMEDA COUNTY.

ELEVATION BENCH MARK

CITY OF BERKELEY MONUMENT AT THE INTERSECTION OF DURANT AVE. AND ELLSWORTH ST. PER CR7052.
CITY MONUMENT NO. B0401
ELEV.=211.60'

OBSERVED SIGNIFICANT OBSERVATIONS

NONE OBSERVED

UTILITY NOTE

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV AND ITEM 11(b) PER TABLE A OF OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS.

ZONING INFORMATION

ITEM	REQUIRED	CONTACT:
ZONING DESIGNATION	R-S	PARTNER ENGINEERING & SCIENCE
MINIMUM LOT AREA (SQ. FT.)	5,000 SQ. FT.	REPORT DATE: JUNE 29, 2023
MAXIMUM LOT COVERAGE	2 STORIES: 70%	DATE OF REVISION: DECEMBER 19, 2023
MAXIMUM FLOOR AREA RATIO	NO MAXIMUM	REPORT #: 23-410652.4
MAX IMPERVIOUS COVERAGE	N/A	PARKING REQUIREMENTS:
MAX BUILDING HEIGHT	35' / 3 STORY	NON-MEDICAL OFFICE SPACE 1 SPACE PER 400 SQUARE FEET
MINIMUM SETBACKS		
FRONT	10 FEET	
SIDE	4 FEET	
REAR	10 FEET	
SIDE STREET:	6 FEET	
NOTES:		

FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 06001C0057G (MAP NO. 060004), WHICH BEARS AN EFFECTIVE DATE OF 8/3/2009, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE, ZONE "X" DENOTES AREAS MINIMAL FLOODING.

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NOTES CORRESPONDING TO SCHEDULE "B" ITEMS

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11)
ITEMS ARE NOT SURVEY RELATED.

BUILDING AREA

BUILDING: 2,380 SQ. FT.

BUILDING HEIGHT

BUILDING: 37'± / 2 STORY

LAND AREA

LAND AREA: 8,460 S.F. = 0.194 AC.

PARKING

REGULAR:	13
COVERED:	0
HANDICAP:	0
TOTAL PARKING:	13

TITLE DESCRIPTION

REAL PROPERTY IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF LOT 4, BLOCK 13, "MAP OF THE PROPERTY OF COLLEGE HOMESTEAD ASSOCIATION", RECORDED MAY 15, 1866, MAP BOOK "T" OF DEEDS, PAGE 799, ALAMEDA COUNTY RECORDS.

BEGINNING AT A POINT OF THE INTERSECTION OF THE WESTERN LINE OF ELLSWORTH STREET WITH THE SOUTHERN LINE OF DURANT AVENUE, AND RUNNING THENCE WESTERLY ALONG SAID LINE OF DURANT AVENUE, 94 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 90 FEET; THENCE EASTERLY PARALLEL WITH SAID LINE OF DURANT AVENUE, 94 FEET TO THE WESTERN LINE OF ELLSWORTH STREET; THENCE NORTHERLY ALONG SAID LAST NAMED LINE, 90 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE EXCLUSIVE RIGHT TO PROSPECT FOR, DRILL FOR, PRODUCE AND TAKE ANY OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERAL SUBSTANCES AND ACCOMPANYING FLUIDS INCLUDING ALL GEOTHERMAL RESOURCES, FROM THE REAL PROPERTY GRANTED HEREIN, FROM THE DEPTH OF FIVE HUNDRED FEET FROM THE SAID REAL PROPERTY, INCLUDING THE RIGHT TO SLANT DRILL FROM ADJACENT PROPERTY, THE RIGHT TO UTILIZE SUBSURFACE STORAGE FOR NATURAL SUBSTANCES, AND THE RIGHT TO MAINTAIN SUBSURFACE PRESSURES.
GRANTOR COVENANTS AND EGRESS THAT THE ABOVE RESERVED RIGHTS WILL NOT BE EXERCISED IN DEROGATION OF GRANTEE'S USED AND PURPOSES OF THE SURFACE OF REAL PROPERTY. AS RESERVED IN THE DEED EXECUTED BY THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, A CALIFORNIA CORPORATION. RECORDED SEPTEMBER 2, 1983, SERIES NO 83-163400, ALAMEDA COUNTY RECORDS.

APN: 055-1887-001

THE PROPERTY SURVEYED IS THE SAME AS DESCRIBED ABOVE AND SHOWN IN THE TITLE COMMITMENT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1177686-CC AND AN EFFECTIVE DATE OF SEPTEMBER 18, 2023, UPDATED OCTOBER 06, 2023.

TITLE COMMITMENT INFORMATION

The Title Description and Schedule 'B' items are the same as shown on the title commitment provided by First American Title Insurance Company, Commitment No. NCS-1177686-CC, issued with an effective date of September 18, 2023, updated October 06, 2023.

SURVEYOR'S NOTES

1. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, EASEMENTS, SERVITUDES, FOUNDATIONS AND POSSIBLE ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.

2. SUBJECT TRACT HAS DIRECT PHYSICAL DRIVEWAY ACCESS TO ELLSWORTH STREET AND DURANT AVENUE, BOTH DEDICATED PUBLIC RIGHTS-OF-WAY.

3. THE DIMENSIONS AND AREA OF THE BUILDING(S) SHOWN ARE BASED ON THE BUILDING'S EXTERIOR FOOTPRINT AT GROUND LEVEL.

4. THE POINT OF HEIGHT MEASUREMENT IS IDENTIFIED ON THE SURVEY AND WAS TAKEN FROM THE NEAREST ADJACENT GRADE AT SAID POINT, THIS POINT REPRESENTS THE HEIGHT OF THE STRUCTURE AS OBSERVED FROM GROUND LEVEL.

5. UNDERGROUND UTILITIES HAVE BEEN LOCATED AND/OR SHOWN ON THIS SURVEY, ONLY VISIBLE AND/OR MARKED UTILITY APPURTENANCES ARE SHOWN.

6. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, OR BUILDING CONSTRUCTION ON THE SURVEYED PROPERTY.

7. THERE ARE NO OBSERVABLE EVIDENCE OF ANY CHANGES IN STREET RIGHT-OF-WAYS OR RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

8. THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES ON THE SURVEYED PROPERTY.

9. ALL RECIPROCAL EASEMENT AGREEMENTS ("REAS") THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON. THE LIMITS OF ANY OFFSITE APPURTENANT EASEMENTS THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON.

10. THIS SURVEY DOES NOT PROVIDE A DETERMINATION OR OPINION CONCERNING THE LOCATION OR EXISTENCE OF WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE, SUBSURFACE AND ENVIRONMENTAL CONDITIONS OR GEOLOGICAL ISSUES. NO STATEMENT IS MADE CONCERNING THE SUITABILITY OF THE SUBJECT TRACT FOR ANY INTENDED USE, PURPOSE OR DEVELOPMENT.

11. THE SURVEYED BOUNDARY SHOWN HEREON ARE CONTIGUOUS WITH ADJOINING PROPERTIES AND/OR RIGHTS OF WAY WITHOUT ANY GAPS, GORES OR OVERLAPS.

12. NO VISIBLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE WERE OBSERVED AT THE TIME THE FIELDWORK WAS PERFORMED.

13. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE.

SURVEYOR'S CERTIFICATE

TO: 2298 DURANT LP, A CALIFORNIA LIMITED PARTNERSHIP; FIRST AMERICAN TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(B), 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JUNE 29, 2023.

DATE OF PLAT OR MAP: DECEMBER 19, 2023

LAWRENCE WILSON
LS 6712
STATE OF CALIFORNIA

LICENSED SURVEYOR
LAWRENCE WILSON
No. 6712
Exp. 6-30-24
STATE OF CALIFORNIA

THIS SURVEY WAS COORDINATED, NOT PERFORMED, BY PARTNER. SURVEY OBTAINED FROM AND CERTIFIED TO BY A PROFESSIONAL SURVEYOR LICENSED TO PRACTICE IN THE SAME STATE THE SUBJECT PROPERTY IS LOCATED

SHEET 1 OF 2

2021 ALTA/NSPS LAND TITLE SURVEY

2298 Durant Ave
SITE ADDRESS

2298 Durant Avenue
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 410652.6

COORDINATED BY

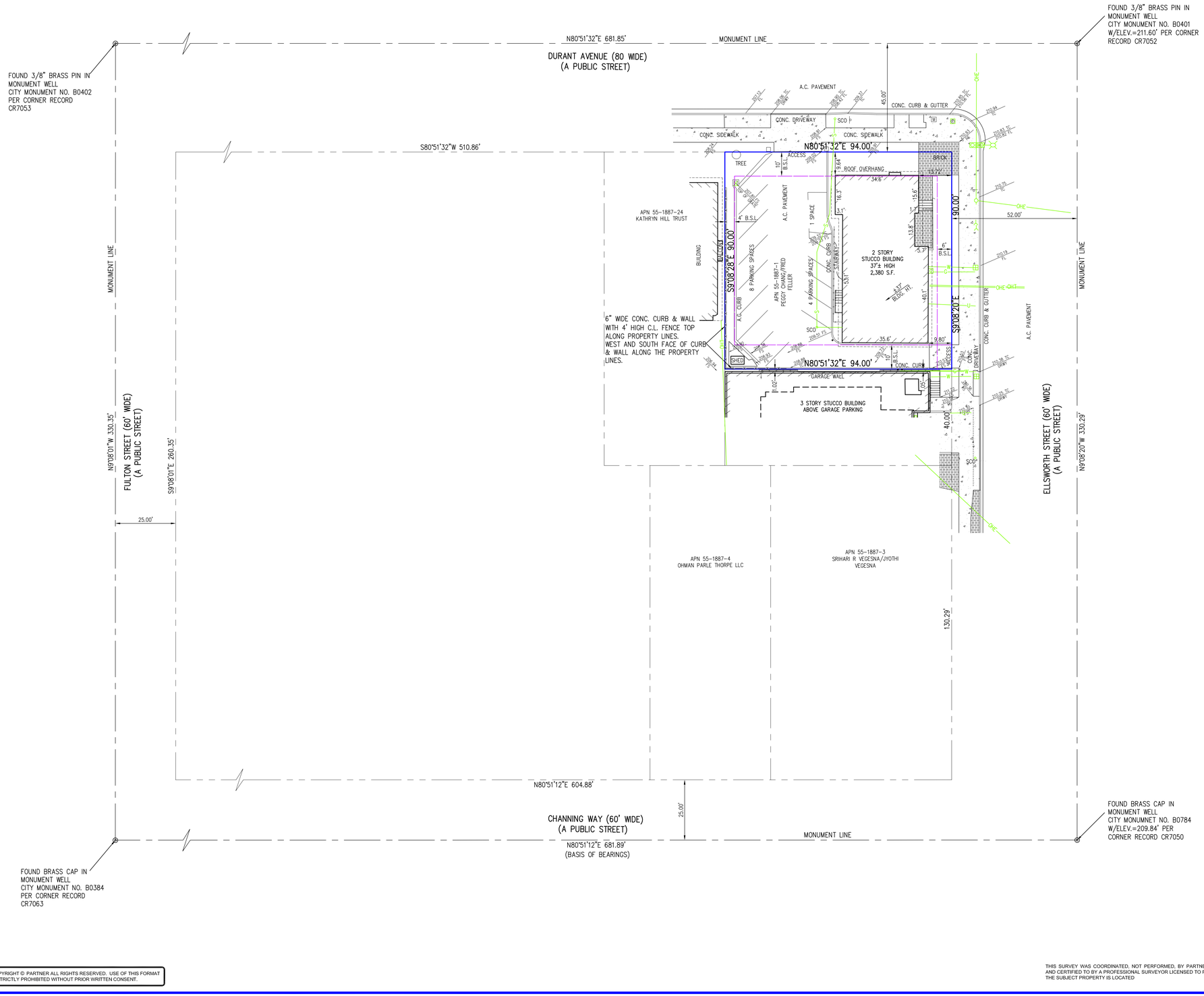
PARTNER

CORPORATE OFFICE
2154 Torrance Boulevard
Torrance, CA 90501
Phone: 888-213-7479
ALTA@partneresi.com
www.partneresi.com

DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
		CHECKED BY:	JOB NO.: 23-4992
		FILENAME: 23-4992A.DWG	

SURVEYED BY

AZCA ENGINEERING LLC
ADDRESS: 1406 E. MARYMONT CIRCLE
FLAGSTAFF, AZ 86004
TELEPHONE NO. 928/853-1590
EMAIL: LARRYW6712@GMAIL.COM



LEGEND:

A.C.	ASPHALT CONCRETE
CONC.	CONCRETE
B.S.L.	BUILDING SETBACK LINE
FS	FINISH GRADE ELEVATION
TC	TOP OF CURB ELEVATION
FL	FLOWLINE ELEVATION
	SIGN
SCO	SEWER CLEANOUT
	BOLLARD
	WATER METER
	STREET LIGHT
	TRAFFIC LIGHT
	PEDESTRIAN TRAFFIC LIGHT
G	GAS METER
M	MAILBOX
	CATCH BASIN
	BOUNDARY LINE
	EASEMENT LINE
	SETBACK LINE
	UTILITY POLE
	GUY WIRE
	FD. CITY MONUMENT
W	MARKED UNDERGROUND WATER LINE
G	MARKED UNDERGROUND GAS LINE
S	MARKED UNDERGROUND SEWER LINE
U	MARKED UNKNOWN UTILITY LINE
OHE	OVERHEAD ELECTRIC LINES
OHT	OVERHEAD TELECOM LINE
209.84 TC	EXISTING SPOT ELEVATION

2021 ALTA/NSPS LAND TITLE SURVEY

2298 Durant Ave

SITE ADDRESS

2298 Durant Avenue
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 410652.6

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SHEET 2 OF 2

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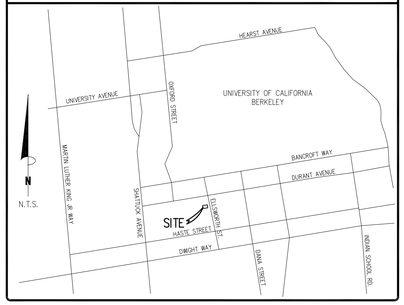
VICINITY MAP



BASIS OF BEARING

THE BEARING OF N80°51'12"E ALONG THE MONUMENT LINE OF CHANNING WAY AS SHOWN ON RECORD OF SURVEY NO. 2769, FILED IN BOOK 42 OF RECORD OF SURVEYS AT PAGE 46, RECORDS OF ALAMEDA COUNTY.

ELEVATION BENCH MARK

CITY OF BERKELEY MONUMENT AT THE INTERSECTION OF DURANT AVE. AND ELLSWORTH ST. PER CR7052.
CITY MONUMENT NO. B0401
ELEV.=211.60'

OBSERVED SIGNIFICANT OBSERVATIONS

NONE OBSERVED

UTILITY NOTE

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV TOGETHER WITH EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM THE UTILITY COMPANIES, OR PROVIDED BY THE CLIENT AND MARKINGS REQUESTED BY THE SUREYOR PURSUANT TO A 811 UTILITY LOCATE OF SIMILAR REQUEST.

ZONING INFORMATION

ITEM	REQUIRED	CONTACT:
ZONING DESIGNATION	R-S	PARTNER ENGINEERING & SCIENCE
MINIMUM LOT AREA (SQ. FT.)	5,000 SQ. FT.	REPORT DATE: JUNE 29, 2023
MINIMUM FRONTAGE	N/A	DATE OF REVISION: OCTOBER 11, 2023
MINIMUM LOT WIDTH	N/A	REPORT #: 23-410652.5
MAX LOT COVERAGE	4 STORIES: 55%	PARKING REQUIREMENTS:
MAX BUILDING HEIGHT	35' / 3 STORY	NONE REQUIRED PER REPORT
MINIMUM SETBACKS		
FRONT	10 FEET	
SIDE	4 FEET	
REAR	10 FEET	

NOTES:

FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 06001C0057G (MAP NO, 060004), WHICH BEARS AN EFFECTIVE DATE OF 8/3/2009, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE, ZONE "X" DENOTES AREAS MINIMAL FLOODING.

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NOTES CORRESPONDING TO SCHEDULE "B" ITEMS

ITEMS ARE NOT SURVEY RELATED.

BUILDING AREA

BUILDING: 2,849 SQ. FT.

BUILDING HEIGHT

BUILDING: 40'± / 3 STORY

LAND AREA

AREA: 3,760 S.F. = 0.0863 AC.

PARKING

REGULAR:	0
GARAGE:	5
HANDICAP:	0
TOTAL PARKING:	5

TITLE DESCRIPTION

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

THAT PARCEL OF LAND IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF LOT 4, BLOCK 13, "PROPERTY OF THE COLLEGE HOMESTEAD ASSOCIATION", FILED MAY 15, 1866, BOOK T OF DEEDS, PAGE 799, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF ELLSWORTH STREET, DISTANT 90 FEET SOUTH OF THE INTERSECTION OF THE WESTERLY LINE OF ELLSWORTH STREET AND THE SOUTHERLY LINE OF DURANT AVENUE; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF ELLSWORTH STREET 40 FEET; THENCE AT A RIGHT ANGLE WESTERLY PARALLEL TO THE SOUTHERLY LINE OF DURANT AVENUE 94 FEET; THENCE NORTHERLY AT A RIGHT ANGLE PARALLEL TO THE WESTERLY LINE OF ELLSWORTH STREET, 40 FEET; THENCE AT A RIGHT ANGLE EASTERLY 94 FEET TO THE POINT OF BEGINNING.

APN: 055-1887-002

THE PROPERTY SURVEYED IS THE SAME AS DESCRIBED ABOVE AND SHOWN IN THE TITLE COMMITMENT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1183023-CC AND AN EFFECTIVE DATE OF MAY 31, 2023.

TITLE COMMITMENT INFORMATION

The Title Description and Schedule 'B' items are the same as shown on the title commitment provided by First American Title Insurance Company, Commitment No. NCS-1183023-CC, issued with an effective date of May 31, 2023.

SURVEYOR'S NOTES

1. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, EASEMENTS, SERVITUDES, FOUNDATIONS AND POSSIBLE ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.

2. SUBJECT TRACT HAS DIRECT PHYSICAL DRIVEWAY ACCESS TO ELLSWORTH STREET AND DURANT AVENUE, BOTH DEDICATED PUBLIC RIGHTS-OF-WAY.

3. THE DIMENSIONS AND AREA OF THE BUILDING(S) SHOWN ARE BASED ON THE BUILDING'S EXTERIOR FOOTPRINT AT GROUND LEVEL.

4. THE POINT OF HEIGHT MEASUREMENT IS IDENTIFIED ON THE SURVEY AND WAS TAKEN FROM THE NEAREST ADJACENT GRADE AT SAID POINT, THIS POINT REPRESENTS THE HEIGHT OF THE STRUCTURE AS OBSERVED FROM GROUND LEVEL.

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7. THERE ARE NO OBSERVABLE EVIDENCE OF ANY CHANGES IN STREET RIGHT-OF-WAYS OR RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

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12. NO VISIBLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE WERE OBSERVED AT THE TIME THE FIELDWORK WAS PERFORMED.

13. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE.

14. RECORD AND MEASURED DISTANCES ARE THE SAME.

SURVEYOR'S CERTIFICATE

TO: ELLSWORTH, CASCADE CAPITAL- BERKELEY MULTI-FAMILY I, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(B), 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JUNE 29, 2023.

DATE OF PLAT OR MAP: DECEMBER 19, 2023

LAWRENCE WILSON
LS 6712
STATE OF CALIFORNIA

LICENSED SURVEYOR
LAWRENCE WILSON
No. 6712
Exp. 6-30-24
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SHEET 1 OF 2

2021 ALTA/NSPS LAND TITLE SURVEY

2360 Ellsworth Street
SITE ADDRESS

2360 Ellsworth Street
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 23-412031.1

COORDINATED BY

PARTNER

CORPORATE OFFICE
2154 Torrance Boulevard
Torrance, CA 90501
Phone: 888-213-7479
ALTA@partneresi.com
www.partneresi.com

DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
.	.	CHECKED BY:	JOB NO.: 23-4993
.	.	FILENAME: 23-4993A.DWG	
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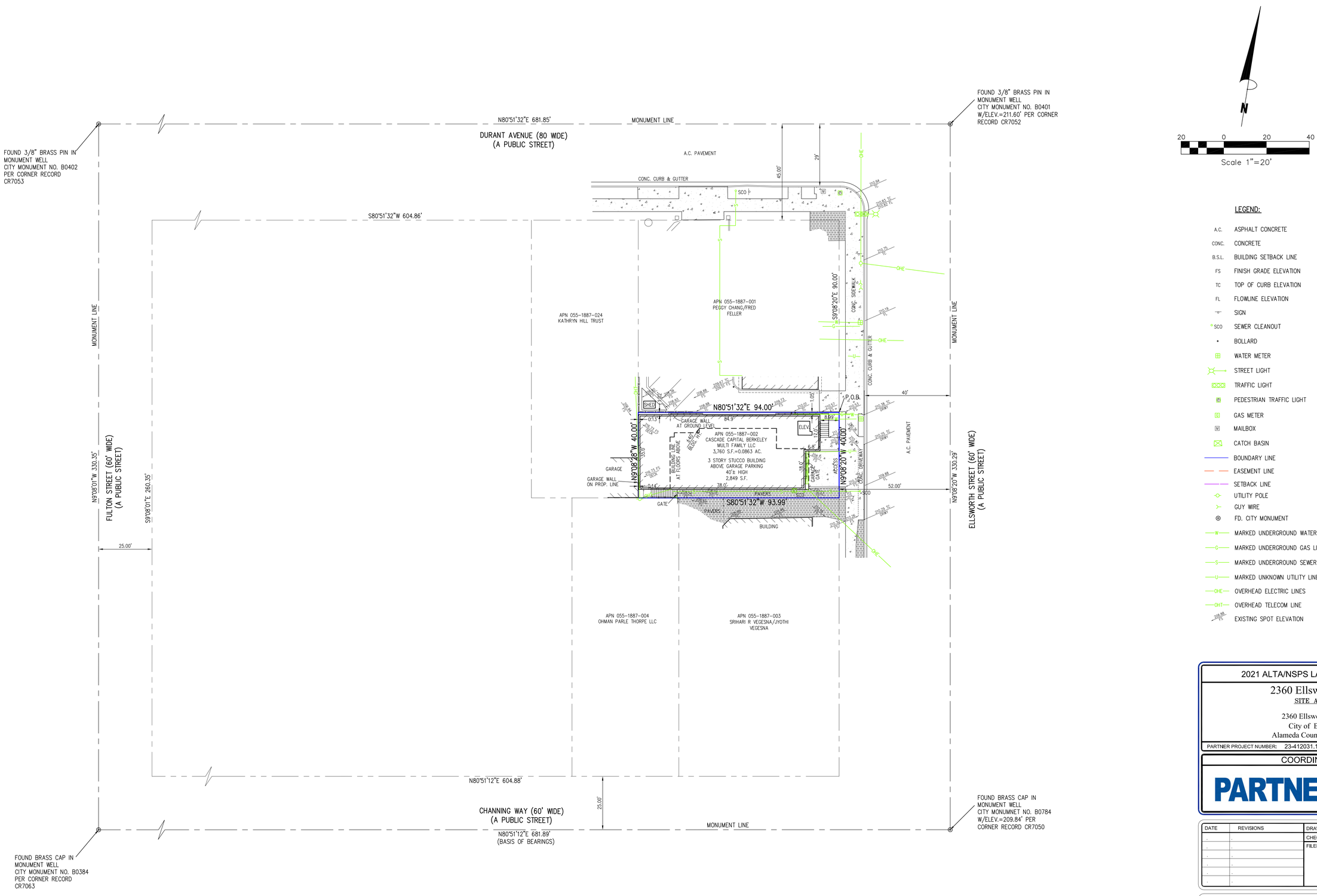
SURVEYED BY

AZCA ENGINEERING LLC
ADDRESS: 1406 E. MARYMONT CIRCLE
FLAGSTAFF, AZ 86004
TELEPHONE NO. 928/853-1590
EMAIL: LARRYW6712@GMAIL.COM



LEGEND:

A.C.	ASPHALT CONCRETE
CONC.	CONCRETE
B.S.L.	BUILDING SETBACK LINE
FS	FINISH GRADE ELEVATION
TC	TOP OF CURB ELEVATION
FL	FLOWLINE ELEVATION
	SIGN
SCO	SEWER CLEANOUT
	BOLLARD
	WATER METER
	STREET LIGHT
	TRAFFIC LIGHT
	PEDESTRIAN TRAFFIC LIGHT
	GAS METER
	MAILBOX
	CATCH BASIN
	BOUNDARY LINE
	EASEMENT LINE
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	UTILITY POLE
	GUY WIRE
	FD. CITY MONUMENT
W	MARKED UNDERGROUND WATER LINE
G	MARKED UNDERGROUND GAS LINE
S	MARKED UNDERGROUND SEWER LINE
U	MARKED UNKNOWN UTILITY LINE
OHE	OVERHEAD ELECTRIC LINES
OHT	OVERHEAD TELECOM LINE
	EXISTING SPOT ELEVATION

2021 ALTA/NSPS LAND TITLE SURVEY

2360 Ellsworth Street

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City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 23-412031.1

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DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
.	.	CHECKED BY:	JOB NO.: 23-4993
.	.	FILENAME: 23-4993A.DWG	
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.	.		
.	.		

SURVEYED BY

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FLAGSTAFF, AZ 86004
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SHEET 2 OF 2

SHEET INDEX

L-1.0	LANDSCAPE PLAN - GROUND FLOOR
L-1.1	LANDSCAPE PLAN - 8TH FLOOR
L-3.0	PLANTING PLAN - GROUND FLOOR
L-3.1	PLANTING PLAN - 8TH FLOOR
L-3.2	PLANTING SCHEDULE
L-3.3	PLANTING DETAILS
L-4.0	IRRIGATION HYDROZONE PLAN - GROUND FLOOR
L-4.1	IRRIGATION HYDROZONE PLAN - 8TH FLOOR
L-4.2	IRRIGATION EQUIPMENT, NOTES, WELO
L-4.3	IRRIGATION DETAILS
L-4.4	IRRIGATION DETAILS

LANDSCAPE MATERIALS SCHEDULE - GROUND LEVEL

PLANTER POTS

SYMBOL	DESCRIPTION	TYPE	MANUFACTURER	MODEL	COLOR, FINISH
PT-1	48"x24"x24" PLANTER	GFRC	TOURNESOL OR EQUAL	WCR-482424	TBD
PT-2	60"x24"x24" PLANTER			WCR-602424	TBD

NOTES:
1. ALL PLANTERS TO BE PLUMBED FOR IRRIGATION AND DRAINAGE FROM BELOW.
2. ANCHOR PLANTERS TO FINISH SURFACE PER MANUFACTURERS INSTRUCTIONS.

HARDSCAPE

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR	NOTES
P-1	FLEXIBLE PAVING	KBI-FLEXI-PAVE OR CITY APPROVED ALTERNATIVE	TBD	2" THICKNESS, PER CITY STANDARDS
P-2	NATURAL GRAY CONCRETE SIDEWALK PAVING AND SCORING TO ADHERE TO CITY STANDARDS			SEE CIVIL DRAWINGS

NOTES:
1. ALL PAVERS AND PAVER COLOR SELECTIONS ARE FOR DESIGN INTENT AND COORDINATION PURPOSES ONLY.
2. CONTRACTOR TO PROVIDE PHYSICAL SAMPLES OF ALL MATERIALS FOR REVIEW AND FINAL SELECTION.

SITE FURNISHINGS

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR	NOTES
SF-1	CITY STANDARD SHORT TERM BIKE RACK	AMERICAN BICYCLE SECURITY COMPANY / DOWNTOWN RACK	GALVANIZED STEEL	FOOT MOUNT (SURFACE MOUNT) CONTACT: 800-245-3723

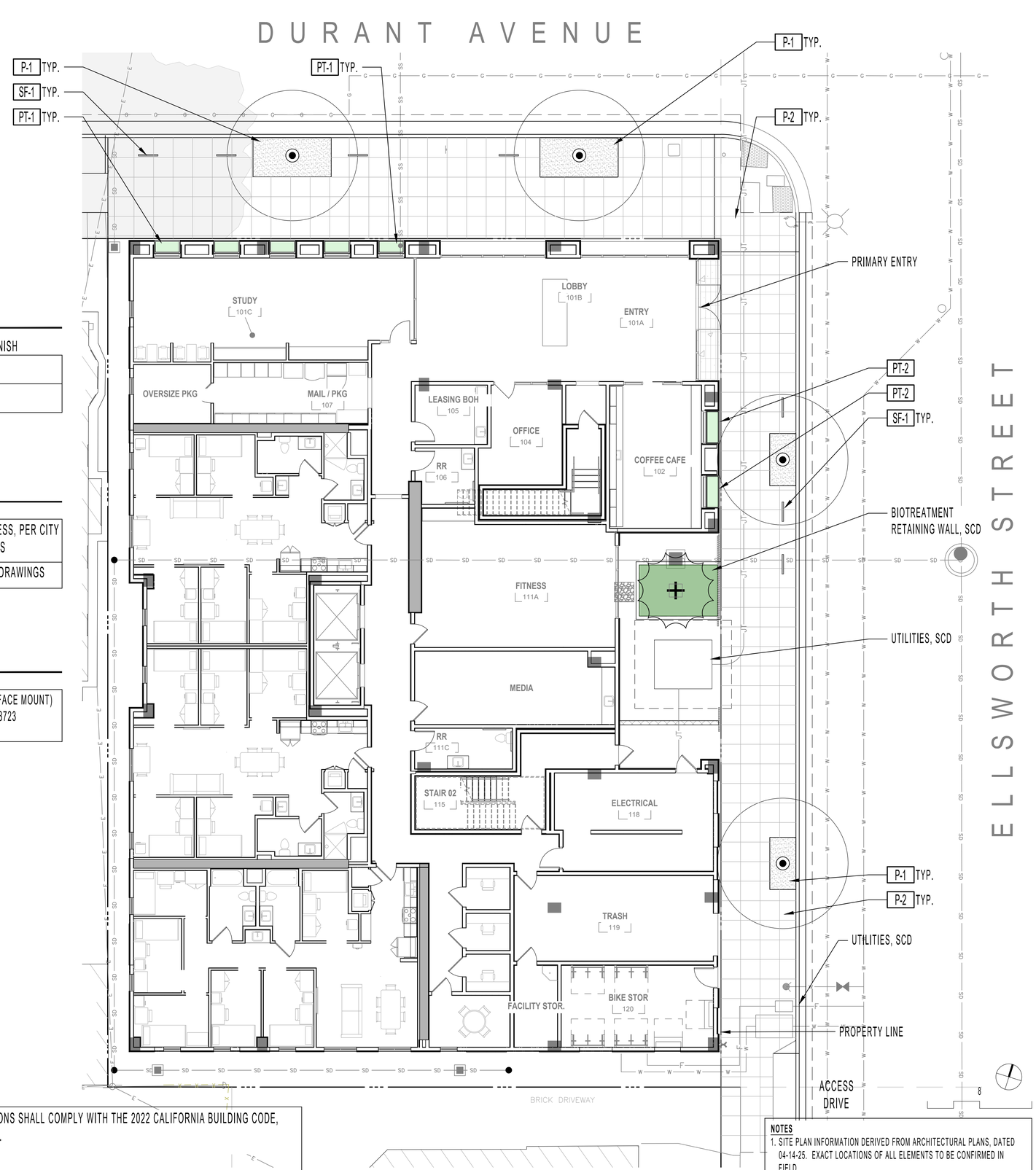
NOTES:
1. ALL PAVERS AND PAVER COLOR SELECTIONS ARE FOR DESIGN INTENT AND COORDINATION PURPOSES ONLY.
2. CONTRACTOR TO PROVIDE PHYSICAL SAMPLES OF ALL MATERIALS FOR REVIEW AND FINAL SELECTION.

ABBREVIATIONS

S.A.D.	- SEE ARCHITECT DRAWINGS
S.C.D.	- SEE CIVIL DRAWINGS
PA	- PLANTING AREA
TYP.	- TYPICAL
CLR.	- CLEAR
S.S.D.	- SEE STRUCTURAL DRAWINGS
O.F.C.I.	- OWNER FURNISHED, CONTRACTOR INSTALLED
V.I.F.	- VERIFY IN FIELD

GENERAL COMPLIANCE NOTE

THE DESIGN AND CONSTRUCTION OF ALL SITE ALTERATIONS SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING CODE, AND CITY OF BERKELEY ORDINANCES AND AMENDMENTS.



NOTES
1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS, DATED 04-14-25. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

122 WEST
www.122westdesign.com
510.992.3122

The use of these plans and specifications shall be restricted to the original site and owner for which they were prepared. Alteration, reproduction or publication is expressly limited only to the original use without the express written consent of 122 West Landscape Architecture. Title to said plans remains the sole property of 122 West Landscape Architecture.

2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

LANDSCAPE PLAN - GROUND FLOOR

L-1.0

LANDSCAPE MATERIALS SCHEDULE - 8TH FLOOR

PLANTER POTS

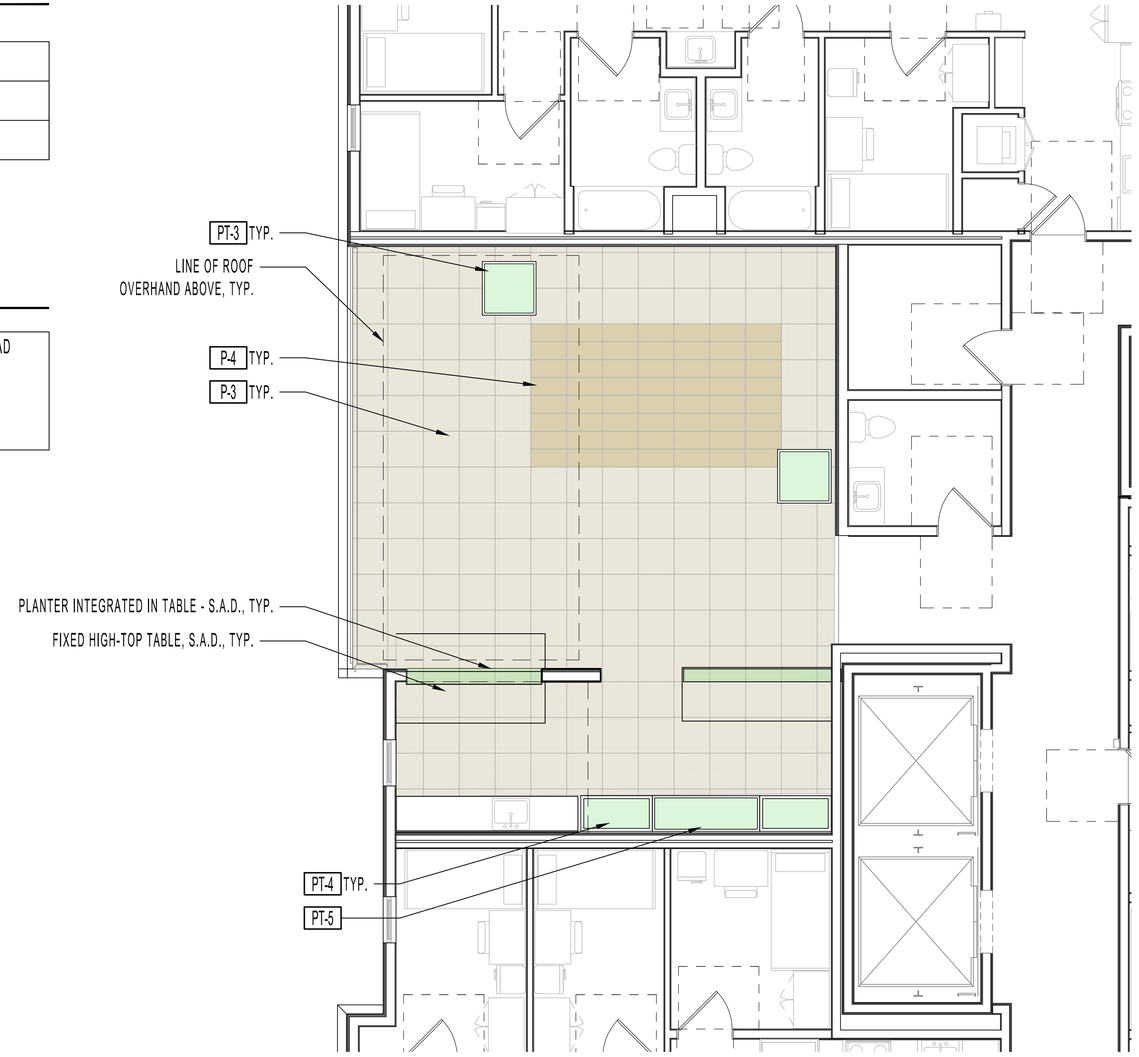
SYMBOL	DESCRIPTION	TYPE	MANUFACTURER	MODEL	COLOR, FINISH
PT-3	36"x36"x30" PLANTER	FRP	TOURNESOL OR EQUAL	FRP-363630	TBD
PT-4	48"x24"x30" PLANTER			WR-482430	TBD
PT-5	60"x24"x30" PLANTER			WR-602430	TBD

NOTES:
1. ALL PLANTERS TO BE PLUMBED FOR IRRIGATION AND DRAINAGE FROM BELOW.
2. ANCHOR PLANTERS TO FINISH SURFACE PER MANUFACTURERS INSTRUCTIONS.
3. 8TH FLOOR PLANTERS TO USE LIGHTWEIGHT SOIL MIX. CONFIRM SATURATED SOIL LOADS WITH STRUCTURAL ENGINEER.

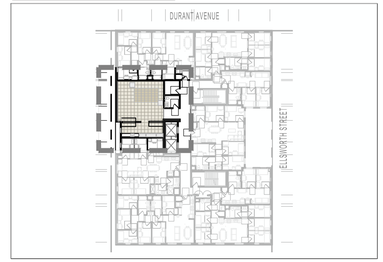
HARDSCAPE

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR / FINISH	NOTES
P-3	24"x24" LIGHTWEIGHT PAVER - FIELD	STEPSTONE, LLC, CALARC	TBD	ON PEDESTAL SYSTEM, SAD
P-4	12"x24"LIGHTWEIGHT PAVER - RUG	STEPSTONE, LLC, CALARC	TBD	

NOTES:
1. ALL PAVERS AND PAVER COLOR SELECTIONS ARE FOR DESIGN INTENT AND COORDINATION PURPOSES ONLY.
2. CONTRACTOR TO PROVIDE PHYSICAL SAMPLES OF ALL MATERIALS FOR REVIEW AND FINAL SELECTION.



KEYMAP - 8TH FLOOR



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2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

LANDSCAPE PLAN
- 8TH FLOOR

L-1.1

PLANT SCHEDULE

SEE PLANT SCHEDULE ON SHEET L-3.2 FOR SPECIES LIST

Planters Pots - Streetscape

Bio-filtration Planter

NOTES

1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS, DATED 04-14-25. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

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2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

PLANTING PLAN - GROUND FLOOR

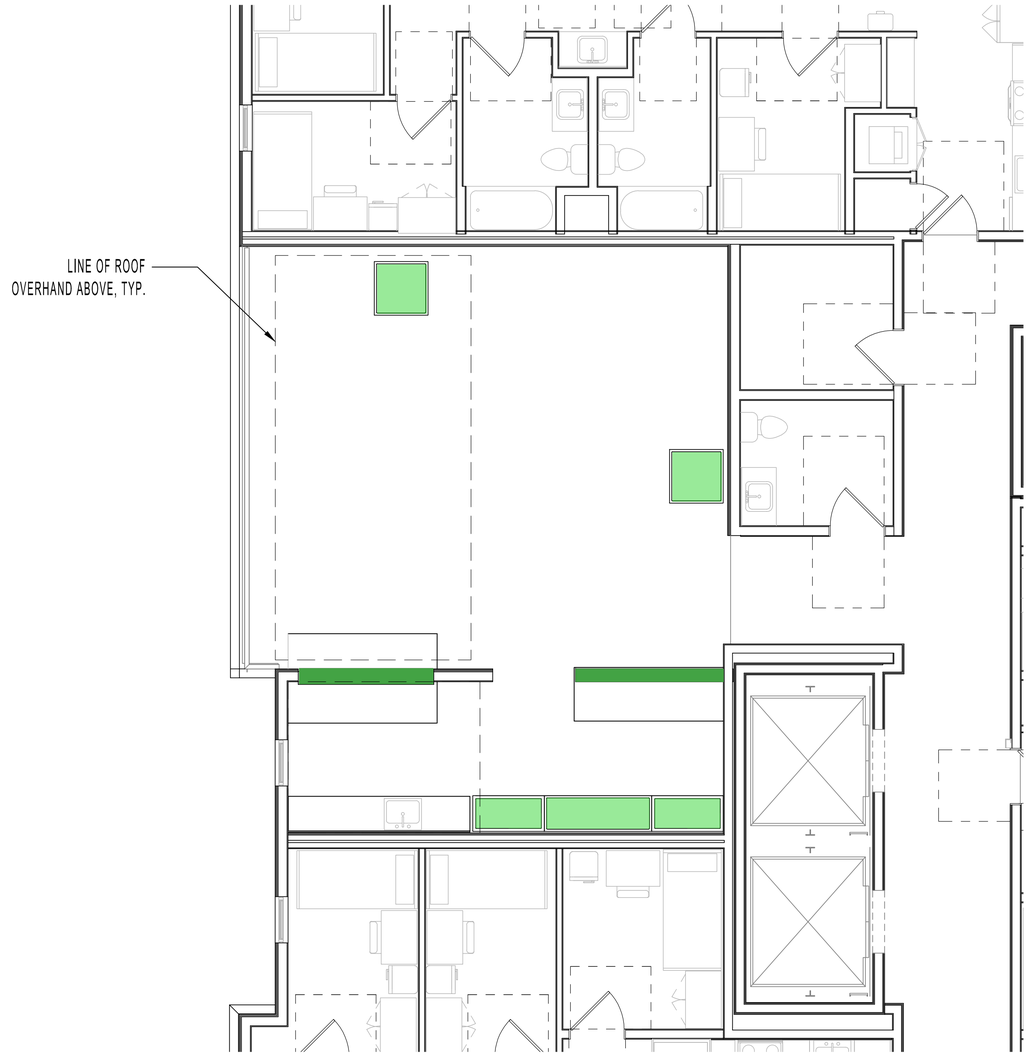
L-3.0

PLANT SCHEDULE

SEE PLANT SCHEDULE ON SHEET L-3.2 FOR SPECIES LIST

Planters - Integrated into Table / Counter

Planter Pots - On Structure - Standard



KEYMAP - 8TH FLOOR

4

NOTES

1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS, DATED 04-14-25. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

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No.	Description	Date

PLANTING PLAN
- 8TH FLOOR

L-3.1

PLANT SCHEDULE

Symbol	Common Name	*Botanical Name*	Quantity	Size	Wucols	Notes
Existing Tree to Remain						
						See Notes 6 - 8 for City Street Tree Replacements
City Street Tree						
	Durant Ave Street Tree			24" Box		
	Species to be coordinated with City of Berkeley Urban Forestry Department					
	Ellsworth Street Tree			24" Box		
	Species to be coordinated with City of Berkeley Urban Forestry Department					
Specimen Tree at in Planter						
	Specimen Tree			24" Box		
	Strawberry Tree	*Arbutus 'Marina'*			L	
	Vine Maple	Acer circinatum			M	
Planters Pots - Streetscape						
	Island Alum Root	*Heuchera maxima*		#1	M	Native
	Western Swordfern	*Polystichum munitum*		#5	M	Native
	Tassel Fern	*Polystichum polyblepharum*		#1	M	
	Giant Chain Fern	*Woodwardia fimbriata*		#5	M	Native
	Yerba Buena	*Satureja douglasii*		#1	L	Native
Bio-filtration Planter						
	Evergreen huckleberry	*Vaccinium ovatum*		#5	M	Native
	Douglas iris	*Iris douglasiana*		#1	L	Native
	California rush	*Juncus patens*		#1	L	Native
	Giant Chain Fern	*Woodwardia fimbriata*		#5	M	Native
	Yerba Buena	*Satureja douglasii*		#1	L	Native
	Berkeley Sedge	*Carex divulsa*		#1	L	Native
	Red Osier Dogwood	*Cornus sericea*		#5	M	Native
Planter Pots - On Structure - Standard (Pending Light Availability)						
	Dwarf Meyer Lemon	*Citrus x 'Improved Meyer'*		#15	M	
	Manzanita	*Arctostaphylos 'Howard McMinn'*		#5	L	Native
	Giant Chain Fern	*Woodwardia fimbriata*		#5	M	Native
	Western Sword Fern	*Polystichum munitum*		#5	M	Native
	Tassell Fern	*Polystichum polyblepharum*		#1	M	
	Cast-Iron Plant	*Aspidistra elatior*		#1	L	
	Groundcover Manzanita	*Arctostaphylos 'Emerald Carpet'*		#1	M	Native
	Cascading Rosemary	*Rosmarinus officinalis 'Huntington Carpet'*		#1	L	
	Everbearing Strawberry	*Fragaria var. TBD **		4" Pots	M	Native
	Culinary Sage	*Salvia officinalis*		#1	M	
	Yerba Buena	*Satureja douglasii*		#1	L	Native
	Berkeley Sedge	*Carex divulsa*		#1	L	Native
	Lily Turf	*Liriope spicata*		#1	M	
Planters - Integrated into Table						
	Echeveria Varieties	*Echeveria spp.*		4" Pot Min.	VL	
	Sedum varieties	*Sedum spp.*			L	Native
	Mondo Grass	*Ophiopogon japonicus 'Nana'*			L	

PLANTING NOTES

1. PLANT SYMBOLS WITH MULTIPLE SPECIES LISTED MAY BE ANY OF THE SPECIES, AS AVAILABLE AT TIME OF INSTALLATION.
2. ALL PLANTING AREAS TO RECEIVE 3" LAYER COMPOSTED BARK MULCH (50% 'GARDEN MULCH' + 50% 'FOREST FLOOR BARK' BY: AMERICAN SOIL & STONE) CONTRACTOR TO SUBMIT SAMPLES FOR REVIEW AND APPROVAL.
3. ALL PLANTING AREAS TO RECEIVE 1" COMPOST TO TOP 6" - 12" OF SOIL WITH SOIL TESTING.
4. ALL PROPOSED PLANT SPECIES ARE CLIMATE-ADAPTED TO BERKELEY AND ARE INTENDED TO BE LOW-MAINTENANCE.
5. APPROXIMATELY 80% OF THE PROPOSED PLANT SPECIES ARE CALIFORNIA NATIVES WITH ENHANCED BENEFICIAL QUALITIES FOR NATIVE ANIMAL SPECIES HABITAT, FOOD AND OVERALL ADAPTABILITY.
6. PLANT CITY STREET TREES ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6)-2012.
7. USE FLEXI-PAVE IN CITY STREET TREE WELLS
8. SEE CITY OF BERKELEY 'TREE PRESERVATION DURING CONSTRUCTION' RECOMMENDATIONS FOR TREE PROTECTION GUIDELINES.

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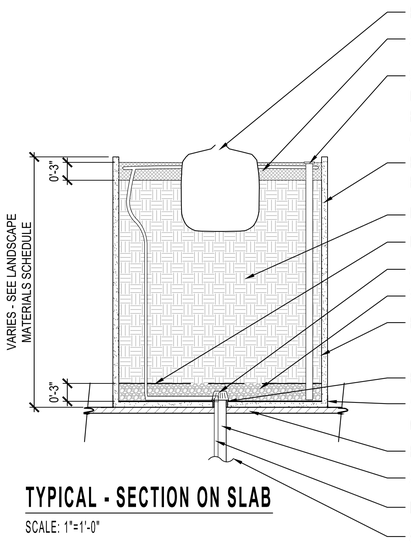
PLANTING SCHEDULE

L-3.2

NOTES

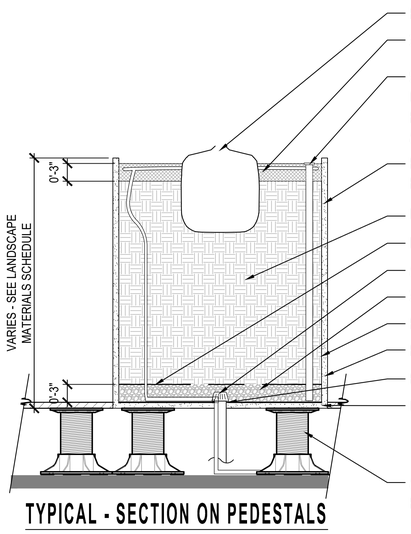
1. CONTRACTOR TO STAKE / MARK LOCATION OF ALL PLANTER POTS TO BE REVIEWED BY LANDSCAPE ARCHITECT, PRIOR TO INSTALLATION.
2. DRILL HOLE IN POT TO CLOSEST TOLERANCE OF PIPE - NO MORE THAN 1/4" GAP.
3. ROUGHEN PIPE AT PENETRATION WITH SANDPAPER SO WATERPROOF MATERIAL CAN ADHERE.
4. APPLY TREMCO 'VULKEM' 250 G.C. (2) 60ML. COATS SHALL BE APPLIED THROUGHOUT INTERIOR OF POT. TREMCO SEALANTS AVAILABLE FROM: LOWRY'S INC. 800-252-2449.
5. PLANTER SOIL - 'LIGHTWEIGHT SOIL MIX' (AVAILABLE FROM TMT ENTERPRISES, INC. OR EQUAL) - NO ON-SITE SOIL TO BE USED IN POTS.
6. NO FERTILIZER TABLETS TO BE USED WITH POTTING SOIL MIX.
7. CONTRACTOR PROVIDE CUT-SHEETS AND MATERIAL SAMPLES OF POTTERY, GRAVEL, PLANT MATERIAL AND SOIL MIX FOR REVIEW AND APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO ORDERING.
8. CONTRACTOR TO COORDINATE WITH IRRIGATION AND DRAINAGE CONTRACTORS TO FIELD VERIFY STUBBED LOCATIONS AND FIELD ADJUST POT PENETRATIONS INTO POT, AS NECESSARY.



- PLANTING - SEE PLANTING PLAN
- 3" COMPOSTED BARK MULCH
- SOLID 2" PVC INSPECTION DRAIN PIPE WITH CAP. DRILL 1/4" DIA. HOLES AT BOTTOM TO ALLOW WATER. WRAP WITH FILTER FABRIC, LOCATION TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- PLANTER POT, REFER TO LANDSCAPE MATERIALS SCHEDULE FOR TYPE, COLOR, AND FINISH
- LIGHT WEIGHT SOIL MIX (SEE NOTE 5)
- LANDSCAPE FABRIC
- ATRIUM GRATE
- 3/4" GRAVEL WASHED (2) TIMES - 3" DEPTH MIN.
- POT WATERPROOFING LIQUID - APPLIED BY CONTRACTOR
- BEAD OF WATERPROOFING
- ANCHOR - SECURE PLANTER PER MANUFACTURER SPECIFICATIONS
- FINISH SURFACE - S.A.D.
- 2" MIN. SOLID DRAIN PIPE
- IRRIGATION SUPPLY LINE - SEE PLUMBING PLANS
- CONNECT TO STORM DRAIN SYSTEM PER PLUMBING PLANS

TYPICAL - SECTION ON SLAB

SCALE: 1"=1'-0"

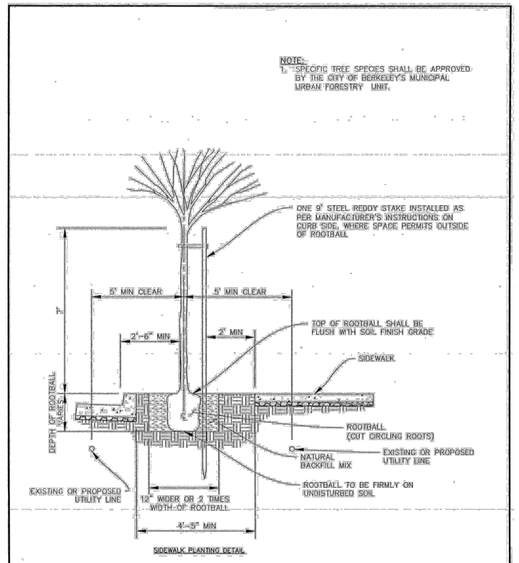


- PLANTING - SEE PLANTING PLAN
- 3" COMPOSTED BARK MULCH
- SOLID 2" PVC INSPECTION DRAIN PIPE WITH CAP. DRILL 1/4" DIA. HOLES AT BOTTOM TO ALLOW WATER. WRAP WITH FILTER FABRIC, LOCATION TO BE APPROVED BY LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- PLANTER POT, REFER TO LANDSCAPE MATERIALS SCHEDULE FOR TYPE, COLOR, AND FINISH
- LIGHT WEIGHT SOIL MIX (SEE NOTE 5)
- LANDSCAPE FABRIC
- ATRIUM GRATE
- 3/4" GRAVEL WASHED (2) TIMES - 3" DEPTH MIN.
- POT WATERPROOFING LIQUID - APPLIED BY CONTRACTOR
- PLANTER DIRECTLY ON PEDESTALS
- BEAD OF WATERPROOFING
- DECK PAVERS ON PEDESTALS - S.A.D.
- ADJUSTABLE HEIGHT PEDESTALS - S.A.D.

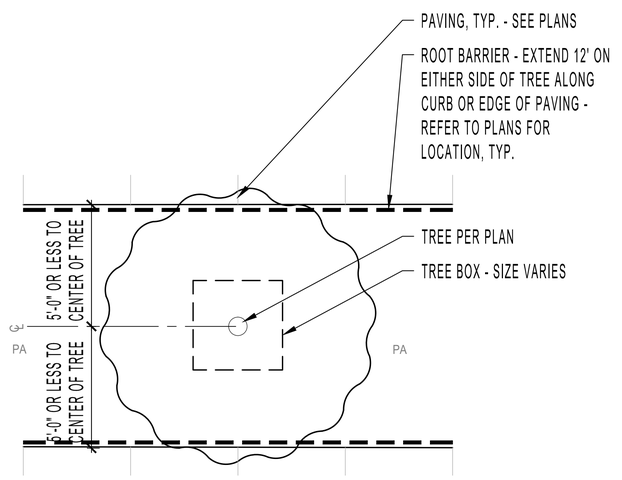
TYPICAL - SECTION ON PEDESTALS

SCALE: 1"=1'-0"

TYPICAL RAISED PLANTER | 5



BERKELEY STANDARD TREE DETAIL | 3

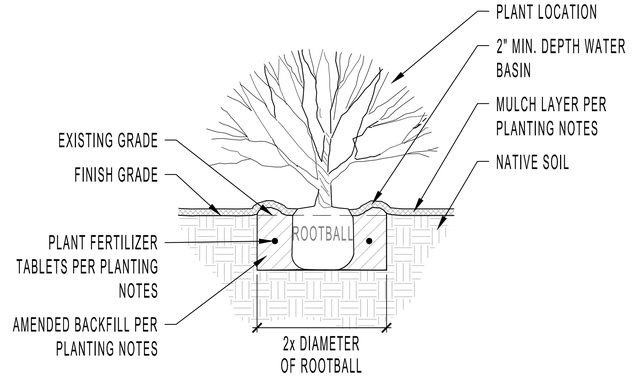


PLAN

TYPICAL ROOT BARRIER CONDITION | 4

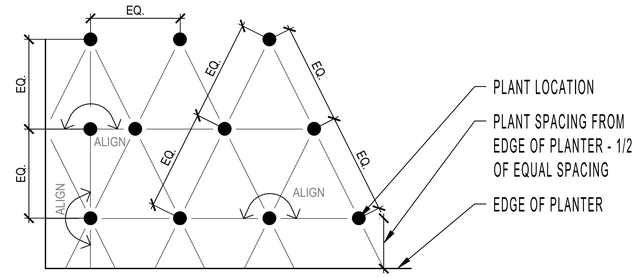
NOTES:

1. SET TOP OF ROOTBALL 1" ABOVE FINISH GRADE AND SLOPE FOR DRAINAGE



SECTION

SHRUB / GROUNDCOVER PLANTING | 1



SPACING	* xx SF = QTY OF PLANTS
6" o.c.	* 4.61
8" o.c.	* 2.6
10" o.c.	* 1.66
12" o.c.	* 1.15
15" o.c.	* 0.73
18" o.c.	* 0.57
24" o.c.	* 0.29
30" o.c.	* 0.18
36" o.c.	* 0.123
48" o.c.	* 0.046
60" o.c.	* 0.032
96" o.c.	* 0.018
120" o.c.	* 0.0116

NOTES

1. SEE PLANTING SCHEDULE FOR SPACING OF ALL SHRUBS AND GROUNDCOVERS
2. ALL SHRUBS / GROUNDCOVER TO BE PLANTED AT EQUAL SPACING (TRIANGULAR) UNLESS OTHERWISE INDICATED ON PLANS.
3. TO DETERMINE APPROPRIATE PLANT QUANTITIES REFER TO THE TABLE HEREIN.

TRIANGULAR SHRUB / G.C. SPACING | 2

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PLANTING DETAILS

L-3.3

HYDROZONES - GROUND FLOOR 48 SF

SYMBOL	DESCRIPTION	AREA	VALVES	IRRIGATION EMITTER TYPE
	ELLSWORTH PLANTERS - LOW	16 SF	1	IN-LINE DRIP, SEE NOTE 2
	DURANT AVE PLANTERS - LOW	30 SF	1	IN-LINE DRIP, SEE NOTE 2
	BIO-TREATMENT PLANTER - LOW	94 SF	2*	IN-LINE DRIP, SEE NOTE 2
	TOTAL:	188 SF OVER ENTIRE SITE	5	

* **NOTE**: MULTIPLE VALVE QUANTITIES INDICATED WITHIN A SINGLE ZONE INDICATES VALVES FOR BOTH TREES AND SHRUBS / GROUNDCOVER WITHIN THE ZONE.

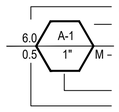
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
2. IRRIGATION SYSTEM SHALL EMPLOY A 'SMART' ET CONTROLLER

IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

PEAK IRRIGATION DEMAND: 0.0 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: 188 **SF OVER ENTIRE SITE**

VALVE CALLOUT LEGEND



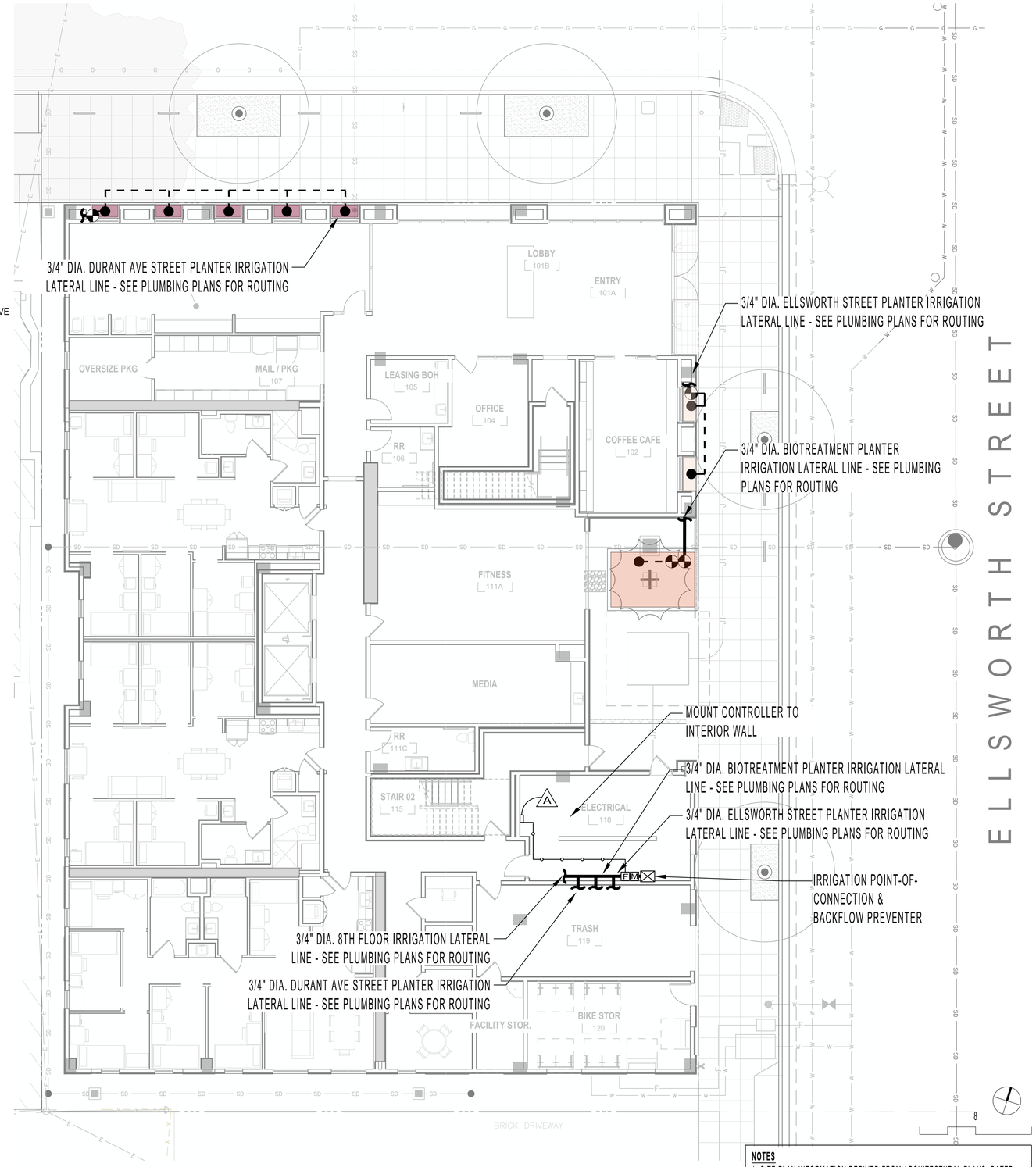
- INDICATES FLOW IN GPM FOR ELECTRIC CONTROL VALVE
- INDICATES IRRIGATION SPRINKLER CONTROLLER STATION NUMBER
- INDICATES PLANT WATER USE CATEGOR (M=MODERATE, H=HIGH, WATER USE)
- INDICATES ELECTRIC CONTROL VALVE SIZE
- INDICATES PRECIPITATION RATE

IRRIGATION EQUIPMENT

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	⊠	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	A	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	HC HYDRAWISE WITH WIFI
FLOW METER	F	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY- REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR		RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE	M	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH /40 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE		AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT- INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 2 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY		SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT	———	DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALUE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE	INDICATES CONNECTION TO ASSIGNED DRIP LINES, TYP.	SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		

IRRIGATION NOTES

1. IRRIGATION TO CONNECT TO WATER SUPPLY WITH BACKFLOW PREVENTION DEVICE INSTALLED PER AGENCY REQUIREMENTS.
2. IRRIGATION SYSTEM SHALL EMPLOY AN ELECTRONIC 'SMART' CONTROLLER WITH WEATHER-SENSING CAPABILITIES, 6 MIN. VALVES, SINGLE WIRE TYPE.
3. PLANTING HAS BEEN DESIGNED IN 'HYDROZONES' - WITH VALVES GROUPED ACCORDING TO LOCATION AND PLANT TYPE.
4. WATER EMITTERS SHALL BE USED TO DELIVER THE WATER IN THE MOST EFFICIENT MANNER POSSIBLE. USE, IN ORDER: IN-LINE DRIP, MICRO SPRAY, POINT-SOURCE. PROVIDE SEPARATE SYSTEMS FOR TREE POPUP STREAM BUBBLERS WITH PCS.
5. REFER TO PLUMBING PLANS FOR IRRIGATION WATER POINT-OF-CONNECTION LOCATION.
6. REFER TO ELECTRICAL ENGINEERING PLANS FOR IRRIGATION CONTROLLER CONNECTION LOCATION.



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IRRIGATION PLAN - GROUND FLOOR

L-4.0

HYDROZONES - 8TH FLOOR ROOF DECK

SYMBOL	DESCRIPTION	AREA	VALVES	IRRIGATION EMITTER TYPE
	8TH FLOOR PLANTERS - MODERATE	48 SF	1	IN-LINE DRIP, SEE NOTE 2
	TOTAL:	188 SF OVER ENTIRE SITE	5	

* **NOTE**: MULTIPLE VALVE QUANTITIES INDICATED WITHIN A SINGLE ZONE INDICATES VALVES FOR BOTH TREES AND SHRUBS / GROUNDCOVER WITHIN THE ZONE.

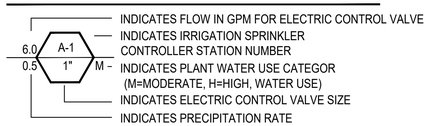
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
2. IRRIGATION SYSTEM SHALL EMPLOY A 'SMART' ET CONTROLLER

IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

PEAK IRRIGATION DEMAND: 0.0 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: xxx **SF OVER ENTIRE SITE**

VALVE CALLOUT LEGEND

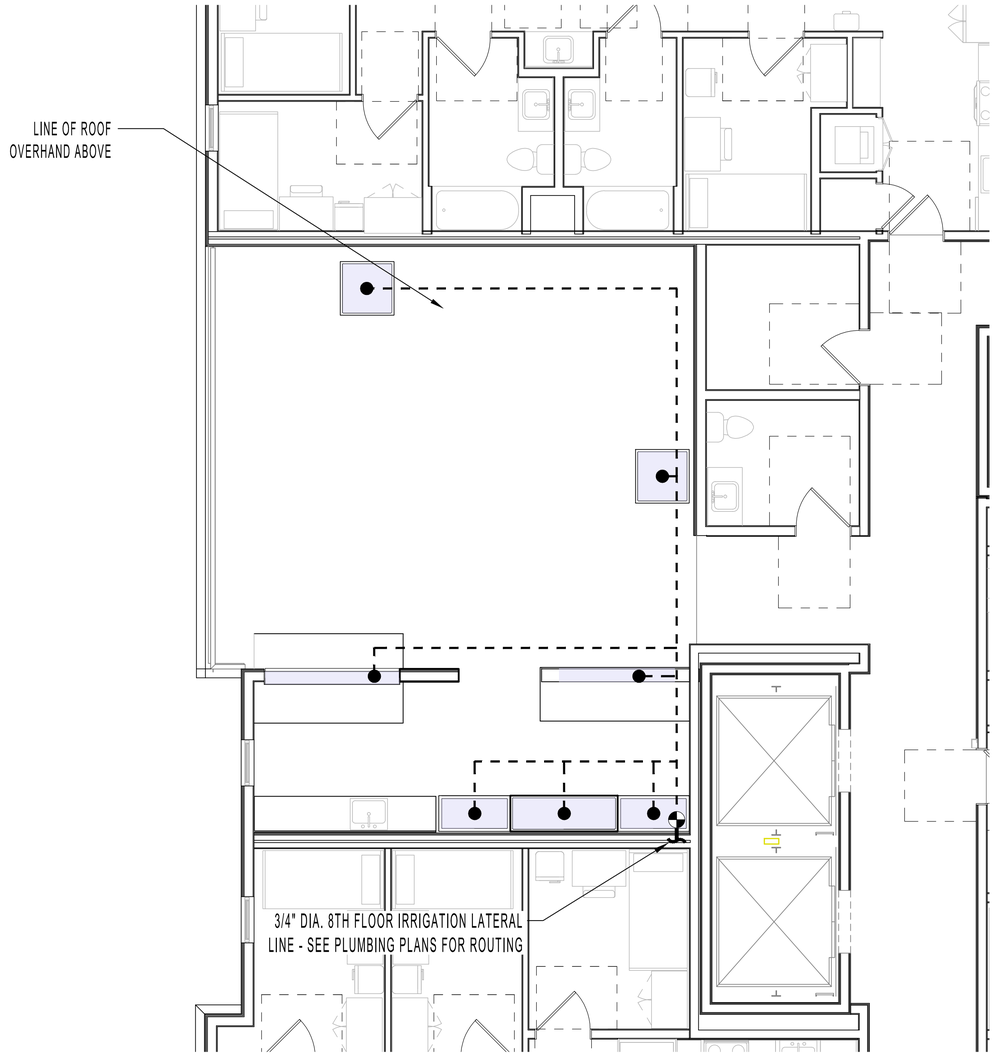


IRRIGATION EQUIPMENT

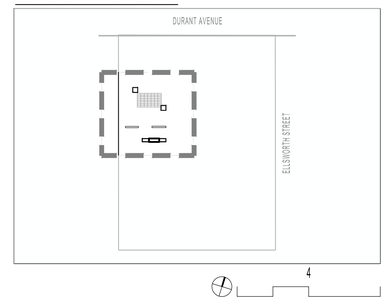
ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	⊠	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	A	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	HC HYDRAWISE WITH WIFI
FLOW METER	F	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY- REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR		RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE	M	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH /40 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE		AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT- INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 2 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY		SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT		DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALUE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE	INDICATES CONNECTION TO ASSIGNED DRIP LINES, TYP.	SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		

IRRIGATION NOTES

1. IRRIGATION TO CONNECT TO WATER SUPPLY WITH BACKFLOW PREVENTION DEVICE INSTALLED PER AGENCY REQUIREMENTS.
2. IRRIGATION SYSTEM SHALL EMPLOY AN ELECTRONIC 'SMART' CONTROLLER WITH WEATHER-SENSING CAPABILITIES, 6 MIN. VALVES, SINGLE WIRE TYPE.
3. PLANTING HAS BEEN DESIGNED IN 'HYDROZONES' - WITH VALVES GROUPED ACCORDING TO LOCATION AND PLANT TYPE.
4. WATER EMITTERS SHALL BE USED TO DELIVER THE WATER IN THE MOST EFFICIENT MANNER POSSIBLE. USE, IN ORDER: IN-LINE DRIP, MICRO SPRAY, POINT-SOURCE. PROVIDE SEPARATE SYSTEMS FOR TREE POPUP STREAM BUBBLERS WITH PCS.
5. REFER TO PLUMBING PLANS FOR IRRIGATION WATER POINT-OF-CONNECTION LOCATION.
6. REFER TO ELECTRICAL ENGINEERING PLANS FOR IRRIGATION CONTROLLER CONNECTION LOCATION.



KEYMAP - 8TH FLOOR



NOTES

1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS, DATED 04-14-25. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

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2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

IRRIGATION PLAN - 8TH FLOOR

L-4.1

HYDROZONES

SYMBOL	DESCRIPTION	AREA	VALVES	IRRIGATION EMITTER TYPE
	ELLSWORTH PLANTERS - LOW	16 SF	1	IN-LINE DRIP, SEE NOTE 2
	DURANT AVE PLANTERS - LOW	30 SF	1	IN-LINE DRIP, SEE NOTE 2
	BIO-TREATMENT PLANTER - LOW	94 SF	2*	IN-LINE DRIP, SEE NOTE 2
	ROOFDECK PLANTERS - MODERATE	48 SF	1	IN-LINE DRIP, SEE NOTE 2
	TOTAL:	188 SF	5	

* **NOTE**: MULTIPLE VALVE QUANTITIES INDICATED WITHIN A SINGLE ZONE INDICATES VALVES FOR BOTH TREES AND SHRUBS / GROUNDCOVER WITHIN THE ZONE.

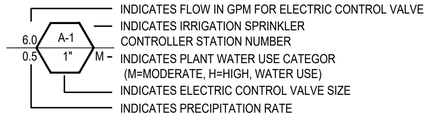
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
2. IRRIGATION SYSTEM SHALL EMPLOY A 'SMART' ET CONTROLLER

IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

PEAK IRRIGATION DEMAND: 0.0 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: 188 **SF OVER ENTIRE SITE**

VALVE CALLOUT LEGEND



IRRIGATION EQUIPMENT

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	⊠	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	A	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE WEATHERPROOF LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	PRO-HC
FLOW METER	F	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY- REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR		RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE	M	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH /40 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE	A	AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT- INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 1 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY	V	SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT		DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALUE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE		INDICATES CONNECTION TO ASSIGNED DRIP LINES, TYP. — SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		
FLOW SENSOR CABLE		FLOW SENSOR SIGNAL CABLE AND CONDUIT - MULTIPLE WIRE PAIR SHIELDED CABLE INSTALLED WITH 1.25-INCH MINIMUM SIZE SCHEDULE 40 PVC CONDUIT - NO SPLICES PERMITTED	HYDROSCAPE	HSCST150

IRRIGATION NOTES

1. **POINT-SOURCE DRIP** IRRIGATED AREAS USE 1/2" MAINLINE FOR DISTRIBUTION TO 1/4" IN-LINE DRIP TUBING WITH EMITTERS SPACED 6", WRAPPED AROUND INDIVIDUAL PLANTS. MAINLINE TO BE ROUTED SO THAT IT IS AS CLOSE TO EACH INDIVIDUAL PLANT AS POSSIBLE. IF PLANT IS OVER 24" AWAY FROM THE MAINLINE, USE A 1/4" SOLID LATERAL LINE TO CONNECT THE 1/4" IN-LINE DRIP TUBING TO THE 1/2" MAINLINE. WRAP PLANT ONCE WITH IN-LINE DRIP TUBING AROUND ROOTBALL PER THE FOLLOWING:
2. **IN-LINE DRIP** IRRIGATED AREAS USE 1/2" MAINLINE FOR DISTRIBUTION TO 1/4" IN-LINE DRIP TUBING WITH EMITTERS SPACED 6", TO COMPLETELY COVER THE DESIGNATED PLANTING AREA. SPACE DRIP TUBING TO COVER ENTIRE PLANTING AREA AS SHOWN IN THE STANDARD IN-LINE DRIP LAYOUT DETAIL.
3. **MP ROTATORS** IRRIGATED AREAS USE 1/2" MAINLINE FOR DISTRIBUTION TO HIGH-EFFICIENCY POP-UP ROTATING JET STREAM EMITTERS, SPACED TO ENSURE HEAD-TO-HEAD COVERAGE WITHIN DESIGNATED PLANTING AREAS. ALL EMITTERS TO BE 6" AWAY FROM HARDSCAPE EDGE TO AVOID OVER-SPRAY.

CONTAINER SIZE	**IN-LINE DRIP TUBING PLACEMENT** (FROM CENTER OF PLANT)
#1	3"
#5	4"
#15	5"
24" BOX	5" AND 10" (2 LOOPS)

WELO CALCULATIONS

WELO
Water Budget and Water Use Calculator

INSTRUCTIONS:
1. Enable macros.
2. Enter values in blue cells. Gray cells will automatically fill.
3. For Eto, refer to Appendix A of the ordinance, available here: https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency
4. Print this sheet and submit with Landscape Document Package for the Comprehensive Performance Compliance Pathway.

Date:	4/16/2025
Project Name:	2298 Durant Ave Student Housing
Project Contact:	Christian Macke
Project Contact Email:	cmacke@122westdesign.com

PRINT

Maximum Applied Water Allowance (MAWA)	**Project Type**	**ETo**	**ETAF**	**Special Landscape Area (SLA)**	**Total Landscape Area including SLA**	**MAWA (gal/yr)**	
	Non-residential	41.8	0.45	-	188	**2,192**	MAWA =(ETo) * (0.62) *[(ETAF*LA) + ((1-ETAF) * SLA)]

Estimated Total Water Use (ETWU)	**ETo**	**(SF * PF) / IE**	**SLA**	**ETWU (gal/yr)**	
	41.8	81	-	**2,112**	ETWU =(ETo) * (0.62) *[(PF*SF/IE) + SLA]

Difference between MAWA and ETWU 81 **Project meets water budget.**

ETWU Calculation (Regular landscape areas)	**Zone #**	**Description**	**Select Irrigation**	**Square Feet (SF)**	**Plant Factor (PF)**	**Irrigation Efficiency (IE)**	**(SF * PF) / IE**
	1	Ellsworth Planters	Drip	16	0.30	0.81	6
	2	Durant Ave	Drip	30	0.30	0.81	11
	3	Bio-Treatment Planters	Drip	94	0.30	0.81	35
	4	Roofdeck	Drip	48	0.50	0.81	30
		Landscape area (not including SLA)		**188**			**81**

ETWU Calculation Special Landscape Areas (SLA)	**Description**	**Square Feet (SF)**	**Plant Factor / Irrigation Efficiency (PF/IE)**	**(SF * PF) / IE**
	Edible planting area	0	1.0	-
	Multi-use and sports field turf area		1.0	-
	Area irrigated with recycled water		1.0	-
	Pool		1.0	-
	Total SLA	**0**		**0**

Total Landscape Area (including SLA) from ETWU Calculation	**188**

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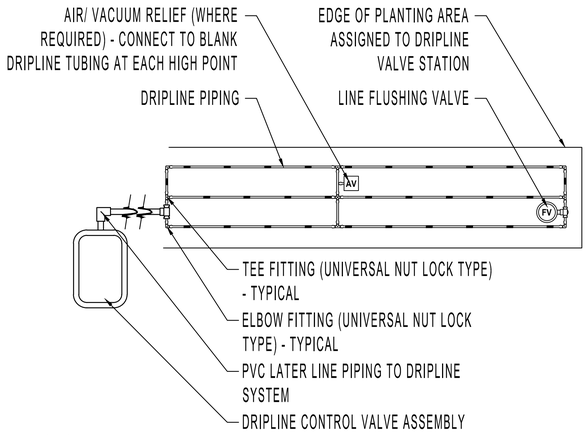
2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

IRRIGATION EQUIPMENT, NOTES, WELO

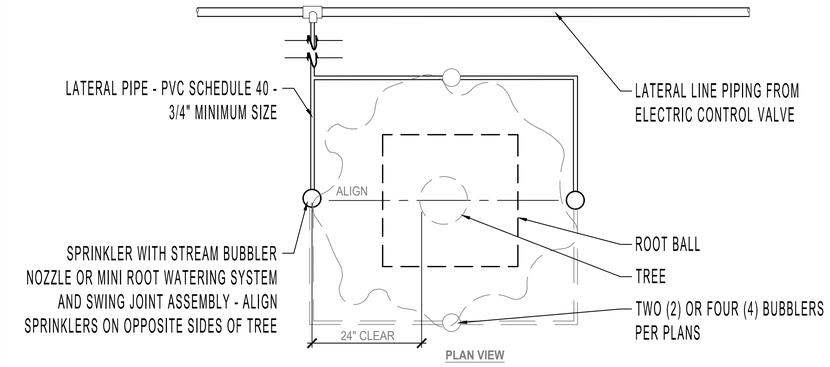
L-4.2



NOTES

1. REFER TO EQUIPMENT LEGEND FOR DRIPLINE AND PLANT MATERIAL ASSIGNMENT.
2. REFER TO STATION CALLOUTS ON PLAN SHEETS FOR SPECIFIC VALVE PERFORMANCE REQUIREMENTS AND CONFIGURATION OF DRIPLINE.
3. PROVIDE COUPLING FITTING (UNIVERSAL NUT LOCK) - WHERE REQUIRED.
4. REFER TO MANUFACTURER FOR DRIPLINE MAXIMUM LATERAL LENGTHS.

DRIPLINE SYSTEM LAYOUT - TYPICAL | 5

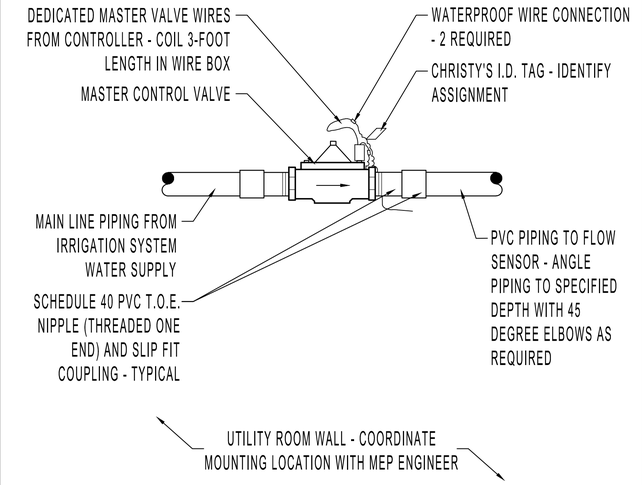


PLAN VIEW

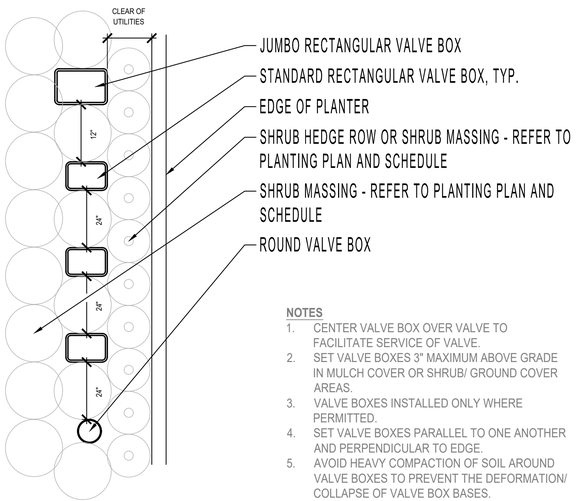
NOTES

1. ALIGN SPRINKLER HEADS FACING VINES ON PALM WHERE INSTALLED.
2. INSTALL FOUR (4) SPRINKLERS PER PALM AND INSTALL TWO (2) SPRINKLERS PER NON-PALM TREE.

TREE SPRINKLER LAYOUT | 3



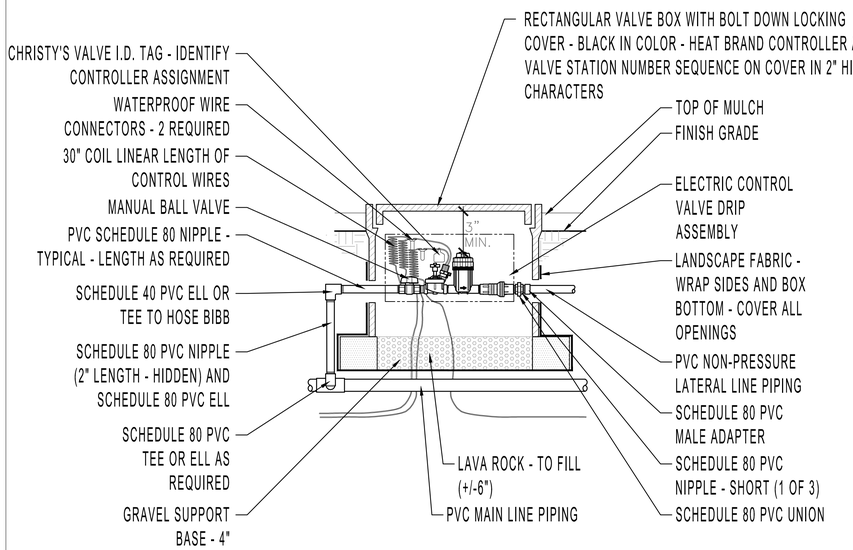
MASTER CONTROL VALVE | 1



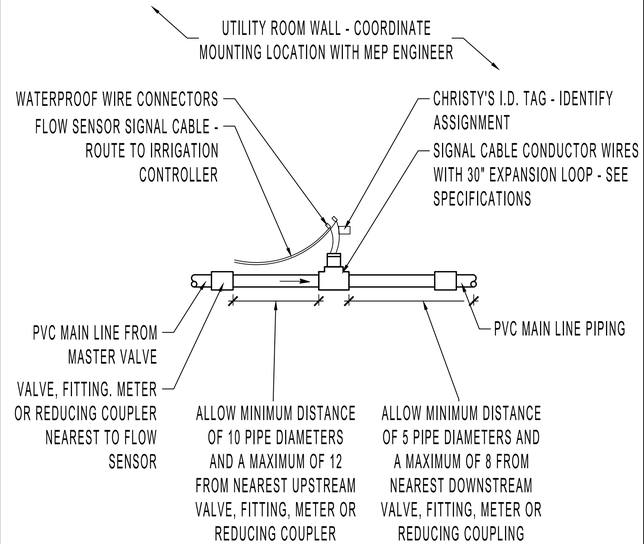
NOTES

1. CENTER VALVE BOX OVER VALVE TO FACILITATE SERVICE OF VALVE.
2. SET VALVE BOXES 3" MAXIMUM ABOVE GRADE IN MULCH COVER OR SHRUB/ GROUND COVER AREAS.
3. VALVE BOXES INSTALLED ONLY WHERE PERMITTED.
4. SET VALVE BOXES PARALLEL TO ONE ANOTHER AND PERPENDICULAR TO EDGE.
5. AVOID HEAVY COMPACTION OF SOIL AROUND VALVE BOXES TO PREVENT THE DEFORMATION/ COLLAPSE OF VALVE BOX BASES.
6. SHRUB ROWS SHALL KEEP CONTINUITY WHEREVER PLANTED.

VALVE BOX LAYOUT (AT GRADE PLANTING) | 6



DRIP VALVE STATION | 4



IRRIGATION FLOW SENSOR | 2

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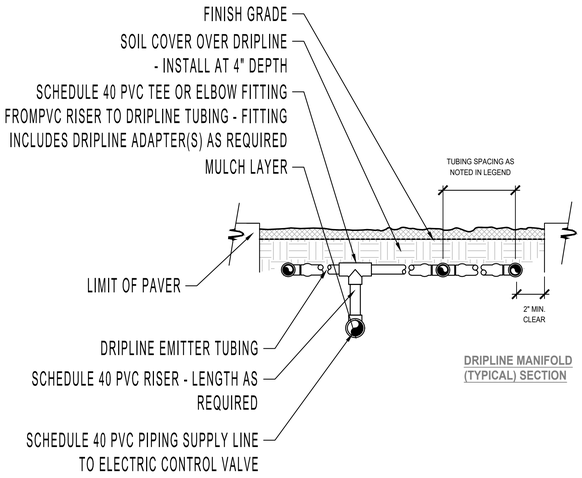
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

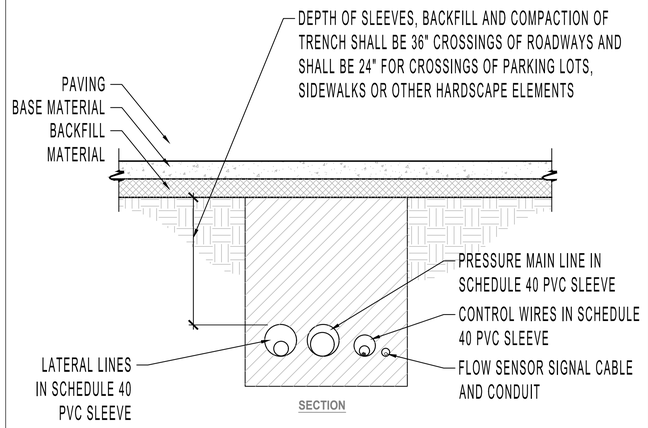
No.	Description	Date

IRRIGATION DETAILS

L-4.3

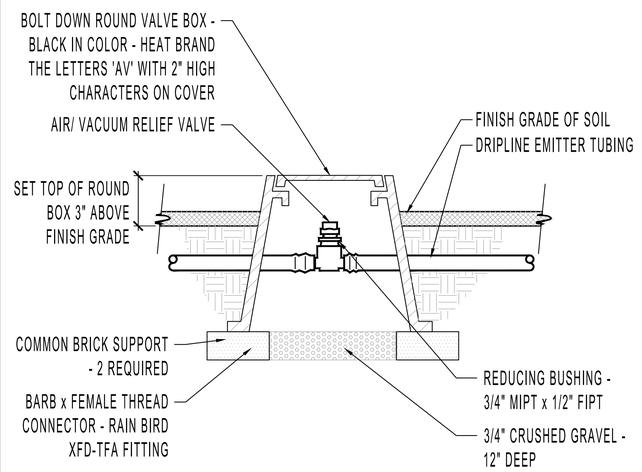


DRIPLINE PIPING CONNECTIONS - TYPICAL | 4



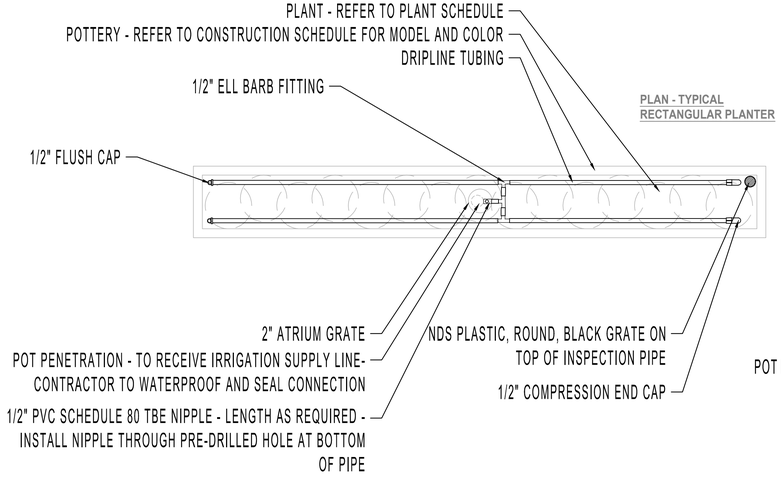
NOTES
1. PIPING TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS' INSTALLATION SPECIFICATIONS.
2. MAIN LINE, LATERAL LINES AND CONTROL WIRES SHALL BE SLEEVED BELOW HARDSCAPE ELEMENTS WITH SCHEDULE 40 PVC, 2 TIMES THE DIAMETER OF THE PIPE OR WIRE BUNDLE WIDTH.

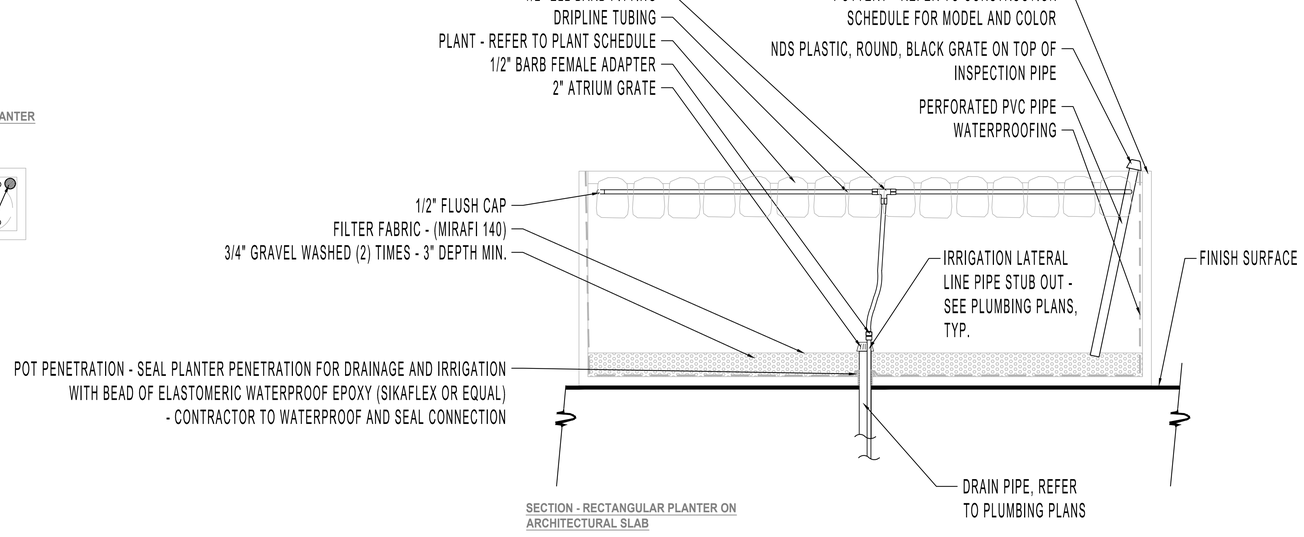
SLEEVE TRENCHING | 3

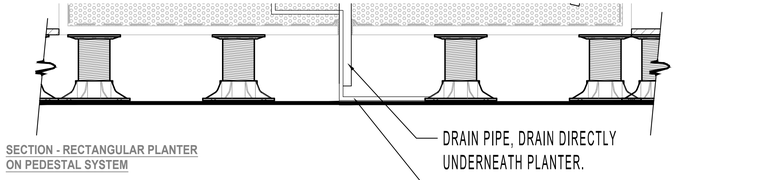


NOTE
1. USE TEFLON TAPE ON ALL PIPE THREADS.

AIR / VACUUM RELIEF ASSEMBLY | 1







NOTES
1. CONTRACTOR TO COORDINATE IRRIGATION WITH DRAINAGE AND PLUMBING CONTRACTORS TO FIELD VERIFY STUBBED LOCATIONS AND FIELD ADJUST POT PENETRATIONS INTO POT AS NECESSARY.
2. CONTRACTOR SHALL COORDINATE ALL PIPING WITH OTHER TRADES PRIOR TO CONSTRUCTION.
3. COORDINATE THE WATER SUPPLY LINE STUB OUT LOCATIONS WITH THE INSTALLATION OF PLANTER POTS.

RAISED PLANTER IRRIGATION | 2

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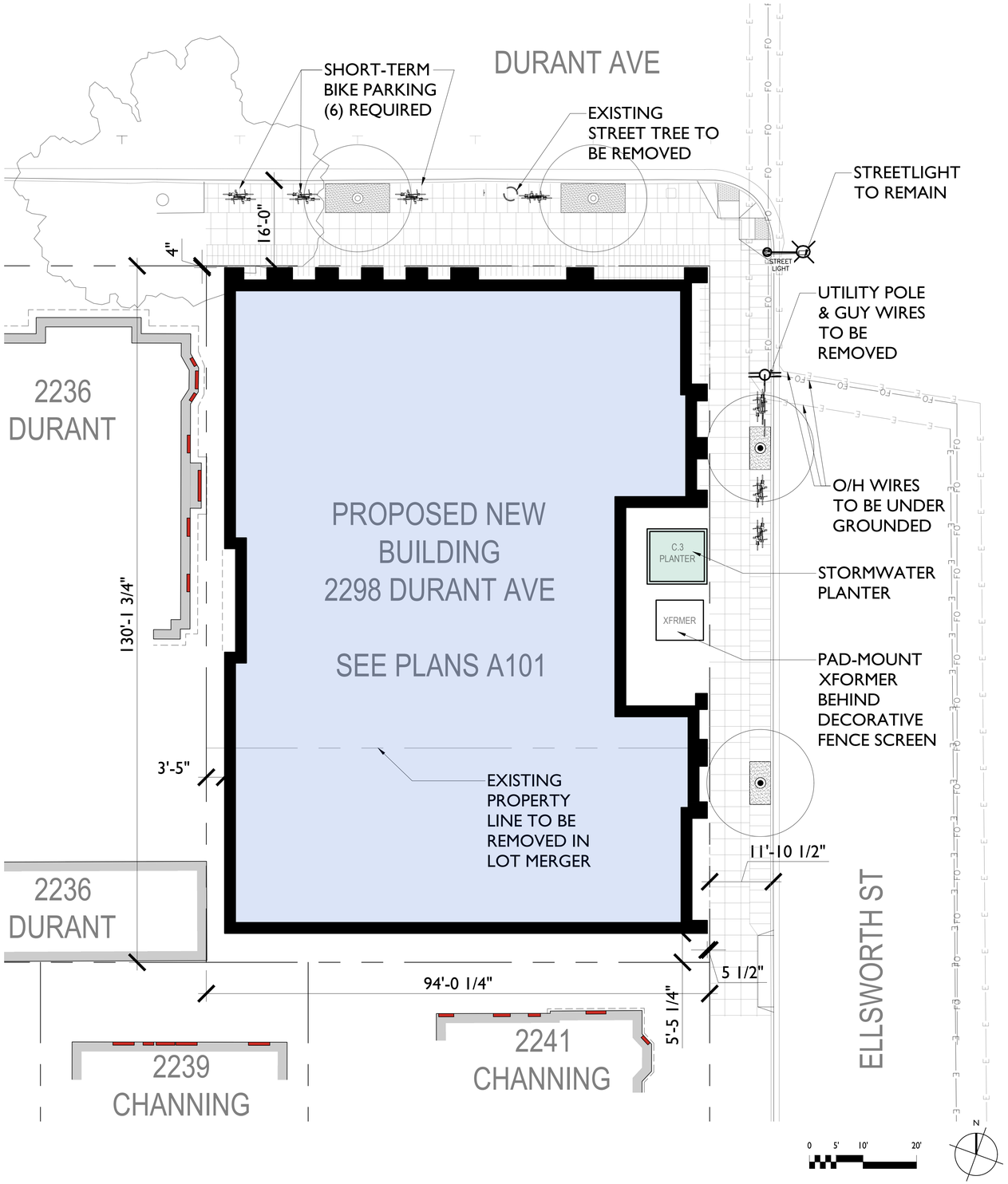
IRRIGATION DETAILS

L-4.4



ARCHITECTURAL SITE PLAN
3/32"=1'-0"

ZONING CODE INFORMATION					
SITE INFORMATION					
PROJECT ADDRESS:	2298 DURANT AVE & 2360 ELLSWORTH ST				
APN:	055-1887-001 & 055-1887-002				
SEISMIC SAFTY					
EARTHQUATE FAULT RUPTURE ZONE:	NO				
LANDSLIDE ZONE:	NO				
LIQUEFACTION ZONE:	NO				
UN-REINFORCED MASONRY BLDG INVENTORY:	NO				
HISTORICAL PRESERVATION					
LANDMARK OR STRUCTURE OF MERIT:	NO				
COM. STRUCTURE GREATER THAN 40 YEARS OLD:	YES				
ENVIROMENTAL SAFETY					
CREEK BUFFER:	NO				
ENVIRONMENTAL AREA:	NO				
FIRE ZONE:	2				
FLOOD ZONE (100-YEAR OR 1%):	NO				
PARCEL CONDITIONS					
ZONING DISTRICT:	R-SMU	RESIDENTIAL - SOUTHSIDE MIXED USE			
GENERAL PLAN AREA:	RMU	RESIDENTIAL MIXED USE			
SPECIAL ZONING OVERLAYS:	SOUTHSIDE PLAN				
ZONING ADJACENCIES:	WEST R-SMU	NORTH R-SMU	EAST R-SMU	SOUTH R-SMU	

		EXISTING	PROPOSED DENSITY BONUS	PERMITTED / REQUIRED
AREAS	TOTAL LOT AREA (SQ.FT.):	12,220	12,220	N/A
	LOT COVERAGE %:	43%	84.4%	100% MAX
	FLOOR AREA RATIO (FAR):	0.99	6.54	7.0 MAX
DENSITY	DWELLING UNITS	7	65	42 MIN.
	DWELLING UNITS / ACRE	24.92	231.42	150 MIN.
HEIGHT	MAX. BUILDING HEIGHT(FT.):	~40'-0"	85'-0" (+8'-0")	85'-0" (+5'-0")
	# STORIES:	3+1	8	N/A
SETBACKS	FRONT DURANT	8'-5"	4"	N/A
	REAR	4'-1"	5' 5 1/4"	4'-0"
	STREET SIDE:	4'-9"	5 1/2"	N/A
	INTERIOR SIDE:	0'-0'	3'-5"	N/A

BUILDING AREA INFORMATION:

	EXISTING	PROPOSED	PERMITTED / REQUIRED
BUILDING FOOTPRINT:	5,229	10,327	12,235 MAX
COMMERCIAL:	5,760	0	N/A
RESIDENTIAL:	6,303	78,965	N/A
UTILITY	0	1,081	0
TOTAL GSF:	12,063	80,046	85,645

ZONING CODE INFORMATION

2298 Durant Building Statistics

	Ground Floor	Typical Floor	8th Floor	Total	
Units	3	9	8	**65**	**Units**
Bedrooms	16	41	36	**298**	**Bedrooms**
Bathrooms	6	16	14	**116**	**Bathrooms**
Unit A		1,255	1,255	**8,785**	**Unit A SF**
Count	0	1	1	**7**	**Unit A Count**
Unit B		582	582	**4,074**	**Unit B SF**
Count	0	2	2	**14**	**Unit B Count**
Unit D		1,094	1,094	**7,658**	**Unit D SF**
Count	0	2	2	**14**	**Unit D Count**
Unit E	1,303	1,303	1,303	**10,424**	**Unit E SF**
Count	1	2	2	**15**	**Unit E Count**
Unit F	1,128	1,128	1,128	**9,024**	**Unit F SF**
Count	2	2	1	**15**	**Unit F Count**
Amenity	4,234	0	138	**4,372**	**Amenity SF**
Corridors	680	642	704	**5,236**	**Corridors SF**
GSF	10,197	10,111	9,183	**80,046**	**GSF**
Stairs Elev	643	528	528	**4,339**	**Stairs Elev Util SF**
Utility/Mech	1,081				

AREA TABULATION

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:

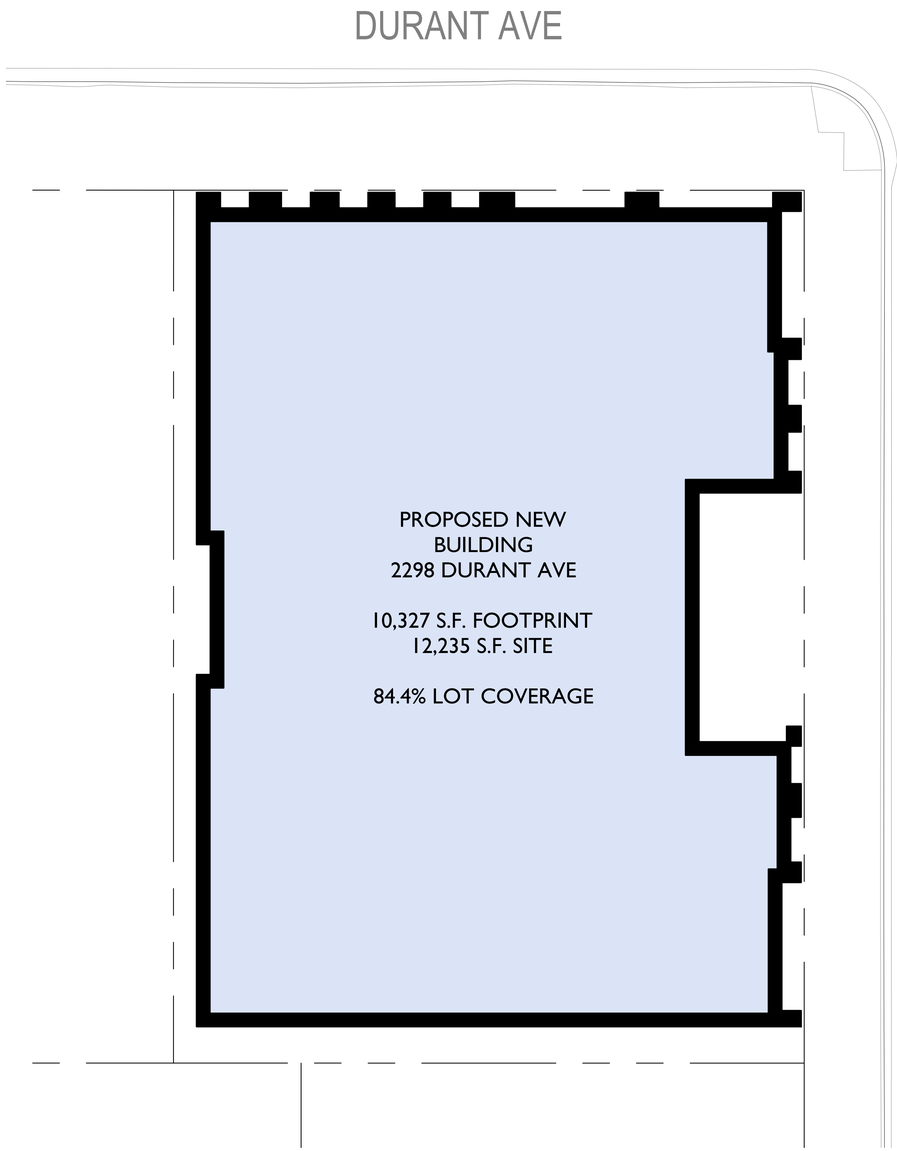
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.
10/22/2025	ZAB UPDATES

CITY PERMIT RECORD:

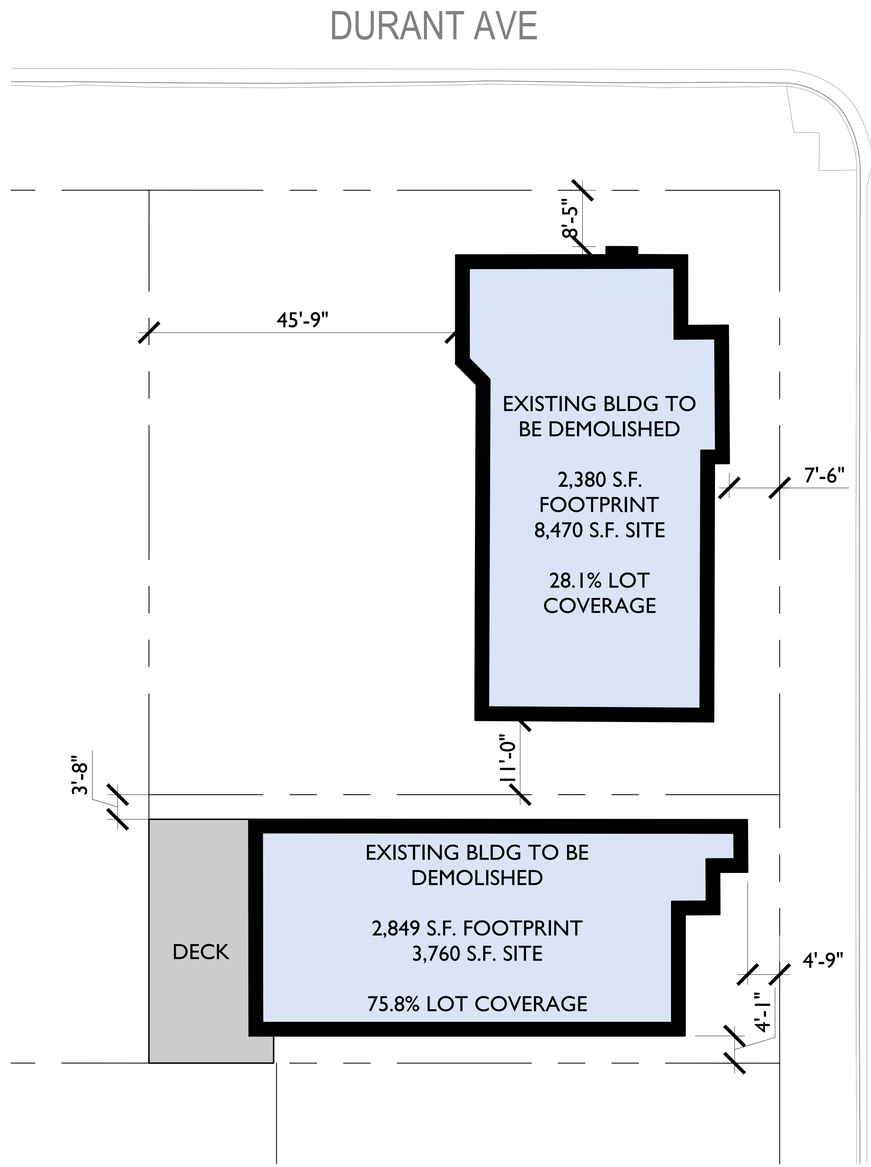
PROJECT: VLC09

TITLE: SITE PLAN AND BUILDING INFO

SHEET: **AS-101**



2 PROPOSED LOT COVERAGE DIAGRAM
3/32"=1'-0"



1 EXISTING LOT COVERAGE DIAGRAM
3/32"=1'-0"

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04/16/24	2ND ENT. RESUB.

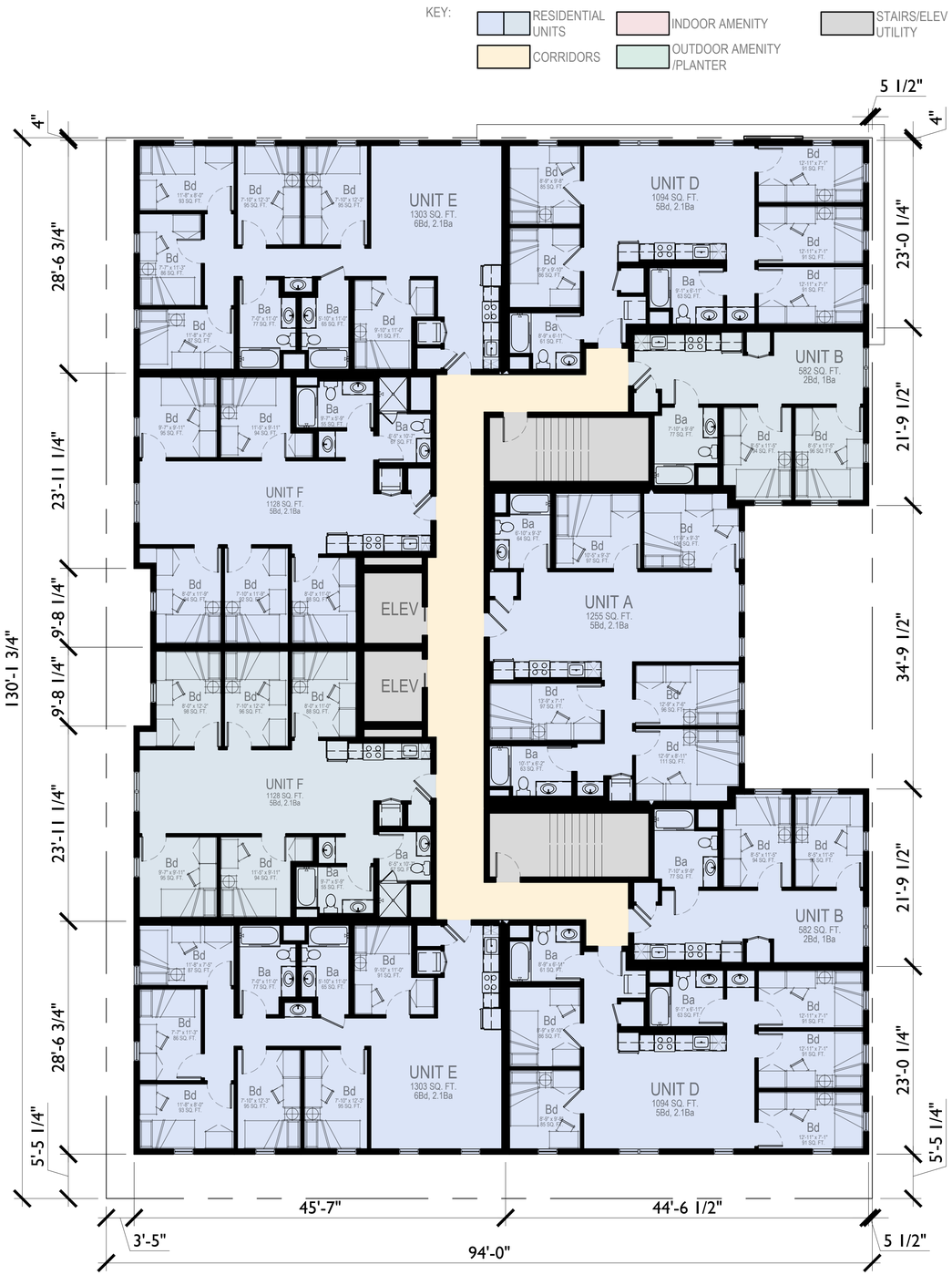
CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: LOT COVERAGE DIAGRAMS

SHEET: **AS-102**

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



TYPICAL FLOOR PLAN (2 - 7)
1/8"=1'-0"

0 5' 10' 20'

N

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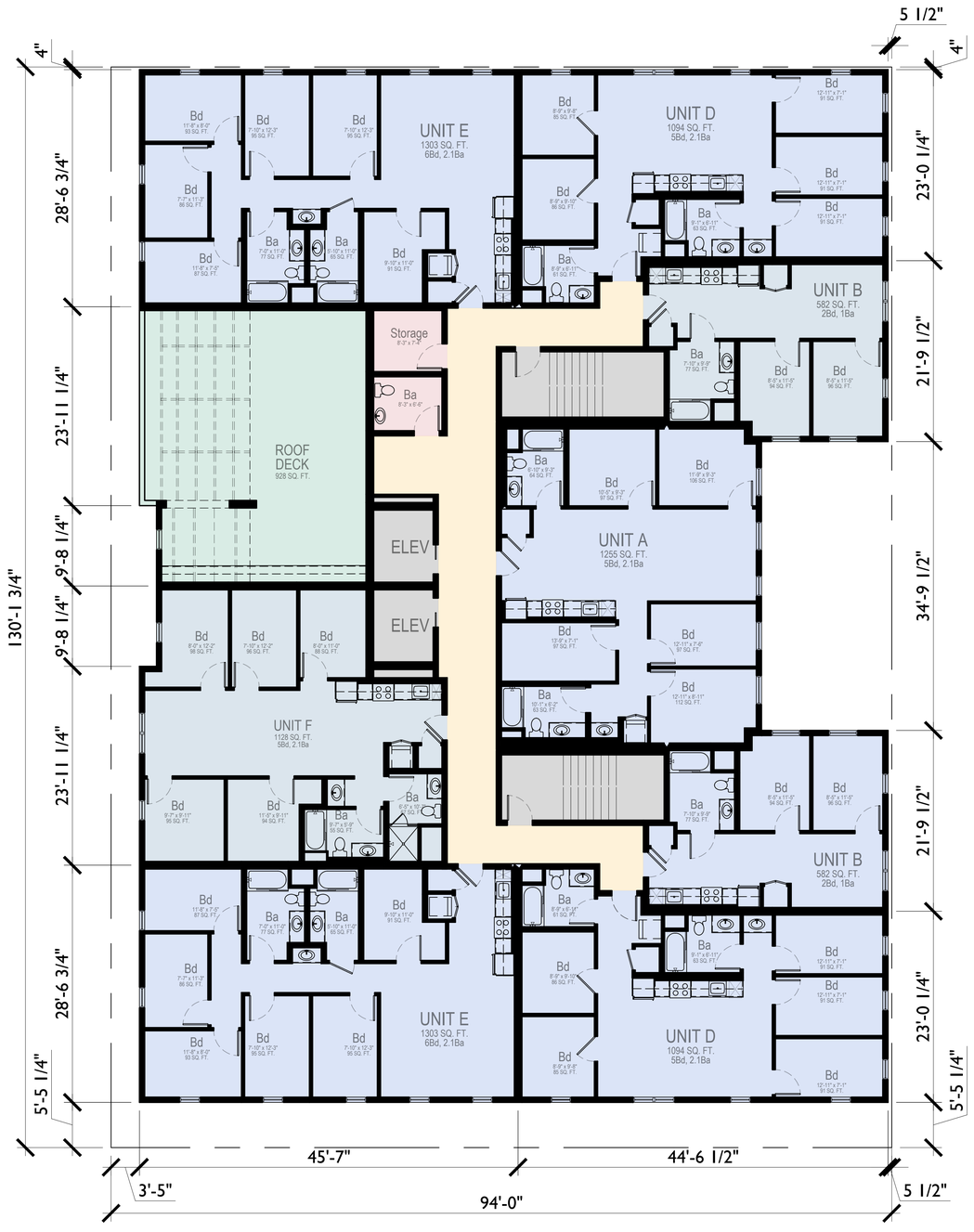
04/16/25	2ND ENT. RESUB.
05/28/25	3RD ENT. RESUB.

CITY PERMIT RECORD:

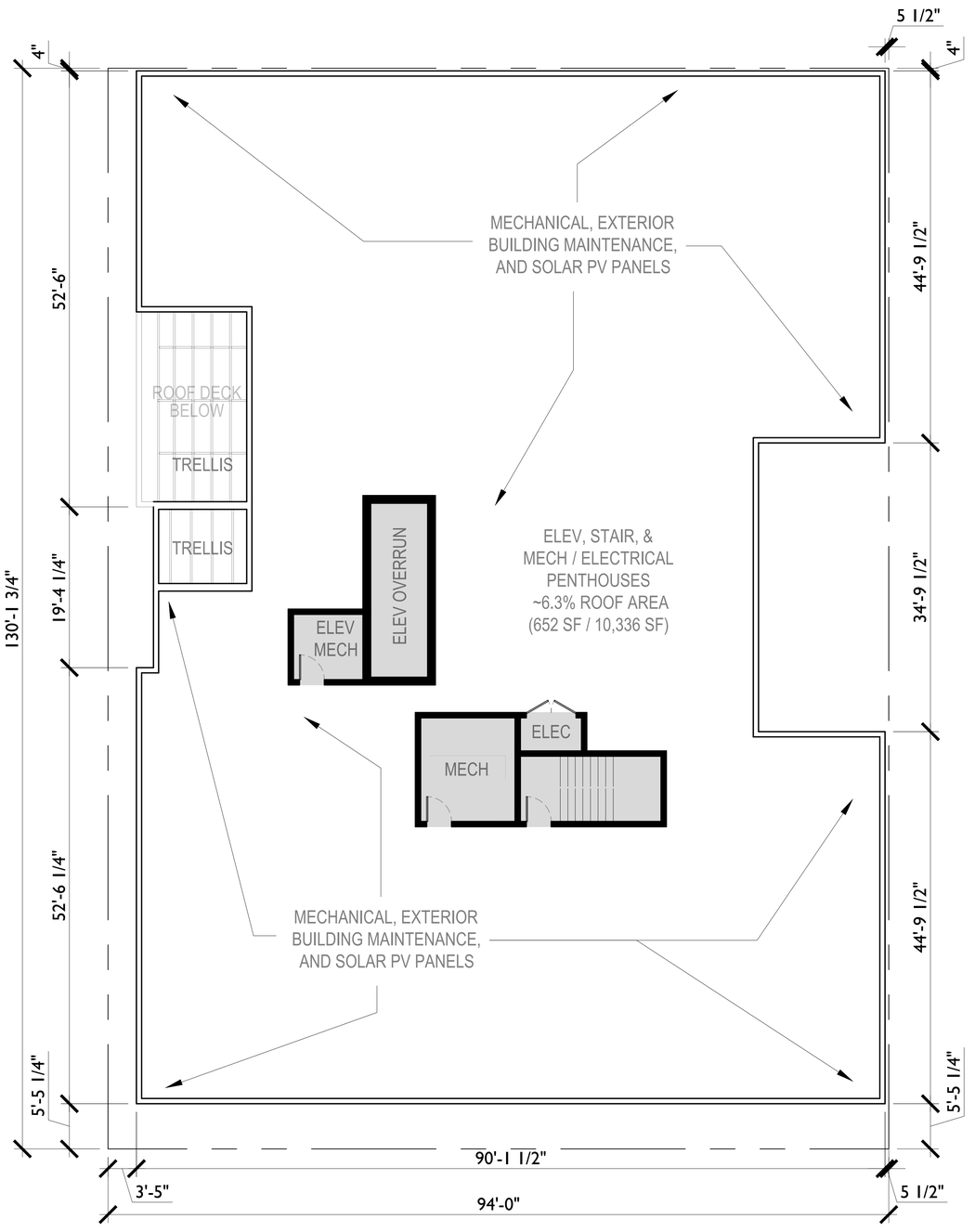
PROJECT: VLC09

TITLE: FLOOR PLANS

SHEET: **A-101**



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



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

0 5' 10' 20'

N

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02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
FLOOR PLANS

SHEET:
A-102

Existing Unit #	Existing Unit Bedroom #		Replacement / BMR Unit Bedroom #	VLI Replacement Unit	LI Replacement Unit	Replacement Unit Reserved for Sitting Tenants Exercising Right of Return	Proposed Unit #	Proposed Unit Type
A	1	<	2	X		X	218	B
B	2	=	2	X		X	204	B
C	2	=	2	X		X	304	B
D	1	<	2	X		X	404	B
E	2	=	2	X		X	504	B
F	2	=	2		X	X	604	B
PH	4	>	2		X	X	704	B

Proposed Unit	Proposed Unit Beds	Count	% of Total Units			
A	5	7	10.77%			
B	2	14	21.54%		2s	21.54%
D	5	14	21.54%		5s	55.38%
E	6	15	23.08%		6s	23.08%
F	5	15	23.08%			

REPLACEMENT / BMR UNITS AND BUILDING UNIT MIX
N.T.S.

Density Bonus - VLI or Below								
Project Address:		2298 Durant Ave., Berkeley						
Project Code:		VLC09						
Date:		7/9/2025						
Base Project	Base # Units	Base # Units	% BMR units		# BMR Units	# BMR Units	Bonus %	# DB Units	Total Units Allowed
sq. ft. - see calculation below	base project/avg. unit size	Base Project Units Round Up	VLI = Very Low Income <50 AMI		% VLI x Base # Units	Round Up		%Bonus x Base # Units Round Up	
58,743	48.35	49	10%		4.90	5.00	32.5%	16	65
Base Project Residential Floor Area	Floor	Proposed Project Residential Floor Area						%BMR (VLI/ELI)	%DB
9,116	first	9,116						5%	20.00%
10,111	second	10,111						9%	30.00%
10,111	third	10,111						10%	32.50%
10,111	fourth	10,111						11%	35.00%
10,111	fifth	10,111	Proposed RFA:		78,965			13%	42.50%
9,183	sixth	10,111	Average Unit Size:		1,215			15%	50.00%
	seventh	10,111				VLI/ELI Units		20%	70.00%
	eighth	9,183	Density Bonus (SF):		20,222	5.00		21%	73.75%
58,743	TOTAL	78,965	2-Bdr	4-Bdr	5-Bdr	6-Bdr	Total	%BMR Proposed (Berkeley 20% Req.)	22%	77.50%
		Units	14	0	36	15	65		23%	81.25%
		Bedrooms	28	0	180	90	298	10.20%	25%	88.75%

DENSITY BONUS STATISTICS
N.T.S.

6B BASE PROJECT 6TH FLOOR - 9,183 S.F.
1/32"=1'-0"

8P PROPOSED 8TH FLOOR - 9,183 S.F.
1/32"=1'-0"

4B BASE PROJECT FLRS 4&5 - 10,111 S.F.
1/32"=1'-0"

2B BASE PROJECT FLRS 2&3 - 10,111 S.F.
1/32"=1'-0"

2P PROPOSED FLRS 2-7 - 10,111 S.F.
1/32"=1'-0"

X04 UNIT STACK;

(4) VLI REPLACEMENT UNITS @ FLOORS 2-5;

(2) LI REPLACEMENT UNITS @ FLOORS 6 & 7

UNIT 218

(1) VLI REPLACEMENT UNIT @ FLOOR 2

1B BASE PROJECT 1ST FLOOR - 9,116 R.S.F.
1/32"=1'-0"

1P PROPOSED 1ST FLOOR - 9,116 R.S.F.
1/32"=1'-0"

KEY:
RESIDENTIAL UNITS
CORRIDORS
INDOOR AMENITY
OUTDOOR AMENITY /PLANTER
STAIRS/ELEV UTILITY

0 10' 20' 40'

N

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2298 DURANT AVE

BERKELEY, CA

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04/16/25	2ND ENT. RESUB.
07/09/25	3RD ENT. RESUB.
09/09/25	5TH ENT. RESUB.

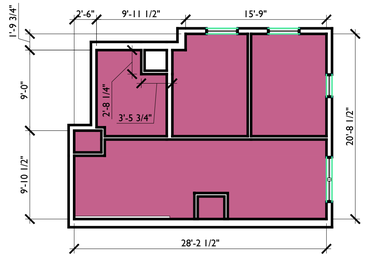
CITY PERMIT RECORD:

PROJECT: VLC09

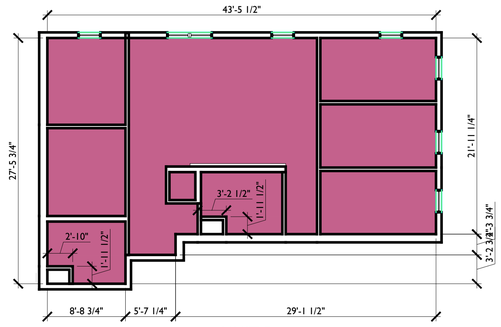
TITLE: DENSITY BONUS FLOOR PLANS & STATISTICS

SHEET: A-110

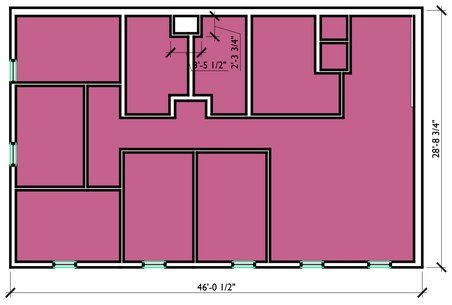
UNIT A
1068 SQ. FT.
5Bd, 2.1Ba



UNIT B
502 SQ. FT.
2Bd, 1Ba



UNIT D
947 SQ. FT.
5Bd, 2.1Ba



UNIT E
1138 SQ. FT.
6Bd, 2.1Ba

UNIT F
968 SQ. FT.
5Bd, 2.1Ba

2298 Durant Affordable Housing Ordinance Statistics

	Ground Floor	Typical Floor	8th Floor	Total	
Units	3	9	8	**65**	**Units**
Bedrooms	16	41	36	**298**	**Bedrooms**
Bathrooms	6	16	14	**116**	**Bathrooms**
Unit A		1,068	1,068	**7,476**	**Unit A SF**
Count	0	1	1	**7**	**Unit A Count**
Unit B		502	502	**7,028**	**Unit B SF**
Count	0	2	2	**14**	**Unit B Count**
Unit D		947	947	**13,258**	**Unit D SF**
Count	0	2	2	**14**	**Unit D Count**
Unit E	1,138	1,138	1,138	**17,070**	**Unit E SF**
Count	1	2	2	**15**	**Unit E Count**
Unit F	968	968	968	**14,520**	**Unit F SF**
Count	2	2	1	**15**	**Unit F Count**
Residential Unit Floor Area	3,074	8,178	7,210	**59,352**	**Residential Unit Floor Area**
				44,794	**Base Project RUFA (=RUFA/1.325)**
Total Base Project Units		49			
BMR Units Required by AHO		10		**BMR Units Provided**	**7**
				Affordable Housing In-Lieu Fee	
				= $62.83 * (1-[BMR Prov / BMR Req]) * Base Project RUFA	**$844,321.39**
				= $62.83 * 30% * 44,715	

RESIDENTIAL UNIT FLOOR AREA DIAGRAMS
1/8" = 1'-0"

RESIDENTIAL UNIT FLOOR AREA & AFFORDABLE HOUSING IN-LIUE FEE SUMMARY
N.T.S.

0 5' 10' 20'

N

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BERKELEY, CA

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08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/25	1ST ENT. RESUB.
04/16/25	2ND ENT. RESUB.
07/09/25	3RD ENT. RESUB.
09/09/25	5TH ENT. RESUB.

CITY PERMIT RECORD:

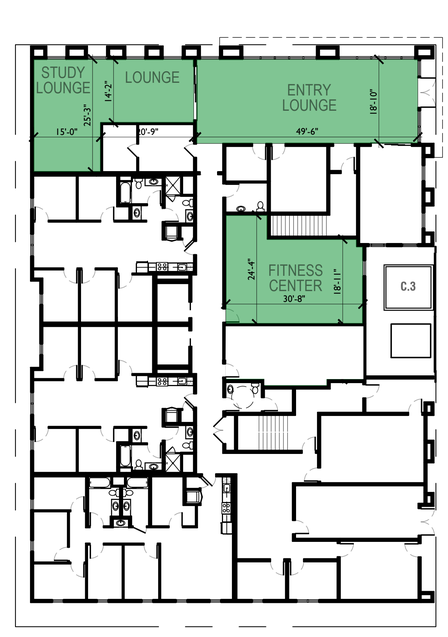
PROJECT:
VLC09

TITLE:
AFFORDABLE HOUSING IN-LIUE DIAGRAMS & FEE

SHEET:
A-111

FLOOR	U.O.S. (S.F.)	LOCATION/DESCRIPTION	
1	*1,579 S.F.	Individual Spaces Include: Entry Lounge - 932 SF Lounge - 295 SF Study Lounge - 378 SF Fitness - 629 SF Total of Spaces = 2,234 SF	*The project requires 3,159 square feet of usable open space (UOS). Up to 50% of that—1,579 square feet—can be indoor amenity space. The total indoor amenity area (study lounge, fitness center, etc.) is 2,234 square feet, but only 1,579 square feet is counted toward the UOS requirement.
2-7	0	No UOS Provided	
8	0	Roof Deck is not at least 75% Open to the Sky so it is not being counted	
TOTAL	1,579 S.F.		3159 Required (based on RFA)

USABLE OPEN SPACE STATISTICS
N.T.S.



LOUNGE, STUDY LOUNGE, ENTRY LOUNGE, AND HOME THEATER ROOMS ARE ALL "MULTI-PURPOSE ROOMS" THAT COUNT AS INDOOR AMENITIES PER BMC

1 1ST FLOOR USABLE OPEN SPACE - MPRs, FITNESS
1/16"=1'-0"

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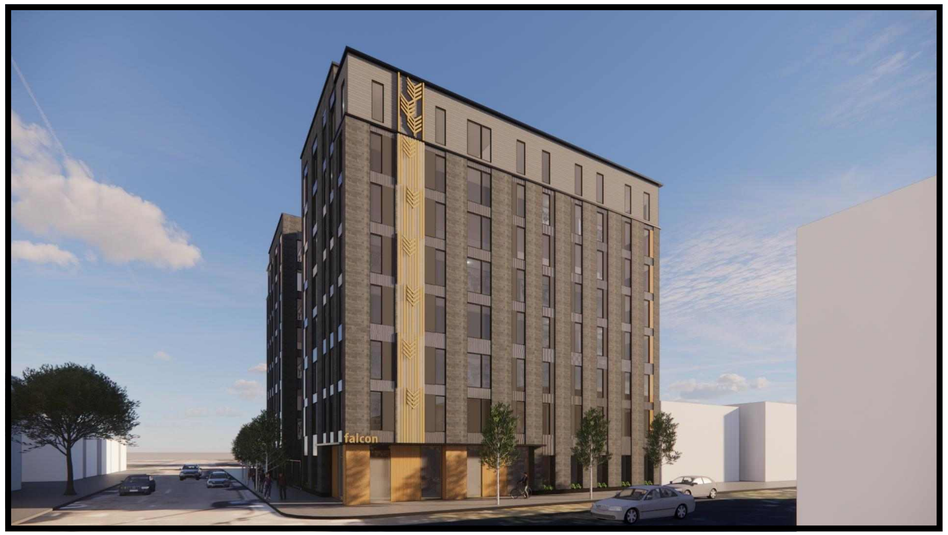
10/22/2025	ZAB UPDATES

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: USABLE OPEN SPACE DIAGRAMS

SHEET: **A-120**

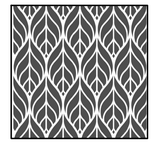


3 PERSPECTIVE FACING SW FROM ELLSWORTH STREET
N.T.S.

MATERIAL KEY

BUILDING SIGNAGE
9 METAL CHANNEL
HALO LIT
GOLD

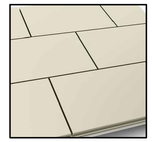
RAILINGS
12 GLASS PANEL
BLACK METAL FRAME
BLACK METAL CAP



ALUMINUM PROFILE
8 ALUMINUM TUBING
BACKLIT INDIRECT LED
GOLD

WINDOWS
11 ALUMINUM
BLACK

FENCING
14 BOK MODERN
PATTERN C34 - 8'-0" HEIGHT
BRONZE COLOR



METAL PANEL
6 MAC METAL
CORK
HARRYWOOD PLUS

ALUMINUM PANEL
7 PERFORATED FLATSTOCK
BACKLIT INDIRECT LED
GRAY/SILVER

BUILDING FLASHING
10 GALVANIZED SHEET METAL
PAINTED
BLACK

STOREFRONT
13 BLACK METAL FRAMES
BIRD-SAFE UV GLASS

METAL PANEL
15 PAC-CLAD
MODULAR AL
BRONZE - RUNNING BOND

WOOD-LOOK METAL SIDING
1 MAC - ARCHITECTURAL METAL
NORWOOD MINI / NORWOOD
WOOD COLLECTION: ASH GREY

FIBER-CEMENT PANEL
2 CERACLAD
MOSAIC:
BLACK

CEMENT PLASTER
3 BENJAMIN MOORE
2129-10 MIDNIGHT DREAM

METAL PANEL
4 MAC - ARCH. METAL
VERSA
ANTHACITE

FIBER CEMENT PANEL
5 NICHIHA
RIBBED
INDIGO

2 NORTH FACADE (DURANT AVE)
1/8"=1'-0"

1 SOUTH FACADE
1/8"=1'-0"

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04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
ELEVATIONS

SHEET:
A-201

2 PERSPECTIVE FACING SE FROM DURANT
1/8"=1'-0"

1 **PERSPECTIVE OF ROOF DECK**
1/8"=1'-0"

METAL PANEL
MAC METAL
CORK
HARRYWOOD PLUS
6

BUILDING SIGNAGE
METAL CHANNEL
HALO LIT
GOLD
9

ALUMINUM PROFILE
ALUMINUM TUBING
BACKLIT INDIRECT LED
GOLD
8

ALUMINUM PANEL
PERFORATED FLATSTOCK
BACKLIT INDIRECT LED
GRAY/SILVER
7

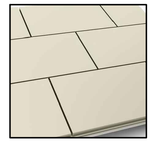
RAILINGS
GLASS PANEL
BLACK METAL FRAME
BLACK METAL CAP
12

WINDOWS
ALUMINUM
BLACK
11

BUILDING FLASHING
GALVANIZED SHEET METAL
PAINTED
BLACK
10

FENCING
BOK MODERN
PATTERN C34 - 8'-0" HEIGHT
BRONZE COLOR
14

STOREFRONT
BLACK METAL FRAMES
BIRD-SAFE UV GLASS
13



METAL PANEL
PAC-CLAD
MODULAR AL
BRONZE - RUNNING BOND
15

WOOD-LOOK METAL SIDING
MAC - ARCHITECTURAL METAL
NORWOOD MINI / NORWOOD
WOOD COLLECTION: ASH GREY
1

FIBER-CEMENT PANEL
CERACLAD
MOSAIC:
BLACK
2

CEMENT PLASTER
BENJAMIN MOORE
2129-10 MIDNIGHT DREAM
3

METAL PANEL
MAC - ARCH. METAL
VERSA
ANTHACITE
4

FIBER CEMENT PANEL
NICHIHA
RIBBED
INDIGO
5

MATERIAL KEY

1 WEST FACADE
1/8"=1'-0"

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04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
ELEVATIONS

SHEET:
A-202

3 PERSPECTIVE FACING W FROM ELLSWORTH STREET
N.T.S.

2 PERSPECTIVE FACING W FROM ELLSWORTH STREET SHOWING TRANSFORMER & FENCE
N.T.S.

METAL PANEL
MAC METAL
CORK
HARRYWOOD PLUS
6

BUILDING SIGNAGE
METAL CHANNEL
HALO LIT
GOLD
9

ALUMINUM PROFILE
ALUMINUM TUBING
BACKLIT INDIRECT LED
GOLD
8

ALUMINUM PANEL
PERFORATED FLATSTOCK
BACKLIT INDIRECT LED
GRAY/SILVER
7

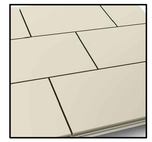
RAILINGS
GLASS PANEL
BLACK METAL FRAME
BLACK METAL CAP
12

WINDOWS
ALUMINUM
BLACK
11

BUILDING FLASHING
GALVANIZED SHEET METAL
PAINTED
BLACK
10

FENCING
BOK MODERN
PATTERN C34 - 8'-0" HEIGHT
BRONZE COLOR
14

STOREFRONT
BLACK METAL FRAMES
BIRD-SAFE UV GLASS
13



METAL PANEL
PAC-CLAD
MODULAR AL
BRONZE - RUNNING BOND
15

WOOD-LOOK METAL SIDING
MAC - ARCHITECTURAL METAL
NORWOOD MINI / NORWOOD
WOOD COLLECTION: ASH GREY
1

FIBER-CEMENT PANEL
CERACLAD
MOSAIC:
BLACK
2

CEMENT PLASTER
BENJAMIN MOORE
2129-10 MIDNIGHT DREAM
3

METAL PANEL
MAC - ARCH. METAL
VERSA
ANTHACITE
4

FIBER CEMENT PANEL
NICHIHA
RIBBED
INDIGO
5

MATERIAL KEY

1 EAST FACADE (ELLSWORTH STREET)
1/8"=1'-0"

studio KDA
510.841.3555 | studiokda.com

studio KDA
1810 sixth street, berkeley ca 94710
ph: 510.841.3555 fax: 510.841.1225

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:

08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
ELEVATIONS

SHEET:
A-203

Weinberg Roger & Rosenfeld
A Professional Corporation

1375 55th Street
Emeryville, California 94608
TELEPHONE: (510) 337-1001
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MIRANDA MAMMEN
ARDALAN "ARDY" RAGHIAN
SHANE M. REED
DOMINIQUE ARMSTRONG
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JONATHAN S. EZELL
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LABOR EDUCATOR

NINA FENDEL (Retired Attorney)

Admitted in California, unless otherwise noted
• Admitted in Hawaii
♠ Also admitted in Nevada
► Also admitted in New York and Alaska
◄ Admitted in Nevada and Washington
▲ Also admitted in Idaho
♦ Also admitted in New York
▼ Admitted in New York

November 17, 2025

Via Email and Hand Delivery

Mayor Adena Ishii and City
Councilmembers Rashi Kesarwani, Terry
Taplin, Ben Bartlett, Igor Tregub, Shoshana
O'Keefe, Brent Blackaby, Cecilia
Lunaparra, and Mark Humbert
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
council@berkeleyca.gov

City Clerk Mark Numainville
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
clerk@berkeleyca.gov

Re: Appeal to City Council of 2298 Durant & 2360 Ellsworth Use Permit #ZP2024-0126

Dear Mayor Ishii, City Councilmembers Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, and Humbert, and City Clerk Numainville,

Our law office represents the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters"). We are writing on behalf of the Trades Council and Carpenters to appeal the approval by the City of Berkeley ("City") Zoning Adjustment Board ("ZAB") of Use Permit #ZP2024-0126 for the 2298 Durant & 2360 Ellsworth project ("Project").[1]

The Project is proposed by Austin Springer, Studio KDA, 1810 Sixth Street, Berkeley, CA 94710 ("Applicant"). The Applicant applied for a Use Permit from the City to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot) 80,000 square-foot residential building with 65 units (5 very low income and 2 low income).

This appeal is timely filed within fourteen (14) days of the City's November 3, 2025 mailing of the Notice of Decision, pursuant to Berkeley Municipal Code ("BMC") section 23.410.020. This appeal is accompanied by payment of the requisite fee of $3000.[2]

[1] City of Berkeley Zoning Adjustments Board Notice of Decision, 2298 Durant & 2360 Ellsworth, Date of Board Decision October 30, 2025, Date Notice Mailed November 3, 2025, Appeal Period Expiration November 17, 2025 ("Notice of Decision").

[2] Notice of Decision, page 4; BMC section 23.410.030.

In particular, this appeal pertains to the Applicant's requested "Concessions" under the California State Density Bonus Law, Cal. Gov. Code § 65915 *et. seq.* ("SDBL"), which are as follows:

1. Concession from "Healthcare coverage for construction workers" (BMC Section 13.107.040).

2. Concession from "Prevailing wage for construction workers" (BMC Section 13.108.030).

Item 1 above is part of the City's HARD HATS Ordinance, which was adopted on May 2, 2023 and became effective on January 1, 2024. Item 2 above is part of the City's Southside Plan, as amended and adopted in November of 2023. For the reasons that follow, the concessions requested by the Applicant are improper under the SDBL and City policy and should be denied.

I. The City Should Not Grant Concessions that Waive Local Labor Standards

The City should not grant concessions under the SDBL that waive local labor standards. The Applicant is pursuing a novel and unorthodox strategy of using SDBL concessions to avoid two construction labor standards, namely, the requirement to provide health care and the requirement to pay a living wage. Until very recently, the Trades Council and Carpenters were not aware of any project that had received similar concessions from the City (or any city). The requested concessions are an attempted misuse of the SDBL to avoid important labor standards that the City enacted to protect public health and safety.

On October 21, 2025, our office made a California Public Records Act request to the City seeking all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the City's HARD HATS Ordinance. The City responded that the only project that has received such concessions is the 2425 Durant project, which the Building Trades Council and the Carpenters appealed and will be heard by City Council on February 10, 2026.[3]

On November 7, 2025, our office made a California Public Records Act request to the City seeking all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the Prevailing Wage Requirements in Southside Plan Area. The City responded that the only projects that have received such concessions are the 2425 Durant project and this Project, which the Building Trades Council and the Carpenters are now appealing.[4]

Subsection 65915(d)(1) of the SDBL provides:

> (d)(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:
>
> > (A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

[3] The response received from the City of Berkeley Planning and Development Department is attached hereto.

[4] The response received from the City of Berkeley Planning and Development Department is attached hereto.

> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law.[5]

Subsection 65915(k) of the SDBL defines a "concession or incentive" as either (1) a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards commission, for example, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces; (2) approval of mixed-use zoning; or (3) other regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs or for rents to be set at the statutory rate.[6] By providing these examples, the Legislature clearly contemplated that concessions under the SDBL should relate to the physical characteristics of the development such as the location, number of units, design, or site improvements, or other aspects of the development that would "result in identifiable and actual cost reductions" that would contribute to more affordable housing.

This is supported by the legislative intent of the SDBL, which is focused on allowing developers to include more total units in affordable housing projects than would otherwise be allowed by local zoning ordinances, and to cover some of the financing gap in affordable housing.[7] Notably, the Legislature also intended to "ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing."[8] In other words, the Legislature was mindful of the need to balance housing density with social benefits.

The requested prevailing wage concession is doubly in conflict with the intent of the SDBL because, in addition to threatening the health and safety of construction workers, the concession would reduce their wages and make the very housing they are building less affordable to them. This outcome would be antithetical to the intent and policy of the SDBL, which is ultimately to make housing more affordable. Historically speaking, the SDBL waivers and concessions that have been granted by the City over the years have not posed this problem.

The SDBL should not be misused to allow developers to avoid minimum labor standards or other social benefits, especially where there has been no demonstration of an actual financial benefit that would result in more affordable housing.

II. The City Should Request Reasonable Documentation to Support the Concessions

The SDBL "does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus."[9] This includes incentives or

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[5] Cal. Gov. Code § 65915(d)(1).

[6] Cal. Gov. Code § 65915(k).

[7] Cal. Gov. Code § 65915(u)(1)

[8] Cal. Gov. Code § 65915(u)(2).

[9] Cal. Gov. Code § 65915(a)(2).

concessions.[10] Moreover, the local government is also tasked with "provid[ing] the applicant with a determination as to the following matters:

> (I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.
>
> (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.
>
> (II) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards."[11]

In the case of *Schreiber v. City of Los Angeles* (*Schreiber*), the Court of Appeal recognized that "[a] city or county is not prohibited from requesting or considering information relevant to cost reductions."[12] This is the case even though the statute places the ultimate burden of proof on the local government.[13] Accordingly, the City can and should take the position that the Applicant has not yet provided adequate information for the City to make a determination as to its requested concessions, and require the Applicant to provide reasonable documentation in support of same.

Here, the Applicant has not provided any evidence or information whatsoever to substantiate its requested concessions. It simply included them in its application with no explanation.

The ZAB findings similarly do not provide any rationale whatsoever that would link the requested concessions to cost savings. Instead, the ZAB makes summary conclusions by referencing back to the law without any analysis or explanation.[14] Therefore, the Trades Council and Carpenters respectfully request that the City remand this matter to the ZAB to request reasonable documentation from the Applicant in support of the requested concessions, so the City can determine whether they should be granted.

III. The Requested Concessions Would Not Result In Identifiable and Actual Cost Reductions

The SDBL provides that when an applicant for a density bonus submits a proposal for specific incentives or concessions, the local government shall grant such incentives or concessions unless the local government makes a written finding based on substantial evidence that "the concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs…"[15]

---

10 Cal. Gov. Code § 65915(b)(1).

11 Cal. Gov. Code § 65915(i).

12 *Schreiber*, 69 Cal.App.5th at 557.

13 Cal. Gov. Code § 65915(d)(4); *Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 556-557 ("This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), or waivers or reductions of development standards, as described in subdivision (e).")

14 ZAB 2025-10-30 Findings, Page 3-4.

15 Cal. Gov. Code § 65915(d)(1)(A).

As explained above, the Applicant has not provided any information at all regarding how the requested concessions would result in identifiable and actual cost reductions. Even though the law places the ultimate burden of proof on the City, the City may request information from the Applicant to make an initial *prima facie* showing of how the concessions would, in some way, actually save development costs and allow the Applicant to build more affordable housing. Here, given the importance of the labor standards in the HARD HATS Ordinance and the Southside Plan, the City should exercise this option.

IV. The Requested Concessions Would Have a Specific, Adverse Impact Upon Public Health and Safety

The SDBL also provides that when an applicant for a density bonus submits a proposal for specific incentives or concessions, the local government shall grant such incentives or concessions unless the local government makes a written finding based on substantial evidence that "the concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety… and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households…"[16]

Working in construction is a particularly dangerous occupation. The construction industry is responsible for roughly 20% of all workplace fatalities in the U.S. despite employing only 10% of the U.S. workforce. Unfortunately, in recent years, there has been a disproportionately high number of construction worker fatalities in Berkeley specifically.[17]

This is, in large part, why the City of Berkeley adopted the HARD HATS ordinance requiring health care expenditures. Section 13.107.020 of the ordinance states that it was adopted to enhance the good health of construction workers working in the City, and to promote retention and growth of a skilled labor pool in the City. The staff report recommending adoption of the ordinance echoed these concerns.

Waiving the requirement to provide health care and the requirement to pay a living wage would therefore have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety.

(a) Health Care:

The construction industry has one of the highest injury rates among all occupations due to the nature of the work, which involves manual labor, working at heights, and exposure to hazardous materials. According to the Bureau of Labor Statistics, the construction industry accounted for 1,008 fatal work injuries in 2020, the highest of any industry sector.[18]

Research underscores the additional dangers faced by workers without health coverage. A recent publication from the UC Berkeley Labor Center found that California construction workers were 2.6 times more likely

---

16 Cal. Gov. Code § 65915(d)(1)(B); see also, Cal. Gov. Code § 65915(d)(3) ("This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.")

17 See, https://www.berkeleyside.org/2019/06/17/family-files-wrongful-death-lawsuit-after-construction-worker-fatality-in-berkeley.

18 See, https://www.bls.gov/opub/ted/2022/a-look-at-workplace-deaths-injuries-and-illnesses-on-workers-memorial-day.htm.

than other California workers to be uninsured, and that California construction workers and/or their dependents account for a disproportionately high percentage of spending on Medicaid/CHIP.[19] In addition, the Center for Construction Research & Training's analysis of nationwide data found that the high uninsured construction worker rate is driven by non-union-signatory employers.[20] Finally, a 2009 study conducted by Harvard Medical School and Cambridge Health Alliance found that uninsured, working-age Americans have a 40% higher risk of death compared to those with insurance.[21] For construction workers, whose jobs already involve elevated hazards, the absence of health coverage magnifies these risks.

This is precisely why the City of Berkeley adopted health care expenditure requirements in the HARD HATS Ordinance, to ensure that contractors in the City are not shirking their responsibility to address the health care needs of workers and their families. Allowing the Applicant to avoid this requirement would undermine the City's protective framework and place workers' health at greater risk.

(b) Prevailing Wages:

There is a robust statistical connection between wage rates – including living wage and prevailing wage rates – and job safety. In California, this is reflected in our "dual wage" workers compensation system, where higher-paid employees have a lower workers' compensation insurance rate than lower-paid employees. This is because higher-paid employees are less likely to produce adverse workers' compensation losses, because their superior training and experience results in safer job sites.

A 2019 study in the publication Public Works Management & Policy found that repealing state prevailing wage laws actually contributed to workplace hazards.[22] Doing so increased construction injury rates across various types of injuries, from 11.6% to 13.1% as the seriousness of injuries increased. Disabilities also increased by 7.5% to 8.2%.

By requiring prevailing wages to be paid in the Southside Plan, the City is promoting the use of a skilled, stable workforce – one less prone to accidents and workers' compensation claims. This not only protects workers but incentivizes responsible contractors who maintain high safety standards. Exempting the Project from the Southside Plan's prevailing wage requirement would directly undermine these protections.

For the reasons set forth in sections (a) and (b) above, allowing contractors working on the Project to avoid the City's health care expenditure and prevailing wage requirements would have a specific, adverse impact upon public health and safety, and the Applicant's request for these concessions should be denied.

V. Conclusion

The Trades Council and Carpenters respectfully request that City Council either reverse the ZAB decision approving the Use Permit with the proposed concessions, reverse the ZAB decision with respect to the proposed concessions but approve the remainder of the Use Permit, or remand the matter to the ZAB to reconsider the application in light of the foregoing.[23] Additionally, the Trades Council and Carpenters request that City Council direct staff to request supporting documentation from the Applicant and confer

---

19 See, https://laborcenter.berkeley.edu/the-public-cost-of-low-wage-jobs-in-californias-construction-industry/.

20 See, https://public.tableau.com/shared/KXZ6KK49F?:display_count=n&:origin=viz_share_link.

21 See, https://news.harvard.edu/gazette/story/2009/09/new-study-finds-45000-deaths-annually-linked-to-lack-of-health-coverage/.

22 Li, Z., Zorigtbaatar, C., Pleités, G., Fenn, A., & Philips, P. (2019). The Effect of Prevailing Wage Law Repeals and Enactments on Injuries and Disabilities in the Construction Industry. *Public Works Management & Policy*, 24(4), 368-384. https://doi.org/10.1177/1087724X18822600 (Original work published 2019).

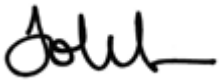
23 BMC section 23.410.040(G).

with the Applicant regarding the grounds for its requested concessions, and, if appropriate, request that the Applicant voluntarily agree to rescind its request in order to promote health and safety and the public benefits that would otherwise derive from the Project.

The Trades Council and Carpenters request that the City schedule a hearing on this appeal before the City Council at the earliest feasible date.[24] The Trades Council and Carpenters reserve the right to submit additional correspondence and evidence concerning this appeal prior to the hearing date.[25]

Thank you for your consideration of this appeal. Feel free to contact the undersigned with any questions or concerns.

Sincerely,



Jolene Kramer

Andrea Matsuoka

cc. City of Berkeley Planning Department, via e-mail only (planning@berkeleyca.gov)

151342\1617335

[24] BMC section 23.410.040(A).

[25] BMC section 23.410.040(F).

[redacted]

From: City of Berkeley Public Records <messages@nextrequest.com>
Sent: Thursday, October 30, 2025 1:01 PM
To: Jolene Kramer
Subject: [Document Released to Requester] City of Berkeley public records request #25-2530

Follow Up Flag: Follow up
Flag Status: Completed

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Berkeley Public Records

A document has been released for record request #25-2530 along with the following message:

This is in response to your 10/20/2025 Public Records Act request for:
We request all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the City's HARD HATS Ordinance, codified at Chapter 13.107 of the Berkeley Municipal Code (passed May 2, 2023).
The only project that has received concessions for Hard Hats is 2425 Durant (ZP2024-0162).
Your request is granted. The City has completed its search for responsive documents and as a courtesy has attached them to this letter. With this response, staff have completed their work to process and respond to your Public Records Act request.
If you have any questions concerning your request, please feel free to contact me at [CONTACT INFORMATION]

- 2025-10-14_ZAB_NOD_2425 Durant Avenue_reduced.pdf

View Request 25-2530

https://cityofberkeleyca.nextrequest.com/requests/25-2530

Document links are valid for one month. After November 30, you will need to sign in to view the document(s).

CIVICPLUS

NextRequest

Questions about your request? Reply to this email or sign in to contact staff at City of Berkeley.

Technical support: See our help page

From: City of Berkeley Public Records <messages@nextrequest.com>
Sent: Monday, November 17, 2025 9:13 AM
To: Jolene Kramer <jkramer@unioncounsel.net>
Subject: [External Message Added] City of Berkeley public records request #25-2713

-- Attach a non-image file and/or reply ABOVE THIS LINE with a message, and it will be sent to staff on this request. --

City of Berkeley Public Records

A message was sent to you regarding record request #25-2713:

This is in response to your 11/07/2025 Public Records Act request for:

We request all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the Prevailing Wage Requirements in Southside Plan Area, codified at BMC Section 13.108.

1. 2425 Durant Avenue – 10/9/25 ZAB (decision appealed to Council, so not approved for now)
    1. https://berkeleyca.gov/sites/default/files/documents/2025_10_09_ZAB_Item%206B_%20Staff%20Report_2425%20Durant_Packet.pdf
2. 2298 Durant Avenue and 2360 Ellsworth Street – 10/30/25 ZAB (appeal period ends 11/17)
    1. https://berkeleyca.gov/sites/default/files/documents/2025-10-30_ZAB_Item%206c_2298%20Durant_Staff%20Report%20and%20Attachments.pdf

Your request is granted. The City has completed its search for responsive documents and as a courtesy links to the projects are included in this response. With this response, staff have completed their work to process and respond to your Public Records Act request.

View Request 25-2713

https://cityofberkeleyca.nextrequest.com/requests/25-2713

CIVICPLUS

NextRequest

Questions about your request? Reply to this email or sign in to contact staff at City of Berkeley.

Technical support: See our help page

Zoning Adjustments Board Staff Report

APP # ZP2024-0126

October 30, 2025

Use Permit for a Project at 2298 Durant Avenue and 2360 Ellsworth Street

Quick Facts

Applicant: Austin Springer, Studio KDA

Project Address: 2298 Durant Avenue

Site Size: 12,220 sq. ft.

GP Land Use: Residential Mixed Use (RMU)

Zoning: Residential Southside Mixed Use (R-SMU)

CEQA: Section 15332 "In-Fill Development Projects"

Date Submitted: September 5, 2024

SB 330 Vesting Date: August 6, 2024

Date Deemed Complete: October 21, 2024

Project Planner: Allison Riemer

Project Description:

The applicant is seeking approval to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot), 80,000 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus.

Zoning Permits Requested:

A Use Permit Public Hearing is required for the following permits:

1. **Demolition.** BMC Section 23.326.020(B) **"General Requirements"** to demolish a dwelling. *
2. **Demolition.** BMC Section 23.326.030(A)(3) **"Eliminating Dwelling Units through Demolition"** to demolish a building constructed before June 1980 on a property containing two or more dwelling units. *
3. **Demolition.** BMC Section 23.326.070(A) **"Main Non-Residential Building"** to demolish a non-residential building. *
4. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a multi-family use.
5. **Height Projection** BMC Section 23.304.050 (A) "**Projections Above Height Limits"** exceed height limit with a rooftop projection.
6. **Fence** BMC Section 23.304.080(A) "**Permits Required**"

*Denotes required findings.

Density Bonus:

Waivers

- Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required.
- Provide no landscaped Useable Open Space.
- Exceed the 85-foot height limit and permit a 92-foot building.
- Provide no long-term bicycle parking.
- Remove camphor tree on Durant Avenue.

Concessions

- Healthcare coverage for construction workers (BMC Section 13.107.050)
- Prevailing wage for construction workers (BMC Section 13.108.030)

Staff Recommendation:

Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects") and approve ZP2024-0126 pursuant to Section 23.406.040(E) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval.

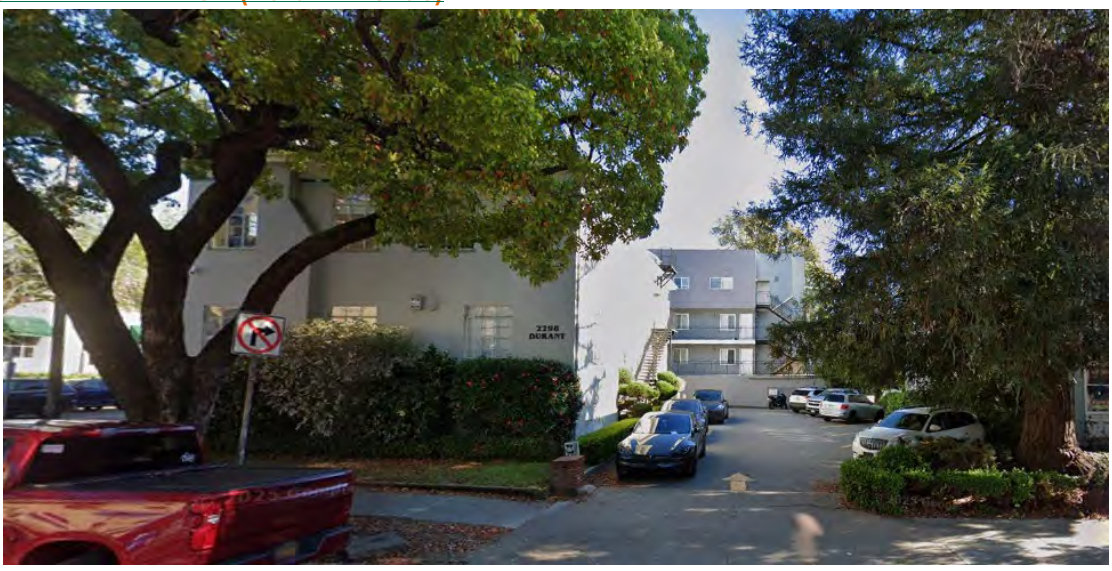
ZONING MAP

Figure 1: Vicinity and Zoning Districts Map

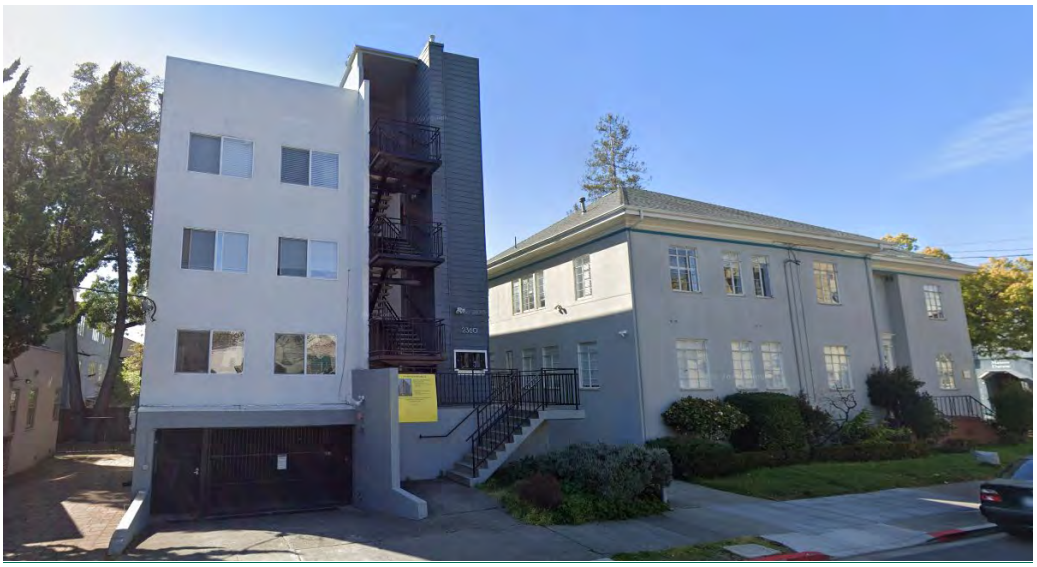
Comparison of Adjacent Properties			
Vicinity	**GP Land Use**	**Zoning**	**Current Use**
North	Residential Mixed Use (RMU)	Residential Southside Mixed Use (R-SMU)	Multi-family residential
South			Medical office, multi-family residential
East			Medical office
West			Multi-family residential

AERIAL

STREET ELEVATION (Durant Avenue)



STREET ELEVATION (Ellsworth Street)



BACKGROUND

Subject Site

The project site is a parcel on the southwest corner of Durant Avenue and Ellsworth Street (2298 Durant Avenue), and the parcel directly south on Ellsworth Street (2360 Ellsworth Street). The surrounding area consists of a mix of both commercial and residential uses ranging from one-story commercial buildings to five-story residential buildings. The UC Berkeley campus is one block to the north, and downtown Berkeley is one block to the west. The Downtown Berkeley BART station is 0.4 miles to the northwest. In addition, bus service is available via AC Transit routes 6, 7, 18, 22, 27, 36 and 51B at stops along Durant Avenue, Bancroft Way, and Shattuck Avenue.

2298 Durant Avenue is 8,460 square feet, and 2360 Ellsworth Street is 3,760 square feet. Both are relatively flat lots; 2298 Durant Avenue is currently a commercial office, and 2360 Ellsworth Street is a multi-family residential building with seven units. A surface parking lot is located along the western portion of 2298 Durant Avenue, and a garage is located underneath 2360 Ellsworth Street.

Site History

2298 Durant Avenue was originally built as a single-family home in 1903 and was converted to offices in 1946. 2360 Ellsworth Street was built in 1963 as a multi-family building, and its use has not changed.

ANALYSIS

Project Scope

The proposed project would:

1. Demolish the commercial building at 2298 Durant Avenue, the residential building with 7 dwelling units at 2360 Ellsworth Street, and the associated parking.
2. Merge the two lots.

3. Remove the street tree (camphor) on Durant Avenue.
4. Construct an eight-story (91 feet 6 inches), 80,046 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus.
5. No secure bicycle parking, outdoor Useable Open Space, or car parking would be provided.

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Base Project and Density Bonus

The applicant has requested a Density Bonus under the State Density Bonus Law (Govt. Code Section 65915). Under the City's Density Bonus procedures, the "base project[1]" is 49 units, as the maximum allowable density for the site. The base project and the resulting eight-story proposed project both have an average unit size of 1,215 square feet. By providing 5 Very Low-Income (VLI) units on site (10 percent of the 49-unit base density), the project is eligible for a 32.5 percent density bonus, or 16 additional units. Therefore, the applicant proposes 16 additional units above the base density for a total of 65 dwelling units.

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
49	5 VLI (10% of 49)	32.5	16 (32.5% of 49)	65
Notes: a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.				

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. 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.

The project is entitled to two concessions (or incentives) under Government Code Section

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

65915(d), and an unlimited number of waivers under Section 65915(e).

- **Healthcare coverage for construction workers (BMC Section 13.107.050)** The applicant is requesting a concession from the healthcare requirement of the "HARD HATS" ordinance.
- **Prevailing wage for construction workers (BMC Section 13.108.030).** The applicant is requesting a concession from the prevailing wage requirements of the Southside Plan Area.

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 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.[2]

The applicant is requesting five waivers from the following development standards:

1. Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required, and it will only consist of indoor amenity space (BMC Section 23.304.090(D) "**Southside Plan Area Shared Indoor Residential Amenities**").
2. Provide no landscaped Useable Open Space, where 40 percent of required outdoor Useable Open Space must be landscaped.
3. Exceed the 85-foot height limit and permit a 92-foot building.
4. Provide no long-term bicycle parking, where 99 long-term spaces are required.
5. Remove the camphor street tree on Durant Avenue; where street tree removal requires the City Arborist's approval.

Environmental Review

The project qualifies for a Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") because:

- 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 in Section 15300.2 of the CEQA Guidelines applies. 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; the project site is not in

[2] 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".

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.

ADVISORY BODY REVIEW

Landmarks Preservation Commission Review

The project involves demolition of one commercial building over 40 years in age. Pursuant to BMC Section 23.326.070(C)(1) "Demolition of Nonresidential Buildings", the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review. A historic resources evaluation for the property was completed by Preservation Architecture on August 22, 2023 and found that the original building was constructed in 1903. The LPC reviewed the demolition referral on July 7, 2025, and took no action.

Design Review Committee Review

This project is all residential and is located in the R-SMU District, and is not subject to Design Review pursuant to BMC Section 23.406.070(B)(1) "**When Required**."

Community Meeting

Prior to submitting this application to the city, the applicant installed a pre-application poster on site in 2024 and invited interested neighborhood organizations as well as owners and tenants located within 300 feet of the project site to a project preview meeting. The meeting was held virtually on September 4, 2024, and attended by one member of the public (meeting minutes are included as Attachment 4). Their concerns included the construction timeline, the height of the building, and the lack of setbacks from the sidewalk. On October 16, 2025, 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 three nearby locations.

At the time of writing this report, staff has not received letters in opposition to the project.

POLICY CONSISTENCY

Housing Accountability Act

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

1. The development would have a specific adverse impact on public health or safety[3] unless disapproved, or approved at a lower density; and

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

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 an all-residential building. The Base Project includes Use Permits and/or Administrative Use Permits to allow demolition and new construction, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus "shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

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 has not identified any adverse impacts that could occur with the construction of the project.

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:

> **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)).
>
> Evidence: The October 30, 2025, ZAB hearing represents the second public hearing on the proposed project since the project was deemed complete. The City can hold up to three additional public hearings on this project, if needed. One of those hearings must be reserved for any possible appeal to the City Council.
>
> **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.

Evidence: A historic resource evaluation prepared for the project in August 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.

Replacement of Demolished Units:

The Housing Crisis Act of 2019 (Government Code Sections 66300-66301) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years; prohibits the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units), unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes replacing seven demolished dwelling units with 65 new dwelling units.

Evidence: The existing unit(s) are considered "protected" units as defined in Section 66300.5(h) because they were rent-controlled within the last five years. Government Code Section 65915 (Density Bonus) and Government Code Section 66300-66301 (SB 330) prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units, or units occupied by lower income households) unless the project will create at least as many residential units as will be demolished and will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years. Further, pursuant to Government Code Section 65915(c)(3)(C)(i), since the seven units were subject to rent control, and are or were occupied by persons above lower income, the replacement units must be made available at affordable rent or affordable housing costs to and occupied by low-income persons or families. The project proposes replacement units according to the following distribution: 5 Very Low Income (VLI), and 2 Low Income (LI).

Demolition of Residential Units

1. Pursuant to BMC Section 23.326.030(A)(3) "Findings" (previous Demolition and Dwelling Unit Control Ordinance, Attachment 5) the ZAB may approve a Use Permit to demolish a building constructed before June 1980 on a property containing two or more dwelling units if any of the following is true:

   (a) The building containing the units is hazardous or unusable and is infeasible to repair.

   (b) The building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the rent levels of the units.

   (c) The demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community.

(d) The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

Evidence: The project vested on August 6, 2024, and the new demolition ordinance was effective on August 10, 2024, so the prior demolition ordinance applies. ZAB may approve a Use Permit to demolish the building at 2360 Ellsworth Street because the seven-unit residential building was built in 1963, Rent Board staff have confirmed that the building has not been removed from the rental market under the Ellis Act during the preceding five years (Attachment 6), and demolition is necessary to permit construction of a new building with 65 units, including seven replacement units.

2. Replacement units shall be provided pursuant to BMC Section 23.326.030(A)(4)(c) "In Lieu of a Fee."

   Evidence: Since a fee for each demolished unit was never set by City Council, the seven Below Market Rate (BMR) replacement units will remain BMR in perpetuity, and the applicant will enter into a Regulatory Agreement with the City to provide the in-lieu units.

3. Tenant protections shall be provided pursuant to BMC Section 23.326.030(A)(5) "Occupied Units."

   Evidence: Tenant protections apply if the units to be demolished are occupied, but do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction. Notices were provided to tenants in August 2024, prior to submittal of this Use Permit application, and copies of the notices were included with the SB 330 Preliminary Application. Conditions of Approval 21 to 23 address the required tenant protections and the applicant will be required to demonstrate compliance or demonstrate how they do not apply prior to demolition permit approval.

Demolition of Non-Residential Buildings

Pursuant to BMC Section 23.326.070(D) "Findings" (previous Demolition and Dwelling Unit Control Ordinance, Attachment 5) a Use Permit to demolish a non-residential building may be approved if ZAB finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and
2. The demolition:

   (a) Is required to allow a proposed new building or other proposed new use;

   (b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

   (c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

   (d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use which

is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.

Evidence: The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley because the demolition will replace a two-story commercial building and a four-story residential building with an eight-story residential building. The demolition is required to allow a proposed new building.

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 H-12 – Transit-Oriented New Construction: Encourage construction of new medium- and high-density housing on major transit corridors and in proximity to transit stations consistent with zoning, applicable area plans, design review guidelines, and the Climate Action Plan.
4. Policy H-33 – Regional Housing Needs: Encourage housing production adequate to meet City needs and the City's share of regional housing needs.
5. Policy T-16 – Access by Proximity, Action B: Encourage higher density housing and commercial infill development that is consistent with General Plan and zoning standards in areas adjacent to existing public transportation services.

Staff Analysis: The project would add density to lots developed with a two-story commercial building and a three-story residential building. In addition, the project would be consistent with R-SMU District zoning standards, such as lot coverage, Floor Area Ratio and setbacks, and would modify the required height and useable open space with waivers that are allowed with a State Density Bonus. The project would be consistent with the Residential Mixed Use General Plan designation because it would add an eight-story residential building with a Floor Area Ratio less than 7. The project site is served by multiple bus lines that operate along Durant Avenue, Bancroft Way, and Shattuck Avenue, and a nearby BART Station. The project would help Berkeley meet its regional housing needs by adding 65 new units, including 5 Very Low-Income units, and 2 Low-Income units.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings
3. Conditions of Approval
4. Neighborhood Meeting Minutes, September 4, 2024
5. Prior Demolition Ordinance
6. Rent Board Memorandum, received January 14, 2025
7. Project Plans, received October 22, 2025

8. Notice of Public Hearing

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
August 6, 2024 (vesting date)	SB 330 complete Preliminary Housing Development Project Application submitted
September 5, 2024	SB 330 Use Permit Application submitted
October 4, 2024	Application deemed incomplete
October 21, 2024	Application deemed complete
November 20, 2024	Application processing
February 7, 2025	Application resubmitted
March 7, 2025	Application processing
April 18, 2025	Application resubmitted
May 16, 2025	Application processing
July 7, 2025	Landmarks Preservation Commission hearing (demo referral)
July 10, 2025	Application resubmitted
July 25, 2025	Revised materials provided
August 22, 2025	Application processing
September 11, 2025	Application resubmitted
October 16, 2025	Public hearing notices mailed/posted
October 30, 2025	ZAB hearing

Notes:
a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.

Table 2: Special Characteristics

Characteristic	Applicability	Explanation
Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)	No	These fees apply to net newly constructed nonresidential gross floor area over 7,500 square feet. The proposed net new non-residential floor area is less than 7,500 square feet; therefore, the fees do not apply to the project.
Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)		
Affordable / Inclusionary Housing Requirements (BMC Chapter 23.328)	Yes	The modified 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 5 VLI units and 2 LI units, and would be required to pay an in-lieu fee to satisfy the remainder of the requirement.
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project was vested under the Housing Crisis Act of 2019 after the July 27, 2023 effective date of the ordinance, and therefore these provisions do apply.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There are no Coast Live Oak (*Quercus agrifolia*) 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 5 Very Low-Income units, or 10 percent of the Base Project units, and qualifies for a 32.5 percent density bonus, or 16 bonus units.
Hard Hats (BMC Chapter 13.107)	Yes	The project was vested under the Housing Crisis Act of 2019 after the January 1, 2024 effective date of the ordinance, and therefore these provisions do apply.
Historic Resources	No	The existing building is more than 40 years old and was forwarded to the Landmarks Preservation Commission (LPC) for review on July 7, 2025. The LPC took no action to initiate a Landmark or Structure of Merit designation.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)b. The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act does apply, and the project cannot be denied at the density proposed unless the findings for denial can be made.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)[b].
Rent Controlled Units	Yes	The project would involve the demolition of seven rent-controlled units, though they would be replaced in the proposed project with BMR units.
Residential Preferred Parking (RPP)	No	The site is not located in an RPP zone. The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.

Characteristic	Applicability	Explanation
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	No	The project site is not on the Cortese List.[d] The project site is within the City's Environmental Management Area. The applicant has submitted a Phase I report. No further investigation is recommended for the project. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project area is served by AC Transit lines that operate along Durant Avenue, Bancroft Way, and Shattuck Avenue, and is 0.4 miles southeast from the Downtown Berkley BART Station.

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 considered as a sole Housing Development Project and not as individual projects.

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/geologichazards/

d. Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.

Table 3: R-SMU Residential Southside Mixed Use District Development Standards BMC Sections 23.202.140 and 23.322 Parking and Loading

Standards		Existing (full project site)	Proposed	Permitted/ Required
Lot Area (sq. ft.)		12,220 (8,460 and 3,760)	No change to size (lot merger)	No min.
Gross Floor Area (sq. ft.)		12,063	80,046	85,645 max.
Floor Area Ratio		0.99	6.54	7.0 max.
Dwelling Units	Total	7	65	N/A
	Affordable	0	5 VLI, 2 LI	20% of on-site units, or pay a full or partial in-lieu fee
Building Height	Maximum (ft.)	40’	91’-6”	85’ max., plus a 5’ parapet
	Stories	4 (2360 Ellsworth)	8	No max.
Building Setbacks[1] (ft.)	Front (Durant Ave., north)	8’-5”	4”	No min.
	Interior Side (west)	45’-9” (2298 Durant)	3’-5”	No min.
	Street Side (Ellsworth St., east)	4’-9”	5 ½”	No min.
	Rear (south)	4’-1”	5’-5 ¼”	4’ min.
Lot Coverage (%)		28.1, 75.8	84.4	100 max.
Usable Open Space (sq. ft.) per Dwelling Unit		0	1,579	40 sq. ft. per 1,000 sq. ft. of gross residential floor area (3,159 min.)
Automobile Parking		19	0	No min.
Bicycle Parking	Residential (long-term)	0	0	99 (1 space/3 bedrooms min.)
	Residential (short-term)	0	14	7 (1 space/40 bedrooms min.)
	Total	0	14	106

= Waiver, pursuant to State Density Bonus Law, requested to modify the district standard.

[1] Setbacks per BMC 23.304.030(C)(2), Non-Residential Districts, Lots Adjacent to Residential Districts

Zoning Adjustments Board Findings

APP # ZP2024-0126

October 30, 2025

Use Permit for a Project at 2298 Durant Avenue and 2360 Ellsworth Street

Quick Facts	Project Description:
Applicant: Austin Springer, Studio KDA **Project Address:** 2298 Durant Avenue **Site Size:** 12,220 sq. ft. **GP Land Use:** Residential Mixed Use (RMU) **Zoning:** Residential Southside Mixed Use (R-SMU **CEQA:** Section 15332 "In-Fill Development Projects" **Date Submitted:** September 5, 2024 **SB 330 Vesting Date:** August 6, 2024 **Date Deemed Complete:** October 21, 2024 **Project Planner:** Allison Riemer	The applicant is seeking approval to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot), 80,000 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus. **Permits Requested:** A Use Permit Public Hearing is required for the following permits: 1. **Demolition.** BMC Section 23.326.020(B) **"General Requirements"** to demolish a dwelling. * 2. **Demolition.** BMC Section 23.326.030(A)(3) **"Eliminating Dwelling Units through Demolition"** to demolish a building constructed before June 1980 on a property containing two or more dwelling units. * 3. **Demolition.** BMC Section 23.326.070(A) **"Main Non-Residential Building"** to demolish a non-residential building. * 4. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a multi-family use. 5. **Height Projection** BMC Section 23.304.050 (A) "**Projections Above Height Limits"** exceed height limit with a rooftop projection. 6. **Fence** BMC Section 23.304.080(A) "**Permits Required**" *Denotes required findings. **Density Bonus:** **Waivers** • Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required. • Provide no landscaped Useable Open Space. • Exceed the 85-foot height limit and permit a 92-foot building. • Provide no long-term bicycle parking. • Remove camphor tree on Durant Avenue. **Concessions** • Healthcare coverage for construction workers (BMC Section 13.107.050) • Prevailing wage for construction workers (BMC Section 13.108.030) **Staff Recommendation:** Staff recommends that ZAB determine the project is exempt from CEQA pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects") and approve ZP2024-0126 pursuant to Section 23.406.040(E) "**Findings for Approval**" and subject to the attached Findings and Conditions of Approval.

I. CEQA

The project is categorically exempt from the requirements of CEQA pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects").

Evidence: The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with the 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.

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 significant cumulative impacts, (c) there are no significant effects due to unusual circumstances, (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 an historical resource.

II. FINDINGS FOR APPROVAL

1. As required by BMC Section 23.406.040(E)(1) "**Findings for Approval**," to approve a Use Permit, the ZAB shall find that the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use; and

Evidence: The project will not be detrimental to the health safety, peace, morals, comfort or general welfare of persons residing or visiting in the area because the project will replace a commercial building and a residential building with seven units with a new residential building with 65 units, which is a use that already exists in the area. The setbacks will exceed what is required, the proposed Floor Area Ration (FAR) is 6.54 where 7 is the maximum, and the proposed lot coverage is 84.4 percent, where 100 percent is allowed. Waivers for an increased height, reduced useable open space, and no interior (long-term) bike parking are permissible pursuant to State Density Bonus Law.

(b) Will not 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.

Evidence: Findings can be made for adding a residential building with 65 units in the R-SMU District, where multi-family residential buildings are allowed:

Sunlight: According to the shadow studies submitted for the project, new shadows will affect dwellings in the existing single and multi-family buildings west, north, northeast, and southeast of the site, casting new shadows on the winter and summer solstice two hours after sunrise, at noon, and two hours before sunset.

Shadow impacts on adjacent dwellings are to be expected, because the subject site is in the R-SMU district, which allows heights of up to 85 feet by right. A waiver is allowed for a height beyond 85 feet to accommodate the density bonus units.

Based on the shadow analysis provided by the applicant, shadow impacts to neighboring residences will be limited to certain times of year, and during certain hours of the day, and shadow impacts will not be detrimental. Therefore, though the project will create new shadow impacts on neighboring residences, the projected impacts will be in line with what is expected within a built urban environment.

2. As required by BMC Section 23.406.040(E)(2) "**Findings for Approval**," to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project.

   Density Bonus

   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 49 units;
      2. The project will provide at least 5 qualifying units in the 49-unit base project, as more fully set forth in Condition 35;
      3. The project is entitled to a density increase of 32.5 percent over the otherwise maximum allowable residential density under the Zoning Ordinance and General Plan Land Use Element, under the requirements of Government Code Section 65915(b) and (f), plus two concessions or incentives. This equates to a density bonus of up to 16 units above the base project, for a total of up to 65 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. Healthcare coverage for construction workers (BMC Section 13.107.050); and
2. Prevailing wage for construction workers (BMC Section 13.108.030).

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 housing costs, as provided in Government Code Section 65915(d)(1)(A) because 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

D. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers to modify development standards as necessary to accommodate these density bonus units.

1. Provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required.
2. Provide no landscaped Useable Open Space.
3. Exceed the 85-foot height limit and permit a 92-foot building.
4. Provide no long-term bicycle parking.
5. Remove the camphor tree on Durant Avenue.

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.

Housing Accountability Act

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.

Evidence: The project includes construction of 65 units. Because the base project complies with applicable, objective general plan and zoning standards, Section 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.

3. As required by BMC Section 23.406.040(E)(3) "**Findings for Approval**," when taking action on a Use Permit, the ZAB shall consider in its findings:

(a) The proposed land use;

Evidence: The proposed land use meets the findings for approval because the proposed multi-family residential use is consistent with the R-SMU District purposes. One of the purposes of the R-SMU District is to "implement General Plan and Southside Plan policy by encouraging high-density, multi-story residential development close to major shopping, transportation, and employment centers." The project provides a high-density multi-story residential development near the UC Berkeley campus, Downtown Berkeley, and the Downtown Berkeley BART station.

(b) and the structure or addition that accommodates the use.

Evidence: The proposed eight-story residential building meets the findings for approval because it meets the R-SMU District development standards, with waivers to allow for a State Density Bonus.

4. As required by BMC Section 23.406.040(E)(4) "**Findings for Approval**," required findings shall be made based on the circumstances existing at the time a decision is made on the application.

Evidence: This finding is met because the application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, site context, and plans received September 11, 2025.

5. As required by BMC Section 23.406.040(E)(5) "**Findings for Approval**," the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings.

Evidence: This finding does not apply because all required findings for approval can be made based on the submitted documents.

PLANNING AND DEVELOPMENT

USE PERMIT ZP2024-0126 CONDITIONS OF APPROVAL

October 30, 2025

2298 Durant Avenue and 2360 Ellsworth Street

Use Permit #ZP2024-0126 to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot), 80,000 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions Shall be Printed on Plans.** The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings.
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 BMC 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. **HARD HATS (BMC Section 13.107).** Pursuant to BMC Chapter 13.107 "Establishing Healthcare and Apprenticeship Standards for Private Development" projects within City limits consisting of construction of either a new building, addition to an existing building, alteration of existing floor area, or demolition of 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. The combination of alterations, additions and/or demolition that impacts 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. This includes compliance with the requirements contained in BMC Sections 13.107.040 - 13.107.090.

   A. Prior to Building Permit issuance and during project construction, the applicant shall comply with the following sections and submit the required document(s):

      i. BMC Section 13.107.040(a)-(d), Apprenticeship Requirements

      ~~ii. BMC Section 13.107.050(a)-(e), Health Care Expenditures~~

iii. Submit: Contractor Prequalification Questionnaire

B. At the time Building Permit Issuance, the applicant shall comply with the following section and submit the required document(s):
i. BMC Section 13.107.060, Required Applicant and Contractor Statements
ii. Submit: Applicant Declaration
iii. Submit: Statement of Compliance seven days before contractor starts work

C. Within 30 Days of completing each contractor's respective work
i. BMC Section 13.107.060, Required Applicant and Contractor Statements
ii. Submit: Contractor Satisfaction Statement

D. Prior to Issuance of Certificate of Occupancy, or prior to approved final inspection for alterations, additions, or demolition projects that do not change the occupancy class of the structure or space:
i. BMC Section 13.107.060, Required Applicant and Contractor Statements
ii. Submit: Applicant Certification of Compliance

E. During Project Construction, the applicant shall comply with the following sections:
i. BMC Section 13.107.070(a)-(b), Notice and Posting
ii. BMC Section 13.107.080, Retaliation Prohibited

F. On-Going and at least three years after receiving approved Final Inspection, the applicant shall comply with the following section:
i. BMC Section 13.107.090, Retention of Records

10. **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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 and with Labor Code sections 226(a) and 2810.5 for each employee who works on the Project.

11. **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 BMC Chapter 13.104 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
12. **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 BMC Chapter 13.104; (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.
13. **Wage Theft Prevention Conditions of Approval (BMC Section 13.104.060).** The requirements of BMC 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 BMC Chapter 1.28 and/or the revocation or modification of any Use Permit issued for the Project under BMC Chapter 23.404.
14. **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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

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

Prior to Submittal of Any Building Permit:

15. **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 #

16. **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 Section 16.28.030 Assignment and Installation of Numbers, 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.

17. **Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

18. **Construction Noise Reduction Program.** The applicant shall develop a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070, Prohibited Acts. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

    A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.

    B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.

    C. Utilize "quiet" models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.

    D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.

E. Prohibit unnecessary idling of internal combustion engines.

F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.

G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.

H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

19. **Damage Due to Construction Vibration.** The project applicant shall submit screening level analysis prior to, or concurrent with demolition building permit. If a screening level analysis shows that the project has the potential to result in damage to structures, a structural engineer or other appropriate professional shall be retained to prepare a vibration impact assessment (assessment). The assessment shall 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

20. **Compliance with Conditions of Approval and Environmental Mitigations.** The building permit application is subject to verification of compliance of these Conditions of Approval. 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)

21. **Prior Rental Rate.** Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if asked to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

22. **Occupied Units- Requirement for Relocation Expenses.** Pursuant to BMC Section 23.326.030(A)(5)(c) (prior demolition ordinance):

    (i) The applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and

    (ii) Shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City. The applicant shall submit proof of implementation that includes an overall building tenant relocation plan and relocation agreements all applicable tenant households prior to submittal for building permits.

23. **Sitting Tenants Rights.** Pursuant to BMC Section 23.326.030(A)(5)(d) (prior demolition ordinance):

    (i) Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and

    (ii) Tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.

    (iii) Income restrictions do not apply to displaced tenants.

24. **Demolition.** Demolition of the existing building cannot commence until a complete application is submitted for the replacement building. In addition, all plans presented to the City to obtain a permit to allow the demolition are subject to these conditions.

25. **Construction 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.
26. **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.
27. **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.
28. **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

29. **Parcel Merger/Lot Line Adjustment.** The applicant shall secure approval of any parcel merger and/or lot line adjustment associated with this Use Permit.

30. **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.

31. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

32. **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 at RecyclingProgram@berkeleyca.gov.

33. **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

34. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

35. **Below Market Rate Units. Five** Very-Low Income, and **two** Low Income Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to Section II, Density Bonus, of the permit Findings 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)**,** BMC Section 23.328.030(A) Affordable Housing Requirements**,** and BMC Section 23.326.030 Eliminating Dwelling Units through Demolition **(previous ordinance).** All affordable units provided as replacement units pursuant to the Staff Report shall be designated as BMR Units. Any Extremely-Low Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Summary table of project BMR units			
Code Section	**Extremely-Low Income (30% AMI)**	**Very-Low Income (50% AMI)**	**Low Income (80% AMI)**
BMC Chapter 23.328 (Inclusionary Housing)		5	2
State Density Bonus Law (Gov. Code Section 65915)		5	
BMC Chapter 23.326 (Demolition, prior version)		5	2
Total		5	2

36. **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.

37. **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 $844,321,39. Any adjustments to the fee and the final fee amount 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:

38. **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.

39. **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.

40. **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:

41. **Construction Hours.** Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

42. **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.

43. **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.

44. **Public Works - Implement Bay Area Air District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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.

45. 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 BAAD 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.

46. **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.

47. **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.)

48. **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.

49. **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.

50. **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.

51. **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.

52. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

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

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

    B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

    C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be 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.

54. **Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

55. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

56. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.

57. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.

58. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.

59. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.

60. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

61. **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 .

62. **Compliance with Conditions.** The project shall conform to the plans and statements in the Use Permit. The developer is responsible for providing sufficient evidence to demonstrate compliance with the requirements throughout the implementation of this Use Permit.

63. All landscape, site and architectural improvements shall be completed per the attached approved drawings received October 22, 2025.

64. **Transportation Demand Management.** Prior to issuance of a Certificate of Occupancy, the property owner shall facilitate a site inspection by Land Use Division staff to confirm that the physical improvements required in BMC Sections 23.334.030(C) and 23.322.090 (bike parking) have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC 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 BMC 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 BMC Section 23.334.030(C), publicly-available, real-time transportation information in a common area, such as a lobby or elevator bay, on televisions, computer monitors or other displays readily visible to residents and/or visitors, shall be provided. Transportation information shall include, but is not limited to, transit arrivals and departures for nearby transit routes.

    C. Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

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

66. **Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with the applicable requirements. After three years of timely compliant submittals, staff has the option to accept less frequent submittals (minimum one every three years). Property owners may be required to pay administrative fees associated with compliance with this Condition, pursuant to BMC Section 23.334.040(B).
67. **Exterior Lighting.** All exterior lighting shall be energy efficient where feasible; and shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.
68. **Rooftop Projections.** No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.
69. **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.
70. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
71. **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.
72. **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.
73. **Required Bike Parking.** Secure and on-site bike parking for at least 7 bicycles (exterior/short-term) shall be provided for the life of the building.

2298 Durant Ave. Neighborhood Meeting Report:

The neighborhood meeting was held via Zoom at 12 Noon on 09/04/2024. Flyers advertising the meeting were sent to the list of Residents, Owners, and Neighborhood Groups within 300' of the project site.

Attendance:

- Kim N: Neighbor
- Austin Springer: Studio KDA (Architect) (Host)
- Darshan Amrit: Studio KDA (Architect)
- Pepe: Valiance Capital (Development Team)
- Nhan Nguyen Le: Valiance Capital (Development Team)

The presentation started at 12:05 and briefly covered the project, including site history/location, new building statistics, affordability, landscaping, amenities, façade, and anticipated approval and construction timelines. Pages from the project application as well as a short video rendering of the building were shown before opening the floor to questions/concerns from the public.

Feedback:

Kim N raised the following questions/concerns and Austin from Studio KDA made the following responses (in **Red**)

- *What is the anticipated construction timeline? Specifically, when is demolition going to start?*

  We are hoping to break ground on the project sometime in Summer of 2025 so that we can complete the ~20-24 Month construction in time for the Fall 2027 school year.

- *It is really big.*

  While the project is indeed significantly larger than the existing surroundings, it is perfectly in line with the vision that the City of Berkeley has in mind for this neighborhood. The City passed a new Southside Zoning Plan earlier this year that allows for buildings up to 85' and 8 stories in this zone and others in the Southside. There are a few buildings of this scale under construction now, and more in the pipeline, including some that are significantly taller (note a 21-Story proposal just up the street that was recently submitted).

- *It seems that you are proposing to bring the building all the way out to the sidewalk.*

  Yes, the building is proposed to abut the sidewalk on this project. While at other projects in the past we have strategically set the building back, this site is lucky enough to have very generous sidewalks (12' on the Ellsworth side and 16' on Durant) such that we didn't feel that it was necessary to step the building back from the street any further than the property line.

The meeting concluded at 12:19 pm

Chapter 23.326
DEMOLITION AND DWELLING UNIT CONTROL

Sections:

23.326.010 Chapter Purpose.
23.326.020 General Requirements.
23.326.030 Eliminating Dwelling Units through Demolition.
23.326.040 Eliminating Dwelling Units through Conversion and Change of Use.
23.326.050 Private Right of Action.
23.326.060 Elimination of Residential Hotel Rooms.
23.326.070 Demolitions of Non-Residential Buildings.
23.326.080 Building Relocations.
23.326.090 Limitations.

23.326.010 Chapter Purpose.

This chapter establishes demolition and dwelling unit control standards that promote the affordable housing, aesthetic, and safety goals of the City.

23.326.020 General Requirements.

A. *Applicability.* No dwelling unit or units may be eliminated or demolished except as authorized by this chapter.

B. *Findings.* In addition to the requirements below, the Zoning Adjustments Board (ZAB) may approve a Use Permit to eliminate or demolish a dwelling unit only upon finding that eliminating the dwelling unit would not be materially detrimental to the housing needs and public interest of the affected neighborhood and Berkeley.

23.326.030 Eliminating Dwelling Units through Demolition.

A. *Buildings with Two or More Units Constructed Before June 1980.*

1. *Applicability.* This subsection only applies to building with two or more units constructed before June 1980.

2. *Limitation.*

(a) Demolition is not allowed if:

i. The building was removed from the rental market under the Ellis Act during the preceding five years; or

ii. There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

(b) Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.

3. *Findings.* The ZAB may approve a Use Permit to demolish a building constructed before June 1980 on a property containing two or more dwelling units if any of the following are true:

(a) The building containing the units is hazardous or unusable and is infeasible to repair.

(b) The building containing the units will be moved to a different location within Berkeley with no net loss of units and no change in the affordability levels of the units.

(c) The demolition is necessary to permit construction of special housing needs facilities such as, but not limited to, childcare centers and affordable housing developments that serve the greater good of the entire community.

(d) The demolition is necessary to permit construction approved pursuant to this chapter of at least the same number of dwelling units.

4. *Fee Required.*

(a) The applicant shall pay a fee for each unit demolished to mitigate the impact of the loss of affordable housing in Berkeley.

(b) The amount of the fee shall be set by resolution of the City Council.

(c) *In Lieu of a Fee.*

i. In lieu of paying the impact fee, the applicant may provide a designated unit in the new project at a below market rate to a qualifying household in perpetuity.

ii. The affordability level of the below market rent and the income level of the qualifying household shall be set by resolution of the City Council.

iii. The applicant shall enter into a regulatory agreement with the City of Berkeley to provide the in lieu units.

5. *Occupied Units.*

(a) *Applicability.*

i. The requirements in this subsection apply if units to be demolished are occupied.

ii. These requirements do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

(b) *Notice.* The applicant shall provide all sitting tenants notice of the application to demolish the building no later than the date it is submitted to the City, including notice of their rights under Municipal Code Section 13.76 (Rent Stabilization and Eviction for Good Cause Program).

(c) *General Requirements.*

i. The applicant shall provide assistance with moving expenses equivalent to in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households).

ii. The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Funding for the rent differential shall be guaranteed in a manner approved by the City.

iii. *Exception.* An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with this subsection but must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended and the California Relocation Act (Government Code sections 7260 et seq.).

(d) *Sitting Tenants Rights.*

i. Sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building.

ii. Tenants of units that are demolished shall have the right of first refusal to rent new below-market rate units designated to replace the units that were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.

iii. Income restrictions do not apply to displaced tenants.

iv. *Exception.*

(1) An applicant who proposes to construct a 100 percent affordable housing project is not required to comply with 23.326.030.A.5.a, b, and c, but must comply with the following requirement.

(2) Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed building will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements when the new units are ready for occupancy.

B. *Buildings with a Single Dwelling Unit.*

1. *Applicability.* This subsection only applies to buildings with a single dwelling unit.

2. *Limitation.*

(a) Demolition is not allowed if:

i. The building was removed from the rental market under the Ellis Act during the preceding five years; or

ii. There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

(b) Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.

C. *Accessory Buildings.* Notwithstanding anything in Municipal Code Title 23 (Zoning Ordinance) to the contrary, but subject to any applicable requirements in Municipal Code Section 3.24 (Landmarks Preservation Ordinance), accessory buildings of any size, including, but not limited to, garages, carports, and sheds, but not including any structure containing a lawfully established dwelling unit, which serves and is located on the same lot as a lawful residential use, may be demolished by right.

23.326.040 Eliminating Dwelling Units through Conversion and Change of Use.

A. *General.* The ZAB may approve a Use Permit for the elimination of a dwelling unit in combination with another dwelling unit used for occupancy by a single household if it finds that:

1. The existing number of dwelling units exceeds maximum residential density in the district where the building is located; and

2. One of the following is true:

(a) One of the affected dwelling units has been occupied by the applicant's household as its principal place of residence for no less than two years before the date of the application and none of the affected units are currently occupied by a tenant.

(b) All of the affected dwelling units are being sold by an estate and the decedent occupied the units as their principal residence for no less than two years before the date of their death.

B. *Limitations.*

1. Demolition is not allowed if:

(a) The building was removed from the rental market under the Ellis Act during the preceding five years; or

(b) There have been verified cases of harassment or threatened or actual illegal eviction during the immediately preceding three years.

2. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner. The Rent Board Hearing Examiner will provide an assessment of the evidence and all available documentation to the ZAB. The ZAB shall determine whether harassment or threatened or actual illegal eviction occurred.

C. *Effect of Noncompliance with the Two-Year Requirement.*

1. If a unit eliminated under Subsection A (General) is not occupied by the applicant's household for at least two consecutive years from the date of elimination, the affected unit must be restored to separate status.

2. This requirement shall be implemented by a condition of approval and a notice of limitation on the property, acceptable to the City of Berkeley.

3. The condition and notice will provide that if the owner's household does not occupy the unit for at least two years from the date of elimination the affected units must either be restored as separate dwelling units and the vacant unit(s) offered for rent within six months or the owner must pay a fee of $75,000 in 2013 dollars, adjusted in May of each year according to the Consumer Price Index for the San Francisco Bay Area. The fee shall be deposited into the City of Berkeley's Housing Trust Fund.

4. The City of Berkeley may exempt an applicant from the two-year residency requirement if of an unforeseeable life change that requires relocation.

D. *Effect of Eliminating a Dwelling Unit.*

1. If eliminating a dwelling unit reduces the number of units in a building to four, the applicant shall record a notice of limitation against the subject property that the limitation on eviction of tenants under Chapter 13 (Public Peace, Morals and Welfare) shall continue to apply until:

(a) The building is demolished; or

(b) Sufficient units are added or restored such that the building contains at least five units.

2. The Zoning Officer may issue an AUP for a building conversion which eliminates a dwelling unit upon finding that the conversion will restore or bring the building closer to the original number of dwelling units that was present at the time it was first constructed, provided the conversion meets the requirements 23.326.040.A.1 and 2 and 23.326.040.B and C.

E. *Exceptions.*

1. The ZAB may approve a Use Permit for a change of use to a community care or a child care facility which eliminates a dwelling unit if it finds that such use is in conformance with the regulations of the district in which it is located.

2. The ZAB may approve a Use Permit to eliminate a dwelling unit through combination with another dwelling unit for the purpose of providing private bathrooms, kitchenettes, accessibility upgrades, and/or seismic safety upgrades to single-residential occupancy rooms in residential developments undergoing a publicly-funded rehabilitation.

3. Notwithstanding the general Use Permit requirement under 23.326.020 (General Requirements), a lawfully established accessory dwelling unit that is not a controlled rental unit may be eliminated with a Zoning Certificate if:

(a) The re-conversion restores the original single-family use of the main building or lot; and

(b) No tenant is evicted.

23.326.050 Private Right of Action.

Any affected tenant may bring a private action for injunctive and/or compensatory relief against any applicant and/or owner to prevent or remedy a violation of Sections 23.326.030 (Eliminating Dwelling Units through Demolition) and 23.326.040 (Eliminating Dwelling Units through Conversion and Change of Use). In any such action a prevailing plaintiff may recover reasonable attorney's fees.

Attachment 4 – Existing Demolition Ordinance

23.326.060 Elimination of Residential Hotel Rooms.

A. *General Requirements.* Before removal, the following requirements must be met for the ZAB to approve a Use Permit for the elimination of residential hotel rooms:

1. The residential hotel owner shall provide or cause to be provided standard housing of at least comparable size and quality, at comparable rents and total monthly or weekly charges to each affected tenant.

2. One of the following three requirements shall be met:

(a) The residential hotel rooms being removed are replaced by a common use facility, including, but not limited to, a shared kitchen, lounge, or recreation room, that will be available to and primarily of benefit to the existing residents of the residential hotel and that a majority of existing residents give their consent to the removal of the rooms.

(b) Before the date on which the residential hotel rooms are removed, one-for-one replacement of each room to be removed is made, with a comparable room, in one of the methods set forth in this section.

(c) Residential hotel rooms are removed because of building alterations related to seismic upgrade to the building or to improve access to meet the requirements of the American Disabilities Act (ADA).

B. *Criteria for Replacement Rooms.* For purposes of this section, replacement rooms must be:

1. Substantially comparable in size, location, quality, and amenities;

2. Subject to rent and eviction controls substantially equivalent to those provided by the Rent Stabilization Ordinance or those that applied to the original rooms which are being replaced; and

3. Available at comparable rents and total monthly or weekly charges to those being removed. Comparable rooms may be provided by:

(a) Offering the existing tenants of the affected rooms the right of first refusal to occupy the replacement rooms;

(b) Making available comparable rooms, which are not already classified as residential hotel rooms to replace each of the rooms to be removed; or

(c) Paying to the City of Berkeley's Housing Trust Fund an amount sufficient to provide replacement rooms.

i. The amount to be paid to the City of Berkeley shall be the difference between the replacement cost, including land cost, for the rooms and the amount which the City of Berkeley can obtain by getting a mortgage on the anticipated rents from the newly constructed rooms.

ii. The calculations shall assume that rents in the newly constructed rooms shall not exceed the greater of either a level comparable to the weekly or monthly charges for the replaced rooms or the level which would be charged if no current tenant paid more than 30 percent of such tenant's gross income for rent.

C. *Exception for Non-Profit Ownership.* In a residential hotel owned and operated by a non-profit organization, recognized as tax-exempt by either the Franchise Tax Board and/or the Internal Revenue Service, residential hotel rooms may be changed to non-residential hotel room uses if the average number of residential hotel rooms per day in each calendar year is at least 95 percent of residential hotel rooms established for that particular residential hotel.

23.326.070 Demolitions of Non-Residential Buildings.

A. *Main Non-Residential Buildings.* A main building used for non-residential purposes may be demolished with a Use Permit.

B. *Accessory Buildings.*

1. Demolishing an accessory building with less than 300 square feet of floor area is permitted as of right.

2. An accessory building with 300 square feet or more of floor area may be demolished with an AUP.

C. *Landmarks Preservation Commission Review.*

1. Any application for a Use Permit or AUP to demolish a non-residential building or structure which is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review before consideration of the Use Permit or AUP.

2. The LPC may initiate a landmark or structure-of-merit designation or may choose solely to forward to the ZAB its comments on the application.

3. The ZAB shall consider the recommendations of the LPC in when acting on the application.

D. *Findings.* A Use Permit or an AUP for demolition of a non-residential building or structure may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. The demolition:

(a) Is required to allow a proposed new building or other proposed new use;

(b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

(c) Will remove a structure which represents an inhabitable attractive nuisance to the public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration that it is infeasible to obtain prior or concurrent approval for the new construction or new use which is contemplated by such specific plans or projects and that adhering to such a requirement would threaten the viability of the plan or project.

23.326.080 Building Relocations.

A. *Treatment of Building Relocation.*

1. Relocating a building from a lot is considered a demolition for purposes of this chapter.

2. Relocating a building to a lot is considered new construction and is subject to all requirements applicable to new construction.

3. When a building is relocated to a different lot within in Berkeley, the lot from which the building is removed shall be known as the source lot and the lot on which the building is to be sited shall be known as the receiving lot. In such cases all notification requirements apply to both the source and receiving lots.

B. *Findings.* The ZAB may approve a Use Permit to relocate a building upon finding that:

1. The building to be relocated is not in conflict with the architectural character, or the building scale of the neighborhood or area to which it will be relocated; and

2. The receiving lot provides adequate separation of buildings, privacy, yards, and usable open space.

23.326.090 Limitations.

A. *Unsafe, Hazard, or Danger.*

1. Notwithstanding anything to the contrary, if a building or structure is unsafe, presents a public hazard, and is not securable and/or is in imminent danger of collapse so as to endanger persons or property, as determined by the city's building official, it may be demolished without a Use Permit.

2. The Building Official's determination in this matter shall be governed by the standards and criteria in the most recent edition of the California Building Code that is in effect in the City of Berkeley.

B. *Ellis Act.* This chapter shall be applied only to the extent permitted by state law as to buildings which have been entirely withdrawn from the rental market pursuant to the Ellis Act (California Government Code Chapter 12.75).

Rent Stabilization Board

January 14, 2025

To: Allison Riemer, Planner, Planning & Development Department

From: Matt Brown, General Counsel
By: Katrina Lapira, Associate Planner

Subject: **2298 Durant Avenue (2360 Ellsworth Street)**

On December 2, 2024, a message was shared with Lief Bursell informing him of a new development application that would require the demolition of an existing building with seven units at 2360 Ellsworth Street. The project would create a new 8-story residential building with 66 new dwelling units, five of which are identified as below-market rate (BMR) units on the lots addressed as 2298 Durant Avenue and 2360 Ellsworth Street. You requested that we provide information related to the property's rental history and status under the Rent Stabilization and Eviction for Good Cause Ordinance ("Ordinance") that are relevant to Berkeley Municipal Code (BMC) Chapter 23.326 ("Demolition Ordinance").

Property History

Alameda County records show that 2360 Ellsworth is owned by Cascade Capital -BMF I, LLC as of April 1, 2013. Consistent with Rent Stabilization Board Records, City of Berkeley records indicate that the property includes a seven-unit, three-story multifamily dwelling building.

Rental History and Rent Control Status

Rent Stabilization Board records show that all seven units are currently rented and registered with the Rent Board. All tenancies began in 2024. All tenancies are rent-controlled and are fully subject to the Ordinance.

Current Tenancies (as of January 6, 2025):

Unit Address	Occupancy Status	Current Tenancy Start Date
2360 Ellsworth #A	Rented	08/01/2024
2360 Ellsworth #B	Rented	08/01/2024
2360 Ellsworth #C	Rented	08/01/2024
2360 Ellsworth #D	Rented	08/01/2024
2360 Ellsworth #E	Rented	06/01/2024
2360 Ellsworth #F	Rented	06/01/2024
2360 Ellsworth #PH	Rented	09/02/2024

2000 Center Street, Suite 400, Berkeley, California 94704
TEL: (510) 981-7368 TDD: (510) 981-6903 FAX: (510) 981-4910
E-MAIL: rent@berkeleyca.gov INTERNET: www.rentboard.berkeleyca.gov

Ellis Act

The building at 2360 Ellsworth has not been removed from the rental market under the Ellis Act at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2360 Ellsworth.

BMC 23.326 and SB 330

On August 6, 2024, a complete Housing Crisis Act of 2019 Senate Bill (SB) 330 pre-application was submitted for the subject development project and is therefore vested in the ordinances in effective at the time of application. Since a complete preliminary application was received prior to August 10, 2024 the effective date of the updated Berkeley Municipal Code (BMC) Chapter 23.326 (Demolition Ordinance), the application is subject to the provisions of the Demolition Ordinance that became effective in 2016.

Both Berkeley Municipal Code (BMC) Chapter 23.326 and Housing Crisis Act of 2019 Senate Bill (SB) 330 apply to this project. Both regulations require certain tenant protections, such as the right of first refusal and relocation assistance. However, SB 330 does not supersede local ordinances with greater restrictions on the demolition of residential dwelling units or local ordinances that require greater relocation assistance to displaced households (Cal. Gov. Code 66300.6(c). For instance, tenant relocation protections in BMC 23.326 are greater than those provided by SB 330, but they only apply to sitting tenants at the time the application for demolition is submitted to the City. Tenants who move in after the application is submitted would qualify for the less protective relocation requirements in SB 330 if the owner informed them about the proposed demolition and that demolition constitutes good cause for eviction.

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent the new replacement unit at the rent level that would have applied if they remained in their former unit. Landlords may petition the Board for a rent adjustment on the new unit pursuant to the rules associated with the addition of space/services.

Mitigating the Loss of Rent-Controlled Units

The development application proposes to create five BMR units, but the application does not indicate that the proposed BMR units would be considered as the replacement of the rent-controlled units to be demolished.

On December 21, 2023, the Berkeley Rent Board passed Resolution 23-43, which authorizes the Rent Board's Executive Director or the Rent Board Chairperson to appeal decisions of the Zoning Adjustment Board that allow for the elimination of rent-controlled residential units without adequately mitigating their loss with at least an equal number of permanently affordable replacement units.

The Rent Board has worked closely with the City Council, through the 4x4 Joint Task Force Committee on Housing, to put forth a policy that requires one-for-one replacement of rent-controlled units with at least an equal number of below-market-rate

replacement units. This policy is reflected in both the Demolition Ordinance that applies to this project and the replacement provisions in the newly amended Demolition Ordinance that was passed by City Council on June 25, 2024.

2360 Ellsworth contains seven rent-controlled units, and their loss would only be mitigated by the creation of an equal number of BMR replacement units. The applicant proposes only five BMR replacement units. **This proposal does not adequately mitigate the loss of the existing rent-controlled units. The Rent Board strongly recommends the application be amended to include one-for-one replacement of all existing dwelling units with at least the same number of permanently affordable below-market-rate replacement units.**

Recommendation

Rent Stabilization Board staff recommends the following:

1. That the applicant increase the number of below-market-rate replacement units to at least seven to properly mitigate the loss of affordable rent-controlled housing units according to the replacement provisions in the previous of the Demolition Ordinance that apply to this project and the newly amended Demolition Ordinance.

2. That the applicant includes in their application the number, size (bedroom), and affordability rate of units to be considered replacement units.

3. That the ZAB adopt the following Use Permit conditions to fulfill the requirements of Berkeley's Demolition Ordinance and state law:

    a. **Prior Rental Rate.** Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if asked to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

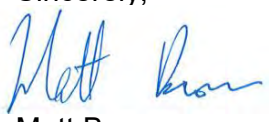
    b. **Requirement for Relocation Expenses.** Pursuant to BMC 23.326.030(A)(5)(c),
    (i) the applicant shall provide qualified tenants assistance with moving expenses equivalent to those in Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households), and
    (ii) shall subsidize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

    c. **Siting Tenants Rights.** Pursuant to BMC 23.326.030(A)(5)(d),
    (i) sitting tenants who are displaced as a result of demolition shall be provided the right of first refusal to move into the new building, and
    (ii) tenants of units that are demolished shall have the right of first refusal to rent new below market rate units designated to replace the units that

were demolished, at the rent that would have applied if they had remained in place, as long as their tenancy continues.
(iii) Income restrictions do not apply to displaced tenants.

Please to contact Katrina Lapira with any further questions regarding this matter.

Sincerely,



Matt Brown
General Counsel

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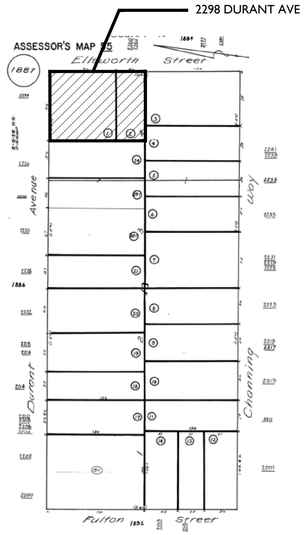
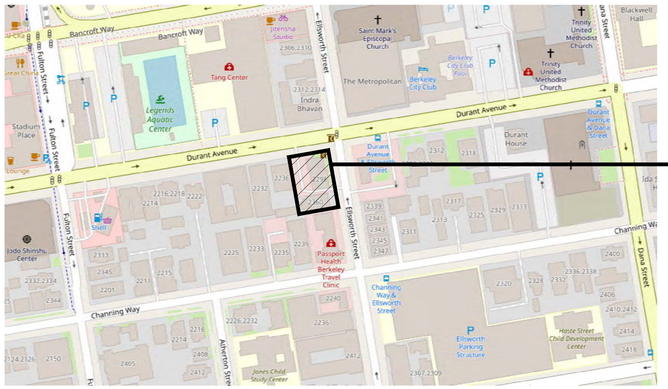
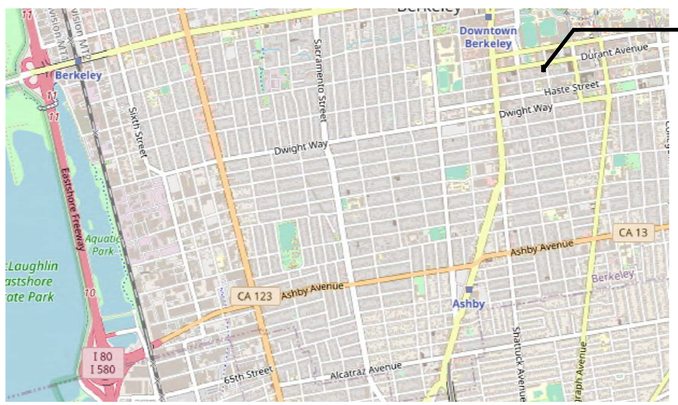
7 PROJECT TEAM



3 ASSESSORS PARCEL MAP



5 LOCATION MAP
N.T.S.



4 VICINITY MAP
N.T.S.

THE SITE'S REDEVELOPMENT WILL INCLUDE THE DEMOLITION OF BOTH EXISTING BUILDINGS AT 2298 DURANT AVE (A 2-STORY COMMERCIAL BUILDING) AND AT 2360 ELLSWORTH STREET (A 3-STORY RESIDENTIAL BUILDING OVER A 1-STORY PARTIALLY SUBTERRANEAN PARKING GARAGE). THE TWO EXISTING LOTS WILL BE MERGED INTO ONE CONTIGUOUS LOT WHOSE FRONT IS ALONG DURANT AVE AND WILL TAKE THE ADDRESS OF 2298 DURANT AVE.

PROPOSED IS AN 8-STORY RESIDENTIAL BUILDING, CONSISTING OF 65 UNITS AND 80,046 GSF OF BUILDING AREA. UNITS INCLUDE 2, 5, & 6 BEDROOM UNITS - ALL WITH IN-UNIT LAUNDRY. THE GROUND FLOOR INCLUDES A GENEROUS LOBBY, TENANT AMENITY SPACES, AND BUILDING UTILITY SPACES FOR ELECTRICAL AND TRASH THAT EXIT DIRECTLY TO ELLSWORTH STREET. OTHER COMMON SPACES INCLUDE AN INDOOR AMENITY AT THE GROUND FLOOR AND A ROOF DECK AT THE 8TH FLOOR.

2 PROJECT DESCRIPTION

1 SHEET INDEX

SHEET NUMBER	SHEET TITLE	08/09/24 - SB330 APP.	09/05/24 - ENT APP.	02/07/25 - 1ST RESUB	04/16/25 - 2ND RESUB	05/28/25 - 3RD RESUB
	GENERAL SHEETS					
G-000	TITLE SHEET	●	●	●	●	●
G-100	SITE PHOTOS		●	●	●	●
G-101	STREET STRIP ELEVATIONS		●	●	●	●
G-102	STREET STRIP ELEVATIONS			●	●	●
G-200	SHADOW STUDY - EXISTING		●	●	●	●
G-201	SHADOW STUDY - PROPOSED		●	●	●	●
G-202	SHADOW STUDY - EXISTING - W/ SHADOWS			●	●	●
G-203	SHADOW STUDY - PROPOSED - W/ SHADOWS			●	●	●
G-210	SHADOW STUDY - ADJACENT BLDG IMPACTS		●	●	●	●
	CIVIL DRAWINGS					
C0.0	COVER SHEET	●	●	●	●	●
C0.1	ABBREVIATIONS & LEGEND		●	●	●	●
C0.2	NOTES			●	●	●
C1.0	TOPOGRAPHIC SURVEY & DEMO PLAN		●	●	●	●
C2.0	SITE PLAN		●	●	●	●
C3.0	UTILITY PLAN		●	●	●	●
C4.0	GRADING PLAN		●	●	●	●
C4.1	GRADING PLAN		●	●	●	●
C4.2	SECTIONS		●	●	●	●
C5.0	STORMWATER CONTROL PLAN		●	●	●	●
C5.1	STORMWATER CONTROL PLAN			●	●	●
C6.0	EROSION CONTROL PLAN			●	●	●
C7.0	DETAILS			●	●	●
C7.1	DETAILS			●	●	●
C7.2	DETAILS		●	●	●	●
C7.3	EROSION CONTROL DETAILS			●	●	●
C7.4	CITY OF BERKELEY DETAILS			●	●	●
1 of 2	ALTA SURVEY - 2298 DURANT	●	●	●	●	●
2 of 2	ALTA SURVEY - 2298 DURANT	●	●	●	●	●
1 of 2	ALTA SURVEY - 2360 ELLSWORTH	●	●	●	●	●
2 of 2	ALTA SURVEY - 2360 ELLSWORTH	●	●	●	●	●

SHEET NUMBER	SHEET TITLE	08/09/24 - SB330 APP.	09/05/24 - ENT APP.	02/07/25 - 1ST RESUB	04/16/25 - 2ND RESUB	05/28/25 - 3RD RESUB
	LANDSCAPE DRAWINGS					
L-1.0	LANDSCAPE PLAN - GROUND FLOOR		●	●	●	●
L-1.1	LANDSCAPE PLAN - 8TH FLOOR		●	●	●	●
L-3.0	PLANTING PLAN - GROUND FLOOR			●	●	●
L-3.1	PLANTING PLAN - 8TH FLOOR			●	●	●
L-3.2	PLANTING SCHEDULE			●	●	●
L-3.3	PLANTING DETAILS			●	●	●
L-4.0	IRRIGATION HYDRO PLAN - GROUND FLOOR			●	●	●
L-4.1	IRRIGATION HYDRO PLAN - 8TH FLOOR			●	●	●
L-4.2	IRRIGATION EQUIP - WELO CALCS		●	●	●	●
L-4.3	IRRIGATION DETAILS			●	●	●
L-4.4	IRRIGATION DETAILS			●	●	●
	ARCHITECTURAL DRAWINGS					
AS-101	ARCHITECTURAL SITE PLAN & BLDG INFO	●	●	●	●	●
AS-102	LOT COVERAGE DIAGRAMS		●	●	●	●
A-101	PROPOSED 1ST & TYPICAL FLOOR PLANS	●	●	●	●	●
A-102	PROPOSED 8TH FLOOR & ROOF PLANS	●	●	●	●	●
~~A-103~~	~~PROPOSED ROOF PLAN~~		●			
A-110	PROPOSED DB PLANS AND STATS	●	●	●	●	●
A-111	AFFORDABLE HOUSING FEE DIAGRAMS		●	●	●	●
A-120	USABLE OPEN SPACE DIAGRAMS		●	●	●	●
A-201	EXTERIOR ELEVATIONS - NORTH & SOUTH	●	●	●	●	●
A-202	EXTERIOR ELEVATIONS - WEST & PERSPECTIVE	●	●	●	●	●
A-203	EXTERIOR ELEVATIONS - EAST & PERSPECTIVE	●	●	●	●	●

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08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/25	1ST ENT. RESUB.
04/16/25	2ND ENT. RESUB.
05/28/25	3RD ENT. RESUB.

CITY PERMIT RECORD:	

PROJECT:
VLC09

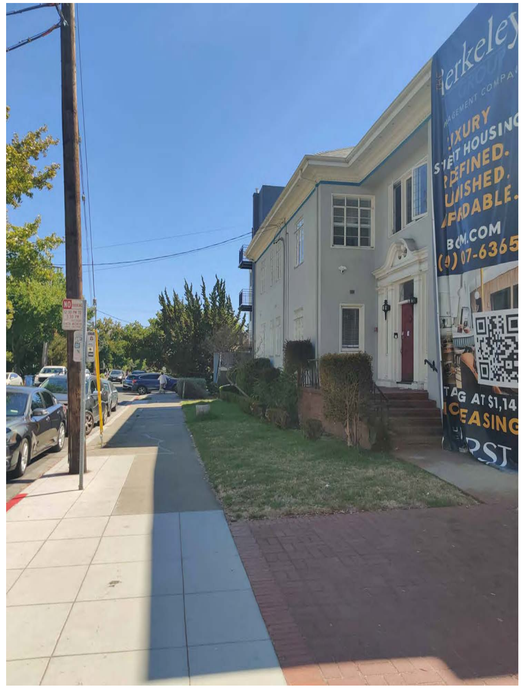
TITLE:
GENERAL - COVER SHEET

SHEET:
G-000

7 LOOKING SE FROM DURANT AT 2298 DURANT

6 LOOKING S AT N FACADE OF 2241 CHANNING

5 LOOKING NW FROM 2360 ELLSWORTH AT ADJ. BLDGS.

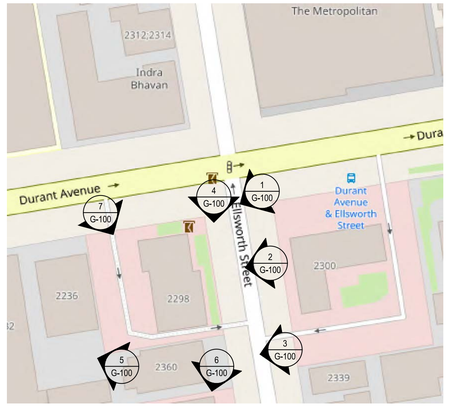


4 LOOKING S DOWN WEST ELLSWORTH SIDEWALK

3 LOOKING W FROM ELLSWORTH AT 2360 ELLSWORTH

2 LOOKING W FROM ELLSWORTH AT 2298 DURANT

1 LOOKING SW FROM STREET CORNER



KEY MAP

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09/09/24	ENTITLEMENT SUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
SITE PHOTOS

SHEET:
G-100

2 DURANT STREET STRIP LOOKING SOUTH - PROPOSED

1 DURANT STREET STRIP LOOKING SOUTH - EXISTING

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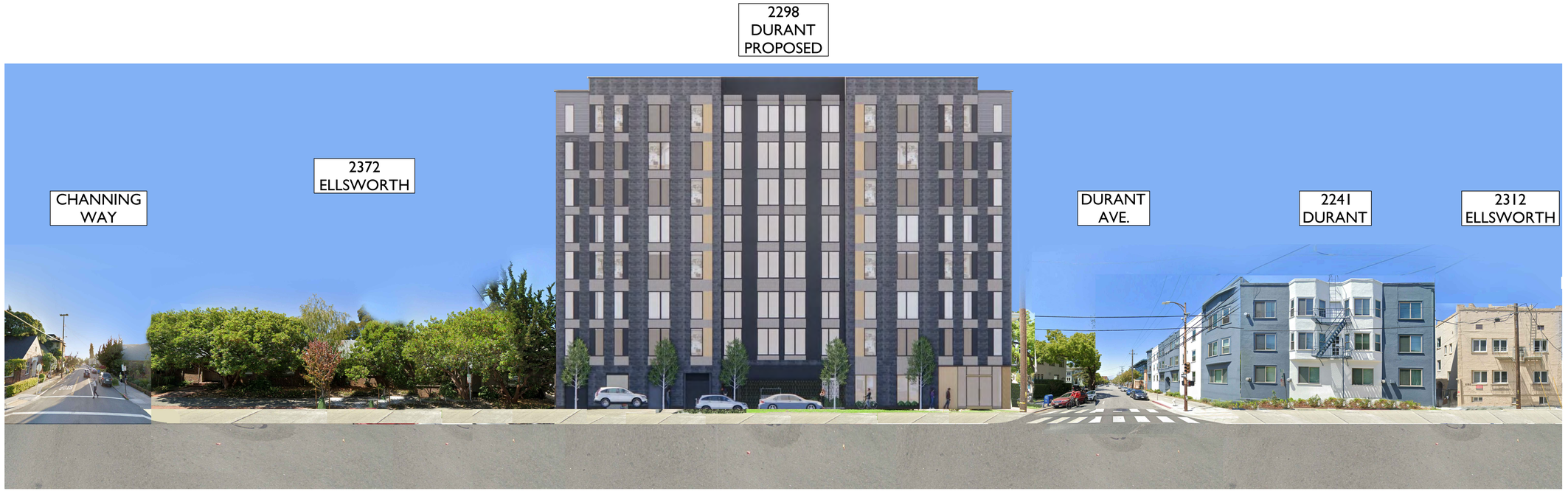
CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: STREET STRIP ELEVATIONS

SHEET: **G-101**



2 ELLSWORTH STREET STRIP LOOKING WEST - PROPOSED

1 ELLSWORTH STREET STRIP LOOKING WEST - EXISTING

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CITY PERMIT RECORD:

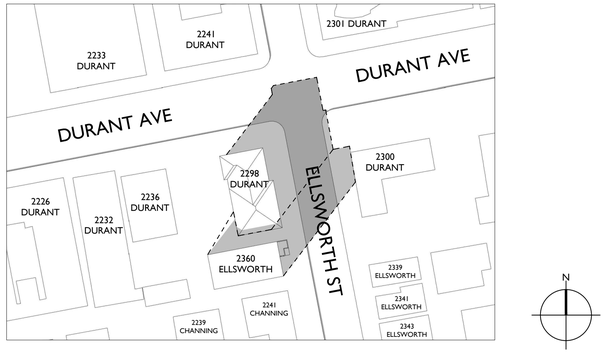
PROJECT:
VLC09

TITLE:

STREET STRIP ELEVATIONS

SHEET:

G-102



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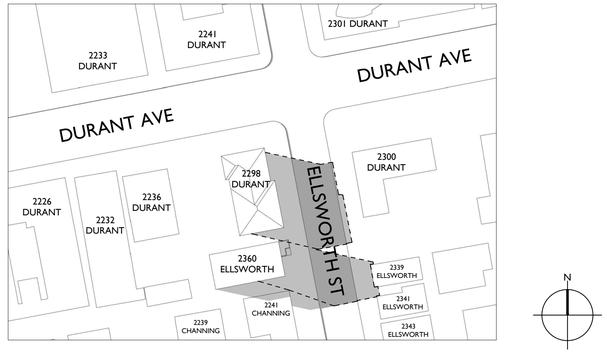

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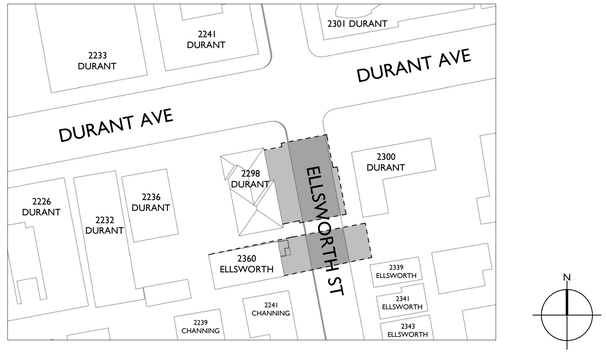

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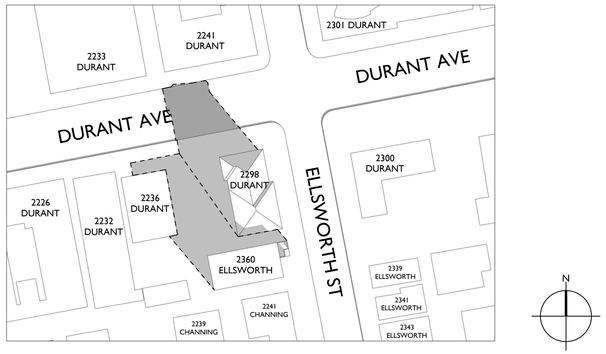

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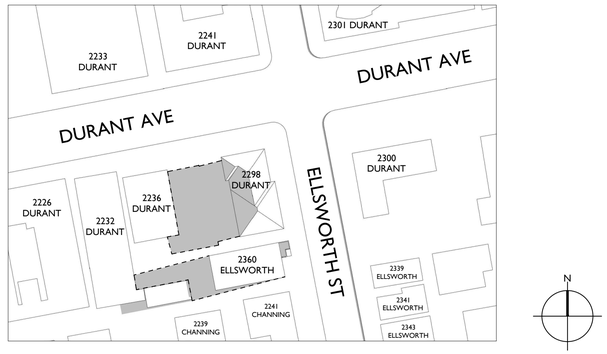

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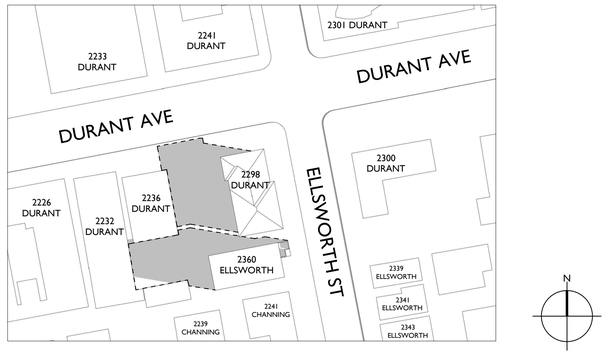

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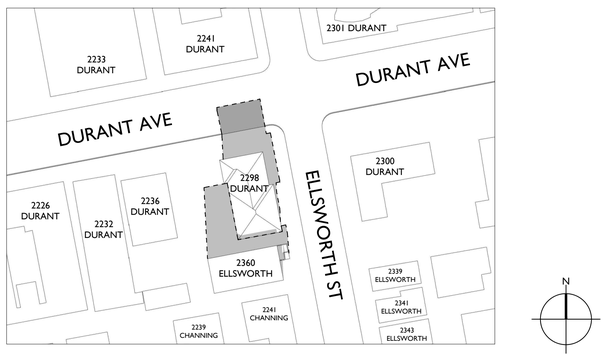

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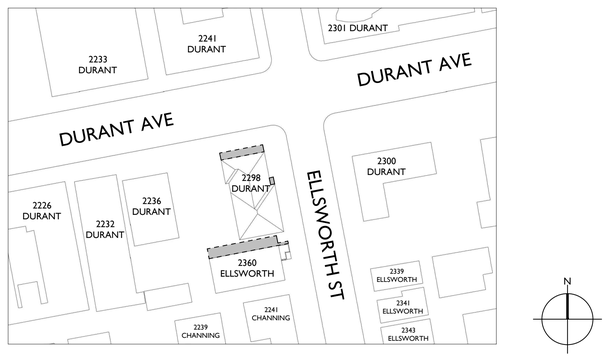

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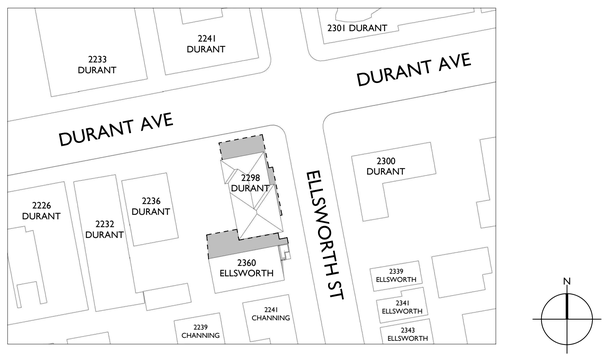

1 09/05/24 - NOON - EXISTING

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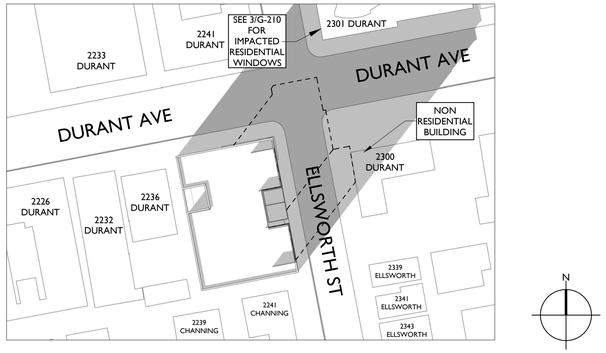
02/06/24	1ST ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
SHADOW STUDY EXISTING

SHEET:
G-200



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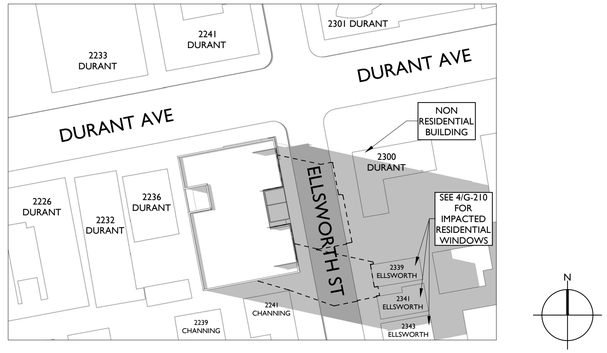

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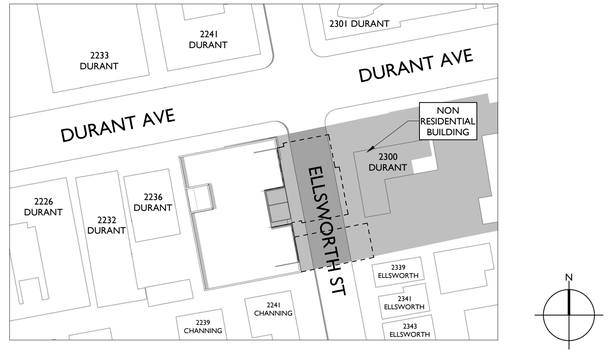

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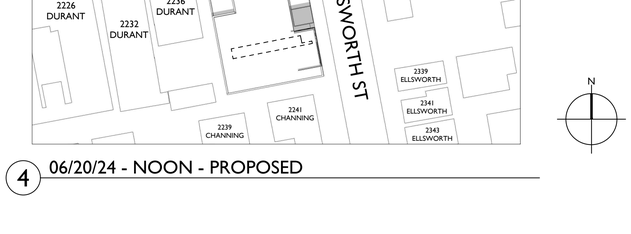

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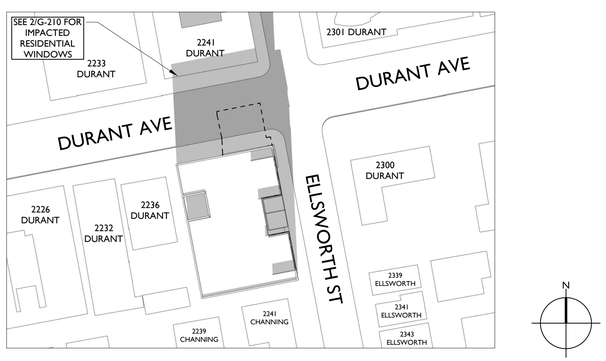
2 09/05/24 - 7:47 AM - PROPOSED



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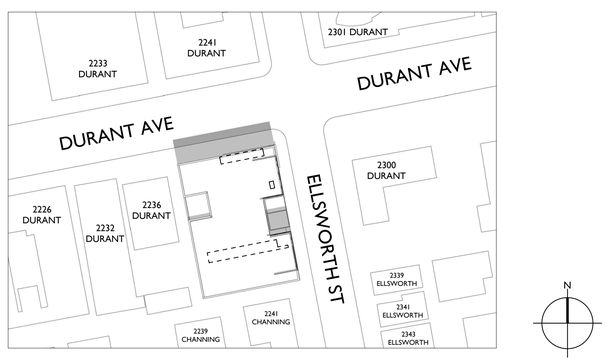

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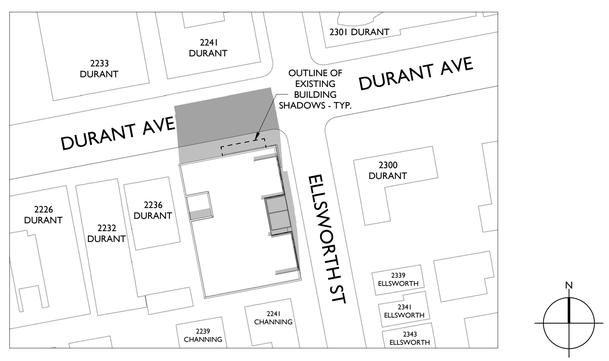

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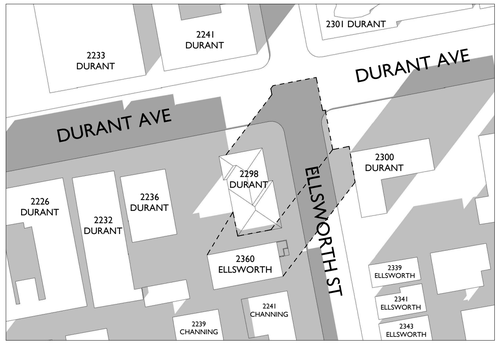
CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: SHADOW STUDY PROPOSED

SHEET: **G-201**



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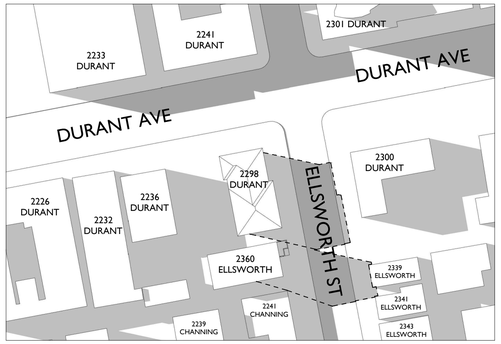

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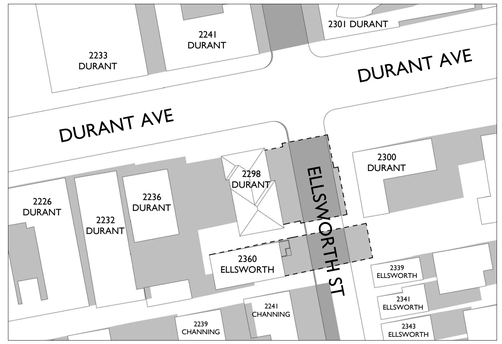

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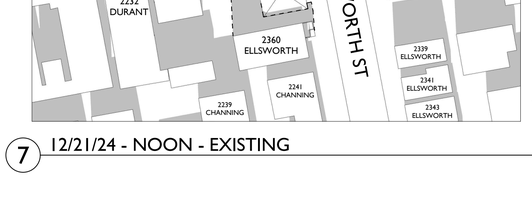

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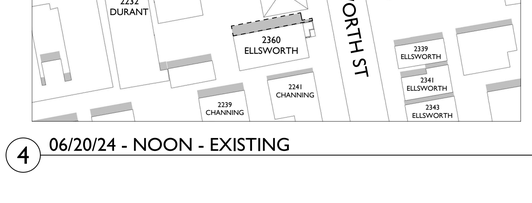
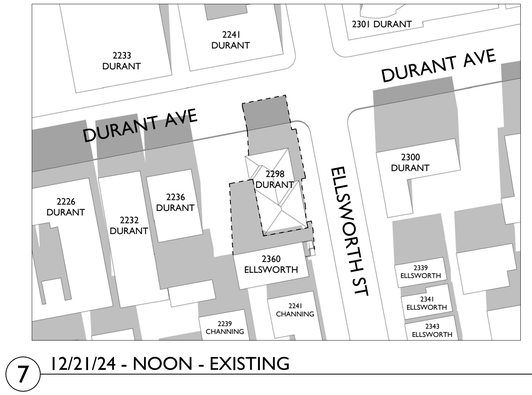


5 06/20/24 - 6:52 AM - EXISTING

2 09/05/24 - 7:47 AM - EXISTING



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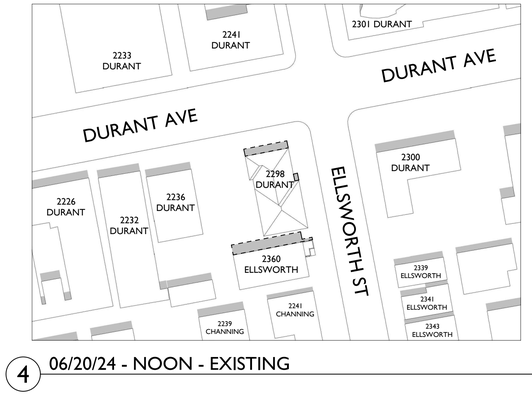

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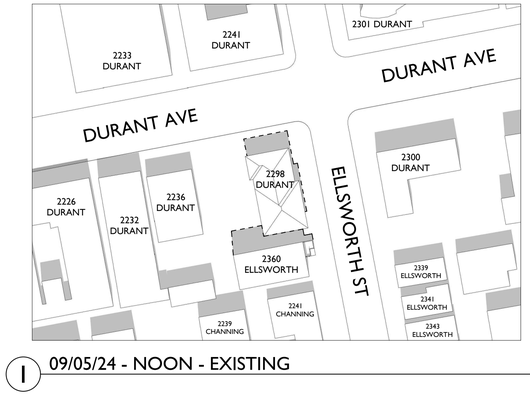

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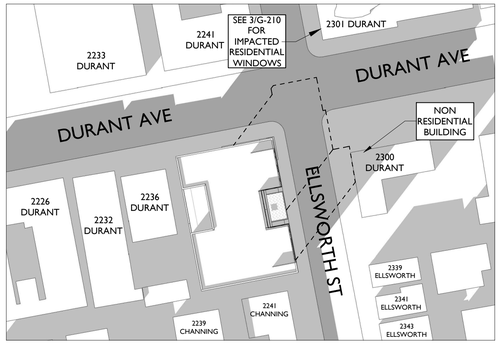
CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
SHADOW STUDY
EXISTING
W/ NEIGHBOR SHADOWS

SHEET:
G-202



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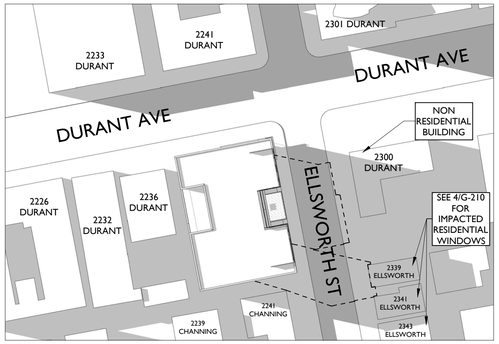

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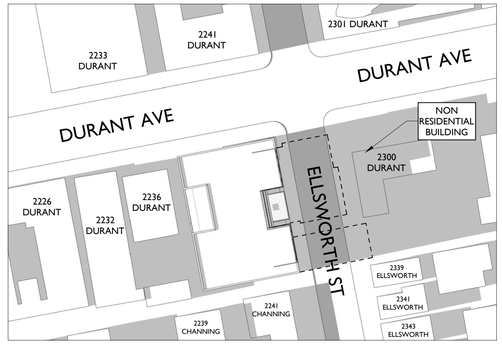

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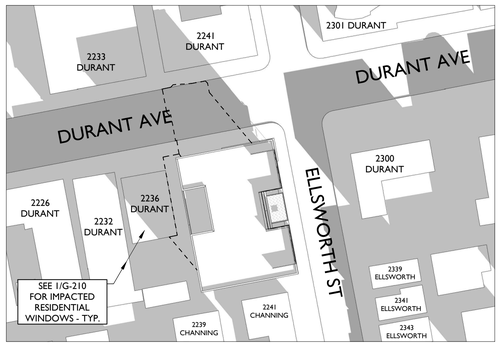

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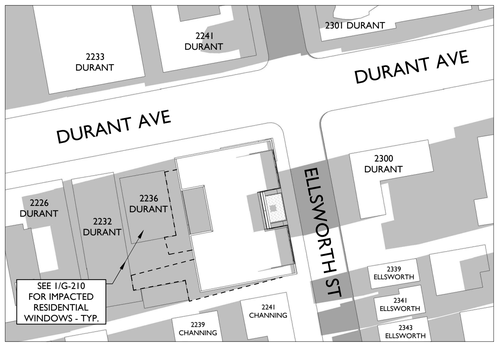

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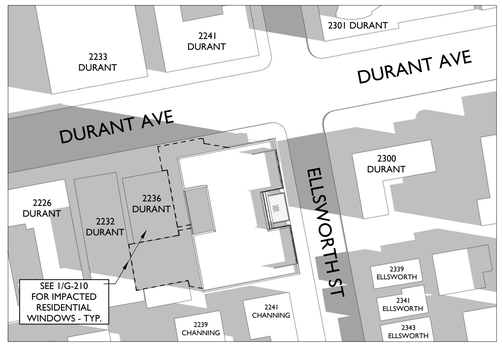

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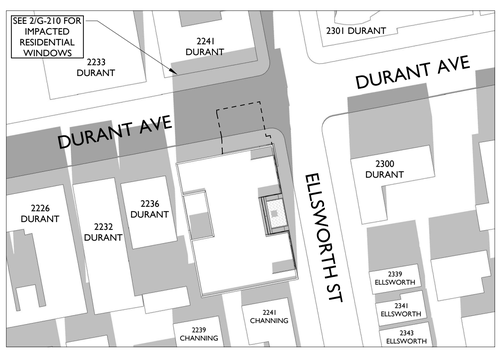

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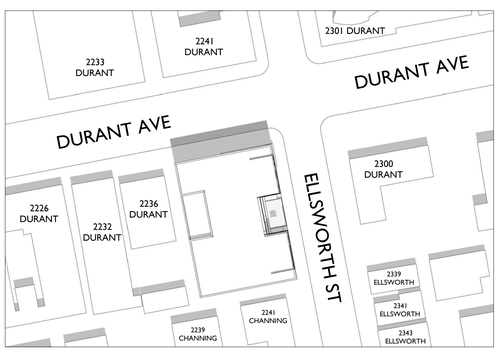

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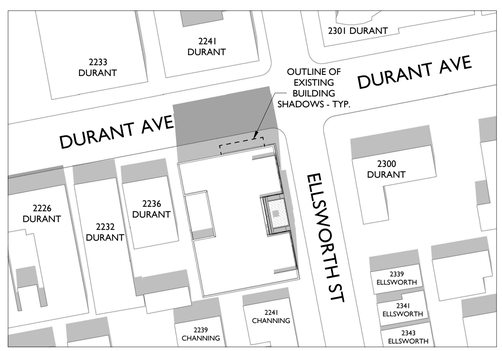

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VLC09

TITLE:
SHADOW STUDY
PROPOSED
W/ NEIGHBOR SHADOWS

SHEET:
G-203

4 ELLSWORTH EAST-SIDE SHADOW IMPACTS - 6/20

2 DURANT NORTHWEST-SIDE SHADOW IMPACTS - 12/21

3 DURANT NORTHEAST-SIDE SHADOW IMPACTS - ALL STUDY DAYS

1 DURANT SOUTH-SIDE SHADOW IMPACTS - ALL STUDY DAYS

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:

08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.

