To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Eric Angstadt, Director, Planning & Development
Subject: ZAB Appeal: 2029-2035 Blake Street

RECOMMENDATION
Conduct a public hearing and upon conclusion, adopt a Resolution approving Use Permit No. ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces, determining that appeal issues of scale, traffic and noise are without merit and rejecting the appeal as to those issues, and determining that the appeal issue of air quality has merit and adding a Condition of Approval as a result.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
On November 12, 2015, the Zoning Adjustments Board held a public hearing and approved the application submitted by Rhoades Planning Group, 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612, by a 9-0-0-0 vote (Yes: Christiani, Donaldson, Hahn, Hauser, O’Keefe, Tregub, Williams, Pinkston, and Pinto). On November 19, 2015, staff issued the notice of the ZAB decision. An appeal was filed with the City Clerk on December 3, 2015, by Greg Jan, on behalf of the Grassroots House. The Grassroots House is an office workspace located at 2022 Blake Street diagonally across Blake Street from the Project. The Clerk set the matter for review by the Council on February 9, 2016. On January 26, 2016, 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.

BACKGROUND
The project approved by the ZAB would allow the demolition of two existing non-residential buildings and construction of a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.
ENVIRONMENTAL SUSTAINABILITY
The project is in compliance with all state and local environmental requirements.

RATIONALE FOR RECOMMENDATION
The issues raised in the applicant’s appeal, and staff’s responses, are as follows.

Issue: The project is grossly out-of-scale for the neighborhood and will increase traffic, noise, and pollution for the 2000 block of Blake Street. The scale should be significantly reduced. Please remand the project back to the ZAB for further consideration of its many significant impacts to the neighborhood.

Response: The appeal does not present any details or evidence as to how the project is out-of-scale or why potential project traffic, noise or pollution would be detrimental. As such, staff has summarized previously presented information; staff cannot respond with new or refined information.

Scale. The project site is located on the north side of Blake Street in the South Area Commercial (C-SA) zoning district, to the west of Shattuck Avenue and to the east of Milvia Street. The area to the north and west is in the Multi-Family Residential zoning district (R-4) and is characterized by a mixture of medium- to high-density residential buildings and medical buildings, as well as commercial buildings. The area to the south and east is in the South Area Commercial zoning district and is characterized by a mixture commercial, mixed use, and residential uses.

The proposed project would be five stories and have an average maximum height of 60 feet, which are the levels allowed with a Use Permit. The November 12, 2015 ZAB Staff Report (Attachment 3) describes in detail the proposed setbacks and building articulation which result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building varies the use of materials to further break up the building’s massing. The Design Review Committee (DRC) held a preliminary review of the project on May 21, 2015, June 18, 2015, and July 16, 2015. At the July 16, 2015 meeting the DRC gave a favorable recommendation to ZAB.

Traffic. A Transportation Impact Analysis was submitted for the Project, and reviewed and approved by the City’s Transportation Division. Implementation of the Project would not result in any significant traffic or transportation impacts. In addition, Conditions of Approval 54 through 57 include the following, which will further reduce traffic impacts: no Residential Parking Permits shall be issued to project residents; parking
spaces shall be leased or sold separately from dwelling units; secure on-site bike parking will be provided for at least 64 bicycles; and, a Transportation Demand Management report shall be prepared for the Project. Condition of Approval 36 requires a Transportation Construction Plan to reduce traffic impacts during project construction.

**Noise.** As described above, the primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity, including noise levels associated with these uses. Noise levels during Project construction are addressed in standard Conditions of Approval 11, 12, 13, 15, 34, and 35.

**Air.** As described above, the primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity, this compatibility includes air quality levels. Two new Conditions of Approval (COAs), COA 38 and COA 39, have been added to address air quality during Project construction. COA 38 includes Bay Area Air Quality Management District (BAAQMD) best management practices for fugitive dust during construction. This is a standard condition that was left out due to a staff oversight. A second Condition of Approval, Condition 39, has been added to further address air quality during construction, requiring EPA-Certified Tier 2 emission standards for off-road diesel-powered construction equipment. This condition is currently being developed by Staff and a technical consultant for projects in close proximity to residential uses.

**ALTERNATIVE ACTIONS CONSIDERED**
Pursuant to BMC Section 23B.32.060.D, the Council may (1) continue the public hearing, (2) reverse or affirm, wholly or partly, 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 is closed by the Council (not including any Council recess), then the decision of the Board shall be deemed affirmed and the appeal shall be deemed denied.

**CONTACT PERSONS**
Carol Johnson, Land Use Planning Manager, (510) 981-7411
Shannon Allen, Principal Planner, (510) 981-7430
Attachments:
1: Resolution
  Exhibit A: Findings and Conditions
  Exhibit B: Project Plans dated October 30, 2015
2: Greg Jan, on behalf of the Grassroots House, appeal letter dated December 3, 2015
3: ZAB Staff Report, dated November 12, 2015
4: Index to Administrative Record
5: Administrative Record
6: Public Hearing Notice
RESOLUTION NO. ##,##-N.S.

UPHOLD THE ZONING ADJUSTMENTS BOARD’S APPROVAL OF USE PERMIT NO. ZP2014-0069 TO DEMOLISH TWO EXISTING NON-RESIDENTIAL BUILDINGS AND CONSTRUCT A NEW 5-STOREY MIXED-USE PROJECT WITH 82 RESIDENTIAL UNITS, TWO LIVE/WORK UNITS, A 1,896 SQ. FT. GROUND-FLOOR RETAIL SPACE, 68 AUTO PARKING SPACES IN A BASEMENT LEVEL GARAGE, AND 67 BIKE PARKING SPACES

WHEREAS, on November 24, 2014, Mark Rhoades, Rhoades Planning Group (“applicant”) filed an application for a Use Permit to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces (“Project”); and

WHEREAS, on March 5, 2015, the Landmarks Preservation Commission (“LPC”) reviewed the existing buildings and declined to initiate the buildings because the buildings did not individually possess distinctive architectural characteristics, nor merit designation for associations with people or events; and

WHEREAS, on March 20, 2015, staff deemed this application complete, and on approximately April 17, 2015, determined that the project was categorically exempt from the California Environmental Quality Act (“CEQA”) under Section 15301 (“Existing Facilities”); and

WHEREAS, on May 21, 2015, the Design Review Committee (“DRC”) conducted preliminary design review of a proposed 6-story, 72-dwelling unit mixed-use building, and the DRC requested revision to the building massing and design, increase in setbacks, increase open space, and exterior design that suites the built-in environment; and

WHEREAS, on June 10, 2015, the applicant submitted a revised plan that include a subsurface parking garage, pulled back bays, reconfigured courtyard and dwelling units, and a refined color and materials palette; and

WHEREAS, on June 18, 2015, the DRC conducted Preliminary Design Review of the revised plans and concluded that the setbacks should be increased, as well as revising the plans to include a detailed, dimensioned site plan showing adjacent buildings and property lines; and

WHEREAS, on July 2, 2015, the applicant submitted a landscape plan, details of the proposed building, and a refined color and materials palette; and

WHEREAS, on July 16, 2015, the DRC conducted Preliminary Design Review and passed a favorable recommendation to the ZAB on a 6-0-0-1 vote; and
WHEREAS, on October 29, 2015, staff mailed 236 notices to adjoining property owners and occupants within 300 feet of the site, and to interested neighborhood organizations and posted a Notice of Public Hearing at the site in three locations; and

WHEREAS, on November 12, 2015, the ZAB held a public hearing in accordance with BMC Section 23B.32.030, and approved the use permit application; and

WHEREAS, on November 19, 2015, staff issued the notice of the ZAB decision; and

WHEREAS, on December 3, 2015, Greg Jan, on behalf or the Grassroots House, 2022 Blake Street, filed an appeal of the ZAB decision with the City Clerk; and

WHEREAS, on January 26, 2016, 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 February 9, 2016, 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 comments made at the public hearing, warrant approving the project.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it hereby approves Use Permit No. 2014-0069 and related findings and conditions, as set forth in Exhibit A and the project plans in Exhibit B.
2029 Blake Street – The Roost @ Blake

Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

PERMITS REQUIRED

- Use Permit for demolition of existing commercial structures, under BMC Section 23C.08.050.A;
- Administrative Use Permit for rooftop equipment and architectural elements that would exceed the District’s high limit, under 23E.04.020.C;
- Use Permit for a mixed-use development of more than 5,000 square feet, under BMC Section 23E.52.030.A;
- Use Permit for live/work units, under BMC Section 23E.52.030.A;
- Administrative Use Permit to allow a quick or a full service restaurant with more than 1,000 square feet, under BMC Section 23E.52.030.A;
- Administrative Use Permit for alcoholic beverage service of beer and wine incidental to food service at a quick or a full service restaurant, under BMC Section 23E.52.030.A;
- Use Permit for construction of more than 3,000 square feet of gross floor area, under BMC Section 23E.52.050;
- Use Permit to reduce the front yard setback from 15 feet to 0-4 feet, reduce the rear yard setback from 17 feet to 15 feet on the fourth floor, reduce the west side yard setback from 6 feet to 5 feet on the third floor, reduce east side yard setback from 4 feet to 0 feet on the first and second floors, from 6 feet to 0 feet on the third floor, and from 10 to 8 feet on the fifth floor, (see Table 4 for greater detail), under BMC 23E.52.070.D.7;
- Use Permit to increase the maximum lot coverage to 71.4%, when the maximum is 35%, under BMC 23E.52.070.D.7; and
- Use Permit to modify or waive approximately 1 residential parking space under 23E.52.070.D.7.
CEQA FINDINGS

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15332 of the CEQA Guidelines ("Infill"). 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.

GENERAL NON-DETRIMENT FINDING

1. Pursuant to Berkeley Municipal Code Section 23B.32.040, the City finds that the proposed project, under the circumstances of the particular case existing at the time at which the application is granted, will not be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the area or neighborhood of such proposed use or be detrimental or injurious to property and improvements of the adjacent properties, the surrounding area or neighborhood, or to the general welfare of the City, for the reasons outlined below. (These findings are also applicable to the Use Permit requested for the additional 3,000 square feet of gross floor area.)

A. The Project is a mixed-use development in proximity to regional transit, shops and amenities. The project site is located within the South Area Commercial (C-SA) district. It will provide 82 residential units, as well as two live/work units and ground floor commercial space in proximity to transit. The Project site is 0.6 miles south of the Downtown Berkeley BART station and 0.8 miles north of the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block to the east of the Project site and AC Transit line 49 runs on Dwight Way, approximately one block to the north of the Project site and is 0.6 miles south of the Downtown Berkeley Transit Center that is served by 15 AC Transit lines. In addition, the Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga and exercise studios, and hair salons, on Blake Street and Shattuck Avenue; the Project will add to these commercial uses and add population to support these uses.

B. Under the Greenpoint rating system that the City requires all new housing to complete, this project would achieved a “Gold” rating. The environmentally sustainable elements include the density and transit orientation, mixed-use character, interior and exterior finishes and materials, solar residential hot water, flow-through planters or a biofiltration area, solar shading at the south and west sides, and amenities such as bicycle parking.

