



Office of the City Manager

PUBLIC HEARING

June 16, 2020

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Timothy Burroughs, Director, Planning & Development Department
 Subject: ZAB Appeal: 2650 Telegraph Avenue, Use Permit #ZP2019-0070

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve Use Permit #ZP2019-0070 to demolish an existing commercial building and construct a five-story, 34,249 square foot mixed-use building with 45 residential units (including four Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces and 20 vehicular parking spaces, and dismiss the appeal.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

On April 18, 2019, David Trachtenberg Architects submitted an application for Use Permit #ZP2019-0070, to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), including 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces, and 20 vehicular parking spaces at the ground level, including a request for a density bonus and waivers and concessions under the State Density Bonus Law (DBL).¹

On September 20, 2019, after two rounds of comments from staff, the application was deemed complete.

On November 7, 2019, the Landmarks Preservation Commission (LPC) held a public hearing for the demolition of the existing commercial building located on the project site and continued the item to December 5, 2019. At the December 5, 2019 hearing, the LPC took no action to initiate a Landmark or Structure-of-Merit designation, and chose not to provide ZAB comments on the application.

¹ Government Code section 65915 *et seq.*

On December 12, 2019 the ZAB held a Preview for the project and provided general comments to the applicant.

On December 19, 2019, the Design Review Committee (DRC) held a Preview for the project and provided comments to the applicant. In response to DRC comments, the applicant revised the building design and presented the revisions to the DRC at its Preliminary Design Review (PDR) meeting on February 20, 2020. At that meeting, the DRC completed the PDR and forwarded a favorable recommendation for the project to the ZAB, with conditions and recommendations for Final Design Review (FDR) related to screening for adjacent neighbors at balconies and yards. The DRC, responding to zoning-related comments heard during the public comments portion of the agenda, also forwarded recommendations for discussion to the ZAB.

On March 12, 2020, the ZAB conducted a public hearing for the Use Permit application. After considering the staff report and administrative record, and hearing public comments and holding discussion, the ZAB added Condition #48 related to solar access at the neighboring commercial property to the north and approved the Use Permit by a vote of 7-0-1-0 (Yes: Clark, Kahn, Kim, O'Keefe, Pinkston, Sheahan, Tregub; No: None; Abstain: Lewis; Absent: None).

On April 14, 2020, staff issued the ZAB Notice of Decision. On April 28, 2020, Olga Louchakova-Schwartz, a neighbor residing at 2405 Derby Street immediately west of the project site, filed an appeal of the ZAB decision with the City Clerk. The appeal was signed by an additional 11 neighbors, two of whom are located within 300 feet of the project site. On June 4, 2020, staff posted the public hearing notice at the site and two 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.

BACKGROUND

The site is located in the General Commercial (C-1) zoning district at the southern portion of the Telegraph Avenue commercial corridor, two blocks south of the 'core' Telegraph commercial area (C-T Zoning District: Bancroft Way to Parker Street). The site is located one block south of Carleton Street, where two four-story mixed-use buildings have been recently developed on the west side of Telegraph Avenue. The site is located three blocks north of Oregon Street, where two six-story medical office buildings are located on both sides of Telegraph Avenue. To the north, east and south of the project site along Telegraph Avenue are one- to four-story commercial and mixed-uses, including medical offices, retail shops, quick service restaurants, personal and household services, and auto repair, as well as Willard Park. To the west of the project site are low-rise residential uses consisting mainly of one-to two-story buildings with a mix of single- and multi-family dwellings.

The applicant is seeking approval pursuant to State DBL. According to the base density calculation (34 units with an average size of 703 sq. ft.) and the amount of and type of affordable units included in the project (four units at the Very Low Income level), the developer is entitled to a bonus of 12 units, as well as waivers for height, floor area ratio (FAR), and parking to accommodate the inclusion of the bonus units. A concession necessary for financial feasibility of the project to provide the affordable units was also granted under the DBL, allowing the project to provide less than the minimum amount of usable open space (see Attachment 3, ZAB Hearing Staff Report and Project Plans for details). The project is also subject to the State Housing Accountability Act (HAA). Pursuant to the HAA, the ZAB could not deny the project or approve it at a reduced density unless findings for “specific, adverse impact” could be made.²

At the December 12, 2019 ZAB preview and the December 19, 2019 DRC preview, neighbors voiced concerns about impacts to adjacent properties. Concerns regarding the proposed project’s impact to the adjacent commercial building to the north at 2640 Telegraph included reduced efficacy of existing rooftop solar panels, increased shading of south-facing windows, and reduced visibility of signage on the south-facing façade. Concerns regarding the proposed project’s impact to the adjacent residences to the west included increased shading of east-facing windows during the morning hours, noise and privacy concerns related to the garage entrance on Derby Street, and the private patios and usable open space located on the west façade of the building. Concerns regarding the proposed project’s impacts to the surrounding neighborhood included spillover parking demand related to the State DBL-allowed waiver to the minimum parking requirement, light pollution, and construction-related health and safety impacts.

In response to concerns raised, the DRC recommended lowering the height of the building and planting mature trees at the west property line. The DRC forwarded recommendations for ZAB discussion that included working with the property owner at 2640 Telegraph to potentially relocate existing solar panels and add skylights to the building, possible conditions for usable open space areas (quiet hours and management), possible conditions on noise generated by the garage door and the dog run, and reconsideration of the fence height at the west property line.

The applicant then revised the plans to: 1) reduce the building height by 4’-0”, from 59’-6” to 55’-6” by lowering the height of the ground floor by 4’-0”, from 20’-6” to 16’-6”, and by excavating below existing grade within portions of the garage; and 2) correctly

² Housing Accountability Act, California Government Code Section 65589.5(j). The HAA requires that findings for “specific, adverse impact” must be made to deny or approve with reduced density a project that is compliant with applicable, objective general plan and zoning standards. As used in Section 65589.5(j), 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.” An award of a density bonus does not remove a project for the scope of the HAA.

labelling green space located at the ground floor near the west property line as a common area/garden rather than a dog run (see Attachment 3, Project Plans, Sheet A2.1).

At its March 12, 2020 hearing, the ZAB addressed neighbor concerns related to noise, privacy, and access to sunlight, by negotiating adjustments to the allowed construction hours and the building design to the portions of the building closest to the western neighboring properties. Specifically, the ZAB modified Condition of Approval #30 (construction to begin at 8:00 AM rather than 7:00 AM), and added Condition of Approval #11 to the Use Permit. They read as follows:

30. 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 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.*

11. Final Design Review. *The Project requires approval of a Final Design Review application by the Design Review Committee. At Final Design Review, the applicant shall present plans indicating the following:*

- Installation of walls surrounding each private patio on the fourth floor and the commonly-accessible usable open space on the fifth floor up to 54" in height. The top 12" may consist of translucent glass or stucco at the discretion of the applicant.*
- Installation of a fence along the western property line only that extends up to 8' in height.*
- Mature trees planned for installation at the western property line, the species of which are to be mutually agreeable with the applicant and immediate neighbors to the west.*

Another concern expressed during both the project preview hearing on December 12, 2019, and the public hearing on March 12, 2020 related to potential shadow impacts to the rooftop solar panels on the adjacent commercial structure to the north of the project site (2640 Telegraph). The applicable state law regarding this issue is the California Solar Shade Act (AB 2331, 1978), which provides protection to solar energy system owners from shading caused by landscaping on adjacent properties. The law seeks to prevent a property owner from allowing trees or shrubs to shade an existing solar energy system installed on a neighboring property, provided the shading trees or shrubs were planted after the solar collecting device was installed. The law does not eliminate or limit the development rights of a neighboring property. Therefore, under the HAA and the Density Bonus Law, the City may not limit the development of the subject property to protect the existing solar facility on the adjacent commercial building to the north. ZAB members, aware of the fact that local agencies such as the City of Berkeley are largely precluded from regulating new solar facilities, added Condition of Approval #48. This Condition of Approval recommends that the applicant work with the commercial property owner at 2640 Telegraph as follows:

48. Voluntary Solar Access Agreement. *The applicant is strongly encouraged to consult with the property owners at 2640 Telegraph Avenue in an effort to find a mutually agreeable solution that mitigates the impact of the subject building on the productivity of the existing solar panels located at 2640 Telegraph Avenue.*

The ZAB found that the project satisfied the findings for approval of a Use Permit and approved the demolition of the existing commercial building and construction of the new five-story mixed-use building.

Staff did not receive any further communications or concerns about the ZAB's March 12, 2020 approval of the Use Permit. The Notice of Decision of the ZAB's action was delayed when the City's Health Officer ordered residents to shelter in place and City offices were closed. The Planning Department issued pending permit decisions in mid-April when safe and adequate remote noticing and appeal procedures were in place. The neighbor to the immediate west, Olga Louchakova-Schwartz, filed a timely appeal.

ENVIRONMENTAL SUSTAINABILITY

The project approved by the ZAB is in compliance with all state and local environmental requirements, would be located in a transit-rich area, and would be built and operated according to current codes for energy conservation, waste reduction, low toxicity, and other factors.

RATIONALE FOR RECOMMENDATION

The issues raised in the appellant's letter, and staff's responses, are as follows. For the sake of brevity, the appeal issues are not re-stated in their entirety. Please refer to the attached appeal letter (Attachment #2: Appeal Letter) for the full text.

Issue #1: Items recommended by the DRC on February 20, 2020 and approved by ZAB on March 12, 2020: The appellant contends that four conditions of approval were recommended by the DRC and approved by the ZAB, but are not included in the NOD. They are:

1. Prohibiting fire pits on any private or shared patio
2. Requiring an on-site building manager
3. Removing the proposed dog walk located on the ground level at the west portion of the site
4. Prohibiting a buzzer on the building's parking garage

Regarding items #1 and 2, the appellant contends that staff omitted these conditions of approval from the NOD. Regarding item #3, the appellant cited the ZAB Preview staff report. Regarding item #4, the appellant cited the traffic impact analysis, which states that the project would generate 220 auto trips per day, and indicated that the project's garage door would be located approximately 30 feet from the bedroom at 2405 Derby Street, and

100 feet from the residential buildings across Derby Street. For these reasons, a garage door buzzer would be disruptive to the wellbeing of nearby residents.

Response: Regarding items #1-2, the captioner's record shows that the DRC and the ZAB heard public comment requesting such Conditions of Approval and did not discuss or decide to impose such conditions of approval. Regarding item #3, the dog walk was included on an earlier set of plans but is not proposed in the project approved by the ZAB on March 12, 2020 (see Attachment 3, Project Plans, Sheet A2.1).

Regarding item #4, the ZAB deferred to the expertise of the City's Traffic Engineer, who reviewed the Site Plan and determined at the Interdepartmental Roundtable meeting held on October 9, 2019 that the project's clearance area from the right-of-way on Derby to the garage door does not meet the minimum City standard for pedestrian sight lines (5' by 5'), and therefore requires a garage alarm (or audible walk indication) to ensure pedestrian safety. An alarm is one of several safety measures required by the California Manual on Uniform Traffic Control Devices (CA MUTCD) and the provisions of the Americans with Disabilities Act (ADA). The CA MUTCD establishes the minimum noise level of the audible walk indication for pedestrian signals at 5 dBA above the ambient noise level. This is the noise level threshold that would be set for the pedestrian signal within the 10-foot audible range approaching the driveway. The City's Traffic Engineer estimates that the signal per vehicle is less than a minute and the peak hour exiting vehicle trips based on the Transportation Assessment is 12. Therefore, the maximum hourly sounding would be 12 minutes in the peak (morning) hour.

Issue #2: The project exceeds the allowable density pursuant to the subject parcel's land use designation, inclusive of the Density Bonus, which would negatively impact public health: The appellant contends that based on the number of dwellings and unit types, 81 people would reside at the subject property, while the Avenue Commercial land use designation recommends a maximum of 43 people, inclusive of the 35% density bonus. In addition, the appellant asserts that population density is a leading factor in the spread of COVID-19, and as such, the project would be detrimental to public health.

Response: Under the City's density bonus procedures, the project's "base project" is 34 units. The "base project" is the project that could be built on the site allowed pursuant to the density and development standards of the General Commercial (C-1) Zoning District, without any Use Permits to expand the building envelope or waive development standards. The project qualifies

for a density bonus of 35%,³ which in this case represents 12 units, for a total of 46 units allowed. The applicant proposes to construct 11 additional units for a total of 45 dwelling units. The State DBL provisions require a waiver of development standards that will have the effect of precluding the construction of a project at the maximum allowable residential density plus the density bonus, inclusive of any units that may be allowed as part of the base project or pursuant to a use permit, unless the findings for denying the waiver can be made. There is no statutory basis for distinguishing between base project units, use permit units, and density bonus units.⁴

The appellant incorrectly calculated the maximum development allowed on the property by using the City's General Plan (Plan) Land Use Element as a reference. The Plan states that it "provides general direction and guidance for the physical development of Berkeley... The [Land Use] Diagram does not portray the specific use of each parcel of land. Rather, it shows the planned locations of generalized activities and residential densities. The Zoning Ordinance determines the specific regulations governing development of property."⁵ The Zoning Ordinance governs the development potential of an individual parcel through two metrics: Floor Area Ratio (FAR), which is utilized in non-residential zoning districts, and density (number of units per square foot of lot area), which is used in residential districts.⁶ As the project is located in the C-1 District, a non-residential district, FAR, rather than density, is used to determine the maximum building envelope allowed.

Finally, the appellant asserts that the proposed project would be detrimental to public health and safety because of its density, and that density is a leading factor in the spread of COVID-19. According to the Centers for Disease Control and Prevention, the COVID-19 virus is spread mainly from close (within six feet) person-to-person contact.⁷ Staff has not found any evidence to support the assertion that this project would contribute to the transmission of COVID-19.

Issue #3: The project should be re-designed to minimize the potential excess noise generated from west-facing patios: The appellant contends that the patios, as designed, would negatively impact the residential dwellings to the west

³ The applicant has committed to provide four Very Low Income units (11% of the base project).

⁴ California Government Code Section 65915.

⁵ City of Berkeley General Plan Land Use Element; see also *Wollmer v. City of Berkeley* (2011) 193 Cal.App.4th 1329, 1345 [discussing and affirming lawfulness of City policy].

⁶ Some commercial and residential districts also regulate the density of persons per lot area when a site is developed and used as a Group Living Accommodation.

⁷ United States Department of Health and Human Services, Centers for Disease Control and Prevention. Coronavirus Disease 2019 (COVID-19), Protect Yourself. <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>

of the project site. To mitigate this impact, the appellant requests that the project be re-designed with patios facing Telegraph Avenue. In addition, the appellant requests that a City noise expert evaluate the estimated noise level that would be generated at neighboring properties by the project.

Response: City staff agrees that the project would generate outdoor noise from residents talking on the project's common area garden, private patios, common landscape garden, and common roof deck. Typically, the noise level of normal conversation (people talking one foot apart) is measured as 60 decibels (dBA); the noise level decreases over distance on a logarithmic scale.⁸ The ZAB added Condition of Approval #11, which requires the common landscape area on the second and third floors and the common roof deck on the fifth floor include a privacy wall up to 54" (4.5') in height, to mitigate potential impacts related to noise.

The Berkeley Community Noise Ordinance regulates noise, including standards for exterior noise limits, to which residents of the project must adhere. For example, in the R-2 district (adjacent to the west of the project site), noise levels shall not exceed 55 dBA for more than 30 minutes in an hour between 7:00 A.M and 10:00 P.M, and 45 dBA between 10:00 P.M and 7:00 A.M.⁹ Any violation of the Noise Ordinance is considered a public nuisance.

Regarding the garage door buzzer, please refer to the response to Issue #1 above

The ZAB heard public comment requesting that the project be re-designed to locate all patios and usable open space on the Telegraph Avenue frontage and did not recommend or require such a design change as a condition of approval. Rather, the ZAB addressed such noise and privacy concerns by adding Condition of Approval #11, which requires a 54-inch privacy wall at each commonly-accessible usable open space area on the second, third and fifth floors, as well as fence up to eight feet in height and planting of mature trees along the west property line. Although the project would be required to meet the City's objective standards for noise, this additional Condition of Approval addresses neighbor concerns.

Issue #4: The concession granted under State DBL to provide 20 parking spaces where 35 are required should be denied; at least 30 parking spaces, four Uber/Lyft parking spaces, and three car sharing spaces should be required:
The appellant, citing the traffic study's conclusion that the project would

⁸ United States Department of Labor, Occupational Safety and Health Administration, Technical Manual, Section III, Chapter 5: Noise, updated August 15, 2013, https://www.osha.gov/dts/osta/otm/new_noise/

⁹ Berkeley Municipal Code, Chapter 13.40, Community Noise.

generate 220 daily trips, contends that the project would create an additional parking demand of 90 vehicles, and would therefore exceed the available on- and off-street parking supply in the vicinity.

Response: As stated earlier in this report, the State DBL provisions require a waiver of a development standard that will have the effect of precluding the construction of a project at the maximum allowable residential density plus the density bonus, inclusive of any units that may be allowed as part of the base project or pursuant to a use permit, unless the findings for denying the waiver can be made. The ZAB did not make the required findings to deny the State DBL-provided waiver for minimum parking that would otherwise be required in the C-1 District.

The appellant incorrectly states the project's projected parking demand is 90 vehicles. According to the Transportation Assessment conducted by Fehr & Peers, the project would create a total residential parking demand of 37 spaces, and would provide a total of 20 spaces, resulting in a deficit of 17 spaces. However, the Assessment concluded that on-street parking within two blocks of the site has adequate availability to accommodate the project parking demand that cannot be accommodated on-site.¹⁰ Further, this reduction in vehicular parking must be granted under DBL unless the required findings are made.¹¹ The ZAB did not make such findings at its March 12, 2020 hearing.

Issue #5: The City should allow a temporary construction fence 25 feet in height to lessen the construction noise impacts on residences to the west of the project site: The appellant contends that construction activity at the project site will render the dwelling at 2405 Derby Street uninhabitable, because a bedroom wall at 2405 Derby Street is located six feet from the west property line of the project site. The appellant asserts that medical evidence supports the argument that a 25-foot tall plywood fence would provide the necessary protection from construction noise.

¹⁰ Attachment 5, Administrative Record, 2650 Telegraph Avenue – Transportation Assessment, prepared by Fehr & Peers, January 31, 2020.

¹¹ Government Code section 65915(p)(8) provides: “. . . [I]f a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.”

Response: Staff recognizes that construction noise can impact nearby residences and businesses. As such, the project must comply with Condition of Approval #13: Construction Noise Reduction Program. This Condition states “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 should include measures such as “constructing a plywood fence around construction sites adjacent to...residences...where the noise control plan analysis determines that a barrier would be effective at reducing noise.” However, a 25-foot tall plywood wall would be unrealistic – the height of the proposed garage / podium level is approximately 14 feet, which is roughly the same height as the adjacent residence. The Zoning Officer, following standard procedures, will work with the applicant and their acoustical engineer to ensure that potential construction noise impacts are reduced to the maximum extent feasible. Further, Condition of Approval #14 – Construction Noise Management – Public Notice Required, states “At least two weeks prior to initiating any construction activities at the site, the applicant shall provide notice to...residents within 500 feet of the project site,” and requires a Project Liaison be appointed to resolve any construction-related complaints.

Issue #6: The Zoning Officer should not grant any request for an extension of construction hours beyond the maximum allowed under the Berkeley Municipal Code: The appellant requests that the Zoning Officer deny any request to extend construction hours beyond the maximum allowed under the BMC, given the proximity of the project site to residences.

Response: Staff recognizes that construction noise can impact neighboring residences and businesses. As such, the project must comply with Condition of Approval #31: Construction Hours - Extension. The Condition of Approval acknowledges that certain construction activities must be performed in a continuous manner and may require an extension of normal construction hours. The applicant must request an exception for a finite period of time from the Zoning Officer before initiating any such activity. The Zoning Officer, following standard procedures, will consider the request in the context of the activity’s potential impacts to neighboring residences and businesses. 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.

ALTERNATIVE ACTIONS CONSIDERED

Pursuant to BMC Section 23B.32.060.D, 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.

Action Deadline:

Pursuant to BMC Section 23B.32.060.G if the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council (not including Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

CONTACT PERSONS

Timothy Burroughs, Director, Planning & Development Department, (510) 981-7437
Steven Buckley, Land Use Planning Manager, (510) 981-7411
Ashley James, Project Planner, (510) 981-7458

Attachments:

1. Draft Resolution
 - Exhibit A: Findings and Conditions
 - Exhibit B: Project Plans, dated February 4, 2020
2. Appeal Letter dated April 28, 2020
3. ZAB Staff Report and Project Plans, dated March 12, 2020
4. Index to Administrative Record
5. Administrative Record
6. Public Hearing Notice

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

AFFIRMING THE ZONING ADJUSTMENTS BOARD'S APPROVAL OF USE PERMIT #ZP2019-0070 TO 1) DEMOLISH AN EXISTING COMMERCIAL BUILDING; AND 2) CONSTRUCT A FIVE-STORY, 34,249 SQUARE-FOOT MIXED-USE BUILDING WITH 45 UNITS (INCLUDING FOUR VERY LOW-INCOME UNITS), INCLUDING 1,290 SQUARE FEET OF COMMERCIAL SPACE, 4,051 SQUARE FEET OF USABLE OPEN SPACE, 50 BICYCLE PARKING SPACES AND 20 VEHICULAR PARKING SPACES AT THE GROUND LEVEL, AND DISMISSING THE APPEAL

WHEREAS, on April 18, 2019, David Trachtenberg Architects ("applicant") filed an application for a Use Permit to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), including 1,290 square feet of commercial space, 4,051 square feet of usable open space, as well as 50 bicycle parking spaces and 20 vehicular parking spaces at the ground level, and requested a density bonus under the State Density Bonus Law (DBL), at 2650 Telegraph Avenue; and

WHEREAS, on September 20, 2019, staff deemed this application complete and determined that the project is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15332 of the CEQA Guidelines ("In-Fill Development Projects"); and

WHEREAS, on February 27, 2020 staff posted the ZAB Notice of Public Hearing at the site in three locations and mailed 202 notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations; and

WHEREAS, on March 12, 2020, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and approved the application with Conditions; and

WHEREAS, on April 14, 2020, staff issued the notice of the ZAB decision; and

WHEREAS, on April 28, 2020, Olga Louchakova-Schwartz filed an appeal of the ZAB decision with the City Clerk; and

WHEREAS, on or before June 2, 2020, staff posted the public hearing notice at the site in three locations and mailed notices to property owners and occupants within 300 feet of the project site, and to interested neighborhood organizations; and

WHEREAS, on June 16, 2020, 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 that the City Council hereby adopts the findings made by the ZAB in Exhibit A to affirm the decision of the ZAB to approve Use Permit #ZP2019-0070, adopts the conditions of approval in Exhibit A and the project plans in Exhibit B, and dismisses the appeal.

Exhibits

A: Findings and Conditions

B: Project Plans, dated February 4, 2020

ATTACHMENT 1**FINDINGS AND CONDITIONS**

MARCH 12, 2020

2650 Telegraph Avenue

Use Permit #ZP2019-0070 to 1) demolish one existing commercial building; and 2) construct one, five-story, mixed-use building with 45 units (including 4 Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, as well as 50 long-term bicycle parking spaces and 20 vehicular parking spaces at the ground level.

PERMITS REQUIRED

- Use Permit to demolish a commercial building, pursuant to BMC Section 23C.08.050.A;
- Use Permit to construct a new mixed-use development, pursuant to BMC Section 23E.36.030;
- Use Permit to construct new floor area of 5,000 square feet or more, pursuant to BMC Section 23E.36.050; and
- Administrative Use Permit to allow architectural elements to exceed the height limit in a commercial district, pursuant to BMC Section 23E.04.020.C.
- Administrative Use Permit to construct a fence over six feet in height, pursuant to BMC Section 23D.08.060.

WAIVERS PURSUANT TO GOVERNMENT CODE SECTIONS 65915-65918

- Waiver of BMC Section to exceed height, to be 55'-6", where 40' is the limit;
- Waiver of BMC Section to reduce the parking requirement, to provide 20 parking spaces, where 35 are required; and
- Waiver of BMC Section to exceed the maximum floor area ratio (FAR), to be 3.15, where 3.0 is the limit.

CONCESSION UNDER GOVERNMENT CODE SECTIONS 65915-65918

- Concession to decrease the usable open space requirement in the Proposed Project by eliminating the roof deck where a roof deck is provided in the Base Project, providing 4,051 square feet of usable open space where 9,000 is the minimum.

I. CEQA FINDINGS

1. The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("In-Fill Development Projects"). The project meets all of the requirements of this exemption, as follows:
 - A. The project is consistent with the applicable General Plan designation and policies, and with the applicable zoning designation and regulations.
 - B. The project occurs within the Berkeley City limits on a project site of no more than five acres, and is surrounded by urban uses.
 - C. The parcels within the project site have previously been developed and have no value as habitat for endangered, rare or threatened species.
 - D. The project would not result in any significant effects relating to traffic, noise, air quality or water quality. The Traffic Impact Analysis prepared for the project was reviewed by the City

Transportation Division which concurred with the findings of less than significant impacts. City Standard Conditions would address potential impacts related to traffic, noise, air quality, and water quality.

E. The site can be adequately served by all required utilities and public services.

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

II. DENSITY BONUS FINDINGS

1. Pursuant to Government Code Section 65915, the Zoning Adjustments Board finds that:
 - A. Under the City's methodology for implementing density bonuses, the "base project" consists of 34 units;
 - B. The project will provide at least four Very Low Income qualifying units in the 34-unit "base project", as more fully set forth in Conditions of Approval #52-57;
 - C. The project is entitled to a density increase of 35% 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 12 units above the Base Project, for a total of 46 units.
2. In accordance with Government Code Section 65915(d) and (k), the Zoning Adjustments Board hereby grants the following concession in order to provide for affordable housing costs:
 - A. Concession to decrease the required usable open space from 9,000 sq. ft. to 4,051 sq. ft.
3. 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 concession 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.
4. In accordance with Government Code Section 65915(e) the Zoning Adjustments Board hereby grants the following waivers:
 - A. Waiver of BMC Section 23E.36.070.B.1 to exceed height, to be 55'-6", where 40' is the limit;
 - B. Waiver of BMC Section 23E.36.080.B to reduce the parking requirement, to provide 20 parking spaces, where 35 are required; and
 - C. Waiver of BMC Section 23E.36.070.A to exceed the maximum floor area ratio (FAR), to be 3.15, where 3.0 is the limit.

These waivers are required because state law requires the City to modify development standards as necessary to accommodate these density bonus units, and because the Zoning Adjustments Board hereby finds that the density bonus units can best be accommodated by granting these waivers.

5. 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 approval of waivers is required 1) construct the proposed project at the density permitted under State law; 2) approval of requested waivers would not have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources; and 3) approval of the requested waivers would not be contrary to State or Federal law.

III. FINDINGS FOR APPROVAL

1. As required by Section 23B.32.040.A of the BMC, the project, under the circumstances of this particular case existing at the time at which the application is granted, would not be detrimental to the health, safety, peace, morals, comfort, and general welfare of the persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City because:

- A. Height/Massing/Neighborhood Compatibility: While the proposed five-story building will be greater in height and massing than existing adjacent development, more recent development in the surrounding area along Telegraph Avenue has been constructed at a similar height and massing as the subject building. While the project will be at a higher density and create housing on an underutilized parcel along a commercial and transit corridor, the proposed building mass is concentrated at the Derby Street and Telegraph Avenue frontages, and the building exceeds the minimum setback from the north and west property lines (from 0' to 36'-8" starting on second floor and continuing to the roof level at the north property line, and 22'-6" at the fifth floor and from 45' to 62'-10" at the roof level the west property line) in order minimize impacts to the residences located to the north and west of the property.
- B. Shadows: Shadow studies submitted by the applicant document the new building's projected shadow angles and lengths at three times of the day during the summer and winter solstice. The proposed five-story building will be taller than existing buildings surrounding it and the project will cast new shadows on the abutting residences to the west and north. New shadows will occur during morning hours and at noon on the winter solstice and during morning hours on the summer solstice, as described below:

During morning hours on the winter solstice, new shadows would be cast on two residential dwellings to the east; 2410 and 2414 Carleton Street, and would affect the south and east façades of these buildings as described below:

- 2410 Carleton Street: fully shade a west facing living room window and partially shade all south facing living room windows on the dwelling in the rear of the property; and
- 2414 Carleton Street: fully shade all south and east facing windows on the cottage in the rear of the property.

At Noon on the winter solstice, new shadows would be cast on the south and east facing windows on the cottage in the rear of the property.

During morning hours on the summer solstice, new shadows would be cast on two residential dwellings to the west; 2643 Dana Street and 2405 Derby Street; and would affect their east façades as described below:

- 2643 Dana Street: fully shade three east facing windows; and
- 2405 Derby Street: fully shade two east-facing windows.

Given the existing structure at the project site is a single-story commercial building in a zoning district that permits greater heights and density, as well as the site's proximity to a low density residential neighborhood, any new construction will increase shadow impacts on the dwelling units to the west. While the project will cast new shadows on residential buildings, these shading impacts will occur for a limited time during the year, and only for a few hours of the day, and therefore the Board finds these shading impacts would not be detrimental.

- C. Parking: The parking impacts created as a result of the project will not be detrimental because, while the applicant has requested a waiver pursuant to State Density Bonus Law to reduce the number of vehicular parking spaces provided for dwelling units from 35 to 20 spaces, the traffic study found that the available on-street parking supply within two blocks of the project site can accommodate the project's expected peak parking demand.
- D. Traffic: The traffic study found that the project would generate approximately 220 daily net new trips, 20 of which are generated during the a.m. peak hour and 13 of which are generated during the p.m. peak hour. Under this scenario, the net peak trips generated by the project will not be noticeable no change traffic operations.
- E. Fence over six feet in height: The proposed fence will be located at the west property line only, and will be constructed in an architectural style with colors and materials the complement the surrounding buildings and fences. Due to its location, solar orientation, limited scale, and the presence of mature trees that will be installed along the western property line, the proposed fence is not expected to create significant changes to the existing sunlight or privacy conditions in the immediate vicinity of this project. No new sight lines will be created to or from neighboring buildings, and as the fence is located on a relatively flat parcel, there are no existing sightlines to the San Francisco Bay from the subject property at the ground floor, and will thus not block views.

IV. REQUIRED C-1 FINDINGS

1. As required by BMC Section 23E.36.090.B, the Zoning Adjustments Board makes the following required findings of this section, to the extent applicable, as described below:
 - A. Pursuant to BMC Section 23E.36.090.B, the proposed building is consistent with the following applicable purposes of the District:
 - Purpose A – “Implement the General Plan’s designations for Avenue Commercial area.” The project furthers this purpose because it would replace a vacant commercial building with a mixed-use building that would provide 45 dwelling units and a ground-floor café along a transit corridor, bringing more activity to the street in a transitional area of Telegraph Avenue, being located at the southern boundary of the Telegraph Business Improvement District and four blocks north of six-story medical and mixed-use buildings.
 - Purpose C - “Encourage development in underutilized neighborhood and community shopping areas.” The project is consistent with this purpose in that it would intensify an underutilized site consisting of a small commercial building and surface parking lot with a mixed-use building that would maximize the site’s development potential.
 - Purpose D - “Promote development compatible with adjacent commercial and residential areas.” The project is consistent with this purpose because the building would meet the minimum setback at the rear of the property, which is adjacent to one-story residences, on the ground through fourth levels, and the then step back an additional 10’-6” at the fifth level and an additional 33’ to 50’-10” at the roof level. Also, the majority of the proposed usable open space is located on the second level adjacent to the two-story commercial

building to the north, providing a 36'-8" setback at the second the fifth levels. Further, the proposed café at the ground level is compatible with surrounding commercial uses to the north, east and south along Telegraph Avenue, and the proposed residential use is compatible with surrounding residences to the west, northwest and south.

- B. Pursuant to BMC Section 23E.36.090.B.2, the Board finds that the project is compatible with the surrounding uses and buildings because the project would be consistent with the recent development pattern of 4- to 5-story mixed use and medical officer buildings within the vicinity along Telegraph Avenue. In addition, the project has been designed to minimize potential impacts to the lower-density residences to the west and north.
- C. Pursuant to BMC Section 23E.36.090.B.3, the Board finds that the project is supportive of an increase in the continuity of retail and service facilities at the ground level because the project will replace an approximately 2,862 sq. ft. commercial building last in use as a restaurant and provide 1,290 sq. ft. of café space on the ground level accessible from Telegraph Avenue, thus providing a continuity of service facilities in the C-1 District.
- D. Pursuant to BMC Section 23E.36.090.B.4, and based on the Traffic Impact Analysis submitted as part of this application, the Board finds that the project would not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply. There will be no significant transportation impacts according to established traffic engineering standards and no off-site traffic or transportation mitigations are required.

V. REQUIRED DEMOLITION OF AN EXISTING NON-RESIDENTIAL BUILDING FINDINGS

- 1. As required by Section 23C.08.050.D of the BMC, the Zoning Adjustments Board finds that the proposed demolition of the existing building will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City because:
 - A. The non-residential structure is not eligible for the California Register or a City of Berkeley Landmark designation, and the Landmarks Preservation Commission voted to take no action on the demolition;
 - B. The proposed project includes a mixed-use building which will provide dwellings and commercial space in this District, and thus will be compatible with adjacent and nearby residential uses; and
 - C. The demolition of the non-residential structure is required in order to authorize construction of the proposed new building and new use.

VI. REQUIRED ROOFTOP PROJECTION FINDINGS

- 1. As required by Section 23E.04.020.C of the BMC, the Zoning Officer finds that the rooftop projections will not be habitable and that the combined floor area of the projections represents less than 15% of the average floor area of the building because:
 - A. The elevator over-run and stair hatch will extend no more than 10'-3" above the roof and the mechanical equipment surround will extend no more than 3'-3" above the roof and will only provide access to the roof and will not provide habitable space; and
 - B. The average floor area of all of the building's floors is 6,850 sq. ft., and 15 percent of this total is 1,027 sq. ft. The total area of all rooftop architectural elements is approximately 236 sq. ft., or 3.4%, which is less than the 15% maximum allowed (or 1,027 sq. ft.).

VII. STANDARD CONDITIONS OF APPROVAL FOR ALL PROJECTS

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

1. Conditions Shall be Printed on Plans

The conditions of this Permit shall be printed on the *second* sheet of each plan set submitted for a building permit pursuant to this Use Permit, under the title 'Use Permit Conditions.' *Additional sheets* may also be used if the *second* sheet is not of sufficient size to list all of the conditions. The sheet(s) containing the conditions shall be of the same size as those sheets containing the construction drawings; 8-1/2" by 11" sheets are not acceptable.

2. Applicant Responsible for Compliance with Conditions

The applicant shall ensure compliance with all of the following conditions, including submittal to the project planner of required approval signatures at the times specified. Failure to comply with any condition may result in construction being stopped, issuance of a citation, and/or modification or revocation of the Use Permit.

3. Uses Approved Deemed to Exclude Other Uses (Section 23B.56.010)

- A. This Permit authorizes only those uses and activities actually proposed in the application, and excludes other uses and activities.
- B. Except as expressly specified herein, this Permit terminates all other uses at the location subject to it.

4. Modification of Permits (Section 23B.56.020)

No change in the use or structure for which this Permit is issued is permitted unless the Permit is modified by the Board, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

Changes in the plans for the construction of a building or structure, may be modified prior to the completion of construction, in accordance with Section 23B.56.030.D. 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.

5. Plans and Representations Become Conditions (Section 23B.56.030)

Except as specified herein, the site plan, floor plans, building elevations and/or any additional information or representations, whether oral or written, indicating the proposed structure or manner of operation submitted with an application or during the approval process are deemed conditions of approval.

6. Subject to All Applicable Laws and Regulations (Section 23B.56.040)

The approved use and/or construction is subject to, and shall comply with, all applicable City Ordinances and laws and regulations of other governmental agencies. Prior to construction, the applicant shall identify and secure all applicable permits from the Building and Safety Division, Public Works Department and other affected City divisions and departments.

7. Exercised Permit for Use Survives Vacancy of Property (Section 23B.56.080)

Once a Permit for a use is exercised and the use is established, that use is legally recognized, even if the property becomes vacant, except as set forth in Standard Condition #8, below.

- 11. Final Design Review.** The Project requires approval of a Final Design Review application by the Design Review Committee. At Final Design Review, the applicant shall present plans indicating the following:
- Installation of walls surrounding each private patio on the fourth floor and the commonly-accessible usable open space on the fifth floor up to 54” in height. The top 12” may consist of translucent glass or stucco at the discretion of the applicant.
 - Installation of a fence along the western property line only that extends up to 8’ in height.
 - Mature trees planned for installation at the western property line, the species of which are to be mutually agreeable with the applicant and immediate neighbors to the west.
- 12. Address Assignment.** The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (1947 Center Street) for any address change or new address associated with this Use Permit. The new address(es) shall be assigned and entered into the City’s database prior to the applicant’s submittal of a building permit application.
- 13. Construction Noise Reduction Program.** The applicant shall develop a site specific noise reduction program prepared by a qualified acoustical consultant to reduce construction noise impacts to the maximum extent feasible, subject to review and approval of the Zoning Officer. The noise reduction program shall include the time limits for construction listed above, as measures needed to ensure that construction complies with BMC Section 13.40.070. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:
- A. Construction equipment should be well maintained and used judiciously to be as quiet as practical.
 - B. Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
 - C. Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
 - D. Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
 - E. Prohibit unnecessary idling of internal combustion engines.
 - F. If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
 - G. Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
 - H. Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
 - I. Route construction related traffic along major roadways and away from sensitive receptors where feasible.

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

- 14. 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.

15. 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.
16. 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.
17. Construction and Demolition. Applicant shall submit a Waste Diversion Form and Waste Diversion Plan that meet the diversion requirements of BMC Chapters 19.24 and 19.37.
18. First Source Agreement. The applicant and/or end user(s) shall enter into a First Source Agreement with the City of Berkeley. First Source promotes the hiring of local residents on local projects. The agreement requires contractors/employers to engage in good faith efforts to hire locally, including utilizing graduates of local job training programs. Please call (510) 981-4970 for further information, or visit the City's Employment Programs office at 2180 Milvia, 1st Floor.
19. Toxics. The applicant shall contact the Toxics Management Division (TMD) at 1947 Center Street or (510) 981-7470 to determine which of the following documents are required and timing for their submittal:
 - A. Environmental Site Assessments:
 - 1) Phase I & Phase II Environmental Site Assessments (latest ASTM 1527-13). A recent Phase I ESA (less than 6 months old*) shall be submitted to TMD for developments for:
 - All new commercial, industrial and mixed use developments and all large improvement projects.
 - All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).
 - EMA is available online at:
 - http://www.cityofberkeley.info/uploadedFiles/IT/Level_3_-_General/ema.pdf
 - 2) Phase II ESA is required to evaluate Recognized Environmental Conditions (REC) identified in the Phase I or other RECs identified by TMD staff. The TMD may require a third party toxicologist to review human or ecological health risks that may be identified. The applicant may apply to the appropriate state, regional or county cleanup agency to evaluate the risks.
 - 3) If the Phase I is over 6 months old, it will require a new site reconnaissance and interviews. If the facility was subject to regulation under Title 15 of the Berkeley Municipal Code since the last Phase I was conducted, a new records review must be performed.

B. Soil and Groundwater Management Plan:

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

C. Building Materials Survey:

- 1) Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or lineal feet of interior or exterior walls, a building materials survey shall be conducted by a qualified professional. The survey shall include, but not be limited to, identification of any lead-based paint, asbestos, polychlorinated biphenyl (PBC) containing equipment, hydraulic fluids in elevators or lifts, refrigeration systems, treated wood and mercury containing devices (including fluorescent light bulbs and mercury switches). The Survey shall include plans on hazardous waste or hazardous materials removal, reuse or disposal procedures to be implemented that fully comply state hazardous waste generator requirements (22 California Code of Regulations 66260 et seq). The Survey becomes a condition of any building or demolition permit for the project. Documentation evidencing disposal of hazardous waste in compliance with the survey shall be submitted to TMD within 30 days of the completion of the demolition. If asbestos is identified, Bay Area Air Quality Management District Regulation 11-2-401.3 a notification must be made and the J number must be made available to the City of Berkeley Permit Service Center.

D. Hazardous Materials Business Plan:

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

Prior to Issuance of Any Building (Construction) Permit

- 20. Percent for Public Art:** Consistent with BMC §23C.23, the applicant shall either pay the required in-lieu fee or provide the equivalent amount in a financial guarantee to be released after installation of the On-Site Publicly Accessible Art.
- 21. Affordable Housing Mitigation Fee:** Consistent with BMC §22.20.065, and fee resolution applicable to this project, the applicant shall provide a schedule, consistent with a schedule approved by the City Manager or her designee, outlining the timeframe for payment of the AHMF, and they shall pay this fee.
- 22. 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.

23. Solar Photovoltaic (Solar PV). A solar PV system, on the solar zone specified in Section 110.10 of the 2019 Energy Code, shall be installed (subject to the exceptions in Section 110.10) as specified by the Berkeley Energy Code (BMC Chapter 19.36). Location of the solar PV system shall be noted on the construction plans.
24. Electric Vehicle (EV) Charging. At least 20% of the project parking spaces for residential parking shall be "EV Charger Ready": equipped with raceway, wiring, and power to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, and at least 80% of the project parking spaces for residential parking shall be "EV Spaces Raceway Equipped": equipped with a raceway between an enclosed, inaccessible, or concealed area and an electrical service panel/subpanel as specified by the Berkeley Green Code (BMC Section 19.37.040). Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable readiness requirement. Readiness for EV charging and EV charging station installations shall be noted on the construction plans.
25. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for occupants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).
26. Water Efficient Landscaping. Landscaping, totaling 500 square feet of more of new landscaping or 2,500 square feet or more of renovated irrigated area, shall comply with the State's Model Water Efficient Landscape Ordinance (MWELo). MWELo-compliant landscape documentation including a planting, grading, and irrigation plan shall be included in site plans. Water budget calculations are also required for landscapes of 2,500 square feet or more and shall be included in site plans. The reference evapotranspiration rate (ET_o) for Berkeley is 41.8.
27. 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.
28. Parking for Disabled Persons. Per BMC Section 23E.28.040.D of the Zoning Ordinance, "Notwithstanding any reduction in off-street parking spaces that may be granted for mixed-use projects in non-residential districts listed in Sub-title 23E, the requirement for off-street parking spaces for disabled persons in the project shall be calculated as if there had been no reduction in total parking spaces."

Prior to Demolition or Start of Construction:

29. Construction Meeting. The applicant shall request of the Zoning Officer an on-site meeting with City staff and key parties involved in the early phases of construction (e.g., applicant, general contractor, foundation subcontractors) to review these conditions and the construction schedule. The general contractor or applicant shall ensure that all subcontractors involved in subsequent phases of construction aware of the conditions of approval.

During Construction:

- 30. 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 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.
- 31. 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.
- 32. Transportation Construction Plan.** The applicant and all persons associated with the project are hereby notified that a Transportation Construction Plan (TCP) is required for all phases of construction, particularly for the following activities:
- Alterations, closures, or blockages to sidewalks, pedestrian paths or vehicle travel lanes (including bicycle lanes);
 - Storage of building materials, dumpsters, debris anywhere in the public ROW;
 - Provision of exclusive contractor parking on-street; or
 - Significant truck activity.

The applicant shall secure the City Traffic Engineer's approval of a TCP. Please contact the Office of Transportation at 981-7010, or 1947 Center Street, and ask to speak to a traffic engineer. In addition to other requirements of the Traffic Engineer, this plan shall include the locations of material and equipment storage, trailers, worker parking, a schedule of site operations that may block traffic, and provisions for traffic control. The TCP shall be consistent with any other requirements of the construction phase.

Contact the Permit Service Center (PSC) at 1947 Center Street or 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

- 33. 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:
- Contact information (i.e. "hotline" phone number, and email address) for the project construction manager
 - Calendar and schedule of daily/weekly/monthly construction activities
 - 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.

- 34. 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.

- 35. Air Quality - Diesel Particulate Matter Controls during Construction.** All off-road construction equipment used for projects with construction lasting more than 2 months shall comply with **one** of the following measures:
- A. The project applicant shall prepare a health risk assessment that demonstrates the project's on-site emissions of diesel particulate matter during construction will not exceed health risk screening criteria after a screening-level health risk assessment is conducted in accordance with current guidance from BAAQMD and OEHHA. The health risk assessment shall be submitted to the Land Use Planning Division for review and approval prior to the issuance of building permits; or
 - B. All construction equipment shall be equipped with Tier 2 or higher engines and the most effective Verified Diesel Emission Control Strategies (VDECS) available for the engine type (Tier 4 engines automatically meet this requirement) as certified by the California Air Resources Board (CARB). The equipment shall be properly maintained and tuned in accordance with manufacturer specifications.

In addition, a Construction Emissions Minimization Plan (Emissions Plan) shall be prepared that includes the following:

- 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.
- 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.

- 36. 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.

- 37. 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.
- 38. 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.
- 39. 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.

40. Stormwater Requirements. The applicant shall demonstrate compliance with the requirements of the City's National Pollution Discharge Elimination System (NPDES) permit as described in BMC Section 17.20. The following conditions apply:
- A. The project plans shall identify and show site-specific Best Management Practices (BMPs) appropriate to activities conducted on-site to limit to the maximum extent practicable the discharge of pollutants to the City's storm drainage system, regardless of season or weather conditions.
 - B. Trash enclosures and/or recycling area(s) shall be covered; no other area shall drain onto this area. Drains in any wash or process area shall not discharge to the storm drain system; these drains should connect to the sanitary sewer. Applicant shall contact the City of Berkeley and EBMUD for specific connection and discharge requirements. Discharges to the sanitary sewer are subject to the review, approval and conditions of the City of Berkeley and EBMUD.
 - C. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration and minimize the use of fertilizers and pesticides that contribute to stormwater pollution. Where feasible, landscaping should be designed and operated to treat runoff. When and where possible, xeriscape and drought tolerant plants shall be incorporated into new development plans.
 - D. Design, location and maintenance requirements and schedules for any stormwater quality treatment structural controls shall be submitted to the Department of Public Works for review with respect to reasonable adequacy of the controls. The review does not relieve the property owner of the responsibility for complying with BMC Chapter 17.20 and future revisions to the City's overall stormwater quality ordinances. This review shall be conducted prior to the issuance of a Building Permit.
 - E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.
 - F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.
 - G. All on-site storm drain inlets must be labeled "No Dumping – Drains to Bay" or equivalent using methods approved by the City.
 - H. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
 - I. 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.

- J. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.
- K. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.
- 41. Public Works - Implement BAAQMD-Recommended Measures during Construction.** For all proposed projects, BAAQMD recommends implementing all the Basic Construction Mitigation Measures, listed below to meet the best management practices threshold for fugitive dust:
- A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
 - B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
 - C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
 - D. All vehicle speeds on unpaved roads shall be limited to 15 mph.
 - E. All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
 - F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
 - G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - H. Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.
- 42. 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.
- 43. Public Works.** The applicant shall ensure that all excavation takes into account surface and subsurface waters and underground streams so as not to adversely affect adjacent properties and rights-of-way.
- 44. 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.
- 45. 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.

46. 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.
47. Public Works. If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction.

Prior to Final Inspection or Issuance of Occupancy Permit:

48. Voluntary Solar Access Agreement. The applicant is strongly encouraged to consult with the property owners at 2640 Telegraph Avenue in an effort to find a mutually agreeable solution that mitigates the impact of the subject building on the productivity of the existing solar panels located at 2640 Telegraph Avenue.
49. 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.
50. Compliance with Approved Plan. The project shall conform to the plans and statements in the Use Permit. All landscape, site and architectural improvements shall be completed per the attached approved drawings dated **February 04, 2020**, except as modified by conditions of approval.
51. Construction and Demolition Diversion. A Waste Diversion Report, with receipts or weigh slips documenting debris disposal or recycling during all phases of the project, must be completed and submitted for approval to the City's Building and Safety Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A copy of the Waste Diversion Plan shall be available at all times at the construction site for review by City Staff.

BELOW MARKET RATE UNITS

52. Number of Below Market Rate Units. The project shall provide 4 below market rate rental dwelling units ("BMR Units"), which are required to comply with the State Density Bonus Law (Government Code Section 65915). The BMR Units shall be designated in the Regulatory Agreement and shall be reasonably dispersed throughout the project; be of the same size and contain, on average, the same number of bedrooms as the non-BMR units in the project; and be comparable with the design or use of non-BMR units in terms of appearance, materials and finish quality. The designation of BMR Units shall conform to the addresses assigned to the building by the City.
53. Regulatory Agreement. Prior to the issuance of a building permit, the applicant shall enter into a Regulatory Agreement that implements Government Code Section 65915 and this Use Permit. The Regulatory Agreement may include any terms and affordability standards determined by the City to be necessary to ensure such compliance. The maximum qualifying household income for the BMR Units shall be 50 percent of area median income (AMI), and the maximum housing payment shall be 30 percent of 50 percent of AMI, as set forth in the following paragraphs of this condition. If the BMR units are occupied by very low income tenants receiving a rental subsidy through the Section 8 or Shelter Plus Care programs, the rent received by the project sponsor may

exceed the restricted rent to the payment standards allowed under those programs so long as the rent allowed under the payment standards is not greater than the market rents charged for comparable units in the development.

54. In addition, the following provisions shall apply:

- A. Maximum rent shall be adjusted for the family size appropriate for the unit pursuant to California Health & Safety Code Section 50052.5 (h).
- B. Rent shall include a reasonable allowance for utilities, as published and updated by the Berkeley Housing Authority, including garbage collection, sewer, water, electricity, gas, and other heating, cooking and refrigeration fuels. Such allowance shall take into account the cost of an adequate level of service. Utilities do not include telephone service. Rent also includes any separately charged fees or service charges assessed by the lessor which are required of all tenants, other than security deposits.
- C. BMR units will be provided for the life of the project under Section 22.20.065.

55. Determination of Area Median Income (AMI).

- A. The "AMI" (Area Median Income) shall be based on the income standards for the Oakland Primary Metropolitan Statistical Area reported by the United States Department of Housing and Urban Development (HUD). In the event HUD discontinues establishing such income standards, AMI shall be based on income standards determined by the California State Department of Housing and Community Development (HCD). If such income standards are no longer in existence, the City will designate another appropriate source or method for determining the median household income.
- B. The applicable AMI for the purpose of determining the allowable rent for each unit (but not for the purpose of determining eligibility for occupancy of an inclusionary unit) shall be determined in accordance with the following table:

Unit Size	AMI Standard
Studio unit	AMI for a one person household
One-bedroom unit	AMI for a two person household
Two-bedroom unit	AMI for a three person household
Three-bedroom unit	AMI for a four person household

56. 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, than are required in the foregoing provisions.

57. Dwellings that are approved as rental units, but in which a condo map is approved prior to issuance of an occupancy permit, shall be subject to the affordability requirements within BMC Section 23C.12, which applies to the any of the following:


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

If a density bonus was granted for the project, the regulatory agreement shall reflect the number of qualifying units set forth in Section 65915(f)(4) that are needed to support the bonus that was granted.

At All Times:

58. 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.
59. Rooftop Projections. No additional rooftop, elevator equipment, or roof screens, shall be added without submission of an application for a Use Permit Modification, subject to Board review and approval.
60. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.
61. 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.
62. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
63. 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.
64. Residential Permit Parking. No Residential Permit Parking (RPP) permits shall be issued to project residents, nor shall commercial placards be issued to non-residential occupants and/or users of the site. The project planner shall notify the Finance Department, Customer Service Center, to add these addresses to the list of addresses ineligible for RPP permits. The property owner shall notify all tenants of rental units, and/or buyers of condominium units, of this restriction in leases and/or contracts, and shall provide sample leases and/or contracts including such notification to the project planner prior to issuance of an occupancy permit or final inspection.
65. Bike Parking. Secure and on-site bike parking for at least 50 bicycles shall be provided for the life of the building.
66. 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.
67. Transportation Demand Management. A Transportation Demand Management compliance report shall be submitted to the Transportation Division Manager, on a form acceptable to the City, prior to occupancy, and on an annual basis thereafter, which demonstrates that the project is in compliance with the applicable requirements and the following:
 - A. Subject to the review and oversight of the Transportation Division Manager and the Zoning Officer, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, to every employee.

- B. Subject to the review and oversight of the Transportation Division Manager and the Zoning Officer, the cost equivalent to an unlimited local bus pass shall be provided on a Clipper Card, or equivalent card that can be used by major Bay Area transit systems, shall be provided, at no cost, one per residential unit.
 - C. Transit information shall be provided in the residential lobby, updated at a minimum once a year. The information panels shall be shown in the construction drawings and shall be installed **prior to occupancy**.
 - D. An information package describing these transportation benefits shall be provided to all residents/employees on arrival plus once a year. Information may pertain to the City, regional transit agencies, car sharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all residents/employees on arrival plus once a year.
 - E. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees and residents.
 - F. The food service operation, if qualifying for participation in the Alameda County Guaranteed Ride Home program (or successor program), shall participate in the "Guarantee Ride Home" program to reduce employee single occupant vehicle trips by providing alternate means of leaving work in an emergency. Enrollment shall be encouraged by providing Guarantee Ride Home information to all employees. An affidavit/statement indicating number of participating employees shall be provided annually to the Transportation Division Manager.
- 68. Transit Subsidy Condition.** The applicant shall reimburse employees the maximum non-taxable cost of commuting to and from work on public transportation (e.g., monthly passes) if they so commute, and a notice informing employees of the availability of such subsidy shall be permanently displayed in the employee area as per BMC Chapter 9.88.
- 69. Subject to Review.** This permit is subject to review, imposition of additional conditions, or revocation if factual complaint is received by the Zoning Officer that the maintenance or operation of this establishment is violating any of these or other required conditions or is detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the neighborhood or is detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
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VICINITY MAP	PROJECT DIRECTORY	PROJECT DESCRIPTION	DRAWING LIST																																																									
 <p>N.T.S.</p>	<p>OWNER/APPLICANT: OSM INVESTMENT COMPANY 1516 South Bundy Drive, Suite 300 Los Angeles, CA 90025</p> <p>ARCHITECT: David Trachtenberg, Principal TRACHTENBERG ARCHITECTS 2421 Fourth Street Berkeley, CA 94710 510.649.1414 www.TrachtenbergArch.com</p>	<p>PROJECT ADDRESS: 2650 Telegraph Ave. Berkeley, CA 94704 (APN: 055 183500901)</p> <p>SCOPE OF WORK: REMOVAL OF EXISTING 1-STORY COMMERCIAL STRUCTURE AND CONSTRUCTION OF NEW 5-STORY MIXED-USE BUILDING WITH 45-DWELLING UNITS, GROUND LEVEL LOBBIES, COMMERCIAL SPACE, AND PARKING, WITH STATE OF CALIFORNIA DENSITY BONUS.</p> <p>ZONING CODE SUMMARY (BASED ON THE BERKELEY MUNICIPAL ZONING CODE)</p> <p>ZONING: C-1</p> <p>SEE SHEET A0.1 FOR COMPLETE ZONING & BUILDING CODE DATA</p>	<table border="1"> <thead> <tr> <th>SHEET NO. & TITLE</th> <th>SHEET NO. & TITLE</th> </tr> </thead> <tbody> <tr> <td colspan="2">ARCHITECTURAL</td> </tr> <tr> <td>A0.0 GENERAL INFORMATION</td> <td>A3.4 BUILDING ELEVATIONS</td> </tr> <tr> <td>A0.1 DESIGN REVISION COMPARISON DIAGRAMS</td> <td>A3.5 BUILDING ELEVATIONS</td> </tr> <tr> <td>A0.1A ZONING INFORMATION & DIAGRAMS</td> <td>A3.6 BUILDING ELEVATIONS</td> </tr> <tr> <td>A0.1B BUILDING CODE INFORMATION & DIAGRAMS</td> <td>A3.7 STREET STRIP ELEVATIONS</td> </tr> <tr> <td>A0.2A GREEN BUILDING CHECKLIST</td> <td>A3.8 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.2B GREEN BUILDING CHECKLIST</td> <td>A3.9 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.2C GREEN BUILDING CHECKLIST</td> <td>A3.10 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.3A DENSITY BONUS DIAGRAMS</td> <td>A3.11 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.4A SHADOW STUDIES</td> <td>A3.12 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.4B SHADOW STUDIES</td> <td>A3.13 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.5 ZONING SITE PHOTOS</td> <td>A3.14 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.6 VICINITY MAP</td> <td>A3.15 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.7A PERSPECTIVE VIEWS</td> <td>A3.16 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.7B PERSPECTIVE VIEWS</td> <td>A4.1 BUILDING SECTION</td> </tr> <tr> <td>A0.7C PERSPECTIVE VIEWS</td> <td>A4.2 WALL SECTIONS & DETAILS</td> </tr> <tr> <td>A1.0 SITE SURVEY</td> <td>A4.3 WALL SECTIONS</td> </tr> <tr> <td>A2.1 PLAN AT GROUND LEVEL / SITE PLAN</td> <td>SW-1 PRELIM. STORMWATER MANAGEMENT PLAN</td> </tr> <tr> <td>A2.2 PLAN AT MEZZANINE LEVEL</td> <td>MAT MATERIAL BOARD</td> </tr> <tr> <td>A2.3 PLAN AT LEVELS 2 & 3</td> <td></td> </tr> <tr> <td>A2.4 PLAN AT LEVEL 4</td> <td></td> </tr> <tr> <td>A2.5 PLAN AT LEVEL 5</td> <td>LANDSCAPE</td> </tr> <tr> <td>A2.6 ROOF PLAN</td> <td>L1.1 LANDSCAPE PLAN GROUND LEVEL</td> </tr> <tr> <td>A3.1 RENDERING</td> <td>L1.2 LANDSCAPE PLAN LEVEL 2</td> </tr> <tr> <td>A3.2 RENDERING</td> <td>L1.3 LANDSCAPE PLAN LEVEL 4 AND LEVEL 5</td> </tr> <tr> <td>A3.3 BUILDING ELEVATIONS</td> <td>L1.4 LANDSCAPE SECTIONS</td> </tr> <tr> <td></td> <td>L1.5 LANDSCAPE AND PLANTING PALETTE</td> </tr> </tbody> </table>		SHEET NO. & TITLE	SHEET NO. & TITLE	ARCHITECTURAL		A0.0 GENERAL INFORMATION	A3.4 BUILDING ELEVATIONS	A0.1 DESIGN REVISION COMPARISON DIAGRAMS	A3.5 BUILDING ELEVATIONS	A0.1A ZONING INFORMATION & DIAGRAMS	A3.6 BUILDING ELEVATIONS	A0.1B BUILDING CODE INFORMATION & DIAGRAMS	A3.7 STREET STRIP ELEVATIONS	A0.2A GREEN BUILDING CHECKLIST	A3.8 PERSPECTIVE VIEWS	A0.2B GREEN BUILDING CHECKLIST	A3.9 PERSPECTIVE VIEWS	A0.2C GREEN BUILDING CHECKLIST	A3.10 PERSPECTIVE VIEWS	A0.3A DENSITY BONUS DIAGRAMS	A3.11 PERSPECTIVE VIEWS	A0.4A SHADOW STUDIES	A3.12 PERSPECTIVE VIEWS	A0.4B SHADOW STUDIES	A3.13 PHOTO CONTEXT VIEWS	A0.5 ZONING SITE PHOTOS	A3.14 PHOTO CONTEXT VIEWS	A0.6 VICINITY MAP	A3.15 PHOTO CONTEXT VIEWS	A0.7A PERSPECTIVE VIEWS	A3.16 PHOTO CONTEXT VIEWS	A0.7B PERSPECTIVE VIEWS	A4.1 BUILDING SECTION	A0.7C PERSPECTIVE VIEWS	A4.2 WALL SECTIONS & DETAILS	A1.0 SITE SURVEY	A4.3 WALL SECTIONS	A2.1 PLAN AT GROUND LEVEL / SITE PLAN	SW-1 PRELIM. STORMWATER MANAGEMENT PLAN	A2.2 PLAN AT MEZZANINE LEVEL	MAT MATERIAL BOARD	A2.3 PLAN AT LEVELS 2 & 3		A2.4 PLAN AT LEVEL 4		A2.5 PLAN AT LEVEL 5	LANDSCAPE	A2.6 ROOF PLAN	L1.1 LANDSCAPE PLAN GROUND LEVEL	A3.1 RENDERING	L1.2 LANDSCAPE PLAN LEVEL 2	A3.2 RENDERING	L1.3 LANDSCAPE PLAN LEVEL 4 AND LEVEL 5	A3.3 BUILDING ELEVATIONS	L1.4 LANDSCAPE SECTIONS		L1.5 LANDSCAPE AND PLANTING PALETTE
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TRACHTENBERG ARCHITECTS

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

VIEW ALONG TELEGRAPH LOOKING NORTH



TELEGRAPH & DERBY

2650 Telegraph
Berkeley, CA 94704

- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 ZAB & DRC REVISIONS
- 2020.02.04 PRELIM. DRC SET

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SHEET:
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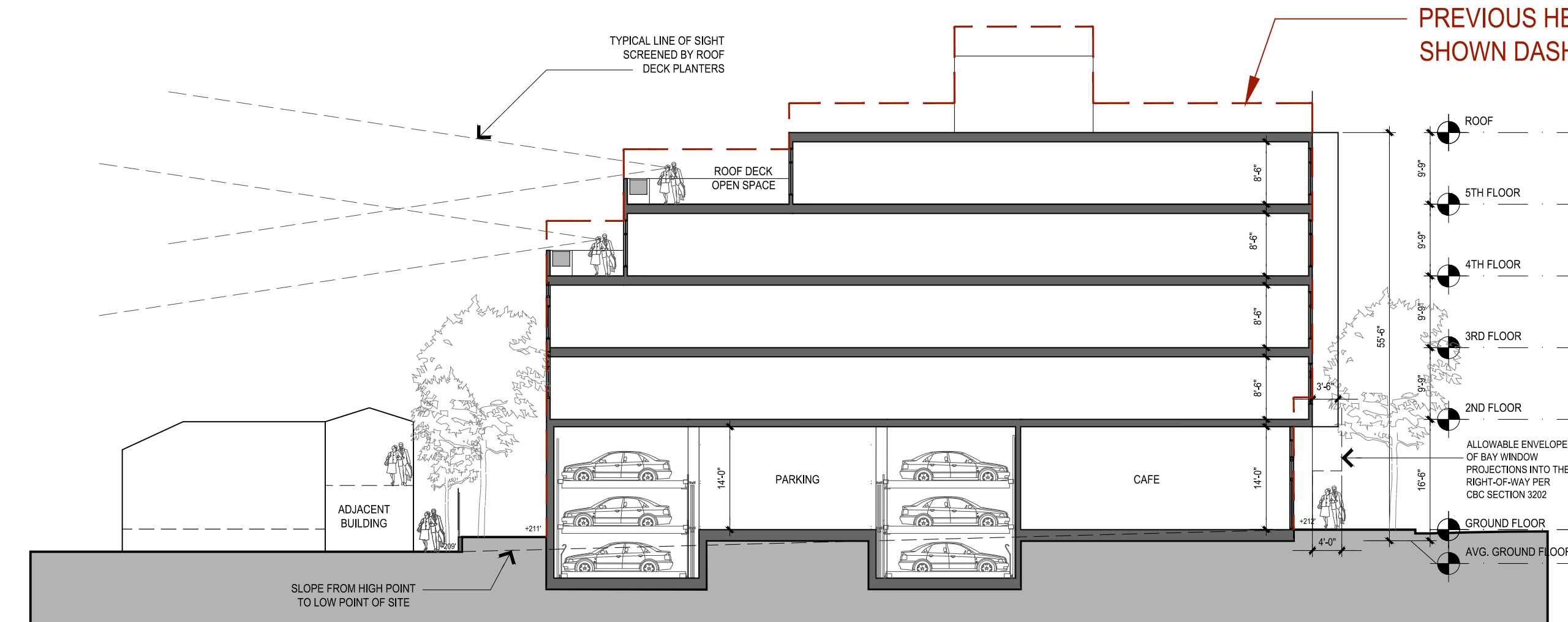
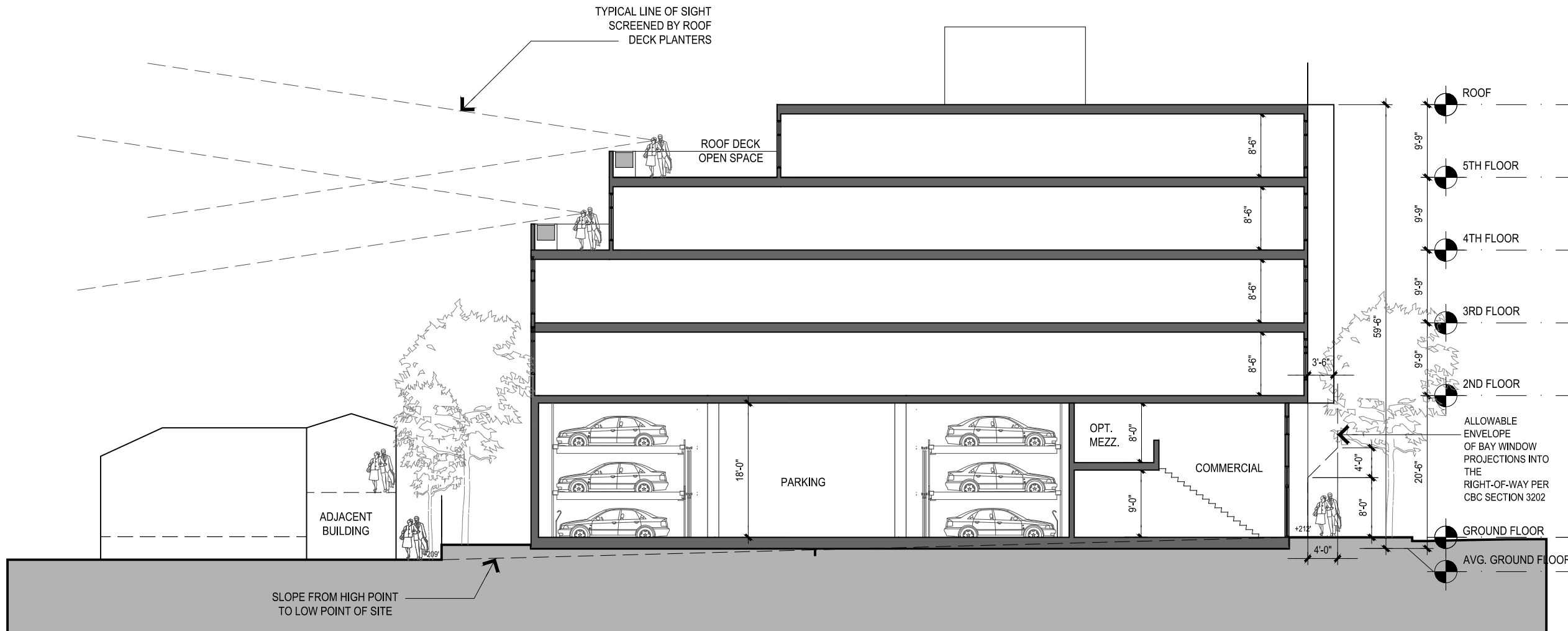
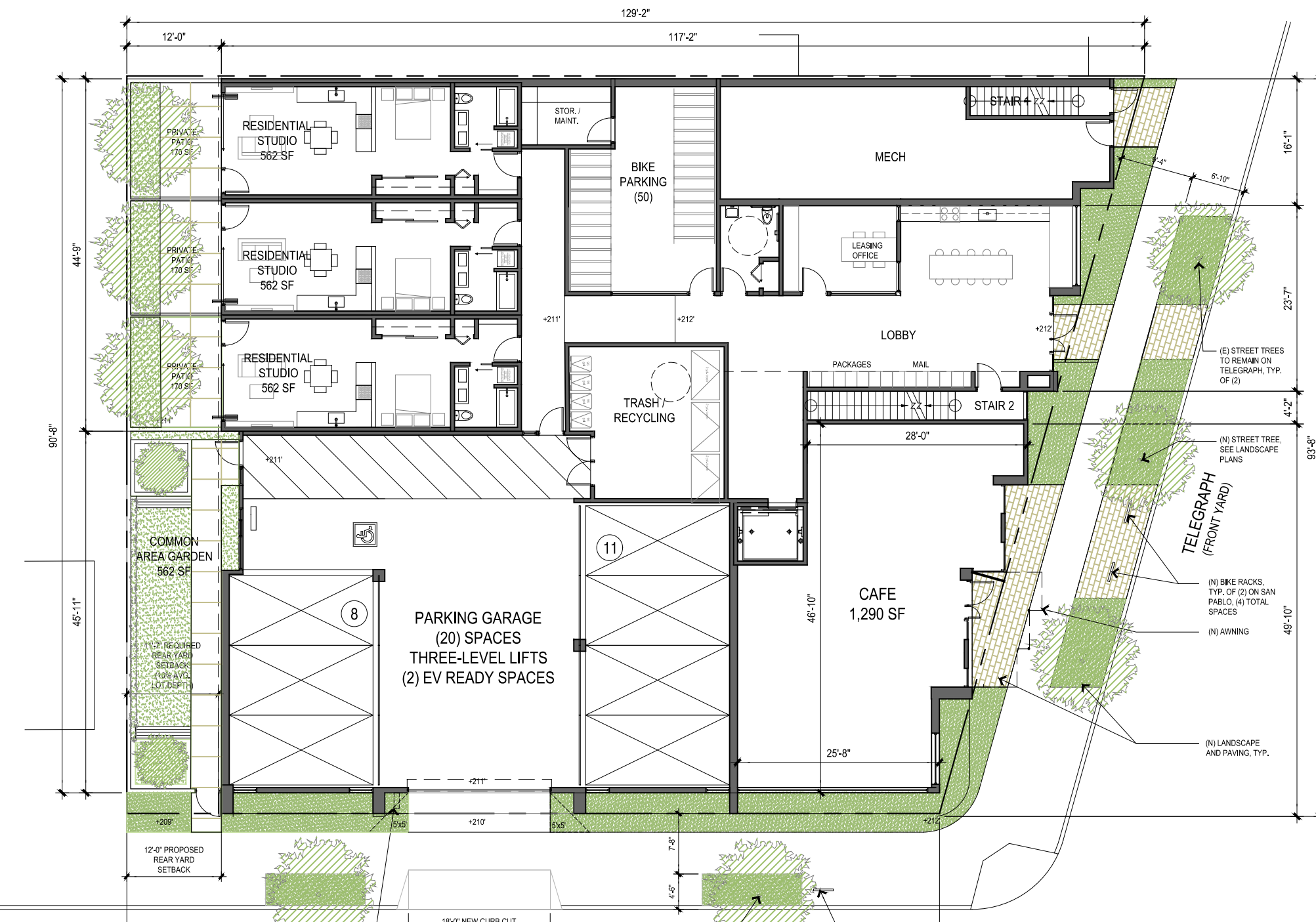
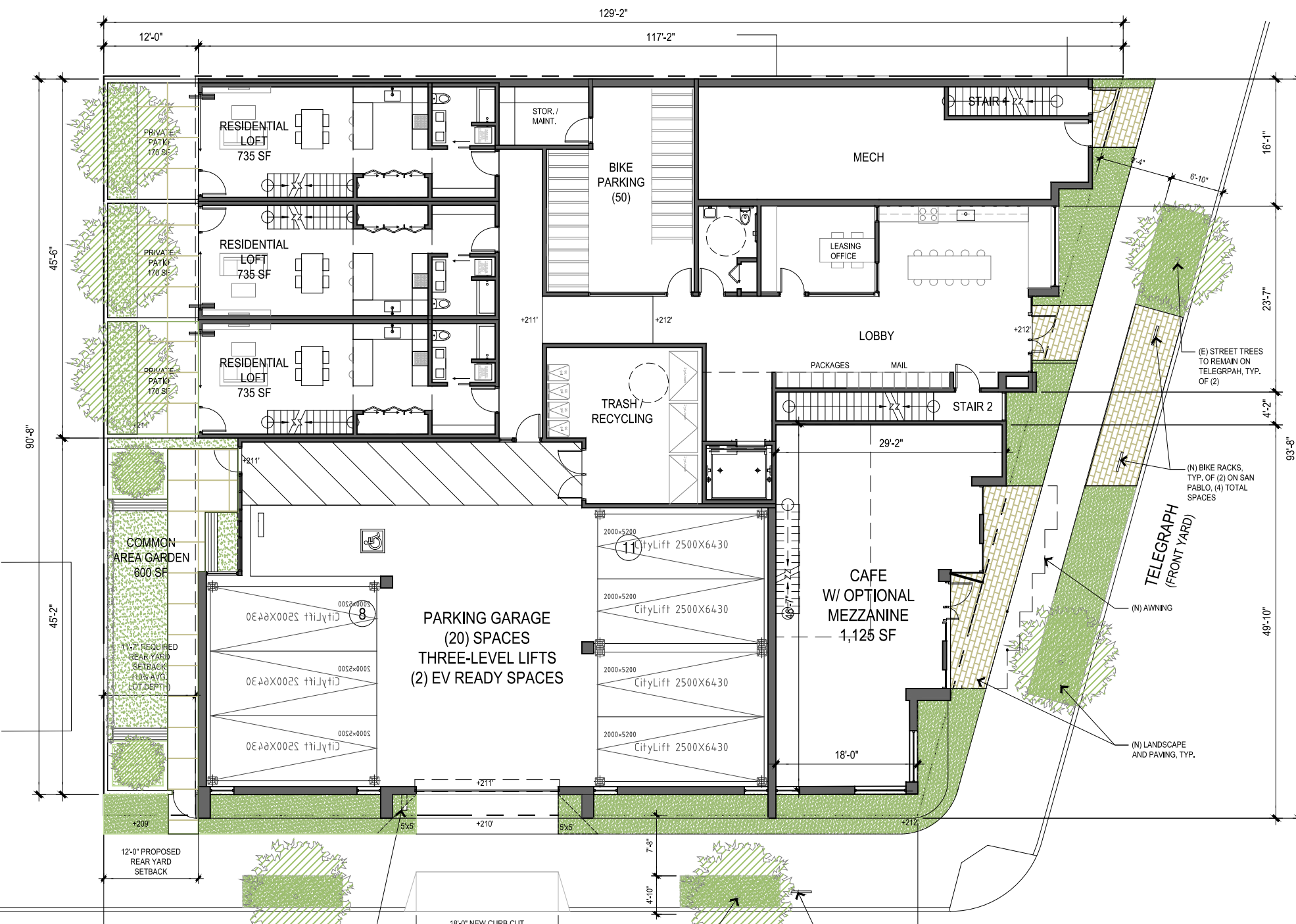
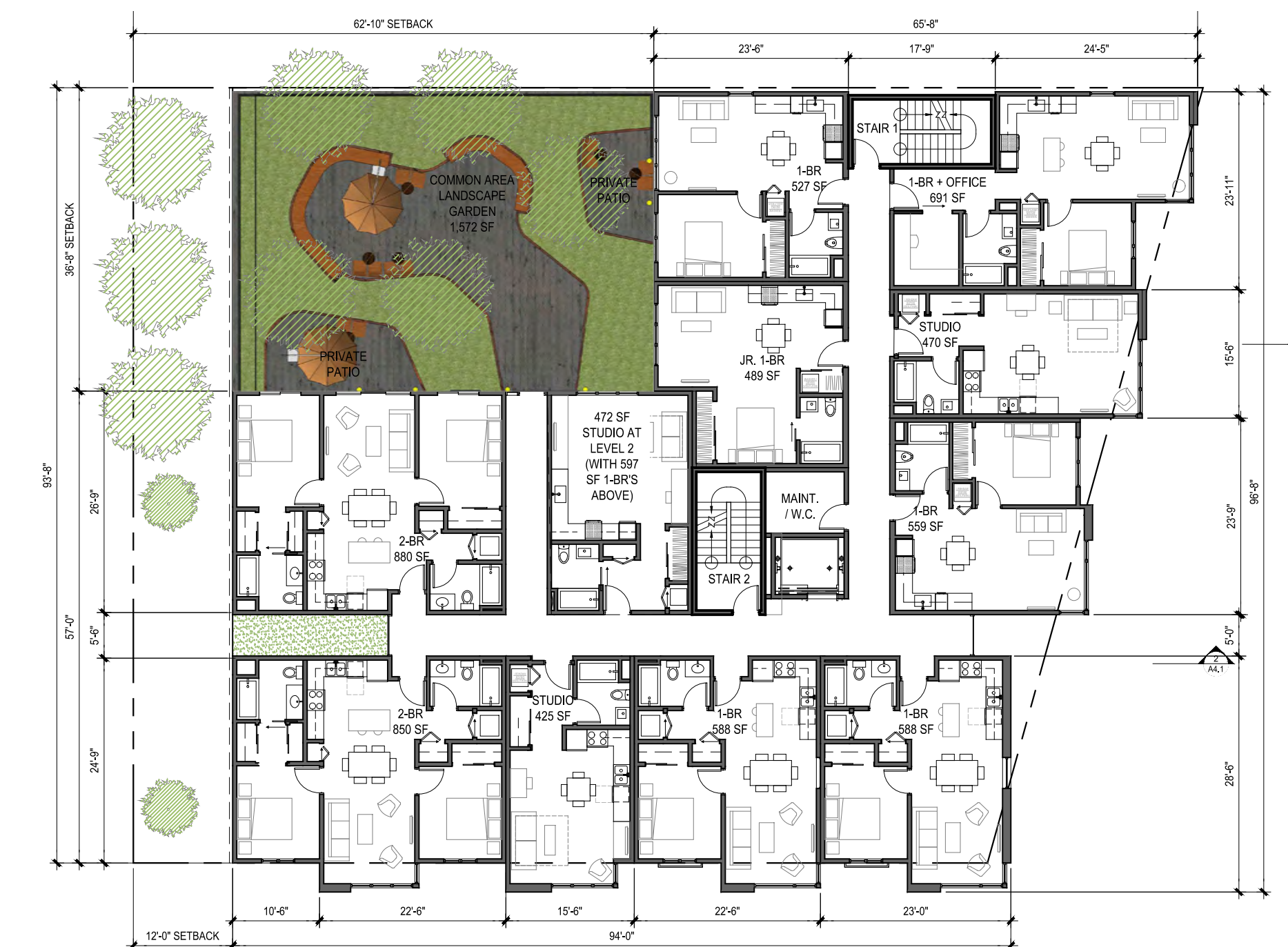
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Berkeley, CA 94704

- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 ZAB & DRC REVISIONS
- 2020.02.04 PRELIM. DRC SET



DESIGN AS SHOWN AT PREVIEWS

REVISED DESIGN FOLLOWING NEIGHBORHOOD & ZAB INPUT
HEIGHT LOWERED BY 4'-0"

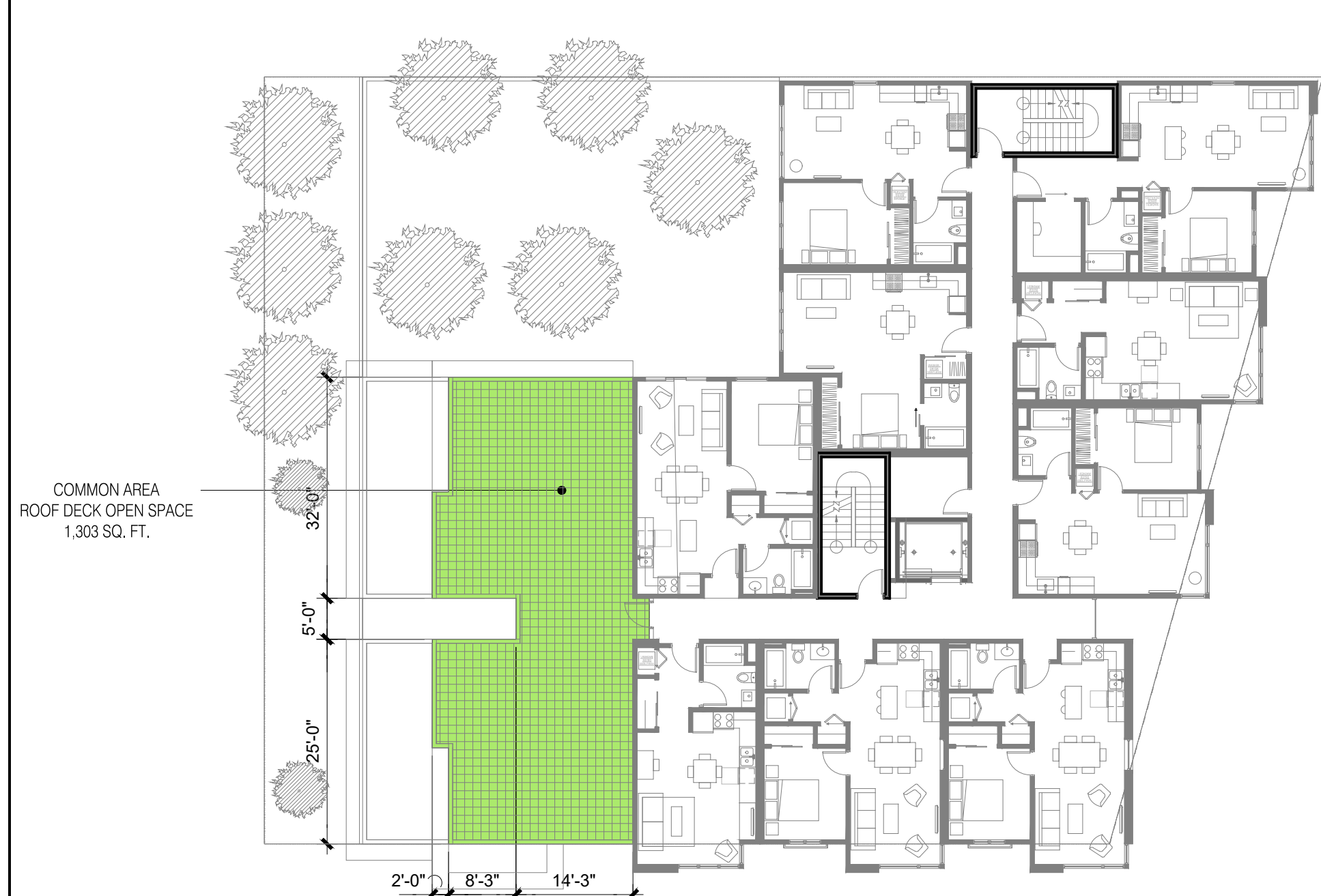
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JOB: 1758

SHEET:
DESIGN REVISION COMPARISONS

A0.1

OPEN SPACE DIAGRAMS



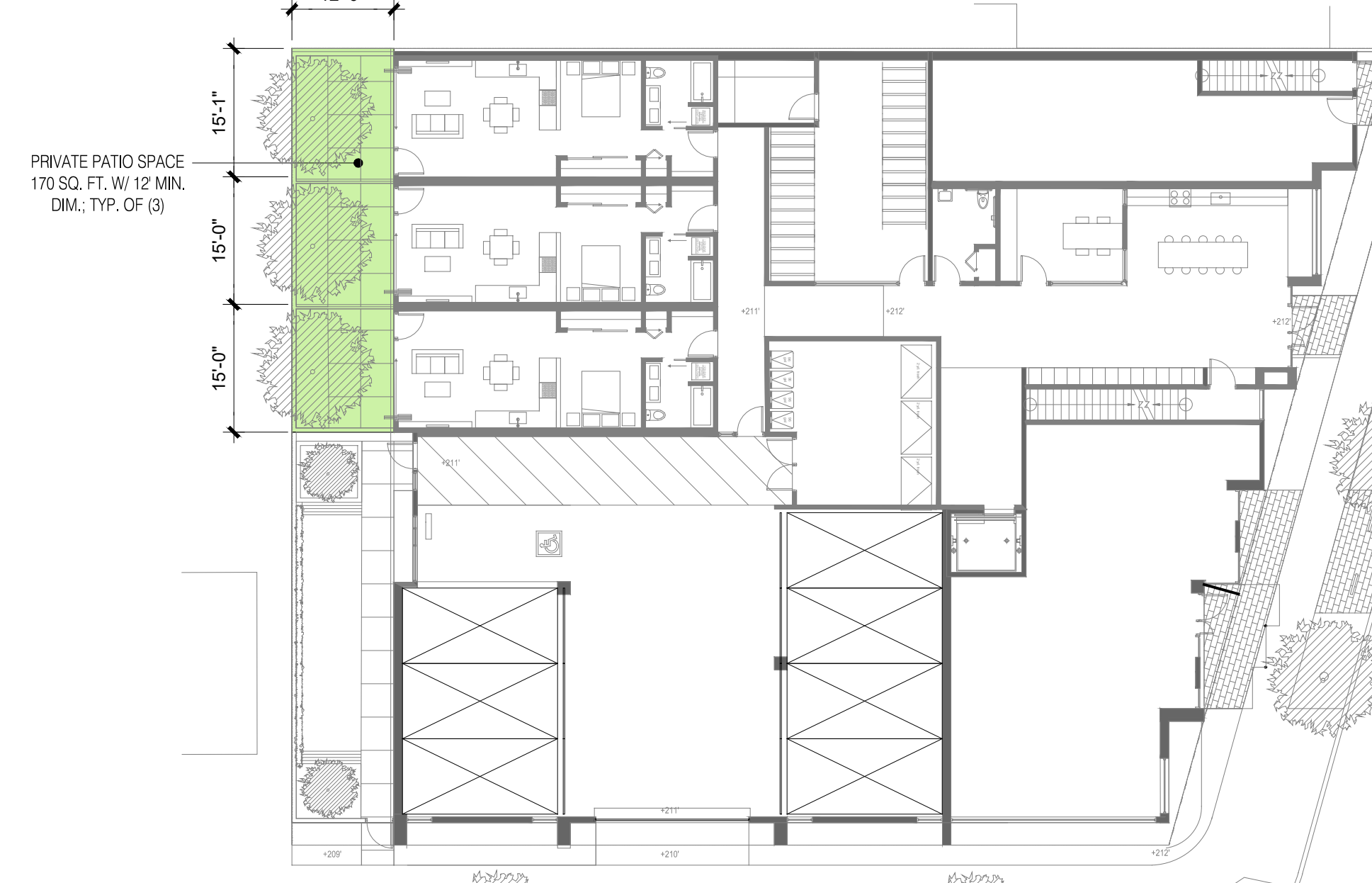
LEVEL 5



LEVEL 2



LEVEL 4



GROUND

NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

ZONING CODE DATA

	BASE ALLOWABLE	35% DENSITY BONUS ALLOWABLE	PROPOSED w/ DENSITY BONUS
ZONING	C-1	C-1	C-1
TOTAL LOT SIZE (SQ. FT.)	10,882	10,882	10,882
TOTAL LOT SIZE (ACRES)	0.25	0.25	0.25
FLOOR AREA RATIO (FAR)	3.00	4.05	3.15
BASE FLOOR AREA	32,646	44,072	34,249
HEIGHT - FEET	40'	60'	55'-6"
HEIGHT - STORIES	3-STORIES	5-STORIES	5-STORIES
LOT COVERAGE	90%	100%	85%
FOOTPRINT	9794	10882	9261
SETBACKS			
FRONT	0	0	0
REAR	11'-7" (10% AVG DEPTH)	0	VARIES 12'- 62'-10"
STREET SIDE	0	0	0
INTERIOR SIDE	0	0	VARIES 0'- 36'-8"
PARKING RATIO - DWELLINGS	1 / 1000 SF	.5 PER BEDROOM	SEE TABLE
PARKING RATIO - COMMERCIAL	2 / 1000 SF	1 PER UNIT	SEE TABLE
OPEN SPACE	200 SF / UNIT	SEE TABLE	SEE TABLE

	STUDIO / JR-1BR	1-BR	2-BR	TOTAL
LEVEL 5	3	6		9
LEVEL 4	3	8		11
LEVEL 3	3	6	2	11
LEVEL 2	4	5	2	11
GROUND LEVEL	3			3
TOTAL	16	25	4	45
	36%	56%	9%	100%
TOTAL BEDROOMS	16	25	8	49

	RESIDENTIAL AREA	COMMERCIAL AREA	MECH. (EXCLUDES PARKING)	TOTAL AREA
LEVEL 5	5,680			5,680
LEVEL 4	7,004			7,004
LEVEL 3	7,534			7,534
LEVEL 2	7,534			7,534
GROUND LEVEL	4,507	1,290	700	6,497
TOTAL	32,259	1,290	700	34,249
		FAR		3.15

	AREA	CARS	PER	REQ'D
RESIDENTIAL AREA	32,259	1	1000	32
COMMERCIAL AREA (CAFÉ)	1,290	2	1000	2
BASE REQUIRED PARKING				34
DENSITY BONUS WAIVER OF PARKING REQ.				14
TOTAL PROPOSED PARKING				20

	UNITS	SF / UNIT	TOTAL
RESIDENTIAL UNITS	45	200	9000
TOTAL OPEN SPACE REQUIRED			9000
TOTAL OPEN SPACE PROVIDED			4051
PRIVATE PATIOS			1176
PODIUM LANDSCAPE AREA			1572
ROOF DECKS			1303
DENSITY BONUS COST REDUCTION CONCESSION #1			4949

	PROPOSED	ALLOWABLE
AVERAGE AREA OF FLOORS	6850	
TOTAL AREA OF ROOFTOP ARCHITECTURAL ELEMENTS	236	1027
% AREA OF ROOFTOP ARCHITECTURAL FEATURES	3.4%	15.0%



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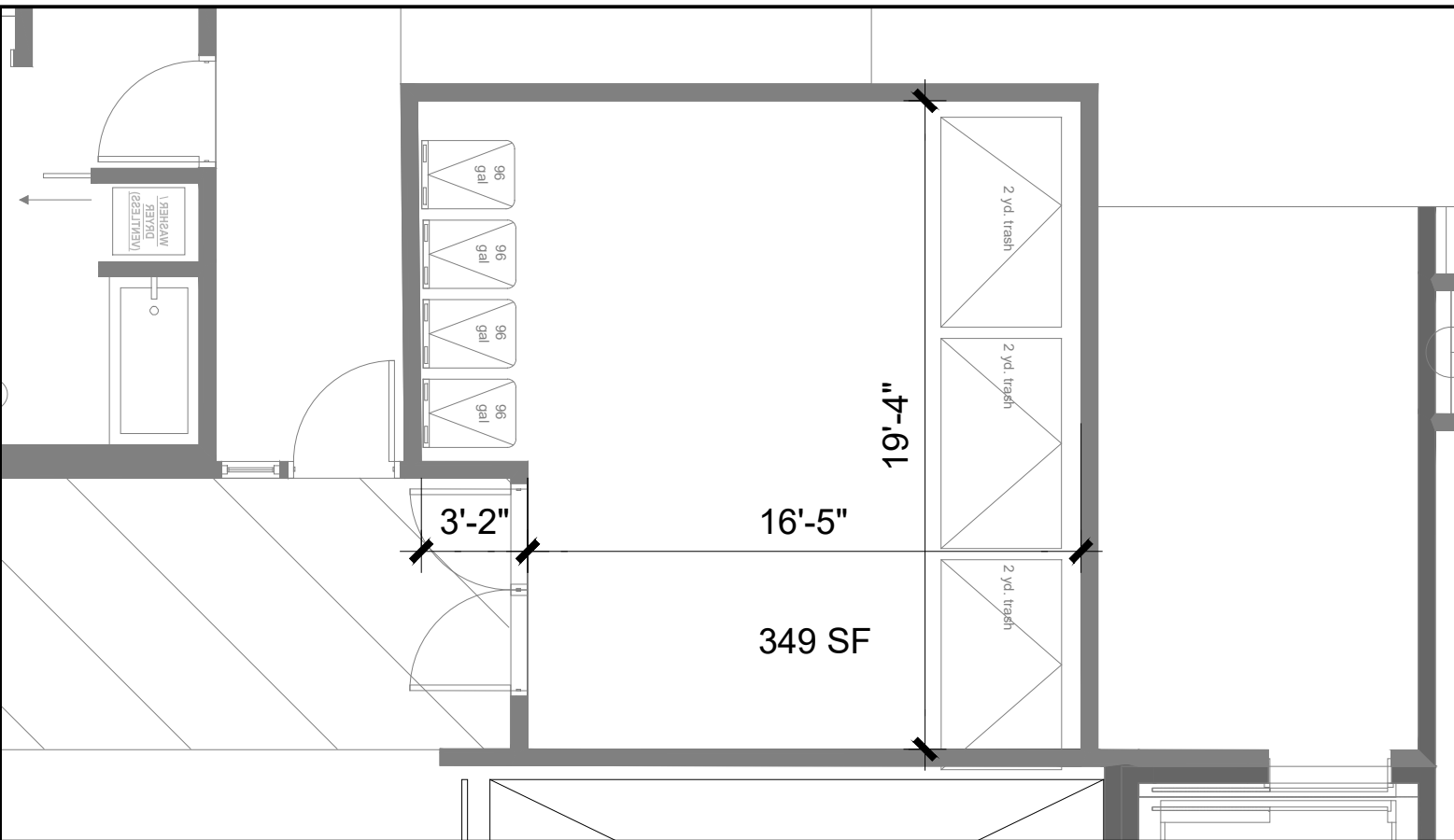
JOB: 1758

SHEET:
ZONING CODE INFORMATION & DIAGRAMS

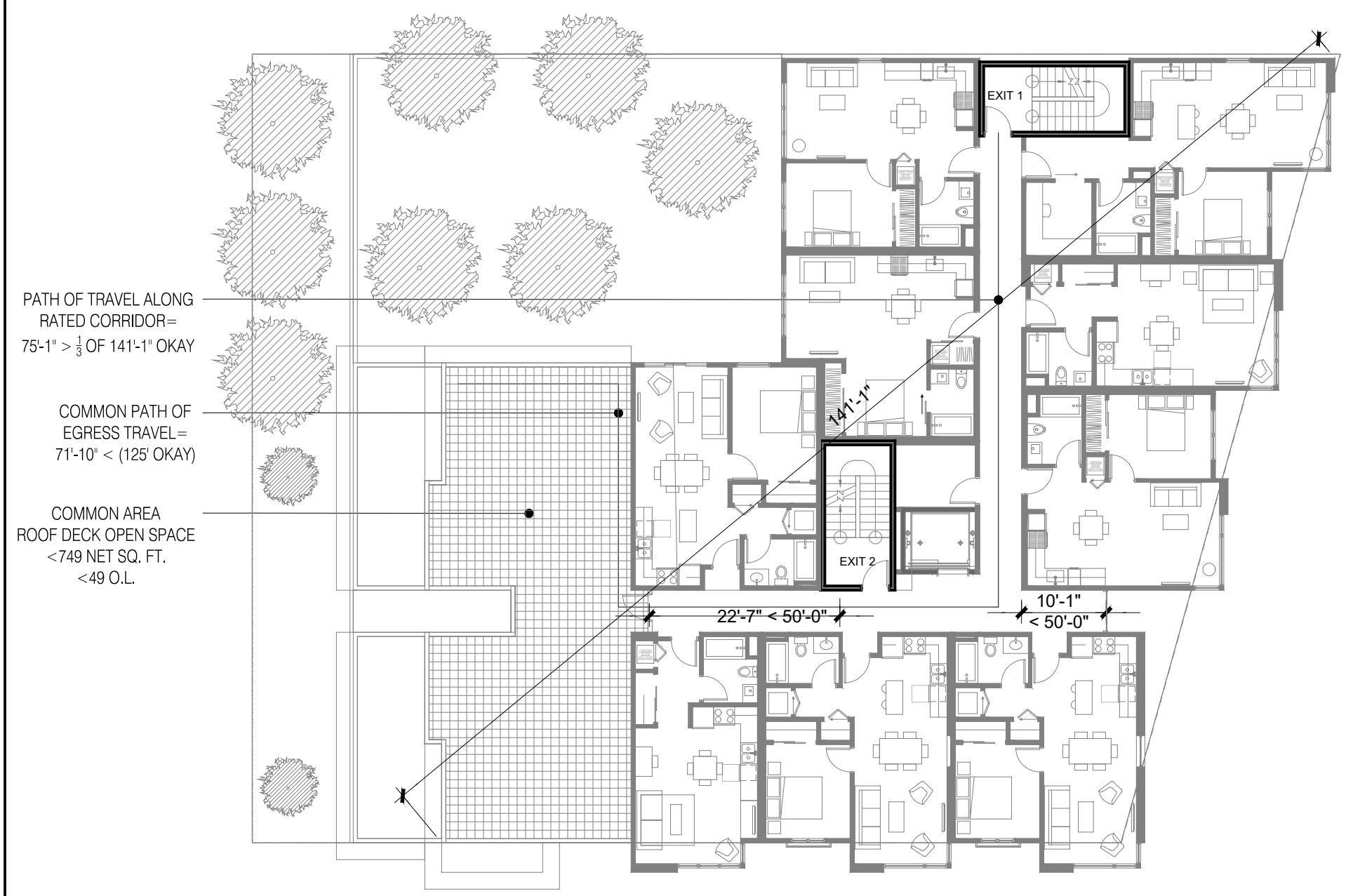
A0.1A

REFUSE AND RECYCLING

Waste and Recycling Calculation							
# of Bedroom	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)		Waste (40%)	Recycling (40%)	Organics (20%)
49	1.75	86	7.15 cy	1,429 gal	2.86 cf	572 gal	286 gal
Space Calculati	Container Quantities			Space Required	150% Additional Increase for Operation		
	Waste	Recycling	Organics	Factor/container	Space/ Container	Required	Provided
2 cy bin (404 gal)	1	1	1	28 sf	84 sf		
96 gal. cart	2	2		7 sf	28 sf		
64 gal. cart				6 sf	sf		
Total	596 gal	596 gal	404 gal		112 sf	168 sf	349



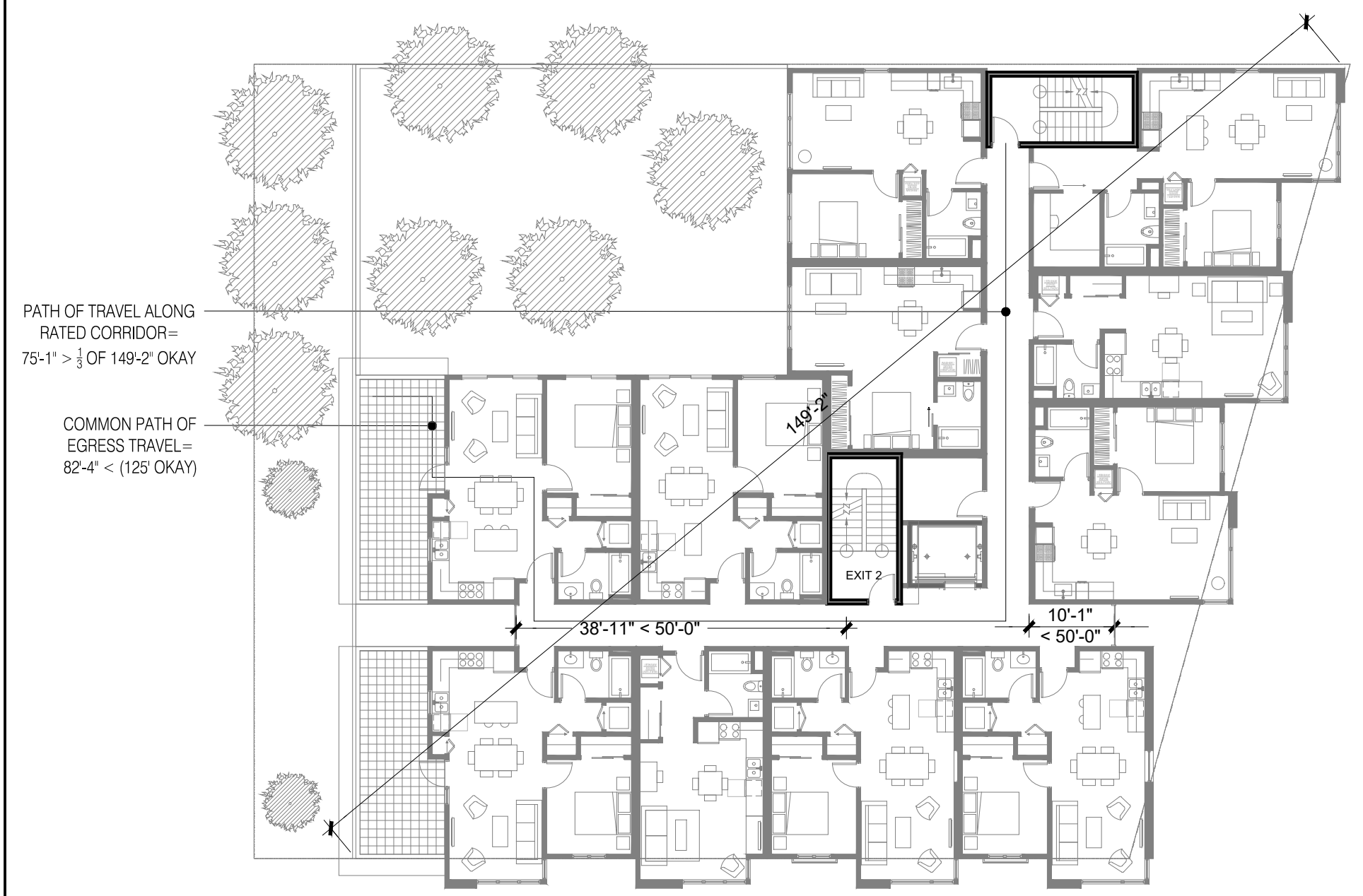
EXITING DIAGRAMS



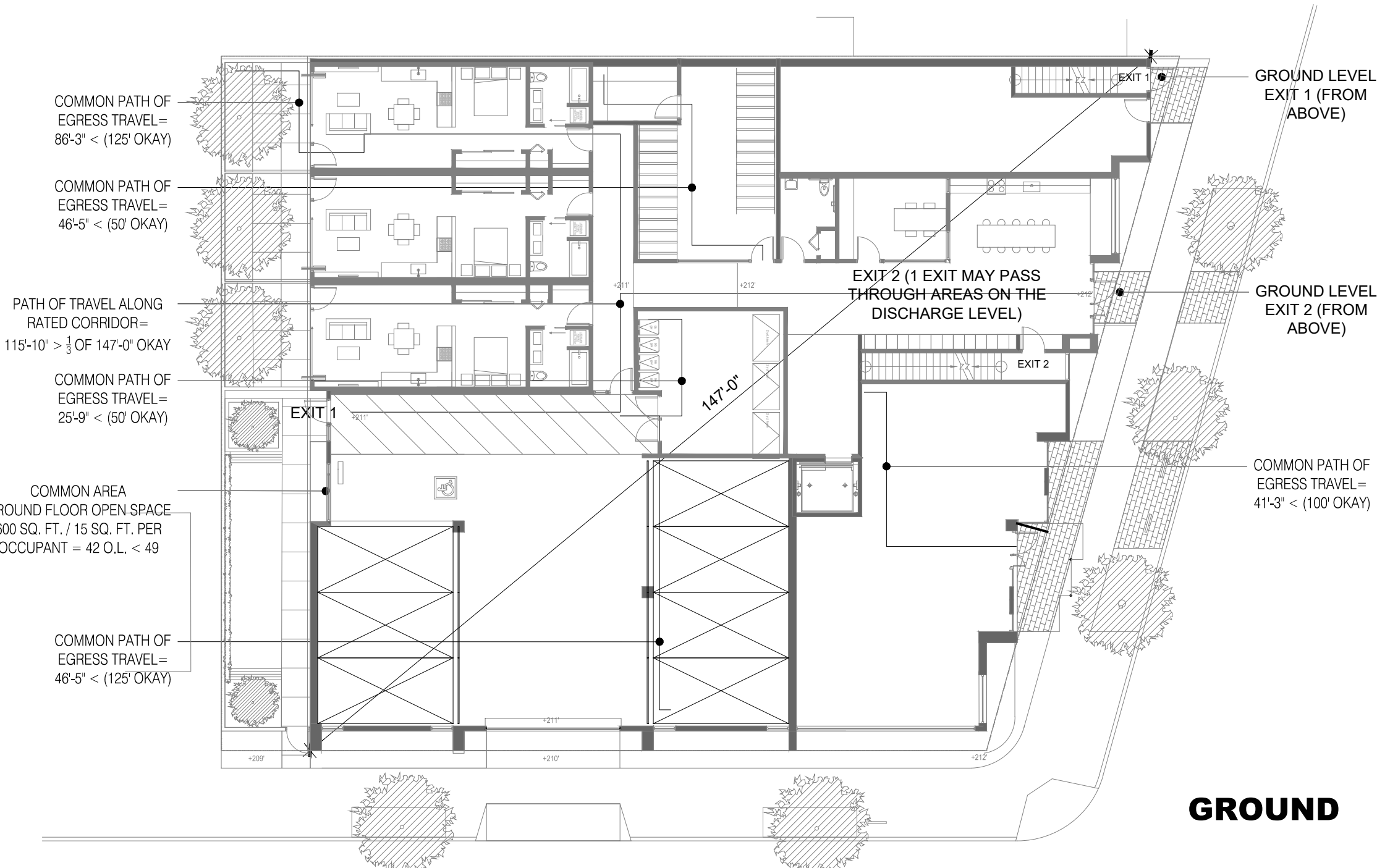
LEVEL 5



LEVEL 2



LEVEL 4



GROUND

BUILDING CODE DATA

Building Information 1/14/2020
 Occupancy Type Mixed Use Apartments (R-2) Type III-A over Type I-A Storage, Garage, Commercial, (S-2, R-2, B) with 3-hour horizontal assembly per CBC 510.2

Construction Type Type I-A (Story 1), III-A (Stories 2-5)
 Building Story and Height Limitation (CBC Table 504.3 & 504.4)
 * story count measured from floor above Type I-A per CBC 510.2

Occupancy Type	Construction Type	Allowable Stories	Proposed Stories	Allowable Building Height	Proposed Building Height
Ground Floor (Storage, Apartments, Commercial)	I-A	UL	1	UL	16'-6"
R-2 (Apartment)	III-A	5*	4*	85'	39'-0"

Building Below Horizontal Separation Code Area Limitation Analysis - Type I-A

Allowable Building Area Analysis - Separated Occupancies (CBC Table 506.2.506.3 & 506.2.4)

Occupancy	Type	Allowable Area	Proposed	%
S-2 (Storage, Garage, Mech,	I-A	UL	3,419	
R-2 (Loft Units & Common Areas)	I-A	UL	4,507	
A-2 (Café)	I-A	UL	1,290	
Type I-A Sub-Total			9,216	

Building Above Horizontal Separation Code Area Limitation Analysis - Type III-A

Allowable Building Area Analysis - Separated Occupancies (CBC Table 506.2.506.3 & 506.2.4)

Aa = Allowable Area = (At + (NS x If)) If=Frontage Increase=(F/P-0.25)W/30

Occupancy	Type	At	NS	If	Aa	Proposed	%
Second Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	7,534	10%
Third Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	7,534	10%
Fourth Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	7,004	10%
Fifth Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	5,680	8%
Type V-A Second-Fifth Total					27,752		
Total Allowed per CBC 506.2.4 (200%)							38%

Separations of Occupancies (CBC 508.4)

Occupancies	Rating	Occupancies	Rating
R-2 to S-2 & B	1 Hour	S-2 to B	1 Hour
Between Dwelling Units	1 Hr Floor & Walls (CBC 708.3&711.3)		

Fire Resistance of Exterior Walls (Table 602)

Ground Floor Type I-A (R-2, S-2, B)

Wall Location	Fire Sep. Dist.	Rating	Fire Sep.	Rating
X<5	1		10x<30	1
5x<10	1		X≥30	0

Floors 2-6 Type III-A (R-2)

Wall Location	Fire Separation Distance	Rating
X<5	1	10x<30 1
5x<10	1	X≥30 0

Fire Resistance of Requirements (Table 601)

Type I-A

Building Element	Required	Provided
Structural Frame	3	3
Bearing Walls - Exterior	3	3
Bearing Wall-Interior	3	3
Non-bearing Walls - Exterior	See Table 602	
Non-bearing Wall - Interior	0	0
Floor Construction	2	2
Roof Construction	1 1/2	NA

Floors 2nd-6th Type III-A

Building Element	Required	Provided
Structural Frame	1	1
Bearing Walls - Exterior	2	2
Bearing Wall-Interior	1	1
Non-bearing Walls - Exterior	See Table 602	
Non-bearing Wall-Interior	0	0
Floor Construction	1	1
Roof Construction	1	1

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JOB: 1758

SHEET:
 BUILDING CODE INFORMATION & DIAGRAMS

A0.1B

GreenPoint RATED
NEW HOME RATING SYSTEM, VERSION 7.0
MULTIFAMILY CHECKLIST

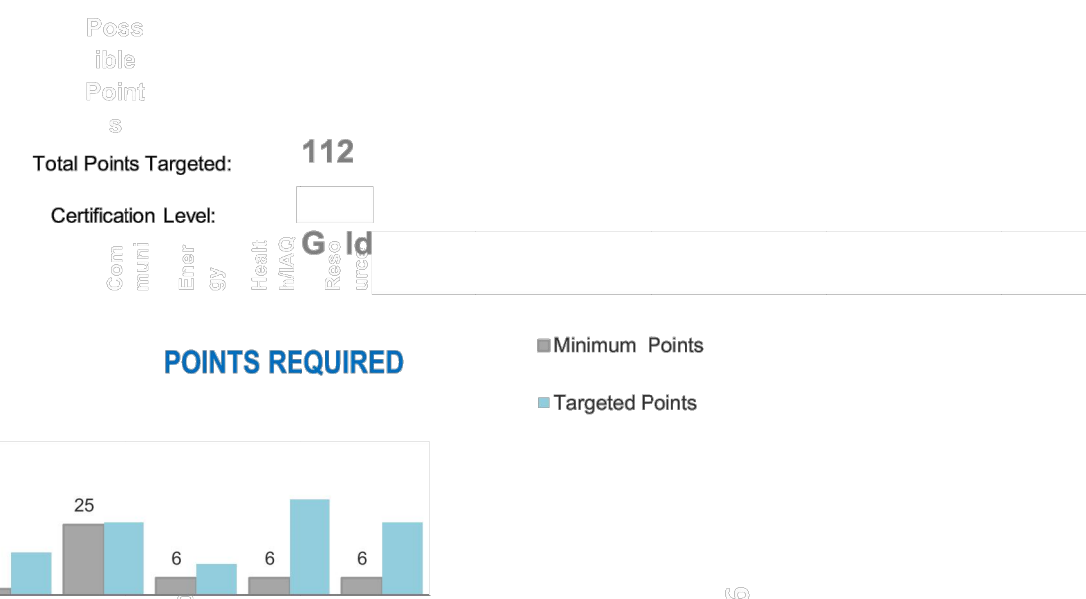
The GreenPoint Rated checklist tracks green features incorporated into the home. GreenPoint Rated is administered by Build It Green, a non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Community (2) Energy (25), Indoor Air Quality/Health (6), Resources (6), and Water (6); and meet the prerequisites CALGreen Mandatory, E5.2, H6.1, J5.1, O1, O7.

Directions for Use: Column A is a dropdown menu with the options of "Yes", "No", or "TBD" or a range of percentages to allocate points. Select the appropriate dropdown and the appropriate points will appear in the blue "points achieved" column.

The criteria for the green building practices listed below are described in the GreenPoint Rated New Home Rating Manual. For more information please visit www.builditgreen.org/greenpointrated
Build It Green is not a code enforcement agency.

A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.



Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
CALGreen						
Yes						CALGreen Res (REQUIRED)
4	1	1	1	1	1	
A. SITE						
No					1	A1. Construction Footprint
A2. Job Site Construction Waste Diversion						
No				2		A2.1 75% C&D Waste Diversion (Including Alternative Daily Cover)
Yes				2		A2.2 65% C&D Waste Diversion (Excluding Alternative Daily Cover)
TBD				1		A2.3 Recycling Rates from Third-Party Verified Mixed-Use Waste Facility
TBD				1		A3. Recycled Content Base Material
No		1				A4. Heat Island Effect Reduction (Non-Roof)
Yes			1			A5. Construction Environmental Quality Management Plan Including Flush-Out
A6. Stormwater Control: Prescriptive Path						
No					1	A6.1 Permeable Paving Material
Yes					1	A6.2 Filtration and/or Bio-Retention Features
TBD					1	A6.3 Non-Leaching Roofing Materials
No		1				A6.4 Smart Stormwater Street Design
Yes					3	A7. Stormwater Control: Performance Path
B. FOUNDATION						
No					1	B1. Fly Ash and/or Slag in Concrete
No			2			B2. Radon-Resistant Construction
Yes				2		B3. Foundation Drainage System
N/A			1			B4. Moisture Controlled Crawlspace
B5. Structural Pest Controls						
Yes				1		B5.1 Termite Shields and Separated Exterior Wood-to-Concrete Connections
Yes				1		B5.2 Plant Trunks, Bases, or Stems at Least 36 Inches from the Foundation
C. LANDSCAPE						
17.00%						Enter the landscape area percentage
Yes					1	C1. Plants Grouped by Water Needs (Hydrozoning)
Yes					1	C2. Three Inches of Mulch in Planting Beds
C3. Resource Efficient Landscapes						
Yes				1		C3.1 No Invasive Species Listed by Cal-IPC
Yes				1		C3.2 Plants Chosen and Located to Grow to Natural Size
Yes					3	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other Appropriate Species
C4. Minimal Turf in Landscape						
Yes					2	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide
Yes					2	C4.2 Turf on a Small Percentage of Landscaped Area
No		1	1		1	C5. Trees to Moderate Building Temperature
Yes				2		C6. High-Efficiency Irrigation System
Yes				2	2	C7. One Inch of Compost in the Top Six to Twelve Inches of Soil
No					3	C8. Rainwater Harvesting System
No					1	C9. Recycled Wastewater Irrigation System
Yes				2	2	C10. Submeter or Dedicated Meter for Landscape Irrigation
No					1	C11. Landscape Meets Water Budget
C12. Environmentally Preferable Materials for Site						
No				1		C12.1 Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing
No				1		C12.2 Play Structures and Surfaces Have an Average Recycled Content 220%
Yes	1	1				C13. Reduced Light Pollution
No	0	1				C14. Large Stature Tree(s)
No	0			1		C15. Third Party Landscape Program Certification
TBD				1		C16. Maintenance Contract with Certified Professional
No	0	2				C17. Community Garden

Points Achieved	Community	Energy	IAQ/Health	Resources	Water	
D. STRUCTURAL FRAME AND BUILDING ENVELOPE						
D1. Optimal Value Engineering						
No						D1.1 Joists, Rafters, and Studs at 24 Inches on Center
Yes		1				D1.2 Non-Load Bearing Door and Window Headers Sized for Load
No				2		D1.3 Advanced Framing Measures
No					1	D2. Construction Material Efficiencies
D3. Engineered Lumber						
TBD					1	D3.1 Engineered Beams and Headers
Yes				1		D3.2 Wood J-Joists or Web Trusses for Floors
Yes					1	D3.3 Engineered Lumber for Roof Rafters
No					1	D3.4 Engineered or Finger-Jointed Studs for Vertical Applications
Yes		0.5			0.5	D3.5 OSB for Subfloor
Yes		0.5			0.5	D3.6 OSB for Wall and Roof Sheathing
No						D4. Insulated Headers
0		1				D5. FSC-Certified Wood
D5. FSC-Certified Wood						
TBD					6	D5.1 Dimensional Lumber, Studs, and Timber
TBD					3	D5.2 Panel Products
D6. Solid Wall Systems						
No					1	D6.1 At Least 90% of Floors
No			1		1	D6.2 At Least 90% of Exterior Walls
No			1		1	D6.3 At Least 90% of Roofs
Yes			1			D7. Energy Heels on Roof Trusses
No			1		1	D8. Overhangs and Gutters
D9. Reduced Pollution Entering the Home from the Garage						
No				2		D9.1 Detached Garage
No				1		D9.2 Mitigation Strategies for Attached Garage
D10. Structural Pest and Rot Controls						
Yes					1	D10.1 All Wood Located At Least 12 Inches Above the Soil
Yes					1	D10.2 Moisture-Resistant Materials in Wet Areas (such as Kitchens, Bathrooms, Utility Rooms, and Basements)
Yes			1	1	1	
2						
E. EXTERIOR						
TBD					1	E1. Environmentally Preferable Decking
TBD					2	E2. Flashing Installation Third-Party Verified
Yes				2	2	E3. Rain Screen Wall System
Yes					1	E4. Durable and Non-Combustible Cladding Materials
E5. Durable Roofing Materials						
Yes					1	E5.1 Durable and Fire Resistant Roofing Materials or Assembly
Yes		R	R	R	R	E5.2 Roofing Warranty for Shingle Roofing
No						E6. Vegetated Roof
0	2	2				
F. INSULATION						
F1. Insulation with 30% Post-Consumer or 60% Post-Industrial Recycled Content						
No					1	F1.1 Walls and Floors
No					1	F1.2 Ceilings
F2. Insulation that Meets the CDPH Standard Method—Residential for Low Emissions						
No					1	F2.1 Walls and Floors
No					1	F2.2 Ceilings
F3. Insulation That Does Not Contain Fire Retardants						
No					1	F3.1 Cavity Walls and Floors
No					1	F3.2 Ceilings
No					1	F3.3 Interior and Exterior Insulation
G. PLUMBING						
G1. Efficient Distribution of Domestic Hot Water						
Yes		1				G1.1 Insulated Hot Water Pipes
Yes					1	G1.2 WaterSense Volume Limit for Hot Water Distribution
No					2	G1.3 Increased Efficiency in Hot Water Distribution
G2. Install Water-Efficient Fixtures						
Yes					2	G2.1 WaterSense Showerheads 1.8 gpm with Matching Compensation Valve
Yes					1	G2.2 WaterSense Bathroom Faucets with 1.0gpm or less
≤1.28 gpf					2	G2.3 WaterSense Toilets with a maximum performance (MP) of 1.1 gpf or less
No					1	G2.4 Urinals with Flush Rate of ≤ 0.1 Gallons/Flush
No						G3. Pre-Plumbing for Graywater System
No					1	G4. Operational Graywater System
Yes					1	G5. Thermostatic Shower Valve or Auto-Diversion Tub Spout
Yes					2	G6. Submeter Water for Tenants
H. HEATING, VENTILATION, AND AIR CONDITIONING						

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JOB: 1758

SHEET:

GREEN BUILDING CHECKLIST

A0.2A

Project Name: 2650 Telegraph Project Street: 2650 Telegraph Avenue Project City: Berkeley Project Zip: 94704		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
H1. Sealed Combustion Units							
TBD	H1.1 Sealed Combustion Furnace				1		
TBD	H1.2 Sealed Combustion Water Heater				2		
No	H2. High Performing Zoned Hydronic Radiant Heating System	0	1	1			
H3. Effective Ductwork							
Yes	H3.1 Duct Mastic on Duct Joints and Seams	1		1			
Yes	H3.2 Pressure Balance the Ductwork System	1		1			
No	H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified	0			1		
H5. Advanced Practices for Cooling							
No	H5.1 ENERGY STAR Ceiling Fans in Living Areas and Bedrooms	0		1			
No	H5.2 Operable Windows and Skylights Located to Induce Cross Ventilation in At Least One Room in 80% of Units	0		1			
H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality							
Yes	H6.1 Meet ASHRAE Standard 62.2-2010 Ventilation Residential Standards	Y	R	R	R	R	R
No	H6.2 Advanced Ventilation Standards	0			2		
Yes	H6.3 Outdoor Air is Filtered and Tempered	1			1		
H7. Effective Range Design and Installation							
Yes	H7.1 Effective Range Hood Ducting and Design	1			1		
No	H7.2 Automatic Range Hood Control	0			1		
No	H8. High Efficiency HVAC Filter (MERV 13+)	0			1		
No	H9. Advanced Refrigerants	0			1		
I. RENEWABLE ENERGY							
No	I1. Pre-Plumbing for Solar Water Heating	0		1			
Yes	I2. Preparation for Future Photovoltaic Installation	1		1			
0.00%	I3. Onsite Renewable Generation (Solar PV, Solar Thermal, and Wind)	0		25			
I4. Net Zero Energy Home							
No	I4.1 Near Zero Energy Home	0		2			
No	I4.2 Net Zero Electric	0		4			
I5. Energy Storage System							
No	I5.1 Energy Storage System	0		1			
No	I6. Solar Hot Water Systems to Preheat Domestic Hot Water	0		4			
No	I7. Photovoltaic System for Multifamily Projects	0		8			
J. BUILDING PERFORMANCE AND TESTING							
No	J1. Third-Party Verification of Quality of Insulation Installation	0			1		
No	J2. Supply and Return Air Flow Testing	0		1	1		
No	J3. Mechanical Ventilation Testing	0			1		
No	J4. Combustion Appliance Safety Testing	0			1		
J5. Building Energy Performance							
1.00%	J5.1 Home Meets or Exceeds Energy Compliance Pathway	7		30			
1.00%	J5.2 Non-Residential Spaces Outperform Title 24	1		15			
Yes	J6. Title 24 Prepared and Signed by a CABEC Certified Energy Analyst	1		1			
TBD	J7. Participation in Utility Program with Third-Party Plan Review				1		
TBD	J8. ENERGY STAR for Homes				1		
No	J9. EPA Indoor airPlus Certification				1		
No	J10. Blower Door Testing	0			3		
No	J11. Compartmentalization of Units	0		1	1		
K. FINISHES							
K1. Entryways Designed to Reduce Tracked-In Contaminants							
No	K1.1 Entryways to Individual Units	0			1		
Yes	K1.2 Entryways to Buildings	1			1		
TBD	K2. Zero-VOC Interior Wall and Ceiling Paints				2		
Yes	K3. Low-VOC Caulks and Adhesives	1			1		
K4. Environmentally Preferable Materials for Interior Finish							
TBD	K4.1 Cabinets				2		
TBD	K4.2 Interior Trim				2		
TBD	K4.3 Shelving				2		
TBD	K4.4 Doors				2		
TBD	K4.5 Countertops				1		
K5. Formaldehyde Emissions in Interior Finish Exceed CARB							
TBD	K5.1 Doors				1		
TBD	K5.2 Cabinets and Countertops				2		
TBD	K5.3 Interior Trim and Shelving				2		
TBD	K6. Products That Comply With the Health Product Declaration Open Standard				2		
TBD	K7. Indoor Air Formaldehyde Level Less Than 27 Parts Per Billion				2		
No	K8. Comprehensive Inclusion of Low Emitting Finishes				1		
TBD	K9. Durable Cabinets				2		
TBD	K10. At Least 25% of Interior Furniture Has Environmentally Preferable Attributes				1		
L. FLOORING							

Project Name: 2650 Telegraph Project Street: 2650 Telegraph Avenue Project City: Berkeley Project Zip: 94704		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
TBD	L1. Environmentally Preferable Flooring					3	
TBD	L2. Low-Emitting Flooring Meets CDPH 2010 Standard Method—Residential					3	
Yes	L3. Durable Flooring	1				1	
No	L4. Thermal Mass Flooring	0		1			
M. APPLIANCES AND LIGHTING							
Yes	M1. ENERGY STAR® Dishwasher	1					1
M2. Efficient Clothes Washing and Drying							
CEE Tier 2	M2.1 CEE-Rated Clothes Washer	2		1			2
Yes	M2.2 Energy Star Dryer	1		1			
No	M2.3 Solar Dryer/ Laundry Lines	0			0.5		
<20 cubic feet	M3. Size-Efficient ENERGY STAR Refrigerator	2		2			
M4. Permanent Centers for Waste Reduction Strategies							
TBD	M4.1 Built-In Recycling Center						1
TBD	M4.2 Built-In Composting Center						1
M5. Lighting Efficiency							
Yes	M5.1 High-Efficacy Lighting	2		2			
Yes	M5.2 Lighting System Designed to IESNA Footcandle Standards or Designed by Lighting Consultant	2		2			
TBD	M6. Electric Vehicle Charging Stations and Infrastructure			2			
No	M7. Central Laundry	0					1
Yes	M8. Gearless Elevator	1		1			
N. COMMUNITY							
N1. Smart Development							
Yes	N1.1 Infill Site	2	1				1
No	N1.2 Designated Brownfield Site	0	1				1
>35	N1.3 Conserve Resources by Increasing Density	4		2			2
Yes	N1.4 Cluster Homes for Land Preservation	2	1				1
	N1.5 Home Size Efficiency	9					9
811	Enter the area of the home, in square feet						
2	Enter the number of bedrooms						
N2. Home(s)/Development Located Near Major Transit Stop							
Yes	N2.1 Within 1 Mile of a Major Transit Stop	1	1				
Yes	N2.2 Within 1/2 mile of a Major Transit Stop	0	2				
N3. Pedestrian and Bicycle Access							
	N3.1 Pedestrian Access to Services Within 1/2 Mile of Community Services	2	2				
63	Enter the number of Tier 1 services						
23	Enter the number of Tier 2 services						
No	N3.2 Connection to Pedestrian Pathways	0	1				
No	N3.3 Traffic Calming Strategies	0	2				
Yes	N3.4 Sidewalks Buffered from Roadways and 5-8 Feet Wide	1	1				
Yes	N3.5 Bicycle Storage for Residents	1	1				
Yes	N3.6 Bicycle Storage for Non-Residents	1	1				
1 space per unit	N3.7 Reduced Parking Capacity	2	2				
N4. Outdoor Gathering Places							
Yes	N4.1 Public or Semi-Public Outdoor Gathering Places for Residents	1	1				
No	N4.2 Public Outdoor Gathering Places with Direct Access to Tier 1 Community Services	0	1				
N5. Social Interaction							
No	N5.1 Residence Entries with Views to Callers	0	1				
Yes	N5.2 Entrances Visible from Street and/or Other Front Doors	1	1				
No	N5.3 Porches Oriented to Street and Public Space	0	1				
N6. Passive Solar Design							
No	N6.1 Heating Load	0		2			
No	N6.2 Cooling Load	0		2			
N7. Adaptable Building							
Yes	N7.1 Universal Design Principles in Units	2	1			1	
No	N7.2 Full-Function Independent Rental Unit	0	1				
N8. Affordability							
No	N8.1 Dedicated Units for Households Making 80% of AMI or Less	0	2				
No	N8.2 Units with Multiple Bedrooms for Households Making 80% of AMI or Less	0	1				
TBD	N8.3 At Least 20% of Units at 120% AMI or Less are For Sale				1		
N9. Mixed-Use Developments							
No	N9.1 Live/Work Units Include a Dedicated Commercial Entrance	0	1				
Yes	N9.2 At Least 2% of Development Floor Space Supports Mixed Use	1	1				3% of developed space devoted to cafe
No	N9.3 Half of the Non-Residential Floor Space is Dedicated to Community Service	0	1				
N8. Resiliency							
TBD	N8.1 Climate Impact Assessment		1		1	1	
TBD	N8.2 Strategies to Address Assessment Findings		1		1	1	

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SHEET:

GREEN BUILDING CHECKLIST

A0.2B

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DENSITY BONUS DIAGRAMS

A0.3A

DENSITY BONUS TABLE										
Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Total Units	
sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density	VLI = Very Low Income <50 AMI	% VLI x Base # Units			% Bonus x Base # Units	# Base # Units (rounded up)	Base + Density Bonus	
23,907	33.35	34	11%	3.74	4.00	35.0%	11,9000	12	46	

Base Project Area	Floor	Proposed Project Area	%VLI	%DB
5,307	First	4,507	5%	20.0%
9,300	Second	7,534	6%	22.5%
9,300	Third	7,534	7%	25.0%
	Fourth	7,004	8%	27.5%
	Fifth	5,680	9%	30.0%
			10%	32.5%
			11%	35.0%

Proposed Area: **32,259**
Proposed Units: **45**
Average Unit Size: **717**

Base Project # of Units	Floor	Proposed Project # of Units
4	First	3
15	Second	11
15	Third	11
	Fourth	11
	Fifth	9
Total: 34		45

PROPOSED PROJECT ZONING COMPLIANCE CHECKS

Proposed Project - Open Space

	Units	Ratio	Total Area
Base Units	34	200	6800
Density Bonus Units	11	200	2200
Total Area Before Concession			9000
Density Bonus Cost Reduction Concession #			4949
Total Area After Concession			4051
Private Patios			1176
Podium Landscaped Area			1572
Roof Deck Common Area			1303

Proposed Project - Parking

	Spaces	Ratio	Total
Base Unit Area	23,907	1	1000
Density Bonus Units	8,352	1	1000
Commercial	1,290	2	1000
Total			35
Density Bonus Waiver of Parking Requirements			15
Total Parking Required			20

BASE PROJECT ZONING COMPLIANCE CHECKS

Base Project - Floor Area Ratio

	Site Area	Res. FA	FAR	Allowable
Base Project	10,882	23,907	2.20	3.00

Base Project - Stormwater

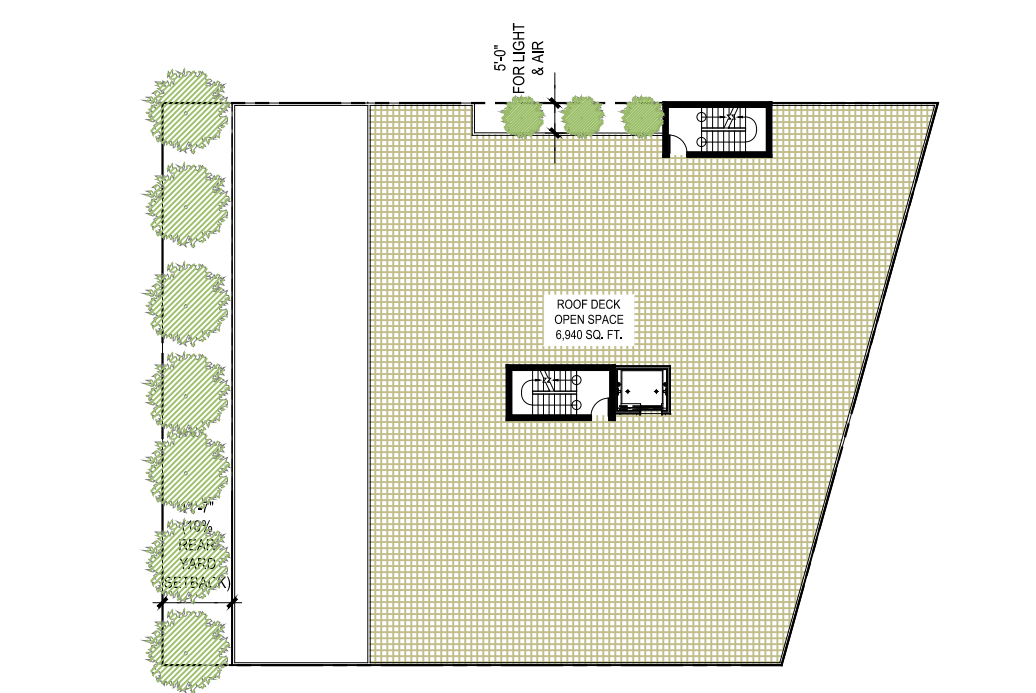
	Site Area	Roof Area	%	Required	Provided
Base Units	10,882	9,544	4%	382	1088

Base Project - Open Space

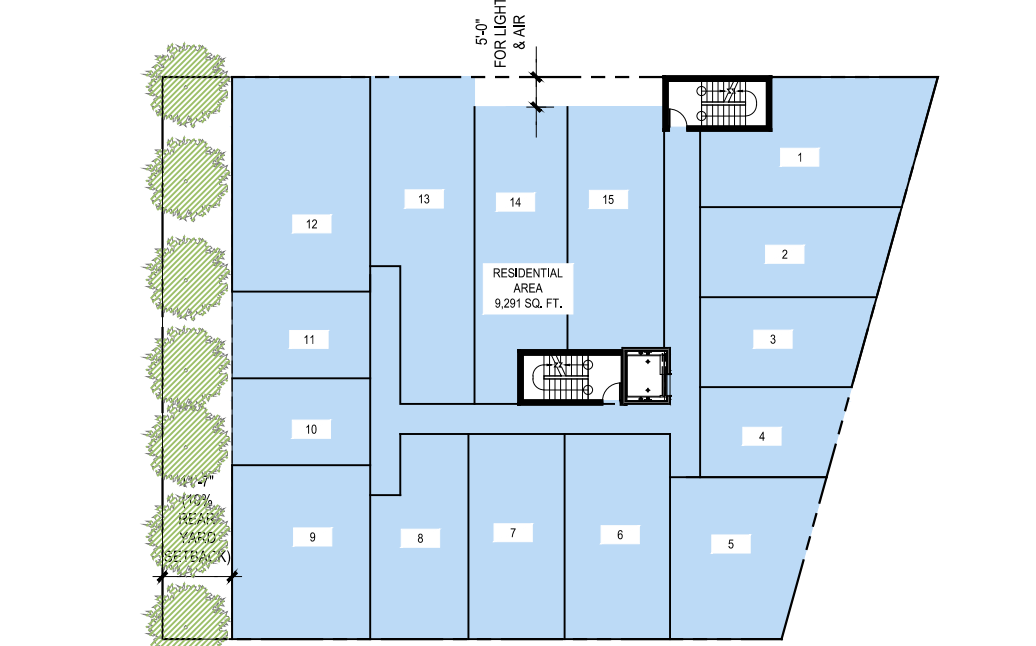
	Units	Ratio	Total Area	Provided
Base Units	34	200	6800	7030

Base Project - Parking

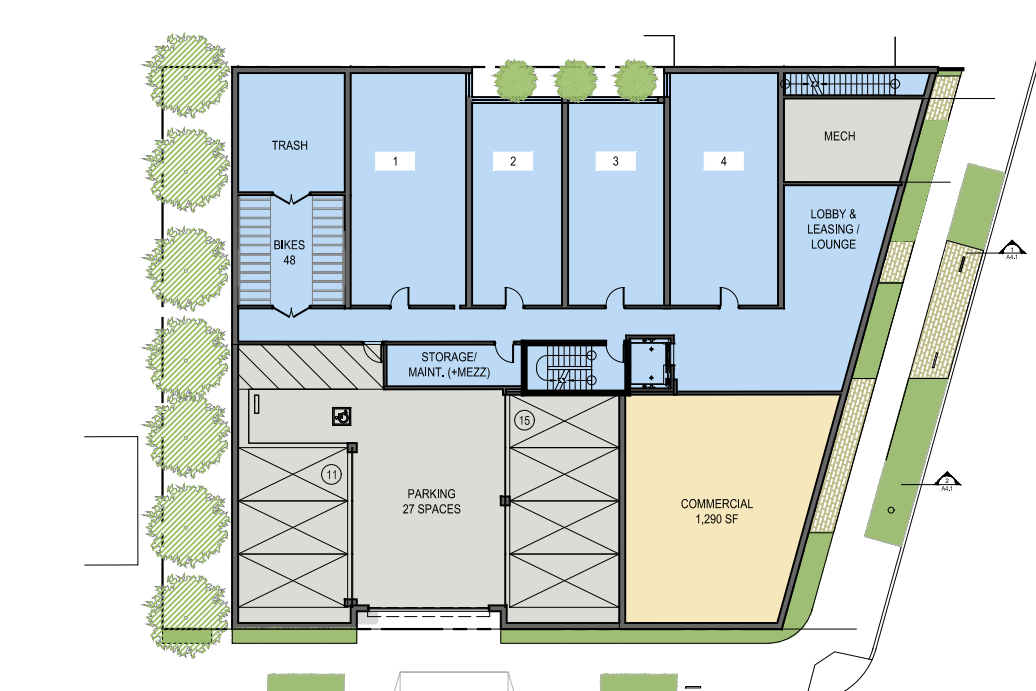
	Spaces	Ratio	Total
Base Res. Area	23,907	1	1000
Retail	1,290	2	1000
Total			27



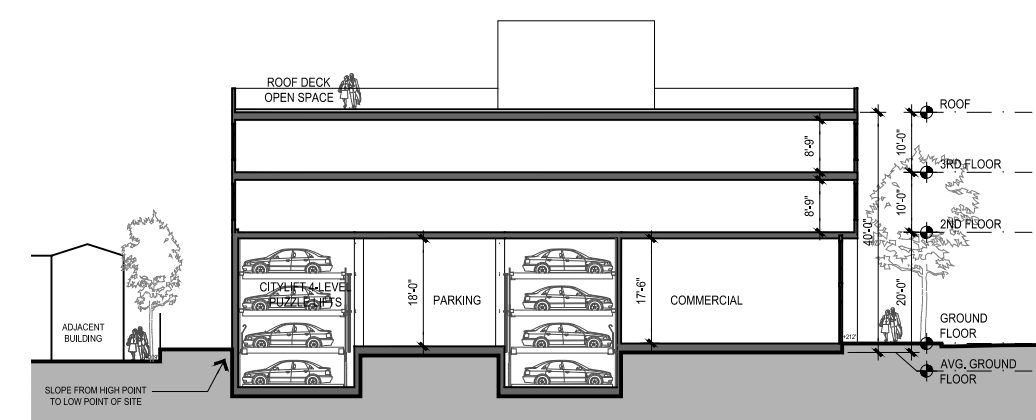
PLAN AT ROOF



PLAN AT LEVEL 2 & 3



GROUND LEVEL PLAN



BUILDING SECTION

REFERENCE BASE PROJECT



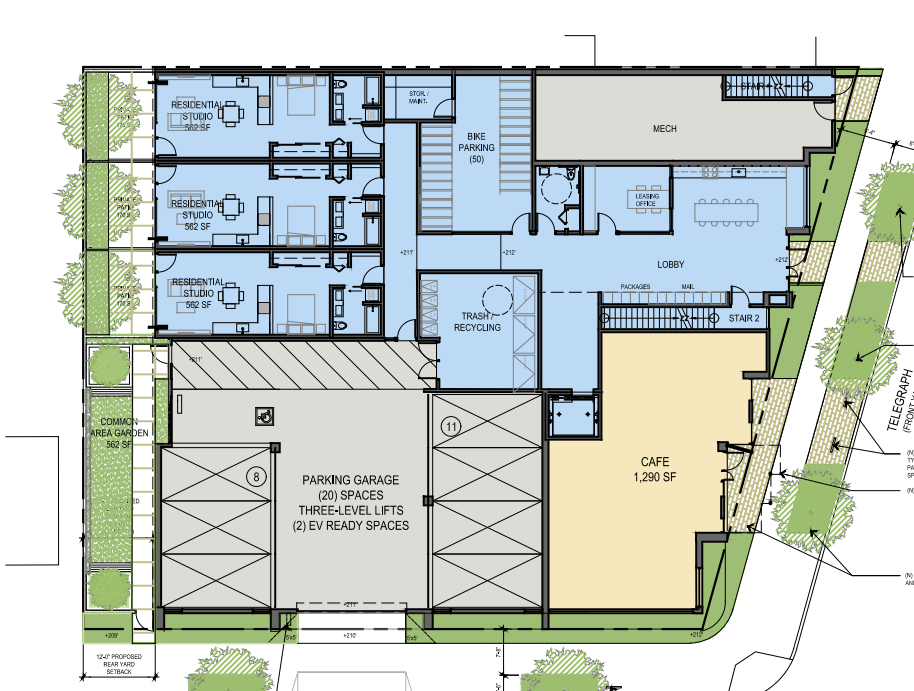
PLAN AT LEVEL 5



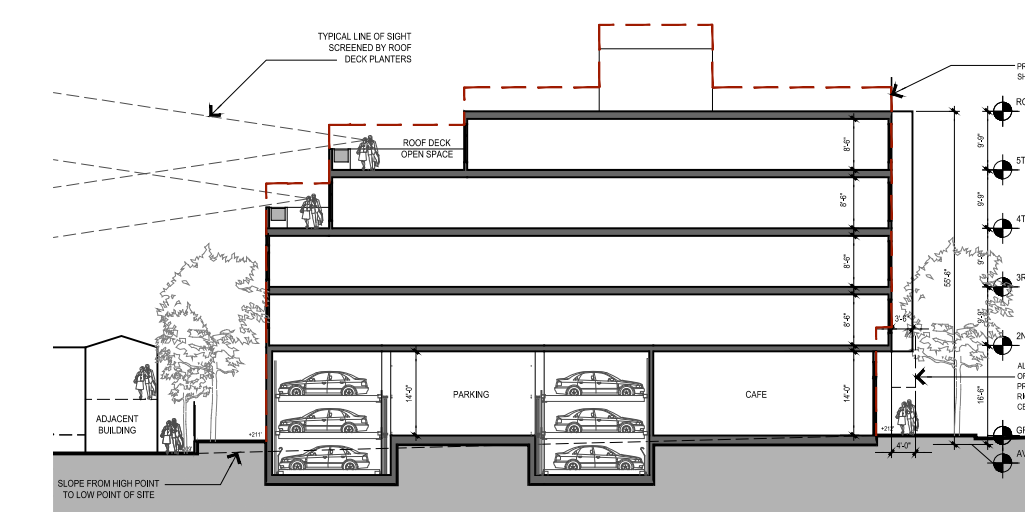
PLAN AT LEVEL 4



PLAN AT LEVEL 2 & 3

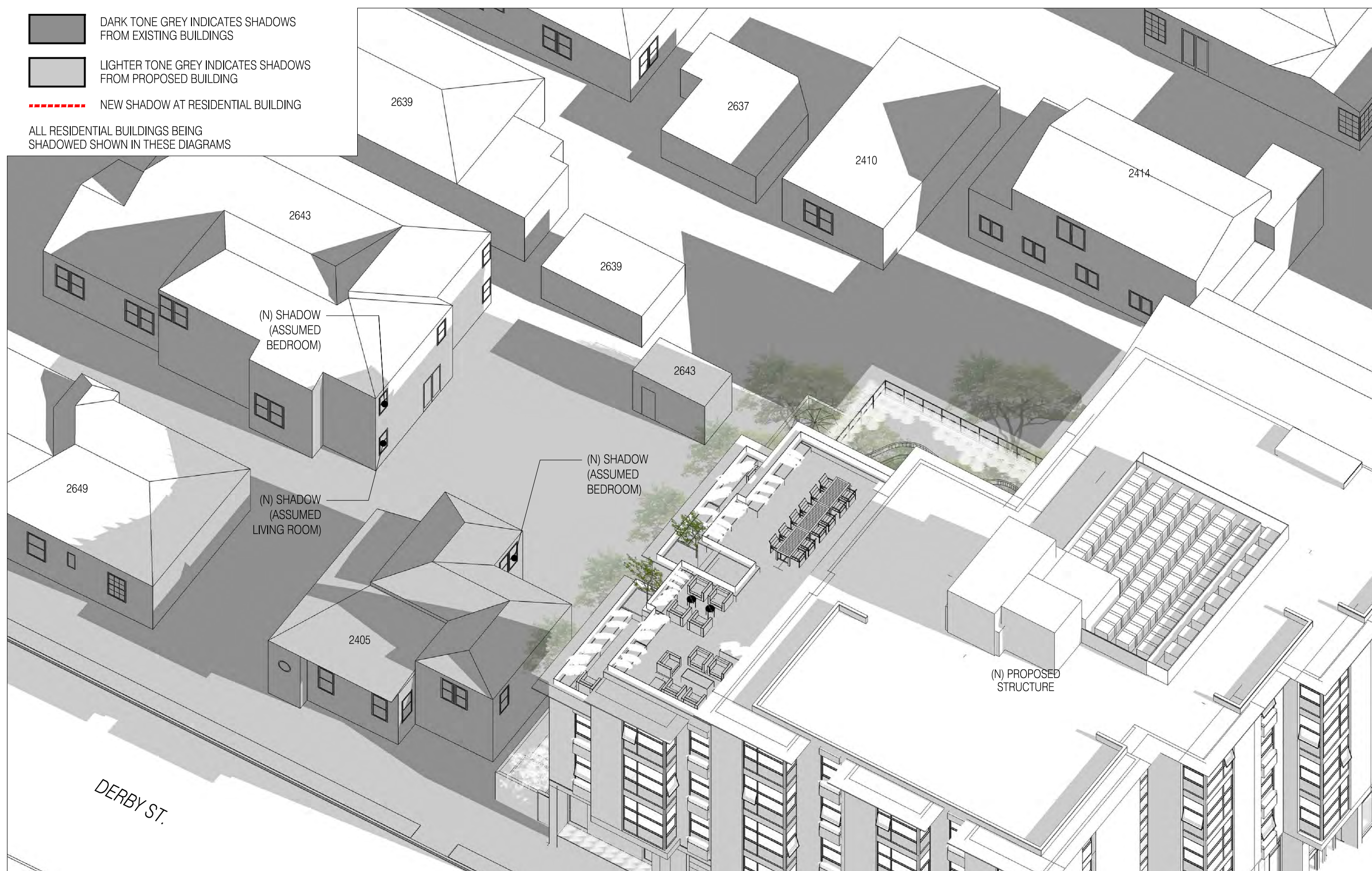


GROUND LEVEL PLAN

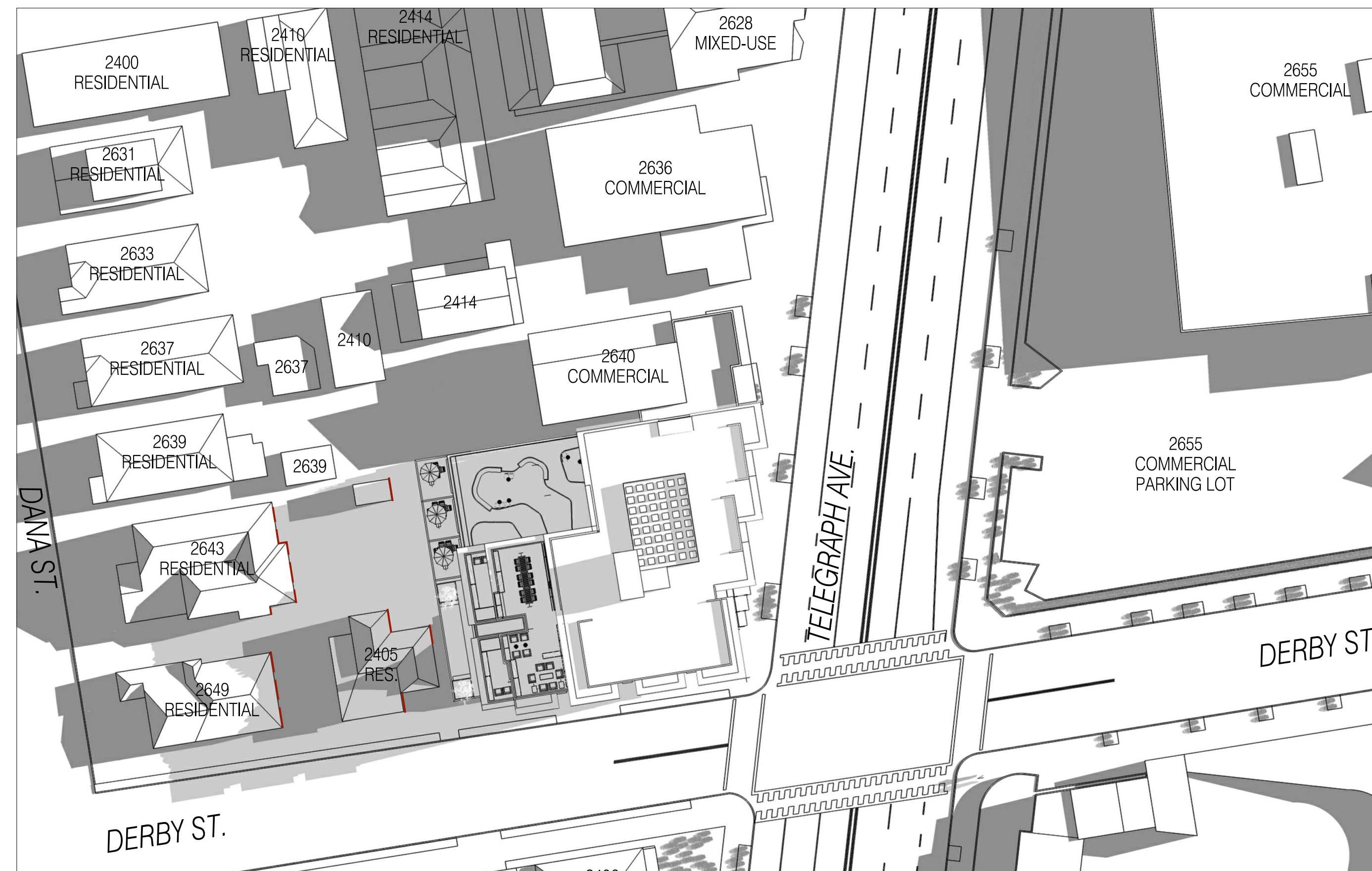


BUILDING SECTION

PROPOSED DENSITY BONUS PROJECT



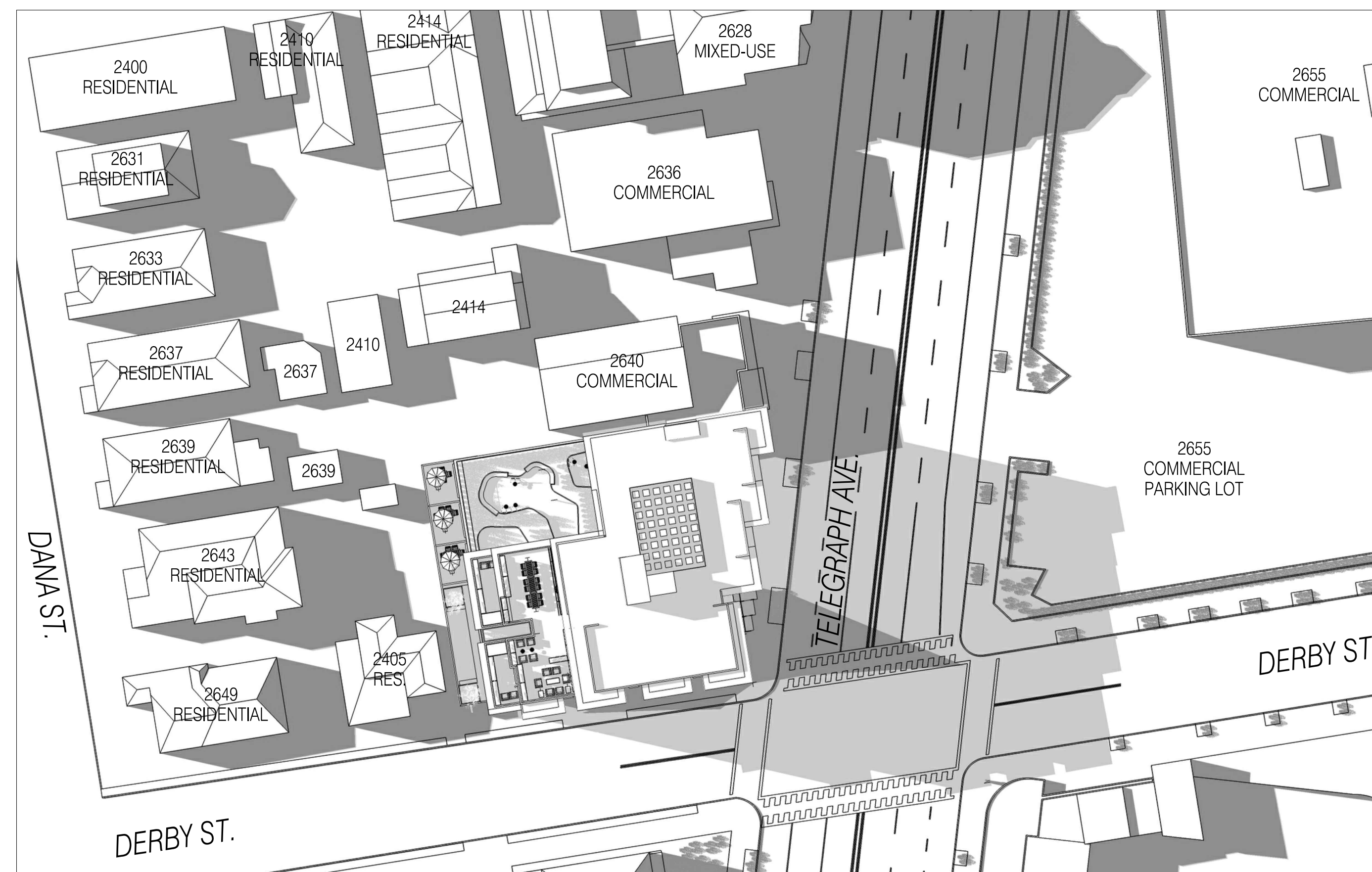
4 SHADOW STUDY AXONOMETRIC - JUNE 21: 2-HRS AFTER SUNRISE
NTS



2 SHADOW STUDY - JUNE 21: 2 HRS AFTER SUNRISE
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36



3 SHADOW STUDY - JUNE 21: NOON
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36



1 SHADOW STUDY - JUNE 21: 2-HRS BEFORE SUNSET
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36

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SHEET:
SHADOW STUDIES
JUNE 21ST