CITY PERMIT RECORD:

PROJECT: VLC09

TITLE: SHADOW STUDY ADJACENT BLDGS

SHEET: **G-210**

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON - AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS AND MUST APPROVE ANY SUBSTITUTIONS BEFORE PROCEEDING WITH THE WORK AFFECTED THEREBY. ANY UNAUTHORIZED CHANGES OR USES OF THESE PLANS WITHOUT THE AFFECTED ENGINEER'S OR SURVEYOR'S PRIOR WRITTEN CONSENT SHALL BE MADE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO THE AFFECTED ENGINEER OR SURVEYOR.

IMPROVEMENT PLANS
2298 DURANT AVE BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

VICINITY MAP

BASIS OF BEARINGS:

THE LINE IN DURANT AVENUE BETWEEN THE STANDARD CITY FOR BERKELEY MONUMENT FOUND AT ELLSWORTH STREET AND THE INTERSECTION OF THE REFERENCE POINTS AT FULTON STREET WAS TAKEN AS N83°00'00"E, PROJECTED AS SHOWN ON PARCEL MAP NO. 10100, FILED IN BOOK 320 OF MAPS, AT PAGES 96 THROUGH 100, ALAMEDA COUNTY RECORDS.

VERTICAL DATUM / BENCHMARK:

ELEVATIONS FOR THIS SURVEY ESTABLISHED BY HOLDING THE ELEVATION OF 211.60' ON THE TOP OF A 3/8^{THS} INCH BRASS PIN IN A MONUMENT WELL FOUND AT THE INTERSECTION OF ELLSWORTH STREET AND DURANT AVENUE, AS SHOWN ON THIS MAP. THIS MONUMENT WAS TAKEN AS CITY OF BERKELEY MONUMENT B0401, HELD PER CORNER RECORD 7052 AND CITY SURVEYOR'S NOTES AS CITY OF BERKELEY DATUM.
ELEVATION = 211.60' COB DATUM

TITLE REPORT NOTE:

THE INFORMATION REGARDING EXISTING EASEMENTS OR OTHER ENCUMBRANCES SHOWN ON THIS SURVEY IS BASED ON FIRST AMERICAN TITLE INSURANCE COMPANY PRELIMINARY TITLE REPORTS PROVIDED TO THE SURVEYOR, THE FIRST HAVING ORDER NUMBER NCS-1183023-CC, DATED MAY 31, 2023, AND THE SECOND HAVING ORDER NUMBER NCS-1177686, AMENDED, DATED APRIL 11, 2023. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES OF RECORD THAT EXIST BUT ARE NOT DELINEATED HEREON.

UTILITIES NOTE:

INFORMATION SHOWN ON THIS SURVEY REGARDING EXISTING UTILITIES IS APPROXIMATE ONLY, IS BASED ON VISUAL OBSERVATIONS AND/OR UTILITY COMPANY RECORDS, AND HAS NOT BEEN VERIFIED AS BEING COMPLETE OR CORRECT. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE EXISTING UTILITY INFORMATION SHOWN HEREON, NOR FOR THE PRESENCE OF OTHER UTILITIES WHICH MAY EXIST BUT ARE NOT SHOWN ON THIS SURVEY.

REFERENCES:

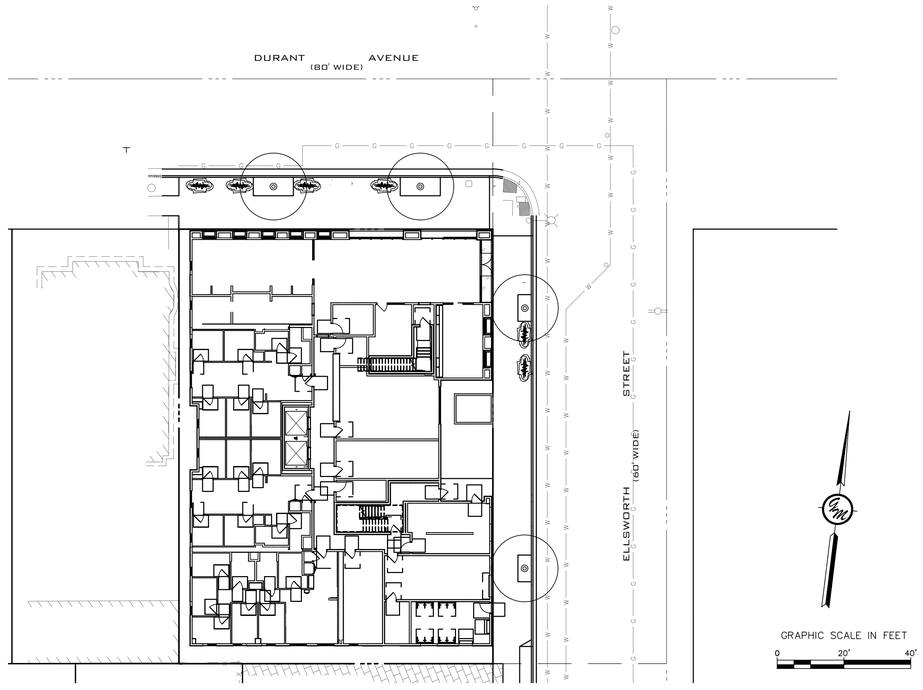
(1) --- PARCEL MAP 10100, FILED BOOK 320 OF MAPS AT PAGES 96-100 ON OCTOBER 8TH, 2012, ALAMEDA COUNTY RECORDS (ACR).
(2) --- PARCEL MAP 9152, FILED BOOK 300 OF MAPS AT PAGES 25-26 ON JULY 18TH, 2007, ACR.
(3) --- CORNER RECORD 7052, FILED BOOK 67 OF CORNER RECORDS AT PAGE 20 ON MAY 8TH, 2015, ACR.
(4) --- CORNER RECORD 10921, FILED BOOK 105 OF CORNER RECORDS AT PAGE 22 ON NOVEMBER 7TH, 2017, ACR.
(5) --- CORNER RECORD 12003, FILED BOOK 114 OF CORNER RECORDS AT PAGE 5 ON SEPTEMBER 24TH, 2018, ACR.
(6) --- CORNER RECORD 7857, FILED BOOK 75 OF CORNER RECORDS AT PAGE 24 ON DECEMBER 23RD, 2015, ACR.
(7) --- MAP OF COLLEGE HOMESTEAD, FILED LIBER - "T" OF DEEDS AT PAGE 799 ON MAY 15, 1866, ACR.
(8) --- GRANT DEED INSTRUMENT NO. 2024000008, RECORDED JANUARY 2ND, 2024.
(9) --- GRANT DEED INSTRUMENT NO. 2013122970, RECORDED APRIL 5TH, 2013.

BOUNDARY NOTE:

ALL BEARINGS AND DISTANCES SHOWN ARE COMPILED OR CALCULATED FROM RECORD INFORMATION AS SHOWN ON RECORDS OF ALAMEDA COUNTY, CA., AND ARE NOT INTENDED TO REPRESENT FINAL SURVEYED VALUES.

CONTACT 811 BEFORE YOU DIG
811
SAFE DIGGING PARTNER

TOPOGRAPHIC SURVEY & BENCHMARK INFORMATION



SITE

MUNICIPALITY STAMPS

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JEFFERY MOORE
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(510) 581-2772

OWNER/APPLICANT:
VALIANCE CAPITAL
NHAN NGUYEN LE
2425 CHANNING WAY,
STE B, PMB #820
BERKELEY, CA 94705

PROPERTY ADDRESS:
2298 DURANT AVE.
BERKELEY, CA

ASSESSOR'S PARCEL NO:
APN: 055-1887-001 &
055-1887-002

SANITARY SEWER BY:
CITY OF BERKELEY

WATER SERVICE BY:
EAST BAY MUNICIPAL UTILITY DISTRICT

GAS & ELECTRIC SERVICE BY:
PACIFIC GAS & ELECTRIC COMPANY

FIRE PROTECTION BY:
BERKELEY FIRE DEPARTMENT

PROJECT INFORMATION

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C0.2	NOTES
C1.0	TOPOGRAPHIC SURVEY & DEMOLITION PLAN
C2.0	SITE PLAN
C3.0	UTILITY PLAN
C4.0	GRADING PLAN
C4.1	GRADING PLAN
C4.2	SECTIONS
C5.0	STORMWATER CONTROL PLAN
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C6.0	EROSION CONTROL PLAN
C7.0	DETAILS
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C7.3	EROSION CONTROL DETAILS
C7.4	CITY OF BERKELEY DETAILS

SHEET INDEX

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REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

COVER SHEET

CHECKED BY: BD
DRAWN BY: ST
SCALE: 1"=20'
DATE 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C0.0

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON - AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN ON THESE PLANS PRIOR TO THE PREPARATION OF SHOP DRAWINGS. ALL SHOP DRAWINGS MUST BE APPROVED BY THIS OFFICE PRIOR TO THE FABRICATION OF ANY MATERIALS OR EQUIPMENT.

AB	AGGREGATE BASE
ABAG	ASSOCIATION OF BAY AREA GOVERNMENTS
ABS	ACRYLONITRILE BUTADIENE STYRENE
AC	ASPHALTIC CONCRETE
ACWD	ALAMEDA COUNTY WATER DISTRICT
AD	AREA DRAIN
ADA	AMERICAN DISABILITIES ACT
AE	ACCESS EASEMENT
AL	AREA LIGHT
ANC	ANCHOR
ANG PT	ANGLE POINT
AP	ANCHOR POLE
ARV	AIR RELIEF VALVE
ASB	AGGREGATE SUB-BASE
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
BC	BEGINNING OF CURVE
BLDG	BUILDING
BOC	BACK OF CURB
BOW	BACK OF SIDEWALK
BM	BENCH MARK
BO	BLOWOFF
BPD	BACKFLOW PREVENTION DEVICE
BVC	BEGINNING OF VERTICAL CURVE
BVCE	BEGINNING OF VERTICAL CURB ELEVATION
BVCS	BEGINNING OF VERTICAL CURB STATION
BW	BOTTOM OF WALL
CATV	CABLE TELEVISION
C&G	CURB AND GUTTER
CB	CATCH BASIN
CCCSD	CENTRAL CONTRA COSTA SANITARY DISTRICT
CFS	CUBIC FEET PER SECOND
CIP	CAST IRON PIPE
CL	CENTERLINE
CL II	CLASS 2
CLR	CLEAR
CMP	CORRUGATED METAL PIPE
CO	CLEANOUT
CONF	CONFORM
CONC	CONCRETE
COTG	CLEANOUT TO GRADE
CVSAN	CASTRO VALLEY SANITARY DISTRICT
CY	CUBIC YARDS
DI	DROP INLET/DRAIN INLET
DIP	DUCTILE IRON PIPE
DMA	DRAINAGE MANAGEMENT AREA
DWG	DRAWING
DWY	DRIVEWAY
(E)	EXISTING
EA	EACH
EBMUD	EAST BAY MUNICIPAL UTILITY DISTRICT
EC	END OF CURVE
EG	EXISTING GRADE
ELEC	ELECTRIC
ELECTRO	ELECTROLIER
ELEV	ELEVATION
EP	EDGE OF PAVEMENT
EQ	EQUAL DISTANCE
EV	ELECTRIC VEHICLE
EVAE	EMERGENCY VEHICLE ACCESS EASEMENT
EVC	END OF VERTICLE CURVE
EVCE	END OF VERTICAL CURB ELEVATION
EVCS	END OF VERTICAL CURB ELEVATION
EW	EACH WAY
FM	FORCE MAIN
FC	FACE OF CURB
FDC	FIRE DEPARTMENT CONNECTION
FF	FINISH FLOOR
FG	FINISH GRADE
FH	FIRE HYDRANT
FI	FIELD INLET
FL	FLOWLINE
FS	FINISH SURFACE
G	GAS MAIN
GAS V	GAS VALVE
GB	GRADE BREAK
GM	GAS METER
GR	GRATE ELEVATION
GV	GATE VALVE
G&M	GREENWOOD & MOORE
HC	HANDICAP
HGL	HYDRAULIC GRADE LINE
HOR	HORIZONTAL
HP	HIGH POINT
INT	INTERSECTION
INV	INVERT ELEVATION
ISA	INTERNATIONAL SYMBOL OF ACCESSIBILITY
JP	JOINT POLE
JT	JOINT TRENCH
L	LENGTH
LAT	SEWER LATERAL
LBS	POUND
LF	LENGTH IN FEET
LP	LOW POINT
LS	LENGTH IN FEET
LT	LEFT
MAX	MAXIMUM
MH	MANHOLE
MIN	MINIMUM
MON	MONUMENT
(N)	NEW
NTS	NOT TO SCALE
OC	ON CENTER
OD	OUTSIDE DIAMETER
P	PAVEMENT
PCC	PORTLAND CONCRETE CEMENT
PCF	POUNDS PER CUBIC FOOT
PG&E	PACIFIC GAS & ELECTRIC COMPANY
PI	POINT OF INTERSECTION
PIV	POST INDICATOR VALVE
POC	POINT OF CURVE
PRC	POINT OF REVERSE CURVATURE
PSDE	PRIVATE STORM DRAIN EASEMENT
PSI	POUND PER SQUARE INCH
PL	PROPERTY LINE
PT	POINT OF TANGENCY
PUE	PUBLIC UTILITY EASEMENT
PV	PAVEMENT
PVC	POLY VINYL CHLORIDE
PVI	POINT OF VERTICAL INTERSECTION
R	RADIUS
(R)	RADIAL LINE
RL	RIDGE LINE
RCP	REINFORCED CONCRETE PIPE
RIM	RIM ELEVATION
RT	RIGHT
ROW	RIGHT OF WAY
S	SLOPE
SD	STORM DRAIN
SDCO	STORM DRAIN CLEANOUT
SDE	STORM DRAIN EASEMENT
SDMH	STORM DRAIN MANHOLE
SF	SQUARE FEET
SHT	SHEET
SIM	SIMILAR
SL	STREET LIGHT
SS	SANITARY SEWER
SSCO	SANITARY SEWER CLEANOUT/RISER
SSMH	SANITARY SEWER MANHOLE
STA	STATION
STD	STANDARD
SW	SIDEWALK
SWC	STORM UNDER CONTROL
T	TELEPHONE LINE
TBO	TEMPORARY BLOWOFF
TC	TOP OF CURB
TCM	TREATMENT CONTROL MEASURE
TELE	TELEPHONE
TH	THRESHOLD
TS	TRAFFIC SIGNAL
TW	TOP OF WALL
TYP	TYPICAL
UNO	UNLESS NOTED OTHEWISE
USD	UNION SANITARY DISTRICT
VAR	VARIES
VC	VERTICAL CURVE
VCP	VITRIFIED CLAY PIPE
VERT	VERICAL
VIF	VERIFY IN FIELD
W	WATER
W/	WITH
W/O	WITHOUT
WM	WATER METER
WV	WATER VALVE
YL	YARD LIGHT

ABBREVIATIONS

PROPOSED	EXISTING	DESCRIPTION
		AREA DRAIN
		AREA LIGHT
		BLOWOFF
		BRUSH LINE
		BUILDING
	CTV	CABLE TV
		CLEANOUT
		CONCRETE
		CURB
		CURB & GUTTER
		CURB, GUTTER & SIDEWALK
		CUT/FILL LINE
		DAYLIGHT LINE
		DROP INLET
E	E	ELECTRIC LINE
		ELECTROLIER
		FDC
x x x	x x x	FENCE
		FIRE HYDRANT
F		FIRE MAIN
G	G	GAS MAIN/SERVICE
		GAS VALVE
GM	GM	GAS METER
UPA	UPA	GUY ANCHOR
		ACCESSIBLE SPACE
		INLET
JT	JT	JOINT TRENCH
		MONUMENT
		OVERLAND RELEASE
		RIDGE LINE
		SANITARY SEWER CLEANOUT
SS	SS	SANITARY SEWER LINE
		SAWCUT LINE
		SIGN
3.0%		SLOPE
		STORM DRAIN MANHOLE
SD	SD	STORM DRAIN LINE
		SANITARY SEWER MANHOLE
		SWALE
T		TELEPHONE LINE
		TRAFFIC SIGNAL
		TRANSFORMER
		TREE
		JOINT POLE
		VALLEY GUTTER
		WALL
W	W	WATER MAIN
	WM	WATER METER
		WATER VALVE

LEGEND

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STATE OF CALIFORNIA

IMPROVEMENT PLAN
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GENERAL NOTES:

1. THESE PLANS AND SPECIFICATIONS ARE SUBJECT TO MODIFICATION DURING CONSTRUCTION WHEN CONDITIONS DEVELOP THAT WERE NOT APPARENT DURING THE DESIGN AND PREPARATION OF THESE PLANS. ALL MODIFICATIONS MUST BE APPROVED BY THE CITY ENGINEER PRIOR TO CONSTRUCTION AND/OR IMPLEMENTATION.
2. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF BERKELEY STANDARD SPECIFICATIONS AND DETAILS SUBJECT TO THE INSPECTION AND APPROVAL OF THE ENGINEERING DIVISION OF THE PUBLIC WORKS DEPARTMENT. ALL REVISIONS MUST BE APPROVED BY THE CITY PRIOR TO CONSTRUCTION.
3. PRIOR TO COMMENCEMENT OF CONSTRUCTION, A PRE-JOB CONFERENCE SHALL BE REQUESTED BY THE DEVELOPER THROUGH THE CITY ENGINEER,
4. BEFORE COMMENCEMENT OF WORK, THE CONTRACTOR SHALL REVIEW ALL PLANS AND SPECIFICATIONS AND THE JOB SITE. THE CONTRACTOR WILL NOTIFY THE OWNER, THE ENGINEER WHO PREPARED THE PLANS, AND THE CITY ENGINEER OF ANY DISCREPANCIES THAT MAY REQUIRE MODIFICATION TO THESE PLANS OR OF ANY FIELD CONFLICTS.
5. APPROVAL OF THESE PLANS BY THE CITY ENGINEER SHALL NOT RELIEVE THE DEVELOPER OR THE ENGINEER FROM THE RESPONSIBILITY FOR THE DESIGN OF THE IMPROVEMENTS AND FOR ANY DEFICIENCIES RESULTING FROM THE DESIGN THEREOF.
7. ALL LANDSCAPING IS SUBJECT TO CITY INSPECTION. ANY CHANGE IN THE APPROVED LANDSCAPE PLAN MUST BE APPROVED BY THE CITY'S DESIGN REVIEW STAFF.
8. SHOULD IT APPEAR THAT THE WORK TO BE DONE OR ANY MATTER RELATIVE THERETO IS NOT SUFFICIENTLY DETAILED OR EXPLAINED ON THESE PLANS, THE CONTRACTOR SHALL CONTACT THE PROJECT ENGINEER FOR SUCH FURTHER EXPLANATIONS AS MAY BE NECESSARY.
9. IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS. THE CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY, AND HOLD THE CITY, THE OWNER, AND DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT, EXCEPT FOR LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE OWNER OR DESIGN PROFESSIONAL.
10. THE CONTRACTOR'S ATTENTION IS DIRECTED TO THE REQUIREMENTS OF THE DIVISION OF INDUSTRIAL SAFETY PERTAINING TO "CONFINED SPACES". ANY MANHOLE, CULVERT, DROP INLET OR TRENCH WHICH COULD CONTAIN AIR WHICH IS NOT READILY VENTILATED MAY BE CONSIDERED A "CONFINED SPACE". THE CONTRACTOR SHALL PROVIDE THE NECESSARY SAFETY OR TESTING EQUIPMENT AND PERSONNEL.
11. THE CONTRACTOR SHALL BE HELD RESPONSIBLE FOR ANY AND ALL DAMAGE TO EXISTING STRUCTURES AND/OR UTILITIES DURING CONSTRUCTION, PROPER REPAIR SHOULD BE DONE TO THE SATISFACTION OF THE REPRESENTATIVE OF THE CITY ENGINEER.
12. TO THE EXTENT FEASIBLE, SCHEDULE THE NOISIEST CONSTRUCTION ACTIVITIES DURING TIMES THAT WOULD HAVE THE LEAST IMPACT ON ADJACENT PROPERTIES. THIS WOULD INCLUDE RESTRICTING TYPICAL DEMOLITION AND EXTERIOR CONSTRUCTION ACTIVITIES TO STANDARD HOURS OF 7:00 AM TO 5:30 PM MONDAY THROUGH FRIDAY AND 8:00 AM TO 4:30 PM ON SATURDAY. THE CONTRACTOR SHALL ENSURE THAT ALL EQUIPMENT POWERED BY INTERNAL COMBUSTION ENGINES ARE FITTED EFFECTIVELY WITH MUFFLERS IN GOOD OPERATING CONDITION. WHERE FEASIBLE, NOISE GENERATING EQUIPMENT SHOULD BE STAGED AS FAR AWAY FROM EXISTING RESIDENCES, AND MOBILE EQUIPMENT SHOULD NOT BE ALLOWED TO IDLE UNNECESSARILY NEAR THE RESIDENTIAL OR CHILD CARE USES. THE CONTRACTOR SHALL COORDINATE CONSTRUCTION ACTIVITIES THAT GENERATE NOISE WITH THE OWNER.
13. CONTRACTOR SHALL OBTAIN ENCROACHMENT PERMITS FROM THE CITY OF BERKELEY PUBLIC WORKS PRIOR TO COMMENCING CONSTRUCTION INVOLVING THEIR RIGHT-OF-WAY, AND FOR THE CONSTRUCTION, MODIFICATION, OR CONNECTION TO DEPARTMENT OR DISTRICT-MAINTAINED FACILITIES. ALL WORKMANSHIP, EQUIPMENT AND MATERIALS SHALL CONFORM TO DEPARTMENT STANDARDS AND SPECIFICATIONS.
14. THE FORMS FOR CONCRETE SIDEWALKS, CURBS, GUTTERS AND DRIVEWAYS THAT ARE TO BE CONSTRUCTED TO CONFORM TO EXISTING ROADS SHALL BE INSTALLED TO THE GRADES SHOWN UPON THESE PLANS. PRIOR TO PLACING CONCRETE, THE FORMS SHALL BE INSPECTED AND APPROVED BY THE CITY ENGINEER FOR CONFORMANCE TO EXISTING ROAD IMPROVEMENTS. GRADES OF NEW IMPROVEMENTS ARE SUBJECT TO FIELD ADJUSTMENT TO FIT CONDITIONS.
15. THE PROPOSED STREET STRUCTURAL SECTION IS TO BE DESIGNED BY A REGISTERED CIVIL ENGINEER AND APPROVED BY THE CITY ENGINEER.
16. IN CONFORM AREAS, IF FULL STRUCTURAL SECTION IS NOT FOUND AT THE APPARENT EDGE OF PAVEMENT, FURTHER STREET EXCAVATION WILL BE REQUIRED UNTIL THE FULL SECTION IS ENCOUNTERED.
17. TEMPORARY REPAIRS TO ALL TRENCHES WITHIN THE TRAVELED WAY ON EXISTING ROADS SHALL BE MADE WITHIN TWENTY-FOUR (24) HOURS OF TRENCH OPENING. MINIMUM TEMPORARY REPAIRS SHALL CONSIST OF BACKFILLING AND COMPACTING 6" OF AGGREGATE BASE AND 1" OF TEMPORARY ASPHALTIC SURFACING. PERMANENT REPAIRS, INCLUDING RESTORATION OF THE EXISTING STRUCTURAL SECTION SHALL BE MADE WITHIN FIFTEEN (15) DAYS OF TRENCH OPENING.
18. IN THE EVENT OF ANY DISCREPANCY BETWEEN ANY DRAWING AND THE FIGURES WRITTEN THEREON, THE FIGURES SHALL BE TAKEN AS CORRECT.
19. THE CONTRACTOR SHALL POST EMERGENCY TELEPHONE NUMBERS AT THE JOB SITE FOR THE CONTRACTOR AND PUBLIC WORKS AGENCY.
20. THE CONTRACTOR SHALL PROVIDE FOR INGRESS AND EGRESS TO PRIVATE PROPERTY ADJACENT TO THE WORK THROUGHOUT THE PERIOD OF CONSTRUCTION.
21. THE CONTRACTOR SHALL NOT DISTURB ANY PERMANENT SURVEY POINTS WITHOUT THE CONSENT OF THE CITY ENGINEER. ANY POINTS DESTROYED SHALL BE REPLACED BY A LICENSED SURVEYOR AT THE CONTRACTOR'S EXPENSE.
22. THE CONTRACTOR IS RESPONSIBLE FOR MATCHING EXISTING FACILITIES TO AVOID ANY ABRUPT OR APPARENT CHANGES IN GRADES OR CROSS SLOPES, LOW SPOTS, OR HAZARDOUS CONDITIONS.
23. CONTRACTOR SHALL SALVAGE AND RELOCATE EXISTING STREET SIGNS AND INSTALL NEW SIGNS PER CITY OF BERKELEY SPECIFICATIONS AS REQUIRED.
24. WHERE UNSTABLE OR UNSUITABLE MATERIALS ARE ENCOUNTERED DURING SUB-GRADE PREPARATION, THE AREA IN QUESTION SHALL BE OVER EXCAVATED AND REPLACED BY SELECT BACKFILL MATERIAL AS DIRECTED IN THE FIELD BY THE ENGINEER.
25. ALL TRENCH EXCAVATION AND BACKFILL SHALL BE IN ACCORDANCE WITH THE TRENCH BACKFILL DETAIL, SHOWN ON THESE PLANS.
26. ALL TREES LOCATED WITHIN THE ROADWAY PRISM OR SHOWN TO BE REMOVED IN THE STREET RIGHT-OF-WAY OR EASEMENTS SHALL BE REMOVED COMPLETELY, INCLUDING ROOTS, AND HAULED AWAY.
27. THE CONTRACTOR SHALL NOT REMOVE, DISTURB, OR HARM, IN ANY WAY, ANY TREE NOT SPECIFICALLY DESIGNATED AND APPROVED BY THE INSPECTOR FOR REMOVAL.
28. COMPACTION TESTS SHALL BE PERFORMED ON ALL TRENCHES AND STREET WORK TO VERIFY THAT COMPACTION CONFORMS TO CITY STANDARDS. ALL TESTING WILL BE AT THE DEVELOPER OR CONTRACTOR'S EXPENSE.
29. THE DUTIES OF THE CITY ENGINEER AND PROJECT ENGINEER DO NOT INCLUDE THE ADEQUACY OF THE CONTRACTOR'S SAFETY IN, ON, OR NEAR THE CONSTRUCTION SITE.
30. THE CONTRACTOR SHALL COMPLY WITH THE RULES AND REGULATIONS OF THE STATE CONSTRUCTION SAFETY ORDERS. ALL TRENCHES OVER FIVE FEET IN DEPTH SHALL BE SHORED IN ACCORDANCE WITH CAL-OSHA "CONSTRUCTION SAFETY ORDERS" CURRENT EDITION. CONTRACTOR MUST HAVE VALID TRENCH SHORING PERMIT ISSUED BY CAL-OSHA.
31. TRAFFIC CONTROL SHALL BE PROVIDED IN ACCORDANCE WITH CALTRANS "MANUAL OF TRAFFIC CONTROLS FOR CONSTRUCTION AND MAINTENANCE WORK ZONES" CURRENT EDITION AND THESE PLANS. A TRAFFIC CONTROL PLAN WILL BE REQUIRED AND A PERMIT WILL BE REQUIRED TO IMPLEMENT IT. CONTRACTOR SHALL MEET WITH TRAFFIC AND PUBLIC WORKS TO DISCUSS PROJECT NEEDS AND PREPARE TRAFFIC CONTROL PLANS.
32. THE CONTRACTOR SHALL PROVIDE ALL LIGHTS, SIGNS, BARRICADES, FLAGMEN, OR OTHER DEVICES NECESSARY TO PROVIDE FOR PUBLIC SAFETY. SUBMIT LANE CLOSURE AND TRAFFIC CONTROL PLANS PRIOR TO BEGINNING WORK TO THE CITY ENGINEER FOR APPROVAL.
33. ALL UNDERGROUND UTILITIES WITHIN THE RIGHT-OF-WAY OR ACCESS EASEMENT, INCLUDING MAINS AND LATERALS, SHALL BE INSTALLED AND BACKFILL COMPLETED PRIOR TO THE START OF CURB, SIDEWALK AND PAVING CONSTRUCTION.
34. ALL TRENCH BACKFILL WITHIN THE RIGHT-OF-WAY SHALL BE COMPACTED AS SHOWN IN CITY'S STANDARD PLANS OR AS RECOMMENDED BY THE ENGINEER. IF TESTS SHOW THAT THE ACTUAL COMPACTION HAS NOT EQUALED OR SURPASSED THAT WHICH IS RECOMMENDED, THE ENGINEER SHALL PROVIDE THE PROPOSED ACTION TO BE TAKEN.
35. ALL NEW STORM DRAIN INLETS SHALL BE STENCILED OR STAMPED WITH CITY'S CLEAN WATER PROGRAM STANDARD LOGO, "NO DUMPING – DRAINS TO BAY," PRIOR TO THE ACCEPTANCE OF THE SITE IMPROVEMENTS OR THE FINAL BUILDING INSPECTION, WHICHEVER OCCURS FIRST.
36. CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (USA) AT LEAST TWO WORKING DAYS PRIOR TO ANY EXCAVATION.
37. AN ENGINEERING PERMIT WILL BE REQUIRED FOR ANY WORK IN THE PUBLIC RIGHT-OF-WAY, INCLUDING BUT NOT LIMITED TO CONSTRUCTION STAGING, CONSTRUCTION PARKING, SIDEWALK, DRAINAGE, OR SEWER WORK. THE ENGINEERING PERMIT CAN BE ISSUED AFTER THE BUILDING PERMIT IS APPROVED AND ISSUED. APPROVAL OF THIS BUILDING PERMIT DOES NOT AUTHORIZE WORK IN THE PUBLIC RIGHT-OF-WAY.

DEMOLITION NOTES:

1. THE EXTENT OF DEMOLITION WORK IS TO BE AS SHOWN ON THIS PLAN. DEMOLITION INCLUDES COMPLETE WRECKING, REMOVAL AND DISPOSAL OF STRUCTURES, BURIED DEBRIS, FOUNDATIONS, PAVEMENT, CURBS, TREES & SHRUBS (INCLUDING ROOT SYSTEMS), DRAINAGE STRUCTURES, UTILITIES, SIGNAGE, LANDSCAPING AND/OR IRRIGATION SYSTEM, UNLESS OTHERWISE INDICATED ON THIS PLAN OR OTHERWISE DIRECTED BY THE OWNER OR HIS REPRESENTATIVE. EXISTING PERIMETER FENCES ARE TO REMAIN UNLESS OTHERWISE DIRECTED BY THE OWNER OR HIS REPRESENTATIVE
2. THIS DEMOLITION PLAN IS NOT INTENDED TO DETERMINE THE METHOD, DETAILS AND/OR MEANS OF PERFORMING THE DEMOLITION WORK. THIS PLAN MAKES NO INQUIRY OR DETERMINATION AS TO THE EXISTENCE OF HAZARDOUS OR TOXIC MATERIALS EXISTING ON SITE. IT IS RECOMMENDED THAT AN INDEPENDENT INQUIRY BE PERFORMED PRIOR TO DEMOLITION WORK TO DETERMINE THE EXISTENCE OF ANY POTENTIAL HAZARDOUS OR TOXIC RISK.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT, PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK.
4. ALL EXISTING UTILITIES AND APPURTENANCES THERETO SERVING ANY EXISTING STRUCTURE OR BUILDINGS AND THOSE IN THE PUBLIC RIGHT OF WAY SERVING PUBLIC UTILITIES ARE TO REMAIN AND SHALL BE PROTECTED IN PLACE UNLESS DIRECTED TO BE REMOVED AND REPLACED ELSEWHERE ON THESE PLANS.
5. THE CONTRACTOR SHALL CONTACT ALL ASSOCIATED UTILITY SUPPLIERS PRIOR TO DEMOLITION TO COORDINATE THE DISCONNECTION AND REMOVAL OR ABANDONMENT OF UTILITIES (I.E. TELEPHONE, ELECTRICAL, WATER, SEWER, ETC.) SERVING THE STRUCTURE TO BE DEMOLISHED.
6. THE CONTRACTOR SHALL OBTAIN A LIST OF ITEMS TO BE SALVAGED FROM THE OWNER PRIOR TO COMMENCING THE DEMOLITION WORK.
7. THE FINISHED GROUND SURFACE SHALL BE LEFT IN A SMOOTH, UNIFORM GRADED CONDITION.
8. DEMOLITION OPERATIONS AND REMOVAL OF DEBRIS SHALL BE CONDUCTED IN A MANNER TO INSURE MINIMUM INTERFERENCE WITH STREETS, SIDEWALKS AND OTHER ADJACENT OCCUPIED OR UTILIZED FACILITIES.
9. THE CONTRACTOR SHALL INSURE THE SAFE PASSAGE OF PERSONS AROUND THE DEMOLITION AREA. CONDUCT OPERATIONS TO PREVENT DAMAGE TO ADJACENT BUILDINGS, STRUCTURES AND OTHER FACILITIES.
10. THE CONTRACTOR SHALL PROMPTLY REPAIR ANY DAMAGE CAUSED TO ADJACENT FACILITIES BY DEMOLITION OPERATIONS AT NO COST TO THE OWNER.
11. USE WATER SPRINKLING, TEMPORARY ENCLOSURES AND OTHER SUITABLE METHODS TO LIMIT DUST AND DIRT SCATTERING AND RISING IN AIR TO LOWEST PRACTICAL LEVEL. COMPLY WITH GOVERNING REGULATIONS PERTAINING TO ENVIRONMENTAL PROTECTION. CONTRACTOR IS RESPONSIBLE FOR CLEANLINESS OF ADJACENT STRUCTURES AND IMPROVEMENTS. SUCH IMPROVEMENTS SHALL BE KEPT FREE OF DUST, DIRT AND DEBRIS CAUSED BY DEMOLITION OPERATIONS. RETURN ADJACENT AREAS TO CONDITIONS EXISTING PRIOR TO START OF WORK.
12. DUST CONTROLS SHALL BE IMPLEMENTED DURING ALL DEMOLITION AND GRADING OPERATIONS. PUBLIC STREETS SHALL BE SWEPT CLEAN AS NECESSARY.
13. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL REQUIRED TRAFFIC CONTROL AND SAFETY ISSUES.
14. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION COORDINATION WITH ALL ADJACENT PROPERTY OWNERS FOR WORK TO BE PERFORMED ON THEIR PROPERTIES.
15. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF ALL REQUIRED TEMPORARY ACCESS DEVICES (TRENCH PLATES, FENCES, ETC) AS REQUIRED TO ALLOW ACCESS DURING THE COURSE OF CONSTRUCTION.
16. ALL DEMOLITION WORK SHALL BE IN ACCORDANCE WITH CITY SPECIFICATIONS AND STANDARDS.
17. FIELD VERIFY ALL UTILITY TERMINATION POINTS, SIZES AND LOCATIONS PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE CAPPED, ABANDONED OR MODIFIED SHOULD BE "POTHOLED" TO CONFIRM THEIR SIZE, LOCATION AND CONFIGURATION PRIOR TO CONSTRUCTION.
18. GENERAL CONTRACTOR SHALL PROVIDE A UTILITY REMOVAL/RELOCATION PLAN FOR CLIENT'S REVIEW PRIOR TO CONSTRUCTION.

GRADING NOTES:

1. THE DEVELOPER SHALL, AT HIS SOLE EXPENSE, MAKE TESTS OVER THE SOIL ON WHICH THE ROAD SURFACING AND BASE IS TO BE CONSTRUCTED.
2. A REPRESENTATIVE OF THE SOILS ENGINEER SHALL BE ON THE SITE DURING GRADING OPERATIONS AND SHALL OBSERVE THE GRADING AND IDENTIFY ANY CONDITIONS THAT SHOULD BE CORRECTED AND RECOMMEND CORRECTIVE MEASURES TO THE CONTRACTOR AND THE CITY ENGINEER.
3. GRADING AT THE BOUNDARIES OF THIS PROJECT SHALL BE DONE SO AS NOT TO OBSTRUCT THE RUNOFF OF STORM WATERS FROM ADJACENT PROPERTIES. ALL GRADING SHALL BE DONE TO PROVIDE STABLE SLOPES WHICH SHALL DRAIN ONTO THIS PROJECT, WHICH IN TURN SHALL BE GRADED TO STREETS OR DRAINAGE DITCHES OR ACROSS LAND WITHIN THIS PROJECT, WHICH IN TURN SHALL BE GRADED TO STREETS OR TO DRAINAGE FACILITIES SHOWN ON THESE PLANS. GRADING SHALL BE DONE IN SUCH A MANNER THAT ALL NEW SLOPES SHALL DIRECT STORM WATER TO THE STREETS OR INTERCEPTION DITCHES OR ACROSS LAND WITHIN THIS PROJECT AND SHALL NOT DIVERT OR CREATE A MEANS FOR STORM WATER TO FLOW ONTO ADJACENT PROPERTIES, EXCEPT AS INDICATED ON THE PLANS.
4. GRADING SHALL NOT BE PERMITTED ON THE SITE UNTIL A GRADING PERMIT IS ISSUED IN ACCORDANCE WITH THE CITY OF BERKELEY GENERAL ORDINANCE AND CODES FOR GRADING, EROSION AND SEDIMENT CONTROLS.
5. ALL GRADING, EROSION AND SEDIMENTATION CONTROL AND RELATED WORK UNDERTAKEN ON THIS SITE IS SUBJECT TO ALL TERMS AND CONDITIONS OF THE GRADING ORDINANCE AND APPLICATION FOR GRADING.
6. IF GRADING ON THE SITE IS STARTED, CONTINUED OR ABANDONED BETWEEN OCTOBER FIRST AND APRIL FIFTEENTH OF ANY YEAR OF CONSTRUCTION, ALL EROSION AND SEDIMENT CONTROL IMPROVEMENTS AND PLANTING SHALL BE COMPLETED PRIOR TO OCTOBER FIRST.
7. CONTRACTOR SHALL KEEP EXISTING STREETS FREE FROM DIRT AND DEBRIS DURING ALL PHASES OF CONSTRUCTION TO THE SATISFACTION OF THE CITY ENGINEER. ALL TRASH, CONSTRUCTION DEBRIS, AND MATERIALS WILL BE CONTAINED ON SITE UNTIL DISPOSAL OFF-SITE CAN BE ARRANGED.
8. DUST CONTROL MEASURES AS APPROVED BY THE CITY ENGINEER SHALL BE FOLLOWED IN ALL AREAS UNDERGOING GRADING AND OTHER CONSTRUCTION ACTIVITIES.

THE GRADING WORK DEPICTED HEREON SHALL CONFORM TO THE RECOMMENDATIONS CONTAINED IN THE SOIL INVESTIGATION TITLED "GEOTECHNICAL INVESTIGATION PROPOSED RESIDENTIAL BUILDING 2298 DURANT AVENUE BERKELEY, CALIFORNIA."

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9. WHERE SOIL OR GEOLOGIC CONDITIONS ENCOUNTERED IN GRADING OPERATIONS ARE DIFFERENT FROM THOSE ANTICIPATED IN THE SOIL AND GEOLOGIC INVESTIGATION REPORT, OR WHERE CONDITIONS WARRANT CHANGES TO THE RECOMMENDATIONS CONTAINED THEREIN, A REVISED SOIL OR GEOLOGIC REPORT SHALL BE SUBMITTED FOR APPROVAL AND SHALL BE ACCOMPANIED BY AN ENGINEERS OPINION AS TO THE SAFETY OF THE SITE FROM THE POSSIBILITY OF LAND SLIPPAGE, SETTLEMENT AND SEISMIC ACTIVITY.
10. THE PROJECT ENGINEER AND GEOLOGIST SHALL PROVIDE A DECLARATION STATING THAT ALL WORK WAS DONE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS AND THE RECOMMENDATIONS CONTAINED IN THE SOIL AND GEOLOGIC REPORT.
11. THE SOILS ENGINEER SHALL BE NOTIFIED AT LEAST TWO (2) WORKING DAYS PRIOR TO PLACEMENT OF FILL SO THAT ARRANGEMENTS FOR INSPECTION CAN BE MADE.
12. THE CONTRACTOR SHALL ARRANGE A PRE-CONSTRUCTION MEETING WITH THE CITY ENGINEER BEFORE THE START OF CONSTRUCTION. THE CONTRACTOR SHALL CONTACT THE REVIEW ENGINEER AT (510) 581-2772 TO ARRANGE A TIME FOR THE MEETING.
13. OPERATIONS SHALL CEASE IN THE VICINITY OF ANY SUSPECTED ARCHAEOLOGICAL RESOURCE UNTIL AN ARCHAEOLOGIST IS CONSULTED AND HIS OR HER RECOMMENDATIONS FOLLOWED, SUBJECT TO APPROVAL BY THE PLANNING DIRECTOR. IF EVIDENCE OF HUMAN REMAINS IS DISCOVERED ON THE SITE, THE COUNTY CORONER SHALL BE NOTIFIED IMMEDIATELY.
14. ANY WATER WELL, CATHODIC PROTECTION WELL OR EXPLORATORY BORING THAT IS SHOWN ON THESE PLANS, IS KNOWN TO EXIST, IS PROPOSED OR IS LOCATED DURING THE COURSE OF FIELD OPERATIONS MUST BE PROPERLY DESTROYED, BACKFILLED OR MAINTAINED IN ACCORDANCE WITH THECITY OF BERKELEY REGULATIONS.
15. EXISTING UNDERGROUND FACILITIES AS SHOWN ARE APPROXIMATE ONLY AND WERE OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PROJECT ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF EXISTING UTILITY INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL LOCAL UTILITIES AND TO HAVE ALL FACILITIES LOCATED AND EXPOSED TO VERIFY THE CLEARANCE AT NEW PIPE CROSSINGS PRIOR TO THE START OF NEW PIPELINE CONSTRUCTION.

FIRE PROTECTION AND DOMESTIC WATER NOTES:

1. ALL DOMESTIC WATER LINES 4" AND LARGER SHALL BE C900, CLASS 200 PIPE. DOMESTIC WATER LINES SMALLER THAN 4" SHALL BE PVC SCHEDULE 80.
2. EBMUD SPECIFICATIONS AND STANDARDS ARE INCORPORATED HEREON BY REFERENCE. ALL DOMESTIC AND FIRE WATER LINE CONSTRUCTION FROM THE CONNECTION TO THE MAIN TO THE BACKFLOW/DOUBLE DETECTOR CHECK VALVE SHALL BE INSTALLED PER EBMUD STANDARDS AND SPECIFICATIONS.
3. AN EBMUD PERMIT IS REQUIRED FOR CONNECTIONS TO EBMUD FACILITIES.
4. ALL EXISTING WATER SERVICES TO BE ABANDONED SHALL BE DONE PER EBMUD STANDARDS AND SPECIFICATIONS.
5. INSTALL LOCATOR WIRE DIRECTLY ON TOP OF THE PIPE AND MAGNETIC TAPE WITHIN 12" ABOVE ALL PLASTIC WATER PIPES.
6. THE FIRE SYSTEM DESIGN SHOWN ON THESE PLANS ARE FOR GENERAL PURPOSES ONLY. REFER TO FIRE SYSTEM SHOP DRAWINGS AND SPECIFICATIONS, BY GENERAL CONTRACTOR, FOR ADDITIONAL INFORMATION.

UTILITY NOTES:

1. FIELD VERIFY ALL UTILITY TERMINATION POINTS, SIZES AND LOCATIONS PRIOR TO CONSTRUCTION. ALL UTILITIES TO BE CAPPED, ABANDONED OR MODIFIED SHOULD BE "POTHOLED" TO CONFIRM THEIR SIZE, LOCATION AND CONFIGURATION PRIOR TO CONSTRUCTION.
2. GENERAL CONTRACTOR SHALL PROVIDE A UTILITY REMOVAL/RELOCATION PLAN FOR CLIENT'S REVIEW PRIOR TO CONSTRUCTION.
3. IT IS RECOMMENDED THAT ALL EXISTING UTILITIES THAT ARE TO BE REMOVED, RELOCATED, MODIFIED OR IMPACTED BY THE PROPOSED CONSTRUCTION BE FIELD LOCATED BY THE GENERAL CONTRACTOR PRIOR TO THE START OF CONSTRUCTION. THE INTENT OF THE UTILITY DESIGN IS TO CONTINUE TO USE THE MAJORITY OF THE EXISTING UTILITIES. THE LOCATION OF MOST OF THE UTILITIES ARE UNKNOWN OR UNVERIFIED. IF THE EXISTING UTILITIES ARE NOT LOCATED AS INDICATED ON THE PLAN, SUBSTANTIAL REDESIGN WORK MAY BE REQUIRED. THE GENERAL CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DISCREPANCIES IN THE PLANS.
4. DEMOLISH AND REMOVE ALL EXISTING UTILITIES AND SUPPORT STRUCTURES AT BUILDINGS TO BE REMOVED.
5. ALL EXISTING UTILITY BOXES, LIDS, VALVE COVERS, VAULTS, ETC. THAT ARE TO REMAIN SHALL BE ADJUSTED TO MEET THE NEW FINISHED GRADES (AS REQUIRED). RE-USE EXISTING BOXES, LIDS, VALVE COVERS, VAULTS (IF POSSIBLE), OR INSTALL NEW PER COUNTY REQUIREMENTS. REPLACE ALL DAMAGED ITEMS. MATCH EXISTING SIZES. INSTALL/REPLACE TRAFFIC RATED BOXES WHERE REQUIRED. FIELD VERIFY THE EXTENT OF WORK.
6. REMOVE OR ABANDON ALL UNUSED SITE UTILITIES PER LOCAL REQUIREMENTS. FIELD VERIFY EXTENT OF REMOVAL.
7. THE CONTRACTOR IS RESPONSIBLE TO NOTIFY ALL UTILITIES AND UNDERGROUND SERVICE ALERT AT (800) 227-2600 48 HOURS PRIOR TO ANY EXCAVATION SO THAT THEIR LINES CAN BE MARKED.
8. ABANDONED UNDERGROUND STRUCTURES ENCOUNTERED IN THE STREET AREAS SHALL BE REMOVED TO SUFFICIENT DEPTH TO ALLOW UNDERGROUND LINES TO CROSS. EXCAVATED AREAS SHALL BE FILLED AND COMPACTED DURING ROUGH GRADING. THE COUNTY INSPECTOR MAY REQUIRE ADDITIONAL WORK BE DONE IF VISUAL INSPECTION INDICATES IT IS NECESSARY.
9. EXISTING UNDERGROUND FACILITIES AS SHOWN ARE APPROXIMATE ONLY AND WERE OBTAINED FROM AVAILABLE UTILITY RECORDS. THE PROJECT ENGINEER ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF EXISTING UTILITY INFORMATION. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO CONTACT ALL LOCAL UTILITIES AND TO HAVE ALL FACILITIES LOCATED AND EXPOSED TO VERIFY THE CLEARANCE AT NEW PIPE CROSSINGS PRIOR TO THE START OF NEW PIPELINE CONSTRUCTION.
10. ANY RELOCATION OF THE PUBLIC UTILITIES SHALL BE DONE IN ACCORDANCE WITH ANY AND ALL REQUIREMENTS OF THE UTILITY COMPANY AND WITH REGARD TO THE REQUIRED FEES, BONDS, PERMITS, WORKING CONDITIONS, ETC. OF SAID COMPANY. THIS WORK SHALL BE DONE AT NO EXPENSE TO THE COUNTY OF ALAMEDA. THE SUBDIVIDER SHALL PAY THE COST OF ALL SAID FEES. BONDS, PERMITS, ETC.
11. MINIMUM COVER FOR CONDUITS SHALL BE 36" UNLESS OTHERWISE SHOWN OR NOTED ON THESE PLANS OR ON UTILITY PLANS (BY OTHERS).

SANITARY SEWER NOTES:

1. CITY OF BERKELEY SPECIFICATIONS ARE INCORPORATED HEREON BY REFERENCE. SANITARY SEWER MAINS AND LATERALS SHALL BE INSTALLED AT THE LOCATIONS SHOWN HEREIN OR AS SPECIFIED IN THE FIELD BY DEVELOPER.
2. ALL SANITARY SEWER MAINS AND LATERALS SHALL BE CONSTRUCTED USING HDPE SDR-17 UNLESS OTHERWISE NOTED ON THE PLANS.

STORM DRAIN NOTES:

1. ALL STORM DRAIN PIPES SHALL BE HDPE SDR-17 OR BETTER, UNLESS OTHERWISE NOTED ON THE PLANS.
2. ALL ONSITE STORM DRAIN INLETS SHALL BE CLEARLY MARKED WITH THE WORDS "NO DUMPING! FLOWS TO BAY." OR EQUIVALENT.

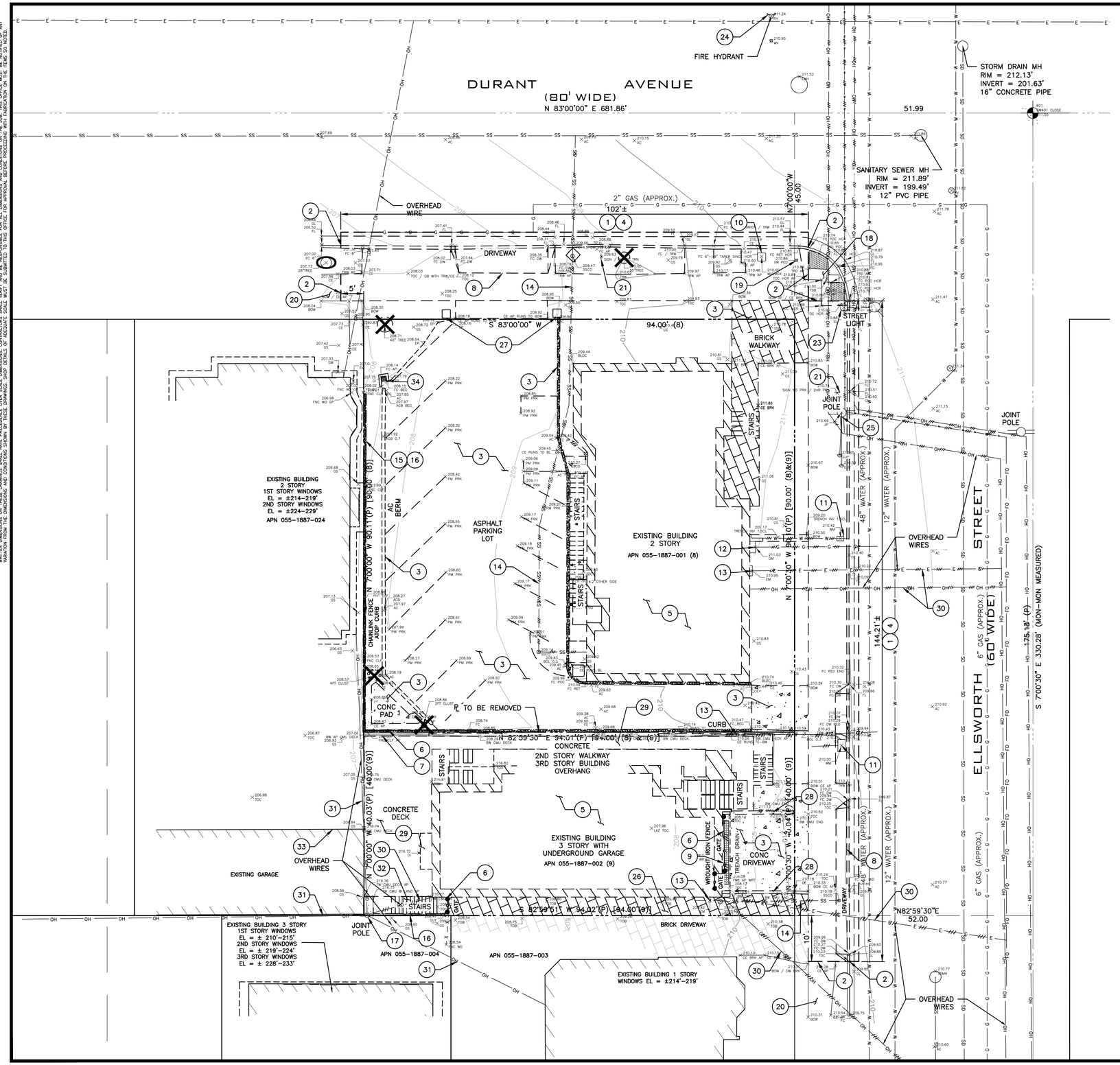
TREE PRESERVATION NOTES:

1. ALL TRENCHING WITHIN 5' OF AN EXISTING TREE MUST BE DONE USING AN AIRSPADE PNEUMATIC EXCAVATION TOOL BY A TREE SERVICES CONTRACTOR WITH A D-49 STATE CONTRACTORS LICENSE. THE CITY'S ARBORIST SHALL INSPECT EXCAVATION PRIOR TO ANY ROOTS BEING CUT. CALL (510) 981-6660 TO SCHEDULE AN INSPECTION. ROOTS OVER 2" IN DIAMETER MAY REQUIRE PRESERVATION. ONLY A LICENSED AND INSURED TREE SERVICES CONTRACTOR MAY PRUNE THE TREE ROOTS. ROOTS ARE TO BE CUT WITH A SHARP AXE OF SAW. THE EXCAVATION SHALL NOT BE LEFT OPEN AND ROOTS EXPOSED TO AIR FOR MORE THAN 24 HOURS.

DEMOLITION NOTES:
SEE SHEET C2.0 FOR ADDITIONAL INFORMATION NOT SHOWN

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL EXISTING UNDERGROUND UTILITIES, WHETHER SHOWN ON THESE PLANS OR NOT, PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION WORK.
2. ALL EXISTING UTILITIES AND APPURTENANCES THERETO SERVING ANY EXISTING STRUCTURE OR BUILDINGS AND THOSE IN THE PUBLIC RIGHT OF WAY SERVING PUBLIC UTILITIES ARE TO REMAIN AND SHALL BE PROTECTED IN PLACE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR RELOCATING OR REMOVING ALL UTILITIES IMPACTED BY THE PROPOSED CONSTRUCTION WHETHER OR NOT INDICATED ON THE PLANS.
3. THE CONTRACTOR SHALL CONTACT ALL ASSOCIATED UTILITY SUPPLIERS PRIOR TO DEMOLITION TO COORDINATE THE DISCONNECTION

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON - AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC.
WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS AND SPECIFICATIONS BEFORE PROCEEDING WITH THE WORK INVOLVED. NO CHANGE SHALL BE MADE IN THESE DRAWINGS AFTER APPROVAL BY THE OWNER AND ARCHITECT/ENGINEER WITHOUT THEIR WRITTEN AUTHORIZATION.



KEYNOTES:

1. SAWCUT
2. LIMIT OF REMOVAL
3. REMOVE (E) CONCRETE/ASPHALT/BRICK
4. REMOVE (E) SIDEWALK, CURB, & GUTTER
5. (E) BUILDING & FOUNDATION TO BE DEMOLISHED, REMOVE (E) ASSOCIATED RETAINING WALLS AND FOUNDATION. PG&E TO DISCONNECT ELECTRIC AND GAS SERVICE PRIOR TO DEMOLITION OF THE (E) BUILDING.
6. REMOVE (E) FENCE AND/OR GATE
7. REMOVE (E) RETAINING WALL
8. REMOVE (E) DRIVEWAY
9. REMOVE (E) TRENCH DRAIN
10. REMOVE & REINSTALL (E) MAILBOX. COORDINATE REMOVAL & REINSTALLATION WITH UNITED STATES POSTAL SERVICE.
11. REMOVE (E) WATER METER. CAP AND ABANDON (E) WATER LATERAL PER EBMUD STANDARDS (BY EBMUD)
12. PG&E TO REMOVE (E) GAS METER AND GAS LATERAL PRIOR TO DEMOLITION OF THE BUILDING. CONTRACTOR TO VERIFY LOCATION IN FIELD. CAP & ABANDON PER PG&E STANDARDS & REQUIREMENTS.
13. PG&E TO REMOVE (E) ELECTRIC METERS AND ASSOCIATED ELECTRIC LINE PRIOR TO DEMOLITION OF THE BUILDING. COORDINATE REMOVAL WITH OWNER AND PG&E.
14. ABANDON (E) SEWER LATERAL PER CITY OF BERKELEY REQUIREMENTS. FOR BUILDING DEMOLITION AND LATERAL ABANDONMENT: WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE–USED, THE LATERAL SEWER SHALL BE DUG AND EXPOSED WHERE IT ENTERS THE MAIN.
    A. IF THE LATERAL ENTERS THE MAIN BY MEANS OF A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND IF THE MAIN AND WYE OR TEE BRANCH ARE ALL IN GOOD, UNDAMAGED CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED WITH AN EXPANDABLE NEOPRENE RUBBER PLUG AT THE MAIN. THE BRANCH PLUG SHALL BE SHALL BE ENCLOSED WITH A MINIMUM THICKNESS OF 6 INCHES OF 6 SACK, ¾" SIZE AGGREGATE. PORTLAND CEMENT CONCRETE. THE WYE BRANCH WITH RUBBER PLUG MUST BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO ENCLOSURE WITH CONCRETE AND BACKFILL OF THE TRENCH.
    B. IF THE LATERAL ENTERS THE MAIN BY ANY METHOD OTHER THAN BY A FACTORY WYE OR TEE BRANCH, OR IF THE EXISTING MAIN, WYE OR TEE BRANCH IS DAMAGED IN ANY WAY, THE SECTION OF MAIN CONTAINING THE LATERAL ENTRY OPENING SHALL BE REMOVED AND REPLACED WITH A NEW SECTION OF PIPE OF THE SAME DIAMETER AS THE EXISTING MAIN. AN ENGINEERING INSPECTOR MUST INSPECT THE NEW MAIN SECTION BEFORE BACKFILL.
    C. THE ABANDONED LATERAL PIPE SHALL BE FILLED WITH SAND AND JETTED TO PREVENT THE PIPE FROM BECOMING A HOME FOR RODENTS OR OTHER DISEASE VECTORS.
    D. REMOVE (E) CLEANOUT FRAME & COVER.
15. REMOVE (E) CONCRETE WALL. COORDINATE REMOVAL WITH ADJACENT PROPERTY OWNER.
16. REMOVE (E) FENCE. COORDINATE REMOVAL WITH ADJACENT PROPERTY OWNER.
17. (E) JOINT POLE WITH GUY WIRE TO REMAIN
18. (E) ACCESSIBLE RAMP TO REMAIN
19. (E) CROSSWALK BUTTON/BOLLARD TO REMAIN
20. (E) CONCRETE TO REMAIN
21. (E) SIGN TO REMAIN
22. (E) CURB & GUTTER TO REMAIN
23. (E) LIGHT POLE TO REMAIN
24. (E) FIRE HYDRANT TO REMAIN
25. REMOVE (E) JOINT POLE & UNDERGROUND (E) OVERHEAD UTILITIES (BY OTHERS)
26. REMOVE (E) BRICK PAVERS TO PROPERTY LINE
27. REMOVE (E) BRICK POST
28. REMOVE (E) RETAINING WALL AND FOUNDATION.
29. REMOVED (E) CONCRETE DECK, WALLS AND FOUNDATION.
30. REMOVE (E) OVERHEAD UTILITY LINE TO BUILDING. COORDINATE REMOVAL WITH APPROPRIATE UTILITY MUNICIPALITY.
31. (E) OVERHEAD UTILITY LINE TO REMAIN.
32. REMOVE (E) CONCRETE STEPS.
33. PROTECT (E) BUILDING ON ADJACENT PROPERTY DURING DEMOLITION.
34. (E) DRAIN INLET AND STORM DRAIN TO REMAIN DURING DEMOLITION. REMOVE (E) DRAIN INLET AND STORM DRAIN PRIOR TO CONSTRUCTION OF (N) BUILDING FOUNDATION.

X REMOVE (E) TREE AND/OR (E) STUMP

O (E) TREE TO REMAIN. PROTECT TREE DURING CONSTRUCTION

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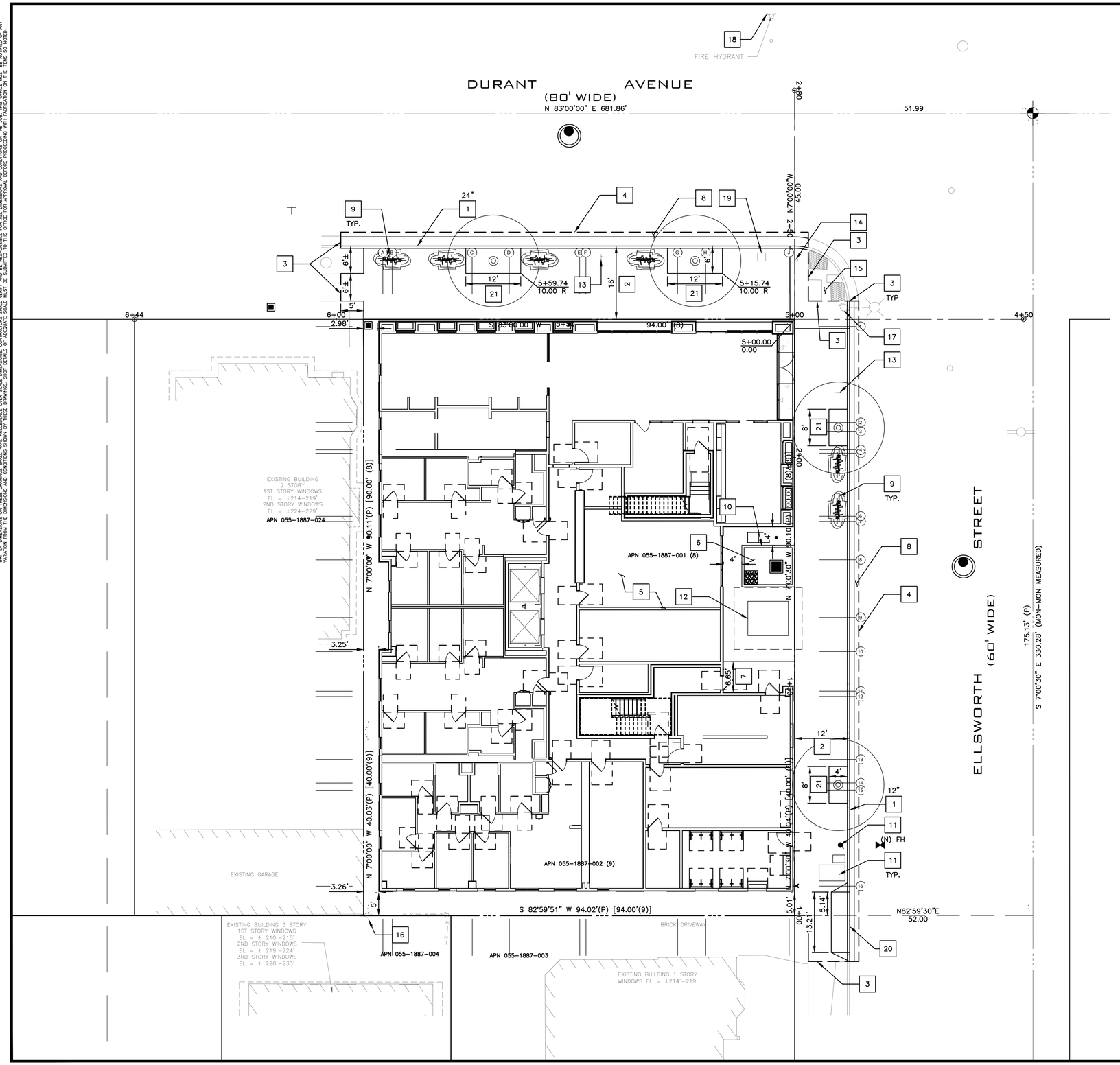
REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

TOPOGRAPHIC SURVEY & DEMOLITION PLAN

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C1.0

ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON - AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS AND SPECIFICATIONS SUBMITTED TO THIS OFFICE FOR APPROVAL BEFORE PROCEEDING WITH THAT PORTION OF THE WORK. ALL DRAWINGS, MODELS AND COPIES THEREOF FURNISHED BY GREENWOOD & MOORE, INC. ARE AND SHALL REMAIN THE PROPERTY OF GREENWOOD & MOORE, INC. THEY ARE NOT TO BE USED ON ANY OTHER PROJECT AND WITH RESPECT TO THIS PROJECT ARE TO BE RETURNED TO THIS OFFICE ON REQUEST AT COMPLETION OF THE WORK.



KEYNOTES

1. (N) CONCRETE CURB & GUTTER PER CITY OF BERKELEY STANDARD DETAIL 8145. SEE DETAIL 1/C7.4
2. (N) CONCRETE SIDEWALK PER CITY BERKELEY STANDARD DETAIL 8153. SEE DETAIL 2/C7.4.
3. CONFORM TO EXISTING SAWCUT LINE
4. SAWCUT LINE. CONFORM TO (E) AC PER DETAIL 1/C7.0
5. (N) BUILDING. SEE ARCHITECTURAL PLANS
6. FLOW THROUGH PLANTER
7. (N) PRIVATE CONCRETE PAVING PER DETAIL 2/C7.0 TYPE 1.
8. (N) AC PAVING. MATCH (E) PAVEMENT SECTION OR AS DIRECTED BY CITY ENGINEER/INSPECTOR.
9. (N) BIKE RACK
10. RETAINING WALL AT FLOWTHROUGH PLANTER
11. (N) WATER METER
12. (N) ABOVE GROUND TRANSFORMER
13. (E) SIGN TO REMAIN
14. (E) CROSSWALK POLE TO REMAIN
15. (E) ACCESSIBLE RAMP TO REMAIN
16. (E) JOINT POLE TO REMAIN
17. (E) STREETLIGHT TO REMAIN
18. (E) FIRE HYDRANT TO REMAIN
19. REMOVE AND REINSTALL (E) MAILBOX (BY OTHERS)
20. (N) DRIVEWAY PER CITY OF BERKELEY STANDARD DETAIL 8151. SEE 5/C7.4.
21. (N) TREE WELL
22. DIMENSION TO GRIDLINE. SEE PLAN FOR GRIDLINE NUMBER/LETTER
23. ½" GAP BETWEEN CONCRETE EDGE & BUILDING. FILL WITH BACKER ROD & CAULK.
24. (N) FIRE HYDRANT

GRAPHIC SCALE IN FEET
0 10' 20'

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No. C042628
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CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

SITE PLAN

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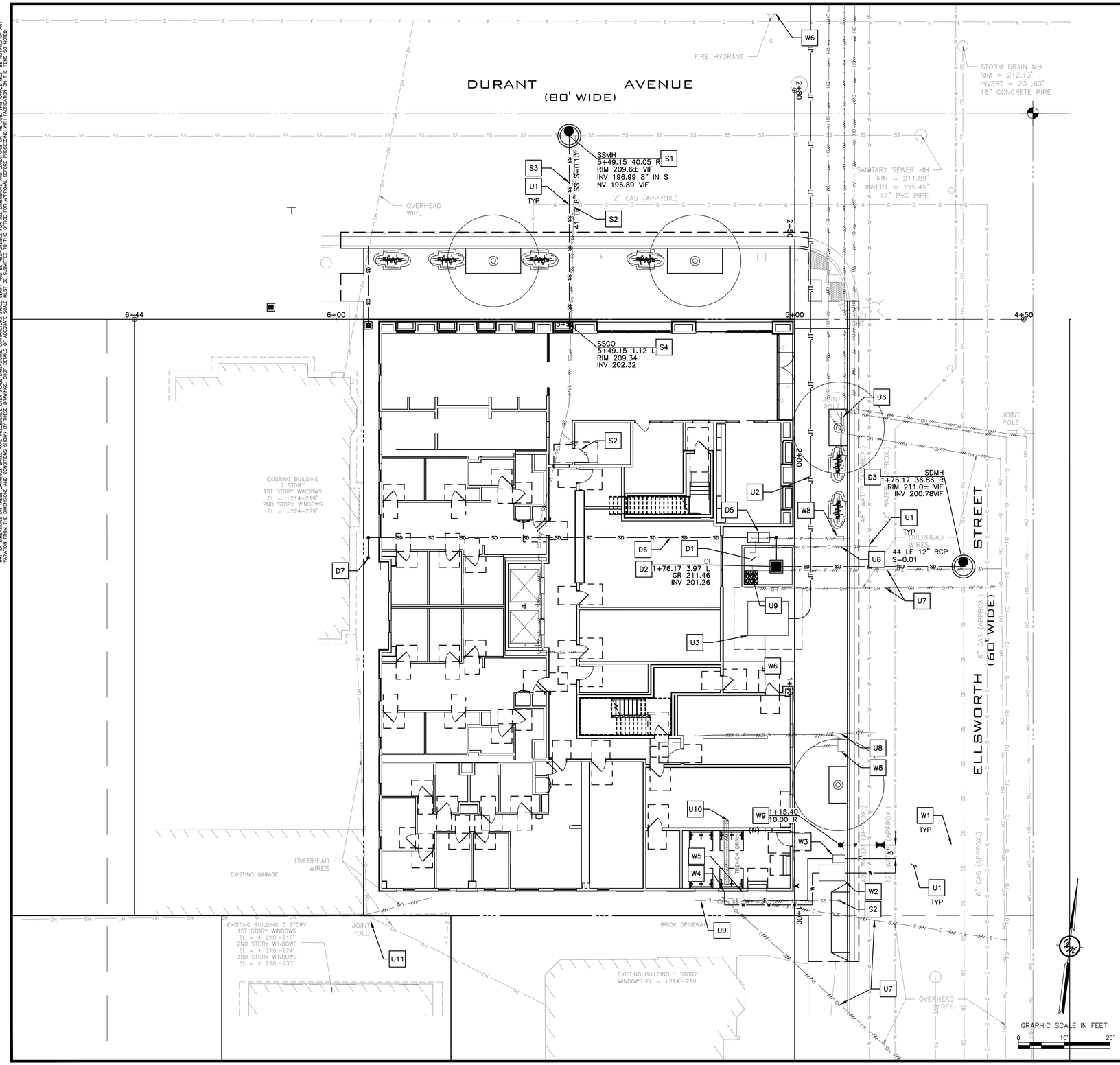

STORM DRAINAGE KEYNOTES D#

1. FLOW THROUGH PLANTER
2. DRAIN INLET. GRATE TO BE 6" ABOVE FLOW THROUGH PLANTER FINISH GRADE. DRAIN INLET TO BE CP2424 PER DETAIL 1/C7.1 & 2/C7.1
3. STORM DRAIN MANHOLE PER CITY OF BERKELEY STANDARD DETAIL 7895. VERIFY EXISTING SEWER SIZE AND INVERT ELEVATION IN FIELD. SEE 4/C7.4.
4. APPROXIMATE LOCATION OF RAIN WATER DOWNSPOUT TO OUTFALL INTO BIORETENTION AREA AT COBBLE DISSIPATOR
5. BELOW GROUND CONTECH CARTRIDGE CATCH BASIN STORMFILTER TO TREAT ROOFTOP. CONNECT 6" STORM DRAIN OUTLET TO DRAIN INLET. SEE DETAIL 4/C7.1.
6. STORM DRAIN THROUGH BUILDING. COORDINATE WITH PLUMBING CONSULTANT.
7. CONNECT DOWNSPOUT TO STORM DRAIN THAT IS CONNECTED TO FILTER VAULT.

SEWER KEYNOTES S#

1. SSMH PER CITY OF BERKELEY STANDARD DETAIL 7895. VERIFY EXISTING SEWER SIZE AND INVERT ELEVATION IN FIELD. SEE 4/C7.4.
2. ABANDON (E) SEWER LATERAL. FOR BUILDING DEMOLITION AND LATERAL ABANDONMENT: WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE-USED, THE LATERAL SEWER SHALL BE DUG AND EXPOSED WHERE IT ENTERS THE MAIN.

A. IF THE LATERAL ENTERS THE MAIN BY MEANS OF A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND IF THE MAIN AND WYE OR TEE BRANCH ARE ALL IN GOOD, UNDAMAGED CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED WITH AN EXPANDABLE NEOPRENE RUBBER PLUG AT THE MAIN. THE BRANCH PLUG SHALL BE SHALL BE ENCLOSED WITH A MINIMUM THICKNESS OF 6 INCHES OF 6 SACK, ½" SIZE AGGREGATE. PORTLAND CEMENT CONCRETE. THE WYE BRANCH WITH RUBBER PLUG MUST BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO ENCLOSURE WITH CONCRETE AND BACKFILL OF THE TRENCH.

B. IF THE LATERAL ENTERS THE MAIN BY ANY METHOD OTHER THAN BY A FACTORY WYE OR TEE BRANCH, OR IF THE EXISTING MAIN, WYE OR TEE BRANCH IS DAMAGED IN ANY WAY, THE SECTION OF MAIN CONTAINING THE LATERAL ENTRY OPENING SHALL BE REMOVED AND REPLACED WITH A NEW SECTION OF PIPE OF THE SAME DIAMETER AS THE EXISTING MAIN. AN ENGINEERING INSPECTOR MUST INSPECT THE NEW MAIN SECTION BEFORE BACKFILL.

C. THE ABANDONED LATERAL PIPE SHALL BE FILLED WITH SAND AND JETTED TO PREVENT THE PIPE FROM BECOMING A HOME FOR RODENTS OR OTHER DISEASE VECTORS.

D. REMOVE (E) CLEANOUT FRAME & COVER.

3. 8" HDPE SDR 17
4. 2 WAY SEWER CLEANOUT WITH CAST IRON TRAFFIC RATED COVER. COORDINATE SEWER CONNECTION TO BUILDING LOCATION AND ELEVATION WITH PLUMBING PLANS.

WATER KEYNOTES W#

1. CONNECT TO EXISTING WATER LINE PER EBMUD STANDARDS AND REQUIREMENTS
2. RESIDENTIAL APARTMENT DOMESTIC WATER METER PER EBMUD STANDARDS AND REQUIREMENTS. VERIFY METER SIZE WITH EBMUD AND PLUMBING PLANS.
3. WATER METER AND CHECK VALVE FOR FIRE SERVICE PER EBMUD STANDARDS AND REQUIREMENTS.
4. 2" WATER SERVICE TO APARTMENT BUILDING. VERIFY SIZE AND LOCATION WITH PLUMBING PLANS. PROVIDE BACKFLOW DEVICE AT BUILDING PER EBMUD STANDARDS AND REQUIREMENTS.
5. X" FIRE SERVICE TO BUILDING. SEE FIRE SERVICE PLANS BY OTHERS FOR MORE INFORMATION. PROVIDE BACKFLOW DEVICE AT BUILDING PER EBMUD STANDARDS AND REQUIREMENTS.
6. (E) FIRE HYDRANT
7. FIRE DEPARTMENT CONNECTION. SEE PLANS BY OTHERS.
   7.1. THE FDC SHALL BE INSTALLED NO HIGHER THAN 3-FEET FROM FINISHED GRADE, AND SHALL BE LOCATED SO THAT FIRE APPARATUS AND HOSE CONNECTED TO SUPPLY THE SYSTEM WILL NOT OBSTRUCT ACCESS TO THE BUILDINGS FOR OTHER FIRE APPARATUS.
   7.2. THE FDC SUPPLYING WATER TO THE STANDPIPE SYSTEM MUST CONSIST OF A THREE (3) 2-1/2-INCH INLET CONNECTION AND ONE (1) 5-INCH STORZ CONNECTION WITH A BUILT-IN DEBRIS SCREEN.
8. REMOVE (E) WATER METER. CAP AND ABANDON (E) WATER LATERAL PER EBMUD STANDARDS (BY EBMUD)
9. (N) FIRE HYDRANT PER EBMUD AND CITY OF BERKELEY STANDARDS, REQUIREMENTS AND SPECIFICATIONS.

UTILITY KEYNOTES U#

1. CONTRACTOR FIELD LOCATE (E) UTILITIES. NOTIFY ENGINEER OF ANY CONFLICTS WITH (E) UTILITIES.
2. JOINT TRENCH BY OTHERS. SEE JOINT TRENCH PLANS
3. (N) ABOVE GROUND TRANSFORMER (BY OTHERS)
4. ALL TRENCHING IN THE CITY RIGHT OF WAY TO BE PER CITY OF BERKELEY STANDARD DETAIL 8136.
5. PROVIDE 1' MINIMUM CLEARANCE AT UTILITY CROSSING. VIF
6. REMOVE (E) JOINT POLE AND UNDERGROUND EXISTING OVERHEAD UTILITIES (BY OTHERS)
7. REMOVE (E) OVERHEAD LINES
8. PG&E TO REMOVE (E) GAS METER AND GAS LATERAL PRIOR TO DEMOLITION OF THE BUILDING. CONTRACTOR TO VERIFY LOCATION IN FIELD. CAP & ABANDON PER PG&E STANDARDS & REQUIREMENTS.
9. PG&E TO REMOVE (E) ELECTRIC METERS AND ASSOCIATED ELECTRIC LINE PRIOR TO DEMOLITION OF THE BUILDING. COORDINATE REMOVAL WITH OWNER AND PG&E.
10. REMOVE (E) TRENCH DRAIN. ABANDON EXISTING STORM DRAIN LINE.
11. (E) JOINT POLE TO REMAIN.

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UTILITY PLAN

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PHASE NO.	XX
SHEET NO.	C3.0

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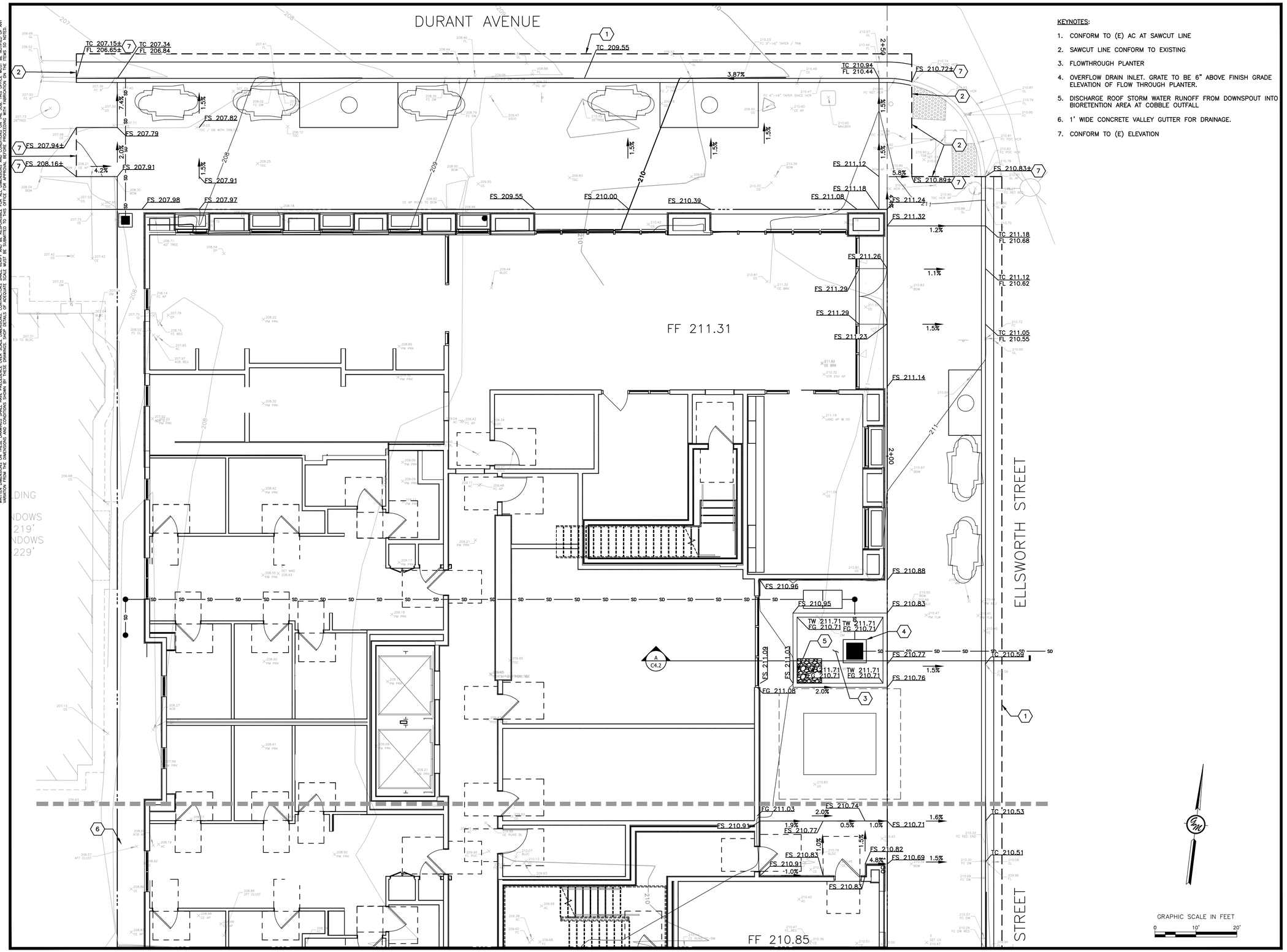

KEYNOTES:

1. CONFORM TO (E) AC AT SAWCUT LINE
2. SAWCUT LINE CONFORM TO EXISTING
3. FLOWTHROUGH PLANTER
4. OVERFLOW DRAIN INLET. GRATE TO BE 6" ABOVE FINISH GRADE ELEVATION OF FLOW THROUGH PLANTER.
5. DISCHARGE ROOF STORM WATER RUNOFF FROM DOWNSPOUT INTO BIORETENTION AREA AT COBBLE OUTFALL
6. 1' WIDE CONCRETE VALLEY GUTTER FOR DRAINAGE.
7. CONFORM TO (E) ELEVATION

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GRADING PLAN

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SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C4.0

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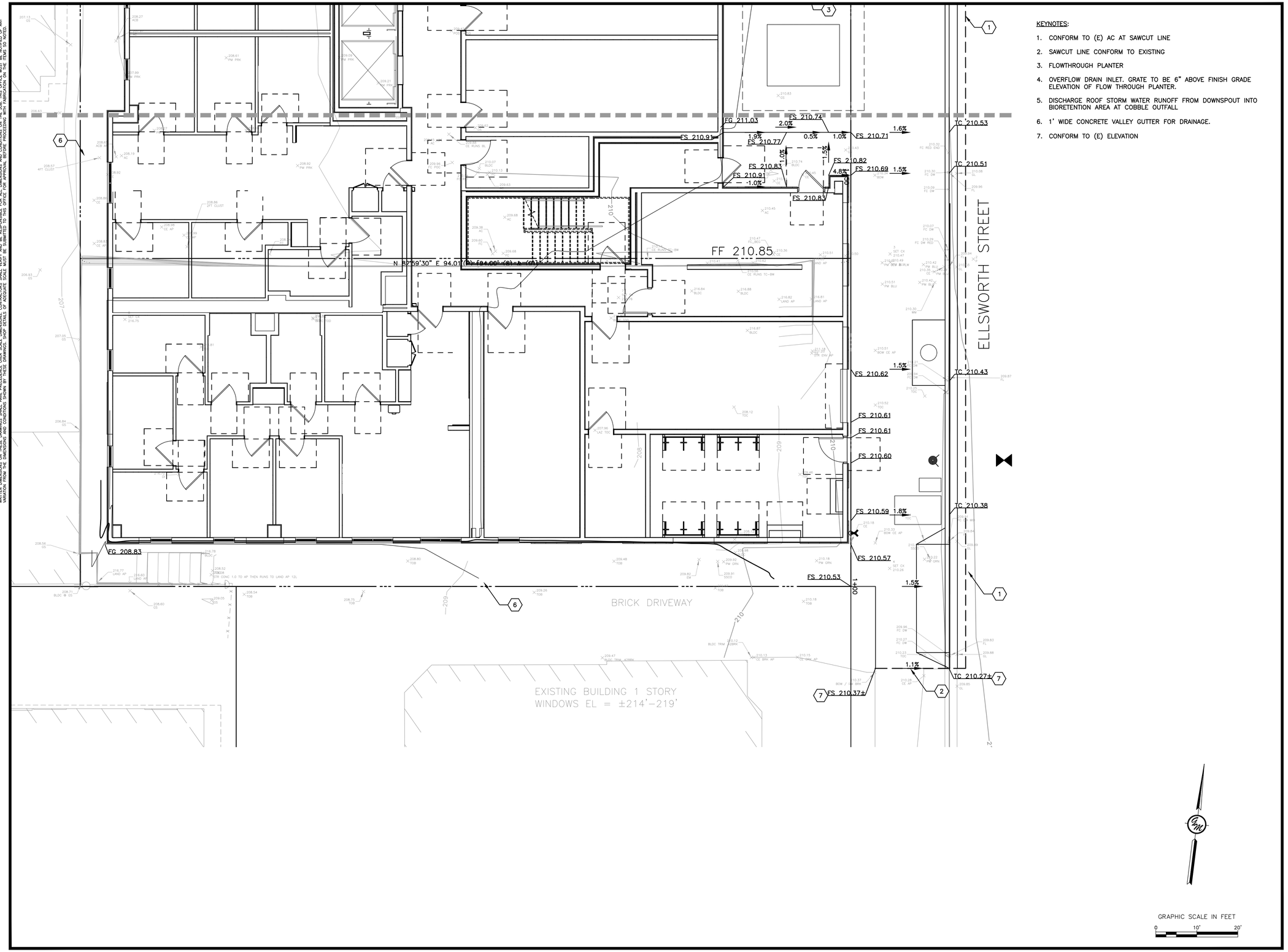

KEYNOTES:

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7. CONFORM TO (E) ELEVATION

GRAPHIC SCALE IN FEET
0 10' 20'

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GRADING PLAN

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SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C4.1

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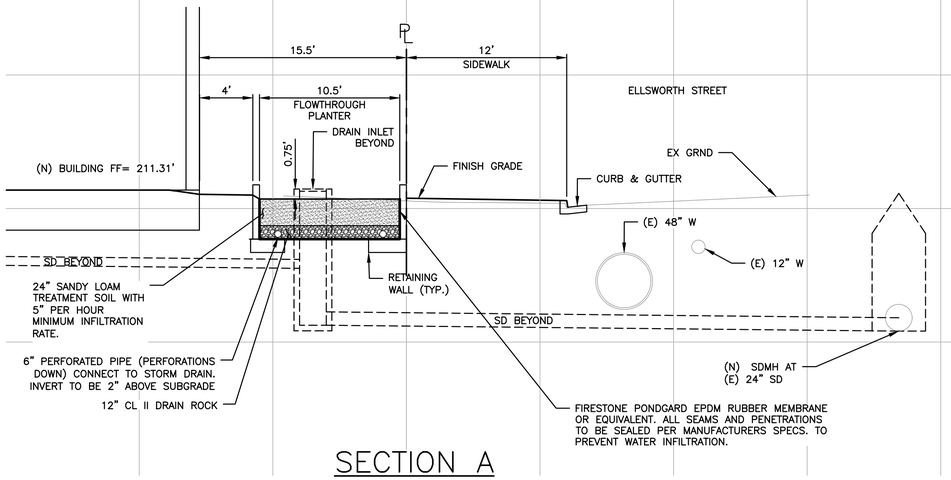

SECTION A

SCALE: 1"=5'

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SECTIONS

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SCALE: AS SHOWN
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PHASE NO. XX
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TABLE A
IMPERVIOUS AREA SUMMARY

	IMPERVIOUS AREA (SQ.FT)	PERVIOUS PAVEMENT/GRAVEL (SQ.FT)	LANDSCAPE (SQ.FT)
EXISTING	10,604	0	1,631
PROPOSED	10,878	0	1,357

TABLE B
FLOWTHROUGH PLANTER DESIGN

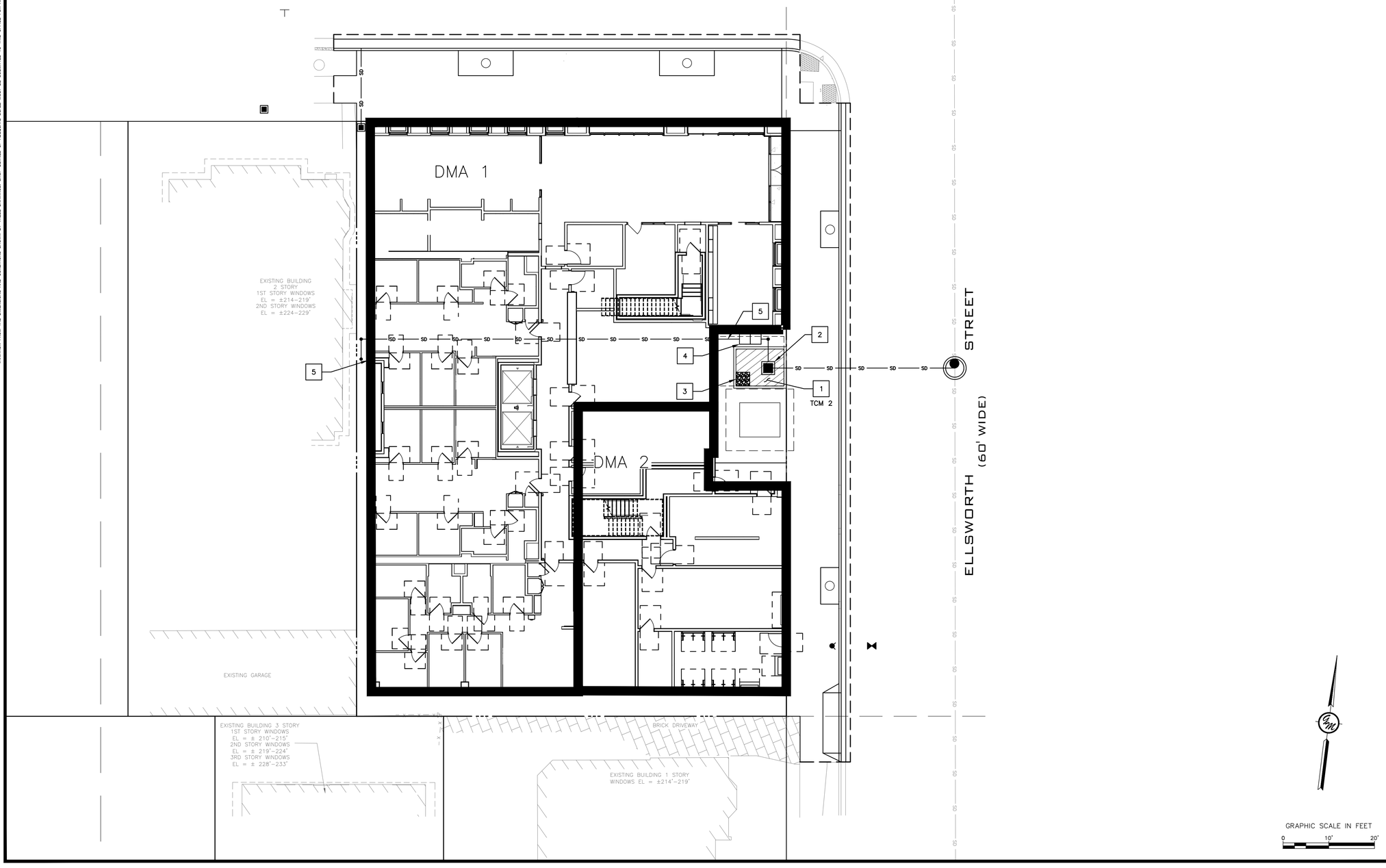
		a	b		c	d	e	f				
DRAINAGE MANAGEMENT AREA (DMA)	TREATMENT CONTROL MEASURE (TCM)	TOTAL DRAINAGE AREA (SF)	LANDSCAPING AREA (SF)	PERVIOUS PAVEMENT AREA (SF)	TOTAL PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATEMENT AREA REQUIRED (SF)	TREATMENT AREA PROVIDED (SF)	DEPTH OF PONDING (INCHES)	TREATMENT TYPE	SIZING METHOD
2	2	2,636	85	0	85	2,551	2,560	80	85	9	BIORETENTION	AREA METHOD*

TABLE C
CONTECH FILTER VAULT DESIGN

		a	b		c	d	e	f			
DRAINAGE MANAGEMENT AREA (DMA)	TREATMENT CONTROL MEASURE (TCM)	TOTAL DRAINAGE AREA (SF)	LANDSCAPING AREA (SF)	PERVIOUS PAVEMENT AREA (SF)	TOTAL PERVIOUS AREA (SF)	IMPERVIOUS AREA (SF)	EFFECTIVE IMPERVIOUS AREA (SF)	TREATMENT FLOW REQUIRED (CFS)	PROVIDED TREATMENT VAULT (CFS)	TREATMENT TYPE	SIZING METHOD
1	1	8,207	0	0	0	8,207	8,207	0.0339	0.0558	FILTER VAULT	RATIONAL METHOD*

KEYNOTES #

1. FLOWTHROUGH PLANTER AT GRADE
2. OVERFLOW DRAINAGE INLET GRATE ON DROP INLET TO BE 6" ABOVE FINISH GRADE ELEVATION OF BIORETENTION AREA
3. DISCHARGE ROOF STORM WATER RUNOFF FROM DOWNSPOUT INTO BIORETENTION AREA AT COBBLE OUTFALL
4. CONTECH FILTER VAULT. SEE UTILITY PLAN SHEET C3.0 FOR MORE INFORMATION. TWO FILTERS.
5. CONNECT DOWNSPOUT TO STORMDRAIN CONNECTED TO FILTER VAULT.



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STORMWATER CONTROL PLAN

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DRAWN BY: ST
SCALE: 1"=10'
DATE 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C5.0

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Worksheet for Calculating the Combination Flow and Volume Method

1.0 Project Information

1-1	Project Name:	2298 DURANT AVE	
1-2	City application ID:	BERKELEY	
1-3	Site Address or APN:	0	
1-4	Tract or Parcel Map No:	0	
1-5	Site Mean Annual Precip. (MAP)[1]	23.0	Inches
	Refer to the Mean Annual Precipitation Map in Appendix D of the C.3 Technical Guidance to determine the MAP, in inches, for the site.		Click here for map
1-6	Applicable Rain Gauge[2]	Oakland Airport (CWPAC)	

These calculations are based on the combination flow and volume hydraulic sizing method provided in the Alameda, San Mateo, and Santa Clara County C.3 Technical Guidance Manuals. The steps presented below are explained in Chapter 5, Section 5.1 of the gui

MAP adjustment factor is automatically calculated as: 1.25

(The "Site Mean Annual Precipitation (MAP)" is divided by the MAP for the applicable rain gauge, shown in Table 5.2, below.)

2.0 Calculate Percentage of Impervious Surface for Drainage Management Area (DMA)

2-1 Name of DMA: DMA-2

For items 2-2 and 2-3, enter the areas in square feet for each type of surface within the DMA.

	Type of Surface	Area of surface type within DMA (Sq. Ft)	Adjust Pervious Surface	Effective Impervious Area
2-2	Impervious Surface	5,312	1.0	5,312
2-3	Pervious Surface	165	0.1	17
	Total DMA Area (square feet) =	5,477		

2-4 ***Total Effective Impervious Area (EIA)*** 5,329 **Square feet**

3.0 Calculate Unit Basin Storage Volume in Inches

Table 5-2: Unit Basin Storage Volumes (in inches) for 80 Percent Capture Using 48-Hour Drawdowns

Applicable Rain Gauge	Mean Annual Precipitation (in)	Unit Basin Storage Volume (in) for Applicable Runoff Coefficients (Calculated for 100% Imperviousness)
San Jose Airport (SCVURPPP)	13.9	0.58
Palo Alto (SCVURPPP)	13.7	0.62
Palo Alto (SMCWPPP)	14.6	0.64
Gilroy (SCVURPPP)	18.2	1.00
Morgan Hill (SCVURPPP)	19.5	1.00
Boulder Creek (SMCWPPP)	55.9	2.04
La Honda (SMCWPPP)	24.4	0.86
Half Moon Bay (SMCWPPP)	25.92	0.82
San Francisco (SMCWPPP)	21	0.73
San Francisco Airport (SMCWPPP)	20.1	0.85
San Francisco Oceanside (SMCWPPP)	19.3	0.72
Oakland Airport (CWPAC)	18.35	1.00

3-1 ***Unit basin storage volume from Table 5.2:*** 1.00 **Inches**

(The coefficient for this method is 1.00, due to the conversion of any landscaping to effective impervious area)

3-2 ***Adjusted unit basin storage volume:*** 1.25 **Inches**

(The unit basin storage volume is adjusted by applying the MAP adjustment factor.)

3-3 ***Required Capture Volume (in cubic feet):*** 557 **Cubic feet**

(The adjusted unit basin sizing volume [inches] is multiplied by the size of the DMA and converted to feet)

4.0 Calculate the Duration of the Rain Event

4-1	Rainfall intensity	0.2	Inches per hour
4-2	Divide Item 3-2 by Item 4-1	6.27	Hours of Rain Event Duration

5.0 Preliminary Estimate of Surface Area of Treatment Measure

5-1	4% of DMA impervious surface	213	Square feet
5-2	Area 25% smaller than item 5-1	160	Square feet
5-3	Volume of treated runoff for area in Item 5-2	417	Cubic feet (Item 5-2 * 5 inches per hour * 1/12 * Item 4-2)

6.0 Initial Adjustment of Depth of Surface Ponding Area

6-1	Subtract Item 5-3 from Item 3-3	139	Cubic feet (Amount of runoff to be stored in ponding area)
6-2	Divide Item 6-1 by Item 5-2	0.9	Feet (Depth of stored runoff in surface ponding area)
6-3	Convert Item 6-2 from ft to inches	10.4	Inches (Depth of stored runoff in surface ponding area)
6-4	If ponding depth in Item 6-3 meets your target depth of 6"-12", then Item 7-1 is equal to Item 5-2. If not, continue to Step 7-1.		

7.0 Optimize Size of Treatment Me 25

7-1	Enter an area larger or smaller than Item 5-2	165	Sq.ft. (enter larger area if you need less ponding depth; smaller for more depth.)
7-2	Volume of treated runoff for area in Item 7-1	431	Cubic feet (Item 7-1 * 5 inches per hour * 1/12 * Item 4-2)
7-3	Subtract Item 7-2 from Item 3-3	126	Cubic feet (Amount of runoff to be stored in ponding area)
7-4	Divide Item 7-3 by Item 7-1	0.76	Feet (Depth of stored runoff in surface ponding area)
7-5	Convert Item 7-4 from feet to inches	9.14	Inches (Depth of stored runoff in surface ponding area)
7-6	If the ponding depth in Item 7-5 meets target, stop here. If not, repeat Steps 7-1 through 7-5 until you obtain target depth. If the slope of the drainage area > 1%, then 11" will be the max ponding depth (slopes >1% will increase the ponding depth by 0.		

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REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

STORMWATER CONTROL PLAN
COMBINATION CALCULATIONS

CHECKED BY: BD
DRAWN BY: ST
SCALE: 1"=10'
DATE: 04/10/2025
PROJECT NO.: 2024.030
PHASE NO.: XX
SHEET NO.: C5.1

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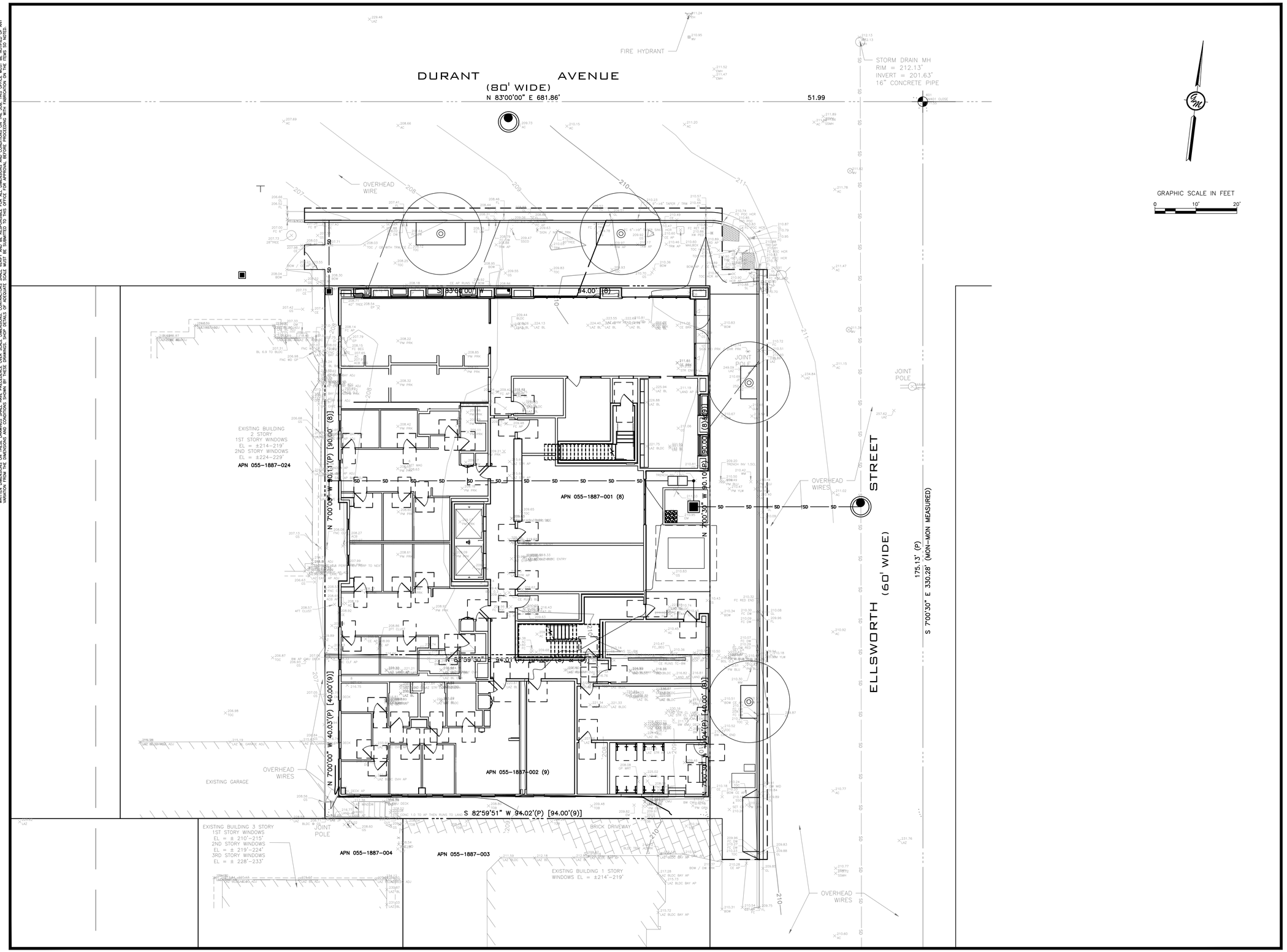

GRAPHIC SCALE IN FEET
0 10' 20'

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STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

EROSION CONTROL PLAN

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C6.0

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BIORETENTION TREATMENT SOIL SPECIFICATIONS

1. BIORETENTION TREATMENT SOIL SHALL ACHIEVE A LONG TERM, IN-PLACE INFILTRATION RATE BETWEEN 5 IN/HR AND 10 IN/HR, CAPABLE OF SUPPORTING VIGOROUS PLAN GROWTH AND CONSIST OF 60%-70% SAND AND 30%-40% COMPOST.
   - 1.1. THE APPLICANT TO SUBMIT TO THE MUNICIPALITY FOR APPROVAL:
     - 1.1.a. A SAMPLE OF MIXED BIORETENTION SOIL.
     - 1.1.b. CERTIFICATION FROM THE SOIL SUPPLIER OR AN ACCREDITED LABORATORY THAT THE BIORETENTION SOIL MEETS THE REQUIREMENTS OF THIS GUIDELINE SPECIFICATION.
     - 1.1.c. GRAIN SIZE ANALYSIS RESULTS OF THE FINE SAND COMPONENT PERFORMED IN ACCORDANCE WITH ASTM D 422, STANDARD TEST METHOD FOR PARTICLE SIZE ANALYSIS OF SOILS.
     - 1.1.d. QUALITY ANALYSIS RESULTS FOR COMPOST PERFORMED IN ACCORDANCE WITH SEAL OF TESTING ASSURANCE (STA) STANDARDS, AS SPECIFIED SECTION 1.4.
     - 1.1.e. ORGANIC CONTENT TEST RESULTS OF MIXED BIORETENTION SOIL. ORGANIC CONTENT TEST SHALL BE PERFORMED IN ACCORDANCE WITH TESTING METHODS FOR EXAMINATION OF COMPOST AND COMPOSTING (TMECC) 05.07A, "LOSS-ON-IGNITION ORGANIC MATTER METHOD.
     - 1.1.f. GRAIN SIZE ANALYSIS RESULTS OF THE COMPOST COMPONENT IN ACCORDANCE WITH ASTM D422, STANDARD TEST METHOD FOR PARTICLE SIZE ANALYSIS OF SOILS.
     - 1.1.g. A DESCRIPTION OF THE EQUIPMENT AND METHODS USED TO MIX THE SAND AND COMPOST TO PRODUCE BIORETENTION SOIL.
     - 1.1.h. PROVIDE THE FOLLOWING INFORMATION ABOUT THE TESTING LABORATORY(IES): CONTACT PERSON(S), ADDRESS(ES), PHONE CONTACTS(S), EMAIL ADDRESS(ES) AND QUALIFICATIONS OF LABORATORY(IES) AND PERSONNEL INCLUDING DATE OF CURRENT CERTIFICATION BY STA, ASTM, OR APPROVED EQUAL.
   - 1.2. SAND FOR BIORETENTION SOIL:
     - 1.2.a. SAND SHALL BE FREE OF WOOD, WASTE COATING SUCH AS CLAY, STONE, DUST, CARBONATE, ETC., OR ANY OTHER DELETERIOUS MATERIAL. ALL AGGREGATE PASSING THE NO. 200 SIEVE SHALL BE NON-PLASTIC.
     - 1.2.b. SAND FOR BIORETENTION AREA SHALL BE ANALYZED BY AN ACCREDITED LAB USING #200, #100, #40, #30 #8, #4, AND 3/8" SIEVES (ASTM D 422 OR AS APPROVED BY MUNICIPALITY), AND MEET THE FOLLOWING GRADATION.

SIEVE SIZE	PERCENT PASSING (BY WEIGHT) MIN	MAX.
3/8"	100	100
NO. 4	90	100
NO. 8	70	100
NO. 16	40	95
NO. 30	15	70
NO. 40	5	55
NO. 100	0	15
NO. 200	0	5

NOTE: ALL SANDS COMPLYING WITH ASTM C33 FOR FINE AGGREGATE COMPLY WITH THE ABOVE GRADATION REQUIREMENTS.

1.3 COMPOSTED MATERIAL

COMPOST SHALL BE A WELL DECOMPOSED, STABLE, WEED FREE ORGANIC MATTER SOURCE DERIVED FROM WASTE MATERIALS INCLUDING YARD DEBRIS, WOOD WASTES OR OTHER ORGANIC MATERIALS NOT INCLUDING MANURE OR BIOSOLIDS MEETING THE STANDARDS DEVELOPED BY THE US COMPOSTING COUNCIL (USCC). THE PRODUCT SHALL BE CERTIFIED THROUGH THE USCC SEAL OF TESTING ASSURANCE (STA) PROGRAM (A COMPOST TESTING AND INFORMATION DISCLOSURE PROGRAM).

A. COMPOST QUALITY ANALYSIS: BEFORE DELIVERY OF THE SOIL, THE SUPPLIER SHALL SUBMIT A COPY OF LAB ANALYSIS PERFORMED BY A LABORATORY THAT IS ENROLLED IN THE US COMPOSTING COUNCIL'S COMPOST ANALYSIS PROFICIENCY (CAP) PROGRAM USING APPROVED TEST METHODS FOR THE EVALUATION OF COMPOSTING AND COMPOST (TMECC). THE LAB REPORT SHALL VERIFY:

1. FEEDSTOCK MATERIALS SHALL BE SPECIFIED AND INCLUDE ONE OF THE FOLLOWING: LANDSCAPE/YARD TRIMMINGS, GRASS CLIPPINGS, FOOD SCRAPS AND AGRICULTURE CROP RESIDUES.
2. ORGANIC MATTER CONTENT: 35%-75% BY DRY WEIGHT.
3. CARBON AND NITROGEN RATIO: C:N < 25:1 AND C:N > 15:1
4. MATURITY AND STABILITY SHALL HAVE A DARK BROWN COLOR AND A SOIL LIKE ODOR. COMPOST EXHIBITING A SOUR OR PUTRID SMELL, CONTAINING RECOGNIZABLE GRASS OR LEAVES, OR IS HOT (120F) UPON DELIVERY IS NOT ACCEPTABLE. IN ADDITION ANY ONE OF THE FOLLOWING IS REQUIRED TO INDICATE STABILITY:
   - 4.a. OXYGEN TEST < 1.3 O2/UNIT TS/HR
   - 4.b. SPECIFIC OXY. TEST < 1.5 O2/UNIT BVS/
   - 4.c. RESPIRATION TEST < 8 C/UNIT VS/DAY
   - 4.d. DEWAR TEST < 20 TEMP. RISE (DEGREES C) E.
   - 4.e. SOLVITA > 5 INDEX VALUE
5. TOXICITY: ANY OF THE FOLLOWING MEASURES IS SUFFICIENT TO INDICATE NON-TOXICITY:
   - 5.a. NH4- :NO3 < 3
   - 5.b. AMMONIUM < 500PPM, DRY BASIS
   - 5.c. SEED GERMINATION > 80% OF CONTROL
   - 5.d. PLANT TRIALS > 80% OF CONTROL
   - 5.e. SOLVITA > 5 INDEX VALUE
6. NUTRIENT CONTENT: PROVIDE ANALYSIS DETAILING NUTRIENT CONTENT INCLUDING N-P-K, CA, NA, MG AND B.
   - 6.a. TOTAL NITROGEN CONTENT 0.9% OR ABOVE PREFERRED
   - 6.b. BORON: TOTAL SHALL BE < 80PPM: SOLUBLE SHALL BE < 2.5 PPM
7. SALINITY: MUST BE REPORTED: < 6.0 MMHOS/CM
8. PH SHALL BE BETWEEN 6.5 AND 8. MAY VARY WITH PLANT SPECIES.

B. COMPOST FOR BIORETENTION SOIL TEXTURE

COMPOST FOR BIORETENTION SOILS SHALL BE ANALYZED BY AN ACCREDITED LAB USING #200, 1/4", 1/2" AND 1" SIEVES (ASTM D422 OR AS APPROVED BY MUNICIPALITY), AND MEET THE FOLLOWING GRADATION.

SIEVE SIZE	PERCENT PASSING (BY WEIGHT) MIN	MAX.
1"	99	100
1/2"	90	100
1/4"	40	90
NO. 200	2	10

C. BULK DENSITY SHALL BE BETWEEN 500 AND 1100 DRY LBS/CUBIC YARD

D. MOISTURE CONTENT SHALL BE BETWEEN 30%-55% OF DRY SOLIDS.

E. INERTS: COMPOST SHALL BE RELATIVELY FREE OF INERT INGREDIENTS, INCLUDING GLASS, PLASTIC AND PAPER, <1% BY WEIGHT OR VOLUME.

F. WEED SEED/PATHOGEN DESTRUCTION: PROVIDE PROOF OF PROCESS TO FURTHER REDUCE PATHOGENS (PFRP). FOR EXAMPLE, TURNED WINDROWS MUCH REACH MIN. 55C FOR 15 DAYS WITH AT LEAST 5 TURNINGS DURING THAT PERIOD.

G. SELECT PATHOGENS: SALMONELLA < 3 MPN/4 GRAMS OF TS, OR COLIFORM BACTERIA < 1000MPN/GRAM

H. TRACE CONTAMINANTS METALS (LEAD, MERCURY, ETC.) PRODUCT MUST MEET US EPA, 40 CFR 503 REGULATIONS.

I. COMPOST TESTING: THE COMPOST SUPPLIER WILL TEST ALL COMPOST PRODUCTS WITHIN 120 CALENDAR DAYS PRIOR TO APPLICATION. SAMPLES WILL BE TAKEN USING THE STA SAMPLE COLLECTION PROCESS PROTOCOL. (THE SAMPLE COLLECTION PROTOCOL CAN BE OBTAINED FROM THE U.S. COMPOSTING COUNCIL, 4250 VETERANS MEMORIAL HIGHWAY, SUITE 275, HOLBROOK, NY 11741 PHONE: 631-737-4931, (WWW.COMPOSTINGCOUNCIL.ORG) THE SAMPLE SHALL BE SENT TO AN INDEPENDENT STA PROGRAM APPROVED LAB. THE COMPOST SUPPLIER WILL PAY FOF THE TEST.

TREATMENT SOIL NOTES 14

13

12

11

10

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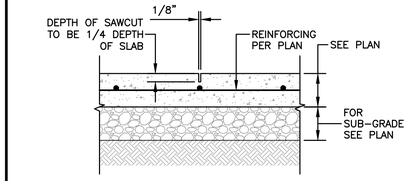
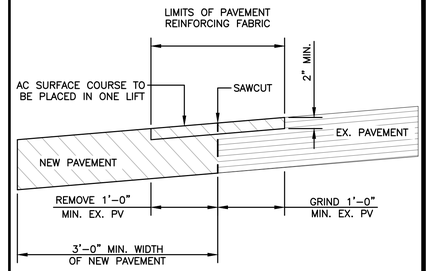


NOTES
1. WEAKENED PLANE JOINTS ARE FOR USE IN NON-STRESSED SLABS SUPPORTED BY THE GRADE BELOW.
2. 5'-0" MAXIMUM SPACING RECOMMENDED (U.N.O. ON PLANS).
3. SEE SHOP DRAWINGS, BY OTHERS, FOR ALL CRACK CONTROL JOINTS AND CONSTRUCTION JOINTS IN DECORATIVE CONCRETE
4. SAWCUT JOINTS WITHIN 24 HOURS OF THE CONCRETE PLACEMENT.

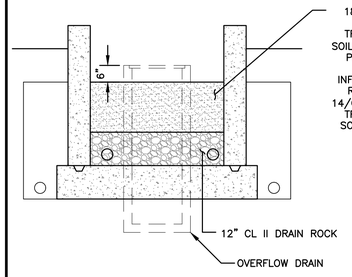
1 1/2"=1'-0"

CRACK CONTROL 4



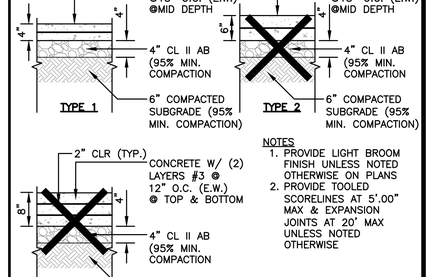
1"=1'-0"

SAWCUT 1



1/2"=1'-0"

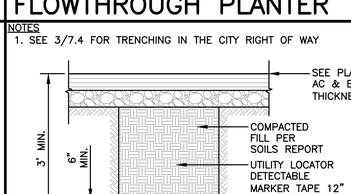
FLOWTHROUGH PLANTER 5



NOTES
1. PROVIDE LIGHT BROOM FINISH UNLESS NOTED OTHERWISE ON PLANS
2. PROVIDE TOOLED SCORELINES AT 5'.00" MAX & EXPANSION JOINTS AT 20' MAX UNLESS NOTED OTHERWISE

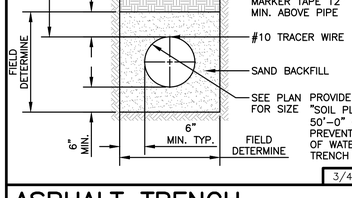
3/4"=1'-0"

CONCRETE SLAB 2



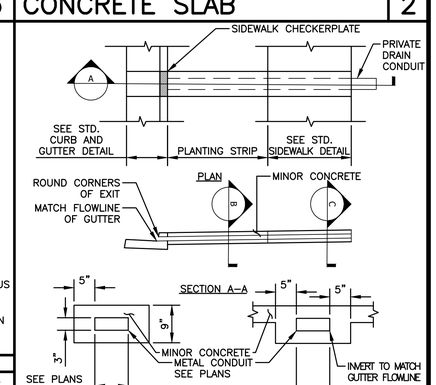
3/4"=1'-0"

ASPHALT TRENCH 6



3/4"=1'-0"

TRENCH & LANDSCAPE 7



SIDEWALK UNDERDRAIN CHECKERPLATE SHALL BE GALVANIZED STEEL WITH AN EMBOSSED NONSKID PATTERN

SIDEWALK CHECKERPLATE DETAIL

NOTES:
1. WHERE SIDEWALK UNDERDRAINS ARE INSTALLED AT LOCATIONS WHERE CURB, GUTTER, AND SIDEWALK IS EXISTING, REMOVE 24" OF CURB AND SIDEWALK SHALL BE SAWCUT AND REMOVED BETWEEN SCORELINES.
2. MULTIPLE PARALLEL SIDEWALK UNDERDRAINS SHALL HAVE 4" CLEAR BETWEEN EDGE OF PIPES.
3. FOR ADDITIONAL REQUIREMENTS, SEE PLAN 8144, "CONCRETE WORK NOTES."

SIDEWALK DRAIN CONDUIT 3

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DETAILS

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DATE 04/10/2025
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PHASE NO. XX
SHEET NO. C7.0

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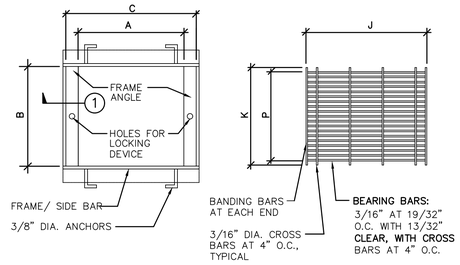
Central Precast

Title: "ADA" WHEEL CHAIR PROOF FRAME AND GRATE DETAIL FOR DROP INLETS | Date: 05/15/03 | Rev. | Dwg. No. CM | Page No. 1–10



FRAME PLAN GRATE PLAN

MODEL	FRAMES A	B	C	BEARING ANGLE	SIDE BAR	GRATE J	K	P	BEARING BARS	BAND BAR	# BARS
	IN	IN	IN	IN	IN	IN	IN	IN	IN	IN	
CP1212 S	12–3/8	12–3/8	15	1–1/2X1–1/2	1–1/2x1/4	14–3/4	12–1/8	12–1/16	1–1/4X3/16	1x3/16	21
CP1818 S	18–3/8	18–3/8	21	1–1/2X1–1/2 2X1–1/2	1–1/2x1/4 2x1/4	20–5/8	18–1/8	18	1–1/4x3/16 1–3/4x3/16	1x3/16 1–1/2x3/16	31
CP1824 S	18–3/8	24–3/8	21	1–1/2X1–1/2 2X1–1/2	1–1/2x1/4 2x1/4	20–5/8	18–1/8	18	1–1/4x3/16 1–3/4x3/16	1x3/16 1–1/2x3/16	31
CP2424 S	24–3/8	24–3/8	27	1–1/2X1–1/2 2–1/2X1–1/2	1–1/2x1/4 2–1/2x1/4	26–3/4	24–1/8	23–15/16	1–1/4x3/16 2–1/4x3/16	1x3/16 2x3/16	41

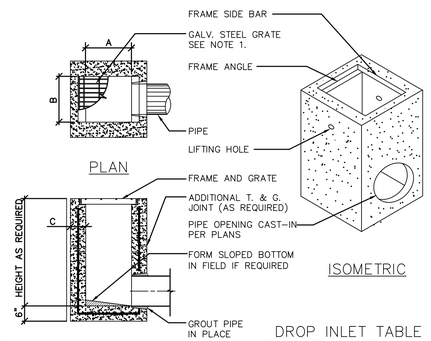
S = SIDEWALK LOADS (300PSF)
H = HEAVY TRAFFIC LOADS (H20)

NOTES :
1. FRAME AND GRATES ARE HOT–DIPPED GALVANIZED AFTER FABRICATION PER ASTM SPEC. A–123.
2. FOR OPTIONAL GRATE LOCKING DEVICE SEE DWG. NO. LOCK, PAGE 1–7.
3. DETAIL–1 SEE PAGES 1–8, 1–9.

OR APPROVED EQUAL | 3

Central Precast

Title: CUSTOM PRECAST CONCRETE DROP INLETS | Date: 05/15/03 | Rev. | Dwg. No. DI | Page No. 1–2



TYPICAL SECTION

DROP INLET TABLE

MODEL No.	CPC MODEL NAME	A IN	A MM	B IN	B MM	C IN	C MM
CP1212	EK	12	300	12	300	4	100
CP1818	CK	18	450	18	450	5	125
CP1824	1K*	18	450	24	600	5	125
CP2424	2K	24	600	24	600	5	125
CP2430	3K	24	600	30	750	5	125
CP3030	5K	30	750	30	750	6	150
CP2436	1L	24	600	36	900	6	150
CP3636	1M	36	900	36	900	6	150
CP2448	3L	24	600	48	1200	6	150
CP3648	3M	36	900	48	1200	6	150
CP4848	1R	48	1200	48	1200	6	150

NOTES :
1. FRAMES AND GRATES MAY BE SPECIFIED FOR PEDESTRIAN OR H20 TRAFFIC LOADING. ALL GRATES ARE BICYCLE PROOF. OPTIONAL GRATE LOCKING DEVICE AVAILABLE ON REQUEST SEE DRAWING "LOCK" ON PAGE 1–7. CLOSED–MESH GRATES OR CAST IRON FRAME AND GRATES ARE AVAILABLE ON REQUEST.
2. FOR SURFACE AND DISCHARGE OPTIONS AVAILABLE SEE DRAWING NO. "DI–S0" PAGE 1–6 AND "DI–D0" PAGE 1–5.
3. FRAMES AND GRATES DETAILS SEE PAGES 1–8, 1–9, AND 1–10.
4. WALL THICKNESSES ON ALL D.I.S. CAN BE CHANGED UPON REQUEST.
5. 18" WIDE D.I."S REPLACE THE OLD 16" WIDE BOX BK & 1K.

OR APPROVED EQUAL | 1

STORMFILTER STEEL CATCHBASIN DESIGN NOTES

STORMFILTER TREATMENT CAPACITY IS A FUNCTION OF THE CARTRIDGE SELECTION AND THE NUMBER OF CARTRIDGES. 1 CARTRIDGE CATCHBASIN HAS A MAXIMUM OF ONE CARTRIDGE. SYSTEM IS SHOWN WITH A 27" CARTRIDGE, AND IS ALSO AVAILABLE WITH AN 18" CARTRIDGE. STORMFILTER CATCHBASIN CONFIGURATIONS ARE AVAILABLE WITH A DRY INLET BAY FOR VECTOR CONTROL. PEAK HYDRAULIC CAPACITY PER TABLE BELOW. IF THE SITE CONDITIONS EXCEED PEAK HYDRAULIC CAPACITY, AN UPSTREAM BYPASS STRUCTURE IS REQUIRED.

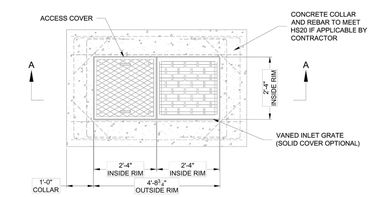
CARTRIDGE SELECTION

CARTRIDGE HEIGHT	27"			18"			18" DEEP		
RECOMMENDED HYDRAULIC DROP (H)	3.05'			2.3'			3.3'		
SPECIFIC FLOW RATE (gpm/sf)	2 gpm/sf	1.67* gpm/sf	1 gpm/sf	2 gpm/sf	1.67* gpm/sf	1 gpm/sf	2 gpm/sf	1.67* gpm/sf	1 gpm/sf
CARTRIDGE FLOW RATE (gpm)	22.5	18.79	11.25	15	12.53	7.5	15	12.53	7.5
PEAK HYDRAULIC CAPACITY	1.0			1.0			2.25		
INLET PERMANENT POOL LEVEL (A)	1'-0"			1'-0"			2'-0"		
OVERALL STRUCTURE HEIGHT (B)	4'-9"			3'-9"			4'-9"		

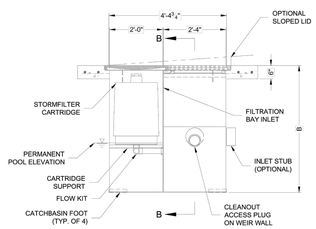
* 1.67 gpm/sf SPECIFIC FLOW RATE IS APPROVED WITH PHOSPHOSORB® (PSORB) MEDIA ONLY

GENERAL NOTES
1. CONTECH TO PROVIDE ALL MATERIALS UNLESS NOTED OTHERWISE.
2. FOR SITE SPECIFIC DRAWINGS WITH DETAILED STORMFILTER CATCHBASIN STRUCTURE DIMENSIONS AND WEIGHTS, PLEASE CONTACT YOUR CONTECH ENGINEERED SOLUTIONS LLC REPRESENTATIVE, www.contechES.com
3. STORMFILTER CATCHBASIN WATER QUALITY STRUCTURE SHALL BE IN ACCORDANCE WITH ALL DESIGN DATA AND INFORMATION CONTAINED IN THIS DRAWING.
4. INLET SHOULD NOT BE LOWER THAN OUTLET. INLET (IF APPLICABLE) AND OUTLET PIPING TO BE SPECIFIED BY ENGINEER AND PROVIDED BY CONTRACTOR.
5. MANUFACTURER TO APPLY A SURFACE BEAD WELD IN THE SHAPE OF THE LETTER "O" ABOVE THE OUTLET PIPE STUB ON THE EXTERIOR SURFACE OF THE STEEL SFCB.
6. STORMFILTER CATCHBASIN EQUIPPED WITH 4 INCH (APPROXIMATE) LONG STUBS FOR INLET (IF APPLICABLE) AND OUTLET PIPING. STANDARD OUTLET STUB IS 8 INCHES IN DIAMETER. MAXIMUM OUTLET STUB IS 15 INCHES IN DIAMETER. CONNECTION TO COLLECTION PIPING CAN BE MADE USING FLEXIBLE COUPLING BY CONTRACTOR.
7. STEEL STRUCTURE TO BE MANUFACTURED OF 1/4 INCH STEEL PLATE. CASTINGS SHALL MEET AASHTO M306 LOAD RATING. TO MEET H20 LOAD RATING ON STRUCTURE, A CONCRETE COLLAR IS REQUIRED. WHEN REQUIRED, CONCRETE COLLAR WITH #4 REINFORCING BARS TO BE PROVIDED BY CONTRACTOR.
8. FILTER CARTRIDGES SHALL BE MEDIA-FILLED, PASSIVE, SIPHON ACTUATED, RADIAL FLOW, AND SELF CLEANING. RADIAL MEDIA DEPTH SHALL BE 7-INCHES. FILTER MEDIA CONTACT TIME SHALL BE AT LEAST 38 SECONDS.
9. SPECIFIC FLOW RATE IS EQUAL TO THE FILTER TREATMENT CAPACITY (gpm) DIVIDED BY THE FILTER CONTACT SURFACE AREA (sq ft).

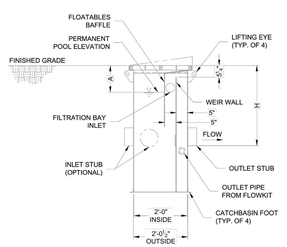
INSTALLATION NOTES
A. ANY SUB-BASE, BACKFILL DEPTH, AND/OR ANTI-FLOTATION PROVISIONS ARE SITE-SPECIFIC DESIGN CONSIDERATIONS AND SHALL BE SPECIFIED BY ENGINEER OF RECORD.
B. CONTRACTOR TO PROVIDE EQUIPMENT WITH SUFFICIENT LIFTING AND REACH CAPACITY TO LIFT AND SET THE CATCHBASIN (LIFTING CLUTCHES PROVIDED).
C. CONTRACTOR TO TAKE APPROPRIATE MEASURES TO PROTECT CARTRIDGES FROM CONSTRUCTION-RELATED EROSION RUNOFF.



PLAN VIEW



SECTION A-A



SECTION B-B

1-CARTRIDGE CATCHBASIN STORMFILTER DATA		
STRUCTURE ID		XXX
WATER QUALITY FLOW RATE (cfs)		X.XX
PEAK FLOW RATE (<1 cfs)		X.XX
RETURN PERIOD OF PEAK FLOW (yrs)		XXX
CARTRIDGE HEIGHT (27", 18", 18" DEEP)		XX
CARTRIDGE FLOW RATE (gpm)		XX
MEDIA TYPE (PERLITE, ZPG, PSORB)		XXXXX
RIM ELEVATION		XXX.XX'
PIPE DATA:	I.E.	DIAMETER
INLET STUB	XXX.XX'	XX"
OUTLET STUB	XXX.XX'	XX"
CONFIGURATION	OUTLET / INLET	OUTLET / INLET
SLOPED LID		YES/NO
SOLID COVER		YES/NO
NOTES/SPECIAL REQUIREMENTS:		

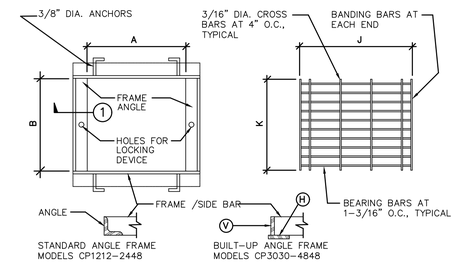
CONTECH ENGINEERED SOLUTIONS LLC
www.contechES.com
9025 Centre Pointe Dr., Suite 400, West Chester, OH 45069
800-526-3999 513-645-7000 513-645-7993 FAX

1 CARTRIDGE CATCHBASIN STORMFILTER STANDARD DETAIL

OR APPROVED EQUAL | 4

Central Precast

Title: PEDESTRIAN (NON TRAFFIC) BICYCLE–PROOF FRAMES & GRATES FOR DROP INLETS | Date: 05/15/03 | Rev. 02/24/04 | Dwg. No. PG | Page No. 1–8



DETAIL – 1

FRAME PLAN GRATE PLAN

MODEL No.	CPC MODEL NAME	A IN	B IN	FRAME ANGLE IN	SIDE BAR IN	WEIGHT LBS.	J IN	K IN	BEARING BARS IN	BANDING BARS IN	WEIGHT LBS.
CP1212	EK	12–3/8	12–3/8	1–1/2x1–1/2X3/16	1–1/2x1/4	10	14–11/16	12–1/8	1–1/4X3/16	1–3/16	13
CP1818	CK	18–5/16	18–5/16	1–1/2x1–1/4x1/8	1–1/4 C.	7	20–5/8	18–1/8	1X3/16	3/4x3/16	20
CP1824	1K*	18–5/16	24–3/8	1–1/2x1–1/2x3/16	1–1/2X1/4	7	20–5/8	24–1/8	1X3/16X3	3/4x3/16	20
CP2424	2K	24–3/8	24–3/8			20	26–11/16	24–1/8	1X3/16X3/18	3/4x3/16	44
CP2430	3K	24–3/8	30–3/8			23	26–11/16	30–1/8			54
CP2436	1L	24–3/8	36–3/8			25	26–11/16	36–1/8			65
CP2448	3L	24–3/8	48–3/8			38	26–11/16	48			88
CP3030	5K	30–3/8	30–3/8			24	32–11/16	30–1/8			78
CP3636	1M	36–3/8	36–3/8	1–3/4x1–3/4X3/16	1–3/4x1/4	29	39–11/16	36–1/8	1–1/2X3/16	1–1/4x1/16	96
CP3648	3M	36–3/8	48–3/8	1–3/4x1–3/4X3/16	1–3/4x1/4	42	39–11/16	48	1–1/2X3/16	1–1/4x1/16	128
CP4848	1R	48–3/8	48–3/8	2x1–1/2X3/16	2x1/4	46	50–11/16	48	1–3/4X3/16	1–1/2x1/16	227

NOTES :
1. FRAMES AND GRATES ARE HOT–DIPPED GALVANIZED AFTER FABRICATION PER ASTM. SPEC. A–123.
2. FOR OPTIONAL GRATE LOCKING DEVICE SEE DWG. NO. LOCK, PAGE 1–7.

OR APPROVED EQUAL | 2

GREENWOOD & MOORE, INC
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CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
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BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

DETAILS

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DRAWN BY: ST
SCALE: AS SHOWN
DATE 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C7.1

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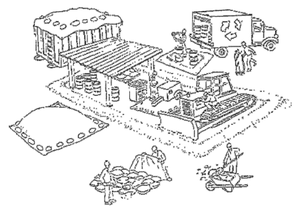
City of Berkeley's Pollution Prevention - It's Part of the Plan



Make sure your crews and subs do the job right!

Runoff from streets and other paved areas is a major source of pollution and damage to creeks and the San Francisco Bay. Construction activities can directly affect the health of creeks and the Bay unless contractors and crews plan ahead to keep dirt, debris, and other construction waste away from storm drains and local creeks. Following these guidelines and the project specifications will ensure your compliance with City of Berkeley requirements.

Materials storage & spill cleanup

Non-hazardous materials management

- Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Use (but don't overuse) reclaimed water for dust control as needed.
- Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
- Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with City of Berkeley Ordinances for recycling construction materials, wood, gyp board, pipe, etc.
- Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
- Cover all dumpsters with a tarp at the end of every work day or during wet weather.

Hazardous materials management

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
- Be sure to arrange for appropriate disposal of all hazardous wastes.

Spill prevention and control

- Keep a stockpile of spill cleanup materials (rags, absorbents, etc.) available at the construction site at all times.
- When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- Dispose of all containment and cleanup materials properly.
- Report any hazardous materials spills immediately! Dial 911 or the City of Berkeley's Public Works Department by dialing 311

Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

Vehicle and equipment maintenance & cleaning

- Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.

Earthwork & contaminated soils

- Keep excavated soil on the site where it will not collect in the street.
- Transfer to dump trucks should take place on the site, not in the street.
- Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.

- Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
- Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
- If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
- If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of cntaminated soil according to their instructions.

Dewatering operations

- Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.

- Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

Saw cutting

- Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- If saw cut slurry enters a catch basin, clean it up immediately.

Paving/asphalt work

- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
- Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
- Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
- Do not use water to wash down fresh asphalt concrete pavement.

Concrete, grout, and mortar storage & waste disposal

- Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
- Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.

- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.

Painting

- Never rinse paint brushes or materials in a gutter or street!
- Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- Paint out excess oil-based paint before cleaning brushes in thinner.
- Filter paint thinners and solvents for reuse whenever possible. Dispose of oil-based paint sludge and unusable thinner as hazardous waste.

Landscape Materials

- Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

Storm drain polluters may be liable for fines of $10,000 or more per day!

For references and more detailed information:
www.cleanwaterprogram.org
www.cabmphandbooks.com

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EROSION CONTROL NOTES

TEMPORARY EROSION CONTROL MEASURES EFFECTIVE DURING RAINY SEASON – OCTOBER 1 TO APRIL 30

1. TEMPORARY EROSION CONTROL DEVICES SHOWN ON GRADING PLAN WHICH INTERFERE WITH THE WORK SHALL BE RELOCATED OR MODIFIED WHEN THE INSPECTOR SO DIRECTS AS THE WORK PROGRESSES.
2. EXCEPT AS OTHERWISE DIRECTED BY THE INSPECTOR, ALL DEVICES SHOWN ON THE EROSION CONTROL PLAN SHALL BE IN PLACE AT THE END OF EACH WORKING DAY. ALL EROSION CONTROL FACILITIES MUST BE INSPECTED AND REPAIRED AT THE END OF EACH WORKING DAY DURING THE RAINY SEASON AND MAINTAINED DURING THE RAINY SEASON (OCTOBER 1 TO APRIL 30).
3. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PROVISIONS OF THE ASSOCIATION OF BAY AREA GOVERNMENTS (ABAG) "MANUAL OF STANDARDS FOR EROSION AND SEDIMENT CONTROL MEASURES" UNLESS OTHERWISE STATED WITHIN THESE GENERAL NOTES. CONTROL MEASURES ARE SUBJECT TO THE INSPECTION AND APPROVAL OF THE ENGINEERING DIVISION OF THE PUBLIC SERVICES DEPARTMENT. SCHEDULE AN ENGINEERING INSPECTION AT LEAST 48 HOURS PRIOR TO THE START OF ANY WORK.
4. ALL LOOSE SOIL AND DEBRIS SHALL BE REMOVED FROM THE STREET AREAS UPON STARTING OPERATIONS AND PERIODICALLY THEREAFTER AS DIRECTED BY THE INSPECTOR. THE SITE SHALL BE MAINTAINED SO AS TO MINIMIZE SEDIMENT LADEN RUNOFF TO ANY STORM DRAIN SYSTEM.
5. THE CONTRACTOR SHALL PLACE 3"–4" FRACTURED STONE AGGREGATE AS A GRAVEL ROADWAY (6" MINIMUM THICKNESS FOR THE FULL WIDTH AND 50 FEET LONG) AT EACH ROAD ENTRANCE TO THE SITE. ANY MUD THAT IS TRACKED ONTO PUBLIC STREETS SHALL BE REMOVED THE SAME DAY AS REQUIRED BY THE COUNTY ENGINEER. MINIMUM WIDTH OF GRAVEL ROADWAY IS 10 FEET.
6. A CONCRETE WASHOUT IS REQUIRED FOR ALL CONCRETE WORK. THE WASHOUT SHALL CONSIST OF A CONTAINMENT AREA ENCLOSED BY AN EARTHEN DIKE. PLASTIC TARP, COVERING THE CONTAINMENT AREA AND EARTHEN DIKE, SHALL BE STAKED IN AT OUTSIDE EDGE OF EARTHEN DIKE.
7. ADDITIONAL CONTAINMENT METHODS MUST BE PROVIDED FOR ANY WASTE STORAGE AREA, STOCKPILE/MATERIAL STORAGE AREA AND/OR CONSTRUCTION TOILET AREA.
8. THE PERSON RESPONSIBLE IMPLEMENTING, INSPECTING AND MAINTAINING THE EROSION AND SEDIMENT CONTROL MEASURES IS:

   CONTACT PERSON'S NAME: XXXX
   TELEPHONE NUMBER: XXXX

9. STAND–BY CREWS SHALL BE ALERTED BY THE PERMITTEE OR CONTRACTOR FOR EMERGENCY WORK DURING RAINSTORMS.
10. AFTER OCTOBER 1, ALL EROSION CONTROL MEASURES WILL BE INSPECTED DAILY AND AFTER EACH STORM. AFTER OCTOBER 1, BREACHES IN DIKES AND SWALES WILL BE REPAIRED AT THE CLOSE OF EACH DAY AND WHENEVER RAIN IS FORECAST.
11. AS A PART OF THE EROSION CONTROL MEASURES, UNDERGROUND STORM DRAIN FACILITIES AND CONCRETE SHALL BE INSTALLED COMPLETE AS SHOWN ON THE IMPROVEMENT PLANS.
12. ALL STORM DRAIN INLET STRUCTURES GREATER THAN FOUR FEET IN DEPTH SHALL HAVE STEPS INSTALLED PER THE LATEST ACCEPTED SAFETY STANDARDS. A 6" CONCRETE COVER SLAB SHALL BE INSTALLED OVER PIPE WITH LESS THAN 2.5 FEET OF COVER TO SUBGRADE. ALL PIPE TO BE CLASS III UNLESS OTHERWISE NOTED.
13. ALL GRADED AREAS, INCLUDING, BUT NOT LIMITED TO, CUT AND FILL SLOPES, STREETS, PARKING AREAS, AND BUILDING PADS SHALL BE HYDROSEEDED PER ABAG. IN ADDITION TO HYDROSEEDING, APPLICATION OF STRAW WITH A TACKIFIER OR MULCH MAY BE REQUIRED BY THE COUNTY ENGINEER.
14. IF ANY GRADING OPERATIONS, OTHER THAN LOT FINISH GRADING, ARE TO BE PERFORMED DURING THE RAINY SEASON, OCTOBER 1 THROUGH APRIL 30, AN EROSION CONTROL PLAN MUST BE SUBMITTED BY SEPTEMBER 1 AND THE PLAN MUST BE APPROVED BY THE COUNTY OF ALAMEDA PRIOR TO THE COMMENCEMENT OF ANY SUCH GRADING OPERATIONS.
15. TO MINIMIZE EROSION OF GRADED BANKS, ALL GRADED BANKS STEEPER THAN 2% AND HIGHER THAN 3 FEET, SHALL BE HYDROSEEDED, LANDSCAPED, OR SEALED. IN ADDITION TO HYDROSEEDING, APPLICATION OF STRAW WITH A TACKIFIER OR MULCH MAY BE REQUIRED BY THE COUNTY ENGINEER. IF THE PERMANENT STORM DRAIN SYSTEM IS NOT INSTALLED BY OCTOBER 1, TEMPORARY DITCHES SHALL BE CONSTRUCTED TO CONTAIN THE STORM WATER AND DIRECT IT, IN A MANNER THAT AVOIDS EROSION OF THE BANKS, TO THE EROSION AND SEDIMENT CONTROL FACILITIES.
16. ALL CUT AND FILL SLOPES ARE TO BE PROTECTED TO PREVENT OVERBANK FLOW USING 4" EARTH BERMS OR SILT FENCES.
17. ALL GRADED AREAS, INCLUDING, BUT NOT LIMITED TO, CUT AND FILL SLOPES, STREETS, PARKING AREAS, AND BUILDING PADS SHALL BE HYDROSEEDED PER COUNTY'S REQUIREMENT. SUGGESTED MIX DESIGN FOLLOWS:

'BLANDO' BROME	40 LBS/ACRE
ZORRO FESCUE	10 LBS/ACRE
HYKON ROSE CLOVER	9 LBS/ACRE
SUB CLOVER	5 LBS/ACRE
CALIFORNIA NATIVE WILDFLOWER	8 LBS/ACRE
FERTILIZER	300 LBS/ACRE
ORGANIC BINDER	100 LBS/ACRE
STRAW MULCH	4000 LBS/ACRE

18. BORROW AREAS AND TEMPORARY STOCKPILES SHALL BE PROTECTED WITH APPROPRIATE EROSION CONTROL MEASURES TO THE SATISFACTION OF THE COUNTY ENGINEER.
19. SANDBAGS, STRAW WATTLES AND/OR STRAW BALES SHALL BE STOCKPILED ON SITE AND PLACED AT INTERVALS SHOWN ON EROSION CONTROL PLANS, WHEN THE RAIN FORECAST IS 40% OR GREATER, OR WHEN DIRECTED BY THE INSPECTOR.
20. SANDBAGS REFERRED TO IN THE PRECEDING ITEMS MUST BE FULL. APPROVED SANDBAG FILL MATERIALS ARE DECOMPOSED GRANITE AND/OR GRAVEL, OR OTHER MATERIALS APPROVED BY THE INSPECTOR.
21. WHEN DIRECTED BY THE INSPECTOR, A 12–INCH BERM SHALL BE MAINTAINED ALONG THE TOP OF THE SLOPE OF THOSE FILLS ON WHICH GRADING IS NOT IN PROGRESS.
22. WHEN PAD ELEVATIONS OF ADJACENT LOTS OR ELEVATIONS BETWEEN THE STREET AND THE LOT ARE SEPARATED BY MORE THAN 6 FEET, A MINIMUM 12" BERM SHALL BE MAINTAINED ALONG THE PROPERTY LINE SEPARATING THE LOTS, AND THE BERM SHALL DIRECT THE WATER TO THE OUTLET. VELOCITY CHECK DAMS SHALL BE INSTALLED BETWEEN THE OUTLET ON THE LOT AND THE STREET.
23. PROVIDE VELOCITY CHECK DAMS IN ALL UNPAVED STREETS AT THE INTERVALS INDICATED BELOW IN NOTE #24. VELOCITY CHECK DAMS MAY BE CONSTRUCTED OF STRAW BALES, SANDBAGS OR OTHER EROSION RESISTANT MATERIALS APPROVED BY THE INSPECTOR, AND SHALL EXTEND COMPLETELY ACROSS THE STREET OR CHANNEL AT RIGHT ANGLES TO THE CENTERLINE. EARTH DIKES MAY NOT BE USED AS VELOCITY CHECK DAMS.
24. PROVIDE VELOCITY CHECK DAMS IN ALL UNPAVED GRADED CHANNELS AT THE INTERVALS INDICATED BELOW:

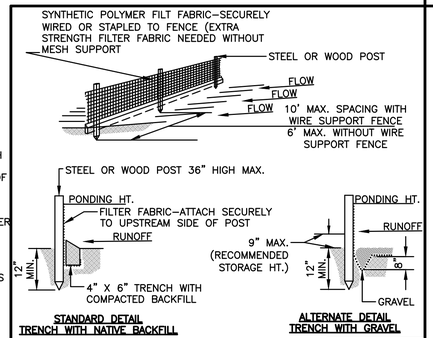
GRADE OF CHANNEL	INTERVAL
LESS THAN 3%	100 FEET
3% TO 6%	50 FEET
OVER 6%	25 FEET

25. SEWER OR STORM DRAIN TRENCHES THAT ARE OUT THROUGH BASIN DIKES OR BASIN INLET DIKES, SHALL BE PLUGGED WITH SANDBAGS FROM TOP OF PIPE TO TOP OF DIKE. SEWER LINES SHALL FIRST BE ENCASED IN CONCRETE BEFORE SANDBAGS ARE PLACED.
26. ALL OPEN UTILITY TRENCHES SHALL BE BLOCKED AT THE PRESCRIBED INTERVALS FROM THE BOTTOM TO TOP WITH A DOUBLE ROW OF SANDBAGS PRIOR TO BACKFILL. SEWER TRENCHES SHALL BE BLOCKED AT THE PRESCRIBED INTERVALS WITH A DOUBLE ROW OF SANDBAGS EXTENDING DOWNWARD, TWO SANDBAGS FROM THE GRADED SURFACE OF THE STREET. SANDBAGS ARE TO BE PLACED WITH ALTERNATE HEADER AND STRETCHER COURSES. THE INTERVALS PRESCRIBED BETWEEN SANDBAG LOCKING SHALL DEPEND ON THE SLOPE OF THE GROUND SURFACE, BUT NOT EXCEED THE FOLLOWING:

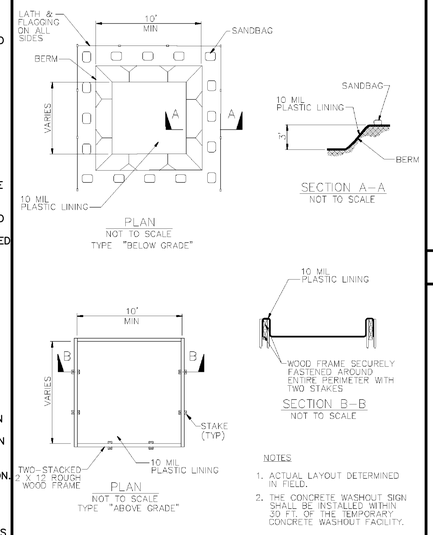
GRADE OF THE STREET	INTERVAL
LESS THAN 2%	AS REQUIRED
2% TO 4%	100 FEET
4% TO 10%	50 FEET
OVER 10%	25 FEET

27. AFTER STORM DRAIN, SANITARY SEWER AND UTILITY TRENCHES ARE BACKFILLED AND COMPACTED, THE SURFACES OVER SUCH TRENCHES SHALL BE MOUNDED SLIGHTLY TO PREVENT CHANNELING OF WATER IN THE TRENCH AREA. CARE SHOULD BE EXERCISED TO PROVIDE FOR CROSS FLOW AT FREQUENT INTERVALS WHERE TRENCHES ARE NOT ON THE CENTER LINE OF A CROWNED STREET.
28. SEDIMENT TRAPS SHALL BE CLEANED OUT PER INSPECTOR'S DIRECTION. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CLEAN THE DESILTING BASINS AND THE SEDIMENT TRAPS.
29. THIS PLAN MAY NOT COVER ALL THE SITUATIONS THAT ARISE DURING CONSTRUCTION DUE TO UNANTICIPATED FIELD CONDITIONS. VARIATIONS MAY BE MADE TO THESE PLANS IN THE FIELD, SUBJECT TO APPROVAL OF THE COUNTY ENGINEER.
30. EROSION CONTROL STRUCTURES SHALL BE ADJUSTED BY THE CONTRACTOR TO REFLECT ALL CHANGES IN DRAINAGE AS STREETS AND BUILDING PADS ARE BEING INSTALLED.
31. INSTALL EXCELSIOR CURLEX II EROSION CONTROL BLANKET OR APPROVED EQUAL ON GRADED SLOPES STEEPER THAN 3:1. INSTALL PER MANUFACTURER'S RECOMMENDATIONS AND SPECIFICATIONS.

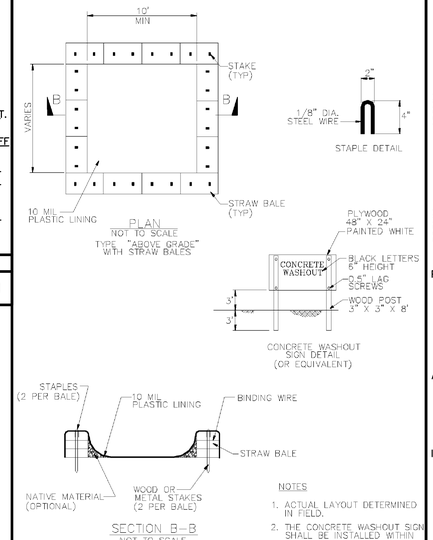
EROSION CONTROL NOTES | 10



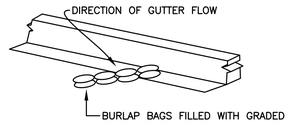
SILT FENCE | 9



WM–8 CONCRETE WASTE MANAGEMENT | 7



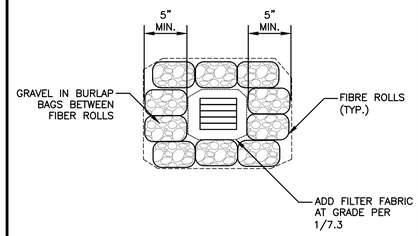
CONCRETE WASTE MANAGEMENT WM–8 | 8



NOTES
1. THICKNESS OF FILLED BAGS WHEN LAID FLAT SHALL NOT EXCEED 4".
2. ENSURE THERE ARE NO GAPS BETWEEN THE BAGS AND THE FACE OF CURB.
3. REMOVE ACCUMULATED SILT, DIRT, AND DEBRIS BEFORE IT EXCEEDS A THICKNESS OF 2" IN THE GUTTER.
4. INSPECT INLET PROTECTION DAILY DURING EXTENDED RAINFALL PERIODS AND BEFORE AND AFTER EACH RAIN EVENT.

1/2"=1'–0"

GRAVEL BAG CHECK DAM | 4

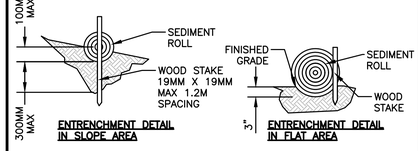


1/2"=1'–0"

INLET PROTECTION (UNPAVED AREAS) | 5

LIMITATIONS:
–DESIGNED FOR LOW SURFACE FLOWS NOT TO EXCEED 1 CFS FOR SMALL AREAS.
–DESIGNED FOR SHORT SLOPED OR SLOPES FLATTER THAN 3:1
– PRIMARY PURPOSE IS NOT SEDIMENT CONTROL, ALTHOUGH DO PROVIDE SOME SEDIMENT REMOVAL.

INSPECTION AND MAINTENANCE:
– REPAIR OR REPLACE SPLIT, TORN, UNRAVELING, OR SLUMPING FIBER ROLLS.
–INSPECT FIBER ROLLS WHEN RAIN IS FORECAST, FOLLOWING RAIN EVENTS AND AT LEAST DAILY DURING PROLONGED RAINFALL. PERFORM REQUIRED MAINTENANCE.
–IN MOST CASES, FIBER ROLLS DO NOT REQUIRE REMOVAL AND CAN BE ABANDONED IN PLACE. IF NOTE EXCESSIVELY SOILED, ROLLS MAY BE REMOVED. REPLACED AND REUSED.



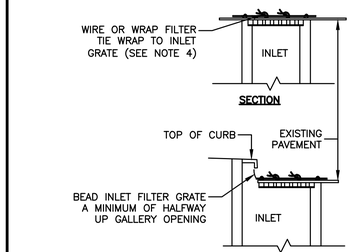
PURPOSE:
FIBER ROLLS (SEDIMENT LOGS OR WATTLES), COMPOSED OF BIO–DEGRADABLE FIBERS STUFFED IN A PHOTO–DEGRADEABLE OPEN WEAVE NETTING, ARE DESIGNED TO REDUCE SEDIMENT RUNOFF FROM DISTURBED SOILS INTO THE STORM DRAIN SYSTEM OR WATER–COURSES. FIBER ROLLS ARE POROUS AND ALLOW WATER TO FILTER THROUGH FIBERS AND TRAP SEDIMENT, INCREASE FILTRATION RATES, SLOW RUNOFF AND REDUCE SHEET AND HILL EROSION. WATTLES ALSO CREATE A FAVORABLE ENVIRONMENT FOR PLANT ESTABLISHMENT.

APPLICATION:
–ALONG THE FACE OF EXPOSED AND ERODIBLE SLOPES TO SHORTEN SLOPE LENGTH.
–AT GRADE BREAKS WHERE SLOPES TRANSITION TO A STEEPER SLOPE
–IN DRAINAGE SWALES TO SLOW FLOWS
–ALONG STREAMBANKS TO ASSIST STABILIZATION AND REVEGETATION

INSPECTION AND MAINTENANCE:
FOLLOW MANUFACTURER'S RECOMMENDATIONS FOR INSTALLATION. IN GENERAL, THESE WILL BE AS FOLLOWS:
–FINE GRADE THE SUBGRADE BY HAND DRESSING WHERE NECESSARY TO REMOVE LOCAL DEVIATIONS AND TO REMOVE LARGER STONES OR DEBRIS THAT WILL INHIBIT INTIMATE CONTACT OF THE FIBER ROLL WITH THE SUBGRADE.
–PRIOR TO ROLL INSTALLATION, CONTOUR A CONCAVE KEY TRENCH 50 TO 100MM (2 TO 4 INCHES) DEEP ALONG THE PROPOSED INSTALLATION ROUTE.
–SOIL EXCAVATION IN TRENCHING SHOULD BE PLACED ON THE UPHILL OR FLOW SIDE OF THE ROLL TO PREVENT WATER FROM UNDERCUTTING THE ROLL.
–PLACE FIBER ROLLS INTO THE KEY TRENCH AND STAKE ON BOTH SIDES OF THE ROLL WITHIN 6 FEET OF EACH END AND THEN EVERY SIX INCHES WITH 1" X 2" X 23" STAKES.
–STAKE ARE TYPICALLY DRIVEN IN ON ALTERNATING SIDES OF THE ROLL. WHEN MORE THAN ONE FIBER ROLL IS PLACED IN A ROW, THE ROLLS SHOULD BE BUTTED SECURELY TO ONE ANOTHER TO PROVIDE A TIGHT JOINT, NOT OVERLAPPED.

1/2"=1'–0"

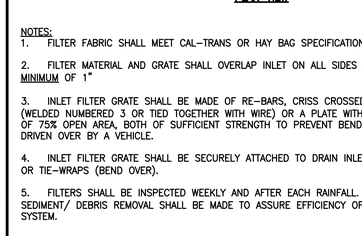
STRAW WATTLE | 6



NOTES:
1. FILTER FABRIC SHALL MEET CAL–TRANS OR HAY BAG SPECIFICATIONS.
2. FILTER MATERIAL AND GRATE SHALL OVERLAP INLET ON ALL SIDES BY A MINIMUM OF 1"
3. INLET FILTER GRATE SHALL BE MADE OF RE–BARS, CRISS CROSSED AT 6" (WELDED NUMBERED 3 OR TIED TOGETHER WITH WIRE) OR A PLATE WITH MINIMUM OF 75% OPEN AREA, BOTH OF SUFFICIENT STRENGTH TO PREVENT BENDING WHEN DRIVEN OVER BY A VEHICLE.
4. INLET FILTER GRATE SHALL BE SECURELY ATTACHED TO DRAIN INLET BY WIRE OR TIE–WRAPS (BEND OVER).
5. FILTERS SHALL BE INSPECTED WEEKLY AND AFTER EACH RAINFALL. REPAIRS, SEDIMENT/ DEBRIS REMOVAL SHALL BE MADE TO ASSURE EFFICIENCY OF FILTER SYSTEM.

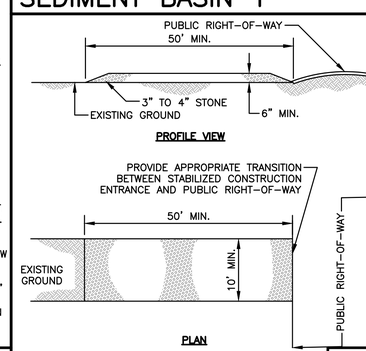
1/2"=1'–0"

INLET PROTECTION (PAVED AREAS) | 1



1/2"=1'–0"

SEDIMENT BASIN 1 | 2



1/2"=1'–0"

CONSTRUCTION ENTRANCE | 3

GREENWOOD & MOORE, INC
Civil Engineers • Designers
Land Surveyors • Planners
3111 Castro Valley Blvd., Ste. 200, Castro Valley, California, 94546
Tel: 510-581-2772 Fax: 510-581-6913 www.greenwoodmoore.com

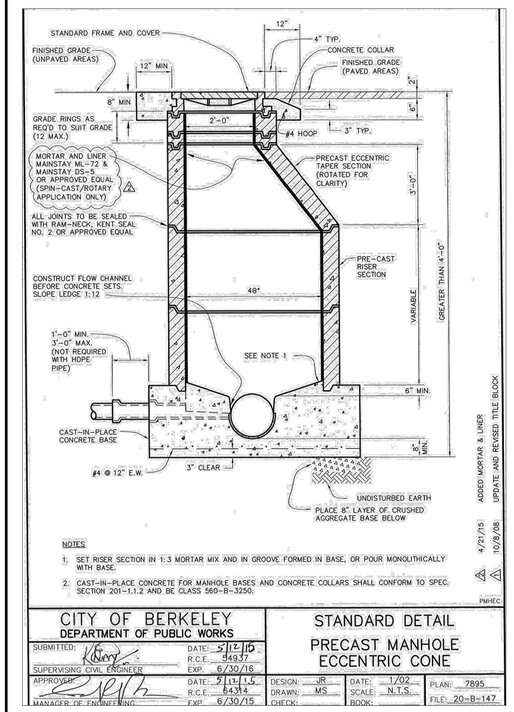
REGISTERED PROFESSIONAL ENGINEER
JEFFREY R. MOORE
No. C042628
Exp. 03/31/2026
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055–1887–001 & 055–1887–002

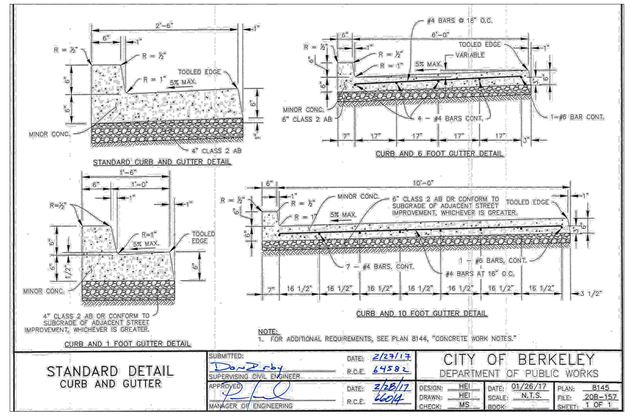
EROSION CONTROL DETAILS

CHECKED BY:	BD
DRAWN BY:	ST
SCALE:	1"=10'
DATE	04/10/2025
PROJECT NO.	2024.030
PHASE NO.	XX
SHEET NO.	C7.3

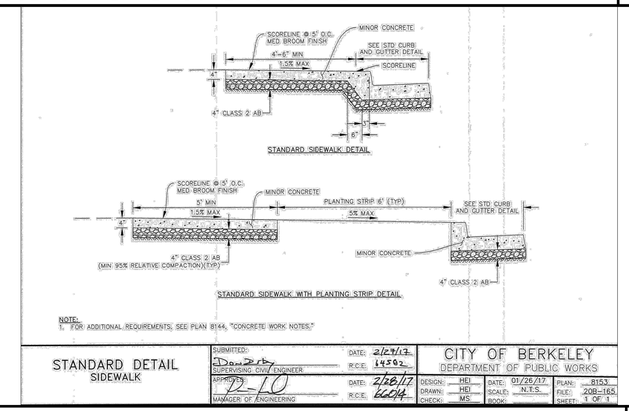
ALL IDEAS, DESIGNS, ARRANGEMENTS AND PLANS INDICATED BY THIS DRAWING ARE OWNED BY, AND THE PROPERTY OF THIS OFFICE AND WERE CREATED, EVOLVED AND DEVELOPED FOR USE ON - AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGNS, ARRANGEMENTS OR PLANS SHALL BE USED BY OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION FOR ANY PURPOSE WHATSOEVER WITHOUT THE WRITTEN PERMISSION OF GREENWOOD & MOORE, INC. WRITTEN DIMENSIONS ON THESE DRAWINGS SHALL HAVE PRECEDENCE OVER SCALE DIMENSIONS. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB. THIS OFFICE MUST BE NOTIFIED OF ANY VARIATION FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS AND MUST BE GIVEN THE OPPORTUNITY TO REVIEW SHOP DRAWINGS FOR ALL APPROVAL WORK DONE WITH REFERENCE TO THESE DRAWINGS.



COB PRECAST MANHOLE 4



COB STANDARD CURB & GUTTER 1



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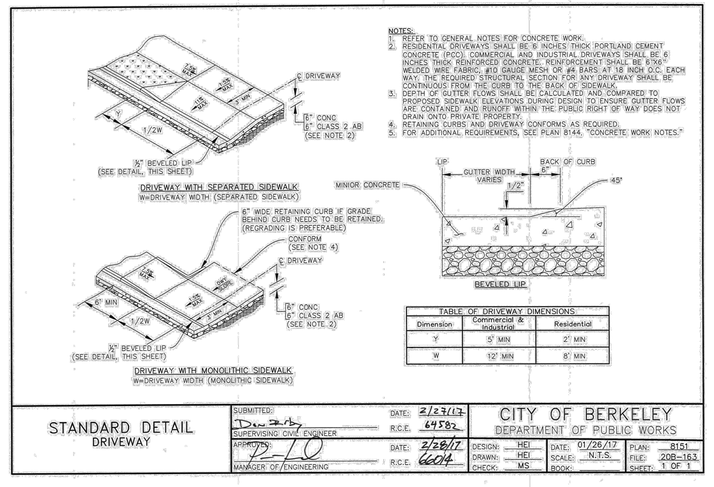
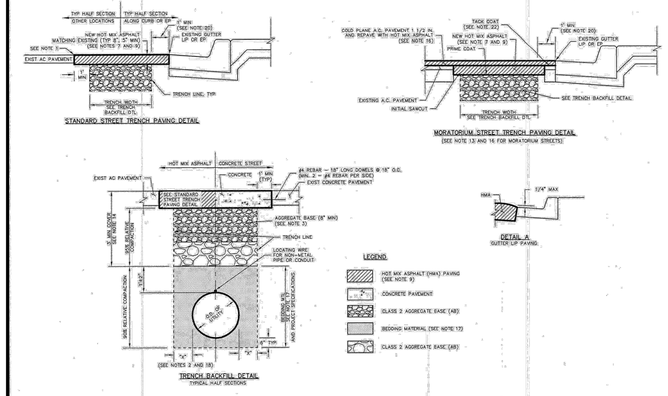


COB DRIVEWAY 5



COB TRENCH EXCAVATION 3

GREENWOOD & MOORE, INC
Civil Engineers • Designers
Land Surveyors • Planners
3111 Castro Valley Blvd., Ste. 200, Castro Valley, California, 94546
Tel: 510-581-2772 Fax: 510-581-6913 www.greenwoodmoore.com

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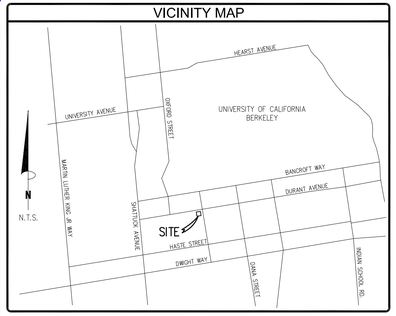
CIVIL
STATE OF CALIFORNIA

IMPROVEMENT PLAN
2298 DURANT AVENUE
BERKELEY, CA
APN: 055-1887-001 & 055-1887-002

CITY OF BERKELEY DETAILS

CHECKED BY: BD
DRAWN BY: ST
SCALE: 1"=10'
DATE: 04/10/2025
PROJECT NO. 2024.030
PHASE NO. XX
SHEET NO. C7.4

VICINITY MAP



BASIS OF BEARING

THE BEARING OF N80°51'12"E ALONG THE MONUMENT LINE OF CHANNING WAY AS SHOWN ON RECORD OF SURVEY NO. 2769, FILED IN BOOK 42 OF RECORD OF SURVEYS AT PAGE 46, RECORDS OF ALAMEDA COUNTY.

ELEVATION BENCH MARK

CITY OF BERKELEY MONUMENT AT THE INTERSECTION OF DURANT AVE. AND ELLSWORTH ST. PER CR7052.
CITY MONUMENT NO. B0401
ELEV.=211.60'

OBSERVED SIGNIFICANT OBSERVATIONS

NONE OBSERVED

UTILITY NOTE

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV AND ITEM 11(b) PER TABLE A OF OPTIONAL SURVEY RESPONSIBILITIES AND SPECIFICATIONS.

ZONING INFORMATION

ITEM	REQUIRED	CONTACT:
ZONING DESIGNATION	R-S	PARTNER ENGINEERING & SCIENCE
MINIMUM LOT AREA (SQ. FT.)	5,000 SQ. FT.	REPORT DATE: JUNE 29, 2023
MAXIMUM LOT COVERAGE	2 STORIES: 70%	DATE OF REVISION: DECEMBER 19, 2023
MAXIMUM FLOOR AREA RATIO	NO MAXIMUM	REPORT #: 23-410652.4
MAX IMPERVIOUS COVERAGE	N/A	PARKING REQUIREMENTS:
MAX BUILDING HEIGHT	35' / 3 STORY	NON-MEDICAL OFFICE SPACE
MINIMUM SETBACKS		1 SPACE PER 400 SQUARE FEET
FRONT	10 FEET	
SIDE	4 FEET	
REAR	10 FEET	
SIDE STREET:	6 FEET	

NOTES:

FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 06001C0057G (MAP NO. 060004), WHICH BEARS AN EFFECTIVE DATE OF 8/3/2009, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. ZONE "X" DENOTES AREAS MINIMAL FLOODING.

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NOTES CORRESPONDING TO SCHEDULE "B" ITEMS

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11)
ITEMS ARE NOT SURVEY RELATED.

BUILDING AREA

BUILDING: 2,380 SQ. FT.

BUILDING HEIGHT

BUILDING: 37'± / 2 STORY

LAND AREA

LAND AREA: 8,460 S.F. = 0.194 AC.

PARKING

REGULAR:	13
COVERED:	0
HANDICAP:	0
TOTAL PARKING:	13

TITLE DESCRIPTION

REAL PROPERTY IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTION OF LOT 4, BLOCK 13, "MAP OF THE PROPERTY OF COLLEGE HOMESTEAD ASSOCIATION", RECORDED MAY 15, 1866, MAP BOOK "T" OF DEEDS, PAGE 799, ALAMEDA COUNTY RECORDS.

BEGINNING AT A POINT OF THE INTERSECTION OF THE WESTERN LINE OF ELLSWORTH STREET WITH THE SOUTHERN LINE OF DURANT AVENUE, AND RUNNING THENCE WESTERLY ALONG SAID LINE OF DURANT AVENUE, 94 FEET; THENCE AT RIGHT ANGLES SOUTHERLY 90 FEET; THENCE EASTERLY PARALLEL WITH SAID LINE OF DURANT AVENUE, 94 FEET TO THE WESTERN LINE OF ELLSWORTH STREET; THENCE NORTHERLY ALONG SAID LAST NAMED LINE, 90 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE EXCLUSIVE RIGHT TO PROSPECT FOR, DRILL FOR, PRODUCE AND TAKE ANY OIL, GAS OR OTHER HYDROCARBON SUBSTANCES OR MINERAL SUBSTANCES AND ACCOMPANYING FLUIDS INCLUDING ALL GEOTHERMAL RESOURCES, FROM THE REAL PROPERTY GRANTED HEREIN, FROM THE DEPTH OF FIVE HUNDRED FEET FROM THE SAID REAL PROPERTY, INCLUDING THE RIGHT TO SLANT DRILL FROM ADJACENT PROPERTY, THE RIGHT TO UTILIZE SUBSURFACE STORAGE FOR NATURAL SUBSTANCES, AND THE RIGHT TO MAINTAIN SUBSURFACE PRESSURES.
GRANTOR COVENANTS AND EGRESS THAT THE ABOVE RESERVED RIGHTS WILL NOT BE EXERCISED IN DEROGATION OF GRANTEE'S USED AND PURPOSES OF THE SURFACE OF REAL PROPERTY, AS RESERVED IN THE DEED EXECUTED BY THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, A CALIFORNIA CORPORATION, RECORDED SEPTEMBER 2, 1983, SERIES NO 83-163400, ALAMEDA COUNTY RECORDS.

APN: 055-1887-001

THE PROPERTY SURVEYED IS THE SAME AS DESCRIBED ABOVE AND SHOWN IN THE TITLE COMMITMENT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1177686-CC AND AN EFFECTIVE DATE OF SEPTEMBER 18, 2023, UPDATED OCTOBER 06, 2023.

TITLE COMMITMENT INFORMATION

The Title Description and Schedule 'B' items are the same as shown on the title commitment provided by First American Title Insurance Company, Commitment No. NCS-1177686-CC, issued with an effective date of September 18, 2023, updated October 06, 2023.

SURVEYOR'S NOTES

1. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, EASEMENTS, SERVITUDES, FOUNDATIONS AND POSSIBLE ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.

2. SUBJECT TRACT HAS DIRECT PHYSICAL DRIVEWAY ACCESS TO ELLSWORTH STREET AND DURANT AVENUE, BOTH DEDICATED PUBLIC RIGHTS-OF-WAY.

3. THE DIMENSIONS AND AREA OF THE BUILDING(S) SHOWN ARE BASED ON THE BUILDING'S EXTERIOR FOOTPRINT AT GROUND LEVEL.

4. THE POINT OF HEIGHT MEASUREMENT IS IDENTIFIED ON THE SURVEY AND WAS TAKEN FROM THE NEAREST ADJACENT GRADE AT SAID POINT. THIS POINT REPRESENTS THE HEIGHT OF THE STRUCTURE AS OBSERVED FROM GROUND LEVEL.

5. UNDERGROUND UTILITIES HAVE BEEN LOCATED AND/OR SHOWN ON THIS SURVEY, ONLY VISIBLE AND/OR MARKED UTILITY APPURTENANCES ARE SHOWN.

6. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, OR BUILDING CONSTRUCTION ON THE SURVEYED PROPERTY.

7. THERE ARE NO OBSERVABLE EVIDENCE OF ANY CHANGES IN STREET RIGHT-OF-WAYS OR RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

8. THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES ON THE SURVEYED PROPERTY.

9. ALL RECIPROCAL EASEMENT AGREEMENTS ("REAS") THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON. THE LIMITS OF ANY OFFSITE APPURTENANT EASEMENTS THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON.

10. THIS SURVEY DOES NOT PROVIDE A DETERMINATION OR OPINION CONCERNING THE LOCATION OR EXISTENCE OF WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE, SUBSURFACE AND ENVIRONMENTAL CONDITIONS OR GEOLOGICAL ISSUES. NO STATEMENT IS MADE CONCERNING THE SUITABILITY OF THE SUBJECT TRACT FOR ANY INTENDED USE, PURPOSE OR DEVELOPMENT.

11. THE SURVEYED BOUNDARY SHOWN HEREON ARE CONTIGUOUS WITH ADJOINING PROPERTIES AND/OR RIGHTS OF WAY WITHOUT ANY GAPS, GORES OR OVERLAPS.

12. NO VISIBLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE WERE OBSERVED AT THE TIME THE FIELDWORK WAS PERFORMED.

13. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE.

SURVEYOR'S CERTIFICATE

TO: 2298 DURANT LP, A CALIFORNIA LIMITED PARTNERSHIP; FIRST AMERICAN TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(B), 13, 14, 16, 17 AND 19 OF TABLE A THEREOF, THE FIELDWORK WAS COMPLETED ON JUNE 29, 2023.

DATE OF PLAT OR MAP: DECEMBER 19, 2023

LAWRENCE WILSON
LS 6712
STATE OF CALIFORNIA

LICENSED SURVEYOR
LAWRENCE WILSON
No. 6712
Exp. 6-30-24
STATE OF CALIFORNIA

THIS SURVEY WAS COORDINATED, NOT PERFORMED, BY PARTNER. SURVEY OBTAINED FROM AND CERTIFIED TO BY A PROFESSIONAL SURVEYOR LICENSED TO PRACTICE IN THE SAME STATE THE SUBJECT PROPERTY IS LOCATED

SHEET 1 OF 2

2021 ALTA/NSPS LAND TITLE SURVEY

2298 Durant Ave
SITE ADDRESS

2298 Durant Avenue
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 410652.6

COORDINATED BY

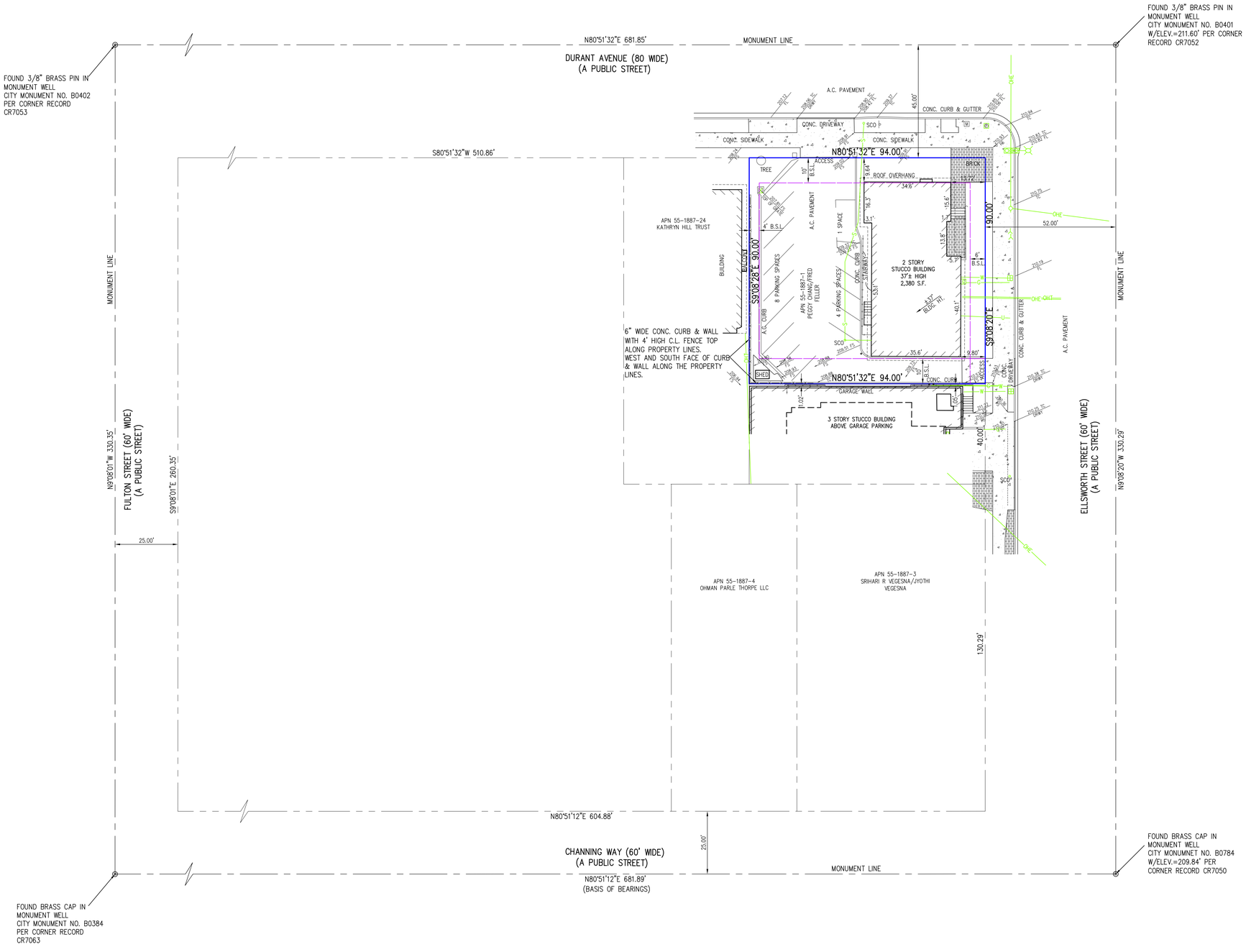
PARTNER

CORPORATE OFFICE
2154 Torrance Boulevard
Torrance, CA 90501
Phone: 888-213-7479
ALTA@partnereseI.com
www.partnereseI.com

DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
		CHECKED BY:	JOB NO.: 23-4992
		FILENAME: 23-4992A.DWG	

SURVEYED BY

AZCA ENGINEERING LLC
ADDRESS: 1406 E. MARYMONT CIRCLE
FLAGSTAFF, AZ 86004
TELEPHONE NO. 928/853-1590
EMAIL: LARRYW6712@GMAIL.COM



N

20 0 20 40

Scale 1"=20'

LEGEND:

A.C.	ASPHALT CONCRETE
CONC.	CONCRETE
B.S.L.	BUILDING SETBACK LINE
FS	FINISH GRADE ELEVATION
TC	TOP OF CURB ELEVATION
FL	FLOWLINE ELEVATION
	SIGN
SCO	SEWER CLEANOUT
	BOLLARD
	WATER METER
	STREET LIGHT
	TRAFFIC LIGHT
	PEDESTRIAN TRAFFIC LIGHT
G	GAS METER
M	MAILBOX
	CATCH BASIN
	BOUNDARY LINE
	EASEMENT LINE
	SETBACK LINE
	UTILITY POLE
	GUY WIRE
	FD. CITY MONUMENT
W	MARKED UNDERGROUND WATER LINE
G	MARKED UNDERGROUND GAS LINE
S	MARKED UNDERGROUND SEWER LINE
U	MARKED UNKNOWN UTILITY LINE
OHE	OVERHEAD ELECTRIC LINES
OHT	OVERHEAD TELECOM LINE
209.84	EXISTING SPOT ELEVATION

2021 ALTA/NSPS LAND TITLE SURVEY

2298 Durant Ave

SITE ADDRESS

2298 Durant Avenue
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 410652.6

COORDINATED BY

PARTNER
CORPORATE OFFICE
2154 Torrance Boulevard
Torrance, CA 90501
Phone: 888-213-7479
ALTA@partnersLcom
www.partnersLcom

DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
		CHECKED BY:	JOB NO.: 23-4992
		FILENAME: 23-4992A.DWG	

SURVEYED BY

AZCA ENGINEERING LLC
ADDRESS: 1406 E. MARYMONT CIRCLE
FLAGSTAFF, AZ 86004
TELEPHONE NO. 928/853-1590
EMAIL: LARRYW6712@GMAIL.COM

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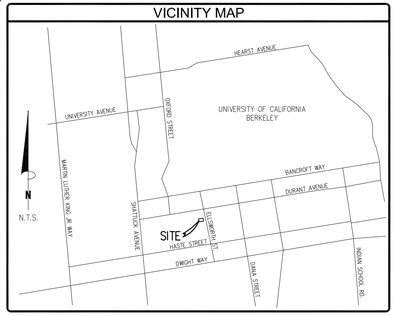
SHEET 2 OF 2

VICINITY MAP



BASIS OF BEARING

THE BEARING OF N80°51'12"E ALONG THE MONUMENT LINE OF CHANNING WAY AS SHOWN ON RECORD OF SURVEY NO. 2769, FILED IN BOOK 42 OF RECORD OF SURVEYS AT PAGE 46, RECORDS OF ALAMEDA COUNTY.

ELEVATION BENCH MARK

CITY OF BERKELEY MONUMENT AT THE INTERSECTION OF DURANT AVE. AND ELLSWORTH ST. PER CR7052.
CITY MONUMENT NO. B0401
ELEV.=211.60'

OBSERVED SIGNIFICANT OBSERVATIONS

NONE OBSERVED

UTILITY NOTE

THE SURVEY SHOWS THE LOCATION OF UTILITIES EXISTING ON OR SERVING THE SURVEYED PROPERTY AS DETERMINED BY OBSERVED EVIDENCE COLLECTED PURSUANT TO ALTA SECTION 5 E IV TOGETHER WITH EVIDENCE FROM PLANS REQUESTED BY THE SURVEYOR AND OBTAINED FROM THE UTILITY COMPANIES, OR PROVIDED BY THE CLIENT AND MARKINGS REQUESTED BY THE SUREYOR PURSUANT TO A 811 UTILITY LOCATE OF SIMILAR REQUEST.

ZONING INFORMATION

ITEM	REQUIRED	CONTACT:
ZONING DESIGNATION	R-S	PARTNER ENGINEERING & SCIENCE
MINIMUM LOT AREA (SQ. FT.)	5,000 SQ. FT.	REPORT DATE: JUNE 29, 2023
MINIMUM FRONTAGE	N/A	DATE OF REVISION: OCTOBER 11, 2023
MINIMUM LOT WIDTH	N/A	REPORT #: 23-410652.5
MAX LOT COVERAGE	4 STORIES; 55%	PARKING REQUIREMENTS:
MAX BUILDING HEIGHT	35' / 3 STORY	NONE REQUIRED PER REPORT
MINIMUM SETBACKS		
FRONT	10 FEET	
SIDE	4 FEET	
REAR	10 FEET	

NOTES:

FLOOD INFORMATION

BY GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN ZONE "X", AS SHOWN ON THE FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NO. 06001C0057G (MAP NO. 060004), WHICH BEARS AN EFFECTIVE DATE OF 8/3/2009, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA. NO FIELD SURVEYING WAS PERFORMED TO DETERMINE THIS ZONE. ZONE "X" DENOTES AREAS MINIMAL FLOODING.

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NOTES CORRESPONDING TO SCHEDULE "B" ITEMS

ITEMS ARE NOT SURVEY RELATED.

BUILDING AREA

BUILDING: 2,849 SQ. FT.

BUILDING HEIGHT

BUILDING: 40'± / 3 STORY

LAND AREA

AREA: 3,760 S.F. = 0.0863 AC.

PARKING

REGULAR:	0
GARAGE:	5
HANDICAP:	0
TOTAL PARKING:	5

TITLE DESCRIPTION

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

THAT PARCEL OF LAND IN THE CITY OF BERKELEY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF LOT 4, BLOCK 13, "PROPERTY OF THE COLLEGE HOMESTEAD ASSOCIATION", FILED MAY 15, 1866, BOOK T OF DEEDS, PAGE 799, ALAMEDA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY LINE OF ELLSWORTH STREET, DISTANT 90 FEET SOUTH OF THE INTERSECTION OF THE WESTERLY LINE OF ELLSWORTH STREET AND THE SOUTHERLY LINE OF DURANT AVENUE; THENCE SOUTHERLY ALONG THE WESTERLY LINE OF ELLSWORTH STREET 40 FEET; THENCE AT A RIGHT ANGLE WESTERLY PARALLEL TO THE SOUTHERLY LINE OF DURANT AVENUE 94 FEET; THENCE NORTHERLY AT A RIGHT ANGLE PARALLEL TO THE WESTERLY LINE OF ELLSWORTH STREET, 40 FEET; THENCE AT A RIGHT ANGLE EASTERLY 94 FEET TO THE POINT OF BEGINNING.

APN: 055-1887-002

THE PROPERTY SURVEYED IS THE SAME AS DESCRIBED ABOVE AND SHOWN IN THE TITLE COMMITMENT FROM FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1183023-CC AND AN EFFECTIVE DATE OF MAY 31, 2023.

TITLE COMMITMENT INFORMATION

The Title Description and Schedule 'B' items are the same as shown on the title commitment provided by First American Title Insurance Company, Commitment No. NCS-1183023-CC, issued with an effective date of May 31, 2023.

SURVEYOR'S NOTES

1. ALL STATEMENTS WITHIN THE CERTIFICATION, AND OTHER REFERENCES LOCATED ELSEWHERE HEREON, RELATED TO UTILITIES, IMPROVEMENTS, STRUCTURES, BUILDINGS, PARTY WALLS, EASEMENTS, SERVITUDES, FOUNDATIONS AND POSSIBLE ENCROACHMENTS ARE BASED SOLELY ON ABOVE GROUND, VISIBLE EVIDENCE, UNLESS ANOTHER SOURCE OF INFORMATION IS SPECIFICALLY REFERENCED HEREON.

2. SUBJECT TRACT HAS DIRECT PHYSICAL DRIVEWAY ACCESS TO ELLSWORTH STREET AND DURANT AVENUE, BOTH DEDICATED PUBLIC RIGHTS-OF-WAY.

3. THE DIMENSIONS AND AREA OF THE BUILDING(S) SHOWN ARE BASED ON THE BUILDING'S EXTERIOR FOOTPRINT AT GROUND LEVEL.

4. THE POINT OF HEIGHT MEASUREMENT IS IDENTIFIED ON THE SURVEY AND WAS TAKEN FROM THE NEAREST ADJACENT GRADE AT SAID POINT. THIS POINT REPRESENTS THE HEIGHT OF THE STRUCTURE AS OBSERVED FROM GROUND LEVEL.

5. UNDERGROUND UTILITIES HAVE BEEN LOCATED AND/OR SHOWN ON THIS SURVEY, ONLY VISIBLE AND/OR MARKED UTILITY APPURTENANCES ARE SHOWN.

6. THERE IS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, OR BUILDING CONSTRUCTION ON THE SURVEYED PROPERTY.

7. THERE ARE NO OBSERVABLE EVIDENCE OF ANY CHANGES IN STREET RIGHT-OF-WAYS OR RECENT STREET OR SIDEWALK CONSTRUCTION OR REPAIR.

8. THERE IS NO OBSERVABLE EVIDENCE OF CEMETERIES ON THE SURVEYED PROPERTY.

9. ALL RECIPROCAL EASEMENT AGREEMENTS ("REAS") THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON. THE LIMITS OF ANY OFFSITE APPURTENANT EASEMENTS THAT HAVE BEEN REPORTED BY THE TITLE REPORT PROVIDED HAVE BEEN DENOTED ON THE SURVEY AND ARE SHOWN HEREON.

10. THIS SURVEY DOES NOT PROVIDE A DETERMINATION OR OPINION CONCERNING THE LOCATION OR EXISTENCE OF WETLANDS, FAULT LINES, TOXIC OR HAZARDOUS WASTE AREAS, SUBSIDENCE, SUBSURFACE AND ENVIRONMENTAL CONDITIONS OR GEOLOGICAL ISSUES. NO STATEMENT IS MADE CONCERNING THE SUITABILITY OF THE SUBJECT TRACT FOR ANY INTENDED USE, PURPOSE OR DEVELOPMENT.

11. THE SURVEYED BOUNDARY SHOWN HEREON ARE CONTIGUOUS WITH ADJOINING PROPERTIES AND/OR RIGHTS OF WAY WITHOUT ANY GAPS, GORES OR OVERLAPS.

12. NO VISIBLE EVIDENCE OF SUBSTANTIAL AREAS OF REFUSE WERE OBSERVED AT THE TIME THE FIELDWORK WAS PERFORMED.

13. THE BOUNDARY LINE DIMENSIONS AS SHOWN ON THIS SURVEY MAP FORM A MATHEMATICALLY CLOSED FIGURE.

14. RECORD AND MEASURED DISTANCES ARE THE SAME.

SURVEYOR'S CERTIFICATE

TO: ELLSWORTH, CASCADE CAPITAL- BERKELEY MULTI-FAMILY I, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; FIRST AMERICAN TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2, 3, 4, 5, 6(A), 6(B), 7(A), 7(B)(1), 7(C), 8, 9, 11(B), 13, 14, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON JUNE 29, 2023.

DATE OF PLAT OR MAP: DECEMBER 19, 2023

LAWRENCE WILSON
LS 6712
STATE OF CALIFORNIA

LICENSED SURVEYOR
LAWRENCE WILSON
No. 6712
Exp. 6-30-24
STATE OF CALIFORNIA

THIS SURVEY WAS COORDINATED, NOT PERFORMED, BY PARTNER. SURVEY OBTAINED FROM AND CERTIFIED TO BY A PROFESSIONAL SURVEYOR LICENSED TO PRACTICE IN THE SAME STATE THE SUBJECT PROPERTY IS LOCATED

SHEET 1
OF 2

2021 ALTA/NSPS LAND TITLE SURVEY

2360 Ellsworth Street
SITE ADDRESS

2360 Ellsworth Street
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 23-412031.1

COORDINATED BY

PARTNER

CORPORATE OFFICE
2154 Torrance Boulevard
Torrance, CA 90501
Phone: 888-213-7479
ALTA@partneresi.com
www.partneresi.com

DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
.	.	CHECKED BY:	JOB NO.: 23-4993
.	.	FILENAME: 23-4993A.DWG	
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SURVEYED BY

AZCA ENGINEERING LLC
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FLAGSTAFF, AZ 86004
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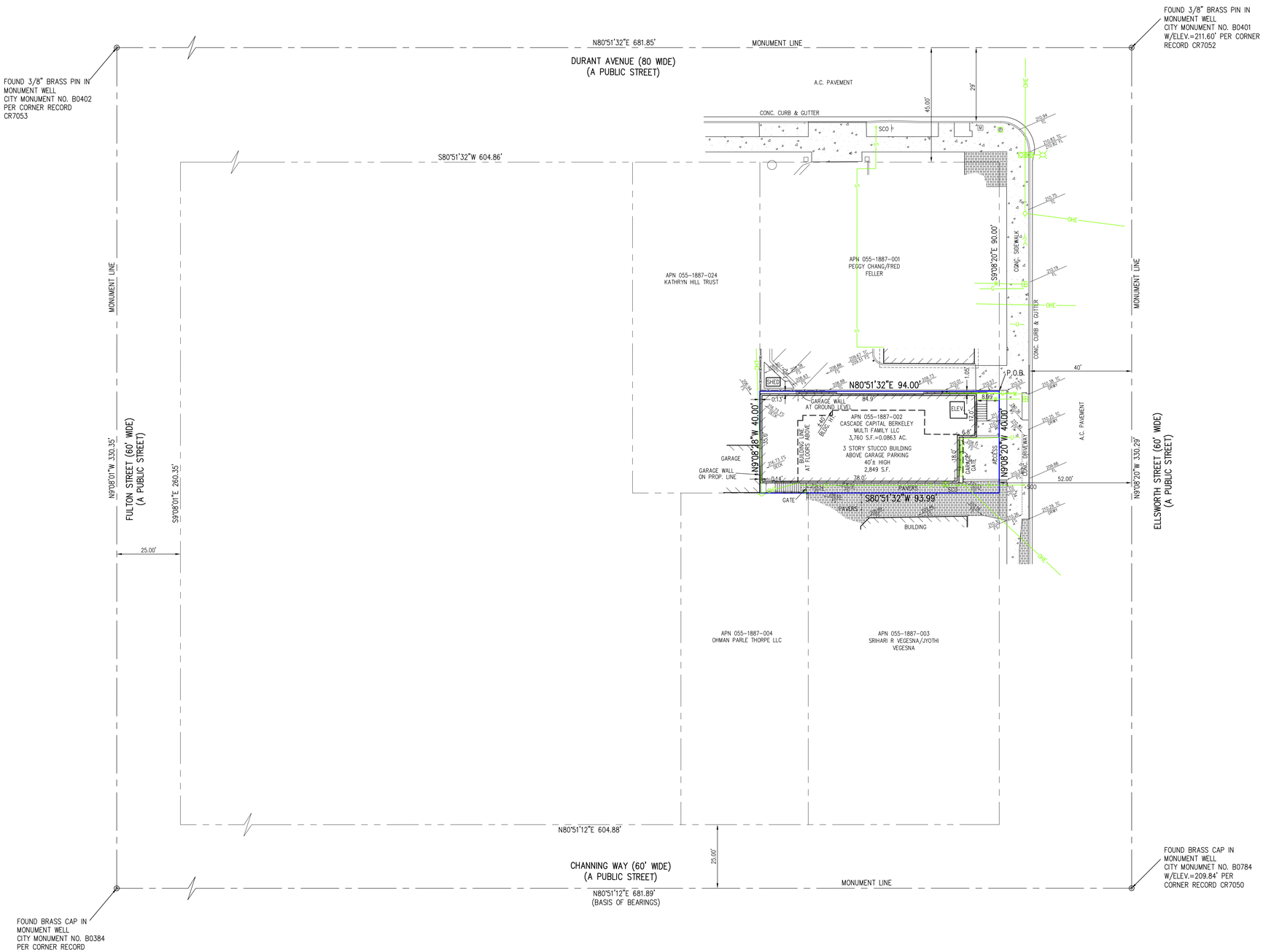

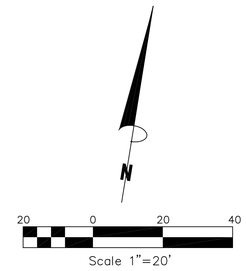

LEGEND:

A.C.	ASPHALT CONCRETE
CONC.	CONCRETE
B.S.L.	BUILDING SETBACK LINE
FS	FINISH GRADE ELEVATION
TC	TOP OF CURB ELEVATION
FL	FLOWLINE ELEVATION
	SIGN
SCO	SEWER CLEANOUT
	BOLLARD
	WATER METER
	STREET LIGHT
	TRAFFIC LIGHT
	PEDESTRIAN TRAFFIC LIGHT
G	GAS METER
M	MAILBOX
	CATCH BASIN
	BOUNDARY LINE
	EASEMENT LINE
	SETBACK LINE
	UTILITY POLE
	GUY WIRE
	FD. CITY MONUMENT
W	MARKED UNDERGROUND WATER LINE
G	MARKED UNDERGROUND GAS LINE
S	MARKED UNDERGROUND SEWER LINE
U	MARKED UNKNOWN UTILITY LINE
OHE	OVERHEAD ELECTRIC LINES
OHT	OVERHEAD TELECOM LINE
209.84	EXISTING SPOT ELEVATION

2021 ALTA/NSPS LAND TITLE SURVEY

2360 Ellsworth Street

SITE ADDRESS

2360 Ellsworth Street
City of Berkeley
Alameda County, California

PARTNER PROJECT NUMBER: 23-412031.1

COORDINATED BY

PARTNER
CORPORATE OFFICE
2154 Torrance Boulevard
Torrance, CA 90501
Phone: 888-213-7479
ALTA@partneresi.com
www.partneresi.com

DATE	REVISIONS	DRAWN BY: SN	DRAWING SCALE: 1"= 20'
.	.	CHECKED BY:	JOB NO.: 23-4993
.	.	FILENAME: 23-4993A.DWG	
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SHEET 2
OF 2

SHEET INDEX

L-1.0	LANDSCAPE PLAN - GROUND FLOOR
L-1.1	LANDSCAPE PLAN - 8TH FLOOR
L-3.0	PLANTING PLAN - GROUND FLOOR
L-3.1	PLANTING PLAN - 8TH FLOOR
L-3.2	PLANTING SCHEDULE
L-3.3	PLANTING DETAILS
L-4.0	IRRIGATION HYDROZONE PLAN - GROUND FLOOR
L-4.1	IRRIGATION HYDROZONE PLAN - 8TH FLOOR
L-4.2	IRRIGATION EQUIPMENT, NOTES, WELO
L-4.3	IRRIGATION DETAILS
L-4.4	IRRIGATION DETAILS

LANDSCAPE MATERIALS SCHEDULE - GROUND LEVEL

PLANTER POTS

SYMBOL	DESCRIPTION	TYPE	MANUFACTURER	MODEL	COLOR, FINISH
PT-1	48"x24"x24" PLANTER	GFRC	TOURNESOL OR EQUAL	WCR-482424	TBD
PT-2	60"x24"x24" PLANTER			WCR-602424	TBD

NOTES:
1. ALL PLANTERS TO BE PLUMBED FOR IRRIGATION AND DRAINAGE FROM BELOW.
2. ANCHOR PLANTERS TO FINISH SURFACE PER MANUFACTURERS INSTRUCTIONS.

HARDSCAPE

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR	NOTES
P-1	FLEXIBLE PAVING	KBI-FLEXI-PAVE OR CITY APPROVED ALTERNATIVE	TBD	2" THICKNESS, PER CITY STANDARDS
P-2	NATURAL GRAY CONCRETE SIDEWALK PAVING AND SCORING TO ADHERE TO CITY STANDARDS			SEE CIVIL DRAWINGS

NOTES:
1. ALL PAVERS AND PAVER COLOR SELECTIONS ARE FOR DESIGN INTENT AND COORDINATION PURPOSES ONLY.
2. CONTRACTOR TO PROVIDE PHYSICAL SAMPLES OF ALL MATERIALS FOR REVIEW AND FINAL SELECTION.

SITE FURNISHINGS

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR	NOTES
SF-1	CITY STANDARD SHORT TERM BIKE RACK	AMERICAN BICYCLE SECURITY COMPANY / DOWNTOWN RACK	GALVANIZED STEEL	FOOT MOUNT (SURFACE MOUNT) CONTACT: 800-245-3723

NOTES:
1. ALL PAVERS AND PAVER COLOR SELECTIONS ARE FOR DESIGN INTENT AND COORDINATION PURPOSES ONLY.
2. CONTRACTOR TO PROVIDE PHYSICAL SAMPLES OF ALL MATERIALS FOR REVIEW AND FINAL SELECTION.

NOTES
1. SITE PLAN INFORMATION DERIVED FROM ARCHITECTURAL PLANS, DATED 04-14-25. EXACT LOCATIONS OF ALL ELEMENTS TO BE CONFIRMED IN FIELD.

ABBREVIATIONS

S.A.D.	- SEE ARCHITECT DRAWINGS
S.C.D.	- SEE CIVIL DRAWINGS
PA	- PLANTING AREA
TYP.	- TYPICAL
CLR.	- CLEAR
S.S.D.	- SEE STRUCTURAL DRAWINGS
O.F.C.I.	- OWNER FURNISHED, CONTRACTOR INSTALLED
V.I.F.	- VERIFY IN FIELD

GENERAL COMPLIANCE NOTE

THE DESIGN AND CONSTRUCTION OF ALL SITE ALTERATIONS SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING CODE, AND CITY OF BERKELEY ORDINANCES AND AMENDMENTS.

122 WEST
www.122westdesign.com
510.992.3122

The use of these plans and specifications shall be restricted to the original site and owner for which they were prepared. Alteration, reproduction or publication is expressly limited only to the original use without the express written consent of 122 West Landscape Architecture. Title to said plans remains the sole property of 122 West Landscape Architecture.

2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

LANDSCAPE PLAN - GROUND FLOOR

L-1.0

LANDSCAPE MATERIALS SCHEDULE - 8TH FLOOR

PLANTER POTS

SYMBOL	DESCRIPTION	TYPE	MANUFACTURER	MODEL	COLOR, FINISH
PT-3	36"x36"x30" PLANTER	FRP	TOURNESOL OR EQUAL	FRP-363630	TBD
PT-4	48"x24"x30" PLANTER			WR-482430	TBD
PT-5	60"x24"x30" PLANTER			WR-602430	TBD

NOTES:
1. ALL PLANTERS TO BE PLUMBED FOR IRRIGATION AND DRAINAGE FROM BELOW.
2. ANCHOR PLANTERS TO FINISH SURFACE PER MANUFACTURERS INSTRUCTIONS.
3. 8TH FLOOR PLANTERS TO USE LIGHTWEIGHT SOIL MIX. CONFIRM SATURATED SOIL LOADS WITH STRUCTURAL ENGINEER.

HARDSCAPE

SYMBOL	DESCRIPTION	MANUFACTURER	COLOR / FINISH	NOTES
P-3	24"x24" LIGHTWEIGHT PAVER - FIELD	STEPSTONE, LLC, CALARC	TBD	ON PEDESTAL SYSTEM, SAD
P-4	12"x24"LIGHTWEIGHT PAVER - RUG	STEPSTONE, LLC, CALARC	TBD	

NOTES:
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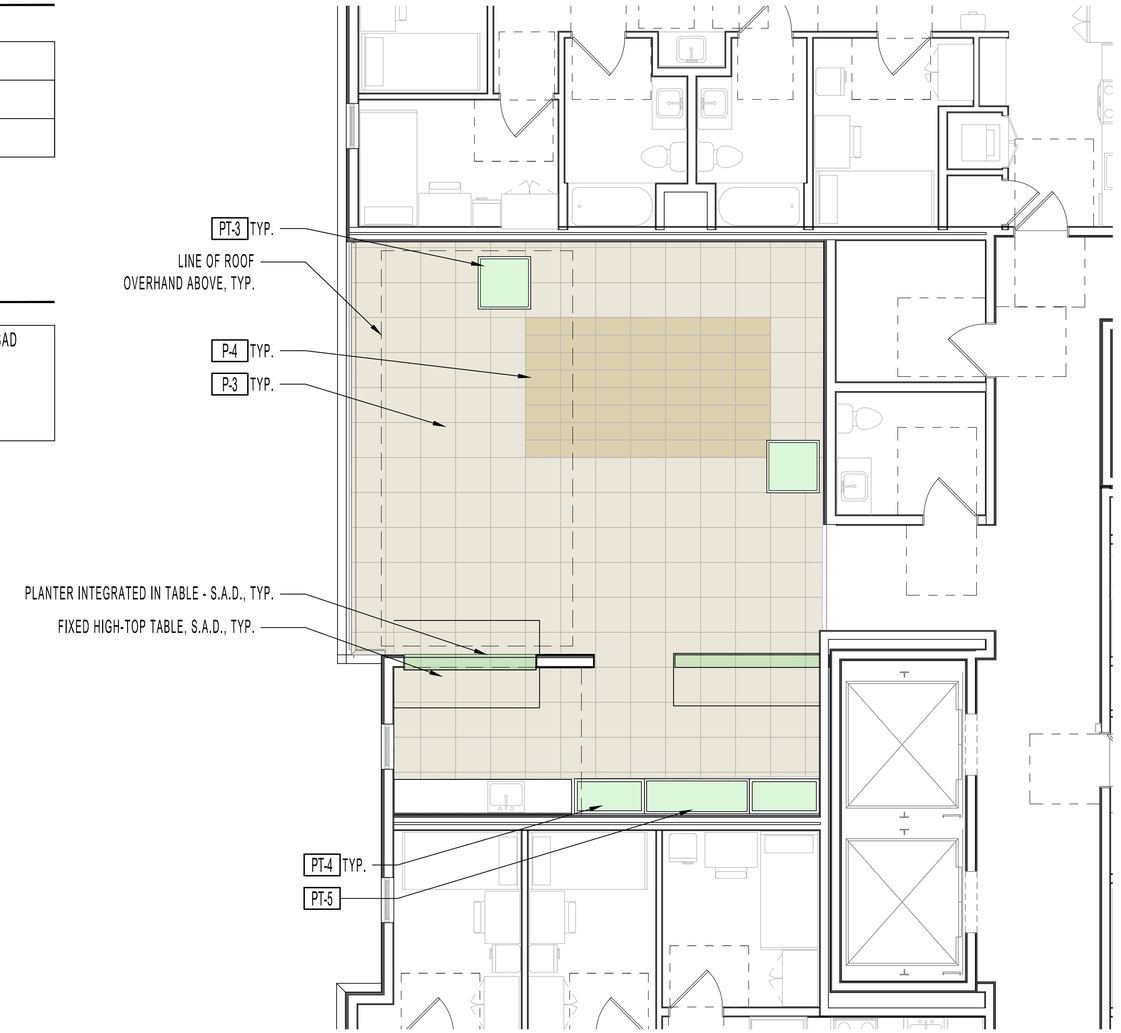
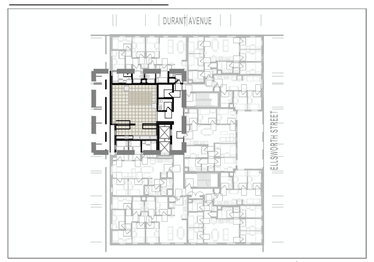
2. CONTRACTOR TO PROVIDE PHYSICAL SAMPLES OF ALL MATERIALS FOR REVIEW AND FINAL SELECTION.



KEYMAP - 8TH FLOOR



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ABBREVIATIONS

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O.F.C.I.	- OWNER FURNISHED, CONTRACTOR INSTALLED
V.I.F.	- VERIFY IN FIELD

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2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
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No.	Description	Date

LANDSCAPE PLAN - 8TH FLOOR

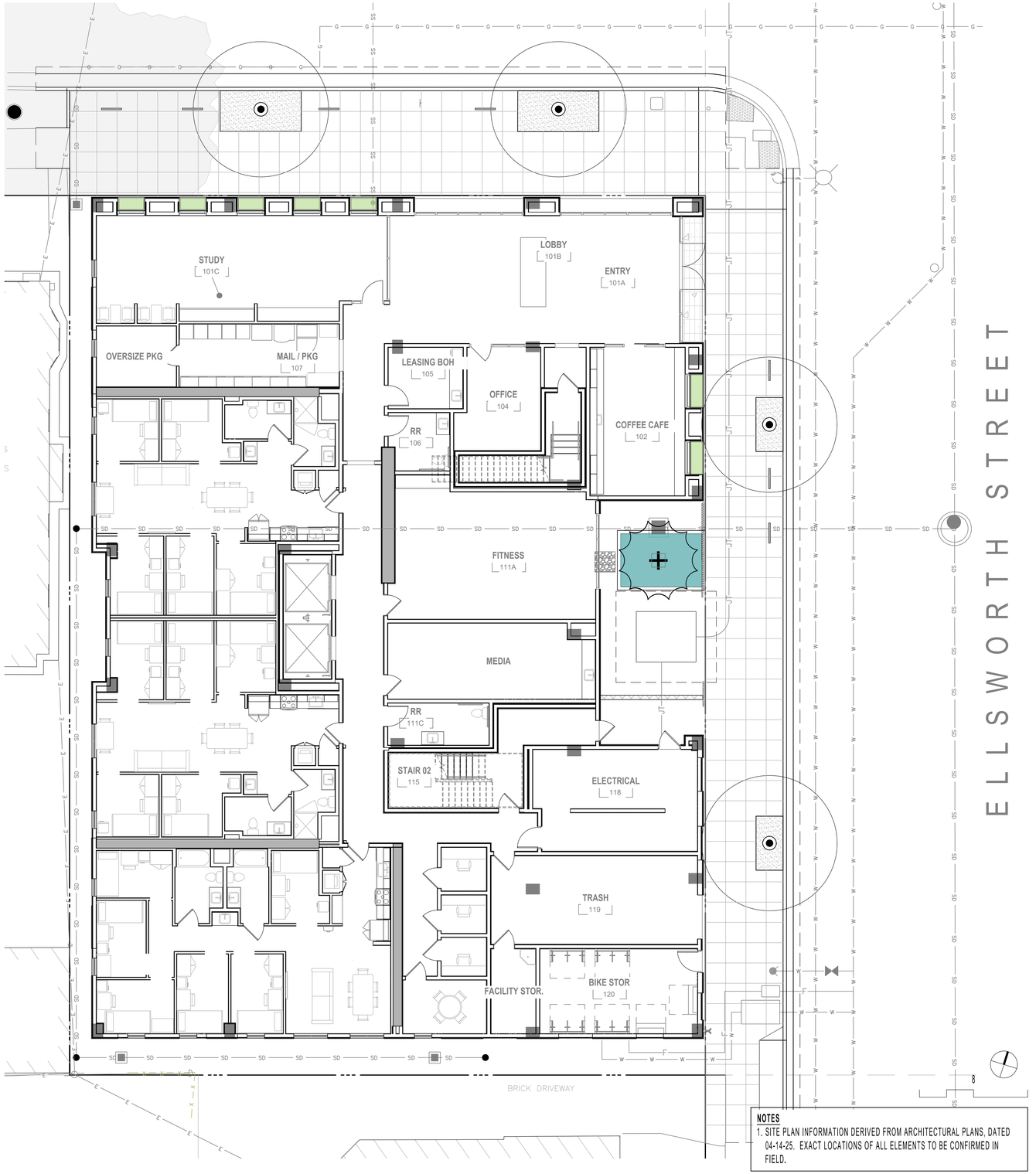
L-1.1

PLANT SCHEDULE

SEE PLANT SCHEDULE ON SHEET L-3.2 FOR SPECIES LIST

Planters Pots - Streetscape

Bio-filtration Planter



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2298 DURANT AVE, BERKELEY, CA

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DATE 04-17-25
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No.	Description	Date

PLANTING PLAN - GROUND FLOOR

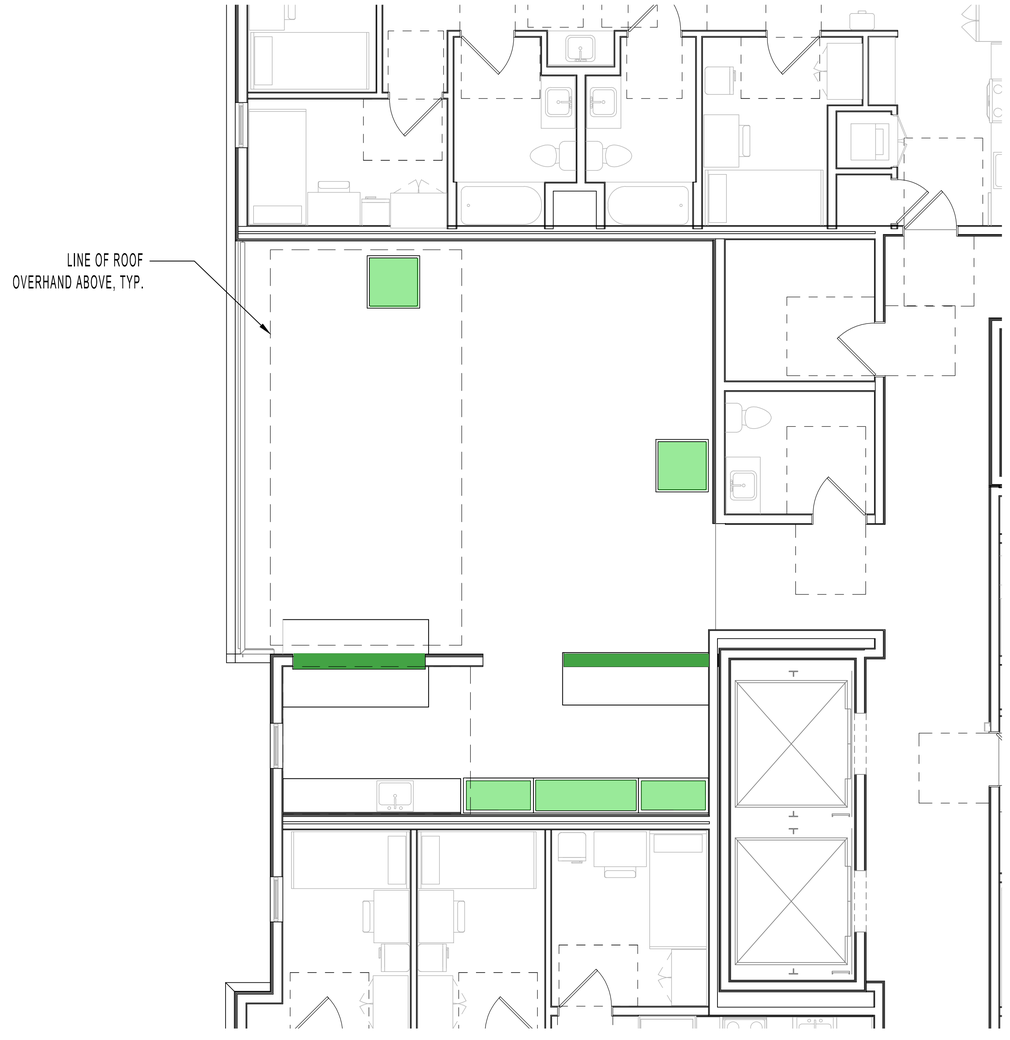
L-3.0

PLANT SCHEDULE

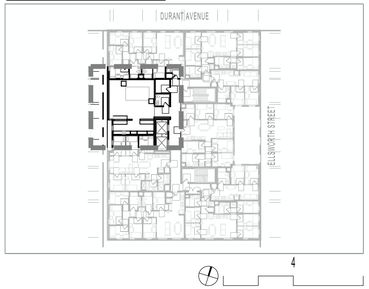
SEE PLANT SCHEDULE ON SHEET L-3.2 FOR SPECIES LIST

Planters - Integrated into Table / Counter

Planter Pots - On Structure - Standard



KEYMAP - 8TH FLOOR



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PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

PLANTING PLAN - 8TH FLOOR

L-3.1

PLANT SCHEDULE

Symbol	Common Name	*Botanical Name*	Quantity	Size	Wucols	Notes
Existing Tree to Remain						
						See Notes 6 - 8 for City Street Tree Replacements
City Street Tree						
	Durant Ave Street Tree Species to be coordinated with City of Berkeley Urban Forestry Department			24" Box		
	Ellsworth Street Tree Species to be coordinated with City of Berkeley Urban Forestry Department			24" Box		
Specimen Tree at in Planter						
	Specimen Tree			24" Box		
	Strawberry Tree	*Arbutus 'Marina'*			L	
	Vine Maple	Acer circinatum			M	
Planters Pots - Streetscape						
	Island Alum Root	*Heuchera maxima*		#1	M	Native
	Western Swordfern	*Polystichum munitum*		#5	M	Native
	Tassel Fern	*Polystichum polyblepharum*		#1	M	
	Giant Chain Fern	*Woodwardia fimbriata*		#5	M	Native
	Yerba Buena	*Satureja douglasii*		#1	L	Native
Bio-filtration Planter						
	Evergreen huckleberry	*Vaccinium ovatum*		#5	M	Native
	Douglas iris	*Iris douglasiana*		#1	L	Native
	California rush	*Juncus patens*		#1	L	Native
	Giant Chain Fern	*Woodwardia fimbriata*		#5	M	Native
	Yerba Buena	*Satureja douglasii*		#1	L	Native
	Berkeley Sedge	*Carex divulsa*		#1	L	Native
	Red Osier Dogwood	*Cornus sericea*		#5	M	Native
Planter Pots - On Structure - Standard (Pending Light Availability)						
	Dwarf Meyer Lemon	*Citrus x 'Improved Meyer'*		#15	M	
	Manzanita	*Arctostaphylos 'Howard McMinn'*		#5	L	Native
	Giant Chain Fern	*Woodwardia fimbriata*		#5	M	Native
	Western Sword Fern	*Polystichum munitum*		#5	M	Native
	Tassell Fern	*Polystichum polyblepharum*		#1	M	
	Cast-Iron Plant	*Aspidistra elatior*		#1	L	
	Groundcover Manzanita	*Arctostaphylos 'Emerald Carpet'*		#1	M	Native
	Cascading Rosemary	*Rosmarinus officinalis 'Huntington Carpet'*		#1	L	
	Everbearing Strawberry	*Fragaria var. TBD **		4" Pots	M	Native
	Culinary Sage	*Salvia officinalis*		#1	M	
	Yerba Buena	*Satureja douglasii*		#1	L	Native
	Berkeley Sedge	*Carex divulsa*		#1	L	Native
	Lily Turf	*Liriope spicata*		#1	M	
Planters - Integrated into Table						
	Echeveria Varieties	*Echeveria spp.*	4" Pot Min.		VL	
	Sedum varieties	*Sedum spp.*			L	Native
	Mondo Grass	*Ophiopogon japonicus 'Nana'*			L	

PLANTING NOTES

1. PLANT SYMBOLS WITH MULTIPLE SPECIES LISTED MAY BE ANY OF THE SPECIES, AS AVAILABLE AT TIME OF INSTALLATION.
2. ALL PLANTING AREAS TO RECEIVE 3" LAYER COMPOSTED BARK MULCH (50% 'GARDEN MULCH' + 50% 'FOREST FLOOR BARK' BY: AMERICAN SOIL & STONE) CONTRACTOR TO SUBMIT SAMPLES FOR REVIEW AND APPROVAL.
3. ALL PLANTING AREAS TO RECEIVE 1" COMPOST TO TOP 6" - 12" OF SOIL WITH SOIL TESTING.
4. ALL PROPOSED PLANT SPECIES ARE CLIMATE-ADAPTED TO BERKELEY AND ARE INTENDED TO BE LOW-MAINTENANCE.
5. APPROXIMATELY 80% OF THE PROPOSED PLANT SPECIES ARE CALIFORNIA NATIVES WITH ENHANCED BENEFICIAL QUALITIES FOR NATIVE ANIMAL SPECIES HABITAT, FOOD AND OVERALL ADAPTABILITY.
6. PLANT CITY STREET TREES ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6)-2012.
7. USE FLEXI-PAVE IN CITY STREET TREE WELLS
8. SEE CITY OF BERKELEY 'TREE PRESERVATION DURING CONSTRUCTION' RECOMMENDATIONS FOR TREE PROTECTION GUIDELINES.

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2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

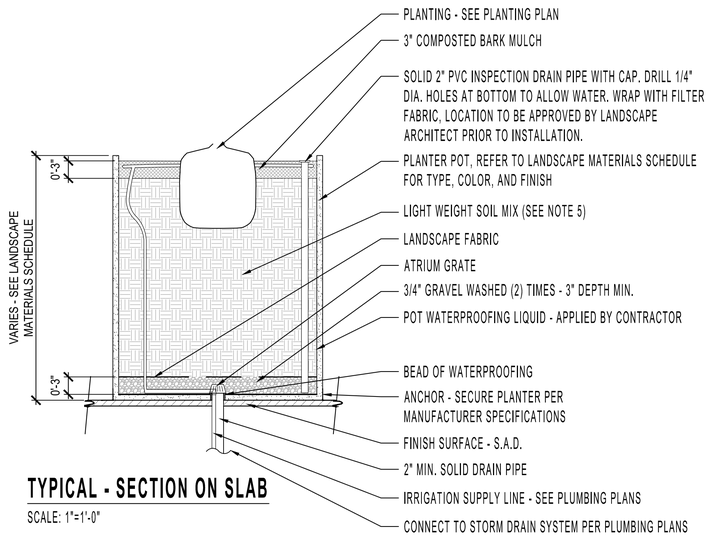
No.	Description	Date

PLANTING SCHEDULE

L-3.2

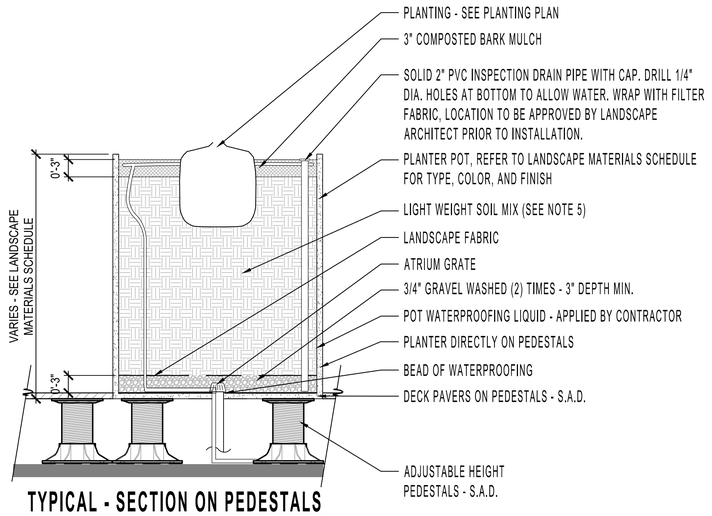
NOTES

1. CONTRACTOR TO STAKE / MARK LOCATION OF ALL PLANTER POTS TO BE REVIEWED BY LANDSCAPE ARCHITECT, PRIOR TO INSTALLATION.
2. DRILL HOLE IN POT TO CLOSEST TOLERANCE OF PIPE - NO MORE THAN 1/4" GAP.
3. ROUGHEN PIPE AT PENETRATION WITH SANDPAPER SO WATERPROOF MATERIAL CAN ADHERE.
4. APPLY TREMCO 'VULKEM' 250 G.C. (2) 60ML. COATS SHALL BE APPLIED THROUGHOUT INTERIOR OF POT. TREMCO SEALANTS AVAILABLE FROM: LOWRY'S INC. 800-252-2449.
5. PLANTER SOIL - 'LIGHTWEIGHT SOIL MIX' (AVAILABLE FROM TMT ENTERPRISES, INC. OR EQUAL) - NO ON-SITE SOIL TO BE USED IN POTS.
6. NO FERTILIZER TABLETS TO BE USED WITH POTTING SOIL MIX.
7. CONTRACTOR PROVIDE CUT-SHEETS AND MATERIAL SAMPLES OF POTTERY, GRAVEL, PLANT MATERIAL AND SOIL MIX FOR REVIEW AND APPROVAL BY LANDSCAPE ARCHITECT PRIOR TO ORDERING.
8. CONTRACTOR TO COORDINATE WITH IRRIGATION AND DRAINAGE CONTRACTORS TO FIELD VERIFY STUBBED LOCATIONS AND FIELD ADJUST POT PENETRATIONS INTO POT, AS NECESSARY.



TYPICAL - SECTION ON SLAB

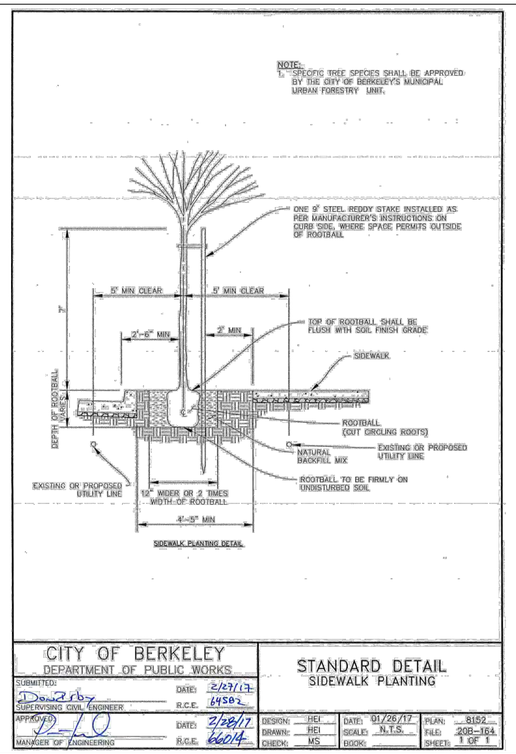
SCALE: 1"=1'-0"



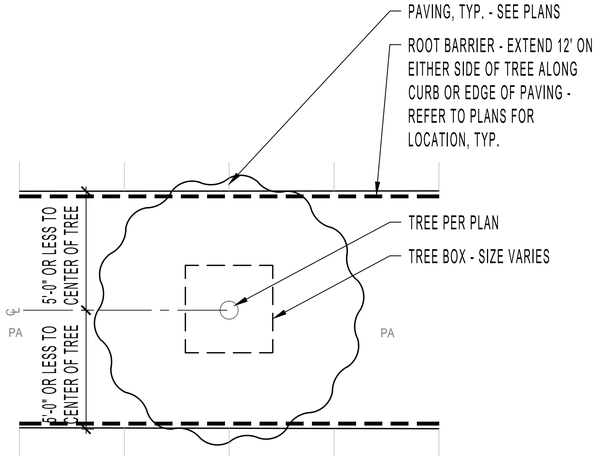
TYPICAL - SECTION ON PEDESTALS

SCALE: 1"=1'-0"

TYPICAL RAISED PLANTER | 5



BERKELEY STANDARD TREE DETAIL | 3

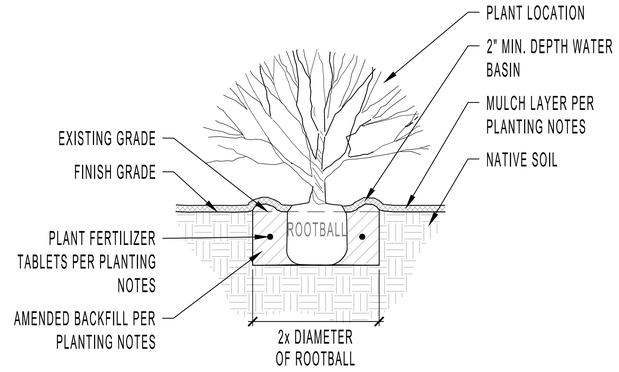


PLAN

TYPICAL ROOT BARRIER CONDITION | 4

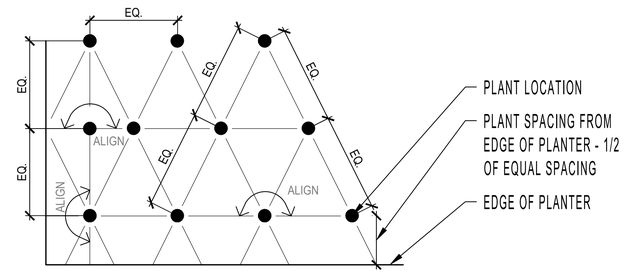
NOTES:

1. SET TOP OF ROOTBALL 1" ABOVE FINISH GRADE AND SLOPE FOR DRAINAGE



SECTION

SHRUB / GROUNDCOVER PLANTING | 1



SPACING	* xx SF = QTY OF PLANTS
6" o.c.	* 4.61
8" o.c.	* 2.6
10" o.c.	* 1.66
12" o.c.	* 1.15
15" o.c.	* 0.73
18" o.c.	* 0.57
24" o.c.	* 0.29
30" o.c.	* 0.18
36" o.c.	* 0.123
48" o.c.	* 0.046
60" o.c.	* 0.032
96" o.c.	* 0.018
120" o.c.	* 0.0116

NOTES

1. SEE PLANTING SCHEDULE FOR SPACING OF ALL SHRUBS AND GROUNDCOVERS
2. ALL SHRUBS / GROUNDCOVER TO BE PLANTED AT EQUAL SPACING (TRIANGULAR) UNLESS OTHERWISE INDICATED ON PLANS.
3. TO DETERMINE APPROPRIATE PLANT QUANTITIES REFER TO THE TABLE HEREIN.

TRIANGULAR SHRUB / G.C. SPACING | 2

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2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

PLANTING DETAILS

L-3.3

HYDROZONES - GROUND FLOOR 48 SF

SYMBOL	DESCRIPTION	AREA	VALVES	IRRIGATION EMITTER TYPE
	ELLSWORTH PLANTERS - LOW	16 SF	1	IN-LINE DRIP, SEE NOTE 2
	DURANT AVE PLANTERS - LOW	30 SF	1	IN-LINE DRIP, SEE NOTE 2
	BIO-TREATMENT PLANTER - LOW	94 SF	2*	IN-LINE DRIP, SEE NOTE 2
	TOTAL:	188 SF OVER ENTIRE SITE	5	

* **NOTE**: MULTIPLE VALVE QUANTITIES INDICATED WITHIN A SINGLE ZONE INDICATES VALVES FOR BOTH TREES AND SHRUBS / GROUNDCOVER WITHIN THE ZONE.