C. The five-story Project will result in new shading patterns as described in the Staff Report and shown in the applicants shadow diagrams. The two single-story, existing buildings on the site extend to the west, north and east property lines; the proposed building would be set back 5 to 24 feet from the west property line and 15 to 20 feet from the north property line, in proximity to adjacent residential uses. Siting the Project further to the east and south on the site will also reduce shadow impacts. The shadow impacts of the project are to be expected in this urbanized area and would not detrimental. In addition, the increased setback from adjacent buildings to the west and north would allow reflected light.
D. The Project will provide usable open space for the dwellings that is in excess of the 3,360 square feet that is required. It will include an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot south-facing (faces Blake Street) deck and 520 square foot west-facing deck on the fourth floor, a 1,170 square foot roof deck above the fifth floor, plus approximately 5,000 square feet of additional private open space through smaller decks and patios. In addition, the project will include a 1,700 square foot (170 feet by 10 feet) landscaped biofiltration zone along the entire northern property line that will provide a buffer and screening between the project and the properties to the north.

DEMOLITION OF EXISTING BUILDINGS

2. Pursuant to Berkeley Municipal Code Section 23C.08.050.D, the Zoning Adjustments Board finds that the proposed demolition of the structures at 2029 and 2035 Blake Street will not be materially detrimental to the commercial needs and public interest of any affected neighborhood or the City. The structures are not architecturally or historically significant; on March 5, 2015, the Landmarks Preservation Commission (LPC) considered information regarding the history of the structures and took no action to initiate either building as a landmark of structure of merit. One of the existing buildings is used as a commercial auto repair garage and the other is used for storage. The proposed project will include approximately 4,066 square feet of ground floor commercial use. The Board also finds that this demolition is necessary to allow construction of the proposed mixed-use development.

MIXED USE BUILDING WITH MORE THAN 5,000 SQUARE FEET OF FLOOR AREA, REDUCED SETBACKS, INCREASED LOT COVERAGE, PARKING REDUCTION

3. Pursuant to Berkeley Municipal Code Section 23E.52.090.B, the Zoning Adjustments Board finds that the proposed use will be compatible with the purposes of the C-SA district as described below. The purposes of the C-SA districts include: provide locations for both community-serving and regional-serving businesses; provide an area of neighborhood and lower intensity community Commercial Uses, serving as a transition between the Downtown area and the neighborhood-serving area south of Ashby Avenue; encourage the location of a wide variety of community-oriented retail goods and services; encourage residential development for persons who desire both the convenience of location and more open space than is available in the Downtown; encourage development and amenities that support pedestrian-oriented uses; encourage appropriate mixed-use development (retail/office/residential) on appropriate sites in the District; and increase the opportunities for the establishment of businesses which are owned and operated by local residents.

- The Project will be compatible in design and character with the District and the adjacent residential neighborhoods. Properties to the east and south of the site that are also within the C-SA district consist of one- to two-story commercial buildings and surface parking lots; ground floor uses are exclusively commercial while second story uses vary. The area to the north and west of the project site is in the Multi-Family Residential zoning district (R-4) and buildings adjacent to the site consist of one- to four-story residential buildings; however, other properties further west and north include commercial, medical and medical office use. The primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity. The proposed setbacks and building articulation result in a building that is compatible with the design and character of
the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building’s massing. At their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

- The Project will include two live/work units and approximately 1,481 square feet of ground floor commercial space, proposed for restaurant use. The surrounding area includes a diversity of commercial uses and implementation of the Project will not result in the domination of one type of commercial/retail use.

In addition to the findings above, the Board shall find, for each Use Permit for a mixed use or a residential use obtained under Section 23E.52.070.D, that the proposed use or structure satisfies the following general purposes:

- The Project includes 82 residential units in proximity to two BART stations and multiple AC Transit lines. The project will encourage utilization of public transit by increasing the housing stock near existing BART stations and AC Transit lines. In addition, the Project provides just below the minimum required automobile parking spaces, will be required to provide one Clipper Card per residential unit, no Residential Permit Parking (RPP) permits shall be issued to project residents, and all residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units. If the 35% lot cover maximum were met, it is assumed approximately half, or 41 residential units would be developed. The additional population provided through the increased lot coverage, will further support transit/increase transit demand. In addition to supporting transit, the Project will provide 61 bike parking space and is located near the Milvia Street Bicycle Boulevard; the waiving of one residential off-street parking space would not be detrimental.

- The mixed-use Project will provide consistency with the purposes of the District - it will provide a location for community-serving businesses; provide a transition between the Downtown area and the area south of Ashby; provide residential development in a convenient location and with more useable open space; and support pedestrian oriented uses through urban design and an increased population near goods, services and transit.

OTHER REQUIRED FINDINGS

4. The Project is consistent with the purposes of Chapter 23E.20, Live/Work Provisions. The two live/work units will occupy the ground floor, west of the commercial space, adjacent to the R-4 district. The project site is within the C-SA district, which to the south and east of the site is characterized by a mixture commercial, mixed use, and residential uses. The area to the north and west of the site is in the R-4 zoning district, which in the vicinity of the project site is characterized by a mixture of medium- to high-density residential buildings and medical buildings, as well as commercial buildings. This mixed-use location is appropriate for new businesses and will provide opportunities for people to live in mixed use commercial areas. With an open ground floor space of approximately 900 square feet and a mezzanine of approximately 385 square feet, each live/unit will function predominantly as workspaces and secondarily as residence, and assures the division of these spaces.

5. Pursuant to Berkeley Municipal Code Section 23B.28.050, the City finds that the rooftop equipment, including parapet, mechanical equipment, elevator penthouse, stair penthouses, roof balcony and deck railings, will represent approximately 5% of the average floor area (well below the 15% maximum) and will not be used as habitable space or for any
commercial purpose, other than that which may accommodate the mechanical needs of the building. In addition, these elements will not be detrimental to those residing and working in the neighborhood for the reasons outlined in Finding 1.

6. Pursuant to Berkeley Municipal Code Section 23B.28.050, the City finds that the Full Service Restaurant or Quick Service Restaurant over 1,000 square feet will not be detrimental to those residing and working in the neighborhood for the reasons outlined in Finding 1. Conditions of Approval #57-69 pertaining to food service will be implemented to limit detriment.

7. Pursuant to Berkeley Municipal Code Section 23B.28.050, the City finds that the incidental service of beer and wine would not be detrimental to those residing and working in the neighborhood for the reasons outlined in Finding 1. In addition, Conditions of Approval #71-87 pertaining to alcohol service will be implemented to limit detriment. The operators of the Café shall insure that adjacent residents are not disturbed by patrons.
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 Zoning Officer, except that the Zoning Officer may approve changes that do not expand, intensify, or substantially change the use or building.

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.
8. Exercise and Lapse of Permits (Section 23B.56.100)
   A. A permit for the use of a building or a property is exercised when, if required, a valid City business license has been issued, and the permitted use has commenced on the property.
   B. A permit for the construction of a building or structure is deemed exercised when a valid City building permit, if required, is issued, and construction has lawfully commenced.
   C. A permit may be declared lapsed and of no further force and effect if it is not exercised within one year of its issuance, except that permits for construction or alteration of structures or buildings may not be declared lapsed if the permittee has: (1) applied for a building permit; or, (2) made substantial good faith efforts to obtain a building permit and begin construction, even if a building permit has not been issued and/or construction has not begun.

9. Indemnification Agreement
   The applicant shall hold the City of Berkeley and its officers harmless in the event of any legal action related to the granting of this Permit, shall cooperate with the City in defense of such action, and shall indemnify the City for any award of damages or attorney’s fees that may result.

ADDITIONAL CONDITIONS IMPOSED BY THE ZONING OFFICER
Pursuant to BMC 23B.28.050.D, the Zoning Officer attaches the following additional conditions to this Permit:

Prior to Submittal of Any Building Permit:

10. Address Assignment. The applicant shall file an “Address Assignment Request Application” with the Permit Service Center (2120 Milvia 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.

Prior to Issuance of Any Demolition or Building Permit:

11. Project Liaison. The applicant shall provide the project planner with the name and telephone number of the individual empowered to manage complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.

   [Project Liaison]  
   Name:  
   Phone #:  

12. 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, including (1) project description, (2) description of construction activities, (3) daily construction schedule (i.e., time of day) and expected duration (number of months), (4) the name and phone number of the Noise Management Individual for the project, (5) commitment to notify neighbors at least four days in advance of authorized extended work hours and the reason for extended hours, (6) that construction work is about to
commence, and (7) designate a “construction liaison” that would be responsible for responding to any local complaints about construction noise. The liaison would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and institute reasonable measures to correct the problem. A copy of such notice and methodology for distributing the notice shall be provided in advance to the City for review and approval.

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 below, as measures needed to ensure that construction complies with Section 13.40.070 of the Berkeley Municipal Code. The noise reduction program should include, but shall not be limited to, the following available controls to reduce construction noise levels as low as practical:

- Construction equipment should be well maintained and used judiciously to be as quiet as practical.
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists. Select hydraulically or electrically powered equipment and avoid pneumatically powered equipment where feasible.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when adjoining construction sites. Construct temporary noise barriers or partial enclosures to acoustically shield such equipment where feasible.
- Prohibit unnecessary idling of internal combustion engines.
- If impact pile driving is required, pre-drill foundation pile holes to minimize the number of impacts required to seat the pile.
- Construct solid plywood fences around construction sites adjacent to operational business, residences or other noise-sensitive land uses where the noise control plan analysis determines that a barrier would be effective at reducing noise.
- Erect temporary noise control blanket barriers, if necessary, along building facades facing construction sites. This mitigation would only be necessary if conflicts occurred which were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Route construction related traffic along major roadways and away from sensitive receptors where feasible.

14. **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.

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.

17. Affordable Housing Mitigation Fee: The project is subject to BMC Section 22.20.065 which allows the provision of BMR Units on site or the payment of an in-lieu fee. As required by the Zoning Adjustments Board, four (4) BMR units shall be provided on site and the balance may be provided on site or the fee may be paid, as described below. An applicant for a Development project that is subject to the Fee may elect to avoid the Fee by providing, for the life of the project, a number of units equal to 10% of the market rate units in the project at rental rates affordable to Very Low-Income Households. An applicant for a Development project subject to this Section may provide less than 10% of market rate units as Very Low-Income Units and pay a proportionately reduced Fee. In all such cases the applicant shall execute a written agreement with the City indicating the number, type, location, approximate size and construction schedule of all such dwelling units and other information as required for determining compliance with this Section. All such units shall be reasonably dispersed throughout the project, be of the same size and contain, on average, the same number of bedrooms as the market rate units in the project; and be comparable with the design or use of market rate units in terms of appearance, materials and finish quality. The owner of any units produced under this option must report to the City annually on the occupancy and rents charged for the units.

If the BMR Units are provided in the Project, they 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.

18. Percent For Art: The City is considering a One Percent for Art on private projects, which is anticipated to apply to all new multifamily residential buildings of five or more units, commercial buildings and industrial buildings, with the exception of C-DMU projects subject to Significant Community Benefits. The Ordinance is anticipated to require owners of subject properties to devote one percent of construction costs to public art as a community benefit either as publicly accessible artwork on site or through an in-lieu fee. If adopted prior to issuance of building permit, the applicant shall pay the One Percent for Art fee prior to issuance of a certificate of occupancy, consistent with a schedule approved by the City Manager or her designee.

19. Electric Vehicle (EV) Charging. At least 10% of the project parking spaces for residential parking and 3% of the parking spaces for non-residential parking shall be pre-wired to allow for future Level 2 (240 Volt/40 amp) plug-in electric vehicle (EV) charging system installation, as specified by the Office of Energy and Sustainable Development. Any Level 2 EV charging systems installed at parking spaces will be counted toward the applicable pre-wiring requirement. Pre-wiring for EV charging and EV charging station installations shall be noted on site plans.
20. Recycling and Organics Collection. Applicant shall provide recycling and organics collection areas for tenants, clearly marked on site plans, which comply with the Alameda County Mandatory Recycling Ordinance (ACWMA Ordinance 2012-01).