A0.4B

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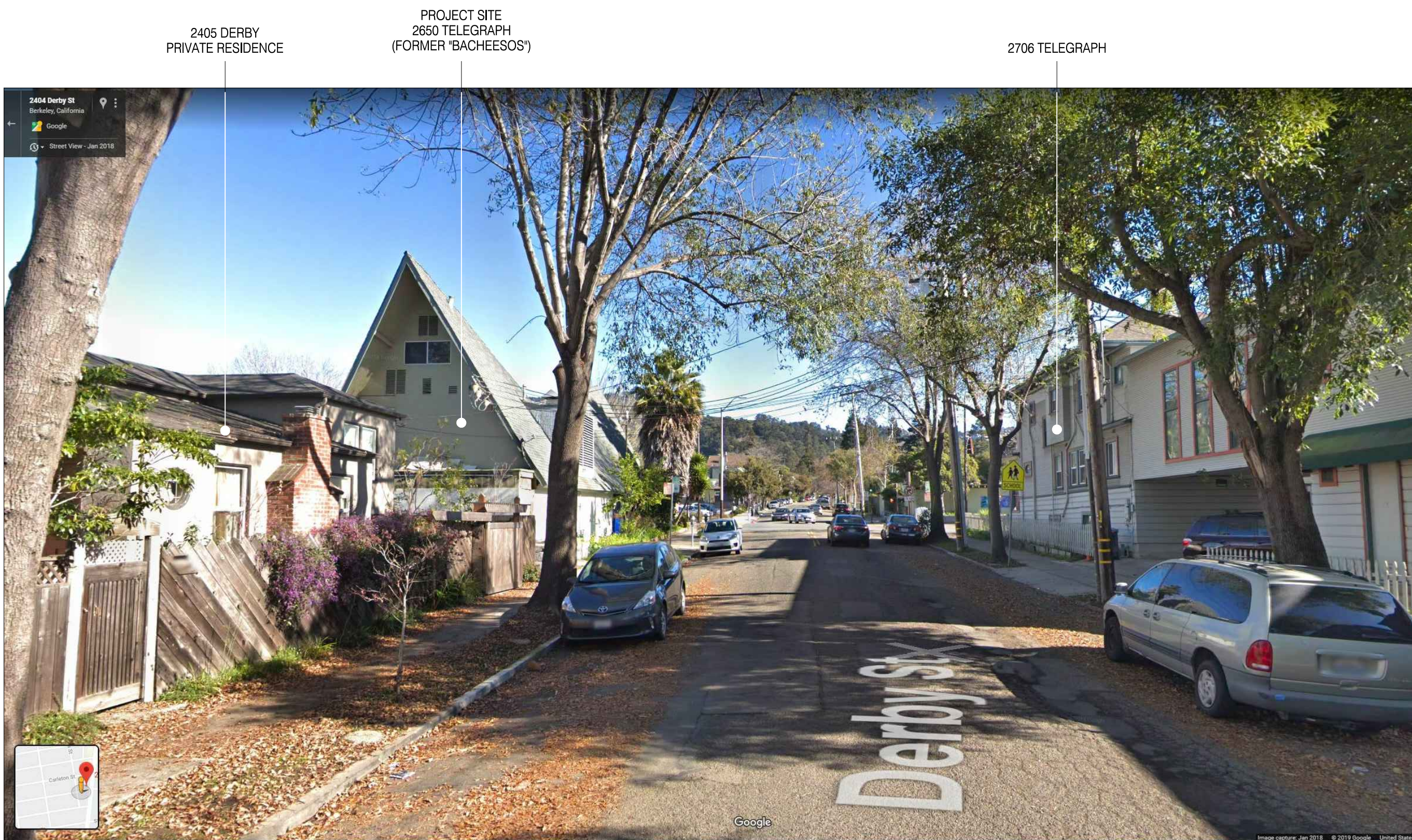
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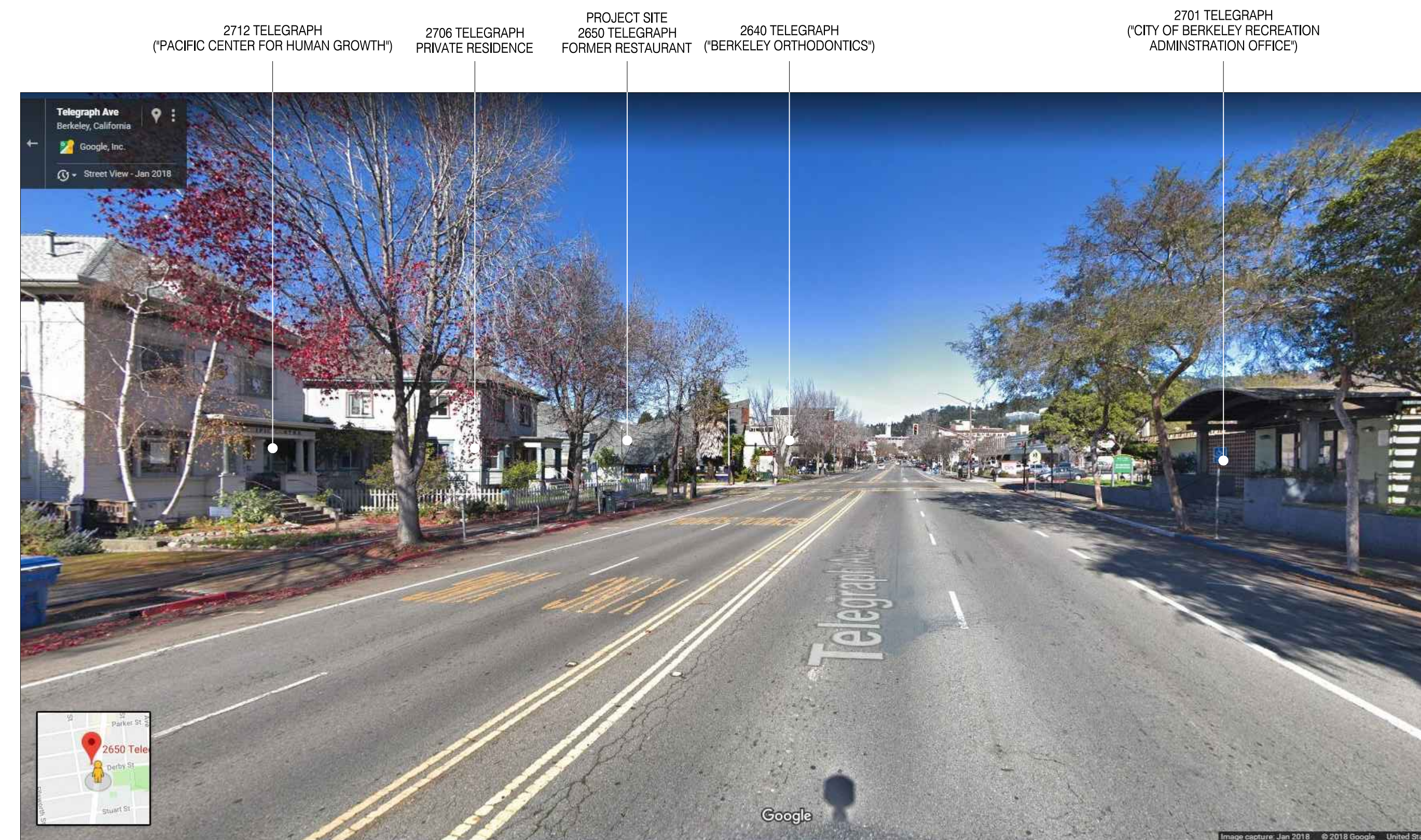
JOB: 1758

SHEET:
ZONING SITE PHOTOS

A0.5



4 VIEW FROM DERBY LOOKING EAST



2 VIEW FROM TELEGRAPH LOOKING NORTH



3 VIEW FROM TELEGRAPH LOOKING SOUTH



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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SHEET:

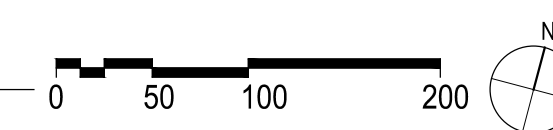
VICINITY MAP

A0.6

1
-

VICINITY MAP

1" = 100'-0" @ 11" X 17" 1" = 50'-0" @ 24" X 36"



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SHEET:
PERSPECTIVE VIEWS



1
-
AERIAL VIEW

A0.7A

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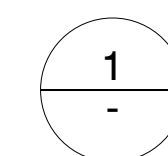
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JOB: 1758

SHEET:

PERSPECTIVE VIEWS

A0.7B



AERIAL VIEW

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SHEET:

PERSPECTIVE VIEWS

A0.7C



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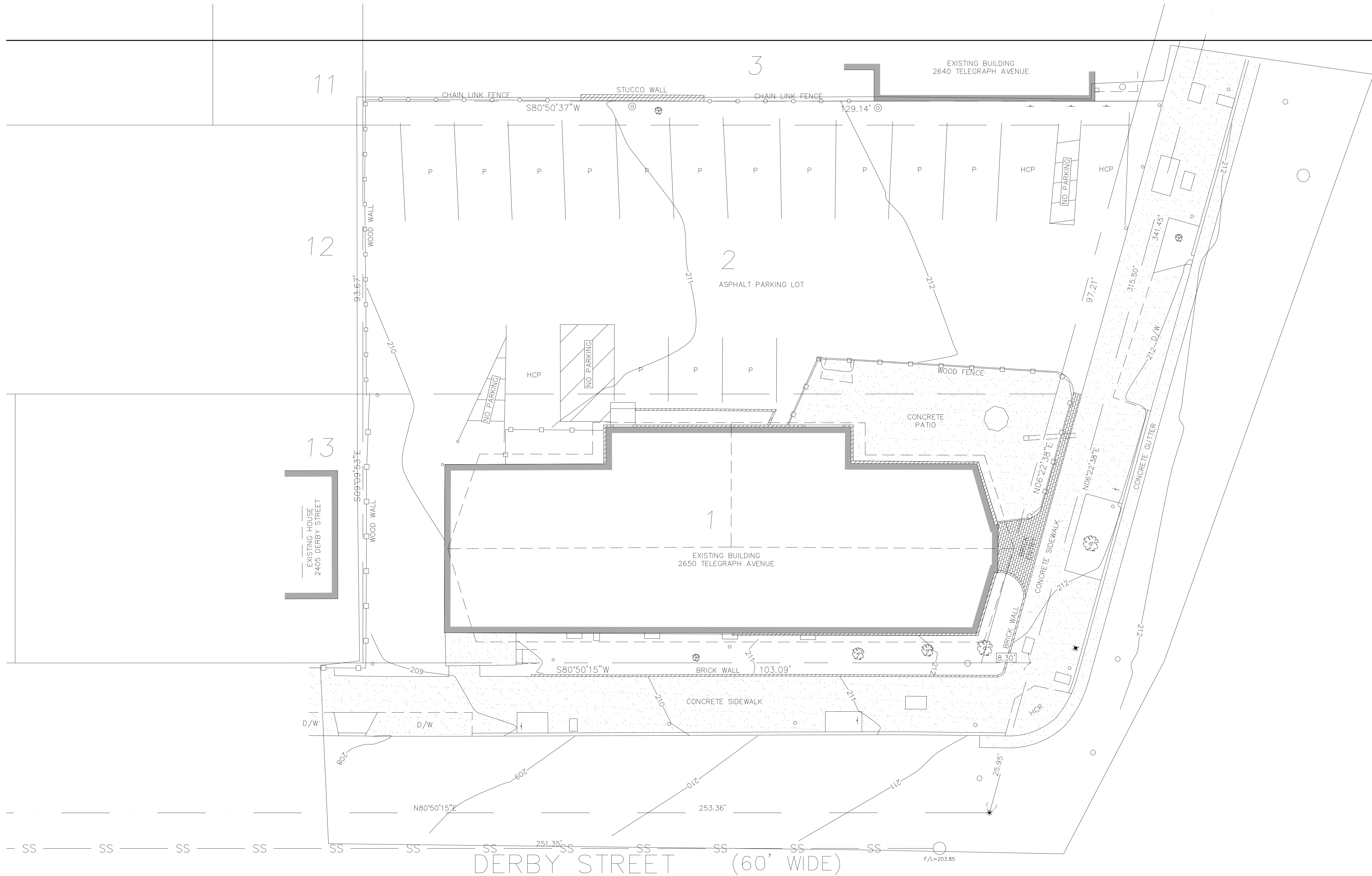
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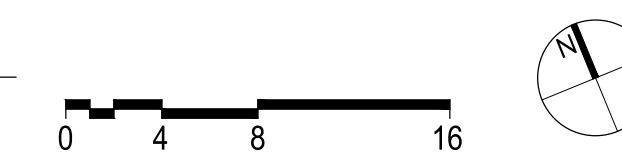
SHEET:

SURVEY

A1.0



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



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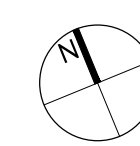
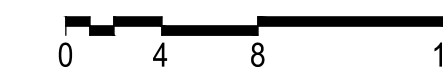
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SHEET:

PLANS AT LEVELS 2 & 3

1 PLANS AT LEVEL 2 & 3
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



A2.2

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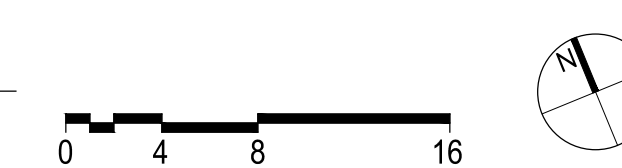
SHEET:

PLAN AT LEVEL 4

A2.3



1 PLAN AT LEVEL 4
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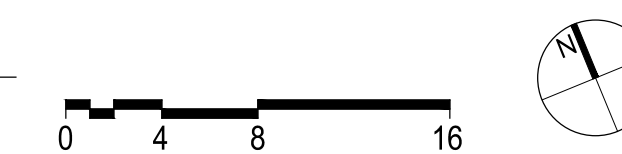
SHEET:

PLAN AT LEVEL 5

A2.4



1 PLAN AT LEVEL 5
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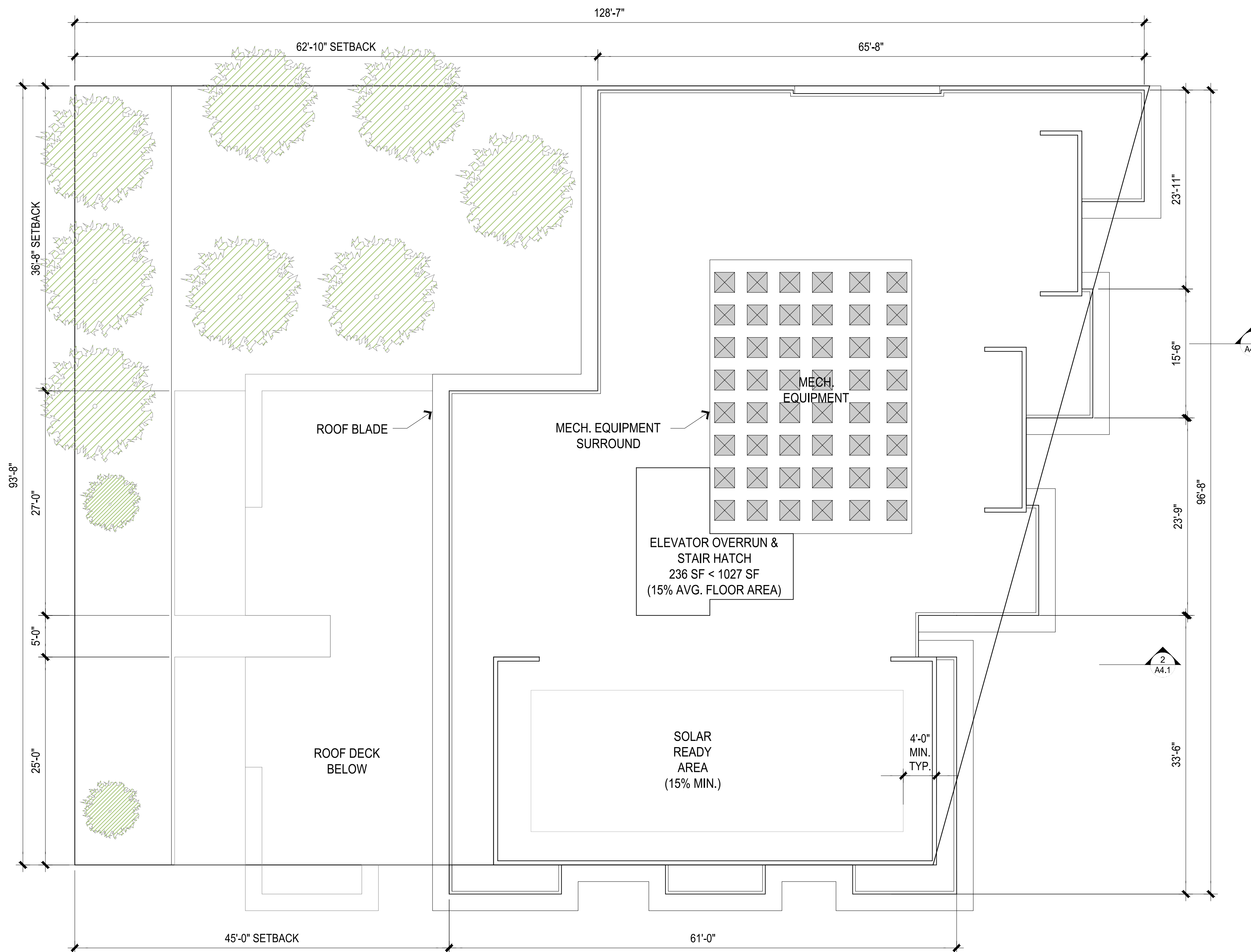
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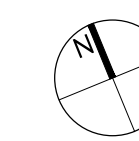
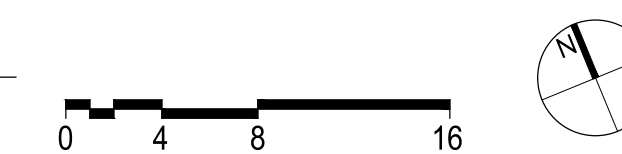
SHEET:

PLAN AT ROOF

A2.5



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



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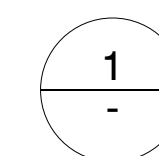
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SHEET:

RENDERING

A3.1



VIEW ALONG TELEGRAPH LOOKING NORTH

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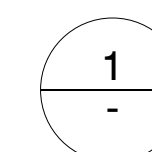
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SHEET:

RENDERING

A3.2



PEDESTRIAN EXPERIENCE AT CORNER

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SHEET:
**BUILDING
ELEVATIONS**

1

EAST ELEVATION

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

0 4 8 16

A3.3

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SHEET:
**BUILDING
ELEVATIONS**



- CORTEN METAL FENCE
- CAST-IN-PLACE CONCRETE
- ALUMINUM WINDOWS
- CORTEN METAL PANELS
- INTEGRAL COLOR STUCCO
- PARKLEX WOOD OR THERMOWOOD
- METAL PLANTER, PTD.
- ALUMINUM STOREFRONT
- GALVANIZED ALUMINUM PANEL CLADDING
- METAL INFILL PANEL

- 55'-6" ROOF
- 9'-9"
- 45'-9" 5TH FLOOR
- 9'-9"
- 36'-0" 4TH FLOOR
- 9'-9"
- 25'-3" 3RD FLOOR
- 9'-9"
- 15'-6" 2ND FLOOR
- 16'-6"
- 0'-0" AVERAGE GROUND FLOOR

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



A3.4

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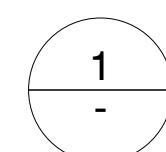
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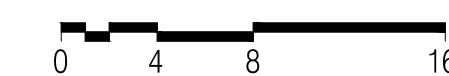
BUILDING ELEVATIONS

A3.5



WEST ELEVATION

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



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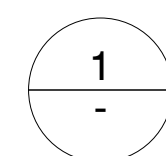
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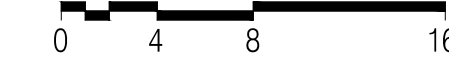
BUILDING ELEVATIONS

A3.6



NORTH ELEVATION

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



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**TELEGRAPH
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2
-

STREET STRIP ELEVATION @ DERBY

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

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SHEET:

STREET STRIP
ELEVATIONS



1
-

STREET STRIP ELEVATION @ TELEGRAPH

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

A3.7

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JOB: 1758

SHEET:

PERSPECTIVE VIEWS



1
-
AERIAL VIEW

A3.8

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SHEET:

PERSPECTIVE VIEWS



1 AERIAL VIEW

A3.9

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SHEET:

PERSPECTIVE VIEWS

A3.10



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SHEET:

PERSPECTIVE VIEWS

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SHEET:

PERSPECTIVE VIEWS

A3.12



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JOB: 1758

SHEET:

PHOTO CONTEXT
VIEWS

A3.13



2
-
TELEGRAPH LOOKING SOUTH - AFTER



1
-
TELEGRAPH LOOKING SOUTH - BEFORE

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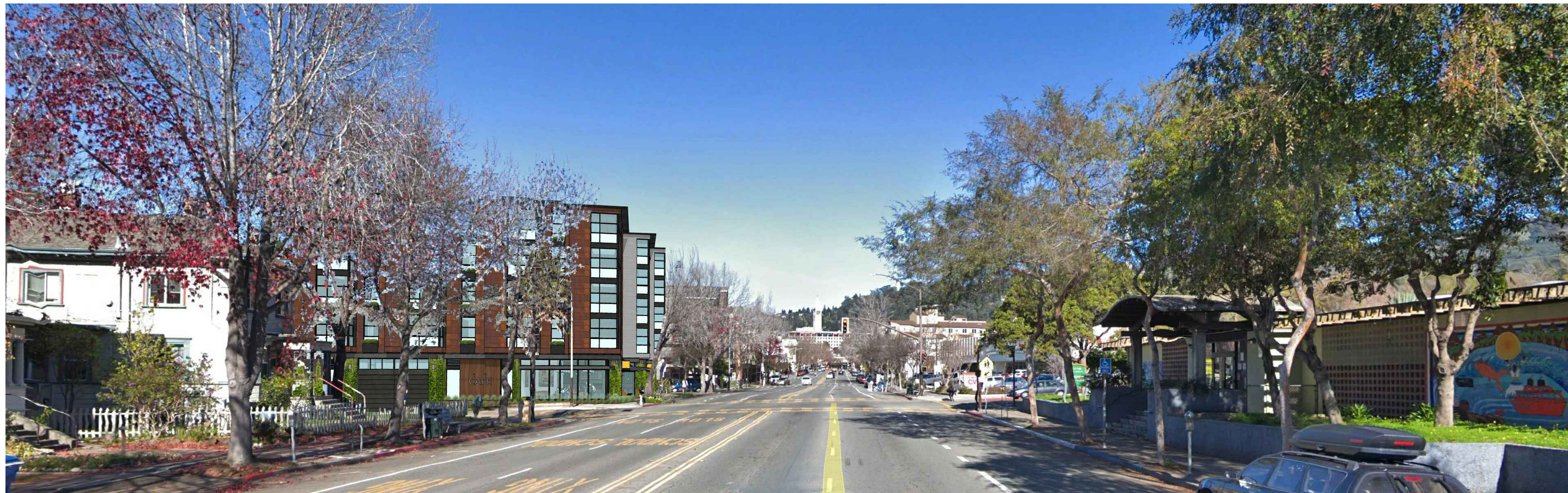
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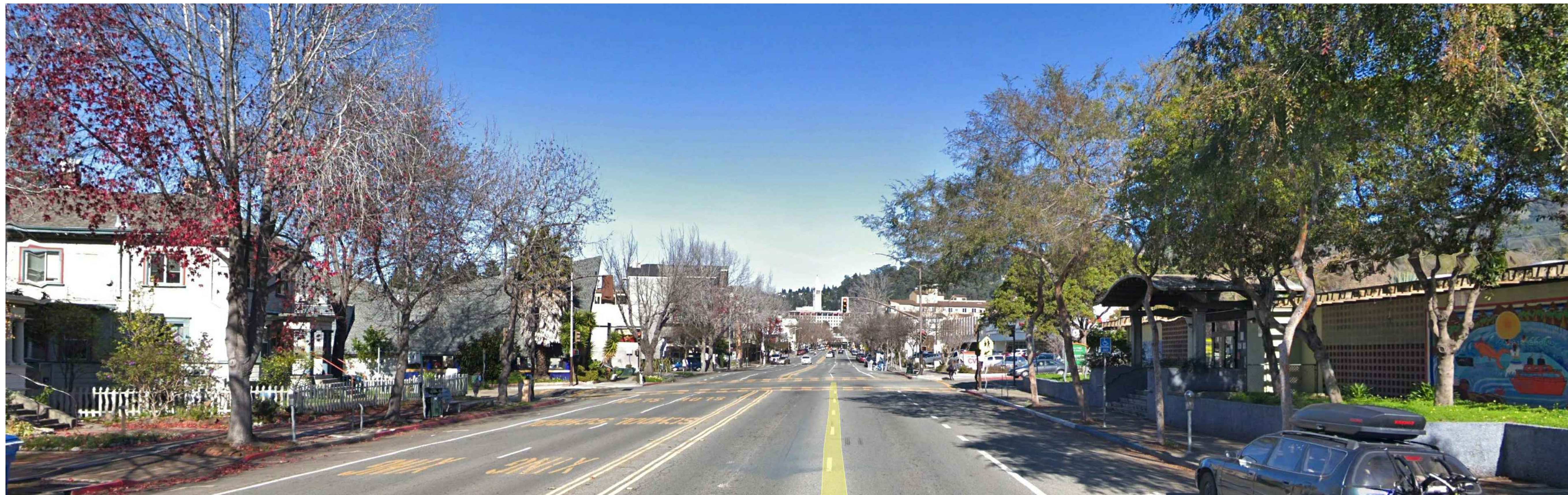
PHOTO CONTEXT
VIEWS

A3.14



2

TELEGRAPH LOOKING NORTH - AFTER



1

TELEGRAPH LOOKING NORTH - BEFORE

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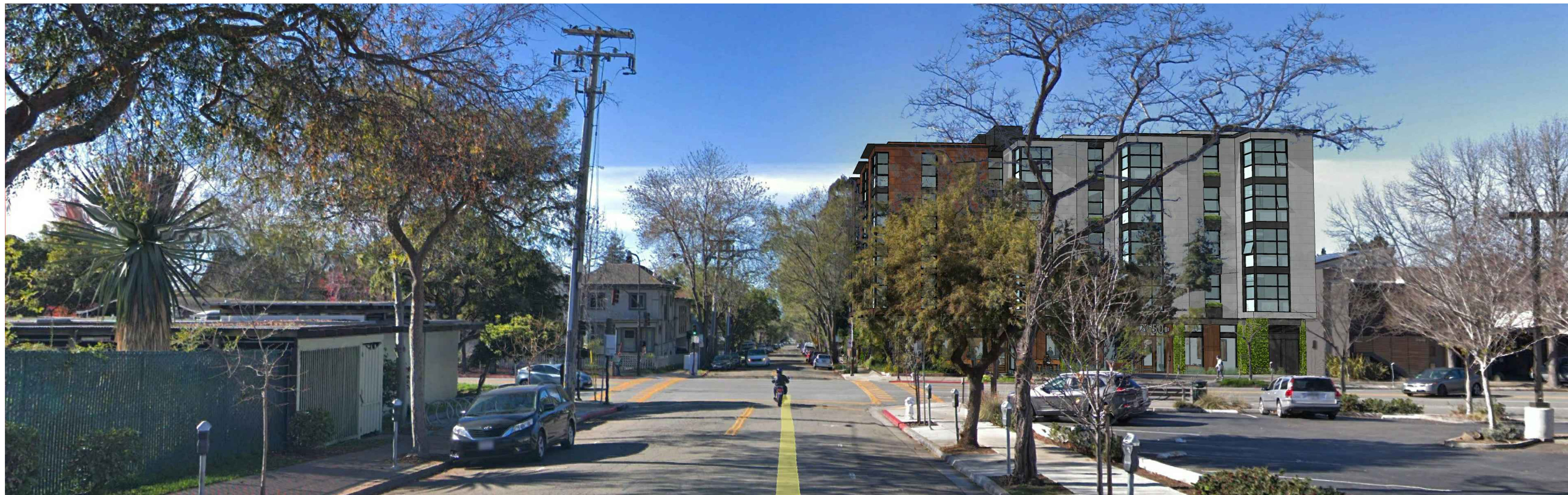
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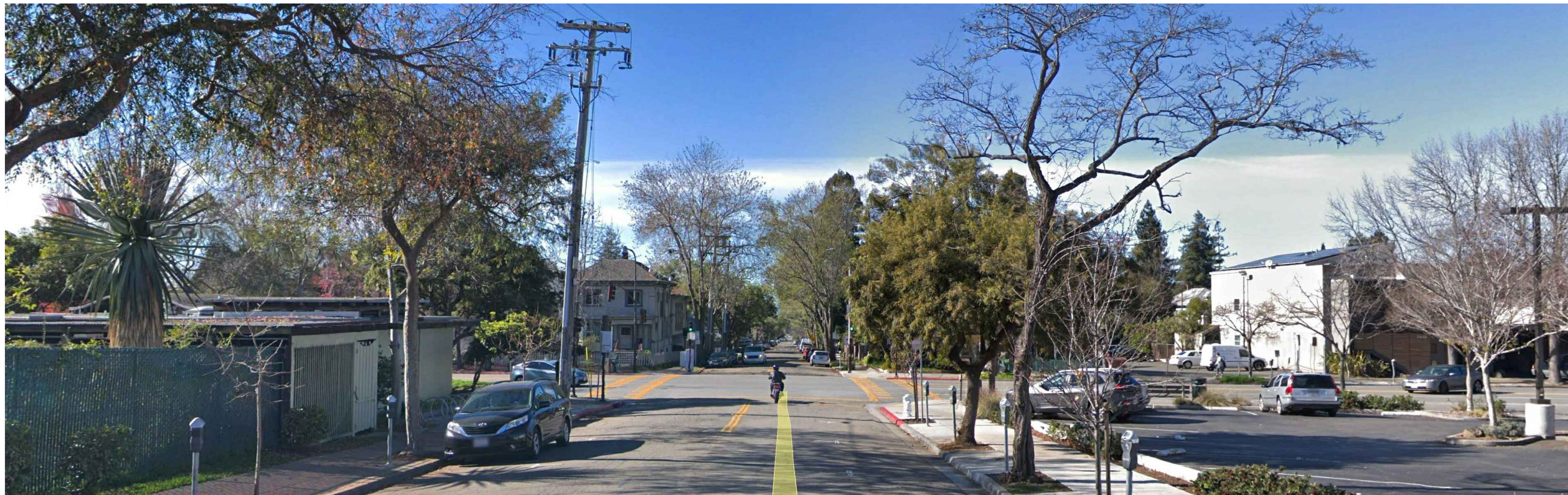
SHEET:

PHOTO CONTEXT
VIEWS

A3.15



2 DERBY LOOKING WEST - AFTER



1 DERBY LOOKING WEST - BEFORE

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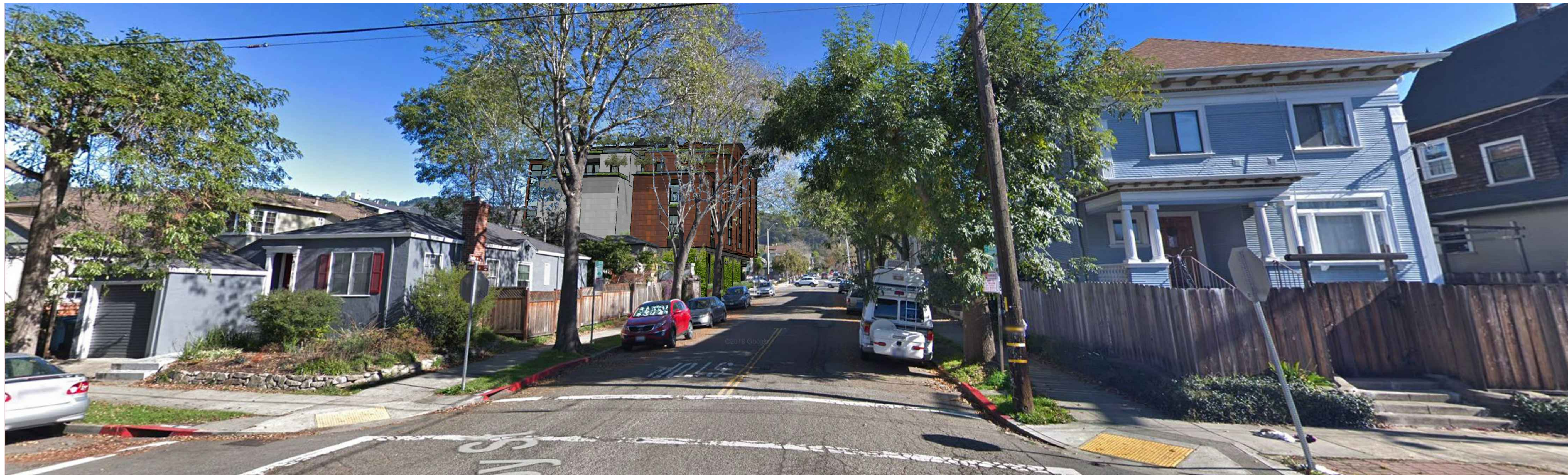
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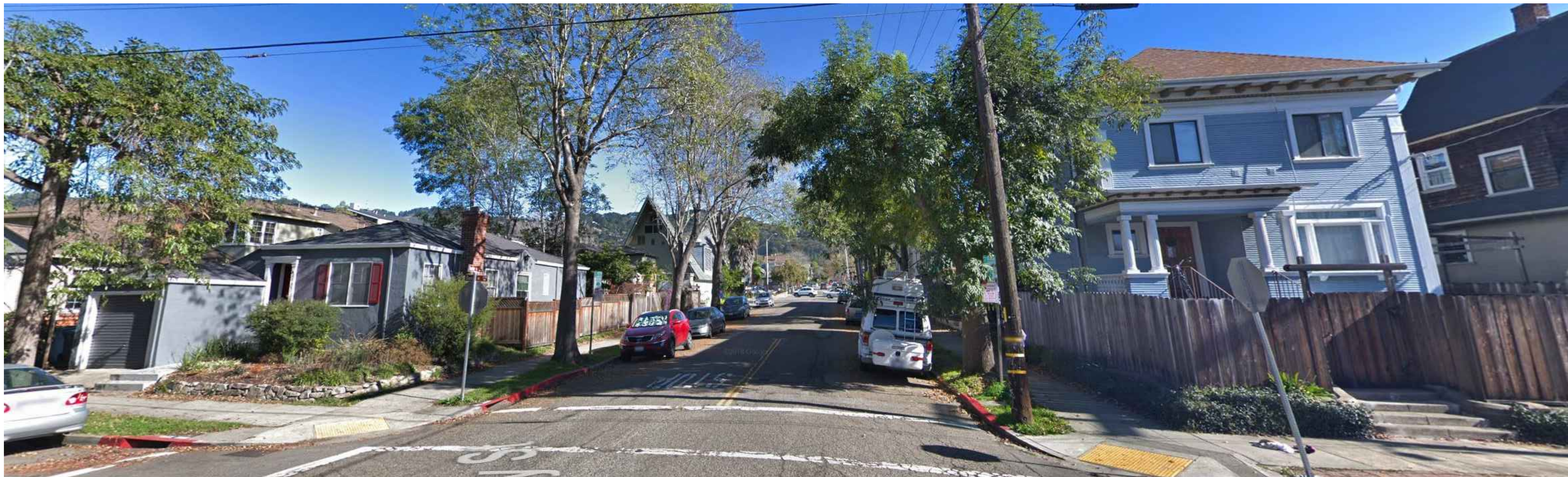
SHEET:

PHOTO CONTEXT VIEWS

A3.16



2 DERBY LOOKING EAST - AFTER



1 DERBY LOOKING EAST - BEFORE

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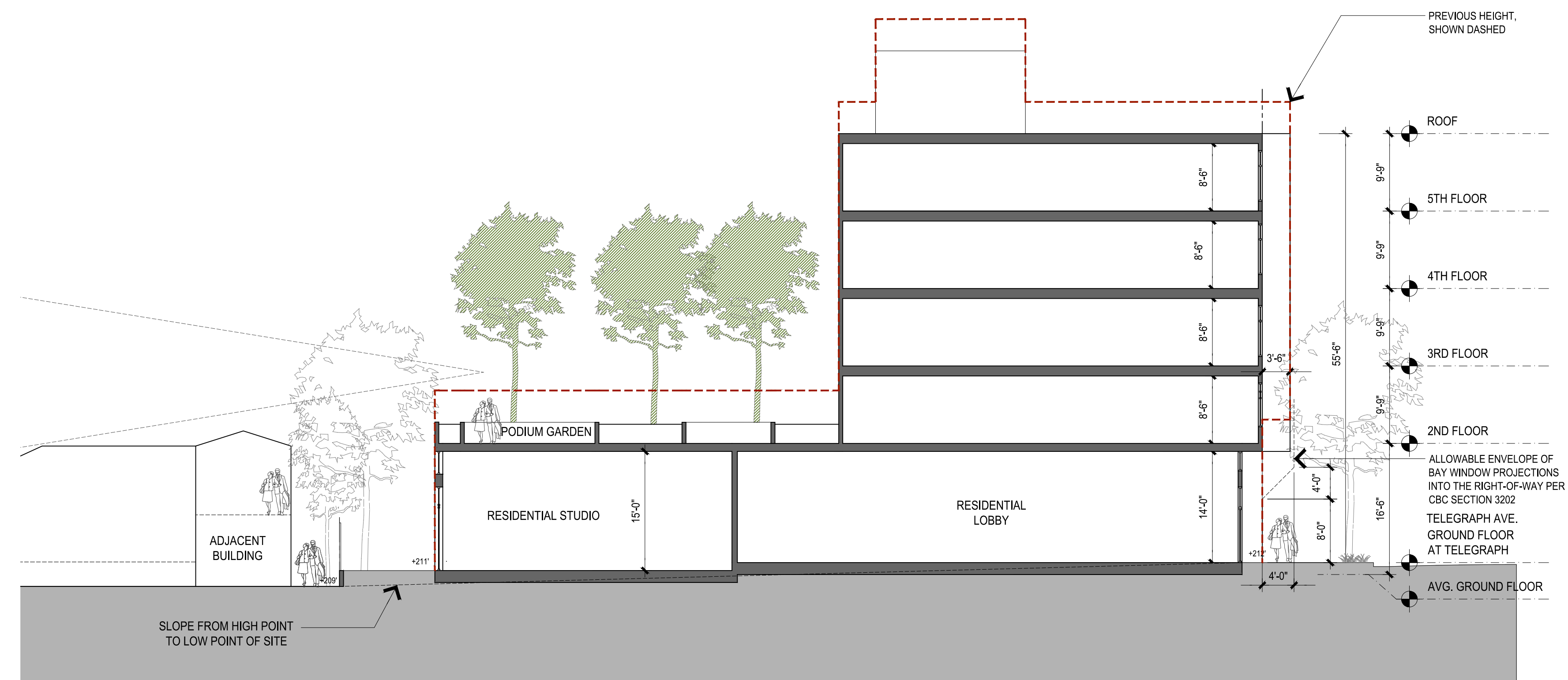
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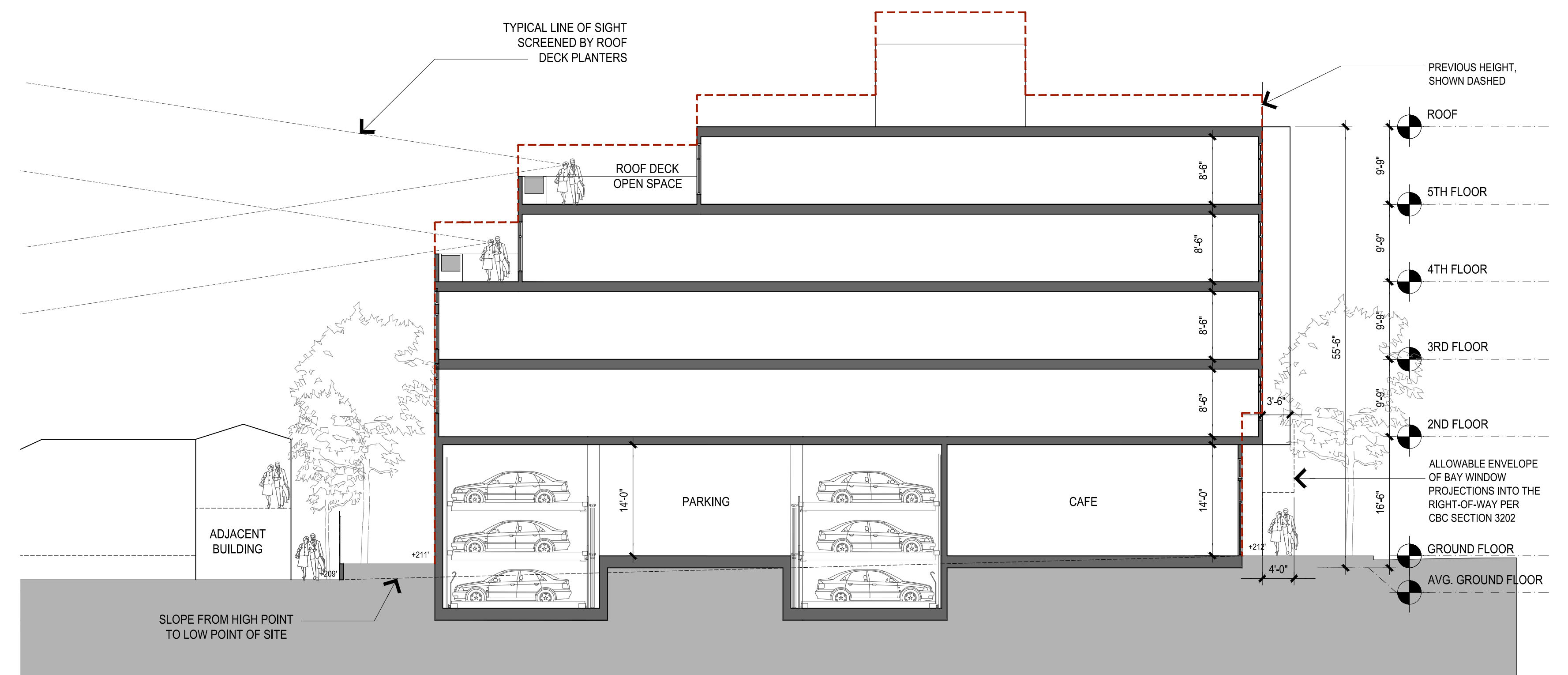
SHEET:

BUILDING SECTION

A4.1



2
E-W SECTION THROUGH PODIUM GARDEN
3/64"=1'-0" @ 11X17 3/32"=1'-0" @ 24X36



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

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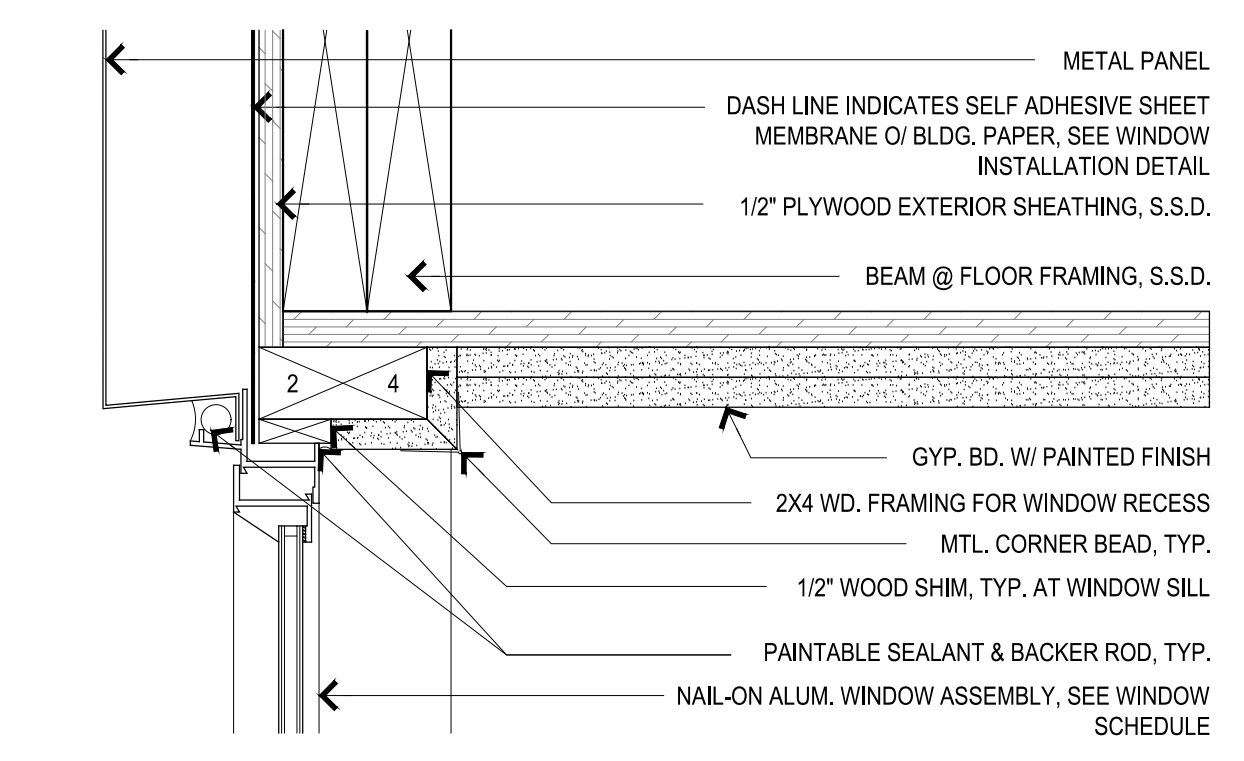
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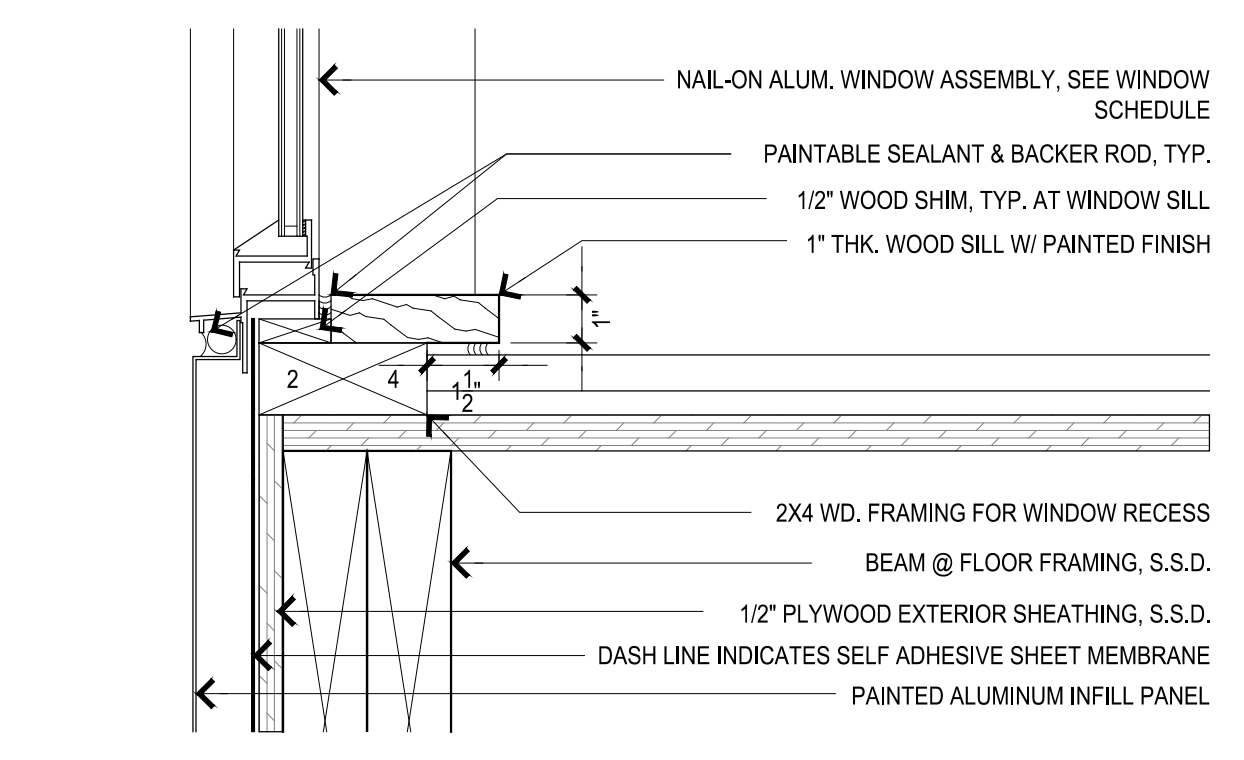
SHEET:

WALL SECTIONS & DETAILS

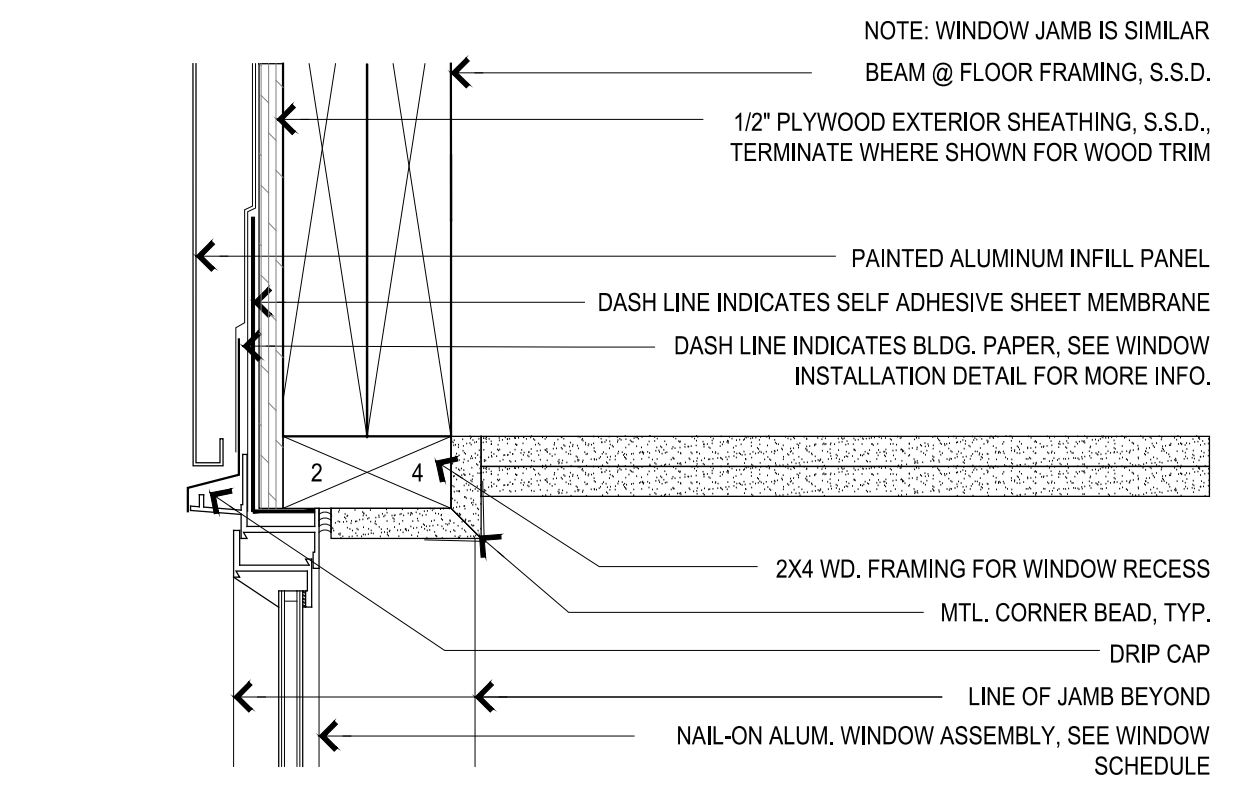
A4.2



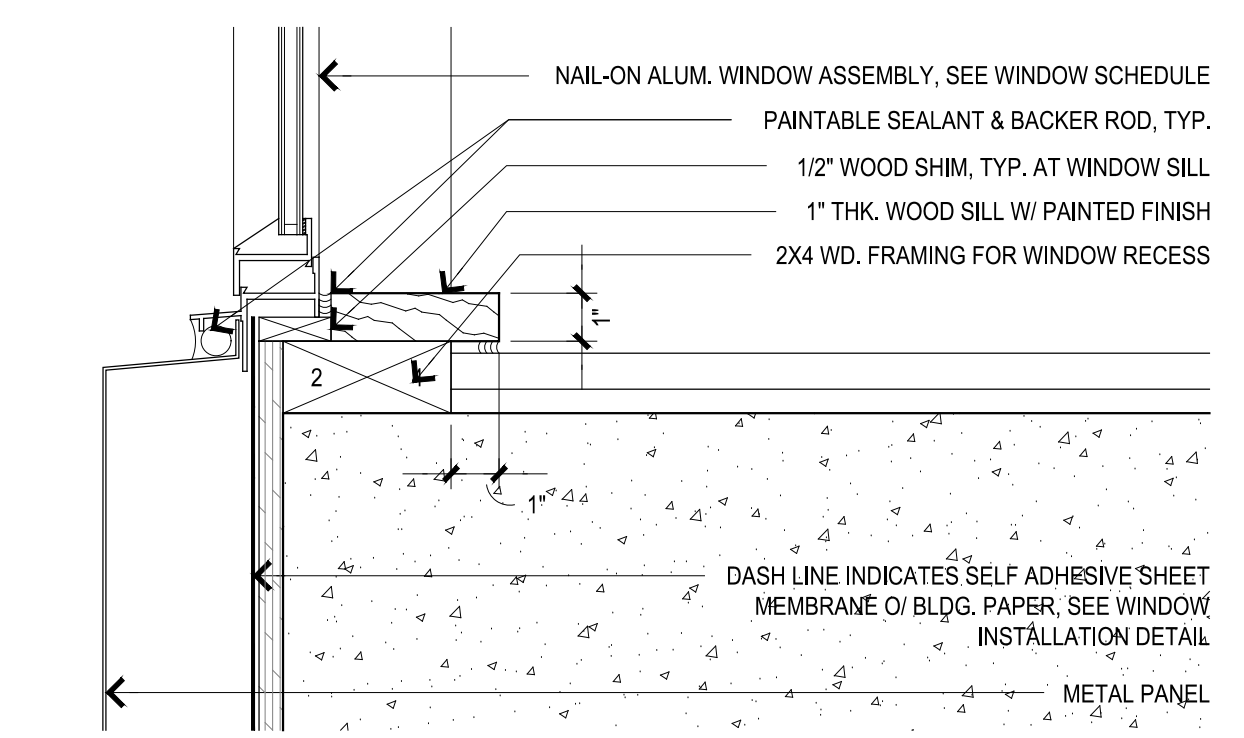
4 TYP. HEAD/JAMB @ MTL. PANEL
3"=1'-0"



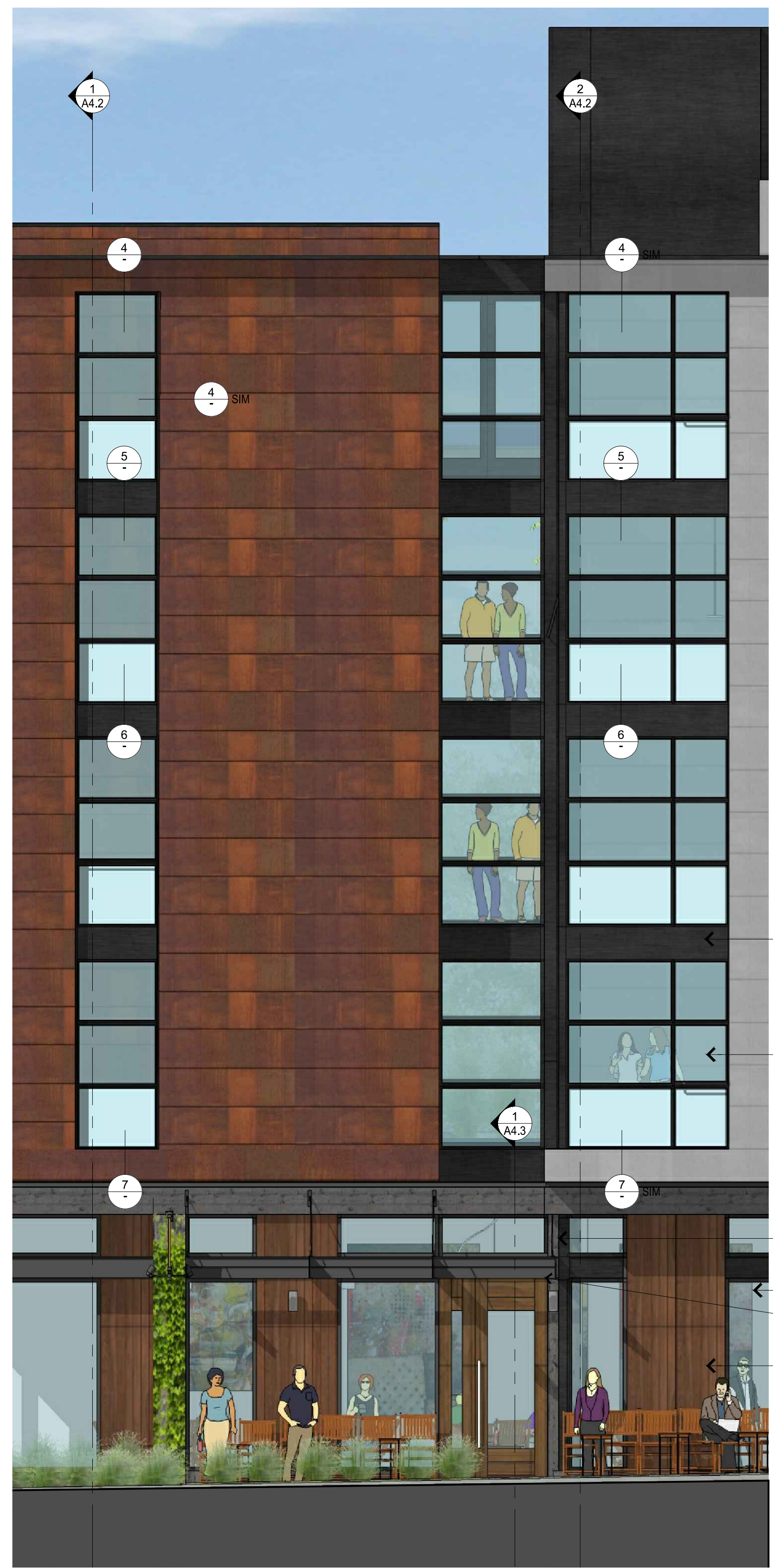
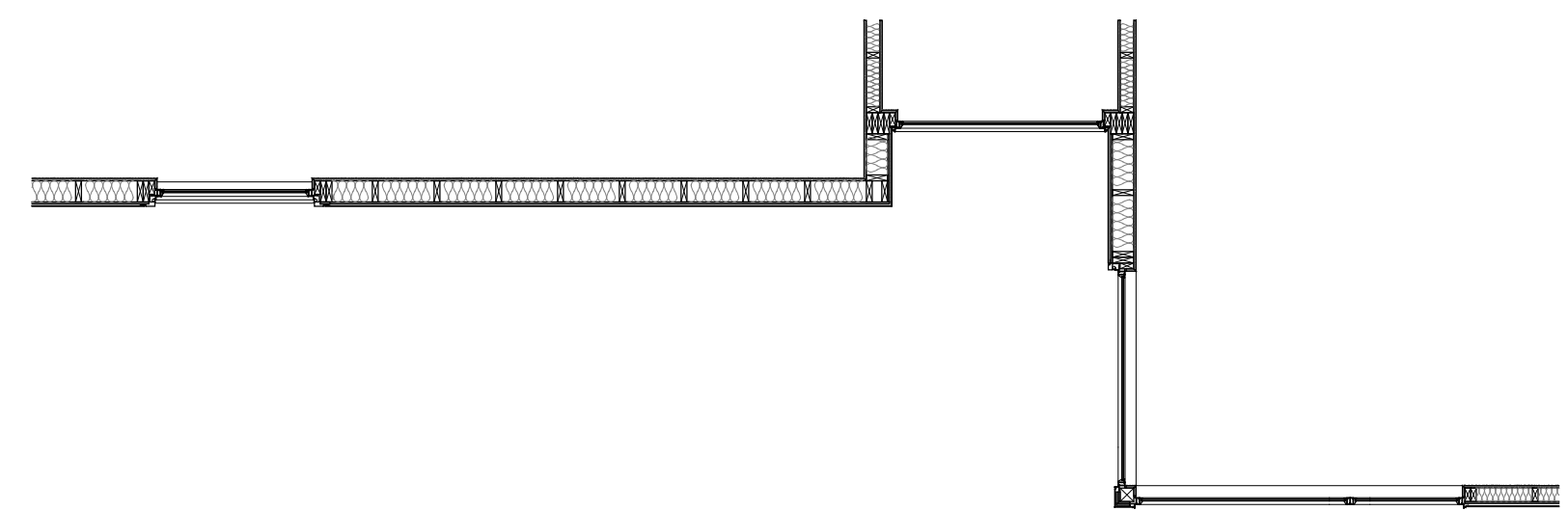
5 TYP. SILL AT FILL PANEL
3"=1'-0"



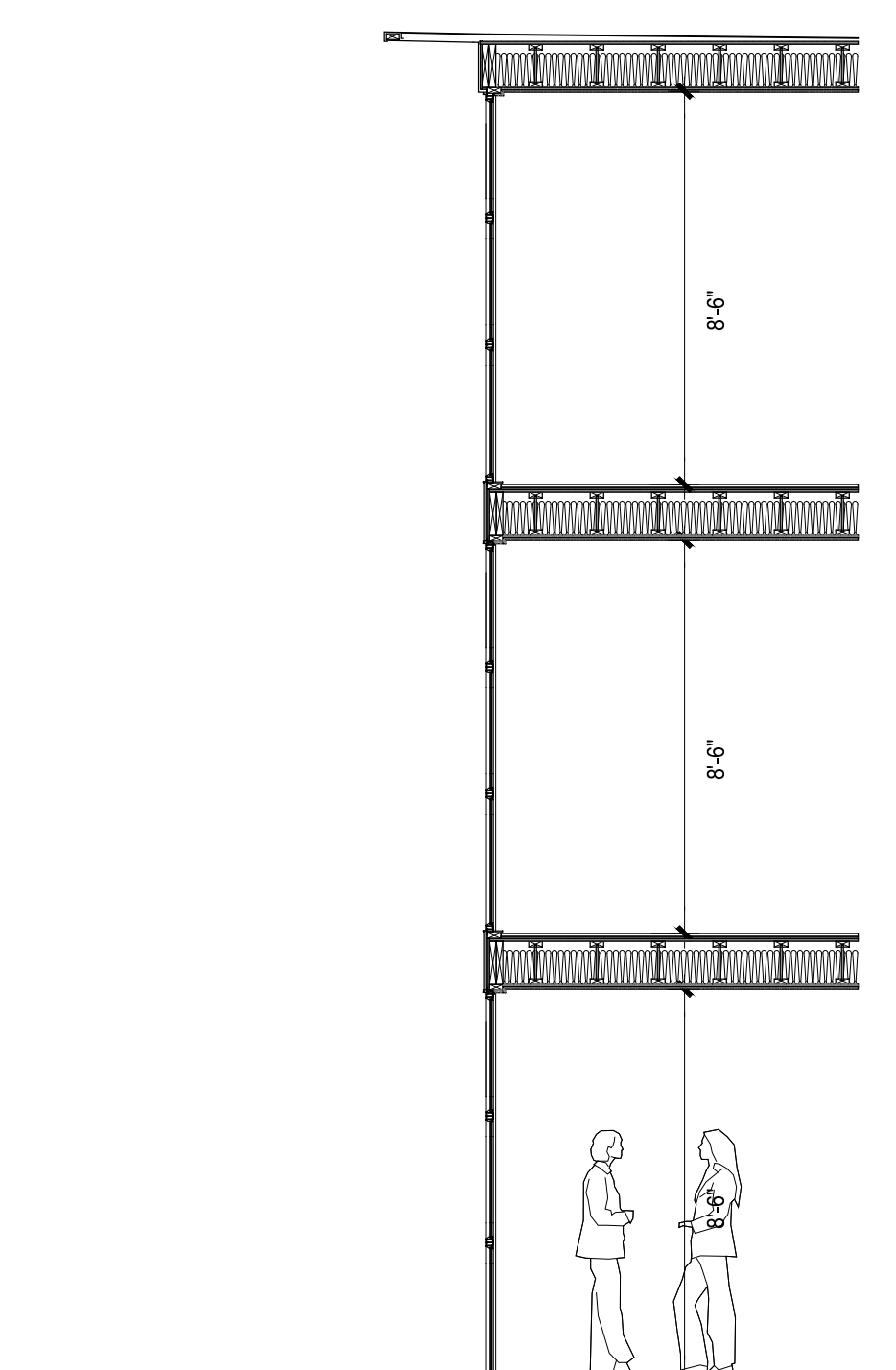
6 HEAD @ FILL PANEL
3"=1'-0"