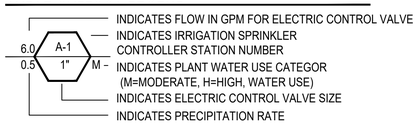
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
2. IRRIGATION SYSTEM SHALL EMPLOY A 'SMART' ET CONTROLLER

IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

PEAK IRRIGATION DEMAND: 0.0 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: 188 **SF OVER ENTIRE SITE**

VALVE CALLOUT LEGEND

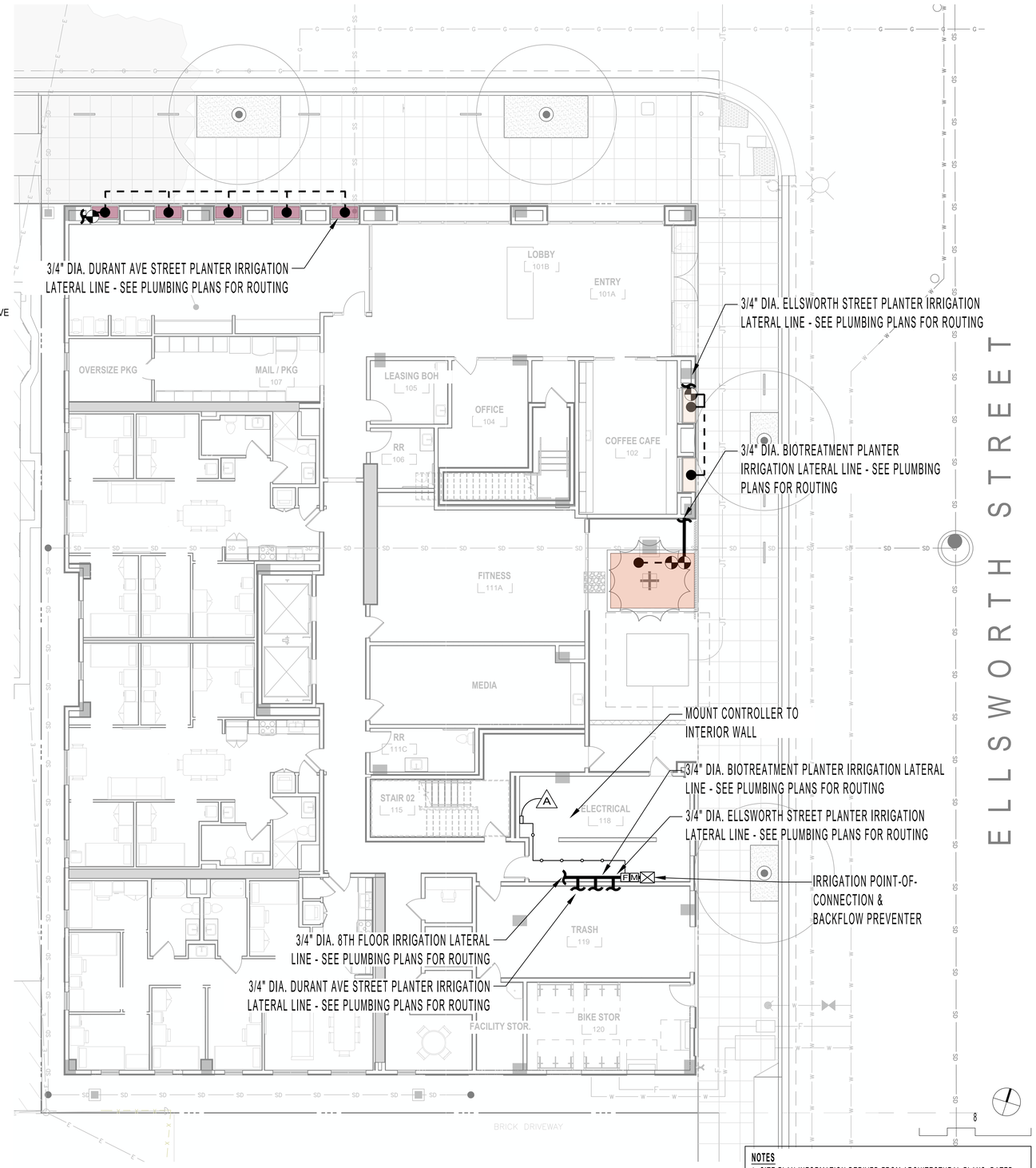


IRRIGATION EQUIPMENT

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	☒	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	A	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	HC HYDRAWISE WITH WIFI
FLOW METER	F	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY- REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR		RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE	M	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH (40 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE		AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT- INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 2 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY		SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT	———	DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALUE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE	● - - - - INDICATES CONNECTION TO ASSIGNED DRIP LINES, TYP.	SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		

IRRIGATION NOTES

1. IRRIGATION TO CONNECT TO WATER SUPPLY WITH BACKFLOW PREVENTION DEVICE INSTALLED PER AGENCY REQUIREMENTS.
2. IRRIGATION SYSTEM SHALL EMPLOY AN ELECTRONIC 'SMART' CONTROLLER WITH WEATHER-SENSING CAPABILITIES, 6 MIN. VALVES, SINGLE WIRE TYPE.
3. PLANTING HAS BEEN DESIGNED IN 'HYDROZONES' - WITH VALVES GROUPED ACCORDING TO LOCATION AND PLANT TYPE.
4. WATER EMITTERS SHALL BE USED TO DELIVER THE WATER IN THE MOST EFFICIENT MANNER POSSIBLE. USE, IN ORDER: IN-LINE DRIP, MICRO SPRAY, POINT-SOURCE. PROVIDE SEPARATE SYSTEMS FOR TREE POPUP STREAM BUBBLERS WITH PCS.
5. REFER TO PLUMBING PLANS FOR IRRIGATION WATER POINT-OF-CONNECTION LOCATION.
6. REFER TO ELECTRICAL ENGINEERING PLANS FOR IRRIGATION CONTROLLER CONNECTION LOCATION.



NOTES
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PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

IRRIGATION PLAN - GROUND FLOOR

L-4.0

HYDROZONES - 8TH FLOOR ROOF DECK

SYMBOL	DESCRIPTION	AREA	VALVES	IRRIGATION EMITTER TYPE
	8TH FLOOR PLANTERS - MODERATE	48 SF	1	IN-LINE DRIP, SEE NOTE 2
	TOTAL:	188 SF OVER ENTIRE SITE	5	

* **NOTE**: MULTIPLE VALVE QUANTITIES INDICATED WITHIN A SINGLE ZONE INDICATES VALVES FOR BOTH TREES AND SHRUBS / GROUNDCOVER WITHIN THE ZONE.
1. PLAN IS CONCEPTUAL AND SHOWN FOR COORDINATION AND REFERENCE
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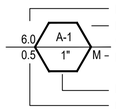
IRRIGATION SYSTEM 'A' POINT-OF-CONNECTION NOTE

IRRIGATION POINT-OF-CONNECTION - CONNECT NEW COPPER PIPING TO NEW 1-INCH DOMESTIC WATER METER AND SERVICE LINE FOR IRRIGATION SUPPLY. WATER SERVICE CONNECTION PER EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD). REFER TO CIVIL ENGINEERING DRAWINGS FOR ACTUAL LOCATION AND ADDITIONAL WATER SUPPLY INFORMATION.

PEAK IRRIGATION DEMAND: 0.0 G.P.M.
SYSTEM DESIGN PRESSURE: 40 P.S.I.
EXISTING WATER PRESSURE (STATIC): TBD P.S.I.
IRRIGATED AREA OF COVERAGE: xxx **SF OVER ENTIRE SITE**

VALVE CALLOUT LEGEND



- INDICATES FLOW IN GPM FOR ELECTRIC CONTROL VALVE
- INDICATES IRRIGATION SPRINKLER CONTROLLER STATION NUMBER
- INDICATES PLANT WATER USE CATEGOR (M=MODERATE, H=HIGH, WATER USE)
- INDICATES ELECTRIC CONTROL VALVE SIZE
- INDICATES PRECIPITATION RATE

IRRIGATION EQUIPMENT

ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	⊠	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	A	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	HC HYDRAWISE WITH WIFI
FLOW METER	F	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY- REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
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MASTER CONTROL VALVE	M	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH /40 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE		AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT- INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 2 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY		SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT	———	DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALUE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE	- - - (INDICATES CONNECTION TO ASSIGNED DRIP LINES, TYP.)	SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		

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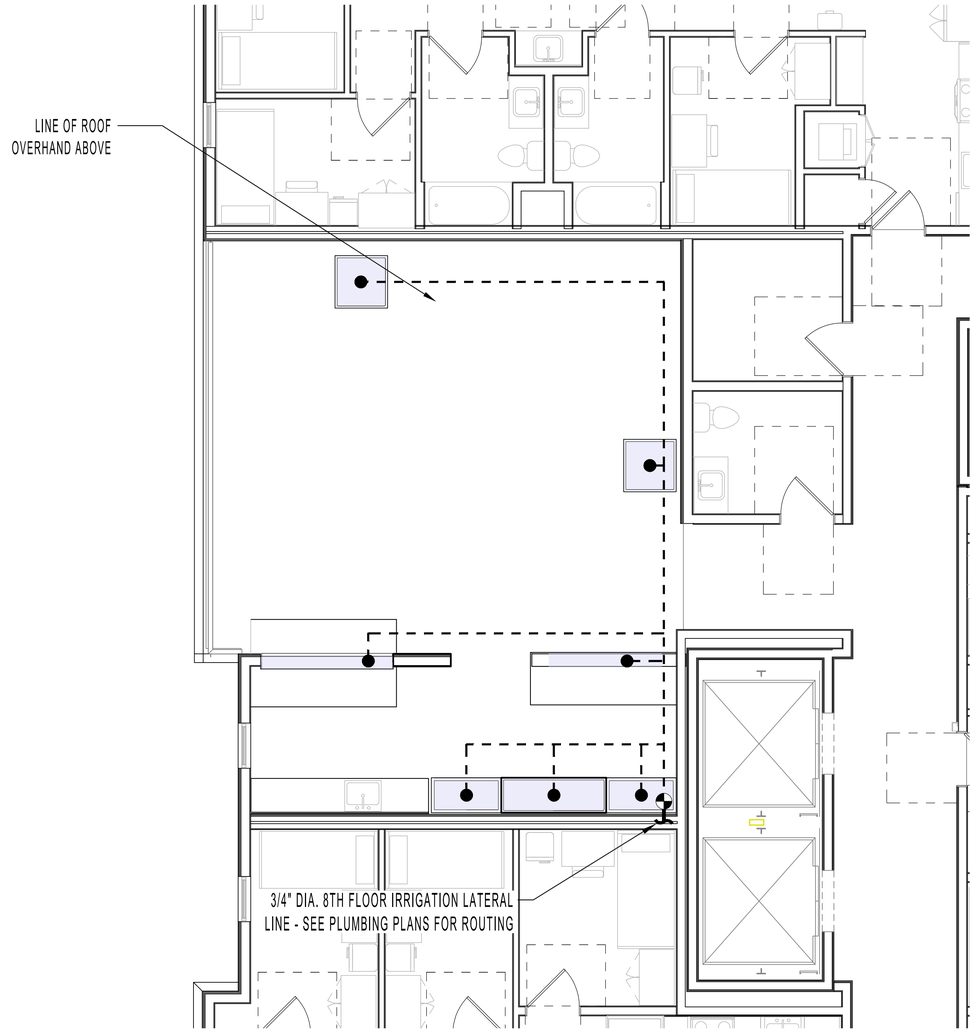
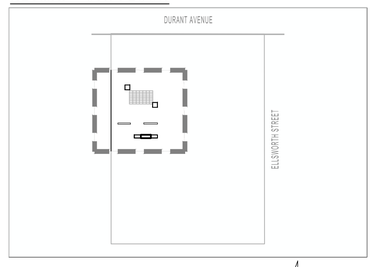


KEYMAP - 8TH FLOOR



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PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

IRRIGATION PLAN - 8TH FLOOR

L-4.1

HYDROZONES

SYMBOL	DESCRIPTION	AREA	VALVES	IRRIGATION EMITTER TYPE
	ELLSWORTH PLANTERS - LOW	16 SF	1	IN-LINE DRIP, SEE NOTE 2
	DURANT AVE PLANTERS - LOW	30 SF	1	IN-LINE DRIP, SEE NOTE 2
	BIO-TREATMENT PLANTER - LOW	94 SF	2*	IN-LINE DRIP, SEE NOTE 2
	ROOFDECK PLANTERS - MODERATE	48 SF	1	IN-LINE DRIP, SEE NOTE 2
	TOTAL:	188 SF	5	

* **NOTE**: MULTIPLE VALVE QUANTITIES INDICATED WITHIN A SINGLE ZONE INDICATES VALVES FOR BOTH TREES AND SHRUBS / GROUNDCOVER WITHIN THE ZONE.

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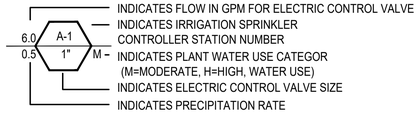
VALVE CALLOUT LEGEND



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ITEM	SYMBOL	DESCRIPTION	MANUFACTURER	MODEL NO.
IRRIGATION POINT-OF-CONNECTION	☒	REFER TO PLUMBING PLANS FOR LOCATION INFORMATION		
IRRIGATION 'SMART' CONTROLLER	A	IRRIGATION 'SMART' CONTROLLER MOUNTED ON WALL INSIDE WEATHERPROOF LOCKABLE CABINET, SWITCH AND SURGE PROTECTION - PROVIDE ON-SITE WEATHER SENSOR AND ENCLOSURE IN VICINITY AS DIRECTED BY ON-SITE OPERATOR	HUNTER	PRO-HC
FLOW METER	F	HC FLOW METER - PVC HOUSING - 1-INCH SIZE - WITHIN MASTER VALVE ENCLOSURE ASSEMBLY- REQUIRED HARD-WIRE	HUNTER	HC FLOW METER
SOIL MOISTURE SENSOR		SOIL CLIK - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	SOIL-CLIK
RAIN MOISTURE SENSOR		RAIN METER - LOCATED IN FIELD AS DIRECTED BY OWNER - REQUIRES HARD-WIRE AND WALL PLACEMENT ADJACENT TO CONTROLLER	HUNTER	RAIN-CLIK
MASTER CONTROL VALVE	M	MASTER CONTROL VALVE - 1-INCH SIZE - 24 VOLT IRRIGATION SOLENOID - THREADED ENDS - LOCATE MASTER VALVE BEFORE FLOW SENSOR	SUPERIOR	
DRIP VALVE STATION		DRIP VALVE STATION - DRIP ELECTRIC CONTROL VALVE ASSEMBLY - W/ PRESSURE REGULATING BASKET FILTER (200 POLY MESH /40 PSI SETTING) USE 3/4-INCH SIZE DRIP ELECTRIC CONTROL VALVE ASSEMBLY FOR FLOWS 4 GPM AND UNDER (USE 1-INCH SIZE FOR FLOWS 5 GPM THROUGH 14 GPM - USE 1-1/2 INCH SIZE FOR FLOWS 15 GPM AND GREATER)	HUNTER	
QUICK COUPLING VALVE		QUICK COUPLING VALVE - 1-INCH SIZE - POTABLE WATER USE - LOCKING RUBBER COVER MOUNTED IN ROUND BOX - PROVIDE VALVE KEY AND SWIVEL		
AIR RELIEF VALVE	A	AIR RELIEF VALVE - THREADED - 1/2-INCH MIPT- INSTALL WITHIN ROUND VALVE BOX - INSTALL UNITS AT HIGH POINTS OF DRIPLINE SYSTEMS AT 1 PER VALVE		
BALL FULL PORT VALVE / DRIPLINE FLUSH OUT ASSEMBLY	V	SCHEDULE 40 PVC BALL FULL PORT VALVE AND PVC FLEX HOSE TUBING INSTALLED WITHIN ROUND VALVE BOX - ADAPT TO INSTALL DRIPLINE TUBING AS REQUIRED - UNITS WHERE SHOWN LOCATED AT ENDS OF DRIPLINE SYSTEMS		
PRESSURIZED MAIN LINE - COPPER IRRIGATION WATER PIPING STUB OUT		DRY COPPER PIPING - 3/4-INCH SIZE PIPING STUB OUT - PIPING ROUTED THROUGH BUILDING AND ROOF DECKING(S) FOR IRRIGATION SYSTEM CONTINUATION PER MECHANICAL ENGINEER'S DRAWINGS - REFER TO MECHANICAL ENGINEER'S DRAWINGS FOR ACTUAL LOCATION - ROUTING OF PIPE TO IRRIGATION VALUE TO BE PROVIDED BY PLUMBING CONTRACTOR.		
LATERAL LINE	INDICATES CONNECTION TO ASSIGNED DRIP LINES, TYP.	SCHEDULE 40 PVC - 3/4 INCH DIA. - AS SHOWN ON PLANS		
FLOW SENSOR CABLE		FLOW SENSOR SIGNAL CABLE AND CONDUIT - MULTIPLE WIRE PAIR SHIELDED CABLE INSTALLED WITH 1.25-INCH MINIMUM SIZE SCHEDULE 40 PVC CONDUIT - NO SPLICES PERMITTED	HYDROSCAPE	HSCST150

IRRIGATION NOTES

1. **POINT-SOURCE DRIP** IRRIGATED AREAS USE 1/2" MAINLINE FOR DISTRIBUTION TO 1/4" IN-LINE DRIP TUBING WITH EMITTERS SPACED 6", WRAPPED AROUND INDIVIDUAL PLANTS. MAINLINE TO BE ROUTED SO THAT IT IS AS CLOSE TO EACH INDIVIDUAL PLANT AS POSSIBLE. IF PLANT IS OVER 24" AWAY FROM THE MAINLINE, USE A 1/4" SOLID LATERAL LINE TO CONNECT THE 1/4" IN-LINE DRIP TUBING TO THE 1/2" MAINLINE. WRAP PLANT ONCE WITH IN-LINE DRIP TUBING AROUND ROOTBALL PER THE FOLLOWING:
2. **IN-LINE DRIP** IRRIGATED AREAS USE 1/2" MAINLINE FOR DISTRIBUTION TO 1/4" IN-LINE DRIP TUBING WITH EMITTERS SPACED 6", TO COMPLETELY COVER THE DESIGNATED PLANTING AREA. SPACE DRIP TUBING TO COVER ENTIRE PLANTING AREA AS SHOWN IN THE STANDARD IN-LINE DRIP LAYOUT DETAIL.
3. **MP ROTATORS** IRRIGATED AREAS USE 1/2" MAINLINE FOR DISTRIBUTION TO HIGH-EFFICIENCY POP-UP ROTATING JET STREAM EMITTERS, SPACED TO ENSURE HEAD-TO-HEAD COVERAGE WITHIN DESIGNATED PLANTING AREAS. ALL EMITTERS TO BE 6" AWAY FROM HARDSCAPE EDGE TO AVOID OVER-SPRAY.

CONTAINER SIZE	**IN-LINE DRIP TUBING PLACEMENT** (FROM CENTER OF PLANT)
#1	3"
#5	4"
#15	5"
24" BOX	5" AND 10" (2 LOOPS)

WELO CALCULATIONS

WELO
Water Budget and Water Use Calculator

INSTRUCTIONS:

1. Enable macros.
2. Enter values in blue cells. Gray cells will automatically fill.
3. For Eto, refer to Appendix A of the ordinance, available here: https://www.water.ca.gov/Programs/Water-Use-And-Efficiency/Urban-Water-Use-Efficiency
4. Print this sheet and submit with Landscape Document Package for the Comprehensive Performance Compliance Pathway.

Date:	4/16/2025
Project Name:	2298 Durant Ave Student Housing
Project Contact:	Christian Macke
Project Contact Email:	cmacke@122westdesign.com

PRINT

Maximum Applied Water Allowance (MAWA)	Project Type	ETo	ETAF	Special Landscape Area (SLA)	Total Landscape Area including SLA	MAWA (gal/yr)	
	Non-residential	41.8	0.45	-	188	**2,192**	MAWA =(ETo) * (0.62) *[(ETAF*LA) + ((1-ETAF) * SLA)]

Estimated Total Water Use (ETWU)	ETo	(SF * PF) / IE	SLA	ETWU (gal/yr)	
	41.8	81	-	**2,112**	ETWU =(ETo) * (0.62) *[(PF*SF/IE) + SLA]
			Difference between MAWA and ETWU	81	**Project meets water budget.**

ETWU Calculation (Regular landscape areas)	Zone #	Description	Select Irrigation	Square Feet (SF)	Plant Factor (PF)	Irrigation Efficiency (IE)	(SF * PF) / IE
	1	Ellsworth Planters	Drip	16	0.30	0.81	6
	2	Durant Ave	Drip	30	0.30	0.81	11
	3	Bio-Treatment Planters	Drip	94	0.30	0.81	35
	4	Roofdeck	Drip	48	0.50	0.81	30
		Landscape area (not including SLA)		**188**			**81**

ETWU Calculation Special Landscape Areas (SLA)	Description	Square Feet (SF)	Plant Factor / Irrigation Efficiency (PF/IE)	(SF * PF) / IE
	Edible planting area	0	1.0	-
	Multi-use and sports field turf area		1.0	-
	Area irrigated with recycled water		1.0	-
	Pool		1.0	-
	Total SLA	**0**		**0**

Total Landscape Area (including SLA) from ETWU Calculation	**188**

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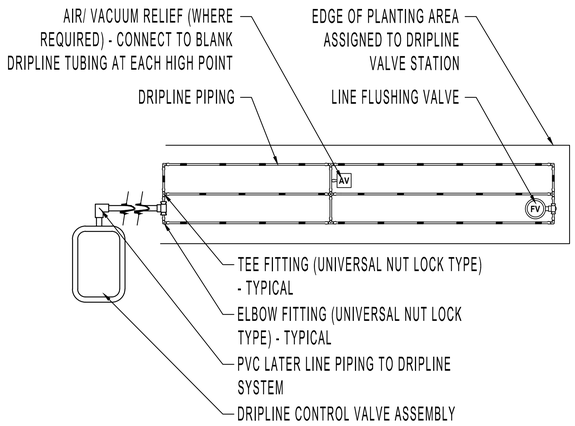
2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT RESUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

IRRIGATION EQUIPMENT, NOTES, WELO

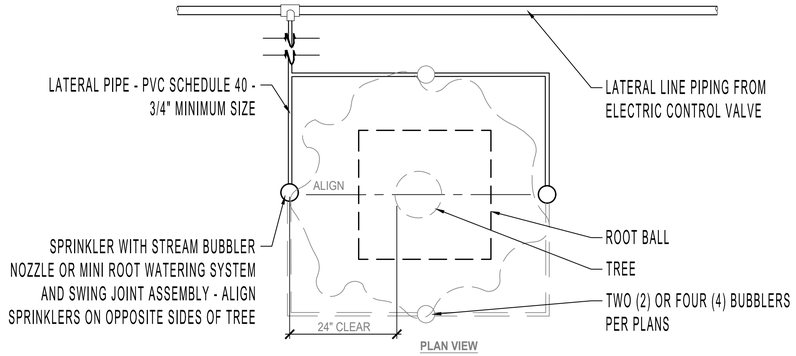
L-4.2



NOTES

1. REFER TO EQUIPMENT LEGEND FOR DRIPLINE AND PLANT MATERIAL ASSIGNMENT.
2. REFER TO STATION CALLOUTS ON PLAN SHEETS FOR SPECIFIC VALVE PERFORMANCE REQUIREMENTS AND CONFIGURATION OF DRIPLINE.
3. PROVIDE COUPLING FITTING (UNIVERSAL NUT LOCK) - WHERE REQUIRED.
4. REFER TO MANUFACTURER FOR DRIPLINE MAXIMUM LATERAL LENGTHS.

DRIPLINE SYSTEM LAYOUT - TYPICAL | 5

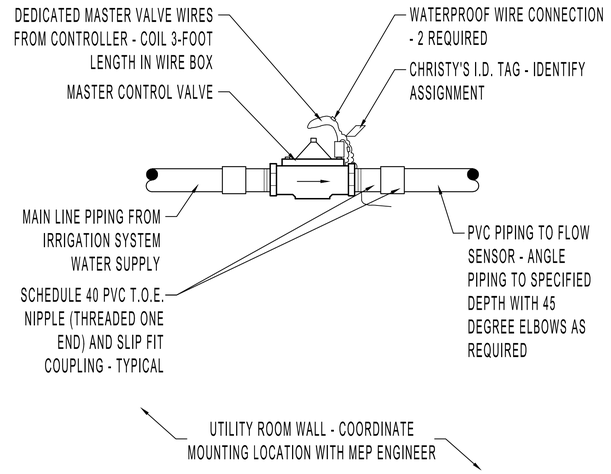


PLAN VIEW

NOTES

1. ALIGN SPRINKLER HEADS FACING VINES ON PALM WHERE INSTALLED.
2. INSTALL FOUR (4) SPRINKLERS PER PALM AND INSTALL TWO (2) SPRINKLERS PER NON-PALM TREE.

TREE SPRINKLER LAYOUT | 3



MASTER CONTROL VALVE | 1

JUMBO RECTANGULAR VALVE BOX
STANDARD RECTANGULAR VALVE BOX, TYP.
EDGE OF PLANTER
SHRUB HEDGE ROW OR SHRUB MASSING - REFER TO PLANTING PLAN AND SCHEDULE
SHRUB MASSING - REFER TO PLANTING PLAN AND SCHEDULE
ROUND VALVE BOX

NOTES

1. CENTER VALVE BOX OVER VALVE TO FACILITATE SERVICE OF VALVE.
2. SET VALVE BOXES 3" MAXIMUM ABOVE GRADE IN MULCH COVER OR SHRUB/ GROUND COVER AREAS.
3. VALVE BOXES INSTALLED ONLY WHERE PERMITTED.
4. SET VALVE BOXES PARALLEL TO ONE ANOTHER AND PERPENDICULAR TO EDGE.
5. AVOID HEAVY COMPACTION OF SOIL AROUND VALVE BOXES TO PREVENT THE DEFORMATION/ COLLAPSE OF VALVE BOX BASES.
6. SHRUB ROWS SHALL KEEP CONTINUITY WHEREVER PLANTED.

VALVE BOX LAYOUT (AT GRADE PLANTING) | 6

DRIP VALVE STATION | 4

IRRIGATION FLOW SENSOR | 2

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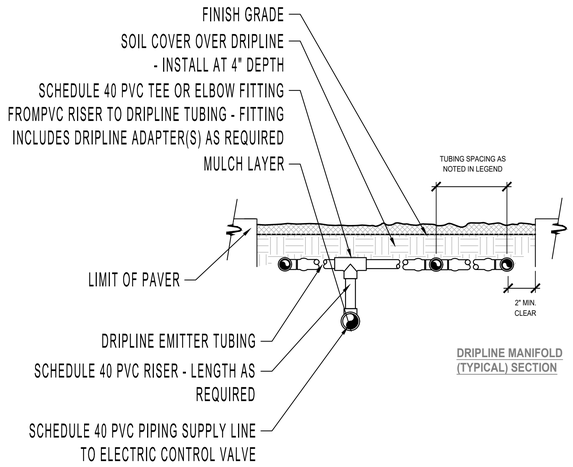
PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

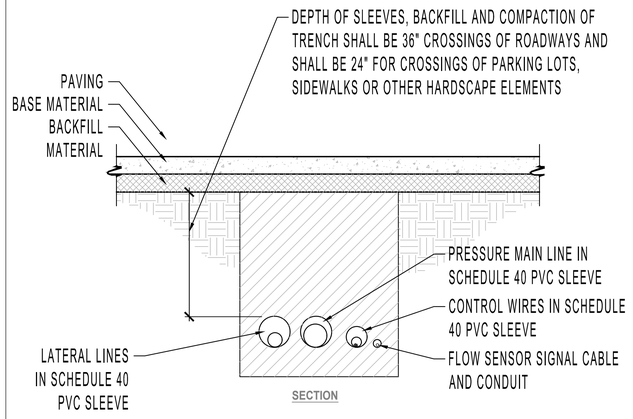
IRRIGATION DETAILS

L-4.3



DRIPLINE MANIFOLD (TYPICAL) SECTION

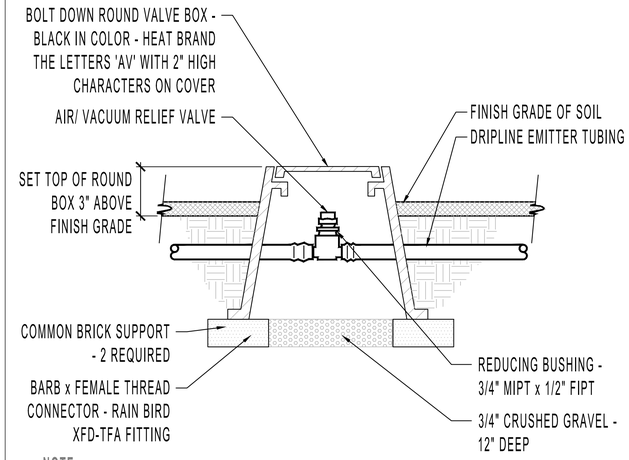
DRIPLINE PIPING CONNECTIONS - TYPICAL | 4



SECTION

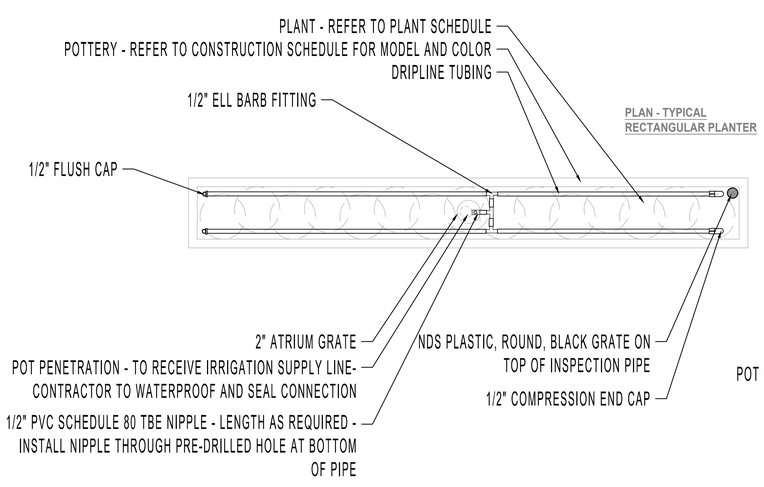
NOTES
1. PIPING TO BE INSTALLED IN ACCORDANCE WITH MANUFACTURERS' INSTALLATION SPECIFICATIONS.
2. MAIN LINE, LATERAL LINES AND CONTROL WIRES SHALL BE SLEEVED BELOW HARDSCAPE ELEMENTS WITH SCHEDULE 40 PVC, 2 TIMES THE DIAMETER OF THE PIPE OR WIRE BUNDLE WIDTH.

SLEEVE TRENCHING | 3

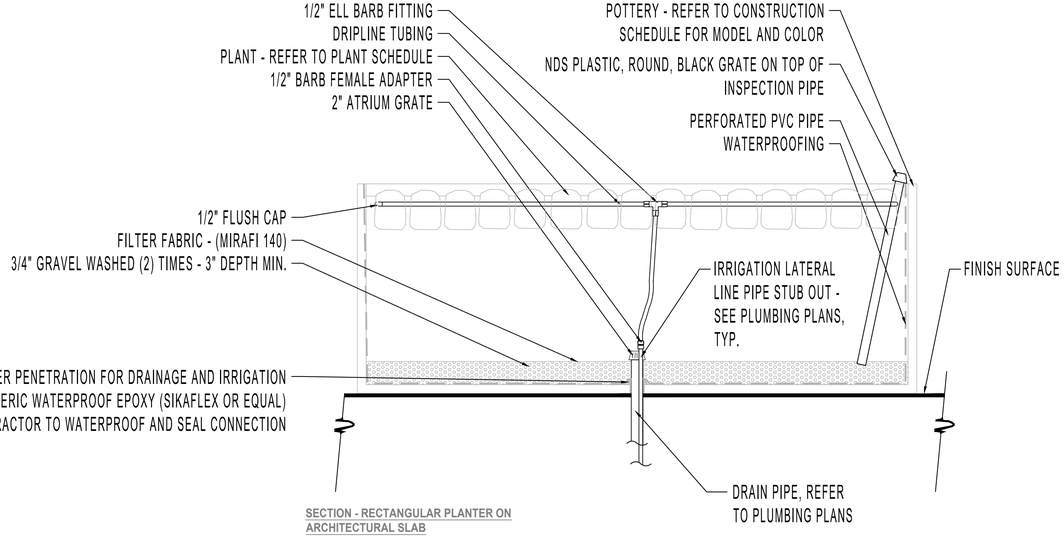


NOTE
1. USE TEFLON TAPE ON ALL PIPE THREADS.

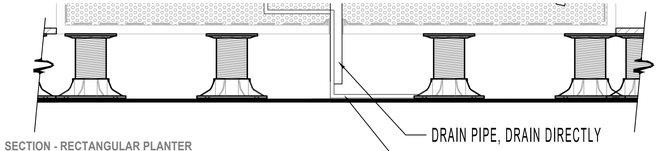
AIR / VACUUM RELIEF ASSEMBLY | 1



PLAN - TYPICAL RECTANGULAR PLANTER



SECTION - RECTANGULAR PLANTER ON ARCHITECTURAL SLAB



SECTION - RECTANGULAR PLANTER ON PEDESTAL SYSTEM

NOTES
1. CONTRACTOR TO COORDINATE IRRIGATION WITH DRAINAGE AND PLUMBING CONTRACTORS TO FIELD VERIFY STUBBED LOCATIONS AND FIELD ADJUST POT PENETRATIONS INTO POT AS NECESSARY.
2. CONTRACTOR SHALL COORDINATE ALL PIPING WITH OTHER TRADES PRIOR TO CONSTRUCTION.
3. COORDINATE THE WATER SUPPLY LINE STUB OUT LOCATIONS WITH THE INSTALLATION OF PLANTER POTS.

RAISED PLANTER IRRIGATION | 2

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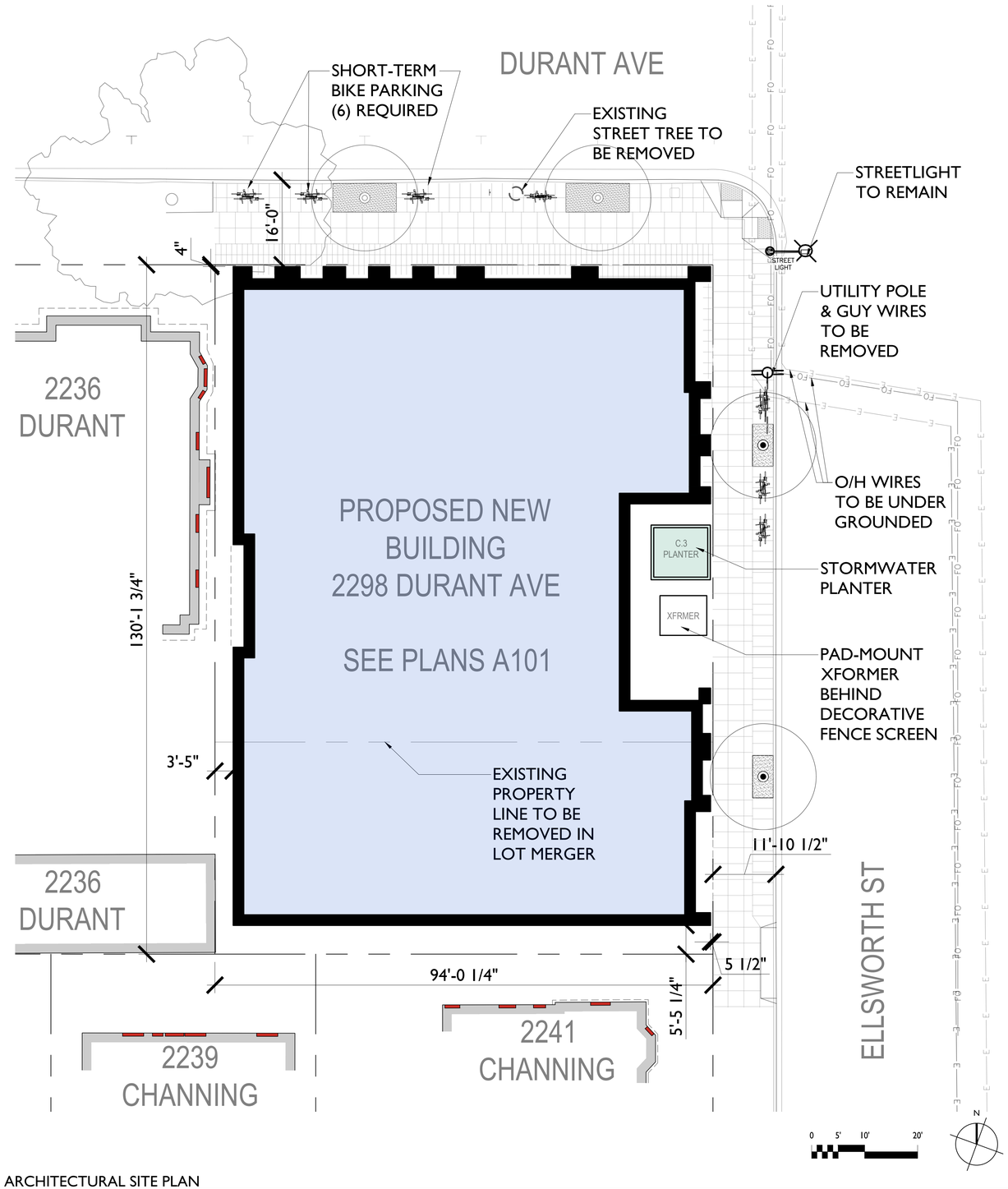
2298 DURANT AVENUE
LANDSCAPE PLANS
2298 DURANT AVE, BERKELEY, CA

PHASE 2ND ENTITLEMENT SUBMITTAL
DATE 04-17-25
REVISIONS

No.	Description	Date

IRRIGATION DETAILS

L-4.4



ARCHITECTURAL SITE PLAN
3/32"=1'-0"

ZONING CODE INFORMATION					
SITE INFORMATION					
PROJECT ADDRESS:	2298 DURANT AVE & 2360 ELLSWORTH ST				
APN:	055-1887-001 & 055-1887-002				
SEISMIC SAFTY					
EARTHQUATE FAULT RUPTURE ZONE:	NO				
LANDSLIDE ZONE:	NO				
LIQUEFACTION ZONE:	NO				
UN-REINFORCED MASONRY BLDG INVENTORY:	NO				
HISTORICAL PRESERVATION					
LANDMARK OR STRUCTURE OF MERIT:	NO				
COM. STRUCTURE GREATER THAN 40 YEARS OLD:	YES				
ENVIROMENTAL SAFETY					
CREEK BUFFER:	NO				
ENVIRONMENTAL AREA:	NO				
FIRE ZONE:	2				
FLOOD ZONE (100-YEAR OR 1%):	NO				
PARCEL CONDITIONS					
ZONING DISTRICT:	R-SMU	RESIDENTIAL - SOUTHSIDE MIXED USE			
GENERAL PLAN AREA:	RMU	RESIDENTIAL MIXED USE			
SPECIAL ZONING OVERLAYS:	SOUTHSIDE PLAN				
ZONING ADJACENCIES:	WEST R-SMU	NORTH R-SMU	EAST R-SMU	SOUTH R-SMU	

		EXISTING	PROPOSED DENSITY BONUS	PERMITTED / REQUIRED
AREAS	TOTAL LOT AREA (SQ.FT.):	12,220	12,220	N/A
	LOT COVERAGE %:	43%	84.4%	100% MAX
	FLOOR AREA RATIO (FAR):	0.99	6.54	7.0 MAX
DENSITY	DWELLING UNITS	7	65	42 MIN.
	DWELLING UNITS / ACRE	24.92	231.42	150 MIN.
HEIGHT	MAX. BUILDING HEIGHT(FT.):	~40'-0"	85'-0" (+8'-0")	85'-0" (+5'-0")
	# STORIES:	3+1	8	N/A
SETBACKS	FRONT DURANT	8'-5"	4"	N/A
	REAR	4'-1"	5' 5 1/4"	4'-0"
	STREET SIDE:	4'-9"	5 1/2"	N/A
	INTERIOR SIDE:	0'-0'	3'-5"	N/A

BUILDING AREA INFORMATION:

	EXISTING	PROPOSED	PERMITTED / REQUIRED
BUILDING FOOTPRINT:	5,229	10,327	12,235 MAX
COMMERCIAL:	5,760	0	N/A
RESIDENTIAL:	6,303	78,965	N/A
UTILITY	0	1,081	0
TOTAL GSF:	12,063	80,046	85,645

ZONING CODE INFORMATION

2298 Durant Building Statistics

	Ground Floor	Typical Floor	8th Floor	Total	
Units	3	9	8	**65**	**Units**
Bedrooms	16	41	36	**298**	**Bedrooms**
Bathrooms	6	16	14	**116**	**Bathrooms**
Unit A		1,255	1,255	**8,785**	**Unit A SF**
Count	0	1	1	**7**	**Unit A Count**
Unit B		582	582	**4,074**	**Unit B SF**
Count	0	2	2	**14**	**Unit B Count**
Unit D		1,094	1,094	**7,658**	**Unit D SF**
Count	0	2	2	**14**	**Unit D Count**
Unit E	1,303	1,303	1,303	**10,424**	**Unit E SF**
Count	1	2	2	**15**	**Unit E Count**
Unit F	1,128	1,128	1,128	**9,024**	**Unit F SF**
Count	2	2	1	**15**	**Unit F Count**
Amenity	4,234	0	138	**4,372**	**Amenity SF**
Corridors	680	642	704	**5,236**	**Corridors SF**
GSF	10,197	10,111	9,183	**80,046**	**GSF**
Stairs Elev	643	528	528	**4,339**	**Stairs Elev Util SF**
Utility/Mech	1,081				

AREA TABULATION

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

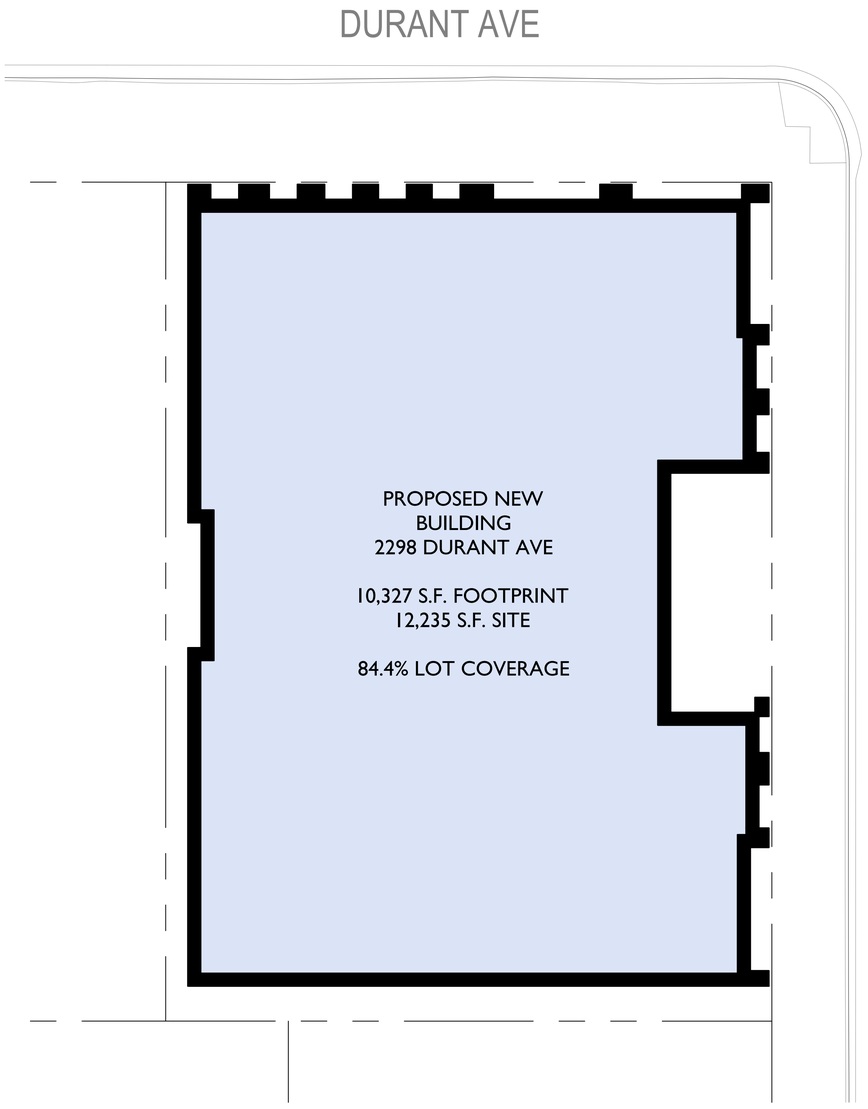
PROJECT ISSUE RECORD:	
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.
10/22/2025	ZAB UPDATES

CITY PERMIT RECORD:

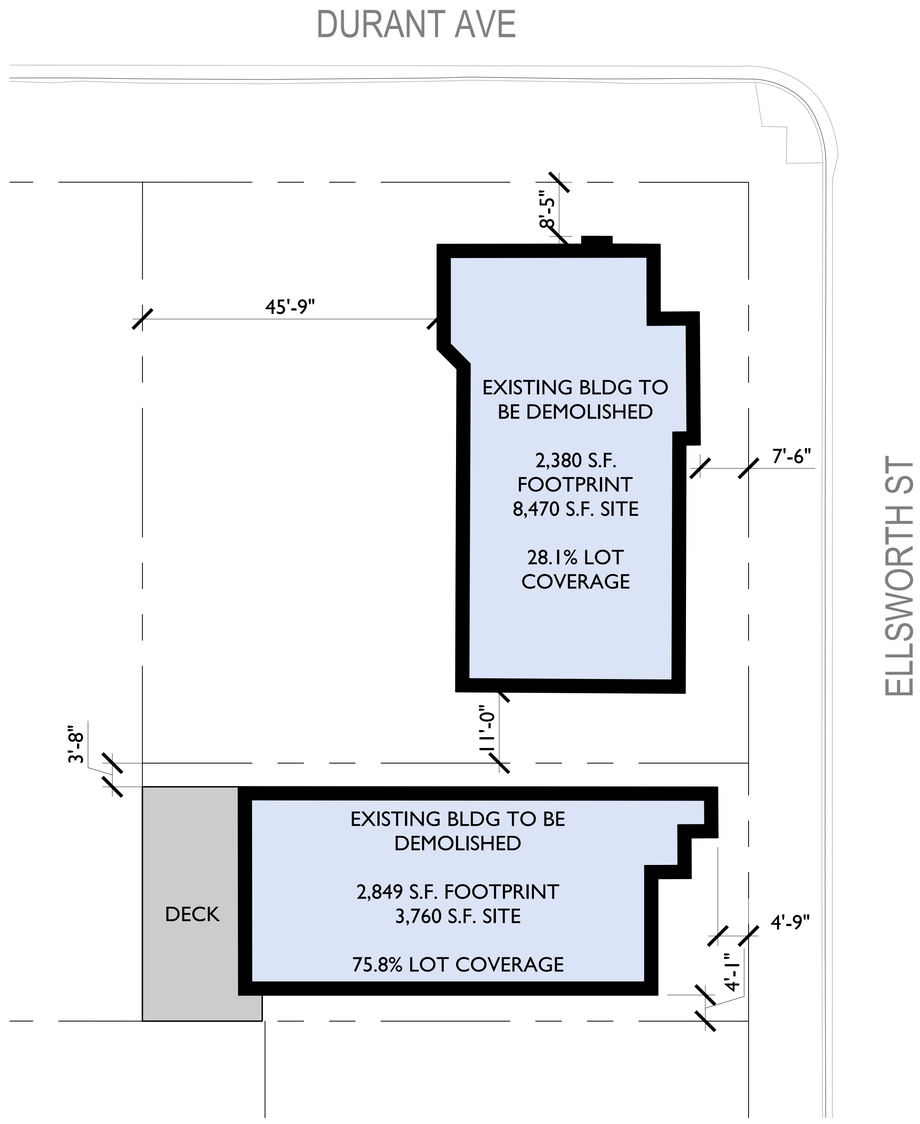
PROJECT: VLC09

TITLE: SITE PLAN AND BUILDING INFO

SHEET: **AS-101**



2 PROPOSED LOT COVERAGE DIAGRAM
3/32"=1'-0"



1 EXISTING LOT COVERAGE DIAGRAM
3/32"=1'-0"

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02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.

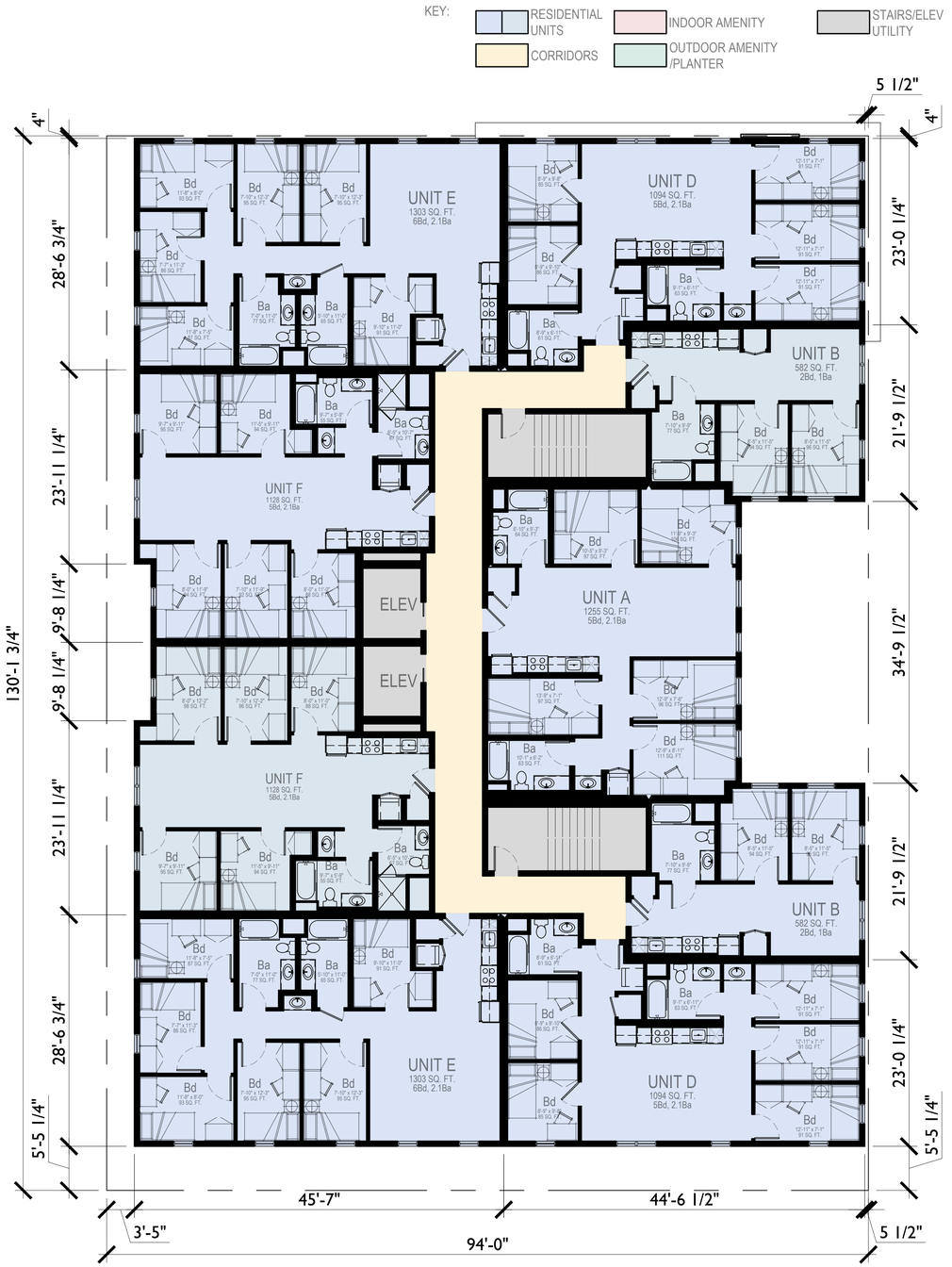
CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
LOT COVERAGE DIAGRAMS

SHEET:
AS-102

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



TYPICAL FLOOR PLAN (2 - 7)
1/8"=1'-0"

0 5' 10' 20'

N

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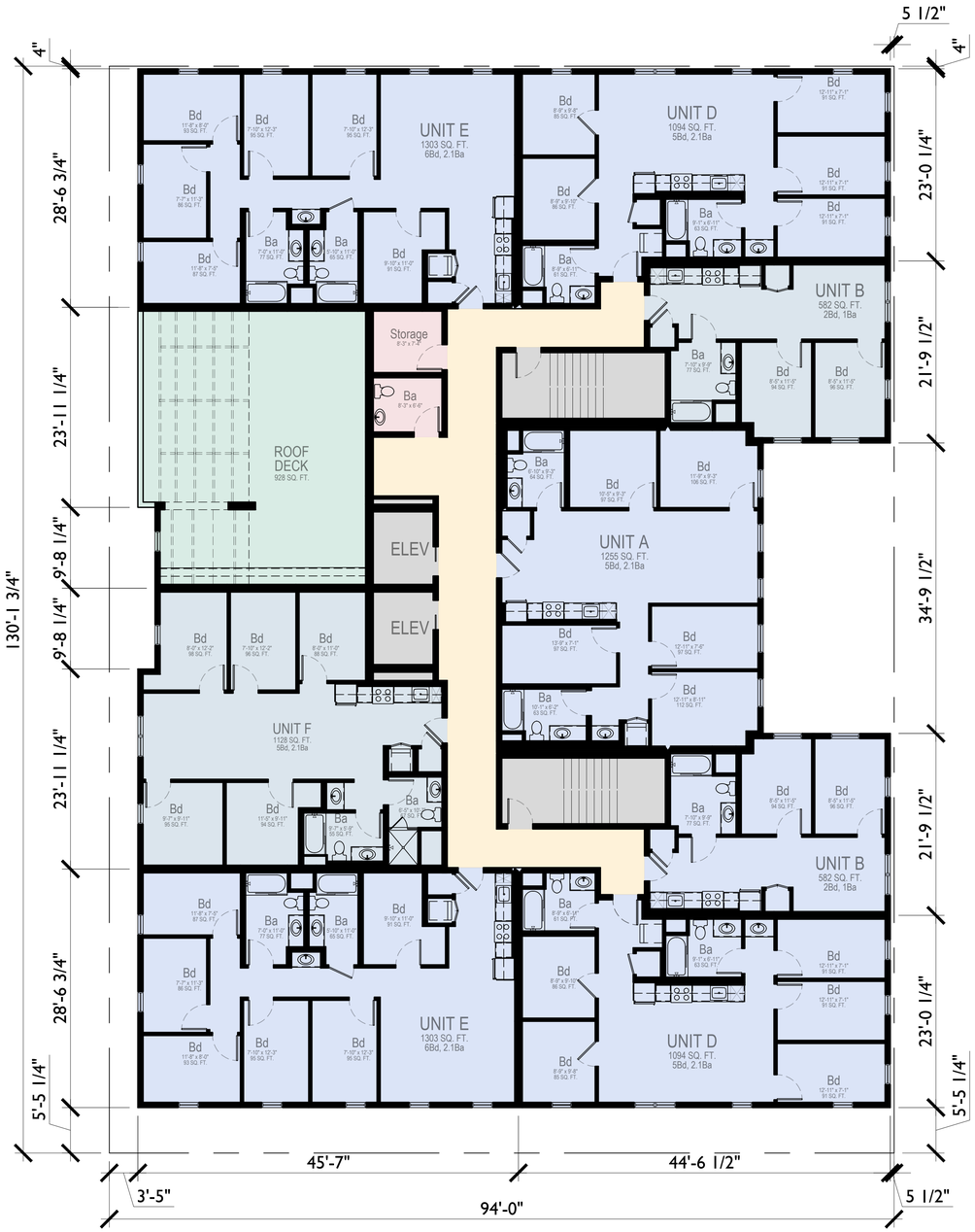
09/05/24	ENTITLEMENT SUB.
02/06/25	1ST ENT. RESUB.
04/16/25	2ND ENT. RESUB.
05/28/25	3RD ENT. RESUB.

CITY PERMIT RECORD:

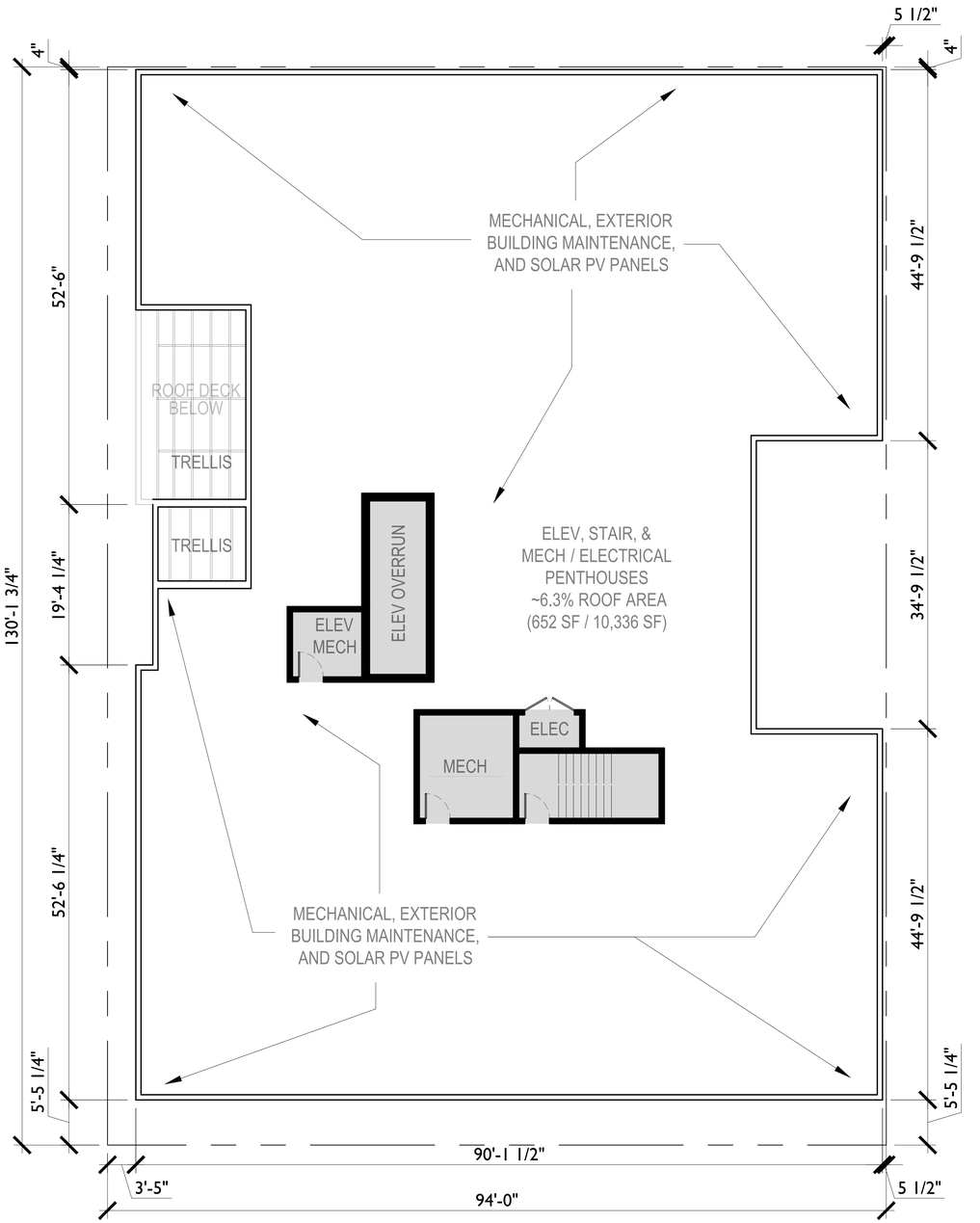
PROJECT:
VLC09

TITLE:
FLOOR PLANS

SHEET:
A-101



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



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

0 5' 10' 20'

N

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09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
FLOOR PLANS

SHEET:
A-102

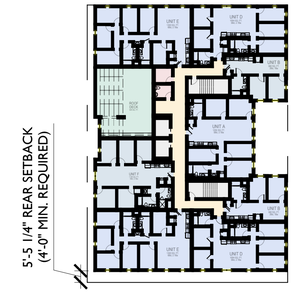
Existing Unit #	Existing Unit Bedroom #		Replacement / BMR Unit Bedroom #	VLI Replacement Unit	LI Replacement Unit	Replacement Unit Reserved for Sitting Tenants Exercising Right of Return	Proposed Unit #	Proposed Unit Type
A	1	<	2	X		X	218	B
B	2	=	2	X		X	204	B
C	2	=	2	X		X	304	B
D	1	<	2	X		X	404	B
E	2	=	2	X		X	504	B
F	2	=	2		X	X	604	B
PH	4	>	2		X	X	704	B

Proposed Unit	Proposed Unit Beds	Count	% of Total Units			
A	5	7	10.77%			
B	2	14	21.54%		2s	21.54%
D	5	14	21.54%		5s	55.38%
E	6	15	23.08%		6s	23.08%
F	5	15	23.08%			

REPLACEMENT / BMR UNITS AND BUILDING UNIT MIX
N.T.S.

Density Bonus - VLI or Below								
Project Address:		2298 Durant Ave., Berkeley						
Project Code:		VLC09						
Date:		7/9/2025						
Base Project	Base # Units	Base # Units	% BMR units		# BMR Units	# BMR Units	Bonus %	# DB Units	Total Units Allowed
sq. ft. - see calculation below	base project/avg. unit size	Base Project Units Round Up	VLI = Very Low Income <50 AMI		% VLI x Base # Units	Round Up		%Bonus x Base # Units Round Up	
58,743	48.35	49	10%		4.90	5.00	32.5%	16	65
Base Project Residential Floor Area	Floor	Proposed Project Residential Floor Area						%BMR (VLI/ELI)	%DB
9,116	first	9,116						5%	20.00%
10,111	second	10,111						9%	30.00%
10,111	third	10,111						10%	32.50%
10,111	fourth	10,111						11%	35.00%
10,111	fifth	10,111	Proposed RFA:		78,965			13%	42.50%
9,183	sixth	10,111	Average Unit Size:		1,215			15%	50.00%
	seventh	10,111				VLI/ELI Units		20%	70.00%
	eighth	9,183	Density Bonus (SF):		20,222	5.00		21%	73.75%
58,743	TOTAL	78,965	2-Bdr	4-Bdr / 5-Bdr / 6-Bdr	Total	%BMR Proposed (Berkeley 20% Req.)		22%	77.50%
	Units		14	0 / 36 / 15	65			23%	81.25%
	Bedrooms		28	0 / 180 / 90	298	10.20%		25%	88.75%

DENSITY BONUS STATISTICS
N.T.S.



6B BASE PROJECT 6TH FLOOR - 9,183 S.F.
1/32"=1'-0"

8P PROPOSED 8TH FLOOR - 9,183 S.F.
1/32"=1'-0"

4B BASE PROJECT FLRS 4&5 - 10,111 S.F.
1/32"=1'-0"

2B BASE PROJECT FLRS 2&3 - 10,111 S.F.
1/32"=1'-0"

2P PROPOSED FLRS 2-7 - 10,111 S.F.
1/32"=1'-0"

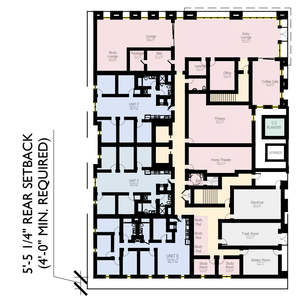
X04 UNIT STACK:

(4) VLI REPLACEMENT UNITS @ FLOORS 2-5;

(2) LI REPLACEMENT UNITS @ FLOORS 6 & 7

UNIT 218

(1) VLI REPLACEMENT UNIT @ FLOOR 2



1B BASE PROJECT 1ST FLOOR - 9,116 R.S.F.
1/32"=1'-0"

1P PROPOSED 1ST FLOOR - 9,116 R.S.F.
1/32"=1'-0"

KEY:
RESIDENTIAL UNITS
CORRIDORS
INDOOR AMENITY
OUTDOOR AMENITY /PLANTER
STAIRS/ELEV UTILITY

0 10' 20' 40'

N

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2298 DURANT AVE

BERKELEY, CA

NOT FOR CONSTRUCTION

PROJECT ISSUE RECORD:

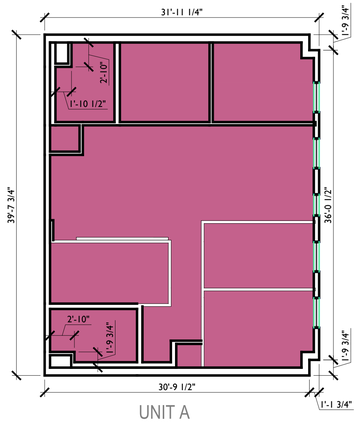
08/05/24	SB330 SUBMITTAL
09/05/24	ENTITLEMENT SUB.
02/06/25	1ST ENT. RESUB.
04/16/25	2ND ENT. RESUB.
07/09/25	3RD ENT. RESUB.
09/09/25	5TH ENT. RESUB.

CITY PERMIT RECORD:

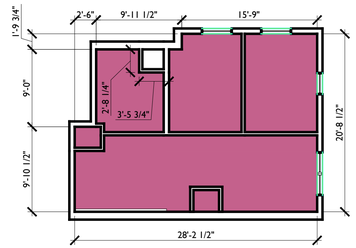
PROJECT: VLC09

TITLE: DENSITY BONUS FLOOR PLANS & STATISTICS

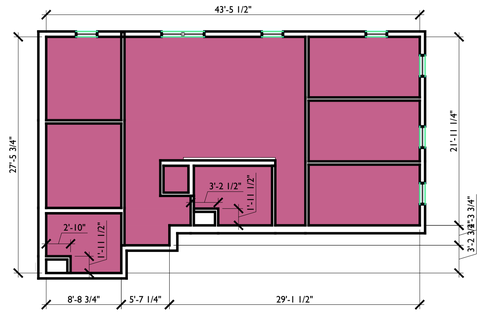
SHEET: A-110



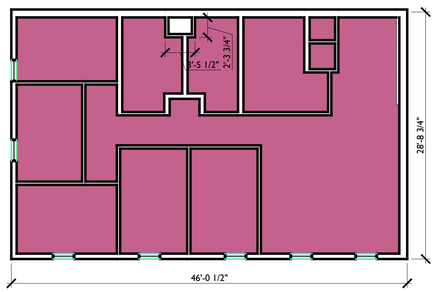
UNIT A
1068 SQ. FT.
5Bd, 2.1Ba



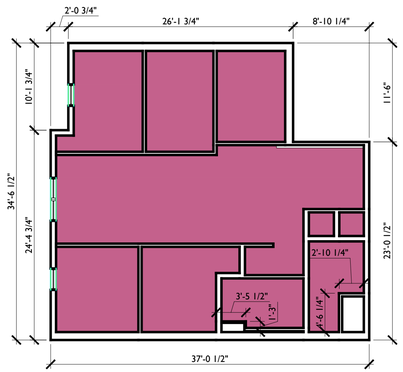
UNIT B
502 SQ. FT.
2Bd, 1Ba



UNIT D
947 SQ. FT.
5Bd, 2.1Ba



UNIT E
1138 SQ. FT.
6Bd, 2.1Ba



UNIT F
968 SQ. FT.
5Bd, 2.1Ba

2298 Durant Affordable Housing Ordinance Statistics

	Ground Floor	Typical Floor	8th Floor	Total	
Units	3	9	8	65	Units
Bedrooms	16	41	36	298	Bedrooms
Bathrooms	6	16	14	116	Bathrooms
Unit A		1,068	1,068	7,476	Unit A SF
Count	0	1	1	7	Unit A Count
Unit B		502	502	7,028	Unit B SF
Count	0	2	2	14	Unit B Count
Unit D		947	947	13,258	Unit D SF
Count	0	2	2	14	Unit D Count
Unit E	1,138	1,138	1,138	17,070	Unit E SF
Count	1	2	2	15	Unit E Count
Unit F	968	968	968	14,520	Unit F SF
Count	2	2	1	15	Unit F Count
Residential Unit Floor Area	3,074	8,178	7,210	59,352	Residential Unit Floor Area
				44,794	Base Project RUFA (=RUFA/1.325)
Total Base Project Units		49			
BMR Units Required by AHO		10	BMR Units Provided	7	
			Affordable Housing In-Lieu Fee		
	= $62.83 * (1-[BMR Prov / BMR Req]) * Base Project RUFA			$844,321.39	
	= $62.83 * 30% * 44,715				

RESIDENTIAL UNIT FLOOR AREA DIAGRAMS
1/8" = 1'-0"

RESIDENTIAL UNIT FLOOR AREA & AFFORDABLE HOUSING IN-LIUE FEE SUMMARY
N.T.S.

0 5' 10' 20'

N

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2298 DURANT AVE

BERKELEY, CA

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09/05/24	ENTITLEMENT SUB.
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04/16/25	2ND ENT. RESUB.
07/09/25	3RD ENT. RESUB.
09/09/25	5TH ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
AFFORDABLE HOUSING IN-LIUE DIAGRAMS & FEE

SHEET:
A-111

FLOOR	U.O.S. (S.F.)	LOCATION/DESCRIPTION	
1	* 1,579 S.F.	Individual Spaces Include: Entry Lounge - 932 SF Lounge - 295 SF Study Lounge - 378 SF Fitness - 629 SF Total of Spaces = 2,234 SF	*The project requires 3,159 square feet of usable open space (UOS). Up to 50% of that—1,579 square feet—can be indoor amenity space. The total indoor amenity area (study lounge, fitness center, etc.) is 2,234 square feet, but only 1,579 square feet is counted toward the UOS requirement.
2-7	0	No UOS Provided	
8	0	Roof Deck is not at least 75% Open to the Sky so it is not being counted	
TOTAL	1,579 S.F.		3159 Required (based on RFA)

USABLE OPEN SPACE STATISTICS
N.T.S.

LOUNGE, STUDY LOUNGE, ENTRY LOUNGE, AND HOME THEATER ROOMS ARE ALL "MULTI-PURPOSE ROOMS" THAT COUNT AS INDOOR AMENITIES PER BMC

1 1ST FLOOR USABLE OPEN SPACE - MPRs, FITNESS
1/16"=1'-0"

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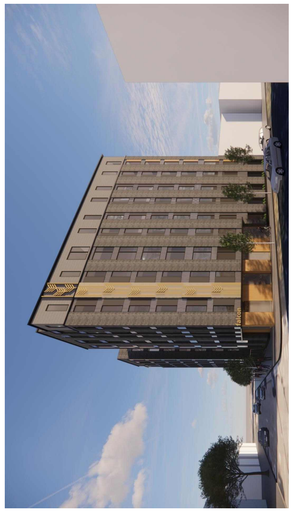
02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.
10/22/2025	ZAB UPDATES

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
USABLE OPEN SPACE DIAGRAMS

SHEET:
A-120



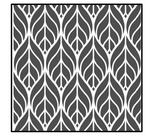
METAL PANEL
6 MAC METAL
CORK
HARRYWOOD PLUS

BUILDING SIGNAGE
9 METAL CHANNEL
HALO LIT
GOLD

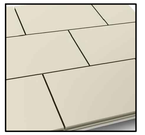
ALUMINUM PROFILE
8 ALUMINUM TUBING
BACKLIT INDIRECT LED
GOLD

RAILINGS
12 GLASS PANEL
BLACK METAL FRAME
BLACK METAL CAP

WINDOWS
11 ALUMINUM
BLACK



FENCING
14 BOK MODERN
PATTERN C34 - 8'-0" HEIGHT
BRONZE COLOR



METAL PANEL
15 PAC-CLAD
MODULAR AL
BRONZE - RUNNING BOND

WOOD-LOOK METAL SIDING
1 MAC - ARCHITECTURAL METAL
NORWOOD MINI / NORWOOD
WOOD COLLECTION: ASH GREY

FIBER-CEMENT PANEL
2 CERACLAD
MOSAIC:
BLACK

BUILDING FLASHING
10 GALVANIZED SHEET METAL
PAINTED
BLACK

CEMENT PLASTER
3 BENJAMIN MOORE
2129-10 MIDNIGHT DREAM

STOREFRONT
13 BLACK METAL FRAMES
BIRD-SAFE UV GLASS

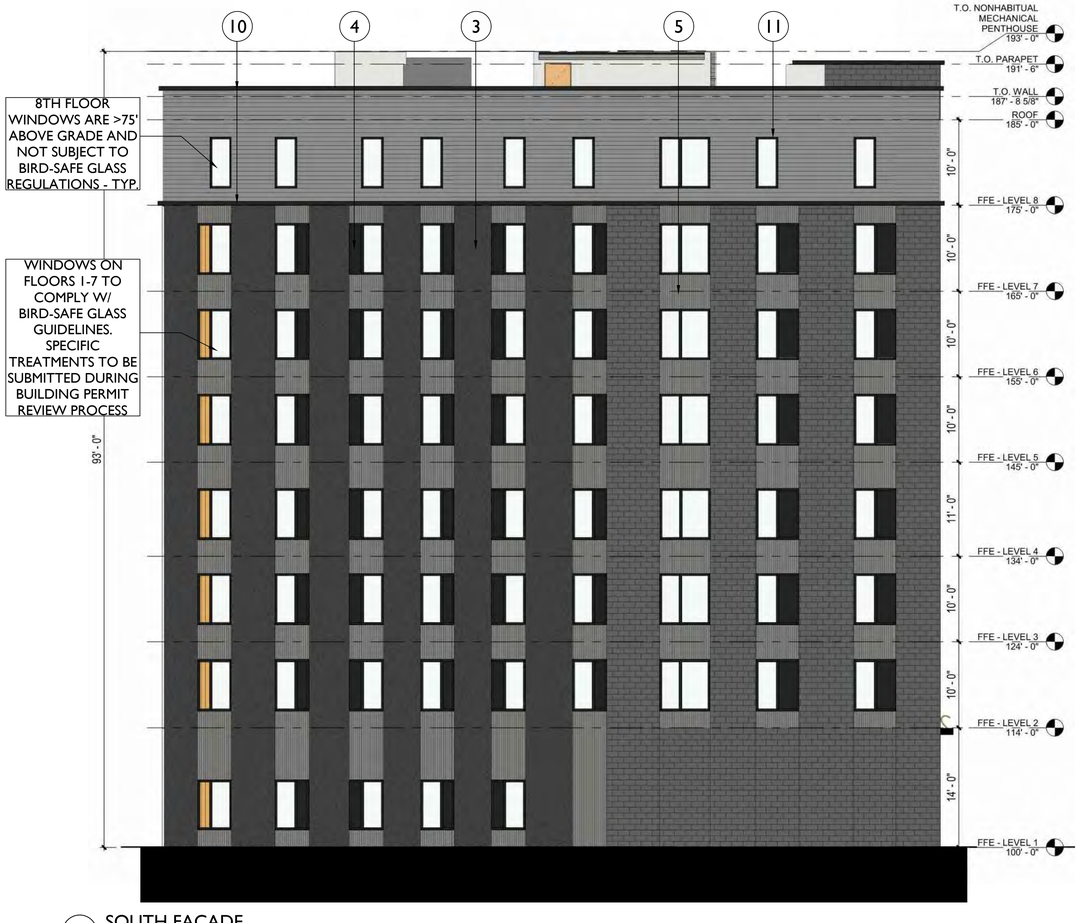
METAL PANEL
4 MAC - ARCH. METAL
VERSA
ANTHACITE

FIBER CEMENT PANEL
5 NICHIHA
RIBBED
INDIGO

MATERIAL KEY

3 PERSPECTIVE FACING SW FROM ELLSWORTH STREET
N.T.S.

2 NORTH FACADE (DURANT AVE)
1/8"=1'-0"



1 SOUTH FACADE
1/8"=1'-0"

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2298 DURANT AVE

BERKELEY, CA

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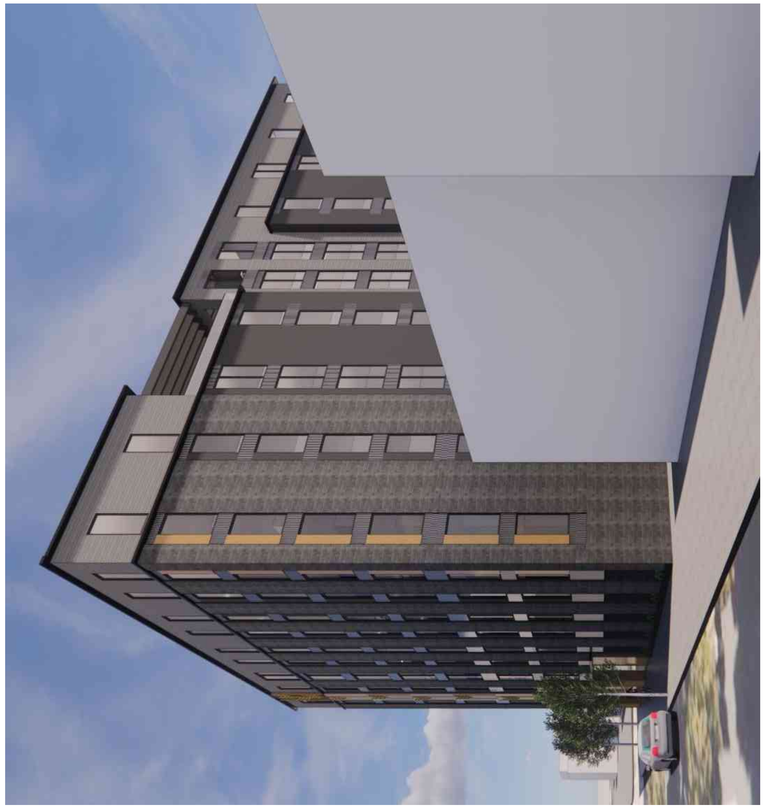
09/05/24	ENTITLEMENT SUB.
02/06/24	1ST ENT. RESUB.
04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

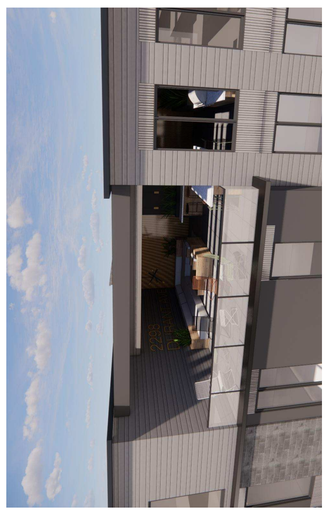
PROJECT:
VLC09

TITLE:
ELEVATIONS

SHEET:
A-201



2 PERSPECTIVE FACING SE FROM DURANT
1/8"=1'-0"



1 PERSPECTIVE OF ROOF DECK
1/8"=1'-0"

METAL PANEL
6 MAC METAL
CORK
HARRYWOOD PLUS

BUILDING SIGNAGE
9 METAL CHANNEL
HALO LIT
GOLD

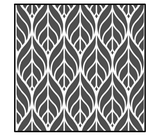
ALUMINUM PROFILE
8 ALUMINUM TUBING
BACKLIT INDIRECT LED
GOLD

ALUMINUM PANEL
7 PERFORATED FLATSTOCK
BACKLIT INDIRECT LED
GRAY/SILVER

RAILINGS
12 GLASS PANEL
BLACK METAL FRAME
BLACK METAL CAP

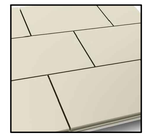
WINDOWS
11 ALUMINUM
BLACK

BUILDING FLASHING
10 GALVANIZED SHEET METAL
PAINTED
BLACK



FENCING
14 BOK MODERN
PATTERN C34 - 8'-0" HEIGHT
BRONZE COLOR

STOREFRONT
13 BLACK METAL FRAMES
BIRD-SAFE UV GLASS



METAL PANEL
15 PAC-CLAD
MODULAR AL
BRONZE - RUNNING BOND

WOOD-LOOK METAL SIDING
1 MAC - ARCHITECTURAL METAL
NORWOOD MINI / NORWOOD
WOOD COLLECTION: ASH GREY

FIBER-CEMENT PANEL
2 CERACLAD
MOSAIC:
BLACK

CEMENT PLASTER
3 BENJAMIN MOORE
2129-10 MIDNIGHT DREAM

METAL PANEL
4 MAC - ARCH. METAL
VERSA
ANTHACITE

FIBER CEMENT PANEL
5 NICHIHA
RIBBED
INDIGO

MATERIAL KEY

1 WEST FACADE
1/8"=1'-0"

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BERKELEY, CA

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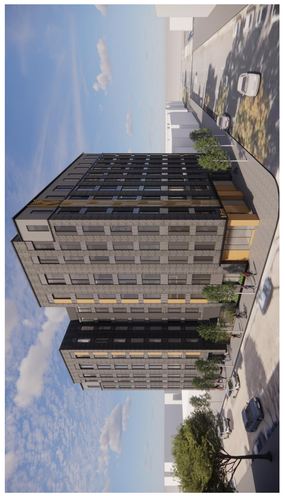
04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

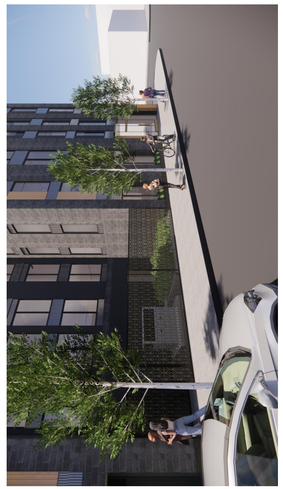
PROJECT:
VLC09

TITLE:
ELEVATIONS

SHEET:
A-202



3 PERSPECTIVE FACING W FROM ELLSWORTH STREET
N.T.S.



2 PERSPECTIVE FACING W FROM ELLSWORTH STREET SHOWING TRANSFORMER & FENCE
N.T.S.

MATERIAL KEY

1 **WOOD-LOOK METAL SIDING**
MAC - ARCHITECTURAL METAL
NORWOOD MINI / NORWOOD
WOOD COLLECTION: ASH GREY

2 **FIBER-CEMENT PANEL**
CERACLAD
MOSAIC:
BLACK

3 **CEMENT PLASTER**
BENJAMIN MOORE
2129-10 MIDNIGHT DREAM

4 **METAL PANEL**
MAC - ARCH. METAL
VERSA
ANTHACITE

5 **FIBER CEMENT PANEL**
NICHIHA
RIBBED
INDIGO

6 **METAL PANEL**
MAC METAL
CORK
HARRYWOOD PLUS

7 **ALUMINUM PANEL**
PERFORATED FLATSTOCK
BACKLIT INDIRECT LED
GRAY/SILVER

8 **ALUMINUM PROFILE**
ALUMINUM TUBING
BACKLIT INDIRECT LED
GOLD

9 **BUILDING SIGNAGE**
METAL CHANNEL
HALO LIT
GOLD

10 **BUILDING FLASHING**
GALVANIZED SHEET METAL
PAINTED
BLACK

11 **WINDOWS**
ALUMINUM
BLACK

12 **RAILINGS**
GLASS PANEL
BLACK METAL FRAME
BLACK METAL CAP

13 **STOREFRONT**
BLACK METAL FRAMES
BIRD-SAFE UV GLASS

14 **FENCING**
BOK MODERN
PATTERN C34 - 8'-0" HEIGHT
BRONZE COLOR

15 **METAL PANEL**
PAC-CLAD
MODULAR AL
BRONZE - RUNNING BOND

1 EAST FACADE (ELLSWORTH STREET)
1/8"= 1'-0"

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04/16/24	2ND ENT. RESUB.

CITY PERMIT RECORD:

PROJECT:
VLC09

TITLE:
ELEVATIONS

SHEET:
A-203

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

2298 Durant Avenue and 2360 Ellsworth Street

Use Permit #ZP2024-0126 to demolish a commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and build an eight-story (92 foot), 80,000 square-foot residential building, with 65 units (5 Very-Low Income, 2 Low-Income), utilizing a State Density Bonus.

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

When: Thursday, October 30, 2025, 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.

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474 Fax: 510.981.7420
E-mail: zab@berkeleyca.gov

A. Land Use Designations:

- General Plan: Residential Mixed Use (RMU)
- Zoning: Residential Southside Mixed Use (R-SMU)

B. Zoning Permits Required:

- **Demolition.** BMC Section 23.326.020(B) **"General Requirements"** to demolish a dwelling.
- **Demolition.** BMC Section 23.326.030(A)(3) **"Eliminating Dwelling Units through Demolition"** to demolish a building constructed before June 1980 on a property containing two or more dwelling units.
- **Demolition.** BMC Section 23.326.070(A) **"Main Non-Residential Building"** to demolish a non-residential building.
- **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a multi-family use.
- **Height Projection** BMC Section 23.304.050 (A) "**Projections Above Height Limits"** exceed height limit with a rooftop projection.
- **Fence** BMC Section 23.304.080(A) "**Permits Required**"

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

- Concession from the healthcare requirement of the "HARD HATS" ordinance (BMC Section 13.107.050).
- Concession from the prevailing wage requirements of the Southside Plan Area (BMC Section 13.108.030).
- Waiver to provide 1,579 sq. ft. of Useable Open Space where 3,159 sq. ft. is required, and it will only consist of indoor amenity space (BMC Section 23.304.090(D) "**Southside Plan Area Shared Indoor Residential Amenities**").
- Waiver to provide no landscaped Useable Open Space, where 40 percent of required outdoor Useable Open Space must be landscaped.
- Waiver to exceed the 85-foot height limit and permit a 92-foot building.
- Waiver to provide no long-term bicycle parking, where 99 long-term spaces are required.
- Waiver to remove the camphor street tree on Durant Avenue; where street tree removal requires the City Arborist's approval.

D. CEQA Exemption Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

E. Project Recommendation: Approve Use Permit #ZP2024-0126, pursuant to BMC Section 23.406.040(E) "**Findings for Approval**."

F. Parties Involved:

- Applicant Austin Springer, Studio KDA
- Property Owner Valiance Capital, LLC

Further Information:
All application materials are available online at:
https://aca.cityofberkeley.info/CitizenAccess/Welcome.aspx.

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

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

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

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

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

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

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

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

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

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

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ZAB APPEAL: 2298 DURANT AVENUE, USE PERMIT APPLICATION ZP2024-0126

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **MONDAY, FEBRUARY 23, 2026** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustment Board for a Use Permit Application **#ZP2024-0126 to approve Use Permit #ZP2024-0126 to demolish an existing commercial building, a residential building with 7 dwelling units, and associated parking; merge two lots; and construct an eight story (92 foot), 80,0000 square-foot residential building, with 65 units (5 very low-income, 2 low-income), utilizing a State Density Bonus.**

The hearing will be held on February 23, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Robert Rivera, Senior Planner at (510) 981-7480

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 11, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

_____

Mark Numainville, City Clerk

Mailed by: February 9, 2026

Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Board or Commission decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Board or Commission decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

Office of the City Manager

PUBLIC HEARING
FEBRUARY 23, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Adjustments Board Appeal: 2425 Durant Avenue, Use Permit Application #ZP2024-0162

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0162, to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

SUMMARY

On October 9, 2025, the ZAB approved Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings and construct a 20-story residential building containing 169 dwelling units, on a 9,750-square-foot lot. The project approval was based on findings that the project would not be detrimental to the general welfare of the City, aligns with the purpose of the zoning district, encourages the use of public transit, and facilitates the construction of affordable housing.

On October 28, 2025, the ZAB's decision was appealed by Weinberg, Roger & Rosenfeld on behalf of the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"). Appellants contend that the City should deny the Applicant's request to use state Density Bonus Law concessions to waive compliance with the requirements of the apprenticeship requirements and health care expenditure provisions of the City's HARDHATS Ordinance (codified as Berkeley Municipal Code Sections 13.107.040 and 13.107.050, respectively) and the Southside Plan Prevailing Wage Ordinance (Berkeley Municipal Code Section 13.108(A)), because these concessions do not comply with state law. Specifically, Appellants claim (1) that these regulations are not the proper subject of concessions and, in the

alternative, that (2) they are subject to the exemption in Government Code Section 65915(d)(1)(B) because they pose a specific, adverse impact on public health and safety.

For reasons discussed further below, staff find that these concessions are appropriate and that the City cannot make the factual findings necessary to deny them.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On November 15, 2024, the applicant submitted a Use Permit application (ZP#2024-0162).

On November 21, 2024, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0064).

On December 13, 2024, the Use Permit application was deemed complete.

On February 13, 2025, the Use Permit Application was resubmitted.

On February 24, 2025, the City mailed public hearing notices for the scheduled Landmarks Preservation Commission (LPC) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations for the landmark designation hearing.

On March 6, 2025, LPC held a public hearing on the landmark designation application and received public comments. Following deliberations, the LPC unanimously approved the designation by a vote of 8-0-0-0 vote (Moved: Leuschner, Second: Schwartz, Ayes: Crandall, Enchill, Finacom, Leuschner, Montgomery, Orbuch, Plese and Schwartz, Noes: None; Abstain: None; Absent: None).

On March 13, 2025, the resubmitted Use Permit Application was deemed complete.

On April 15, 2025, the property owner filed an appeal of the LPC’s decision to designate the property as a City Landmark.

On July 9, 2025, the City mailed public hearing notices for a City Council Hearing for the appeal of the LPC’s decision to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On July 23, 2025, the City Council held a public hearing on the appeal of the LPC decisions to designate 2425 Durant Avenue as a City Landmark or Structure of Merit. Following deliberations, the City Council unanimously upheld the appeal and reversed the LPC designation by a vote of 7-0-0-2 vote (Moved: Kesarwani, Second: Taplin. Ayes: Bartlett, Humbert, Kesarwani, Lunaparra, Taplin, Tregub, Ishii; Noes: None; Abstain: None. Absent: O'Keefe, Blackaby; Resolution No. 71,904-N.S.)

On September 26, 2025, the City mailed public hearing notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On October 9, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. See Attachment 3 for the staff report submitted for ZAB consideration. Opponents raised concerns regarding the HARDHATS and Prevailing Wage concessions, contending that these concessions pose specific adverse impacts upon public health and safety. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and the members of the public, the ZAB voted to approve the project with a 4-0-1-3 vote (Moved Allen, Second: Yung. Ayes: Mae Palmatier, Allen, Yung, Sanderson; Noes: None; Abstain: Thompson; Absent: Duffy, Gaffney, Choi)

On October 28, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants") filed an appeal of the ZAB's decision to approve the project.

BACKGROUND

The subject property is an approximately 9,750-square foot interior lot on the north side of the 2400-block of Durant Avenue, between Telegraph Avenue and Dana Streets. It is a flat rectangular parcel, 130 feet deep and 75 feet wide that is oriented north-to-south, with street frontage facing Durant Avenue to the south. It includes three two-story residential buildings containing 19 existing (rent-controlled) dwelling units and a shed building, all proposed to be demolished. In the rear, at the northwest corner of the lot, there is a two-story simple Craftsman style cottage (2423 Durant Avenue) constructed in 1906 that includes two units. The shed is located in the rear, at the northeast corner of the lot. In the front, at the south-east part of the lot, the building at 2421 Durant Avenue includes six units. It is a two-story, over basement Victorian constructed in 1886, with a tower roof, rectangular footprint and wood siding and shingle exterior. At the southwest corner of the lot, the building at 2425-2427 Durant Avenue includes 11 units. It is a two-story plus attic Revival style building constructed in 1905 with a rectangular footprint, hipped roof, and wood shingle exterior.

The subject property, 2421 Durant Avenue, is located within Berkeley's first subdivision, which was created to generate funds for the construction of the University of California campus. In 1886, the area was further subdivided into Beaver Tract; 2421 Durant Avenue was the third home constructed within this tract. In 1906, architect William Wharff designed a set of flats at 2425 Durant Avenue. A two-story cottage (2432 Durant Avenue) was also constructed on the property that same year, and was later converted into a duplex in 1925.

Figure 1: Vicinity and Zoning Districts Map

The proposed project would demolish the existing residential buildings containing 19 dwellings to construct a 20-story, 208 feet, 148,940-square-foot residential building with 169 units including 105 Studios, one one-bedroom, 46 two-bedroom and 17 three-

bedroom units for a total of 249 bedrooms. The project includes communal spaces on Level 13 and Level 17 and a roof deck and an indoor lounge on Level 20.

Figure 2: Existing Street View (Durant Avenue)

Figure 3: Site/Ground Floor Plan

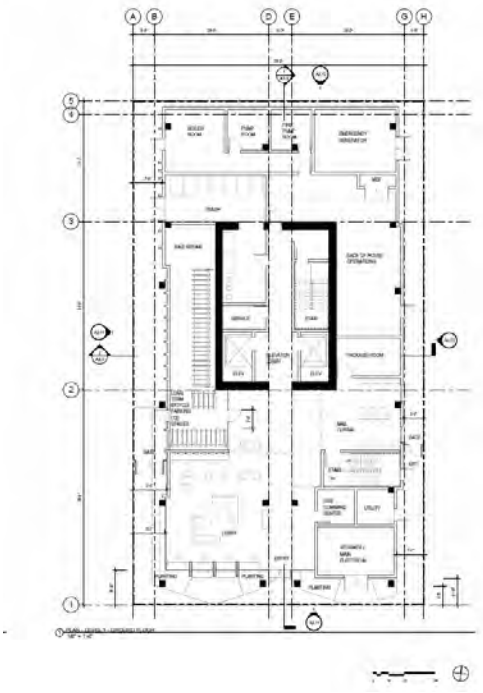


Figure 4: The Proposed Project Rendering

Senate Bill 330 (Housing Crisis Act of 2019) and State Density Bonus

The proposed project qualifies as a housing development project under SB 330 and is requesting a density bonus under the State Density Bonus law ("SDBL"). The total density bonus is calculated based on the site's base density and the allowable bonus granted for providing affordable housing. The base density reflects the maximum number of units allowed on the site while fully complying with applicable district development standards, including height, setbacks, usable open space, and parking requirements. The density bonus is then determined by the percentage of total units dedicated as affordable and their affordability level. For this site, the base density is 85 units. By proposing 13 very low-income (VLI) units and 13 Moderate Income (MI) units, 30% of the total base units, the project qualifies for a 100% density bonus, increasing the maximum allowable density to 171 units. However, the applicant proposes 84 additional units above the base density for a total of 169 dwelling units. (See Table 1: Density Bonus)

Table 1: Density Bonus

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
85	26 [13 VLI (15% of Base) + 13 MI (15% of Base)]	100	84 (86 possible)	169 (171 possible)

Notes:
[a] Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.
Abbreviations: % = percent

Concessions are defined in Government Code Section 65915(k) as a reduction in site development standards; approval of mixed-use zoning in certain instances; or any other regulatory incentive that results in identifiable and actual cost reductions. Pursuant to California Government Code Section 65915(d)(1), the City may only deny the concession if it makes a written finding, based on substantial evidence, that the concession does not result in identifiable and actual cost reductions; the concession would have a specific adverse impact upon public health and safety 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 the concession would be contrary to state or federal law.

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).

- **Concession.** Exemption from the "Apprenticeship Requirements" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession.** Exemption from the "Health Care Expenditures" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession.** Exemption from the "Prevailing Wage requirements" in the Southside Plan as required by BMC Section 13.108

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 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.

The applicant is requesting six waivers from the following development standards:

1. **Tree Removal[1].** Waiver of BMC Section 6.52.010 to remove a Coast Live Oak Tree.
2. **Usable Open Space (R-SMU).** Waiver of BMC Section 23.202.140(E)(1)(a) for providing 1,012 square-feet of Usable Open Space, where 5,239 square feet is required.
3. **Floor Area Ratio.** Waiver of BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum Floor Areas Ratio (FAR) of 7, by allowing a 14.86 FAR.
4. **Building Height.** Waiver of BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Rear Setback.** Waiver of BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Usable Open Space.** Waiver of BMC Section 23.304.090(B) (7) "Landscaping" for Usable Open Space landscaped area to be 0% where 40% is required.

[1] The applicability of a waiver to the City's regulations under BMC 6.52.010 was verified through HCD Technical Assistance Case No. HAU 2339.

7. **Bicycle Parking.** Waiver of BMC Section 23.322.090(A)(2) “Residential Parking” to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

RATIONALE FOR RECOMMENDATION

The main issues raised in the Appellant’s letter (Attachment 2) and staff’s response are detailed below. For the sake of brevity, all the appeal issues are not re-stated in their entirety.

I. The HARDHATS Ordinance and the Prevailing Wage Ordinance Are Proper Concessions under the Density Bonus Law.

As discussed above, the SDBL requires municipalities to award a density bonus when a developer agrees to dedicate a certain percentage of the overall units in a development to affordable housing. Developers of these projects are entitled to request a certain number of incentives or concessions, which municipalities must grant absent limited exceptions. (Gov. Code § 65915(d).)

A concession or incentive is regulatory relief that a developer can use to reduce the costs of building affordable housing. (*See id.* § 65915(d)(1).) A concession under the SDBL can be a reduction in site development standards, a modification of zoning code requirements or architectural design requirements, or approval of mixed-used zoning in compatible areas not already so zoned. (*Id.* § 65915(k)(1-2).) Another appropriate subject of a concession is any “other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs…” (Gov. Code § 65915(k)(3).)

As discussed above, the Applicant has requested the following three concessions:

(1) Exemption from the “Apprenticeship Requirements” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040.

(2) Exemption from the “Health Care Expenditures” in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050.

(3) Exemption from the “Prevailing Wage requirements” in the Southside Plan as required by BMC Section 13.108(A).

Appellants first argue that these provisions are not the appropriate subject of a concession because they do not pertain to development standards. However, under the plain language of the SDBL, a concession need not be related to the physical

characteristics of the development; rather, Section 65915(k)(3) is a catch-all provision that provides a concession may be a waiver of *any* regulation if such waiver results in identifiable and actual cost reductions to the Applicant. (*See* Gov. Code § 65915(k)(3).)

Therefore, each of the concessions requested here is appropriate because each requests relief from a regulation where such relief would result in identifiable and actual cost reductions to the Applicant. First, BMC Section 13.107.040 requires participation in qualified apprenticeship programs, which adds administrative, labor, and financial obligations beyond standard construction practices. The Applicant has reported to the City that this concession would result in cost savings of $2,520,00. Next, BMC Section 13.107.050 requires developers to provide health care expenditures on behalf of each covered construction worker in addition to hourly wages. The Applicant has reported to the City that this concession would result in cost savings of $1,080,000.Finally, BMC Section 13.108(A) requires developers to pay all covered construction workers the general prevailing rate of per diem wages as set forth in Section 1771 of the California Labor Code, which is typically higher than market wages. This provision also imposes administrative burdens such as payroll tracking and reporting requirements. The Applicant has reported to the City that this concession would result in cost savings of $12,960,000.

The total value of the cost-savings attributable to all three concessions is $16,560,000. Accordingly, each of the requested concessions would result in “actual” and “identifiable” cost reductions to the Applicant.

II. None of the State Density Bonus Law Exceptions Apply.

The SDBL mandates that cities grant a requested concession or incentive, subject to the following very limited exceptions:

> (A) The concession or incentive does not result in identifiable and actual cost reductions…to provide for affordable housing costs…
>
> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety… for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law.

(Gov. Code, § 65915(d)(1)(emphasis added).) Notably, the City “bears the burden of proof for the denial of a requested concession or incentive.” (Gov. Code § 65915(d)(4).)

The Appellant asserts both that the requested concessions would not result in identifiable and actual cost reductions and that the concessions would have a specific, adverse impact upon public health and safety.

A. The City cannot show that requested concessions would not result in identifiable and actual cost reductions.

As stated above, the City could permissibly reject any of the three requested concessions upon a finding based on substantial evidence that they would not result in "identifiable and actual cost reductions." (Gov. Code, § 65915(d)(1)(A).)

Staff advise, however, that the City cannot make this showing. Consistent with Government Code Section 65915(a)(2), subsequent to the filing of this Appeal the City requested reasonable documentation from the Applicant regarding the cost reductions that would accrue from each of the three concessions at issue. As discussed above, the information from the Applicant confirms that each of the three requested concessions would result in identifiable and actual cost reductions. The City has no information to make any findings otherwise, and thus cannot make a finding based on substantial evidence that this exception applies.

B. The City cannot meet its statutory burden to show that the requested concessions would have a specific, adverse impact upon public health and safety.

Next, the City could permissibly deny the concessions if it made findings supported by substantial evidence that the concessions would have a "specific, adverse impact" upon public health and safety. (Gov. Code, § 65915(d)(1)(B).)

"Specific, adverse impact" is defined as "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." (Gov. Code, § 65589.5(d)(2).) "It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety…arise infrequently." (Gov. Code, § 65589.5, subd. (a)(3).

Staff advise that based on this standard, Appellants have not provided adequate evidence that the concessions at issue meet the criteria for a "specific, adverse impact," nor does the City have other sufficient evidence on which to make such a finding. Therefore, staff advise that the City cannot make a finding based on substantial evidence that this exception applies.

For these reasons, staff recommend that the appeal be dismissed.

ALTERNATIVE ACTIONS CONSIDERED
Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS
This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. It 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, located within city limits on fewer than five acres and surrounded by urban uses, has no habitat value for endangered, rare, or threatened species. Its approval would not cause significant impacts related to traffic, noise, air quality, or water quality, and the site can be adequately served by required utilities and public services. Furthermore, none of the CEQA Guidelines Section 15300.2 exceptions apply: the site is not in an environmentally sensitive area; cumulative impacts would not be significant; no unusual circumstances exist that would cause environmental effects; it is not near a designated scenic highway; it is not listed under Government Code Section 65962.5; and the project would not substantially affect any historical resource.

CONTACT PERSON
Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Nilu Karimzadegan, Senior Planner, (510) 981-7430

Attachments:
1: Draft Resolution
    Exhibit A: Findings, October 9, 2025
    Exhibit B Conditions, October 9, 2025
    Exhibit C: Project Plans, April 11, 2025
2: ZAB Decision Appeal Letter, received October 28, 2025
3: ZAB Packet (Staff Report and attachments), dated October 2, 2025
4: Public Hearing Notice
5: Index to Administrative Record
6: Administrative Record

RESOLUTION NO. ##,###-N.S.

DENY THE APPEAL AND AFFIRM THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE USE PERMIT #ZP2024-0162, TO DEMOLISH THREE EXISTING TWO-STORY RESIDENTIAL BUILDINGS, INCLUDING 19 RENT-CONTROLLED DWELLING UNITS, AND CONSTRUCT A 20-STORY (208 FEET), APPROXIMATELY 148,940-SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING 169 DWELLING UNITS, INCLUDING 6 EXTREMELY LOW-INCOME (ELI), 7 VERY LOW-INCOME (VLI), 6 LOW-INCOME (LI), AND 13 MODERATE INCOME (MI) UNITS, ON A 9,750-SQUARE-FOOT LOT.

WHEREAS, on November 15, 2024, the applicant submitted a Use Permit application (ZP#2024-0162); and

WHEREAS, on November 21, 2024, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0064); and

WHEREAS, on December 13,2024, the Use Permit application was deemed complete; and

WHEREAS, on February 13, 2025, the Use Permit Application was resubmitted; and

WHEREAS, on February 24, 2025, the City mailed public hearing notices for the scheduled Landmarks Preservation Commission (LPC) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations for the landmark designation hearing; and

WHEREAS, on March 6, 2025, LPC held a public hearing on the landmark designation application and received public comments. Following deliberations, the LPC unanimously approved the designation by a vote of 8-0-0-0 vote; and

WHEREAS, on March 13, 2025, the Use Permit Application was deemed complete; and

WHEREAS, on April 15, 2025, the property owner filed an appeal of the LPC’s decision; and

WHEREAS, on July 9, 2025, the City mailed public hearing notices for a City Council Hearing for the appeal of the LPC’s decision to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on July 23, 2025, the City Council held a public hearing on the appeal of the LPC decisions to designate 2425 Durant Avenue as a City Landmark or Structure of Merit. Following deliberations, the City Council unanimously upheld the appeal by a vote of 7-0-0-2 vote; and

WHEREAS, on September 26, 2025, the City mailed public hearing notices for the scheduled Zoning Adjustment Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on October 9, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and the members of the public, the ZAB voted to approve the project with a 4-0-1-3 vote; and

WHEREAS, on October 28, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") filed an appeal of the ZAB's decision to approve the project; and

WHEREAS, on or before February 9, 2026, staff posted the public hearing notice at the site and three nearby locations and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal; and

WHEREAS, on February 23, 2026, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby affirms the decision made by ZAB to approve a Use Permit #ZP2024-0162; adopts the Findings and Conditions of Approval in Exhibit A; and adopts the project plans in Exhibit B.

Exhibits
A: Findings, October 9, 2025
B: Conditions of Approval, October 9, 2025
C: Project Plans, dated April 11, 2025

Zoning Adjustments Board Findings

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 **Property Owner**: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563 **Project Address:** 2425 Durant Avenue **General Plan:** RMU (Residential Mixed-Use) **Area Plan:** Southside Area Plan **Zoning:** R-SMU (Residential Southside Mixed Use District) **Site Size:** 9,750 square feet (0.22 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submitted:** November 15, 2024 **Vesting Date:** November 21, 2024 **Date Deemed Complete:** March 13, 2025 **Project Planner:** Nilu Karimzadegan	**Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate-Income (MI) units, on a 9,750 square-foot lot.** **Zoning Permits Requested:** 1. **Demolition.** BMC Section 23.326.030(B)(1)(c) **"Demolition of Residential Units"** to demolish residential units (UPPH) 2. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). 4. **Projections Above Height Limit**s. BMC Section 23. 304.050 **"Allowed Projections Above Height Limit** "to allow for Projections Above Height Limit (AUP)

Density Bonus

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Concessions:

1. Concession from the **"Apprenticeship Requirements"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **"Health Care Expenditures**" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **"Prevailing Wage requirements"** in the Southside Plan as required by BMC Section 13.108(A)

I. CEQA FINDINGS

As required by **CEQA Section 15332 ("Infill Development Project")** of the CEQA Guidelines, the ZAB finds that this 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.) because:

- 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.

Evidence: 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 will not be significant; there are no "unusual circumstances" at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

Historic Resource Evaluation prepared by Preservation Architecture dated October 4, 2024 concluded that based on their evaluation of the City's historical criteria, the residential buildings at 2421, 2423 and 2425-2427 Durant Avenue in Berkeley are not eligible as City of Berkeley Landmarks and are not eligible as Structures of Merit. Additionally, the subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). Though the LPC designated the site a City Landmark based on their analysis that the property appears to meet the City's Landmarks Preservation Ordinance criteria for historical significance, City Council determined otherwise and revoked the designation.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis; and 4) City Council's determination to revoke the Landmark designation status application at the public meeting held on July 23, 2025.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1)** ***"Findings for Approval",*** the ZAB finds that the the proposed project or use:

a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use

Evidence: The project is consistent with all applicable R-SMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

Sunlight: The additional height above the district limits (85 feet plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 208-foot-tall (plus 5-foot parapet), 20-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the fall months in the hours of after sunrise on the residential buildings on the west and northwest and around noon, on the residential buildings on the northeast; b) in the winter months in the hours of after sunrise on the residential buildings on the west and northwest of the site, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the northeast; and c) in the summer months in the hours of after sunrise and around noon on the neighbor buildings to the west and northwest of the site. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Southside Area plan that allows building heights up to 90 feet including the parapet, with 0 to 4-foot setbacks from property lines, by right.

Air: The proposed project will be consistent with the existing development and building-to-building separation pattern, or air, in this R-SMU District neighborhood. 5 to 8 feet setback is provided for the side setbacks where a zero setback is allowed. 0 to 4 feet setback is provided in the rear where a minimum of 4 feet is required, however the proposed building is separated from the rear non-residential buildings by over 40 feet. Therefore, the project will not unreasonably obstruct air.

Views: Because the project site is located on a relatively flat lot and significant views are generally not available in this neighborhood due to grade, current development patterns, and mature vegetation in a neighborhood with one to two-story and four- to six-story buildings, the proposed project would not create detrimental impacts to views

and it will not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12)[1];

b) Will not 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.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized site including 19-unit residential with a new development consisting of 169 units. This includes a significant affordable housing component: 6 for Extremely Low-Income (ELI), 7 units for Very Low-Income (VLI) households, 6 for Low-Income (LI), and 13 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

2) As required by **BMC Section 23.406.040 (E)(2)** ***"Findings for Approval",*** to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

3) As required by **Government Code Section 65915 (State Density Bonus),** the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 85 units. The project will provide at least 6 Extremely Low-Income (ELI) and 7 Very Low-Income (VLI), 6 Low-Income (LI) and 13 Moderate-Income (MI) BMR units on site qualifying units in the 85-unit base project, as more fully set forth in Condition "Number of Below Market Rate Units". The project is entitled to a density increase of 100 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. This equates to a density bonus of up to 100% or 86 units above the base project, for a total of up to 171 units of which the applicant has chosen to build 169 units.

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

a) 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 grants the following concessions and finds that the approval of the concessions is required to provide for affordable housing costs, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

- **Concession 1.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession 2.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession 3.** Exemption from the "**Prevailing Wage requirements**" in the Southside Plan as required by BMC Section 13.108(A)

b) 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.

- **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
- **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
- **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
- **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
- **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
- **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
- **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

4) As required by **BMC Section 23.326.030, *"Demolition of Residential Units"*** the ZAB finds that the demolition of existing residential units is allowed because:

a) As required by **BMC Section 23.326.030(A)(1),** the Residential Unit(s) eliminated or demolished were not removed from the rental market through a no-fault eviction during the preceding five years

Evidence: According to a memorandum issued by the City's Rent Stabilization Board on May 13, 2025, the buildings addressed 2421, 2425, 2423, and 2427 have not been removed from the rental market under the Ellis Act or any other no-fault eviction at any time during the preceding five (5) years.

b) As required by **BMC Section 23.326.030(A)(2),** there is no substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

Evidence: According to a memorandum issued by the City's Rent Stabilization Board on May 13, 2025, The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2421, 2425, or 2427 Durant.

c) As required by **BMC Section 23.326.030(B)(1)(C),** the demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units.

Evidence: The proposed project includes 169 units, ensuring no net loss of units at this site.

d) As required by **BMC Section 23.326.030(C),** the existing buildings to be demolished are not Landmarks and Structures of Merit. Demolition of a designated landmark or structure of merit, or of a structure in a designated historic district, must be approved by the Landmarks Preservation Commission, pursuant to Chapter 3.24.

Evidence: The project was vested under SB330 on November 21, 2024 prior its designation as a City Landmark or Structure of Merit on March 6, 2025. This City Landmark or Structure of Merit designation was later reversed by the City Council on July 23, 2025. Therefore, the existing buildings are not designated as a City Landmark or Structure of Merit.

e) As required by **BMC Section 23.326.030(D),** the protected units on the subject site that are demolished will be replaced with a Comparable Unit that complies with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus] as they may be amended from time to time and the following conditions will apply:

1. In the event that a displaced household has an income below 50% AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30% of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable Unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328.

2. In the event that a demolished Residential Unit is not a Protected Unit and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter 23.328.

3. In the event that a Protected Unit was subject to rent or price controls under BMC Chapter 13.76, and the income level of the displaced household is unknown, the unit shall be replaced with an Affordable Unit as defined in Chapter 23.328.

Evidence: According to a memorandum provided by the City's Rent Stabilization Board issued on May 13, 2025, all 19 Residential Units at 2421-2427 Durant are subject to rent control under the Rent Ordinance and are therefore considered Protected Units. Per the Demolition Ordinance, any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus]. As a Condition of Approval for this project, all 19 of the existing units proposed for demolition must be replaced with units that are available to either Very Low Income or Lower Income households (or deeper affordability) in perpetuity.

f) As required by **BMC Section 23.326.030(E)(2), "*Requirements for Occupied Units*[2]",** the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter 13.76 (Rent Stabilization and Eviction for Good Cause Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and Payments for Residential Tenant Households).

Evidence: As a Condition of Approval for this permit, the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date a demolition application is submitted to the City.

[2] The *Requirements for Occupied Units* do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

g) As required by **BMC Section 23.326.030(E)(3), "*Requirements for Occupied Units*",** the applicant will provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, not subject to the limitations in section 13.84.070.B.3(a). The applicant will subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants will be notified in writing that the units will be ready for move-in on a date specified. Tenants will confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential will be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government will be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655).

Evidence: moving and relocation assistance is a condition of approval for this permit per the Ordinance.

h) As required by **BMC Section 23.326.030(E)(4), *"Sitting Tenants Rights"*,** the following are required:

1. Any tenant of a Protected Unit that is permitted to be demolished under this section will have the right of first refusal to rent a Comparable Unit in the new project.

2. In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit will be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

3. Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy will be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.

4. *Exceptions.*

ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements. (Ord. 7924-NS § 1, 2024; Ord. 7810-NS § 1, 2022: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: Sitting Tenants Rights (a) to (d) will be conditions of approval for this permit.

5) As required by the **Housing Accountability Act, Government Code Section 65589.5(j),** 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.

   Evidence: The project includes construction of "housing development project" with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

6) **Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330)** prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished; will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years, and replace "protected" units as specified in these sections.

   a) The project is demolishing 19 ("protected") units (the greatest number of units that existed on the project site within the last five years), and is constructing 169 units, in compliance with state law.

   b) The project will replace 19 removed protected dwelling units with equivalent units – 6 units affordable to Extremely Low-Income households, 7 units affordable to Very Low-Income households, 6 units affordable to Low-Income households, 13 unit affordable to Moderate-Income households subject to a recorded affordability restriction of at least 55 years and 137 Market Rate units.

7) As required by **BMC Section 23.406.040 (E)(3) *"Findings for Approval",*** the ZAB considers the following (a and b) in making findings:

   a) The proposed land use:

   Evidence: The proposed land use meets the findings for approval because the project's residential use is consistent with the purposes of the High Density Residential and the surrounding Avenue Commercial areas as outlined in the General Plan's Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

b) The structure or addition that accommodates the use:

Evidence: The proposed construction of a twenty-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because and will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the R-SMU zoning districts.

8) As required by **BMC Section 23.406.040 (E)(4)** ***"Findings for Approval",*** the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the R-SMU zone. Surrounding land uses and structures surrounding the site are based on current information.

9) As required by **BMC Section 23.406.040 (E)(5**) ***"Findings for Approval",*** the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.

LAND USE PLANNING

Conditions of Approval

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 **Property Owner**: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563 **Project Address:** 2425 Durant Avenue **General Plan:** RMU (Residential Mixed-Use) **Area Plan:** Southside Area Plan **Zoning:** R-SMU (Residential Southside Mixed Use District) **Site Size:** 9,750 square feet (0.22 acre) **CEQA:** Section 15332 ("In-Fill Development Projects")	**Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.**
	Zoning Permits Requested:
	1. **Demolition.** BMC Section 23.326.030(B)(1)(c) **"Demolition of Residential Units"** to demolish residential units (UPPH) 2. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a new Multi-Family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). 4. **Projections Above Height Limit**s. BMC Section 23. 304.050 **"Allowed Projections Above Height Limit** "to allow for Projections Above Height Limit (AUP)
	Density Bonus

Date Submitted: November 15, 2024

Vesting Date: November 21, 2024

Date Deemed Complete: March 13, 2025

Project Planner: Nilu Karimzadegan

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Concessions:

1. Concession from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **"Prevailing Wage requirements"** in the Southside Plan as required by BMC Section 13.108(A)

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, 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 BMC 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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 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 BMC Chapter 13.104 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 BMC Chapter 13.104; (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 BMC 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 BMC 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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 Section 16.28.030 Assignment and Installation of Numbers, 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. **Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

17. **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, Prohibited Acts. 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.

18. **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

19. **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 Southside Area Plan Mitigation Monitoring and Reporting Program (Staff Report Attachment 6). 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)

20. **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.

21. **Construction Noise Management -** Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

22. **Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

23. **Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.

24. **Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. **Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com)

B. Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.

C. **Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.

D. **Soil and Groundwater Management Plan**. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

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

i. procedures for soil and groundwater management including identification of pollutants and disposal methods;

ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;

iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and

iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

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

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

i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.

ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)

iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.

iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

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

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

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

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

i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/

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

Prior to Issuance of Any Building (Construction) Permit

25. 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.

26. 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.

27. **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.)

28. **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 at RecyclingProgram@berkeleyca.gov.

29. **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

30. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

31. **Below Market Rate Units.** 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), and 6 Low-Income (LI) and 13 Moderate Income (MI) Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings 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), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination if Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements				Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	BMC Chapter 23.326 (Demolition)	State Bill 330/CHAS	
Extremely Low-Income (30% AMI)	**-**	**-**	**-**	**6**	**6***
Very Low-Income (50% AMI)	13	13	10	3	**7***
Low-Income (80% AMI)	-	6	9	3	**6***
Moderate-Income (x%)	13	-	-	-	**13**[1]
Total					**32**

*These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

**[1] These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

32. **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.

33. **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 $0[zero] Any adjustments to the fee and the final fee amount 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.

34. **Tenant Protection Conditions:**

A. First Right of Refusal. Pursuant to BMC 23.326.030(E)(4)(a), any tenant of a Protected Unit that is permitted to be demolished shall have the right of first refusal to rent a Comparable Unit in the new project. Prior to building permit issuance, the applicant shall provide documentation that confirms that previous tenants have been made aware of their right of first refusal in the new building.

B. Sitting Tenants Rights. Pursuant to BMC 23.326.030(E)(4)), ((b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar years.

The sitting tenants' rights do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

C. Rental Rate – Known Income. Pursuant to 23.326.030(D)(1), in the event that a displaced household has an income below 50 percent AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30 percent of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328. Prior to building permit issuance, the applicant shall, for previous tenants whose income is known that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit in the and supporting documents that verify tenant income.

D. Rental Rate – Unknown Income. Pursuant to BMC 23.326.030(D)(3), in the event the income level of the displaced household is unknown, the unit shall be replaced as an Affordable Unit per BMC Section 23.328.020 – a unit that is affordable in perpetuity as a Very Low-Income or Lower -Income Unit. Prior to building permit issuance, the applicant shall, for previous tenants whose income is unknown that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit.

E. Prior Rental Rate. Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if compelled to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

F. Requirement for Relocation Expenses. Pursuant to BMC 23.326.030(E)(3) the applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a specified date. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655). The Requirements for Relocation Expenses do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction unless otherwise required by California law.

G. Rental Registry. Prior to issuance of a Certificate of Occupancy register all the new units with forms provided by the Rent Stabilization Board. Provide confirmation from the Rent Stabilization Board (rentregistry@berkeleyca.gov) that the new units have been registered.

Prior to Demolition or Start of Construction:

35. **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.

36. **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.

37. **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:

38. **Construction Hours.** Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

39. **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.

40. **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.

41. **Public Works - Implement Bay Area Air District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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.

42. **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 BAAD 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.

43. **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.

44. **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.)

45. **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.

46. **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.

47. **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.

48. **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.

49. **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.

50. **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 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. 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.

L. 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.

51. **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.

52. **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.

53. **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.

54. **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.

55. **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.

56. **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.

57. **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:

58. **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.

59. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated April 11, 2025.

60. **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.

61. **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 BMC 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 BMC 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 BMC 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.

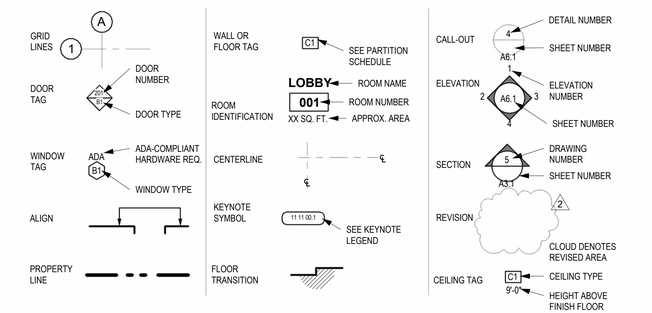
C. Property owners may be required to pay administrative fees associated with compliance with this Condition.

At All Times:

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

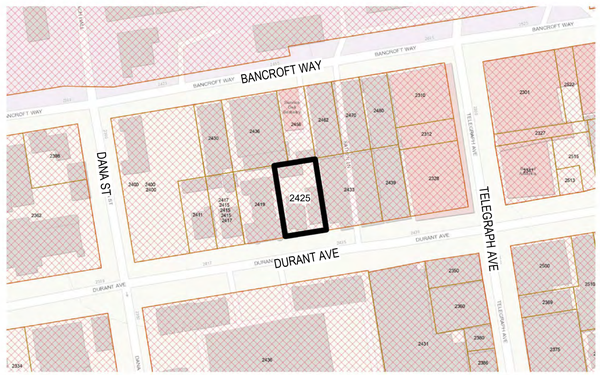
63. **Transportation Demand Management Compliance.** A Transportation Demand Management compliance report shall be submitted to the Zoning Officer, on a form acceptable to the City, prior to occupancy, and on an annual basis for ten years thereafter, which demonstrates that the project complies with 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).
64. **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.
65. **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 **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.
66. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
67. **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.
68. **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.
69. **Required Bike Parking.** Secure and on-site bike parking for at least 72 Long-Term and 8 Short-Term bicycles shall be provided for the life of the building.

CONCEPTUAL VIEW LOOKING UP DURANT AVE



1 SYMBOL LEGEND
12" = 1'-0"

LOCATION MAP



PROJECT DESCRIPTION

PROJECT ADDRESS:
2425 DURANT AVE, BERKELEY, CA 94704

APN: 55-1878-7-1

SCOPE OF WORK:
REMOVAL OF ALL EXISTING STRUCTURES AND NEW CONSTRUCTION OF A 20 STORY HOUSING DEVELOPMENT WITH 169 DWELLING UNITS, WITH STATE OF CALIFORNIA DENSITY BONUS.

BUILDING SUMMARY:
CONSTRUCTION TYPE: TYPE I
OCCUPANCY: RESIDENTIAL GROUP R-2

CODE COMPLIANCE

THE PROPOSED PROJECT SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, ELECTRICAL, PLUMBING, ENERGY, FIRE, EXISTING AND GREEN BUILDING STANDARDS CODE AS AMENDED BY THE CITY OF BERKELEY, AS APPLICABLE.

THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND BERKELEY GREEN CODE (BMC CHAPTER 19.37)

PROJECT SPONSOR:

2425 DURANT AVENUE LLC

DESIGN ARCHITECT:

YES COMMUNITY ARCHITECTS INC
1250 ADDISON ST UNIT 105
BERKELEY CA 94702
(510)214-3676
YES@YESCOMMUNITYARCHITECTS.COM

DEVELOPMENT CONSULTANT:

RHOADES PLANNING GROUP
2140 SHATTUCK AVE SUITE 705
BERKELEY CA 94704
(510)545-4341
GENEVA HESNER GENEVA@RHOADESPLANNINGGROUP.CPOM
MARK RHOADES MARK@RHOADESPLANNINGGROUP.COM

CIVIL ENGINEER:

SANDIS
636 9TH ST, OAKLAND, CA 94607
408.636.0900
WWW.SANDIS.NET

LANDSCAPE ARCHITECT:

NICOLAUS WRIGHT
513 CLAYTON AVE.
EL CERRITO, CA 94530
503.754.7078

DRAWING LIST

A0.0	GENERAL INFORMATION
A0.1	ZONING CODE DATA
A0.2	DENSITY BONUS TABLE
A0.2A	BASE PROJECT DIAGRAMS
A0.2B	DENSITY BONUS + OPEN SPACE DIAGRAMS
A0.2C	AFFORDABLE HOUSING COMPLIANCE PLAN
A0.3A	SHADOW STUDIES - OCT 21
A0.3B	SHADOW STUDIES - JUN 21
A0.3C	SHADOW STUDIES - DEC 21
A0.4	SITE PHOTOGRAPHS
A0.5	SOUTHSIDE CONTEXT MAP
A1.0	SURVEY / EXISTING SITE PLAN
A1.1	SITE PLAN
A2.0	FLOOR PLAN - BASEMENT LEVEL
A2.1	FLOOR PLAN - LEVEL 1 & 2
A2.2	FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L3 - L7
A2.3	FLOOR PLAN - AMENITY LEVELS L8, L13, L17
A2.4	FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L9-L12, L14-L16, L18-L19
A2.5	FLOOR PLAN - LEVEL 20 & ROOF
A3.1	BUILDING ELEVATIONS
A3.2	BUILDING ELEVATIONS
A3.3	SECTION DRAWINGS
A3.4	STREET STRIP ELEVATION
A3.5	PERSPECTIVE RENDERINGS
A3.6	PERSPECTIVE RENDERINGS
A3.7	PHOTO SIMULATIONS
A3.8	PHOTO SIMULATIONS
A3.9	BIRD SAFETY EXTERIOR DIAGRAMS
A3.10	BIRD SAFETY EXTERIOR DIAGRAMS
C0.1	TOPOGRAPHIC SURVEY
C1.0	SITE, GRADING, AND UTILITY PLAN
C2.0	STORMWATER MANAGEMENT PLAN
C2.1	STORMWATER SUPPLEMENTAL FORMS
C2.2	STORMWATER SUPPLEMENTAL FORMS
L1.0	LANDSCAPE SITE PLAN

YES COMMUNITY ARCHITECTS

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Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

LICENSED ARCHITECT YES DURANT C-36175 Exp 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

GENERAL INFORMATION

Sheet No.

A0.0

Scale 12" = 1'-0"

ZONING SUMMARY TABLE				
	BASE ZONING ALLOWABLE / REQUIRED	**BASE PROJECT**	**PROPOSED W/ DENSITY BONUS**	**ZONING COMPLIANCE**
ZONING	R-SMU			COMPLIES
TOTAL LOT SIZE (SQFT)	9,750			COMPLIES
TOTAL LOT SIZE (ACRES)	.223 AC			COMPLIES
FLOOR AREA RATIO (FAR)	7 MAX	6.99	15.28	COMPLIES W/ DB WAIVER
RESIDENTIAL FLOOR AREA	N/A	65,869	130,972	COMPLIES
GROSS FLOOR AREA	68,250	68,170	148,940	COMPLIES
HEIGHT - FEET	85'	84'-6"	208'	COMPLIES W/ DB WAIVER
HEIGHT - STORIES	N/A	9	20	COMPLIES
LOT COVERAGE	100% MAX	78%	85%	COMPLIES
FOOTPRINT	<9,750 PER LOT COVERAGE	7,581	8,334	COMPLIES
SETBACKS				
FRONT	NO MIN.	0'	VARIES (0' TO 8'-11")	COMPLIES
SIDE	NO MIN.	VARIES (3'-6" TO 4'-6")	VARIES (5' TO 11')	COMPLIES
REAR	4 FT.	4 FT.	VARIES (0' TO 5')	COMPLIES W/ DB WAIVER
PARKING	NONE REQUIRED	0	0	COMPLIES
USABLE OPEN SPACE	MIN. 40 SF PER 1000 SF OF RFA	3,400	1,012	COMPLIES W/ DB WAIVER
LANDSCAPED OPEN SPACE	MIN. 40% OF REQ'D USABLE OPEN SPACE	1,200 PROVIDED	0	COMPLIES W/ DB WAIVER
ROOFTOP MECHANICAL AREA	MAY NOT EXCEED 15% OF THE AVERAGE FLOOR AREA OF ALL THE BUILDING'S STORIES		REQUEST FOR DB WAIVER	COMPLIES W/ DB WAIVER

Base Project Zoning Compliance Checks

Open Space				
	RFA	Ratio	Total Area Req'd	Base Project Provided
	65,869	40	2635	3400

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Base Project Provided
	2635	40%	1054	1200

FAR			
	Residential	Commercial	
GFA	68,170	0	
Site Area	9750	0	
FAR	6.99		

Bike Parking				
	Bedroom Count	Ratio	Total Req	Rounded up
Res (Long)	124	0.33	41.33	42
Res (Short)	124	0.025	3.1	4

Proposed Project Zoning Compliance Checks

Open Space					
	RFA	Ratio	Total Area Req'd	Proposed	
	130,972	40	5239	1012	**WAIVER REQUEST**

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Proposed	
	5239	40%	2096	0	**WAIVER REQUEST**

FAR				
	Residential	Commercial		
GFA	148,940	0		
Site Area	9750	0		
FAR	15.28			**WAIVER REQUEST**

Bike Parking					
	Bedroom Count	Ratio	Total Req	Provided	
Res (Long)	249	0.33	83	72	**WAIVER REQUEST**
Res (Short)	249	0.025	7	8	**COMPLIES**

AREA TABLE

Floor	**Base Project Res Area**	**Residential Support / Back of House Area**	**Proposed Project Res Area**	**Residential Support / Back of House Area**
20			5726	432
19			7088	389
18			7088	389
17			6672	389
16			7088	389
15			7088	389
14			7088	389
13			6769	389
12			7088	389
11			7088	389
10			7088	389
9	7355		7088	389
8	7355		6672	389
7	7355		7088	389
6	7355		7088	389
5	7355		7088	389
4	7355		7088	389
3	7355		7088	389
2	7355		2518	389
1	7029	552	3383	2864
Basement	0	1749	n/a	7670
Total Floor Area	**65,869**	**2301**	**130,972**	**17,968**

	Base Project GFA	Proposed Project GFA
Gross Floor Area	**68,170**	**148,940**

DWELLING UNIT TABLE

	Units	Studio	2BR	3BR	1BR
Level 1	0				
Level 2	1				1
Level 3	10	6	3	1	
Level 4	10	6	3	1	
Level 5	10	6	3	1	
Level 6	10	6	3	1	
Level 7	10	6	3	1	
Level 8	7	5	1	1	
Level 9	10	6	3	1	
Level 10	10	6	3	1	
Level 11	10	6	3	1	
Level 12	10	6	3	1	
Level 13	8	6	2		
Level 14	10	6	3	1	
Level 15	10	6	3	1	
Level 16	10	6	3	1	
Level 17	7	5	1	1	
Level 18	10	6	3	1	
Level 19	10	6	3	1	
Level 20	6	5		1	
Total Units	**169**	105	46	17	1

Bedrooms / Unit		1	2	3	1
Total Bedrooms	**249**	105	92	51	1

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LICENSED ARCHITECT YES DUE C-36175 EXP. 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025
1	
2	
3	

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

ZONING CODE DATA

Sheet No.

A0.1

Scale

Density Bonus Table

Base Project	Avg. Unit Size	Base	Base # Units	%VLI Units	#VLI Units	#VLI Units	Bonus %	#DB Units	#DB Units	
sq.ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	VLI = Very Low Income	%VLI x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75	**13**	50.00%	42.5	43	128

Base Project	Avg. Unit Size	Base	Base # Units	%MOD Units	#MOD Units	#MOD Units	Bonus %	#DB Units	#DB Units	Max DB project
sq.ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	MOD = Moderate Income	%MOD x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75	**13**	50.00%	42.5	43	**171**

Floor	Base Project Residential Floor Area	Base Project Units	Proposed Project Residential Floor Area	Proposed Project Units
Roof Deck			1012(outdoor:N/A)	
20			5726	6
19			7088	10
18			7088	10
17			6672	7
16			7088	10
15			7088	10
14			7088	10
13			6769	8
12			7088	10
11			7088	10
10			7088	10
9	7355	10	7088	10
8	7355	10	6672	7
7	7355	10	7088	10
6	7355	10	7088	10
5	7355	10	7088	10
4	7355	10	7088	10
3	7355	10	7088	10
2	7355	10	2518	1
1	7029	5	3383	0
			Proposed DB Square Footage	
Total Floor Area	65,869	**85**	**130,972**	**169**

Proposed Project Residential Floor Area:	130,972	**Base Project Residential Floor Area:**	65,869
Proposed Project Units:	169	**Base Project Units:**	**85**
AVG Unit Size:	**775**	**AVG Unit Size:**	**775**

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LICENSED ARCHITECT YES DUFFY C-36175 Exp. 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

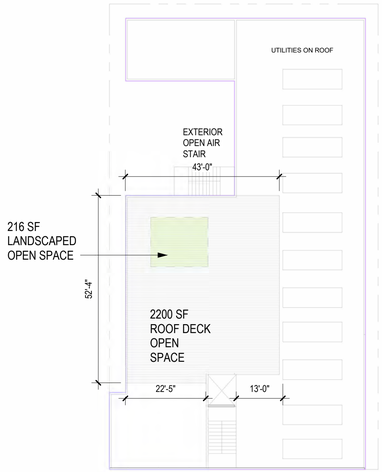
Drawing Title

DENSITY BONUS TABLE

Sheet No.

A0.2

Scale



11 ROOF
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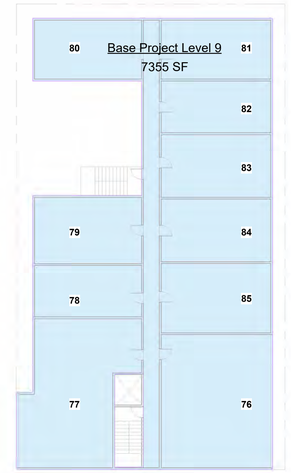

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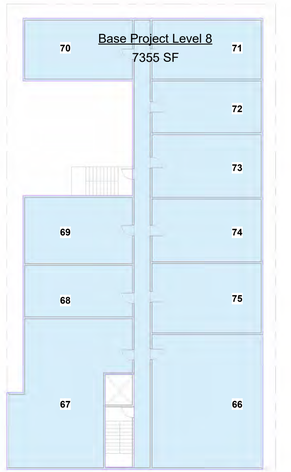

9 LEVEL 8
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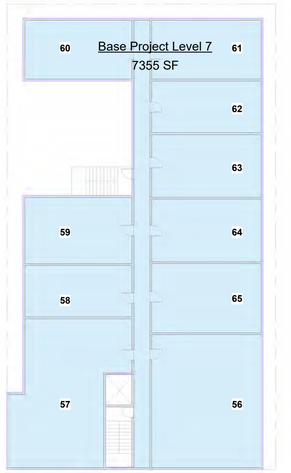

8 LEVEL 7
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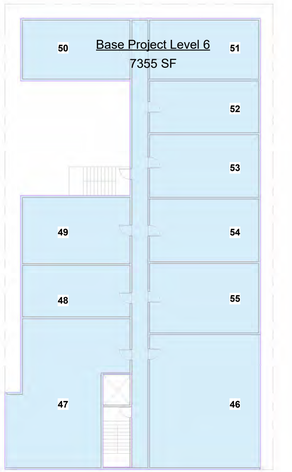

7 LEVEL 6
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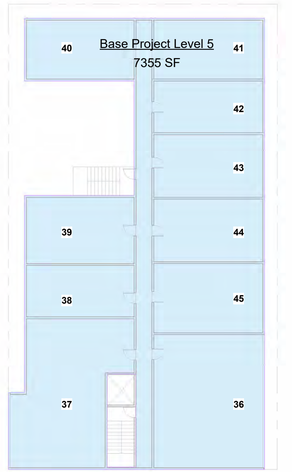

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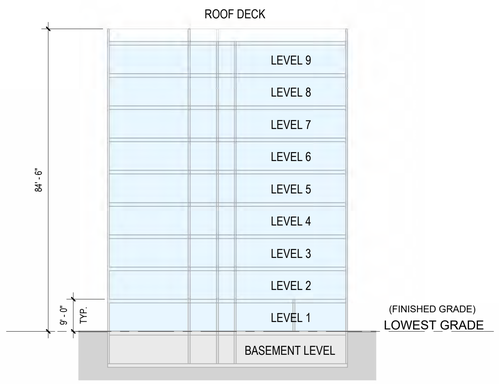

12 BASE PROJECT SECTION
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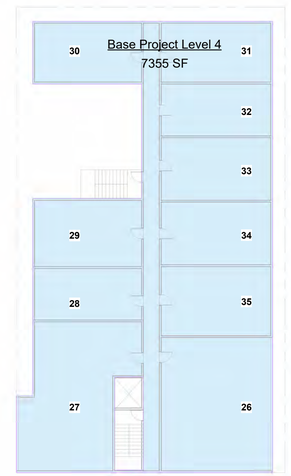

5 LEVEL 4
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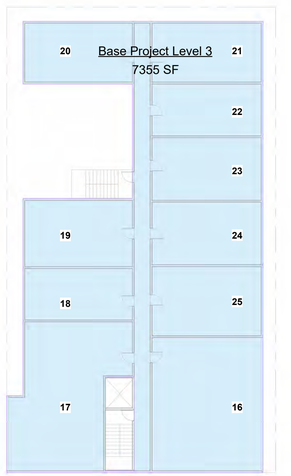

4 LEVEL 3
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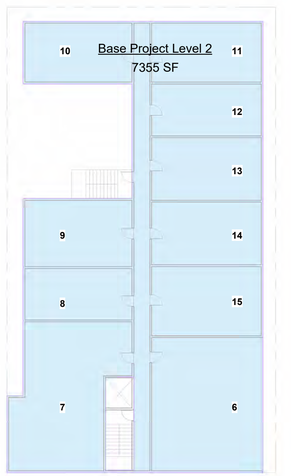

3 LEVEL 2
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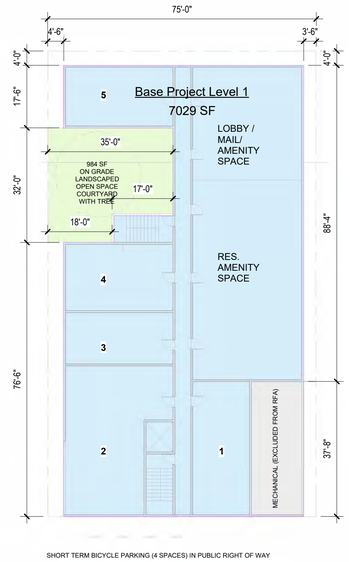

2 LEVEL 1
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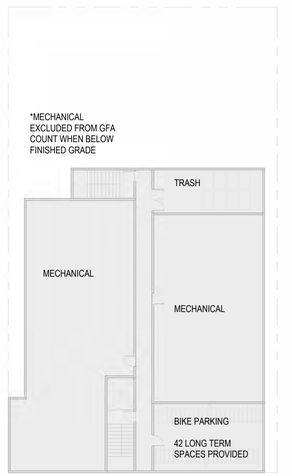

1 BASEMENT LEVEL
1" = 20'-0"

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LICENSED ARCHITECT
YES DUE FU
C-36175
Exp 3-31-2026
STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

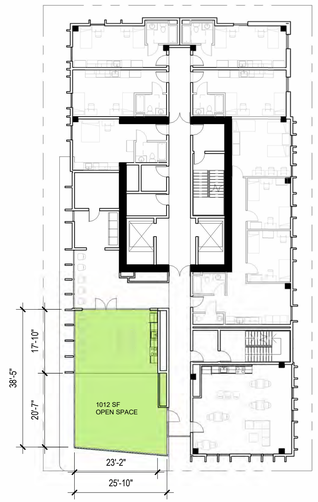
BASE PROJECT DIAGRAMS

Sheet No.

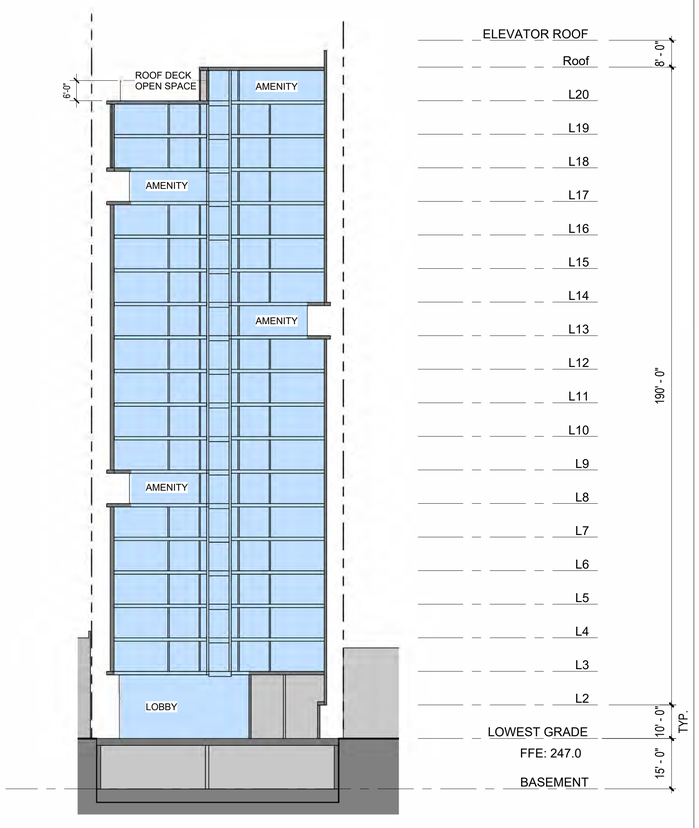
A0.2A

Scale 1" = 20'-0"

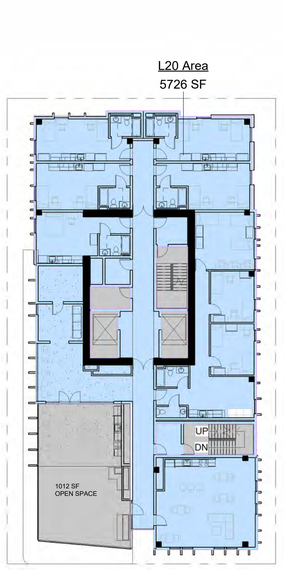
OPEN SPACE DIAGRAM



8 L20 - OPEN SPACE DIAGRAM
1" = 20'-0"



9 PROPOSED DENSITY BONUS SECTION
3/64" = 1'-0"



6 L20
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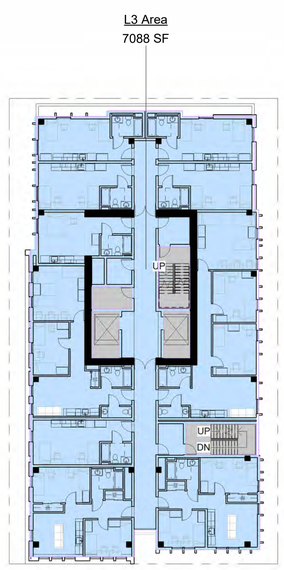
5 L13
1" = 20'-0"



3 L3-L7, L9-L12, L14-L16, L18-L19
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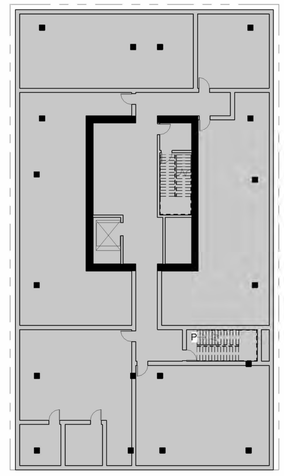

10 Basement
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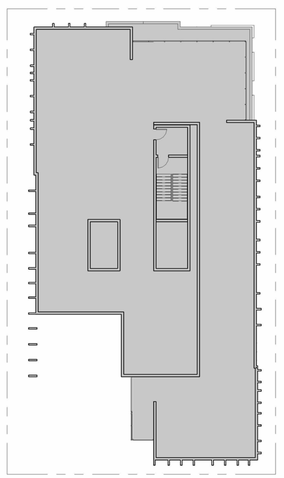

7 ROOF
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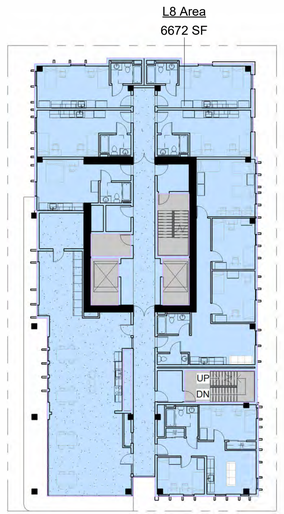

4 L8 + L17
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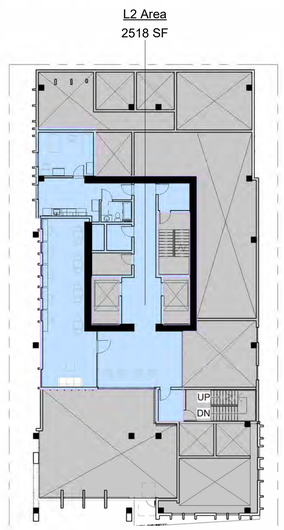

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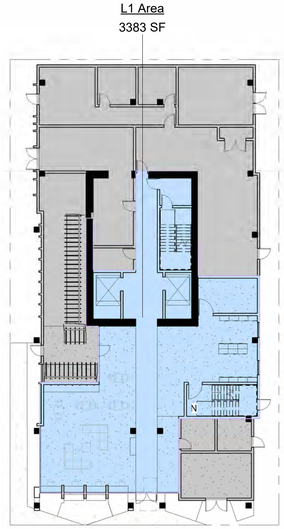

1 L1
1" = 20'-0"

0 16 32 64

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LICENSED ARCHITECT YES DUFFY C-36175 Exp 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
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Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

DENSITY BONUS + OPEN SPACE DIAGRAMS

Sheet No.

A0.2B

Scale As indicated

DIAGONAL HATCH INDICATES RESIDENTIAL UNIT FLOOR AREA

GREY TONE INDICATES MISC.

CROSSHATCH INDICATES RESIDENTIAL AMENITIES

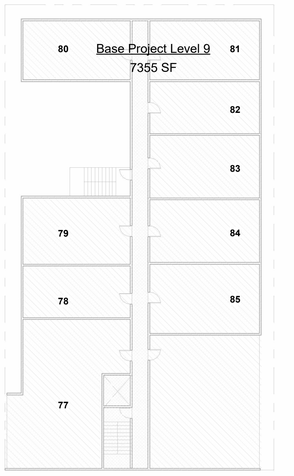
TOTAL NUMBER OF RESIDENTIAL UNITS IN BASE PROJECT:

5+10+10+10+10+10+10+10+10= **85** BASE PROJECT RES. UNITS

TOTAL RUFA IN THE BASE PROJECT:

3,336.45+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15 =**57,561 SF**

0 16 32 64

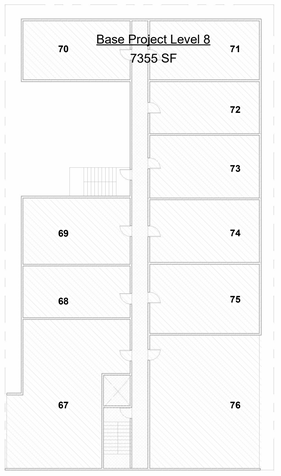


RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

8 LEVEL 8
1" = 20'-0"



RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

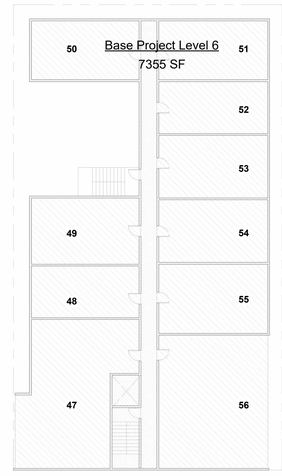
6 LEVEL 6
1" = 20'-0"

RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

4 LEVEL 4
1" = 20'-0"

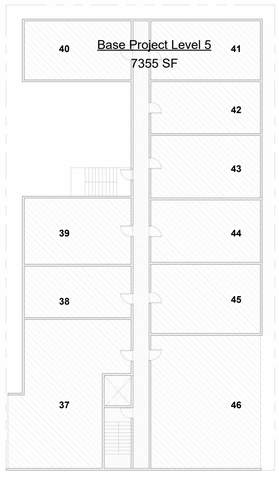


RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

2 LEVEL 2
1" = 20'-0"



RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

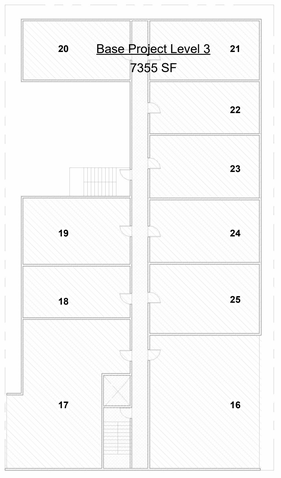
9 LEVEL 9
1" = 20'-0"

RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

7 LEVEL 7
1" = 20'-0"

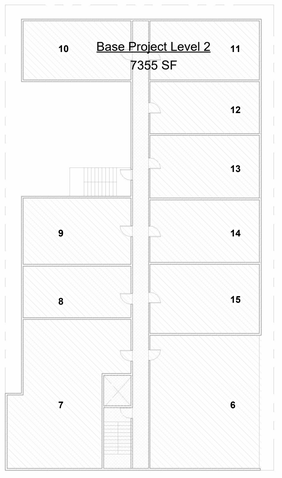


RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

5 LEVEL 5
1" = 20'-0"

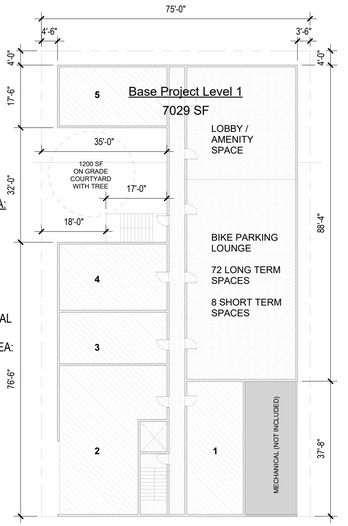


RUFA AREA:

1189.51
1196.25
461.59
597.58
541.67
540.72
473.21
567.85
576.58
633.19

RESIDENTIAL UNIT FLOOR AREA: 6778.15 SF

3 LEVEL 3
1" = 20'-0"



RUFA AREA:

636.13
1099.48
461.59
597.58
541.67

RESIDENTIAL UNIT FLOOR AREA: 3336.45 SF

1 LEVEL 1
1" = 20'-0"

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LICENSED ARCHITECT YES DUFFY C-36175 Exp 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

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Zoning Completeness 1	03/31/2025

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Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

AFFORDABLE HOUSING COMPLIANCE PLAN

Sheet No.

A0.2C

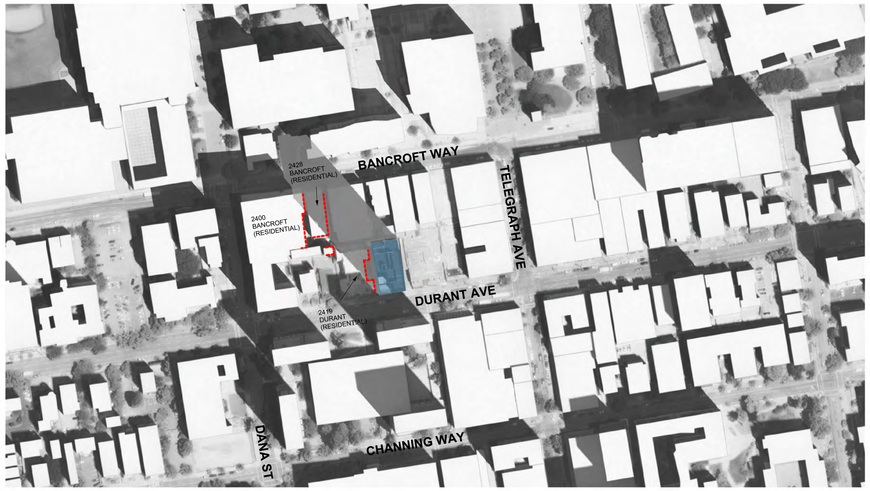
Scale As indicated

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

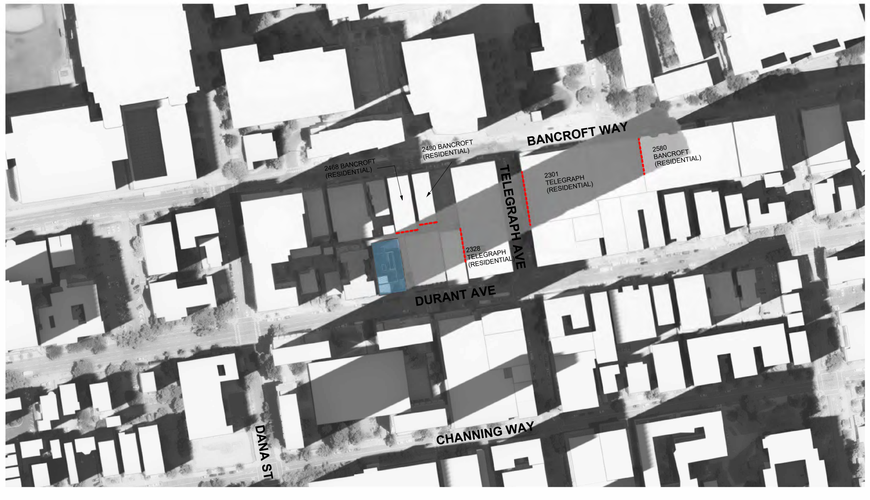
NEW SHADOW AT RESIDENTIAL BUILDING

ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - OCT 21: 2 HRS AFTER SUNRISE

SHADOW STUDY - OCT 21: NOON



SHADOW STUDY - OCT 21: 2 HRS BEFORE SUNSET

0 16 32 64

YES COMMUNITY ARCHITECTS

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yes@yescommunityarchitects.com

LICENSED ARCHITECT YES DUFFY C-36175 Exp 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

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Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

SHADOW STUDIES - OCT 21

Sheet No.

A0.3A

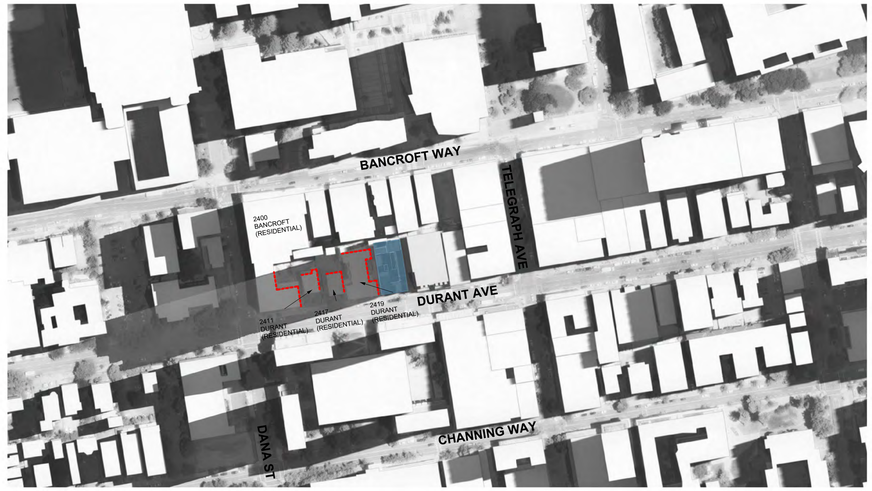
Scale As indicated

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - JUN 21: 2 HRS AFTER SUNRISE

SHADOW STUDY - JUN 21: NOON

SHADOW STUDY - JUN 21: 2 HRS BEFORE SUNSET

0 16 32 64

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2425 Durant Ave Housing

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Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

SHADOW STUDIES - JUN 21

Sheet No.

A0.3B

Scale As indicated

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

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NEW SHADOW AT RESIDENTIAL BUILDING

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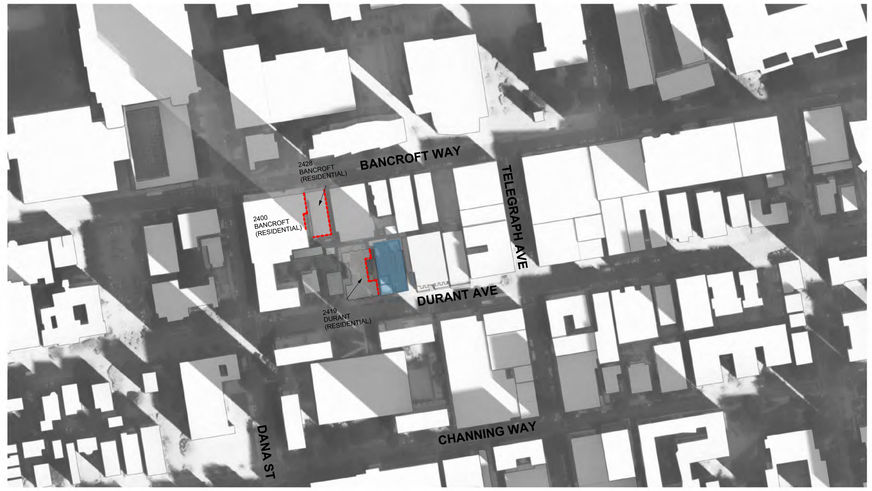

SHADOW STUDY - DEC 21: 2 HRS AFTER SUNRISE

SHADOW STUDY - DEC 21: NOON

SHADOW STUDY - DEC 21: 2 HRS BEFORE SUNSET

0 16 32 64

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Checked by	YD

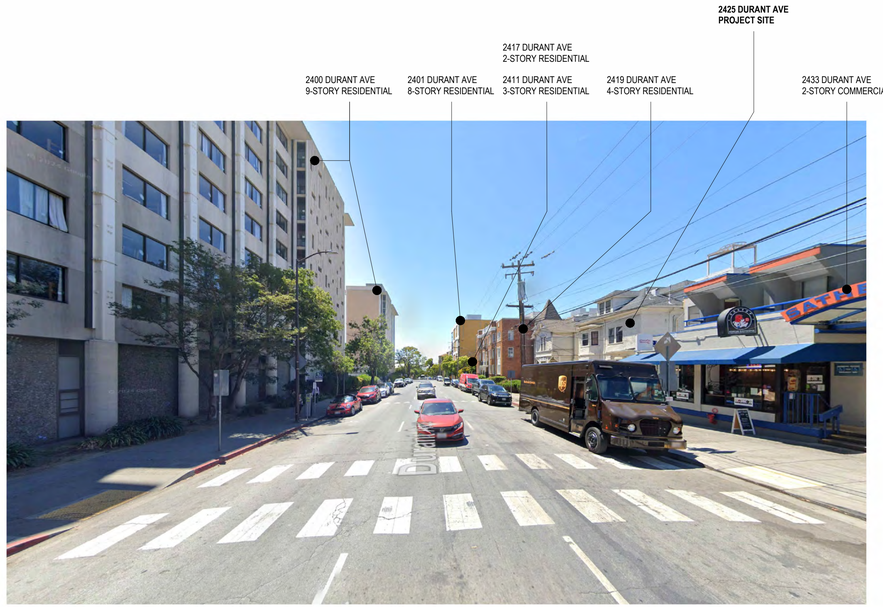
Drawing Title

SHADOW STUDIES - DEC 21

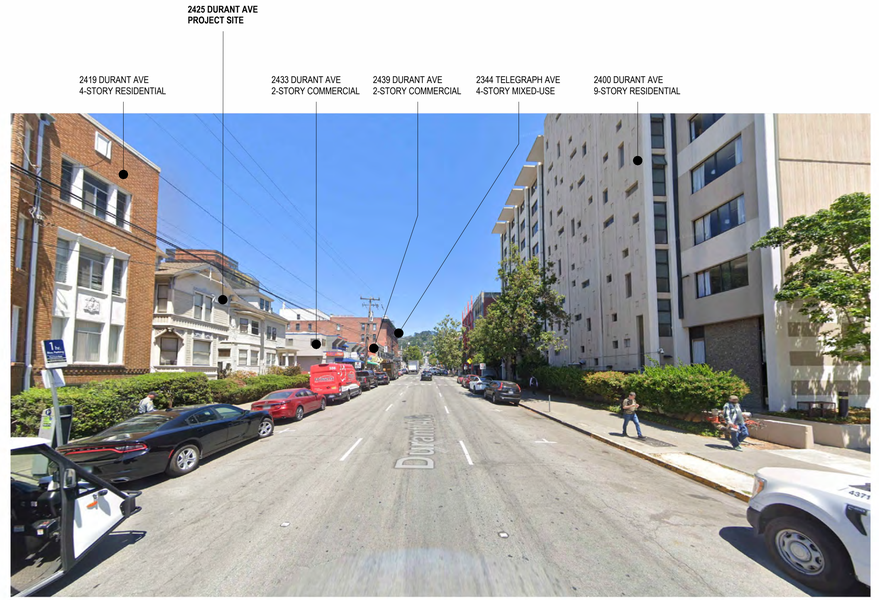
Sheet No.

A0.3C

Scale As indicated



VIEW FROM DURANT LOOKING WEST



VIEW FROM DURANT LOOKING EAST

BIRD'S EYE VIEW

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Drawing Title
SITE PHOTOGRAPHS

Sheet No.
A0.4

Scale

FUTURE SOUTHSIDE PROJECTS

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Drawing Title

SOUTHSIDE
CONTEXT MAP

Sheet No.

A0.5

Scale

② SURVEY / EXISTING SITE PLAN
3/32" = 1'-0"

0 16 32 64

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Drawing Title

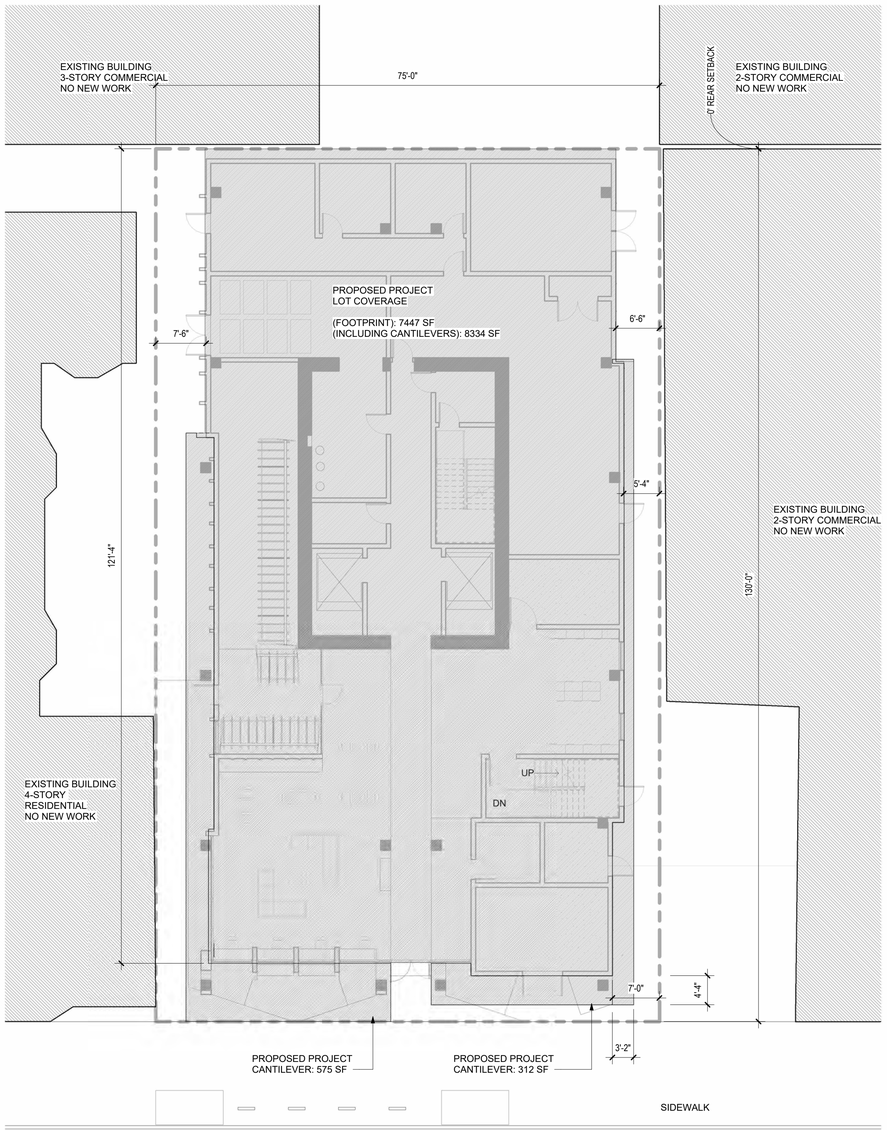
SURVEY / EXISTING SITE PLAN

Sheet No.

A1.0

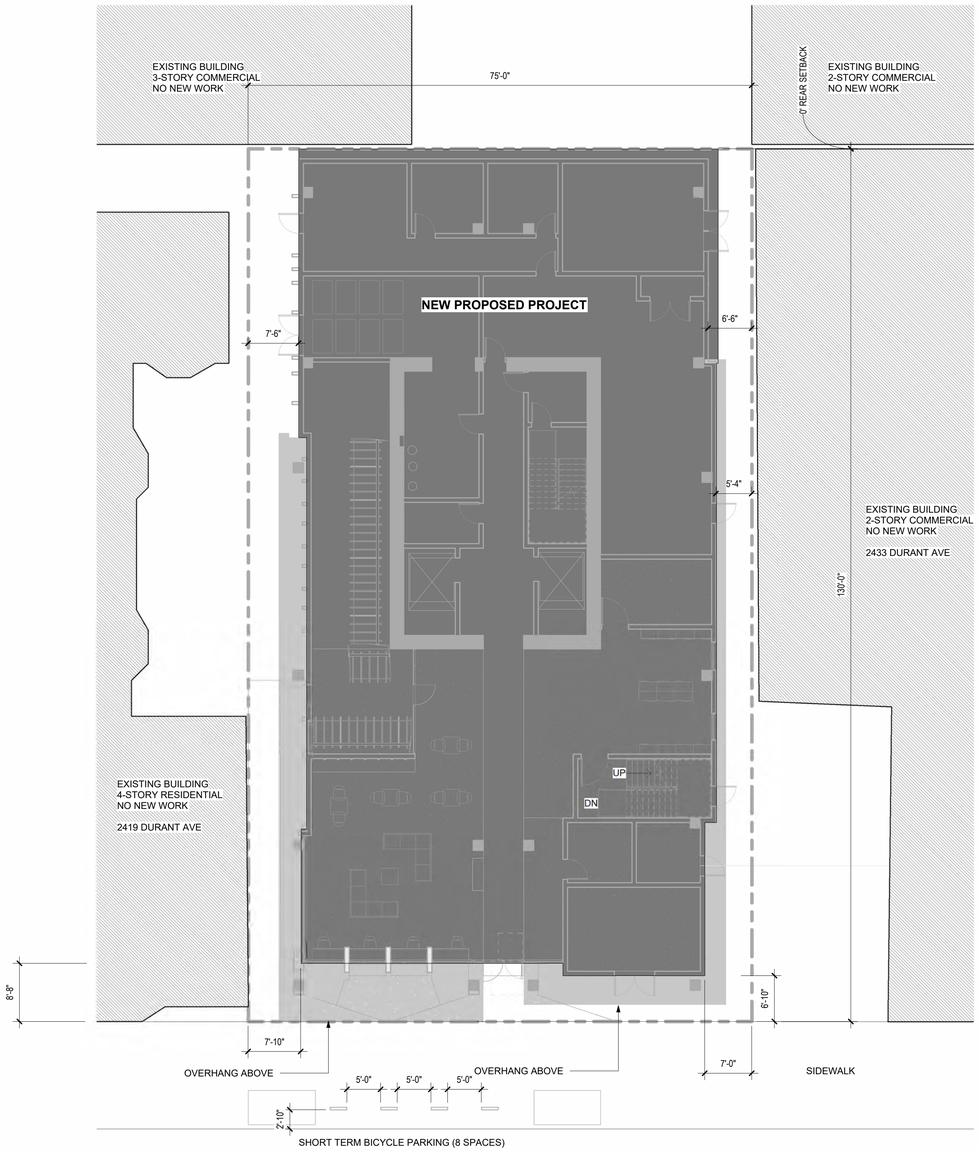
Scale As indicated

INDICATES LOT COVERAGE



DURANT AVE

2 SITE PLAN - LOT COVERAGE DIAGRAM
3/32" = 1'-0"



DURANT AVE

1 SITE PLAN - PROPOSED
3/32" = 1'-0"

0 16 32 64

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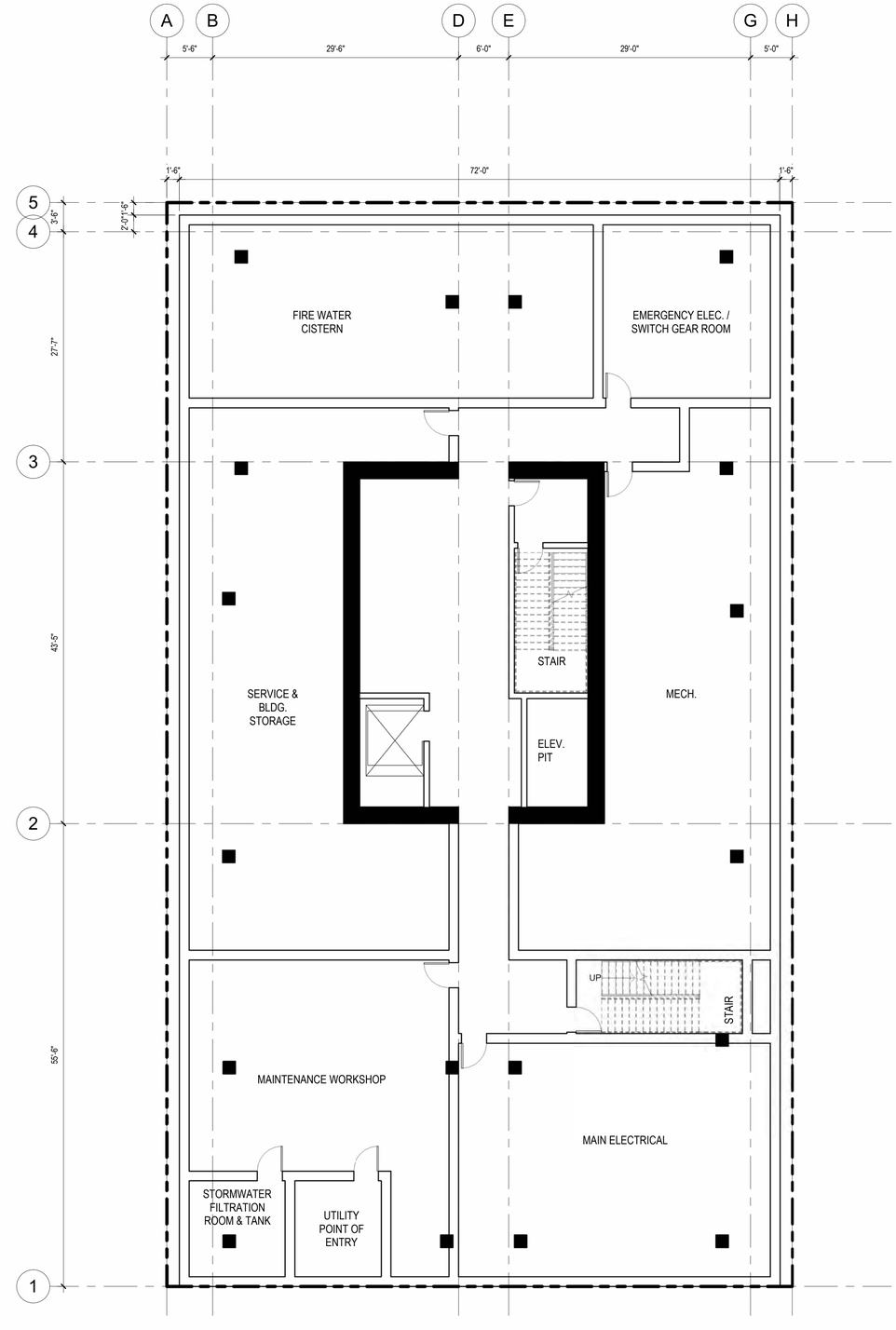
SITE PLAN

Sheet No.

A1.1

Scale As indicated



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

0 16 32 64

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2425 Durant Ave Housing

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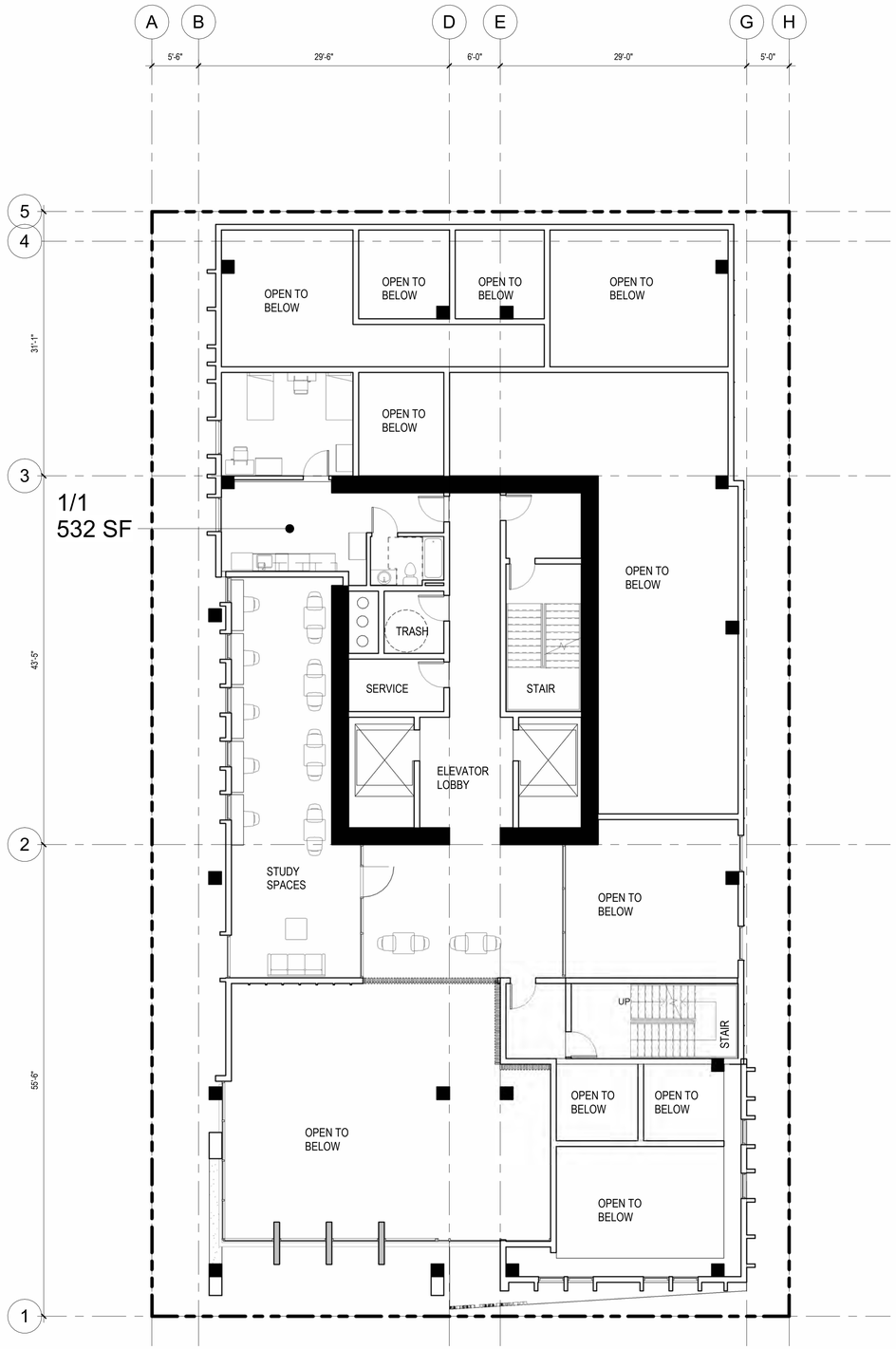
Drawing Title

FLOOR PLAN - BASEMENT LEVEL

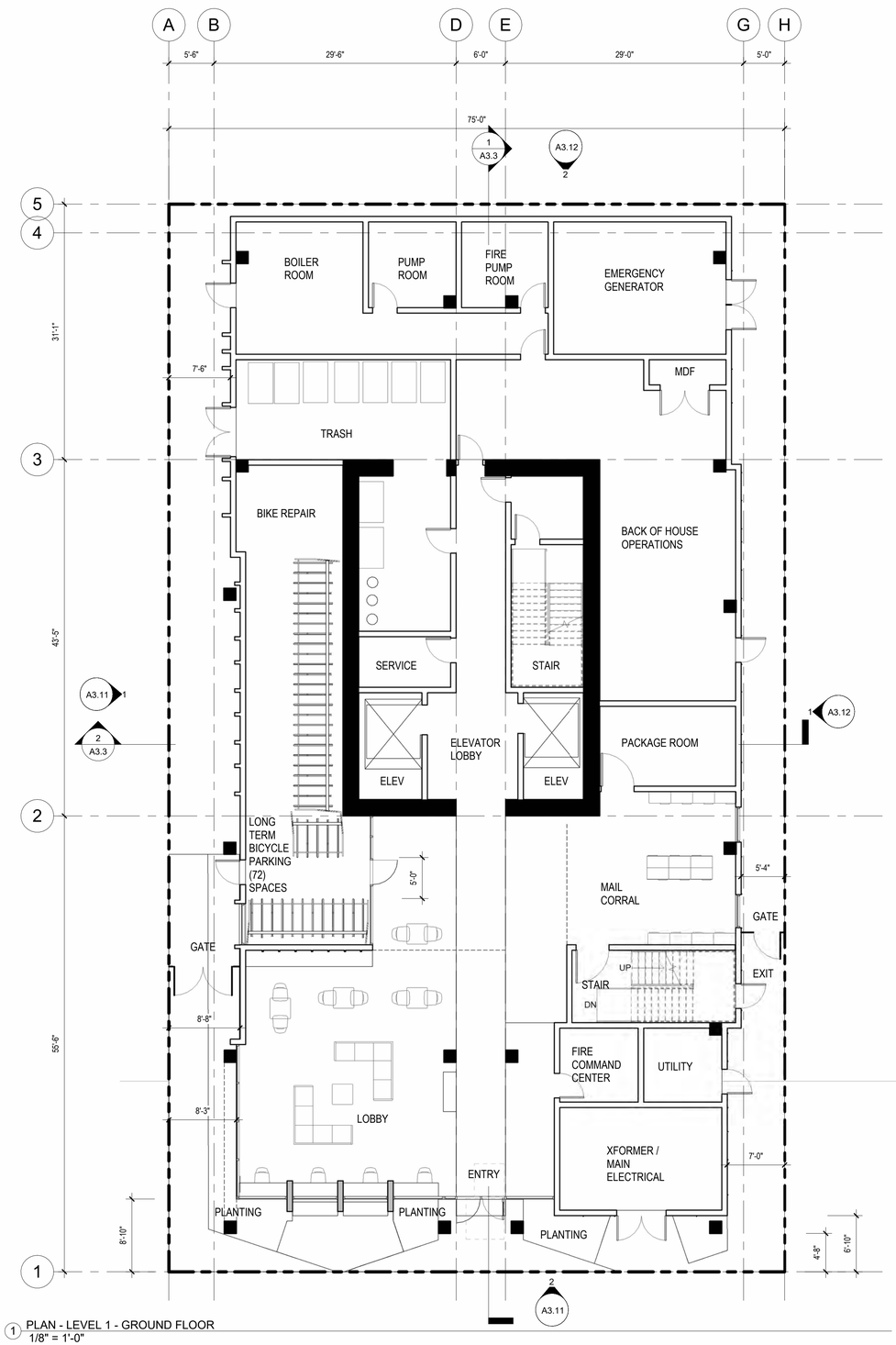
Sheet No.

A2.0

Scale As indicated



2 PLAN - LEVEL 2
1/8" = 1'-0"



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

0 16 32 64

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2425 Durant Ave Housing

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Checked by	YD

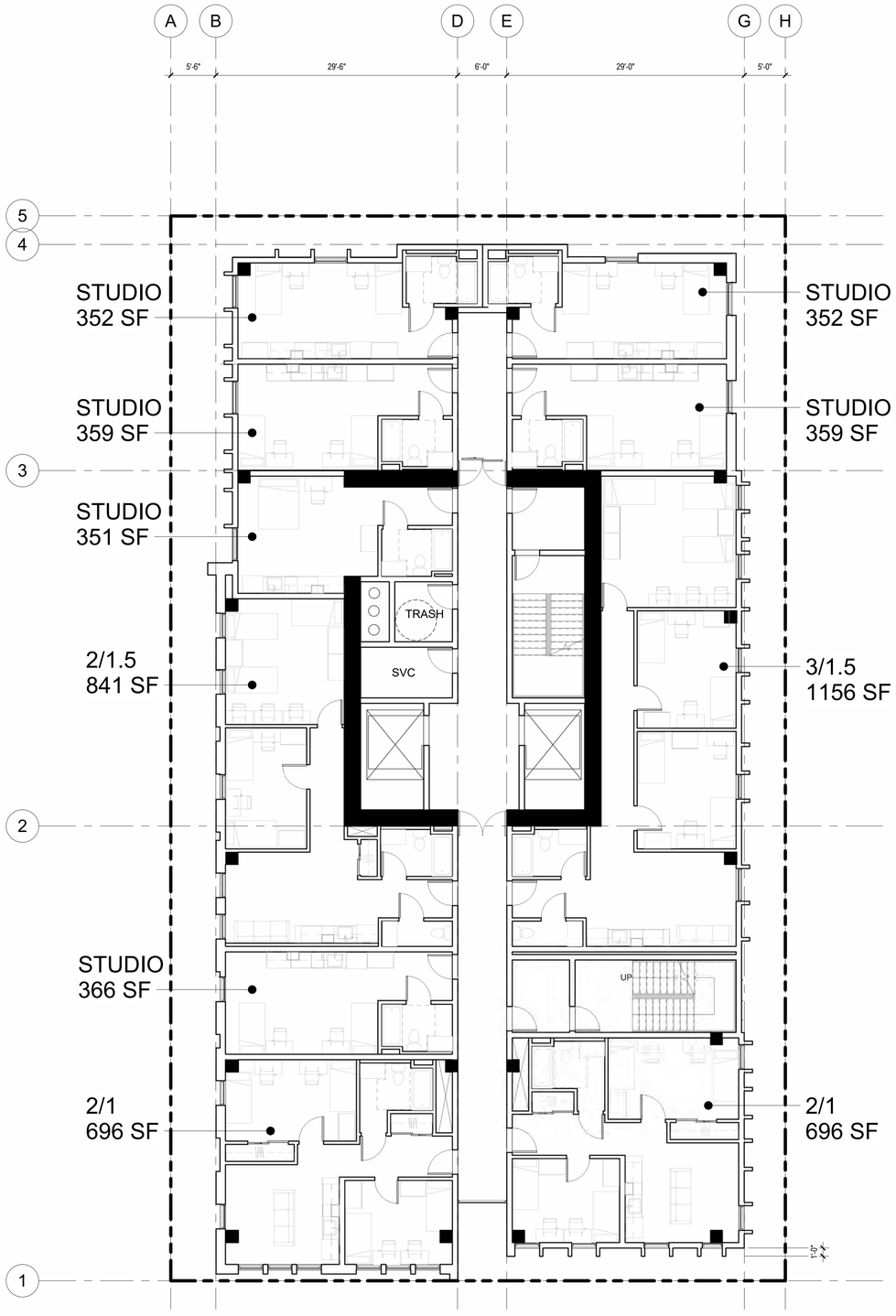
Drawing Title

FLOOR PLAN - LEVEL 1 & 2

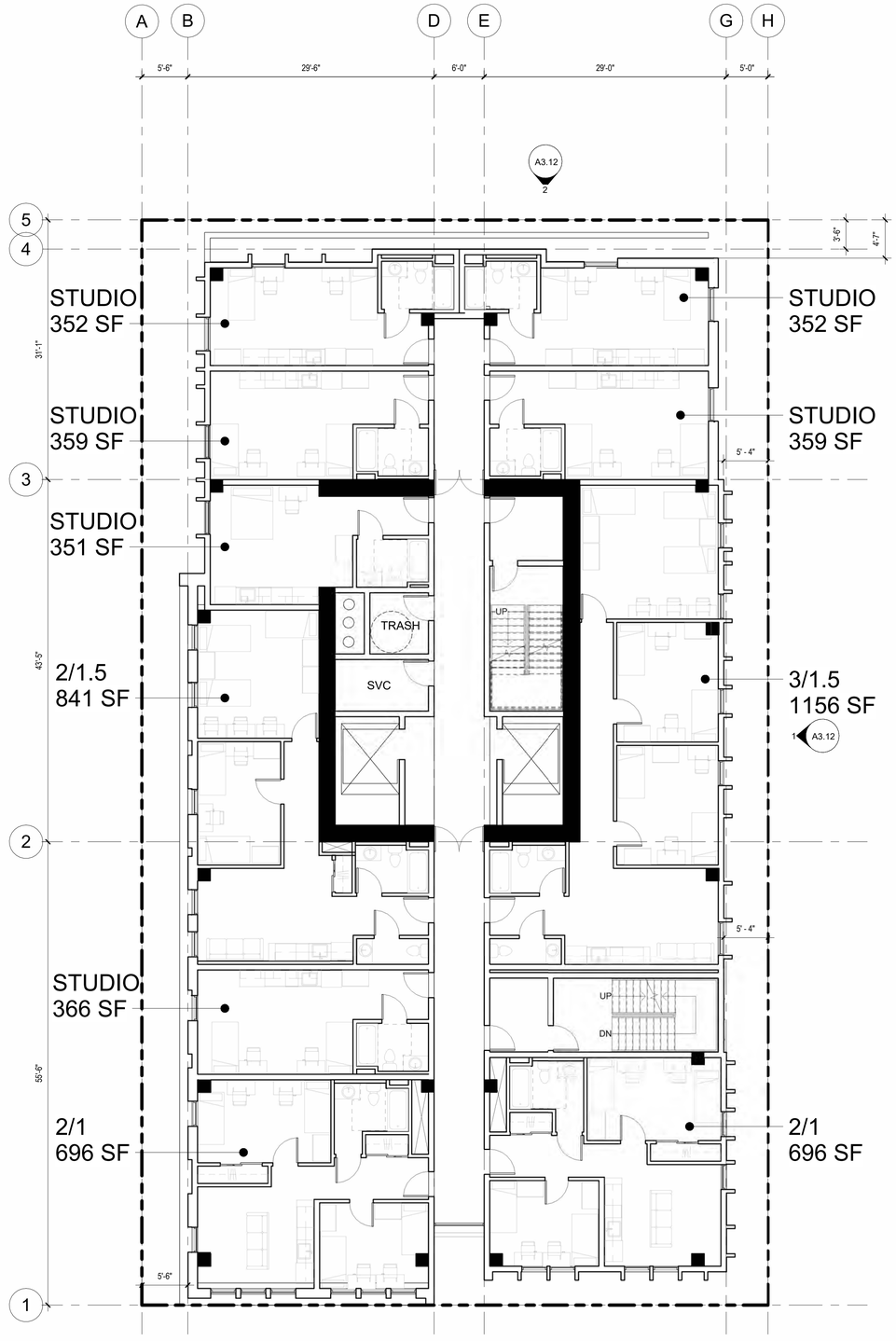
Sheet No.

A2.1

Scale As indicated



2 PLAN - LEVEL 7 - TYP. RES. LEVEL
1/8" = 1'-0"



1 PLAN - LEVEL 3 - TYP. RES. LEVEL
1/8" = 1'-0"

0 16 32 64

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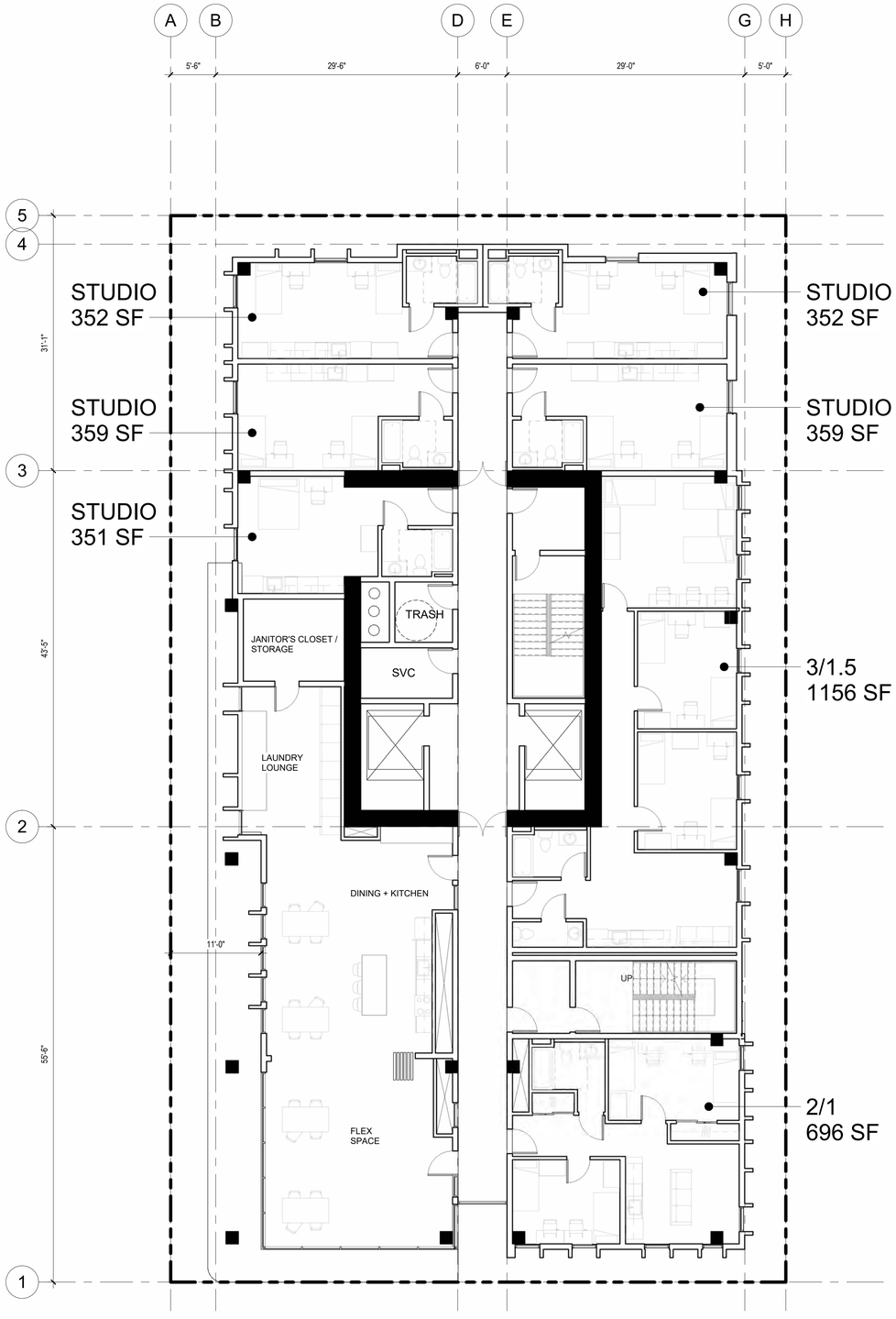
Drawing Title

FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L3 - L7

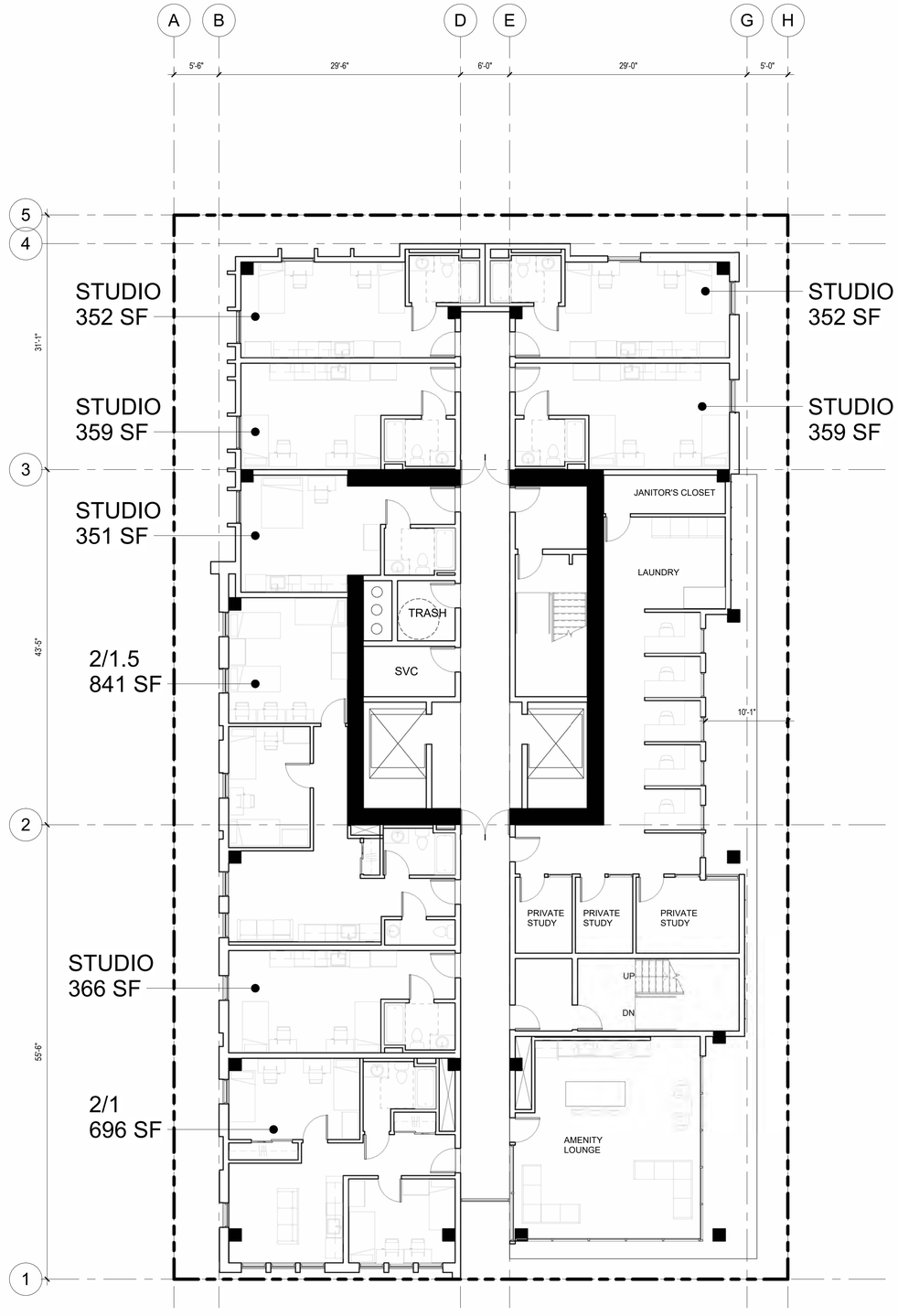
Sheet No.

A2.2

Scale As indicated



2 PLAN - LEVEL 8 + LEVEL 17
1/8" = 1'-0"



1 PLAN - LEVEL 13
1/8" = 1'-0"

0 16 32 64

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2425 Durant Ave Housing

Issues / Revisions

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Zoning Project Application	10/30/2024
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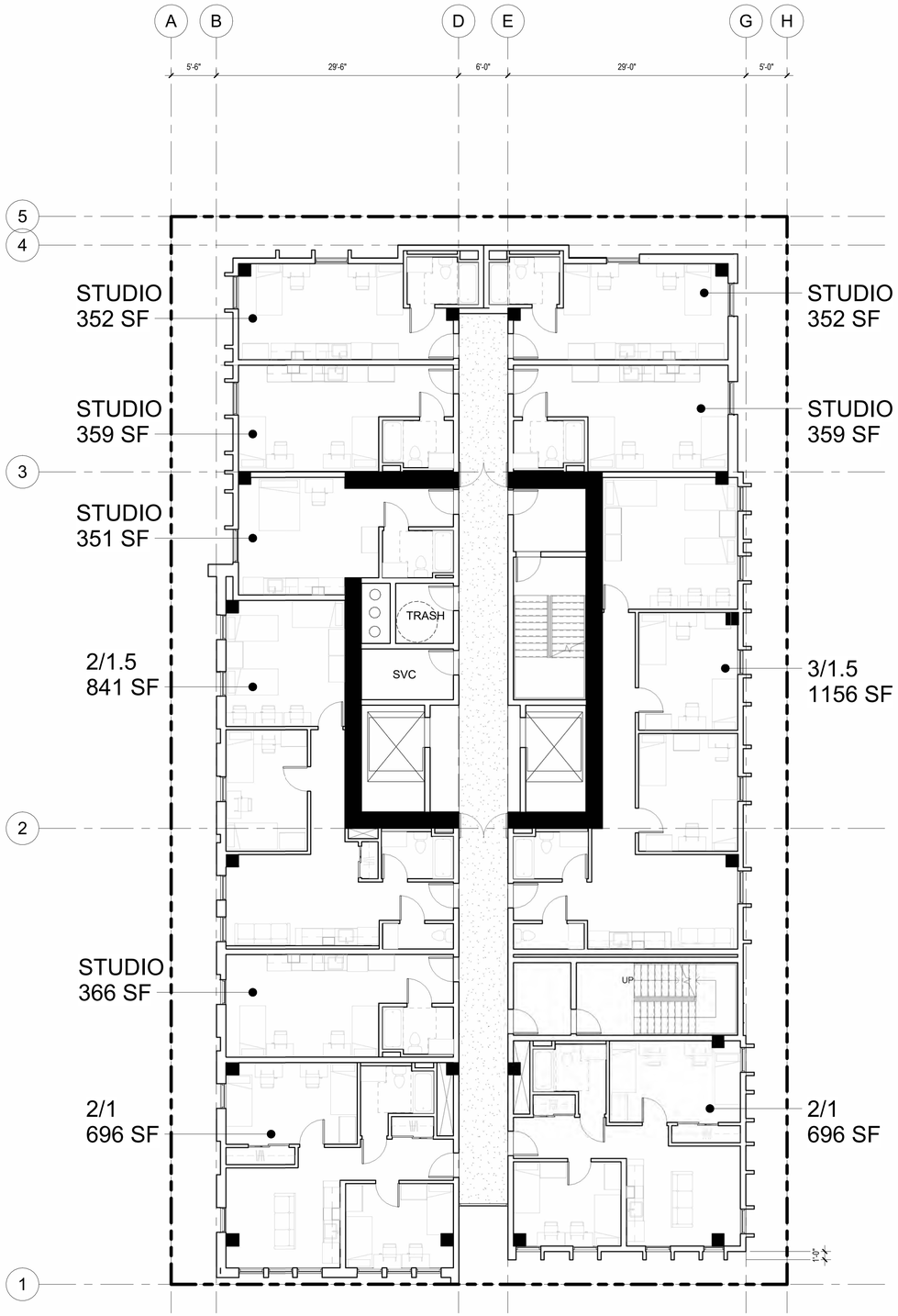
Drawing Title

FLOOR PLAN - AMENITY LEVELS L8, L13, L17

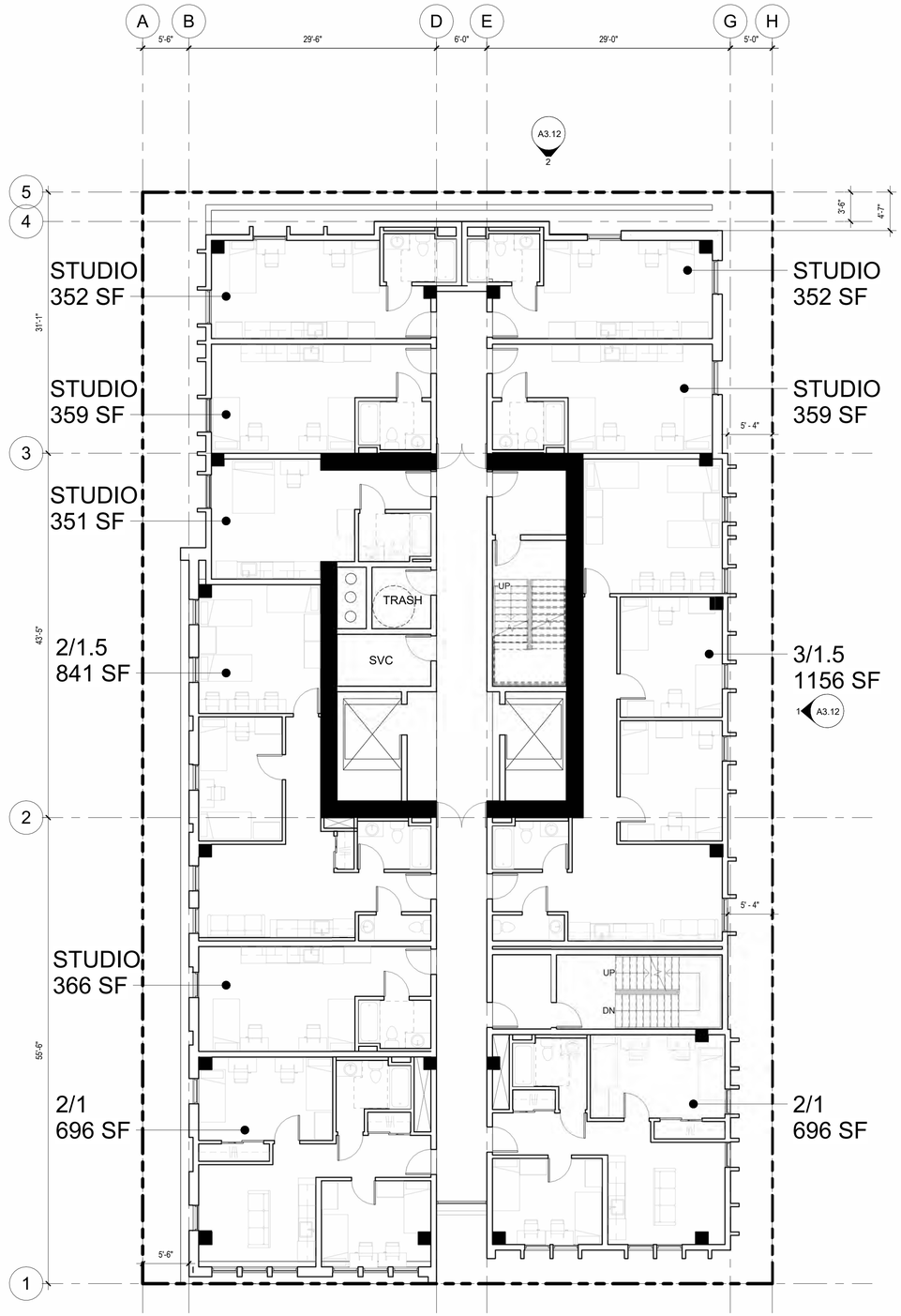
Sheet No.

A2.3

Scale As indicated



PLAN - LEVEL 11, 12, 18-19 - TYP. RES.
2 LEVEL
1/8" = 1'-0"



PLAN - LEVEL 9, 10, 14-16 - TYP. RES.
1 LEVEL
1/8" = 1'-0"

0 16 32 64

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2425 Durant Ave Housing

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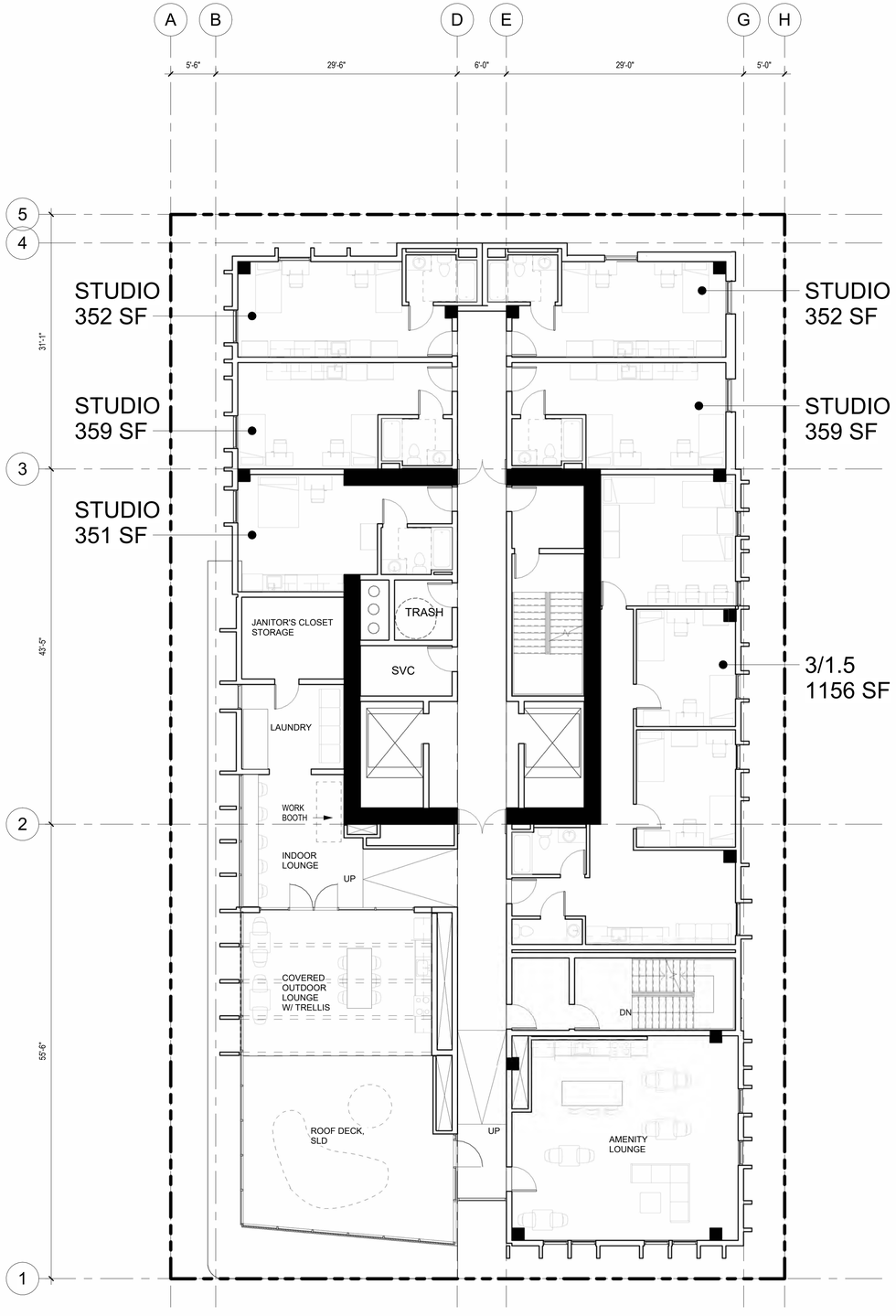
Drawing Title

FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L9-L12, L14-L16, L18-L19

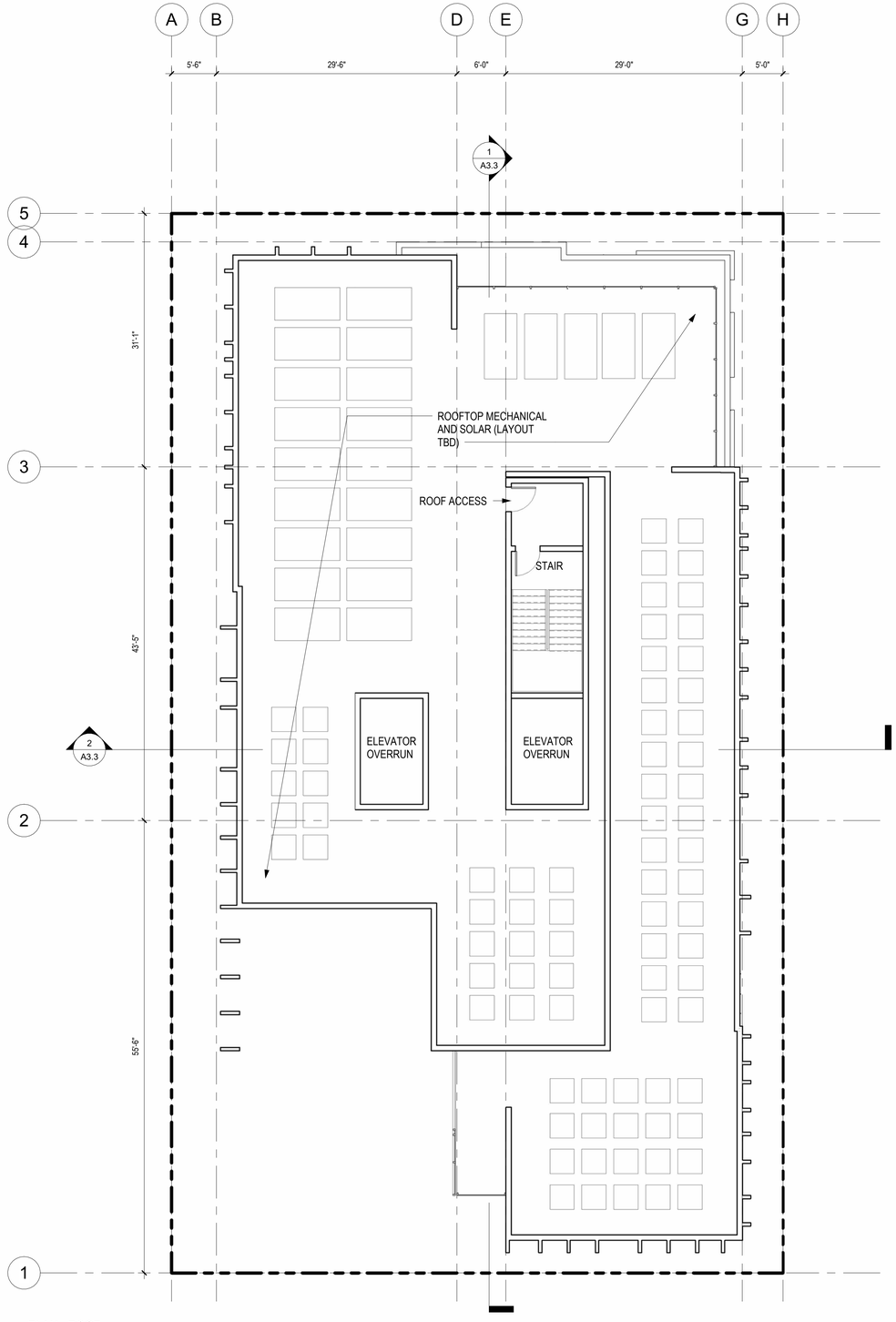
Sheet No.

A2.4

Scale As indicated



2 PLAN - LEVEL 20
1/8" = 1'-0"



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

0 16 32 64

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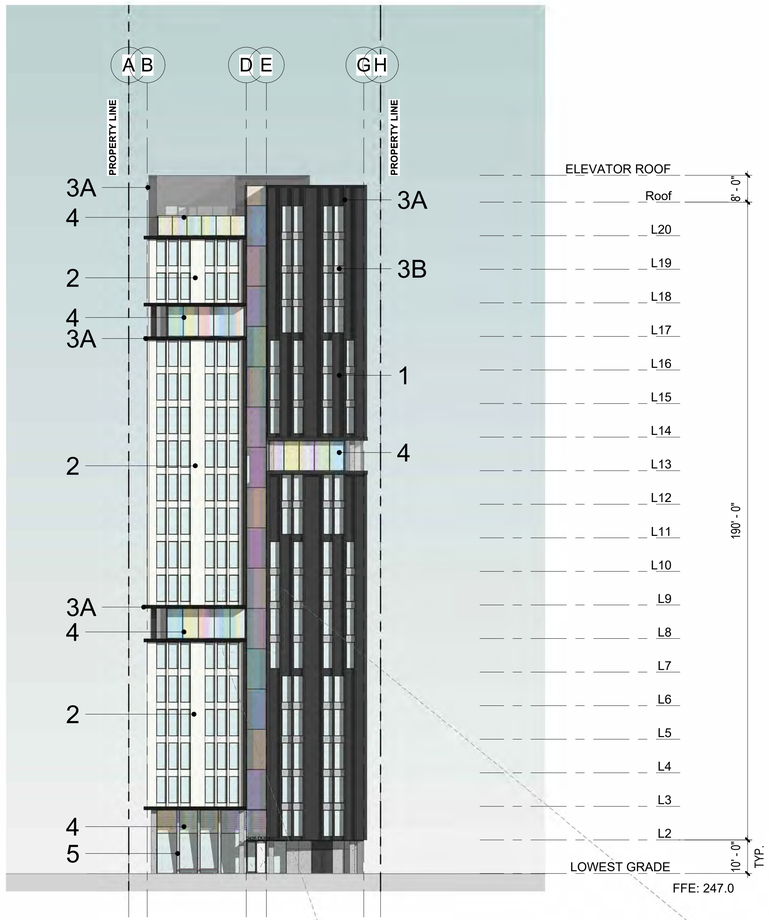
Drawing Title

FLOOR PLAN - LEVEL 20 & ROOF

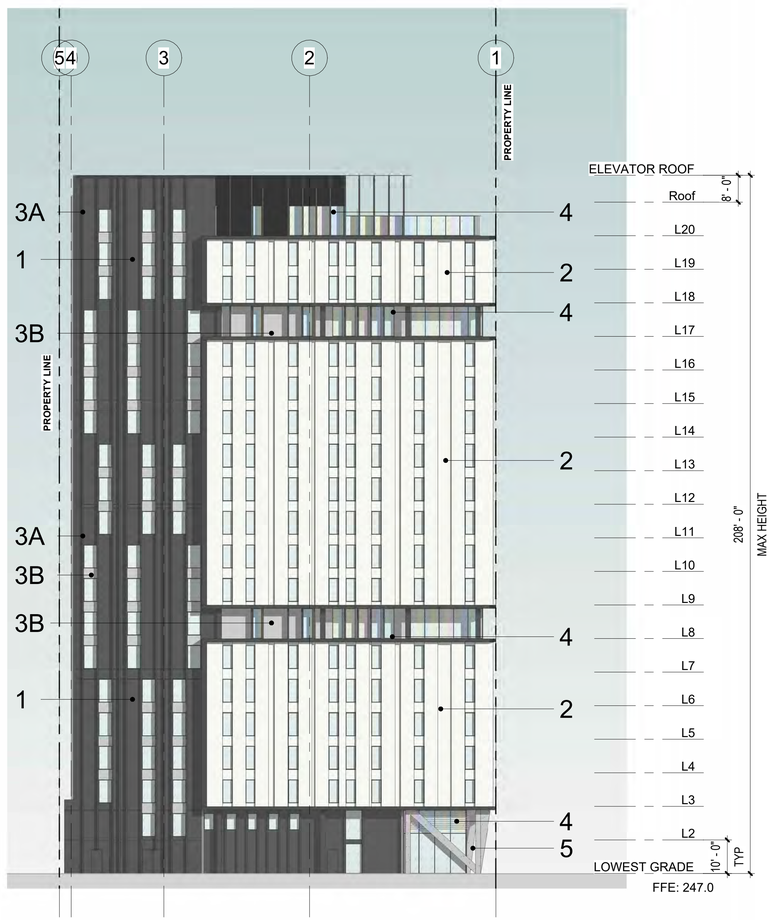
Sheet No.

A2.5

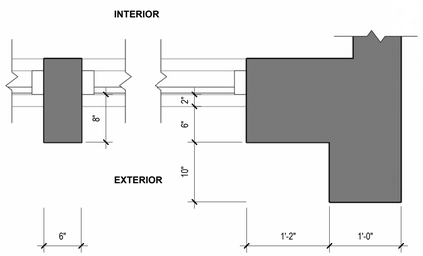
Scale As indicated



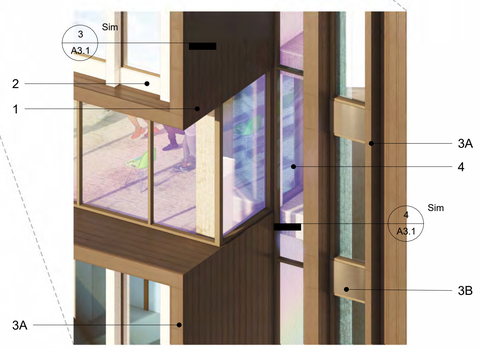
2 ELEVATION - SOUTH (DURANT AVE)
3/64" = 1'-0"



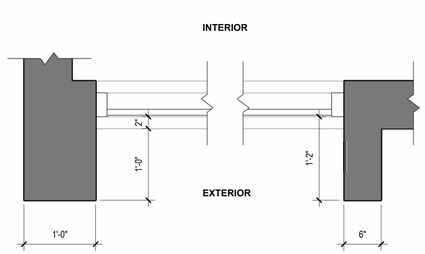
1 ELEVATION - WEST
3/64" = 1'-0"



3 FACADE PLAN DETAIL
1" = 1'-0"



AXON VIEW OF AMENITY SPACE ADJACENT TO CORRIDOR



4 FACADE PLAN DETAIL
1" = 1'-0"

EXTERIOR MATERIALS KEY

1) DARK GREY
CLARK PACIFIC
INFINITE SERIES

2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES

3A) DARK ALUMINUM METAL PANEL

3B) LIGHT ALUMINUM METAL PANEL

4) ALUMINUM AND GLASS
STOREFRONT WITH DICHROIC FILM

5) EXPOSED CONCRETE

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LICENSED ARCHITECT
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2425 Durant Ave Housing

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Checked by YD

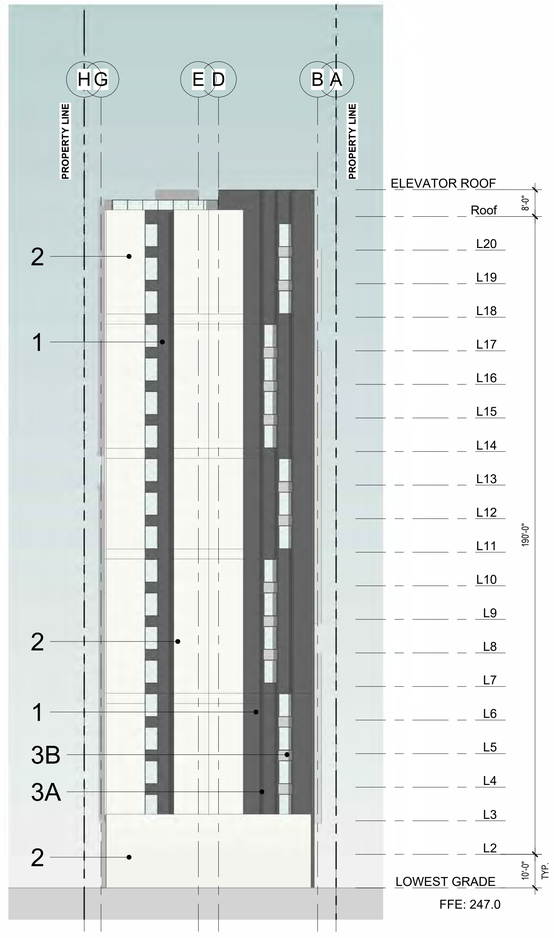
Drawing Title

BUILDING ELEVATIONS

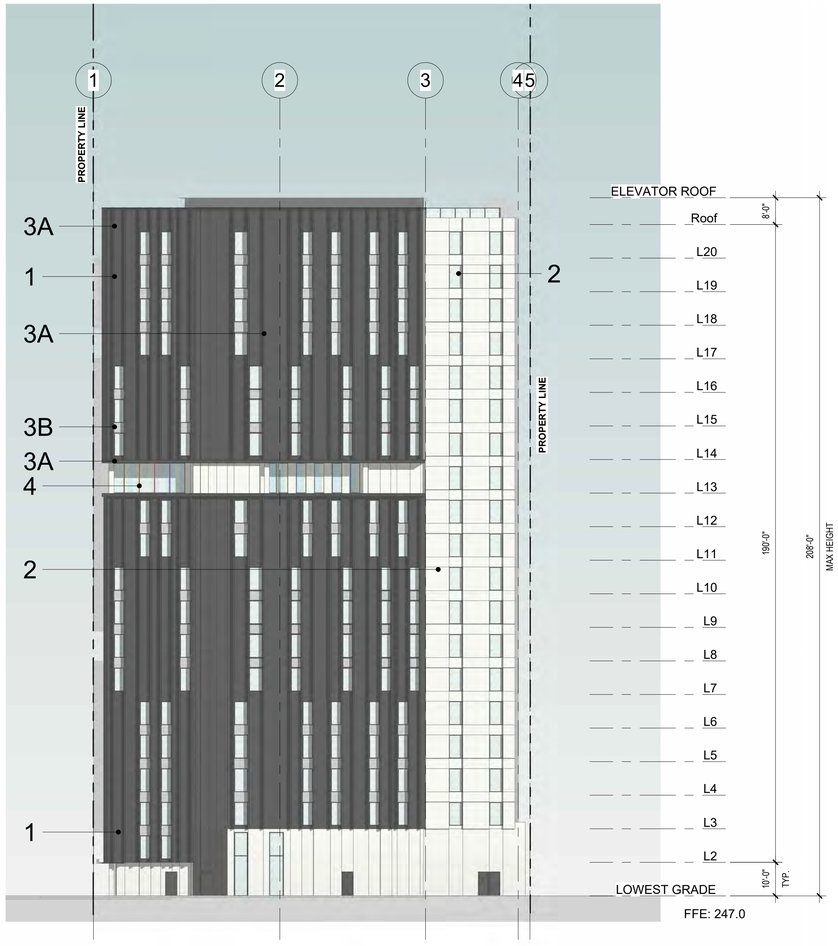
Sheet No.

A3.1

Scale As indicated



2 ELEVATION - NORTH
3/64" = 1'-0"



1 ELEVATION - EAST
3/64" = 1'-0"

EXTERIOR MATERIALS KEY

1) DARK GREY
CLARK PACIFIC
INFINITE SERIES

2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES

3A) DARK ALUMINUM METAL PANEL

3B) LIGHT ALUMINUM METAL PANEL

4) ALUMINUM AND GLASS
STOREFRONT WITH DICHROIC FILM

5) EXPOSED CONCRETE

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2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

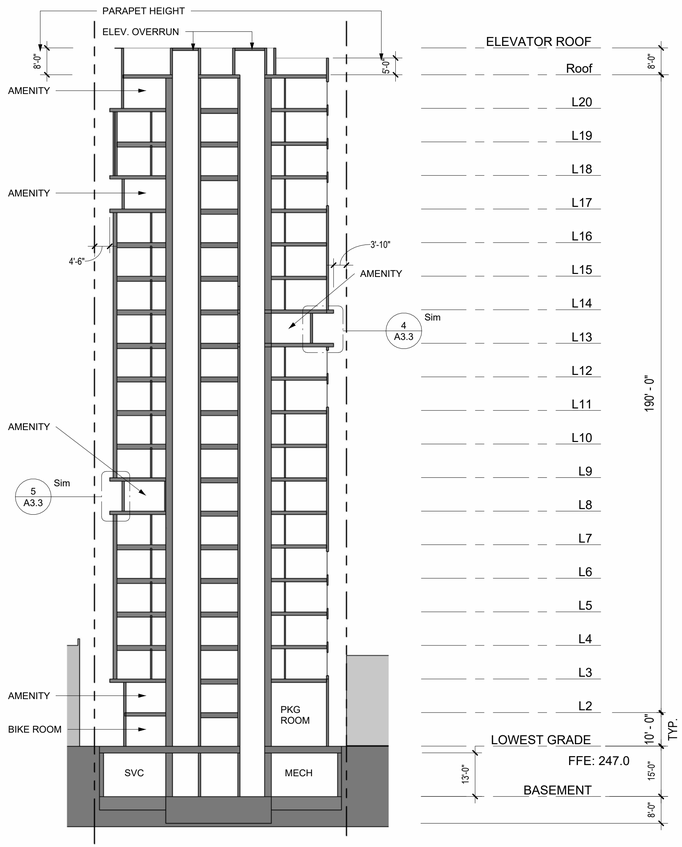
Drawing Title

BUILDING ELEVATIONS

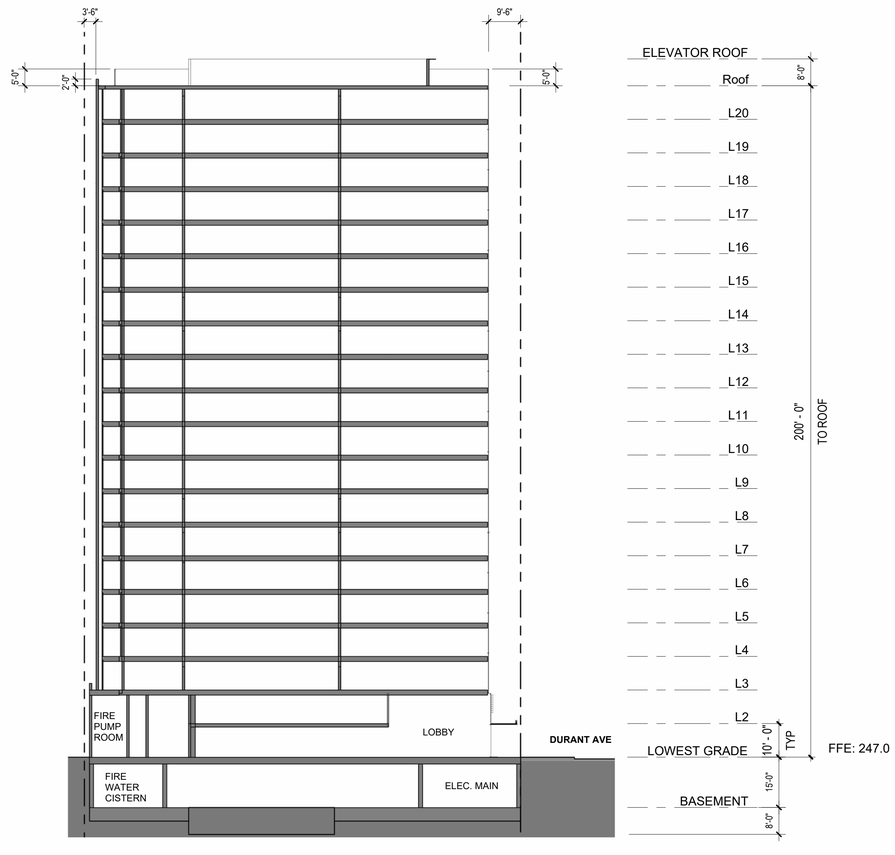
Sheet No.

A3.2

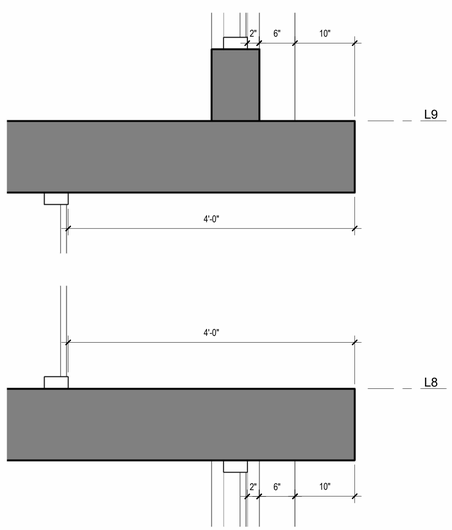
Scale 3/64" = 1'-0"



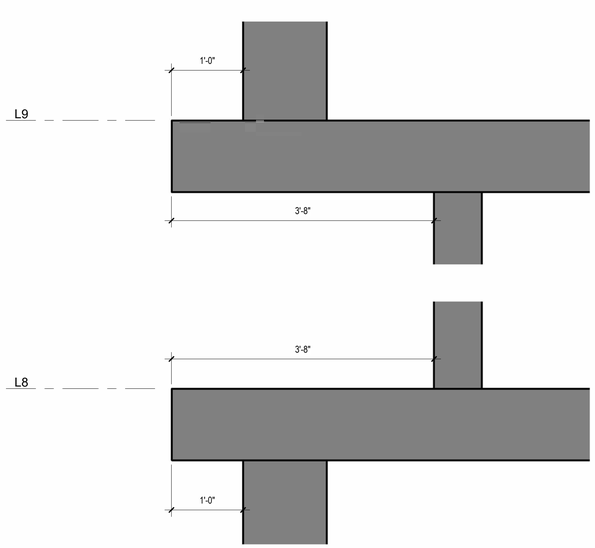
2 BUILDING SECTION - E/W
3/64" = 1'-0"



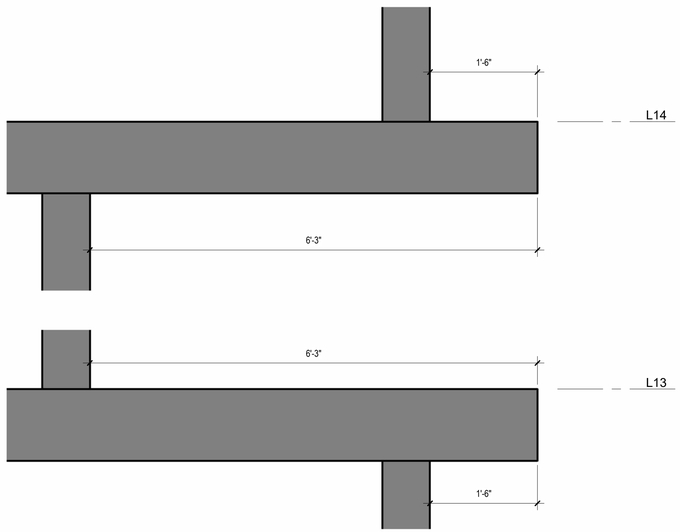
1 BUILDING SECTION - N/S
3/64" = 1'-0"



3 ENLARGED SECTION - TYP. FACADE DEPTH - AMENITY LEVEL
1" = 1'-0"



5 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"



4 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"

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2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

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3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

SECTION DRAWINGS

Sheet No.

A3.3

Scale As indicated

1 STREET STRIP ELEVATION
1" = 20'-0"

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Drawing Title

STREET STRIP ELEVATION

Sheet No.

A3.4

Scale 1" = 20'-0"

VIEW ALONG DURANT AVE LOOKING NORTH EAST

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Drawing Title

PERSPECTIVE RENDERINGS

Sheet No.

A3.5

Scale

VIEW OF ENTRY ALONG DURANT AVE LOOKING NORTH WEST

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2425 Durant Ave Housing

Issues / Revisions

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Zoning Completeness 1	03/31/2025

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Drawn by JO
Checked by YD

Drawing Title

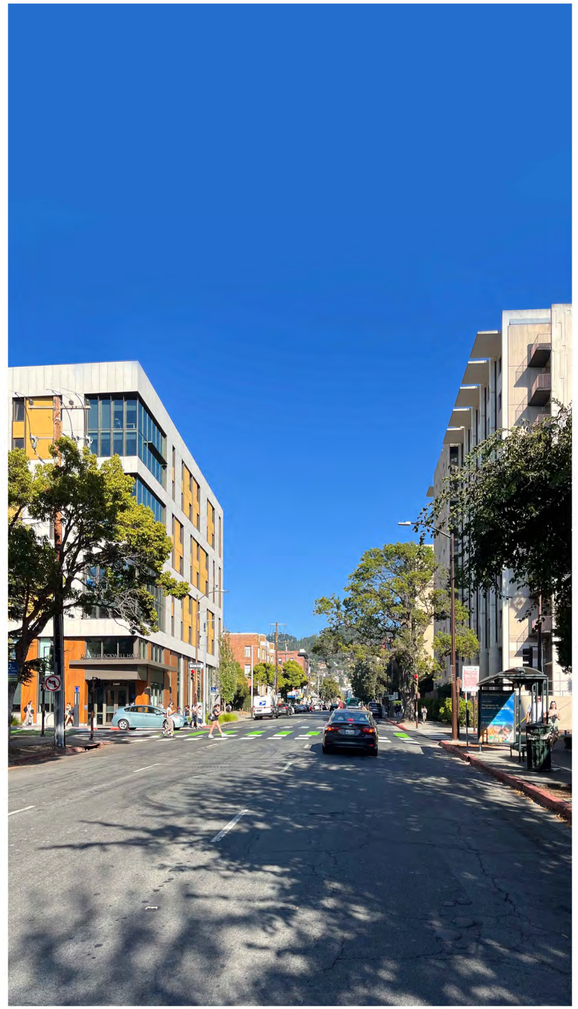
PERSPECTIVE RENDERINGS

Sheet No.

A3.6

Scale

PERSPECTIVE VIEW
UP DURANT AVE
TOWARDS
TELEGRAPH AVE



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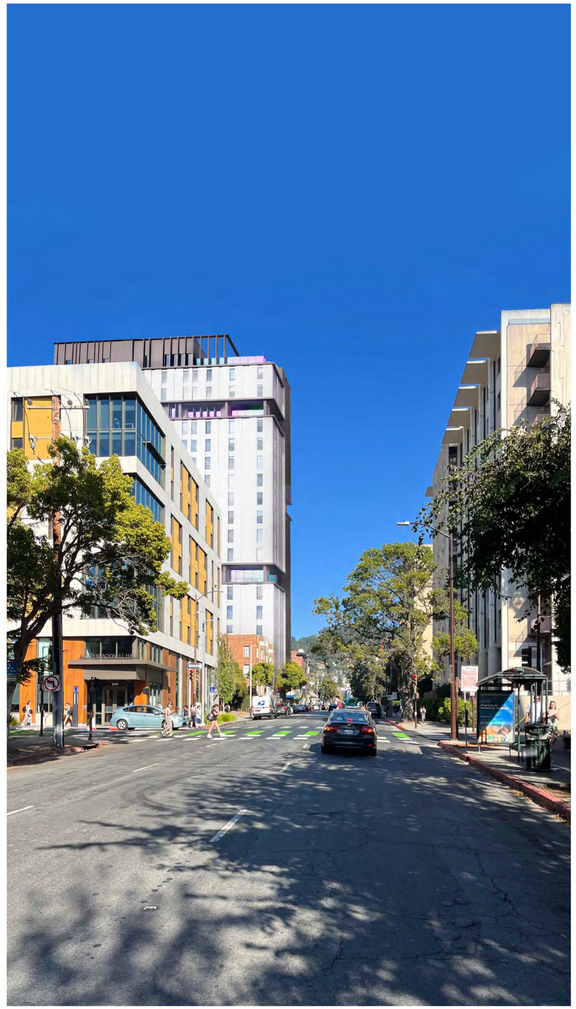

AFTER (SIMULATED)

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Checked by	YD

Drawing Title

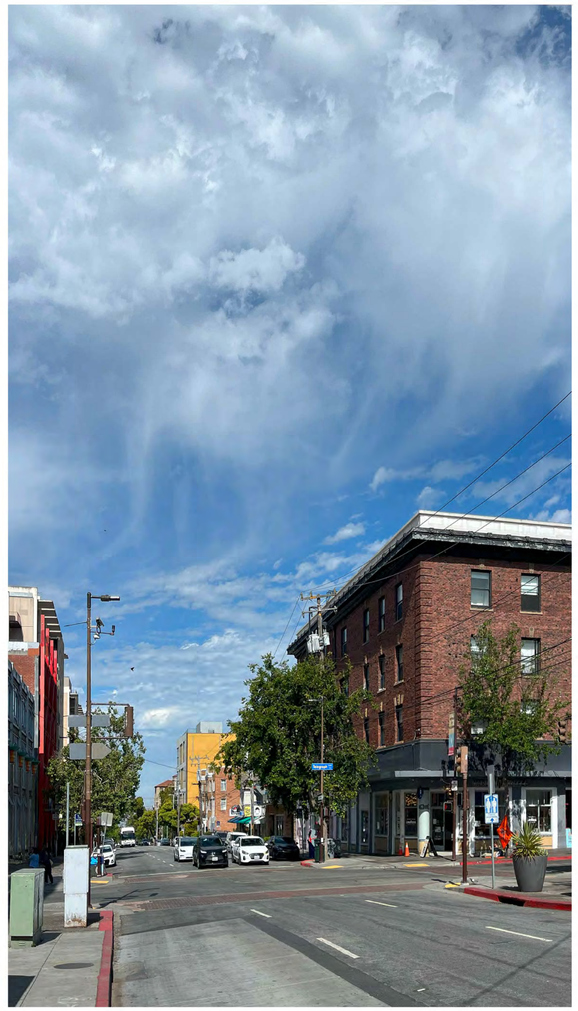
PHOTO
SIMULATIONS

Sheet No.

A3.7

Scale

PERSPECTIVE VIEW
DOWN DURANT AVE
TOWARDS DANA ST



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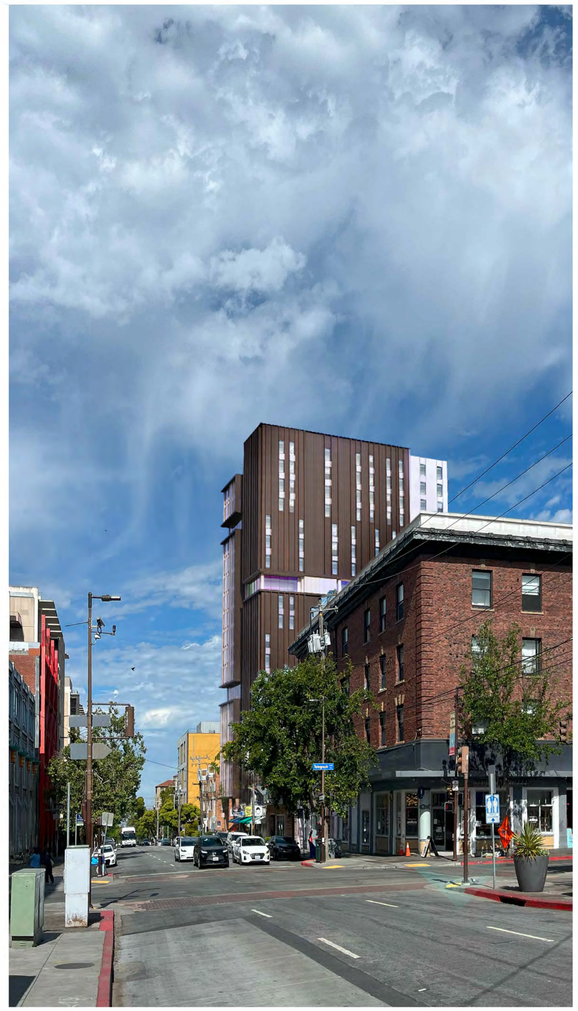

AFTER (SIMULATED)

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Drawing Title

PHOTO
SIMULATIONS

Sheet No.