21. Water Efficient Landscaping. Applicant shall provide an updated Bay-Friendly Basics Landscape Checklist that includes detailed notes of any measures that will not be fully met at the project. Landscape improvements shall be consistent with the current versions of the State’s Water Efficient Landscape Ordinance (WELO) and the East Bay Municipal Utility District’s Section 31: Water Efficiency Requirements.

22. 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.

23. 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.

24. Public Works. The parklet within the Blake Street right of way is subject to the review and approval of Public Works. If approved, it shall be maintained by the 2029-2039 Blake Street property owner.

25. Parking for Disabled Persons. Per 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.”

26. Parking. Of the 68 parking spaces in the subsurface garage, 2 shall be dedicated to carshare, 4 shall be dedicated to the commercial (restaurant) use, 2 shall be dedicated to the live/work use, and the remaining 60 shall be dedicated to the residential use.

27. First Source Agreement. The applicant and/or end user(s) shall enter into a First Source Agreement with the City's WorkSource program, a referral service for Berkeley residents seeking jobs. The agreement requires employers to consult WorkSource before hiring construction workers or permanent employees, but leaves the final hiring decision with the employer. Please call (510) 981-7551 for further information, or visit WorkSource at 1947 Center Street.

28. The applicant shall contact the Toxics Management Division (TMD) at 2120 Milvia, 3rd Floor or (510) 981-7470 to determine which of the following environmental documents are required and timing for their submittal:

   A. 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:
      i. All new commercial, industrial and mixed use developments and all large improvement projects.
      ii. All new residential buildings with 5 or more dwelling units located in the Environmental Management Area (or EMA).

   EMA is available online at:
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 clean up agency to evaluate the risks.

* 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.

A Phase I ESA was prepared for the site on November 20, 2013. The Phase I ESA concluded that a Phase II was not necessary, but the hoists in the 2029 Blake Street building and the two hydraulic oil reservoirs in the 2035 Blake Street shall be removed. Directly after their removal, the soil at these locations shall be sampled by a qualified technician. If leakage has occurred, the applicant shall notify the City of Berkeley Toxics Management Division and a plan of action shall be immediately implemented. Such a plan usually involves excavating a limited amount of soil and soil disposal at the appropriate facility.

B. Soil and Groundwater Management Plan. A Soil and Groundwater Management Plan (SGMP) shall be submitted to TMD. 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.

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.

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.** Prior to approving any permit for partial or complete demolition and renovation activities involving the removal of 20 square or linear 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 with 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.


29. **Bird Strike.** New buildings with the potential for significant bird strikes must adhere to the design measures listed below. These measures will be considered in final design review, prior to the issuance of a building permit.
   - Create visual markers and mute reflections in the glass features of buildings. Glass treatment (e.g., modifications in transparency, reflectivity, patterns and colors) shall be on at least the first 12 meters, or to the anticipated height of the majority of vegetation at maturity, whichever is higher. Applying these solutions to the entire building is preferred.
   - Reduce light pollution which disorients migrating birds by choosing exterior light fixtures that project light downward rather than toward the sky, by turning off interior lights at night, especially during spring and fall migration periods, and by locating interior plantings away from glass areas that are lit at night.
   - For structures such as greenhouses, skyways, free-standing glass walls and some balconies, require that 100 percent of glass be treated.

30. **Bicycle Parking.** Bicycle parking on the project site shall be expanded to provide at least three (3) bike parking spaces in the bike room for the live/work units; and at least one (1) bike parking space for the commercial use on the project site.

31. **Trash/Recycling/Compost Room.** The Trash/Recycling/Compost Room shall be revised to create a means for property management or the City to access bins for collection.

32. **Live/Work.** An exhibit shall be provided with the building permit application that demonstrates conformance with live/work as defined in BMC 23F.04.010.

33. **Live/Work Deed Restriction Requirement.** Prior to issuance of a building permit, the applicant shall supply a deed restriction, notarized and bearing the stamp of filing from the Alameda County Recorder's Office, which stipulates that:
At least one resident in each Live/Work Unit shall maintain at all times a valid City Business License and any applicable Zoning Certificate or Use Permit for a business on the premises.

No portion of a Live/Work Unit may be separately rented or sold as a commercial space for a person or persons not living on the premises, or as a residential space for a person or persons not working on the premises.

City Monitor: Staff Planner

Signature  Date

Prior to Construction:

34. 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:

35. Construction Hours. In conjunction with the Construction Noise Reduction Plan required above, construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday. 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.

36. 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 or pedestrian paths
- Alterations, closures, or blockages to vehicle travel lanes (including bicycle lanes)
- Storage of building materials, dumpsters, debris anywhere in the public ROW
- Provision of exclusive contractor parking on-street relevant
- 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, 3rd floor, 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 2120 Milvia 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.

37. **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.

38. **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:
   - All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
   - All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
   - 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.
   - All vehicle speeds on unpaved roads shall be limited to 15 mph.
   - 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.
   - 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.
   - 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.
   - 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.

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

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

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

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

E. All paved outdoor storage areas must be designed to reduce/limit the potential for runoff to contact pollutants.

F. All on-site storm drain inlets/catch basins must be cleaned at least once a year immediately prior to the rainy season. The property owner shall be responsible for all costs associated with proper operation and maintenance of all storm drainage facilities (pipelines, inlets, catch basins, outlets, etc.) associated with the project, unless the City accepts such facilities by Council action. Additional cleaning may be required by City of Berkeley Public Works Engineering Dept.

G. All private or public projects that create and/or replace 10,000 square feet or more of impervious surface must comply with Provision C.3 of the Alameda County NPDES permit and must incorporate stormwater controls to enhance water quality. Permit submittals shall include a Stormwater Requirement Checklist and detailed information showing how the proposed project will meet Provision C.3 stormwater requirements, including a) Site design measures to reduce impervious surfaces, promote infiltration, and reduce water quality impacts; b) Source Control Measures to keep pollutants out of stormwater runoff; c) Stormwater treatment measures that are hydraulically sized to remove pollutants from stormwater; d) an O & M (Operations and Maintenance) agreement for all stormwater treatment devices and installations; and e) Engineering calculations for all stormwater devices (both mechanical and biological).

H. All on-site storm drain inlets must be labeled “No Dumping – Drains to Bay” or equivalent using methods approved by the City.

I. Most washing and/or steam cleaning must be done at an appropriately equipped facility that drains to the sanitary sewer. Any outdoor washing or pressure washing must be managed in such a way that there is no discharge or soaps or other pollutants to the storm drain. Sanitary connections are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

J. All loading areas must be designated to minimize “run-on” or runoff from the area. Accumulated waste water that may contribute to the pollution of stormwater must be drained to the sanitary sewer or intercepted and pretreated prior to discharge to the storm drain system. The property owner shall ensure that BMPs are implemented to prevent
potential stormwater pollution. These BMPs shall include, but are not limited to, a regular program of sweeping, litter control and spill cleanup.

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

L. Sidewalks and parking lots shall be swept regularly to prevent the accumulation of litter and debris. If pressure washed, debris must be trapped and collected to prevent entry to the storm drain system. If any cleaning agent or degreaser is used, wash water shall not discharge to the storm drains; wash waters should be collected and discharged to the sanitary sewer. Discharges to the sanitary sewer are subject to the review, approval and conditions of the sanitary district with jurisdiction for receiving the discharge.

M. The applicant is responsible for ensuring that all contractors and sub-contractors are aware of and implement all stormwater quality control measures. Failure to comply with the approved construction BMPs shall result in the issuance of correction notices, citations, or a project stop work order.

40. 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.

41. 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.

42. 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.

43. 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.

44. 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.

45. 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:

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

47. 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 October 30, 2015, except as modified by conditions of approval.

48. Construction and Demolition Recycling. A Construction and Demolition Recycling Summary 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 Solid Waste Management Division. The Zoning Officer may request summary reports at more frequent intervals, as necessary to ensure compliance with this requirement. A current copy of this Plan shall be available at all times at the construction site for review by City Staff.

At All Times:

49. Exterior Lighting. All exterior lighting shall be shielded and directed downward and away from property lines to prevent excessive glare beyond the subject property.

50. Rooftop Projections. No additional rooftop or elevator equipment shall be added to exceed the approved maximum roof height without submission of an application for a Use Permit Modification, subject to Board review and approval.

51. Design Review. Signage and any other exterior modifications, including but not limited to landscaping and lighting, shall be subject to Design Review approval.

52. 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.

53. Electrical Meter. Only one electrical meter fixture may be installed per dwelling unit.
54. **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.

55. **Parking to be Leased or Sold Separately.** All residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

56. **Bike Parking.** Secure and on-site bike parking for at least 64 bicycles shall be provided for the life of the building.

57. **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, 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. A notice describing these transportation benefits shall be posted in a location or locations visible to all employees.

C. Subject to the review and oversight of the Transportation Division Manager, 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.

D. The building owner, manager or designee shall provide transit information 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.

E. The building owner, manager or designee shall gather and provide information regarding transit and other alternative transportation to residents and commercial tenants and their employees. Information may pertain to the City, regional transit agencies, carsharing, Spare the Air, 511 and other relevant programs. This information package shall be provided to all residents/employees on arrival plus once a year.

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.

58. **Car Share.** Two (2) of the 68 automobile parking spaces in the subsurface garage shall be dedicated car share spaces.
59. **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, entertainment uses, light industrial and medical office, and that each occupant shall not seek to impede their lawful operation.

60. **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.

**FOOD SERVICE CONDITIONS**

These requirements are in addition to any other requirements under the City's Building, Health or Fire Codes or by agencies such as the Alcoholic Beverage Control Department of the State of California. The applicant is responsible for contacting these and other departments and agencies to identify and secure all applicable permits and licenses.

61. 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.

62. The approved floor plan, including the number of seats, shall be followed and the operation shall be conducted as presented to the Board. The maximum occupancy shall be as specified in the application unless otherwise required by applicable regulations.

63. Changes to the building's facade, including doors or windows, site plans, landscaping, signage, and awnings are subject to Design Review and approval prior to issuance of a building permit.

64. The hours of operation of the restaurant portion of the business shall be limited to the hours of operation in the C-SA district (BMC 23E.52.060): No commercial use shall operate except between the following hours of the specified days: 7:00 a.m. to 12:00 midnight daily. Hours of operation refer to arrival of the first patron and departure of the last patron.

65. Cooking odors, noise, exterior lighting and operation of any parking area shall be controlled so as to prevent verified complaints from the surrounding neighborhood. This shall include noise created by employees working on the premises before or after patrons arrive.

66. Smoke and odor control equipment approved by the City Environmental Health Division and providing adequate protection to residential uses near the restaurant shall be installed (or prior installation verified) prior to issuance of an Occupancy Permit.

67. Garbage and trash containers that are suitably enclosed and screened from view shall be provided subject to approval of the Zoning Officer, the Health Department and, where applicable, the Design Review Planner. Any establishment selling beverages in cans or
bottles that are subject to the State of California Container Deposit Law shall provide separate bins or cans for the placement of such cans or bottles to ensure recycling of such containers.

68. Containers used for the dispensing of prepared food shall identify the establishment. Polystyrene foam food packing is prohibited by Section 11.60.030 of the Berkeley Municipal Code.

69. Any establishment selling beverages in cans or bottles that are subject to the State of California Container Deposit Law shall recycle such containers.