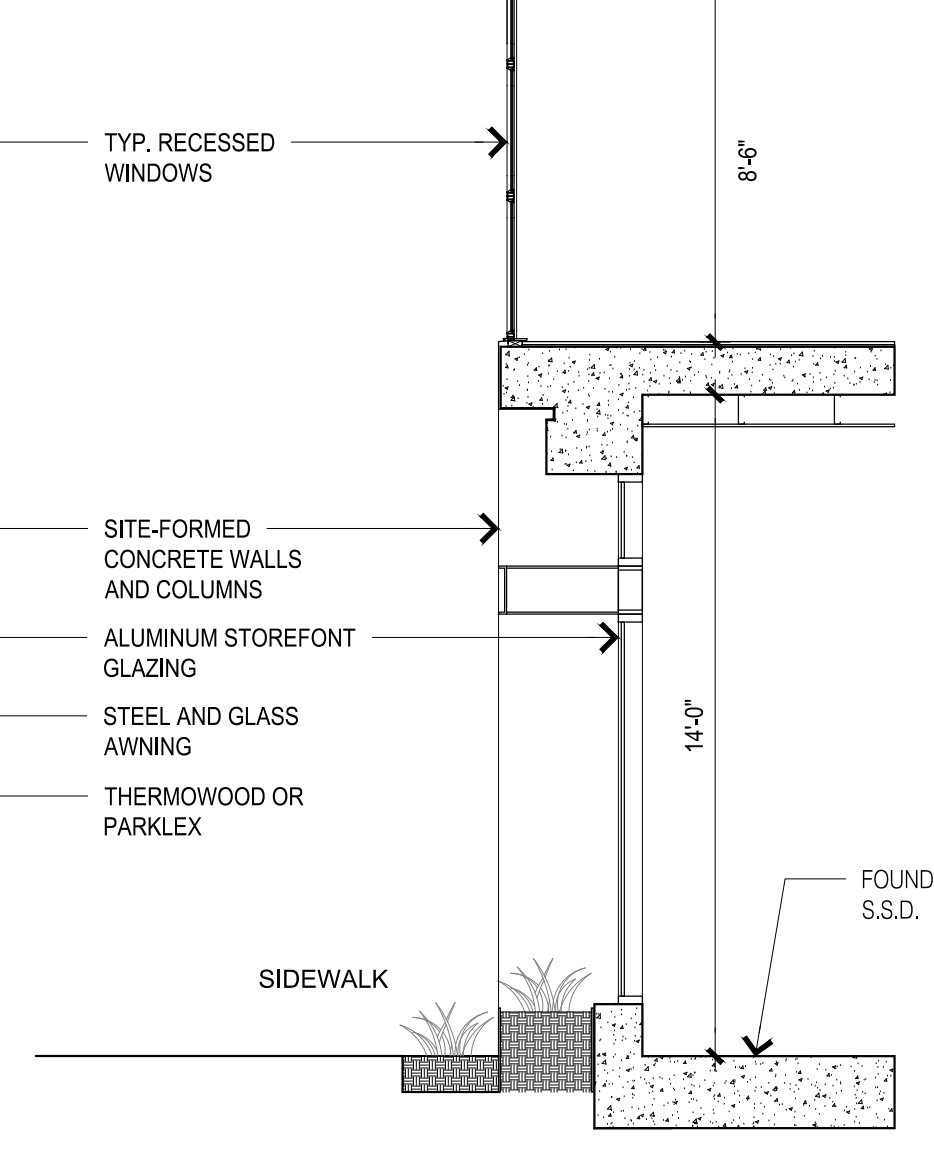
7 TYP. SILL @ PODIUM
3"=1'-0"



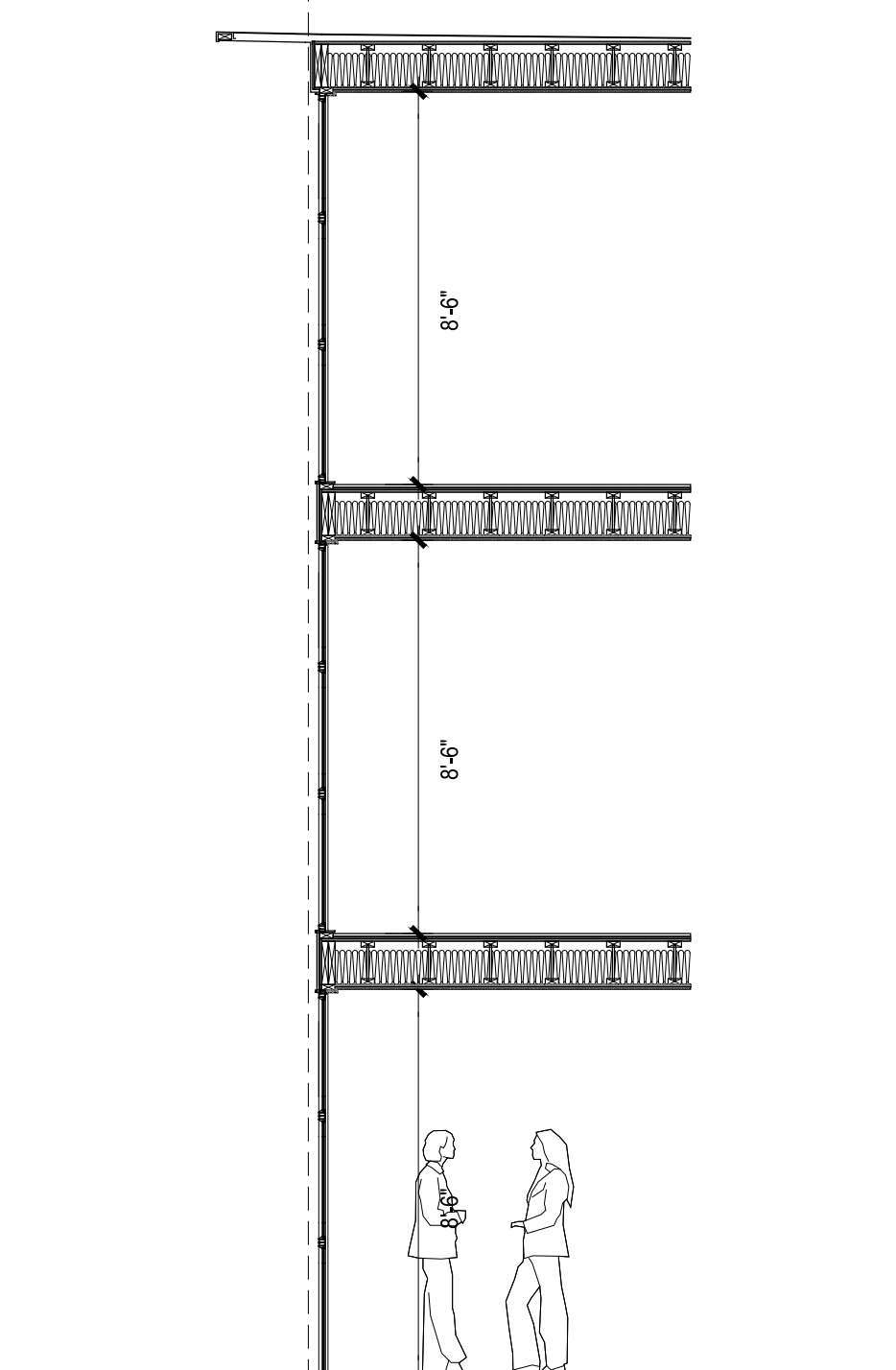
3 ELEVATION DETAIL
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36
0 4 8 16



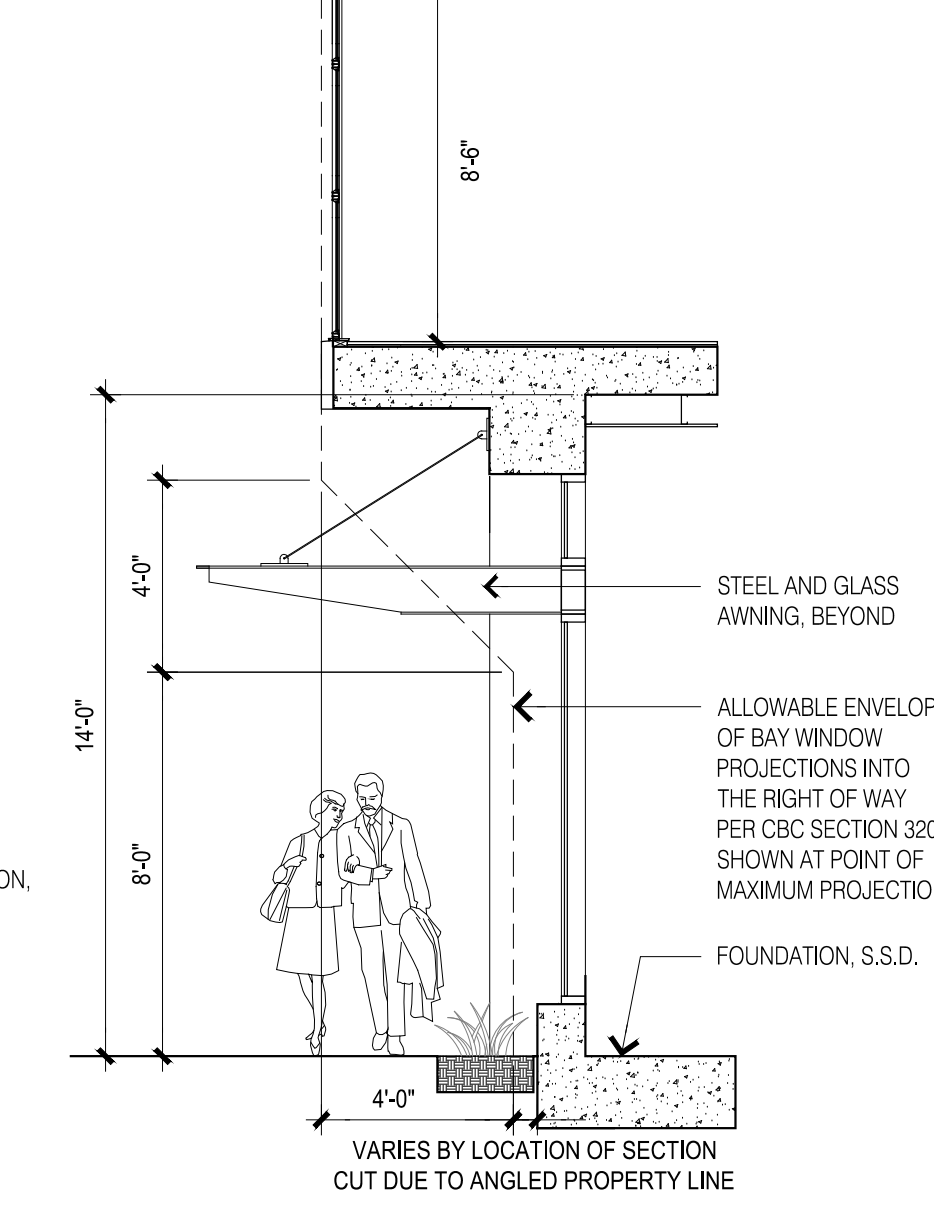
2 SECTION
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36



1 SECTION @ BAY
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36



1 SECTION @ BAY
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36



1 SECTION @ BAY
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36

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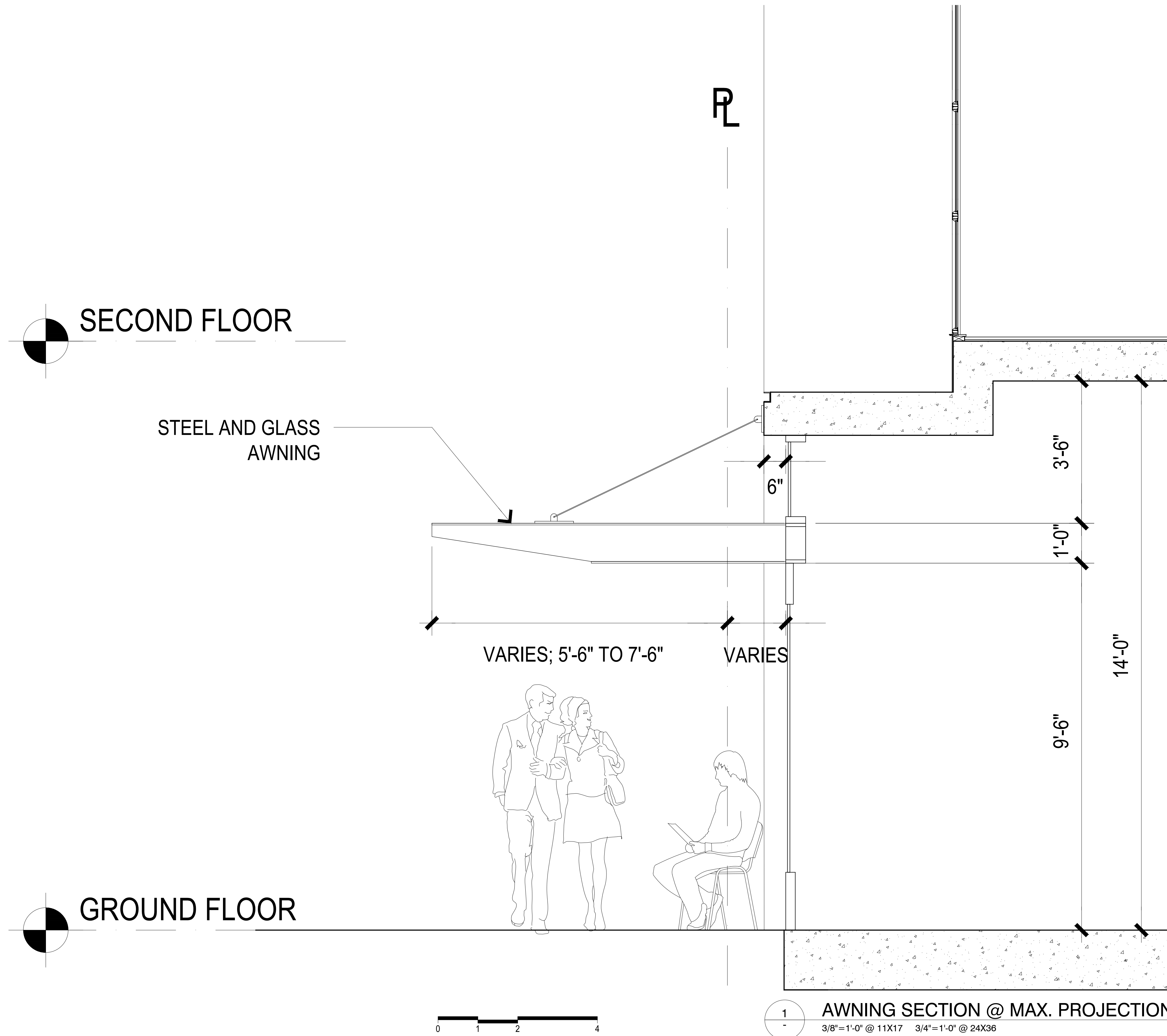
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SHEET:

WALL SECTIONS & DETAILS

A4.3



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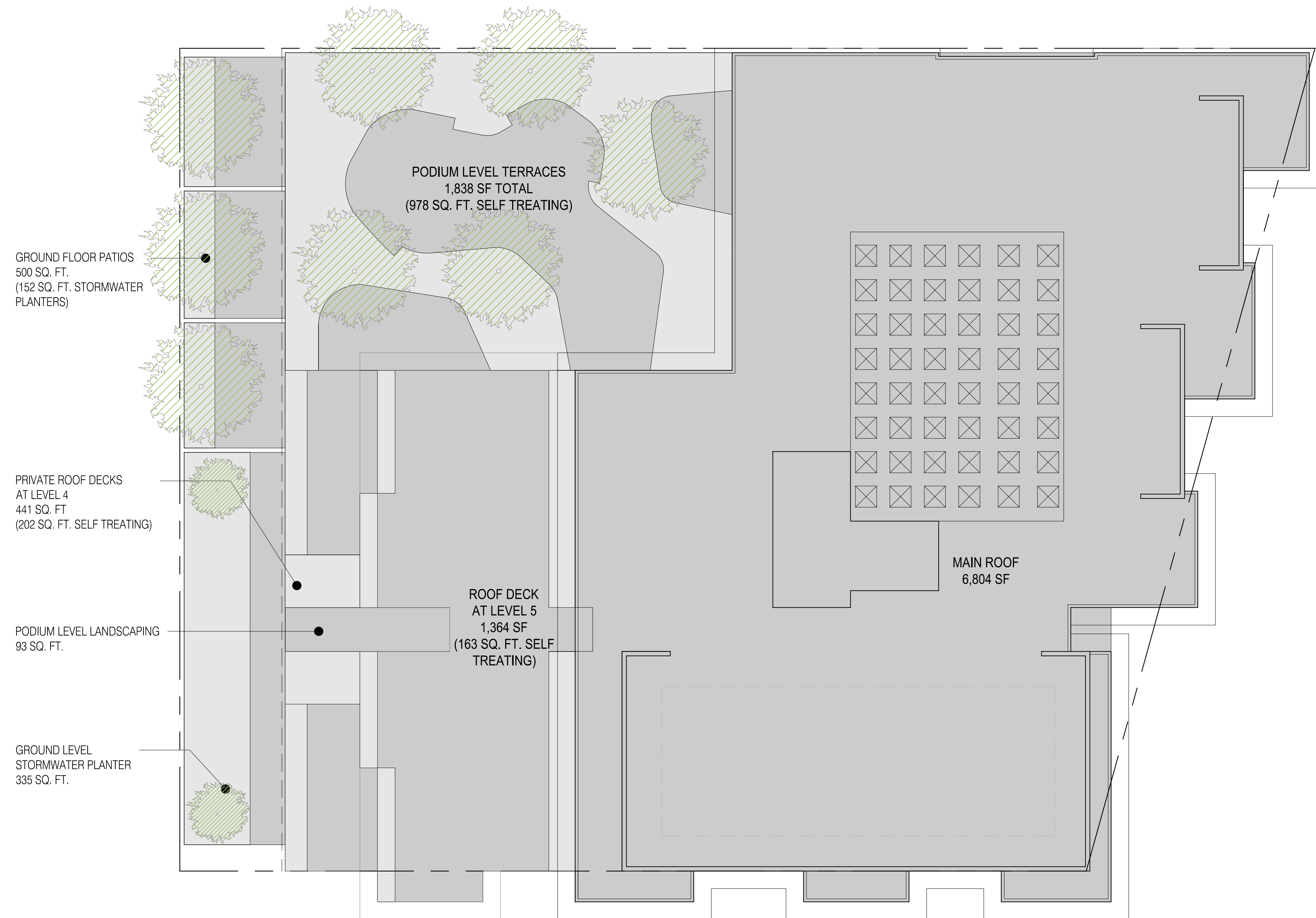
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NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

STORMWATER CALCULATIONS

C3 APPLICABILITY									
TOTAL SITE AREA	10,882								
C3 THRESHOLD	10,000								
C3 REGULATED PROJECT	NO								
REQUIRED FLOW-THROUGH PLANTERS									
LOCATION	GROSS SF	SELF-TREATING AREA	TREATMENT AREA	%	TOTAL TREATMENT AREA	TOTAL PROVIDED PLANTER AREA	PERVIOUS PAVING	FILTER VAULT	
MAIN ROOF	6804	0	6804	4%	272				
ROOF DECKS	1795	468	1327	4%	53				
PODIUM	1921	978	953	4%	38				
GROUND LEVEL	1124	1023	101	4%	4	487			
TOTAL	11654	2469	9185		367	487			

PROVIDED TREATMENT PLANTERS									
LEVEL	PLANTER					PLANTER AREA			
GROUND LEVEL	P1					487			
TOTAL OPTIONAL VOLUNTARY PLANTERS						487			

SPECIAL PROJECTS (Appendix K)										
CRITERIA FOR CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) SPECIAL PROJECTS										
1. Be characterized as a non auto-related land use project. That is, Category C specifically excludes any Regulated Project that is a stand-alone surface parking lot; car dealership; auto and truck rental facility with onsite surface storage; fast-food restaurant, bank or pharmacy with drive-through lanes; gas station, car wash, auto repair and service facility; or other auto-related project unrelated to the concept of Transit-Oriented Development.										Yes
2. If a commercial, achieve at least an FAR of 2:1.										N/A
3. If a residential development project, achieve at least a density of 25 DU/Ac.										N/A
4. If a mixed use development project, achieve at least an FAR of 2:1 or a gross density of 25 DU/Ac.										Yes

LOCATION CREDITS									
% of the C.3.d Amount of Runoff that MayReceive Non-LID	Project Site Location								QUALIFIES
50%	50% or more of the site is located within a ¼ mile radius of an existing or planned transit hub								N/A
25%	50% or more of the site is located within a ½ mile radius of an existing or planned transit hub								N/A
25%	100% of the site is located within a PDA								N/A

DENSITY CREDITS									
% of the C.3.d Amount of Runoff that MayReceive Non-LID	Land Use Type	Density Required to Obtain the Density Credit		PROPOSED	QUALIFIES				
10%	Commercial	2	FAR		N/A				
10%	Residential or Mixed Use	30	DU/Acre	180	YES				
20%	Commercial	4	FAR		N/A				
20%	Residential or Mixed Use	60	DU/Acre	180	YES				
30%	Commercial	6:1	FAR		N/A				
30%	Residential or Mixed Use	100	DU/Acre	180	YES				

MINIMIZED SURFACE PARKING CREDITS
To qualify for any Minimized Surface Parking Credits, a Category C Special Project must first qualify for one of the Location Credits listed in Provision C.3.e.ii.(5)(c) above. (i) A Category C Special

% of the C.3.d Amount of Runoff that MayReceive Non-LID	Percentage of the Total Post-Project Impervious Surface Dedicated to At-Grade, Surface Parking	PROPOSED	QUALIFIES
10%	10% or less	0	YES
20%	0% (except for emergency vehicle access, ADA accessibility and passenger and freight loading zones)	0	YES

TOTAL CREDITS	50%
LOCATION CREDITS	0%
DENSITY CREDITS	30%
MINIMIZED SURFACE PARKING CREDITS	20%

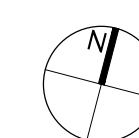
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JOB: 1758

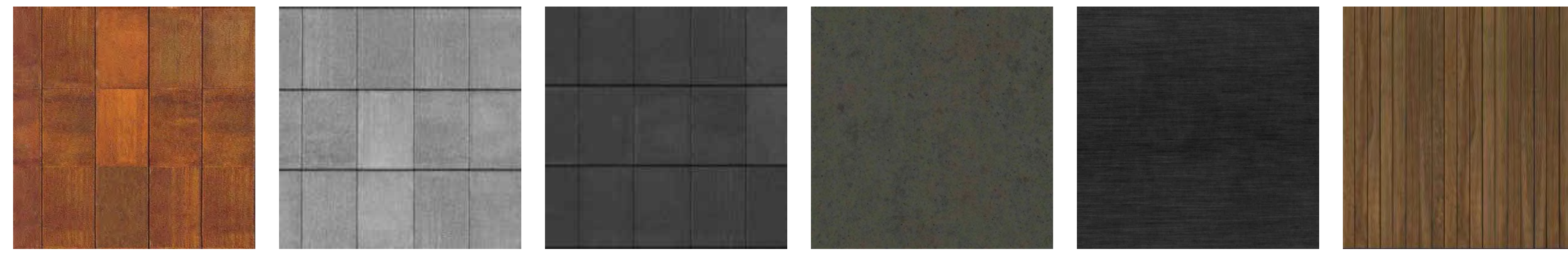
SHEET:

PRELIMINARY STORMWATER MANAGEMENT PLAN

SW-1



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



CORTEN METAL PANELS GALVANIZED ALUMINUM PANEL CLADDING PRE-WEATHERED ZINC PANEL CLADDING CAST-IN-PLACE CONCRETE METAL INFILL PANELS THERMOWOOD OR PARKLEX SIDING



TELEGRAPH & DERBY

2650 Telegraph
Berkeley, CA 94704

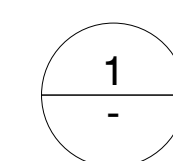
- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 ZAB & DRC REVISIONS
- 2020.02.04 PRELIM. DRC SET

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JOB: 1758

SHEET:

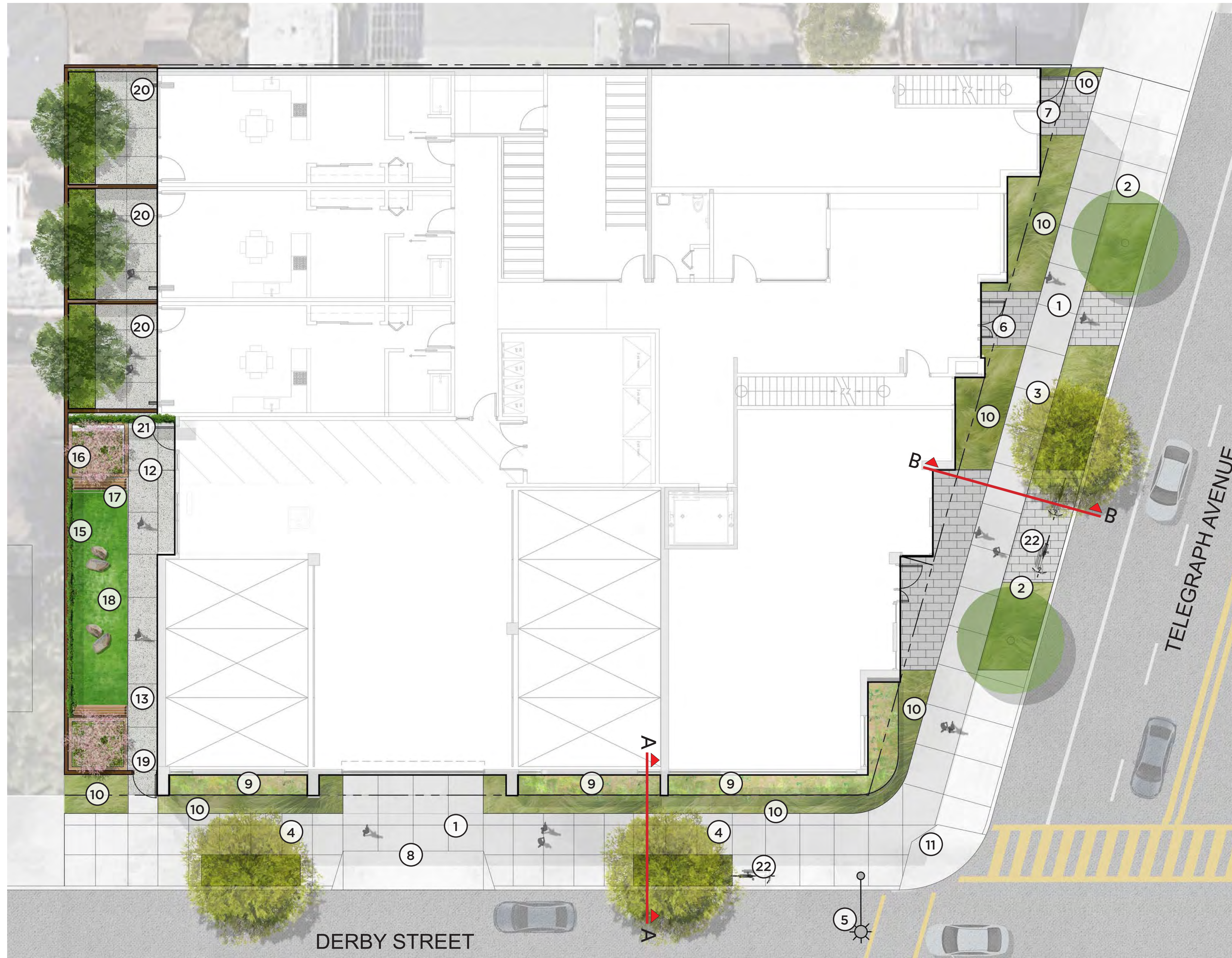
MATERIAL BOARD



EAST ELEVATION

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

MAT



LEGEND

- 1. CONCRETE SIDEWALK PAVING
- 2. EXISTING STREET TREE W/ 6'-3" X 10'-0" PLANTING AREA
- 3. NEW STREET TREE W/ 6'-3" X 10'-0" PLANTING AREA
- 4. NEW STREET TREE W/ 4'-0" X 8'-0" PLANTING AREA
- 5. EXISTING STREET LIGHT
- 6. ENTRY TO LOBBY
- 7. ACCESS DOOR TO MECHANICAL ROOM AND STAIRS
- 8. DRIVEWAY TO GARAGE
- 9. LOW PERIMETER PLANTER
- 10. AT-GRADE PLANTING
- 11. CURB RAMP
- 12. COMMON REAR PATIO W/ CONCRETE PAVING
- 13. 4'-0" WIDE CONCRETE WALKWAY
- 14. ENHANCED PAVING
- 15. VINE PLANTING ALONG FENCE
- 16. RAISED TREE PLANTER
- 17. BENCH
- 18. SMALL DOG RUN AREA W/ ARTIFICIAL TURF AND BOULDERS
- 19. PERIMETER FENCE AND GATE
- 20. PRIVATE PATIO
- 21. VERTICAL SCREEN PLANTING
- 22. BIKE RACK

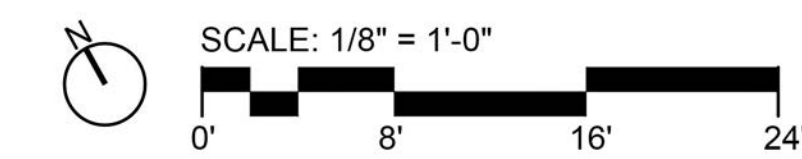
TRACHTENBERG ARCHITECTS

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

TELEGRAPH & DERBY

2650 Telegraph
Berkeley, CA 94704

- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 DRC REVISIONS



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JOB: 1758

SHEET:
LANDSCAPE PLAN
GROUND LEVEL

L1.1

PRECEDENT IMAGES



DOG RUN W/ ARTIFICIAL TURF



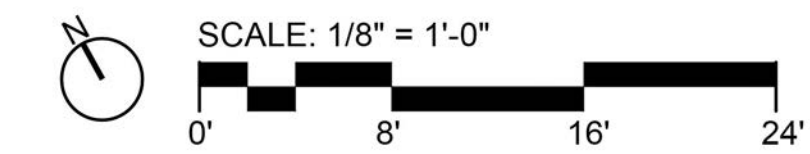
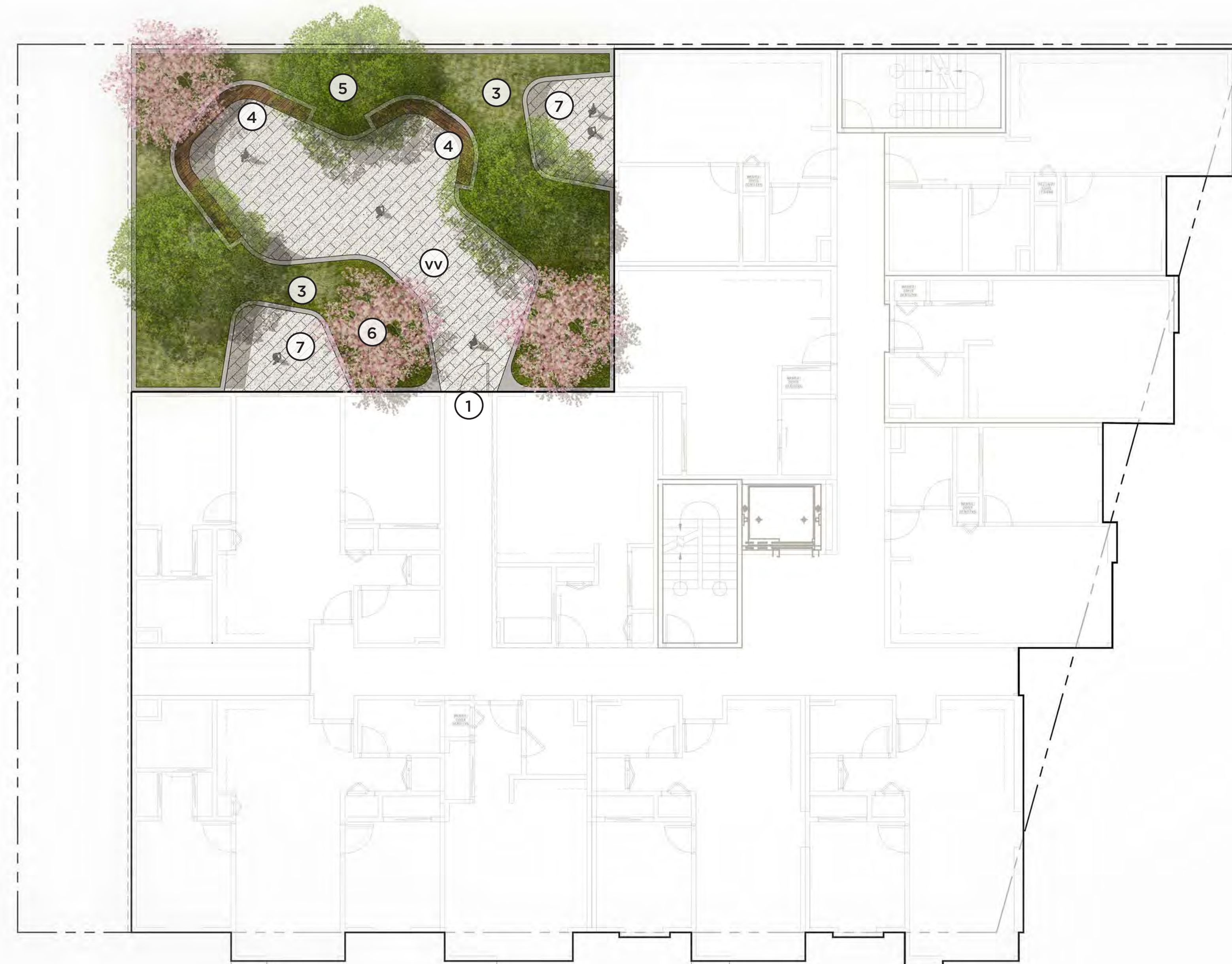
RAISED SCREEN PLANTING



BIKE RACK

LEGEND

- 1. ENTRY DOOR TO COMMON COURTYARD
- 2. UNIT PAVERS ON PEDESTALS
- 3. RAISED CONCRETE PLANTERS
- 4. BUILT IN BENCH FOR QUIET SPACE
- 5. SPECIMEN TREES W/ LIGHTING
- 6. FLOWERING TREES
- 7. PRIVATE PATIO



TELEGRAPH & DERBY

2650 Telegraph
Berkeley, CA 94704

- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 DRC REVISIONS

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JOB: 1758

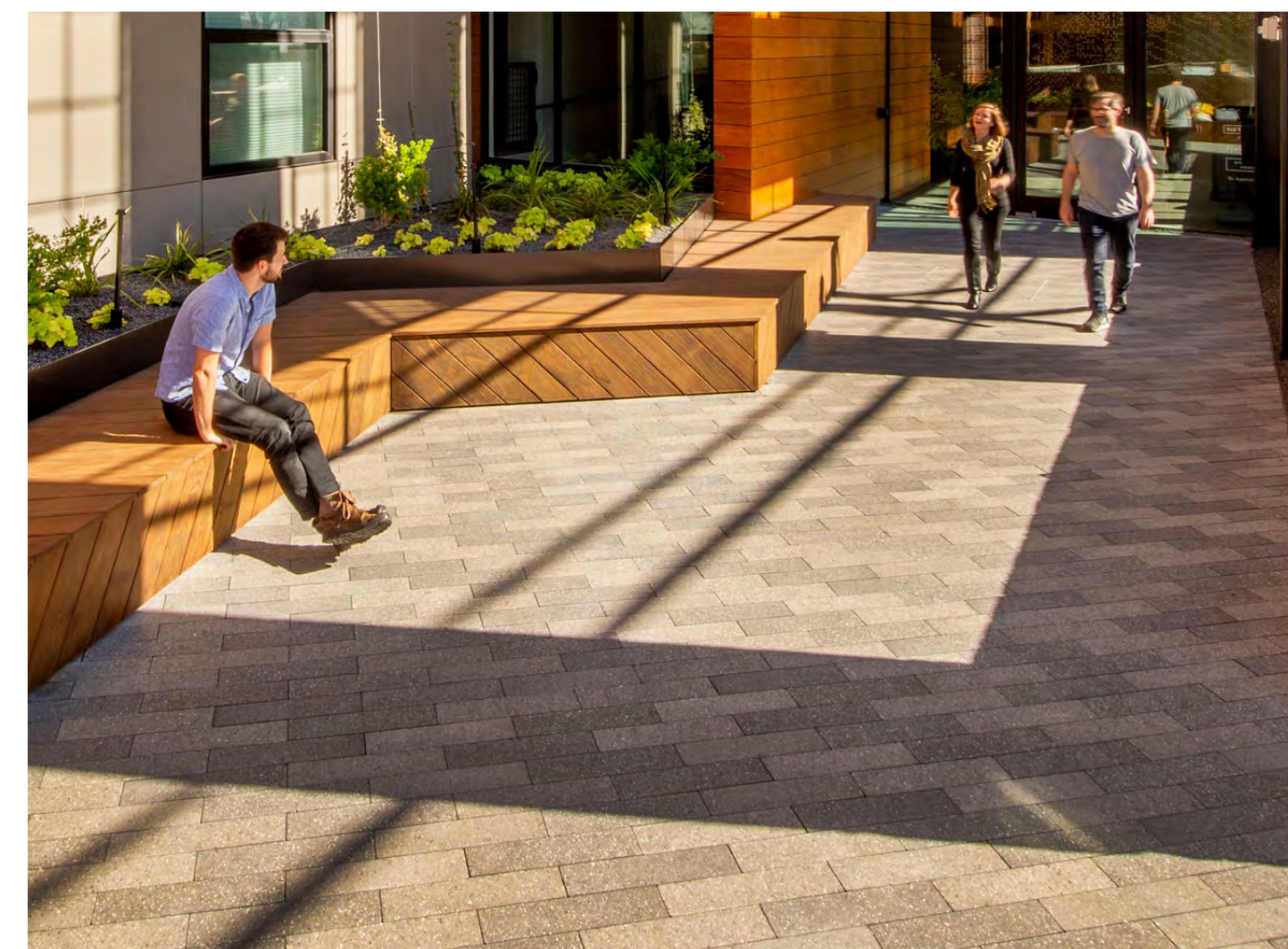
SHEET:
**LANDSCAPE PLAN
LEVEL 2**

L1.2

PRECEDENT IMAGES



QUIET SPACE WITH RAISED PLANTER AND SEATING

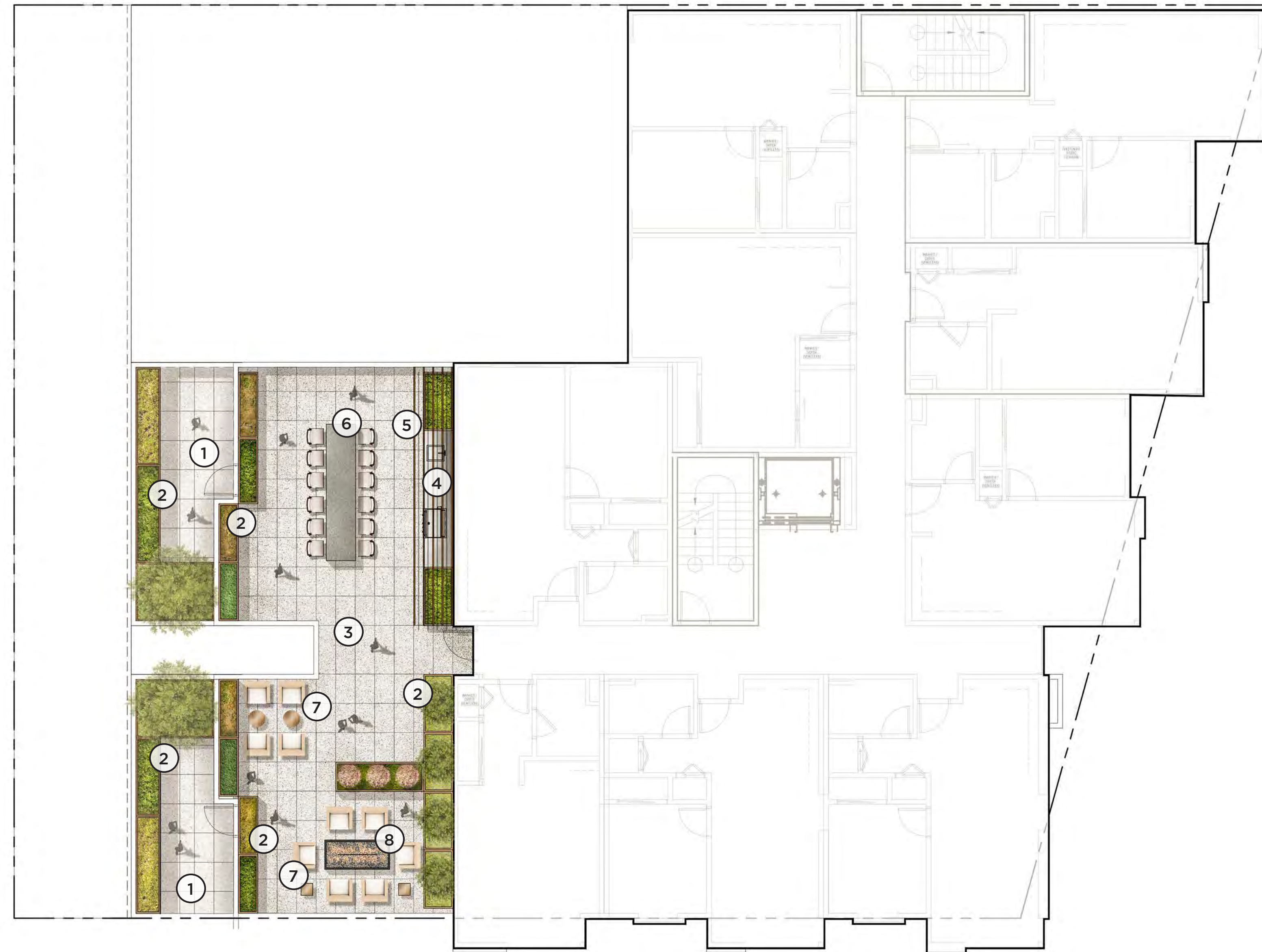


UNIT PAVERS

TELEGRAPH & DERBY

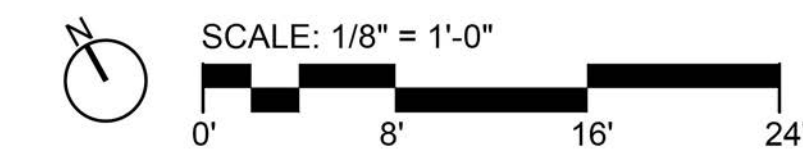
2650 Telegraph
Berkeley, CA 94704

- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 DRC REVISIONS



LEGEND

- 1. 4TH FLOOR PRIVATE PATIO W/ UNIT PAVERS
- 2. RAISED PLANTERS
- 3. ROOF DECK W/ UNIT PAVERS ON PEDESTALS
- 4. OUTDOOR KITCHEN COUNTER
- 5. CANTILEVERED TRELLIS
- 6. DINING TABLES AND CHAIRS
- 7. LOUNGE CHAIRS AND TABLES
- 8. FIRE PIT



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JOB: 1758

SHEET:

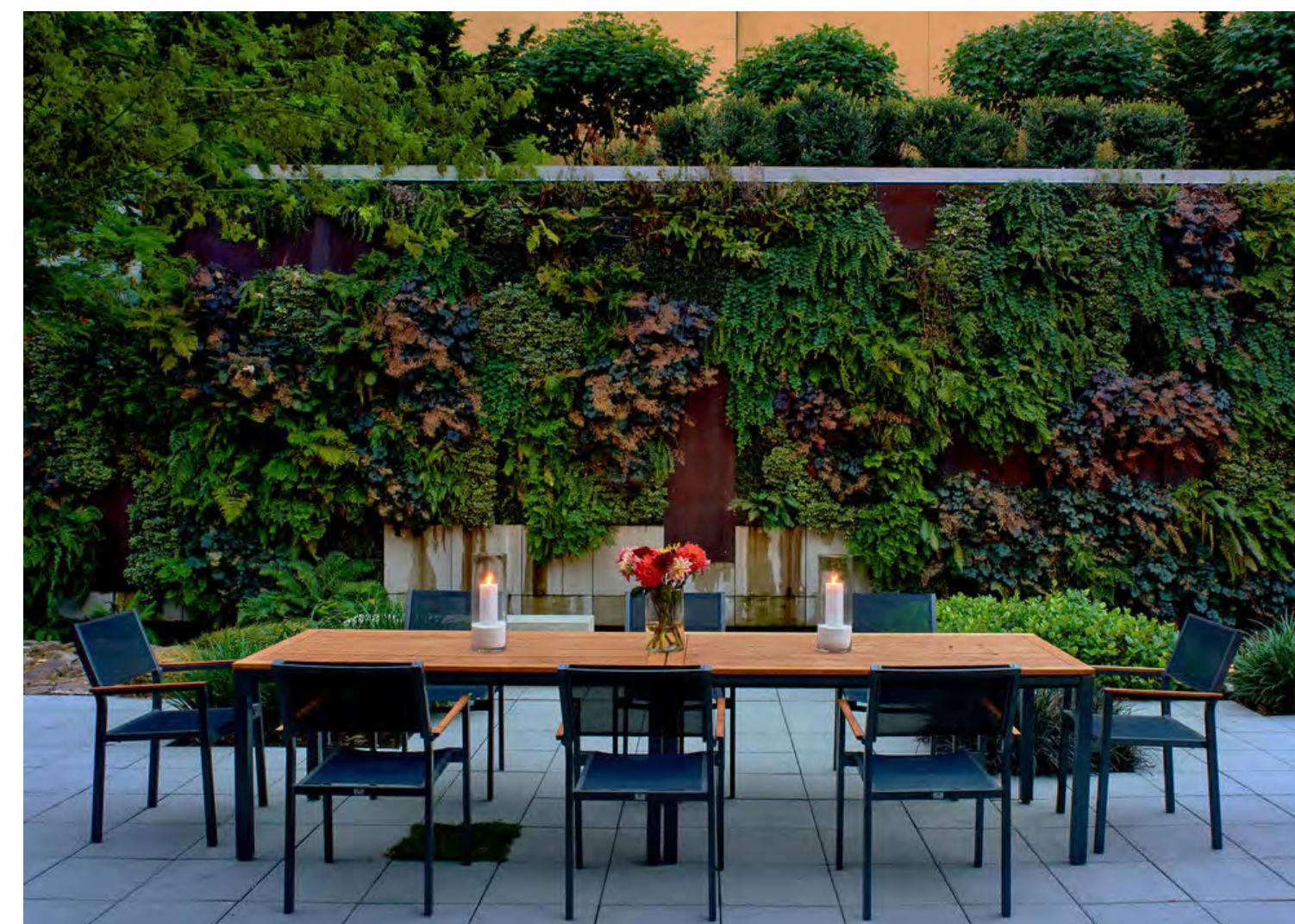
LANDSCAPE PLAN
LEVEL 4 AND 5

L1.3

PRECEDENT IMAGES



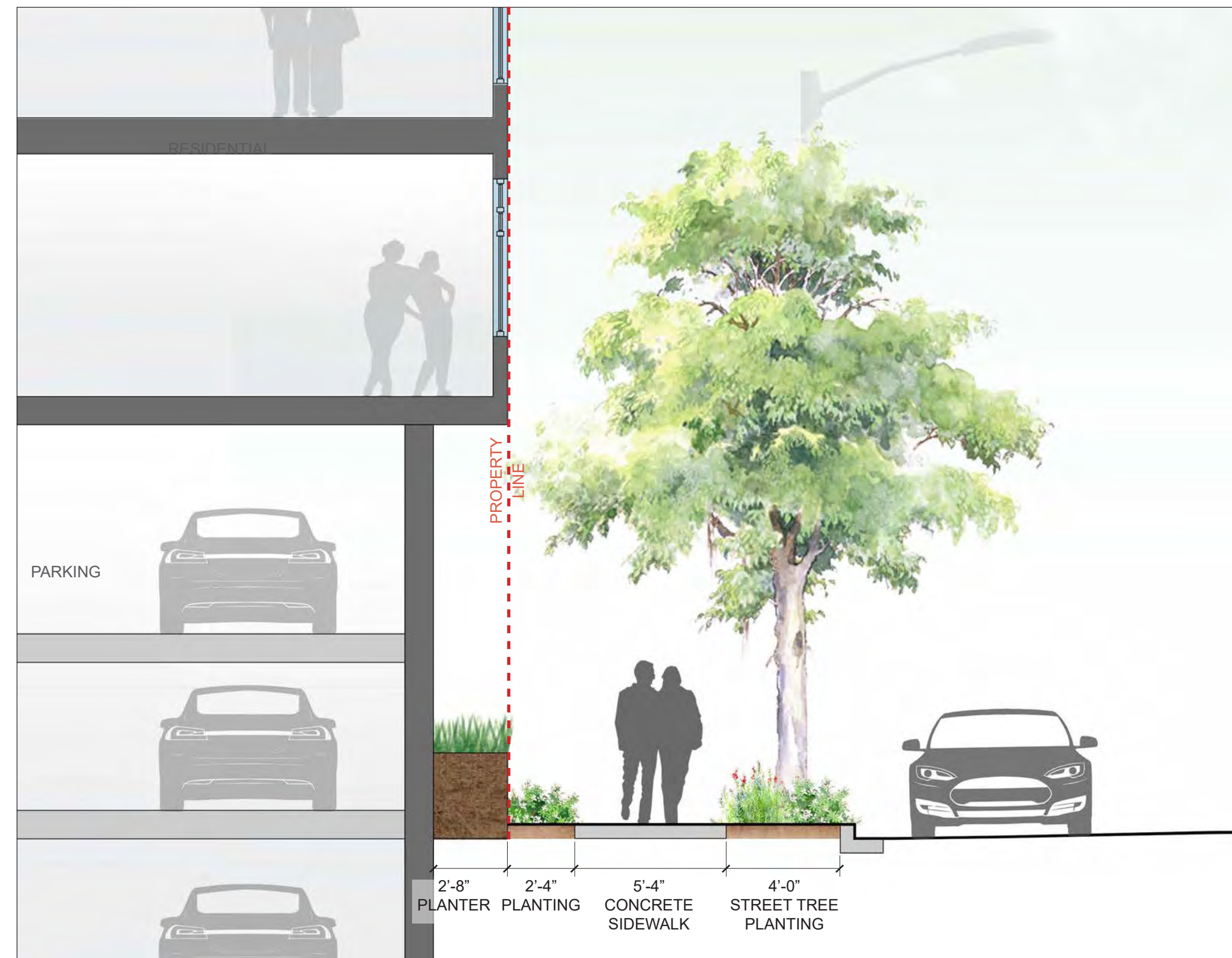
LOUNGE CHAIRS AND TABLES



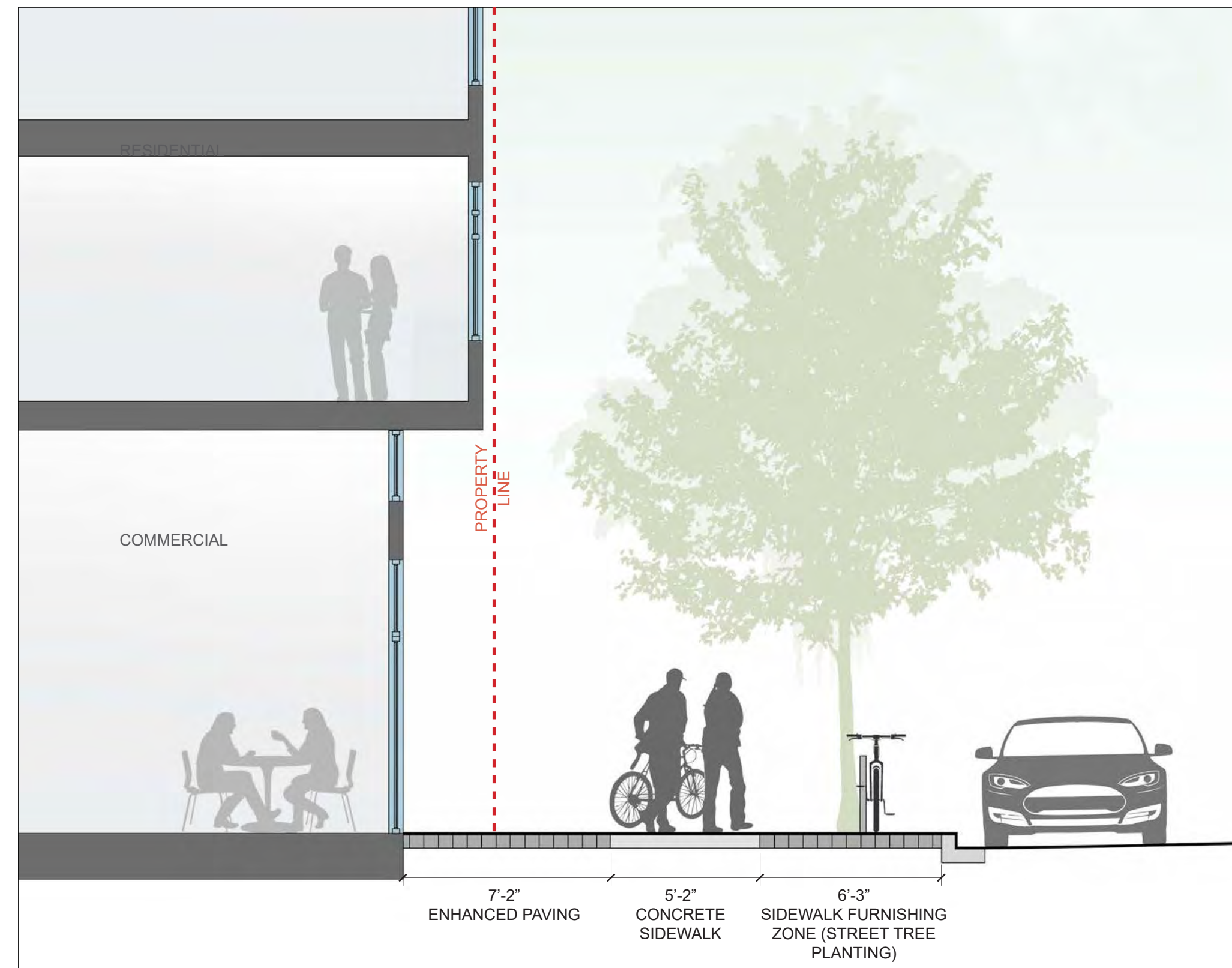
DINING TABLES AND CHAIRS



OUTDOOR FIRE PIT



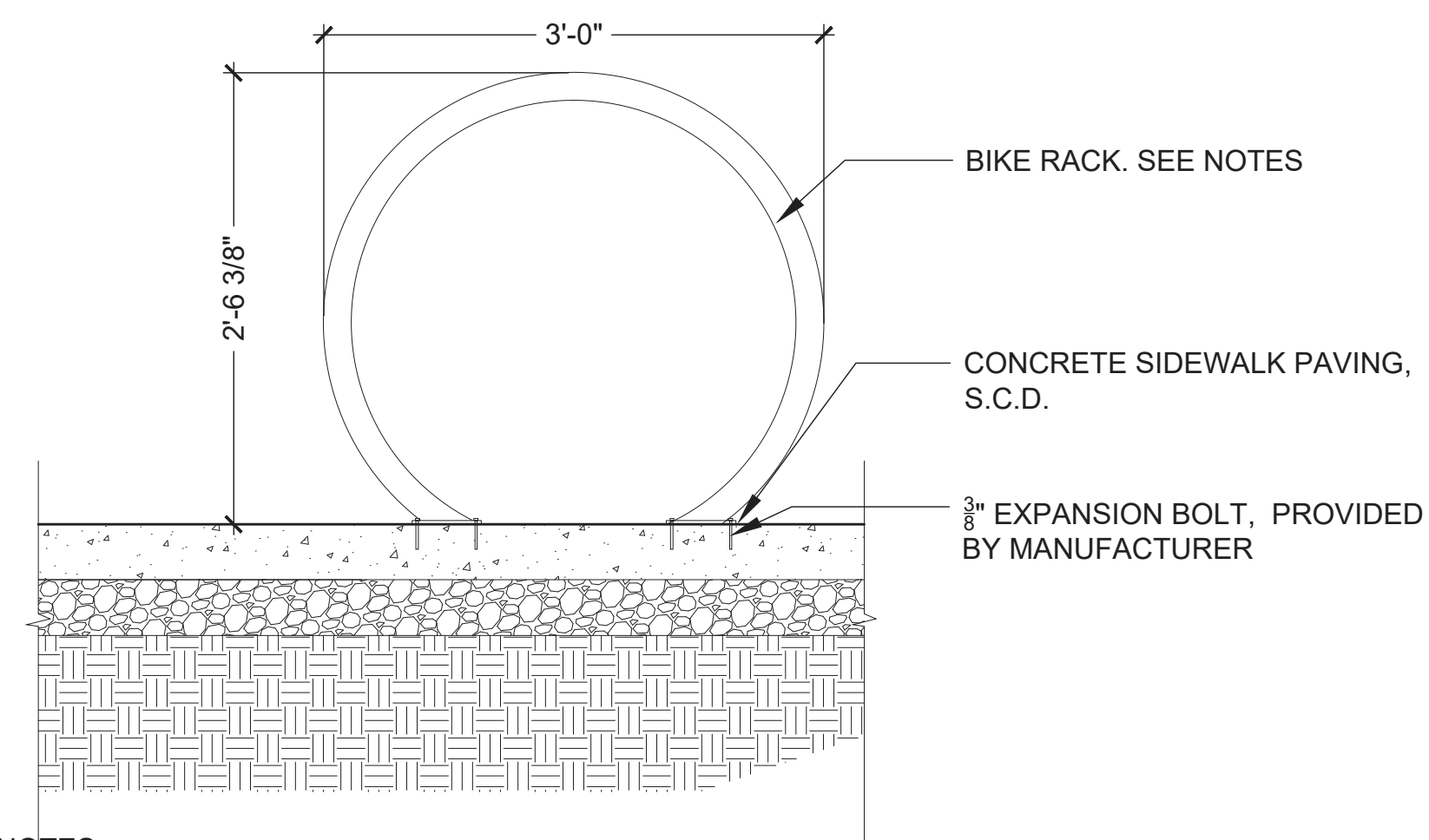
SECTION A-A: DERBY STREET



SECTION B-B: TELEGRAPH STREET



BIKE RACK



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

BIKE RACK DETAIL

TELEGRAPH & DERBY

2650 Telegraph
 Berkeley, CA 94704

- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 DRC REVISIONS

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JOB: 1758

SHEET:

LANDSCAPE SECTIONS

L1.4



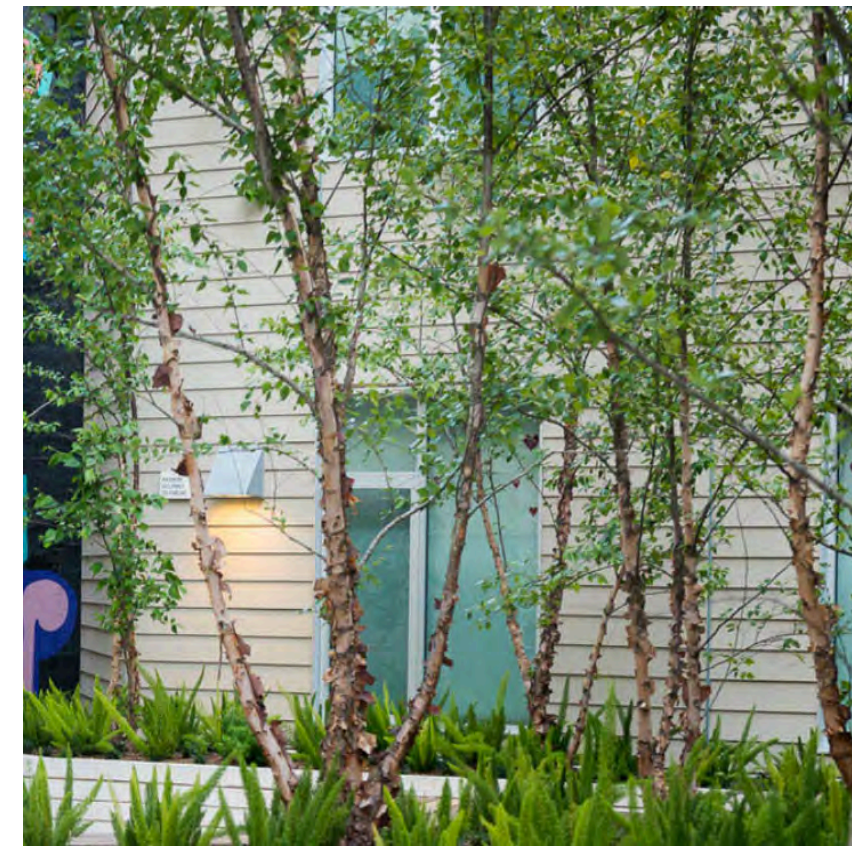
MARINA STRAWBERRY TREE
ARBUTUS 'MARINA'



LONDON PLANE TREE
PLATANUS ACERIFOLIA 'COLUMBIA'



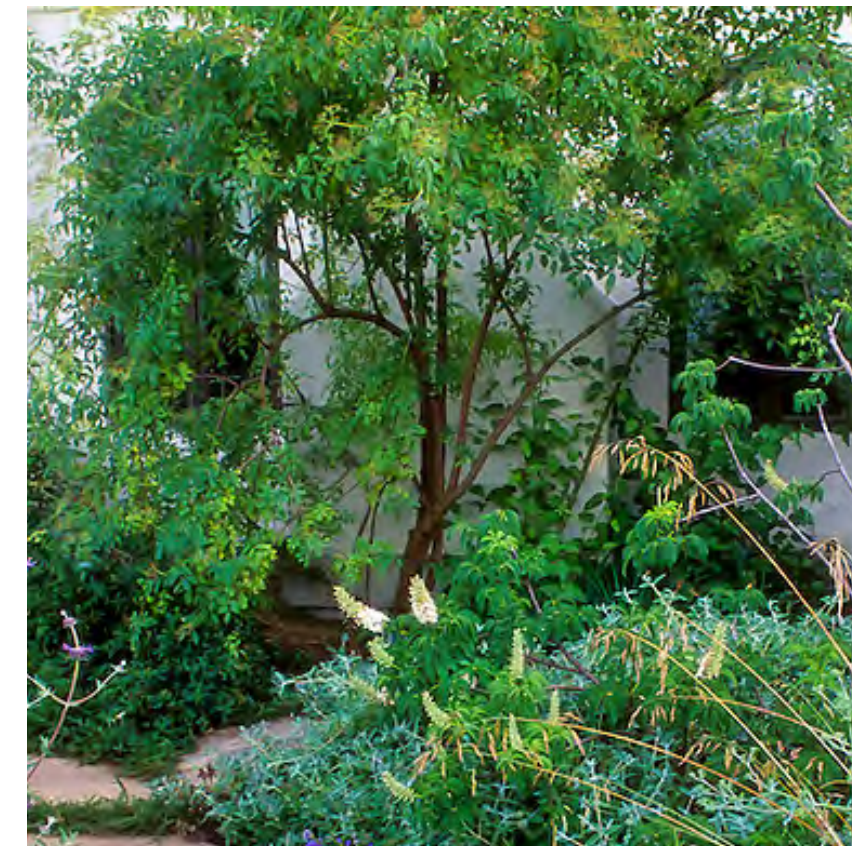
MAPLE TREE
ACER SPP.



RIVER BIRCH
BETULA NIGRA 'HERITAGE'



WESTERN REDBUD
CERCIS OCCIDENTALIS



MEXICAN ELDERBERRY
SAMBUCUS MEXICANA



YARROW
ACHILLEA MILLEFOLIUM



MANZANITA
ARCTOSTAPHYLOS SPP.



BAMBOO
BAMBUSA 'CLUMPING TYPE'



WILD LILAC
CEANOTHUS SPP.



CALIFORNIA FUCHSIA
EPIOBIUM CANUM



CALIFORNIA BUCKWHEAT
ERIOGONUM SPP.



CANYON PRINCE WILD RYE
LEYMUS CONDENSATUS 'CANYON PRINCE'



ORANGE LIBERTIA
LIBERTIA PEREGRINANS



PARROT'S BEAK
LOTUS BERTHELOTII



OREGANO
ORIGANUM VULGARE



KOHUHU
PITTOSPORUM TENUIFOLIUM



ROSEMARY
ROSMARINUS SPP.



SALVIA
SALVIA SPP.



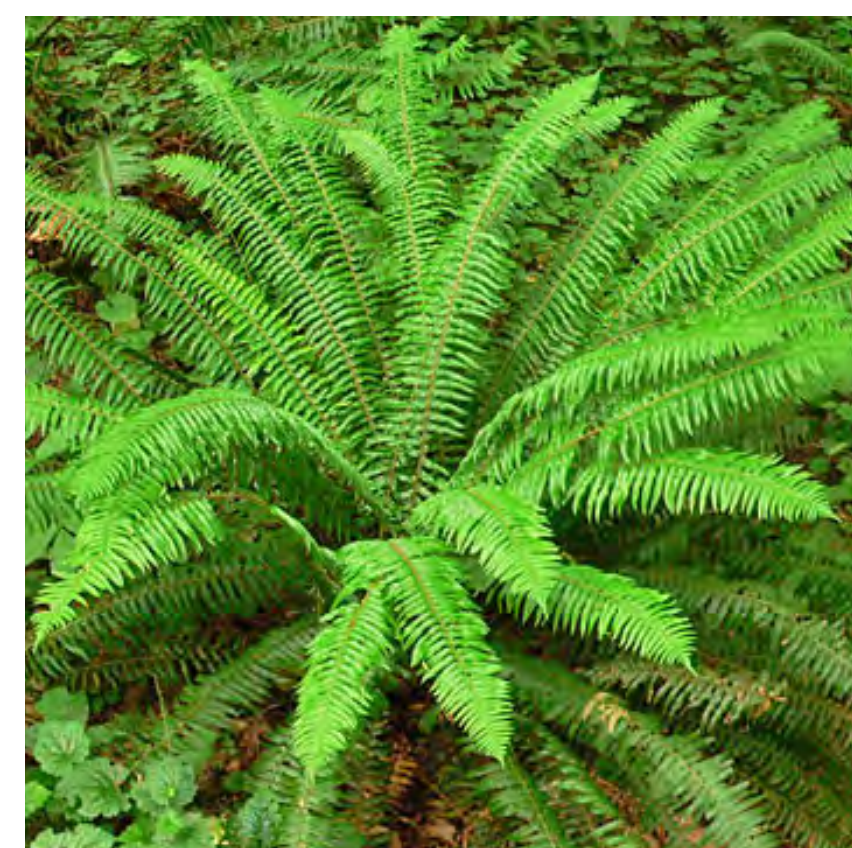
SMALL CAPE RUSH
CHONDROPETALUM TECTORUM



ISANTI REDOSIER DOGWOOD
CORNUS SERICEA 'ISANTI'



DOUGLASIANA IRIS
IRIS DOUGLASIANA



WESTERN SWORD FERN
POLYSTICHUM MUNITUM



RHAMNUS CALIFORNICA
'SAN BRUNO'
MAIDENHAIR TREE

TELEGRAPH
& DERBY

2650 Telegraph
Berkeley, CA 94704

2019.02.19 PROGRESS SET

2019.03.27 ZONING SUBMITTAL SET

2019.09.17 ZONING COMPLETENESS

2020.01.21 DRC REVISIONS

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WORK OF THE ARCHITECT AND MAY NOT BE
DUPLICATED, USED OR DISCLOSED WITHOUT WRITTEN
CONSENT OF TRACHTENBERG ARCHITECTS.

JOB: 1758

SHEET:
LANDSCAPE
AND PLANTING
PALETTE

L1.5

Olya Lovchikova appeal
4/27/2020

1

Appeal To City Council

Re: Notice of Approval for the Construction on 2650 Telegraph Avenue

We, the undersigned, believe that the decision by ZAB to grant a notice of approval to the 2650 Telegraph construction project was not sufficiently proportional to the impact of the project on both the residential and commercial neighborhood, and constitutes "taking" of property for public use without just compensation under the California or United States Constitutions.

Voices of many residents were not heard by ZAB: despite our requests, ZAB rush-scheduled the hearing on March 12 (day 47 after the California pandemic announcement, and 5 days before the shelter-at-home order, when most of public events were already cancelled), which prevented many residents from attending. Many items indicated in written material we submitted were simply omitted from discussion! Several approved by ZAB items were NOT INCLUDED in the Notice of Decision (NOD). This makes us think ZAB decision-making was based towards the applicant.

1. These are items were recommended by the Design Review Committee on Feb 20 and approved by ZAB (see video recording of ZAB meeting from March 12), but they are missing in the NOD. We reached out to ZAB by email, but haven't heard back on this.

Whether this omission is erroneous or ill-intended, we request to it and include in the NOD the following already approved items:

- (a) NO fire pits on the patios,
- (b) having a mandatory the 24/7 building manager, *
- (c) elimination of the dog walk associated with the construction,
- (d) soundless garage gates.

The traffic study indicated that the project will generate 220 auto trips per day, and the noisy gates, located about 30 ft away from the bedroom at 2405 Derby Street and about 100 ft away from the residential buildings across Derby, will be very disruptive to our wellbeing.

2. We further request the project be brought in compliance with Zoning Ordinance density guidelines in C1 of the Land Use Element of the General Plan, plus the added Density Bonus.. At present, the minimal projected number of dwellers exceeds the upper limit of density (modified with the inclusion of density bonus) by 88%. Since population density is one of the leading factors in COVID19 contagion spread, now and in the future, we are concerned by the potential health threat this project creates.

Calculations: C1 density is 44-88 people per acre, which includes both the lot and street area; with the density bonus of 35% this is 59-118 people per acre. The recommended density of 44-88 persons per acre includes both the lot area and street area. Street areas are approximately 24% of the area of the city. The 2650 Telegraph lot size is 0.25 acre, with the added 24% of street space 0.36 acre. Thereby the allowed number of dwellers, including the density bonus, is 21 - 43 .

The project has 13 studios, 28 one bedrooms, and 4 two bedrooms, which, according to page 18 of the NOD, can house 1 person in studios, 2 in one, and 3 in two bedroom apartments. Therefore, the minimal projected count of dwellers is $13 + (28 \times 2) + (2 \times 4) = 81$, exceeding the allowed maximum of 43 . By the most generous calculation (minimal number of dwellers against maximum allowed density including the density bonus), this is an 88% excess. This is per capita, i.e., the factor operating in the spread of the virus, and not based on area floor ratio or other parameters defining the number of

dwellings. Under conditions of pandemic especially, such intentional new overpopulation should not be allowed.

3. We request that the project be redesigned to decrease the level of after-hour noise from the open elevated patios which dominate residential neighborhood. .