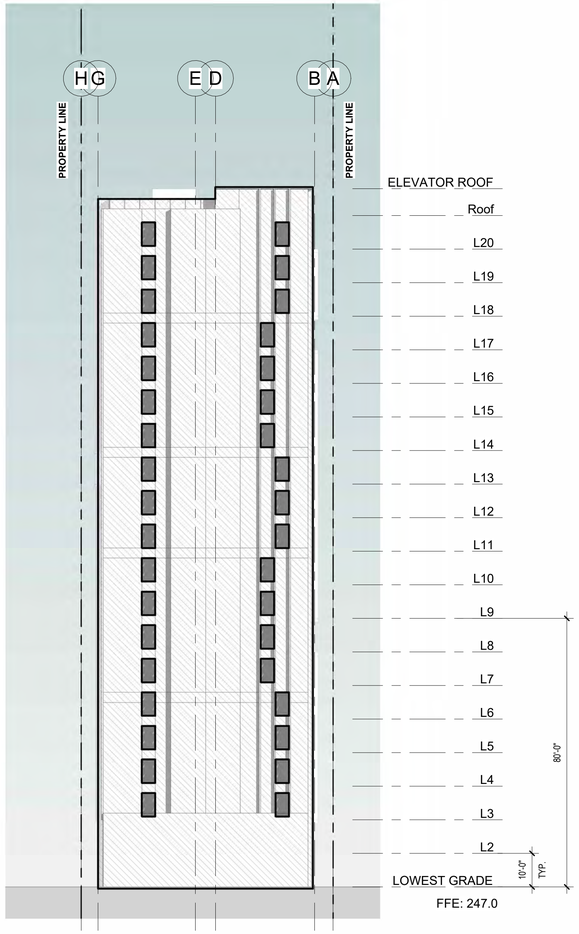
A3.8

Scale

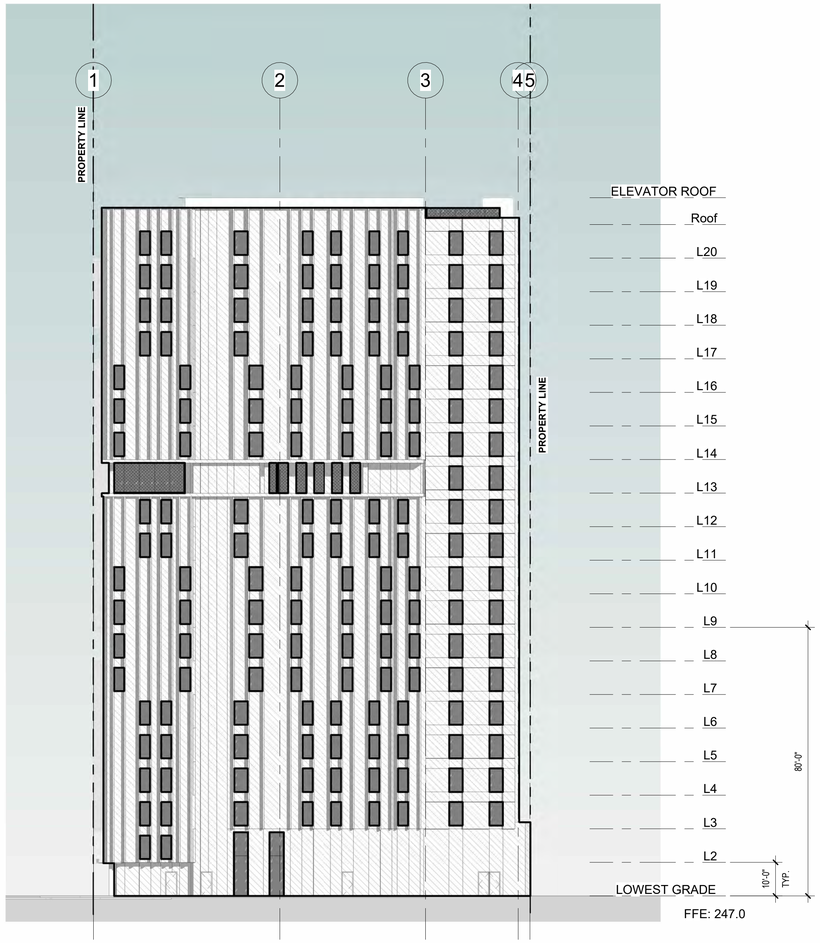
DIAGONAL HATCH INDICATES
OVERALL FACADE AREA

GREY TONE INDICATES
TRANSPARENT FACADE AREA

CROSSHATCH INDICATES
HIGH-RISK FEATURES



2 ELEVATION - NORTH
3/64" = 1'-0"



1 ELEVATION - EAST
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 1008.00 SF
OVERALL FACADE AREA: 13253.50 SF

1008.00 SF / 13253.5 SF = .0761 * 100 = **7.61%**

7.61% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

TRANSPARENT FACADE AREA: 4240.47 SF
OVERALL FACADE AREA: 25342.99 SF

4240.47 SF / 25342.99 SF = .1673 * 100 = **16.73%**

16.73% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

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2425 Durant Ave Housing

Issues / Revisions

Description	Date
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Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.

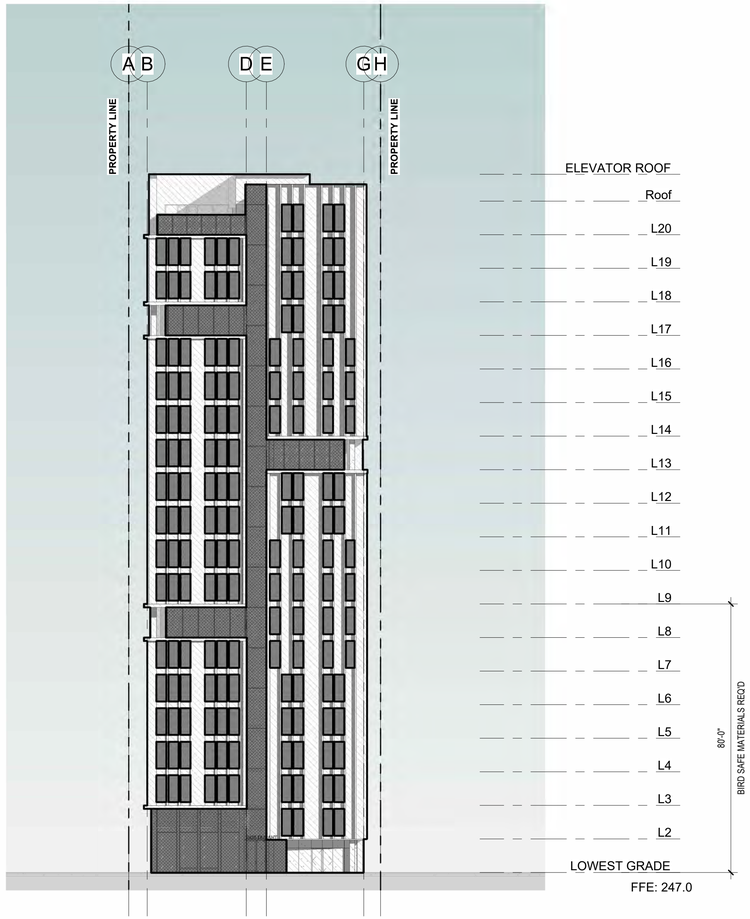
A3.9

Scale As indicated

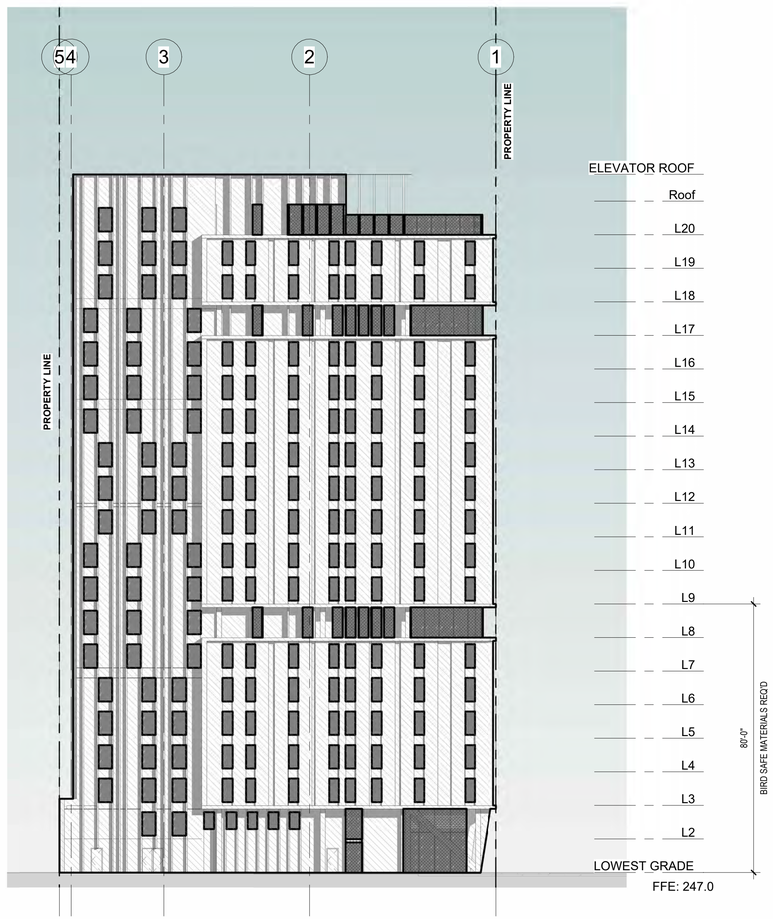
DIAGONAL HATCH INDICATES
OVERALL FACADE AREA

GREY TONE INDICATES
TRANSPARENT FACADE AREA

CROSSHATCH INDICATES
HIGH-RISK FEATURES



2 ELEVATION - SOUTH (DURANT AVE)
3/64" = 1'-0"



1 ELEVATION - WEST
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 6507.67 SF
OVERALL FACADE AREA: 13505.41 SF

6507.67 SF / 13505.41 SF = .4819 * 100 = **48.19%**

48.19% > 30% = NOT A LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

TRANSPARENT FACADE AREA: 5670.66 SF
OVERALL FACADE AREA: 25462.6 SF

5670.66 SF / 25462.6 SF = .2227 * 100 = **22.27%**

22.7% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

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2425 Durant Ave Housing

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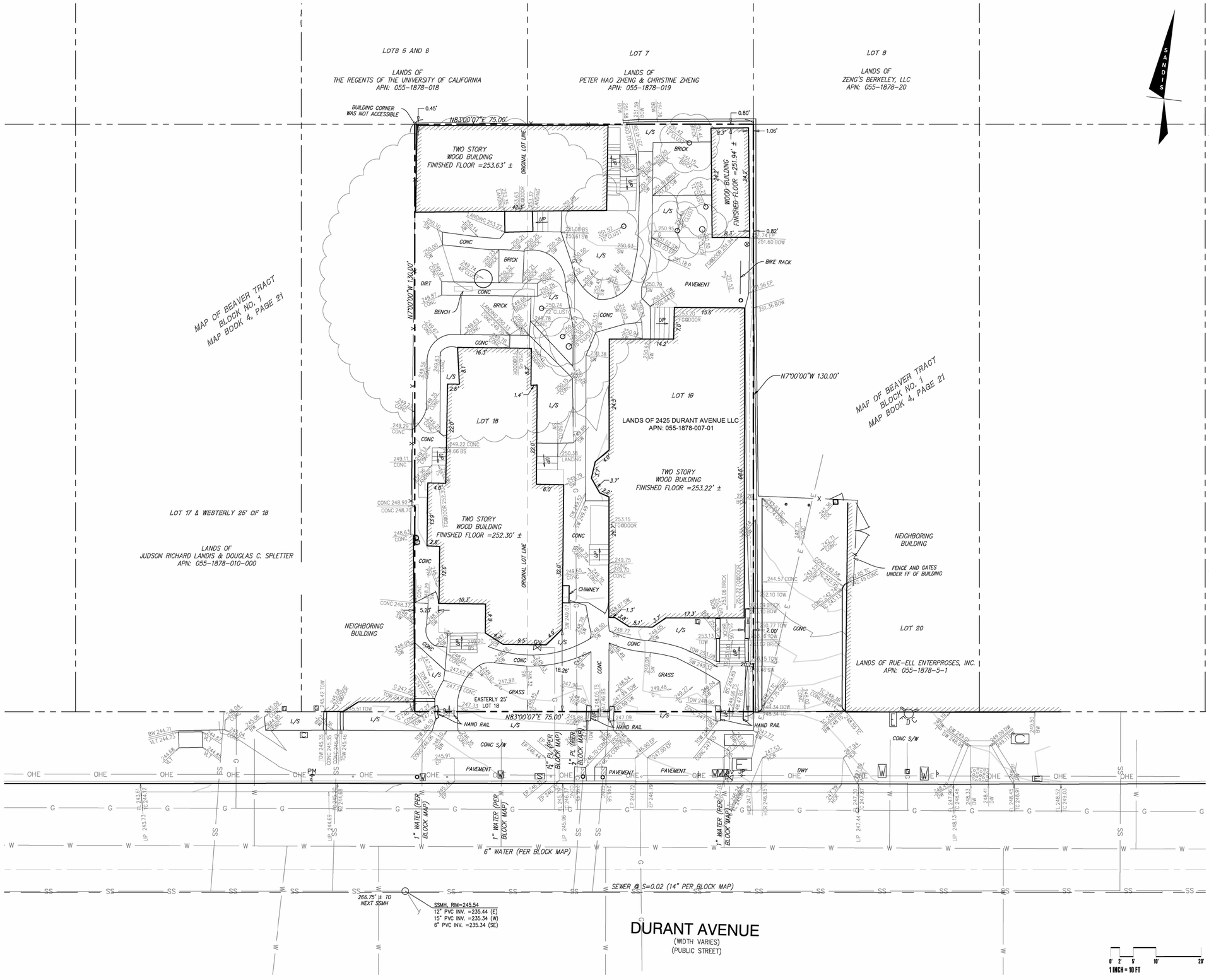
Drawing Title

BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.

A3.10

Scale As indicated



LEGEND

- BUILDING LINE
- BOUNDARY LINE
- LOT LINE
- CURB LINE
- X — FENCE LINE
- E — UNDERGROUND ELECTRIC
- G — UNDERGROUND GAS
- SS — UNDERGROUND SEWER
- W — UNDERGROUND WATER
- 123.45 (DESC.) — POINT, ELEVATION AND DESCRIPTION
- 123 — CONTOURS (1-FT INTERVALS)
- 123.45 (SIZE)TREE — TREE (DIAMETER SIZE IN INCHES)

SYMBOLS & ABBREVIATIONS

BLDC	BUILDING CORNER
BLDL	BUILDING LINE
BM	BENCHMARK
BOL	BOLLARD
BOW	BOTTOM OF WALL
BRICK	BRICK
BS	BOTTOM OF STAIRS
BW	BACK OF WALK
COM-PB	COMMUNICATION PULLBOX
CONC	CONCRETE
CONC S/W	CONCRETE SIDEWALK
DI	DRAIN INLET
DWY	DRIVEWAY
EP	EDGE OF PAVEMENT
EPB	ELECTRIC PULLBOX
FDC	FIRE DEPARTMENT CONNECTION
FF	BUILDING FINISHED FLOOR
FGⓓOOR	FINISHED GRADE AT DOOR
FL	FLOW LINE
G	GROUND
GM	GAS METER
GV	GAS VALVE
HCR	ACCESSIBLE RAMP
JP	JOINT POLE
LIP	LIP OF GUTTER
L/S	LANDSCAPE
P	PAVEMENT
PM	PARKING METER
SDMH	STORM DRAIN MANHOLE
SIGN	SIGNS
SSMH	SANITARY MANHOLE
SW	SIDEWALK
SWALE	SWALE
TC	TOP OF CURB
TOW	TOP OF WALL
TREE	TREE SYMBOL
TS	TOP OF STAIRS
VLT	ELEC VAULT
WM	WATER METER
WV	WATER VALVE
UP	INDICATION OF STAIRS GOING UP

BENCHMARK

THE ELEVATION REFERENCE FOR THIS SURVEY IS A 'CITY OF BERKELEY BENCHMARK, CUT SQUARE ON THE TOP BACK OF THE SOUTH CURB AT THE WEST SIDE OF THE DRIVEWAY TO 2450 DURANT AVENUE.
ELEVATION= 247.91 FEET 'CITY OF BERKELEY DATUM

SITE BENCHMARK

SET CHISELED CROSS ON CONCRETE WALK IN BACK AREA OF THE PROPERTY, 19' SOUTH OF THE SOUTH FACE OF BUILDING, AND 13' EAST OF THE WEST EDGE OF CONCRETE EDGE UNDER TREE.

ELEVATION=250.46 FEET 'CITY OF BERKELEY DATUM

SURVEY NOTES

1. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. DATES OF FIELD SURVEY: 08/21/2024 & 08/23/2024

BASIS OF BEARING

THE BEARING SHOWN AS N83°00'07"E ALONG THE NORTH LINE OF DURANT AVENUE HEREON WAS ESTABLISHED BY THE SPLIT OF EXISTING IMPROVEMENTS AND PARCEL MAP 7559, FILED IN BOOK 252 OF PARCEL MAPS, PAGES 10-11, ALAMEDA COUNTY RECORDS.

BOUNDARY NOTE

THE PARCEL LINES SHOWN HEREON ARE BASED UPON RECORD INFORMATION AS SHOWN ON THAT CERTAIN TRACT MAP ENTITLED "MAP OF BEAVER TRACT BLOCK NO. 1", BOOK 4 OF MAPS, PAGE 21, AND GRANT DEED DOCUMENT NO. 2019078632, ALAMEDA COUNTY RECORDS.

UNDERGROUND UTILITY NOTE

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. UNDERGROUND UTILITY LOCATING WAS NOT PERFORMED BY SANDIS. OTHER UNDERGROUND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP. THERE WERE NO OBSERVABLE EVIDENCE OF STORM DRAIN UTILITIES ON THE ADJACENT DURANT STREET. NO STORM DRAIN UTILITES INSTALLED ON THE ADJACENT DURANT STREET PER THE CITY OF BERKELEY.

OVERHEAD UTILITY NOTE

OVERHEAD UTILITY LINES SHOWN HEREON ARE FOR REFERENCE ONLY, DEPICTING THAT OVERHEAD LINES EXIST. ACTUAL ATTACHMENT, LOCATION, HEIGHT AND TYPE OF UTILITY SERVICE LINES SHALL BE VERIFIED BY THE USER.

MONUMENT PRESERVATION NOTICE

IF AT ANY TIME A SURVEY MONUMENT WILL BE DESTROYED OR COVERED DURING CONSTRUCTION PHASE OF THE PROJECT, IT MUST BE PERPETUATED IN ACCORDANCE WITH STATE LAW.

PURSUANT TO PROFESSIONAL LAND SURVEYOR'S ACT SECTION 8771(B), CONTROLLING MONUMENTS SHALL BE LOCATED AND REFERENCED BY OR UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR. UPON COMPLETION OF CONSTRUCTION, THESE MONUMENTS WILL HAVE TO BE RESET IN THE SURFACE OF THE NEW CONSTRUCTION IN ORDER TO PERPETUATE THEIR LOCATION. A CORNER RECORD OR A RECORD OF SURVEY SHALL BE FILED TO DOCUMENT THE REFERENCED MONUMENTS PRIOR TO CONSTRUCTION AND THEIR NEW POSITION AND CHARACTER AFTER THEY HAVE BEEN RESET.

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DATE _____, 2024

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MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6-30-25

2425 Durant Ave Housing

Issues / Revisions

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Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
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Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title

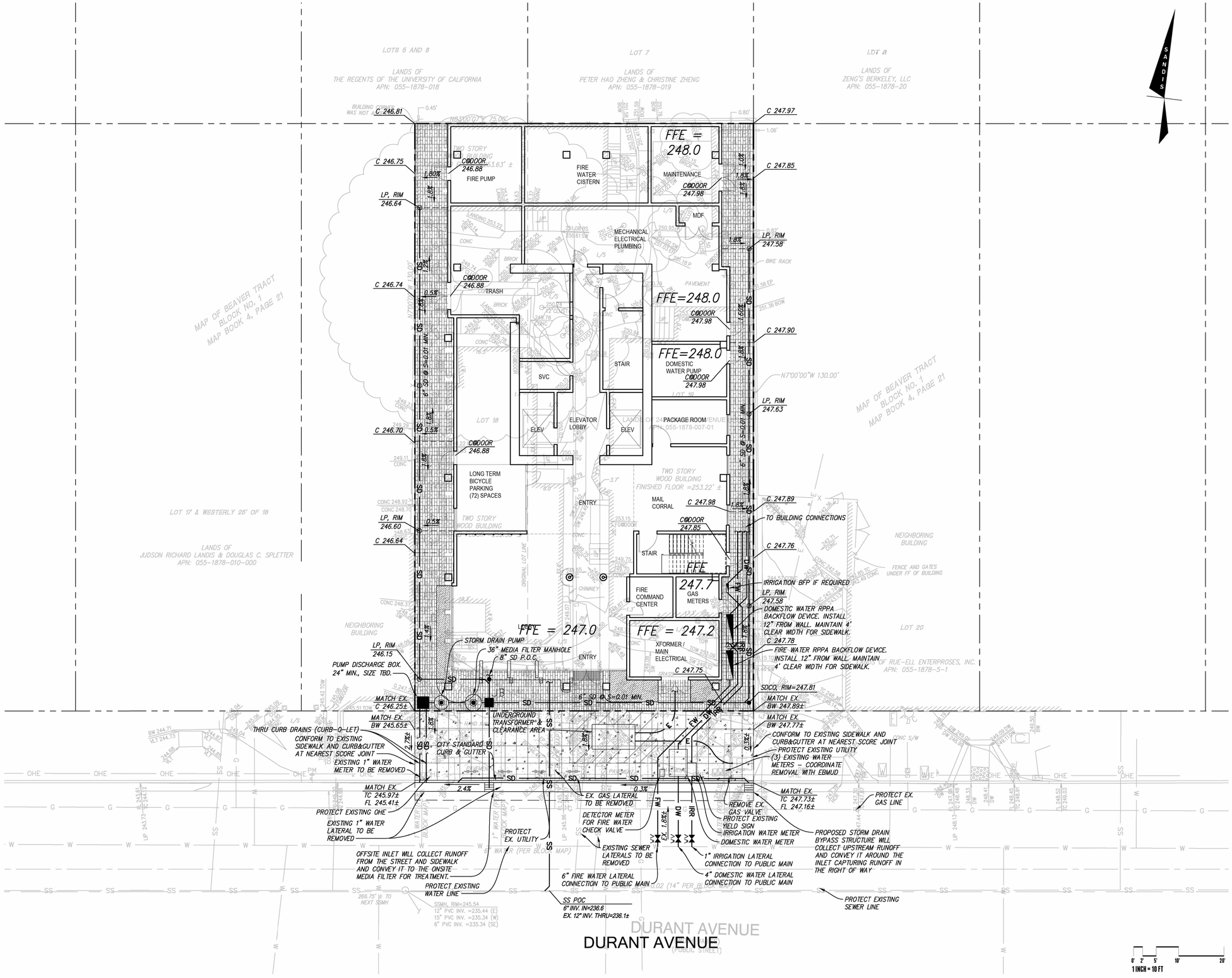
TOPOGRAPHIC SURVEY

Sheet No.

C0.1

Scale 1"=10'

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C0.1 TOPOGRAPHIC SURVEY.dwg Date:Oct 01, 2024



LEGEND

- PROPERTY LINE
- OVERLAND RELEASE PATH
- CONCRETE SIDEWALK
- PERVIOUS PAVING

SITE AND GRADING NOTES

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND WITH THE AMERICANS WITH DISABILITIES ACT.
2. PATH OF TRAVEL TO BUILDING SHALL NOT EXCEED A SLOPE OF 1:20 (5%) UNLESS RAILINGS ARE SHOWN, IN WHICH CASE THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
3. A 2% MAXIMUM SLOPE LANDING SHALL BE PROVIDED AT PRIMARY ENTRANCES TO THE BUILDING. THE LANDINGS SHALL HAVE A MINIMUM WIDTH OF 60" AND A MINIMUM DEPTH OF 60" WHEN THE DOOR OPENS INTO THE BUILDING, AND 42" PLUS THE WIDTH OF THE DOOR WHEN THE DOORS OPEN ONTO THE LANDING.
4. MAXIMUM CROSS SLOPE ALONG SIDEWALK OR PATHWAY SHALL BE 2% MAXIMUM.
5. THE SIDEWALK SHALL HAVE A 4' MINIMUM CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

UTILITY NOTES

1. ALL AREA DRAINS AND CATCH BASINS GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
2. ALL UTILITY TRENCHES SHALL BE BACK FILLED PER THE SPECIFICATIONS WITH APPROPRIATE TESTS BY THE GEOTECHNICAL ENGINEER TO VERIFY COMPACTION VALUES.
3. POTHOLING IS STRONGLY RECOMMENDED FOR NEW GRAVITY FLOW SYSTEMS TO VERIFY THE DEPTH OF ALL EXISTING CROSSING UTILITIES. POTHOLING CAN ALSO VERIFY THE SIZE AND MATERIAL OF ANY OTHER UTILITIES THE PROJECT IS CONNECTING ONTO.
4. ALL SEWER WORK SHALL BE IN CONFORMANCE WITH THE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT STANDARDS.
5. ALL SEWER LATERALS SHALL HAVE A TWO WAY CLEANOUT AT FACE OF BUILDING.
6. ALL WATER SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE EBMUD STANDARDS.
7. ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER.
8. THRUST RESTRAINTS SHALL BE DESIGNED AND INSTALLED AT ALL TEES, CROSSES, BENDS (HORIZONTAL AND VERTICAL), AND AT SIZE CHANGES.

STORMWATER MANAGEMENT DESIGN NOTES

1. ALL ROOF AND PAVEMENT RUNOFF IS CAPTURED VIA AREA/ROOF DRAINS AND PIPED TO MEDIA FILTER VAULT.
2. STORMWATER IS TREATED THROUGH THE MEDIA FILTERS DURING A WATER QUALITY RAIN EVENT (IE. 0.2 IN/HR RAINFALL INTENSITY). THE WATER SUBSEQUENTLY HEADS TOWARD THE OUTLET.
   2.1. LARGER STORM EVENTS WILL BYPASS THE MEDIA FILTERS AND HEAD DIRECTLY TO THE OUTLET.
3. STORMWATER LEAVES THE VAULT THROUGH THE OUTLET AND INTO A LIFT STATION SIZED FOR A 100 YEAR STORM EVENT WITH N+1 PUMP REDUNDANCY.
4. THE LIFT STATION FINALLY DISCHARGES INTO A THROUGH-CURB DRAIN WHICH THEN OUTFALLS INTO THE STREET GUTTER PAN.
5. THE NEW/REPLACED IMPERVIOUS SURFACES OFFSITE WILL BE CONVEYED TO THE ONSITE MEDIA FILTER FOR TREATMENT.
6. THERE WILL BE A PORTION OF NEW/REPLACED IMPERVIOUS SURFACE THAT WILL BE UNABLE TO BE TREATED GIVEN THE STREET SLOPE OFFSITE. THE PROJECT WILL TREAT EXISTING IMPERVIOUS AREAS OFFSITE IN THE STREET IN-LIEU OF TREATING THE NEW/REPLACED IMPERVIOUS AREA (ALTERNATIVE COMPLIANCE).
7. A BYPASS PIPE IS PROPOSED TO CARRY WATER THAT IS UPSTREAM IN THE WATERSHED THAT IS NOT REQUIRED TO BE TREATED, AROUND THE INLET THAT IS CAPTURING AND TREATING THE OFFSITE RUNOFF AND DISCHARGING IT DOWNSTREAM BACK INTO THE GUTTER PAN.

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Checked by	NQA

Drawing Title

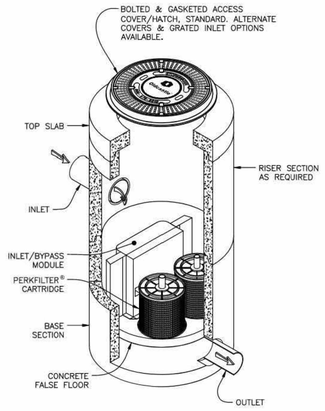
SITE, GRADING, AND UTILITY PLAN

Sheet No.

C1.0

Scale 1"=10'

PF-MH-48



Notes:

1. Precast concrete structure shall be manufactured in accordance with ASTM Designation C478.
2. Filter system shall be supplied with traffic rated (H20) bolted & gasketed Ø36" circular access covers with risers as required. Field poured concrete collar required, by others.
3. Inlet & outlet pipe(s) are to be Ø18" maximum. Inlet pipes must enter the structure in the inlet chamber.
4. Inlet chamber shall be supplied with drain-down device designed to remove standing water between storm events.
5. Minimum separation between invert in & invert out is outlet pipe diameter plus 4.00".
6. For depths less than specified minimums contact Oldcastle Infrastructure for engineering assistance.

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks
Media Filtration

Oldcastle Infrastructure A CRH COMPANY
Ph: 800.579.8819 | www.oldcastleinfrastructure.com/stormwater

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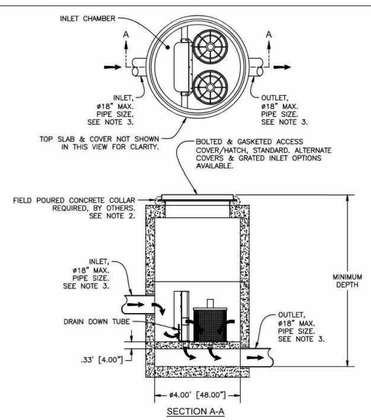
PF-MH-48	A	ARG 1/22/2020		PPS 1/23/20

SHEET 1 OF 2

PF-MH-48



SECTION A-A

Minimum Depth

PIPE SIZE	Ø6"	Ø8"	Ø10"	Ø12"	Ø15"	Ø18"
CARTRIDGE TYPE	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET
12"	3.67' [44.00"]	3.92' [47.00"]	4.17' [50.00"]	4.42' [53.00"]	4.67' [56.00"]	4.92' [59.00"]
18"	4.42' [53.00"]	4.67' [56.00"]	4.92' [59.00"]	5.17' [62.00"]	5.42' [65.00"]	5.67' [68.00"]
12" + 12"	5.17' [62.00"]	5.42' [65.00"]	5.67' [68.00"]	5.92' [71.00"]	6.17' [74.00"]	6.42' [77.00"]
12" + 18"	5.67' [68.00"]	5.92' [71.00"]	6.17' [74.00"]	6.42' [77.00"]	6.67' [80.00"]	6.92' [83.00"]

Ø48" PERKFILTER MANHOLE
TREATMENT FLOW RATES, TOTAL FLOW CAPACITIES & MAXIMUM HEAD LOSS

CARTRIDGE STACK QUANTITY	CARTRIDGE STACK CONFIGURATION							
	12"		18"		12" & 12"		12" & 18"	
	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)
1	12 / 0.03	2.47	18 / 0.04	3.05	24 / 0.05	3.45	30 / 0.07	3.62
2	24 / 0.05	2.47	36 / 0.08	3.05	48 / 0.11	3.45	60 / 0.13	3.62
MAXIMUM HEAD LOSS	1.7 FEET		2.3 FEET		2.9 FEET		3.5 FEET	

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks
Media Filtration

Oldcastle Infrastructure A CRH COMPANY
Ph: 800.579.8819 | www.oldcastleinfrastructure.com/stormwater

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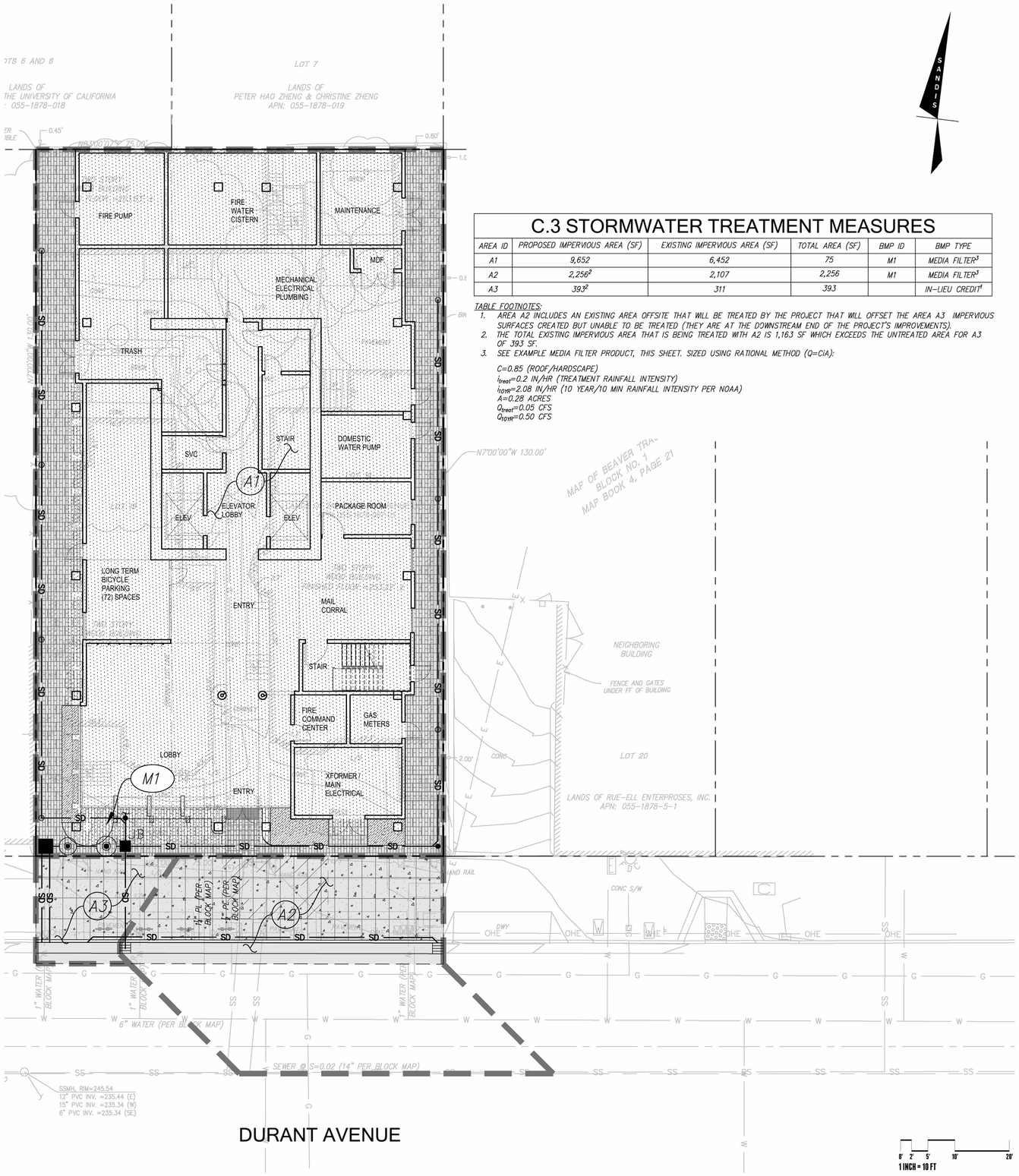
PF-MH-48	A	ARG 1/22/2020		PPS 1/23/20

SHEET 2 OF 2



C.3 STORMWATER TREATMENT MEASURES

AREA ID	PROPOSED IMPERVIOUS AREA (SF)	EXISTING IMPERVIOUS AREA (SF)	TOTAL AREA (SF)	BMP ID	BMP TYPE
A1	9,652	6,452	75	M1	MEDIA FILTER[3]
A2	2,256[2]	2,107	2,256	M1	MEDIA FILTER[3]
A3	393[2]	311	393		IN-LIEU CREDIT[4]

TABLE FOOTNOTES:
1. AREA A2 INCLUDES AN EXISTING AREA OFFSITE THAT WILL BE TREATED BY THE PROJECT THAT WILL OFFSET THE AREA A3 IMPERVIOUS SURFACES CREATED BUT UNABLE TO BE TREATED (THEY ARE AT THE DOWNSTREAM END OF THE PROJECT'S IMPROVEMENTS).
2. THE TOTAL EXISTING IMPERVIOUS AREA THAT IS BEING TREATED WITH A2 IS 1,163 SF WHICH EXCEEDS THE UNTREATED AREA FOR A3 OF 393 SF.
3. SEE EXAMPLE MEDIA FILTER PRODUCT, THIS SHEET. SIZED USING RATIONAL METHOD (Q=CiA):

C=0.85 (ROOF/HARDSCAPE)
i_{treat}=0.2 IN/HR (TREATMENT RAINFALL INTENSITY)
i_{10YR}=2.08 IN/HR (10 YEAR/10 MIN RAINFALL INTENSITY PER NOAA)
A=0.28 ACRES
Q_{treat}=0.05 CFS
Q_{10YR}=0.50 CFS

STORMWATER MANAGEMENT PLAN LEGEND

- PROPOSED PERVIOUS AREA
- PROPOSED IMPERVIOUS AREA
- PROPOSED ROOF
- EXISTING UNDISTURBED IMPERVIOUS AREA TO BE TREATED
- DRAINAGE AREA BOUNDARY
- FLOW LINE
- FLOW DIRECTION

STORMWATER MANAGEMENT NOTES:

THE PROPOSED PROJECT WILL INCLUDE MORE THAN 5,000 SQUARE FEET OF IMPERVIOUS SURFACE ADDITION AND REPLACEMENT. GIVEN THAT THE PROJECT SURPASSES THIS THRESHOLD, THE PROJECT IS CONSIDERED A REGULATED PROJECT PER THE REQUIREMENTS OF PROVISION C.3 OF THE MUNICIPAL REGIONAL STORMWATER PERMIT (ORDER NO. R2-2022-0018 AND R2-2023-0019). THIS PLAN PRESENTS THE METHODS AND CALCULATIONS FOR COMPLYING WITH THESE REQUIREMENTS, IN ACCORDANCE WITH THE CITY OF BERKELEY AND ALAMEDA COUNTY STORMWATER PROGRAMS. MOREOVER, GIVEN THAT THIS PROJECT IS REPLACING MORE THAN 50% OF THE EXISTING IMPERVIOUS AREA, THE PROJECT MUST TREAT THE ENTIRE SITE.

THIS PROJECT IS CONSIDERED A SPECIAL PROJECT CATEGORY "A" PER THE CHARACTERISTICS LISTED IN ALAMEDA COUNTY'S SPECIAL PROJECTS WORKSHEET:
A. PROJECT IS IN A DOWNTOWN CORE AREA.
B. PROJECT CREATES/REPLACES < ½ ACRE IMPERVIOUS SURFACE.
C. PROJECT INCLUDES NO SURFACE AREA PARKING.
D. PROJECT HAS AT LEAST 85% COVERAGE BY PERMANENT STRUCTURES.

A NARRATIVE IS INCLUDED AS PART OF THE PLANNING SUBMITTAL WHICH DESCRIBES HOW LID TREATMENT IS NOT FEASIBLE ONSITE, AND WHY THE PROJECT MUST USE A MEDIA FILTER TO REGULATE THE QUALITY OF STORMWATER LEAVING THE SITE. THIS TREATMENT DEVICE IS DESCRIBED BELOW:

A. MEDIA FILTER – RUNOFF FROM THE CONTRIBUTING IMPERVIOUS SURFACE FLOWS THROUGH A MEDIA FILTER SIZED TO TREAT THE RUNOFF BASED ON A 0.2 IN/HR INTENSITY (TREATMENT STORM EVENT). THIS IS A NON-LID TREATMENT MEASURE WHICH REMOVES POLLUTANTS FROM RUNOFF THROUGH SCREENING AND FILTER CARTRIDGES MADE UP OF MANUFACTURED MEDIA. THIS TREATMENT DEVICE IS ONLY ALLOWED FOR "SPECIAL PROJECTS". THIS PROJECT QUALIFIES AS A CATEGORY A SPECIAL PROJECT.

HYDROMODIFICATION NOTE:

THE PROJECT IS EXEMPT FROM HYDROMODIFICATION REQUIREMENTS PER THE ALAMEDA COUNTY C.3 TECHNICAL GUIDANCE DOCUMENT. THE PROJECT IS EXEMPT FROM HYDROMODIFICATION DUE TO IMPERVIOUS AREA ADDED OR REPLACED BEING LESS THAN 1 ACRE.

FEM FLOOD ZONE DESIGNATION

THE PROPOSED PROJECT SITE RESIDES IN FEMA'S FLOOD INSURANCE RATE MAP (FIRM) 06001C0057G, EFFECTIVE AUGUST 3, 2009. THE ENTIRE PROJECT AREA IS LOCATED IN ZONE X, 'OTHER AREAS' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

DATE _____, 2024

SANDIS
MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title
STORMWATER MANAGEMENT PLAN

Sheet No.
C2.0

Scale 1"=10'

SPECIAL PROJECTS WORKSHEET

Special Projects Worksheet

Complete this worksheet for projects that appear to meet the definition of "Special Project", per Provision C.3.e.ii of the Municipal Regional Stormwater Permit (MRP). The form assists in determining whether a project meets Special Project criteria, and the percentage of low impact development (LID) treatment reduction credit. Special Projects that implement less than 100% LID treatment must provide a narrative discussion of the feasibility or infeasibility of 100% LID treatment. See Appendix J of the C.3 Technical Guidance (download at https://www.cleanwaterprogram.org) for more information.

Project Name: 2425 Durant Ave.

Project Address: 2425 Durant Ave. Berkeley, CA 94704

Applicant/Developer Name: YES DUFFY ARCHITECTS

1. "Special Project" Determination *(Check the boxes to determine if the project meets any of the following categories.)*

Special Project Category "A"

Does the project have ALL of the following characteristics?

- ☑ Locatec in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district[1];
- ☑ Creates and/or replaces 0.5 acre or less of impervious surface;
- ☑ Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones;
- ☑ Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping and stormwater treatment.

☐ **No (continue)** ☑ **Yes – complete Section 2A of the Special Project Worksheet**

Special Project Category "B"

Does the project have ALL of the following characteristics?

- ☐ Locatec in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district[1];
- ☐ Creates and/or replaces an area of impervious surface that is greater than 0.5 acre, and no more than 2.0 acres of impervious surface;
- ☐ Includes no surface parking, except for incidental parking for emergency access, ADA access, and passenger or freight loading zones;
- ☐ Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment;
- ☐ Minimum density of either 50 dwelling units per acre (DU/ac) (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

☐ **No (continue)** ☐ **Yes – complete Section 2B of the Special Project Worksheet**

Special Project Category "C"

Does the project have ALL of the following characteristics?

- ☐ Must have affordable housing deed restrictions running a minimum of 55 years that limit the rent/mortgage rates (including utilities) to be no greater than 30 percent of the total household income and meet the income levels specified by the Federal Department of Housing and Urban Development's affordable housing in metropolitan areas: Extremely Low: 0-30 percent of area median household income (AMI); Very Low: 31-50 percent of AMI; Low: 51-80 percent of AMI; and Moderate 81-120 percent of AMI.
- ☐ Is primarily a residential development.
- ☐ Minimum gross density of 40 DU/ac.

☐ **No** ☐ **Yes – complete Section 2C of the Special Project Worksheet**

[1] And built as part of a municipality's stated objective to preserve/enhance a pedestrian-oriented type of urban design.

Special Projects Worksheet (continued)

2. LID Treatment Reduction Credit Calculation *(If more than one category applies, choose only one of the applicable categories and fill out the table for that category.)*

Category	Impervious Area Created/Replaced (sq. ft.)	Site Coverage (%)	Project Density or FAR	Density/Criteria	Allowable Credit (%)	Applied Credit (%)
A			NA	NA	100%	100%
B				Res ≥ 50 DU/ac or FAR ≥ 2:1	50%	
				Res ≥ 75 DU/ac or FAR ≥ 3:1	75%	
				Res ≥ 100 DU/ac or FAR ≥ 4:1	100%	
C[2]				**Affordable Housing credit (select one):**		
				The minimum percentage of the DUs meet the 70% credit requirements listed in **Table 1**.	70%	
				The minimum percentage of the DUs meet the 50% credit requirements listed in **Table 1**.	50%	
				The minimum percentage of the DUs meet the 25% credit requirements listed in **Table 1**.	25%	
				Location credit (select one)[3]:		
				Within ¼ mile of transit hub	5%	
				Within a planned Priority Development Area (PDA)[4]	10%	
				Density credit (select one):		
				Gross density ≥ 40 DU/Ac	5%	
				Gross density ≥ 60 DU/Ac	10%	
				Gross density ≥ 100 DU/Ac	15%	
				Parking credit (select one):		
				Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones	5%	
				TOTAL CATEGORY C CREDIT =		100%

[2] For any Category C Special Project, the total maximum LID Treatment Reduction Credit allowed is the sum of four different types of credits that the Category C Special Project may qualify for, namely: Affordable Housing + Location, Density + Minimized Surface Parking Credits. A Category C Special Project must at least qualify for an Affordable Housing credit before it can earn any credits in the other categories.

[3] To qualify for a Location Credit, 100% of the Category C Special Project's site must be located within the ¼-mile radius of an existing or planned transit hub.

[4] A "planned Priority Development Area" is an infill development area formally designated by the Association of Bay Area Government's Metropolitan Transportation Commission's FOCUS regional planning program.

Special Projects Worksheet (continued)

3. Narrative Discussion of the Feasibility/Infeasibility of 100% LID Treatment:

If project will implement less than 100% LID, prepare a discussion of the feasibility or infeasibility of 100% LID treatment, as described in Appendix J of the C.3 Technical Guidance.

4. Select Certified Non-LID Treatment Measures:

If the project will include non-LID treatment measures, select a treatment measure certified for "Basic" General Use Level Designation (GULD) by the Washington State Department of Ecology's Technical Assessment Protocol – Ecology (TAPE). Guidance is provided in Appendix J of the C.3 Technical Guidance.[5]

Special Projects Worksheet Completed by:

Signature — 1/29/2025 Date

Gregory Trela

Print or Type Name

Table 1 Affordable Housing Credit Table

AMI	Minimum Percentage of DUs		
	70% credit	50% credit	25% credit
Moderate (≤120% of AMI)	100	75	50
Low (≤80% of AMI)	75	50	25
Very Low (≤50% of AMI)	50	25	15
Extremely Low (≤30% of AMI)	25	15	5

[5] TAPE certification is used in order to satisfy Special Project's reporting requirements in the MRP.

SPECIAL PROJECT NARRATIVE

SANDIS

9/20/2024
Project #: 624069

City of Berkeley Public Works Department
2180 Milvia St. #3
Berkeley, Ca 94704

RE: 2425 Durant Ave.
Narrative Discussion of Low Impact Development Feasibility/Infeasibility

To Whom it May Concern,

This letter provides a narrative discussion of the feasibility or infeasibility of providing 100 percent low impact development (LID) treatment for 2425 Durant Ave., which has been identified as a potential Special Project, based on Special Project criteria provided in Provision C.3.e.ii of the Municipal Regional Stormwater Permit (MRP). This letter is prepared in accordance with the requirement in MRP Provision C.3.e.vi.(2). to include in Special Projects reporting a narrative discussion of the feasibility or infeasibility of 100 percent LID treatment onsite or offsite.

Feasibility/Infeasibility of Onsite LID Treatment

The project site was reviewed with regard to the feasibility and infeasibility of onsite LID treatment. The results of this review showed that it was infeasible to treat 100 percent of the C.3.d amount of runoff with LID treatment. The findings of this review are presented below.

a. **On-site Drainage Conditions.** The project site will be occupied by a proposed high rise building. The entire site will be contained in one drainage management area which will outfall into one treatment device (i.e. media filter).

b. **Constraints to Providing On-site LID.** The drainage management area that is proposed to drain to a vault-based high flow rate media filter includes some areas that are not covered by buildings. However, these areas make up 15% of the property area due to the building footprint which takes up 85% of the property. The at-grade areas are being used for egress and therefore are not physically able to contain bioretention areas. With the inclusion of setbacks from the building foundation, this severely precludes the project from accommodating pervious surfaces at grade or other forms of LID treatment.

Feasibility/Infeasibility of Off-Site LID Treatment. The possibility of providing off-site LID treatment was found to be infeasible. The owner does not own or control land within the same watershed of the project site which can accommodate in perpetuity off-site bioretention facilities adequately sized to treat the runoff volume of the primary project. The project team is also unaware of any regional LID stormwater mitigation program available to the project for in-lieu C.3 compliance.

Regards,

SANDIS
Nathan Allen
Project Manager

BUILD ON. | 1

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

I. Applicability C.3 Stormwater Requirements
All projects must complete Section I.

I.A. Enter Project Data *(Data for "C.3 Regulated Projects," will be reported in the municipality's stormwater Annual Report.)*

I.A.1 Project Name:	2425 DURANT AVE. HOUSING		
I.A.2 Project Address (include cross street)	2425 DURANT AVE, BERKELEY, CA 94704 (MIDBLOCK BETWEEN DANA ST & TELEGRAPH AVE.)		
I.A.3 Project APN(s)	55-1878-7-1		
I.A.4 Project Watershed[1]	POTTER AND DERBY CREEKS WATERSHED		
I.A.5 Applicant Name	YES DUFFY ARCHITECTS		
I.A.6 Date Submitted	01/31/2025		
I.A.7 Applicant Address	1250 ADDISON ST, UNIT 105, BERKELEY, CA 94702		
I.A.8 Applicant Phone	510.214.3676	I.A.9 Applicant E-mail Address	YES@YESDUFFY.COM
I.A.10 Development Type (check all that apply)	☒ Residential ☐ Commercial ☐ Industrial ☐ Mixed-Use ☐ Streets, Roads, etc. ☐ Detached Single Family Home ☐ Redevelopment[2]		
I.A.11 Project Description (Include any past or future phase of the project)	HI-RISE RESIDENTIAL BUILDING		
I.A.12 Total Project Area	11,235 SF	I.A.13 % Slope on Site	3%
I.A.14 Total Land Disturbance Area (Include all areas to be cleared, excavated, graded, and borrow and stockpile areas)	11,500 SF		

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b or a Small Project per MRP Provision C.3.i

I.B.1 Complete the ***Impervious and Pervious Surfaces Table***

Type of Impervious Surface[3]	a Pre-Project Impervious Area (sq ft)	b Existing Impervious Area to be Replaced (sq ft[4])	c New Impervious Area to be Created (sq ft)	d Post-Project Pervious Area (sq ft)
a. Impervious roof area(s)[5]	5,195	6,210	1,675	
b. Impervious sidewalks, patios, paths, driveways[6]	3,430	2,375	925	
c. Uncovered impervious parking[7]	0	0	0	NA
d. Streets (public)	1,310	150	0	
e. Streets (private)	0	0	0	
Totals	9,935	8,735	2,600	100

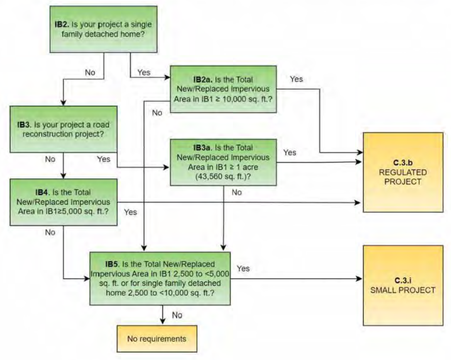
[1] Watershed is defined by the maps from the Alameda County Flood Control District at http://acfloodcontrol.org/resources/explore-watersheds
[2] As defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred.
[3] A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater.
[4] Replaced impervious area means any impervious area that is removed and replaced in kind or upgraded. See Chapter 2 of the *C.3 Technical Guidance*.
[5] Exclude green roofs.
[6] A gravel surface is an impervious surface, except when it is constructed as part of appropriately designed pervious pavement system.
[7] Uncovered parking includes top level of a parking structure unless drainage from the uncovered portion is connected to the sanitary sewer along with the covered portions of the parking structure.

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

Existing Impervious Area to remain in place	NA
Total New/Replaced Impervious Area *(sum columns b and c)*	11,335

I.B. Is the project a "C.3 Regulated Project per MRP Provision C.3.b or a Small Project per MRP Provision C.3.i (cont'd)

	Yes	No	NA
I.B.2 Is your project a single family detached home? If Yes go to I.B.2.a; if NO go to I.B.3	☐	☒	☐
I.B.2.a Is the Total New/Replaced Impervious Area in I.B.1 ≥10,000 sq ft? If YES, your project is a C.3.b Regulated Project. (See I.D). If NO go to I.B.5.	☐	☐	☒
I.B.3 Is your project a road reconstruction project? If YES go to I.B.3.a; if NO go to I.B.4	☐	☒	☐
I.B.3.a Is the Total New/Replaced Impervious Area in I.B.1 ≥1 acre (43,560 sq ft)? If YES, your project is a C.3.b Regulated Project. (See I.D)	☐	☐	☒
I.B.4 Is the Total New/Replaced Impervious Area in I.B.1 ≥5,000 sq ft? If YES, your project is a C.3.b Regulated Project. If NO go to I.B.5	☒	☐	☐
I.B.5 Is the Total New/Replaced Impervious Area in I.B.1 2,500 to <5,000 sq ft or for single family detached home 2,500 to <10,000 sq ft? If Yes, your project is a C.3.i Small Project.	☐	☐	☒



Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

I.C. Pervious Pavement Systems

I.C.1 Will your project install 3,000 sq ft or more of pervious pavement systems (not including private-use patios at residences)? If **YES, stormwater treatment system inspection requirements (C.3.h) apply.** (Municipal staff – add this site to your list of sites needing a final inspection at the end of construction and on-going O&M inspections.)	☐	☒	☐

I.D. Projects not regulated by C.3
If your project is not regulated by C.3.b or C.3.i you are not subject to stormwater treatment requirements, however you are encouraged to incorporate site design and source control measures. The municipality may determine that source controls and site design measures are required for your project, if so, you must complete Section II and if required by the municipality, complete Sections III.A and III.B.

I.E. C.3.i Small Projects
If your project is regulated by C.3.i you are considered a "Small Project" and must implement site design (See III.A) and source control requirements (See III.B). You are not required to implement stormwater treatment requirements. You must complete Sections II, III.A, and III.B.

I.F. C.3.b Regulated Projects
If your project is a C.3.b regulated project, the project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required. Complete Sections II, III, and V.

II. Applicability C.6 Stormwater Requirements
All projects must complete Section II.

	Yes	No
II.A Does the project disturb one acre or mors of land? If YES you are required to obtain coverage under the State Construction Stormwater Permit, see https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html. You must submit your WDID number and Stormwater Pollution Prevention Plan to the municipality before a building or grading permit will be issued. You do not need to complete Section IV.	☐	☒
II.B Does the project disturb less than one acre of land? If NO, you are subject to MRP C.6 requirements. Complete Section IV to identify best management practices (BMPs) that will be in the erosion control plan and implemented during construction.	☒	☐
II.C. Priority Inspection Factors	☐	☐
II.C.1 Is the project 1 acre or more?	☐	☒
II.C.2 Does the project require a grading permit?	☒	☐
II.C.3 Is the project adjacent to a creek or waterway?	☐	☒
II.C.4 Is the project in a municipally defined hillside development area or meet local hillside criteria?	☐	☒
II.C.5 Does the project site have a slope of >15% and disturb ≥ 5,000 sq ft?	☐	☒
II.C.6 Does the project involve demolition of a structure subject to the PCBs Building Demolition requirements? If yes the completion of the PCBs Building Material Demolition is required. WILL INCL. W/PERMIT	☐	☐

(Municipal staff – refer projects answering YES to any questions in section II.C to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30) and other times of the year as appropriate.)

YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
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yes@yescommunityarchitects.com

DATE _____, 2025

SANDIS
MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 08/06/2024
Project No. 24001
Drawn by SEC
Checked by NQA

Drawing Title

STORMWATER SUPPLEMENTAL FORMS

Sheet No.

C2.1

Scale N.T.S.

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C2.1 STORMWATER SUPPLEMENTAL FORMS.dwg Date:Jan 29, 2025

STORMWATER REQUIREMENTS CHECKLIST

III. Implementation of C.3 Stormwater Requirements

C.3.b Regulated Projects must complete all of Section III.
C.3.i Small Projects must complete Sections III.A and III.B.
Projects not regulated by C.3 must complete Sections III.A and III.B if directed by the municipality.

III.A Select Appropriate Site Design Measures

C.3.b Regulated Projects must implement appropriate and feasible site design measures.
C.3.i Small Projects must implement at least one of site design measures listed in items a-f.
Projects not regulated by C.3 are encouraged to implement appropriate site design measures and those directed by the municipality.

Site Design Measure	Plan Sheet #	Yes	No
a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.		☐	☒
b. Direct roof runoff onto vegetated areas.		☐	☒
c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.		☒	☐
d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.		☐	☒
e. Construct sidewalks, walkways, and/or patios with pervious pavement systems.[8]		☐	☒
f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious pavement systems.[8]		☐	☒
g. Minimize land disturbance and impervious surface (especially parking lots).		☒	☐
h. Maximize permeability by clustering development and preserving open space.		☐	☒
i. Use micro-detention, including distributed landscape-based detention.		☐	☒
j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.		☐	☒
k. Self-treating area (see Chapter 5 of the *C.3 Technical Guidance*)		☐	☒
l. Self-retaining area (see Chapter 5 of the *C.3 Technical Guidance*)		☐	☒

III.B Select Appropriate Source Control Measures

C.3.b Regulated Projects must select and implement appropriate source control measures.
C.3.i Small Projects and projects not regulated by C.3 are encouraged to select and implement appropriate source control measures and those directed by the municipality.

Features in the project?		Features requiring source controls	Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?		
Yes	No			Yes	NO	Plan Sheet #
☒	☐	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	☐	☐	WILL INCL. W/PERMIT
☐	☒	Floor Drains	Plumb interior floor drains to sanitary sewer[9] [or prohibit].	☐	☐	
☐	☒	Parking garage	Plumb interior parking garage floor drains to sanitary sewer.[9]	☐	☐	
☒	☐	Landscaping	• Retain existing vegetation as practicable. • Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. • Minimize use of pesticides and quick-release fertilizers. • Use efficient irrigation system; design to minimize runoff.	☐	☐	WILL INCL. W/PERMIT
☐	☒	Pool/Spa/ Fountain	Provide connection to the sanitary sewer to facilitate draining.[9]	☐	☐	
☐	☒	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: • Connected to a grease interceptor prior to sanitary sewer discharge.[9] • Large enough for the largest mat or piece of equipment to be cleaned. • Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off and signed to require equipment washing in this area.	☐	☐	

[8] Use the specifications in the *C.3 Technical Guidance* or for small projects see the *BASMAA Pervious Paving Factsheet*. For these documents and others go to www.cleanwaterprogram.org and click on "Resources."
[9] Any connection to the sanitary sewer system is subject to sanitary district approval.

Features in the project?		Features requiring source controls	Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?		
Yes	No			Yes	NO	Plan Sheet #
☐	☒	Refuse Areas	• Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. • Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.[9]	☐	☐	
☐	☒	Outdoor Process Activities [10]	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer.[9]	☐	☐	
☐	☒	Outdoor Equipment/ Materials Storage	• Cover the area or design to avoid pollutant contact with stormwater runoff. • Locate area only on paved and contained areas. • Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer[9], and contain by berms or similar.	☐	☐	
☐	☒	Vehicle/ Equipment Cleaning	• Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer,[9] and sign as a designated wash area. • Commercial car wash facilities shall discharge to the sanitary sewer.[9]	☐	☐	
☐	☒	Vehicle/ Equipment Repair and Maintenance	• Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. • No floor drains unless pretreated prior to discharge to the sanitary sewer.[9] • Connect containers or sinks used for parts cleaning to the sanitary sewer.[9]	☐	☐	
☐	☒	Fuel Dispensing Areas	• Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. • Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.	☐	☐	
☐	☒	Loading Docks	• Cover and/or grade to minimize run-on to and runoff from the loading area. • Position downspouts to direct stormwater away from the loading area. • Drain water from loading dock areas to the sanitary sewer.[9] • Install door skirts between the trailers and the building.	☐	☐	
☒	☐	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer.[9]	☐	☐	WILL INCL. W/PERMIT
☐	☒	Miscellaneous Drain or Wash Water	• Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.[9] • Roof drains shall drain to unpaved area where practicable. • Drain boiler drain lines, roof top equipment, all wash water to sanitary sewer. [9]	☐	☐	
☐	☒	Architectural Copper	Discharge rinse water to sanitary sewer [9] or collect and dispose properly offsite. See flyer *Requirements for Architectural Copper*.	☐	☐	

[10] Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

III.C Stormwater Treatment Measures

C.3.b Regulated Projects must select and implement stormwater treatment measures to manage the C.3.d numeric sizing criteria. Complete the applicable sections below.

Yes	No	
☒	☐	**III.C.1 Is the project a Special Project?** (See Appendix J of the *C.3 Technical Guidance* for Special Project criteria.) If YES, complete the Special Projects Worksheet and consult with municipal staff about the need to prepare a discussion of the feasibility and infeasibility of 100% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method*, and percentage of the amount of runoff specified in Provision C.3.d that is treated.

	Non-LID Treatment	Hydraulic Sizing Method (See Note 1)	% of C.3. Amount of Runoff Treated
☒	Media filter	2(C)	100%
☐	Tree well filter		

☐	☒	**III.C.2 Is the project using biotreatment to treat the C.3.d amount of runoff?** (See the *C.3 Technical Guidance* for information on infiltration and rainwater harvesting[11] and use of stormwater.) If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method*:

Biotreatment Measures	Hydraulic sizing method (See Note 1)
☐ Bioretention area	
☐ Flow-through planter	
☐ Other (specify):	

Note 1. Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used:

1. Volume based approaches – Refer to Provision C.3.d.i.(1):
   1(a) Urban Runoff Quality Management approach, or
   1(b) 80% capture approach (recommended volume-based approach).
2. Flow-based approaches – Refer to Provision C.3.d.i.(2):
   2(a) 10% of 50-year peak flow approach,
   2(b) Percentile rainfall intensity approach, or
   2(c) 0.2-Inch-per-hour intensity approach (this is recommended flow-based approach AND the basis for the 4% rule of thumb described in Section 7.1 of the C.3 Technical Guidance).
3. Combination hydraulic sizing approach – Refer to Provision C.3.d.i.(3):
   If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

III.D Hydromodification Management (HM) Requirements

C.3.b Regulated Projects must complete this section

	YES	NO
III.D.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious area? If YES continue to item III.D.2. If NO, this project is not subject to the HM requirements.	☐	☒
III.D.2 Is the total impervious area increased from the pre-project condition? If YES continue to item III.D.3. If NO, this project is not subject to the HM requirements.	☐	☐
III.D.3 Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? (See HMP Susceptibility Map.) If NO continue to III.D.4. If YES the project is exempt from HM requirements. Attach map indicating project location. Skip to III.D.6 and check "NO".	☐	☐
III.D.4 Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map? If YES Project is subject to HM requirements. Attach map indicating project location. Skip to III.D.6 and check "YES.". If NO, continue to III.D.5.	☐	☐
III.D.5 For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?	☐	☐

[11] The MRP no longer requires that a feasibility analysis of infiltration and rainwater harvesting be conducted. However, applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow. If feasible and desired, infiltration and rainwater harvesting may be cost effective solutions depending on the project.

If YES, the project is exempt from HM requirements. Attach signed statement by qualified professional. Go to III.D.6 and check "NO." If NO, the project is subject to HM requirements. Attach map indicating project location. Go to Item G.6 and check "YES."	☐	☐

III.D.6 Is the project a Hydromodification Management Project?

☐ YES the project is subject to the *HM requirements in MRP Provision C.3.g.*

☒ NO, the project is not subject to the HM requirements.

➢ If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See https://www.clearcreeksolutions.info/bajhm-download-page. Guidance is provided the *C.3 Technical Guidance*.

IV. Implementation of C.6 Construction Phase Requirements

All projects must complete Section IV.

IV.A Select Appropriate Construction Phase BMPs[12]

BMP	Plan Sheet #	Yes	No
Attach the municipality's construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.	WILL INCL. W/PERMIT	☒	☐
Implement temporary erosion controls to stabilize all disturbed areas until permanent erosion controls are established.	WILL INCL. W/PERMIT	☒	☐
Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.		☐	☒
Provide notes, specifications, or attachments describing: • Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; • Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; • Specifications for vegetative cover and mulch, include methods and schedules for planting and fertilization; • Provisions for temporary and/or permanent irrigation.	WILL INCL. W/PERMIT	☒	☐
Perform clearing and earth moving activities only during dry weather.		☐	☒
Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.		☐	☒
Protect all storm drain inlets in vicinity of site using drop inlet protection	WILL INCL. W/PERMIT	☒	☐
Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, erosion control blankets, covers for soil stock piles, etc.		☒	☐
Divert on-site runoff around disturbed areas and construction materials, divert off-site runoff around the site (e.g., swales and dikes).		☐	☒
Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.		☐	☒
No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained for proper management and spill controls are in place.	WILL INCL. W/PERMIT	☒	☐
Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.	WILL INCL. W/PERMIT	☒	☐
Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs.	WILL INCL. W/PERMIT	☒	☐
Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.	WILL INCL. W/PERMIT	☒	☐

[12] Additional information on Construction Phase BMPs can be found is MRP Provision C.6 and the California Stormwater Quality Association's Construction BMP Handbook.

V. Stormwater Treatment Measure and/HM Control Owner or Operator's Information

C.3.b Regulated Projects must complete Section V. WILL INCL. W/PERMIT SUBMITTAL

Name	2425 Durant Avenue LLC
Address	29 Orinda Way, #2060, Orinda, CA 94563
Phone	510.306.4678
Email	qian.wang@collabhome.io

➢ *Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.*

Name of Applicant Completing Form	Gregory Trela
Signature	
Date	1/29/2025

VI. For Completion by Municipal Staff

[This section is only applicable for C.3.b Regulated Projects)

	YES	NO
VI.1 Alternative Certification Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?	☐	☐
Name of Reviewer:	☐	☐
VI.2 Confirm Operations and Maintenance (O&M) Submittal Complete for C.3.b Regulated Projects and HM Projects	☐	☐
VI.2.a Was the maintenance plan submitted?	☐	☐
VI.2.b Was the maintenance plan approved?	☐	☐
VI.2.c Was the maintenance agreement approved?	☐	☐
Date maintenance agreement was executed:		

VI.3 HM Controls (if required) Are the applicable items for HM compliance included in the plan submittal?			
Documentation for HM Compliance	**YES**	**NO**	**NA**
Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement	☐	☐	☐
Soils report or other site-specific document showing soil types at all parts of site	☐	☐	☐
If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.	☐	☐	☐
If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.	☐	☐	☐
If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).	☐	☐	☐
If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.	☐	☐	☐

➢ Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.

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yes@yescommunityarchitects.com

DATE _____, 2025

SANDIS MICHAEL A. KUYKENDALL R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 08/06/2024
Project No. 24001
Drawn by SEC
Checked by NQA

Drawing Title
STORMWATER SUPPLEMENTAL FORMS

Sheet No.
C2.2

Scale N.T.S.

LANDSCAPE SITE PLAN NOTES:

PLANT TREES IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6)-2012, PLANTING AND TRANSPLANTING WHICH OUTLINES ITEMS SUCH AS PLANTING IN PLANTING PITS TWICE THE SIZE OF THE ROOT BALL, LEAVING THE TREE 1 INCH HIGHER THAN NATURAL GRADE, BACK FILLING THE HOLE WITH NATIVE SOIL.

IRRIGATION IS REQUIRED.

REMOVE THE NURSERY STAKE AND REPLACING WITH A TWO-STAKE SYSTEM THAT ENCOURAGES TREE MOVEMENT.

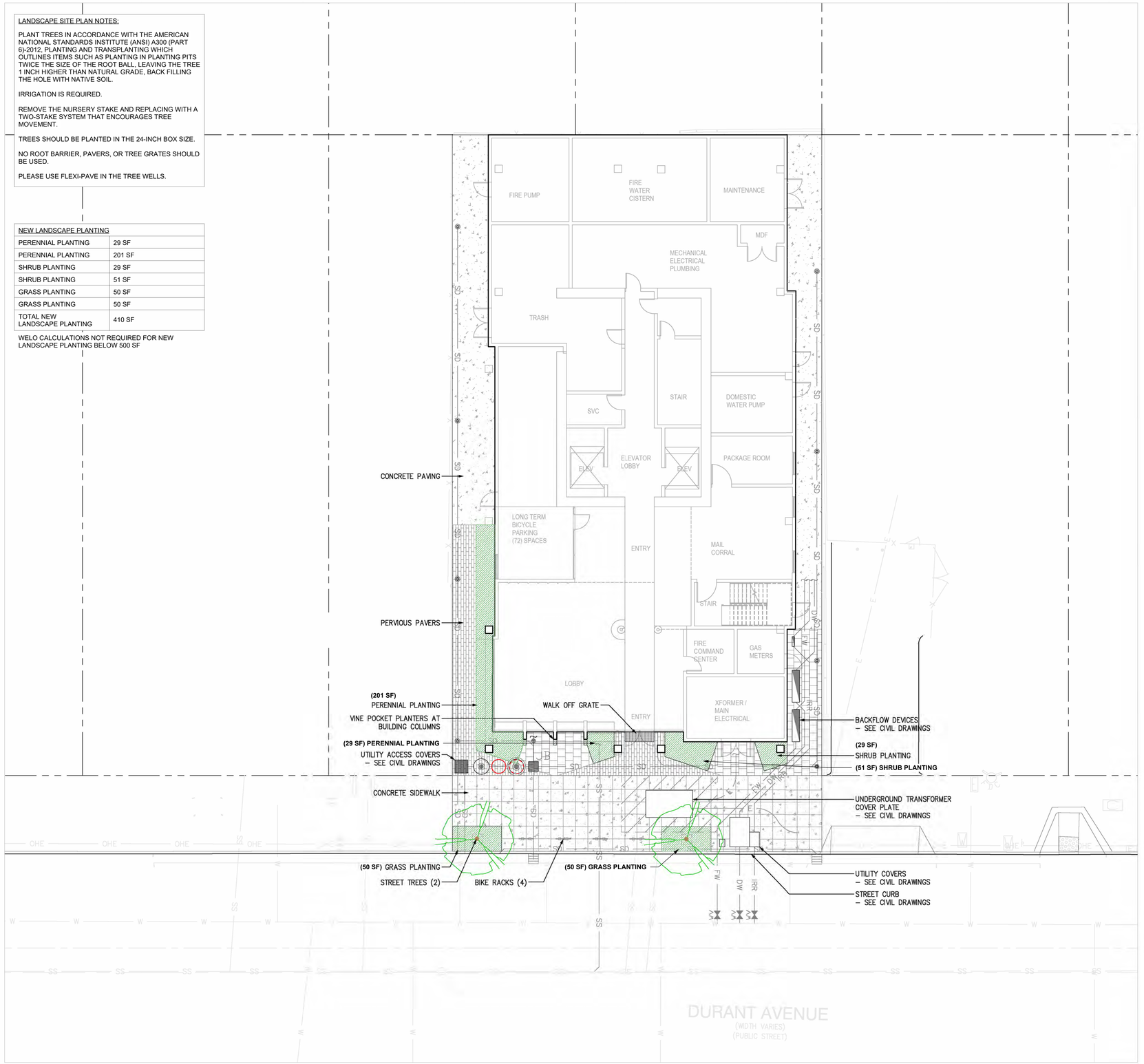
TREES SHOULD BE PLANTED IN THE 24-INCH BOX SIZE.

NO ROOT BARRIER, PAVERS, OR TREE GRATES SHOULD BE USED.

PLEASE USE FLEXI-PAVE IN THE TREE WELLS.

NEW LANDSCAPE PLANTING	
PERENNIAL PLANTING	29 SF
PERENNIAL PLANTING	201 SF
SHRUB PLANTING	29 SF
SHRUB PLANTING	51 SF
GRASS PLANTING	50 SF
GRASS PLANTING	50 SF
TOTAL NEW LANDSCAPE PLANTING	410 SF

WELO CALCULATIONS NOT REQUIRED FOR NEW LANDSCAPE PLANTING BELOW 500 SF



N

0 5 10 FT

LEGEND

PROPERTY LINE

CAST IN PLACE CONCRETE PAVING

PLANTING AREA

PERVIOUS PAVING
Eco Promenade
by Unilock
3" x 12" precast concrete paver

PLANTING PALETTE

Street Tree
Quercus Gravesii
Grave's Oak

- deciduous

Grass
Carex tumulicola
Foothill Sedge

- native
- evergreen
- low water
- low maintenance

Shrub
Mahonia aquifolium
California Barberry

- native
- evergreen
- low water
- low maintenance

Groundcover
Asarum caudatum
Western Wild Ginger

- native
- evergreen
- low water
- low maintenance

Perennial
Heuchera maxima
Alum Root

- native
- evergreen
- low water
- low maintenance

Vine
Ficus pumila
Creeping Fig

- clinger to concrete columns
- low water
- low maintenance (easily trimmed)

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nicolaus.wright@gmail.com

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	NW
Checked by	NW

Drawing Title

LANDSCAPE SITE PLAN

Sheet No.

L1.0

Scale As indicated

File: G:\My Drive\Projects\2401_YDA_DurantTower\01_Current\00_Sheets\L1.0 SITE PLAN.dwg Date:Oct 01, 2024

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♠ Also admitted in Nevada
► Also admitted in New York and Alaska
◄ Admitted in Nevada and Washington
▲ Also admitted in Idaho
♦ Also admitted in New York
▼ Admitted in New York

October 27, 2025

Via Email and Hand Delivery

Mayor Adena Ishii and City
Councilmembers Rashi Kesarwani, Terry
Taplin, Ben Bartlett, Igor Tregub, Shoshana
O'Keefe, Brent Blackaby, Cecilia
Lunaparra, and Mark Humbert
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
council@berkeleyca.gov

City Clerk Mark Numainville
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
clerk@berkeleyca.gov

Re: Appeal to City Council of 2425 Durant Avenue Use Permit #ZP2024-0162

Dear Mayor Ishii, City Councilmembers Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, and Humbert, and City Clerk Numainville:

Our law office represents the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters"). We are writing on behalf of the Trades Council and Carpenters to appeal the approval by the City of Berkeley ("City") Zoning Adjustment Board ("ZAB") of Use Permit #ZP2024-0162 for the 2425 Durant Avenue project ("Project").[1] The Trades Council submitted comments to the ZAB ahead of its October 9, 2025 hearing and appeared at the hearing to oppose approval of the Use Permit as presented.[2]

The Project is proposed by Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 ("Applicant"). The Applicant applied for Use Permits from the City to demolish three existing residential buildings, including 19 rent-controlled dwelling units, and construct an approximately 148,940-square-foot residential building containing 169 dwelling units, including extremely low income, very low income, low income, and moderate income units on a 9750-square-foot lot.

[1] City of Berkeley Zoning Adjustments Board Notice of Decision, 2425 Durant Avenue, Date of Board Decision October 9, 2925, Date Notice Mailed October 14, 2025, Appeal Period Expiration October 28, 2025 ("Notice of Decision").

[2] Letter from Trades Council to ZAB re Application for Approval of 2425 Durant Project dated October 9, 2025.

This appeal is timely filed within fourteen (14) days of the City's October 14, 2025 mailing of the Notice of Decision, pursuant to Berkeley Municipal Code ("BMC") section 23.410.020. This appeal is accompanied by payment of the requisite fee of $3000.[3]

In particular, this appeal pertains to the Applicant's requested "Concessions" under the California State Density Bonus Law, Cal. Gov. Code § 65915 *et. seq.* ("SDBL"), which are as follows:

1. Concession from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040.

2. Concession from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050.

3. Concession from the **"Prevailing Wage Requirements"** in the Southside Plan as required by BMC Section 13.108(A).

Items 1 and 2 above are part of the City's HARD HATS Ordinance, which was adopted on May 2, 2023 and became effective on January 1, 2024. Item 3 above is part of the City's Southside Plan, as amended and adopted in November of 2023. For the reasons that follow, the concessions requested by the Applicant are improper under the SDBL and City policy and should be denied.

I. The City Should Not Grant Concessions that Waive Local Labor Standards

The City should not grant concessions under the SDBL that waive local labor standards. The Applicant is pursuing a novel and unorthodox strategy of using SDBL concessions to avoid three construction labor standards, namely, the requirement to participate in an apprentice training program, the requirement to provide health care, and the requirement to pay a living wage. The Trades Council and Carpenters have never encountered such concession requests before and are not aware of any project that has received similar concessions from the City (or any city). The requested concessions are an attempted misuse of the SDBL to avoid important labor standards that the City enacted to protect public health and safety.

During the October 9, 2025 ZAB meeting, a Commissioner stated that another project – or perhaps multiple projects – received concessions as to the HARD HATS Ordinance. After the meeting, we attempted to verify this with City staff and were told that was not the case (note that the projects referenced during the meeting predated the HARD HATS Ordinance).[4]

Subsection 65915(d)(1) of the SDBL provides:

> (d)(1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and

[3] Notice of Decision, page 3; BMC section 23.410.030.

[4] On October 21, 2024, our office made California Public Records Act request to the City seeking all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the City's HARD HATS Ordinance. We will supplement this letter in the event a response is received.

> county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:
>
> > (A) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
> >
> > (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
> >
> > (C) The concession or incentive would be contrary to state or federal law.[5]

Subsection 65915(k) of the SDBL defines a "concession or incentive" as either (1) a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards commission, for example, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces; (2) approval of mixed-use zoning; or (3) other regulatory incentives or concessions that result in identifiable and actual cost reductions to provide for affordable housing costs or for rents to be set at the statutory rate.[6]

By providing these examples, the Legislature clearly contemplated that concessions under the SDBL should relate to the physical characteristics of the development such as the location, number of units, design, or site improvements, or other aspects of the development that would "result in identifiable and actual cost reductions."

This is supported by the legislative intent of the SDBL, which is focused on allowing developers to include more total units in affordable housing projects than would otherwise be allowed by local zoning ordinances, and to cover some of the financing gap in affordable housing.[7] Notably, the Legislature also intended to "ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing."[8] In other words, the Legislature was mindful of the need to balance housing density with social benefits.

The requested prevailing wage concession is doubly in conflict with the intent of the SDBL because, in addition to threatening the health and safety of construction workers, the concession would reduce their wages and make the very housing they are building less affordable to them. This outcome would be antithetical to the intent and policy of the SDBL, which is ultimately to make housing more affordable.

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[5] Cal. Gov. Code § 65915(d)(1).
[6] Cal. Gov. Code § 65915(k).
[7] Cal. Gov. Code § 65915(u)(1)
[8] Cal. Gov. Code § 65915(u)(2).

Historically speaking, the SDBL waivers and concessions that have been granted by the City over the years have not posed this problem.

The SDBL should not be misused to allow developers to avoid minimum labor standards or other social benefits, especially where there has been no demonstration of an actual financial benefit that would result in more affordable housing.

II. The City Should Request Reasonable Documentation to Support the Concessions

The SDBL "does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus."[9] This includes incentives or concessions.[10] Moreover, the local government is also tasked with "provid[ing] the applicant with a determination as to the following matters:

> (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.
>
> (II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.
>
> (III) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

In the case of *Schreiber v. City of Los Angeles* (*Schreiber*), the Court of Appeal recognized that "[a] city or county is not prohibited from requesting or considering information relevant to cost reductions."[11] This is the case even though the statute places the ultimate burden of proof on the local government.[12] Accordingly, the City can and should take the position that the Applicant has not yet provided adequate information for the City to make a determination as to its requested concessions, and require the Applicant to provide reasonable documentation in support of same.

Here, the Applicant has not provided any evidence or information whatsoever to substantiate its requested concessions. The section of the application relating to the concessions reads as follows, in its entirety:

> A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. 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.

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[9] Cal. Gov. Code § 65915(a)(2).

[10] Cal. Gov. Code § 65915(b)(1).

[11] *Schreiber*, 69 Cal.App.5th at 557.

[12] Cal. Gov. Code § 65915(d)(4); *Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 556-557 ("This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), or waivers or reductions of development standards, as described in subdivision (e).")

The project is entitled to 3 concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

1. **Concession.** Exemption from the "Apprenticeship Requirements" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2.

2. **Concession.** Exemption from the "Health Care Expenditures" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3.

3. **Concession.** Exemption from the "Prevailing Wage requirements" in the Southside Plan as required by BMC Section 13.108(A)

The ZAB findings similarly do not provide any rationale whatsoever that would link the requested concessions to cost savings. Instead, the ZAB makes summary conclusions by referencing back to the law without any analysis or explanation.[13] Therefore, the Trades Council and Carpenters respectfully request that the City remand this matter to the ZAB to request reasonable documentation from the Applicant in support of the requested concessions, so the City can determine whether they should be granted.

III. The Requested Concessions Would Not Result In Identifiable and Actual Cost Reductions

The SDBL provides that when an applicant for a density bonus submits a proposal for specific incentives or concessions, the local government shall grant such incentives or concessions unless the local government makes a written finding based on substantial evidence that "the concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs…"[14]

As explained above, the Applicant has not provided any information at all regarding how the requested concessions would result in identifiable and actual cost reductions. Even though the law places the ultimate burden of proof on the City, the City may request information from the Applicant to make an initial *prima facie* showing of how the concessions would, in some way, actually save development costs. Here, given the importance of the labor standards in the HARD HATS Ordinance and the Southside Plan, the City should exercise this option.

IV. The Requested Concessions Would Have a Specific, Adverse Impact Upon Public Health and Safety

The SDBL also provides that when an applicant for a density bonus submits a proposal for specific incentives or concessions, the local government shall grant such incentives or concessions unless the local government makes a written finding based on substantial evidence that "the concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety… and for which there is no feasible method to satisfactorily mitigate or avoid the

[13] ZAB 2025-10-09 Findings, Page 6 of 11.
[14] Cal. Gov. Code § 65915(d)(1)(A).

specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households…"[15]

Working in construction is a particularly dangerous occupation. The construction industry is responsible for roughly 20% of all workplace fatalities in the U.S. despite employing only 10% of the U.S. workforce. Unfortunately, in recent years, there has been a disproportionately high number of construction worker fatalities in Berkeley specifically.[16]

This is, in large part, why the City of Berkeley adopted the HARD HATS ordinance requiring health care expenditures and apprenticeship participation. Section 13.107.020 of the ordinance states that it was adopted to ensure apprentices are competently trained, to enhance the good health of construction workers working in the City, and to promote retention and growth of a skilled labor pool in the City. The staff report recommending adoption of the ordinance echoed these concerns.

Waiving the requirement to participate in an apprentice training program, the requirement to provide health care, and the requirement to pay a living wage would therefore have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety.

(a) Health Care:

The construction industry has one of the highest injury rates among all occupations due to the nature of the work, which involves manual labor, working at heights, and exposure to hazardous materials. According to the Bureau of Labor Statistics, the construction industry accounted for 1,008 fatal work injuries in 2020, the highest of any industry sector.[17]

Research underscores the additional dangers faced by workers without health coverage. A recent publication from the UC Berkeley Labor Center found that California construction workers were 2.6 times more likely than other California workers to be uninsured, and that California construction workers and/or their dependents account for a disproportionately high percentage of spending on Medicaid/CHIP.[18] In addition, the Center for Construction Research & Training's analysis of nationwide data found that the high uninsured construction worker rate is driven by non-union-signatory employers.[19] Finally, a 2009 study conducted by Harvard Medical School and Cambridge Health Alliance found that uninsured, working-age Americans have a 40% higher risk of death compared to those with insurance.[20] For construction workers, whose jobs already involve elevated hazards, the absence of health coverage magnifies these risks.

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[15] Cal. Gov. Code § 65915(d)(1)(B); see also, Cal. Gov. Code § 65915(d)(3) ("This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.")

[16] See, https://www.berkeleyside.org/2019/06/17/family-files-wrongful-death-lawsuit-after-construction-worker-fatality-in-berkeley.

[17] See, https://www.bls.gov/opub/ted/2022/a-look-at-workplace-deaths-injuries-and-illnesses-on-workers-memorial-day.htm.

[18] See, https://laborcenter.berkeley.edu/the-public-cost-of-low-wage-jobs-in-californias-construction-industry/.

[19] See, https://public.tableau.com/shared/KXZ6KK49F?:display_count=n&:origin=viz_share_link.

[20] See, https://news.harvard.edu/gazette/story/2009/09/new-study-finds-45000-deaths-annually-linked-to-lack-of-health-coverage/.

This is precisely why the City of Berkeley adopted health care expenditure requirements in the HARD HATS Ordinance, to ensure that contractors in the City are not shirking their responsibility to address the health care needs of workers and their families. Allowing the Applicant to avoid this requirement would undermine the City's protective framework and place workers' health at greater risk.

(b) Apprenticeship:

State and federal oversight of apprenticeship programs extends back more than 80 years. In California, construction apprenticeship program standards require several years of on-the-job training for specific work processes, a ratio of apprentices to journey-level employees, hours of classroom training, including health and safety training, and a living wage. Notably, construction employers are less likely in the absence of a collective bargaining agreement to invest in employee training than is the case in other industries.[21]

The HARD HATS Ordinance attempts to level this playing field by requiring all contractors working on the Project to participate in either a joint labor-management apprenticeship program or a program that meets minimum graduation standards. By doing so, the City is ensuring that all apprentices on large development projects in the City are well trained and competently supervised, which is of utmost importance to public health and safety.

(c) Prevailing Wages

There is a robust statistical connection between wage rates – including living wage and prevailing wage rates – and job safety. In California, this is reflected in our "dual wage" workers compensation system, where higher-paid employees have a lower workers' compensation insurance rate than lower-paid employees. This is because higher-paid employees are less likely to produce adverse workers' compensation losses, because their superior training and experience results in safer job sites.

A 2019 study in the publication Public Works Management & Policy found that repealing state prevailing wage laws actually contributed to workplace hazards.[22] Doing so increased construction injury rates across various types of injuries, from 11.6% to 13.1% as the seriousness of injuries increased. Disabilities also increased by 7.5% to 8.2%.

By requiring prevailing wages to be paid in the Southside Plan, the City is promoting the use of a skilled, stable workforce – one less prone to accidents and workers' compensation claims. This not only protects workers but incentivizes responsible contractors who maintain high safety standards. Exempting the Project from the Southside Plan's prevailing wage requirement would directly undermine these protections.

For the reasons set forth in sections (a), (b), and (c) above, allowing contractors working on the Project to avoid the City's health care expenditure, apprenticeship participation, and prevailing wage requirements would have a specific, adverse impact upon public health and safety, and the Applicant's request for these concessions should be denied.

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[21] Waddoups, C. Jeffrey. 2014. "Union Coverage and Work-Related Training in the Construction Industry." Industrial & Labor Relations Review. 67:2 (532-555).

[22] Li, Z., Zorigtbaatar, C., Pleités, G., Fenn, A., & Philips, P. (2019). The Effect of Prevailing Wage Law Repeals and Enactments on Injuries and Disabilities in the Construction Industry. *Public Works Management & Policy*, 24(4), 368-384. https://doi.org/10.1177/1087724X18822600 (Original work published 2019).

V. Conclusion

The Trades Council and Carpenters respectfully request that City Council either reverse the ZAB decision approving the Use Permit with the proposed concessions, reverse the ZAB decision with respect to the proposed concessions but approve the remainder of the Use Permit, or remand the matter to the ZAB to reconsider the application in light of the foregoing.[23] Additionally, the Trades Council and Carpenters request that City Council direct staff to request supporting documentation from the Applicant and confer with the Applicant regarding the grounds for its requested concessions, and, if appropriate, request that the Applicant voluntarily agree to rescind its request in order to promote health and safety and the public benefits that would otherwise derive from the Project.

The Trades Council and Carpenters request that the City schedule a hearing on this appeal before the City Council at the earliest feasible date.[24] The Trades Council and Carpenters reserve the right to submit additional correspondence and evidence concerning this appeal prior to the hearing date.[25]

Thank you for your consideration of this appeal. Feel free to contact the undersigned with any questions or concerns.

Sincerely,

Jolene Kramer

Andrea Matsuoka

cc. City of Berkeley Planning Department, via e-mail only (planning@berkeleyca.gov)

[23] BMC section 23.410.040(G).
[24] BMC section 23.410.040(A).
[25] BMC section 23.410.040(F).

Zoning Adjustments Board Staff Report

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 **Property Owner**: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563 **Project Address:** 2425 Durant Avenue **General Plan:** RMU (Residential Mixed-Use) **Area Plan:** Southside Area Plan **Zoning:** R-SMU (Residential Southside Mixed Use District) **Site Size:** 9,750 square feet (0.22 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Date Submitted:** November 15, 2024 **Vesting Date:** November 21, 2024	**Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.** **Zoning Permits Requested:** 1. **Demolition.** BMC Section 23.326.030(B)(1)(c) **"Demolition of Residential Units"** to demolish residential units (UPPH) 2. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a new Multi-Family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). 4. **Projections Above Height Limit**s. BMC Section 23. 304.050 **"Allowed Projections Above Height Limit** "to allow for Projections Above Height Limit (AUP) **Density Bonus**

LAND USE PLANNING

Zoning Adjustments Board Staff Report

Date Deemed Complete: March 13, 2025

Project Planner: Nilu Karimzadegan

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height)
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required

Concessions:

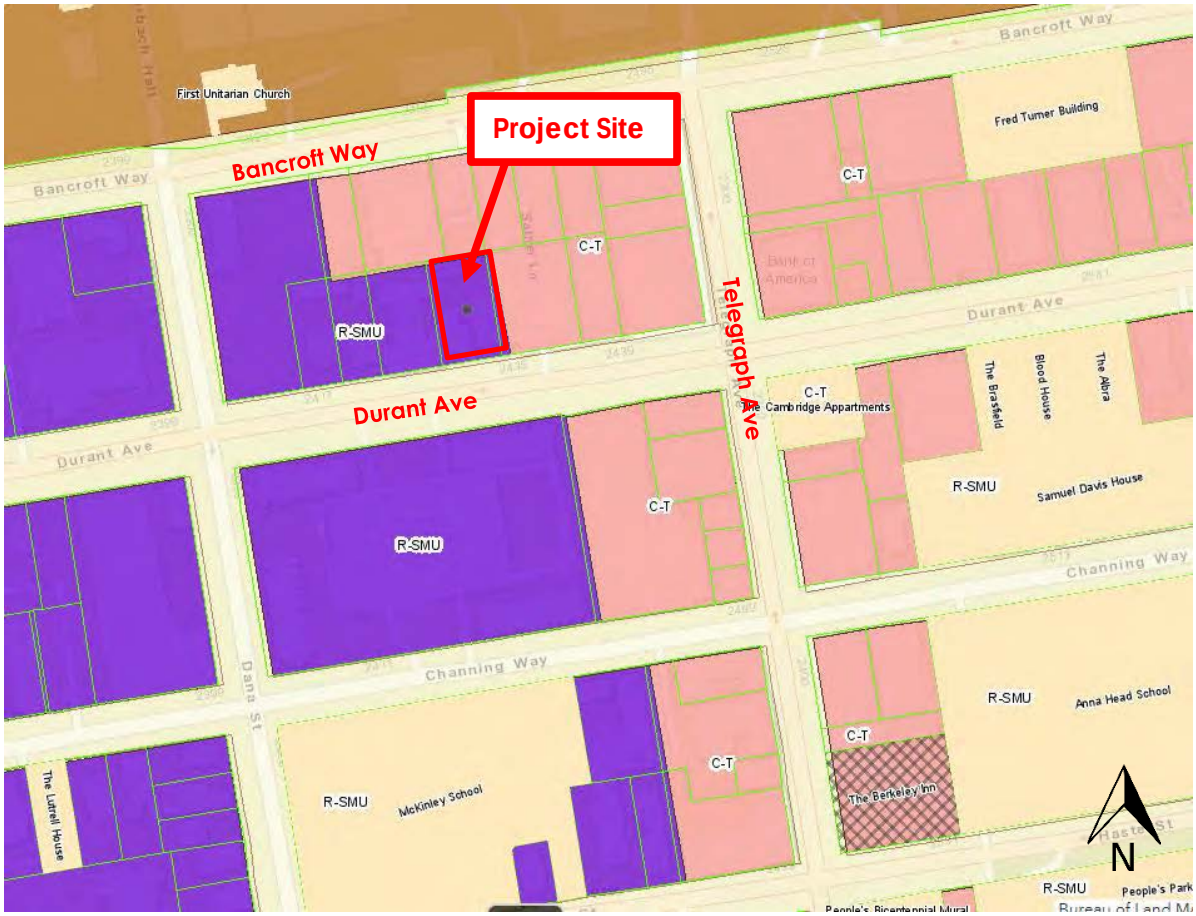
1. Concession from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **"Prevailing Wage requirements"** in the Southside Plan as required by BMC Section 13.108(A)

Staff Recommendation:

Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2024-0162 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

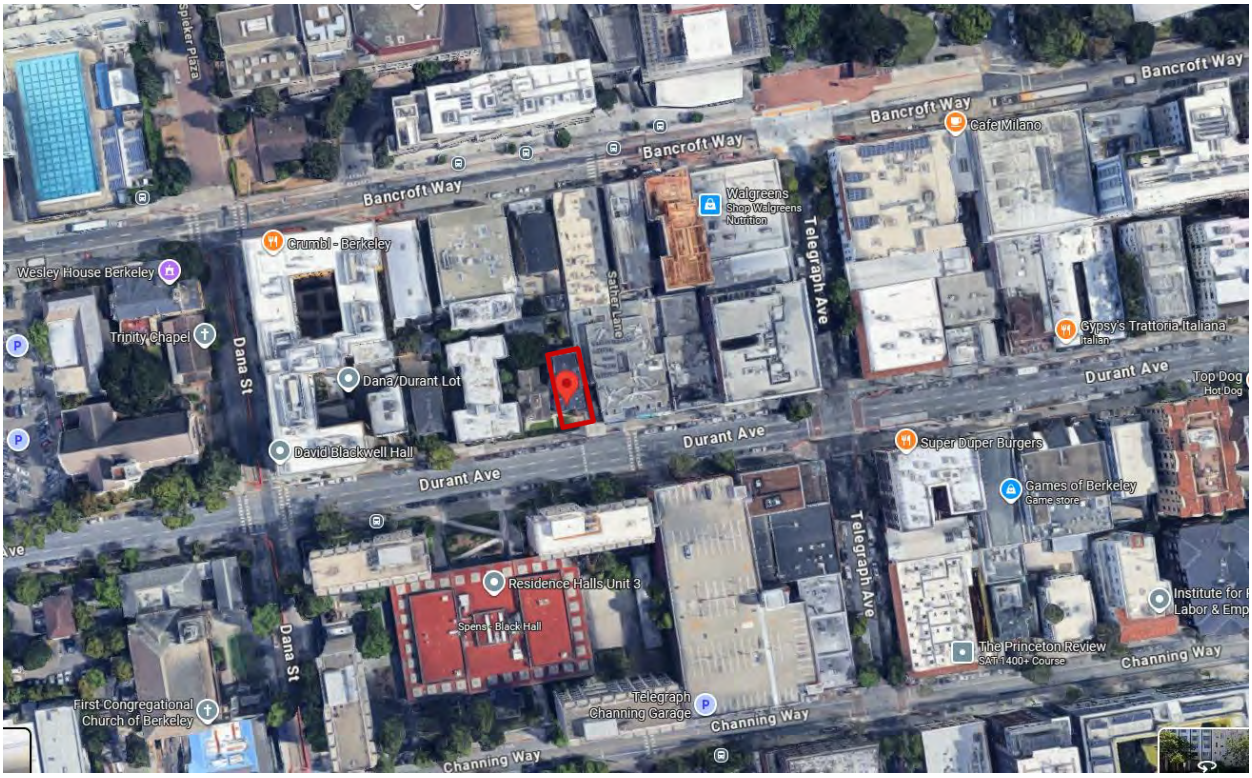
ZONING MAP

Figure 1: Vicinity and Zoning Districts Map

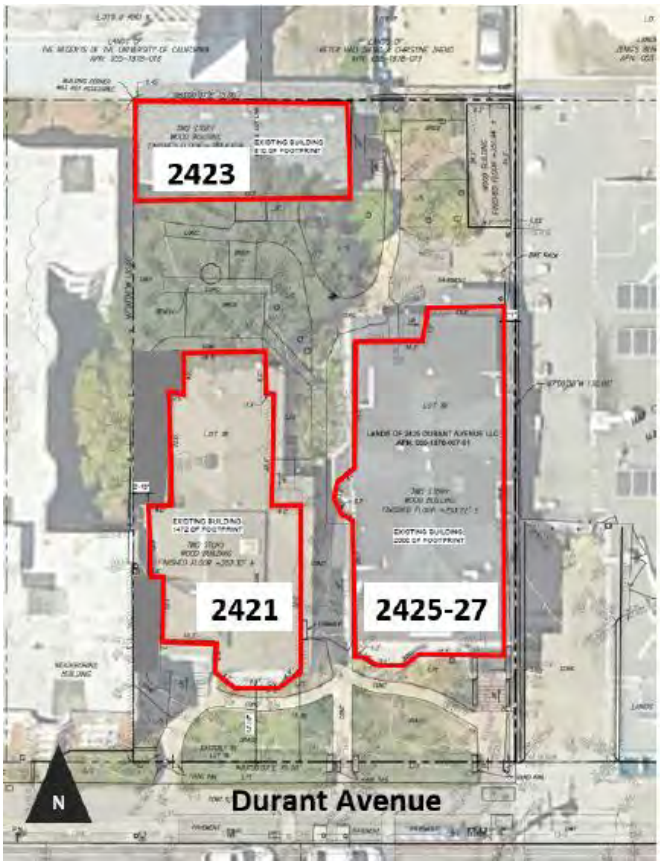


Comparison of Adjacent Properties			
Vicinity	**GP Land Use**	**Zoning**	**Current Use**
Subject Property	Residential Mixed-Use (RMU)	Residential Southside Mixed Use District (R-SMU	Multi-family Residential
North	Avenue Commercial (AC)	Telegraph Avenue Commercial District (C-T)	Food Service, Personal Service & Office
South	Residential Mixed-Use (RMU)	Residential Southside Mixed Use District (R-SMU)	Student Housing
East	Avenue Commercial (AC)	Telegraph Avenue Commercial District (C-T)	Shops and restaurants
West	Residential Mixed-Use (RMU)	Residential Southside Mixed Use District (R-SMU)	Multi-family Residential

AERIAL VIEW



Existing Site Plan



EXISTING STREET VIEW (DURANT AVENUE)

PROPOSED STREET VIEW (DURANT AVENUE)

BACKGROUND

Subject Site

The subject property is approximately 9,750-square. foot, interior lot on the north side of the 2400-block of Durant Avenue, between Telegraph Avenue and Dana Streets. It is a flat rectangular parcel, 130 feet deep and 75 feet wide that is oriented north-to-south with street frontage facing Durant Avenue to the south. It includes three, two-story residential buildings containing 19 existing (rent-controlled) dwelling units and a shed building, all proposed to be demolished. In the rear, at the northwest corner of the lot, there is a two-story simple Craftsman style cottage (2423 Durant Avenue) constructed in 1906 that includes two units. The shed is located in the rear, at the northeast corner of the lot. In the front, at the south-east part of the lot, the building at 2421 Durant Avenue includes six units. It is a two-story, over basement Victorian constructed in 1886, with a tower roof, rectangular footprint and wood siding and shingle exterior. At the southwest corner of the lot, the building at 2425-2427 Durant Avenue includes 11 units. It is a two-story plus attic Revival style building constructed in 1905 with a rectangular footprint, hipped roof, and wood shingle exterior.

The subject property, 2421 Durant Avenue, is located within Berkeley's first subdivision, to generate funds for the construction of the University of California campus. In 1886, the area was further subdivided into Beaver Tract with 2421 Durant Avenue being the third home constructed within this tract. In 1906, architect William Wharff, designed a set of flats at 2425 Durant Avenue. A two-story cottage (2432 Durant Avenue) was also constructed on the property that same year and was later converted into a duplex in 1925.

Neighborhood/Area Description:

The neighborhood is primarily university-oriented, featuring a diverse mix of commercial establishments along Telegraph Avenue, Durant Avenue, and Bancroft Way. These commercial uses are predominantly housed in one- to two-story buildings. Additionally, the neighborhood includes four- to six-story multi-unit apartment buildings, dormitories (GLAs), and various institutional buildings. On-street parking is limited, and pedestrian traffic is notably heavy, particularly when classes are in session.

Community Meeting

Prior to submitting this application, the applicant installed a pre-application poster on site in November 2024 and invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting on September 23, 2024, and attended by two individuals. The attendees had questions regarding construction timeline, tenants' accommodations and relocations.

On September 25, 2025, 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.

No additional comments have been received in response to the public hearing notice at this time.

ANALYSIS

Project Scope

The proposed project would demolish the existing residential buildings containing 19 dwellings, to construct a 20-story, 208 feet, 148,940-square-foot residential building with 169 units. The major components of this multifamily building are as follows:

- 169 dwellings (105 Studios, 1 one-bedroom, 46 two-bedroom, 17 three-bedroom)
- 1,012 square feet of useable open space as roof deck connected to covered outdoor and indoor lounge provided on Level 20.
- 249 Bedrooms (a net increase of 150 units and 227 bedrooms)
- Ground floor residential amenities including the lobby, mail corral/package room, and secure bicycle parking, as well as back-of-house residential support spaces Indoor lounge space with associated resident amenities on Level 8
- Community spaces including private study areas and social zones on Level 13
- Additional resident lounge and gathering spaces on Level 17

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Base Project and Density Bonus

The applicant has requested a Density Bonus under the State Density Bonus Law (Govt. Code Section 65915). Under the City's Density Bonus procedures, the "base project[1]" is 85 units, as the maximum allowable density for the site. The base project and the resulting 20-story proposed project both have an average unit size of 775 square feet. By providing 13 Very Low Income and 13 Moderate Income units on site (30% percent of the 85-unit base density), the project is eligible for a 100 percent density bonus, or 86 additional units for a total of 171 units. However, the applicant proposes 84 additional units above the base density for a total of 169 dwelling units.

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

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
85	26 [13 VLI (15% of Base) + 13 MI (15% of Base)]	100	84 (86 possible)	169 (171 possible)

Notes:

[a] Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.

Abbreviations: % = percent

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. 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.

The project is entitled to 3 concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

1. **Concession.** Exemption from the "Apprenticeship Requirements" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. **Concession.** Exemption from the "Health Care Expenditures" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. **Concession.** Exemption from the "Prevailing Wage requirements" in the Southside Plan as required by BMC Section 13.108(A)

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 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.

The applicant is requesting six waivers from the following development standards:

1. Waiver of BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. Waiver of BMC Section 23.202.140(E)(1)(a) for providing 1,012 square-feet of Usable Open Space, where 5,239 square feet. is required.
3. Waiver of BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.

4. Waiver of BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. Waiver of BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. Waiver of BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. Waiver of BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Environmental Review

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

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

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time would not be significant; there are no "unusual circumstances" at the project site that would result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

ADVISORY BODY REVIEW

Design Review Committee (DRC) Review: Preliminary Design Review

This project is not subject to review by the Design Review Committee because it is an all-residential project in a residential/mixed-use district (R-SMU). There is no commercial or mixed-use component to the project. Therefore, the project does not fall within any of the categories requiring design review as described in BMC 23.406.070(B)(1) Design Review, When Required.

Landmarks Preservation Commission Review: Demolition Referral

The subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). However, Several City Landmarks and Structures of Merit are located nearby, including the Cambridge Apartments (1914) at 2500 Durant Avenue, the Fred Turner Building (1940) at 2546

Bancroft Way, the Brasfield (1911) at 2520 Durant Avenue, and the Albra (1921) at 2530 Durant Avenue. Additionally, the subject property is located in Berkeley's first subdivision, College Homestead Tract, established in 1866 by the trustees of the College of California. Created to raise funds for the construction of the University campus, it was further subdivided in 1886. The new subdivision, the Beaver Tract, included houses built by the Berkeley Improvement Association. 2421 Durant Avenue was the third home built in the Beaver Tract by the Berkeley Improvement Association, led by prominent Berkeley citizen James L. Barker. Barker was instrumental in the development of Berkeley, having introduced the Central Pacific Railway to Berkeley in 1876. In 1906, the property owner commissioned prominent architect William Wharff to design the flats at 2425 Durant Avenue. That same year, a two-story cottage was also constructed on the property at 2432 Durant Avenue. The cottage was later converted to a duplex in 1925.

The residential buildings proposed for demolition are over 40 years in age, but because they are not commercial buildings, they do not fall under Landmarks Preservation Commission (LPC) review pursuant to BMC Section 23.326.070(C)(1).

On December 31, 2024, Berkeley Architectural Heritage Association (BAHA) submitted a Landmark or Structure of Merit application petition for 2425 Durant Avenue (2421-2427 Durant Avenue) also known as Laura Tull Property to initiate consideration of the property for designation status. On March 6, 2025, LPC voted to designate the subject property as a City Landmark. The designation was later reversed by the City Council on July 23, 2025.

City Council Review:

On April 15, 2025, Qian Wang LLC, the applicant for Use Permit #ZP2024-0162, filed an appeal of the LPC's decision. The appellant (Qian Wang LLC) contended that landmark designation of the subject property would conflict with the provisions of SB 330 and the Housing Accountability Act (HAA) and adversely impact the proposed housing development project, which vested (non) historic resource status with an SB 330 Preliminary Application on November 21, 2024. On July 23, 2025, City Council adopted Resolution NO. 71,904-N.S. to reverse the LPC decision to designate the subject property at 2421 Durant Avenue as a City Landmark.

POLICY CONSISTENCY

Demolition of Residential Units

BMC Section 23.326.030(B) allows the ZAB to approve a Use Permit to eliminate or demolish a dwelling unit only if the elimination of the dwelling unit would not be materially detrimental to the housing needs and public interest of any affected neighborhood or the City.

The project would replace 19 protected units with 169 new units, including a mix of affordable housing for extremely low-, very low-, low-, and moderate-income households. This substantial increase in housing supports the City's goals to address its housing shortage and meet Regional Housing Needs Assessment (RHNA) targets. Additionally, the project's location near transit, bike infrastructure, retail, and services promotes sustainable transportation, helping to reduce vehicle miles traveled, air pollution, and greenhouse gas emissions. The project is not expected to negatively impact the housing needs or public interest of the neighborhood or the broader city.

Replacement of Demolished Unit

Per Berkeley Municipal Code Section 23.326.030(D), any demolished Protected Units must be replaced with Comparable Units subject to specific Conditions of approval ensuring that the replacement housing maintains affordability and tenant protection. Per these conditions:

- The 19 Protected Units proposed for demolition would be replaced in the project with units that comply with the maximum allowable rent requirements outlined in Chapters 23.328 (Affordable Housing Requirements) and 23.330 (Density Bonus).

- Since all 19 units are currently subject to rent or price controls under BMC Chapter 13.76, and the income levels of the displaced households are unknown, the replacement units in the project would be designated as Affordable Units as defined in Chapter 23.328.

Requirements for Occupied Units

Tenant protections shall be provided pursuant to BMC Section 23.326.030(E) "Requirements for Occupied Units" As a Condition of Approval for this permit, the applicant would provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date a demolition application is submitted to the City. Additionally, conditions of approval related to moving and relocation assistance and Sitting Tenants Rights would be required per BMC Section 23.326.030(E).

The Housing Crisis Act of 2019 and Demolition of Units

The Housing Crisis Act of 2019 (Government Code Sections 66300-66301) prohibits the demolition of residential dwelling units unless the project will create at least as many residential units as the greatest number of residential dwelling units that existed on the project site within the last five years; prohibits the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units), unless replaced according to replacement provisions therein; and does not supersede any local ordinance that reserves greater protections/provisions for lower income households or displaced households. The project proposes replacing 19 demolished dwelling units with 169 new dwelling units. The existing unit(s) are considered "protected" units as defined in Section 66300(d) because they were rent-controlled within the last five years.

Further, if the income levels of the existing tenants or tenants within the last five years are unknown, the units are presumed to be occupied according to the income distribution data for City of Berkeley in the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) database. The units presumed to be occupied by lower income households must be replaced with "equivalent" units in the same or greater proportion of lower income renter households to all renter households in the City. The project proposes replacement units according to the following distribution: 6 Extremely Low Income (ELI), 7 Very Low Income (VLI), and 6 Low Income (LI).

Pursuant to the Housing Crisis Act of 2019, lower income occupants of protected units that are proposed to be demolished are subject to local tenant relocation provisions in BMC Chapter 23.326.

Housing Accountability Act

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

1. The development would have a specific adverse impact on public health or safety[2] 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 disapproval, or approval at a lower density.

The project is a "housing development project" consisting of a residential building. The Base Project includes Use Permits and/or Administrative Use Permits to modify height, setbacks and rooftop equipment allowances, etc.., and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus "shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

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 project.

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)).

[2] 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."

The October 9, 2025 ZAB hearing represents the first public hearing for the proposed project since the project was deemed complete. The City can hold four additional public hearings on this project, if needed including 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.

   On November 21, 2024, the City received SB 330 Preliminary Application #PLN2024-0064 to vest local ordinances, policies, and standards, as well as the historic resource status of the site. The Use Permit Application was deemed complete on March 13, 2025, therefore eligible for streamlined review per SB 330. The housing development was vested under the provisions of SB 330 with no historical designation status under the local register and therefore, the City will be precluded from imposing preservation-related conditions on the housing development project if it is approved.

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. The application presented at the October 9, 2025 public hearing must receive a final decision—approval or denial—by December 8, 2025.

   The project is scheduled for review by the Zoning Adjustments Board (ZAB) on October 9, 2025, at which time the Board may take action to approve, deny, or continue the application. If the Board votes to approve or deny the project, that decision will become final at the end of the 14-day appeal period, which begins once the ZAB Notice of Decision is issued—typically within one week of the hearing. If no appeal is filed during that period, the decision becomes effective and final. This timeline ensures that a final determination is made prior to the 60-day deadline, by December 8, 2025 deadline.

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.

   Evidence: The project would be compliant with the General Plan's Infill Development policy because it would repurpose an underutilized Site, with a residential project in a neighborhood that consists of both residential and commercial uses and designed to not conflict with the existing architectural character.

2. **Policy LU-7 Neighborhood Commercial Areas:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

   Evidence: The project would be compatible with the General Plan's Neighborhood Commercial Area policy because the proposed residential use is compatible with the existing uses in the neighborhood, and a building design that does not conflict with scale or the historic character of the neighborhood.

3. **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.

   Evidence: The project would be compatible with surrounding land uses, which consists primarily of campus-oriented, featuring a diverse mix of commercial buildings containing various retail and dining establishments. The surrounding neighborhoods consist of a mix of single and multi-family residences and commercial establishments. 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. The project would further improve the neighborhood character and quality of life by bringing in new residents and new business patrons along Durant Avenue in an area served by transit.

4. **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 the Elmwood District.

   Evidence: 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, jobs, and basic goods and services without providing vehicle parking.

5. **Policy LU-26 Neighborhood Quality of Life:** Maintain and improve High Density Residential and Avenue Commercial areas, such as Telegraph and Durant Avenues as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

   Evidence: The construction of new high-density residential buildings in these areas provide much-needed housing while maintaining the character and vibrancy of the neighborhood.

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

   Evidence: The Housing Element identified the project site as a location where additional housing should be supported, although the project is not identified as a Regional Housing Needs Assessment (RHNA) site. The project would provide 169 dwelling units, increasing the City's housing supply by adding new dwelling units in close proximity to goods, services and transit.

Attachments

1. Table 1-3: Project Chronology, Special Characteristics, Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans dated April 11, 2025
5. Rent Stabilization Memo, dated September 9, 2025
6. Southside Area Plan MMRP
7. Notice of Public Hearing
8. Notice of Community outreach on September 12, 2024

Attachment 1

Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
November 15, 2024	Use Permit Application submitted
November 21 2024	SB 330 Preliminary Application deemed Complete
December 13,2024	Use Permit Application deemed Incomplete
December 31, 2024	Landmark Initiation Application submitted
February 13, 2025	Use Permit Application resubmitted
March 6, 2025	LPC hearing/LPC voted to designate 2425 Durant Avenue as a City Landmark or Structure of Merit
March 13, 2025	Use Permit Application deemed Complete
April 11, 2025	Use Permit Application resubmitted
April 14, 2025	City Council Appeal Application to reverse LPC's decision to designate the property as Landmark or Structure of Merit submitted
July 17, 2025	Use Permit Application resubmitted
July 23, 2025	City Council Appeal Hearing/LPC decisions to designate the Property as Landmark or Structure of Merit was reversed
September 26, 2025	Public hearing notices for ZAB Hearing on October 09, 2025 mailed/posted
October 9, 2025	ZAB Hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

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 does not include nonresidential gross floor area therefore, this 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 would provide more than 5,000 square feet of residential unit floor area and is part of a larger housing development project, therefore inclusionary housing provisions would apply. The project is a housing development project [a], as defined in BMC 23.328.020a, and would provide at least 20 percent Below Market Rate (BMR) residential units. The project as a whole would provide 32 Below Market Rate (BMR) units including 6 Extremely-low Income, 7 Very Low-Income (VLI), 6 Low-Income (LI) and 13 Moderate-Income (MI) units.
Alcohol Sales/Service	No	The project is residential only and does not proposing Alcoholic Beverage Service of distilled spirits, beer and wine.
Bird Safe Buildings (BMC Section 23.304.150)	Yes	The project is subject to these provisions because the proposed building meet the building size (10,000 square feet or greater) or height requirements (average of 35) which would trigger these requirements. A condition of approval to demonstrate compliance at building permit is included.
Coast Live Oak Trees (BMC Chapter 6.52)	Yes	There is a Coast Live Oak (*Quercus agrifolia*) tree on the project site that will be removed as one of the waivers allowed per the State Density Bonus.
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 7 Very Low-Income units, 6 Extremely Low-Income units, and 13 Moderate Income units or 30 percent of the Base Project units, and qualifies for a 100 percent density bonus, or 86 bonus units (84 taken). See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	Yes	These provisions apply to this project because the project proposes less than 50,000 square feet and the project is located within the Southside Area

Characteristic	Applicability	Explanation
		Plan. However, the application utilizes two of the three concessions that the project is entitled to, to be exempt from the two provisions of this requirement.
Historic Resources	No	The existing building is more than 40 years old. A demolition referral is not required because the existing buildings on the site are residential only. On March 6, 2025, the LPC voted to designate the property as a City Landmark or Structure of Merit. The City Council reversed this designation on July 23, 2025.
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)[b]. The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act does apply, and the project cannot be denied at the density proposed unless the findings for denial can be made. See Section V.D of this report for additional discussion on compliance with the Housing Accountability Act.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2).[b] See Section V.C of this report for additional discussion on the sections of SB 330 that apply to the project.
Public Art	Yes	Per BMC Chapter 23.316.020(B)(1), Percentage For Public Art On Private Projects applies to new multifamily residential projects of five or more dwelling units.
Rent Controlled Units	Yes	The project would involve demolition of 19 rent controlled dwelling units. These demolished units are being replaced with 6 ELI, 7 VLI units, 6 LI and 13 MI units. See project findings in Attachment 2.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "I". The project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map[c].
Soil/Groundwater Contamination	No	The project site is not on the Cortese List [d], and Phase I report was prepared. standard Conditions of Approval related to hazardous materials would apply.

Characteristic	Applicability	Explanation
Transit	Yes	The project site is located less than 100 feet to bus stops with service to several intersecting major bus routes, including AC Transit Lines 22, 27, 36, 51B, 604

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 considered as a sole Housing Development Project and not as individual projects.

[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/geologichazards/

d. Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.

Table 3: R-SMU (Residential Mixed-Use) Development Standards BMC Sections 23.202.140(E) and 23.322.090(A)(2) Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		9,750	Same	N/A
Gross Floor Area (sq. ft.)		9,782	148,940	N/A
Commercial Floor Area		0	0	N/A
Residential Floor Area		9,782	130,972	N/A
Floor Area Ratio		1	14.9	7
Dwelling Units	Total	19	169	150 (du/acre) min. No max.
Building Height (ft. - in.)	Maximum	30’	208’	85 ft. max. + 5 ft. by-right for parapet in R-SMU
Building Setbacks (ft. - in.)	Front (south) Durant Avenue	14’-10”	4’-8”	0 min
	Interior Side (west)	2’-10”	7' -6"	0 min

Standard		Existing	Proposed Total	Permitted/ Required
	Interior Side (east)	2'-1"	5' -4"	0 min
	Rear (north)	0	0 to 5	4' min
Usable Open Space (sq. ft.)		4,937	1,012	40 sq. ft. per 1,000 sq. ft. of gross residential floor area
Lot Coverage (%)		46	85	100 max
Automobile Parking				
Parking	Residential Automobile	0	0	0 min
	Residential Bike Short Term	0	8	7 (1 space/40 bedrooms)
	Residential Bike Long Term	0	72	83 (1 space per 3 bedrooms)

= 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 (")

Zoning Adjustments Board Findings

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 **Property Owner**: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563 **Project Address:** 2425 Durant Avenue **General Plan:** RMU (Residential Mixed-Use) **Area Plan:** Southside Area Plan **Zoning:** R-SMU (Residential Southside Mixed Use District) **Site Size:** 9,750 square feet (0.22 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submitted:** November 15, 2024 **Vesting Date:** November 21, 2024 **Date Deemed Complete:** March 13, 2025 **Project Planner:** Nilu Karimzadegan	**Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate-Income (MI) units, on a 9,750 square-foot lot.** **Zoning Permits Requested:** 1. **Demolition.** BMC Section 23.326.030(B)(1)(c) **"Demolition of Residential Units"** to demolish residential units (UPPH) 2. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). 4. **Projections Above Height Limit**s. BMC Section 23. 304.050 **"Allowed Projections Above Height Limit** "to allow for Projections Above Height Limit (AUP)

	Density Bonus
	Waivers: 1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree 2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required. 3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR. 4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height). 5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback 6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required. 7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required. **Concessions:** 1. Concession from the **"Apprenticeship Requirements"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. Concession from the **"Health Care Expenditures"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. Concession from the **"Prevailing Wage requirements"** in the Southside Plan as required by BMC Section 13.108(A)

I. CEQA FINDINGS

As required by **CEQA Section 15332 ("Infill Development Project")** of the CEQA Guidelines, the ZAB finds that this 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.) because:

- 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.

Evidence: 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 will not be significant; there are no "unusual circumstances" at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

Historic Resource Evaluation prepared by Preservation Architecture dated October 4, 2024 concluded that based on their evaluation of the City's historical criteria, the residential buildings at 2421, 2423 and 2425-2427 Durant Avenue in Berkeley are not eligible as City of Berkeley Landmarks and are not eligible as Structures of Merit. Additionally, the subject property is not listed on the National Register of Historic Places (NR) or the California Register of Historical Resources (CR). Though the LPC designated the site a City Landmark based on their analysis that the property appears to meet the City's Landmarks Preservation Ordinance criteria for historical significance, City Council determined otherwise and revoked the designation.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis; and 4) City Council's determination to revoke the Landmark designation status application at the public meeting held on July 23, 2025.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1)** ***"Findings for Approval"***, the ZAB finds that the the proposed project or use:

a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use

Evidence: The project is consistent with all applicable R-SMU District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

Sunlight: The additional height above the district limits (85 feet plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 208-foot-tall (plus 5-foot parapet), 20-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the fall months in the hours of after sunrise on the residential buildings on the west and northwest and around noon, on the residential buildings on the northeast; b) in the winter months in the hours of after sunrise on the residential buildings on the west and northwest of the site, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the northeast; and c) in the summer months in the hours of after sunrise and around noon on the neighbor buildings to the west and northwest of the site. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Southside Area plan that allows building heights up to 90 feet including the parapet, with 0 to 4-foot setbacks from property lines, by right.

Air: The proposed project will be consistent with the existing development and building-to-building separation pattern, or air, in this R-SMU District neighborhood. 5 to 8 feet setback is provided for the side setbacks where a zero setback is allowed. 0 to 4 feet setback is provided in the rear where a minimum of 4 feet is required, however the proposed building is separated from the rear non-residential buildings by over 40 feet. Therefore, the project will not unreasonably obstruct air.

Views: Because the project site is located on a relatively flat lot and significant views are generally not available in this neighborhood due to grade, current development patterns, and mature vegetation in a neighborhood with one to two-story and four- to six-story buildings, the proposed project would not create detrimental impacts to views

and it will not obstruct any significant view corridors as defined in BMC Section 23.502.020(V)(12)[1];

b) Will not 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.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized site including 19-unit residential with a new development consisting of 169 units. This includes a significant affordable housing component: 6 for Extremely Low-Income (ELI), 7 units for Very Low-Income (VLI) households, 6 for Low-Income (LI), and 13 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

2) As required by **BMC Section 23.406.040 (E)(2)** ***"Findings for Approval"***, to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

3) As required by **Government Code Section 65915 (State Density Bonus),** the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 85 units. The project will provide at least 6 Extremely Low-Income (ELI) and 7 Very Low-Income (VLI), 6 Low-Income (LI) and 13 Moderate-Income (MI) BMR units on site qualifying units in the 85-unit base project, as more fully set forth in Condition "Number of Below Market Rate Units". The project is entitled to a density increase of 100 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. This equates to a density bonus of up to 100% or 86 units above the base project, for a total of up to 171 units of which the applicant has chosen to build 169 units.

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

a) 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 grants the following concessions and finds that the approval of the concessions is required to provide for affordable housing costs, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

- **Concession 1.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession 2.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession 3.** Exemption from the "**Prevailing Wage requirements**" in the Southside Plan as required by BMC Section 13.108(A)

b) 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.

- **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
- **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
- **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
- **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
- **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
- **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
- **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

4) As required by **BMC Section 23.326.030, "*Demolition of Residential Units*"** the ZAB finds that the demolition of existing residential units is allowed because:

a) As required by **BMC Section 23.326.030(A)(1),** the Residential Unit(s) eliminated or demolished were not removed from the rental market through a no-fault eviction during the preceding five years

Evidence: According to a memorandum issued by the City's Rent Stabilization Board on May 13, 2025, the buildings addressed 2421, 2425, 2423, and 2427 have not been removed from the rental market under the Ellis Act or any other no-fault eviction at any time during the preceding five (5) years.

b) As required by **BMC Section 23.326.030(A)(2),** there is no substantial evidence of harassment or threatened or actual illegal eviction during the immediately preceding three years. Where allegations of harassment or threatened or actual illegal eviction are in dispute, either party may request a hearing before a Rent Board Hearing Examiner, whose determination may be appealed to the Rent Stabilization Board.

Evidence: According to a memorandum issued by the City's Rent Stabilization Board on May 13, 2025, The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2421, 2425, or 2427 Durant.

c) As required by **BMC Section 23.326.030(B)(1)(C),** the demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Dwelling Units.

Evidence: The proposed project includes 169 units, ensuring no net loss of units at this site.

d) As required by **BMC Section 23.326.030(C),** the existing buildings to be demolished are not Landmarks and Structures of Merit. Demolition of a designated landmark or structure of merit, or of a structure in a designated historic district, must be approved by the Landmarks Preservation Commission, pursuant to Chapter 3.24.

Evidence: The project was vested under SB330 on November 21, 2024 prior its designation as a City Landmark or Structure of Merit on March 6, 2025. This City Landmark or Structure of Merit designation was later reversed by the City Council on July 23, 2025. Therefore, the existing buildings are not designated as a City Landmark or Structure of Merit.

e) As required by **BMC Section 23.326.030(D),** the protected units on the subject site that are demolished will be replaced with a Comparable Unit that complies with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus] as they may be amended from time to time and the following conditions will apply:

1. In the event that a displaced household has an income below 50% AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30% of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable Unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328.

2. In the event that a demolished Residential Unit is not a Protected Unit and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter 23.328.

3. In the event that a Protected Unit was subject to rent or price controls under BMC Chapter 13.76, and the income level of the displaced household is unknown, the unit shall be replaced with an Affordable Unit as defined in Chapter 23.328.

Evidence: According to a memorandum provided by the City's Rent Stabilization Board issued on May 13, 2025, all 19 Residential Units at 2421-2427 Durant are subject to rent control under the Rent Ordinance and are therefore considered Protected Units. Per the Demolition Ordinance, any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus]. As a Condition of Approval for this project, all 19 of the existing units proposed for demolition must be replaced with units that are available to either Very Low Income or Lower Income households (or deeper affordability) in perpetuity.

f) As required by **BMC Section 23.326.030(E)(2), "*Requirements for Occupied Units*[2]",** the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date the application is submitted to the City, including notice of their rights under Municipal Code Chapter 13.76 (Rent Stabilization and Eviction for Good Cause Program), Chapter 13.77 (Requirements, Procedures, Restrictions and Mitigations Concerning the Withdrawal of Residential Rental Accommodations from Rent or Lease), 13.79 (Tenant Protections: Automatically Renewing Leases and Buyout Agreements) and 13.84 (Relocation Services and Payments for Residential Tenant Households).

Evidence: As a Condition of Approval for this permit, the applicant will provide all sitting tenants and the Rent Stabilization Board notice of the application for demolition no later than the date a demolition application is submitted to the City.

[2] The *Requirements for Occupied Units* do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

g) As required by **BMC Section 23.326.030(E)(3), "*Requirements for Occupied Units*",** the applicant will provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, not subject to the limitations in section 13.84.070.B.3(a). The applicant will subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants will be notified in writing that the units will be ready for move-in on a date specified. Tenants will confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential will be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government will be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655).

Evidence: moving and relocation assistance is a condition of approval for this permit per the Ordinance.

h) As required by **BMC Section 23.326.030(E)(4), *"Sitting Tenants Rights"*,** the following are required:

1. Any tenant of a Protected Unit that is permitted to be demolished under this section will have the right of first refusal to rent a Comparable Unit in the new project.

2. In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit will be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

3. Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy will be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar year.

4. *Exceptions*.

ii. Sitting tenants who are displaced as a result of demolition and who desire to return to the newly constructed affordable housing project will be granted a right of first refusal subject to their ability to meet income qualifications and other applicable eligibility requirements. (Ord. 7924-NS § 1, 2024; Ord. 7810-NS § 1, 2022: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: Sitting Tenants Rights (a) to (d) will be conditions of approval for this permit.

5) As required by the **Housing Accountability Act, Government Code Section 65589.5(j),** 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.

Evidence: The project includes construction of "housing development project" with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

6) **Government Code Section 65915 (Density Bonus) and Government Code Section 66300 (SB 330)** prohibit the demolition of occupied or vacant protected units (i.e. rent-controlled or affordable units) unless the project will create at least as many residential units as will be demolished; will replace them with at least as many residential dwelling units as the greatest number of units that existed on the project site within the last five years, and replace "protected" units as specified in these sections.

a) The project is demolishing 19 ("protected") units (the greatest number of units that existed on the project site within the last five years), and is constructing 169 units, in compliance with state law.

b) The project will replace 19 removed protected dwelling units with equivalent units – 6 units affordable to Extremely Low-Income households, 7 units affordable to Very Low-Income households, 6 units affordable to Low-Income households, 13 unit affordable to Moderate-Income households subject to a recorded affordability restriction of at least 55 years and 137 Market Rate units.

7) As required by **BMC Section 23.406.040 (E)(3)** ***"Findings for Approval",*** the ZAB considers the following (a and b) in making findings:

a) The proposed land use:

Evidence: The proposed land use meets the findings for approval because the project's residential use is consistent with the purposes of the High Density Residential and the surrounding Avenue Commercial areas as outlined in the General Plan's Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

b) The structure or addition that accommodates the use:

Evidence: The proposed construction of a twenty-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because and will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the R-SMU zoning districts.

8) As required by **BMC Section 23.406.040 (E)(4)** ***"Findings for Approval",*** the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the R-SMU zone. Surrounding land uses and structures surrounding the site are based on current information.

9) As required by **BMC Section 23.406.040 (E)(5)** ***"Findings for Approval",*** the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.

Conditions of Approval

APP # ZP2024-0162

October 9, 2025

Use Permit for a Project at 2425 Durant Avenue

Project Facts	Project Description:
Applicant: Yes Duffy Architects, 1250 Addison Street, 105, Berkeley, CA 94702 **Property Owner**: 2425 Durant Avenue LLC, 29 Orinda Way, #2060 Orinda, CA 94563 **Project Address:** 2425 Durant Avenue **General Plan:** RMU (Residential Mixed-Use) **Area Plan:** Southside Area Plan **Zoning:** R-SMU (Residential Southside Mixed Use District) **Site Size:** 9,750 square feet (0.22 acre) **CEQA:** Section 15332 ("In-Fill Development Projects")	**Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.**
	Zoning Permits Requested:
	1. **Demolition.** BMC Section 23.326.030(B)(1)(c) **"Demolition of Residential Units"** to demolish residential units (UPPH) 2. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a new Multi-Family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH). 4. **Projections Above Height Limit**s. BMC Section 23. 304.050 **"Allowed Projections Above Height Limit** "to allow for Projections Above Height Limit (AUP)
	Density Bonus

Date Submitted: November 15, 2024

Vesting Date: November 21, 2024

Date Deemed Complete: March 13, 2025

Project Planner: Nilu Karimzadegan

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required.
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing a 14.86 FAR.
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height).
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required.
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces is required.

Concessions:

1. Concession from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **"Prevailing Wage requirements"** in the Southside Plan as required by BMC Section 13.108(A)

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, 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 BMC 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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 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 BMC Chapter 13.104 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 BMC Chapter 13.104; (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 BMC 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 BMC 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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 Section 16.28.030 Assignment and Installation of Numbers, 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. **Bird Safe Buildings.** Prior to submittal of the building permit, the applicant shall demonstrate compliance with the applicable bird safe building provisions in BMC Section 23.304.150, Bird Safe Buildings.

17. **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, Prohibited Acts. 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.

18. **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

19. **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 Southside Area Plan Mitigation Monitoring and Reporting Program (Staff Report Attachment 6). 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)

20. **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.

21. **Construction Noise Management -** Public Notice Required. At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to businesses and residents within 500 feet of the project site. This notice shall at a minimum provide the following: (1) project description, (2) description of construction activities during extended work hours and reason for extended hours, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Project Liaison for the project that is responsible for responding to any local complaints, and (5) that construction work is about to commence. The liaison would determine the cause of all construction-related complaints (e.g., starting too early, bad muffler, worker parking, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

22. **Construction Phases.** The applicant shall provide the Zoning Officer with a schedule of major construction phases with start dates and expected duration, a description of the activities and anticipated noise levels of each phase, and the name(s) and phone number(s) of the individual(s) directly supervising each phase. The Zoning Officer or his/her designee shall have the authority to require an on-site meeting with these individuals as necessary to ensure compliance with these conditions. The applicant shall notify the Zoning Officer of any changes to this schedule as soon as possible.

23. **Construction and Demolition Diversion.** Applicant shall submit a Construction Waste Management Plan that meets the requirements of BMC Chapter 19.37 including 100 percent diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65 percent diversion of other nonhazardous construction and demolition waste.

24. **Toxics.** The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:

A. **Phase I and Phase II Environmental Site Assessment (ESA) (per ASTM 1527).** A recent Phase I ESA (less than 2 years old) shall be submitted to the Toxics Management Division for developments for: all new commercial, industrial and mixed-use developments and all improvement projects that require work 5 or more feet below grade, and all new residential buildings with more than four dwelling units located in the Environmental Management Area (or EMA). The EMA can be viewed at: City of Berkeley Community GIS Portal (arcgis.com)

B. Depending on the findings in the Phase I, a Phase II or additional investigation may be necessary. Any available soils and groundwater analytical data available for projects listed in this section must also be submitted to TMD.

C. **Environmental Site Clearance.** The applicant shall provide environmental screening clearance from either the San Francisco Bay Regional Water Quality Control Board (RWQCB), Department of Toxic Substances Control (DTSC), or the Alameda County Department of Environmental Health's Local Oversight Program (LOP). Clearance from one of these regulatory agencies will ensure that the property meets development investigation and cleanup standards for the specific use proposed on the property. Environmental screening clearance shall be submitted to the City of Berkeley's Toxics Management Division prior to issuance of any building permits.

D. **Soil and Groundwater Management Plan**. A site-specific Soil and Groundwater Management Plan (SGMP) shall be submitted to Toxics Management Division (TMD) for all non-residential projects, and residential or mixed-use projects with more than four dwelling units, that: (1) are in the Environmental Management Area (EMA), as shown on the most recent City of Berkeley EMA map, and (2) propose any excavations deeper than 5 feet below grade or if significant soils removal is anticipated. The SGMP shall be submitted to the TMD with the project's building permit application and shall be approved by TMD prior to issuance of the building permit.

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

i. procedures for soil and groundwater management including identification of pollutants and disposal methods;

ii. procedures to manage odors, dust and other potential nuisance conditions expected during development;

iii. notification to TMD within 24 hours of the discovery of any previously undiscovered contamination; and

iv. the name and phone number of the individual responsible for implementing the SGMP and who will respond to community questions or complaints.

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

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

i. The survey shall include the identification of all materials to be disturbed for lead-based paints, PCB containing equipment and caulking, hydraulic fluids, refrigerants, treated wood, and mercury containing devices (including fluorescent light bulbs and mercury switches), asbestos and other hazardous materials and chemicals.

ii. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center. Contractors must follow state regulations where there is asbestos-related work involving 100 square feet or more of asbestos containing material (8 Cal. Code Regs. §1529, §341.6 et seq.)

iii. The report to the TMD shall include, in addition to the survey, plans on hazardous materials and hazardous waste removal and disposal that comply with State and Federal codes including California Code of Regulations (CCR) 66260 et seq.

iv. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition.

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

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

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

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

i. aggregate aboveground petroleum storage capacities of 1,320 gallons or more stored in aboveground storage containers, tanks, oil-filled equipment, or

ii. one or more tank(s) in an underground area (TIUGA) with petroleum storage capacities of 55 gallons or greater. More information on TIUGAs can be found here: https://osfm.fire.ca.gov/divisions/pipeline-safety-and-cupa/certified-unified-program-agency-cupa/aboveground-petroleum-storage-act/tank-in-an-underground-area-tiuga/

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

Prior to Issuance of Any Building (Construction) Permit

25. 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.

26. 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.

27. **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.)

28. **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 at RecyclingProgram@berkeleyca.gov.

29. **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

30. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

31. **Below Market Rate Units.** 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), and 6 Low-Income (LI) and 13 Moderate Income (MI) Below Market Rate rental dwelling units (BMR Units) shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings 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), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination if Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements				Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	BMC Chapter 23.326 (Demolition)	State Bill 330/CHAS	
Extremely Low-Income (30% AMI)	**-**	**-**	**-**	**6**	**6***
Very Low-Income (50% AMI)	13	13	10	3	**7***
Low-Income (80% AMI)	-	6	9	3	**6***
Moderate-Income (x%)	13	-	-	-	**13**[1]
Total					**32**

*These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

**[1] These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

32. **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.

33. **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 $0[zero] Any adjustments to the fee and the final fee amount 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.

34. **Tenant Protection Conditions:**

A. First Right of Refusal. Pursuant to BMC 23.326.030(E)(4)(a), any tenant of a Protected Unit that is permitted to be demolished shall have the right of first refusal to rent a Comparable Unit in the new project. Prior to building permit issuance, the applicant shall provide documentation that confirms that previous tenants have been made aware of their right of first refusal in the new building.

B. Sitting Tenants Rights. Pursuant to BMC 23.326.030(E)(4)), ((b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar years.

The sitting tenants' rights do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

C. Rental Rate – Known Income. Pursuant to 23.326.030(D)(1), in the event that a displaced household has an income below 50 percent AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30 percent of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328. Prior to building permit issuance, the applicant shall, for previous tenants whose income is known that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit in the and supporting documents that verify tenant income.

D. Rental Rate – Unknown Income. Pursuant to BMC 23.326.030(D)(3), in the event the income level of the displaced household is unknown, the unit shall be replaced as an Affordable Unit per BMC Section 23.328.020 – a unit that is affordable in perpetuity as a Very Low-Income or Lower -Income Unit. Prior to building permit issuance, the applicant shall, for previous tenants whose income is unknown that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit.

E. Prior Rental Rate. Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if compelled to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

F. Requirement for Relocation Expenses. Pursuant to BMC 23.326.030(E)(3) the applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a specified date. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655). The Requirements for Relocation Expenses do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction unless otherwise required by California law.

G. Rental Registry. Prior to issuance of a Certificate of Occupancy register all the new units with forms provided by the Rent Stabilization Board. Provide confirmation from the Rent Stabilization Board (rentregistry@berkeleyca.gov) that the new units have been registered.

Prior to Demolition or Start of Construction:

35. **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.

36. **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.

37. **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:

38. **Construction Hours.** Construction activity shall be limited to between the hours of 8:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and Noon on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.

39. **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.

40. 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.

41. Public Works - Implement Bay Area Air District (BAAD)-Recommended Measures during Construction. For all proposed projects, BAAD 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.

42. 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 BAAD 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.

43. **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.

44. **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.)

45. **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.

46. **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.

47. **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.

48. **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.

49. **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.

50. **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 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. 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.

L. 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.

51. **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.

52. **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.

53. **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.

54. **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.

55. **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.

56. **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.

57. **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:

58. **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.

59. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated April 11, 2025.

60. **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.

61. **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 BMC 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 BMC 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 BMC 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:

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

63. **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).
64. **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.
65. **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 **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.
66. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
67. **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.
68. **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.
69. **Required Bike Parking.** Secure and on-site bike parking for at least 72 Long-Term and 8 Short-Term bicycles shall be provided for the life of the building.

CONCEPTUAL VIEW LOOKING UP DURANT AVE

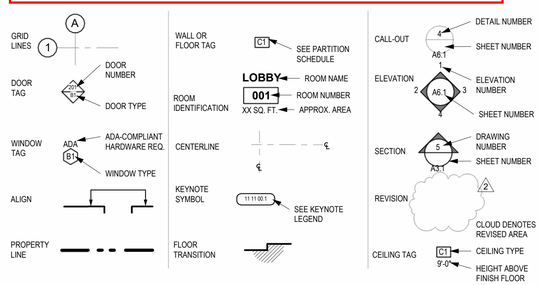
PLANS APPROVED BY ZONING ADJUSTMENTS BOARD

SIGNATURE

October 14, 2025

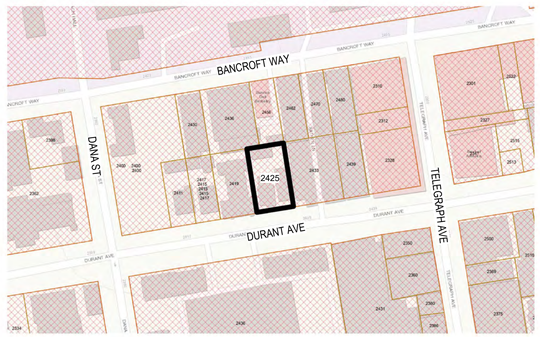
DATE

*Approve Findings and Conditions attached



1 SYMBOL LEGEND
12" = 1'-0"

LOCATION MAP



PROJECT DESCRIPTION

PROJECT ADDRESS:
2425 DURANT AVE, BERKELEY, CA 94704

APN: 55-1878-7-1

SCOPE OF WORK:
REMOVAL OF ALL EXISTING STRUCTURES AND NEW CONSTRUCTION OF A 20 STORY HOUSING DEVELOPMENT WITH 169 DWELLING UNITS, WITH STATE OF CALIFORNIA DENSITY BONUS.

BUILDING SUMMARY:
CONSTRUCTION TYPE: TYPE I
OCCUPANCY: RESIDENTIAL GROUP R-2

CODE COMPLIANCE

THE PROPOSED PROJECT SHALL COMPLY WITH THE 2022 CALIFORNIA BUILDING, RESIDENTIAL, MECHANICAL, ELECTRICAL, PLUMBING, ENERGY, FIRE, EXISTING AND GREEN BUILDING STANDARDS CODE AS AMENDED BY THE CITY OF BERKELEY, AS APPLICABLE.

THE PROPOSED PROJECT IS DESIGNED TO COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND BERKELEY GREEN CODE (BMC CHAPTER 19.37)

PROJECT SPONSOR:

2425 DURANT AVENUE LLC

DESIGN ARCHITECT:

YES COMMUNITY ARCHITECTS INC
1250 ADDISON ST UNIT 105
BERKELEY CA 94702
(510)214-3676
YES@YESCOMMUNITYARCHITECTS.COM

DEVELOPMENT CONSULTANT:

RHOADES PLANNING GROUP
2140 SHATTUCK AVE SUITE 705
BERKELEY CA 94704
(510)545-4341
GENEVA HESNER GENEVA@RHOADESPLANNINGGROUP.CPOM
MARK RHOADES MARK@RHOADESPLANNINGGROUP.COM

CIVIL ENGINEER:

SANDIS
636 9TH ST, OAKLAND, CA 94607
408.636.0900
WWW.SANDIS.NET

LANDSCAPE ARCHITECT:

NICOLAUS WRIGHT
513 CLAYTON AVE.
EL CERRITO, CA 94530
503.754.7078

DRAWING LIST

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A0.2B	DENSITY BONUS + OPEN SPACE DIAGRAMS
A0.2C	AFFORDABLE HOUSING COMPLIANCE PLAN
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A0.3B	SHADOW STUDIES - JUN 21
A0.3C	SHADOW STUDIES - DEC 21
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A0.5	SOUTHSIDE CONTEXT MAP
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A1.1	SITE PLAN
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C2.0	STORMWATER MANAGEMENT PLAN
C2.1	STORMWATER SUPPLEMENTAL FORMS
C2.2	STORMWATER SUPPLEMENTAL FORMS
L1.0	LANDSCAPE SITE PLAN

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LICENSED ARCHITECT YES DUPLEX C-36972 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

GENERAL INFORMATION

Sheet No.

A0.0

Scale 12" = 1'-0"

ZONING SUMMARY TABLE				
	BASE ZONING ALLOWABLE / REQUIRED	**BASE PROJECT**	**PROPOSED W/ DENSITY BONUS**	**ZONING COMPLIANCE**
ZONING	R-SMU			COMPLIES
TOTAL LOT SIZE (SQFT)	9,750			COMPLIES
TOTAL LOT SIZE (ACRES)	.223 AC			COMPLIES
FLOOR AREA RATIO (FAR)	7 MAX	6.99	15.28	COMPLIES W/ DB WAIVER
RESIDENTIAL FLOOR AREA	N/A	65,869	130,972	COMPLIES
GROSS FLOOR AREA	68,250	68,170	148,940	COMPLIES
HEIGHT - FEET	85'	84'-6"	208'	COMPLIES W/ DB WAIVER
HEIGHT - STORIES	N/A	9	20	COMPLIES
LOT COVERAGE	100% MAX	78%	85%	COMPLIES
FOOTPRINT	<9,750 PER LOT COVERAGE	7,581	8,334	COMPLIES
SETBACKS				
FRONT	NO MIN.	0'	VARIES (0' TO 8'-11")	COMPLIES
SIDE	NO MIN.	VARIES (3'-6" TO 4'-6")	VARIES (5' TO 11')	COMPLIES
REAR	4 FT.	4 FT.	VARIES (0' TO 5')	COMPLIES W/ DB WAIVER
PARKING	NONE REQUIRED	0	0	COMPLIES
USABLE OPEN SPACE	MIN. 40 SF PER 1000 SF OF RFA	3,400	1,012	COMPLIES W/ DB WAIVER
LANDSCAPED OPEN SPACE	MIN. 40% OF REQ'D USABLE OPEN SPACE	1,200 PROVIDED	0	COMPLIES W/ DB WAIVER
ROOFTOP MECHANICAL AREA	MAY NOT EXCEED 15% OF THE AVERAGE FLOOR AREA OF ALL THE BUILDING'S STORIES		REQUEST FOR DB WAIVER	COMPLIES W/ DB WAIVER

Base Project Zoning Compliance Checks

Open Space	RFA	Ratio	Total Area Req'd	Base Project Provided
	65,869	40	2635	3400

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Base Project Provided
	2635	40%	1054	1200

FAR	Residential	Commercial	
GFA	68,170	0	
Site Area	9750	0	
FAR	6.99		

Bike Parking	Bedroom Count	Ratio	Total Req	Rounded up
Res (Long)	124	0.33	41.33	42
Res (Short)	124	0.025	3.1	4

Proposed Project Zoning Compliance Checks

Open Space	RFA	Ratio	Total Area Req'd	Proposed	
	130,972	40	5239	1012	**WAIVER REQUEST**

Landscaped Open Space	Total Req'd Open Space	Ratio	Total Area Req'd	Proposed	
	5239	40%	2096	0	**WAIVER REQUEST**

FAR	Residential	Commercial		
GFA	148,940	0		
Site Area	9750	0		
FAR	15.28			**WAIVER REQUEST**

Bike Parking	Bedroom Count	Ratio	Total Req	Provided	
Res (Long)	249	0.33	83	72	**WAIVER REQUEST**
Res (Short)	249	0.025	7	8	**COMPLIES**

AREA TABLE

Floor	Base Project Res Area	Residential Support / Back of House Area	Proposed Project Res Area	Residential Support / Back of House Area
20			5726	432
19			7088	389
18			7088	389
17			6672	389
16			7088	389
15			7088	389
14			7088	389
13			6769	389
12			7088	389
11			7088	389
10			7088	389
9	7355		7088	389
8	7355		6672	389
7	7355		7088	389
6	7355		7088	389
5	7355		7088	389
4	7355		7088	389
3	7355		7088	389
2	7355		2518	389
1	7029	552	3383	2864
Basement	0	1749 n/a		7670
Total Floor Area	**65,869**	**2301**	**130,972**	**17,968**

	Base Project GFA	Proposed Project GFA
Gross Floor Area	**68,170**	**148,940**

DWELLING UNIT TABLE

	Units	Studio	2BR	3BR	1BR
Level 1	0				
Level 2	1				1
Level 3	10	6	3	1	
Level 4	10	6	3	1	
Level 5	10	6	3	1	
Level 6	10	6	3	1	
Level 7	10	6	3	1	
Level 8	7	5	1	1	
Level 9	10	6	3	1	
Level 10	10	6	3	1	
Level 11	10	6	3	1	
Level 12	10	6	3	1	
Level 13	8	6	2		
Level 14	10	6	3	1	
Level 15	10	6	3	1	
Level 16	10	6	3	1	
Level 17	7	5	1	1	
Level 18	10	6	3	1	
Level 19	10	6	3	1	
Level 20	6	5		1	
Total Units	**169**	105	46	17	1

Bedrooms / Unit		1	2	3	1
Total Bedrooms	**249**	105	92	51	1

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LICENSED ARCHITECT YES DUZY C-36975 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

ZONING CODE DATA

Sheet No.

A0.1

Scale

Density Bonus Table

Base Project	Avg. Unit Size	Base	Base # Units	%VLI Units	#VLI Units	#VLI Units	Bonus %	#DB Units	#DB Units	
sq.ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	VLI = Very Low Income	%VLI x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75	**13**	50.00%	42.5	43	128

Base Project	Avg. Unit Size	Base	Base # Units	%MOD Units	#MOD Units	#MOD Units	Bonus %	#DB Units	#DB Units	Max DB project
sq.ft. - see calculation below		base project area / avg. unit size	Base Units / Max Residential Density (rounds up)	MOD = Moderate Income	%MOD x Base # Units			% Bonus x Base # Units	% Bonus x Base # Units (rounded up)	# Base Units + # Bonus Units (rounded up)
65,869	775	84.99420487	85	0.15	12.75	**13**	50.00%	42.5	43	**171**

Floor	Base Project Residential Floor Area	Base Project Units	Proposed Project Residential Floor Area	Proposed Project Units
Roof Deck			1012(outdoor:N/A)	
20			5726	6
19			7088	10
18			7088	10
17			6672	7
16			7088	10
15			7088	10
14			7088	10
13			6769	8
12			7088	10
11			7088	10
10			7088	10
9	7355	10	7088	10
8	7355	10	6672	7
7	7355	10	7088	10
6	7355	10	7088	10
5	7355	10	7088	10
4	7355	10	7088	10
3	7355	10	7088	10
2	7355	10	2518	1
1	7029	5	3383	0
			Proposed DB Square Footage	
Total Floor Area	65,869	**85**	**130,972**	**169**

Proposed Project Residential Floor Area:	130,972	**Base Project Residential Floor Area:**	65,869
Proposed Project Units:	169	**Base Project Units:**	**85**
AVG Unit Size:	**775**	**AVG Unit Size:**	**775**

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LICENSED ARCHITECT YES DUPE C-36911 REN. 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

DENSITY BONUS TABLE

Sheet No.

A0.2

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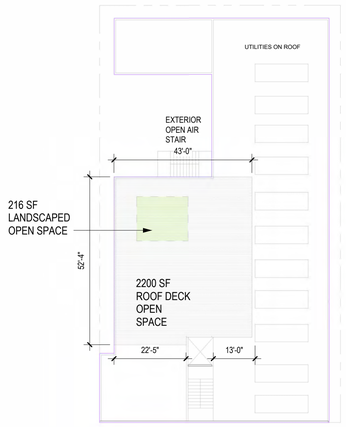

11 ROOF
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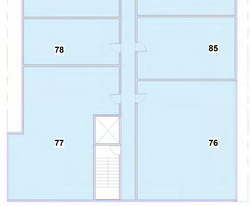

10 LEVEL 9
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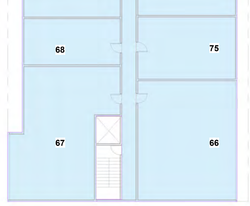

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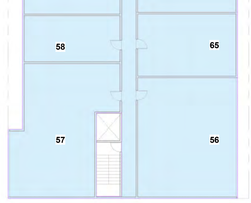
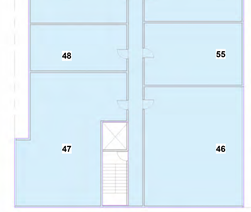
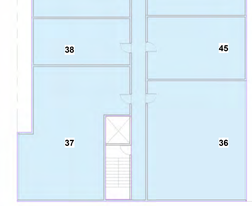


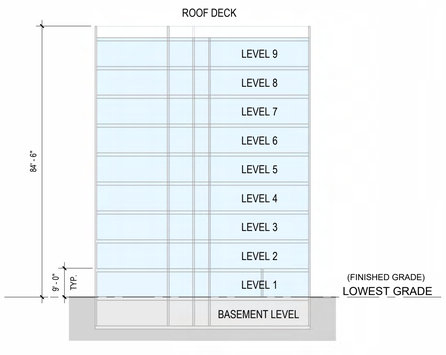
8 LEVEL 7
1" = 20'-0"



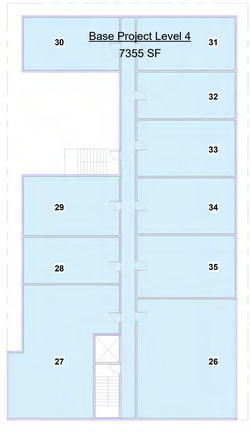
7 LEVEL 6
1" = 20'-0"



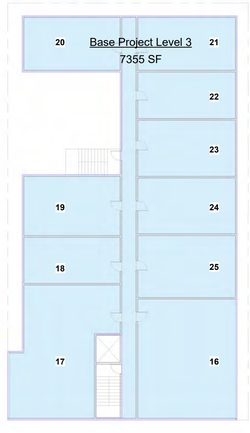
6 LEVEL 5
1" = 20'-0"



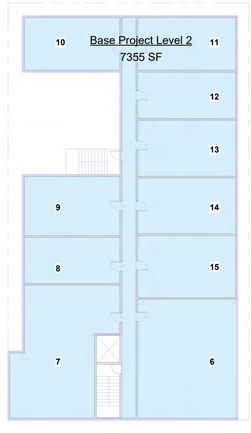
12 BASE PROJECT SECTION
1" = 20'-0"



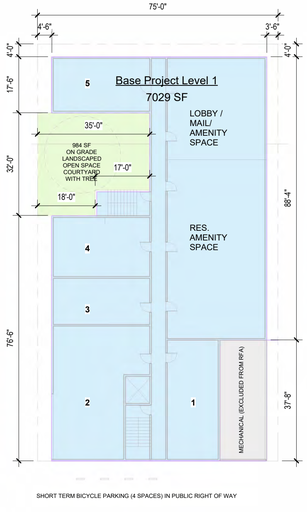
5 LEVEL 4
1" = 20'-0"



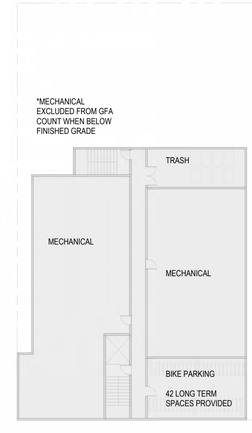
4 LEVEL 3
1" = 20'-0"



3 LEVEL 2
1" = 20'-0"



2 LEVEL 1
1" = 20'-0"



1 BASEMENT LEVEL
1" = 20'-0"

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3-31-2026
STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

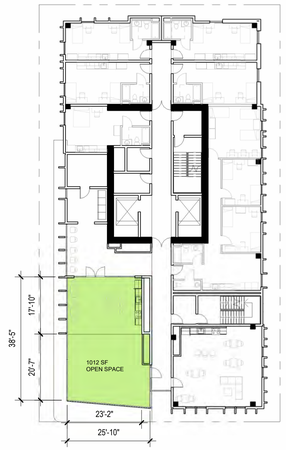
BASE PROJECT DIAGRAMS

Sheet No.

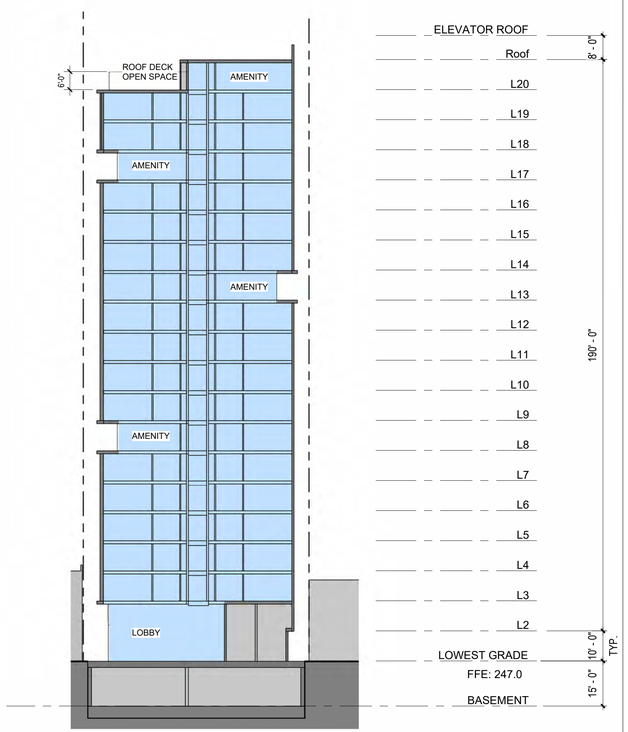
A0.2A

Scale 1" = 20'-0"

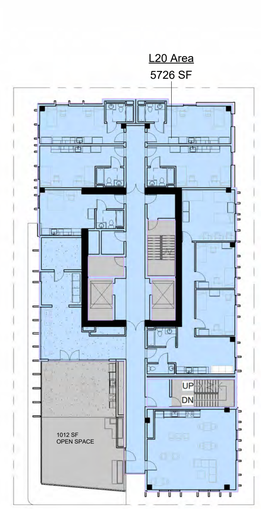
OPEN SPACE DIAGRAM



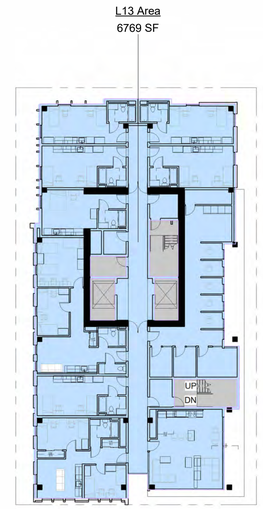
8 L20 - OPEN SPACE DIAGRAM
1" = 20'-0"



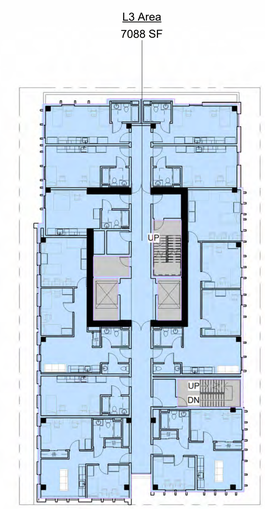
9 PROPOSED DENSITY BONUS SECTION
3/64" = 1'-0"



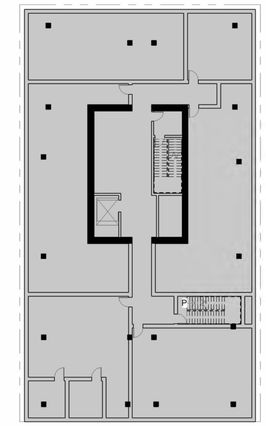
6 L20
1" = 20'-0"



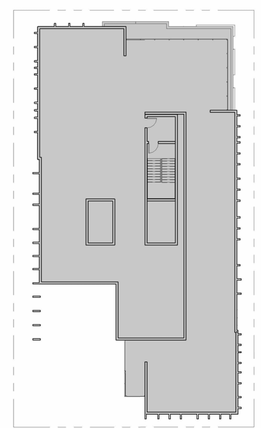
5 L13
1" = 20'-0"



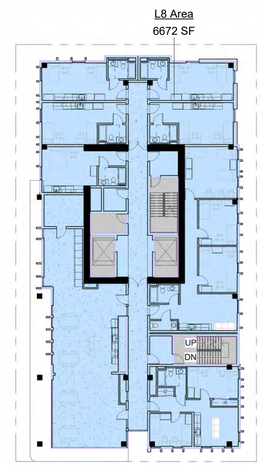
3 L3-L7, L9-L12, L14-L16, L18-L19
1" = 20'-0"



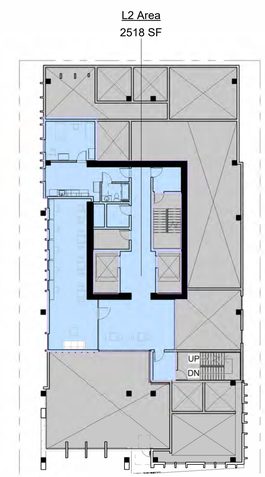
10 Basement
1" = 20'-0"



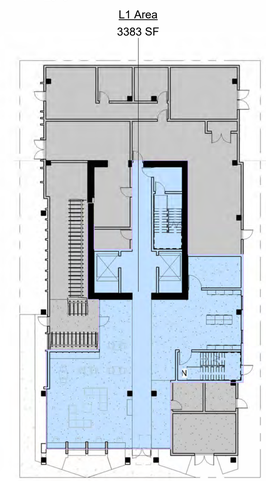
7 ROOF
1" = 20'-0"



4 L8 + L17
1" = 20'-0"



2 L2
1" = 20'-0"



1 L1
1" = 20'-0"

0 16 32 64

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LICENSED ARCHITECT YES DUFF C-36975 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

DENSITY BONUS + OPEN SPACE DIAGRAMS

Sheet No.

A0.2B

Scale As indicated

DIAGONAL HATCH INDICATES RESIDENTIAL UNIT FLOOR AREA

GREY TONE INDICATES MISC.

CROSSHATCH INDICATES RESIDENTIAL AMENITIES

TOTAL NUMBER OF RESIDENTIAL UNITS IN BASE PROJECT:

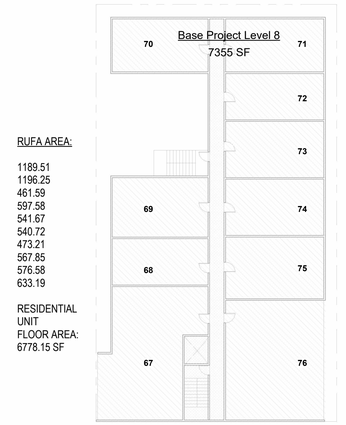
5+10+10+10+10+10+10+10+10= **85** BASE PROJECT RES. UNITS

TOTAL RUFA IN THE BASE PROJECT:

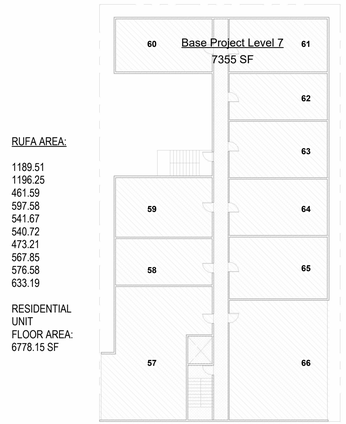
3,336.45+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15+6778.15 =**57,561 SF**

0 16 32 64

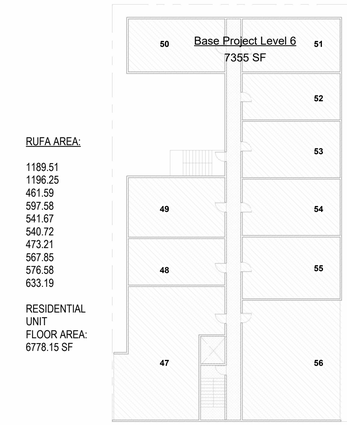
8 LEVEL 8
1" = 20'-0"



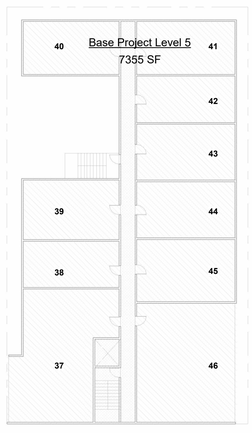
6 LEVEL 6
1" = 20'-0"



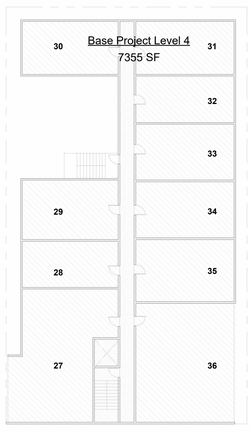
4 LEVEL 4
1" = 20'-0"



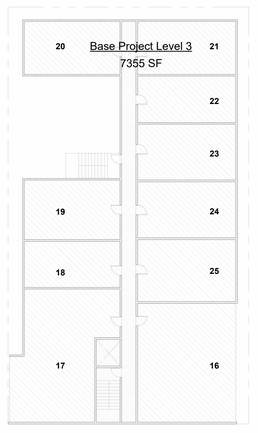
2 LEVEL 2
1" = 20'-0"



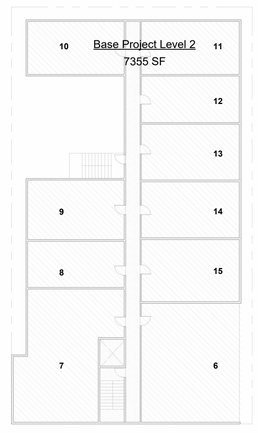
9 LEVEL 9
1" = 20'-0"



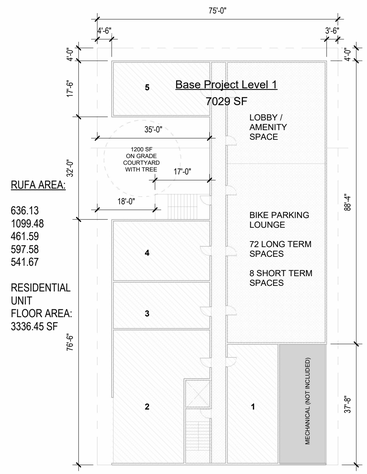
7 LEVEL 7
1" = 20'-0"



5 LEVEL 5
1" = 20'-0"



3 LEVEL 3
1" = 20'-0"



1 LEVEL 1
1" = 20'-0"

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LICENSED ARCHITECT YES DUFF C-36615 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
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3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

AFFORDABLE HOUSING COMPLIANCE PLAN

Sheet No.

A0.2C

Scale As indicated

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

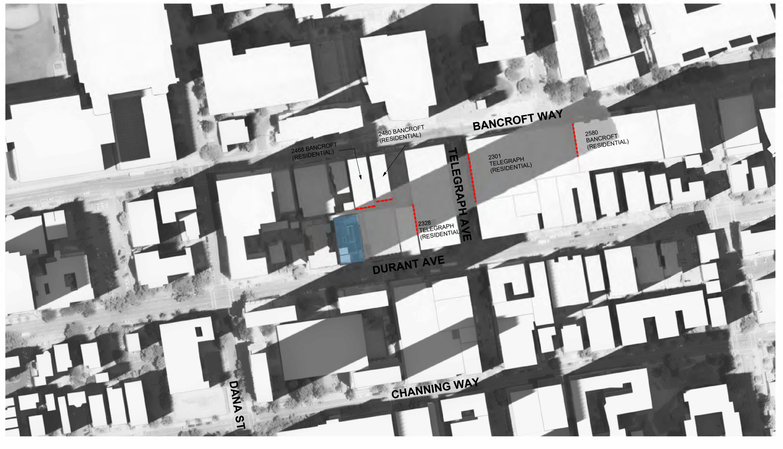
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM

SHADOW STUDY - OCT 21: 2 HRS AFTER SUNRISE

SHADOW STUDY - OCT 21: NOON



SHADOW STUDY - OCT 21: 2 HRS BEFORE SUNSET

0 16 32 64

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2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
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Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

SHADOW STUDIES - OCT 21

Sheet No.

A0.3A

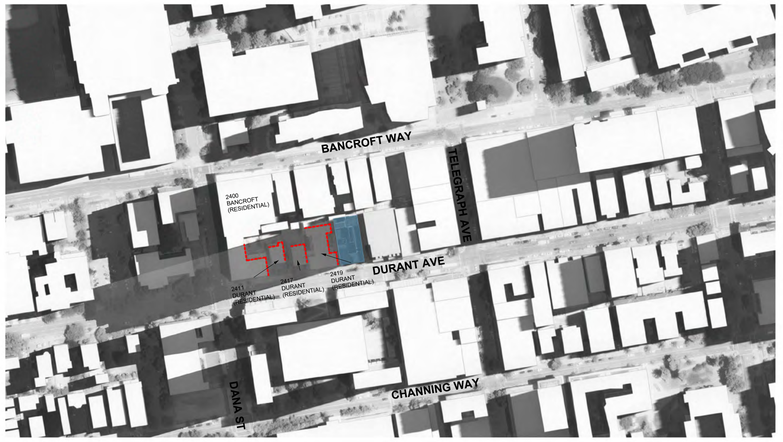
Scale As indicated

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM



SHADOW STUDY - JUN 21: 2 HRS AFTER SUNRISE

SHADOW STUDY - JUN 21: NOON

SHADOW STUDY - JUN 21: 2 HRS BEFORE SUNSET

0 16 32 64

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2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

Drawing Title

SHADOW STUDIES - JUN 21

Sheet No.

A0.3B

Scale As indicated

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL BUILDINGS SHADOWED ARE SHOWN ON THE DIAGRAM

SHADOW STUDY - DEC 21: 2 HRS AFTER SUNRISE

SHADOW STUDY - DEC 21: NOON

SHADOW STUDY - DEC 21: 2 HRS BEFORE SUNSET

0 16 32 64

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2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

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Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

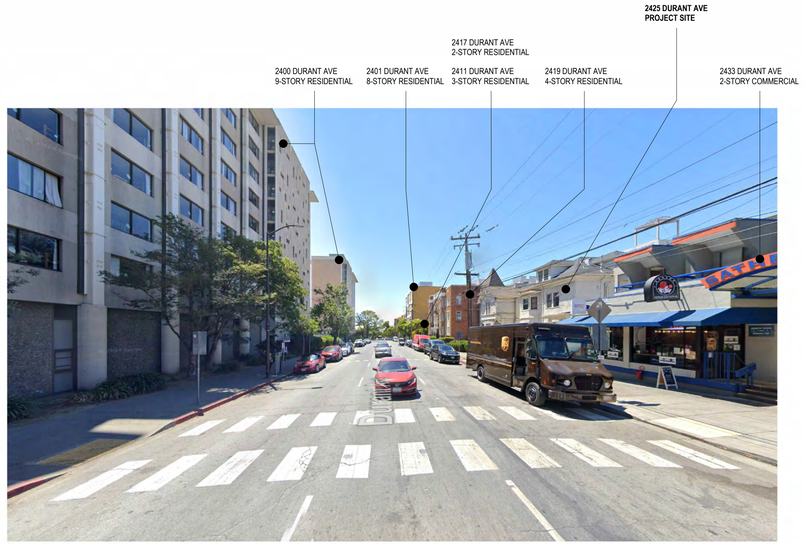
Drawing Title

SHADOW STUDIES - DEC 21

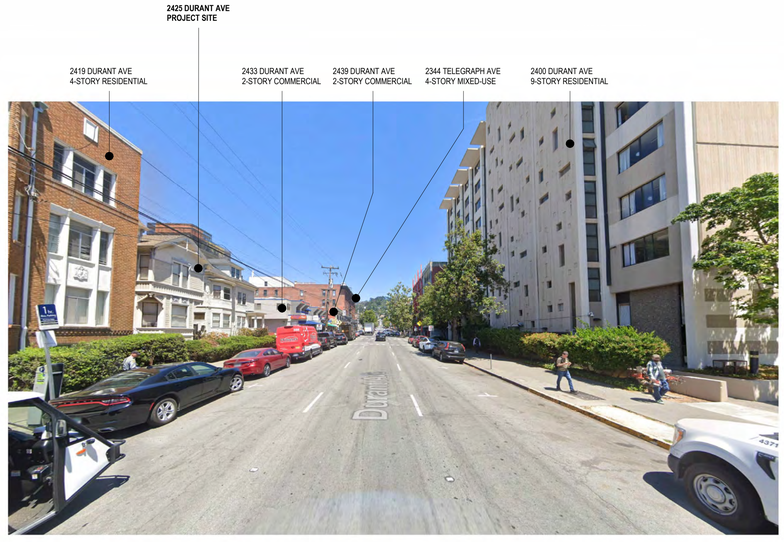
Sheet No.

A0.3C

Scale As indicated



VIEW FROM DURANT LOOKING WEST



VIEW FROM DURANT LOOKING EAST

BIRD'S EYE VIEW

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3-31-2026
STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

SITE PHOTOGRAPHS

Sheet No.

A0.4

Scale

FUTURE SOUTHSIDE PROJECTS

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2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
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1
2
3

Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

Drawing Title

SOUTHSIDE
CONTEXT MAP

Sheet No.

A0.5

Scale

2 SURVEY / EXISTING SITE PLAN
3/32" = 1'-0"

0 16 32 64

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LICENSED ARCHITECT
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C-36611
3-31-2026
STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
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1
2
3

Date	01/31/2025
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Drawn by	JO
Checked by	YD

Drawing Title

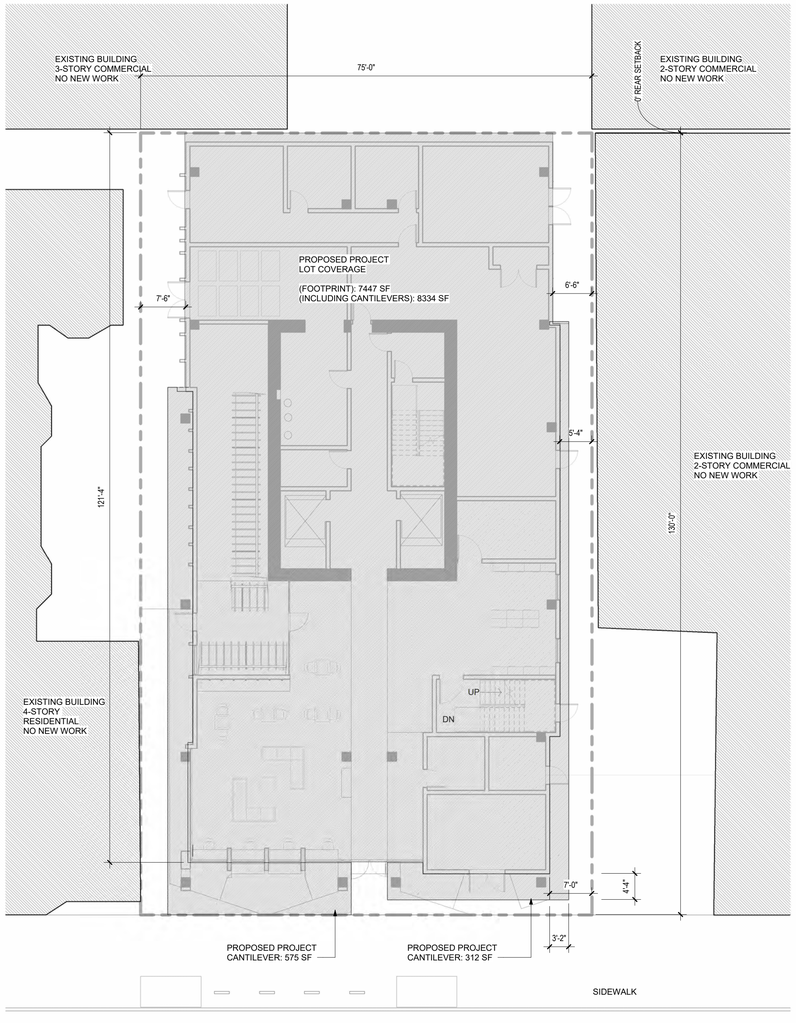
SURVEY / EXISTING SITE PLAN

Sheet No.

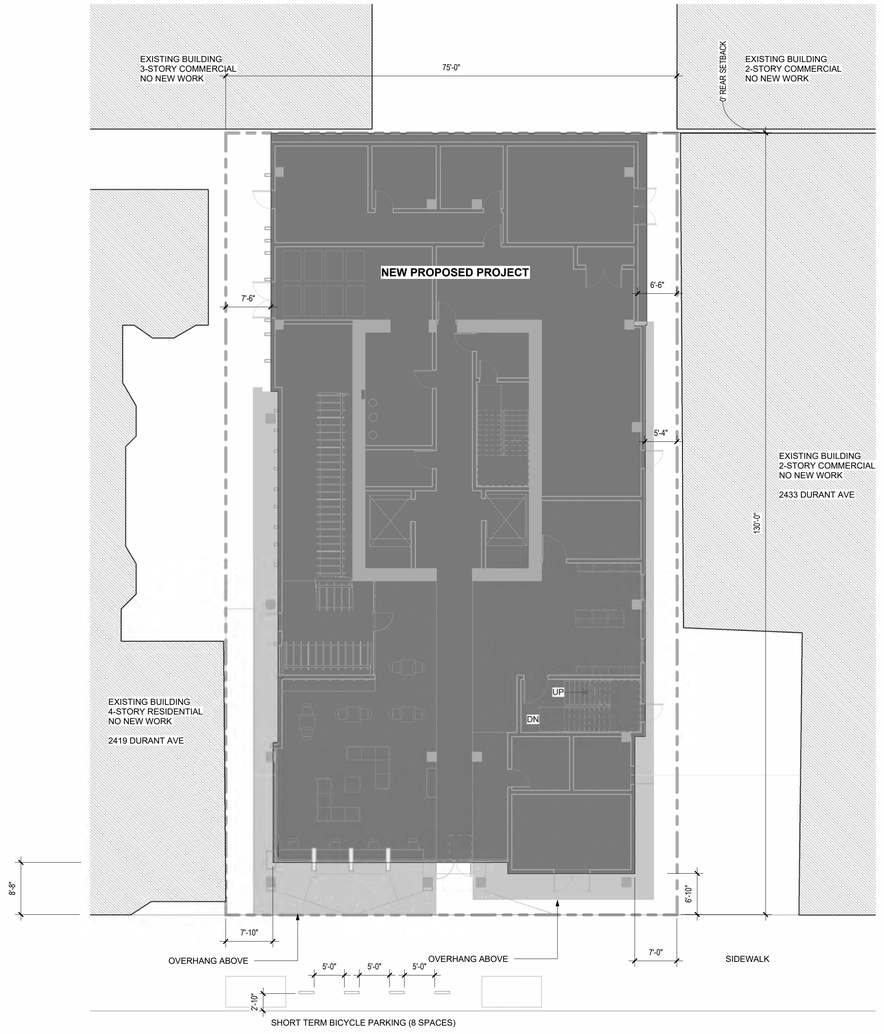
A1.0

Scale As indicated

INDICATES LOT COVERAGE



2 SITE PLAN - LOT COVERAGE DIAGRAM
3/32" = 1'-0"



1 SITE PLAN - PROPOSED
3/32" = 1'-0"

0 16 32 64

YES COMMUNITY ARCHITECTS

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LICENSED ARCHITECT
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STATE OF CALIFORNIA

2425 Durant Ave Housing

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1
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3

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Project No.	24001
Drawn by	JO
Checked by	YD

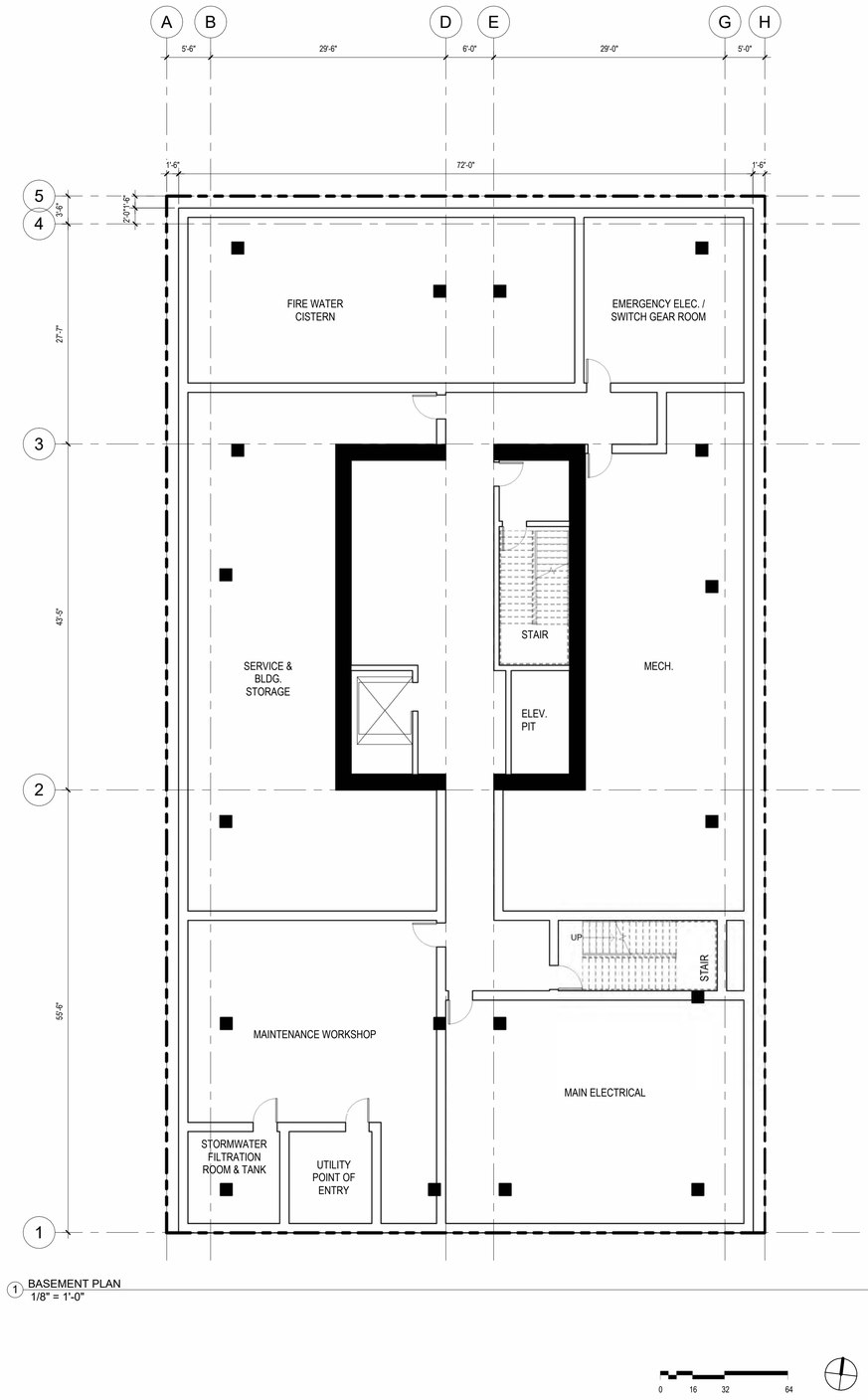
Drawing Title

SITE PLAN

Sheet No.

A1.1

Scale As indicated



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

YES COMMUNITY ARCHITECTS

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3-31-2026
STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

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Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

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Project No.	24001
Drawn by	JO
Checked by	YD

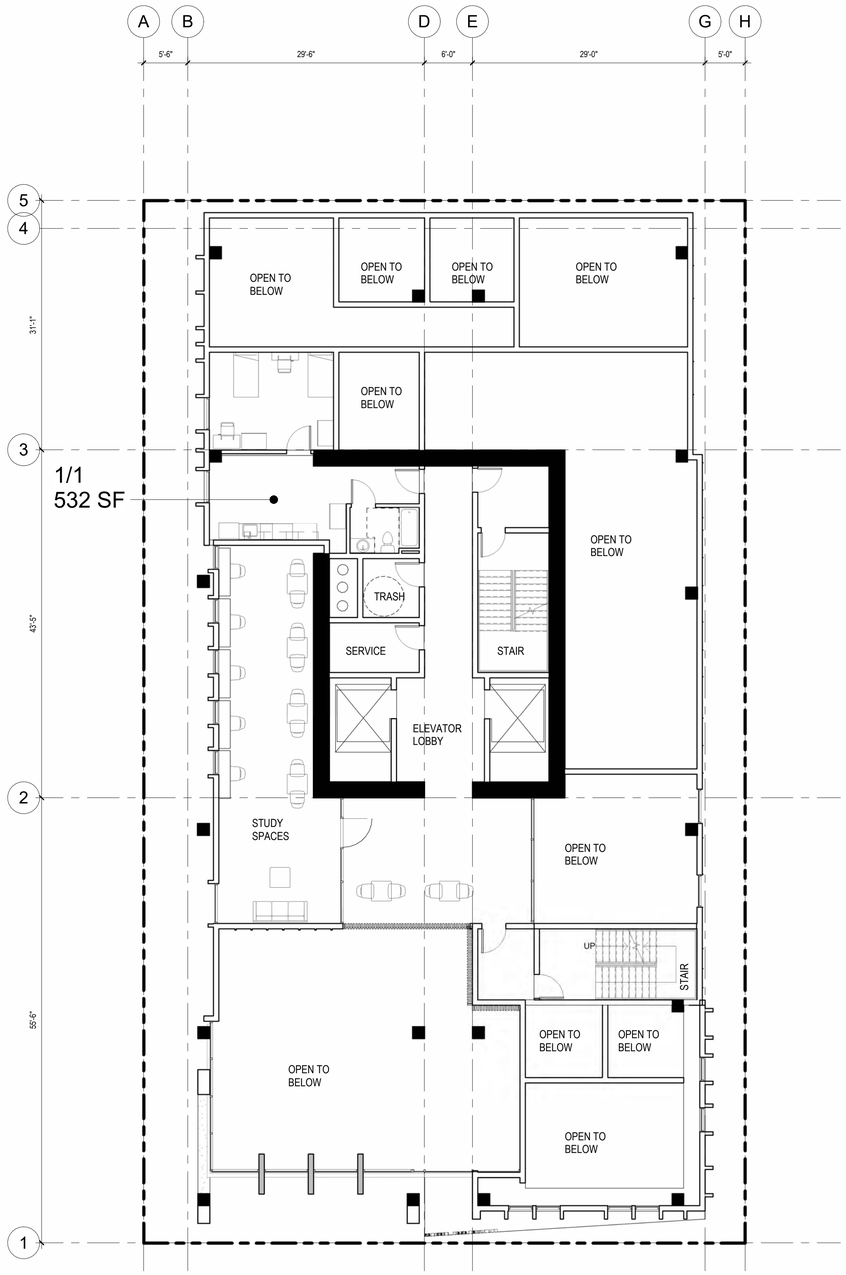
Drawing Title

FLOOR PLAN - BASEMENT LEVEL

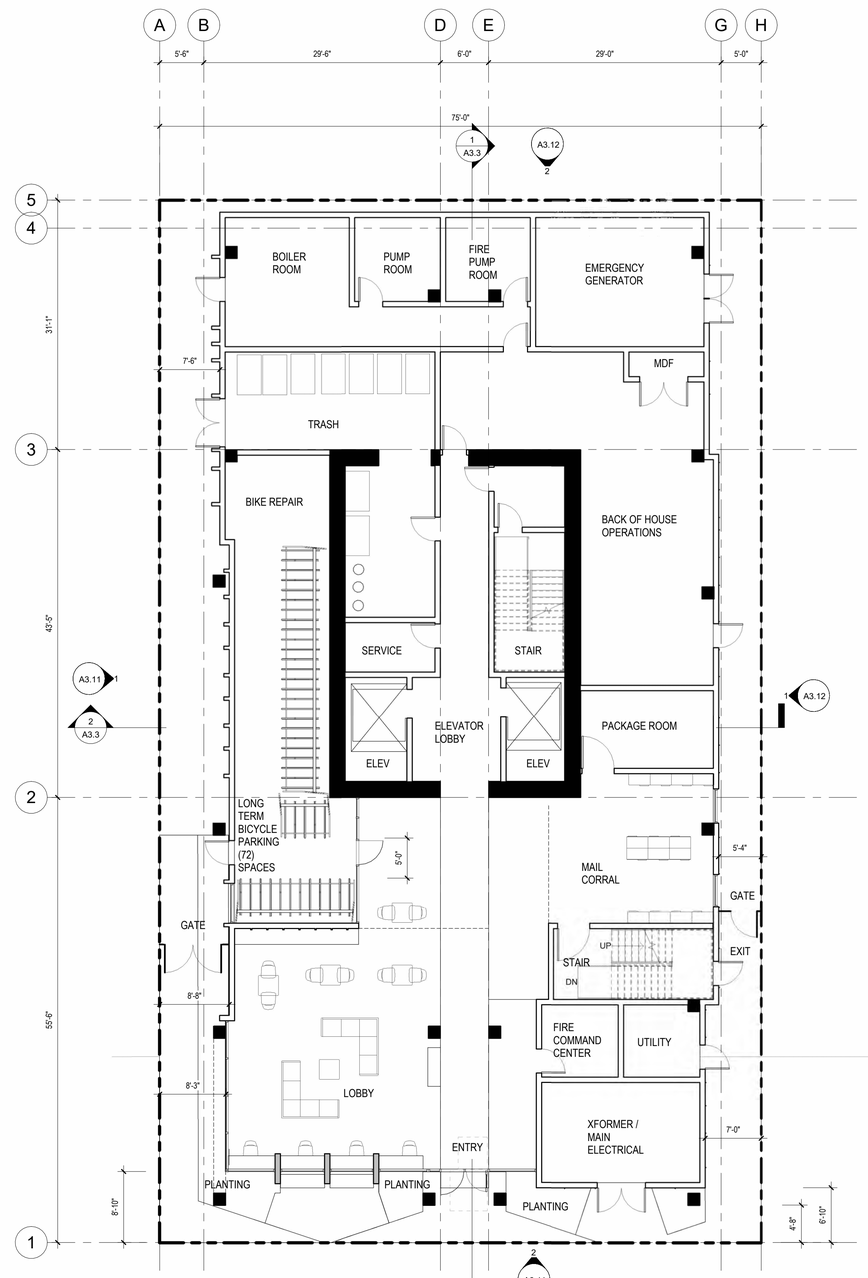
Sheet No.

A2.0

Scale As indicated



2 PLAN - LEVEL 2
1/8" = 1'-0"



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

0 16 32 64

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LICENSED ARCHITECT YES DUPE C-36975 3-31-2026 STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
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Drawn by	JO
Checked by	YD

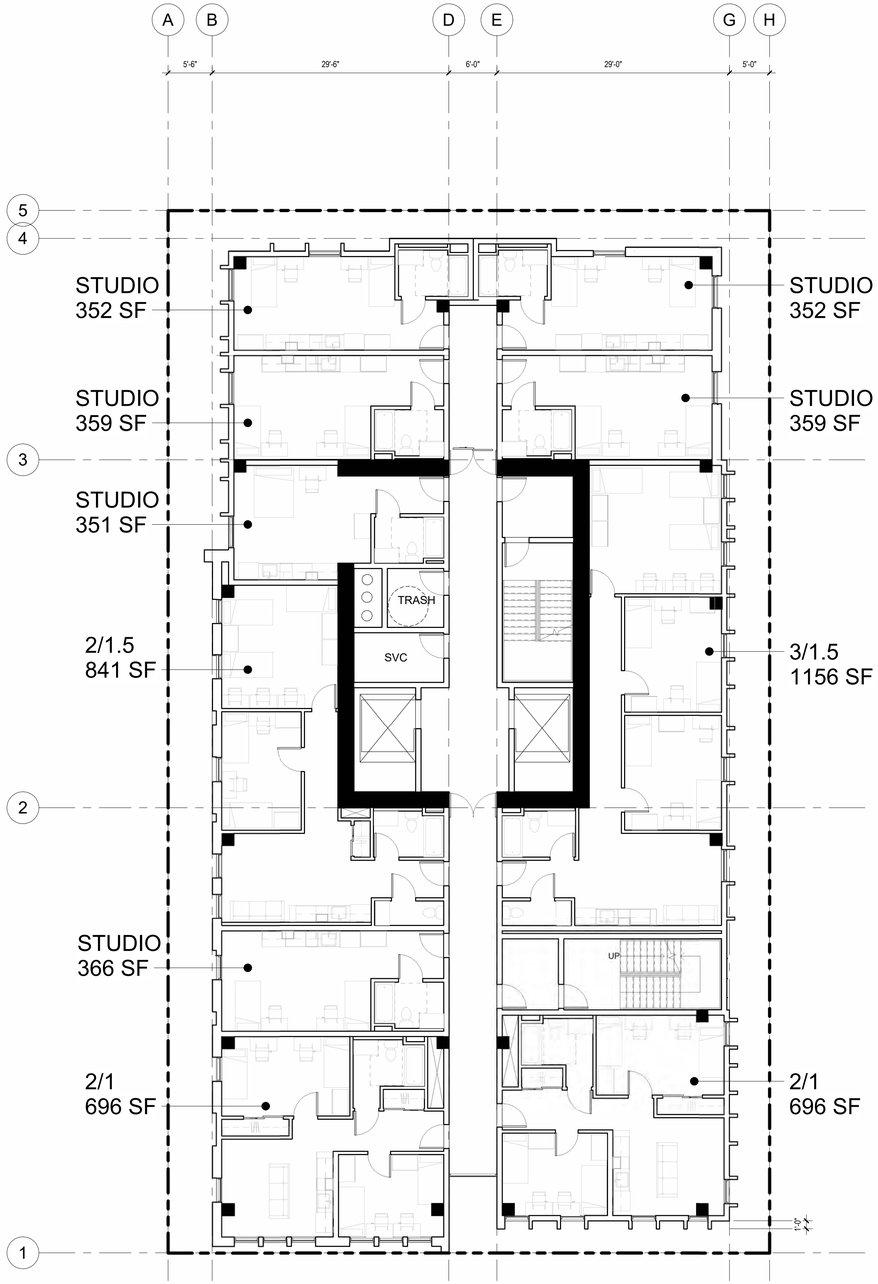
Drawing Title

FLOOR PLAN - LEVEL 1 & 2

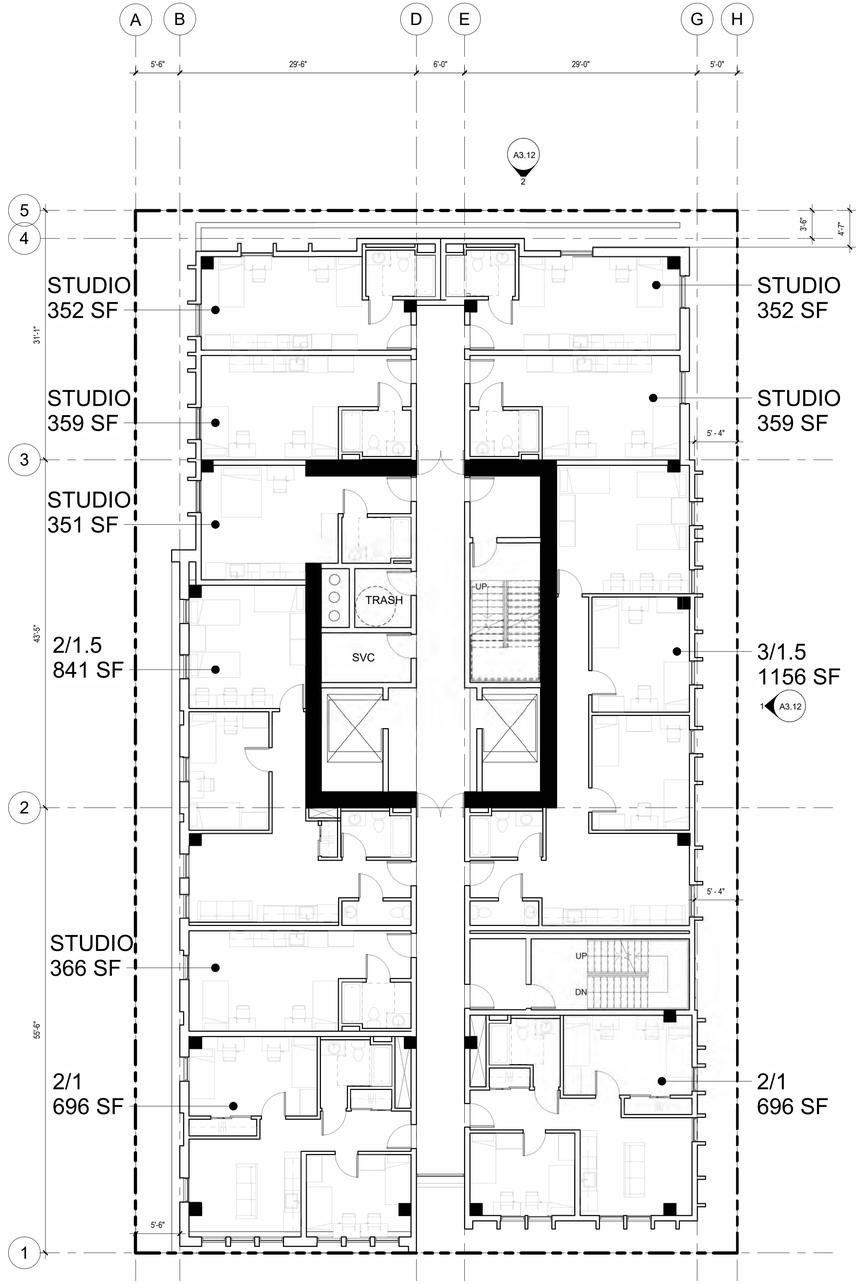
Sheet No.

A2.1

Scale As indicated



2 PLAN - LEVEL 7 - TYP. RES. LEVEL
1/8" = 1'-0"



1 PLAN - LEVEL 3 - TYP. RES. LEVEL
1/8" = 1'-0"

0 16 32 64

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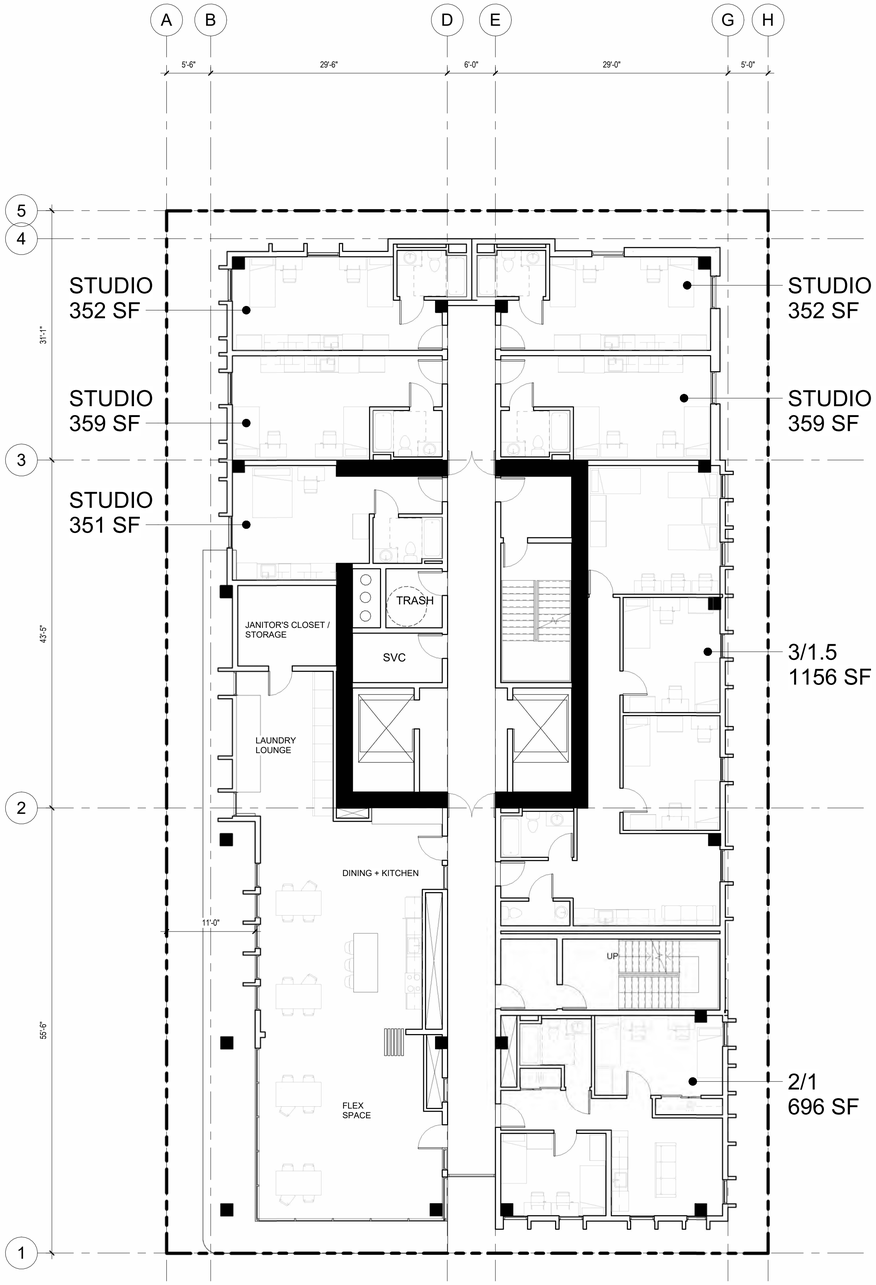
FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L3 - L7

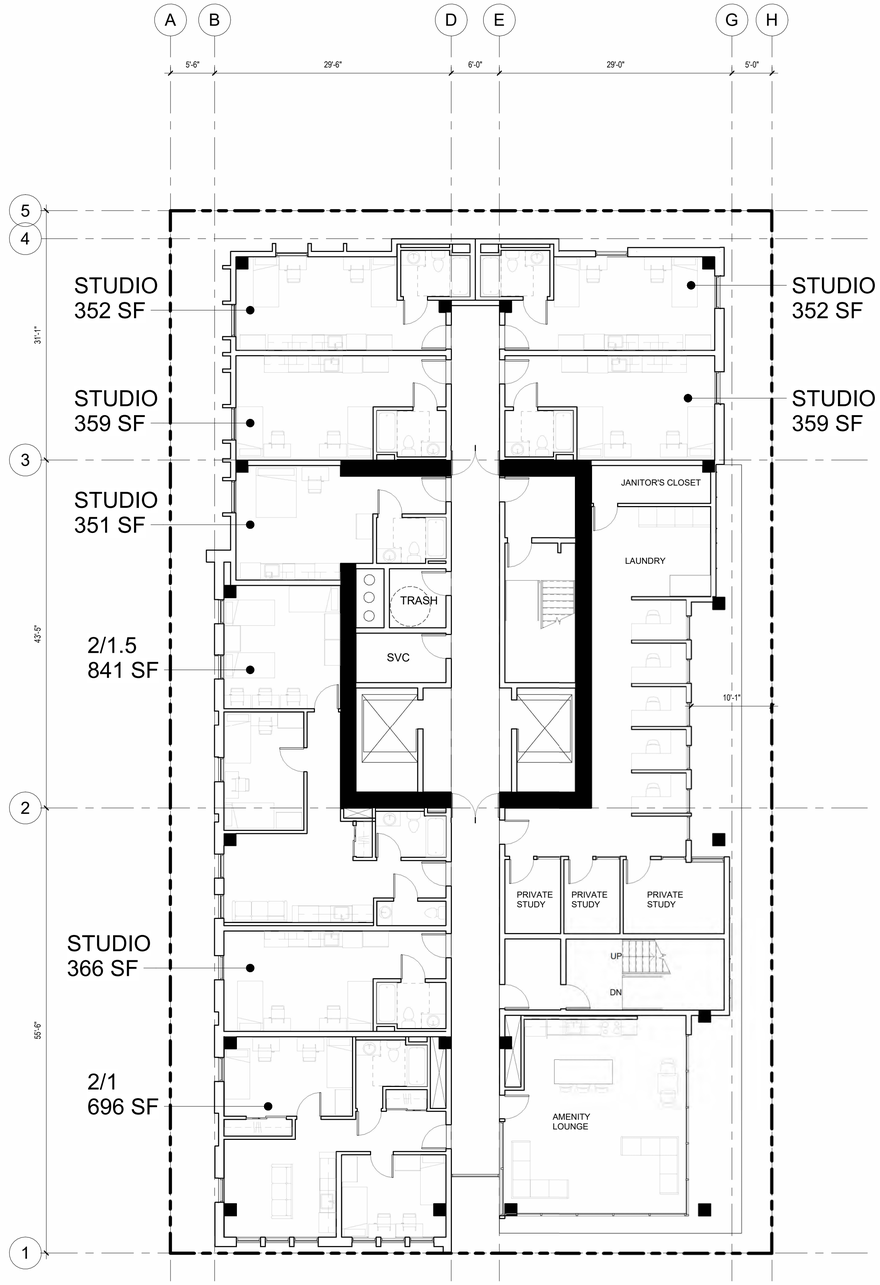
Sheet No.

A2.2

Scale As indicated



2 PLAN - LEVEL 8 + LEVEL 17
1/8" = 1'-0"



1 PLAN - LEVEL 13
1/8" = 1'-0"

0 16 32 64

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STATE OF CALIFORNIA

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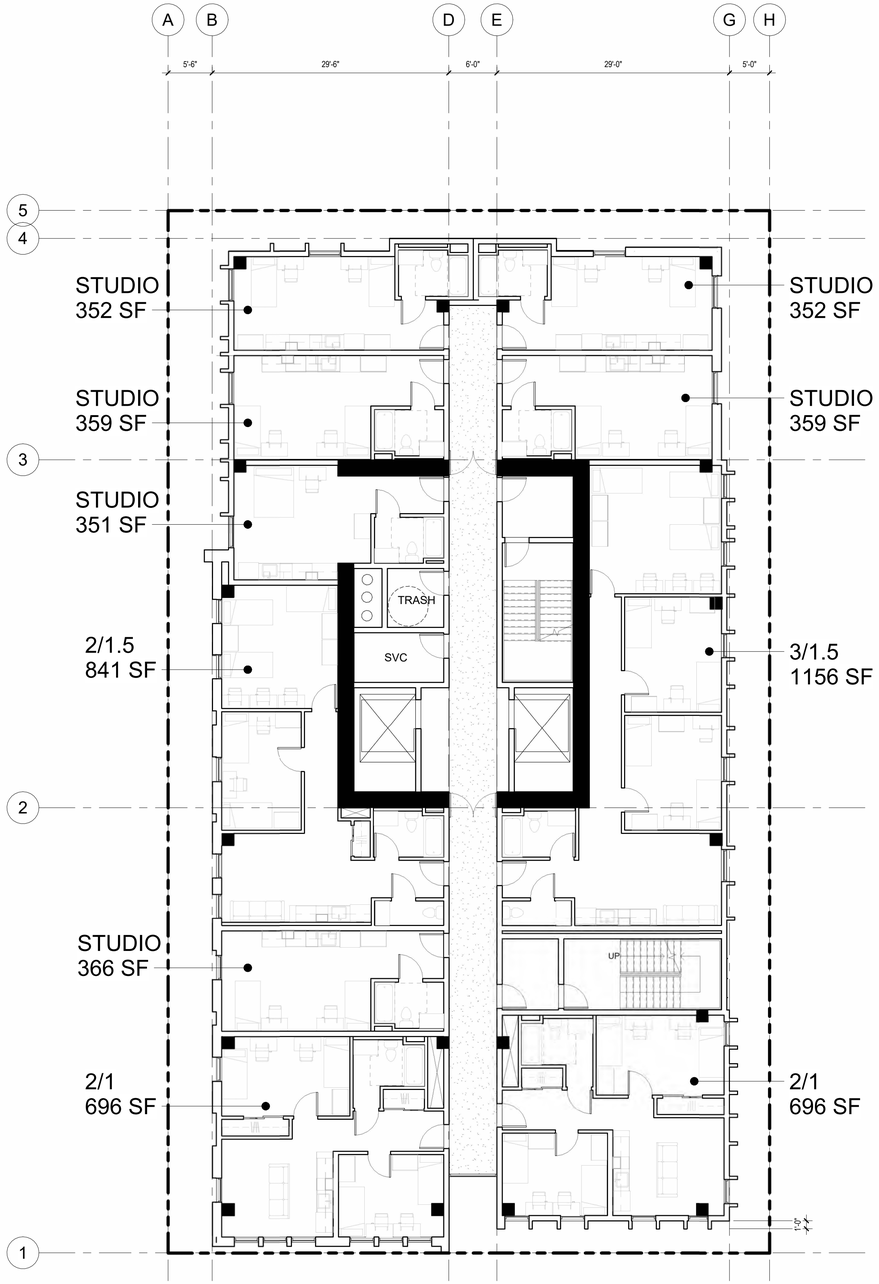
FLOOR PLAN - AMENITY LEVELS L8, L13, L17

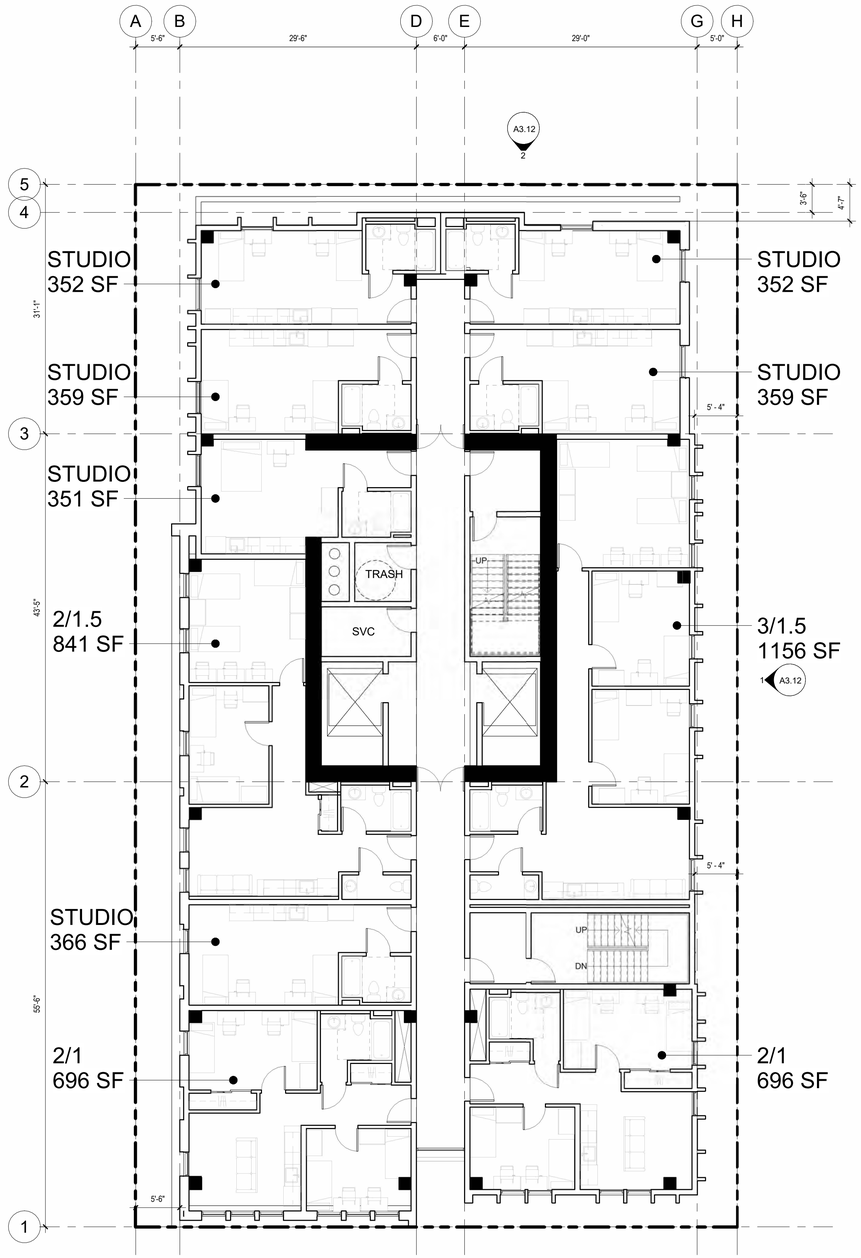
Sheet No.

A2.3

Scale As indicated



PLAN - LEVEL 11, 12, 18-19 - TYP. RES.
2 LEVEL
1/8" = 1'-0"



PLAN - LEVEL 9, 10, 14-16 - TYP. RES.
1 LEVEL
1/8" = 1'-0"

0 16 32 64

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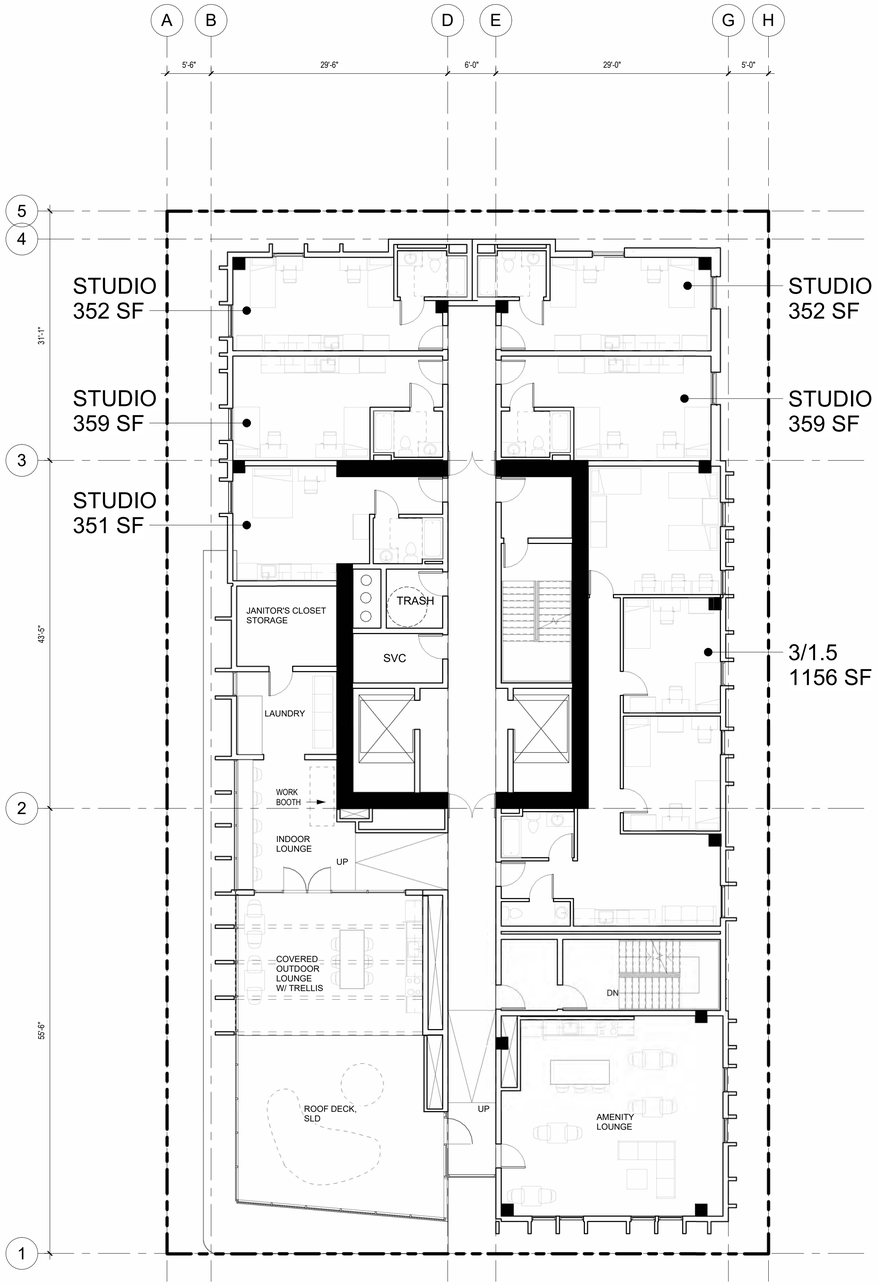
FLOOR PLAN - TYPICAL RESIDENTIAL LEVEL L9-L12, L14-L16, L18-L19

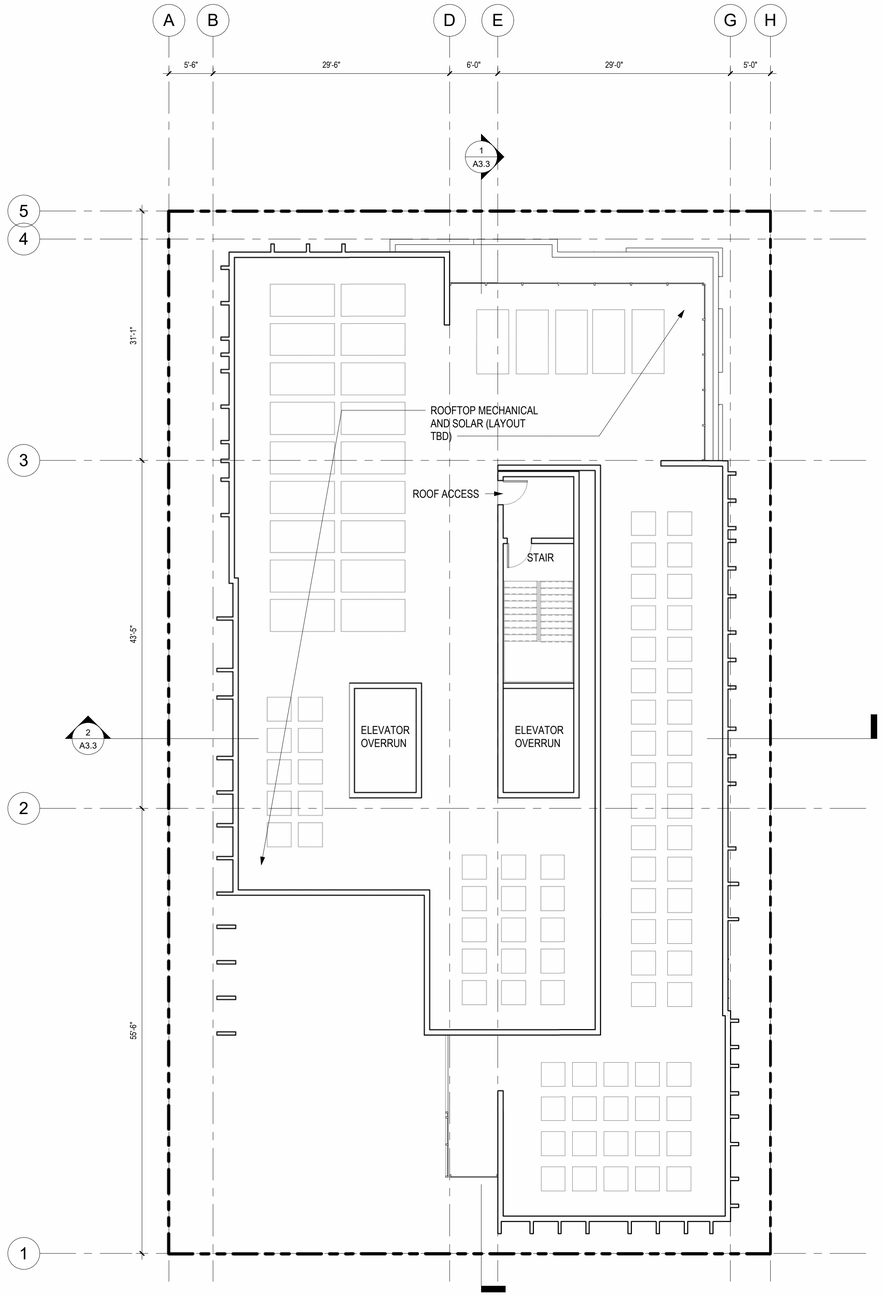
Sheet No.

A2.4

Scale As indicated



2 PLAN - LEVEL 20
1/8" = 1'-0"



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

0 16 32 64

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Drawn by	JO
Checked by	YD

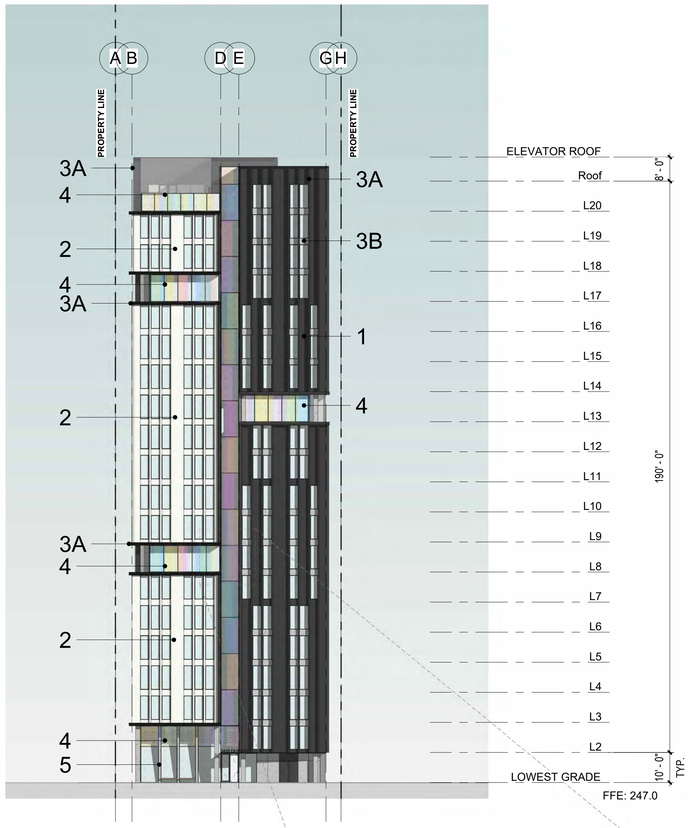
Drawing Title

FLOOR PLAN - LEVEL 20 & ROOF

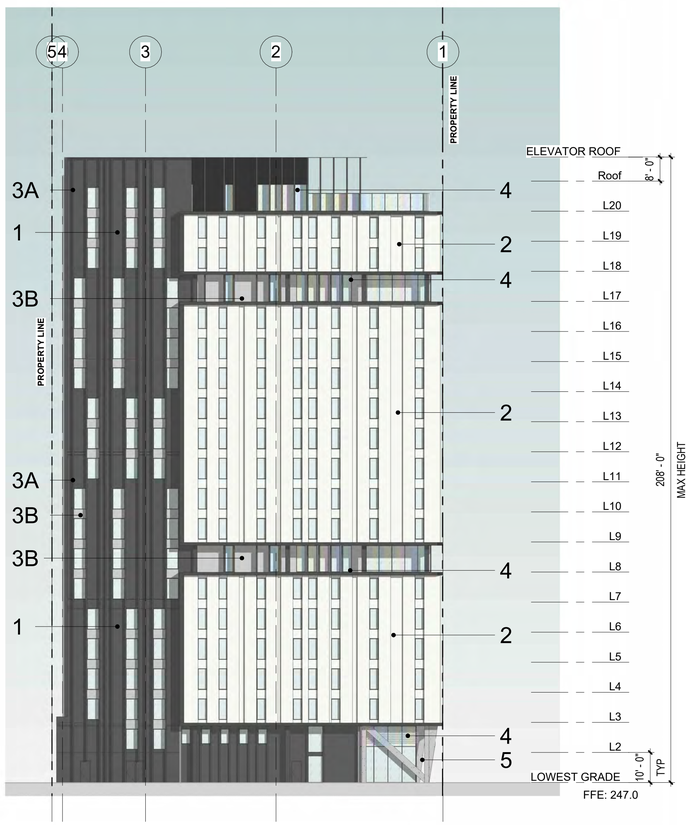
Sheet No.

A2.5

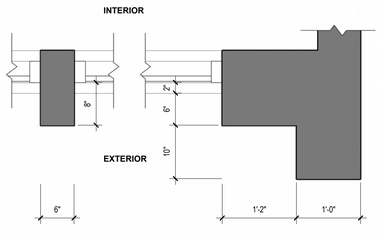
Scale As indicated



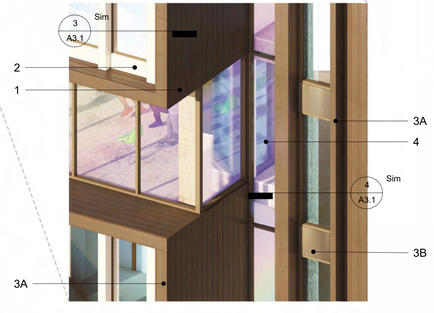
2 ELEVATION - SOUTH (DURANT AVE)
3/64" = 1'-0"



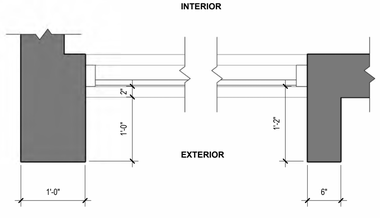
1 ELEVATION - WEST
3/64" = 1'-0"



3 FACADE PLAN DETAIL
1" = 1'-0"



AXON VIEW OF AMENITY SPACE ADJACENT TO CORRIDOR



4 FACADE PLAN DETAIL
1" = 1'-0"

EXTERIOR MATERIALS KEY

1) DARK GREY
CLARK PACIFIC
INFINITE SERIES

2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES

3A) DARK ALUMINUM METAL PANEL

3B) LIGHT ALUMINUM METAL PANEL

4) ALUMINUM AND GLASS
STOREFRONT WITH DICHROIC FILM

5) EXPOSED CONCRETE

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2425 Durant Ave Housing

Issues / Revisions

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Zoning Completeness 1	03/31/2025

1
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Date 01/31/2025
Project No. 24001
Drawn by JO
Checked by YD

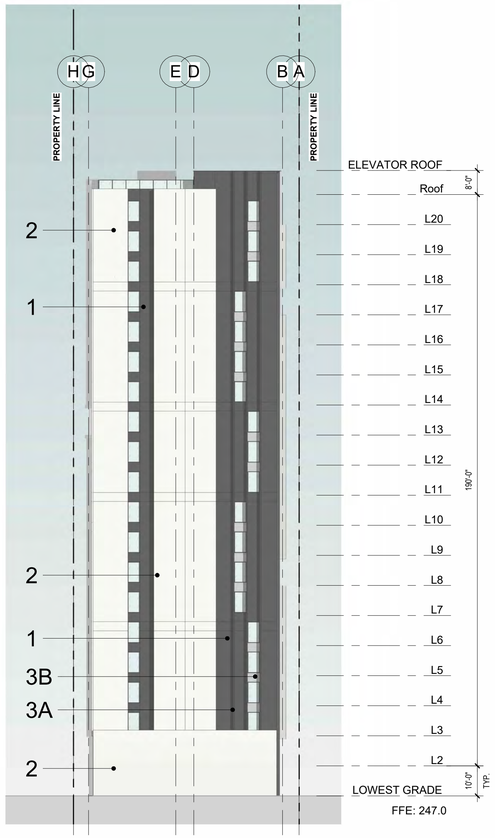
Drawing Title

BUILDING ELEVATIONS

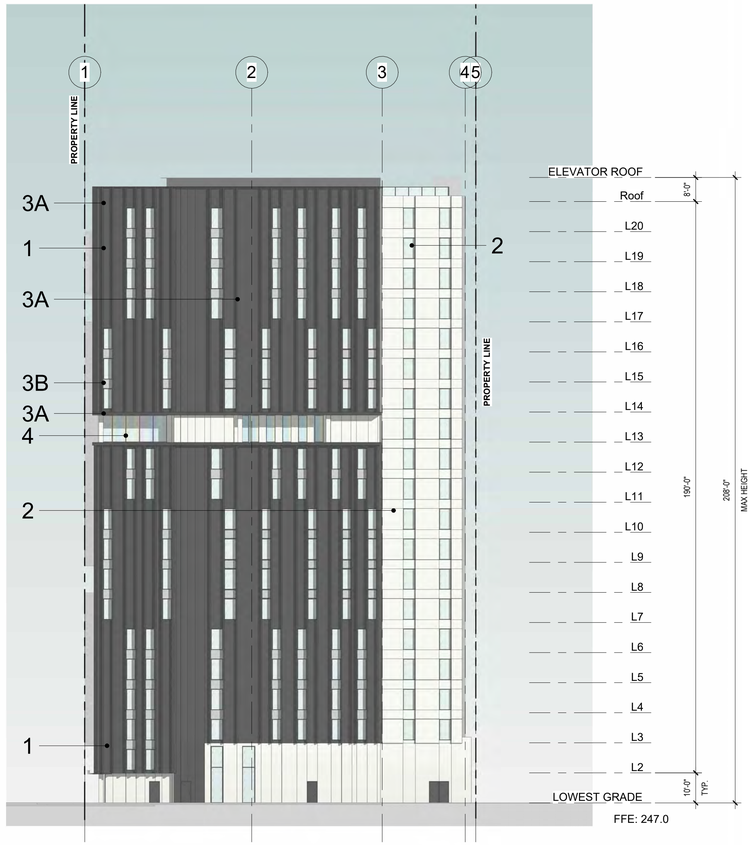
Sheet No.

A3.1

Scale As indicated



2 ELEVATION - NORTH
3/64" = 1'-0"



1 ELEVATION - EAST
3/64" = 1'-0"

EXTERIOR MATERIALS KEY

1) DARK GREY
CLARK PACIFIC
INFINITE SERIES

2) LIGHT WHITE
CLARK PACIFIC
INFINITE SERIES

3A) DARK ALUMINUM METAL PANEL

3B) LIGHT ALUMINUM METAL PANEL

4) ALUMINUM AND GLASS
STOREFRONT WITH DICHROIC FILM

5) EXPOSED CONCRETE

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2425 Durant Ave Housing

Issues / Revisions

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Project No.	24001
Drawn by	JO
Checked by	YD

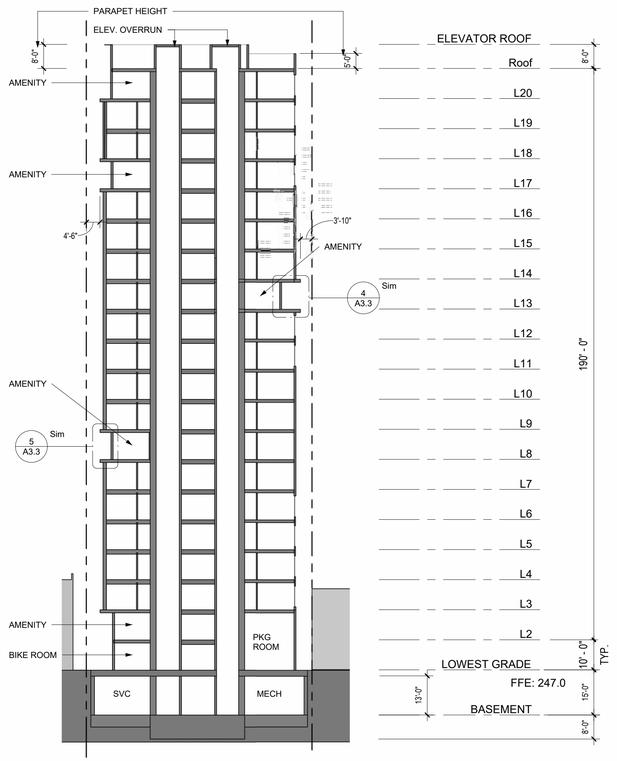
Drawing Title

BUILDING ELEVATIONS

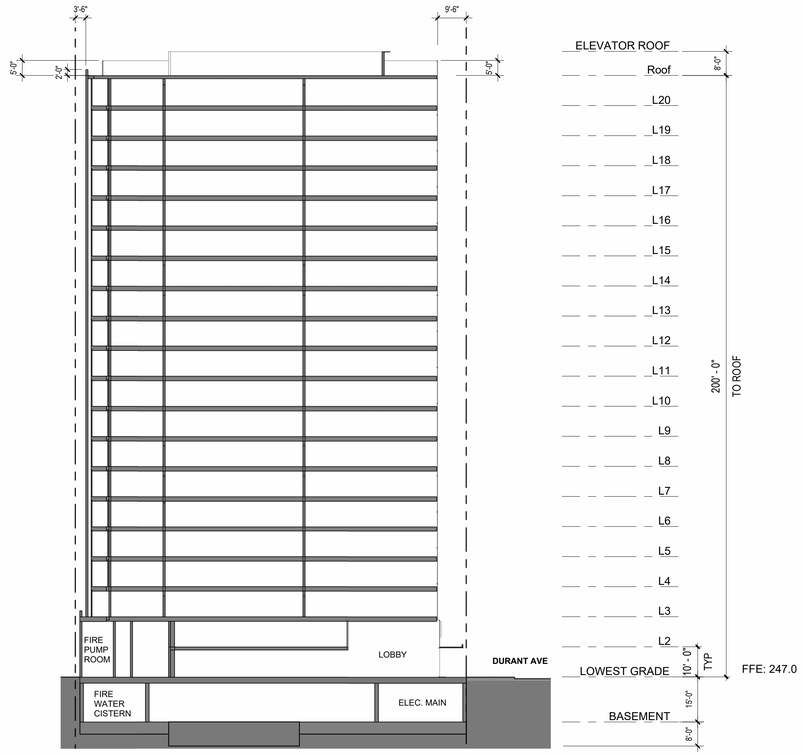
Sheet No.

A3.2

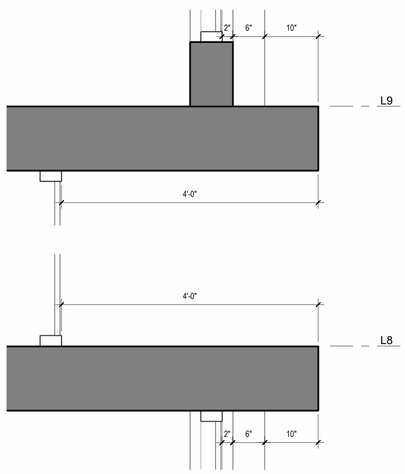
Scale 3/64" = 1'-0"



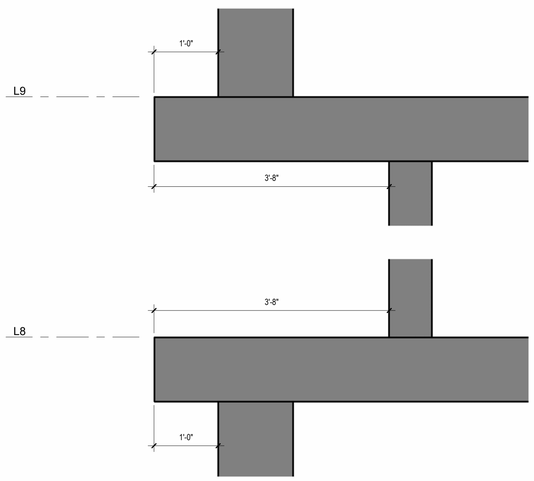
2 BUILDING SECTION - E/W
3/64" = 1'-0"



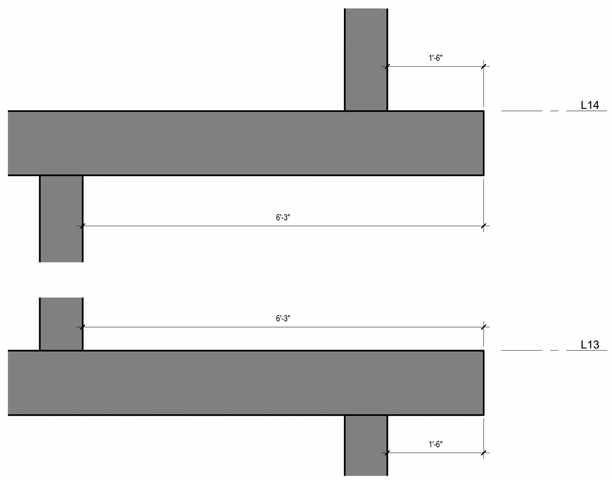
1 BUILDING SECTION - N/S
3/64" = 1'-0"



3 ENLARGED SECTION - TYP. FACADE DEPTH - AMENITY LEVEL
1" = 1'-0"



5 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"



4 ENLARGED SECTION - FACADE DEPTH
1" = 1'-0"

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3-31-2026
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2425 Durant Ave Housing

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Checked by	YD

Drawing Title

SECTION DRAWINGS

Sheet No.

A3.3

Scale As indicated

1 STREET STRIP ELEVATION
1" = 20'-0"

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Drawing Title

STREET STRIP ELEVATION

Sheet No.

A3.4

Scale 1" = 20'-0"

VIEW ALONG DURANT AVE LOOKING NORTH EAST

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Drawing Title

PERSPECTIVE RENDERINGS

Sheet No.

A3.5

Scale

VIEW OF ENTRY ALONG DURANT AVE LOOKING NORTH WEST

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Drawing Title

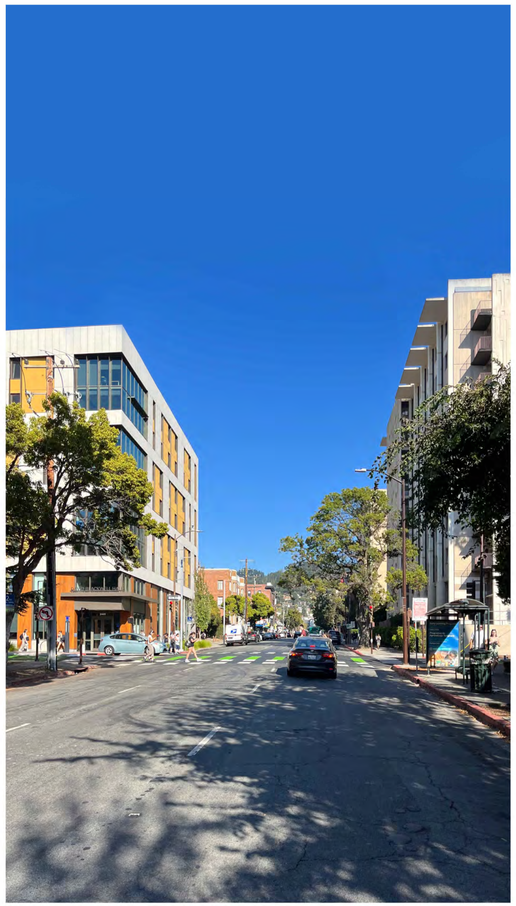
PERSPECTIVE RENDERINGS

Sheet No.

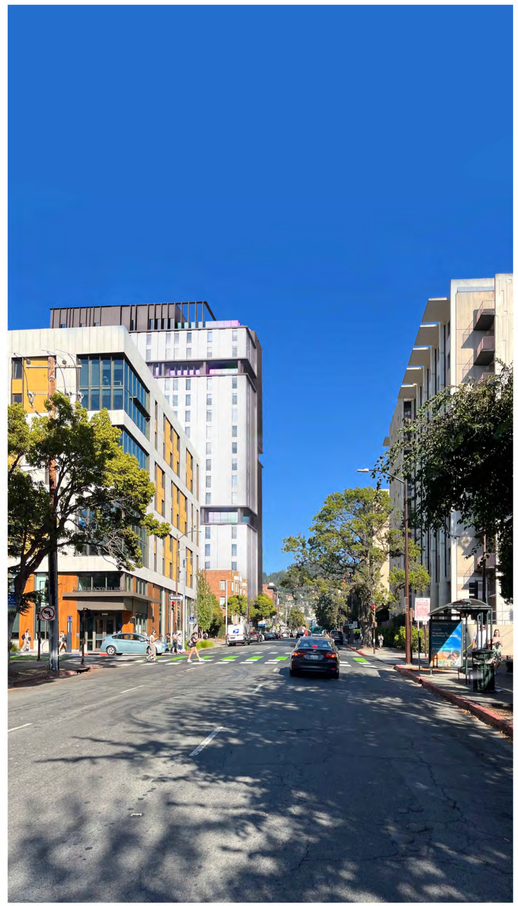
A3.6

Scale

PERSPECTIVE VIEW
UP DURANT AVE
TOWARDS
TELEGRAPH AVE



BEFORE



AFTER (SIMULATED)

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Drawing Title

PHOTO SIMULATIONS

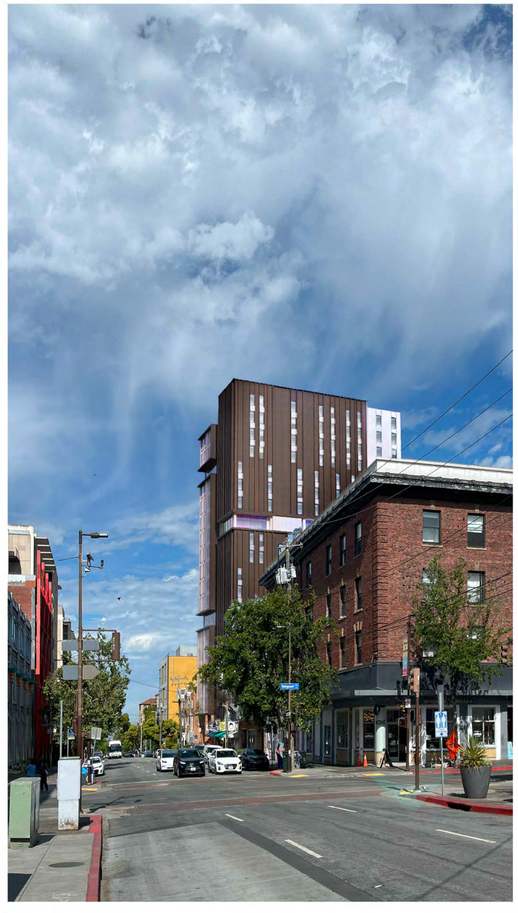
Sheet No.