70. The operator of the restaurant shall place a waste receptacle near the entry way and shall insure that garbage on the sidewalk in front of the establishment and within 50 feet thereof will be picked up periodically during each day, so that the sidewalk remains clean.

71. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity.

72. The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

73. 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.

**INCIDENTIAL ALCOHOLIC BEVERAGE SERVICE CONDITIONS (on-site)**

74. Alcoholic beverage service shall be “incidental" to the primary food service use, as defined in Zoning Ordinance 23F.04.010. An incidental use shall not exceed twenty-five percent (25%) of the floor area of the primary use, and if it consists of the commercial sales of a different line of products or services than the primary use, such incidental use may not generate gross receipts in excess of thirty-three percent (33%) of the gross receipts generated by the primary use. In addition, the California Department of Alcohol Beverage Control (ABC) allows this alcohol use only as part of a “bona fide eating place” making “actual and substantial sales of meals,” and stringently enforces this requirement.

75. The establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.

76. The applicant shall comply with ABC regulations for License Type 41, which requires that the food establishment operate as a bona fide eating place, make actual and substantial sales of meals during normal meal hours, and that the establishment operate at least five days a week. In addition, the applicant shall request that the ABC place the following
conditions on the ABC permit for this site, and this Use Permit shall only be operative for as long as these conditions are placed on the associated ABC license:

- The sale of alcoholic beverages for consumption off the premises is strictly prohibited;
- There shall be no bar or lounge area upon the licensed premises maintained for the sole purpose of sales, service or consumption of alcoholic beverages directly to patrons for consumption;
- During operating hours, 100% of the service area shall be designed and used for and must possess the necessary utensils, and condiment dispensers with which to serve meals to the public;
- There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or signs which are clearly visible to the exterior shall constitute a violation of this condition.

77. A Berkeley Police Department Crime Prevention Through Environmental Design (CPTED) survey shall be completed prior to commencing alcohol service.

78. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.

79. All employees selling and/or serving alcohol, or directly supervising such sales and/or service, shall complete a course in Responsible Beverage Sales and Service (RBSS) through the California Department of Alcoholic Beverage Control within 6 months of employment at the establishment. Employees who have completed the course within the last five (5) years shall be exempt from this requirement.

80. Employees shall not serve alcohol to patrons who appear to be inebriated or otherwise unable to behave in an orderly manner upon consuming alcohol.

81. Any operator of the licensed establishment shall not have had a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety or nuisance statutes or regulations to be confirmed by the Zoning Officer prior to issuance or transfer of a business license at this location.

82. The service of alcohol shall be limited to beer and wine and limited to the hours of 7:00 a.m. to 12:00 midnight daily; patrons may only purchase food or finish drinks already purchased within these hours. The Zoning Adjustments Board shall approve any change in the hours of restaurant operations and/or alcohol service (except decreased hours in compliance with applicable ABC regulations). Hours of operation are subject to review and amendment by the Zoning Adjustments Board as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City standards or policies.

83. Fortified alcohol products (e.g., malt liquor), shall not be sold on the premises.
84. Consumption of alcohol shall not be permitted in any outdoor seating area.

85. Neither alcohol-dispensing facilities nor sign(s) advertising alcoholic beverages shall be visible from the public right-of-way.

86. All alcohol served to patrons must be served in durable restaurant tableware – i.e. either cups or glasses. No alcohol may be distributed in its original bottle or can, or in any other potentially disposable container.

87. There shall be no service or consumption of alcohol on the public right-of-way.

88. No alcohol may be transported off-site from the establishment to any other establishment or to the public right-of-way.

89. The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets. The operator shall give surveillance to public areas near the establishment, keep such areas free of trash and litter, provide lighting, and otherwise attempt to prevent conduct that might disturb the peace and quiet of residences in the vicinity. Furthermore, the operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.

90. The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.

91. This Use Permit, including these and all other required conditions, shall be posted in conspicuous location, available for viewing by any interested party.

92. At no time shall the operator rent the project space to a third party promoter.
## PROJECT DATA

### CONSTRUCTION TYPE
- TYPE IIIB/TYPE 1A

### EXCAVATION
- Approx. 1910 cubic yards for basement

### FLOOR AREA RATIO
- **ALLOWED:**
  - 2/3" X 4: 90.6/2: 90.4/4
  - 2/3": 4.0
- **PROVIDED:**
  - 2/3": 3.6

### UNIT MIX
- **STUDIOS:** 32, 415 SF
- **1-BEDROOM:** 34, 640 SF
- **2-BEDROOM:** 16, 860 SF

### LOT COVERAGE:
- 16202 SF AREA / 22687.5 LOT AREA = 71.4% COVERAGE

### BUILDING AREA SUMMARY

#### TOTAL FLOOR AREA (INCLUDES STAIRS & ELEVATOR)
- **BASEMENT:** 15,989 SF
- **GROUND FLOOR:** 13,782 SF
- **2ND FLOOR:** 14,800 SF
- **3RD FLOOR:** 14,800 SF
- **4TH FLOOR:** 13,022 SF
- **5TH FLOOR:** 12,411 SF
- **TOTAL:** 83,440 SF

#### GROSS FLOOR AREA
- **GSF, RESIDENTIAL:** 62,776 SF
- **GSF, NON-RESIDENTIAL:** 4,052 SF
- **LIVE/WORK:** 1,816 SF + 769 SF MEZZ.
- **COMMERCIAL:** 1,481 SF

#### OPEN SPACE:
- **4355 SF TOTAL
  - SHARED OPEN SPACE
  - PRIVATE PATIOS @ PODIUM FOR 6 UNITS: 1,537 SF
  - PRIVATE ROOF PATIOS FOR 3 UNITS: 1,957 SF
  - PRIVATE BALCONIES FOR 16 UNITS: 1,534 SF

### PARKING
- **RESIDENTIAL:** 1/1000 GFA
- **FOOD SERVICE:** 1/300 GFA
- **LIVE/WORK:** 1/1000 GFA
- **COMMERCIAL:** 1/2000 GFA
- **TOTAL PARKING:** 68

### STREET PARKING
- **EXISTING:** 8 spaces
- **REMOVED:** 2 spaces
- **TOTAL PROPOSED:** 12 SPACES
- **PARKLET:** 2 SPACES

### ZONING INFORMATION
- **Address:** 2029-2035 Blake Street, Berkeley, CA 94704
- **055 182200900**
- **055 182200803**
- **055 182200803**
- **Use Description:** Mixed Use
- **General Plan:** AC (Avenue Commercial)
- **Zoning District:** C-SA
- **South Area Commercial District
- **Flood Zone:** No
- **Fire Zone:** 1
- **Env. Mgmnt. Area:** Yes
- **Landmark Structure:** Of Merit: No (Landmarks Commission took no action)
- **Lot Area:** 22687.5 SF

### PROJECT DESCRIPTION
This project proposes demolition of 2 existing single-story warehouses and a surface parking lot, and construction of a new 5-story mixed use building with ground floor retail, live/work and patio apartments; basement level car and bike parking and apartments above. Shared and private open space is provided at a grade level podium, fourth floor patios, and private balconies.
BLDG. AREA PER 23D.04.040: 16,202 SF
LOT AREA: 22,687.5 SF
LOT COVERAGE = 71.4%

Note: Please see Sheet Index for Symbols Legend
See 2nd floor for enlarged unit plan references

AREA 16,202 SF
ALL BUILDINGS BEING SHADOWED ARE DEPICTED IN DIAGRAMS

NEW SHADOW @ RESIDENTIAL BLDG.

LIGHTER TONE GRAY INDICATES SHADOWS FROM PROPOSED BLDG.

DARKER TONE GRAY INDICATES SHADOWS FROM EXISTING BLDG.

JUNE 21 - 7:45 AM
1" = 100'-0"

JUNE 21 - 12:00PM
1" = 100'-0"

JUNE 21 - 6:35 PM PROPOSED
1" = 100'-0"
SHADOW STUDY

7. EXISTING

DECEMBER 21 - 9:22 AM

8. EXISTING

DECEMBER 21 - 9:22 AM

9. EXISTING

JANUARY 13 - 3:11 PM

THE ROOST

NEW SHADOW AT LIVING SPACES

NEW SHADOW AT ASSUMED LIVING SPACE

NEW SHADOW AT LIVING SPACES
SHADOW STUDY

13. EXISTING

14. EXISTING

15. EXISTING

PROPOSED

NEW SHADOW AT ASSUMED BEDROOMS

NEW SHADOW AT ASSUMED LIVING SPACES

NEW SHADOW AT LIVING SPACES

JANUARY 13 - 9:26 AM

JANUARY 13 - 9:26 AM

JANUARY 13 - 9:26 AM
The Roost @ Blake
DEVI DUTTA ARCHITECTURE

Proposed Detail Section
1/8" = 1'-0"

Existing Detail Section
1/8" = 1'-0"

PROPOSED/EXISTING DETAIL SECTIONS

SCALE 1/8" = 1'-0"

ZAB - prelim.

10.30.15
VIEW LOOKING EAST ON BLAKE

VIEW INTO ENTRY LOBBY

VIEW FROM SHATTUCK, WEST ON BLAKE
VIEW FROM DWIGHT LOOKING SOUTHWEST

VIEW FROM D W I G H T L O O K I N G S O U T H E A S T

VIEW FROM SHATTUCK
SOUTH ELEVATION

NORTH ELEVATION

WEST ELEVATION

EAST ELEVATION

ELEVATIONS

SCALE:

The Roost

DRC - Supplemental

DEVI DUTTA ARCHITECTURE

10.30.15
2 - AWNING DETAILS

METAL AWNINGS MADE WITH 4'-0" X 3'-0"
MODULES:
4" METAL CHANNEL FRAME
PERFORATED METAL
1" METAL ROD CROSS MEMBERS

1 - GARAGE DOOR DETAILS

CHARRED WOOD PANELS (SHOU-SUGI-BAN METHOD); WOOD PROVIDES SOUND ATTENUATION FOR CARS AND PUZZLE STACKERS MACHINE, AND IS NATURALLY PRESERVED BY CHARRING PROCESS
1/2" REVEAL, PAINTED BLACK
PAINTED SIGNAGE FOR BUILDING ADDRESS AND NAME
UP & OVER STYLE GARAGE DOOR OPERATION DOES NOT PROJECT BEYOND FACE OF DOOR
BAY ABOVE
Balcony Details

1. Balcony Plan
   - Ipe wood slat decking over metal joists
   - Perforated metal panel
   - 14'-10" width

2. Balcony Elevation
   - Wood slat privacy screen at north side of deck, typ
   - Perforated corrugated metal pattern
   - 7'-0" height
   - 5'-0" width

3. Detail
   - Perforated, perforated metal, powder-coated
   - Cr Laurence brushed stainless steel standard glass rail fitting with face-mounting plate
   - 8" x 4" steel plate at railing attachment points, S.S.D.
   - Metal deck edge support, S.S.D.
   - Ipe slat decking, drains through
   - Finished metal framing with no pre-punched openings, S.S.D.; connect through to interior framing
   - Note: Waterproofing at building intersection to be reviewed by waterproofing consultants