The 2650 Telegraph has 6 of third, fourth, and fifth level patios which are scaled West, towards the residential neighborhood, and a large second level patio scaled North. There are no noise reduction provisions for these patios: our earlier request to enclose the patios and open space in transparent screens was denied. But this neighborhood already suffers from excess after-hour noise from the roof terrace at 2628 Telegraph [see Exhibits A, B, C, noise spread maps and police reports]. We request that in order to approve the project, the applicant bring in a neutral noise expert from the City, and the project be redesigned in order to decrease the expected level of noise, especially from elevated open patios which are scaled West, as opposed to being scaled towards the street (Telegraph), which is the usual way of making such elevated patios, i.e. facing away from being dominant to the existing neighborhood. This issue, described in all of our documents, was dismissed by ZAB with no explanations.

4. Parking

Rationale: The traffic study found that the project will generate 220 new daily trips by residents alone. With only 20 slots available, at least 180 of these trips being associated with cars parked outside of the building, i.e., approx. 90 extra parked cars. This is not counting deliveries, and clients parking for the ground floor café and other business in the new construction. The parking lots in the neighborhood, on Dana and Derby, are heavily used by businesses on Telegraph, and are paramount to their functioning. The rental complex on the corner of Derby and Dana and the private house on Derby next to it have no parking of their own for the residents and have to use the street spaces.

Please withdraw the reduced parking concession (20 instead of required 30 spaces), and request the applicant to provide the amount of car parking slots to 30 required by law. Please also create 4 Uber and Lift parking slots, and provide at least 3 car share parking spaces.

4. Noise control during construction

Please allow a **temporary plywood fence during the construction (indicated in NOD) to exceed the 6 ft limit and be 25 ft**, to protect the residents of the 2405 Derby Street property from the construction noise. The wall of a bedroom of 2405 Derby is only 6 ft away from the boundary of the construction, and the closeness to the construction will make living at 2405 Derby impossible during the construction unless this temporary fence provides full isolation. Medical evidence in support of this request is enclosed.

5. Construction Hours: NO Exceptions

Given the immediate proximity of nearby residential dwellings, we request no exception to be given by the Zoning Officer for any extension of construction hours.

In addition to what we have brought up in this letter, other matters will (or may) be included when this appeal comes before the Council.

Signed: Olga Louchakova-Schwartz, owner, 2405 Derby Street

Olga Louchakova-Schwartz 4/27/2020

D. Kucharcova
appeal
4/27/2020

3

We the undersigned support this appeal of Zoning Adjustment Board Decision ZP2019-0070 regarding the 2650 Telegraph Avenue.

Name _____ Address _____ Owner or Renter _____

Rebecca and Guillermo Navarrete-Davis Home owners
2646 Dana Street
Berkeley, CA 94704
510-548-6914
[Signed by email due to "shelter-at home" order, email enclosed]

Lorenzo Avila Home owner
2505/Derby/2647 Regent Street
Berkeley CA 94705
[Signed by email due to "shelter-at-home" order, email enclosed]

Martin SCHWARTZ *2405 Derby St* *Home Owner*
Martin Schwartz *Berkeley CA 94705*

We the undersigned support this appeal of Zoning Adjustment Board Decision ZP2019-0070 regarding the 2650 Telegraph Avenue.

NAME ADDRESS RENTER OR HOMEOWNER

Jerry bong

[Signature]

Renter

Stephen Chow

2649 Dana St

Renter

We the undersigned support this appeal of Zoning Adjustment Board Decision ZP2019-0070 regarding the 2650 Telegraph Avenue.

NAME ADDRESS RENTER OR HOMEOWNER

Martina Schneider, 2347 Derby Street, Berkeley, CA 94705

[Signature]

We the undersigned support this appeal of Zoning Adjustment Board Decision ZP2019-0070 regarding the 2650 Telegraph Avenue.

NAME ADDRESS RENTER OR HOMEOWNER

John Meneghan

2642 Dana St.

Renter

[Signature]

We the undersigned support this appeal of ~~Page 84 of 159~~ Zoning Adjustment Board Decision ZP2019-0070 regarding the 2650 Telegraph Avenue.

NAME	ADDRESS	RENTER OR HOMEOWNER
Francis To	2706 Telegraph Ave.	Homeowner

We the undersigned support this appeal of Zoning Adjustment Board Decision ZP2019-0070 regarding the 2650 Telegraph Avenue.

NAME	ADDRESS	RENTER OR HOMEOWNER
Wilson Henriquez	2340 Derby St. Berkeley, CA 94705	Wilson Henriquez
Marjorie Henriquez	2340 Derby St. Berkeley, CA 94705	Marjorie Henriquez
Sylviane Cohn	2404 Derby St. Berkeley, CA 94705	Homeowner

You're running low on storage space. Try [freeing up space](#) or [purchase additional storage](#).



rebecca

Boomerang Calendar

4,468

Re: Telegraph 2650 - Appeal ready

Inbox x home/Legal x



rebeccada@lmi.net

to me

Thanks so much, Olga,
Please add my Name and Address to the list of signers:

Rebecca and Guillermo Navarrete-Davis
2646 Dana Street
Berkeley, CA 94704
510-548-6914

- > Dear Rebecca.,
- >
- > I am attaching the Notice of Decision, and my Appeal. I am sending the
- > word
- > doc in case you want to comment in it or make changes, but please keep on
- > "track changes" command so that I can see them.
- >
- > I can send you a scanned signature page to print out and sign, or, if this
- > is not possible, I can just indicate everybody's name and address in
- > print
- > on such page.
- >
- > I need it all no later than the weekend.
- >



Olga Louchakova-Schwartz <olouchakova@gmail.com>

Afterthought, saving fuss

Thu, Apr 23, 2020 at 3:06 PM

Lorenzo Avila <zoavila@yahoo.com>
To: Olga Louchakova-Schwartz <olouchakova@gmail.com>

Yes by all means add me to the list of endorsers. No need for delivering/signing documents. Thanks



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

FOR BOARD ACTION
MARCH 12, 2020

2650 Telegraph Avenue

Use Permit #ZP2019-0070 to 1) demolish an existing commercial building; and 2) construct a five-story, 34,249 square-foot mixed-use building with 45 units (including 4 Very Low-Income units), including 1,290 square feet of commercial space, 4,051 square feet of usable open space, as well as 50 bicycle parking spaces and 20 vehicular parking spaces at the ground level.

I. Background

A. Land Use Designations:

- General Plan: AC – Avenue Commercial
- Zoning: C-1 – General Commercial District

B. Zoning Permits Required:

- Use Permit to demolish a commercial building, pursuant to BMC Section 23C.08.050.A;
- Use Permit to construct a new mixed-use development, pursuant to BMC Section 23E.36.030;
- Use Permit to construct new floor area of 5,000 square feet or more, pursuant to BMC Section 23E.36.050; and
- Administrative Use Permit to allow architectural elements to exceed the height limit in a commercial district, pursuant to BMC Section 23E.04.020.C.

C. Waivers/Concessions Pursuant to Government Code Sections 65915-65918:

- Waiver of BMC Section 23E.36.070.B.1 to exceed height, to be 55'-6", where 40' is the limit;
- Waiver of BMC Section 23E.36.080.B to reduce the parking requirement, to provide 20 parking spaces, where 35 are required;
- Waiver of BMC Section 23E.36.070.A to exceed the maximum floor area ratio (FAR), to be 3.15, where 3.0 is the limit; and
- Concession to decrease the usable open space requirement pursuant to BMC Section 23E.36.070.D in the Proposed Project by eliminating the roof deck where

a roof deck is provided in the Base Project, thus providing 4,051 square feet of usable open space where 9,000 is the minimum.

D. CEQA Determination: Categorical Exemption under Section 15332 of the California Environmental Quality Act (CEQA) Guidelines (“In-Fill Development Projects”).

E. Parties Involved:

- Applicant David Trachtenberg, 2421 Fourth Street, Berkeley
- Property Owner 2650 Telegraph, LP, 1516 South Bundy Drive, Suite 300, Los Angeles, CA 90025


F. Application Materials, Staff Reports and Correspondence are available on the Internet:

https://www.cityofberkeley.info/Planning_and_Development/Zoning_Adjustment_Board/2650_Telegraph.aspx

Figure 1: Zoning Map



Legend

-  AC Transit Bus Stop
- C-1: General Commercial District
- R-2: Restricted Two-Family Residential District

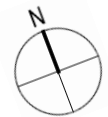
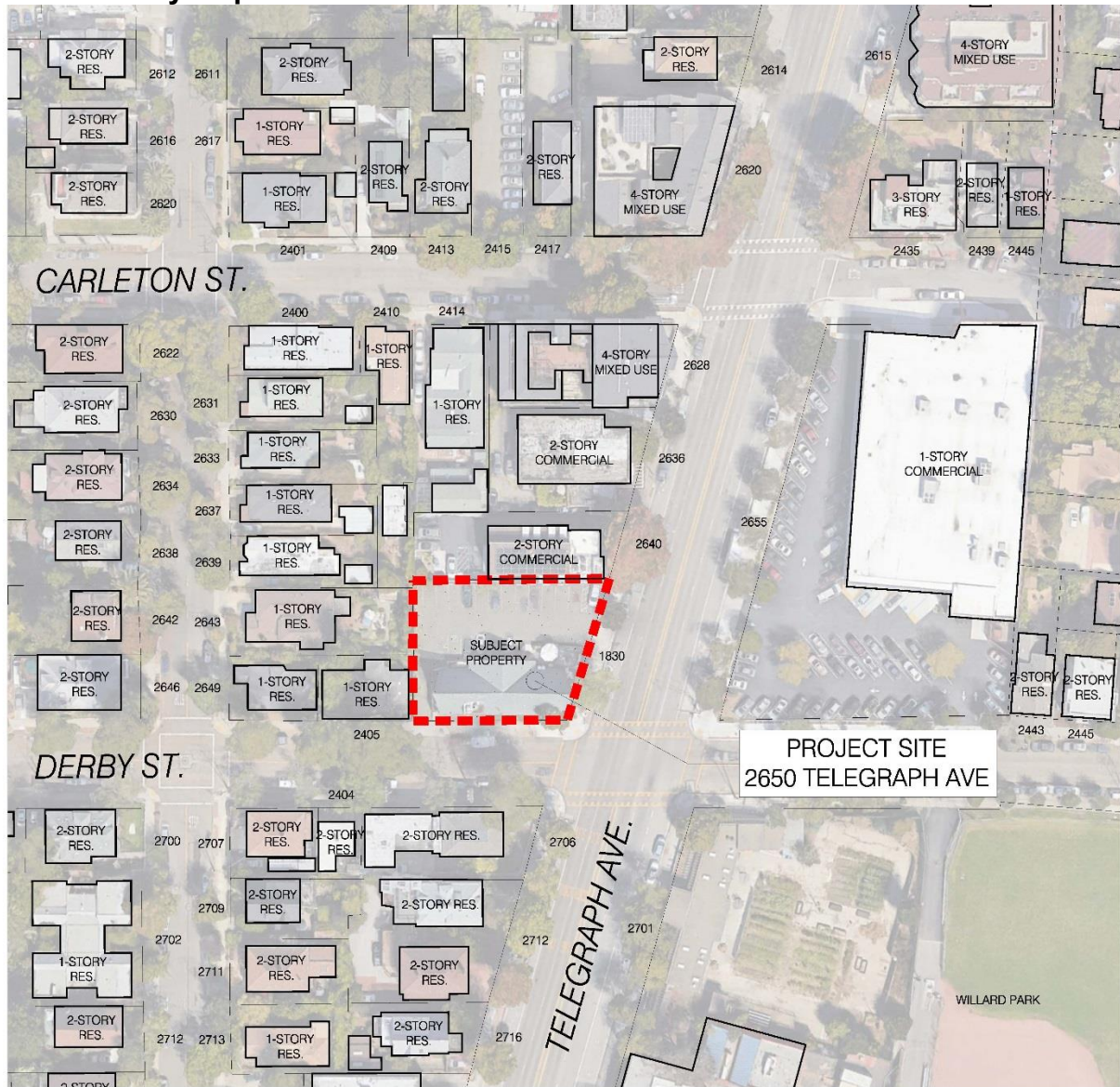


Figure 2: Vicinity Map



1 VICINITY MAP
 1" = 100'-0" @ 11" X 17" 1" = 50'-0" @ 24" X 36"
 0 50 100 200

Figure 4: Telegraph Avenue (East) Elevation



Figure 5: Elevation facing rear yards of properties to the west



Table 1: Land Use Information

Location		Existing Use	Zoning District	General Plan Designation
Subject Property		Commercial, Food Service Establishment	C-1	Avenue Commercial (AC)
Surrounding Adjacent Properties	North	Commercial, Medical Office		
	East	Commercial – Retail		
	South	Residential – Fourplex		
West		Residential - Single-Family	R-2	Medium Density Residential

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Affordable Child Care Fee & Affordable Housing Fee for qualifying non-residential projects (Per Resolutions 66,618-N.S. & 66,617-N.S.)	No	The project includes 1,290 square feet of commercial space, which is less than the 7,500 square feet requirement. Therefore, the project is not subject to the fees resolutions.
Affordable Housing Mitigations for rental housing projects (Per BMC Section 22.20.065)	Yes	The project includes 5 or more dwelling units and therefore is subject to the City's Affordable Housing Mitigation Fee.
Alcohol Sales/Service	No	The project is not proposing alcohol sales or service with this permit.
Property and Business Improvement District (PBID)	Yes	The project site is located at the southern border of the Telegraph PBID (Zone 2), whose purpose is to provide improvements, maintenance, and activities which constitute and convey a special benefit to assessed parcels.
Creeks (Per BMC Section 17.08.045)	No	No creek or culvert, as defined by BMC Chapter 17.08, exists on or within 30' of the site.
Density Bonus (Per Gov't Code Chapter 65915)	Yes	The project would provide 11% of the Base Project units (4 units) as affordable to Very Low Income households, which qualifies it for a 35% density bonus. The project is requesting three waivers/modifications and one concession, pursuant to the Density Bonus regulation.
Green Point Rating Version 7.0 (minimum score is 50 and maximum score is 404)	Yes	The project is designed to attain a score of 112 points, including green building measures such as water-efficient fixtures and a greywater system, on-site renewable energy generation, and meets or exceeds energy compliance pathway and Title 24 performance standards.
Historic Resources (Per Gov't Code §15064.5 or BMC Chapter 3.24)	No	Given the building is more than 40 years old, it was forwarded to the Landmarks Preservation Commission (LPC) for review (BMC 23C.08.050.C). On December 5, 2019 the LPC took no action to initiate a Landmark or Structure of Merit designation and recommended that the ZAB approve the demolition. See Section IV.C for discussion.

Table 2: Special Characteristics

Characteristic	Applies to Project?	Explanation
Housing Accountability Act (Govt. Code 65589.5(j))	Yes	The base project complies with applicable, objective general plan and zoning standards, and thus the Housing Accountability Act applies.
Public Art on Private Projects (Per BMC Chapter 23C.23)	Yes	The project is subject to the Percentage for Public Art on Private Projects ordinance. Prior to issuance of any building permit for this work, the applicant would pay the required in-lieu fee of 0.8% of the total building permit valuation for the development.
Rent Controlled Units (Per BMC Chapter 13.76)	No	There are no rent-controlled units on the property.
Residential Preferred Parking (RPP) (Per BMC Chapter 14.72)	No	The project site is located within the RPP boundary, Permit Area "J". However, pursuant to BMC Section 14.72.080.C.1, no RPP permits shall be issued to residents in newly constructed residential units which do not meet the parking requirements established by the Zoning Ordinance unless a variance for parking requirement set forth in the Zoning Ordinance was issued. Because the applicant is not requesting a variance for parking, the project is ineligible for the RPP Program.
Seismic Hazards Mapping Act (Per State Hazards Mapping Act)	No	The site is not located within an area susceptible to liquefaction, Fault Rupture, or Landslides as shown on the State Seismic Hazard Zones map.
Soil/Groundwater Contamination	Yes	The project site is located within the City's Environmental Management Area, but is not on the Cortese List (an annually updated list of hazardous materials sites).
Transit and Bicycle Access	Yes	The site is on the Telegraph Avenue transit corridor, which is served by AC Transit line 6, and is located five blocks from the Ashby transit corridor, which is served by AC Transit lines 80 and 800 (All-Nighter line). In addition, the site is approximately 1 mile southeast of the Downtown Berkeley BART Station and 1 mile northeast of the Ashby BART Station. There is a bicycle lane on Telegraph Avenue and a bike share station across Telegraph in front of CVS. The site is two blocks west of Hillegass Avenue and four blocks north of Russell Street, both of which are designated Bicycle Boulevards.

Table 3: Project Chronology

Date	Action
April 18, 2019	Application submitted
May 15, 2019	Application deemed incomplete
July 25, 2019	Revised application submitted
August 23, 2019	Application deemed incomplete
August 23, 2019	Revised application submitted
September 20, 2019	Application deemed complete

October 9, 2019	Interdepartmental Roundtable Meeting
November 7, 2019	LPC demolition referral hearing. Continued to December 5.
November 26, 2019	Public hearing notices mailed/posted
December 5, 2019	LPC demolition referral hearing
December 12, 2019	ZAB Preview
December 19, 2019	DRC Preview
January 21, 2020	Revised application submitted
February 20, 2020	DRC Preliminary Design Review with favorable recommendation
February 27, 2020	Public hearing notices mailed/posted
March 12, 2020	ZAB hearing

Table 4: Development Standards

C-1 Standards BMC Sections 23E.36.070-.080		Existing	Proposed	Permitted/Required
Lot Area (sq. ft.)		10,882	No change	n/a
Gross Floor Area (sq. ft.)		2,862	34,249	32,646 max.
FAR		0.26	3.15	3.0 max.
Dwelling Units	Total	0	45	n/a
	Affordable (VLI)	0	4	4 ¹
Building Height	Average	23'-6"	55'-6"	n/a
	Maximum	25'-1"	55'-6"	40' max. (50' w/ Use Permit)
	Stories	1	5	3 max. (4 w/ Use Permit)
Building Setbacks	Front (Telegraph)	0'-0"	0'-0"	n/a
	Rear	0'-0"	Varies 12'-0" to 62'-10"	11'-8" (10 ft. or 10% of lot depth, whichever is greater, per BMC Section 23E.04.050)
	Street Side (Derby)	0'-0"	0'-0"	n/a
	Right Side (Interior)	0'-0"	Varies 0'-0" to 36'-8"	n/a
Lot Coverage (%)		26	85	n/a
Usable Open Space (sq. ft.)		n/a	4,051	9,000 min. (200 sq. ft. per dwelling unit)
Parking	Commercial (1,290 sq. ft.)	17	0	2 min. (2 spaces/1000 sq.ft.)
	Residential	n/a	20	33 min. (1 space/1000 sq.ft.)
	Total	17	20	35
	Bicycle	0	50/4 (long term/short term)	n/a
<p> = Waiver requested to modify the district standard. = Concession requested to eliminate the roof deck, where one is provided in the Base Project. </p>				

¹ 4 Very Low Income units are required to qualify for the maximum 35% density bonus per Government Code section 65915.

II. Project Setting

A. Neighborhood/Area Description: The subject property is located on the west side of Telegraph Avenue, between Carleton Street and Derby Street, at the south end of the Telegraph Avenue commercial district. The subject property is located approximately 7-8 blocks west of the U.C. Clark Kerr Campus, one half mile south of the U.C. Berkeley campus, and southeast of downtown Berkeley. The site is located at the southern border of the Telegraph PBID, and is two blocks south of the 'core' Telegraph commercial area (C-T Zoning District: Bancroft Way to Parker Street). The site is located one block south of Carleton, where two four-story mixed-use buildings have been recently developed on the west side of Telegraph. The site is located three blocks north of Oregon Street, where two six-story medical office buildings are located on both sides of Telegraph.

Many of the commercial buildings in the vicinity are flush with the property line and have active, pedestrian-oriented uses on the ground floor, with the exception of the CVS Pharmacy, which is set back from the front property line, separated from Telegraph Avenue and Derby Street by a surface parking lot. To the north, east and south of the project site along Telegraph Avenue are one- to four-story commercial and mixed-uses, including medical offices, retail shops, quick service restaurants, personal and household services, auto repair, as well as Willard Park. To the west of the project site are low-rise residential uses consisting mainly of one-to two-story buildings with a mix of single- and multi-family dwellings (See Figure 1: Zoning Map, and Figure 2: Vicinity Map). Immediately adjacent land uses are noted in Table 1.

The subject property is located approximately one mile east of the Downtown Berkeley and Ashby BART stations and is served by a local bus line (AC Transit) that operates along Telegraph Avenue. There is a bicycle lane on Telegraph Avenue and a bike share station across Telegraph in front of CVS. The site is two blocks west of Hillegass Avenue and four blocks north of Russell Street, both of which are designated Bicycle Boulevards.

B. Site Conditions: The 10,882-square-foot project site (0.25-acre) is a rectangular corner lot with 93'-8" of frontage on Telegraph Avenue and 103'-2"- of frontage on Derby Street. The site contains an approximately 2,419 sq. ft. one-story, 25'-1" tall restaurant situated on the south property line, constructed in 1963 as a fast food restaurant in a Commercial-Popular, A-frame architectural style designed by Neil Johnson. The parcel also includes a paved parking lot with 13 off-street parking spaces with vehicle access from Telegraph Avenue and Derby Street, and a free-standing sign that reads 'Bacheesos' located in an outdoor seating area at the eastern edge of the site facing Telegraph Avenue.

III. Project Description

A. Response to ZAB and DRC Preview Comments: This project was presented as a preview before the ZAB and DRC in December 2019. In response to comments and recommendations made at each preview hearing, the applicant revised their project. A summary of the changes to the proposed project is provided in Section III.B below and the applicant's response to the ZAB's and DRC's comments is provided in

Attachment 6 of this report. The revised project is described in Section II.C below and modifications that have been made are shown with strikeouts (~~strikeout~~) for deleted text and underlines (underline) for added text.

B. Summary of Changes:

Building Height: *The proposed building height has been reduced by 4', from 59'-6" to 55'-6". This reduction was achieved by lowering the height of the ground floor by 4', from 20'-6" to 16'-6", and by excavating below existing grade within portions of the garage to allow for the 3-car pit stacker system to remain from the previous proposal.*

Ground Floor Plan: *The proposed optional mezzanine within the café space has been eliminated, and the total proposed square footage of the café space has increased by 165 sq.ft. The three proposed residential lofts (735 sq.ft in size), have been redesigned as studios (562 sq. ft. in size). The total gross floor area dedicated to storage has decreased by 281 sq. ft., and the total gross floor area dedicated to lofts and common spaces has decreased by 364 sq. ft.*

Fourth Floor Private Patio Design: *The landscaping within each private patio has been reconfigured to remove some small trees and replace with one larger tree, as well as smaller bushes along the rear wall.*

Fifth Floor Roof Deck Design: *The landscaping within the common roof deck has been reconfigured to remove the small trees.*

Ground Level Landscape Plan: *Enhanced paving proposed to the Telegraph Avenue frontage, at-grade planting areas expanded adjacent to each entrance, along Telegraph Avenue and Derby Street, all within the public right-of-way.*

C. Proposed Project: The project would demolish the existing building to construct a new mixed-use building with the following primary components:

- 45 dwelling units (~~43~~ 16 studios, ~~28~~ 25 one-bedroom ~~eff~~ units, and 4 two-bedroom units);
- ~~1,125~~ 1,290 square-feet of commercial space for a café on the ground floor fronting Telegraph Avenue;
- A 20-space parking garage on the ground floor, accessed from Derby Street, configured in three-level stackers, and 1 ADA van space;
- A bicycle storage room for 50 bicycles on the ground floor and three bicycle racks located on Telegraph Avenue and Derby Street;
- Residential lobby with access to Telegraph Avenue; and
- Useable open space consists of the following areas:
 - Seven private patios on the ground, second, and fourth floors, ranging in size from 111 sq. ft. to 200 sq. ft. and totaling ~~4,132~~ 1,176 sq. ft., which count towards the usable open space required for those particular units only²;
 - One 1,572 square-foot commonly accessible area/landscaped podium on the second floor, and a 1,303 square-foot commonly accessible roof deck on the fifth floor, for a total of 2,875 square feet of commonly accessible usable open space; and

² BMC Section 23D.04.050.C: An area which is accessible and/or usable only by the occupants of a particular dwelling unit shall be used to satisfy the usable open space area requirements of only that particular dwelling unit.

- One ~~600~~ 562 square-foot common area on the ground floor that provides open space including a small dog run area, patio and planters, but which does not qualify as usable open space.³

D. Base Project and Density Bonus: The applicant has requested a bonus, using State Density Bonus Law. Under the City’s density bonus procedures, the project’s “base project”⁴ is 34 units and three stories, as shown in Table 5 below. With the applicants’ commitment to provide four Very Low Income units (11% of the base project), the project qualifies for a density bonus of 35%, which in this case represents 12 units to increase the total allowable units for this site to 46. The applicant proposes to construct 10 additional units for a total of 45 dwelling units (see Table 5 below).

Table 5: Base Project, Density Bonus

Floor	Base Project		Proposed Project	
	Residential Gross Floor Area (GFA)	Base Units	Residential GFA with Density Bonus Units (DBU)	Total Units (Base + DBU)
1st	5,307	4	4,507	3
2nd	9,300	15	7,534	11
3rd	9,300	15	7,534	11
4th	--	--	7,004	11
5th	--	--	5,680	9
Totals:	23,907	34	32,259	45
Average Unit Size	Base Project: 703 sq. ft.		Proposed Project: 717 sq. ft.	
Qualifying Units	Desired Density Bonus	Required % Very Low Income	Raw # (11% of Base Units)	Rounded Up
4	35%	11%	3.74	4
Four VLI Units Allows For:		Rounded Up	Total (Base+DBU)	
11.9 DBU		12 DBU	46 Units	

To accommodate the additional units, the project would use three waivers/modifications: 1) exceed the height limit of 50’ and story limit of 4 and propose ~~59’-6”~~ 55’-6” and 5 stories, 2) exceed FAR of 3 and propose a FAR of ~~3.17~~ 3.15, and 3) decrease the required off-street parking from 35 spaces to 20 spaces. The project would also use a concession to eliminate the roof deck where a roof deck is provided

³ BMC Section 23D.04.050.I: No area designated for off-street parking and loading areas, service areas, driveways, required walkways or portions thereof or any features that are used for required access to dwelling units, shall be counted as satisfying any usable open space area requirement.

⁴ The “base project” is the project that could be built on the site without any additional Use Permits to expand the building envelope (e.g. through increased height or reduced setbacks) or waive development standards for parking, open space, etc.

in the Base Project, thus providing ~~4,007~~ 4,051 square feet of usable open space where 9,000 square feet is the minimum .

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.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City on April 18, 2019, two pre-application posters were installed by the applicant at the project site. On February 19, 2019 a neighborhood meeting was held to review the project and discuss concerns, and was attended by seven members of the public. Four main topics were discussed at the meeting, which included privacy, impacts to adjacent properties, construction impacts, and the proposed project's compliance with the applicable provisions of the BMC.

In December, 2019, several residential neighbors and representatives from the dentist office abutting the property to the north (2640 Telegraph) contacted the project planner to inquire about the City's review process and aspects of the project that could result in detriment. Nine speakers addressed the ZAB at the December 12, 2019 preview hearing. Subsequent to the ZAB preview hearing, the applicant revised the project in response to comments and recommendations received at the preview. Staff has received two emails from neighbors since the preview hearing, as well as two letters addressed to the DRC that include zoning-related concerns. The neighbor concerns and staff responses are summarized in Table 6, below.

Table 6: Concerns expressed by neighbors of the proposed project

Topic	Possible Contention	Response
Shading of rooftop solar panels	The proposed project would reduce the amount of electricity generated by the existing solar panels, negatively impacting the dentist office located to the north at 2640 Telegraph.	The City may not limit the development of the subject property to protect the ability of another property to install productive solar panels, and the solar panels would continue to produce energy with the proposed development (see section V.F.1). See also Attachment 7, DRC recommendations for ZAB discussion.
Elimination of signage and reduced visibility	Windows and wall signage at 2640 Telegraph on Derby frontage would be eliminated.	The property at 2640 Telegraph may install signage along Telegraph Avenue frontage to maintain its visibility from a public street.

Topic	Possible Contention	Response
Privacy and noise	Proposed usable open space on terraces, as well as the proposed dog run, would result in noise and privacy impacts.	The proposed project meets the required minimum setback at the rear, and is designed to minimize impacts. See sections V.E and V.F.2 for discussion. See also Attachment 7, DRC recommendations for ZAB discussion.
Garage door noise	The garage door buzzer would become a nuisance to surrounding properties.	The City Traffic Engineer would require that the garage door include a warning device to ensure pedestrian safety standards are met, while considering impacts from the device, such as noise, on surrounding residences.
Parking impacts	The proposed project would eliminate the existing parking lot at 2650 Telegraph, currently used as spillover parking for 2640 Telegraph. Also, parking reduction pursuant to State Density Bonus Law would result in spillover parking demand on adjacent streets.	The ZAB approved Variance/Use Permit#09-1000103 on February 11, 2010 to reduce the parking provided at 2640 Telegraph from 15 to 5 spaces. The findings state the reduction is permissible because the subject property is in a transit-rich location, the area is not significantly impacted by unmet parking demand, the reduction will not substantially reduce availability of on-street parking, bicycle parking is provided, and the reduction promotes development of the area). Parking impacts are discussed in section V.E.4.
Shadow impacts	Loss of morning sunlight and east-facing views will contribute to risk of depression and loss of quality of life.	See section V.F.1 for a discussion on shadow impacts.
Affordability	Objection to the number of affordable units provided.	See section V.C for a discussion on density bonus.
Cultural resources	The proposed project would result in a loss of a cultural amenity (Bacheesos).	See section IV.C for a discussion on Landmarks.
Light pollution	Lighting could spill onto neighboring properties.	See Condition of Approval #57, which requires all exterior lighting to be shielded and directly downward to prevent excessive glare; Condition of Approval #59 requires final design review, including proposed lighting.

Topic	Possible Contention	Response
Construction-related health and safety impacts	Pedestrian safety along Telegraph will be compromised during construction; construction on the weekends would negatively impact health of surrounding residents.	See Conditions of Approval #13-15, and #30-32. Per Condition of Approval #30, construction hours shall be 9:00AM to 4:00PM on Saturday, and no construction-related activity shall occur on Sunday or any Federal Holiday.

On February 27, 2020, the City mailed public hearing notices to property owners and occupants within 300' of the site, and to interested neighborhood organizations and the City posted notices within the neighborhood in five locations. On March 2, 2020 the City received a response memo to neighbor concerns from the applicant, and on March 4, 2020 the City received an email from three neighbors proposing several items for the ZAB to consider (See Attachment 3).

B. Design Review Committee: The Design Review Committee (DRC) previewed the project on December 19, 2019 and provided comments to the applicant regarding massing, façade design, ground floor design, landscape/open space and lighting. Following revisions to the project, the DRC conducted a Preliminary Design Review meeting on February 20, 2020 and forwarded a favorable recommendation to the ZAB on a 7-0-0-0 vote (Yes: Clarke, Covarrubias, Edwards, Finacom, Kahn, Mitchell, Pink; No: none; Abstain: none; Absent: none). The DRC's meeting summary is provided as Attachment 7 to this staff report.

C. Landmarks Preservation Commission: The project involves the demolition of a commercial building that is over 40 years in age. The project site is not designated as a Landmark by the City and has not previously been surveyed individually for historical significance under local, state, or federal historic significance criteria. Per a historic resource evaluation completed in 2019, the building proposed for demolition does not meet the criteria for the California Register or a City of Berkeley Landmark. Pursuant to BMC Section 23C.08.050.C, the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review prior to the consideration of the Use Permit. The Landmarks Preservation Commission considered the demolition on November 7, 2019 and continued the item to the December 5, 2019 meeting, in order to provide further research and documentation to the LPC for consideration. At the December 5, 2019 LPC hearing, the LPC took no action to initiate a Landmark or Structure-of-Merit designation, and did not choose to forward to the Board comments on the application.

V. Issues and Analysis

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

1. The development would have a specific adverse impact⁵ 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.

As described in Table 5 above, the proposed project complies with applicable, objective general plan and zoning standards. Therefore, the City may not deny the proposed project or approve the proposed project at a reduced density without basing its decision on the written findings under Section 65589.5(j), above.

Staff is aware of no specific adverse impacts that could occur with the construction of the base project. The discussion below is provided for reference to the extent that it reflects general plan and zoning standards that cannot serve as a basis for denial under the HAA.

B. Demolition of a Non-residential Building: BMC Section 23C.08.050.D allows the ZAB to approve a Use Permit for demolition of an existing commercial structure only if the demolition will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City, and makes one of the following findings that the demolition of the structure: (1) is required to allow a proposed new building or other proposed new Use; (2) 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; (3) will remove a structure which represents an unabatable attractive nuisance to the public; or (4) is required for the furtherance of specific plans or projects sponsored by the City or other local district or authority.

The most recent use of the structure was a full-service restaurant. Because the demolition of the non-residential structure is required in order to authorize construction of the proposed new building and new use, staff believes the ZAB can make finding #1 to approve the proposed demolition under BMC Section 23C.08.050.D. As noted above, the non-residential structure is not eligible for the California Register or a City of Berkeley Landmark designation, and the Landmarks Preservation Commission voted to take no action on the demolition. The proposed project includes a mixed-use building which will provide dwellings and commercial space for a café use, and thus will be compatible with adjacent and nearby residential uses.

C. Density Bonus Waivers and Concessions: 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).

Concession. A Concession is a reduction of a development standard or a modification of a zoning regulation that would result in an identifiable and actual cost reduction. The applicant is requesting one concession for the project to eliminate the roof deck where one is provided in the Base Project, thus providing 4,051 square feet of usable open space where 9,000 square feet is the minimum in the C-1 District.

⁵ As used in the Act, 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 existing on the date the applicant was complete."
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The City may only deny the concession if it finds that the concession would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the concession would be contrary to State or Federal law. Staff believes such a finding cannot be made.⁶

Waiver. 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. Waivers for height, parking, and FAR are requested because they are necessary to physically accommodate the full density bonus project on the site.

The City may only deny the waivers if it finds that the waivers would have a specific adverse impact upon public health and safety, or the physical environment, or on any real property listed in the California Register of Historical Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low-income, very-low income, and moderate-income households, or if the waiver would be contrary to State or Federal law. Staff believes such a finding cannot be made.⁷

D. Affordable Housing Mitigation Fee: Pursuant to BMC Section 22.20.065, the project is subject to the Affordable Housing Mitigation Fee (AHMF). The AHMF ordinance allows a project to provide BMR units (10% VLI and 10% LI) or make an in-lieu payment, and provides a formula to calculate these amounts. The applicant can choose whether to pay the fee, provide the in-lieu units in the project, or provide a combination of both. Based on the total number of market rate units in the project, with credit for the four (4) qualifying VLI units⁸, the fee is calculated to be \$732,564 at building permit issuance, or \$797,202 at Certificate of Occupancy issuance.⁹

E. Findings for Use Permit in C-1 District: Pursuant to BMC Section 23E.36.090.B, in order to approve any Use Permit in the district, the Board must make the following required findings. The proposed structure must:

1. Be compatible with the purposes of the District;
 - Purpose A – “Implement the General Plan’s designations for Avenue Commercial area.” The project is consistent with this purpose because it would replace a vacant commercial building with a mixed-use building that would provide 45 dwelling units and a ground-floor café along a transit corridor, bringing more activity to the street in a transitional area of Telegraph

⁶ 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.”

⁷ *ibid.*

⁸ The total number of market rate units in the project is 45 project units – 4 VLI units = 41 market rate units.

⁹ The Affordable Housing Mitigation Fee is currently \$34,884 per unit if paid at issuance of a building permit and \$37,962 if paid at the time Certificate of Occupancy is issued. The following equation will be used to calculate the proportional discount to the fee based on the portion of units provided at Low-Income and Very Low-Income rents: $[A \times \text{Fee}] - [(B+C)/(A \times 20\%) \times (A \times \text{Fee})]$, where A = Total # Market Rate Units; B = # of Very-Low Income Units; & C = # of Low-Income Units in the project.

Avenue, being located at the southern boundary of the Telegraph PBID and four blocks north of six-story medical and mixed-use buildings.

- Purpose C - “Encourage development in underutilized neighborhood and community shopping areas.” The project is consistent with this purpose in that it would intensify an underutilized site consisting of a small commercial building and surface parking lot with a mixed-use building that would approach, but not maximize, the site’s development potential, in order to address concerns related to privacy and access to sunlight from surrounding development (see Figures 4 and 5).
 - Purpose D - “Promote development compatible with adjacent commercial and residential areas.” The project is consistent with this purpose because the building would meet the minimum setback at the rear of the property, which is adjacent to one-story residences, on the ground through fourth levels, and the then step back an additional 10’-6” at the fifth level and an additional 33’ to 50’-10” at the roof level. Also, the majority of the proposed usable open space is located on the second level adjacent to the two-story commercial building to the north, providing a 36’-8” setback at the second through fifth levels. Further, the proposed café at the ground level is compatible with surrounding commercial uses to the north, east and south along Telegraph Avenue, and the proposed residential use is compatible with surrounding residences to the west, northwest and south (See Figure 3).
2. Be compatible with surrounding uses and buildings: The proposed project is a mixed-use building, including commercial and residential uses, in the C-1 General Commercial District, adjacent to commercial and residential uses (See Figure 2: Vicinity Map). Much of Telegraph Avenue within Berkeley, including the subject property, is developed with single- to three-story commercial and mixed-use buildings. Also, there are two six-story medical office buildings a few blocks south of the site, and a four-story mixed-use building located just north of the project site. While the proposed five-story building would be greater in height and massing than existing adjacent commercial development along Telegraph Avenue, as well as the existing adjacent one-story residences to the west, more recent construction in the vicinity has been at a similar scale as the proposed project – the newly constructed building at 2628 Telegraph is four stories and 50’ in height, with similar increasing setbacks from the adjacent residences as the proposed project (See Table 4). Additionally, two buildings located approximately six blocks south on Telegraph at the Ashby Avenue corridor are five-story, mixed-use: 3001 Telegraph, constructed in 2013, and a proposal (pre-application) to redevelop 3031 Telegraph at a similar scale. The proposed project would be granted the height and FAR in excess of the district standards, as well as a reduction in the minimum required parking and usable open space, through waivers and concessions pursuant to State Density Bonus law (See section V.C for the discussion on waivers and concessions).
3. Be supportive of an increase in the continuity of retail and service facilities at the ground level: The project would replace an approximately 2,862 sq. ft. commercial building last in use as a restaurant and provide 1,290 sq. ft. of café space on the ground level accessible from Telegraph Avenue. The project would include floor-to-ceiling storefront-style windows with clear glass at the ground floor along Telegraph Avenue, and as designed, would increase the pedestrian orientation of

the site from the existing condition. Therefore, staff believes the proposed café use would maintain the existing facilities, while enhancing the pedestrian experience and commercial activity in the area and be compatible with nearby commercial and residential uses.

4. Not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply: Based on the Traffic Impact Analysis prepared by Fehr & Peers and submitted as part of the application (see Attachment 5 online), the project would not exceed the amount and intensity of use that can be served by available traffic capacity and potential parking supply. The project would generate 220 daily net new trips, 20 of which are generated during the a.m. peak hour and 13 of which are generated during the p.m. peak hour. Under this scenario, all study intersections would continue to operate at an acceptable Level of Service with the added project trips. Also, the available on-street parking supply within two blocks of the project site would be able to accommodate the project's expected peak on-street parking demand. Thus, there would be no significant transportation impacts according to established traffic engineering standards and no off-site traffic or transportation mitigations are required.

F. Findings for Use Permit to Construct New Floor Area: Pursuant to BMC Section 23E.36.050, in order to approve any Use Permit to construct 5,000 or more square feet of gross floor area, the Board must make the non-detriment finding. The project is subject to the City's standard conditions of approval regarding construction noise and air quality, waste diversion, toxics, and stormwater requirements, thereby ensuring the project would not be detrimental to the health, safety, peace, morals, comfort or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood or to the general welfare of the City. Staff believes that this finding can be made.

A discussion of the project's impact on sunlight/shadows and privacy as they relate to potential detriment follows:

1. Sunlight/Shadow. Revised shadow studies submitted by the applicant document the building's projected shadow angles and lengths at three times of the day during the summer and winter solstice. While the height of the proposed 5-story building has been reduced from 59'-6" to 55'-6", the revised shadow studies show that the same residential buildings to the north and west would be affected by the new building's shadows. New shadows would occur during morning hours and at noon on the winter solstice and during morning hours on the summer solstice, as described below:
 - i. During morning hours on the winter solstice, new shadows would be cast on two residential dwellings to the east; 2410 and 2414 Carleton Street, and would affect the south and east façades of these buildings as described below:
 - 2410 Carleton Street: fully shade a west facing living room window and partially shade all south facing living room windows on the dwelling in the rear of the property; and

- 2414 Carleton Street: fully shade all south and east facing windows on the cottage in the rear of the property.
- ii. At Noon on the winter solstice, new shadows would be cast on the south and east facing windows on the cottage in the rear of the property.
- iii. During morning hours on the summer solstice, new shadows would be cast on two residential dwellings to the west; 2643 Dana Street and 2405 Derby Street; and would affect their east façades as described below:
 - 2643 Dana Street: fully shade three east facing windows; and
 - 2405 Derby Street: fully shade two east-facing windows.

Given the existing structure at the project site is a single-story building in a zoning district that permits greater heights (maximum height of 40 feet; 50 feet with a Use Permit) and the site's adjacency to a residential neighborhood, any new construction would increase shadow impacts on the dwelling units to the west and northwest. While the proposed 5-story building would be taller than the existing adjacent buildings and would cast new shadows on four residential buildings nearby, these shading impacts would occur for a limited time during the year, and only for a few hours of the day, and therefore these shading impacts are not deemed detrimental.

During the project preview hearing on December 12, 2019, concerns were expressed regarding the potential shadow impacts to the adjacent commercial structure to the north of the project site, which includes rooftop solar panels. Local agencies such as the City of Berkeley are largely precluded from regulating new solar facilities. The applicable state law is the California's Solar Shade Act (AB 2331, 1978), which provides protection to solar energy system owners from shading caused by landscaping on adjacent properties.¹⁰ The law seeks to prevent a property owner from allowing trees or shrubs to shade an existing solar energy system installed on a neighboring property, provided the shading trees or shrubs were planted after the solar collecting device was installed. The law does not eliminate or limit the development rights of a neighboring property. Therefore, the City may not limit the development of the subject property to protect the existing solar facility on the adjacent commercial building to the north.

2. Privacy. The proposed project would not cause significant privacy impacts to the residences to the west, as the project would provide a six-foot tall fence and landscaping at the ground floor, landscaping and screening at the private patios and open space at the second through fourth floors, and would step back an additional 10'-6" from the west property line at the fifth floor. Specifically, the private patios and common area at the ground floor are separated from the abutting residences by a solid corten metal (weathered steel) fence, not exceeding six feet in height, and would provide an additional buffer between the 5-story building and the one-story dwellings to the west; the fence could allow noise to transfer. While the applicant proposes private patios and open space along the west elevation to serve dwellings on the second and fourth floor, as well as a roof deck at the fifth floor, the finished floor of these patio areas would

¹⁰ California Public Resources Code Sections 25980-25986,

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=PRC&division=15.&title=&part=&chapter=12.&article=

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be at or above the ridge line of the adjacent residential buildings to the west (approximately 16'-6" to 55'-6" above average existing grade), and therefore, would not face directly into openings on the neighboring residential buildings to the west; as shown on Figure 5, a 42-inch glass wall and landscaping provides an additional buffer to minimize privacy and noise impacts. Further, the proposed massing concentrates the usable open space at the west (adjacent to one-story residences) and north (adjacent to a two-story zero-lot line commercial building) portions of the property, thereby reducing the amount of shadow that could potentially be cast onto neighboring properties.

- G. Rooftop Projections:** The project would include architectural features such as an elevator over-run and stair hatch, and mechanical equipment surround. Pursuant to BMC Section 23E.04.020.C, mechanical penthouses, elevator equipment rooms, and cupolas, domes, turrets, and other architectural elements that exceed a District's height limit requires approval of an Administrative Use Permit.

For the Zoning Officer to approve the Administrative Use Permit, these features cannot provide floor area that would exceed fifteen percent (15%) of the average floor area of all of the building's floors, and cannot be used as habitable space or for any commercial purpose. The elevator over-run and stair hatch would extend approximately 10'-3" above the roof and the mechanical equipment surround would extend approximately 3'-3" above the roof, and would only provide access to the roof and will not provide habitable space. The average floor area of all of the building's floors is 6,850 sq. ft., and 15 percent of this total is 1,027 sq. ft. The total area of all rooftop architectural elements is approximately 236 sq. ft., or 3.4%, which is less than the maximum allowed of 15% (or 1,027 sq. ft.).

- H. General Plan Consistency:** As the proposed project is HAA-compliant, the following 2002 General Plan goals and policies are provided only in support of the CEQA Categorical Exemption under Section 15332 ("In-Fill Development Projects).
- 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.
 - Policy H-33–Regional Housing Needs: Encourage adequate housing production to meet City needs and the City's share of regional housing needs.

Staff Analysis: The proposed project is an infill development project that would create 45 dwelling units and 1,290 square feet of commercial space along a key commercial corridor that extends south from the UC campus to Oakland and State Highway 24. The project would replace a single-story commercial building that currently underutilizes the site, providing additional housing in southeast Berkeley.

- 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.

- Policy UD-17 – Design Elements: In relating a new design to the surrounding area, the factors to consider should include height, massing, materials, color, and detailing or ornament.
- Policy UD-24–Area Character: Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.
Staff Analysis: The project is consistent with the applicable zoning standards for the C-1 District. While this area has been characterized by low-density commercial buildings and residences, the project’s design and scale are supported by the policy and direction of the General Plan and is consistent with the development pattern that is evolving along Telegraph Avenue.

- Policy LU-25 – Affordable Housing Development: Encourage development of affordable housing in the Downtown Plan area, the Southside Plan area, and other transit-oriented locations.

Staff Analysis: The project would provide four (4) residential units affordable to Very Low-Income households, defined as those making no more than 50% of Area Median Income.

- Policy LU-27 – Avenue Commercial Areas: Maintain and improve Avenue Commercial areas, such as University, San Pablo, Telegraph, and South Shattuck, as pedestrian-friendly, visually attractive areas of pedestrian scale and ensure that Avenue areas fully serve neighborhood needs as well as a broader spectrum of needs.

Staff Analysis: The project site is located within the Telegraph Avenue Commercial area and Business Improvement District (Zone 2- see Attachment 4), and currently contains a one-story full-service restaurant and a paved parking lot with 13 off-street parking spaces (with vehicle access from Telegraph Avenue and Derby Street). The project would demolish the structure and replace it with a new 5-story building with a variety of materials and colors, and landscaping, as well as a ground-floor café with covered outdoor seating that is oriented to an located on the Telegraph Avenue frontage, resulting in a more pedestrian-friendly and visually attractive streetscape.

- 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.
- 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.
- Policy T-16 – Access by Proximity, Action E: In locations served by transit, consider reduction or elimination of parking requirements for residential development.

Staff Analysis: The project would provide 20 automobile parking spaces, significantly fewer than the 35 spaces that would be required by zoning if the project

was not a density bonus project. However, the project would add 45 dwelling units and 1,290 square feet of ground-floor commercial space on a site located on the Telegraph Avenue transit corridor, in proximity to two BART stations.

- Policy T-43 – Bicycle Network, Action C: Encourage, and when appropriate, require new multi-family residential developments to provide secure locker space for resident bicycles.

Staff Analysis: The project would provide a 50-space bicycle storage room on the ground floor and three bicycle racks to accommodate at total of six bicycles on the Telegraph Avenue and Derby Street sidewalks, where zero are currently provided.

- Policy UD-32 – Shadows: New buildings should be designed to minimize impacts on solar access and minimize detrimental shadows.

Staff Analysis: Most of the proposed building mass would occur closest to Telegraph Avenue and there would be a substantial setback (between 12' and 62'-10") between the upper floors of the proposed building and the western edge of the property, minimizing shadow impacts on the residences to the west. Furthermore, the western and northern façades of the building would be open to the podium-level open space on the second floor (see Attachment 2), which would allow morning sunlight to reach residences to the north and west to a greater extent than if the podium level were fully enclosed.


VI. Recommendation

Because of the project's consistency with applicable, objective general plan and zoning standards and there is no substantial evidence that the project would have no specific adverse impact on public health or safety, staff recommends that the Zoning Adjustments Board **APPROVE** Use Permit #ZP2019-0070 pursuant to BMC Section 23B.32.030 and subject to the attached Findings and Conditions (Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, received February 4, 2020
3. Comment Letters: 2020-02-12 Neighbor Letter, 2020-02-20 Neighbor Letter, 2020-03-02 Applicant Response Memo, 2020-03-04 Neighbor Letter, 2020-03-05 Applicant Response
4. Notice of Public Hearing
5. Traffic Impact Study, dated January 31, 2020 prepared by Fehr & Peers available online: https://www.cityofberkeley.info/uploadedFiles/Planning_and_Development/Level_3_-_ZAB/2020-01-31_RESUB_Traffic%20Study_2650%20Telegraph.pdf
6. Applicant's response to the ZAB and DRC preview comments, received January 23, 2020
7. Preliminary Design Review Summary, dated February 20, 2020

Staff Planner: Ashley James, ajames@cityofberkeley.info, (510) 981-7458

VICINITY MAP	PROJECT DIRECTORY	PROJECT DESCRIPTION	DRAWING LIST																																																									
 <p style="text-align: center;">PROJECT SITE 2650 TELEGRAPH AVE</p>	<p>OWNER/APPLICANT: OSM INVESTMENT COMPANY 1516 South Bundy Drive, Suite 300 Los Angeles, CA 90025</p> <p>ARCHITECT: David Trachtenberg, Principal TRACHTENBERG ARCHITECTS 2421 Fourth Street Berkeley, CA 94710 510.649.1414 www.TrachtenbergArch.com</p>	<p>PROJECT ADDRESS: 2650 Telegraph Ave. Berkeley, CA 94704 (APN: 055 183500901)</p> <p>SCOPE OF WORK: REMOVAL OF EXISTING 1-STORY COMMERCIAL STRUCTURE AND CONSTRUCTION OF NEW 5-STORY MIXED-USE BUILDING WITH 45-DWELLING UNITS, GROUND LEVEL LOBBIES, COMMERCIAL SPACE, AND PARKING, WITH STATE OF CALIFORNIA DENSITY BONUS.</p> <p>ZONING CODE SUMMARY (BASED ON THE BERKELEY MUNICIPAL ZONING CODE)</p> <p>ZONING: C-1</p> <p>SEE SHEET A0.1 FOR COMPLETE ZONING & BUILDING CODE DATA</p>	<table border="1"> <thead> <tr> <th>SHEET NO. & TITLE</th> <th>SHEET NO. & TITLE</th> </tr> </thead> <tbody> <tr> <td colspan="2">ARCHITECTURAL</td> </tr> <tr> <td>A0.0 GENERAL INFORMATION</td> <td>A3.4 BUILDING ELEVATIONS</td> </tr> <tr> <td>A0.1 DESIGN REVISION COMPARISON DIAGRAMS</td> <td>A3.5 BUILDING ELEVATIONS</td> </tr> <tr> <td>A0.1A ZONING INFORMATION & DIAGRAMS</td> <td>A3.6 BUILDING ELEVATIONS</td> </tr> <tr> <td>A0.1B BUILDING CODE INFORMATION & DIAGRAMS</td> <td>A3.7 STREET STRIP ELEVATIONS</td> </tr> <tr> <td>A0.2A GREEN BUILDING CHECKLIST</td> <td>A3.8 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.2B GREEN BUILDING CHECKLIST</td> <td>A3.9 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.2C GREEN BUILDING CHECKLIST</td> <td>A3.10 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.3A DENSITY BONUS DIAGRAMS</td> <td>A3.11 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.4A SHADOW STUDIES</td> <td>A3.12 PERSPECTIVE VIEWS</td> </tr> <tr> <td>A0.4B SHADOW STUDIES</td> <td>A3.13 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.5 ZONING SITE PHOTOS</td> <td>A3.14 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.6 VICINITY MAP</td> <td>A3.15 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.7A PERSPECTIVE VIEWS</td> <td>A3.16 PHOTO CONTEXT VIEWS</td> </tr> <tr> <td>A0.7B PERSPECTIVE VIEWS</td> <td>A4.1 BUILDING SECTION</td> </tr> <tr> <td>A0.7C PERSPECTIVE VIEWS</td> <td>A4.2 WALL SECTIONS & DETAILS</td> </tr> <tr> <td>A1.0 SITE SURVEY</td> <td>A4.3 WALL SECTIONS</td> </tr> <tr> <td>A2.1 PLAN AT GROUND LEVEL / SITE PLAN</td> <td>SW-1 PRELIM. STORMWATER MANAGEMENT PLAN</td> </tr> <tr> <td>A2.2 PLAN AT MEZZANINE LEVEL</td> <td>MAT MATERIAL BOARD</td> </tr> <tr> <td>A2.3 PLAN AT LEVELS 2 & 3</td> <td></td> </tr> <tr> <td>A2.4 PLAN AT LEVEL 4</td> <td></td> </tr> <tr> <td>A2.5 PLAN AT LEVEL 5</td> <td>LANDSCAPE</td> </tr> <tr> <td>A2.6 ROOF PLAN</td> <td>L1.1 LANDSCAPE PLAN GROUND LEVEL</td> </tr> <tr> <td>A3.1 RENDERING</td> <td>L1.2 LANDSCAPE PLAN LEVEL 2</td> </tr> <tr> <td>A3.2 RENDERING</td> <td>L1.3 LANDSCAPE PLAN LEVEL 4 AND LEVEL 5</td> </tr> <tr> <td>A3.3 BUILDING ELEVATIONS</td> <td>L1.4 LANDSCAPE SECTIONS</td> </tr> <tr> <td></td> <td>L1.5 LANDSCAPE AND PLANTING PALETTE</td> </tr> </tbody> </table>		SHEET NO. & TITLE	SHEET NO. & TITLE	ARCHITECTURAL		A0.0 GENERAL INFORMATION	A3.4 BUILDING ELEVATIONS	A0.1 DESIGN REVISION COMPARISON DIAGRAMS	A3.5 BUILDING ELEVATIONS	A0.1A ZONING INFORMATION & DIAGRAMS	A3.6 BUILDING ELEVATIONS	A0.1B BUILDING CODE INFORMATION & DIAGRAMS	A3.7 STREET STRIP ELEVATIONS	A0.2A GREEN BUILDING CHECKLIST	A3.8 PERSPECTIVE VIEWS	A0.2B GREEN BUILDING CHECKLIST	A3.9 PERSPECTIVE VIEWS	A0.2C GREEN BUILDING CHECKLIST	A3.10 PERSPECTIVE VIEWS	A0.3A DENSITY BONUS DIAGRAMS	A3.11 PERSPECTIVE VIEWS	A0.4A SHADOW STUDIES	A3.12 PERSPECTIVE VIEWS	A0.4B SHADOW STUDIES	A3.13 PHOTO CONTEXT VIEWS	A0.5 ZONING SITE PHOTOS	A3.14 PHOTO CONTEXT VIEWS	A0.6 VICINITY MAP	A3.15 PHOTO CONTEXT VIEWS	A0.7A PERSPECTIVE VIEWS	A3.16 PHOTO CONTEXT VIEWS	A0.7B PERSPECTIVE VIEWS	A4.1 BUILDING SECTION	A0.7C PERSPECTIVE VIEWS	A4.2 WALL SECTIONS & DETAILS	A1.0 SITE SURVEY	A4.3 WALL SECTIONS	A2.1 PLAN AT GROUND LEVEL / SITE PLAN	SW-1 PRELIM. STORMWATER MANAGEMENT PLAN	A2.2 PLAN AT MEZZANINE LEVEL	MAT MATERIAL BOARD	A2.3 PLAN AT LEVELS 2 & 3		A2.4 PLAN AT LEVEL 4		A2.5 PLAN AT LEVEL 5	LANDSCAPE	A2.6 ROOF PLAN	L1.1 LANDSCAPE PLAN GROUND LEVEL	A3.1 RENDERING	L1.2 LANDSCAPE PLAN LEVEL 2	A3.2 RENDERING	L1.3 LANDSCAPE PLAN LEVEL 4 AND LEVEL 5	A3.3 BUILDING ELEVATIONS	L1.4 LANDSCAPE SECTIONS		L1.5 LANDSCAPE AND PLANTING PALETTE
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VIEW ALONG TELEGRAPH LOOKING NORTH



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- 2019.02.19 PROGRESS SET
- 2019.03.27 ZONING SUBMITTAL SET
- 2019.09.17 ZONING COMPLETENESS
- 2020.01.21 ZAB & DRC REVISIONS
- 2020.02.04 PRELIM. DRC SET

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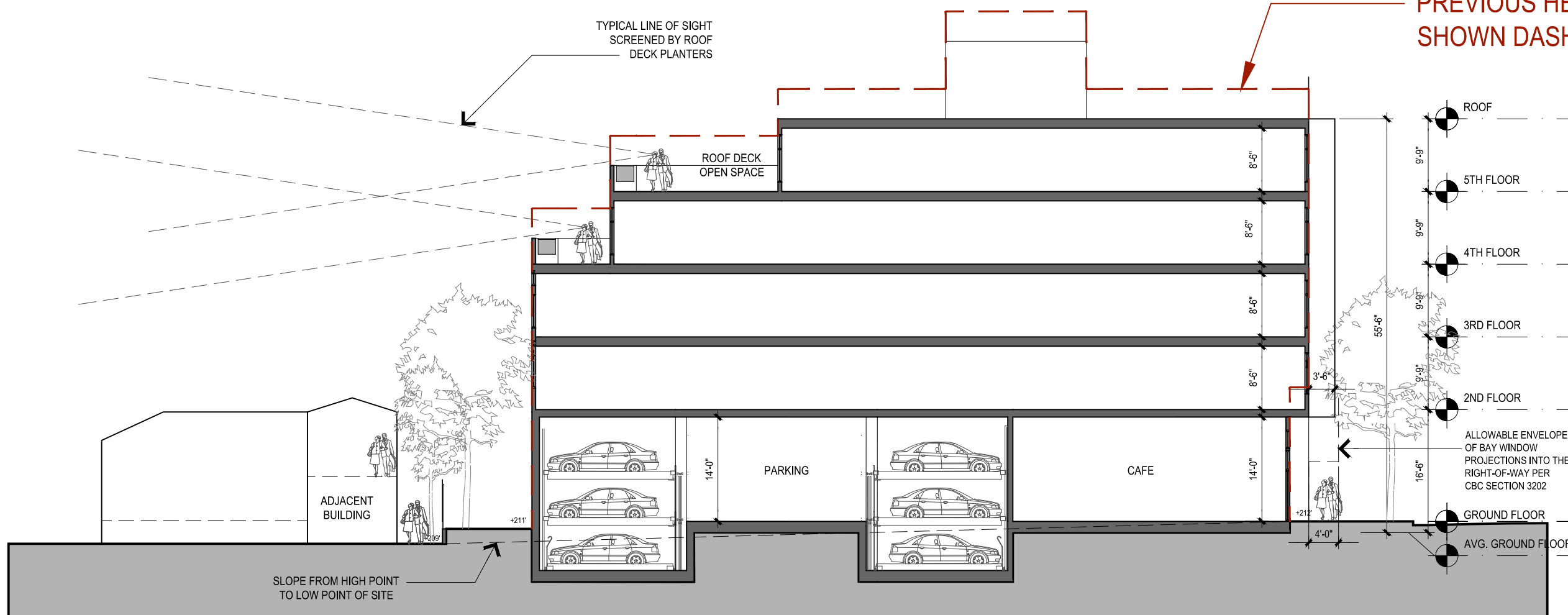
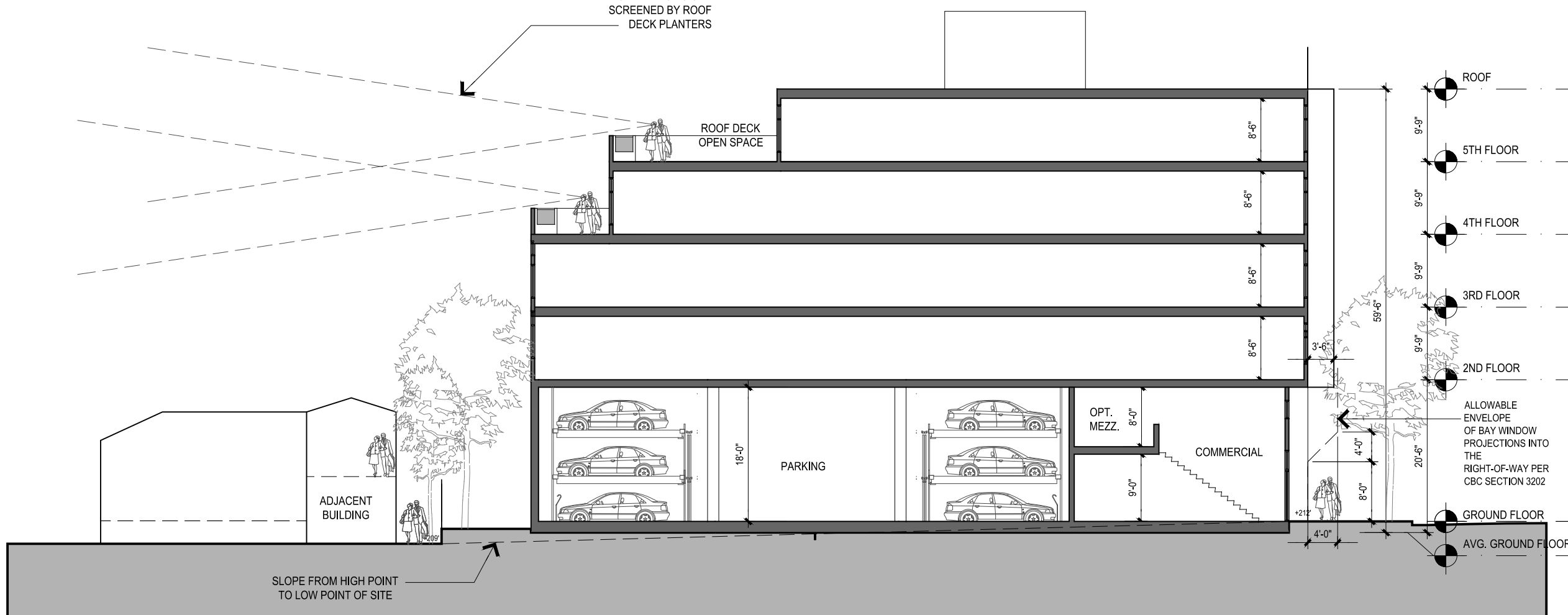
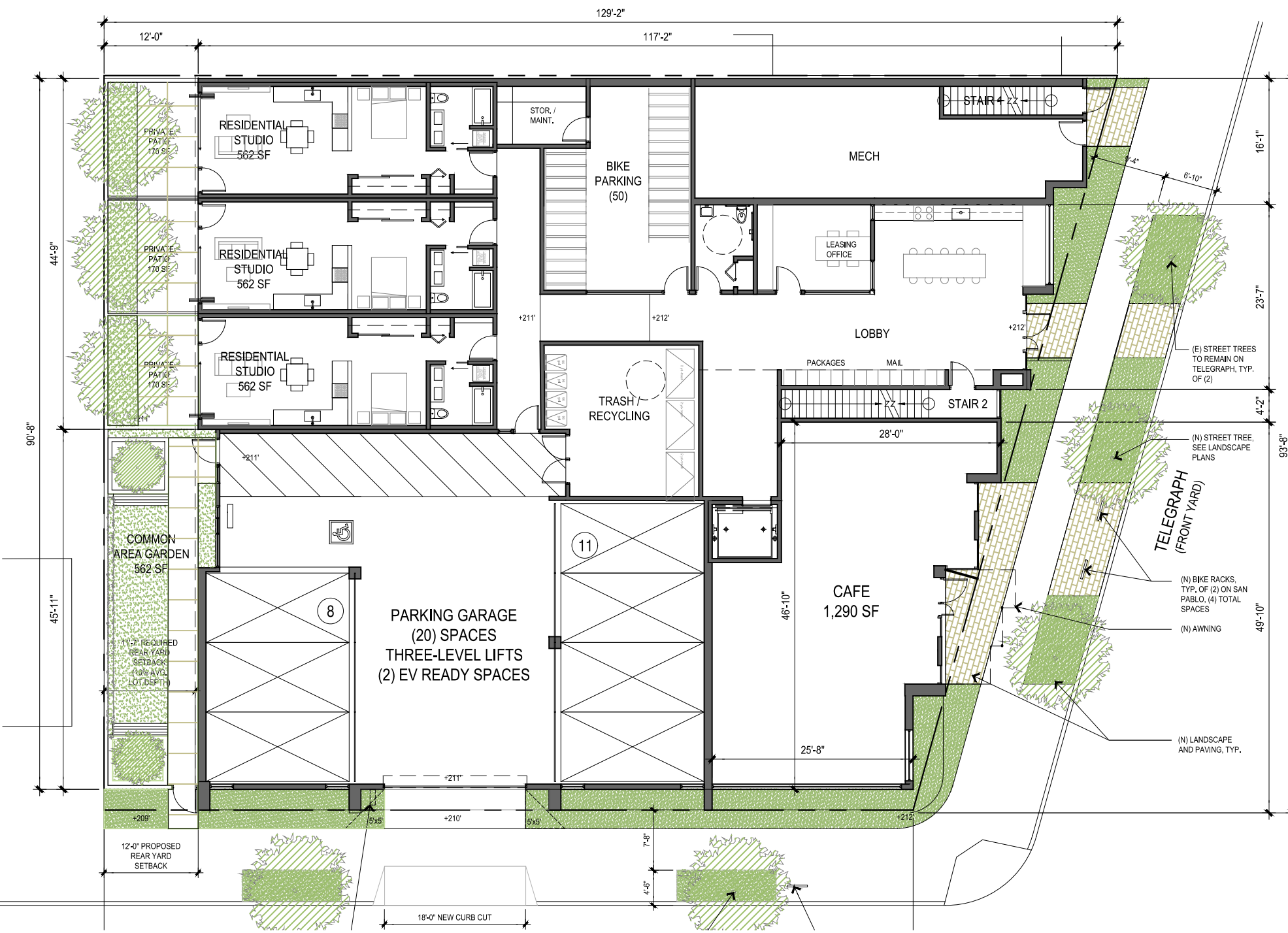
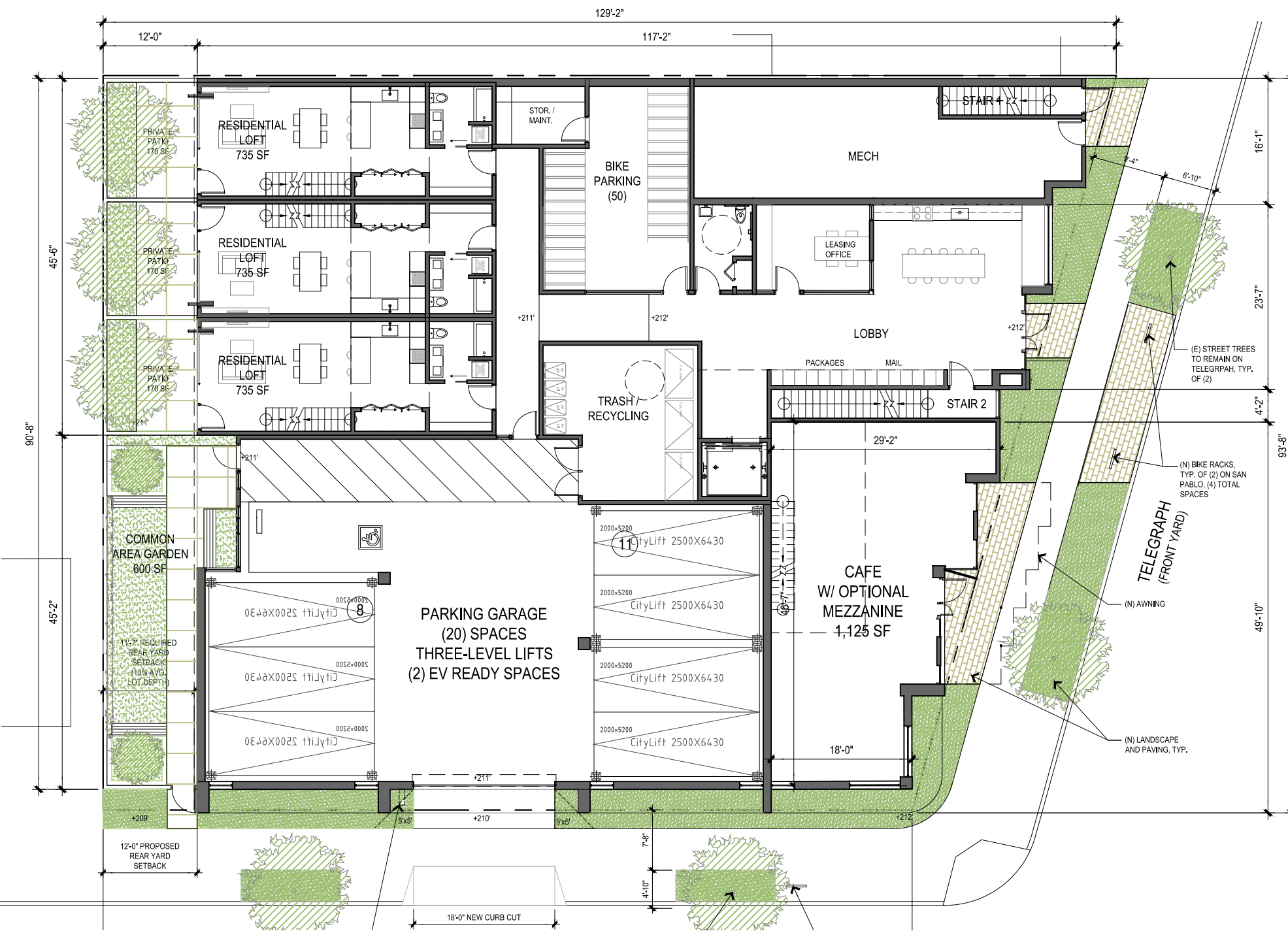
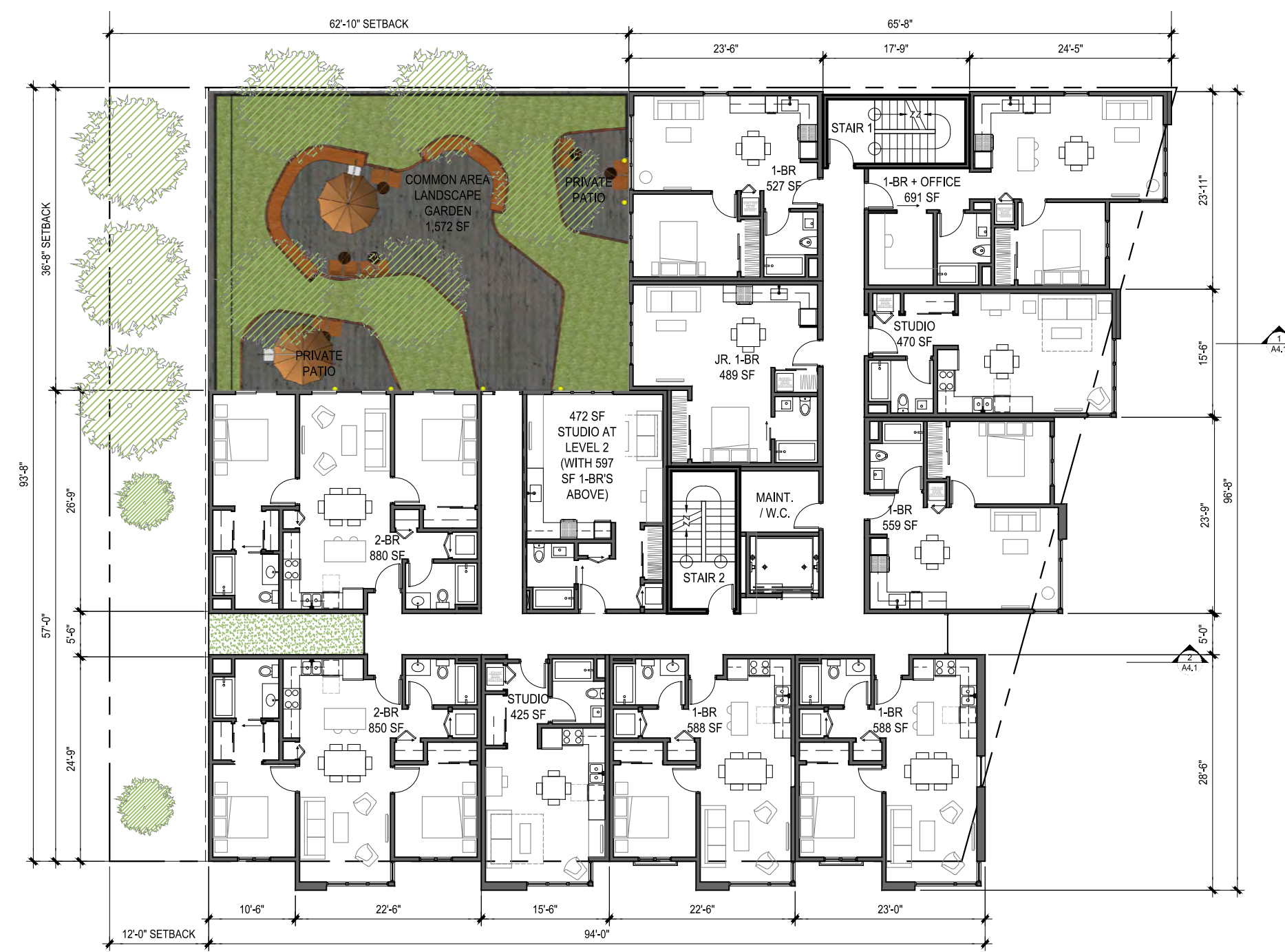
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DESIGN AS SHOWN AT PREVIEWS