A3.7

Scale

PERSPECTIVE VIEW
DOWN DURANT AVE
TOWARDS DANA ST

BEFORE



AFTER (SIMULATED)

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PHOTO
SIMULATIONS

Sheet No.

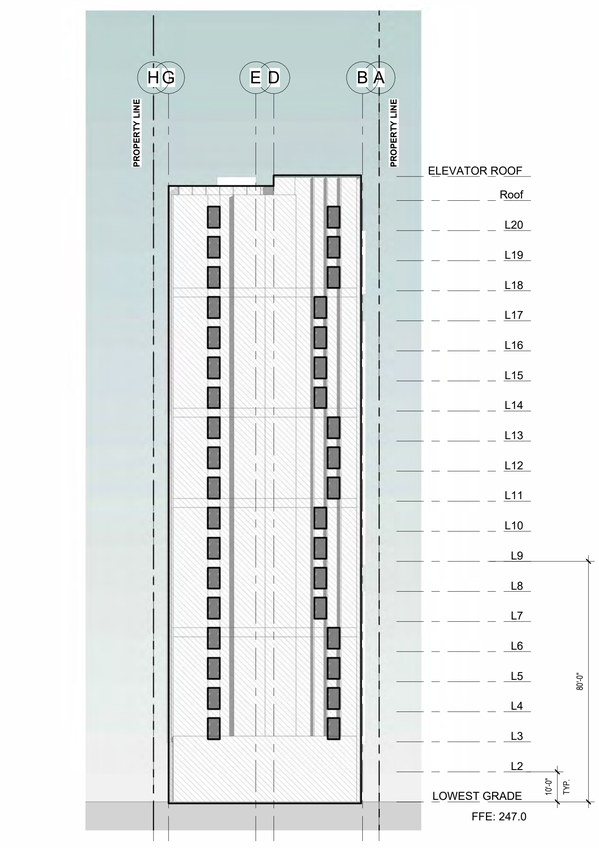
A3.8

Scale

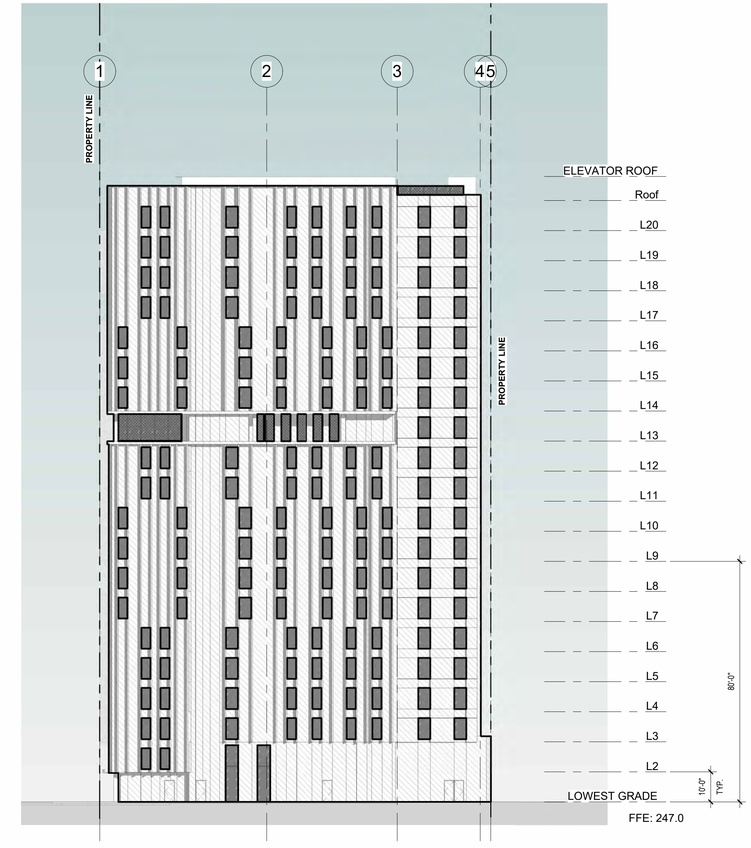
DIAGONAL HATCH INDICATES
OVERALL FACADE AREA

GREY TONE INDICATES
TRANSPARENT FACADE AREA

CROSSHATCH INDICATES
HIGH-RISK FEATURES



2 ELEVATION - NORTH
3/64" = 1'-0"



1 ELEVATION - EAST
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 1008.00 SF
OVERALL FACADE AREA: 13253.50 SF

1008.00 SF / 13253.5 SF = .0761 * 100 = **7.61%**

7.61% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

TRANSPARENT FACADE AREA: 4240.47 SF
OVERALL FACADE AREA: 25342.99 SF

4240.47 SF / 25342.99 SF = .1673 * 100 = **16.73%**

16.73% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

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Checked by	YD

Drawing Title

BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.

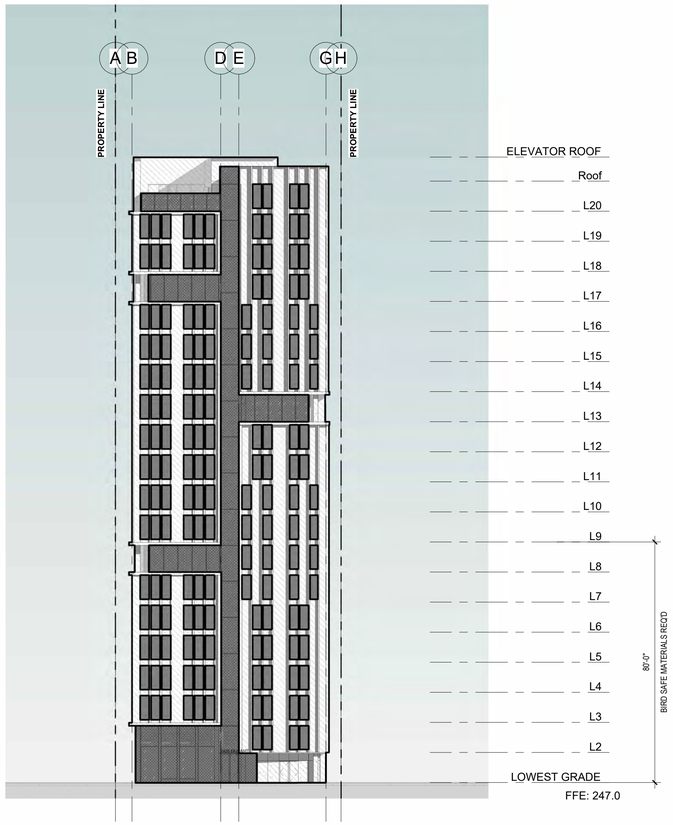
A3.9

Scale As indicated

DIAGONAL HATCH INDICATES
OVERALL FACADE AREA

GREY TONE INDICATES
TRANSPARENT FACADE AREA

CROSSHATCH INDICATES
HIGH-RISK FEATURES



2 ELEVATION - SOUTH (DURANT AVE)
3/64" = 1'-0"

1 ELEVATION - WEST
3/64" = 1'-0"

TRANSPARENT FACADE AREA: 6507.67 SF
OVERALL FACADE AREA: 13505.41 SF

6507.67 SF / 13505.41 SF = .4819 * 100 = **48.19%**

48.19% > 30% = NOT A LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

TRANSPARENT FACADE AREA: 5670.66 SF
OVERALL FACADE AREA: 25462.6 SF

5670.66 SF / 25462.6 SF = .2227 * 100 = **22.27%**

22.7% < 30% = LOWER RISK FACADE

PER BMC TABLE 23.304-10, HIGH RISK FEATURES
AS WELL AS FIRST 75' ABOVE GRADE
TRANSPARENT FACADE TO FOLLOW OPTION 2
BIRD SAFE MATERIALS PER BMC 23.304.150(C)

COMPLIES

YES COMMUNITY
ARCHITECTS

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Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

LICENSED ARCHITECT
YES DUFF
C-36911
3-31-2026
STATE OF CALIFORNIA

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	JO
Checked by	YD

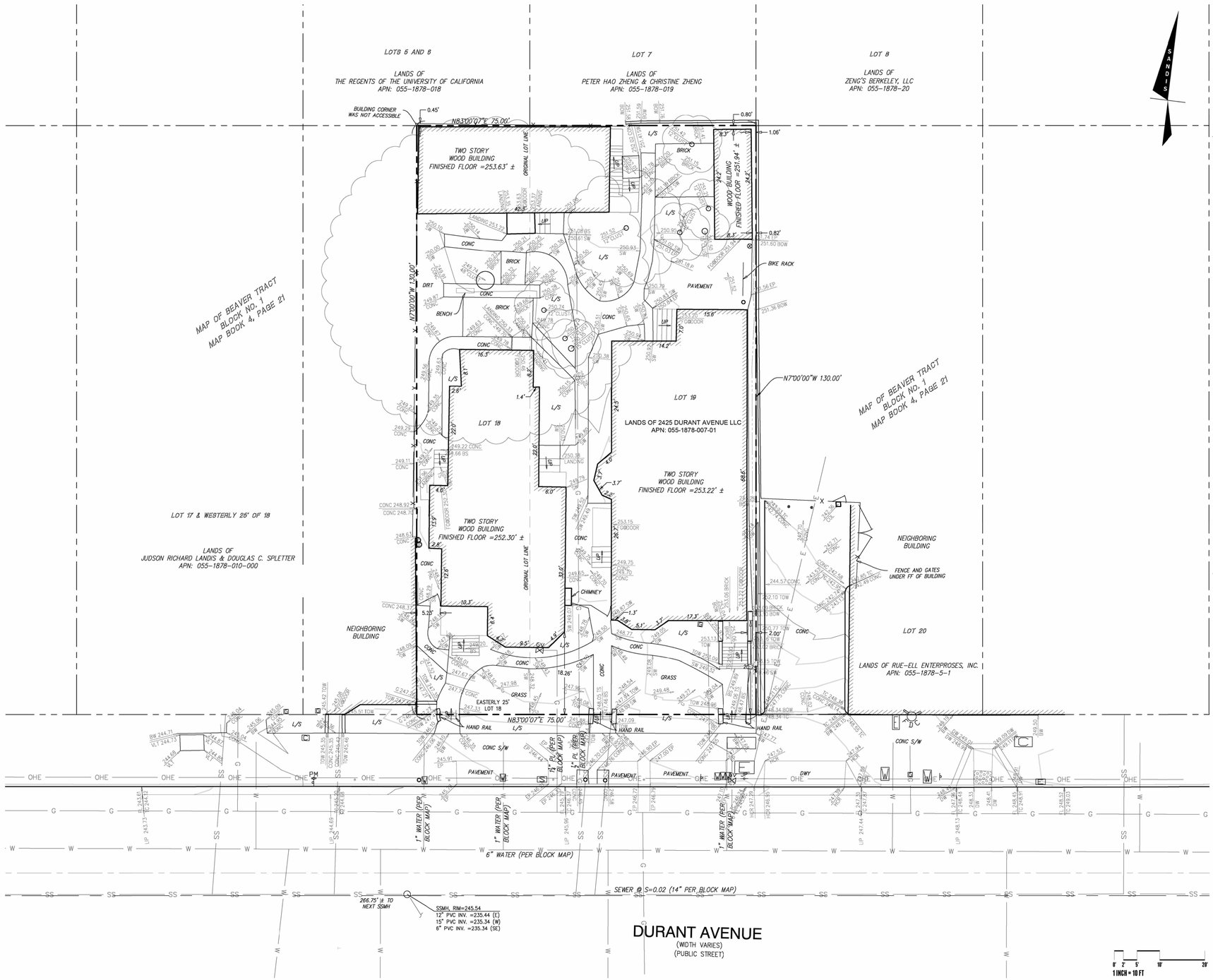
Drawing Title

BIRD SAFETY EXTERIOR DIAGRAMS

Sheet No.

A3.10

Scale As indicated



LEGEND

- BUILDING LINE
- BOUNDARY LINE
- LOT LINE
- CURB LINE
- X — FENCE LINE
- E — UNDERGROUND ELECTRIC
- G — UNDERGROUND GAS
- SS — UNDERGROUND SEWER
- W — UNDERGROUND WATER
- 123.45 DESC. — POINT, ELEVATION AND DESCRIPTION
- 123 — CONTOURS (1-FT INTERVALS)
- 123.45 SIZE->TREE. — TREE (DIAMETER SIZE IN INCHES)

SYMBOLS & ABBREVIATIONS

BLDC	BUILDING CORNER
BLDL	BUILDING LINE
BM	BENCHMARK
BOL	BOLLARD
BOW	BOTTOM OF WALL
BRICK	BRICK
BS	BOTTOM OF STAIRS
BW	BACK OF WALK
COM-PB	COMMUNICATION PULLBOX
CONC	CONCRETE
CONC S/W	CONCRETE SIDEWALK
DI	DRAIN INLET
DWY	DRIVEWAY
EP	EDGE OF PAVEMENT
EPB	ELECTRIC PULLBOX
FDC	FIRE DEPARTMENT CONNECTION
FF	BUILDING FINISHED FLOOR
FGD@DOOR	FINISHED GRADE AT DOOR
FL	FLOW LINE
G	GROUND
GM	GAS METER
GV	GAS VALVE
HCR	ACCESSIBLE RAMP
JP	JOINT POLE
LIP	LIP OF GUTTER
L/S	LANDSCAPE
P	PAVEMENT
PM	PARKING METER
SDMH	STORM DRAIN MANHOLE
SIGN	SIGNS
SSMH	SANITARY MANHOLE
SW	SIDEWALK
SWALE	SWALE
TC	TOP OF CURB
TOW	TOP OF WALL
TREE	TREE SYMBOL
TS	TOP OF STAIRS
VLT	ELEC VAULT
WM	WATER METER
WV	WATER VALVE
UP	INDICATION OF STAIRS GOING UP

BENCHMARK

THE ELEVATION REFERENCE FOR THIS SURVEY IS A CITY OF BERKELEY BENCHMARK, CUT SQUARE ON THE TOP BACK OF THE SOUTH CURB AT THE WEST SIDE OF THE DRIVEWAY TO 2450 DURANT AVENUE.
ELEVATION= 247.91 FEET CITY OF BERKELEY DATUM

SITE BENCHMARK

SET CHISELED CROSS ON CONCRETE WALK IN BACK AREA OF THE PROPERTY, 19' SOUTH OF THE SOUTH FACE OF BUILDING, AND 13' EAST OF THE WEST EDGE OF CONCRETE EDGE UNDER TREE.

ELEVATION=250.46 FEET CITY OF BERKELEY DATUM

SURVEY NOTES

1. ALL DISTANCES AND DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF.
2. DATES OF FIELD SURVEY: 08/21/2024 & 08/23/2024

BASIS OF BEARING

THE BEARING SHOWN AS N83°00'07"E ALONG THE NORTH LINE OF DURANT AVENUE HEREON WAS ESTABLISHED BY THE SPLIT OF EXISTING IMPROVEMENTS AND PARCEL MAP 7559, FILED IN BOOK 252 OF PARCEL MAPS, PAGES 10-11, ALAMEDA COUNTY RECORDS.

BOUNDARY NOTE

THE PARCEL LINES SHOWN HEREON ARE BASED UPON RECORD INFORMATION AS SHOWN ON THAT CERTAIN TRACT MAP ENTITLED "MAP OF BEAVER TRACT BLOCK NO. 1", BOOK 4 OF MAPS, PAGE 21, AND GRANT DEED DOCUMENT NO. 2019078632, ALAMEDA COUNTY RECORDS.

UNDERGROUND UTILITY NOTE

THE TYPES, LOCATIONS, SIZES AND/OR DEPTHS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS TOPOGRAPHIC SURVEY ARE APPROXIMATE AND WERE OBTAINED FROM SOURCES OF VARYING RELIABILITY. ONLY ACTUAL EXCAVATION WILL REVEAL THE TYPES, EXTENT, SIZES, LOCATIONS AND DEPTHS OF SUCH UNDERGROUND UTILITIES. UNDERGROUND UTILITY LOCATING WAS NOT PERFORMED BY SANDIS. OTHER UNDERGROUND UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS MAP. THERE WERE NO OBSERVABLE EVIDENCE OF STORM DRAIN UTILITIES ON THE ADJACENT DURANT STREET. NO STORM DRAIN UTILITES INSTALLED ON THE ADJACENT DURANT STREET PER THE CITY OF BERKELEY.

OVERHEAD UTILITY NOTE

OVERHEAD UTILITY LINES SHOWN HEREON ARE FOR REFERENCE ONLY, DEPICTING THAT OVERHEAD LINES EXIST. ACTUAL ATTACHMENT, LOCATION, HEIGHT AND TYPE OF UTILITY SERVICE LINES SHALL BE VERIFIED BY THE USER.

MONUMENT PRESERVATION NOTICE

IF AT ANY TIME A SURVEY MONUMENT WILL BE DESTROYED OR COVERED DURING CONSTRUCTION PHASE OF THE PROJECT, IT MUST BE PERPETUATED IN ACCORDANCE WITH STATE LAW.

PURSUANT TO PROFESSIONAL LAND SURVEYOR'S ACT SECTION 8771(B), CONTROLLING MONUMENTS SHALL BE LOCATED AND REFERENCED BY OR UNDER THE DIRECTION OF A LICENSED LAND SURVEYOR. UPON COMPLETION OF CONSTRUCTION, THESE MONUMENTS WILL HAVE TO BE RESET IN THE SURFACE OF THE NEW CONSTRUCTION IN ORDER TO PERPETUATE THEIR LOCATION. A CORNER RECORD OR A RECORD OF SURVEY SHALL BE FILED TO DOCUMENT THE REFERENCED MONUMENTS PRIOR TO CONSTRUCTION AND THEIR NEW POSITION AND CHARACTER AFTER THEY HAVE BEEN RESET.

YES COMMUNITY ARCHITECTS

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510-214-3676
yes@yescommunityarchitects.com

DATE _____, 2024

SANDIS
MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6-30-25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title

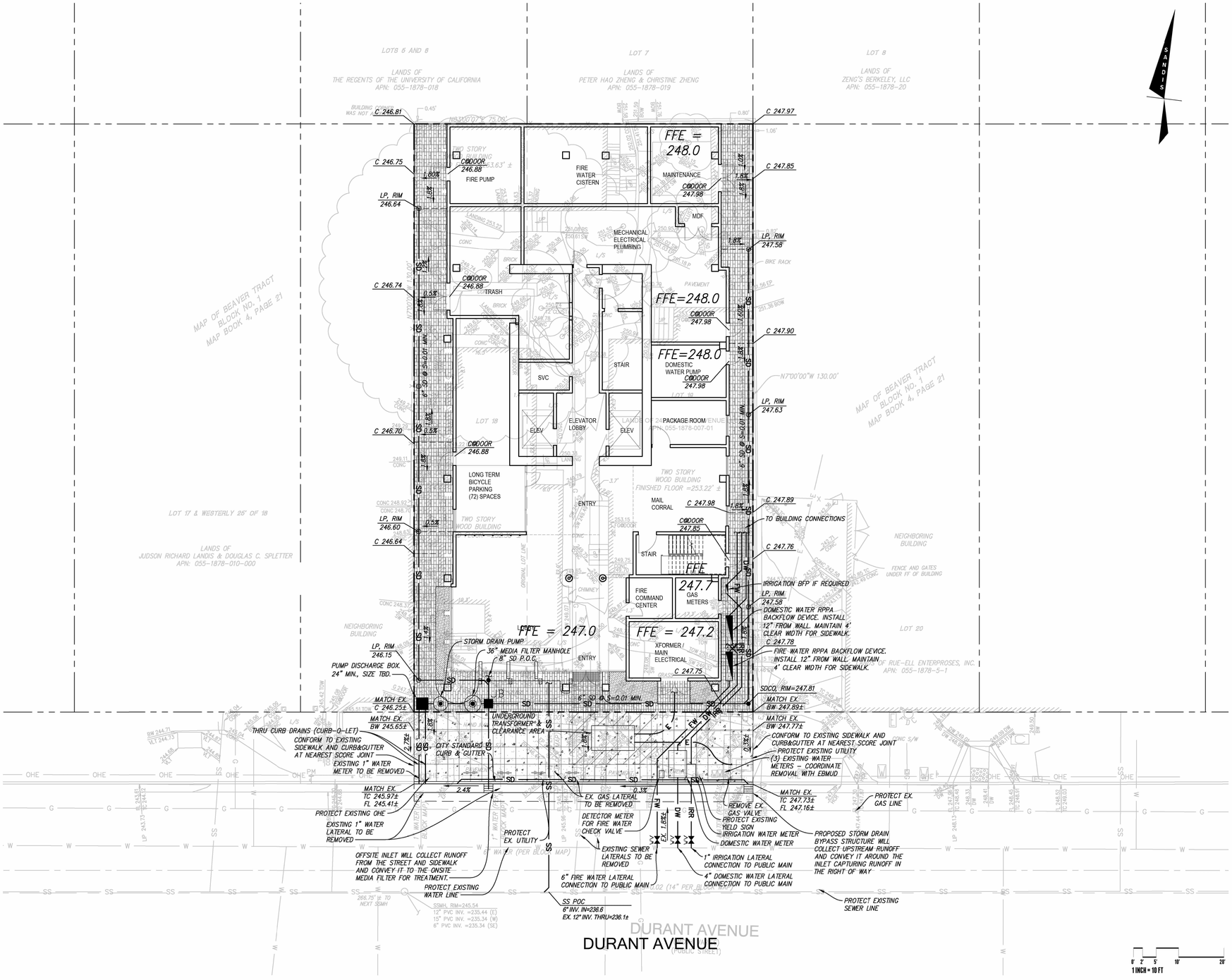
TOPOGRAPHIC SURVEY

Sheet No.

C0.1

Scale 1"=10'

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C0.1 TOPOGRAPHIC SURVEY.dwg Date:Oct 01, 2024



LEGEND

- PROPERTY LINE
- OVERLAND RELEASE PATH
- CONCRETE SIDEWALK
- PERVIOUS PAVING

SITE AND GRADING NOTES

1. ALL SITE WORK SHALL BE IN CONFORMANCE WITH TITLE 24 OF THE CALIFORNIA CODE OF REGULATIONS AND WITH THE AMERICANS WITH DISABILITIES ACT.
2. PATH OF TRAVEL TO BUILDING SHALL NOT EXCEED A SLOPE OF 1:20 (5%) UNLESS RAILINGS ARE SHOWN, IN WHICH CASE THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
3. A 2% MAXIMUM SLOPE LANDING SHALL BE PROVIDED AT PRIMARY ENTRANCES TO THE BUILDING. THE LANDINGS SHALL HAVE A MINIMUM WIDTH OF 60" AND A MINIMUM DEPTH OF 60" WHEN THE DOOR OPENS INTO THE BUILDING, AND 42" PLUS THE WIDTH OF THE DOOR WHEN THE DOORS OPEN ONTO THE LANDING.
4. MAXIMUM CROSS SLOPE ALONG SIDEWALK OR PATHWAY SHALL BE 2% MAXIMUM.
5. THE SIDEWALK SHALL HAVE A 4' MINIMUM CLEAR WIDTH FOR ACCESSIBLE CONFORMANCE.

UTILITY NOTES

1. ALL AREA DRAINS AND CATCH BASINS GRATES WITHIN PEDESTRIAN ACCESSIBLE AREAS SHALL MEET ADA REQUIREMENTS.
2. ALL UTILITY TRENCHES SHALL BE BACK FILLED PER THE SPECIFICATIONS WITH APPROPRIATE TESTS BY THE GEOTECHNICAL ENGINEER TO VERIFY COMPACTION VALUES.
3. POTHOLING IS STRONGLY RECOMMENDED FOR NEW GRAVITY FLOW SYSTEMS TO VERIFY THE DEPTH OF ALL EXISTING CROSSING UTILITIES. POTHOLING CAN ALSO VERIFY THE SIZE AND MATERIAL OF ANY OTHER UTILITIES THE PROJECT IS CONNECTING ONTO.
4. ALL SEWER WORK SHALL BE IN CONFORMANCE WITH THE COUNTY ENVIRONMENTAL HEALTH DEPARTMENT STANDARDS.
5. ALL SEWER LATERALS SHALL HAVE A TWO WAY CLEANOUT AT FACE OF BUILDING.
6. ALL WATER SERVICE CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH THE APPLICABLE EBMUD STANDARDS.
7. ALL WATER LINES SHALL BE INSTALLED WITH 36" MINIMUM COVER.
8. THRUST RESTRAINTS SHALL BE DESIGNED AND INSTALLED AT ALL TEES, CROSSES, BENDS (HORIZONTAL AND VERTICAL), AND AT SIZE CHANGES.

STORMWATER MANAGEMENT DESIGN NOTES

1. ALL ROOF AND PAVEMENT RUNOFF IS CAPTURED VIA AREA/ROOF DRAINS AND PIPED TO MEDIA FILTER VAULT.
2. STORMWATER IS TREATED THROUGH THE MEDIA FILTERS DURING A WATER QUALITY RAIN EVENT (IE. 0.2 IN/HR RAINFALL INTENSITY). THE WATER SUBSEQUENTLY HEADS TOWARD THE OUTLET.
   2.1. LARGER STORM EVENTS WILL BYPASS THE MEDIA FILTERS AND HEAD DIRECTLY TO THE OUTLET.
3. STORMWATER LEAVES THE VAULT THROUGH THE OUTLET AND INTO A LIFT STATION SIZED FOR A 100 YEAR STORM EVENT WITH N+1 PUMP REDUNDANCY.
4. THE LIFT STATION FINALLY DISCHARGES INTO A THROUGH-CURB DRAIN WHICH THEN OUTFALLS INTO THE STREET GUTTER PAN.
5. THE NEW/REPLACED IMPERVIOUS SURFACES OFFSITE WILL BE CONVEYED TO THE ONSITE MEDIA FILTER FOR TREATMENT.
6. THERE WILL BE A PORTION OF NEW/REPLACED IMPERVIOUS SURFACE THAT WILL BE UNABLE TO BE TREATED GIVEN THE STREET SLOPE OFFSITE. THE PROJECT WILL TREAT EXISTING IMPERVIOUS AREAS OFFSITE IN THE STREET IN-LIEU OF TREATING THE NEW/REPLACED IMPERVIOUS AREA (ALTERNATIVE COMPLIANCE).
7. A BYPASS PIPE IS PROPOSED TO CARRY WATER THAT IS UPSTREAM IN THE WATERSHED THAT IS NOT REQUIRED TO BE TREATED, AROUND THE INLET THAT IS CAPTURING AND TREATING THE OFFSITE RUNOFF AND DISCHARGING IT DOWNSTREAM BACK INTO THE GUTTER PAN.

YES COMMUNITY ARCHITECTS
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DATE _____, 2024

SANDIS
MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title

SITE, GRADING, AND UTILITY PLAN

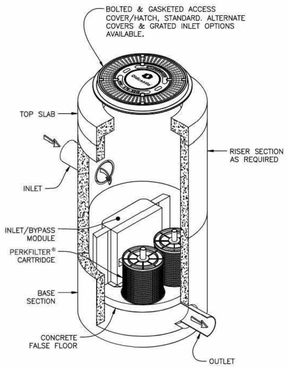
Sheet No.

C1.0

Scale 1"=10'

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C1.0 SITE, GRADING, AND UTILITY PLAN.dwg Date:Oct 01, 2024

PF-MH-48



Notes:

1. Precast concrete structure shall be manufactured in accordance with ASTM Designation C478.
2. Filter system shall be supplied with traffic rated (H20) bolted & gasketed Ø36" circular access covers with risers as required. Field poured concrete collar required, by others.
3. Inlet & outlet pipe(s) are to be Ø18" maximum. Inlet pipes must enter the structure in the inlet chamber.
4. Inlet chamber shall be supplied with drain-down device designed to remove standing water between storm events.
5. Minimum separation between invert in & invert out is outlet pipe diameter plus 4.00".
6. For depths less than specified minimums contact Oldcastle Infrastructure for engineering assistance.

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks
Media Filtration

Oldcastle Infrastructure A CRH COMPANY
Ph: 800.579.8819 | www.oldcastleinfrastructure.com/stormwater

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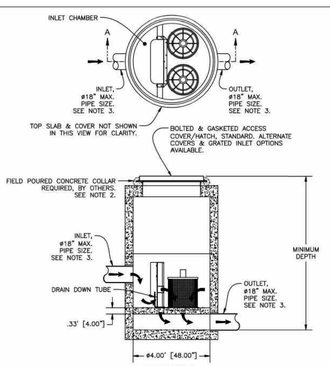
DRAWING NO.	REV.	ECO	DATE	SHEET
PF-MH-48	A	ECO-0168 ARG 1/22/2020	PPS 1/23/20	1 OF 2

PF-MH-48



SECTION A-A

Minimum Depth

PIPE SIZE	Ø6"	Ø8"	Ø10"	Ø12"	Ø15"	Ø18"
CARTRIDGE TYPE	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET	MINIMUM DEPTH RIM TO OUTLET
12"	3.67' [44.00"]	3.92' [47.00"]	4.17' [50.00"]	4.42' [53.00"]	4.67' [56.00"]	4.92' [59.00"]
18"	4.42' [53.00"]	4.67' [56.00"]	4.92' [59.00"]	5.17' [62.00"]	5.42' [65.00"]	5.67' [68.00"]
12" + 12"	5.17' [62.00"]	5.42' [65.00"]	5.67' [68.00"]	5.92' [71.00"]	6.17' [74.00"]	6.42' [77.00"]
12" + 18"	5.67' [68.00"]	5.92' [71.00"]	6.17' [74.00"]	6.42' [77.00"]	6.67' [80.00"]	6.92' [83.00"]

Ø48" PERKFILTER MANHOLE
TREATMENT FLOW RATES, TOTAL FLOW CAPACITIES & MAXIMUM HEAD LOSS

CARTRIDGE STACK QUANTITY	CARTRIDGE STACK CONFIGURATION					
	12"		18"		12" & 12"	
	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)
1	12 / 0.03	2.47	18 / 0.04	3.05	24 / 0.05	3.45
2	24 / 0.05	2.47	36 / 0.08	3.05	48 / 0.11	3.45
MAXIMUM HEAD LOSS	1.7 FEET		2.3 FEET		2.9 FEET	

CARTRIDGE STACK QUANTITY	12" & 18"	
	TREATMENT FLOW RATE (GPM / CFS)	TOTAL FLOW CAPACITY (CFS)
1	30 / 0.07	3.62
2	60 / 0.13	3.62
MAXIMUM HEAD LOSS	3.5 FEET	

PerkFilter®
Ø48" Manhole
One to Two Cartridges / Stacks
Media Filtration

Oldcastle Infrastructure A CRH COMPANY
Ph: 800.579.8819 | www.oldcastleinfrastructure.com/stormwater

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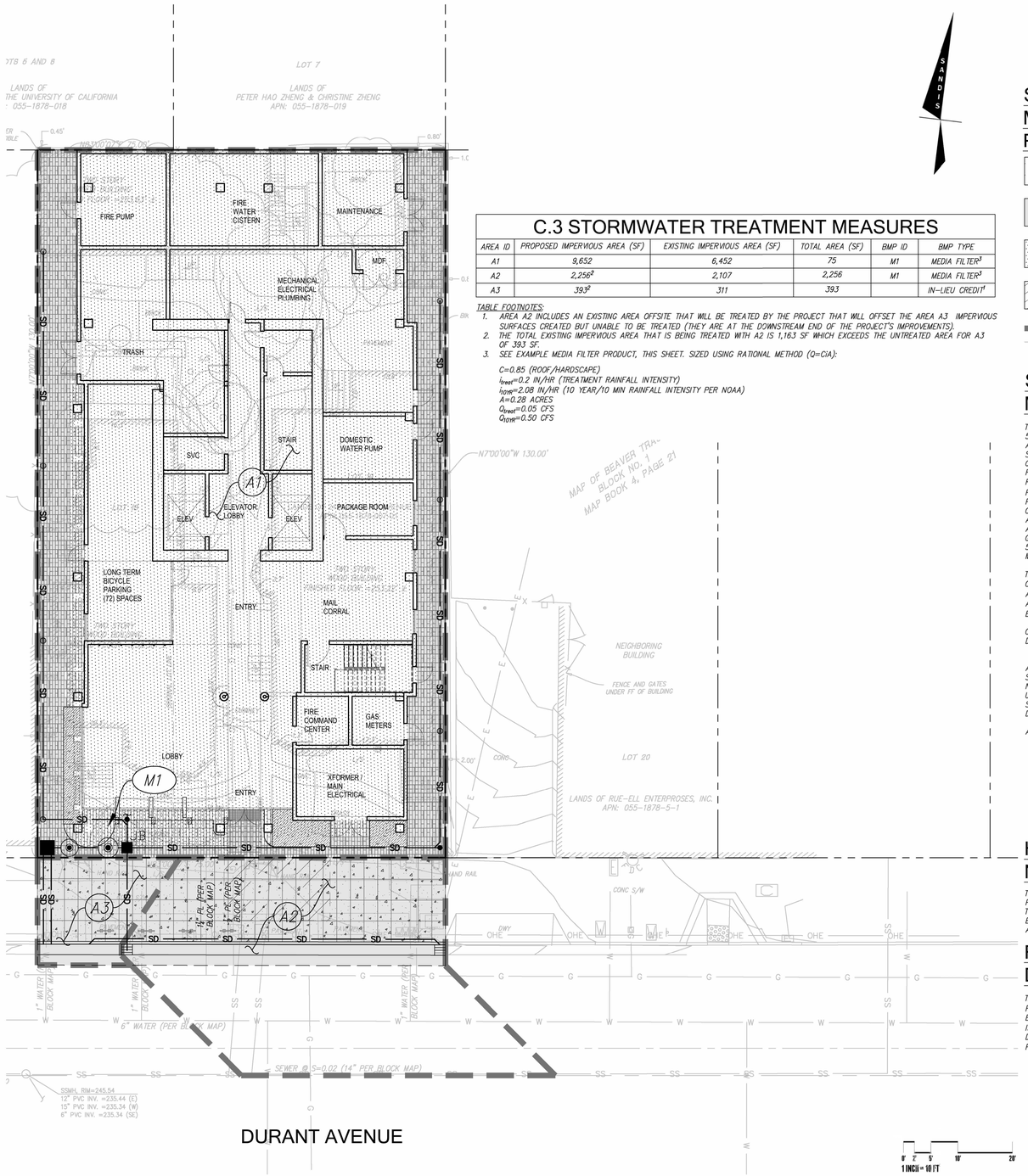
DRAWING NO.	REV.	ECO	DATE	SHEET
PF-MH-48	A	ECO-0168 ARG 1/22/2020	PPS 1/23/20	2 OF 2



C.3 STORMWATER TREATMENT MEASURES

AREA ID	PROPOSED IMPERVIOUS AREA (SF)	EXISTING IMPERVIOUS AREA (SF)	TOTAL AREA (SF)	BMP ID	BMP TYPE
A1	9,652	6,452	75	M1	MEDIA FILTER[3]
A2	2,256[2]	2,107	2,256	M1	MEDIA FILTER[3]
A3	393[2]	311	393		IN-LIEU CREDIT[4]

TABLE FOOTNOTES:

1. AREA A2 INCLUDES AN EXISTING AREA OFFSITE THAT WILL BE TREATED BY THE PROJECT THAT WILL OFFSET THE AREA A3 IMPERVIOUS SURFACES CREATED BUT UNABLE TO BE TREATED (THEY ARE AT THE DOWNSTREAM END OF THE PROJECT'S IMPROVEMENTS).
2. THE TOTAL EXISTING IMPERVIOUS AREA THAT IS BEING TREATED WITH A2 IS 1,163 SF WHICH EXCEEDS THE UNTREATED AREA FOR A3 OF 393 SF.
3. SEE EXAMPLE MEDIA FILTER PRODUCT, THIS SHEET. SIZED USING RATIONAL METHOD (Q=CIA):

   C=0.85 (ROOF/HARDSCAPE)
   I_{treat}=0.2 IN/HR (TREATMENT RAINFALL INTENSITY)
   I_{10YR}=2.08 IN/HR (10 YEAR/10 MIN RAINFALL INTENSITY PER NOAA)
   A=0.28 ACRES
   Q_{treat}=0.05 CFS
   Q_{10YR}=0.50 CFS

STORMWATER MANAGEMENT PLAN LEGEND

- PROPOSED PERVIOUS AREA
- PROPOSED IMPERVIOUS AREA
- PROPOSED ROOF
- EXISTING UNDISTURBED IMPERVIOUS AREA TO BE TREATED
- DRAINAGE AREA BOUNDARY
- FLOW LINE
- FLOW DIRECTION

STORMWATER MANAGEMENT NOTES:

THE PROPOSED PROJECT WILL INCLUDE MORE THAN 5,000 SQUARE FEET OF IMPERVIOUS SURFACE ADDITION AND REPLACEMENT. GIVEN THAT THE PROJECT SURPASSES THIS THRESHOLD, THE PROJECT IS CONSIDERED A REGULATED PROJECT PER THE REQUIREMENTS OF PROVISION C.3 OF THE MUNICIPAL REGIONAL STORMWATER PERMIT (ORDER NO. R2-2022-0018 AND R2-2023-0019). THIS PLAN PRESENTS THE METHODS AND CALCULATIONS FOR COMPLYING WITH THESE REQUIREMENTS, IN ACCORDANCE WITH THE CITY OF BERKELEY AND ALAMEDA COUNTY STORMWATER PROGRAMS. MOREOVER, GIVEN THAT THIS PROJECT IS REPLACING MORE THAN 50% OF THE EXISTING IMPERVIOUS AREA, THE PROJECT MUST TREAT THE ENTIRE SITE.

THIS PROJECT IS CONSIDERED A SPECIAL PROJECT CATEGORY "A" PER THE CHARACTERISTICS LISTED IN ALAMEDA COUNTY'S SPECIAL PROJECTS WORKSHEET:

A. PROJECT IS IN A DOWNTOWN CORE AREA.
B. PROJECT CREATES/REPLACES < ½ ACRE IMPERVIOUS SURFACE.
C. PROJECT INCLUDES NO SURFACE AREA PARKING.
D. PROJECT HAS AT LEAST 85% COVERAGE BY PERMANENT STRUCTURES.

A NARRATIVE IS INCLUDED AS PART OF THE PLANNING SUBMITTAL WHICH DESCRIBES HOW LID TREATMENT IS NOT FEASIBLE ONSITE, AND WHY THE PROJECT MUST USE A MEDIA FILTER TO REGULATE THE QUALITY OF STORMWATER LEAVING THE SITE. THIS TREATMENT DEVICE IS DESCRIBED BELOW:

A. MEDIA FILTER – RUNOFF FROM THE CONTRIBUTING IMPERVIOUS SURFACE FLOWS THROUGH A MEDIA FILTER SIZED TO TREAT THE RUNOFF BASED ON A 0.2 IN/HR INTENSITY (TREATMENT STORM EVENT). THIS IS A NON-LID TREATMENT MEASURE WHICH REMOVES POLLUTANTS FROM RUNOFF THROUGH SCREENING AND FILTER CARTRIDGES MADE UP OF MANUFACTURED MEDIA. THIS TREATMENT DEVICE IS ONLY ALLOWED FOR "SPECIAL PROJECTS". THIS PROJECT QUALIFIES AS A CATEGORY A SPECIAL PROJECT.

HYDROMODIFICATION NOTE:

THE PROJECT IS EXEMPT FROM HYDROMODIFICATION REQUIREMENTS PER THE ALAMEDA COUNTY C.3 TECHNICAL GUIDANCE DOCUMENT. THE PROJECT IS EXEMPT FROM HYDROMODIFICATION DUE TO IMPERVIOUS AREA ADDED OR REPLACED BEING LESS THAN 1 ACRE.

FEM FLOOD ZONE DESIGNATION

THE PROPOSED PROJECT SITE RESIDES IN FEMA'S FLOOD INSURANCE RATE MAP (FIRM) 06001C0057G, EFFECTIVE AUGUST 3, 2009. THE ENTIRE PROJECT AREA IS LOCATED IN ZONE X, 'OTHER AREAS' (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN).

YES COMMUNITY ARCHITECTS
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DATE _____, 2024

SANDIS
MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES 6-30-25

2425 Durant Ave Housing

Issues / Revisions

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Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025
1	
2	
3	

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title

STORMWATER MANAGEMENT PLAN

Sheet No.

C2.0

Scale 1"=10'

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C2.0 STORMWATER MANAGEMENT PLAN.dwg Date:Oct 01, 2024

SPECIAL PROJECTS WORKSHEET

Special Projects Worksheet

Complete this worksheet for projects that appear to meet the definition of "Special Project", per Provision C.3.e.ii of the Municipal Regional Stormwater Permit (MRP). The form assists in determining whether a project meets Special Project criteria, and the percentage of low impact development (LID) treatment reduction credit. Special Projects that implement less than 100% LID treatment must provide a narrative discussion of the feasibility or infeasibility of 100% LID treatment. See Appendix J of the C.3 Technical Guidance (download at https://www.cleanwaterprogram.org/) for more information.

Project Name: 2425 Durant Ave.

Project Address: 2425 Durant Ave. Berkeley, CA 94704

Applicant/Developer Name: YES DUFFY ARCHITECTS

1. "Special Project" Determination *(Check the boxes to determine if the project meets any of the following categories.)*

Special Project Category "A"

Does the project have ALL of the following characteristics?

- ☑ Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district[1];
- ☑ Creates and/or replaces 0.5 acre or less of impervious surface;
- ☑ Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones;
- ☑ Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping and stormwater treatment.

☐ **No (continue)** ☑ **Yes – complete Section 2A of the Special Project Worksheet**

Special Project Category "B"

Does the project have ALL of the following characteristics?

- ☐ Located in a municipality's designated central business district, downtown core area or downtown core zoning district, neighborhood business district or comparable pedestrian-oriented commercial district, or historic preservation site and/or district[1];
- ☐ Creates and/or replaces an area of impervious surface that is greater than 0.5 acre, and no more than 2.0 acres of impervious surface;
- ☐ Includes no surface parking, except for incidental parking for emergency access, ADA access, and passenger or freight loading zones;
- ☐ Has at least 85% coverage of the entire site by permanent structures. The remaining 15% portion of the site may be used for safety access, parking structure entrances, trash and recycling service, utility access, pedestrian connections, public uses, landscaping, and stormwater treatment;
- ☐ Minimum density of either 50 dwelling units per acre (DU/ac) (for residential projects) or a Floor Area Ratio (FAR) of 2:1 (for commercial or mixed use projects)

☐ **No (continue)** ☐ **Yes – complete Section 2B of the Special Project Worksheet**

Special Project Category "C"

Does the project have ALL of the following characteristics?

- ☐ Must have affordable housing deed restrictions running a minimum of 55 years that limit the rent/mortgage rates (including utilities) to be no greater than 30 percent of the total household income and meet the income levels specified by the Federal Department of Housing and Urban Development's affordable housing in metropolitan areas: Extremely Low: 0-30 percent of area median household income (AMI); Very Low: 31-50 percent of AMI; Low: 51-80 percent of AMI; and Moderate 81-120 percent of AMI.
- ☐ Is primarily a residential development.
- ☐ Minimum gross density of 40 DU/ac.

☐ **No** ☐ **Yes – complete Section 2C of the Special Project Worksheet**

[1] And built as part of a municipality's stated objective to preserve/enhance a pedestrian-oriented type of urban design.

Special Projects Worksheet (continued)

2. LID Treatment Reduction Credit Calculation *(If more than one category applies, choose only one of the applicable categories and fill out the table for that category.)*

Category	Impervious Area Created/Replaced (sq. ft.)	Site Coverage (%)	Project Density or FAR	Density/Criteria	Allowable Credit (%)	Applied Credit (%)
A			NA	NA	100%	100%
B				Res ≥ 50 DU/ac or FAR ≥ 2.1	50%	
				Res ≥ 75 DU/ac or FAR ≥ 3:1	75%	
				Res ≥ 100 DU/ac or FAR ≥ 4:1	100%	
C[2]				**Affordable Housing credit (select one)**:		
				The minimum percentage of the DUs meet the 70% credit requirements listed in **Table 1**.	70%	
				The minimum percentage of the DUs meet the 50% credit requirements listed in **Table 1**.	50%	
				The minimum percentage of the DUs meet the 25% credit requirements listed in **Table 1**.	25%	
				Location credit (select one)[3]:		
				Within ¼ mile of transit hub	5%	
				Within a planned Priority Development Area (PDA)[4]	10%	
				Density credit (select one):		
				Gross density ≥ 40 DU/Ac	5%	
				Gross density ≥ 60 DU/Ac	10%	
				Gross density ≥ 100 DU/Ac	15%	
				Parking credit (select one):		
				Includes no surface parking, except for incidental parking for emergency vehicle access, ADA access, and passenger or freight loading zones	5%	
				TOTAL CATEGORY C CREDIT =		100%

[2] For any Category C Special Project, the total maximum LID Treatment Reduction Credit allowed is the sum of four different types of credits that the Category C Special Project may qualify for, namely: Affordable Housing + Location, Density + Minimized Surface Parking Credits. A Category C Special Project must at least qualify for an Affordable Housing credit before it can earn any credits in the other categories.

[3] To qualify for a Location Credit, 100% of the Category C Special Project's site must be located within the ¼-mile radius of an existing or planned transit hub.

[4] A "planned Priority Development Area" is an infill development area formally designated by the Association of Bay Area Government's Metropolitan Transportation Commission's FOCUS regional planning program.

Special Projects Worksheet (continued)

3. Narrative Discussion of the Feasibility/Infeasibility of 100% LID Treatment:

If project will implement less than 100% LID, prepare a discussion of the feasibility or infeasibility of 100% LID treatment, as described in Appendix J of the C.3 Technical Guidance.

4. Select Certified Non-LID Treatment Measures:

If the project will include non-LID treatment measures, select a treatment measure certified for "Basic" General Use Level Designation (GULD) by the Washington State Department of Ecology's Technical Assessment Protocol – Ecology (TAPE). Guidance is provided in Appendix J of the C.3 Technical Guidance.[5]

Special Projects Worksheet Completed by:

Signature — 1/29/2025 Date

Gregory Trela

Print or Type Name

Table 1 Affordable Housing Credit Table

AMI	Minimum Percentage of DUs		
	70% credit	50% credit	25% credit
Moderate (≤120% of AMI)	100	75	50
Low (≤80% of AMI)	75	50	25
Very Low (≤50% of AMI)	50	25	15
Extremely Low (≤30% of AMI)	25	15	5

[5] TAPE certification is used in order to satisfy Special Project's reporting requirements in the MRP.

SPECIAL PROJECT NARRATIVE

SANDIS

9/20/2024
Project #: 624069

City of Berkeley Public Works Department
2180 Milvia St. #3
Berkeley, Ca 94704

RE: 2425 Durant Ave.
Narrative Discussion of Low Impact Development Feasibility/Infeasibility

To Whom it May Concern,

This letter provides a narrative discussion of the feasibility or infeasibility of providing 100 percent low impact development (LID) treatment for 2425 Durant Ave., which has been identified as a potential Special Project, based on Special Project criteria provided in Provision C.3.e.ii of the Municipal Regional Stormwater Permit (MRP). This letter is prepared in accordance with the requirement in MRP Provision C.3.e.vi.(2). to include in Special Projects reporting a narrative discussion of the feasibility or infeasibility of 100 percent LID treatment onsite or offsite.

Feasibility/Infeasibility of Onsite LID Treatment

The project site was reviewed with regard to the feasibility and infeasibility of onsite LID treatment. The results of this review showed that it was infeasible to treat 100 percent of the C.3.d amount of runoff with LID treatment. The findings of this review are presented below.

a. **On-site Drainage Conditions.** The project site will be occupied by a proposed high rise building. The entire site will be contained in one drainage management area which will outfall into one treatment device (i.e. media filter).

b. **Constraints to Providing On-site LID.** The drainage management area that is proposed to drain to a vault-based high flow rate media filter includes some areas that are not covered by buildings. However, these areas make up 15% of the property area due to the building footprint which takes up 85% of the property. The at-grade areas are being used for egress and therefore are not physically able to contain bioretention areas. With the inclusion of setbacks from the building foundation, this severely precludes the project from accommodating pervious surfaces at grade or other forms of LID treatment.

Feasibility/Infeasibility of Off-Site LID Treatment. The possibility of providing off-site LID treatment was found to be infeasible. The owner does not own or control land within the same watershed of the project site which can accommodate in perpetuity off-site bioretention facilities adequately sized to treat the runoff volume of the primary project. The project team is also unaware of any regional LID stormwater mitigation program available to the project for in-lieu C.3 compliance.

Regards,

SANDIS
Nathan Allen
Project Manager

BUILD ON. | 1

STORMWATER REQUIREMENTS CHECKLIST

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

BERKELEY

I. Applicability C.3 Stormwater Requirements
All projects must complete Section I.

I.A. Enter Project Data *(Data for "C.3 Regulated Projects," will be reported in the municipality's stormwater Annual Report.)*			
I.A.1 Project Name:	2425 DURANT AVE. HOUSING		
I.A.2 Project Address (include cross street)	2425 DURANT AVE. BERKELEY, CA 94704 (MIDBLOCK BETWEEN DANA ST & TELEGRAPH AVE.)		
I.A.3 Project APN(s)	55-1878-7-1		
I.A.4 Project Watershed[1]	POTTER AND DERBY CREEKS WATERSHED		
I.A.5 Applicant Name	YES DUFFY ARCHITECTS		
I.A.6 Date Submitted	01/31/2025		
I.A.7 Applicant Address	1250 ADDISON ST. UNIT 105, BERKELEY, CA 94702		
I.A.8 Applicant Phone	510.214.3676	I.A.9 Applicant E-mail Address	YES@YESDUFFY.COM
I.A.10 Development Type (check all that apply)	☒ Residential ☐ Commercial ☐ Industrial ☐ Mixed-Use ☐ Streets, Roads, etc. ☐ Detached Single Family Home ☐ Redevelopment[2]		
I.A.11 Project Description (Include any past or future phase of the project)	HI-RISE RESIDENTIAL BUILDING		
I.A.12 Total Project Area	11,235 SF	I.A.13 % Slope on Site	3%
I.A.14 Total Land Disturbance Area (include all areas to be cleared, excavated, graded, and borrow and stockpile areas)	11,500 SF		

I.B. Is the project a "C.3 Regulated Project" per MRP Provision C.3.b or a Small Project per MRP Provision C.3.i

I.B.1 Complete the *Impervious and Pervious Surfaces Table*

Type of Impervious Surface[3]	a Pre-Project Impervious Area (sq ft)	b Existing Impervious Area to be Replaced (sq ft[4])	c New Impervious Area to be Created (sq ft)	d Post-Project Pervious Area (sq ft)
a. Impervious roof area(s)[5]	5,195	6,210	1,675	NA
b. Impervious sidewalks, patios, paths, driveways[6]	3,430	2,375	925	
c. Uncovered impervious parking[7]	0	0	0	
d. Streets (public)	1,310	150	0	
e. Streets (private)	0	0	0	
Totals	9,935	8,735	2,600	100

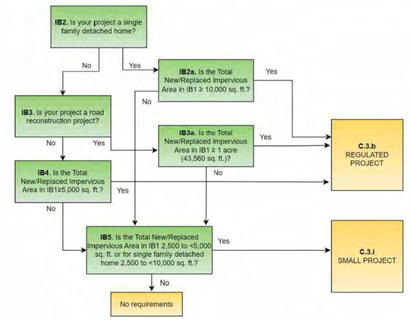
[1] Watershed is defined by the maps from the Alameda County Flood Control District at http://arcfloodcontrol.org/resources/explore-watersheds
[2] As defined by MRP: creating, adding and/or replacing exterior existing impervious surface on a site where past development has occurred.
[3] A surface covering or pavement of a developed parcel of land that prevents the land's natural ability to absorb and infiltrate rainfall/stormwater.
[4] Replaced impervious area means any impervious area that is removed and replaced in kind or upgraded. See Chapter 2 of the *C.3 Technical Guidance.*
[5] Exclude green roofs.
[6] A gravel surface is an impervious surface, except when it is constructed as part of appropriately designed pervious pavement system.
[7] Uncovered parking includes top level of a parking structure unless drainage from the uncovered portion is connected to the sanitary sewer along with the covered portions of the parking structure.

Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

Existing Impervious Area to remain in place	NA
Total New/Replaced Impervious Area *(sum columns b and c)*	11,335

I.B. Is the project a "C.3 Regulated Project per MRP Provision C.3.b or a Small Project per MRP Provision C.3.i (cont'd)

	Yes	No	NA
I.B.2 Is your project a single family detached home? If Yes go to I.B.2.a; if NO go to I.B.3	☐	☒	☐
I.B.2.a Is the Total New/Replaced Impervious Area in I.B.1 ≥10,000 sq ft? If YES, your project is a C.3.b Regulated Project. (See I.D). If NO go to I.B.5.	☐	☐	☒
I.B.3 Is your project a road reconstruction project? If YES go to I.B.3.a; if NO go to I.B.4	☐	☒	☐
I.B.3.a Is the Total New/Replaced Impervious Area in I.B.1 ≥1 acre (43,560 sq ft)? If YES, your project is a C.3.b Regulated Project. (See I.D).	☐	☐	☒
I.B.4 Is the Total New/Replaced Impervious Area in I.B.1 ≥5,000 sq ft? If YES, your project is a C.3.b Regulated Project. If NO go to I.B.5.	☒	☐	☐
I.B.5 Is the Total New/Replaced Impervious Area in I.B.1 2,500 to <5,000 sq ft or for single family detached home 2,500 to <10,000 sq ft? If Yes, your project is a C.3.i Small Project.	☐	☐	☒



Stormwater Requirements Checklist
Municipal Regional Stormwater Permit (MRP 3)
Stormwater Controls for Development Projects

I.C. Pervious Pavement Systems			
I.C.1 Will your project install 3,000 sq ft or more of pervious pavement systems (not including private-use patios at residences)? If **YES, stormwater treatment system inspection requirements (C.3.h) apply.** (Municipal staff – add this site to your list of sites needing a final inspection at the end of construction and on-going O&M inspections.)	☐	☒	☐
I.D. Projects not regulated by C.3 If your project is not regulated by C.3.b or C.3.i you are not subject to stormwater treatment requirements, however you are encouraged to incorporate site design and source control measures. The municipality may determine that source controls and site design measures are required for your project, if so, you must complete Section II and if required by the municipality, compete Sections III.A and III.B.			
I.E. C.3.i Small Projects If your project is regulated by C.3.i you are considered a "Small Project" and must implement site design (See III.A) and source control requirements (See III.B). You are not required to implement stormwater treatment requirements. You must complete Sections II, III.A, and III.B.			
I.F. C.3.b Regulated Projects If your project is a C.3.b regulated project, the project must include appropriate site design measures and source controls AND hydraulically-sized stormwater treatment measures. Hydromodification management may also be required. Complete Sections II, III, and V.			

II. Applicability C.6 Stormwater Requirements
All projects must complete Section II.

	Yes	No
II.A Does the project disturb one acre or more of land? If YES you are required to obtain coverage under the State Construction Stormwater Permit, see https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html. You must submit your WDID number and Stormwater Pollution Prevention Plan to the municipality before a building or grading permit will be issued. You do not need to complete Section IV.	☐	☒
II.B Does the project disturb less than one acre of land? If NO, you are subject to MRP C.6 requirements. Complete Section IV to identify best management practices (BMPs) that will be in the erosion control plan and implemented during construction.	☒	☐
II.C. Priority Inspection Factors	☐	☐
II.C.1 Is the project 1 acre or more?	☐	☒
II.C.2 Does the project require a grading permit?	☒	☐
II.C.3 Is the project adjacent to a creek or waterway?	☐	☒
II.C.4 Is the project in a municipally defined hillside development area or meet local hillside criteria?	☐	☒
II.C.5 Does the project site have a slope of >15% and disturb ≥ 5,000 sq ft?	☐	☒
II.C.6 Does the project involve demolition of a structure subject to the PCBs Building Demolition requirements? If yes the completion of the PCBs Building Material Demolition is required. WILL INCL W/PERMIT	☐	☐

(Municipal staff – refer projects answering YES to any questions in section II.C to construction site inspection staff to be added to their list of projects that require stormwater inspections at least monthly during the wet season (October 1 through April 30) and other times of the year as appropriate.)

YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

DATE _____, 2025

SANDIS

MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6-30-25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title

STORMWATER SUPPLEMENTAL FORMS

Sheet No.

C2.1

Scale N.T.S.

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C2.1 STORMWATER SUPPLEMENTAL FORMS.dwg Date:Jan 29, 2025

STORMWATER REQUIREMENTS CHECKLIST

III. Implementation of C.3 Stormwater Requirements

C.3.b Regulated Projects must complete all of Section III.
C.3.i Small Projects must complete Sections III.A and III.B
Projects not regulated by C.3 must complete Sections III.A and III.B if directed by the municipality.

III.A Select Appropriate Site Design Measures

C.3.b Regulated Projects must implement appropriate and feasible site design measures.
C.3.i Small Projects must implement at least one of site design measures listed in items a-f.
Projects not regulated by C.3 are encouraged to implement appropriate site design measures and those directed by the municipality.

Site Design Measure	Plan Sheet #	Yes	No
a. Direct roof runoff into cisterns or rain barrels and use rainwater for irrigation or other non-potable use.		☐	☒
b. Direct roof runoff onto vegetated areas.		☐	☒
c. Direct runoff from sidewalks, walkways, and/or patios onto vegetated areas.		☒	☐
d. Direct runoff from driveways and/or uncovered parking lots onto vegetated areas.		☐	☒
e. Construct sidewalks, walkways, and/or patios with pervious pavement systems.[4]		☐	☒
f. Construct bike lanes, driveways, and/or uncovered parking lots with pervious pavement systems.[4]		☐	☒
g. Minimize land disturbance and impervious surface (especially parking lots).		☒	☐
h. Maximize permeability by clustering development and preserving open space.		☐	☒
i. Use micro-detention, including distributed landscape-based detention.		☐	☒
j. Protect sensitive areas, including wetland and riparian areas, and minimize changes to the natural topography.		☐	☒
k. Self-treating area (see Chapter 5 of the *C.3 Technical Guidance*)		☒	
l. Self-retaining area (see Chapter 5 of the *C.3 Technical Guidance*)		☐	☒

III.B Select Appropriate Source Control Measures

C.3.b Regulated Projects must select and implement appropriate source control measures.
C.3.i Small Projects and projects not regulated by C.3 are encouraged to select and implement appropriate source control measures and those directed by the municipality.

Features in the project?		Features requiring source controls	Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?		
Yes	No			Yes	NO	Plan Sheet #
☒	☐	Storm Drain	Mark on-site inlets with the words "No Dumping! Flows to Bay" or equivalent.	☐	☐	WILL INCL. W/PERMIT
☐	☒	Floor Drains	Plumb interior floor drains to sanitary sewer[5] [or prohibit].	☐	☐	
☐	☒	Parking garage	Plumb interior parking garage floor drains to sanitary sewer.[5]	☐	☐	
☒	☐	Landscaping	• Retain existing vegetation as practicable. • Select diverse species appropriate to the site. Include plants that are pest- and/or disease-resistant, drought-tolerant, and/or attract beneficial insects. • Minimize use of pesticides and quick-release fertilizers. • Use efficient irrigation system; design to minimize runoff.	☐	☐	WILL INCL. W/PERMIT
☐	☒	Pool/Spa/ Fountain	Provide connection to the sanitary sewer to facilitate draining.[5]	☐	☐	
☐	☒	Food Service Equipment (non-residential)	Provide sink or other area for equipment cleaning, which is: • Connected to a grease interceptor prior to sanitary sewer discharge.[5] • Large enough for the largest mat or piece of equipment to be cleaned. • Indoors or in an outdoor roofed area designed to prevent stormwater run-on and run-off and signed to require equipment washing in this area.	☐	☐	

[4] Use the specifications in the *C.3 Technical Guidance* or for small projects see the *BASMAA Pervious Paving Factsheet*. For these documents and others go to www.cleanwaterprogram.org and click on "Resources."
[5] Any connection to the sanitary sewer system is subject to sanitary district approval.

Features in the project?		Features requiring source controls	Source control measures (Refer to Local Source Control List for detailed requirements)	Measure included in project plans?		
Yes	No			Yes	NO	Plan Sheet #
☐	☒	Refuse Areas	• Provide a roofed and enclosed area for dumpsters, recycling containers, etc., designed to prevent stormwater run-on and runoff. • Connect any drains in or beneath dumpsters, compactors, and tallow bin areas serving food service facilities to the sanitary sewer.[5]	☐	☐	
☐	☒	Outdoor Process Activities [10]	Perform process activities either indoors or in roofed outdoor area, designed to prevent stormwater run-on and runoff, and to drain to the sanitary sewer.[5]	☐	☐	
☐	☒	Outdoor Equipment/ Materials Storage	• Cover the area or design to avoid pollutant contact with stormwater runoff. • Locate area only on paved and contained areas. • Roof storage areas that will contain non-hazardous liquids, drain to sanitary sewer[5], and contain by berms or similar.	☐	☐	
☐	☒	Vehicle/ Equipment Cleaning	• Roofed, pave and berm wash area to prevent stormwater run-on and runoff, plumb to the sanitary sewer,[5] and sign as a designated wash area. • Commercial car wash facilities shall discharge to the sanitary sewer.[5]	☐	☐	
☐	☒	Vehicle/ Equipment Repair and Maintenance	• Designate repair/maintenance area indoors, or an outdoors area designed to prevent stormwater run-on and runoff and provide secondary containment. Do not install drains in the secondary containment areas. • No floor drains unless protreated prior to discharge to the sanitary sewer.[5] • Connect containers or sinks used for parts cleaning to the sanitary sewer.[5]	☐	☐	
☐	☒	Fuel Dispensing Areas	• Fueling areas shall have impermeable surface that is a) minimally graded to prevent ponding and b) separated from the rest of the site by a grade break. • Canopy shall extend at least 10 ft in each direction from each pump and drain away from fueling area.	☐	☐	
☐	☒	Loading Docks	• Cover and/or grade to minimize run-on to and runoff from the loading area. • Position downspouts to direct stormwater away from the loading area. • Drain water from loading dock areas to the sanitary sewer.[5] • Install door skirts between the trailers and the building.	☐	☐	
☒	☐	Fire Sprinklers	Design for discharge of fire sprinkler test water to landscape or sanitary sewer.[5]	☐	☐	WILL INCL. W/PERMIT
☐	☒	Miscellaneous Drain or Wash Water	• Drain condensate of air conditioning units to landscaping. Large air conditioning units may connect to the sanitary sewer.[5] • Roof drains shall drain to unpaved area where practicable. • Drain boiler drain lines; roof top equipment, all wash water to sanitary sewer. [5]	☐	☐	
☐	☒	Architectural Copper	Discharge rinse water to sanitary sewer [5] or collect and dispose properly offsite. See flyer *Requirements for Architectural Copper*.	☐	☐	

[10] Businesses that may have outdoor process activities/equipment include machine shops, auto repair, industries with pretreatment facilities.

III.C Stormwater Treatment Measures

C.3.b Regulated Projects must select and implement stormwater treatment measures to manage the C.3.d numeric sizing criteria. Complete the applicable sections below.

Yes	No	
☒	☐	**III.C.1 Is the project a Special Project?** (See Appendix J of the *C.3 Technical Guidance* for Special Project criteria.) If YES, complete the Special Projects Worksheet and consult with municipal staff about the need to prepare a discussion of the feasibility and infeasibility of ‘‘00% LID treatment. Indicate the type of non-LID treatment to be used, the hydraulic sizing method", and percentage of the amount of runoff specified in Provision C.3.d that is treated.

Non-LID Treatment	Hydraulic Sizing Method (See Note 1)	% of C.3. Amount of Runoff Treated
☒ Media filter	2(C)	100%
☐ Tree well filter		

Yes	No	
☐	☒	**III.C.2 Is the project using biotreatment to treat the C.3.d amount of runoff?** (See the *C.3 Technical Guidance* for information on infiltration and rainwater harvesting [11] and use of stormwater.) If YES, indicate the biotreatment measures to be used, and the hydraulic sizing method:

Biotreatment Measures	Hydraulic sizing method (See Note 1)
☐ Bioretention area	
☐ Flow-through planter	
☐ Other (specify):	

Note 1. Indicate which of the following Provision C.3.d.i hydraulic sizing methods were used:

1. Volume based approaches – Refer to Provision C.3.d.i.(1);
   1(a) Urban Runoff Quality Management approach, or
   1(b) 80% capture approach (recommended volume-based approach).
2. Flow-based approaches – Refer to Provision C.3.d.i.(2):
   2(a) 10% of 50-year peak flow approach,
   2(b) Percentile rainfall intensity approach, or
   2(c) 0.2-inch-per-hour intensity approach (this is recommended flow-based approach AND the basis for the 4% rule of thumb described in Section 7.1 of the C.3 Technical Guidance).
3. Combination hydraulic sizing approach – Refer to Provision C.3.d.i.(3):
   If a combination flow and volume design basis was used, indicate which flow-based and volume-based criteria were used.

III.D Hydromodification Management (HM) Requirements

C.3.b Regulated Projects must complete this section

	YES	NO
III.D.1 Does the project create and/or replace 1 acre (43,560 sq. ft.) or more of impervious area? If YES continue to item III.D.2. If NO, this project is not subject to the HM requirements.	☐	☒
III.D.2 Is the total impervious area increased from the pre-project condition? If YES continue to item III.D.3. If NO, this project is not subject to the HM requirements.	☐	☐
III.D.3 Is the site located in a tidally influenced/depositional area, or in the extreme eastern portion of the county that is not subject to HM requirements? (See HMP Susceptibility Map.) If NO continue to III.D.4. If YES the project is exempt from HM requirements. Attach map indicating project location. Skip to III.D.6 and check "NO".	☐	☐
III.D.4 Is the site located in a high slope zone or special consideration watershed, as shown on the HMP Susceptibility Map? If YES Project is subject to HM requirements. Attach map indicating project location. Skip to III.D.6 and check ‘‘YES.’ If NO, continue to III.D.5.	☐	☐
III.D.5 For sites located in a white area on the HMP Susceptibility Map, has an engineer or qualified environmental professional determined that runoff from the project flows only through a hardened channel or enclosed pipe along its entire length before emptying into a waterway in the exempt area?	☐	☐

[11] The MRP no longer requires that a feasibility analysis of infiltration and rainwater harvesting be conducted. However, applicants using biotreatment are encouraged to maximize infiltration of stormwater if site conditions allow. If feasible and desired, infiltration and rainwater harvesting may be cost effective solutions depending on the project.

If YES, the project is exempt from HM requirements. Attach signed statement by qualified professional. Go to III.D.6 and check ‘‘NO.’’ If NO, the project is subject to HM requirements. Attach map indicating project location. Go to Item G.6 and check ‘‘YES.’’	☐	☐

III.D.6 Is the project a Hydromodification Management Project?

☐ YES the project is subject to the *HM requirements in MRP Provision C.3.g.*

☒ NO, the project is not subject to the HM requirements.

➢ If the project is subject to the HM requirements, incorporate in the project flow duration stormwater control measures designed such that post-project stormwater discharge rates and durations match pre-project discharge rates and durations. The Bay Area Hydrology Model (BAHM) has been developed to size flow duration controls. See https://www.clearcreeksolutions.info/bahm-download-page. Guidance is provided the *C.3 Technical Guidance*.

IV. Implementation of C.6 Construction Phase Requirements

All projects must complete Section IV.

IV.A Select Appropriate Construction Phase BMPs[12]

BMP	Plan Sheet #	Yes	No
Attach the municipality’s construction BMP plan sheet to project plans and require contractor to implement the applicable BMPs on the plan sheet.	WILL INCL. W/PERMIT	☒	☐
Implement temporary erosion controls to stabilize all disturbed areas until permanent erosion controls are established.	WILL INCL. W/PERMIT	☒	☐
Delineate with field markers clearing limits, easements, setbacks, sensitive or critical areas, buffer zones, trees, and drainage courses.		☐	☒
Provide notes, specifications, or attachments describing: • Construction, operation and maintenance of erosion and sediment controls, include inspection frequency; • Methods and schedule for grading, excavation, filling, clearing of vegetation, and storage and disposal of excavated or cleared material; • Specifications for vegetative cover and mulch, include methods and schedules for planting and fertilization; • Provisions for temporary and/or permanent irrigation.	WILL INCL. W/PERMIT	☒	☐
Perform clearing and earth moving activities only during dry weather.		☐	☒
Use sediment controls or filtration to remove sediment when dewatering and obtain all necessary permits.		☐	☒
Protect all storm drain inlets in vicinity of site using drop inlet protection	WILL INCL. W/PERMIT	☒	☐
Trap sediment on-site, using BMPs such as sediment basins or traps, earthen dikes or berms, silt fences, check dams, erosion control blankets, covers for soil stock piles, etc.		☒	☐
Divert on-site runoff around disturbed areas and construction materials; divert off-site runoff around the site (e.g., swales and dikes).		☐	☒
Protect adjacent properties and undisturbed areas from construction impacts using vegetative buffer strips, sediment barriers or filters, dikes, mulching, or other measures as appropriate.		☐	☒
No cleaning, fueling, or maintaining vehicles on-site, except in a designated area where wash water is contained for proper management and spill controls are in place.	WILL INCL. W/PERMIT	☒	☐
Store, handle, and dispose of construction materials/wastes properly to prevent contact with stormwater.	WILL INCL. W/PERMIT	☒	☐
Contractor shall train and provide instruction to all employees/subcontractors re: construction BMPs	WILL INCL. W/PERMIT	☒	☐
Control and prevent the discharge of all potential pollutants, including pavement cutting wastes, paints, concrete, petroleum products, chemicals, wash water or sediments, rinse water from architectural copper, and non-stormwater discharges to storm drains and watercourses.	WILL INCL. W/PERMIT	☒	☐

[12] Additional information on Construction Phase BMPs can be found is MRP Provision C.6 and the California Stormwater Quality Association’s Construction BMP Handbook.

V. Stormwater Treatment Measure and/HM Control Owner or Operator's Information

C.3.b Regulated Projects must complete Section V. WILL INCL. W/PERMIT SUBMITTAL

Name	2425 Durant Avenue LLC
Address	29 Orinda Way, #2060. Orinda, CA 94563
Phone	510.306.4678
Email	qian.wang@soillabhome.io

➢ *Applicant must call for inspection and receive inspection within 45 days of installation of treatment measures and/or hydromodification management controls.*

Name of Applicant Completing Form	Gregory Trela
Signature	
Date	1/29/2025

VI. For Completion by Municipal Staff

(This section is only applicable for C.3.b Regulated Projects)

VI.1 Alternative Certification	YES	NO
Was the treatment system sizing and design reviewed by a qualified third-party professional that is not a member of the project team or agency staff?	☐	☐
Name of Reviewer:	☐	☐
VI.2 Confirm Operations and Maintenance (O&M) Submittal Complete for C.3.b Regulated Projects and HM Projects	☐	☐
VI.2.a Was the maintenance plan submitted?	☐	☐
VI.2.b Was the maintenance plan approved?	☐	☐
VI.2.c Was the maintenance agreement approved?	☐	☐
Date maintenance agreement was executed:		

VI.3 HM Controls (if required) Are the applicable items for HM compliance included in the plan submittal?			
Documentation for HM Compliance	**YES**	**NO**	**NA**
Site plans with pre- and post-project impervious surface areas, surface flow directions of entire site, locations of flow duration controls and site design measures per HM site design requirement	☐	☐	☐
Soils report or other site-specific document showing soil types at all parts of site	☐	☐	☐
If project uses the Bay Area Hydrology Model (BAHM), a list of model inputs.	☐	☐	☐
If project uses custom modeling, a summary of the modeling calculations with corresponding graph showing curve matching (existing, post-project, and post-project with HM controls curves), goodness of fit, and (allowable) low flow rate.	☐	☐	☐
If project uses the Impracticability Provision, a listing of all applicable costs and a brief description of the alternative HM project (name, location, date of start up, entity responsible for maintenance).	☐	☐	☐
If the project uses alternatives to the default BAHM approach or settings, a written description and rationale.	☐	☐	☐

➢ Municipal staff: Refer to the "Flow Duration Control Review Worksheet for HM Submittals" to review the documentation submitted for HM compliance.

YES COMMUNITY ARCHITECTS
yescommunityarchitects.com
1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

DATE _____, 2025

SANDIS
MICHAEL A. KUYKENDALL
R.C.E. NO. 70870, EXPIRES
6–30–25

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	08/06/2024
Project No.	24001
Drawn by	SEC
Checked by	NQA

Drawing Title

STORMWATER SUPPLEMENTAL FORMS

Sheet No.

C2.2

Scale N.T.S.

File: X:\P\624069\4_ENGINEERING\2_PLAN SETS\3_SHEET SET\PLANNING\C2.1 STORMWATER SUPPLEMENTAL FORMS.dwg Date:Jan 30, 2025

LANDSCAPE SITE PLAN NOTES:

PLANT TREES IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) A300 (PART 6)-2012, PLANTING AND TRANSPLANTING WHICH OUTLINES ITEMS SUCH AS PLANTING IN PLANTING PITS TWICE THE SIZE OF THE ROOT BALL, LEAVING THE TREE 1 INCH HIGHER THAN NATURAL GRADE, BACK FILLING THE HOLE WITH NATIVE SOIL.

IRRIGATION IS REQUIRED.

REMOVE THE NURSERY STAKE AND REPLACING WITH A TWO-STAKE SYSTEM THAT ENCOURAGES TREE MOVEMENT.

TREES SHOULD BE PLANTED IN THE 24-INCH BOX SIZE.

NO ROOT BARRIER, PAVERS, OR TREE GRATES SHOULD BE USED.

PLEASE USE FLEXI-PAVE IN THE TREE WELLS.

NEW LANDSCAPE PLANTING	
PERENNIAL PLANTING	29 SF
PERENNIAL PLANTING	201 SF
SHRUB PLANTING	29 SF
SHRUB PLANTING	51 SF
GRASS PLANTING	50 SF
GRASS PLANTING	50 SF
TOTAL NEW LANDSCAPE PLANTING	410 SF

WELO CALCULATIONS NOT REQUIRED FOR NEW LANDSCAPE PLANTING BELOW 500 SF

LEGEND

PROPERTY LINE

CAST IN PLACE CONCRETE PAVING

PLANTING AREA

PERVIOUS PAVING
Eco Promenade
by Unilock
3" x 12" precast concrete paver

PLANTING PALETTE

Street Tree
Quercus Gravesii
Grave's Oak

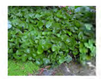
- deciduous

Grass
Carex tumulicola
Foothill Sedge

- native
- evergreen
- low water
- low maintenance

Shrub
Mahonia aquifolium
California Barberry

- native
- evergreen
- low water
- low maintenance



Groundcover
Asarum caudatum
Western Wild Ginger

- native
- evergreen
- low water
- low maintenance

Perennial
Heuchera maxima
Alum Root

- native
- evergreen
- low water
- low maintenance

Vine
Ficus pumila
Creeping Fig

- clinger to concrete columns
- low water
- low maintenance (easily trimmed)

YES COMMUNITY ARCHITECTS

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1250 Addison St Unit 105
Berkeley CA 94702
510-214-3676
yes@yescommunityarchitects.com

NW LA
NICOLAUS WRIGHT
LANDSCAPE ARCHITECT
510 CLAYTON AVE.
EL CERRITO, CA 94530
503.754.7078
nicolaus.wright@gmail.com

2425 Durant Ave Housing

Issues / Revisions

Description	Date
Zoning Project Application	10/30/2024
Zoning Completeness 1	03/31/2025

1
2
3

Date	01/31/2025
Project No.	24001
Drawn by	NW
Checked by	NW

Drawing Title

LANDSCAPE SITE PLAN

Sheet No.

L1.0

Scale As indicated

File: G:\My Drive\Projects\2401_YDA_DurantTower\01_Current\00_Sheets\L1.0 SITE PLAN.dwg Date: Oct 01, 2024

Rent Stabilization Board

September 9, 2025

To: Nilu Karimzadegan, Planner, Planning & Development Department

From: Matt Brown, General Counsel
By: Katrina Lapira, Associate Planner

Subject: **2425 Durant Avenue (2421-27 Durant Avenue)**

On December 6, 2024, a message was sent to Lief Bursell informing him of a new application to demolish two existing buildings with 19 units at 2421, 2423, 2425, and 2427 Durant Avenue as part of the zoning application addressed at 2425 University Avenue. The project would create a new 20-story residential building with 169 new dwelling units, 32 units of which are identified as below-market rate (BMR) units. Land Use Planning requested information related to the property's rental history and status under the Rent Stabilization and Eviction for Just Cause Ordinance ("Rent Ordinance") that are relevant to Berkeley Municipal Code (BMC) Chapter 23.326 ("Demolition Ordinance").

Property History

Alameda County records show that 2421-27 Durant Avenue is owned by 2425 Durant LLC as of April 30, 2019. City of Berkeley records indicate that the property was originally developed with two duplexes and two single-family dwelling units that were later converted into residential apartment buildings. As a result of these conversions, there are 19 dwelling units permitted on the lot.

Rent Stabilization Board records confirm that 2421-27 Durant Avenue contains a total of 19 dwelling units.

Rental History and Rent Control Status

Rent Stabilization Board records show that all 19 units are currently rented and registered with the Rent Board. Sixteen of the 19 tenancies began between the calendar years 2021 to 2024. There is one long-term tenancy that has been in place since 2013. All units are rent-controlled and are fully covered by the Rent Ordinance.

Current Tenancies (as of December 19, 2024):

Unit Address	Occupancy Status	Current Tenancy Start Date
2421 Durant #1	Rented	12/31/2019
2421 Durant #2	Rented	7/31/2024
2421 Durant #3	Rented	7/1/2023
2421 Durant #4	Rented	6/1/2023

2000 Center Street, Suite 400, Berkeley, California 94704
TEL: (510) 981-7368 TDD: (510) 981-6903 FAX: (510) 981-4910
E-MAIL: rent@berkeleyca.gov INTERNET: www.rentboard.berkeleyca.gov

2421 Durant #5	Rented	11/3/2017
2421 Durant #6	Rented	5/31/2024
2423 Durant #A	Rented	6/1/2022
2423 Durant #B	Rented	6/1/2023
2425 Durant #1	Rented	5/31/2024
2425 Durant #2	Rented	5/31/2024
2425 Durant #3	Rented	6/1/2021
2427 Durant #4	Rented	5/31/2024
2427 Durant #5	Rented	5/31/2024
2427 Durant #6	Rented	7/15/2024
2427 Durant #7	Rented	6/30/2024
2427 Durant #8	Rented	5/30/2013
2427 Durant #9	Rented	6/30/2024
2427 Durant #10	Rented	6/1/2023
2427 Durant #11	Rented	5/31/2024

No Fault Evictions

The buildings addressed 2421, 2425, 2423, and 2427 have not been removed from the rental market under the Ellis Act or any other no fault eviction at any time during the preceding five (5) years.

Harassment or Illegal Eviction

The Rent Stabilization Board has no record of any verified cases of harassment or threatened or actual illegal evicting occurring for the rental units at 2421, 2425, or 2427 Durant.

Demolition Ordinance (BMC 23.326) and SB 330

Both Berkeley Municipal Code (BMC) Chapter 23.326 and Housing Crisis Act of 2019 Senate Bill (SB) 330 apply to this project. Both regulations require certain tenant protections, such as the right of first refusal and relocation assistance. However, SB 330 does not supersede local ordinances with greater restrictions on the demolition of residential dwelling units or local ordinances that require greater relocation assistance to displaced households (Cal. Gov. Code 66300.6(c). For instance, tenant relocation protections in BMC 23.326 are greater than those provided by SB 330, but they only apply to sitting tenants at the time the application for demolition is submitted to the City. Tenants who move in after the application is submitted would qualify for the less protective relocation requirements in SB 330 if the owner informed them about the proposed demolition and that demolition constitutes good cause for eviction.

On November 21, 2024, a complete Housing Crisis Act of 2019 Senate Bill (SB) 330 application was submitted for the subject development project and is therefore vested in the ordinances in effective at the time of application. Since a complete preliminary application was received after August 10, 2024, the effective date of the updated Berkeley Municipal Code (BMC) Chapter 23.326 (Demolition Ordinance), the application is subject to the provisions of the current Demolition Ordinance.

Under Berkeley's Demolition Ordinance, returning tenants have the right to rent the new replacement unit at the rent level that would have applied if they remained in their former unit. Landlords may petition the Board for a rent adjustment on the new unit pursuant to the rules associated with the addition of space/services.

Demolition Ordinance Unit Status and Replacement Requirements

The City of Berkeley Demolition Ordnance has different replacement requirements for residential units that qualify as "Protected Units". Per BMC Section 23.326.020(A)(5), "Protected Units" are residential units that meet one of the following criteria:

- A low-income deed restriction within the last five years
- Rent or price control under BMC Chapter 13.76 (Rent Stabilization and Eviction for Just Cause Program)
- Rented by a household at 80 percent Area Median Income or lower within the last five years

All 19 Residential Units at 2421-2427 Durant are subject to rent control under the Rent Ordinance and are therefore considered Protected Units. Per the Demolition Ordinance, any Protected Unit that is demolished shall be replaced with a Comparable Unit that shall comply with the maximum allowable rent requirements for Affordable Units in Chapter 23.328 [Affordable Housing Requirements] and Chapter 23.330 [Density Bonus]. In other words, all 19 of the existing units proposed for demolition must be replaced with units that are available to either VLI or LI households in perpetuity.

Although more information is needed regarding the size and location of the replacement units, the project replaces the 19 units with 6 Extremely Low Income (ELI), 7 VLI, 6 LI units, and 13 Moderate Income (MI) units is therefore consistent with the Demolition Ordinance requirements. A total of 32 BMR units are provided in the proposed project.

Recommendation

Rent Stabilization Board staff recommend the following:

1. Per the Demolition Ordinance, the project must include at least 19 below market rate units to mitigate the loss of existing rent-control units.

2. That the applicant includes in their application the number, size (bedroom), and affordability rate of units to be considered replacement units.

3. The project materials submitted on July 17, 2025, indicate that the project would include 32 below market rate units and would adequately mitigate the loss of existing rent-controlled housing units. Confirm that subsequent revisions to the project would include at least 19 below market rate units to replace the loss of existing rent-control units, consistent with Recommendation #1 of this memorandum.

4. That the ZAB adopt the following Use Permit conditions to fulfill the requirements of Berkeley's Demolition Ordinance and state law:

    a. **First Right of Refusal.** Pursuant to BMC 23.326.030(E)(4)(a), any tenant of a Protected Unit that is permitted to be demolished shall have the right of first refusal to rent a Comparable Unit in the new project. Prior to building permit issuance, the applicant shall provide documentation that confirms that previous tenants have been made aware of their right of first refusal in the new building.

b. **Sitting Tenants Rights.** Pursuant to BMC 23.326.030(E)(4)), ((b) In the event that a displaced household is ineligible for below-market rate replacement units, a market rate Comparable Unit shall be made available to that household at the same rent as had been previously charged, or a lesser rent if that is the market rate.

(c) Where a displaced tenant exercises the right to rent a Comparable Unit, any increase in rent for the Comparable Unit for the duration of their tenancy shall be no greater than the lesser of 65% of the increase in the Consumer Price Index for All Urban Consumers (CPI-U) in the San Francisco-Oakland-San Jose region (as reported and published by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending the previous December 31) or 65% of the corresponding increase in Area Median Income (AMI) for the same calendar years.

The sitting tenants' rights do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction.

c. **Rental Rate – Known Income.** Pursuant to 23.326.030(D)(1), in the event that a displaced household has an income below 50 percent AMI, a Comparable Unit shall be offered at a rent that is affordable to households at 30 percent of AMI, and the displaced household shall have the first right of refusal for that unit. Such a Comparable unit shall be counted as a Very Low-Income unit for applicable affordability requirements in Chapter 23.328. Prior to building permit issuance, the applicant shall, for previous tenants whose income is known that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit in the and supporting documents that verify tenant income.

d. **Rental Rate – Unknown Income.** Pursuant to BMC 23.326.030(D)(3), in the event the income level of the displaced household is unknown, the unit shall be replaced as an Affordable Unit per BMC Section 23.328.020 – a unit that is affordable in perpetuity as a Very Low-Income or Lower - Income Unit. Prior to building permit issuance, the applicant shall, for previous tenants whose income is unknown that have accepted a tenancy in the new building, provide documentation confirming the rental rate of their unit.

e. **Prior Rental Rate.** Pursuant to Government Code Section 66300.6(b)(3), any existing residents will be allowed to occupy their units until six months before the start of construction activities with proper notice and, if compelled to leave, shall be allowed to return at their prior rental rate if the demolition does not proceed and the property is returned to the rental market.

f. **Requirement for Relocation Expenses.** Pursuant to BMC 23.326.030(E)(3) the applicant shall provide moving and relocation assistance equivalent to the requirements set forth in Municipal Code Chapter 13.84 (Relocation Services and Payments for Residential Tenant

Households) or Government Code section 66300.6(b)(4)(A), whichever requires greater relocation assistance to displaced tenants, and shall not be subject to the limitations in section 13.84.070.B.3(a). The applicant shall subsidize the rent differential for a comparable replacement unit, in the same neighborhood if feasible, until new units are ready for occupancy. Within five days of the issuance of the Certificate of Occupancy, tenants shall be notified in writing that the units will be ready for move-in on a specified date. Tenants shall confirm in writing their intent to lease the available unit at any time before 20 days after the issuance of the Certificate of Occupancy. Funding for the rent differential shall be guaranteed in a manner approved by City Council Resolution; provided, however, that any project that is carried out or funded by the state or federal government shall be subject to applicable provisions of the California Relocation Act (Government Code section 7260 et seq.) and/or the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. sections 4601- 4655). The Requirements for Relocation Expenses do not apply to tenants who move in after the application for demolition is submitted to the City if the owner informs each prospective tenant about the proposed demolition and that demolition constitutes good cause for eviction unless otherwise required by California law.

g. **Rental Registry.** Prior to issuance of a Certificate of Occupancy register all the new units with forms provided by the Rent Stabilization Board. Provide confirmation from the Rent Stabilization Board (rentregistry@berkeleyca.gov) that the new units have been registered.

Please contact Katrina Lapira with any further questions regarding this matter.

Sincerely,

Matt Brown
General Counsel

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						
There are no significant land use impacts.						
B. Population, Employment and Housing						
There are no significant population, employment and housing impacts						
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)
TRANS-3: Potential new construction would cause a significant cumulative impact at the intersection of Bancroft Way/Piedmont Avenue.	S	TRANS-3: 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.	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.	
TRANS-4: Potential new construction would cause a significant cumulative impact at the intersection of Durant Avenue/Piedmont Avenue.	S	TRANS-4: 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.	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)
TRANS-5: Potential new construction would cause a significant cumulative impact at the intersection of Channing Way/Fulton Street.	S	TRANS-5: 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.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will cause operating conditions at the intersection to deteriorate from LOS E to LOS F during the PM peak hour. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	
TRANS-6: Potential new construction would cause a significant cumulative impact at the intersection of Parker Street/Warring Street.	S	TRANS-6: 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.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when it is determined that a project or projects will exacerbate LOS E operations at the intersection by more than 3 seconds from 2007 conditions (as shown in the DEIR) and/or exacerbate LOS F operations at the intersection by increasing the volume-to-capacity ratio by more than 0.01. Projects will be reviewed during the discretionary approval process and will be required, as necessary, to address impacts through conditions of approval or contribution to a transportation services fee that would provide fair-share funding for improvements. The City cannot guarantee that the improvements will occur by a certain time or prior to a potentially significant impact due to a lack of funding.	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
TRANS-7: 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.	S	TRANS-7: 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.	LTS	City of Berkeley Planning and Development and Public Works Department	Prior to design approval.	
TRANS-8: Vehicles and bicycles currently encroach into crosswalks, which may increase as new development allowed pursuant to the Project generates additional trips.	S	TRANS-8: 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 *California Manual on Uniform Traffic Control Devices for Streets and Highways (FHWA's MUTCD 2003 Edition, as amended for use in California).*	LTS	City of Berkeley Planning and Development and Public Works Department	To be implemented within 5 years through the City's CIP process	
TRANS-9: 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.	S	TRANS-9: 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.	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)
TRANS-10: 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.	S	TRANS-10: 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.	SU	City of Berkeley Planning and Development and Public Works Department	To be implemented when City confirms that conditions warrant its implementation	
TRANS-14: 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.	S	TRANS-14: 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.	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)
AIR-1: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.	S	AIR-1: 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. *Demolition.* The following controls shall be implemented during demolition: • 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. *Construction.* The following controls shall be implemented at all construction sites: • 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;	LTS	City of Berkeley Building and Safety Division	Throughout demolition and construction period	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
AIR-1 *Continued*		• 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)
AIR-2: Project operational emissions would exceed the BAAQMD thresholds of significance for ozone precursors.	S	AIR-2: 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.	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.	
E. Noise						
There are no significant noise impacts						
F. Public Facilities and Services						
There are no significant public facilities and services impacts						
G. Utilities and Infrastructure						
There are no significant utilities and infrastructures impacts						

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						
CULT-1: Ground-disturbing activities associated with new construction and associated underground utility installation could result in the destruction of paleontological resources.	S	CULT-1: 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.	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)
CULT-2: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unidentified subsurface archaeological deposits.	S	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.	LTS	City of Berkeley Planning and Development Department	Prior to approval	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
CULT-3: Ground-disturbing activities associated with new construction and associated utility installation could result in destruction of unanticipated archaeological discoveries.	S	CULT-3: 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.	LTS	City of Berkeley Planning and Development Department	During construction activity	

Impact Statement	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance With Mitigation	Monitoring Responsibility	Monitoring Timing	Verification (Date and Initials)
CULT-4: 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.	S	CULT-4: 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.	LTS	City of Berkeley Planning and Development Department	During construction activity	

Source: LSA Associates, Inc., 2009.

ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

2425 Durant Avenue

Use Permit #ZP2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

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

When: Thursday, October 9, 2025, 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: RMU– Residential Mixed-Use; Southside Area Plan
- Zoning: R-SMU (Residential Southside Mixed Use District)

B. Zoning Permits Required:

1. **Demolition.** BMC Section 23.326.030(B)(1)(c) **"Demolition of Residential Units"** to demolish residential units (UPPH)
2. **New Construction.** BMC Section 23.202.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH).
3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the R-SMU and the Southside Plan boundaries (UPPH).
4. **Projections Above Height Limit**s. BMC Section 23. 304.050 **"Allowed Projections Above Height Limit** "to allow for Projections Above Height Limit (AUP)

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

Concessions:

1. Concession from the **"Apprenticeship Requirements"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. Concession from the **"Health Care Expenditures**" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. Concession from the **"Prevailing Wage requirements"** in the Southside Plan as required by BMC Section 13.108(A)

Waivers:

1. **Removal of Coast Live Oak.** Waiver from BMC Section BMC Section 6.52.010 to remove a Coast Live Oak Tree
2. **Usable Open Space.** Waiver from BMC Section 23.202.140(E)(1)(a) for providing 1,012 sq. ft. of Usable Open Space, where 5,239 sq. ft. is required
3. **FAR.** Waiver from BMC Section 23.202.140(E)(1)(a) to exceed the allowable maximum FAR of 7 by allowing 14.86 FAR
4. **Height.** Waiver from BMC Section 23.202.140(E)(1)(a) to allow a maximum building height of 208 feet where a maximum 85 feet height with an addition of a 5 feet parapet is allowed (total allowable 90 feet maximum height)
5. **Setbacks.** Waiver from BMC Section 23.202.140(E)(1)(a) to reduce the required 4 feet rear setback
6. **Landscaped Usable Open Space.** Waiver from BMC Section 23.304.90(B)(7) for Usable Open Space landscaped area to be 0% where 40% is required
7. **Long-Term Residential Bike Parking.** Waiver from BMC Section 23.322.090(A)(2) to provide 72 Long-Term Residential Bike Parking spaces where 83 Long-Term Residential Bike Parking spaces are required

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

E. Project Recommendation: Approve Use Permit #ZP2024-0162 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Yes Duffy Architects
- Property Owner 2425 Durant Avenue LLC

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, Nilu Karimzadegan at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

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

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

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

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

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

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

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

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

2425 Durant Community Meeting

Pre-Application Neighborhood Contact Meeting

September 23, 2024 from 5:30-6:30pm
Virtual Meeting held over Zoom

Attendees:

1. Current Tenant (Bonnie)
2. Current Tenant (Anonymous)

General Questions:

- When will the demo permit be approved?
  - Earliest = Summer 2026

- Rent Board has sent a letter to tenants that they cannot be evicted without good cause

- Who is responsible for tenant accommodation & re-locations during the construction?
  - CollabHome will be responsible for tenant accommodations and re-locations during the construction phase of the proposed project. CollabHome has initiated conversations with tenants about their interest in future tenancy at this site, re-location accommodations, and right of first refusal for the 19 below-market-rate units that will be replaced in the proposed project.
  - Tenant Notification Letters from project received by some tenants.
  - There will be a second Tenant Notification Letter sent in the coming weeks that will provide more information.
  - Tenant Notification Letters will be posted to apartment unit doors before the Use Permit application is submitted to the City.

Community Meeting:

2425 Durant Avenue Project

Date & Time: **Monday, September 23rd, 2024, at 5:30 PM**
Meeting Location: **via Zoom (www.zoom.com)**
Meeting ID: **529 370 2335**
Passcode: **2425**

Please join the project team for an update regarding the progress of the proposed project located at 2425 Durant Avenue. This will be a virtual meeting, held exclusively over Zoom. Please go to www.zoom.com and use the following information to login: Meeting ID: 529 370 2335, Passcode: 2425. The meeting can also be accessed with the following phone numbers: 1 (408) 638-0968 or 1 (669) 444-9171 and then enter the Meeting ID and Passcode above. We look forward to speaking with you on September 23rd.

Sincerely,
2425 Durant Avenue, LLC | 510-545-4341 | info@rhoadesplanninggroup.com

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Date In 9/12/24 am/pm
Time In 10:50
Date Due 9/13/24
Time Due 3:38 am/pm
files/ filetype Mac PC

Name/ Company Name Geneva Hesner Rhoades Planning Group
Address
City State Zip
Tel# Fax#
Account # Email

Proof Y/N Due T 9/13/24 @ 9:30 am/pm
○ Customer Pickup ○ Delivery ⊗ Drop Ship/ Method: USPS

○ Business cards ⊗ Post Cards ○ digital color ○ digital b/w ○ black and white xeroxing ○ oversize b/w ○ Large format Color/Posters

Specifications/Instructions:	# of sides originals	Size	Quantity	Total	Sides (1 2)	Rate
2425 Durant Ave	2	4¼x5½	340	680	(2)	
4½x5½ postcard mailer						
4½x5½ Community Meeting print, postage, cut deliver to post office						
Community Meeting 2425 Durant Avenue	2	4¼x5½	340			

Community Meeting:

2425 Durant Avenue Project

Date & Time: Monday, September 23rd, 2024, at 5:30 PM
Meeting Location: via Zoom (www.zoom.com)
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Sincerely,
2425 Durant Avenue, LLC | 510-545-4341 | info@rhoadesplanninggroup.com

Paper stock: 20lb 24lb 60lb 67lb 80lb 100lb (130#) 12pt
Paper size: (8.5x11) 8.5x14 11x17 Other
Color: (White) Other
○ Tabbing
○ Collating
○ Stapling Saddle stitch
⊗ Cutting 1/2 1/3 1/4 (other: 4½x5½)
○ Folding 1/2 ltr Z other:
○ Binding sp velo wire tape coil perfect
Clear Vinyl Card Color:
f/c b/c

Additional notes/comments:

Description

Rhoades Planning Group
2140 Shattuck Avenue, Suite 705
Berkeley, CA 94704

OCCUPANT(S)
2433 DURANT AV
Berkeley, CA 94704

Sub-total	
Tax	
Total	
Less Deposit Paid	
Balance Due	

have read and authorized this order Web/email 9/12/24
Customer Signature Date

have received this order Deliver to Postoffice 9/13/24
Customer Signature Date

○ Cash ○ Check # ⊗ Account ○ Bill to ○ Credit Card
Taken by: Done by Checked by Cashier:

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ZAB APPEAL: 2425 Durant Avenue, Use Permit #ZP2024-0162

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **Monday, February 23, 2026** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board approving Use Permit ZP#2024-0162 to demolish three existing two-story residential buildings, including 19 rent-controlled dwelling units, and construct a 20-story (208 feet), approximately 148,940-square-foot residential building containing 169 dwelling units, including 6 Extremely Low-Income (ELI), 7 Very Low-Income (VLI), 6 Low-Income (LI), and 13 Moderate Income (MI) units, on a 9,750-square-foot lot.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Nilu Karimzadegan, Senior Planner at (510) 981-7430.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 11, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

_____

Mark Numainville, City Clerk

Mailed by: February 9, 2026
Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

Attachment 4

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Board or Commission decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Board or Commission decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

03a
Special Meeting Item

Office of the City Manager

PUBLIC HEARING
February 23, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Adjustments Board Appeal: 2029 University Avenue, Use Permit Application #ZP2024-0182 (Student Housing-Oriented)

RECOMMENDATION

Conduct a public hearing, and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0182, to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building, containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.

SUMMARY

On November 13, 2025, the ZAB approved Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building. The project approval was based on findings that the project would not be detrimental to the general welfare of the City, aligns with the purpose of the zoning district, encourages the use of public transit, and facilitates the construction of affordable housing.

On December 1, 2025, the ZAB's decision was appealed by the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"). Appellants contend that the City should deny the Applicant's request to use state Density Bonus Law concessions to waive compliance with the requirements of the apprenticeship requirements and health care expenditure provisions of the City's HARDHATS Ordinance (codified at Berkeley Municipal Code Sections 13.107.040 and 13.107.050, respectively), , because these concessions are noncompliant with state law. Specifically, Appellants claim (1) that these regulations are not the proper subject of concessions and, in the alternative, that (2) they are subject to the exemption in

Government Code Section 65915(d)(1)(B) because they pose a specific, adverse impact on public health and safety.

As further discussed below, staff find that these concessions are proper and that the City cannot make the factual findings necessary to deny them.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On December 10, 2024, the applicant submitted Preliminary Use Permit application pursuant to SB330 (PLN#2024-0070).

On December 19, 2024, the applicant submitted a Use Permit application (ZP#2024-0182).

On January 9, 2025, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0070).

On May 22,2025, the Use Permit application was deemed complete.

On September 4, 2025, Landmarks Preservation Commission (LPC) held a public hearing on the demolition referral of the existing building to be demolished, took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition.

On October 16, 2025, Design Review Committee (DRC) held a public meeting for the design review of the proposed project and provided a favorable recommendation to the ZAB with recommendations for Final Design Review.

On October 30, 2025, the City mailed notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On November 13, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. See Attachment 3 for the staff report submitted for ZAB consideration. Opponents raised concerns regarding the HARDHATS concessions, contending that these concessions pose specific adverse impact upon public health and safety. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and the members of the public, the ZAB voted to approve the project with a 5-1-0-2 vote (Moved Sanderson, Second: Palmatier. Ayes:

Duffy, Palmatier, Sanderson, Gaffney, Allen; Noes: Thompson; Abstain: None; Absent: Yung, Choi).

On December 1, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"), filed an appeal of the ZAB's decision to approve the project.

BACKGROUND

The subject property is an approximately 12,385-square-foot, interior lot on the north side of the 2000-block of University Avenue, between Shattuck Avenue and Milvia Street. It is a flat, rectangular-shaped parcel, 114- feet-deep, 108 feet-wide, with street frontage facing University Avenue to the south. It includes one, 9,401-square-foot, two-story non-residential building containing five commercial spaces in the front and a detached ten-car garage structure in the rear of the lot, both proposed to be demolished. A covered driveway connects the curb cut on University Avenue to the garage building in the rear. The project site is located along University Avenue, west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP; see Figure 1). The project site is surrounded primarily by commercial and multi-family residential/mixed-use buildings ranging in height from one story to eight stories. The project site is served by several modes of public transportation—including multiple AC Transit bus lines on University Avenue, and the Downtown Berkeley BART station, which is located 0.3 mile to the southeast of the site—as well as a nearby bike share station.

Figure 1: Vicinity and Zoning Districts Map

The proposed project involves demolishing an existing two-story commercial building and a ten-car garage structure to construct a 23-story residential building (256 feet tall plus a 5-foot parapet), totaling approximately 191,922 square feet. The building would contain 160 dwelling units, including 60 studios, 20 one-bedrooms, and 20 three-bedrooms, 60 four-bedrooms for a total of 380 bedrooms. The project also includes 29 off-street parking spaces located on the second-floor garage, as well as a roof deck, fitness center, and lounge area on Level 23.

Figure 2: Existing Street View (University Avenue)

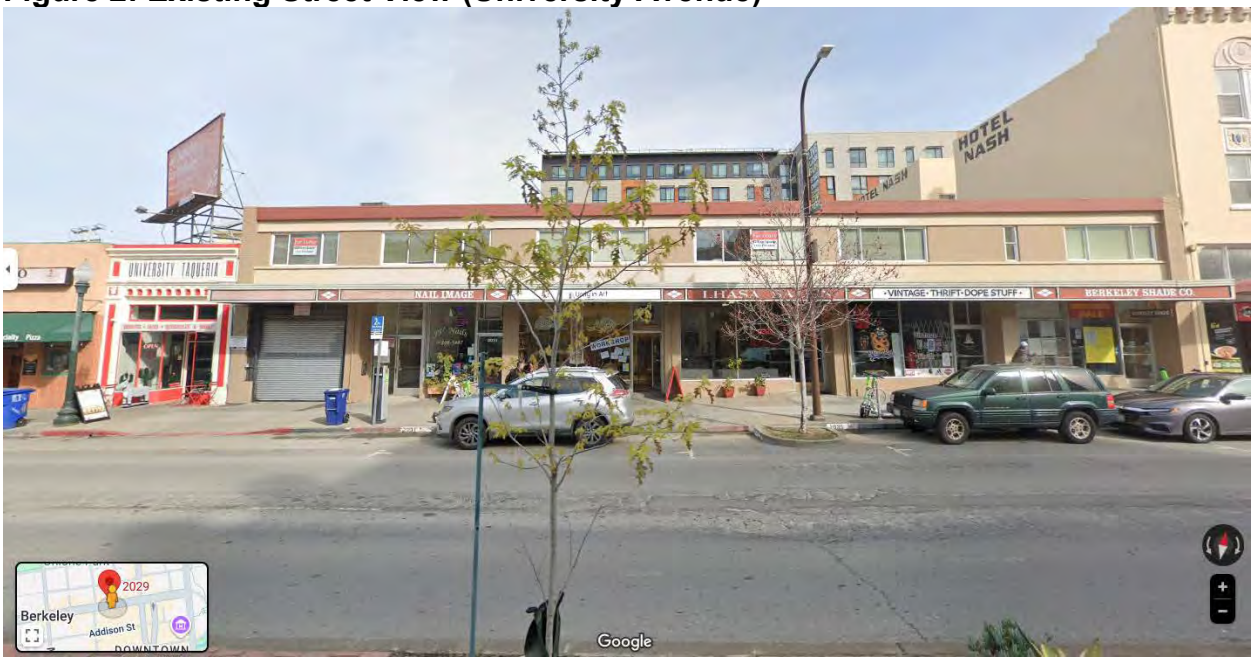


Figure 3: Typical Floor Plan

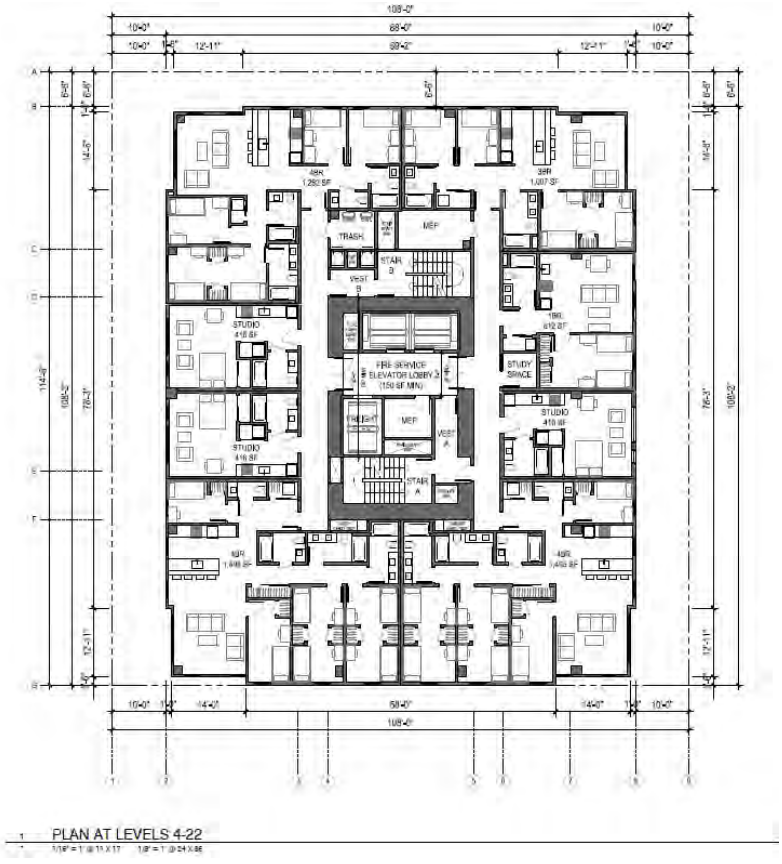


Figure 4: The Proposed Project Rendering

Senate Bill 330 (Housing Crisis Act of 2019) and State Density Bonus

The proposed project qualifies as a housing development project under SB 330 and is requesting a density bonus under the State Density Bonus law. The total density bonus is calculated based on the site's base density and the allowable bonus granted for providing affordable housing. The base density reflects the maximum number of units allowed on the site while fully complying with applicable district development standards, including height, setbacks, usable open space, and parking requirements. The density bonus is then determined by the percentage of total units dedicated as affordable and their affordability level. For this site, the base density is 80 units. By proposing 12 very low-income (VLI) units and 12 Moderate Income (MI) units, 30% of the total base units, the project qualifies for a 100% density bonus, increasing the maximum allowable density to 80 additional units above the base density for a total of 160 dwelling units. (See Table 1: Density Bonus)

Table 1: Density Bonus

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
80	24 [12 VLI (15% of Base) + 12 MI (15% of Base)]	100	80	160

Notes:

[a] Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.

Abbreviations: % = percent

Concessions are defined in Government Code Section 65915(k) as a reduction in site development standards; approval of mixed-use zoning in certain instances; or any other regulatory incentive that results in identifiable and actual cost reductions. Pursuant to California Government Code Section 65915(d)(1), the City may only deny the concession if it makes a written finding, based on substantial evidence, that the concession does not result in identifiable and actual cost reductions; the concession would have a specific adverse impact upon public health and safety 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 the concession would be contrary to state or federal law.

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. **Concession.** Exemption from the **"Apprenticeship Requirements"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040.
2. **Concession.** Exemption from the **"Health Care Expenditures"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050.
3. **Concession.** Exemption from the **"Bird Safe Building"** requirement as required by BMC 23.304.150.

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 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.

The applicant is requesting nine waivers from the following development standards:

1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204.130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
9. **Projections Above Height Limits.** Waiver of BMC Section 23.304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP)

RATIONALE FOR RECOMMENDATION

The main issues raised in the Appellant's letter (Attachment 2) and staff's responses are detailed below. For the sake of brevity, all the appeal issues are not re-stated in their entirety.

I. The HARDHATS Ordinance Are Proper Concessions under the Density Bonus Law.

As discussed above, the SDBL requires municipalities to award a density bonus when a developer agrees to dedicate a certain percentage of the overall units in a development to affordable housing. Developers of these projects are entitled to request a certain number of incentives or concessions, which municipalities must grant absent limited exceptions. (Gov. Code § 65915(d).)

A concession or incentive is regulatory relief that a developer can use to reduce the costs of building affordable housing. (*See id.* § 65915(d)(1).) A concession under the SDBL can be a reduction in site development standards or a modification of zoning code requirements or architectural design requirements or approval of mixed-used zoning in compatible areas not already so zoned. (*Id.* § 65915(k)(1-2).) Another appropriate subject of a concession is any "other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs…" (Gov. Code § 65915(k)(3).)

As discussed above, the Applicant has requested the following three concessions:

(1) Exemption from the "Apprenticeship Requirements" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040

(2) Exemption from the "Health Care Expenditures" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050

(3) Exemption from the "Bird Safe Building" as required by BMC Section 23.304.150

Appellants argue that the provisions regarding Apprenticeship Requirements (BMC Section 13.107.040) and Health Care Expenditures (BMC Section 13.107.050) are not the appropriate subject of a concession because they do not pertain to development standards. However, under the plain language of the SDBL, a concession need not be related to the physical characteristics of the development; rather, Section 65915(k)(3) is a catch-all provision that provides a concession may be a waiver of *any* regulation if such waiver results in identifiable and actual cost reductions to the Applicant. (*See* Gov. Code § 65915(k)(3).)

Therefore, each of the concessions requested here is appropriate because each requests relief from a regulation where such relief would result in identifiable and actual cost reductions to the Applicant.

First, BMC Section 13.107.040 requires participation in qualified apprenticeship programs, which adds administrative, labor, and financial obligations beyond standard construction practices. The Applicant has reported to the City that this concession would result in cost savings of $1,893,000.

Next, BMC Section 13.107.050 requires developers to provide health care expenditures on behalf of each covered construction worker in addition to hourly wages. The Applicant has reported to the City that this concession would result in cost savings of $2,839,000.

This results in total savings of $4,732,000. Accordingly, each of the requested concessions would result in "actual" and "identifiable" cost reductions to the Applicant.

II. None of the State Density Bonus Law Exceptions Apply.

The SDBL mandates that cities grant a requested concession or incentive, subject to the following very limited exceptions:

> (A) The concession or incentive does not result in identifiable and actual cost reductions…to provide for affordable housing costs…
>
> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety… for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law.

(Gov. Code, § 65915(d)(1)(emphasis added).) Notably, the City "bears the burden of proof for the denial of a requested concession or incentive." (Gov. Code § 65915(d)(4).)

The Appellant asserts both that the requested concessions would not result in identifiable and actual cost reductions and that the concessions would have a specific, adverse impact upon public health and safety.

A. The City cannot show that requested concessions would not result in identifiable and actual cost reductions.

As stated above, the City could permissibly reject any of the three requested concessions upon a finding based on substantial evidence that they would not result in "identifiable and actual cost reductions." (Gov. Code, § 65915(d)(1)(A).)

Staff advise, however, that the City cannot make this showing. Consistent with Section 65915(a)(2), subsequent to the filing of this Appeal the City requested reasonable documentation from the Applicant regarding the cost reductions that would accrue from each of the three concessions at issue. As discussed above, the information from the Applicant confirms that each of the three requested concessions would result in identifiable and actual cost reductions. The City has no information to make any findings

otherwise and thus cannot make a finding based on substantial evidence that this exception applies.

B. The City cannot meet its statutory burden to show that the requested concessions would have a specific, adverse impact upon public health and safety.

Next, the City could permissibly deny the concessions if it made findings supported by substantial evidence that the concessions would have a "specific, adverse impact" upon public health and safety. (Gov. Code, § 65915(d)(1)(B).)

"Specific, adverse impact" is defined as "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." (Gov. Code, § 65589.5(d)(2).) "It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety…arise infrequently." (Gov. Code, § 65589.5, subd. (a)(3).

Staff advise that based on this standard, Appellants have not provided adequate evidence that the concessions at issue meet the criteria for a "specific, adverse impact," nor does the City have other sufficient evidence on which to make such a finding. Therefore, staff advise that the City cannot make a finding based on substantial evidence that this exception applies.

For these reasons, staff recommend that the appeal be dismissed.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. It 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, located within city limits on fewer than five acres and surrounded by urban uses, has no habitat value for endangered, rare, or threatened species. Its approval would not cause significant impacts related to traffic, noise, air quality, or water quality, and the site can be adequately served by required utilities and public services. Furthermore, none of the CEQA Guidelines Section 15300.2 exceptions apply: the site is not in an environmentally sensitive area;

cumulative impacts would not be significant; no unusual circumstances exist that would cause environmental effects; it is not near a designated scenic highway; it is not listed under Government Code Section 65962.5; and the project would not substantially affect any historical resource

CONTACT PERSON
Jordan Klein, Director, Planning & Development Department, (510) 981-7534
Anne Hersch, Land Use Planning Manager, (510) 981-7411
Nilu Karimzadegan, Senior Planner, (510) 981-7430

Attachments:
1: Draft Resolution
    Exhibit A: Findings, November 13, 2025
    Exhibit B: Conditions, November 13, 2025
    Exhibit C: Project Plans, October 2, 2025
2: ZAB Decision Appeal Letter, received December 1, 2025
3: ZAB Packet (Staff Report and attachments), dated November 6, 2025
4: Public Hearing Notice
5: Index to Administrative Record
6: Administrative Record

RESOLUTION NO. ##,###-N.S.

DENY THE APPEAL AND AFFIRM THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE USE PERMIT #ZP2024-0182 TO DEMOLISH AN EXISTING TWO-STORY COMMERCIAL BUILDING AND A TEN-CAR GARAGE STRUCTURE ON A 12,385-SQUARE-FOOT LOT AND TO CONSTRUCT A 23-STORY (256-FEET-TALL PLUS A 5-FOOT PARAPET) APPROXIMATELY 191,922-SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING 160 DWELLING UNITS INCLUDING 12 VERY LOW-INCOME (VLI), AND 12 MODERATE INCOME (MI) UNITS FOR A 100% DENSITY BONUS. THE PROPOSED PROJECT PROVIDES 29 OFF-STREET PARKING SPACES, 167 LONG-TERM AND 10 SHORT-TERM BIKE PARKING SPACES

WHEREAS, on December 10, 2024, the applicant submitted Preliminary Use Permit application pursuant to SB330 (PLN#2024-0070); and

WHEREAS, on December 19, 2024, the applicant submitted a Use Permit application (ZP#2024-0182); and

WHEREAS, on January 9, 2025, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0070); and

WHEREAS, on May 22, 2025, the Use Permit application was deemed complete; and

WHEREAS, on September 4, 2025, Landmarks Preservation Commission (LPC) held a public hearing on the demolition referral of the existing building to be demolished and took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition; and

WHEREAS, on October 16, 2025, Design Review Committee (DRC) held a public meeting for the design review of the proposed project and provided a favorable recommendation to the ZAB with recommendations for Final Design Review; and

WHEREAS, on October 30, 2025, the City mailed public hearing notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on November 13, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments and voted to approve the project with a 5-1-0-2 vote; and

WHEREAS, on December 1, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO (“Trades Council”) and the Northern California Carpenters Regional Council (“Carpenters”), filed an appeal of the ZAB’s decision to approve the project; and

WHEREAS, on or before February 9, 2026 staff posted the public hearing notice at the site and three nearby locations and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal; and

WHEREAS, on February 23, 2026, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby affirms the decision made by ZAB to approve a Use Permit #ZP2024-0182; adopts the Findings in Exhibit A; adopts the Conditions of Approval in Exhibit B; and adopts the project plans in Exhibit C.

Exhibits
A: Findings, November 13, 2025
B: Conditions of Approval, November 13, 2025
C: Project Plans, dated October 2, 2025

LAND USE PLANNING

Zoning Adjustments Board Findings

APP # ZP2024-0182

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Student-Oriented)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: December 10, 2024 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22,

	where 15 feet is the minimum, between 76 to 120 feet in height. 7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. 9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. CEQA FINDINGS

As required by CEQA Section 15332 ("Infill Development Project") of the CEQA Guidelines, the ZAB finds that this 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.) because:

- 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.

Evidence: Though the project is located within the City's Environment Management Area (EMA), which are areas in the City of Berkeley known or suspected to have groundwater contamination, it is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time will not be significant; there are no "unusual circumstances" at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis.

Historic Resource Evaluation prepared by Left Coast Architectural History, dated October 18, 2023 concluded that based on their evaluation, the property is not historically significant at either the local or State level and therefore does not qualify as a historic resource for the purposes of the California Environmental Quality Act.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1) *"Findings for Approval"*,** the ZAB finds that the

the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use;

Evidence: The project is consistent with all applicable C-DMU Outer Core District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

(b) Will not 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.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized Housing Opportunity Site with a new development consisting of 160 units. This includes a significant affordable housing component: 12 units for Very Low-Income (VLI) households, and 12 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

Sunlight: The additional height above the district limits (75 feet with Use Permit plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 256-foot-tall (plus 5-foot parapet), 23-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter months in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north and in the hours of before sunset on the residential buildings on the north and north-east ; b) in the summer months in the hours of after sunrise on the residential buildings on the west, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the east and southeast; and c) at the time of application preparation (March) in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north, and in the hours of before sunset on the residential buildings on east. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Downtown Area plan that allows building heights up to 120 feet with 0 to 15-foot setbacks from property lines depending on the height and distance to lot frontage.

2) As required by **BMC Section 23.406.040 (E)(2) *"Findings for Approval"*,** to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

a) Pursuant to **BMC Section 23.326.070(D) "Demolition of Non-residential Buildings"** A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. The demolition:

(a) Is required to allow a proposed new building or other proposed new use;

(b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

(c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: The proposed demolition is necessary to facilitate the construction of a new residential development consisting of 160 units on a designated Opportunity Site. This new use supports the City of Berkeley's housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).

b) As required by **Government Code Section 65915 (State Density Bonus),** the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 80 units. The project will provide at least and 12 Very Low-Income (VLI) and 12 Moderate-Income (MI) BMR units on site qualifying units in the 80-unit base project, as more fully set forth in Condition "Number of Below Market Rate Units". The project is entitled to a density increase of 100 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. This equates to a density bonus of up to 100% or 80 units above the base project, for a total of up to 160 units.

i. 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:

- **Concession 1.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession 2.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession 3.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150

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 grants the following concessions and finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

ii. 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.

- **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
- **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27(0.0014%) square feet where 7,680 square feet (40%) is required.
- **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 ft. (plus 5-foot parapet by right) is the allowable height with a Use Permit.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
- **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139'-6" at the widest point

(on the diagonal in plan review) where maximum width allowed is 120 feet.

- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

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.

c) As required by the **Housing Accountability Act, Government Code Section 65589.5(j),** 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.

Evidence: The project includes construction of "housing development project" with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

3) As required by **BMC Section 23.406.040 (E)(3)** ***"Findings for Approval",*** the ZAB considers the following (a and b) in making findings:

(a) The proposed land use

Evidence: The proposed land use meets the findings for approval because the project's residential use is consistent with the purposes of the Downtown Mixed-Use areas as outlined in the General Plan's Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

(b) The structure or addition that accommodates the use.

Evidence: The proposed construction of a twenty three-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use

because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district.

4) As required by **BMC Section 23.406.040 (E)(4)** ***"Findings for Approval",*** the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

5) As required by **BMC Section 23.406.040 (E)(5)** ***"Findings for Approval",*** the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.

LAND USE PLANNING

Conditions of Approval

APP # ZP2024-0182

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Student-Oriented)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: December 10, 2025 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers: 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the

	Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height. 7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. ~~9.~~ **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions:** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions and the Downtown 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 BMC 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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 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 BMC Chapter 13.104 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 BMC Chapter 13.104; (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 BMC 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 BMC 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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 Section 16.28.030 Assignment and Installation of Numbers, 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, Prohibited Acts. 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 Downtown Area Plan Mitigation Monitoring and Reporting Program (Attachment 5 to Staff Report). 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. **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.

26. **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.

27. **Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along University Avenue to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

28. **Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

29. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

30. **Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations~~,~~ and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

31. **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 (ETo) for Berkeley is 41.8.

32. **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 at RecyclingProgram@berkeleyca.gov.

33. **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

34. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

Below Market Rate Units., 12 Very-Low Income and 12 Moderate Income Units shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings 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), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination if Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements		Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	
Extremely Low-Income (30% AMI)	**-**	**-**	**-**
Very Low-Income (50% AMI)	**12**	**12**	**12**[1]
Low-Income (80% AMI)	**-**	**-**	**-**

[1] These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

Moderate-Income (x%)	**12**	**-**	**12**[2]
Total			**24**

35. **Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915) The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.
36. **Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is **$**1,038297.17 Any adjustments to the fee and the final fee amount 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:

37. **Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.
38. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

[2] These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

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 District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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 BAAD 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. Archeological Resources (*Ongoing throughout demolition, grading, and/or construction*).

A. *Qualified Archeologist.* The project applicant shall retain a qualified archeologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional archeologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).

B. *Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on archeological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Archeological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying archeological staff should fossils be discovered by construction staff. The Archeological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a qualified archeologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

C. *Archeological Monitoring.* The extent of required archeological monitoring for the project shall be determined by the qualified archeologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Archeologist shall conduct and initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the archeologist determines that geologic units exposed between 5-10 feet BGS have high archeological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be archeological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full

depth of ground disturbance. If spot checks indicate low or no archeological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, archeological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Archeologist at that time.

D. In the event of a fossil discovery by the archeological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Archeologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Archeologist shall complete the following conditions to mitigate impacts to significant fossil resources:

1) *Salvage of Fossils.* If fossils are discovered, the archeological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead archeologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single archeologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within archeologically- sensitive Quaternary alluvial deposits.

2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent archeological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Archeologist.

E. *Final Archeological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Archeologist shall prepare a final report describing the results of the archeological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

52. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

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

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

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be 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. 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.

L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

54. Public Works. Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

55. Public Works. All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

56. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
57. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
58. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
59. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
60. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

61. **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.
62. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 2, 2025.
63. **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.
64. **Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a $1 to $1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

65. **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 Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 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 this section:

A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

B. For any new building with residential units or structures converted to a residential use, required parking spaces shall 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.

C. the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).

66. **"(23.322.060 CDMU Only)" Car Sharing Spaces.** At least ___1____car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:

A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.

B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.

67. **Green Building Certification.** The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will it happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

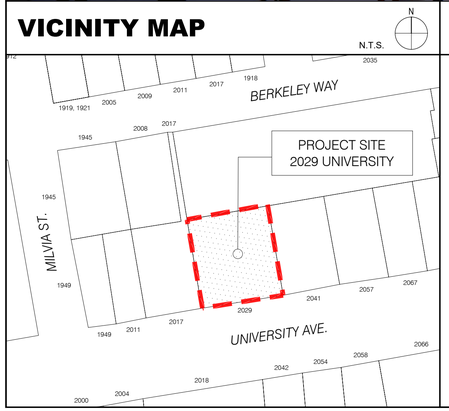
At All Times:

68. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
69. **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.
70. **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.
71. **Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
72. **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.
73. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
74. **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.

75. **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.
76. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.
77. **Required Bike Parking.** Secure and on-site bike parking for at least 167 Long-term bicycles shall be provided for the life of the building.
78. **Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)
79. **Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

VIEW ALONG UNIVERSITY

VICINITY MAP



PROJECT DIRECTORY

OWNER/APPLICANT:
Laconia Development LLC
1981 North Broadway, Suite 350
Walnut Creek, CA 94596
www.laconiallc.com
(925) 937-4111

Rhoades Planning Group
2140 Shattuck Ave. Suite 705
Berkeley, CA 94704
(510) 545-4341
c/o: mia@rhoadesplanninggroup.com

ARCHITECT:
ISAIAH STACKHOUSE, PRINCIPAL
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510.649.1414
www.trachtenbergarch.com

LANDSCAPE ARCHITECT:
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Orinda, CA 94563
(925) 254-5422
https://jett.land/

CIVIL ENGINEER:
BKF ENGINEERS
2100 FRANKLIN STREET, SUITE 4C
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2029 University Ave. Berkeley, CA 94704 (APN: 57-2053-8-1)

SCOPE OF WORK:

THIS IS A ZONING APPLICATION FOR A HOUSING DEVELOPMENT, WHICH VESTS RIGHTS UNDER ZONING APPLICABLE AS OF THE SUBMITTAL DATE PER CALIFORNIA GOVERNMENT CODE SECTION 65941.1. THE PROJECT IS THE CONSTRUCTION OF A NEW 23-STORY (256'-0"), 160-UNIT HOUSING DEVELOPMENT WITH 191,992 SF OF NEW RESIDENTIAL USE AND PARKING GARAGE FOR UP TO 29 SPOTS. THE PROJECT INCLUDES REMOVAL OF EXISTING NON-LANDMARKED 2-STORY COMMERCIAL STRUCTURE AND SURFACE PARKING. 15% (12 UNITS) OF THE BASE PROJECT UNITS WILL BE AFFORDABLE TO VERY-LOW-INCOME HOUSEHOLDS, AND 15% (12 UNITS) OF THE BASE PROJECT UNITS WILL BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS, MAKING THE PROJECT ELIGIBLE FOR A 100% DENSITY BONUS, WAIVERS, AND UP TO 3 CONCESSIONS AS A STATE DENSITY BONUS LAW DEVELOPMENT PER CALIFORNIA GOVERNMENT CODE § 65915.

THE PROPOSED PROJECT WILL COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND THE BERKELEY GREEN CODE (BMC CHAPTER 19.37), INCLUDING PROVIDING A SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, AND LOW-CARBON CONCRETE REQUIREMENTS.

ZONING CODE SUMMARY

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-DMU OUTER CORE

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

SHEET NO. & TITLE

ARCHITECTURAL				LANDSCAPE	
A0.0	GENERAL INFORMATION	A3.1	BUILDING ELEVATIONS	L1.01	LANDSCAPE PLAN - GROUND LEVEL
A0.1	ZONING DATA	A3.2	BUILDING ELEVATIONS	L1.02	LANDSCAPE PLAN - PODIUM LEVEL
A0.2	DENSITY BONUS DIAGRAMS	A3.3	BUILDING ELEVATIONS	L1.03	LANDSCAPE PLAN - ROOF DECK
A0.3	PRELIMINARY AHCP DIAGRAMS	A3.4	BUILDING ELEVATIONS	L2.01	PRECEDENT IMAGES
A0.4A	SHADOW STUDIES - DEC 21ST	A3.5	STREET STRIP ELEVATIONS	L3.01	PLANT IMAGES, NOTES & CALCULATIONS
A0.4B	SHADOW STUDIES - JUNE 21ST	A3.6	PHOTO CONTEXT VIEWS	L4.01	PLANTING PLAN - GROUND FLOOR
A0.4C	SHADOW STUDIES - MARCH 26TH	A3.7	CONCEPTUAL RENDERINGS	L4.02	PLANTING PLAN - PODIUM LEVEL
A0.5	SITE CONTEXT PHOTOS	A3.8	CONCEPTUAL RENDERINGS	L4.03	PLANTING PLAN - ROOF DECK
A0.6	VICINITY MAP	A3.9	CONCEPTUAL RENDERINGS	L5.01	IRRIGATION PLAN - GROUND FLOOR
A1.0	EXISTING SITE PLAN	A3.10	CONCEPTUAL RENDERINGS	L5.02	IRRIGATION PLAN - PODIUM LEVEL
A1.1	EXISTING SURVEY	A3.11	CONCEPTUAL RENDERINGS	L5.03	IRRIGATION PLAN - ROOF DECK
A2.0	PLAN AT BASEMENT LEVEL	MAT	BUILDING MATERIALS		
A2.1	PLAN AT GROUND LEVEL	A4.1	SECTIONS		
A2.2	PLAN AT LEVEL 2				
A2.3	PLAN AT LEVEL 3				
A2.4	PLAN AT LEVELS 4-22	CIVIL			
A2.5	PLAN AT LEVEL 23	C1.0	PRELIMINARY GRADING AND DRAINAGE PLAN		
A2.6	PLAN AT ROOF LEVEL	C2.0	PRELIMINARY STORMWATER CONTROL PLAN		

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2029 UNIVERSITY STUDENT HOUSING

2029 University Ave
Berkeley, CA

12.10.2024 SB330 SUBMISSION
12.19.2024 ZONING SUBMISSION
04.03.2025 ZONING RESUBMISSION
05.14.2025 ZONING RESUBMISSION
07.23.2025 AHMF FEE UPDATE
08.08.2025 4-BR BATHROOM UPDATE

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JOB: 2327

SHEET:

GENERAL INFORMATION

A0.0

ZONING CODE DATA

ZONING SUMMARY TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING	C-DMU Outer Core			COMPLIES
TOTAL LOT SIZE (SQ. FT.)	12,385			COMPLIES
TOTAL LOT SIZE (ACRES)	0.28			COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	15.50	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	160	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	380	COMPLIES
RESIDENTIAL BEDS	NA	NA	380	COMPLIES
HEIGHT - FEET	60'-0"	75'-0"	256'-0"	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES	NA	NA	23	COMPLIES
LOT COVERAGE	NA	NA	90%	COMPLIES
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - REAR (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	135'-11"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	29	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	NA	NA	0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	127	127	167	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	10	10	10	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE	NA	NA	0	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	0	0	0	COMPLIES W/ SDB WAIVER
COMMERCIAL PRIVATELY OWNED OPEN SPAC	NA	NA	NA	COMPLIES

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL (none per Table 23.322-2)	160	0	0	0	0

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	380	1	3	127	167
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	380	1	40	10	10

SETBACKS TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	0' TO 3'	COMPLIES
21'-75'	0'	0'	0' TO 6"	COMPLIES
76'-120'	15'	0'	0' TO 1'-6"	COMPLIES W/ UP
> 120'	15'	0'	0' TO 31'-0"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	6" to 10'-0"	COMPLIES
21'-75'	0'	0'	10' TO 11'-6"	COMPLIES
76'-120'	5'	0'	10' TO 11'-6"	COMPLIES
> 120'	15'	0'	16'-6" TO 34'-10"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" to 10'-0"	COMPLIES
21'-75'	5'	0'	10' TO 11'-6"	COMPLIES
76'-120'	15'	0'	10' TO 11'-6"	COMPLIES W/ UP
> 120'	15'	0'	15' TO 16'-6"	COMPLIES W/ UP
SETBACK - REAR				
0'-20'	0'	0'	6"	COMPLIES
21'-75'	5'	0'	6'-6" TO 7'-6"	COMPLIES
76'-120'	15'	0'	6'-6" TO 7'-6"	COMPLIES W/ UP
> 120'	15'	0'	7'-4"	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	135'-11"	COMPLIES W/ SDB WAIVER

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL REQ'D	23r FLOOR TERRACE	TOTAL PROVIDED
RESIDENTIAL UNITS	160	80	12,800	2,055	2,055
	Landscape	40%	5,120	690	690

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		8,115
AREA OF ROOFTOP ARCH. ELEMENTS	1,217	1,167
% AREA OF ROOFTOP ARCH. FEATURES	15.0%	14.4%

E

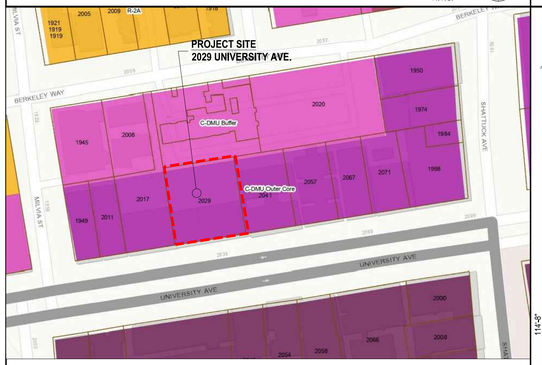
	RESIDENTIAL
LEVEL 23	6,219
LEVEL 22	8,691
LEVEL 21	8,691
LEVEL 20	8,691
LEVEL 19	8,691
LEVEL 18	8,691
LEVEL 17	8,691
LEVEL 16	8,691
LEVEL 15	8,691
LEVEL 14	8,691
LEVEL 13	8,691
LEVEL 12	8,691
LEVEL 11	8,691
LEVEL 10	8,691
LEVEL 9	8,691
LEVEL 8	8,691
LEVEL 7	8,691
LEVEL 6	8,691
LEVEL 5	8,691
LEVEL 4	8,691
LEVEL 3	8,691
LEVEL 2	1,188
GROUND LEVEL	7,742
BASEMENT	3,023
TOTAL	**191,992**

DWELLING UNIT TABLE

	STUDIO	1 BD	3 BD	4 BD	TOTAL
LEVEL 23					0
LEVEL 22	3	1	1	3	8
LEVEL 21	3	1	1	3	8
LEVEL 20	3	1	1	3	8
LEVEL 19	3	1	1	3	8
LEVEL 18	3	1	1	3	8
LEVEL 17	3	1	1	3	8
LEVEL 16	3	1	1	3	8
LEVEL 15	3	1	1	3	8
LEVEL 14	3	1	1	3	8
LEVEL 13	3	1	1	3	8
LEVEL 12	3	1	1	3	8
LEVEL 11	3	1	1	3	8
LEVEL 10	3	1	1	3	8
LEVEL 9	3	1	1	3	8
LEVEL 8	3	1	1	3	8
LEVEL 7	3	1	1	3	8
LEVEL 6	3	1	1	3	8
LEVEL 5	3	1	1	3	8
LEVEL 4	3	1	1	3	8
LEVEL 3	3	1	1	3	8
LEVEL 2					0
GROUND LEVEL					0
BASEMENT					0
TOTAL UNITS	**60**	**20**	**20**	**60**	**160**
BEDROOMS / UNIT	1	1	3	4	
TOTAL BEDROOMS	60	20	60	240	**380**

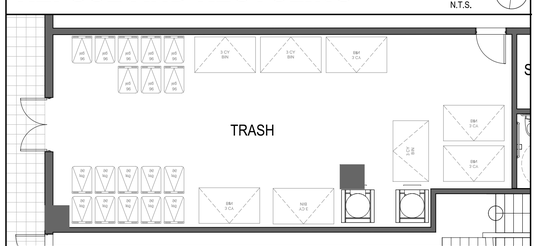
ZONING MAP

N.T.S.



REFUSE AND RECYCLING

N.T.S.

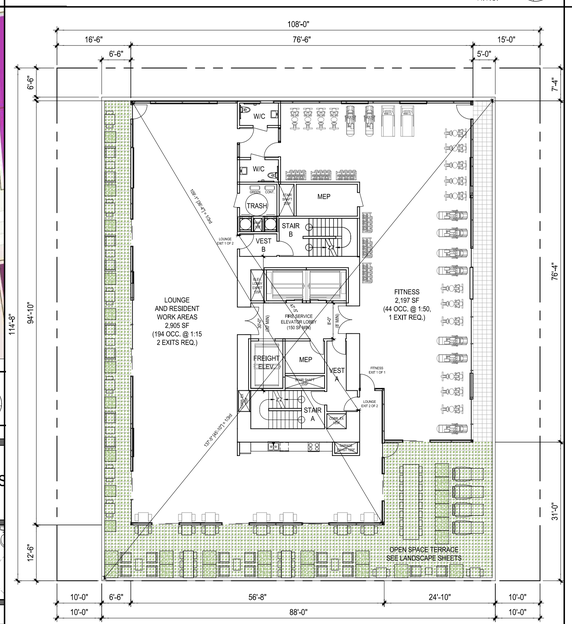


Waste and Recycling Calculation

# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)	Waste (40%)		Recycling (40%)	Compost (20%)
380	1.00	380	31.67 cy	6,333 gal	12.67 cuft	2,533 gal	2,533 gal	1,267 gal
Space Calculation	Container Quanities			Space Required		150% Additional Increase	
	Waste	Recycling	Compost	Factor/container	Space/ Container	Required	Provided
3cy bin (605 gal)	4	4		28 sf	224 sf		
2cy bin (404 gal)				28 sf	sf		
96 gallon cart			12	7 sf	84 sf		
64 gallon cart	2	2	2	6 sf	33 sf		
Total capacity	2548 gal	2548 gal	1280 gal		341 sf	512 sf	375

OPEN SPACE DIAGRAMS

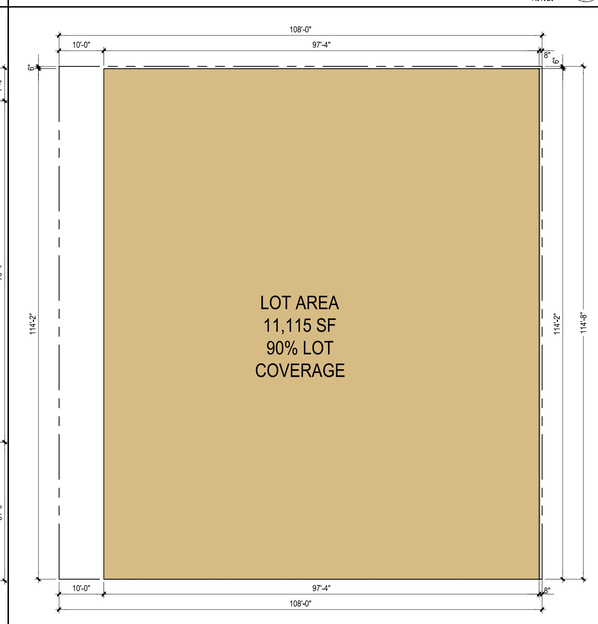
N.T.S.



LEVEL 23 ROOF DECK PLAN
2,055sf UOS

LOT COVERAGE DIAGRAMS

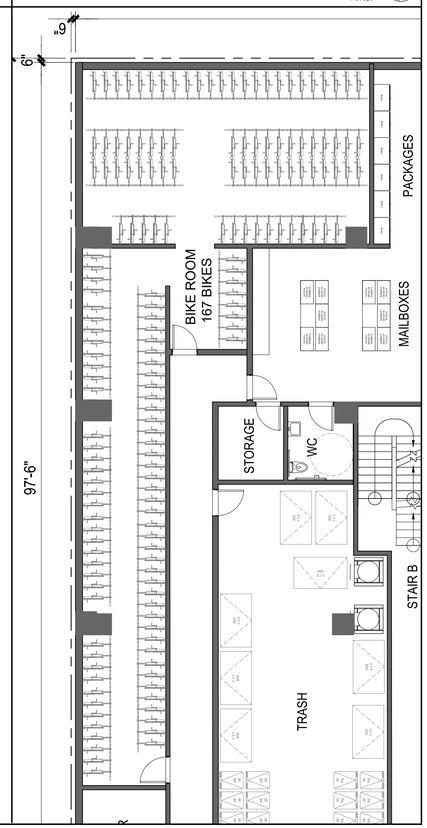
N.T.S.



LOT AREA 12,385 SF

BIKE PARKING

N.T.S.



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JOB: 2327

SHEET:

ZONING DATA

A0.1

DENSITY BONUS TABLE

Base Project	Base Units Calculation	Base # Units	% VLI units	# VLI Units	% MI units	# MI Units	Bonus %	# DB Units	Maximum DB Project	Proposed Project
sq. ft. - see calculation below	base project area / avg. unit size	base project units (rounds up)		% VLI x Base # Units (rounded up)		% MI x Base # Units (rounded up)		%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	
95,760	79.80	80	15%	12	15%	12	100.0%	80	160	160

Base Project Res. Area	Floor	Proposed Project Res. Area	Base Project # of Units	Floor	Proposed Project # of Units
	Level 23	6,219		Level 23	
	Level 22	8,691		Level 22	8
	Level 21	8,691		Level 21	8
	Level 20	8,691		Level 20	8
	Level 19	8,691		Level 19	8
	Level 18	8,691		Level 18	8
	Level 17	8,691		Level 17	8
	Level 16	8,691		Level 16	8
	Level 15	8,691		Level 15	8
	Level 14	8,691		Level 14	8
	Level 13	8,691		Level 13	8
	Level 12	8,691		Level 12	8
	Level 11	8,691		Level 11	8
	Level 10	8,691		Level 10	8
	Level 9	8,691		Level 9	8
11,572	Level 8	8,691	8	Level 8	8
11,572	Level 7	8,691	12	Level 7	8
11,572	Level 6	8,691	12	Level 6	8
11,572	Level 5	8,691	12	Level 5	8
11,572	Level 4	8,691	12	Level 4	8
11,572	Level 3	8,691	12	Level 3	8
11,572	Level 2	1,188	12	Level 2	
11,395	Ground	7,742		Ground	
3,361	Basement	3,023		Basement	
95,760	**Total**	**191,992**	**80**	**Total**	**160**

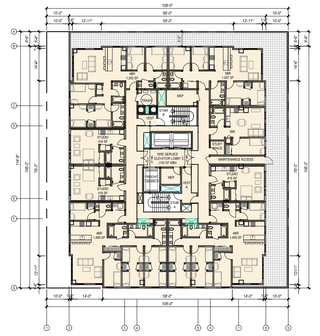
Proposed Area:	**191,992**
Proposed Units:	**160**
Average Unit Size:	**1,200**

#VLI	%VLI	%DB	#DB
4	5%	20.0%	96
5	6%	22.5%	98
6	7%	25.0%	100
7	8%	27.5%	102
8	9%	30.0%	104
8	10%	32.5%	106
9	11%	35.0%	108
10	12%	38.75%	111
11	13%	42.5%	114
12	14%	46.3%	117
12	**15%**	**50.0%**	**120**

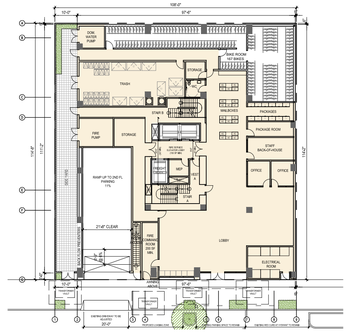
#MI	%MI	%DB	#DB
4	5%	20.0%	136
5	6%	22.5%	138
6	7%	25.0%	140
7	8%	27.5%	142
8	9%	30.0%	144
8	10%	32.5%	146
9	11%	35.0%	148
10	12%	38.75%	151
11	13%	42.5%	154
12	14%	46.3%	157
12	**15%**	**50.0%**	**160**

BASE PROJECT ZONING COMPLIANCE CHECKS

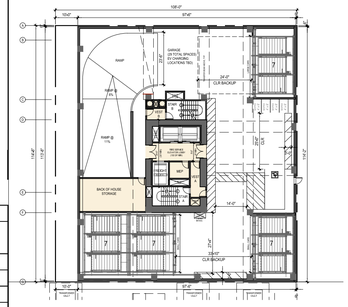
	ALLOWABLE BASE PROJECT WITH AVAILABLE AUP AND UP				
	UNMODIFIED REQUIREMENT	ALLOWABLE MODIFICATION	CODE SECTION	BASE PROJECT	COMPLIANCE CHECK
ZONING		C-DMU Outer Core			
TOTAL LOT SIZE (SQ. FT.)		12,385			
TOTAL LOT SIZE (ACRES)		0.28			
DWELLING UNITS	NA	NA		80	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		80	COMPLIES
HEIGHT - FEET	60'	75'	Table 23.204-37	75'	COMPLIES W/ UP
SETBACK - FRONT	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - REAR	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - INTERIOR SIDE	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
HEIGHT - STORIES	NOT LIMITED			8	
FAR	NOT LIMITED			NA	
OPEN SPACE	80 SF/UNIT			9,600	COMPLIES
OPEN SPACE LANDSCAPE	40% OF 9,600SF			3,840	COMPLIES
PARKING - RESIDENTIAL	NONE REQ'D	NONE REQ'D	Table 23.322-2	10	COMPLIES
RES. BIKE PARKING LONG TERM	1/3 BED ROOMS			27	COMPLIES
RES. BIKE PARKING SHORT TERN	1/40 BED ROOMS			3	COMPLIES
STORMWATER	4% OF ROOF AREA = 455SF			455	COMPLIES



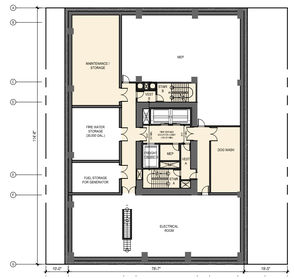
PLAN AT LEVEL 3



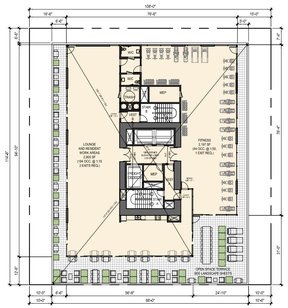
PLAN AT GROUND LEVEL



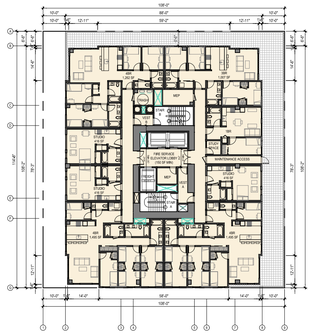
PLAN AT LEVEL 2



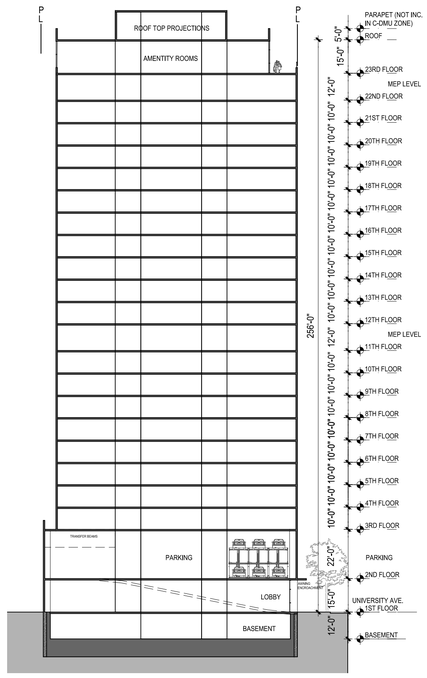
PLAN AT BASEMENT LEVEL



PLAN AT LEVEL 23

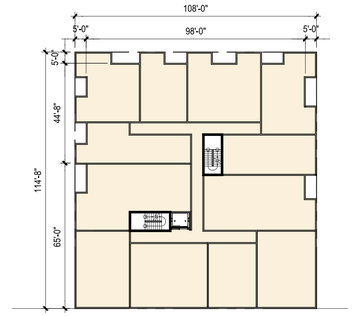


PLAN AT LEVELS 4-22

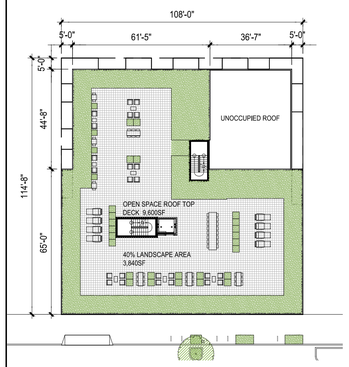


SECTION

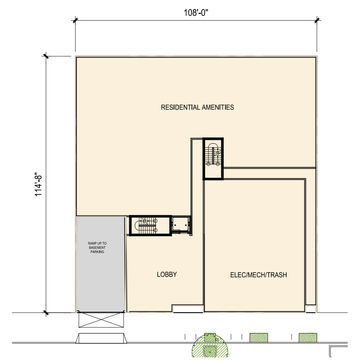
PROPOSED DENSITY BONUS PROJECT



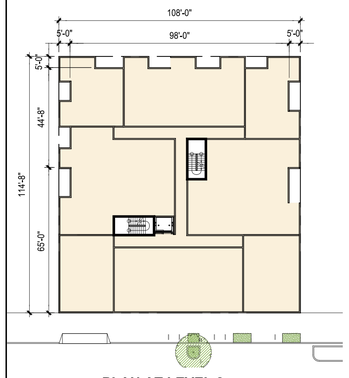
PLAN AT LEVELS 2-7



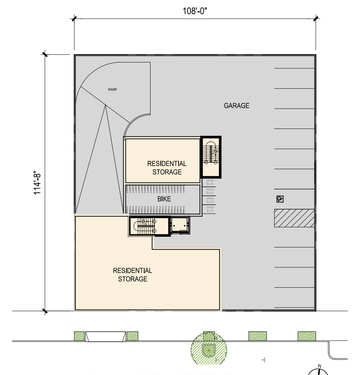
PLAN AT ROOF



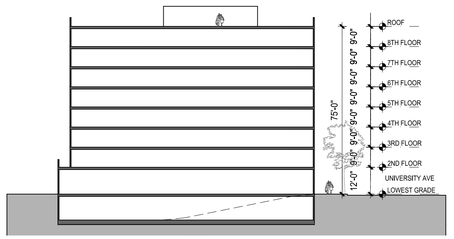
PLAN AT GROUND



PLAN AT LEVEL 8



PLAN AT BASEMENT



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BASE PROJECT

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SHEET:

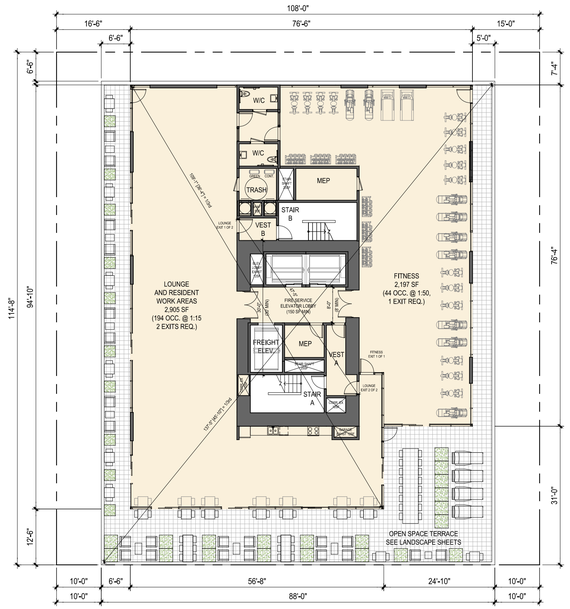
DENSITY BONUS DIAGRAMS

A0.2

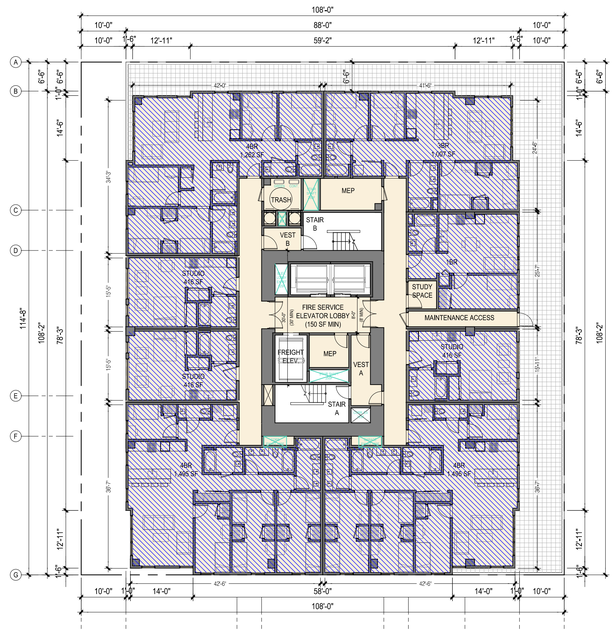
PROPOSED PROJECT RESIDENTIAL UNIT FLOOR AREA DIAGRAM

LEGEND

- DWELLING UNIT RUFA
- RESIDENTIAL AMENITY AREA



PLAN AT LEVEL 23



PLAN AT LEVEL 3

PROPOSED PROJECT AREA AND UNIT CALCULATIONS

Calculation of the Final Proposed Residential Unit Floor Area:

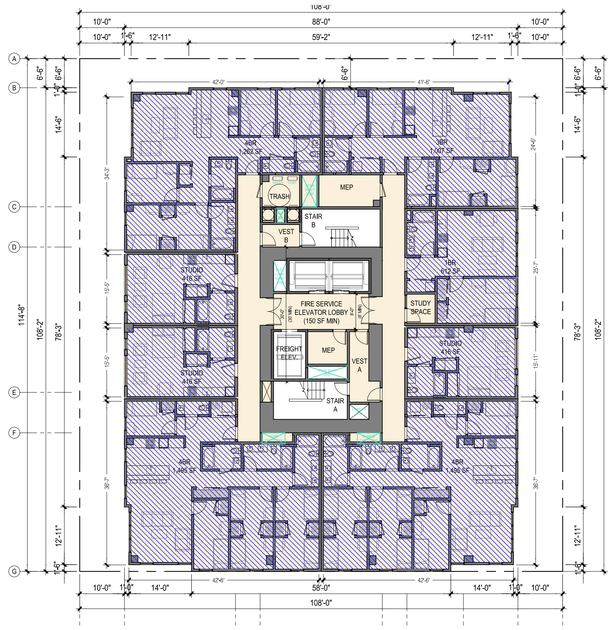
Floor	Proposed Project Res. Unit Area	Proposed Project Residential Units
23rd		
22nd	6,615	8
21st	6,615	8
20th	6,615	8
19th	6,615	8
18th	6,615	8
17th	6,615	8
16th	6,615	8
15th	6,615	8
14th	6,615	8
13th	6,615	8
12th	6,615	8
11th	6,615	8
10th	6,615	8
9th	6,615	8
8th	6,615	8
7th	6,615	8
6th	6,615	8
5th	6,615	8
4th	6,615	8
3rd	6,519	8
2nd		
1st		
Final Proposed Residential Unit Floor Area	**132,204**	**160**

Calculation of Base Project Residential Floor Area:

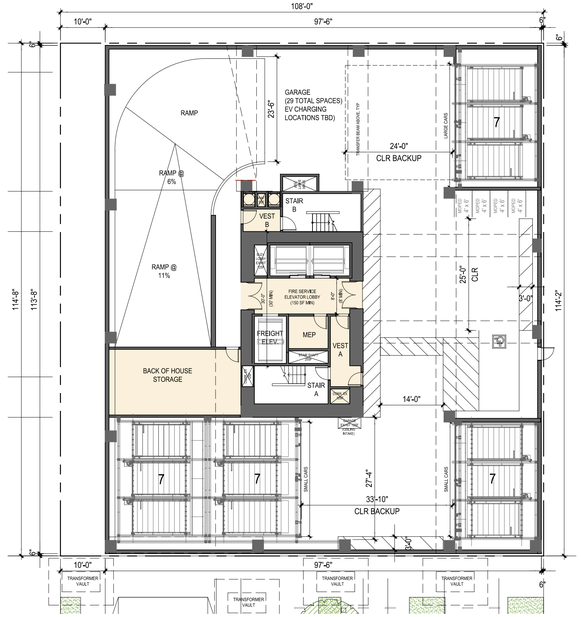
	Final Proposed DB Residential Unit Floor Area	132,204
		/
	One plus the DB % (1 + 100%)	2
		=
	Base Project Residential Unit Floor Area	66,102

Calculation of the Affordable Housing Fee:

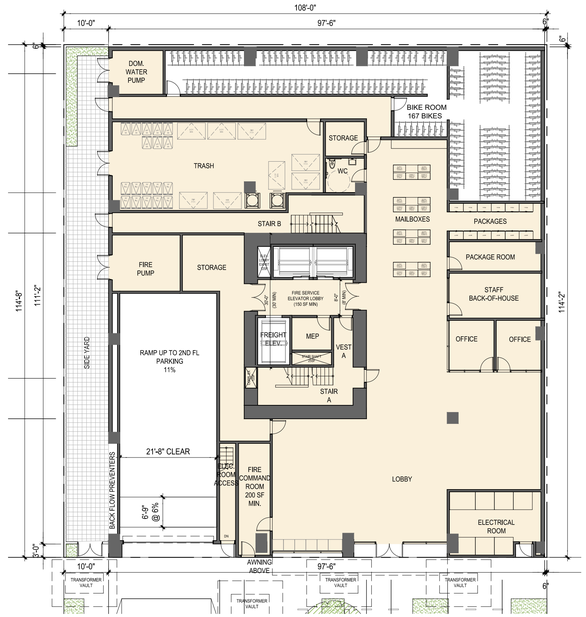
A	Total Base Project Residential Unit Floor Area	66,102
B	Total Base Project Units	80
C	Total BMR Requirements (20% of Base)	16
D	Total BMR Units Proposed	12
	Fee per Square Foot	$62.83
		X
	Total Base Project Residential Unit Floor Area	66,102
		X
	In Lieu Fee Percentage Calculation (C-D)/C)	25.00%
		=
	Total Fee Due	$1,038,297.17



PLAN AT LEVELS 4-22



PLAN AT LEVEL 2



PLAN AT GROUND

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PRELIMINARY AHCP DIAGRAMS

A0.3

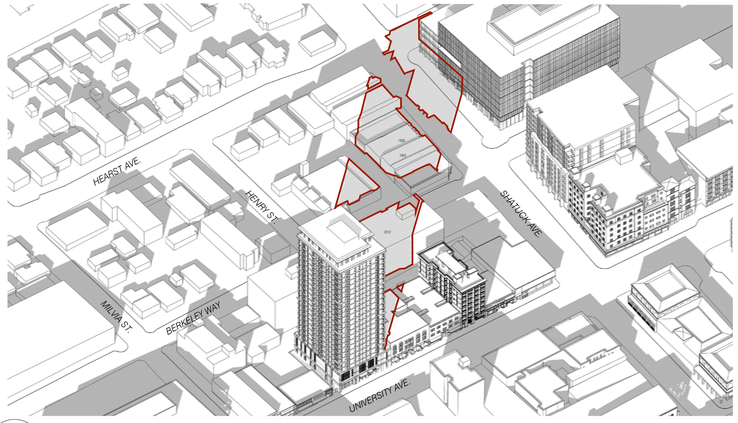
WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

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
1:160 @ 11X17 1:80 @ 24X36

WINTER SOLSTICE
DEC 21ST:
NOON

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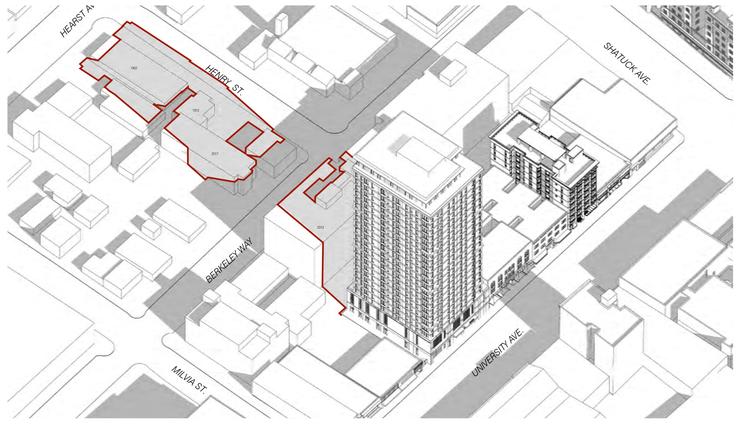
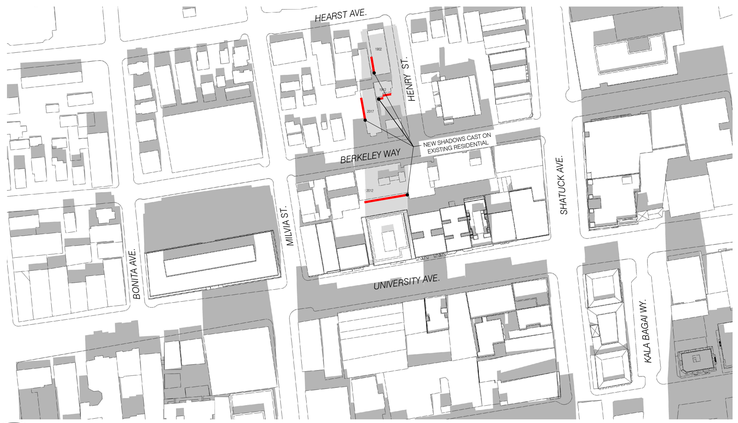


4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
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WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

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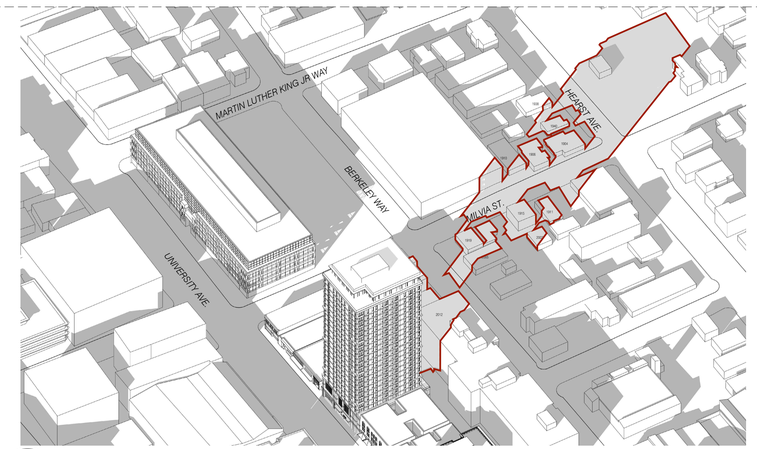

2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.

1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

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SHADOW STUDIES
DECEMBER 21ST

A0.4A

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SUMMER SOLSTICE
JUN 21ST:
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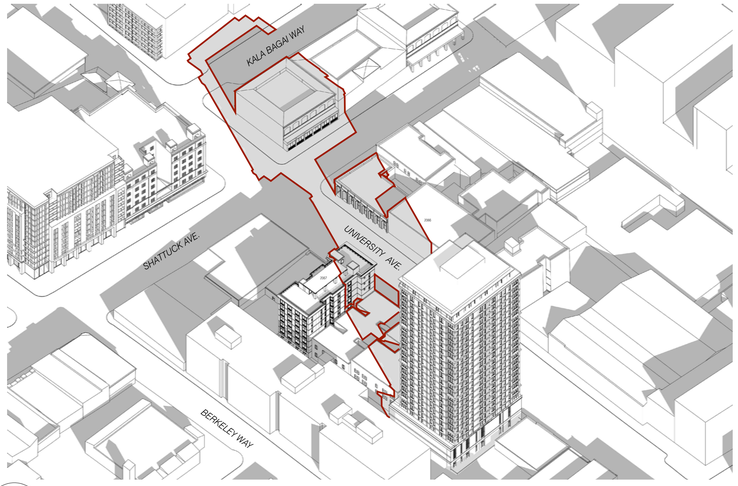

6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.

5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

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NOON

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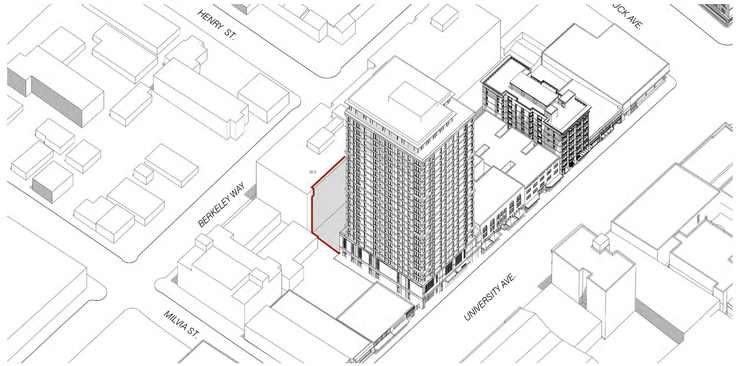
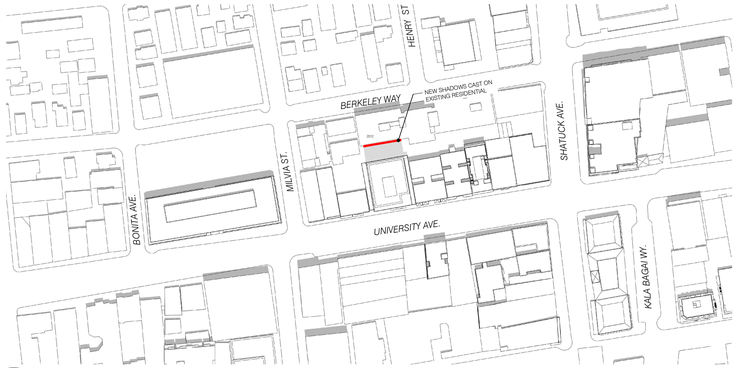


4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

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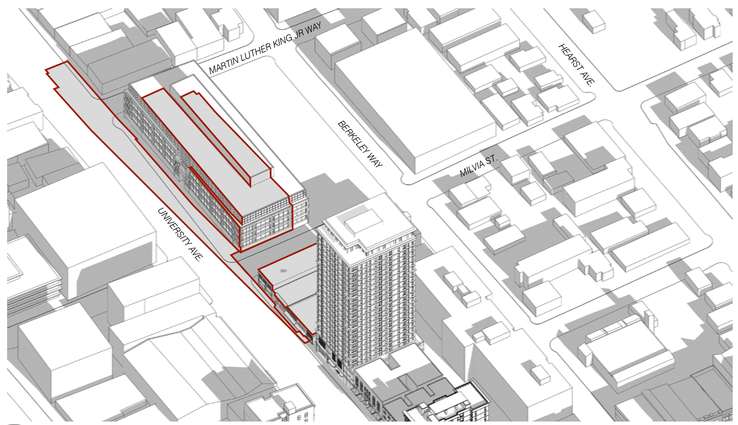
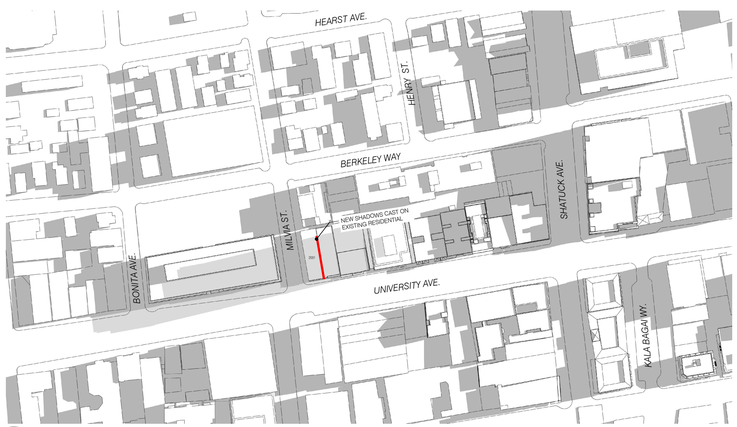


2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
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SHADOW STUDIES
JUNE 21ST

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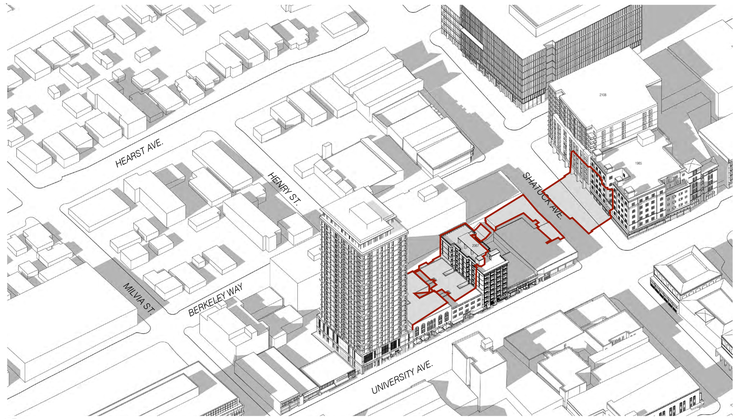

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N.T.S.

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MAR 26TH:
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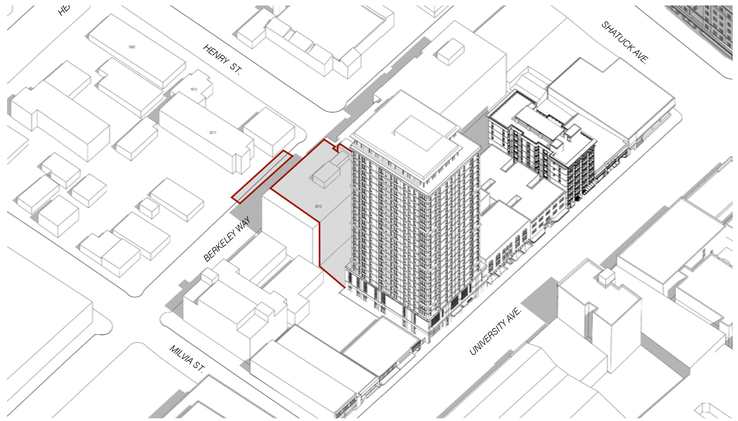

4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.

3 SHADOW STUDY - NOON
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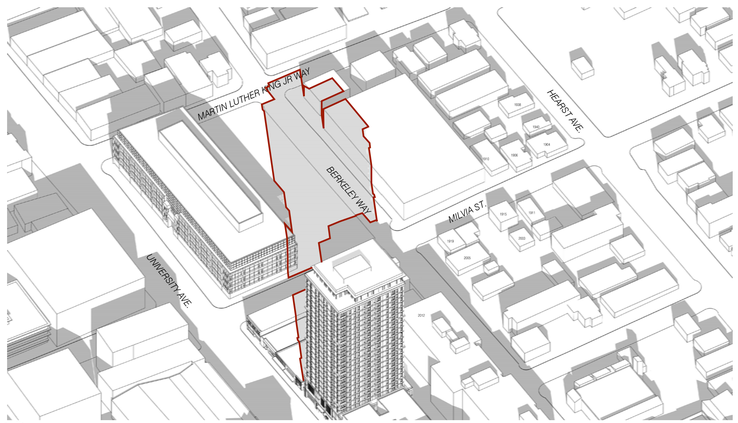
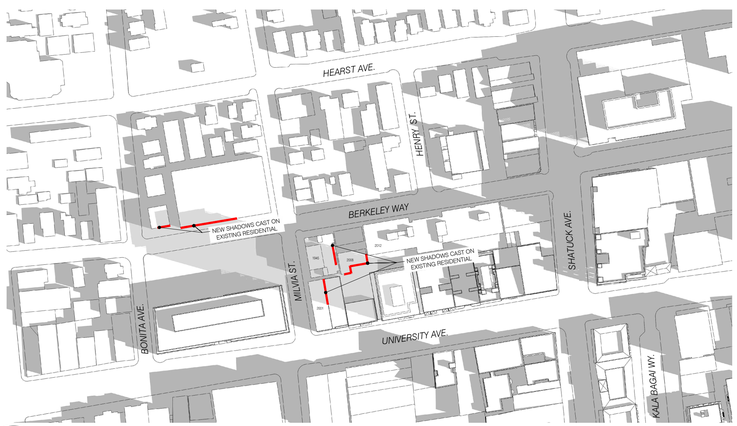


2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

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JOB: 2327

SHEET:

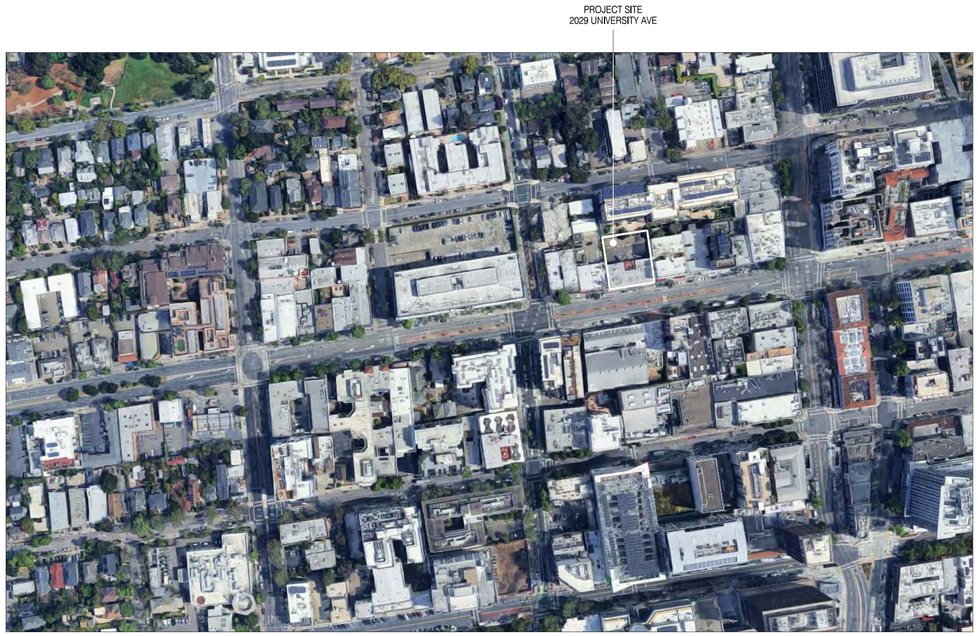
SHADOW STUDIES
MARCH 26TH:

A0.4C

Xref '2327 - titleblock 24 x36.dwg

2 - VIEW FROM UNIVERSITY AVE. LOOKING EAST

3 - VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 - AERIAL CONTEXT VIEW

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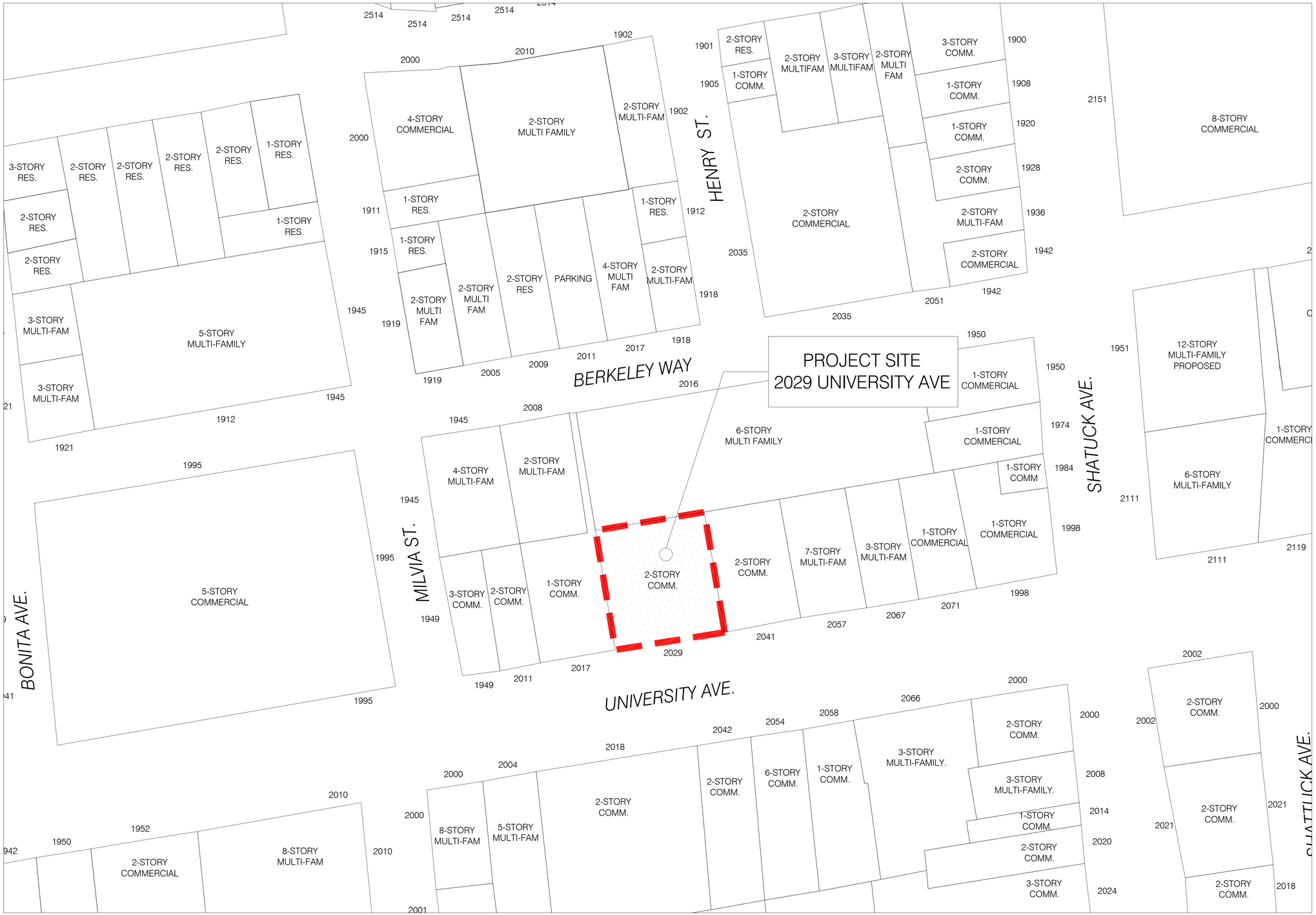
SHEET:

SITE CONTEXT PHOTOS

A0.5



1 VICINITY MAP
- NTS

N

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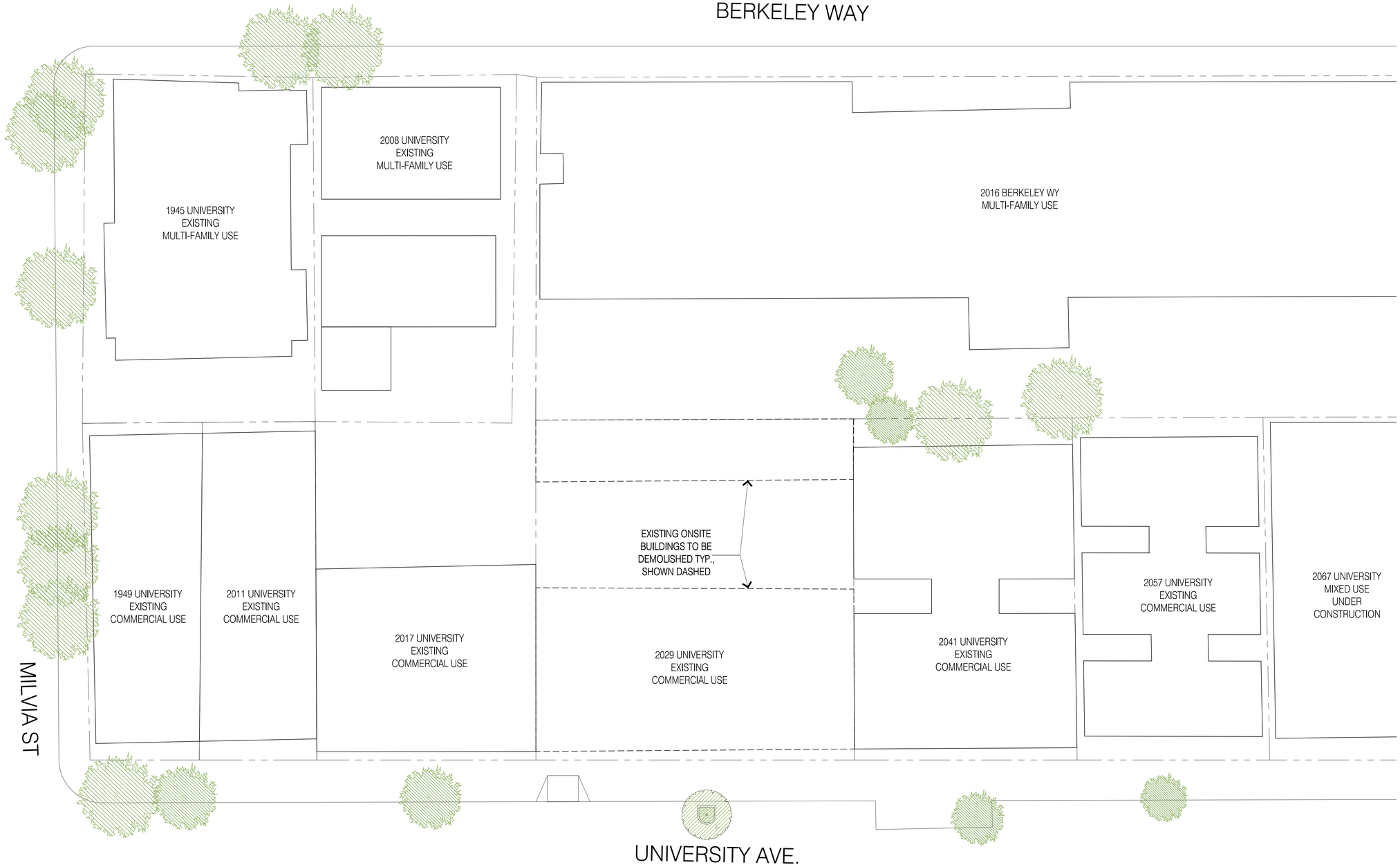
JOB: 2327

SHEET:

VICINITY MAP

A0.6

Xref \1998 Shattuck - titleblock 24 x36.dwg



1 - EXISTING SITE PLAN

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

0 4 8 16 32

N

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SHEET:

EXISTING
SITE PLAN

A1.0

ANNOTATION AND LEGEND

AC	=	ASPHALT CONCRETE
BOL	=	BOLLARD
CATV	=	CABLE/TELEVISION BOX
CAB	=	CABINET
CD	=	CURB DRAIN
CLDR	=	CENTERLINE OF DOOR
COL	=	COLUMN
CONC	=	CONCRETE
CR	=	CURB RAMP
DI	=	DROP INLET
EB	=	ELECTRICAL BOX
ELEC	=	ELECTRICAL
EV	=	ELECTRICAL VAULT
FF	=	FINISH FLOOR
MTL	=	METAL
PG&E	=	PACIFIC GAS AND ELECTRIC CO.
PLNTR	=	PLANTER
RD	=	ROOF DRAIN
SD	=	STORM DRAIN
SLB	=	STREET LIGHT BOX
SSCO	=	SANITARY SEWER CLEAOUT
SSMH	=	SANITARY SEWER MANHOLE
T	=	TELEPHONE
TG	=	TOP OF GRATE
UB	=	UTILITY BOX
WB	=	WATER BOX
W-B	=	WALL BOTTOM
W-T	=	WALL TOP
	=	BENCHMARK
E	=	ELECTRICAL MANHOLE
	=	FIRE HYDRANT
	=	GAS VALVE
	=	SANITARY SEWER CLEANOUT
SS	=	SANITARY SEWER MANHOLE
	=	SITE LIGHT
	=	STREET LIGHT
	=	WATER VALVE
	=	BUILDING
SS	=	SANITARY SEWER LINE
	=	STORM DRAIN LINE
	=	SUBJECT SITE BOUNDARY LINE
	=	LOT LINES

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE VERTICAL DATUM OF 1988 AND WERE ESTABLISHED USING LEICA RTK NETWORK SMARTNET.

A TEMPORARY/SITE BENCHMARK IS SHOWN HEREON.

BASIS OF BEARINGS

THE COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, USING LEICA RTK NETWORK SMARTNET.

TOPOGRAPHIC NOTES

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

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TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM GROUND SURVEY CONDUCTED ON SEPTEMBER AND OCTOBER, 2023

TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48").

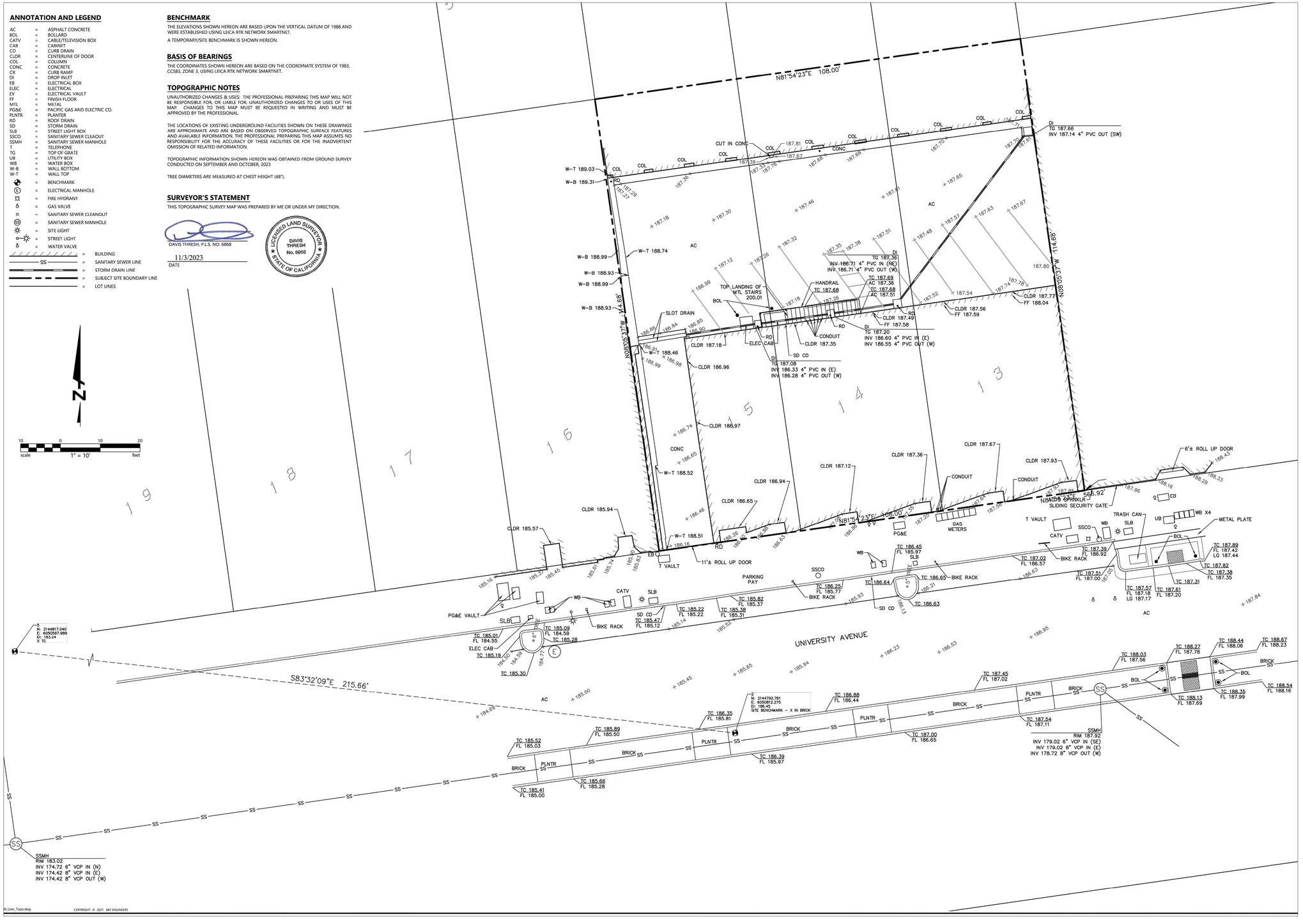
SURVEYOR'S STATEMENT

THIS TOPOGRAPHIC SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

DAVIS THRESH, P.L.S. NO. 6868

11/3/2023
DATE

LICENSED LAND SURVEYOR ★ DAVIS THRESH No. 6868 ★ STATE OF CALIFORNIA



10 0 10 20
scale 1" = 10' feet

H_Univ_Topo.dwg

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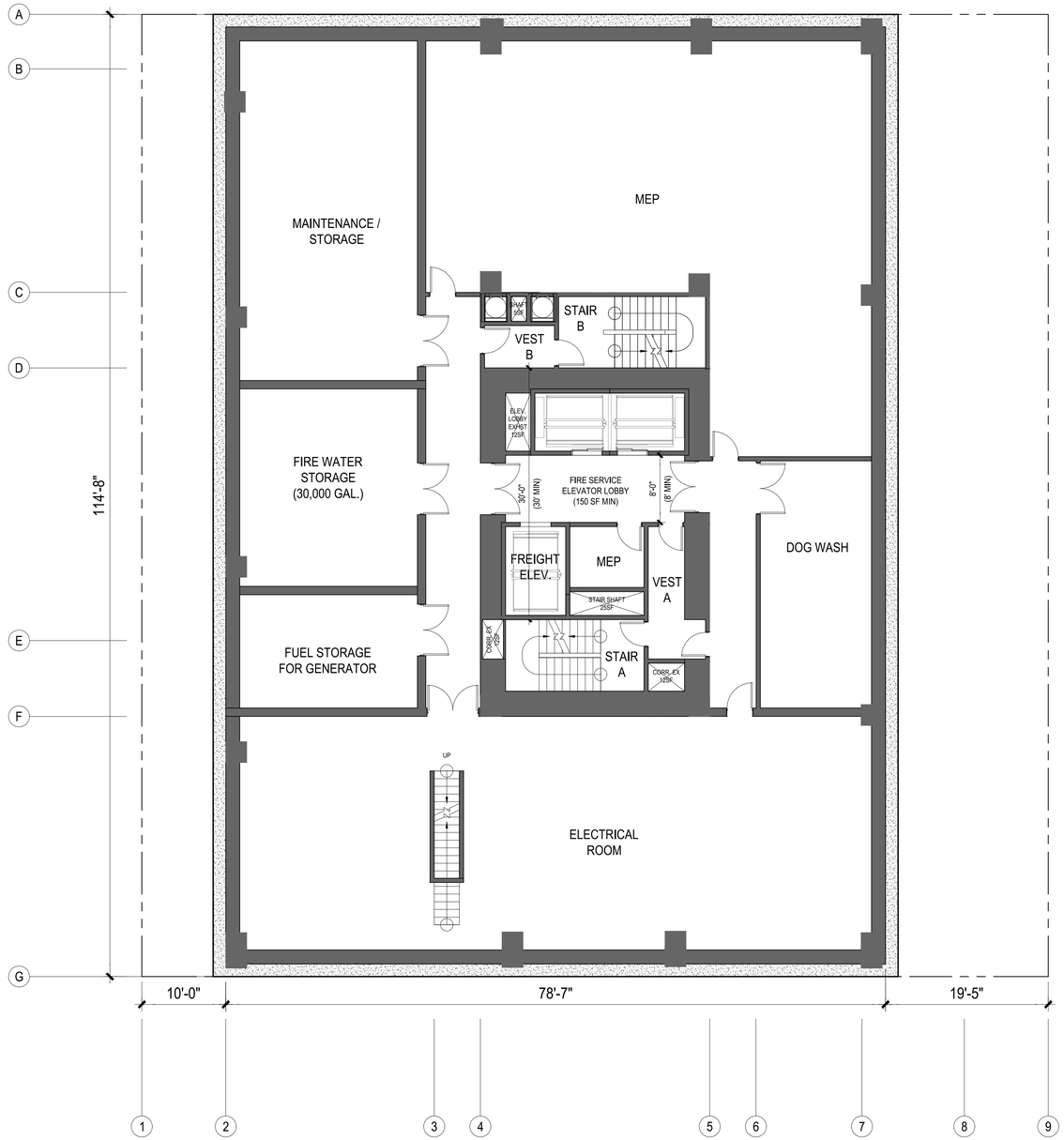
SHEET:

EXISTING SURVEY

A1.1



1 - PLAN AT BASEMENT

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

N

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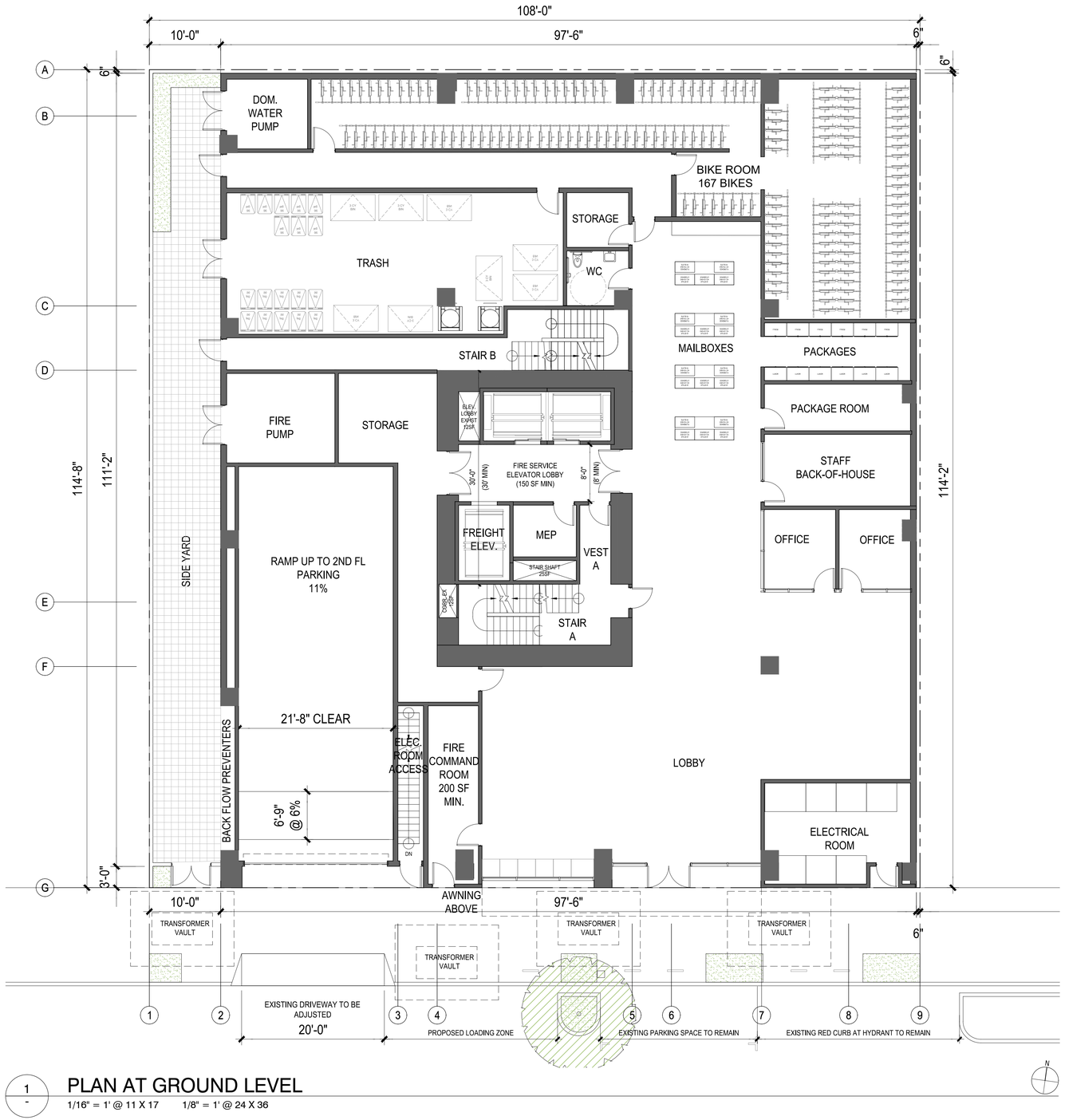
SHEET:

PLAN AT BASEMENT LEVEL

A2.0



1 - PLAN AT GROUND LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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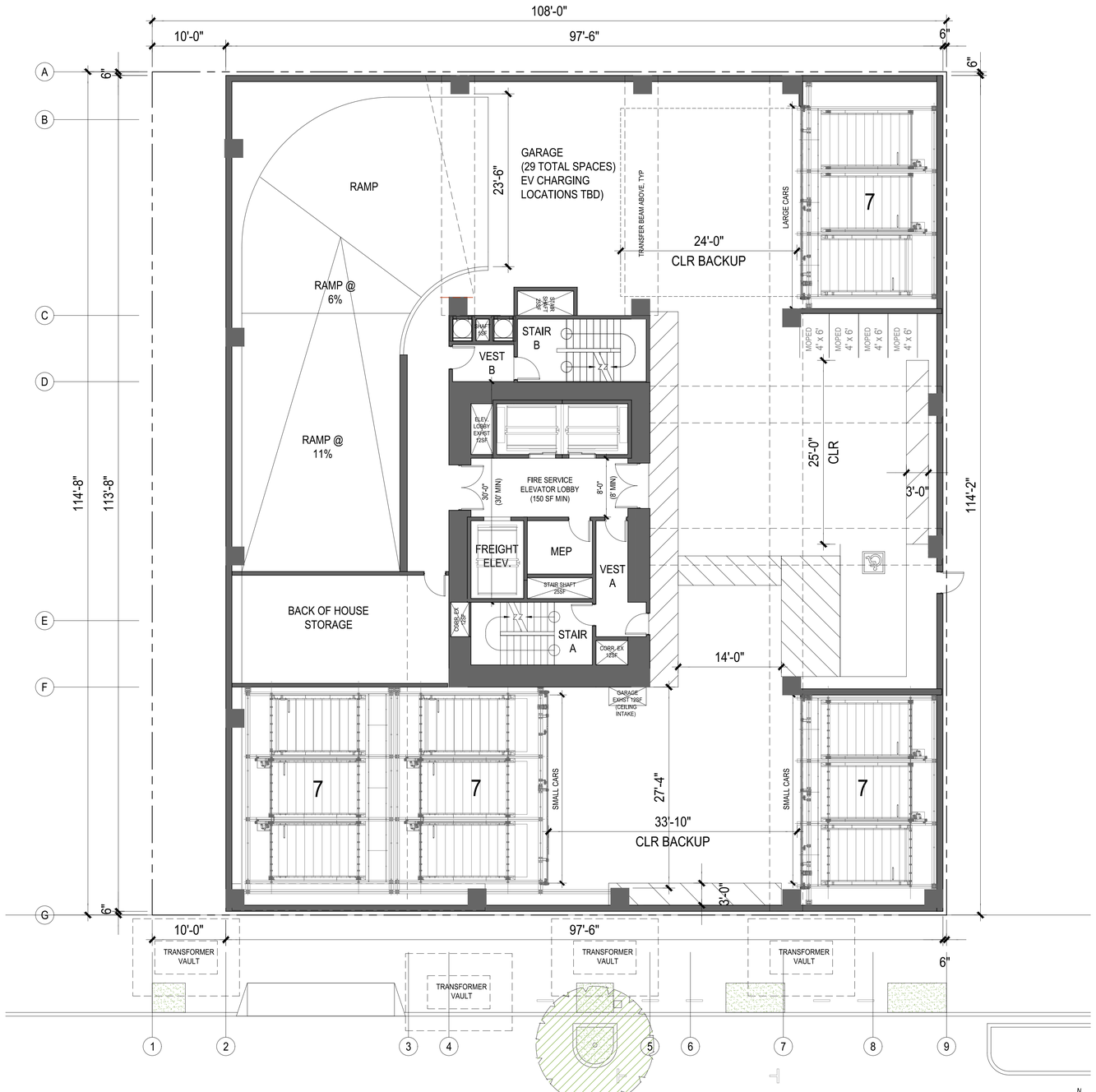
SHEET:

PLAN AT GROUND LEVEL

A2.1



1 / - PLAN AT LEVEL 2

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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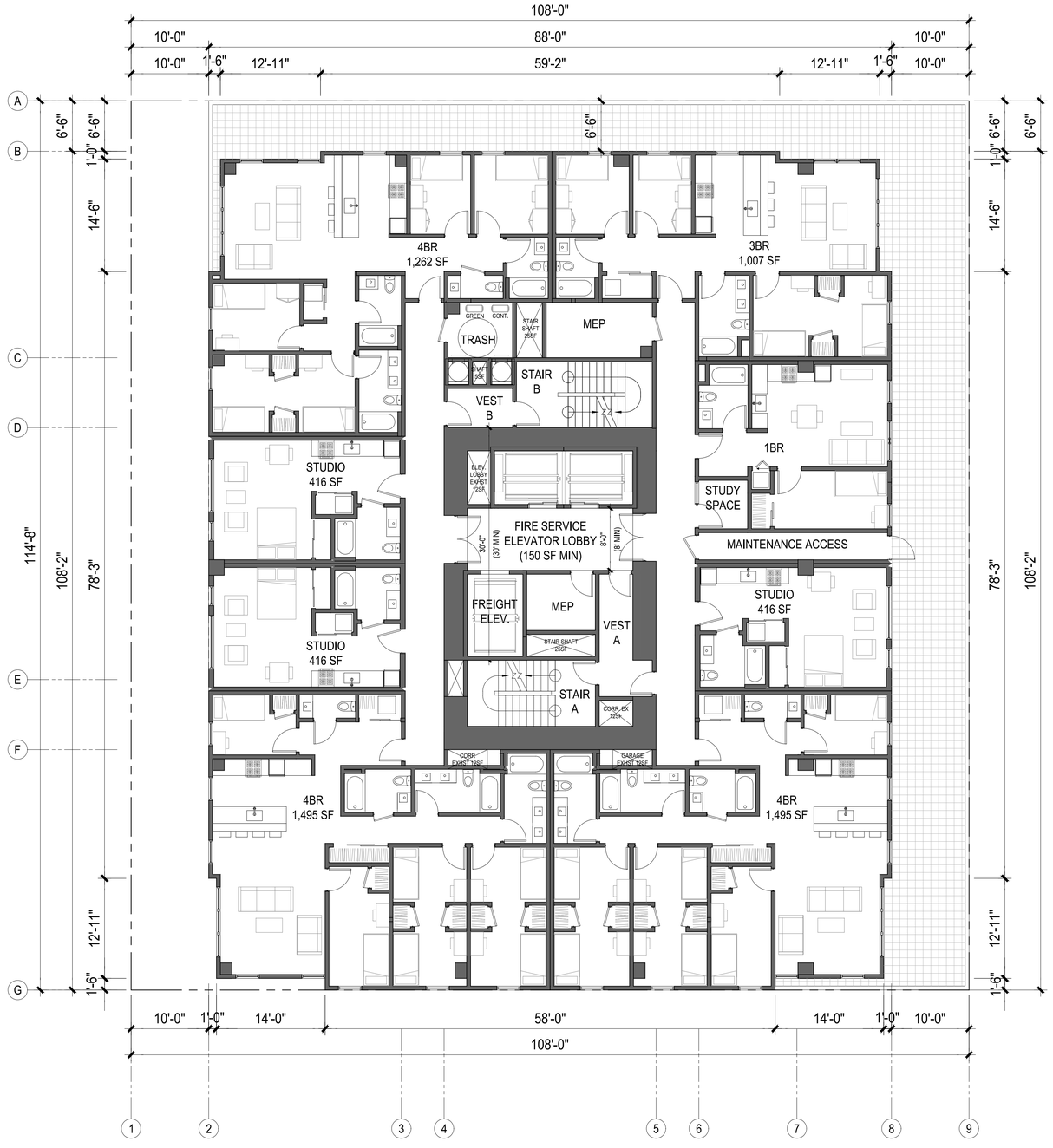
JOB: 2327

SHEET:

PLAN AT LEVEL 2

A2.2



1 - PLAN AT LEVEL 3

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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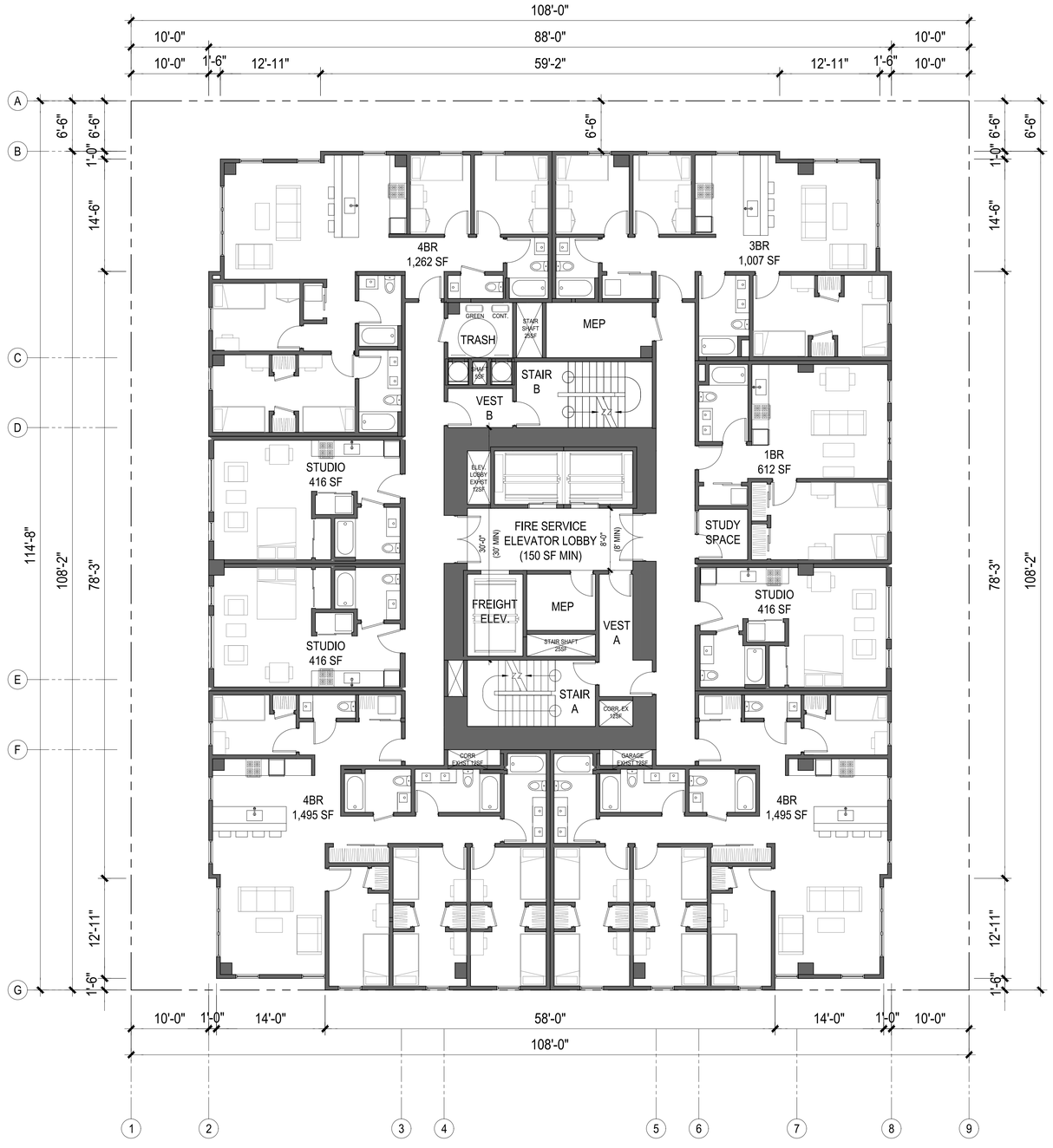
JOB: 2327

SHEET:

PLAN AT
LEVEL 3

A2.3



1 / - PLAN AT LEVELS 4-22

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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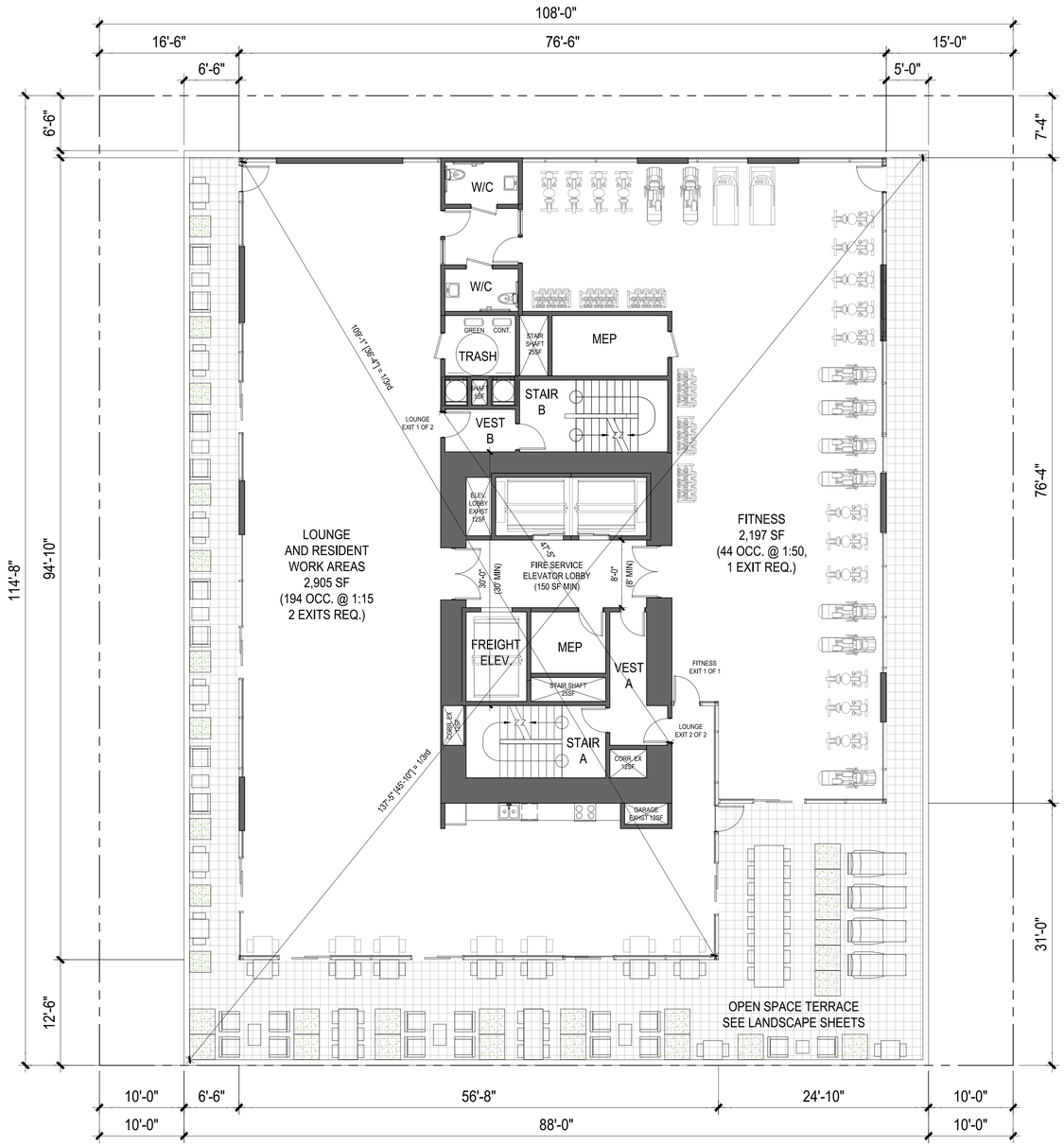
JOB: 2327

SHEET:

PLAN AT
LEVELS 4-22

A2.4



1 / - PLAN AT LEVEL 23

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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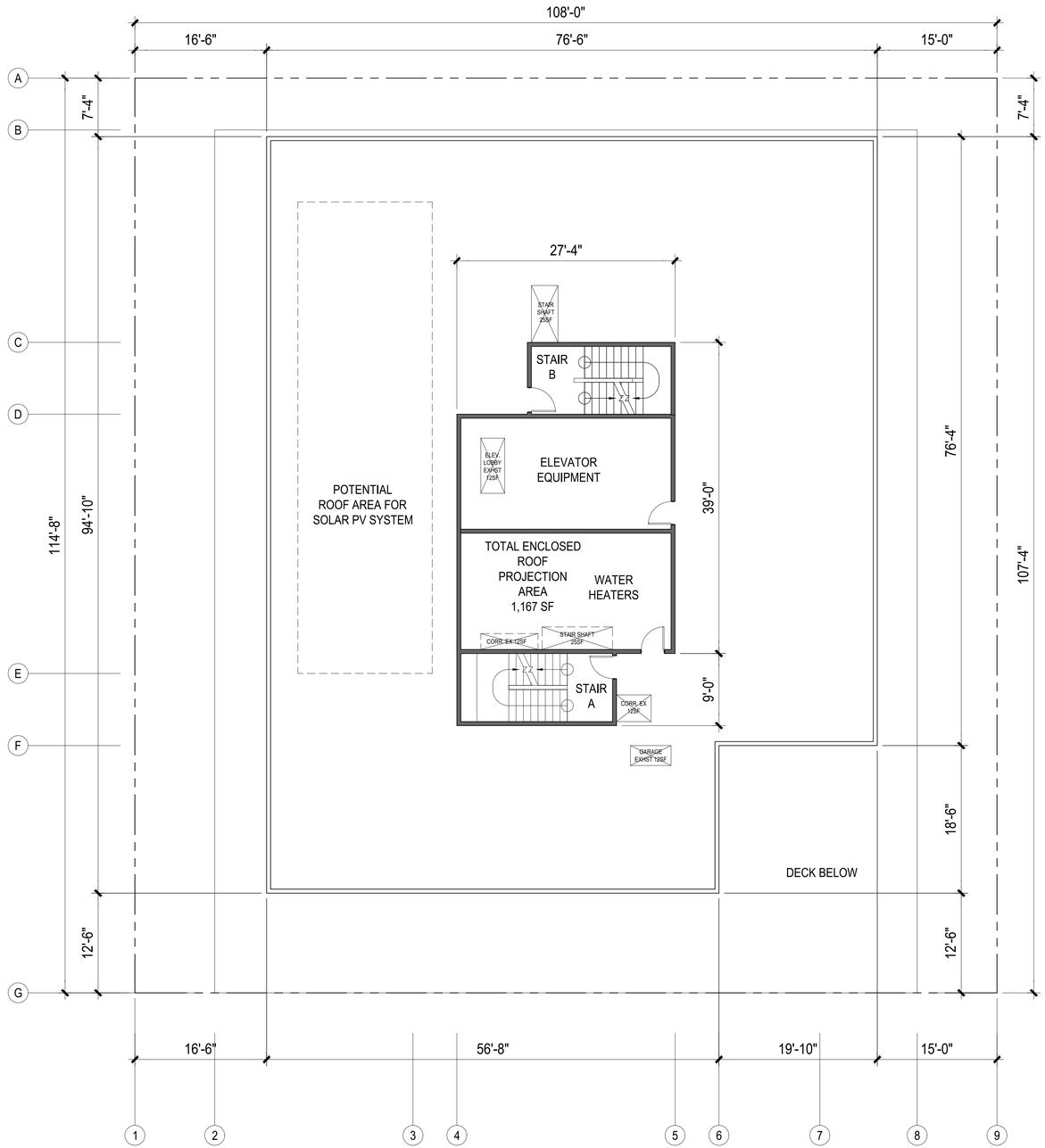
JOB: 2327

SHEET:

PLAN AT
LEVEL 23

A2.5



1 - PLAN AT ROOF LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

N

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JOB: 2327

SHEET:

PLAN AT
ROOF LEVEL

A2.6

1 - SOUTH ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.1

1 - WEST ELEVATION

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

0 4 8 16 32

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SHEET:

BUILDING ELEVATIONS

A3.2

1 - NORTH ELEVATION

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

0 4 8 16 32

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BUILDING ELEVATIONS

A3.3

1 - EAST ELEVATION

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

0 4 8 16 32

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SHEET:

BUILDING ELEVATIONS

A3.4

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SHEET:

STREET STRIP ELEVATIONS

A3.5

1
-

STREET STRIP ELEVATION @ UNIVERSITY AVE.

1/2"=50'-0" @ 11X17 1" = 50'-0" @ 24X36

0 10 20 40 80

4 A3.6 UNIVERSITY LOOKING EAST - AFTER

2 A3.6 UNIVERSITY LOOKING WEST - AFTER

3 A3.6 UNIVERSITY LOOKING EAST - BEFORE

1 A3.6 UNIVERSITY LOOKING WEST - BEFORE

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08.08.2025 4-BR BATHROOM UPDATE

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JOB: 2327

SHEET:

PHOTO CONTEXT VIEWS

A3.6

1
-
PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHWEST
-

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SHEET:

CONCEPTUAL RENDERING

A3.7

1
-

SIDEWALK VIEW - UNIVERSITY LOOKING NORTHWEST

-

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SHEET:

CONCEPTUAL RENDERING

A3.8

1
-

PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHEAST

-

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SHEET:

CONCEPTUAL RENDERING

A3.9

1 - SIDEWALK VIEW - LOBBY ENTRY

-

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SHEET:

CONCEPTUAL RENDERING

A3.10

1
-

EVENING VIEW - UNIVERSITY LOOKING NORTHEAST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.11

1 MAT SOUTH ELEVATION

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

0 4 8 16

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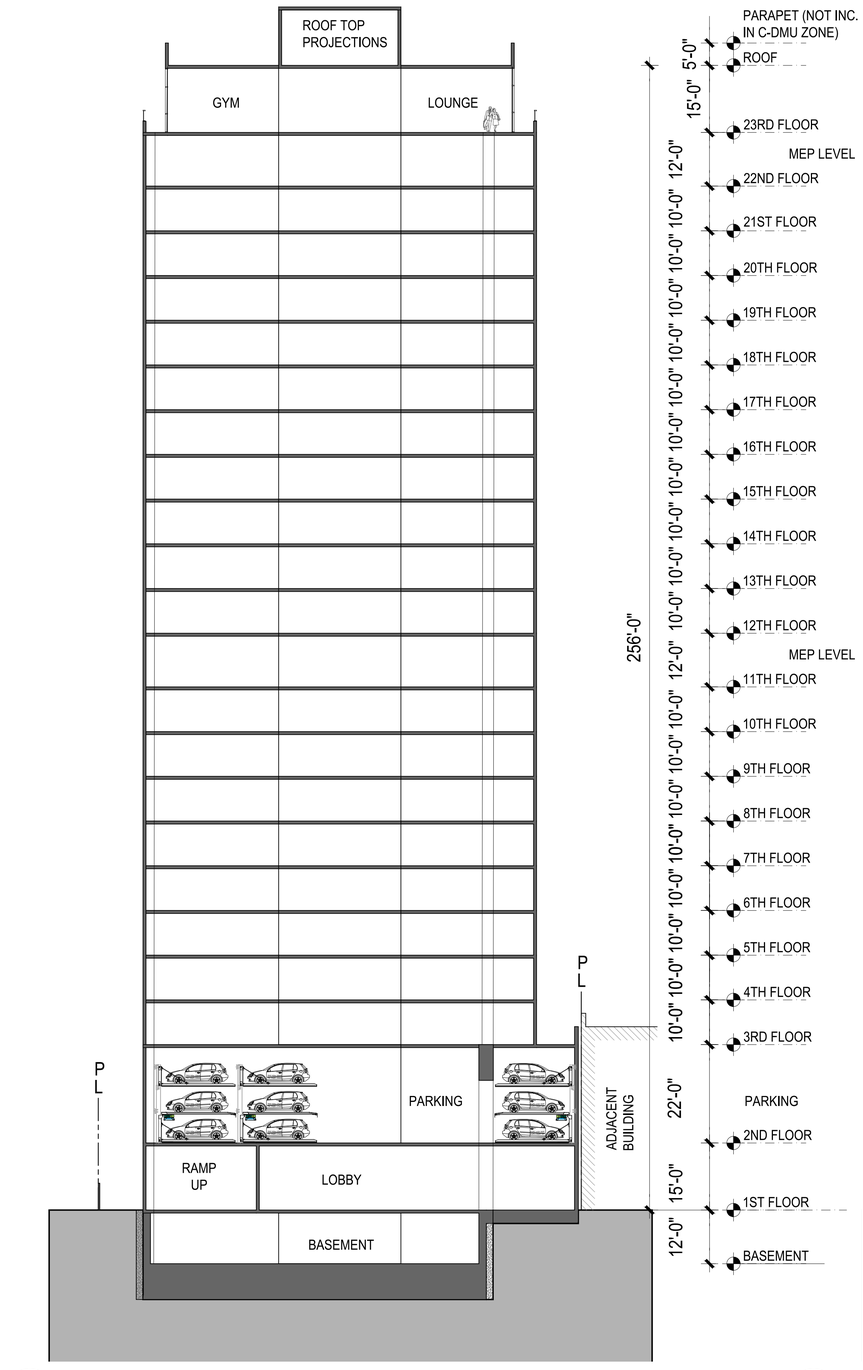
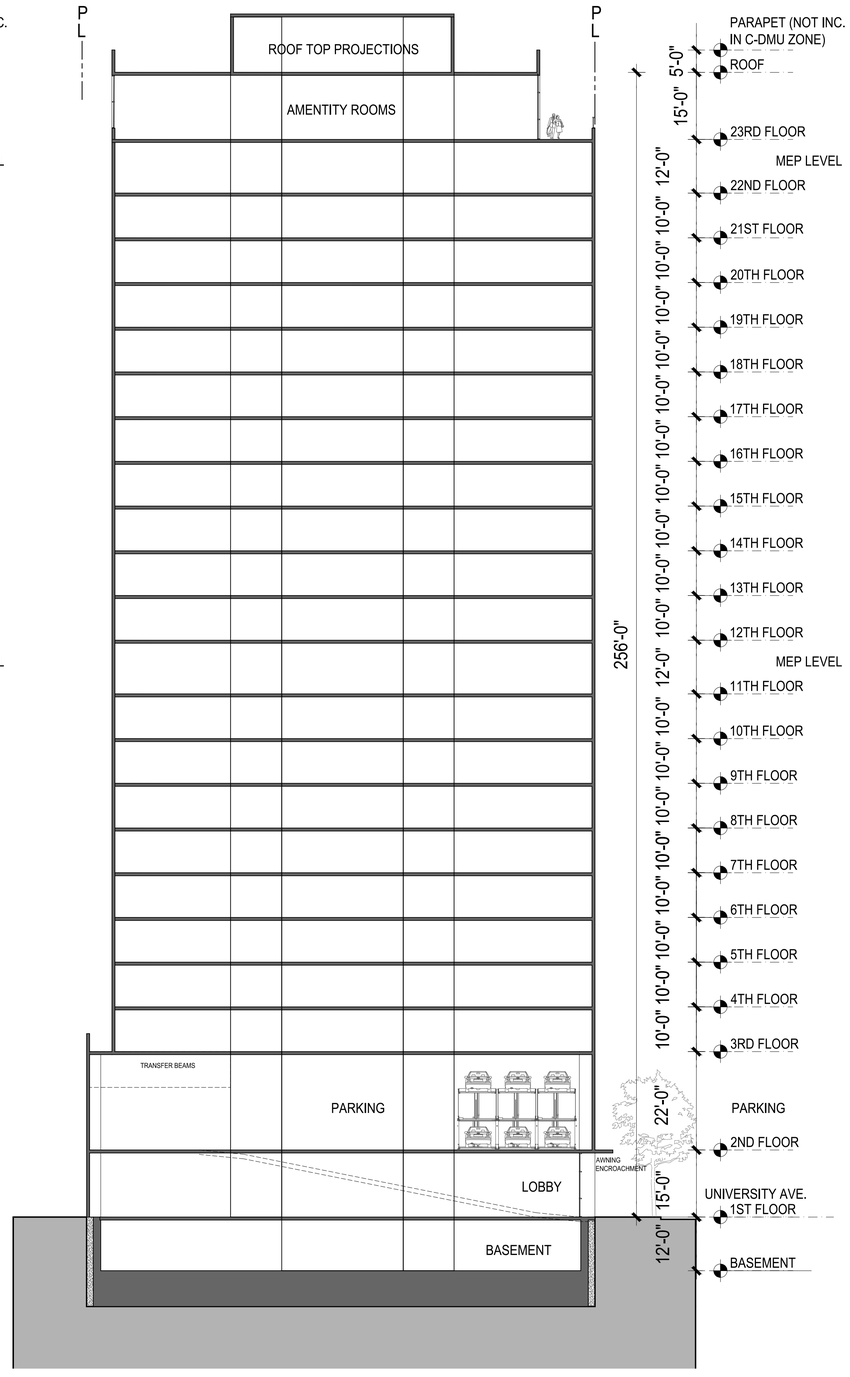
SHEET:

BUILDING MATERIALS

MAT



2 - EAST WEST SECTION



1 - NORTH SOUTH SECTION

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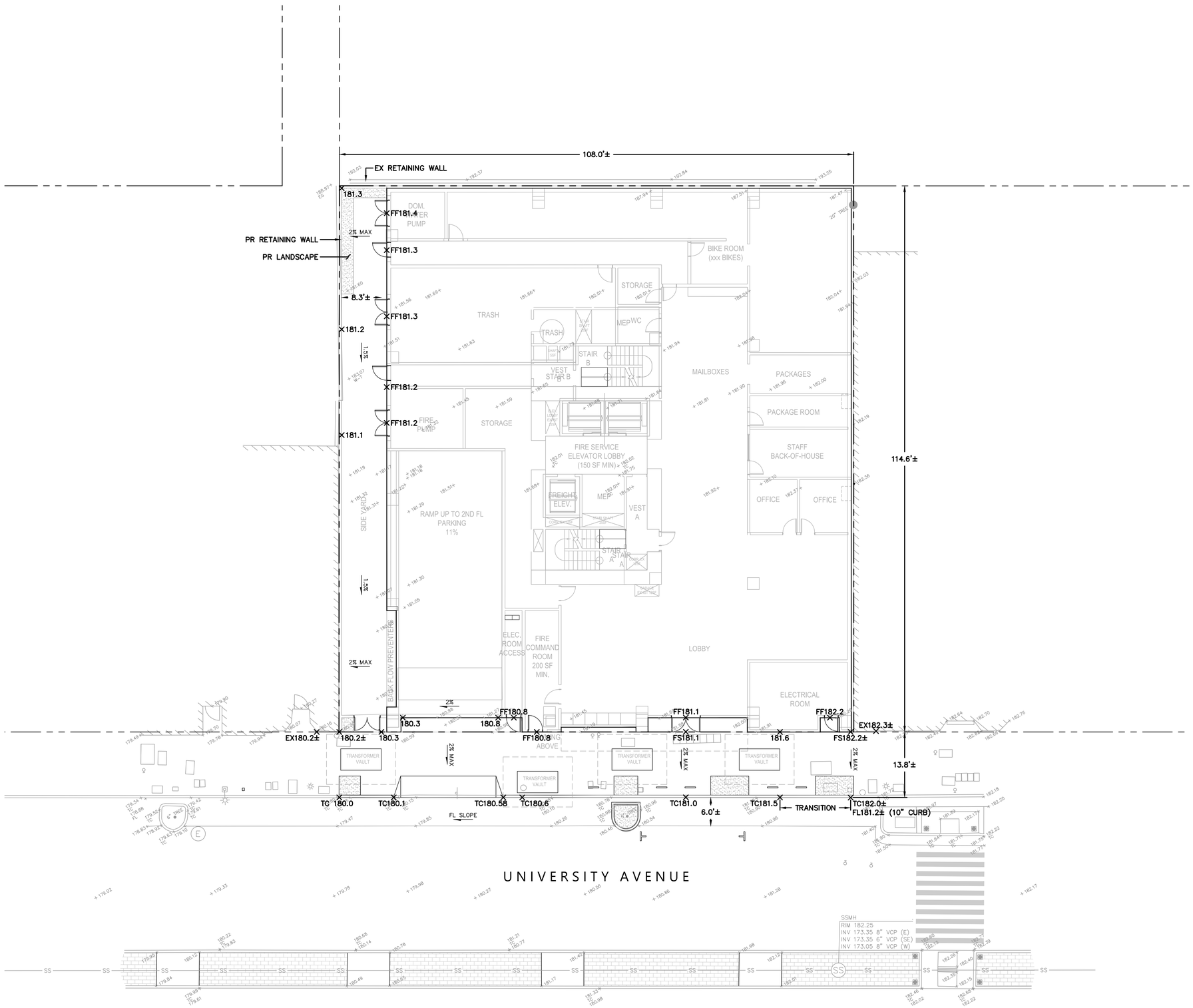
SHEET:

SECTIONS

A4.1



GENERAL NOTES

1. UTILITIES AND UNDERGROUND FACILITIES INDICATED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH WITH APPROPRIATE AGENCIES. NEITHER THE OWNER NOR THE CITY NOR THE DESIGN PROFESSIONAL ASSUMES RESPONSIBILITY THAT THE UTILITIES AND UNDERGROUND FACILITIES INDICATED WILL BE THE UTILITIES AND UNDERGROUND FACILITIES ENCOUNTERED.
2. BOUNDARY INFORMATION SHOWN ACCORDING TO A FIELD SURVEY PERFORMED BY BKF ENGINEERS ON JULY 26, 2024.
3. BASIS OF BEARINGS: THE BEARING OF N05°35'30"W BETWEEN FOUND CITY OF BERKELEY MONUMENTS ON SHATTUCK AVENUE AT THE INTERSECTIONS OF UNIVERSITY AVENUE AND ADDISON STREET AS SHOWN ON PARCEL MAP 6772 FILED ON JANUARY 18, 1995, IN BOOK 216 PAGE 41, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.
4. BENCHMARK: THE ELEVATIONS SHOWN HEREON ARE BASED ON A FOUND CITY OF BERKELEY BENCHMARK, MONUMENT B0490, A 2" CITY OF BERKELEY BRASS DISK WITH PUNCH IN A MONUMENT WELL. ELEVATION 187.09 FEET (DATUM = CITY OF BERKELEY).
5. FIELD SURVEY DATE: JULY 24, 2024 BY BKF ENGINEERS
6. ALL GRADING SHALL BE PREFORMED IN SUCH A MANOR AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
7. ALL THE GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTORS EXPENSE.

ABBREVIATIONS

EX EXISTING
FF FINISHED FLOOR
FS FINISHED SURFACE
PR PROPOSED
TC TOP OF CURB

CUT AND FILL CALCULATIONS

	CUT/FILL AREA (SF)	APPROXIMATE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING & SITE	12,380	20	9,200

1. THE EARTHWORK TABLE WAS PREPARED FOR THE PURPOSE OF DETERMINING THE ROUGH ORDER OF MAGNITUDE FOR PRELIMINARY COST, AND PLANNING PHASE. THIS DOES NOT REFLECT THE FINAL DESIGN. ALL ASSUMPTION ARE PRELIMINARY AND SUBJECT TO BE ALTERED UNTIL FINAL PERMIT AND APPROVAL.
2. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.
3. BASEMENT LEVEL BASED ON SHEET A4.1.
4. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS, OR ANY OTHER GEOTECHNICAL RECOMMENDATIONS.

05.14.2025 ZONING RESUBMISSION

10 0 10 20
scale 1" = 10' feet

Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER FIRST M. LASTNAME No. C-##### CIVIL STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/27/2025
FIRST M. LASTNAME C #####

BKF ENGINEERS
2100 FRANKLIN STREET
SUITE 440
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

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APN 57-2025-8-1
2029 UNIVERSITY AVENUE, BERKELEY, CA

PRELIMINARY GRADING AND DRAINAGE PLAN

Revisions	No.

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C1.0

Plot Mar 27, 2025 at 4:47pm
231784_2029_UNIVERSITY_GRAD.dwg
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STORMWATER TREATMENT TABLE

	LOCATION	IMPERVIOUS (SF)	PERVIOUS (SF)	TOTAL AREA (SF)	REQ. TREATMENT AREAS (SF)(1)	TREATMENT PROVIDED (SF)		NOTES
DMA1	ROOF LVL	6,900	–	6,900	475	720	IMP1	
DMA2	23RD LVL ROOF DECK	2,600	–	2,600				
DMA3	GROUND LVL SIDE YARD	2,600	300	2,900	145	150	IMP2	
	TOTALS	12,100	300	12,400	620	870(3)		

1. REQUIRED TREATMENT IS PRELIMINARY PROGRAMMED AT 5% OF IMPERVIOUS AREA WITHIN EACH DRAINAGE MANAGEMENT AREA (DMA).
2. TWO (2) AREA OPTIONS SHOWN ON LEVEL 1 UNOCCUPIED FIGMA PORTION OF DMA3 COULD BE DIRECT TO AREAS SHOWN IN SURGE IF NECESSARY TO ALIGN WITH BUILDING OPEN SPACE PROGRAMMING.
3. AVAILABLE SPACE FOR TREATMENT. AREAS CAN BE INTERCHANGEABLE, AS NECESSARY

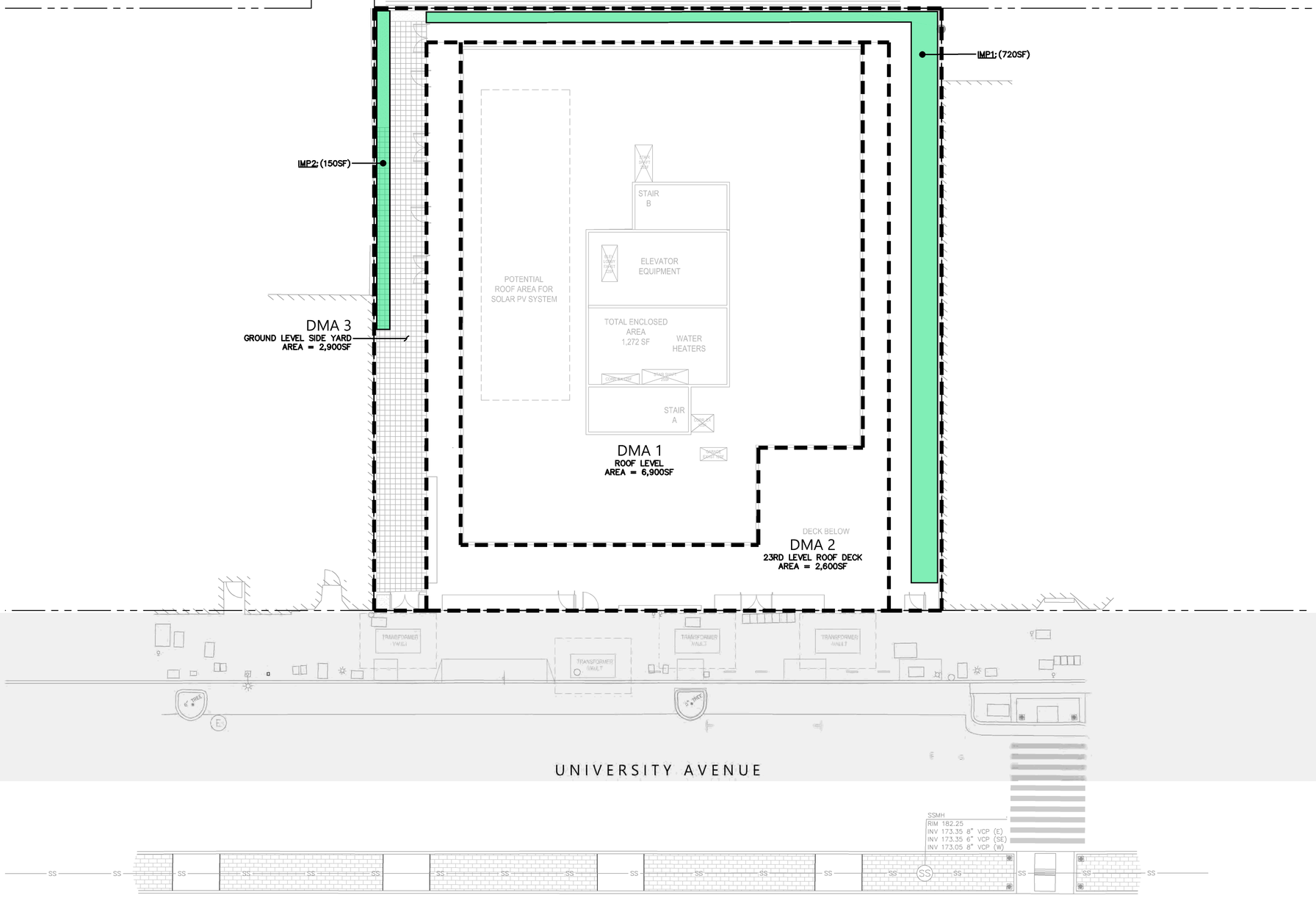
LEGEND

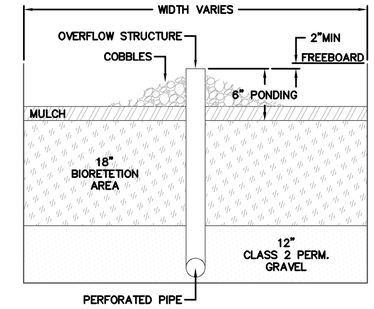
DRAINAGE MANAGEMENT AREAS (DMA)

IMP AREA

ABBREVIATIONS

DMA	DRAINAGE MANAGEMENT AREA
IMP	INTEGRATED MANAGEMENT PLAN
LVL	LEVEL
SF	SQUARE FOOT





TYPICAL BIORETETION SECTION
(ABOVE OR BELOW GRADE)
NOT TO SCALE

10 0 10 20
scale 1" = 10' feet

Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER * FIRST M. LASTNAME * No. C-##### * CIVIL * STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
03/28/2025
DATE:
FIRST M. LASTNAME
C #####

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(510) 899-7300
www.bkf.com

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2029 UNIVERSITY AVENUE, BERKELEY, CA

PRELIMINARY STORMWATER CONTROL PLAN

No.	Revisions

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C2.0

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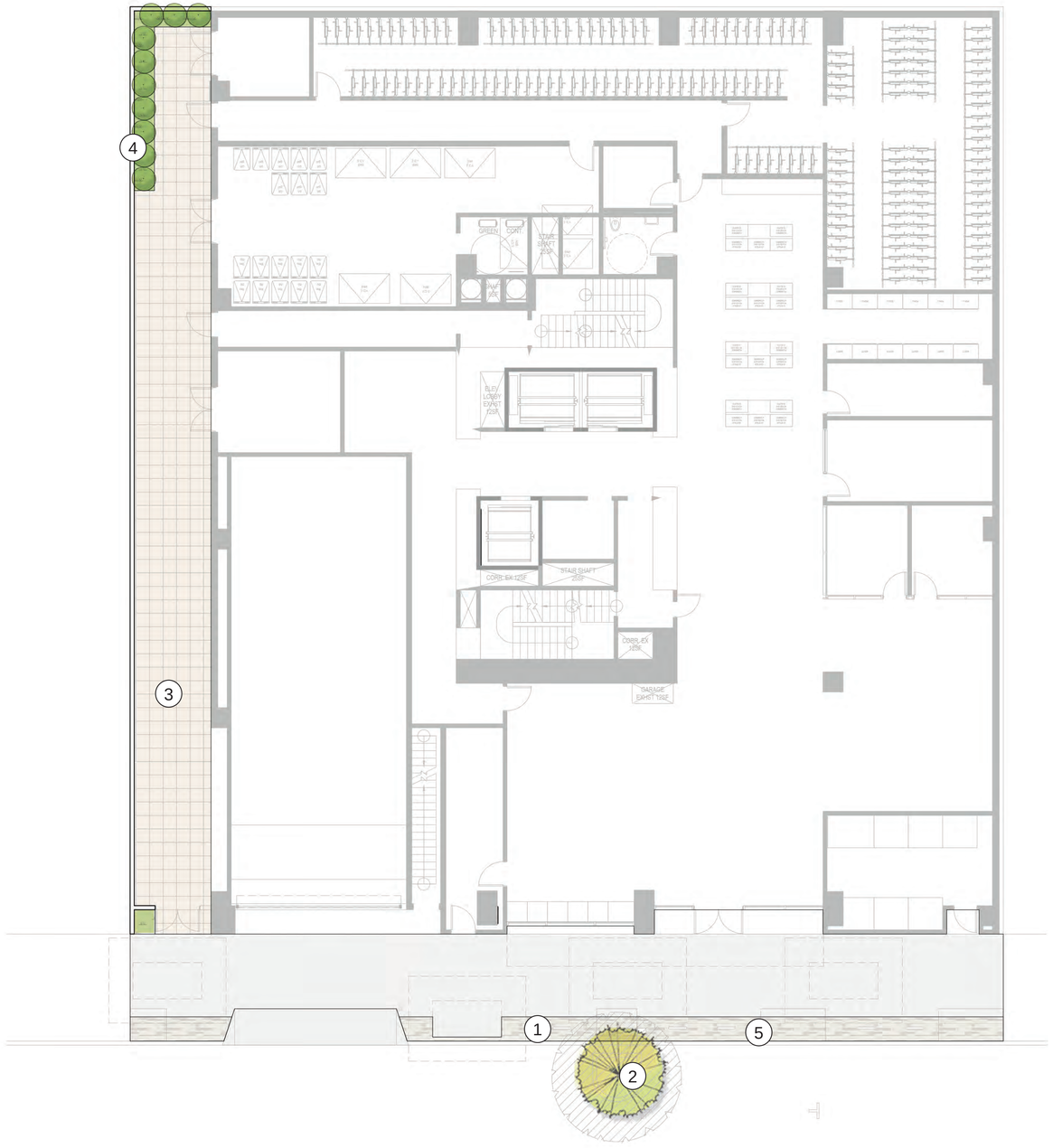
231784_2029_UNIVERSITY_SWCP.dwg
Plot Mar 28, 2025 at 1:36pm



LEGEND

1. BIKE RACK 5 TOTAL (10 BIKE PARKING SPACES)
2. EXISTING TRIDENT MAPLE STREET TREE TO REMAIN. PROTECT IN PLACE. SEE SHEET L3.01 FOR TREE PROTECTION FENCING DETAIL AND GUIDELINES.
3. CONCRETE PAVING AT SIDE YARD
4. NATIVE SHRUB PLANTING
5. 3-FOOT WIDE CITY STANDARD PAVER BAND

N

0 4' 8' 16' 24'

SCALE: 1/8" = 1'-0"

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SHEET:

LANDSCAPE PLAN - GROUND FLOOR

L1.01

LEGEND

1. CMU STORMWATER PLANTERS, TYP - 630 SF TOTAL
2. MAINTENANCE WALKWAY

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LANDSCAPE PLAN - PODIUM LEVEL

N

0 4' 8' 16' 24'
SCALE: 1/8" = 1'-0"

L1.02

LEGEND

1. FAMILY STYLE DINING TABLE
2. GREEN ROOF PLANTING
3. TABLE WITH CHAIRS
4. LOUNGE FURNISHING

N

0 4' 12" 24' 48'

SCALE: 3/16" = 1'-0"

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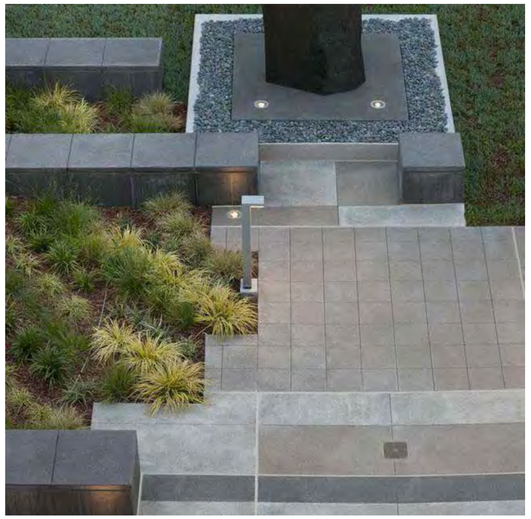
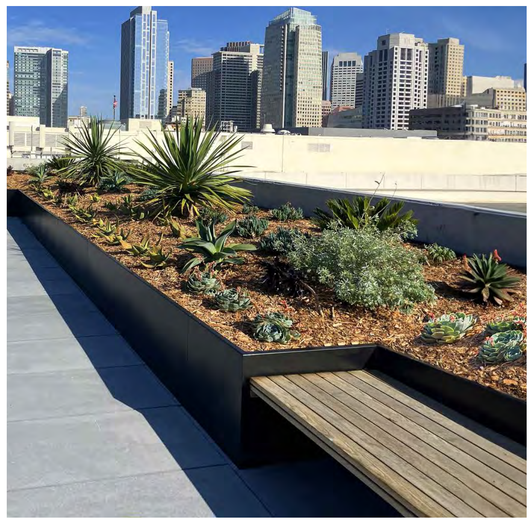
LANDSCAPE PLAN - ROOF DECK

L1.03





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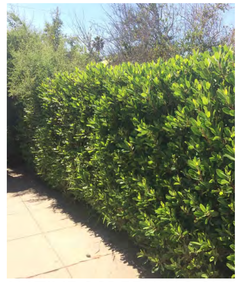
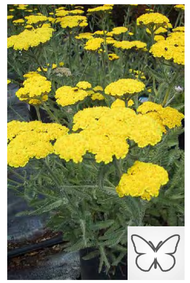
SHEET:

PRECEDENT IMAGES

L2.01



NATIVE SCREENING SHRUBS



SHRUBS

GROUNDCOVER

DENOTES POLLINATOR PLANT SPECIES

GENERAL PLANTING AND IRRIGATION NOTES

1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.