The Roost @ Blake
Devi Dutta Architecture

Scale: as noted
10.30.15
# Bay Friendly Landscape Plant Legend

<table>
<thead>
<tr>
<th>QUANTITY</th>
<th>SYMBOL</th>
<th>BOTANICAL NAME</th>
<th>COMMON NAME</th>
<th>SIZE</th>
<th>WATER REQ.</th>
<th>REFERENCE</th>
<th>SUMMER DRY AS PER EBMUD &quot;PLANTS &amp; LANDSCAPES FOR SUMMER-DRY CLIMATES&quot;</th>
<th>ADJACENT TO OBSTRUCTION</th>
<th>PROJECT SPACING</th>
<th>MIN-MAX SPREAD</th>
<th>REFERENCE</th>
<th>INVASIVE</th>
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</tr>
<tr>
<td>3</td>
<td>ACE FM</td>
<td>Acer palmatum 'Fireglow'</td>
<td>Fireglow Japanese Maple</td>
<td>15 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>10'-15' H and W</td>
<td>Pacific Greenery</td>
<td>No</td>
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<tr>
<td>9</td>
<td>CER RDC</td>
<td>Cercis occidentalis</td>
<td>Western Redbud</td>
<td>15 gallon can</td>
<td>Very Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>12'</td>
<td>10'-30' H and W</td>
<td>Sunrise WGB</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>SAN TAF</td>
<td>Garrya elliptica</td>
<td>Coast Silktassel</td>
<td>30' box</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>12'</td>
<td>0.7 H x 2 W</td>
<td>Sunrise WGB</td>
<td>No</td>
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<tr>
<td>5</td>
<td>OLE W</td>
<td>Euphorbia x Winifred</td>
<td>Prickless Euphorbia</td>
<td>30' box</td>
<td>Very Low</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>19'-30' H x 19'-30' W</td>
<td>Sunrise WGB</td>
<td>No</td>
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<tr>
<td>SHRUBS / PERENNIALS / GRASSES</td>
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<td></td>
<td></td>
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<tr>
<td>12</td>
<td>ADO ZV</td>
<td>Aeonium arboreum</td>
<td>Canary Island Rose</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2' H and W</td>
<td>Sunrise WGB</td>
<td>No</td>
</tr>
<tr>
<td>8</td>
<td>ASP SPR</td>
<td>Asparagus densiflorus</td>
<td>Sprenger Asparagus</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>2' H x 1 W</td>
<td>Sunrise WGB</td>
<td>No</td>
</tr>
<tr>
<td>9</td>
<td>CAR C</td>
<td>Callicarpa affinis</td>
<td>Bush Honeysuckle</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes (in shade)</td>
<td>No</td>
<td>Not Applicable</td>
<td>2' H x 1 W</td>
<td>San Marcos Grasses</td>
<td>No</td>
</tr>
<tr>
<td>1</td>
<td>CAR D</td>
<td>Ceanothus leucanthemum</td>
<td>Foliage Dudley</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes (in shade)</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>San Marcos Grasses</td>
<td>No</td>
</tr>
<tr>
<td>3</td>
<td>NET S</td>
<td>Nertera longifolia</td>
<td>Blue Gold Grass</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>Sunrise WGB</td>
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<tr>
<td>7</td>
<td>RET ARB</td>
<td>Rhamnus alnifolius</td>
<td>Toyon</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>Sunrise WGB</td>
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<tr>
<td>41</td>
<td>HEU MAX</td>
<td>Helenium autumnale</td>
<td>Autumn Sun</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes (in shade)</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>Sunrise WGB</td>
<td>No</td>
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<tr>
<td>7</td>
<td>LOM B</td>
<td>Lomandra longifolia 'Breeze'</td>
<td>Spiny Headed Mat Rush</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>San Marcos Grasses</td>
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<tr>
<td>75</td>
<td>JUN ELK</td>
<td>Juncus patens 'Elk Blue'</td>
<td>California Grey Rush</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
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<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>Sunrise WGB</td>
<td>No</td>
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<tr>
<td>24</td>
<td>CAR E</td>
<td>Carex elata</td>
<td>Variegated Japanese Grass</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>No</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>San Marcos Grasses</td>
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<tr>
<td>15</td>
<td>STI TEN</td>
<td>Stipa tenacissima</td>
<td>Mexican Feathergrass</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>San Marcos Grasses</td>
<td>No</td>
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<tr>
<td>38</td>
<td>CAL MAC</td>
<td>Calystegia macrostegia</td>
<td>Morning Glory</td>
<td>1 gallon can</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Not Applicable</td>
<td>1' H x 1 W</td>
<td>San Marcos Grasses</td>
<td>No</td>
</tr>
<tr>
<td>VINES</td>
<td></td>
<td></td>
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<tr>
<td>3</td>
<td>CAL SM</td>
<td>Caladenia macrorhiza</td>
<td>Morning Glory</td>
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<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>Plant on Fence</td>
<td>If Minimum</td>
<td>Las Plumas Nursery</td>
<td>Yes</td>
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<td>GROUND COVERS</td>
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<tr>
<td>16</td>
<td>ERI WAY</td>
<td>Eriogonum glaucum</td>
<td>Wayne Rodenbeck</td>
<td>1 gallon can</td>
<td>Medium</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>1' H x 1 W</td>
<td>Las Plumas Nursery</td>
<td>No</td>
<td>Yes</td>
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<tr>
<td>9</td>
<td>SEL OME</td>
<td>Sedum oreganum</td>
<td>Oregon Stonecrop</td>
<td>4 pot</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>1.5' Minimum</td>
<td>0.7 H x 1 W</td>
<td>San Marcos Grasses</td>
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<tr>
<td>44</td>
<td>SEL SPX</td>
<td>Sedum spathulifolium</td>
<td>Cape Blanco Stamen</td>
<td>4 pot</td>
<td>Low</td>
<td>WUCOLS</td>
<td>Yes</td>
<td>No</td>
<td>1.5' Minimum</td>
<td>0.7 H x 1 W</td>
<td>San Marcos Grasses</td>
<td>No</td>
</tr>
</tbody>
</table>

**Notes:**
1. A plant that is adapted to summer dry climates must be identified by a third party reference. Below is a list of sources that qualify with the following classifications:
   - EBMUD - Plants and Landscapes for Summer-Dry Climates of the San Francisco Bay Region by EBMUD – “infrquent” or “occasional” or “no summer water”, plants that are “occasional to moderate” water may qualify if they are in the appropriate climate and exposure.
   - CNP - California Native Ranks for the Garden by Barrenron, Ross O ‘Brien – “occasional” or “infrequent” or “drought tolerant”
   - SUNSET - Sunset Western Garden Book - “Tithe” or “no water”.
   - WUCOLS - Water Use Classification of Landscape Species - “Low” or “Very Low” water.
   - PERRY - Landscape Plants for California Gardens by Bob Perry: “L. IG 1”, “L. IG 2” or “M. LIG 2”
2. For the column marked “Invasive”, use Cal-IPC Don’t Plant a Pest List for the San Francisco Bay Area.

Total Plants: 871

<table>
<thead>
<tr>
<th>TREES</th>
<th>VINES</th>
<th>GRASSES</th>
<th>TOTAL PLANTS</th>
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<tbody>
<tr>
<td>25%</td>
<td>25%</td>
<td>50%</td>
<td>75% Minimum</td>
</tr>
<tr>
<td>97%</td>
<td>98%</td>
<td>98%</td>
<td>75% Minimum</td>
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</tbody>
</table>

**For more information see the Bay-Friendly Rating Manual.**
1. Acer japonica ‘Fireglow’ (Fireglow Japanese Maple)
2. Cercis occidentalis (Western Redbud)
3. Garrya elliptica (Coast Silktree)
4. Ginkgo biloba ‘Fairmont’ (Fairmont Maidenhair Tree)
5. Olea europea ‘Wilsonii’ (Fruitless Olive)
6. Aeonium arboreum ‘Zwartkop’ (Canary Island Rose)
7. Asparagus densiflorus ‘Sprenger’ (Sprenger Asparagus)
8. Carpentaria californica (Bush Anemone)
9. Carex oshimensis ‘Evergold’ (Variegated Japanese Sedge)
19 Calystegia macrostegia (Morning Glory)

20 Erigeron glaucus x Wayne Roderick (Wayne Roderick Daisy)

21 Sedum oreganum (Oregon Stonecrop)

22 Sedum spathulifolium (Cape Blanco Stonecrop)

23

24

25

26

27
Honorable Mayor and City Council  
City of Berkeley  
2180 Milvia Street  
Berkeley, CA 94704  

Subject: Appeal of Zoning Adjustments Board Decision to Approve Use Permit #ZP2014-0069 for Project at 2029-35 Blake Street  

Dear Mayor Bates and Members of the Council,

We hereby appeal the Zoning Adjustments Board (ZAB) decision of November 12, 2015 to approve Use Permit #ZP2014-0069 for a project at 2029-35 Blake, "The Roost @ Blake." The Use Permit that is being appealed is to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

Our nonprofit building at 2022 Blake Street is directly across the street and less than 100 feet from the project. This project is grossly out-of-scale for the neighborhood and will increase traffic, noise and pollution for the 2000 block of Blake Street. The scale of the project should be significantly reduced. Please remand the project back to the ZAB for further consideration of its many significant impacts to the neighborhood.

Sincerely,

Greg Jan, on behalf of the Grassroots House  
2022 Blake Street  
Berkeley, CA 94704
2029-2035 Blake – The Roost @ Blake

Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces.

I. Background

A. Land Use Designations:
   • General Plan: AC (Avenue Commercial)
   • Zoning: C-SA (Commercial - South Area)

B. Zoning Permits Required:
   • Use Permit for demolition of existing commercial structures, under BMC Section 23C.08.050.A;
   • Administrative Use Permit for rooftop equipment and architectural elements that would exceed the District’s high limit, under 23E.04.020.C;
   • Use Permit for a mixed-use development of more than 5,000 square feet, under BMC Section 23E.52.030.A;
   • Use Permit for live/work units, under BMC Section 23E.52.030.A;
   • Administrative Use Permit to allow a quick or a full service restaurant with more than 1,000 square feet, under BMC Section 23E.52.030.A;
   • Administrative Use Permit for alcoholic beverage service of beer and wine incidental to food service at a quick or a full service restaurant, under BMC Section 23E.52.030.A;
   • Use Permit for construction of more than 3,000 square feet of gross floor area, under BMC Section 23E.52.050;
   • Use Permit to reduce the front yard setback from 15 feet to 0-4 feet, reduce the rear yard setback from 17 feet to 15 feet on the fourth floor, reduce the west side yard setback from 6 feet to 5 feet on the third floor, reduce east side yard setback from 4 feet to 0 feet on the first and second floors, from 6 feet to 0 feet on the third floor, and from 10 to 8 feet on the fifth floor, (see Table 4 for greater detail), under BMC 23E.52.070.D.7;
• Use Permit to increase the maximum lot coverage to 71.4%, when the maximum is 35%, under BMC 23E.52.070.D.7; and
• Use Permit to modify or waive approximately 1 residential parking space under 23E.52.070.D.7.

C. CEQA Determination: Categorically exempt pursuant to Section 15332 of the CEQA Guidelines ("Infill"). 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 and concur with the findings of less than significant impacts. City Standard Conditions will address potential impacts related to traffic, noise, air quality, and water quality.
   e. The site is already served by required utilities and public services, which will also adequately serve the project.

Furthermore, the project does not trigger any of the exceptions in CEQA Guidelines Section 15300.2. In particular, the project will not have any significant effects due to unusual circumstances, nor any cumulatively significant impacts (such as traffic), nor will it adversely impact any designated historical resources. The existing buildings are not designated historical resources, and the LPC declined to initiate them for City landmark status at their meeting in September 2012.