REVISED DESIGN FOLLOWING NEIGHBORHOOD & ZAB INPUT
 HEIGHT LOWERED BY 4'-0"

PREVIOUS HEIGHT, SHOWN DASHED

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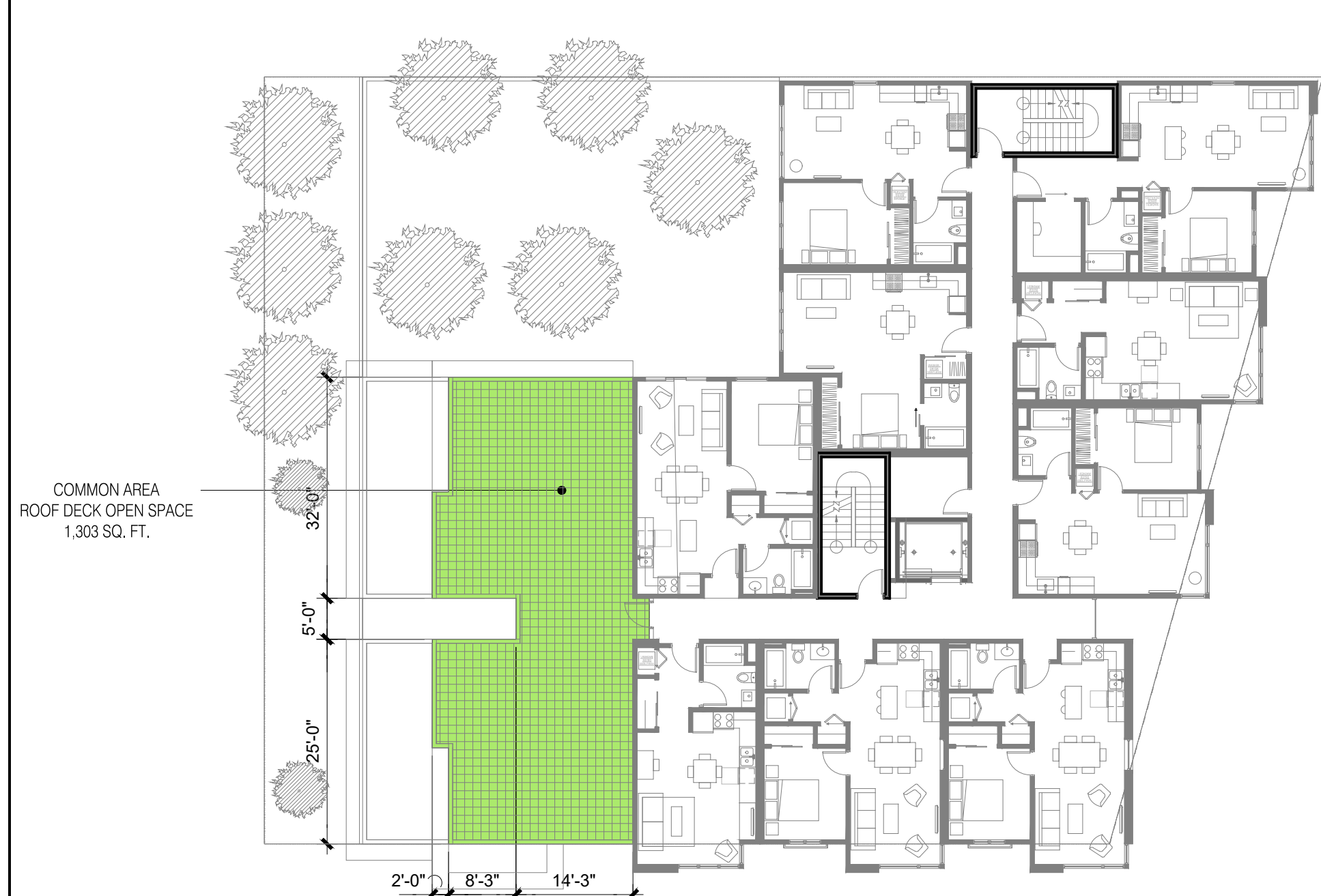
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SHEET:

DESIGN REVISION COMPARISONS

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OPEN SPACE DIAGRAMS



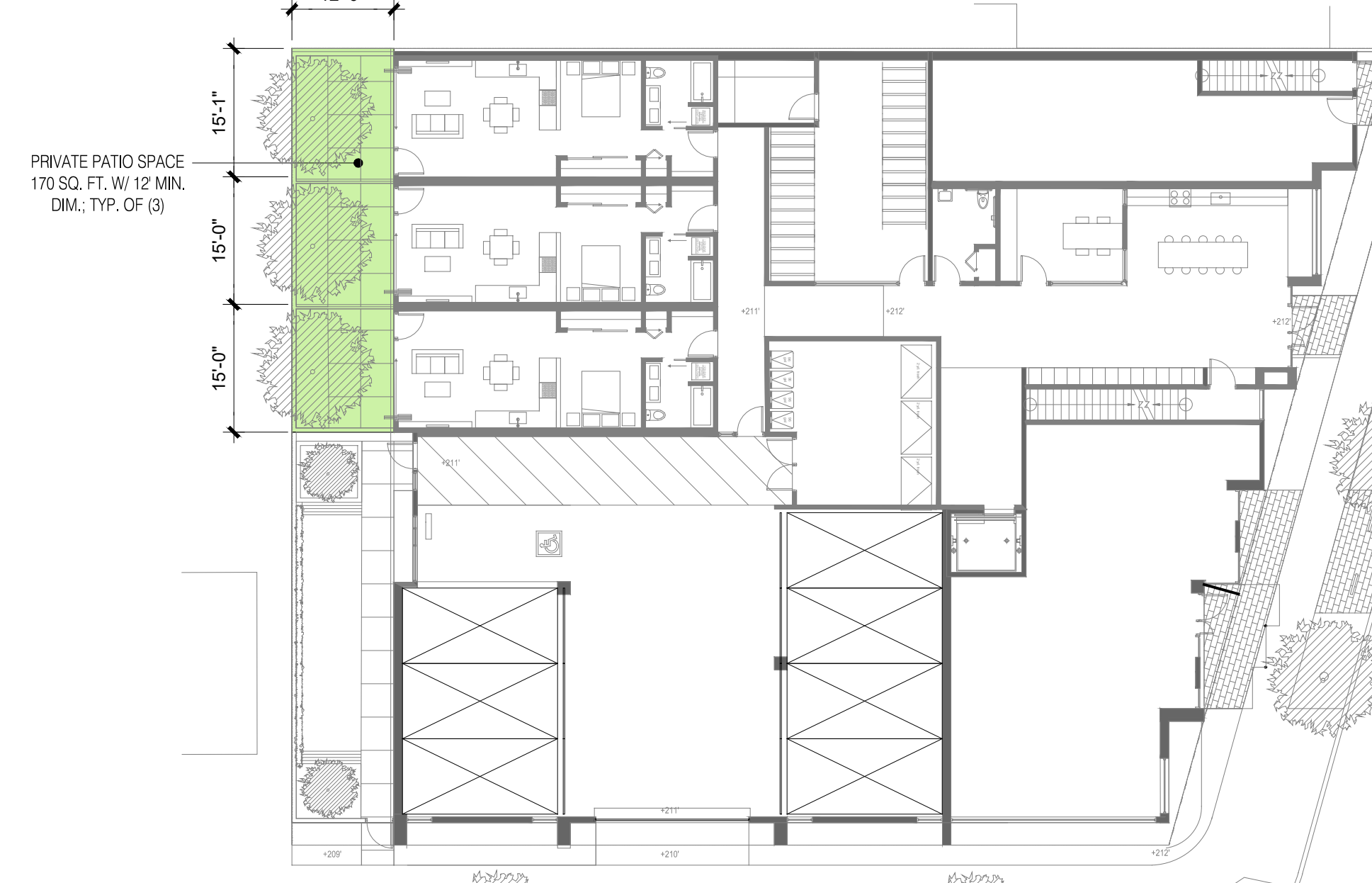
LEVEL 5



LEVEL 2



LEVEL 4



GROUND

NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

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ZONING CODE DATA

	BASE ALLOWABLE	35% DENSITY BONUS ALLOWABLE	PROPOSED w/ DENSITY BONUS
ZONING	C-1	C-1	C-1
TOTAL LOT SIZE (SQ. FT.)	10,882	10,882	10,882
TOTAL LOT SIZE (ACRES)	0.25	0.25	0.25
FLOOR AREA RATIO (FAR)	3.00	4.05	3.15
BASE FLOOR AREA	32,646	44,072	34,249
HEIGHT - FEET	40'	60'	55'-6"
HEIGHT - STORIES	3-STORIES	5-STORIES	5-STORIES
LOT COVERAGE	90%	100%	85%
FOOTPRINT	9794	10882	9261
SETBACKS			
FRONT	0	0	0
REAR	11'-7" (10% AVG DEPTH)	0	VARIES 12'- 62'-10"
STREET SIDE	0	0	0
INTERIOR SIDE	0	0	VARIES 0'- 36'-8"
PARKING RATIO - DWELLINGS	1 / 1000 SF	.5 PER BEDROOM	SEE TABLE
PARKING RATIO - COMMERCIAL	2 / 1000 SF	1 PER UNIT	SEE TABLE
OPEN SPACE	200 SF / UNIT	SEE TABLE	SEE TABLE

DWELLING UNIT TABLE

	STUDIO / JR-1BR	1-BR	2-BR	TOTAL
LEVEL 5	3	6		9
LEVEL 4	3	8		11
LEVEL 3	3	6	2	11
LEVEL 2	4	5	2	11
GROUND LEVEL	3			3
TOTAL	16	25	4	45
	36%	56%	9%	100%
TOTAL BEDROOMS	16	25	8	49

PROJECT AREAS

	RESIDENTIAL AREA	COMMERCIAL AREA	MECH. (EXCLUDES PARKING)	TOTAL AREA
LEVEL 5	5,680			5,680
LEVEL 4	7,004			7,004
LEVEL 3	7,534			7,534
LEVEL 2	7,534			7,534
GROUND LEVEL	4,507	1,290	700	6,497
TOTAL	32,259	1,290	700	34,249
		FAR		3.15

PARKING CALCULATIONS

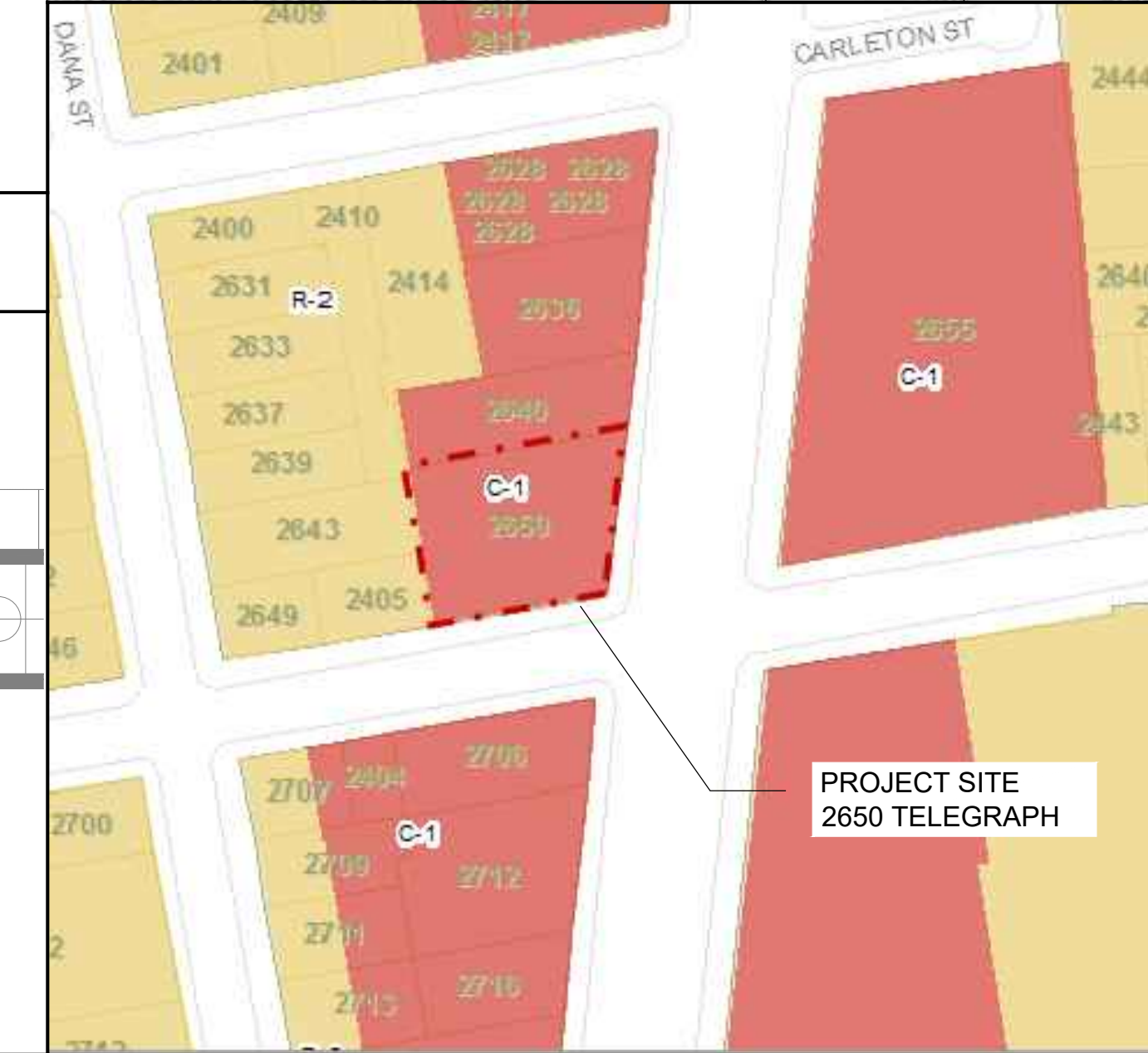
	AREA	CARS	PER	REQ'D
RESIDENTIAL AREA	32,259	1	1000	32
COMMERCIAL AREA (CAFÉ)	1,290	2	1000	2
BASE REQUIRED PARKING				34
DENSITY BONUS WAIVER OF PARKING REQ.				14
TOTAL PROPOSED PARKING				20

OPEN SPACE CALCULATIONS

	UNITS	SF / UNIT	TOTAL
RESIDENTIAL UNITS	45	200	9000
TOTAL OPEN SPACE REQUIRED			9000
TOTAL OPEN SPACE PROVIDED			4051
PRIVATE PATIOS			1176
PODIUM LANDSCAPE AREA			1572
ROOF DECKS			1303
DENSITY BONUS COST REDUCTION CONCESSION #1			4949

ROOFTOP ARCHITECTURAL ELEMENTS CALCS

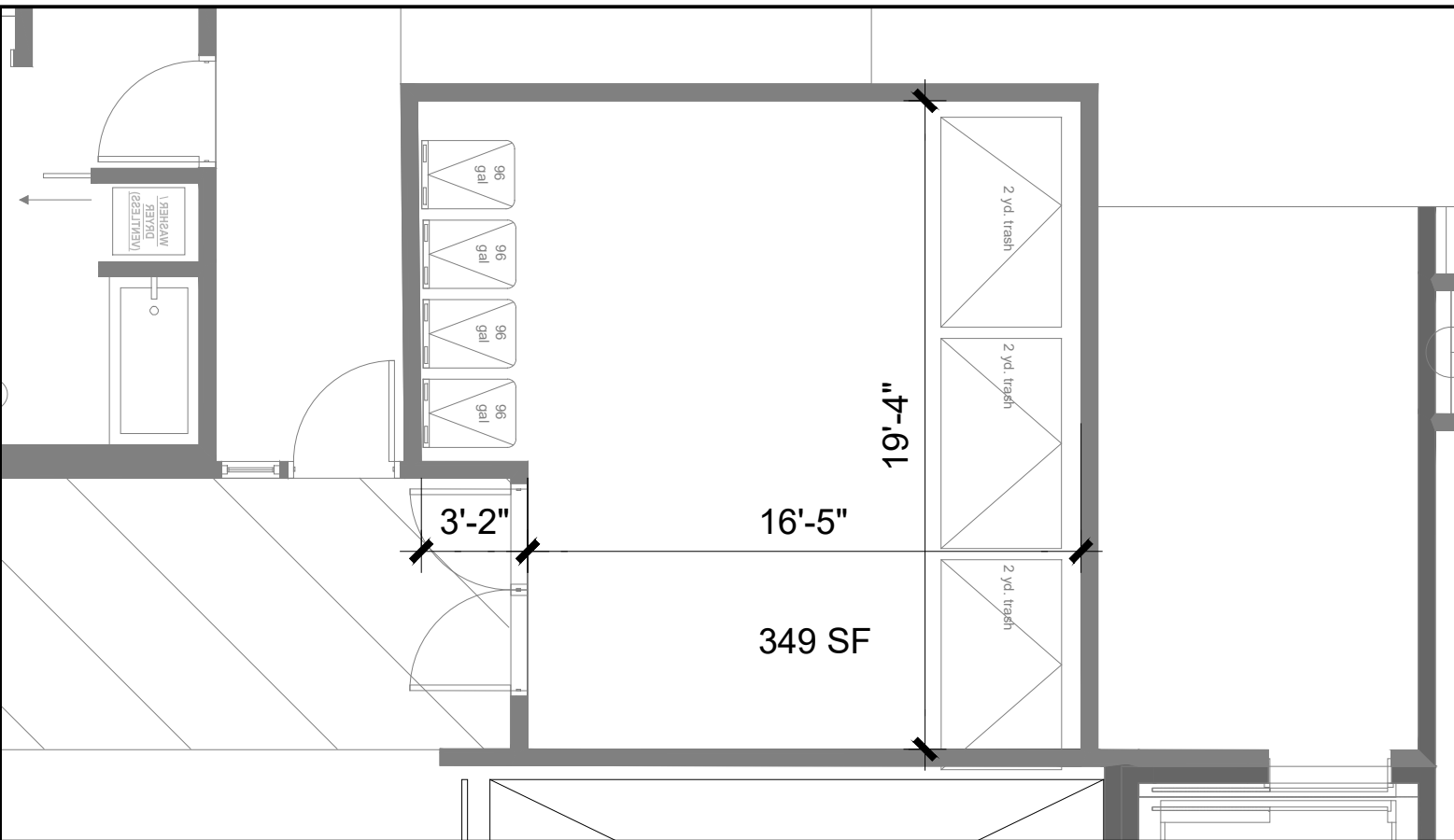
	PROPOSED	ALLOWABLE
AVERAGE AREA OF FLOORS	6850	
TOTAL AREA OF ROOFTOP ARCHITECTURAL ELEMENTS	236	1027
% AREA OF ROOFTOP ARCHITECTURAL FEATURES	3.4%	15.0%



REFUSE AND RECYCLING

Waste and Recycling Calculation

# of Bedroom	Factor	Occupants	Total cuft required (.25cy or 50 gallons / 3 occ)		Waste (40%)		Recycling (40%)	Organics (20%)
49	1.75	86	7.15 cy	1,429 gal	2.86 cf	572 gal	572 gal	286 gal
Space Calculati	Container Quantities				Space Required		150% Additional Increase for Operation	
	Waste	Recycling	Organics	Factor/container	Space/ Container	Required	Provided	
2 cy bin (404 gal)	1	1	1	28 sf	84 sf			
96 gal. cart	2	2		7 sf	28 sf			
64 gal. cart				6 sf	sf			
Total	596 gal	596 gal	404 gal		112 sf	168 sf	349	



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- 2020.01.21 ZAB & DRC REVISIONS
- 2020.02.04 PRELIM. DRC SET

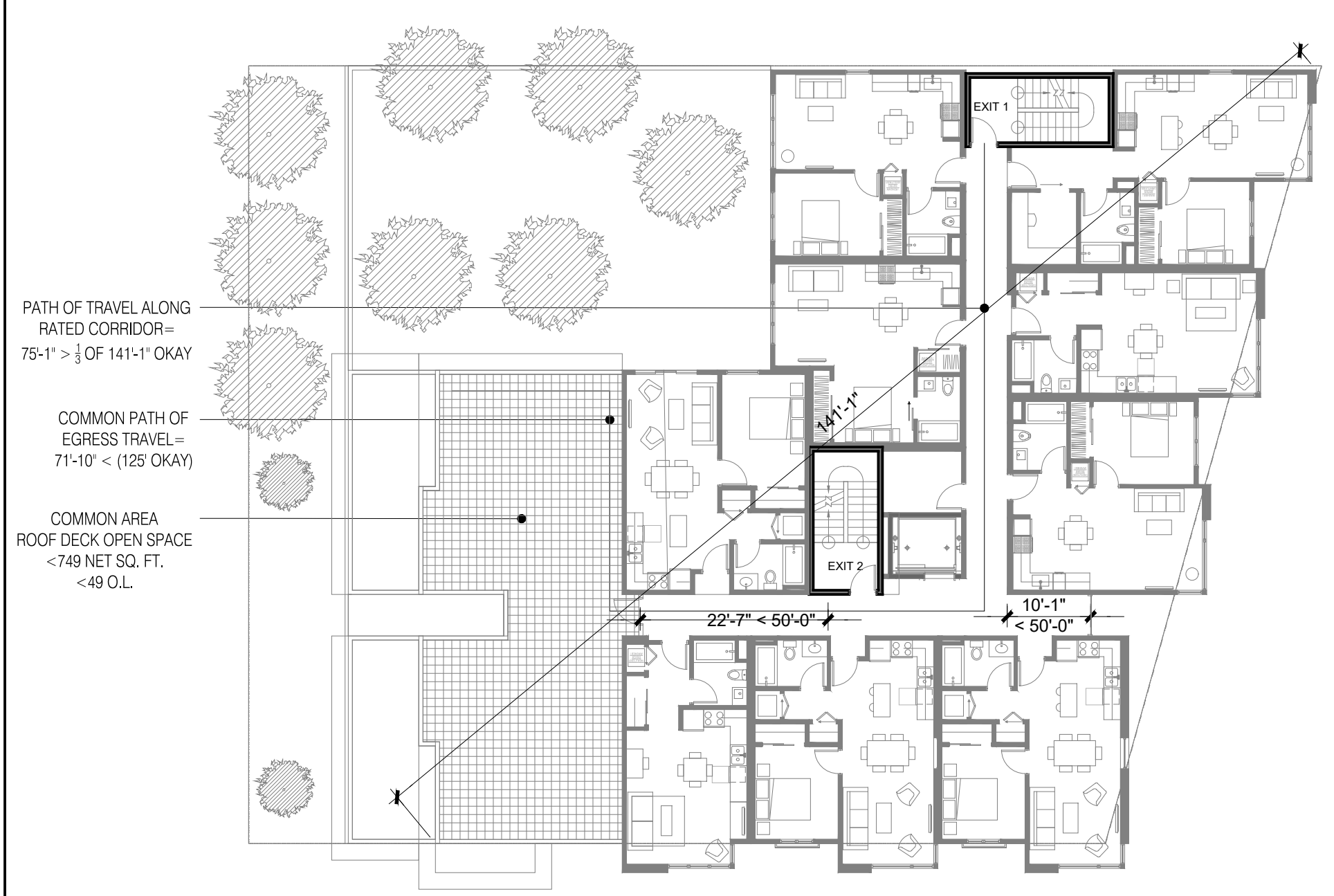
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JOB: 1758

SHEET:
ZONING CODE INFORMATION & DIAGRAMS

A0.1A

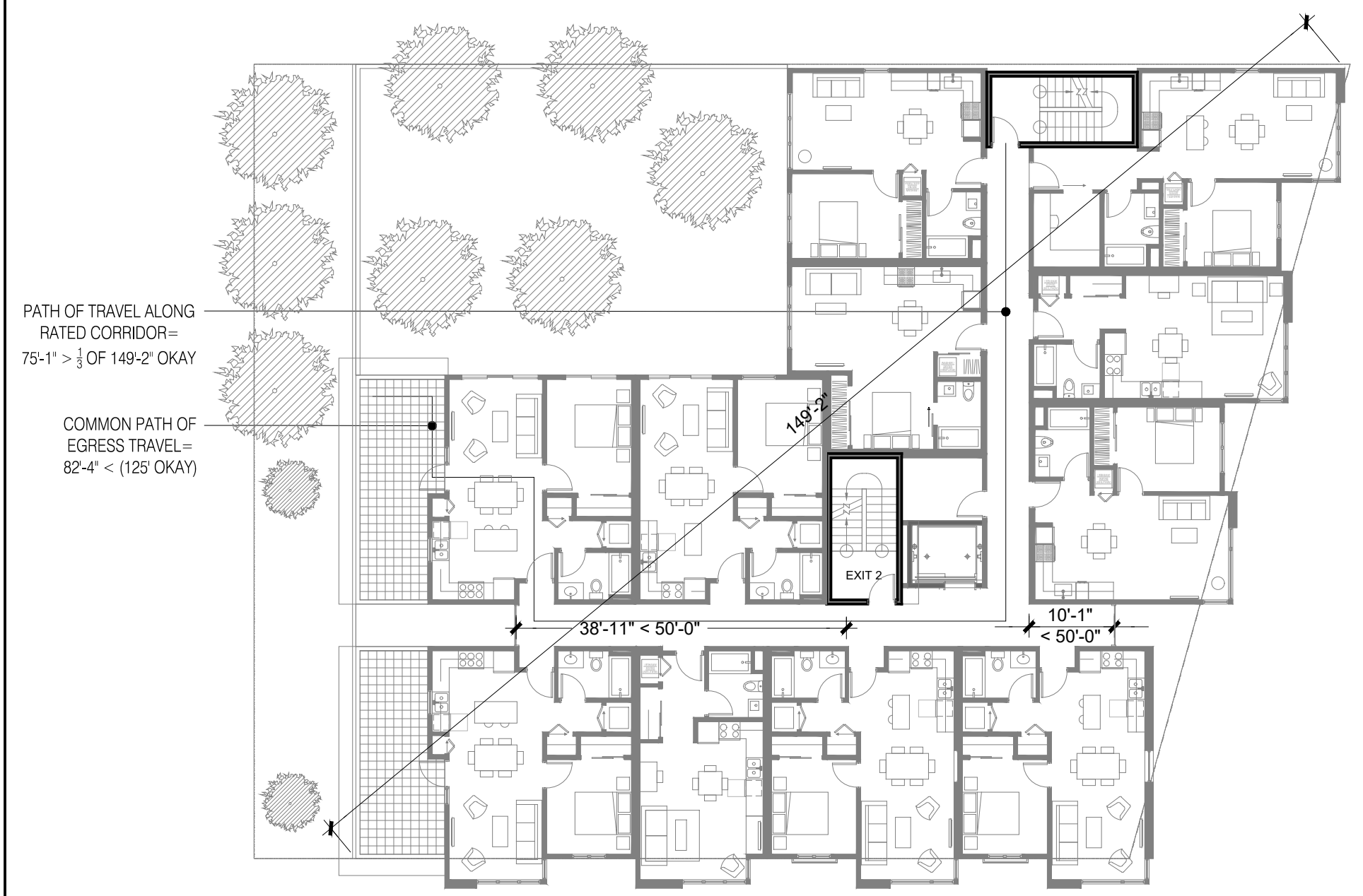
EXITING DIAGRAMS



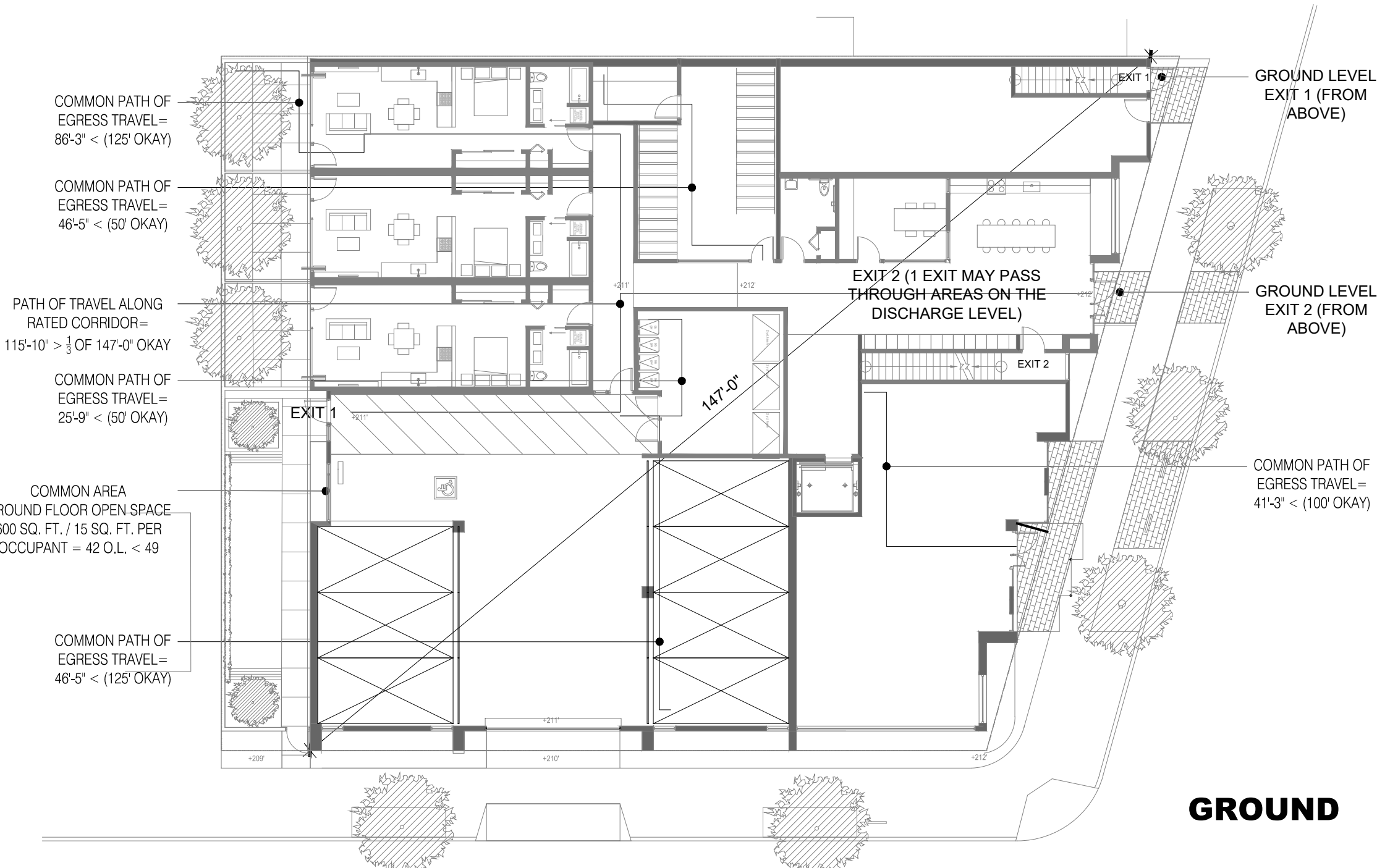
LEVEL 5



LEVEL 2



LEVEL 4



GROUND

BUILDING CODE DATA

Building Information 1/14/2020
 Occupancy Type Mixed Use Apartments (R-2) Type III-A over Type I-A Storage, Garage, Commercial, (S-2, R-2, B) with 3-hour horizontal assembly per CBC 510.2

Construction Type Type I-A (Story 1), III-A (Stories 2-5)
 Building Story and Height Limitation (CBC Table 504.3 & 504.4)
 * story count measured from floor above Type I-A per CBC 510.2

Occupancy Type	Construction Type	Allowable Stories	Proposed Stories	Allowable Building Height	Proposed Building Height
Ground Floor (Storage, Apartments, Commercial)	I-A	UL	1	UL	16'-6"
R-2 (Apartment)	III-A	5*	4*	85'	39'-0"

Building Below Horizontal Separation Code Area Limitation Analysis - Type I-A

Allowable Building Area Analysis - Separated Occupancies (CBC Table 506.2.506.3 & 506.2.4)

Occupancy	Type	Allowable Area	Proposed	%
S-2 (Storage, Garage, Mech,	I-A	UL	3,419	
R-2 (Loft Units & Common Areas)	I-A	UL	4,507	
A-2 (Café)	I-A	UL	1,290	
Type I-A Sub-Total			9,216	

Building Above Horizontal Separation Code Area Limitation Analysis - Type III-A

Allowable Building Area Analysis - Separated Occupancies (CBC Table 506.2.506.3 & 506.2.4)

Aa = Allowable Area = (At + (NS x If)) If = Frontage Increase = (F/P - 0.25)W/30

Occupancy	Type	At	NS	If	Aa	Proposed	%
Second Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	7,534	10%
Third Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	7,534	10%
Fourth Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	7,004	10%
Fifth Floor R-2 (Apartments)	III-A	72,000	24000	0.049	73,176	5,680	8%
Type V-A Second-Fifth Total						27,752	
Total Allowed per CBC 506.2.4 (200%)							38%

Separations of Occupancies (CBC 508.4)

Occupancies	Rating	Occupancies	Rating
R-2 to S-2 & B	1 Hour	S-2 to B	1 Hour
Between Dwelling Units	1 Hr Floor & Walls (CBC 708.3&711.3)		

Fire Resistance of Exterior Walls (Table 602)

Ground Floor Type I-A (R-2, S-2, B)

Wall Location	Fire Sep. Dist.	Rating	Fire Sep.	Rating
X<5	1		10x<30	1
5x<10	1		X≥30	0

Floors 2-6 Type III-A (R-2)

Wall Location	Fire Separation Distance	Rating
X<5	1	10x<30 1
5x<10	1	X≥30 0

Fire Resistance of Requirements (Table 601)

Type I-A

Building Element	Required	Provided
Structural Frame	3	3
Bearing Walls - Exterior	3	3
Bearing Wall - Interior	3	3
Non-bearing Walls - Exterior	See Table 602	
Non-bearing Wall - Interior	0	0
Floor Construction	2	2
Roof Construction	1 1/2	NA

Floors 2nd-6th Type III-A

Building Element	Required	Provided
Structural Frame	1	1
Bearing Walls - Exterior	2	2
Bearing Wall - Interior	1	1
Non-bearing Walls - Exterior	See Table 602	
Non-bearing Wall - Interior	0	0
Floor Construction	1	1
Roof Construction	1	1

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JOB: 1758

SHEET:
BUILDING CODE INFORMATION & DIAGRAMS

A0.1B

GreenPoint RATED
NEW HOME RATING SYSTEM, VERSION 7.0
MULTIFAMILY CHECKLIST

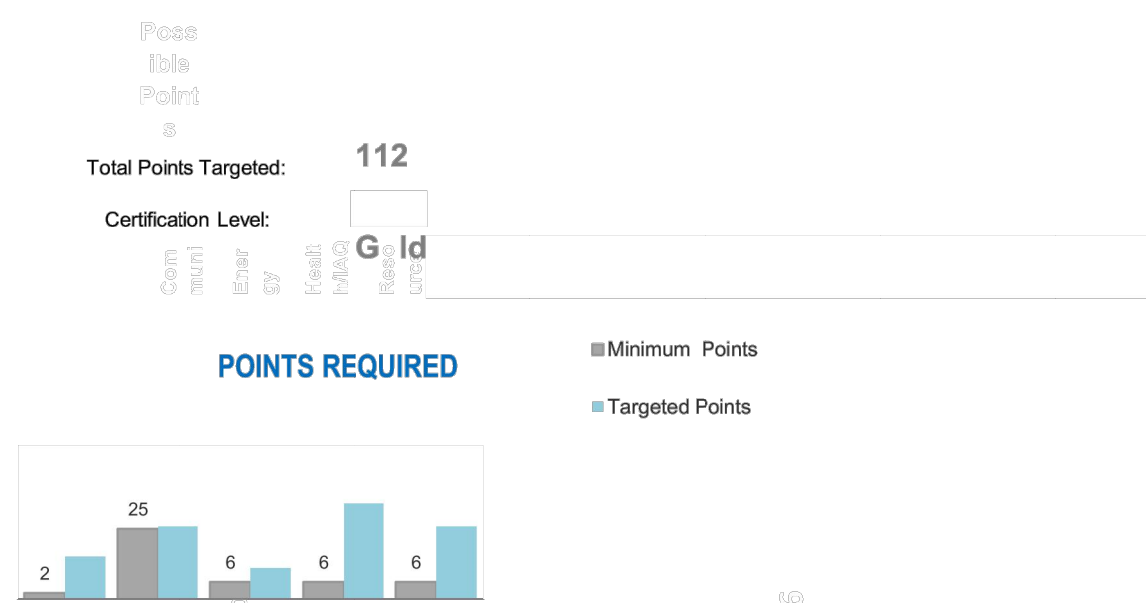
The GreenPoint Rated checklist tracks green features incorporated into the home. GreenPoint Rated is administered by Build It Green, a non-profit whose mission is to promote healthy, energy and resource efficient buildings in California.

The minimum requirements of GreenPoint Rated are: verification of 50 or more points; Earn the following minimum points per category: Community (2) Energy (25), Indoor Air Quality/Health (6), Resources (6), and Water (6); and meet the prerequisites CALGreen Mandatory, E5.2, H6.1, J5.1, O1, O7.

Directions for Use: Column A is a dropdown menu with the options of "Yes", "No", or "TBD" or a range of percentages to allocate points. Select the appropriate dropdown and the appropriate points will appear in the blue "points achieved" column.

The criteria for the green building practices listed below are described in the GreenPoint Rated New Home Rating Manual. For more information please visit www.builditgreen.org/greenpointrated
Build It Green is not a code enforcement agency.

A home is only GreenPoint Rated if all features are verified by a Certified GreenPoint Rater through Build It Green.



Points Achieved	Community	Energy	IAQ/Health	Resources	Water	Notes
Measures						
CALGreen						
Yes						CALGreen Res (REQUIRED)
4	1	1	1	1	1	
A. SITE						
No				1		A1. Construction Footprint
A2. Job Site Construction Waste Diversion						
No				2		A2.1 75% C&D Waste Diversion (Including Alternative Daily Cover)
Yes				2		A2.2 65% C&D Waste Diversion (Excluding Alternative Daily Cover)
TBD				1		A2.3 Recycling Rates from Third-Party Verified Mixed-Use Waste Facility
TBD				1		A3. Recycled Content Base Material
No		1				A4. Heat Island Effect Reduction (Non-Roof)
Yes			1			A5. Construction Environmental Quality Management Plan Including Flush-Out
A6. Stormwater Control: Prescriptive Path						
No					1	A6.1 Permeable Paving Material
Yes					1	A6.2 Filtration and/or Bio-Retention Features
TBD					1	A6.3 Non-Leaching Roofing Materials
No		1				A6.4 Smart Stormwater Street Design
Yes					3	A7. Stormwater Control: Performance Path
B. FOUNDATION						
No					1	B1. Fly Ash and/or Slag in Concrete
No			2			B2. Radon-Resistant Construction
Yes				2		B3. Foundation Drainage System
N/A			1			B4. Moisture Controlled Crawlspace
B5. Structural Pest Controls						
Yes					1	B5.1 Termite Shields and Separated Exterior Wood-to-Concrete Connections
Yes					1	B5.2 Plant Trunks, Bases, or Stems at Least 36 Inches from the Foundation
C. LANDSCAPE						
17.00%						Enter the landscape area percentage
Yes					1	C1. Plants Grouped by Water Needs (Hydrozoning)
Yes					1	C2. Three Inches of Mulch in Planting Beds
C3. Resource Efficient Landscapes						
Yes				1		C3.1 No Invasive Species Listed by Cal-IPC
Yes				1		C3.2 Plants Chosen and Located to Grow to Natural Size
Yes					3	C3.3 Drought Tolerant, California Native, Mediterranean Species, or Other Appropriate Species
C4. Minimal Turf in Landscape						
Yes					2	C4.1 No Turf on Slopes Exceeding 10% and No Overhead Sprinklers Installed in Areas Less Than Eight Feet Wide
Yes					2	C4.2 Turf on a Small Percentage of Landscaped Area
No		1	1		1	C5. Trees to Moderate Building Temperature
Yes					2	C6. High-Efficiency Irrigation System
Yes					2	C7. One Inch of Compost in the Top Six to Twelve Inches of Soil
No					3	C8. Rainwater Harvesting System
No					1	C9. Recycled Wastewater Irrigation System
Yes					2	C10. Submeter or Dedicated Meter for Landscape Irrigation
No					1	C11. Landscape Meets Water Budget
C12. Environmentally Preferable Materials for Site						
No				1		C12.1 Environmentally Preferable Materials for 70% of Non-Plant Landscape Elements and Fencing
No				1		C12.2 Play Structures and Surfaces Have an Average Recycled Content 220%
Yes	1	1				C13. Reduced Light Pollution
No		1				C14. Large Stature Tree(s)
No					1	C15. Third Party Landscape Program Certification
TBD					1	C16. Maintenance Contract with Certified Professional
No	2					C17. Community Garden

Points Achieved	Community	Energy	IAQ/Health	Resources	Water	
D. STRUCTURAL FRAME AND BUILDING ENVELOPE						
D1. Optimal Value Engineering						
No						D1.1 Joists, Rafters, and Studs at 24 Inches on Center
Yes		1				D1.2 Non-Load Bearing Door and Window Headers Sized for Load
No					2	D1.3 Advanced Framing Measures
No					1	D2. Construction Material Efficiencies
D3. Engineered Lumber						
TBD					1	D3.1 Engineered Beams and Headers
Yes					1	D3.2 Wood J-Joists or Web Trusses for Floors
Yes					1	D3.3 Engineered Lumber for Roof Rafters
No					1	D3.4 Engineered or Finger-Jointed Studs for Vertical Applications
Yes		0.5			0.5	D3.5 OSB for Subfloor
Yes		0.5			0.5	D3.6 OSB for Wall and Roof Sheathing
No						D4. Insulated Headers
0		1				D5. FSC-Certified Wood
D5. FSC-Certified Wood						
TBD					6	D5.1 Dimensional Lumber, Studs, and Timber
TBD					3	D5.2 Panel Products
D6. Solid Wall Systems						
No					1	D6.1 At Least 90% of Floors
No			1		1	D6.2 At Least 90% of Exterior Walls
No			1		1	D6.3 At Least 90% of Roofs
Yes			1			D7. Energy Heels on Roof Trusses
1		1				D8. Overhangs and Gutters
0		1	1		1	D9. Reduced Pollution Entering the Home from the Garage
No				2		D9.1 Detached Garage
No				1		D9.2 Mitigation Strategies for Attached Garage
D10. Structural Pest and Rot Controls						
Yes					1	D10.1 All Wood Located At Least 12 Inches Above the Soil
Yes					1	D10.2 Moisture-Resistant Materials in Wet Areas (such as Kitchens, Bathrooms, Utility Rooms, and Basements)
Yes			1	1	1	
2						
E. EXTERIOR						
TBD					1	E1. Environmentally Preferable Decking
TBD					2	E2. Flashing Installation Third-Party Verified
Yes					2	E3. Rain Screen Wall System
Yes					1	E4. Durable and Non-Combustible Cladding Materials
E5. Durable Roofing Materials						
Yes					1	E5.1 Durable and Fire Resistant Roofing Materials or Assembly
Yes		R	R	R	R	E5.2 Roofing Warranty for Shingle Roofing
No						E6. Vegetated Roof
0	2	2				
F. INSULATION						
F1. Insulation with 30% Post-Consumer or 60% Post-Industrial Recycled Content						
No					1	F1.1 Walls and Floors
No					1	F1.2 Ceilings
F2. Insulation that Meets the CDPH Standard Method—Residential for Low Emissions						
No					1	F2.1 Walls and Floors
No					1	F2.2 Ceilings
F3. Insulation That Does Not Contain Fire Retardants						
No					1	F3.1 Cavity Walls and Floors
No					1	F3.2 Ceilings
No					1	F3.3 Interior and Exterior Insulation
G. PLUMBING						
G1. Efficient Distribution of Domestic Hot Water						
Yes			1			G1.1 Insulated Hot Water Pipes
Yes					1	G1.2 WaterSense Volume Limit for Hot Water Distribution
No					2	G1.3 Increased Efficiency in Hot Water Distribution
G2. Install Water-Efficient Fixtures						
Yes					2	G2.1 WaterSense Showerheads 1.8 gpm with Matching Compensation Valve
Yes					1	G2.2 WaterSense Bathroom Faucets with 1.0gpm or less
≤1.28 gpf					2	G2.3 WaterSense Toilets with a maximum performance (MP) of 1.1 gpf or less
No					1	G2.4 Urinals with Flush Rate of ≤ 0.1 Gallons/Flush
No						G3. Pre-Plumbing for Graywater System
No					1	G4. Operational Graywater System
Yes					1	G5. Thermostatic Shower Valve or Auto-Diversion Tub Spout
Yes					2	G6. Submeter Water for Tenants
H. HEATING, VENTILATION, AND AIR CONDITIONING						

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JOB: 1758

SHEET:

GREEN BUILDING CHECKLIST

A0.2A

Project Name: 2650 Telegraph Project Street: 2650 Telegraph Avenue Project City: Berkeley Project Zip: 94704		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
H1. Sealed Combustion Units							
TBD	H1.1 Sealed Combustion Furnace				1		
TBD	H1.2 Sealed Combustion Water Heater				2		
No	H2. High Performing Zoned Hydronic Radiant Heating System	0	1	1			
H3. Effective Ductwork							
Yes	H3.1 Duct Mastic on Duct Joints and Seams	1		1			
Yes	H3.2 Pressure Balance the Ductwork System	1		1			
No	H4. ENERGY STAR® Bathroom Fans Per HVI Standards with Air Flow Verified	0			1		
H5. Advanced Practices for Cooling							
No	H5.1 ENERGY STAR Ceiling Fans in Living Areas and Bedrooms	0		1			
No	H5.2 Operable Windows and Skylights Located to Induce Cross Ventilation in At Least One Room in 80% of Units	0		1			
H6. Whole House Mechanical Ventilation Practices to Improve Indoor Air Quality							
Yes	H6.1 Meet ASHRAE Standard 62.2-2010 Ventilation Residential Standards	Y	R	R	R	R	R
No	H6.2 Advanced Ventilation Standards	0			2		
Yes	H6.3 Outdoor Air is Filtered and Tempered	1			1		
H7. Effective Range Design and Installation							
Yes	H7.1 Effective Range Hood Ducting and Design	1			1		
No	H7.2 Automatic Range Hood Control	0			1		
No	H8. High Efficiency HVAC Filter (MERV 13+)	0			1		
No	H9. Advanced Refrigerants	0			1		
I. RENEWABLE ENERGY							
No	I1. Pre-Plumbing for Solar Water Heating	0		1			
Yes	I2. Preparation for Future Photovoltaic Installation	1		1			
0.00%	I3. Onsite Renewable Generation (Solar PV, Solar Thermal, and Wind)	0		25			
I4. Net Zero Energy Home							
No	I4.1 Near Zero Energy Home	0		2			
No	I4.2 Net Zero Electric	0		4			
I5. Energy Storage System							
No	I5.1 Energy Storage System	0		1			
No	I6. Solar Hot Water Systems to Preheat Domestic Hot Water	0		4			
No	I7. Photovoltaic System for Multifamily Projects	0		8			
J. BUILDING PERFORMANCE AND TESTING							
No	J1. Third-Party Verification of Quality of Insulation Installation	0			1		
No	J2. Supply and Return Air Flow Testing	0		1	1		
No	J3. Mechanical Ventilation Testing	0			1		
No	J4. Combustion Appliance Safety Testing	0			1		
J5. Building Energy Performance							
1.00%	J5.1 Home Meets or Exceeds Energy Compliance Pathway	7		30			
1.00%	J5.2 Non-Residential Spaces Outperform Title 24	1		15			
Yes	J6. Title 24 Prepared and Signed by a CABEC Certified Energy Analyst	1		1			
TBD	J7. Participation in Utility Program with Third-Party Plan Review				1		
TBD	J8. ENERGY STAR for Homes				1		
No	J9. EPA Indoor airPlus Certification				1		
No	J10. Blower Door Testing	0			3		
No	J11. Compartmentalization of Units	0		1	1		
K. FINISHES							
K1. Entryways Designed to Reduce Tracked-In Contaminants							
No	K1.1 Entryways to Individual Units	0			1		
Yes	K1.2 Entryways to Buildings	1			1		
TBD	K2. Zero-VOC Interior Wall and Ceiling Paints				2		
Yes	K3. Low-VOC Caulks and Adhesives	1			1		
K4. Environmentally Preferable Materials for Interior Finish							
TBD	K4.1 Cabinets				2		
TBD	K4.2 Interior Trim				2		
TBD	K4.3 Shelving				2		
TBD	K4.4 Doors				2		
TBD	K4.5 Countertops				1		
K5. Formaldehyde Emissions in Interior Finish Exceed CARB							
TBD	K5.1 Doors				1		
TBD	K5.2 Cabinets and Countertops				2		
TBD	K5.3 Interior Trim and Shelving				2		
TBD	K6. Products That Comply With the Health Product Declaration Open Standard				2		
TBD	K7. Indoor Air Formaldehyde Level Less Than 27 Parts Per Billion				2		
No	K8. Comprehensive Inclusion of Low Emitting Finishes				1		
TBD	K9. Durable Cabinets				2		
TBD	K10. At Least 25% of Interior Furniture Has Environmentally Preferable Attributes				1		
L. FLOORING							

Project Name: 2650 Telegraph Project Street: 2650 Telegraph Avenue Project City: Berkeley Project Zip: 94704		Points Achieved	Community	Energy	IAQ/Health	Resources	Water
TBD	L1. Environmentally Preferable Flooring					3	
TBD	L2. Low-Emitting Flooring Meets CDPH 2010 Standard Method—Residential					3	
Yes	L3. Durable Flooring	1				1	
No	L4. Thermal Mass Flooring	0		1			
M. APPLIANCES AND LIGHTING							
Yes	M1. ENERGY STAR® Dishwasher	1					1
M2. Efficient Clothes Washing and Drying							
CEE Tier 2	M2.1 CEE-Rated Clothes Washer	2		1			2
Yes	M2.2 Energy Star Dryer	1		1			
No	M2.3 Solar Dryer/ Laundry Lines	0			0.5		
<20 cubic feet	M3. Size-Efficient ENERGY STAR Refrigerator	2		2			
M4. Permanent Centers for Waste Reduction Strategies							
TBD	M4.1 Built-In Recycling Center						1
TBD	M4.2 Built-In Composting Center						1
M5. Lighting Efficiency							
Yes	M5.1 High-Efficacy Lighting	2		2			
Yes	M5.2 Lighting System Designed to IESNA Footcandle Standards or Designed by Lighting Consultant	2		2			
TBD	M6. Electric Vehicle Charging Stations and Infrastructure			2			
No	M7. Central Laundry	0					1
Yes	M8. Gearless Elevator	1		1			
N. COMMUNITY							
N1. Smart Development							
Yes	N1.1 Infill Site	2	1				1
No	N1.2 Designated Brownfield Site	0	1				1
>35	N1.3 Conserve Resources by Increasing Density	4		2			2
Yes	N1.4 Cluster Homes for Land Preservation	2	1				1
	N1.5 Home Size Efficiency	9					9
811	Enter the area of the home, in square feet						
2	Enter the number of bedrooms						
N2. Home(s)/Development Located Near Major Transit Stop							
Yes	N2.1 Within 1 Mile of a Major Transit Stop	1	1				
Yes	N2.2 Within 1/2 mile of a Major Transit Stop	0	2				
N3. Pedestrian and Bicycle Access							
	N3.1 Pedestrian Access to Services Within 1/2 Mile of Community Services	2	2				
63	Enter the number of Tier 1 services						
23	Enter the number of Tier 2 services						
No	N3.2 Connection to Pedestrian Pathways	0	1				
No	N3.3 Traffic Calming Strategies	0	2				
Yes	N3.4 Sidewalks Buffered from Roadways and 5-8 Feet Wide	1	1				
Yes	N3.5 Bicycle Storage for Residents	1	1				
Yes	N3.6 Bicycle Storage for Non-Residents	1	1				
1 space per unit	N3.7 Reduced Parking Capacity	2	2				
N4. Outdoor Gathering Places							
Yes	N4.1 Public or Semi-Public Outdoor Gathering Places for Residents	1	1				
No	N4.2 Public Outdoor Gathering Places with Direct Access to Tier 1 Community Services	0	1				
N5. Social Interaction							
No	N5.1 Residence Entries with Views to Callers	0	1				
Yes	N5.2 Entrances Visible from Street and/or Other Front Doors	1	1				
No	N5.3 Porches Oriented to Street and Public Space	0	1				
N6. Passive Solar Design							
No	N6.1 Heating Load	0		2			
No	N6.2 Cooling Load	0		2			
N7. Adaptable Building							
Yes	N7.1 Universal Design Principles in Units	2	1			1	
No	N7.2 Full-Function Independent Rental Unit	0	1				
N8. Affordability							
No	N8.1 Dedicated Units for Households Making 80% of AMI or Less	0	2				
No	N8.2 Units with Multiple Bedrooms for Households Making 80% of AMI or Less	0	1				
TBD	N8.3 At Least 20% of Units at 120% AMI or Less are For Sale				1		
N9. Mixed-Use Developments							
No	N9.1 Live/Work Units Include a Dedicated Commercial Entrance	0	1				
Yes	N9.2 At Least 2% of Development Floor Space Supports Mixed Use	1	1				3% of developed space devoted to cafe
No	N9.3 Half of the Non-Residential Floor Space is Dedicated to Community Service	0	1				
N8. Resiliency							
TBD	N8.1 Climate Impact Assessment		1		1	1	
TBD	N8.2 Strategies to Address Assessment Findings		1		1	1	

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GREEN BUILDING CHECKLIST

A0.2B

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JOB: 1758

SHEET:

DENSITY BONUS DIAGRAMS

A0.3A

DENSITY BONUS TABLE										
Base Project	Base	Base # Units	% VLI units	# VLI Units	#VLI Units	Bonus %	# DB Units	# DB Units	Total Units	
sq. ft. - see calculation below	base project area / avg. unit size	Base Units/Max. Residential Density	VLI = Very Low Income <50 AMI	% VLI x Base # Units			% Bonus x Base # Units	Base # Units (rounded up)	Base + Density Bonus	
23,907	33.35	34	11%	3.74	4.00	35.0%	11,900	12	46	

Base Project Area	Floor	Proposed Project Area	%VLI	%DB
5,307	First	4,507	5%	20.0%
9,300	Second	7,534	6%	22.5%
9,300	Third	7,534	7%	25.0%
	Fourth	7,004	8%	27.5%
	Fifth	5,680	9%	30.0%
			10%	32.5%
			11%	35.0%

Proposed Area: **32,259**
Proposed Units: **45**
Average Unit Size: **717**

Base Project # of Units	Floor	Proposed Project # of Units
4	First	3
15	Second	11
15	Third	11
	Fourth	11
	Fifth	9
Total: 34		45

PROPOSED PROJECT ZONING COMPLIANCE CHECKS

Proposed Project - Open Space

	Units	Ratio	Total Area
Base Units	34	200	6800
Density Bonus Units	11	200	2200
Total Area Before Concession			9000
Density Bonus Cost Reduction Concession #			4949
Total Area After Concession			4051
Private Patios			1176
Podium Landscaped Area			1572
Roof Deck Common Area			1303

Proposed Project - Parking

	Spaces	Ratio	Total
Base Unit Area	23,907	1	1000
Density Bonus Units	8,352	1	1000
Commercial	1,290	2	1000
Total			35
Density Bonus Waiver of Parking Requirements			15
Total Parking Required			20

BASE PROJECT ZONING COMPLIANCE CHECKS

Base Project - Floor Area Ratio

	Site Area	Res. FA	FAR	Allowable
Base Project	10,882	23,907	2.20	3.00

Base Project - Stormwater

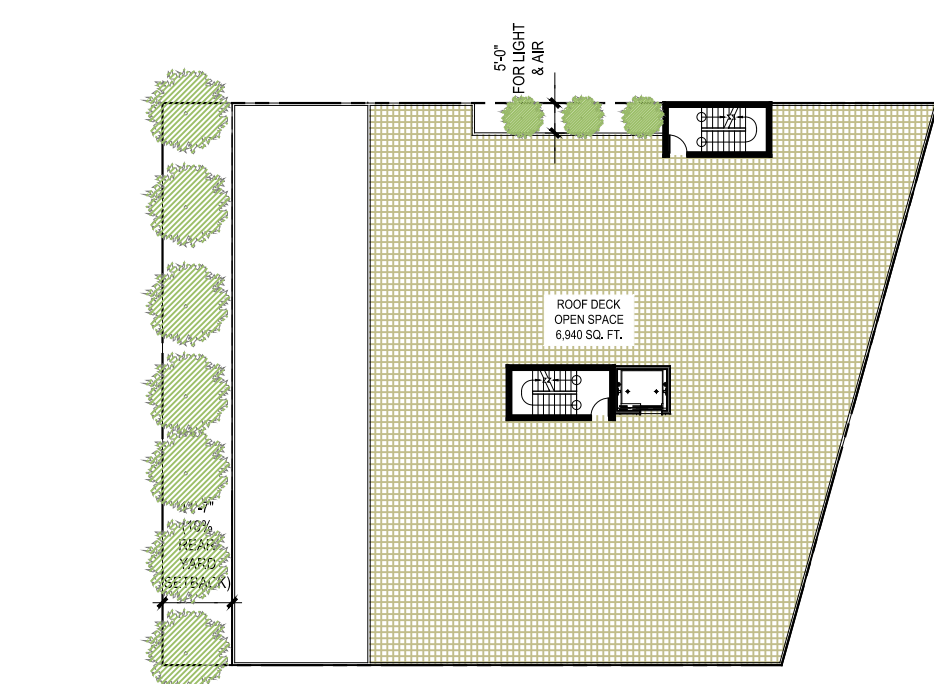
	Site Area	Roof Area	%	Required	Provided
Base Units	10,882	9,544	4%	382	1088

Base Project - Open Space

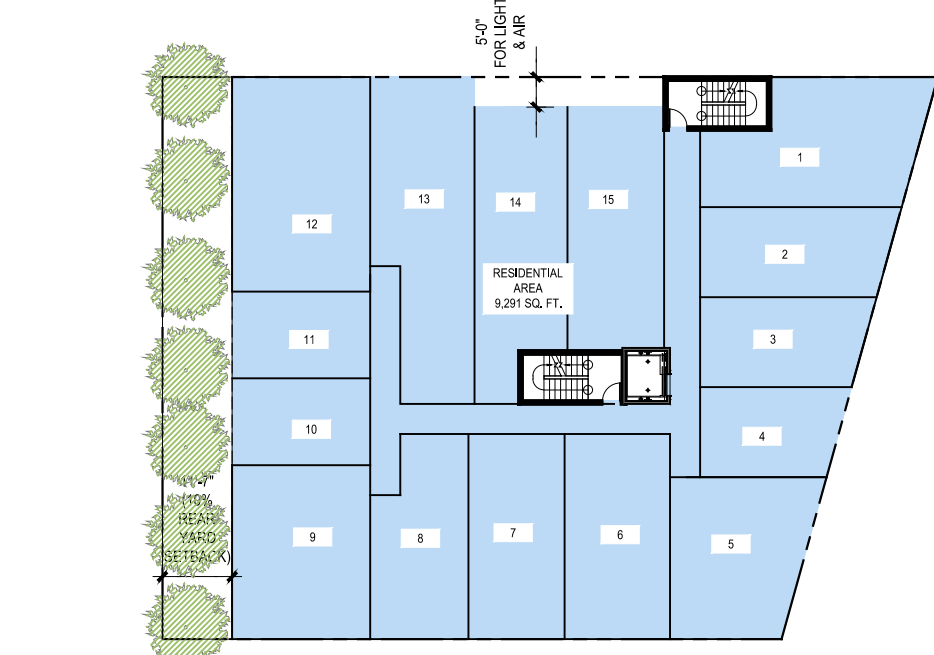
	Units	Ratio	Total Area	Provided
Base Units	34	200	6800	7030

Base Project - Parking

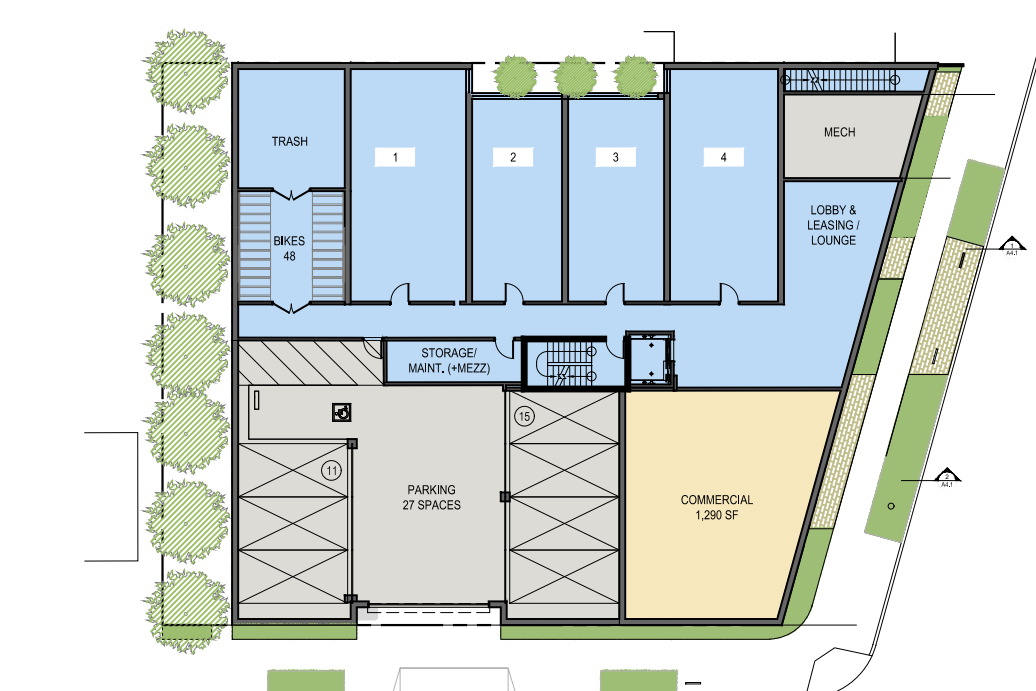
	Spaces	Ratio	Total
Base Res. Area	23,907	1	1000
Retail	1,290	2	1000
Total			27