3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN- DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE. COMPOST APPLICATION TO ACHIEVE A MINIMUM OF 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON MWELO SPECIFIED SOIL ANALYSIS RESULS FOR THE SITE SOIL PER [CGBSC 4.304].

4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.

5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.

6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.

7. 58% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD-LIFE SUPPORTING.

8. PLANT SELECTION AND DESIGN TO COMPLY WITH BAY-AREA FRIENDLY BASICS LANDSCAPE CHECKLIST.

EXISTING TREE PROTECTION NOTES

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, THE EXISTING TREE ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.

2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.

3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."

4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.

6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. CONTRACTOR TO NOTIFY AND COORDINATE WITH CERTIFIED ARBORIST AT LEAST 72 HOURS PRIOR TO ANY WORK BEING DONE IN DRIPLINE. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.

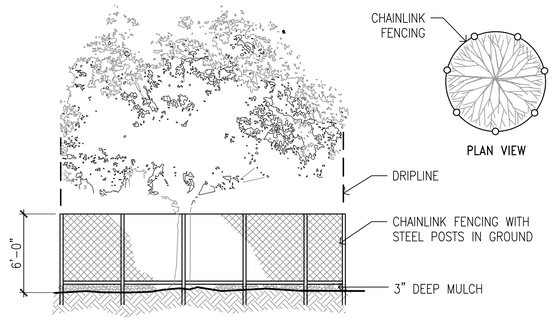
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.

9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.

10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES, SHRUBS AND TURF TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.

11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST.



NOTES

1. NO EXISTING TREE MAY BE PRUNED WITHOUT PRIOR APPROVAL BY THE CITY ARBORIST.
2. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
3. NO OIL, GASOLINE, CHEMICALS, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED OR DISPOSED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE.
4. NO STOCKPILING/STORAGE OF FILL, ETC, SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

IRRIGATION SYSTEM DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DISTRICT.

2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.

3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.

4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.

5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE, RAIN SENSOR AND FLOW SENSING CAPABILITY CONNECTED TO THE IRRIGATION CONTROLLER WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.

6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.

7. COLOR CODED HYDROZONE LANDSACPING HYDROZONE MAP WITH GROUPING AND COLLOCATING PLANTING MATERIAS BY WUCOLS WATER USE CATEGORY VL, L, M, OR H, PER [CGBSC 4.304}, TO BE PROVIDED IN PERMIT DRAWINGS.

8. RAIN SENSOR AND CONTROLLER LOCATION TO BE PROVIDED IN PERMIT DRAWINGS.

LANDSCAPE AREA CALCULATION:

	LANDSCAPE AREA
GROUND LEVEL:	- 77 SF
PODIUM LEVEL:	- 630 SF
ROOF DECK LEVEL:	- 237 SF
TOTAL:	- 944 SF

STORMWATER TREATMENT AREA:

REQUIRED STORMWATER TREATMENT AREA= 455
4% OF THE BUILDING FOOTPRINT (- PROPOSED STORMWATER TREATMENT AREA= - 630 SF

BIKE PARKING CALCULATIONS:

TOTAL SHORT TERM BIKE PARKING STALLS PROVIDED: 10 STALLS (5 BIKE RACKS)

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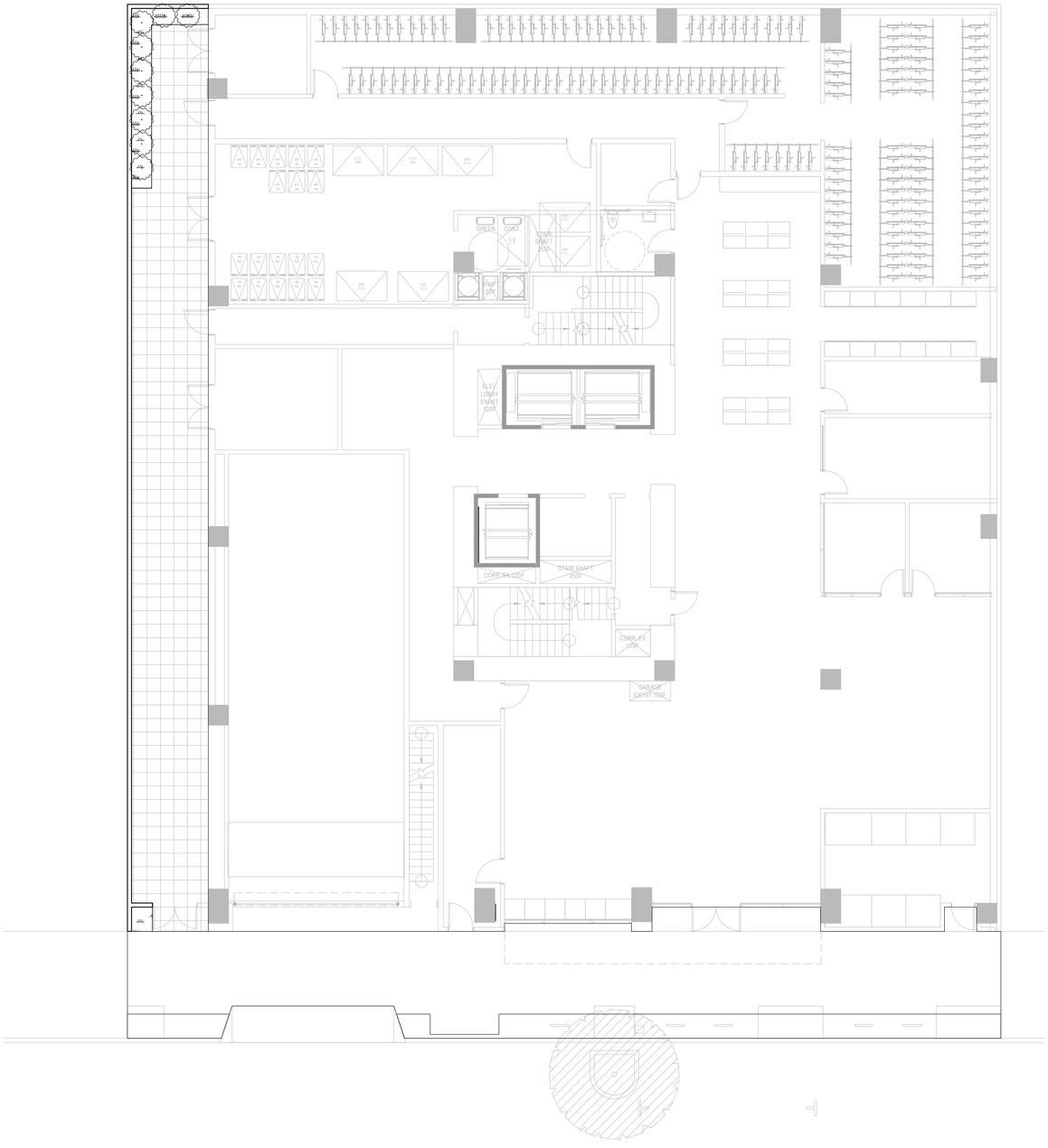
SHEET:

PLANT IMAGES, NOTES & CALCULATIONS

L3.01



PLANT LIST							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
SHRUBS – LARGE – NATIVE							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
SHRUBS – SMALL/MEDIUM							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'–0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'–0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'–0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'–0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
GROUNDCOVERS							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'–0" OC		L	Y
STORMWATER							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'–0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'–0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'–0" OC		L	Y

N

0 4' 8' 16' 24'

SCALE: 1/8" = 1'–0"

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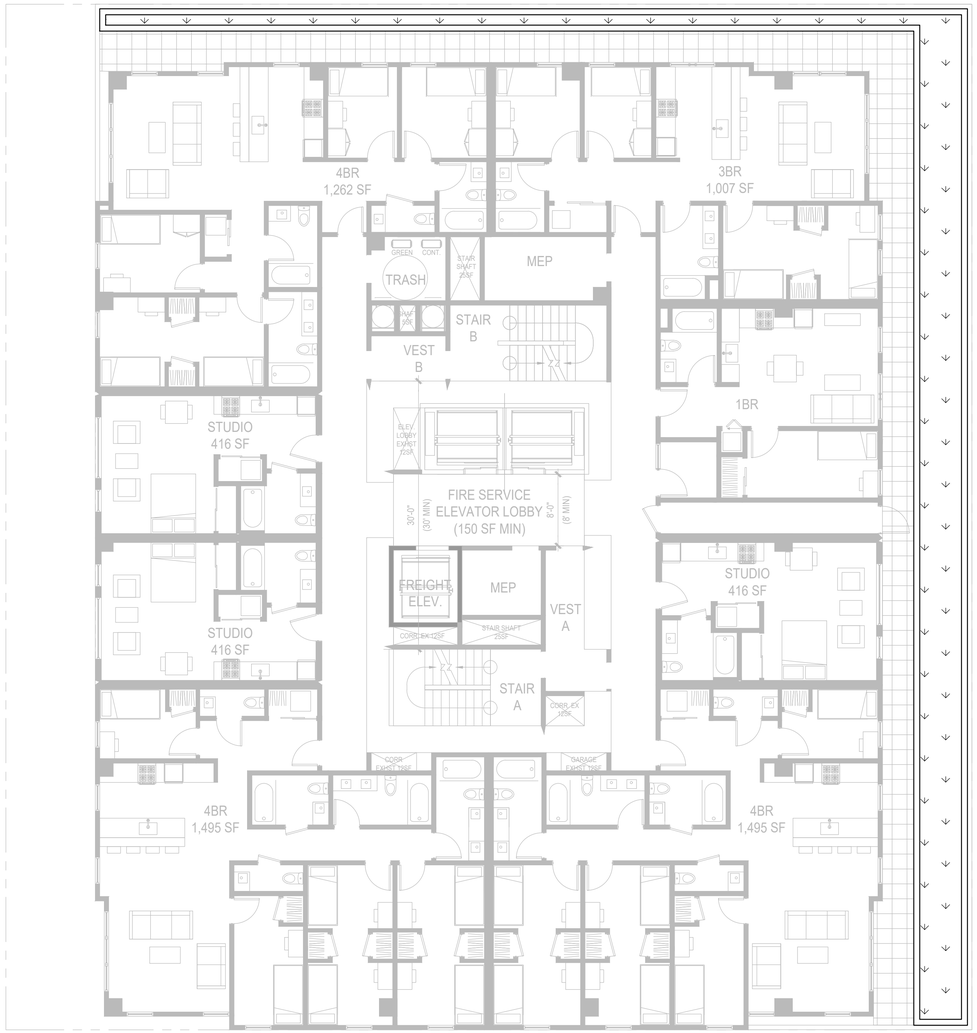
PLANTING PLAN - GROUND FLOOR

L4.01



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	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
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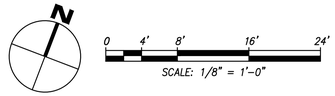

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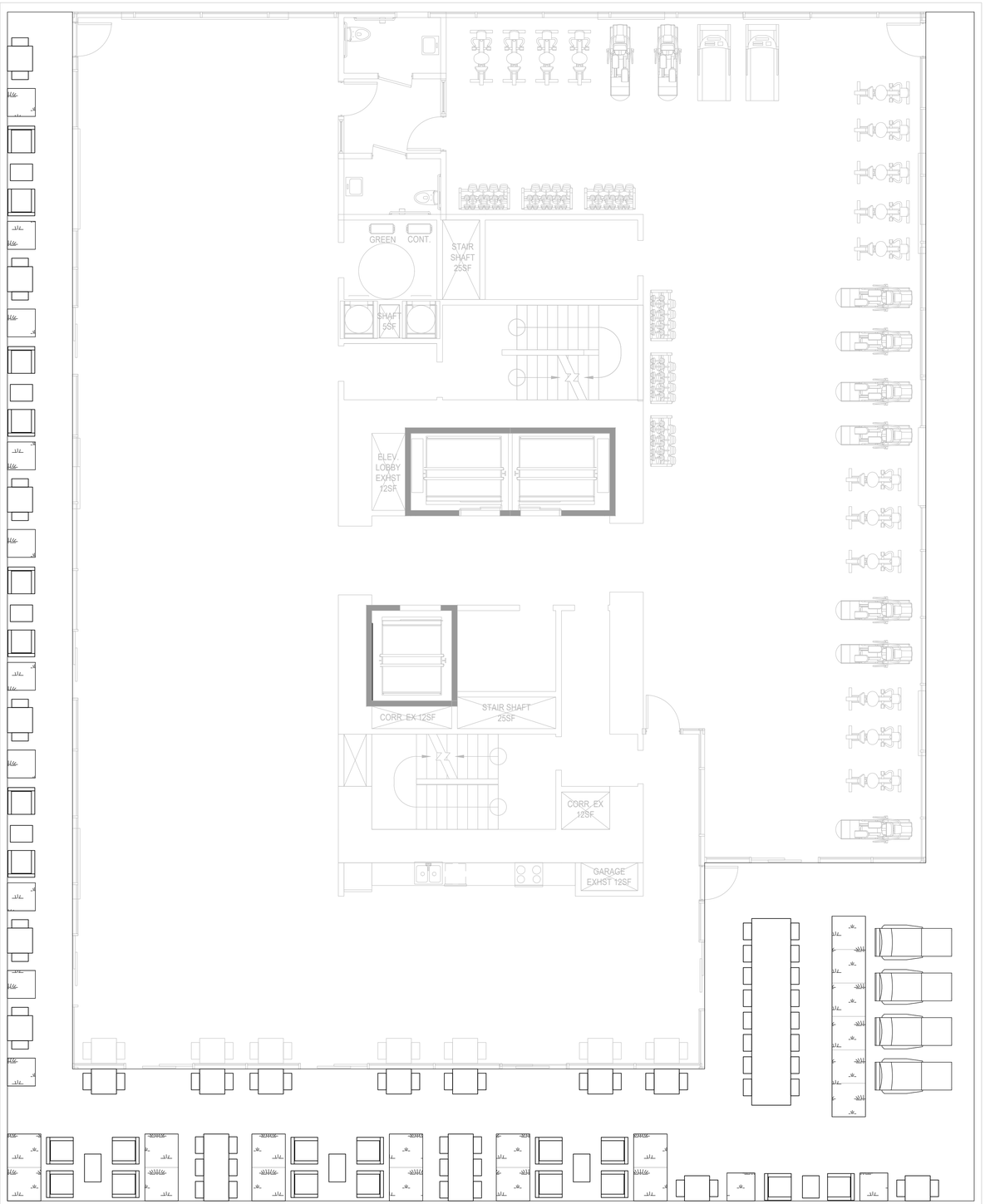
PLANTING PLAN - PODIUM LEVEL

L4.02



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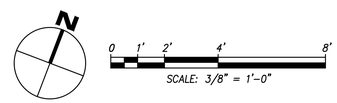

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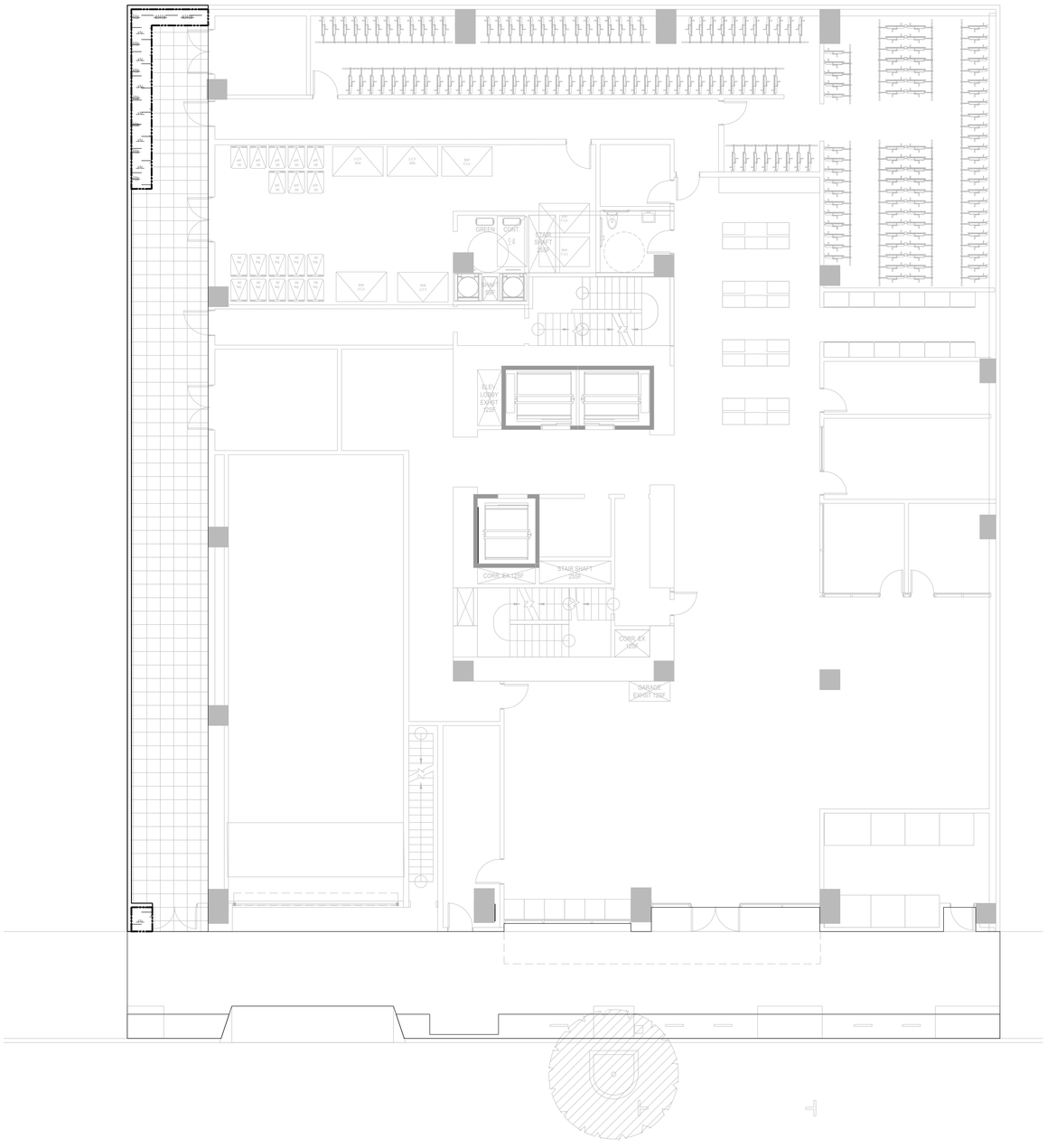
PLANTING PLAN - ROOF DECK

L4.03



HYDROZONE LEGEND

SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
	1	LOW WATER USE	SHRUB & GROUNDCOVER	DRIP	890	890.0	94%
	2	LOW WATER USE	TREES	BUBBLER	0		
	3	MODERATE WATER USE	SHRUB & GROUNDCOVER	DRIP	54	54	6%
	4	MODERATE WATER USE	TREES	BUBBLER	0		
					TOTAL	944.0	100%

HYDROZONE INFORMATION TABLE

REFERENCE ANNUAL ET_0 FOR:	BERKELEY (MWELO REF. ET TABLE)		41.8
ET ADJUSTMENT FACTOR	0.55	ET ADJ FACTOR PER MWELO: 0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF) 0.45

HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB.: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	$ETAF_Z$ (PF/IE)	LANDSCAPE AREA (SQ FT)	$ETAF_Z$ x AREA	ESTIMATED TOTAL WATER USE (ETWU)
1	0.3	D	0.81	0.37	77	28.52	739.09
2	0.3	B	0.81	0.37	630	233.33	6047.07
3	0.3	D	0.81	0.37	183	67.78	1756.53
4	0.6	B	0.81	0.74	54	40.00	1036.64
–	0	D	.81	0.00	0	0.00	0.00
–	0	D	.81	0.00	0	0.00	0.00
				TOTAL	944.00	369.63	9,579.32
SPECIAL LANDSCAPE AREAS							
5				1	0	0.00	0.00
--				0	0	0.00	0.00
				TOTAL	0	0.00	0.00
	TOTAL LANDSCAPE AREA (LA + SLA)				944.00		

TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)	TOTAL ETWU	9,579.32
MAWA	(ANNUAL ETO)(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)*SLA))]	MAWA	13,455.59

AVERAGE ETAF	SUM($ETAF_Z$ X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA_S)	0.39
SITEWIDE ETAF	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA_S)	0.39

IRRIGATION DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL DISTRICT (EBMUD) WATER DISTRICT.
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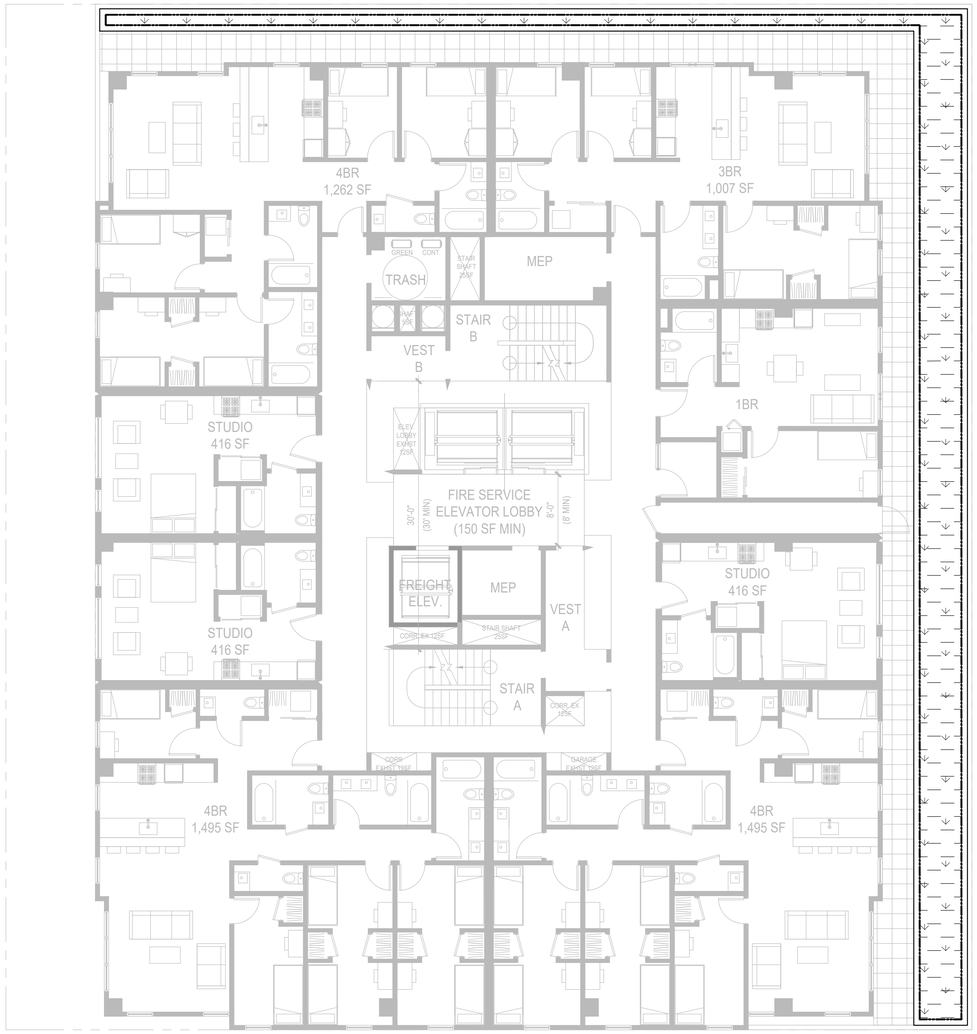
IRRIGATION PLAN - GROUND FLOOR

L5.01



SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

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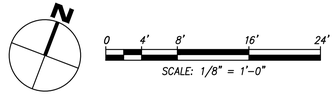
IRRIGATION PLAN - PODIUM LEVEL



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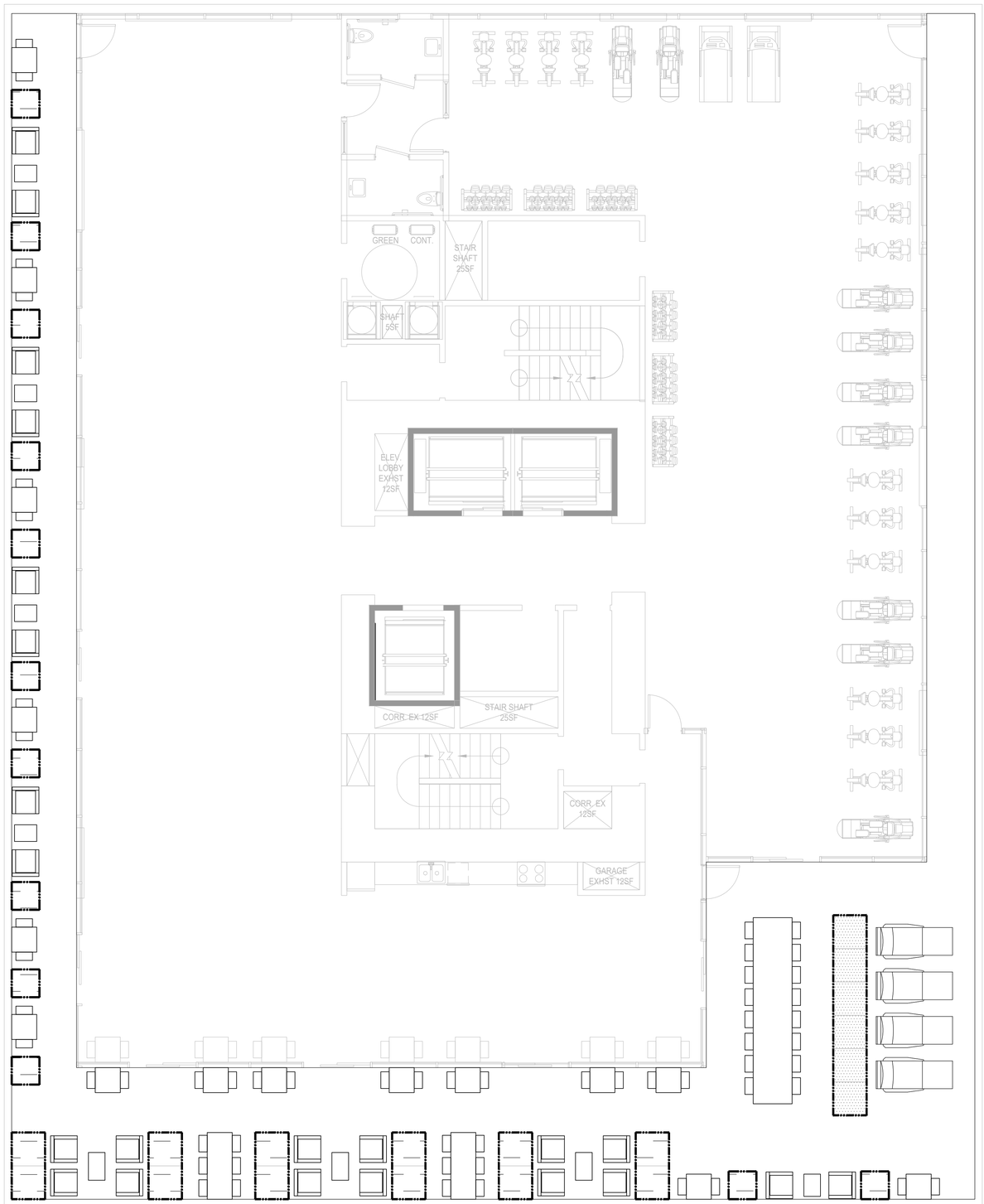

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JOB: 2327

SHEET:

IRRIGATION PLAN - ROOF DECK

N

0 4' 12' 24' 48'
SCALE: 3/16" = 1'-0"

L5.03

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A Professional Corporation

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♠ Also admitted in New York
▼ Admitted in New York

December 1, 2025

Via Email and Hand Delivery

Mayor Adena Ishii and City
Councilmembers Rashi Kesarwani, Terry
Taplin, Ben Bartlett, Igor Tregub, Shoshana
O'Keefe, Brent Blackaby, Cecilia
Lunaparra, and Mark Humbert
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
council@berkeleyca.gov

City Clerk Mark Numainville
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
clerk@berkeleyca.gov

Re: Appeal to City Council of 2029 University Avenue Use Permits #ZP2024-0181, #ZP2024-0182

Dear Mayor Ishii, City Council Members Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, and Humbert, and City Clerk Numainville:

Our law office represents the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council also known as the Nor Cal Carpenters Union ("Carpenters"). We write on behalf of the Trades Council and Carpenters to appeal the approval by the City of Berkeley ("City") Zoning Adjustment Board ("ZAB") of Use Permits #ZP2024-0181 and #ZP2024-0182 for the 2029 University Avenue project ("Project").[1] The Trades Council appeared at the November 13, 2025 ZAB hearing to oppose approval of the Use Permits as presented.

The Project is proposed by Laconia Development ("Applicant"). Applicant applied for Use Permits for two alternative housing development projects at 2029 University Avenue in the City. Both Project alternatives proposed to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story residential building, but one alternative proposed the creation of 240 multifamily apartment units (18 moderate income and 18 very low-income) while the other proposed the creation of 160 student housing units (12 moderate income and 12 very low-income).

[1] City of Berkeley Zoning Adjustments Board Notices of Decision, 2029 University Avenue (Multifamily) and 2029 University Avenue (Student-Oriented), Date of Board Decision November 13, 2025, Date Notice Mailed November 17, 2025, Appeal Period Expiration December 1, 2025 ("Notices of Decision").

This appeal of Use Permits #ZP2024-0181 and #ZP2024-0182 for the Project is timely filed within fourteen (14) days of the City's November 17, 2025 mailing of the Notices of Decision, pursuant to Berkeley Municipal Code ("BMC") section 23.410.020. This appeal is accompanied by payment of the requisite fee of $3000.[2]

This appeal pertains to Applicant's requested "concessions" under the Density Bonus Law (Gov. Code, § 65915, et seq. or "DBL"), which are as follows:

1. Exemption from the "Apprenticeship Requirements" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC section 13.107.040.

2. Exemption from the "Health Care Expenditures" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC section 13.107.050.

3. Exemption from the "Bird Safe Building" requirement as required by BMC section 23.304.150.

In particular, this appeal pertains to the first two requested concessions above, which refer to the City's HARD HATS Ordinance (BMC § 13.107.010 et seq. or "HARD HATS"), which was adopted on May 2, 2023 and took effect on January 1, 2024. For the reasons that follow, these two requested concessions are improper under the DBL and should be denied.

I. The City Should Not Grant Concessions that Waive Local Labor Standards

The City should not grant concessions under the DBL that waive local labor standards. The Applicant is pursuing a novel and unorthodox strategy of using DBL concessions to avoid two construction labor standards, namely, the requirement to provide health care and apprenticeship training. Until very recently, the Trades Council and Carpenters were not aware of any project that had received similar concessions from the City (or any city). The requested concessions are an attempted misuse of the DBL to avoid important labor standards that the City enacted to protect public health and safety.

On October 21, 2025, our office made a California Public Records Act request to the City seeking all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the City's HARD HATS Ordinance. The City responded that the only project that has received such concessions is the 2425 Durant project, which the Trades Council and the Carpenters appealed and will be heard by City Council on February 10, 2026.[3]

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[2] Notice of Decisions, page 4; BMC § 23.410.030. The Trades Council and Carpenters believe a single appeal is proper pursuant to BMC §§ 23.410.030(A) "(Appeals shall be filed and processed consistent with Chapter 23.404 (Common Permit Requirements) except as otherwise specified in this chapter") and 23.404.020(F) ("An applicant shall request City approval of all required permits as part of a single application. . . ."). Since the Berkeley Municipal Code establishes that all permits for a project be filed as part of the same application and that appeals be filed consistent with permit applications, it follows that appeals of two different use permits for a single project should be filed as one appeal. That should especially be true where, as here, the appellant's reasons for appealing both permits are identical. In an abundance of caution, however, the Trades Council and Carpenters are prepared to file two copies of this letter and two filing fees in case the City believes this appeal should be filed and processed as two separate appeals.

[3] The response received from the City of Berkeley Planning and Development Department was previously submitted to City Council in relation to the Trades Council and Carpenters' 2298 Durant & 2360 Ellsworth ZAB appeal and can be provided again upon request.

II. The City Cannot Waive HARD HATS' Healthcare and Apprenticeship Standards Because Such Waiver Does Not Constitute a Concession or Incentive Under DBL

The DBL, Government Code section 65915(k), establishes that a "concession or incentive means any of the following": "(1) [a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission . . . including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions . . . ."; "(2) [a]pproval of mixed-use zoning in conjunction with the housing project . . . ."; or "(3) [o]ther regulatory incentives or concessions proposed by the developer or the city. . . that result in identifiable and actual cost reductions to provide for affordable housing costs . . . ."[4]

As used in the DBL, "development standard" means a:

> . . . site or construction condition, including but not limited to a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.[5]

Here, the City cannot waive HARD HATS' apprenticeship or health care expenditure requirements on the Project because such waiver would not qualify as a "concession or incentive" under the DBL.

Contrary to Applicant's argument, HARD HATS' labor requirements are not "site development standards" and therefore not subject to reduction via "concession or incentive" pursuant to Government Code section 65915(k)(1).

As stated above, under the DBL, a "development standard" is either a "site" or "construction" development standard depending on whether it is "a site or construction condition," and only "site development standards" can be reduced by concession or incentive under Government Code section 65915(k)(1). The three examples of "site development standards" the DBL lists are: "setback . . . requirements," "square footage requirements," and "the ratio of vehicular parking spaces that would otherwise be required." Under the statutory construction principle of *ejusdem generis*, by which courts "interpret a general or collective term" in a list of items "in light of any common attributes shared by the specific items,"[6] "site development standards" should be interpreted as relating to physical characteristics of a development as situated on its site because all three examples do. Here, HARD HATS' labor requirements are plainly not "site development standards" because they do not amount to physical conditions of how a project is situated on a site. Instead, the requirements are workers' rights protections that relate only to how contractors working on the project should treat their workers.[7] Moreover, HARD HATS' requirements are also procedurally unlike the DBL's examples of "development standards" even more broadly—"a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement,

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[4] Gov. Code § 65915, subds. (k)(1)-(3).

[5] *Id.*, § 65915, subd. (o)(2).

[6] *Southwest Airlines Co. v. Saxon* (2022) 596 U.S. 450, 458 (quotation marks removed).

[7] BMC § 13.107.030.

or a parking ratio"—in that, unlike all these examples, they have extra enforcement mechanisms outside of any zoning code in order to benefit the workers they seek to protect, namely a private right of action whereby an affected worker or representative may bring a civil suit against a contractor employer who fails to abide by the wage and expenditure requirements.[8] For these reasons, HARD HATS' labor requirements do not meet the definition of development standards, let alone the more narrow category of site development standards subject to reduction via concession or incentive under the DBL.[9]

Finally, the legislative intent of the DBL demonstrates the waiver of HARD HATS' labor requirements is not a DBL concession or incentive. The stated intent of the DBL is to allow developers "to include more total units in affordable housing projects than would otherwise be allowed by local zoning ordinances," and to "cover at least some of the financing gap of affordable housing."[10] The Legislature also intended to "ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing."[11] In other words, the Legislature was mindful of the need to balance housing density with social benefits, not disregard social benefits like labor standards.

The requested health care expenditure concession is doubly in conflict with the intent of the DBL because, in addition to threatening the health and safety of construction workers, the concession would suppress their total compensation and make the very housing they are building less affordable to them. This outcome would be antithetical to the intent and policy of the DBL, which is ultimately to make housing more affordable. Historically speaking, the DBL waivers and concessions that have been granted by the City over the years have not posed this problem. The DBL should not be misused to allow developers to avoid minimum labor standards or other social benefits.

For the reasons set forth above, the City cannot waive HARD HATS' health care expenditures and apprenticeship requirements because such waiver does not constitute a concession or incentive under the DBL.

III. Even if the Waiver of HARD HATS' Health Care & Apprenticeship Requirements Were Concessions or Incentives Under the DBL, the City Should Not Grant Them Because the Waiver Would Have Specific, Adverse Impacts Upon Public Health and Safety

The DBL provides that a city shall grant an applicant's proposal for a concession or incentive unless it "makes a written finding, based on substantial evidence, of any of the following: . . . .the concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-

[8] *Id.* § 13.107.111.

[9] Additionally, no other DBL definition of "concession or incentive" applies. Government Code 65915(k)(2), relating to approval of "mixed-use zoning," is inapplicable to the entirely residential Project. Government Code section 65915(k)(3) is largely redundant with (k)(1) and k(2) already discussed: in defining "concession or incentive" the paragraph circularly refers to "incentives or concessions," thereby referring to the prior paragraphs defining the term, and only serves to clarify which entities may propose concessions or incentives.

[10] Gov. Code, § 65915, subd. (u)(1)

[11] Gov. Code, § 65915, subd. (u)(2).

income households."[12] An impact is a "specific, adverse impact" when it is "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."[13] "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors,"[14] and a "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes "any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit."[15]

As explained below, waiving HARD HATS' health care and the apprenticeship requirements would have a specific, adverse impact upon public health and safety, namely a blatant difference in health care expenditures for construction workers and a measurably increased likelihood of health and safety hazards on jobsites, which could not be feasibly mitigated or avoided.

(a) Health Care

Waiving HARD HATS' health care requirements would have a specific, adverse impact upon public health and safety that cannot be feasibly mitigated or avoided.

First, waiving these requirements would have a significant, quantifiable, direct, and unavoidable impact on public health and safety based on the policies of the HARD HATS ordinance itself as well as written public health safety conditions identified in research by the UC Berkeley Labor Center and Harvard Medical School and Cambridge Health Alliance.

A recent publication from the UC Berkeley Labor Center found that California construction workers were 2.6 times more likely than other California workers to be uninsured, and that California construction workers and/or their dependents account for a disproportionately high percentage of spending on Medicaid/CHIP.[16] Additionally, a study conducted by Harvard Medical School and Cambridge Health Alliance found that uninsured, working-age Americans have a 40% higher risk of death compared to those with insurance.[17]

The City adopted the health care expenditure requirement in HARD HATS precisely to "enhance the good health of construction workers working in the City" and thereby combat these public health and safety

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[12] Gov. Code, § 65915, subd. (d)(1)(B); see also, Gov. Code, § 65915, subd. (d)(3) ("[t]his subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.")

[13] Gov. Code, § 65589.5, subd. (d)(2).

[14] *Id.*, § 65589.5, subd. (h)(1).

[15] See Health & Saf. Code, § 17959.1, subd. (e)(1). Like the DBL, Health and Safety Code section 17959.1 concerns government permitting and feasible alternatives and uses identical language. It explains in relevant part, "a city or county may not deny an application . . . to install a solar energy system unless it makes written findings based upon substantial evidence . . . the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

[16] See https://laborcenter.berkeley.edu/the-public-cost-of-low-wage-jobs-in-californias-construction-industry/.

[17] See https://news.harvard.edu/gazette/story/2009/09/new-study-finds-45000-deaths-annually-linked-to-lack-of-health-coverage/.

harms that result from uninsured construction workers.[18] Granting Applicant a waiver of this requirement would directly, unavoidably and significantly undermine the City's protective framework and place the health of workers on the Project at greater risk by exempting all contractors on the Project from having to contribute to their workers' health care costs, leaving many workers without any health care coverage or dedicated funds to spend on their health care. Additionally, this impact would be quantifiable because the City could ask each contractor working on the Project whether, in the absence of HARD HATS, they would make health care expenditures for their workers and, if so, how much those expenditures would be. The City could then determine how much higher those expenditures would be under HARD HATS' statutory formula, which is simple math.

Finally, there is no "feasible" method to avoid or mitigate the specific, adverse impact on workers' health care coverage or other costs that waiving HARD HATS' health care expenditure requirement would produce. Most future Project workers will not be eligible for government-sponsored healthcare because their incomes exceed Medi-Cal eligibility thresholds, they do not have "Satisfactory Immigration Status"[19] or are otherwise not Medi-Cal eligible.[20] Given this country has not evolved to the point where it has passed universal health care, and is highly unlikely to do so "within a reasonable period of time," there is no feasible alternative to contractor employers on the Project contributing to their workers' health care costs.

(b) Apprenticeship Requirements

Waiving HARD HATS' apprenticeship requirements would also have a specific, adverse impact upon public health and safety that cannot be feasibly mitigated or avoided.

First, waiving the apprenticeship requirements would have a significant, quantifiable, direct, and unavoidable impact on public health and safety based on the policies of the HARD HATS ordinance itself as well as written public health safety conditions identified in a study of the construction industry by the Illinois Economic Policy Institute ("ILEPI") and the Washington State Department of Labor & Industries ("L&I").

L&I's 2023 study found that an "apprenticeship program is associated with fewer work injuries"; even controlling for variables, workers with apprenticeship training had a 46% lower rate of accepted workers' compensation claims compared to workers in the same field with no apprenticeship training.[21] Additionally, ILEPI's study found that in 2019 alone, jobsites participating in joint management apprenticeship programs— were 19% less likely to have health and safety violations and had an average of 34% fewer violations per inspection" than those that did not.[22]

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[18] BMC § 13.107.020.

[19] The Migration Policy Institute estimates that over 84,000 construction workers in northern California counties are "unauthorized" immigrants. See https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles.

[20] A family of four with an income above $44,367 is ineligible. For definitions of Unsatisfactory Immigration Status, see https://www.dhcs.ca.gov/Medi-Cal/Pages/immigration-status-categories.aspx.

[21] See https://www.sciencedirect.com/science/article/pii/S0022437522001451. Study of journey level plumbers. Variables controlled include "controlling for differences in year . . . worker age . . . number of employers . . . size of employer, license for plumbing specialty other than [journey level plumber], and workers' compensation claim rate in the five years prior to [journey level plumber] certification."

[22] See https://theconstructionbroadsheet.com/report-union-construction-jobsites-significantly-safer-than-nonunion-site-p547-175.htm.

This is precisely why the City adopted apprenticeship requirements in HARD HATS: to ensure contractors in the City invest in apprenticeship and thereby ensure workers are "competently trained" on City projects.[23] HARD HATS requires each contractor on covered projects to participate in an approved apprenticeship program.[24] Allowing Applicant to avoid apprenticeship requirements would directly, unavoidably and significantly undermine the City's protective framework and place workers' health and safety at greater risk by exempting all contractors on the Project from participating in apprenticeship programs that decrease health and safety violations. This impact is also quantifiable. The City could ask contractors how many apprentices they would have on the Project in the absence of HARD HATS. The answer is likely to be zero or close to zero for non-union contractors because, in the absence of HARD HATS, contractors typically only employ apprentices when required to by the Labor Code or by a collective bargaining agreement with a union. The City could then conclude that waiving HARD HATS' apprenticeship requirements on the Project would lead to a significant drop in apprenticeship participation and determine the projected increase in safety violations and workers' compensation claims according to the studies above. Finally, no feasible alternatives exist because research has shown that in the absence of either collective bargaining agreements or government regulation, apprenticeship training is unlikely to occur and worksite injuries are therefore more likely to occur.[25] As it is beyond the scope of local governments' powers to regulate collective bargaining, and dedicating a sufficient number of City employees to monitor all of Berkeley's major construction sites for safety regulation compliance is fiscally infeasible, the HARD HATS regulation is the sole available, feasible alternative.

For the reasons described above, waiving HARD HATS' health care and apprenticeship requirements would have a specific, adverse impact upon public health and safety that could not be feasibly mitigated or avoided. Thus, even if the waiver of HARD HATS' requirements qualified as concessions or incentives under the DBL—which they do not—the City should make a written finding about this specific, adverse impact and decline to grant the concessions or incentives.

IV. Alternatively, the City Could Request Reasonable Documentation to Support the Concessions and/or Remand the Matter Back to ZAB For Further Consideration

The DBL "does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus."[26] This includes incentives or concessions.[27] Moreover, the local government is also tasked with "provid[ing] the applicant with a determination as to the following matters:

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[23] BMC § 13.107.020.

[24] BMC § 13.107.040. A contractor may also make contributions to the California Apprenticeship Council (BMC § 13.107.040), which would fulfill the same purposes of participating in apprenticeship programs given the California Apprenticeship Council is exclusively dedicated to supporting state-approved apprenticeship programs and would spend all funds received accordingly, which would in turn improve worker safety as described in the studies above.

[25] Waddoups, Jeff, "Union Coverage and Work-Related Training in the Construction Industry," *Industrial & Labor Relations Review* Vol. 67, No. 2, April 2014, pp. 532-54; The Effect of Prevailing Wage Law Repeals and Enactments on Injuries and Disabilities in the Construction Industry - Zhi Li, Chimedlkham Zorigtbaatar, Gabriel Pleités, Ari Fenn, Peter Philips, 2019; APPRENTICESHIP TRAINING IN THE US CONSTRUCTION SECTOR (Bilginsoy, 2003).

[26] Gov. Code, § 65915, subd. (a)(2).

[27] *Id.*, § 65915, subd. (b)(1).

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(II) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards."[28]

In the case *Schreiber v. City of Los Angeles*, the Court of Appeal recognized that "[a] city or county is not prohibited from requesting or considering information relevant to cost reductions."[29] This is the case even though the statute places the ultimate burden of proof on the local government.[30] Accordingly, the City can and should take the position that Applicant has not yet provided adequate information for the City to make a determination as to its requested concessions, and require Applicant to provide reasonable documentation in support of same.

Here, Applicant has not provided the City evidence to substantiate its requested concessions. It simply claimed cost-reduction impacts.[31] The ZAB findings similarly do not provide any rationale whatsoever that the requested concessions do not have a specific, adverse impact on public health or safety.[32] Instead, the ZAB makes summary conclusions by referencing back to the law without any analysis or explanation.[33] Thus, if the City disagrees with the Trades Council and Carpenters and is inclined to treat the HARD HATS waiver as concessions, the Trades Council and Carpenters respectfully request that the City at least remand this matter to the ZAB to request reasonable documentation from Applicant in support of the requested concessions, so the City can determine whether they should be granted.

V. Conclusion

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[28] *Id.*. § 65915, subd (i).

[29] *Schreiber v. City of L.A.* (2021) 69 Cal.App.5th 549, 557.

[30] Gov. Code, § 65915, subd. (d)(4); *Schreiber* at p. 556-557 ("This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), or waivers or reductions of development standards, as described in subdivision (e).")

[31] See Rhoades Planning Group Nov. 13, 2025 Memorandum. The Memorandum asserted dollar costs but did not provide any clues as to the data or methodology used to arrive at the claimed costs. Simple math suggests that the Applicant's consultant assumed Project contractors will employ construction trades workers for an unreasonably high average number of work hours per unit: ($1,893,000 claimed "Apprenticeship Project Cost Reduction" ÷ 240 units) ÷ $3.10 (plumber apprentice contribution rate) = 2,544 trades work hours per unit. Carpenters research into other Alameda County multifamily residential projects' total construction trades work hours suggests the Applicant's implicit assumption regarding Project work hours is inflated by 50% before considering the likelihood the Project will include at least some unionized construction trades contractors, with or without the requested concessions.

[32] See Gov. Code, § 65915, subd. (d)(1)(B).

[33] Notices of Decision, p. 7.

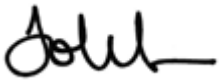
The Trades Council and Carpenters respectfully request City Council reverse the ZAB decision approving Use Permits #ZP2024-0181 and #ZP2024-0182 for the Project with the HARD HATS concessions or reverse the ZAB decision with respect to the HARD HATS concessions but approve the remainder of the Use Permits. In the alternative, if the City disagrees and is inclined to treat the HARD HATS waiver as concessions, the Trades Council and Carpenters request the City Council at least remand the matter to ZAB to reconsider the application in light of the foregoing[34] and direct staff to request supporting documentation from Applicant and confer with Applicant regarding the grounds for its requested concessions. The City may also, if appropriate, request that the Applicant voluntarily agree to rescind its requested concessions in order to promote health and safety and the public benefits that would otherwise derive from the Project.

The Trades Council and Carpenters request that the City schedule a hearing on this appeal before the City Council at the earliest feasible date.[35] The Trades Council and Carpenters reserve the right to submit additional correspondence and evidence concerning this appeal prior to the hearing date.[36]

Thank you for your consideration of this appeal. Feel free to contact the undersigned with any questions or concerns.

Sincerely,

Andrea Matsuoka



Jolene Kramer

ACM:

cc: City of Berkeley Planning Department, via e-mail only (planning@berkeleyca.gov)

102764\1620567

[34] BMC § 23.410.040(G).
[35] BMC § 23.410.040(A).
[36] BMC § 23.410.040(F).

Zoning Adjustments Board Staff Report

APP # ZP2024-0182

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Student-Oriented)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024 **SB330 Pre-Application Vest Date:** January 9, 2025	**Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.** **Zoning Permits Requested:**

Zoning Adjustments Board Staff Report

Use Permit Application Completion Date:
May 22, 2025

Project Planner: Nilu Karimzadegan

1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)*
2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH).
3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH).
4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH).
5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH).
6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

Density Bonus:

Waivers:

1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.

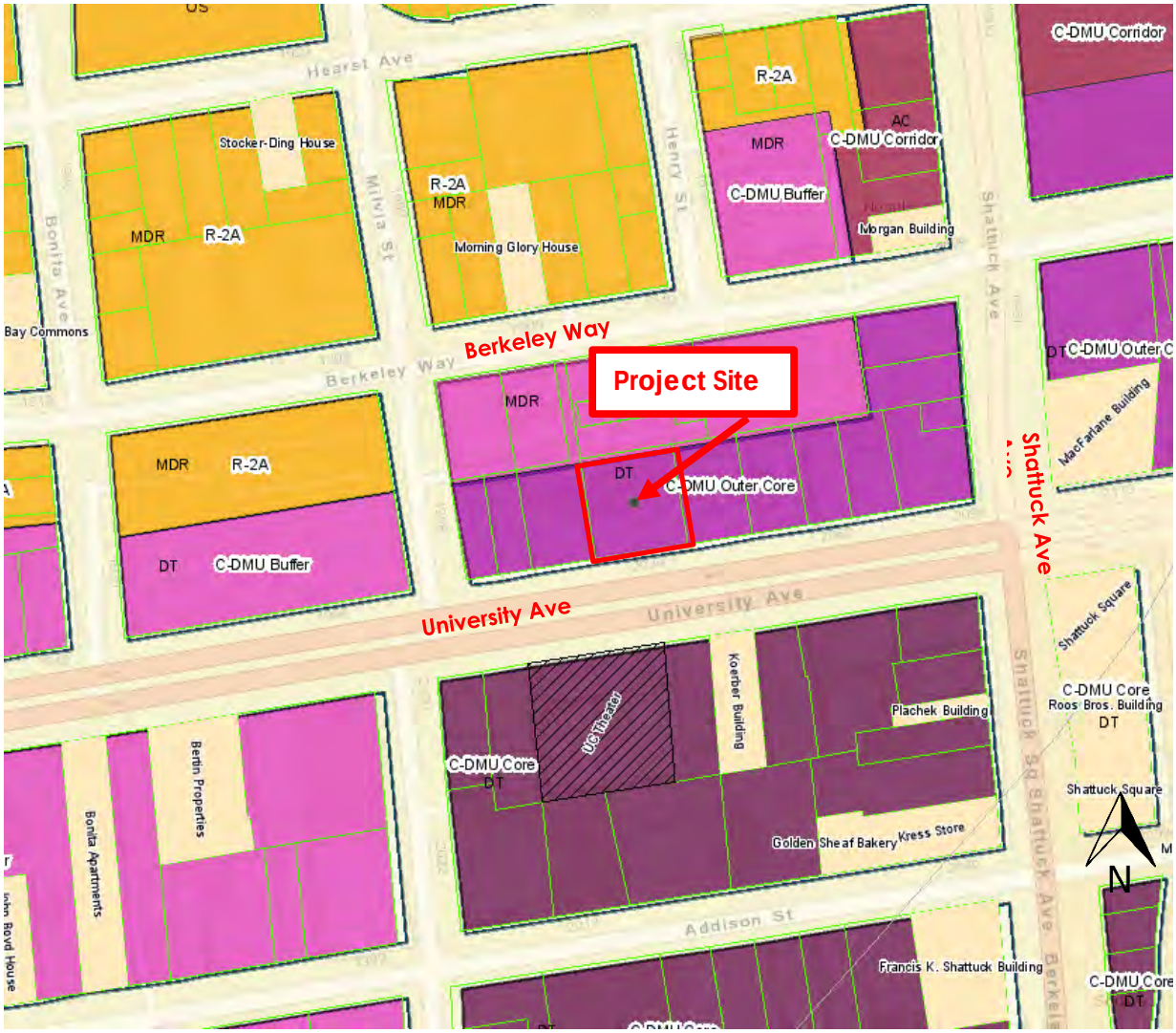
LAND USE PLANNING

Zoning Adjustments Board Staff Report

	7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. 9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions:** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

ZONING MAP

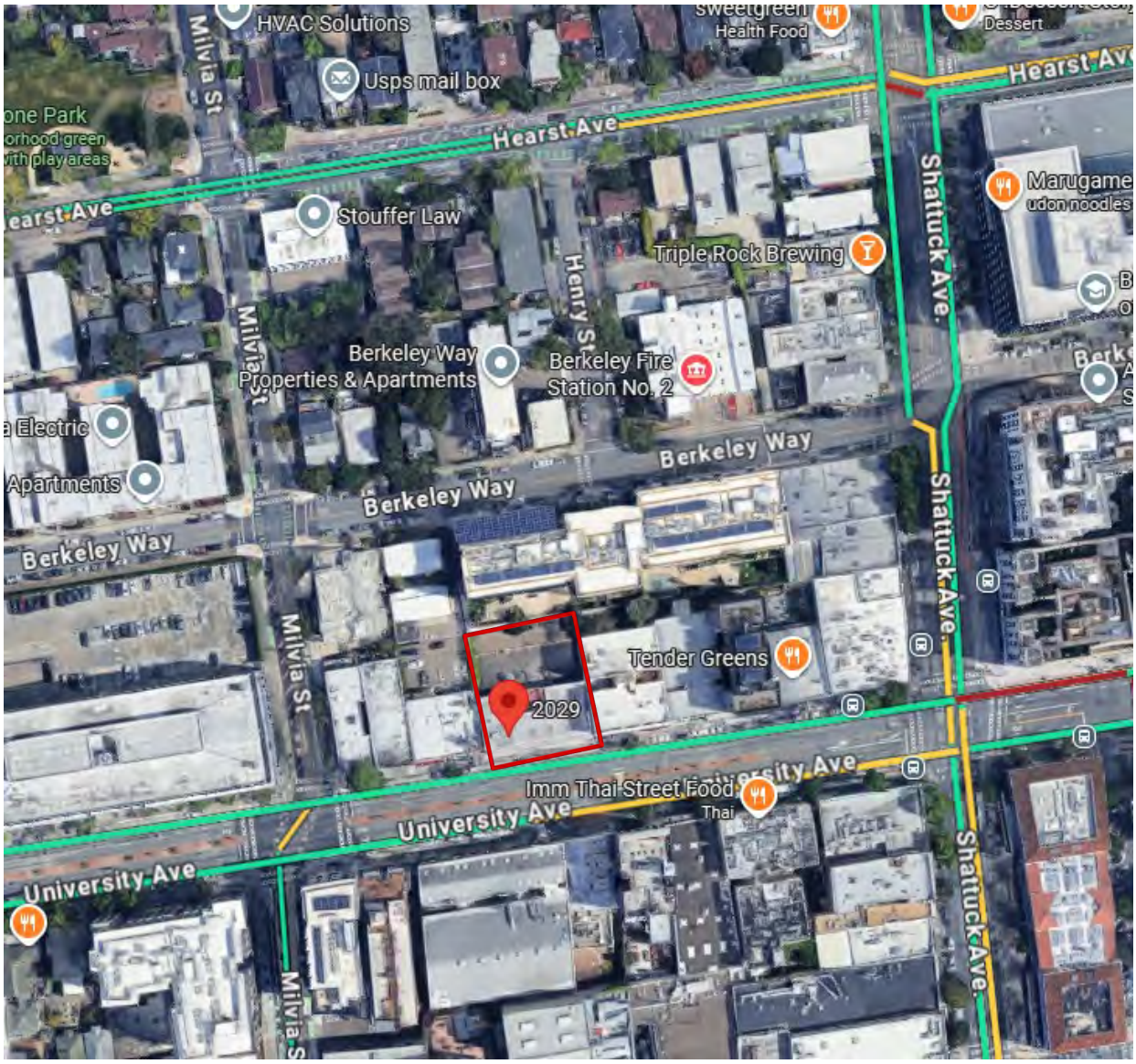
Figure 1: Vicinity and Zoning Districts Map



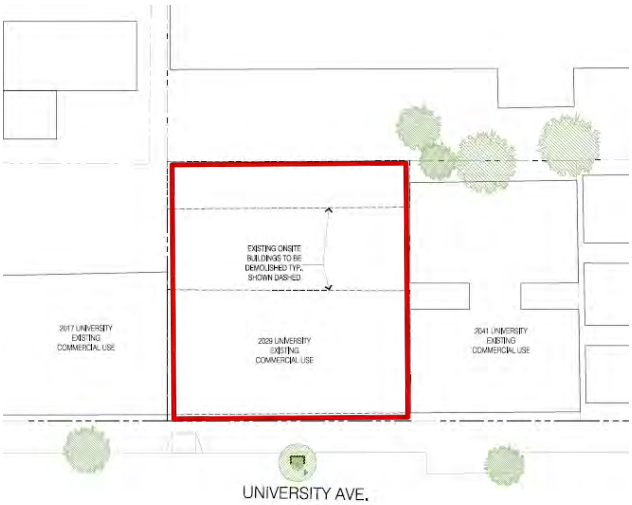
Comparison of Adjacent Properties			
Vicinity	**GP Land Use**	**Zoning**	**Current Use**
Subject Property	Downtown Mixed-Use (DT)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Retail spaces and parking lot
North	Medium Density Residential (MDR)	Downtown Mixed-Use District, Buffer Sub-Area (C-DMU Buffer)	Residential Building/ Hope Center
South	Downtown Mixed-Use (DT)	Downtown Mixed-Use District, Core Sub-Area (C-DMU	Food Service, Retail, Theater

		Core)	
East	Downtown Mixed-Use (DT)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core	Tourist Hotel
West	Avenue Commercial (AC)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Retail

AERIAL VIEW



Existing Site Plan



EXISTING STREET VIEW (UNIVERSITY AVENUE)

PROPOSED STREET VIEW (DURANT AVENUE)

BACKGROUND

Subject Site

The subject property is an approximately 12,385-square-foot, interior lot on the north side of the 2000-block of University Avenue, between Shattuck Avenue and Milvia Street. It is a rectangular flat, 114- feet-deep, 108 feet-wide parcel, with street frontage facing University Avenue to the south. It includes one, 9,401-square-foot, two-story non-residential building containing five commercial spaces in the front and a detached ten-car garage structure in the rear of the lot, both proposed to be demolished. A covered driveway connects the curb cut on University Avenue to the garage building in the rear.

Neighborhood/Area Description:

The project site is located along University Avenue, west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). The project site is surrounded primarily by commercial and multi-family residential/mixed-use buildings ranging in height from one story (2013 University Avenue) to eight stories (2067 University Avenue). The project site is located in an area where several modes of public transportation are available – multiple AC Transit bus lines on University Avenue, bike share station, and the Downtown Berkeley BART station, which is located 0.3 mile to the southeast of the site.

Community Meeting

Prior to submitting this application, the applicant installed a pre-application poster on site in December 2024 and invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting on December 13, 2024 and attended by 9 individuals. At the conclusion of the presentation, one member of the public—the owner of Red Tomato Pizza at 2017 University Avenue, raised questions regarding traffic control during construction. The project team responded by explaining the standard Conditions of Approval associated with the Use Permit application.

On October 17, 2025, October 20, 2025 and October 30, 2025 staff received three emails from Christopher Kroll (Attachment 7) expressing concerns regarding the applicant's request for a concession from the City's Bird Safe Ordinance. In his email, Mr. Kroll emphasized the importance of bird safe glass, particularly for high rise developments such as the one proposed, and questioned the City's rationale for allowing an exemption from this requirement. In response, staff explained that State law supersedes local ordinances, and the California Department of Housing and Community Development (HCD) has advised that Density Bonus Law (DBL) concessions apply to City requirements that could increase project costs. Staff added that this HCD guidance is interpreted to include provisions such as the bird safe requirement. Under State law, the City cannot deny a housing project unless specific findings—can be made and Staff is not able to make those findings.

On October 30, 2025, 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.

No additional comments have been received in response to the public hearing notice at this time.

ANALYSIS

Project Scope

The proposed project would demolish the existing commercial building, to construct a 23-story, 256 feet, approximately 191,922-square-foot residential building with 160 units. The major components of this multifamily building are as follows:

- 160 dwellings (60 Studios, 20 one-bedrooms, 20 three-bedrooms, 60 four-bedrooms)
- 380 Bedrooms
- Ground Floor residential program includes the lobby, bike room, mail room, as well as the trash room, back of house service areas and utilities
- 2,905-square-foot Community spaces lounge/work area on Level 23
- 2,197-square-foot Fitness center on Level 23
- 2,055-square-foot roof deck Useable Open Space on Level 23
- 29 off-street parking spaces on Second Floor garage
- 167 Long-Term and 10 Short-Term Bicycle parking spaces

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Base Project and Density Bonus

The applicant has requested a Density Bonus under the State Density Bonus Law (Govt. Code Section 65915). Under the City's Density Bonus procedures, the "base project[1]" is 80 units, as the maximum allowable density for the site. The base project and the resulting 23-story proposed project both have an average unit size of 1,200 square feet. By providing 12 Very Low Income and 12 Moderate Income units on site (30% percent of the 80-unit base density), the project is eligible for a 100 percent density bonus, or 80 additional units for a total of 160 units.

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

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
80	24 [12 VLI (15% of Base) + 12 MI (15% of Base)]	100	80	160

Notes:

a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.

Abbreviations: % = percent

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

The project is entitled to 3 concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The applicant is requesting three concessions for the project: exemption from the "Apprenticeship Requirements" and from the "Health Care Expenditures" in the Establishing Healthcare and Apprenticeship Standards for Private Development ordinance, and Bird Safe Building requirements.

The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety[2], 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 believe such a finding cannot be made.

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 waivers from the following development standards: Setbacks, Usable Open Space, Usable Open Space landscaped area, building height, building's width over 120 feet in height and Projection Above Height Limit.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety[3], 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 believe such a finding cannot be made.

Environmental Review

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

[2] 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."

[3] See footnote 2.

21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. The determination is made by ZAB. Specifically:

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

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time would not be significant; there are no "unusual circumstances" at the project site that would result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

ADVISORY BODY REVIEW

Design Review Committee (DRC) Review: Preliminary Design Review

The Design Review Committee (DRC), conducted Preliminary Design Review at a meeting held on October 16, 2025 where it forwarded a favorable recommendation to the ZAB and provided the following direction for Final Design Review (FDR): *MOTION (Muszynski, Woo) VOTE (5-0-0-2) Gaffney, Tam - absent*.

Recommendations

Site Design / Neighborhood Context

- *West facade is most visible when traveling east on University Avenue - continue to develop this facade so not so static.*
- *Recommend some ground floor commercial space with some reorganization of the lobby space.*
- *Ground floor facade needs more warmth and interest and should feel more local.*

Exterior Finishes

- *Continue to develop color palette for FDR and consider adding more color. Terra cotta color proposed appears to be successful.*

Landscaping

- *Consider an additional outdoor area on roof at northwest corner, partially covered for more variety.*

- *Vary seating in lounge area and outdoor open space.*
- *Recommend more street trees where possible.*

Building Design / Details

- *Consider windows in bedrooms wherever possible.*
- *Minimize noise with parking lifts. Report on this at FDR.*
- *Consider parapet wall with a smaller glass segment for a stronger visual top.*
- *Consider thinner band at top of facade, not bottom, for a stronger presence.*
- *There was a strong objection to a concession to waive bird safe requirements.*
- *Recommend amenity space throughout floors, not just on the roof and ground floor.*
- *Glass railing at roof should be bird safe.*
- *Recommend operable windows, and larger where possible*

Recommendations Specific to Student Housing

- *Street elevations on student housing should be further refined. Symmetry on student housing front elevation is too stagnant.*
- *Continue to develop student housing unit plans where one bed is behind two closets and much further from the window.*
- *Recommend no parking for student housing.*

Landmarks Preservation Commission Review: Demolition Referral

The project would demolish two commercial buildings that are over 40 years old. The Historic Resource Evaluation (HRE) for the subject property was completed by Left Coast Architectural History on November 6, 2024 and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 4, 2024, and took no action.

POLICY CONSISTENCY

Housing Accountability Act

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

1. The development would have a specific adverse impact on public health or safety[4] 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.

[4] See footnote 2.

The project is a "housing development project" consisting of a residential only building. The Base Project includes Use Permits and/or Administrative Use Permits to modify height, setbacks and rooftop equipment allowances, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus "shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified in this subdivision." Therefore, the City may not deny the Base Project or density bonus request or reduce the density with respect to those units without basing its decision on the written findings under Section 65589.5(j), above.

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 project.

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)).

   November 13, 2025, ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold two additional public hearings on this project, if needed including 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. Base on the conclusion provide on the Historic Resource Analysis prepared by Left Coast Architectural History dated November 6, 2024, the property at 2029-2039 University Avenue does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. Therefore, it does not qualify as a historic resource for the purposes of the California Environmental Quality Act (CEQA).

3. The project's SB 330 Preliminary Application (#PLN2024-0070) which vests local ordinances, policies, and standards, as well as the historic resource status of the site was complete on January 9, 2025. This means the housing development is vested under the provisions of SB330 with no historical designation status under the local register and therefore, the City will be precluded from imposing preservation-related conditions on the housing development project if it is approved.

4. **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. At the November 13, 2025 public hearing, the application must be approved or disapproved by January 12, 2026.

   The project is scheduled for review by the Zoning Adjustments Board (ZAB) on November 13, 2025, at which time the Board may take action to approve, deny, or continue the application. If the Board votes to approve or deny the project, that decision will become final at the end of the 14-day appeal period, which begins once the ZAB Notice of Decision is issued—typically within one week of the hearing. If no appeal is filed during that period, the decision becomes effective and final. This timeline ensures that a final determination is made prior to the 60-day deadline, by January 12, 2026 deadline.

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.

   Evidence: The project would be compliant with the General Plan's Infill Development policy because it would repurpose an underutilized Site, with a residential project in a neighborhood that consists of both residential and commercial uses and designed to not conflict with the existing architectural character.

2. **Policy LU-7 Neighborhood Commercial Areas:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

   Evidence: The project would be compatible with the General Plan's Neighborhood Commercial Area policy because the proposed residential use is compatible with the existing uses in the neighborhood, and a building design that does not conflict with scale or the historic character of the neighborhood.

3. **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.

   Evidence: The project would be compatible with surrounding land uses, which consists primarily of Avenue Commercial and Downtown Mixed-use uses, featuring a diverse mix of commercial buildings containing various retail, dining establishments and residential uses. The surrounding neighborhoods consist of a mix of multi-family residences and commercial establishments. 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. The project would further improve the neighborhood character and quality of life by bringing in new residents and new business patrons along University Avenue in an area served by transit.

4. **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 the Elmwood District.

   Evidence: The project would help to encourage transit use and reduce greenhouse gas emissions by constructing additional housing in close proximity to transit, jobs, and basic goods and services.

5. **Policy LU-26 Neighborhood Quality of Life:** Maintain and improve High Density Residential and Avenue Commercial areas as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

   Evidence: The construction of new high-density residential buildings underutilized Housing Opportunity Site provides much-needed housing while maintaining the character and vibrancy of the neighborhood.

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

   Evidence: The project would provide 160 dwelling units, increasing the City's housing supply by adding new dwelling units in close proximity to goods, services and transit.

Attachments

1. Tables: Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans dated October 2, 2025
5. Downtown Area Plan MMRP
6. Notice of Public Hearing
7. Correspondence

Attachment 1
Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
December 10, 2024	SB330 Preliminary Application Submitted
December 19, 2024	Use Permit Application submitted
January 9, 2025	SB330 Preliminary Application Complete
May 22, 2025	Use Permit Application Complete
May 22 to July 31, 2025	Application Processing
September 4, 2025	LPC demolition referral hearing/LPC took no action
October 16, 2025	Design Review Committee (DRC) review
October 30, 2025	Public hearing notices for ZAB Hearing on November 13, 2025 mailed/posted
November 13, 2025	ZAB Hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

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 does not include nonresidential gross floor area; therefore, this 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 would provide more than 5,000 square feet of residential unit floor area and is part of a larger housing development project, therefore inclusionary housing provisions would apply. The project is a housing development project, as defined in BMC 23.328.020, and would provide at least 20 percent Below Market Rate (BMR) residential units. The project as a whole would provide 24 Below Market Rate (BMR) units including 12 Very Low-Income (VLI) and 12 Moderate-Income (MI) units.
Alcohol Sales/Service	No	The project is residential only and does not offer Alcoholic Beverage Service of distilled spirits, beer and wine.

Characteristic	Applicability	Explanation
Bird Safe Buildings (BMC Section 23.304.150)	No	The project is subject to these provisions because the proposed building meet the building size (10,000 square feet or greater) or height requirements (average of 35) which would trigger these requirements. However, as one of the three Concession this project is entitled to, it is requesting an Exemption from the Bird Safe Building requirements in BMC Section 23.304.150.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There is no Coast Live Oak (*Quercus agrifolia*) tree 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 12 Very Low-Income units, 12 Moderate Income units or 30 percent of the Base Project units, and qualifies for a 100 percent density bonus, or 80 bonus units. See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	No	Pursuant to BMC Chapter 13.107 "Establishing Healthcare and Apprenticeship Standards for Private Development" projects within City limits consisting of construction of either a new building, addition to an existing building, alteration of existing floor area, or demolition of 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. However, the application utilizes two out of the three concessions that the project is entitled to, to be exempt from the two provisions of this requirement (Healthcare and Apprenticeship Standards for Private Development).
Historic Resources	No	The existing building is more than 40 years old. The historic resource evaluation (HRE) for the subject property was completed by Left Coast Architectural History on November 6, 2024 and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 4, 2024, and took no action.

Characteristic	Applicability	Explanation
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)[b]. The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act does apply, and the project cannot be denied at the density proposed unless the findings for denial can be made.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2).b See Housing Crisis Act of 2019 – Senate Bill (SB) 330 of this report for additional discussion on the sections of SB 330 that apply to the project.
Opportunity Sites	Yes	2029 University Avenue is a 0.28 acre lot currently developed with a 2-story 9,401 square-foot non-residential building and a parking structure. It was identified as an opportunity site and is listed in the 2023-2031 Housing Element Update.
Public Art	Yes	Per BMC Chapter 23.316.020(B)(1), Percentage For Public Art on Private Projects applies to new multifamily residential projects of five or more dwelling units.
Rent Controlled Units	No	The project would not involve demolition of rent controlled dwelling units.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "E". However, the project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map[c].
Soil/Groundwater Contamination	No	The project site is not on the Cortese List [d], and Phase I report was prepared. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is located less than 100 feet to bus stops with service to several intersecting major bus routes, including AC Transit Lines 27, 51B,52, 604, 88, 800

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 considered as a sole Housing Development Project and not as individual projects. [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. Government Code Section 65905.5(b)(3)(C) “Housing development project” includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/ d. Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.		

Table 3: C-DMU (Downtown Mixed-Use District) Development Standards BMC Sections 23.204.130(E) and 23.322.090(A)(2) Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		12,385	Same	N/A
Gross Floor Area (sq. ft.)		9,401	191,922	N/A
Commercial Floor Area		9,401	0	N/A
Residential Floor Area		0	191,922	N/A
Floor Area Ratio		0.92	15.41	N/A
Dwelling Units	Total	0	160	N/A
Building Height (ft. - in.)	Maximum	21	256 + 5-foot parapet	75 ft. + 5 ft. 40’ min./60’ max. (75’ max. w/use permit, 5’ max. parapet by right)
	Stories	1	23	N/A
Building Setbacks (ft. - in.)	Front (south) University Avenue	0	0	0’–5’ (bldg. ht.≤20’) 0’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
	Interior Side (west) from 0’-65’ from frontage	0	10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Interior Side (west) above 65’	0	10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Interior Side (east) from 0’-65’ from frontage	0	0’-10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Interior Side (east) above 65’	0	10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Rear (north)	0	0’-10’	0’ (bldg. ht.≤20’) 5’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
Diagonal Dimension		N/A	139’-6”	120’(bldg. ht.>120’)
Usable Open Space (sq. ft.)		0	2,055	80 sq. ft. per unit (19,200 sq. ft.)
Lot Coverage (%)		54	91	N/A
Commercial Automobile Parking		10	0	N/A [3]
Residential Automobile Parking		0	29	0 min./120 max.
	Residential Bike Short Term	0	10	7 (1 space/40 bedrooms)

Standard		Existing	Proposed Total	Permitted/ Required
	Residential Bike Long Term	0	167	94 (1 space per 3 bedrooms)

[1] Use permits to allow height up to 75 feet are included in the Base Project for the calculation of the density bonus, and are not requested waivers. Additional height beyond 75 feet is being requested as a waiver.
[2] The use permit to allow reduced setbacks up to 75 feet building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 75 feet is being requested as a waiver.
[3] AB2097: , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most projects within 0.5 mile of a Major Transit Stop.

_____ = 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 (”)

Zoning Adjustments Board Findings

APP # ZP2024-0182

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Student-Oriented)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: January 9, 2025 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.

	7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. 9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. CEQA FINDINGS

As required by CEQA Section 15332 ("Infill Development Project") of the CEQA Guidelines, the ZAB finds that this 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.) because:

- 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.

Evidence: Though the project is located within the City's Environment Management Area (EMA), which are areas in the City of Berkeley known or suspected to have groundwater contamination, it is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time will not be significant; there are no "unusual circumstances" at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis.

Historic Resource Evaluation prepared by Left Coast Architectural History, dated October 18, 2023 concluded that based on their evaluation, the property is not historically significant at either the local or State level and therefore does not qualify as a historic resource for the purposes of the California Environmental Quality Act.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1)** ***"Findings for Approval"***, the ZAB finds that the the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use;

Evidence: The project is consistent with all applicable C-DMU Outer Core District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

(b) Will not 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.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized Housing Opportunity Site with a new development consisting of 160 units. This includes a significant affordable housing component: 12 units for Very Low-Income (VLI) households, and 12 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

Sunlight: The additional height above the district limits (75 feet with Use Permit plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 256-foot-tall (plus 5-foot parapet), 23-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter months in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north and in the hours of before sunset on the residential buildings on the north and north-east ; b) in the summer months in the hours of after sunrise on the residential buildings on the west, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the east and southeast; and c) at the time of application preparation (March) in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north, and in the hours of before sunset on the residential buildings on east. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Downtown Area plan that allows building heights up to 120 feet with 0 to 15-foot setbacks from property lines depending on the height and distance to lot frontage.

2) As required by **BMC Section 23.406.040 (E)(2)** ***"Findings for Approval",*** to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

a) Pursuant to **BMC Section 23.326.070(D) "Demolition of Non-residential Buildings"** A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. The demolition:

(a) Is required to allow a proposed new building or other proposed new use;

(b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

(c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: The proposed demolition is necessary to facilitate the construction of a new residential development consisting of 160 units on a designated Opportunity Site. This new use supports the City of Berkeley's housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).

b) As required by **Government Code Section 65915 (State Density Bonus),** the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 80 units. The project will provide at least and 12 Very Low-Income (VLI) and 12 Moderate-Income (MI) BMR units on site qualifying units in the 80-unit base project, as more fully set forth in Condition "Number of Below Market Rate Units". The project is entitled to a density increase of 100 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. This equates to a density bonus of up to 100% or 80 units above the base project, for a total of up to 160 units.

i. 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:

- **Concession 1.** Exemption from the Healthcare and Apprenticeship Standards for Private Development as required by BMC Section 13.107
- **Concession 2.** Exemption from the Prevailing Wage requirements as required by BMC Section 13.108A
- **Concession 3.** Exemption from the Bird Safe Building reequipments as required by BMC 23.304.150

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 grants the following concessions and finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

ii. 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.

- **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
- **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27(0.0014%) square feet where 7,680 square feet (40%) is required.
- **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 ft. (plus 5-foot parapet by right) is the allowable height with a Use Permit.

- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
- **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139'-6" at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

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.

c) As required by the **Housing Accountability Act, Government Code Section 65589.5(j),** 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.

Evidence: The project includes construction of "housing development project" with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

3) As required by **BMC Section 23.406.040 (E)(3)** ***"Findings for Approval",*** the ZAB considers the following (a and b) in making findings:

(a) The proposed land use

Evidence: The proposed land use meets the findings for approval because the project's residential use is consistent with the purposes of the Downtown Mixed-Use areas as outlined in the General Plan's Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

(b) The structure or addition that accommodates the use.

Evidence: The proposed construction of a twenty three-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district.

4) As required by **BMC Section 23.406.040 (E)(4)** ***"Findings for Approval",*** the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

5) As required by **BMC Section 23.406.040 (E)(5)** ***"Findings for Approval",*** the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.

LAND USE PLANNING

Conditions of Approval

APP # ZP2024-0182

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Student-Oriented)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: January 9, 2025 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers: 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22,

	where 15 feet is the minimum, between 76 to 120 feet in height. 7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. ~~9.~~ **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions:** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions and the Downtown 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 BMC 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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 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 BMC Chapter 13.104 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 BMC Chapter 13.104; (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 BMC 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 BMC 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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 Section 16.28.030 Assignment and Installation of Numbers, 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, Prohibited Acts. 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 Downtown Area Plan Mitigation Monitoring and Reporting Program (Attachment 5 to Staff Report). 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. **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.

26. **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.

27. **Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along University Avenue to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

28. **Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

29. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

30. **Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations~~,~~ and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

31. **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 (ETo) for Berkeley is 41.8.

32. **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 at RecyclingProgram@berkeleyca.gov.

33. **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

34. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

Below Market Rate Units., 12 Very-Low Income and 12 Moderate Income Units shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings 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), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination if Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements		Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	
Extremely Low-Income (30% AMI)	-	-	-
Very Low-Income (50% AMI)	**12**	**12**	**12**[1]
Low-Income (80% AMI)	-	-	-

[1] These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

Moderate-Income (x%)	**12**	**-**	**12**[2]
Total			**24**

35. **Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915) The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

36. **Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is **$**1,038297.17 Any adjustments to the fee and the final fee amount 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:

37. **Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

38. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

[2] These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

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 District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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 BAAD 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. Archeological Resources (*Ongoing throughout demolition, grading, and/or construction*).

A. *Qualified Archeologist.* The project applicant shall retain a qualified archeologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional archeologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).

B. *Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on archeological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Archeological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying archeological staff should fossils be discovered by construction staff. The Archeological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a qualified archeologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training. Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

C. *Archeological Monitoring.* The extent of required archeological monitoring for the project shall be determined by the qualified archeologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Archeologist shall conduct and initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the archeologist determines that geologic units exposed between 5-10 feet BGS have high archeological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be archeological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full

depth of ground disturbance. If spot checks indicate low or no archeological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, archeological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Archeologist at that time.

D. In the event of a fossil discovery by the archeological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Archeologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Archeologist shall complete the following conditions to mitigate impacts to significant fossil resources:

1) *Salvage of Fossils.* If fossils are discovered, the archeological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead archeologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single archeologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within archeologically- sensitive Quaternary alluvial deposits.

2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent archeological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Archeologist.

E. *Final Archeological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Archeologist shall prepare a final report describing the results of the archeological monitoring efforts associated with the project. The report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

52. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

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

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

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be 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. 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.

L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

54. **Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.

55. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.

56. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
57. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
58. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
59. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
60. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

61. **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.
62. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 2, 2025.
63. **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.
64. **Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a $1 to $1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

65. 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 Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 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 this section:

A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

B. For any new building with residential units or structures converted to a residential use, required parking spaces shall 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.

C. the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).

66. "(23.322.060 CDMU Only)" Car Sharing Spaces. At least ___1____car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:

A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.

B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.

67. **Green Building Certification.** The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will it happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

At All Times:

68. **Compliance with Approved Plan.** The project shall conform to the plans and statements in the Use Permit.
69. **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.
70. **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.
71. **Design Review.** Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
72. **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.
73. **Electrical Meter.** Only one electrical meter fixture may be installed per dwelling unit.
74. **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.

75. **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.

76. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

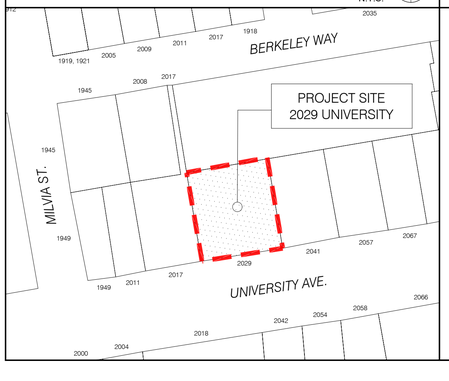
77. **Required Bike Parking.** Secure and on-site bike parking for at least 167 Long-term bicycles shall be provided for the life of the building.

78. **Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

79. **Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

VIEW ALONG UNIVERSITY

VICINITY MAP



PROJECT DIRECTORY

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www.bkf.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2029 University Ave. Berkeley, CA 94704 (APN: 57-2053-8-1)

SCOPE OF WORK:

THIS IS A ZONING APPLICATION FOR A HOUSING DEVELOPMENT, WHICH VESTS RIGHTS UNDER ZONING APPLICABLE AS OF THE SUBMITTAL DATE PER CALIFORNIA GOVERNMENT CODE SECTION 65941.1. THE PROJECT IS THE CONSTRUCTION OF A NEW 23-STORY (256'-0"), 160-UNIT HOUSING DEVELOPMENT WITH 191,992 SF OF NEW RESIDENTIAL USE AND PARKING GARAGE FOR UP TO 29 SPOTS. THE PROJECT INCLUDES REMOVAL OF EXISTING NON-LANDMARKED 2-STORY COMMERCIAL STRUCTURE AND SURFACE PARKING. 15% (12 UNITS) OF THE BASE PROJECT UNITS WILL BE AFFORDABLE TO VERY-LOW-INCOME HOUSEHOLDS, AND 15% (12 UNITS) OF THE BASE PROJECT UNITS WILL BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS, MAKING THE PROJECT ELIGIBLE FOR A 100% DENSITY BONUS, WAIVERS, AND UP TO 3 CONCESSIONS AS A STATE DENSITY BONUS LAW DEVELOPMENT PER CALIFORNIA GOVERNMENT CODE § 65915.

THE PROPOSED PROJECT WILL COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND THE BERKELEY GREEN CODE (BMC CHAPTER 19.37), INCLUDING PROVIDING A SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING; AND LOW-CARBON CONCRETE REQUIREMENTS.

ZONING CODE SUMMARY

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-DMU OUTER CORE

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

SHEET NO. & TITLE					
ARCHITECTURAL				**LANDSCAPE**	
A0.0	GENERAL INFORMATION	A3.1	BUILDING ELEVATIONS	L1.01	LANDSCAPE PLAN - GROUND LEVEL
A0.1	ZONING DATA	A3.2	BUILDING ELEVATIONS	L1.02	LANDSCAPE PLAN - PODIUM LEVEL
A0.2	DENSITY BONUS DIAGRAMS	A3.3	BUILDING ELEVATIONS	L1.03	LANDSCAPE PLAN - ROOF DECK
A0.3	PRELIMINARY AHCP DIAGRAMS	A3.4	BUILDING ELEVATIONS	L2.01	PRECEDENT IMAGES
A0.4A	SHADOW STUDIES - DEC 21ST	A3.5	STREET STRIP ELEVATIONS	L3.01	PLANT IMAGES, NOTES & CALCULATIONS
A0.4B	SHADOW STUDIES - JUNE 21ST	A3.6	PHOTO CONTEXT VIEWS	L4.01	PLANTING PLAN - GROUND FLOOR
A0.4C	SHADOW STUDIES - MARCH 26TH	A3.7	CONCEPTUAL RENDERINGS	L4.02	PLANTING PLAN - PODIUM LEVEL
A0.5	SITE CONTEXT PHOTOS	A3.8	CONCEPTUAL RENDERINGS	L4.03	PLANTING PLAN - ROOF DECK
A0.6	VICINITY MAP	A3.9	CONCEPTUAL RENDERINGS	L5.01	IRRIGATION PLAN - GROUND FLOOR
A1.0	EXISTING SITE PLAN	A3.10	CONCEPTUAL RENDERINGS	L5.02	IRRIGATION PLAN - PODIUM LEVEL
A1.1	EXISTING SURVEY	A3.11	CONCEPTUAL RENDERINGS	L5.03	IRRIGATION PLAN - ROOF DECK
A2.0	PLAN AT BASEMENT LEVEL	MAT	BUILDING MATERIALS		
A2.1	PLAN AT GROUND LEVEL	A4.1	SECTIONS		
A2.2	PLAN AT LEVEL 2				
A2.3	PLAN AT LEVEL 3				
A2.4	PLAN AT LEVELS 4-22	**CIVIL**			
A2.5	PLAN AT LEVEL 23	C1.0	PRELIMINARY GRADING AND DRAINAGE PLAN		
A2.6	PLAN AT ROOF LEVEL	C2.0	PRELIMINARY STORMWATER CONTROL PLAN		

STACKHOUSE
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2029 UNIVERSITY STUDENT HOUSING

2029 University Ave
Berkeley, CA

12.10.2024 SB330 SUBMISSION
12.19.2024 ZONING SUBMISSION
04.03.2025 ZONING RESUBMISSION
05.14.2025 ZONING RESUBMISSION
07.23.2025 AHMF FEE UPDATE
08.08.2025 4-BR BATHROOM UPDATE

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: 2327

SHEET:

GENERAL INFORMATION

A0.0

ZONING CODE DATA

ZONING SUMMARY TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING	C-DMU Outer Core			COMPLIES
TOTAL LOT SIZE (SQ. FT.)	12,385			COMPLIES
TOTAL LOT SIZE (ACRES)	0.28			COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	15.50	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	160	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	380	COMPLIES
RESIDENTIAL BEDS	NA	NA	380	COMPLIES
HEIGHT - FEET	60'-0"	75'-0"	256'-0"	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES	NA	NA	23	COMPLIES
LOT COVERAGE	NA	NA	90%	COMPLIES
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - REAR (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	135'-11"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	29	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	NA	NA	0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	127	127	167	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	10	10	10	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE	NA	NA	0	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	0	0	0	COMPLIES W/ SDB WAIVER
COMMERCIAL PRIVATELY OWNED OPEN SPAC	NA	NA	NA	COMPLIES

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL (none per Table 23.322-2)	160	0	0	0	0

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	380	1	3	127	167
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	380	1	40	10	10

SETBACKS TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	0' TO 3'	COMPLIES
21'-75'	0'	0'	0' TO 6"	COMPLIES
76'-120'	15'	0'	0' TO 1'-6"	COMPLIES W/ UP
> 120'	15'	0'	0' TO 31'-0"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	6" to 10'-0"	COMPLIES
21'-75'	0'	0'	10' TO 11'-6"	COMPLIES
76'-120'	5'	0'	10' TO 11'-6"	COMPLIES
> 120'	15'	0'	16'-6" TO 34'-10"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" to 10'-0"	COMPLIES
21'-75'	5'	0'	10' TO 11'-6"	COMPLIES
76'-120'	15'	0'	10' TO 11'-6"	COMPLIES W/ UP
> 120'	15'	0'	15' TO 16'-6"	COMPLIES W/ UP
SETBACK - REAR				
0'-20'	0'	0'	6"	COMPLIES
21'-75'	5'	0'	6'-6" TO 7'-6"	COMPLIES
76'-120'	15'	0'	6'-6" TO 7'-6"	COMPLIES W/ UP
> 120'	15'	0'	7'-4"	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	135'-11"	COMPLIES W/ SDB WAIVER

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL REQ'D	23r FLOOR TERRACE	TOTAL PROVIDED
RESIDENTIAL UNITS	160	80	12,800	2,055	2,055
	Landscape	40%	5,120	690	690

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		8,115
AREA OF ROOFTOP ARCH. ELEMENTS	1,217	1,167
% AREA OF ROOFTOP ARCH. FEATURES	15.0%	14.4%

E

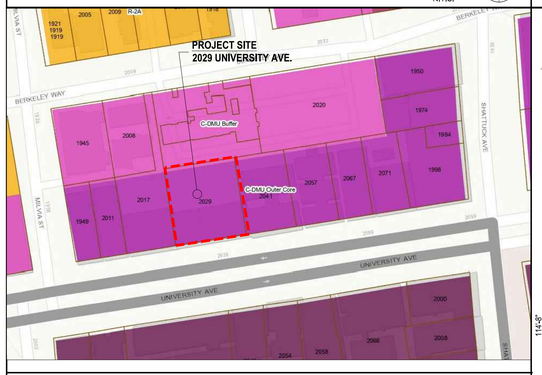
	RESIDENTIAL
LEVEL 23	6,219
LEVEL 22	8,691
LEVEL 21	8,691
LEVEL 20	8,691
LEVEL 19	8,691
LEVEL 18	8,691
LEVEL 17	8,691
LEVEL 16	8,691
LEVEL 15	8,691
LEVEL 14	8,691
LEVEL 13	8,691
LEVEL 12	8,691
LEVEL 11	8,691
LEVEL 10	8,691
LEVEL 9	8,691
LEVEL 8	8,691
LEVEL 7	8,691
LEVEL 6	8,691
LEVEL 5	8,691
LEVEL 4	8,691
LEVEL 3	8,691
LEVEL 2	1,188
GROUND LEVEL	7,742
BASEMENT	3,023
TOTAL	**191,992**

DWELLING UNIT TABLE

	STUDIO	1 BD	3 BD	4 BD	TOTAL
LEVEL 23					0
LEVEL 22	3	1	1	3	8
LEVEL 21	3	1	1	3	8
LEVEL 20	3	1	1	3	8
LEVEL 19	3	1	1	3	8
LEVEL 18	3	1	1	3	8
LEVEL 17	3	1	1	3	8
LEVEL 16	3	1	1	3	8
LEVEL 15	3	1	1	3	8
LEVEL 14	3	1	1	3	8
LEVEL 13	3	1	1	3	8
LEVEL 12	3	1	1	3	8
LEVEL 11	3	1	1	3	8
LEVEL 10	3	1	1	3	8
LEVEL 9	3	1	1	3	8
LEVEL 8	3	1	1	3	8
LEVEL 7	3	1	1	3	8
LEVEL 6	3	1	1	3	8
LEVEL 5	3	1	1	3	8
LEVEL 4	3	1	1	3	8
LEVEL 3	3	1	1	3	8
LEVEL 2					0
GROUND LEVEL					0
BASEMENT					0
TOTAL UNITS	**60**	**20**	**20**	**60**	**160**
BEDROOMS / UNIT	1	1	3	4	
TOTAL BEDROOMS	60	20	60	240	**380**

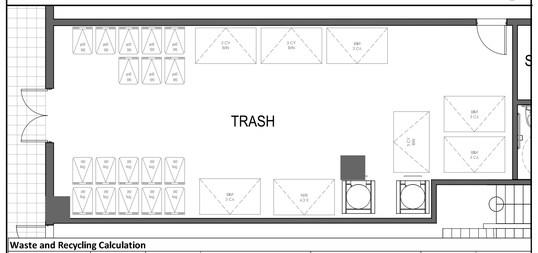
ZONING MAP

N.T.S.



REFUSE AND RECYCLING

N.T.S.


TRASH
3 CY BIN
3 CY BIN
3 CY BIN

DENSITY BONUS TABLE

Base Project	Base Units Calculation	Base # Units	% VLI units	# VLI Units	% MI units	# MI Units	Bonus %	# DB Units	Maximum DB Project	Proposed Project
sq. ft. - see calculation below	base project area / avg. unit size	base project units (rounds up)		% VLI x Base # Units (rounded up)		% MI x Base # Units (rounded up)		%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	
95,760	79.80	80	15%	12	15%	12	100.0%	80	160	160

Base Project Res. Area	Floor	Proposed Project Res. Area	Base Project # of Units	Floor	Proposed Project # of Units
	Level 23	6,219		Level 23	
	Level 22	8,691		Level 22	8
	Level 21	8,691		Level 21	8
	Level 20	8,691		Level 20	8
	Level 19	8,691		Level 19	8
	Level 18	8,691		Level 18	8
	Level 17	8,691		Level 17	8
	Level 16	8,691		Level 16	8
	Level 15	8,691		Level 15	8
	Level 14	8,691		Level 14	8
	Level 13	8,691		Level 13	8
	Level 12	8,691		Level 12	8
	Level 11	8,691		Level 11	8
	Level 10	8,691		Level 10	8
	Level 9	8,691		Level 9	8
11,572	Level 8	8,691	8	Level 8	8
11,572	Level 7	8,691	12	Level 7	8
11,572	Level 6	8,691	12	Level 6	8
11,572	Level 5	8,691	12	Level 5	8
11,572	Level 4	8,691	12	Level 4	8
11,572	Level 3	8,691	12	Level 3	8
11,572	Level 2	1,188	12	Level 2	
11,395	Ground	7,742		Ground	
3,361	Basement	3,023		Basement	
95,760	**Total**	**191,992**	**80**	**Total**	**160**

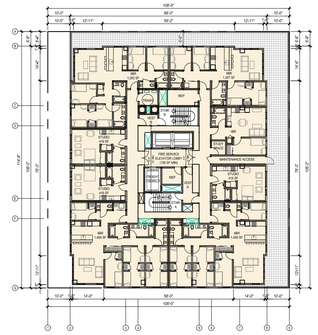
Proposed Area:	**191,992**
Proposed Units:	**160**
Average Unit Size:	**1,200**

#VLI	%VLI	%DB	#DB
4	5%	20.0%	96
5	6%	22.5%	98
6	7%	25.0%	100
7	8%	27.5%	102
8	9%	30.0%	104
8	10%	32.5%	106
9	11%	35.0%	108
10	12%	38.75%	111
11	13%	42.5%	114
12	14%	46.3%	117
12	**15%**	**50.0%**	**120**

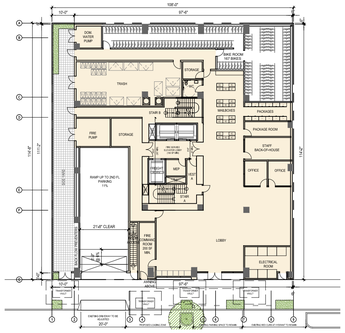
#MI	%MI	%DB	#DB
4	5%	20.0%	136
5	6%	22.5%	138
6	7%	25.0%	140
7	8%	27.5%	142
8	9%	30.0%	144
8	10%	32.5%	146
9	11%	35.0%	148
10	12%	38.75%	151
11	13%	42.5%	154
12	14%	46.3%	157
12	**15%**	**50.0%**	**160**

BASE PROJECT ZONING COMPLIANCE CHECKS

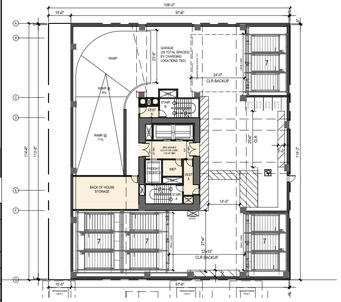
	ALLOWABLE BASE PROJECT WITH AVAILABLE AUP AND UP				
	UNMODIFIED REQUIREMENT	ALLOWABLE MODIFICATION	CODE SECTION	BASE PROJECT	COMPLIANCE CHECK
ZONING	C-DMU Outer Core				
TOTAL LOT SIZE (SQ. FT.)	12,385				
TOTAL LOT SIZE (ACRES)	0.28				
DWELLING UNITS	NA	NA		80	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		80	COMPLIES
HEIGHT - FEET	60'	75'	Table 23.204-37	75'	COMPLIES W/ UP
SETBACK - FRONT	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - REAR	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - INTERIOR SIDE	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
HEIGHT - STORIES	NOT LIMITED			8	
FAR	NOT LIMITED			NA	
OPEN SPACE	80 SF/UNIT			9,600	COMPLIES
OPEN SPACE LANDSCAPE	40% OF 9,600SF			3,840	COMPLIES
PARKING - RESIDENTIAL	NONE REQ'D	NONE REQ'D	Table 23.322-2	10	COMPLIES
RES. BIKE PARKING LONG TERM	1/3 BED ROOMS			27	COMPLIES
RES. BIKE PARKING SHORT TERN	1/40 BED ROOMS			3	COMPLIES
STORMWATER	4% OF ROOF AREA = 455SF			455	COMPLIES



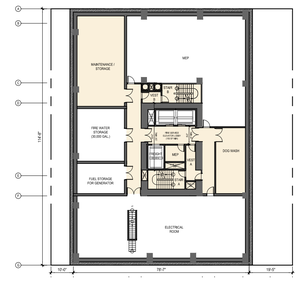
PLAN AT LEVEL 3



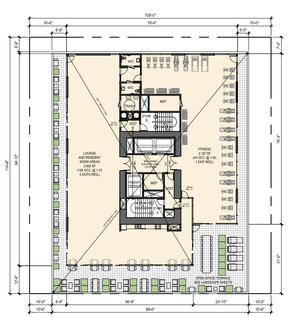
PLAN AT GROUND LEVEL



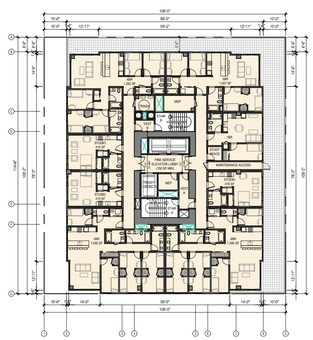
PLAN AT LEVEL 2



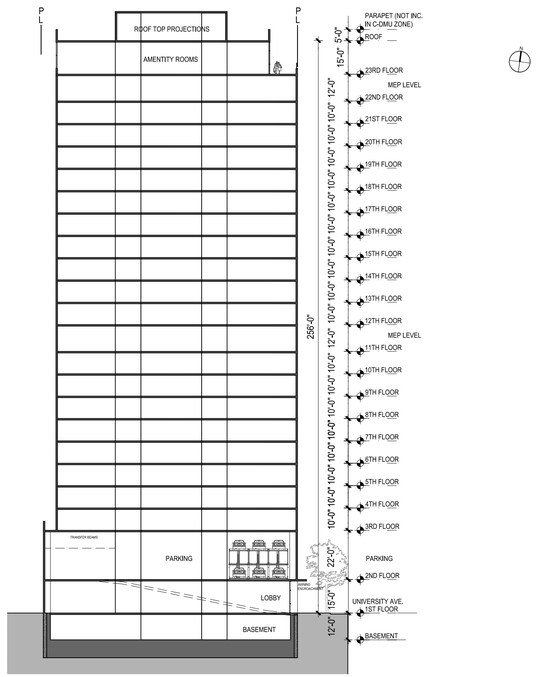
PLAN AT BASEMENT LEVEL



PLAN AT LEVEL 23

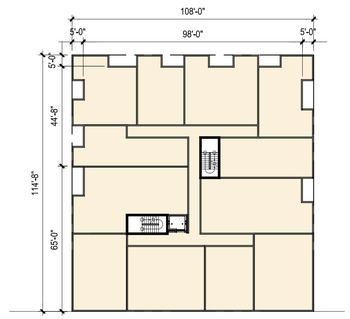


PLAN AT LEVELS 4-22

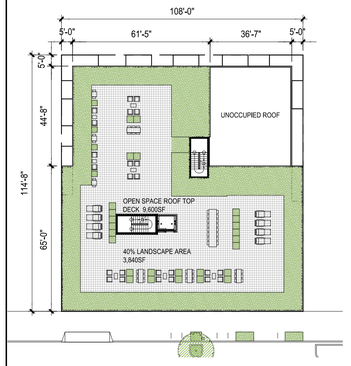


SECTION

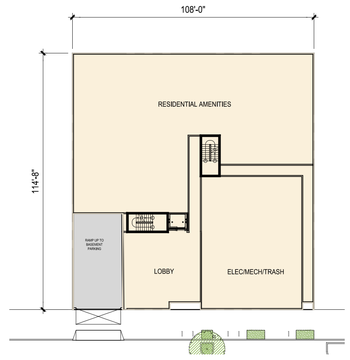
PROPOSED DENSITY BONUS PROJECT



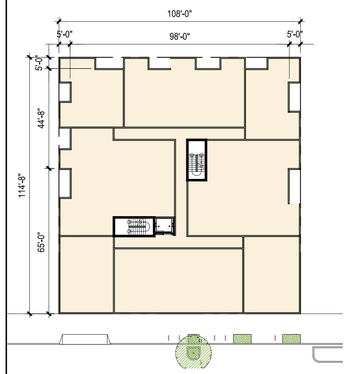
PLAN AT LEVELS 2-7



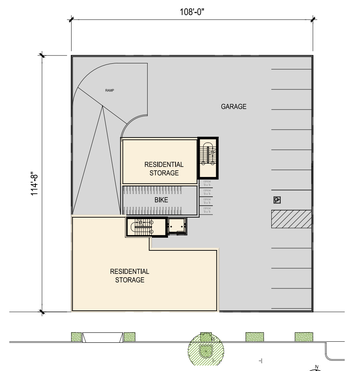
PLAN AT ROOF



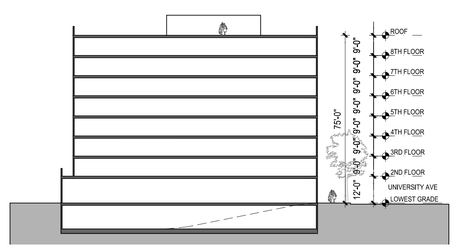
PLAN AT GROUND



PLAN AT LEVEL 8



PLAN AT BASEMENT



SECTION

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JOB: 2327

SHEET:

DENSITY BONUS DIAGRAMS

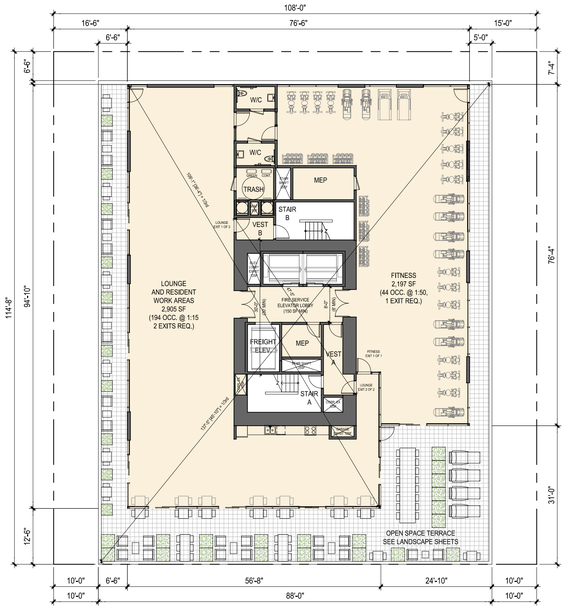
A0.2

PROPOSED PROJECT RESIDENTIAL UNIT FLOOR AREA DIAGRAM

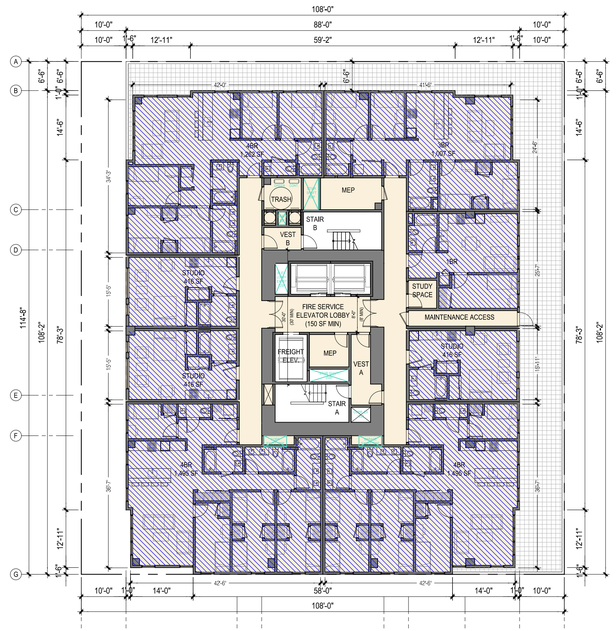
LEGEND

DWELLING UNIT RUFA

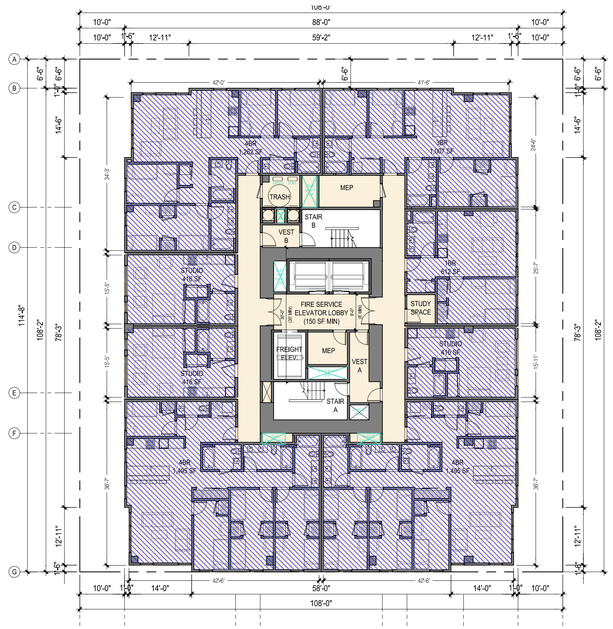
RESIDENTIAL AMENITY AREA



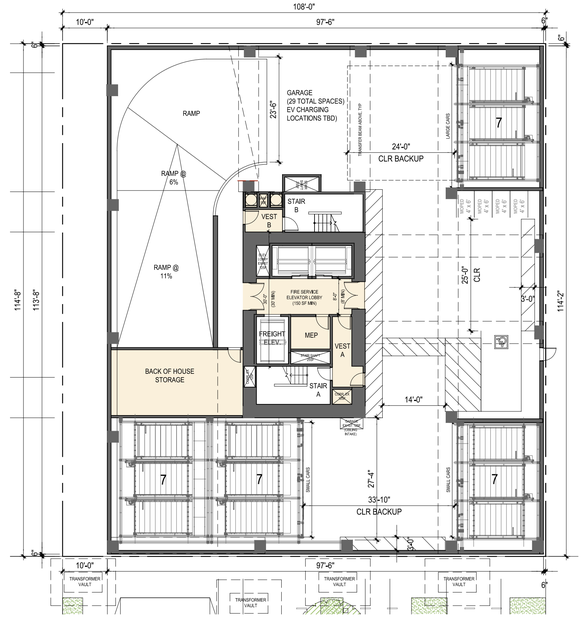
PLAN AT LEVEL 23



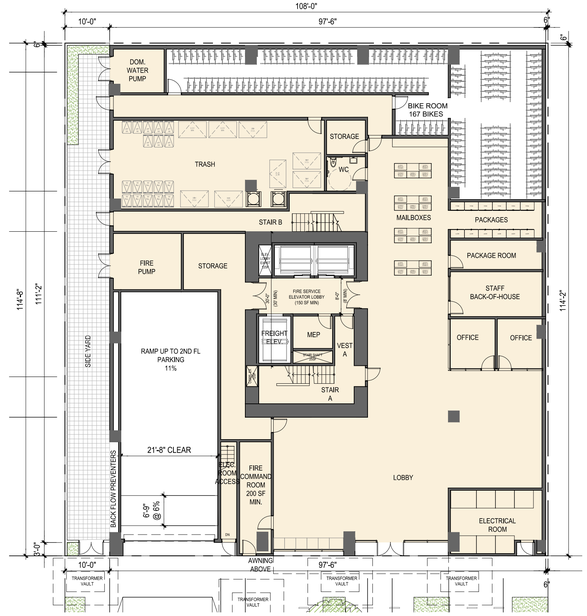
PLAN AT LEVEL 3



PLAN AT LEVELS 4-22



PLAN AT LEVEL 2



PLAN AT GROUND

PROPOSED PROJECT AREA AND UNIT CALCULATIONS

Calculation of the Final Proposed Residential Unit Floor Area:

Floor	Proposed Project Res. Unit Area	Proposed Project Residential Units
23rd		
22nd	6,615	8
21st	6,615	8
20th	6,615	8
19th	6,615	8
18th	6,615	8
17th	6,615	8
16th	6,615	8
15th	6,615	8
14th	6,615	8
13th	6,615	8
12th	6,615	8
11th	6,615	8
10th	6,615	8
9th	6,615	8
8th	6,615	8
7th	6,615	8
6th	6,615	8
5th	6,615	8
4th	6,615	8
3rd	6,519	8
2nd		
1st		
Final Proposed Residential Unit Floor Area	**132,204**	**160**

Calculation of Base Project Residential Floor Area:

	Final Proposed DB Residential Unit Floor Area	132,204
		/
	One plus the DB % (1 + 100%)	2
		=
	Base Project Residential Unit Floor Area	66,102

Calculation of the Affordable Housing Fee:

A	Total Base Project Residential Unit Floor Area	66,102
B	Total Base Project Units	80
C	Total BMR Requirements (20% of Base)	16
D	Total BMR Units Proposed	12
	Fee per Square Foot	$62.83
		X
	Total Base Project Residential Unit Floor Area	66,102
		X
	In Lieu Fee Percentage Calculation (C-D)/C)	25.00%
		=
	Total Fee Due	$1,038,297.17

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JOB: 2327

SHEET:

PRELIMINARY AHCP DIAGRAMS

A0.3

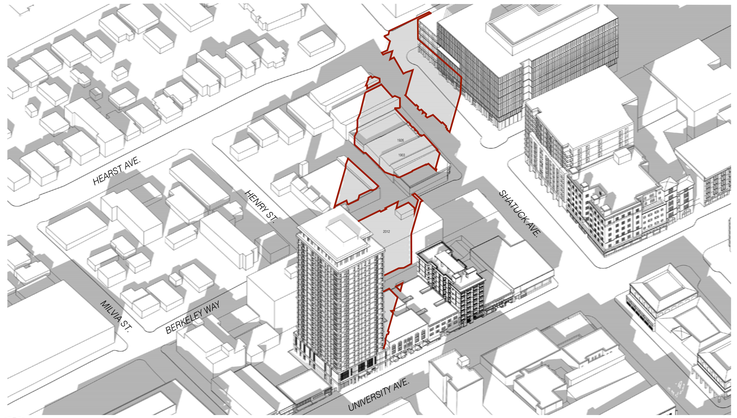
WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

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
1:160 @ 11X17 1:80 @ 24X36

N

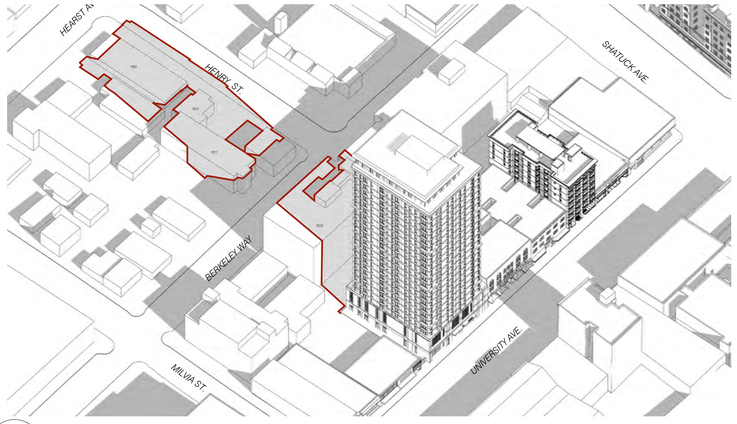
WINTER SOLSTICE
DEC 21ST:
NOON

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
NT.S.

3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

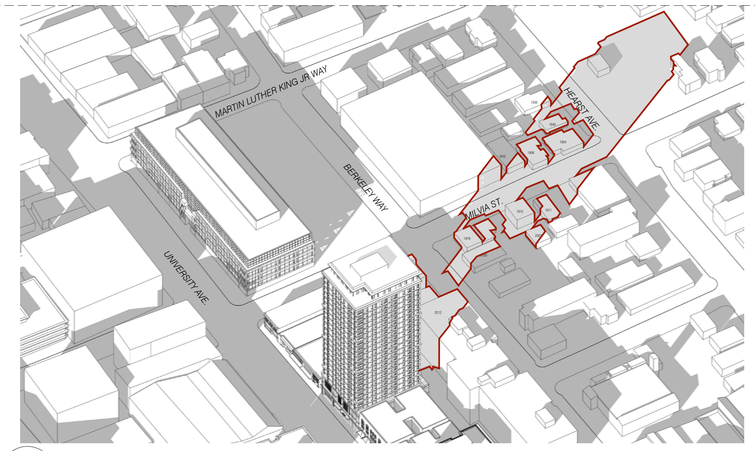
WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

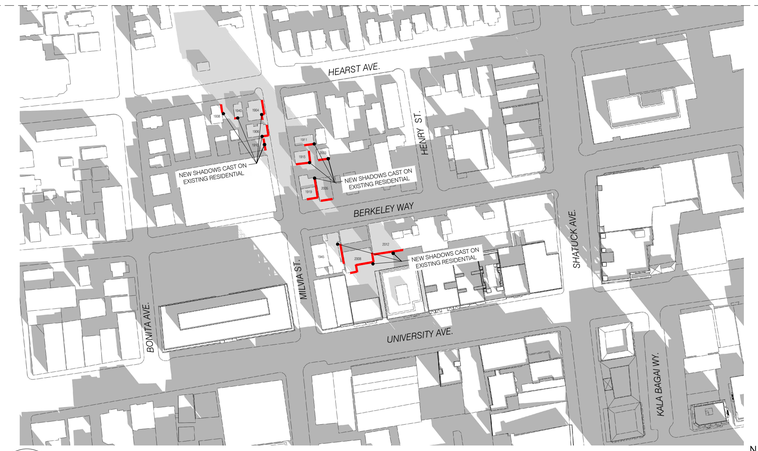
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

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
1:160 @ 11X17 1:80 @ 24X36

N

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JOB: 2327

SHEET:

SHADOW STUDIES
DECEMBER 21ST

A0.4A

Xref \2327 - titleblock 24 x36.dwg

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

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

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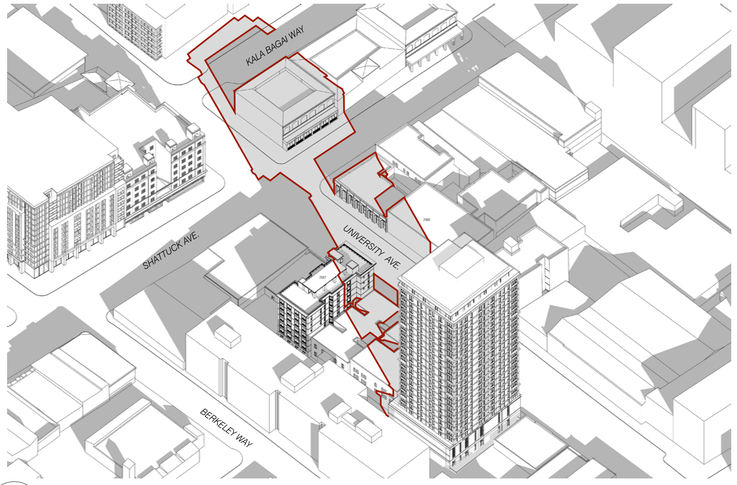

6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.

5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

N

SUMMER SOLSTICE
JUN 21ST:
NOON

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

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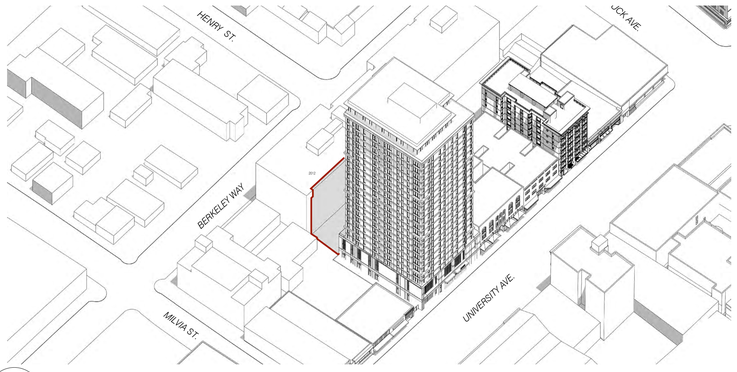
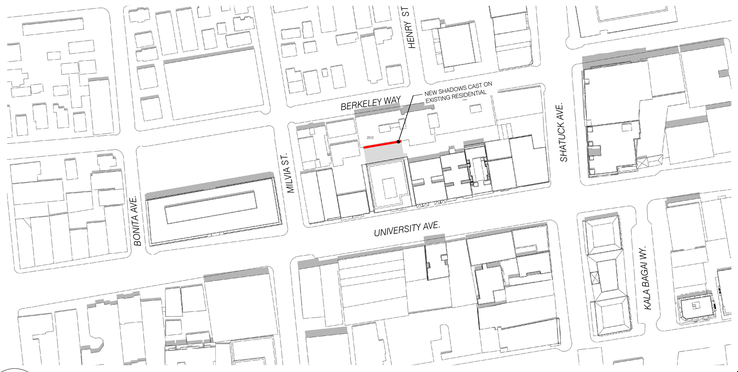


4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

SUMMER SOLSTICE
JUN 21ST:
2-HRS AFTER SUNRISE (AM)

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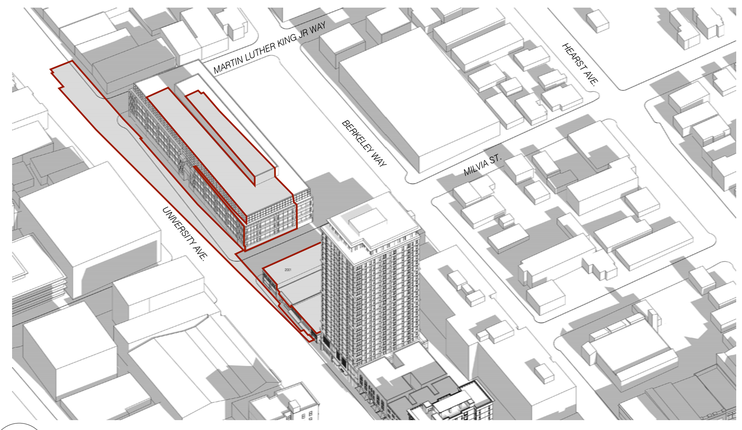
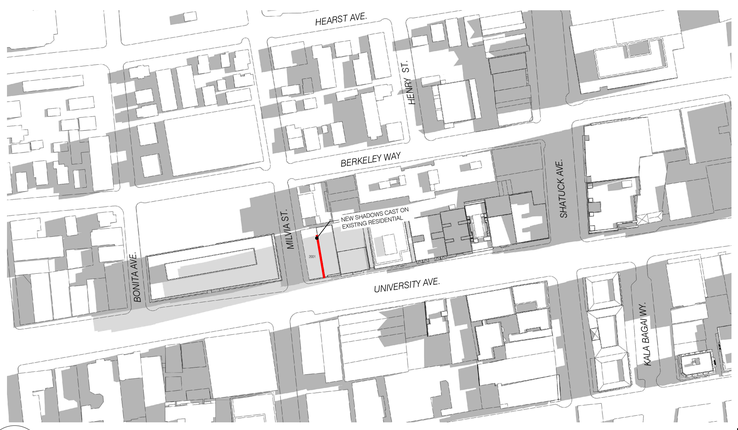


2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

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JOB: 2327

SHEET:

SHADOW STUDIES
JUNE 21ST

A0.4B

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CURRENT
MAR 26TH:
2-HRS BEFORE SUNSET (PM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

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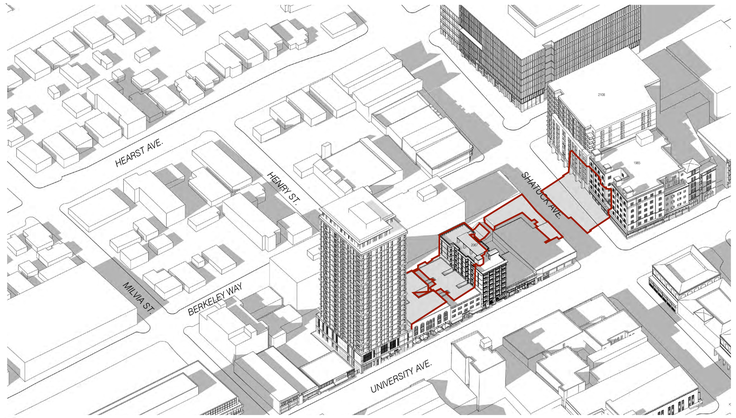

6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.

5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

N

CURRENT
MAR 26TH:
NOON

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

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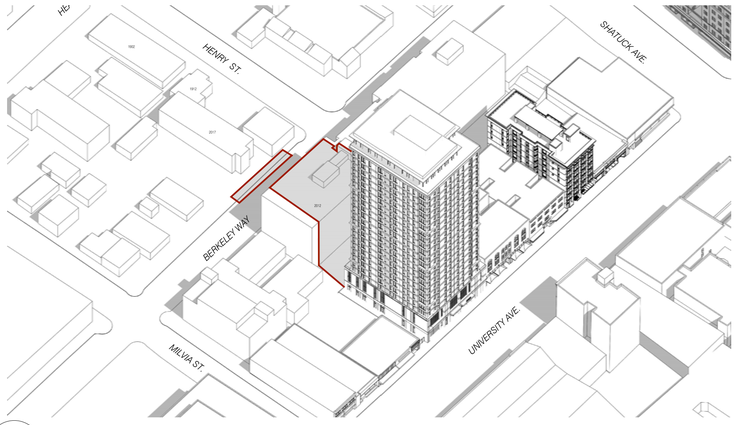

4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.

3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

CURRENT
MAR 26TH:
2-HRS AFTER SUNRISE (AM)

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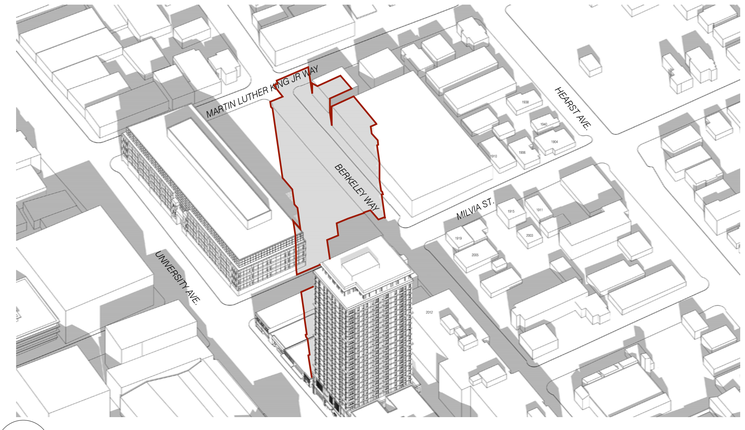

2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.

1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

N

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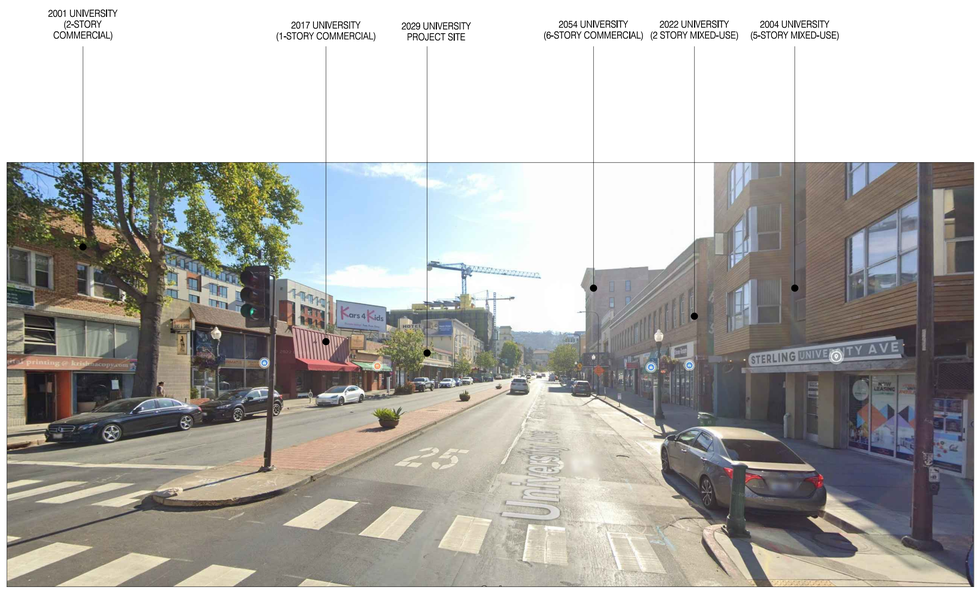
SHEET:

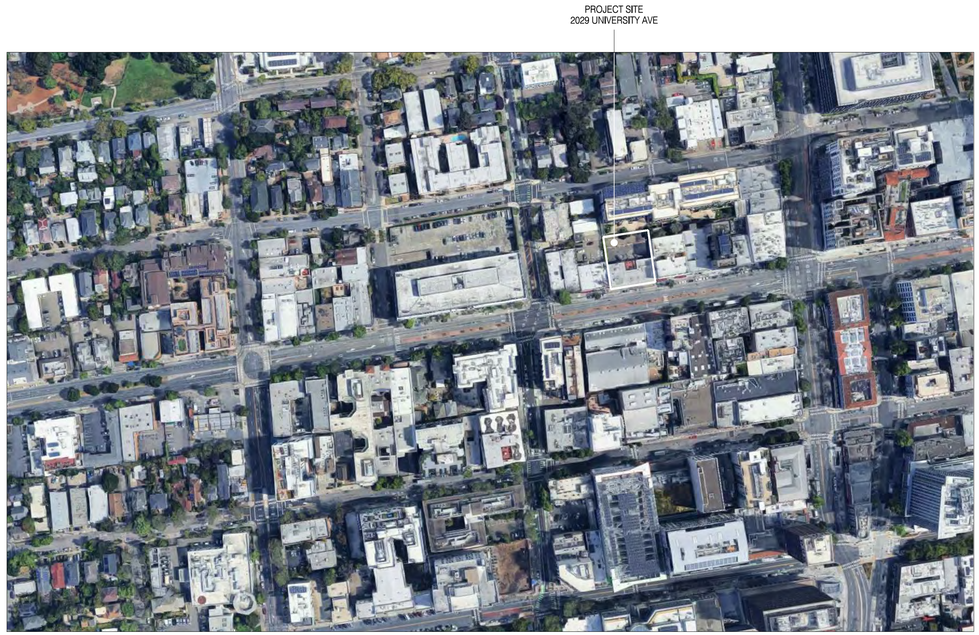
SHADOW STUDIES
MARCH 26TH:

A0.4C



2 - VIEW FROM UNIVERSITY AVE. LOOKING EAST

3 - VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 - AERIAL CONTEXT VIEW

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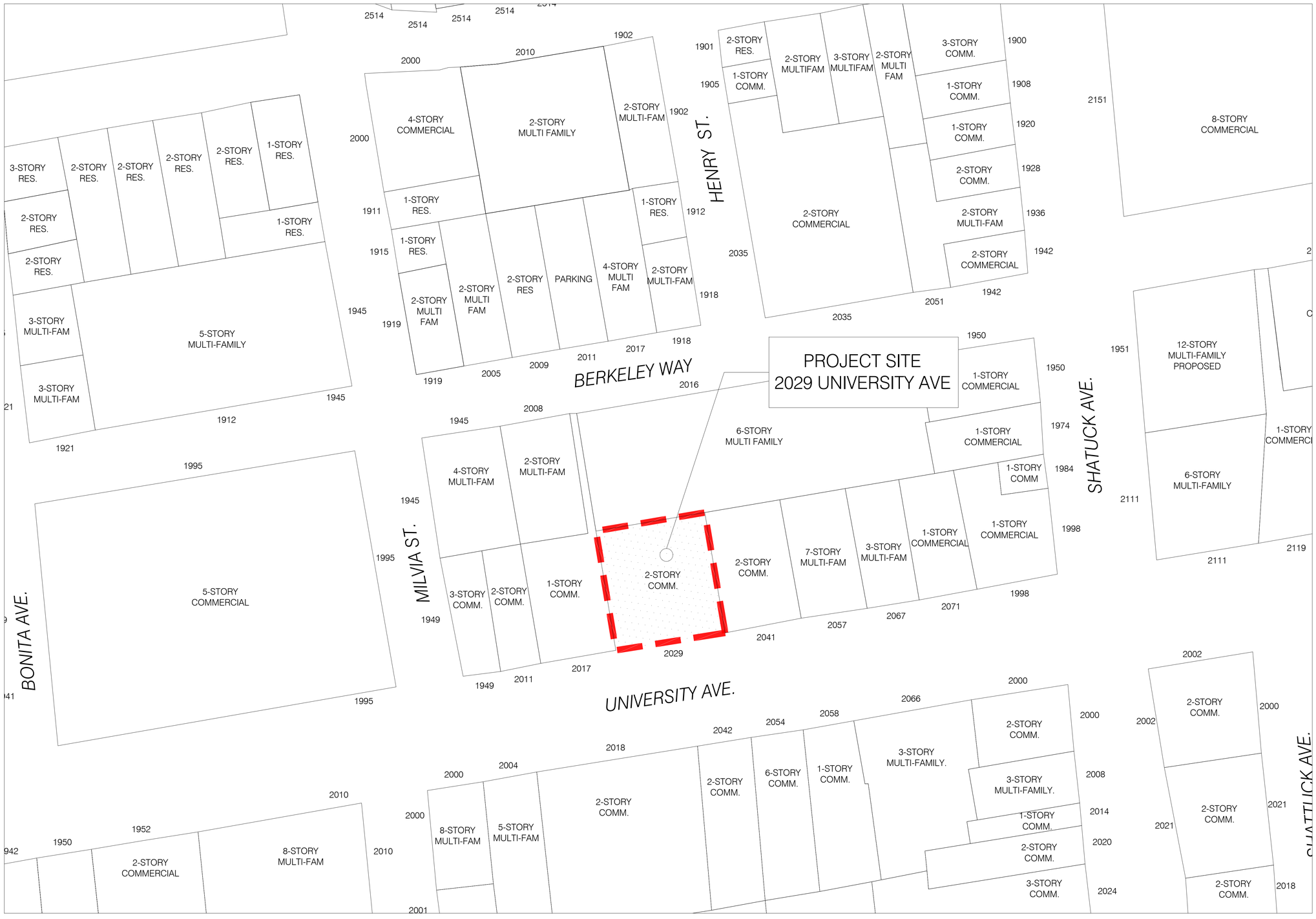
SHEET:

SITE CONTEXT PHOTOS

A0.5



1 - VICINITY MAP
NTS

N

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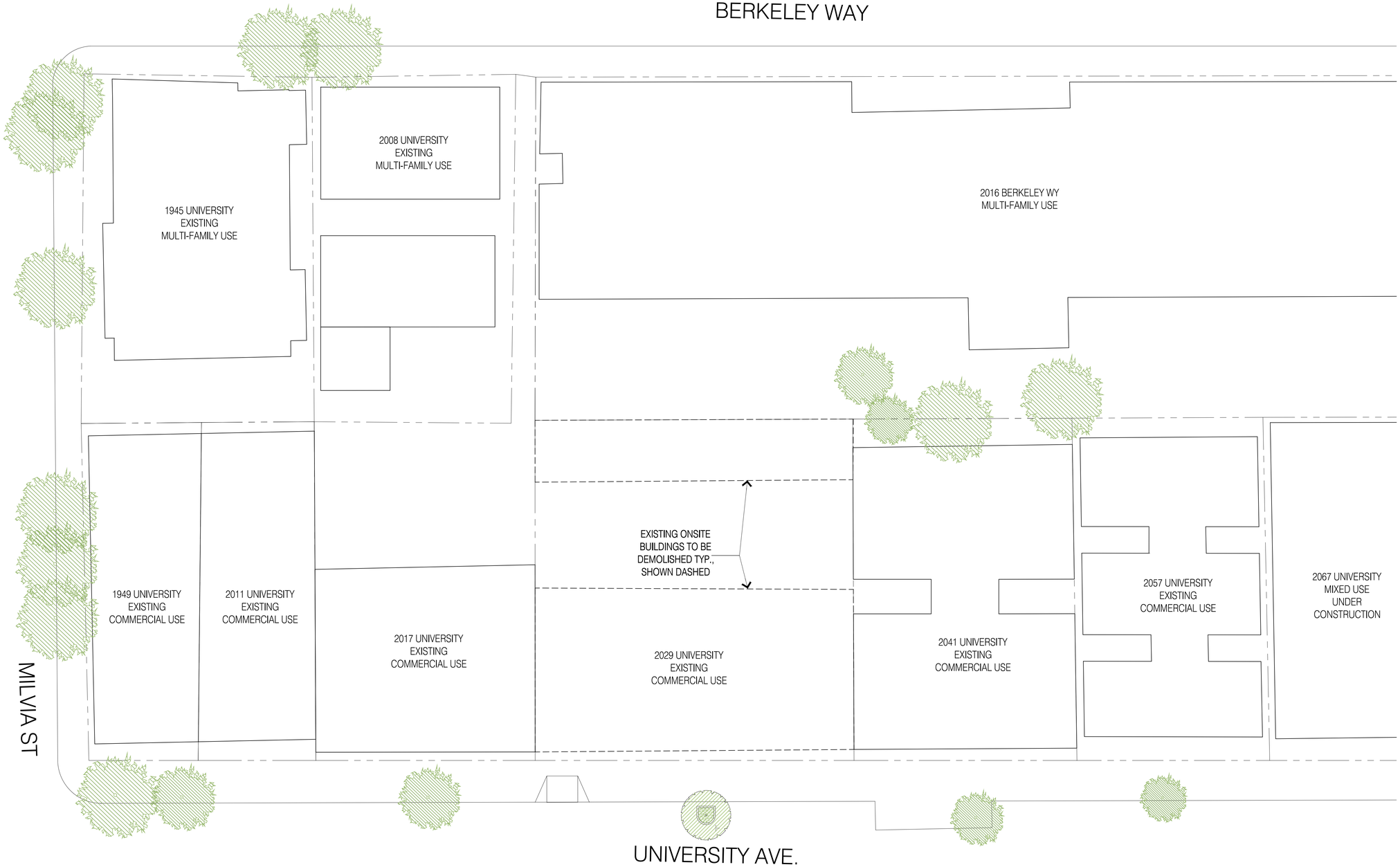
JOB: 2327

SHEET:

VICINITY MAP

A0.6



1 - EXISTING SITE PLAN

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

0 4 8 16 32

N

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JOB: 2327

SHEET:

EXISTING
SITE PLAN

A1.0

ANNOTATION AND LEGEND

AC	=	ASPHALT CONCRETE
BOL	=	BOLLARD
CATV	=	CABLE/TELEVISION BOX
CAB	=	CABINET
CD	=	CURB DRAIN
CLDR	=	CENTERLINE OF DOOR
COL	=	COLUMN
CONC	=	CONCRETE
CR	=	CURB RAMP
DI	=	DROP INLET
EB	=	ELECTRICAL BOX
ELEC	=	ELECTRICAL
EV	=	ELECTRICAL VAULT
FF	=	FINISH FLOOR
MTL	=	METAL
PG&E	=	PACIFIC GAS AND ELECTRIC CO.
PLNTR	=	PLANTER
RD	=	ROOF DRAIN
SD	=	STORM DRAIN
SLB	=	STREET LIGHT BOX
SSCO	=	SANITARY SEWER CLEAOUT
SSMH	=	SANITARY SEWER MANHOLE
T	=	TELEPHONE
TG	=	TOP OF GRATE
UB	=	UTILITY BOX
WB	=	WATER BOX
W-B	=	WALL BOTTOM
W-T	=	WALL TOP

= BENCHMARK
= ELECTRICAL MANHOLE
= FIRE HYDRANT
= GAS VALVE
= SANITARY SEWER CLEANOUT
= SANITARY SEWER MANHOLE
= SITE LIGHT
= STREET LIGHT
= WATER VALVE

= BUILDING
SS = SANITARY SEWER LINE
= STORM DRAIN LINE
= SUBJECT SITE BOUNDARY LINE
= LOT LINES

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE VERTICAL DATUM OF 1988 AND WERE ESTABLISHED USING LEICA RTK NETWORK SMARTNET.

A TEMPORARY/SITE BENCHMARK IS SHOWN HEREON.

BASIS OF BEARINGS

THE COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, USING LEICA RTK NETWORK SMARTNET.

TOPOGRAPHIC NOTES

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THE LOCATIONS OF EXISTING UNDERGROUND FACILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE AND ARE BASED ON OBSERVED TOPOGRAPHIC SURFACE FEATURES AND AVAILABLE INFORMATION. THE PROFESSIONAL PREPARING THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THESE FACILITIES OR FOR THE INADVERTENT OMISSION OF RELATED INFORMATION.

TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM GROUND SURVEY CONDUCTED ON SEPTEMBER AND OCTOBER, 2023

TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48").

SURVEYOR'S STATEMENT

THIS TOPOGRAPHIC SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

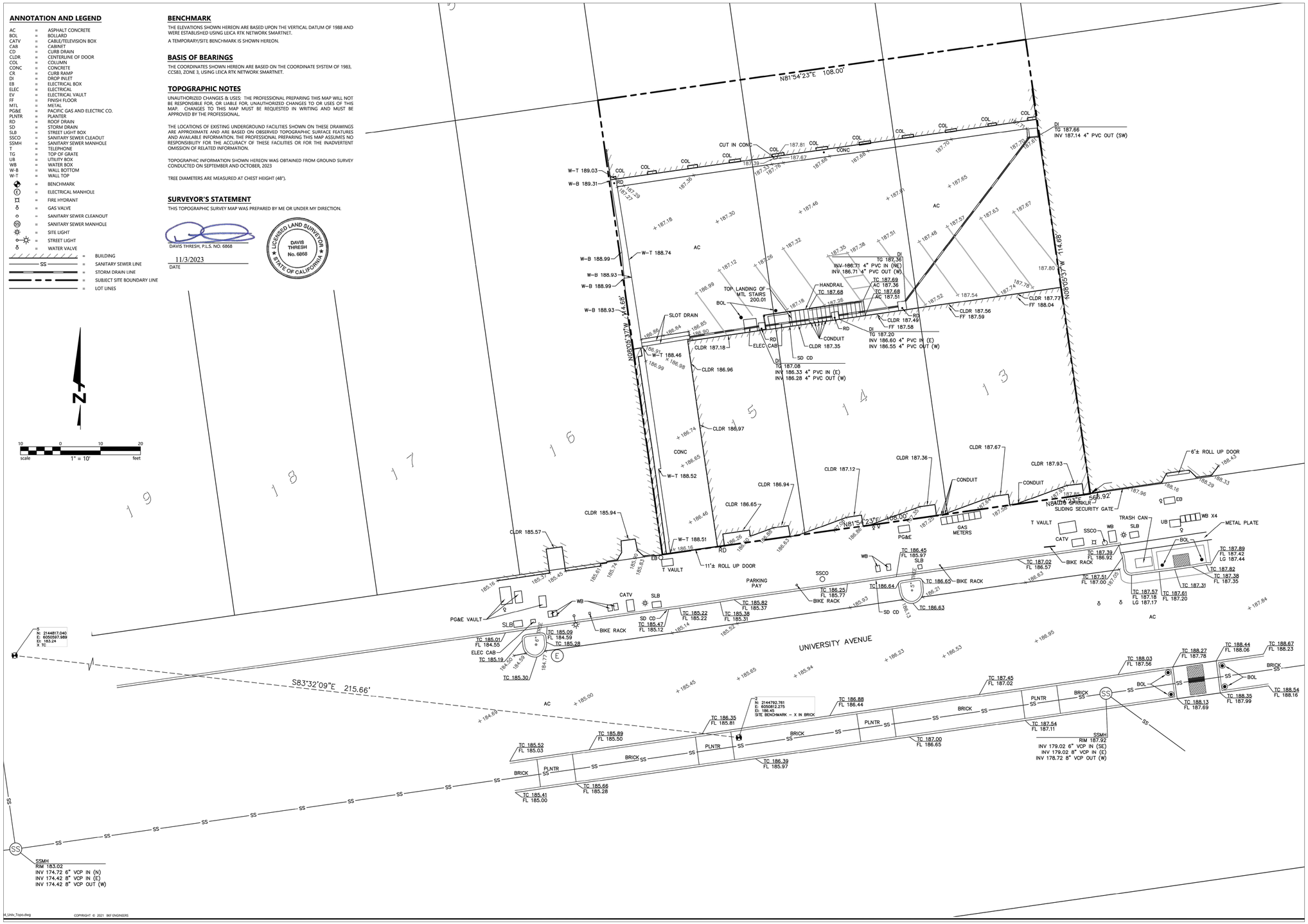
DAVIS THRESH, P.L.S. NO. 6868

11/3/2023
DATE

LICENSED LAND SURVEYOR * DAVIS THRESH No. 6868 * STATE OF CALIFORNIA

N

10 0 10 20
scale 1" = 10' feet



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SHEET:

EXISTING SURVEY

A1.1

M_Univ_Topo.dwg
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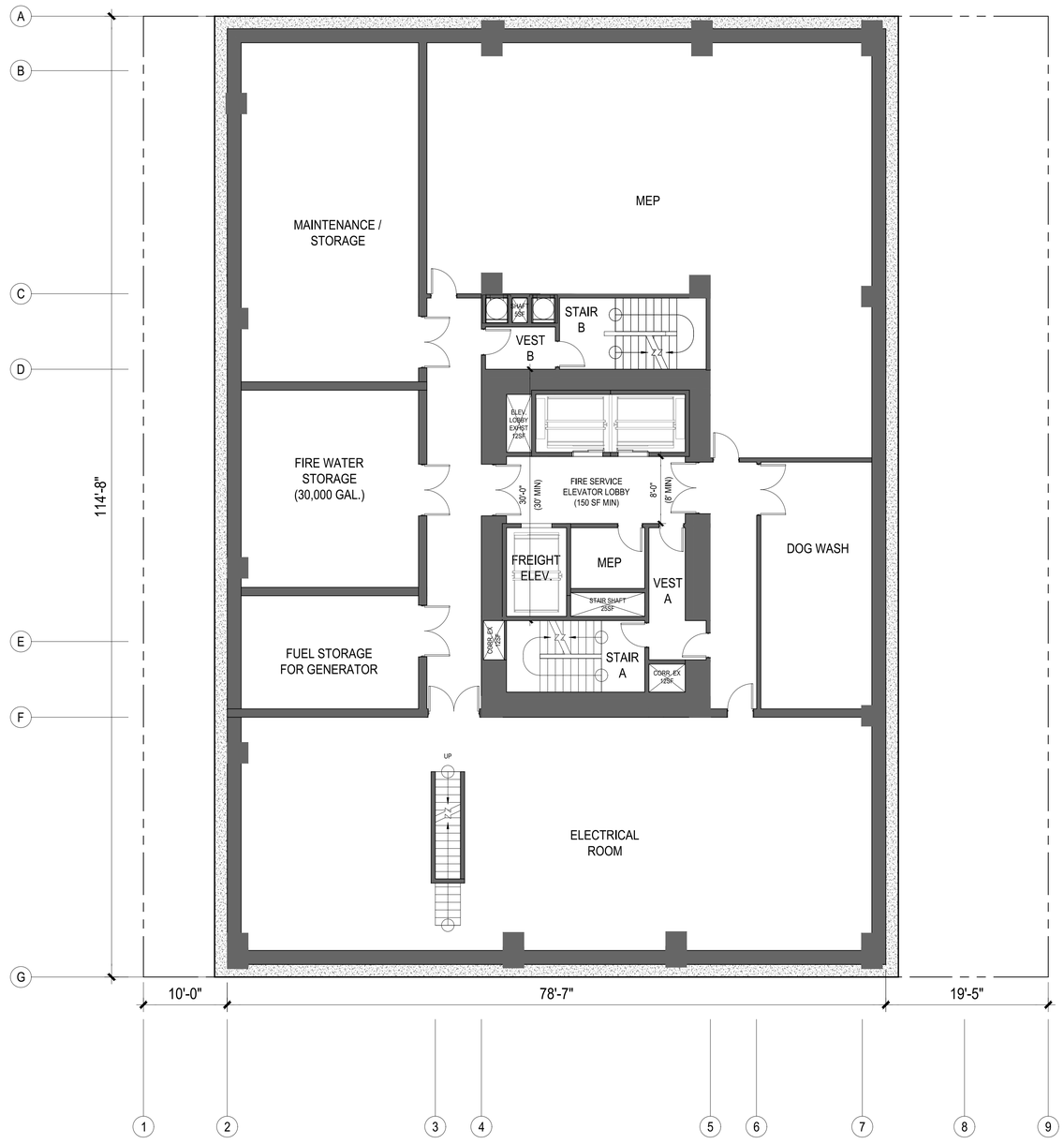

1 - PLAN AT BASEMENT

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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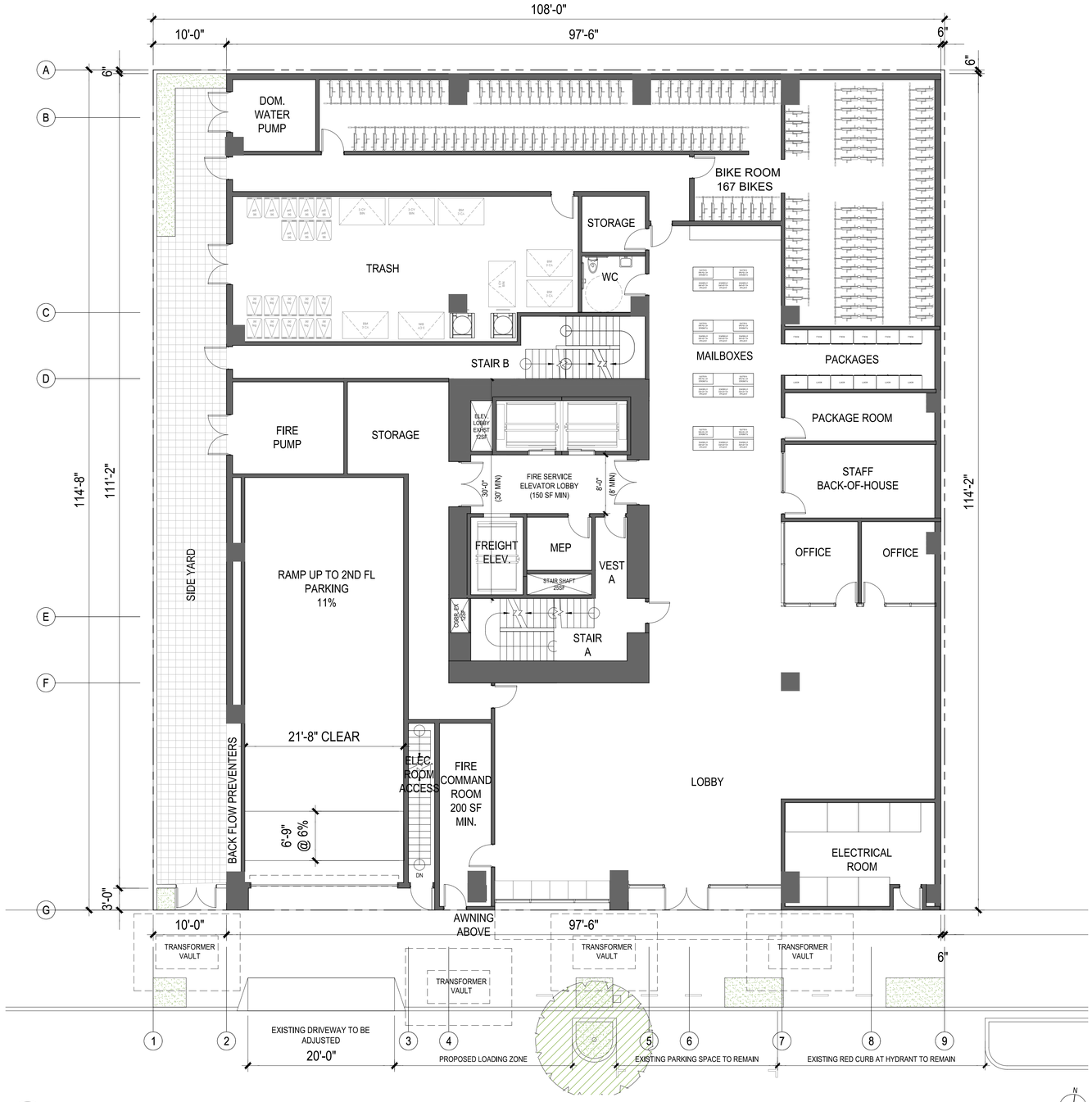
JOB: 2327

SHEET:

PLAN AT
BASEMENT LEVEL

A2.0



1 / - PLAN AT GROUND LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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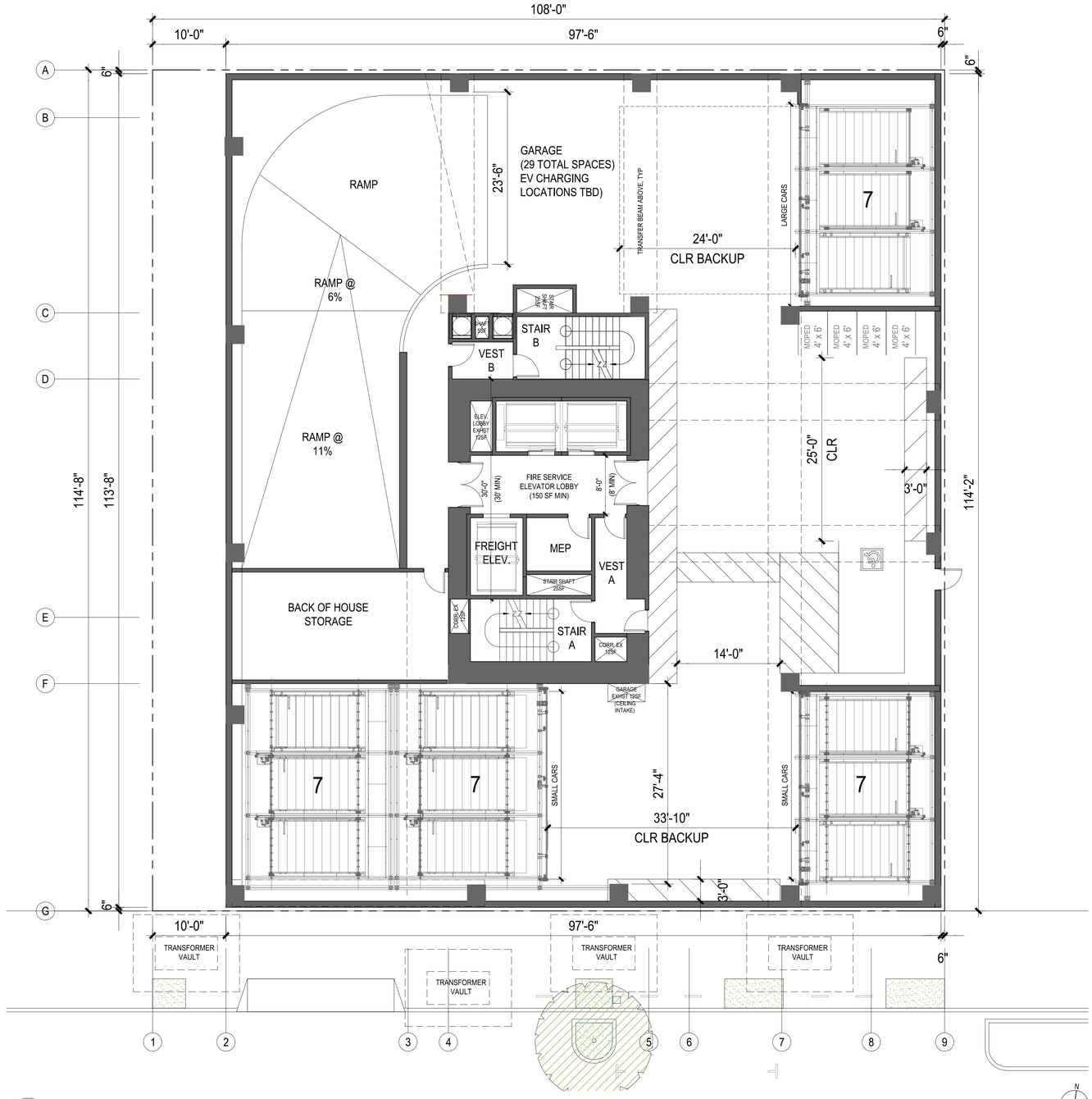
JOB: 2327

SHEET:

PLAN AT GROUND LEVEL

A2.1



1
-

PLAN AT LEVEL 2

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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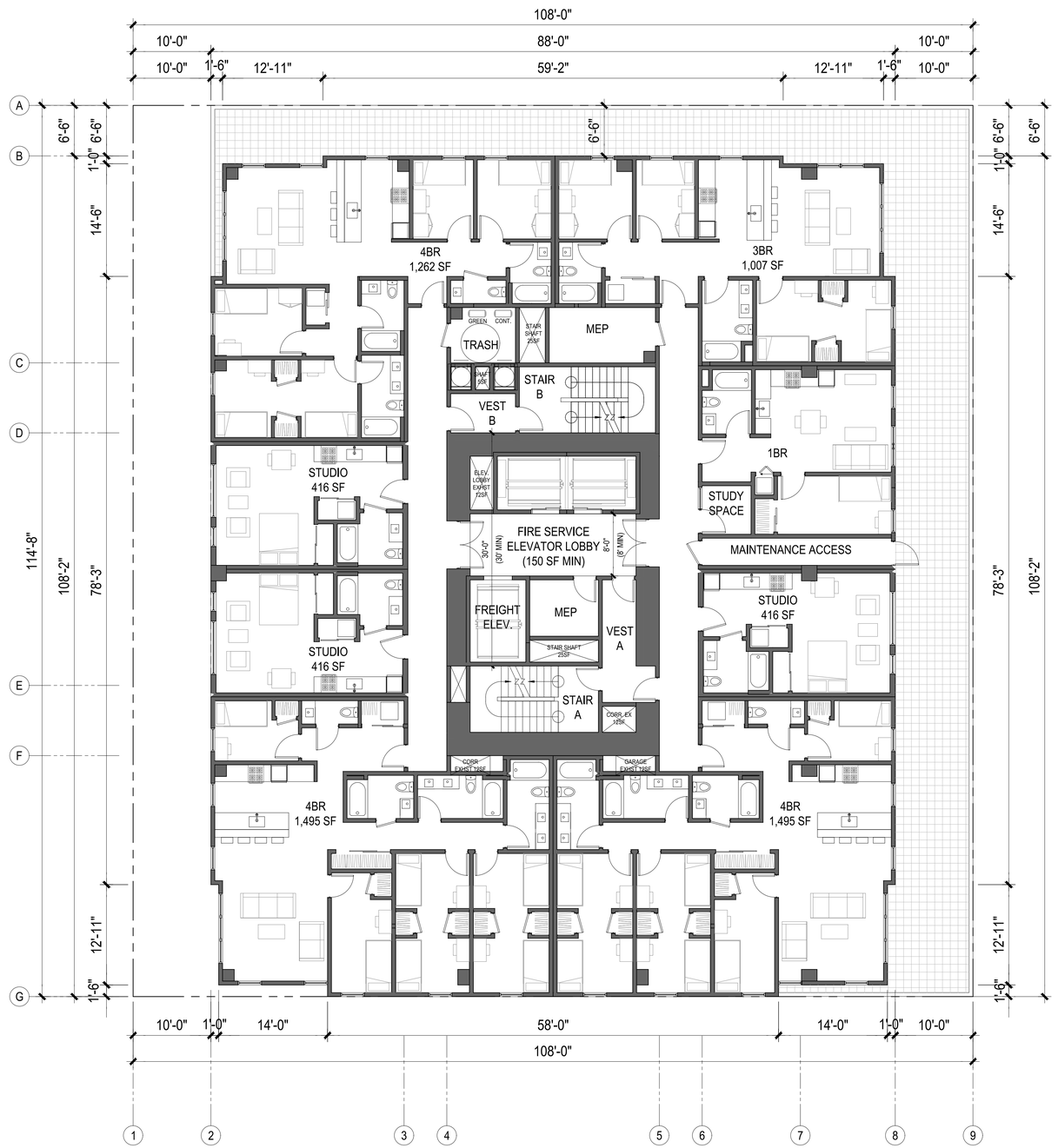
SHEET:

PLAN AT
LEVEL 2

A2.2



1 / - PLAN AT LEVEL 3

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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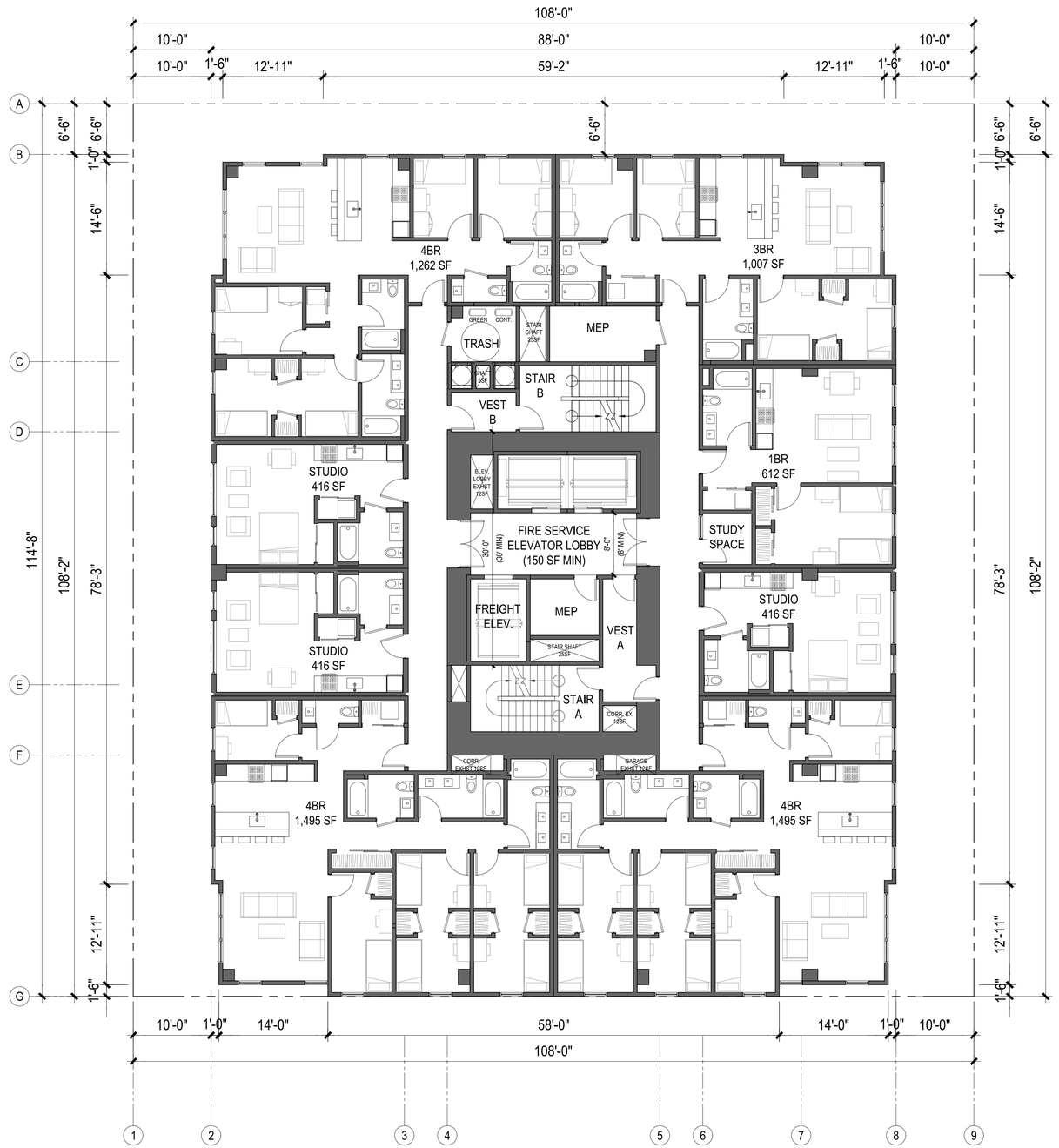
SHEET:

PLAN AT
LEVEL 3

A2.3



1
-

PLAN AT LEVELS 4-22

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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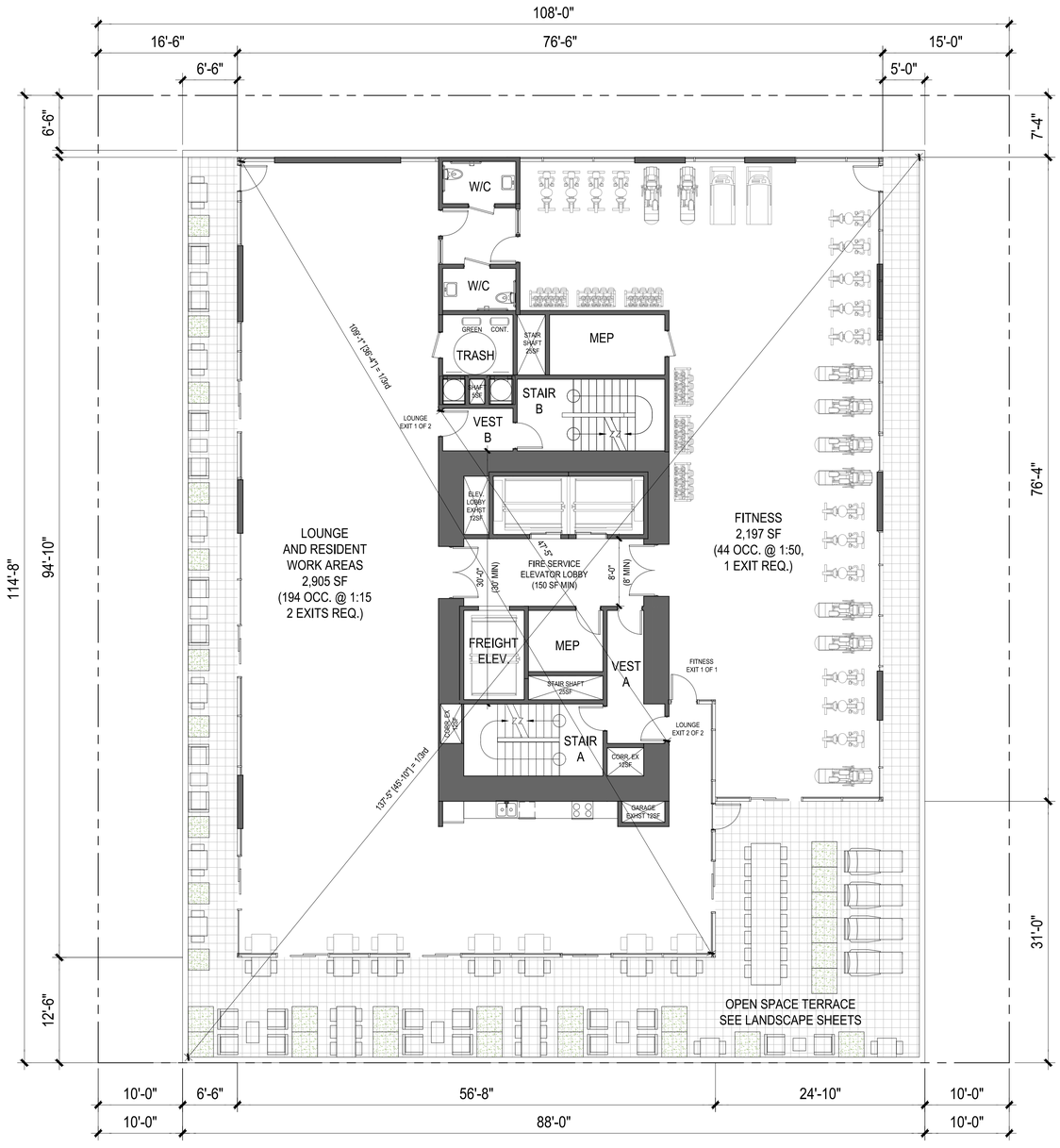
SHEET:

PLAN AT
LEVELS 4-22

A2.4



1
-

PLAN AT LEVEL 23

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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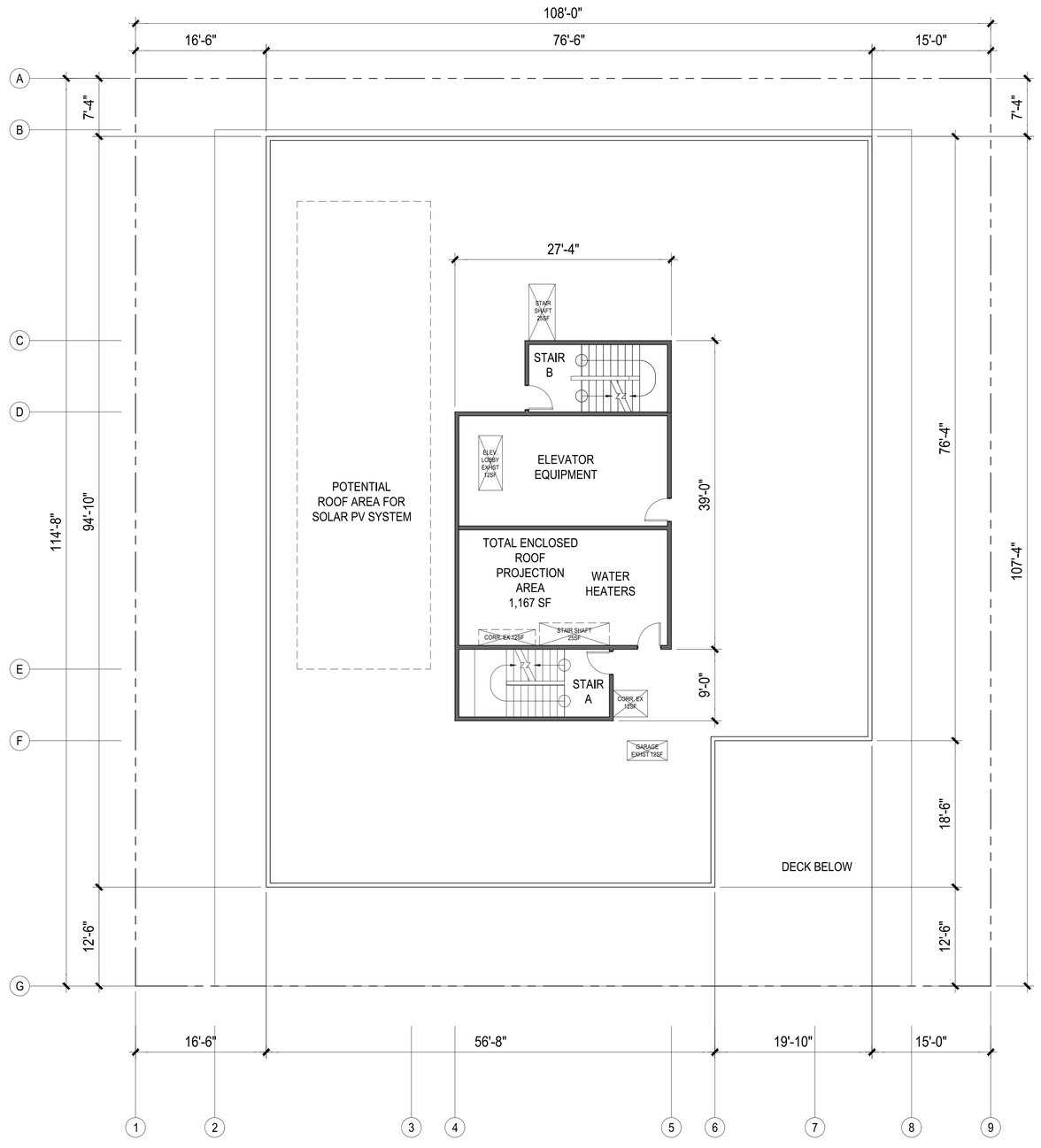
JOB: 2327

SHEET:

PLAN AT
LEVEL 23

A2.5



1 / - PLAN AT ROOF LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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JOB: 2327

SHEET:

PLAN AT
ROOF LEVEL

A2.6

1 - SOUTH ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.1

1 - WEST ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.2

1 - NORTH ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.3

1 - EAST ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.4

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JOB: 2327

SHEET:

STREET STRIP ELEVATIONS

A3.5

1 / -

STREET STRIP ELEVATION @ UNIVERSITY AVE.

1/2"=50'-0" @ 11X17 1" = 50'-0" @ 24X36

0 10 20 40 80

4 A3.6 UNIVERSITY LOOKING EAST - AFTER

2 A3.6 UNIVERSITY LOOKING WEST - AFTER

3 A3.6 UNIVERSITY LOOKING EAST - BEFORE

1 A3.6 UNIVERSITY LOOKING WEST - BEFORE

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JOB: 2327

SHEET:

PHOTO CONTEXT VIEWS

A3.6

1 - PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHWEST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.7

1 - SIDEWALK VIEW - UNIVERSITY LOOKING NORTHWEST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.8

1 - PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHEAST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.9

1 - SIDEWALK VIEW - LOBBY ENTRY
-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.10

1 - EVENING VIEW - UNIVERSITY LOOKING NORTHEAST
-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.11

1 MAT SOUTH ELEVATION
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36
0 4 8 16

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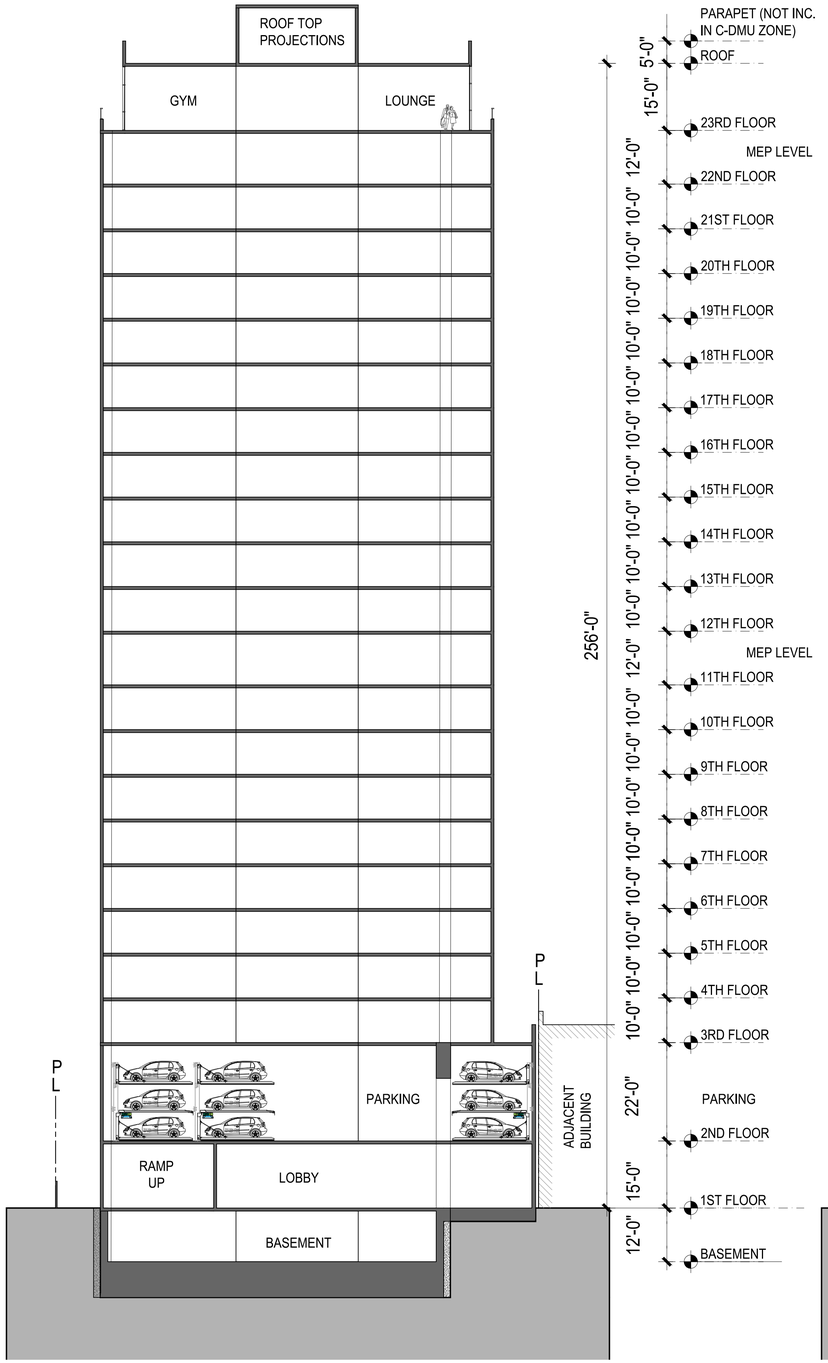
JOB: 2327

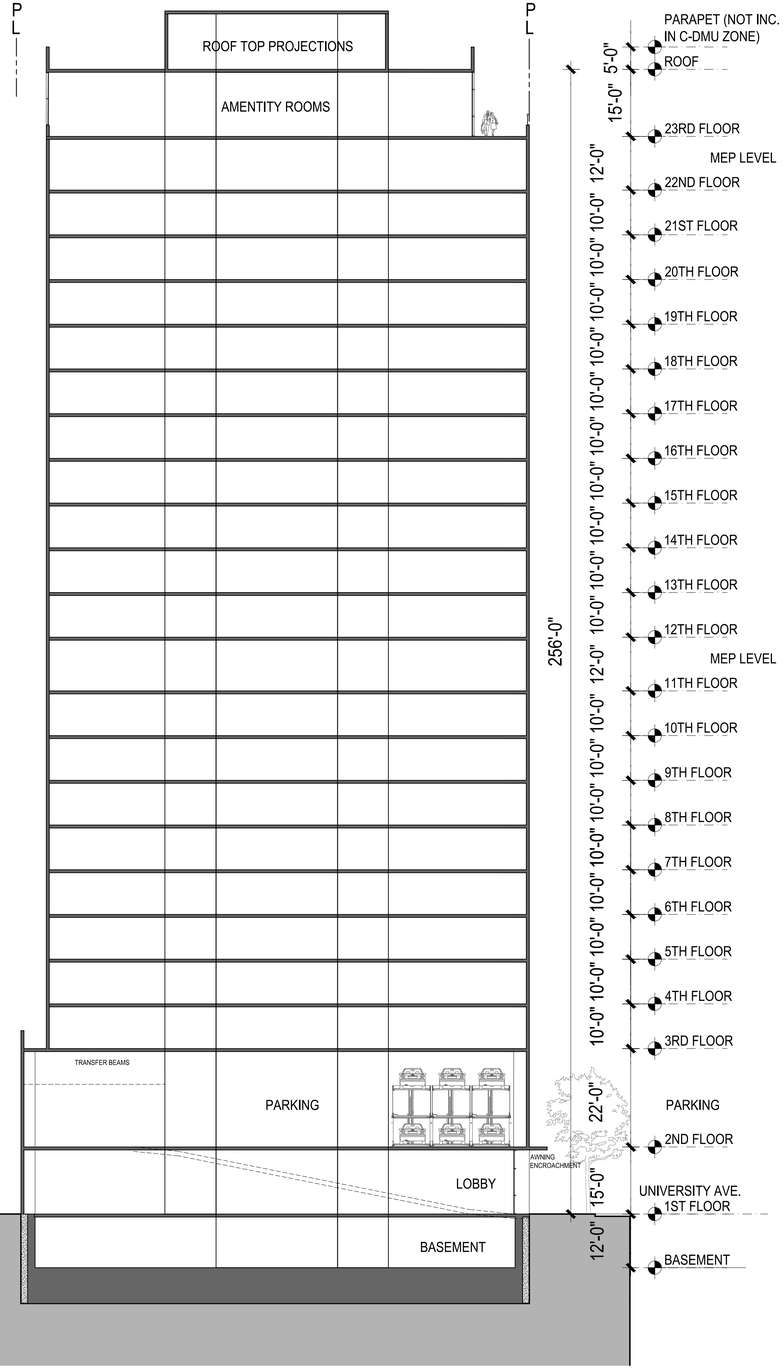
SHEET:

BUILDING MATERIALS

MAT



2 - EAST WEST SECTION



1 - NORTH SOUTH SECTION

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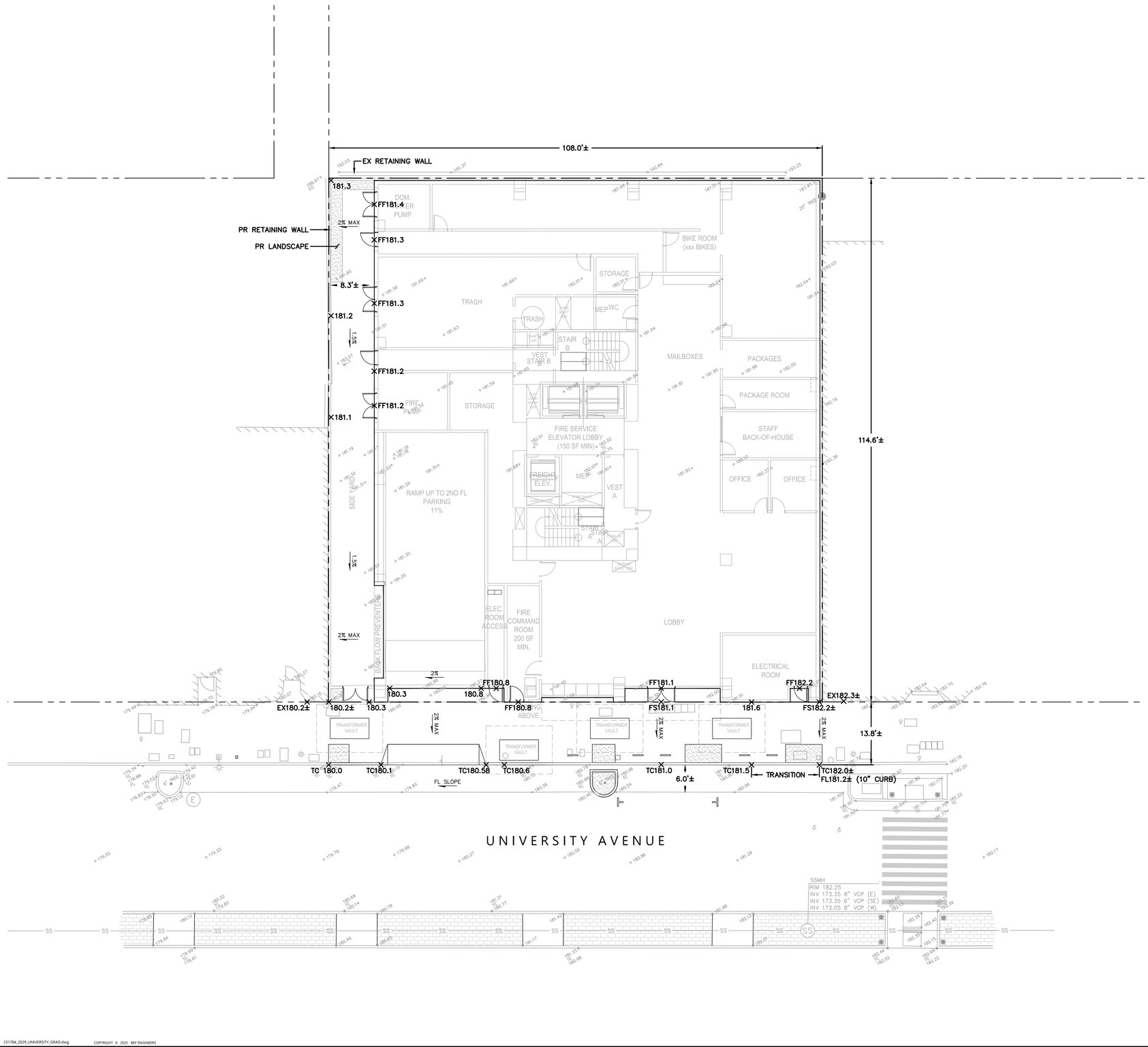
SHEET:

SECTIONS

A4.1



GENERAL NOTES

1. UTILITIES AND UNDERGROUND FACILITIES INDICATED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH WITH APPROPRIATE AGENCIES. NEITHER THE OWNER NOR THE CITY NOR THE DESIGN PROFESSIONAL ASSUMES RESPONSIBILITY THAT THE UTILITIES AND UNDERGROUND FACILITIES INDICATED WILL BE THE UTILITIES AND UNDERGROUND FACILITIES ENCOUNTERED.
2. BOUNDARY INFORMATION SHOWN ACCORDING TO A FIELD SURVEY PERFORMED BY BKF ENGINEERS ON JULY 26, 2024.
3. BASIS OF BEARINGS: THE BEARING OF N05°35'30"W BETWEEN FOUND CITY OF BERKELEY MONUMENTS ON SHATTUCK AVENUE AT THE INTERSECTIONS OF UNIVERSITY AVENUE AND ADDISON STREET AS SHOWN ON PARCEL MAP 6772 FILED ON JANUARY 18, 1995, IN BOOK 216 PAGE 41, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.
4. BENCHMARK: THE ELEVATIONS SHOWN HEREON ARE BASED ON A FOUND CITY OF BERKELEY BENCHMARK, MONUMENT B0490, A 2" CITY OF BERKELEY BRASS DISK WITH PUNCH IN A MONUMENT WELL. ELEVATION 187.09 FEET (DATUM = CITY OF BERKELEY).
5. FIELD SURVEY DATE: JULY 24, 2024 BY BKF ENGINEERS
6. ALL GRADING SHALL BE PREFORMED IN SUCH A MANOR AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
7. ALL THE GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTORS EXPENSE.

ABBREVIATIONS

EX EXISTING
FF FINISHED FLOOR
FS FINISHED SURFACE
PR PROPOSED
TC TOP OF CURB

CUT AND FILL CALCULATIONS

	CUT/FILL AREA (SF)	APPROXIMATE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING & SITE	12,380	20	9,200

1. THE EARTHWORK TABLE WAS PREPARED FOR THE PURPOSE OF DETERMINING THE ROUGH ORDER OF MAGNITUDE FOR PRELIMINARY COST, AND PLANNING PHASE. THIS DOES NOT REFLECT THE FINAL DESIGN. ALL ASSUMPTION ARE PRELIMINARY AND SUBJECT TO BE ALTERED UNTIL FINAL PERMIT AND APPROVAL.
2. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.
3. BASEMENT LEVEL BASED ON SHEET A4.1.
4. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS, OR ANY OTHER GEOTECHNICAL RECOMMENDATIONS.

05.14.2025 ZONING RESUBMISSION

10 0 10 20
scale 1" = 10' feet

Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER FIRST LASTNAME No. C-##### CIVIL STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/27/2025
C #####
FIRST M. LASTNAME

BKF ENGINEERS
2100 FRANKLIN STREET
SUITE 4C
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

BKF

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2029 UNIVERSITY AVENUE, BERKELEY, CA

PRELIMINARY GRADING AND DRAINAGE PLAN

No.	Revisions

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C1.0

Plot Mar 27, 2025 at 4:47pm
231784_2029_UNIVERSITY_GRAD.dwg
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STORMWATER TREATMENT TABLE

	LOCATION	IMPERVIOUS (SF)	PERVIOUS (SF)	TOTAL AREA (SF)	REQ. TREATMENT AREAS (SF)(1)	TREATMENT PROVIDED (SF)		NOTES
DMA1	ROOF LVL	6,900	–	6,900	475	720	IMP1	
DMA2	23RD LVL ROOF DECK	2,600	–	2,600				
DMA3	GROUND LVL SIDE YARD	2,600	300	2,900	145	150	IMP2	
	TOTALS	12,100	300	12,400	620	870(3)		

1. REQUIRED TREATMENT IS PRELIMINARY PROGRAMMED AT 5% OF IMPERVIOUS AREA WITHIN EACH DRAINAGE MANAGEMENT AREA (DMA).
2. TWO CO AREA OPTIONS SHOWN ON LEVEL 3 UNOCCUPIED ROOFS. PORTION OF DMA3R COULD BE DIRECT TO AREAS SHOWN IN IMP2 IF NECESSARY TO ALIGN WITH BUILDING OPEN SPACE PROGRAMMING.
3. AVAILABLE SPACE FOR TREATMENT AREAS CAN BE INTERCHANGEABLE, AS NECESSARY.

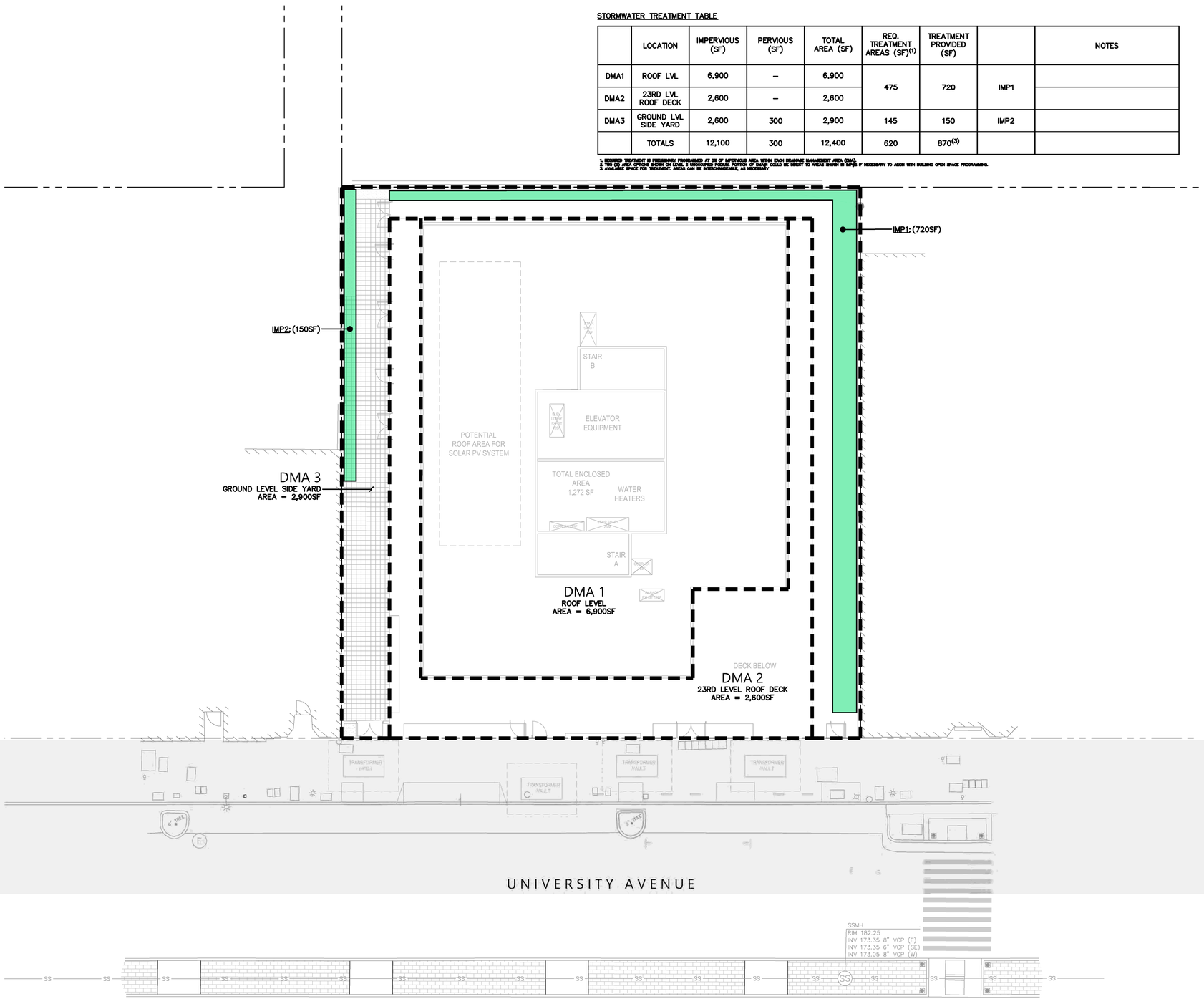
LEGEND

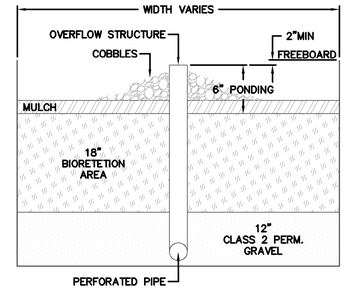
DRAINAGE MANAGEMENT AREAS (DMA)

IMP AREA

ABBREVIATIONS

DMA DRAINAGE MANAGEMENT AREA
IMP INTEGRATED MANAGEMENT PLAN
LVL LEVEL
SF SQUARE FOOT





TYPICAL BIORETETION SECTION
(ABOVE OR BELOW GRADE)
NOT TO SCALE

REGISTERED PROFESSIONAL ENGINEER
FIRST M. LASTNAME
No. C-#####
CIVIL
STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/28/2025
FIRST M. LASTNAME C #####

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2029 UNIVERSITY AVENUE, BERKELEY, CA

PRELIMINARY STORMWATER CONTROL PLAN

Revisions

No.	

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C2.0

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scale 1" = 10' feet

811 Know what's below. Call before you dig.

Plot Mar 28, 2025 at 1:36pm
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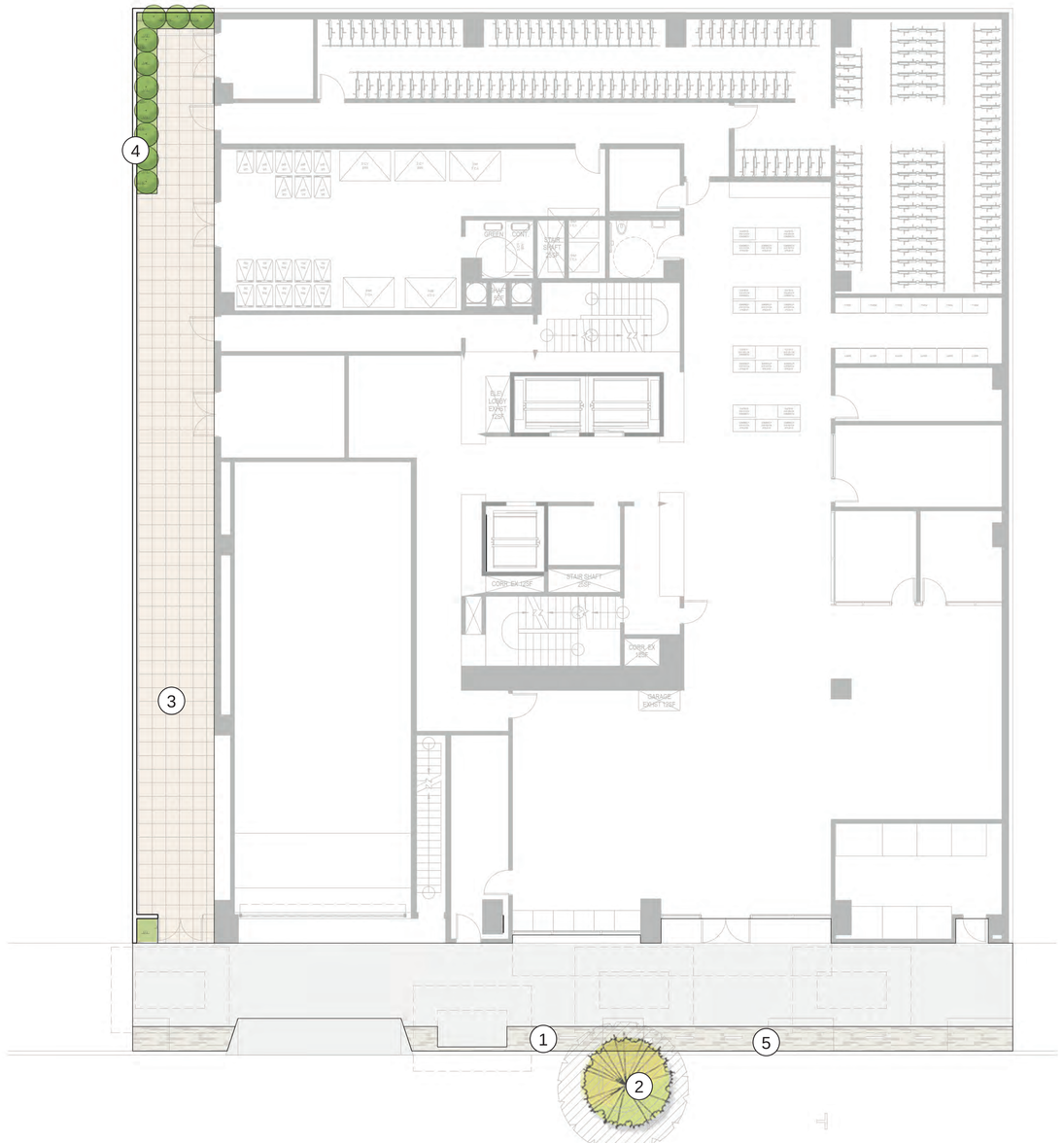
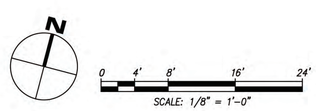


LEGEND

1. BIKE RACK 5 TOTAL (10 BIKE PARKING SPACES)
2. EXISTING TRIDENT MAPLE STREET TREE TO REMAIN. PROTECT IN PLACE. SEE SHEET L3.01 FOR TREE PROTECTION FENCING DETAIL AND GUIDELINES.
3. CONCRETE PAVING AT SIDE YARD
4. NATIVE SHRUB PLANTING
5. 3-FOOT WIDE CITY STANDARD PAVER BAND



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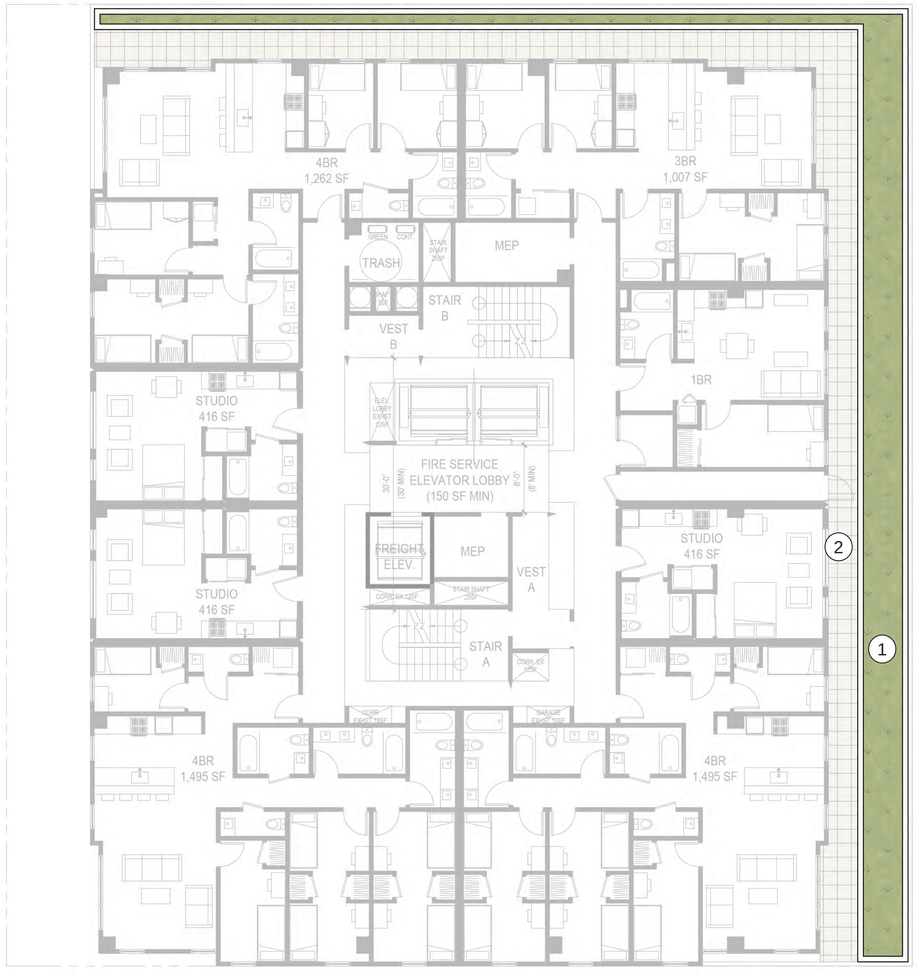
JOB: 2327

SHEET:

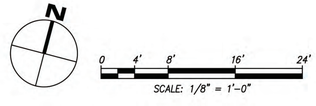
LANDSCAPE PLAN - GROUND FLOOR

L1.01



LEGEND

1. CMU STORMWATER PLANTERS, TYP - 630 SF TOTAL
2. MAINTENANCE WALKWAY



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JOB: 2327

SHEET:

LANDSCAPE PLAN - PODIUM LEVEL

L1.02

LEGEND

1. FAMILY STYLE DINING TABLE
2. GREEN ROOF PLANTING
3. TABLE WITH CHAIRS
4. LOUNGE FURNISHING

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JOB: 2327

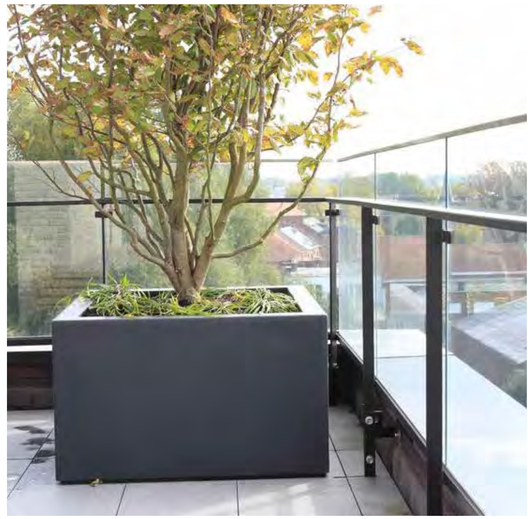
SHEET:

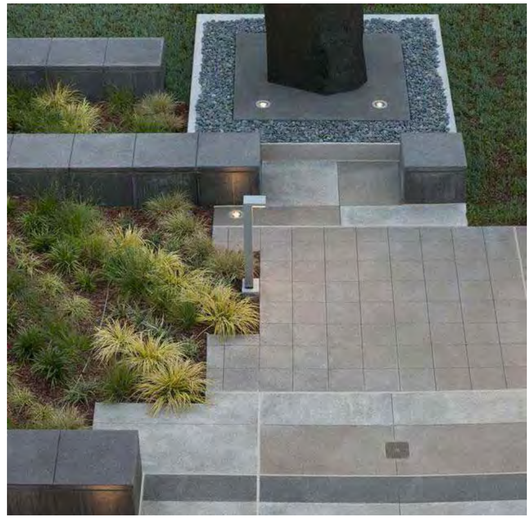
LANDSCAPE PLAN - ROOF DECK

N

0 4' 12" 24' 48'
SCALE: 3/16" = 1'-0"

L1.03





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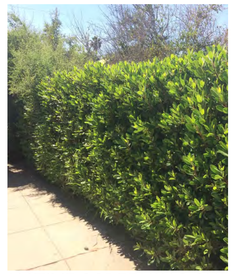
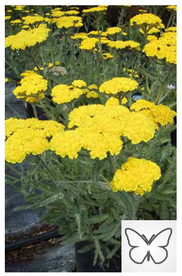
SHEET:

PRECEDENT IMAGES

L2.01



NATIVE SCREENING SHRUBS



SHRUBS

GROUNDCOVER

DENOTES POLLINATOR PLANT SPECIES

GENERAL PLANTING AND IRRIGATION NOTES

1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.

3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN- DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE. COMPOST APPLICATION TO ACHIEVE A MINIMUM OF 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON MWELO SPECIFIED SOIL ANALYSIS RESULS FOR THE SITE SOIL PER [CGBSC 4.304].

4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.

5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.

6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.

7. 58% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD-LIFE SUPPORTING.

8. PLANT SELECTION AND DESIGN TO COMPLY WITH BAY-AREA FRIENDLY BASICS LANDSCAPE CHECKLIST.

IRRIGATION SYSTEM DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DISTRICT.

2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.

3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.

4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.

5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE, RAIN SENSOR AND FLOW SENSING CAPABILITY CONNECTED TO THE IRRIGATION CONTROLLER WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.

6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.

7. COLOR CODED HYDROZONE LANDSACPING HYDROZONE MAP WITH GROUPING AND COLLOCATING PLANTING MATERIAS BY WUCOLS WATER USE CATEGORY VL, L, M, OR H, PER [CGBSC 4.304}, TO BE PROVIDED IN PERMIT DRAWINGS.

8. RAIN SENSOR AND CONTROLLER LOCATION TO BE PROVIDED IN PERMIT DRAWINGS.

EXISTING TREE PROTECTION NOTES

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, THE EXISTING TREE ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.

2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.

3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."

4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.

6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. CONTRACTOR TO NOTIFY AND COORDINATE WITH CERTIFIED ARBORIST AT LEAST 72 HOURS PRIOR TO ANY WORK BEING DONE IN DRIPLINE. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.

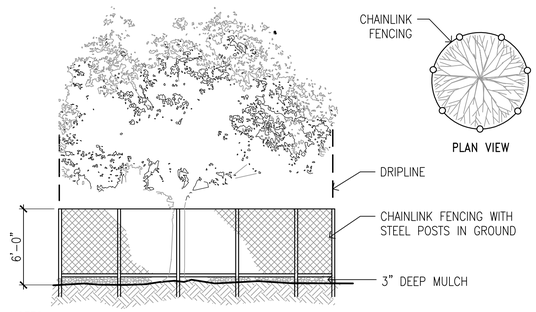
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.

9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.

10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES, SHRUBS AND TURF TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.

11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST.



NOTES

1. NO EXISTING TREE MAY BE PRUNED WITHOUT PRIOR APPROVAL BY THE CITY ARBORIST.
2. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
3. NO OIL, GASOLINE, CHEMICALS, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED OR DISPOSED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE.
4. NO STOCKPILING/STORAGE OF FILL, ETC, SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

LANDSCAPE AREA CALCULATION:

	LANDSCAPE AREA
GROUND LEVEL:	- 77 SF
PODIUM LEVEL:	- 630 SF
ROOF DECK LEVEL:	- 237 SF
TOTAL:	- 944 SF

STORMWATER TREATMENT AREA:

REQUIRED STORMWATER TREATMENT AREA= 455
4% OF THE BUILDING FOOTPRINT (- PROPOSED STORMWATER TREATMENT AREA= - 630 SF

BIKE PARKING CALCULATIONS:

TOTAL SHORT TERM BIKE PARKING STALLS PROVIDED: 10 STALLS (5 BIKE RACKS)

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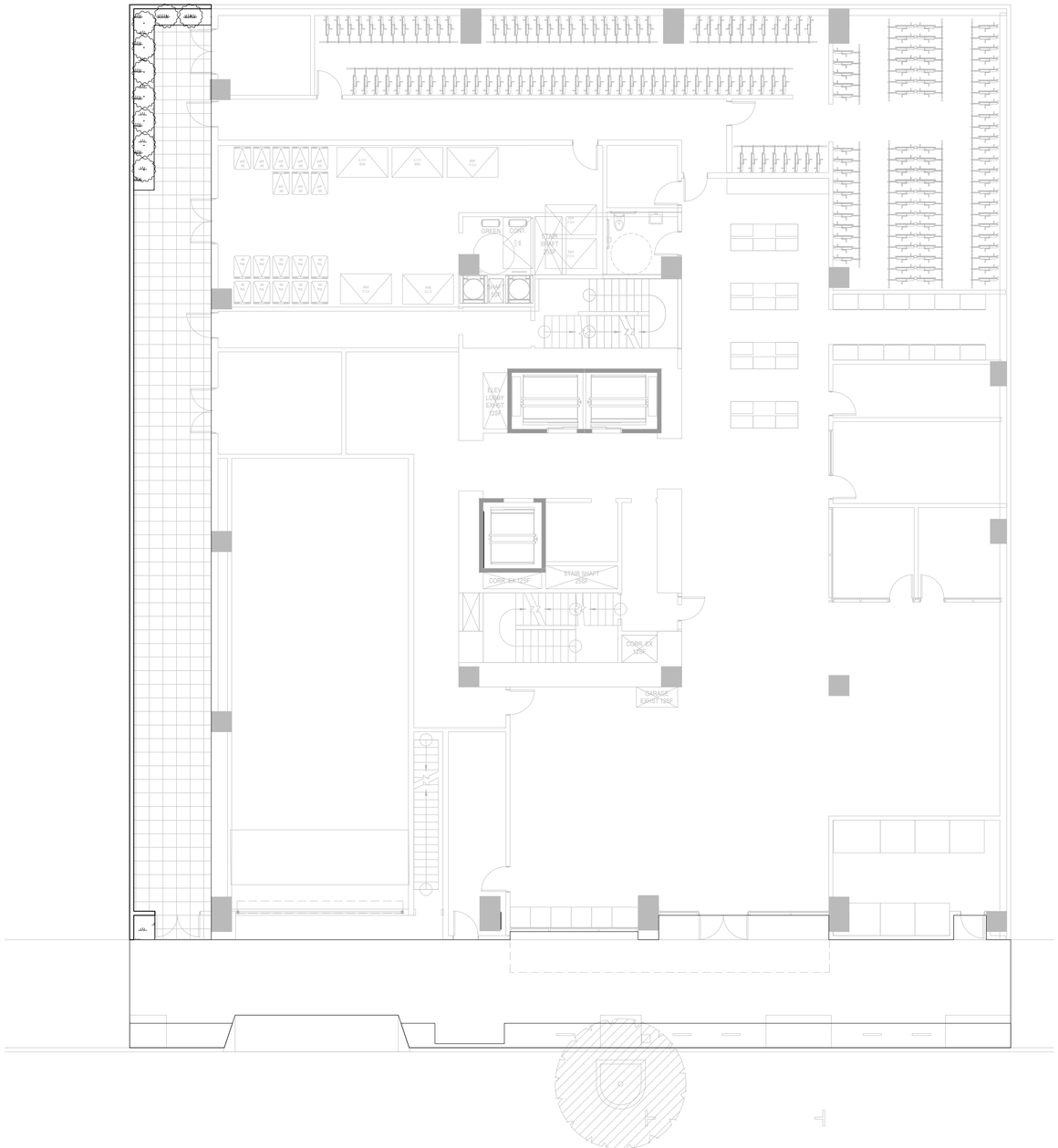
JOB: 2327

SHEET:

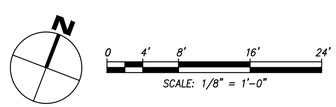
PLANT IMAGES, NOTES & CALCULATIONS

L3.01



PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
SHRUBS – LARGE – NATIVE							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
SHRUBS – SMALL/MEDIUM							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'–0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'–0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'–0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'–0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
GROUNDCOVERS							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'–0" OC		L	Y
STORMWATER							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'–0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'–0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'–0" OC		L	Y



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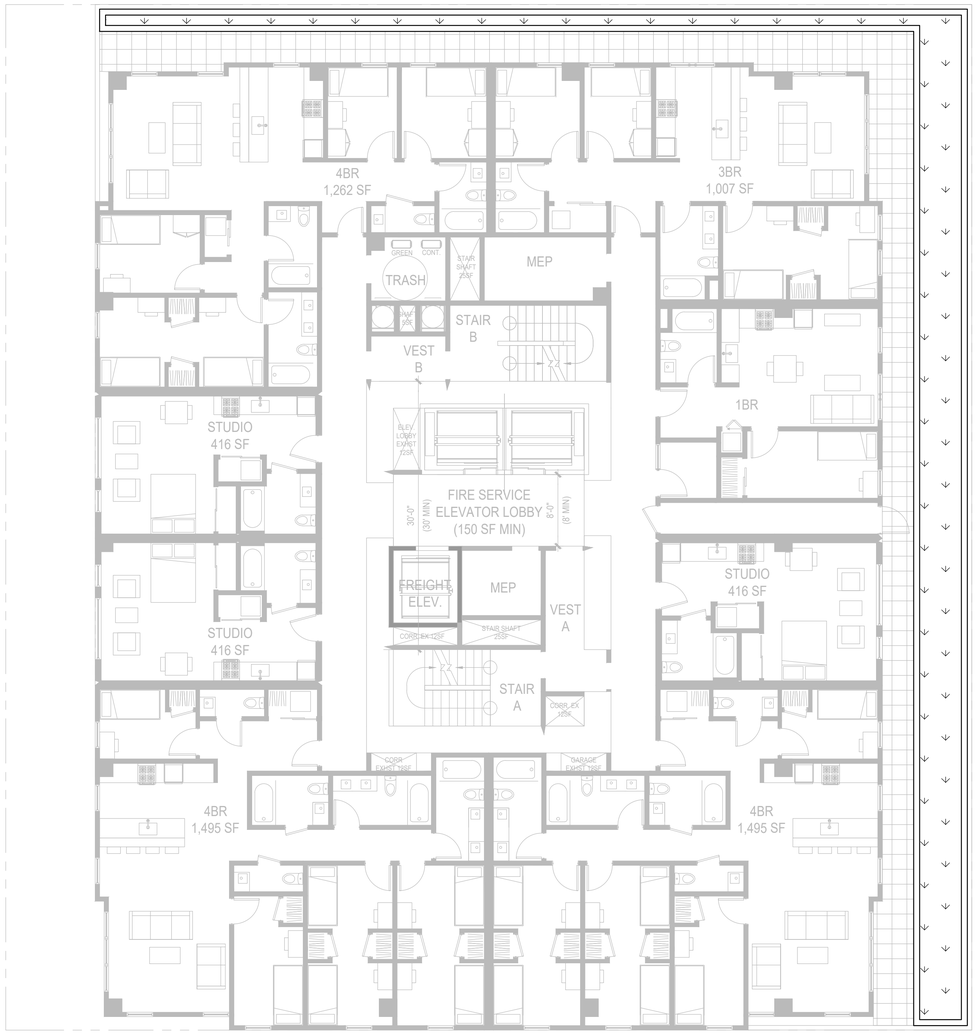
PLANTING PLAN - GROUND FLOOR

L4.01



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	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'–0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'–0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'–0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
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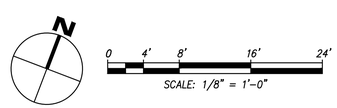

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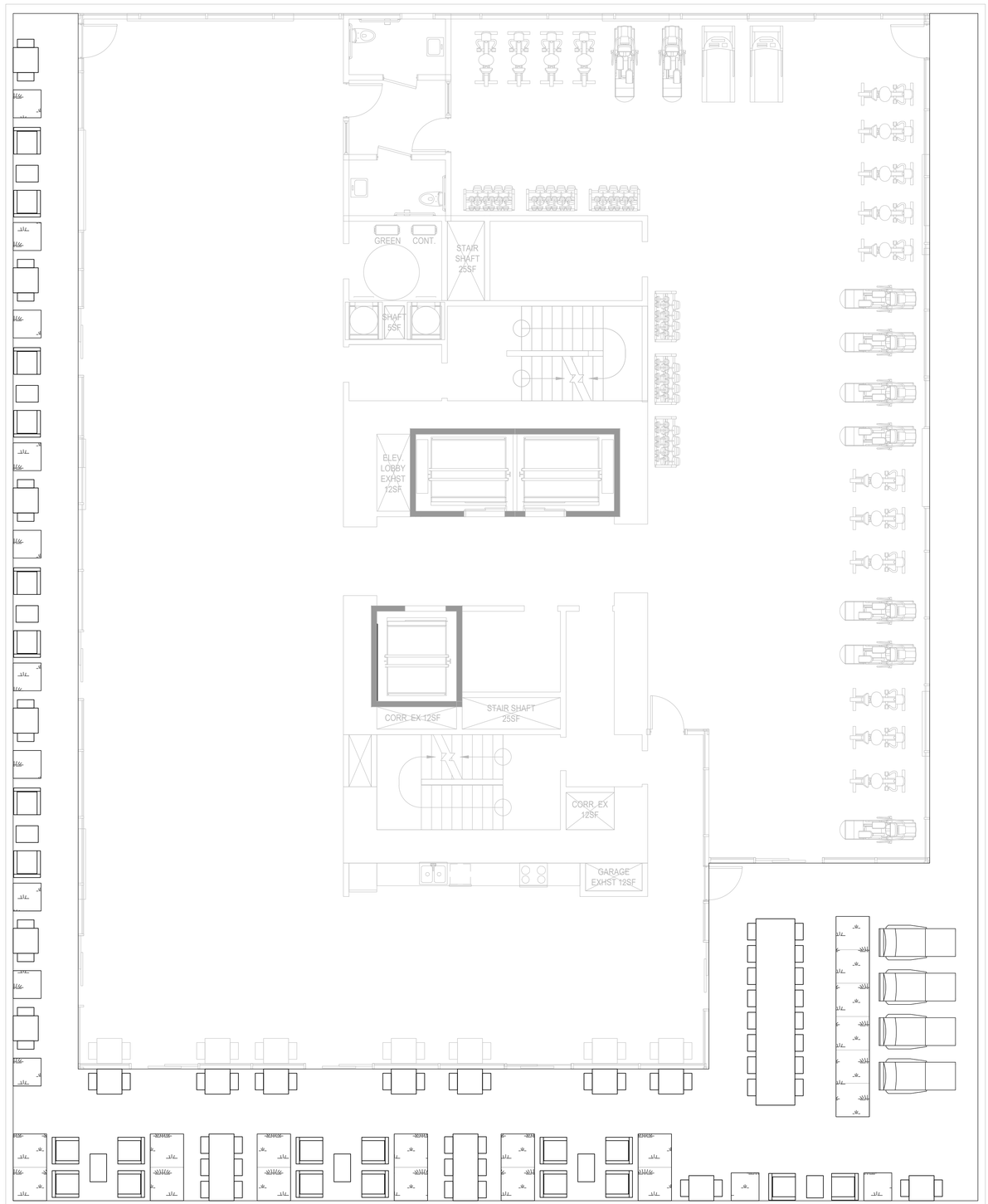
PLANTING PLAN - PODIUM LEVEL

L4.02



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	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'–0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
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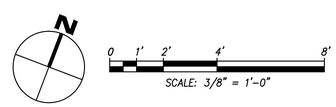
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
GROUNDCOVERS							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'–0" OC		L	Y
STORMWATER							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'–0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'–0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'–0" OC		L	Y



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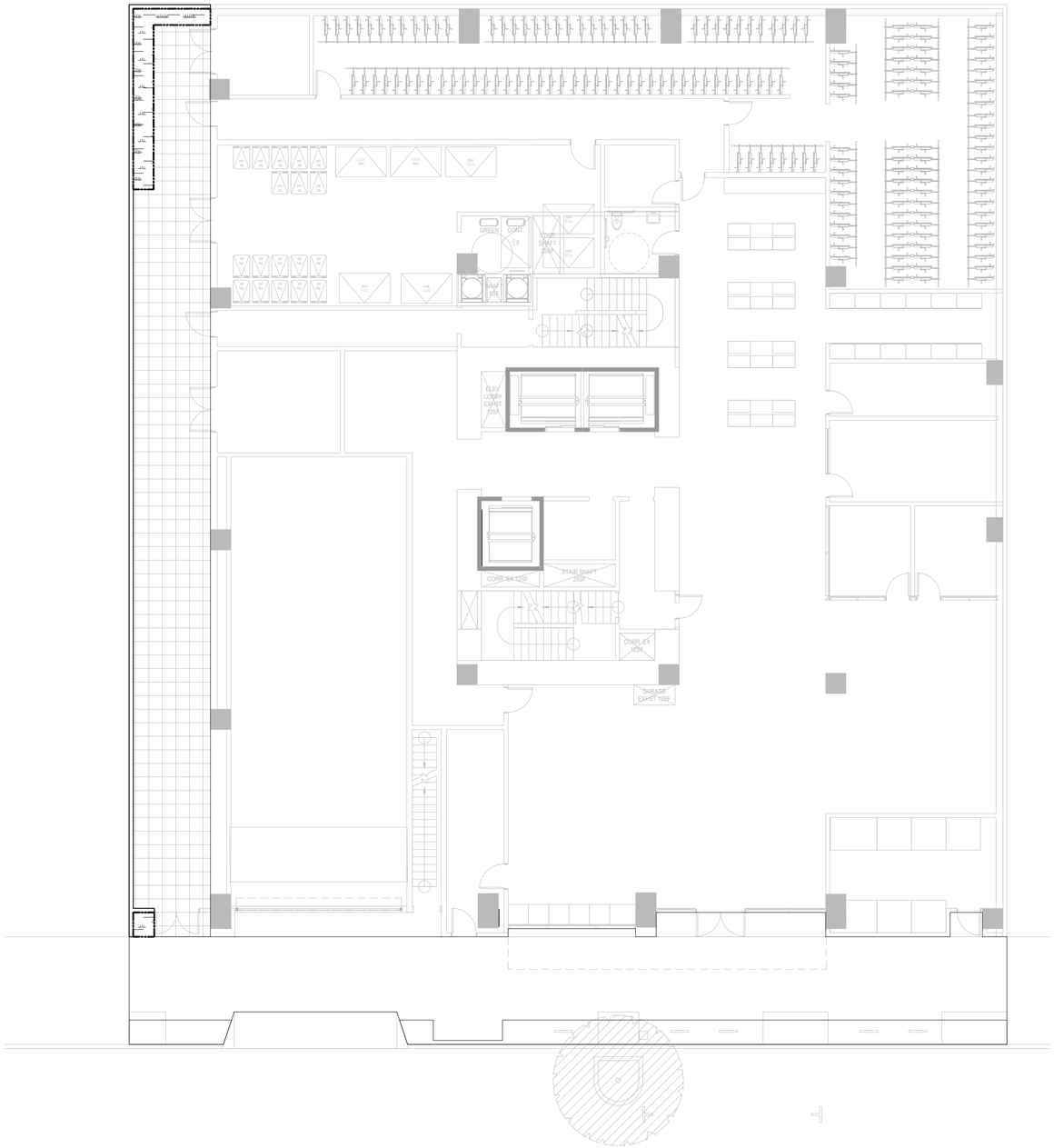
JOB: 2327

SHEET:

PLANTING PLAN - ROOF DECK

L4.03



HYDROZONE LEGEND

SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
	1	LOW WATER USE	SHRUB & GROUNDCOVER	DRIP	890	890.0	94%
	2	LOW WATER USE	TREES	BUBBLER	0		
	3	MODERATE WATER USE	SHRUB & GROUNDCOVER	DRIP	54	54	6%
	4	MODERATE WATER USE	TREES	BUBBLER	0		
					TOTAL	944.0	100%

HYDROZONE INFORMATION TABLE

REFERENCE ANNUAL ET_O FOR:	BERKELEY (MWELO REF. ET TABLE)		41.8
ET ADJUSTMENT FACTOR	0.55	ET ADJ FACTOR PER MWELO: 0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF)	0.45

HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB.: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	$ETAF_Z$ (PF/IE)	LANDSCAPE AREA (SQ FT)	$ETAF_Z$ x AREA	ESTIMATED TOTAL WATER USE (ETWU)
1	0.3	D	0.81	0.37	77	28.52	739.09
2	0.3	B	0.81	0.37	630	233.33	6047.07
3	0.3	D	0.81	0.37	183	67.78	1756.53
4	0.6	B	0.81	0.74	54	40.00	1036.64
–	0	D	.81	0.00	0	0.00	0.00
–	0	D	.81	0.00	0	0.00	0.00
				TOTAL	944.00	369.63	9,579.32
SPECIAL LANDSCAPE AREAS							
5				1	0	0.00	0.00
– –				0	0	0.00	0.00
				TOTAL	0	0.00	0.00
	TOTAL LANDSCAPE AREA (LA + SLA)				944.00		

TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)	TOTAL ETWU	9,579.32
MAWA	(ANNUAL ETO)(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)*SLA))]	MAWA	13,455.59

AVERAGE ETAF	SUM($ETAF_Z$ X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA_S)	0.39
SITEWIDE ETAF	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA_S)	0.39

IRRIGATION DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE AND FLOW SENSING CAPABILITY WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.

N

0 4' 8' 16' 24'

SCALE: 1/8" = 1'-0"

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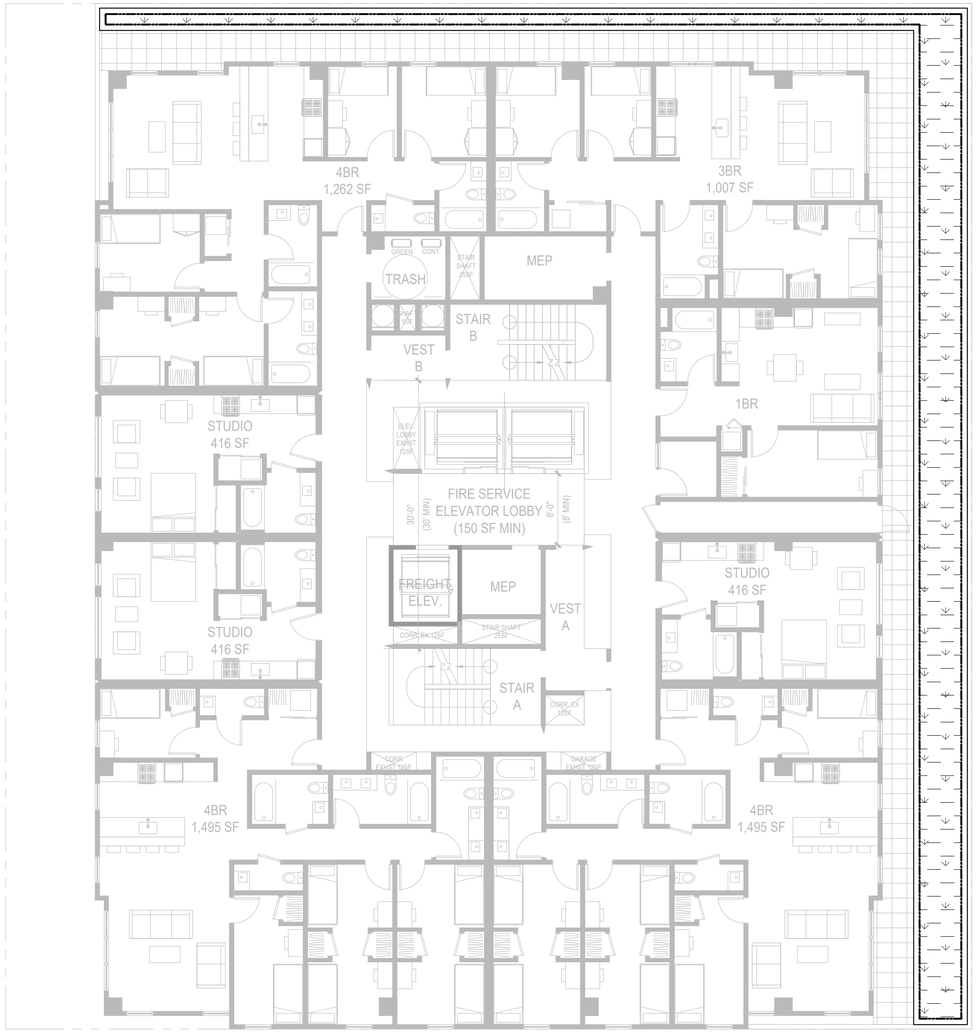
SHEET:

IRRIGATION PLAN - GROUND FLOOR

L5.01



SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

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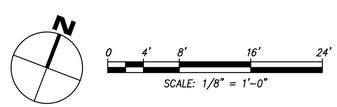
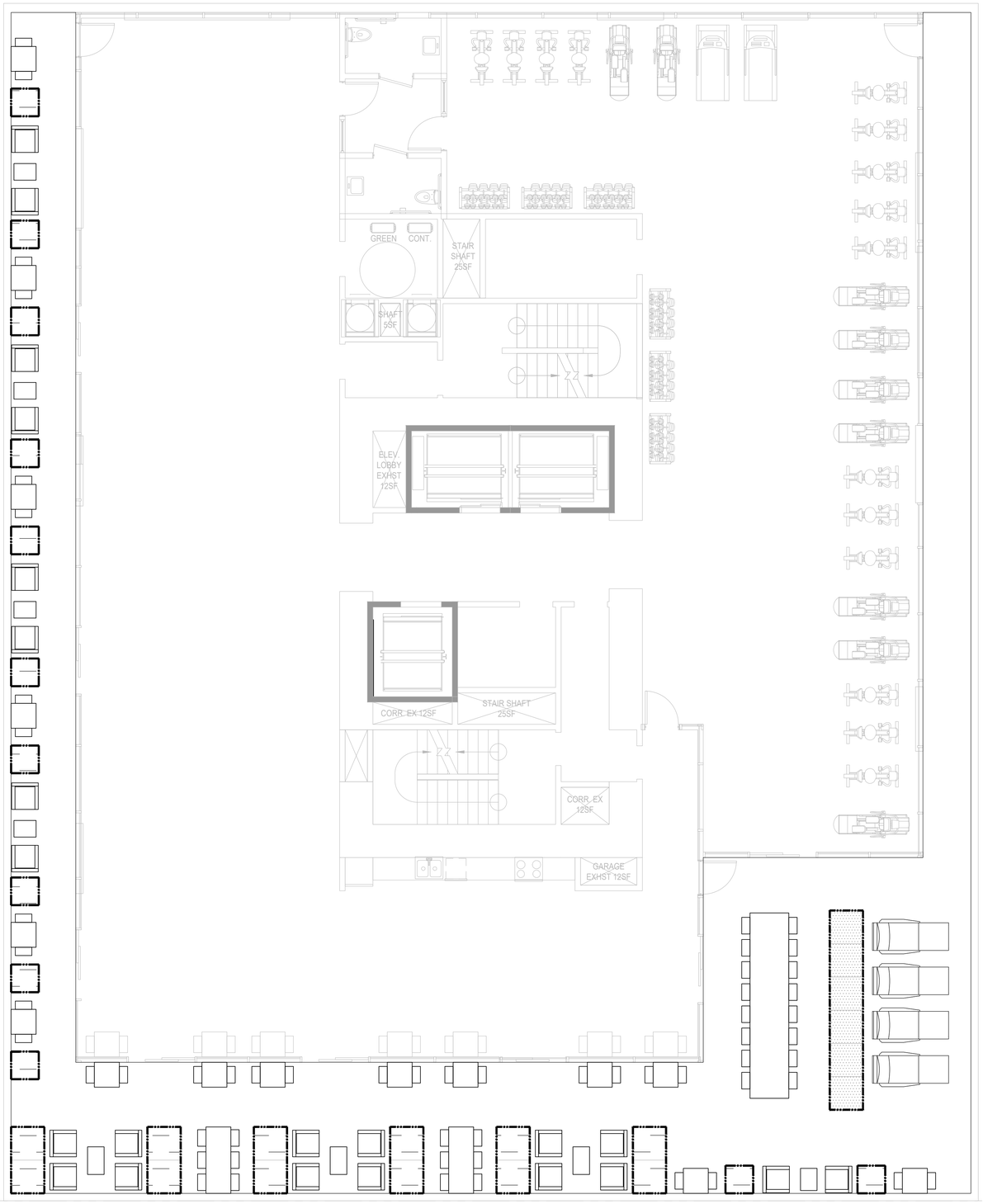
IRRIGATION PLAN - PODIUM LEVEL



L5.02



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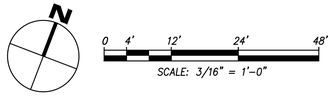
IRRIGATION PLAN - ROOF DECK



L5.03

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Aesthetics & Visual Quality			
DAP MM AES-1: Conduct Site-Specific Visual Analysis for Buildings Proposed between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area, the City should require site-specific visual analysis for proposed buildings that have the potential to affect existing view corridors to determine the extent to which such structures may interfere with existing views of the Berkeley Hills, and should consider whether stepping back such buildings is feasible and would result in a substantial reduction in impact. ***(Significant Unavoidable Impact[1])***	a) Has the project conducted site-specific visual analysis for buildings proposed between Shattuck Avenue and Oxford Street as required by the zoning and green pathway regulations, as applicable, in order to reduce development-related impacts on existing views of the Berkeley Hills? b) Has the project considered whether stepping back such buildings is feasible and would result in a substantial reduction in impact; have the plans been modified to reduce the impact to the satisfaction of the City?	CoB	P
DAP MM AES-2: Evaluate Shadow Effects for Proposed Structures near the Eastern Edge of the Downtown Area. The extent of the impact on the Crescent will depend on the location, height and bulk of structures to the southwest. While the impact may be significant, it is not possible to determine with any certainty the level of impact. Accordingly, all structures with a proposed height of 85 feet or more to be located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall be evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent. Modifications to building heights, bulk or location should be considered as a way to reduce such shadowing. ***(Significant Unavoidable Impact)***	a) Has the proposed structure with a proposed height of 85 feet or more located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west been evaluated in a site-specific basis to determine the extent to which it may cast shadows within the Crescent? b) Have modifications to building heights, bulk or location been considered as a way to reduce such shadowing; have the plans been modified to reduce the impact to the satisfaction of the City?	CoB	P

[1] When the Checklist indicates that Significant and Unavoidable Impacts shall be reduced or appropriately mitigated to the satisfaction of the City, it is recognized that while the impact may still be Significant and Unavoidable, the project meets the standards of the zoning ordinance and is otherwise acceptable.