The site is not included on any list of hazardous waste sites compiled pursuant to Government Code Section 65962.5. A Phase I Environmental Site Assessment was conducted and the recommendations of that assessment are included as a Condition of Approval. City Standard Conditions will further address potential impacts related to hazardous materials.

D. Parties Involved:
   • Applicant Rhoades Planning Group; 1611 Telegraph Avenue, Suite 200, Oakland, CA 94612
   • Property Owner 2035 Blake Street, LLC, 1958 A University Avenue, Berkeley CA 94704
Figure 1a: Vicinity Map

Figure 1b: Zoning Map
Figure 2: Surrounding Buildings
Figure 3: Proposed Site Plan

[Diagram of the proposed site plan is shown, with various annotations and measurements.]
Figure 4: Proposed South Elevation

Figure 5: Proposed East Elevation
Figure 6: Proposed West Elevation

Figure 7: Proposed North Elevation
Table 1: Land Use Information

<table>
<thead>
<tr>
<th>Location</th>
<th>Existing Use</th>
<th>Zoning District</th>
<th>General Plan Designation</th>
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</thead>
<tbody>
<tr>
<td>Subject Property</td>
<td>Auto Repair</td>
<td>C-SA, South Area Commercial</td>
<td>AC, Avenue Commercial</td>
</tr>
<tr>
<td>Surrounding Properties</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>North</td>
<td>Multiple Unit Residential</td>
<td>R-4, Multi-family Residential</td>
<td>HDR, High Density Residential</td>
</tr>
<tr>
<td>South</td>
<td>Commercial</td>
<td>C-SA, South Area Commercial</td>
<td>AC, Avenue Commercial</td>
</tr>
<tr>
<td>East</td>
<td>Mixed-Use Residential</td>
<td>C-SA, South Area Commercial</td>
<td>AC, Avenue Commercial</td>
</tr>
<tr>
<td>West</td>
<td>Multiple Unit Residential</td>
<td>R-4, Multi-family Residential</td>
<td>HDR, High Density Residential</td>
</tr>
</tbody>
</table>

Table 2: Special Characteristics

<table>
<thead>
<tr>
<th>Characteristic</th>
<th>Applies to Project?</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Affordable Child Care Fee for qualifying non-residential projects (Per Resolution 66,618-N.S.)</td>
<td>No</td>
<td>Proposed project includes less than 7,500 square feet of commercial use.</td>
</tr>
<tr>
<td>Affordable Housing Fee for qualifying non-residential projects (Per Resolution 66,617-N.S.)</td>
<td>No</td>
<td>Proposed project includes new housing and is thus exempt from this fee.</td>
</tr>
<tr>
<td>Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065)</td>
<td>Yes</td>
<td>The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.</td>
</tr>
<tr>
<td>Alcohol Sales/Service</td>
<td>Yes</td>
<td>Incidental service of beer and wine requested at proposed full-service or quick-service restaurant.</td>
</tr>
<tr>
<td>Creeks</td>
<td>No</td>
<td>No open or culverted creeks within 25 feet of the project site.</td>
</tr>
<tr>
<td>Density Bonus</td>
<td>No</td>
<td>This project is not proposing a Density Bonus.</td>
</tr>
<tr>
<td>Green Building Score</td>
<td>No</td>
<td>123 points (out of 381), GreenPoint Rates, New Home Multifamily Checklist; Certification Level: Gold</td>
</tr>
<tr>
<td>Historic Resources</td>
<td>No</td>
<td>The demolition of the existing buildings was referred to the Landmarks Preservation Commission on March 5, 2015. The LPC took no action to initiate a Landmark or Structure-of-Merit designation.</td>
</tr>
<tr>
<td>Oak Trees</td>
<td>No</td>
<td>None present.</td>
</tr>
<tr>
<td>Rent Controlled Units</td>
<td>No</td>
<td>Existing uses on the site are auto repair</td>
</tr>
<tr>
<td>Traffic</td>
<td>Yes</td>
<td>A traffic study was prepared and determined that the project would generate 43 AM and 46 PM peak hour vehicle trips. This study concluded that the additional traffic associated with the project would not significantly impact nearby intersections.</td>
</tr>
<tr>
<td>Seismic Hazards</td>
<td>No</td>
<td>Site is not located in any mapped seismic hazard or flood zone.</td>
</tr>
</tbody>
</table>
Soil/Groundwater Contamination | Yes | Phase I report identified three hydraulic hoists and two hydraulic oil reservoir tanks related to the existing and previous land uses. Recommendations include the removal of the hydraulic hoists and reservoir tanks, and the administration of an asbestos containing materials and lead based paint survey at the property.

---

Table 3: Project Chronology

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 24, 2014</td>
<td>Application submitted</td>
</tr>
<tr>
<td>January 20, 2015</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>February 27, 2015</td>
<td>Revised application materials submitted</td>
</tr>
<tr>
<td>March 5, 2015</td>
<td>LPC meeting for Demolition Referral (no action taken)</td>
</tr>
<tr>
<td>March 20, 2015</td>
<td>Application deemed complete</td>
</tr>
<tr>
<td>May 21, 2015</td>
<td>DRC hearing for Preliminary Design Review (continued)</td>
</tr>
<tr>
<td>June 18, 2015</td>
<td>DRC hearing for Preliminary Design Review (continued)</td>
</tr>
<tr>
<td>July 16, 2015</td>
<td>DRC hearing for Preliminary Design Review (forwarded favorable recommendation)</td>
</tr>
<tr>
<td>October 29, 2015</td>
<td>Public hearing notices mailed/posted</td>
</tr>
<tr>
<td>November 12, 2015</td>
<td>ZAB hearing</td>
</tr>
</tbody>
</table>
Table 4: Development Standards

<table>
<thead>
<tr>
<th>Standard</th>
<th>Existing</th>
<th>Addition/ (Reduction)</th>
<th>Proposed Total</th>
<th>Permitted/ Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lot Area (sq. ft.)</td>
<td>22,688</td>
<td>0</td>
<td>22,688</td>
<td>no Min</td>
</tr>
<tr>
<td>Gross Floor Area (sq. ft.)</td>
<td>14,910</td>
<td>67,911</td>
<td>82,821</td>
<td>no Max</td>
</tr>
<tr>
<td>Floor Area Ratio</td>
<td>0.7</td>
<td>--</td>
<td>3.6</td>
<td>4.0 Max</td>
</tr>
<tr>
<td>Dwelling Units</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>0</td>
<td>82</td>
<td>82</td>
<td>--</td>
</tr>
<tr>
<td>Affordable</td>
<td>0</td>
<td>8.2</td>
<td>8.2 (8.2a)</td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>&lt;18</td>
<td>42</td>
<td>294&quot;</td>
<td>60 Max</td>
</tr>
<tr>
<td>Stories</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>5 Max</td>
</tr>
<tr>
<td>Building Setbacks (ft.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Front (Blake St.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>0 to 4</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>0 to 4&lt;sup&gt;b&lt;/sup&gt;</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>0 to 4&lt;sup&gt;b&lt;/sup&gt;</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>0 to 4&lt;sup&gt;b&lt;/sup&gt;</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>4&lt;sup&gt;b&lt;/sup&gt;</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Rear (north)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>15</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>15 to 20</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>15 to 20</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>15 to 20</td>
<td>17</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>20</td>
<td>19</td>
<td></td>
</tr>
<tr>
<td>Left Side (west)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>5 to 24'6&quot;</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>5 to 24'6&quot;</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>5 to 24'6&quot;</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>24'6&quot;&lt;sup&gt;c&lt;/sup&gt;</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>24'6&quot;&lt;sup&gt;c&lt;/sup&gt;</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Right Side (east)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Story</td>
<td>0</td>
<td>0 to 13</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>2nd Story</td>
<td>--</td>
<td>0 to 13</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>3rd Story</td>
<td>--</td>
<td>0 to 13</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>4th Story</td>
<td>--</td>
<td>8 to 13</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>5th Story</td>
<td>--</td>
<td>8 to 15</td>
<td>10</td>
<td></td>
</tr>
<tr>
<td>Lot Coverage (%)&lt;sup&gt;f&lt;/sup&gt;</td>
<td>66</td>
<td>(5)</td>
<td>71.4</td>
<td>35 Max</td>
</tr>
<tr>
<td>Usable Open Space (sq. ft.)</td>
<td>--</td>
<td>5,955</td>
<td>5,955</td>
<td>3,360 Min</td>
</tr>
</tbody>
</table>

Parking<sup>g</sup>

| Residential Use                       |          |                       |                |                    |
| Automobile                            | --       | 63                    | 63             | 63 Min             |
| Bicycle                               | --       | 60                    | 60             | no Min             |
| Live/Work<sup>c</sup>                 |          |                       |                |                    |
| Automobile                            | --       | 2                     | 2              | 2 Min              |
| Bicycle<sup>a</sup>                   | --       | 1                     | 0              | 3 Min              |
| Commercial<sup>c, d</sup>             |          |                       |                |                    |
| Automobile                            | 22       | (19)                  | 3              | 4 Min              |
| Bicycle<sup>a</sup>                   | 0        | 7                     | 7 (in RoW)     | 1 Min              |

Notes:

- The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.
- Some areas include a 2 foot projection.
c. For non-residential uses, the first 1,000 sq. ft. of use is subtracted prior to calculating the required parking. The 1,000 sq. ft. is pro-rated for the two non-residential uses as follows:
   - 2,585 sq. ft. of live/work space proposed, it is 64% of the total 4,066 sq. ft non-residential use, 64% of the 1,000 sq. ft. reduction is 640 sq. ft, 2,585 minus 640 equals 1,946 sq. ft.; one space is required per 1,000 sq. ft. of use so 2 spaces are required.
   - 1,481 sq. ft. of commercial space proposed, it is 36% of the total 4,066 sq. ft non-residential use, 36% of the 1,000 sq. ft. reduction is 360 sq. ft., 1,481 minus 360 equals 1,121 sq. ft. and one space is required per 300 sq. ft. of restaurant use so 4 spaces are required.

d. Commercial uses include retail and restaurant uses. The numbers above reflect a restaurant use. If retail use is pursued, 4 automobile and 1 bicycle parking spaces would be required. Please note that their application includes an AUP for a restaurant and an AUP for alcohol beverage service incidental to food service.

e. The applicant shows 7 additional spaces, 5 on the sidewalk and 2 on the parklet; however, only spaces on private property are counted.

f. Per 23E.52.070.D.7, the Board may grant a Use Permit to modify height, setbacks and lot coverage.

g. Per 23E.52.080.E, the Board may grant a Use Permit to modify the automobile parking requirement.
II. Project Setting

A. Neighborhood/Area Description:
The project site is located on the north side of Blake Street in the South Area Commercial zoning district, to the west of Shattuck Avenue and to the east of Milvia Street. The area to the north and west is in the Multi-Family Residential zoning district (R-4) and is characterized by a mixture of medium- to high-density residential buildings and medical buildings, as well as commercial buildings. The area to the south and east is in the South Area Commercial zoning district and is characterized by a mixture commercial, mixed use, and residential uses. The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (In addition, there are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) The site is within the Adeline Corridor Plan Area (the north end is Dwight Way), which is currently underway.

B. Site Conditions:
The 22,692 square foot project site is generally level with a slight decrease in elevation to the west. It consists of three parcels which are developed as follows:

- **2029 Blake Street**: This 8,420 square foot parcel includes a one-story 8,330 square foot building, which covers the majority of the site. The building is currently used as a commercial auto repair garage by Hustead’s Collision Center, Inc.
- **2033 Blake Street**: This 7,779 square foot parcel includes a paved surface parking lot that is used by Hustead’s Collision Center, Inc.
- **2035 Blake Street**: This 6,483 square foot parcel includes a one-story plus mezzanine 9,750 square foot building, which covers the majority of the site. The building is currently used as a warehouse by Airport Home Appliances.