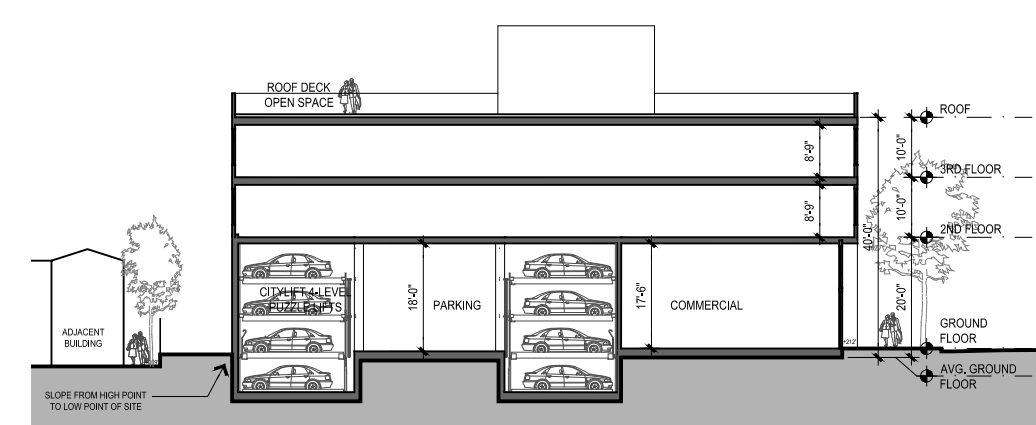
PLAN AT ROOF



PLAN AT LEVEL 2 & 3



GROUND LEVEL PLAN



BUILDING SECTION

REFERENCE BASE PROJECT



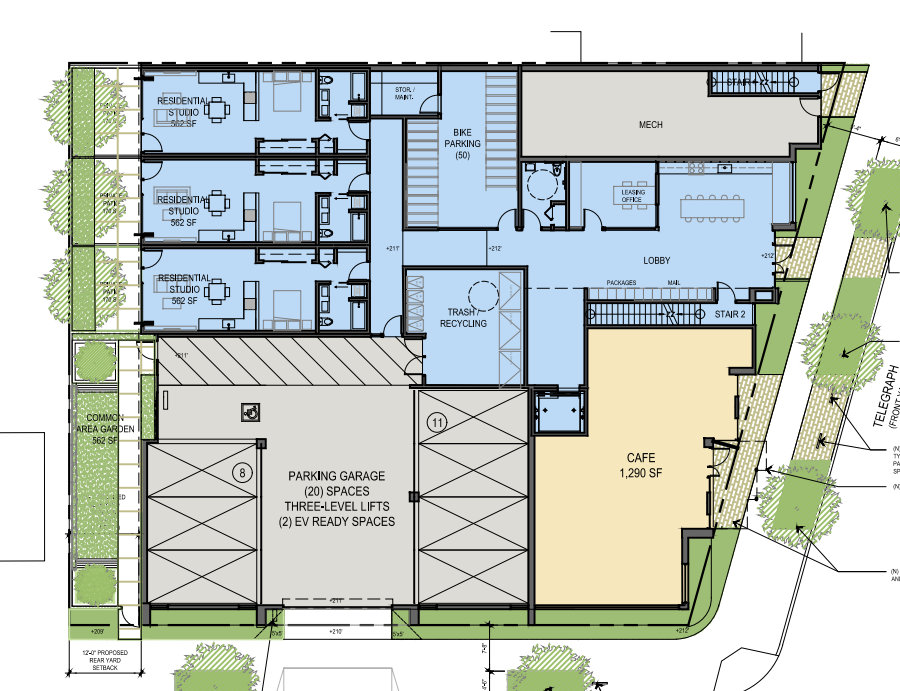
PLAN AT LEVEL 5



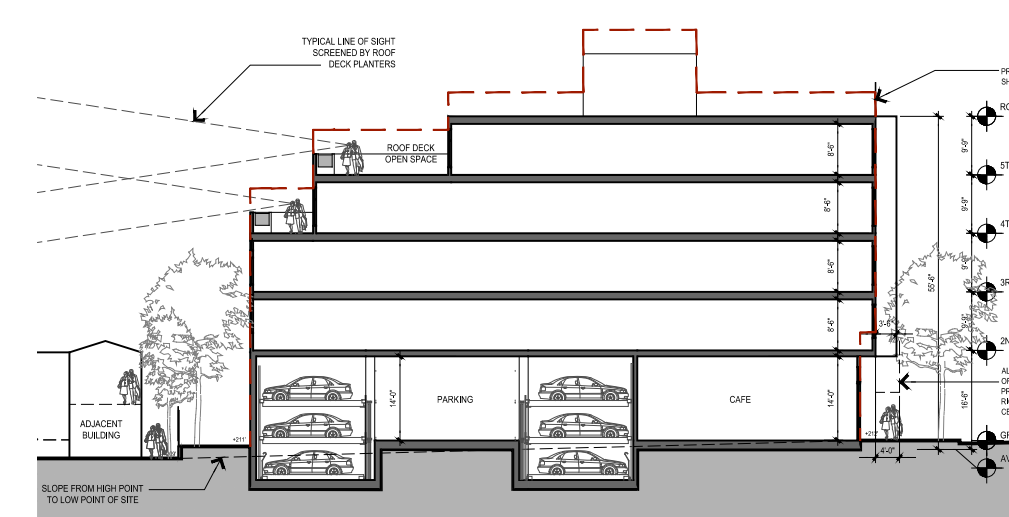
PLAN AT LEVEL 4



PLAN AT LEVEL 2 & 3

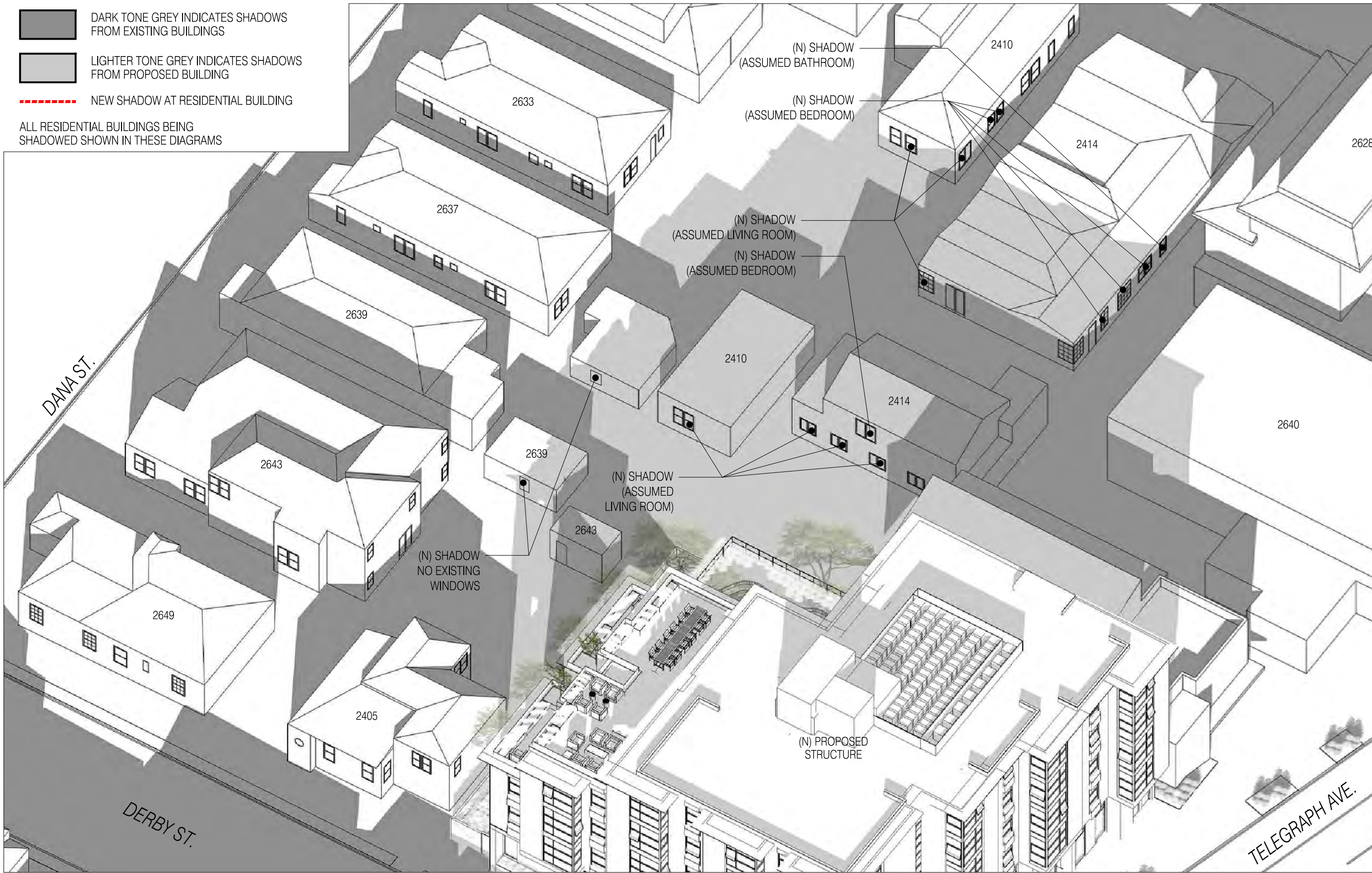


GROUND LEVEL PLAN



BUILDING SECTION

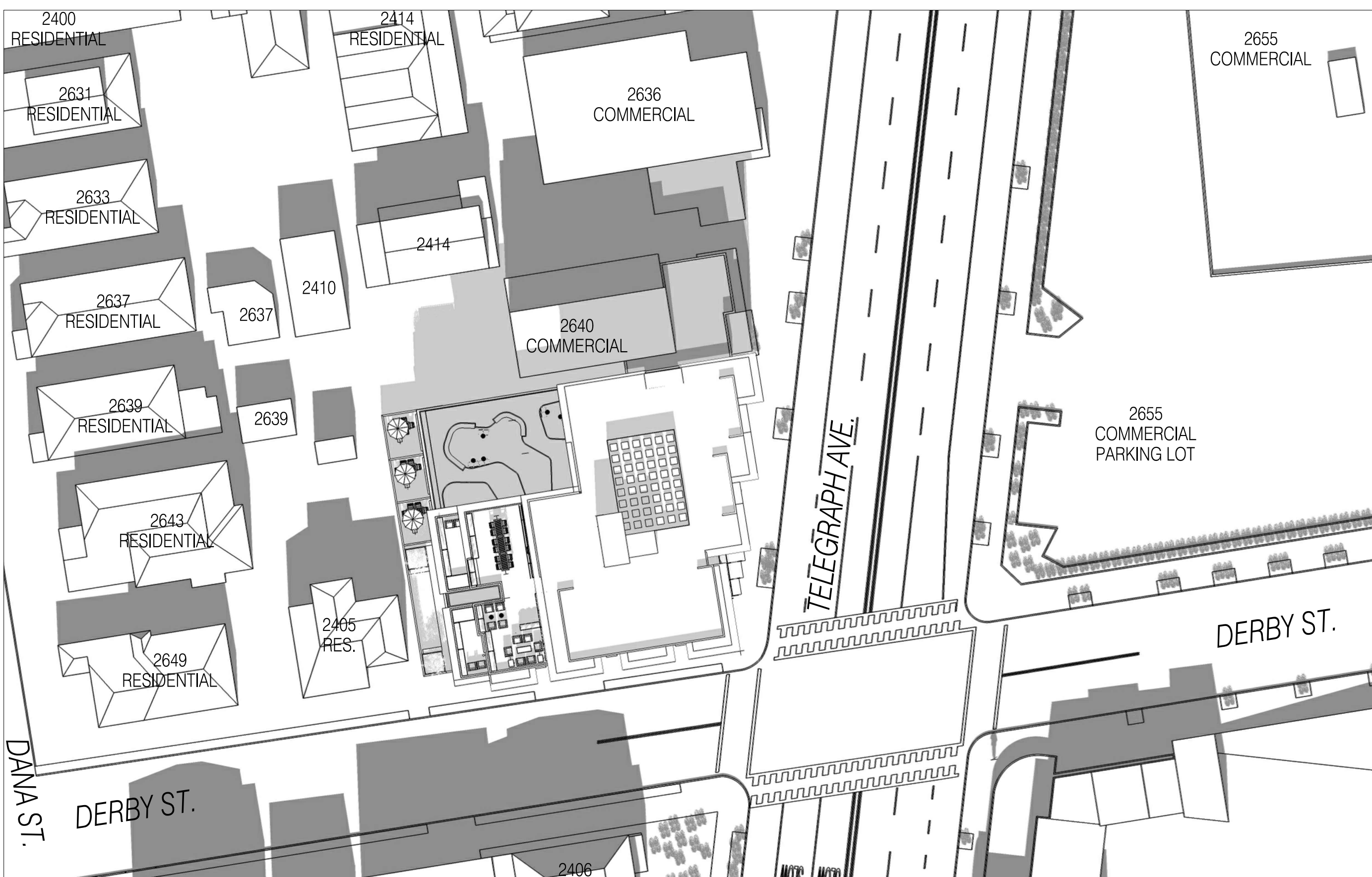
PROPOSED DENSITY BONUS PROJECT



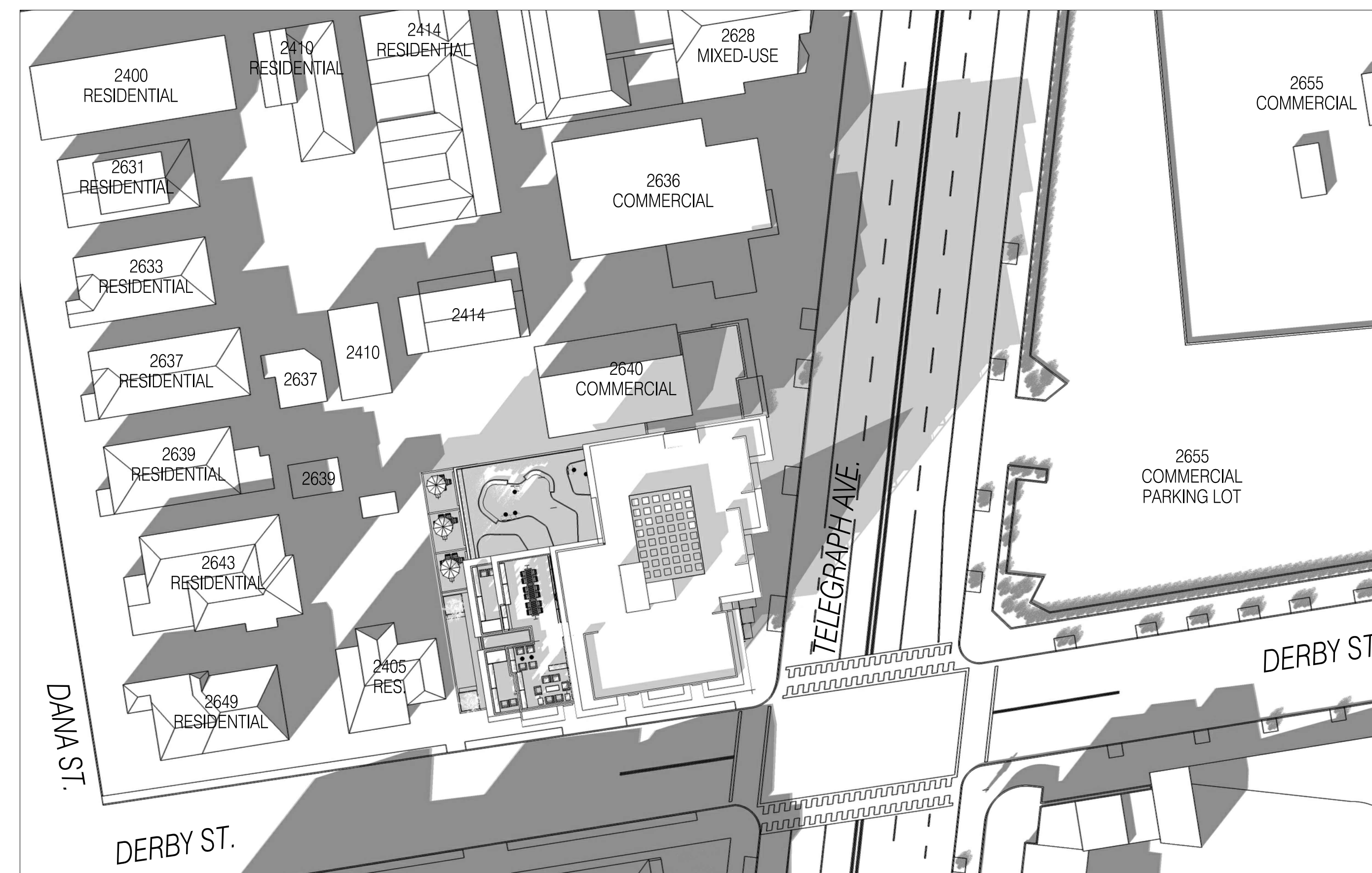
4 SHADOW STUDY AXONOMETRIC - DEC 21: 2-HRS AFTER SUNRISE
NTS



2 SHADOW STUDY - DECEMBER 21: 2 HRS AFTER SUNRISE
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36



3 SHADOW STUDY - DECEMBER 21: NOON
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36



1 SHADOW STUDY - DECEMBER 21: 2-HRS BEFORE SUNSET
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36

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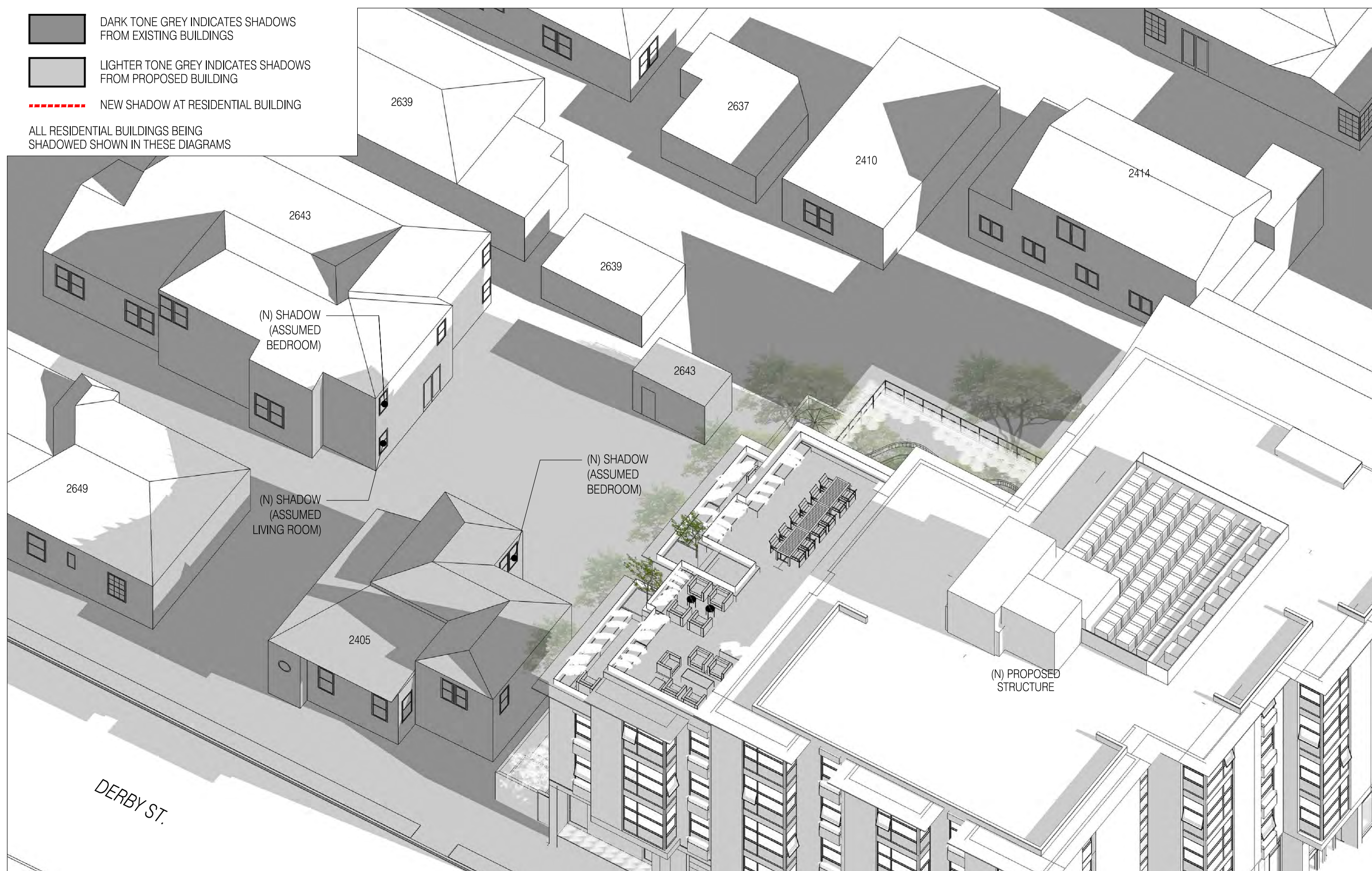
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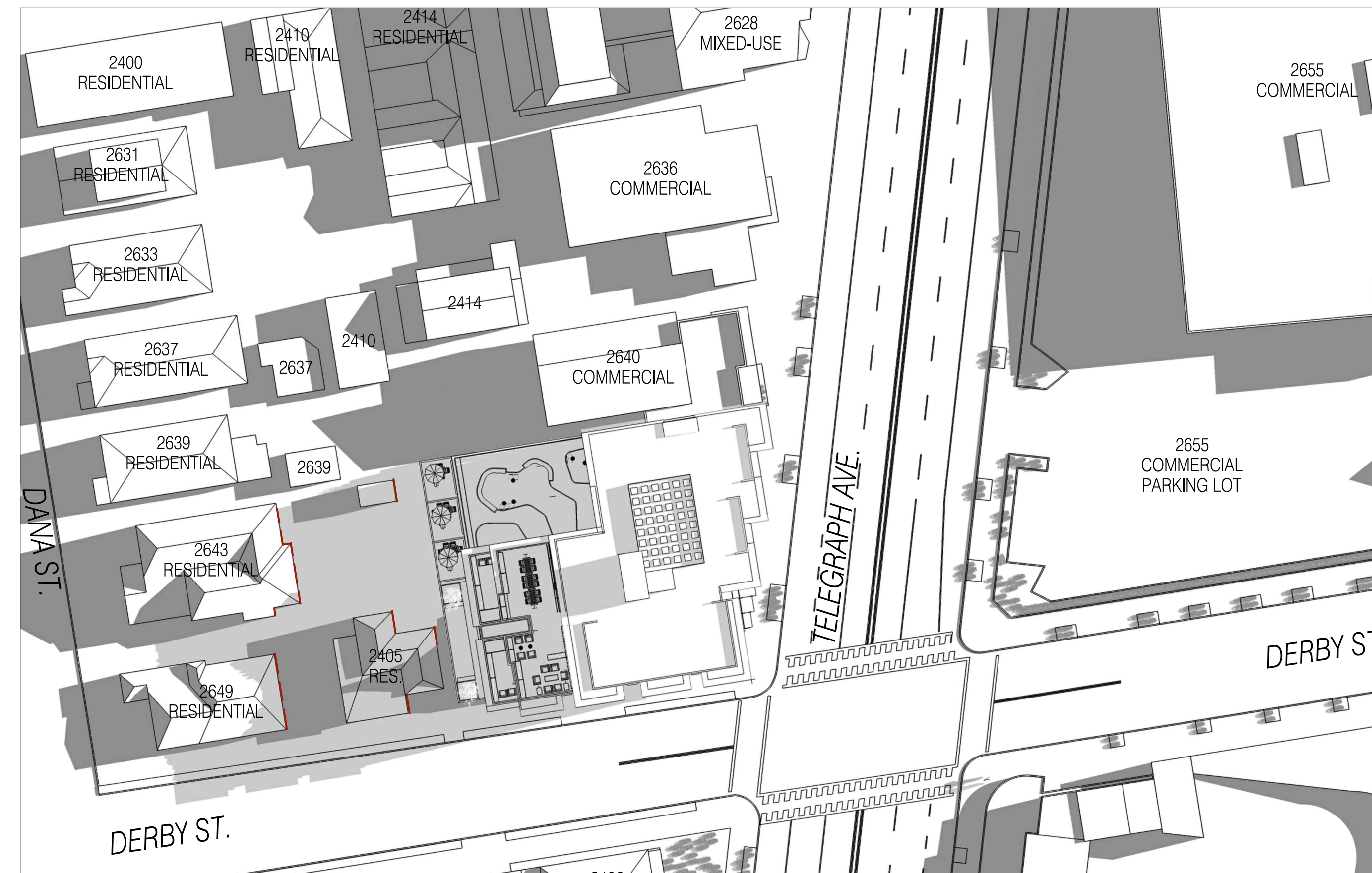
JOB: 1758

SHEET:
SHADOW STUDIES
DECEMBER 21ST

A0.4A



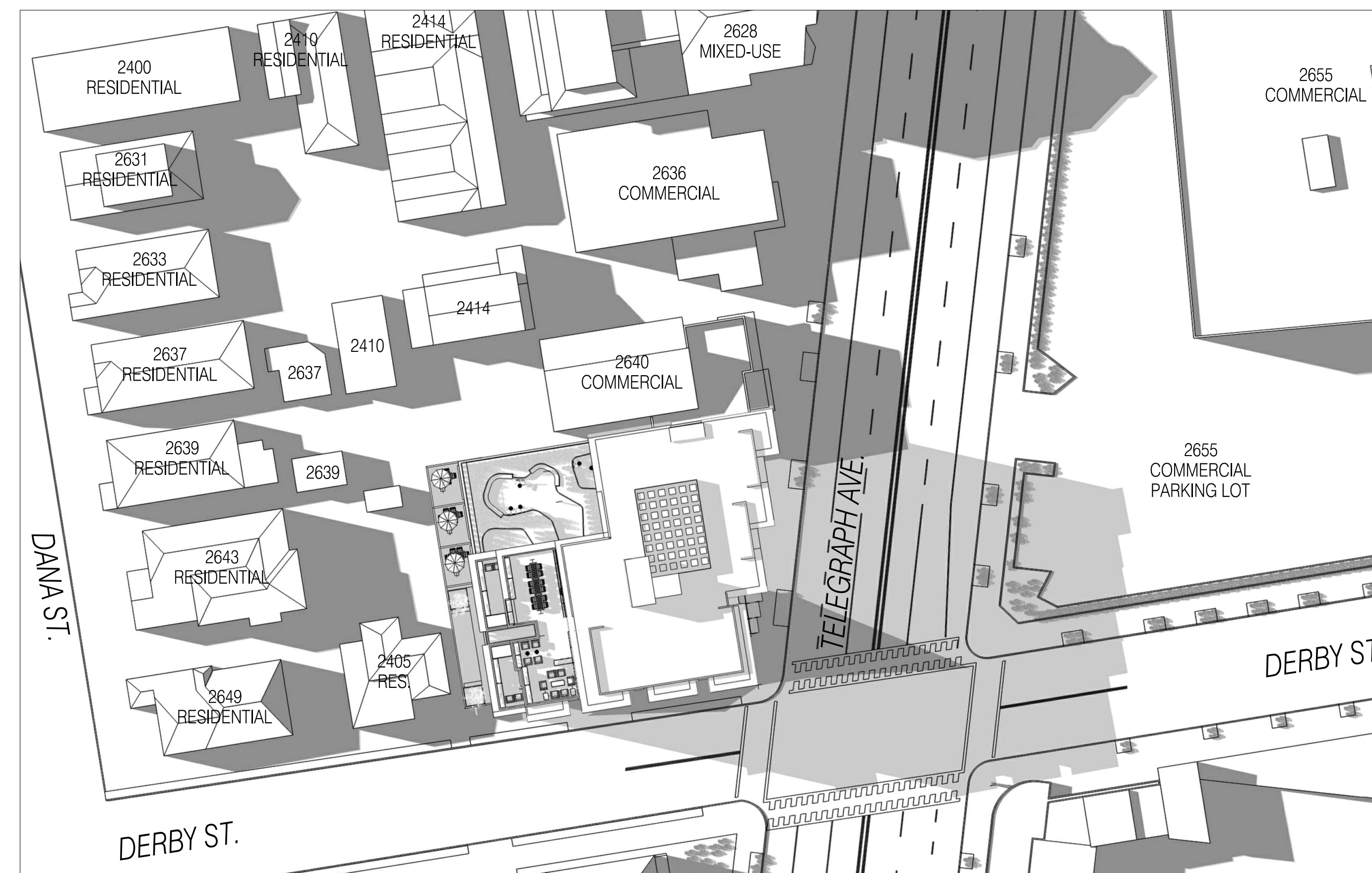
4 SHADOW STUDY AXONOMETRIC - JUNE 21: 2-HRS AFTER SUNRISE
NTS



2 SHADOW STUDY - JUNE 21: 2 HRS AFTER SUNRISE
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36



3 SHADOW STUDY - JUNE 21: NOON
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36



1 SHADOW STUDY - JUNE 21: 2-HRS BEFORE SUNSET
1/64"=1'-0" @ 11X17 1/32"=1'-0" @ 24X36

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JOB: 1758

SHEET:
SHADOW STUDIES
JUNE 21ST

A0.4B

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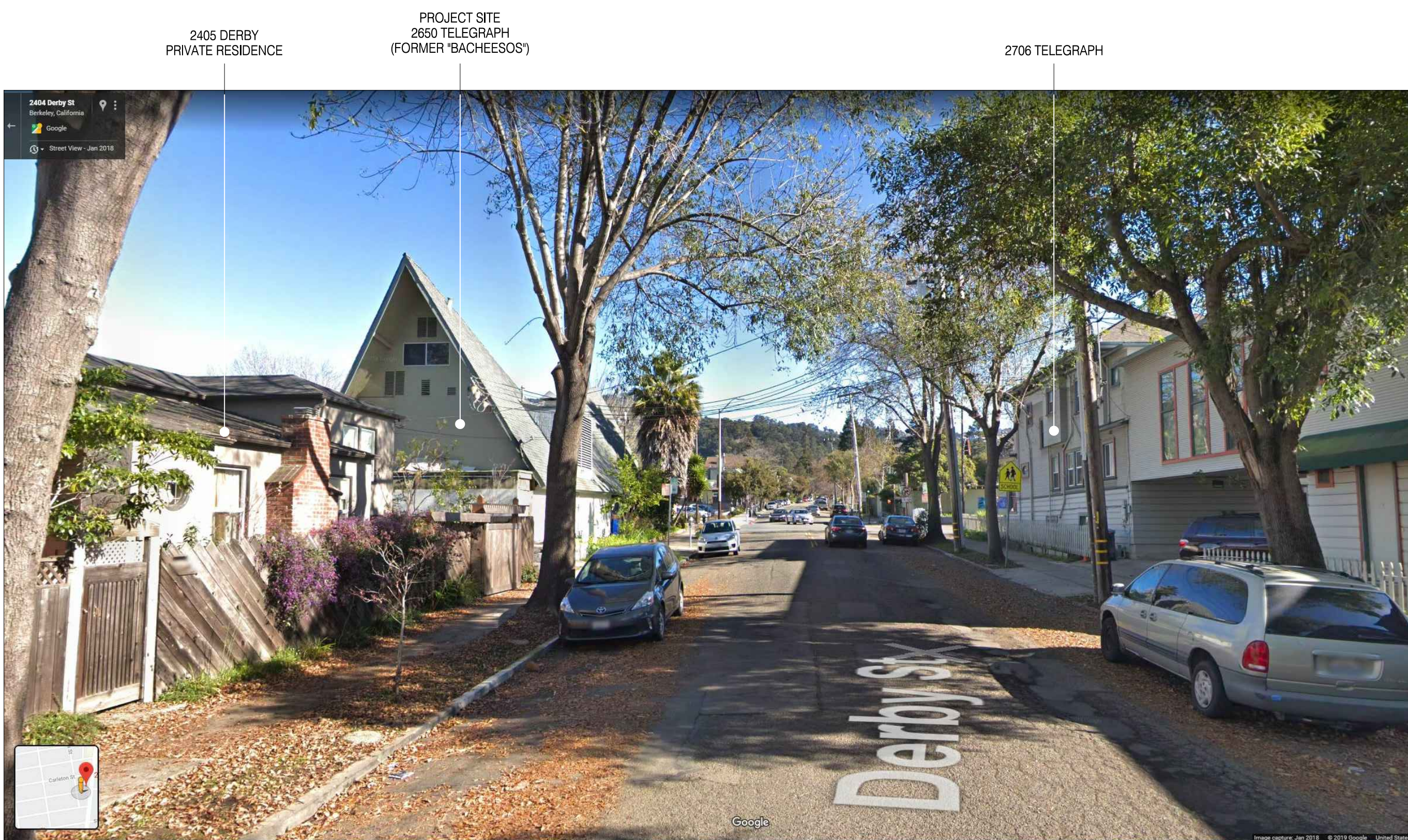
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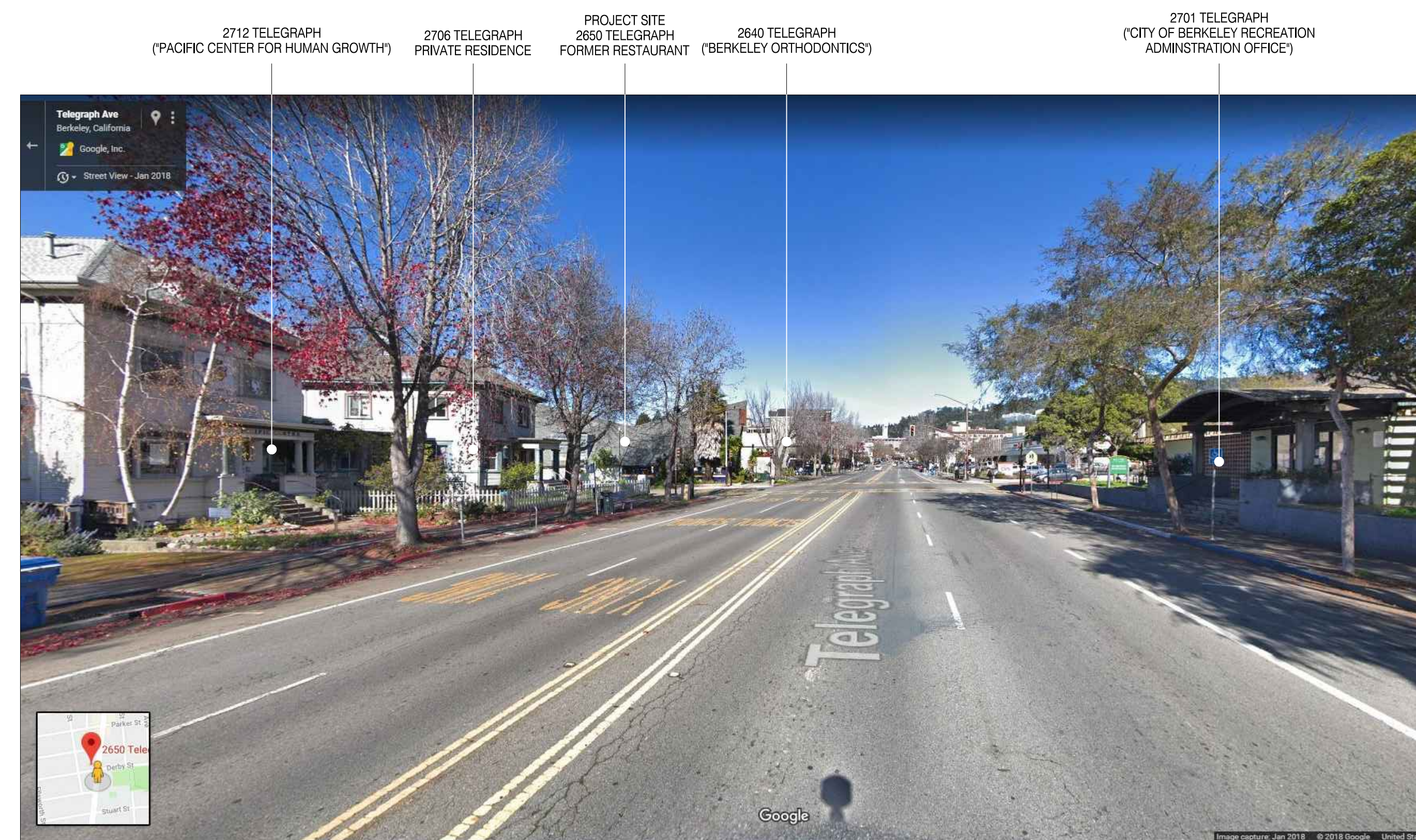
JOB: 1758

SHEET:
ZONING SITE PHOTOS

A0.5



4 VIEW FROM DERBY LOOKING EAST



2 VIEW FROM TELEGRAPH LOOKING NORTH



3 VIEW FROM TELEGRAPH LOOKING SOUTH



1 GOOGLE EARTH BIRD'S EYE CONTEXT VIEW

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SHEET:

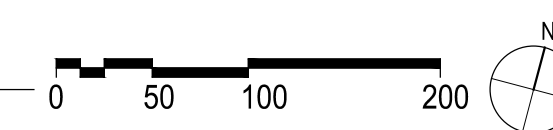
VICINITY MAP

A0.6

1
-

VICINITY MAP

1" = 100'-0" @ 11" X 17" 1" = 50'-0" @ 24" X 36"



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SHEET:
PERSPECTIVE VIEWS



1
-
AERIAL VIEW

A0.7A

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SHEET:

PERSPECTIVE VIEWS

A0.7B



1 AERIAL VIEW

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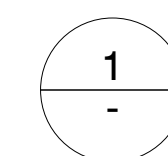
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SHEET:

PERSPECTIVE VIEWS

A0.7C



TELEGRAPH LOOKING NORTHEAST

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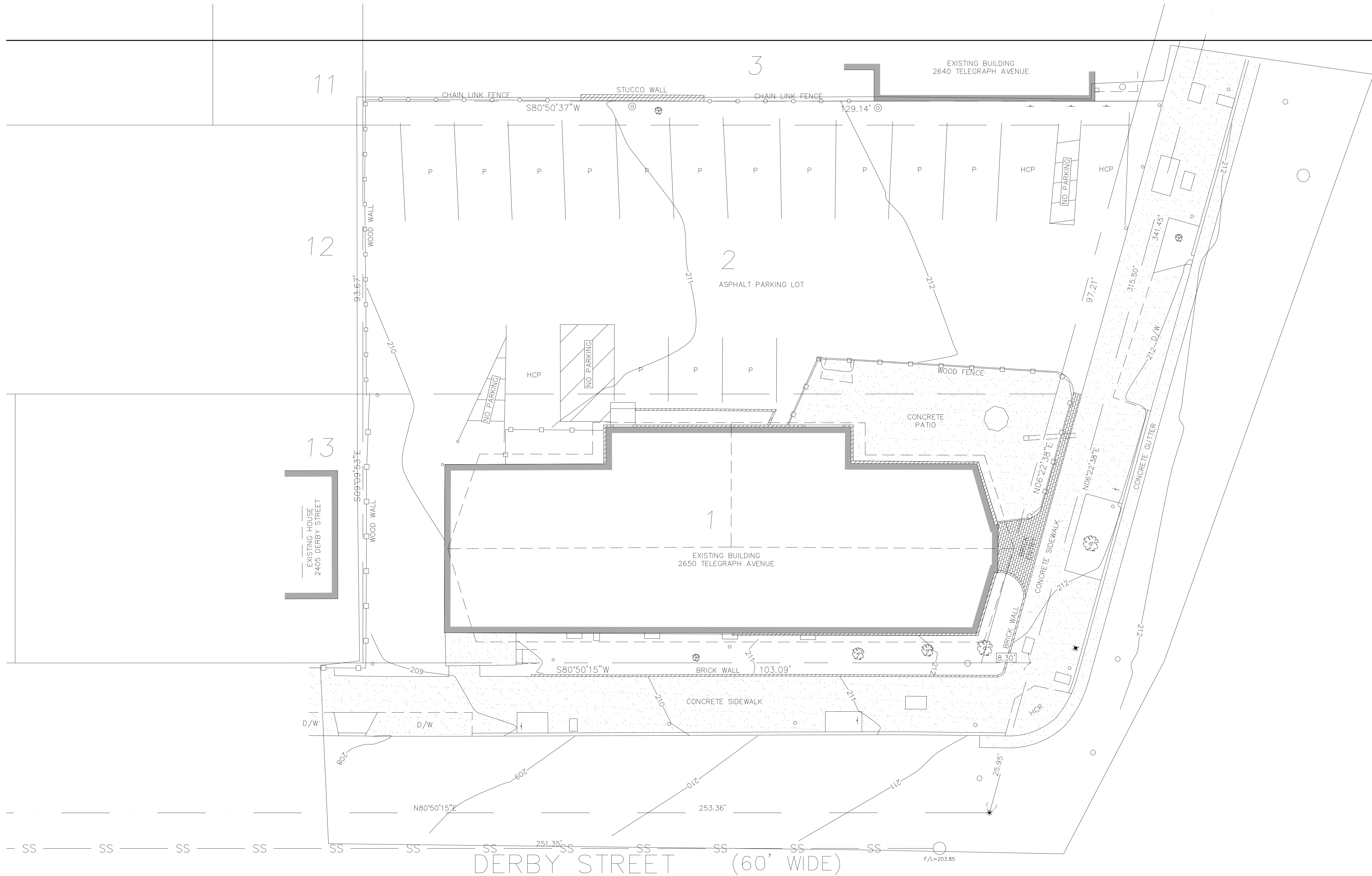
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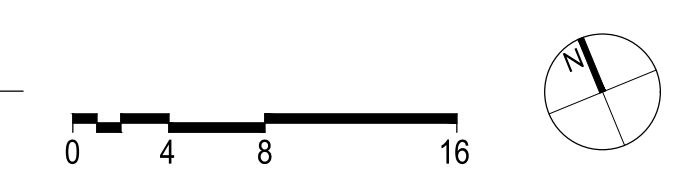
SHEET:

SURVEY

A1.0



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

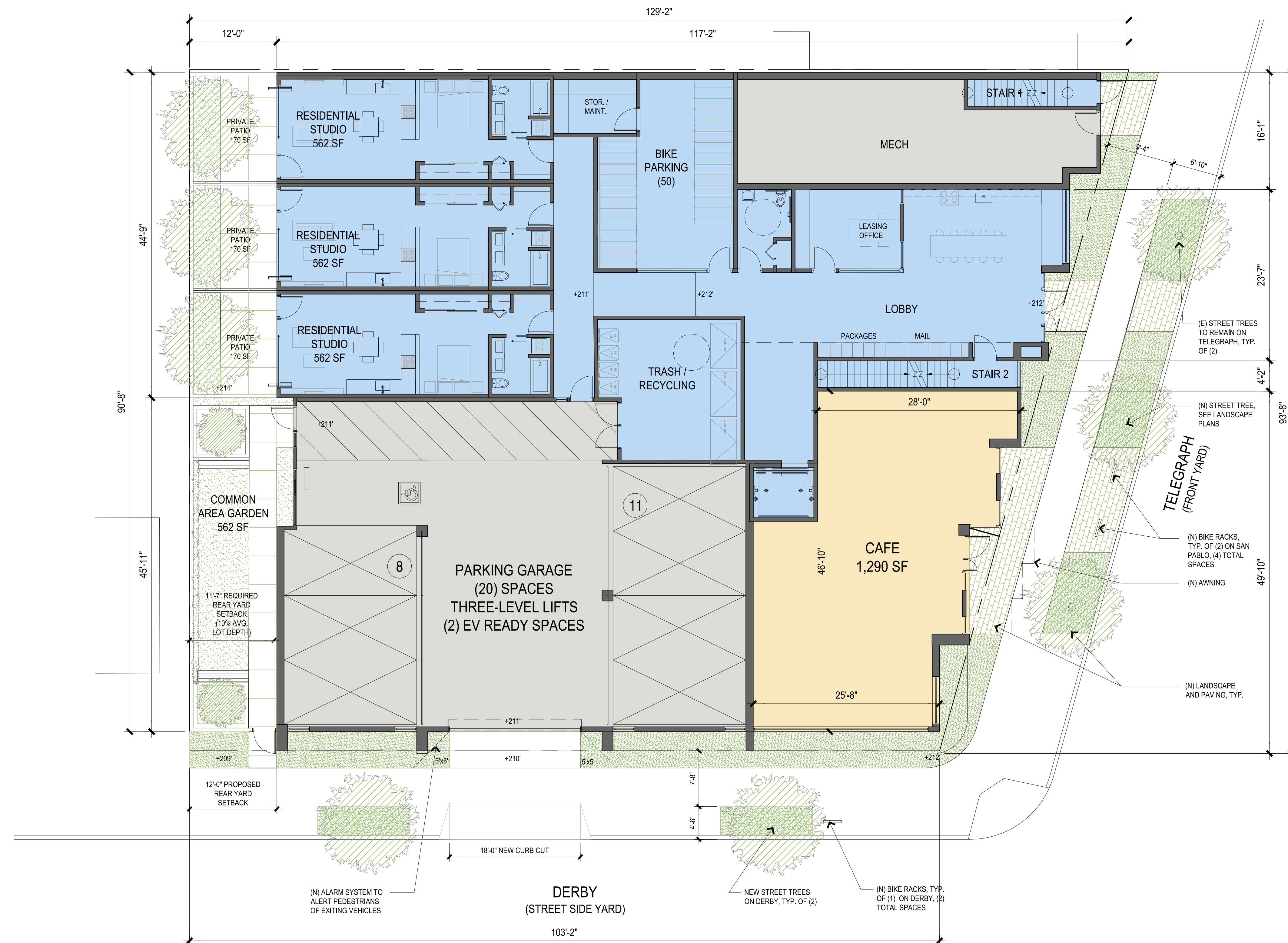


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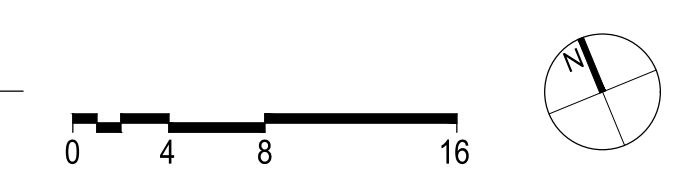
JOB: 1758

SHEET:

GROUND LEVEL PLAN

A2.1

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



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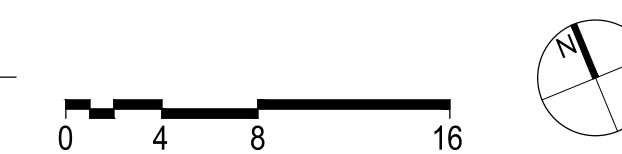
JOB: 1758

SHEET:

PLANS AT LEVELS 2 & 3

A2.2

1 PLANS AT LEVEL 2 & 3
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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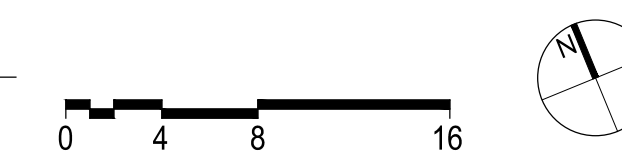
SHEET:

PLAN AT LEVEL 4

A2.3



1 PLAN AT LEVEL 4
 1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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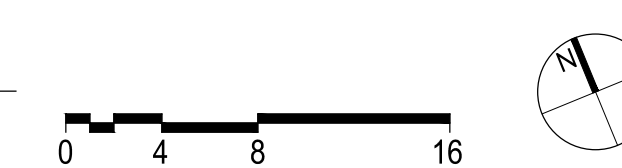
SHEET:

PLAN AT LEVEL 5

A2.4



1 PLAN AT LEVEL 5
1/16"=1'-0" @ 11x17 1/8"=1'-0" @ 24x36



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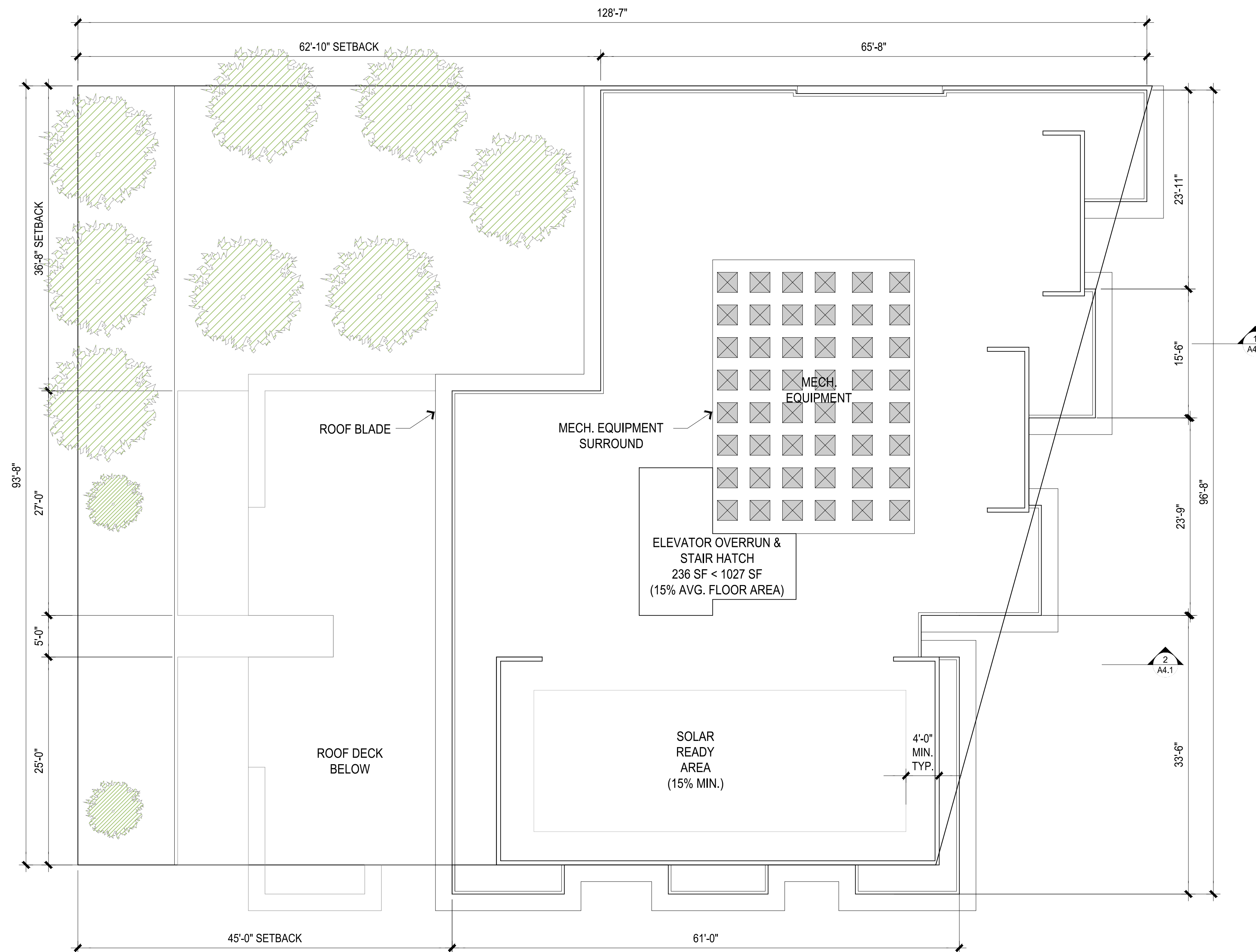
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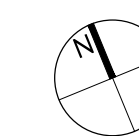
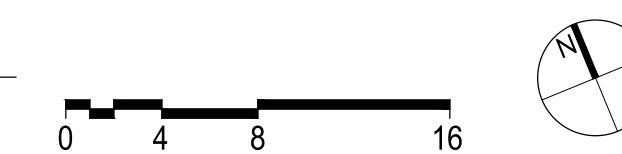
SHEET:

PLAN AT ROOF

A2.5



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



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2020.02.04 PRELIM. DRC SET

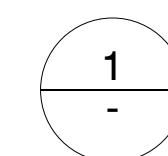
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SHEET:

RENDERING

A3.1



VIEW ALONG TELEGRAPH LOOKING NORTH

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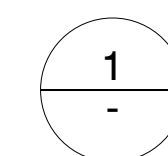
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JOB: 1758

SHEET:

RENDERING

A3.2



PEDESTRIAN EXPERIENCE AT CORNER

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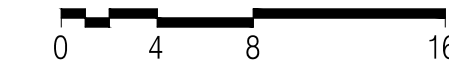
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JOB: 1758

SHEET:
BUILDING ELEVATIONS



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



A3.3

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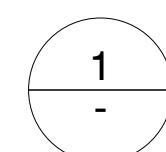
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SHEET:

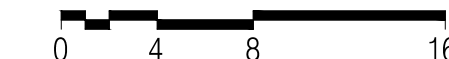
BUILDING
ELEVATIONS

A3.4



SOUTH ELEVATION

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



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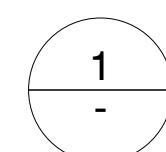
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JOB: 1758

SHEET:

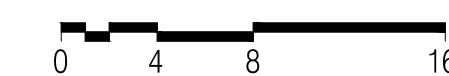
BUILDING ELEVATIONS

A3.5



WEST ELEVATION

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



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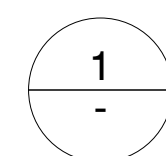
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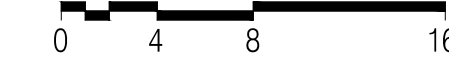
BUILDING ELEVATIONS

A3.6



NORTH ELEVATION

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



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2
-

STREET STRIP ELEVATION @ DERBY

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

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SHEET:

STREET STRIP
ELEVATIONS



1
-

STREET STRIP ELEVATION @ TELEGRAPH

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

A3.7

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SHEET:

PERSPECTIVE VIEWS



1
-
AERIAL VIEW

A3.8

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SHEET:

PERSPECTIVE VIEWS



1
-
AERIAL VIEW

A3.9

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PERSPECTIVE VIEWS



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SHEET:

PERSPECTIVE VIEWS

A3.11



1 DERBY - STREETFRONT

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PERSPECTIVE VIEWS

A3.12



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2
- TELEGRAPH LOOKING SOUTH - AFTER

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PHOTO CONTEXT
VIEWS



1
- TELEGRAPH LOOKING SOUTH - BEFORE

A3.13

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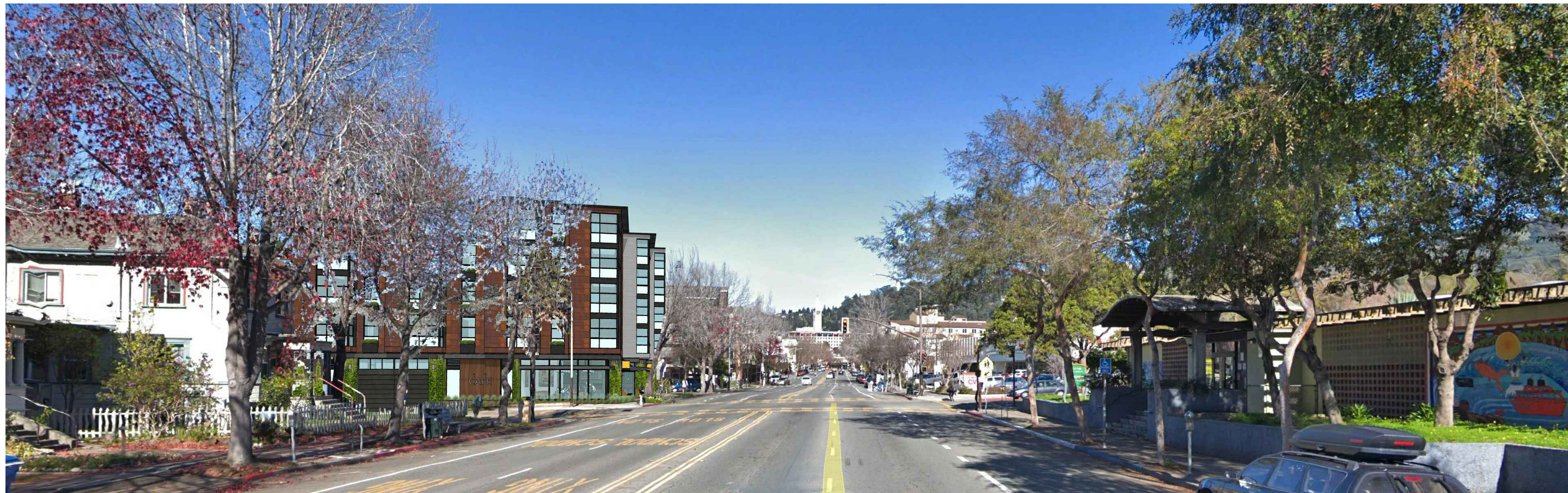
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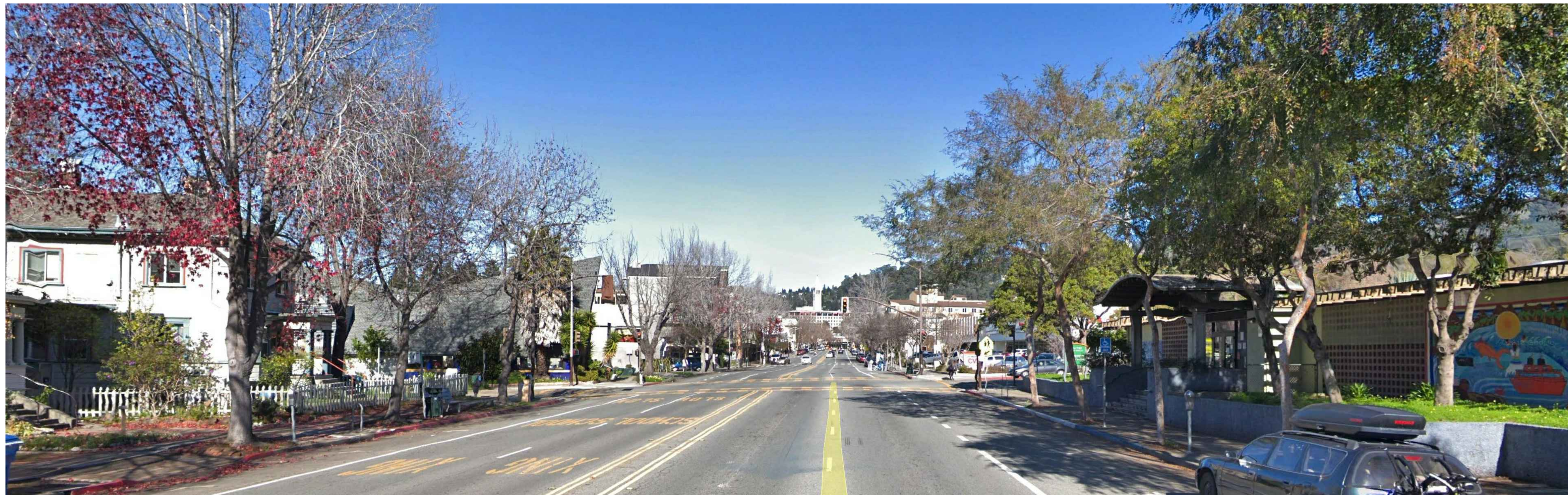
SHEET:

PHOTO CONTEXT
VIEWS

A3.14



2
- TELEGRAPH LOOKING NORTH - AFTER



1
- TELEGRAPH LOOKING NORTH - BEFORE

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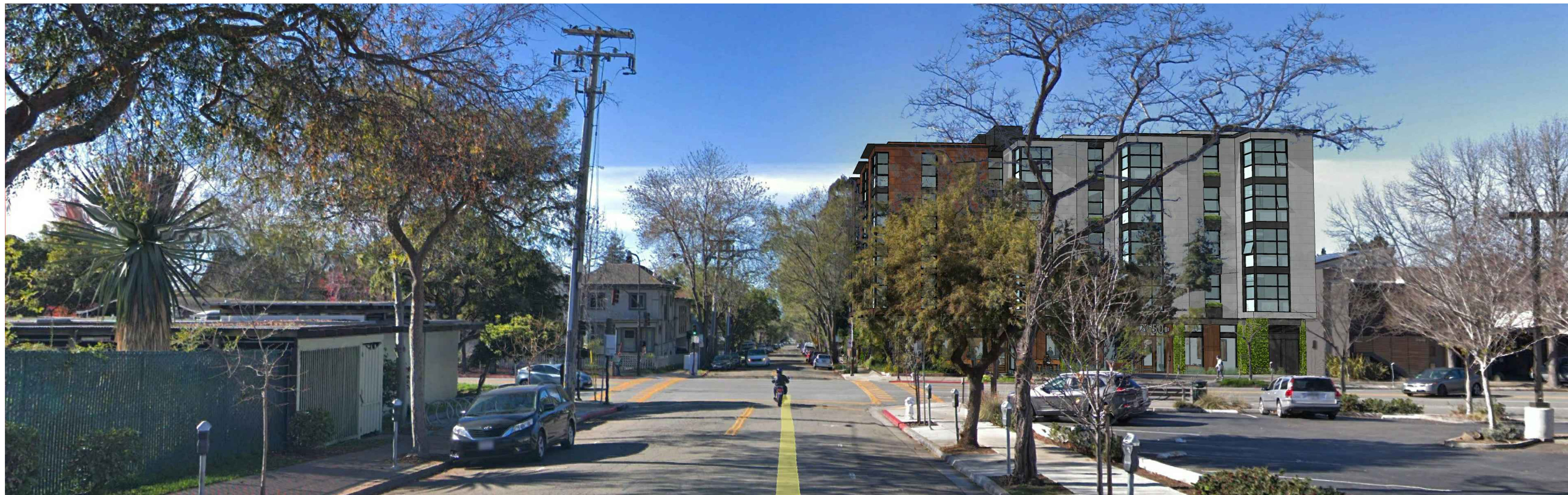
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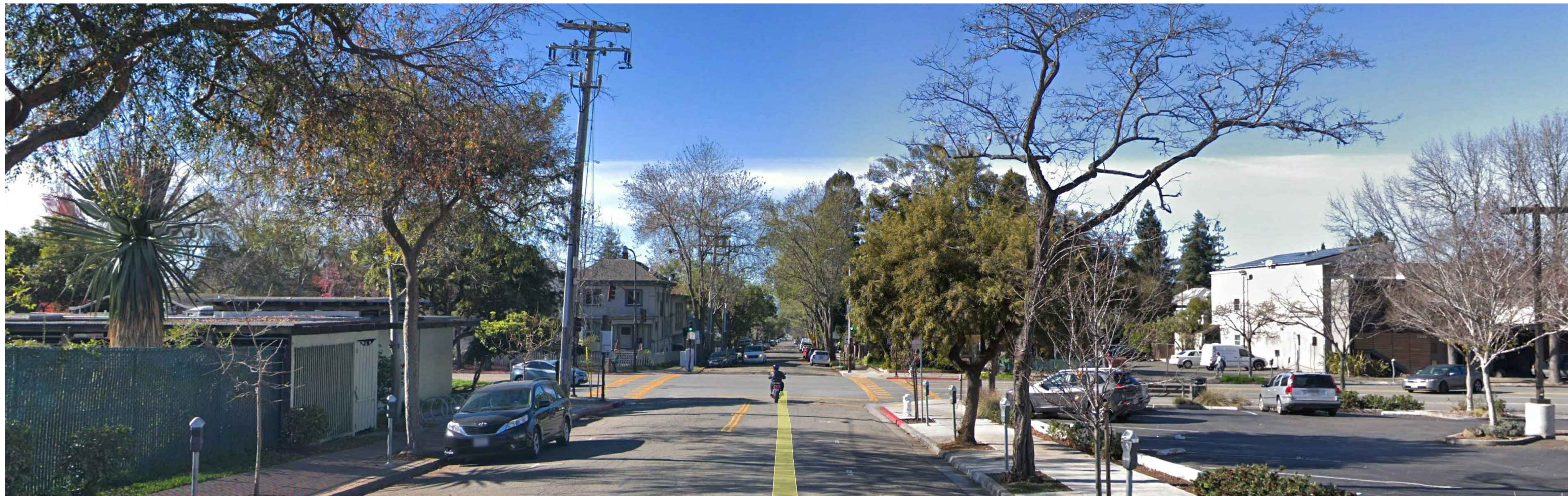
SHEET:

PHOTO CONTEXT
VIEWS

A3.15



2 DERBY LOOKING WEST - AFTER



1 DERBY LOOKING WEST - BEFORE

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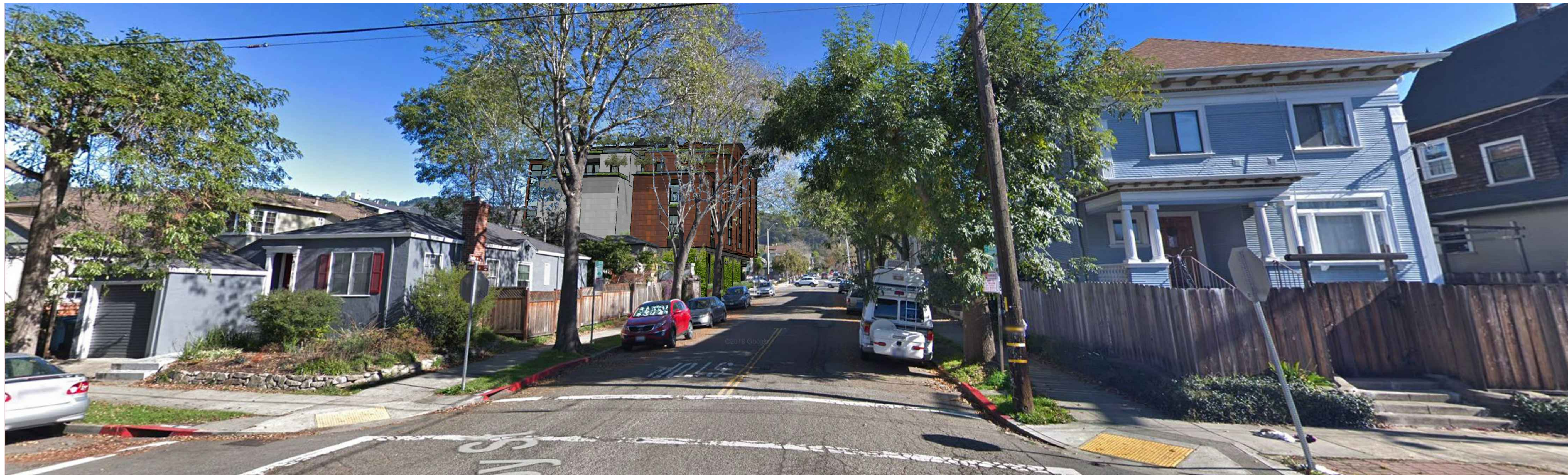
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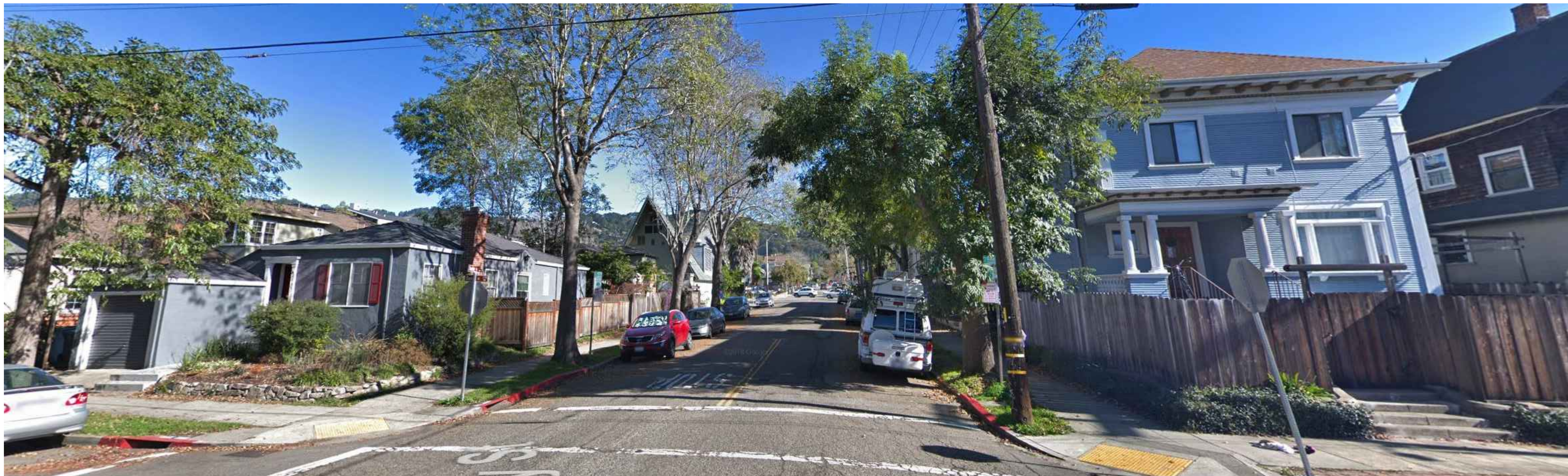
SHEET:

PHOTO CONTEXT
VIEWS

A3.16



2 DERBY LOOKING EAST - AFTER



1 DERBY LOOKING EAST - BEFORE

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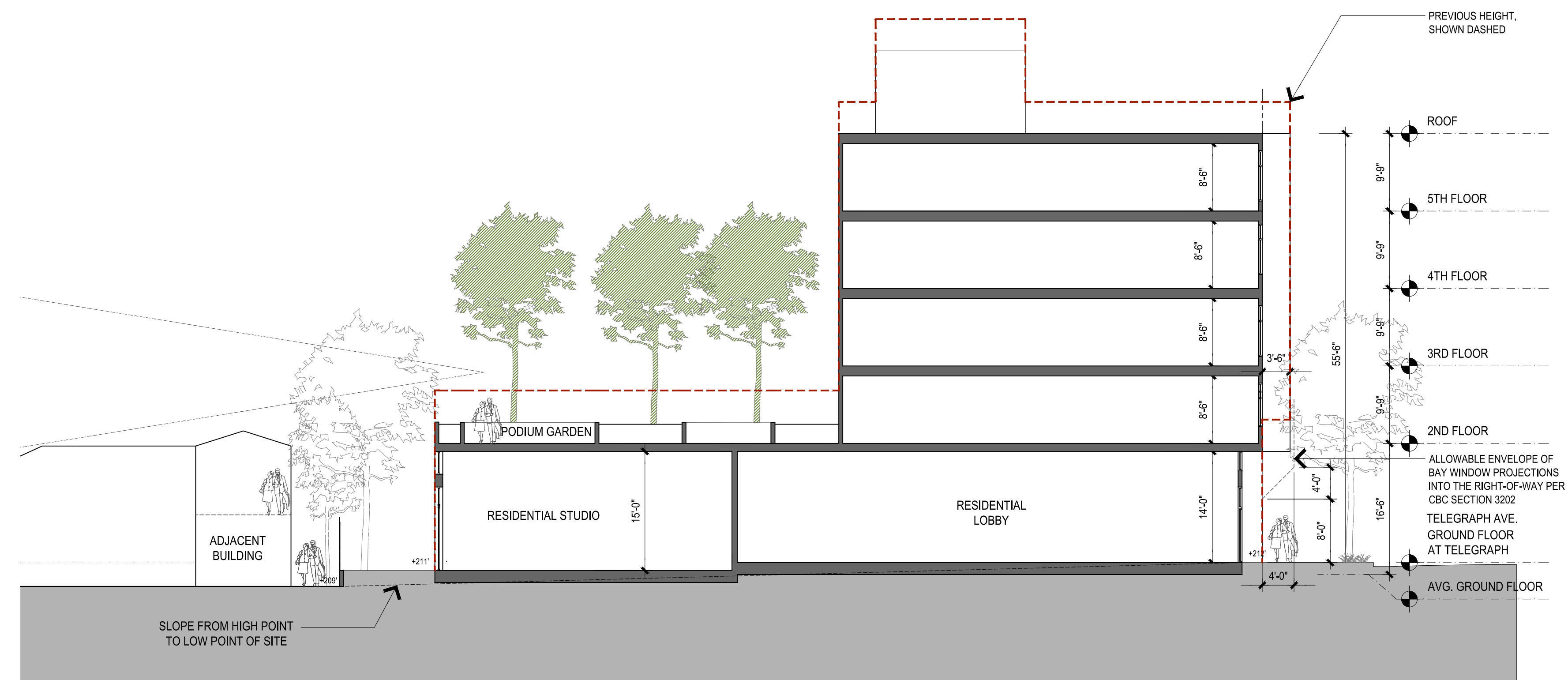
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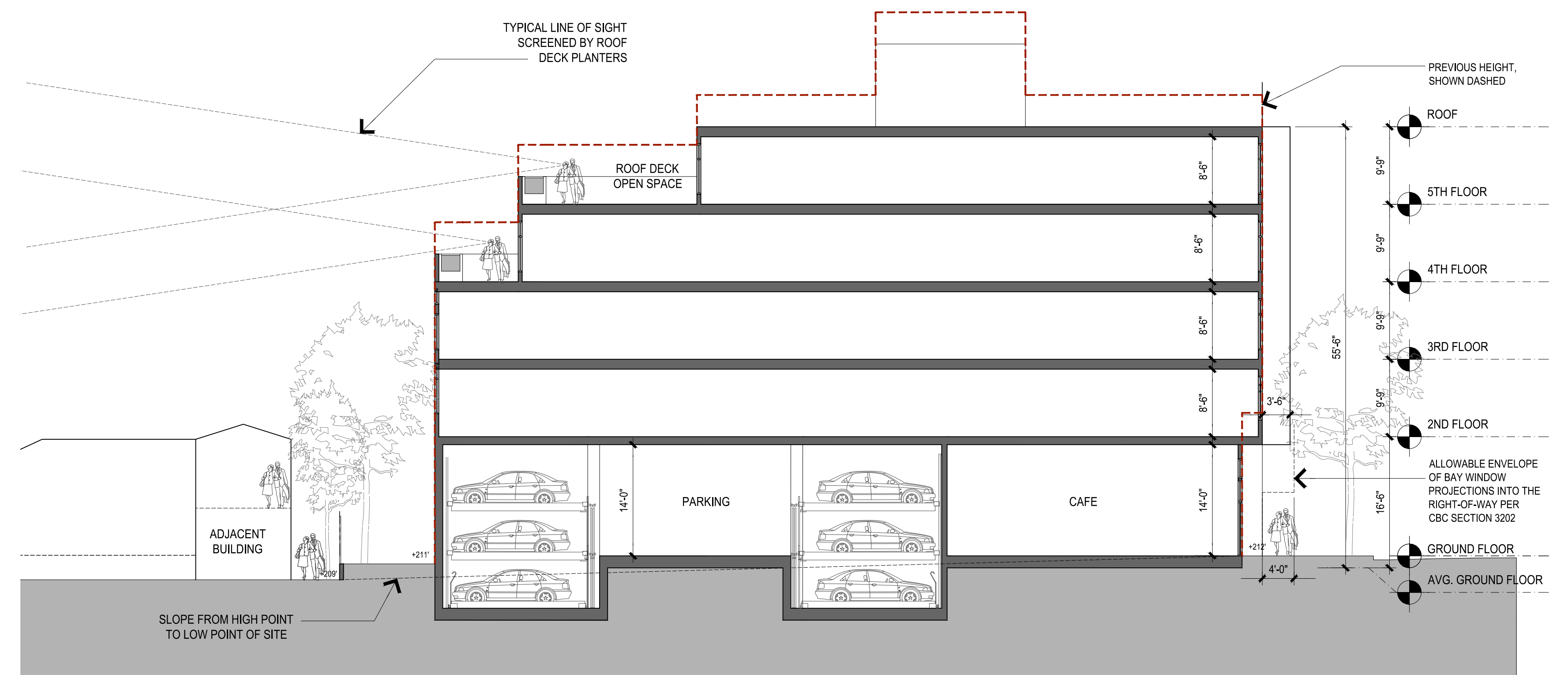
SHEET:

BUILDING SECTION

A4.1



2
E-W SECTION THROUGH PODIUM GARDEN
3/64"=1'-0" @ 11X17 3/32"=1'-0" @ 24X36



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

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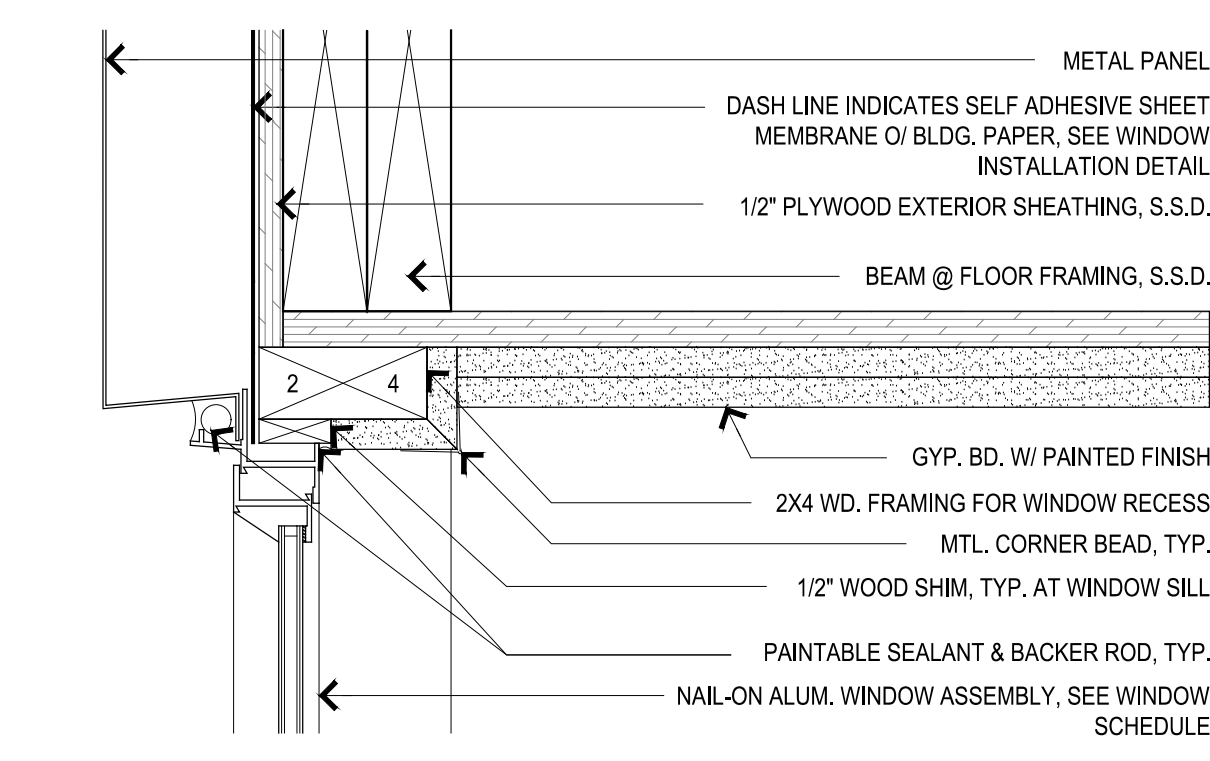
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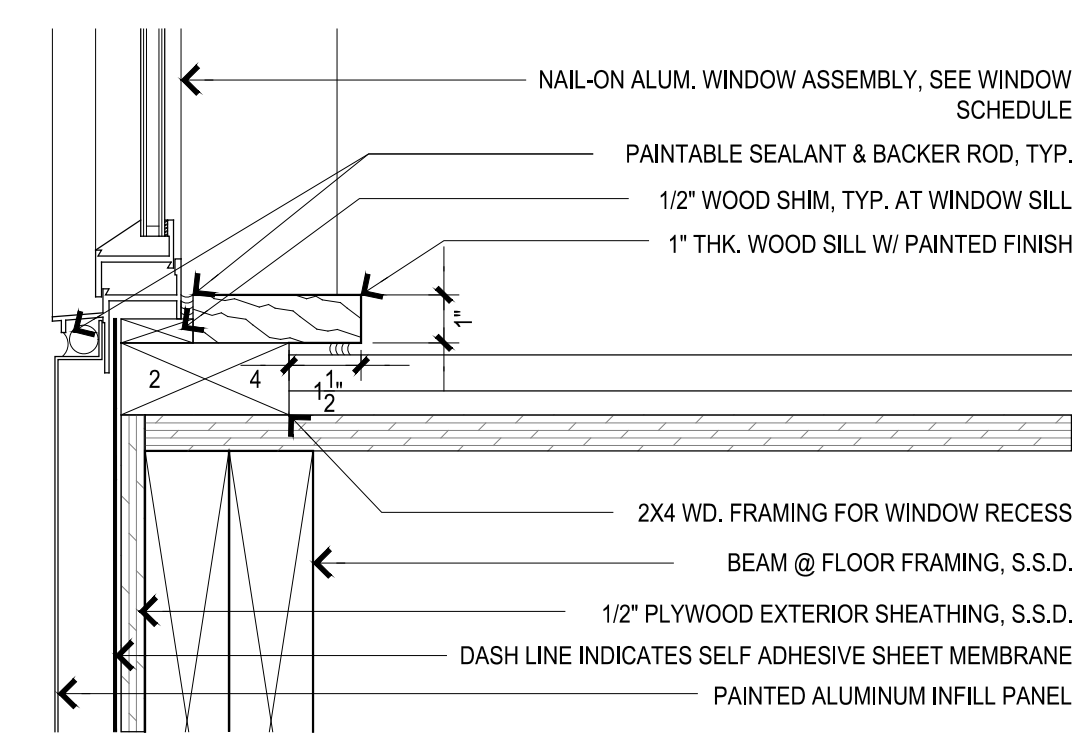
SHEET:

WALL SECTIONS & DETAILS

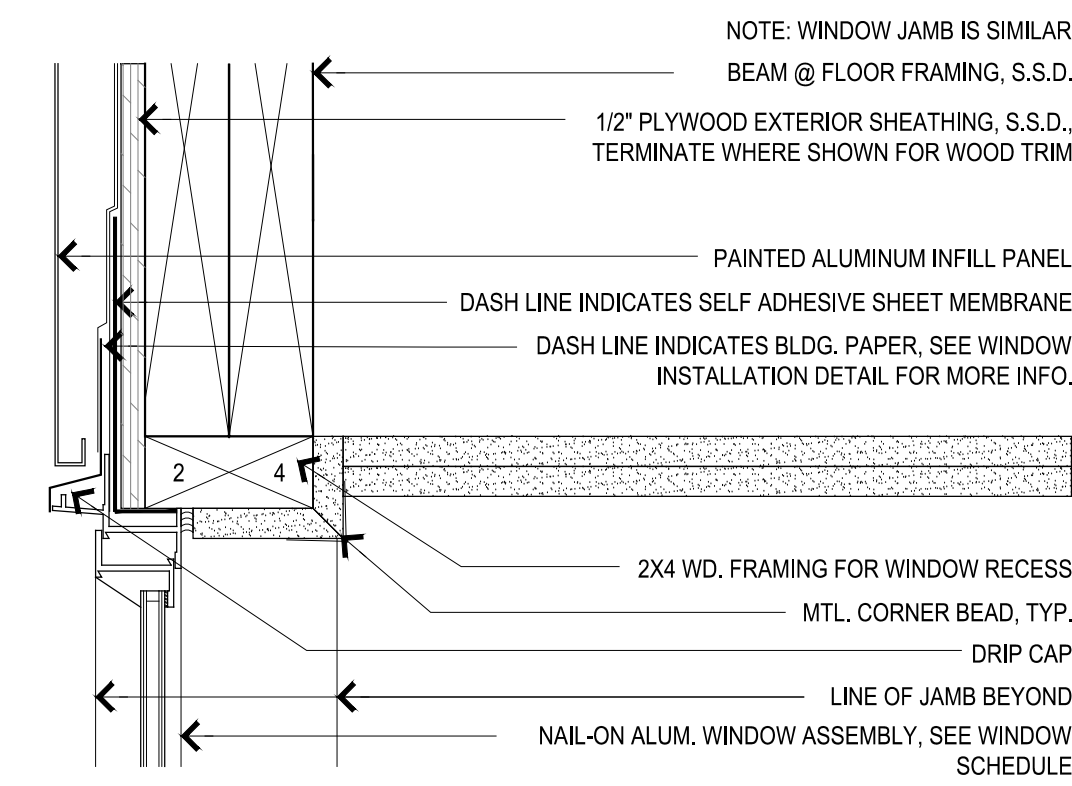
A4.2



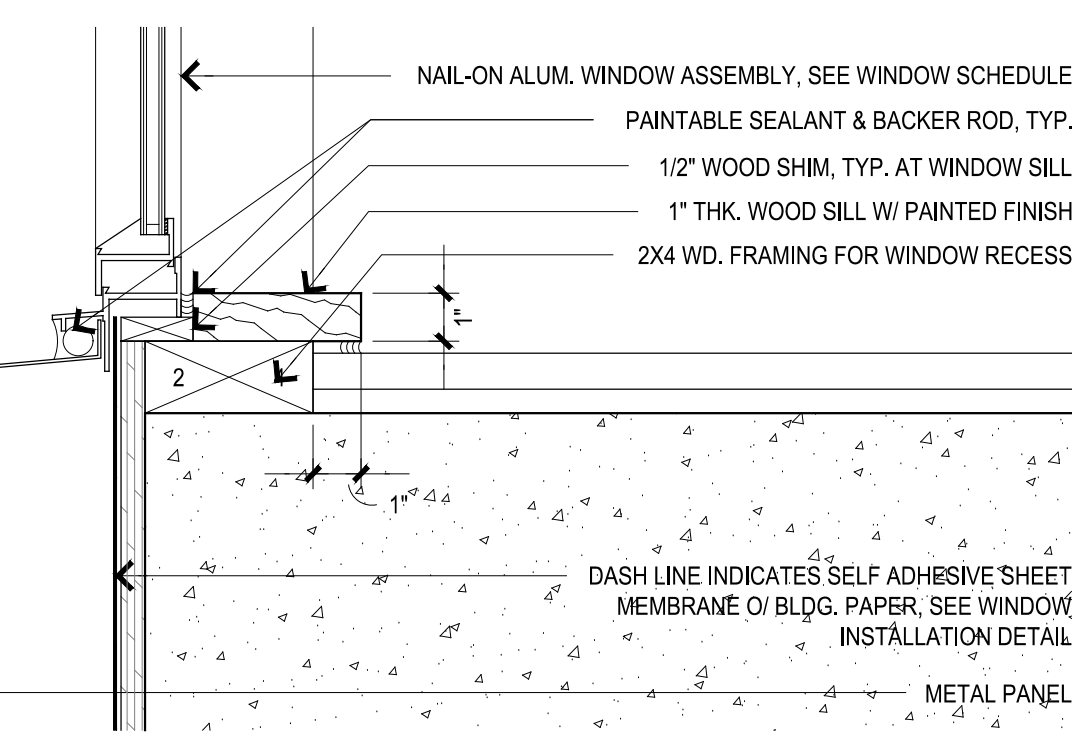
4 TYP. HEAD/JAMB @ MTL. PANEL
3"=1'-0"



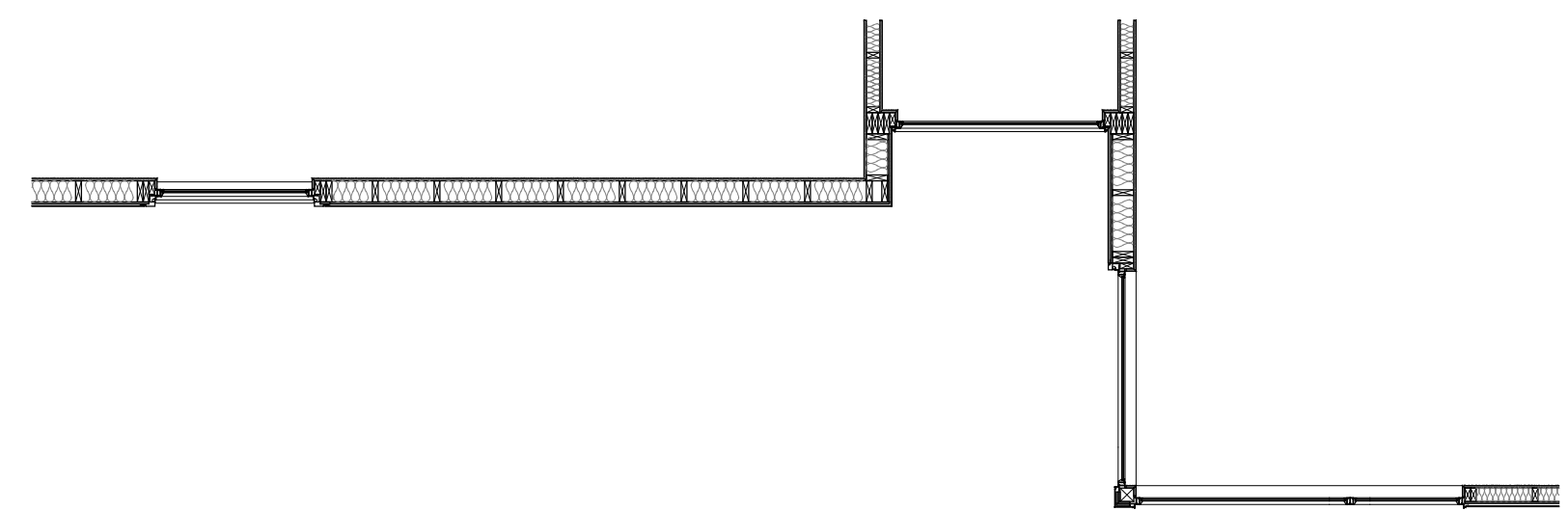
5 TYP. SILL AT FILL PANEL
3"=1'-0"



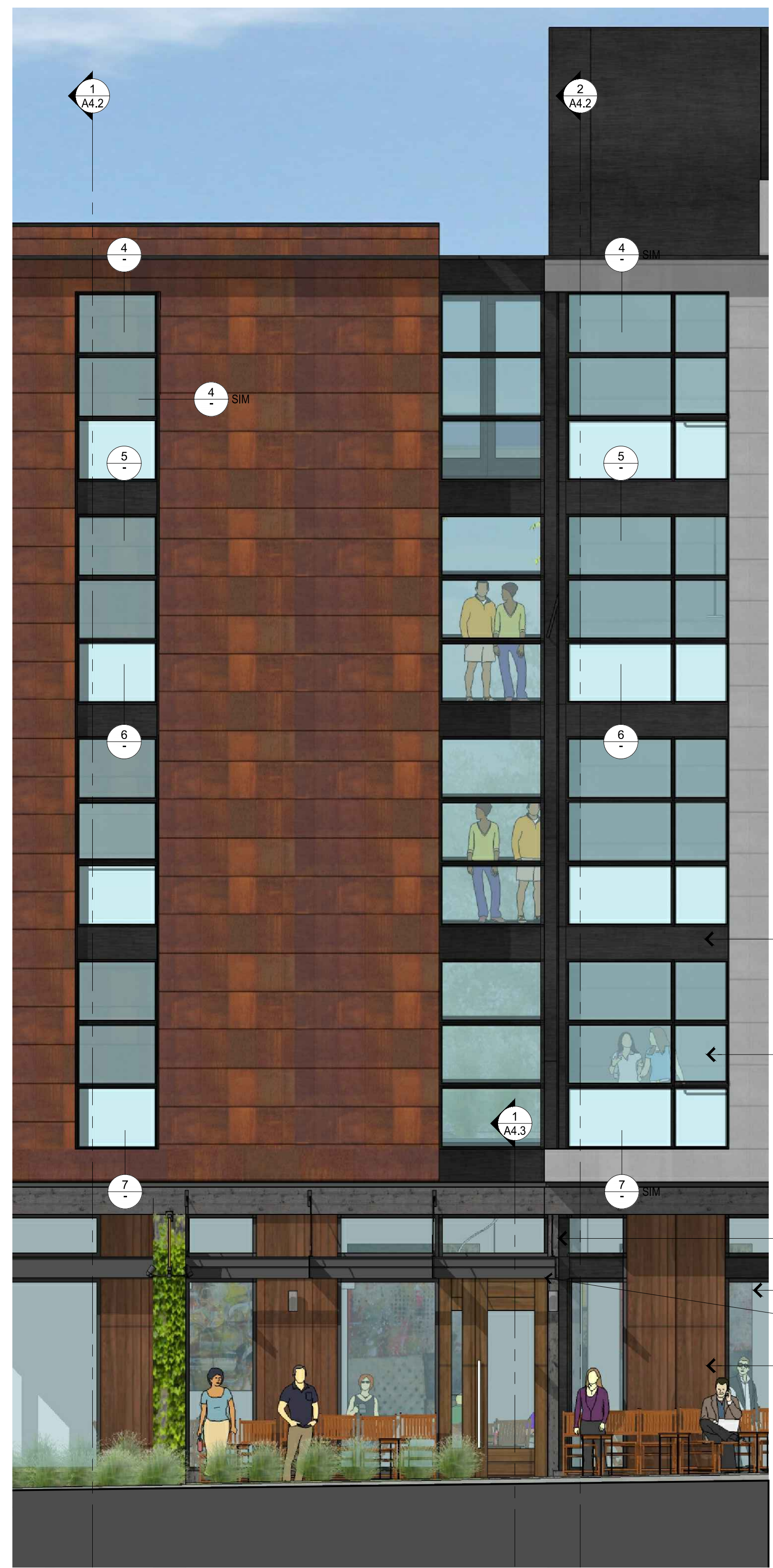
6 HEAD @ FILL PANEL
3"=1'-0"



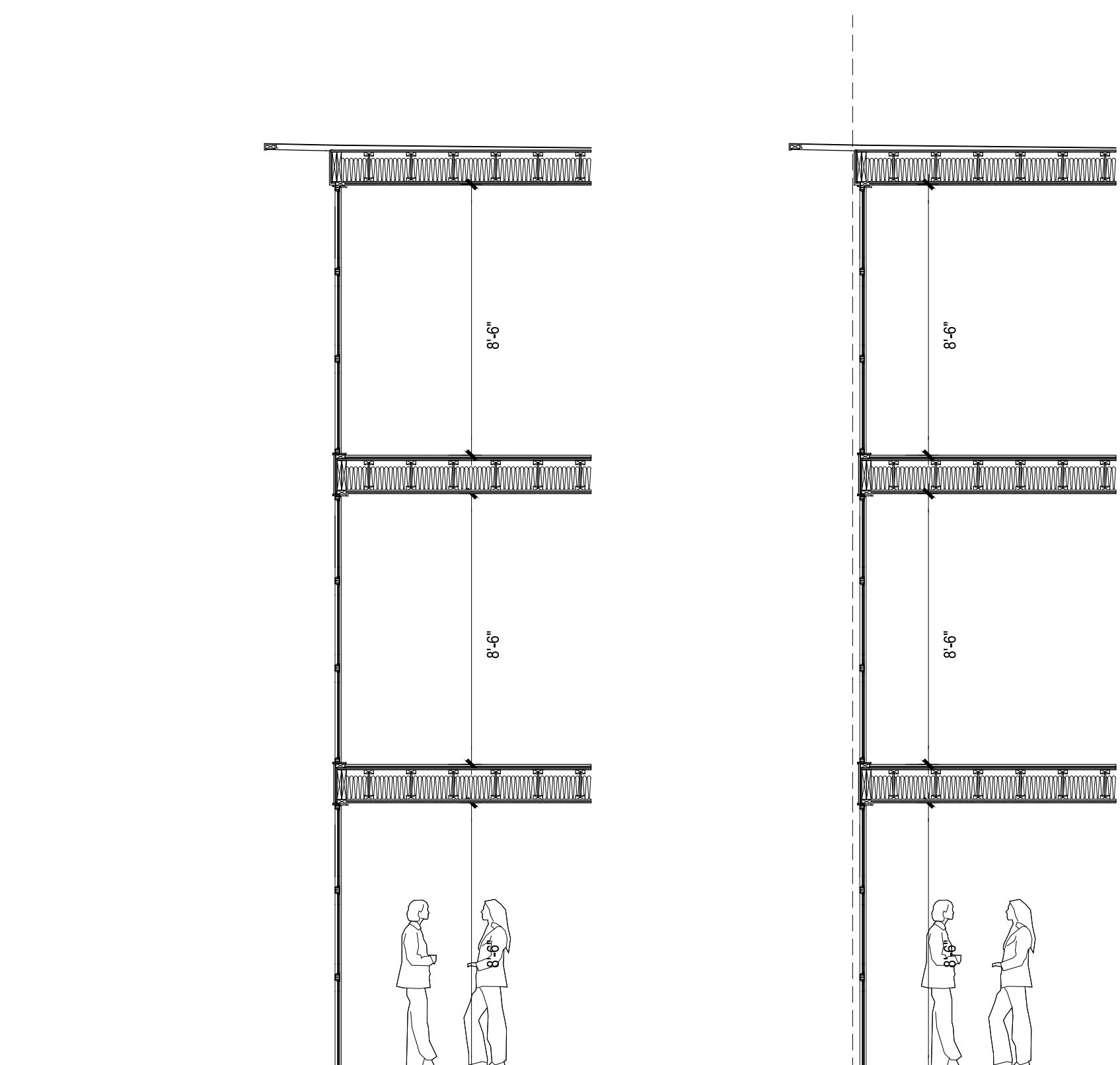
7 TYP. SILL @ PODIUM
3"=1'-0"



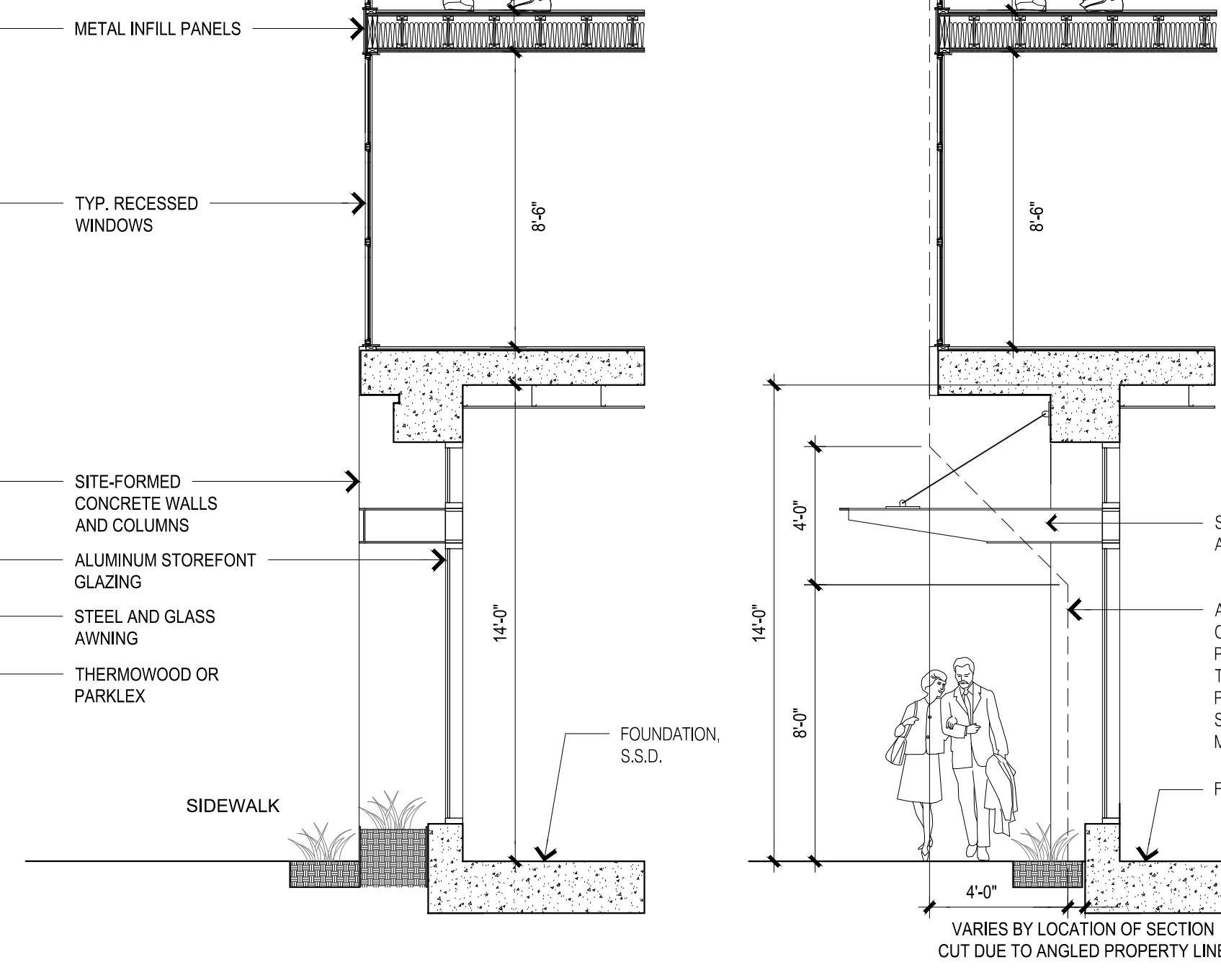
2 SECTION
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36



3 ELEVATION DETAIL
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36



1 SECTION @ BAY
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36



4 SECTION
1/8"=1'-0" @ 11X17 1/4"=1'-0" @ 24X36

VARIES BY LOCATION OF SECTION CUT DUE TO ANGLED PROPERTY LINE

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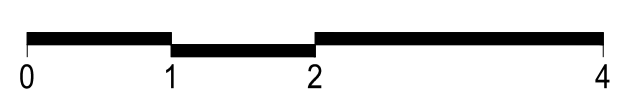
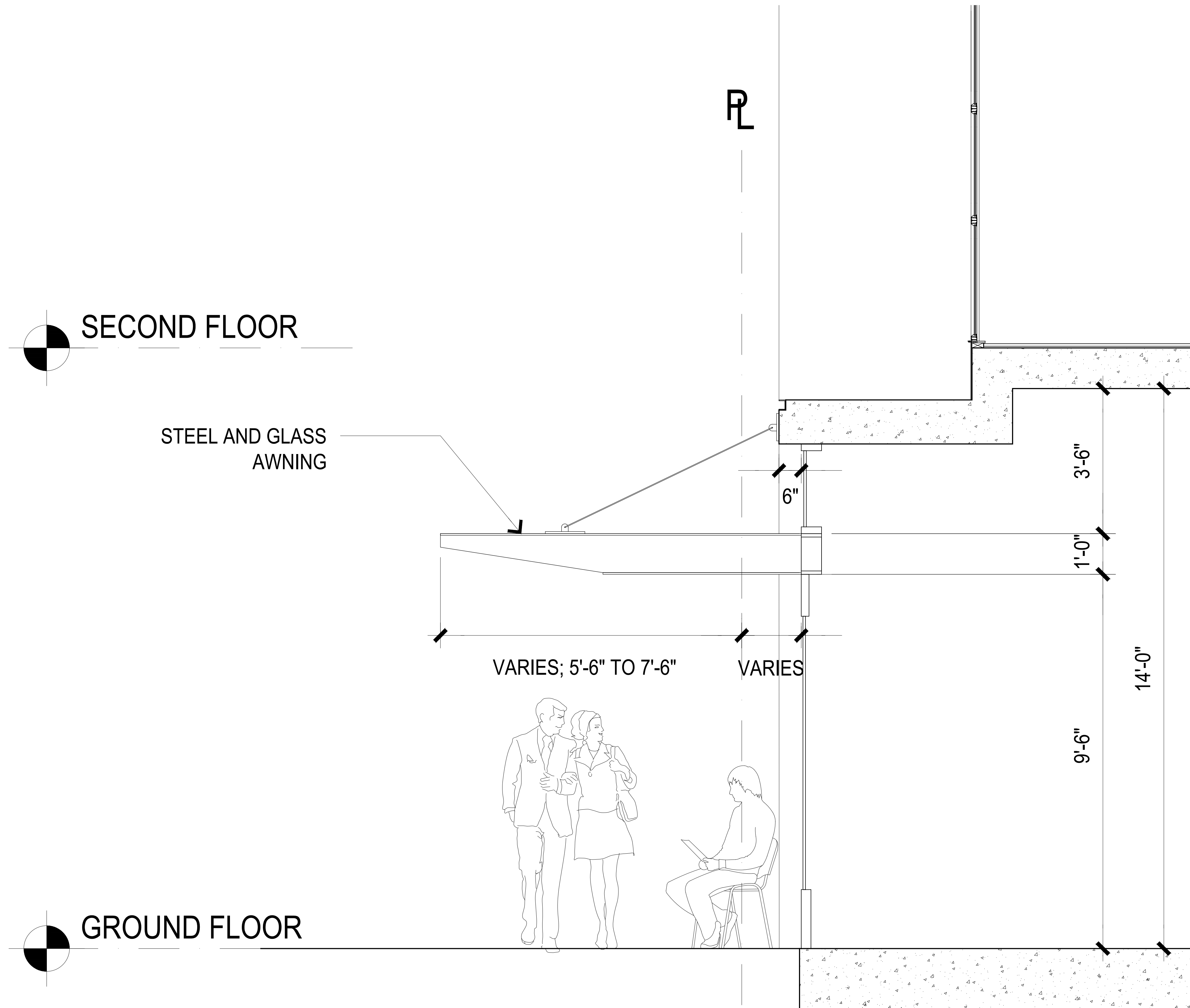
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WALL SECTIONS & DETAILS

A4.3



1 AWNING SECTION @ MAX. PROJECTION
 3/8"=1'-0" @ 11X17 3/4"=1'-0" @ 24X36

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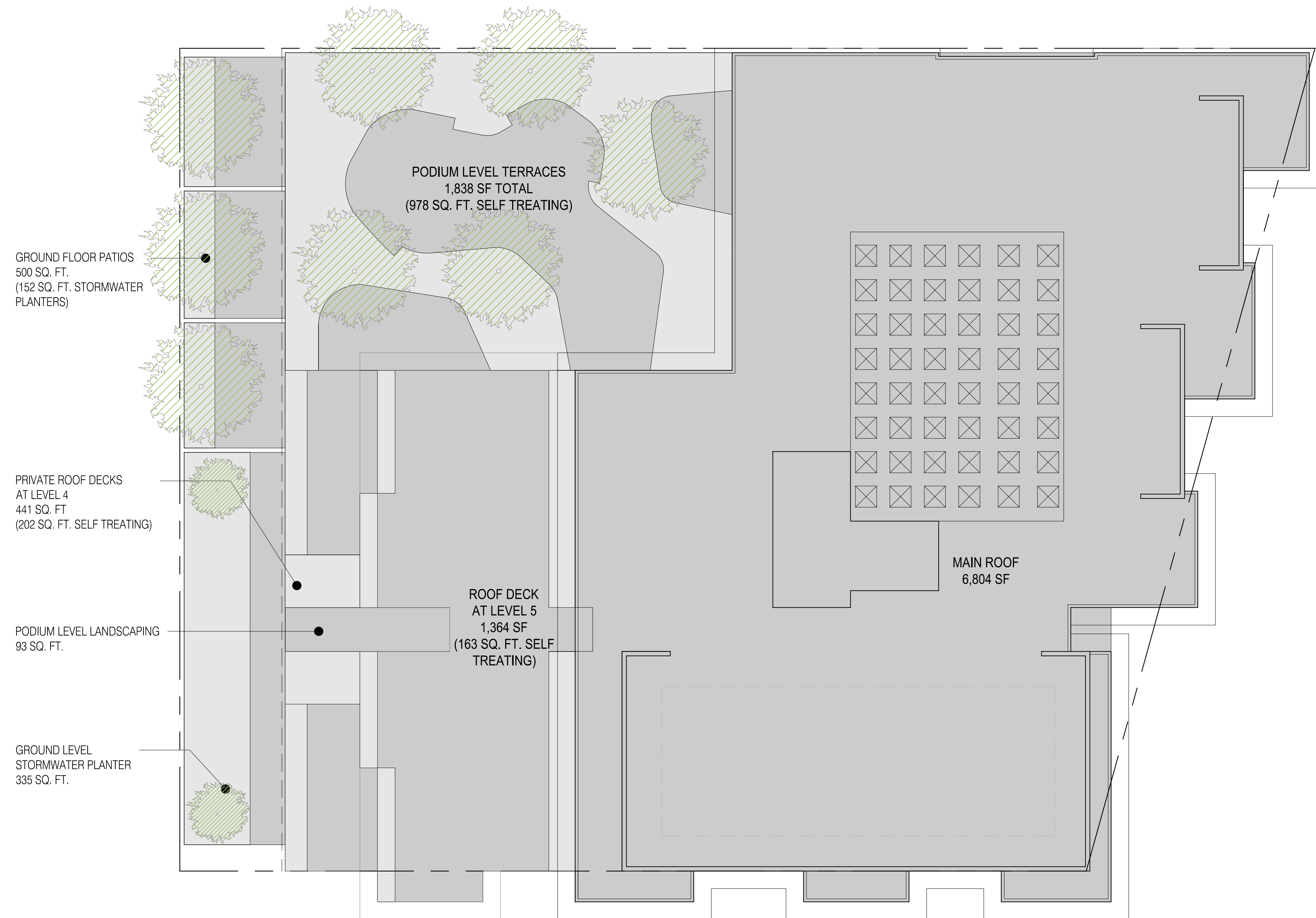
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NOTE: AVERAGE OF 40% OF COMMON OPEN SPACE TO BE LANDSCAPED TYP., SEE LANDSCAPE PLANS

STORMWATER CALCULATIONS

C3 APPLICABILITY									
TOTAL SITE AREA	10,882								
C3 THRESHOLD	10,000								
C3 REGULATED PROJECT	NO								
REQUIRED FLOW-THROUGH PLANTERS									
LOCATION	GROSS SF	SELF-TREATING AREA	TREATMENT AREA	%	TOTAL TREATMENT AREA	TOTAL PROVIDED PLANTER AREA	PERVIOUS PAVING	FILTER VAULT	
MAIN ROOF	6804	0	6804	4%	272				
ROOF DECKS	1795	468	1327	4%	53				
PODIUM	1921	978	953	4%	38				
GROUND LEVEL	1124	1023	101	4%	4	487			
TOTAL	11654	2469	9185		367	487			

PROVIDED TREATMENT PLANTERS									
LEVEL	PLANTER					PLANTER AREA			
GROUND LEVEL	P1					487			
TOTAL OPTIONAL VOLUNTARY PLANTERS						487			

SPECIAL PROJECTS (Appendix K)									
CRITERIA FOR CATEGORY C (TRANSIT ORIENTED DEVELOPMENT) SPECIAL PROJECTS									
1. Be characterized as a non auto-related land use project. That is, Category C specifically excludes any Regulated Project that is a stand-alone surface parking lot; car dealership; auto and truck rental facility with onsite surface storage; fast-food restaurant, bank or pharmacy with drive-through lanes; gas station, car wash, auto repair and service facility; or other auto-related project unrelated to the concept of Transit-Oriented Development.									Yes
2. If a commercial, achieve at least an FAR of 2:1.									N/A
3. If a residential development project, achieve at least a density of 25 DU/Ac.									N/A
4. If a mixed use development project, achieve at least an FAR of 2:1 or a gross density of 25 DU/Ac.									Yes

LOCATION CREDITS									
% of the C.3.d Amount of Runoff that MayReceive Non-LID	Project Site Location								QUALIFIES
50%	50% or more of the site is located within a ¼ mile radius of an existing or planned transit hub								N/A
25%	50% or more of the site is located within a ½ mile radius of an existing or planned transit hub								N/A
25%	100% of the site is located within a PDA								N/A

DENSITY CREDITS									
% of the C.3.d Amount of Runoff that MayReceive Non-LID	Land Use Type	Density Required to Obtain the Density Credit			PROPOSED	QUALIFIES			
10%	Commercial	2	FAR			N/A			
10%	Residential or Mixed Use	30	DU/Acre	180		YES			
20%	Commercial	4	FAR			N/A			
20%	Residential or Mixed Use	60	DU/Acre	180		YES			
30%	Commercial	6:1	FAR			N/A			
30%	Residential or Mixed Use	100	DU/Acre	180		YES			

MINIMIZED SURFACE PARKING CREDITS
To qualify for any Minimized Surface Parking Credits, a Category C Special Project must first qualify for one of the Location Credits listed in Provision C.3.e.ii.(5)(c) above. (i) A Category C Special

% of the C.3.d Amount of Runoff that MayReceive Non-LID	Percentage of the Total Post-Project Impervious Surface Dedicated to At-Grade, Surface Parking	PROPOSED	QUALIFIES
10%	10% or less	0	YES
20%	0% (except for emergency vehicle access, ADA accessibility and passenger and freight loading zones)	0	YES

TOTAL CREDITS	50%
LOCATION CREDITS	0%
DENSITY CREDITS	30%
MINIMIZED SURFACE PARKING CREDITS	20%

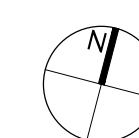
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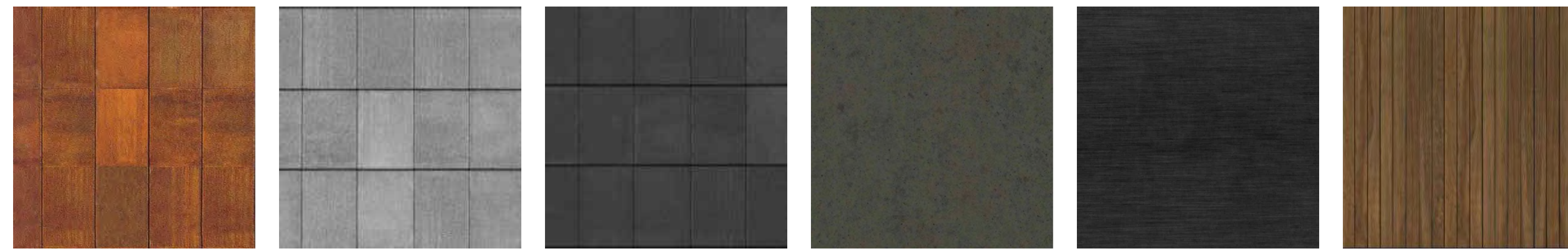
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PRELIMINARY STORMWATER MANAGEMENT PLAN

SW-1



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CORTEN METAL PANELS GALVANIZED ALUMINUM PANEL CLADDING PRE-WEATHERED ZINC PANEL CLADDING CAST-IN-PLACE CONCRETE METAL INFILL PANELS THERMOWOOD OR PARKLEX SIDING



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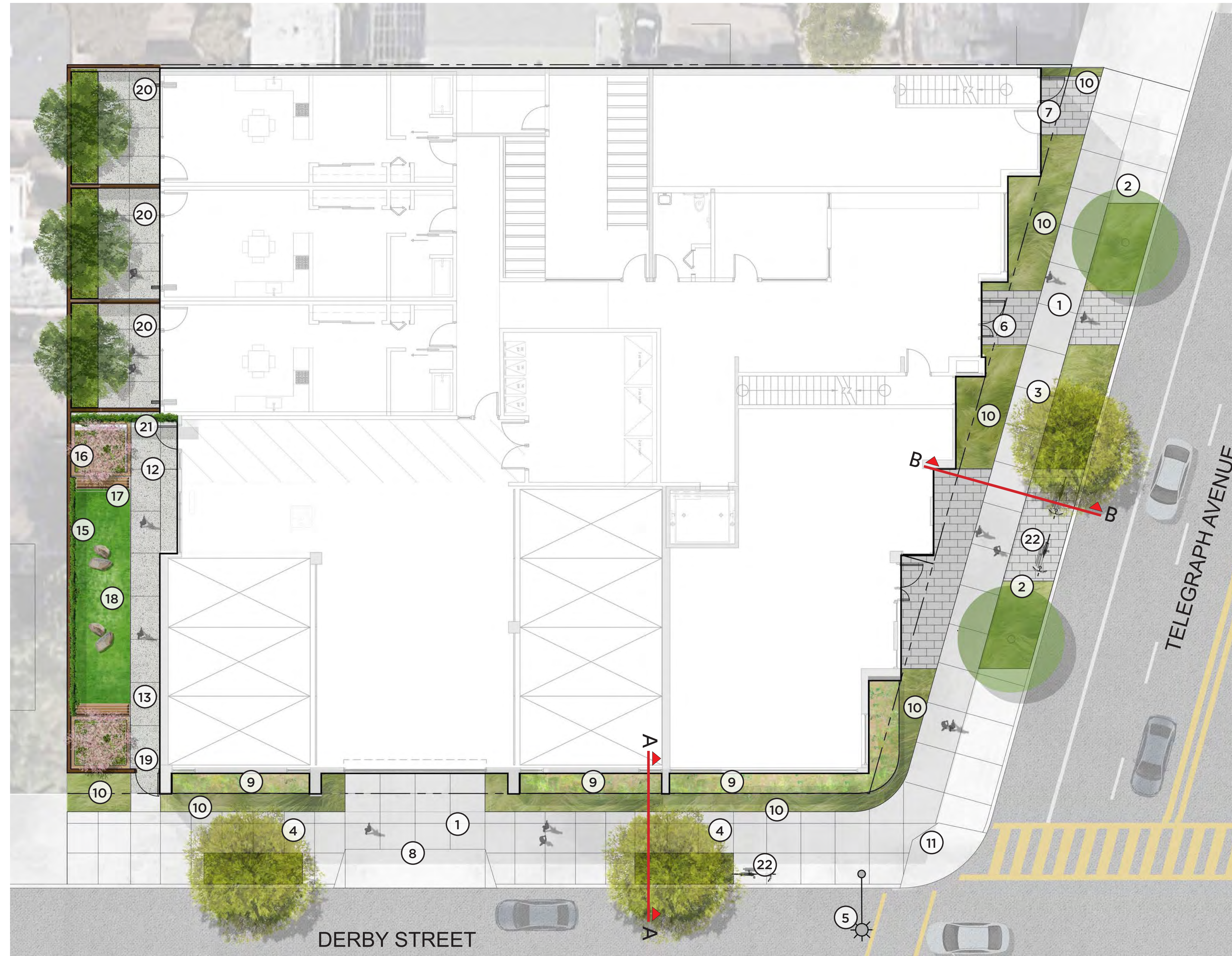
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SHEET:

MATERIAL BOARD

MAT

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



LEGEND

1. CONCRETE SIDEWALK PAVING
2. EXISTING STREET TREE W/ 6'-3" X 10'-0" PLANTING AREA
3. NEW STREET TREE W/ 6'-3" X 10'-0" PLANTING AREA
4. NEW STREET TREE W/ 4'-0" X 8'-0" PLANTING AREA
5. EXISTING STREET LIGHT
6. ENTRY TO LOBBY
7. ACCESS DOOR TO MECHANICAL ROOM AND STAIRS
8. DRIVEWAY TO GARAGE
9. LOW PERIMETER PLANTER
10. AT-GRADE PLANTING
11. CURB RAMP
12. COMMON REAR PATIO W/ CONCRETE PAVING
13. 4'-0" WIDE CONCRETE WALKWAY
14. ENHANCED PAVING
15. VINE PLANTING ALONG FENCE
16. RAISED TREE PLANTER
17. BENCH
18. SMALL DOG RUN AREA W/ ARTIFICIAL TURF AND BOULDERS
19. PERIMETER FENCE AND GATE
20. PRIVATE PATIO
21. VERTICAL SCREEN PLANTING
22. BIKE RACK

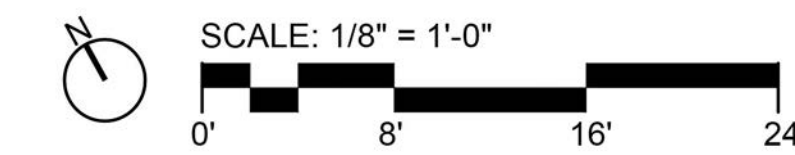
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ARCHITECTS

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

TELEGRAPH & DERBY

2650 Telegraph
Berkeley, CA 94704

2019.02.19 PROGRESS SET
2019.03.27 ZONING SUBMITTAL SET
2019.09.17 ZONING COMPLETENESS
2020.01.21 DRC REVISIONS



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JOB: 1758

SHEET:
LANDSCAPE PLAN
GROUND LEVEL

L1.1

PRECEDENT IMAGES



DOG RUN W/ ARTIFICIAL TURF



RAISED SCREEN PLANTING



BIKE RACK

LEGEND

- 1. ENTRY DOOR TO COMMON COURTYARD
- 2. UNIT PAVERS ON PEDESTALS
- 3. RAISED CONCRETE PLANTERS
- 4. BUILT IN BENCH FOR QUIET SPACE
- 5. SPECIMEN TREES W/ LIGHTING
- 6. FLOWERING TREES
- 7. PRIVATE PATIO



TELEGRAPH & DERBY

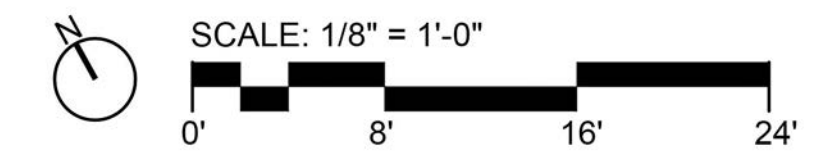
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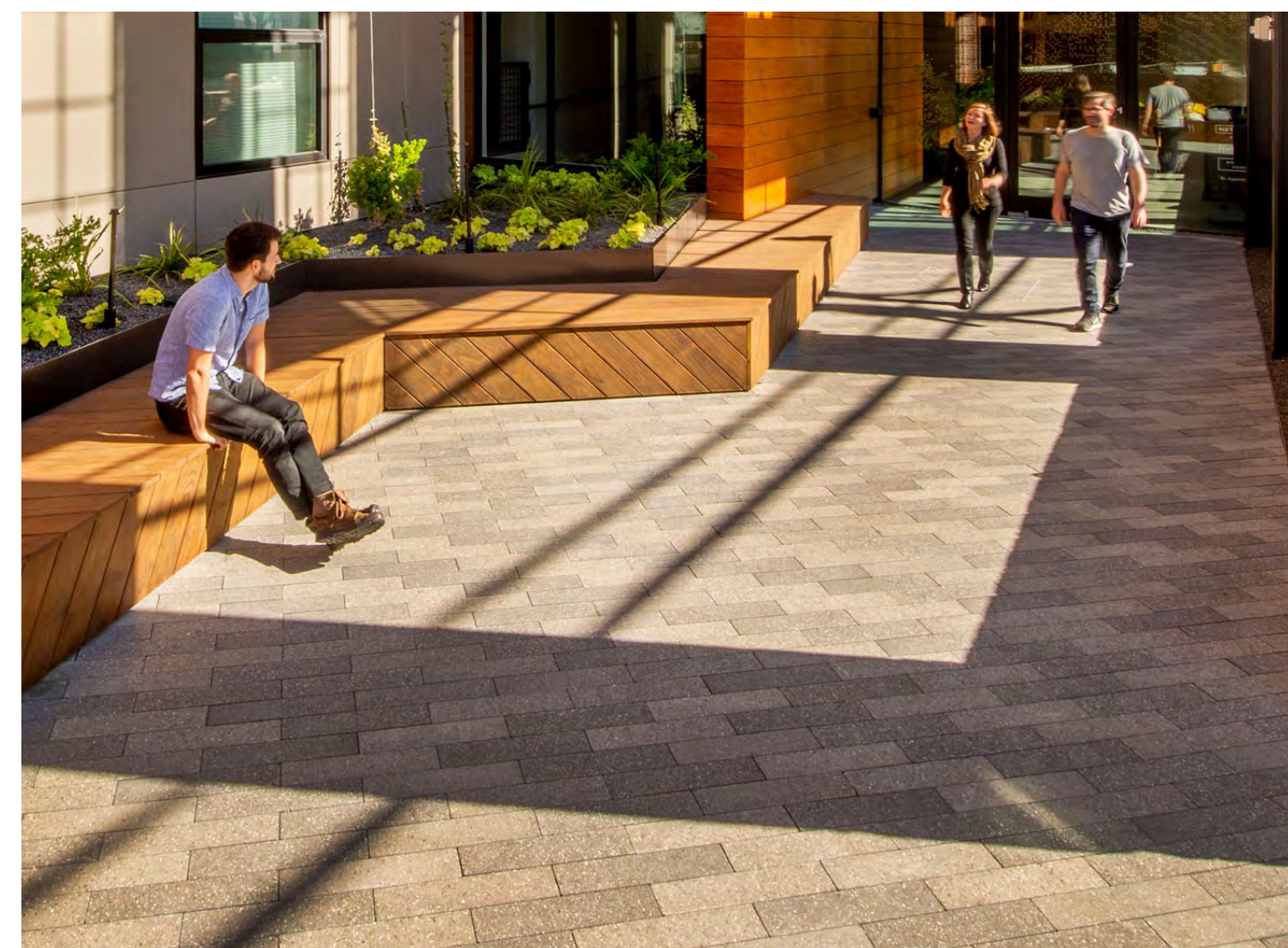
SHEET:
**LANDSCAPE PLAN
LEVEL 2**

L1.2

PRECEDENT IMAGES



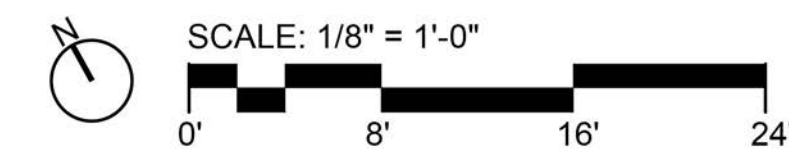
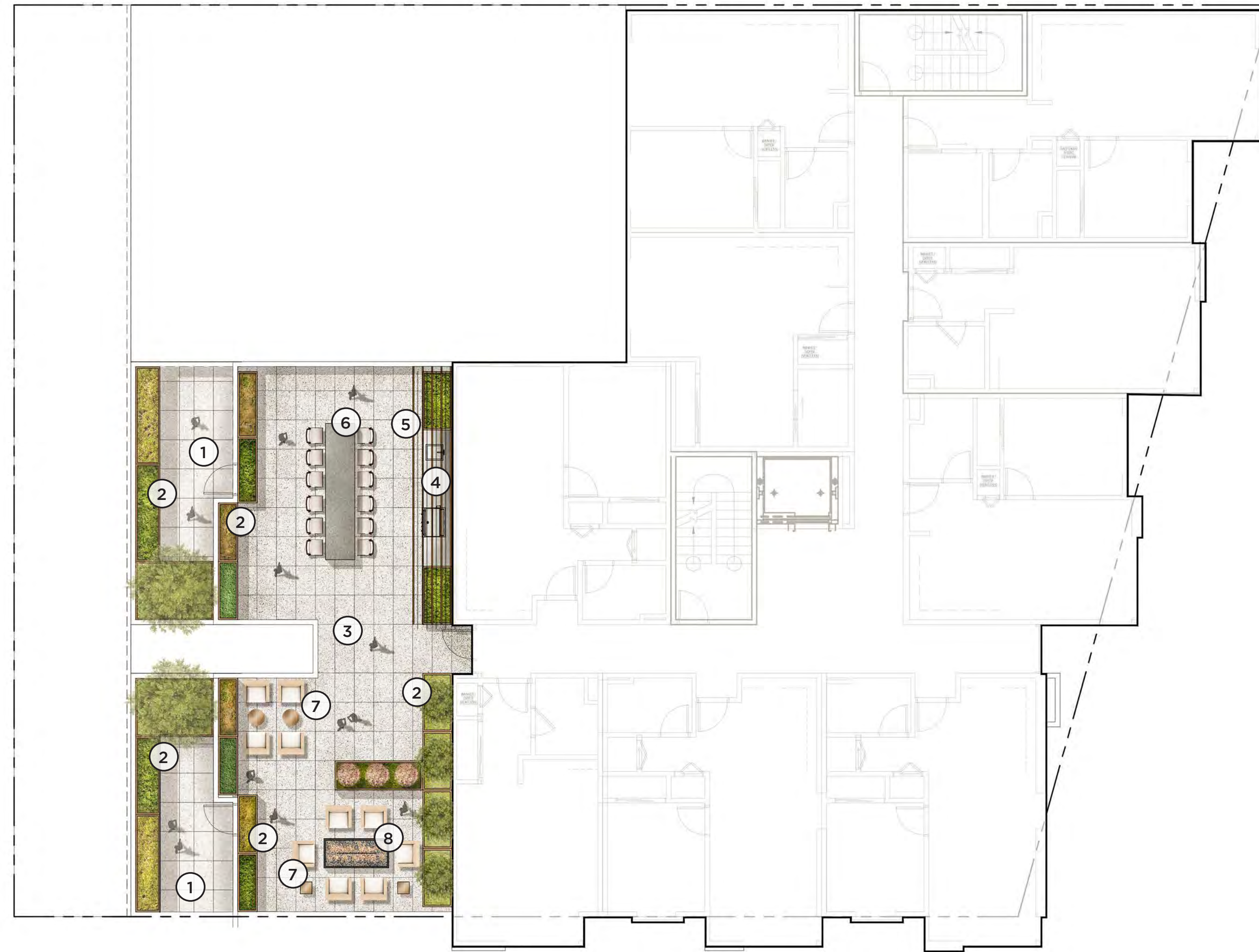
QUIET SPACE WITH RAISED PLANTER AND SEATING



UNIT PAVERS

LEGEND

- 1. 4TH FLOOR PRIVATE PATIO W/ UNIT PAVERS
- 2. RAISED PLANTERS
- 3. ROOF DECK W/ UNIT PAVERS ON PEDESTALS
- 4. OUTDOOR KITCHEN COUNTER
- 5. CANTILEVERED TRELLIS
- 6. DINING TABLES AND CHAIRS
- 7. LOUNGE CHAIRS AND TABLES
- 8. FIRE PIT



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SHEET:

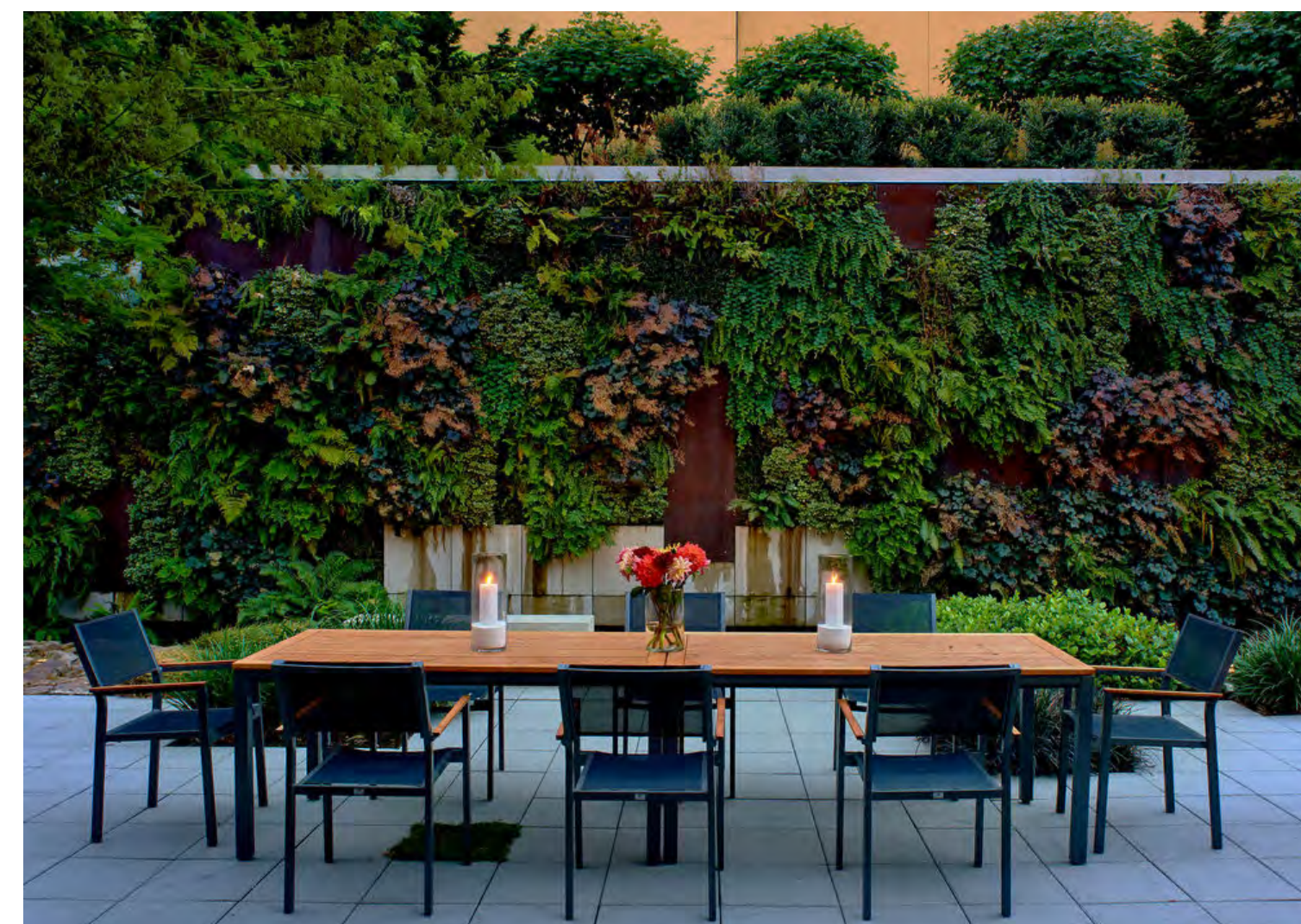
LANDSCAPE PLAN
LEVEL 4 AND 5

L1.3

PRECEDENT IMAGES



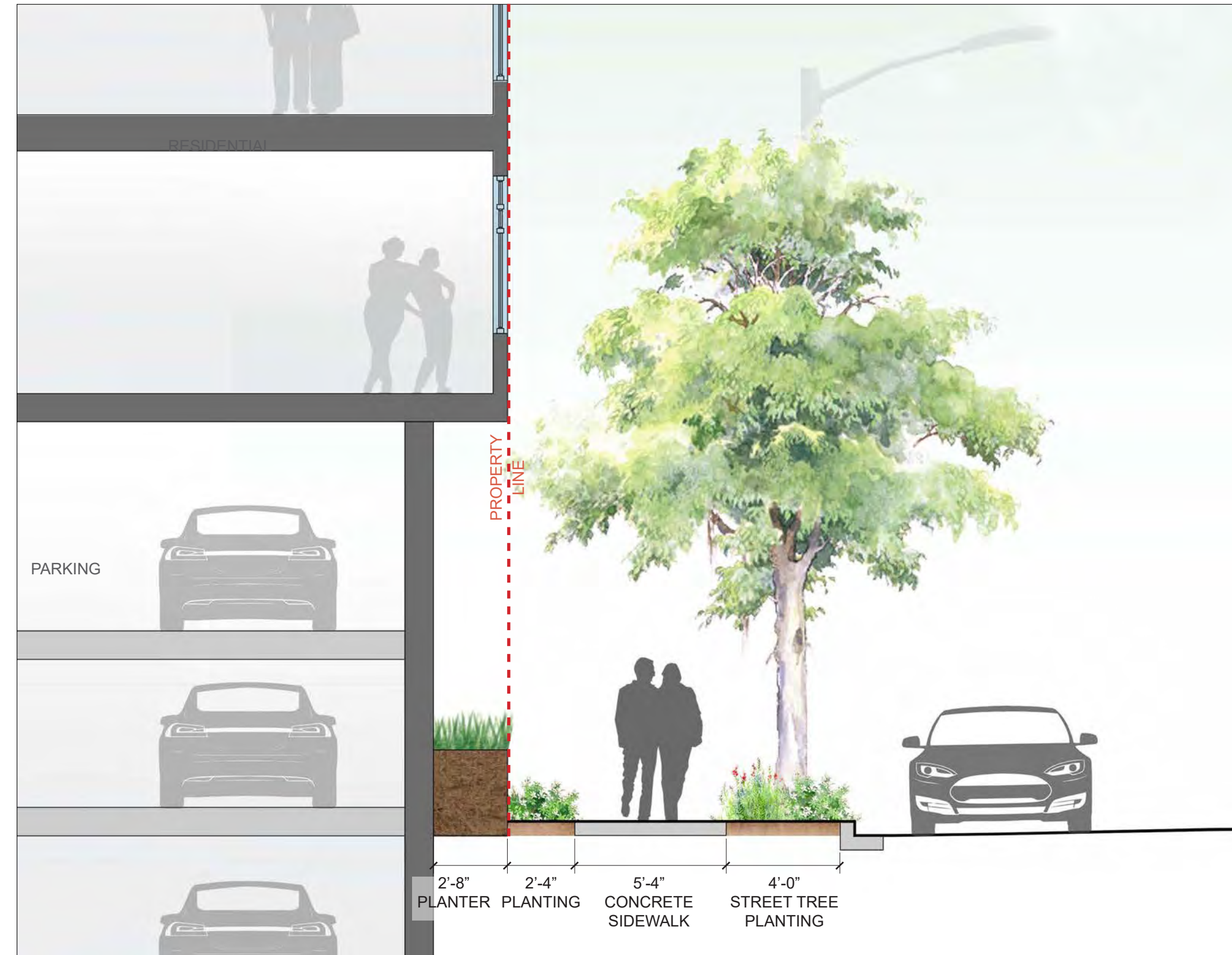
LOUNGE CHAIRS AND TABLES



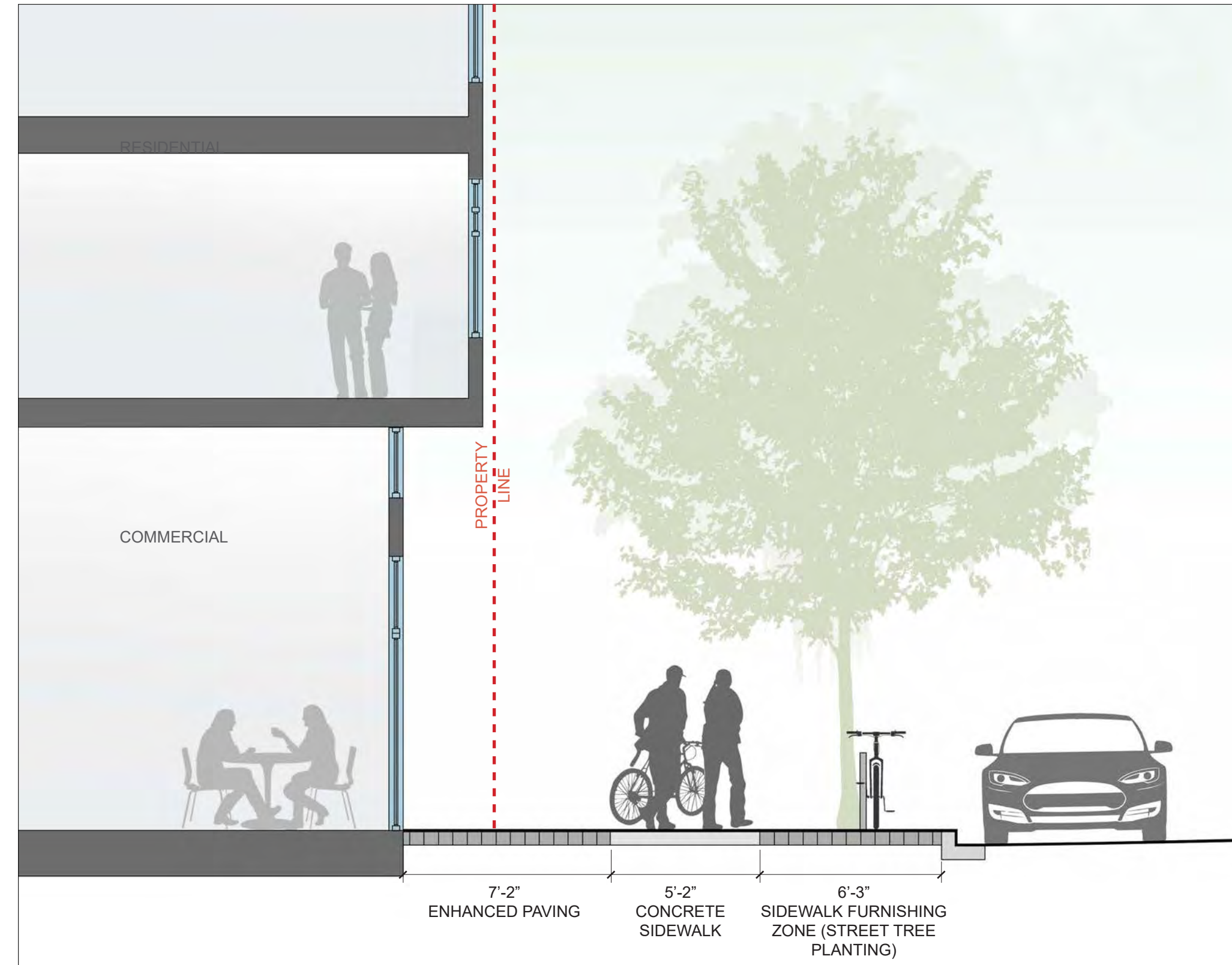
DINING TABLES AND CHAIRS



OUTDOOR FIRE PIT



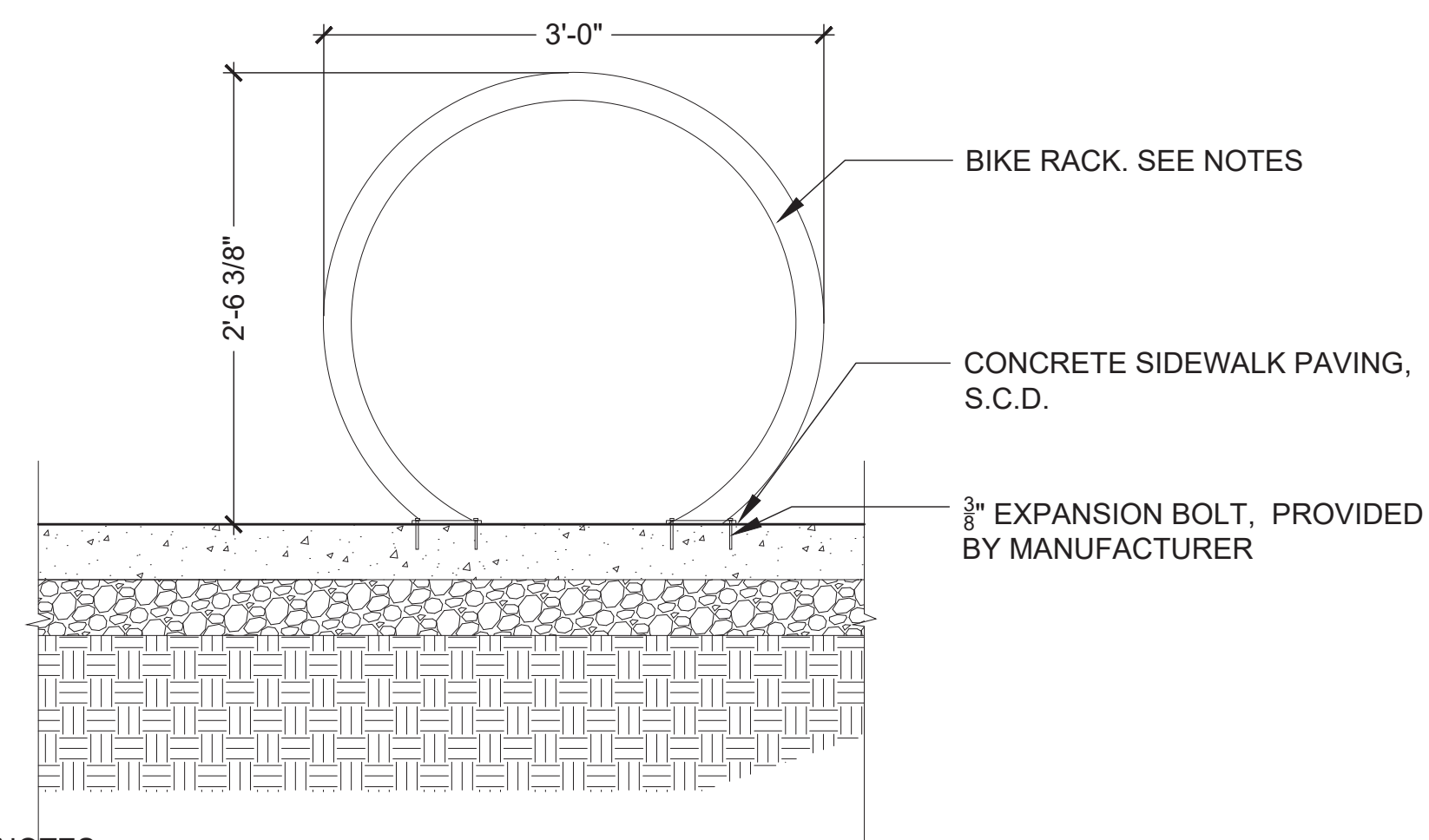
SECTION A-A: DERBY STREET



SECTION B-B: TELEGRAPH STREET



BIKE RACK



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

BIKE RACK DETAIL

TRACHTENBERG
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SHEET:

LANDSCAPE
SECTIONS

L1.4



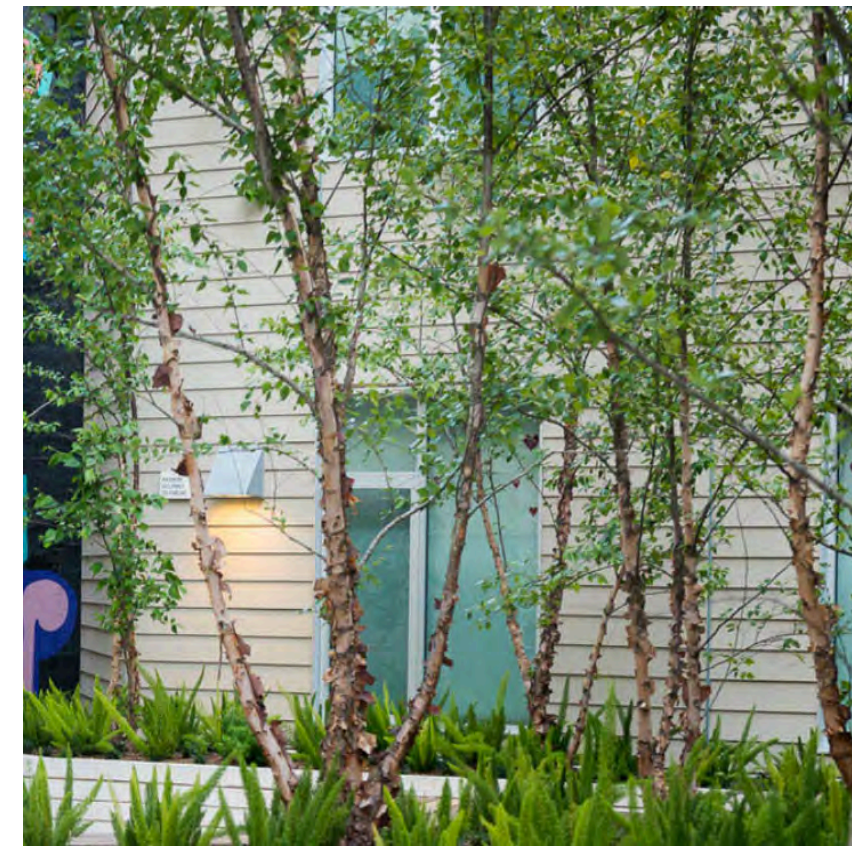
MARINA STRAWBERRY TREE
ARBUTUS 'MARINA'



LONDON PLANE TREE
PLATANUS ACERIFOLIA 'COLUMBIA'



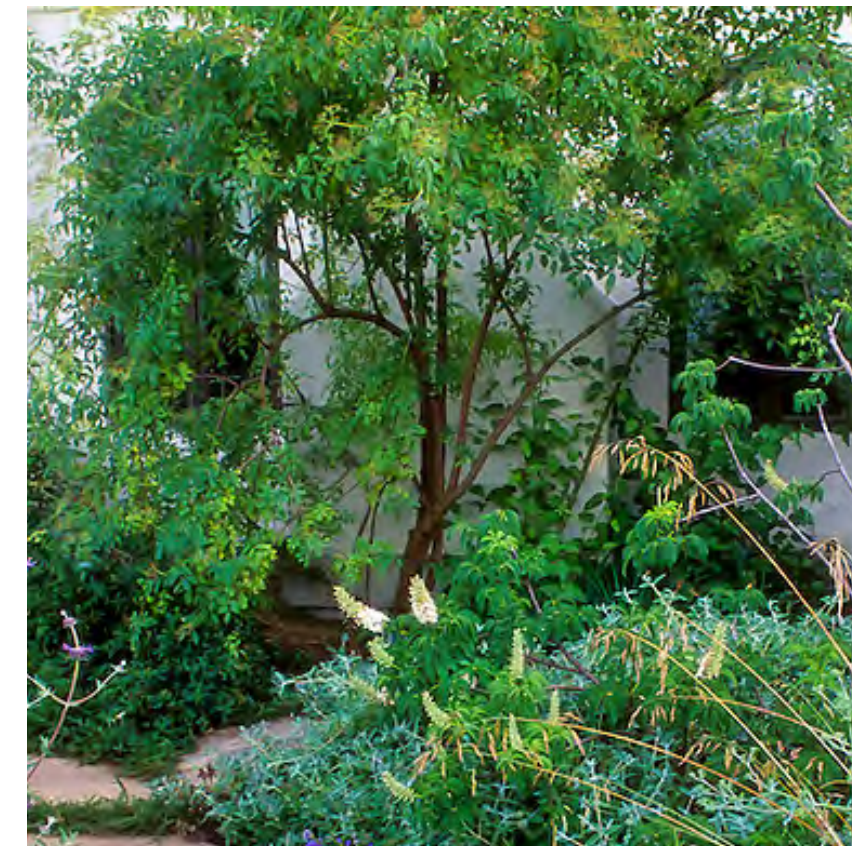
MAPLE TREE
ACER SPP.



RIVER BIRCH
BETULA NIGRA 'HERITAGE'



WESTERN REDBUD
CERCIS OCCIDENTALIS



MEXICAN ELDERBERRY
SAMBUCUS MEXICANA



YARROW
ACHILLEA MILLEFOLIUM



MANZANITA
ARCTOSTAPHYLOS SPP.



BAMBOO
BAMBUSA 'CLUMPING TYPE'



WILD LILAC
CEANOTHUS SPP.



CALIFORNIA FUCHSIA
EPIOBIUM CANUM



CALIFORNIA BUCKWHEAT
ERIOGONUM SPP.



CANYON PRINCE WILD RYE
LEYMUS CONDENSATUS 'CANYON PRINCE'



ORANGE LIBERTIA
LIBERTIA PEREGRINANS



PARROT'S BEAK
LOTUS BERTHELOTII



OREGANO
ORIGANUM VULGARE



KOHUHU
PITTOSPORUM TENUIFOLIUM



ROSEMARY
ROSMARINUS SPP.



SALVIA
SALVIA SPP.



SMALL CAPE RUSH
CHONDROPETALUM TECTORUM



ISANTI REDOSIER DOGWOOD
CORNUS SERICEA 'ISANTI'



DOUGLASIANA IRIS
IRIS DOUGLASIANA



WESTERN SWORD FERN
POLYSTICHUM MUNITUM



RHAMNUS CALIFORNICA
'SAN BRUNO'
MAIDENHAIR TREE

TELEGRAPH
& DERBY

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JOB: 1758

SHEET:
LANDSCAPE
AND PLANTING
PALETTE

L1.5



Administrative Record
ZAB Appeal:
2650 Telegraph Avenue

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, City Council's Web site
<http://www.cityofberkeley.info/citycouncil/>

**NOTICE OF PUBLIC HEARING – BERKELEY CITY COUNCIL
BERKELEY UNIFIED SCHOOL DISTRICT BOARD ROOM,
1231 ADDISON STREET
PUBLIC PARTICIPATION BY REMOTE VIDEO ONLY**

ZAB APPEAL: USE PERMIT #ZP 2019-0070, 2650 TELEGRAPH AVENUE

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY JUNE 16, 2020 at 6:00 P.M.** a public hearing will be conducted to consider an appeal of a decision by the Zoning Adjustments Board to approve Use Permit #2019-0070, to demolish an existing commercial building and construct a five-story, 34,249 square-foot mixed-use building with 45 residential units (including four Very Low-Income units), 1,290 square feet of commercial space, 4,051 square feet of usable open space, 50 bicycle parking spaces and 20 vehicular parking spaces.

A copy of the agenda material for this hearing will be available on the City's website at www.CityofBerkeley.info as of **JUNE 4, 2020**. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology.**

For further information, please contact Ashley James, Project Planner at (510) 981-7458. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, 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 981-6900 or clerk@cityofberkeley.info for further information.

Mark Numainville, City Clerk

Mailed: June 2, 2020

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 Zoning Adjustments Board 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 Zoning Adjustments Board 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.*

ATTACHMENT 6

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 at least 10 days prior to the public hearing.