* Key: CoB = City of Berkeley. While it is the applicant's responsibility to mitigate the identified impacts, it is the City's responsibility through zoning review, plan check and inspection to verify compliance. During operations, compliance is verified during inspections and response to complaints. As needed, the City requires assignment of a mitigation monitor.
P=Planning; O=Operations; W=Working Drawings; C=Construction

EXHIBIT B

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Air Quality			
DAP MM AIR-1: None listed in draft DAP ***(Significant Unavoidable Impact)*** Impact AIR-1: Conflict with Clean Air Plan (CAP). Development anticipated under the Downtown Area Plan would increase population and employment at a greater rate than assumed when preparing the latest update to the CAP. This could lead to greater regional emissions of nonattainment air pollutants (or their precursors) than assumed in the CAP.	N/A		
DAP MM AIR-2: Buffer Toxics Air Contaminants (TAC) and Odor Emission Sources and Sensitive Land Uses. Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive residential and other pollution-sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts, such as air filtration systems or other technologies. ***(Significant Unavoidable Impact)***	a) Have the potential impacts on surrounding uses been considered when a project that may emit pollution and/or odors, including but not limited to restaurants, parking garage vents and diesel generators, is proposed? b) Has the project taken into consideration potential air pollution and odor impacts, including but not limited to restaurants, parking garage vents and diesel generators, when locating residential and other pollution-sensitive land users in the vicinity of air pollution sources? c) If buffering is not feasible, have appropriate mitigation measures been incorporated into the project to reduce the impact on sensitive receptors?	CoB	P
DAP MM AIR-3: Implement BAAQMD Recommended Measures to Control PM10 Emissions during Construction. Measures to reduce diesel particulate matter and PM10 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided. Dust (PM10) Control Measures: • Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. • Cover all hauling trucks or maintain at least two feet of freeboard. • Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on any unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the construction site.	Do conditions of approval, if applicable, and construction plans or related agreements require that the specified BAAQMD recommended measures to control particulate matter PM (10) and diesel emissions during construction will be implemented?	CoB	P W C

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Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Measures to Reduce Diesel Particulate Matter and PM2.5 • Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. • Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. • The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors). • Properly tune and maintain equipment for low emissions. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***			
Cultural & Historic Resources			
DAP MM CUL-1: None listed in draft DAP ***(Significant Unavoidable Impact)*** Impact CUL-1: Demolition of Historic Resources. Despite the substantial protections in place in City policy, it is possible that development anticipated under the Project could result in the demolition of historic resources located within the Downtown Area. Were demolition of historic resources to occur, this would represent a significant and unavoidable impact associated with the Project.	N/A		
DAP MM CUL-2: Establish Parameters for Compatible Infill Development in the Downtown Area within Updated Design Guidelines. Using the Secretary of the Interior's "Standards" as a starting point (in compliance with DAP Policy HD-1-1a), the Design Guidelines for future development in the Downtown Area should be updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts. Specific guidelines that could be added for this purpose include, but are not limited to, the following: • Consider the difference in character of individual blocks. The scale of buildings change within the potential historic district(s) and new construction should reflect the appropriate scale per block. • Priorities for new construction and additions include: build-to-the-street, particularly at corners; construct infill buildings at vacant or underutilized sites along major streets; and modify non-historic buildings so that they contribute visual interest and quality. • Construct new buildings, of compatible design with the surrounding neighborhood.	a) Do the approved Downtown Design Guidelines address the suggested issues to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts? b) Is the proposed project consistent with the Guidelines and mitigation?	CoB	P

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Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
• Encourage creative and innovative contemporary designs for new buildings in the downtown. • Streetscape plays an important role in drawing individuals to a particular area of the city. Use signage, lighting, and paving to improve the pedestrian experience. • Build consistently with the street wall, particularly at corner sites. Continue dominant rhythms for structural bays, bay windows, large pilasters, and other repeating vertical elements. Also, continue dominant cornice lines, such as between ground floors and upper stories, and at the top of facades that meet a street. • Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design. • Set back upper floors where taller buildings are permitted, so that dominant roof and cornice lines remain generally consistent in the Downtown, as seen from the street. • Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate. • Provide multi-tenant retail space and other active publicly-accessible uses at the street level. These should be accessible directly from the sidewalk, rather than through common interior lobbies. • Provide easy-to-locate building entrances on all street-facing facades. Where a building extends through an entire block or is located at a corner, connect its entrances with signage and lighting to distinguish them from storefronts • Use vertically proportioned windows. Group such windows in sets where a horizontally proportioned window opening is desired, especially for the expression of structural bays. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***			
DAP MM CUL-3: Halt Work/Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered 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 an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit 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 archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with the mitigation measure? b) Have archaeological resources been uncovered during construction activities? If yes: - Has all work within 50 feet of the discovery been redirected until a qualified archaeologist could be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations? - If the deposit does qualify as an archaeological resource, have impacts to the deposit been avoided or mitigated by project activities? - Was the archaeologist's assessment or report documenting the methods, findings and recommendations been prepared and submitted to the City, the project proponent and NWIC?	CoB	W C

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM CUL-4: Halt Work/Paleontological Evaluation/Site-Specific Mitigation. Should paleontological resources 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 specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures? b) Was work halted if paleontological resources were discovered during construction? If yes: - was a qualified paleontologist contacted to evaluate the find and determine if further mitigation is necessary? - If mitigations were deemed necessary by the paleontologist, were all feasible measures implemented?	CoB	W C
DAP MM CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations. 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 any 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 archaeologist's 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. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures? b) Was work halted if any human remains were found at the construction site? If yes: - was the county coroner notified immediately and an archaeologist contacted to assess the situation? - If the human remains were of Native American origin, was an archaeologist's report prepared and submitted to the City, the Project Proponent and the NWIC?	CoB	W C

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Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Noise			
DAP MM NOI-1: Site-Specific Noise Studies, Site Planning, Noise Control Treatments. Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 L_{dn} and indoor levels in excess of 45 L_{dn}, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an L_{dn} of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following: • Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. • The California Building Code and the City of Berkeley require project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower in residential units exposed to exterior noise levels greater than 60 dBA L_{dn}. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. • Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower. ***(Significant Unavoidable Impact)***	In areas where residential development would be exposed to L(dn) exceeding 60 dBA, were site specific noise studies conducted to determine the area of impact and to present mitigation measures, and were appropriate mitigation measures incorporated into the proposed project to reduce noise levels?	CoB	P W
DAP MM NOI-2: Site-Specific Noise Studies, Activities Scheduling. The following measures should be implemented to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities: • Noise levels at residential property lines from commercial development should be maintained not in excess of the Berkeley Municipal Code Limits. The approvals of the commercial development should require a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet, and be consistent with, the City's noise standards. • Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) As needed, have proposed commercial projects provided a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet the City's noise standards? b) Are noise levels at residential property lines from commercial development maintained so as not to exceed Berkeley Municipal Code limits? c) Have noise generating activities, such as maintenance, refuse collection and loading dock functions been limited to the hours of 7:00 AM to 9:00 PM?	CoB	P O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM NOI-3: Site-Specific Noise Analysis, Noise Barriers, Pavement Modifications, Traffic Calming, Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate Project-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. The Project no longer includes reduction of lanes on Shattuck to one through lane in each direction. However, closure of Center Street is included in the DAP 2012 (see Figure AC-3). If the proposed Center Street modification takes place, additional noise reduction methods could include the following: • Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction. • Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces. ***(Significant Unavoidable Impact)***	If Center Street is closed and noise levels along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street are expected to exceed COB standards for interior noise, have impacts been studied and mitigations provided to reduce noise levels?	CoB	P W C
DAP MM NOI-4: Site-Specific Noise Analysis, Noise Barriers, Pavement Modifications, Traffic Calming, Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate Project-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed in the EIR, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. The DAP 2012 no longer includes reducing Shattuck to one through lane in each direction; however, it does include the potential closure of Center Street to most traffic. At the time a proposed project for closing Center Street is developed, noise reduction methods could include the following: • Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction. • Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces. ***(Significant Unavoidable Impact)***	If Center Street is closed and noise levels along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue are expected to exceed COB standards for interior noise, have impacts been studied and mitigations provided to reduce noise levels?	CoB	P W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM NOI-5: Develop Site-Specific Noise Reduction Programs and Implement Noise Abatement Measures during Construction. Prior to the issuance of building permits, the applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extend feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include appropriate times limits for construction (7 AM to 7 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. 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. • Construction equipment should be well maintained and used judiciously to be as quiet as practical. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • 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. • 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. • Prohibit unnecessary idling of internal combustion engines. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. • 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. • 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. • Route construction related traffic along major roadways and away from sensitive receptors where feasible. • Businesses, residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. *(Significant Unavoidable Impact)*	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures, including provision of a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction nose impacts? b) Has a construction liaison been identified to address local complaints?	CoB	W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM NOI-6 Avoidance of Pile-Driving/Site-Specific Vibration Studies/ Monitoring/Contingency Planning. The following measures are recommended to reduce vibration from construction activities: • Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. • Avoid using vibratory rollers and tampers near sensitive areas. • In areas where project construction is anticipated to include vibration-generating activities, such as pile-driving in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: - Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. - Construction contingencies would be identified for when vibration levels approached the limits. - At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. - Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. *(Significant Unavoidable Impact)*	a) Does the project avoid the use of pile driving? b) Does the project avoid the use of vibratory rollers and tampers near sensitive areas? c) In areas where vibration inducing activities cannot be avoided, has a site specific vibration study been conducted to present appropriate mitigation measures and have mitigations been provided to minimize impacts to the satisfaction of the City?	CoB	W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Transportation & Traffic			
DAP MM TRA-1: Modify Lane Configuration at Martin Luther King Jr. Way/Hearst Avenue Intersection. A lane should be added for left turns in the westbound direction, changing the right lane to throughright. Implementation of this mitigation would still result in LOS F in the PM peak hour, but delay would be reduced to 131.2s, eliminating the significant DAP-related impact. The implementation of this mitigation measure requires re-striping of Hearst Avenue east of Martin Luther King Jr. Way to accommodate the new lane, eliminating the bike lane in part of the block; or the acquisition of additional right-of-way on this segment of Hearst Avenue to accommodate the new lane and maintain the bike lane. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at MLK and Hearst Ave intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-10: Modify Lane Configurations at Oxford Street/University Avenue Intersection. The existing eastbound lane configuration should be maintained. This mitigation measure will result in change of LOS to D in the AM peak hour, with delay of 40.2s. Proposed lane reduction on University could be maintained west of the intersection. The implementation of this mitigation measure requires the maintenance of the eastbound lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at University Ave. and Oxford St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-11: Modify Lane Configurations at Oxford Street/Allston Way Intersection and Alter Signal Cycle Timing. One lane should be added in the southbound direction, changing the lane configuration to two through and one right turn lane. One lane should be added to the northbound direction, changing the configuration to one left turn and two through lanes. One lane should be added in the eastbound direction, changing the configuration to one left turn lane and one right turn lane. Cycle length should beincreased to 25s and to provide a protected left turn signal phase in the northbound direction. This mitigation measure would result in change of LOS to C in the Pm peak hour, with delay of 33.6s. On Oxford Street, the implementation of this mitigation measure would require the removal of 5 of the parking spaces in the southbound direction and the restriping of the segment in the block north of Allston Way. In the northbound direction there is the need to use the median space, as well as re-stripe the roadway. On Allston Way, the addition of the extra lane would require the loss of 4 on-street parking spaces on the south side of the street, as well as re-striping. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of onstreet parking spaces on Oxford Street and Allston Way is not anticipated to generate significant impacts. ***(Significant Unavoidable Impact)***	a) Has lane reconfiguration been implemented at Oxford St. and Allston Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City? b) Has signal cycle timing been altered to meet LOS level standards?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-13: Incorporate Emergency Access Lane in Design for Center Street Pedestrian Corridor. In order to maintain adequate emergency access to buildings located along Center Street between Shattuck Avenue and Oxford Street, the design of the proposed Center Street pedestrian corridor shall be required to incorporate a clear area, a minimum of 20 feet in width, where permanent and temporary structures, landscaping, and other physical features are prohibited. This area shall be designated as an emergency access lane, and must be accessible from both Shattuck Avenue and Oxford Street. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Have emergency access lanes been incorporated in the design for the Center St. pedestrian corridor?	CoB	O
DAP MM TRA-14a: Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street parking stalls along Milvia Street in order to accommodate the bike lanes. Up to 35 on-street parking stalls could be impacted by this mitigation measure. As noted in the parking demand discussion, sufficient public parking capacity is anticipated in the Year 2030 With Project condition, so the loss of these parking stalls would not be anticipated to cause a significant impact. This mitigation measure would also not preclude the implementation of the traffic mitigation measures at the University Avenue/Milvia Street intersection and the Center Street/Milvia Street intersection. ***(Significant Unavoidable Impact)***	Have Class 2 bike lanes been installed on Milvia St between University Ave. and Allston Way? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-14b: Install Traffic Calming Devices. Traffic calming devices should be installed on Milvia Street either between University Avenue and Allston Way or immediately north and south of this segment to discourage through vehicle traffic from traveling on this section of the roadway. Traffic calming devices could include speed humps, turn restrictions/prohibitions, or other measures determined by the City of Berkeley. ***(Significant Unavoidable Impact)***	Have traffic calming devices been installed on Milvia St. between University Ave and Allston Way to discourage through traffic? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-2: Modify Lane Configuration at Martin Luther King Jr. Way/Allston Way Intersection. The eastbound lane configuration should be changed, turning the existing through-left lane to left turn only and the right lane to a throughright. A right turn lane to Martin Luther King Jr. Way in the southbound direction should be added, changing the through-right lane to through only. This mitigation measure would result in changing the LOS to D, with delay of 49.8s. The implementation of this mitigation measure requires re-striping of Allston Way west of Martin Luther King Jr. Way to accommodate the lane changes, and the acquisition of right-of-way north of Allston Way to accommodate the southbound right turn lane. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at MLK and Allston Way Intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-3: Modify Lane Configuration at Milvia Street/University Avenue Intersection. A right turn lane should be added to University Avenue to the eastbound direction and one left turn lane should be added to University Avenue in the westbound direction. In the eastbound direction, the configuration of lanes would be one through-left lane, one through and one right turn lane. In the westbound direction, the configuration of lanes would be one left turn lane, one through lane and one through-right lane. This mitigation measure would change LOS to B, with delay of 14.9s in the AM peak hour, and to LOS C with delay of 25.8s in the PM peak hour. The implementation of this mitigation measure requires the removal of the median east of the intersection in order to accommodate the extra lane, and the restriping of University Avenue on both sides of Milvia Street. This measure is not anticipated to cause significant impacts to pedestrian traffic, but a right turn on green only with an advance stop bar can be implemented on University Avenue to avoid conflicts with pedestrians crossing Milvia Street. This measure would increase pedestrian safety and does not change the LOS of the intersection. The implementation of a bicycle waiting area placed ahead of the cars waiting to turn right can reduce the conflicts through bicycle flows and right-turn vehicle movements on Milvia Street in the southbound direction. This measure requires re-striping of Milvia Street. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at Milvia St. and University Ave. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-4: Modify Lane Configuration at Milvia Street/Center Street Intersection. One left turn lane should be added to Milvia Street in the northbound and southbound directions, changing the lane configuration to one through-right and one left turn lane. This mitigation measure would result in change of LOS to C, with delay of 24.0s in the PM peak hour. The implementation of this mitigation measure requires the removal of onstreet parking spaces in the northbound and southbound directions to accommodate the left turn, and the re-striping of Milvia Street on both sides of Center Street. This measure is not anticipated to cause significant impacts to pedestrian traffic. Milvia Street would remain a Bicycle Boulevard and sufficient traffic lane width would be provided for bicycles and vehicles to make through movements at this intersection. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at Milvia St. and Center St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-5: Modify Lane Configuration at Shattuck Avenue/Center Street. The significant impact at this intersection can only be mitigated by restoring Shattuck Avenue to provide two traffic lanes in the northbound direction. The proposed mitigation measure would add one lane to Shattuck Avenue in the northbound direction, changing lane configuration to one left turn lane and two through lanes. This mitigation measure would result in change of LOS to D, with delay of 42.6s in the PM peak hour. The implementation of this mitigation measure would require the removal of the parking spaces in the northbound direction of Shattuck Avenue, the reconfiguration of the southeast sidewalk, and the re-striping of Shattuck Avenue in the block south of Center Street. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Has lane reconfiguration been implemented at Shattuck Ave. and Center St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-6: Modify Lane Configurations at Shattuck Avenue/Allston Way Intersection. The existing number of lanes (three) in the northbound and southbound directions should be maintained, changing lane configurations to one left turn lane, one through lane and one right turn lane. One right turn lane should be added to the westbound direction, changing the existing lane to a through-left only. This mitigation measure would change the forecast LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would maintain the single through lane concept of the Shattuck Boulevard plan, but would widen the street cross section by providing a right turn lane in the northbound and southbound directions. On Allston Way, the implementation of the proposed mitigation measure requires the removal of on-street parking to accommodate the new lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic. The anticipated loss of six on-street parking spaces on Alston Way and none spaces on Shattuck Avenue is not expected to generate significant impacts. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implmented at Shattuck Ave and Allston Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-7: Modify Lane Configurations at Shattuck Avenue/ Bancroft Way Intersection. The existing number of lanes in the southbound direction should be maintained, changing lane configuration to one through lane and one through-right lane. This mitigation measure would result in change of LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would not maintain the single through concept of the Shattuck Boulevard plan. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the southbound direction and the restriping of the segment of the block north of Bancroft Way. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Has lane reconfiguration been implemented at Shattuck Ave and Bancroft Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-8: Modify Lane Configurations at Shattuck Avenue/Durant Avenue Intersection. The existing number of lanes in the northbound direction should be maintained, changing the lane configuration to one left turn lane, one through and one right turn lane. This mitigation measure will result in change of LOS to B in the AM peak hour (17.8s delay). LOS C is achieved in the PM peak hour (21.6s delay) applying the mitigation measures described above plus a20s increase in cycle time. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the northbound direction and the re-striping of the segment in the block south of Durant Avenue. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Has lane reconfiguration been implemented at Shattuck Ave. and Durant Ave intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-9: Maintain Existing Lane Geometry in the Westbound Direction. The DAP-proposed lane reduction on Hearst Avenue would be maintained to the west of the intersection, with the lane reduction occurring in a transition to the west of the intersection. Add one lane in southbound direction, changing lane configuration to one left-turn, one through and one through-right lane. Change the eastbound direction lane configuration to one through-left lane one through-right lane. Maintain split signal phasing for eastbound and westbound directions. Add a right turn only lane to the northbound direction and provide right turn overlap signal phasing for this movement. The right turn only lane would not be a free-right turn, but a striped, exclusive right turn lane adjacent to the northbound through lanes. Change northbound and southbound signal phasing to protected + permitted for left turns. This mitigation measure would change LOS to D in the AM peak hour (54.9 seconds delay). In the PM peak hour, the 2030 LOS is improved to LOS D, with delay reduced from 166.4 seconds With Project to 54.4 seconds. On Oxford Street, the implementation of this mitigation measure requires the removal of seven parking spaces in the southbound direction and the re-striping of the segment in the block north of Hearst Avenue. On Hearst Avenue, existing configuration should be maintained in both directions. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of on-street parking spaces on Oxford is not anticipated to generate significant impacts. ***(Significant Unavoidable Impact)***	a) Has lane reconfiguration been implemented at Oxford St. and Hearst Ave. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City? b) Has signal cycle timing been adjusted to meet LOS AM and PM peak hour targets?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Utilities & Service Systems			
DAP MM USS-1: Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer conveyance System/Project-Related Contribution to Necessary Capacity Expansion. As individual development projects are proposed in the Downtown Area, each project will be subject to site-specific analysis by the City of Berkeley to determine whether the development proposed would exceed the capacity of the sanitary sewer conveyance system that directly serves the project. In the event that existing sanitary sewer modeling demonstrates that sanitary sewer conveyance system capacity would be exceeded by the proposed project, then the project proponents and the City shall enter into negotiations to determine the financial contribution required from the project proponents to enable the City to expand sanitary sewer conveyance capacity as necessary to accommodate the project as proposed. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Has a project/site specific analysis been conducted to determine whether the project would exceed the sanitary sewer system capacity that directly serves the project? b) If modeling demonstrates that sewer capacity will be exceeded, have negotiations between the project proponents and City been held to determine the financial contribution necessary to expand the sewer system to accommodate the project, and have fair-share contributions been provided by the proponent?	CoB	P W

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ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

2029 University Avenue

Use Permit #ZP2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.

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

When: Thursday, November 13, 2025, 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.

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474
E-mail: zab@berkeleyca.gov

A. Land Use Designations:

- General Plan: DT– Downtown Mixed-Use
- Zoning: C-DMU Outer Core (Downtown Mixed-Use district)

B. Zoning Permits Required:

1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)*
2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH).
3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH).
4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH).
5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH).
6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

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

Concessions:

1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150

Waivers:

1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.

6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP)

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

E. Project Recommendation: Approve Use Permit #ZP2024-0181 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Rhoades Planning Group
- Property Owner Mohammad Talai & Kokab Talai

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, Nilu Karimzadegan at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

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

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

Written Comments, Communications, and Reports:

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

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

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

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

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

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

From: Karimzadegan, Niloufar
To: christopher kroll
Subject: RE: 2029 University Avenue DRC Meeting 10/16/2025
Date: Tuesday, November 4, 2025 5:59:00 PM

Hi Chris,
Thanks for your patience on this!

Please see my responses in red below.

Sincerely,
Nilu

From: christopher kroll <quercus40@gmail.com>
Sent: Thursday, October 30, 2025 9:03 PM
To: Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>
Cc: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: Re: 2029 University Avenue DRC Meeting 10/16/2025

Thanks so much for getting back to me. And I will watch the video at some time but it is a long video.

I would appreciate your saving me some time by telling me:

- where in state law it says that the City must concede to a developer's request to remove conditions on a permit? Concessions: Government Code Section 65915(d) and (k)
  what part of the law is the density bonus contained within? **Government Code Section 65915 (Codes Display Text)**

  TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]
  DIVISION 1. PLANNING AND ZONING [65000 - 66342]
  CHAPTER 4.3. Density Bonuses and Other Incentives [65915 - 65918]

- you refer to HCD guidance -- but what state law section requires local governments to agree to developer requests on concessions based on "project costs"? Concessions: Government Code Section 65915(d) and (k)
- Is the developer required to prove his/her contention that bird safe glass, etc would

make the project "not pencil out" or whatever term is used? If not, why not? A Court of Appeal held that the state's density bonus law (Gov't Code § 65915) does not require applicants to submit financial information to support requests for incentives or waivers and preempted a city ordinance that required such financial documentation to show that a project would not be "economically feasible" without the requested incentives. *Schreiber v. City of Los Angeles*, 69 Cal. App. 5th 549 (2021).

- can the City choose which concessions to give the developer when concessions are requested for density bonus projects? If not, why not? No, per Government Code Section 65915(d)

Thanks so much for your help so I can understand why tall buildings can be approved in Berkeley without even the minimum bird safe glass provisions included within the recently adopted BSG ordinance.

Christopher Kroll

On Mon, Oct 20, 2025 at 4:12 PM Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov> wrote:

> Hi Christopher,
>
> I appreciate your thoughtful reasoning and the time you took to communicate your points with Staff.
> However, this matter is beyond the City's control, as State law supersedes local ordinances. The California Department of Housing and Community Development (HCD) has advised that Density Bonus Law (DBL) concessions apply to City requirements that could increase project costs. This HCD guidance is interpreted to include provisions such as the bird-safe building standards. Under State law, the City cannot deny a housing project unless specific findings—can be made. Staff has not been able to make those findings.
>
> I recommend watching the ZAB hearing for the project at 2425 Durant Avenue, which took place last Thursday, October 9. Similar concerns were raised regarding the concessions associated with that project. Viewing the video of the meeting would be worthwhile, as it provides helpful context and insight into staff recommendations and ZAB members' reasoning behind these decisions.
>
> Agenda: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board
> (Staff Report for this project has a Density Bonus Section including a waiver and concession section)

Video: https://berkeley.granicus.com/player/clip/5518?publish_id=5c02a586-a957-11f0-8df7-005056a89546&redirect=true

2029 University Avenue is tentatively schedule for the ZAB meeting of 11/13/25. Staff reports will be available on the ZAB agenda page on 11/6/25.

I hope this is helpful and let me know if you have other questions,

Sincerely,

_____

Nilu Karimzadegan (She/Her)
Senior Planner
City of Berkeley | Land Use Planning
NKarimzadegan@berkeleyca.gov

From: christopher kroll <quercus40@gmail.com>
Sent: Monday, October 20, 2025 3:38 PM
To: Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>
Cc: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: Re: 2029 University Avenue DRC Meeting 10/16/2025

Hello Nilu

Thanks for the response. I understand that because of the low income units this building gets a density bonus.

What I don't understand is why the City would choose to give one of the largest new buildings proposed for construction downtown a pass on complying with the bird safe glass ordinance. The City talks about new tall buildings promoting sustainability but we are experiencing a massive die off of animal species across the globe. Bird species are among the heaviest hit and have declined in large numbers in recent decades. Tall buildings in downtown areas play a major role in the deaths of migrating birds.

A recent study coauthored by the Audubon chapter NYC Bird Alliance found

that over one billion birds in the U.S. die each year from window collisions due to reflective glass and artificial light at night.

The builder has already received the benefit of additional floors to make money from this building. Does the Planning Department believe that the alleged financial viability of this building is more important than implementing an existing ordinance to aid in the protection of migrating birds at a time of ever increasing massive die offs. Were there not other "concessions" that could have been offered to the developer?

What is the value of the City's commitment to the bird safe glass ordinance if it can so easily be avoided with the City's blessing? This is not sustainable development.

Finally I assume this will all be discussed in the staff report. Which ZAB meeting is this proposed development now scheduled for?

Christopher Kroll

On Mon, Oct 20, 2025 at 8:38 AM Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov> wrote:

> Good morning,
>
> This project includes 15% Very-Low Income and 15% Moderate-Income units, in accordance with the State's Density Bonus Law, making it eligible for three concessions. These concessions are granted to support the financial feasibility of the project and do not require the applicant to provide a detailed rationale to the City. In their statement, the applicant simply notes that the concessions are necessary to ensure the project's financial viability.
>
> I hope this helps.
>
> Sincerely,
> Nilu
>
> ---
>
> **From:** christopher kroll <quercus40@gmail.com>
> **Sent:** Friday, October 17, 2025 8:51 PM
> **To:** Burns, Anne M <ABurns@berkeleyca.gov>
> **Cc:** Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>

Subject: Re: 2029 University Avenue DRC Meeting 10/16/2025

Thank you Anne. I look forward to hearing back next week.

Chris Kroll

On Fri, Oct 17, 2025 at 6:40 PM Burns, Anne M <ABurns@berkeleyca.gov> wrote:

> Hello, Christopher: I'm sorry to hear that you had trouble reading the agenda and meeting materials on-line. When I opened the agenda on-line to check, I also saw that it was smaller as it is formatted to fit the page. I needed to increase the size before reading it. I can check in with our admin staff on this next Tuesday and see what version is best to direct you toward.
>
> I'm copying Nilu Karimzadegan on my response, as she is the Use Permit Planner who will be preparing the staff report and meeting materials for when these projects come to ZAB. I believe that she is already intending to go into more information about the requested concession in her ZAB report, but she might also be able to give you some information before that.
>
> Thank you. - Anne Burns
>
> ---
>
> **From:** christopher kroll <quercus40@gmail.com>
> **Sent:** Friday, October 17, 2025 2:05 PM
> **To:** Burns, Anne M <ABurns@berkeleyca.gov>
> **Subject:** Fwd: 2029 University Avenue DRC Meeting 10/16/2025
>
> **WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.
>
> Date: Fri, Oct 17, 2025 at 2:01 PM
> Subject: 2029 University Avenue DRC Meeting 10/16/2025
> To: <aburns@berkelyca.gov>
>
> I was not able to attend the DRC meeting last night. And I am unable to read the staff report for this project when I click on the link in the agenda. The text is too small to read.
>
> I have two requests:

1) Please send me a link to a version where the document is legible i.e. text is large enough to be easily read on a computer.

2) Please explain the rationale for excusing this building from conforming to the bird safe glass ordinance. It seems that bird safe glass is most important for high rises like the proposed building. So what is the rationale to not require for this building.

Thank you

Christopher Kroll
West Berkeley

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ZAB APPEAL: 2029 University Avenue (Student Housing-Oriented) Use Permit #ZP2024-0182

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **Monday, February 23, 2026** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board approving Use Permit ZP#2024-0182 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 191,922-square-foot residential building, containing 160 dwelling units including 12 Very Low-Income (VLI), and 12 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 10 Short-Term bike parking spaces.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Nilu Karimzadegan, Senior Planner at (510) 981-7430.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 11, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

_____

Mark Numainville, City Clerk

Mailed by: February 9, 2026

Attachment 4

Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Board or Commission decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Board or Commission decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

Office of the City Manager

03b
Special Meeting Item

PUBLIC HEARING
FEBRUARY 23, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Adjustments Board Appeal: 2029 University Avenue, Use Permit Application #ZP2024-0181 (Multi-Family)

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units, including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.

SUMMARY

On November 13, 2025, the ZAB approved Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units. The project approval was based on findings that the project would not be detrimental to the general welfare of the City, aligns with the purpose of the zoning district, encourages the use of public transit, and facilitates the construction of affordable housing.

On December 1, 2025, the ZAB's decision was appealed by Weinberg, Roger & Rosenfeld on behalf of the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"). Appellants contend that the City should deny the Applicant's request to use state Density Bonus Law concessions to waive compliance with the requirements of the apprenticeship requirements and health care expenditure provisions of the City's HARDHATS Ordinance (codified at Berkeley Municipal Code Sections 13.107.040 and 13.107.050, respectively) because these concessions are noncompliant with state law. Specifically, Appellants claim (1) that these regulations are not the proper subject of concessions and, in the alternative, that

(2) they are subject to the exemption in Government Code Section 65915(d)(1)(B) because they pose a specific, adverse impact on public health and safety.

For reasons discussed further below, staff find that these concessions are appropriate and that the City cannot make the factual findings necessary to deny them.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On December 10, 2024, the applicant submitted Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069).

On December 19, 2024, the applicant submitted a Use Permit application (ZP#2024-0181).

On January 9, 2025, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069).

On May 22, 2025, the Use Permit application was deemed complete.

On September 4, 2025, Landmarks Preservation Commission (LPC) held a public hearing on the demolition referral of the existing building to be demolished, took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition.

On October 16, 2025, Design Review Committee (DRC) held a public meeting for the design review of the proposed project and provided a favorable recommendation to the ZAB with recommendations for Final Design Review.

On October 30, 2025, the City mailed public hearing notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations.

On November 13, 2025, the ZAB held a public hearing for the Use Permit and received additional public comments. See Attachment 3 for the staff report submitted for ZAB consideration. Opponents raised concerns regarding the HARDHATS concessions, contending that these concessions pose specific adverse impact upon public health and safety. After considering the staff report, the administrative record, and hearing comments from staff, the applicant, and members of the public, the ZAB voted to approve the project with a 5-1-0-2 vote (Moved Sanderson, Second: Mae Palmatier.

Ayes: Duffy, Mae Palmatier, Sanderson, Gaffney, Allen; Noes: Thompson; Abstain: None; Absent: Yung, Choi).

On December 1, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council ("Carpenters") (together, "Appellants"), filed an appeal of the ZAB's decision to approve the project.

BACKGROUND

The subject property is an approximately 12,385-square-foot, interior lot on the north side of the 2000-block of University Avenue, between Shattuck Avenue and Milvia Street. It is a flat, rectangular-shaped parcel, 114- feet-deep, 108 feet-wide, with street frontage facing University Avenue to the south. It includes one 9,401-square-foot, two-story non-residential building containing five commercial spaces in the front and a detached ten-car garage structure in the rear of the lot, both proposed to be demolished. A covered driveway connects the curb cut on University Avenue to the garage building in the rear. The project site is located along University Avenue, west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP; see Figure 1). The project site is surrounded primarily by commercial and multi-family residential/mixed-use buildings ranging in height from one story to eight stories. The project site is served by several modes of public transportation—including multiple AC Transit bus lines on University Avenue, and the Downtown Berkeley BART station, which is located 0.3 mile to the southeast of the site—as well as a nearby bike share station.

Figure 1: Vicinity and Zoning Districts Map

The proposed project involves demolishing an existing two-story commercial building and a ten-car garage structure to construct a 23-story residential building (256 feet tall plus a 5-foot parapet), totaling approximately 190,830 square feet. The building would contain 240 dwelling units, including 80 studios, 60 junior one-bedrooms, 60 one-bedrooms, and 40 two-bedrooms, for a total of 280 bedrooms. The project also includes 29 off-street parking spaces located on the second-floor garage, as well as a roof deck, fitness center, and lounge area on Level 23.

Figure 2: Existing Street View (University Avenue)

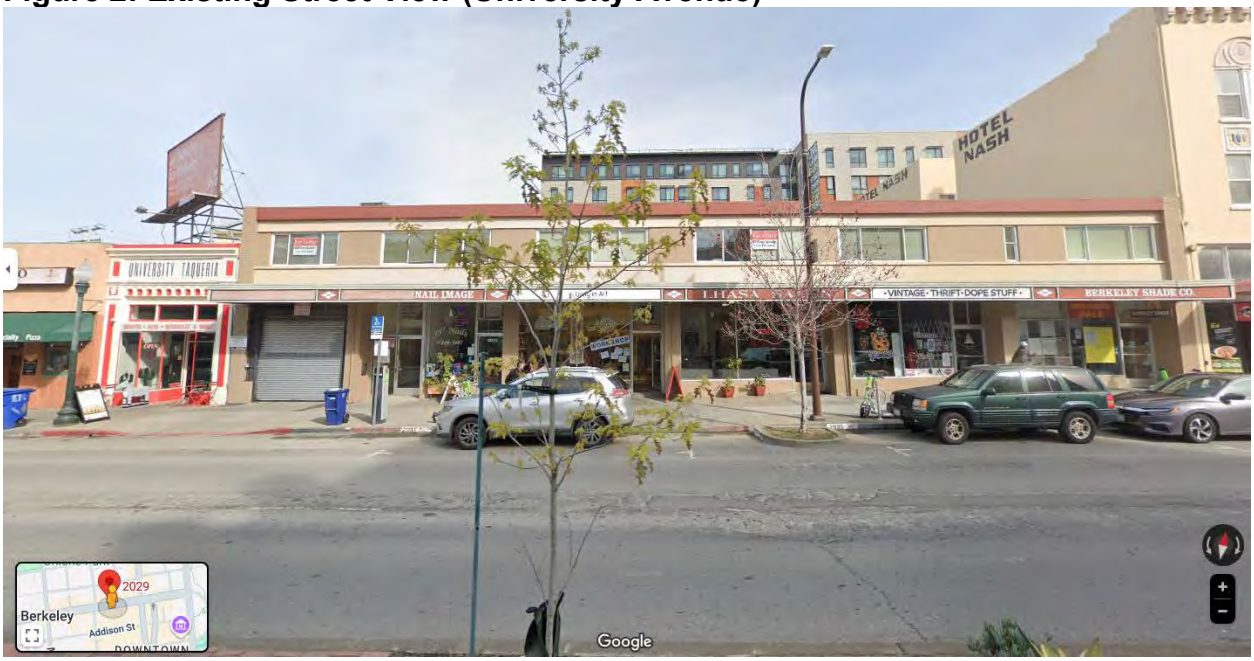

Figure 3: Typical Floor Plan

Figure 4: Proposed **The**

PLAN AT LEVELS 4-22

Project Rendering

Senate Bill 330 (Housing Crisis Act of 2019) and State Density Bonus

The proposed project qualifies as a housing development project under SB 330 and is requesting a density bonus under the State Density Bonus law. The total density bonus is calculated based on the site's base density and the allowable bonus granted for providing affordable housing. The base density reflects the maximum number of units allowed on the site while fully complying with applicable district development standards, including height, setbacks, usable open space, and parking requirements. The density bonus is then determined by the percentage of total units dedicated as affordable and their affordability level. For this site, the base density is 120 units. By proposing 18 very low-income (VLI) units and 18 Moderate Income (MI) units, 30% of the total base units, the project qualifies for a 100% density bonus, increasing the maximum allowable density to 120 additional units above the base density for a total of 240 dwelling units (See Table 1: Density Bonus).

Table 1: Density Bonus

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
120	36 [18 VLI (15% of Base) + 18 MI (15% of Base)]	100	120	240

Notes:

[a] Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.

Abbreviations: % = percent

Concessions are defined in Government Code Section 65915(k) as a reduction in site development standards; approval of mixed-use zoning in certain instances; or any other regulatory incentive that results in identifiable and actual cost reductions. Pursuant to California Government Code Section 65915(d)(1), the City may only deny the concession if it makes a written finding, based on substantial evidence, that the concession does not result in identifiable and actual cost reductions; the concession would have a specific adverse impact upon public health and safety 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 the concession would be contrary to state or federal law.

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. **Concession.** Exemption from the **"Apprenticeship Requirements"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040.
2. **Concession.** Exemption from the **"Health Care Expenditures"** in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050.
3. **Concession.** Exemption from the **"Bird Safe Building"** requirement as required by BMC 23.304.150.

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 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.

The applicant is requesting nine waivers from the following development standards:

1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204.130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
9. **Projections Above Height Limits.** Waiver of BMC Section 23.304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP).

RATIONALE FOR RECOMMENDATION

The main issues raised in the Appellant's letter (Attachment 2) and staff's responses are detailed below. For the sake of brevity, all the appeal issues are not re-stated in their entirety.

I. The HARDHATS Ordinance Is The Proper Subject of Concessions under the Density Bonus Law.

As discussed above, State Density Bonus Law (SDBL) requires municipalities to award a density bonus when a developer agrees to dedicate a certain percentage of the overall units in a development to affordable housing. Developers of these projects are entitled to request a certain number of incentives or concessions, which municipalities must grant absent limited exceptions. (Gov. Code § 65915(d).)

A concession or incentive is regulatory relief that a developer can use to reduce the costs of building affordable housing. (*See id.* § 65915(d)(1).) A concession under the SDBL can be a reduction in site development standards or a modification of zoning code requirements or architectural design requirements or approval of mixed-used zoning in compatible areas not already so zoned. (*Id.* § 65915(k)(1-2).) Another appropriate subject of a concession is any "other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs…" (Gov. Code § 65915(k)(3).)

As discussed above, the Applicant has requested the following three concessions:

(1) Exemption from the "Apprenticeship Requirements" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040

(2) Exemption from the "Health Care Expenditures" in Establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050

(3) Exemption from the "Bird Safe Building" as required by BMC Section 23.304.150

Appellants argue that the provisions regarding Apprenticeship Requirements (BMC Section 13.107.040) and Health Care Expenditures (BMC Section 13.107.050) are not the appropriate subject of a concession because they do not pertain to development standards. However, under the plain language of the SDBL, a concession need not be related to the physical characteristics of the development; rather, Section 65915(k)(3) is a catch-all provision that provides a concession may be a waiver of *any* regulation if such waiver results in identifiable and actual cost reductions to the Applicant. (*See* Gov. Code § 65915(k)(3).)

Therefore, each of the concessions requested here is appropriate because each requests relief from a regulation where such relief would result in identifiable and actual cost reductions to the Applicant.

First, BMC Section 13.107.040 requires participation in qualified apprenticeship programs, which adds administrative, labor, and financial obligations beyond standard construction practices. The Applicant has reported to the City that this concession would result in cost savings of $1,893,000.

Next, BMC Section 13.107.050 requires developers to provide health care expenditures on behalf of each covered construction worker in addition to hourly wages. The Applicant has reported to the City that this concession would result in cost savings of $2,839,000.

This results in total savings of $4,732,000 for the developer. Accordingly, each of the requested concessions would result in "actual" and "identifiable" cost reductions to the Applicant.

II. None of the State Density Bonus Law Exceptions Apply.

The SDBL mandates that cities grant a requested concession or incentive, subject to the following very limited exceptions:

> (A) The concession or incentive does not result in identifiable and actual cost reductions…to provide for affordable housing costs…
>
> (B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety… for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.
>
> (C) The concession or incentive would be contrary to state or federal law.

(Gov. Code, § 65915(d)(1)(emphasis added).) Notably, the City "bears the burden of proof for the denial of a requested concession or incentive." (Gov. Code § 65915(d)(4).)

The Appellant asserts both that the requested concessions would not result in identifiable and actual cost reductions and that the concessions would have a specific, adverse impact upon public health and safety.

A. The City cannot show that requested concessions would not result in identifiable and actual cost reductions.

As stated above, the City could permissibly reject any of the three requested concessions upon a finding based on substantial evidence that they would not result in "identifiable and actual cost reductions." (Gov. Code, § 65915(d)(1)(A).)

Staff advise, however, that the City cannot make this showing. Consistent with Government Code Section 65915(a)(2), subsequent to the filing of this Appeal the City requested reasonable documentation from the Applicant regarding the cost reductions that would accrue from each of the three concessions at issue. As discussed above, the information from the Applicant confirms that each of the three requested concessions would result in identifiable and actual cost reductions. The City has no information to make any findings otherwise and thus cannot make a finding based on substantial evidence that this exception applies.

B. The City cannot meet its statutory burden to show that the requested concessions would have a specific, adverse impact upon public health and safety.

Next, the City could permissibly deny the concessions if it made findings supported by substantial evidence that the concessions would have a "specific, adverse impact" upon public health and safety. (Gov. Code, § 65915(d)(1)(B).)

"Specific, adverse impact" is defined as "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." (Gov. Code, § 65589.5(d)(2).) "It is the intent of the Legislature that the conditions that would have a specific, adverse impact upon the public health and safety…arise infrequently." (Gov. Code, § 65589.5, subd. (a)(3).

Staff advise that based on this standard, Appellants have not provided adequate evidence that the concessions at issue meet the criteria for a "specific, adverse impact," nor does the City have other sufficient evidence on which to make such a finding. Therefore, staff advise that the City cannot make a finding based on substantial evidence that this exception applies.

For these reasons, staff recommend that the appeal be dismissed.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23.410.040(G), the Council may (1) continue the public hearing, (2) reverse, affirm, or modify the ZAB's decision, or (3) remand the matter to the ZAB.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code Section 21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. It 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, located within city limits on fewer than five acres and surrounded by urban uses, has no habitat value for endangered, rare, or threatened species. Its approval would not cause significant impacts related to traffic, noise, air quality, or water quality, and the site can be adequately served by required utilities and public services. Furthermore, none of the CEQA Guidelines Section 15300.2 exceptions apply: the site is not in an environmentally sensitive area; cumulative impacts would not be significant; no unusual circumstances exist that would cause environmental effects; it is not near a designated scenic highway; it is not listed under Government Code Section 65962.5; and the project would not substantially affect any historical resource.

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Nilu Karimzadegan, Senior Planner, (510) 981-7430

Attachments:
1: Draft Resolution
    Exhibit A: Findings, November 13, 2025
    Exhibit B: Conditions, November 13, 2025
    Exhibit C: Project Plans, October 2, 2025
2: ZAB Decision Appeal Letter, received December 1, 2025
3: ZAB Packet (Staff Report and attachments), dated November 6, 2025
4: Public Hearing Notice
5: Index to Administrative Record
6: Administrative Record

RESOLUTION NO. ##,###-N.S.

DENY THE APPEAL AND AFFIRM THE ZONING ADJUSTMENTS BOARD DECISION TO APPROVE USE PERMIT #ZP2024-0181 TO DEMOLISH AN EXISTING TWO-STORY COMMERCIAL BUILDING AND A TEN-CAR GARAGE STRUCTURE ON A 12,385-SQUARE-FOOT LOT AND TO CONSTRUCT A 23-STORY (256-FEET-TALL PLUS A 5-FOOT PARAPET) APPROXIMATELY 190,830-SQUARE-FOOT RESIDENTIAL BUILDING CONTAINING 240 DWELLING UNITS INCLUDING 18 VERY LOW-INCOME (VLI), AND 18 MODERATE INCOME (MI) UNITS FOR A 100% DENSITY BONUS. THE PROPOSED PROJECT PROVIDES 29 OFF-STREET PARKING SPACES, 167 LONG-TERM AND 8 SHORT-TERM BIKE PARKING SPACES

WHEREAS, on December 10, 2024, the applicant submitted Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069); and

WHEREAS, on December 19, 2024, the applicant submitted a Use Permit application (ZP#2024-0181); and

WHEREAS, on January 9, 2025, the applicant vested a complete Preliminary Use Permit application pursuant to SB330 (PLN#2024-0069); and

WHEREAS, on May 22, 2025, the Use Permit application was deemed complete; and

WHEREAS, on September 4, 2025, Landmarks Preservation Commission (LPC) held a public hearing on the demolition referral of the existing building to be demolished and took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition; and

WHEREAS, on October 16, 2025, Design Review Committee (DRC) held a public meeting for the design review of the proposed project and provided a favorable recommendation to the ZAB with recommendations for Final Design Review; and

WHEREAS, on October 30, 2025, the City mailed notices for the scheduled Zoning Adjustments Board (ZAB) public hearing to property owners and occupants within 300 feet of the project site, as well as to interested neighborhood organizations; and

WHEREAS, on November 13, 2025, the ZAB held a public hearing for the Use Permit, received additional public comments and voted to approve the project with a 5-1-0-2 vote; and

WHEREAS, on December 1, 2025, the Building and Construction Trades Council of Alameda County, AFL-CIO (“Trades Council”) and the Northern California Carpenters Regional Council (“Carpenters”), filed an appeal of the ZAB’s decision to approve the project; and

WHEREAS, on or before February 9, 2026, staff posted the public hearing notice at the site and three nearby locations and mailed notices to property owners and occupants within 300 feet of the project site, and to all registered neighborhood groups that cover this area. The Council must conduct a public hearing to resolve the appeal; and

WHEREAS, on February 23, 2026, the Council held a public hearing to consider the ZAB's decision, and in the opinion of this Council, the facts stated in, or ascertainable from the public record, including the staff report and comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley hereby affirms the decision made by ZAB to approve a Use Permit #ZP2024-0181; adopts the Findings in Exhibit A; the Conditions of Approval in Exhibit B; and adopts the project plans in Exhibit C.

Exhibits
A: Findings, November 13, 2025
B: Conditions of Approval, November 13, 2025
C: Project Plans, dated October 2, 2025

LAND USE PLANNING

Zoning Adjustments Board Findings

APP # ZP2024-0181

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: December 10, 2024 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22,

	where 15 feet is the minimum, between 76 to 120 feet in height. 7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. 9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. CEQA FINDINGS

As required by CEQA Section 15332 ("Infill Development Project") of the CEQA Guidelines, the ZAB finds that this 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.) because:

- 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.

Evidence: Though the project is located within the City's Environment Management Area (EMA), which are areas in the City of Berkeley known or suspected to have groundwater contamination, it is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time will not be significant; there are no "unusual circumstances" at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis.

Historic Resource Evaluation prepared by Left Coast Architectural History, dated October 18, 2023 concluded that based on their evaluation, the property is not historically significant at either the local or State level and therefore does not qualify as a historic resource for the purposes of the California Environmental Quality Act.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1)** ***"Findings for Approval"****,* the ZAB finds that the

the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use;

Evidence: The project is consistent with all applicable C-DMU Outer Core District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

(b) Will not 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.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized Housing Opportunity Site with a new development consisting of 240 units. This includes a significant affordable housing component: 18 units for Very Low-Income (VLI) households, and 18 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

Sunlight: The additional height above the district limits (75 feet with Use Permit plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 256-foot-tall (plus 5-foot parapet), 23-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter months in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north and in the hours of before sunset on the residential buildings on the north and north-east ; b) in the summer months in the hours of after sunrise on the residential buildings on the west, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the east and southeast; and c) at the time of application preparation (March) in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north, and in the hours of before sunset on the residential buildings on east. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Downtown Area plan that allows building heights up to 120 feet with 0 to 15-foot setbacks from property lines depending on the height and distance to lot frontage.

2) As required by **BMC Section 23.406.040 (E)(2)** ***"Findings for Approval"****,* to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

a) Pursuant to **BMC Section 23.326.070(D) "Demolition of Non-residential Buildings"** A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. The demolition:

(a) Is required to allow a proposed new building or other proposed new use;

(b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

(c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: The proposed demolition is necessary to facilitate the construction of a new residential development consisting of 240 units on a designated Opportunity Site. This new use supports the City of Berkeley's housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).

b) As required by **Government Code Section 65915 (State Density Bonus),** the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 120 units. The project will provide at least and 18 Very Low-Income (VLI) and 18 Moderate-Income (MI) BMR units on site qualifying units in the 120-unit base project, as more fully set forth in Condition "Number of Below Market Rate Units". The project is entitled to a density increase of 100 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. This equates to a density bonus of up to 100% or 120 units above the base project, for a total of up to 240 units.

i. 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:

- **Concession 1.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
- **Concession 2.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
- **Concession 3.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150

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 grants the following concessions and finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

ii. 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.

- **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
- **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27(0.0014%) square feet where 7,680 square feet (40%) is required.
- **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 ft. (plus 5-foot parapet by right) is the allowable height with a Use Permit.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
- **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139'-6" at the widest point

(on the diagonal in plan review) where maximum width allowed is 120 feet.

- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

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.

c) As required by the **Housing Accountability Act, Government Code Section 65589.5(j),** 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.

Evidence: The project includes construction of "housing development project" with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

3) As required by **BMC Section 23.406.040 (E)(3)** ***"Findings for Approval",*** the ZAB considers the following (a and b) in making findings:

(a) The proposed land use

Evidence: The proposed land use meets the findings for approval because the project's residential use is consistent with the purposes of the Downtown Mixed-Use areas as outlined in the General Plan's Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

(b) The structure or addition that accommodates the use.

Evidence: The proposed construction of a twenty three-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use

because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district.

4) As required by **BMC Section 23.406.040 (E)(4)** ***"Findings for Approval",*** the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

5) As required by **BMC Section 23.406.040 (E)(5)** ***"Findings for Approval",*** the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.

LAND USE PLANNING

Conditions of Approval

APP # ZP2024-0181

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: December 10, 2024. **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers: 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the

	Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height. 7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. ~~9.~~ **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions:** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions and the Downtown 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 BMC 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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 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 BMC Chapter 13.104 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 BMC Chapter 13.104; (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 BMC 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 BMC 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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 Section 16.28.030 Assignment and Installation of Numbers, 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, Prohibited Acts. 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 Downtown Area Plan Mitigation Monitoring and Reporting Program (Attachment 5 to Staff Report). 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. **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.

26. **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.

27. **Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along University Avenue to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

28. **Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher,or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

29. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

30. **Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations~~,~~ and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

31. **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 (ETo) for Berkeley is 41.8.

32. **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 at RecyclingProgram@berkeleyca.gov.

33. **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

34. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

Below Market Rate Units., 18 Very-Low Income and 18 Moderate Income Units shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings 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), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination if Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements		Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	
Extremely Low-Income (30% AMI)	**-**	**-**	**-**
Very Low-Income (50% AMI)	**18**	**18**	**18**[1]
Low-Income (80% AMI)	**-**	**-**	**-**

[1] These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

Moderate-Income (x%)	**18**	**-**	**18**[2]
Total			**36**

35. **Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915) The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

36. **Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is $985,488.55 Any adjustments to the fee and the final fee amount 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.

[2] These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

Prior to Demolition or Start of Construction:

37. **Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

38. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

    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 District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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 BAAD 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. **Archeological Resources (*Ongoing throughout demolition, grading, and/or construction*).**

A. *Qualified Archeologist.* The project applicant shall retain a qualified archeologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional archeologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).

B. *Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on archeological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Archeological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying archeological staff should fossils be discovered by construction staff. The Archeological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a qualified archeologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training.

Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

C. *Archeological Monitoring.* The extent of required archeological monitoring for the project shall be determined by the qualified archeologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Archeologist shall conduct and initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the archeologist determines that geologic units exposed between 5-10 feet BGS have high archeological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be archeological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no archeological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, archeological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Archeologist at that time.

D. In the event of a fossil discovery by the archeological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Archeologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Archeologist shall complete the following conditions to mitigate impacts to significant fossil resources:

   1) *Salvage of Fossils.* If fossils are discovered, the archeological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead archeologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single archeologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within archeologically- sensitive Quaternary alluvial deposits.

   2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent archeological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Archeologist.

E. *Final Archeological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Archeologist shall prepare a final report describing the results of the archeological monitoring efforts associated with the project. The

report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

52. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

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

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

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be 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. 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.

L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

54. **Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
55. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
56. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
57. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
58. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
59. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
60. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

61. **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.
62. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 2, 2025.
63. **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.

64. **Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

    At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a $1 to $1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

65. **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 Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 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 this section:

A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

B. For any new building with residential units or structures converted to a residential use, required parking spaces shall 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.

C. the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).

66. "(23.322.060 CDMU Only)" Car Sharing Spaces. At least ___1____car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:

A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.

B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.

67. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will it happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

At All Times:

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

69. 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.

70. 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.

71. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

72. 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.

73. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

74. **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.

75. **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.

76. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

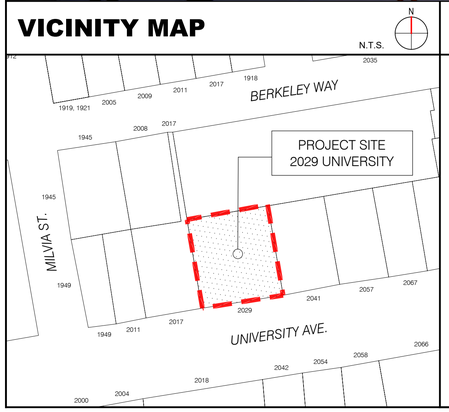
77. **Required Bike Parking.** Secure and on-site bike parking for at least 167 Long-term bicycles shall be provided for the life of the building.

78. **Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

79. **Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

VIEW ALONG UNIVERSITY

VICINITY MAP



PROJECT DIRECTORY

OWNER/APPLICANT:
Laconia Development LLC
1981 North Broadway, Suite 350
Walnut Creek, CA 94596
www.laconiallc.com
(925) 937-4111

Rhoades Planning Group
2140 Shattuck Ave. Suite 705
Berkeley, CA 94704
(510) 545-4341
c/o: mia@rhoadesplanninggroup.com

ARCHITECT:
ISAIAH STACKHOUSE, PRINCIPAL
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2421 FOURTH STREET
BERKELEY, CA 94710
510.649.1414
www.trachtenbergarch.com

LANDSCAPE ARCHITECT:
JETT Landscape Architecture + Design
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Orinda, CA 94563
(925) 254-5422
https://jett.land/

CIVIL ENGINEER:
BKF ENGINEERS
2100 FRANKLIN STREET, SUITE 4C
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2029 University Ave. Berkeley, CA 94704 (APN: 57-2053-8-1)

SCOPE OF WORK:

THIS IS A ZONING APPLICATION FOR A HOUSING DEVELOPMENT, WHICH VESTS RIGHTS UNDER ZONING APPLICABLE AS OF THE SUBMITTAL DATE PER CALIFORNIA GOVERNMENT CODE SECTION 65941.1. THE PROJECT IS THE CONSTRUCTION OF A NEW 23-STORY (256'-0"), 240-UNIT HOUSING DEVELOPMENT WITH 190,830 SF OF NEW RESIDENTIAL USE AND PARKING GARAGE FOR UP TO 29 SPACES. THE PROJECT INCLUDES REMOVAL OF EXISTING NON-LANDMARKED 2-STORY COMMERCIAL STRUCTURE AND SURFACE PARKING. 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO VERY-LOW-INCOME HOUSEHOLDS, AND 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS, MAKING THE PROJECT ELIGIBLE FOR A 100% DENSITY BONUS, WAIVERS, AND UP TO 3 CONCESSIONS AS A STATE DENSITY BONUS LAW DEVELOPMENT PER CALIFORNIA GOVERNMENT CODE § 65915.

THE PROPOSED PROJECT WILL COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND THE BERKELEY GREEN CODE (BMC CHAPTER 19.37), INCLUDING PROVIDING A SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, AND LOW-CARBON CONCRETE REQUIREMENTS

ZONING CODE SUMMARY

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-DMU OUTER CORE

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

SHEET NO. & TITLE					
ARCHITECTURAL				**LANDSCAPE**	
A0.0	GENERAL INFORMATION	A3.1	BUILDING ELEVATIONS	L1.01	LANDSCAPE PLAN - GROUND LEVEL
A0.1	ZONING DATA	A3.2	BUILDING ELEVATIONS	L1.02	LANDSCAPE PLAN - PODIUM LEVEL
A0.2	DENSITY BONUS DIAGRAMS	A3.3	BUILDING ELEVATIONS	L1.03	LANDSCAPE PLAN - ROOF DECK
A0.3	PRELIMINARY AHCP DIAGRAMS	A3.4	BUILDING ELEVATIONS	L2.01	PRECEDENT IMAGES
A0.4A	SHADOW STUDIES - DEC 21ST	A3.5	STREET STRIP ELEVATIONS	L3.01	PLANT IMAGES, NOTES & CALCULATIONS
A0.4B	SHADOW STUDIES - JUNE 21ST	A3.6	PHOTO CONTEXT VIEWS	L4.01	PLANTING PLAN - GROUND FLOOR
A0.4C	SHADOW STUDIES - MARCH 26TH	A3.7	CONCEPTUAL RENDERINGS	L4.02	PLANTING PLAN - PODIUM LEVEL
A0.5	SITE CONTEXT PHOTOS	A3.8	CONCEPTUAL RENDERINGS	L4.03	PLANTING PLAN - ROOF DECK
A0.6	VICINITY MAP	A3.9	CONCEPTUAL RENDERINGS	L5.01	IRRIGATION PLAN - GROUND FLOOR
A1.0	EXISTING SITE PLAN	A3.10	CONCEPTUAL RENDERINGS	L5.02	IRRIGATION PLAN - PODIUM LEVEL
A1.1	EXISTING SURVEY	A3.11	CONCEPTUAL RENDERINGS	L5.03	IRRIGATION PLAN - ROOF DECK
A2.0	PLAN AT BASEMENT LEVEL	MAT	BUILDING MATERIALS		
A2.1	PLAN AT GROUND LEVEL	A4.1	SECTIONS		
A2.2	PLAN AT LEVEL 2				
A2.3	PLAN AT LEVEL 3				
A2.4	PLAN AT LEVELS 4-22	**CIVIL**			
A2.5	PLAN AT LEVEL 23	C1.0	PRELIMINARY GRADING AND DRAINAGE PLAN		
A2.6	PLAN AT ROOF LEVEL	C2.0	PRELIMINARY STORMWATER CONTROL PLAN		

STACKHOUSE
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2421 Fourth Street
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2029 UNIVERSITY APARTMENTS

2029 University Ave
Berkeley, CA

12.10.2024 SB 330 SUBMISSION
12.19.2024 ZONING SUBMISSION
04.03.2025 ZONING RESUBMISSION
05.14.2025 ZONING RESUBMISSION
07.23.2025 AHMF FEE UPDATE

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JOB: 2327

SHEET:

GENERAL INFORMATION

A0.0

Xref: \PANORAMIC - Titleblock 24 x36.dwg

ZONING CODE DATA

ZONING SUMMARY TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING	C-DMU Outer Core			COMPLIES
TOTAL LOT SIZE (SQ. FT.)	12,385			COMPLIES
TOTAL LOT SIZE (ACRES)	0.28			COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	15.41	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	240	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	280	COMPLIES
HEIGHT - FEET	60'-0"	75'-0"	256'-0"	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES	NA	NA	23	COMPLIES
LOT COVERAGE	NA	NA	90%	COMPLIES
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - REAR (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	29	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	NA	NA	0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	94	94	167	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	7	7	8	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	NA	NA	0	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	19200	19200	2055	COMPLIES W/ SDB WAIVER
COMMERCIAL PRIVATELY OWNED OPEN SPACE	NA	NA	NA	COMPLIES

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL (none per Table 23.322-2)	240	0	0	0	29

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	280	1	3	94	167
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	280	1	40	7	8

SETBACKS TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	0' TO 3'	COMPLIES
21'-75'	0'	0'	0' TO 6"	COMPLIES
76'-120'	15'	0'	0' TO 1'-4"	COMPLIES W/ UP
> 120'	15'	0'	0' TO 31'-0"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10'	COMPLIES
21'-75'	0'	0'	10' TO 11'-4"	COMPLIES
76'-120'	5'	0'	10' TO 11'-4"	COMPLIES
> 120'	15'	0'	15' TO 16'-6"	COMPLIES
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10'	COMPLIES
21'-75'	5'	0'	10' TO 11'-4"	COMPLIES
76'-120'	15'	0'	10' TO 11'-4"	COMPLIES W/ UP
> 120'	15'	0'	16'-6" TO 34'-10"	COMPLIES
SETBACK - REAR				
0'-20'	0'	0'	6"	COMPLIES
21'-75'	5'	0'	6'-6" TO 9'-6"	COMPLIES
76'-120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
> 120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
MAX. WIDTH DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL REQ'D	23RD FLOOR TERRACE	TOTAL PROVIDED
RESIDENTIAL UNITS	240	80	19,200	2,055	2,055
	Landscape	40%	822	690	690

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		8,218
AREA OF ROOFTOP ARCH. ELEMENTS	1,233	1,167
% AREA OF ROOFTOP ARCH. FEATURES	15.0%	14.2%

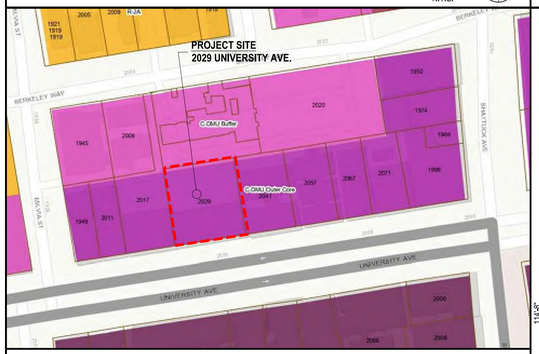
AREA TABLE

	RESIDENTIAL
LEVEL 23	6,219
LEVEL 22	8,698
LEVEL 21	8,698
LEVEL 20	8,698
LEVEL 19	8,698
LEVEL 18	8,698
LEVEL 17	8,698
LEVEL 16	8,698
LEVEL 15	8,698
LEVEL 14	8,698
LEVEL 13	8,698
LEVEL 12	8,698
LEVEL 11	8,698
LEVEL 10	8,698
LEVEL 9	8,698
LEVEL 8	8,698
LEVEL 7	8,698
LEVEL 6	8,698
LEVEL 5	8,698
LEVEL 4	8,698
LEVEL 3	8,698
LEVEL 2	1,188
GROUND LEVEL	7,742
BASEMENT	3,023
TOTAL	**192,132**

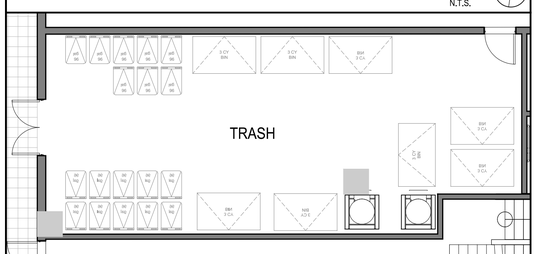
DWELLING UNIT TABLE

	STUDIO	JR-1 BD	1 BD	2 BD	
LEVEL 23					
LEVEL 22	4	3	3	2	
LEVEL 21	4	3	3	2	
LEVEL 20	4	3	3	2	
LEVEL 19	4	3	3	2	
LEVEL 18	4	3	3	2	
LEVEL 17	4	3	3	2	
LEVEL 16	4	3	3	2	
LEVEL 15	4	3	3	2	
LEVEL 14	4	3	3	2	
LEVEL 13	4	3	3	2	
LEVEL 12	4	3	3	2	
LEVEL 11	4	3	3	2	
LEVEL 10	4	3	3	2	
LEVEL 9	4	3	3	2	
LEVEL 8	4	3	3	2	
LEVEL 7	4	3	3	2	
LEVEL 6	4	3	3	2	
LEVEL 5	4	3	3	2	
LEVEL 4	4	3	3	2	
LEVEL 3	4	3	3	2	
LEVEL 2					
GROUND LEVEL					
TOTAL UNITS	**80**	**60**	**60**	**40**	**240**
BEDROOMS / UNIT	1	1	1	2	
TOTAL BEDROOMS	80	60	60	80	**280**

ZONING MAP



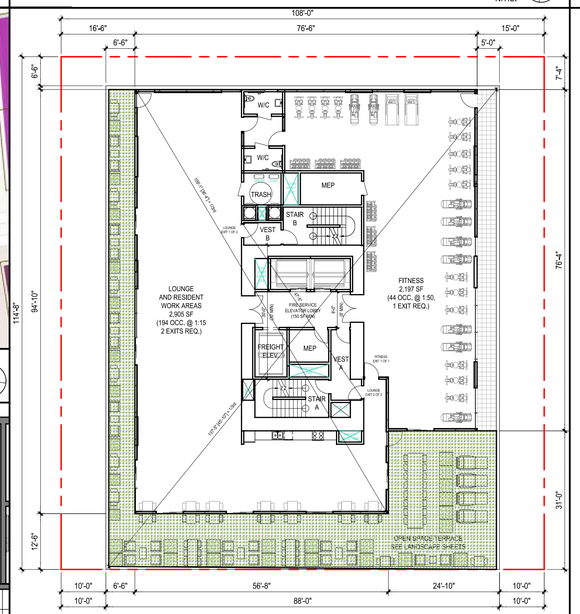
REFUSE AND RECYCLING



Waste and Recycling Calculation

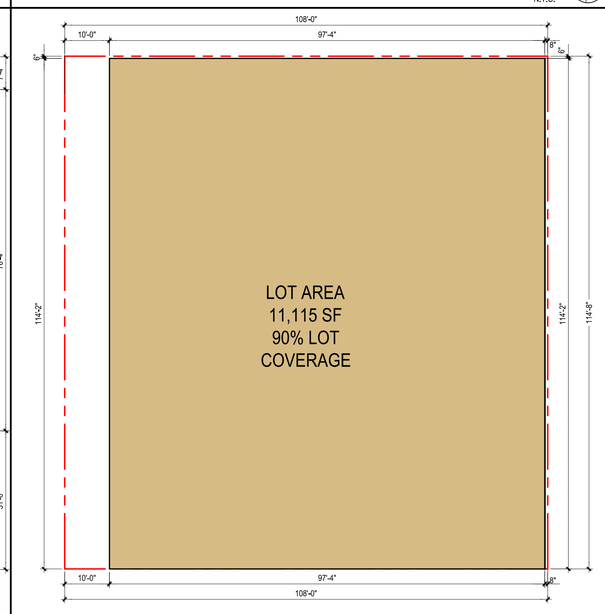
# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)	Waste (40%)		Recycling (40%)	Compost (20%)
280	1.00	280	23.33 cy	4,667 gal	9.33 cuft	1,867 gal	1,867 gal	933 gal
Space Calculation	Container Quanities			Space Required		150% Additional Increase	
	Waste	Recycling	Compost	Factor/container	Space/ Container	Required	Provided
3cy bin (605 gal)	2	2		28 sf	112 sf		
2cy bin (404 gal)	1	1		28 sf	56 sf		
96 gallon cart	3	3	10	7 sf	112 sf		
64 gallon cart				6 sf	sf		
Total capacity	1902 gal	1902 gal	960 gal		280 sf	420 sf	375

OPEN SPACE DIAGRAMS



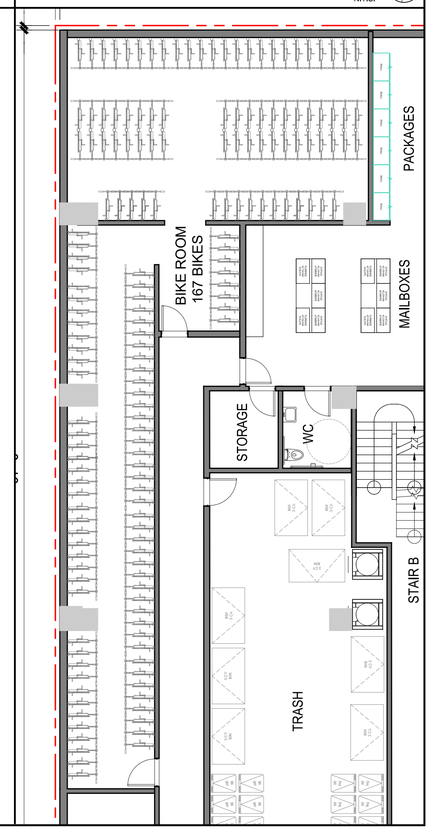
LEVEL 23 USABLE OPEN SPACE PLAN
2,055sf

LOT COVERAGE DIAGRAMS



LOT AREA 12,385 SF

BIKE PARKING



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JOB: 2327

SHEET:

ZONING DATA

A0.1

DENSITY BONUS TABLE

Base Project	Base Units Calculation	Base # Units	% VLI units	# VLI Units	% MI units	# MI Units	Bonus %	# DB Units	Maximum DB Project	Proposed Project
sq. ft. - see calculation below	base project area / avg. unit size	base project units (rounds up)		% VLI x Base # Units (rounded up)		% MI x Base # Units (rounded up)		%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	
95,417	119.19	120	15%	18	15%	18	100.0%	120	240	240

Base Project Res. Area	Floor	Proposed Project Res. Area	Base Project # of Units	Floor	Proposed Project # of Units
	Level 23	6,219		Level 23	
	Level 22	8,698		Level 22	12
	Level 21	8,698		Level 21	12
	Level 20	8,698		Level 20	12
	Level 19	8,698		Level 19	12
	Level 18	8,698		Level 18	12
	Level 17	8,698		Level 17	12
	Level 16	8,698		Level 16	12
	Level 15	8,698		Level 15	12
	Level 14	8,698		Level 14	12
	Level 13	8,698		Level 13	12
	Level 12	8,698		Level 12	12
	Level 11	8,698		Level 11	12
	Level 10	8,698		Level 10	12
	Level 9	8,698		Level 9	12
11,554	Level 8	8,698	18	Level 8	12
11,554	Level 7	8,698	17	Level 7	12
11,554	Level 6	8,698	17	Level 6	12
11,554	Level 5	8,698	17	Level 5	12
11,554	Level 4	8,698	17	Level 4	12
11,554	Level 3	8,698	17	Level 3	12
11,554	Level 2	1,188	17	Level 2	
11,395	Ground	7,742		Ground	
3,144	Basement	3,023		Basement	
95,417	**Total**	**192,132**	**120**	**Total**	**240**

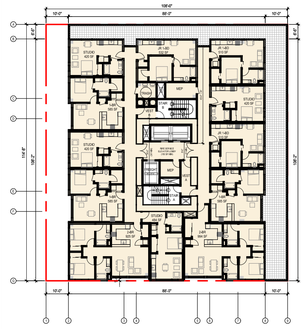
#VLI	%VLI	%DB	#DB
6	5%	20.0%	144
8	6%	22.5%	147
9	7%	25.0%	150
10	8%	27.5%	153
11	9%	30.0%	156
12	10%	32.5%	159
14	11%	35.0%	162
15	12%	38.75%	167
16	13%	42.5%	171
17	14%	46.3%	176
18	**15%**	**50.0%**	**180**

#MI	%MI	%DB	#DB
6	5%	20.0%	204
8	6%	22.5%	207
9	7%	25.0%	210
10	8%	27.5%	213
11	9%	30.0%	216
12	10%	32.5%	219
14	11%	35.0%	222
15	12%	38.75%	227
16	13%	42.5%	231
17	14%	46.3%	236
18	**15%**	**50.0%**	**240**

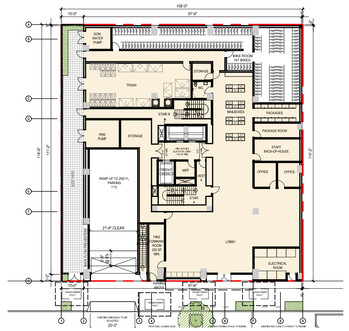
Proposed Area: 192,132
Proposed Units: 240
Average Unit Size: 801

BASE PROJECT ZONING COMPLIANCE CHECKS

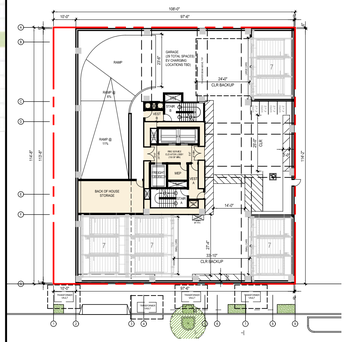
	ALLOWABLE BASE PROJECT WITH AVAILABLE AUP AND UP				
	UNMODIFIED REQUIREMENT	ALLOWABLE MODIFICATION	CODE SECTION	BASE PROJECT	COMPLIANCE CHECK
ZONING	C-DMU Outer Core				
TOTAL LOT SIZE (SQ. FT.)	12,385				
TOTAL LOT SIZE (ACRES)	0.28				
DWELLING UNITS	NA	NA		120	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		120	COMPLIES
HEIGHT - FEET	60'	75'	Table 23.204-37	75'	COMPLIES W/ UP
SETBACK - FRONT	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - REAR	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - INTERIOR SIDE	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
HEIGHT - STORIES	NOT LIMITED			8	
FAR	NOT LIMITED			NA	
OPEN SPACE	80 SF/UNIT			9,600	COMPLIES
OPEN SPACE LANDSCAPE	40% OF 9,600SF			3,840	COMPLIES
PARKING - RESIDENTIAL	NONE REQ'D	NONE REQ'D	Table 23.322-2	0	COMPLIES
RES. BIKE PARKING LONG TERM	1/3 BED ROOMS			40	COMPLIES
RES. BIKE PARKING SHORT TERM	1/40 BED ROOMS			3	COMPLIES
STORMWATER	4% OF ROOF AREA = 455SF			455	COMPLIES



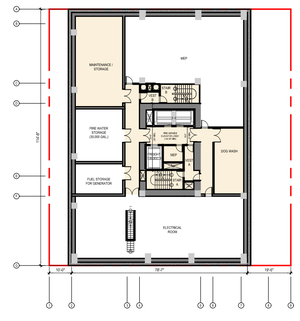
PLAN AT LEVEL 3-22



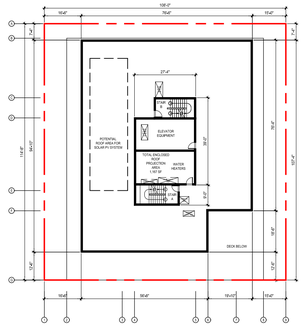
PLAN AT GROUND LEVEL



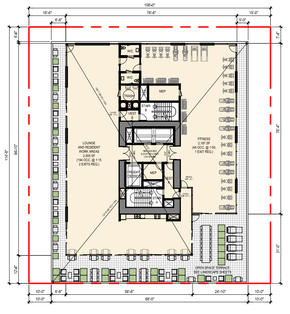
PLAN AT LEVEL 2



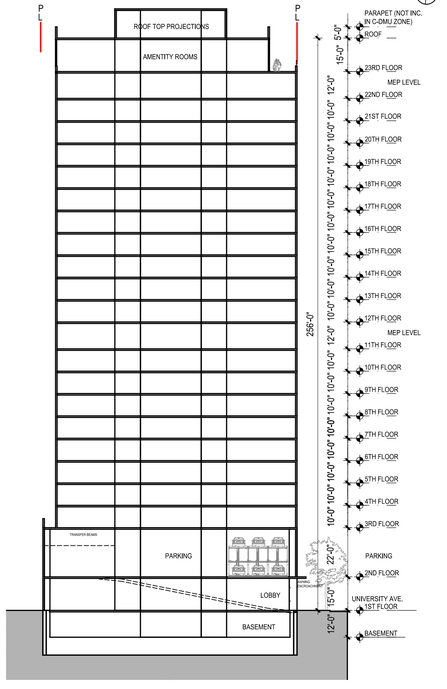
PLAN AT BASEMENT



PLAN AT ROOF

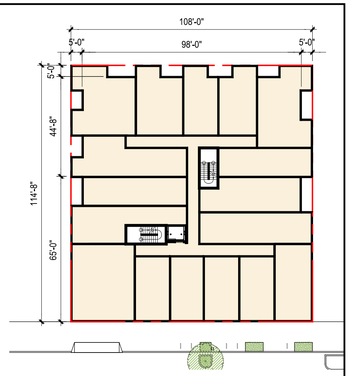


PLAN AT LEVEL 23

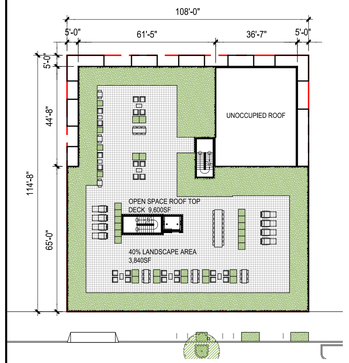


SECTION

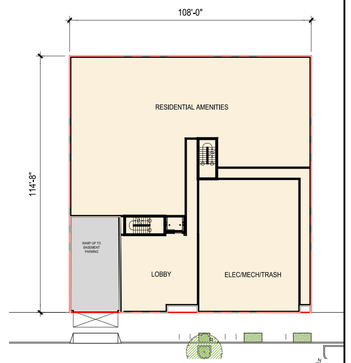
PROPOSED DENSITY BONUS PROJECT



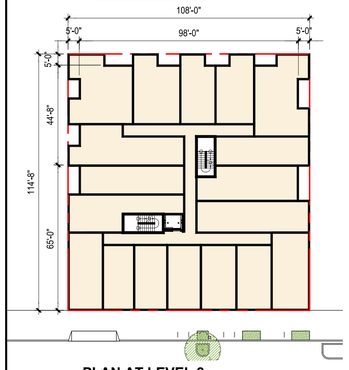
PLAN AT LEVELS 2-7



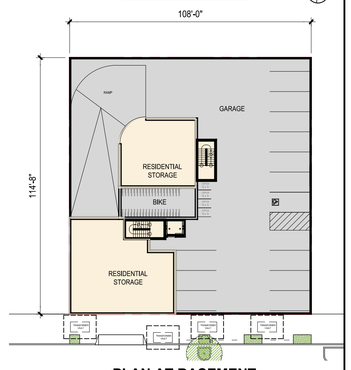
PLAN AT ROOF



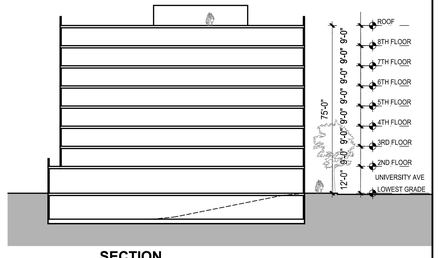
PLAN AT GROUND



PLAN AT LEVEL 8



PLAN AT BASEMENT



SECTION

BASE PROJECT

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JOB: 2327

SHEET:

DENSITY BONUS DIAGRAMS

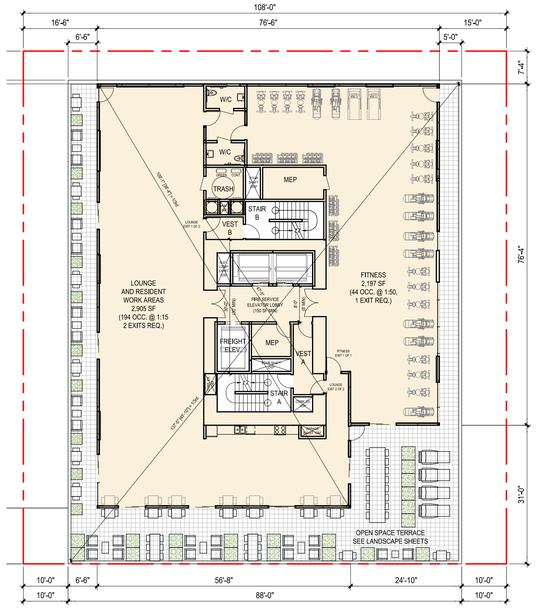
A0.2

PROPOSED PROJECT RESIDENTIAL UNIT FLOOR AREA DIAGRAM

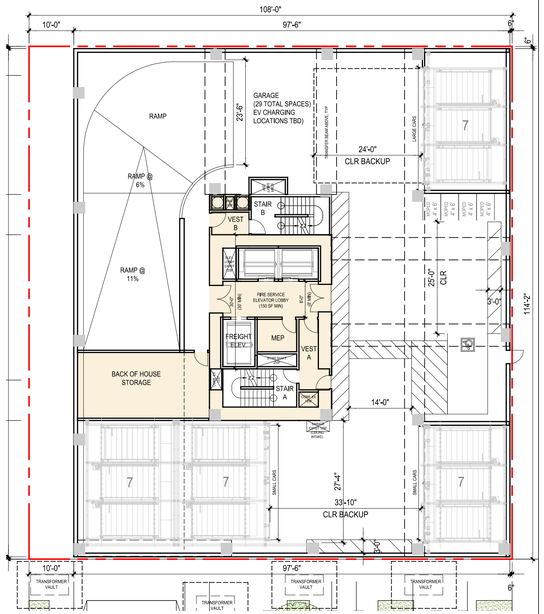
LEGEND

DWELLING UNIT RUFA

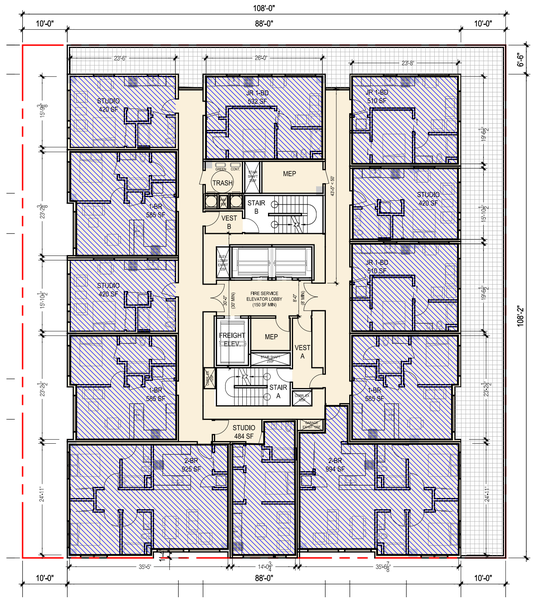
RESIDENTIAL AMENITY (NOT RUFA)



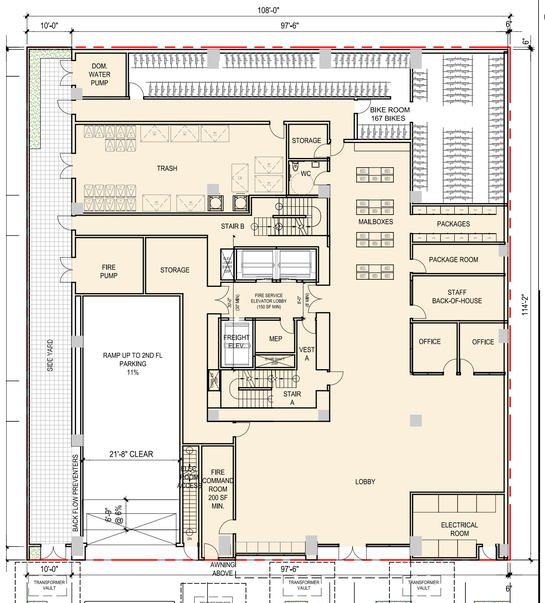
PLAN AT LEVEL 23



PLAN AT LEVEL 2



PLAN AT LEVELS 3-22



PLAN AT GROUND

PROPOSED PROJECT AREA AND UNIT CALCULATIONS

Calculation of the Final Proposed Residential Unit Floor Area:

Floor	Proposed Project Res. Unit Area	Proposed Project Residential Units
23rd		
22nd	6,274	12
21st	6,274	12
20th	6,274	12
19th	6,274	12
18th	6,274	12
17th	6,274	12
16th	6,274	12
15th	6,274	12
14th	6,274	12
13th	6,274	12
12th	6,274	12
11th	6,274	12
10th	6,274	12
9th	6,274	12
8th	6,274	12
7th	6,274	12
6th	6,274	12
5th	6,274	12
4th	6,274	12
3rd	6,274	12
2nd		
1st		
Final Proposed Residential Unit Floor Area	**125,480**	**240**

Calculation of Base Project Residential Floor Area:

Final Proposed DB Residential Unit Floor Area	125,480
	/
One plus the DB % (1 + 100%)	2
	=
Base Project Residential Unit Floor Area	62,740

Calculation of the Affordable Housing Fee:

A	Total Base Project Residential Unit Floor Area	62,740
B	Total Base Project Units	120
C	Total BMR Requirements (20% of Base)	24
D	Total BMR Units Proposed	18
	Fee per Square Foot	$62.83
		X
	Total Base Project Residential Unit Floor Area	62,740
		X
	In Lieu Fee Percentage Calculation (C-D)/C)	25.00%
		=
	Total Fee Due	$985,488.55

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JOB: 2327

SHEET:

PRELIMINARY AHCP DIAGRAMS

A0.3

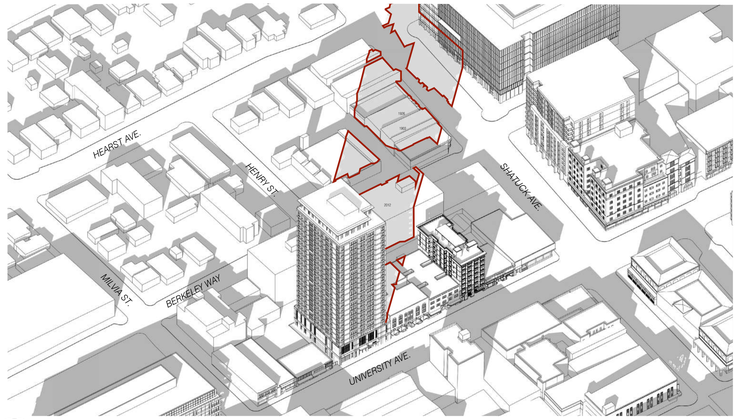
WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

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
1:160 @ 11X17 1:80 @ 24X36

N

WINTER SOLSTICE
DEC 21ST:
NOON

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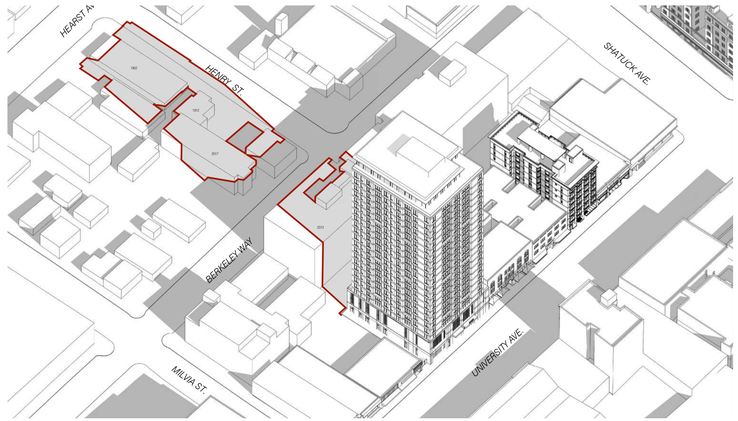
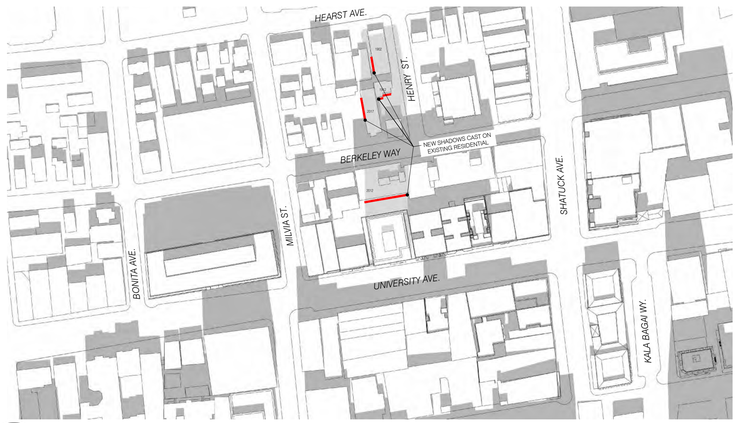


4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

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

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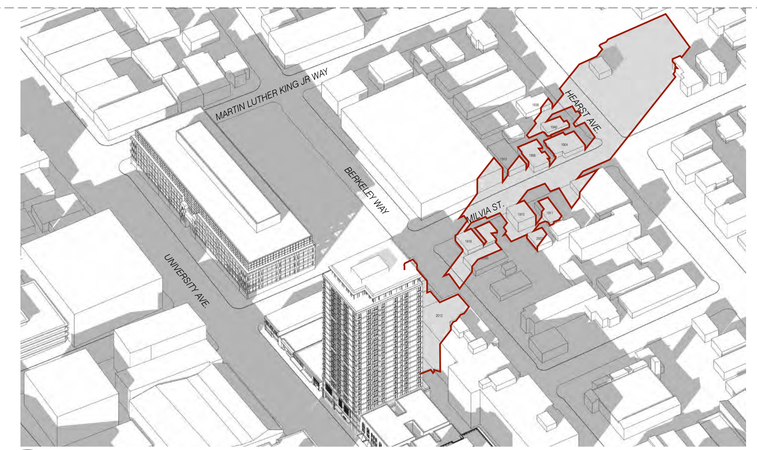

2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.

1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

N

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JOB: 2327

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

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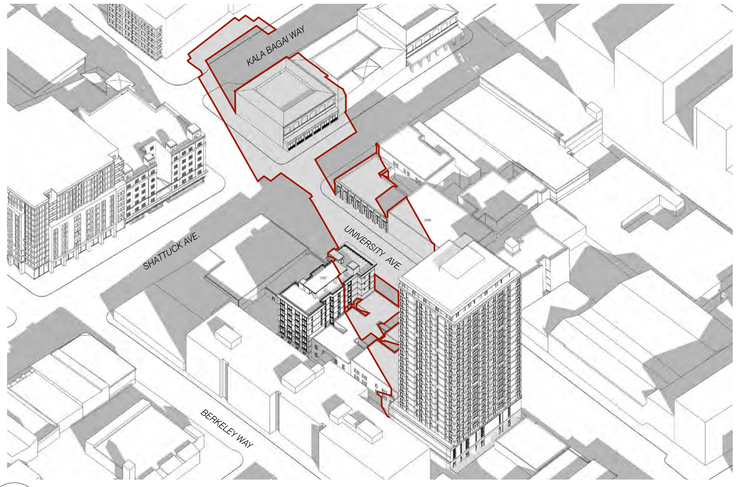

6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.

5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

N

SUMMER SOLSTICE
JUN 21ST:
NOON

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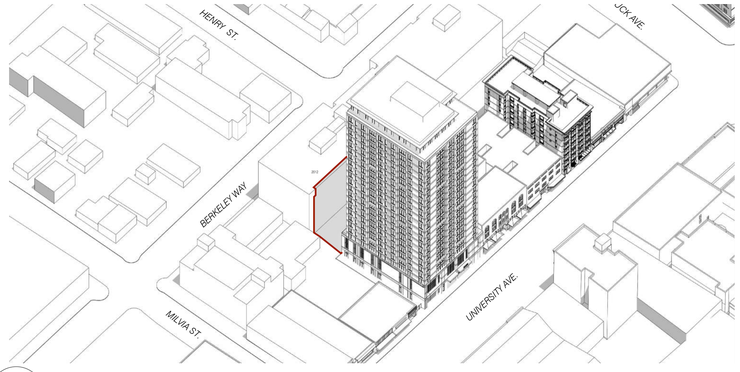
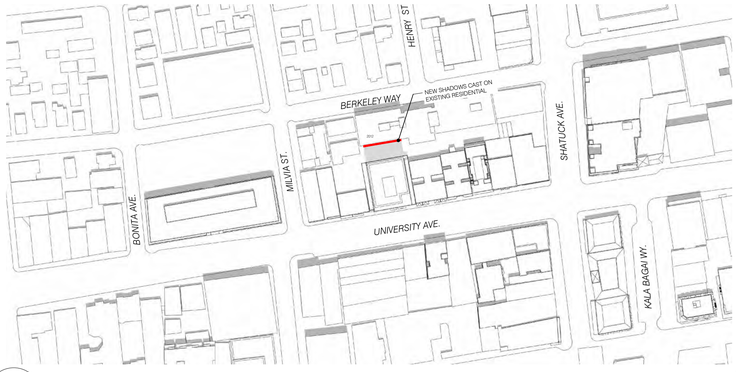


4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

SUMMER SOLSTICE
JUN 21ST:
2-HRS AFTER SUNRISE (AM)

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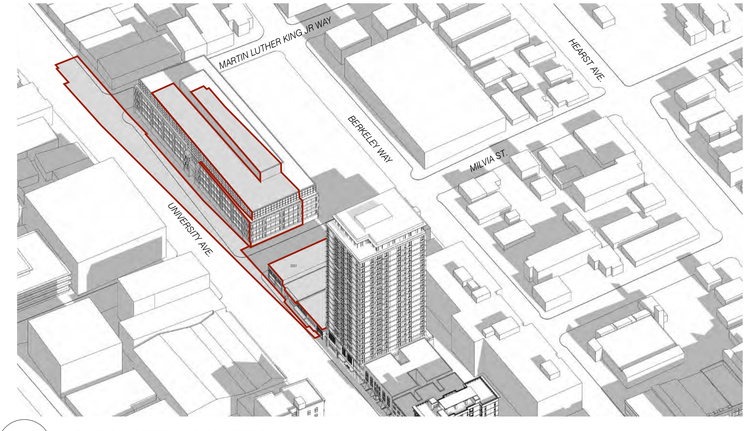
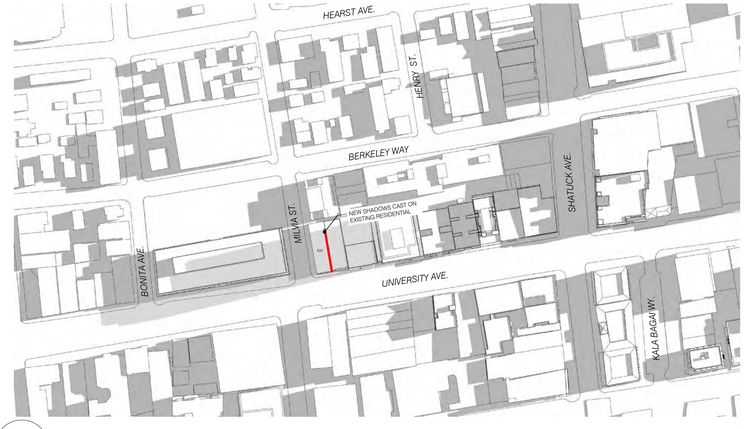


2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

N

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SHEET:

SHADOW STUDIES
JUNE 21ST

A0.4B

CURRENT
MAR 26TH:
2-HRS BEFORE SUNSET (PM)

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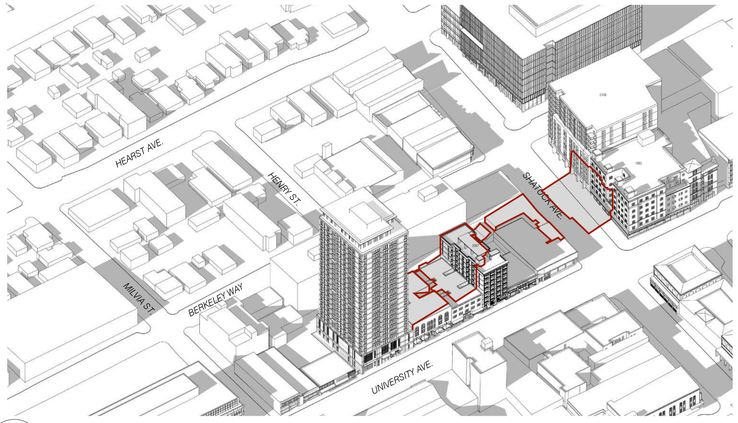

6 SHADOW STUDY AXONOMETRIC - PM
N.T.S.

5 SHADOW STUDY - PM
1:160 @ 11X17 1:80 @ 24X36

N

CURRENT
MAR 26TH:
NOON

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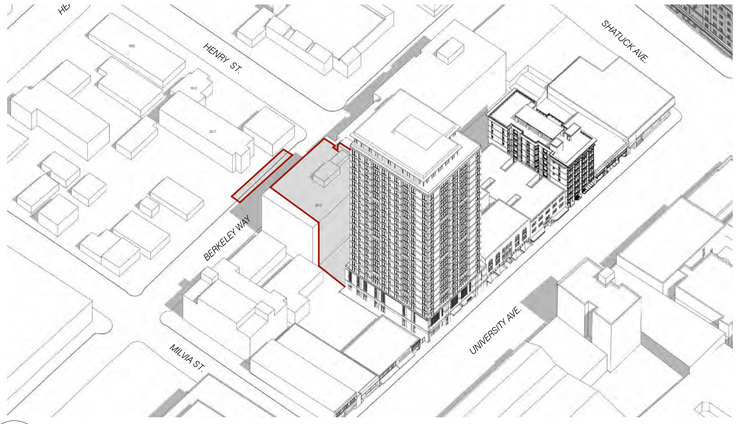
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.

3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

CURRENT
MAR 26TH:
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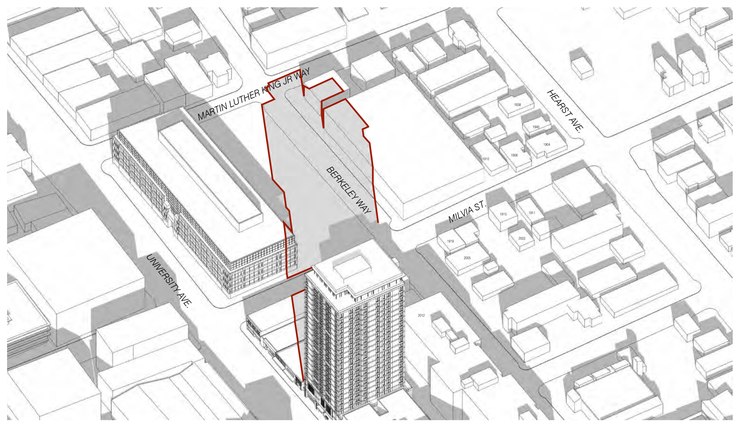
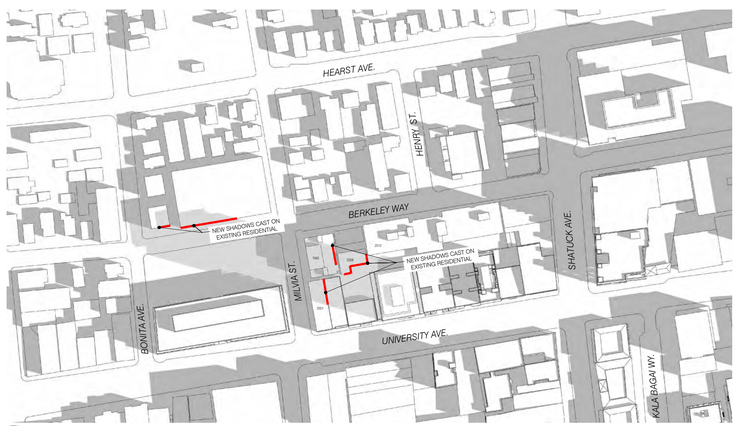


2 SHADOW STUDY AXONOMETRIC - AM
N.T.S.



1 SHADOW STUDY - AM
1:160 @ 11X17 1:80 @ 24X36

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JOB: 2327

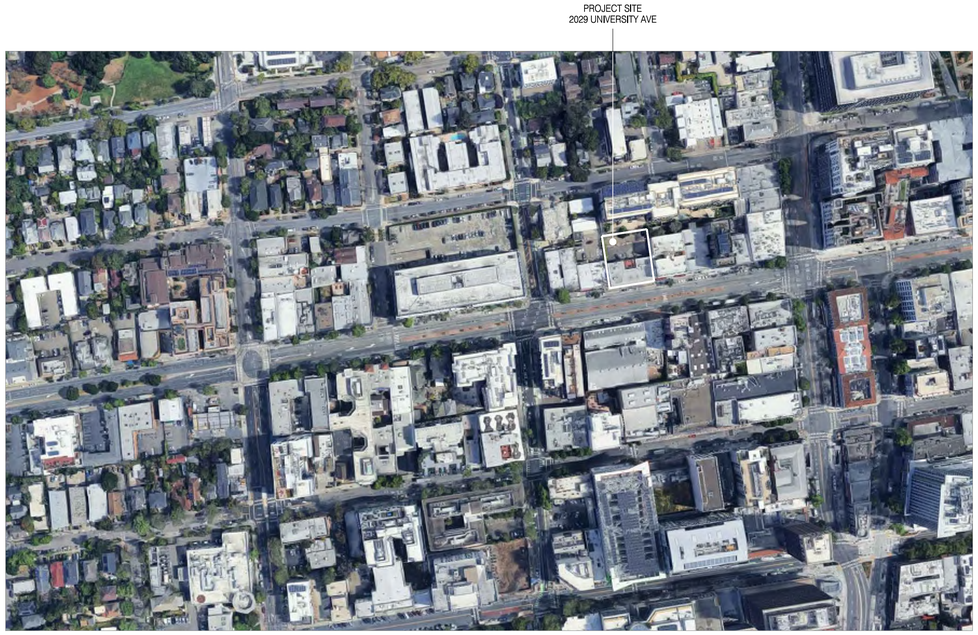
SHEET:

SHADOW STUDIES
MARCH 26TH:

A0.4C

2 - VIEW FROM UNIVERSITY AVE. LOOKING EAST

3 - VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 - AERIAL CONTEXT VIEW

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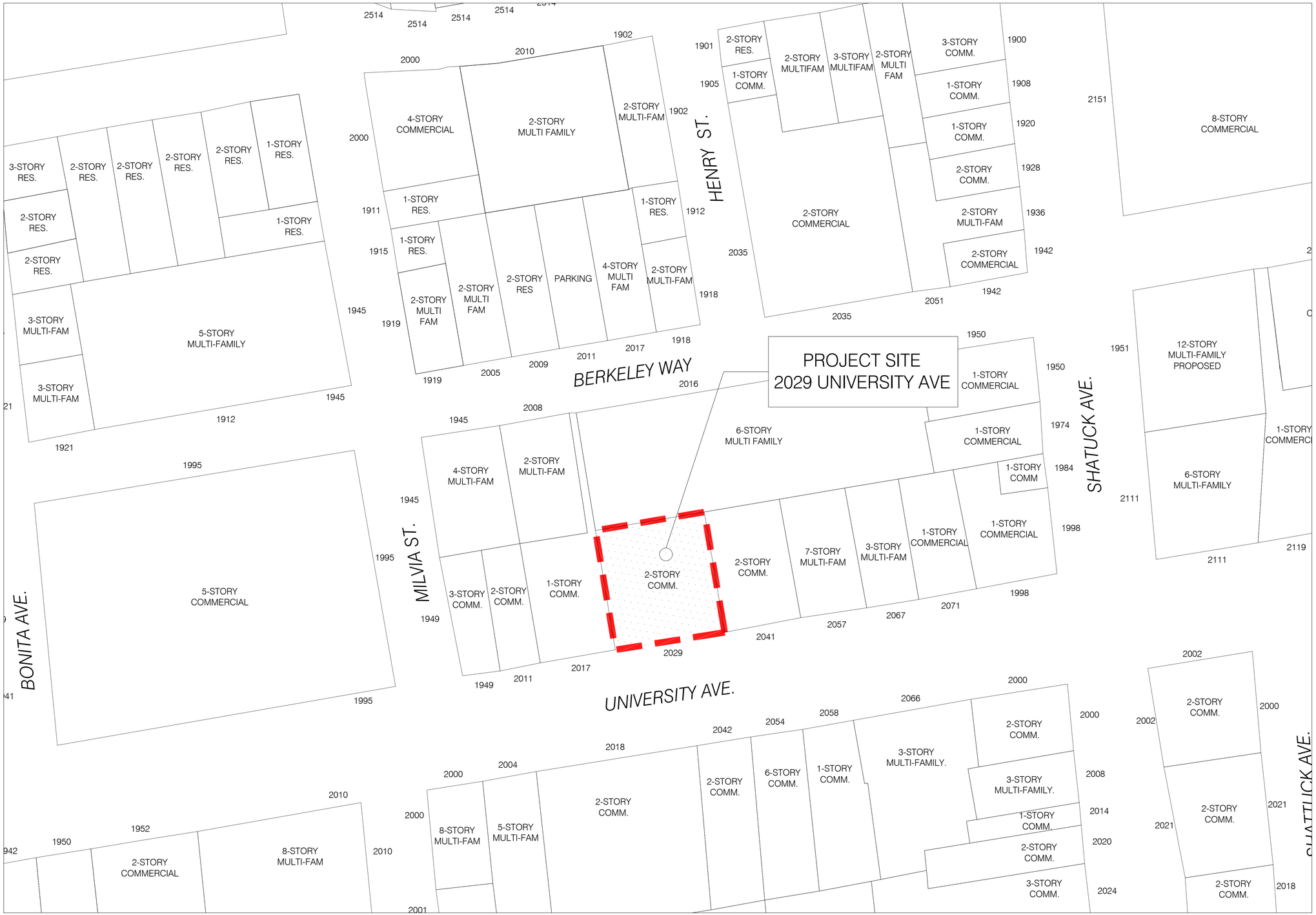
JOB: 2327

SHEET:

SITE CONTEXT
PHOTOS

A0.5



1 - VICINITY MAP
NTS

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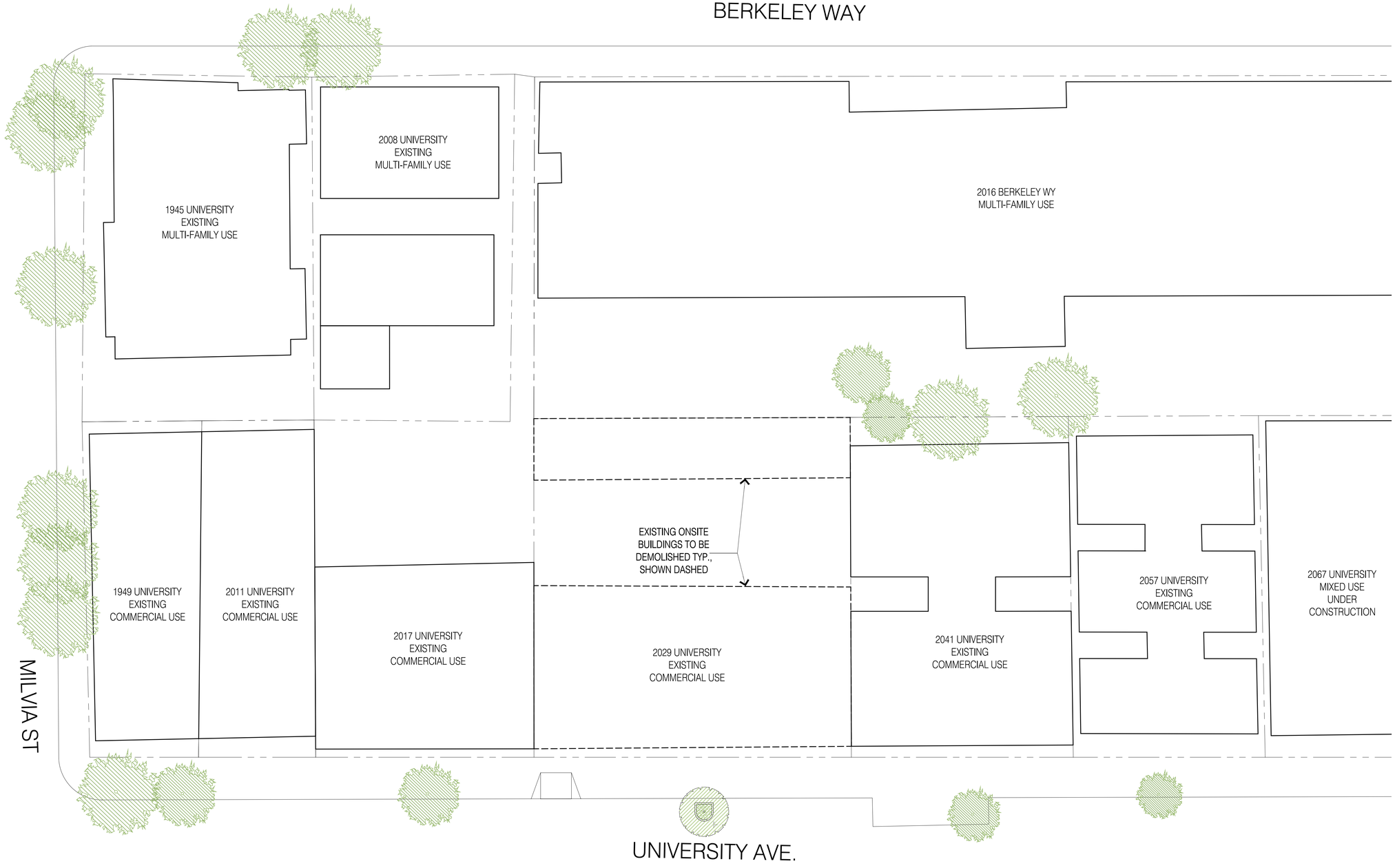
JOB: 2327

SHEET:

VICINITY MAP

A0.6

Xref \1998 Shattuck - titleblock 24 x36.dwg



1 - EXISTING SITE PLAN

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

0 4 8 16 32

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JOB: 2327

SHEET:

EXISTING
SITE PLAN

A1.0

ANNOTATION AND LEGEND

AC	=	ASPHALT CONCRETE
BOL	=	BOLLARD
CATV	=	CABLE/TELEVISION BOX
CAB	=	CABINET
CD	=	CURB DRAIN
CLDR	=	CENTERLINE OF DOOR
COL	=	COLUMN
CONC	=	CONCRETE
CR	=	CURB RAMP
DI	=	DROP INLET
EB	=	ELECTRICAL BOX
ELEC	=	ELECTRICAL
EV	=	ELECTRICAL VAULT
FF	=	FINISH FLOOR
MTL	=	METAL
PG&E	=	PACIFIC GAS AND ELECTRIC CO.
PLNTR	=	PLANTER
RD	=	ROOF DRAIN
SD	=	STORM DRAIN
SLB	=	STREET LIGHT BOX
SSCO	=	SANITARY SEWER CLEAOUT
SSMH	=	SANITARY SEWER MANHOLE
T	=	TELEPHONE
TG	=	TOP OF GRATE
UB	=	UTILITY BOX
WB	=	WATER BOX
W-B	=	WALL BOTTOM
W-T	=	WALL TOP
	=	BENCHMARK
E	=	ELECTRICAL MANHOLE
	=	FIRE HYDRANT
	=	GAS VALVE
	=	SANITARY SEWER CLEANOUT
SS	=	SANITARY SEWER MANHOLE
	=	SITE LIGHT
	=	STREET LIGHT
	=	WATER VALVE
	=	BUILDING
SS	=	SANITARY SEWER LINE
	=	STORM DRAIN LINE
	=	SUBJECT SITE BOUNDARY LINE
	=	LOT LINES

scale 1" = 10' feet (10 0 10 20)

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE VERTICAL DATUM OF 1988 AND WERE ESTABLISHED USING LEICA RTK NETWORK SMARTNET.

A TEMPORARY/SITE BENCHMARK IS SHOWN HEREON.

BASIS OF BEARINGS

THE COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, USING LEICA RTK NETWORK SMARTNET.

TOPOGRAPHIC NOTES

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

THE LOCATIONS OF EXISTING UNDERGROUND FACILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE AND ARE BASED ON OBSERVED TOPOGRAPHIC SURFACE FEATURES AND AVAILABLE INFORMATION. THE PROFESSIONAL PREPARING THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THESE FACILITIES OR FOR THE INADVERTENT OMISSION OF RELATED INFORMATION.

TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM GROUND SURVEY CONDUCTED ON SEPTEMBER AND OCTOBER, 2023

TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48").

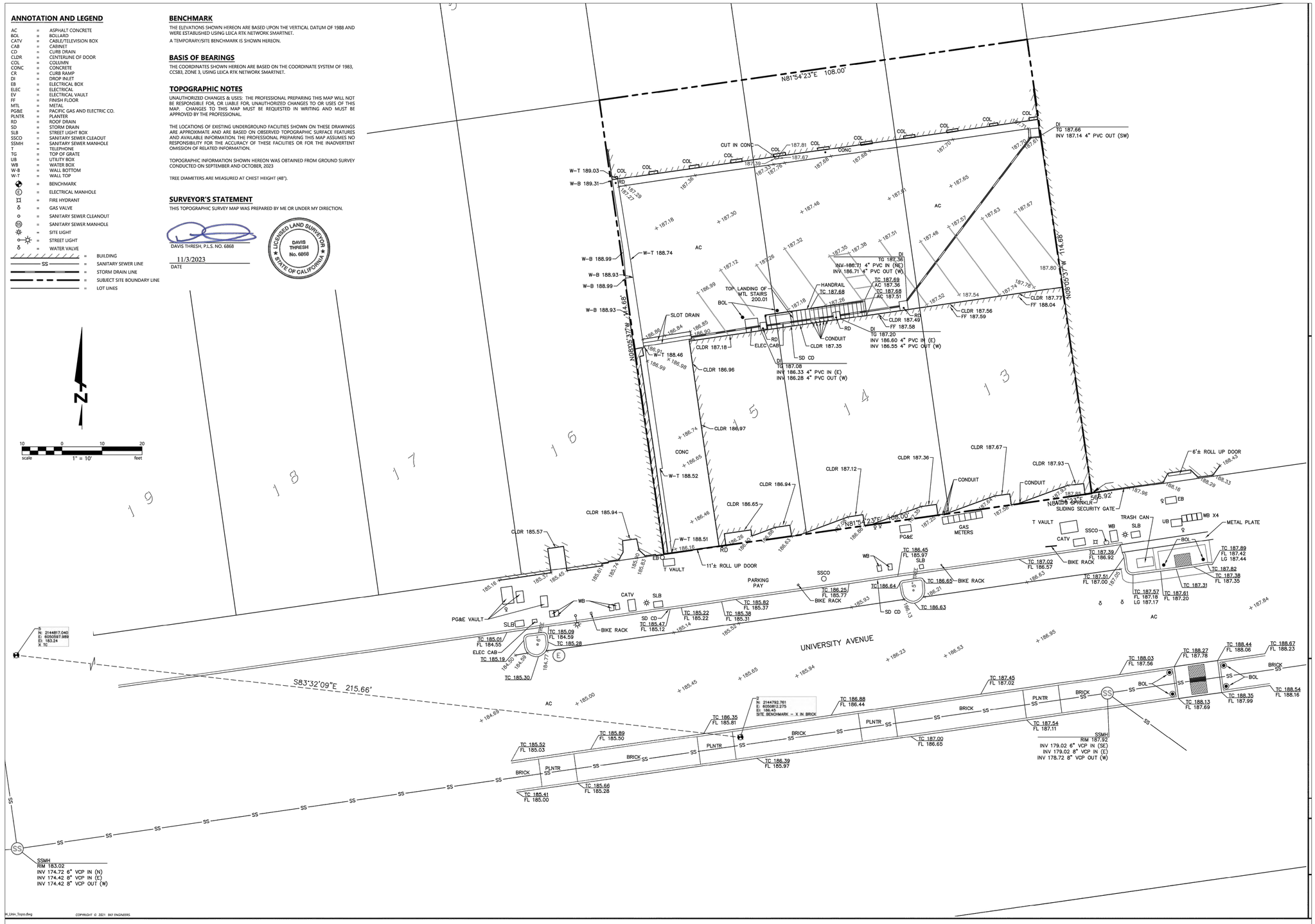
SURVEYOR'S STATEMENT

THIS TOPOGRAPHIC SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

DAVIS THRESH, P.L.S. NO. 6868

11/3/2023
DATE

LICENSED LAND SURVEYOR ★ DAVIS THRESH No. 6868 ★ STATE OF CALIFORNIA



M_Univ_Topo.dwg

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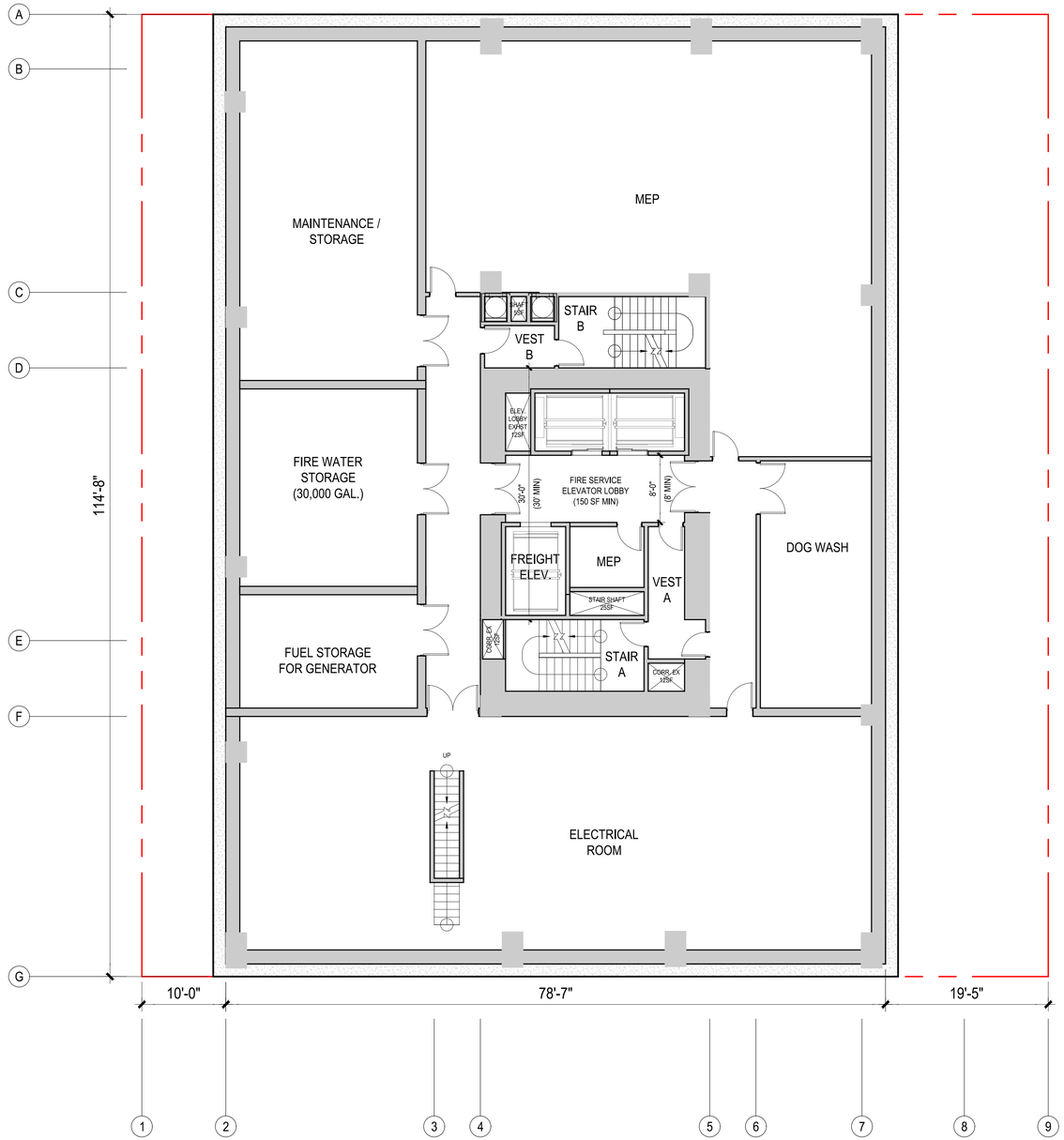
SHEET:

EXISTING SURVEY

A1.1



1 - PLAN AT BASEMENT LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

N

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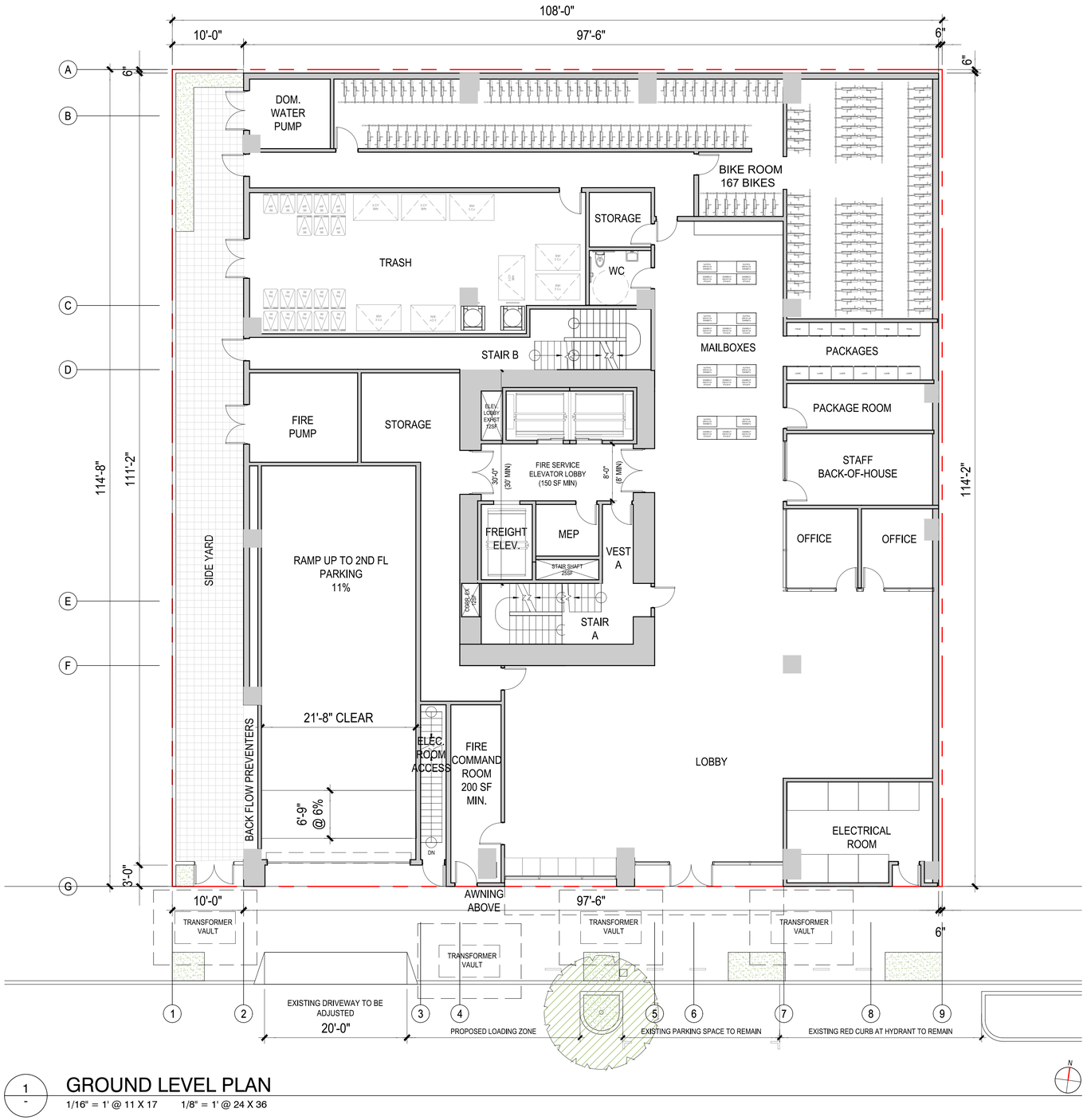
JOB: 2327

SHEET:

PLAN AT
BASEMENT LEVEL

A2.0



1 - GROUND LEVEL PLAN

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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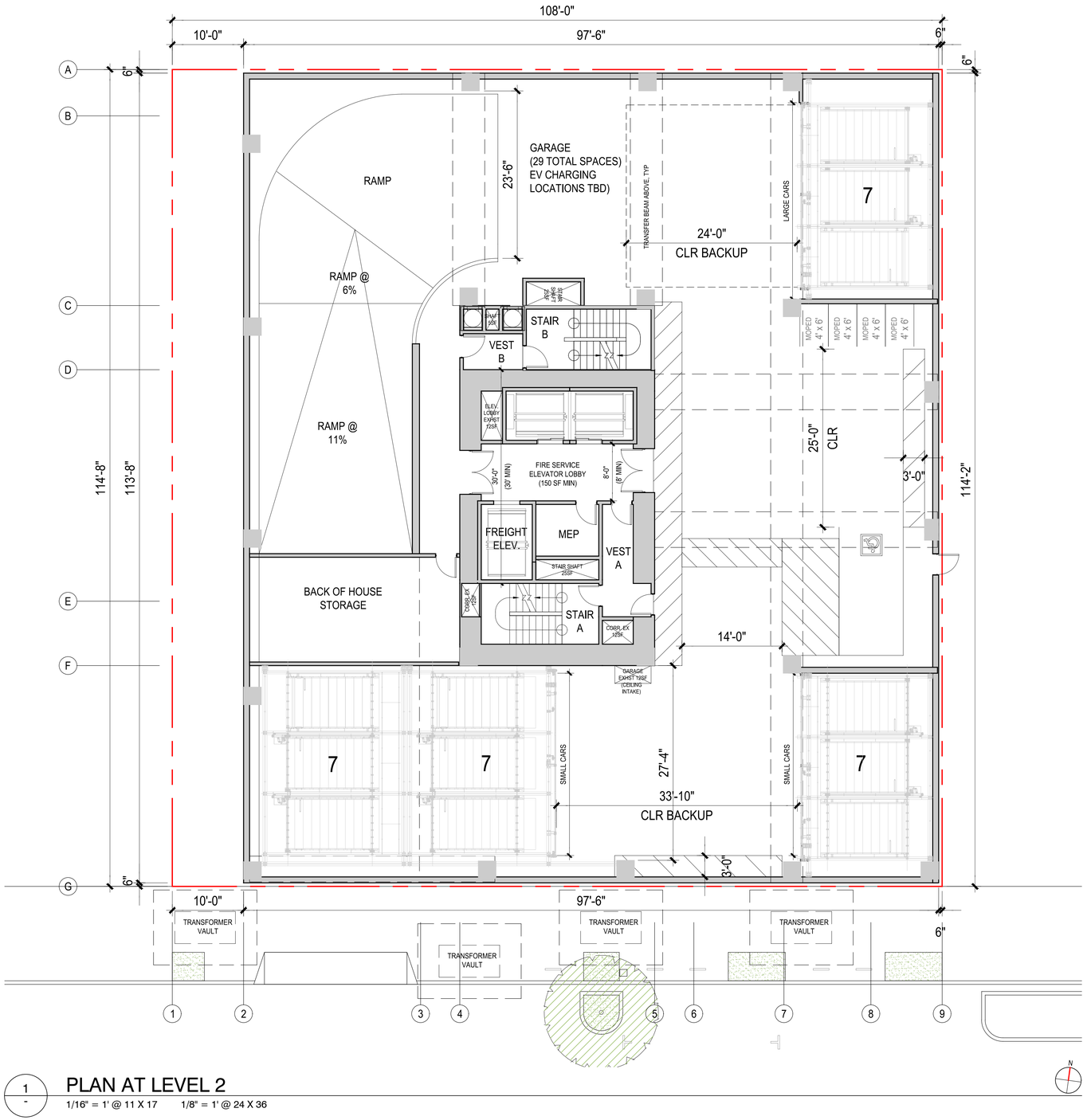
JOB: 2327

SHEET:

PLAN AT GROUND LEVEL

A2.1



1 - PLAN AT LEVEL 2

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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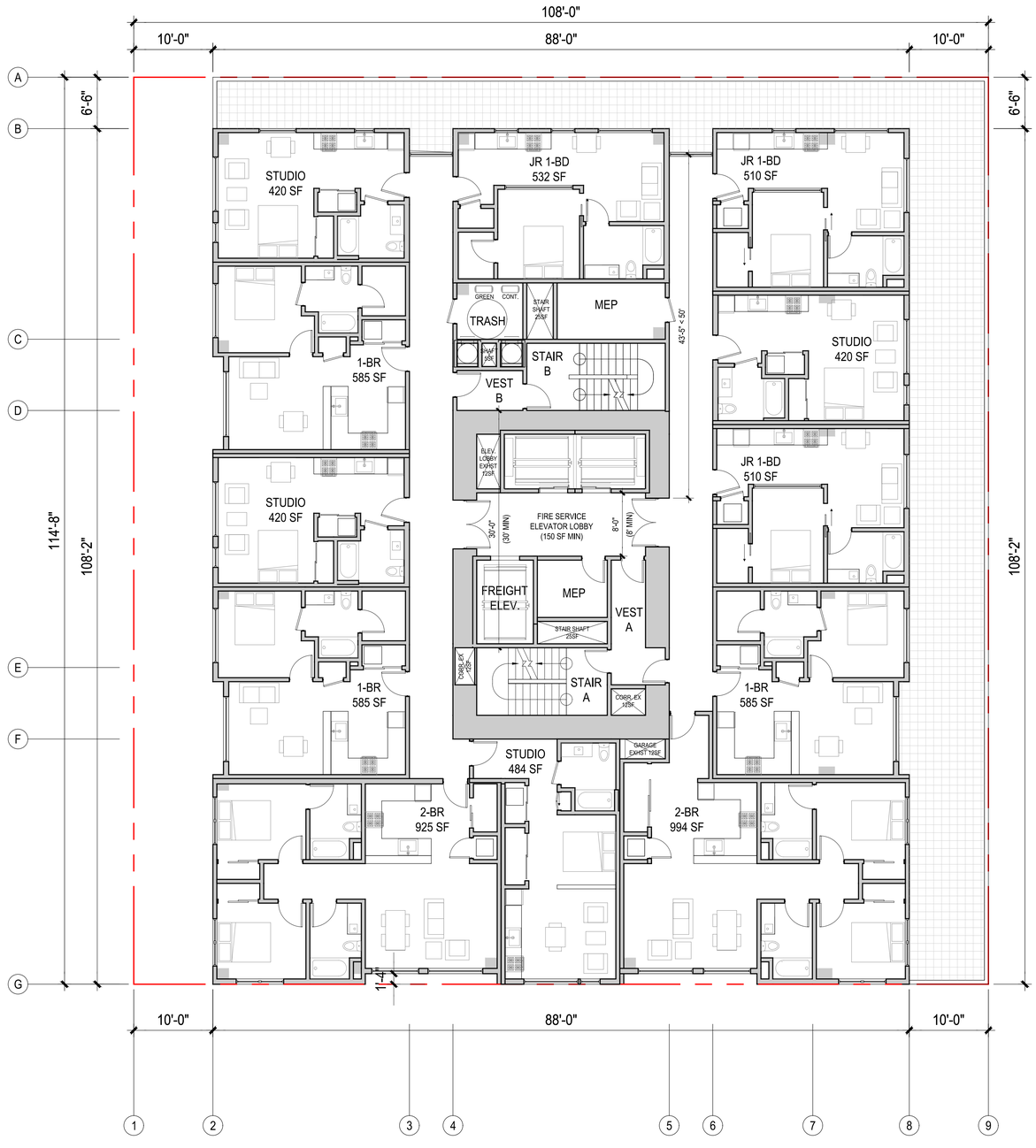
JOB: 2327

SHEET:

PLAN AT LEVEL 2

A2.2



1 / - PLAN AT LEVEL 3

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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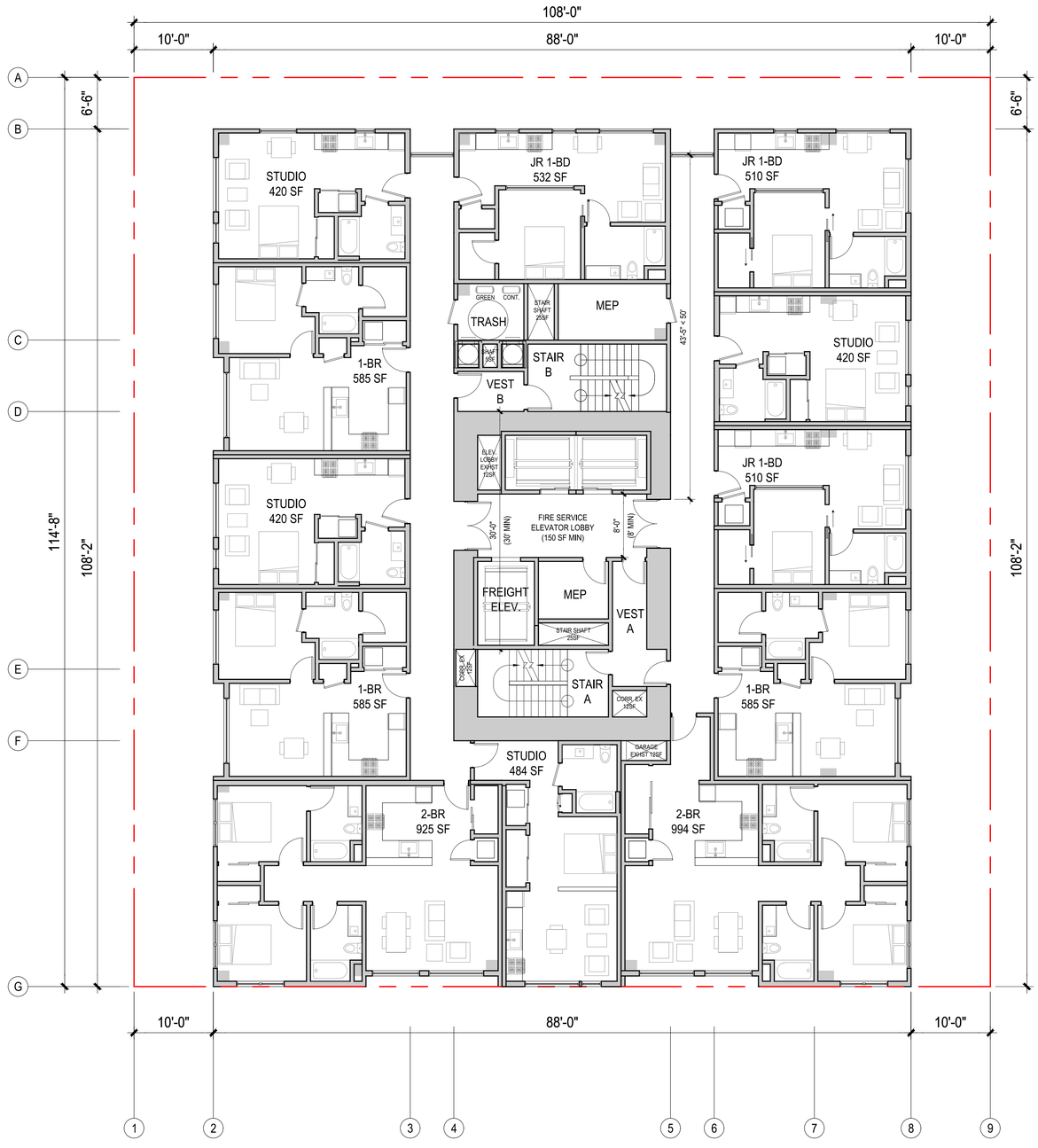
SHEET:

PLAN AT
LEVEL 3

A2.3



1 - PLAN AT LEVELS 4-22

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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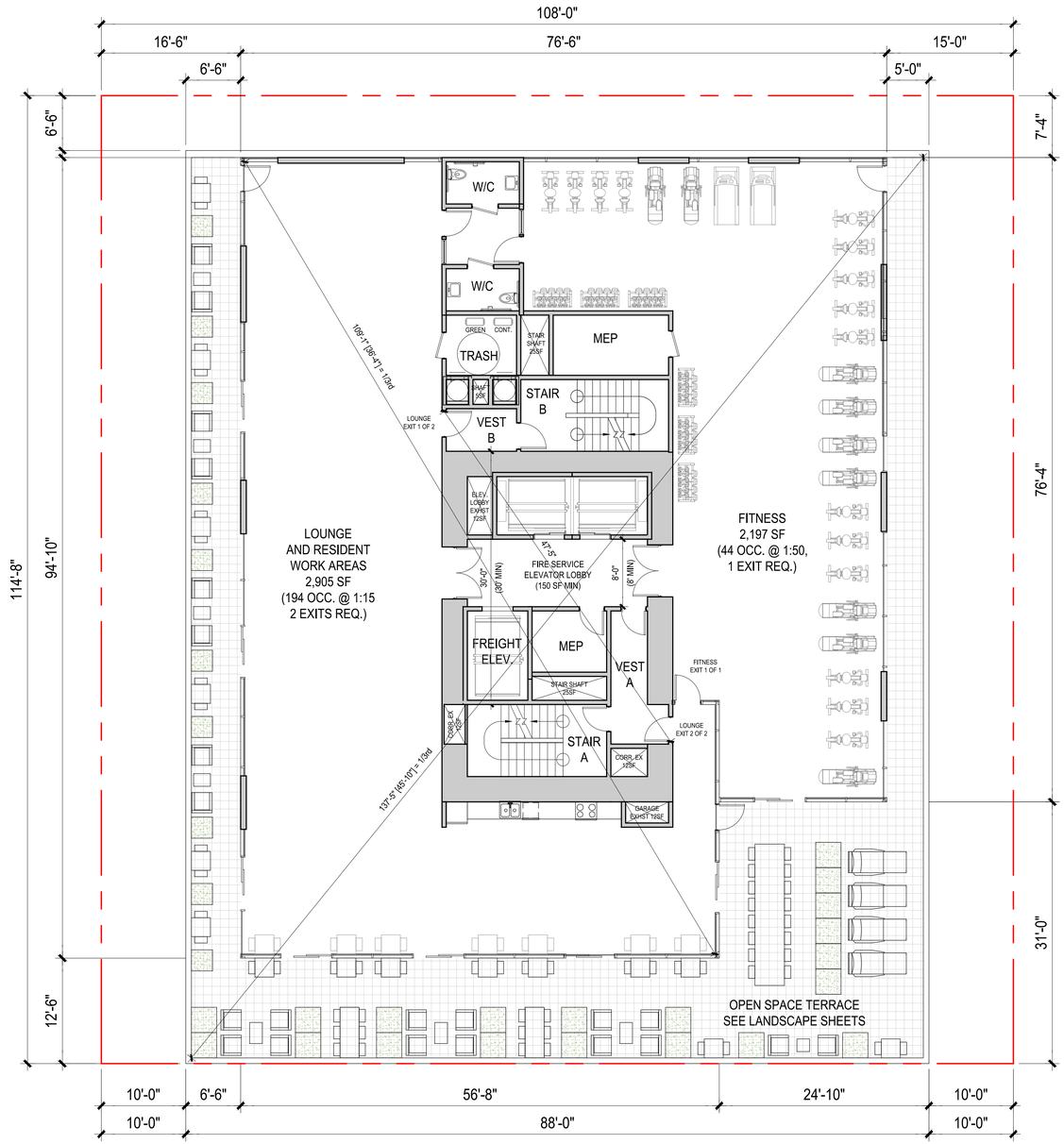
JOB: 2327

SHEET:

PLAN AT
LEVELS 4-22

A2.4



1 / - PLAN AT LEVEL 23

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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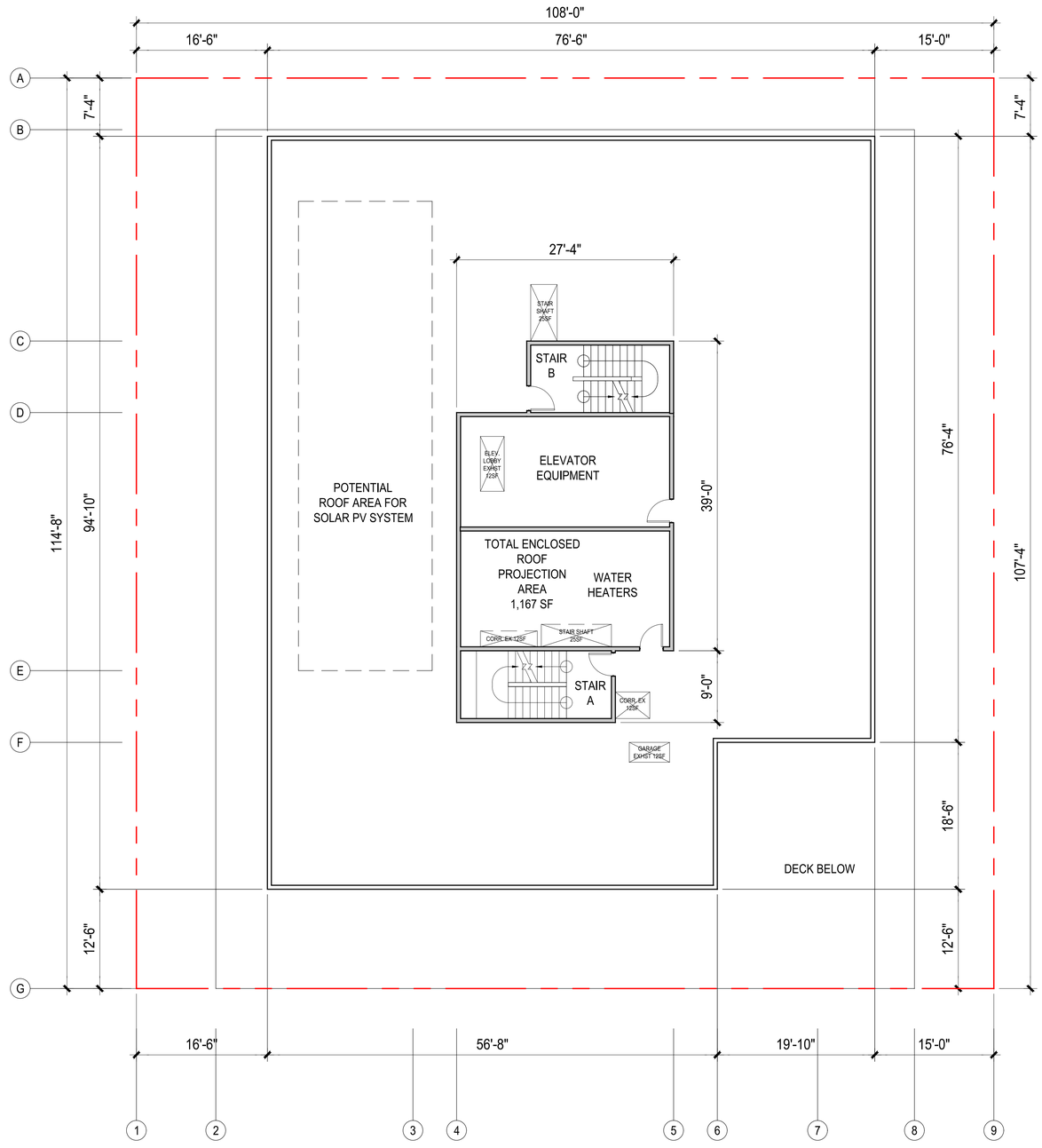
SHEET:

PLAN AT
LEVEL 23

A2.5



1 / - PLAN AT ROOF LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

N

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SHEET:

PLAN AT
ROOF LEVEL

A2.6

1 - SOUTH ELEVATION

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

0 4 8 16 32

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SHEET:

BUILDING ELEVATIONS

A3.1

1 - WEST ELEVATION

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

0 4 8 16 32

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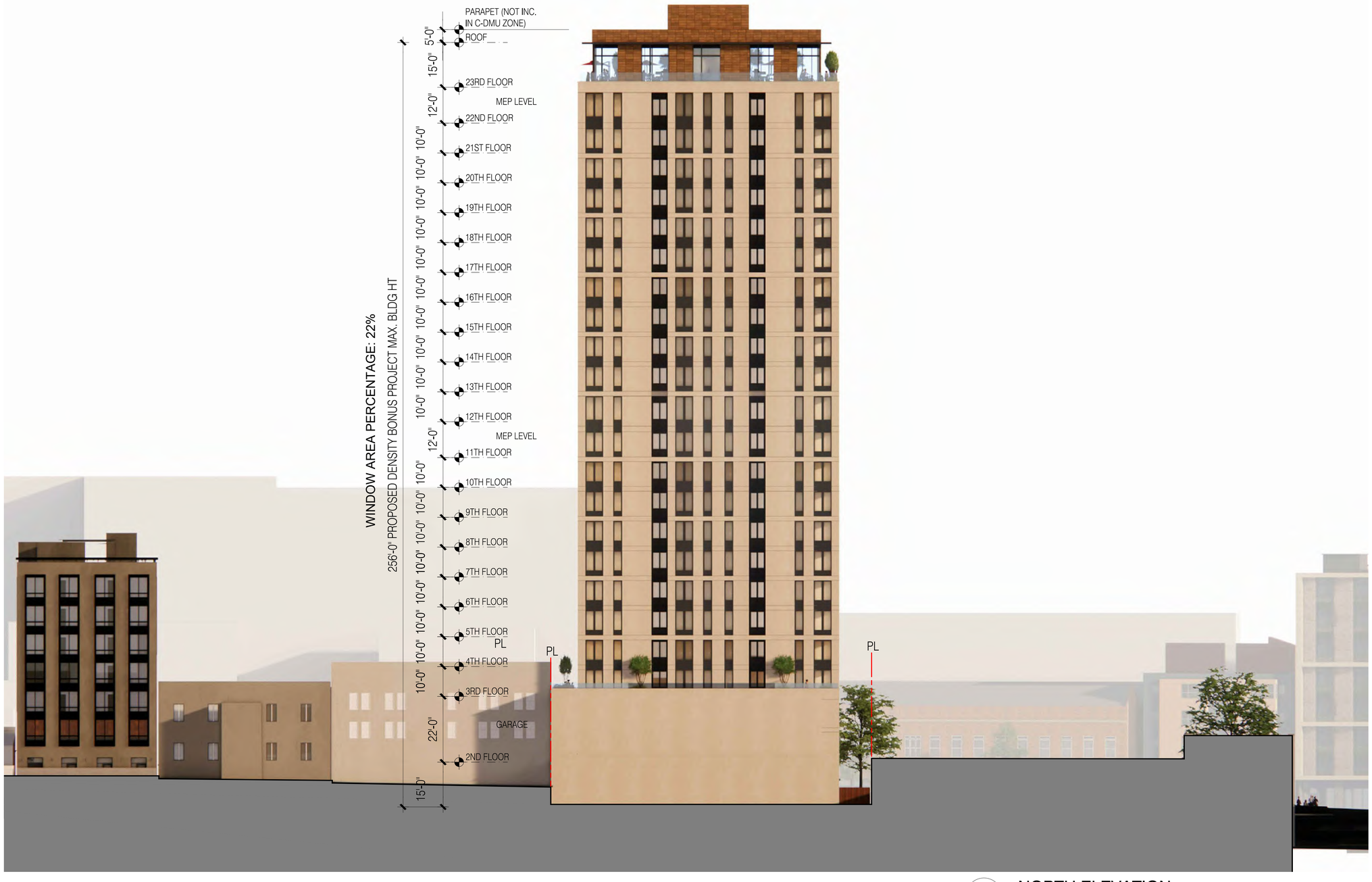
SHEET:

BUILDING ELEVATIONS

A3.2



1 - NORTH ELEVATION

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

0 4 8 16 32

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SHEET:

BUILDING ELEVATIONS

A3.3

1 - EAST ELEVATION

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

0 4 8 16 32

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SHEET:

BUILDING ELEVATIONS

A3.4

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SHEET:

STREET STRIP ELEVATIONS

A3.5

1
-

STREET STRIP ELEVATION @ UNIVERSITY AVE.

1/2"=50'-0" @ 11X17 1" = 50'-0" @ 24X36

0 10 20 40 80

4 A3.6 UNIVERSITY LOOKING EAST - AFTER

2 A3.6 UNIVERSITY LOOKING WEST - AFTER

3 A3.6 UNIVERSITY LOOKING EAST - BEFORE

1 A3.6 UNIVERSITY LOOKING WEST - BEFORE

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SHEET:

PHOTO CONTEXT VIEWS

A3.6

1
-

PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHWEST

-

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SHEET:

CONCEPTUAL RENDERING

A3.7

1
-

SIDEWALK VIEW - UNIVERSITY LOOKING NORTHWEST

-

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SHEET:

CONCEPTUAL RENDERING

A3.8

1
-

PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHEAST

-

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SHEET:

CONCEPTUAL RENDERING

A3.9

1
-

SIDEWALK VIEW - UNIVERSITY LOOKING NORTHEAST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.10

1
-

EVENING VIEW - UNIVERSITY LOOKING NORTHEAST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.11

1 MAT **SOUTH ELEVATION**
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36
0 4 8 16

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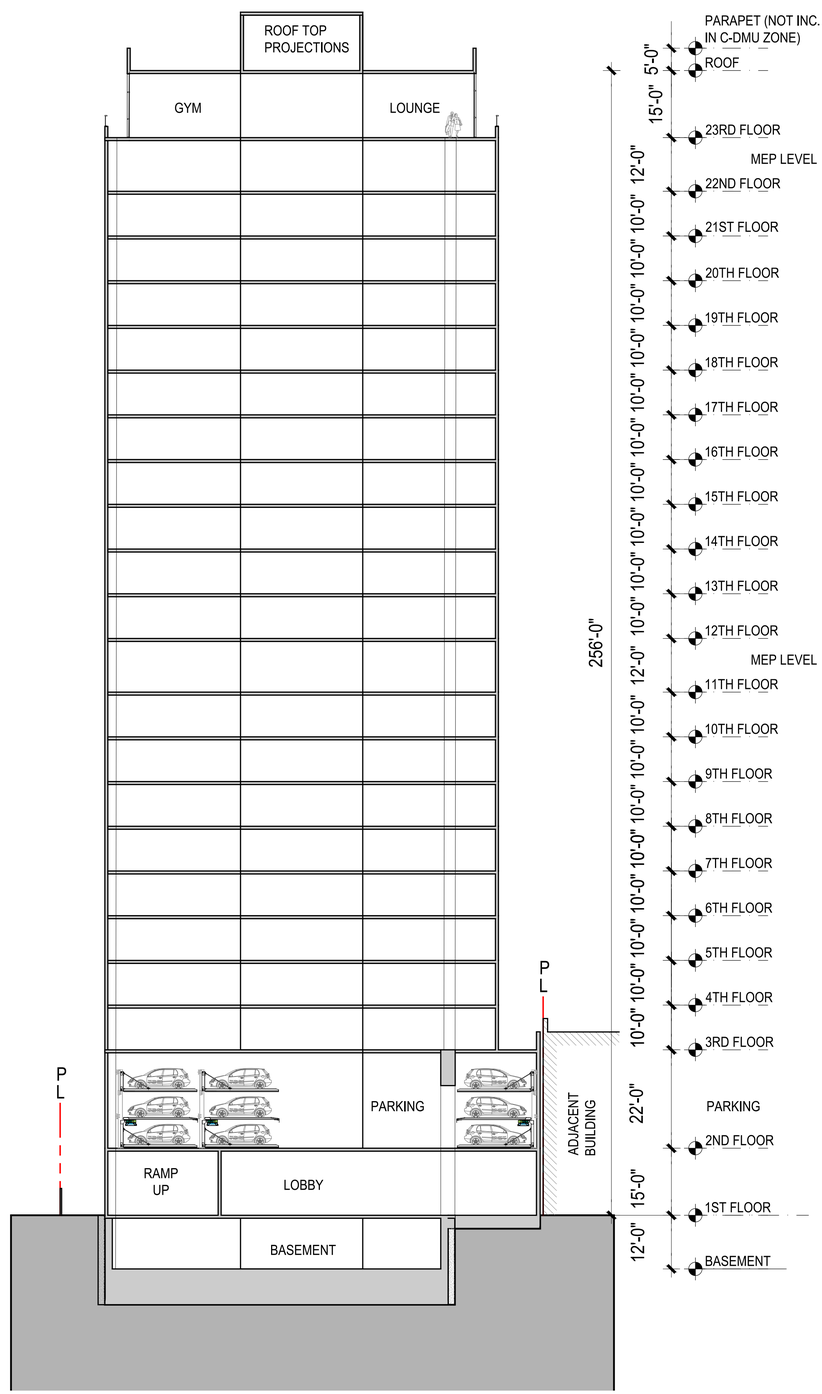
JOB: 2327

SHEET:

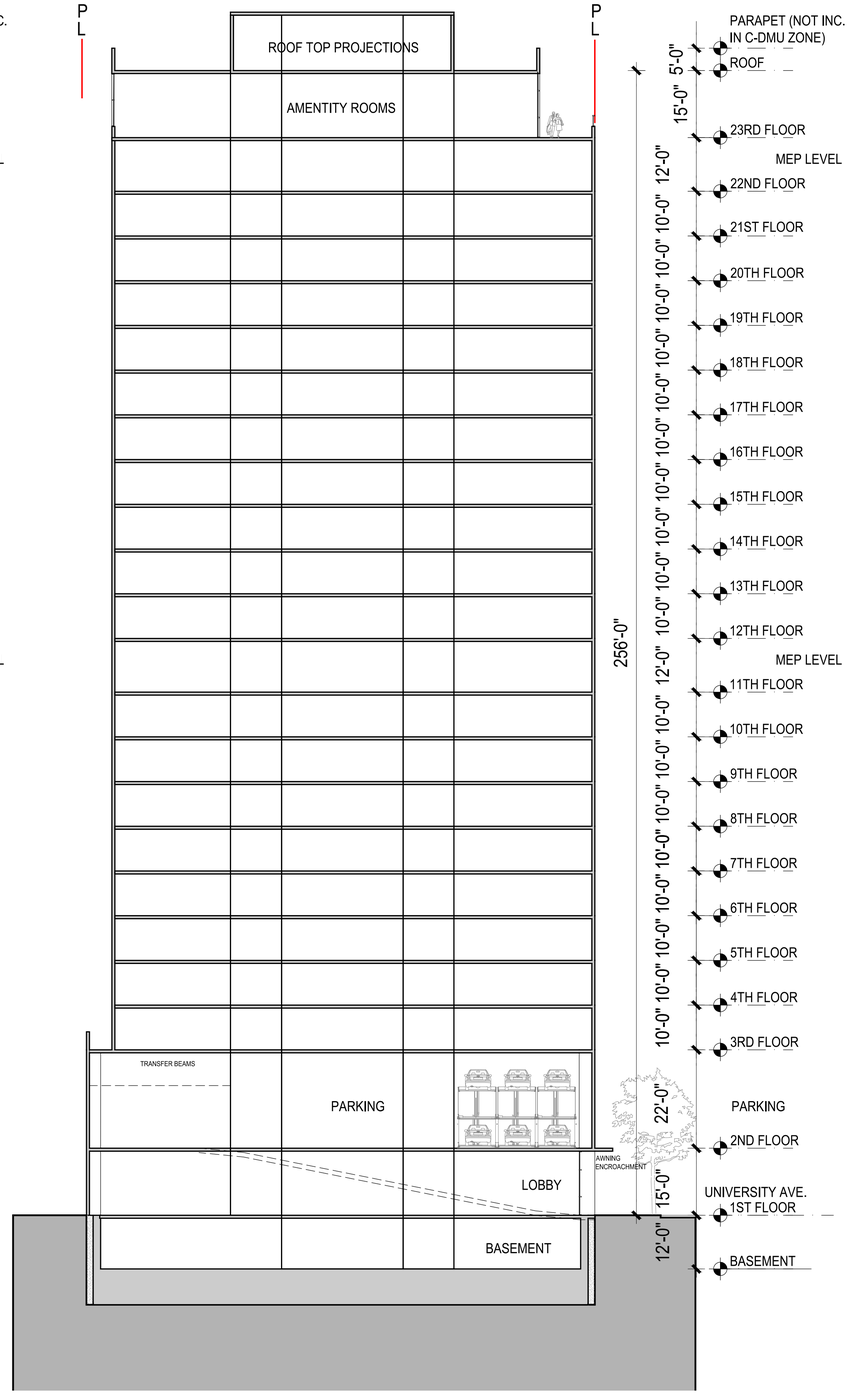
BUILDING MATERIALS

MAT



2 - EAST WEST SECTION

1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36



1 - NORTH SOUTH SECTION

1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36

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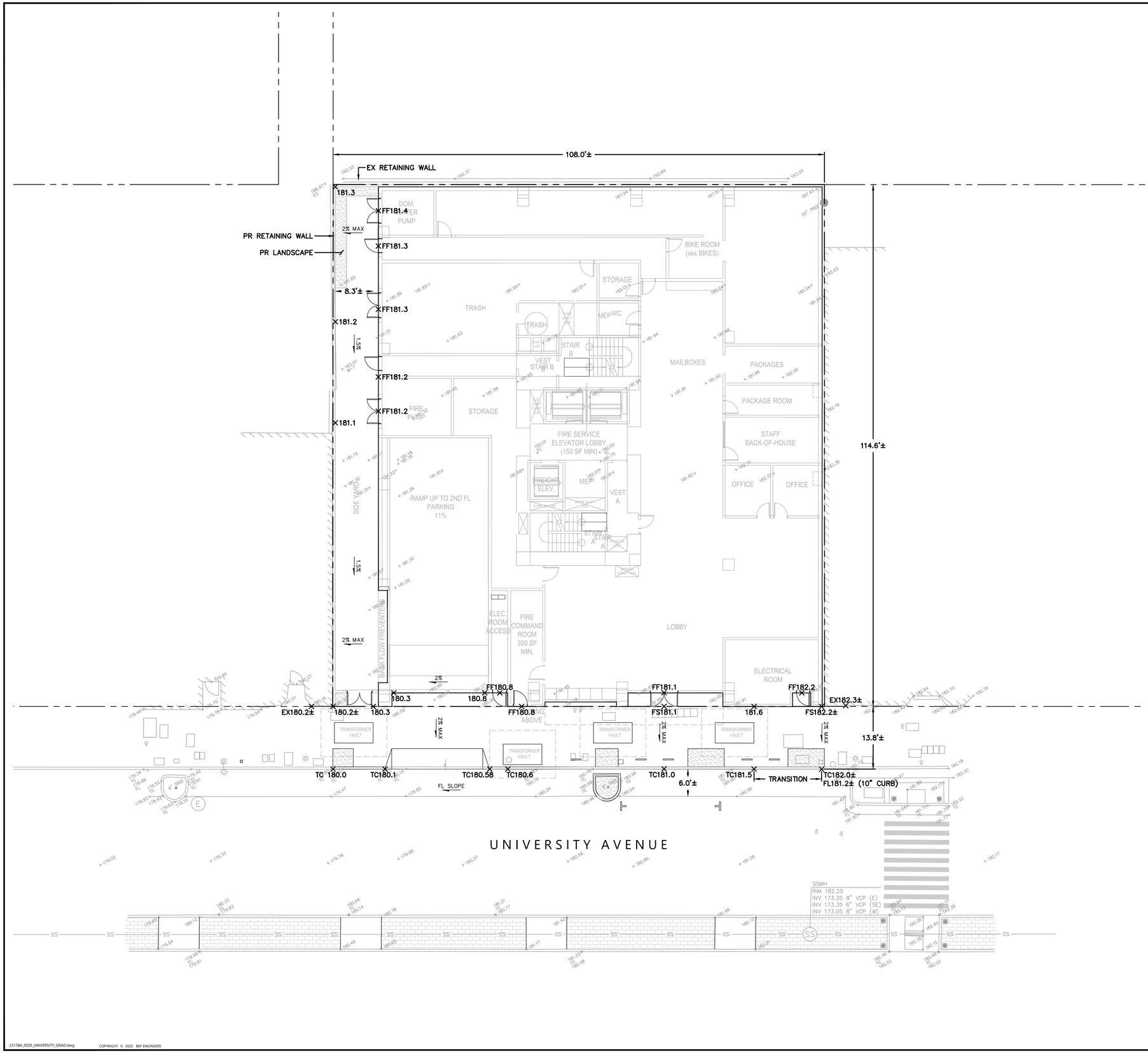
JOB: 2327

SHEET:

SECTIONS

A4.1



GENERAL NOTES

1. UTILITIES AND UNDERGROUND FACILITIES INDICATED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH WITH APPROPRIATE AGENCIES. NEITHER THE OWNER NOR THE CITY NOR THE DESIGN PROFESSIONAL ASSUMES RESPONSIBILITY THAT THE UTILITIES AND UNDERGROUND FACILITIES INDICATED WILL BE THE UTILITIES AND UNDERGROUND FACILITIES ENCOUNTERED.
2. BOUNDARY INFORMATION SHOWN ACCORDING TO A FIELD SURVEY PERFORMED BY BKF ENGINEERS ON JULY 26, 2024.
3. BASIS OF BEARINGS: THE BEARING OF N05°35'30"W BETWEEN FOUND CITY OF BERKELEY MONUMENTS ON SHATTUCK AVENUE AT THE INTERSECTIONS OF UNIVERSITY AVENUE AND ADDISON STREET AS SHOWN ON PARCEL MAP 6772 FILED ON JANUARY 18, 1995, IN BOOK 216 PAGE 41, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.
4. BENCHMARK: THE ELEVATIONS SHOWN HEREON ARE BASED ON A FOUND CITY OF BERKELEY BENCHMARK, MONUMENT B0490, A 2" CITY OF BERKELEY BRASS DISK WITH PUNCH IN A MONUMENT WELL. ELEVATION 187.09 FEET (DATUM = CITY OF BERKELEY).
5. FIELD SURVEY DATE: JULY 24, 2024 BY BKF ENGINEERS
6. ALL GRADING SHALL BE PREFORMED IN SUCH A MANOR AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
7. ALL THE GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTORS EXPENSE.

ABBREVIATIONS

EX EXISTING
FF FINISHED FLOOR
FS FINISHED SURFACE
PR PROPOSED
TC TOP OF CURB

CUT AND FILL CALCULATIONS

	CUT/FILL AREA (SF)	APPROXIMATE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING & SITE	12,380	20	9,200

1. THE EARTHWORK TABLE WAS PREPARED FOR THE PURPOSE OF DETERMINING THE ROUGH ORDER OF MAGNITUDE FOR PRELIMINARY COST, AND PLANNING PHASE. THIS DOES NOT REFLECT THE FINAL DESIGN. ALL ASSUMPTION ARE PRELIMINARY AND SUBJECT TO BE ALTERED UNTIL FINAL PERMIT AND APPROVAL.
2. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.
3. BASEMENT LEVEL BASED ON SHEET A4.1.
4. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS, OR ANY OTHER GEOTECHNICAL RECOMMENDATIONS.

05.14.2025 ZONING RESUBMISSION

10 0 10 20
scale 1" = 10' feet

Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER FIRST M. LASTNAME No. C-##### CIVIL STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/27/2025
FIRST M. LASTNAME C #####

BKF ENGINEERS
2100 FRANKLIN STREET
SUITE 440
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

2029 UNIVERSITY APARTMENTS
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2029 UNIVERSITY AVENUE, BERKELEY, CA

PRELIMINARY GRADING AND DRAINAGE PLAN

No.	Revisions

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C1.0

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231784_2029_UNIVERSITY_GRAD.dwg
Plot Mar 27, 2025 at 4:47pm

STORMWATER TREATMENT TABLE

	LOCATION	IMPERVIOUS (SF)	PERVIOUS (SF)	TOTAL AREA (SF)	REQ. TREATMENT AREAS (SF)(1)	TREATMENT PROVIDED (SF)		NOTES
DMA1	ROOF LVL	6,900	–	6,900	475	720	IMP1	
DMA2	23RD LVL ROOF DECK	2,600	–	2,600				
DMA3	GROUND LVL SIDE YARD	2,600	300	2,900	145	150	IMP2	
	TOTALS	12,100	300	12,400	620	870(3)		

1. REQUIRED TREATMENT IS PRELIMINARY PROGRAMMED AT 5% OF IMPERVIOUS AREA WITHIN EACH DRAINAGE MANAGEMENT AREA (DMA).
2. TWO (2) AREA OPTIONS SHOWN ON LEVEL 3 UNOCCUPIED ROOFS. PORTION OF DMA3B COULD BE DIRECT TO AREAS SHOWN IN SURGE IF NECESSARY TO ALIGN WITH BUILDING OPEN SPACE PROGRAMMING.
3. AVAILABLE SPACE FOR TREATMENT. AREAS CAN BE INTERCHANGEABLE, AS NECESSARY

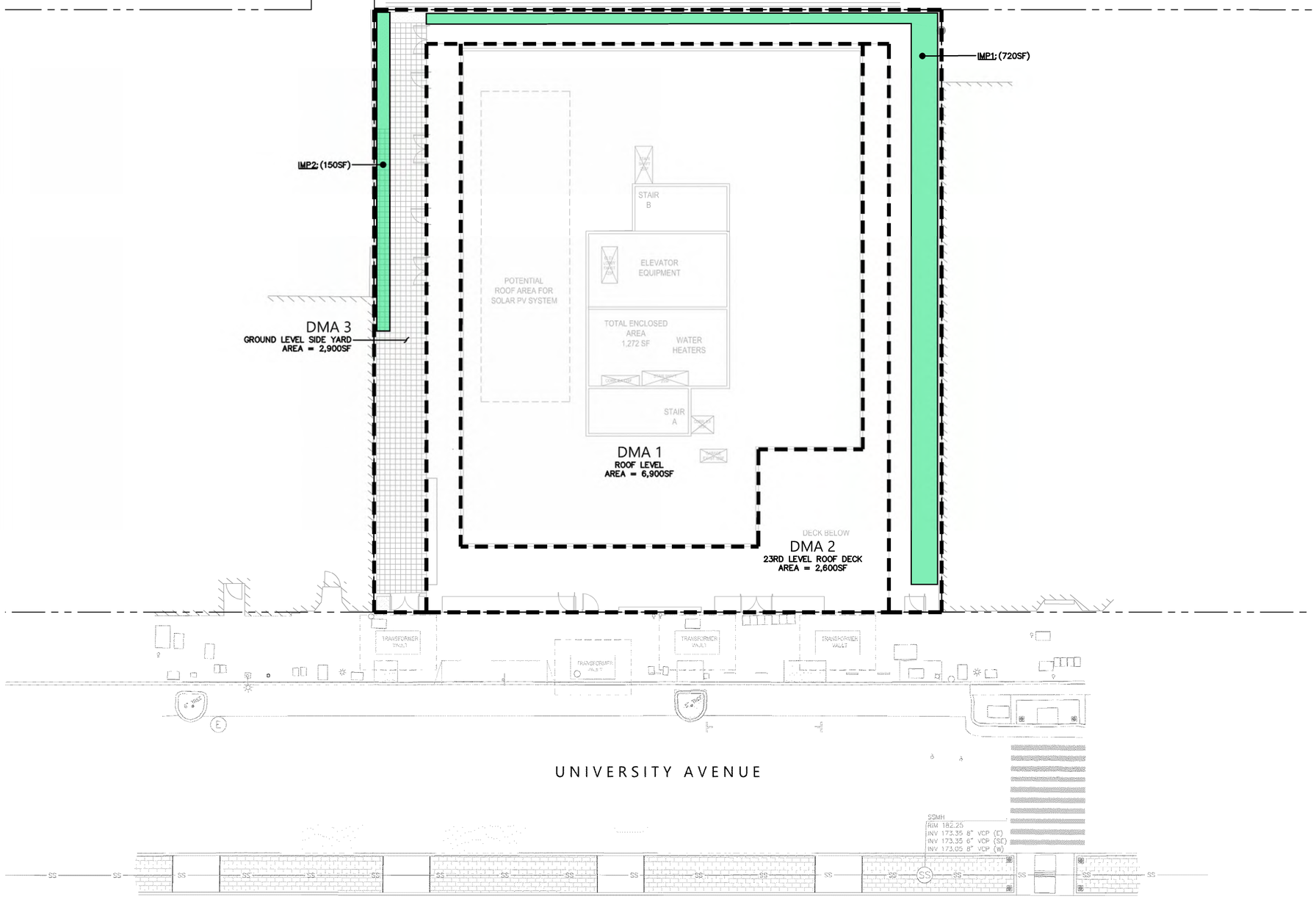
LEGEND

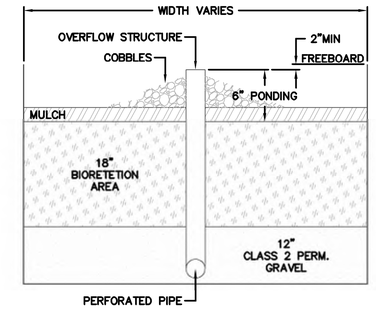
DRAINAGE MANAGEMENT AREAS (DMA)

IMP AREA

ABBREVIATIONS

DMA	DRAINAGE MANAGEMENT AREA
IMP	INTEGRATED MANAGEMENT PLAN
LVL	LEVEL
SF	SQUARE FOOT





TYPICAL BIORETETION SECTION
(ABOVE OR BELOW GRADE)
NOT TO SCALE

10 0 10 20
scale 1" = 10' feet

811 Know what's below. Call before you dig.

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FIRST M. LASTNAME
No. C-#####
CIVIL
STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/28/2025
FIRST M. LASTNAME C #####

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PRELIMINARY STORMWATER CONTROL PLAN

No.	Revisions

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C2.0

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231784_2029_UNIVERSITY_SWCP.dwg
Plot Mar 28, 2025 at 1:56pm

LEGEND

1. BIKE RACK 5 TOTAL (10 BIKE PARKING SPACES)
2. EXISTING TRIDENT MAPLE STREET TREE TO REMAIN. PROTECT IN PLACE. SEE SHEET L3.01 FOR TREE PROTECTION FENCING DETAIL AND GUIDELINES.
3. CONCRETE PAVING AT SIDE YARD
4. NATIVE SHRUB PLANTING
5. 3-FOOT WIDE CITY STANDARD PAVER BAND

N

0 4' 8' 16' 24'

SCALE: 1/8" = 1'-0"

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JOB: 2327

SHEET:

LANDSCAPE PLAN - GROUND FLOOR

L1.01

LEGEND

1. CMU STORMWATER PLANTERS, TYP - 634 SF TOTAL
2. MAINTENANCE WALKWAY

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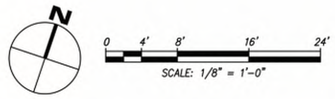
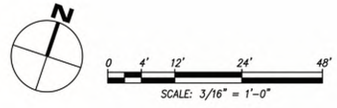
LANDSCAPE PLAN - PODIUM LEVEL



L1.02

LEGEND

1. FAMILY STYLE DINING TABLE
2. GREEN ROOF PLANTING
3. TABLE WITH CHAIRS
4. LOUNGE FURNISHING



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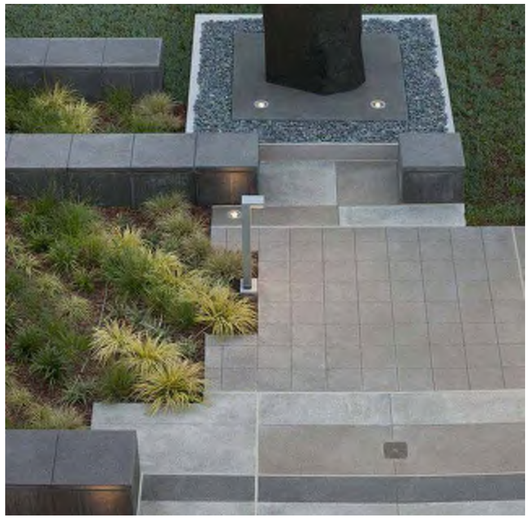
SHEET:

LANDSCAPE PLAN - ROOF DECK

L1.03



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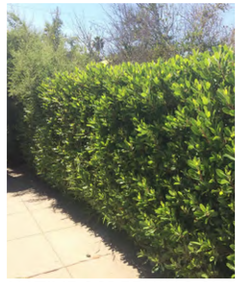
JOB: 2327

SHEET:

PRECEDENT IMAGES

L2.01



NATIVE SCREENING SHRUBS

SHRUBS

GROUNDCOVER

DENOTES POLLINATOR PLANT SPECIES

GENERAL PLANTING AND IRRIGATION NOTES

1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.

3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN- DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE. COMPOST APPLICATION TO ACHIEVE A MINIMUM OF 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON MWELO SPECIFIED SOIL ANALYSIS RESULS FOR THE SITE SOIL PER [CGBSC 4.304].

4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.

5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.

6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.

7. 58% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD-LIFE SUPPORTING.

8. PLANT SELECTION AND DESIGN TO COMPLY WITH BAY-AREA FRIENDLY BASICS LANDSCAPE CHECKLIST.

EXISTING TREE PROTECTION NOTES

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, THE EXISTING TREE ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.

2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.

3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."

4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.

6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. CONTRACTOR TO NOTIFY AND COORDINATE WITH CERTIFIED ARBORIST AT LEAST 72 HOURS PRIOR TO ANY WORK BEING DONE IN DRIPLINE. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.

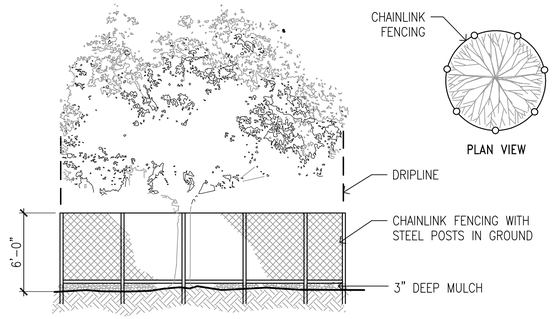
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.

9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.

10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES, SHRUBS AND TURF TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.

11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST.



NOTES

1. NO EXISTING TREE MAY BE PRUNED WITHOUT PRIOR APPROVAL BY THE CITY ARBORIST.
2. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
3. NO OIL, GASOLINE, CHEMICALS, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED OR DISPOSED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE.
4. NO STOCKPILING/STORAGE OF FILL, ETC, SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

IRRIGATION SYSTEM DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DISTRICT.

2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.

3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.

4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.

5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE, RAIN SENSOR AND FLOW SENSING CAPABILITY CONNECTED TO THE IRRIGATION CONTROLLER WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.

6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.

7. COLOR CODED HYDROZONE LANDSACPING HYDROZONE MAP WITH GROUPING AND COLLOCATING PLANTING MATERIAS BY WUCOLS WATER USE CATEGORY VL, L, M, OR H, PER [CGBSC 4.304}, TO BE PROVIDED IN PERMIT DRAWINGS.

8. RAIN SENSOR AND CONTROLLER LOCATION TO BE PROVIDED IN PERMIT DRAWINGS.

LANDSCAPE AREA CALCULATION:

	LANDSCAPE AREA
GROUND LEVEL:	- 77 SF
PODIUM LEVEL:	- 634 SF
ROOF DECK LEVEL:	- 237 SF
TOTAL:	- 948 SF

STORMWATER TREATMENT AREA:

REQUIRED STORMWATER TREATMENT AREA= 455
4% OF THE BUILDING FOOTPRINT (- PROPOSED STORMWATER TREATMENT AREA= - 634 SF

BIKE PARKING CALCULATIONS:

TOTAL SHORT TERM BIKE PARKING STALLS PROVIDED: 10 STALLS (5 BIKE RACKS)

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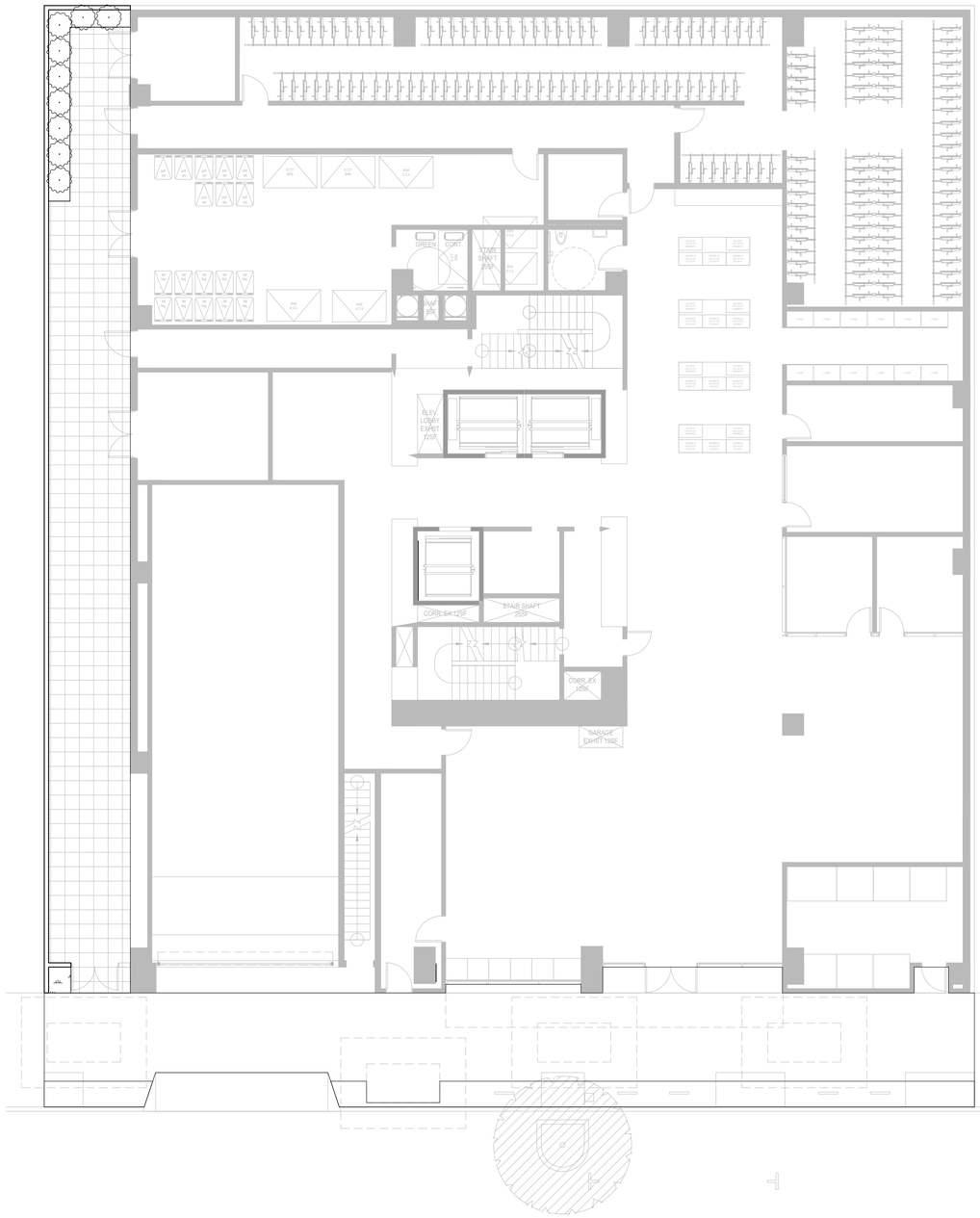
JOB: 2327

SHEET:

PLANT IMAGES, NOTES & CALCULATIONS

L3.01



PLANT LIST							
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
SHRUBS – LARGE – NATIVE							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
SHRUBS – SMALL/MEDIUM							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'–0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'–0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'–0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'–0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
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	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
GROUNDCOVERS							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'–0" OC		L	Y
STORMWATER							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'–0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'–0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'–0" OC		L	Y

N

0 4' 8' 16' 24'

SCALE: 1/8" = 1'–0"

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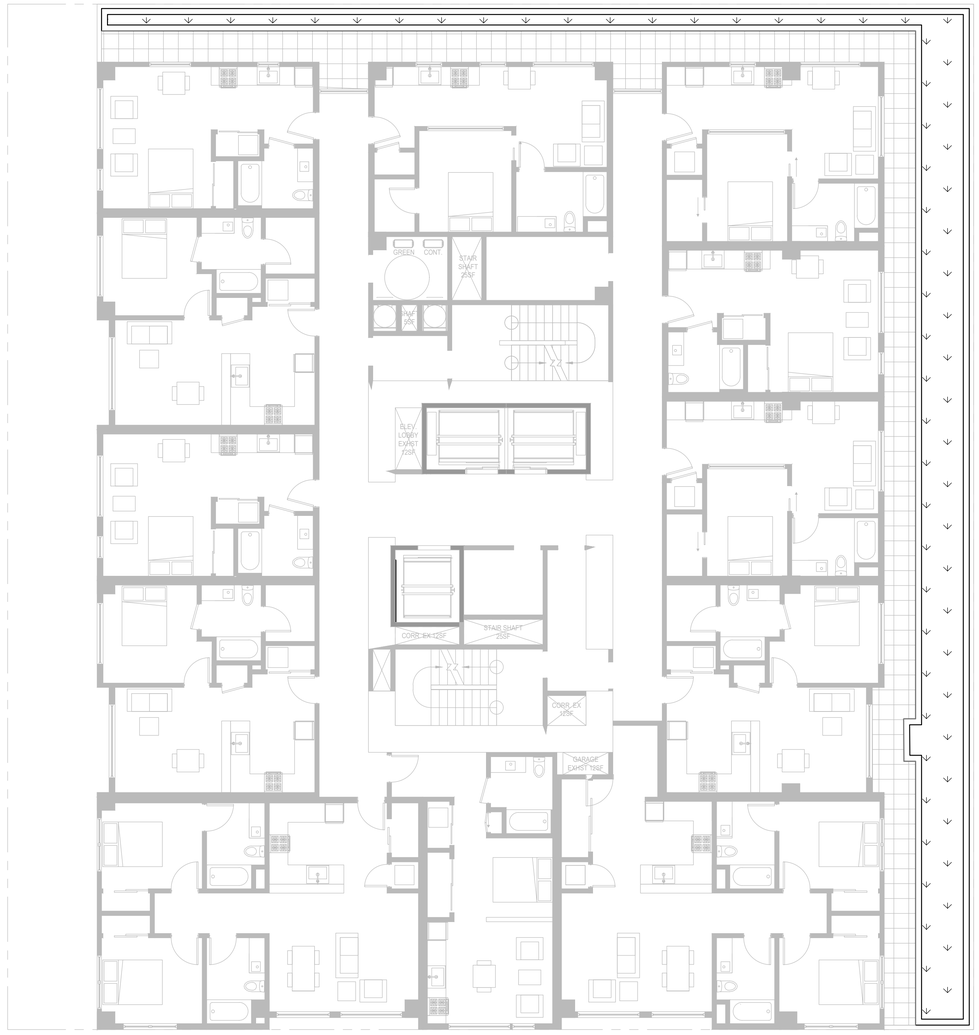
JOB: 2327

SHEET:

PLANTING PLAN - GROUND FLOOR

L4.01



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	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
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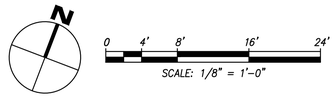

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JOB: 2327

SHEET:

PLANTING PLAN - PODIUM LEVEL

L4.02

PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
SHRUBS – LARGE – NATIVE							
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	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'–0" OC		L	Y

N

0 1' 2' 4' 8'

SCALE: 3/8" = 1'–0"

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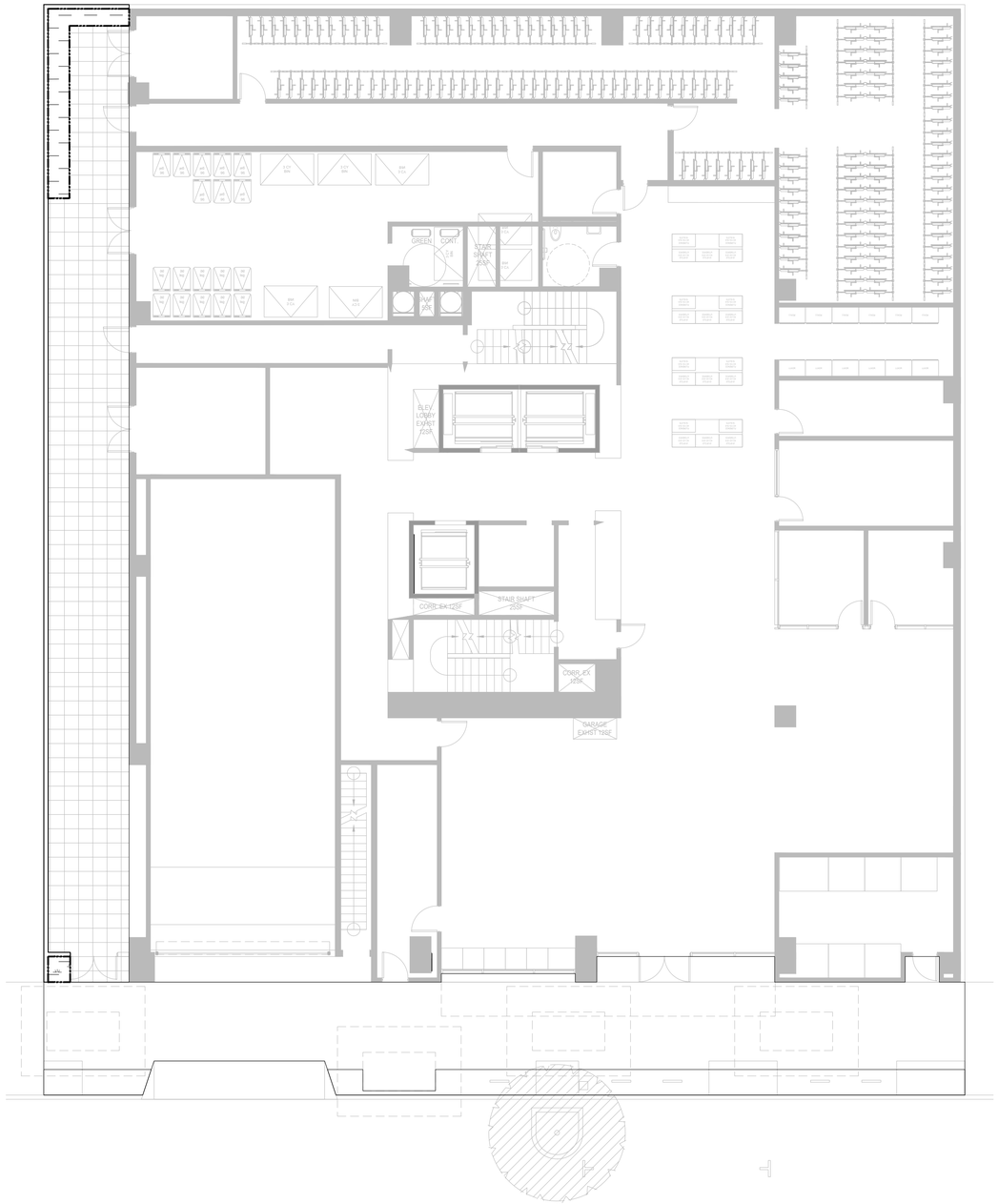
SHEET:

PLANTING PLAN - ROOF DECK

L4.03



HYDROZONE LEGEND

SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
	1	LOW WATER USE	SHRUB & GROUNDCOVER	DRIP	895	895.0	94%
	2	LOW WATER USE	TREES	BUBBLER	0		
	3	MODERATE WATER USE	SHRUB & GROUNDCOVER	DRIP	54	54	6%
	4	MODERATE WATER USE	TREES	BUBBLER	0		
					TOTAL	949.0	100%

HYDROZONE INFORMATION TABLE

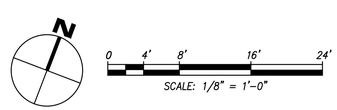
REFERENCE ANNUAL ET_0 FOR:	BERKELEY (MWELO REF. ET TABLE)		41.8
ET ADJUSTMENT FACTOR	0.55	ET ADJ FACTOR PER MWELO: 0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF) 0.45

HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB.: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	$ETAF_Z$ (PF/IE)	LANDSCAPE AREA (SQ FT)	$ETAF_Z$ x AREA	ESTIMATED TOTAL WATER USE (ETWU)
1	0.3	D	0.81	0.37	77	28.52	739.09
2	0.3	B	0.81	0.37	634	234.81	6085.46
3	0.3	D	0.81	0.37	183	67.78	1756.53
4	0.6	B	0.81	0.74	54	40.00	1036.64
–	0	D	.81	0.00	0	0.00	0.00
–	0	D	.81	0.00	0	0.00	0.00
				TOTAL	948.00	371.11	9,617.72
SPECIAL LANDSCAPE AREAS							
5				1	0	0.00	0.00
--				0	0	0.00	0.00
				TOTAL	0	0.00	0.00
	TOTAL LANDSCAPE AREA (LA + SLA)				948.00		

TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)	TOTAL ETWU	9,617.72
MAWA	(ANNUAL ETO)(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)*SLA))]	MAWA	13,512.60
AVERAGE ETAF	SUM($ETAF_Z$ X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA_S)		0.39
SITEWIDE ETAF	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA_S)		0.39

IRRIGATION DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE AND FLOW SENSING CAPABILITY WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.



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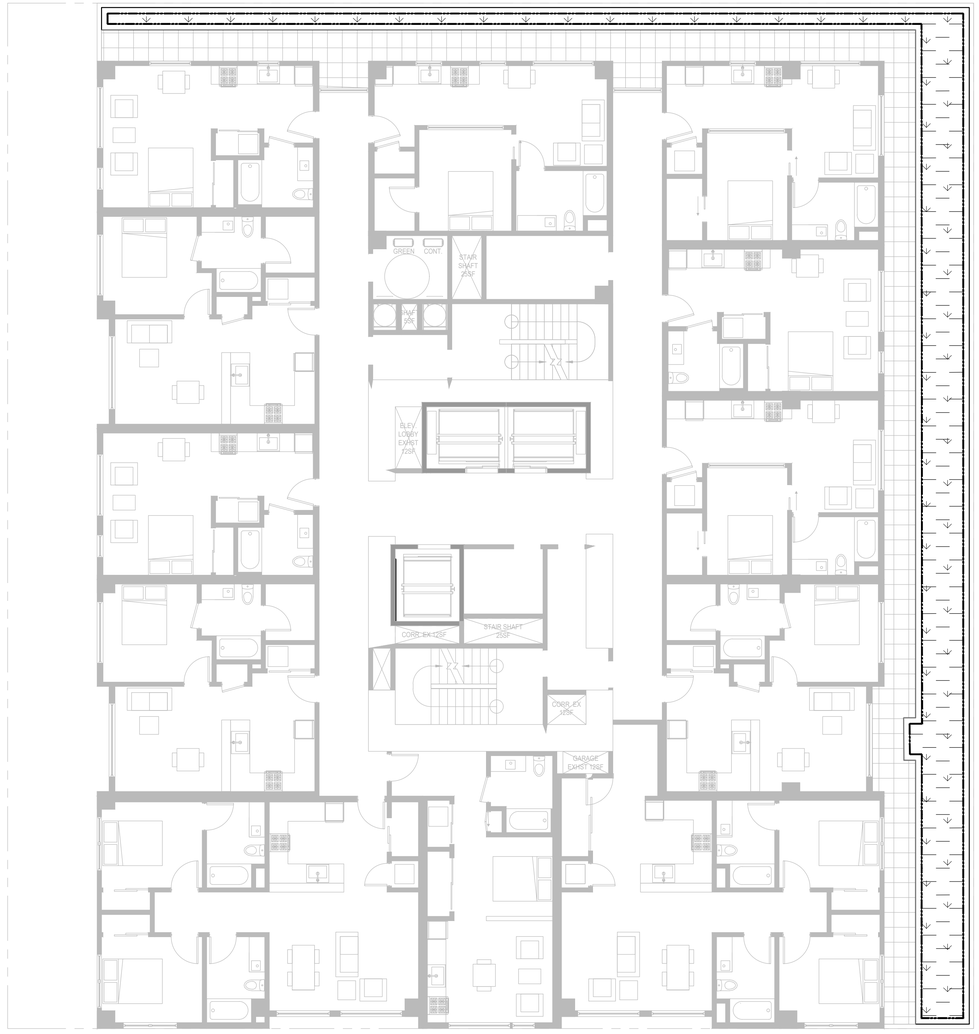
IRRIGATION PLAN - GROUND FLOOR

L5.01



SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

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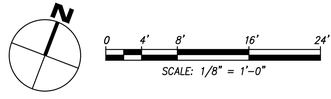

L5.02

SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

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L5.03

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GARY P. PROVENCHER
EZEKIEL D. CARDER►
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DAVID W.M. FUJIMOTO
ANDREA C. MATSUOKA
ALEXANDER S. NAZAROV
SEAN W. McDONALD◄
KATHARINE R. McDONAGH
MAXIMILLIAN D. CASILLAS▲
WILLIAM T. HANLEY

BISMA SHAHBAZ
MICHAELA F. POSNER
ALEXANDER M. MILNE
WINNIE VIEN
NOREY L. NAVARRO♠
R. MAXWELL SINCLAIR
MIRANDA MAMMEN
ARDALAN "ARDY" RAGHIAN
SHANE M. REED
DOMINIQUE ARMSTRONG
MATTHEW C. FERNANDES
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MICHAEL J. HAYES▼
ASHLEY K. IKEDA●
JANNAH V. MANANSALA

LABOR EDUCATOR

NINA FENDEL (Retired Attorney)

Admitted in California, unless otherwise noted
• Admitted in Hawaii
♣ Also admitted in Nevada
► Also admitted in New York and Alaska
◄ Admitted in Nevada and Washington
▲ Also admitted in Idaho
♠ Also admitted in New York
▼ Admitted in New York

December 1, 2025

Via Email and Hand Delivery

Mayor Adena Ishii and City
Councilmembers Rashi Kesarwani, Terry
Taplin, Ben Bartlett, Igor Tregub, Shoshana
O'Keefe, Brent Blackaby, Cecilia
Lunaparra, and Mark Humbert
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
council@berkeleyca.gov

City Clerk Mark Numainville
2180 Milvia Steet, 1st Floor
Berkeley, CA 94704
clerk@berkeleyca.gov

Re: Appeal to City Council of 2029 University Avenue Use Permits #ZP2024-0181, #ZP2024-0182

Dear Mayor Ishii, City Council Members Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, and Humbert, and City Clerk Numainville:

Our law office represents the Building and Construction Trades Council of Alameda County, AFL-CIO ("Trades Council") and the Northern California Carpenters Regional Council also known as the Nor Cal Carpenters Union ("Carpenters"). We write on behalf of the Trades Council and Carpenters to appeal the approval by the City of Berkeley ("City") Zoning Adjustment Board ("ZAB") of Use Permits #ZP2024-0181 and #ZP2024-0182 for the 2029 University Avenue project ("Project").[1] The Trades Council appeared at the November 13, 2025 ZAB hearing to oppose approval of the Use Permits as presented.

The Project is proposed by Laconia Development ("Applicant"). Applicant applied for Use Permits for two alternative housing development projects at 2029 University Avenue in the City. Both Project alternatives proposed to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story residential building, but one alternative proposed the creation of 240 multifamily apartment units (18 moderate income and 18 very low-income) while the other proposed the creation of 160 student housing units (12 moderate income and 12 very low-income).

[1] City of Berkeley Zoning Adjustments Board Notices of Decision, 2029 University Avenue (Multifamily) and 2029 University Avenue (Student-Oriented), Date of Board Decision November 13, 2025, Date Notice Mailed November 17, 2025, Appeal Period Expiration December 1, 2025 ("Notices of Decision").

This appeal of Use Permits #ZP2024-0181 and #ZP2024-0182 for the Project is timely filed within fourteen (14) days of the City's November 17, 2025 mailing of the Notices of Decision, pursuant to Berkeley Municipal Code ("BMC") section 23.410.020. This appeal is accompanied by payment of the requisite fee of $3000.[2]

This appeal pertains to Applicant's requested "concessions" under the Density Bonus Law (Gov. Code, § 65915, et seq. or "DBL"), which are as follows:

1. Exemption from the "Apprenticeship Requirements" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC section 13.107.040.

2. Exemption from the "Health Care Expenditures" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC section 13.107.050.

3. Exemption from the "Bird Safe Building" requirement as required by BMC section 23.304.150.

In particular, this appeal pertains to the first two requested concessions above, which refer to the City's HARD HATS Ordinance (BMC § 13.107.010 et seq. or "HARD HATS"), which was adopted on May 2, 2023 and took effect on January 1, 2024. For the reasons that follow, these two requested concessions are improper under the DBL and should be denied.

I. The City Should Not Grant Concessions that Waive Local Labor Standards

The City should not grant concessions under the DBL that waive local labor standards. The Applicant is pursuing a novel and unorthodox strategy of using DBL concessions to avoid two construction labor standards, namely, the requirement to provide health care and apprenticeship training. Until very recently, the Trades Council and Carpenters were not aware of any project that had received similar concessions from the City (or any city). The requested concessions are an attempted misuse of the DBL to avoid important labor standards that the City enacted to protect public health and safety.

On October 21, 2025, our office made a California Public Records Act request to the City seeking all records relating to whether the City has, at any time, granted any State Density Bonus concessions or waivers relating, in any way, to the City's HARD HATS Ordinance. The City responded that the only project that has received such concessions is the 2425 Durant project, which the Trades Council and the Carpenters appealed and will be heard by City Council on February 10, 2026.[3]

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[2] Notice of Decisions, page 4; BMC § 23.410.030. The Trades Council and Carpenters believe a single appeal is proper pursuant to BMC §§ 23.410.030(A) "(Appeals shall be filed and processed consistent with Chapter 23.404 (Common Permit Requirements) except as otherwise specified in this chapter") and 23.404.020(F) ("An applicant shall request City approval of all required permits as part of a single application. . . ."). Since the Berkeley Municipal Code establishes that all permits for a project be filed as part of the same application and that appeals be filed consistent with permit applications, it follows that appeals of two different use permits for a single project should be filed as one appeal. That should especially be true where, as here, the appellant's reasons for appealing both permits are identical. In an abundance of caution, however, the Trades Council and Carpenters are prepared to file two copies of this letter and two filing fees in case the City believes this appeal should be filed and processed as two separate appeals.

[3] The response received from the City of Berkeley Planning and Development Department was previously submitted to City Council in relation to the Trades Council and Carpenters' 2298 Durant & 2360 Ellsworth ZAB appeal and can be provided again upon request.

II. The City Cannot Waive HARD HATS' Healthcare and Apprenticeship Standards Because Such Waiver Does Not Constitute a Concession or Incentive Under DBL

The DBL, Government Code section 65915(k), establishes that a "concession or incentive means any of the following": "(1) [a] reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission . . . including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions . . . ."; "(2) [a]pproval of mixed-use zoning in conjunction with the housing project . . . ."; or "(3) [o]ther regulatory incentives or concessions proposed by the developer or the city. . . that result in identifiable and actual cost reductions to provide for affordable housing costs . . . . "[4]

As used in the DBL, "development standard" means a:

> . . . site or construction condition, including but not limited to a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.[5]

Here, the City cannot waive HARD HATS' apprenticeship or health care expenditure requirements on the Project because such waiver would not qualify as a "concession or incentive" under the DBL.

Contrary to Applicant's argument, HARD HATS' labor requirements are not "site development standards" and therefore not subject to reduction via "concession or incentive" pursuant to Government Code section 65915(k)(1).

As stated above, under the DBL, a "development standard" is either a "site" or "construction" development standard depending on whether it is "a site or construction condition," and only "site development standards" can be reduced by concession or incentive under Government Code section 65915(k)(1). The three examples of "site development standards" the DBL lists are: "setback . . . requirements," "square footage requirements," and "the ratio of vehicular parking spaces that would otherwise be required." Under the statutory construction principle of *ejusdem generis*, by which courts "interpret a general or collective term" in a list of items "in light of any common attributes shared by the specific items,"[6] "site development standards" should be interpreted as relating to physical characteristics of a development as situated on its site because all three examples do. Here, HARD HATS' labor requirements are plainly not "site development standards" because they do not amount to physical conditions of how a project is situated on a site. Instead, the requirements are workers' rights protections that relate only to how contractors working on the project should treat their workers.[7] Moreover, HARD HATS' requirements are also procedurally unlike the DBL's examples of "development standards" even more broadly—"a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement,

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[4] Gov. Code § 65915, subds. (k)(1)-(3).

[5] *Id.*, § 65915, subd. (o)(2).

[6] *Southwest Airlines Co. v. Saxon* (2022) 596 U.S. 450, 458 (quotation marks removed).

[7] BMC § 13.107.030.

or a parking ratio"—in that, unlike all these examples, they have extra enforcement mechanisms outside of any zoning code in order to benefit the workers they seek to protect, namely a private right of action whereby an affected worker or representative may bring a civil suit against a contractor employer who fails to abide by the wage and expenditure requirements.[8] For these reasons, HARD HATS' labor requirements do not meet the definition of development standards, let alone the more narrow category of site development standards subject to reduction via concession or incentive under the DBL.[9]

Finally, the legislative intent of the DBL demonstrates the waiver of HARD HATS' labor requirements is not a DBL concession or incentive. The stated intent of the DBL is to allow developers "to include more total units in affordable housing projects than would otherwise be allowed by local zoning ordinances," and to "cover at least some of the financing gap of affordable housing."[10] The Legislature also intended to "ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing."[11] In other words, the Legislature was mindful of the need to balance housing density with social benefits, not disregard social benefits like labor standards.

The requested health care expenditure concession is doubly in conflict with the intent of the DBL because, in addition to threatening the health and safety of construction workers, the concession would suppress their total compensation and make the very housing they are building less affordable to them. This outcome would be antithetical to the intent and policy of the DBL, which is ultimately to make housing more affordable. Historically speaking, the DBL waivers and concessions that have been granted by the City over the years have not posed this problem. The DBL should not be misused to allow developers to avoid minimum labor standards or other social benefits.

For the reasons set forth above, the City cannot waive HARD HATS' health care expenditures and apprenticeship requirements because such waiver does not constitute a concession or incentive under the DBL.

III. Even if the Waiver of HARD HATS' Health Care & Apprenticeship Requirements Were Concessions or Incentives Under the DBL, the City Should Not Grant Them Because the Waiver Would Have Specific, Adverse Impacts Upon Public Health and Safety

The DBL provides that a city shall grant an applicant's proposal for a concession or incentive unless it "makes a written finding, based on substantial evidence, of any of the following: . . . .the concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-

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[8] *Id.* § 13.107.111.

[9] Additionally, no other DBL definition of "concession or incentive" applies. Government Code 65915(k)(2), relating to approval of "mixed-use zoning," is inapplicable to the entirely residential Project. Government Code section 65915(k)(3) is largely redundant with (k)(1) and k(2) already discussed: in defining "concession or incentive" the paragraph circularly refers to "incentives or concessions," thereby referring to the prior paragraphs defining the term, and only serves to clarify which entities may propose concessions or incentives.

[10] Gov. Code, § 65915, subd. (u)(1)

[11] Gov. Code, § 65915, subd. (u)(2).

income households."[12] An impact is a "specific, adverse impact" when it is "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."[13] "Feasible" is defined as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors,"[14] and a "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes "any cost effective method, condition, or mitigation imposed by a city or county on another similarly situated application in a prior successful application for a permit."[15]

As explained below, waiving HARD HATS' health care and the apprenticeship requirements would have a specific, adverse impact upon public health and safety, namely a blatant difference in health care expenditures for construction workers and a measurably increased likelihood of health and safety hazards on jobsites, which could not be feasibly mitigated or avoided.

(a) Health Care

Waiving HARD HATS' health care requirements would have a specific, adverse impact upon public health and safety that cannot be feasibly mitigated or avoided.

First, waiving these requirements would have a significant, quantifiable, direct, and unavoidable impact on public health and safety based on the policies of the HARD HATS ordinance itself as well as written public health safety conditions identified in research by the UC Berkeley Labor Center and Harvard Medical School and Cambridge Health Alliance.

A recent publication from the UC Berkeley Labor Center found that California construction workers were 2.6 times more likely than other California workers to be uninsured, and that California construction workers and/or their dependents account for a disproportionately high percentage of spending on Medicaid/CHIP.[16] Additionally, a study conducted by Harvard Medical School and Cambridge Health Alliance found that uninsured, working-age Americans have a 40% higher risk of death compared to those with insurance.[17]

The City adopted the health care expenditure requirement in HARD HATS precisely to "enhance the good health of construction workers working in the City" and thereby combat these public health and safety

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[12] Gov. Code, § 65915, subd. (d)(1)(B); see also, Gov. Code, § 65915, subd. (d)(3) ("[t]his subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.")

[13] Gov. Code, § 65589.5, subd. (d)(2).

[14] *Id.*, § 65589.5, subd. (h)(1).

[15] See Health & Saf. Code, § 17959.1, subd. (e)(1). Like the DBL, Health and Safety Code section 17959.1 concerns government permitting and feasible alternatives and uses identical language. It explains in relevant part, "a city or county may not deny an application . . . to install a solar energy system unless it makes written findings based upon substantial evidence . . . the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

[16] See https://laborcenter.berkeley.edu/the-public-cost-of-low-wage-jobs-in-californias-construction-industry/.

[17] See https://news.harvard.edu/gazette/story/2009/09/new-study-finds-45000-deaths-annually-linked-to-lack-of-health-coverage/.

harms that result from uninsured construction workers.[18] Granting Applicant a waiver of this requirement would directly, unavoidably and significantly undermine the City's protective framework and place the health of workers on the Project at greater risk by exempting all contractors on the Project from having to contribute to their workers' health care costs, leaving many workers without any health care coverage or dedicated funds to spend on their health care. Additionally, this impact would be quantifiable because the City could ask each contractor working on the Project whether, in the absence of HARD HATS, they would make health care expenditures for their workers and, if so, how much those expenditures would be. The City could then determine how much higher those expenditures would be under HARD HATS' statutory formula, which is simple math.

Finally, there is no "feasible" method to avoid or mitigate the specific, adverse impact on workers' health care coverage or other costs that waiving HARD HATS' health care expenditure requirement would produce. Most future Project workers will not be eligible for government-sponsored healthcare because their incomes exceed Medi-Cal eligibility thresholds, they do not have "Satisfactory Immigration Status"[19] or are otherwise not Medi-Cal eligible.[20] Given this country has not evolved to the point where it has passed universal health care, and is highly unlikely to do so "within a reasonable period of time," there is no feasible alternative to contractor employers on the Project contributing to their workers' health care costs.

(b) Apprenticeship Requirements

Waiving HARD HATS' apprenticeship requirements would also have a specific, adverse impact upon public health and safety that cannot be feasibly mitigated or avoided.

First, waiving the apprenticeship requirements would have a significant, quantifiable, direct, and unavoidable impact on public health and safety based on the policies of the HARD HATS ordinance itself as well as written public health safety conditions identified in a study of the construction industry by the Illinois Economic Policy Institute ("ILEPI") and the Washington State Department of Labor & Industries ("L&I").

L&I's 2023 study found that an "apprenticeship program is associated with fewer work injuries"; even controlling for variables, workers with apprenticeship training had a 46% lower rate of accepted workers' compensation claims compared to workers in the same field with no apprenticeship training.[21] Additionally, ILEPI's study found that in 2019 alone, jobsites participating in joint management apprenticeship programs— were 19% less likely to have health and safety violations and had an average of 34% fewer violations per inspection" than those that did not.[22]

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18 BMC § 13.107.020.

19 The Migration Policy Institute estimates that over 84,000 construction workers in northern California counties are "unauthorized" immigrants. See https://www.migrationpolicy.org/programs/us-immigration-policy-program-data-hub/unauthorized-immigrant-population-profiles.

20 A family of four with an income above $44,367 is ineligible. For definitions of Unsatisfactory Immigration Status, see https://www.dhcs.ca.gov/Medi-Cal/Pages/immigration-status-categories.aspx.

21 See https://www.sciencedirect.com/science/article/pii/S0022437522001451. Study of journey level plumbers. Variables controlled include "controlling for differences in year . . . worker age . . . number of employers . . . size of employer, license for plumbing specialty other than [journey level plumber], and workers' compensation claim rate in the five years prior to [journey level plumber] certification."

22 See https://theconstructionbroadsheet.com/report-union-construction-jobsites-significantly-safer-than-nonunion-site-p547-175.htm.

This is precisely why the City adopted apprenticeship requirements in HARD HATS: to ensure contractors in the City invest in apprenticeship and thereby ensure workers are "competently trained" on City projects.[23] HARD HATS requires each contractor on covered projects to participate in an approved apprenticeship program.[24] Allowing Applicant to avoid apprenticeship requirements would directly, unavoidably and significantly undermine the City's protective framework and place workers' health and safety at greater risk by exempting all contractors on the Project from participating in apprenticeship programs that decrease health and safety violations. This impact is also quantifiable. The City could ask contractors how many apprentices they would have on the Project in the absence of HARD HATS. The answer is likely to be zero or close to zero for non-union contractors because, in the absence of HARD HATS, contractors typically only employ apprentices when required to by the Labor Code or by a collective bargaining agreement with a union. The City could then conclude that waiving HARD HATS' apprenticeship requirements on the Project would lead to a significant drop in apprenticeship participation and determine the projected increase in safety violations and workers' compensation claims according to the studies above. Finally, no feasible alternatives exist because research has shown that in the absence of either collective bargaining agreements or government regulation, apprenticeship training is unlikely to occur and worksite injuries are therefore more likely to occur.[25] As it is beyond the scope of local governments' powers to regulate collective bargaining, and dedicating a sufficient number of City employees to monitor all of Berkeley's major construction sites for safety regulation compliance is fiscally infeasible, the HARD HATS regulation is the sole available, feasible alternative.

For the reasons described above, waiving HARD HATS' health care and apprenticeship requirements would have a specific, adverse impact upon public health and safety that could not be feasibly mitigated or avoided. Thus, even if the waiver of HARD HATS' requirements qualified as concessions or incentives under the DBL—which they do not—the City should make a written finding about this specific, adverse impact and decline to grant the concessions or incentives.

IV. Alternatively, the City Could Request Reasonable Documentation to Support the Concessions and/or Remand the Matter Back to ZAB For Further Consideration

The DBL "does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus."[26] This includes incentives or concessions.[27] Moreover, the local government is also tasked with "provid[ing] the applicant with a determination as to the following matters:

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[23] BMC § 13.107.020.

[24] BMC § 13.107.040. A contractor may also make contributions to the California Apprenticeship Council (BMC § 13.107.040), which would fulfill the same purposes of participating in apprenticeship programs given the California Apprenticeship Council is exclusively dedicated to supporting state-approved apprenticeship programs and would spend all funds received accordingly, which would in turn improve worker safety as described in the studies above.

[25] Waddoups, Jeff, "Union Coverage and Work-Related Training in the Construction Industry," *Industrial & Labor Relations Review* Vol. 67, No. 2, April 2014, pp. 532-54; The Effect of Prevailing Wage Law Repeals and Enactments on Injuries and Disabilities in the Construction Industry - Zhi Li, Chimedlkham Zorigtbaatar, Gabriel Pleités, Ari Fenn, Peter Philips, 2019; APPRENTICESHIP TRAINING IN THE US CONSTRUCTION SECTOR (Bilginsoy, 2003).

[26] Gov. Code, § 65915, subd. (a)(2).

[27] *Id.*, § 65915, subd. (b)(1).

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(II) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, waivers, or reductions of development standards."[28]

In the case *Schreiber v. City of Los Angeles*, the Court of Appeal recognized that "[a] city or county is not prohibited from requesting or considering information relevant to cost reductions."[29] This is the case even though the statute places the ultimate burden of proof on the local government.[30] Accordingly, the City can and should take the position that Applicant has not yet provided adequate information for the City to make a determination as to its requested concessions, and require Applicant to provide reasonable documentation in support of same.

Here, Applicant has not provided the City evidence to substantiate its requested concessions. It simply claimed cost-reduction impacts.[31] The ZAB findings similarly do not provide any rationale whatsoever that the requested concessions do not have a specific, adverse impact on public health or safety.[32] Instead, the ZAB makes summary conclusions by referencing back to the law without any analysis or explanation.[33] Thus, if the City disagrees with the Trades Council and Carpenters and is inclined to treat the HARD HATS waiver as concessions, the Trades Council and Carpenters respectfully request that the City at least remand this matter to the ZAB to request reasonable documentation from Applicant in support of the requested concessions, so the City can determine whether they should be granted.

V. Conclusion

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[28] *Id.*. § 65915, subd (i).

[29] *Schreiber v. City of L.A.* (2021) 69 Cal.App.5th 549, 557.

[30] Gov. Code, § 65915, subd. (d)(4); *Schreiber* at p. 556-557 ("This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), or waivers or reductions of development standards, as described in subdivision (e).")

[31] See Rhoades Planning Group Nov. 13, 2025 Memorandum. The Memorandum asserted dollar costs but did not provide any clues as to the data or methodology used to arrive at the claimed costs. Simple math suggests that the Applicant's consultant assumed Project contractors will employ construction trades workers for an unreasonably high average number of work hours per unit: ($1,893,000 claimed "Apprenticeship Project Cost Reduction" ÷ 240 units) ÷ $3.10 (plumber apprentice contribution rate) = 2,544 trades work hours per unit. Carpenters research into other Alameda County multifamily residential projects' total construction trades work hours suggests the Applicant's implicit assumption regarding Project work hours is inflated by 50% before considering the likelihood the Project will include at least some unionized construction trades contractors, with or without the requested concessions.

[32] See Gov. Code, § 65915, subd. (d)(1)(B).

[33] Notices of Decision, p. 7.

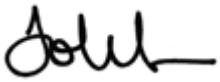
The Trades Council and Carpenters respectfully request City Council reverse the ZAB decision approving Use Permits #ZP2024-0181 and #ZP2024-0182 for the Project with the HARD HATS concessions or reverse the ZAB decision with respect to the HARD HATS concessions but approve the remainder of the Use Permits. In the alternative, if the City disagrees and is inclined to treat the HARD HATS waiver as concessions, the Trades Council and Carpenters request the City Council at least remand the matter to ZAB to reconsider the application in light of the foregoing[34] and direct staff to request supporting documentation from Applicant and confer with Applicant regarding the grounds for its requested concessions. The City may also, if appropriate, request that the Applicant voluntarily agree to rescind its requested concessions in order to promote health and safety and the public benefits that would otherwise derive from the Project.

The Trades Council and Carpenters request that the City schedule a hearing on this appeal before the City Council at the earliest feasible date.[35] The Trades Council and Carpenters reserve the right to submit additional correspondence and evidence concerning this appeal prior to the hearing date.[36]

Thank you for your consideration of this appeal. Feel free to contact the undersigned with any questions or concerns.

Sincerely,

Andrea Matsuoka



Jolene Kramer

ACM:

cc: City of Berkeley Planning Department, via e-mail only (planning@berkeleyca.gov)

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34 BMC § 23.410.040(G).
35 BMC § 23.410.040(A).
36 BMC § 23.410.040(F).

Zoning Adjustments Board Staff Report

APP # ZP2024-0181

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024 **SB330 Pre-Application Vest Date:** January 9, 2025	**Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.** **Zoning Permits Requested:**

Zoning Adjustments Board Staff Report

Use Permit Application Completion Date: May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers: 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.

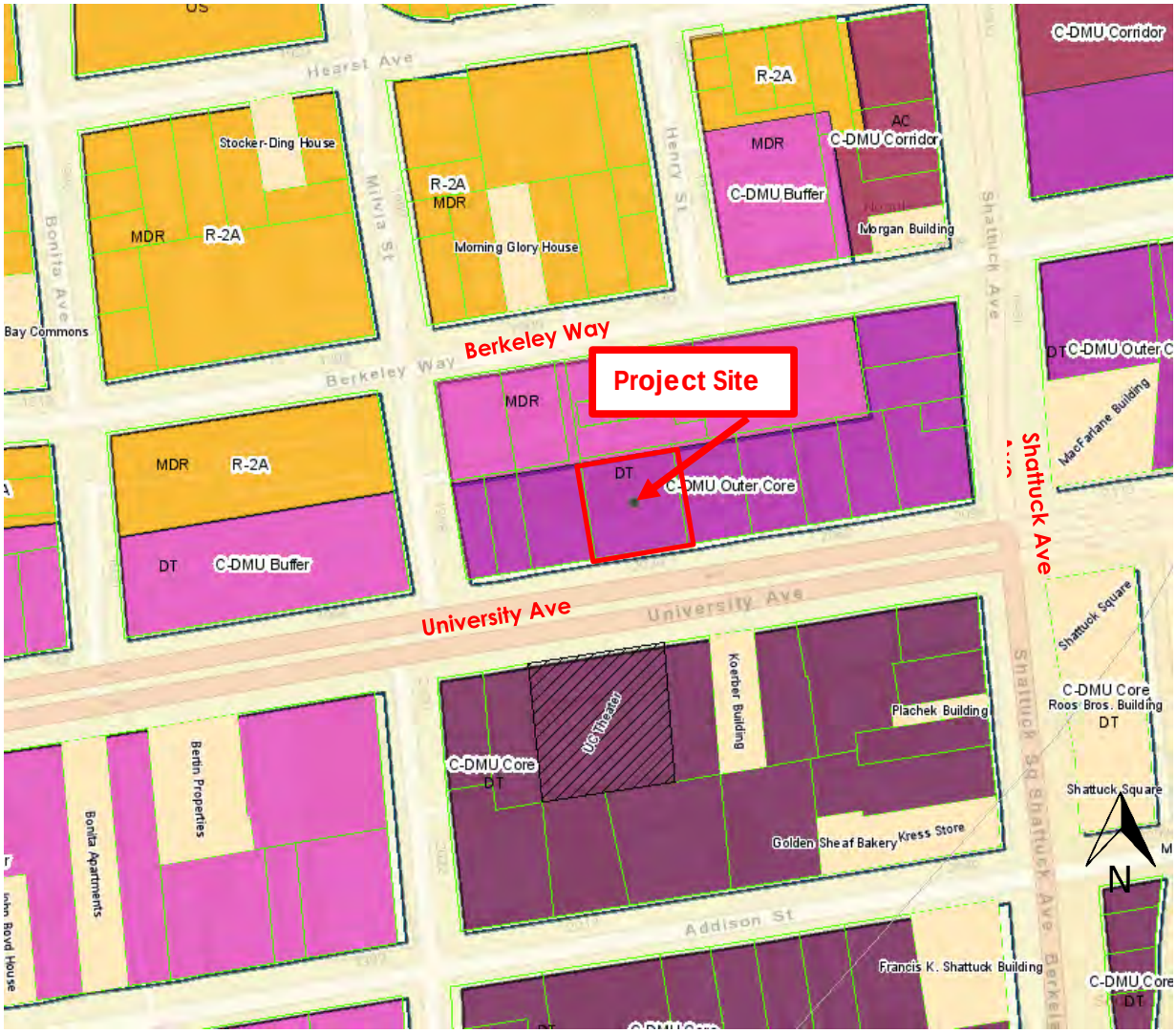
LAND USE PLANNING

Zoning Adjustments Board Staff Report

	7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. 9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions:** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

ZONING MAP

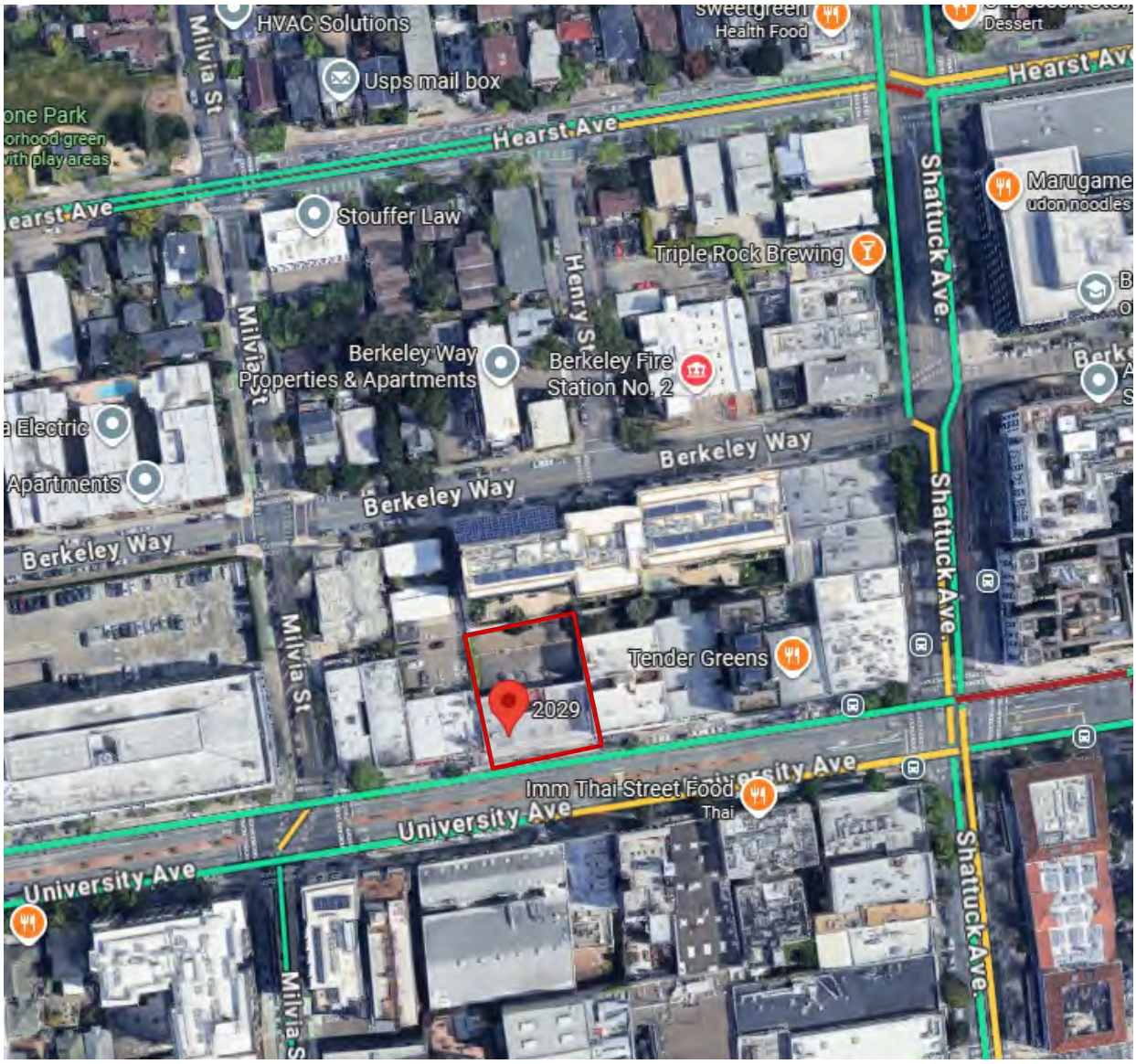
Figure 1: Vicinity and Zoning Districts Map



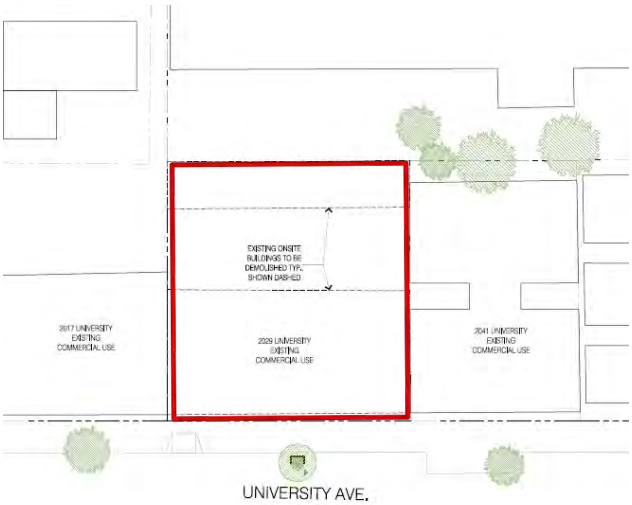
Comparison of Adjacent Properties			
Vicinity	**GP Land Use**	**Zoning**	**Current Use**
Subject Property	Downtown Mixed-Use (DT)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Retail spaces and parking lot
North	Medium Density Residential (MDR)	Downtown Mixed-Use District, Buffer Sub-Area (C-DMU Buffer)	Residential Building/ Hope Center
South	Downtown Mixed-Use (DT)	Downtown Mixed-Use District, Core Sub-Area (C-DMU)	Food Service, Retail, Theater

		Core)	
East	Downtown Mixed-Use (DT)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Tourist Hotel
West	Avenue Commercial (AC)	Downtown Mixed-Use District Outer Core Sub-Area (C-DMU Outer Core)	Retail

AERIAL VIEW



Existing Site Plan



EXISTING STREET VIEW (UNIVERSITY AVENUE)

PROPOSED STREET VIEW (DURANT AVENUE)

BACKGROUND

Subject Site

The subject property is an approximately 12,385-square-foot, interior lot on the north side of the 2000-block of University Avenue, between Shattuck Avenue and Milvia Street. It is a rectangular flat, 114- feet-deep, 108 feet-wide parcel, with street frontage facing University Avenue to the south. It includes one, 9,401-square-foot, two-story non-residential building containing five commercial spaces in the front and a detached ten-car garage structure in the rear of the lot, both proposed to be demolished. A covered driveway connects the curb cut on University Avenue to the garage building in the rear.

Neighborhood/Area Description:

The project site is located along University Avenue, west of Shattuck Avenue within the Downtown Mixed-Use District (C-DMU), Outer Core Sub-Area, as identified in the City's Downtown Area Plan (DAP). The project site is surrounded primarily by commercial and multi-family residential/mixed-use buildings ranging in height from one story (2013 University Avenue) to eight stories (2067 University Avenue). The project site is located in an area where several modes of public transportation are available – multiple AC Transit bus lines on University Avenue, bike share station, and the Downtown Berkeley BART station, which is located 0.3 mile to the southeast of the site.

Community Meeting

Prior to submitting this application, the applicant installed a pre-application poster on site in December 2024 and invited interested neighborhood organizations as well as owners and occupants located within 300 feet of the project site to a project preview meeting on December 13, 2024 and attended by 9 individuals. At the conclusion of the presentation, one member of the public—the owner of Red Tomato Pizza at 2017 University Avenue, raised questions regarding traffic control during construction. The project team responded by explaining the standard Conditions of Approval associated with the Use Permit application.

On October 17, 2025, October 20, 2025 and October 30, 2025 staff received three emails from Christopher Kroll (Attachment 7) expressing concerns regarding the applicant's request for a concession from the City's Bird Safe Ordinance. In his email, Mr. Kroll emphasized the importance of bird safe glass, particularly for high rise developments such as the one proposed, and questioned the City's rationale for allowing an exemption from this requirement. In response, staff explained that State law supersedes local ordinances, and the California Department of Housing and Community Development (HCD) has advised that Density Bonus Law (DBL) concessions apply to City requirements that could increase project costs. Staff added that this HCD guidance is interpreted to include provisions such as the bird safe requirement. Under State law, the City cannot deny a housing project unless specific findings—can be made and Staff is not able to make those findings.

On October 30, 2025, 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.

No additional comments have been received in response to the public hearing notice at this time.

ANALYSIS

Project Scope

The proposed project would demolish the existing commercial building, to construct a 23-story, 256 feet, approximately 190,830-square-foot residential building with 240 units. The major components of this multifamily building are as follows:

- 240 dwellings (80 Studios, 60 Junior one-bedroom, 60 one-bedroom, 40 two-bedroom)
- 280 Bedrooms
- Ground Floor residential program includes the lobby, bike room, mail room, as well as the trash room, back of house service areas and utilities
- 2,905-square-foot Community spaces lounge/work area on Level 23
- 2,197-square-foot Fitness center on Level 23
- 2,055-square-foot roof deck Useable Open Space on Level 23
- 29 off-street parking spaces on Second Floor garage
- 167 Long-Term and 8 Short-Term Bicycle parking spaces

Findings

Draft findings for approval can be found in Attachment 2 to the staff report.

Base Project and Density Bonus

The applicant has requested a Density Bonus under the State Density Bonus Law (Govt. Code Section 65915). Under the City's Density Bonus procedures, the "base project[1]" is 120 units, as the maximum allowable density for the site. The base project and the resulting 23-story proposed project both have an average unit size of 801 square feet. By providing 18 Very Low Income and 18 Moderate Income units on site (30% percent of the 120-unit base density), the project is eligible for a 100 percent density bonus, or 120 additional units for a total of 240 units.

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

Base Project Units [a]	Qualifying Units	Percent Density Bonus	Number of Density Bonus Units [a]	Proposed Project Units [a]
120	36 [18 VLI (15% of Base) + 18 MI (15% of Base)]	100	120	240

Notes:

a. Pursuant to Government Code 65915(q), all unit calculations are rounded up to the next whole number.

Abbreviations: % = percent

Concession and Waivers Pursuant to State Density Bonus Law (CA Govt. Code Section 65915)

The project is entitled to 3 concessions (or incentives) under Government Code Section 65915(d), and an unlimited number of waivers under Section 65915(e).

A **concession** is a modification of a development standard that reduces the cost of providing affordable housing. The applicant is requesting three concessions for the project: exemption from the "Apprenticeship Requirements" and from the "Health Care Expenditures" in the Establishing Healthcare and Apprenticeship Standards for Private Development ordinance, and Bird Safe Building requirements.

The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety[2], 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 believe such a finding cannot be made.

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 waivers from the following development standards: Setbacks, Usable Open Space, Usable Open Space landscaped area, building height, building's width over 120 feet in height and Projection Above Height Limit.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety[3], 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 believe such a finding cannot be made.

Environmental Review

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

[2] 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."

[3] See footnote 2.

21000, et seq. and California Code of Regulations, Section 15000, et seq.) pursuant to Section 15332 ("Infill Development Project") of the CEQA Guidelines. The determination is made by ZAB. Specifically:

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

Additionally, none of the exceptions to eligibility for a categorical exemption as listed under CEQA Guidelines Section 15300.2, apply to the project. The project is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time would not be significant; there are no "unusual circumstances" at the project site that would result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

ADVISORY BODY REVIEW

Design Review Committee (DRC) Review: Preliminary Design Review

The Design Review Committee (DRC), conducted Preliminary Design Review at a meeting held on October 16, 2025 where it forwarded a favorable recommendation to the ZAB and provided the following direction for Final Design Review (FDR): *MOTION (Muszynski, Woo) VOTE (5-0-0-2) Gaffney, Tam - absent*.

Recommendations

Site Design / Neighborhood Context

- *West facade is most visible when traveling east on University Avenue - continue to develop this facade so not so static.*
- *Recommend some ground floor commercial space with some reorganization of the lobby space.*
- *Ground floor facade needs more warmth and interest and should feel more local.*

Exterior Finishes

- *Continue to develop color palette for FDR and consider adding more color. Terra cotta color proposed appears to be successful.*

Landscaping

- *Consider an additional outdoor area on roof at northwest corner, partially covered for more variety.*

- *Vary seating in lounge area and outdoor open space.*
- *Recommend more street trees where possible.*

Building Design / Details

- *Consider windows in bedrooms wherever possible.*
- *Minimize noise with parking lifts. Report on this at FDR.*
- *Consider parapet wall with a smaller glass segment for a stronger visual top.*
- *Consider thinner band at top of facade, not bottom, for a stronger presence.*
- *There was a strong objection to a concession to waive bird safe requirements.*
- *Recommend amenity space throughout floors, not just on the roof and ground floor.*
- *Glass railing at roof should be bird safe.*
- *Recommend operable windows, and larger where possible*

Landmarks Preservation Commission Review: Demolition Referral

The project would demolish two commercial buildings that are over 40 years old. The Historic Resource Evaluation (HRE) for the subject property was completed by Left Coast Architectural History on November 6, 2024 and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 4, 2024, and took no action.

POLICY CONSISTENCY

Housing Accountability Act

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

1. The development would have a specific adverse impact on public health or safety[4] 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 residential only building. The Base Project includes Use Permits and/or Administrative Use Permits to modify height, setbacks and rooftop equipment allowances, and complies with applicable, objective general plan and zoning standards. Government Code Section 65589.5(j)(3) provides that a request for a density bonus "shall not constitute a valid basis on which to find a proposed housing development project is inconsistent, not in compliance, or not in conformity, with an applicable plan, program, policy, ordinance, standard, requirement, or other similar provision specified

[4] See footnote 2.

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.

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 project.

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)).

   November 13, 2025, ZAB hearing represents the third public hearing for the proposed project since the project was deemed complete. The City can hold two additional public hearings on this project, if needed including 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. Based on the conclusion provided on the Historic Resource Analysis prepared by Left Coast Architectural History dated November 6, 2024, the property at 2029-2039 University Avenue does not appear to be eligible for listing the California Register of Historical Resources or as a City of Berkeley Landmark or Structure of Merit. Therefore, it does not qualify as a historic resource for the purposes of the California Environmental Quality Act (CEQA).

   The project's SB 330 Preliminary Application(#PLN2024-0069) which vests local ordinances, policies, and standards, as well as the historic resource status of the site was complete on January 9, 2025. This means the housing development is vested under the provisions of SB330 with no historical designation status under the local register and therefore, the City will be precluded from imposing preservation-related conditions on the housing development project if it is approved.

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. At the November 13, 2025 public hearing, the application must be approved or disapproved by January 12, 2026.

   The project is scheduled for review by the Zoning Adjustments Board (ZAB) on November 13, 2025, at which time the Board may take action to approve, deny, or continue the application. If the Board votes to approve or deny the project, that decision will become final at the end of the 14-day appeal period, which begins once the ZAB Notice of Decision is issued—typically within one week of the hearing. If no appeal is filed during that period, the decision becomes effective and final. This timeline ensures that a final determination is made prior to the 60-day deadline, by January 12, 2026 deadline.

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.

   Evidence: The project would be compliant with the General Plan's Infill Development policy because it would repurpose an underutilized Site, with a residential project in a neighborhood that consists of both residential and commercial uses and designed to not conflict with the existing architectural character.

2. **Policy LU-7 Neighborhood Commercial Areas:** Require that new development be consistent with zoning standards and compatible with the scale, historic character, and surrounding uses in the area.

   Evidence: The project would be compatible with the General Plan's Neighborhood Commercial Area policy because the proposed residential use is compatible with the existing uses in the neighborhood, and a building design that does not conflict with scale or the historic character of the neighborhood.

3. **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.

   Evidence: The project would be compatible with surrounding land uses, which consists primarily of Avenue Commercial and Downtown Mixed-use uses, featuring a diverse mix of commercial buildings containing various retail, dining establishments and residential uses. The surrounding neighborhoods consist of a mix of multi-family residences and commercial establishments. 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. The project would further improve the neighborhood character and quality of life by bringing in new residents and new business patrons along University Avenue in an area served by transit.

4. **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 the Elmwood District.

   Evidence: The project would help to encourage transit use and reduce greenhouse gas emissions by constructing additional housing in close proximity to transit, jobs, and basic goods and services.

5. **Policy LU-26 Neighborhood Quality of Life:** Maintain and improve High Density Residential and Avenue Commercial areas as pedestrian-friendly, visually attractive areas and ensure that Neighborhood Commercial areas fully serve neighborhood needs.

   Evidence: The construction of new high-density residential buildings underutilized Housing Opportunity Site provides much-needed housing while maintaining the character and vibrancy of the neighborhood.

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

   Evidence: The project would provide 240 dwelling units, increasing the City's housing supply by adding new dwelling units in close proximity to goods, services and transit.

Attachments

1. Tables: Table 1: Project Chronology, Table 2: Special Characteristics, Table 3: Development Standards
2. Draft Findings
3. Conditions of Approval
4. Project Plans dated October 2, 2025
5. Downtown Area Plan MMRP
6. Notice of Public Hearing
7. Public Correspondence

Attachment 1
Table 1-3: Project Chronology, Special Characteristics, Development Standards

Table 1: Project Chronology

Date	Action
December 10, 2024	SB330 Preliminary Application Submitted
December 19, 2024	Use Permit Application submitted
January 9, 2025	SB330 Preliminary Application Complete
May 22, 2025	Use Permit Application Complete
May 22 to July 31, 2025	Application Processing
September 4, 2025	LPC demolition referral hearing/LPC took no action
October 16, 2025	Design Review Committee (DRC) review
October 30, 2025	Public hearing notices for ZAB Hearing on November 13, 2025 mailed/posted
November 13, 2025	ZAB Hearing
Notes: a. Application processing reflects the project compliance review, including CEQA if applicable, after the application is deemed complete. Submittals are reviewed within 30 days of receipt, pursuant to the Permit Streamlining Act.	

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 does not include nonresidential gross floor area; therefore, this 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 would provide more than 5,000 square feet of residential unit floor area and is part of a larger housing development project, therefore inclusionary housing provisions would apply. The project is a housing development project, as defined in BMC 23.328.020, and would provide at least 20 percent Below Market Rate (BMR) residential units. The project as a whole would provide 36 Below Market Rate (BMR) units including 18 Very Low-Income (VLI) and 18 Moderate-Income (MI) units.
Alcohol Sales/Service	No	The project is residential only and does not offer Alcoholic Beverage Service of distilled spirits, beer and wine.

Characteristic	Applicability	Explanation
Bird Safe Buildings (BMC Section 23.304.150)	No	The project is subject to these provisions because the proposed building meet the building size (10,000 square feet or greater) or height requirements (average of 35) which would trigger these requirements. However, as one of the three Concession this project is entitled to, it is requesting an Exemption from the Bird Safe Building requirements in BMC Section 23.304.150.
Coast Live Oak Trees (BMC Chapter 6.52)	No	There is no Coast Live Oak (*Quercus agrifolia*) tree 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 18 Very Low-Income units, 18 Moderate Income units or 30 percent of the Base Project units, and qualifies for a 100 percent density bonus, or 120 bonus units. See Section III.B for discussion.
Hard Hats (BMC Chapter 13.107)	No	Pursuant to BMC Chapter 13.107 "Establishing Healthcare and Apprenticeship Standards for Private Development" projects within City limits consisting of construction of either a new building, addition to an existing building, alteration of existing floor area, or demolition of 50,000 square feet or more of floor area shall be subject to the requirements of this Chapter. However, the application utilizes two out of the three concessions that the project is entitled to, to be exempt from the two provisions of this requirement (Healthcare and Apprenticeship Standards for Private Development).
Historic Resources	No	The existing building is more than 40 years old. The historic resource evaluation (HRE) for the subject property was completed by Left Coast Architectural History on November 6, 2024 and determined that the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark or Structure of Merit. Pursuant to BMC Section 23.326.070(C), the proposed demolition was referred to the LPC for review prior to the consideration of the Use Permit. The LPC reviewed the demolition referral on September 4, 2024, and took no action.