III. Project Description

The proposed project would demolish an existing warehouse and a commercial auto repair garage, and construct a new mixed-use building. The new building would have the following main components:

- Five residential levels with a total of 82 units, comprised of: 32 studios, 34 one-bedroom units, and 16 two-bedroom units;
- Two live/work units on the ground floor;
- 1,896 square feet of full or quick-service restaurant space on the ground floor, with incidental service of beer and wine (this space may also be used for retail use);
• Subsurface parking garage for 68 vehicles, including 52 puzzle stacker spaces and 16 surface parking spaces. Of the 16 surface parking spaces, four would be accessible, and all would be EV-ready;
• 60 secure bicycle parking spaces in the subsurface parking garage and seven bicycle parking spaces adjacent to the site;
• Open Space provided in an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot deck and 520 square foot deck on the fourth floor, a 1,1170 square foot roof deck, plus approximately 5,000 square feet of additional private open space through smaller decks and patios; and,
• Approximately 400 square foot parklet within the Blake Street right of way.

IV. Community Discussion

A. Neighbor/Community Concerns: Prior to submitting the application to the City, the applicant erected a yellow pre-application poster at the project site. On September 22, 2014 the project team held a community meeting at the project site. Prior to the meeting, notices were sent to all owners and occupants within 300 feet of the project site. Additionally, three days prior to the community meeting, the project team handed out flyers to residents and commercial/office tenants. Eight members of the public attended and signed in, and it was reported by the applicant than others stopped by and spoke with the project team.

On October 29, 2015, the City mailed public hearing notices to property owners and occupants, and to interested neighborhood organizations and the City posted notices within the neighborhood in three locations. At the time of this writing, staff has received one received communication regarding the project, expressing concerns with traffic and project construction, as well as affordable housing.

B. Landmarks Preservation Commission: The project involves the demolition of two commercial buildings over 40 years in age. Information on the two building was provided in DPR 523 forms recorded on November 24, 2014 by Preservation Architect Mark Hulbert. The DPR 523 forms supported the conclusion that these small-scale, simple, utilitarian one-part commercial buildings with some loss of integrity do not appear to meet City Landmark nor California Register criteria in that they do not individually possess distinctive architectural characteristics, nor merit designation for associations with people or events. In addition, the buildings do not meet Structure of Merit criteria in that they do not appear to contribute to any historic resource clusters in the area. Pursuant to BMC Section 23C.08.050.C, the proposed demolition was brought before the Landmarks Preservation Commission (LPC) for review prior to consideration for the Use Permit. At the March 5, 2015 LPC meeting, the LPC took no action to initiate a Landmark or Structure-of-Merit designation.

C. Design Review Committee: The Design Review Committee (DRC) held a preliminary review of the project on May 21, 2015, June 18, 2015, and July 16, 2015. At the July 16, 2015 meeting the
DRC gave a favorable recommendation to ZAB [(Goring, Anno) VOTE (6-0-0-1) Hall – absent]. The summary of the July 16 meeting is included as Attachment 3.
V. Issues and Analysis

A. Neighborhood Compatibility (use and setbacks):

The proposed project will redevelop two single-story auto oriented commercial buildings and a surface parking lot with a five-story primarily residential mixed-use building. The project site is located in the South Area Commercial (C-SA) zoning district which extends along Shattuck Avenue south of Downtown, and the area to the east and south of the site is also in the C-SA district. Properties to the east and south consist of one- to two-story commercial buildings and surface parking lots; ground floor uses are exclusively commercial while second story uses vary. The area to the north and west of the project site is in the Multi-Family Residential zoning district (R-4) and buildings adjacent to the site consist of one- to four-story residential buildings; however, other properties further west and north include commercial, medical and medical office use. The primarily residential mixed-use project would be similar to and compatible with the adjacent uses, and uses in the vicinity.

As described in detail below, the proposed setbacks and building articulation result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building’s massing. As noted above, at their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

Southern Elevation (Blake Street). Along Blake Street, across from two-story commercial buildings also in the C-SA district, the proposed project would have a 0 to 4 foot setback on the first through fourth floors, as well as bays on second through fourth floors that project 2 feet over the public right of way (sidewalk). The fifth floor would be set back 4 feet. As the subject lot is adjacent to a residential district (R-4), the minimum depth of the front yard is required to be the same as specified for the residential district, 15 feet. As the three buildings to the west and the one building to the east (at the corner of Blake Street and Shattuck Avenue) are built to the property line, and the commercial buildings across Blake Street are set back approximately 4 feet, this reduced setback is compatible with the design and character of the district and the existing buildings in the adjacent residential district.

Eastern Elevation. The eastern elevation is adjacent to the other properties in the C-SA district; however, the 4 foot setback of the R-4 district is required. On the ground floor, at the front (southeast) corner, no setback is proposed, but behind that element the middle section of building is setback at an angle, and the setback ranges from 10 to 13 feet. At the northeast corner, the building is set back 10 feet. On floors two and three, there is notch cut out north of the corner, and in the building area that extends on an angle, private decks extend from some units. On the fourth floor the building is setback 8 to 13 feet where 8 feet is required. On the fifth floor, the building is setback 8 to 15 feet where 10 feet is required. The varying setbacks and articulation of the building provides a respectful transition from the one- to two-story commercial buildings currently fronting Shattuck Avenue. The reduced setbacks are compatible
with the design and character of the district and the existing buildings in the commercial district.

**Western Elevation.** The western elevation is adjacent to the R-4 district, and adjacent buildings consist of a single-story residential building on Blake Street and on the property line, a two-story residential building setback approximately 18 feet from Blake Street and four feet from the property line, and a two-story residential building set back approximately 65 feet from Blake Street and four feet from the property line.

The western elevation includes setbacks and articulation similar to the eastern elevation. On the ground floor, at the front (southwest) corner, a 5 foot setback is proposed for floors one through three, where a 4 foot setback is required on floors one and two and a 6 foot setback is required on floor three. This building elements extends back approximately 29 feet. The mid to rear portion of the building is setback 24 feet 6 inches at floor one through three, and the entire building is setback this distances on floors four and five. Private patios/decks extend west from serval units; three private patios are provided on the first floor, and two private decks, extending 6 feet, are provided on floors two, three, and five. The fourth floor includes a shared deck and a private deck on the roof of the three story building element at the southwest corner. The reduced building height in proximity to the adjacent single story building, and the 24 foot 6 inch setback on the balance of building in this area are compatible with the design and character of the district and the existing buildings in the residential district.

**Northern Elevation.** The northern elevation is adjacent to the R-4 district, and adjacent buildings consist of a single-story, two-story, three-story and four-story residential building. The single-story building is set back approximately 1 foot, while the two-, three- and four-story buildings are set back approximately 38, 15 and 40 feet respectively. The first through fourth floors of the proposed building are set back 15 to 20 feet and the fifth floor is set back 20 feet. (The required setbacks are 15 feet for floors one through three, 17 feet for floor four and 19 feet for floor five.) The building is a “U” shape, with an approximately 2,215 square foot courtyard on the ground floor which provides greater articulation of the building as viewed from the north. Within the 15 foot rear-yard setback, a 10 foot-wide “bio filtration area” is proposed that will be landscaped accordingly. A 6-foot tall wood fence is proposed along this property line. The primarily 15 to 20 foot setbacks on the north and the associated building articulation, provides a respectful transition from the one- to four-story residential buildings to the north.

**B. Lot Coverage:**
The existing lot coverage of the site is 66% - the two building cover the entirety of their lots and the third lot is a surface parking lot. For commercial uses in the C-SA, there is no limitation on lot coverage. Implementation of the proposed mixed-use project would result in a lot coverage of 71.4%. For the residential portion of a mixed use development, the coverage shall be the same as the R-4 district, which for a building with 4 to 6 stories on an interior lot is 35%. The applicant notes, that if
measuring the building above the podium (the majority of which is now below grade) the lot coverage would be 61%, which is less than the existing lot coverage.

Redevelopment of the site would move the buildings to the southeast, providing increased setbacks from the one to two story residential uses adjacent to the west and north (at the northwest corner). In proximity to the single story building at the front of the lot at 2023 Blake Street, the proposed building would be set back five feet from the property line and would be three stories. In proximity to the two-story buildings on that same property (2023 Blake Street), the proposed building would be setback 24'6" and would be five stories. In proximity to the one-story building at 2022 Dwight Way, the proposed building would be set back 15 to 20 feet and would be five stories. (All setbacks are described in greater detail above). Lot coverage is another way to analyze building bulk, and as described above, the proposed setbacks and building articulation result in a building that is compatible with the design and character of the district and the existing buildings in the adjacent residential district. In addition, the architectural character of the building uses changes in material to further break up the building’s massing. In addition, at their July 16, 2015 meeting, the DRC gave a favorable recommendation to ZAB.

C. Sunlight/Shadows:
The shadow studies submitted by the applicant detail the new shadows from the proposed project, and are summarized below.

- **June 21.** Morning shadows are cast to west across the adjacent one- to two-story residences, and net new shadows would be cast on their eastern elevations and roofs. These two residences are set back approximately three feet nine inches from their eastern property line, and under existing conditions, the one-story structure at 2029 Blake extends along the entire property line. The proposed project would be set back five to fourteen feet, which would allow increase in reflected light to reach these areas. Noon time shadows are primarily contained on site and evening shadows are cast to the southeast across commercial properties. The shadow impacts of the project are to be expected in this urbanized area and would not be detrimental.

- **December 21.** Morning shadows are cast to the northwest, across the adjacent one- to two-story residences to the west as well as the one- to four-story residences to the north. As described above, the two residences to the west are close to their eastern property line, and the existing one-story structure at 2029 Blake is on the property line. The proposed project would provide greater setbacks which would allow increase in reflected light to reach these areas. A similar argument can be made for the single story residence setback approximately one foot from the north property line. Regarding the residences to the north, where new shadow will be cast in the morning, as well as noon and evening across the rear of the buildings. The proposed building meets or exceed the required setbacks in this area, and approximately 30 foot by 70 foot courtyard within the “U” of the building lines up with the three-story residence at 2059 Dwight Way, which has an approximately 15 foot setback from the mutual property line. The shadow impacts of the project are to be expected in this urbanized area and would not be detrimental.
D. Parking:
The proposed project would include a subsurface parking garage for 68 vehicles, comprised of 52 puzzle stacker spaces and 16 surface parking spaces. Of the 16 surface parking spaces, four would be accessible, and all would be EV-ready. Of the 68 spaces, 63 spaces would be allocated for the residential use, which meets the requirement of one space per 1,000 square feet of gross floor area. For the proposed live/work use, two parking spaces are required and two are provided. For the proposed commercial use, it is assumed that a restaurant would be the tenant, given the requested permit for quick or full service restaurant and alcoholic beverage service incidental to food service; four parking spaces are required and three are provided. (Detailed calculations for the required live/work and commercial parking requirements are included in footnote C below Table 4.)

As described in BMC 23E.52.080.E., the Board may reduce the off-street parking requirements in any portion of a mixed use project in the C-SA District, subject to the Findings in BMC 23E.28.140. As described below, implementation of the proposed Project will increase the number of on-street parking spaces in front of the property from eight to 11. In addition, the project is in close proximity to transit. The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (There are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) In addition, the proposed Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga and exercise studios, and hair salons, on Blake Street and Shattuck Avenue.

The proposed Project will meet the purposes of the district related to the support for alternative transportation. The proposed 82 residential units will increase the population in proximity to transit and will improve the pedestrian experience through building design and landscaping. The project includes on-site bicycle parking and is less than one block from the Milvia Street Bicycle Boulevard. In addition, the Project, will be required to provide one Clipper Card per residential unit, no Residential Permit Parking (RPP) permits shall be issued to project residents, and all residential parking spaces shall be leased or sold separate from the rental or purchase of dwelling units.

There is diagonal parking in front of the Project site on Blake Street. The Project would remove three existing curb cuts and create one new curb cut. Area adjacent to existing curb cuts could be striped to accommodate parking at the same time two parking spaces would be required to be removed west of the proposed curb cut to allow adequate site distance. The Project proposes a parklet within the Blake Street right-of-way in front of the commercial space, which would remove two parking spaces. With project implementation, the number of on-street parking spaces in front of the property would change from eight to 11.
The Project would include a bike parking and bike repair area for the residents in the parking garage. Stacked bike parking would have capacity for 60 bicycles. Seven bike parking spaces would be project adjacent to the site on the sidewalk and parklet; however, one on-site bicycle parking space is required for the commercial use. A Condition of Approval has been added to address this issue.

Additionally, the provision of transit passes, the ineligibility for RPPs, as well as the project’s proximity to public transit, jobs, goods and services, and Downtown Berkeley and the University, will help reduce car ownership and ensure that parking demand does not exceed the project’s parking supply. Staff does not believe there will be undue parking impacts to the neighborhood.

E. General and Area Plan Consistency:

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

1. **Policy LU-3 Infill Development:** Encourage infill development that is architecturally and environmentally sensitive, embodies principles of sustainable planning and construction, and is compatible with neighboring land uses and architectural design and scale.

2. **Policy LU-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.

3. **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.

4. **Policy UD-24 Area Character:** Regulate new construction and alterations to ensure that they are truly compatible with and, where feasible, reinforce the desirable design characteristics of the particular area they are in.

**Staff Analysis:** Please see the discussion under Key Issue A above. In addition, the project will improve the South Shattuck Avenue Commercial area by redeveloping a site that includes single-story storage and auto use buildings and a surface parking lot with a five-story mixed-use building that supports increased housing opportunities, neighborhood serving commercial space, and live/work spaces. The proposed Project allows people to both live and work in proximity to Shattuck Avenue, helping to secure it as a mixed-use neighborhood. The architectural design, including bays and vertical elements to break up massing from the sidewalk, ground floor commercial use and a small public parklet support the pedestrian scale of the commercial avenue.
5. **Policy H-19—Regional Housing Needs**: Encourage housing production adequate to meet the housing production goals established by ABAG’s Regional Housing Needs Determination for Berkeley.

   **Staff Analysis**: The Project is subject to Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit. The Project is subject to the Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

6. **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. As described above, the demolition of the existing buildings was referred to the Landmarks Preservation Commission on March 5, 2015 and the LPC took no action to initiate a Landmark or Structure-of-Merit designation.

   **Staff Analysis**: Please see the discussion under Key Issues A and C above.

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

   **Staff Analysis**: Please see the discussion under Key Issue C above.

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

   **Staff Analysis**: The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. In addition, there are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.

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

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

   **Staff Analysis**: Under the Greenpoint rating system that the City requires all new housing to complete, this project would achieved a “Gold” rating. The environmentally sustainable elements include the density and transit orientation,
mixed-use character, interior and exterior finishes and materials, solar residential hot water, flow-through planters or a biofiltration area, solar shading at the south and west sides, and amenities such as bicycle parking.

**South Berkeley Area Plan:** The South Berkeley Area Plan, adopted in 1990, also contains several policies applicable to the project, including the following:

1. **Housing Element Policy 3.7:** Encourage the construction of new affordable housing units.

   **Staff Analysis:** The Project is subject to Affordable Housing Mitigations for rental housing projects (Per BMC 22.20.065). The applicant is proposing either to pay the in-lieu fee or to provide 8 below market rate units (affordable to Very Low-Income Households) and an in-lieu fee for 0.2 unit.

2. **Housing Element Policy 3.10:** Locate higher density housing in area with easy access to retail activity, the workplace, and public transportation.

   **Staff Analysis:** The Project site is 0.6 miles from the Downtown Berkeley BART station and 0.8 miles from the Ashby BART station. AC Transit lines 18 and F run on Shattuck Avenue, less than one block from the Project site and AC Transit line 49 runs on Dwight Way, approximately one block from the Project site. (There are 15 AC Transit lines with connections at the Downtown Berkeley BART Station.) In addition, the proposed Project includes a quick or full service food service establishment, and there are goods and services available, including restaurants, cafes, yoga studios, crossfit, and hair salons, on Blake Street and Shattuck Avenue.

3. **Housing Element Policy 5.2:** Ensure that useable open space improvements are integrated into new housing and mixed use developments.

   **Staff Analysis:** The Project would provide open space in excess of the required 3,360 square feet. It would include an approximately 2,215 square foot courtyard on the ground floor, a 630 square foot deck and 520 square foot deck on the fourth floor, a 1,117 square foot roof deck, plus approximately 5,000 square feet of additional private open space through smaller decks and patios.

4. **Land Use Policy A. 1:** Preserve the character and quality of life of residential areas.

5. **Land Use Policy C.1.2:** Regulate mixed development to ensure compatibility with adjacent residential neighborhoods.

   **Staff Analysis:** Please see the discussion under Key Issue A above.

**South Shattuck Strategic Plan:** The South Shattuck Strategic Plan, adopted in 1998, contains policies that encouraged economic development on Shattuck Avenue.
and Adeline Street between Dwight Way and Ashby Avenue. In general the plan encourages mixed-use development and transit friendly policies on Shattuck Avenue. The proposed Project is in the C-SA district, but does not front Shattuck Avenue. The mixed use Project would support businesses on Shattuck Avenue through the increased population on the site, pedestrian friendly design and landscape, and ground floor commercial uses.

VI. Recommendation

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

A. APPROVE Use Permit # ZP2014-0069 pursuant to Section 23B.32.040 and subject to the attached Findings and Conditions (see Attachment 1).

Attachments:

1. Findings and Conditions
2. Project Plans, dated October 30, 2015
3. DRC Summary – July 16, 2015
4. Notice of Public Hearing
5. Correspondence Received

Staff Planner: Shannon Allen, ShAllen@cityofberkeley.info, (510) 981-7430
## INDEX TO ADMINISTRATIVE RECORD

**2029 BLAKE STREET**

*Use Permit #ZP2014-0069, DRCP#2014-0022*

Prepared: December 21, 2015

<table>
<thead>
<tr>
<th>DOCUMENT</th>
<th>DATE</th>
<th>PAGE</th>
<th># of pages</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A</strong> STAFF REPORTS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 DRC Materials: staff report, attachments, late items and speaker cards</td>
<td>5/21/2015</td>
<td>1</td>
<td>79</td>
</tr>
<tr>
<td>2 DRC Materials: staff report, attachments, late items and speaker cards</td>
<td>6/18/2015</td>
<td>80</td>
<td>73</td>
</tr>
<tr>
<td>3 DRC Materials: staff report, attachments, and speaker cards</td>
<td>7/16/2015</td>
<td>153</td>
<td>66</td>
</tr>
<tr>
<td>4 ZAB Materials: staff report, attachments, supplemental item, and speaker cards</td>
<td>11/12/2015</td>
<td>219</td>
<td>115</td>
</tr>
<tr>
<td><strong>B</strong> CAPTIONER’S RECORD and Meeting Summaries</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5 DRC Summary</td>
<td>5/21/2015</td>
<td>334</td>
<td>1</td>
</tr>
<tr>
<td>6 DRC Summary</td>
<td>6/18/2015</td>
<td>335</td>
<td>1</td>
</tr>
<tr>
<td>7 DRC Summary</td>
<td>7/16/2015</td>
<td>336</td>
<td>1</td>
</tr>
<tr>
<td>8 ZAB captioner’s record</td>
<td>11/12/2015</td>
<td>337</td>
<td>32</td>
</tr>
<tr>
<td><strong>C</strong> REMAINDER OF ADMIN RECORD</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>9 Use Permit application materials</td>
<td>11/24/2014</td>
<td>369</td>
<td>782</td>
</tr>
<tr>
<td>10 Design Review application materials</td>
<td>11/24/2014</td>
<td>1151</td>
<td>16</td>
</tr>
<tr>
<td>11 Incomplete email from design review planner, December 19, 2014</td>
<td>12/19/2014</td>
<td>1167</td>
<td>1</td>
</tr>
<tr>
<td>13 Resubmittal</td>
<td>1/20/2015</td>
<td>1173</td>
<td>100</td>
</tr>
<tr>
<td>14 Incomplete letter</td>
<td>2/19/2015</td>
<td>1273</td>
<td>36</td>
</tr>
<tr>
<td>15 Resubmittal</td>
<td>2/27/2015</td>
<td>1309</td>
<td>113</td>
</tr>
<tr>
<td>16 Landmarks Preservation Commission demolition referral</td>
<td>3/5/2015</td>
<td>1422</td>
<td>8</td>
</tr>
<tr>
<td>17 Design Review public meeting notice</td>
<td>5/15/2015</td>
<td>1430</td>
<td>9</td>
</tr>
<tr>
<td>18 Resubmittal: shadow study</td>
<td>6/9/2015</td>
<td>1439</td>
<td>6</td>
</tr>
<tr>
<td>19 Design Review public meeting notice</td>
<td>6/12/2015</td>
<td>1445</td>
<td>3</td>
</tr>
<tr>
<td>20 Design Review public meeting notice</td>
<td>7/9/2015</td>
<td>1448</td>
<td>2</td>
</tr>
<tr>
<td>21 Public hearing notice with mailing list</td>
<td>10/29/2015</td>
<td>1450</td>
<td>8</td>
</tr>
<tr>
<td>22 ZAB Notice of Decision</td>
<td>11/19/2015</td>
<td>1458</td>
<td>84</td>
</tr>
<tr>
<td>23 Appeal of ZAB decision</td>
<td>12/3/2015</td>
<td>1542</td>
<td>1</td>
</tr>
<tr>
<td>24 Letter from City Clerk</td>
<td>12/17/2015</td>
<td>1543</td>
<td>2</td>
</tr>
</tbody>
</table>
Attachment 5 to this report, ZAB Appeal: 2029-2035 Blake Street 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
CITY COUNCIL CHAMBERS, 2134 MARTIN LUTHER KING JR. WAY
2029-2035 BLAKE STREET

Notice is hereby given by the City Council of the City of Berkeley that on FEBRUARY 9, 2016 at 7:00 PM a public hearing will be conducted to consider an appeal against a decision by the Zoning Adjustments Board’s approval of Use Permit #ZP2014-0069 to demolish two existing non-residential buildings and construct a new 5-story mixed-use project with 82 residential units, two live/work units, a 1,896 sq. ft. ground-floor retail space, 68 auto parking spaces in a basement level garage, and 67 bike parking spaces in the C-SA Zoning District.

A copy of the agenda material for this hearing will be available on the City’s website at www.CityofBerkeley.info as of January 28, 2016.

For further information, please contact Shannon Allen, (510) 981-7430

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: January 26, 2016

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.
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 at the City Clerk Department and posted on the City of Berkeley webpage at least 10 days prior to the public hearing.