Characteristic	Applicability	Explanation
Housing Accountability Act (HAA) (Gov't Code Section 65589.5(j))	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2)[b]. The project complies with applicable, objective general plan and zoning standards, and thus section (j) of the Housing Accountability Act does apply, and the project cannot be denied at the density proposed unless the findings for denial can be made.
Housing Crisis Act of 2019 (SB 330)	Yes	The project meets the definition of a "Housing Development Project" per Government Code Section 65589.5(h)(2).b See Housing Crisis Act of 2019 – Senate Bill (SB) 330 of this report for additional discussion on the sections of SB 330 that apply to the project.
Opportunity Sites	Yes	2029 University Avenue is a 0.28 acre lot currently developed with a 2-story 9,401 square-foot non-residential building and a parking structure. It was identified as an opportunity site and is listed in the 2023-2031 Housing Element Update.
Public Art	Yes	Per BMC Chapter 23.316.020(B)(1), Percentage For Public Art on Private Projects applies to new multifamily residential projects of five or more dwelling units.
Rent Controlled Units	No	The project would not involve demolition of rent controlled dwelling units.
Residential Preferred Parking (RPP)	Yes	The site is located in RPP zone "E". However, the project is not eligible for RPP permits per BMC Section 14.72.080(C)(1) as no permits shall be issued to residents in newly constructed residential units.
Seismic Hazards (SHMA)	No	The project site is not located within an area susceptible to landslide/liquefaction/fault rupture as shown on the State Seismic Hazard Zones map[c].
Soil/Groundwater Contamination	No	The project site is not on the Cortese List [d], and Phase I report was prepared. Standard Conditions of Approval related to hazardous materials would apply.
Transit	Yes	The project site is located less than 100 feet to bus stops with service to several intersecting major bus routes, including AC Transit Lines 27, 51B,52, 604, 88, 800

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 considered as a sole Housing Development Project and not as individual projects. [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. Government Code Section 65905.5(b)(3)(C) “Housing development project” includes a proposal to construct a single dwelling unit. This subparagraph shall not affect the interpretation of the scope of paragraph (2) of subdivision (h) of Section 65589.5. c. California Department of Conservation. DOC Maps: Geologic Hazards. Available: https://maps.conservation.ca.gov/geologichazards/ d. Cortese List is an annually updated list of hazardous materials sites complied pursuant Government Code Section 65962.5.		

Table 3: C-DMU (Downtown Mixed-Use District) Development Standards BMC Sections 23.204.130(E) and 23.322.090(A)(2) Parking and Loading

Standard		Existing	Proposed Total	Permitted/ Required
Lot Area (sq. ft.)		12,385	Same	N/A
Gross Floor Area (sq. ft.)		9,401	190,830	N/A
Commercial Floor Area		9,401	0	N/A
Residential Floor Area		0	190,830	N/A
Floor Area Ratio		0.92	15.41	N/A
Dwelling Units	Total	0	240	N/A
Building Height (ft. - in.)	Maximum	21	256 + 5-foot parapet	75 ft. + 5 ft. 40’ min./60’ max. (75’ max. w/use permit, 5’ max. parapet by right)
	Stories	1	23	N/A
Building Setbacks (ft. - in.)	Front (south) University Avenue	0	0	0’–5’ (bldg. ht.≤20’) 0’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
	Interior Side (west) from 0’-65’ from frontage	0	10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Interior Side (west) above 65’	0	10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Interior Side (east) from 0’-65’ from frontage	0	0’-10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Interior Side (east) above 65’	0	10’	0’ (bldg. ht.≤75’) 5’ (bldg. ht.>75’ ≤120’) 15’ (bldg. ht.>120’)
	Rear (north)	0	0’-10’	0’ (bldg. ht.≤20’) 5’ (bldg. ht.>20’ ≤75’) 15’ (bldg. ht.>75’)
Diagonal Dimension		N/A	139’-6”	120’(bldg. ht.>120’)
Usable Open Space (sq. ft.)		0	2,055	80 sq. ft. per unit (19,200 sq. ft.)
Lot Coverage (%)		54	91	N/A
Commercial Automobile Parking		10	0	N/A[3]
Residential Automobile Parking		0	29	0 min./120 max.
	Residential Bike Short Term	0	8	7 (1 space/40 bedrooms)

Standard		Existing	Proposed Total	Permitted/ Required
	Residential Bike Long Term	0	167	94 (1 space per 3 bedrooms)

[1] Use permits to allow height up to 75 feet are included in the Base Project for the calculation of the density bonus, and are not requested waivers. Additional height beyond 75 feet is being requested as a waiver.
[2] The use permit to allow reduced setbacks up to 75 feet building height is included in the Base Project for the calculation of the density bonus, and is not a requested waiver. Setback reductions above 75 feet is being requested as a waiver.
[3] AB2097: , effective January 1, 2023, prohibits local jurisdictions from requiring minimum parking for most projects within 0.5 mile of a Major Transit Stop.

_____ = 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 (”)

Zoning Adjustments Board Findings

APP # ZP2024-0181

November 13, 2025

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: January 9, 2025 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.

	7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height. 8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet. 9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP) **Concessions** 1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040 2. **Concession.** Exemption from the **"Health Care Expenditures"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050 3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150
	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. CEQA FINDINGS

As required by CEQA Section 15332 ("Infill Development Project") of the CEQA Guidelines, the ZAB finds that this 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.) because:

- 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.

Evidence: Though the project is located within the City's Environment Management Area (EMA), which are areas in the City of Berkeley known or suspected to have groundwater contamination, it is not located in an environmentally sensitive area; the cumulative impact of successive projects of the same type in the same place over time will not be significant; there are no "unusual circumstances" at the project site that will result in significant environmental effects; there are no designated scenic highways in the City of Berkeley and 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.

Prior to making the CEQA determination for the project, staff reviewed all of the evidence in the record, including the project application materials, plans and technical reports including Air Quality Analysis, Noise impacts Analysis, Water Quality Memorandum, Historic Resource Evaluation and Phase I Analysis.

Historic Resource Evaluation prepared by Left Coast Architectural History, dated October 18, 2023 concluded that based on their evaluation, the property is not historically significant at either the local or State level and therefore does not qualify as a historic resource for the purposes of the California Environmental Quality Act.

II. FINDINGS FOR APPROVAL

1) As required by **BMC Section 23.406.040 (E)(1)** ***"Findings for Approval"***, the ZAB finds that the the proposed project or use:

(a) Will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or visiting in the area or neighborhood of the proposed use;

Evidence: The project is consistent with all applicable C-DMU Outer Core District standards and qualifies for concessions and waivers for the listed district standards granted pursuant to State Density Bonus, Government Code, Section 65915.

(b) Will not 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.

Evidence: The project will not be detrimental or injurious to adjacent properties, surrounding improvements, the neighborhood, or the general welfare of the city, it will enhance the immediate and surrounding areas by replacing an underutilized Housing Opportunity Site with a new development consisting of 240 units. This includes a significant affordable housing component: 18 units for Very Low-Income (VLI) households, and 18 for Moderate-Income (MI) households. By substantially increasing the housing supply and providing a range of affordability levels, the project contributes meaningfully to both local and regional housing needs. Additionally, the project complies with all applicable state and local objective planning standards.

Sunlight: The additional height above the district limits (75 feet with Use Permit plus 5 feet by-right parapet) from the density bonus will cast shadows in the affected directions further than if the project were limited to the base district height standards. The proposal will include waivers for additional height beyond the district height limits to accommodate the density bonus units and allow a 256-foot-tall (plus 5-foot parapet), 23-story building. Overall, the shadow impacts from the project will be reasonable and not detrimental.

According to the shadow studies submitted for the project, new shadow impacts will occur: a) in the winter months in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north and in the hours of before sunset on the residential buildings on the north and north-east ; b) in the summer months in the hours of after sunrise on the residential buildings on the west, in the hours around noon on the residential buildings on the north and in the hours before sunset on the residential buildings on the east and southeast; and c) at the time of application preparation (March) in the hours of after sunrise on the residential buildings on the north-west, around noon on the residential buildings on the north, and in the hours of before sunset on the residential buildings on east. All other new shadows will impact non-residential buildings in the vicinity. The extent of the new shadow impact from the project on the site's adjacent areas will be limited to a few hours of the day during certain times of the year, will not be unreasonable for a development in the dense, Downtown Area plan that allows building heights up to 120 feet with 0 to 15-foot setbacks from property lines depending on the height and distance to lot frontage.

2) As required by **BMC Section 23.406.040 (E)(2)** ***"Findings for Approval",*** to approve the Use Permit, the ZAB must also make any other Use Permit findings specifically required by the Zoning Ordinance for the proposed project:

a) Pursuant to **BMC Section 23.326.070(D) "Demolition of Non-residential Buildings"** A Use Permit or an AUP for demolition of a main building used for non-residential purposes on any lot or an accessory building located on a lot in a non-residential district may be approved only if the ZAB or the Zoning Officer finds that:

1. The demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City of Berkeley; and

2. The demolition:

(a) Is required to allow a proposed new building or other proposed new use;

(b) Will remove a building which is unusable for activities which are compatible with the purposes of the district in which it is located or which is infeasible to modify for such uses;

(c) Will remove a structure which represents an uninhabitable attractive nuisance to the public; or

(d) Is required for the furtherance of specific plans or projects sponsored by the City of Berkeley or other local district or authority upon a demonstration by the applicant that it would be infeasible to obtain prior or concurrent approval for the new construction or new use. (Ord. 7924-NS § 1, 2024: Ord. 7787-NS § 2 (Exh. A), 2021)

Evidence: The proposed demolition is necessary to facilitate the construction of a new residential development consisting of 240 units on a designated Opportunity Site. This new use supports the City of Berkeley's housing goals and aligns with the public interest by contributing to the supply of housing in a high-priority area. The existing structure must be removed to accommodate the proposed project, satisfying the requirement that demolition is necessary to allow a new building or use, as outlined in Section 23.326.070(D)(2)(a).

b) As required by **Government Code Section 65915 (State Density Bonus),** the Zoning Adjustments Board finds that:

Under the City's methodology for implementing density bonuses, the base project consists of 120 units. The project will provide at least and 18 Very Low-Income (VLI) and 18 Moderate-Income (MI) BMR units on site qualifying units in the 120-unit base project, as more fully set forth in Condition "Number of Below Market Rate Units". The project is entitled to a density increase of 100 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. This equates to a density bonus of up to 100% or 120 units above the base project, for a total of up to 240 units.

i. 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:

- **Concession 1.** Exemption from the Healthcare and Apprenticeship Standards for Private Development as required by BMC Section 13.107
- **Concession 2.** Exemption from the Prevailing Wage requirements as required by BMC Section 13.108A
- **Concession 3.** Exemption from the Bird Safe Building reequipments as required by BMC 23.304.150

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 grants the following concessions and finds that the approval of the concessions is required to provide for affordable rents, as provided in Government Code Section 65915(d)(1)(A) because: 1) approval of the concession would result in identifiable and actual cost reduction; 2) approval of the concession would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) would not be contrary to State or Federal law.

ii. 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.

- **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
- **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27(0.0014%) square feet where 7,680 square feet (40%) is required.
- **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 ft. (plus 5-foot parapet by right) is the allowable height with a Use Permit.

- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
- **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
- **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139'-6" at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
- **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

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.

c) As required by the **Housing Accountability Act, Government Code Section 65589.5(j),** 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.

Evidence: The project includes construction of "housing development project" with at least two-thirds of the floor area in residential use. Because the project complies with applicable, objective general plan and zoning standards, Section 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.

3) As required by **BMC Section 23.406.040 (E)(3)** ***"Findings for Approval",*** the ZAB considers the following (a and b) in making findings:

(a) The proposed land use

Evidence: The proposed land use meets the findings for approval because the project's residential use is consistent with the purposes of the Downtown Mixed-Use areas as outlined in the General Plan's Land Use Element. This identifies the need to provide high-density residential development and residential units to meet the housing needs of the City of Berkeley on a transit-served site contributing to local and regional housing needs with the inclusion of applicable waivers and concessions allowed under the State Density Bonus law.

(b) The structure or addition that accommodates the use.

Evidence: The proposed construction of a twenty three-story residential project with its compliant Base Project with the undelaying zoning standards will accommodate the use because it will fulfill both the district purposes and contribute to local and regional housing needs and is consistent with the development standards of the C-DMU zoning district.

4) As required by **BMC Section 23.406.040 (E)(4)** ***"Findings for Approval",*** the ZAB makes the required findings based on the circumstances existing at the time a decision is made on the application.

Evidence: The application has been reviewed based on the current zoning standards, general plan policies, environmental conditions, and site context as of the date of the decision. The project is consistent with the allowed uses outlined in the C-DMU zone. Surrounding land uses and structures surrounding the site are based on current information.

5) As required by **BMC Section 23.406.040 (E)(5)** ***"Findings for Approval",*** the ZAB shall deny a Use Permit application if it determines that it is unable to make any of the required findings

Evidence: This finding does not apply because all required findings can be made based on submitted application material, documents and staff analysis.

LAND USE PLANNING

Conditions of Approval

APP # ZP2024-0181 **November 13, 2025**

Use Permit for a Project at 2029 University Avenue (Multifamily)

Project Facts	Project Description:
Applicant: Rhoades Planning Group **Property Owner:** Mohammad Talai & Kokab Talai **Project Address:** 2029 University Avenue **General Plan:** DT (Downtown Mixed-Use) **Area Plan:** Downtown Area Plan **Zoning:** C-DMU Outer Core (Downtown Mixed-Use district) **Site Size:** 12,385 square feet (0.28 acre) **CEQA:** Section 15332 ("In-Fill Development Projects") **Application Submittal Date:** December 19, 2024	**Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.** **Zoning Permits Requested:**

SB330 Pre-Application Vest Date: January 9, 2025 **Use Permit Application Completion Date:** May 22, 2025 **Project Planner:** Nilu Karimzadegan	1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)* 2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH). 3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH). 4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH). 5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH). 6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)
	Density Bonus:
	Waivers: 1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required. 2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required. 3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit. 4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front side setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height. 5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage. 6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22,

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	Staff Recommendation:
	Staff recommends that the Zoning Adjustments Board (ZAB) determine 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, Section15000, et seq.) pursuant to CEQA Guidelines Section 15332 ("In-Fill Development Projects") and approve ZP2025-0181 pursuant to Section 23.406.040(D) "Use Permits" and subject to the attached Findings and Conditions of Approval.

I. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

Pursuant to Berkeley Municipal Code (BMC) Title 23 Zoning Ordinance and Title 13 Public Peace, Morals, and Welfare, the following conditions, as well as all other applicable provisions of the Zoning Ordinance, apply to this Permit:

1. **Conditions and the Downtown 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 BMC 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 the Permittee has reviewed Chapter 13.104 of the Berkeley Municipal Code, and 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 BMC Chapter 13.104 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 BMC Chapter 13.104 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 BMC Chapter 13.104; (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 BMC 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 BMC 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.

II. ADDITIONAL CONDITIONS IMPOSED BY THE ZONING ADJUSTMENTS BOARD

Pursuant to BMC Section 23.404.050(H) Conditions of Approval, 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 Section 16.28.030 Assignment and Installation of Numbers, 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, Prohibited Acts. 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 Downtown Area Plan Mitigation Monitoring and Reporting Program (Attachment 5 to Staff Report). 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. **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.

26. **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.

27. **Streets and Open Space Improvement Plan.** Street Frontage Improvements. Consistent with the Downtown Streets and Open Space Improvement Plan (SOSIP) (or subsequent iterations as adopted by the City), the developer shall construct improvements along University Avenue to the centerline. Such improvements shall be included with the building permit submittal, designed and constructed as directed by the Public Works Engineering, Public Works Transportation, and Fire Departments, and constructed prior to certificate of occupancy.

28. **Green Building Certification.** The applicant shall submit documentation demonstrating that the building will attain LEED Gold or higher,or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation shall include proof of payment of the registration/application fee to the organization administering the green building certification system (e.g. USGBC/GBCI for LEED, Build It Green for GreenPoint Rated, etc.), a copy of the updated green building checklist that reflects anticipated points, and a statement from the appropriate project team professional (e.g. LEED Accredited Professional, GreenPoint Rater, etc.) verifying that the project is on track for certification at the required level or above. The submitted green building checklist must be a type that is appropriate for the project and a version that is being accepted by the organization granting the green building certification at the time of building permit application. Whenever applicable, measures from the green building checklist shall be incorporated and noted on site plans.

29. **Solar Photovoltaic (Solar PV) and Battery Energy Storage Systems (ESS).** A solar PV system shall be installed, subject to specific limited exceptions, as specified by the Berkeley Energy Code (BMC Chapter 19.36). Energy storage system (ESS) readiness (new single-family, duplex, and townhouse homes) or ESS installation (new multifamily and most nonresidential buildings) shall be completed as specified by BMC Chapter 19.36. Location of the solar PV system and the ESS, if applicable, shall be noted on the construction plans. (Project required to meet applicable code at time of building permit application, if different from above.)

30. **Electric Vehicle (EV) Charging.** At least 10 percent of the project parking spaces for residential parking shall have installed Level 2 (40 amp) electric vehicle (EV) charging stations~~,~~ and at least 40 percent shall have installed low power Level 2 EV charging receptacles (20 amp), or any more stringent EV charging requirements as specified by the Berkeley Green Code (BMC Chapter 19.37). Required Level 2 charging stations and low power Level 2 EV charging receptacles shall be installed, maintained, and made available for building resident use. EV charging station installations, EV charging receptacles, and EV Capable spaces shall be noted on the construction plans. Public access parking spaces shall provide any applicable mandatory accessibility provisions. (Project required to meet applicable code at time of building permit application, if different from above.)

31. **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 (ETo) for Berkeley is 41.8.

32. **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 at RecyclingProgram@berkeleyca.gov.

33. **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

34. **Affordable Housing Compliance Plan.** The final Affordable Housing Compliance Plan ("AHCP") must be certified by the Zoning Officer and 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.

Below Market Rate Units., 18 Very-Low Income and 18 Moderate Income Units shall be provided in the project. All affordable units provided pursuant to the Density Bonus section of the permit findings 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), BMC Section 23.328.030(A) Affordable Housing Requirements and BMC Section 23.326.030 Elimination if Dwelling Units through Demolition. All affordable units provided as replacement units pursuant to Section I.V, Demolition, of the permit findings, shall be designated as BMR Units. Any Extremely Low-Income replacement units provided shall be classified as Very-Low Income units to fulfill State Density Bonus Law.

Affordability Level	Proposed Below Market Rate (BMR) Units Covering All Replacement Requirements		Total BMR units in the project
	State Density Bonus Law (Gov. Code Section 65915)	BMC Chapter 23.328 (Inclusionary Housing)	
Extremely Low-Income (30% AMI)	-	-	-
Very Low-Income (50% AMI)	**18**	**18**	**18**[1]
Low-Income (80% AMI)	-	-	-

[1] These units must satisfy all but not limited to equivalency, size, unit distribution and affordability in perpetuity requirements under the Inclusionary and Demolition Ordinances

Moderate-Income (x%)	**18**	**-**	**18**[2]
Total			**36**

35. **Regulatory Agreement.** If BMR units are provided, the owner shall enter into a Regulatory Agreement that implements Government Code Section 65915 BMC Section 23.328.030, and other provisions for BMR units included in this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The Regulatory Agreement will secure the property's obligation to comply with the requirements for providing BMR units as defined by BMC Chapter 23.328 and State Density Bonus Law (Government Code Section 65915) The applicant shall submit the Regulatory Agreement to the Department of Health, Housing, and Community Services for review and approval. All BMR units are required to comply with the Regulatory Agreement and the BMR Administrative Guidelines. Regulatory Agreements must be executed prior to the issuance of Building Permit, or, in the case of projects that receive approval from the Building Official for multiple phase construction permits, prior to the issuance of the phase one building permit.

36. **Payment of Affordable Housing In-Lieu Fee.** The Affordable Housing In-Lieu Fee shall be paid as required by BMC Section 23.328.030(B) and Resolution 70,698 N.S. The fee for this project is $985,488.55 Any adjustments to the fee and the final fee amount 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.

[2] These units must be affordable for 55 years and satisfy equivalency requirements per the State Density Bonus law.

Prior to Demolition or Start of Construction:

37. **Construction Meeting.** The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

38. **Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) may be required, particularly for the following activities:

    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 District (BAAD)-**Recommended Measures during Construction. For all proposed projects, BAAD 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 BAAD 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. Archeological Resources (*Ongoing throughout demolition, grading, and/or construction*).

A. *Qualified Archeologist.* The project applicant shall retain a qualified archeologist prior to excavations or ground disturbance that will exceed three feet in depth. The Qualified Paleontologist shall direct all mitigation measures related to paleontological resources. A qualified professional archeologist is defined by the SVP standards as an individual preferably with an M.S. or Ph.D. in paleontology or geology who is experienced with paleontological procedures and techniques, who is knowledgeable in the geology of California, and who has worked as a paleontological mitigation project supervisor for a least two years (SVP 2010).

B. *Worker Environmental Awareness Program (WEAP).* Prior to ground disturbance, the applicant shall incorporate information on archeological resources into the Project's Worker Environmental Awareness Training (WEAP) materials, or a stand-alone Archeological Resources WEAP shall be submitted to the Department of Planning and Development at the City of Berkeley. The qualified paleontologist or his or her designee shall conduct training for construction personnel regarding the appearance of fossils and the procedures for notifying archeological staff should fossils be discovered by construction staff. The Archeological WEAP training shall be fulfilled simultaneously with the overall WEAP training, or at the first preconstruction meeting at which a qualified archeologist attends prior to ground disturbance. Printed literature (handouts) shall accompany the initial training.

Following the initial WEAP training, all new workers and contractors must be trained prior to conducting ground disturbance work.

C. *Archeological Monitoring.* The extent of required archeological monitoring for the project shall be determined by the qualified archeologist based on an evaluation of the previously undisturbed geologic units exposed during ground disturbing activity. The Qualified Archeologist shall conduct and initial spot check and evaluation of geologic conditions for ground disturbing activity for excavations between 5-10 feet below ground surface (BGS). The evaluation shall be based on field evidence including lithology of geologic units and results of micro-screening or other inspections for fossil resources. If the archeologist determines that geologic units exposed between 5-10 feet BGS have high archeological sensitivity, then full-time monitoring shall be conducted for the duration of ground disturbing activity. If sediments between 5-10 feet BGS are determined to not be archeological sensitive, spot checks should be conducted again for ground disturbance between 10-15 feet BGS and again for ground disturbance between 15-20 feet BGS, and again to the full depth of ground disturbance. If spot checks indicate low or no archeological sensitivity, or if full time monitoring results in no fossil discoveries once the full depth of ground disturbance has been reached, archeological monitoring can be discontinued for the remainder of project activity. Monitoring shall be reinstated if any new ground disturbances are required to depths exceeding previous depths of previous work, and reduction or suspension shall be reconsidered by the Qualified Archeologist at that time.

D. In the event of a fossil discovery by the archeological monitor or construction personnel, all work in the immediate vicinity of the find shall cease. A Qualified Archeologist shall evaluate the find before restarting construction activity in the area. If it is determined that the fossil(s) is (are) scientifically significant, the Qualified Archeologist shall complete the following conditions to mitigate impacts to significant fossil resources:

   1) *Salvage of Fossils.* If fossils are discovered, the archeological monitor shall have the authority to halt or temporarily divert construction equipment within 50 feet of the find until the monitor and/or lead archeologist evaluate the discovery and determine if the fossil may be considered significant. Typically, fossils can be safely salvaged quickly by a single archeologist and not disrupt construction activity. In some cases, larger fossils (such as complete skeletons or large mammal fossils) require more extensive excavation and longer salvage periods. In this case, the Construction Contractor may be requested to supply heavy equipment and an operator to assist in the rapid removal of a large fossil specimen(s) or sediment sample(s). Bulk matrix sampling may be necessary to recover small invertebrates or micro-vertebrates from within archeologically- sensitive Quaternary alluvial deposits.

   2) *Preparation and Curation of Recovered Fossils.* Once salvaged, significant fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition, and curated in a scientific institution with a permanent archeological collection (such as the UCMP), along with all pertinent field notes, photos, data, and maps. Fossils of undetermined significance at the time of collection may also warrant curation at the discretion of the Qualified Archeologist.

E. *Final Archeological Mitigation Report.* Upon completion of ground disturbing activity (and curation of fossils if necessary) the Qualified Archeologist shall prepare a final report describing the results of the archeological monitoring efforts associated with the project. The

report shall include a summary of the field and laboratory methods, an overview of the project geology and paleontology, a list of taxa recovered (if any), an analysis of fossils recovered (if any) and their scientific significance, and recommendations. The report shall be submitted to the Department of Planning and Development at the City of Berkeley. If the monitoring efforts produced fossils, then a copy of the report shall also be submitted to the designated museum repository.

52. **Halt Work/Unanticipated Discovery of Tribal Cultural Resources.** In the event that cultural resources of Native American origin are identified during construction, all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.

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

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

B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.

C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.

D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be 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. 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.

L. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

54. **Public Works.** Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.
55. **Public Works.** All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.
56. **Public Works.** The applicant shall ensure that all excavation accounts for surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
57. **Public Works.** The project sponsor shall maintain sandbags or other devices around the site perimeter during the rainy season to prevent on-site soils from being washed off-site and into the storm drain system. The project sponsor shall comply with all City ordinances regarding construction and grading.
58. **Public Works.** Prior to any excavation, grading, clearing, or other activities involving soil disturbance during the rainy season the applicant shall obtain approval of an erosion prevention plan by the Building and Safety Division and the Public Works Department. The applicant shall be responsible for following these and any other measures required by the Building and Safety Division and the Public Works Department.
59. **Public Works.** The removal or obstruction of any fire hydrant shall require the submission of a plan to the City's Public Works Department for the relocation of the fire hydrant during construction.
60. **Public Works / Building and Safety.** If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

61. **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.
62. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated October 2, 2025.
63. **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.

64. **Streets and Open Space Improvement Plan.** Impact Fee: As required by BMC Section 23.204.130(F), the project shall pay an impact fee to implement the Streets and Open Space Improvement Plan (SOSIP) per the fee schedule adopted by the Council by resolution. The City shall deposit this payment into the Downtown Streets and Open Space Improvement Fund (SOSIF), or its equivalent, to pay for the design and construction of the SOSIP Major Projects. The fee shall apply to the project's "Gross Floor Area" as defined in BMC Section 23.106.030, less any existing Gross Floor Area removed as part of the project.

    At the City's discretion, the City Manager or her designee may reduce the required SOSIP Impact Fee, on a $1 to $1 ratio, as a credit for constructing all or a portion of a Major SOSIP Improvement Project beyond the frontage improvements already required by this Permit. The first half of this fee shall be paid prior to issuance of a building permit, and the second half shall be paid prior to issuance of a certificate of occupancy.

65. **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 Section 23.322.060 have been installed. A Parking and Transportation Demand Management (PTDM) compliance report documenting that the programmatic measures required in BMC Section 23.322.060 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 this section:

A. New construction that results in an off-street total of more than 25 publicly available parking spaces shall install dynamic signage to Transportation Division specifications, including real-time garage occupancy signs at the entries and exits to the parking facility with vehicle detection capabilities and enabled for future connection to the regional 511 Travel Information System; or equivalent, as determined by the Land Use Division in consultation with the Transportation Division. The information panels shall be shown in the construction drawings and shall be installed prior to occupancy.

B. For any new building with residential units or structures converted to a residential use, required parking spaces shall 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.

C. the property owner shall provide transportation benefits at no cost to every employee, residential unit, and/or group living accommodation resident, one pass for unlimited local bus transit service; or (subject to the review and approval of the Zoning Officer in consultation with the Transportation Division) a functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted adult monthly local bus pass. A notice describing these transportation benefits shall be posted in a location or locations visible to all employee and residents.

D. For residential structures constructed or converted from a non-residential use that provide off-street parking, vehicle sharing spaces shall be provided in the amounts shown in BMC Table 23.322-6, to be offered to vehicle sharing service providers at no cost, for as long as providers request the spaces, and otherwise consistent with BMC Section 23.322.060(D).

66. "(23.322.060 CDMU Only)" Car Sharing Spaces. At least ___1____car share spaces shall be provided within the parking garage for the life of the building. In addition, these car share spaces are subject to the following requirements:

A. At least 90 days prior to issuance of a certificate of occupancy, the property owner shall do one of the following if necessary to ensure that car share spaces are provided at this site: 1) purchase 2 cars for the use of a vehicle sharing service provider, or VSSP (e.g., City CarShare or Zipcar), or 2) provide a monthly subsidy to offset the costs to a VSSP to provide for the management of the cars at this site.

B. Prior to issuance of a certificate of occupancy, the property owner shall provide one of the following: 1) a signed agreement with a VSSP to manage shared vehicles at the site, or 2) a plan to provide on-site management. If the vehicle sharing spaces are managed by a VSSP, these spaces shall be accessible to all VSSP members in the same manner and during the same hours as other vehicles offered by the VSSP.

67. Green Building Certification. The applicant shall submit updated documentation demonstrating that the building will attain LEED Gold or higher, or attain a building performance equivalent to this rating that has been approved by the Zoning Officer for this project. Documentation expected at this stage includes proof of submission of the final application materials and payment of the certification fee. If this submission has not yet occurred, a detailed explanation and timeline indicating when it will it happen must be submitted to the Zoning Officer for review and approval. Once awarded by the organization administering the green building certification system, the applicant shall forward a copy of the certification award to the Zoning Officer.

At All Times:

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

69. 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.

70. 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.

71. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

72. 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.

73. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.

74. **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.

75. **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.

76. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

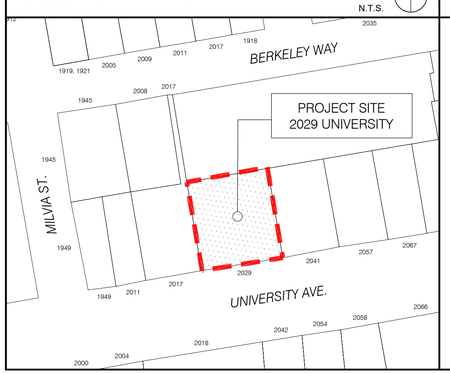
77. **Required Bike Parking.** Secure and on-site bike parking for at least 167 Long-term bicycles shall be provided for the life of the building.

78. **Residential Electric Vehicle (EV) Charging.** Required Level 2 charging stations and low power Level 2 EV charging receptacles, as specified by the Berkeley Green Code (BMC Chapter 19.37) shall be maintained in good working condition and made available for building resident use. (Project required to meet applicable code at time of building permit application, if different from above.)

79. **Tenant Notification.** The developer shall provide tenant notification, via a lease rider or deed covenant, that each dwelling unit is located in a mixed-use area that includes commercial, food service, and entertainment uses, and that each occupant shall not seek to impede their lawful operation.

VIEW ALONG UNIVERSITY

VICINITY MAP



PROJECT DIRECTORY

OWNER/APPLICANT:
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www.laconiallc.com
(925) 937-4111

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https://jett.land/

CIVIL ENGINEER:
BKF ENGINEERS
2100 FRANKLIN STREET, SUITE 4C
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

PROJECT DESCRIPTION

PROJECT ADDRESS: 2029 University Ave. Berkeley, CA 94704 (APN: 57-2053-8-1)

SCOPE OF WORK:

THIS IS A ZONING APPLICATION FOR A HOUSING DEVELOPMENT, WHICH VESTS RIGHTS UNDER ZONING APPLICABLE AS OF THE SUBMITTAL DATE PER CALIFORNIA GOVERNMENT CODE SECTION 65941.1. THE PROJECT IS THE CONSTRUCTION OF A NEW 23-STORY (256'-0"), 240-UNIT HOUSING DEVELOPMENT WITH 190,830 SF OF NEW RESIDENTIAL USE AND PARKING GARAGE FOR UP TO 29 SPACES. THE PROJECT INCLUDES REMOVAL OF EXISTING NON-LANDMARKED 2-STORY COMMERCIAL STRUCTURE AND SURFACE PARKING. 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO VERY-LOW-INCOME HOUSEHOLDS, AND 15% (18 UNITS) OF THE BASE UNITS WILL BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS, MAKING THE PROJECT ELIGIBLE FOR A 100% DENSITY BONUS, WAIVERS, AND UP TO 3 CONCESSIONS AS A STATE DENSITY BONUS LAW DEVELOPMENT PER CALIFORNIA GOVERNMENT CODE § 65915.

THE PROPOSED PROJECT WILL COMPLY WITH THE BERKELEY ENERGY CODE (BMC CHAPTER 19.36) AND THE BERKELEY GREEN CODE (BMC CHAPTER 19.37), INCLUDING PROVIDING A SOLAR PV SYSTEM, BATTERY ENERGY STORAGE, ELECTRIC VEHICLE CHARGING, AND LOW-CARBON CONCRETE REQUIREMENTS

ZONING CODE SUMMARY

(BASED ON THE BERKELEY MUNICIPAL ZONING CODE)

ZONING: C-DMU OUTER CORE

SEE SHEET A0.1 FOR COMPLETE ZONING DATA

DRAWING LIST

SHEET NO. & TITLE

ARCHITECTURAL				LANDSCAPE	
A0.0	GENERAL INFORMATION	A3.1	BUILDING ELEVATIONS	L1.01	LANDSCAPE PLAN - GROUND LEVEL
A0.1	ZONING DATA	A3.2	BUILDING ELEVATIONS	L1.02	LANDSCAPE PLAN - PODIUM LEVEL
A0.2	DENSITY BONUS DIAGRAMS	A3.3	BUILDING ELEVATIONS	L1.03	LANDSCAPE PLAN - ROOF DECK
A0.3	PRELIMINARY AHCP DIAGRAMS	A3.4	BUILDING ELEVATIONS	L2.01	PRECEDENT IMAGES
A0.4A	SHADOW STUDIES - DEC 21ST	A3.5	STREET STRIP ELEVATIONS	L3.01	PLANT IMAGES, NOTES & CALCULATIONS
A0.4B	SHADOW STUDIES - JUNE 21ST	A3.6	PHOTO CONTEXT VIEWS	L4.01	PLANTING PLAN - GROUND FLOOR
A0.4C	SHADOW STUDIES - MARCH 26TH	A3.7	CONCEPTUAL RENDERINGS	L4.02	PLANTING PLAN - PODIUM LEVEL
A0.5	SITE CONTEXT PHOTOS	A3.8	CONCEPTUAL RENDERINGS	L4.03	PLANTING PLAN - ROOF DECK
A0.6	VICINITY MAP	A3.9	CONCEPTUAL RENDERINGS	L5.01	IRRIGATION PLAN - GROUND FLOOR
A1.0	EXISTING SITE PLAN	A3.10	CONCEPTUAL RENDERINGS	L5.02	IRRIGATION PLAN - PODIUM LEVEL
A1.1	EXISTING SURVEY	A3.11	CONCEPTUAL RENDERINGS	L5.03	IRRIGATION PLAN - ROOF DECK
A2.0	PLAN AT BASEMENT LEVEL	MAT	BUILDING MATERIALS		
A2.1	PLAN AT GROUND LEVEL	A4.1	SECTIONS		
A2.2	PLAN AT LEVEL 2				
A2.3	PLAN AT LEVEL 3				
A2.4	PLAN AT LEVELS 4-22	CIVIL			
A2.5	PLAN AT LEVEL 23	C1.0	PRELIMINARY GRADING AND DRAINAGE PLAN		
A2.6	PLAN AT ROOF LEVEL	C2.0	PRELIMINARY STORMWATER CONTROL PLAN		

STACKHOUSE
DE LA PEÑA
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2029 UNIVERSITY APARTMENTS

2029 University Ave
Berkeley, CA

12.10.2024 SB 330 SUBMISSION
12.19.2024 ZONING SUBMISSION
04.03.2025 ZONING RESUBMISSION
05.14.2025 ZONING RESUBMISSION
07.23.2025 AHMF FEE UPDATE

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: 2327

SHEET:

GENERAL INFORMATION

A0.0

Xref .\PANORAMIC - Titleblock 24 x36.dwa

ZONING CODE DATA

ZONING SUMMARY TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
ZONING	C-DMU Outer Core			COMPLIES
TOTAL LOT SIZE (SQ. FT.)	12,385			COMPLIES
TOTAL LOT SIZE (ACRES)	0.28			COMPLIES
FLOOR AREA RATIO (FAR)	NA	NA	15.41	COMPLIES
DWELLING UNITS (SEE TABLE)	NA	NA	240	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA	280	COMPLIES
HEIGHT - FEET	60'-0"	75'-0"	256'-0"	COMPLIES W/ SDB WAIVER
HEIGHT - STORIES	NA	NA	23	COMPLIES
LOT COVERAGE	NA	NA	90%	COMPLIES
SETBACK - FRONT (UNIVERSITY) (SEE TABLE)	0'-15'	0'	SEE TABLE	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - REAR (SEE TABLE)	0'-15'	0	SEE TABLE	COMPLIES W/ UP
SETBACK - MAX. DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER
RESIDENTIAL PARKING (SEE TABLE)	0	0	29	COMPLIES
COMMERCIAL PARKING (SEE TABLE)	NA	NA	0	COMPLIES
RES. BIKE PARKING LONG TERM (SEE TABLE)	94	94	167	COMPLIES
RES. BIKE PARKING SHORT TERM (SEE TABLE)	7	7	8	COMPLIES
COM. BIKE PARKING SHORT TERM (SEE TABLE)	NA	NA	0	COMPLIES
RESIDENTIAL OPEN SPACE (SEE TABLE)	19200	19200	2055	COMPLIES W/ SDB WAIVER
COMMERCIAL PRIVATELY OWNED OPEN SPACE	NA	NA	NA	COMPLIES

PARKING CALCULATIONS

	QNTY	CARS	PER	REQ'D	PROVIDED
RESIDENTIAL (none per Table 23.322-2)	240	0	0	0	29

BICYCLE PARKING CALCULATIONS

	QNTY	BIKES	PER	REQ'D	PROVIDED
RESIDENTIAL (LONG TERM) (PER BEDROOM)	280	1	3	94	167
RESIDENTIAL (SHORT TERM) (PER BEDROOM)	280	1	40	7	8

SETBACKS TABLE

	BASE ZONING ALLOWABLE / REQUIRED	ALLOWABLE W/ UP OR AUP MODIFICATION	PROPOSED W/DENSITY BONUS	ZONING COMPLIANCE
SETBACK - FRONT (UNIVERSITY)				
0'-20'	0'	0'	0' TO 3'	COMPLIES
21'-75'	0'	0'	0' TO 6"	COMPLIES
76'-120'	15'	0'	0' TO 1'-4"	COMPLIES W/ UP
> 120'	15'	0'	0' TO 31'-0"	COMPLIES W/ UP
SETBACK - INTERIOR SIDE (<65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10'	COMPLIES
21'-75'	0'	0'	10' TO 11'-4"	COMPLIES
76'-120'	5'	0'	10' TO 11'-4"	COMPLIES
> 120'	15'	0'	15' TO 16'-6"	COMPLIES
SETBACK - INTERIOR SIDE (>65' FROM FRONT)				
0'-20'	0'	0'	6" TO 10'	COMPLIES
21'-75'	5'	0'	10' TO 11'-4"	COMPLIES
76'-120'	15'	0'	10' TO 11'-4"	COMPLIES W/ UP
> 120'	15'	0'	16'-6" TO 34'-10"	COMPLIES
SETBACK - REAR				
0'-20'	0'	0'	6"	COMPLIES
21'-75'	5'	0'	6'-6" TO 9'-6"	COMPLIES
76'-120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
> 120'	15'	0'	6'-6" TO 9'-6"	COMPLIES W/ UP
MAX. WIDTH DIMENSION ABOVE 120'	120'	120'	139'-6"	COMPLIES W/ SDB WAIVER

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL REQ'D	23RD FLOOR TERRACE	TOTAL PROVIDED
RESIDENTIAL UNITS	240	80	19,200	2,055	2,055
	Landscape	40%	822	690	690

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

	ALLOWABLE	PROPOSED
AVERAGE AREA OF FLOORS		8,218
AREA OF ROOFTOP ARCH. ELEMENTS	1,233	1,167
% AREA OF ROOFTOP ARCH. FEATURES	15.0%	14.2%

AREA TABLE

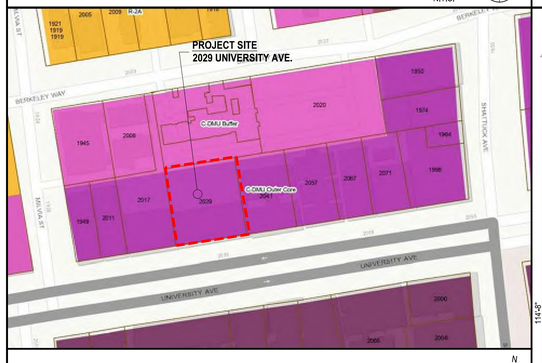
	RESIDENTIAL
LEVEL 23	6,219
LEVEL 22	8,698
LEVEL 21	8,698
LEVEL 20	8,698
LEVEL 19	8,698
LEVEL 18	8,698
LEVEL 17	8,698
LEVEL 16	8,698
LEVEL 15	8,698
LEVEL 14	8,698
LEVEL 13	8,698
LEVEL 12	8,698
LEVEL 11	8,698
LEVEL 10	8,698
LEVEL 9	8,698
LEVEL 8	8,698
LEVEL 7	8,698
LEVEL 6	8,698
LEVEL 5	8,698
LEVEL 4	8,698
LEVEL 3	8,698
LEVEL 2	1,188
GROUND LEVEL	7,742
BASEMENT	3,023
TOTAL	**192,132**

DWELLING UNIT TABLE

	STUDIO	JR-1 BD	1 BD	2 BD	
LEVEL 23					
LEVEL 22	4	3	3	2	
LEVEL 21	4	3	3	2	
LEVEL 20	4	3	3	2	
LEVEL 19	4	3	3	2	
LEVEL 18	4	3	3	2	
LEVEL 17	4	3	3	2	
LEVEL 16	4	3	3	2	
LEVEL 15	4	3	3	2	
LEVEL 14	4	3	3	2	
LEVEL 13	4	3	3	2	
LEVEL 12	4	3	3	2	
LEVEL 11	4	3	3	2	
LEVEL 10	4	3	3	2	
LEVEL 9	4	3	3	2	
LEVEL 8	4	3	3	2	
LEVEL 7	4	3	3	2	
LEVEL 6	4	3	3	2	
LEVEL 5	4	3	3	2	
LEVEL 4	4	3	3	2	
LEVEL 3	4	3	3	2	
LEVEL 2					
GROUND LEVEL					
TOTAL UNITS	**80**	**60**	**60**	**40**	**240**
BEDROOMS / UNIT	1	1	1	2	
TOTAL BEDROOMS	80	60	60	80	**280**

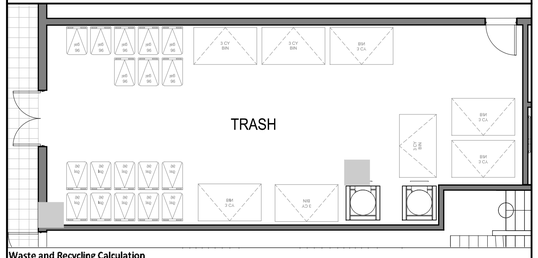
ZONING MAP

N.T.S.



REFUSE AND RECYCLING

N.T.S.

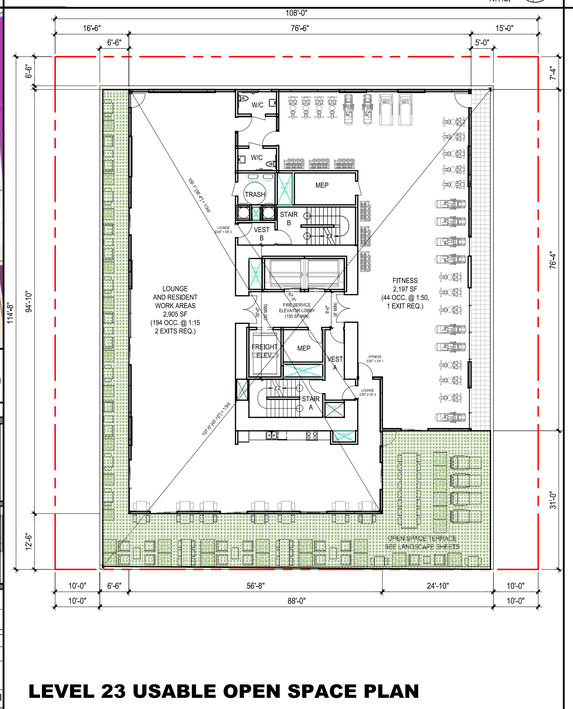


Waste and Recycling Calculation

# of Bedrooms	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)		Waste (40%)		Recycling (40%)	Compost (20%)
280	1.00	280	23.33 cy	4,667 gal	9.33 cuft	1,867 gal	1,867 gal	933 gal
Space Calculation	Container Quanities			Space Required			150% Additional Increase	
	Waste	Recycling	Compost	Factor/container		Space/ Container	Required	Provided
3cy bin (605 gal)	2	2		28 sf		112 sf		
2cy bin (404 gal)	1	1		28 sf		56 sf		
96 gallon cart	3	3	10	7 sf		112 sf		
64 gallon cart				6 sf		sf		
Total capacity	1902 gal	1902 gal	960 gal			280 sf	420 sf	375

OPEN SPACE DIAGRAMS

N.T.S.

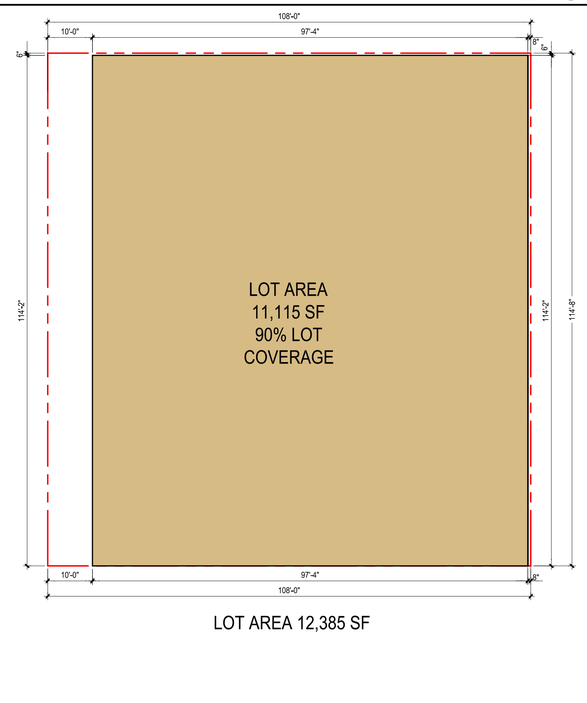


LEVEL 23 USABLE OPEN SPACE PLAN

2,055sf

LOT COVERAGE DIAGRAMS

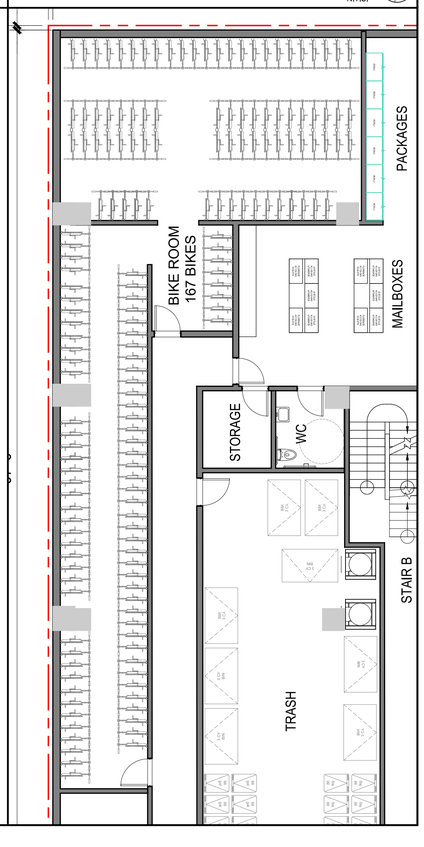
N.T.S.



LOT AREA 12,385 SF

BIKE PARKING

N.T.S.



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JOB: 2327

SHEET:

ZONING DATA

A0.1

DENSITY BONUS TABLE

Base Project	Base Units Calculation	Base # Units	% VLI units	# VLI Units	% MI units	# MI Units	Bonus %	# DB Units	Maximum DB Project	Proposed Project
sq. ft. - see calculation below	base project area / avg. unit size	base project units (rounds up)		% VLI x Base # Units (rounded up)		% MI x Base # Units (rounded up)		%Bonus x Base # Units (rounded up)	%Bonus x Base # Units (rounded up)	
95,417	119.19	120	15%	18	15%	18	100.0%	120	240	240

Base Project Res. Area	Floor	Proposed Project Res. Area	Base Project # of Units	Floor	Proposed Project # of Units
	Level 23	6,219		Level 23	
	Level 22	8,698		Level 22	12
	Level 21	8,698		Level 21	12
	Level 20	8,698		Level 20	12
	Level 19	8,698		Level 19	12
	Level 18	8,698		Level 18	12
	Level 17	8,698		Level 17	12
	Level 16	8,698		Level 16	12
	Level 15	8,698		Level 15	12
	Level 14	8,698		Level 14	12
	Level 13	8,698		Level 13	12
	Level 12	8,698		Level 12	12
	Level 11	8,698		Level 11	12
	Level 10	8,698		Level 10	12
	Level 9	8,698		Level 9	12
11,554	Level 8	8,698	18	Level 8	12
11,554	Level 7	8,698	17	Level 7	12
11,554	Level 6	8,698	17	Level 6	12
11,554	Level 5	8,698	17	Level 5	12
11,554	Level 4	8,698	17	Level 4	12
11,554	Level 3	8,698	17	Level 3	12
11,554	Level 2	1,188	17	Level 2	
11,395	Ground	7,742		Ground	
3,144	Basement	3,023		Basement	
95,417	**Total**	**192,132**	**120**	**Total**	**240**

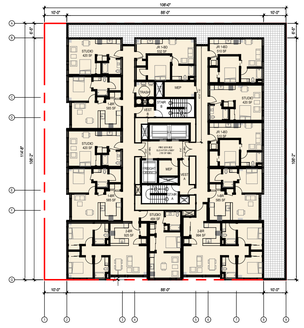
Proposed Area:	**192,132**
Proposed Units:	**240**
Average Unit Size:	**801**

#VLI	%VLI	%DB	#DB
6	5%	20.0%	144
8	6%	22.5%	147
9	7%	25.0%	150
10	8%	27.5%	153
11	9%	30.0%	156
12	10%	32.5%	159
14	11%	35.0%	162
15	12%	38.75%	167
16	13%	42.5%	171
17	14%	46.3%	176
18	**15%**	**50.0%**	**180**

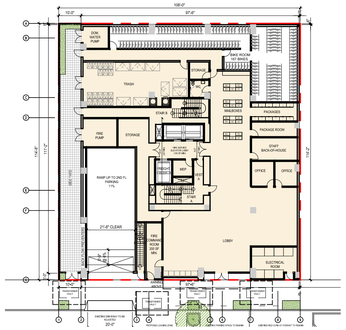
#MI	%MI	%DB	#DB
6	5%	20.0%	204
8	6%	22.5%	207
9	7%	25.0%	210
10	8%	27.5%	213
11	9%	30.0%	216
12	10%	32.5%	219
14	11%	35.0%	222
15	12%	38.75%	227
16	13%	42.5%	231
17	14%	46.3%	236
18	**15%**	**50.0%**	**240**

BASE PROJECT ZONING COMPLIANCE CHECKS

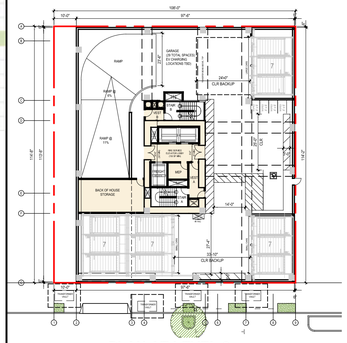
	ALLOWABLE BASE PROJECT WITH AVAILABLE AUP AND UP				
	UNMODIFIED REQUIREMENT	ALLOWABLE MODIFICATION	CODE SECTION	BASE PROJECT	COMPLIANCE CHECK
ZONING	C-DMU Outer Core				
TOTAL LOT SIZE (SQ. FT.)	12,385				
TOTAL LOT SIZE (ACRES)	0.28				
DWELLING UNITS	NA	NA		120	COMPLIES
RESIDENTIAL BEDROOMS	NA	NA		120	COMPLIES
HEIGHT - FEET	60'	75'	Table 23.204-37	75'	COMPLIES W/ UP
SETBACK - FRONT	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - REAR	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
SETBACK - INTERIOR SIDE	0'-15'	0'	23.204.130.E.3.b	0'	COMPLIES W/ UP
HEIGHT - STORIES	NOT LIMITED			8	
FAR	NOT LIMITED			NA	
OPEN SPACE	80 SF/UNIT			9,600	COMPLIES
OPEN SPACE LANDSCAPE	40% OF 9,600SF			3,840	COMPLIES
PARKING - RESIDENTIAL	NONE REQ'D	NONE REQ'D	Table 23.322-2	0	COMPLIES
RES. BIKE PARKING LONG TERM	1/3 BED ROOMS			40	COMPLIES
RES. BIKE PARKING SHORT TERM	1/40 BED ROOMS			3	COMPLIES
STORMWATER	4% OF ROOF AREA = 455SF			455	COMPLIES



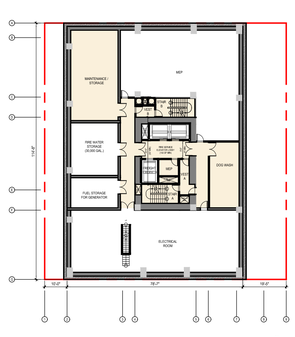
PLAN AT LEVEL 3-22



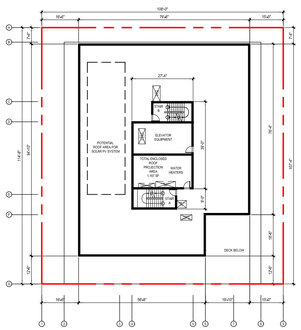
PLAN AT GROUND LEVEL



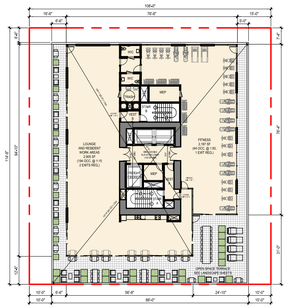
PLAN AT LEVEL 2



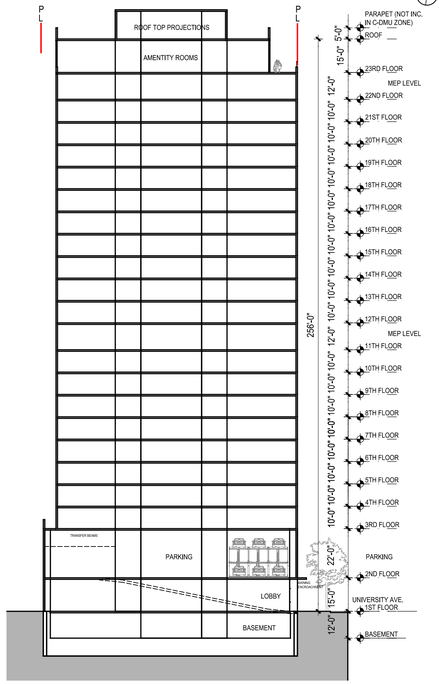
PLAN AT BASEMENT



PLAN AT ROOF

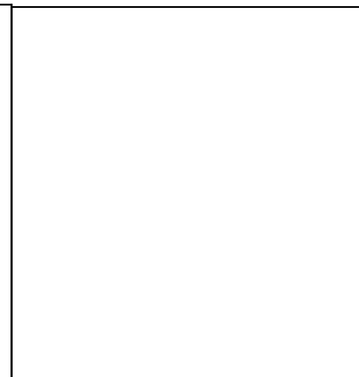


PLAN AT LEVEL 23

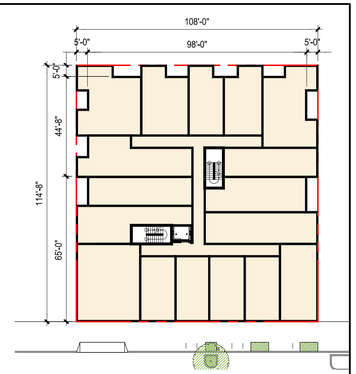


SECTION

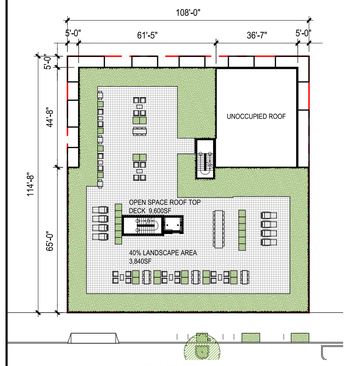
PROPOSED DENSITY BONUS PROJECT



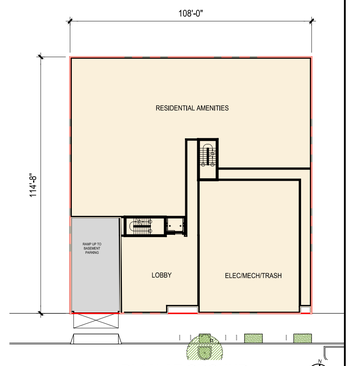
PLAN AT ROOF



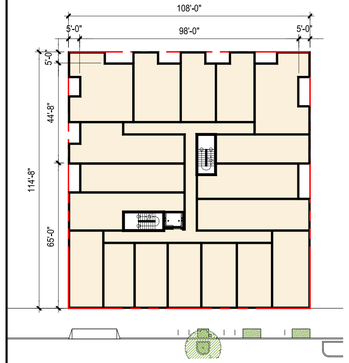
PLAN AT LEVELS 2-7



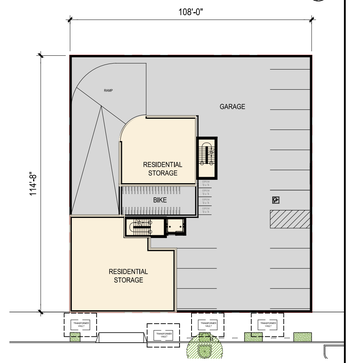
PLAN AT ROOF



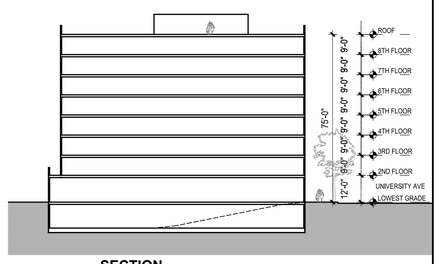
PLAN AT GROUND



PLAN AT LEVEL 8



PLAN AT BASEMENT



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BASE PROJECT

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DENSITY BONUS DIAGRAMS

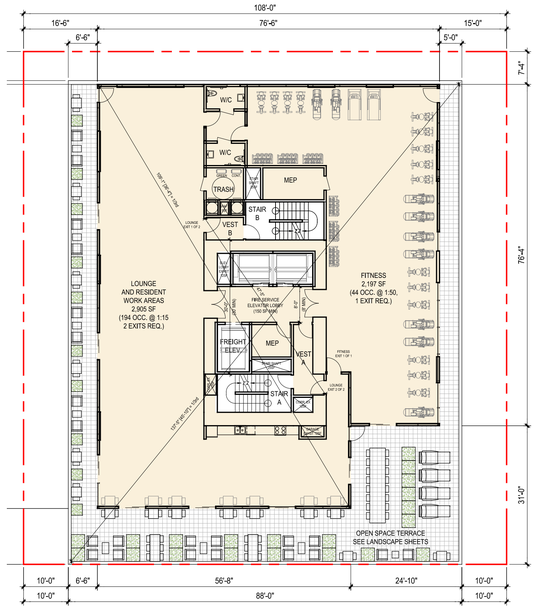
A0.2

PROPOSED PROJECT RESIDENTIAL UNIT FLOOR AREA DIAGRAM

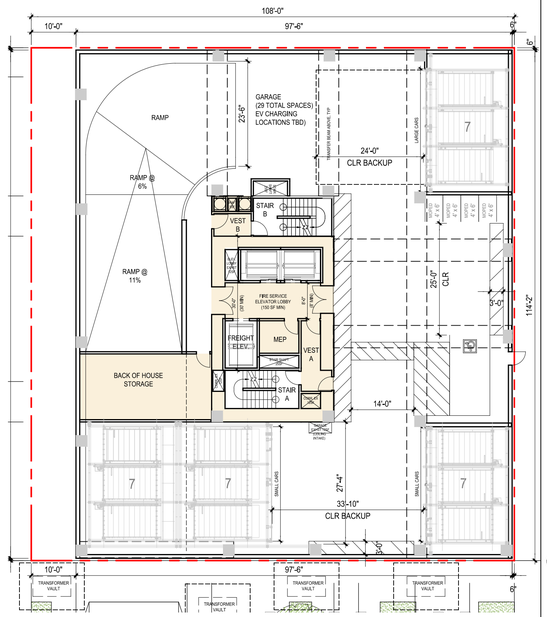
LEGEND

DWELLING UNIT RUFA

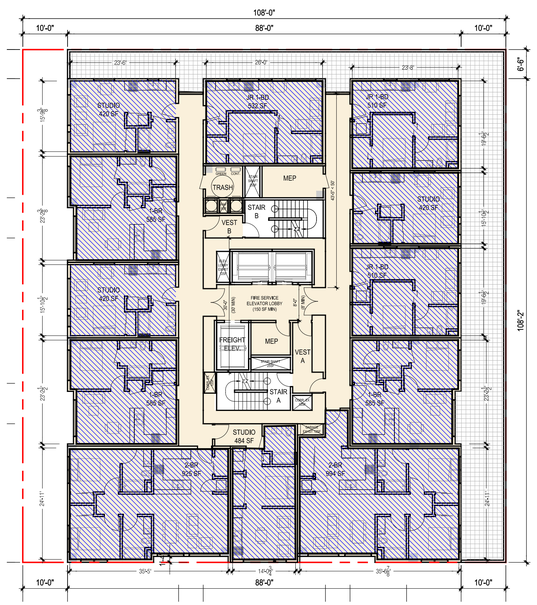
RESIDENTIAL AMENITY (NOT RUFA)



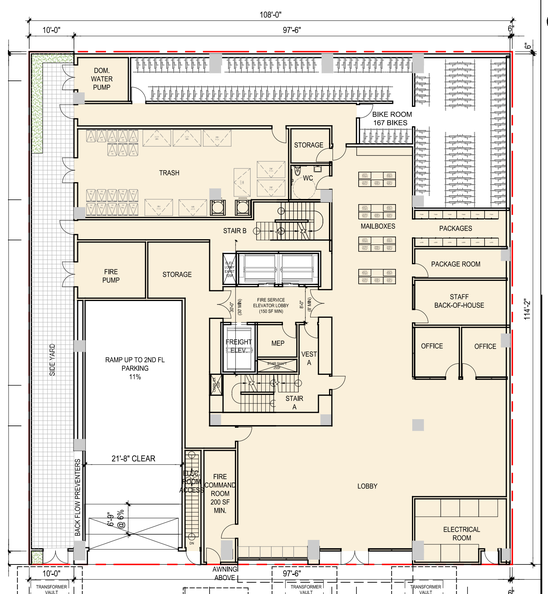
PLAN AT LEVEL 23



PLAN AT LEVEL 2



PLAN AT LEVELS 3-22



PLAN AT GROUND

PROPOSED PROJECT AREA AND UNIT CALCULATIONS

Calculation of the Final Proposed Residential Unit Floor Area:

Floor	Proposed Project Res. Unit Area	Proposed Project Residential Units
23rd		
22nd	6,274	12
21st	6,274	12
20th	6,274	12
19th	6,274	12
18th	6,274	12
17th	6,274	12
16th	6,274	12
15th	6,274	12
14th	6,274	12
13th	6,274	12
12th	6,274	12
11th	6,274	12
10th	6,274	12
9th	6,274	12
8th	6,274	12
7th	6,274	12
6th	6,274	12
5th	6,274	12
4th	6,274	12
3rd	6,274	12
2nd		
1st		
Final Proposed Residential Unit Floor Area	**125,480**	**240**

Calculation of Base Project Residential Floor Area:

Final Proposed DB Residential Unit Floor Area	125,480
	/
One plus the DB % (1 + 100%)	2
	=
Base Project Residential Unit Floor Area	62,740

Calculation of the Affordable Housing Fee:

A	Total Base Project Residential Unit Floor Area	62,740
B	Total Base Project Units	120
C	Total BMR Requirements (20% of Base)	24
D	Total BMR Units Proposed	18
	Fee per Square Foot	$62.83
		X
	Total Base Project Residential Unit Floor Area	62,740
		X
	In Lieu Fee Percentage Calculation (C-D)/C)	25.00%
		=
	Total Fee Due	$985,488.55

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PRELIMINARY AHCP DIAGRAMS

A0.3

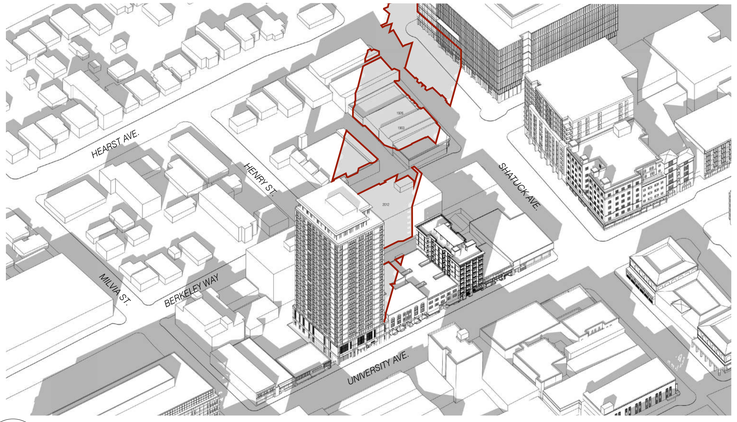
WINTER SOLSTICE
DEC 21ST:
2-HRS BEFORE SUNSET (PM)

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
1:160 @ 11X17 1:80 @ 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

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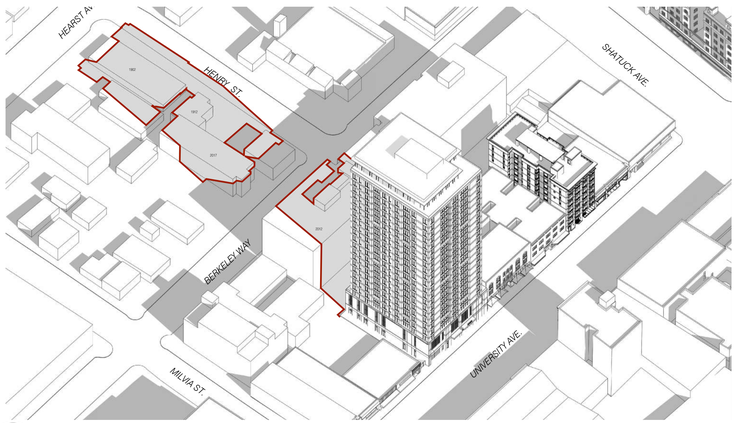
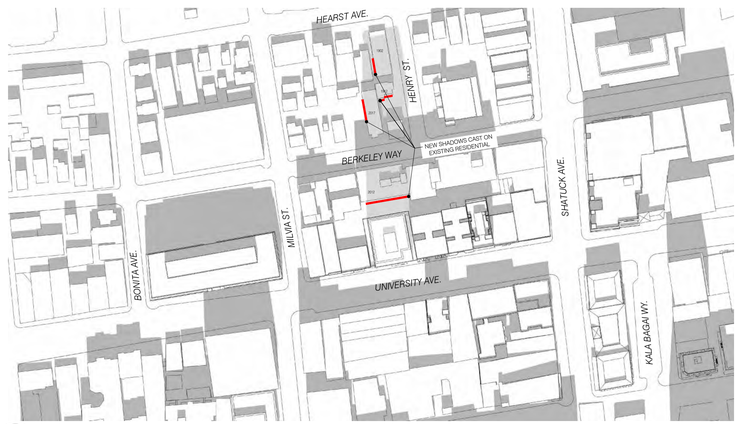


4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

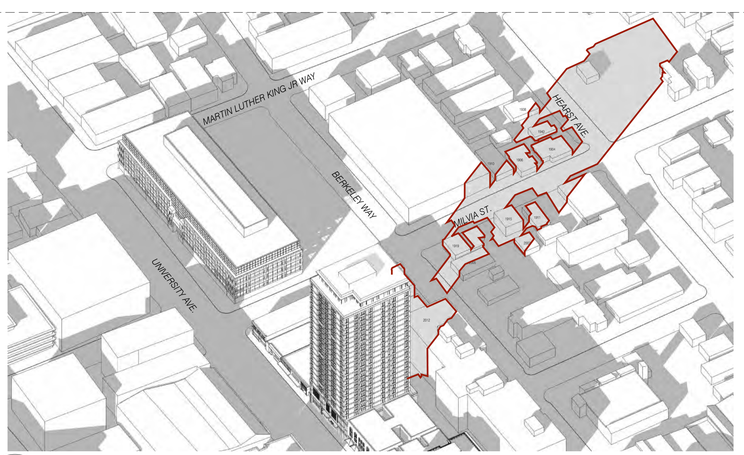
WINTER SOLSTICE
DEC 21ST:
2-HRS AFTER SUNRISE (AM)

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
1:160 @ 11X17 1:80 @ 24X36

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SHADOW STUDIES
DECEMBER 21ST

A0.4A

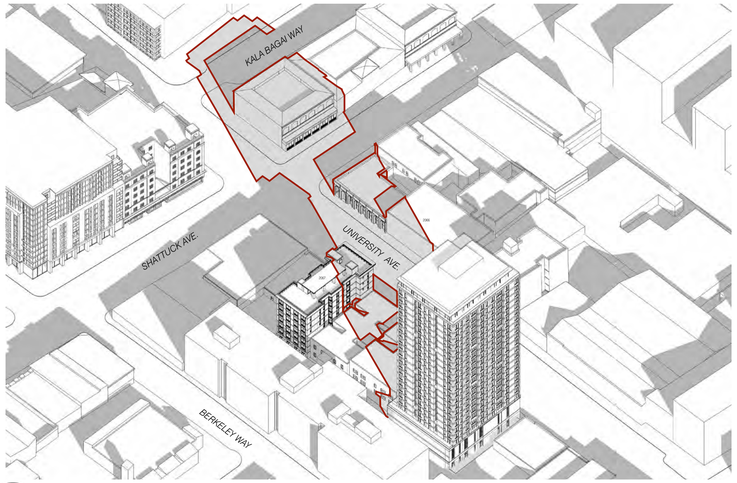
SUMMER SOLSTICE
JUN 21ST:
2-HRS BEFORE SUNSET (PM)

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
1:160 @ 11X17 1:80 @ 24X36

N

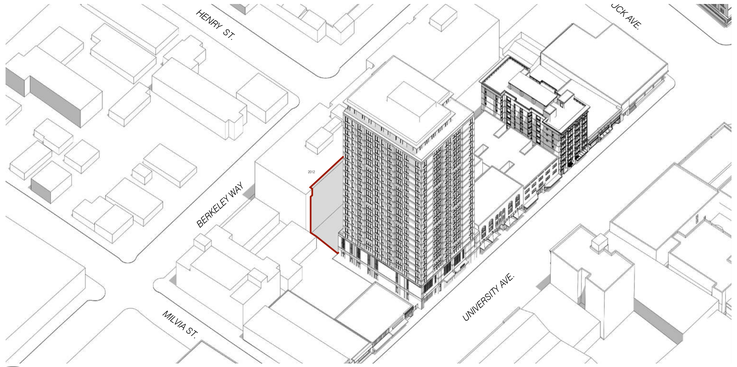
SUMMER SOLSTICE
JUN 21ST:
NOON

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

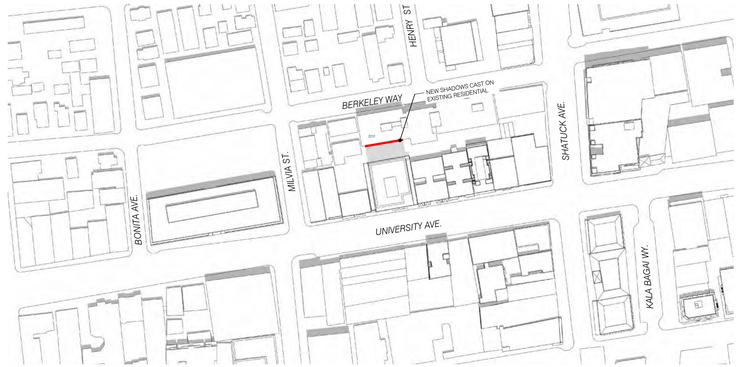
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

NEW SHADOW AT RESIDENTIAL BUILDING

ALL RESIDENTIAL BUILDINGS BEING SHADOWED SHOWN IN THESE DIAGRAMS



4 SHADOW STUDY AXONOMETRIC - NOON
NT.S.



3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

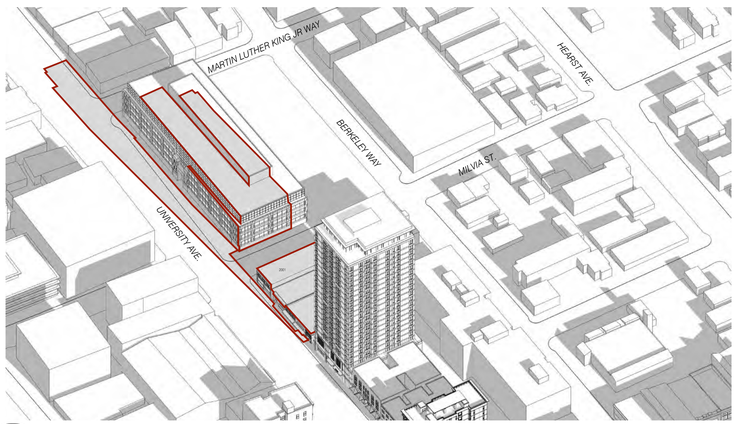
SUMMER SOLSTICE
JUN 21ST:
2-HRS AFTER SUNRISE (AM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

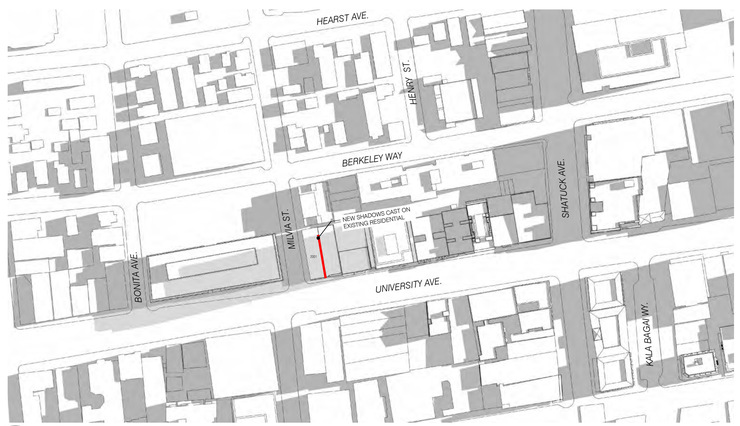
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

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
1:160 @ 11X17 1:80 @ 24X36

N

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JOB: 2327

SHEET:

SHADOW STUDIES
JUNE 21ST

A0.4B

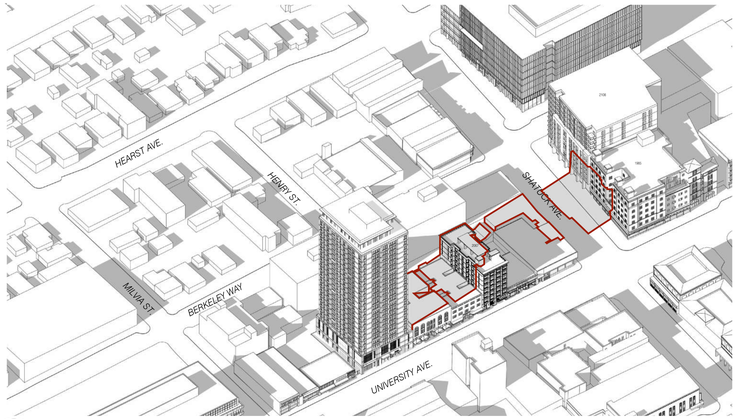
CURRENT
MAR 26TH:
2-HRS BEFORE SUNSET (PM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

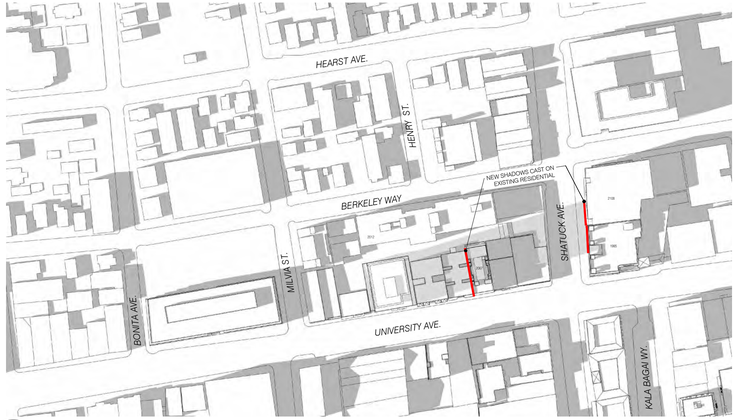
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

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
1:160 @ 11X17 1:80 @ 24X36

N

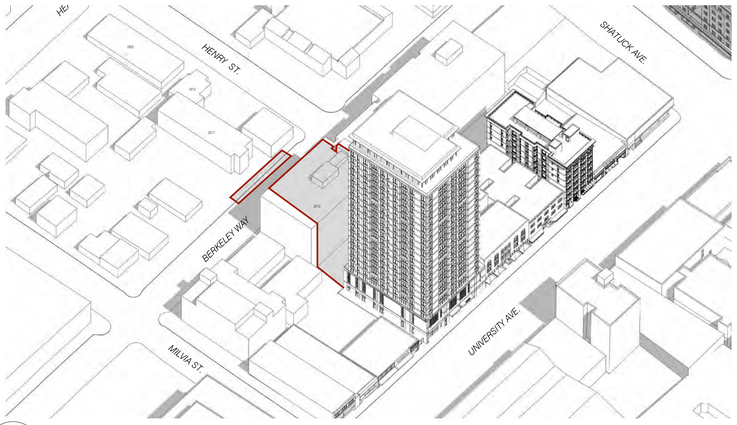
CURRENT
MAR 26TH:
NOON

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
NT.S.

3 SHADOW STUDY - NOON
1:160 @ 11X17 1:80 @ 24X36

N

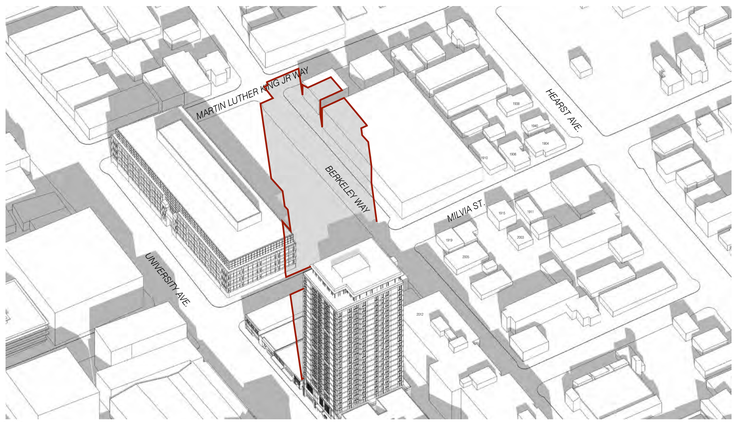
CURRENT
MAR 26TH:
2-HRS AFTER SUNRISE (AM)

DARK TONE GREY INDICATES SHADOWS FROM EXISTING BUILDINGS

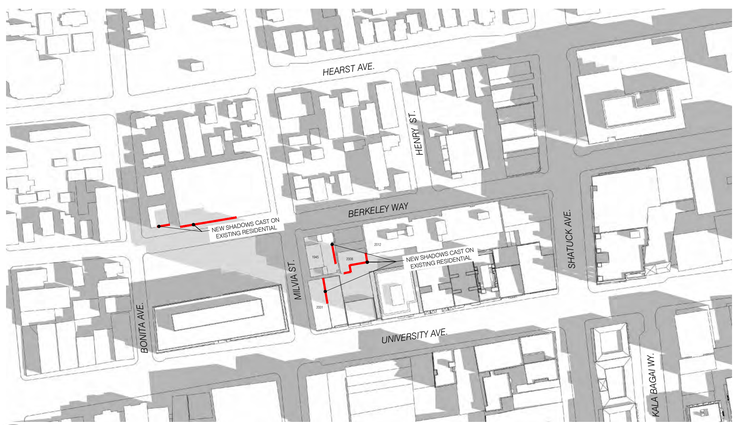
LIGHTER TONE GREY INDICATES SHADOWS FROM PROPOSED BUILDING

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
1:160 @ 11X17 1:80 @ 24X36

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JOB: 2327

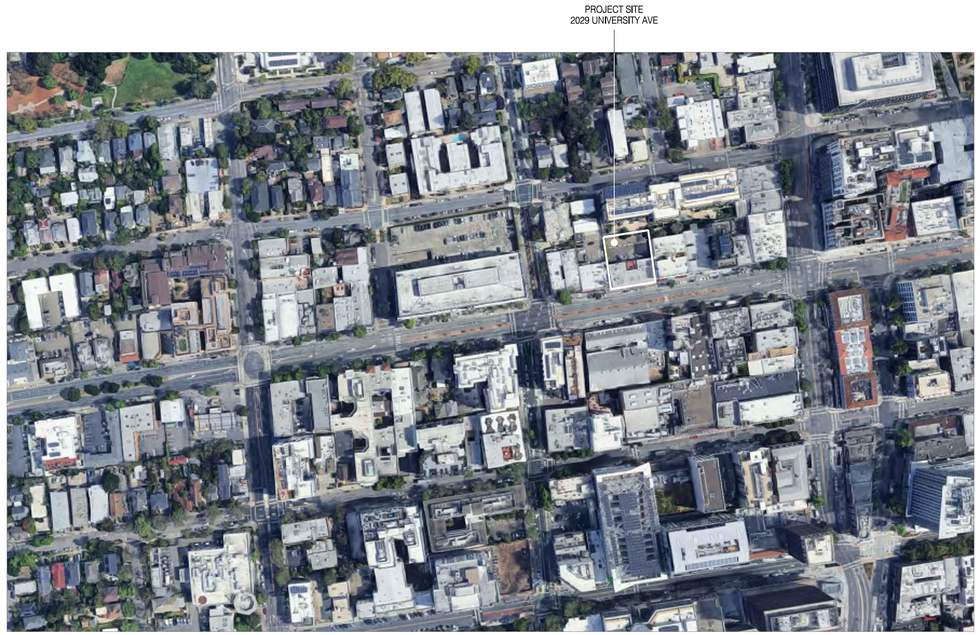
SHEET:

SHADOW STUDIES
MARCH 26TH:

A0.4C

2 - VIEW FROM UNIVERSITY AVE. LOOKING EAST

3 - VIEW FROM UNIVERSITY AVE. LOOKING WEST



1 - AERIAL CONTEXT VIEW

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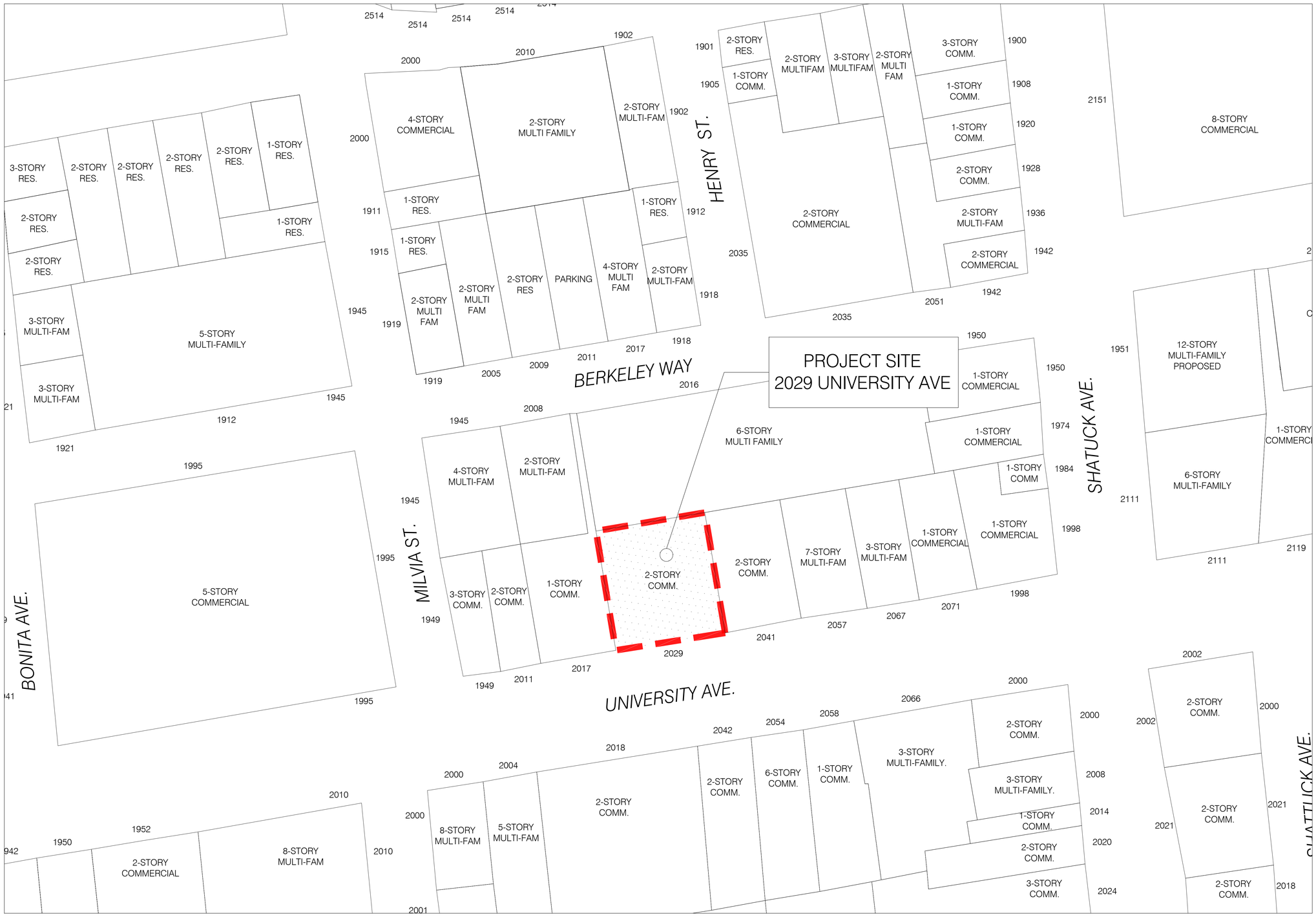
JOB: 2327

SHEET:

SITE CONTEXT PHOTOS

A0.5



1 - VICINITY MAP
NTS

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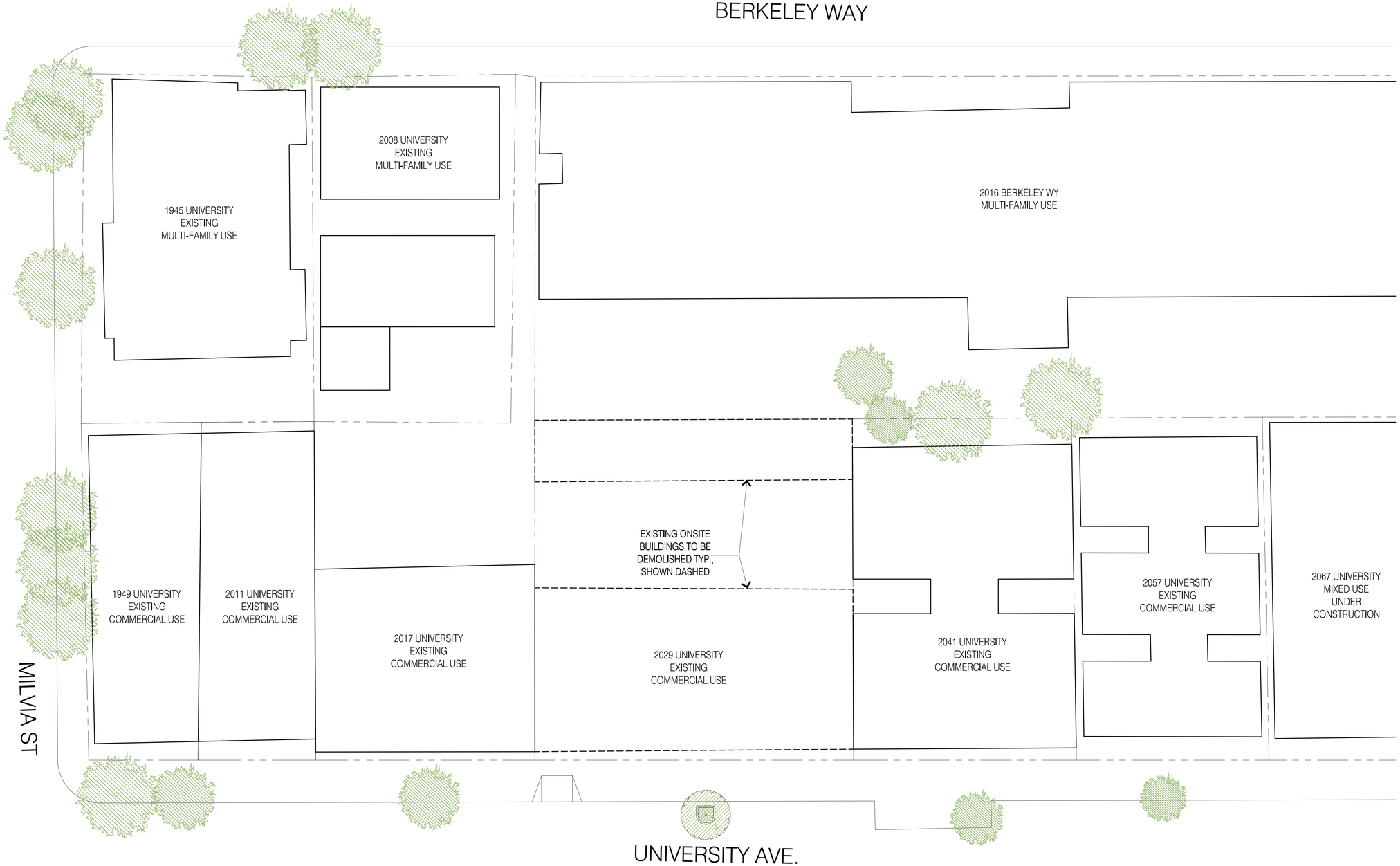
JOB: 2327

SHEET:

VICINITY MAP

A0.6



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

0 4 8 16 32

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JOB: 2327

SHEET:

EXISTING
SITE PLAN

A1.0

ANNOTATION AND LEGEND

AC	=	ASPHALT CONCRETE
BOL	=	BOLLARD
CATV	=	CABLE/TELEVISION BOX
CAB	=	CABINET
CD	=	CURB DRAIN
CLDR	=	CENTERLINE OF DOOR
COL	=	COLUMN
CONC	=	CONCRETE
CR	=	CURB RAMP
DI	=	DROP INLET
EB	=	ELECTRICAL BOX
ELEC	=	ELECTRICAL
EV	=	ELECTRICAL VAULT
FF	=	FINISH FLOOR
MTL	=	METAL
PG&E	=	PACIFIC GAS AND ELECTRIC CO.
PLNTR	=	PLANTER
RD	=	ROOF DRAIN
SD	=	STORM DRAIN
SLB	=	STREET LIGHT BOX
SSCO	=	SANITARY SEWER CLEAOUT
SSMH	=	SANITARY SEWER MANHOLE
T	=	TELEPHONE
TG	=	TOP OF GRATE
UB	=	UTILITY BOX
WB	=	WATER BOX
W-B	=	WALL BOTTOM
W-T	=	WALL TOP
	=	BENCHMARK
E	=	ELECTRICAL MANHOLE
	=	FIRE HYDRANT
	=	GAS VALVE
	=	SANITARY SEWER CLEANOUT
SS	=	SANITARY SEWER MANHOLE
	=	SITE LIGHT
	=	STREET LIGHT
	=	WATER VALVE
	=	BUILDING
SS	=	SANITARY SEWER LINE
	=	STORM DRAIN LINE
	=	SUBJECT SITE BOUNDARY LINE
	=	LOT LINES

BENCHMARK

THE ELEVATIONS SHOWN HEREON ARE BASED UPON THE VERTICAL DATUM OF 1988 AND WERE ESTABLISHED USING LEICA RTK NETWORK SMARTNET.

A TEMPORARY/SITE BENCHMARK IS SHOWN HEREON.

BASIS OF BEARINGS

THE COORDINATES SHOWN HEREON ARE BASED ON THE COORDINATE SYSTEM OF 1983, CCS83, ZONE 3, USING LEICA RTK NETWORK SMARTNET.

TOPOGRAPHIC NOTES

UNAUTHORIZED CHANGES & USES: THE PROFESSIONAL PREPARING THIS MAP WILL NOT BE RESPONSIBLE FOR, OR LIABLE FOR, UNAUTHORIZED CHANGES TO OR USES OF THIS MAP. CHANGES TO THIS MAP MUST BE REQUESTED IN WRITING AND MUST BE APPROVED BY THE PROFESSIONAL.

THE LOCATIONS OF EXISTING UNDERGROUND FACILITIES SHOWN ON THESE DRAWINGS ARE APPROXIMATE AND ARE BASED ON OBSERVED TOPOGRAPHIC SURFACE FEATURES AND AVAILABLE INFORMATION. THE PROFESSIONAL PREPARING THIS MAP ASSUMES NO RESPONSIBILITY FOR THE ACCURACY OF THESE FACILITIES OR FOR THE INADVERTENT OMISSION OF RELATED INFORMATION.

TOPOGRAPHIC INFORMATION SHOWN HEREON WAS OBTAINED FROM GROUND SURVEY CONDUCTED ON SEPTEMBER AND OCTOBER, 2023

TREE DIAMETERS ARE MEASURED AT CHEST HEIGHT (48").

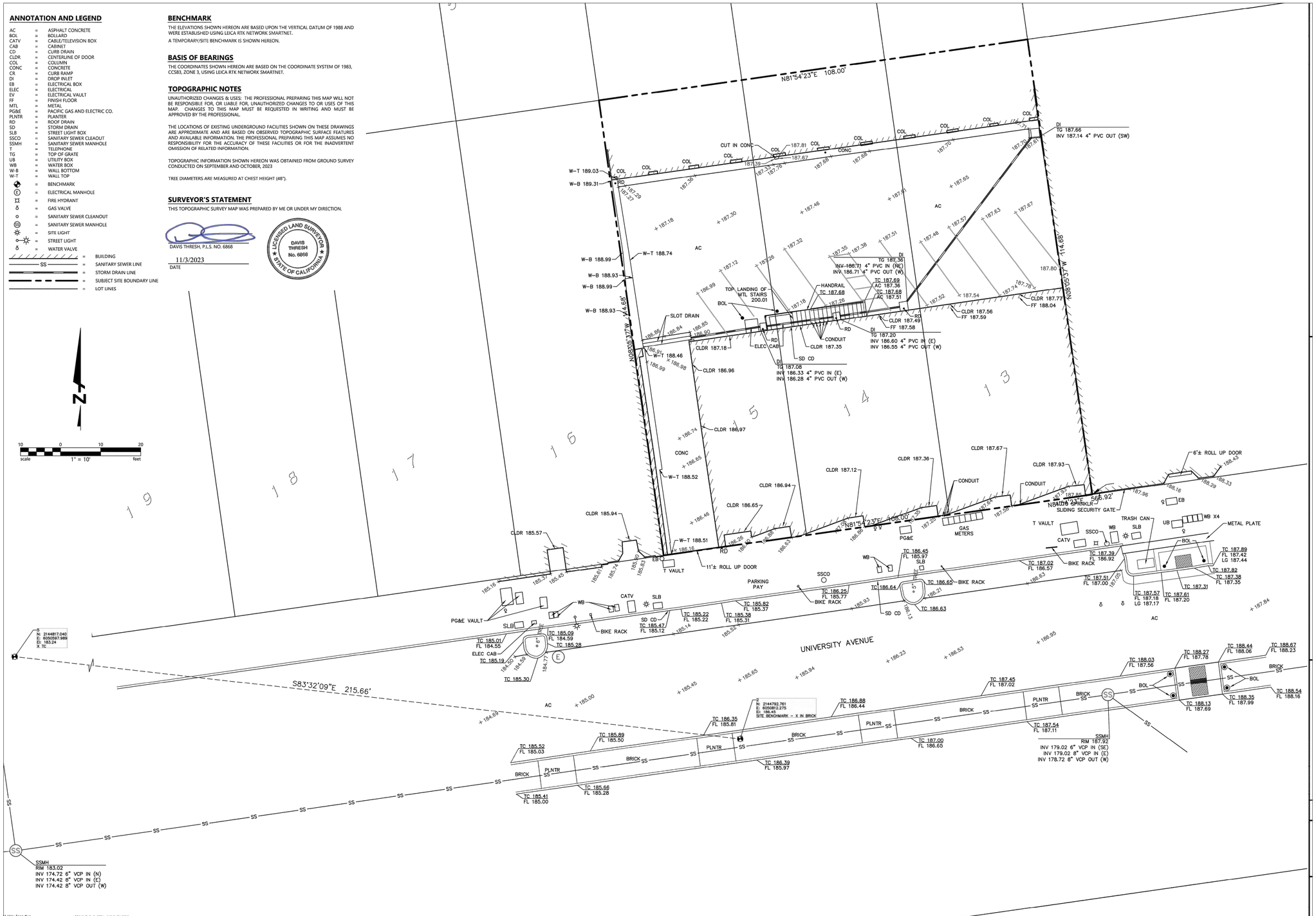
SURVEYOR'S STATEMENT

THIS TOPOGRAPHIC SURVEY MAP WAS PREPARED BY ME OR UNDER MY DIRECTION.

DAVIS THRESH, P.L.S. NO. 6868

11/3/2023
DATE

LICENSED LAND SURVEYOR * DAVIS THRESH No. 6868 * STATE OF CALIFORNIA



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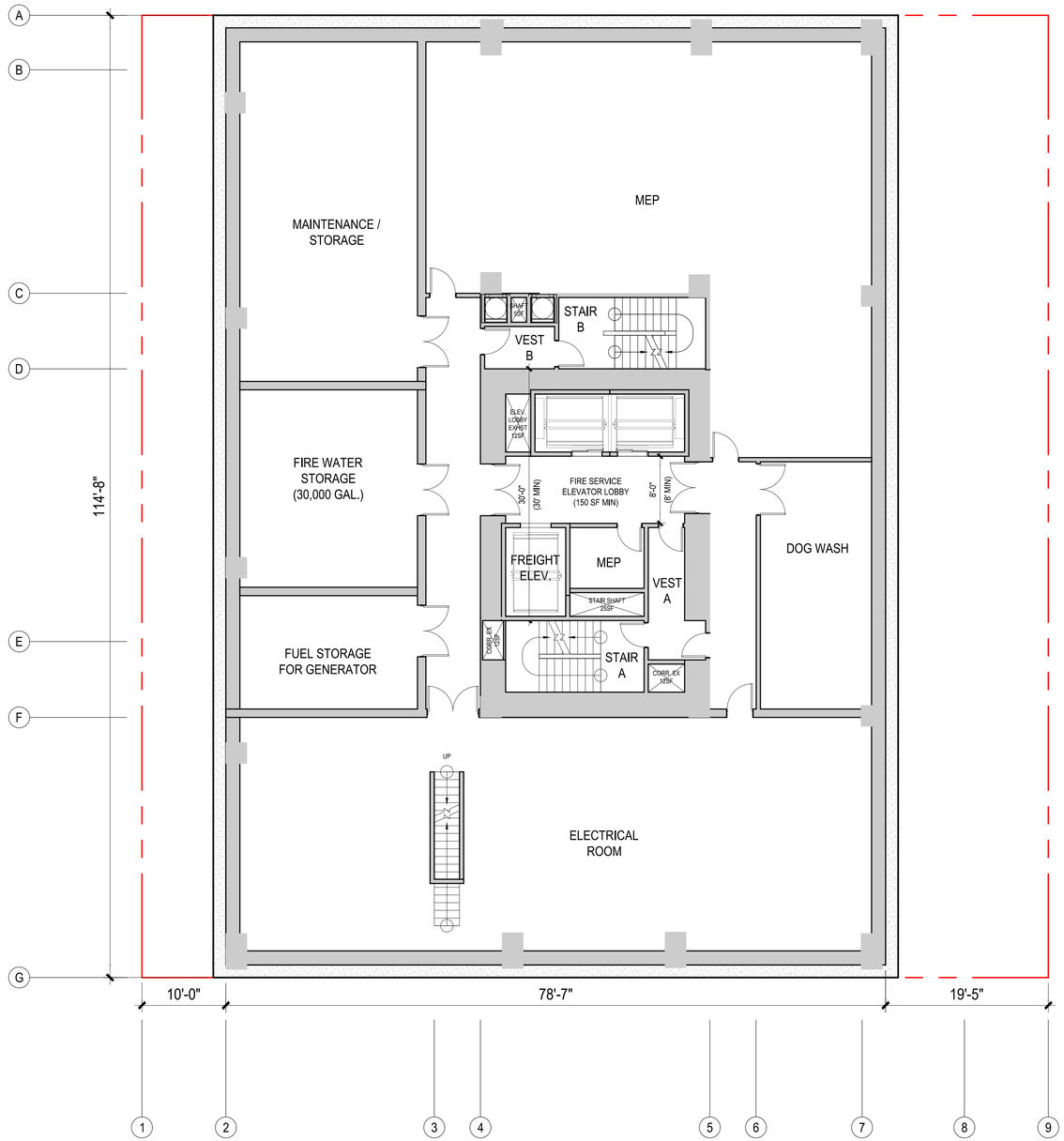
JOB: 2327

SHEET:

EXISTING
SURVEY

A1.1



1 / - PLAN AT BASEMENT LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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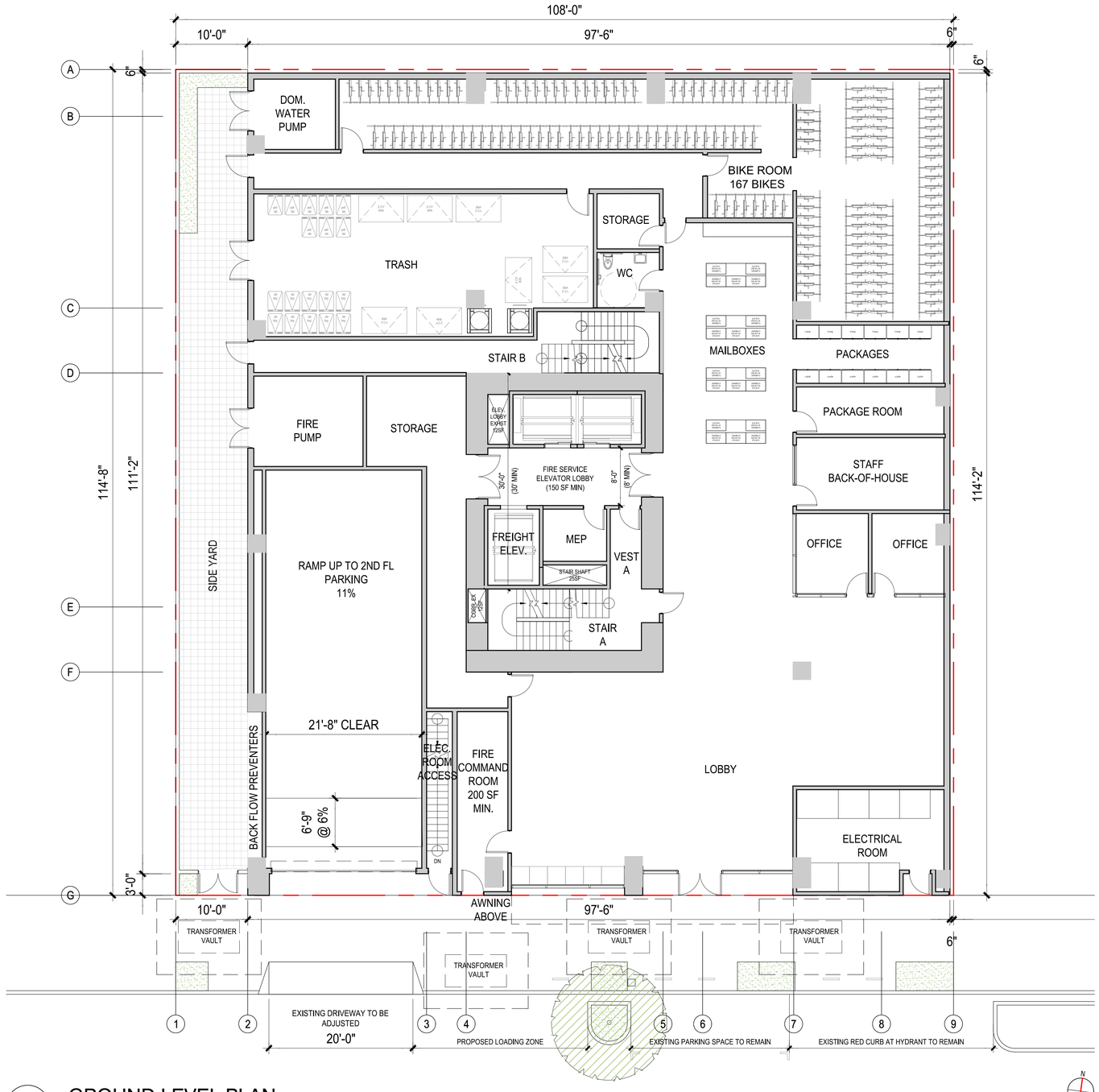
JOB: 2327

SHEET:

PLAN AT
BASEMENT LEVEL

A2.0



1
-

GROUND LEVEL PLAN

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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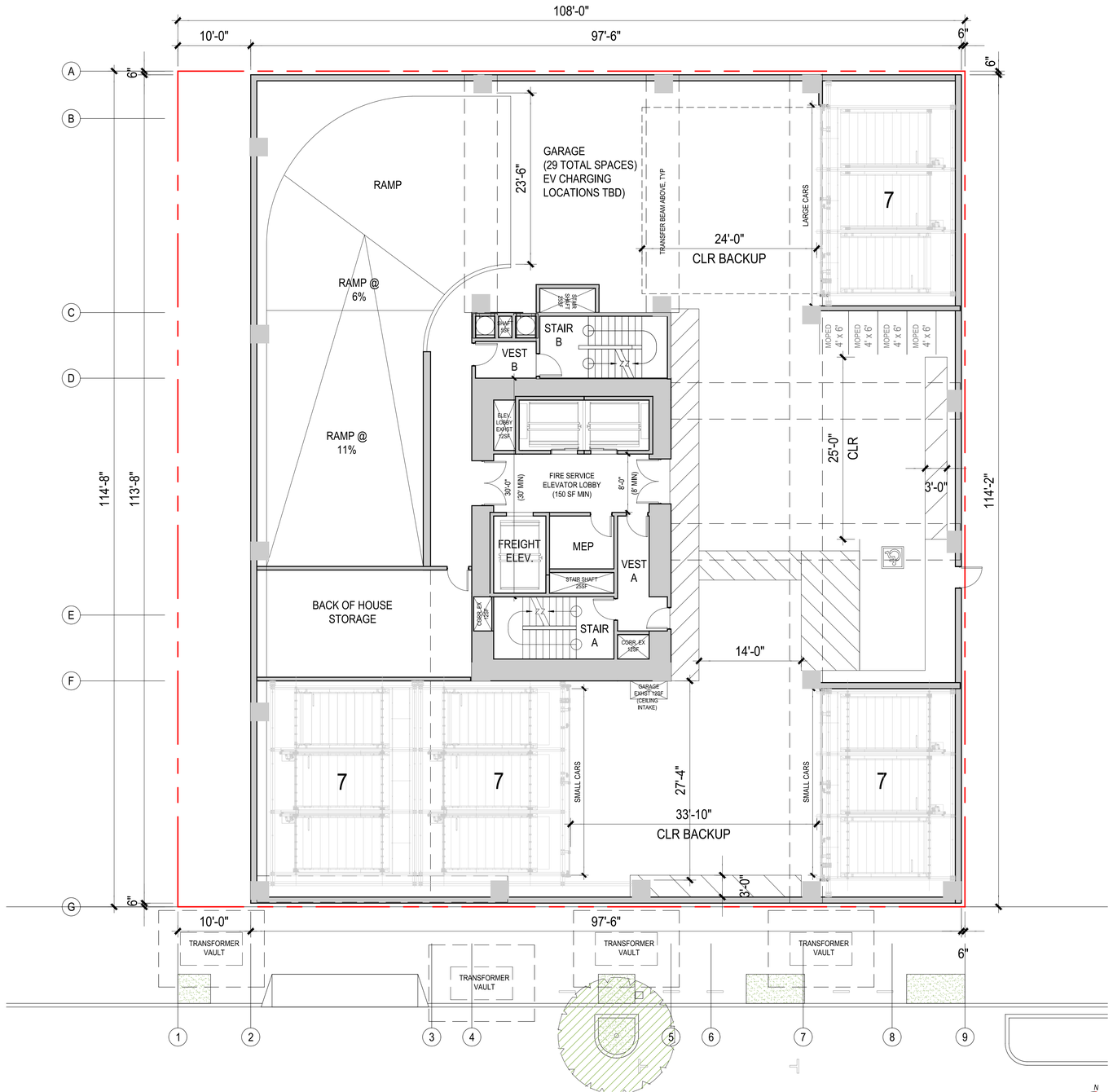
JOB: 2327

SHEET:

PLAN AT
GROUND LEVEL

A2.1



1 / - PLAN AT LEVEL 2

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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JOB: 2327

SHEET:

PLAN AT
LEVEL 2

A2.2

1 / - PLAN AT LEVEL 3

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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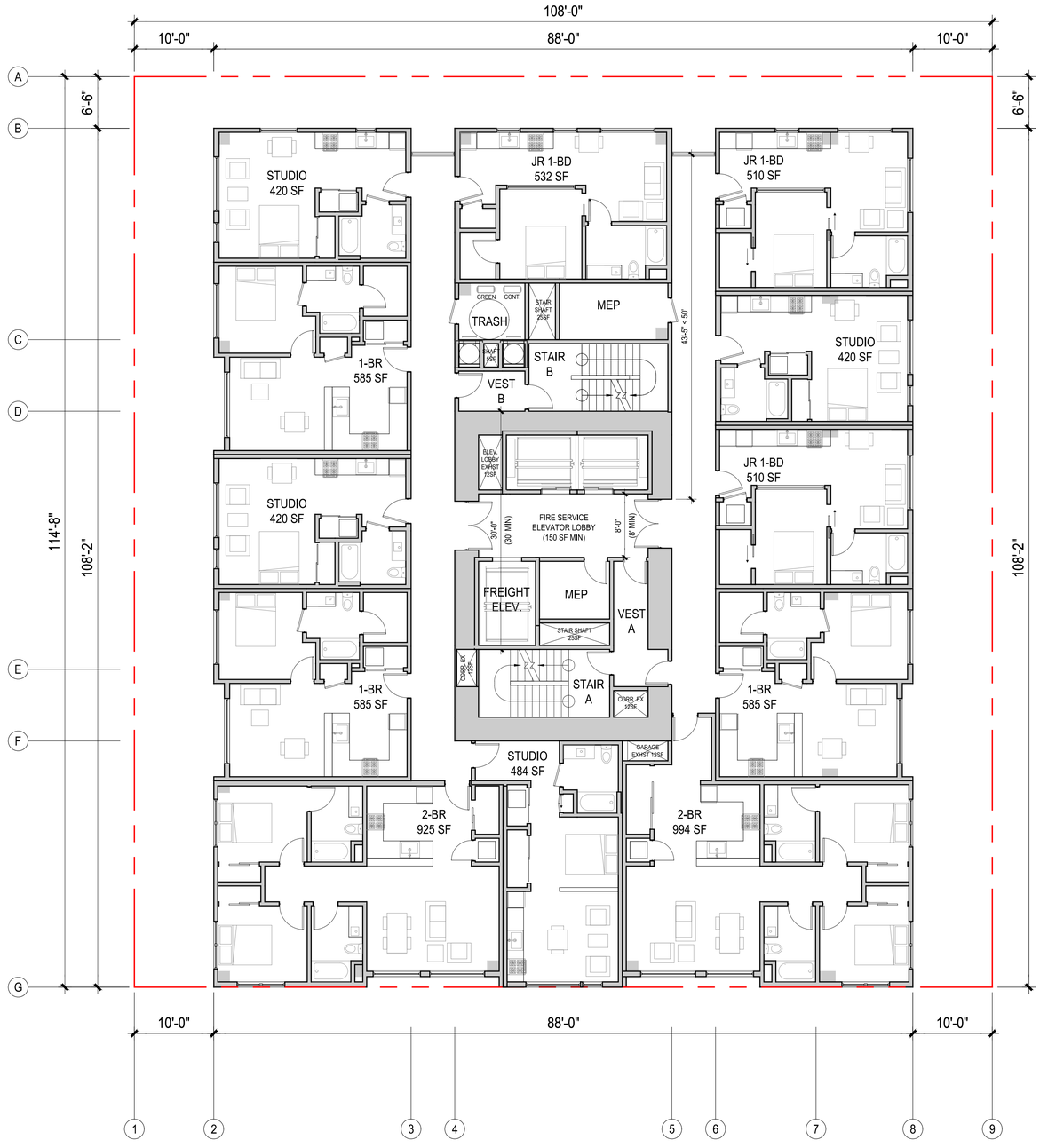
JOB: 2327

SHEET:

PLAN AT
LEVEL 3

A2.3



1 / - PLAN AT LEVELS 4-22

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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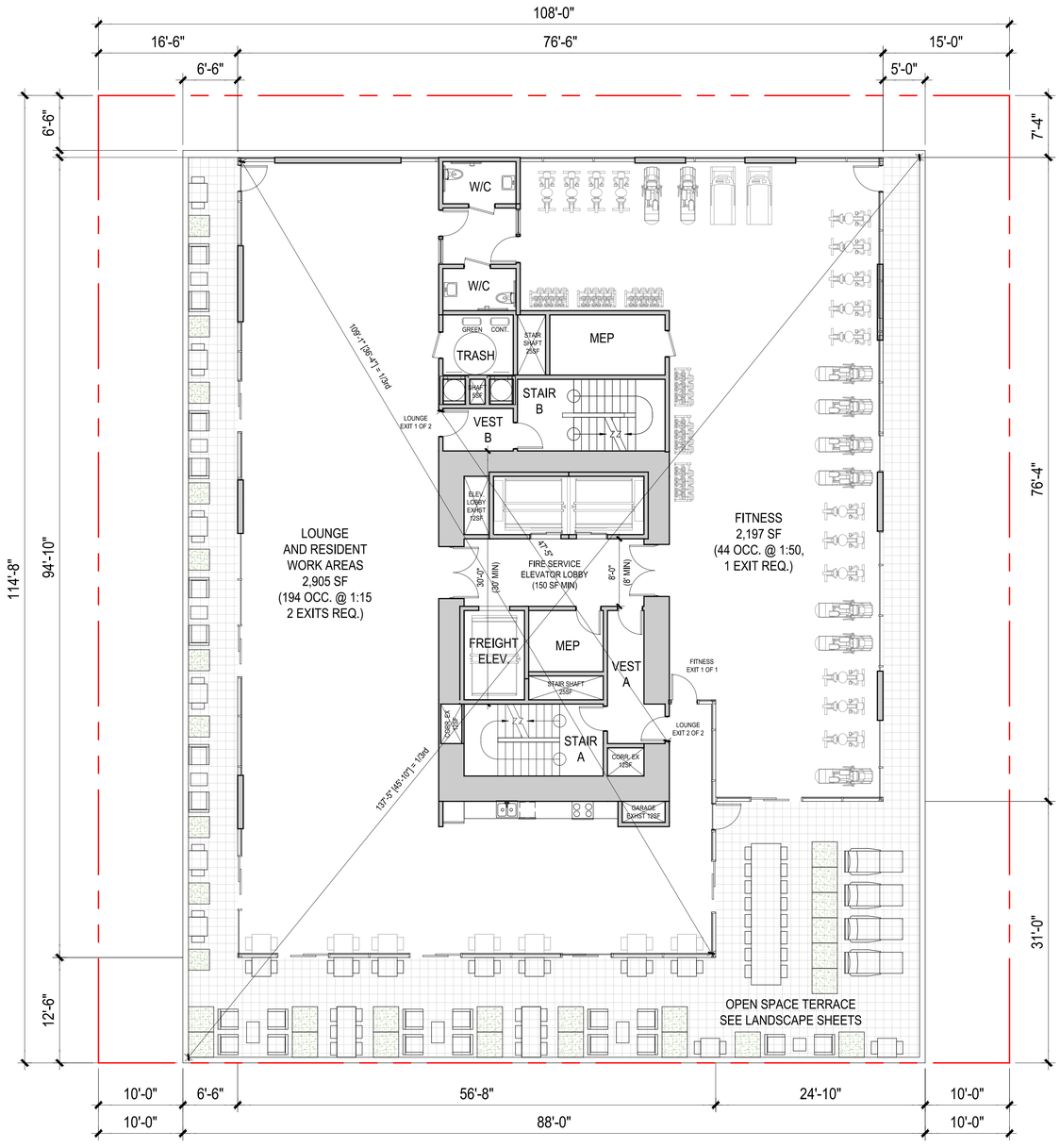
JOB: 2327

SHEET:

PLAN AT
LEVELS 4-22

A2.4



1 - PLAN AT LEVEL 23

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

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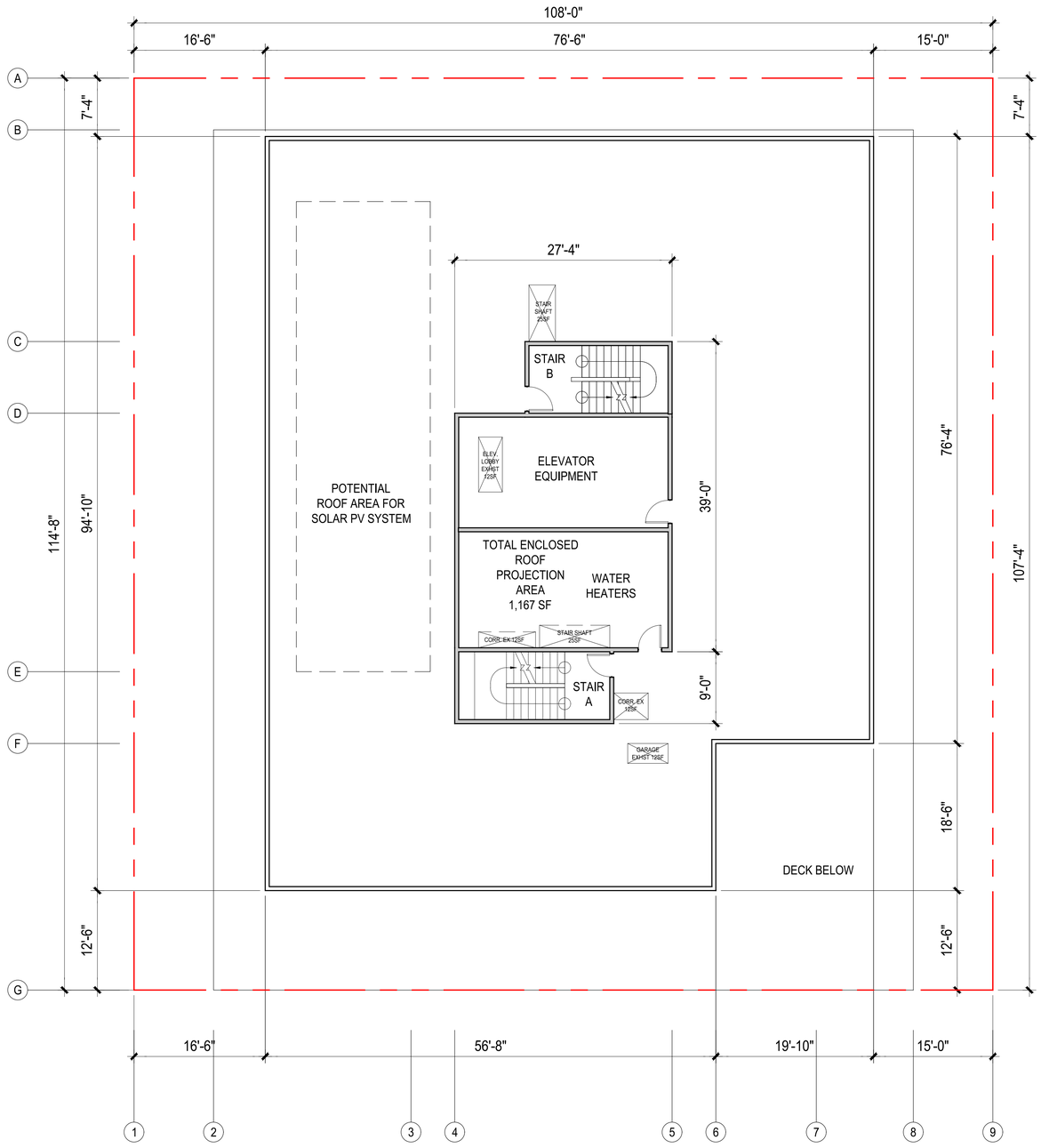
JOB: 2327

SHEET:

PLAN AT
LEVEL 23

A2.5



1 / - PLAN AT ROOF LEVEL

1/16" = 1' @ 11 X 17 1/8" = 1' @ 24 X 36

N

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JOB: 2327

SHEET:

PLAN AT
ROOF LEVEL

A2.6

1 - SOUTH ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.1

1 - WEST ELEVATION

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

0 4 8 16 32

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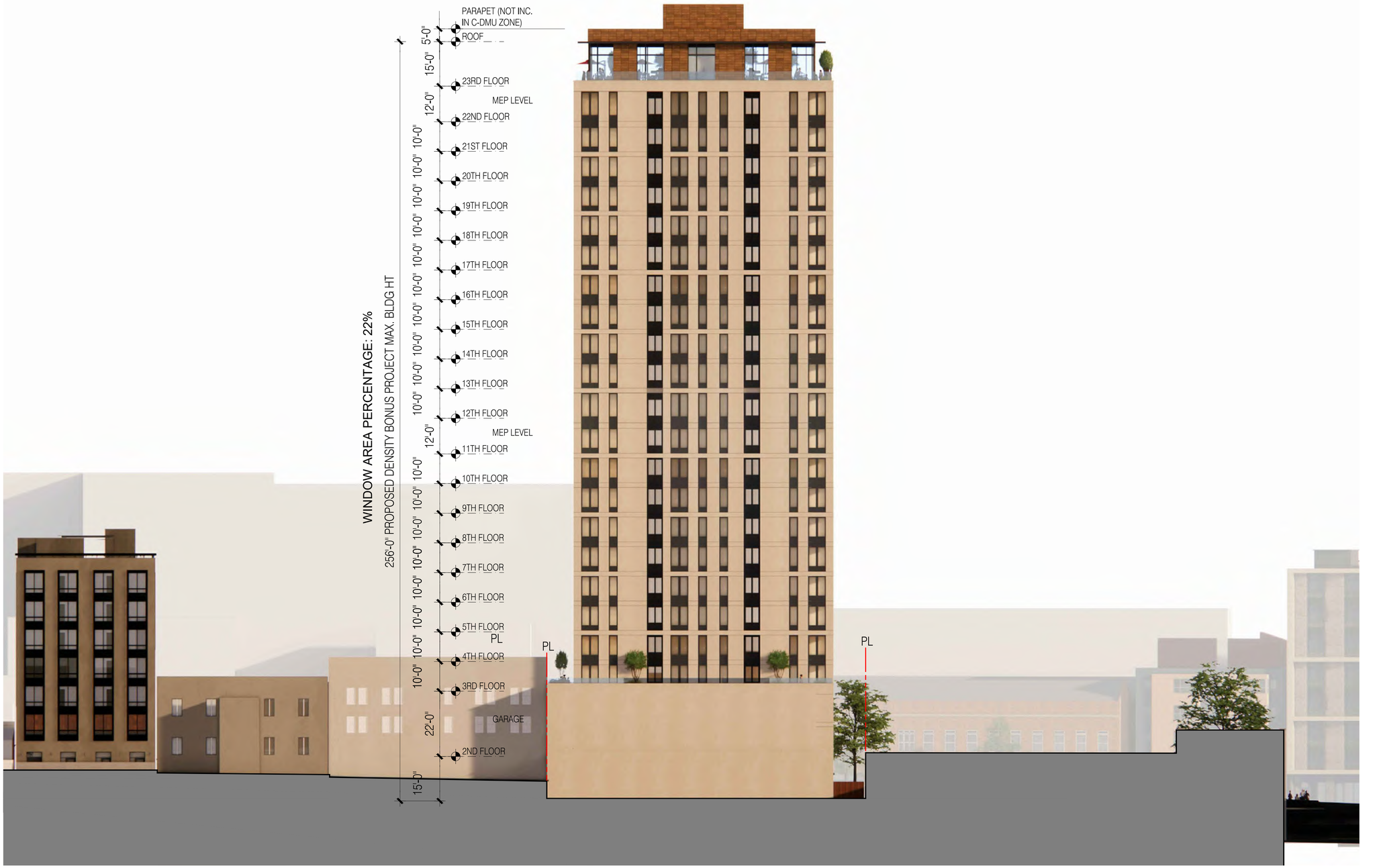
JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.2



1 - NORTH ELEVATION

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

0 4 8 16 32

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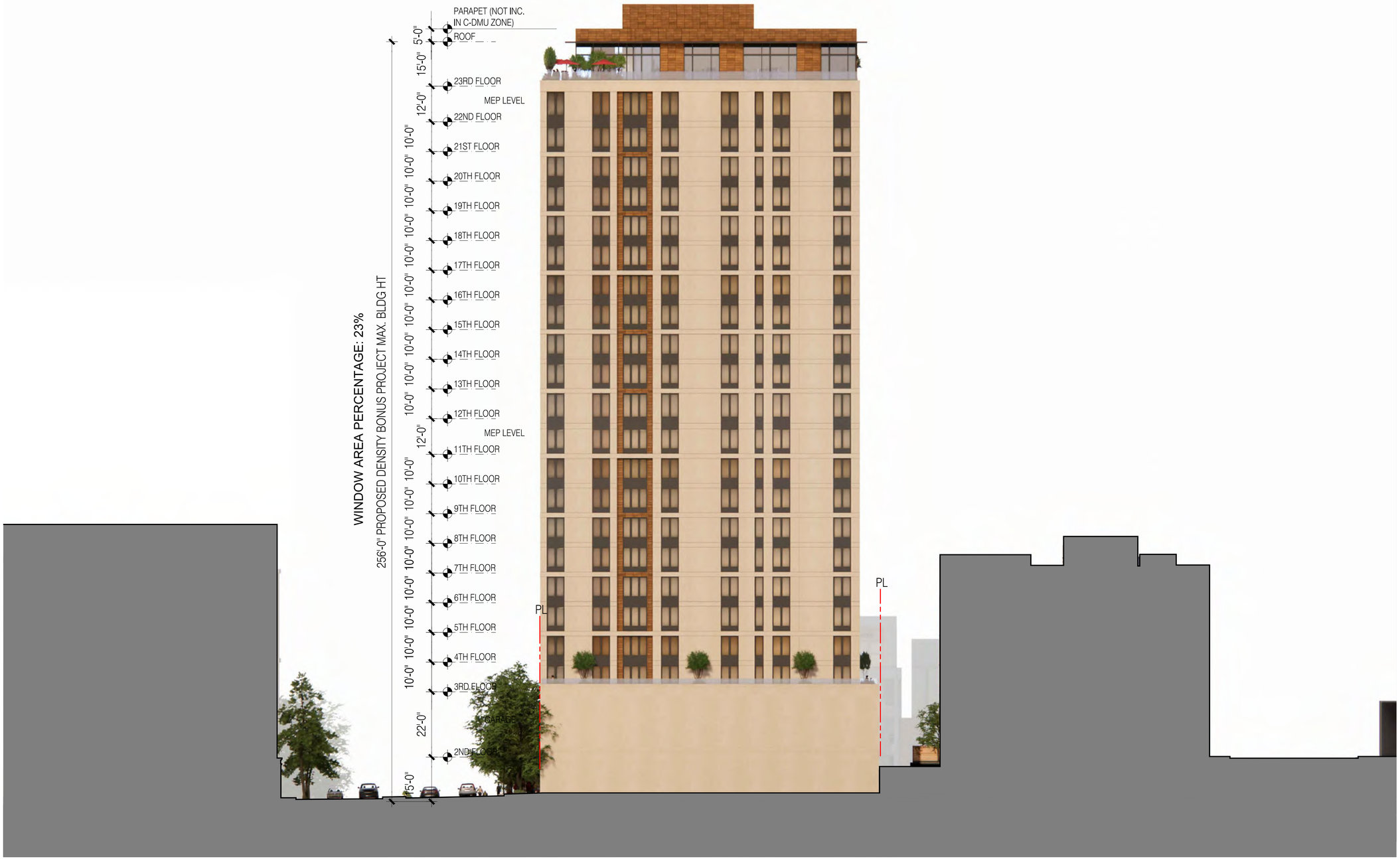
JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.3



1 - EAST ELEVATION

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

0 4 8 16 32

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JOB: 2327

SHEET:

BUILDING ELEVATIONS

A3.4

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JOB: 2327

SHEET:

STREET STRIP ELEVATIONS

A3.5

1
-
STREET STRIP ELEVATION @ UNIVERSITY AVE.
1/2"=50'-0" @ 11X17 1" = 50'-0" @ 24X36

0 10 20 40 80

4 A3.6 UNIVERSITY LOOKING EAST - AFTER

2 A3.6 UNIVERSITY LOOKING WEST - AFTER

3 A3.6 UNIVERSITY LOOKING EAST - BEFORE

1 A3.6 UNIVERSITY LOOKING WEST - BEFORE

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JOB: 2327

SHEET:

PHOTO CONTEXT VIEWS

A3.6

1 PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHWEST
-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.7

1 - SIDEWALK VIEW - UNIVERSITY LOOKING NORTHWEST
-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.8

1 - PERSPECTIVE VIEW - UNIVERSITY LOOKING NORTHEAST

-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.9

1 - SIDEWALK VIEW - UNIVERSITY LOOKING NORTHEAST
-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.10

1 - EVENING VIEW - UNIVERSITY LOOKING NORTHEAST
-

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JOB: 2327

SHEET:

CONCEPTUAL RENDERING

A3.11

1 MAT SOUTH ELEVATION
3/64"=1'-0" @ 11X17 3/32" = 1'-0" @ 24X36
0 4 8 16

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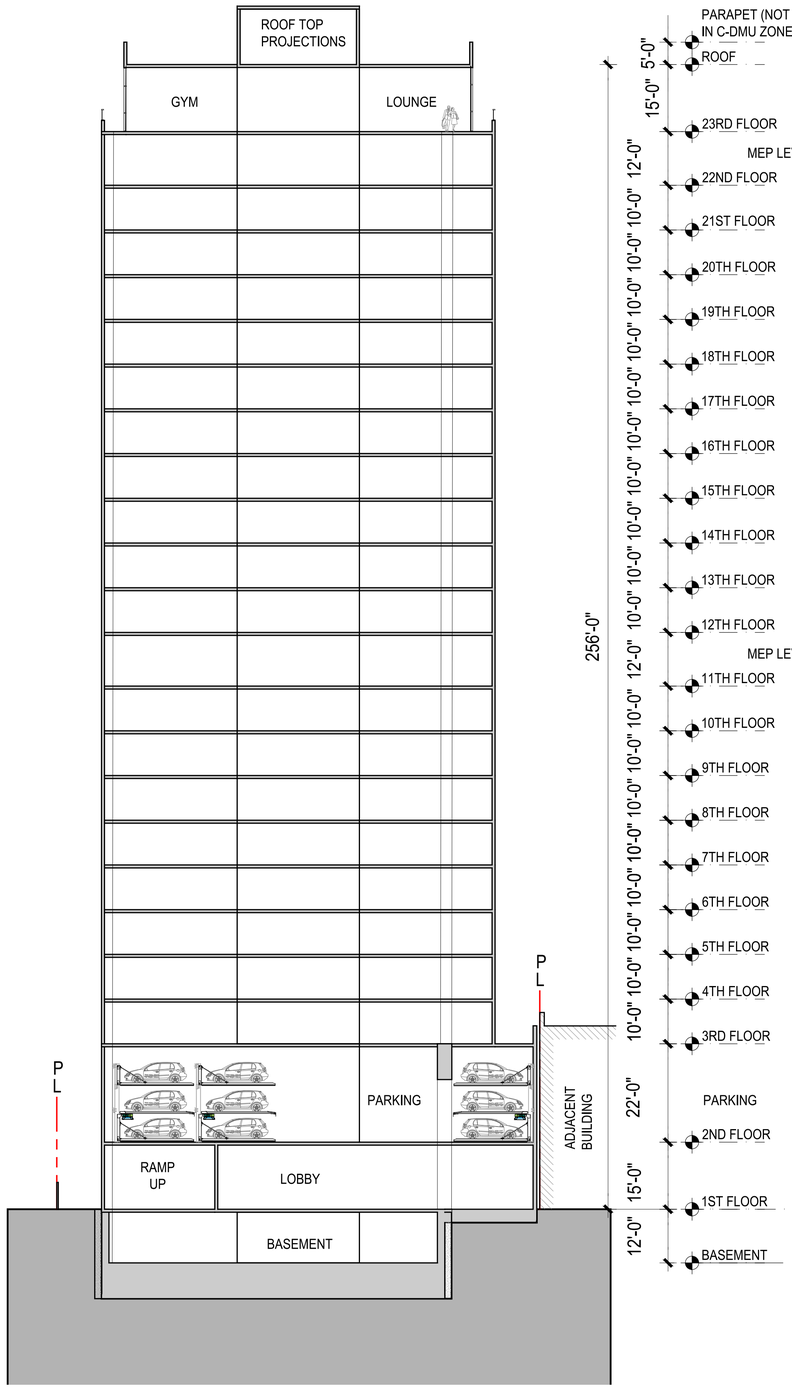
JOB: 2327

SHEET:

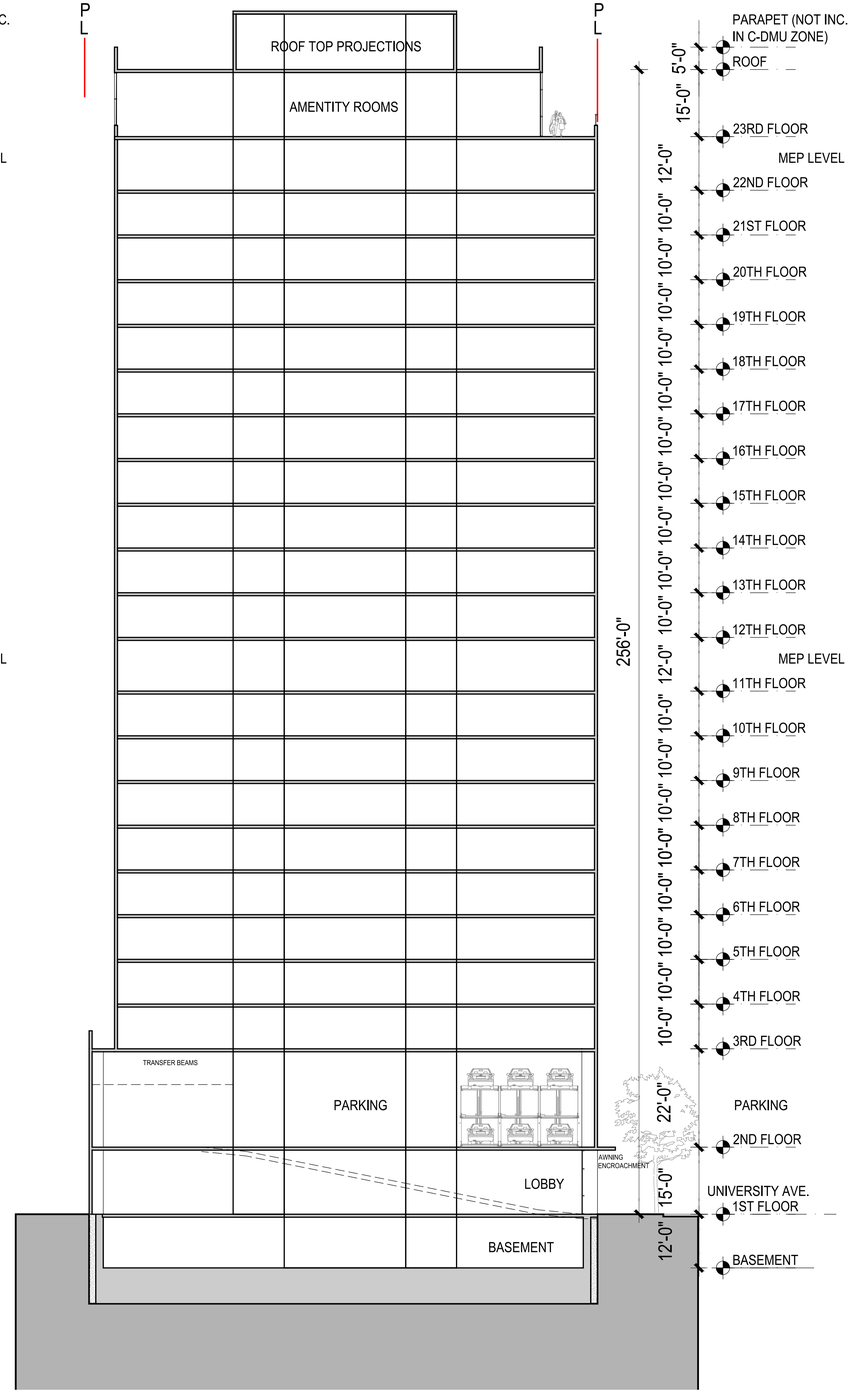
BUILDING MATERIALS

MAT



2 - EAST WEST SECTION

1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36



1 - NORTH SOUTH SECTION

1/32" = 1' @ 11 X 17 1/16" = 1' @ 24 X 36

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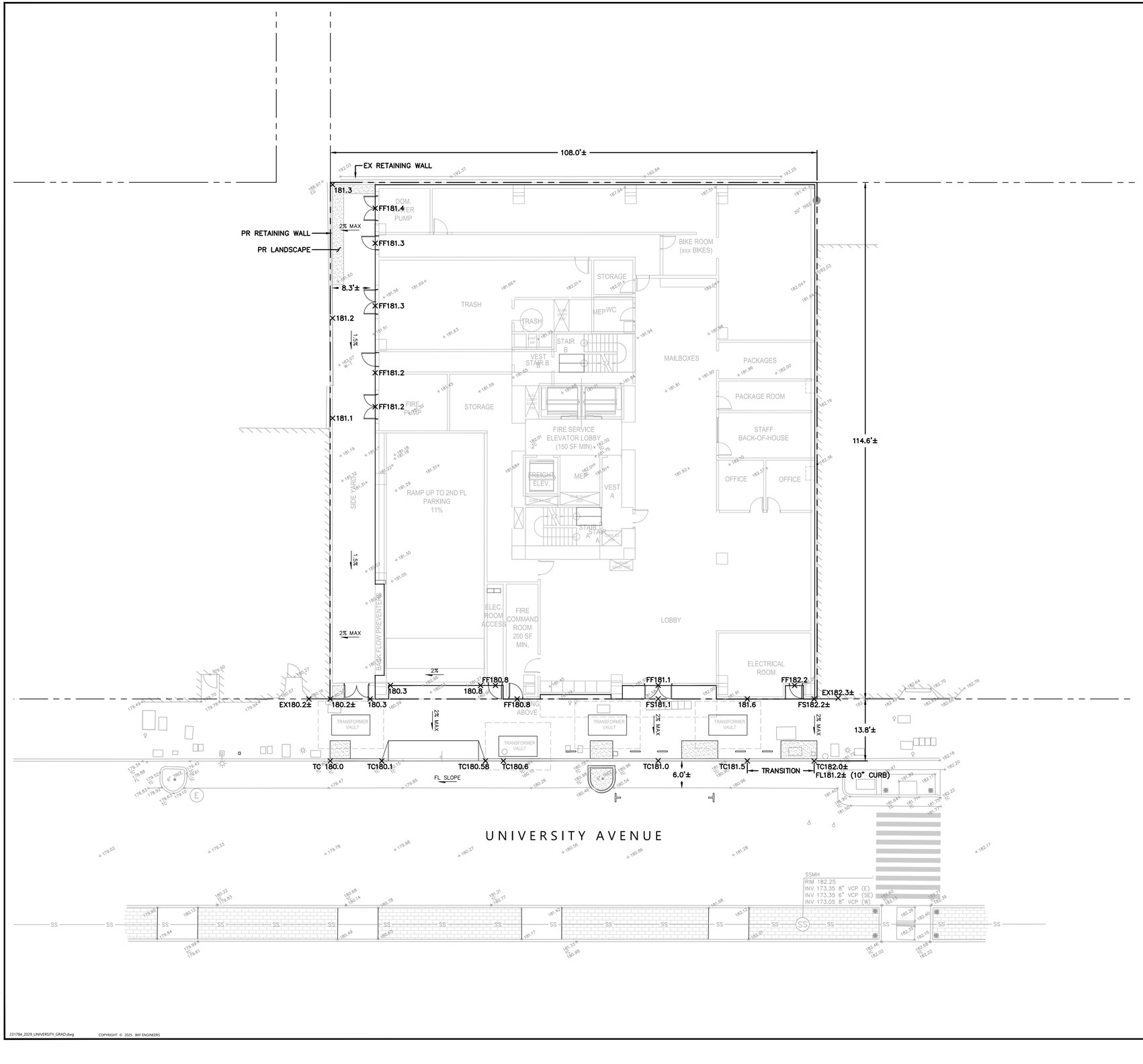
JOB: 2327

SHEET:

SECTIONS

A4.1



GENERAL NOTES

1. UTILITIES AND UNDERGROUND FACILITIES INDICATED ARE FOR INFORMATION ONLY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND DEPTH WITH APPROPRIATE AGENCIES. NEITHER THE OWNER NOR THE CITY NOR THE DESIGN PROFESSIONAL ASSUMES RESPONSIBILITY THAT THE UTILITIES AND UNDERGROUND FACILITIES INDICATED WILL BE THE UTILITIES AND UNDERGROUND FACILITIES ENCOUNTERED.
2. BOUNDARY INFORMATION SHOWN ACCORDING TO A FIELD SURVEY PERFORMED BY BKF ENGINEERS ON JULY 26, 2024.
3. BASIS OF BEARINGS: THE BEARING OF N05°35'30"W BETWEEN FOUND CITY OF BERKELEY MONUMENTS ON SHATTUCK AVENUE AT THE INTERSECTIONS OF UNIVERSITY AVENUE AND ADDISON STREET AS SHOWN ON PARCEL MAP 6772 FILED ON JANUARY 18, 1995, IN BOOK 216 PAGE 41, WAS TAKEN AS THE BASIS OF BEARINGS OF THIS SURVEY.
4. BENCHMARK: THE ELEVATIONS SHOWN HEREON ARE BASED ON A FOUND CITY OF BERKELEY BENCHMARK, MONUMENT B0490, A 2" CITY OF BERKELEY BRASS DISK WITH PUNCH IN A MONUMENT WELL. ELEVATION 187.09 FEET (DATUM = CITY OF BERKELEY).
5. FIELD SURVEY DATE: JULY 24, 2024 BY BKF ENGINEERS
6. ALL GRADING SHALL BE PREFORMED IN SUCH A MANOR AS TO COMPLY WITH THE STANDARDS ESTABLISHED BY THE AIR QUALITY MAINTENANCE DISTRICT FOR AIRBORNE PARTICULATES (DUST).
7. ALL THE GRADING SHALL CONFORM TO APPROVED SPECIFICATIONS PRESENTED HEREON OR ATTACHED HERETO. ALL GRADING WORK SHALL BE OBSERVED AND APPROVED BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER SHALL BE NOTIFIED AT LEAST 48 HOURS BEFORE BEGINNING ANY GRADING. UNOBSERVED AND UNAPPROVED GRADING WORK SHALL BE REMOVED AND REDONE AT THE CONTRACTORS EXPENSE.

ABBREVIATIONS

EX EXISTING
FF FINISHED FLOOR
FS FINISHED SURFACE
PR PROPOSED
TC TOP OF CURB

CUT AND FILL CALCULATIONS

	CUT/FILL AREA (SF)	APPROXIMATE CUT/FILL DEPTH (FT)	TOTAL VOLUME (CY)
PROPOSED BUILDING & SITE	12,380	20	9,200

1. THE EARTHWORK TABLE WAS PREPARED FOR THE PURPOSE OF DETERMINING THE ROUGH ORDER OF MAGNITUDE FOR PRELIMINARY COST, AND PLANNING PHASE. THIS DOES NOT REFLECT THE FINAL DESIGN. ALL ASSUMPTION ARE PRELIMINARY AND SUBJECT TO BE ALTERED UNTIL FINAL PERMIT AND APPROVAL.
2. EARTHWORK QUANTITY IS A ROUGH ESTIMATE BASED ON APPROXIMATE DEPTH OF BOTTOM OF BASEMENT PARKING LEVEL.
3. BASEMENT LEVEL BASED ON SHEET A4.1.
4. EARTHWORK QUANTITIES DO NOT TAKE INTO ACCOUNT SOIL SHRINKAGE, SOIL SWELLING, TRENCH SPOILS, SITE OVER-EXCAVATION REQUIREMENTS, OR ANY OTHER GEOTECHNICAL RECOMMENDATIONS.

05.14.2025 ZONING RESUBMISSION

10 0 10 20
scale 1" = 10' feet

Know what's below. Call before you dig.

REGISTERED PROFESSIONAL ENGINEER FIRST LASTNAME No. C-##### CIVIL STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/27/2025
FIRST M. LASTNAME C #####

BKF ENGINEERS
2100 FRANKLIN STREET
SUITE 40
OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

BKF

2029 UNIVERSITY APARTMENTS
APN 57-2025-8-1
2029 UNIVERSITY AVENUE, BERKELEY, CA

PRELIMINARY GRADING AND DRAINAGE PLAN

No.	Revisions

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C1.0

231784_2029_UNIVERSITY_GRAD.dwg COPYRIGHT © 2025 BKF ENGINEERS

Fri Mar 27, 2025 at 4:47pm

STORMWATER TREATMENT TABLE

	LOCATION	IMPERVIOUS (SF)	PERVIOUS (SF)	TOTAL AREA (SF)	REQ. TREATMENT AREAS (SF)(1)	TREATMENT PROVIDED (SF)		NOTES
DMA1	ROOF LVL	6,900	–	6,900	475	720	IMP1	
DMA2	23RD LVL ROOF DECK	2,600	–	2,600				
DMA3	GROUND LVL SIDE YARD	2,600	300	2,900	145	150	IMP2	
	TOTALS	12,100	300	12,400	620	870(3)		

1. REQUIRED TREATMENT IS PRELIMINARY PROGRAMMED AT 5% OF IMPERVIOUS AREA WITHIN EACH DRAINAGE MANAGEMENT AREA (DMA).
2. TRO CO AREA OPTIONS SHOWN ON LEVEL 3 UNOCCUPIED ROOFS. PORTION OF DRAIN COULD BE DIRECT TO AREAS SHOWN IN IMP2 IF NECESSARY TO ALIGN WITH BUILDING OPEN SPACE PROGRAMMING.
3. AVAILABLE SPACE FOR TREATMENT AREAS CAN BE INTERCHANGEABLE, AS NECESSARY.

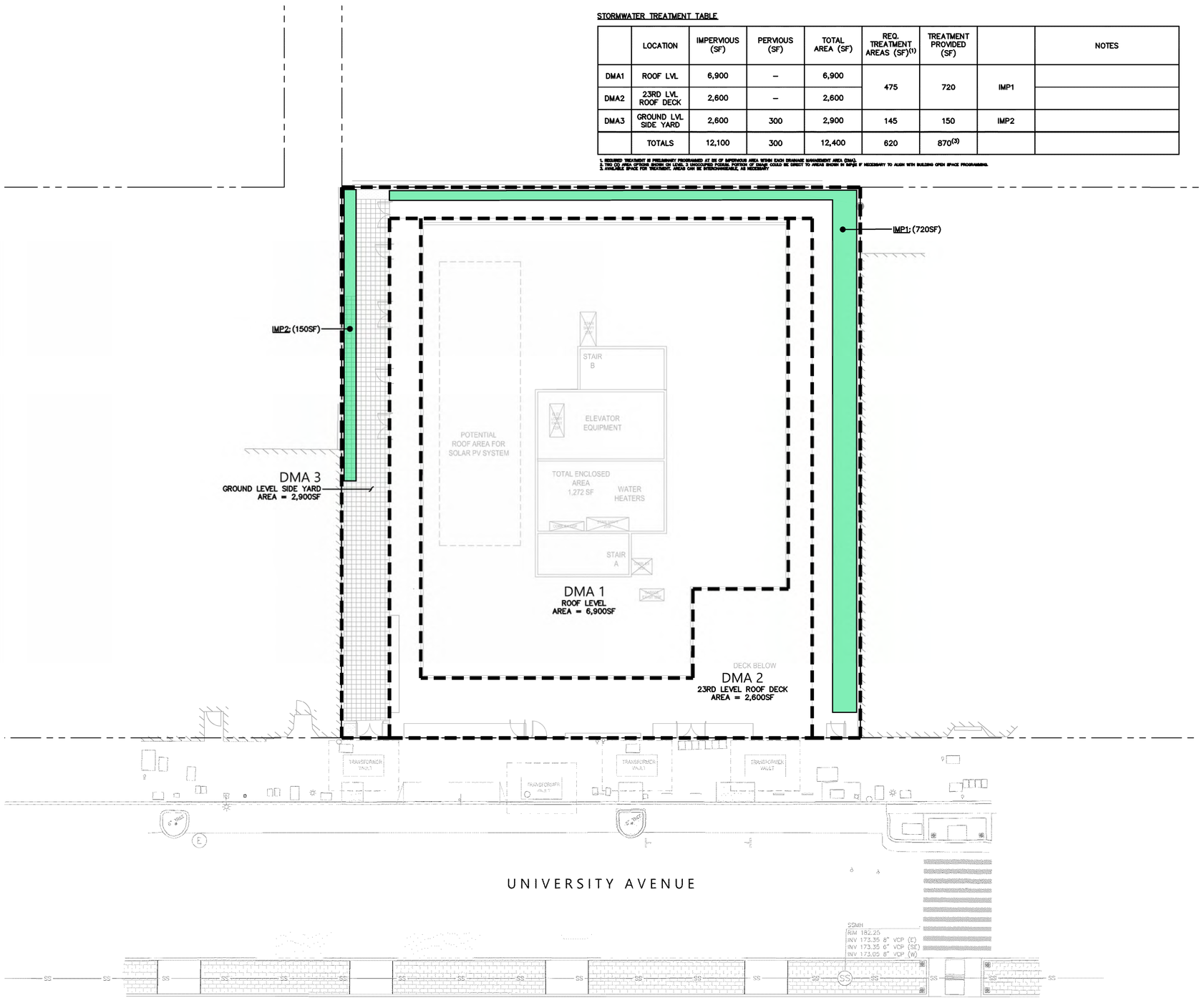
LEGEND

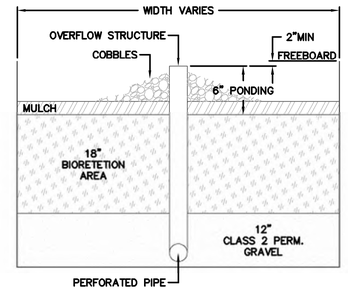
DRAINAGE MANAGEMENT AREAS (DMA)

IMP AREA

ABBREVIATIONS

DMA DRAINAGE MANAGEMENT AREA
IMP INTEGRATED MANAGEMENT PLAN
LVL LEVEL
SF SQUARE FOOT





TYPICAL BIORETETION SECTION
(ABOVE OR BELOW GRADE)
NOT TO SCALE

10 0 10 20
scale 1" = 10' feet

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Plot Mar 28, 2025 at 1:19pm

REGISTERED PROFESSIONAL ENGINEER FIRST M. LASTNAME No. C-##### Civil STATE OF CALIFORNIA

PRELIMINARY
NOT FOR CONSTRUCTION
DATE: 03/28/2025
FIRST M. LASTNAME C #####

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OAKLAND, CA 94612
(510) 899-7300
www.bkf.com

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APN 57-2025-8-1
2029 UNIVERSITY AVENUE, BERKELEY, CA

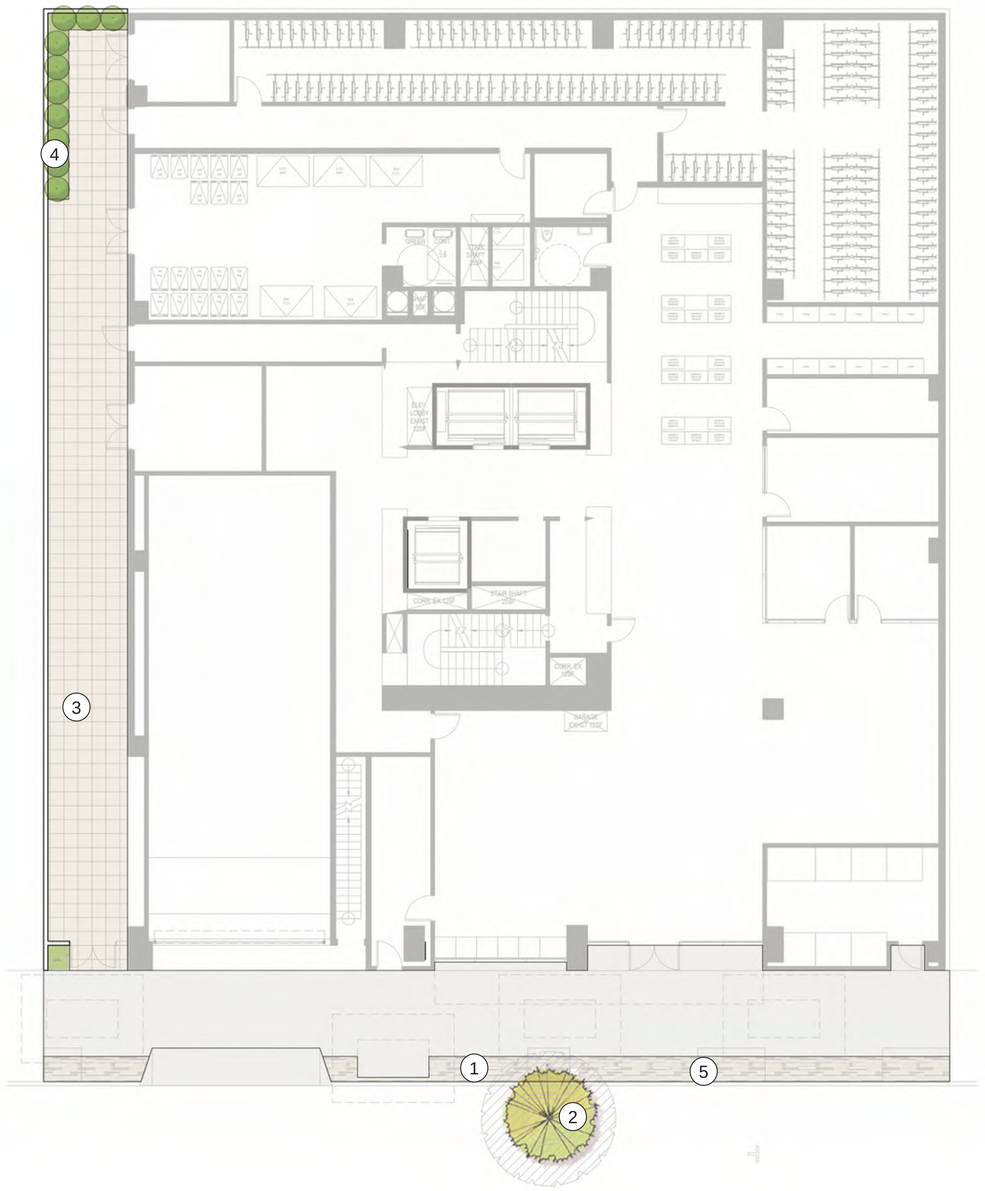
PRELIMINARY STORMWATER CONTROL PLAN

Revisions

No.	

Date: 03/28/2025
Scale: AS SHOWN
Design: S. LA
Drawn: S. LA
Approved: J. YOUNG
Job No: 20231784

Drawing Number:
C2.0



LEGEND

1. BIKE RACK 5 TOTAL (10 BIKE PARKING SPACES)
2. EXISTING TRIDENT MAPLE STREET TREE TO REMAIN. PROTECT IN PLACE. SEE SHEET L3.01 FOR TREE PROTECTION FENCING DETAIL AND GUIDELINES.
3. CONCRETE PAVING AT SIDE YARD
4. NATIVE SHRUB PLANTING
5. 3-FOOT WIDE CITY STANDARD PAVER BAND

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JOB: 2327

SHEET:

LANDSCAPE PLAN - GROUND FLOOR

N

0 4' 8' 16' 24'
SCALE: 1/8" = 1'-0"

L1.01

LEGEND

1. CMU STORMWATER PLANTERS, TYP - 634 SF TOTAL
2. MAINTENANCE WALKWAY

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JOB: 2327

SHEET:

LANDSCAPE PLAN - PODIUM LEVEL

N

0 4' 8' 16' 24'
SCALE: 1/8" = 1'-0"

L1.02

LEGEND

1. FAMILY STYLE DINING TABLE
2. GREEN ROOF PLANTING
3. TABLE WITH CHAIRS
4. LOUNGE FURNISHING

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JOB: 2327

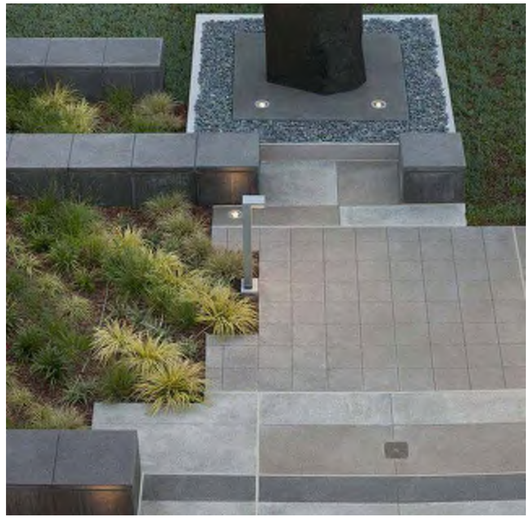
SHEET:

LANDSCAPE PLAN - ROOF DECK

L1.03

N

0 4' 12' 24' 48'
SCALE: 3/16" = 1'-0"



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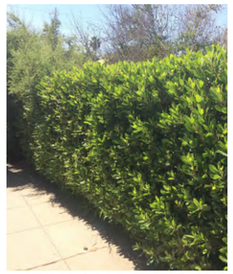
JOB: 2327

SHEET:

PRECEDENT IMAGES

L2.01



NATIVE SCREENING SHRUBS

SHRUBS

GROUNDCOVER

DENOTES POLLINATOR PLANT SPECIES

GENERAL PLANTING AND IRRIGATION NOTES

1. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH THE CRITERIA OF THE CALIFORNIA MODEL WATER EFFICIENCY ORDINANCE AND APPLY THOSE CRITERIA FOR THE EFFICIENT USE OF WATER IN THE LANDSCAPE DESIGN PLAN.

2. LANDSCAPE AND IRRIGATION PLANS SHALL COMPLY WITH ALL APPLICABLE CITY CODES AND ORDINANCES.

3. ALL PLANTING AREAS SHALL BE TOP-DRESSED WITH A 3" LAYER OF ORGANIC, UN- DYED MULCH RECYCLED FROM LOCAL ORGANIC MATERIALS SUCH AS TREE TRIMMINGS, PLANT, OR CLEAN WOOD WASTE. COMPOST APPLICATION TO ACHIEVE A MINIMUM OF 6% ORGANIC MATTER IN SOIL COMPOSITION BASED ON MWELO SPECIFIED SOIL ANALYSIS RESULS FOR THE SITE SOIL PER [CGBSC 4.304].

4. 50% OF ALL SHRUBS AND GROUNDCOVER SHALL BE A MINIMUM OF 5-GALLON SIZE OR LARGER.

5. IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC WEATHER-BASED SYSTEM USING LOW FLOW DRIP AND BUBBLER SYSTEM.

6. STREET TREES SHALL BE TIED INTO IRRIGATION SYSTEM.

7. 58% OF ALL PLANTS PROPOSED ARE NATIVE AND WILD-LIFE SUPPORTING.

8. PLANT SELECTION AND DESIGN TO COMPLY WITH BAY-AREA FRIENDLY BASICS LANDSCAPE CHECKLIST.

IRRIGATION SYSTEM DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) WATER DISTRICT.

2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.

3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.

4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.

5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE, RAIN SENSOR AND FLOW SENSING CAPABILITY CONNECTED TO THE IRRIGATION CONTROLLER WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.

6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.

7. COLOR CODED HYDROZONE LANDSACPING HYDROZONE MAP WITH GROUPING AND COLLOCATING PLANTING MATERIAS BY WUCOLS WATER USE CATEGORY VL, L, M, OR H, PER [CGBSC 4.304}, TO BE PROVIDED IN PERMIT DRAWINGS.

8. RAIN SENSOR AND CONTROLLER LOCATION TO BE PROVIDED IN PERMIT DRAWINGS.

EXISTING TREE PROTECTION NOTES

1. PRIOR TO AND DURING DEMOLITION, GRADING AND CONSTRUCTION, THE EXISTING TREE ON THE DRAWINGS SHALL BE PROTECTED BY FENCING INSTALLED OUTSIDE THE EXISTING DRIPLINE OF THE TREE, OR AS OTHERWISE SHOWN ON THE DRAWINGS. FENCING MAY OCCUR AT THE COMBINED DRIPLINES OF GROVES OF TREES.

2. EXISTING TREE DRIPLINES ARE SHOWN DIAGRAMMATICALLY ON THE PLANS; TREE PROTECTION FENCING INDICATED AT THEIR PERIMETER IS LIKEWISE DIAGRAMMATIC. THE LENGTH OF ALL TREE PROTECTION FENCING IS TO BE MEASURED IN THE FIELD ACCORDING TO THE TRUE SHAPE AND DIAMETER OF TREE DRIPLINES.

3. FENCING SHALL BE SIX FOOT HIGH CHAIN LINK WITH STEEL POSTS EMBEDDED IN THE GROUND. ALL FENCE SECTIONS SHALL BE CLEARLY MARKED WITH A SIGN STATING, "TREE PROTECTION ZONE."

4. FENCING SHALL REMAIN IN PLACE THROUGHOUT THE CONSTRUCTION PERIOD UNTIL FINAL LANDSCAPE INSPECTION BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT.

5. 3" DEEP MULCH IS TO BE PLACED BENEATH THE DRIPLINE OF ALL TREES SHOWN TO BE PROTECTED WITH FENCING.

6. NO GRADING OR CONSTRUCTION WORK SHALL OCCUR WITHIN THE DRIPLINE OF EXISTING TREES, WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. IF EXCAVATION WITHIN THE DRIPLINE IS NECESSARY, THE CONTRACTOR SHALL HAND DIG UNDER THE DIRECTION OF A CERTIFIED ARBORIST. CONTRACTOR TO NOTIFY AND COORDINATE WITH CERTIFIED ARBORIST AT LEAST 72 HOURS PRIOR TO ANY WORK BEING DONE IN DRIPLINE. THE CONTRACTOR SHALL HAVE A CERTIFIED ARBORIST ON SITE TO MONITOR ALL ROOT PRUNING AND BRANCH PRUNING OF EXISTING TREES.

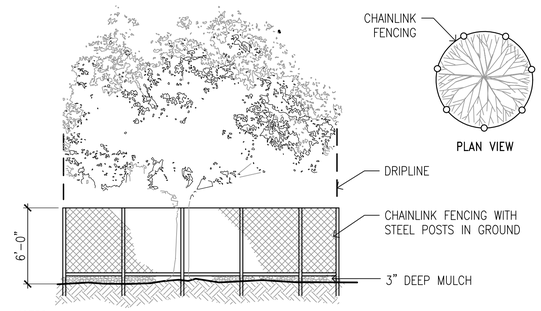
7. NO STOCKPILING/STORAGE OF FILL, ETC., SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

8. FOR ALL TREES TO REMAIN, NO OIL, GASOLINE, CHEMICALS, LIQUID WASTER, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED, DISPOSED OR STORED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE WHETHER SHOWN WITH TREE PROTECTION FENCING OR NOT. LIKEWISE, NO EQUIPMENT MAY BE WASHED WITHIN THE DRIPLINE OR DRAINAGE CHANNEL OF ANY TREE.

9. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.

10. THE CONTRACTOR IS REQUIRED TO WATER, FERTILIZE, AND ATTEND TO ALL MAINTENANCE NEEDS OF ANY EXISTING TREES, SHRUBS AND TURF TO REMAIN WHERE AFFECTED BY CONSTRUCTION WORK IN ORDER TO MAINTAIN HEALTHY GROWTH THROUGHOUT THE CONSTRUCTION PERIOD.

11. UNAUTHORIZED TREE REMOVAL IS SUBJECT TO REPLACEMENT EQUAL TO THE APPRAISED VALUE OF THE TREE LOST.



NOTES

1. NO EXISTING TREE MAY BE PRUNED WITHOUT PRIOR APPROVAL BY THE CITY ARBORIST.
2. NO EQUIPMENT MAY BE STORED WITHIN OR BENEATH THE DRIPLINES OF THE EXISTING TREES.
3. NO OIL, GASOLINE, CHEMICALS, OR OTHER HARMFUL MATERIALS SHALL BE DEPOSITED OR DISPOSED WITHIN THE DRIPLINE OF THE TREES OR IN DRAINAGE CHANNELS, SWALES, OR AREAS THAT MAY LEAD TO THE DRIPLINE.
4. NO STOCKPILING/STORAGE OF FILL, ETC, SHALL TAKE PLACE UNDERNEATH OR WITHIN FIVE FEET OF THE DRIPLINE OF THE EXISTING TREES.

LANDSCAPE AREA CALCULATION:

	LANDSCAPE AREA
GROUND LEVEL:	- 77 SF
PODIUM LEVEL:	- 634 SF
ROOF DECK LEVEL:	- 237 SF
TOTAL:	- 948 SF

STORMWATER TREATMENT AREA:

REQUIRED STORMWATER TREATMENT AREA= 455
4% OF THE BUILDING FOOTPRINT (- PROPOSED STORMWATER TREATMENT AREA= - 634 SF

BIKE PARKING CALCULATIONS:

TOTAL SHORT TERM BIKE PARKING STALLS PROVIDED: 10 STALLS (5 BIKE RACKS)

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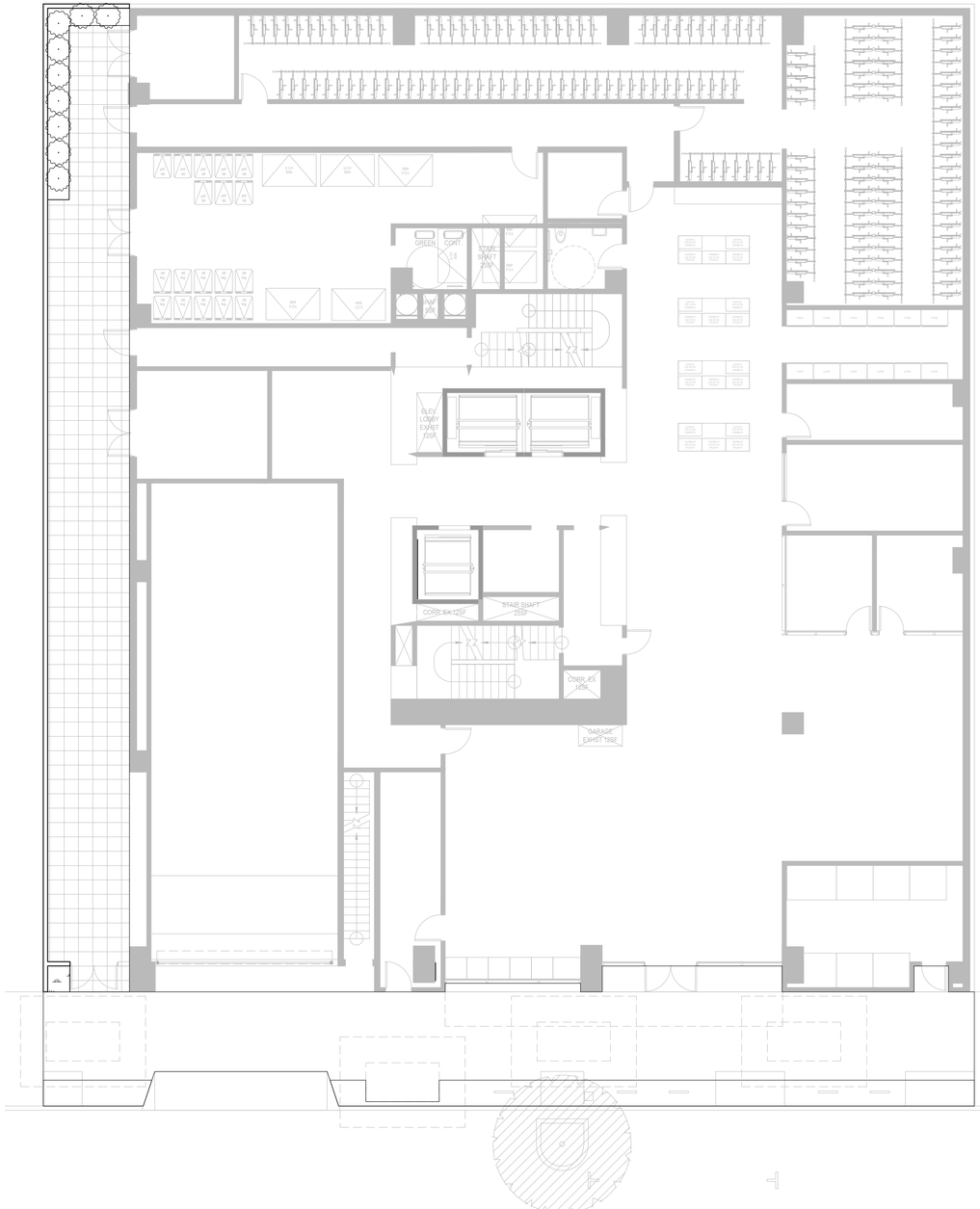
SHEET:

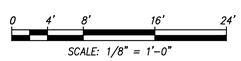
PLANT IMAGES, NOTES & CALCULATIONS

L3.01



PLANT LIST

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	SPACING	QTY	WTR USE	NATIVE Y/N?
SHRUBS – LARGE – NATIVE							
	HETEROMELES ARBUTIFOLIA	TOYON	15 GAL	PER PLAN	10	L	Y
SHRUBS – SMALL/MEDIUM							
	ACHILLEA 'PAPRIKA'	YARROW	1 GAL	1'–0" OC		L	N
	ACHILLEA 'SONOMA COAST'	YARROW	1 GAL	1'–0" OC		L	N
	AGASTACHE BARBERI	HUMMINGBIRD MINT	1 GAL	2'–0" OC		L	Y
	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'–0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
GROUNDCOVERS							
	ARCTOSTAPHYLOS 'EMERALD CARPET'	CARPET MANZANITA	5 GAL	4'–0" OC		L	Y
STORMWATER							
	CAREX DIVULSA	BERKELEY SEDGE	1 GAL	2'–0" OC		L	N
	CHONDROPETALUM TECTORUM	LARGE CAPE RUSH	5 GAL	3'–0" OC		L	N
	JUNCUS PATENS	CALIFORNIA GRAY RUSH	1 GAL	2'–0" OC		L	Y



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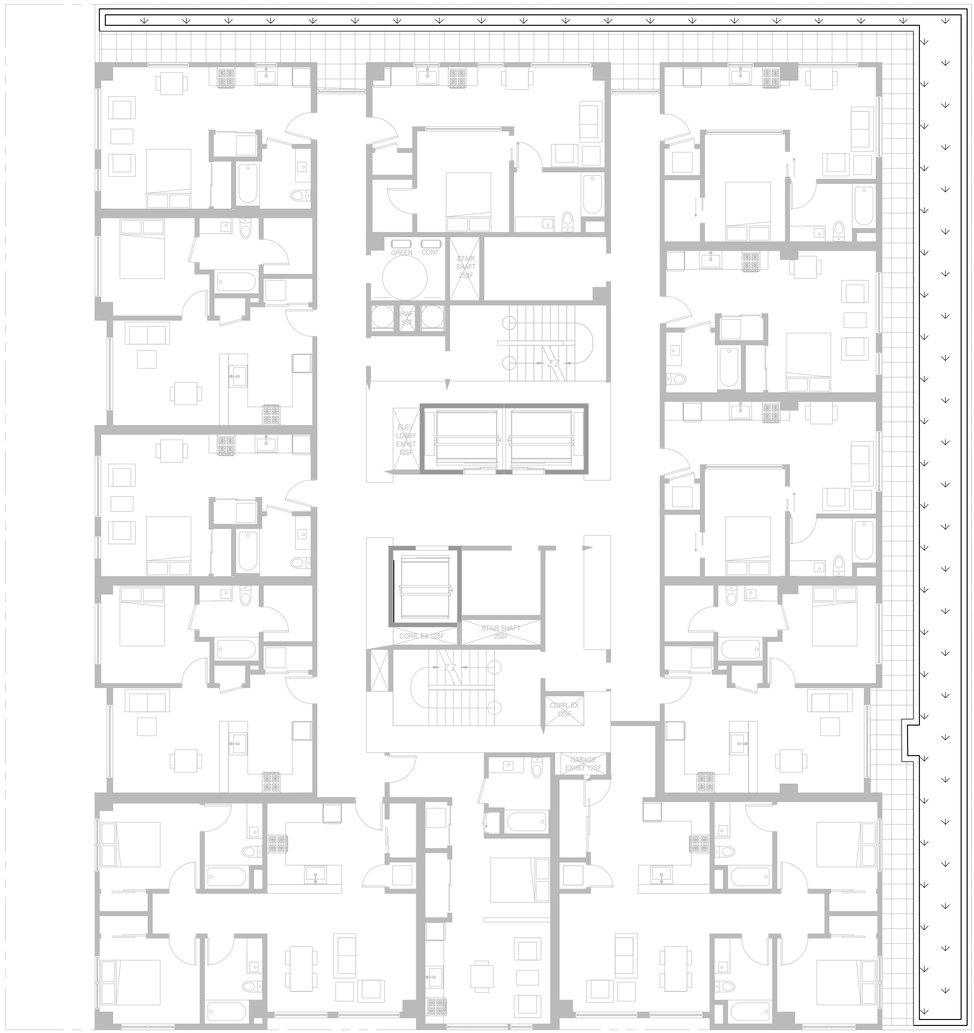
PLANTING PLAN - GROUND FLOOR

L4.01



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	ERIGONIUM RUBRA	RED BUCKWHEAT	1 GAL	3'–0" OC		L	Y
	EPILOBIUM 'EVERETTS CHOICE'	EVERETTS CA FUCHSIA	5 GAL	3'–0" OC		L	Y
	IRIS PSEUDACORUS	YELLOW IRIS	5 GAL	2'–0" OC		L	N
	LOMANDRA 'BREEZE'	DWARF MAT RUSH	5 GAL	2'–0" OC		L	N
	MIMULUS ARANTIACUS	STICKY MONKEYFLOWER	5 GAL	3'–0" OC		L	Y
	MONARDELLA VILLOSA	COYOTE MINT	5 GAL	2'–0" OC		L	Y
	SALVIA 'BLUE NOTE'	AUTUMN SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA 'MAY NIGHT'	MEADOW SAGE	5 GAL	2'–0" OC		L	Y
	SALVIA ULIGINOSA	BLUE SPIKE SAGE	5 GAL	2'–0" OC		L	Y
	SISYRINCHIUM BELLUM	WESTERN BLUE EYED GRASS	5 GAL	1'–0" OC		L	Y
GROUNDCOVERS							
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STORMWATER							
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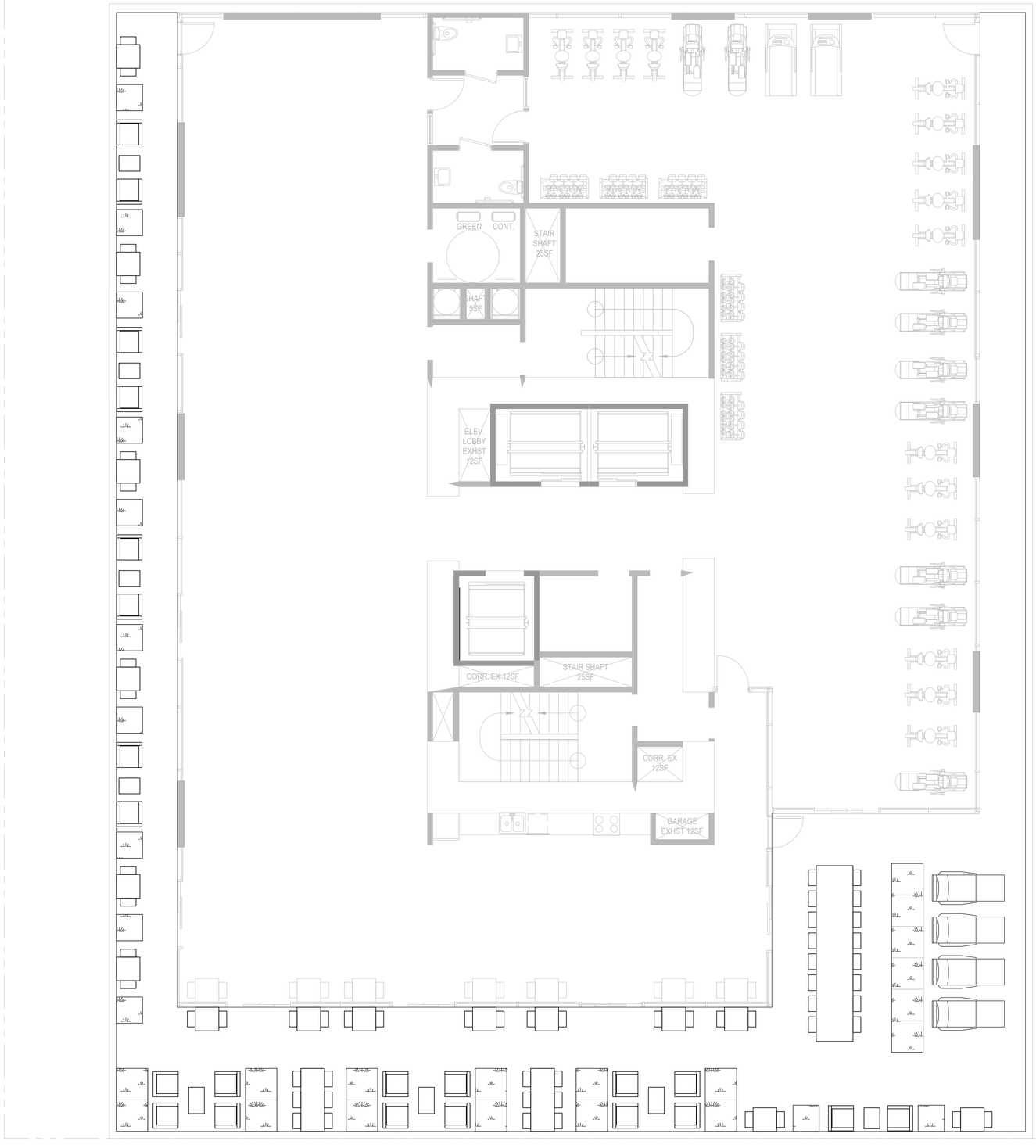
PLANTING PLAN - PODIUM LEVEL

N

0 4' 8' 16' 24'
SCALE: 1/8" = 1'–0"

L4.02



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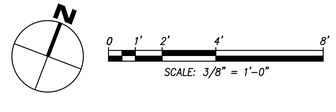

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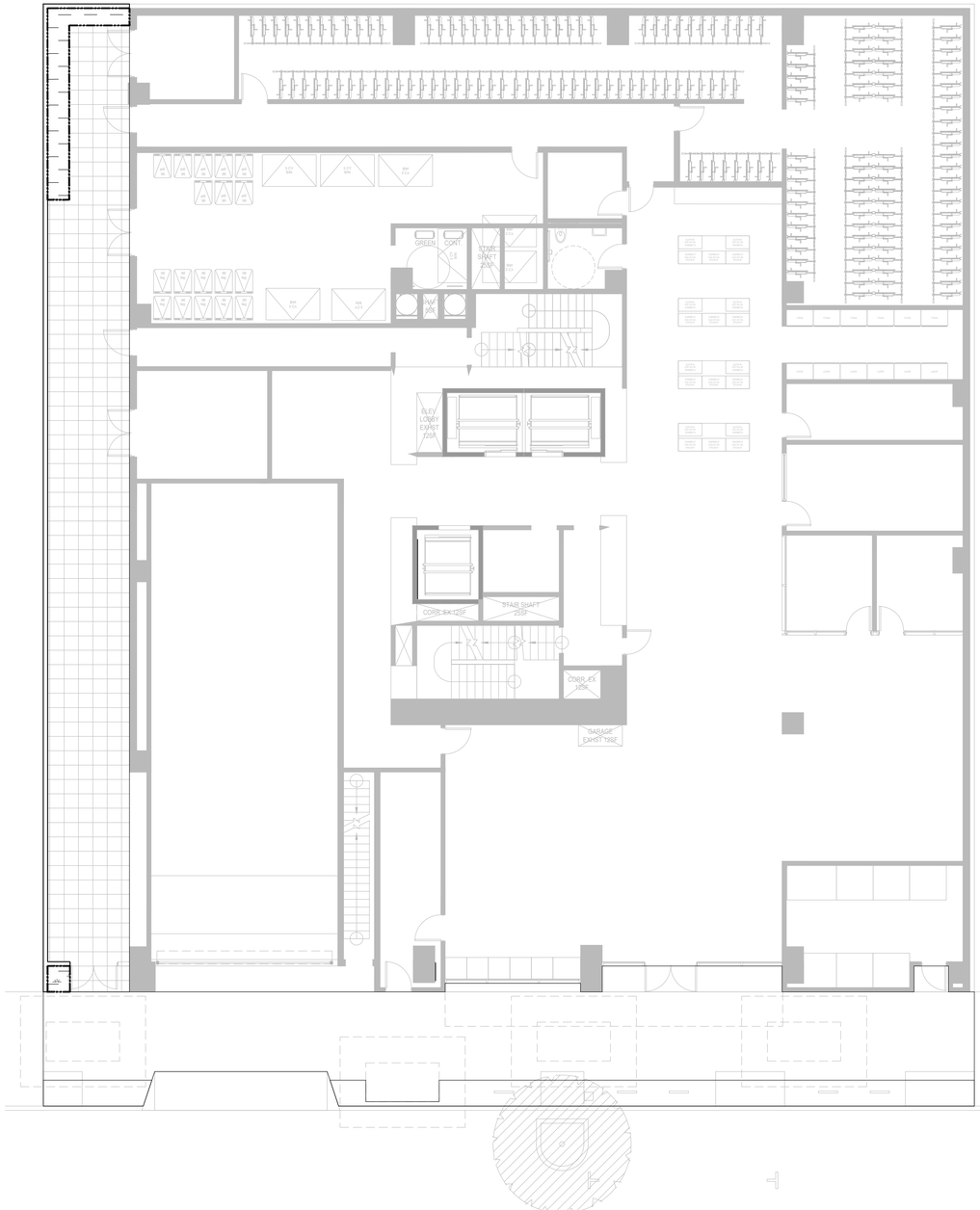
PLANTING PLAN - ROOF DECK

L4.03



HYDROZONE LEGEND

SYMBOL	ZONE	HYDROZONE	PLANT TYPE	IRRIGATION TYPE	AREA (SF)	TOTAL (SF)	% LANDSCAPE
	1	LOW WATER USE	SHRUB & GROUNDCOVER	DRIP	895	895.0	94%
	2	LOW WATER USE	TREES	BUBBLER	0		
	3	MODERATE WATER USE	SHRUB & GROUNDCOVER	DRIP	54	54	6%
	4	MODERATE WATER USE	TREES	BUBBLER	0		
					TOTAL	949.0	100%

HYDROZONE INFORMATION TABLE

REFERENCE ANNUAL ET_o FOR:	BERKELEY (MWELO REF. ET TABLE)			41.8
ET ADJUSTMENT FACTOR	0.55	ET ADJ FACTOR PER MWELO: 0.80= EXISTING NON-REHABILITATED LANDSCAPE, 0.65= SCHOOL 0.55= RESIDENTIAL, 0.45= NON-RESIDENTIAL	SLA ADDITIONAL WATER ALLOWANCE (1.0-ETAF)	0.45

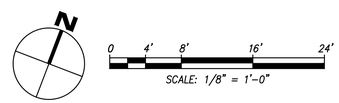
HYDROZONE	WUCOLS IV PLANT FACTOR (PF)	IRR METHOD DRIP & BUBB.: 0.81 SPRAY & ROTOR: 0.75	IRRIGATION EFFICIENCY (IE)	$ETAF_Z$ (PF/IE)	LANDSCAPE AREA (SQ FT)	$ETAF_Z$ x AREA	ESTIMATED TOTAL WATER USE (ETWU)
1	0.3	D	0.81	0.37	77	28.52	739.09
2	0.3	B	0.81	0.37	634	234.81	6085.46
3	0.3	D	0.81	0.37	183	67.78	1756.53
4	0.6	B	0.81	0.74	54	40.00	1036.64
–	0	D	.81	0.00	0	0.00	0.00
–	0	D	.81	0.00	0	0.00	0.00
				TOTAL	948.00	371.11	9,617.72
SPECIAL LANDSCAPE AREAS							
5			1	0	0.00	0.00	
--			0	0	0.00	0.00	
			TOTAL	0	0.00	0.00	
	TOTAL LANDSCAPE AREA (LA + SLA)			948.00			

TOTAL ETWU	TOTAL ETWU ALL AREAS (SLA AND REGULAR LA)	TOTAL ETWU	9,617.72
MAWA	(ANNUAL ETO)(0.62 CONVERSION FACTOR) [(ET ADJUSTMENT FACTOR)(TOTAL LANDSCAPE AREA) + (1-ETAF)*SLA))]	MAWA	13,512.60

AVERAGE ETAF	SUM($ETAF_Z$ X AREA) / TOTAL AREA (AVERAGE ETAF AS DESIGNED, EXCLUSIVE OF SLA_S)	0.39
SITEWIDE ETAF	TOTAL ETAF X AREA / TOTAL LANDSCAPE AREA (INCLUDES SLA_S)	0.39

IRRIGATION DESIGN INTENT

1. THIS PLAN SHALL COMPLY WITH THE REQUIREMENTS OF THE STATE OF CALIFORNIA'S MODEL WATER EFFICIENT LANDSCAPE ORDINANCE (MWELO), CITY OF BERKELEY, AND EAST BAY MUNICIPAL DISTRICT (EBMUD) WATER DISTRICT.
2. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE THE MINIMUM AMOUNT OF WATER NECESSARY TO SUSTAIN GOOD PLANT HEALTH.
3. THE IRRIGATION SYSTEM IS TO BE A FULLY AUTOMATIC, WEATHER-BASED SYSTEM USING RAIN SENSOR, LOW FLOW DRIP, BUBBLER DISTRIBUTION, AND ROTOR WITH MATCHED PRECIPITATION RATE NOZZLES DESIGNED FOR HEAD-TO-HEAD COVERAGE.
4. ALL SELECTED COMPONENTS SHALL BE PERMANENT, COMMERCIAL GRADE, SELECTED FOR DURABILITY, VANDAL RESISTANCE AND MINIMUM MAINTENANCE REQUIREMENT, INSTALLED BELOW-GRADE, AND DESIGNED FOR 100% COVERAGE.
5. THE SYSTEM SHALL INCLUDE A MASTER CONTROL VALVE AND FLOW SENSING CAPABILITY WHICH WILL SHUT DOWN ALL OR PART OF THE SYSTEM IF LEAKS ARE DETECTED.
6. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO DELIVER WATER TO HYDROZONES BASED ON MOISTURE REQUIREMENTS OF THE PLANT GROUPING.



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2029 UNIVERSITY RESIDENTIAL

2029 University Ave.
Berkeley, CA

12.19.24 ZONING APPLICATION SUBMISSION
03.28.25 ZONING RESUBMISSION
05.14.25 ZONING RESUBMISSION
07.23.2025 AHMF FEE UPDATE

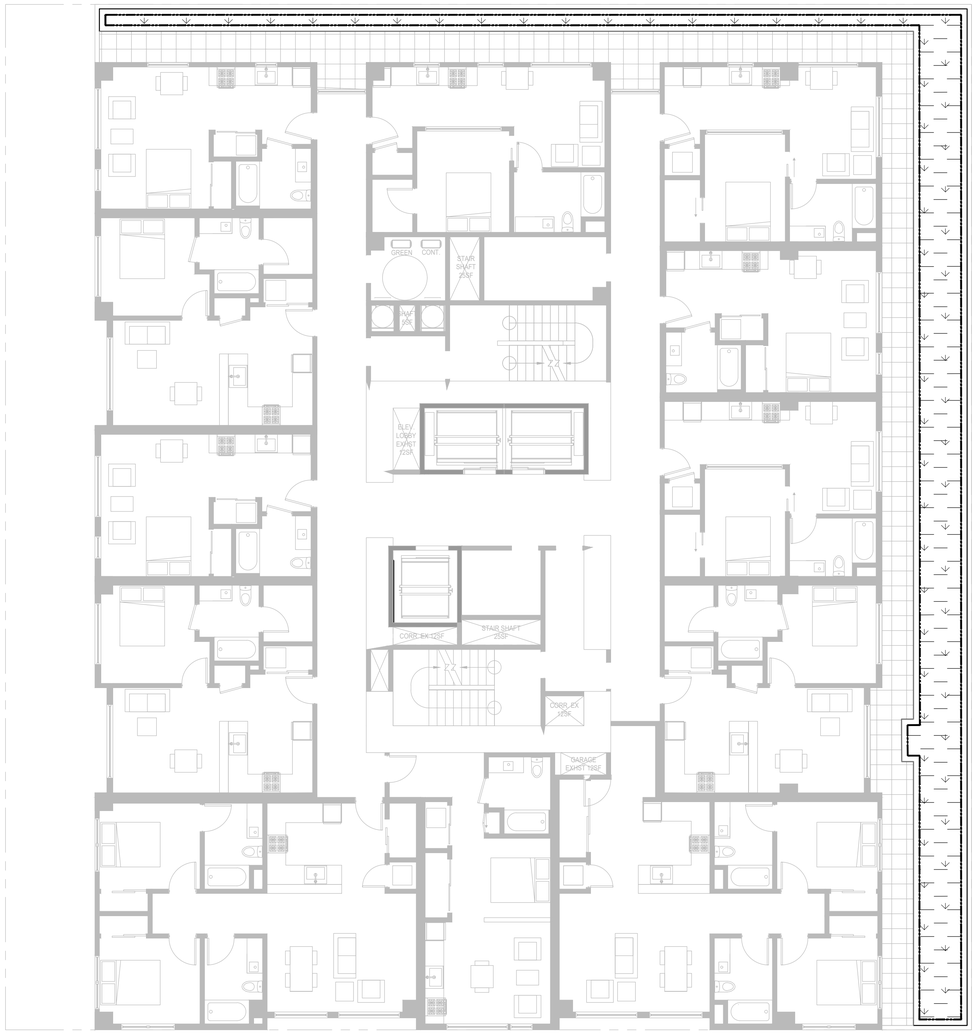
ALL DRAWINGS AND WRITTEN MATERIAL APPEARING HEREIN CONSTITUTE ORIGINAL AND UNPUBLISHED WORK OF THE ARCHITECT AND MAY NOT BE DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 2327

SHEET:

IRRIGATION PLAN - GROUND FLOOR

L5.01



SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

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JOB: 2327

SHEET:

IRRIGATION PLAN - PODIUM LEVEL

N

0 4' 8' 16' 24'
SCALE: 1/8" = 1'-0"

L5.02

SEE SHEET L5.01 FOR IRRIGATION NOTES AND CALCULATION

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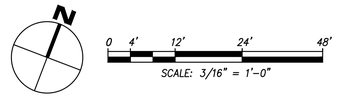
JOB: 2327

SHEET:

IRRIGATION PLAN - ROOF DECK



L5.03

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Aesthetics & Visual Quality			
DAP MM AES-1: Conduct Site-Specific Visual Analysis for Buildings Proposed between Shattuck Avenue and Oxford Street. In order to reduce development-related impacts on existing views of the Berkeley Hills for observers traveling east along east-west streets in the Downtown Area, the City should require site-specific visual analysis for proposed buildings that have the potential to affect existing view corridors to determine the extent to which such structures may interfere with existing views of the Berkeley Hills, and should consider whether stepping back such buildings is feasible and would result in a substantial reduction in impact. ***(Significant Unavoidable Impact[1])***	a) Has the project conducted site-specific visual analysis for buildings proposed between Shattuck Avenue and Oxford Street as required by the zoning and green pathway regulations, as applicable, in order to reduce development-related impacts on existing views of the Berkeley Hills? b) Has the project considered whether stepping back such buildings is feasible and would result in a substantial reduction in impact; have the plans been modified to reduce the impact to the satisfaction of the City?	CoB	P
DAP MM AES-2: Evaluate Shadow Effects for Proposed Structures near the Eastern Edge of the Downtown Area. The extent of the impact on the Crescent will depend on the location, height and bulk of structures to the southwest. While the impact may be significant, it is not possible to determine with any certainty the level of impact. Accordingly, all structures with a proposed height of 85 feet or more to be located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west shall be evaluated in a site-specific basis to determine the extent to which such buildings may cast shadows within the Crescent. Modifications to building heights, bulk or location should be considered as a way to reduce such shadowing. ***(Significant Unavoidable Impact)***	a) Has the proposed structure with a proposed height of 85 feet or more located within an area bounded by Addison Street on the north, Oxford Street on the east, Allston Way on the south, and Shattuck Avenue/Shattuck Square on the west been evaluated in a site-specific basis to determine the extent to which it may cast shadows within the Crescent? b) Have modifications to building heights, bulk or location been considered as a way to reduce such shadowing; have the plans been modified to reduce the impact to the satisfaction of the City?	CoB	P

[1] When the Checklist indicates that Significant and Unavoidable Impacts shall be reduced or appropriately mitigated to the satisfaction of the City, it is recognized that while the impact may still be Significant and Unavoidable, the project meets the standards of the zoning ordinance and is otherwise acceptable.

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P=Planning; O=Operations; W=Working Drawings; C=Construction

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Air Quality			
DAP MM AIR-1: None listed in draft DAP ***(Significant Unavoidable Impact)*** Impact AIR-1: Conflict with Clean Air Plan (CAP). Development anticipated under the Downtown Area Plan would increase population and employment at a greater rate than assumed when preparing the latest update to the CAP. This could lead to greater regional emissions of nonattainment air pollutants (or their precursors) than assumed in the CAP.	N/A		
DAP MM AIR-2: Buffer Toxics Air Contaminants (TAC) and Odor Emission Sources and Sensitive Land Uses. Consider potential air pollution and odor impacts from future development that may emit pollution and/or odors when locating (a) air pollution sources, and (b) residential and other pollution-sensitive land uses in the vicinity of air pollution sources (which may include areas where buses idle, diesel generators, parking garage vents, restaurants, and other similar uses). Buffer sensitive residential and other pollution-sensitive receptors from TACs whenever possible, and if buffering is not feasible, apply appropriate mitigation to reduce impacts, such as air filtration systems or other technologies. ***(Significant Unavoidable Impact)***	a) Have the potential impacts on surrounding uses been considered when a project that may emit pollution and/or odors, including but not limited to restaurants, parking garage vents and diesel generators, is proposed? b) Has the project taken into consideration potential air pollution and odor impacts, including but not limited to restaurants, parking garage vents and diesel generators, when locating residential and other pollution-sensitive land users in the vicinity of air pollution sources? c) If buffering is not feasible, have appropriate mitigation measures been incorporated into the project to reduce the impact on sensitive receptors?	CoB	P
DAP MM AIR-3: Implement BAAQMD Recommended Measures to Control PM10 Emissions during Construction. Measures to reduce diesel particulate matter and PM10 from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided. Dust (PM10) Control Measures: • Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. • Cover all hauling trucks or maintain at least two feet of freeboard. • Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. • Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. • Hydroseed or apply (non-toxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). • Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. • Limit traffic speeds on any unpaved roads to 15 mph. • Replant vegetation in disturbed areas as quickly as possible. • Suspend construction activities that cause visible dust plumes to extend beyond the construction site.	Do conditions of approval, if applicable, and construction plans or related agreements require that the specified BAAQMD recommended measures to control particulate matter PM (10) and diesel emissions during construction will be implemented?	CoB	P W C

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MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Measures to Reduce Diesel Particulate Matter and PM2.5 • Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate, or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. • Opacity is an indicator of exhaust particulate emissions from off-road diesel powered equipment. The project shall ensure that emissions from all construction diesel powered equipment used on the project site do not exceed 40 percent opacity for more than three minutes in any one hour. Any equipment found to exceed 40 percent opacity (or Ringelmann 2.0) shall be repaired immediately. • The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g. compressors). • Properly tune and maintain equipment for low emissions. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***			
Cultural & Historic Resources			
DAP MM CUL-1: None listed in draft DAP ***(Significant Unavoidable Impact)*** Impact CUL-1: Demolition of Historic Resources. Despite the substantial protections in place in City policy, it is possible that development anticipated under the Project could result in the demolition of historic resources located within the Downtown Area. Were demolition of historic resources to occur, this would represent a significant and unavoidable impact associated with the Project.	N/A		
DAP MM CUL-2: Establish Parameters for Compatible Infill Development in the Downtown Area within Updated Design Guidelines. Using the Secretary of the Interior's "Standards" as a starting point (in compliance with DAP Policy HD-1-1a), the Design Guidelines for future development in the Downtown Area should be updated to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts. Specific guidelines that could be added for this purpose include, but are not limited to, the following: • Consider the difference in character of individual blocks. The scale of buildings change within the potential historic district(s) and new construction should reflect the appropriate scale per block. • Priorities for new construction and additions include: build-to-the-street, particularly at corners; construct infill buildings at vacant or underutilized sites along major streets; and modify non-historic buildings so that they contribute visual interest and quality. • Construct new buildings, of compatible design with the surrounding neighborhood.	a) Do the approved Downtown Design Guidelines address the suggested issues to ensure that new construction respects the authentic character, significance and integrity of the existing building stock in areas that may have the potential for designation as historic districts? b) Is the proposed project consistent with the Guidelines and mitigation?	CoB	P

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MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
• Encourage creative and innovative contemporary designs for new buildings in the downtown. • Streetscape plays an important role in drawing individuals to a particular area of the city. Use signage, lighting, and paving to improve the pedestrian experience. • Build consistently with the street wall, particularly at corner sites. Continue dominant rhythms for structural bays, bay windows, large pilasters, and other repeating vertical elements. Also, continue dominant cornice lines, such as between ground floors and upper stories, and at the top of facades that meet a street. • Design new buildings to respond to the existing building context within a block, and provide continuity to the overall streetscape. Frequently, a new building will be inserted on a site between two existing buildings of disparate scale and design. • Set back upper floors where taller buildings are permitted, so that dominant roof and cornice lines remain generally consistent in the Downtown, as seen from the street. • Explore options for multi-use buildings, combining residential, commercial, and other compatible uses where appropriate. • Provide multi-tenant retail space and other active publicly-accessible uses at the street level. These should be accessible directly from the sidewalk, rather than through common interior lobbies. • Provide easy-to-locate building entrances on all street-facing facades. Where a building extends through an entire block or is located at a corner, connect its entrances with signage and lighting to distinguish them from storefronts • Use vertically proportioned windows. Group such windows in sets where a horizontally proportioned window opening is desired, especially for the expression of structural bays. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***			
DAP MM CUL-3: Halt Work/Archaeological Evaluation/Site-Specific Mitigation. If archaeological resources are uncovered 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 an archaeological resource, and provide recommendations. If the deposit does not qualify as an archaeological resource, then no further protection or study is necessary. If the deposit does qualify as an archaeological resource, then the impacts to the deposit shall be avoided by project activities. If the deposit 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 archaeologist's assessment, a report should be prepared documenting the methods, findings and recommendations. The report should be submitted to the City, the project proponent and the NWIC. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with the mitigation measure? b) Have archaeological resources been uncovered during construction activities? If yes: - Has all work within 50 feet of the discovery been redirected until a qualified archaeologist could be contacted to evaluate the situation, determine if the deposit qualifies as an archaeological resource, and provide recommendations? - If the deposit does qualify as an archaeological resource, have impacts to the deposit been avoided or mitigated by project activities? - Was the archaeologist's assessment or report documenting the methods, findings and recommendations been prepared and submitted to the City, the project proponent and NWIC?	CoB	W C

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Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM CUL-4: Halt Work/Paleontological Evaluation/Site-Specific Mitigation. Should paleontological resources 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 specimen(s), laboratory analysis, the preparation of a report detailing the methods and findings of the investigation, and curation at an appropriate paleontological collection facility. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures? b) Was work halted if paleontological resources were discovered during construction? If yes: - was a qualified paleontologist contacted to evaluate the find and determine if further mitigation is necessary? - If mitigations were deemed necessary by the paleontologist, were all feasible measures implemented?	CoB	W C
DAP MM CUL-5: Halt Work/Coroner's Evaluation/Native American Heritage Consultation/Compliance with Most Likely Descendent Recommendations. 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 any 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 archaeologist's 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. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures? b) Was work halted if any human remains were found at the construction site? If yes: - was the county coroner notified immediately and an archaeologist contacted to assess the situation? - If the human remains were of Native American origin, was an archaeologist's report prepared and submitted to the City, the Project Proponent and the NWIC?	CoB	W C

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MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Noise			
DAP MM NOI-1: Site-Specific Noise Studies, Site Planning, Noise Control Treatments. Future residential units proposed under the DAP would be exposed to outdoor noise levels in excess of 60 L_{dn} and indoor levels in excess of 45 L_{dn}, which would exceed the City's and state's established land use compatibility thresholds. In areas where residential development would be exposed to an L_{dn} of greater than 60 dBA, site-specific noise studies should be conducted to determine the area of impact and to present appropriate mitigation measures, which may include the following: • Utilize site planning to minimize noise in shared residential outdoor activity areas by locating these areas behind the buildings, in courtyards, or orienting the terraces to alleyways rather than streets, whenever possible. • The California Building Code and the City of Berkeley require project-specific acoustical analyses to achieve interior noise levels of 45 dBA L_{dn} or lower in residential units exposed to exterior noise levels greater than 60 dBA L_{dn}. Building sound insulation requirements would need to include the provision of forced-air mechanical ventilation in noise environments exceeding 70 dBA L_{dn} so that windows could be kept closed at the occupant's discretion to control noise. • Special building construction techniques (e.g., sound-rated windows and building facade treatments) may be required where exterior noise levels exceed 65 dBA L_{dn}. These treatments include, but are not limited to, sound rated windows and doors, sound rated exterior wall assemblies, acoustical caulking, etc. The specific determination of what treatments are necessary will be conducted on a unit-by-unit basis during project design. Results of the analysis, including the description of the necessary noise control treatments, will be submitted to the City along with the building plans and approved prior to issuance of a building permit. Feasible construction techniques such as these would adequately reduce interior noise levels to 45 dBA L_{dn} or lower. ***(Significant Unavoidable Impact)***	In areas where residential development would be exposed to L(dn) exceeding 60 dBA, were site specific noise studies conducted to determine the area of impact and to present mitigation measures, and were appropriate mitigation measures incorporated into the proposed project to reduce noise levels?	CoB	P W
DAP MM NOI-2: Site-Specific Noise Studies, Activities Scheduling. The following measures should be implemented to reduce noise exposure of Downtown Area residents to noise associated with nearby commercial activities: • Noise levels at residential property lines from commercial development should be maintained not in excess of the Berkeley Municipal Code Limits. The approvals of the commercial development should require a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet, and be consistent with, the City's noise standards. • Ensure that noise-generating activities, such as maintenance activities and loading and unloading activities are limited to the hours of 7:00 AM to 9:00 PM. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) As needed, have proposed commercial projects provided a noise study demonstrating how the business (including loading docks, refuse areas, and ventilation systems) would meet the City's noise standards? b) Are noise levels at residential property lines from commercial development maintained so as not to exceed Berkeley Municipal Code limits? c) Have noise generating activities, such as maintenance, refuse collection and loading dock functions been limited to the hours of 7:00 AM to 9:00 PM?	CoB	P O

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MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM NOI-3: Site-Specific Noise Analysis, Noise Barriers, Pavement Modifications, Traffic Calming, Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate Project-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed under the DAP, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. The Project no longer includes reduction of lanes on Shattuck to one through lane in each direction. However, closure of Center Street is included in the DAP 2012 (see Figure AC-3). If the proposed Center Street modification takes place, additional noise reduction methods could include the following: • Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction. • Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces. ***(Significant Unavoidable Impact)***	If Center Street is closed and noise levels along Shattuck Avenue between University Avenue and Allston Way, and along Allston Way between Shattuck Avenue and Oxford Street are expected to exceed COB standards for interior noise, have impacts been studied and mitigations provided to reduce noise levels?	CoB	P W C
DAP MM NOI-4: Site-Specific Noise Analysis, Noise Barriers, Pavement Modifications, Traffic Calming, Sound Insulation. Where anticipated noise levels would exceed City of Berkeley standards for interior noise, methods available to mitigate Project-related noise level increases would need to be studied on a case-by-case basis as individual development projects are proposed at receivers that would be considered noise impacted along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue. Since these increases in noise levels are related to the closure of Center Street and the elimination of travel lanes on Shattuck Avenue assumed in the EIR, retaining existing travel lane configurations in the Downtown Area street network would reduce this impact to a level of less than significant. The DAP 2012 no longer includes reducing Shattuck to one through lane in each direction; however, it does include the potential closure of Center Street to most traffic. At the time a proposed project for closing Center Street is developed, noise reduction methods could include the following: • Installing traffic calming measures to slow traffic. Typically, each 5 mph reduction in travel speeds equates to 1 dBA of noise reduction. • Affected residences could be provided building sound insulation such as sound-rated windows and doors on a case-by-case basis as a method of reducing noise levels in interior spaces. ***(Significant Unavoidable Impact)***	If Center Street is closed and noise levels along Shattuck Avenue between University Avenue and Allston Way, along Allston Way between Shattuck Avenue and Oxford Street, and along Durant Avenue between Milvia Street and Shattuck Avenue are expected to exceed COB standards for interior noise, have impacts been studied and mitigations provided to reduce noise levels?	CoB	P W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM NOI-5: Develop Site-Specific Noise Reduction Programs and Implement Noise Abatement Measures during Construction. Prior to the issuance of building permits, the applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extend feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include appropriate times limits for construction (7 AM to 7 PM on weekdays and between the hours of 9:00 AM and 8:00 PM on weekends or holidays) as well as technically and economically feasible controls to meet the requirements of the Berkeley Municipal Code. 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. • Construction equipment should be well maintained and used judiciously to be as quiet as practical. • Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment. • 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. • 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. • Prohibit unnecessary idling of internal combustion engines. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile. • 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. • 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. • Route construction related traffic along major roadways and away from sensitive receptors where feasible. • Businesses, residences or other noise-sensitive land uses within 500 feet of construction sites should be notified of the construction schedule in writing prior to the beginning of construction. Designate a "construction liaison" that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. Conspicuously post a telephone number for the liaison at the construction site. *(Significant Unavoidable Impact)*	a) Do conditions of approval, if applicable, and construction plans or related agreements require conformance with mitigation measures, including provision of a site-specific noise reduction program prepared by a qualified acoustical consultant to reduce construction nose impacts? b) Has a construction liaison been identified to address local complaints?	CoB	W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM NOI-6 Avoidance of Pile-Driving/Site-Specific Vibration Studies/ Monitoring/Contingency Planning. The following measures are recommended to reduce vibration from construction activities: • Avoid impact pile-driving where possible. Drilled piles causes lower vibration levels where geological conditions permit their use. • Avoid using vibratory rollers and tampers near sensitive areas. • In areas where project construction is anticipated to include vibration-generating activities, such as pile-driving in close proximity to existing structures, site-specific vibration studies should be conducted to determine the area of impact and to present appropriate mitigation measures that may include the following: - Identification of sites that would include vibration compaction activities such as pile-driving and that have the potential to generate groundborne vibration, and the sensitivity of nearby structures to groundborne vibration. Vibration limits should be applied to all vibration-sensitive structures located within 200 feet of the project. A qualified structural engineer should conduct this task. - Development of a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. - Construction contingencies would be identified for when vibration levels approached the limits. - At a minimum, vibration monitoring should be conducted during initial demolition activities and during pile driving activities. Monitoring results may indicate the need for more or less intensive measurements. - When vibration levels approach limits, suspend construction and implement contingencies to either lower vibration levels or secure the affected structures. - Conduct post-survey on structures where either monitoring has indicated high levels or complaints of damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities. *(Significant Unavoidable Impact)*	a) Does the project avoid the use of pile driving? b) Does the project avoid the use of vibratory rollers and tampers near sensitive areas? c) In areas where vibration inducing activities cannot be avoided, has a site specific vibration study been conducted to present appropriate mitigation measures and have mitigations been provided to minimize impacts to the satisfaction of the City?	CoB	W C

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Transportation & Traffic			
DAP MM TRA-1: Modify Lane Configuration at Martin Luther King Jr. Way/Hearst Avenue Intersection. A lane should be added for left turns in the westbound direction, changing the right lane to throughright. Implementation of this mitigation would still result in LOS F in the PM peak hour, but delay would be reduced to 131.2s, eliminating the significant DAP-related impact. The implementation of this mitigation measure requires re-striping of Hearst Avenue east of Martin Luther King Jr. Way to accommodate the new lane, eliminating the bike lane in part of the block; or the acquisition of additional right-of-way on this segment of Hearst Avenue to accommodate the new lane and maintain the bike lane. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at MLK and Hearst Ave intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-10: Modify Lane Configurations at Oxford Street/University Avenue Intersection. The existing eastbound lane configuration should be maintained. This mitigation measure will result in change of LOS to D in the AM peak hour, with delay of 40.2s. Proposed lane reduction on University could be maintained west of the intersection. The implementation of this mitigation measure requires the maintenance of the eastbound lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at University Ave. and Oxford St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-11: Modify Lane Configurations at Oxford Street/Allston Way Intersection and Alter Signal Cycle Timing. One lane should be added in the southbound direction, changing the lane configuration to two through and one right turn lane. One lane should be added to the northbound direction, changing the configuration to one left turn and two through lanes. One lane should be added in the eastbound direction, changing the configuration to one left turn lane and one right turn lane. Cycle length should beincreased to 25s and to provide a protected left turn signal phase in the northbound direction. This mitigation measure would result in change of LOS to C in the Pm peak hour, with delay of 33.6s. On Oxford Street, the implementation of this mitigation measure would require the removal of 5 of the parking spaces in the southbound direction and the restriping of the segment in the block north of Allston Way. In the northbound direction there is the need to use the median space, as well as re-stripe the roadway. On Allston Way, the addition of the extra lane would require the loss of 4 on-street parking spaces on the south side of the street, as well as re-striping. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of onstreet parking spaces on Oxford Street and Allston Way is not anticipated to generate significant impacts. ***(Significant Unavoidable Impact)***	a) Has lane reconfiguration been implemented at Oxford St. and Allston Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City? b) Has signal cycle timing been altered to meet LOS level standards?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-13: Incorporate Emergency Access Lane in Design for Center Street Pedestrian Corridor. In order to maintain adequate emergency access to buildings located along Center Street between Shattuck Avenue and Oxford Street, the design of the proposed Center Street pedestrian corridor shall be required to incorporate a clear area, a minimum of 20 feet in width, where permanent and temporary structures, landscaping, and other physical features are prohibited. This area shall be designated as an emergency access lane, and must be accessible from both Shattuck Avenue and Oxford Street. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Have emergency access lanes been incorporated in the design for the Center St. pedestrian corridor?	CoB	O
DAP MM TRA-14a: Install Class 2 Bike Lanes on Milvia Street between University Avenue and Allston Way. This mitigation measure may result in the loss of on-street parking stalls along Milvia Street in order to accommodate the bike lanes. Up to 35 on-street parking stalls could be impacted by this mitigation measure. As noted in the parking demand discussion, sufficient public parking capacity is anticipated in the Year 2030 With Project condition, so the loss of these parking stalls would not be anticipated to cause a significant impact. This mitigation measure would also not preclude the implementation of the traffic mitigation measures at the University Avenue/Milvia Street intersection and the Center Street/Milvia Street intersection. ***(Significant Unavoidable Impact)***	Have Class 2 bike lanes been installed on Milvia St between University Ave. and Allston Way? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-14b: Install Traffic Calming Devices. Traffic calming devices should be installed on Milvia Street either between University Avenue and Allston Way or immediately north and south of this segment to discourage through vehicle traffic from traveling on this section of the roadway. Traffic calming devices could include speed humps, turn restrictions/prohibitions, or other measures determined by the City of Berkeley. ***(Significant Unavoidable Impact)***	Have traffic calming devices been installed on Milvia St. between University Ave and Allston Way to discourage through traffic? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-2: Modify Lane Configuration at Martin Luther King Jr. Way/Allston Way Intersection. The eastbound lane configuration should be changed, turning the existing through-left lane to left turn only and the right lane to a throughright. A right turn lane to Martin Luther King Jr. Way in the southbound direction should be added, changing the through-right lane to through only. This mitigation measure would result in changing the LOS to D, with delay of 49.8s. The implementation of this mitigation measure requires re-striping of Allston Way west of Martin Luther King Jr. Way to accommodate the lane changes, and the acquisition of right-of-way north of Allston Way to accommodate the southbound right turn lane. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at MLK and Allston Way Intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-3: Modify Lane Configuration at Milvia Street/University Avenue Intersection. A right turn lane should be added to University Avenue to the eastbound direction and one left turn lane should be added to University Avenue in the westbound direction. In the eastbound direction, the configuration of lanes would be one through-left lane, one through and one right turn lane. In the westbound direction, the configuration of lanes would be one left turn lane, one through lane and one through-right lane. This mitigation measure would change LOS to B, with delay of 14.9s in the AM peak hour, and to LOS C with delay of 25.8s in the PM peak hour. The implementation of this mitigation measure requires the removal of the median east of the intersection in order to accommodate the extra lane, and the restriping of University Avenue on both sides of Milvia Street. This measure is not anticipated to cause significant impacts to pedestrian traffic, but a right turn on green only with an advance stop bar can be implemented on University Avenue to avoid conflicts with pedestrians crossing Milvia Street. This measure would increase pedestrian safety and does not change the LOS of the intersection. The implementation of a bicycle waiting area placed ahead of the cars waiting to turn right can reduce the conflicts through bicycle flows and right-turn vehicle movements on Milvia Street in the southbound direction. This measure requires re-striping of Milvia Street. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at Milvia St. and University Ave. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-4: Modify Lane Configuration at Milvia Street/Center Street Intersection. One left turn lane should be added to Milvia Street in the northbound and southbound directions, changing the lane configuration to one through-right and one left turn lane. This mitigation measure would result in change of LOS to C, with delay of 24.0s in the PM peak hour. The implementation of this mitigation measure requires the removal of onstreet parking spaces in the northbound and southbound directions to accommodate the left turn, and the re-striping of Milvia Street on both sides of Center Street. This measure is not anticipated to cause significant impacts to pedestrian traffic. Milvia Street would remain a Bicycle Boulevard and sufficient traffic lane width would be provided for bicycles and vehicles to make through movements at this intersection. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implemented at Milvia St. and Center St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-5: Modify Lane Configuration at Shattuck Avenue/Center Street. The significant impact at this intersection can only be mitigated by restoring Shattuck Avenue to provide two traffic lanes in the northbound direction. The proposed mitigation measure would add one lane to Shattuck Avenue in the northbound direction, changing lane configuration to one left turn lane and two through lanes. This mitigation measure would result in change of LOS to D, with delay of 42.6s in the PM peak hour. The implementation of this mitigation measure would require the removal of the parking spaces in the northbound direction of Shattuck Avenue, the reconfiguration of the southeast sidewalk, and the re-striping of Shattuck Avenue in the block south of Center Street. This improvement would result in the loss of about eight on-street parking spaces, but is not anticipated to generate significant impact with regard to parking. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Has lane reconfiguration been implemented at Shattuck Ave. and Center St. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-6: Modify Lane Configurations at Shattuck Avenue/Allston Way Intersection. The existing number of lanes (three) in the northbound and southbound directions should be maintained, changing lane configurations to one left turn lane, one through lane and one right turn lane. One right turn lane should be added to the westbound direction, changing the existing lane to a through-left only. This mitigation measure would change the forecast LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would maintain the single through lane concept of the Shattuck Boulevard plan, but would widen the street cross section by providing a right turn lane in the northbound and southbound directions. On Allston Way, the implementation of the proposed mitigation measure requires the removal of on-street parking to accommodate the new lane configuration. This measure is not anticipated to cause significant impacts to pedestrian traffic. The anticipated loss of six on-street parking spaces on Alston Way and none spaces on Shattuck Avenue is not expected to generate significant impacts. ***(Significant Unavoidable Impact)***	Has lane reconfiguration been implmented at Shattuck Ave and Allston Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-7: Modify Lane Configurations at Shattuck Avenue/ Bancroft Way Intersection. The existing number of lanes in the southbound direction should be maintained, changing lane configuration to one through lane and one through-right lane. This mitigation measure would result in change of LOS to D, with delay of 37.6s in the PM peak hour. The proposed mitigation measure would not maintain the single through concept of the Shattuck Boulevard plan. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the southbound direction and the restriping of the segment of the block north of Bancroft Way. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Has lane reconfiguration been implemented at Shattuck Ave and Bancroft Way intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

Project Name: All (*) **Responsibility: CoB (City of Berkeley)**

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
DAP MM TRA-8: Modify Lane Configurations at Shattuck Avenue/Durant Avenue Intersection. The existing number of lanes in the northbound direction should be maintained, changing the lane configuration to one left turn lane, one through and one right turn lane. This mitigation measure will result in change of LOS to B in the AM peak hour (17.8s delay). LOS C is achieved in the PM peak hour (21.6s delay) applying the mitigation measures described above plus a20s increase in cycle time. On Shattuck Avenue, the implementation of this mitigation measure would require the reconfiguration of the parking spaces and sidewalk in the northbound direction and the re-striping of the segment in the block south of Durant Avenue. This measure is not anticipated to cause significant impacts to pedestrian traffic. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	Has lane reconfiguration been implemented at Shattuck Ave. and Durant Ave intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City?	CoB	O
DAP MM TRA-9: Maintain Existing Lane Geometry in the Westbound Direction. The DAP-proposed lane reduction on Hearst Avenue would be maintained to the west of the intersection, with the lane reduction occurring in a transition to the west of the intersection. Add one lane in southbound direction, changing lane configuration to one left-turn, one through and one through-right lane. Change the eastbound direction lane configuration to one through-left lane one through-right lane. Maintain split signal phasing for eastbound and westbound directions. Add a right turn only lane to the northbound direction and provide right turn overlap signal phasing for this movement. The right turn only lane would not be a free-right turn, but a striped, exclusive right turn lane adjacent to the northbound through lanes. Change northbound and southbound signal phasing to protected + permitted for left turns. This mitigation measure would change LOS to D in the AM peak hour (54.9 seconds delay). In the PM peak hour, the 2030 LOS is improved to LOS D, with delay reduced from 166.4 seconds With Project to 54.4 seconds. On Oxford Street, the implementation of this mitigation measure requires the removal of seven parking spaces in the southbound direction and the re-striping of the segment in the block north of Hearst Avenue. On Hearst Avenue, existing configuration should be maintained in both directions. This measure is not anticipated to cause significant impacts to pedestrian traffic. The loss of on-street parking spaces on Oxford is not anticipated to generate significant impacts. ***(Significant Unavoidable Impact)***	a) Has lane reconfiguration been implemented at Oxford St. and Hearst Ave. intersection? If not, has the project proponent contributed to such improvement and/or have other measures been taken to mitigate the traffic impact to the satisfaction of the City? b) Has signal cycle timing been adjusted to meet LOS AM and PM peak hour targets?	CoB	O

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EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM
Project Name: All (*) Responsibility: CoB (City of Berkeley)

Mitigation Measure or Continuing Best Practice	Question for Checklist	Responsible for Implementation*	Phase/When Implemented*
Utilities & Service Systems			
DAP MM USS-1: Site-Specific Analysis of Project-Related Effects on the Sanitary Sewer conveyance System/Project-Related Contribution to Necessary Capacity Expansion. As individual development projects are proposed in the Downtown Area, each project will be subject to site-specific analysis by the City of Berkeley to determine whether the development proposed would exceed the capacity of the sanitary sewer conveyance system that directly serves the project. In the event that existing sanitary sewer modeling demonstrates that sanitary sewer conveyance system capacity would be exceeded by the proposed project, then the project proponents and the City shall enter into negotiations to determine the financial contribution required from the project proponents to enable the City to expand sanitary sewer conveyance capacity as necessary to accommodate the project as proposed. ***(Impact Avoided or Mitigated to a Less Than Significant Level)***	a) Has a project/site specific analysis been conducted to determine whether the project would exceed the sanitary sewer system capacity that directly serves the project? b) If modeling demonstrates that sewer capacity will be exceeded, have negotiations between the project proponents and City been held to determine the financial contribution necessary to expand the sewer system to accommodate the project, and have fair-share contributions been provided by the proponent?	CoB	P W

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ZONING ADJUSTMENTS BOARD

NOTICE OF PUBLIC HEARING

2029 University Avenue

Use Permit #ZP2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units for a 100% density bonus. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.

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

When: Thursday, November 13, 2025, 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.

Land Use Planning Division
1947 Center Street, Second Floor, Berkeley, CA 94704 Tel: 510.981.7410 TDD: 510.981.7474
E-mail: zab@berkeleyca.gov

A. Land Use Designations:

- General Plan: DT– Downtown Mixed-Use
- Zoning: C-DMU Outer Core (Downtown Mixed-Use district)

B. Zoning Permits Required:

1. **Demolition.** BMC Section 23.326.070(A) **"Demolitions of Non-Residential Buildings"** to demolish a non-residential building (UPPH)*
2. **New Construction.** BMC Section 23.204.020 (A) **"Allowed Land Uses"** to construct a new multi-family building (UPPH).
3. **New Floor Area.** BMC Section 23.204.030(A)(1) **"Floor Area Permit Requirements"** to create any residential addition within the within the C-DMU (UPPH).
4. **Height**. BMC Section 23.204.130(E)(1)(a) **"Height Limits"** to increase the maximum building height limit to 75' (plus 5' parapet, by right) (UPPH).
5. **Setbacks.** BMC Section 23.204.130(E)(3)(b) "**Modifications to Standards"** to modify front, side, and rear setback requirements (UPPH).
6. **Projections Above Height Limits.** BMC Section 23. 304.050 **"Allowed Projections Above Height Limit "**to allow for Projections Above Height Limit (AUP)

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

Concessions:

1. **Concession.** Exemption from the **"Apprenticeship Requirements"** in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.040
2. **Concession.** Exemption from the **"Health Care Expenditures**" in establishing Healthcare and Apprenticeship Standards for Private Development, as required by BMC Section 13.107.050
3. **Concession.** Exemption from the "**Bird Safe Building"** requirement as required by BMC 23.304.150

Waivers:

1. **Usable Open Space**. Waiver of BMC Section 23.204.140(E)(4) for providing 2,055 square feet of Usable Open Space, where 19,200 square feet is required.
2. **Landscaped Usable Open Space.** Waiver of BMC Section 23.304.90 for Usable Open Space landscaped area to be 27 (0.0014%) square feet where 7,680 square feet (40%) is required.
3. **Height.** Waiver of BMC Section 23.204130(E)(1)(a) to exceed building height limits—to be 256 feet, plus a 5-foot parapet while 75 feet (plus 5-foot parapet by right) is the allowable height with a Use Permit.
4. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the front setback requirement to 0 feet, where 15 feet is the minimum, between 76 to 120 feet in height.
5. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the interior side setback requirement on the Floors 3 to 22 to 10 feet, where 15 feet is the minimum, between 76 to 120 feet over 65 feet from lot frontage.

6. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, between 76 to 120 feet in height.
7. **Setbacks.** Waiver of BMC Section 23.204.130(E) to reduce the rear setback requirement to 6.5 feet on the Floor 3-22, where 15 feet is the minimum, over 120 feet in height.
8. **Building's width.** Waiver of BMC Section 23.204.130(E)(3)(d) for the building's width over 120 feet of height, to be 139 feet, 6 inches at the widest point (on the diagonal in plan review) where maximum width allowed is 120 feet.
9. **Projections Above Height Limits.** Waiver of BMC Section 23. 304.050 "Allowed Projections Above Height Limit "to allow for Projections Above Height Limit (AUP)

D. CEQA Recommendation: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects").

E. Project Recommendation: Approve Use Permit #ZP2024-0181 pursuant to BMC Section 23.406.040(D)

F. Parties Involved:

- Applicant Rhoades Planning Group
- Property Owner Mohammad Talai & Kokab Talai

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, Nilu Karimzadegan at (510) 981-7430 or NKarimzadegan@berkeleyca.gov

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

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

Written Comments, Communications, and Reports:

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

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

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

- **Correspondence received by 5:00 PM, two days before** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #1, which is released around noon one day before the public hearing.
- **Correspondence received by 12:00 PM, the day of** this public hearing, will be conveyed to the Board in a Supplemental Communications and Reports #2, which is released around noon the day of the public hearing.
- **Correspondence received after 12:00 PM, the day of** this public hearing will be saved in the project administrative record.

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

SB 343 Disclaimer:
Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available to the public. Please contact the Land Use Planning Division (zab@berkeleyca.gov) to request hard-copies or electronic copies.

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

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

From: Karimzadegan, Niloufar
To: christopher kroll
Subject: RE: 2029 University Avenue DRC Meeting 10/16/2025
Date: Tuesday, November 4, 2025 5:59:00 PM

Hi Chris,
Thanks for your patience on this!

Please see my responses in red below.

Sincerely,
Nilu

From: christopher kroll <quercus40@gmail.com>
Sent: Thursday, October 30, 2025 9:03 PM
To: Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>
Cc: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: Re: 2029 University Avenue DRC Meeting 10/16/2025

Thanks so much for getting back to me. And I will watch the video at some time but it is a long video.

I would appreciate your saving me some time by telling me:

- where in state law it says that the City must concede to a developer's request to remove conditions on a permit? Concessions: Government Code Section 65915(d) and (k)
  what part of the law is the density bonus contained within? **Government Code Section 65915 (Codes Display Text)**

  TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]
  DIVISION 1. PLANNING AND ZONING [65000 - 66342]
  CHAPTER 4.3. Density Bonuses and Other Incentives [65915 - 65918]

- you refer to HCD guidance -- but what state law section requires local governments to agree to developer requests on concessions based on "project costs"? Concessions: Government Code Section 65915(d) and (k)
- Is the developer required to prove his/her contention that bird safe glass, etc would

make the project "not pencil out" or whatever term is used? If not, why not? A Court of Appeal held that the state's density bonus law (Gov't Code § 65915) does not require applicants to submit financial information to support requests for incentives or waivers and preempted a city ordinance that required such financial documentation to show that a project would not be "economically feasible" without the requested incentives. *Schreiber v. City of Los Angeles*, 69 Cal. App. 5th 549 (2021).

- can the City choose which concessions to give the developer when concessions are requested for density bonus projects? If not, why not? No, per Government Code Section 65915(d)

Thanks so much for your help so I can understand why tall buildings can be approved in Berkeley without even the minimum bird safe glass provisions included within the recently adopted BSG ordinance.

Christopher Kroll

On Mon, Oct 20, 2025 at 4:12 PM Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov> wrote:

> Hi Christopher,
>
> I appreciate your thoughtful reasoning and the time you took to communicate your points with Staff.
> However, this matter is beyond the City's control, as State law supersedes local ordinances. The California Department of Housing and Community Development (HCD) has advised that Density Bonus Law (DBL) concessions apply to City requirements that could increase project costs. This HCD guidance is interpreted to include provisions such as the bird-safe building standards. Under State law, the City cannot deny a housing project unless specific findings—can be made. Staff has not been able to make those findings.
>
> I recommend watching the ZAB hearing for the project at 2425 Durant Avenue, which took place last Thursday, October 9. Similar concerns were raised regarding the concessions associated with that project. Viewing the video of the meeting would be worthwhile, as it provides helpful context and insight into staff recommendations and ZAB members' reasoning behind these decisions.
>
> Agenda: https://berkeleyca.gov/your-government/boards-commissions/zoning-adjustments-board
> (Staff Report for this project has a Density Bonus Section including a waiver and concession section)

Video: https://berkeley.granicus.com/player/clip/5518?publish_id=5c02a586-a957-11f0-8df7-005056a89546&redirect=true

2029 University Avenue is tentatively schedule for the ZAB meeting of 11/13/25. Staff reports will be available on the ZAB agenda page on 11/6/25.

I hope this is helpful and let me know if you have other questions,

Sincerely,

_____

Nilu Karimzadegan (She/Her)
Senior Planner
City of Berkeley | Land Use Planning
NKarimzadegan@berkeleyca.gov

From: christopher kroll <quercus40@gmail.com>
Sent: Monday, October 20, 2025 3:38 PM
To: Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>
Cc: Burns, Anne M <ABurns@berkeleyca.gov>
Subject: Re: 2029 University Avenue DRC Meeting 10/16/2025

Hello Nilu

Thanks for the response. I understand that because of the low income units this building gets a density bonus.

What I don't understand is why the City would choose to give one of the largest new buildings proposed for construction downtown a pass on complying with the bird safe glass ordinance. The City talks about new tall buildings promoting sustainability but we are experiencing a massive die off of animal species across the globe. Bird species are among the heaviest hit and have declined in large numbers in recent decades. Tall buildings in downtown areas play a major role in the deaths of migrating birds.

A recent study coauthored by the Audubon chapter NYC Bird Alliance found

that over one billion birds in the U.S. die each year from window collisions due to reflective glass and artificial light at night.

The builder has already received the benefit of additional floors to make money from this building. Does the Planning Department believe that the alleged financial viability of this building is more important than implementing an existing ordinance to aid in the protection of migrating birds at a time of ever increasing massive die offs. Were there not other "concessions" that could have been offered to the developer?

What is the value of the City's commitment to the bird safe glass ordinance if it can so easily be avoided with the City's blessing? This is not sustainable development.

Finally I assume this will all be discussed in the staff report. Which ZAB meeting is this proposed development now scheduled for?

Christopher Kroll

On Mon, Oct 20, 2025 at 8:38 AM Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov> wrote:

> Good morning,
>
> This project includes 15% Very-Low Income and 15% Moderate-Income units, in accordance with the State's Density Bonus Law, making it eligible for three concessions. These concessions are granted to support the financial feasibility of the project and do not require the applicant to provide a detailed rationale to the City. In their statement, the applicant simply notes that the concessions are necessary to ensure the project's financial viability.
>
> I hope this helps.
>
> Sincerely,
> Nilu
>
> ---
>
> **From:** christopher kroll <quercus40@gmail.com>
> **Sent:** Friday, October 17, 2025 8:51 PM
> **To:** Burns, Anne M <ABurns@berkeleyca.gov>
> **Cc:** Karimzadegan, Niloufar <NKarimzadegan@berkeleyca.gov>

Subject: Re: 2029 University Avenue DRC Meeting 10/16/2025

Thank you Anne. I look forward to hearing back next week.

Chris Kroll

On Fri, Oct 17, 2025 at 6:40 PM Burns, Anne M <ABurns@berkeleyca.gov> wrote:

> Hello, Christopher: I'm sorry to hear that you had trouble reading the agenda and meeting materials on-line. When I opened the agenda on-line to check, I also saw that it was smaller as it is formatted to fit the page. I needed to increase the size before reading it. I can check in with our admin staff on this next Tuesday and see what version is best to direct you toward.
>
> I'm copying Nilu Karimzadegan on my response, as she is the Use Permit Planner who will be preparing the staff report and meeting materials for when these projects come to ZAB. I believe that she is already intending to go into more information about the requested concession in her ZAB report, but she might also be able to give you some information before that.
>
> Thank you. - Anne Burns
>
> ---
>
> **From:** christopher kroll <quercus40@gmail.com>
> **Sent:** Friday, October 17, 2025 2:05 PM
> **To:** Burns, Anne M <ABurns@berkeleyca.gov>
> **Subject:** Fwd: 2029 University Avenue DRC Meeting 10/16/2025
>
> **WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.
>
> Date: Fri, Oct 17, 2025 at 2:01 PM
> Subject: 2029 University Avenue DRC Meeting 10/16/2025
> To: <aburns@berkelyca.gov>
>
> I was not able to attend the DRC meeting last night. And I am unable to read the staff report for this project when I click on the link in the agenda. The text is too small to read.
>
> I have two requests:

1) Please send me a link to a version where the document is legible i.e. text is large enough to be easily read on a computer.

2) Please explain the rationale for excusing this building from conforming to the bird safe glass ordinance. It seems that bird safe glass is most important for high rises like the proposed building. So what is the rationale to not require for this building.

Thank you

Christopher Kroll
West Berkeley

Attachment 4

NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL

ZAB APPEAL: 2029 University Avenue (Multi-Family) Use Permit #ZP2024-0181

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **Monday, February 23, 2026** at **6:00 P.M.** a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board approving Use Permit ZP#2024-0181 to demolish an existing two-story commercial building and a ten-car garage structure on a 12,385-square-foot lot, and to construct a 23-story (256-feet-tall plus a 5-foot parapet) approximately 190,830-square-foot residential building containing 240 dwelling units, including 18 Very Low-Income (VLI), and 18 Moderate Income (MI) units. The proposed project provides 29 off-street parking spaces, 167 Long-term and 8 Short-Term bike parking spaces.

The hearing will be held at the Berkeley Unified School District Board Room located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Nilu Karimzadegan, Senior Planner at (510) 981-7430.

A copy of the agenda material for this hearing will be available on the City's website at https://berkeleyca.gov/ as of February 11, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council 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 the City Council, 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 City Clerk. 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 City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

_____

Mark Numainville, City Clerk

Mailed by: February 9, 2026
Noticed Pursuant to: Berkeley Municipal Code Section 23.404.040(B), Public Hearing Notice

Attachment 4

NOTICE CONCERNING YOUR LEGAL RIGHTS*: If you object to a decision by the City Council to approve or deny (Code Civ. Proc. 1094.6(b)) or approve (Gov. Code 65009(c)(5) an appeal, the following requirements and restrictions apply: 1) Pursuant to Code of Civil Procedure Section 1094.6, no lawsuit challenging a City decision to deny or approve a Board or Commission decision may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a Board or Commission decision, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available by request from the City Clerk Department and posted on the City of Berkeley webpage prior to the public hearing.

This attachment is on file and available for review at the City Clerk Department, or can be accessed from the City Council Website. Copies of the attachment are available upon request.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

or from:

The City of Berkeley's Website
http://www.berkeleyca.gov

Communications

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

Records Online
https://records.cityofberkeley.info/

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF